

106TH CONGRESS
1ST SESSION

S. 1059

AN ACT

To authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Au-
5 thORIZATION Act for Fiscal Year 2000”.

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

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

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

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

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

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

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

Sec. 3. Congressional defense committees defined.

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- Sec. 2801. Exemption from notice and wait requirements of military construction projects supported by burdensharing funds undertaken for war or national emergency.
- Sec. 2802. Prohibition on carrying out military construction projects funded using incremental funding.
- Sec. 2803. Defense Chemical Demilitarization Construction Account.
- Sec. 2804. Limitation on authority regarding ancillary supporting facilities under alternative authority for acquisition and construction of military housing.
- Sec. 2805. Availability of funds for planning and design in connection with acquisition of reserve component facilities.
- Sec. 2806. Modification of limitations on reserve component facility projects for certain safety projects.

Sec. 2807. Expansion of entities eligible to participate in alternative authority for acquisition and improvement of military housing.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Extension of authority for leases of property for special operations activities.

Sec. 2812. Enhancement of authority relating to utility privatization.

Subtitle C—Defense Base Closure and Realignment

Sec. 2821. Conveyance of property at installations closed or realigned under the base closure laws without consideration for economic redevelopment purposes.

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

Sec. 2831. Land conveyance, Army Reserve Center, Bangor, Maine.

Sec. 2832. Land conveyances, Twin Cities Army Ammunition Plant, Minnesota.

Sec. 2833. Repair and conveyance of Red Butte Dam and Reservoir, Salt Lake City, Utah.

PART II—NAVY CONVEYANCES

Sec. 2841. Clarification of land exchange, Naval Reserve Readiness Center, Portland, Maine.

Sec. 2842. Land conveyance, Newport, Rhode Island.

Sec. 2843. Land conveyance, Naval Weapons Industrial Reserve Plant No. 387, Dallas, Texas.

Sec. 2844. Land conveyance, Naval Training Center, Orlando, Florida.

PART III—AIR FORCE CONVEYANCES

Sec. 2851. Land conveyance, McClellan Nuclear Radiation Center, California.

Sec. 2852. Land conveyance, Newington Defense Fuel Supply Point, New Hampshire.

Subtitle E—Other Matters

Sec. 2861. Acquisition of State-held inholdings, East Range of Fort Huachuca, Arizona.

Sec. 2862. Development of Ford Island, Hawaii.

Sec. 2863. Enhancement of Pentagon renovation activities.

Sec. 2864. One-year delay in demolition of radio transmitting facility towers at Naval Station, Annapolis, Maryland, to facilitate transfer of towers.

Sec. 2865. Army Reserve relocation from Fort Douglas, Utah.

TITLE XXIX—RENEWAL OF MILITARY LAND WITHDRAWALS

Sec. 2901. Findings.

Sec. 2902. Sense of the Senate regarding proposal to renew public land withdrawals.

Sec. 2903. Sense of Senate regarding withdrawals of certain lands in Arizona.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

- Sec. 3101. Weapons activities.
- Sec. 3102. Defense environmental restoration and waste management.
- Sec. 3103. Other defense activities.
- Sec. 3104. Defense nuclear waste disposal.
- Sec. 3105. Defense environmental management privatization.

Subtitle B—Recurring General Provisions

- Sec. 3121. Reprogramming.
- Sec. 3122. Limits on general plant projects.
- Sec. 3123. Limits on construction projects.
- Sec. 3124. Fund transfer authority.
- Sec. 3125. Authority for conceptual and construction design.
- Sec. 3126. Authority for emergency planning, design, and construction activities.
- Sec. 3127. Funds available for all national security programs of the Department of Energy.
- Sec. 3128. Availability of funds.
- Sec. 3129. Transfers of defense environmental management funds.

Subtitle C—Program Authorizations, Restrictions, and Limitations

- Sec. 3131. Prohibition on use of funds for certain activities under Formerly Utilized Site Remedial Action Program.
- Sec. 3132. Continuation of processing, treatment, and disposition of legacy nuclear materials.
- Sec. 3133. Nuclear weapons stockpile life extension program.
- Sec. 3134. Tritium production.
- Sec. 3135. Independent cost estimate of Accelerator Production of Tritium.
- Sec. 3136. Nonproliferation initiatives and activities.

Subtitle D—Safeguards, Security, and Counterintelligence at Department of Energy Facilities

- Sec. 3151. Short title.
- Sec. 3152. Commission on Safeguards, Security, and Counterintelligence at Department of Energy Facilities.
- Sec. 3153. Background investigations of certain personnel at Department of Energy facilities.
- Sec. 3154. Plan for polygraph examinations of certain personnel at Department of Energy facilities.
- Sec. 3155. Civil monetary penalties for violations of Department of Energy regulations relating to the safeguarding and security of Restricted Data.
- Sec. 3156. Moratorium on laboratory-to-laboratory and foreign visitors and assignments programs.
- Sec. 3157. Increased penalties for misuse of Restricted Data.

- Sec. 3158. Organization of Department of Energy counterintelligence and intelligence programs and activities.
- Sec. 3159. Counterintelligence activities at certain Department of Energy facilities.
- Sec. 3160. Whistleblower protection.
- Sec. 3161. Investigation and remediation of alleged reprisals for disclosure of certain information to Congress.
- Sec. 3162. Notification to Congress of certain security and counterintelligence failures at Department of Energy facilities.
- Sec. 3163. Conduct of security clearances.
- Sec. 3164. Protection of classified information during laboratory-to-laboratory exchanges.
- Sec. 3165. Definition.

Subtitle E—Other Matters

- Sec. 3171. Maintenance of nuclear weapons expertise in the Department of Defense and Department of Energy.
- Sec. 3172. Modification of budget and planning requirements for Department of Energy national security activities.
- Sec. 3173. Extension of authority of Department of Energy to pay voluntary separation incentive payments.
- Sec. 3174. Integrated fissile materials management plan.
- Sec. 3175. Use of amounts for award fees for Department of Energy closure projects for additional cleanup projects at closure project sites.
- Sec. 3176. Pilot program for project management oversight regarding Department of Energy construction projects.
- Sec. 3177. Extension of review of Waste Isolation Pilot Plant, New Mexico.
- Sec. 3178. Proposed schedule for shipments of waste from the Rocky Flats Plant, Colorado, to the Waste Isolation Pilot Plant, New Mexico.
- Sec. 3179. Comptroller General report on closure of Rocky Flats Environmental Technology Site, Colorado.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Defense Nuclear Facilities Safety Board.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

- Sec. 3301. Authorized uses of stockpile funds.
- Sec. 3302. Limitations on previous authority for disposal of stockpile materials.

TITLE XXXIV—PANAMA CANAL COMMISSION

- Sec. 3401. Short title.
- Sec. 3402. Authorization of expenditures.
- Sec. 3403. Purchase of vehicles.
- Sec. 3404. Expenditures only in accordance with treaties.
- Sec. 3405. Office of Transition Administration.

1 **SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**

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

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

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

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

14 **SEC. 101. ARMY.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 2000 for procurement for the Army as follows:

17 (1) For aircraft, \$1,498,188,000.

18 (2) For missiles, \$1,411,104,000.

19 (3) For weapons and tracked combat vehicles,
20 \$1,678,865,000.

21 (4) For ammunition, \$1,209,816,000.

22 (5) For other procurement, \$3,647,370,000.

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

24 (a) NAVY.—Funds are hereby authorized to be appro-
25 priated for fiscal year 2000 for procurement for the Navy
26 as follows:

1 (1) For aircraft, \$8,927,255,000.

2 (2) For weapons, including missiles and tor-
3 pedoes, \$1,392,100,000.

4 (3) For shipbuilding and conversion,
5 \$7,016,454,000.

6 (4) For other procurement, \$4,197,791,000.

7 (b) MARINE CORPS.—Funds are hereby authorized to
8 be appropriated for fiscal year 2000 for procurement for
9 the Marine Corps in the amount of \$1,295,570,000.

10 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
11 are hereby authorized to be appropriated for procurement
12 of ammunition for the Navy and the Marine Corps in the
13 amount of \$542,700,000.

14 **SEC. 103. AIR FORCE.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 2000 for procurement for the Air Force as fol-
17 lows:

18 (1) For aircraft, \$9,704,866,000.

19 (2) For missiles, \$2,389,208,000.

20 (3) For ammunition, \$411,837,000.

21 (4) For other procurement, \$7,142,177,000.

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

23 Funds are hereby authorized to be appropriated for
24 fiscal year 2000 for Defense-wide procurement in the
25 amount of \$2,293,417,000.

1 **SEC. 105. DEFENSE INSPECTOR GENERAL.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2000 for procurement for the Inspector General
4 of the Department of Defense in the amount of
5 \$2,100,000.

6 **SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.**

7 There is hereby authorized to be appropriated for fis-
8 cal year 2000 the amount of \$1,164,500,000 for—

9 (1) the destruction of lethal chemical agents
10 and munitions in accordance with section 1412 of
11 the Department of Defense Authorization Act, 1986
12 (50 U.S.C. 1521); and

13 (2) the destruction of chemical warfare material
14 of the United States that is not covered by section
15 1412 of such Act.

16 **SEC. 107. DEFENSE HEALTH PROGRAMS.**

17 Funds are hereby authorized to be appropriated for
18 fiscal year 2000 for the Department of Defense for pro-
19 curement for carrying out health care programs, projects,
20 and activities of the Department of Defense in the total
21 amount of \$356,970,000.

22 **Subtitle B—Army Programs**

23 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR**
24 **CERTAIN ARMY PROGRAMS.**

25 Beginning with the fiscal year 2000 program year,
26 the Secretary of the Army may, in accordance with section

1 2306b of title 10, United States Code, enter into multiyear
2 contracts for procurement of the following:

3 (1) The M270A1 launcher.

4 (2) The Family of Medium Tactical Vehicles,
5 except that the period of a multiyear contract may
6 not exceed three years.

7 (3) The Command Launch Unit for the Javelin
8 Advanced Anti-tank Weapon System-Medium.

9 (4) The missile for the Javelin Advanced Anti-
10 tank Weapon System-Medium, except that the pe-
11 riod of a multiyear contract may not exceed four
12 years.

13 (5) The AH-64D Longbow Apache aircraft.

14 (6) The Wolverine heavy assault bridge.

15 (7) The system enhancement program for the
16 M1A2 Abrams tank assembly.

17 (8) The Second Generation Forward Looking
18 Infrared system for the M1A2 Abrams tank.

19 (9) The C2V Command and Control Vehicle,
20 except that the period of a multiyear contract may
21 not exceed four years.

22 (10) The Second Generation Forward Looking
23 Infrared system for the Bradley A3 fighting vehicle,
24 except that the period of a multiyear contract may
25 not exceed four years.

1 (11) The improved Bradley acquisition system
2 for the Bradley A3 fighting vehicle, except that the
3 period of a multiyear contract may not exceed four
4 years.

5 (12) The Bradley A3 fighting vehicle, except
6 that the period of a multiyear contract may not ex-
7 ceed four years.

8 **SEC. 112. CLOSE COMBAT TACTICAL TRAINER PROGRAM.**

9 None of the funds authorized to be appropriated
10 under section 101(5) may be used for the procurement
11 of the close combat tactical trainers configured to mobile
12 or fixed sites for tanks or to mobile or fixed sites for the
13 Bradley A3 fighting vehicle under the Close Combat Tac-
14 tical Trainer program of the Army until—

15 (1) the Secretary of the Army has submitted to
16 the congressional defense committees a report
17 containing—

18 (A) a discussion of the actions taken to
19 correct the deficiencies in such trainers that
20 have been identified by the Director of Oper-
21 ations Test and Evaluation of the Department
22 of Defense before the date of the report; and

23 (B) the Secretary's certification that the
24 close combat tactical trainers satisfy the reli-

1 ability requirements established for the trainers
2 under the program; and

3 (2) thirty days have elapsed since the date of
4 the submittal of the report.

5 **SEC. 113. ARMY AVIATION MODERNIZATION.**

6 (a) MODERNIZATION PLAN.—The Secretary of the
7 Army shall submit to the congressional defense commit-
8 tees a comprehensive plan for the modernization of the
9 Army's helicopter forces. The plan shall include provisions
10 for the following:

11 (1) For the AH-64D Apache Longbow pro-
12 gram:

13 (A) Restoration of the original procure-
14 ment objective of the program to the procure-
15 ment of 747 aircraft and 227 fire control ra-
16 dars.

17 (B) Qualification and training of reserve
18 component pilots as augmentation crews to en-
19 sure 24-hour warfighting capability in deployed
20 attack helicopter units.

21 (C) Fielding of a sufficient number of air-
22 craft in reserve component aviation units to im-
23 plement the provisions of the plan required
24 under subparagraph (B).

1 (2) For AH-1 Cobra helicopters, retirement of
2 all AH-1 Cobra helicopters remaining in the fleet.

3 (3) For the RAH-66 Comanche program:

4 (A) Review of the total requirements and
5 acquisition objectives for the program.

6 (B) Fielding of Comanche helicopters to
7 the existing aviation force structure.

8 (C) Support for the plan for the AH-64D
9 Apache program required under paragraph (1).

10 (4) For the UH-1 Huey helicopter program:

11 (A) A UH-1 modernization program.

12 (B) Revision of total force requirements
13 for the aircraft to reflect the warfighting sup-
14 port requirements and State mission require-
15 ments for aircraft utilized by the Army Na-
16 tional Guard.

17 (5) For the UH-60 helicopter program:

18 (A) Identification of the requirements for
19 the aircraft.

20 (B) An acquisition strategy for meeting re-
21 quirements that cannot be met by UH-1 Huey
22 helicopters among the warfighting support re-
23 quirements and State mission requirements for
24 aircraft utilized by the Army National Guard.

1 (C) An upgrade program for fielded air-
2 craft.

3 (6) For the CH-47 Chinook helicopter service
4 life extension program, maintenance of the schedule
5 and funding.

6 (7) For the OH-58D Kiowa Warrior heli-
7 copters, a modernization program.

8 (8) A revised assessment of the Army's present
9 and future requirements for helicopters and its
10 present and future helicopter inventory, including
11 the number of aircraft, average age of aircraft, avail-
12 ability of spare parts, flight hour costs, roles and
13 functions assigned to the fleet as a whole and to
14 each type of aircraft, and the mix of active compo-
15 nent and reserve component aircraft in the fleet.

16 (b) LIMITATION.—Not more than 90 percent of the
17 amount authorized to be appropriated under section
18 101(2) may be obligated before the date that is 30 days
19 after the date on which the Secretary of the Army submits
20 the plan required under subsection (a) to the congressional
21 defense committees.

22 **SEC. 114. MULTIPLE LAUNCH ROCKET SYSTEM.**

23 Of the funds authorized to be appropriated under sec-
24 tion 101(2), \$500,000 may be made available to complete
25 the development of reuse and demilitarization tools and

1 technologies for use in the disposition of Army MLRS in-
2 ventory.

3 **Subtitle C—Navy Programs**

4 **SEC. 121. LHD-8 AMPHIBIOUS DOCK SHIP PROGRAM.**

5 (a) AUTHORIZATION OF SHIP.—The Secretary of the
6 Navy is authorized to procure the amphibious dock ship
7 to be designated LHD-8, subject to the availability of ap-
8 propriations for that purpose.

9 (b) AMOUNT AUTHORIZED.—Of the amount author-
10 ized to be appropriated under section 102(a)(3) for fiscal
11 year 2000, \$375,000,000 is available for the advance pro-
12 curement and advance construction of components for the
13 LHD-8 amphibious dock ship program. The Secretary of
14 the Navy may enter into a contract or contracts with the
15 shipbuilder and other entities for the advance procurement
16 and advance construction of those components.

17 **SEC. 122. ARLEIGH BURKE CLASS DESTROYER PROGRAM.**

18 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT
19 OF 6 ADDITIONAL VESSELS.—(1) Subsection (b) of sec-
20 tion 122 of the National Defense Authorization Act for
21 Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2446)
22 is amended in the first sentence—

23 (A) by striking “12 Arleigh Burke class de-
24 stroyers” and inserting “18 Arleigh Burke class de-
25 stroyers”; and

1 (B) by striking “and 2001” and inserting
2 “2001, 2002, and 2003”.

3 (2) The heading for such subsection is amended by
4 striking “TWELVE” and inserting “18”.

5 (b) FISCAL YEAR 2001 ADVANCE PROCUREMENT.—

6 (1) Subject to paragraphs (2) and (3), the Secretary of
7 the Navy is authorized, in fiscal year 2001, to enter into
8 contracts for advance procurement for the Arleigh Burke
9 class destroyers that are to be constructed under contracts
10 entered into after fiscal year 2001 under section 122(b)
11 of Public Law 104–201, as amended by subsection (a)(1).

12 (2) The authority to contract for advance procure-
13 ment under paragraph (1) is subject to the availability of
14 funds authorized and appropriated for fiscal year 2001 for
15 that purpose in Acts enacted after September 30, 1999.

16 (3) The aggregate amount of the contracts entered
17 into under paragraph (1) may not exceed \$371,000,000.

18 (c) OTHER FUNDS FOR ADVANCE PROCUREMENT.—

19 Notwithstanding any other provision of this Act, of the
20 funds authorized to be appropriated under section 102(a)
21 for procurement programs, projects, and activities of the
22 Navy, up to \$190,000,000 may be made available, as the
23 Secretary of the Navy may direct, for advance procure-
24 ment for the Arleigh Burke class destroyer program. Au-

1 thority to make transfers under this subsection is in addi-
2 tion to the transfer authority provided in section 1001.

3 **SEC. 123. REPEAL OF REQUIREMENT FOR ANNUAL RE-**
4 **PORT FROM SHIPBUILDERS UNDER CERTAIN**
5 **NUCLEAR ATTACK SUBMARINE PROGRAMS.**

6 (a) REPEAL.—Paragraph (3) of section 121(g) of the
7 National Defense Authorization Act for Fiscal Year 1997
8 (Public Law 104–201; 110 Stat. 2444) is repealed.

9 (b) CONFORMING AMENDMENT.—Paragraph (5) of
10 such section is amended by striking “reports referred to
11 in paragraphs (3) and (4)” and inserting “report referred
12 to in paragraph (4)”.

13 **SEC. 124. COOPERATIVE ENGAGEMENT CAPABILITY PRO-**
14 **GRAM.**

15 (a) LIMITATION.—Cooperative engagement equip-
16 ment procured under the Cooperative Engagement Capa-
17 bility program of the Navy may not be installed into a
18 commissioned vessel until the completion of operational
19 test and evaluation of the shipboard cooperative engage-
20 ment capability.

21 (b) CONSTRUCTION.—Subsection (a) shall not be con-
22 strued to limit the installation of cooperative engagement
23 equipment in new construction ships.

1 **SEC. 125. F/A-18E/F AIRCRAFT PROGRAM.**

2 (a) **AUTHORITY.**—Beginning with the fiscal year
3 2000 program year, the Secretary of the Navy may, in
4 accordance with section 2306b of title 10, United States
5 Code, enter into a multiyear procurement contract for the
6 procurement of F/A-18E/F aircraft.

7 (b) **LIMITATION.**—The Secretary may not exercise
8 the authority under subsection (a) to enter into a
9 multiyear contract for the procurement of F/A-18E/F air-
10 craft or authorize entry of the F/A-18E/F aircraft pro-
11 gram into full-rate production until—

12 (1) the Secretary of Defense certifies to the
13 Committees on Armed Services of the Senate and
14 House of Representatives the results of operational
15 test and evaluation of the F/A-18E/F aircraft.

16 (2) the Secretary of Defense determines that
17 the results of operational test and evaluation dem-
18 onstrate that the version of the aircraft to be pro-
19 cured under the multiyear contract in the higher
20 quantity than the other version satisfies all key per-
21 formance parameters appropriate to that version of
22 aircraft in the operational requirements document
23 for the F/A-18E/F program, as submitted on April
24 1, 1997, except that with respect to the range per-
25 formance parameter a deviation of 1 percent shall be
26 permitted.

1 **Subtitle D—Air Force Programs**

2 **SEC. 131. F-22 AIRCRAFT PROGRAM.**

3 Before awarding the contract for low-rate initial pro-
4 duction under the F-22 aircraft program, the Secretary
5 of Defense shall certify to the congressional defense com-
6 mittees that—

7 (1) the test plan in the engineering and manu-
8 facturing development program is adequate for de-
9 termining the operational effectiveness and suit-
10 ability of the F-22 aircraft; and

11 (2) the engineering and manufacturing develop-
12 ment program and the production program can each
13 be executed within the limitation on total cost appli-
14 cable to that program under subsection (a) or (b),
15 respectively, of section 217 of the National Defense
16 Authorization Act for Fiscal Year 1998 (Public Law
17 105-85; 111 Stat. 1660).

18 **Subtitle E—Other Matters**

19 **SEC. 141. EXTENSION OF AUTHORITY TO CARRY OUT AR-** 20 **MAMENT RETOOLING AND MANUFACTURING** 21 **SUPPORT INITIATIVE.**

22 Section 193(a) of the Armament Retooling and Man-
23 ufacturing Support Act of 1992 (subtitle H of title I of
24 Public Law 102-484; 10 U.S.C. 2501 note) is amended

1 by striking “During fiscal years 1993 through 1999” and
2 inserting “During fiscal years 1993 through 2001”.

3 **SEC. 142. EXTENSION OF PILOT PROGRAM ON SALES OF**
4 **MANUFACTURED ARTICLES AND SERVICES**
5 **OF CERTAIN ARMY INDUSTRIAL FACILITIES**
6 **WITHOUT REGARD TO AVAILABILITY FROM**
7 **DOMESTIC SOURCES.**

8 (a) EXTENSION OF PROGRAM.—Section 141 of the
9 National Defense Authorization Act for Fiscal Year 1998
10 (Public Law 105–85; 111 Stat. 1652; 10 U.S.C. 4543
11 note) is amended—

12 (1) in subsection (a), by striking “During fiscal
13 years 1998 and 1999” and inserting “During fiscal
14 years 1998 through 2001”; and

15 (2) in subsection (b), by striking “during fiscal
16 year 1998 or 1999” and inserting “during a fiscal
17 year covered by the pilot program”.

18 (b) EXTENSION OF DEADLINE FOR INSPECTOR GEN-
19 ERAL REPORT.—Subsection (c) of such section is amend-
20 ed by striking “July 1, 1999” and inserting “July 1,
21 2000”.

22 **SEC. 143. D-5 MISSILE PROGRAM.**

23 (a) REPORT.—Not later than October 31, 1999, the
24 Secretary of Defense shall submit to the Committees on

1 Armed Services of the Senate and House of Representa-
2 tives a report on the D-5 missile program.

3 (b) REPORT ELEMENTS.—The report under sub-
4 section (a) shall include the following:

5 (1) An inventory management plan for the D-
6 5 missile program covering the life of the program,
7 including—

8 (A) the location of D-5 missiles during the
9 fueling of submarines;

10 (B) rotation of inventory; and

11 (C) expected attrition rate due to flight
12 testing, loss, damage, or termination of service
13 life.

14 (2) The cost of terminating procurement of D-
15 5 missiles for each fiscal year prior to the current
16 plan.

17 (3) An assessment of the capability of the Navy
18 of meeting strategic requirements with a total pro-
19 curement of less than 425 D-5 missiles, including
20 an assessment of the consequences of—

21 (A) loading Trident submarines with fewer
22 than 24 D-5 missiles; and

23 (B) reducing the flight test rate for D-5
24 missiles.

1 (4) An assessment of the optimal commence-
2 ment date for the development and deployment of
3 replacement systems for the current land-based and
4 sea-based missile forces.

5 (5) The Secretary's plan for maintaining D-5
6 missiles and Trident submarines under START II
7 and proposed START III, and whether requirements
8 for such missiles and submarines would be reduced
9 under such treaties.

10 **TITLE II—RESEARCH, DEVELOP-**
11 **MENT, TEST, AND EVALUA-**
12 **TION**

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

15 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

16 Funds are hereby authorized to be appropriated for
17 fiscal year 2000 for the use of the Department of Defense
18 for research, development, test, and evaluation as follows:

19 (1) For the Army, \$4,695,894,000.

20 (2) For the Navy, \$8,207,616,000.

21 (3) For the Air Force, \$13,573,308,000.

22 (4) For Defense-wide activities,

23 \$9,389,081,000, of which—

1 (A) \$253,457,000 is authorized for the ac-
2 tivities of the Director, Test and Evaluation;
3 and

4 (B) \$24,434,000 is authorized for the Di-
5 rector of Operational Test and Evaluation.

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

7 (a) FISCAL YEAR 2000.—Of the amounts authorized
8 to be appropriated by section 201, \$4,156,812,000 shall
9 be available for basic research and applied research
10 projects.

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

16 **Subtitle B—Program Require-**
17 **ments, Restrictions, and Limita-**
18 **tions**

19 **SEC. 211. NATO COMMON-FUNDED CIVIL BUDGET.**

20 Of the amount authorized to be appropriated by sec-
21 tion 201(1), \$750,000 shall be available for contributions
22 for the common-funded Civil Budget of NATO.

1 **SEC. 212. MICRO-SATELLITE TECHNOLOGY DEVELOPMENT**
2 **PROGRAM.**

3 (a) **FUNDING.**—Of the funds authorized to be appro-
4 priated under section 201(3), \$25,000,000 is available for
5 continued implementation of the micro-satellite technology
6 program established pursuant to section 215 of the Na-
7 tional Defense Authorization Act for Fiscal Year 1998
8 (Public Law 105–85; 111 Stat. 1659).

9 (b) **MICRO-SATELLITE TECHNOLOGY DEVELOPMENT**
10 **PLAN.**—The Secretary of Defense shall develop a micro-
11 satellite technology development plan to guide technology
12 investment decisions and prioritize technology demonstra-
13 tion activities.

14 (c) **REPORT.**—Not later than April 15, 1999, the Sec-
15 retary shall submit to the congressional defense commit-
16 tees a report regarding the plan developed under sub-
17 section (b).

18 **SEC. 213. SPACE CONTROL TECHNOLOGY.**

19 (a) **FUNDS AVAILABLE FOR AIR FORCE EXECU-**
20 **TION.**—Of the funds authorized to be appropriated under
21 section 201(3), \$19,822,000 shall be available for space
22 control technology development pursuant to the Depart-
23 ment of Defense Space Control Technology Plan of 1999.

24 (b) **FUNDS AVAILABLE FOR ARMY EXECUTION.**—Of
25 the funds authorized to be appropriated under section
26 201(1), \$41,000,000 shall be available for space control

1 technology development. Of the funds made available pur-
2 suant to the preceding sentence, the Commanding General
3 of the United States Army Space and Missile Defense
4 Command may utilize such amounts as are necessary for
5 any or all of the following activities:

6 (1) Continued development of the kinetic energy
7 anti-satellite technology program necessary to retain
8 an option of conducting a flight test within two
9 years of any decision to do so.

10 (2) Technology development associated with the
11 kinetic energy anti-satellite kill vehicle to tempo-
12 rarily disrupt satellite functions.

13 (3) Cooperative technology development with
14 the Air Force, pursuant to the Department of De-
15 fense Space Control Technology Plan of 1999.

16 **SEC. 214. SPACE MANEUVER VEHICLE.**

17 (a) FUNDING.—Of the funds authorized to be appro-
18 priated under section 201(3), \$35,000,000 is available for
19 the space maneuver vehicle program.

20 (b) ACQUISITION OF SECOND FLIGHT TEST ARTI-
21 CLE.—The amount available for the space maneuver vehi-
22 cle program under subsection (a) may be used only to ac-
23 quire a second flight test article for the joint Air Force
24 and National Aeronautics and Space Administration X-

1 37 program in support of the Air Force Space Maneuver
2 Vehicle program.

3 **SEC. 215. MANUFACTURING TECHNOLOGY PROGRAM.**

4 (a) SUPPORT OF HIGH-RISK PROJECTS TO MEET
5 ESSENTIAL REQUIREMENTS.—Subsection (b) of section
6 2525 of title 10, United States Code, is amended—

7 (1) by striking paragraph (4);

8 (2) by redesignating paragraphs (1), (2), and

9 (3) as paragraphs (2), (3), and (4) respectively; and

10 (3) by inserting after “program—” the fol-
11 lowing new paragraph (1):

12 “(1) to focus Department of Defense support
13 for advanced manufacturing technologies on high-
14 risk projects for the development and application of
15 technologies for use to satisfy manufacturing re-
16 quirements essential to the national defense, as well
17 as for use for repair and remanufacturing in support
18 of the operations of systems commands, depots, air
19 logistics centers, and shipyards;”.

20 (b) EXECUTION.—Subsection (c) of such section is
21 amended—

22 (1) by redesignating paragraph (2) as para-
23 graph (4); and

24 (2) by inserting after paragraph (1) the fol-
25 lowing:

1 “(2) The Secretary shall require that manufacturing
2 technology projects proposed to be carried out under the
3 program be selected principally on the basis of the extent
4 to which the projects satisfy the purpose set forth in sub-
5 section (b)(1), as determined by a panel established to re-
6 view the proposed projects and to make the selections.

7 “(3) A manufacturing technology project selected for
8 the program may be carried out only if the head of the
9 program office of a systems command, depot, air logistics
10 center, or shipyard serves as a sponsor for the project by
11 certifying that funds available to the program office will
12 be used to pay the costs of implementing a manufacturing
13 technology developed and applied under the project to the
14 successful satisfaction of requirements described in sub-
15 section (b)(1).”.

16 (c) CONSIDERATION OF COST-SHARING PRO-
17 POSALS.—Subsection (d) of such section is amended—

18 (1) by striking paragraphs (2) and (3);

19 (2) by striking “(A)” following “(d) COMPETI-
20 TION AND COST SHARING.—(1)”;

21 (3) by striking “(B) For each” and all that fol-
22 lows through “competitive procedures.” and insert-
23 ing the following: “(2) The competitive procedures
24 shall include among the factors to be considered in
25 the evaluation of a proposal for a grant, contract,

1 cooperative agreement, or other transaction for a
2 project the extent to which the proposal provides for
3 the prospective recipient to share in defraying the
4 costs of the project.”.

5 **SEC. 216. TESTING OF AIRBLAST AND IMPROVISED EXPLO-**
6 **SIVES.**

7 Of the amount authorized to be appropriated under
8 section 201(4)—

9 (1) \$4,000,000 is available for testing of air-
10 blast and improvised explosives (in PE 63122D);
11 and

12 (2) the amount provided for sensor and guid-
13 ance technology (in PE 63762E) is reduced by
14 \$4,000,000.

15 **Subtitle C—Ballistic Missile**
16 **Defense**

17 **SEC. 221. THEATER MISSILE DEFENSE UPPER TIER ACQUI-**
18 **SITION STRATEGY.**

19 (a) REVISED UPPER TIER STRATEGY.—The Sec-
20 retary of Defense shall establish an acquisition strategy
21 for the upper tier missile defense systems that—

22 (1) retains funding for both of the upper tier
23 systems in separate, independently managed pro-
24 gram elements throughout the future-years defense
25 program;

1 (2) bases funding decisions and program sched-
2 ules for each upper tier system on the performance
3 of each system independent of the performance of
4 the other system; and

5 (3) provides for accelerating the deployment of
6 both of the upper tier systems to the maximum ex-
7 tent practicable.

8 (b) UPPER TIER SYSTEMS DEFINED.—For purposes
9 of this section, the upper tier missile defense systems are
10 the following:

11 (1) The Navy Theater Wide system.

12 (2) The Theater High-Altitude Area Defense
13 system.

14 **SEC. 222. REPEAL OF REQUIREMENT TO IMPLEMENT**
15 **TECHNICAL AND PRICE COMPETITION FOR**
16 **THEATER HIGH ALTITUDE AREA DEFENSE**
17 **SYSTEM.**

18 Subsection (a) of section 236 of the Strom Thurmond
19 National Defense Authorization Act for Fiscal Year 1999
20 (Public Law 105–261; 112 Stat. 1953) is repealed.

21 **SEC. 223. SPACE-BASED LASER PROGRAM.**

22 (a) STRUCTURE OF PROGRAM.—The Secretary of De-
23 fense shall structure the space-based laser program to
24 include—

1 (1) a near-term integrated flight experiment;
2 and

3 (2) an ongoing activity for developing an objec-
4 tive system design, including developing, testing, and
5 operating a prototype system.

6 (b) INTEGRATED FLIGHT EXPERIMENT.—The Sec-
7 retary shall structure the integrated flight experiment to
8 provide for the following:

9 (1) Establishment of an objective to carry out
10 an early demonstration of the fundamental end-to-
11 end capability to detect, track, and destroy a boost-
12 ing ballistic missile with a lethal laser from space.

13 (2) Utilization, to the maximum extent possible,
14 of technology that has been demonstrated in prin-
15 ciple or can be developed in the near-term with a low
16 degree of risk.

17 (3) A goal of launching the experiment by
18 2006.

19 (c) DEVELOPMENT OF OBJECTIVE SYSTEM DE-
20 SIGN.—In order to develop an objective system design
21 suited to the operational and technological environment
22 that will exist when such a system can be deployed, the
23 Secretary shall structure the space-based laser program
24 schedule to include the following:

1 (1) Robust research and development on ad-
2 vanced technologies in parallel with the development
3 of the integrated flight experiment.

4 (2) Architecture studies to assess alternative
5 space-based laser constellation and system perform-
6 ance characteristics.

7 (3) Planning for the development of a space-
8 based laser prototype that—

9 (A) utilizes the lessons learned from the
10 integrated flight experiment;

11 (B) is supported by ongoing architecture
12 and advanced technology research and develop-
13 ment efforts; and

14 (C) is scheduled to be launched approxi-
15 mately two years before the date by which the
16 objective space-based laser system configuration
17 is to be completed.

18 (d) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that the structure required by this section for the
20 space-based laser program is consistent with the joint ven-
21 ture contracting approach and overall objective that the
22 Department of Defense has established for the space-
23 based laser program.

24 (e) REVISED PROGRAM BASELINE.—The Secretary,
25 in consultation with the space-based laser joint venture

1 team, shall promptly revise the space-based laser program
2 baseline to reflect the requirements of this section.

3 (f) FUNDS AVAILABLE FOR BALLISTIC MISSILE DE-
4 FENSE ORGANIZATION EXECUTION.—Of the amounts au-
5 thorized to be appropriated under section 201(4),
6 \$75,000,000 shall be available for the space-based laser
7 program. Amounts made available under this subsection
8 may be transferred to the Air Force for execution in sup-
9 port of the space-based laser program.

10 (g) FUNDS AVAILABLE FOR AIR FORCE EXECU-
11 TION.—Of the amounts authorized to be appropriated
12 under section 201(3), \$88,840,000 shall be available for
13 the space-based laser program.

14 **SEC. 224. AIRBORNE LASER PROGRAM.**

15 (a) MODIFICATION OF PROGRAM DEFINITION AND
16 RISK REDUCTION AIRCRAFT.—The Secretary of the Air
17 Force may not commence any modification of the program
18 definition and risk reduction aircraft for the Airborne
19 Laser program until the Secretary of Defense certifies to
20 Congress that he has determined that the commencement
21 of the aircraft modification according to the existing
22 schedule is justified on the basis of the results of test and
23 analysis involving the following activities:

24 (1) The North Oscura Peak dynamic test pro-
25 gram.

1 (2) Scintillometry data collection and analysis.

2 (3) The lethality/vulnerability program.

3 (4) The countermeasures test and analysis ef-
4 fort.

5 (5) Reduction and analysis of other existing
6 data.

7 (b) **AUTHORITY-TO-PROCEED-2.**—Before the Author-
8 ity-to-Proceed-2 may be approved for the Airborne Laser
9 program, the Secretary of Defense shall—

10 (1) ensure that the Secretary of the Air Force
11 has developed an appropriate plan for resolving the
12 technical challenges identified in the Airborne Laser
13 Program Assessment;

14 (2) approve the plan; and

15 (3) submit a report on the plan to the congress-
16 sional defense committees.

17 (c) **MILESTONE II EXIT CRITERIA.**—The Secretary
18 of Defense shall restructure the Airborne Laser program
19 schedule and Milestone II exit criteria to ensure that, prior
20 to the making of a Milestone II decision approving entry
21 of the program into engineering and manufacturing
22 development—

23 (1) no modification of the engineering and man-
24 ufacturing development aircraft is begun;

1 (2) the program definition and risk reduction
 2 aircraft is utilized in a robust series of flight tests
 3 that validates the technical maturity of the Airborne
 4 Laser program and provides sufficient information
 5 regarding the performance of the system across the
 6 full range of its validated operational requirements;
 7 and

8 (3) sufficient technical information is available
 9 to determine whether adequate progress is being
 10 made in the ongoing effort to address the oper-
 11 ational issues identified in the Airborne Laser Pro-
 12 gram Assessment.

13 (d) AIRBORNE LASER PROGRAM ASSESSMENT DE-
 14 FINED.—In this section, the term “Airborne Laser Pro-
 15 gram Assessment” means the Assessment of Technical
 16 and Operational Aspects of the Airborne Laser Program
 17 that was submitted to Congress by the Secretary of De-
 18 fense on March 9, 1999.

19 **SEC. 225. SENSE OF CONGRESS REGARDING BALLISTIC MIS-**
 20 **SILE DEFENSE TECHNOLOGY FUNDING.**

21 It is the sense of Congress that—

22 (1) because technology development provides
 23 the basis for future weapon systems, it is important
 24 to maintain a healthy funding balance between bal-

1 listic missile defense technology development and
2 ballistic missile defense acquisition programs;

3 (2) funding planned within the future years de-
4 fense program of the Department of Defense should
5 be sufficient to support the development of tech-
6 nology for future and follow-on ballistic missile de-
7 fense systems while simultaneously supporting bal-
8 listic missile defense acquisition programs;

9 (3) the Secretary of Defense should seek to en-
10 sure that funding in the future years defense pro-
11 gram is adequate for both advanced ballistic missile
12 defense technology development and for existing bal-
13 listic missile defense major defense acquisition pro-
14 grams; and

15 (4) the Secretary should submit a report to the
16 congressional defense committees by March 15,
17 2000, on the Secretary's plan for dealing with the
18 matters identified in this section.

19 **SEC. 226. REPORT ON NATIONAL MISSILE DEFENSE.**

20 Not later than March 15, 2000, the Secretary of De-
21 fense shall submit to Congress the Secretary's assessment
22 of the advantages or disadvantages of a two-site deploy-
23 ment of a ground-based National Missile Defense system,
24 with special reference to considerations of the worldwide

1 ballistic missile threat, defensive coverage, redundancy
2 and survivability, and economies of scale.

3 **SEC. 227. OPTIONS FOR AIR FORCE CRUISE MISSILES.**

4 (a) STUDY.—(1) The Secretary of the Air Force shall
5 conduct a study of the options for meeting the require-
6 ments being met as of the date of the enactment of this
7 Act by the conventional air launched cruise missile
8 (CALCM) once the inventory of that missile has been de-
9 pleted. In conducting the study, the Secretary shall con-
10 sider the following options:

11 (A) Restarting of production of the conven-
12 tional air launched cruise missile.

13 (B) Acquisition of a new type of weapon with
14 the same lethality characteristics as those of the
15 conventional air launched cruise missile or improved
16 lethality characteristics.

17 (C) Utilization of current or planned munitions,
18 with upgrades as necessary.

19 (2) The Secretary shall submit the results of this
20 study to the Armed Services Committees of the House and
21 Senate by January 15, 2000, so that the results might
22 be—

23 (A) reflected in the budget for fiscal year 2001
24 submitted to Congress under section 1105 of title
25 31, United States Code; and

1 (B) reported to Congress as required under
2 subsection (b).

3 (b) REPORT.—The report shall include a statement
4 of how the Secretary intends to meet the requirements re-
5 ferred to in subsection (a)(1) in a timely manner as de-
6 scribed in that subsection.

7 **Subtitle D—Research and Develop-**
8 **ment for Long-Term Military**
9 **Capabilities**

10 **SEC. 231. ANNUAL REPORT ON EMERGING OPERATIONAL**
11 **CONCEPTS.**

12 (a) EXTENSION OF REPORTING REQUIREMENT.—
13 Subsection (a) of section 1042 of the National Defense
14 Authorization Act for Fiscal Year 1997 (Public Law 104–
15 201; 110 Stat. 2642; 10 U.S.C. 113 note) is amended by
16 striking “2000” and inserting “2002”.

17 (b) IDENTIFICATION OF TECHNOLOGICAL OBJEC-
18 TIVES FOR RESEARCH AND DEVELOPMENT.—That sec-
19 tion is further amended by adding at the end the following
20 new subsection:

21 “(c) ADDITIONAL MATTERS TO BE INCLUDED IN
22 REPORTS AFTER 1999.—Each report under this section
23 after 1999 shall set forth the military capabilities that are
24 necessary for meeting national security requirements over
25 the next two to three decades, including—

1 “(1) the most significant strategic and oper-
2 ational capabilities (including both armed force-spe-
3 cific and joint capabilities) that are necessary for the
4 Armed Forces to prevail against the most dangerous
5 threats, including asymmetrical threats, that could
6 be posed to the national security interests of the
7 United States by potential adversaries from 2020 to
8 2030;

9 “(2) the key characteristics and capabilities of
10 future military systems (including both armed force-
11 specific and joint systems) that will be needed to
12 meet each such threat; and

13 “(3) the most significant research and develop-
14 ment challenges that must be met, and the techno-
15 logical breakthroughs that must be made, to develop
16 and field such systems.”.

17 **SEC. 232. TECHNOLOGY AREA REVIEW AND ASSESSMENT.**

18 Section 270(b) of the National Defense Authorization
19 Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat.
20 2469; 10 U.S.C. 2501 note) is amended to read as follows:

21 “(b) **TECHNOLOGY AREA REVIEW AND ASSESS-**
22 **MENT.**—With the submission of the plan under subsection
23 (a) each year, the Secretary shall also submit to the com-
24 mittees referred to in that subsection a summary of each

1 technology area review and assessment conducted by the
2 Department of Defense in support of that plan.”.

3 **SEC. 233. REPORT BY UNDER SECRETARY OF DEFENSE**
4 **FOR ACQUISITION AND TECHNOLOGY.**

5 (a) REQUIREMENT.—The Under Secretary of De-
6 fense for Acquisition and Technology shall submit to the
7 congressional defense committees a report on the actions
8 that are necessary to promote the research base and tech-
9 nological development that will be needed for ensuring
10 that the Armed Forces have the military capabilities that
11 are necessary for meeting national security requirements
12 over the next two to three decades.

13 (b) CONTENT.—The report shall include the actions
14 that have been taken or are planned to be taken within
15 the Department of Defense to ensure that—

16 (1) the Department of Defense laboratories
17 place an appropriate emphasis on revolutionary
18 changes in military operations and the new tech-
19 nologies that will be necessary to support those oper-
20 ations;

21 (2) the Department helps sustain a high-quality
22 national research base that includes organizations
23 attuned to the needs of the Department, the fos-
24 tering and creation of revolutionary technologies use-
25 ful to the Department, and the capability to identify

1 opportunities for new military capabilities in emerg-
2 ing scientific knowledge;

3 (3) the Department can identify, provide appro-
4 priate funding for, and ensure the coordinated devel-
5 opment of joint technologies that will serve the needs
6 of more than one of the Armed Forces;

7 (4) the Department can identify militarily rel-
8 evant technologies that are developed in the private
9 sector, rapidly incorporate those technologies into
10 defense systems, and effectively utilize technology
11 transfer processes;

12 (5) the Department can effectively and effi-
13 ciently manage the transition of new technologies
14 from the applied research and advanced techno-
15 logical development stage through the product devel-
16 opment stage in a manner that ensures that max-
17 imum advantage is obtained from advances in tech-
18 nology; and

19 (6) the Department's educational institutions
20 for the officers of the uniformed services incorporate
21 into their officer education and training programs,
22 as appropriate, materials necessary to ensure that
23 the officers have the familiarity with the processes,
24 advances, and opportunities in technology develop-
25 ment that is necessary for making decisions that en-

1 sure the superiority of United States defense tech-
2 nology in the future.

3 **SEC. 234. INCENTIVES TO PRODUCE INNOVATIVE NEW**
4 **TECHNOLOGIES.**

5 (a) TECHNICAL RISK AND PROFIT INCENTIVE.—The
6 Department of Defense profit guidelines established in
7 subpart 215.9 of the Department of Defense Supplement
8 to the Federal Acquisition Regulation shall be modified
9 to place increased emphasis on technical risk as a factor
10 for determining appropriate profit margins and otherwise
11 to provide an increased profit incentive for contractors to
12 develop and produce complex and innovative new tech-
13 nologies, rather than to produce mature technologies with
14 low technical risk.

15 (b) EXPIRATION OF AUTHORITY.—This section shall
16 cease to be effective one year after the date on which the
17 Secretary of Defense publishes in the Federal Register
18 final regulations modifying the guidelines in accordance
19 with subsection (a).

20 **SEC. 235. DARPA COMPETITIVE PRIZES AWARD PROGRAM**
21 **FOR ENCOURAGING DEVELOPMENT OF AD-**
22 **VANCED TECHNOLOGIES.**

23 (a) AUTHORITY.—Chapter 139 of title 10, United
24 States Code, is amended by inserting after section 2374
25 the following:

1 **“§ 2374a. Prizes for advanced technology**

2 “(a) **AUTHORITY.**—The Director of the Defense Ad-
3 vanced Research Projects Agency may carry out a pro-
4 gram to award prizes in recognition of outstanding
5 achievements in basic, advanced, and applied research,
6 technology development, and prototype development that
7 have the potential for application to the performance of
8 the military missions of the Department of Defense.

9 “(b) **COMPETITION REQUIREMENTS.**—The Director
10 shall use a competitive process for the selection of recipi-
11 ents of prizes under this section. The process shall include
12 the widely-advertised solicitation of submissions of re-
13 search results, technology developments, and prototypes.

14 “(c) **FORM OF PRIZE.**—A prize awarded under this
15 section shall be a monetary award together with a trophy,
16 plaque, or medal or other emblem.

17 “(d) **LIMITATIONS.**—(1) The total amount made
18 available for award of cash prizes in a fiscal year may not
19 exceed \$10,000,000.

20 “(2) No prize competition may result in the award
21 of more than \$1,000,000 in cash prizes without the ap-
22 proval of the Under Secretary of Defense for Acquisition
23 and Technology.

24 “(e) **RELATIONSHIP TO OTHER AUTHORITY.**—The
25 Director may exercise the authority under this section in
26 conjunction with or in addition to the exercise of any other

1 authority of the Director to acquire, support, or stimulate
 2 basic, advanced and applied research, technology develop-
 3 ment, or prototype projects.

4 “(f) ANNUAL REPORT.—Promptly after the end of
 5 each fiscal year, the Director shall submit to the Commit-
 6 tees on Armed Services of the Senate and the House of
 7 Representatives a report on the administration of the pro-
 8 gram for the fiscal year. The report shall include the fol-
 9 lowing:

10 “(1) The military applications of the research,
 11 technology, or prototypes for which prizes were
 12 awarded.

13 “(2) The total amount of the prizes awarded.

14 “(3) The methods used for solicitation and eval-
 15 uation of submissions, together with an assessment
 16 of the effectiveness of those methods.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
 18 at the beginning of such chapter is amended by inserting
 19 after the item relating to section 2374 the following:

“2374a. Prizes for advanced technology.”.

20 **SEC. 236. ADDITIONAL PILOT PROGRAM FOR REVITAL-**
 21 **IZING DEPARTMENT OF DEFENSE LABORA-**
 22 **TORIES.**

23 (a) AUTHORITY.—(1) The Secretary of Defense may
 24 carry out a pilot program to demonstrate improved cooper-
 25 ative relationships with universities and other private sec-

1 tor entities for the performance of research and develop-
2 ment functions. The pilot program under this section is
3 in addition to the pilot program carried out under section
4 246 of the Strom Thurmond National Defense Authoriza-
5 tion Act for Fiscal Year 1999 (Public Law 105–261; 112
6 Stat. 1955; 10 U.S.C. 2358 note)

7 (2) Under the pilot program, the Secretary of De-
8 fense shall provide the director of one science and tech-
9 nology laboratory, and the director of one test and evalua-
10 tion laboratory, of each military department with author-
11 ity for the following:

12 (A) To ensure that the defense laboratories can
13 attract a balanced workforce of permanent and tem-
14 porary personnel with an appropriate level of skills
15 and experience, and can effectively compete in hiring
16 processes to obtain the finest scientific talent.

17 (B) To develop or expand innovative methods of
18 operation that provide more defense research for
19 each dollar of cost, including to carry out such ini-
20 tiatives as focusing on the performance of core func-
21 tions and adopting more business-like practices.

22 (C) To waive any restrictions not required by
23 law that apply to the demonstration and implemen-
24 tation of methods for achieving the objectives in sub-
25 paragraphs (A) and (B).

1 (3) In selecting the laboratories for participation in
2 the pilot program, the Secretary shall consider labora-
3 tories where innovative management techniques have been
4 demonstrated, particularly as documented under sections
5 1115 through 1119 of title 31, United States Code, relat-
6 ing to Government agency performance and results.

7 (4) The Secretary may carry out the pilot program
8 at each selected laboratory for a period of three years be-
9 ginning not later than March 1, 2000.

10 (b) REPORT.—(1) Not later than March 1, 2000, the
11 Secretary of Defense shall submit a report on the imple-
12 mentation of the pilot program to Congress. The report
13 shall include the following:

14 (A) Each laboratory selected for the pilot pro-
15 gram.

16 (B) To the extent possible, a description of the
17 innovative concepts that are to be tested at each lab-
18 oratory or center.

19 (C) The criteria to be used for measuring the
20 success of each concept to be tested.

21 (2) Promptly after the expiration of the period for
22 participation of a laboratory in the pilot program, the Sec-
23 retary of Defense shall submit to Congress a final report
24 on the participation of the laboratory in the pilot program.
25 The report shall contain the following:

- 1 (A) A description of the concepts tested.
- 2 (B) The results of the testing.
- 3 (C) The lessons learned.
- 4 (D) Any proposal for legislation that the Sec-
5 retary recommends on the basis of the experience at
6 the laboratory under the pilot program.

7 **SEC. 237. EXEMPTION OF DEFENSE LABORATORY EMPLOY-**
8 **EES FROM CERTAIN WORKFORCE MANAGE-**
9 **MENT RESTRICTIONS.**

10 (a) **STRENGTH MANAGEMENT.**—Section 342 of the
11 National Defense Authorization Act for Fiscal Year 1995
12 (Public Law 103–337; 108 Stat. 2721) is amended by
13 adding at the end the following new paragraph:

14 “(4) The employees of a laboratory covered by a per-
15 sonnel demonstration project carried out under this sec-
16 tion shall be exempt from, and may not be counted for
17 the purposes of, any constraint or limitation in a statute
18 or regulation in terms of man years, end strength, full
19 time equivalent positions, supervisory ratios, or maximum
20 number of employees in any category or categories of em-
21 ployment that may otherwise be applicable to the employ-
22 ees. The employees shall be managed by the director of
23 the laboratory subject to the supervision of the Under Sec-
24 retary of Defense for Acquisition and Technology.”.

1 (b) REDUCTIONS IN FORCE.—Notwithstanding any
2 provision of law that requires a reduction in the size of
3 the defense acquisition workforce—

4 (1) the employees of a Department of Defense
5 laboratory shall not be considered as being included
6 in that workforce for the purpose of that provision
7 of law; and

8 (2) the Secretary of Defense, in carrying out
9 the reduction under that provision of law, shall con-
10 sider the size of the required reduction as being low-
11 ered by—

12 (A) the percent determined by dividing (on
13 the basis of the equivalent of full-time employ-
14 ees) the total number of employees in the de-
15 fense acquisition workforce as of the beginning
16 of the reduction in force into the number of lab-
17 oratory employees that, except for paragraph
18 (1), would otherwise have been considered as
19 being in the workforce to be reduced under that
20 provision of law; or

21 (B) any other factor that the Secretary de-
22 termines as being a more appropriate measure
23 for the adjustment.

1 **SEC. 238. USE OF WORKING-CAPITAL FUNDS FOR FINANC-**
2 **ING RESEARCH AND DEVELOPMENT OF THE**
3 **MILITARY DEPARTMENTS.**

4 (a) **AUTHORITY.**—Section 2208 of title 10, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 “(r) **RESEARCH, DEVELOPMENT, TEST, AND EVAL-**
8 **UATION.**—(1) Working-capital funds shall be used for fi-
9 nancing all research, development, test, and evaluation ac-
10 tivities and programs of the military departments.

11 “(2) The following transactions are authorized for the
12 use of working-capital funds for activities and programs
13 described in paragraph (1):

14 “(A) Acceptance of reimbursable orders from
15 authorized customers.

16 “(B) Crediting of working-capital funds, out of
17 funds available for a military department for re-
18 search, development, test, and evaluation or any
19 other appropriate source of funds, for goods and
20 services provided to that military department.

21 “(3) The policies, procedures, and regulations of the
22 Department of Defense that are applicable to the use and
23 management of Department of Defense revolving funds
24 shall be applied uniformly to all uses of working-capital
25 funds for financing the activities and programs described
26 in paragraph (1).”.

1 (b) IMPLEMENTATION.—(1) The Secretary of De-
2 fense shall amend the Department of Defense Financial
3 Management Regulation to ensure that subsection (r)(3)
4 of section 2208 of title 10, United States Code (as added
5 by subsection (a)), is fully implemented.

6 (2) Not later than April 1, 2000, and August 1,
7 2000, the Under Secretary of Defense (Comptroller) shall
8 submit to the Committees on Armed Services of the Sen-
9 ate and the House of Representatives written status re-
10 ports on the progress made in implementing subsection
11 (r) of section 2208 of title 10, United States Code, as
12 added by subsection (a). Each status report shall, at a
13 minimum, include the following:

14 (A) The schedule for completing the key actions
15 necessary for implementation.

16 (B) The progress made in the implementation
17 by the military departments and the other agencies
18 of the Department of Defense through the date of
19 the report.

20 (C) Each delay and obstacle encountered in the
21 implementation, together with an explanation of the
22 actions taken in each such case to ensure timely im-
23 plementation.

1 **SEC. 239. EFFICIENT UTILIZATION OF DEFENSE LABORA-**
2 **TORIES.**

3 (a) ANALYSIS BY INDEPENDENT PANEL.—(1) Not
4 later than 45 days after the date of the enactment of this
5 Act, the Secretary of Defense shall convene a panel of
6 independent experts under the auspices of the Defense
7 Science Board to conduct an analysis of the resources and
8 capabilities of all of the laboratories and test and evalua-
9 tion facilities of the Department of Defense, including
10 those of the military departments. In conducting the anal-
11 ysis, the panel shall identify opportunities to achieve effi-
12 ciency and reduce duplication of efforts by consolidating
13 responsibilities by area or function or by designating lead
14 agencies or executive agents in cases considered appro-
15 priate. The panel shall report its findings to the Secretary
16 of Defense and to Congress not later than August 1, 2000.

17 (2) The analysis required by paragraph (1) shall, at
18 a minimum, address the capabilities of the laboratories
19 and test and evaluation facilities in the areas of air vehi-
20 cles, armaments, command, control, communications, and
21 intelligence, space, directed energy, electronic warfare,
22 medicine, corporate laboratories, civil engineering, geo-
23 physics, and the environment.

24 (b) PERFORMANCE REVIEW PROCESS.—Not later
25 than 180 days after the date of the enactment of this Act,
26 the Secretary of Defense shall develop an appropriate per-

1 formance review process for rating the quality and rel-
2 evance of work performed by the Department of Defense
3 laboratories. The process shall include customer evaluation
4 and peer review by Department of Defense personnel and
5 appropriate experts from outside the Department of De-
6 fense. The process shall provide for rating all laboratories
7 of the Army, Navy, and Air Force on a consistent basis.

8 **Subtitle E—Other Matters**

9 **SEC. 251. REPORT ON AIR FORCE DISTRIBUTED MISSION** 10 **TRAINING.**

11 (a) REQUIREMENT.—The Secretary of the Air Force
12 shall submit to Congress, not later than January 31,
13 2000, a report on the Air Force Distributed Mission
14 Training program.

15 (b) CONTENT OF REPORT.—The report shall include
16 a discussion of the following:

17 (1) The progress that the Air Force has made
18 to demonstrate and prove the Air Force Distributed
19 Mission Training concept of linking geographically
20 separated, high-fidelity simulators to provide a mis-
21 sion rehearsal capability for Air Force units, and
22 any units of any of the other Armed Forces as may
23 be necessary, to train together from their home sta-
24 tions.

1 (2) The actions that have been taken or are
2 planned to be taken within the Department of the
3 Air Force to ensure that—

4 (A) an independent study of all require-
5 ments, technologies, and acquisition strategies
6 essential to the formulation of a sound Distrib-
7 uted Mission Training program is under way;
8 and

9 (B) all Air Force laboratories and other
10 Air Force facilities necessary to the research,
11 development, testing, and evaluation of the Dis-
12 tributed Mission Training program have been
13 assessed regarding the availability of the nec-
14 essary resources to demonstrate and prove the
15 Air Force Distributed Mission Training con-
16 cept.

17 **TITLE III—OPERATION AND**
18 **MAINTENANCE**

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

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

22 (a) AMOUNTS AUTHORIZED.—Funds are hereby au-
23 thorized to be appropriated for fiscal year 2000 for the
24 use of the Armed Forces and other activities and agencies
25 of the Department of Defense for expenses, not otherwise

1 provided for, for operation and maintenance, in amounts
2 as follows:

3 (1) For the Army, \$18,340,094,000.

4 (2) For the Navy, \$22,182,615,000.

5 (3) For the Marine Corps, \$2,612,529,000.

6 (4) For the Air Force, \$20,342,403,000.

7 (5) For Defense-wide activities,

8 \$10,963,033,000.

9 (6) For the Army Reserve, \$1,376,813,000.

10 (7) For the Naval Reserve, \$927,347,000.

11 (8) For the Marine Corps Reserve,

12 \$125,766,000.

13 (9) For the Air Force Reserve, \$1,726,837,000.

14 (10) For the Army National Guard,

15 \$2,912,249,000.

16 (11) For the Air National Guard,

17 \$3,119,518,000.

18 (12) For the Defense Inspector General,

19 \$138,244,000.

20 (13) For the United States Court of Appeals

21 for the Armed Forces, \$7,621,000.

22 (14) For Environmental Restoration, Army,

23 \$378,170,000.

24 (15) For Environmental Restoration, Navy,

25 \$284,000,000.

1 (16) For Environmental Restoration, Air Force,
2 \$376,800,000.

3 (17) For Environmental Restoration, Defense-
4 wide, \$25,370,000.

5 (18) For Environmental Restoration, Formerly
6 Used Defense Sites, \$239,214,000.

7 (19) For Overseas Humanitarian, Demining,
8 and CINC Initiatives, \$55,800,000.

9 (20) For Drug Interdiction and Counter-drug
10 Activities, Defense-wide, \$745,265,000.

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

14 (22) For Medical Programs, Defense,
15 \$10,453,487,000.

16 (23) For Cooperative Threat Reduction pro-
17 grams, \$475,500,000.

18 (24) For Overseas Contingency Operations
19 Transfer Fund, \$2,387,600,000.

20 (25) For Combating Terrorism Activities
21 Transfer Fund, \$1,954,430,000.

22 (26) For quality of life enhancements,
23 \$1,845,370,000.

24 (27) For defense transfer programs,
25 \$31,000,000.

1 (b) GENERAL LIMITATION.—Notwithstanding para-
2 graphs (1) through (27) of subsection (a), the total
3 amount authorized to be appropriated for fiscal year 2000
4 under those paragraphs is \$104,042,075,000.

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

6 Funds are hereby authorized to be appropriated for
7 fiscal year 2000 for the use of the Armed Forces and other
8 activities and agencies of the Department of Defense for
9 providing capital for working-capital and revolving funds
10 in amounts as follows:

11 (1) For the Army Working-Capital Fund,
12 \$62,344,000.

13 (2) For the Defense Working-Capital Fund, Air
14 Force, \$28,000,000.

15 (3) For the National Defense Sealift Fund,
16 \$394,700,000.

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

18 There is hereby authorized to be appropriated for fis-
19 cal year 2000 from the Armed Forces Retirement Home
20 Trust Fund the sum of \$68,295,000 for the operation of
21 the Armed Forces Retirement Home, including the United
22 States Soldiers' and Airmen's Home and the Naval Home.

1 **SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCK-**
2 **PILE TRANSACTION FUND.**

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

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

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

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

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

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

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

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

1 **SEC. 305. OPERATIONAL METEOROLOGY AND OCEANOGRAPHY AND UNOLS.**
 2

3 Of the funds authorized to be appropriated in section
 4 301(a), an additional \$10,000,000 may be expended for
 5 Operational Meteorology and Oceanography and UNOLS.

6 **SEC. 306. ARMED FORCES EMERGENCY SERVICES.**

7 Of the funds in section 301(a)(5), \$23,000,000 shall
 8 be made available to the American Red Cross to fund the
 9 Armed Forces Emergency Services.

10 **Subtitle B—Program Requirements, Restrictions, and Limitations**
 11
 12

13 **SEC. 311. NATO COMMON-FUNDED MILITARY BUDGET.**

14 Of the amount authorized to be appropriated pursuant to section 301(a)(1) for operation and maintenance
 15 for the Army, \$216,400,000 shall be available for contributions for the common-funded Military Budget of the
 16 North Atlantic Treaty Organization.

19 **SEC. 312. USE OF HUMANITARIAN AND CIVIC ASSISTANCE FUNDING FOR PAY AND ALLOWANCES OF SPECIAL OPERATIONS COMMAND RESERVES FURNISHING DEMINING TRAINING AND RELATED ASSISTANCE AS HUMANITARIAN ASSISTANCE.**
 20
 21
 22
 23
 24

25 Section 401(e) of title 10, United States Code, is
 26 amended by adding at the end the following:

1 “(5) Up to 5 percent of the funds available in any
2 fiscal year for humanitarian and civic assistance described
3 in subsection (e)(5) may be expended for the pay and al-
4 lowances of reserve component personnel of the Special
5 Operations Command for periods of duty for which the
6 personnel, for a humanitarian purpose, furnish education
7 and training on the detection and clearance of landmines
8 or furnish related technical assistance.”.

9 **SEC. 313. NATIONAL DEFENSE FEATURES PROGRAM.**

10 Section 2218 of title 10, United States Code, is
11 amended—

12 (1) by redesignating subsection (k) as sub-
13 section (l);

14 (2) by inserting after subsection (j) the fol-
15 lowing new subsection (k):

16 “(k) **CONTRACTS FOR INCORPORATION OF DEFENSE**
17 **FEATURES IN COMMERCIAL VESSELS.**—(1) The head of
18 any agency, after making a determination of the economic
19 soundness of an offer to do so, may enter into a contract
20 with the offeror for the offeror to install and maintain de-
21 fense features for national defense purposes in one or
22 more commercial vessels owned or controlled by the offeror
23 in accordance with the purpose for which funds in the Na-
24 tional Defense Sealift Fund are available under subsection
25 (c)(1)(C).

1 “(2) The head of an agency may make advance pay-
2 ments to the contractor under the contract in one lump
3 sum, annual payments, or any combination thereof for
4 costs associated with the installation and maintenance of
5 the defense features on one or more commercial vessels,
6 as follows:

7 “(A) The costs to build, procure, and install
8 any defense feature in a vessel.

9 “(B) The costs to maintain and test any de-
10 fense feature on a vessel periodically.

11 “(C) Any increased costs of operation or any
12 loss of revenue attributable to the installation or
13 maintenance of any defense feature on a vessel.

14 “(D) Any additional costs associated with the
15 terms and conditions of the contract.

16 “(3) For any contract under which the United States
17 provides advance payments for the costs associated with
18 installation or maintenance of any defense feature on a
19 commercial vessel, the contractor shall provide to the
20 United States any security interest in the vessel, by way
21 of a preferred mortgage under section 31322 of title 46
22 or otherwise, that the head of the agency prescribes in
23 order adequately to protect the United States against loss
24 for the total amount of those costs.

1 “(4) Each contract entered into under this subsection
2 shall—

3 “(A) set forth terms and conditions under
4 which, so long as a vessel covered by the contract is
5 owned or controlled by the contractor, the contractor
6 is to operate the vessel for the Department of De-
7 fense notwithstanding any other contract or commit-
8 ment of that contractor; and

9 “(B) provide that the contractor operating the
10 vessel for the Department of Defense shall be paid
11 for that operation at fair and reasonable rates.

12 “(5) The head of an agency may not delegate author-
13 ity under this subsection to any person in a position below
14 the level of head of a procuring activity.”; and

15 (3) by adding at the end of subsection (1), as
16 redesignated by paragraph (1), the following:

17 “(5) The term ‘head of an agency’ has the
18 meaning given the term in section 2302(1) of this
19 title.”.

20 **SEC. 314. ADDITIONAL AMOUNTS FOR DRUG INTERDICTION**
21 **AND COUNTER-DRUG ACTIVITIES.**

22 (a) **AUTHORIZATION OF ADDITIONAL AMOUNT.—**
23 Notwithstanding any other provision of this Act, the
24 amount authorized to be appropriated by section
25 301(a)(20) is hereby increased by \$59,200,000.

1 (b) USE OF ADDITIONAL AMOUNTS.—Of the
2 amounts authorized to be appropriated by section
3 301(a)(20), as increased by subsection (a) of this section,
4 funds shall be available in the following amounts for the
5 following purposes:

6 (1) \$6,000,000 shall be available for Operation
7 Caper Focus.

8 (2) \$17,500,000 shall be available for a
9 Relocatable Over the Horizon (ROTHR) capability
10 for the Eastern Pacific based in the continental
11 United States.

12 (3) \$2,700,000 shall be available for forward
13 looking infrared radars for P-3 aircraft.

14 (4) \$8,000,000 shall be available for enhanced
15 intelligence capabilities.

16 (5) \$5,000,000 shall be used for Mothership
17 Operations.

18 (6) \$20,000,000 shall be used for National
19 Guard State plans.

20 **Subtitle C—Environmental**
21 **Provisions**

22 **SEC. 321. ENVIRONMENTAL TECHNOLOGY MANAGEMENT.**

23 (a) PURPOSES.—The purposes of this section are—

24 (1) to hold the Department of Defense and the
25 military departments accountable for achieving per-

1 performance-based results in the management of envi-
2 ronmental technology by providing a connection be-
3 tween program direction and the achievement of spe-
4 cific performance-based results;

5 (2) to assure the identification of end-user re-
6 quirements for environmental technology within the
7 military departments;

8 (3) to assure results, quality of effort, and ap-
9 propriate levels of service and support for end-users
10 of environmental technology within the military de-
11 partments; and

12 (4) to promote improvement in the performance
13 of environmental technologies by establishing objec-
14 tives for environmental technology programs, meas-
15 uring performance against such objectives, and mak-
16 ing public reports on the progress made in such per-
17 formance.

18 (b) ENVIRONMENTAL TECHNOLOGY MANAGE-
19 MENT.—Chapter 139 of title 10, United States Code, is
20 amended by inserting after section 2358 the following new
21 section:

22 **“§ 2358a. Research and development: environmental**
23 **technology**

24 “(a) MANAGEMENT OF RESEARCH AND DEVELOP-
25 MENT.—The Secretary of Defense shall provide in accord-

1 ance with this section for the management of projects en-
2 gaged in under section 2358 of this title for the research,
3 development, and evaluation of environmental technologies
4 for the Department of Defense and the military depart-
5 ments.

6 “(b) RESPONSIBILITIES OF SECRETARY OF DE-
7 FENSE.—The Secretary of Defense shall—

8 “(1) establish guidelines for the development by
9 the Department of Defense and the military depart-
10 ments of an investment control process for the selec-
11 tion, management, and evaluation of environmental
12 technologies within the Department of Defense;

13 “(2) develop a strategic plan for the develop-
14 ment of environmental technologies within the De-
15 partment of Defense which shall specify goals and
16 objectives for the development of environmental
17 technologies within the Department and provide spe-
18 cific mechanisms for assuring the achievement of
19 such goals and objectives;

20 “(3) establish guidelines for use by the officials
21 concerned in preparing the annual performance
22 plans and performance reports required by this sec-
23 tion;

24 “(4) determine the feasibility of permitting such
25 officials to develop quantifiable and measurable per-

1 performance objectives for particular environmental
2 technology projects; and

3 “(5) if the Secretary determines that the devel-
4 opment of performance objectives for particular
5 technology projects by the officials referred to in
6 that paragraph is not feasible, establish a schedule
7 for meeting the performance plan requirements set
8 forth in subsection (c).

9 “(c) RESPONSIBILITIES WITHIN DEPARTMENT OF
10 DEFENSE.—(1) Each official concerned shall—

11 “(A) develop and implement an investment con-
12 trol process for the selection, management, and eval-
13 uation of environmental technologies by the depart-
14 ment or agencies; and

15 “(B) establish at the beginning of each fiscal
16 year a performance plan for the environmental tech-
17 nology program of the department or agencies.

18 “(2) An investment control process under paragraph
19 (1)(A) shall include, for the department or agency con-
20 cerned, mechanisms—

21 “(A) to ensure the identification of end-user re-
22 quirements for environmental technologies;

23 “(B) to prioritize such requirements within the
24 context of funding constraints and the overall envi-

1 ronmental technology requirements of the Depart-
2 ment of Defense;

3 “(C) to avoid duplication and overlap in the re-
4 search and development of environmental tech-
5 nologies both within the Department of Defense and
6 between the Department of Defense and other public
7 and private entities and persons;

8 “(D) to provide for the conduct of performance-
9 based reviews of environmental technologies that
10 take into account end-user evaluations of such tech-
11 nologies and permit a measurement of return on in-
12 vestments in such technologies;

13 “(E) to ensure that the environmental tech-
14 nology effort responds in an appropriate manner to
15 end-user requirements, program and funding prior-
16 ities and constraints, and the reviews conducted pur-
17 suant to subparagraph (D); and

18 “(F) to ensure appropriate protection of United
19 States interests in any intellectual property rights
20 associated with environmental technologies developed
21 by or with the assistance of the department or agen-
22 cies concerned.

23 “(3) A performance plan under paragraph (1)(B) for
24 the environmental technology program of a department or
25 agency for a fiscal year shall—

1 “(A) unless the Secretary of Defense deter-
2 mines that it is not feasible under subsection (b)(5),
3 establish performance objectives for each environ-
4 mental technology project under the program for the
5 fiscal year based on end-user requirements and pro-
6 gram priorities under the program, and express such
7 objectives in a quantifiable and measurable form;

8 “(B) provide a basis for comparing the actual
9 results of each project at the end of the fiscal year
10 with the performance objectives for the project for
11 the fiscal year;

12 “(C) establish means to validate the achieve-
13 ment of performance objectives for each project or to
14 specify the extent to which such validation is not
15 possible;

16 “(D) establish performance indicators for pur-
17 poses of measuring or assessing relevant outputs
18 and outcomes for each project for the fiscal year;
19 and

20 “(E) establish mechanisms for determining the
21 operational processes, skills and technology, human
22 capital, information, or other resources necessary to
23 meet the performance objectives for each project for
24 the fiscal year.

1 “(d) ANNUAL REPORT.—(1) Not later than March
2 31 each year, the Secretary of Defense shall submit to
3 Congress, at the same time as the Secretary submits the
4 report required by section 2706(b) of this title, a report
5 on the environmental technology program of the Depart-
6 ment of Defense during the preceding fiscal year.

7 “(2) Each report under paragraph (1) shall, with re-
8 spect to each project under the environmental technology
9 program of the Department—

10 “(A) set forth the performance objectives estab-
11 lished for the project for the fiscal year under sub-
12 section (c)(3) and assess the performance achieved
13 with respect to the project in light of performance
14 indicators for the project;

15 “(B) describe the extent to which the project
16 met the performance objectives established for the
17 project for the fiscal year;

18 “(C) if a project did not meet the performance
19 objectives for the project for the fiscal year,
20 include—

21 “(i) an explanation for the failure of the
22 project to meet the performance objectives; and

23 “(ii) either—

24 “(I) a modified schedule for meeting
25 the performance objectives; or

1 “(II) in the case of any performance
2 objective determined to be impracticable or
3 infeasible to meet, a statement of alter-
4 native actions to be taken with respect to
5 the project; and

6 “(D) set forth the level of effort, including the
7 funds obligated and expended, in the fiscal year for
8 the achievement of each performance objective for
9 the project.

10 “(e) OFFICIAL CONCERNED DEFINED.—In this sec-
11 tion, the term ‘official concerned’ means the following:

12 “(1) The Deputy Under Secretary of Defense
13 (Environmental Security), with respect to the envi-
14 ronmental technology program of the Defense Agen-
15 cies.

16 “(2) The Deputy Assistant Secretary of the
17 Army for Environment, Safety, and Occupational
18 Health, with respect to the environmental technology
19 program of the Army or any environmental program
20 technology for which the Army is the executive
21 agent.

22 “(3) The Deputy Assistant Secretary of the
23 Navy (Environment and Safety), with respect to the
24 environmental technology program of the Navy or

1 any environmental technology program for which the
2 Navy is the executive agent.

3 “(4) The Deputy Assistant Secretary of the Air
4 Force (Environment, Safety, and Occupational
5 Health), with respect to the environmental tech-
6 nology program of the Air Force or any environ-
7 mental technology program for which the Air Force
8 is the executive agent.”.

9 (c) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of chapter 139 of such title is amended
11 by inserting after the item relating to section 2358 the
12 following new item:

“2358a. Research and development: environmental technology.”.

13 **SEC. 322. ESTABLISHMENT OF ENVIRONMENTAL RES-**
14 **TORATION ACCOUNTS FOR INSTALLATIONS**
15 **CLOSED OR REALIGNED UNDER THE BASE**
16 **CLOSURE LAWS AND FOR FORMERLY USED**
17 **DEFENSE SITES.**

18 (a) ACCOUNT FOR FORMERLY USED DEFENSE
19 SITES.—Subsection (a) of section 2703 of title 10, United
20 States Code, is amended by adding at the end the fol-
21 lowing new paragraph:

22 “(5) An account to be known as the ‘Environ-
23 mental Restoration Account, Army, Formerly Used
24 Defense Sites’.”.

1 (b) ACCOUNT FOR DEFENSE BASE CLOSURE AND
2 REALIGNMENT.—That subsection is further amended by
3 adding at the end the following new paragraph:

4 “(6) An account to be known as the ‘Environ-
5 mental Restoration Account, Defense Base Closure
6 and Realignment’.”.

7 (c) USE OF FUNDS IN BASE CLOSURE AND REALIGN-
8 MENT ACCOUNT.—(1) Subsection (b) of that section is
9 amended—

10 (A) by striking “Funds authorized” and insert-
11 ing “(1) Except as provided in paragraph (2), funds
12 authorized”; and

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

14 “(2)(A) Funds authorized for deposit in the Environ-
15 mental Restoration Account, Defense Base Closure and
16 Realignment established under subsection (a)(6) may be
17 obligated and expended from the account only for carrying
18 out environmental restoration required as the result of the
19 closure or realignment of military installations pursuant
20 to a base closure law. Such funds shall be the exclusive
21 source of funds for such environmental restoration.

22 “(B) For purposes of this paragraph, the term ‘base
23 closure law’ means the following:

24 “(i) Section 2687 of this title.

1 “(ii) The Defense Base Closure and Realign-
2 ment Act of 1990 (part A of title XXIX of Public
3 Law 101–510; 10 U.S.C. 2687 note).

4 “(iii) Title II of the Defense Authorization
5 Amendments and Base Closure and Realignment
6 Act (Public Law 100–526; 10 U.S.C. 2687 note).”.

7 (2) Section 2906 of the Defense Base Closure and
8 Realignment Act of 1990 (part A of title XXIX of Public
9 Law 101–510; 10 U.S.C. 2687 note) is amended by strik-
10 ing subsection (e).

11 (d) TRANSFER OF BRAC ENVIRONMENTAL RES-
12 Toration Funds.—The Secretary of Defense shall trans-
13 fer from the Department of Defense Base Closure Account
14 1990 established by section 2906(a) of the Defense Base
15 Closure and Realignment Act of 1990 (part A of title
16 XXIX of Public Law 101–510; 10 U.S.C. 2687 note) to
17 the Environmental Restoration Account, Defense Base
18 Closure and Realignment established by section
19 2703(a)(6) of title 10, United States Code (as amended
20 by subsection (b)), such portion of the unobligated balance
21 in the Department of Defense Base Closure Account 1990
22 as of October 1, 2000, as the Secretary determines nec-
23 essary to carry out environmental restoration in accord-
24 ance with section 2703(b)(2) of title 10, United States
25 Code (as amended by subsection (c)(1)).

1 (e) FUNDING OF ADMINISTRATIVE EXPENSES AND
2 TECHNICAL ASSISTANCE.—Section 2705(g) of title 10,
3 United States Code, is amended to read as follows:

4 “(g) FUNDING.—(1) Except as provided in para-
5 graph (2), funds in the accounts established by section
6 2703(a) of this title shall be available for administrative
7 expenses and technical assistance under this section.

8 “(2) Funds in the account established by section
9 2703(a)(6) of this title shall be available for administra-
10 tive expenses and technical assistance under this section
11 with respect to an installation approved for closure or re-
12 alignment under a base closure law only to the extent that
13 the base closure law under which the installation is being
14 closed or realigned provides for the funding of environ-
15 mental restoration at the installation from an account es-
16 tablished for purposes of carrying out the closure or re-
17 alignment of installations.”.

18 (f) EFFECTIVE DATE.—(1) Except as provided in
19 paragraph (2), this section and the amendments made by
20 this section shall take effect on the date of the enactment
21 of this Act.

22 (2) The amendments made by subsections (b) and (c)
23 shall take effect on October 1, 2000.

1 **SEC. 323. EXTENSION OF LIMITATION ON PAYMENT OF**
2 **FINES AND PENALTIES USING FUNDS IN EN-**
3 **VIRONMENTAL RESTORATION ACCOUNTS.**

4 Section 2703(e) of title 10, United States Code, is
5 amended by striking “through 1999,” both places it ap-
6 pears and inserting “through 2010,”.

7 **SEC. 324. MODIFICATION OF REQUIREMENTS FOR ANNUAL**
8 **REPORTS ON ENVIRONMENTAL COMPLIANCE**
9 **ACTIVITIES.**

10 (a) MODIFICATION OF REQUIREMENTS.—Subsection
11 (b) of section 2706 of title 10, United States Code, is
12 amended to read as follows:

13 “(b) REPORT ON ENVIRONMENTAL QUALITY PRO-
14 GRAMS AND OTHER ENVIRONMENTAL ACTIVITIES.—(1)
15 The Secretary of Defense shall submit to Congress each
16 year, not later than 45 days after the date on which the
17 President submits to Congress the budget for a fiscal year,
18 a report on the progress made in carrying out activities
19 under the environmental quality programs of the Depart-
20 ment of Defense and the military departments.

21 “(2) Each report shall include the following:

22 “(A) A description of the environmental quality
23 program of the Department of Defense, and of each
24 of the military departments, during the period con-
25 sisting of the four fiscal years preceding the fiscal
26 year in which the report is submitted, the fiscal year

1 in which the report is submitted, and the fiscal year
2 following the fiscal year in which the report is sub-
3 mitted, including—

4 “(i) for each of the major activities under
5 the program—

6 “(I) the amount expended, or pro-
7 posed to be expended, in each fiscal year of
8 the period;

9 “(II) an explanation for any signifi-
10 cant change in the aggregate amount to be
11 expended in the fiscal year in which the re-
12 port is submitted, and in the following fis-
13 cal year, when compared with the fiscal
14 year preceding each such fiscal year; and

15 “(III) an assessment of the manner in
16 which the scope of the activities have
17 changed over the course of the period; and

18 “(ii) a summary of the major achievements
19 of the program and of any major problems with
20 the program.

21 “(B) A list of the planned or ongoing projects
22 necessary to support the environmental quality pro-
23 gram of the Department of Defense, and of each of
24 the military departments, during the period de-
25 scribed in subparagraph (A) the cost of which has

1 exceeded or is anticipated to exceed \$1,500,000,
2 including—

3 “(i) a separate list of the projects inside
4 the United States and of the projects outside
5 the United States;

6 “(ii) for each project commenced during
7 the first four fiscal years of the period—

8 “(I) the amount specified in the initial
9 budget request for the project;

10 “(II) the aggregate amount allocated
11 to the project through the fiscal year pre-
12 ceding the fiscal year in which the report
13 is submitted; and

14 “(III) the aggregate amount obligated
15 for the project through that fiscal year;

16 “(iii) for each project commenced or to be
17 commenced in the fiscal year in which the re-
18 port is submitted—

19 “(I) the amount specified for the
20 project in the budget for the fiscal year;
21 and

22 “(II) the amount allocated to the
23 project in the fiscal year;

24 “(iv) for each project to be commenced in
25 the last fiscal year of the period, the amount,

1 if any, specified for the project in the budget
2 for the fiscal year; and

3 “(v) if the anticipated aggregate cost of
4 any project covered by the report will exceed by
5 more than 25 percent the amount specified in
6 the initial budget request for such project, a
7 justification for that variance.

8 “(C) A statement of the fines and penalties im-
9 posed or assessed against the Department of De-
10 fense and the military departments under Federal,
11 State, or local environmental laws during the fiscal
12 year in which the report is submitted and the four
13 preceding fiscal years, setting forth—

14 “(i) each Federal environmental statute
15 under which a fine or penalty was imposed or
16 assessed during each such fiscal year;

17 “(ii) with respect to each such Federal
18 statute—

19 “(I) the aggregate amount of fines
20 and penalties imposed under the statute
21 during each such fiscal year;

22 “(II) the aggregate amount of fines
23 and penalties paid under the statute dur-
24 ing each such fiscal year; and

1 “(III) the total amount required dur-
2 ing such fiscal years for supplemental envi-
3 ronmental projects in lieu of the payment
4 of a fine or penalty under the statute and
5 the extent to which the cost of such
6 projects during such fiscal years has ex-
7 ceeded the original amount of the fine or
8 penalty; and

9 “(iii) the amount of fines and penalties im-
10 posed or assessed during each such fiscal year
11 with respect to each military installation inside
12 and outside the United States.

13 “(D) A statement of the amounts expended,
14 and anticipated to be expended, during the period
15 described in subparagraph (A) for any activities
16 overseas relating to the environment, including
17 amounts for activities relating to environmental re-
18 mediation, compliance, conservation, pollution pre-
19 vention, and environmental technology and amounts
20 for conferences, meetings, and studies for pilot pro-
21 grams, and for travel related to such activities.”.

22 (b) CONFORMING REPEAL.—That section is further
23 amended—

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

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

3 (c) DEFINITIONS.—Subsection (d) of that section, as
4 redesignated by subsection (b)(2) of this section, is
5 amended by adding at the end the following:

6 “(4) The term ‘environmental quality program’
7 means a program of activities relating to environ-
8 mental compliance, conservation, pollution preven-
9 tion, environmental technology, and such other ac-
10 tivities relating to environmental quality as the Sec-
11 retary concerned may designate for purposes of the
12 program.

13 “(5) The term ‘major activities’, with respect to
14 an environmental quality program, means the fol-
15 lowing activities under the program:

16 “(A) Environmental compliance activities.

17 “(B) Conservation activities.

18 “(C) Pollution prevention activities.

19 “(D) Activities relating to environmental
20 technology.”.

21 **SEC. 325. MODIFICATION OF MEMBERSHIP OF STRATEGIC**
22 **ENVIRONMENTAL RESEARCH AND DEVELOP-**
23 **MENT PROGRAM COUNCIL.**

24 Section 2902(b)(1) of title 10, United States Code,
25 is amended by striking “Director of Defense Research and

1 Engineering” and inserting “Deputy Under Secretary of
2 Defense for Science and Technology”.

3 **SEC. 326. EXTENSION OF PILOT PROGRAM FOR SALE OF**
4 **AIR POLLUTION EMISSION REDUCTION IN-**
5 **CENTIVES.**

6 Section 351(a)(2) of the National Defense Authoriza-
7 tion Act for Fiscal Year 1998 (Public Law 105–85; 111
8 Stat. 1692; 10 U.S.C. 2701 note) is amended by striking
9 “beginning on the date of the enactment of this Act and
10 ending two years after such date” and inserting “begin-
11 ning on November 18, 1997, and ending on September
12 30, 2001”.

13 **SEC. 327. REIMBURSEMENT OF ENVIRONMENTAL PROTEC-**
14 **TION AGENCY FOR CERTAIN COSTS IN CON-**
15 **NECTION WITH FRESNO DRUM SUPERFUND**
16 **SITE, FRESNO, CALIFORNIA.**

17 (a) **AUTHORITY.**—The Secretary of Defense may pay,
18 using funds described in subsection (b), to the Fresno
19 Drum Special Account within the Hazardous Substance
20 Superfund established by section 9507 of the Internal
21 Revenue Code of 1986 (26 U.S.C. 9507) to reimburse the
22 Environmental Protection Agency for costs incurred by
23 the Agency for actions taken under CERCLA at the Fres-
24 no Industrial Supply, Inc., site in Fresno, California, the
25 following amounts:

1 (1) Not more than \$778,425 for past response
2 costs incurred by the Agency.

3 (2) The amount of the costs identified as “in-
4 terest” costs pursuant to the agreement known as
5 the “CERCLA Section 122(h)(1) Agreement for
6 Payment of Future Response Costs and Recovery of
7 Past Response Costs In the Matter of: Fresno In-
8 dustrial Supply Inc. Site, Fresno, California” that
9 was entered into by the Department of Defense and
10 the Environmental Protection Agency on May 22,
11 1998.

12 (b) SOURCE OF FUNDS FOR PAYMENT.—(1) Subject
13 to paragraph (2), any payment under subsection (a) shall
14 be made using the following amounts:

15 (A) Amounts authorized to be appropriated by
16 section 301 to the Environmental Restoration Ac-
17 count, Defense, established by section 2703(a)(1) of
18 title 10, United States Code.

19 (B) Amounts authorized to be appropriated by
20 section 301 to the Environmental Restoration Ac-
21 count, Army, established by section 2703(a)(2) of
22 that title.

23 (C) Amounts authorized to be appropriated by
24 section 301 to the Environmental Restoration Ac-

1 count, Navy, established by section 2703(a)(3) of
2 that title.

3 (D) Amounts authorized to be appropriated by
4 section 301 to the Environmental Restoration Ac-
5 count, Air Force, established by section 2703(a)(4)
6 of that title.

7 (2) The portion of a payment under paragraph (1)
8 that is derived from any account referred to in that para-
9 graph shall bear the same ratio to the total amount of
10 such payment as the amount of the hazardous substances
11 at the Fresno Industrial Supply, Inc., site that are attrib-
12 utable to the department concerned bears to the total
13 amount of the hazardous substances at that site.

14 (c) CERCLA DEFINED.—In this section, the term
15 “CERCLA” means the Comprehensive Environmental Re-
16 sponse, Compensation, and Liability Act of 1980 (42
17 U.S.C. 9601 et seq.).

18 **SEC. 328. PAYMENT OF STIPULATED PENALTIES ASSESSED**
19 **UNDER CERCLA IN CONNECTION WITH F.E.**
20 **WARREN AIR FORCE BASE, WYOMING.**

21 (a) AUTHORITY.—The Secretary of the Air Force
22 may pay, using funds described in subsection (b), not
23 more than \$20,000 as payment of stipulated civil penalties
24 assessed on January 13, 1998, against F.E. Warren Air
25 Force Base, Wyoming, under the Comprehensive Environ-

1 mental Response, Compensation, and Liability Act of
2 1980 (42 U.S.C. 9601 et seq.).

3 (b) SOURCE OF FUNDS FOR PAYMENT.—Any pay-
4 ment under subsection (a) shall be made using amounts
5 authorized to be appropriated by section 301 to the Envi-
6 ronmental Restoration Account, Air Force, established by
7 section 2703(a)(4) of title 10, United States Code.

8 **SEC. 329. PROVISION OF INFORMATION AND GUIDANCE TO**
9 **THE PUBLIC REGARDING ENVIRONMENTAL**
10 **CONTAMINATION AT UNITED STATES MILI-**
11 **TARY INSTALLATIONS FORMERLY OPERATED**
12 **BY THE UNITED STATES THAT HAVE BEEN**
13 **CLOSED.**

14 (a) DISCLOSURE.—

15 (1) REQUIREMENT TO PROVIDE INFORMATION
16 AND GUIDANCE.—The Secretary of Defense shall
17 publicly disclose existing, available information rel-
18 evant to a foreign nation's determination of the na-
19 ture and extent of environmental contamination, if
20 any, at a site in that foreign nation where the
21 United States operated a military base, installation,
22 and facility that has been closed as of the date of
23 enactment of this Act.

24 (2) CONGRESSIONAL LIST.—Not later than Sep-
25 tember 30, 2000, the Secretary of Defense shall pro-

1 vide Congress a list of information made public pur-
2 suant to paragraph (1).

3 (b) **LIMITATION.**—The requirement to provide infor-
4 mation and guidance under subsection (a) may not be con-
5 strued to establish on the part of the United States any
6 liability or obligation for the costs of environmental res-
7 toration or remediation at any site referred to in sub-
8 section (a).

9 (c) **NATIONAL SECURITY.**—Information the Sec-
10 retary of Defense believes could adversely affect United
11 States National Security shall not be released pursuant
12 to this provision.

13 **SEC. 330. ORDNANCE MITIGATION STUDY.**

14 (a) The Secretary of Defense is directed to undertake
15 a study and is authorized to remove ordnance infiltrating
16 the Federal navigation channel and adjacent shorelines of
17 the Toussaint River.

18 (b) The Secretary shall report to the congressional
19 defense committees and the Senate Committee on Envi-
20 ronment and Public Works on long-term solutions and
21 costs related to the removal of ordnance in the Toussaint
22 River, Ohio. The Secretary shall also evaluate any ongoing
23 use of Lake Erie as an ordnance firing range and justify
24 the need to continue such activities by the Department

1 of Defense or its contractors. The Secretary shall report
2 not later than April 1, 2000.

3 (c) This provision shall not modify any responsibil-
4 ities and authorities provided in the Water Resources De-
5 velopment Act of 1986, as amended (Public Law 99–662).

6 (d) The Secretary is authorized to use any funds
7 available to the Secretary to carry out the authority pro-
8 vided in subsection (a).

9 **Subtitle D—Other Matters**

10 **SEC. 341. EXTENSION OF WARRANTY CLAIMS RECOVERY** 11 **PILOT PROGRAM.**

12 Section 391(f) of the National Defense Authorization
13 Act for Fiscal Year 1998 (Public Law 104–85; 111 Stat.
14 1716; 10 U.S.C. 2304 note) is amended by striking “Sep-
15 tember 30, 1999” and inserting “September 30, 2000”.

16 **SEC. 342. ADDITIONAL MATTERS TO BE REPORTED BE-** 17 **FORE PRIME VENDOR CONTRACT FOR** 18 **DEPOT-LEVEL MAINTENANCE AND REPAIR IS** 19 **ENTERED INTO.**

20 Section 346(a) of the Strom Thurmond National De-
21 fense Authorization Act for Fiscal Year 1999 (Public Law
22 105–261; 112 Stat. 1979; 10 U.S.C. 2464 note) is
23 amended—

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

25 (1);

1 (2) by striking the period at the end of para-
2 graph (2) and inserting a semicolon; and

3 (3) by adding at the end the following:

4 “(3) contains an analysis of the extent to which
5 the contract conforms to the requirements of section
6 2466 of title 10, United States Code; and

7 “(4) describes the measures taken to ensure
8 that the contract does not violate the core logistics
9 policies, requirements, and restrictions set forth in
10 section 2464 of that title.”.

11 **SEC. 343. IMPLEMENTATION OF JOINTLY APPROVED**
12 **CHANGES IN DEFENSE RETAIL SYSTEMS.**

13 (a) **RECOMMENDATIONS OF JOINT EXCHANGE DUE**
14 **DILIGENCE STUDY.**—Subsection (c) of section 367 of the
15 Strom Thurmond National Defense Authorization Act for
16 Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1987;
17 10 U.S.C. 2482 note) is amended by striking “may not
18 be implemented unless implementation of the rec-
19 ommendation” and inserting “may be implemented only
20 if implementation of the recommendation is approved by
21 all of the Secretaries of the military departments or”.

22 (b) **CONFORMING AMENDMENT.**—Subsection (b) of
23 such section is amended by striking “The operation” and
24 inserting “Except as provided in subsection (c), the oper-
25 ation”.

1 **SEC. 344. WAIVER OF REQUIRED CONDITION FOR SALES**
2 **OF ARTICLES AND SERVICES OF INDUSTRIAL**
3 **FACILITIES TO PURCHASERS OUTSIDE THE**
4 **DEPARTMENT OF DEFENSE**

5 (a) SALES TO DEFENSE CONTRACTORS.—Section
6 2208(j) of title 10, United States Code, is amended—

7 (1) by redesignating paragraphs (1) and (2) as
8 subparagraphs (A) and (B), respectively;

9 (2) by inserting “(1)” after “(j)”; and

10 (3) by adding at the end the following:

11 “(2) WAIVER AUTHORITY.—The Secretary of De-
12 fense may waive the requirement for the conditions in
13 paragraph (1) in the case of a particular sale if the Sec-
14 retary determines that the waiver is necessary for reasons
15 of national security and notifies Congress regarding the
16 reasons for the waiver.”.

17 (b) SALES TO PURCHASERS GENERALLY.—Section
18 2553 of title 10, United States Code, is amended—

19 (1) by redesignating subsections (d), (e), (f),
20 and (g) as subsections (e), (f), (g), and (h), respec-
21 tively; and

22 (2) by inserting after subsection (c) the fol-
23 lowing new subsection (d):

24 “(d) WAIVER AUTHORITY.—The Secretary of De-
25 fense may waive the requirement for the condition in sub-
26 sections (a)(1) and (c)(1) in the case of a particular sale

1 if the Secretary determines that the waiver is necessary
2 for reasons of national security and notifies Congress re-
3 garding the reasons for the waiver.”.

4 **SEC. 345. ELIGIBILITY TO RECEIVE FINANCIAL ASSIST-**
5 **ANCE AVAILABLE FOR LOCAL EDUCATIONAL**
6 **AGENCIES THAT BENEFIT DEPENDENTS OF**
7 **DEPARTMENT OF DEFENSE PERSONNEL.**

8 Section 386(c)(1) of the National Defense Authoriza-
9 tion Act for Fiscal Year 1993 (Public Law 102–484; 20
10 U.S.C. 7703 note) is amended by striking “in that fiscal
11 year are” and inserting “during the preceding school year
12 were”.

13 **SEC. 346. USE OF SMART CARD TECHNOLOGY IN THE DE-**
14 **PARTMENT OF DEFENSE.**

15 (a) LEADERSHIP, PLANNING, AND EXECUTION OF
16 SMART CARD PROGRAM.—(1) Not later than October 1,
17 1999, the Secretary of Defense shall designate the Depart-
18 ment of the Navy to be the lead agency for the develop-
19 ment and implementation of a Smart Card program for
20 the Department of Defense effective as of the date of the
21 designation.

22 (2) The Secretary of Defense shall direct the Sec-
23 retary of the Army and the Secretary of the Air Force
24 to establish Smart Card project offices for the Department
25 of the Army and the Department of the Air Force, respec-

1 tively, not later than November 30, 1999. The designated
2 offices shall coordinate closely with the lead agency to de-
3 velop implementation plans for exploiting the capability of
4 Smart Card technology as a means for enhancing readi-
5 ness and improving business processes throughout the
6 military departments.

7 (3) Not later than November 30, 1999, the Secretary
8 of Defense shall establish a senior coordinating group
9 chaired by a representative of the Secretary of the Navy.
10 The group shall include senior representatives from each
11 of the Armed Forces. The senior coordinating group shall
12 develop and implement Department-wide interoperability
13 standards for use of Smart Card technology and a plan
14 to exploit Smart Card technology as a means for enhanc-
15 ing readiness and improving business processes.

16 (4) The Secretary of the Army and the Secretary of
17 the Air Force, in coordination with the Secretary of the
18 Navy, shall each develop and implement a program to
19 demonstrate the benefits of Smart Card technology in the
20 Army and the Air Force, respectively.

21 (b) INCREASED USE TARGETED TO CERTAIN NAVAL
22 REGIONS.—Not later than November 30, 1999, the Sec-
23 retary of the Navy shall establish a business plan to imple-
24 ment the use of Smart Cards in one major Naval region
25 of the continental United States that is in the area of op-

1 erations of the United States Atlantic Command and one
2 major Naval region of the continental United States that
3 is in the area of operations of the United States Pacific
4 Command. The regions selected shall include a major fleet
5 concentration area. The implementation of the use of
6 Smart Cards in each region shall cover the Navy and Ma-
7 rine Corps bases and all non-deployed units in the region.
8 The Secretary of the Navy shall submit the business plan
9 to the congressional defense committees.

10 (c) FUNDING FOR INCREASED USE OF SMART
11 CARDS.—(1) Of the funds authorized to be appropriated
12 for the Navy for fiscal year 2000 under section 102(a)(4)
13 or 301(a)(2), the Secretary of the Navy—

14 (A) shall allocate sufficient amounts, up to
15 \$30,000,000, for ensuring that significant progress
16 is made toward complete implementation of the use
17 of Smart Card technology in the Department of the
18 Navy; and

19 (B) may allocate additional amounts for the
20 conversion of paper-based records to electronic
21 media for records systems that have been modified
22 to use Smart Card technology.

23 (2) Of the funds authorized to be appropriated under
24 section 301(a)(1), up to \$5,000,000 shall be available for
25 Army demonstration programs under subsection (a)(4). Of

1 the funds authorized to be appropriated under section
2 301(a)(4), up to \$5,000,000 shall be available for Air
3 Force demonstration programs under subsection (a)(4).

4 (d) REPORT.—Not later than March 31, 2000, the
5 Secretary of Defense shall submit to the Committees on
6 Armed Services of the Senate and the House of Represent-
7 atives a report containing a detailed discussion of the
8 progress made by the senior coordinating group in car-
9 rying out its duties under subsection (a)(3).

10 (e) DEFINITIONS.—In this section:

11 (1) The term “Smart Card” means a credit
12 card-size device, normally for carrying and use by
13 personnel, that contains one or more integrated cir-
14 cuits and may also employ one or more of the fol-
15 lowing technologies:

16 (A) Magnetic stripe.

17 (B) Bar codes, linear or two-dimensional.

18 (C) Non-contact and radio frequency
19 transmitters.

20 (D) Biometric information.

21 (E) Encryption and authentication.

22 (F) Photo identification.

23 (2) The term “Smart Card technology” means
24 a Smart Card together with all of the associated in-

1 formation technology hardware and software that
2 comprise the system for support and operation.

3 (f) REPEAL OF REQUIREMENT FOR AUTOMATED
4 IDENTIFICATION TECHNOLOGY OFFICE.—Section 344(b)
5 of the Strom Thurmond National Defense Authorization
6 Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat.
7 1977; 10 U.S.C. 113 note) is repealed.

8 **SEC. 347. STUDY ON USE OF SMART CARD AS PKI AUTHEN-**
9 **TICATION DEVICE CARRIER FOR THE DE-**
10 **PARTMENT OF DEFENSE.**

11 (a) STUDY REQUIRED.—The Secretary of Defense
12 shall conduct a study to determine the potential benefits
13 of Department of Defense use of the Smart Card for ad-
14 dressing the need of the Department of Defense for a Pub-
15 lic-Private Key Infrastructure (PKI) authentication device
16 carrier.

17 (b) REPORT.—Not later than January 31, 2000, the
18 Secretary shall submit to the Committees on Armed Serv-
19 ices of the Senate and the House of Representatives a re-
20 port on the results of the study. The report shall include
21 the Secretary’s findings and any recommendations that
22 the Secretary considers appropriate regarding Department
23 of Defense use of the Smart Card for addressing the need
24 identified in subsection (a).

25 (c) DEFINITIONS.—In this section:

1 (1) The term “Smart Card” means a credit
2 card-size device, normally for carrying and use by
3 personnel, that contains one or more integrated cir-
4 cuits and may also employ one or more of the fol-
5 lowing technologies:

6 (A) Magnetic stripe.

7 (B) Bar codes, linear or two-dimensional.

8 (C) Non-contact and radio frequency
9 transmitters.

10 (D) Biometric information.

11 (E) Encryption and authentication.

12 (F) Photo identification.

13 (2) The term “Public-Private Key Infrastruc-
14 ture (PKI) authentication device carrier” means a
15 device that physically stores, carries, and employs
16 electronic authentication or encryption keys nec-
17 essary to create a unique digital signature, digital
18 certificate, or other mark on an electronic document
19 or file.

20 **SEC. 348. REVISION OF AUTHORITY TO DONATE CERTAIN**
21 **ARMY MATERIEL FOR FUNERAL CERE-**
22 **MONIES.**

23 (a) AUTHORITY.—Section 4683 of title 10, United
24 States Code, is amended—

25 (1) in subsection (a)(1)—

1 (A) by striking “lend obsolete or con-
2 demned rifles (not more than 10)” and insert-
3 ing “conditionally lend or donate excess M1 ri-
4 fles (not more than 15)”; and

5 (B) by striking “any local unit of any na-
6 tional veterans’ organization recognized by the
7 Department of Veterans Affairs, for use by that
8 unit” and inserting “a unit or other organiza-
9 tion of honor guards recognized by the Sec-
10 retary of the Army as honor guards for a na-
11 tional cemetery, a law enforcement agency, or a
12 local unit of any organization that, as deter-
13 mined by the Secretary of the Army, is a na-
14 tionally recognized veterans’ organization, for
15 use by that unit, organization, or agency”; and
16 (2) by adding at the end the following:

17 “(c) CONDITIONS ON DONATIONS.—In lending or do-
18 nating rifles under subsection (a), the Secretary of the
19 Army may impose any condition on the use of the rifles
20 that the Secretary considers appropriate.”.

21 (b) TECHNICAL AMENDMENTS.—Such section is fur-
22 ther amended—

23 (1) in subsection (a), by inserting “AUTHOR-
24 ITY.—” after “(a)”; and

1 (2) in subsection (b), by inserting “RELIEF
2 FROM LIABILITY.—” after “(b)”.

3 **SEC. 349. MODIFICATION OF LIMITATION ON FUNDING AS-**
4 **SISTANCE FOR PROCUREMENT OF EQUIP-**
5 **MENT FOR THE NATIONAL GUARD FOR DRUG**
6 **INTERDICTION AND COUNTER-DRUG ACTIVI-**
7 **TIES.**

8 Section 112(a)(3) of title 32, United States Code, is
9 amended by striking “per purchase order” in the second
10 sentence and inserting “per item”.

11 **SEC. 350. AUTHORITY FOR PAYMENT OF SETTLEMENT**
12 **CLAIMS.**

13 (a) **AUTHORITY TO MAKE PAYMENTS.**—Subject to
14 the provisions of this section, the Secretary of Defense is
15 authorized to make payments for the settlement of the
16 claims arising from the deaths caused by the accident in-
17 volving a United States Marine Corps EA-6B aircraft on
18 February 3, 1998, near Cavalese, Italy and the subsequent
19 determination that parties involved in the accident ob-
20 structed the investigation by disposing of evidence.

21 (b) **DEADLINE FOR EXERCISE OF AUTHORITY.**—The
22 Secretary shall make the decision to exercise the authority
23 in subsection (a) not later than 90 days after the date
24 of enactment of this Act.

1 (c) SOURCE OF PAYMENTS.—Notwithstanding any
2 other provision of law, of the amounts appropriated or oth-
3 erwise made available for the Department of Navy for op-
4 eration and maintenance for fiscal year 2000 or other un-
5 expended balances from prior years, the Secretary shall
6 make available \$40,000,000 only for emergency and ex-
7 traordinary expenses associated with the settlement of the
8 claims arising from the accident and the subsequent deter-
9 mination that parties involved in the accident obstructed
10 the investigation by disposing of evidence described in sub-
11 section (a).

12 (d) AMOUNT OF PAYMENT.—The amount of the pay-
13 ment under this section in settlement of the claims arising
14 from the death of any person associated with the accident
15 described in subsection (a) may not exceed \$2,000,000.

16 (e) TREATMENT OF PAYMENTS.—Any amount paid
17 to a person under this section is intended to supplement
18 any amount subsequently determined to be payable to the
19 person under section 127 or chapter 163 of title 10,
20 United States Code, or any other provision of law for ad-
21 ministrative settlement of claims against the United
22 States with respect to damages arising from the accident
23 described in subsection (a).

24 (f) CONSTRUCTION.—The payment of an amount
25 under this section may not be considered to constitute a

1 statement of legal liability on the part of the United States
2 or otherwise as evidence of any material fact in any judi-
3 cial proceeding or investigation arising from the accident
4 described in subsection (a).

5 (g) RESOLUTION OF OTHER CLAIMS.—No payments
6 under this section or any other provision of law for the
7 settlement of claims arising from the accident described
8 in subsection (a) shall be made to citizens of Germany
9 until the Government of Germany provides a comparable
10 settlement of the claims arising from the deaths of the
11 United States servicemen caused by the collision between
12 a United States Air Force C-141 Starlifter aircraft and
13 a German Luftwaffe Tupelov TU-154M aircraft off the
14 coast of Namibia, on September 13, 1997.

15 **SEC. 351. SENSE OF SENATE REGARDING SETTLEMENT OF**
16 **CLAIMS OF AMERICAN SERVICEMEN'S FAMI-**
17 **LIES REGARDING DEATHS RESULTING FROM**
18 **THE ACCIDENT OFF THE COAST OF NAMIBIA**
19 **ON SEPTEMBER 13, 1997.**

20 (a) FINDINGS.—The Senate makes the following
21 findings:

22 (1) On September 13, 1997, a German
23 Luftwaffe Tupelov TU-154M aircraft collided with a
24 United States Air Force C-141 Starlifter aircraft
25 off the coast of Namibia.

1 (2) As a result of that collision nine members
2 of the United States Air Force were killed, namely
3 Staff Sergeant Stacey D. Bryant, 32, loadmaster,
4 Providence, Rhode Island; Staff Sergeant Gary A.
5 Bucknam, 25, flight engineer, Oakland, Maine; Cap-
6 tain Gregory M. Cindrich, 28, pilot, Byrans Road,
7 Maryland; Airman 1st Class Justin R. Drager, 19,
8 loadmaster, Colorado Springs, Colorado; Staff Ser-
9 geant Robert K. Evans, 31, flight engineer, Garri-
10 son, Kentucky; Captain Jason S. Ramsey, 27, pilot,
11 South Boston, Virginia; Staff Sergeant Scott N.
12 Roberts, 27, flight engineer, Library, Pennsylvania;
13 Captain Peter C. Vallejo, 34, aircraft commander,
14 Crestwood, New York; and Senior Airman Frankie
15 L. Walker, 23, crew chief, Windber, Pennsylvania.

16 (3) The Final Report of the Ministry of De-
17 fense of the Defense Committee of the German Bun-
18 destag states unequivocally that, following an inves-
19 tigation, the Directorate of Flight Safety of the Ger-
20 man Federal Armed Forces assigned responsibility
21 for the collision to the Aircraft Commander/Com-
22 mandant of the Luftwaffe Tupelov TU-154M air-
23 craft for flying at a flight level that did not conform
24 to international flight rules.

1 (4) The United States Air Force accident inves-
2 tigation report concluded that the primary cause of
3 the collision was the Luftwaffe Tupelov TU-154M
4 aircraft flying at an incorrect cruise altitude.

5 (5) Procedures for filing claims under the Sta-
6 tus of Forces Agreement are unavailable to the fami-
7 lies of the members of the United States Air Force
8 killed in the collision.

9 (6) The families of the members of the United
10 States Air Force killed in the collision have filed
11 claims against the Government of Germany.

12 (7) The Senate has adopted an amendment au-
13 thorizing the payment to citizens of Germany of a
14 supplemental settlement of claims arising from the
15 deaths caused by the accident involving a United
16 States Marine Corps EA-6B aircraft on February 3,
17 1998, near Cavalese, Italy.

18 (b) SENSE OF SENATE.—It is the sense of the Senate
19 that—

20 (1) the Government of Germany should prompt-
21 ly settle with the families of the members of the
22 United States Air Force killed in a collision between
23 a United States Air Force C-141 Starlifter aircraft
24 and a German Luftwaffe Tupelov TU-154M aircraft

1 off the coast of Namibia on September 13, 1997;
2 and

3 (2) the United States should not make any pay-
4 ment to citizens of Germany as settlement of such
5 citizens' claims for deaths arising from the accident
6 involving a United States Marine Corps EA-6B air-
7 craft on February 3, 1998, near Cavalese, Italy,
8 until a comparable settlement is reached between the
9 Government of Germany and the families described
10 in paragraph (1) with respect to the collision de-
11 scribed in that paragraph.

12 **TITLE IV—MILITARY**
13 **PERSONNEL AUTHORIZATIONS**
14 **Subtitle A—Active Forces**

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

16 The Armed Forces are authorized strengths for active
17 duty personnel as of September 30, 2000, as follows:

- 18 (1) The Army, 480,000.
19 (2) The Navy, 371,781.
20 (3) The Marine Corps, 172,240.
21 (4) The Air Force, 360,877.

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

3 (a) REVISED END STRENGTH FLOORS.—Subsection
4 (b) of section 691 of title 10, United States Code, is
5 amended—

6 (1) in paragraph (2), by striking out “372,696”
7 and inserting in lieu thereof “371,781”;

8 (2) in paragraph (3), by striking out “172,200”
9 and inserting in lieu thereof “172,148”; and

10 (3) in paragraph (4), by striking out “370,802”
11 and inserting in lieu thereof “360,877”.

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

14 **SEC. 403. REDUCTION OF END STRENGTHS BELOW LEVELS**
15 **FOR TWO MAJOR REGIONAL CONTIN-**
16 **GENCIES.**

17 Section 691(d) of title 10, United States Code, is
18 amended by striking “unless” and all that follows and in-
19 serting “unless the Secretary of Defense first submits to
20 Congress a written notification of the proposed lower end
21 strength together with the justification for the lower end
22 strength. The Secretary may submit the notification and
23 justification with the budget for the department for the
24 fiscal year.”.

1 **Subtitle B—Reserve Forces**

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

3 (a) IN GENERAL.—The Armed Forces are authorized
4 strengths for Selected Reserve personnel of the reserve
5 components as of September 30, 2000, as follows:

6 (1) The Army National Guard of the United
7 States, 350,623.

8 (2) The Army Reserve, 205,000.

9 (3) The Naval Reserve, 90,288.

10 (4) The Marine Corps Reserve, 39,624.

11 (5) The Air National Guard of the United
12 States, 106,744.

13 (6) The Air Force Reserve, 73,764.

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

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

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

22 (2) the total number of individual members not
23 in units organized to serve as units of the Selected
24 Reserve of such component who are on active duty
25 (other than for training or for unsatisfactory partici-

1 pation in training) without their consent at the end
2 of the fiscal year.

3 Whenever such units or such individual members are re-
4 leased from active duty during any fiscal year, the end
5 strength prescribed for such fiscal year for the Selected
6 Reserve of such reserve component shall be proportion-
7 ately increased by the total authorized strengths of such
8 units and by the total number of such individual members.

9 (c) PERMANENT WAIVER AUTHORITY.—Section
10 115(c) of title 10, United States Code, is amended—

11 (1) by striking the “and” at the end of para-
12 graph (1);

13 (2) by striking the period at the end of the
14 paragraph (2) and inserting “; and”; and

15 (3) by adding at the end the following:

16 “(3) increase the end strength authorized pur-
17 suant to subsection (a)(2) for a fiscal year for the
18 Selected Reserve of a reserve component of any of
19 the armed forces by a number equal to not more
20 than 2 percent of that end strength.”.

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

23 Within the end strengths prescribed in section
24 411(a), the reserve components of the Armed Forces are
25 authorized, as of September 30, 2000, the following num-

1 ber of Reserves to be serving on full-time active duty or
2 full-time duty, in the case of members of the National
3 Guard, for the purpose of organizing, administering, re-
4 cruiting, instructing, or training the reserve components:

5 (1) The Army National Guard of the United
6 States, 22,430.

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

8 (3) The Naval Reserve, 15,010.

9 (4) The Marine Corps Reserve, 2,272.

10 (5) The Air National Guard of the United
11 States, 11,157.

12 (6) The Air Force Reserve, 1,134.

13 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS.**

14 (a) **DUAL STATUS TECHNICIANS.**—The minimum
15 number of military technicians (dual status) as of Sep-
16 tember 30, 2000, for the reserve components of the Army
17 and the Air Force (notwithstanding section 129 of title
18 10, United States Code) shall be the following:

19 (1) For the Army Reserve, 5,179.

20 (2) For the Army National Guard of the United
21 States, 22,396.

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

23 (4) For the Air National Guard of the United
24 States, 22,247.

1 (b) NON-DUAL STATUS TECHNICIANS.—The reserve
 2 components of the Army and Air Force are (notwith-
 3 standing section 129 of title 10, United States Code) au-
 4 thorized strengths for military technicians (non-dual sta-
 5 tus) as of September 30, 2000, as follows:

6 (1) For the Army Reserve, 1,295.

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

9 (3) For the Air Force Reserve, 342.

10 (4) For the Air National Guard of the United
 11 States, 342.

12 **SEC. 414. INCREASE IN NUMBERS OF MEMBERS IN CER-**
 13 **TAIN GRADES AUTHORIZED TO BE ON ACTIVE**
 14 **DUTY IN SUPPORT OF THE RESERVES.**

15 (a) OFFICERS.—The table in section 12011(a) of title
 16 10, United States Code, is amended to read as follows:

“Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,227	1,071	860	140
Lieutenant Colonel or Commander	1,611	520	777	90
Colonel or Navy Captain	471	188	297	30”.

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

“Grade	Army	Navy	Air Force	Marine Corps
E-9	645	202	405	20
E-8	2,593	429	1,041	94”.

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

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

5 There is hereby authorized to be appropriated to the
6 Department of Defense for military personnel for fiscal
7 year 2000 a total of \$71,693,093,000, and in addition
8 funds in the total amount of \$1,838,426,000 are author-
9 ized to be appropriated as emergency appropriations to the
10 Department of Defense for fiscal year 2000 for military
11 personnel, as appropriated in section 2012 of the 1999
12 Emergency Supplemental Appropriations Act (Public Law
13 106–31). The authorization in the preceding sentence su-
14 persedes any other authorization of appropriations (defi-
15 nite or indefinite) for such purpose for fiscal year 2000.

16 **TITLE V—MILITARY PERSONNEL**
17 **POLICY**

18 **Subtitle A—Officer Personnel**
19 **Policy**

20 **SEC. 501. EXTENSION OF REQUIREMENT FOR COMPETI-**
21 **TION FOR JOINT 4-STAR OFFICER POSITIONS.**

22 (a) EXTENSION OF REQUIREMENT.—Section 604(c)
23 of title 10, United States Code, is amended by striking
24 “September 30, 2000” and inserting “September 30,
25 2003”.

1 (b) GRADE RELIEF.—Section 525(b)(5)(C) of such
 2 title is amended by striking “September 30, 2000” and
 3 inserting “September 30, 2003”.

4 **SEC. 502. ADDITIONAL THREE-STAR OFFICER POSITIONS**
 5 **FOR SUPERINTENDENTS OF SERVICE ACAD-**
 6 **EMIES.**

7 (a) EXCLUSION OF SUPERINTENDENTS FROM GRADE
 8 LIMITATION.—Section 525(b) of title 10, United States
 9 Code, is amended by adding at the end the following:

10 “(7) An officer while serving in the position of Super-
 11 intendent of the United States Military Academy, Super-
 12 intendent of the United States Naval Academy, or Super-
 13 intendent of the United States Air Force Academy, if serv-
 14 ing in the grade of lieutenant general or vice admiral, is
 15 in addition to the number that would otherwise be per-
 16 mitted for that officer’s armed force for that grade under
 17 subsection (a) or paragraph (1) or (2) of this subsection.”.

18 (b) RETIREMENT OF SUPERINTENDENTS.—(1)(A)
 19 Chapter 367 of title 10, United States Code, is amended
 20 by inserting after section 3920 the following:

21 **“§ 3921. Mandatory retirement: Superintendent of the**
 22 **United States Military Academy**

23 “Upon the termination of a detail of an officer to the
 24 position of Superintendent of the United States Military
 25 Academy, the Secretary of the Army shall retire the officer

1 under any provision of this chapter under which the officer
2 is eligible to retire.”.

3 (B) Chapter 403 of such title is amended by inserting
4 after section 4333 the following:

5 **“§ 4333a. Superintendent: condition for detail to posi-**
6 **tion**

7 “To be eligible for detail to the position of Super-
8 intendent of the Academy, an officer shall enter into an
9 agreement with the Secretary of the Army to accept retire-
10 ment upon termination of the detail.”.

11 (2)(A) Chapter 573 of such title is amended by in-
12 serting after the table of sections at the beginning of the
13 chapter the following:

14 **“§ 6371. Mandatory retirement: Superintendent of the**
15 **United States Naval Academy**

16 “Upon the termination of a detail of an officer to the
17 position of Superintendent of the United States Naval
18 Academy, the Secretary of the Navy shall retire the officer
19 under any provision of chapter 571 of this title under
20 which the officer is eligible to retire.”.

21 (B) Chapter 603 of such title is amended by inserting
22 after section 6951 the following:

1 **“§ 6951a. Superintendent**

2 “(a) There is a Superintendent of the United States
3 Naval Academy. The immediate governance of the Naval
4 Academy is under the Superintendent.

5 “(b) The Superintendent shall be detailed to the posi-
6 tion by the President. To be eligible for detail to the posi-
7 tion, an officer shall enter into an agreement with the Sec-
8 retary of the Navy to accept retirement upon termination
9 of the detail.”.

10 (3)(A) Chapter 867 of such title is amended by in-
11 serting after section 8920 the following:

12 **“§ 8921. Mandatory retirement: Superintendent of the**
13 **United States Air Force Academy**

14 “Upon the termination of a detail of an officer to the
15 position of Superintendent of the United States Air Force
16 Academy, the Secretary of the Air Force shall retire the
17 officer under any provision of this chapter under which
18 the officer is eligible to retire.”.

19 (B) Chapter 903 of such title is amended by inserting
20 after section 9333 the following:

21 **“§ 9333a. Superintendent: condition for detail to posi-
22 tion**

23 “To be eligible for detail to the position of Super-
24 intendent of the Academy, an officer shall enter into an
25 agreement with the Secretary of the Air Force to accept
26 retirement upon termination of the detail.”.

1 (c) CLERICAL AMENDMENTS.—(1)(A) The table of
 2 sections at the beginning of chapter 367 of title 10, United
 3 States Code, is amended by inserting after the item relat-
 4 ing to section 3920 the following:

“3921. Mandatory retirement: Superintendent of the United States Military Academy.”.

5 (B) The table of sections at the beginning of chapter
 6 403 of such title is amended by inserting after the item
 7 relating to section 4333 the following:

“4333a. Superintendent: condition for detail to position.”.

8 (2)(A) The table of sections at the beginning of chap-
 9 ter 573 of such title is amended by inserting before the
 10 item relating to section 6383 the following:

“6371. Mandatory retirement: Superintendent of the United States Naval Academy.”.

11 (B) The table of sections at the beginning of chapter
 12 603 of such title is amended by inserting after the item
 13 relating to section 6951 the following:

“6951a. Superintendent.”.

14 (3)(A) The table of sections at the beginning of chap-
 15 ter 867 of such title is amended by inserting after the
 16 item relating to section 8920 the following:

“8921. Mandatory retirement: Superintendent of the United States Air Force Academy.”.

17 (B) The table of sections at the beginning of chapter
 18 903 of such title is amended by inserting after the item
 19 relating to section 9333 the following:

“9333a. Superintendent: condition for detail to position.”.

1 (d) SAVINGS PROVISION.—The amendments made by
2 this section shall not apply to an officer serving on the
3 date of the enactment of this Act in the position of Super-
4 intendent of the United States Military Academy, Super-
5 intendent of the United States Naval Academy, or Super-
6 intendent of the United States Air Force Academy for so
7 long as the officer continues on and after that date to
8 serve in the position without a break in the service in the
9 position.

10 **SEC. 503. INCREASE IN MAXIMUM NUMBER OF OFFICERS**
11 **AUTHORIZED TO BE ON ACTIVE-DUTY LIST IN**
12 **FROCKED GRADE OF BRIGADIER GENERAL**
13 **OR REAR ADMIRAL.**

14 Section 777(d)(1) of title 10, United States Code, is
15 amended by striking “the following:” and all that follows
16 and inserting “55.”.

17 **SEC. 504. RESERVE OFFICERS REQUESTING OR OTHER-**
18 **WISE CAUSING NONSELECTION FOR PRO-**
19 **MOTION.**

20 (a) REPORTING REQUIREMENT.—Section 617(c) of
21 title 10, United States Code, is amended by striking “reg-
22 ular”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 subsection (a) shall take effect on the date of the enact-
25 ment of this Act and shall apply with respect to boards

1 convened under section 611(a) of title 10, United States
2 Code, on or after that date.

3 **SEC. 505. MINIMUM GRADE OF OFFICERS ELIGIBLE TO**
4 **SERVE ON BOARDS OF INQUIRY.**

5 (a) RETENTION BOARDS FOR REGULAR OFFICERS.—
6 Section 1187 of title 10, United States Code, is amended
7 to read as follows:

8 “(a) ACTIVE DUTY OFFICERS.—Each officer who
9 serves on a board convened under this chapter shall—

10 “(1) be an officer of the same armed force as
11 the officer being required to show cause for reten-
12 tion on active duty;

13 “(2) be serving on active duty in a grade that—

14 “(A) in the case of the President of the
15 board, is above lieutenant colonel or com-
16 mander; or

17 “(B) in the case of any other member of
18 the board, is above major or lieutenant com-
19 mander; and

20 “(3) be senior in grade and rank to any officer
21 considered by that board.

22 “(b) RETIRED OFFICERS.—If qualified officers on ac-
23 tive duty are not available in sufficient numbers to com-
24 prise a board convened under this chapter, the Secretary
25 of the military department concerned shall complete the

1 membership of the board by appointing retired officers of
2 the same armed force whose retired grade—

3 “(1) is—

4 “(A) in the case of the President of the
5 board, above lieutenant colonel or commander;
6 or

7 “(B) in the case of any other member of
8 the board, above major or lieutenant com-
9 mander; and

10 “(2) is senior to the grade of any officer consid-
11 ered by the board.

12 “(c) INELIGIBILITY BY REASON OF PREVIOUS CON-
13 sideration of Case.—No person may be a member of
14 more than one board convened under this chapter to con-
15 sider the same officer.

16 “(d) EXCLUSION FROM STRENGTH LIMITATION.—A
17 retired general or flag officer who is on active duty for
18 the purpose of serving on a board convened under this
19 chapter shall not, while so serving, be counted against any
20 limitation on the number of general and flag officers who
21 may be on active duty.”.

22 (b) RETENTION BOARDS FOR RESERVE OFFICERS.—
23 Subsection (a) of section 14906 of such title is amended
24 to read as follows:

1 “(a) ACTIVE STATUS OFFICERS.—Each officer who
2 serves on a board convened under this chapter shall—

3 “(1) be an officer of the same armed force as
4 the officer being required to show cause for reten-
5 tion in an active status;

6 “(2) hold a grade that—

7 “(A) in the case of the President of the
8 board, is above lieutenant colonel or com-
9 mander; or

10 “(B) in the case of any other member of
11 the board, is above major or lieutenant com-
12 mander; and

13 “(3) be senior in grade and rank to any officer
14 considered by that board.”.

15 **SEC. 506. MINIMUM SELECTION OF WARRANT OFFICERS**
16 **FOR PROMOTION FROM BELOW THE PRO-**
17 **MOTION ZONE.**

18 Section 575(b)(2) of title 10, United States Code, is
19 amended by adding at the end the following new sentence:

20 “If the number determined under this subsection with re-
21 spect to a promotion zone within a grade (or grade and
22 competitive category) is less than one, the board may rec-
23 ommend one such officer for promotion from below the
24 zone within that grade (or grade and competitive cat-
25 egory).”.

1 **SEC. 507. INCREASE IN THRESHOLD PERIOD OF ACTIVE**
2 **DUTY FOR APPLICABILITY OF RESTRICTION**
3 **ON HOLDING OF CIVIL OFFICE BY RETIRED**
4 **REGULAR OFFICERS AND RESERVE OFFI-**
5 **CERS.**

6 Section 973(b)(1) of title 10, United States Code, is
7 amended—

8 (1) in subparagraph (B), by striking “180
9 days” and inserting “270 days”; and

10 (2) in subparagraph (C), by striking “180
11 days” and inserting “270 days”.

12 **SEC. 508. EXEMPTION OF RETIREE COUNCIL MEMBERS**
13 **FROM RECALLED RETIREE LIMITS.**

14 Section 690(b)(2) of title 10, United States Code, is
15 amended by adding at the end the following new subpara-
16 graph (D):

17 “(D) Any member of the Retiree Council of the
18 Army, Navy, or Air Force for the period on active
19 duty to attend the annual meeting of the Retiree
20 Council.”.

1 **Subtitle B—Reserve Component**
2 **Matters**

3 **SEC. 511. ADDITIONAL EXCEPTIONS FOR RESERVE COM-**
4 **PONENT GENERAL AND FLAG OFFICERS**
5 **FROM LIMITATION ON AUTHORIZED**
6 **STRENGTH OF GENERAL AND FLAG OFFI-**
7 **CERS ON ACTIVE DUTY.**

8 Section 526(d) of title 10, United States Code, is
9 amended to read as follows:

10 “(d) EXCLUSION OF CERTAIN RESERVE COMPONENT
11 OFFICERS.—(1) The limitations of this section do not
12 apply to the following reserve component general or flag
13 officers:

14 “(A) An officer on active duty for training.

15 “(B) An officer on active duty under a call or
16 order specifying a period of less than 180 days.

17 “(2) Up to 25 reserve component general and flag
18 officers serving on active duty at any one time under calls
19 or orders specifying periods of 180 days or more may be
20 excluded from the limitations of this section. Officers ex-
21 cluded under the preceding sentence are in addition to any
22 other reserve component general or flag officers on active
23 duty under calls or orders specifying periods of 180 days
24 or more who are excluded from the limitations of this sec-
25 tion under authority other than this paragraph.”.

1 **SEC. 512. DUTIES OF RESERVES ON ACTIVE DUTY IN SUP-**
2 **PORT OF THE RESERVES.**

3 (a) DUTIES.—Section 12310 of title 10, United
4 States Code, is amended—

5 (1) by redesignating subsection (b) as sub-
6 section (d) and transferring such subsection, as so
7 redesignated, to the end of the section; and

8 (2) by inserting after subsection (a) the fol-
9 lowing new subsection (b):

10 “(b) DUTIES.—A Reserve on active duty as described
11 in subsection (a) may be assigned only duties in connec-
12 tion with the functions described in that subsection, which
13 may include the following:

14 “(1) Supporting operations or missions as-
15 signed in whole or in part to reserve components.

16 “(2) Supporting operations or missions per-
17 formed or to be performed by—

18 “(A) a unit composed of elements from
19 more than one component of the same armed
20 force; or

21 “(B) a joint forces unit that includes—

22 “(i) one or more reserve component
23 units; or

24 “(ii) if no reserve component unit, any
25 member of a reserve component whose re-

1 serve component assignment is in a posi-
2 tion in an element of the joint forces unit.

3 “(3) Advising the Secretary of Defense, the
4 Secretary of a military department, the Joint Chiefs
5 of Staff, or the commander of a unified combatant
6 command regarding reserve component matters.”.

7 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
8 Section 12310 of title 10, United States Code, is
9 amended—

10 (1) in subsection (a), by inserting “GRADE.—”
11 after “(a)”;

12 (2) in subsection (c)(1), by striking “(c)(1) A
13 Reserve” and inserting “(c) DUTIES RELATING TO
14 DEFENSE AGAINST WEAPONS OF MASS DESTRUC-
15 TION.—(1) Notwithstanding subsection (b), a Re-
16 serve”; and

17 (3) in subsection (d), as redesignated and
18 transferred by subsection (a)(1), by inserting
19 “TRAINING.—” after “(d)”.

20 (c) REVIEW OF USE OF RESERVES ON ACTIVE DUTY
21 IN SUPPORT OF THE RESERVES.—(1) The Secretary of
22 Defense shall review how the Reserves on active duty in
23 support of the reserves are used in relation to the duties
24 set forth under subsection (b) of section 12310 of title
25 10, United States Code, as added by subsection (a)(2).

1 (2) Not later than March 1, 2000, the Secretary shall
2 submit a report on the results of the review to the Com-
3 mittees on Armed Services of the Senate and the House
4 of Representatives. The report shall address, at a min-
5 imum, the following issues:

6 (1) Whether the Reserves on active duty in sup-
7 port of the reserve should be considered as a sepa-
8 rate category of Reserves on active duty.

9 (2) Whether those Reserves should be counted
10 within the active component end strengths and fund-
11 ed by the appropriations for active component mili-
12 tary personnel.

13 **SEC. 513. REPEAL OF LIMITATION ON NUMBER OF RE-**
14 **SERVES ON FULL-TIME ACTIVE DUTY IN SUP-**
15 **PORT OF PREPAREDNESS FOR RESPONSES**
16 **TO EMERGENCIES INVOLVING WEAPONS OF**
17 **MASS DESTRUCTION.**

18 (a) REPEAL.—Paragraph (4) of section 12310(c) of
19 title 10, United States Code, is amended by striking the
20 first sentence.

21 (b) CONFORMING AMENDMENTS.—Paragraph (6) of
22 such section is amended—

23 (1) by striking “or to increase the number of
24 personnel authorized by paragraph (4)” in the mat-
25 ter preceding subparagraph (A); and

1 (2) in subparagraph (A), by striking “or for the
2 requested additional personnel” and all that follows
3 through “Federal levels”.

4 **SEC. 514. EXTENSION OF PERIOD FOR RETENTION OF RE-**
5 **SERVE COMPONENT MAJORS AND LIEUTEN-**
6 **ANT COMMANDERS WHO TWICE FAIL OF SE-**
7 **LECTION FOR PROMOTION.**

8 (a) **PARITY WITH OFFICERS IN GRADES O-2**
9 **AND O-3.**—Section 14506 of title 10, United States
10 Code, is amended—

11 (1) by inserting “the later of (1)” after “in ac-
12 cordance with section 14513 of this title on”; and

13 (2) by inserting before the period at the end the
14 following: “, or (2) the first day of the seventh
15 month after the month in which the President ap-
16 proves the report of the board which considered the
17 officer for the second time”.

18 (b) **EFFECTIVE DATE.**—The amendments made by
19 subsection (a) shall take effect on the date of the enact-
20 ment of this Act and shall apply with respect to removals
21 of reserve officers from reserve active-status lists under
22 section 14506 of title 10, United States Code, on or after
23 that date.

1 **SEC. 515. CONTINUATION OF OFFICER ON RESERVE AC-**
2 **TIVE-STATUS LIST FOR DISCIPLINARY AC-**
3 **TION.**

4 (a) **AUTHORITY.**—Chapter 1407 of title 10, United
5 States Code, is amended by adding at the end the fol-
6 lowing new section:

7 **“§ 14518. Continuation on reserve active-status list to**
8 **complete disciplinary action**

9 “When any action has been commenced against an
10 officer on a reserve active-status list with a view to trying
11 the officer by court-martial, the Secretary concerned may
12 delay the separation or retirement of the officer under the
13 provisions of this chapter until the completion of the ac-
14 tion.”.

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

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

18 **SEC. 516. RETENTION OF RESERVE COMPONENT CHAP-**
19 **LAINS UNTIL AGE 67.**

20 Section 14703(b) of title 10, United States Code, is
21 amended by striking “(or, in the case of a reserve officer
22 of the Army in the Chaplains or a reserve officer of the
23 Air Force designated as a chaplain, 60 years of age)”.

1 **SEC. 517. RESERVE CREDIT FOR PARTICIPATION IN**
2 **HEALTH PROFESSIONS SCHOLARSHIP AND**
3 **FINANCIAL ASSISTANCE PROGRAM.**

4 Section 2126(b) of title 10, United States Code, is
5 amended—

6 (1) by striking paragraphs (2) and (3) and in-
7 serting the following:

8 “(2) Service credited under paragraph (1) counts
9 only for the award of retirement points for computation
10 of years of service under section 12732 of this title and
11 for computation of retired pay under section 12733 of this
12 title.

13 “(3) The number of points credited to a member
14 under paragraph (1) for a year of participation in a course
15 of study is 50. The points shall be credited to the member
16 for one of the years of that participation at the end of
17 each year after the completion of the course of study that
18 the member serves in the Selected Reserve and is credited
19 under section 12732(a)(2) of this title with at least 50
20 points. The points credited for the participation shall be
21 recorded in the member’s records as having been earned
22 in the year of the participation in the course of study.”;

23 (2) by redesignating paragraph (5) as para-
24 graph (6); and

25 (3) by inserting after paragraph (4) the fol-
26 lowing new paragraph (5):

1 “(5) A member of the Selected Reserve may be con-
 2 sidered to be in an active status while pursuing a course
 3 of study under this subchapter only for purposes of sec-
 4 tions 12732(a) and 12733(3) of this title.”.

5 **SEC. 518. EXCLUSION OF RESERVE OFFICERS ON EDU-**
 6 **CATIONAL DELAY FROM ELIGIBILITY FOR**
 7 **CONSIDERATION FOR PROMOTION.**

8 (a) EXCLUSION.—Section 14301 of title 10, United
 9 States Code is amended by adding at the end the fol-
 10 lowing:

11 “(h) OFFICERS ON EDUCATIONAL DELAY.—An offi-
 12 cer on a reserve active-status list is ineligible for consider-
 13 ation for promotion, but shall remain on the reserve ac-
 14 tive-status list, while the officer is—

15 “(1) pursuing a program of graduate level edu-
 16 cation in an educational delay status approved by
 17 the Secretary concerned; and

18 “(2) receiving from the Secretary financial as-
 19 sistance in connection with the pursuit of the pro-
 20 gram in that status.”.

21 (b) RETROACTIVE EFFECT.—(1) Subsection (h) of
 22 section 14301 of title 10, United States Code (as added
 23 by subsection (a)), shall take effect on the date of the en-
 24 actment of this Act and shall apply with respect to boards

1 convened under section 14101(a) of such title before, on,
2 or after that date.

3 (2) The Secretary of the military department con-
4 cerned, upon receipt of request in a form and manner pre-
5 scribed by the Secretary, shall expunge from the military
6 records of an officer any indication of a failure of selection
7 of the officer for promotion by a board referred to in para-
8 graph (1) while the officer was ineligible for consideration
9 by the board by reason of section 14301(h) of title 10,
10 United States Code.

11 **SEC. 519. EXCLUSION OF PERIOD OF PURSUIT OF PROFES-**
12 **SIONAL EDUCATION FROM COMPUTATION OF**
13 **YEARS OF SERVICE FOR RESERVE OFFICERS.**

14 (a) EXCLUSION.—The text of section 14706 of title
15 10, United States Code, is amended to read as follows:

16 “(a) IN GENERAL.—For the purpose of this chapter
17 and chapter 1407 of this title, a reserve officer’s years
18 of service include all service of the officer as a commis-
19 sioned officer of any uniformed service other than the fol-
20 lowing:

21 “(1) Service as a warrant officer.

22 “(2) Constructive service.

23 “(3) Except as provided in subsection (b), serv-
24 ice as a commissioned officer of a reserve component
25 while pursuing a program of advanced education

1 leading to the first professional degree required for
2 appointment, designation, or assignment as an offi-
3 cer in the Medical Corps, the Dental Corps, the Vet-
4 erinary Corps, the Medical Service Corps, the Nurse
5 Corps, the Army Medical Specialists Corps, or as a
6 chaplain or judge advocate if the service—

7 “(A) follows appointment as a commis-
8 sioned officer of a reserve component; and

9 “(B) precedes the officer’s initial service
10 on active duty or initial service in the Ready
11 Reserve in the professional specialty for which
12 the degree if required.

13 “(b) PRIOR SERVICE PROFESSIONAL PERSONNEL.—
14 The exclusion in subsection (a)(3) does not apply to serv-
15 ice described in that subsection that is performed by an
16 officer who, prior to the described service—

17 “(1) served on active duty; or

18 “(2) participated as a member of the Ready Re-
19 serve other than in a student status.”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall take effect on the date of the enact-
22 ment of this Act and shall apply with respect to service
23 as a commissioned officer on or after that date.

1 **SEC. 520. CORRECTION OF REFERENCE RELATING TO**
 2 **CREDITING OF SATISFACTORY SERVICE BY**
 3 **RESERVE OFFICERS IN HIGHEST GRADE**
 4 **HELD.**

5 Section 1370(d)(1) of title 10, United States Code,
 6 is amended by striking “chapter 1225” and inserting
 7 “chapter 1223”.

8 **SEC. 521. ESTABLISHMENT OF OFFICE OF THE COAST**
 9 **GUARD RESERVE.**

10 (a) ESTABLISHMENT.—Chapter 3 of title 14, United
 11 States Code, is amended by adding at the end the fol-
 12 lowing:

13 **“§ 53. Office of the Coast Guard Reserve; Director**

14 “(a) ESTABLISHMENT OF OFFICE; DIRECTOR.—
 15 There is in the executive part of the Coast Guard an Office
 16 of the Coast Guard Reserve. The head of the Office is
 17 the Director of the Coast Guard Reserve. The Director
 18 of the Coast Guard Reserve is the principal adviser to the
 19 Commandant on Coast Guard Reserve matters and may
 20 have such additional functions as the Commandant may
 21 direct.

22 “(b) APPOINTMENT.—The President, by and with the
 23 advice and consent of the Senate, shall appoint the Direc-
 24 tor of the Coast Guard Reserve, from officers of the Coast
 25 Guard not on active duty, or on active duty under section
 26 10211 of title 10, who—

1 “(1) have had at least 10 years of commis-
2 sioned service;

3 “(2) are in a grade above captain; and

4 “(3) have been recommended by the Secretary
5 of Transportation.

6 “(c) TERM.—(1) The Director of the Coast Guard
7 Reserve holds office for a term determined by the Presi-
8 dent, normally two years, but not more than four years.
9 An officer may be removed from the position of Director
10 for cause at any time.

11 “(2) The Director of the Coast Guard Reserve, while
12 so serving, holds a grade above Captain, without vacating
13 the officer’s permanent grade.

14 “(d) BUDGET.—The Director of the Coast Guard Re-
15 serve is the official within the executive part of the Coast
16 Guard who, subject to the authority, direction, and control
17 of the Secretary of Transportation and the Commandant,
18 is responsible for preparation, justification, and execution
19 of the personnel, operation and maintenance, and con-
20 struction budgets for the Coast Guard Reserve. As such,
21 the Director of the Coast Guard Reserve is the director
22 and functional manager of appropriations made for the
23 Coast Guard Reserve in those areas.

24 “(e) ANNUAL REPORT.—The Director of the Coast
25 Guard Reserve shall submit to the Secretary of Transpor-

1 tation and the Secretary of Defense an annual report on
2 the state of the Coast Guard Reserve and the ability of
3 the Coast Guard Reserve to meet its missions. The report
4 shall be prepared in conjunction with the Commandant
5 and may be submitted in classified and unclassified
6 versions.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of such chapter is amended by inserting
9 after the item relating to section 52 the following:

“53. Office of the Coast Guard Reserve; Director.”.

10 **SEC. 522. CHIEFS OF RESERVE COMPONENTS AND THE AD-**
11 **DITIONAL GENERAL OFFICERS AT THE NA-**
12 **TIONAL GUARD BUREAU.**

13 (a) GRADE OF CHIEF OF ARMY RESERVE.—Section
14 3038(c) of title 10, United States Code, is amended by
15 striking “major general” and inserting “lieutenant gen-
16 eral”.

17 (b) GRADE OF CHIEF OF NAVAL RESERVE.—Section
18 5143(c)(2) of such title is amended by striking “rear ad-
19 miral (lower half)” and inserting “rear admiral”.

20 (c) GRADE OF COMMANDER, MARINE FORCES RE-
21 SERVE.—Section 5144(c)(2) of such title is amended by
22 striking “brigadier general” and inserting “major gen-
23 eral”.

1 (d) GRADE OF CHIEF OF AIR FORCE RESERVE.—
2 Section 8038(c) of such title is amended by striking
3 “major general” and inserting “lieutenant general”.

4 (e) THE ADDITIONAL GENERAL OFFICERS FOR THE
5 NATIONAL GUARD BUREAU.—Subparagraphs (A) and (B)
6 of section 10506(a)(1) of such title are each amended by
7 striking “major general” and inserting “lieutenant gen-
8 eral”.

9 (f) EXCLUSION FROM LIMITATION ON GENERAL AND
10 FLAG OFFICERS.—Section 526(d) of such title is amended
11 to read as follows:

12 “(d) EXCLUSION OF CERTAIN RESERVE COMPONENT
13 OFFICERS.—The limitations of this section do not apply
14 to the following reserve component general or flag officers:

15 “(1) An officer on active duty for training.

16 “(2) An officer on active duty under a call or
17 order specifying a period of less than 180 days.

18 “(3) The Chief of Army Reserve, the Chief of
19 Naval Reserve, the Chief of Air Force Reserve, the
20 Commander, Marine Forces Reserve, and the addi-
21 tional general officers assigned to the National
22 Guard Bureau under section 10506(a)(1) of this
23 title.”.

1 (g) EFFECTIVE DATE.—This section and the amend-
2 ments made by this section shall take effect 60 days after
3 the date of the enactment of this Act.

4 **Subtitle C—Military Education and** 5 **Training**

6 **SEC. 531. AUTHORITY TO EXCEED TEMPORARILY A** 7 **STRENGTH LIMITATION FOR THE SERVICE** 8 **ACADEMIES.**

9 Section 511(a) of the National Defense Authorization
10 Act for Fiscal Years 1992 and 1993 (Public Law 102–
11 190; 105 Stat. 1359; 10 U.S.C. 4342 note) is amended—

12 (1) by inserting “(1)” after “(a) REDUCTION IN
13 AUTHORIZED STRENGTHS.—”; and

14 (2) by adding at the end the following:

15 “(2) The Secretary of the military department con-
16 cerned may authorize the strength for an academy for any
17 class year to exceed the strength limitation set forth in
18 paragraph (1) by not more than 5 percent. Before grant-
19 ing that authority, the Secretary shall submit to the Com-
20 mittees on Armed Services of the Senate and House of
21 Representatives a written notification of the determination
22 to authorize the excessive strength for that year. The noti-
23 fication shall include a discussion of the justification for
24 exceeding the strength limitation and the actions that the

1 Secretary plans to take to reduce the strength to a level
2 within the strength limitation.”.

3 **SEC. 532. REPEAL OF LIMITATION ON AMOUNT OF REIM-**
4 **BURSEMENT AUTHORIZED TO BE WAIVED**
5 **FOR FOREIGN STUDENTS AT THE SERVICE**
6 **ACADEMIES.**

7 (a) REPEAL.—Sections 4344(b)(3), 6957(b)(3), and
8 9344(b)(3) of title 10, United States Code, are repealed.

9 (b) EFFECTIVE DATE.—The amendments made by
10 subsection (a) shall take effect on the date of the enact-
11 ment of this Act and shall apply with respect to the aca-
12 demic year that includes that date and academic years
13 that begin after that date.

14 **SEC. 533. EXPANSION OF FOREIGN EXCHANGE PROGRAMS**
15 **OF THE SERVICE ACADEMIES.**

16 (a) UNITED STATES MILITARY ACADEMY.—Section
17 4345 of title 10, United States Code, is amended—

18 (1) in subsection (b), by striking “10 cadets”
19 and inserting “24 cadets”; and

20 (2) in subsection (c)(3), by striking “\$50,000”
21 and inserting “\$120,000”.

22 (b) UNITED STATES NAVAL ACADEMY.—Section
23 6957a of such title is amended—

24 (1) in subsection (b), by striking “10 mid-
25 shipmen” and inserting “24 midshipmen”; and

1 (2) in subsection (c)(3), by striking “\$50,000”
2 and inserting “\$120,000”.

3 (c) UNITED STATES AIR FORCE ACADEMY.—Section
4 9345 of such title is amended—

5 (1) in subsection (b), by striking “10 Air Force
6 cadets” and inserting “24 Air Force cadets”; and

7 (2) in subsection (c)(3), by striking “\$50,000”
8 and inserting “\$120,000”.

9 **SEC. 534. PERMANENT AUTHORITY FOR ROTC SCHOLAR-**
10 **SHIPS FOR GRADUATE STUDENTS.**

11 Section 2107(c)(2) of title 10, United States Code,
12 is amended to read as follows:

13 “(2) The Secretary of the military department con-
14 cerned may provide financial assistance, as described in
15 paragraph (1), to a student enrolled in an advanced edu-
16 cation program beyond the baccalaureate degree level if
17 the student also is a cadet or midshipman in an advanced
18 training program. Not more than 15 percent of the total
19 number of scholarships awarded under this section in any
20 year may be awarded under this paragraph.”.

1 **SEC. 535. AUTHORITY FOR AWARD OF MASTER OF STRA-**
 2 **TEGIC STUDIES DEGREE BY THE UNITED**
 3 **STATES ARMY WAR COLLEGE.**

4 (a) **AUTHORITY FOR DEGREE.**—Chapter 401 of title
 5 10, United States Code, is amended by adding at the end
 6 the following:

7 **“§ 4321. United States Army War College: master of**
 8 **strategic studies degree**

9 “Under regulations prescribed by the Secretary of the
 10 Army, the Commandant of the United States Army War
 11 College, upon the recommendation of the faculty and Dean
 12 of the College, may confer the degree of master of stra-
 13 tegic studies upon graduates of the college who have ful-
 14 filled the requirements for the degree.”.

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

“4321. United States Army War College: master of strategic studies degree.”.

18 **SEC. 536. MINIMUM EDUCATIONAL REQUIREMENTS FOR**
 19 **FACULTY OF THE COMMUNITY COLLEGE OF**
 20 **THE AIR FORCE.**

21 Section 9315 of title 10, United States Code, is
 22 amended by adding at the end the following new sub-
 23 section:

24 “(d) **EDUCATIONAL QUALIFICATIONS OF FAC-**
 25 **ULTY.**—Notwithstanding section 3308 of title 5 or any

1 other provision of law, the commander of the Air Edu-
2 cation and Training Command may prescribe the min-
3 imum educational qualifications required for the profes-
4 sors and instructors of the college. The required qualifica-
5 tions shall equal or exceed the qualifications necessary to
6 satisfy accreditation standards applicable to the college.”.

7 **SEC. 537. CONFERRAL OF GRADUATE-LEVEL DEGREES BY**
8 **AIR UNIVERSITY.**

9 (a) **AUTHORITY.**—Section 9317(a) of title 10, United
10 States Code, is amended to read as follows:

11 “(a) **AUTHORITY.**—Upon the recommendation of the
12 faculty of a school of the Air University, the Commander
13 of the Air University may confer a degree upon graduates
14 of that school who fulfill the requirements for the degree,
15 as follows:

16 “(1) The degree of master of strategic studies,
17 for the Air War College.

18 “(2) The degree of master of military oper-
19 ational art and science, for the Air Command and
20 Staff College.

21 “(3) The degree of master of airpower art and
22 science, for the School of Advanced Airpower Stud-
23 ies.”.

24 (b) **CLERICAL AMENDMENTS.**—(1) The heading of
25 that section is amended to read as follows:

1 **“§ 9317. Air University: graduate-level degrees”.**

2 (2) The item relating to such section in the table of
3 sections at the beginning of chapter 901 of title 10, United
4 States Code, is amended to read as follows:

“9317. Air University: graduate-level degrees.”.

5 **SEC. 538. PAYMENT OF TUITION FOR EDUCATION AND**
6 **TRAINING OF MEMBERS IN THE DEFENSE AC-**
7 **QUISITION WORKFORCE.**

8 Section 1745(a) of title 10, United States Code, is
9 amended to read as follows:

10 “(a) TUITION REIMBURSEMENT AND TRAINING.—(1)
11 The Secretary of Defense shall provide for tuition reim-
12 bursement and training (including a full-time course of
13 study leading to a degree) for acquisition personnel in the
14 Department of Defense.

15 “(2) For civilian personnel, the reimbursement and
16 training shall be provided under section 4107(b) of title
17 5 for the purposes described in that section. For purposes
18 of such section 4107(b), there is deemed to be, until Sep-
19 tember 30, 2001, a shortage of qualified personnel to serve
20 in acquisition positions in the Department of Defense.

21 “(3) In the case of members of the armed forces, the
22 limitation in section 2007(a) of this title shall not apply
23 to tuition reimbursement and training provided for under
24 this subsection.”.

1 **SEC. 539. FINANCIAL ASSISTANCE PROGRAM FOR PURSUIT**
 2 **OF DEGREES BY OFFICER CANDIDATES IN**
 3 **MARINE CORPS PLATOON LEADERS CLASS**
 4 **PROGRAM.**

5 (a) IN GENERAL.—(1) Part IV of subtitle E of title
 6 10, United States Code, is amended by adding at the end
 7 the following:

8 **“CHAPTER 1610—OTHER EDUCATIONAL**
 9 **ASSISTANCE PROGRAMS**

“Sec.

“16401. Marine Corps Platoon Leaders Class Program: officer candidates pursuing degrees.

10 **“§ 16401. Marine Corps Platoon Leader’s Class Pro-**
 11 **gram: officer candidates pursuing de-**
 12 **grees**

13 “(a) AUTHORITY.—The Secretary of the Navy may
 14 provide financial assistance to an eligible enlisted member
 15 of the Marine Corps Reserve for expenses of the member
 16 while the member is pursuing on a full-time basis at an
 17 institution of higher education a program of education ap-
 18 proved by the Secretary that leads to—

19 “(1) a baccalaureate degree in less than five
 20 academic years; or

21 “(2) a doctor of jurisprudence or bachelor of
 22 laws degree in not more than three academic years.

1 “(b) ELIGIBILITY.—(1) To be eligible for receipt of
2 financial assistance under this section, an enlisted member
3 of the Marine Corps Reserve shall—

4 “(A) be an officer candidate in the Marine
5 Corps Platoon Leaders Class Program and have suc-
6 cessfully completed one six-week (or longer) incre-
7 ment of military training required under the pro-
8 gram;

9 “(B) satisfy the applicable age requirement of
10 paragraph (2);

11 “(C) be enrolled on a full-time basis in a pro-
12 gram of education referred to in subsection (a) at
13 any institution of higher education;

14 “(D) enter into a written agreement with the
15 Secretary—

16 “(i) to accept an appointment as a com-
17 missioned officer in the Marine Corps, if ten-
18 dered by the President;

19 “(ii) to serve on active duty for at least
20 five years; and

21 “(iii) under such terms and conditions as
22 shall be prescribed by the Secretary, to serve in
23 the Marine Corps Reserve until the eighth anni-
24 versary of the date of the appointment.

1 “(2)(A) To meet the age requirements of this para-
2 graph, a member pursuing a baccalaureate degree may not
3 be over 26 years of age on June 30 of the calendar year
4 in which the member is projected to be eligible for appoint-
5 ment as a commissioned officer in the Marine Corps
6 through the Marine Corps Platoon Leaders Class Pro-
7 gram, except that any such member who has served on
8 active duty in the armed forces may, on such date, be any
9 age under 30 years that exceeds 26 years by a number
10 of months that is not more than the number of months
11 that the member served on active duty.

12 “(B) To meet the age requirements of this para-
13 graph, a member pursuing a doctor of jurisprudence or
14 bachelor of laws degree may not be over 30 years of age
15 on June 30 of the calendar year in which the member is
16 projected to be eligible for appointment as a commissioned
17 officer in the Marine Corps through the Marine Corps Pla-
18 toon Leaders Class Program, except that any such mem-
19 ber who has served on active duty in the armed forces
20 may, on such date, be any age under 35 years that exceeds
21 30 years by a number of months that is not more than
22 the number of months that the member served on active
23 duty.

24 “(c) COVERED EXPENSES.—Expenses for which fi-
25 nancial assistance may be provided under this section are

1 tuition and fees charged by the institution of higher edu-
2 cation involved, the cost of books, and, in the case of a
3 program of education leading to a baccalaureate degree,
4 laboratory expenses.

5 “(d) AMOUNT.—The amount of financial assistance
6 provided to a member under this section shall be pre-
7 scribed by the Secretary, but may not exceed \$5,200 for
8 any academic year.

9 “(e) LIMITATIONS.—(1) Financial assistance may be
10 provided to a member under this section only for three
11 consecutive academic years.

12 “(2) Not more than 1,200 members may participate
13 in the financial assistance program under this section in
14 any academic year.

15 “(f) FAILURE TO COMPLETE PROGRAM.—A member
16 in receipt of financial assistance under this section may
17 be ordered to active duty in the Marine Corps by the Sec-
18 retary to serve in an appropriate enlisted grade for such
19 period as the Secretary prescribes, but not for more than
20 four years, if the member—

21 “(1) completes the military and academic re-
22 quirements of the Marine Corps Platoon Leaders
23 Class Program and refuses to accept a commission
24 when offered;

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

4 “(3) is disenrolled from the Marine Corps Pla-
5 toon Leaders Class Program for failure to maintain
6 eligibility for an original appointment as a commis-
7 sioned officer under section 532 of this title.

8 “(g) INSTITUTION OF HIGHER EDUCATION DE-
9 FINED.—In this section, the term ‘institution of higher
10 education’ has the meaning given that term in section 101
11 of the Higher Education Act of 1965 (20 U.S.C. 1001).”.

12 (2) The tables of chapters at the beginning of subtitle
13 E of such title and at the beginning of part IV of such
14 subtitle are amended by adding at the end the following:

“1610. Other Educational Assistance Programs16401”.

15 (b) CONFORMING AMENDMENT.—Section 3695(a)(5)
16 of title 38, United States Code, is amended by striking
17 “Chapters 106 and 107” and inserting “Chapters 107,
18 1606, and 1610”.

19 (c) COMPUTATION OF CREDITABLE SERVICE.—Sec-
20 tion 205 of title 37, United States Code, is amended by
21 adding at the end the following:

22 “(f) Notwithstanding subsection (a), the years of
23 service of a commissioned officer appointed under section
24 12209 of title 10 after receiving financial assistance under
25 section 16401 of such title may not include a period of

1 service after the date of the establishment of the program
2 of financial assistance by the Secretary that the officer
3 performed concurrently as a member of the Marine Corps
4 Platoon Leaders Class Program and the Marine Corps Re-
5 serve, except for any period of service that the officer per-
6 formed (concurrently with the period of service as a mem-
7 ber of the Marine Corps Platoon Leaders Class Program)
8 as an enlisted member on active duty or as a member of
9 the Selected Reserve.”.

10 (d) TRANSITION PROVISION.—(1) An enlisted mem-
11 ber of the Marine Corps Reserve selected for training as
12 an officer candidate under section 12209 of title 10,
13 United States Code, before implementation of a financial
14 assistance program under section 12216 of such title (as
15 added by subsection (a)) may, upon application, partici-
16 pate in the financial assistance program established under
17 section 12216 of such title (as added by subsection (a))
18 if the member—

19 (A) is eligible for financial assistance under
20 such section 12216;

21 (B) submits a request for the financial assist-
22 ance to the Secretary of the Navy not later than 180
23 days after the date on which the Secretary estab-
24 lishes the financial assistance program; and

1 (C) enters in a written agreement described in
2 subsection (b)(4) of such section 12216.

3 (2) Section 205(f) of title 37, United States Code,
4 as added by subsection (c), applies to a member referred
5 to in paragraph (1).

6 **Subtitle D—Decorations, Awards,**
7 **and Commendations**

8 **SEC. 551. WAIVER OF TIME LIMITATIONS FOR AWARD OF**
9 **CERTAIN DECORATIONS TO CERTAIN PER-**
10 **SONS.**

11 (a) WAIVER.—Any limitation established by law or
12 policy for the time within which a recommendation for the
13 award of a military decoration or award must be sub-
14 mitted shall not apply to award of the decoration as de-
15 scribed in subsection (b), the award of such decoration
16 having been determined by the Secretary of Transpor-
17 tation to be warranted in accordance with section 1130
18 of title 10, United States Code.

19 (b) COAST GUARD COMMENDATION MEDAL.—Sub-
20 section (a) applies to the award of the Coast Guard Com-
21 mendation Medal to Mark H. Freeman, of Seattle, Wash-
22 ington for heroic achievement performed in a manner
23 above that normally to be expected during rescue oper-
24 ations for the S.S. Seagate, in September 1956, while

1 serving as a member of the Coast Guard at Gray Harbor
2 Lifeboat Station, Westport, Washington.

3 **SEC. 552. AUTHORITY FOR AWARD OF MEDAL OF HONOR TO**
4 **ALFRED RASCON FOR VALOR DURING THE**
5 **VIETNAM CONFLICT.**

6 (a) **WAIVER OF TIME LIMITATIONS.**—Notwith-
7 standing the time limitations specified in section 3744 of
8 title 10, United States Code, or any other time limitation
9 with respect to the awarding of certain medals to persons
10 who served in the Army, the President may award the
11 Medal of Honor under section 3741 of that title to Alfred
12 Rascon, of Laurel, Maryland, for the acts of valor de-
13 scribed in subsection (b).

14 (b) **ACTION DESCRIBED.**—The acts of valor referred
15 to in subsection (a) are the actions of Alfred Rascon on
16 March 16, 1966, as an Army medic, serving in the grade
17 of Specialist Four in the Republic of Vietnam with the
18 Reconnaissance Platoon, Headquarters Company, 1st
19 Battalion, 503rd Infantry, 173rd Airborne Brigade (Sepa-
20 rate), during a combat operation known as Silver City.

21 **SEC. 553. ELIMINATION OF BACKLOG IN REQUESTS FOR RE-**
22 **PLACEMENT OF MILITARY MEDALS AND**
23 **OTHER DECORATIONS.**

24 (a) **SUFFICIENT RESOURCING REQUIRED.**—The Sec-
25 retary of Defense shall make available funds and other

1 resources at the levels that are necessary for ensuring the
2 elimination of the backlog of the unsatisfied requests made
3 to the Department of Defense for the issuance or replace-
4 ment of military decorations for former members of the
5 Armed Forces. The organizations to which the necessary
6 funds and other resources are to be made available for
7 that purpose are as follows:

- 8 (1) The Army Reserve Personnel Command.
- 9 (2) The Bureau of Naval Personnel.
- 10 (3) The Air Force Personnel Center.
- 11 (4) The National Archives and Records Admin-
12 istration

13 (b) CONDITION.—The Secretary shall allocate funds
14 and other resources under subsection (a) in a manner that
15 does not detract from the performance of other personnel
16 service and personnel support activities within the Depart-
17 ment of Defense.

18 (c) REPORT.—Not later than 45 days after the date
19 of the enactment of this Act, the Secretary of Defense
20 shall submit to Congress a report on the status of the
21 backlog described in subsection (a). The report shall in-
22 clude a plan for eliminating the backlog.

23 (d) REPLACEMENT DECORATION DEFINED.—For the
24 purposes of this section, the term “decoration” means a
25 medal or other decoration that a former member of the

1 Armed Forces was awarded by the United States for mili-
 2 tary service of the United States.

3 **SEC. 554. RETROACTIVE AWARD OF NAVY COMBAT ACTION**
 4 **RIBBON.**

5 The Secretary of the Navy may award the Navy Com-
 6 bat Action Ribbon (established by Secretary of the Navy
 7 Notice 1650, dated February 17, 1969) to a member of
 8 the Navy and Marine Corps for participation in ground
 9 or surface combat during any period after December 6,
 10 1941, and before March 1, 1961 (the date of the otherwise
 11 applicable limitation on retroactivity for the award of such
 12 decoration), if the Secretary determines that the member
 13 has not been previously recognized in appropriate manner
 14 for such participation.

15 **Subtitle E—Amendments to**
 16 **Uniform Code of Military Justice**

17 **SEC. 561. INCREASE IN SENTENCING JURISDICTION OF**
 18 **SPECIAL COURTS-MARTIAL AUTHORIZED TO**
 19 **ADJUDGE A BAD CONDUCT DISCHARGE.**

20 (a) INCREASE IN JURISDICTION.—Section 819 of
 21 title 10, United States Code (article 19 of the Uniform
 22 Code of Military Justice), is amended—

23 (1) in the second sentence, by striking “six
 24 months” both places it appears and inserting “one
 25 year”; and

1 (2) in the third sentence, by inserting after “A
2 bad conduct discharge” the following: “, confinement
3 for more than six months, or forfeiture of pay for
4 more than six months”.

5 (b) **EFFECTIVE DATE.**—The amendments made by
6 subsection (a) shall take effect on the first day of the sixth
7 month following the month in which this Act is enacted,
8 and shall apply with respect to charges referred to trial
9 by special courts-martial on or after that effective date.

10 **SEC. 562. REDUCED MINIMUM BLOOD AND BREATH ALCO-**
11 **HOL LEVELS FOR OFFENSE OF DRUNKEN OP-**
12 **ERATION OR CONTROL OF A VEHICLE, AIR-**
13 **CRAFT, OR VESSEL.**

14 (a) **STANDARD.**—Section 911(2) of title 10, United
15 States Code (article 111(2) of the Uniform Code of Mili-
16 tary Justice), is amended by striking “0.10 grams” both
17 places it appears and inserting “0.08 grams”.

18 (b) **EFFECTIVE DATE.**—The amendment made by
19 subsection (a) shall take effect on the date of enactment
20 of this Act and shall apply with respect to acts committed
21 on or after that date.

1 **Subtitle F—Other Matters**

2 **SEC. 571. FUNERAL HONORS DETAILS AT FUNERALS OF**
3 **VETERANS.**

4 (a) RESPONSIBILITY OF SECRETARY OF DEFENSE.—
5 Subsection (a) of section 1491 of title 10, United States
6 Code, is amended to read as follows:

7 “(a) RESPONSIBILITY.—The Secretary of Defense
8 shall ensure that, upon request, a funeral honors detail
9 is provided for the funeral of any veteran that occurs after
10 December 31, 1999.”.

11 (b) ELIGIBILITY FOR HONORS.—Subsection (f) of
12 such section is amended to read as follows:

13 “(h) VETERAN DEFINED.—In this section, the term
14 ‘veteran’ means the following:

15 “(1) A decedent who was a veteran, as defined
16 in section 101(2) of title 38.

17 “(2) A decedent who, by reason of having been
18 a member of the Selected Reserve, is eligible for a
19 flag to drape the casket under section 2301(f) of
20 title 38.”.

21 (c) COMPOSITION OF FUNERAL HONORS DETAILS.—

22 (1) Subsection (b) of such section is amended—

23 (A) by striking “HONOR GUARD DETAILS.—”
24 and inserting “FUNERAL HONORS DETAILS.—(1)” ;

1 (B) by striking “honor guard detail” and in-
2 sserting “funeral honors detail”; and

3 (C) by striking “not less than three persons”
4 and all that follows and inserting the following: “two
5 or more persons.”.

6 (2) Subsection (c) of such section is amended—

7 (A) by striking “(c) PERSONS FORMING HONOR
8 GUARDS.—An honor guard detail” and inserting
9 “(2) At least two members of the funeral honors de-
10 tail for the veteran’s funeral shall be members of the
11 armed forces. At least one of those members shall be
12 a member of the armed force of which the veteran
13 was a member. The remainder of the detail”; and

14 (B) by striking the second sentence and insert-
15 ing the following: “Each member of the armed
16 forces in the detail shall wear the appropriate uni-
17 form of the member’s armed force while serving in
18 the detail.”.

19 (d) CEREMONY, SUPPORT, AND WAIVER.—Such sec-
20 tion is further amended—

21 (1) by redesignating subsections (d) and (e) as
22 subsections (f) and (g), respectively; and

23 (2) by inserting after subsection (b) the fol-
24 lowing:

1 “(c) CEREMONY.—A funeral honors detail shall, at
2 a minimum, perform at the funeral a ceremony that in-
3 cludes the folding and presentation of the flag of the
4 United States to the veteran’s family and the playing of
5 Taps. Unless a bugler is a member of the detail, the detail
6 shall play a recorded version of Taps using audio equip-
7 ment which the detail shall provide if adequate audio
8 equipment is not otherwise available for use at the funeral.

9 “(d) SUPPORT.—To provide a funeral honors detail
10 under this section, the Secretary of a military department
11 may provide the following:

12 “(1) Transportation, or reimbursement for
13 transportation, and expenses for a person who partici-
14 pates in the funeral honors detail under this sec-
15 tion and is not a member of the armed forces or an
16 employee of the United States.

17 “(2) Materiel, equipment, and training for
18 members of a veterans organization or other organi-
19 zation referred to in subsection (b)(2).

20 “(e) WAIVER AUTHORITY.—(1) The Secretary of De-
21 fense may waive any requirement provided in or pursuant
22 to this section when the Secretary considers it necessary
23 to do so to meet the requirements of war, national emer-
24 gency, or a contingency operation, or other military re-
25 quirements.

1 “(2) Before or promptly after granting a waiver
2 under paragraph (1), the Secretary shall transmit a notifi-
3 cation of the waiver to the Committees on Armed Services
4 of the Senate and House of Representatives.”.

5 (e) REGULATIONS.—The text of subsection (f) of
6 such section, as redesignated by subsection (d)(1), is
7 amended to read as follows:

8 “The Secretary of Defense shall prescribe regulations
9 to carry out this section. The regulations shall include the
10 following:

11 “(1) A system for selection of units of the
12 armed forces and other organizations to provide fu-
13 neral honors details.

14 “(2) Procedures for responding and coordi-
15 nating responses to requests for funeral honors de-
16 tails.

17 “(3) Procedures for establishing standards and
18 protocol.

19 “(4) Procedures for providing training and en-
20 suring quality of performance.”.

21 (f) ACCEPTANCE OF VOLUNTARY SERVICES.—Sec-
22 tion 1588(a) of title 10, United States Code, is amended
23 by adding at the end the following:

24 “(4) Voluntary services as a member of a fu-
25 neral honors detail under section 1491 of this title.”.

1 (g) DUTY STATUS OF RESERVES IN FUNERAL HON-
 2 ORS DETAILS.—(1) Chapter 1 of title 32, United States
 3 Code, is amended—

4 (A) in section 114—

5 (i) by striking “honor guard functions”
 6 both places that it appears and inserting “fu-
 7 neral honors functions”; and

8 (ii) by striking “drill or training otherwise
 9 required” and inserting “drill or training, but
 10 may be performed as funeral honors duty under
 11 section 115 of this title”; and

12 (B) by adding at the end the following:

13 **“§ 115. Funeral honors duty performed as a Federal**
 14 **function**

15 “(a) ORDER TO DUTY.—A member of the Army Na-
 16 tional Guard of the United States or the Air National
 17 Guard of the United States may be ordered to funeral
 18 honors duty, with the consent of the member, to prepare
 19 for or perform funeral honors functions at the funeral of
 20 a veteran under section 1491 of title 10. However, a mem-
 21 ber of the Army National Guard of the United States or
 22 the Air National Guard of the United States may not be
 23 ordered to perform funeral honors functions under this
 24 section without the consent of the Governor or other ap-
 25 propriate authority of the State concerned.

1 “(b) SERVICE CREDIT.—A member ordered to fu-
2 neral honors duty under this section shall be required to
3 perform a minimum of two hours of such duty in order
4 to receive—

5 “(1) service credit under section
6 12732(a)(2)(E) of title 10; and

7 “(2) if authorized by the Secretary concerned,
8 the allowance under section 435 of title 37.

9 “(c) REIMBURSABLE EXPENSES.—A member who
10 performs funeral honors duty under this section may be
11 paid reimbursement for travel and transportation expenses
12 incurred in conjunction with such duty as authorized
13 under chapter 7 of title 37 if such duty is performed at
14 a location 100 miles or more from the member’s residence.

15 “(d) REGULATIONS.—The exercise of authority under
16 subsection (a) is subject to regulations prescribed by the
17 Secretary of Defense.”.

18 (2) Chapter 1213 of title 10, United States Code, is
19 amended by adding at the end the following:

20 **“§ 12503. Ready Reserve: funeral honors duty**

21 “(a) ORDER TO DUTY.—A member of the Ready Re-
22 serve may be ordered to funeral honors duty, with the con-
23 sent of the member, in preparation for or to perform fu-
24 neral honors functions at the funeral of a veteran as de-
25 fined in section 1491 of this title.

1 “(b) SERVICE CREDIT.—A member ordered to fu-
2 neral honors duty under this section shall be required to
3 perform a minimum of two hours of such duty in order
4 to receive—

5 “(1) service credit under section
6 12732(a)(2)(E) of this title; and

7 “(2) if authorized by the Secretary concerned,
8 the allowance under section 435 of title 37.

9 “(c) REIMBURSABLE EXPENSES.—A member who
10 performs funeral honors duty under this section may be
11 paid reimbursement for travel and transportation expenses
12 incurred in conjunction with such duty as authorized
13 under chapter 7 of title 37 if such duty is performed at
14 a location 100 miles or more from the member’s residence.

15 “(d) REGULATIONS.—The exercise of authority under
16 subsection (a) is subject to regulations prescribed by the
17 Secretary of Defense.

18 “(e) MEMBERS OF THE NATIONAL GUARD.—This
19 section does not apply to members of the Army National
20 Guard of the United States or the Air National Guard
21 of the United States. The performance of funeral honors
22 duty by such members is provided for in section 115 of
23 title 32.”.

24 (3) Section 12552 of title 10, United States Code,
25 is amended—

1 (A) by striking “honor guard functions” and in-
2 serting “funeral honors functions”; and

3 (B) by striking “drill or training otherwise re-
4 quired” and inserting “drill or training, but may be
5 performed as funeral honors duty under section
6 12503 of this title”.

7 (h) CREDITING OF ONE POINT FOR RESERVE SERV-
8 ING ON DETAIL.—Section 12732(a)(2) of such title is
9 amended—

10 (1) by inserting after subparagraph (D) the fol-
11 lowing:

12 “(E) One point for each day on which fu-
13 neral honors duty is performed for at least two
14 hours under section 12503 of this title or sec-
15 tion 115 of title 32, unless the duty is per-
16 formed while in a status for which credit is pro-
17 vided under another subparagraph of this para-
18 graph.”; and

19 (2) by striking “, and (D)” in the second sen-
20 tence and inserting “, (D), and (E)”.

21 (i) BENEFITS FOR MEMBERS IN FUNERAL HONORS
22 DUTY STATUS.—(1) Section 1074a(a) of such title is
23 amended—

24 (A) in each of paragraphs (1) and (2)—

1 (i) by striking “or” at the end of subpara-
2 graph (A);

3 (ii) by striking the period at the end of
4 subparagraph (B) and inserting “; or”; and

5 (iii) by adding at the end the following:

6 “(C) service on funeral honors duty under
7 section 12503 of this title or section 115 of title
8 32.”; and

9 (B) by adding at the end the following:

10 “(4) Each member of the armed forces who in-
11 curs or aggravates an injury, illness, or disease in
12 the line of duty while remaining overnight imme-
13 diately before serving on funeral honors duty under
14 section 12503 of this title or section 115 of title 32
15 at or in the vicinity of the place at which the mem-
16 ber was to so serve, if the place is outside reasonable
17 commuting distance from the member’s residence.”.

18 (2) Section 1076(a)(2) of such title is amended by
19 adding at the end the following:

20 “(E) A member who died from an injury, ill-
21 ness, or disease incurred or aggravated while the
22 member—

23 “(i) was serving on funeral honors duty
24 under section 12503 of this title or section 115
25 of title 32;

1 “(ii) was traveling to or from the place at
2 which the member was to so serve; or

3 “(iii) remained overnight at or in the vicin-
4 ity of that place immediately before so serving,
5 if the place is outside reasonable commuting
6 distance from the member’s residence.”.

7 (3) Section 1204(2) of such title is amended—

8 (A) by striking “or” at the end of subpara-
9 graph (A);

10 (B) by inserting “or” after the semicolon at the
11 end of subparagraph (B); and

12 (C) by adding at the end the following:

13 “(C) is a result of an injury, illness, or dis-
14 ease incurred or aggravated in line of duty—

15 “(i) while the member was serving on
16 funeral honors duty under section 12503
17 of this title or section 115 of title 32;

18 “(ii) while the member was traveling
19 to or from the place at which the member
20 was to so serve; or

21 “(iii) while the member remained
22 overnight at or in the vicinity of that place
23 immediately before so serving, if the place
24 is outside reasonable commuting distance
25 from the member’s residence;”.

1 (4) Section 1206(2) is amended to read as follows:

2 “(2) the disability is a result of an injury, ill-
3 ness, or disease incurred or aggravated in line of
4 duty—

5 “(A) while—

6 “(i) performing active duty or inac-
7 tive-duty training;

8 “(ii) traveling directly to or from the
9 place at which such duty is performed; or

10 “(iii) remaining overnight immediately
11 before the commencement of inactive-duty
12 training, or while remaining overnight be-
13 tween successive periods of inactive-duty
14 training, at or in the vicinity of the site of
15 the inactive-duty training, if the site is out-
16 side reasonable commuting distance of the
17 member’s residence; or

18 “(B) while the member—

19 “(i) was serving on funeral honors
20 duty under section 12503 of this title or
21 section 115 of title 32;

22 “(ii) was traveling to or from the
23 place at which the member was to so serve;
24 or

1 “(iii) remained overnight at or in the
2 vicinity of that place immediately before so
3 serving, if the place is outside reasonable
4 commuting distance from the member’s
5 residence;”.

6 (5) Section 1481(a)(2) of such title is amended—

7 (A) by striking “or” at the end of subpara-
8 graph (D);

9 (B) by striking the period at the end of sub-
10 paragraph (E) and inserting “; or”; and

11 (C) by adding at the end the following:

12 “(F) either—

13 “(i) serving on funeral honors duty
14 under section 12503 of this title or section
15 115 of title 32;

16 “(ii) traveling directly to or from the
17 place at which to so serve; or

18 “(iii) remaining overnight at or in the
19 vicinity of that place before so serving, if
20 the place is outside reasonable commuting
21 distance from the member’s residence.”.

22 (j) FUNERAL HONORS DUTY ALLOWANCE.—Chapter
23 4 of title 37, United States Code, is amended by adding
24 at the end the following:

1 **“§ 435. Allowance for funeral honors duty**

2 “(a) AUTHORITY.—The Secretary concerned may au-
3 thorize payment of an allowance to a member of the Ready
4 Reserve for each day on which the member performs at
5 least two hours of funeral honors duty pursuant to section
6 12503 of title 10 or section 115 of title 32.

7 “(b) AMOUNT.—The daily rate of an allowance paid
8 under this section is \$50.

9 “(c) FULL COMPENSATION.—Except for expenses re-
10 imbursed under subsection (c) of section 12503 of title
11 10 or subsection (c) of section 115 of title 32, the allow-
12 ance paid under this section is the only monetary com-
13 pensation authorized to be paid a member for the perform-
14 ance of funeral honors duty pursuant to such section, re-
15 gardless of the grade in which serving, and shall constitute
16 payment in full to the member.”.

17 (k) CLERICAL AMENDMENTS.—(1)(A) The heading
18 for section 1491 of title 10, United States Code, is amend-
19 ed to read as follows:

20 **“§ 1491. Funeral honors functions at funerals for vet-**
21 **erans”.**

22 (B) The heading for section 12552 of title 10, United
23 States Code, is amended to read as follows:

1 **“§ 12552. Funeral honors functions at funerals for**
2 **veterans”.**

3 (2)(A) The item relating to section 1491 in the table
4 of sections at the beginning of chapter 75 of title 10,
5 United States Code, is amended to read as follows:

“1491. Funeral honors functions at funerals for veterans.”.

6 (B) The table of sections at the beginning of chapter
7 1213 of title 10, United States Code, is amended by add-
8 ing at the end the following:

“12503. Ready Reserve: funeral honors duty.”.

9 (C) The item relating to section 12552 table of sec-
10 tions at the beginning of chapter 1215 of title 10, United
11 States Code, is amended to read as follows:

“12552. Funeral honors functions at funerals for veterans.”.

12 (3)(A) The heading for section 114 of title 32, United
13 States Code, is amended to read as follows:

14 **“§ 114. Funeral honors functions at funerals for vet-**
15 **erans”.**

16 (B) The table of sections at the beginning of chapter
17 1 of title 32, United States Code, is amended by striking
18 the item relating to section 114 and inserting the fol-
19 lowing:

“114. Funeral honors functions at funerals for veterans.

“115. Funeral honors duty performed as a Federal function.”.

1 (4) The table of sections at the beginning of chapter
2 4 of title 37, United States Code, is amended by adding
3 at the end the following:

“435. Allowance for funeral honors duty.”.

4 **SEC. 572. INCREASED AUTHORITY TO EXTEND DELAYED**
5 **ENTRY PERIOD FOR ENLISTMENTS OF PER-**
6 **SONS WITH NO PRIOR MILITARY SERVICE.**

7 (a) **MAXIMUM PERIOD OF EXTENSION.**—Section
8 513(b)(1) of title 10, United States Code, is amended by
9 striking “180 days” in the second sentence and inserting
10 “365 days”.

11 (b) **EFFECTIVE DATE.**—The amendment made by
12 subsection (a) shall take effect on October 1, 1999, and
13 shall apply with respect to enlistments entered into on or
14 after that date.

15 **SEC. 573. ARMY COLLEGE FIRST PILOT PROGRAM.**

16 (a) **PROGRAM REQUIRED.**—The Secretary of the
17 Army shall establish a pilot program to assess whether
18 the Army could increase the number of, and the level of
19 the qualifications of, persons accessed into the Army by
20 encouraging recruits to pursue higher education or voca-
21 tional or technical training before entry into active service
22 in the Army.

23 (b) **DELAYED ENTRY WITH ALLOWANCE FOR HIGH-**
24 **ER EDUCATION.**—Under the pilot program, the Secretary

1 may exercise the authority under section 513 of title 10,
2 United States Code—

3 (1) to accept the enlistment of a person as a
4 Reserve for service in the Selected Reserve or Indi-
5 vidual Ready Reserve of the Army Reserve or, not-
6 withstanding the scope of the authority under sub-
7 section (a) of that section, in the Army National
8 Guard of the United States;

9 (2) to authorize, notwithstanding the period
10 limitation in subsection (b) of such section, a delay
11 of the enlistment of that person in a regular compo-
12 nent under that subsection for the period during
13 which the person is enrolled in and pursuing a pro-
14 gram of education at an institution of higher edu-
15 cation, or a program of vocational or technical train-
16 ing, on a full-time basis that is to be completed with-
17 in two years after the date of the enlistment as a
18 Reserve; and

19 (3) in the case of a person enlisted in a reserve
20 component for service in the Individual Ready Re-
21 serve, pay an allowance to the person for each
22 month of that period.

23 (c) MAXIMUM PERIOD OF DELAY.—The period of
24 delay authorized a person under paragraph (2) of sub-
25 section (b) may not exceed the two-year period beginning

1 on the date of the person's enlistment accepted under
2 paragraph (1) of such subsection.

3 (d) AMOUNT OF ALLOWANCE.—(1) The monthly al-
4 lowance paid under subsection (b)(3) is \$150. The allow-
5 ance may not be paid for more than 24 months.

6 (2) An allowance under this section is in addition to
7 any other pay and allowances to which a member of a re-
8 serve component is entitled by reason of participation in
9 the Ready Reserve of that component.

10 (e) COMPARISON GROUP.—To perform the assess-
11 ment under subsection (a), the Secretary may define and
12 study any group not including persons receiving a benefit
13 under subsection (b) and compare that group with any
14 group or groups of persons who receive such benefits
15 under the pilot program.

16 (f) DURATION OF PILOT PROGRAM.—The pilot pro-
17 gram shall be in effect during the period beginning on Oc-
18 tober 1, 1999, and ending on September 30, 2004.

19 (g) REPORT.—Not later than February 1, 2004, the
20 Secretary shall submit to the Committees on Armed Serv-
21 ices of the Senate and the House of Representatives a re-
22 port on the pilot program. The report shall include the
23 following:

24 (1) The assessment of the Secretary regarding
25 the value of the authority under this section for

1 achieving the objectives of increasing the number of,
2 and the level of the qualifications of, persons
3 accessed into the Army.

4 (2) Any recommendation for legislation or other
5 actions that the Secretary considers appropriate to
6 achieve such objectives through grants of entry
7 delays and financial benefits for advanced education
8 and training of recruits.

9 **SEC. 574. REDUCTION IN REQUIRED FREQUENCY OF RE-**
10 **PORTING ON THE SELECTED RESERVE EDU-**
11 **CATIONAL ASSISTANCE PROGRAM UNDER**
12 **THE MONTGOMERY GI BILL.**

13 The text of section 16137 of title 10, United States
14 Code, is amended to read as follows:

15 “The Secretary of Defense shall submit to Congress
16 a report not later than March 1 of every other year con-
17 cerning the operation of the educational assistance pro-
18 gram established by this chapter. The report shall cover
19 the two fiscal years preceding the fiscal year in which the
20 report is submitted and shall include the number of mem-
21 bers of the Selected Reserve of the Ready Reserve of each
22 armed force receiving, and the number entitled to receive,
23 educational assistance under this chapter during the pe-
24 riod covered by the report. The Secretary may submit the

1 report more frequently and adjust the period covered by
2 the report accordingly.”.

3 **SEC. 575. PARTICIPATION OF MEMBERS IN MANAGEMENT**
4 **OF ORGANIZATIONS ABROAD THAT PROMOTE**
5 **INTERNATIONAL UNDERSTANDING.**

6 Section 1033(b)(3) of title 10, United States Code,
7 is amended by inserting after subparagraph (D) the fol-
8 lowing:

9 “(E) An entity that, operating in a foreign na-
10 tion where United States personnel are serving at
11 United States military activities, promotes under-
12 standing and tolerance between such personnel (and
13 their families) and the people of that host foreign
14 nation through programs that foster social relations
15 between those persons.”.

16 **SEC. 576. FORENSIC PATHOLOGY INVESTIGATIONS BY**
17 **ARMED FORCES MEDICAL EXAMINER.**

18 (a) INVESTIGATION AUTHORITY.—Chapter 75 of title
19 10, United States Code, is amended by striking the head-
20 ing for the chapter and inserting the following:

21 **“CHAPTER 75—DECEASED PERSONNEL**

“Subchapter	Sec.
“I. Death Investigations	1471
“II. Death Benefits	1475

22 **“SUBCHAPTER I—DEATH INVESTIGATIONS**

“Sec.
“1471. Forensic pathology investigations.

1 **“§ 1471. Forensic pathology investigations**

2 “(a) AUTHORITY.—Under regulations prescribed by
3 the Secretary of Defense, the Armed Forces Medical Ex-
4 aminer may conduct a forensic pathology investigation to
5 determine the cause or manner of death of a deceased per-
6 son under circumstances described in subsection (b). The
7 investigation may include an autopsy of the decedent’s re-
8 mains.

9 “(b) BASIS FOR INVESTIGATION.—A forensic pathol-
10 ogy investigation of a death under this section is justified
11 if—

12 “(1) either—

13 “(A) it appears that the decedent was
14 killed or that, whatever the cause of the dece-
15 dent’s death, the cause was unnatural;

16 “(B) the cause or manner of death is un-
17 known;

18 “(C) there is reasonable suspicion that the
19 death was by unlawful means;

20 “(D) it appears that the death resulted
21 from an infectious disease or from the effects of
22 a hazardous material that may have an adverse
23 effect on the military installation or community
24 involved; or

25 “(E) the identity of the decedent is un-
26 known; and

1 “(2) either—

2 “(A) the decedent—

3 “(i) was found dead or died at an in-
4 stallation garrisoned by units of the armed
5 forces that is under the exclusive jurisdic-
6 tion of the United States;

7 “(ii) was a member of the armed
8 forces on active duty or inactive duty for
9 training;

10 “(iii) was a former member recently
11 retired under chapter 61 of this title as a
12 result of an injury or illness incurred while
13 a member on active duty or inactive duty
14 for training; or

15 “(iv) was a civilian dependent of a
16 member of the armed forces and was found
17 dead or died outside the United States;

18 “(B) in any other authorized Department
19 of Defense investigation of matters which in-
20 volves the death, a factual determination of the
21 cause or manner of the death is necessary; or

22 “(C) in any other authorized investigation
23 being conducted by the Federal Bureau of In-
24 vestigation, the National Transportation Safety
25 Board, or any other Federal agency, an author-

1 ized official of such agency with authority to di-
2 rect a forensic pathology investigation requests
3 that the Armed Forces Medical Examiner con-
4 duct such an investigation.

5 “(c) DETERMINATION OF JUSTIFICATION.—(1) Sub-
6 ject to paragraph (2), the determination under paragraph
7 (1) of subsection (b) shall be made by the Armed Forces
8 Medical Examiner.

9 “(2) A commander may make the determination
10 under paragraph (1) of subsection (b) and require a foren-
11 sic pathology investigation under this section without re-
12 gard to a determination made by the Armed Forces Med-
13 ical Examiner if—

14 “(A) in a case involving circumstances de-
15 scribed in paragraph (2)(A)(i) of that subsection,
16 the commander is the commander of the installation
17 where the decedent was found dead or died; or

18 “(B) in a case involving circumstances de-
19 scribed in paragraph (2)(A)(ii) of that subsection,
20 the commander is the commander of the decedent’s
21 unit at a level in the chain of command designated
22 for such purpose in the regulations prescribed by the
23 Secretary of Defense.

24 “(d) LIMITATION IN CONCURRENT JURISDICTION
25 CASES.—(1) The exercise of authority under this section

1 is subject to the exercise of primary jurisdiction for the
2 investigation of a death—

3 “(A) in the case of a death in a State, by the
4 State or a local government of the State; or

5 “(B) in the case of a death in a foreign coun-
6 try, by that foreign country under any applicable
7 treaty, status of forces agreement, or other inter-
8 national agreement between the United States and
9 that foreign country.

10 “(2) Paragraph (1) does not limit the authority of
11 the Armed Forces Medical Examiner to conduct a forensic
12 pathology investigation of a death that is subject to the
13 exercise of primary jurisdiction by another sovereign if the
14 investigation by the other sovereign is concluded without
15 a forensic pathology investigation that the Armed Forces
16 Medical Examiner considers complete. For the purposes
17 of the preceding sentence a forensic pathology investiga-
18 tion is incomplete if the investigation does not include an
19 autopsy of the decedent.

20 “(e) PROCEDURES.—For a forensic pathology inves-
21 tigation under this section, the Armed Forces Medical Ex-
22 aminer shall—

23 “(1) designate one or more qualified patholo-
24 gists to conduct the investigation;

1 “(2) to the extent practicable and consistent
2 with responsibilities under this section, give due re-
3 gard to any applicable law protecting religious be-
4 liefs;

5 “(3) as soon as practicable, notify the dece-
6 dent’s family, if known, that the forensic pathology
7 investigation is being conducted;

8 “(4) as soon as practicable after the completion
9 of the investigation, authorize release of the dece-
10 dent’s remains to the family, if known; and

11 “(5) promptly report the results of the forensic
12 pathology investigation to the official responsible for
13 the overall investigation of the death.

14 “(f) DEFINITION OF STATE.—In this section, the
15 term ‘State’ includes the District of Columbia, the Com-
16 monwealth of Puerto Rico, and Guam.”.

17 (b) REPEAL OF AUTHORITY FOR EXISTING INQUEST
18 PROCEDURES.—Sections 4711 and 9711 of title 10,
19 United States Code, are repealed.

20 (c) TECHNICAL AND CLERICAL AMENDMENTS.—(1)
21 Chapter 75 of such title, as amended by subsection (a),
22 is further amended by inserting before section 1475 the
23 following:

1 “SUBCHAPTER II—DEATH BENEFITS”.

2 (2) The item relating to chapter 75 in the tables of
3 chapters at the beginning subtitle A of such title and at
4 the beginning of part II of such subtitle is amended to
5 read as follows

“75. Deceased Personnel 1471”.

6 (3) The table of sections at the beginning chapter 445
7 of such title is amended by striking the item relating to
8 section 4711.

9 (4) The table of sections at the beginning chapter 945
10 of such title is amended by striking the item relating to
11 section 9711.

12 **SEC. 577. NONDISCLOSURE OF INFORMATION ON MISSING**
13 **PERSONS RETURNED TO UNITED STATES**
14 **CONTROL.**

15 Section 1506 of title 10, United States Code, is
16 amended by adding at the end the following:

17 “(f) NONDISCLOSURE OF CERTAIN INFORMATION.—
18 A record of the content of a debriefing of a missing person
19 returned to United States control during the period begin-
20 ning July 8, 1959, and ending February 10, 1996, that
21 was conducted by an official of the United States author-
22 ized to conduct the debriefing is privileged information
23 and, notwithstanding sections 552 and 552a of title 5,
24 may not be disclosed, in whole or in part, under either
25 such section.”.

1 **SEC. 578. USE OF RECRUITING MATERIALS FOR PUBLIC**
 2 **RELATIONS PURPOSES.**

3 (a) **AUTHORITY.**—Subchapter I of chapter 134 of
 4 title 10, United States Code, is amended by adding at the
 5 end the following:

6 **“§ 2249c. Use of recruiting materials for public rela-**
 7 **tions**

8 “Advertising materials developed for use for recruit-
 9 ment and retention of personnel for the armed forces may
 10 be used for public relations purposes of the Department
 11 of Defense under such conditions and subject to such re-
 12 strictions as the Secretary of Defense shall prescribe.”.

13 (b) **CLERICAL AMENDMENT.**—The table of sections
 14 at the beginning of such subchapter is amended by adding
 15 at the end the following:

“2249c. Use of recruiting materials for public relations.”.

16 **SEC. 579. IMPROVEMENT AND TRANSFER OF JURISDIC-**
 17 **TION OF TROOPS-TO-TEACHERS PROGRAM.**

18 (a) **RECODIFICATION, IMPROVEMENT, AND TRANS-**
 19 **FER OF PROGRAM.**—(1) Section 1151 of title 10, United
 20 States Code, is amended to read as follows:

21 **“§ 1151. Assistance to certain separated or retired**
 22 **members to obtain certification and em-**
 23 **ployment as teachers**

24 “(a) **PROGRAM AUTHORIZED.**—The administering
 25 Secretary may carry out a program—

1 “(1) to assist eligible members of the armed
2 forces after their discharge or release, or retirement,
3 from active duty to obtain certification or licensure
4 as elementary or secondary school teachers or as vo-
5 cational or technical teachers; and

6 “(2) to facilitate the employment of such mem-
7 bers by local educational agencies identified under
8 subsection (b)(1).

9 “(b) IDENTIFICATION OF LOCAL EDUCATIONAL
10 AGENCIES AND STATES.—(1)(A) In carrying out the pro-
11 gram, the administering Secretary shall periodically iden-
12 tify local educational agencies that—

13 “(i) are receiving grants under title I of the El-
14 ementary and Secondary Education Act of 1965 (20
15 U.S.C. 6301 et seq.) as a result of having within
16 their jurisdictions concentrations of children from
17 low-income families; or

18 “(ii) are experiencing a shortage of qualified
19 teachers, in particular a shortage of science, mathe-
20 matics, special education, or vocational or technical
21 teachers.

22 “(B) The administering Secretary may identify local
23 educational agencies under subparagraph (A) through sur-
24 veys conducted for that purpose or by utilizing information

1 on local educational agencies that is available to the Sec-
2 retary of Education from other sources.

3 “(2) In carrying out the program, the administering
4 Secretary shall also conduct a survey of States to identify
5 those States that have alternative certification or licensure
6 requirements for teachers, including those States that
7 grant credit for service in the armed forces toward satis-
8 fying certification or licensure requirements for teachers.

9 “(c) ELIGIBLE MEMBERS.—(1) Subject to paragraph
10 (2), the following members shall be eligible for selection
11 to participate in the program:

12 “(A) Any member who—

13 “(i) during the period beginning on Octo-
14 ber 1, 1990, and ending on September 30,
15 1999, was involuntarily discharged or released
16 from active duty for purposes of a reduction of
17 force after six or more years of continuous ac-
18 tive duty immediately before the discharge or
19 release; and

20 “(ii) satisfies such other criteria for eligi-
21 bility as the administering Secretary may pre-
22 scribe.

23 “(B) Any member—

24 “(i) who, on or after October 1, 1999—

1 “(I) is retired for length of service
2 with at least 20 years of active service
3 computed under section 3925, 3926, 8925,
4 or 8926 of this title or for purposes of
5 chapter 571 of this title; or

6 “(II) is retired under section 1201 or
7 1204 of this title;

8 “(ii) who—

9 “(I) in the case of a member applying
10 for assistance for placement as an elemen-
11 tary or secondary school teacher, has re-
12 ceived a baccalaureate or advanced degree
13 from an accredited institution of higher
14 education; or

15 “(II) in the case of a member apply-
16 ing for assistance for placement as a voca-
17 tional or technical teacher—

18 “(aa) has received the equivalent
19 of one year of college from an accred-
20 ited institution of higher education
21 and has 10 or more years of military
22 experience in a vocational or technical
23 field; or

24 “(bb) otherwise meets the certifi-
25 cation or licensure requirements for a

1 vocational or technical teacher in the
2 State in which such member seeks as-
3 sistance for placement under the pro-
4 gram; and

5 “(iii) who satisfies any criteria prescribed
6 under subparagraph (A)(ii).

7 “(2) A member described in paragraph (1) shall be
8 eligible to participate in the program only if the member’s
9 last period of service in the armed forces was characterized
10 as honorable by the Secretary concerned.

11 “(d) INFORMATION REGARDING PROGRAM.—(1) The
12 administering Secretary shall provide information regard-
13 ing the program, and make applications for the program
14 available, to members as part of preseparation counseling
15 provided under section 1142 of this title.

16 “(2) The information provided to members shall—

17 “(A) indicate the local educational agencies
18 identified under subsection (b)(1); and

19 “(B) identify those States surveyed under sub-
20 section (b)(2) that have alternative certification or
21 licensure requirements for teachers, including those
22 States that grant credit for service in the armed
23 forces toward satisfying such requirements.

24 “(e) SELECTION OF PARTICIPANTS.—(1)(A) Selec-
25 tion of members to participate in the program shall be

1 made on the basis of applications submitted to the admin-
2 istering Secretary on a timely basis. An application shall
3 be in such form and contain such information as that Sec-
4 retary may require.

5 “(B) An application shall be considered to be sub-
6 mitted on a timely basis if the application is submitted
7 as follows:

8 “(i) In the case of an applicant who is eligible
9 under subsection (c)(1)(A), not later than September
10 30, 2003.

11 “(ii) In the case of an applicant who is eligible
12 under subsection (c)(1)(B), not later than four years
13 after the date of the retirement of the applicant
14 from active duty.

15 “(2) In selecting participants to receive assistance for
16 placement as elementary or secondary school teachers or
17 vocational or technical teachers, the administering Sec-
18 retary shall give priority to members who—

19 “(A) have educational or military experience in
20 science, mathematics, special education, or voca-
21 tional or technical subjects and agree to seek em-
22 ployment as science, mathematics, or special edu-
23 cation teachers in elementary or secondary schools
24 or in other schools under the jurisdiction of a local
25 educational agency; or

1 “(B) have educational or military experience in
2 another subject area identified by that Secretary, in
3 consultation with the National Governors Associa-
4 tion, as important for national educational objectives
5 and agree to seek employment in that subject area
6 in elementary or secondary schools.

7 “(3) The administering Secretary may not select a
8 member to participate in the program unless that Sec-
9 retary has sufficient appropriations for the program avail-
10 able at the time of the selection to satisfy the obligations
11 to be incurred by the United States under subsection (g)
12 with respect to that member.

13 “(f) AGREEMENT.—A member selected to participate
14 in the program shall be required to enter into an agree-
15 ment with the administering Secretary in which the mem-
16 ber agrees—

17 “(1) to obtain, within such time as that Sec-
18 retary may require, certification or licensure as an
19 elementary or secondary school teacher or vocational
20 or technical teacher; and

21 “(2) to accept an offer of full-time employment
22 as an elementary or secondary school teacher or vo-
23 cational or technical teacher for not less than four
24 school years with a local educational agency identi-
25 fied under subparagraph (A) or (B) of subsection

1 (b)(1), to begin the school year after obtaining that
2 certification or licensure.

3 “(g) STIPEND AND BONUS FOR PARTICIPANTS.—

4 (1)(A) Subject to subparagraph (B), the administering
5 Secretary shall pay to each participant in the program a
6 stipend in an amount equal to \$5,000.

7 “(B) The total number of stipends that may be paid
8 under this paragraph in any fiscal year may not exceed
9 3,000.

10 “(2)(A) Subject to subparagraph (B), the admin-
11 istering Secretary may, in lieu of paying a stipend under
12 paragraph (1), pay a bonus of \$10,000 to each participant
13 in the program who agrees under subsection (f) to accept
14 full-time employment as an elementary or secondary
15 school teacher or vocational or technical teacher for not
16 less than four years in a high need school.

17 “(B) The total number of bonuses that may be paid
18 under this paragraph in any fiscal year may not exceed
19 1,000.

20 “(C) In this paragraph, the term ‘high need school’
21 means an elementary school or secondary school that
22 meets one or more of the following criteria:

23 “(i) A drop out rate that exceeds the national
24 average school drop out rate.

1 “(ii) A large percentage of students (as deter-
2 mined by the Secretary of Education in consultation
3 with the National Assessment Governing Board) who
4 speak English as a second language.

5 “(iii) A large percentage of students (as so de-
6 termined) who are at risk of educational failure by
7 reason of limited proficiency in English, poverty,
8 race, geographic location, or economic cir-
9 cumstances.

10 “(iv) A population of students at least one-half
11 of which are from families with an income below the
12 poverty line (as that term is defined by the Office
13 of Management and Budget and revised annually in
14 accordance with section 673(2) of the Community
15 Services Block Grant Act (42 U.S.C. 9902(2)) appli-
16 cable to a family of the size involved.

17 “(v) A large percentage of students (as so de-
18 termined) who qualify for assistance under part B of
19 the Individuals with Disabilities Education Act (20
20 U.S.C. 1411 et seq.).

21 “(vi) Any other criteria established by the ad-
22 ministering Secretary in consultation with the Na-
23 tional Assessment Governing Board.

24 “(3) Stipends and bonuses paid under this subsection
25 shall be taken into account in determining the eligibility

1 of the participant concerned for Federal student financial
2 assistance provided under title IV of the Higher Education
3 Act of 1965 (20 U.S.C. 1070 et seq.).

4 “(h) REIMBURSEMENT UNDER CERTAIN CIR-
5 CUMSTANCES.—(1) If a participant in the program fails
6 to obtain teacher certification or licensure or employment
7 as an elementary or secondary school teacher or vocational
8 or technical teacher as required under the agreement or
9 voluntarily leaves, or is terminated for cause, from the em-
10 ployment during the four years of required service, the
11 participant shall be required to reimburse the admin-
12 istering Secretary for any stipend paid to the participant
13 under subsection (g)(1) in an amount that bears the same
14 ratio to the amount of the stipend as the unserved portion
15 of required service bears to the four years of required serv-
16 ice.

17 “(2) If a participant in the program who is paid a
18 bonus under subsection (g)(2) fails to obtain employment
19 for which the bonus was paid, or voluntarily leaves or is
20 terminated for cause from the employment during the four
21 years of required service, the participant shall be required
22 to reimburse the administering Secretary for the bonus in
23 an amount that bears the same ratio to the amount of
24 the bonus as the unserved portion of required service bears
25 to the four years of required service.

1 “(3)(A) The obligation to reimburse the admin-
2 istering Secretary under this subsection is, for all pur-
3 poses, a debt owing the United States.

4 “(B) A discharge in bankruptcy under title 11 shall
5 not release a participant from the obligation to reimburse
6 the administering Secretary under this subsection.

7 “(C) Any amount owed by a participant under para-
8 graph (1) or (2) shall bear interest at the rate equal to
9 the highest rate being paid by the United States on the
10 day on which the reimbursement is determined to be due
11 for securities having maturities of ninety days or less and
12 shall accrue from the day on which the participant is first
13 notified of the amount due.

14 “(i) EXCEPTIONS TO REIMBURSEMENT PROVI-
15 SIONS.—(1) A participant in the program shall not be con-
16 sidered to be in violation of an agreement entered into
17 under subsection (f) during any period in which the
18 participant—

19 “(A) is pursuing a full-time course of study re-
20 lated to the field of teaching at an eligible institu-
21 tion;

22 “(B) is serving on active duty as a member of
23 the armed forces;

1 “(C) is temporarily totally disabled for a period
2 of time not to exceed three years as established by
3 sworn affidavit of a qualified physician;

4 “(D) is unable to secure employment for a pe-
5 riod not to exceed 12 months by reason of the care
6 required by a spouse who is disabled;

7 “(E) is seeking and unable to find full-time em-
8 ployment as a teacher in an elementary or secondary
9 school or as a vocational or technical teacher for a
10 single period not to exceed 27 months; or

11 “(F) satisfies the provisions of additional reim-
12 bursement exceptions that may be prescribed by the
13 administering Secretary.

14 “(2) A participant shall be excused from reimburse-
15 ment under subsection (h) if the participant becomes per-
16 manently totally disabled as established by sworn affidavit
17 of a qualified physician. The administering Secretary may
18 also waive reimbursement in cases of extreme hardship to
19 the participant, as determined by that Secretary.

20 “(j) RELATIONSHIP TO EDUCATIONAL ASSISTANCE
21 UNDER MONTGOMERY GI BILL.—The receipt by a partic-
22 ipant in the program of any assistance under the program
23 shall not reduce or otherwise affect the entitlement of the
24 participant to any benefits under chapter 30 of title 38
25 or chapter 1606 of this title.

1 “(k) DISCHARGE OF STATE ACTIVITIES THROUGH
2 CONSORTIA OF STATES.—The administering Secretary
3 may permit States participating in the program to carry
4 out activities authorized for such States under this section
5 through one or more consortia of such States.

6 “(l) ASSISTANCE TO STATES IN ACTIVITIES UNDER
7 PROGRAM.—(1) Subject to paragraph (2), the admin-
8 istering Secretary may make grants to States partici-
9 pating in the program, or to consortia of such States, in
10 order to permit such States or consortia of States to oper-
11 ate offices for purposes of recruiting eligible members for
12 participation in the program and facilitating the employ-
13 ment of participants in the program in schools in such
14 States or consortia of States.

15 “(2) The total amount of grants under paragraph (1)
16 in any fiscal year may not exceed \$4,000,000.

17 “(m) LIMITATION ON USE OF FUNDS FOR MANAGE-
18 MENT INFRASTRUCTURE.—The administering Secretary
19 may utilize not more than five percent of the funds avail-
20 able to carry out the program for a fiscal year for purposes
21 of establishing and maintaining the management infra-
22 structure necessary to support the program.

23 “(n) DEFINITIONS.—In this section:

1 “(1) The term ‘administering Secretary’, with
2 respect to the program authorized by this section,
3 means the following:

4 “(A) The Secretary of Defense with re-
5 spect to the armed forces (other than the Coast
6 Guard) for the period beginning on October 23,
7 1992, and ending on the date of the completion
8 of the transfer of responsibility for the program
9 to the Secretary of Education under section
10 579(c) of the National Defense Authorization
11 Act for Fiscal Year 2000.

12 “(B) The Secretary of Transportation with
13 respect to the Coast Guard for the period re-
14 ferred to in subparagraph (A).

15 “(C) The Secretary of Education for any
16 period after the period referred to in subpara-
17 graph (A).

18 “(2) The term ‘State’ includes the District of
19 Columbia, American Samoa, the Federated States of
20 Micronesia, Guam, the Republic of the Marshall Is-
21 lands, the Commonwealth of the Northern Mariana
22 Islands, the Commonwealth of Puerto Rico, the Re-
23 public of Palau, and the United States Virgin Is-
24 lands.

1 “(3) The term ‘alternative certification or licen-
2 sure requirements’ means State or local teacher cer-
3 tification or licensure requirements that permit a
4 demonstrated competence in appropriate subject
5 areas gained in careers outside of education to be
6 substituted for traditional teacher training course
7 work.”.

8 (2) The table of sections at the beginning of chapter
9 58 of such title is amended by striking the item relating
10 to section 1151 and inserting the following new item:

 “1151. Assistance to certain separated or retired members to obtain certification
 and employment as teachers.”.

11 (b) **EFFECTIVE DATE.**—The amendments made by
12 subsection (a) shall take effect on October 1, 1999.

13 (c) **TRANSFER OF JURISDICTION OVER CURRENT**
14 **PROGRAM.**—(1) The Secretary of Defense, Secretary of
15 Transportation, and Secretary of Education shall provide
16 for the transfer to the Secretary of Education of any on-
17 going functions and responsibilities of the Secretary of De-
18 fense and the Secretary of Transportation with respect to
19 the program authorized by section 1151 of title 10, United
20 States Code, for the period beginning on October 23,
21 1992, and ending on September 30, 2001.

22 (2) The Secretaries shall complete the transfer under
23 paragraph (1) not later than October 1, 2001.

1 (3) After completion of the transfer, the Secretary
2 of Education shall discharge that Secretary's functions
3 and responsibilities with respect to the program in con-
4 sultation with the Secretary of Defense and the Secretary
5 of Transportation with respect to the Coast Guard.

6 (d) REPORTS.—(1) Not later than March 31, 2002,
7 the Secretary of Education (in consultation with the Sec-
8 retary of Defense and the Secretary of Transportation)
9 and the Comptroller General shall each submit to Con-
10 gress a report on the effectiveness of the program author-
11 ized by section 1151 of title 10, United States Code (as
12 amended by subsection (a)), in the recruitment and reten-
13 tion of qualified personnel by local educational agencies
14 identified under subsection (b)(1) of such section 1151.

15 (2) The report under paragraph (1) shall include in-
16 formation on the following:

17 (A) The number of participants in the program.

18 (B) The schools in which such participants are
19 employed.

20 (C) The grade levels at which such participants
21 teach.

22 (D) The subject matters taught by such partici-
23 pants.

1 (E) The effectiveness of the teaching of such
2 participants, as indicated by any relevant test scores
3 of the students of such participants.

4 (F) The extent of any academic improvement in
5 the schools in which such participants teach by rea-
6 son of their teaching.

7 (G) The rates of retention of such participants
8 by the local educational agencies employing such
9 participants.

10 (H) The effect of any stipends or bonuses
11 under subsection (g) of such section 1151 in enhanc-
12 ing participation in the program or in enhancing re-
13 cruitment or retention of participants in the pro-
14 gram by the local educational agencies employing
15 such participants.

16 (I) Such other matters as the Secretary of Edu-
17 cation or the Comptroller General, as the case may
18 be, considers appropriate.

19 (3) The report of the Comptroller General under
20 paragraph (1) shall also include any recommendations of
21 the Comptroller General as to means of improving the pro-
22 gram, including means of enhancing the recruitment and
23 retention of participants in the program.

1 **SEC. 580. SUPPORT FOR EXPANDED CHILD CARE SERV-**
2 **ICES AND YOUTH PROGRAM SERVICES FOR**
3 **DEPENDENTS.**

4 (a) **AUTHORITY.**—(1) Subchapter II of chapter 88 of
5 title 10, United States Code, is amended—

6 (A) by redesignating section 1798 as section
7 1800; and

8 (B) by inserting after section 1797 the fol-
9 lowing:

10 **“§ 1798. Child care services and youth program serv-**
11 **ices for dependents: financial assistance**
12 **for providers**

13 “(a) **AUTHORITY.**—The Secretary of Defense may
14 provide financial assistance to an eligible civilian provider
15 of child care services or youth program services that fur-
16 nishes such services for members of the armed forces and
17 employees of the Federal Government if the Secretary de-
18 termines that providing the assistance—

19 “(1) is in the best interest of the Department
20 of Defense;

21 “(2) enables supplementation or expansion of
22 furnishing of the services for military installations;
23 and

24 “(3) ensures that the eligible provider is able to
25 comply, and does comply, with the regulations, poli-

1 cies, and standards of the Department of Defense
2 that are applicable to the furnishing of such services.

3 “(b) ELIGIBLE PROVIDER.—A provider of child care
4 services or youth program services is eligible for financial
5 assistance under paragraph (1) if the provider—

6 “(1) is licensed to provide the services under
7 applicable State and local law;

8 “(2) has previously provided such services for
9 members of the armed forces or employees of the
10 Federal Government; and

11 “(3) either—

12 “(A) is a provider of otherwise federally
13 funded or sponsored child development services;

14 “(B) provides the services in a child devel-
15 opment center owned and operated by a private,
16 not-for-profit organization;

17 “(C) is a provider of family child care serv-
18 ices;

19 “(D) conducts a before-school or after-
20 school child care program in a public school fa-
21 cility;

22 “(E) conducts an otherwise federally fund-
23 ed or federally sponsored school age child care
24 or youth services program;

1 “(F) conducts a school age child care or
2 youth services program that is owned and oper-
3 ated by a not-for-profit organization; or

4 “(G) is a provider of another category of
5 child care services or youth services determined
6 by the Secretary of Defense as appropriate for
7 meeting the needs of members of the armed
8 forces or employees of the Department of De-
9 fense.

10 “(c) FUNDING.—To provide financial assistance
11 under this subsection, the Secretary of Defense may use
12 any funds available for the Department of Defense.

13 “(d) BIENNIAL REPORT.—(1) Every two years the
14 Secretary of Defense shall submit to Congress a report
15 on the exercise of authority under this section. The report
16 shall include an evaluation of the effectiveness of the au-
17 thority for meeting the needs of members of the armed
18 forces or employees of the Department of Defense for child
19 care services and youth program services. The report may
20 include any recommendations for legislation that the Sec-
21 retary considers appropriate to enhance the capability of
22 the Department of Defense to meet those needs.

23 “(2) A biennial report under this subsection may be
24 combined with the biennial report under section 1799(d)
25 of this title into one report for submission to Congress.

1 **“§ 1799. Child care services and youth program serv-**
2 **ices for dependents: participation by chil-**
3 **dren and youth otherwise ineligible**

4 “(a) **AUTHORITY.**—The Secretary may authorize par-
5 ticipation in child care or youth programs of the Depart-
6 ment of Defense, to the extent of the availability of space
7 and services, by children and youth under the age of 19
8 who are not dependents of members of the armed forces
9 or of employees of the Department of Defense and are
10 not otherwise eligible for participation in the programs.

11 “(b) **LIMITATION.**—Authorization of participation in
12 a program under subsection (a) shall be limited to situa-
13 tions in which the participation promotes the attainment
14 of the objectives set forth in subsection (c), as determined
15 by the Secretary.

16 “(c) **OBJECTIVES.**—The objectives for authorizing
17 participation in a program under subsection (a) are as fol-
18 lows:

19 “(1) To support the integration of children and
20 youth of military families into civilian communities.

21 “(2) To make more efficient use of Department
22 of Defense facilities and resources.

23 “(3) To establish or support a partnership or
24 consortium arrangement with schools and other
25 youth services organizations serving children of the
26 armed forces.

1 “(d) BIENNIAL REPORT.—(1) Every two years the
2 Secretary of Defense shall submit to Congress a report
3 on the exercise of authority under this section. The report
4 shall include an evaluation of the effectiveness of the au-
5 thority for achieving the objectives set out under sub-
6 section (c). The report may include any recommendations
7 for legislation that the Secretary considers appropriate to
8 enhance the capability of the Department of Defense to
9 attain those objectives.

10 “(2) A biennial report under this subsection may be
11 combined with the biennial report under section 1798(d)
12 of this title into one report for submission to Congress.”.

13 (2) The table of sections at the beginning of such sub-
14 chapter is amended by striking the item relating to section
15 1798 and inserting the following:

“1798. Child care services and youth program services for dependents: financial
assistance for providers.”.

“1799. Child care services and youth program services for dependents: participa-
tion by children and youth otherwise ineligible.

“1800. Definitions.”.

16 (b) FIRST BIENNIAL REPORTS.—The first biennial
17 reports under sections 1798(d) and 1799(d) of title 10,
18 United States Code (as added by subsection (a)), shall be
19 submitted not later than March 31, 2002, and shall cover
20 fiscal years 2000 and 2001.

1 **SEC. 581. RESPONSES TO DOMESTIC VIOLENCE IN THE**
2 **ARMED FORCES.**

3 (a) **MILITARY-CIVILIAN TASK FORCE ON DOMESTIC**
4 **VIOLENCE.**—(1) The Secretary of Defense shall establish
5 a Military-Civilian Task Force on Domestic Violence. The
6 Secretary shall appoint the members of the task force in
7 accordance with this section not later than six months
8 after the date of the enactment of this Act.

9 (2)(A) Not later than six months after the date on
10 which all members of the task force are appointed, the
11 task force shall submit to the Secretary of Defense rec-
12 ommendations on the matters set out under subsection
13 (b). The task force shall, thereafter, submit to the Sec-
14 retary of Defense from time to time any analyses and rec-
15 ommendations for policies regarding how the Armed
16 Forces can effectively respond, and improve responses, to
17 cases of domestic violence that the task force considers
18 appropriate.

19 (B) The task force shall submit to Congress an an-
20 nual report containing a detailed discussion of the achieve-
21 ments in responses to domestic violence in the Armed
22 Forces, pending research on domestic violence, and any
23 recommendations for actions to improve the responses of
24 the Armed Forces to domestic violence in the Armed
25 Forces that the task force considers appropriate.

26 (C) The task force shall—

1 (i) meet in plenary session at least once annu-
2 ally; and

3 (ii) visit military installations overseas annually
4 and military installations within the United States
5 semiannually.

6 (3) The Secretary shall appoint the members of the
7 task force. The task force shall include the following:

8 (A) Representatives of Department of Defense
9 family advocacy programs.

10 (B) Medical personnel.

11 (C) Judge advocates.

12 (D) Military police or other law enforcement
13 personnel of the Armed Forces.

14 (E) Commanders.

15 (F) Personnel who plan, execute, and evaluate
16 training of the Armed Forces.

17 (G) Civilian personnel who are experts on do-
18 mestic violence, family advocates, providers of serv-
19 ices specifically for victims of domestic violence, and
20 researchers in domestic violence including, but not
21 limited to, the following:

22 (i) At least two representatives from the
23 national domestic violence resource center and
24 the special issue resource centers referred to in

1 section 308 of the Family Violence Prevention
2 and Services Act (42 U.S.C. Sec. 10407).

3 (ii) At least two representatives from na-
4 tional domestic violence and sexual assault pol-
5 icy organizations.

6 (iii) At least two representatives from se-
7 lected States' domestic violence and sexual as-
8 sault coalitions.

9 (iv) At least two local domestic violence
10 and sexual assault service providers in commu-
11 nities located near military installations.

12 (H) Civilian law enforcement personnel (ap-
13 pointed in consultation with the Attorney General).

14 (I) Representatives of the Department of Jus-
15 tice (appointed in consultation with the Attorney
16 General) from the following offices:

17 (i) The Office on Violence Against Women.

18 (ii) The Violence Against Women Grants
19 Office.

20 (J) Representatives of the Department of
21 Health and Human Services (appointed in consulta-
22 tion with the Secretary of Health and Human Serv-
23 ices) from the Family Violence Prevention and Serv-
24 ices Office.

1 (4) The Secretary shall ensure that the task force in-
2 cludes the following:

3 (A) Representatives of the Office of the Sec-
4 retary of Defense.

5 (B) General and flag officers.

6 (C) Noncommissioned officers.

7 (D) Other enlisted personnel.

8 (5) The Secretary of Defense shall annually designate
9 to chair the task force one member of the task force from
10 among the members on a list of nominees submitted to
11 the Secretary for that purpose by the task force.

12 (6) Each member of the task force shall serve without
13 compensation (other than the compensation to which enti-
14 tled as a member of the Armed Forces or an officer or
15 employee of the United States, as the case may be), but
16 shall be allowed travel expenses, including per diem in lieu
17 of subsistence, at rates authorized for employees of agen-
18 cies under subchapter I of chapter 57 of title 5, United
19 States Code, while away from the member's home or reg-
20 ular places of business in the performance of services for
21 the task force.

22 (7) The Assistant Secretary of Defense for Force
23 Management Policy, under the direction of the Under Sec-
24 retary of Defense for Personnel and Readiness, shall pro-
25 vide oversight of the task force and shall provide the task

1 force with the personnel, facilities, and other administra-
2 tive support that is necessary for the performance of the
3 task force's duties. The Assistant Secretary shall provide
4 for the Secretaries of the military department to provide
5 support described in paragraph (8)(B) for the task force
6 on a rotating basis.

7 (8) The Secretary of the military department con-
8 cerned shall—

9 (A) coordinate visits of the task force to mili-
10 tary installations; and

11 (B) as designated by the Assistant Secretary of
12 Defense and in coordination with Assistant Sec-
13 retary, provide administrative, logistical, and other
14 support for the meetings of the task force.

15 (9) The task force shall terminate three years after
16 the date on which all members of the task force are ap-
17 pointed.

18 (b) UNIFORM RESPONSES.—Not later than six
19 months after receiving the report of the task force under
20 subsection (a)(2)(A), the Secretary of Defense shall, in
21 consultation with the task force, prescribe the following:

22 (1) Standard formats for memorandums of
23 agreement or understanding to be used by the Secre-
24 taries of the military departments for entering into
25 agreements with civilian law enforcement authorities

1 relating to acts of domestic violence involving mem-
2 bers of the Armed Forces.

3 (2) A requirement for a commanding officer of
4 a member of the Armed Forces ordered by a supe-
5 rior not to have contact with a person to give a writ-
6 ten copy of the order to each person protected by the
7 order within 24 hours after the issuance of the
8 order.

9 (3) Standard guidance on the factors for com-
10 manders to consider when determining appropriate
11 action for substantiated allegations of domestic vio-
12 lence by a person subject to that Code.

13 (4) A standard training program for all com-
14 manding officers in the Armed Forces, including a
15 standard curriculum, on the handling of domestic vi-
16 olence cases.

17 (c) REPORTING REQUIREMENTS.—(1) The Secretary
18 shall establish a central database of information on the
19 cases of domestic violence involving members of the Armed
20 Forces.

21 (2) The Secretary shall require the administrator of
22 each family advocacy program of the Armed Forces to
23 maintain and report annually to the administrator of the
24 database established under paragraph (1), the information

1 received or developed under the program on the following
2 matters:

3 (A) Each domestic violence case reported to a
4 commander, any law enforcement authority of the
5 Armed Forces, or a family advocacy program of the
6 Department of Defense.

7 (B) The number of the cases that involve evi-
8 dence determined sufficient for supporting discipli-
9 nary action and, for each such case, a description of
10 the substantiated allegation and the action taken by
11 command authorities in the case.

12 (C) The number of the cases that involve evi-
13 dence determined insufficient for supporting discipli-
14 nary action and, for each such case, a description of
15 the allegation.

16 (3) The Secretary shall submit to Congress an annual
17 report on the data submitted to the central database es-
18 tablished under paragraph (1).

19 **SEC. 582. POSTHUMOUS ADVANCEMENT OF REAR ADMIRAL**
20 **(RETIRED) HUSBAND E. KIMMEL AND MAJOR**
21 **GENERAL (RETIRED) WALTER C. SHORT ON**
22 **RETIRED LISTS.**

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

1 (1) The late Rear Admiral (retired) Husband
2 E. Kimmel, formerly serving in the grade of admiral
3 as the Commander in Chief of the United States
4 Fleet and the Commander in Chief, United States
5 Pacific Fleet, had an excellent and unassailable
6 record throughout his career in the United States
7 Navy prior to the December 7, 1941 attack on Pearl
8 Harbor.

9 (2) The late Major General (retired) Walter C.
10 Short, formerly serving in the grade of lieutenant
11 general as the Commander of the United States
12 Army Hawaiian Department, had an excellent and
13 unassailable record throughout his career in the
14 United States Army prior to the December 7, 1941
15 attack on Pearl Harbor.

16 (3) Numerous investigations following the at-
17 tack on Pearl Harbor have documented that then
18 Admiral Kimmel and then Lieutenant General Short
19 were not provided necessary and critical intelligence
20 that was available, that foretold of war with Japan,
21 that warned of imminent attack, and that would
22 have alerted them to prepare for the attack, includ-
23 ing such essential communiques as the Japanese
24 Pearl Harbor Bomb Plot message of September 24,
25 1941, and the message sent from the Imperial Japa-

1 nese Foreign Ministry to the Japanese Ambassador
2 in the United States from December 6–7, 1941,
3 known as the Fourteen-Part Message.

4 (4) On December 16, 1941, Admiral Kimmel
5 and Lieutenant General Short were relieved of their
6 commands and returned to their permanent ranks of
7 rear admiral and major general.

8 (5) Admiral William Harrison Standley, who
9 served as a member of the investigating commission
10 known as the Roberts Commission that accused Ad-
11 miral Kimmel and Lieutenant General Short of
12 “dereliction of duty” only six weeks after the attack
13 on Pearl Harbor, later disavowed the report main-
14 taining that “these two officers were martyred” and
15 “if they had been brought to trial, both would have
16 been cleared of the charge”.

17 (6) On October 19, 1944, a Naval Court of
18 Inquiry—

19 (A) exonerated Admiral Kimmel on the
20 grounds that his military decisions and the dis-
21 position of his forces at the time of the Decem-
22 ber 7, 1941 attack on Pearl Harbor were prop-
23 er “by virtue of the information that Admiral
24 Kimmel had at hand which indicated neither

1 the probability nor the imminence of an air at-
2 tack on Pearl Harbor”;

3 (B) criticized the higher command for not
4 sharing with Admiral Kimmel “during the very
5 critical period of 26 November to 7 December
6 1941, important information . . . regarding the
7 Japanese situation”; and

8 (C) concluded that the Japanese attack
9 and its outcome was attributable to no serious
10 fault on the part of anyone in the naval service.

11 (7) On June 15, 1944, an investigation con-
12 ducted by Admiral T. C. Hart at the direction of the
13 Secretary of the Navy produced evidence, subse-
14 quently confirmed, that essential intelligence con-
15 cerning Japanese intentions and war plans was
16 available in Washington but was not shared with Ad-
17 miral Kimmel.

18 (8) On October 20, 1944, the Army Pearl Har-
19 bor Board of Investigation determined that—

20 (A) Lieutenant General Short had not
21 been kept “fully advised of the growing tense-
22 ness of the Japanese situation which indicated
23 an increasing necessity for better preparation
24 for war”;

1 (B) detailed information and intelligence
2 about Japanese intentions and war plans were
3 available in “abundance”, but were not shared
4 with Lieutenant General Short’s Hawaii com-
5 mand; and

6 (C) Lieutenant General Short was not pro-
7 vided “on the evening of December 6th and the
8 early morning of December 7th, the critical in-
9 formation indicating an almost immediate break
10 with Japan, though there was ample time to
11 have accomplished this”.

12 (9) The reports by both the Naval Court of In-
13 quiry and the Army Pearl Harbor Board of Inves-
14 tigation were kept secret, and Rear Admiral (re-
15 tired) Kimmel and Major General (retired) Short
16 were denied their requests to defend themselves
17 through trial by court-martial.

18 (10) The joint committee of Congress that was
19 established to investigate the conduct of Admiral
20 Kimmel and Lieutenant General Short completed, on
21 May 31, 1946, a 1,075-page report which included
22 the conclusions of the committee that the two offi-
23 cers had not been guilty of dereliction of duty.

24 (11) The Officer Personnel Act of 1947, in es-
25 tablishing a promotion system for the Navy and the

1 Army, provided a legal basis for the President to
2 honor any officer of the Armed Forces of the United
3 States who served his country as a senior com-
4 mander during World War II with a placement of
5 that officer, with the advice and consent of the Sen-
6 ate, on the retired list with the highest grade held
7 while on the active duty list.

8 (12) On April 27, 1954, the then Chief of
9 Naval Personnel, Admiral J. L. Holloway, Jr., rec-
10 ommended that Rear Admiral Kimmel be advanced
11 in rank in accordance with the provisions of the Of-
12 ficer Personnel Act of 1947.

13 (13) On November 13, 1991, a majority of the
14 members of the Board for the Correction of Military
15 Records of the Department of the Army found that
16 the late Major General (retired) Short “was unjustly
17 held responsible for the Pearl Harbor disaster” and
18 that “it would be equitable and just” to advance him
19 to the rank of lieutenant general on the retired list”.

20 (14) In October 1994, the then Chief of Naval
21 Operations, Admiral Carlisle Trost, withdrew his
22 1988 recommendation against the advancement of
23 Rear Admiral (retired) Kimmel (by then deceased)
24 and recommended that the case of Rear Admiral
25 Kimmel be reopened.

1 (15) Although the Dorn Report, a report on the
2 results of a Department of Defense study that was
3 issued on December 15, 1995, did not provide sup-
4 port for an advancement of the late Rear Admiral
5 (retired) Kimmel or the late Major General (retired)
6 Short in grade, it did set forth as a conclusion of the
7 study that “responsibility for the Pearl Harbor dis-
8 aster should not fall solely on the shoulders of Admi-
9 ral Kimmel and Lieutenant General Short, it should
10 be broadly shared”.

11 (16) The Dorn Report found—

12 (A) that “Army and Navy officials in
13 Washington were privy to intercepted Japanese
14 diplomatic communications...which provided
15 crucial confirmation of the imminence of war”;

16 (B) that “the evidence of the handling of
17 these messages in Washington reveals some in-
18 eptitude, some unwarranted assumptions and
19 misestimations, limited coordination, ambiguous
20 language, and lack of clarification and follow-up
21 at higher levels”; and

22 (C) that “together, these characteristics re-
23 sulted in failure...to appreciate fully and to
24 convey to the commanders in Hawaii the sense

1 of focus and urgency that these intercepts
2 should have engendered”.

3 (17) On July 21, 1997, Vice Admiral David C.
4 Richardson (United States Navy, retired) responded
5 to the Dorn Report with his own study which con-
6 firmed findings of the Naval Court of Inquiry and
7 the Army Pearl Harbor Board of Investigation and
8 established, among other facts, that the war effort
9 in 1941 was undermined by a restrictive intelligence
10 distribution policy, and the degree to which the com-
11 manders of the United States forces in Hawaii were
12 not alerted about the impending attack on Hawaii
13 was directly attributable to the withholding of intel-
14 ligence from then Admiral Kimmel and Lieutenant
15 General Short.

16 (18) Rear Admiral (retired) Kimmel and Major
17 General (retired) Short are the only two officers eli-
18 gible for advancement under the Officer Personnel
19 Act of 1947 as senior World War II commanders
20 who were excluded from the list of retired officers
21 presented for advancement on the retired lists to
22 their highest wartime ranks under that Act.

23 (19) This singular exclusion from advancement
24 of Rear Admiral (retired) Kimmel and Major Gen-
25 eral (retired) Short from the Navy retired list and

1 the Army retired list, respectively, serves only to
2 perpetuate the myth that the senior commanders in
3 Hawaii were derelict in their duty and responsible
4 for the success of the attack on Pearl Harbor, and
5 is a distinct and unacceptable expression of dishonor
6 toward two of the finest officers who have served in
7 the Armed Forces of the United States.

8 (20) Major General (retired) Walter Short died
9 on September 23, 1949, and Rear Admiral (retired)
10 Husband Kimmel died on May 14, 1968, without
11 having been accorded the honor of being returned to
12 their wartime ranks as were their fellow veterans of
13 World War II.

14 (21) The Veterans of Foreign Wars, the Pearl
15 Harbor Survivors Association, the Admiral Nimitz
16 Foundation, the Naval Academy Alumni Association,
17 the Retired Officers Association, the Pearl Harbor
18 Commemorative Committee, and other associations
19 and numerous retired military officers have called
20 for the rehabilitation of the reputations and honor of
21 the late Rear Admiral (retired) Kimmel and the late
22 Major General (retired) Short through their post-
23 humous advancement on the retired lists to their
24 highest wartime grades.

1 (b) REQUEST FOR ADVANCEMENT ON RETIRED
2 LISTS.—(1) The President is requested—

3 (A) to advance the late Rear Admiral (retired)
4 Husband E. Kimmel to the grade of admiral on the
5 retired list of the Navy; and

6 (B) to advance the late Major General (retired)
7 Walter C. Short to the grade of lieutenant general
8 on the retired list of the Army.

9 (2) Any advancement in grade on a retired list re-
10 quested under paragraph (1) shall not increase or other-
11 wise modify the compensation or benefits from the United
12 States to which any person is now or may in the future
13 be entitled based upon the military service of the officer
14 advanced.

15 (c) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that—

17 (1) the late Rear Admiral (retired) Husband E.
18 Kimmel performed his duties as Commander in
19 Chief, United States Pacific Fleet, competently and
20 professionally, and, therefore, the losses incurred by
21 the United States in the attacks on the naval base
22 at Pearl Harbor, Hawaii, and other targets on the
23 island of Oahu, Hawaii, on December 7, 1941, were
24 not a result of dereliction in the performance of
25 those duties by the then Admiral Kimmel; and

1 (2) the late Major General (retired) Walter C.
2 Short performed his duties as Commanding General,
3 Hawaiian Department, competently and profes-
4 sionally, and, therefore, the losses incurred by the
5 United States in the attacks on Hickam Army Air
6 Field and Schofield Barracks, Hawaii, and other
7 targets on the island of Oahu, Hawaii, on December
8 7, 1941, were not a result of dereliction in the per-
9 formance of those duties by the then Lieutenant
10 General Short.

11 **SEC. 583. EXIT SURVEY FOR SEPARATING MEMBERS.**

12 (a) REQUIREMENT.—The Secretary of Defense shall
13 develop and carry out a survey on attitudes toward mili-
14 tary service to be completed by members of the Armed
15 Forces who voluntarily separate from the Armed Forces
16 or transfer from a regular component to a reserve compo-
17 nent during the period beginning on January 1, 2000, and
18 ending on June 30, 2000, or such later date as the Sec-
19 retary determines necessary in order to obtain enough sur-
20 vey responses to provide a sufficient basis for meaningful
21 analysis of survey results. Completion of the survey shall
22 be required of such personnel as part of outprocessing ac-
23 tivities. The Secretary of each military department shall
24 suspend exit surveys and interviews of that department
25 during the period described in the first sentence.

1 (b) SURVEY CONTENT.—The survey shall, at a min-
2 imum, cover the following subjects:

3 (1) Reasons for leaving military service.

4 (2) Plans for activities after separation (such as
5 enrollment in school, use of Montgomery GI Bill
6 benefits, and work).

7 (3) Affiliation with a Reserve component, to-
8 gether with the reasons for affiliating or not
9 affiliating, as the case may be.

10 (4) Attitude toward pay and benefits for service
11 in the Armed Forces.

12 (5) Extent of job satisfaction during service as
13 a member of the Armed Forces.

14 (6) Such other matters as the Secretary deter-
15 mines appropriate to the survey concerning reasons
16 for choosing to separate from the Armed Forces.

17 (c) REPORT.—Not later than February 1, 2001, the
18 Secretary shall submit to Congress a report containing the
19 results of the surveys. The report shall include an analysis
20 of the reasons why military personnel voluntarily separate
21 from the Armed Forces and the post-separation plans of
22 those personnel. The Secretary shall utilize the report's
23 findings in crafting future responses to declining retention
24 and recruitment.

1 **SEC. 584. ADMINISTRATION OF DEFENSE REFORM INITIA-**
2 **TIVE ENTERPRISE PROGRAM FOR MILITARY**
3 **MANPOWER AND PERSONNEL INFORMATION.**

4 (a) EXECUTIVE AGENT.—The Secretary of Defense
5 shall designate the Secretary of the Navy as the executive
6 agent for carrying out the defense reform initiative enter-
7 prise pilot program for military manpower and personnel
8 information established under section 8147 of the Depart-
9 ment of Defense Appropriations Act, 1999 (Public Law
10 105–262; 112 Stat. 2341; 10 U.S.C. 113 note).

11 (b) ACTION OFFICIALS.—In carrying out the pilot
12 program, the Secretary of the Navy shall act through the
13 head of the Systems Executive Office for Manpower and
14 Personnel, who shall act in coordination with the Under
15 Secretary of Defense for Personnel and Readiness and the
16 Chief Information Officer of the Department of Defense.

17 **TITLE VI—COMPENSATION AND**
18 **OTHER PERSONNEL BENEFITS**
19 **Subtitle A—Pay and Allowances**

20 **SEC. 601. FISCAL YEAR 2000 INCREASE AND RESTRUC-**
21 **TURING OF BASIC PAY.**

22 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any
23 adjustment required by section 1009 of title 37, United
24 States Code, in the rates of monthly basic pay authorized
25 members of the uniformed services by section 203(a) of

1 such title to become effective during fiscal year 2000 shall
2 not be made.

3 (b) JANUARY 1, 2000, INCREASE IN BASIC PAY.—
4 Effective on January 1, 2000, the rates of monthly basic
5 pay for members of the uniformed services shall be in-
6 creased by 4.8 percent.

7 (c) BASIC PAY REFORM.—Effective on July 1, 2000,
8 the rates of monthly basic pay for members of the uni-
9 formed services within each pay grade are as follows:

COMMISSIONED OFFICERS¹
Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-10 ²	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
O-9 ...	0.00	0.00	0.00	0.00	0.00
O-8 ...	6,594.30	6,810.30	6,953.10	6,993.30	7,171.80
O-7 ...	5,479.50	5,851.80	5,851.50	5,894.40	6,114.60
O-6 ...	4,061.10	4,461.60	4,754.40	4,754.40	4,772.40
O-5 ...	3,248.40	3,813.90	4,077.90	4,127.70	4,291.80
O-4 ...	2,737.80	3,333.90	3,556.20	3,606.04	3,812.40
O-3 ³	2,544.00	2,884.20	3,112.80	3,364.80	3,525.90
O-2 ³	2,218.80	2,527.20	2,910.90	3,000.00	3,071.10
O-1 ³	1,926.30	2,004.90	2,423.10	2,423.10	2,423.10
	Over 8	Over 10	Over 12	Over 14	Over 16
O-10 ²	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
O-9 ...	0.00	0.00	0.00	0.00	0.00
O-8 ...	7,471.50	7,540.80	7,824.60	7,906.20	8,150.10
O-7 ...	6,282.00	6,475.80	6,669.00	6,863.10	7,471.50
O-6 ...	4,976.70	5,004.00	5,004.00	5,169.30	5,791.20
O-5 ...	4,291.80	4,420.80	4,659.30	4,971.90	5,286.00
O-4 ...	3,980.40	4,251.50	4,464.00	4,611.00	4,758.90
O-3 ³	3,702.60	3,850.20	4,040.40	4,139.10	4,139.10
O-2 ³	3,071.10	3,071.10	3,071.10	3,071.10	3,071.10
O-1 ³	2,423.10	2,423.10	2,423.10	2,423.10	2,423.10
	Over 18	Over 20	Over 22	Over 24	Over 26
O-10 ²	\$0.00	\$10,655.10	\$10,707.60	\$10,930.20	\$11,318.40
O-9 ...	0.00	9,319.50	9,453.60	9,647.70	9,986.40
O-8 ...	8,503.80	8,830.20	9,048.00	9,048.00	9,048.00
O-7 ...	7,985.40	7,985.40	7,985.40	7,985.40	8,025.60
O-6 ...	6,086.10	6,381.30	6,549.00	6,719.10	7,049.10
O-5 ...	5,436.00	5,583.60	5,751.90	5,751.90	5,751.90
O-4 ...	4,808.70	4,808.70	4,808.70	4,808.70	4,808.70
O-3 ³	4,139.10	4,139.10	4,139.10	4,139.10	4,139.10
O-2 ³	3,071.10	3,071.10	3,071.10	3,071.10	3,071.10

COMMISSIONED OFFICERS ¹

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-1 ³	2,423.10	2,423.10	2,423.10	2,423.10	2,423.10

¹Basic pay for these officers is limited to the rate of basic pay for level V of the Executive Schedule.

²While serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, basic pay for this grade is calculated to be \$12,441.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code. Nevertheless, basic pay for these officers is limited to the rate of basic pay for level V of the Executive Schedule.

³Does not apply to commissioned officers who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-3E	\$0.00	\$0.00	\$0.00	\$3,364.80	\$3,525.90
O-2E	0.00	0.00	0.00	3,009.00	3,071.10
O-1E	0.00	0.00	0.00	2,423.10	2,588.40
	Over 8	Over 10	Over 12	Over 14	Over 16
O-3E	\$3,702.60	\$3,850.20	\$4,040.40	\$4,200.30	\$4,291.80
O-2E	3,168.60	3,333.90	3,461.40	3,556.20	3,556.20
O-1E	2,683.80	2,781.30	2,877.60	3,009.00	3,009.00
	Over 18	Over 20	Over 22	Over 24	Over 26
O-3E	\$4,416.90	\$4,416.90	\$4,416.90	\$4,416.90	\$4,416.90
O-2E	3,556.20	3,556.20	3,556.20	3,556.20	3,556.20
O-1E	3,009.00	3,009.00	3,009.00	3,009.00	3,009.00

WARRANT OFFICERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W-5 ..	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W-4 ..	2,592.00	2,788.50	2,868.60	2,947.50	3,083.40
W-3 ..	2,355.90	2,555.40	2,555.40	2,588.40	2,694.30
W-2 ..	2,063.40	2,232.60	2,232.60	2,305.80	2,423.10
W-1 ..	1,719.00	1,971.00	1,971.00	2,135.70	2,232.60
	Over 8	Over 10	Over 12	Over 14	Over 16
W-5 ..	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W-4 ..	3,217.20	3,352.80	3,485.10	3,622.20	3,753.60
W-3 ..	2,814.90	2,974.20	3,071.10	3,177.00	3,298.20
W-2 ..	2,555.40	2,852.60	2,749.80	2,844.30	2,949.00
W-1 ..	2,332.80	2,433.30	2,533.20	2,634.00	2,734.80
	Over 18	Over 20	Over 22	Over 24	Over 26
W-5 ..	\$0.00	\$4,475.10	\$4,628.70	\$4,782.90	\$4,937.40
W-4 ..	3,888.00	4,019.00	4,155.60	4,289.70	4,427.10
W-3 ..	3,418.50	3,539.10	3,659.40	3,780.00	3,900.90
W-2 ..	3,058.40	3,163.80	3,270.90	3,378.30	3,378.30
W-1 ..	2,835.00	2,910.90	2,910.90	2,910.90	2,910.90

ENLISTED MEMBERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-9 ⁴	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
E-8 ...	0.00	0.00	0.00	0.00	0.00
E-7 ...	1,765.80	1,927.80	2,001.00	2,073.00	2,147.70
E-6 ...	1,518.90	1,678.20	1,752.60	1,824.30	1,899.30
E-5 ...	1,332.60	1,494.00	1,566.00	1,640.40	1,714.50
E-4 ...	1,242.90	1,373.10	1,447.20	1,520.10	1,593.90
E-3 ...	1,171.50	1,260.60	1,334.10	1,335.90	1,335.90
E-2 ...	1,127.40	1,127.40	1,127.40	1,127.40	1,127.40
E-1 ...	⁵ 1,005.60	1,005.60	1,005.60	1,005.60	1,005.60
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9 ⁴	\$0.00	\$3,015.30	\$3,083.40	\$3,169.80	\$3,271.50
E-8 ...	2,528.40	2,601.60	2,669.70	2,751.60	2,840.10
E-7 ...	2,220.90	2,294.10	2,367.30	2,439.30	2,514.00
E-6 ...	1,973.10	2,047.20	2,118.60	2,191.50	2,244.60
E-5 ...	1,789.50	1,861.50	1,936.20	1,936.20	1,936.20
E-4 ...	1,593.90	1,593.90	1,593.90	1,593.90	1,593.90
E-3 ...	1,335.90	1,335.90	1,335.90	1,335.90	1,335.90
E-2 ...	1,127.40	1,127.40	1,127.40	1,127.40	1,127.40
E-1 ...	1,005.60	1,005.60	1,005.60	1,005.60	1,005.60
	Over 18	Over 20	Over 22	Over 24	Over 26
E-9 ⁴	\$3,373.20	\$3,473.40	\$3,609.30	\$3,744.00	\$3,915.80
E-8 ...	2,932.50	3,026.10	3,161.10	3,295.50	3,483.60
E-7 ...	2,588.10	2,660.40	2,787.60	2,926.20	3,134.40
E-6 ...	2,283.30	2,283.30	2,285.70	2,285.70	2,285.70
E-5 ...	1,936.20	1,936.20	1,936.20	1,936.20	1,936.20
E-4 ...	1,593.90	1,593.90	1,593.90	1,593.90	1,593.90
E-3 ...	1,335.90	1,335.90	1,335.90	1,335.90	1,335.90
E-2 ...	1,127.40	1,127.40	1,127.40	1,123.20	1,127.40
E-1 ...	1,005.60	1,005.60	1,005.60	1,005.60	1,005.60

⁴While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, basic pay for this grade is \$4,701.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

⁵In the case of members in the grade E-1 who have served less than 4 months on active duty, basic pay is \$930.30.

1 SEC. 602. PAY INCREASES FOR FISCAL YEARS 2001
2 THROUGH 2006.

3 (a) ECI+0.5 PERCENT INCREASE FOR ALL MEM-
4 BERS.—Section 1009(c) of title 37, United States Code,
5 is amended—

6 (1) by inserting “(1)” after “(c) EQUAL PER-
7 CENTAGE INCREASE FOR ALL MEMBERS.—”; and

8 (2) by adding at the end the following:

1 “(2) Notwithstanding paragraph (1), but subject to
 2 subsection (d), an adjustment taking effect under this sec-
 3 tion during each of fiscal years 2001 through 2006 shall
 4 provide all eligible members with an increase in the month-
 5 ly basic pay by the percentage equal to the sum of one
 6 percent plus the percentage calculated as provided under
 7 section 5303(a) of title 5 for such fiscal year (without re-
 8 gard to whether rates of pay under the statutory pay sys-
 9 tems are actually increased during such fiscal year under
 10 that section by the percentage so calculated).”.

11 (b) EFFECTIVE DATE.—The amendment made by
 12 subsection (a) shall take effect on October 1, 2000.

13 **SEC. 603. SPECIAL SUBSISTENCE ALLOWANCE FOR FOOD**
 14 **STAMP ELIGIBLE MEMBERS.**

15 (a) ALLOWANCE.—(1) Chapter 7 of title 37, United
 16 States Code, is amended by inserting after section 402 the
 17 following new section:

18 **“§ 402a. Special subsistence allowance: members eli-**
 19 **gible for food stamps**

20 “(a) ENTITLEMENT.—Upon the application of an eli-
 21 gible member of a uniformed service described in sub-
 22 section (b)(1), the Secretary concerned shall pay the mem-
 23 ber a special subsistence allowance for each month for
 24 which the member is eligible to receive food stamp assist-
 25 ance, as determined by the Secretary.

1 “(b) COVERED MEMBERS.—(1) A member referred
2 to subsection (a) is an enlisted member in pay grade E–
3 5 or below.

4 “(2) For the purposes of this section, a member shall
5 be considered as being eligible to receive food stamp assist-
6 ance if the household of the member meets the income
7 standards of eligibility established under section 5(e)(2)
8 of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)(2)),
9 not taking into account the special subsistence allowance
10 that may be payable to the member under this section and
11 any allowance that is payable to the member under section
12 403 or 404a of this title.

13 “(c) TERMINATION OF ENTITLEMENT.—The entitle-
14 ment of a member to receive payment of a special subsist-
15 ence allowance terminates upon the occurrence of any of
16 the following events:

17 “(1) Termination of eligibility for food stamp
18 assistance.

19 “(2) Payment of the special subsistence allow-
20 ance for 12 consecutive months.

21 “(3) Promotion of the member to a higher
22 grade.

23 “(4) Transfer of the member in a permanent
24 change of station.

1 “(d) REESTABLISHED ENTITLEMENT.—(1) After a
2 termination of a member’s entitlement to the special sub-
3 sistence allowance under subsection (c), the Secretary con-
4 cerned shall resume payment of the special subsistence al-
5 lowance to the member if the Secretary determines, upon
6 further application of the member, that the member is eli-
7 gible to receive food stamps.

8 “(2) Payments resumed under this subsection shall
9 terminate under subsection (c) upon the occurrence of an
10 event described in that subsection after the resumption of
11 the payments.

12 “(3) The number of times that payments are resumed
13 under this subsection is unlimited.

14 “(e) DOCUMENTATION OF ELIGIBILITY.—A member
15 of the uniformed services applying for the special subsist-
16 ence allowance under this section shall furnish the Sec-
17 retary concerned with such evidence of the member’s eligi-
18 bility for food stamp assistance as the Secretary may re-
19 quire in connection with the application.

20 “(f) AMOUNT OF ALLOWANCE.—The monthly
21 amount of the special subsistence allowance under this
22 section is \$180.

23 “(g) RELATIONSHIP TO BASIC ALLOWANCE FOR
24 SUBSISTENCE.—The special subsistence allowance under

1 this section is in addition to the basic allowance for sub-
2 sistence under section 402 of this title.

3 “(h) FOOD STAMP ASSISTANCE DEFINED.—In this
4 section, the term ‘food stamp assistance’ means assistance
5 under the Food Stamp Act of 1977 (7 U.S.C. 2011 et
6 seq.).

7 “(i) TERMINATION OF AUTHORITY.—No special sub-
8 sistence allowance may be made under this section for any
9 month beginning after September 30, 2004.”.

10 (2) The table of sections at the beginning of such
11 chapter is amended by inserting after the item relating
12 to section 402 the following:

“402a. Special subsistence allowance: members eligible for food stamps.”.

13 (b) EFFECTIVE DATE.—Section 402a of title 37,
14 United States Code, shall take effect on the first day of
15 the first month that begins not less than 180 days after
16 the date of the enactment of this Act.

17 (c) ANNUAL REPORT.—(1) Not later than March 1
18 of each year after 1999, the Secretary of Defense shall
19 submit to Congress a report setting forth the number of
20 members of the uniformed services who are eligible for as-
21 sistence under the Food Stamp Act of 1977 (7 U.S.C.
22 2011 et seq.).

23 (2) In preparing the report, the Secretary shall con-
24 sult with the Secretary of Transportation (with respect to
25 the Coast Guard), who shall provide the Secretary of De-

1 fense with any information that the Secretary determines
2 necessary to prepare the report.

3 (3) No report is required under this section after
4 March 1, 2004.

5 **SEC. 604. PAYMENT FOR UNUSED LEAVE IN CONJUNCTION**
6 **WITH A REENLISTMENT.**

7 Section 501 of title 37, United States Code, is
8 amended—

9 (1) in subsection (a)(1), by inserting “, termi-
10 nation of an enlistment in conjunction with the com-
11 mencement of a successive enlistment (without re-
12 gard to the date of the expiration of the term of the
13 enlistment being terminated),” after “honorable con-
14 ditions”; and

15 (2) in subsection (b)(2), by striking “, or enter-
16 ing into an enlistment,”.

17 **SEC. 605. CONTINUANCE OF PAY AND ALLOWANCES WHILE**
18 **IN DUTY STATUS (WHEREABOUTS UNKNOWN).**

19 (a) CONTINUANCE OF PAY AND ALLOWANCES.—(1)
20 Chapter 10 of title 37, United States Code, is amended
21 by inserting after section 552 the following:

1 **“§ 552a. Pay and allowances: continuation while in a**
 2 **duty status (whereabouts unknown); limi-**
 3 **tations**

4 “For any period that a member of a uniformed serv-
 5 ice on active duty or performing inactive-duty training is
 6 in a duty status (whereabouts unknown), section 552 of
 7 this title, except for subsections (d) and (e), shall apply
 8 to the member as if the member were in a missing status
 9 for that period.”.

10 (2) The table of sections at the beginning of chapter
 11 10 of such title is amended by inserting after the item
 12 relating to section 552 the following:

“552a. Pay and allowances: continuation while in a duty status (whereabouts
 unknown); limitations.”.

13 (b) DEFINITION OF DUTY STATUS (WHEREABOUTS
 14 UNKNOWN).—Section 551 of such title is amended—

15 (1) by redesignating paragraph (3) as para-
 16 graph (4); and

17 (2) by inserting after paragraph (2) the fol-
 18 lowing new paragraph (3):

19 “(3) The term ‘duty status (whereabouts un-
 20 known)’ means a transitory casualty status des-
 21 ignated for a member of uniformed service by a com-
 22 mander responsible for accounting for the member
 23 when the commander suspects that the member is a
 24 casualty whose absence is involuntary and does not

1 consider the available relevant evidence sufficient for
2 making a definite determination that the member is
3 missing, has deserted, is absent without leave, or is
4 dead.”.

5 **SEC. 606. EQUITABLE TREATMENT OF CLASS OF 1987 OF**
6 **THE UNIFORMED SERVICES UNIVERSITY OF**
7 **THE HEALTH SCIENCES.**

8 (a) YEARS OF SERVICE CREDIT.—An officer of the
9 uniformed services who entered the Uniformed Services
10 University of the Health Sciences as a student in 1983
11 and who successfully completed the course of instruction
12 at the University in 1987 shall be treated for purposes
13 of determining pay and years of service in the same man-
14 ner as a student at the University who graduated in 1986,
15 notwithstanding the enactment of the Defense Officer Per-
16 sonnel Management Act (Public Law 96–513; 94 Stat.
17 2835).

18 (b) PROSPECTIVE APPLICABILITY.—This section
19 shall take effect on October 1, 1999. No entitlement to
20 increased pay or allowances accrues for periods before
21 such date, and no eligibility accrues for consideration for
22 selection for promotions by boards convened before such
23 date.

1 **Subtitle B—Bonuses and Special**
2 **and Incentive Pays**

3 **SEC. 611. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
4 **ING TO PAYMENT OF CERTAIN BONUSES AND**
5 **SPECIAL PAYS.**

6 (a) AVIATION OFFICER RETENTION BONUS.—Sec-
7 tion 301b(a) of title 37, United States Code, is amended
8 by striking “December 31, 1999,” and inserting “Decem-
9 ber 31, 2000,”.

10 (b) REENLISTMENT BONUS FOR ACTIVE MEM-
11 BERS.—Section 308(g) of title 37, United States Code, is
12 amended by striking “December 31, 1999” and inserting
13 “December 31, 2000”.

14 (c) ENLISTMENT BONUSES FOR MEMBERS WITH
15 CRITICAL SKILLS.—Sections 308a(e) and 308f(c) of title
16 37, United States Code, are each amended by striking
17 “December 31, 1999” and inserting “December 31,
18 2000”.

19 (d) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-
20 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section
21 312(e) of title 37, United States Code, is amended by
22 striking “December 31, 1999” and inserting “December
23 31, 2000”.

24 (e) NUCLEAR CAREER ACCESSION BONUS.—Section
25 312b(e) of title 37, United States Code, is amended by

1 striking “December 31, 1999” and inserting “December
2 31, 2000”.

3 (f) NUCLEAR CAREER ANNUAL INCENTIVE
4 BONUS.—Section 312c(d) of title 37, United States Code,
5 is amended by striking “any fiscal year beginning before
6 October 1, 1998, and the 15-month period beginning on
7 that date and ending on December 31, 1999” and insert-
8 ing “the 15-month period beginning on October 1, 1998,
9 and ending on December 31, 1999, and any year begin-
10 ning after December 31, 1999, and ending before January
11 1, 2001”.

12 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUSES**
13 **AND SPECIAL PAY AUTHORITIES FOR RE-**
14 **SERVE FORCES.**

15 (a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN
16 CRITICALLY SHORT WARTIME SPECIALTIES.—Section
17 302g(f) of title 37, United States Code, is amended by
18 striking “December 31, 1999” and inserting “December
19 31, 2000”.

20 (b) SELECTED RESERVE REENLISTMENT BONUS.—
21 Section 308b(f) of title 37, United States Code, is amend-
22 ed by striking “December 31, 1999” and inserting “De-
23 cember 31, 2000”.

24 (c) SELECTED RESERVE ENLISTMENT BONUS.—Sec-
25 tion 308c(e) of title 37, United States Code, is amended

1 by striking “December 31, 1999” and inserting “Decem-
2 ber 31, 2000”.

3 (d) SPECIAL PAY FOR ENLISTED MEMBERS AS-
4 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section
5 308d(c) of title 37, United States Code, is amended by
6 striking “December 31, 1999” and inserting “December
7 31, 2000”.

8 (e) SELECTED RESERVE AFFILIATION BONUS.—Sec-
9 tion 308e(e) of title 37, United States Code, is amended
10 by striking “December 31, 1999” and inserting “Decem-
11 ber 31, 2000”.

12 (f) READY RESERVE ENLISTMENT AND REENLIST-
13 MENT BONUS.—Section 308h(g) of title 37, United States
14 Code, is amended by striking “December 31, 1999” and
15 inserting “December 31, 2000”.

16 (g) PRIOR SERVICE ENLISTMENT BONUS.—Section
17 308i(f) of title 37, United States Code, is amended by
18 striking “December 31, 1999” and inserting “December
19 31, 2000”.

20 (h) REPAYMENT OF EDUCATION LOANS FOR CER-
21 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-
22 LECTED RESERVE.—Section 16302(d) of title 10, United
23 States Code, is amended by striking “January 1, 2000”
24 and inserting in lieu thereof “January 1, 2001”.

1 **SEC. 613. ONE-YEAR EXTENSION OF CERTAIN BONUSES**
2 **AND SPECIAL PAY AUTHORITIES FOR NURSE**
3 **OFFICER CANDIDATES, REGISTERED NURSES,**
4 **AND NURSE ANESTHETISTS.**

5 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-
6 GRAM.—Section 2130a(a)(1) of title 10, United States
7 Code, is amended by striking “December 31, 1999” and
8 inserting “December 31, 2000”.

9 (b) ACCESSION BONUS FOR REGISTERED NURSES.—
10 Section 302d(a)(1) of title 37, United States Code, is
11 amended by striking “December 31, 1999” and inserting
12 “December 31, 2000”.

13 (c) INCENTIVE SPECIAL PAY FOR NURSE ANES-
14 THETISTS.—Section 302e(a)(1) of title 37, United States
15 Code, is amended by striking “December 31, 1999” and
16 inserting in lieu thereof “December 31, 2000”.

17 **SEC. 614. AMOUNT OF AVIATION CAREER INCENTIVE PAY**
18 **FOR AIR BATTLE MANAGERS FORMERLY ELI-**
19 **GIBLE FOR HAZARDOUS DUTY PAY.**

20 (a) SAVE PAY PROVISION.—Section 301a(b) of title
21 37, United States Code, is amended by adding at the end
22 the following:

23 “(4) The amount of the monthly incentive pay pay-
24 able under this section to an air battle manager who was
25 receiving incentive pay under section 301(c)(2)(A) of this

1 title immediately before becoming eligible for incentive pay
2 under this section shall be the higher of—

3 “(A) the monthly rate of incentive pay that the
4 member was receiving under section 301(c)(2)(A) of
5 this title; or

6 “(B) the rate applicable to the member under
7 paragraph (1), (2), or (3).”.

8 (b) **EFFECTIVE DATE.**—The amendments made by
9 subsection (a) shall take effect on October 1, 1999, and
10 shall apply with respect to months beginning on or after
11 that date.

12 **SEC. 615. AVIATION CAREER OFFICER SPECIAL PAY.**

13 (a) **PERIOD OF AUTHORITY.**—Subsection (a) of sec-
14 tion 301b of title 37, United States Code, is amended—

15 (1) by inserting “(1)” after “AUTHORIZED.—”;

16 (2) by striking “during the period beginning on
17 January 1, 1989, and ending on December 31,
18 1999,” and inserting “during the period described in
19 paragraph (2),”; and

20 (3) adding at the end the following:

21 “(2) Paragraph (1) applies with respect to agree-
22 ments executed during the period beginning on the first
23 day of the first month that begins on or after the date
24 of the enactment of the National Defense Authorization

1 Act for Fiscal Year 2000 and ending on December 31,
2 2004.”.

3 (b) REPEAL OF LIMITATION TO CERTAIN YEARS OF
4 CAREER AVIATION SERVICE.—Subsection (b) of such sec-
5 tion is amended—

6 (1) by striking paragraph (5);

7 (2) by inserting “and” at the end of paragraph
8 (4); and

9 (3) by redesignating paragraph (6) as para-
10 graph (5).

11 (c) REPEAL OF LOWER ALTERNATIVE AMOUNT FOR
12 AGREEMENT TO SERVE FOR 3 OR FEWER YEARS.—Sub-
13 section (c) of such section is amended by striking
14 “than—” and all that follows and inserting “than
15 \$25,000 for each year covered by the written agreement
16 to remain on active duty.”.

17 (d) PRORATION AUTHORITY FOR COVERAGE OF IN-
18 CREASED PERIOD OF ELIGIBILITY.—Subsection (d) of
19 such section is amended by striking “14 years of commis-
20 sioned service” and inserting “25 years of aviation serv-
21 ice”.

22 (e) TERMINOLOGY.—Such section is further
23 amended—

24 (1) in subsection (f), by striking “A retention
25 bonus” and inserting “Any amount”; and

1 (2) in subsection (i)(1), by striking “retention
2 bonuses” in the first sentence and inserting “special
3 pay under this section”.

4 (f) REPEAL OF CONTENT REQUIREMENTS FOR AN-
5 NUAL REPORT.—Subsection (i)(1) of such section is fur-
6 ther amended by striking the second sentence.

7 (g) TECHNICAL AMENDMENT.—Subsection (g)(3) of
8 such section is amended by striking the second sentence.

9 (h) EFFECTIVE DATE.—This section and the amend-
10 ments made by this section shall take effect on the first
11 day of the first month that begins on or after the date
12 of the enactment of this Act.

13 **SEC. 616. CAREER ENLISTED FLYER INCENTIVE PAY.**

14 (a) INCENTIVE PAY AUTHORIZED.—(1) Chapter 5 of
15 title 37, United States Code, is amended by inserting after
16 section 301e the following new section 301f:

17 **“§ 301f. Incentive pay: career enlisted flyers**

18 “(a) PAY AUTHORIZED.—An enlisted member de-
19 scribed in subsection (b) may be paid career enlisted flyer
20 incentive pay as provided in this section.

21 “(b) ELIGIBLE MEMBERS.—An enlisted member re-
22 ferred to in subsection (a) is an enlisted member of the
23 armed forces who—

1 “(1) is entitled to basic pay under section 204
2 of this title or is entitled to compensation under
3 paragraph (1) or (2) of section 206(a) of this title;

4 “(2) holds a military occupational specialty or
5 military rating designated as a career enlisted flyer
6 specialty or rating by the Secretary concerned in
7 regulations prescribed under subsection (f) and con-
8 tinues to be proficient in the skills required for that
9 specialty or rating, or is in training leading to the
10 award of such a specialty or rating; and

11 “(3) is qualified for aviation service.

12 “(c) MONTHLY PAYMENT.—(1) Career enlisted flyer
13 incentive pay may be paid a member referred to in sub-
14 section (b) for each month in which the member performs
15 aviation service that involves frequent and regular per-
16 formance of operational flying duty by the member.

17 “(2)(A) Career enlisted flyer incentive pay may be
18 paid a member referred to in subsection (b) for each
19 month in which the member performs service, without re-
20 gard to whether or the extent to which the member per-
21 forms operational flying duty during the month, as fol-
22 lows:

23 “(i) In the case of a member who has per-
24 formed at least 6, and not more than 15, years of
25 aviation service, the member may be so paid after

1 the member has frequently and regularly performed
2 operational flying duty in each of 72 months if the
3 member so performed in at least that number of
4 months before completing the member's first 10
5 years of performance of aviation service.

6 “(ii) In the case of a member who has per-
7 formed more than 15, and not more than 20, years
8 of aviation service, the member may be so paid after
9 the member has frequently and regularly performed
10 operational flying duty in each of 108 months if the
11 member so performed in at least that number of
12 months before completing the member's first 15
13 years of performance of aviation service.

14 “(iii) In the case of a member who has per-
15 formed more than 20, and not more than 25, years
16 of aviation service, the member may be so paid after
17 the member has frequently and regularly performed
18 operational flying duty in each of 168 months if the
19 member so performed in at least that number of
20 months before completing the member's first 20
21 years of performance of aviation service.

22 “(B) The Secretary concerned, or a designee of the
23 Secretary concerned not below the level of personnel chief
24 of the armed force concerned, may reduce the minimum
25 number of months of frequent and regular performance

1 of operational flying duty applicable in the case of a par-
 2 ticular member under—

3 “(i) subparagraph (A)(i) to 60 months;

4 “(ii) subparagraph (A)(ii) to 96 months; or

5 “(iii) subparagraph (A)(iii) to 144 months.

6 “(C) A member may not be paid career enlisted flyer
 7 incentive pay in the manner provided under subparagraph
 8 (A) after the member has completed 25 years of aviation
 9 service.

10 “(d) MONTHLY RATES.—(1) The monthly rate of any
 11 career enlisted flyer incentive pay paid under this section
 12 to a member on active duty shall be prescribed by the Sec-
 13 retary concerned, but may not exceed the following:

“Years of aviation service	Monthly rate
4 or less	\$150
Over 4	\$225
Over 8	\$350
Over 14	\$400.

14 “(2) The monthly rate of any career enlisted flyer in-
 15 centive pay paid under this section to a member of a re-
 16 serve component for each period of inactive-duty training
 17 during which aviation service is performed shall be equal
 18 to $\frac{1}{30}$ of the monthly rate of career enlisted flyer incentive
 19 pay provided under paragraph (1) for a member on active
 20 duty with the same number of years of aviation service.

21 “(e) NONAPPLICABILITY TO MEMBERS RECEIVING
 22 HAZARDOUS DUTY INCENTIVE PAY OR SPECIAL PAY FOR
 23 DIVING DUTY.—A member receiving incentive pay under

1 section 301(a) of this title or special pay under section
2 304 of this title may not be paid special pay under this
3 section for the same period of service.

4 “(f) REGULATIONS.—The Secretary concerned shall
5 prescribe regulations for the administration of this section.
6 The regulations shall include the following:

7 “(1) Definitions of the terms ‘aviation service’
8 and ‘frequently and regularly performed operational
9 flying duty’ for purposes of this section.

10 “(2) The military occupational specialties or
11 military rating, as the case may be, that are des-
12 ignated as career enlisted flyer specialties or ratings,
13 respectively, for purposes of this section.

14 “(g) DEFINITION.—In this section, the term ‘oper-
15 ational flying duty’ means—

16 “(1) flying performed under competent orders
17 while serving in assignments in which basic flying
18 skills normally are maintained in the performance of
19 assigned duties as determined by the Secretary con-
20 cerned; and

21 “(2) flying performed by members in training
22 that leads to the award of a military occupational
23 specialty or rating referred to in subsection (b)(2).”.

24 (2) The table of sections at the beginning of chapter
25 5 of title 37, United States Code, is amended by inserting

1 after the item relating to section 301e the following new
2 item:

“301f. Incentive pay; career enlisted flyers.”.

3 (b) **EFFECTIVE DATE.**—The amendments made by
4 subsection (a) shall take effect on October 1, 1999.

5 (c) **SAVE PAY PROVISION.**—In the case of an enlisted
6 member of a uniformed service who is a designated career
7 enlisted flyer entitled to receive hazardous duty incentive
8 pay under section 301(b) or 301(e)(2)(A) of title 37,
9 United States Code, as of October 1, 1999, the member
10 shall be entitled from that date to payment of incentive
11 pay at the monthly rate that is the higher of—

12 (1) the monthly rate of incentive pay authorized
13 by such section 301(b) or 301(e)(2)(A) as of Sep-
14 tember 30, 1999; or

15 (2) the monthly rate of incentive pay authorized
16 by section 301f of title 37, United States Code, as
17 added by subsection (a).

18 **SEC. 617. RETENTION BONUS FOR SPECIAL WARFARE OF-**
19 **FICERS EXTENDING PERIODS OF ACTIVE**
20 **DUTY.**

21 (a) **BONUS AUTHORIZED.**—(1) Chapter 5 of title 37,
22 United States Code, is amended by inserting after section
23 301f, as added by section 616 of this Act, the following
24 new section:

1 **“§ 301g. Special pay: special warfare officers extend-**
2 **ing period of active duty**

3 “(a) BONUS AUTHORIZED.—A special warfare officer
4 described in subsection (b) who executes a written agree-
5 ment to remain on active duty in special warfare service
6 for at least one year may, upon the acceptance of the
7 agreement by the Secretary concerned, be paid a retention
8 bonus as provided in this section.

9 “(b) COVERED OFFICERS.—A special warfare officer
10 referred to in subsection (a) is an officer of a uniformed
11 service who—

12 “(1) is qualified for a military occupational spe-
13 cialty or designator identified by the Secretary con-
14 cerned as a special warfare military occupational
15 specialty or designator and is serving in a position
16 for which that specialty or designator is authorized;

17 “(2) is in pay grade O–3, or is in pay grade O–
18 4 and is not on a list of officers recommended for
19 promotion, at the time the officer applies for an
20 agreement under this section;

21 “(3) has completed at least 6, but not more
22 than 14, years of active commissioned service; and

23 “(4) has completed any service commitment in-
24 curred to be commissioned as an officer.

1 “(c) AMOUNT OF BONUS.—The amount of a reten-
2 tion bonus paid under this section may not be more than
3 \$15,000 for each year covered by the written agreement.

4 “(d) PRORATION.—The term of an agreement under
5 subsection (a) and the amount of the bonus payable under
6 subsection (c) may be prorated as long as such agreement
7 does not extend beyond the date on which the officer mak-
8 ing such agreement would complete 14 years of active
9 commissioned service.

10 “(e) PAYMENT.—Upon acceptance of a written agree-
11 ment under subsection (a) by the Secretary concerned, the
12 total amount payable pursuant to the agreement becomes
13 fixed and may be paid—

14 “(1) in a lump sum equal to the amount of half
15 the total amount payable under the agreement at the
16 time the agreement is accepted by the Secretary con-
17 cerned followed by payments of equal annual install-
18 ments on the anniversary of the acceptance of the
19 agreement until the payment in full of the balance
20 of the amount that remains payable under the agree-
21 ment after the payment of the lump sum amount
22 under this paragraph; or

23 “(2) in graduated annual payments under regu-
24 lations prescribed by the Secretary concerned with
25 the first payment being payable at the time the

1 agreement is accepted by the Secretary concerned
2 and subsequent payments being payable on the anni-
3 versaries of the acceptance of the agreement.

4 “(f) ADDITIONAL PAY.—A retention bonus paid
5 under this section is in addition to any other pay and al-
6 lowances to which an officer is entitled.

7 “(g) REPAYMENT.—(1) If an officer who has entered
8 into a written agreement under subsection (a) and has re-
9 ceived all or part of a retention bonus under this section
10 fails to complete the total period of active duty in special
11 warfare service as specified in the agreement, the Sec-
12 retary concerned may require the officer to repay the
13 United States, on a pro rata basis and to the extent that
14 the Secretary determines conditions and circumstances
15 warrant, all sums paid the officer under this section.

16 “(2) An obligation to repay the United States im-
17 posed under paragraph (1) is for all purposes a debt owed
18 to the United States.

19 “(3) A discharge in bankruptcy under title 11 that
20 is entered less than five years after the termination of a
21 written agreement entered into under subsection (a) does
22 not discharge the officer signing the agreement from a
23 debt arising under such agreement or under paragraph
24 (1).

1 “(h) REGULATIONS.—The Secretaries concerned
2 shall prescribe regulations to carry out this section, includ-
3 ing the definition of the term ‘special warfare service’ for
4 purposes of this section. Regulations prescribed by the
5 Secretary of a military department under this section shall
6 be subject to the approval of the Secretary of Defense.”.

7 (2) The table of sections at the beginning of chapter
8 5 of title 37, United States Code, as amended by section
9 110(a) of this Act, is amended by inserting after the item
10 relating to section 301f the following new item:

“301g. Special pay: special warfare officers extending period of active duty.”.

11 (b) EFFECTIVE DATE.—The amendments made by
12 subsection (a) shall take effect on October 1, 1999.

13 **SEC. 618. RETENTION BONUS FOR SURFACE WARFARE OF-**
14 **FICERS EXTENDING PERIODS OF ACTIVE**
15 **DUTY.**

16 (a) BONUS AUTHORIZED.—(1) Chapter 5 of title 37,
17 United States Code, is amended by inserting after section
18 301g, as added by section 617 of this Act, the following
19 new section:

20 **“§ 301h. Special pay: surface warfare officers extend-**
21 **ing period of active duty**

22 “(a) SPECIAL PAY AUTHORIZED.—(1) A surface war-
23 fare officer described in subsection (b) who executes a
24 written agreement described in paragraph (2) may, upon
25 the acceptance of the agreement by the Secretary of the

1 Navy, be paid a retention bonus as provided in this sec-
2 tion.

3 “(2) An agreement referred to in paragraph (1) is
4 an agreement in which the officer concerned agrees—

5 “(A) to remain on active duty for at least two
6 years and through the tenth year of active commis-
7 sioned service; and

8 “(B) to complete tours of duty to which the of-
9 ficer may be ordered during the period covered by
10 subparagraph (A) as a department head afloat.

11 “(b) COVERED OFFICERS.—A surface warfare officer
12 referred to in subsection (a) is an officer of the Regular
13 Navy or Naval Reserve on active duty who—

14 “(1) is designated and serving as a surface war-
15 fare officer;

16 “(2) is in pay grade O-3 at the time the officer
17 applies for an agreement under this section;

18 “(3) has been selected for assignment as a de-
19 partment head on a surface ship;

20 “(4) has completed at least four, but not more
21 than eight, years of active commissioned service; and

22 “(5) has completed any service commitment in-
23 curred to be commissioned as an officer.

1 “(c) AMOUNT OF BONUS.—The amount of a reten-
2 tion bonus paid under this section may not be more than
3 \$15,000 for each year covered by the written agreement.

4 “(d) PRORATION.—The term of an agreement under
5 subsection (a) and the amount of the bonus payable under
6 subsection (c) may be prorated as long as such agreement
7 does not extend beyond the date on which the officer mak-
8 ing such agreement would complete 10 years of active
9 commissioned service.

10 “(e) PAYMENT.—Upon acceptance of a written agree-
11 ment under subsection (a) by the Secretary of the Navy,
12 the total amount payable pursuant to the agreement be-
13 comes fixed and may be paid—

14 “(1) in a lump sum equal to the amount of half
15 the total amount payable under the agreement at the
16 time the agreement is accepted by the Secretary fol-
17 lowed by payments of equal annual installments on
18 the anniversary of the acceptance of the agreement
19 until the payment in full of the balance of the
20 amount that remains payable under the agreement
21 after the payment of the lump sum amount under
22 this paragraph; or

23 “(2) in equal annual payments with the first
24 payment being payable at the time the agreement is
25 accepted by the Secretary and subsequent payments

1 being payable on the anniversaries of the acceptance
2 of the agreement.

3 “(f) ADDITIONAL PAY.—A retention bonus paid
4 under this section is in addition to any other pay and al-
5 lowances to which an officer is entitled.

6 “(g) REPAYMENT.—(1) If an officer who has entered
7 into a written agreement under subsection (a) and has re-
8 ceived all or part of a retention bonus under this section
9 fails to complete the total period of active duty specified
10 in the agreement, the Secretary of the Navy may require
11 the officer to repay the United States, on a pro rata basis
12 and to the extent that the Secretary determines conditions
13 and circumstances warrant, all sums paid under this sec-
14 tion.

15 “(2) An obligation to repay the United States im-
16 posed under paragraph (1) is for all purposes a debt
17 owned to the United States.

18 “(3) A discharge in bankruptcy under title 11 that
19 is entered less than five years after the termination of a
20 written agreement entered into under subsection (a) does
21 not discharge the officer signing the agreement from a
22 debt arising under such agreement or under paragraph
23 (1).

24 “(h) REGULATIONS.—The Secretary of the Navy
25 shall prescribe regulations to carry out this section.”.

1 (2) The table of sections at the beginning of chapter
2 5 of title 37, United States Code, is amended by inserting
3 after the item relating to section 301g, as added by section
4 111(a) of this Act, the following new item:

“301h. Special pay: surface warfare officers extending period of active duty.”.

5 (b) EFFECTIVE DATE.—The amendments made by
6 subsection (a) shall take effect on October 1, 1999.

7 **SEC. 619. ADDITIONAL SPECIAL PAY FOR BOARD CER-**
8 **TIFIED VETERINARIANS IN THE ARMED**
9 **FORCES AND PUBLIC HEALTH SERVICE.**

10 (a) AUTHORITY.—Section 303 of title 37, United
11 States Code, is amended—

12 (1) by inserting “(a) MONTHLY SPECIAL
13 PAY.—” before “Each”; and

14 (2) by adding at the end the following:

15 “(b) ADDITIONAL SPECIAL PAY FOR BOARD CER-
16 TIFICATION.—A commissioned officer entitled to special
17 pay under subsection (a) who has been awarded a diploma
18 as a Diplomate in a specialty recognized by the American
19 Veterinarian Medical Association is entitled to special pay
20 (in addition to the special pay under that subsection) at
21 the same rate as is provided under section 302c(b) of this
22 title for an officer referred to in that section who has the
23 same number of years of creditable service as the commis-
24 sioned officer.”.

1 (b) EFFECTIVE DATE.—Section 303(b) of title 37,
2 United States Code, as added by subsection (a), shall
3 apply with respect to months beginning after September
4 30, 1999.

5 **SEC. 620. INCREASE IN RATE OF DIVING DUTY SPECIAL**
6 **PAY.**

7 (a) INCREASE.—Section 304(b) of title 37, United
8 States Code, is amended—

9 (1) by striking “\$200” and inserting “\$240”;
10 and

11 (2) by striking “\$300” and inserting “\$340”.

12 (b) EFFECTIVE DATE.—The amendments made by
13 subsection (a) shall take effect on October 1, 1999, and
14 shall apply with respect to special pay paid under section
15 304 of title 37, United States Code, for months beginning
16 on or after that date.

17 **SEC. 621. INCREASE IN MAXIMUM AMOUNT AUTHORIZED**
18 **FOR REENLISTMENT BONUS FOR ACTIVE**
19 **MEMBERS.**

20 (a) INCREASE IN MAXIMUM AMOUNT.—Section
21 308(a)(2) of title 37, United States Code, is amended—

22 (1) subparagraph (A)(i), by striking “ten” and
23 inserting “15”; and

24 (2) in subparagraph (B), by striking “\$45,000”
25 and inserting “\$60,000”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect on October 1, 1999, and
3 shall apply with respect to reenlistments and extensions
4 of enlistments taking effect on or after that date.

5 **SEC. 622. CRITICAL SKILLS ENLISTMENT BONUS.**

6 (a) INCREASE.—Section 308a(a) of title 37, United
7 States Code, is amended in the first sentence by striking
8 “\$12,000” and inserting “\$20,000”.

9 (b) LUMP-SUM PAYMENT OF CRITICAL SKILLS EN-
10 LISTMENT BONUS.—Section 308a(a) of title 37, United
11 States Code, is amended—

12 (1) by inserting “(1)” after “(a)”;

13 (2) by striking all after “may be paid a bonus”
14 and inserting a period; and

15 (3) by adding at the end the following:

16 “(2) The appropriate Secretary shall prescribe in reg-
17 ulations the following:

18 “(A) The amount of the bonus, but not more
19 than \$12,000.

20 “(B) Provisions for payment of the bonus in a
21 single lump sum or periodic installments in relation
22 to the attainment of one or more specified career
23 milestones appropriate to ensure that the terms of
24 the enlistment or extension are satisfied.”.

1 (c) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect on October 1, 1999, and
3 shall apply with respect to enlistments and extensions of en-
4 listments taking effect on or after that date.

5 **SEC. 623. SELECTED RESERVE ENLISTMENT BONUS.**

6 (a) ELIMINATION OF REQUIREMENT FOR MINIMUM
7 PERIOD OF ENLISTMENT.—Subsection (a) of section 308c
8 of title 37, United States Code, is amended by striking
9 “for a term of enlistment of not less than six years”.

10 (b) INCREASED MAXIMUM AMOUNT.—Subsection (b)
11 of such section is amended by striking “\$5,000” and in-
12 serting “\$8,000”.

13 (c) EFFECTIVE DATE.—The amendments made by
14 subsections (a) and (b) shall take effect on October 1,
15 1999, and shall apply with respect to enlistments entered
16 into on or after that date.

17 **SEC. 624. SPECIAL PAY FOR MEMBERS OF THE COAST**
18 **GUARD RESERVE ASSIGNED TO HIGH PRI-**
19 **ORITY UNITS OF THE SELECTED RESERVE.**

20 Section 308d(a) of title 37, United States Code, is
21 amended by inserting “, or the Secretary of Transpor-
22 tation with respect to the Coast Guard when it is not oper-
23 ating as a service in the Navy, ” after “Secretary of De-
24 fense”.

1 **SEC. 625. REDUCED MINIMUM PERIOD OF ENLISTMENT IN**
2 **ARMY IN CRITICAL SKILL FOR ELIGIBILITY**
3 **FOR ENLISTMENT BONUS.**

4 (a) **REDUCED REQUIREMENT.**—Paragraph (3) of
5 section 308f(a) of title 37, United States Code, is amend-
6 ed by striking “3 years” and inserting “2 years”.

7 (b) **EFFECTIVE DATE.**—The amendment made by
8 subsection (a) shall take effect on October 1, 1999, and
9 shall apply with respect to enlistments entered into on or
10 after that date.

11 **SEC. 626. ELIGIBILITY FOR RESERVE COMPONENT PRIOR**
12 **SERVICE ENLISTMENT BONUS UPON ATTAIN-**
13 **ING A CRITICAL SKILL.**

14 (a) **NEWLY ATTAINED CRITICAL SKILL.**—Section
15 308i(a) of title 37, United States Code, is amended by
16 striking paragraph (2) and inserting the following:

17 “(2) A bonus may only be paid under this section
18 to a person who meets each of the following requirements:

19 “(A) The person has completed that person’s
20 military service obligation but has less than 14 years
21 of total military service.

22 “(B) The person has received an honorable dis-
23 charge at the conclusion of military service.

24 “(C) The person is not being released from ac-
25 tive service for the purpose of enlistment in a re-
26 serve component.

1 “(D) The person is position eligible under para-
2 graph (3).

3 “(E) The person has not previously been paid
4 a bonus (except under this section) for enlistment,
5 reenlistment, or extension of enlistment in a reserve
6 component.

7 “(3) A person is position eligible for the purposes of
8 paragraph (2)(D) if the person—

9 “(A) is projected to occupy a position as a
10 member of the Selected Reserve in a specialty in
11 which the person—

12 “(i) successfully served while a member on
13 active duty; and

14 “(ii) attained a level of qualification while
15 a member on active duty commensurate with
16 the grade and years of service of the member;
17 or

18 “(B) is occupying a position as a member of the
19 Selected Reserve in a specialty in which the
20 person—

21 “(i) has completed training or retraining in
22 the specialty skill that is designated as critically
23 short; and

24 “(ii) has attained a level of qualification in
25 the designated critically short specialty skill

1 that is commensurate with the member's grade
2 and years of service.”.

3 (b) **EFFECTIVE DATE.**—The amendment made by
4 subsection (a) shall take effect on the date of the enact-
5 ment of this Act and shall apply to enlistments beginning
6 on or after that date.

7 **SEC. 627. INCREASE IN SPECIAL PAY AND BONUSES FOR**
8 **NUCLEAR-QUALIFIED OFFICERS.**

9 (a) **SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-**
10 **CERS EXTENDING PERIOD OF ACTIVE SERVICE.**—Section
11 312(a) of title 37, United States Code, is amended by
12 striking “\$15,000” and inserting “\$25,000”.

13 (b) **NUCLEAR CAREER ACCESSION BONUS.**—Section
14 312b(a)(1) of title 37, United States Code, is amended
15 by striking “\$10,000” and inserting “\$20,000”.

16 (c) **NUCLEAR CAREER ANNUAL INCENTIVE BO-**
17 **NUSES.**—Section 312c of title 37, United States Code, is
18 amended—

19 (1) in subsection (a)(1), by striking “\$12,000”
20 and inserting “\$22,000”; and

21 (2) in subsection (b)(1), by striking “\$5,500”
22 and inserting “\$10,000”.

23 (d) **EFFECTIVE DATE.**—(1) The amendments made
24 by this section shall take effect on October 1, 1999.

1 (2) The amendments made by subsections (a) and (b)
2 shall apply with respect to agreements accepted under sec-
3 tion 312(a) and 312b(a), respectively, of title 37, United
4 States Code, on or after October 1, 1999.

5 (3) The amendments made by subsection (c) shall
6 apply with respect to nuclear service years beginning on
7 or after October 1, 1999.

8 **SEC. 628. INCREASE IN MAXIMUM MONTHLY RATE AU-**
9 **THORIZED FOR FOREIGN LANGUAGE PRO-**
10 **FICIENCY PAY.**

11 (a) INCREASE IN MAXIMUM MONTHLY RATE.—Sec-
12 tion 316(b) of title 37, United States Code, is amended
13 by striking “\$100” and inserting “\$300”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 subsection (a) shall take effect on October 1, 1999, and
16 shall apply with respect to foreign language proficiency
17 pay paid under section 316 of title 37, United States
18 Code, for months beginning on or after that date.

19 **SEC. 629. SENSE OF THE SENATE REGARDING TAX TREAT-**
20 **MENT OF MEMBERS RECEIVING SPECIAL**
21 **PAY.**

22 It is the sense of the Senate that members of the
23 Armed Forces who receive special pay for duty subject to
24 hostile fire or imminent danger (37 U.S.C. 310) should

1 receive the same tax treatment as members serving in
2 combat zones.

3 **Subtitle C—Travel and**
4 **Transportation Allowances**

5 **SEC. 641. PAYMENT OF TEMPORARY LODGING EXPENSES**
6 **TO ENLISTED MEMBERS MAKING FIRST PER-**
7 **MANENT CHANGE OF STATION.**

8 Section 404a(a) of title 37, United States Code, is
9 amended—

10 (1) in paragraph (1), by striking “or” at the
11 end of the paragraph;

12 (2) in paragraph (2), by inserting “or” after
13 the semicolon; and

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

16 “(3) in the case of an enlisted member, to the
17 member’s first permanent duty station from the
18 member’s home of record or initial technical training
19 school;”.

20 **SEC. 642. DESTINATION AIRPORT FOR EMERGENCY LEAVE**
21 **TRAVEL TO THE CONTINENTAL UNITED**
22 **STATES.**

23 Section 411d(b)(1)(A) of title 37, United States
24 Code, is amended to read as follows:

25 “(A) to either—

1 “(i) the international airport in the conti-
2 nental United States closest to the location
3 from which the member and the member’s de-
4 pendents departed; or

5 “(ii) any other airport in the continental
6 United States that is closer to the destination
7 than is that international airport if the cost of
8 the transportation to the other airport is less
9 expensive than the cost of the transportation to
10 that international airport; or”.

11 **SEC. 643. CLARIFICATION OF PER DIEM ELIGIBILITY OF**
12 **CERTAIN MILITARY TECHNICIANS (DUAL STA-**
13 **TUS) SERVING ON ACTIVE DUTY WITHOUT**
14 **PAY OUTSIDE THE UNITED STATES.**

15 (a) CLARIFICATION.—Section 1002(b) of title 37,
16 United States Code, is amended—

17 (1) by inserting “(1)” after “(b)”; and

18 (2) by adding at the end the following:

19 “(2) If the Secretary concerned determines that a
20 military technician (dual status) on leave from technician
21 employment under section 6323(d) of title 5 is performing
22 active duty without pay outside the United States without
23 having been afforded an adequate opportunity to satisfy
24 administrative requirements for a commutation of subsist-
25 ence and quarters under paragraph (1), the Secretary con-

1 cerned may authorize payment of a per diem allowance
 2 to the technician under chapter 4 of this title instead of
 3 the commutation while the technician is performing that
 4 duty.”.

5 (b) DEFINITION.—Section 101 of such title is amend-
 6 ed by adding at the end the following:

7 “(27) The term ‘military technician (dual sta-
 8 tus)’ has the meaning given the term in section
 9 10216(a) of title 10.”.

10 (c) RETROACTIVE EFFECTIVE DATE.—The amend-
 11 ments made by this section shall be effective as of Feb-
 12 ruary 10, 1996.

13 **SEC. 644. EXPANSION AND CODIFICATION OF AUTHORITY**
 14 **FOR SPACE REQUIRED TRAVEL ON MILITARY**
 15 **AIRCRAFT FOR RESERVES PERFORMING IN-**
 16 **ACTIVE-DUTY TRAINING OUTSIDE THE CON-**
 17 **TINENTAL UNITED STATES.**

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

21 **“§ 12322. Reserves traveling to inactive-duty training**
 22 **OCONUS: space required travel**

23 “A member of a reserve component is authorized to
 24 travel in a space required status on aircraft of the armed
 25 forces between the member’s home and place of inactive-

1 duty training outside the continental United States (in-
2 cluding a place other than the place of the member's unit
3 training assembly if the member is performing the inac-
4 tive-duty training in another location) when there is no
5 transportation between those locations by means of road,
6 railroad, or a combination of road and railroad. A member
7 traveling in that status on any such aircraft under the
8 authority of this section is not authorized to receive travel,
9 transportation, or per diem allowances in connection with
10 the travel.”.

11 (2) The table of sections at the beginning of that
12 chapter is amended by adding at the end the following:

“12322. Reserves traveling to inactive-duty training OCONUS: space required
travel.”.

13 (b) REPEAL OF SUPERSEDED AUTHORITY.—Section
14 8023 of Public Law 105–262 (112 Stat. 2302) is repealed.

15 (c) EFFECTIVE DATE.—This section and the amend-
16 ments made by this section shall take effect on the date
17 of the enactment of this Act and shall apply with respect
18 to travel commencing on or after that date.

1 **SEC. 645. REIMBURSEMENT OF TRAVEL EXPENSES IN-**
 2 **CURRED BY MEMBERS OF THE ARMED**
 3 **FORCES IN CONNECTION WITH LEAVE CAN-**
 4 **CELED FOR INVOLVEMENT IN KOSOVO-RE-**
 5 **LATED ACTIVITIES.**

6 (a) **AUTHORITY.**—The Secretary of the military de-
 7 partment concerned may reimburse a member of the
 8 Armed Forces under the jurisdiction of the Secretary for
 9 expenses of travel (to the extent not otherwise reimburs-
 10 able under law) that have been incurred by the member
 11 in connection with approved leave canceled to meet an exi-
 12 gency in connection with United States participation in
 13 Operation Allied Force.

14 (b) **ADMINISTRATIVE PROVISIONS.**—The Secretary of
 15 Defense shall prescribe the procedures and documentation
 16 required for application for, and payment of, reimburse-
 17 ments to members of the Armed Forces under subsection
 18 (a).

19 **Subtitle D—Retired Pay, Survivor**
 20 **Benefits, and Related Matters**

21 **SEC. 651. RETIRED PAY OPTIONS FOR PERSONNEL ENTER-**
 22 **ING UNIFORMED SERVICES ON OR AFTER AU-**
 23 **GUST 1, 1986.**

24 (a) **REDUCED RETIRED PAY ONLY FOR MEMBERS**
 25 **ELECTING 15-YEAR SERVICE BONUS.**—(1) Paragraph (2)
 26 of section 1409(b) of title 10, United States Code, is

1 amended by inserting after “July 31, 1986,” the following:
2 “has elected to receive a bonus under section 318 of title
3 37,”.

4 (2)(A) Paragraph (2)(A) of section 1401a(b) of title
5 10, United States Code, is amended by striking “The Sec-
6 retary shall increase the retired pay of each member and
7 former member who first became a member of a uniformed
8 service before August 1, 1986,” and inserting “Except as
9 otherwise provided in this subsection, the Secretary shall
10 increase the retired pay of each member and former mem-
11 ber”.

12 (B) Paragraph (3) of such section 1401a(b) is
13 amended by inserting after “August 1, 1986,” the fol-
14 lowing: “and has elected to receive a bonus under section
15 318 of title 37,”.

16 (3) Section 1410 of title 10, United States Code, is
17 amended by inserting after “August 1, 1986,” the fol-
18 lowing: “who has elected to receive a bonus under section
19 318 of title 37,”.

20 (b) OPTIONAL LUMP-SUM BONUS AT 15 YEARS OF
21 SERVICE.—(1) Chapter 5 of title 37, United States Code,
22 is amended by adding at the end the following new section:

1 **“§ 318. Special pay: 15-year service bonus elected by**
2 **members entering on or after August 1,**
3 **1986**

4 “(a) PAYMENT OF BONUS.—The Secretary concerned
5 shall pay a bonus to a member of a uniformed service who
6 is eligible and elects to receive the bonus under this sec-
7 tion.

8 “(b) ELIGIBILITY FOR BONUS.—A member of a uni-
9 formed service serving on active duty is eligible to receive
10 a bonus under this section if the member—

11 “(1) first became a member of a uniformed
12 service on or after August 1, 1986;

13 “(2) has completed 15 years of active duty in
14 the uniformed services; and

15 “(3) if not already obligated to remain on active
16 duty for a period that would result in at least 20
17 years of active-duty service, executes a written
18 agreement (prescribed by the Secretary concerned)
19 to remain continuously on active duty for five years
20 after the date of the completion of 15 years of ac-
21 tive-duty service.

22 “(c) ELECTION.—(1) A member eligible to receive a
23 bonus under this section may elect to receive the bonus.
24 The election shall be made in such form and within such
25 period as the Secretary concerned requires.

1 “(2) An election made under this subsection is irrev-
2 ocable.

3 “(d) NOTIFICATION OF ELIGIBILITY.—The Secretary
4 concerned shall transmit a written notification of the op-
5 portunity to elect to receive a bonus under this section
6 to each member who is eligible (or upon execution of an
7 agreement described in subsection (b)(3), would be eligi-
8 ble) to receive the bonus. The Secretary shall complete the
9 notification within 180 days after the date on which the
10 member completes 15 years of active duty. The notifica-
11 tion shall include the procedures for electing to receive the
12 bonus and an explanation of the effects under sections
13 1401a, 1409, and 1410 of title 10 that such an election
14 has on the computation of any retired or retainer pay
15 which the member may become eligible to receive.

16 “(e) FORM AND AMOUNT OF BONUS.—A bonus
17 under this section shall be paid in one lump sum of
18 \$30,000.

19 “(f) TIME FOR PAYMENT.—Payment of a bonus to
20 a member electing to receive the bonus under this section
21 shall be made not later than the first month that begins
22 on or after the date that is 60 days after the Secretary
23 concerned receives from the member an election that satis-
24 fies the requirements imposed under subsection (c).

1 “(g) REPAYMENT OF BONUS.—(1) If a person paid
2 a bonus under this section fails to complete the total pe-
3 riod of active duty specified in the agreement entered into
4 under subsection (b)(3), the person shall refund to the
5 United States the amount that bears the same ratio to
6 the amount of the bonus payment as the unserved part
7 of that total period bears to the total period.

8 “(2) Subject to paragraph (3), an obligation to reim-
9 burse the United States imposed under paragraph (1) is
10 for all purposes a debt owed to the United States.

11 “(3) The Secretary concerned may waive, in whole
12 or in part, a refund required under paragraph (1) if the
13 Secretary concerned determines that recovery would be
14 against equity and good conscience or would be contrary
15 to the best interests of the United States.

16 “(4) A discharge in bankruptcy under title 11 that
17 is entered less than five years after the termination of an
18 agreement under this section does not discharge the mem-
19 ber signing such agreement from a debt arising under the
20 agreement or this subsection.”.

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

“318. Special pay: 15-year service bonus elected by members entering on or
after August 1, 1986.”.

1 (c) CONFORMING AMENDMENTS TO SURVIVOR BEN-
2 EFIT PLAN PROVISIONS.—(1) Section 1451(h)(3) of title
3 10, United States Code, is amended by inserting “OF CER-
4 TAIN MEMBERS” after “RETIREMENT”.

5 (2) Section 1452(i) of such title is amended by strik-
6 ing “When the retired pay” and inserting “Whenever the
7 retired pay”.

8 (d) RELATED TECHNICAL AMENDMENTS.—(1) Sec-
9 tion 1401a(b) of title 10, United States Code, is
10 amended—

11 (A) by striking the heading for paragraph (1)
12 and inserting “INCREASE REQUIRED.—”;

13 (B) by striking the heading for paragraph (2)
14 and inserting “PERCENTAGE INCREASE.—”; and

15 (C) by striking the heading for paragraph (3)
16 and inserting “REDUCED PERCENTAGE FOR CER-
17 TAIN POST-AUGUST 1, 1986 MEMBERS.—”.

18 (2) Section 1409(b)(2) of title 10, United States
19 Code, is amended by inserting “CERTAIN” after “REDUC-
20 TION APPLICABLE TO” in the paragraph heading.

21 (3)(A) The heading of section 1410 of such title is
22 amended by inserting “**certain**” before “**members**”.

23 (B) The item relating to such section in the table of
24 sections at the beginning of chapter 71 of title 10, United

1 States Code, is amended by inserting “certain” before
2 “members”.

3 **SEC. 652. PARTICIPATION IN THRIFT SAVINGS PLAN.**

4 (a) PARTICIPATION AUTHORITY.—(1)(A) Chapter 3
5 of title 37, United States Code, is amended by adding at
6 the end the following:

7 **“§ 211. Participation in Thrift Savings Plan**

8 “(a) AUTHORITY.—A member of the uniformed serv-
9 ices serving on active duty and a member of the Ready
10 Reserve in any pay status may participate in the Thrift
11 Savings Plan in accordance with section 8440e of title 5.

12 “(b) RULE OF CONSTRUCTION REGARDING SEPARA-
13 TION.—For the purposes of section 8440e of title 5, the
14 following actions shall be considered separation of a mem-
15 ber of the uniformed services from Government employ-
16 ment:

17 “(1) Release of the member from active-duty
18 service (not followed by a resumption of active-duty
19 service within 30 days after the effective date of the
20 release).

21 “(2) Transfer of the member by the Secretary
22 concerned to a retired list maintained by the Sec-
23 retary.”.

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

“211. Participation in Thrift Savings Plan.”.

1 (2)(A) Subchapter III of chapter 84 of title 5, United
2 States Code, is amended by adding at the end the fol-
3 lowing:

4 **“§ 8440e. Members of the uniformed services on ac-**
5 **tive duty**

6 “(a) PARTICIPATION AUTHORIZED.—(1) A member
7 of the uniformed services authorized to participate in the
8 Thrift Savings Plan under section 211(a) of title 37 may
9 contribute to the Thrift Savings Fund.

10 “(2) An election to contribute to the Thrift Savings
11 Fund under paragraph (1) may be made only during a
12 period provided under section 8432(b) for individuals sub-
13 ject to this chapter.

14 “(b) APPLICABILITY OF THRIFT SAVINGS PLAN PRO-
15 VISIONS.—Except as otherwise provided in this section,
16 the provisions of this subchapter and subchapter VII of
17 this chapter shall apply with respect to members of the
18 uniformed services making contributions to the Thrift
19 Savings Fund as if such members were employees within
20 the meaning of section 8401(11).

21 “(c) MAXIMUM CONTRIBUTION FROM PAY OR COM-
22 PENSATION.—(1) The amount contributed by a member
23 of the uniformed services for any pay period out of basic
24 pay may not exceed 5 percent of such member’s basic pay
25 for such pay period.

1 “(2) The amount contributed by a member of the
2 Ready Reserve for any pay period for any compensation
3 received under section 206 of title 37 may not exceed 5
4 percent of such member’s compensation for such pay pe-
5 riod, to the extent allowable under the Internal Revenue
6 Code of 1986.

7 “(d) OTHER MEMBER CONTRIBUTIONS.—A member
8 of the uniformed services making contributions to the
9 Thrift Savings Fund out of basic pay, or out of compensa-
10 tion under section 206 of title 37, may also contribute (by
11 direct transfer to the Fund) any part of any special or
12 incentive pay that the member receives under section 308,
13 308a through 308h, or 318 of title 37, to the extent allow-
14 able under the Internal Revenue Code of 1986.

15 “(e) AGENCY CONTRIBUTIONS GENERALLY PROHIB-
16 ITED.—Except as provided in section 211(c) of title 37,
17 no contribution under section 8432(c) of this title may be
18 made for the benefit of a member of the uniformed serv-
19 ices making contributions to the Thrift Savings Fund
20 under subsection (a).

21 “(f) BENEFITS AND ELECTIONS OF BENEFITS.—In
22 applying section 8433 to a member of the uniformed serv-
23 ices who has an account balance in the Thrift Savings
24 Fund—

1 “(1) any reference in such section to separation
2 from Government employment shall be construed to
3 refer to an action described in section 211(b) of title
4 37; and

5 “(2) the reference in section 8433(g)(1) to con-
6 tributions made under section 8432(a) shall be
7 treated as being a reference to contributions made to
8 the Fund by the member, whether made under sec-
9 tion 8351, 8432(a), or this section.

10 “(g) BASIC PAY DEFINED.—For purposes of this sec-
11 tion, the term ‘basic pay’ means basic pay that is payable
12 under section 204 of title 37.”.

13 (B) The table of sections at the beginning of chapter
14 84 of title 5, United States Code, is amended by adding
15 after the item relating to section 8440d the following:

 “8440e. Members of the uniformed services on active duty.”.

16 (3) Section 8432b(b) of title 5, United States Code,
17 is amended—

18 (A) in paragraph (1), by striking “Each em-
19 ployee” and inserting “Except as provided in para-
20 graph (4), each employee”;

21 (B) by redesignating paragraph (4) as para-
22 graph (5); and

23 (C) by inserting after paragraph (3) the fol-
24 lowing new paragraph (4):

1 “(4) No contribution may be made under this section
2 for a period for which an employee made a contribution
3 under section 8440e.”.

4 (4) Section 8473 of title 5, United States Code, is
5 amended—

6 (A) in subsection (a), by striking “14 mem-
7 bers” and inserting “15 members”; and

8 (B) in subsection (b)—

9 (i) by striking “14 members” and inserting
10 “15 members”;

11 (ii) by striking “and” at the end of para-
12 graph (8);

13 (iii) by striking the period at the end of
14 paragraph (9) and inserting “; and”; and

15 (iv) by adding at the end the following:

16 “(10) 1 shall be appointed to represent partici-
17 pants (under section 8440e) who are members of the
18 uniformed services.”.

19 (5) Paragraph (11) of section 8351(b) of title 5,
20 United States Code, is redesignated as paragraph (8).

21 (b) APPLICABILITY.—(1) Except as provided in para-
22 graph (2), the authority of members of the uniformed
23 services to participate in the Thrift Savings Plan under
24 section 211 of title 37, United States Code (as added by
25 subsection (a)(1)), shall take effect on July 1, 2000.

1 (2)(A) The Secretary of Defense may postpone the
2 authority of members of the Ready Reserve to so partici-
3 pate in the Thrift Savings Plan until 180 days after the
4 date specified in paragraph (1) if the Secretary, after con-
5 sultation with the Executive Director appointed by the
6 Federal Thrift Retirement Investment Board, determines
7 that permitting such members to participate in the Thrift
8 Savings Plan on that date would place an excessive burden
9 on the administrative capacity of the Board to accommo-
10 date participants in the Thrift Savings Plan.

11 (B) The Secretary shall notify the congressional de-
12 fense committees of any determination made under sub-
13 paragraph (A).

14 (c) REGULATIONS.—Not later than 180 days after
15 the date of the enactment of this Act, the Executive Direc-
16 tor appointed by the Federal Thrift Retirement Invest-
17 ment Board shall issue regulations to implement section
18 8440e of title 5, United States Code (as added by sub-
19 section (a)(2)) and section 211 of title 37, United States
20 Code (as added by subsection (a)(1)).

21 **SEC. 653. SPECIAL RETENTION INITIATIVE.**

22 Section 211 of title 37, United States Code, as added
23 by section 652, is amended by adding at the end the fol-
24 lowing:

1 “(c) AGENCY CONTRIBUTIONS FOR RETENTION IN
2 CRITICAL SPECIALTIES.—(1) The Secretary concerned
3 may enter into an agreement with a member to make con-
4 tributions to the Thrift Savings Fund for the benefit of
5 the member if the member—

6 “(A) is in a specialty designated by the Sec-
7 retary as critical to meet requirements (whether
8 such specialty is designated as critical to meet war-
9 time or peacetime requirements); and

10 “(B) commits in such agreement to continue to
11 serve on active duty in that specialty for a period of
12 six years.

13 “(2) Under any agreement entered into with a mem-
14 ber under paragraph (1), the Secretary shall make con-
15 tributions to the Fund for the benefit of the member for
16 each pay period of the 6-year period of the agreement for
17 which the member makes a contribution out of basic pay
18 to the Fund under this section. Paragraph (2) of section
19 8432(c) applies to the Secretary’s obligation to make con-
20 tributions under this paragraph, except that the reference
21 in such paragraph to contributions under paragraph (1)
22 of such section does not apply.”.

1 **SEC. 654. REPEAL OF REDUCTION IN RETIRED PAY FOR CI-**
 2 **VILIAN EMPLOYEES.**

3 (a) REPEAL.—(1) Section 5532 of title 5, United
 4 States Code, is repealed.

5 (2) The chapter analysis at the beginning of chapter
 6 55 of such title is amended by striking the item relating
 7 to section 5532.

8 (b) EFFECTIVE DATE.—The amendments made by
 9 subsection (a) shall take effect on the first day of the first
 10 month that begins after the date of the enactment of this
 11 Act.

12 **SEC. 655. CREDIT TOWARD PAID-UP SBP COVERAGE FOR**
 13 **MONTHS COVERED BY MAKE-UP PREMIUM**
 14 **PAID BY PERSONS ELECTING SBP COVERAGE**
 15 **DURING SPECIAL OPEN ENROLLMENT PE-**
 16 **RIOD.**

17 Section 642 of the Strom Thurmond National De-
 18 fense Authorization Act for Fiscal Year 1999 (Public Law
 19 105–261; 112 Stat. 2045; 10 U.S.C. 1448 note) is
 20 amended—

21 (1) by redesignating subsection (h) as sub-
 22 section (i); and

23 (2) by inserting after subsection (g) the fol-
 24 lowing new subsection (h):

25 “(h) CREDIT TOWARD PAID-UP COVERAGE.—Upon
 26 payment of the total amount of the premiums charged a

1 person under subsection (g), the retired pay of a person
 2 participating in the Survivor Benefit Plan pursuant to an
 3 election under this section shall be treated, for the pur-
 4 poses of subsection (j) of section 1452 of title 10, United
 5 States Code, as having been reduced under such section
 6 1452 for the months in the period for which the person's
 7 retired pay would have been reduced if the person had
 8 elected to participate in the Survivor Benefit Plan at the
 9 first opportunity that was afforded the person to partici-
 10 pate.”.

11 **SEC. 656. PAID-UP COVERAGE UNDER RETIRED SERVICE-**
 12 **MAN'S FAMILY PROTECTION PLAN.**

13 (a) CONDITIONS.—Subchapter I of chapter 73 of title
 14 10, United States Code, is amended by inserting after sec-
 15 tion 1436 the following:

16 **“§ 1436a. Coverage paid up at 30 years and age 70**

17 “Effective October 1, 2008, no reduction may be
 18 made in a person's retired pay or retainer pay pursuant
 19 to an election under section 1431(b) or 1432 of this title
 20 for any month after the later of—

21 “(1) the 360th month for which the person re-
 22 tired pay or retainer pay is reduced pursuant to
 23 such an election; and

24 “(2) the month during which the person attains
 25 70 years of age.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of such subchapter is amended by insert-
 3 ing after the item relating to section 1436 the following:
 “1436a. Coverage paid up at 30 years and age 70.”.

4 **SEC. 657. PERMANENT AUTHORITY FOR PAYMENT OF AN-**
 5 **NUITIES TO CERTAIN MILITARY SURVIVING**
 6 **SPOUSES.**

7 Subsection (f) of section 644 of the National Defense
 8 Authorization Act for Fiscal Year 1998 (Public Law 105-
 9 85; 111 Stat. 1801; 10 U.S.C. 1448 note) is repealed.

10 **SEC. 658. EFFECTUATION OF INTENDED SBP ANNUITY FOR**
 11 **FORMER SPOUSE WHEN NOT ELECTED BY**
 12 **REASON OF UNTIMELY DEATH OF RETIREE.**

13 (a) CASES NOT COVERED BY EXISTING AUTHOR-
 14 ITY.—Paragraph (3) of section 1450(f) of title 10, United
 15 States Code, as in effect on the date of the enactment
 16 of this Act, shall apply in the case of a former spouse of
 17 any person referred to in that paragraph who—

18 (1) incident to a proceeding of divorce, dissolu-
 19 tion, or annulment—

20 (A) entered into a written agreement on or
 21 after August 21, 1983, to make an election
 22 under section 1448(b) of such title to provide
 23 an annuity to the former spouse (the agreement
 24 thereafter having been incorporated in or rati-
 25 fied or approved by a court order or filed with

1 the court of appropriate jurisdiction in accord-
2 ance with applicable State law); or

3 (B) was required by a court order dated on
4 or after such date to make such an election for
5 the former spouse; and

6 (2) before making the election, died within 21
7 days after the date of the agreement referred to in
8 paragraph (1)(A) or the court order referred to in
9 paragraph (1)(B), as the case may be.

10 (b) ADJUSTED TIME LIMIT FOR REQUEST BY
11 FORMER SPOUSE.—For the purposes of paragraph (3)(C)
12 of section 1450(f) of title 10, United States Code, a court
13 order or filing referred to in subsection (a)(1) of this sec-
14 tion that is dated before October 19, 1984, shall be
15 deemed to be dated on the date of the enactment of this
16 Act.

17 **SEC. 659. SPECIAL COMPENSATION FOR SEVERELY DIS-**
18 **ABLED UNIFORMED SERVICES RETIREES.**

19 (a) AUTHORITY.—(1) Chapter 71 of title 10, United
20 States Code, is amended by adding at the end the fol-
21 lowing new section:

22 **“§ 1413. Special compensation for certain severely**
23 **disabled uniformed services retirees**

24 “(a) AUTHORITY.—The Secretary concerned shall,
25 subject to the availability of appropriations for such pur-

1 pose, pay to each eligible disabled uniformed services re-
2 tiree a monthly amount determined under subsection (b).

3 “(b) AMOUNT.—The amount to be paid to an eligible
4 disabled uniformed services retiree in accordance with sub-
5 section (a) is the following:

6 “(1) For any month for which the retiree has
7 a qualifying service-connected disability rated as
8 total, \$300.

9 “(2) For any month for which the retiree has
10 a qualifying service-connected disability rated as 90
11 percent, \$200.

12 “(3) For any month for which the retiree has
13 a qualifying service-connected disability rated as 80
14 percent or 70 percent, \$100.

15 “(c) ELIGIBLE MEMBERS.—An eligible disabled uni-
16 formed services retiree referred to in subsection (a) is a
17 member of the uniformed services in a retired status
18 (other than a member who is retired under chapter 61
19 of this title) who—

20 “(1) completed at least 20 years of service in
21 the uniformed services that are creditable for pur-
22 poses of computing the amount of retired pay to
23 which the member is entitled; and

24 “(2) has a qualifying service-connected dis-
25 ability.

1 “(d) QUALIFYING SERVICE-CONNECTED DISABILITY
2 DEFINED.—In this section, the term ‘qualifying service-
3 connected disability’ means a service-connected disability
4 that—

5 “(1) was incurred or aggravated in the per-
6 formance of duty as a member of a uniformed serv-
7 ice, as determined by the Secretary concerned; and

8 “(2) is rated as not less than 70 percent
9 disabling—

10 “(A) by the Secretary concerned as of the
11 date on which the member is retired from the
12 uniformed services; or

13 “(B) by the Secretary of Veterans Affairs
14 within four years following the date on which
15 the member is retired from the uniformed serv-
16 ices.

17 “(e) STATUS OF PAYMENTS.—Payments under this
18 section are not retired pay.

19 “(f) SOURCE OF FUNDS.—Payments under this sec-
20 tion for any fiscal year shall be paid out of funds appro-
21 priated for pay and allowances payable by the Secretary
22 concerned for that fiscal year.

23 “(g) OTHER DEFINITIONS.—In this section:

24 “(1) The term ‘service-connected’ has the
25 meaning give that term in section 101 of title 38.

1 “(2) The term ‘disability rated as total’
2 means—

3 “(A) a disability that is rated as total
4 under the standard schedule of rating disabili-
5 ties in use by the Department of Veterans Af-
6 fairs; or

7 “(B) a disability for which the scheduled
8 rating is less than total but for which a rating
9 of total is assigned by reason of inability of the
10 disabled person concerned to secure or follow a
11 substantially gainful occupation as a result of
12 service-connected disabilities.

13 “(3) The term ‘retired pay’ includes retainer
14 pay, emergency officers’ retirement pay, and naval
15 pension.”.

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

 “1413. Special compensation for certain severely disabled uniformed services re-
 tireses.”.

19 (b) EFFECTIVE DATE.—Section 1413 of title 10,
20 United States Code, as added by subsection (a), shall take
21 effect on October 1, 1999, and shall apply to months that
22 begin on or after that date. No benefit may be paid to
23 any person by reason of that section for any period before
24 that date.

1 **SEC. 660. COMPUTATION OF SURVIVOR BENEFITS.**

2 (a) INCREASED BASIC ANNUITY.—(1) Subsection
3 (a)(1)(B)(i) of section 1451 of title 10, United States
4 Code, is amended by striking “35 percent of the base
5 amount.” and inserting “the product of the base amount
6 and the percent applicable for the month. The percent ap-
7 plicable for a month is 35 percent for months beginning
8 on or before the date of the enactment of the National
9 Defense Authorization Act for Fiscal Year 2000, 40 per-
10 cent for months beginning after such date and before Oc-
11 tober 2004, and 45 percent for months beginning after
12 September 2004.”.

13 (2) Subsection (a)(2)(B)(i)(I) of such section is
14 amended by striking “35 percent” and inserting “the per-
15 cent specified under subsection (a)(1)(B)(i) as being appli-
16 cable for the month”.

17 (3) Subsection (c)(1)(B)(i) of such section is
18 amended—

19 (A) by striking “35 percent” and inserting “the
20 applicable percent”; and

21 (B) by adding at the end the following: “The
22 percent applicable for a month under the preceding
23 sentence is the percent specified under subsection
24 (a)(1)(B)(i) as being applicable for the month.”.

1 (4) The heading for subsection (d)(2)(A) of such sec-
2 tion is amended to read as follows: “COMPUTATION OF AN-
3 NUITY.—”.

4 (b) ADJUSTED SUPPLEMENTAL ANNUITY.—Section
5 1457(b) of title 10, United States Code, is amended—

6 (1) by striking “5, 10, 15, or 20 percent” and
7 inserting “the applicable percent”; and

8 (2) by inserting after the first sentence the fol-
9 lowing: “The percent used for the computation shall
10 be an even multiple of 5 percent and, whatever the
11 percent specified in the election, may not exceed 20
12 percent for months beginning on or before the date
13 of the enactment of the National Defense Authoriza-
14 tion Act for Fiscal Year 2000, 15 percent for
15 months beginning after that date and before October
16 2004, and 10 percent for months beginning after
17 September 2004.”.

18 (c) RECOMPUTATION OF ANNUITIES.—(1) Effective
19 on the first day of each month referred to in paragraph
20 (2)—

21 (A) each annuity under section 1450 of title 10,
22 United States Code, that commenced before that
23 month, is computed under a provision of section
24 1451 of that title amended by subsection (a), and is
25 payable for that month shall be recomputed so as to

1 be equal to the amount that would be in effect if the
2 percent applicable for that month under that provi-
3 sion, as so amended, had been used for the initial
4 computation of the annuity; and

5 (B) each supplemental survivor annuity under
6 section 1457 of such title that commenced before
7 that month and is payable for that month shall be
8 recomputed so as to be equal to the amount that
9 would be in effect if the percent applicable for that
10 month under that section, as amended by this sec-
11 tion, had been used for the initial computation of
12 the supplemental survivor annuity.

13 (2) The requirements for recomputation of annuities
14 under paragraph (1) apply with respect to the following
15 months:

16 (A) The first month that begins after the date
17 of the enactment of this Act.

18 (B) October 2004.

19 (d) RECOMPUTATION OF RETIRED PAY REDUCTIONS
20 FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—The Sec-
21 retary of Defense shall take such actions as are neces-
22 sitated by the amendments made by subsection (b) and
23 the requirements of subsection (c)(1)(B) to ensure that
24 the reductions in retired pay under section 1460 of title

1 10, United States Code, are adjusted to achieve the objec-
2 tives set forth in subsection (b) of that section.

3 **Subtitle E—Montgomery GI Bill**
4 **Benefits and Other Education**
5 **Benefits**

6 **PART I—MONTGOMERY GI BILL BENEFITS**

7 **SEC. 671. INCREASE IN RATES OF EDUCATIONAL ASSIST-**
8 **ANCE FOR FULL-TIME EDUCATION.**

9 (a) INCREASE.—Section 3015 of title 38, United
10 States Code, is amended—

11 (1) in subsection (a)(1), by striking “\$528” and
12 inserting “\$600”; and

13 (2) in subsection (b)(1), by striking “\$429”
14 and inserting “\$488”.

15 (b) EFFECTIVE DATE.—The amendments made by
16 subsection (a) shall take effect on October 1, 1999, and
17 shall apply with respect to educational assistance allow-
18 ances paid for months after September 1999. However,
19 no adjustment in rates of educational assistance shall be
20 made under subsection (g) of section 3015 of title 38,
21 United States Code, for fiscal year 2000.

22 **SEC. 672. TERMINATION OF REDUCTIONS OF BASIC PAY.**

23 (a) REPEALS.—(1) Section 3011 of title 38, United
24 States Code, is amended by striking subsection (b).

1 (2) Section 3012 of such title is amended by striking
2 subsection (c).

3 (3) The amendments made by paragraphs (1) and (2)
4 shall take effect on the date of the enactment of this Act
5 and shall apply to individuals whose initial obligated pe-
6 riod of active duty under section 3011 or 3012 of title
7 38, United States Code, as the case may be, begins on
8 or after such date.

9 (b) TERMINATION OF REDUCTIONS IN PROGRESS.—
10 Any reduction in the basic pay of an individual referred
11 to in section 3011(b) of title 38, United States Code, by
12 reason of such section 3011(b), or of any individual re-
13 ferred to in section 3012(c) of such title by reason of such
14 section 3012(c), as of the date of the enactment of this
15 Act shall cease commencing with the first month begin-
16 ning after such date, and any obligation of such individual
17 under such section 3011(b) or 3012(c), as the case may
18 be, as of the day before such date shall be deemed to be
19 fully satisfied as of such date.

20 (c) CONFORMING AMENDMENT.—Section 3034(e)(1)
21 of title 38, United States Code, is amended in the second
22 sentence by striking “as soon as practicable” and all that
23 follows through “such additional times” and inserting “at
24 such times”.

1 **SEC. 673. ACCELERATED PAYMENTS OF EDUCATIONAL AS-**
2 **SISTANCE.**

3 Section 3014 of title 38, United States Code, is
4 amended—

5 (1) by inserting “(a)” before “The Secretary
6 shall pay”; and

7 (2) by adding at the end the following new sub-
8 section (b):

9 “(b)(1) Whenever the Secretary determines it appro-
10 priate under the regulations prescribed pursuant to para-
11 graph (6), the Secretary may make payments of basic edu-
12 cational assistance under this subchapter on an acceler-
13 ated basis.

14 “(2) The Secretary may pay basic educational assist-
15 ance on an accelerated basis only to an individual entitled
16 to payment of such assistance under this subchapter who
17 has made a request for payment of such assistance on an
18 accelerated basis.

19 “(3) If an adjustment under section 3015(g) of this
20 title in the monthly rate of basic educational assistance
21 will occur during a period for which a payment of such
22 assistance is made on an accelerated basis under this sub-
23 section, the Secretary shall—

24 “(A) pay on an accelerated basis the amount
25 such assistance otherwise payable under this sub-

1 chapter for the period without regard to the adjust-
2 ment under that section; and

3 “(B) pay on the date of the adjustment any ad-
4 ditional amount of such assistance that is payable
5 for the period as a result of the adjustment.

6 “(4) The entitlement to basic educational assistance
7 under this subchapter of an individual who is paid such
8 assistance on an accelerated basis under this subsection
9 shall be charged at a rate equal to one month for each
10 month of the period covered by the accelerated payment
11 of such assistance.

12 “(5) Basic educational assistance shall be paid on an
13 accelerated basis under this subsection as follows:

14 “(A) In the case of assistance for a course lead-
15 ing to a standard college degree, at the beginning of
16 the quarter, semester, or term of the course in a
17 lump-sum amount equivalent to the aggregate
18 amount of monthly assistance otherwise payable
19 under this subchapter for the quarter, semester, or
20 term, as the case may be, of the course.

21 “(B) In the case of assistance for a course
22 other than a course referred to in subparagraph
23 (A)—

24 “(i) at the later of (I) the beginning of the
25 course, or (II) a reasonable time after the re-

1 quest for payment by the individual concerned;
2 and

3 “(ii) in any amount requested by the indi-
4 vidual concerned up to the aggregate amount of
5 monthly assistance otherwise payable under this
6 subchapter for the period of the course.

7 “(6) The Secretary shall prescribe regulations for
8 purposes of making payments of basic educational assist-
9 ance on an accelerated basis under this subsection. Such
10 regulations shall specify the circumstances under which
11 accelerated payments may be made and include require-
12 ments relating to the request for, making and delivery of,
13 and receipt and use of such payments.”.

14 **SEC. 674. TRANSFER OF ENTITLEMENT TO EDUCATIONAL**
15 **ASSISTANCE BY CERTAIN MEMBERS OF THE**
16 **ARMED FORCES.**

17 (a) AUTHORITY TO TRANSFER TO FAMILY MEM-
18 BERS.—Subchapter II of chapter 30 of title 38, United
19 States Code, is amended by adding at the end the fol-
20 lowing new section:

21 **“§ 3020. Transfer of entitlement to basic educational**
22 **assistance: members of the Armed Forces**

23 “(a)(1) Subject to the provisions of this section, the
24 Secretary concerned may, for the purpose of enhancing re-
25 cruiting and retention and at that Secretary’s sole discre-

1 tion, permit an individual described in paragraph (2) who
2 is entitled to basic educational assistance under this sub-
3 chapter to elect to transfer such individual's entitlement
4 to such assistance, in whole or in part, to the dependents
5 specified in subsection (b).

6 “(2) An individual referred to in paragraph (1) is any
7 individual who is a member of the Armed Forces at the
8 time of the approval by the Secretary concerned of the
9 individual's request to transfer entitlement to educational
10 assistance under this section.

11 “(3) Subject to the time limitation for use of entitle-
12 ment under section 3031 of this title, an individual ap-
13 proved to transfer entitlement to educational assistance
14 under this section may transfer such entitlement at any
15 time after the approval of individual's request to transfer
16 such entitlement without regard to whether the individual
17 is a member of the Armed Forces when the transfer is
18 executed.

19 “(b) An individual approved to transfer an entitle-
20 ment to basic educational assistance under this section
21 may transfer the individual's entitlement to such assist-
22 ance as follows:

23 “(1) To the individual's spouse.

24 “(2) To one or more of the individual's chil-
25 dren.

1 “(3) To a combination of the individuals re-
2 ferred to in paragraphs (1) and (2).

3 “(c)(1) An individual transferring an entitlement to
4 basic educational assistance under this section shall—

5 “(A) designate the dependent or dependents to
6 whom such entitlement is being transferred and the
7 percentage of such entitlement to be transferred to
8 each such dependent; and

9 “(B) specify the period for which the transfer
10 shall be effective for each dependent designated
11 under subparagraph (A).

12 “(2) The aggregate amount of the entitlement trans-
13 ferable by an individual under this section may not exceed
14 the aggregate amount of the entitlement of such individual
15 to basic educational assistance under this subchapter.

16 “(3) An individual transferring an entitlement under
17 this section may modify or revoke the transfer at any time
18 before the use of the transferred entitlement begins. An
19 individual shall make the modification or revocation by
20 submitting written notice of the action to the Secretary
21 concerned.

22 “(d)(1) The use of any entitlement transferred under
23 this section shall be charged against the entitlement of the
24 individual making the transfer at the rate of one month
25 for each month of transferred entitlement that is used.

1 “(2) Except as provided in under subsection
2 (c)(1)(B) and subject to paragraphs (3) and (4), a depend-
3 ent to whom entitlement is transferred under this section
4 is entitled to basic educational assistance under this sub-
5 chapter in the same manner and at the same rate as the
6 individual from whom the entitlement was transferred.

7 “(3) Notwithstanding section 3031 of this title, a
8 child to whom entitlement is transferred under this section
9 may not use any entitlement so transferred after attaining
10 the age of 26 years.

11 “(4) The administrative provisions of this chapter
12 (including the provisions set forth in section 3034(a)(1)
13 of this title) shall apply to the use of entitlement trans-
14 ferred under this section, except that the dependent to
15 whom the entitlement is transferred shall be treated as
16 the eligible veteran for purposes of such provisions.

17 “(e) In the event of an overpayment of basic edu-
18 cational assistance with respect to a dependent to whom
19 entitlement is transferred under this section, the depend-
20 ent and the individual making the transfer shall be jointly
21 and severally liable to the United States for the amount
22 of the overpayment for purposes of section 3685 of this
23 title.

24 “(f) The Secretary of Defense shall prescribe regula-
25 tions for purposes of this section. Such regulations shall

1 specify the manner and effect of an election to modify or
 2 revoke a transfer of entitlement under subsection (c)(3)
 3 and shall specify the manner of the applicability of the
 4 administrative provisions referred to in subsection (d)(4)
 5 to a dependent to whom entitlement is transferred under
 6 this section.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
 8 at the beginning of such chapter is amended by inserting
 9 after the item relating to section 3019 the following new
 10 item:

“3020. Transfer of entitlement to basic educational assistance: members of the
 Armed Forces.”.

11 **SEC. 675. AVAILABILITY OF EDUCATIONAL ASSISTANCE**
 12 **BENEFITS FOR PREPARATORY COURSES FOR**
 13 **COLLEGE AND GRADUATE SCHOOL EN-**
 14 **TRANCE EXAMS.**

15 Section 3002(3) of title 38, United States Code, is
 16 amended—

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

19 (2) by striking the period at the end of sub-
 20 paragraph (B) and inserting “; and”; and

21 (3) by adding at the end the following:

22 “(C) includes—

1 “(i) a preparatory course for a test that is
2 required or utilized for admission to an institu-
3 tion of higher education; and

4 “(ii) a preparatory course for test that is
5 required or utilized for admission to a graduate
6 school.”.

7 **PART II—OTHER EDUCATIONAL BENEFITS**

8 **SEC. 681. ACCELERATED PAYMENTS OF CERTAIN EDU-**
9 **CATIONAL ASSISTANCE FOR MEMBERS OF SE-**
10 **LECTED RESERVE.**

11 Section 16131 of title 10, United States Code, is
12 amended by adding at the end the following new sub-
13 section:

14 “(j)(1) Whenever a person entitled to an educational
15 assistance allowance under this chapter so requests and
16 the Secretary concerned, in consultation with the Chief of
17 the reserve component concerned, determines it appro-
18 priate, the Secretary may make payments of the edu-
19 cational assistance allowance to the person on an acceler-
20 ated basis.

21 “(2) An educational assistance allowance shall be
22 paid to a person on an accelerated basis under this sub-
23 section as follows:

24 “(A) In the case of an allowance for a course
25 leading to a standard college degree, at the begin-

1 ning of the quarter, semester, or term of the course
2 in a lump-sum amount equivalent to the aggregate
3 amount of monthly allowance otherwise payable
4 under this chapter for the quarter, semester, or
5 term, as the case may be, of the course.

6 “(B) In the case of an allowance for a course
7 other than a course referred to in subparagraph
8 (A)—

9 “(i) at the later of (I) the beginning of the
10 course, or (II) a reasonable time after the Sec-
11 retary concerned receives the person’s request
12 for payment on an accelerated basis; and

13 “(ii) in any amount requested by the per-
14 son up to the aggregate amount of monthly al-
15 lowance otherwise payable under this chapter
16 for the period of the course.

17 “(3) If an adjustment in the monthly rate of edu-
18 cational assistance allowances will be made under sub-
19 section (b)(2) during a period for which a payment of the
20 allowance is made to a person on an accelerated basis, the
21 Secretary concerned shall—

22 “(A) pay on an accelerated basis the amount of
23 the allowance otherwise payable for the period with-
24 out regard to the adjustment under that subsection;
25 and

1 “(B) pay on the date of the adjustment any ad-
2 ditional amount of the allowance that is payable for
3 the period as a result of the adjustment.

4 “(4) A person’s entitlement to an educational assist-
5 ance allowance under this chapter shall be charged at a
6 rate equal to one month for each month of the period cov-
7 ered by an accelerated payment of the allowance to the
8 person under this subsection.

9 “(5) The regulations prescribed by the Secretary of
10 Defense and the Secretary of Transportation under sub-
11 section (a) shall provide for the payment of an educational
12 assistance allowance on an accelerated basis under this
13 subsection. The regulations shall specify the circumstances
14 under which accelerated payments may be made and the
15 manner of the delivery, receipt, and use of the allowance
16 so paid.

17 “(6) In this subsection, the term ‘Chief of the reserve
18 component concerned’ means the following:

19 “(A) The Chief of Army Reserve, with respect
20 to members of the Army Reserve.

21 “(B) the Chief of Naval Reserve, with respect
22 to members of the Naval Reserve.

23 “(C) The Chief of Air Force Reserve, with re-
24 spect to members of the Air Force Reserve.

1 “(D) The Commander, Marine Reserve Forces,
2 with respect to members of the Marine Corps Re-
3 serve.

4 “(E) The Chief of the National Guard Bureau,
5 with respect to members of the Army National
6 Guard and the Air National Guard.

7 “(F) The Commandant of the Coast Guard,
8 with respect to members of the Coast Guard Re-
9 serve.”.

10 **SEC. 682. MODIFICATION OF TIME FOR USE BY CERTAIN**
11 **MEMBERS OF SELECTED RESERVE OF ENTI-**
12 **TLEMENT TO CERTAIN EDUCATIONAL AS-**
13 **SISTANCE.**

14 Section 16133(b) of title 10, United States Code, is
15 amended by adding at the end the following new para-
16 graph:

17 “(5)(A) In the case of a person who continues to
18 serve as member of the Selected Reserve as of the end
19 of the 10-year period applicable to the person under sub-
20 section (a), as extended, if at all, under paragraph (4),
21 the period during which the person may use the person’s
22 entitlement shall expire at the end of the 5-year period
23 beginning on the date the person is separated from the
24 Selected Reserve.

1 “(B) The provisions of paragraph (4) shall apply with
 2 respect to any period of active duty of a person referred
 3 to in subparagraph (A) during the 5-year period referred
 4 to in that subparagraph.”.

5 **PART III—REPORT**

6 **SEC. 685. REPORT ON EFFECT OF EDUCATIONAL BENEFITS** 7 **IMPROVEMENTS ON RECRUITMENT AND RE-** 8 **TENTION OF MEMBERS OF THE ARMED** 9 **FORCES.**

10 Not later than one year after the date of the enact-
 11 ment of this Act, the Secretary of Defense shall submit
 12 to the congressional defense committees a report assessing
 13 the effects of the provisions of this subtitle, and the
 14 amendments made by such provisions, on the recruitment
 15 and retention of the members of the Armed Forces. The
 16 report shall include such recommendations (including rec-
 17 ommendations for legislative action) as the Secretary con-
 18 siders appropriate.

19 **Subtitle F—Other Matters**

20 **SEC. 691. ANNUAL REPORT ON EFFECTS OF INITIATIVES** 21 **ON RECRUITMENT AND RETENTION.**

22 (a) REQUIREMENT FOR REPORT.—On December 1 of
 23 each year, the Secretary of Defense shall submit to Con-
 24 gress a report that sets forth the Secretary’s assessment
 25 of the effects that the improved pay and other benefits

1 under this title and under the amendments made by this
 2 title are having on recruitment and retention of personnel
 3 for the Armed Forces.

4 (b) FIRST REPORT.—The first report under this sec-
 5 tion shall be submitted not later than December 1, 2000.

6 **SEC. 692. MEMBERS UNDER BURDENSOME PERSTEMPO.**

7 (a) MANAGEMENT OF DEPLOYMENTS OF INDIVID-
 8 UALS.—Part II of subtitle A of title 10, United States
 9 Code, is amended by inserting after chapter 49 the fol-
 10 lowing:

11 **“CHAPTER 50—MISCELLANEOUS**
 12 **COMMAND RESPONSIBILITIES**

“Sec.

“991. Management of deployments of members.

13 **“§ 991. Management of deployments of members**

14 “(a) GENERAL OR FLAG OFFICER RESPONSIBIL-
 15 ITIES.—The first general officer or flag officer in the
 16 chain of command of a member of the armed forces shall
 17 manage a deployment of the member when the total num-
 18 ber of the days on which the member has been deployed
 19 out of 365 consecutive days is in excess of 180 days. That
 20 officer shall ensure that the member is not deployed or
 21 continued in a deployment on any day on which the total
 22 number of the days on which the member has been de-
 23 ployed would exceed 200 out of 365 consecutive days un-
 24 less a general or flag officer in the grade of general or

1 admiral in the member's chain of command approves the
2 deployment or continued deployment of the member.

3 “(b) DEPLOYMENT DEFINED.—(1) For the purposes
4 of this section, a member of the armed forces is deployed
5 or in a deployment on any day on which, pursuant to or-
6 ders, the member is performing service in a training exer-
7 cise or operation at a location or under circumstances that
8 make it infeasible for the member to spend off-duty time
9 in the housing in which the member resides when on garri-
10 son duty at the member's permanent duty station.

11 “(2) For the purposes of this section, a member is
12 not deployed or in a deployment when performing service
13 as a student or trainee at a school (including any Federal
14 Government school) or performing administrative, guard,
15 or detail duties in garrison at the member's permanent
16 duty station.

17 “(c) RECORDKEEPING.—The Secretary of each mili-
18 tary department shall establish a system for tracking and
19 recording the number of days that each member of an
20 armed force under the jurisdiction of the Secretary is de-
21 ployed.

22 “(d) NATIONAL SECURITY WAIVER AUTHORITY.—
23 The Secretary of Defense may suspend the applicability
24 of this section to a member or any group of members when

1 the Secretary determines that it is necessary to do so in
2 the national security interests of the United States.

3 “(e) INAPPLICABILITY TO COAST GUARD.—This sec-
4 tion does not apply to a member of the Coast Guard when
5 the Coast Guard is not operating as a service in the
6 Navy.”.

7 (b) PER DIEM ALLOWANCE FOR LENGTHY OR NU-
8 MEROUS DEPLOYMENTS.—Chapter 7 of title 37, United
9 States Code, is amended by adding at the end the fol-
10 lowing new section:

11 “§ 435. **Per diem allowance for lengthy or numerous**
12 **deployments**

13 “(a) PER DIEM REQUIRED.—The Secretary of the
14 military department concerned shall pay a per diem allow-
15 ance to a member of an armed force for each day that
16 the member is deployed in excess of 220 days out of 365
17 consecutive days.

18 “(b) DEFINITION OF DEPLOYED.—In this section,
19 the term ‘deployed’, with respect to a member, means that
20 the member is deployed or in a deployment within the
21 meaning of section 991(b) of title 10.

22 “(c) AMOUNT OF PER DIEM.—The amount of the per
23 diem payable to a member under this section is \$100.

24 “(d) PAYMENT OF CLAIMS.—A claim of a member
25 for payment of the per diem allowance that is not fully

1 substantiated by the applicable recordkeeping system ap-
 2 plicable to the member under section 991(c) of title 10
 3 shall be paid if the member furnishes the Secretary con-
 4 cerned with other evidence determined by the Secretary
 5 as being sufficient to substantiate the claim.

6 “(e) RELATIONSHIP TO OTHER ALLOWANCES.—Any
 7 per diem payable to a member under this section is in ad-
 8 dition to any other per diem, allowance, special pay, or
 9 incentive that is payable to the member under any other
 10 provision of law.

11 “(f) NATIONAL SECURITY WAIVER.—No per diem
 12 may be paid under this section to a member of an armed
 13 force for any day on which the applicability of section 991
 14 of title 10 to the member is suspended under subsection
 15 (d) of such section.

16 “(g) INAPPLICABILITY TO COAST GUARD.—This sec-
 17 tion does not apply to a member of the Coast Guard when
 18 the Coast Guard is not operating as a service in the
 19 Navy.”.

20 (c) CLERICAL AMENDMENTS.—(1) The tables of
 21 chapters at the beginning of subtitle A of title 10, United
 22 States Code, and the beginning of part II of such subtitle
 23 are amended by inserting after the item relating to chap-
 24 ter 49 the following:

“50. Miscellaneous Command Responsibilities 991”.

1 (2) The table of sections at the beginning of chapter
2 7 of title 37, United States Code, is amended by inserting
3 after the item relating to section 434 the following:

“435. Per diem allowance for lengthy or numerous deployments.”.

4 (d) **APPLICABILITY AND IMPLEMENTATION.**—(1)
5 Section 991 of title 10, United States Code (as added by
6 subsection (a)), and section 435 of title 37, United States
7 Code (as added by subsection (b)), shall apply with respect
8 to service performed after September 30, 2000.

9 (2) Not later than June 1, 2000, the Secretary of
10 each military department shall prescribe in regulations the
11 policies and procedures for implementing such provisions
12 of law for that military department.

13 **SEC. 693. INCREASED TUITION ASSISTANCE FOR MEMBERS**
14 **OF THE ARMED FORCES DEPLOYED IN SUP-**
15 **PORT OF A CONTINGENCY OPERATION OR**
16 **SIMILAR OPERATION.**

17 (a) **INAPPLICABILITY OF LIMITATION ON AMOUNT.**—
18 Section 2007(a) of title 10, United States Code, is
19 amended—

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

21 (2);

22 (2) by striking the period at the end of para-
23 graph (3) and inserting “; and”; and

24 (3) by adding at the end the following:

1 “(4) in the case of a member deployed outside
2 the United States in support of a contingency oper-
3 ation or similar operation, all of the charges may be
4 paid while the member is so deployed.”.

5 (b) INCREASED AUTHORITY SUBJECT TO APPRO-
6 PRIATIONS.—The authority to pay additional tuition as-
7 sistance under paragraph (4) of section 2007(a) of title
8 10, United States Code, as added by subsection (a), may
9 be exercised only to the extent provided for in appropria-
10 tions Acts.

11 **SEC. 694. ADMINISTRATION OF SELECTED RESERVE EDU-**
12 **CATION LOAN REPAYMENT PROGRAM FOR**
13 **COAST GUARD RESERVE.**

14 Subsection (a)(1) of section 16301 of title 10, United
15 States Code, is amended by inserting after “the Secretary
16 of Defense” the following: “, or the Secretary of Transpor-
17 tation in the case of a member of the Selected Reserve
18 of the Coast Guard Reserve when the Coast Guard is not
19 operating as a service in the Navy,”.

20 **SEC. 695. EXTENSION TO ALL UNIFORMED SERVICES OF**
21 **AUTHORITY FOR PRESENTATION OF UNITED**
22 **STATES FLAG TO MEMBERS UPON RETIRE-**
23 **MENT.**

24 (a) PUBLIC HEALTH SERVICE.—Section 221 of the
25 Public Health Service Act (42 U.S.C. 213a) is amended—

1 (1) by adding at the end of subsection (a) the
2 following:

3 “(17) Section 6141, Presentation of United
4 States flag upon retirement.”; and

5 (2) in subsection (b), by inserting “the Sec-
6 retary of a military department,” after “‘the Sec-
7 retary concerned’”.

8 (b) NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-
9 ISTRATION.—Section 3 of the Act entitled “An Act to re-
10 vise, codify, and enact into law, title 10 of the United
11 States Code, entitled ‘Armed Forces’, and title 32 of the
12 United States Code, entitled ‘National Guard’”, approved
13 August 10, 1956 (33 U.S.C. 857a), is amended—

14 (1) by adding at the end of subsection (a) the
15 following:

16 “(17) Section 6141, Presentation of United
17 States flag upon retirement.”; and

18 (2) in subsection (b), by inserting “the Sec-
19 retary of a military department,” after “‘the Sec-
20 retary concerned’”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 subsections (a) and (b) shall take effect as of October 1,
23 1998, and shall apply with respect to releases from active
24 duty for retirement on or after that date from service in
25 the commissioned Regular Corps of the Public Health

1 Service or for service as a commissioned officer of the Na-
 2 tional Oceanic and Atmospheric Administration on the ac-
 3 tive list, as the case may be.

4 **SEC. 696. PARTICIPATION OF ADDITIONAL MEMBERS OF**
 5 **THE ARMED FORCES IN MONTGOMERY GI**
 6 **BILL PROGRAM.**

7 (a) PARTICIPATION AUTHORIZED.—(1) Subchapter
 8 II of chapter 30 of title 38, United States Code, is amend-
 9 ed by inserting after section 3018C the following new sec-
 10 tion:

11 **“§ 3018D. Opportunity to enroll: certain VEAP par-**
 12 **ticipants; active duty personnel not pre-**
 13 **viously enrolled**

14 “(a) Notwithstanding any other provision of law, an
 15 individual who—

16 “(1) either—

17 “(A)(i) is a participant on the date of the
 18 enactment of this section in the educational
 19 benefits program provided by chapter 32 of this
 20 title; or

21 “(ii) disenrolled from participation in that
 22 program before that date; or

23 “(B) has made an election under section
 24 3011(c)(1) or 3012(d)(1) of this title not to re-
 25 ceive educational assistance under this chapter

1 and has not withdrawn that election under sec-
2 tion 3018(a) of this title as of the date of the
3 enactment of this section;

4 “(2) is serving on active duty (excluding periods
5 referred to in section 3202(1)(C) of this title in the
6 case of an individual described in paragraph (1)(A))
7 on the date of the enactment of this section;

8 “(3) before applying for benefits under this sec-
9 tion, has completed the requirements of a secondary
10 school diploma (or equivalency certificate) or has
11 successfully completed the equivalent of 12 semester
12 hours in a program of education leading to a stand-
13 ard college degree;

14 “(4) if discharged or released from active duty
15 before the date on which the individual makes an
16 election described in paragraph (5), is discharged
17 with an honorable discharge or released with service
18 characterized as honorable by the Secretary con-
19 cerned; and

20 “(5) during the one-year period beginning on
21 the date of the enactment of this section, makes an
22 irrevocable election to receive benefits under this sec-
23 tion in lieu of benefits under chapter 32 of this title
24 or withdraws the election made under section
25 3011(e)(1) or 3012(d)(1) of this title, as the case

1 may be, pursuant to procedures which the Secretary
2 of each military department shall provide in accord-
3 ance with regulations prescribed by the Secretary of
4 Defense for the purpose of carrying out this section
5 or which the Secretary of Transportation shall pro-
6 vide for such purpose with respect to the Coast
7 Guard when it is not operating as a service in the
8 Navy;

9 is entitled to basic educational assistance under this chap-
10 ter.

11 “(b)(1) Except as provided in paragraphs (2) and
12 (3), in the case of an individual who makes an election
13 under subsection (a)(5) to become entitled to basic edu-
14 cational assistance under this chapter—

15 “(A) the basic pay of the individual shall be re-
16 duced (in a manner determined by the Secretary of
17 Defense) until the total amount by which such basic
18 pay is reduced is—

19 “(i) \$1,200, in the case of an individual
20 described in subsection (a)(1)(A); or

21 “(ii) \$1,500, in the case of an individual
22 described in subsection (a)(1)(B); or

23 “(B) to the extent that basic pay is not so re-
24 duced before the individual’s discharge or release
25 from active duty as specified in subsection (a)(4),

1 the Secretary shall collect from the individual an
2 amount equal to the difference between the amount
3 specified for the individual under subparagraph (A)
4 and the total amount of reductions with respect to
5 the individual under that subparagraph, which shall
6 be paid into the Treasury of the United States as
7 miscellaneous receipts.

8 “(2) In the case of an individual previously enrolled
9 in the educational benefits program provided by chapter
10 32 of this title, the Secretary shall reduce the total amount
11 of the reduction in basic pay otherwise required by para-
12 graph (1) by an amount equal to so much of the unused
13 contributions made by the individual to the Post-Vietnam
14 Era Veterans Education Account under section 3222(a)
15 of this title as do not exceed \$1,200.

16 “(3) An individual may at any time pay the Secretary
17 an amount equal to the difference between the total of
18 the reductions otherwise required with respect to the indi-
19 vidual under this subsection and the total amount of the
20 reductions with respect to the individual under this sub-
21 section at the time of the payment. Amounts paid under
22 this paragraph shall be paid into the Treasury of the
23 United States as miscellaneous receipts.

24 “(c)(1) Except as provided in paragraph (3), an indi-
25 vidual who is enrolled in the educational benefits program

1 provided by chapter 32 of this title and who makes the
2 election described in subsection (a)(5) shall be disenrolled
3 from the program as of the date of such election.

4 “(2) For each individual who is disenrolled from such
5 program, the Secretary shall refund—

6 “(A) to the individual in the manner provided
7 in section 3223(b) of this title so much of the un-
8 used contributions made by the individual to the
9 Post-Vietnam Era Veterans Education Account as
10 are not used to reduce the amount of the reduction
11 in the individual’s basic pay under subsection (b)(2);
12 and

13 “(B) to the Secretary of Defense the unused
14 contributions (other than contributions made under
15 section 3222(c) of this title) made by such Secretary
16 to the Account on behalf of such individual.

17 “(3) Any contribution made by the Secretary of De-
18 fense to the Post-Vietnam Era Veterans Education Ac-
19 count pursuant to section 3222(c) of this title on behalf
20 of an individual referred to in paragraph (1) shall remain
21 in such account to make payments of benefits to the indi-
22 vidual under section 3015(f) of this title.

23 “(d)(1) The requirements of sections 3011(a)(3) and
24 3012(a)(3) of this title shall apply to an individual who
25 makes an election described in subsection (a)(5), except

1 that the completion of service referred to in such section
2 shall be the completion of the period of active duty being
3 served by the individual on the date of the enactment of
4 this section.

5 “(2) The procedures provided in regulations referred
6 to in subsection (a) shall provide for notice of the require-
7 ments of subparagraphs (B), (C), and (D) of section
8 3011(a)(3) of this title and of subparagraphs (B), (C),
9 and (D) of section 3012(a)(3) of this title. Receipt of such
10 notice shall be acknowledged in writing.”.

11 (2) The table of sections at the beginning of chapter
12 30 of that title is amended by inserting after the item re-
13 lating to section 3018C the following new item:

“3018D. Opportunity to enroll: certain VEAP participants; active duty per-
sonnel not previously enrolled.”.

14 (b) CONFORMING AMENDMENT.—Section 3015(f) of
15 that title is amended by striking “or 3018C” and inserting
16 “3018C, or 3018D”.

17 (c) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that any law enacted after the date of the enactment
19 of this Act which includes provisions terminating or reduc-
20 ing the contributions of members of the Armed Forces for
21 basic educational assistance under subchapter II of chap-
22 ter 30 of title 38, United States Code, should terminate
23 or reduce by an identical amount the contributions of
24 members of the Armed Forces for such assistance under

1 section of section 3018D of that title, as added by sub-
2 section (a).

3 **SEC. 697. REVISION OF EDUCATIONAL ASSISTANCE INTER-**
4 **VAL PAYMENT REQUIREMENTS.**

5 (a) IN GENERAL.—Clause (C) of the third sentence
6 of section 3680(a) of title 38, United States Code, is
7 amended to read as follows:

8 “(C) during periods between school terms where
9 the educational institution certifies the enrollment of
10 the eligible veteran or eligible person on an indi-
11 vidual term basis if (i) the period between such
12 terms does not exceed eight weeks, and (ii) both the
13 term preceding and the term following the period are
14 not shorter in length than the period.”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 subsection (a) shall apply with respect to payments of edu-
17 cational assistance under title 38, United States Code, for
18 months beginning on or after the date of the enactment
19 of this Act.

20 **SEC. 698. IMPLEMENTATION OF THE SPECIAL SUPPLE-**
21 **MENTAL NUTRITION PROGRAM.**

22 (a) CLARIFICATION OF BENEFITS RESPONSIBI-
23 LITY.—Subsection (a) of section 1060a of title 10,
24 United States Code, is amended by striking “may carry
25 out a program to provide special supplemental food bene-

1 fits” and inserting “shall carry out a program to provide
2 supplemental foods and nutrition education”.

3 (b) FUNDING.—Subsection (b) of such section is
4 amended to read as follows:

5 “(b) FEDERAL PAYMENTS.—The Secretary of De-
6 fense shall use funds available for the Department of De-
7 fense to provide supplemental foods and nutrition edu-
8 cation and to pay for costs for nutrition services and ad-
9 ministration under the program required under subsection
10 (a).”.

11 (c) PROGRAM ADMINISTRATION.—Subsection
12 (c)(1)(A) of such section is amended by adding at the end
13 the following: “In the determining of eligibility for the pro-
14 gram benefits, a person already certified for participation
15 in the special supplemental nutrition program for women,
16 infants, and children under section 17 of the Child Nutri-
17 tion Act of 1996 (42 U.S.C. 1786) shall be considered eli-
18 gible for the duration of the certification period under that
19 program.”.

20 (d) NUTRITIONAL RISK STANDARDS.—Subsection
21 (c)(1)(B) of such section is amended by inserting “and
22 nutritional risk standards” after “income eligibility stand-
23 ards”.

24 (e) DEFINITIONS.—Subsection (f) of such section is
25 amended by adding at the end the following:

1 “(4) The terms ‘costs for nutrition services and
2 administration’, ‘nutrition education’ and ‘supple-
3 mental foods’ have the meanings given the terms in
4 paragraphs (4), (7), and (14), respectively, of sec-
5 tion 17(b) of the Child Nutrition Act of 1966 (42
6 U.S.C. 1786(b)).”.

7 **TITLE VII—HEALTH CARE**
8 **Subtitle A—TRICARE Program**

9 **SEC. 701. IMPROVEMENT OF TRICARE BENEFITS AND MAN-**
10 **AGEMENT.**

11 (a) IMPROVEMENT OF TRICARE PROGRAM.—(1)
12 Chapter 55 of title 10, United States Code, is amended
13 by inserting after section 1097a the following:

14 **“§ 1097b. TRICARE: benefits and services**

15 “(a) COMPARABILITY TO FEHBP BENEFITS.—The
16 Secretary of Defense shall, to the maximum extent prac-
17 ticable, ensure that the health care coverage available
18 through the TRICARE program is substantially similar
19 to the health care coverage available under similar health
20 benefits plans offered under the Federal Employees
21 Health Benefits program established under chapter 89 of
22 title 5.

23 “(b) PORTABILITY.—The Secretary of Defense shall
24 provide that any covered beneficiary enrolled in the
25 TRICARE program may receive benefits under that pro-

1 gram at facilities that provide benefits under that program
2 throughout the various regions of that program.

3 “(c) ACCESS.—(1) The Secretary of Defense shall, to
4 the maximum extent practicable, minimize the authoriza-
5 tion or certification requirements imposed upon covered
6 beneficiaries under the TRICARE program as a condition
7 of access to benefits under that program.

8 “(2) The Secretary of Defense shall, to the maximum
9 extent practicable, utilize practices for processing claims
10 under the TRICARE program that are similar to the best
11 industry practices for processing claims for health care
12 services in a simplified and expedited manner. To the max-
13 imum extent practicable, such practices shall include elec-
14 tronic processing of claims.

15 “(d) CONSULTATION REQUIREMENT.—The Secretary
16 of Defense shall carry out the responsibilities under this
17 section after consultation with the other administering
18 Secretaries.

19 **“§ 1097c. TRICARE: financial management**

20 “(a) REIMBURSEMENT OF PROVIDERS.—(1) Subject
21 to paragraph (2), the Secretary of Defense may reimburse
22 health care providers under the TRICARE program at
23 rates higher than the reimbursement rates otherwise au-
24 thorized for the providers under that program if the Sec-
25 retary determines that application of the higher rates is

1 necessary in order to ensure the availability of an adequate
2 number of qualified health care providers under that pro-
3 gram.

4 “(2) The amount of reimbursement provided under
5 paragraph (1) with respect to a health care service may
6 not exceed the lesser of—

7 “(A) the amount equal to the local usual and
8 customary charge for the service in the service area
9 (as determined by the Secretary) in which the serv-
10 ice is provided; or

11 “(B) the amount equal to 115 per cent of the
12 CHAMPUS maximum allowable charge for the serv-
13 ice.

14 “(b) THIRD-PARTY COLLECTIONS.—(1) A medical
15 treatment facility of the uniformed services under the
16 TRICARE program has the same right as the United
17 States under section 1095 of this title to collect from a
18 third-party payer the reasonable costs of health care serv-
19 ices described in paragraph (2) that are incurred by the
20 facility on behalf of a covered beneficiary under that pro-
21 gram.

22 “(2) The Secretary of Defense shall prescribe regula-
23 tions for the administration of this subsection. The regula-
24 tions shall set forth the method to be used for the com-
25 putation of the reasonable costs of inpatient, outpatient,

1 and other health care services. The method of computation
2 may be—

3 “(A) a method that is based on—

4 “(i) per diem rates;

5 “(ii) all-inclusive rates for each visit;

6 “(iii) diagnosis-related groups; or

7 “(iv) rates prescribed under the regulations
8 implementing sections 1079 and 1086 of this
9 title; or

10 “(B) any other method considered appropriate.

11 “(c) CONSULTATION REQUIREMENT.—The Secretary
12 of Defense shall carry out the responsibilities under this
13 section after consultation with the other administering
14 Secretaries.”.

15 (2) The table of sections at the beginning of chapter
16 55 of such title is amended by inserting after the item
17 relating to section 1097a the following new item:

“1097b. TRICARE: benefits and services.

“1097c. TRICARE: financial management.”.

18 (b) EFFECTIVE DATE.—The amendments made by
19 subsection (a) shall take effect one year after the date of
20 the enactment of this Act.

21 (c) REPORT ON IMPLEMENTATION.—(1) Not later
22 than 6 months after the date of the enactment of this Act,
23 the Secretary of Defense, in consultation with the other
24 administering Secretaries, shall submit to Congress a re-

1 port assessing the effects of the implementation of the re-
2 quirements and authorities set forth in sections 1097b and
3 1097c of title 10, United States Code (as added by sub-
4 section (a)).

5 (2) The report shall include the following:

6 (A) An assessment of the cost of the implemen-
7 tation of such requirements and authorities.

8 (B) An assessment of whether the implementa-
9 tion of any such requirements and authorities will
10 result in the utilization by the TRICARE program
11 of the best industry practices with respect to the
12 matters covered by such requirements and authori-
13 ties.

14 (3) In this subsection, the term “administering Secre-
15 taries” has the meaning given that term in section
16 1072(3) of title 10, United States Code.

17 **SEC. 702. EXPANSION AND REVISION OF AUTHORITY FOR**
18 **DENTAL PROGRAMS FOR DEPENDENTS AND**
19 **RESERVES.**

20 (a) **AUTHORITY.**—Chapter 55 of title 10, United
21 States Code, is amended by striking sections 1076a and
22 1076b and inserting the following:

23 **“§ 1076a. TRICARE dental program**

24 **“(a) ESTABLISHMENT OF DENTAL PLANS.**—The
25 Secretary of Defense may establish, and in the case of the

1 dental plan described in paragraph (1) shall establish, the
2 following voluntary enrollment dental plans:

3 “(1) PLAN FOR SELECTED RESERVE AND INDI-
4 VIDUAL READY RESERVE.—A dental insurance plan
5 for members of the Selected Reserve of the Ready
6 Reserve and for members of the Individual Ready
7 Reserve described in subsection 10144(b) of this
8 title.

9 “(2) PLAN FOR OTHER RESERVES.—A dental
10 insurance plan for members of the Individual Ready
11 Reserve not eligible to enroll in the plan established
12 under paragraph (1).

13 “(3) PLAN FOR ACTIVE DUTY DEPENDENTS.—
14 Dental benefits plans for eligible dependents of
15 members of the uniformed services who are on active
16 duty for a period of more than 30 days.

17 “(4) PLAN FOR READY RESERVE DEPEND-
18 ENTS.—A dental benefits plan for eligible depend-
19 ents of members of the Ready Reserve of the reserve
20 components who are not on active duty for more
21 than 30 days.

22 “(b) ADMINISTRATION OF PLANS.—The plans estab-
23 lished under this section shall be administered under regu-
24 lations prescribed by the Secretary of Defense in consulta-
25 tion with the other administering Secretaries.

1 “(c) CARE AVAILABLE UNDER PLANS.—Dental plans
2 established under subsection (a) may provide for the fol-
3 lowing dental care:

4 “(1) Diagnostic, oral examination, and preven-
5 tive services and palliative emergency care.

6 “(2) Basic restorative services of amalgam and
7 composite restorations, stainless steel crowns for pri-
8 mary teeth, and dental appliance repairs.

9 “(3) Orthodontic services, crowns, gold fillings,
10 bridges, complete or partial dentures, and such other
11 services as the Secretary of Defense considers to be
12 appropriate.

13 “(d) PREMIUMS.—

14 “(1) PREMIUM SHARING PLANS.—(A) The den-
15 tal insurance plan established under subsection
16 (a)(1) and the dental benefits plans established
17 under subsection (a)(3) are premium sharing plans.

18 “(B) Members enrolled in a premium sharing
19 plan for themselves or for their dependents shall be
20 required to pay a share of the premium charged for
21 the benefits provided under the plan. The member’s
22 share of the premium charge may not exceed \$20
23 per month for the enrollment.

24 “(C) Effective as of January 1 of each year, the
25 amount of the premium required under subpara-

1 graph (A) shall be increased by the percent equal to
2 the lesser of—

3 “(i) the percent by which the rates of basic
4 pay of members of the uniformed services are
5 increased on such date; or

6 “(ii) the sum of one-half percent and the
7 percent computed under section 5303(a) of title
8 5 for the increase in rates of basic pay for stat-
9 utory pay systems for pay periods beginning on
10 or after such date.

11 “(D) The Secretary of Defense may reduce the
12 monthly premium required to be paid under para-
13 graph (1) in the case of enlisted members in pay
14 grade E-1, E-2, E-3, or E-4 if the Secretary deter-
15 mines that such a reduction is appropriate to assist
16 such members to participate in a dental plan re-
17 ferred to in subparagraph (A).

18 “(2) FULL PREMIUM PLANS.—(A) The dental
19 insurance plan established under subsection (a)(2)
20 and the dental benefits plan established under sub-
21 section (a)(4) are full premium plans.

22 “(B) Members enrolled in a full premium plan
23 for themselves or for their dependents shall be re-
24 quired to pay the entire premium charged for the
25 benefits provided under the plan.

1 “(3) PAYMENT PROCEDURES.—A member’s
2 share of the premium for a plan established under
3 subsection (a) may be paid by deductions from the
4 basic pay of the member and from compensation
5 paid under section 206 of title 37, as the case may
6 be. The regulations prescribed under subsection (b)
7 shall specify the procedures for payment of the pre-
8 miums by enrollees who do not receive such pay.

9 “(e) COPAYMENTS UNDER PREMIUM SHARING
10 PLANS.—A member or dependent who receives dental care
11 under a premium sharing plan referred to in subsection
12 (d)(1) shall—

13 “(1) in the case of care described in subsection
14 (c)(1), pay no charge for the care;

15 “(2) in the case of care described in subsection
16 (c)(2), pay 20 percent of the charges for the care;
17 and

18 “(3) in the case of care described in subsection
19 (c)(3), pay a percentage of the charges for the care
20 that is determined appropriate by the Secretary of
21 Defense, after consultation with the other admin-
22 istering Secretaries.

23 “(f) TRANSFER OF MEMBERS.—If a member whose
24 dependents are enrolled in the plan established under sub-
25 section (a)(3) is transferred to a duty station where dental

1 care is provided to the member's eligible dependents under
2 a program other than that plan, the member may dis-
3 continue participation under the plan. If the member is
4 later transferred to a duty station where dental care is
5 not provided to such member's eligible dependents except
6 under the plan established under subsection (a)(3), the
7 member may re-enroll the dependents in that plan.

8 “(g) CARE OUTSIDE THE UNITED STATES.—The
9 Secretary of Defense may exercise the authority provided
10 under subsection (a) to establish dental insurance plans
11 and dental benefits plans for dental benefits provided out-
12 side the United States for the eligible members and de-
13 pendents of members of the uniformed services. In the
14 case of such an overseas dental plan, the Secretary may
15 waive or reduce any copayments required by subsection
16 (e) to the extent the Secretary determines appropriate for
17 the effective and efficient operation of the plan.

18 “(h) WAIVER OF REQUIREMENTS FOR SURVIVING
19 DEPENDENTS.—The Secretary of Defense may waive (in
20 whole or in part) any requirements of a dental plan estab-
21 lished under this section as the Secretary determines nec-
22 essary for the effective administration of the plan for a
23 dependent who is an eligible dependent described in sub-
24 section (k)(2).

1 “(i) AUTHORITY SUBJECT TO APPROPRIATIONS.—

2 The authority of the Secretary of Defense to enter into
3 a contract under this section for any fiscal year is subject
4 to the availability of appropriations for that purpose.

5 “(j) LIMITATION ON REDUCTION OF BENEFITS.—

6 The Secretary of Defense may not reduce benefits pro-
7 vided under a plan established under this section until—

8 “(1) the Secretary provides notice of the Sec-
9 retary’s intent to reduce such benefits to the Com-
10 mittees on Armed Services of the Senate and the
11 House of Representatives; and

12 “(2) one year has elapsed following the date of
13 such notice.

14 “(k) ELIGIBLE DEPENDENT DEFINED.—In this sec-
15 tion, the term ‘eligible dependent’—

16 “(1) means a dependent described in subpara-
17 graph (A), (D), or (I) of section 1072(2) of this
18 title; and

19 “(2) includes any such dependent of a member
20 who dies while on active duty for a period of more
21 than 30 days or a member of the Ready Reserve if
22 the dependent is enrolled on the date of the death
23 of the member in a dental benefits plan established
24 under subsection (a), except that the term does not
25 include the dependent after the end of the one-year

1 period beginning on the date of the member's
2 death.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 55 of such title is amended
5 by striking out the items relating to sections 1076a and
6 1076b and inserting the following:

“1076a. TRICARE dental program.”.

7 **SEC. 703. SENSE OF CONGRESS REGARDING AUTOMATIC**
8 **ENROLLMENT OF MEDICARE-ELIGIBLE BENE-**
9 **FICIARIES IN THE TRICARE SENIOR PRIME**
10 **DEMONSTRATION PROGRAM.**

11 It is the sense of Congress that—

12 (1) any person who is enrolled in a managed
13 health care program of the Department of Defense
14 where the TRICARE Senior Prime demonstration
15 program is implemented and who attains eligibility
16 for medicare should be automatically authorized to
17 enroll in the TRICARE Senior Prime demonstration
18 program; and

19 (2) the Secretary of Defense, in coordination
20 with the other administering Secretaries referred to
21 in section 1072(3) of title 10, United States Code,
22 should modify existing policies and procedures for
23 the TRICARE Senior Prime demonstration program
24 as necessary to permit the automatic enrollment.

1 **SEC. 704. TRICARE BENEFICIARY ADVOCATES.**

2 (a) ESTABLISHMENT OF POSITIONS.—The Secretary
3 of Defense shall require in regulations that—

4 (1) each lead agent under the TRICARE
5 program—

6 (A) designate a person to serve full-time as
7 a beneficiary advocate for TRICARE bene-
8 ficiaries; and

9 (B) provide for toll-free telephone commu-
10 nication between TRICARE beneficiaries and
11 the beneficiary advocate; and

12 (2) the commander of each medical care facility
13 under chapter 55 of title 10, United States Code,
14 designate a person to serve, as a primary or collat-
15 eral duty, as beneficiary advocate for TRICARE
16 beneficiaries served at that facility.

17 (b) DUTIES.—The Secretary shall prescribe the du-
18 ties of the position of beneficiary advocate in the regula-
19 tions.

20 (c) INITIAL DESIGNATIONS.—Each beneficiary advo-
21 cate required under the regulations shall be designated not
22 later than January 15, 2000.

23 **SEC. 705. OPEN ENROLLMENT DEMONSTRATION PROGRAM.**

24 Section 724 of the National Defense Authorization
25 Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C.
26 1073 note) is amended by adding at the end the following:

1 “(g) OPEN ENROLLMENT DEMONSTRATION PRO-
2 GRAM.—(1) The Secretary of Defense shall conduct a
3 demonstration program under which covered beneficiaries
4 shall be permitted to enroll at any time in a managed care
5 plan offered by a designated provider consistent with the
6 enrollment requirements for the TRICARE Prime option
7 under the TRICARE program but without regard to the
8 limitation in subsection (b). Any demonstration program
9 under this subsection shall cover designated providers, se-
10 lected by the Department of Defense, and the service areas
11 of the designated providers.

12 “(2) Any demonstration program carried out under
13 this section shall commence on October 1, 1999, and end
14 on September 30, 2001.

15 “(3) Not later than March 15, 2001, the Secretary
16 of Defense shall submit to the Committees on Armed Serv-
17 ices of the Senate and the House of Representatives a re-
18 port on any demonstration program carried out under this
19 subsection. The report shall include, at a minimum, an
20 evaluation of the benefits of the open enrollment oppor-
21 tunity to covered beneficiaries and a recommendation con-
22 cerning whether to authorize open enrollments in the man-
23 aged care plans of designated providers permanently.”.

1 **Subtitle B—Other Matters**

2 **SEC. 711. CARE AT FORMER UNIFORMED SERVICES**
3 **TREATMENT FACILITIES FOR ACTIVE DUTY**
4 **MEMBERS STATIONED AT CERTAIN REMOTE**
5 **LOCATIONS.**

6 (a) **AUTHORITY.**—Care may be furnished by a des-
7 ignated provider pursuant to any contract entered into by
8 the designated provider under section 722(b) of the Na-
9 tional Defense Authorization Act for Fiscal Year 1997
10 (Public Law 104–201; 10 U.S.C. 1073 note) to eligible
11 members who reside within the service area of the des-
12 ignated provider.

13 (b) **ELIGIBILITY.**—A member of the Armed Forces
14 is eligible for care under subsection (a) if the member is
15 a member described in section 731(c) of the National De-
16 fense Authorization Act for Fiscal Year 1998 (Public Law
17 105–85; 111 Stat. 1811; 10 U.S.C. 1074 note).

18 (c) **APPLICABLE POLICIES.**—In furnishing care to an
19 eligible member under subsection (a), a designated pro-
20 vider shall adhere to the Department of Defense policies
21 applicable to the furnishing of care under the TRICARE
22 Prime Remote program, including coordinating with uni-
23 formed services medical authorities for hospitalizations
24 and all referrals for specialty care.

1 (d) REIMBURSEMENT RATES.—The Secretary of De-
 2 fense, in consultation with the designated providers, shall
 3 prescribe reimbursement rates for care furnished to eligi-
 4 ble members under subsection (a). The rates prescribed
 5 for care may not exceed the amounts allowable under the
 6 TRICARE Standard plan for the same care.

7 **SEC. 712. ONE-YEAR EXTENSION OF CHIROPRACTIC**
 8 **HEALTH CARE DEMONSTRATION PROGRAM.**

9 Section 731(b) of the National Defense Authorization
 10 Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C.
 11 1092 note) is amended by striking “1999” and inserting
 12 “2000”.

13 **SEC. 713. PROGRAM YEAR STABILITY IN HEALTH CARE**
 14 **BENEFITS.**

15 Section 1073 of title 10, United States Code, is
 16 amended—

17 (1) by inserting “(a) RESPONSIBLE OFFI-
 18 CIALS.—” at the beginning of the text of the section;

19 and

20 (2) by adding at the end the following:

21 “(b) STABILITY IN PROGRAM OF BENEFITS.—The
 22 Secretary of Defense shall, to the maximum extent prac-
 23 ticable, provide a stable program of benefits under this
 24 chapter throughout each fiscal year. To achieve the sta-
 25 bility in the case of contracts entered into under this chap-

1 ter, the contracts shall be administered so as to implement
 2 at the beginning of a fiscal year all changes in benefits
 3 and administration that are to be made for that fiscal
 4 year. However, the Secretary of Defense may implement
 5 any such change after the fiscal year begins if the Sec-
 6 retary determines that the change would significantly im-
 7 prove the provision of care to eligible beneficiaries under
 8 this chapter or that the later implementation of the change
 9 would, for other reasons, result in a more effective provi-
 10 sion of care to eligible beneficiaries.”.

11 **SEC. 714. BEST VALUE CONTRACTING.**

12 (a) **AUTHORITY.**—Chapter 55 of title 10, United
 13 States Code, is amended by inserting after section 1073
 14 the following:

15 **“§ 1073a. Contracts for health care: best value con-**
 16 **tracting**

17 “(a) **AUTHORITY.**—Under regulations prescribed by
 18 the administering Secretaries, health care contracts shall
 19 be awarded in the administration of this chapter to the
 20 offeror or offerors that will provide the best value to the
 21 United States to the maximum extent consistent with fur-
 22 nishing high-quality health care in a manner that protects
 23 the fiscal and other interests of the United States.

24 “(b) **FACTORS CONSIDERED.**—In the determination
 25 of best value—

1 “(1) consideration shall be given to the factors
2 specified in the regulations; and

3 “(2) greater weight shall be accorded to tech-
4 nical and performance-related factors than to cost
5 and price-related factors.

6 “(c) APPLICABILITY.—The authority under the regu-
7 lations shall apply to any contract in excess of
8 \$5,000,000.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of such chapter is amended by inserting
11 after the item relating to section 1073 the following:

 “1073a. Contracts for health care: best value contracting.”.

12 **SEC. 715. AUTHORITY TO ORDER RESERVE COMPONENT**
13 **MEMBERS TO ACTIVE DUTY FOR HEALTH**
14 **SURVEILLANCE STUDIES.**

15 Section 12301 of title 10, United States Code, is
16 amended by adding at the end the following new sub-
17 section:

18 “(h) When authorized by the Secretary of Defense,
19 the Secretary concerned may order a member of a reserve
20 component to active duty, with the consent of that mem-
21 ber, for a Department of Defense health surveillance study
22 required under other authority, including any associated
23 medical evaluation of the member. The Secretary con-
24 cerned may, with the member’s consent, retain the mem-
25 ber on active duty for medical treatment authorized by law

1 for a condition associated with the study or evaluation.
2 A member of the Army National Guard of the United
3 States or of the Air National Guard of the United States
4 may not be ordered to active duty under this subsection
5 without the consent of the governor or other appropriate
6 authority of the State concerned.”.

7 **SEC. 716. CONTINUATION OF PREVIOUSLY PROVIDED CUS-**
8 **TODIAL CARE BENEFITS FOR CERTAIN**
9 **CHAMPUS BENEFICIARIES.**

10 (a) CONTINUATION OF COVERAGE.—Subject to sub-
11 section (c), the Secretary of Defense may continue pay-
12 ment under the Civilian Health and Medical Program of
13 the Uniformed Services (as defined in section 1072 of title
14 10, United States Code) for domiciliary or custodial care
15 services, otherwise excluded by regulations implementing
16 section 1077(b)(1) of such title, on behalf of beneficiaries
17 described in subsection (b).

18 (b) COVERED BENEFICIARIES.—Beneficiaries re-
19 ferred to in subsection (a) are covered beneficiaries (as
20 defined in section 1072 of such title) who, prior to the
21 effective date of final regulations to implement the indi-
22 vidual case management program authorized by section
23 1079(a)(17) of such title, were provided domiciliary or
24 custodial care services for which the Secretary provided
25 payment.

1 (c) SECRETARIAL AUTHORITY.—The authority pro-
2 vided by subsection (a) is subject to a case-by-case deter-
3 mination by the Secretary that discontinuation of payment
4 for domiciliary or custodial care services or transition
5 under the case management program authorized by such
6 section 1079(a)(17) to alternative programs and services
7 would be inadequate to meet the needs of, and unjust to,
8 the beneficiary.

9 **SEC. 717. ENHANCEMENT OF DENTAL BENEFITS FOR RE-**
10 **TIREES.**

11 Subsection (d) of section 1076c of title 10, United
12 States Code, is amended to read as follows:

13 “(d) BENEFITS AVAILABLE UNDER THE PLAN.—
14 The dental insurance plan established under subsection
15 (a) shall provide benefits for dental care and treatment
16 which may be comparable to the benefits authorized under
17 section 1076a of this title for plans established under that
18 section and shall include diagnostic services, preventative
19 services, endodontics and other basic restorative services,
20 surgical services, and emergency services.”.

1 **SEC. 718. MEDICAL AND DENTAL CARE FOR CERTAIN MEM-**
2 **BERS INCURRING INJURIES ON INACTIVE-**
3 **DUTY TRAINING.**

4 (a) ORDER TO ACTIVE DUTY AUTHORIZED.—(1)
5 Chapter 1209 of title 10, United States Code, is amended
6 by adding at the end the following:

7 **“§ 12322. Active duty for health care**

8 “A member of a uniformed service described in para-
9 graph (1)(B) or (2)(B) of section 1074a(a) of this title
10 may be ordered to active duty, and a member of a uni-
11 formed service described in paragraph (1)(A) or (2)(A) of
12 such section may be continued on active duty, for a period
13 of more than 30 days while the member is being treated
14 for (or recovering from) an injury, illness, or disease in-
15 curred or aggravated in the line of duty as described in
16 such paragraph.”.

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

“12322. Active duty for health care.”.

19 (b) MEDICAL AND DENTAL CARE FOR MEMBERS.—
20 Subsection (e) of section 1074a of such title is amended
21 to read as follows:

22 “(e)(1) A member of a uniformed service on active
23 duty for health care or recuperation reasons, as described
24 in paragraph (2), is entitled to medical and dental care
25 on the same basis and to the same extent as members

1 covered by section 1074(a) of this title while the member
2 remains on active duty.

3 “(2) Paragraph (1) applies to a member described in
4 paragraph (1) or (2) of subsection (a) who, while being
5 treated for (or recovering from) an injury, illness, or dis-
6 ease incurred or aggravated in the line of duty, is contin-
7 ued on active duty pursuant to a modification or extension
8 of orders, or is ordered to active duty, so as to result in
9 active duty for a period of more than 30 days.”.

10 (c) MEDICAL AND DENTAL CARE FOR DEPEND-
11 ENTS.—Subparagraph (D) of section 1076(a)(2) of such
12 title is amended to read as follows:

13 “(D) A member on active duty who is entitled
14 to benefits under subsection (e) of section 1074a of
15 this title by reason of paragraph (1), (2), or (3) of
16 subsection (a) of such section.”.

17 **SEC. 719. HEALTH CARE QUALITY INFORMATION AND**
18 **TECHNOLOGY ENHANCEMENT.**

19 (a) PURPOSE.—It is the purpose of this section to
20 ensure that the Department of Defense addresses issues
21 of medical quality surveillance and implements solutions
22 for those issues in a timely manner that is consistent with
23 national policy and industry standards.

24 (b) DEPARTMENT OF DEFENSE CENTER FOR MED-
25 ICAL INFORMATICS AND DATA.—(1) The Secretary of De-

1 fense shall establish a Department of Defense Center for
2 Medical Informatics to carry out a program to support
3 the Assistant Secretary of Defense for Health Affairs in
4 efforts—

5 (A) to develop parameters for assessing the
6 quality of health care information;

7 (B) to develop the defense digital patient
8 record;

9 (C) to develop a repository for data on quality
10 of health care;

11 (D) to develop a capability for conducting re-
12 search on quality of health care;

13 (E) to conduct research on matters of quality of
14 health care;

15 (F) to develop decision support tools for health
16 care providers;

17 (G) to refine medical performance report cards;
18 and

19 (H) to conduct educational programs on med-
20 ical informatics to meet identified needs.

21 (2) The Center shall serve as a primary resource for
22 the Department of Defense for matters concerning the
23 capture, processing, and dissemination of data on health
24 care quality.

1 (c) AUTOMATION AND CAPTURE OF CLINICAL
2 DATA.—The Secretary of Defense shall accelerate the ef-
3 forts of the Department of Defense to automate, capture,
4 and exchange controlled clinical data and present pro-
5 viders with clinical guidance using a personal information
6 carrier, clinical lexicon, or digital patient record.

7 (d) ENHANCEMENT THROUGH DoD-DVA MEDICAL
8 INFORMATICS COUNCIL.—(1) The Secretary of Defense
9 shall establish a Medical Informatics Council consisting of
10 the following:

11 (A) The Assistant Secretary of Defense for
12 Health Affairs

13 (B) The Director of the TRICARE Manage-
14 ment Activity of the Department of Defense.

15 (C) The Surgeon General of the Army.

16 (D) The Surgeon General of the Navy.

17 (E) The Surgeon General of the Air Force.

18 (F) Representatives of the Department of Vet-
19 erans Affairs, whom the Secretary of Veterans Af-
20 fairs shall designate.

21 (G) Representatives of the Department of
22 Health and Human Services, whom the Secretary of
23 Health and Human Services shall designate.

24 (H) Any additional members that the Secretary
25 of Defense may appoint to represent health care in-

1 surers and managed care organizations, academic
2 health institutions, health care providers (including
3 representatives of physicians and representatives of
4 hospitals), and accreditors of health care plans and
5 organizations.

6 (2) The primary mission of the Medical Informatics
7 Council shall be to coordinate the development, deploy-
8 ment, and maintenance of health care informatics systems
9 that allow for the collection, exchange, and processing of
10 health care quality information for the Department of De-
11 fense in coordination with other departments and agencies
12 of the Federal Government and with the private sector.
13 Specific areas of responsibility shall include:

14 (A) Evaluation of the ability of the medical
15 informatics systems at the Department of Defense
16 and Veterans Affairs to monitor, evaluate, and im-
17 prove the quality of care provided to beneficiaries.

18 (B) Coordination of key components of medical
19 informatics systems including digital patient records
20 both within the Federal Government, and between
21 the Federal Government and the private sector.

22 (C) Coordination of the development of oper-
23 ational capabilities for executive information systems
24 and clinical decision support systems within the De-
25 partments of Defense and Veterans Affairs.

1 (D) Standardization of processes used to col-
2 lect, evaluate, and disseminate health care quality
3 information.

4 (E) Refinement of methodologies by which the
5 quality of health care provided within the Depart-
6 ments of Defense and Veterans Administration is
7 evaluated.

8 (F) Protecting the confidentiality of personal
9 health information.

10 (3) The Council shall submit to Congress an annual
11 report on the activities of the Council and on the coordina-
12 tion of development, deployment, and maintenance of
13 health care informatics systems within the Federal Gov-
14 ernment and between the Federal Government and the
15 private sector.

16 (4) The Assistant Secretary of Defense for Health
17 Affairs shall consult with the Council on the issues de-
18 scribed in paragraph (2).

19 (5) A member of the Council is not, by reason of serv-
20 ice on the Council, an officer or employee of the United
21 States.

22 (6) No compensation shall be paid to members of the
23 Council for service on the Council. In the case of a mem-
24 ber of the Council who is an officer or employee of the
25 Federal Government, the preceding sentence does not

1 apply to compensation paid to the member as an officer
2 or employee of the Federal Government.

3 (7) The Federal Advisory Committee Act (5 U.S.C.
4 App. 2) shall not apply to the Council.

5 (e) ANNUAL REPORT.—The Assistant Secretary of
6 Defense for Health Affairs shall submit to Congress each
7 year a report on the quality of health care furnished under
8 the health care programs of the Department of Defense.
9 The report shall cover the most recent fiscal year ending
10 before the date of the report and shall contain a discussion
11 of the quality of the health care measured on the basis
12 of each statistical and customer satisfaction factor that
13 the Assistant Secretary determines appropriate, including,
14 at a minimum, the following:

15 (1) Health outcomes.

16 (2) Extent of use of health report cards.

17 (3) Extent of use of standard clinical pathways.

18 (4) Extent of use of innovative processes for
19 surveillance.

20 (f) AUTHORIZATION OF APPROPRIATIONS.—In addi-
21 tion to other amounts authorized to be appropriated for
22 the Department of Defense for fiscal year 2000 by other
23 provisions of this Act, that are available to carry out sub-
24 section (b), there is authorized to be appropriated for the

1 Department of Defense for such fiscal year for carrying
2 out this subsection the sum of \$2,000,000.

3 **SEC. 720. JOINT TELEMEDICINE AND TELEPHARMACY DEM-**
4 **ONSTRATION PROJECTS BY THE DEPART-**
5 **MENT OF DEFENSE AND DEPARTMENT OF**
6 **VETERANS AFFAIRS.**

7 (a) IN GENERAL.—The Secretary of Defense and
8 Secretary of Veterans Affairs shall carry out joint dem-
9 onstration projects for purposes of evaluating the feasi-
10 bility and practicability of providing health care services
11 and pharmacy services by means of telecommunications.

12 (b) SERVICES TO BE PROVIDED.—The services pro-
13 vided under the demonstration projects shall include the
14 following:

15 (1) Radiology and imaging services.

16 (2) Diagnostic services.

17 (3) Referral services.

18 (4) Clinical pharmacy services.

19 (5) Any other health care services or pharmacy
20 services designated by the Secretaries.

21 (c) SELECTION OF LOCATIONS.—(1) The Secretaries
22 shall carry out the demonstration projects at not more
23 than five locations selected by the Secretaries from loca-
24 tions in which are located both a uniformed services treat-
25 ment facility and a Department of Veterans Affairs med-

1 ical center that are affiliated with academic institutions
2 having a demonstrated expertise in the provision of health
3 care services or pharmacy services by means of tele-
4 communications.

5 (2) Representatives of a facility and medical center
6 selected under paragraph (1) shall, to the maximum extent
7 practicable, carry out the demonstration project in con-
8 sultation with representatives of the academic institution
9 or institutions with which affiliated.

10 (d) PERIOD OF DEMONSTRATION PROJECTS.—The
11 Secretaries shall carry out the demonstration projects dur-
12 ing the three-year period beginning on October 1, 1999.

13 (e) REPORT.—Not later than December 31, 2002, the
14 Secretaries shall jointly submit to Congress a report on
15 the demonstration projects. The report shall include—

16 (1) a description of each demonstration project;
17 and

18 (2) an evaluation, based on the demonstration
19 projects, of the feasibility and practicability of pro-
20 viding health care services and pharmacy services,
21 including the provision of such services to field hos-
22 pitals of the Armed Forces and to Department of
23 Veterans Affairs outpatient health care clinics, by
24 means of telecommunications.

1 **TITLE VIII—ACQUISITION POL-**
2 **ICY, ACQUISITION MANAGE-**
3 **MENT, AND RELATED MAT-**
4 **TERS**

5 **SEC. 801. EXTENSION OF TEST PROGRAM FOR NEGOTIA-**
6 **TION OF COMPREHENSIVE SMALL BUSINESS**
7 **SUBCONTRACTING PLANS.**

8 Section 834(e) of the National Defense Authorization
9 Act for Fiscal Years 1990 and 1991 (Public Law 101–
10 189; 15 U.S.C. 637 note) is amended by striking “Sep-
11 tember 30, 2000” and inserting “September 30, 2005”.

12 **SEC. 802. MENTOR-PROTEGE PROGRAM IMPROVEMENTS.**

13 (a) PROGRAM PARTICIPATION TERM.—Subsection
14 (e)(2) of section 831 of the National Defense Authoriza-
15 tion Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is
16 amended to read as follows:

17 “(2) A program participation term for any pe-
18 riod of not more than three years, except that the
19 term may be a period of up to five years if the Sec-
20 retary of Defense determines in writing that unusual
21 circumstances justify a program participation term
22 in excess of three years.”.

23 (b) INCENTIVES AUTHORIZED FOR MENTOR
24 FIRMS.—Subsection (g) of such section is amended—

1 (1) in paragraph (1), by striking “shall” and
2 inserting “may”;

3 (2) in paragraph (2)—

4 (A) in subparagraph (A)—

5 (i) by striking “shall” and inserting
6 “may”;

7 (ii) by striking “subsection (f)” and
8 all that follows through “(i) as a line item”
9 and inserting “subsection (f) as provided
10 for in a line item”;

11 (iii) by striking the semicolon pre-
12 ceding clause (ii) and inserting “, except
13 that this clause does not apply in a case in
14 which the Secretary of Defense determines
15 in writing that unusual circumstances jus-
16 tify reimbursement using a separate con-
17 tract.”; and

18 (iv) by striking clauses (ii), (iii), and
19 (iv); and

20 (B) by striking subparagraph (B) and in-
21 serting the following:

22 “(B) The determinations made in annual perform-
23 ance reviews of a mentor firm’s mentor-protege agreement
24 under subsection (l)(2) shall be a major factor in the de-
25 terminations of amounts of reimbursement, if any, that

1 the mentor firm is eligible to receive in the remaining
2 years of the program participation term under the agree-
3 ment.

4 “(C) The total amount reimbursed under this para-
5 graph to a mentor firm for costs of assistance furnished
6 in a fiscal year to a protege firm may not exceed
7 \$1,000,000, except in a case in which the Secretary of De-
8 fense determines in writing that unusual circumstances
9 justify a reimbursement of a higher amount.”; and

10 (3) in paragraph (3)(A), by striking “either
11 subparagraph (A) or (C) of paragraph (2) or are re-
12 imbursed pursuant to subparagraph (B) of such
13 paragraph” and inserting “paragraph (2)”.

14 (c) FIVE-YEAR EXTENSION OF AUTHORITY.—Sub-
15 section (j) of such section is amended to read as follows:

16 “(j) EXPIRATION OF AUTHORITY.—(1) No mentor-
17 protege agreement may be entered into under subsection
18 (e) after September 30, 2004.

19 “(2) No reimbursement may be paid, and no credit
20 toward the attainment of a subcontracting goal may be
21 granted, under subsection (g) for any cost incurred after
22 September 30, 2005.”.

23 (d) REPORTS AND REVIEWS.—Subsection (l) of such
24 section is amended to read as follows:

1 “(1) REPORTS AND REVIEWS.—(1) The mentor firm
2 and protege firm under a mentor-protege agreement shall
3 submit to the Secretary of Defense an annual report on
4 the progress made by the protege firm in employment, rev-
5 enues, and participation in Department of Defense con-
6 tracts during the fiscal year covered by the report. The
7 requirement for submission of an annual report applies
8 with respect to each fiscal year covered by the program
9 participation term under the agreement and each of the
10 two fiscal years following the expiration of the program
11 participation term. The Secretary shall prescribe the tim-
12 ing and form of the annual report.

13 “(2)(A) The Secretary shall conduct an annual per-
14 formance review of each mentor-protege agreement that
15 provides for reimbursement of costs. The Secretary shall
16 determine on the basis of the review whether—

17 “(i) all costs reimbursed to the mentor firm
18 under the agreement were reasonably incurred to
19 furnish assistance to the protege firm in accordance
20 with the requirements of this section and applicable
21 regulations; and

22 “(ii) the mentor firm and protege firm accu-
23 rately reported progress made by the protege firm in
24 employment, revenues, and participation in Depart-
25 ment of Defense contracts during the program par-

1 participation term covered by the mentor-protege agree-
2 ment and the two fiscal years following the expira-
3 tion of the program participation term.

4 “(B) The Secretary shall act through the Commander
5 of the Defense Contract Management Command in car-
6 rying out the reviews and making the determinations
7 under subparagraph (A).

8 “(3) Not later than 6 months after the end of each
9 of fiscal years 2000 through 2004, the Secretary of De-
10 fense shall submit to Congress an annual report on the
11 mentor-protege program for that fiscal year.

12 “(2) The annual report for a fiscal year shall include,
13 at a minimum, the following:

14 “(A) The number of mentor-protege agreements
15 that were entered into during the fiscal year.

16 “(B) The number of mentor-protege agreements
17 that were in effect during the fiscal year.

18 “(C) The total amount reimbursed to mentor
19 firms pursuant to subsection (g) during the fiscal
20 year.

21 “(D) Each mentor-protege agreement, if any,
22 that was approved during the fiscal year in accord-
23 ance with subsection (e)(2) to provide a program
24 participation term in excess of 3 years, together with
25 the justification for the approval.

1 “(E) Each reimbursement of a mentor firm in
2 excess of the limitation in subsection (g)(2)(C) that
3 was made during the fiscal year pursuant to an ap-
4 proval granted in accordance with that subsection,
5 together with the justification for the approval.

6 “(F) Trends in the progress made in employ-
7 ment, revenues, and participation in Department of
8 Defense contracts by the protege firms participating
9 in the program during the fiscal year and the pro-
10 tege firms that completed or otherwise terminated
11 participation in the program during the preceding
12 two fiscal years.”.

13 (e) REPEAL OF LIMITATION ON AVAILABILITY OF
14 FUNDING.—Subsection (n) of such section is repealed.

15 (f) EFFECTIVE DATE AND SAVINGS PROVISION.—(1)
16 The amendments made by this section shall take effect
17 on October 1, 1999, and shall apply with respect to men-
18 tor-protege agreements that are entered into under section
19 831(e) of the National Defense Authorization Act for Fis-
20 cal Year 1991 on or after that date.

21 (2) Section 831 of the National Defense Authoriza-
22 tion Act for Fiscal Year 1991, as in effect on September
23 30, 1999, shall continue to apply with respect to mentor-
24 protege agreements entered into before October 1, 1999.

1 **SEC. 803. REPORT ON TRANSITION OF SMALL BUSINESS IN-**
2 **NOVATION RESEARCH PROGRAM ACTIVITIES**
3 **INTO DEFENSE ACQUISITION PROGRAMS.**

4 (a) REQUIREMENT FOR REPORT.—Not later than
5 March 1, 2000, the Secretary of Defense shall submit to
6 Congress a report on the status of the implementation of
7 the Small Business Innovation Research program transi-
8 tion plan that was developed pursuant to section 818 of
9 the Strom Thurmond National Defense Authorization Act
10 for Fiscal Year 1999 (Public Law 105–261; 112 Stat.
11 2089).

12 (b) CONTENT OF REPORT.—The report shall include
13 the following:

14 (1) The status of the implementation of each of
15 the provisions in the transition plan.

16 (2) For any provision of the plan that has not
17 been fully implemented as of the date of the
18 report—

19 (A) the reasons for the provision not hav-
20 ing been fully implemented; and

21 (B) a schedule, with specific milestones,
22 for the implementation of the provision.

23 **SEC. 804. AUTHORITY TO CARRY OUT CERTAIN PROTO-**
24 **TYPE PROJECTS.**

25 (a) GAO EXAMINATION OF RECORDS.—Section 845
26 of the National Defense Authorization Act for Fiscal Year

1 1994 (Public Law 103–160; 107 Stat. 1721; 10 U.S.C.
2 2371 note) is amended—

3 (1) by redesignating subsection (c) as sub-
4 section (d); and

5 (2) by inserting after subsection (b) the fol-
6 lowing:

7 “(c) COMPTROLLER GENERAL REVIEW.—(1) Each
8 agreement entered into by an official referred to in sub-
9 section (a) to carry out a project under that subsection
10 that provides for payments in a total amount in excess
11 of \$5,000,000 shall include a clause that provides for the
12 Comptroller General, in the discretion of the Comptroller
13 General, to examine the records of any party to the agree-
14 ment or any entity that participates in the performance
15 of the agreement.

16 “(2) The official referred to in subsection (a) who is
17 entering into an agreement described in paragraph (1)
18 may waive the applicability of the requirement in that
19 paragraph to the agreement if the official determines that
20 it would not be in the public interest to apply the require-
21 ment to the agreement. The waiver shall be effective with
22 respect to the agreement only if the official transmits a
23 notification of the waiver to Congress and the Comptroller
24 General before entering into the agreement. The notifica-
25 tion shall include the rationale for the determination.

1 “(3) The Comptroller General may not examine
2 records pursuant to a clause included in an agreement
3 under paragraph (1) more than three years after the final
4 payment is made by the United States under the agree-
5 ment.”.

6 (b) TECHNICAL CORRECTION.—Subsection (b)(1) of
7 such section is amended by striking “(e)(2) and (e)(3) of
8 such section 2371” and inserting “(e)(1)(B) and (e)(2)
9 of such section 2371”.

10 **SEC. 805. PILOT PROGRAM FOR COMMERCIAL SERVICES.**

11 (a) PROGRAM AUTHORIZED.—The Secretary of De-
12 fense may carry out a pilot program to treat procurements
13 of commercial services as procurements of commercial
14 items.

15 (b) DESIGNATION OF PILOT PROGRAM CAT-
16 EGORIES.—The Secretary of Defense may designate the
17 following categories of services as commercial services cov-
18 ered by the pilot program:

19 (1) Utilities and housekeeping services.

20 (2) Education and training services.

21 (3) Transportation, travel and relocation serv-
22 ices.

23 (c) TREATMENT AS COMMERCIAL ITEMS.—A Depart-
24 ment of Defense contract for the procurement of commer-
25 cial services designated by the Secretary for the pilot pro-

1 gram shall be treated as a contract for the procurement
2 of commercial items, as defined in section 4(12) of the
3 Office of Federal Procurement Policy Act (41 U.S.C.
4 403(12)), if the source of the services provides similar
5 services contemporaneously to the general public under
6 terms and conditions similar to those offered to the Fed-
7 eral Government. These items shall not be considered com-
8 mercial items for purposes of section 4202(e) of the
9 Clinger-Cohen Act (10 U.S.C. 2304 note).

10 (d) GUIDANCE.—Not later than 90 days after the
11 date of the enactment of this Act, the Secretary shall issue
12 guidance to procurement officials on contracting for com-
13 mercial services under the pilot program. The guidance
14 shall place particular emphasis on ensuring that nego-
15 tiated prices for designated services, including prices nego-
16 tiated without competition, are fair and reasonable.

17 (e) DURATION OF PILOT PROGRAM.—(1) The pilot
18 program shall begin on the date that the Secretary issues
19 the guidance required by subsection (d) and may continue
20 for a period, not in excess of five years, that the Secretary
21 shall establish.

22 (2) The pilot program shall cover Department of De-
23 fense contracts for the procurement of commercial services
24 designated by the Secretary under subsection (b) that are
25 awarded or modified during the period of the pilot pro-

1 gram, regardless of whether the contracts are performed
2 during the period.

3 (f) REPORT TO CONGRESS.—(1) The Secretary shall
4 submit to Congress a report on the impact of the pilot
5 program on—

6 (A) prices paid by the Federal Government
7 under contracts for commercial services covered by
8 the pilot program;

9 (B) the quality and timeliness of the services
10 provided under such contracts;

11 (C) the number of Federal Government per-
12 sonnel that are necessary to enter into and admin-
13 ister such contracts; and

14 (D) the impact of the program on levels of con-
15 tracting with small business concerns, HUBZone
16 small business concerns, small business concerns
17 owned and controlled by socially and economically
18 disadvantaged individuals, and small business con-
19 cerns owned and controlled by women.

20 (2) The Secretary shall submit the report—

21 (A) not later than 90 days after the end of the
22 third full fiscal year for which the pilot program is
23 in effect; or

24 (B) if the period established for the pilot pro-
25 gram under subsection (e)(1) does not cover three

1 full fiscal years, not later than 90 days after the end
2 of the designated period.

3 (g) PRICE TREND ANALYSIS.—The Secretary of De-
4 fense shall apply the procedures developed pursuant to
5 section 803(c) of the Strom Thurmond National Defense
6 Authorization Act for Fiscal Year 1999 (Public Law 105–
7 261; 112 Stat. 2081; 10 U.S.C. 2306a note) to collect and
8 analyze information on price trends for all services covered
9 by the pilot program and for the services in such cat-
10 egories of services not covered by the pilot program to
11 which the Secretary considers it appropriate to apply those
12 procedures.

13 (h) RELATIONSHIP TO PREFERENCE ON TRANSPOR-
14 TATION OF SUPPLIES.—Nothing in this section shall be
15 construed as modifying, superseding, impairing, or re-
16 stricting requirements, authorities, or responsibilities
17 under section 2631 of title 10, United States Code.

18 (i) DEFINITIONS.—In this section:

19 (1) The term “small business concern” means
20 a business concern that meets the applicable size
21 standards prescribed pursuant to section 3(a) of the
22 Small Business Act (15 U.S.C. 632(a)).

23 (2) The term “small business concern owned
24 and controlled by socially and economically disadvan-
25 taged individuals” has the meaning given the term

1 in section 8(d)(3)(C) of the Small Business Act (15
2 U.S.C. 637(d)(3)(C)).

3 (3) The term “small business concern owned
4 and controlled by women” has the meaning given the
5 term in section 8(d)(3)(D) of the Small Business
6 Act (15 U.S.C. 637(d)(3)(D)).

7 (4) The term “HUBZone small business con-
8 cern” has the meaning given the term in section
9 3(p)(3) of the Small Business Act (15 U.S.C.
10 632(p)(3)).

11 **SEC. 806. STREAMLINED APPLICABILITY OF COST AC-**
12 **COUNTING STANDARDS.**

13 (a) APPLICABILITY.—Paragraph (2) of section 26(f)
14 of the Office of Federal Procurement Policy Act (41
15 U.S.C. 422(f)(2)) is amended—

16 (1) by redesignating subparagraph (C) as sub-
17 paragraph (D);

18 (2) by striking subparagraph (B) and inserting
19 the following:

20 “(B) The cost accounting standards shall not apply
21 to a contractor or subcontractor for a fiscal year (or other
22 one-year period used for cost accounting by the contractor
23 or subcontractor) if the total value of all of the contracts
24 and subcontracts covered by the cost accounting standards
25 that were entered into by the contractor or subcontractor,

1 respectively, in the previous or current fiscal year (or other
2 one-year cost accounting period) was less than
3 \$50,000,000.

4 “(C) Subparagraph (A) does not apply to the fol-
5 lowing contracts or subcontracts for the purpose of deter-
6 mining whether the contractor or subcontractor is subject
7 to the cost accounting standards:

8 “(i) Contracts or subcontracts for the acquisi-
9 tion of commercial items.

10 “(ii) Contracts or subcontracts where the price
11 negotiated is based on prices set by law or regula-
12 tion.

13 “(iii) Firm, fixed-price contracts or sub-
14 contracts awarded on the basis of adequate price
15 competition without submission of certified cost or
16 pricing data.

17 “(iv) Contracts or subcontracts with a value
18 that is less than \$5,000,000.”.

19 (b) WAIVER.—Such section is further amended by
20 adding at the end the following:

21 “(5)(A) The head of an executive agency may waive
22 the applicability of cost accounting standards for a con-
23 tract or subcontract with a value less than \$10,000,000
24 if that official determines in writing that—

1 “(i) the contractor or subcontractor is primarily
2 engaged in the sale of commercial items; and

3 “(ii) the contractor or subcontractor would not
4 otherwise be subject to the cost accounting stand-
5 ards.

6 “(B) The head of an executive agency may also waive
7 the applicability of cost accounting standards for a con-
8 tract or subcontract under extraordinary circumstances
9 when necessary to meet the needs of the agency. A deter-
10 mination to waive the applicability of cost accounting
11 standards under this subparagraph shall be set forth in
12 writing and shall include a statement of the circumstances
13 justifying the waiver.

14 “(C) The head of an executive agency may not dele-
15 gate the authority under subparagraph (A) or (B) to any
16 official in the executive agency below the senior policy-
17 making level in the executive agency.

18 “(D) The Federal Acquisition Regulation shall in-
19 clude the following:

20 “(i) Criteria for selecting an official to be dele-
21 gated authority to grant waivers under subpara-
22 graph (A) or (B).

23 “(ii) The specific circumstances under which
24 such a waiver may be granted.

1 “(E) The head of each executive agency shall report
2 the waivers granted under subparagraphs (A) and (B) for
3 that agency to the Board on an annual basis.”.

4 (c) CONSTRUCTION REGARDING CERTAIN NOT-FOR-
5 PROFIT ENTITIES.—The amendments made by this sec-
6 tion shall not be construed as modifying or superseding,
7 nor as intended to impair or restrict, the applicability of
8 the cost accounting standards to—

9 (1) any educational institution or federally
10 funded research and development center that is as-
11 sociated with an educational institution in accord-
12 ance with Office of Management and Budget Cir-
13 cular A–21, as in effect on January 1, 1999; or

14 (2) any contract with a nonprofit entity that
15 provides research and development and related prod-
16 ucts or services to the Department of Defense.

17 **SEC. 807. GUIDANCE ON USE OF TASK ORDER AND DELIV-**
18 **ERY ORDER CONTRACTS.**

19 (a) GUIDANCE IN THE FEDERAL ACQUISITION REGU-
20 LATION.—Not later than 180 days after the date of the
21 enactment of this Act, the Federal Acquisition Regulation
22 issued in accordance with sections 6 and 25 of the Office
23 of Federal Procurement Policy Act shall be revised to pro-
24 vide guidance to agencies on the appropriate use of task
25 order and delivery order contracts in accordance with sec-

1 tions 2304a through 2304d of title 10, United States
2 Code, and sections 303H through 303K of the Federal
3 Property and Administrative Services Act of 1949 (41
4 U.S.C. 253h through 253k).

5 (b) CONTENT OF GUIDANCE.—The regulations issued
6 pursuant to subsection (a) shall, at a minimum, provide
7 the following:

8 (1) Specific guidance on the appropriate use of
9 government-wide and other multiagency contracts
10 entered in accordance with the provisions of law re-
11 ferred to in that subsection.

12 (2) Specific guidance on steps that agencies
13 should take in entering and administering multiple
14 award task order and delivery order contracts to en-
15 sure compliance with—

16 (A) the requirement in section 5122 of the
17 Clinger-Cohen Act (40 U.S.C. 1422) for capital
18 planning and investment control in purchases of
19 information technology products and services;

20 (B) the requirement in section 2304c(b) of
21 title 10, United States Code, and section
22 303J(b) of the Federal Property and Adminis-
23 trative Services Act of 1949 (41 U.S.C.
24 253j(b)) to ensure that all contractors are af-
25 farded a fair opportunity to be considered for

1 the award of task orders and delivery orders;
2 and

3 (C) the requirement in section 2304e(c) of
4 title 10, United States Code, and section
5 303J(c) of the Federal Property and Adminis-
6 trative Services Act of 1949 (41 U.S.C.
7 253j(c)) for a statement of work in each task
8 order or delivery order issued that clearly speci-
9 fies all tasks to be performed or property to be
10 delivery under the order.

11 (c) GSA FEDERAL SUPPLY SCHEDULES PROGRAM.—

12 The Administrator for Federal Procurement Policy shall
13 consult with the Administrator of General Services to as-
14 sess the effectiveness of the multiple awards schedule pro-
15 gram of the General Services Administration referred to
16 in section 309(b)(3) of the Federal Property and Adminis-
17 trative Services Act of 1949 (41 U.S.C. 259(b)(3)) that
18 is administered as the Federal Supply Schedules program.

19 The assessment shall include examination of the following:

20 (1) The administration of the program by the
21 Administrator of General Services.

22 (2) The ordering and program practices fol-
23 lowed by Federal customer agencies in using sched-
24 ules established under the program.

1 (d) GAO REPORT.—Not later than one year after the
2 date on which the regulations required by subsection (a)
3 are published in the Federal Register, the Comptroller
4 General shall submit to Congress an evaluation of execu-
5 tive agency compliance with the regulations, together with
6 any recommendations that the Comptroller General con-
7 siders appropriate.

8 **SEC. 808. CLARIFICATION OF DEFINITION OF COMMERCIAL**
9 **ITEMS WITH RESPECT TO ASSOCIATED SERV-**
10 **ICES.**

11 Section 4(12) (E) of the Office of Federal Procure-
12 ment Policy Act (41 U.S.C. 403(E)) is amended to read
13 as follows:

14 “(E) Installation services, maintenance
15 services, repair services, training services, and
16 other services if—

17 “(i) the services are procured for sup-
18 port of an item referred to in subpara-
19 graph (A), (B), (C), or (D), regardless of
20 whether such services are provided by the
21 same source or at the same time as the
22 item; and

23 “(ii) the source of the services pro-
24 vides similar services contemporaneously to
25 the general public under terms and condi-

1 tions similar to those offered to the Fed-
2 eral Government.”.

3 **SEC. 809. USE OF SPECIAL SIMPLIFIED PROCEDURES FOR**
4 **PURCHASES OF COMMERCIAL ITEMS IN EX-**
5 **CESS OF THE SIMPLIFIED ACQUISITION**
6 **THRESHOLD.**

7 (a) EXTENSION OF AUTHORITY.—Section 4202(e) of
8 the Clinger-Cohen Act of 1996 (divisions D and E of Pub-
9 lic Law 104–106; 110 Stat. 654; 10 U.S.C. 2304 note)
10 is amended by striking “three years after the date on
11 which such amendments take effect pursuant to section
12 4401(b)” and inserting “January 1, 2002”.

13 (b) GAO REPORT.—Not later than March 1, 2001,
14 the Comptroller General shall submit to Congress an eval-
15 uation of the test program authorized by section 4204 of
16 the Clinger-Cohen Act of 1996, together with any rec-
17 ommendations that the Comptroller General considers ap-
18 propriate regarding the test program or the use of special
19 simplified procedures for purchases of commercial items
20 in excess of the simplified acquisition threshold.

1 **SEC. 810. EXTENSION OF INTERIM REPORTING RULE FOR**
2 **CERTAIN PROCUREMENTS LESS THAN**
3 **\$100,000.**

4 Section 31(e) of the Office of Federal Procurement
5 Policy Act (41 U.S.C. 427(e)) is amended by striking “Oc-
6 tober 1, 1999” and inserting “October 1, 2004”.

7 **SEC. 811. CONTRACT GOAL FOR SMALL DISADVANTAGED**
8 **BUSINESSES AND CERTAIN INSTITUTIONS OF**
9 **HIGHER EDUCATION.**

10 Subsection (k) of section 2323 of title 10, United
11 States Code, is amended by striking “2000” both places
12 it appears and inserting “2003”.

13 **TITLE IX—DEPARTMENT OF DE-**
14 **FENSE ORGANIZATION AND**
15 **MANAGEMENT**

16 **Subtitle A—General**

17 **SEC. 901. NUMBER OF MANAGEMENT HEADQUARTERS AND**
18 **HEADQUARTERS SUPPORT ACTIVITIES PER-**
19 **SONNEL.**

20 (a) REVISED LIMITATION.—Section 130a of title 10,
21 United States Code, is amended—

22 (1) in subsection (a), by striking “75 percent”
23 and inserting “65 percent”; and

24 (2) in subsection (c), by striking “October 1,
25 1997” and inserting “October 1, 1989”.

1 (b) REPEAL OF PHASED REDUCTION REQUIRE-
2 MENT.—Subsection (b) of such section is repealed.

3 (c) CONFORMING REPEAL.—Subsection (g) of such
4 section is repealed.

5 (d) TECHNICAL AMENDMENT.—Subsections (c), (d),
6 (e), and (f) are redesignated as subsections (b), (c), (d),
7 and (e), respectively.

8 **SEC. 902. ADDITIONAL MATTERS FOR ANNUAL REPORTS**
9 **ON JOINT WARFIGHTING EXPERIMENTATION.**

10 Section 485(b) of title 10, United States Code, is
11 amended by adding at the end the following:

12 “(5) Any recommendations that the commander
13 considers appropriate regarding—

14 “(A) the development or procurement of
15 advanced technologies, systems, or weapons or
16 systems platforms, or other changes in doctrine,
17 organization, training, materiel, leadership, per-
18 sonnel, or the allocation of resources, as a re-
19 sult of joint warfighting experimentation activi-
20 ties;

21 “(B) the elimination of unnecessary equip-
22 ment and redundancies in capabilities and
23 forces across the armed forces; and

24 “(C) the fielding of advanced technologies
25 across the armed forces for purposes of the de-

1 velopment of joint operational concepts or the
2 conduct of joint warfighting experiments.

3 “(6) A description of any actions taken by the
4 Secretary of Defense to implement the recommenda-
5 tions of the commander.”.

6 **SEC. 903. ACCEPTANCE OF GUARANTEES IN CONNECTION**
7 **WITH GIFTS TO THE UNITED STATES MILI-**
8 **TARY ACADEMY.**

9 (a) **AUTHORITY.**—Chapter 403 of title 10, United
10 States Code, is amended by adding at the end the fol-
11 lowing new section:

12 **“§ 4359. Acceptance of guarantees with gifts for**
13 **major projects**

14 “(a) **ACCEPTANCE AUTHORITY.**—The Secretary of
15 the Army may, subject to subsection (c), accept from a
16 donor a qualified guarantee for the completion of a major
17 project for the benefit of the Academy.

18 “(b) **OBLIGATION AUTHORITY.**—Funds available for
19 a project for which a guarantee has been accepted under
20 this section may be obligated and expended for the project
21 without regard to whether the total amount of the funds
22 and other resources available for the project (not taking
23 into account the amount of the guarantee) is sufficient
24 to pay for completion of the project.

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

1 “(1) MAJOR PROJECT.—The term ‘major
2 project’ means a project for the purchase or other
3 procurement of real or personal property, or for the
4 construction of any improvement to real property,
5 the total cost of which is, or is estimated to be, at
6 least \$1,000,000.

7 “(2) QUALIFIED GUARANTEE.—The term
8 ‘qualified guarantee’, with respect to a major
9 project, means a guarantee that—

10 “(A) is made by a person in connection
11 with the person’s donation, specifically for the
12 project, of a total amount in cash or securities
13 that, as determined by the Secretary of the
14 Army, is sufficient to defray a substantial por-
15 tion of the total cost of the project;

16 “(B) is made to facilitate or expedite the
17 completion of the project in reasonable anticipa-
18 tion that other donors will contribute sufficient
19 funds or other resources in amounts sufficient
20 to pay for completion of the project;

21 “(C) is set forth as a written agreement
22 that provides for the donor to furnish in cash
23 or securities, in addition to the donor’s other
24 gift or gifts for the project, any additional
25 amount that may become necessary for paying

1 the cost of completing the project by reason of
2 a failure to obtain from other donors or sources
3 funds or other resources in amounts sufficient
4 to pay the cost of completing the project; and

5 “(D) is accompanied by—

6 “(i) an unconditional letter of credit
7 for the benefit of the Academy that is in
8 the amount of the guarantee and is issued
9 by a major United States commercial
10 bank; or

11 “(ii) a qualified account control agree-
12 ment.

13 “(3) QUALIFIED ACCOUNT CONTROL AGREE-
14 MENT.—The term ‘qualified account control agree-
15 ment’, with respect to a guarantee of a donor, means
16 an agreement among the donor, the Secretary of the
17 Army, and a major United States investment man-
18 agement firm that—

19 “(A) ensures the availability of sufficient
20 funds or other financial resources to pay the
21 amount guaranteed during the period of the
22 guarantee;

23 “(B) provides for the perfection of a secu-
24 rity interest in the assets of the account for the
25 United States for the benefit of the Academy

1 with the highest priority available for liens and
2 security interests under applicable law;

3 “(C) requires the donor to maintain in an
4 account with the investment management firm
5 assets having a total value that is not less than
6 130 percent of the amount guaranteed; and

7 “(D) requires the investment management
8 firm, at any time that the value of the account
9 is less than the value required to be maintained
10 under subparagraph (C), to liquidate any
11 noncash assets in the account and reinvest the
12 proceeds in Treasury bills issued under section
13 3104 of title 31.

14 “(4) MAJOR UNITED STATES COMMERCIAL
15 BANK.—The term ‘major United States commercial
16 bank’ means a commercial bank that—

17 “(A) is headquartered in the United
18 States; and

19 “(B) has net assets in a total amount con-
20 sidered by the Secretary of the Army to qualify
21 the bank as a major bank.

22 “(5) MAJOR UNITED STATES INVESTMENT MAN-
23 AGEMENT FIRM.—The term ‘major United States in-
24 vestment management firm’ means an investment

1 company (as defined in section 3 of the Investment
2 Company Act of 1940 (15 U.S.C. 80a-3)) that—

3 “(A) is headquartered in the United
4 States; and

5 “(B) manages for others the investment of
6 assets in a total amount considered by the Sec-
7 retary of the Army to qualify the firm as a
8 major investment management firm.”.

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

“4359. Acceptance of guarantees with gifts for major projects.”.

12 **SEC. 904. MANAGEMENT OF THE CIVIL AIR PATROL.**

13 (a) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that no major change to the governance structure
15 of the Civil Air Patrol should be mandated by Congress
16 until a review of potential improvements in the manage-
17 ment and oversight of Civil Air Patrol operations is con-
18 ducted.

19 (b) GAO STUDY.—The Comptroller General shall
20 conduct a study of potential improvements to Civil Air Pa-
21 trol operations, including Civil Air Patrol financial man-
22 agement, Air Force and Civil Air Patrol oversight, and
23 the Civil Air Patrol safety program. Not later than Feb-
24 ruary 15, 2000, the Inspector General shall submit a re-

1 port on the results of the study to the congressional de-
2 fense committees.

3 (c) INSPECTOR GENERAL REVIEW.—(1) The Inspec-
4 tor General of the Department of Defense shall review the
5 financial and management operations of the Civil Air Pa-
6 trol. The review shall include an audit.

7 (2) Not later than February 15, 2000, the Inspector
8 General shall submit to the congressional defense commit-
9 tees a report on the review, including, specifically, the re-
10 sults of the audit. The report shall include any rec-
11 ommendations that the Inspector General considers appro-
12 priate regarding actions necessary to ensure the proper
13 oversight of the financial and management operations of
14 the Civil Air Patrol.

15 **SEC. 905. MINIMUM INTERVAL FOR UPDATING AND REVIS-**
16 **ING DEPARTMENT OF DEFENSE STRATEGIC**
17 **PLAN.**

18 Section 306(b) of title 5, United States Code, is
19 amended by striking “, and shall be updated and revised
20 at least every three years.” and inserting a period and the
21 following: “The strategic plan shall be updated and revised
22 at least every three years, except that the strategic plan
23 for the Department of Defense shall be updated and re-
24 vised at least every four years.”.

1 **SEC. 906. PERMANENT REQUIREMENT FOR QUADRENNIAL**
2 **DEFENSE REVIEW.**

3 (a) REVIEW REQUIRED.—Chapter 2 of title 10,
4 United States Code, is amended by inserting after section
5 117 the following:

6 **“§ 118. Quadrennial defense review**

7 “(a) REVIEW REQUIRED.—The Secretary of Defense,
8 in consultation with the Chairman of the Joint Chiefs of
9 Staff, shall conduct in each year in which a President is
10 inaugurated a comprehensive examination of the defense
11 strategy, force structure, force modernization plans, infra-
12 structure, budget plan, and other elements of the defense
13 program and policies with a view toward determining and
14 expressing the defense strategy of the United States and
15 establishing a revised defense plan for the ensuing 10
16 years and a revised defense plan for the ensuing 20 years.

17 “(b) CONSIDERATION OF REPORTS OF NATIONAL
18 DEFENSE PANEL.—In conducting the review, the Sec-
19 retary shall take into consideration the reports of the Na-
20 tional Defense Panel submitted under section 184(d) of
21 this title.

22 “(c) REPORT TO CONGRESS.—The Secretary shall
23 submit a report on each review to the Committees on
24 Armed Services of the Senate and the House of Represent-
25 atives not later than September 30 of the year in which

1 the review is conducted. The report shall include the fol-
2 lowing:

3 “(1) The results of the review, including a com-
4 prehensive discussion of the defense strategy of the
5 United States and the force structure best suited to
6 implement that strategy, expressed in terms of size,
7 characteristics, and organization, or in other terms
8 suitable for characterizing the force structure.

9 “(2) The size, characteristics, and organization
10 of an alternative force structure that is suited for
11 implementing the strategy but is significantly larger
12 than the force structure discussed under paragraph
13 (1), together with the benefits and risks associated
14 with the larger force structure.

15 “(3) The size, characteristics, and organization
16 of an alternative force structure that is suited for
17 implementing the strategy but is significantly small-
18 er than the force structure discussed under para-
19 graph (1), together with the benefits and risks asso-
20 ciated with the smaller force structure.

21 “(4) The threats examined for purposes of the
22 review and the scenarios developed in the examina-
23 tion of such threats.

24 “(5) The assumptions used in the review, in-
25 cluding assumptions relating to the cooperation of

1 allies and mission-sharing, levels of acceptable risk,
2 warning times, and intensity and duration of con-
3 flict.

4 “(6) The effect on the force structure of prep-
5 arations for and participation in peace operations
6 and military operations other than war.

7 “(7) The effect on the force structure of the
8 utilization by the armed forces of technologies antici-
9 pated to be available for the ensuing 10 years and
10 technologies anticipated to be available for the ensu-
11 ing 20 years, including precision guided munitions,
12 stealth, night vision, digitization, and communica-
13 tions, and the changes in organization, doctrine, and
14 operational concepts that would result from the utili-
15 zation of such technologies.

16 “(8) The manpower and sustainment policies
17 required under the defense strategy to support en-
18 gagement in conflicts lasting more than 120 days.

19 “(9) The anticipated roles and missions of the
20 reserve components in the defense strategy and the
21 strength, capabilities, and equipment necessary to
22 assure that the reserve components can capably dis-
23 charge those roles and missions.

24 “(10) The appropriate ratio of combat forces to
25 support forces (commonly referred to as the “tooth-

1 to-tail” ratio) under the defense strategy, including,
2 in particular, the appropriate number and size of
3 headquarters units and Defense Agencies for that
4 purpose.

5 “(11) The air-lift and sea-lift capabilities re-
6 quired to support the defense strategy.

7 “(12) The forward presence, pre-positioning,
8 and other anticipatory deployments necessary under
9 the defense strategy for conflict deterrence and ade-
10 quate military response to anticipated conflicts.

11 “(13) The extent to which resources must be
12 shifted among two or more theaters under the de-
13 fense strategy in the event of conflict in such thea-
14 ters.

15 “(14) The advisability of revisions to the Uni-
16 fied Command Plan as a result of the defense strat-
17 egy.

18 “(15) Any other matter the Secretary considers
19 appropriate.”.

20 (b) NATIONAL DEFENSE PANEL.—Chapter 7 of such
21 title is amended by adding at the end the following:

22 **“§ 184. National Defense Panel**

23 “(a) ESTABLISHMENT.—Not later than January 1 of
24 each year immediately preceding a year in which a Presi-
25 dent is to be inaugurated, the Secretary of Defense shall

1 establish a nonpartisan, independent panel to be known
2 as the National Defense Panel. The Panel shall have the
3 duties set forth in this section.

4 “(b) MEMBERSHIP AND CHAIRMAN.—(1) The Panel
5 shall be composed of nine members appointed from among
6 persons in the private sector who are recognized experts
7 in matters relating to the national security of the United
8 States, as follows:

9 “(A) Three members appointed by the Sec-
10 retary of Defense.

11 “(B) Three members appointed by the Chair-
12 man of the Committee on Armed Services of the
13 Senate, in consultation with the ranking member of
14 the committee.

15 “(C) Three members appointed by the Chair-
16 man of the Committee on Armed Services of the
17 House of Representatives, in consultation with the
18 ranking member of the committee.

19 “(2) The Secretary of Defense, in consultation with
20 the chairmen and ranking members of the Committees on
21 Armed Services of the Senate and the House of Represent-
22 atives, shall designate one of the members to serve as the
23 chairman of the Panel

24 “(c) DUTIES.—(1) The Panel shall—

1 “(A) assess the matters referred to in para-
2 graph (2);

3 “(B) assess the current and projected strategic
4 environment, together with the progress made by the
5 armed forces in transforming to meet the environ-
6 ment;

7 “(C) identify the most dangerous threats to the
8 national security interests of the United States that
9 are to be countered by the United States in the en-
10 suing 10 years and those that are to be encountered
11 in the ensuing 20 years;

12 “(D) identify the strategic and operational chal-
13 lenges for the armed forces to address in order to
14 prepare to counter the threats identified under sub-
15 paragraph (C);

16 “(E) develop—

17 “(i) a recommendation on the priority that
18 should be accorded to each of the strategic and
19 operational challenges identified under subpara-
20 graph (D); and

21 “(ii) a recommendation on the priority that
22 should be accorded to the development of each
23 joint capability needed to meet each such chal-
24 lenge; and

1 “(F) identify the issues that the Panel rec-
2 ommends for assessment during the next quadren-
3 nial review to be conducted under section 118 of this
4 title.

5 “(2) The matters to be assessed under paragraph
6 (1)(A) are the defense strategy, force structure, force
7 modernization plans, infrastructure, budget plan, and
8 other elements of the defense program and policies estab-
9 lished since the previous quadrennial defense review under
10 section 118 of this title.

11 “(3) The Panel shall conduct the assessments under
12 paragraph (1) with a view toward recommending—

13 “(A) the most critical changes that should be
14 made to the defense strategy of the United States
15 for the ensuing 10 years and the most critical
16 changes that should be made to the defense strategy
17 of the United States for the ensuing 20 years; and

18 “(B) any changes considered appropriate by the
19 Panel regarding the major weapon systems pro-
20 grammed for the force, including any alternatives to
21 those weapon systems.

22 “(d) REPORT.—(1) The Panel, in the year that it is
23 conducting an assessment under subsection (c), shall sub-
24 mit to the Secretary of Defense and to the Committees
25 on Armed Services of the Senate and the House of Rep-

1 representatives two reports on the assessment, including a
2 discussion of the Panel's activities, the findings and rec-
3 ommendations of the Panel, and any recommendations for
4 legislation that the Panel considers appropriate, as fol-
5 lows:

6 “(A) A status report and an outline of current
7 activities not later than July 1 of the year.

8 “(B) A final report not later than December 1
9 of the year.

10 “(2) Not later than December 15 of the year in which
11 the Secretary receives a final report under paragraph
12 (1)(B), the Secretary shall submit to the committees re-
13 ferred to in subsection (b) a copy of the report together
14 with the Secretary's comments on the report.

15 “(e) INFORMATION FROM FEDERAL AGENCIES.—
16 The Panel may secure directly from the Department of
17 Defense and any of its components and from any other
18 Federal department and agency such information as the
19 Panel considers necessary to carry out its duties under
20 this section. The head of the department or agency con-
21 cerned shall ensure that information requested by the
22 Panel under this subsection is promptly provided.

23 “(f) PERSONNEL MATTERS.—(1) Each member of
24 the Panel shall be compensated at a rate equal to the daily
25 equivalent of the annual rate of basic pay prescribed for

1 level IV of the Executive Schedule under section 5315 of
2 title 5 for each day (including travel time) during which
3 the member is engaged in the performance of the duties
4 of the Panel.

5 “(2) The members of the Panel shall be allowed travel
6 expenses, including per diem in lieu of subsistence, at
7 rates authorized for employees of agencies under sub-
8 chapter I of chapter 57 of title 5 while away from their
9 homes or regular places of business in the performance
10 of services for the Panel.

11 “(3)(A) The chairman of the Panel may, without re-
12 gard to the civil service laws and regulations, appoint and
13 terminate an executive director and a staff if the Panel
14 determines that an executive director and staff are nec-
15 essary in order for the Panel to perform its duties effec-
16 tively. The employment of an executive director shall be
17 subject to confirmation by the Panel.

18 “(B) The chairman may fix the compensation of the
19 executive director without regard to the provisions of
20 chapter 51 and subchapter III of chapter 53 of title 5 re-
21 lating to classification of positions and General Schedule
22 pay rates, except that the rate of pay for the executive
23 director may not exceed the rate payable for level V of
24 the Executive Schedule under section 5316 of such title.

1 “(4) Any Federal Government employee may be de-
2 tailed to the Panel without reimbursement of the employ-
3 ee’s agency, and such detail shall be without interruption
4 or loss of civil service status or privilege. The Secretary
5 shall ensure that sufficient personnel are detailed to the
6 Panel to enable the Panel to carry out its duties effec-
7 tively.

8 “(5) To the maximum extent practicable, the mem-
9 bers and employees of the Panel shall travel on military
10 aircraft, military ships, military vehicles, or other military
11 conveyances when travel is necessary in the performance
12 of a duty of the Panel, except that no such aircraft, ship,
13 vehicle, or other conveyance may be scheduled primarily
14 for the transportation of any such member or employee
15 when the cost of commercial transportation is less expen-
16 sive.

17 “(g) ADMINISTRATIVE PROVISIONS.—(1) The Panel
18 may use the United States mails and obtain printing and
19 binding services in the same manner and under the same
20 conditions as other departments and agencies of the Fed-
21 eral Government.

22 “(2) The Secretary shall furnish the Panel any ad-
23 ministrative and support services requested by the Panel.

24 “(3) The Panel may accept, use, and dispose of gifts
25 or donations of services or property.

1 “(h) PAYMENT OF PANEL EXPENSES.—The com-
2 pensation, travel expenses, and per diem allowances of
3 members and employees of the Panel shall be paid out of
4 funds available to the Department of Defense for the pay-
5 ment of compensation, travel allowances, and per diem al-
6 lowances, respectively, of civilian employees of the Depart-
7 ment. The other expenses of the Panel shall be paid out
8 of funds available to the Department for the payment of
9 similar expenses incurred by the Department.

10 “(i) TERMINATION.—The Panel shall terminate at
11 the end of the year following the year in which the Panel
12 submits its final report under subsection (d)(1)(B). For
13 the period that begins 90 days after the date of submittal
14 of the report, the activities and staff of the panel shall
15 be reduced to a level that the Secretary of Defense con-
16 siders sufficient to continue the availability of the panel
17 for consultation with the Secretary of Defense and with
18 the Committees on Armed Services of the Senate and the
19 House of Representatives.”.

20 “(c) CLERICAL AMENDMENTS.—(1) The table of sec-
21 tions at the beginning of chapter 2 of title 10, United
22 States Code, is amended by inserting after the item relat-
23 ing to section 117 the following:

“118. Quadrennial defense review.”.

1 (2) The table of sections at the beginning of chapter
2 7 of such title is amended by adding at the end the fol-
3 lowing:

“184. National Defense Panel.”.

4 **Subtitle B—Commission To Assess**
5 **United States National Security**
6 **Space Management and Organi-**
7 **zation**

8 **SEC. 911. ESTABLISHMENT OF COMMISSION.**

9 (a) ESTABLISHMENT.—There is hereby established a
10 commission known as the “Commission To Assess United
11 States National Security Space Management and Organi-
12 zation” (hereafter in this subtitle referred to as the “Com-
13 mission”).

14 (b) COMPOSITION.—The Commission shall be com-
15 posed of nine members appointed by the Secretary of De-
16 fense. In selecting individuals for appointment to the Com-
17 mission, the Secretary should consult with—

18 (1) the Speaker of the House of Representa-
19 tives concerning the appointment of three of the
20 members of the Commission;

21 (2) the majority leader of the Senate concerning
22 the appointment of three of the members of the
23 Commission; and

24 (3) the minority leader of the House of Rep-
25 resentatives and the minority leader of the Senate

1 concerning the appointment of three of the members
2 of the Commission.

3 (c) QUALIFICATIONS.—Members of the Commission
4 shall be appointed from among private citizens of the
5 United States who have knowledge and expertise in the
6 areas of national security space policy, programs, organi-
7 zations, and future national security concepts.

8 (d) CHAIRMAN.—The Speaker of the House of Rep-
9 resentatives, after consultation with the majority leader of
10 the Senate and the minority leaders of the House of Rep-
11 resentatives and the Senate, shall designate one of the
12 members of the Commission to serve as chairman of the
13 Commission.

14 (e) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
15 bers shall be appointed for the life of the Commission. Any
16 vacancy in the Commission shall be filled in the same man-
17 ner as the original appointment.

18 (f) SECURITY CLEARANCES.—All members of the
19 Commission shall hold appropriate security clearances.

20 (g) INITIAL ORGANIZATION REQUIREMENTS.—(1) All
21 appointments to the Commission shall be made not later
22 than 90 days after the date of the enactment of this Act.

23 (2) The Commission shall convene its first meeting
24 not later than 60 days after the date as of which all mem-

1 bers of the Commission have been appointed, but not ear-
2 lier than October 15, 1999.

3 **SEC. 912. DUTIES OF COMMISSION.**

4 (a) REVIEW OF UNITED STATES NATIONAL SECUR-
5 RITY SPACE MANAGEMENT AND ORGANIZATION.—The
6 Commission shall, with a focus on changes to be imple-
7 mented over the near-term, medium-term, and long-term
8 that would strengthen United States national security, re-
9 view the following:

10 (1) The relationship between the intelligence
11 and nonintelligence aspects of national security
12 space (so-called “white space” and “black space”),
13 and the potential benefits of a partial or complete
14 merger of the programs, projects, or activities that
15 are differentiated by the two aspects.

16 (2) The benefits of establishing any of the fol-
17 lowing:

18 (A) An independent military department
19 and service dedicated to the national security
20 space mission.

21 (B) A corps within the Air Force dedicated
22 to the national security space mission.

23 (C) A position of Assistant Secretary of
24 Defense for Space within the Office of the Sec-
25 retary of Defense.

1 (D) Any other change to the existing orga-
2 nizational structure of the Department of De-
3 fense for national security space management
4 and organization.

5 (3) The benefits of establishing a new major
6 force program, or other budget mechanism, for man-
7 aging national security space funding within the De-
8 partment of Defense.

9 (b) COOPERATION FROM GOVERNMENT OFFI-
10 CIALS.—In carrying out its duties, the Commission should
11 receive the full and timely cooperation of the Secretary
12 of Defense, the Director of Central Intelligence, and any
13 other United States Government official responsible for
14 providing the Commission with analyses, briefings, and
15 other information necessary for the fulfillment of its re-
16 sponsibilities.

17 **SEC. 913. REPORT.**

18 The Commission shall, not later than six months
19 after the date of its first meeting, submit to Congress a
20 report on its findings and conclusions.

21 **SEC. 914. POWERS.**

22 (a) HEARINGS.—The Commission or, at its direction,
23 any panel or member of the Commission, may, for the pur-
24 pose of carrying out the provisions of this subtitle, hold
25 hearings, sit and act at times and places, take testimony,

1 receive evidence, and administer oaths to the extent that
2 the Commission or any panel or member considers advis-
3 able.

4 (b) INFORMATION.—The Commission may secure di-
5 rectly from the Department of Defense, the other depart-
6 ments and agencies of the intelligence community, and any
7 other Federal department or agency information that the
8 Commission considers necessary to enable the Commission
9 to carry out its responsibilities under this subtitle.

10 **SEC. 915. COMMISSION PROCEDURES.**

11 (a) MEETINGS.—The Commission shall meet at the
12 call of the Chairman.

13 (b) QUORUM.—(1) Five members of the Commission
14 shall constitute a quorum other than for the purpose of
15 holding hearings.

16 (2) The Commission shall act by resolution agreed
17 to by a majority of the members of the Commission.

18 (c) COMMISSION.—The Commission may establish
19 panels composed of less than full membership of the Com-
20 mission for the purpose of carrying out the Commission's
21 duties. The actions of each such panel shall be subject to
22 the review and control of the Commission. Any findings
23 and determinations made by such a panel shall not be con-
24 sidered the findings and determinations of the Commis-
25 sion unless approved by the Commission.

1 (d) AUTHORITY OF INDIVIDUALS TO ACT FOR COM-
2 MISSION.—Any member or agent of the Commission may,
3 if authorized by the Commission, take any action which
4 the Commission is authorized to take under this subtitle.

5 **SEC. 916. PERSONNEL MATTERS.**

6 (a) PAY OF MEMBERS.—Members of the Commission
7 shall serve without pay by reason of their work on the
8 Commission.

9 (b) TRAVEL EXPENSES.—The members of the Com-
10 mission shall be allowed travel expenses, including per
11 diem in lieu of subsistence, at rates authorized for employ-
12 ees of agencies under subchapter I of chapter 57 of title
13 5, United States Code, while away from their homes or
14 regular places of business in the performance of services
15 for the Commission.

16 (c) STAFF.—(1) The chairman of the Commission
17 may, without regard to the provisions of title 5, United
18 States Code, governing appointments in the competitive
19 service, appoint a staff director and such additional per-
20 sonnel as may be necessary to enable the Commission to
21 perform its duties. The appointment of a staff director
22 shall be subject to the approval of the Commission.

23 (2) The chairman of the Commission may fix the pay
24 of the staff director and other personnel without regard
25 to the provisions of chapter 51 and subchapter III of chap-

1 ter 53 of title 5, United States Code, relating to classifica-
2 tion of positions and General Schedule pay rates, except
3 that the rate of pay fixed under this paragraph for the
4 staff director may not exceed the rate payable for level
5 V of the Executive Schedule under section 5316 of such
6 title and the rate of pay for other personnel may not ex-
7 ceed the maximum rate payable for grade GS-15 of the
8 General Schedule.

9 (d) **DETAIL OF GOVERNMENT EMPLOYEES.**—Upon
10 request of the chairman of the Commission, the head of
11 any Federal department or agency may detail, on a non-
12 reimbursable basis, any personnel of that department or
13 agency to the Commission to assist it in carrying out its
14 duties.

15 (e) **PROCUREMENT OF TEMPORARY AND INTERMIT-**
16 **TENT SERVICES.**—The chairman of the Commission may
17 procure temporary and intermittent services under section
18 3109(b) of title 5, United States Code, at rates for individ-
19 uals which do not exceed the daily equivalent of the annual
20 rate of basic pay payable for level V of the Executive
21 Schedule under section 5316 of such title.

22 **SEC. 917. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.**

23 (a) **POSTAL AND PRINTING SERVICES.**—The Com-
24 mission may use the United States mails and obtain print-
25 ing and binding services in the same manner and under

1 the same conditions as other departments and agencies of
2 the Federal Government.

3 (b) MISCELLANEOUS ADMINISTRATIVE AND SUP-
4 PORT SERVICES.—The Secretary of Defense shall furnish
5 the Commission, on a reimbursable basis, any administra-
6 tive and support services requested by the Commission.

7 **SEC. 918. FUNDING.**

8 Funds for activities of the Commission shall be pro-
9 vided from amounts appropriated for the Department of
10 Defense for operation and maintenance for Defense-wide
11 activities for fiscal year 2000. Upon receipt of a written
12 certification from the Chairman of the Commission speci-
13 fying the funds required for the activities of the Commis-
14 sion, the Secretary of Defense shall promptly disburse to
15 the Commission, from such amounts, the funds required
16 by the Commission as stated in such certification.

17 **SEC. 919. TERMINATION OF THE COMMISSION.**

18 The Commission shall terminate 60 days after the
19 date of the submission of its report under section 913.

20 **TITLE X—GENERAL PROVISIONS**

21 **Subtitle A—Financial Matters**

22 **SEC. 1001. TRANSFER AUTHORITY.**

23 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—
24 (1) Upon determination by the Secretary of Defense that
25 such action is necessary in the national interest, the Sec-

1 retary may transfer amounts of authorizations made avail-
2 able to the Department of Defense in this division for fis-
3 cal year 2000 between any such authorizations for that
4 fiscal year (or any subdivisions thereof). Amounts of au-
5 thorizations so transferred shall be merged with and be
6 available for the same purposes as the authorization to
7 which transferred.

8 (2) The total amount of authorizations that the Sec-
9 retary may transfer under the authority of this section
10 may not exceed \$2,000,000,000.

11 (b) LIMITATIONS.—The authority provided by this
12 section to transfer authorizations—

13 (1) may only be used to provide authority for
14 items that have a higher priority than the items
15 from which authority is transferred; and

16 (2) may not be used to provide authority for an
17 item that has been denied authorization by Con-
18 gress.

19 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
20 transfer made from one account to another under the au-
21 thority of this section shall be deemed to increase the
22 amount authorized for the account to which the amount
23 is transferred by an amount equal to the amount trans-
24 ferred.

1 (d) NOTICE TO CONGRESS.—The Secretary shall
2 promptly notify Congress of each transfer made under
3 subsection (a).

4 **SEC. 1002. SECOND BIENNIAL FINANCIAL MANAGEMENT**
5 **IMPROVEMENT PLAN.**

6 The second biennial financial management improve-
7 ment plan submitted to Congress under section 2222 of
8 title 10, United States Code, shall include the following
9 matters:

10 (1) An inventory of the finance and accounting
11 systems and data feeder systems of the Department
12 of Defense and, for each such system—

13 (A) a statement regarding whether the sys-
14 tem complies with the requirements applicable
15 to the system under sections 3512, 3515, and
16 3521 of title 31, United States Code;

17 (B) a statement regarding whether the sys-
18 tem is to be retained, consolidated, or elimi-
19 nated;

20 (C) a detailed plan of the actions that are
21 being taken or are to be taken within the De-
22 partment of Defense (including provisions for
23 schedule, performance objectives, interim mile-
24 stones, and necessary resources)—

1 (i) to ensure easy and reliable inter-
2 facing of the system (or a consolidated or
3 successor system) with the department's
4 core finance and accounting systems and
5 with other data feeder systems; and

6 (ii) to institute appropriate internal
7 controls that, among other benefits, ensure
8 the integrity of the data in the system (or
9 a consolidated or successor system);

10 (D) for each system that is to be consoli-
11 dated or eliminated, a detailed plan of the ac-
12 tions that are being taken or are to be taken
13 (including provisions for schedule and interim
14 milestones) in carrying out the consolidation or
15 elimination, including a discussion of both the
16 interim or migratory systems and any further
17 consolidation that may be involved; and

18 (E) a list of the officials in the Depart-
19 ment of Defense who are responsible for ensur-
20 ing that actions referred to in subparagraphs
21 (C) and (D) are taken in a timely manner.

22 (2) A description of each major procurement
23 action that is being taken within the Department of
24 Defense to replace or improve a finance and ac-
25 counting system or a data feeder system listed in the

1 inventory under paragraph (1) and, for each such
2 procurement action, the measures that are being
3 taken or are to be taken to ensure that the new or
4 enhanced system—

5 (A) provides easy and reliable interfacing
6 of the system with the core finance and ac-
7 counting systems of the department and with
8 other data feeder systems; and

9 (B) includes appropriate internal controls
10 that, among other benefits, ensure the integrity
11 of the data in the system.

12 (3) A financial management competency plan
13 that includes performance objectives, milestones (in-
14 cluding interim objectives), responsible officials, and
15 the necessary resources to accomplish the perform-
16 ance objectives, together with the following:

17 (A) A description of the actions necessary
18 to ensure that the person in each comptroller
19 position (or comparable position) in the Depart-
20 ment of Defense, whether a member of the
21 Armed Forces or a civilian employee, has the
22 education, technical competence, and experience
23 to perform in accordance with the core com-
24 petencies necessary for financial management.

1 (B) A description of the education that is
2 necessary for a financial manager in a senior
3 grade to be knowledgeable in—

4 (i) applicable laws and administrative
5 and regulatory requirements, including the
6 requirements and procedures relating to
7 Government performance and results
8 under sections 1105(a)(28), 1115, 1116,
9 1117, 1118, and 1119 of title 31, United
10 States Code;

11 (ii) the strategic planning process and
12 how the process relates to resource man-
13 agement;

14 (iii) budget operations and analysis
15 systems;

16 (iv) management analysis functions
17 and evaluation; and

18 (v) the principles, methods, tech-
19 niques, and systems of financial manage-
20 ment.

21 (C) The advantages and disadvantages of
22 establishing and operating a consolidated De-
23 partment of Defense school that instructs in the
24 principles referred to in subparagraph (B)(v).

1 (D) The applicable requirements for formal
2 civilian education.

3 (4) A detailed plan (including performance ob-
4 jectives and milestones and standards for measuring
5 progress toward attainment of the objectives) for—

6 (A) improving the internal controls and in-
7 ternal review processes of the Defense Finance
8 and Accounting Service to provide reasonable
9 assurances that—

10 (i) obligations and costs are in compli-
11 ance with the applicable laws;

12 (ii) funds, property, and other assets
13 are safeguarded against waste, loss, unau-
14 thorized use, and misappropriation;

15 (iii) revenues and expenditures appli-
16 cable to agency operations are properly re-
17 corded and accounted for so as to permit
18 the preparation of accounts and reliable fi-
19 nancial and statistical reports and to main-
20 tain accountability over assets;

21 (iv) obligations and expenditures are
22 recorded contemporaneously with each
23 transaction;

24 (v) organizational and functional du-
25 ties are performed separately at each step

1 in the cycles of transactions (including, in
2 the case of a contract, the specification of
3 requirements, the formation of the con-
4 tract, the certification of contract perform-
5 ance, receiving and warehousing, account-
6 ing, and disbursing); and

7 (vi) use of progress payment alloca-
8 tion systems results in posting of payments
9 to appropriation accounts consistent with
10 section 1301 of title 31, United States
11 Code.

12 (B) ensuring that the Defense Finance and
13 Accounting Service has—

14 (i) a single standard transaction gen-
15 eral ledger that, at a minimum, uses dou-
16 ble-entry bookkeeping and complies with
17 the United States Government Standard
18 General Ledger at the transaction level as
19 required under section 803(a) of the Fed-
20 eral Financial Management Improvement
21 Act of 1996 (31 U.S.C. 3512 note);

22 (ii) an integrated data base for fi-
23 nance and accounting functions; and

24 (iii) automated cost, performance, and
25 other output measures;

1 (C) providing a single, consistent set of
2 policies and procedures for financial trans-
3 actions throughout the Department of Defense;

4 (D) ensuring compliance with applicable
5 policies and procedures for financial trans-
6 actions throughout the Department of Defense;
7 and

8 (E) reviewing safeguards for preservation
9 of assets and verifying the existence of assets.

10 (5) An internal controls checklist which, con-
11 sistent with the authority in sections 3511 and 3512
12 of title 31, United States Code, the Comptroller
13 General shall prescribe as the standards for use
14 throughout the Department of Defense, together
15 with a statement of the Department of Defense pol-
16 icy on use of the checklist throughout the depart-
17 ment.

18 **SEC. 1003. SINGLE PAYMENT DATE FOR INVOICE FOR VAR-**

19 **IOUS SUBSISTENCE ITEMS.**

20 Section 3903 of title 31, United States Code, is
21 amended—

22 (1) by redesignating subsection (c) as sub-
23 section (d); and

24 (2) by inserting after subsection (b) the fol-
25 lowing new subsection (c):

1 “(c) A contract for the procurement of subsistence
2 items that is entered into under the prime vendor program
3 of the Defense Logistics Agency may specify for the pur-
4 poses of section 3902 of this title a single required pay-
5 ment date that is to be applicable to an invoice for subsist-
6 ence items furnished under the contract when more than
7 one payment due date would otherwise be applicable to
8 the invoice under the regulations prescribed under para-
9 graphs (2), (3), and (4) of subsection (a) or under any
10 other provisions of law. The required payment date speci-
11 fied in the contract shall be consistent with prevailing in-
12 dustry practices for the subsistence items, but may not
13 be more than 10 days after the date of receipt of the in-
14 voice or the certified date of receipt of the items. The Di-
15 rector of the Office of Management and Budget shall pro-
16 vide in the regulations under subsection (a) that when a
17 required payment date is so specified for an invoice, no
18 other payment due date applies to the invoice.”.

19 **SEC. 1004. AUTHORITY TO REQUIRE USE OF ELECTRONIC**
20 **TRANSFER OF FUNDS FOR DEPARTMENT OF**
21 **DEFENSE PERSONNEL PAYMENTS.**

22 (a) **AUTHORITY.**—Chapter 165 of title 10, United
23 States Code, is amended by adding at the end the fol-
24 lowing:

1 **“§ 2784. Payments to personnel: electronic transfers**
2 **of funds**

3 “(a) **AUTHORITY.**—The Secretary of Defense may re-
4 quire that pay, allowances, retired or retainer pay, and
5 any other payments out of funds available to the Depart-
6 ment of Defense to or for members of the armed forces,
7 former members of the armed forces, employees or former
8 employees of the Department of Defense, or dependents
9 of such personnel be made by electronic transfer of funds.
10 For any such requirement, the Secretary of Defense may
11 prescribe in regulations any exceptions that the Secretary
12 considers appropriate.

13 “(b) **RELATIONSHIP TO OTHER LAW.**—The authority
14 under subsection (a) is independent of the authority pro-
15 vided under section 3332 of title 31 and may be exercised
16 without regard to any exception provided under that sec-
17 tion.”.

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

“2784. Payments to personnel: electronic transfers of funds.”.

21 (c) **STUDY AND REPORT ON DEPARTMENT OF DE-**
22 **FENSE ELECTRONIC FUND TRANSFERS.**—(1) Subject to
23 paragraph (3), the Secretary of Defense shall conduct a
24 feasibility study to determine—

1 (A) whether all electronic payments issued by
2 the Department of Defense should be routed
3 through the Regional Finance Centers of the De-
4 partment of the Treasury for verification and rec-
5 onciliation;

6 (B) whether all electronic payments made by
7 the Department of Defense should be subjected to
8 the same level of reconciliation as United States
9 Treasury checks, including matching each payment
10 issued with each corresponding deposit at financial
11 institutions;

12 (C) whether the appropriate computer security
13 controls are in place in order to ensure the integrity
14 of electronic payments;

15 (D) the estimated costs of implementing the
16 processes and controls described in subparagraphs
17 (A), (B), (C); and

18 (E) the period that would be required to imple-
19 ment the processes and controls.

20 (2) Not later than March 1, 2000, the Secretary of
21 Defense shall submit a report to Congress containing the
22 results of the study required by paragraph (1).

23 (3) In this subsection, the term “electronic payment”
24 means any transfer of funds, other than a transaction
25 originated by check, draft, or similar paper instrument,

1 which is initiated through an electronic terminal, tele-
 2 phonic instrument, or computer or magnetic tape so as
 3 to order, instruct, or authorize a debit or credit to a finan-
 4 cial account.

5 **SEC. 1005. PAYMENT OF FOREIGN LICENSING FEES OUT**
 6 **OF PROCEEDS OF SALES OF MAPS, CHARTS,**
 7 **AND NAVIGATIONAL BOOKS.**

8 (a) IN GENERAL.—Subchapter II of chapter 22 of
 9 title 10, United States Code, is amended—

10 (1) by redesignating section 456 as section 457;

11 and

12 (2) by inserting after section 455 the following
 13 new section 456:

14 **“§ 456. Maps, charts, and navigational publications:**
 15 **use of proceeds of sale for foreign licens-**
 16 **ing and other fees**

17 “(a) AUTHORITY TO PAY FOREIGN LICENSING
 18 FEES.—The Secretary of Defense may pay, out of the pro-
 19 ceeds of sales of maps, charts, and other publications of
 20 the National Imagery and Mapping Agency (which are
 21 hereby made available for the purpose), any licensing or
 22 other fees imposed by foreign countries or international
 23 organizations for the acquisition or use of data or products
 24 by the Agency.

1 “(b) DISPOSITION OF OTHER PROCEEDS.—Any pro-
 2 ceeds of sales not paid under the authority in subsection
 3 (a) shall be deposited by the Secretary of Defense in the
 4 Treasury as miscellaneous receipts.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
 6 at the beginning of that subchapter is amended by striking
 7 the item relating to section 456 and inserting the following
 8 new items:

“456. Maps, charts, and navigational publications: use of proceeds of sale for
 foreign licensing and other fees.

“457. Civil actions barred.”.

9 **SEC. 1006. AUTHORITY FOR DISBURSING OFFICERS TO**
 10 **SUPPORT USE OF AUTOMATED TELLER MA-**
 11 **CHINES ON NAVAL VESSELS FOR FINANCIAL**
 12 **TRANSACTIONS.**

13 Section 3342(a) of title 31, United States Code, is
 14 amended—

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

16 (2);

17 (2) by striking the period at the end of para-
 18 graph (3)(B) and inserting “; and”; and

19 (3) by adding at the end the following new
 20 paragraph (4):

21 “(4) with respect to automated teller machines
 22 on naval vessels—

23 “(A) provide operating funds to the auto-
 24 mated teller machines; and

1 “(B) accept, for safekeeping, deposits and
2 transfers of funds made through the automated
3 teller machines.”.

4 **SEC. 1007. CENTRAL TRANSFER ACCOUNT FOR COM-**
5 **BATING TERRORISM.**

6 (a) AMOUNT FOR FISCAL YEAR 2000.—(1) Of the
7 amounts authorized to be appropriated under this Act for
8 the Department of Defense for fiscal year 2000,
9 \$1,954,430,000 shall be available from the sources and
10 in the amounts specified in paragraph (2) for the missions
11 of the Department of Defense related to combating ter-
12 rorism inside and outside the United States.

13 (2) The amounts and sources referred to in para-
14 graph (1) are as follows:

15 (A) \$229,820,000 of the total amount author-
16 ized to be appropriated pursuant to title I for fiscal
17 year 2000.

18 (B) \$212,510,000 of the total amount author-
19 ized to be appropriated pursuant to title II for fiscal
20 year 2000.

21 (C) \$1,512,100,000 of the total amount author-
22 ized to be appropriated pursuant to title III for fis-
23 cal year 2000 (except for the amount authorized to
24 be appropriated under section 301(a)(25)).

1 (b) TRANSFER.—(1) The amounts made available
2 under subsection (a) from the authorizations of appropria-
3 tions referred to in that subsection shall be transferred
4 to the amount authorized to be appropriated under section
5 301(a)(25).

6 (2) The transfer authority provided in this section is
7 in addition to the transfer authority provided in section
8 1001.

9 (c) BUDGET PROPOSALS FOR FISCAL YEARS AFTER
10 FISCAL YEAR 2000.—The budget of the United States
11 Government submitted to Congress under section 1105 of
12 title 31, United States Code, for each fiscal year after fis-
13 cal year 2000 shall set forth separately for a single ac-
14 count the amount requested for the missions of the De-
15 partment of Defense related to combating terrorism inside
16 and outside the United States.

17 **SEC. 1008. UNITED STATES CONTRIBUTION TO NATO COM-**
18 **MON-FUNDED BUDGETS IN FISCAL YEAR 2000.**

19 (a) FISCAL YEAR 2000 LIMITATION.—The total
20 amount contributed by the Secretary of Defense in fiscal
21 year 2000 for the common-funded budgets of NATO may
22 be any amount up to, but not in excess of, the amount
23 specified in subsection (b) (rather than the maximum
24 amount that would otherwise be applicable to those con-
25 tributions under the fiscal year 1998 baseline limitation).

1 (b) TOTAL AMOUNT.—The amount of the limitation
2 applicable under subsection (a) is the sum of the following:

3 (1) The amounts of unexpended balances, as of
4 the end of fiscal year 1999, of funds appropriated
5 for fiscal years before fiscal year 2000 for payments
6 for those budgets.

7 (2) The amount authorized to be appropriated
8 under section 301(a)(1) that is available for con-
9 tributions for the NATO common-funded military
10 budget under section 311.

11 (3) The amount authorized to be appropriated
12 under section 201 that is available for contribution
13 for the NATO common-funded civil budget under
14 section 211.

15 (4) The total amount of the contributions au-
16 thorized to be made under section 2501.

17 (c) DEFINITIONS.—For purposes of this section:

18 (1) COMMON-FUNDED BUDGETS OF NATO.—
19 The term “common-funded budgets of NATO”
20 means the Military Budget, the Security Investment
21 Program, and the Civil Budget of the North Atlantic
22 Treaty Organization (and any successor or addi-
23 tional account or program of NATO).

24 (2) FISCAL YEAR 1998 BASELINE LIMITATION.—
25 The term “fiscal year 1998 baseline limitation”

1 means the maximum annual amount of Department
2 of Defense contributions for common-funded budgets
3 of NATO that is set forth as the annual limitation
4 in section 3(2)(C)(ii) of the resolution of the Senate
5 giving the advice and consent of the Senate to the
6 ratification of the Protocols to the North Atlantic
7 Treaty of 1949 on the Accession of Poland, Hun-
8 gary, and the Czech Republic (as defined in section
9 4(7) of that resolution), approved by the Senate on
10 April 30, 1998.

11 **SEC. 1009. RESPONSIBILITIES AND ACCOUNTABILITY FOR**
12 **FINANCIAL MANAGEMENT.**

13 (a) UNDER SECRETARY OF DEFENSE (COMP-
14 TROLLER).—(1) Section 135 of title 10, United States
15 Code, is amended—

16 (A) by redesignating subsections (d) and (e) as
17 subsections (e) and (f), respectively; and

18 (B) by inserting after subsection (c) the fol-
19 lowing:

20 “(d)(1) The Under Secretary is responsible for ensur-
21 ing that the financial statements of the Department of De-
22 fense are in a condition to receive an unqualified audit
23 opinion and that such an opinion is obtained for the state-
24 ments.

1 “(2) If the Under Secretary delegates the authority
2 to perform a duty, including any duty relating to disburse-
3 ment or accounting, to another officer, employee, or entity
4 of the United States, the Under Secretary continues after
5 the delegation to be responsible and accountable for the
6 activity, operation, or performance of a system covered by
7 the delegated authority.”.

8 (2) Subsection (c)(1) of such section is amended by
9 inserting “and to ensure accountability to the citizens of
10 the United States, Congress, the President, and managers
11 within the Department of Defense” before the semicolon
12 at the end.

13 (b) MANAGEMENT OF CREDIT CARDS.—(1) The
14 Under Secretary of Defense (Comptroller) shall prescribe
15 regulations governing the use and control of all credit
16 cards and convenience checks that are issued to Depart-
17 ment of Defense personnel for official use. The regulations
18 shall be consistent with regulations that apply govern-
19 ment-wide regarding use of credit cards by Federal Gov-
20 ernment personnel for official purposes.

21 (2) The regulations shall include safeguards and in-
22 ternal controls to ensure the following:

23 (A) There is a record of all credited card hold-
24 ers that is annotated with the limitations on

1 amounts that are applicable to the use of each card
2 by each credit card holder.

3 (B) The credit card holders and authorizing of-
4 ficials are responsible for reconciling the charges ap-
5 pearing on each statement of account with receipts
6 and other supporting documentation and for for-
7 warding reconciled statements to the designated dis-
8 bursing office in a timely manner.

9 (C) Disputes and discrepancies are resolved in
10 the manner prescribed in the applicable Government-
11 wide credit card contracts entered into by the Ad-
12 ministrator of General Services.

13 (D) Credit card payments are made promptly
14 within prescribed deadlines to avoid interest pen-
15 alties.

16 (E) Rebates and refunds based on prompt pay-
17 ment on credit card accounts are properly recorded
18 in the books of account.

19 (F) Records of a credit card transaction (in-
20 cluding records on associated contracts, reports, ac-
21 counts, and invoices) are retained in accordance with
22 standard Federal Government policies on the dis-
23 position of records.

24 (c) REMITTANCE ADDRESSES.—The Under Secretary
25 of Defense (Comptroller) shall prescribe regulations set-

1 ting forth controls on alteration of remittance addresses.

2 The regulations shall ensure that—

3 (1) a remittance address for a disbursement
4 that is provided by an officer or employee of the De-
5 partment of Defense authorizing or requesting the
6 disbursement is not altered by any officer or em-
7 ployee of the department authorized to prepare the
8 disbursement; and

9 (2) a remittance address for a disbursement is
10 altered only if the alteration is—

11 (A) requested by the person to whom the
12 disbursement is authorized to be remitted; and

13 (B) made by an officer or employee au-
14 thorized to do so who is not an officer or em-
15 ployee referred to in paragraph (1).

16 **SEC. 1010. AUTHORIZATION OF EMERGENCY SUPPLE-**
17 **MENTAL APPROPRIATIONS FOR FISCAL YEAR**
18 **1999.**

19 Amounts authorized to be appropriated to the De-
20 partment of Defense for fiscal year 1999 in the Strom
21 Thurmond National Defense Authorization Act for Fiscal
22 Year 1999 (Public Law 105–261) are hereby adjusted,
23 with respect to any such authorized amount, by the
24 amount by which appropriations pursuant to such author-
25 ization were increased (by a supplemental appropriation)

1 or decreased (by a rescission), or both, in the 1999 Emer-
2 gency Supplemental Appropriations Act.

3 **Subtitle B—Naval Vessels and**
4 **Shipyards**

5 **SEC. 1011. SALES OF NAVAL SHIPYARD ARTICLES AND**
6 **SERVICES TO NUCLEAR SHIP CONTRACTORS.**

7 (a) WAIVER OF REQUIRED CONDITIONS.—Chapter
8 633 of title 10, United States Code, is amended by insert-
9 ing after section 7299a the following:

10 **“§ 7300. Contracts for nuclear ships: sales of naval**
11 **shipyard articles and services to contrac-**
12 **tors**

13 “The conditions set forth in section 2208(j)(2) of this
14 title and subsections (a)(1) and (c)(1) of section 2553 of
15 this title shall not apply to a sale of articles or services
16 of a naval shipyard that is made to a contractor under
17 a Department of Defense contract for a nuclear ship in
18 order to facilitate the contractor’s fulfillment of that con-
19 tract.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of such chapter is amended by inserting
22 after the item relating to section 7299a the following:

“7300. Contracts for nuclear ships: sales of naval shipyard articles and services
to contractors.”.

1 **SEC. 1012. PERIOD OF DELAY AFTER NOTICE OF PRO-**
2 **POSED TRANSFER OF VESSEL STRICKEN**
3 **FROM NAVAL VESSEL REGISTER.**

4 Section 7306(d) of title 10, United States Code, is
5 amended—

6 (1) by striking “(1)”;

7 (2) by striking “(A)” and inserting “(1)”; and

8 (3) by striking “(B)” and all that follows and
9 inserting the following:

10 “(2) following the date on which such notice is
11 sent to Congress, there has elapsed 60 days on
12 which at least one of the Houses of Congress has
13 been in session.”.

14 **SEC. 1013. TRANSFER OF NAVAL VESSEL TO FOREIGN**
15 **COUNTRY.**

16 (a) THAILAND.—The Secretary of the Navy is au-
17 thorized to transfer to the Government of Thailand the
18 CYCLONE class coastal patrol craft CYCLONE (PC1)
19 or a craft with a similar hull. The transfer shall be made
20 on a sale, lease, lease/buy, or grant basis under section
21 516 of the Foreign Assistance Act of 1961 (22 U.S.C.
22 2321j).

23 (b) COSTS.—Any expense incurred by the United
24 States in connection with the transfer authorized under
25 subsection (a) shall be charged to the Government of Thai-
26 land.

1 (c) REPAIR AND REFURBISHMENT IN UNITED
2 STATES SHIPYARDS.—To the maximum extent prac-
3 ticable, the Secretary of the Navy shall require, as a condi-
4 tion of the transfer of the vessel to the Government of
5 Thailand under this section, that the Government of Thai-
6 land have such repair or refurbishment of the vessel as
7 is needed, before the vessel joins the naval forces of that
8 country, performed at a United States Naval shipyard or
9 other shipyard located in the United States.

10 (d) EXPIRATION OF AUTHORITY.—The authority to
11 transfer a vessel under subsection (a) shall expire at the
12 end of the two-year period beginning on the date of the
13 enactment of this Act.

14 **Subtitle C—Miscellaneous Report**
15 **Requirements and Repeals**

16 **SEC. 1021. PRESERVATION OF CERTAIN DEFENSE REPORT-**
17 **ING REQUIREMENTS.**

18 (a) PRESERVATION.—Any provision of law specified
19 in subsections (b) through (i) that requires the submittal
20 to Congress (or any committee of the Congress) of any
21 annual, semiannual, or other regular periodic report shall
22 remain in effect with respect to that requirement (notwith-
23 standing any other provision of law) in accordance with
24 the terms of the specified provision of law.

1 (b) TITLE 10.—Subsection (a) applies with respect
2 to the following provisions of title 10, United States Code,
3 listed in the Clerk’s Report (defined in subsection (j)):

4 (1) Sections 113(c) and 113(j), listed on page
5 57 of the Clerk’s Report.

6 (2) Section 115a(a), listed on page 57 of the
7 Clerk’s Report as 10 U.S.C. 115(b)(3)(A).

8 (3) Section 139(f), listed on page 62 of the
9 Clerk’s Report as 10 U.S.C. 138(g)(1).

10 (4) Section 221, listed on page 64 of the
11 Clerk’s Report as 10 U.S.C. 114.

12 (5) Section 226, specified on page 149 of the
13 Clerk’s Report as section 1002 of Public Law 102–
14 190.

15 (6) Section 662(b), listed on page 58 of the
16 Clerk’s Report.

17 (7) Section 1464(c), listed on page 60 of the
18 Clerk’s Report.

19 (8) Section 2006(e)(3), listed on page 76 of the
20 Clerk’s Report.

21 (9) Section 2010, listed on page 57 of the
22 Clerk’s Report.

23 (10) Section 2011(e), listed on page 56 of the
24 Clerk’s Report as Pub. L. 102–190, Sec. 1052(a).

1 (11) Section 2208(q), listed on page 64 of the
2 Clerk's Report as 10 U.S.C. 2208(i).

3 (12) Section 2391(c), listed on page 62 of the
4 Clerk's Report.

5 (13) Section 2431(a), listed on page 63 of the
6 Clerk's Report.

7 (14) Section 2432, listed on page 63 of the
8 Clerk's Report.

9 (15) Section 2433, listed on page 63 of the
10 Clerk's Report as 10 U.S.C. 2433(e)(1) and
11 2433(e)(2)(A).

12 (16) Section 2461(g), listed on page 62 of the
13 Clerk's Report as 10 U.S.C. 2304 note.

14 (17) Section 2662(b), listed on pages 69, 74,
15 and 76 of the Clerk's Report.

16 (18) Section 2687(b), listed on page 62 of the
17 Clerk's Report.

18 (19) Section 2706, listed on page 60 of the
19 Clerk's Report.

20 (20) Section 2859, listed on page 58 of the
21 Clerk's Report.

22 (21) Section 2902(g)(2), specified on page 148
23 of the Clerk's Report as section 1804(a) of Public
24 Law 101-510.

1 (22) Section 10541(a), listed on page 57 of the
2 Clerk's Report as 10 U.S.C. 115(a).

3 (23) Section 12302(d), listed on page 14 of the
4 Clerk's Report as 10 U.S.C. 673(d).

5 (24) Section 16137, listed on page 59 of the
6 Clerk's Report as 10 U.S.C. 2137.

7 (c) TITLE 37.—Subsection (a) applies with respect
8 to sections 1008(a) and 1008(b) of title 37, United States
9 Code, listed on page 14 of the Clerk's Report (defined in
10 subsection (j)).

11 (d) NATIONAL DEFENSE AND MILITARY CONSTRU-
12 TION AUTHORIZATION ACTS.—Subsection (a) applies with
13 respect to provisions of law listed in the Clerk's Report
14 (defined in subsection (j)), as follows:

15 (1) FISCAL YEAR 1982.—The following provi-
16 sions of the Military Construction Authorization Act,
17 1982 (Public Law 97–99):

18 (A) Section 703(g) (95 Stat. 1376), listed
19 on page 62 of the Clerk's Report.

20 (B) Section 704 (95 Stat. 1377), listed on
21 pages 68, 73, and 75 of the Clerk's Report.

22 (2) FISCAL YEARS 1988 AND 1989.—Section
23 1121(f) of the National Defense Authorization Act
24 for Fiscal Year 1988 and 1989 (Public Law 100–

1 180; 101 Stat. 1148; 10 U.S.C. 113 note) (listed on
2 page 61 of the Clerk's Report).

3 (3) FISCAL YEARS 1990 AND 1991.—Section
4 113(b) of the National Defense Authorization Act
5 for Fiscal Year 1990 and 1991 (Public Law 101–
6 189; 103 Stat. 1373) (listed on page 2 of the Clerk's
7 Report).

8 (4) FISCAL YEARS 1992 AND 1993.—The fol-
9 lowing provisions of the National Defense Authoriza-
10 tion Act for Fiscal Years 1992 and 1993 (Public
11 Law 102–190):

12 (A) Section 822(b) (42 U.S.C. 6687(b)),
13 listed on page 36 of the Clerk's Report.

14 (B) Section 1097 (22 U.S.C. 2751 note),
15 listed on page 15 of the Clerk's Report.

16 (e) OTHER NATIONAL SECURITY LAWS.—Subsection
17 (a) applies with respect to provisions of law listed in the
18 Clerk's Report (defined in subsection (j)), as follows:

19 (1) STRATEGIC AND CRITICAL MATERIALS
20 STOCK PILING ACT.—Any provision of the Strategic
21 and Critical Materials Stock Piling Act (50 U.S.C.
22 98 et seq.), referred to on page 169 of the Clerk's
23 Report.

24 (2) NATIONAL SECURITY ACT OF 1947.—Section
25 108 of the National Security Act of 1947 (50 U.S.C.

1 404a), listed on page 33 of the Clerk's Report as
2 Pub. L. 99-433, Sec. 603(a)).

3 (3) IRAQ RESOLUTION.—Section 3 of the Au-
4 thorization for Use of Military Force Against Iraq
5 Resolution (50 U.S.C. 1541 note), listed on page 14
6 of the Clerk's Report as Pub. L. 102-1, Sec. 3).

7 (4) MILITARY SELECTIVE SERVICE ACT.—Sec-
8 tion 10(g) of the Military Selective Service Act (50
9 U.S.C. App. 460(g)) (listed on page 191 of the
10 Clerk's Report).

11 (5) NATIONAL EMERGENCIES ACT.—The fol-
12 lowing provisions of the National Emergencies Act:

13 (A) Section 202(d) (50 U.S.C. 1622(d)),
14 listed on page 33 of the Clerk's Report.

15 (B) Section 401(c) (50 U.S.C. 1641(c)),
16 listed on page 33 of the Clerk's Report.

17 (6) FOOD AND FORAGE ACT.—Section 3732 of
18 the Revised Statutes, popularly known as the “Food
19 and Forage Act” (listed on page 64 of the Clerk's
20 Report as 41 U.S.C. 11).

21 (7) SPECIAL NATIONAL DEFENSE CONTRACTING
22 AUTHORITY.—Section 4 of the Act entitled “An Act
23 to authorize the making, amending, and modification
24 of contracts to facilitate the national defense”, ap-
25 proved August 28, 1958 (listed on several pages of

1 the Clerk's Report, including pages 9, 48, 51, 64,
2 69, 74, 76, 134, 142, 174, 179, and 186, as 50
3 U.S.C. 1434).

4 (f) OTHER LAWS ADMINISTERED BY THE DEPART-
5 MENT OF DEFENSE.—Subsection (a) applies with respect
6 to the following provisions of law listed in the Clerk's Re-
7 port (defined in subsection (j)):

8 (1) DEFENSE DEPENDENTS' EDUCATION ACT
9 OF 1978.—Section 1405 of the Defense Dependents'
10 Education Act of 1978 (title XIV of Public Law 95-
11 561; 20 U.S.C. 924) (listed on page 77 of the
12 Clerk's Report).

13 (2) ARMED FORCES RETIREMENT HOME ACT OF
14 1991.—Section 1516(f) of the Armed Forces Retire-
15 ment Home Act of 1991 (title XV of Public Law
16 101-510; 104 Stat. 1728; 24 U.S.C. 416) (listed on
17 page 56 of the Clerk's Report).

18 (g) PROVISIONS OF LAW REQUIRING DEPARTMENT
19 OF ENERGY REPORTS.—Subsection (a) applies with re-
20 spect to provisions of law listed in part IV-A-5 of the
21 Clerk's Report (defined in subsection (j)), relating to re-
22 ports to be submitted by the Secretary of Energy (or any
23 other official of the Department of Energy), as follows:

24 (1) NATIONAL DEFENSE AUTHORIZATION
25 ACTS.—The following provisions of provisions law:

1 (A) Section 1436(e) of the National De-
2 fense Authorization Act, Fiscal Year 1989
3 (Public Law 100-456; 42 U.S.C. 2121 note)
4 (listed on page 83 of the Clerk's Report).

5 (B) Section 3141(c) of the National De-
6 fense Authorization Act for Fiscal Years 1990
7 and 1991 (Public Law 101-189; 42 U.S.C.
8 7274a(c)) (listed on page 87 of the Clerk's Re-
9 port).

10 (C) Section 3134 of the National Defense
11 Authorization Act for Fiscal Year 1991 (Public
12 Law 101-510; 42 U.S.C. 7274c) (listed on page
13 87 of the Clerk's Report).

14 (2) TITLE 10, UNITED STATES CODE.—Sections
15 7424(b), 7425(b), and 7431(c) of title 10, United
16 States Code (listed on page 89 of the Clerk's Re-
17 port).

18 (3) ENERGY POLICY AND CONSERVATION
19 ACT.—Section 165(b) of the Energy Policy and Con-
20 servation Act (Public Law 94-163; 42 U.S.C.
21 6245(b)) (listed on page 89 of the Clerk's Report).

22 (h) OTHER TITLES OF THE UNITED STATES
23 CODE.—Subsection (a) applies with respect to provisions
24 of the United States Code listed in the Clerk's Report (de-
25 fined in subsection (j)), as follows:

1 (1) TITLE 31.—The following provisions of title
2 31:

3 (A) Section 3554(e)(2) of title 31, United
4 States Code (listed on page 8 of the Clerk’s Re-
5 port as 31 U.S.C. 3554(e)(2)).

6 (B) Section 9503(a) (listed on page 151 of
7 the Clerk’s Report as 31 U.S.C.
8 9503(a)(1)(B)).

9 (2) TITLE 36.—Section 300110(b) of title 36,
10 listed on page 65 of the Clerk’s Report as 36 U.S.C.
11 6.

12 (i) OTHER LAWS.—Subsection (a) applies with re-
13 spect to the following provisions of law listed in the Clerk’s
14 Report (defined in subsection (j)):

15 (1) SUPPLEMENTAL APPROPRIATIONS ACT,
16 1982.—Section 503(f) of the Supplemental Appro-
17 priations Act, 1987 (Public Law 100–71; 101 Stat.
18 471; 5 U.S.C. 7301 note) (listed on page 151 of the
19 Clerk’s Report), insofar as the report under that
20 section relates to activities of the Department of De-
21 fense.

22 (2) BARRY GOLDWATER SCHOLARSHIP AND EX-
23 CELLENCE IN EDUCATION ACT.—Section 1411(b) of
24 the Barry Goldwater Scholarship and Excellence in
25 Education Act (title XIV of Public Law 99–661 (20

1 U.S.C. 4710(b)) (listed on page 174 of the Clerk's
2 Report).

3 (3) FEDERAL PROPERTY AND ADMINISTRATIVE
4 SERVICES ACT OF 1949.—Section 205(b) of the Fed-
5 eral Property and Administrative Services Act of
6 1949 (listed on page 8 of the Clerk's Report as 40
7 U.S.C. 486(b)).

8 (4) UNIFORMED AND OVERSEAS CITIZENS AB-
9 SENTEES VOTING ACT.—Section 101(b)(6) of the
10 Uniformed and Overseas Citizens Absentee Voting
11 Act (listed on page 151 of the Clerk's Report as 42
12 U.S.C. 1973ff(b)(6)).

13 (5) NATIONAL SCIENCE AND TECHNOLOGY POL-
14 ICY, ORGANIZATION, AND PRIORITIES ACT OF 1976.—
15 Section 603(e) of the National Science and Tech-
16 nology Policy, Organization, and Priorities Act of
17 1976 (42 U.S.C. 6683(e)) (specified on page 36 of
18 the Clerk's Report as section 841(a) of Public Law
19 101–189).

20 (6) LAWS REQUIRING MARITIME ADMINISTRA-
21 TION REPORTS.—Provisions of law listed under the
22 heading “Maritime Administration” in Part IV–A–
23 12 in the Clerk's Report, relating to reports to be
24 submitted by the Secretary of Transportation (or

1 any other official of the Department of Transpor-
2 tation), listed on page 139.

3 (j) CLERK'S REPORT DEFINED.—For the purposes
4 of this section, the term “Clerk’s Report” means the docu-
5 ment submitted by the Clerk of House of Representatives
6 to the Speaker of the House of Representatives on Janu-
7 ary 5, 1993 (designated as House Document No. 103–
8 7) for the first session of the 103d Congress pursuant to
9 clause 2 of Rule III of the Rules of the House of Rep-
10 resentatives, requiring the Clerk to prepare, at the com-
11 mencement of every regular session of Congress, a list of
12 reports which it is the duty of any officer or department
13 to make to Congress.

14 **SEC. 1022. ANNUAL REPORT ON COMBATANT COMMAND**
15 **REQUIREMENTS.**

16 Section 153 of title 10, United States Code, is
17 amended by adding at the end the following:

18 “(c) ANNUAL REPORT ON COMBATANT COMMAND
19 REQUIREMENTS.—(1) Not later than August 15 of each
20 year, the Chairman shall submit to the committees of Con-
21 gress named in paragraph (2) a report on the require-
22 ments of the combatant commands established under sec-
23 tion 161 of this title. The report shall contain the fol-
24 lowing:

1 “(A) A consolidation of the integrated priority
2 lists of requirements of the combatant commands.

3 “(B) The Chairman’s views on the consolidated
4 lists.

5 “(2) The committees of Congress referred to in para-
6 graph (1) are the Committees on Armed Services and on
7 Appropriations of the Senate and House of Representa-
8 tives.”.

9 **SEC. 1023. REPORT ON ASSESSMENTS OF READINESS TO**
10 **EXECUTE THE NATIONAL MILITARY STRAT-**
11 **EGY.**

12 (a) REQUIREMENT FOR REPORT.—(1) The Secretary
13 of Defense shall submit to the Committees on Armed Serv-
14 ices of the Senate and House of Representatives in unclas-
15 sified form a report on assessments of the readiness of
16 the United States to execute the National Military Strat-
17 egy. The report shall contain the following:

18 (A) All models used by the Joint Chiefs of Staff
19 to assess the capability of the United States to exe-
20 cute the strategy and all other models used by the
21 Armed Forces to assess the capability.

22 (B) The assessments that would result from the
23 use of those models if it were necessary to execute
24 the National Military Strategy under the scenario
25 set forth in paragraph (2), including the levels of the

1 casualties that the United States would be projected
2 to incur.

3 (C) The increasing levels of the casualties that
4 would be projected under that scenario over a range
5 of risks of prosecuting two major theater wars that
6 proceeds from low-moderate risk to moderate-high
7 risk.

8 (D) An estimate of—

9 (i) the total resources needed to attain a
10 moderate-high risk under the scenario;

11 (ii) the total resources needed to attain a
12 low-moderate risk under the scenario; and

13 (iii) the incremental resources needed to
14 decrease the level of risk from moderate-high to
15 low-moderate.

16 (2) The scenario to be used for purposes of subpara-
17 graphs (B), (C), and (D) of paragraph (1) assumes that—

18 (A) while the Armed Forces are engaged in op-
19 erations at the level of the operations ongoing as of
20 the date of the enactment of this Act, international
21 armed conflict begins in Southwest Asia and on the
22 Korean peninsula; and

23 (B) the Armed Forces are equipped, supplied,
24 manned, and trained at levels current as of such
25 date.

1 (b) LIMITATION ON USE OF FUNDS PENDING SUB-
2 MITTAL OF REPORT.—Of the funds authorized to be ap-
3 propriated under section 301(a)(5) for the Office of the
4 Secretary of Defense and the Joint Chiefs of Staff, not
5 more than 75 percent of such funds may be expended until
6 the report required in subsection (a) is submitted.

7 **SEC. 1024. REPORT ON INVENTORY AND CONTROL OF**
8 **MILITARY EQUIPMENT.**

9 (a) REPORT REQUIRED.—Not later than August 31,
10 2000, the Secretary of Defense shall submit to the Com-
11 mittees on Armed Services of the Senate and the House
12 of Representatives a report on the inventory and control
13 of the military equipment of the Department of Defense
14 as of the end of fiscal year 1999. The report shall address
15 the inventories of each of the Army, Navy, Air Force, and
16 Marine Corps separately.

17 (b) CONTENT.—The report shall include the fol-
18 lowing:

19 (1) For each item of military equipment in the
20 inventory, stated by item nomenclature—

21 (A) the quantity of the item in the inven-
22 tory as of the beginning of the fiscal year;

23 (B) the quantity of acquisitions of the item
24 during the fiscal year;

1 (C) the quantity of disposals of the item
2 during the fiscal year;

3 (D) the quantity of losses of the item dur-
4 ing the performance of military missions during
5 the fiscal year; and

6 (E) the quantity of the item in the inven-
7 tory as of the end of the fiscal year.

8 (2) A reconciliation of the quantity of each item
9 in the inventory as of the beginning of the fiscal
10 year with the quantity of the item in the inventory
11 as of the end of fiscal year.

12 (3) For each item of military equipment that
13 cannot be reconciled—

14 (A) an explanation of why the quantities
15 cannot be reconciled; and

16 (B) a discussion of the remedial actions
17 planned to be taken, including target dates for
18 accomplishing the remedial actions.

19 (4) Supporting schedules identifying the loca-
20 tion of each item that are available to Congress or
21 auditors of the Comptroller General upon request.

22 (c) MILITARY EQUIPMENT DEFINED.—For the pur-
23 poses of this section, the term “military equipment”
24 means all equipment that is used in support of military

1 missions and is maintained on the visibility systems of the
2 Army, Navy, Air Force, or Marine Corps.

3 (d) INSPECTOR GENERAL REVIEW.—Not later than
4 November 30, 2000, the Inspector General of the Depart-
5 ment of Defense shall review the report submitted to the
6 committees under subsection (a) and shall submit to the
7 committees any comments that the Inspector General con-
8 siders appropriate.

9 **SEC. 1025. SPACE TECHNOLOGY GUIDE.**

10 (a) REQUIREMENT.—The Secretary of Defense shall
11 develop a detailed guide for investment in space science
12 and technology, demonstrations of space technology, and
13 planning and development for space technology systems.
14 In the development of the guide, the goal shall be to iden-
15 tify the technologies and technology demonstrations need-
16 ed for the United States to take full advantage of use of
17 space for national security purposes.

18 (b) RELATIONSHIP TO FUTURE-YEARS DEFENSE
19 PROGRAM.—The space technology guide shall include two
20 alternative technology paths. One shall be consistent with
21 the applicable funding limitations associated with the fu-
22 ture-years defense program. The other shall reflect the as-
23 sumption that it is not constrained by funding limitations.

24 (c) RELATIONSHIP TO ACTIVITIES OUTSIDE THE DE-
25 PARTMENT OF DEFENSE.—The Secretary shall include in

1 the guide a discussion of the potential for cooperative in-
2 vestment and technology development with other depart-
3 ments and agencies of the United States and with private
4 sector entities.

5 (d) UTILIZATION OF PREVIOUS STUDIES AND RE-
6 PORTS.—The Secretary shall take into consideration pre-
7 viously completed studies and reports that may be relevant
8 to the development of the guide, including the United
9 States Space Command’s Long Range Plan of March
10 1998 and the Air Force Space Command’s Strategic Mas-
11 ter Plan of December 1997.

12 (e) REPORT.—Not later than April 15, 2000, the Sec-
13 retary shall submit a report on the space technology guide
14 to the congressional defense committees.

15 **SEC. 1026. REPORT AND REGULATIONS ON DEPARTMENT**
16 **OF DEFENSE POLICIES ON PROTECTING THE**
17 **CONFIDENTIALITY OF COMMUNICATIONS**
18 **WITH PROFESSIONALS PROVIDING THERA-**
19 **PEUTIC OR RELATED SERVICES REGARDING**
20 **SEXUAL OR DOMESTIC ABUSE.**

21 (a) STUDY AND REPORT.—(1) The Comptroller Gen-
22 eral shall study the policies, procedures, and practices of
23 the military departments for protecting the confidentiality
24 of communications between—

1 (A) a dependent of a member of the Armed
2 Forces who—

3 (i) is a victim of sexual harassment, sexual
4 assault, or intrafamily abuse; or

5 (ii) has engaged in such misconduct; and

6 (B) a therapist, counselor, advocate, or other
7 professional from whom the dependent seeks profes-
8 sional services in connection with effects of such
9 misconduct.

10 (2) Not later than 180 days after the date of the en-
11 actment of this Act, the Comptroller General shall con-
12 clude the study and submit a report on the results of the
13 study to Congress and the Secretary of Defense.

14 (b) REGULATIONS.—The Secretary of Defense shall
15 prescribe in regulations the policies and procedures that
16 the Secretary considers appropriate to provide the max-
17 imum protections for the confidentiality of communica-
18 tions described in subsection (a) relating to misconduct
19 described in that subsection, consistent with—

20 (1) the findings of the Comptroller General;

21 (2) the standards of confidentiality and ethical
22 standards issued by relevant professional organiza-
23 tions;

24 (3) applicable requirements of Federal and
25 State law;

1 dressed in the report shall include those that are to be
2 effectuated by fiscal year 2002.

3 (b) CONTENT OF REPORT.—The report shall include
4 the following:

5 (1) For each site, a description of the assigned
6 chemical storage, chemical demilitarization, and in-
7 dustrial missions.

8 (2) A description of the criteria and reporting
9 systems applied to ensure that the storage sites and
10 the workforce operating the storage sites have—

11 (A) the capabilities necessary to respond
12 effectively to emergencies involving chemical ac-
13 cidents; and

14 (B) the industrial capabilities necessary to
15 meet replenishment and surge requirements.

16 (3) The risks associated with the proposed
17 workforce reductions and contractor performance,
18 particularly regarding chemical accidents, incident
19 response capabilities, community-wide emergency
20 preparedness programs, and current or planned
21 chemical demilitarization programs.

22 (4) The effects of the proposed workforce re-
23 ductions and contractor performance on the capa-
24 bility to satisfy permit requirements regarding envi-
25 ronmental protection that are applicable to the per-

1 performance of current and future chemical demili-
2 tarization and industrial missions.

3 (5) The effects of the proposed workforce re-
4 ductions and contractor performance on the capa-
5 bility to perform assigned industrial missions, par-
6 ticularly the materiel replenishment missions for
7 chemical or biological defense or for chemical muni-
8 tions.

9 (6) Recommendations for mitigating the risks
10 and adverse effects identified in the report.

11 **SEC. 1028. REPORT ON DEPLOYMENTS OF RAPID ASSESS-**
12 **MENT AND INITIAL DETECTION TEAMS**
13 **ACROSS STATE BOUNDARIES.**

14 Not later than 90 days after the date of the enact-
15 ment of this Act, the Secretary of Defense shall submit
16 to Congress a report on out-of-State use of Rapid Assess-
17 ment and Initial Detection Teams for responses to inci-
18 dents involving a weapon of mass destruction. The report
19 shall include a specific description and analysis of the pro-
20 cedures that have been established or agreed to by States
21 for the use in one State of a team that is based in another
22 State.

1 **SEC. 1029. REPORT ON CONSEQUENCE MANAGEMENT PRO-**
2 **GRAM INTEGRATION OFFICE UNIT READI-**
3 **NESS.**

4 (a) **JOINT READINESS REVIEW.**—(1) The Secretary
5 of Defense shall include in the quarterly report submitted
6 to Congress under section 482 of title 10, United States
7 Code, for the first quarter beginning after the date of the
8 enactment of this Act an assessment of the readiness,
9 training status, and future funding requirements of all ac-
10 tive and reserve component units that are considered as-
11 sets of the Consequence Management Program Integra-
12 tion Office of the Department of Defense.

13 (2) The Secretary of Defense shall set forth the as-
14 sessment in an annex to the quarterly report. The Sec-
15 retary shall include in the annex a detailed description of
16 how the active and reserve component units are integrated
17 with the Rapid Assessment and Initial Detection Teams
18 in the overall Consequence Management Program Integra-
19 tion Office of the Department of Defense.

20 (b) **DECONTAMINATION READINESS PLAN.**—The
21 Secretary of Defense shall prepare a decontamination
22 readiness plan for the Consequence Management Program
23 Integration Office. The plan shall include the following:

24 (1) The actions necessary to ensure that the
25 units designated to carry out decontamination mis-

1 sions under the program are at the highest level of
2 readiness for carrying out the missions.

3 (2) The funding necessary for attaining and
4 maintaining that level of readiness.

5 (3) Procedures for ensuring that each decon-
6 tamination unit is available to respond to an inci-
7 dent in the United States that involves a weapon of
8 mass destruction within 12 hours after being noti-
9 fied of the incident by a Rapid Assessment and Ini-
10 tial Detection Team.

11 **SEC. 1030. ANALYSIS OF RELATIONSHIP BETWEEN**
12 **THREATS AND BUDGET SUBMISSION FOR FIS-**
13 **CAL YEAR 2001.**

14 (a) REQUIREMENT FOR REPORT.—The Secretary of
15 Defense, in coordination with the Chairman of the Joint
16 Chiefs of Staff and the Director of Central Intelligence,
17 shall submit to the congressional defense committees, on
18 the date that the President submits the budget for fiscal
19 year 2001 to Congress under section 1105(a) of title 31,
20 United States Code, a report on the relationship between
21 the budget proposed for budget function 050 (National
22 Defense) for that fiscal year and the then-current and
23 emerging threats to the national security interests of the
24 United States identified in the annual national security

1 strategy report required under section 108 of the National
2 Security Act of 1947 (50 U.S.C. 404a).

3 (b) CONTENT.—The report shall contain the fol-
4 lowing:

5 (1) A detailed description of the threats re-
6 ferred to in subsection (a);

7 (2) An analysis of such threats in terms of the
8 probability that an attack or other threat event will
9 actually occur, the military challenge posed by the
10 threats, and the potential damage that the threats
11 could have to the national security interests of the
12 United States.

13 (3) An analysis of the allocation of funds in the
14 fiscal year 2001 budget and the future-years defense
15 program that addresses the threats in each category.

16 (4) A justification for each major defense acqui-
17 sition program (as defined in section 2430 of title
18 10, United States Code) that is provided for in the
19 budget in light of the description and analyses set
20 forth in the report.

21 (c) FORM OF REPORT.—The report shall be sub-
22 mitted in unclassified form, but may also be submitted in
23 classified form if necessary.

1 **SEC. 1031. REPORT ON NATO'S DEFENSE CAPABILITIES**
2 **INITIATIVE.**

3 (a) FINDINGS.—Congress makes the following find-
4 ings:

5 (1) At the Washington Summit meeting of the
6 North Atlantic Council in April 1999, NATO Heads
7 of State and Governments launched a Defense Capa-
8 bilities Initiative.

9 (2) The Defense Capabilities Initiative is de-
10 signed to improve the defense capabilities of the in-
11 dividual nations of the NATO Alliance to ensure the
12 effectiveness of future operations across the full
13 spectrum of Alliance missions in the present and
14 foreseeable security environment.

15 (3) Under the Defense Capabilities Initiative,
16 special focus will be given to improving interoper-
17 ability among Alliance forces and to increasing de-
18 fense capabilities through improvements in the
19 deployability and mobility of Alliance forces, the sus-
20 tainability and logistics of the forces, the surviv-
21 ability and effective engagement capability of the
22 forces, and command and control and information
23 systems.

24 (4) The successful implementation of the De-
25 fense Capabilities Initiative will serve to enable all
26 NATO allies to make a more equitable contribution

1 to the full spectrum of Alliance missions, thereby in-
2 creasing burdensharing within the Alliance and en-
3 hancing the ability of European allies to undertake
4 operations pursuant to the European Security and
5 Defense Identity within the Alliance.

6 (b) ANNUAL REPORT.—(1) Not later than January
7 31 of each year, the Secretary of Defense, in consultation
8 with the Secretary of State, shall submit to the Commit-
9 tees on Armed Services and Foreign Relations of the Sen-
10 ate and the Committees on Armed Services and Inter-
11 national Relations of the House of Representatives a re-
12 port on implementation of the Defense Capabilities Initia-
13 tive by the nations of the NATO Alliance. The report shall
14 include the following:

15 (A) A discussion of the work of the temporary
16 High-Level Steering Group, or any successor group,
17 established to oversee the implementation of the De-
18 fense Capabilities Initiative and to meet the require-
19 ment of coordination and harmonization among rel-
20 evant planning disciplines.

21 (B) A description of the actions taken, includ-
22 ing implementation of the Multinational Logistics
23 Center concept and development of the C3 system
24 architecture, by the Alliance as a whole to further
25 the Defense Capabilities Initiative.

1 (C) A description of the actions taken by each
2 of our NATO allies to improve the capabilities of
3 their forces in each of the following areas:

4 (i) Interoperability with other Alliance
5 forces.

6 (ii) Deployability and mobility.

7 (iii) Sustainability and logistics.

8 (iv) Survivability and effective engagement
9 capability.

10 (v) Command and control and information
11 systems.

12 (4) The report shall be submitted in unclassified
13 form, but may also be submitted in classified form if nec-
14 essary.

15 **SEC. 1032. REVIEW OF INCIDENCE OF STATE MOTOR VEHI-**
16 **CLE VIOLATIONS BY ARMY PERSONNEL.**

17 (a) REVIEW AND REPORT REQUIRED.—The Sec-
18 retary of the Army shall review the incidence of violations
19 of State and local motor vehicle laws applicable to the op-
20 eration and parking of Army motor vehicles by Army per-
21 sonnel during fiscal year 1999, and, not later than March
22 31, 2000, submit a report on the results of the review to
23 Congress.

24 (b) CONTENT OF REPORT.—The report under sub-
25 section (a) shall include the following:

1 (1) A quantitative description of the extent of
2 the violations described in subsection (a).

3 (2) An estimate of the total amount of the fines
4 that are associated with citations issued for the vio-
5 lations.

6 (3) Any recommendations that the Inspector
7 General considers appropriate to curtail the inci-
8 dence of the violations.

9 **SEC. 1033. REPORT ON USE OF NATIONAL GUARD FACILI-**
10 **TIES AND INFRASTRUCTURE FOR SUPPORT**
11 **OF PROVISION OF VETERANS SERVICES.**

12 (a) REPORT.—(1) The Chief of the National Guard
13 Bureau shall, in consultation with the Secretary of Vet-
14 erans Affairs, submit to the Secretary of Defense a report
15 assessing the feasibility and desirability of using the facili-
16 ties and electronic infrastructure of the National Guard
17 for support of the provision of services to veterans by the
18 Secretary. The report shall include an assessment of any
19 costs and benefits associated with the use of such facilities
20 and infrastructure for such support.

21 (2) The Secretary of Defense shall transmit to Con-
22 gress the report submitted under paragraph (1), together
23 with any comments on the report that the Secretary con-
24 siders appropriate.

1 (b) TRANSMITTAL DATE.—The report shall be trans-
2 mitted under subsection (a)(2) not later than April 1,
3 2000.

4 **SEC. 1034. REPORT ON MILITARY-TO-MILITARY CONTACTS**
5 **WITH THE PEOPLE'S REPUBLIC OF CHINA.**

6 (a) REPORT.—The Secretary of Defense shall submit
7 to Congress a report on military-to-military contacts be-
8 tween the United States and the People's Republic of
9 China.

10 (b) REPORT ELEMENTS.—The report shall include
11 the following:

12 (1) A list of the general and flag grade officers
13 of the People's Liberation Army who have visited
14 United States military installations since January 1,
15 1993.

16 (2) The itinerary of the visits referred to in
17 paragraph (2), including the installations visited, the
18 duration of the visits, and the activities conducted
19 during the visits.

20 (3) The involvement, if any, of the general and
21 flag officers referred to in paragraph (2) in the
22 Tiananmen Square massacre of June 1989.

23 (4) A list of facilities in the People's Republic
24 of China that United States military officers have
25 visited as a result of any military-to-military contact

1 program between the United States and the People's
2 Republic of China since January 1, 1993.

3 (5) A list of facilities in the People's Republic
4 of China that have been the subject of a requested
5 visit by the Department of Defense which has been
6 denied by People's Republic of China authorities.

7 (6) A list of facilities in the United States that
8 have been the subject of a requested visit by the
9 People's Liberation Army which has been denied by
10 the United States.

11 (7) Any official documentation, such as memo-
12 randa for the record, after-action reports and final
13 itineraries, and all receipts for expenses over \$1,000,
14 concerning military-to-military contacts or exchanges
15 between the United States and the People's Republic
16 of China in 1999.

17 (8) An assessment regarding whether or not
18 any People's Republic of China military officials
19 have been shown classified material as a result of
20 military-to-military contacts or exchanges between
21 the United States and the People's Republic of
22 China.

23 (9) The report shall be submitted no later than
24 March 31, 2000, and shall be unclassified but may
25 contain a classified annex.

1 **Subtitle D—Other Matters**

2 **SEC. 1041. LIMITATION ON RETIREMENT OR DISMANTLE-**
 3 **MENT OF STRATEGIC NUCLEAR DELIVERY**
 4 **SYSTEMS.**

5 (a) ONE-YEAR EXTENSION.—Subsection (g) of sec-
 6 tion 1302 of the National Defense Authorization Act for
 7 Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1948),
 8 as amended by section 1501 of the Strom Thurmond Na-
 9 tional Defense Authorization Act for Fiscal Year 1999
 10 (Public Law 105–261; 112 Stat. 2171), is further amend-
 11 ed by striking “and 1999” and inserting “through 2000”.

12 (b) MINIMUM LEVELS FOR CERTAIN SYSTEMS.—
 13 Subsection (a) of such section is amended—

14 (1) in paragraph (1), by striking “71” and in-
 15 sserting “76”; and

16 (2) in paragraph (2), by striking “18” and in-
 17 sserting “14”.

18 **SEC. 1042. LIMITATION ON REDUCTION IN UNITED STATES**
 19 **STRATEGIC NUCLEAR FORCES.**

20 (a) LIMITATION ON REDUCTION OF UNITED STATES
 21 STRATEGIC NUCLEAR FORCES.—None of the funds au-
 22 thorized to be appropriated by this or any other Act for
 23 fiscal year 2000 may be used to reduce the number of
 24 United States strategic nuclear forces below the maximum
 25 number of those forces, for each category of nuclear arms,

1 permitted the United States under the START II Treaty
2 unless the President submits to Congress a report con-
3 taining an assessment indicating that such reductions
4 would not impede the capability of the United States to
5 respond militarily to any militarily significant increase in
6 the challenge to United States security or strategic sta-
7 bility posed by nuclear weapon modernization programs of
8 the People's Republic of China or any other nation.

9 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
10 tion may be construed to authorize the retirement or dis-
11 mantlement, or the preparation for retirement or dis-
12 mantlement, of any strategic nuclear delivery system de-
13 scribed in section 1302 of the National Defense Authoriza-
14 tion Act for Fiscal Year 1998 (Public Law 105–85) below
15 the level specified for the system in that section, as amend-
16 ed by section 1041.

17 (c) DEFINITIONS.—In this section:

18 (1) START II TREATY DEFINED.—The term
19 “START II Treaty” means the Treaty Between the
20 United States of America and the Russian Federa-
21 tion on Further Reduction and Limitation of Stra-
22 tegic Offensive Arms, and related protocols and
23 memorandum of understanding, signed at Moscow
24 on January 3, 1993.

1 (2) UNITED STATES STRATEGIC NUCLEAR
2 FORCES.—The term “United States strategic nu-
3 clear forces” includes intercontinental ballistic mis-
4 siles (ICBMs) and ICBM launchers, submarine-
5 launched ballistic missiles (SLBMs) and SLBM
6 launchers, heavy bombers, ICBM warheads, SLBM
7 warheads, and heavy bomber nuclear armaments.

8 **SEC. 1043. COUNTERPROLIFERATION PROGRAM REVIEW**
9 **COMMITTEE.**

10 (a) EXTENSION OF COMMITTEE.—Section 1605(f) of
11 the National Defense Authorization Act for Fiscal Year
12 1994 (Public Law 103–160; 22 U.S.C. 2751 note) is
13 amended by striking “September 30, 2000” and inserting
14 “September 30, 2004”.

15 (b) EXECUTIVE SECRETARY OF THE COMMITTEE.—
16 Paragraph (5) of section 1605(a) of the National Defense
17 Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751
18 note) is amended to read as follows:

19 “(5) The Assistant Secretary of Defense for Strategy
20 and Threat Reduction shall serve as executive secretary
21 to the committee.”.

22 (c) EARLIER DEADLINE FOR ANNUAL REPORT ON
23 COUNTERPROLIFERATION ACTIVITIES AND PROGRAMS.—
24 Section 1503(a) of the National Defense Authorization
25 Act for Fiscal Year 1995 (22 U.S.C. 2751 note) is amend-

1 ed by striking “May 1 of each year” and inserting “Feb-
2 ruary 1 of each year”.

3 **SEC. 1044. LIMITATION REGARDING COOPERATIVE**
4 **THREAT REDUCTION PROGRAMS.**

5 Funds authorized to be appropriated under this Act
6 may not be obligated or expended for assistance for a
7 country under any Cooperative Threat Reduction program
8 specified under section 1501 of the National Defense Au-
9 thorization Act for Fiscal Year 1997 (Public Law 104-
10 201; 50 U.S.C. 2362 note) until the President certifies
11 to Congress that the government of that country is com-
12 mitted to—

13 (1) complying with all relevant arms control
14 agreements;

15 (2) facilitating United States verification of
16 weapons destruction;

17 (3) forgoing any use of fissionable and other
18 components of destroyed nuclear weapons in new nu-
19 clear weapons;

20 (4) forgoing the replacement of destroyed weap-
21 ons of mass destruction; and

22 (5) forgoing any military modernization pro-
23 gram that exceeds legitimate defense requirements.

1 **SEC. 1045. PERIOD COVERED BY ANNUAL REPORT ON AC-**
2 **COUNTING FOR UNITED STATES ASSISTANCE**
3 **UNDER COOPERATIVE THREAT REDUCTION**
4 **PROGRAMS.**

5 Section 1206(a)(2) of the National Defense Author-
6 ization Act for Fiscal Year 1996 (Public Law 104–106,
7 110 Stat. 471; 22 U.S.C. 5955 note) is amended to read
8 as follows:

9 “(2) The report shall be submitted under this section
10 not later than January 31 of each year and shall cover
11 the fiscal year ending in the preceding year. No report
12 is required under this section after the completion of the
13 Cooperative Threat Reduction programs.”.

14 **SEC. 1046. SUPPORT OF UNITED NATIONS-SPONSORED EF-**
15 **FORTS TO INSPECT AND MONITOR IRAQI**
16 **WEAPONS ACTIVITIES.**

17 (a) **LIMITATION ON AMOUNT OF ASSISTANCE IN FIS-**
18 **CAL YEAR 2000.**—The total amount of the assistance for
19 fiscal year 2000 that is provided by the Secretary of De-
20 fense under section 1505 of the Weapons of Mass Destruc-
21 tion Control Act of 1992 (22 U.S.C. 5859a) as activities
22 of the Department of Defense in support of activities
23 under that Act may not exceed \$15,000,000.

24 (b) **EXTENSION OF AUTHORITY TO PROVIDE ASSIST-**
25 **ANCE.**—Subsection (f) of section 1505 of the Weapons of

1 Mass Destruction Control Act of 1992 (22 U.S.C. 5859a)
2 is amended by striking “1999” and inserting “2000”.

3 **SEC. 1047. INFORMATION ASSURANCE INITIATIVE.**

4 (a) FINDINGS.—Congress makes the following find-
5 ings:

6 (1) The United States is becoming increasingly
7 dependent upon information systems for national se-
8 curity, economic security, and a broad range of other
9 vital national interests.

10 (2) Presidential Decision Directive 63, dated
11 May 22, 1998, recognizes the importance of infor-
12 mation assurance and sets forth policy and organiza-
13 tional recommendations for addressing the informa-
14 tion assurance challenges.

15 (3) The Department of Defense has undertaken
16 significant steps to address threats to the Defense
17 Information Infrastructure, including the establish-
18 ment of a Defense Information Assurance Program.

19 (4) Notwithstanding those actions and other
20 important actions taken by the President and the
21 Secretary of Defense to address the challenges of in-
22 formation assurance, the Department of Defense,
23 other Federal departments and agencies, and a
24 broad range of private sector entities continue to

1 face new challenges and threats to their information
2 systems.

3 (5) Although the Secretary of Defense can and
4 should play an important role in helping address a
5 broad range of information warfare threats to the
6 United States, the Secretary necessarily focuses pri-
7 marily on addressing the vulnerabilities of the infor-
8 mation systems and other infrastructures, within
9 and outside of the Department of Defense, on which
10 the Department of Defense depends for the conduct
11 of daily operations and the conduct of operations in
12 crises.

13 (6) It is important for the Secretary of Defense
14 to work closely with the heads of all departments
15 and agencies of the Federal Government concerned
16 to identify areas in which the Department of De-
17 fense can contribute to securing critical national in-
18 frastructures beyond the areas under the direct over-
19 sight and control of the Secretary of Defense.

20 (b) DEFENSE INFORMATION ASSURANCE PRO-
21 GRAM.—(1) The Secretary of Defense shall carry out an
22 information assurance program.

23 (2) The Secretary shall submit to Congress an annual
24 report on the program. The annual report shall include
25 the Department of Defense information assurance guide

1 applicable under subsection (c) as of the date of the re-
2 port. The first report shall be submitted not later than
3 March 15, 1999.

4 (c) DEFENSE INFORMATION ASSURANCE GUIDE.—

5 (1) The Secretary of Defense shall prepare a Department
6 of Defense information assurance guide for the develop-
7 ment of appropriate organizational structures and tech-
8 nologies for information assurance under the program.
9 The Secretary shall modify or replace the guide from time
10 to time to maintain the current relevance of the guide.

11 (2) The Department of Defense information assur-
12 ance guide shall include the following:

13 (A) A plan for developing information assur-
14 ance technologies, including the criteria used to
15 prioritize research, development, and procurement
16 investments in such technologies.

17 (B) A plan for organizing the Department of
18 Defense to defend against information warfare
19 threats, including the organizational changes that
20 are planned or being considered together with a reci-
21 tation of the organizational changes that have been
22 implemented.

23 (C) A plan for joint efforts by the Department
24 of Defense with other departments and agencies of
25 the Federal Government and with State and local

1 organizations to strengthen the security of the infor-
2 mation systems and infrastructures in the United
3 States, with particular emphasis on the systems and
4 elements of the infrastructure on which the Depart-
5 ment of Defense depends for the conduct of daily op-
6 erations and the conduct of operations in crises.

7 (D) An assessment of the threats to informa-
8 tion systems and infrastructures on which the De-
9 partment of Defense depends for the conduct of
10 daily operations and the conduct of operations in cri-
11 ses, including an assessment of technical or other
12 vulnerabilities in Defense Department information
13 and communications systems.

14 (E) A plan for conducting exercises, war games,
15 simulations, experiments, and other activities de-
16 signed to prepare the Department of Defense to re-
17 spond to information warfare threats.

18 (F) Any proposal for legislation that the Sec-
19 retary considers necessary for implementing the De-
20 fense information assurance program or for other-
21 wise responding to information warfare threats.

22 (G) Any other information that the Secretary
23 determines relevant.

24 (d) INFORMATION ASSURANCE TESTBED.—(1) The
25 Secretary of Defense shall develop an information assur-

1 ance testbed. In developing the testbed, the Secretary shall
2 consult with the heads of the other departments and agen-
3 cies of the Federal Government that the Secretary deter-
4 mines as being concerned with defense information assur-
5 ance.

6 (2) The information assurance testbed shall be orga-
7 nized to provide the following:

8 (A) An integrated organizational structure
9 within the Department of Defense to plan and facili-
10 tate the conduct of simulations, wargames, exercises,
11 experiments, and other activities designed to prepare
12 and inform the Department of Defense regarding in-
13 formation warfare threats.

14 (B) Organizational and planning means for the
15 conduct by the Department of Defense of integrated
16 or joint exercises and experiments with the commer-
17 cial organizations and other non-Department of De-
18 fense organizations that are responsible for the over-
19 sight and management of critical information sys-
20 tems and infrastructures on which the Department
21 of Defense depends for the conduct of daily oper-
22 ations and the conduct of operations in crises.

23 (e) FUNDING.—(1) Of the amounts authorized to be
24 appropriated under section 104—

1 (A) \$10,000,000 is available for procurement
2 by the Defense Information Systems Agency of se-
3 cure terminal equipment for use by the Armed
4 Forces and Defense Agencies; and

5 (B) \$10,000,000 is available for development
6 and procurement of tools for real-time computer in-
7 trusion detection, analysis, and warning.

8 (2) Of the amounts authorized to be appropriated
9 under section 201(4)—

10 (A) \$5,000,000 in program element 65710D8 is
11 available for establishing and operating the informa-
12 tion assurance testbed established pursuant to sub-
13 section (d); and

14 (B) \$85,000,000 in program element 33140G is
15 available for—

- 16 (i) secure wireless communications;
17 (ii) public key infrastructure;
18 (iii) tool development by the Information
19 Operations Technology Center;
20 (iv) critical infrastructure modeling; and
21 (v) software security research.

22 (3) Of the amounts authorized to be appropriated
23 under section 301(a)(5), \$10,000,000 is available for
24 training, education, and retention of information tech-
25 nology professionals of the Department of Defense.

1 **SEC. 1048. DEFENSE SCIENCE BOARD TASK FORCE ON**
2 **TELEVISION AND RADIO AS A PROPAGANDA**
3 **INSTRUMENT IN TIME OF MILITARY CON-**
4 **FFLICT.**

5 (a) DEFENSE SCIENCE BOARD TASK FORCE ON
6 RADIO AND TELEVISION AS A PROPAGANDA INSTRUMENT
7 IN TIME OF CONFLICT.—The Secretary of Defense shall
8 establish a task force of the Defense Science Board to ex-
9 amine the use of radio and television broadcasting as a
10 propaganda instrument and the adequacy of the capabili-
11 ties of the United States Armed Forces in this area to
12 deal with situations such as the conflict in the Federal
13 Republic of Yugoslavia.

14 (b) DUTIES OF THE TASK FORCE.—The task force
15 shall assess and develop recommendations as to the appro-
16 priate capabilities, if any, that the United States Armed
17 Forces should have to broadcast radio and television into
18 an area so as to ensure that the general public in that
19 area are exposed to the facts of the conflict. In making
20 the assessment and developing the recommendations, the
21 task force shall review the following:

22 (1) The capabilities of the United States Armed
23 Forces to develop programming and to broadcast
24 factual information that can reach a large segment
25 of the general public in a country like the Federal
26 Republic of Yugoslavia.

1 (2) The potential of various airborne or land-
2 based mechanisms to have capabilities described in
3 paragraph (1), including but not limited to desirable
4 improvements to the EC-130 Commando Solo air-
5 craft, and the utilization of other airborne platforms,
6 unmanned aerial vehicles, and land-based transmit-
7 ters in conjunction with satellites.

8 (3) Other issues relating to the use of television
9 and radio as a propaganda instrument in time of
10 conflict.

11 (c) REPORT.—The task force shall submit to the Sec-
12 retary of Defense a report containing its assessments and
13 recommendations not later than February 1, 2000. The
14 Secretary shall submit the report, together with the com-
15 ments and recommendations of the Secretary of Defense,
16 to the congressional defense committees not later than
17 March 1, 2000.

18 (d) FEDERAL REPUBLIC OF YUGOSLAVIA DE-
19 FINED.—In this section, the term “Federal Republic of
20 Yugoslavia” means the Federal Republic of Yugoslavia
21 (Serbia and Montenegro).

1 **SEC. 1049. PREVENTION OF INTERFERENCE WITH DEPART-**
2 **MENT OF DEFENSE USE OF FREQUENCY**
3 **SPECTRUM.**

4 (a) COMPATIBILITY WITH DEFENSE SYSTEMS.—A
5 non-Department of Defense entity operating a commu-
6 nication system, device, or apparatus on any portion of
7 the frequency spectrum used by the Department of De-
8 fense, whether or not licensed to do so, shall ensure that
9 the system, device, or apparatus is designed not to inter-
10 fere with and not to receive interference from the commu-
11 nication systems that are operated by or for the Depart-
12 ment of Defense on that portion of the frequency spectrum
13 as of the date of the enactment of this Act. The preceding
14 sentence does not apply to the operation, by a non-Depart-
15 ment of Defense entity, of a communication system, de-
16 vice, or apparatus on any portion of the frequency spec-
17 trum that is reserved for exclusively nongovernment use.

18 (b) COSTS OF REDESIGN OR REBUILDING OF MILI-
19 TARY SYSTEMS.—If it is necessary for the Department of
20 Defense to redesign or rebuild a communication system
21 used by the department because of a violation of sub-
22 section (a) by a non-Department of Defense entity, that
23 entity shall be liable to the United States for the costs
24 incurred by the United States for the redesign or rebuild-
25 ing of the Department of Defense system or, if the entity
26 is a department or agency of the United States, shall

1 transfer to the Department of Defense funds in the
2 amount of such costs.

3 (c) EFFECTIVE DATE.—This section applies with re-
4 spect to operation of a communication system, device, or
5 apparatus fielded on or after October 1, 1999.

6 (d) NONAPPLICABILITY.—This section does not apply
7 to any upgrades, modifications, or system redesign to a
8 Department of Defense communication system made after
9 the date of enactment of this Act where that modification,
10 upgrade or redesign would result in interference with or
11 receiving interference from a non-Department of Defense
12 system.

13 **SEC. 1050. OFF-SHORE ENTITIES INTERFERING WITH DE-**
14 **PARTMENT OF DEFENSE USE OF THE FRE-**
15 **QUENCY SPECTRUM.**

16 (a) LIMITATION ON USE OF FUNDS.—Funds author-
17 ized to be appropriated or otherwise made available by this
18 or any other Act may not be obligated to enter into any
19 contract with, make any payment to, or issue any broad-
20 cast or other license or permit to any entity that broad-
21 casts from outside the United States into the United
22 States on any frequency that, as of the date of the enact-
23 ment of this Act, is reserved to or used by the Department
24 of Defense, unless the broadcasting is authorized under
25 law.

1 (b) SAVINGS PROVISION.—The provisions of sub-
 2 section (a) shall not be construed to interfere with the en-
 3 forcement authority of the Federal Communications Com-
 4 mission under the Communications Act of 1934 or any
 5 other law.

6 **SEC. 1051. REPEAL OF LIMITATION ON AMOUNT OF FED-
 7 ERAL EXPENDITURES FOR THE NATIONAL
 8 GUARD CHALLENGE PROGRAM.**

9 Section 509(b) of title 32, United States Code, is
 10 amended by striking “, except that Federal expenditures
 11 under the program may not exceed \$50,000,000 for any
 12 fiscal year”.

13 **SEC. 1052. NONDISCLOSURE OF INFORMATION ON PER-
 14 SONNEL OF OVERSEAS, SENSITIVE, OR ROU-
 15 TINELY DEPLOYABLE UNITS.**

16 (a) IN GENERAL.—Chapter 3 of title 10, United
 17 States Code, is amended by inserting after section 130a
 18 the following:

19 **“§ 130b. Nondisclosure of information: personnel in
 20 overseas, sensitive, or routinely
 21 deployable units**

22 “(a) EXEMPTION FROM DISCLOSURE.—Notwith-
 23 standing any other provision of law, the Secretary of De-
 24 fense and, with respect to the Coast Guard when it is not
 25 operating as a service in the Navy, the Secretary of Trans-

1 portation may authorize to be withheld from disclosure to
2 the public the name, rank, duty address, official title, and
3 information regarding the pay of—

4 “(1) members of the armed forces assigned to
5 overseas, sensitive, or routinely deployable units; and

6 “(2) employees of the Department of Defense
7 or of the Coast Guard whose duty stations are with
8 overseas, sensitive, or routinely deployable units.

9 “(b) EXCEPTIONS.—(1) The authority in subsection
10 (a) is subject to such exceptions as the President may di-
11 rect.

12 “(2) Subsection (a) does not authorize any official to
13 withhold, or to authorize the withholding of, information
14 from Congress.

15 “(c) DEFINITIONS.—In this section:

16 “(1) The term ‘unit’ means a military organiza-
17 tion of the armed forces designated as a unit by
18 competent authority.

19 “(2) The term ‘overseas unit’ means a unit that
20 is located outside the continental United States and
21 its territories.

22 “(3) The term ‘sensitive unit’ means a unit that
23 is primarily involved in training for the conduct of,
24 or conducting, special activities or classified mis-
25 sions, including the following:

1 “(A) A unit involved in collecting, han-
2 dling, disposing, or storing of classified infor-
3 mation and materials.

4 “(B) A unit engaged in training—

5 “(i) special operations units;

6 “(ii) security group commands weap-
7 ons stations; or

8 “(iii) communications stations.

9 “(C) Any other unit that is designated as
10 a sensitive unit by the Secretary of Defense or,
11 in the case of the Coast Guard when it is not
12 operating as a service in the Navy, by the Sec-
13 retary of Transportation.

14 “(4) The term ‘routinely deployable unit’—

15 “(A) means a unit that normally deploys
16 from its permanent home station on a periodic
17 or rotating basis to meet peacetime operational
18 requirements that, or to participate in sched-
19 uled training exercises that, routinely require
20 deployments outside the United States and its
21 territories; and

22 “(B) includes a unit that is alerted for de-
23 ployment outside the United States and its ter-
24 ritories during an actual execution of a contin-
25 gency plan or in support of a crisis operation.”.

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

“130b. Nondisclosure of information: personnel in overseas, sensitive, or rou-
 tinely deployable units.”.

4 **SEC. 1053. NONDISCLOSURE OF OPERATIONAL FILES OF**
 5 **THE NATIONAL IMAGERY AND MAPPING**
 6 **AGENCY.**

7 (a) AUTHORITY TO WITHHOLD.—Subchapter II of
 8 chapter 22 of title 10, United States Code, as amended
 9 by section 1005, is further amended by adding at the end
 10 the following:

11 **“§ 458. Withholding of operational files from public**
 12 **disclosure**

13 “(a) AUTHORITY.—The Secretary of Defense may
 14 withhold from public disclosure operational files described
 15 in subsection (b) to the same extent that operational files
 16 may be withheld under section 701 of the National Secu-
 17 rity Act of 1947 (50 U.S.C. 431).

18 “(b) COVERED OPERATIONAL FILES.—The authority
 19 under subsection (a) applies to operational files in the pos-
 20 session of the National Imagery and Mapping Agency
 21 that—

22 “(1) as of September 22, 1996, were main-
 23 tained by the National Photographic Interpretation
 24 Center; or

1 “(2) concern the activities of the Agency that,
2 as of such date, were performed by the National
3 Photographic Interpretation Center.

4 “(c) OPERATIONAL FILES DEFINED.—In this sec-
5 tion, the term ‘operational files’ has the meaning given
6 the term in section 701(b) of the National Security Act
7 of 1947 (50 U.S.C. 431(b)).”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of such subchapter, as amended by sec-
10 tion 1005, is further amended by adding at the end the
11 following:

 “458. Withholding of operational files from public disclosure.”.

12 **SEC. 1054. NONDISCLOSURE OF INFORMATION OF THE NA-**
13 **TIONAL IMAGERY AND MAPPING AGENCY**
14 **HAVING COMMERCIAL SIGNIFICANCE.**

15 (a) AUTHORITY TO WITHHOLD.—Subchapter II of
16 chapter 22 of title 10, United States Code, as amended
17 by section 1053, is further amended by adding at the end
18 the following:

19 **“§ 459. Withholding of certain commercially signifi-**
20 **cant information from public disclosure**

21 “(a) AUTHORITY.—The Secretary of Defense may
22 withhold from public disclosure information in the posses-
23 sion of the National Imagery and Mapping Agency if the
24 Secretary determines in writing that—

1 “(1) public disclosure of the information would
2 compete with or otherwise adversely affect commer-
3 cial operations in any existing or emerging commer-
4 cial industry or the operation of any existing or
5 emerging commercial market; and

6 “(2) withholding the information from public
7 disclosure is consistent with the national security in-
8 terests of the United States.

9 “(b) RELATIONSHIP TO DCI AUTHORITY.—(1) Noth-
10 ing in this section shall be construed as superseding, lim-
11 iting, or otherwise affecting the authority and responsibil-
12 ities of the Director of Central Intelligence to withhold or
13 require the withholding of imagery and imagery intel-
14 ligence from public disclosure under the National Security
15 Act of 1947 (50 U.S.C. 401 et seq.), Executive Order No.
16 12951 or any successor Executive order, or directives of
17 the President.

18 “(2) In the administration of the authority under
19 subsection (a) with respect to imagery and imagery intel-
20 ligence, the Secretary of Defense shall be subject to the
21 policies and directives prescribed by the Director of Cen-
22 tral Intelligence for the public disclosure of such informa-
23 tion.”.

24 (b) CLERICAL AMENDMENT.—The table of sections
25 at the beginning of such subchapter, as amended by sec-

1 tion 1053, is further amended by adding at the end the
2 following:

“459. Withholding of certain commercially significant information from public disclosure.”.

3 **SEC. 1055. CONTINUED ENROLLMENT OF DEPENDENTS IN**
4 **DEPARTMENT OF DEFENSE DOMESTIC DE-**
5 **PENDENT ELEMENTARY AND SECONDARY**
6 **SCHOOLS AFTER LOSS OF ELIGIBILITY.**

7 Section 2164(c)(3) of title 10, United States Code,
8 is amended to read as follows:

9 “(3) The Secretary may, for good cause, authorize
10 a dependent of a member of the armed forces or of a Fed-
11 eral employee to continue enrollment in a program under
12 this subsection notwithstanding a change in the status of
13 the member or employee that, except for this paragraph,
14 would otherwise terminate the eligibility of the dependent
15 to be enrolled in the program. The enrollment may con-
16 tinue for as long as the Secretary considers appropriate.
17 The Secretary may remove the dependent from the pro-
18 gram at any time that the Secretary determines that there
19 is good cause for the removal.”.

1 **SEC. 1056. UNIFIED SCHOOL BOARDS FOR ALL DEPART-**
2 **MENT OF DEFENSE DOMESTIC DEPENDENT**
3 **SCHOOLS IN THE COMMONWEALTH OF PUER-**
4 **TO RICO AND GUAM.**

5 Section 2164(d)(1) of title 10, United States Code,
6 is amended by adding at the end the following: “The Sec-
7 retary may provide for the establishment of one school
8 board for all such schools in the Commonwealth of Puerto
9 Rico and one school board for all such schools in Guam
10 instead of one school board for each military installation
11 in those locations.”.

12 **SEC. 1057. DEPARTMENT OF DEFENSE STARBASE PRO-**
13 **GRAM.**

14 (a) PROGRAM AUTHORITY.—Chapter 111 of title 10,
15 United States Code, is amended by inserting after section
16 2193 the following:

17 **“§ 2193b. Improvement of education in technical**
18 **fields: program for support of elementary**
19 **and secondary education in science,**
20 **mathematics, and technology**

21 “(a) AUTHORITY FOR PROGRAM.—The Secretary of
22 Defense may conduct a science, mathematics, and tech-
23 nology education improvement program known as the ‘De-
24 partment of Defense STARBASE Program’. The Sec-
25 retary shall carry out the program through the secretaries
26 of the military departments.

1 “(b) PURPOSE.—The purpose of the program is to
2 improve knowledge and skills of students in kindergarten
3 through twelfth grade in mathematics, science, and tech-
4 nology.

5 “(c) STARBASE ACADEMIES.—(1) The Secretary
6 shall provide for the establishment of at least 25 acad-
7 emies under the program.

8 “(2) An academy established under the program shall
9 provide the following:

10 “(A) For each elementary and secondary grade
11 level, the presentation of a curricula of 20 hours of
12 instruction in science, mathematics, and technology.

13 “(B) Outreach programs for the support of ele-
14 mentary and secondary level instruction in science,
15 mathematics, and technology at other locations.

16 “(3) The Secretary may support the establishment
17 and operation of any academy in excess of two academies
18 in a State only if the Secretary has first authorized in
19 writing the establishment of the academy and the costs
20 of the establishment and operation of the academy are
21 paid out of funds provided by sources other than the De-
22 partment of Defense. Any such costs that are paid out
23 of appropriated funds shall be considered as paid out of
24 funds provided by such other sources if such sources fully
25 reimburse the United States for the costs.

1 “(d) AUTHORIZED SUPPORT.—The following support
2 may be provided for activities under the program:

3 “(1) Administrative and instructional per-
4 sonnel.

5 “(2) Facilities.

6 “(3) Instructional materials, including text-
7 books.

8 “(4) Equipment.

9 “(5) To the extent considered appropriate by
10 the Secretary of the military department concerned,
11 any additional resources (including transportation
12 and billeting) that may be available.

13 “(e) PERSONS ELIGIBLE TO PARTICIPATE IN PRO-
14 GRAM.—The Secretary of Defense shall prescribe the
15 standards and procedures for selecting persons to partici-
16 pate in the program.

17 “(f) PROGRAM PERSONNEL.—(1) The Secretary of
18 the military department concerned may—

19 “(1) authorize members of the armed forces to
20 provide command, administrative, training, or sup-
21 porting services for the program on a full-time basis;
22 and

23 “(2) employ or procure by contract civilian per-
24 sonnel to provide such services.

1 “(f) REGULATIONS.—The Secretary of Defense shall
2 prescribe regulations governing the conduct of the pro-
3 gram.

4 “(g) FUNDING.—(1) The Secretary shall ensure that
5 each academy meeting at least the minimum operating
6 standards established for academies under the program is
7 funded at a level of at least \$200,000 for each fiscal year.

8 “(2) The Secretary of Defense and the Secretaries
9 of the military departments may accept financial and
10 other support for the program from other departments
11 and agencies of the Federal Government, State govern-
12 ments, local governments, and not-for-profit and other or-
13 ganizations in the private sector.

14 “(h) ANNUAL REPORT.—Within 90 days after the
15 end of each fiscal year, the Secretary of Defense shall sub-
16 mit a report on the program to Congress. The report shall
17 contain a discussion of the design and conduct of the pro-
18 gram and an evaluation of the effectiveness of the pro-
19 gram.

20 “(i) STATE DEFINED.—In this section, the term
21 ‘State’ includes the District of Columbia, the Common-
22 wealth of Puerto Rico, the United States Virgin Islands,
23 and Guam.”.

24 (b) EXISTING STARBASE ACADEMIES.—While con-
25 tinuing in operation, the academies existing on the date

1 of the enactment of this Act under the Department of De-
2 fense STARBASE Program, as such program is in effect
3 on such date, shall be counted for the purpose of meeting
4 the requirement under section 2193b(c)(1) of title 10,
5 United States Code (as added by subsection (a)), relating
6 to the minimum number of STARBASE academies.

7 (c) REORGANIZATION OF CHAPTER.—Chapter 111 of
8 title 10, United States Code, as amended by subsection
9 (a), is further amended—

10 (1) by inserting after section 2193 and before
11 the section 2193b added by subsection (a) the fol-
12 lowing:

13 **“§ 2193a. Improvement of education in technical**
14 **fields: general authority for support of el-**
15 **ementary and secondary education in**
16 **science and mathematics”;**

17 (2) by transferring subsection (b) of section
18 2193 to section 2193a (as added by paragraph (1)),
19 inserting such subsection after the heading for sec-
20 tion 2193a, and striking out “(b)”; and

21 (3) by redesignating subsection (c) of section
22 2193 as subsection (b).

23 (d) CLERICAL AMENDMENTS.—(1) The heading for
24 section 2192 of such title is amended to read as follows:

1 **“§ 2192. Improvement of education in technical fields:**
2 **general authority regarding education in**
3 **science, mathematics, and engineering”.**

4 (2) The heading for section 2193 is amended to read
5 as follows:

6 **“§ 2193. Improvement of education in technical fields:**
7 **grants for higher education in science**
8 **and mathematics”.**

9 (3) The table of sections at the beginning of such
10 chapter is amended by striking the items relating to sec-
11 tions 2192 and 2193 and inserting the following:

“2192. Improvement of education in technical fields: general authority regarding
education in science, mathematics, and engineering.

“2193. Improvement of education in technical fields: grants for higher education
in science and mathematics.

“2193a. Improvement of education in technical fields: general authority for sup-
port of elementary and secondary education in science and
mathematics.

“2193b. Improvement of education in technical fields: program for support of
elementary and secondary education in science, mathematics,
and technology.”.

12 **SEC. 1058. PROGRAM TO COMMEMORATE THE 50TH ANNI-**
13 **VERSARY OF THE KOREAN WAR.**

14 (a) PERIOD OF PROGRAM.—Section 1083(a) of the
15 National Defense Authorization Act for Fiscal Year 1998
16 (Public Law 105–85; 111 Stat. 1918; 10 U.S.C. 113 note)
17 is amended by striking “The Secretary of Defense” and
18 inserting “During fiscal years 2000 through 2004, the
19 Secretary of Defense”.

20 (b) CHANGE OF NAME.—(1) Section 1083(c) of such
21 Act is amended by striking “The Department of Defense

1 Korean War Commemoration’” and inserting in lieu
2 thereof “‘The United States of America Korean War
3 Commemoration’”.

4 (2) The amendment made by paragraph (1) may not
5 be construed to supersede rights that are established or
6 vested before the date of the enactment of this Act.

7 (c) FUNDING.—Section 1083(f) of such Act is
8 amended to read as follows:

9 “(f) USE OF FUNDS.—(1) Funds appropriated for
10 the Army for fiscal years 2000 through 2004 for operation
11 and maintenance shall be available for the program au-
12 thorized under subsection (a).

13 “(2) The total amount expended by the Department
14 of Defense through the Department of Defense 50th Anni-
15 versary of the Korean War Commemoration Committee,
16 an entity within the Department of the Army, to carry
17 out the program authorized under subsection (a) for fiscal
18 years 2000 through 2004 may not exceed \$7,000,000.

19 “(3) The limitation in paragraph (2) shall not apply
20 to expenditures by a unit of the Armed Forces or a similar
21 organization to commemorate the Korean War from funds
22 available to the unit or similar organization for that pur-
23 pose.”.

24 (d) EFFECTIVE DATE.—The amendments made by
25 this section shall take effect on October 1, 1999.

1 **SEC. 1059. EXTENSION AND REAUTHORIZATION OF DE-**
2 **ENSE PRODUCTION ACT OF 1950.**

3 (a) **EXTENSION OF TERMINATION DATE.**—Section
4 717(a) of the Defense Production Act of 1950 (50 U.S.C.
5 App. 2166(a)) is amended by striking “September 30,
6 1999” and inserting “September 30, 2000”.

7 (b) **EXTENSION OF AUTHORIZATION.**—Section
8 711(b) of the Defense Production Act of 1950 (50 U.S.C.
9 App. 2161(b)) is amended by striking “the fiscal years
10 1996, 1997, 1998, and 1999” and inserting “fiscal years
11 1996 through 2000”.

12 **SEC. 1060. EXTENSION TO NAVAL AIRCRAFT OF COAST**
13 **GUARD AUTHORITY FOR DRUG INTERDIC-**
14 **TION ACTIVITIES.**

15 Section 637(e) of title 14, United States Code, is
16 amended—

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

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

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

23 “(3) it is a naval aircraft on which one or more
24 members of the Coast Guard are assigned.”.

1 **SEC. 1061. REGARDING THE NEED FOR VIGOROUS PROS-**
2 **ECUTION OF WAR CRIMES, GENOCIDE, AND**
3 **CRIMES AGAINST HUMANITY IN THE FORMER**
4 **REPUBLIC OF YUGOSLAVIA.**

5 (a) The Senate finds that—

6 (1) the United Nations Security Council created
7 the International Criminal Tribunal for the former
8 Yugoslavia (in this section referred to as the
9 “ICTY”) by resolution on May 25, 1993;

10 (2) although the ICTY has indicted 84 people
11 since its creation, these indictments have only re-
12 sulted in the trial and conviction of 8 criminals;

13 (3) the ICTY has jurisdiction to investigate:
14 Grave breaches of the 1949 Geneva Conventions
15 (Article 2); violations of the laws or customs of war
16 (Article 3); genocide (Article 4); and crimes against
17 humanity (Article 5);

18 (4) the Chief Prosecutor of the ICTY, Justice
19 Louise Arbour, stated on July 7, 1998, to the Con-
20 tact Group for the former Yugoslavia that “[t]he
21 Prosecutor believes that the nature and scale of the
22 fighting indicate that an ‘armed conflict’, within the
23 meaning of international law, exists in Kosovo. As a
24 consequence, she intends to bring charges for crimes
25 against humanity or war crimes, if evidence of such
26 crimes is established”;

1 (5) reports from Kosovar Albanian refugees
2 provide detailed accounts of systematic efforts to
3 displace the entire Muslim population of Kosovo;

4 (6) in furtherance of this plan, Serbian troops,
5 police, and paramilitary forces have engaged in de-
6 tention and summary execution of men of all ages,
7 wanton destruction of civilian housing, forcible ex-
8 pulsions, mass executions in at least 60 villages and
9 towns, as well as widespread organized rape of
10 women and young girls;

11 (7) these reports of atrocities provide prima
12 facie evidence of war crimes, crimes against human-
13 ity, as well as genocide;

14 (8) any criminal investigation is best served by
15 the depositions and interviews of witnesses as soon
16 after the commission of the crime as possible;

17 (9) the indictment, arrest, and trial of war
18 criminals would provide a significant deterrent to
19 further atrocities;

20 (10) the ICTY has issued 14 international war-
21 rants for war crimes suspects that have yet to be
22 served, despite knowledge of the suspects' where-
23 abouts;

1 (11) vigorous prosecution of war crimes after
2 the conflict in Bosnia may have prevented the ongoing
3 atrocities in Kosovo; and

4 (12) investigative reporters have identified specific
5 documentary evidence implicating the Serbian
6 leadership in the commission of war crimes.

7 (b) It is the sense of Congress that—

8 (1) the United States, in coordination with
9 other United Nations contributors, should provide
10 sufficient resources for an expeditious and thorough
11 investigation of allegations of the atrocities and war
12 crimes committed in Kosovo;

13 (2) the United States, through its intelligence
14 services, should provide all possible cooperation in
15 the gathering of evidence of sufficient specificity and
16 credibility to secure the indictment of those responsible
17 for the commission of war crimes, crimes
18 against humanity, and genocide in the former Yugoslavia;
19

20 (3) where evidence warrants, indictments for
21 war crimes, crimes against humanity, and genocide
22 should be issued against suspects regardless of their
23 position within the Serbian leadership;

24 (4) the United States and all nations have an
25 obligation to honor arrest warrants issued by the

1 ICTY, and the United States should use all appropriate
2 means to apprehend war criminals already
3 under indictment; and

4 (5) NATO should not accept any diplomatic
5 resolution to the conflict in Kosovo that would bar
6 the indictment, apprehension, or prosecution of war
7 criminals for crimes committed during operations in
8 Kosovo.

9 **SEC. 1062. EXPANSION OF LIST OF DISEASES PRESUMED TO**
10 **BE SERVICE-CONNECTED FOR RADIATION-EX-**
11 **POSED VETERANS.**

12 Section 1112(c)(2) of title 38, United States Code,
13 is amended by adding at the end the following:

14 “(P) Lung cancer.

15 “(Q) Colon cancer.

16 “(R) Tumors of the brain and central nervous
17 system.”.

18 **SEC. 1063. LEGAL EFFECT OF THE NEW STRATEGIC CON-**
19 **CEPT OF NATO.**

20 (a) CERTIFICATION REQUIRED.—Not later than 30
21 days after the date of enactment of this Act, the President
22 shall determine and certify to the Senate whether or not
23 the new Strategic Concept of NATO imposes any new
24 commitment or obligation on the United States.

1 (b) SENSE OF THE SENATE.—It is the sense of the
2 Senate that, if the President certifies under subsection (a)
3 that the new Strategic Concept of NATO imposes any new
4 commitment or obligation on the United States, the Presi-
5 dent should submit the new Strategic Concept of NATO
6 to the Senate as a treaty for the Senate’s advice and con-
7 sent to ratification under Article II, Section 2, Clause 2
8 of the Constitution of the United States.

9 (c) REPORT.—Together with the certification made
10 under subsection (a), the President shall submit to the
11 Senate a report containing an analysis of the potential
12 threats facing NATO in the first decade of the next mil-
13 lennium, with particular reference to those threats facing
14 a member nation, or several member nations, where the
15 commitment of NATO forces will be “out of area” or be-
16 yond the borders of NATO member nations.

17 (d) DEFINITION.—For the purposes of this section,
18 the term “new Strategic Concept of NATO” means the
19 document approved by the Heads of State and Govern-
20 ment participating in the meeting of the North Atlantic
21 Council in Washington, DC, on April 23 and 24, 1999.

1 **SEC. 1064. MULTINATIONAL ECONOMIC EMBARGOES**
2 **AGAINST GOVERNMENTS IN ARMED CON-**
3 **FLICT WITH THE UNITED STATES.**

4 (a) **POLICY ON THE ESTABLISHMENT OF EMBAR-**
5 **GOES.—**

6 (1) **IN GENERAL.—**It is the policy of the United
7 States, that upon the use of the Armed Forces of
8 the United States to engage in hostilities against
9 any foreign country, the President shall as
10 appropriate—

11 (A) seek the establishment of a multi-
12 national economic embargo against such coun-
13 try; and

14 (B) seek the seizure of its foreign financial
15 assets.

16 (b) **REPORTS.—**Not later than 20 days, or earlier
17 than 14 days, after the first day of the engagement of
18 the United States in any armed conflict described in sub-
19 section (a), the President shall, if the armed conflict con-
20 tinues, submit a report to Congress setting forth—

21 (1) the specific steps the United States has
22 taken and will continue to take to institute the em-
23 bargo and financial asset seizures pursuant to sub-
24 section (a); and

25 (2) any foreign sources of trade of revenue that
26 directly or indirectly support the ability of the adver-

1 sarial government to sustain a military conflict
2 against the Armed Forces of the United States.

3 **SEC. 1065. CONDITIONS FOR LENDING OBSOLETE OR CON-**
4 **DEMNED RIFLES FOR FUNERAL CERE-**
5 **MONIES.**

6 Section 4683(a)(2) of title 10, United States Code,
7 is amended to read as follows:

8 “(2) issue and deliver those rifles, together with
9 blank ammunition, to those units without charge if
10 the rifles and ammunition are to be used for cere-
11 monies and funerals in honor of veterans at national
12 or other cemeteries.”.

13 **SEC. 1066. PROHIBITION ON THE RETURN OF VETERANS**
14 **MEMORIAL OBJECTS TO FOREIGN NATIONS**
15 **WITHOUT SPECIFIC AUTHORIZATION IN LAW.**

16 (a) PROHIBITION.—Notwithstanding section 2572 of
17 title 10, United States Code, or any other provision of law,
18 the President may not transfer a veterans memorial object
19 to a foreign country or entity controlled by a foreign gov-
20 ernment, or otherwise transfer or convey such object to
21 any person or entity for purposes of the ultimate transfer
22 or conveyance of such object to a foreign country or entity
23 controlled by a foreign government, unless specifically au-
24 thorized by law.

25 (b) DEFINITIONS.—In this section:

1 (1) ENTITY CONTROLLED BY A FOREIGN GOV-
2 ERNMENT.—The term “entity controlled by a for-
3 eign government” has the meaning given that term
4 in section 2536(c)(1) of title 10, United States
5 Code.

6 (2) VETERANS MEMORIAL OBJECT.—The term
7 “veterans memorial object” means any object, in-
8 cluding a physical structure or portion thereof,
9 that—

10 (A) is located at a cemetery of the Na-
11 tional Cemetery System, war memorial, or mili-
12 tary installation in the United States;

13 (B) is dedicated to, or otherwise memorial-
14 izes, the death in combat or combat-related du-
15 ties of members of the United States Armed
16 Forces; and

17 (C) was brought to the United States from
18 abroad as a memorial of combat abroad.

19 **SEC. 1067. MILITARY ASSISTANCE TO CIVIL AUTHORITIES**
20 **FOR RESPONDING TO TERRORISM.**

21 (a) AUTHORITY.—During fiscal year 2000, the Sec-
22 retary of Defense, upon the request of the Attorney Gen-
23 eral, may provide assistance to civil authorities in respond-
24 ing to an act or threat of an act of terrorism, including
25 an act of terrorism or threat of an act of terrorism that

1 involves a weapon of mass destruction, within the United
2 States if the Secretary of Defense determines that—

3 (1) special capabilities and expertise of the De-
4 partment of Defense are necessary and critical to re-
5 spond to the act or threat; and

6 (2) the provision of such assistance will not ad-
7 versely affect the military preparedness of the armed
8 forces.

9 (b) NATURE OF ASSISTANCE.—Assistance provided
10 under subsection (a) may include the deployment of De-
11 partment of Defense personnel and the use of any Depart-
12 ment of Defense resources to the extent and for such pe-
13 riod as the Secretary of Defense determines necessary to
14 prepare for, prevent, or respond to an act or threat de-
15 scribed in that subsection. Actions taken to provide the
16 assistance may include the repositioning of Department
17 of Defense personnel, equipment, and supplies.

18 (c) REIMBURSEMENT.—(1) Assistance provided
19 under this section shall normally be provided on a reim-
20 bursable basis. Notwithstanding any other provision of
21 law, the amounts of reimbursement shall be limited to the
22 amounts of the incremental costs of providing the assist-
23 ance. In extraordinary circumstances, the Secretary of De-
24 fense may waive reimbursement upon determining that a
25 waiver of the reimbursement is in the national security

1 interests of the United States and submitting to Congress
2 a notification of the determination.

3 (2) If funds are appropriated for the Department of
4 Justice to cover the costs of responding to an act or threat
5 for which assistance is provided under subsection (a), the
6 Department of Defense shall be reimbursed out of such
7 funds for the costs incurred by the department in pro-
8 viding the assistance without regard to whether the assist-
9 ance was provided on a nonreimbursable basis.

10 (d) LIMITATION ON FUNDING.—Not more than
11 \$10,000,000 may be obligated to provide assistance pursu-
12 ant to subsection (a) in a fiscal year.

13 (e) PERSONNEL RESTRICTIONS.—In carrying out
14 this section, a member of the Army, Navy, Air Force, or
15 Marine Corps may not, unless authorized by another pro-
16 vision of law—

17 (1) directly participate in a search, seizure, ar-
18 rest, or other similar activity; or

19 (2) collect intelligence for law enforcement pur-
20 poses.

21 (f) NONDELEGABILITY OF AUTHORITY.—(1) The
22 Secretary of Defense may not delegate to any other official
23 authority to make determinations and to authorize assist-
24 ance under this section.

1 (2) The Attorney General may not delegate to any
2 other official authority to make a request for assistance
3 under subsection (a).

4 (h) RELATIONSHIP TO OTHER AUTHORITY.—(1) The
5 authority provided in this section is in addition to any
6 other authority available to the Secretary of Defense.

7 (2) Nothing in this section shall be construed to re-
8 strict any authority regarding use of members of the
9 armed forces or equipment of the Department of Defense
10 that was in effect before the date of enactment of this
11 Act.

12 (i) DEFINITIONS.—In this section:

13 (1) The term “threat of an act of terrorism” in-
14 cludes any circumstance providing a basis for rea-
15 sonably anticipating an act of terrorism, as deter-
16 mined by the Secretary of Defense in consultation
17 with the Attorney General and the Secretary of the
18 Treasury.

19 (2) The term “weapon of mass destruction” has
20 the meaning given the term in section 1403 of the
21 Defense Against Weapons of Mass Destruction Act
22 of 1996 (50 U.S.C. 2302(1)).

1 **SEC. 1068. SENSE OF THE CONGRESS REGARDING THE CON-**
2 **TINUATION OF SANCTIONS AGAINST LIBYA.**

3 (a) FINDINGS.—Congress makes the following find-
4 ings:

5 (1) On December 21, 1988, 270 people, includ-
6 ing 189 United States citizens, were killed in a ter-
7 rorist bombing on Pan Am Flight 103 over
8 Lockerbie, Scotland.

9 (2) Britain and the United States indicted two
10 Libyan intelligence agents, Abd al-Baset Ali al-
11 Megrahi and Al-Amin Khalifah Fhimah, in 1991
12 and sought their extradition from Libya to the
13 United States or the United Kingdom to stand trial
14 for this heinous terrorist act.

15 (3) The United Nations Security Council called
16 for the extradition of the suspects in Security Coun-
17 cil Resolution 731 and imposed sanctions on Libya
18 in Security Council Resolutions 748 and 883 be-
19 cause Libyan leader Colonel Muammar Qadhafi re-
20 fused to transfer the suspects to either the United
21 States or the United Kingdom to stand trial.

22 (4) The United Nations Security Council Reso-
23 lutions 731, 748, and 883 demand that Libya cease
24 all support for terrorism, turn over the two suspects,
25 cooperate with the investigation and the trial, and
26 address the issue of appropriate compensation.

1 (5) The sanctions in United Nations Security
2 Council Resolutions 748 and 883 include—

3 (A) a worldwide ban on Libya’s national
4 airline;

5 (B) a ban on flights into and out of Libya
6 by other nations’ airlines; and

7 (C) a prohibition on supplying arms, air-
8 plane parts, and certain oil equipment to Libya,
9 and a blocking of Libyan Government funds in
10 other countries.

11 (6) Colonel Muammar Qadhafi for many years
12 refused to extradite the suspects to either the United
13 States or the United Kingdom and had insisted that
14 he would only transfer the suspects to a third and
15 neutral country to stand trial.

16 (7) On August 24, 1998, the United States and
17 the United Kingdom agreed to the proposal that
18 Colonel Qadhafi transfer the suspects to The Neth-
19 erlands, where they would stand trial under a Scot-
20 tish court, under Scottish law, and with a panel of
21 Scottish judges.

22 (8) The United Nations Security Council en-
23 dorsed the United States-United Kingdom proposal
24 on August 27, 1998 in United Nations Security
25 Council Resolution 1192.

1 (9) The United States, consistent with United
2 Nations Security Council resolutions, called on Libya
3 to ensure the production of evidence, including the
4 presence of witnesses before the court, and to com-
5 ply fully with all the requirements of the United Na-
6 tions Security Council resolutions.

7 (10) After years of intensive diplomacy, Colonel
8 Qadhafi finally transferred the two Libyan suspects
9 to The Netherlands on April 5, 1999, and the
10 United Nations Security Council, in turn, suspended
11 its sanctions against Libya that same day.

12 (11) Libya has only fulfilled one of four condi-
13 tions (the transfer of the two suspects accused in the
14 Lockerbie bombing) set forth in United Nations Se-
15 curity Council Resolutions 731, 748, and 883 that
16 would justify the lifting of United Nations Security
17 Council sanctions against Libya.

18 (12) Libya has not fulfilled the other three con-
19 ditions (cooperation with the Lockerbie investigation
20 and trial; renunciation of and ending support for
21 terrorism; and payment of appropriate compensa-
22 tion) necessary to lift the United Nations Security
23 Council sanctions.

24 (13) The United Nations Secretary General is
25 expected to issue a report to the Security Council on

1 or before July 5, 1999, on the issue of Libya's com-
2 pliance with the remaining conditions.

3 (14) Any member of the United Nations Secu-
4 rity Council has the right to introduce a resolution
5 to lift the sanctions against Libya after the United
6 Nations Secretary General's report has been issued.

7 (15) The United States Government considers
8 Libya a state sponsor of terrorism and the State De-
9 partment Report, "Patterns of Global Terrorism;
10 1998", stated that Colonel Qadhafi "continued pub-
11 licly and privately to support Palestinian terrorist
12 groups, including the PIJ and the PFLP-GC".

13 (16) United States Government sanctions
14 (other than sanctions on food or medicine) should be
15 maintained on Libya, and in accordance with United
16 States law, the Secretary of State should keep Libya
17 on the list of countries the governments of which
18 have repeatedly provided support for acts of inter-
19 national terrorism under section 6(j) of the Export
20 Administration Act of 1979 in light of Libya's ongo-
21 ing support for terrorist groups.

22 (b) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that the President should use all diplomatic means
24 necessary, including the use of the United States veto at
25 the United Nations Security Council, to prevent the Secu-

1 rity Council from lifting sanctions against Libya until
2 Libya fulfills all of the conditions set forth in United Na-
3 tions Security Council Resolutions 731, 748, and 883.

4 **SEC. 1069. INVESTIGATIONS OF VIOLATIONS OF EXPORT**
5 **CONTROLS BY UNITED STATES SATELLITE**
6 **MANUFACTURERS.**

7 (a) NOTICE TO CONGRESS OF INVESTIGATIONS.—
8 The President shall promptly notify Congress whenever an
9 investigation is undertaken of an alleged violation of
10 United States export control laws in connection with a
11 commercial satellite of United States origin.

12 (b) NOTICE TO CONGRESS OF CERTAIN EXPORT
13 WAIVERS.—The President shall promptly notify Congress
14 whenever an export waiver is granted on behalf of any
15 United States person or firm that is the subject of an in-
16 vestigation described in subsection (a). The notice shall
17 include a justification for the waiver.

18 (c) NOTICE IN APPLICATIONS.—It is the sense of
19 Congress that any United States person or firm subject
20 to an investigation described in subsection (a) that sub-
21 mits to the United States an application for the export
22 of a commercial satellite should include in the application
23 a notice of the investigation.

24 (d) PROTECTION OF CLASSIFIED AND OTHER SEN-
25 SITIVE INFORMATION.—The Senate and the House of

1 Representatives shall each establish, by rule or resolution
2 of such House, procedures to protect from unauthorized
3 disclosure classified information, information relating to
4 intelligence sources and methods, and sensitive law en-
5 forcement information that is furnished to Congress pur-
6 suant to this section.

7 (e) EXCEPTION.—The requirements of subsections
8 (a) and (b) shall not apply if the President determines
9 that notification of Congress would jeopardize an on-going
10 criminal investigation. If the President makes such a de-
11 termination he shall provide written notification to the
12 Majority Leader of the Senate, the Minority Leader of the
13 Senate, the Speaker of the House of Representatives and
14 the Minority Leader of the House of Representatives.
15 Such notification shall include a justification for any such
16 determination.

17 **SEC. 1070. ENHANCEMENT OF ACTIVITIES OF DEFENSE**
18 **THREAT REDUCTION AGENCY.**

19 (a) IN GENERAL.—Not later than 180 days after the
20 date of the enactment of this Act, the Secretary of Defense
21 shall prescribe regulations—

22 (1) to authorize the personnel of the Defense
23 Threat Reduction Agency (DTRA) who monitor sat-
24 ellite launch campaigns overseas to suspend such
25 campaigns at any time if the suspension is required

1 for purposes of the national security of the United
2 States;

3 (2) to establish appropriate professional and
4 technical qualifications for such personnel;

5 (3) to allocate funds and other resources to the
6 Agency at levels sufficient to prevent any shortfalls
7 in the number of such personnel;

8 (4) to establish mechanisms in accordance with
9 the provisions of section 1514(a)(2)(A) of the Strom
10 Thurmond National Defense Authorization Act for
11 Fiscal Year 1999 (Public Law 105–261; 112 Stat.
12 2175; 22 U.S.C. 2778 note) that provide for—

13 (A) the allocation to the Agency, in ad-
14 vance of a launch campaign, of an amount
15 equal to the amount estimated to be required by
16 the Agency to monitor the launch campaign;
17 and

18 (B) the reimbursement of the Department,
19 at the end of a launch campaign, for amounts
20 expended by the Agency in monitoring the
21 launch campaign;

22 (5) to establish a formal technology training
23 program for personnel of the Agency who monitor
24 satellite launch campaigns overseas, including a

1 structured framework for providing training in areas
2 of export control laws;

3 (6) to review and improve guidelines on the
4 scope of permissible discussions with foreign persons
5 regarding technology and technical information, in-
6 cluding the technology and technical information
7 that should not be included in such discussions;

8 (7) to provide, on at least an annual basis,
9 briefings to the officers and employees of United
10 States commercial satellite entities on United States
11 export license standards, guidelines, and restrictions,
12 and encourage such officers and employees to par-
13 ticipate in such briefings;

14 (8) to establish a system for—

15 (A) the preparation and filing by personnel
16 of the Agency who monitor satellite launch cam-
17 paigns overseas of detailed reports of all activi-
18 ties observed by such personnel in the course of
19 monitoring such campaigns;

20 (B) the systematic archiving of reports
21 filed under subparagraph (A); and

22 (C) the preservation of such reports in ac-
23 cordance with applicable laws; and

1 (9) to establish a counterintelligence program
2 within the Agency as part of its satellite launch
3 monitoring program.

4 (b) ANNUAL REPORT ON IMPLEMENTATION OF SAT-
5 ELLITE TECHNOLOGY SAFEGUARDS.—(1) The Secretary
6 of Defense and the Secretary of State shall each submit
7 to Congress each year, as part of the annual report for
8 that year under section 1514(a)(8) of the Strom Thur-
9 mond National Defense Authorization Act for Fiscal Year
10 1999, the following:

11 (A) A summary of the satellite launch cam-
12 paigns and related activities monitored by the De-
13 fense Threat Reduction Agency during the preceding
14 year.

15 (B) A description of any license infractions or
16 violations that may have occurred during such cam-
17 paigns and activities.

18 (C) A description of the personnel, funds, and
19 other resources dedicated to the satellite launch
20 monitoring program of the Agency during that year.

21 (D) An assessment of the record of United
22 States satellite makers in cooperating with Agency
23 monitors, and in complying with United States ex-
24 port control laws, during that year.

1 (2) Each report under paragraph (1) shall be sub-
2 mitted in classified form and unclassified form.

3 **SEC. 1071. IMPROVEMENT OF LICENSING ACTIVITIES BY**
4 **THE DEPARTMENT OF STATE.**

5 Not later than 180 days after the date of the enact-
6 ment of this Act, the Secretary of State shall prescribe
7 regulations to provide, consistent with the need to protect
8 classified, law enforcement, or other sensitive information,
9 timely notice to the manufacturer of a commercial satellite
10 of United States origin of the reasons for a denial or ap-
11 proval with conditions, as the case may be, of the applica-
12 tion for license involving the overseas launch of such sat-
13 ellite.

14 **SEC. 1072. ENHANCEMENT OF INTELLIGENCE COMMUNITY**
15 **ACTIVITIES.**

16 (a) CONSULTATION WITH DCI.—The Secretary of
17 State and Secretary of Defense shall consult with the Di-
18 rector of Central Intelligence throughout the review of an
19 application for a license involving the overseas launch of
20 a commercial satellite of United States origin in order to
21 assure that the launch of the satellite, if the license is ap-
22 proved, will meet any requirements necessary to protect
23 the national security interests of the United States.

24 (b) ADVISORY GROUP.—The Director of Central In-
25 telligence shall establish within the intelligence community

1 an advisory group to provide information and analysis to
2 Congress upon request, and to appropriate departments
3 and agencies of the Federal Government, on licenses in-
4 volving the overseas launch of commercial satellites of
5 United States origin.

6 (c) ANNUAL REPORTS ON EFFORTS TO ACQUIRE
7 SENSITIVE UNITED STATES TECHNOLOGY AND TECH-
8 NICAL INFORMATION.—The Director of Central Intel-
9 ligence shall submit each year to Congress and appropriate
10 officials of the executive branch a report on the efforts
11 of foreign governments and entities during the preceding
12 year to acquire sensitive United States technology and
13 technical information. The report shall include an analysis
14 of the applications for licenses for export that were sub-
15 mitted to the United States during that year.

16 (d) INTELLIGENCE COMMUNITY DEFINED.—In this
17 section, the term “intelligence community” has the mean-
18 ing given that term in section 3(4) of the National Secu-
19 rity Act of 1947 (50 U.S.C. 401a(4)).

20 **SEC. 1073. ADHERENCE OF PEOPLE’S REPUBLIC OF CHINA**
21 **TO MISSILE TECHNOLOGY CONTROL REGIME.**

22 (a) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that—

24 (1) the President should take all actions appro-
25 priate to obtain a bilateral agreement with the Peo-

1 ple’s Republic of China to adhere to the Missile
2 Technology Control Regime (MTCR) and the MTCR
3 Annex; and

4 (2) the People’s Republic of China should not
5 be permitted to join the Missile Technology Control
6 Regime as a member without having—

7 (A) demonstrated a sustained and verified
8 commitment to the nonproliferation of missiles
9 and missile technology; and

10 (B) adopted an effective export control sys-
11 tem for implementing guidelines under the Mis-
12 sile Technology Control Regime and the MTCR
13 Annex.

14 (b) DEFINITIONS.—In this section:

15 (1) The term “Missile Technology Control Re-
16 gime” means the policy statement, between the
17 United States, the United Kingdom, the Federal Re-
18 public of Germany, France, Italy, Canada, and
19 Japan, announced on April 16, 1987, to restrict sen-
20 sitive missile-relevant transfers based on the MTCR
21 Annex, and any amendments thereto.

22 (2) The term “MTCR Annex” means the
23 Guidelines and Equipment and Technology Annex of
24 the Missile Technology Control Regime, and any
25 amendments thereto.

1 **SEC. 1074. UNITED STATES COMMERCIAL SPACE LAUNCH**
2 **CAPACITY.**

3 It is the sense of Congress that—

4 (1) Congress and the President should work to-
5 gether to stimulate and encourage the expansion of
6 a commercial space launch capacity in the United
7 States, including by taking actions to eliminate legal
8 or regulatory barriers to long-term competitiveness
9 in the United States commercial space launch indus-
10 try; and

11 (2) Congress and the President should—

12 (A) reexamine the current United States
13 policy of permitting the export of commercial
14 satellites of United States origin to the People's
15 Republic of China for launch;

16 (B) review the advantages and disadvan-
17 tages of phasing out the policy over time, in-
18 cluding advantages and disadvantages identified
19 by Congress, the executive branch, the United
20 States satellite industry, the United States
21 space launch industry, the United States tele-
22 communications industry, and other interested
23 persons; and

24 (C) if the phase out of the policy is adopt-
25 ed, permit launches of commercial satellites of

1 United States origin by the People's Republic of
2 China only if—

3 (i) such launches are licensed as of
4 the commencement of the phase out of the
5 policy; and

6 (ii) additional actions are taken to
7 minimize the transfer of technology to the
8 People's Republic of China during the
9 course of such launches.

10 **SEC. 1075. ANNUAL REPORTS ON SECURITY IN THE TAIWAN**
11 **STRAIT.**

12 (a) IN GENERAL.—Not later than February 1 of each
13 year, beginning in the first calendar year after the date
14 of enactment of this Act, the Secretary of Defense shall
15 submit to the appropriate congressional committees a re-
16 port, in both classified and unclassified form, detailing the
17 security situation in the Taiwan Strait.

18 (b) REPORT ELEMENTS.—Each report shall
19 include—

20 (1) an analysis of the military forces facing
21 Taiwan from the People's Republic of China;

22 (2) an evaluation of additions during the pre-
23 ceding year to the offensive military capabilities of
24 the People's Republic of China; and

1 (3) an assessment of any challenges during the
2 preceding year to the deterrent forces of the Repub-
3 lic of China on Taiwan, consistent with the commit-
4 ments made by the United States in the Taiwan Re-
5 lations Act (Public Law 96–8).

6 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
7 FINED.—The term “appropriate congressional commit-
8 tees” means the Committee on Foreign Relations and the
9 Committee on Armed Services of the Senate and the Com-
10 mittee on International Relations and the Committee on
11 Armed Services of the House of Representatives.

12 **SEC. 1076. DECLASSIFICATION OF RESTRICTED DATA AND**
13 **FORMERLY RESTRICTED DATA.**

14 Section 3161(b) of the Strom Thurmond National
15 Defense Authorization Act for Fiscal Year 1999 (Public
16 Law 105–261; 112 Stat. 2260; 50 U.S.C. 435 note) is
17 amended by adding at the end the following:

18 “(9) The actions to be taken to ensure that
19 records subject to Executive Order No. 12958 that
20 have previously been determined to be suitable for
21 release to the public are reviewed on a page by page
22 basis for Restricted Data or Formerly Restricted
23 Data unless such records have been determined to
24 be highly unlikely to contain Restricted Data or For-
25 merly Restricted Data.”.

1 **SEC. 1077. DISENGAGING FROM NONCRITICAL OVERSEAS**
2 **MISSIONS INVOLVING UNITED STATES COM-**
3 **BAT FORCES.**

4 (a) FINDINGS.—Congress makes the following find-
5 ings:

6 (1) It is the National Security Strategy of the
7 United States to “deter and defeat large-scale,
8 cross-border aggression in two distant theaters in
9 overlapping time frames”.

10 (2) The deterrence of Iraq and Iran in South-
11 west Asia and the deterrence of North Korea in
12 Northeast Asia represent two such potential large-
13 scale, cross-border theater requirements.

14 (3) The United States has 120,000 troops per-
15 manently assigned to those theaters.

16 (4) The United States has an additional 70,000
17 forces assigned to non-NATO/non-Pacific threat for-
18 eign countries.

19 (5) The United States has more than 6,000
20 troops in Bosnia-Herzegovina on indefinite assign-
21 ment.

22 (6) The United States has diverted permanently
23 assigned resources from other theaters to support
24 operations in the Balkans.

25 (7) The United States provides military forces
26 to seven active United Nations peacekeeping oper-

1 ations, including some missions that have continued
2 for decades.

3 (8) Between 1986 and 1998, the number of
4 American military deployments per year has nearly
5 tripled at the same time the Department of Defense
6 budget has been reduced in real terms by 38 per-
7 cent.

8 (9) The Army has 10 active-duty divisions
9 today, down from 18 in 1991, while on an average
10 day in fiscal year 1998, 28,000 United States Army
11 soldiers were deployed to more than 70 countries for
12 over 300 separate missions.

13 (10) Active Air Force fighter wings have gone
14 from 22 to 13 since 1991, while 70 percent of air
15 sorties in Operation Allied Force over the Balkans
16 are United States-flown and the Air Force continues
17 to enforce northern and southern no-fly zones in
18 Iraq. In response, the Air Force has initiated a
19 “stop loss” program to block normal retirements
20 and separations.

21 (11) The United States Navy has been reduced
22 in size to 339 ships, its lowest level since 1938, ne-
23 cessitating the redeployment of the only overseas
24 homeported aircraft carrier from the Western Pacific

1 to the Mediterranean to support Operation Allied
2 Force.

3 (12) In 1998 just 10 percent of eligible carrier
4 naval aviators—27 out of 261—accepted continu-
5 ation bonuses and remained in service.

6 (13) In 1998 48 percent of Air Force pilots eli-
7 gible for continuation opted to leave the service.

8 (14) The Army could fall 6,000 below Congres-
9 sionally authorized troop strength by the end of
10 1999.

11 (b) SENSE OF CONGRESS.—It is the sense of Con-
12 gress that:

13 (1) The readiness of United States military
14 forces to execute the National Security Strategy of
15 the United States is being eroded from a combina-
16 tion of declining defense budgets and expanded mis-
17 sions.

18 (2) There may be missions to which the United
19 States is contributing Armed Forces from which the
20 United States can begin disengaging.

21 (c) REPORT REQUIREMENT.—Not later than March
22 1, 2000, the President shall submit to the Committee on
23 Armed Services of the Senate and the Committee on Na-
24 tional Security of the House of Representatives, and to
25 the Committees on Appropriations in both Houses, a re-

1 port prioritizing the ongoing global missions to which the
2 United States is contributing troops. The President shall
3 include in the report a feasibility analysis of how the
4 United States can—

5 (1) shift resources from low priority missions in
6 support of higher priority missions;

7 (2) consolidate or reduce United States troop
8 commitments worldwide;

9 (3) end low priority missions.

10 **SEC. 1078. SENSE OF THE SENATE ON NEGOTIATIONS WITH**
11 **INDICTED WAR CRIMINALS.**

12 (a) IN GENERAL.—It is the sense of the Senate that
13 the United States, as a member of NATO, should not ne-
14 gotiate with Slobodan Milosevic, an indicted war criminal,
15 or any other indicted war criminal with respect to reaching
16 an end to the conflict in the Federal Republic of Yugo-
17 slavia

18 (b) YUGOSLAVIA DEFINED.—In this section, the term
19 “Federal Republic of Yugoslavia” means the Federal Re-
20 public of Yugoslavia (Serbia and Montenegro).

21 **SEC. 1079. COAST GUARD EDUCATION FUNDING.**

22 Section 2006 of title 10, United States Code, is
23 amended—

1 (1) by striking “Department of Defense edu-
2 cation liabilities” in subsection (a) and inserting
3 “armed forces education liabilities”;

4 (2) by striking paragraph (1) of subsection (b)
5 and inserting the following:

6 “(1) The term ‘armed forces educational liabil-
7 ities’ means liabilities of the armed forces for bene-
8 fits under chapter 30 of title 38 and for Department
9 of Defense benefits under chapter 1606 of this
10 title.”;

11 (3) by inserting “Department of Defense” after
12 “future” in subsection (b)(2)(C);

13 (4) by striking “106” in subsection (b)(2)(C)
14 and inserting “1606”;

15 (5) by inserting “and the Secretary of the De-
16 partment in which the Coast Guard is operating”
17 after “Defense” in subsection (c)(1);

18 (6) by striking “Department of Defense” in
19 subsection (d) and inserting “armed forces”;

20 (7) by inserting “the Secretary of the Depart-
21 ment in which the Coast Guard is operating” in sub-
22 section (d) after “Secretary of Defense,”;

23 (8) by inserting “and the Department in which
24 the Coast Guard is operating” after “Department of
25 Defense” in subsection (f)(5);

1 (9) by inserting “and the Secretary of the De-
2 partment in which the Coast Guard is operating” in
3 paragraphs (1) and (2) of subsection (g) after “The
4 Secretary of Defense”; and

5 (10) by striking “of a military department.” in
6 subsection (g)(3) and inserting “concerned.”.

7 **SEC. 1080. TECHNICAL AMENDMENT TO PROHIBITION ON**
8 **RELEASE OF CONTRACTOR PROPOSALS**
9 **UNDER THE FREEDOM OF INFORMATION**
10 **ACT.**

11 Section 2305(g) of title 10, United States Code, is
12 amended in paragraph (1) by striking “the Department
13 of Defense” and inserting “an agency named in section
14 2303 of this title”.

15 **SEC. 1081. ATTENDANCE AT PROFESSIONAL MILITARY EDU-**
16 **CATION SCHOOLS BY MILITARY PERSONNEL**
17 **OF THE NEW MEMBER NATIONS OF NATO.**

18 (a) FINDING.—Congress finds that it is in the na-
19 tional interests of the United States to fully integrate Po-
20 land, Hungary, and the Czech Republic, the new member
21 nations of the North Atlantic Treaty Organization, into
22 the NATO alliance as quickly as possible.

23 (b) MILITARY EDUCATION AND TRAINING PRO-
24 GRAMS.—The Secretary of each military department shall
25 give due consideration to according a high priority to the

1 attendance of military personnel of Poland, Hungary, and
2 the Czech Republic at professional military education
3 schools and training programs in the United States, in-
4 cluding the United States Military Academy, the United
5 States Naval Academy, the United States Air Force Acad-
6 emy, the National Defense University, the war colleges of
7 the Armed Forces, the command and general staff officer
8 courses of the Armed Forces, and other schools and train-
9 ing programs of the Armed Forces that admit personnel
10 of foreign armed forces.

11 **SEC. 1082. SENSE OF CONGRESS REGARDING UNITED**
12 **STATES-RUSSIAN COOPERATION IN COMMER-**
13 **CIAL SPACE LAUNCH SERVICES.**

14 (a) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that—

16 (1) the United States should agree to increase
17 the quantitative limitations applicable to commercial
18 space launch services provided by Russian space
19 launch service providers if the Government of the
20 Russian Federation demonstrates a sustained com-
21 mitment to seek out and prevent the illegal transfer
22 from Russia to Iran or any other country of any
23 prohibited ballistic missile equipment or any tech-
24 nology necessary for the acquisition or development
25 by the recipient country of any ballistic missile;

1 (2) the United States should demand full and
2 complete cooperation from the Government of the
3 Russian Federation on preventing the illegal transfer
4 from Russia to Iran or any other country of any
5 prohibited fissile material or ballistic missile equip-
6 ment or any technology necessary for the acquisition
7 or development by the recipient country of any nu-
8 clear weapon or ballistic missile; and

9 (3) the United States should take every appro-
10 priate measure necessary to encourage the Govern-
11 ment of the Russian Federation to seek out and pre-
12 vent the illegal transfer from Russia to Iran or any
13 other country of any prohibited fissile material or
14 ballistic missile equipment or any technology nec-
15 essary for the acquisition or development by the re-
16 cipient country of any nuclear weapon or ballistic
17 missile.

18 (b) DEFINITIONS.—

19 (1) IN GENERAL.—The terms “commercial
20 space launch services” and “Russian space launch
21 service providers” have the same meanings given
22 those terms in Article I of the Agreement Between
23 the Government of the United States of America
24 and the Government of the Russian Federation Re-
25 garding International Trade in Commercial Space

1 Launch Services, signed in Washington, D.C., on
2 September 2, 1993.

3 (2) QUANTITATIVE LIMITATIONS APPLICABLE
4 TO COMMERCIAL SPACE LAUNCH SERVICES.—The
5 term “quantitative limitations applicable to commer-
6 cial space launch services” means the quantitative
7 limits applicable to commercial space launch services
8 contained in Article IV of the Agreement Between
9 the Government of the United States of America
10 and the Government of the Russian Federation Re-
11 garding International Trade in Commercial Space
12 Launch Services, signed in Washington, D.C., on
13 September 2, 1993, as amended by the agreement
14 between the United States and the Russian Federa-
15 tion done at Washington, D.C., on January 30,
16 1996.

17 **SEC. 1083. RECOVERY AND IDENTIFICATION OF REMAINS**
18 **OF CERTAIN WORLD WAR II SERVICEMEN.**

19 (a) RESPONSIBILITIES OF THE SECRETARY OF THE
20 ARMY.—(1) The Secretary of the Army, in consultation
21 with the Secretary of Defense, shall make every reasonable
22 effort, as a matter of high priority, to search for, recover,
23 and identify the remains of United States servicemen of
24 the United States aircraft lost in the Pacific theater of
25 operations during World War II, including in New Guinea.

1 (2) The Secretary of the Army shall submit to Con-
2 gress not later than September 30, 2000, a report detail-
3 ing the efforts made by the United States Army Central
4 Identification Laboratory to accomplish the objectives de-
5 scribed in paragraph (1).

6 (b) RESPONSIBILITIES OF THE SECRETARY OF
7 STATE.—The Secretary of State, upon request by the Sec-
8 retary of the Army, shall work with officials of govern-
9 ments of sovereign nations in the Pacific theater of oper-
10 ations of World War II to overcome any political obstacles
11 that have the potential for precluding the Secretary of the
12 Army from accomplishing the objectives described in sub-
13 section (a)(1).

14 **SEC. 1084. CHEMICAL AGENTS USED FOR DEFENSIVE**
15 **TRAINING.**

16 (a) AUTHORITY TO TRANSFER AGENTS.—(1) The
17 Secretary of Defense may transfer to the Attorney Gen-
18 eral, in accordance with the Chemical Weapons Conven-
19 tion, quantities of lethal chemical agents required to sup-
20 port training at the Center for Domestic Preparedness in
21 Fort McClellan, Alabama. The quantity of lethal chemical
22 agents transferred under this section may not exceed that
23 required to support training for emergency first-response
24 personnel in addressing the health, safety, and law en-
25 forcement concerns associated with potential terrorist inci-

1 dents that might involve the use of lethal chemical weap-
2 ons or agents, or other training designated by the Attor-
3 ney General.

4 (2) The Secretary of Defense, in coordination with
5 the Attorney General, shall determine the amount of lethal
6 chemical agents that shall be transferred under this sec-
7 tion. Such amount shall be transferred from quantities of
8 lethal chemical agents that are produced, acquired, or re-
9 tained by the Department of Defense.

10 (3) The Secretary of Defense may not transfer lethal
11 chemical agents under this section until—

12 (A) the Center referred to in paragraph (1) is
13 transferred from the Department of Defense to the
14 Department of Justice; and

15 (B) the Secretary determines that the Attorney
16 General is prepared to receive such agents.

17 (4) To carry out the training described in paragraph
18 (1) and other defensive training not prohibited by the
19 Chemical Weapons Convention, the Secretary of Defense
20 may transport lethal chemical agents from a Department
21 of Defense facility in one State to a Department of Justice
22 or Department of Defense facility in another State.

23 (5) Quantities of lethal chemical agents transferred
24 under this section shall meet all applicable requirements
25 for transportation, storage, treatment, and disposal of

1 such agents and for any resulting hazardous waste prod-
2 ucts.

3 (b) ANNUAL REPORT.—The Secretary of Defense, in
4 consultation with Attorney General, shall report annually
5 to Congress regarding the disposition of lethal chemical
6 agents transferred under this section.

7 (c) NON-INTERFERENCE WITH TREATY OBLIGA-
8 TIONS.—Nothing in this section may be construed as
9 interfering with United States treaty obligations under the
10 Chemical Weapons Convention.

11 (d) CHEMICAL WEAPONS CONVENTION DEFINED.—
12 In this section, the term “Chemical Weapons Convention”
13 means the Convention on the Prohibition of the Develop-
14 ment, Production, Stockpiling and Use of Chemical Weap-
15 ons and on Their Destruction, opened for signature on
16 January 13, 1993.

17 **SEC. 1085. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.**

18 (a) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that—

20 (1) it is in the interest of Russia to fully imple-
21 ment the Presidential Nuclear Initiatives announced
22 in 1991 and 1992 by then-President of the Soviet
23 Union Gorbachev and then-President of Russia
24 Yeltsin;

1 (2) the President of the United States should
2 call on Russia to match the unilateral reductions in
3 the United States inventory of tactical nuclear weap-
4 ons, which have reduced the inventory by nearly 90
5 percent; and

6 (3) if the certification under section 1044 is
7 made, the President should emphasize the continued
8 interest of the United States in working coopera-
9 tively with Russia to reduce the dangers associated
10 with Russia's tactical nuclear arsenal.

11 (b) ANNUAL REPORTING REQUIREMENT.—(1) Each
12 annual report on accounting for United States assistance
13 under Cooperative Threat Reduction programs that is sub-
14 mitted to Congress under section 1206 of Public Law
15 104–106 (110 Stat. 471; 22 U.S.C. 5955 note) after fiscal
16 year 1999 shall include, regarding Russia's arsenal of tac-
17 tical nuclear warheads, the following:

18 (A) Estimates regarding current types, num-
19 bers, yields, viability, locations, and deployment sta-
20 tus of the warheads.

21 (B) An assessment of the strategic relevance of
22 the warheads.

23 (C) An assessment of the current and projected
24 threat of theft, sale, or unauthorized use of the war-
25 heads.

1 (2) Whether millions of people all over the
2 world would live in freedom hinged on the outcome
3 of the Cold War.

4 (3) Democratic countries bore the burden of the
5 struggle and paid the costs in order to preserve and
6 promote democracy and freedom.

7 (4) The Armed Forces and the taxpayers of the
8 United States bore the greatest portion of such a
9 burden and struggle in order to protect such prin-
10 ciples.

11 (5) Tens of thousands of United States soldiers,
12 sailors, Marines, and airmen paid the ultimate price
13 during the Cold War in order to preserve the free-
14 doms and liberties enjoyed in democratic countries.

15 (6) The Berlin Wall erected in Berlin, Ger-
16 many, epitomized the totalitarianism that the United
17 States struggled to eradicate during the Cold War.

18 (7) The fall of the Berlin Wall on November 9,
19 1989, marked the beginning of the end for Soviet to-
20 talitarianism, and thus the end of the Cold War.

21 (8) November 9, 1999, is the 10th anniversary
22 of the fall of the Berlin Wall.

23 (b) DESIGNATION OF VICTORY IN THE COLD WAR
24 DAY.—Congress hereby—

1 (1) designates November 9, 1999, as “Victory
2 in the Cold War Day”; and

3 (2) requests that the President issue a procla-
4 mation calling on the people of the United States to
5 observe that week with appropriate ceremonies and
6 activities.

7 (c) COLD WAR MEDAL.—(1) Chapter 57 of title 10,
8 United States Code, is amended by adding at the end the
9 following:

10 **“§ 1133. Cold War medal: award**

11 “(a) AWARD.—There is hereby authorized an award
12 of an appropriate decoration, as provided for under sub-
13 section (b), to all individuals who served honorably in the
14 United States Armed Forces during the Cold War in order
15 to recognize the contributions of such individuals to
16 United States victory in the Cold War.

17 “(b) DESIGN.—The Joint Chiefs of Staff shall, under
18 regulations prescribed by the President, design for pur-
19 poses of this section a decoration called the ‘Victory in
20 the Cold War Medal’. The decoration shall be of appro-
21 priate design, with ribbons and appurtenances.

22 “(c) PERIOD OF COLD WAR.—For purposes of sub-
23 section (a), the term ‘Cold War’ shall mean the period be-
24 ginning on August 14, 1945, and ending on November 9,
25 1989.”.

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

“1133. Cold War medal: award.”.

4 (d) PARTICIPATION OF ARMED FORCES IN CELEBRA-
5 TION OF ANNIVERSARY OF END OF COLD WAR.—(1) Sub-
6 ject to paragraphs (2) and (3), amounts authorized to be
7 appropriated by section 301(1) shall be available for the
8 purpose of covering the costs of the Armed Forces in par-
9 ticipating in a celebration of the 10th anniversary of the
10 end of the Cold War to be held in Washington, District
11 of Columbia, on November 9, 1999.

12 (2) The total amount of funds available under para-
13 graph (1) for the purpose set forth in that paragraph may
14 not exceed \$15,000,000.

15 (3)(A) The Secretary of Defense may accept con-
16 tributions from the private sector for the purpose of reduc-
17 ing the costs of the Armed Forces described in paragraph
18 (1).

19 (B) The amount of funds available under paragraph
20 (1) for the purpose set forth in that paragraph shall be
21 reduced by an amount equal to the amount of contribu-
22 tions accepted by the Secretary under subparagraph (A).

23 (e) COMMISSION ON VICTORY IN THE COLD WAR.—
24 (1) There is hereby established a commission to be known

1 as the “Commission on Victory in the Cold War” (in this
2 subsection to be referred to as the “Commission”).

3 (2) The Commission shall be composed of twelve indi-
4 viduals, as follows:

5 (A) Two shall be appointed by the President.

6 (B) Two shall be appointed by the Minority
7 Leader of the Senate.

8 (C) Two shall be appointed by the Minority
9 Leader of the House of Representatives.

10 (D) Three shall be appointed by the Majority
11 Leader of the Senate.

12 (E) Three shall be appointed by the Speaker of
13 the House of Representatives.

14 (3) The Commission shall have as its duty the review
15 and approval of the expenditure of funds by the Armed
16 Forces under subsection (d) prior to the participation of
17 the Armed Forces in the celebration referred to in para-
18 graph (1) of that subsection, whether such funds are de-
19 rived from funds of the United States or from amounts
20 contributed by the private sector under paragraph (3)(A)
21 of that subsection.

22 (4) In addition to the duties provided for under para-
23 graph (3), the Commission shall also have the authority
24 to design and award medals and decorations to current

1 and former public officials and other individuals whose ef-
 2 forts were vital to United States victory in the Cold War.

3 (5) The Commission shall be chaired by two individ-
 4 uals as follows:

5 (A) One selected by and from among those ap-
 6 pointed pursuant to subparagraphs (A), (B), and
 7 (C) of paragraph (2).

8 (B) One selected by and from among those ap-
 9 pointed pursuant to subparagraphs (D) and (E) of
 10 paragraph (2).

11 **TITLE XI—DEPARTMENT OF**
 12 **DEFENSE CIVILIAN PERSONNEL**

13 **SEC. 1101. ACCELERATED IMPLEMENTATION OF VOL-**
 14 **UNTARY EARLY RETIREMENT AUTHORITY.**

15 Section 1109(d)(1) of the Strom Thurmond National
 16 Defense Authorization Act for Fiscal Year 1999 (Public
 17 Law 105–261; 112 Stat. 2145; 5 U.S.C. 8336 note) is
 18 amended by striking “October 1, 2000” and inserting
 19 “October 1, 1999”.

20 **SEC. 1102. DEFERENCE TO EEOC PROCEDURES FOR INVES-**
 21 **TIGATION OF COMPLAINTS OF SEXUAL HAR-**
 22 **ASSMENT MADE BY EMPLOYEES.**

23 Section 1561(a) of title 10, United States Code, is
 24 amended by striking “or a civilian employee under the su-
 25 pervision of the officer”.

1 **SEC. 1103. RESTORATION OF LEAVE OF EMERGENCY ES-**
2 **SENTIAL EMPLOYEES SERVING IN A COMBAT**
3 **ZONE.**

4 (a) SERVICE IN A COMBAT ZONE AS EXIGENCY OF
5 THE PUBLIC BUSINESS.—Section 6304(d) of title 5,
6 United States Code, is amended by adding at the end the
7 following:

8 “(4)(A) For the purpose of this subsection, service
9 of a Department of Defense emergency essential employee
10 in a combat zone is an exigency of the public business
11 for that employee. Any leave that, by reason of such serv-
12 ice, is lost by the employee by operation of this section
13 (regardless of whether such leave was scheduled) shall be
14 restored to the employee and shall be credited and avail-
15 able in accordance with paragraph (2).

16 “(B) As used in subparagraph (A)—

17 “(i) the term ‘Department of Defense emer-
18 gency essential employee’ means an employee of the
19 Department of Defense who is designated under sec-
20 tion 1580 of title 10 as an emergency essential em-
21 ployee; and

22 “(ii) the term ‘combat zone’ has the meaning
23 given such term in section 112(c)(2) of the Internal
24 Revenue Code of 1986.”.

25 (b) DESIGNATION OF EMERGENCY ESSENTIAL EM-
26 PLOYEES.—(1) Chapter 81 of title 10, United States

1 Code, is amended by inserting after the table of sections
2 at the beginning of such chapter the following new section
3 1580:

4 **“§ 1580. Emergency essential employees: designation**

5 “(a) CRITERIA FOR DESIGNATION.—The Secretary of
6 Defense or the Secretary of the military department con-
7 cerned may designate as an emergency essential employee
8 any employee of the Department of Defense, whether per-
9 manent or temporary, the duties of whose position meet
10 all of the following criteria:

11 “(1) It is the duty of the employee to provide
12 immediate and continuing support for combat oper-
13 ations or to support maintenance and repair of com-
14 bat essential systems of the armed forces.

15 “(2) It is necessary for the employee to perform
16 that duty in a combat zone after the evacuation of
17 nonessential personnel, including any dependents of
18 members of the armed forces, from the zone in con-
19 nection with a war, a national emergency declared
20 by Congress or the President, or the commencement
21 of combat operations of the armed forces in the
22 zone.

23 “(3) It is impracticable to convert the employ-
24 ee’s position to a position authorized to be filled by

1 a member of the armed forces because of a necessity
2 for that duty to be performed without interruption.

3 “(b) ELIGIBILITY OF EMPLOYEES OF NON-
4 APPROPRIATED FUND INSTRUMENTALITIES.—A non-
5 appropriated fund instrumentality employee is eligible for
6 designation as an emergency essential employee under
7 subsection (a).

8 “(c) DEFINITIONS.—In this section:

9 “(1) The term ‘combat zone’ has the meaning
10 given that term in section 112(c)(2) of the Internal
11 Revenue Code of 1986.

12 “(2) The term ‘nonappropriated fund instru-
13 mentality employee’ has the meaning given that
14 term in section 1587(a)(1) of this title.”.

15 (2) The table of sections at the beginning of such
16 chapter is amended by inserting before the item relating
17 to section 1581 the following:

“1580. Emergency essential employees: designation.”.

18 **SEC. 1104. LEAVE WITHOUT LOSS OF BENEFITS FOR MILI-**
19 **TARY RESERVE TECHNICIANS ON ACTIVE**
20 **DUTY IN SUPPORT OF COMBAT OPERATIONS.**

21 (a) ELIMINATION OF RESTRICTION TO SITUATIONS
22 INVOLVING NONCOMBAT OPERATIONS.—Section
23 6323(d)(1) of title 5, United States Code, is amended by
24 striking “noncombat”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect on the date of the enact-
3 ment of this Act and shall apply with respect to days of
4 leave under section 6323(d)(1) of title 5, United States
5 Code, on or after that date.

6 **SEC. 1105. WORK SCHEDULES AND PREMIUM PAY OF**
7 **SERVICE ACADEMY FACULTY.**

8 (a) UNITED STATES MILITARY ACADEMY.—Section
9 4338 of title 10, United States Code, is amended by add-
10 ing at the end the following new subsection (c):

11 “(c) The Secretary of the Army may, notwithstanding
12 the provisions of subchapter V of chapter 55 of title 5
13 or section 6101 of such title, prescribe for persons em-
14 ployed under this section the following:

15 “(1) The work schedule, including hours of
16 work and tours of duty, set forth with such speci-
17 ficity and other characteristics as the Secretary de-
18 termines appropriate.

19 “(2) Any premium pay or compensatory time
20 off for hours of work or tours of duty in excess of
21 the regularly scheduled hours or tours of duty.”.

22 (b) UNITED STATES NAVAL ACADEMY.—Section
23 6952 of title 10, United States Code, is amended by—

24 (1) redesignating subsection (c) as subsection
25 (d); and

1 (2) inserting after subsection (b) the following
2 new subsection (c):

3 “(c) The Secretary of the Navy may, notwithstanding
4 the provisions of subchapter V of chapter 55 of title 5
5 or section 6101 of such title, prescribe for persons em-
6 ployed under this section the following:

7 “(1) The work schedule, including hours of
8 work and tours of duty, set forth with such speci-
9 ficity and other characteristics as the Secretary de-
10 termines appropriate.

11 “(2) Any premium pay or compensatory time
12 off for hours of work or tours of duty in excess of
13 the regularly scheduled hours or tours of duty.”.

14 (c) UNITED STATES AIR FORCE ACADEMY.—Section
15 9338 of title 10, United States Code, is amended by add-
16 ing at the end the following new subsection (c):

17 “(c) The Secretary of the Air Force may, notwith-
18 standing the provisions of subchapter V of chapter 55 of
19 title 5 or section 6101 of such title, prescribe for persons
20 employed under this section the following:

21 “(1) The work schedule, including hours of
22 work and tours of duty, set forth with such speci-
23 ficity and other characteristics as the Secretary de-
24 termines appropriate.

1 “(2) Any premium pay or compensatory time
2 off for hours of work or tours of duty in excess of
3 the regularly scheduled hours or tours of duty.”.

4 **SEC. 1106. SALARY SCHEDULES AND RELATED BENEFITS**
5 **FOR FACULTY AND STAFF OF THE UNI-**
6 **FORMED SERVICES UNIVERSITY OF THE**
7 **HEALTH SCIENCES.**

8 Section 2113(f) of title 10, United States Code, is
9 amended by adding at the end the following:

10 “(3) The limitations in sections 5307 and 5373 of
11 title 5 do not apply to the authority of the Secretary under
12 paragraph (1) to prescribe salary schedules and other re-
13 lated benefits.”.

14 **SEC. 1107. EXTENSION OF CERTAIN TEMPORARY AUTHORI-**
15 **TIES TO PROVIDE BENEFITS FOR EMPLOY-**
16 **EES IN CONNECTION WITH DEFENSE WORK-**
17 **FORCE REDUCTIONS AND RESTRUCTURING.**

18 (a) LUMP-SUM PAYMENT OF SEVERANCE PAY.—Sec-
19 tion 5595(i)(4) of title 5, United States Code, is amended
20 by striking “the date of the enactment of the National
21 Defense Authorization Act for Fiscal Year 1996 and be-
22 fore October 1, 1999” and inserting “February 10, 1996,
23 and before October 1, 2003”.

1 (b) VOLUNTARY SEPARATION INCENTIVE.—Section
2 5597(e) of such title is amended by striking “September
3 30, 2001” and inserting “September 30, 2003”.

4 (c) CONTINUATION OF FEHBP ELIGIBILITY.—Sec-
5 tion 8905a(d)(4)(B) of such title is amended by striking
6 clauses (i) and (ii) and inserting the following:

7 “(i) October 1, 2003; or

8 “(ii) February 1, 2004, if specific notice of such
9 separation was given to such individual before Octo-
10 ber 1, 2003.”.

11 **TITLE XII—NATIONAL MILITARY**
12 **MUSEUM AND RELATED MAT-**
13 **TERS**

14 **Subtitle A—Commission on**
15 **National Military Museum**

16 **SEC. 1201. ESTABLISHMENT.**

17 (a) ESTABLISHMENT.—There is hereby established a
18 commission known as the “Commission on the National
19 Military Museum” (in this subtitle referred to as the
20 “Commission”).

21 (b) COMPOSITION.—(1) The Commission shall be
22 composed of 10 individuals appointed from among individ-
23 uals who have an expertise in military or museum matters,
24 of whom—

25 (A) six shall be appointed by the President;

1 (B) one shall be appointed by the Chairman of
2 the Committee on Armed Services of the Senate;

3 (C) one shall be appointed by the Ranking
4 Member of the Committee on Armed Services of the
5 Senate;

6 (D) one shall be appointed by the Chairman of
7 the Committee on Armed Services of the House of
8 Representatives; and

9 (E) one shall be appointed by the Ranking
10 Member of the Committee on Armed Services of the
11 House of Representatives.

12 (2) The following shall be ex officio members of the
13 Commission:

14 (A) The Secretary of Defense.

15 (B) The Secretary of the Army.

16 (C) The Secretary of the Navy.

17 (D) The Secretary of the Air Force.

18 (E) The Commandant of the Marine Corps.

19 (F) The Commandant of the Coast Guard.

20 (G) The Secretary of the Smithsonian Institu-
21 tion.

22 (H) The Chairman of the National Capital
23 Planning Commission.

24 (I) The Chairperson of the Commission of Fine
25 Arts.

1 (c) ORIGINAL CHAIRPERSON.—The President shall
2 designate one of the individuals first appointed to the
3 Commission under subsection (b)(1) as the chairperson of
4 the Commission.

5 (d) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
6 bers shall be appointed for the life of the Commission. Any
7 vacancy in the Commission shall be filled in the same man-
8 ner as the original appointment.

9 (e) INITIAL ORGANIZATION REQUIREMENTS.—(1) All
10 appointments to the Commission shall be made not later
11 than 90 days after the date of the enactment of this Act.

12 (2) The Commission shall convene its first meeting
13 not later than 60 days after the date as of which all mem-
14 bers of the Commission have been appointed, but not ear-
15 lier than October 15, 1999.

16 **SEC. 1202. DUTIES OF COMMISSION.**

17 (a) IN GENERAL.—The Commission shall conduct a
18 study in order to make recommendations to Congress re-
19 garding an authorization for the construction of a national
20 military museum in the National Capital Area.

21 (b) STUDY ELEMENTS.—In conducting the study, the
22 Commission shall—

23 (1) determine whether existing military muse-
24 ums, historic sites, and memorials in the United
25 States are adequate—

1 (A) to provide in a cost-effective manner
2 for display of, and interaction with, adequately
3 visited and adequately preserved artifacts and
4 representations of the Armed Forces and of the
5 wars in which the United States has been en-
6 gaged;

7 (B) to honor the service to the United
8 States of the active and reserve members of the
9 Armed Forces and the veterans of the United
10 States;

11 (C) to educate current and future genera-
12 tions regarding the Armed Forces and the sac-
13 rifices of members of the Armed Forces and the
14 Nation in furtherance of the defense of free-
15 dom; and

16 (D) to foster public pride in the achieve-
17 ments and activities of the Armed Forces;

18 (2) determine whether adequate inventories of
19 artifacts and representations of the Armed Forces
20 and of the wars in which the United States has been
21 engaged are available, either in current inventories
22 or in private or public collections, for loan or other
23 provision to a national military museum; and

24 (3) develop preliminary proposals for—

1 (A) the dimensions and design of a na-
2 tional military museum in the National Capital
3 Area;

4 (B) the location of the museum in that
5 Area; and

6 (C) the approximate cost of the final de-
7 sign and construction of the museum and of the
8 costs of operating the museum.

9 (c) ADDITIONAL DUTIES.—If the Commission deter-
10 mines to recommend that Congress authorize the con-
11 struction of a national military museum in the National
12 Capital Area, the Commission shall also—

13 (1) recommend one or more sites for the mu-
14 seum;

15 (2) propose a schedule for construction of the
16 museum;

17 (3) assess the potential effects of the museum
18 on the environment, facilities, and roadways in the
19 vicinity of the site or sites where the museum is pro-
20 posed to be located;

21 (4) recommend the percentages of funding for
22 the museum to be provided by the Federal Govern-
23 ment, State and local governments, and private
24 sources, respectively;

1 (5) assess the potential for fundraising for the
2 museum during the 20-year period following the au-
3 thorization of construction of the museum; and

4 (6) assess and recommend various governing
5 structures for the museum, including a governing
6 structure that places the museum within the Smith-
7 sonian Institution.

8 **SEC. 1203. REPORT.**

9 The Commission shall, not later than 12 months after
10 the date of its first meeting, submit to Congress a report
11 on its findings and conclusions under this subtitle, includ-
12 ing any recommendations under section 1202.

13 **SEC. 1204. POWERS.**

14 (a) **HEARINGS.**—The Commission or, at its direction,
15 any panel or member of the Commission, may, for the pur-
16 pose of carrying out the provisions of this subtitle, hold
17 hearings, sit and act at times and places, take testimony,
18 receive evidence, and administer oaths to the extent that
19 the Commission or any panel or member considers advis-
20 able.

21 (b) **INFORMATION.**—The Commission may secure di-
22 rectly from the Department of Defense and any other Fed-
23 eral department or agency information that the Commis-
24 sion considers necessary to enable the Commission to
25 carry out its responsibilities under this subtitle.

1 **SEC. 1205. COMMISSION PROCEDURES.**

2 (a) MEETINGS.—The Commission shall meet at the
3 call of the Chairman.

4 (b) QUORUM.—(1) Five members of the Commission
5 shall constitute a quorum other than for the purpose of
6 holding hearings.

7 (2) The Commission shall act by resolution agreed
8 to by a majority of the members of the Commission.

9 (c) COMMISSION.—The Commission may establish
10 panels composed of less than full membership of the Com-
11 mission for the purpose of carrying out the Commission's
12 duties. The actions of each such panel shall be subject to
13 the review and control of the Commission. Any findings
14 and determinations made by such a panel shall not be con-
15 sidered the findings and determinations of the Commis-
16 sion unless approved by the Commission.

17 (d) AUTHORITY OF INDIVIDUALS TO ACT FOR COM-
18 MISSION.—Any member or agent of the Commission may,
19 if authorized by the Commission, take any action which
20 the Commission is authorized to take under this subtitle.

21 **SEC. 1206. PERSONNEL MATTERS.**

22 (a) PAY OF MEMBERS.—Members of the Commission
23 shall serve without pay by reason of their work on the
24 Commission.

25 (b) TRAVEL EXPENSES.—The members of the Com-
26 mission shall be allowed travel expenses, including per

1 diem in lieu of subsistence, at rates authorized for employ-
2 ees of agencies under subchapter I of chapter 57 of title
3 5, United States Code, while away from their homes or
4 regular places of business in the performance of services
5 for the Commission.

6 (c) STAFF.—(1) The chairman of the Commission
7 may, without regard to the provisions of title 5, United
8 States Code, governing appointments in the competitive
9 service, appoint a staff director and such additional per-
10 sonnel as may be necessary to enable the Commission to
11 perform its duties. The appointment of a staff director
12 shall be subject to the approval of the Commission.

13 (2) The chairman of the Commission may fix the pay
14 of the staff director and other personnel without regard
15 to the provisions of chapter 51 and subchapter III of chap-
16 ter 53 of title 5, United States Code, relating to classifica-
17 tion of positions and General Schedule pay rates, except
18 that the rate of pay fixed under this paragraph for the
19 staff director may not exceed the rate payable for level
20 V of the Executive Schedule under section 5316 of such
21 title and the rate of pay for other personnel may not ex-
22 ceed the maximum rate payable for grade GS-15 of the
23 General Schedule.

24 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon
25 request of the chairman of the Commission, the head of

1 any Federal department or agency may detail, on a non-
2 reimbursable basis, any personnel of that department or
3 agency to the Commission to assist it in carrying out its
4 duties.

5 (e) **PROCUREMENT OF TEMPORARY AND INTERMIT-**
6 **TENT SERVICES.**—The chairman of the Commission may
7 procure temporary and intermittent services under section
8 3109(b) of title 5, United States Code, at rates for individ-
9 uals which do not exceed the daily equivalent of the annual
10 rate of basic pay payable for level V of the Executive
11 Schedule under section 5316 of such title.

12 **SEC. 1207. MISCELLANEOUS ADMINISTRATIVE PROVI-**
13 **SIONS.**

14 (a) **POSTAL AND PRINTING SERVICES.**—The Com-
15 mission may use the United States mails and obtain print-
16 ing and binding services in the same manner and under
17 the same conditions as other departments and agencies of
18 the Federal Government.

19 (b) **MISCELLANEOUS ADMINISTRATIVE AND SUP-**
20 **PORT SERVICES.**—The Secretary of Defense shall furnish
21 the Commission, on a reimbursable basis, any administra-
22 tive and support services requested by the Commission.

23 **SEC. 1208. FUNDING.**

24 (a) **IN GENERAL.**—Funds for activities of the Com-
25 mission shall be provided from amounts appropriated for

1 the Department of Defense for operation and maintenance
2 for Defense-wide activities for fiscal year 2000.

3 (b) REQUEST.—Upon receipt of a written certifi-
4 cation from the Chairman of the Commission specifying
5 the funds required for the activities of the Commission,
6 the Secretary of Defense shall promptly disburse to the
7 Commission, from such amounts, the funds required by
8 the Commission as stated in such certification.

9 (c) AVAILABILITY OF CERTAIN FUNDS.—Of the
10 funds available for activities of the Commission under this
11 section, \$2,000,000 shall be available for the activities, if
12 any, of the Commission under section 1202(c).

13 **SEC. 1209. TERMINATION OF COMMISSION.**

14 The Commission shall terminate 60 days after the
15 date of the submission of its report under section 1203.

16 **Subtitle B—Related Matters**

17 **SEC. 1211. FUTURE USE OF NAVY ANNEX PROPERTY, AR-**
18 **LINGTON, VIRGINIA.**

19 (a) LIMITATION ON FUTURE USE.—No transfer of
20 any real property of the Navy Annex property, or other
21 use of that property not authorized as of the date of the
22 enactment of this Act, may be carried out until 2 years
23 after the later of—

24 (1) the date of the submittal of the study on
25 the expansion of Arlington Cemetery required by the

1 Joint Explanatory Statement of the Committee of
2 Conference to accompany the Thurmond National
3 Defense Authorization Act for Fiscal Year 1999
4 (Public Law 105–261); or

5 (2) the date of the submittal of the report of
6 the Commission on the National Military Museum
7 under section 1203.

8 (b) NAVY ANNEX PROPERTY DESCRIBED.—For pur-
9 poses of subsection (a), the Navy Annex property is the
10 parcels of real property under the jurisdiction of the Fed-
11 eral Government located in Arlington, Virginia, as follows:

12 (1) A parcel bounded by Columbia Pike to the
13 south and east, the rear property line of the residen-
14 tial properties fronting Oak Street to the west, and
15 the southern limit of Southgate Road to the north.

16 (2) A parcel bounded by Shirley Memorial Bou-
17 levard (Interstate Route 395) to the south, the east-
18 ern edge of the Department of Transportation of the
19 Commonwealth of Virginia to the west, Columbia
20 Pike to the north, and the access road to Shirley
21 Memorial Boulevard immediately east of Joyce
22 Street to the east.

1 **TITLE XIII—MILITARY VOTING**
2 **RIGHTS ACT OF 1999**

3 **SEC. 1301. SHORT TITLE.**

4 This title may be cited as the “Military Voting Rights
5 Act of 1999”.

6 **SEC. 1302. GUARANTEE OF RESIDENCY.**

7 Article VII of the Soldiers’ and Sailors’ Civil Relief
8 Act of 1940 (50 U.S.C. 700 et seq.) is amended by adding
9 at the end the following:

10 “SEC. 704. (a) For purposes of voting for an office
11 of the United States or of a State, a person who is absent
12 from a State in compliance with military or naval orders
13 shall not, solely by reason of that absence—

14 “(1) be deemed to have lost a residence or
15 domicile in that State;

16 “(2) be deemed to have acquired a residence or
17 domicile in any other State; or

18 “(3) be deemed to have become resident in or
19 a resident of any other State.

20 “(b) In this section, the term ‘State’ includes a terri-
21 tory or possession of the United States, a political subdivi-
22 sion of a State, territory, or possession, and the District
23 of Columbia.”.

1 **SEC. 1303. STATE RESPONSIBILITY TO GUARANTEE MILI-**
2 **TARY VOTING RIGHTS.**

3 (a) REGISTRATION AND BALLOTING.—Section 102 of
4 the Uniformed and Overseas Absentee Voting Act (42
5 U.S.C. 1973ff-1) is amended—

6 (1) by inserting “(a) ELECTIONS FOR FEDERAL
7 OFFICES.—” before “Each State shall—”; and

8 (2) by adding at the end the following:

9 “(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—
10 Each State shall—

11 “(1) permit absent uniformed services voters to
12 use absentee registration procedures and to vote by
13 absentee ballot in general, special, primary, and run-
14 off elections for State and local offices; and

15 “(2) accept and process, with respect to any
16 election described in paragraph (1), any otherwise
17 valid voter registration application from an absent
18 uniformed services voter if the application is received
19 by the appropriate State election official not less
20 than 30 days before the election.”.

21 (b) CONFORMING AMENDMENT.—The heading for
22 title I of such Act is amended by striking out “**FOR**
23 **FEDERAL OFFICE**”.

1 **DIVISION B—MILITARY CON-**
 2 **STRUCTION AUTHORIZA-**
 3 **TIONS**

4 **SEC. 2001. SHORT TITLE.**

5 This division may be cited as the “Military Construc-
 6 tion Authorization Act for Fiscal Year 2000”.

7 **TITLE XXI—ARMY**

8 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
 9 **ACQUISITION PROJECTS.**

10 (a) **INSIDE THE UNITED STATES.**—Using amounts
 11 appropriated pursuant to the authorization of appropria-
 12 tions in section 2104(a)(1), the Secretary of the Army
 13 may acquire real property and carry out military construc-
 14 tion projects for the installations and locations inside the
 15 United States, and in the amounts, set forth in the fol-
 16 lowing table:

Army: Inside the United States

State	Installation or location	Amount
Alaska	Fort Richardson	\$14,600,000
	Fort Wainwright	\$34,800,000
Arkansas	Pine Bluff Arsenal	\$18,000,000
California	Fort Irwin	\$13,400,000
Colorado	Peterson Air Force Base	\$25,000,000
District of Columbia	Fort McNair	\$1,250,000
	Walter Reed Medical Center	\$6,800,000
Georgia	Fort Benning	\$48,400,000
	Fort Stewart	\$19,000,000
	Fort Stewart/Hunter Army Air Field ...	\$7,000,000
	Hunter Army Air Field	\$7,200,000
Hawaii	Schofield Barracks	\$95,000,000
Kansas	Fort Leavenworth	\$34,100,000
	Fort Riley	\$27,000,000
Kentucky	Blue Grass Army Depot	\$17,000,000
	Fort Campbell	\$56,900,000
Maryland	Fort Meade	\$22,450,000
Massachusetts	Westover Air Force Reserve Base	\$4,000,000
Missouri	Fort Leonard Wood	\$10,600,000
Nevada	Hawthorne Army Depot	\$1,700,000
New Jersey	Fort Monmouth	\$11,800,000

Army: Inside the United States—Continued

State	Installation or location	Amount
North Carolina	Fort Bragg	\$125,400,000
	Military Ocean Terminal Sunny Point	\$3,800,000
Oklahoma	Fort Sill	\$13,200,000
	McAlester Army Ammunition	\$16,600,000
Pennsylvania	Carlisle Barracks	\$5,000,000
	Letterkenny Army Depot	\$3,650,000
South Carolina	Fort Jackson	\$7,400,000
Texas	Fort Bliss	\$50,400,000
	Fort Hood	\$68,000,000
Virginia	Fort Belvoir	\$3,850,000
	Fort Eustis	\$39,000,000
	Fort Myer	\$2,900,000
Washington	Fort Lewis	\$6,200,000
	Yakima Training Center	\$17,200,000
CONUS Various	CONUS Various	\$36,400,000
	Total:	\$875,000,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2104(a)(2), the Secretary of the Army
4 may acquire real property and carry out military construc-
5 tion projects for the locations outside the United States,
6 and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Ansbach	\$21,000,000
	Area Support Group Bamberg	\$23,200,000
	Mannheim	\$4,500,000
Korea	Camp Casey	\$31,000,000
	Camp Howze	\$3,050,000
	Camp Stanley	\$3,650,000
	Total:	\$86,400,000

7 SEC. 2102. FAMILY HOUSING.

8 (a) CONSTRUCTION AND ACQUISITION.—Using
9 amounts appropriated pursuant to the authorization of ap-
10 propriations in section 2104(a)(5)(A), the Secretary of the
11 Army may construct or acquire family housing units (in-

1 cluding land acquisition) at the installation, for the pur-
 2 pose, and in the amount set forth in the following table:

Army: Family Housing

Country	Installation or loca- tion	Purpose	Amount
Korea	Camp Humphreys	60 Units	\$24,000,000
		Total:	\$24,000,000

3 (b) **PLANNING AND DESIGN.**—Using amounts appro-
 4 priated pursuant to the authorization of appropriations in
 5 section 2104(a)(5)(A), the Secretary of the Army may
 6 carry out architectural and engineering services and con-
 7 struction design activities with respect to the construction
 8 or improvement of family housing units in an amount not
 9 to exceed \$4,300,000.

10 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 11 **UNITS.**

12 Subject to section 2825 of title 10, United States
 13 Code, and using amounts appropriated pursuant to the
 14 authorization of appropriations in section 2104(a)(5)(A),
 15 the Secretary of the Army may improve existing military
 16 family housing units in an amount not to exceed
 17 \$32,600,000.

18 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

19 (a) **IN GENERAL.**—Funds are hereby authorized to
 20 be appropriated for fiscal years beginning after September
 21 30, 1999, for military construction, land acquisition, and

1 military family housing functions of the Department of the
2 Army in the total amount of \$2,194,333,000 as follows:

3 (1) For military construction projects inside the
4 United States authorized by section 2101(a),
5 \$736,708,000.

6 (2) For military construction projects outside
7 the United States authorized by section 2101(b),
8 \$86,400,000.

9 (3) For unspecified minor construction projects
10 authorized by section 2805 of title 10, United States
11 Code, \$9,500,000.

12 (4) For architectural and engineering services
13 and construction design under section 2807 of title
14 10, United States Code, \$83,414,000.

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, \$61,531,000.

19 (B) For support of military family housing
20 (including the functions described in section
21 2833 of title 10, United States Code),
22 \$1,098,080,000.

23 (6) For the construction of the United States
24 Disciplinary Barracks, Phase III, Fort Leavenworth,
25 Kansas, authorized by section 2101(a) of the Mili-

1 tary Construction Authorization Act for Fiscal Year
2 1998 (division B of Public Law 105–85; 111 Stat.
3 1966), \$18,800,000.

4 (7) For the construction of the Whole Barracks
5 Complex Renewal, Fort Campbell, Kentucky, author-
6 ized by section 2101(a) of the Military Construction
7 Authorization Act for Fiscal Year 1999 (division B
8 of Public Law 105–261; 112 Stat. 2182),
9 \$4,800,000.

10 (8) For the construction of the Multi-Purpose
11 Digital Training Range, Fort Knox, Kentucky, au-
12 thORIZED by section 2101(a) of the Military Construc-
13 tion Authorization Act for Fiscal Year 1999,
14 \$2,400,000.

15 (9) For the construction of the Cadet Develop-
16 ment Center, United States Military Academy, West
17 Point, New York, authorized by section 2101(a) of
18 the Military Construction Authorization Act for Fis-
19 cal Year 1999, \$28,500,000.

20 (10) For the construction of the Force XXI
21 Soldier Development Center, Fort Hood, Texas, au-
22 thORIZED by section 2101(a) of the Military Construc-
23 tion Authorization Act for Fiscal Year 1999,
24 \$14,000,000.

1 (11) For the construction of the Railhead Facil-
2 ity, Fort Hood, Texas, authorized by section
3 2101(a) of the Military Construction Authorization
4 Act of Fiscal Year 1999, \$14,800,000.

5 (12) For the construction of the Power Plant,
6 Roi Namur Island, Kwajalein Atoll, Kwajalein, au-
7 thorized by section 2101(b) of the Military Con-
8 struction Authorization Act for Fiscal Year 1999
9 (112 Stat. 2183), \$35,400,000.

10 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
11 PROJECTS.—Notwithstanding the cost variations author-
12 ized by section 2853 of title 10, United States Code, and
13 any other cost variation authorized by law, the total cost
14 of all projects carried out under section 2101 of this Act
15 may not exceed—

16 (1) the total amount authorized to be appro-
17 priated pursuant to paragraphs (1) and (2) of sub-
18 section (a);

19 (2) \$80,800,000 (the balance of the amount au-
20 thorized under section 2101(a) for the construction
21 of the whole barracks complex renewal at Schofield
22 Barracks, Hawaii); and

23 (3) \$57,492,000 (the balance of the amount au-
24 thorized under section 2101(a) for the construction

1 of the whole barracks complex renewal at Fort
2 Bragg, North Carolina).

3 **TITLE XXII—NAVY**

4 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND** 5 **ACQUISITION PROJECTS.**

6 (a) INSIDE THE UNITED STATES.—Using amounts
7 appropriated pursuant to the authorization of appropria-
8 tions in section 2204(a)(1), the Secretary of the Navy may
9 acquire real property and carry out military construction
10 projects for the installations and locations inside the
11 United States, and in the amounts, set forth in the fol-
12 lowing table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	\$17,020,000
	Navy Detachment, Camp Navajo	\$7,560,000
California	Marine Corps Air-Ground Combat Cen- ter, Twentynine Palms.	\$34,760,000
	Marine Corps Base, Camp Pendleton	\$31,660,000
	Marine Corps Logistics Base, Barstow ...	\$4,670,000
	Marine Corps Recruit Depot, San Diego	\$3,200,000
	Naval Air Station, Lemoore	\$24,020,000
	Naval Air Station, North Island	\$54,420,000
	Naval Hospital, San Diego	\$21,590,000
	Naval Hospital, Twentynine Palms	\$7,640,000
Florida	Naval Air Station, Whiting Field, Milton	\$4,750,000
Georgia	Marine Corps Logistics Base, Albany	\$6,260,000
Hawaii	Camp H.M. Smith	\$86,050,000
	Marine Corps Air Station, Kaneohe Bay	\$5,790,000
	Naval Shipyard, Pearl Harbor	\$10,610,000
	Naval Station, Pearl Harbor	\$18,600,000
	Naval Submarine Base, Pearl Harbor ...	\$29,460,000
Idaho	Naval Surface Warfare Center, Bayview	\$10,040,000
Illinois	Naval Training Center, Great Lakes	\$57,290,000
Maine	Naval Air Station, Brunswick	\$16,890,000
Maryland	Naval Surface Warfare Center, Indian Head.	\$10,070,000
Mississippi	Naval Construction Battalion Center, Gulfport.	\$19,170,000
New Hampshire	NSY Portsmouth	\$3,850,000
New Jersey	Naval Air Warfare Center Aircraft Divi- sion, Lakehurst.	\$15,710,000
North Carolina	Marine Corps Air Station, New River	\$5,470,000
	Marine Corps Base, Camp LeJeune	\$21,380,000
Pennsylvania	Navy Ships Parts Control Center, Me- chanicsburg.	\$2,990,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
South Carolina	Naval Shipyard, Philadelphia	\$13,320,000
	Naval Weapons Station, Charleston	\$7,640,000
	Marine Corps Air Station, Beaufort	\$10,490,000
Virginia	Marine Corps Combat Development Command, Quantico.	\$20,820,000
	Naval Air Station, Oceana	\$11,490,000
Washington	Naval Shipyard, Norfolk, Portsmouth ...	\$17,630,000
	Naval Station, Norfolk	\$69,550,000
	Naval Weapons Station, Yorktown	\$25,040,000
	Tactical Training Group Atlantic, Dam Neck.	\$10,310,000
	Naval Ordnance Center Pacific Division Detachment, Port Hadlock.	\$3,440,000
	Puget Sound Naval Shipyard, Bremerton	\$15,610,000
	Strategic Weapons Facility Pacific, Bremerton.	\$6,300,000
	Total:	\$742,560,000

1 (b) **OUTSIDE THE UNITED STATES.**—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2204(a)(2), the Secretary of the Navy may
4 acquire real property and carry out military construction
5 projects for the locations outside the United States, and
6 in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahrain	Administrative Support Unit	\$83,090,000
Diego Garcia	Naval Support Facility, Diego Garcia	\$8,150,000
Greece	Naval Support Activity, Souda Bay	\$6,380,000
Italy	Naval Support Activity, Naples	\$26,750,000
	Total:	\$124,370,000

7 **SEC. 2202. FAMILY HOUSING.**

8 (a) **CONSTRUCTION AND ACQUISITION.**—Using
9 amounts appropriated pursuant to the authorization of ap-
10 propriations in section 2204(a)(5)(A), the Secretary of the
11 Navy may construct or acquire family housing units (in-

1 cluding land acquisition) at the installations, for the pur-
 2 poses, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or loca- tion	Purpose	Amount
Arizona	Marine Corps Air Sta- tion, Yuma.	100 Units	\$17,000,000
Hawaii	Marine Corps Air Sta- tion, Kaneohe Bay.	100 Units	\$26,615,000
	Marine Corps Base, Kaneohe Bay.	84 Units	\$22,639,000
	Naval Base, Pearl Har- bor.	133 Units	\$30,168,000
	Naval Base, Pearl Har- bor.	96 Units	\$19,167,000
		Total:	\$115,589,000

3 (b) **PLANNING AND DESIGN.**—Using amounts appro-
 4 priated pursuant to the authorization of appropriations in
 5 section 2204(a)(5)(A), the Secretary of the Navy may
 6 carry out architectural and engineering services and con-
 7 struction design activities with respect to the construction
 8 or improvement of military family housing units in an
 9 amount not to exceed \$17,715,000.

10 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 11 **UNITS.**

12 Subject to section 2825 of title 10, United States
 13 Code, and using amounts appropriated pursuant to the
 14 authorization of appropriations in section 2204(a)(5)(A),
 15 the Secretary of the Navy may improve existing military
 16 family housing units in an amount not to exceed
 17 \$165,050,000.

1 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

2 (a) IN GENERAL.—Funds are hereby authorized to
3 be appropriated for fiscal years beginning after September
4 30, 1999, for military construction, land acquisition, and
5 military family housing functions of the Department of the
6 Navy in the total amount of \$2,076,435,000 as follows:

7 (1) For military construction projects inside the
8 United States authorized by section 2201(a),
9 \$672,380,000.

10 (2) For military construction projects outside
11 the United States authorized by section 2201(b),
12 \$124,370,000.

13 (3) For unspecified minor construction projects
14 authorized by section 2805 of title 10, United States
15 Code, \$7,342,000.

16 (4) For architectural and engineering services
17 and construction design under section 2807 of title
18 10, United States Code, \$66,581,000.

19 (5) For military family housing functions:

20 (A) For construction and acquisition, plan-
21 ning and design, and improvement of military
22 family housing and facilities, \$298,354,000.

23 (B) For support of military housing (in-
24 cluding functions described in section 2833 of
25 title 10, United States Code), \$895,070,000.

1 (6) For construction of the Berthing Wharf
2 (Increment II), Naval Station Norfolk, Virginia, au-
3 thorized by section 2201(a) of the Military Construc-
4 tion Authorization Act for Fiscal Year 1999 (divi-
5 sion B of Public Law 105–261; 112 Stat. 2186),
6 \$12,690,000.

7 (b) **LIMITATION ON TOTAL COST OF CONSTRUCTION**
8 **PROJECTS.**—Notwithstanding the cost variations author-
9 ized by section 2853 of title 10, United States Code, and
10 any other cost variation authorized by law, the total cost
11 of all projects carried out under section 2201 of this Act
12 may not exceed—

13 (1) the total amount authorized to be appro-
14 priated pursuant to paragraphs (1) and (2) of sub-
15 section (a); and

16 (2) \$70,180,000 (the balance of the amount au-
17 thorized under section 2201(a) for the construction
18 of the Commander-in-Chief Headquarters, Pacific
19 Command, Camp H. M. Smith, Hawaii).

20 **SEC. 2205. TECHNICAL MODIFICATION OF AUTHORITY RE-**
21 **LATING TO CERTAIN FISCAL YEAR 1997**
22 **PROJECT.**

23 The table in section 2202(a) of the Military Construc-
24 tion Authorization Act for Fiscal Year 1997 (division B
25 of Public Law 104–201; 110 Stat. 2768) is amended in

1 the item relating to Naval Air Station Brunswick, Maine,
 2 by striking “92 Units” in the purpose column and insert-
 3 ing “72 Units”.

4 **TITLE XXIII—AIR FORCE**

5 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 6 **LAND ACQUISITION PROJECTS.**

7 (a) INSIDE THE UNITED STATES.—Using amounts
 8 appropriated pursuant to the authorization of appropria-
 9 tions in section 2304(a)(1), the Secretary of the Air Force
 10 may acquire real property and carry out military construc-
 11 tion projects for the installations and locations inside the
 12 United States, and in the amounts, set forth in the fol-
 13 lowing table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	\$10,600,000
Alaska	Eielson Air Force Base	\$24,100,000
	Elmendorf Air Force Base	\$42,300,000
Arizona	Davis-Monthan Air Force Base	\$7,800,000
California	Beale Air Force Base	\$8,900,000
	Travis Air Force Base	\$7,500,000
Colorado	Peterson Air Force Base	\$33,000,000
	Sehriever Air Force Base	\$9,400,000
	United States Air Force Academy ...	\$17,500,000
Delaware	Dover Air Force Base	\$12,000,000
Florida	Eglin Air Force Base	\$13,600,000
	Eglin Auxiliary Field 9	\$18,800,000
	MacDill Air Force Base	\$5,500,000
	Patrick Air Force Base	\$17,800,000
Georgia	Fort Benning	\$3,900,000
	Moody Air Force Base	\$3,200,000
	Robins Air Force Base	\$3,350,000
Hawaii	Hickam Air Force Base	\$3,300,000
Idaho	Mountain Home Air Force Base	\$17,000,000
Kansas	McConnell Air Force Base	\$10,963,000
Kentucky	Fort Campbell	\$6,300,000
Maryland	Andrews Air Force Base	\$9,900,000
Massachusetts	Hanscom Air Force Base	\$16,000,000
Mississippi	Columbus Air Force Base	\$2,600,000
	Keesler Air Force Base	\$35,900,000
Missouri	Whiteman Air Force Base	\$24,900,000
Montana	Malmstrom Air Force Base	\$11,600,000
Nebraska	Offutt Air Force Base	\$8,300,000
Nevada	Nellis Air Force Base	\$18,600,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
	Nellis Air Force Base	\$11,600,000
New Jersey	McGuire Air Force Base	\$11,800,000
New Mexico	Cannon Air Force Base	\$4,000,000
	Cannon Air Force Base	\$8,100,000
New York	Rome Laboratory	\$25,800,000
North Carolina	Fort Bragg	\$4,600,000
	Pope Air Force Base	\$7,700,000
North Dakota	Grand Forks Air Force Base	\$9,500,000
Ohio	Wright-Patterson Air Force Base ...	\$22,200,000
Oklahoma	Tinker Air Force Base	\$47,400,000
South Carolina	Charleston Air Force Base	\$18,200,000
South Dakota	Ellsworth Air Force Base	\$10,200,000
Tennessee	Arnold Air Force Base	\$7,800,000
Texas	Dyess Air Force Base	\$5,400,000
	Lackland Air Force Base	\$13,400,000
	Laughlin Air Force Base	\$3,250,000
Utah	Hill Air Force Base	\$4,600,000
Virginia	Langley Air Force Base	\$6,300,000
Washington	Fairchild Air Force Base	\$13,600,000
	McChord Air Force Base	\$7,900,000
CONUS Classified	Classified Location	\$16,870,000
	Total:	\$664,833,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2304(a)(2), the Secretary of the Air Force
4 may acquire real property and carry out military construc-
5 tion projects for the installations and locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing table:

Air Force: Outside the United States

Country	Installation or location	Amount
Guam	Andersen Air Force Base	\$8,900,000
Italy	Aviano Air Base	\$3,700,000
Korea	Osan Air Base	\$19,600,000
Portugal	Lajes Field, Azores	\$1,800,000
United Kingdom	Ascension Island	\$2,150,000
	Royal Air Force, Feltwell	\$3,000,000
	Royal Air Force, Lakenheath	\$18,200,000
	Royal Air Force, Mildenhall	\$17,600,000
	Royal Air Force, Molesworth	\$1,700,000
	Total:	\$76,650,000

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 or Country	Installation or location	Purpose	Amount
Arizona	Davis-Monthan Air Force Base.	64 Units	\$10,000,000
California	Beale Air Force Base ..	60 Units	\$8,500,000
	Edwards Air Force Base.	188 Units	\$32,790,000
	Vandenberg Air Force Base.	91 Units	\$16,800,000
District of Columbia	Bolling Air Force Base	72 Units	\$9,375,000
Florida	Eglin Air Force Base ..	130 Units	\$14,080,000
	MacDill Air Force Base.	54 Units	\$9,034,000
Mississippi	Columbus Air Force Base.	100 Units	\$12,290,000
Montana	Malmstrom Air Force Base.	34 Units	\$7,570,000
Nebraska	Offutt Air Force Base	72 Units	\$12,352,000
North Carolina	Seymour Johnson Air Force Base.	78 Units	\$12,187,000
North Dakota	Grand Forks Air Force Base.	42 Units	\$10,050,000
Texas	Minot Air Force Base	72 Units	\$10,756,000
	Lackland Air Force Base.	48 Units	\$7,500,000
Portugal	Lajes Field, Azores	75 Units	\$12,964,000
		Total:	\$186,248,000

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

1 or improvement of military family housing units in an
2 amount not to exceed \$17,471,000.

3 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
4 **UNITS.**

5 Subject to section 2825 of title 10, United States
6 Code, and using amounts appropriated pursuant to the
7 authorization of appropriations in section 2304(a)(5)(A),
8 the Secretary of the Air Force may improve existing mili-
9 tary family housing units in an amount not to exceed
10 \$129,952,000.

11 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
12 **FORCE.**

13 (a) IN GENERAL.—Funds are hereby authorized to
14 be appropriated for fiscal years beginning after September
15 30, 1999, for military construction, land acquisition, and
16 military family housing functions of the Department of the
17 Air Force in the total amount of \$1,931,051,000 as fol-
18 lows:

19 (1) For military construction projects inside the
20 United States authorized by section 2301(a),
21 \$651,833,000.

22 (2) For military construction projects outside
23 the United States authorized by section 2301(b),
24 \$76,650,000.

1 (3) For unspecified minor construction projects
2 authorized by section 2805 of title 10, United States
3 Code, \$8,741,000.

4 (4) For architectural and engineering services
5 and construction design under section 2807 of title
6 10, United States Code, \$38,264,000.

7 (5) For military housing functions:

8 (A) For construction and acquisition, plan-
9 ning and design, and improvement of military
10 family housing and facilities, \$333,671,000.

11 (B) For support of military family housing
12 (including the functions described in section
13 2833 of title 10, United States Code),
14 \$821,892,000.

15 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
16 PROJECTS.—Notwithstanding the cost variations author-
17 ized by section 2853 of title 10, United States Code, and
18 any other cost variation authorized by law, the total cost
19 of all projects carried out under section 2301 of this Act
20 may not exceed \$651,833,000.

21 **SEC. 2305. CONSOLIDATION OF AIR FORCE RESEARCH LAB-**
22 **ORATORY FACILITIES AT ROME RESEARCH**
23 **SITE, ROME, NEW YORK.**

24 The Secretary of the Air Force may accept contribu-
25 tions from the State of New York in addition to amounts

1 authorized in section 2304(a)(1) for the project authorized
 2 by section 2301(a) for Rome Laboratory, New York, for
 3 purposes of carrying out military construction relating to
 4 the consolidation of Air Force Research Laboratory facili-
 5 ties at the Rome Research Site, Rome, New York.

6 **TITLE XXIV—DEFENSE** 7 **AGENCIES**

8 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-** 9 **TION AND LAND ACQUISITION PROJECTS.**

10 (a) **INSIDE THE UNITED STATES.**—Using amounts
 11 appropriated pursuant to the authorization of appropria-
 12 tions in section 2405(a)(1), the Secretary of Defense may
 13 acquire real property and carry out military construction
 14 projects for the installations and locations inside the
 15 United States, and in the amounts, set forth in the fol-
 16 lowing table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Chemical Demilitarization Program.	Blue Grass Army Depot, Kentucky ..	\$195,800,000
Defense Education Activity ..	Marine Corps Base, Camp LeJeune, North Carolina	\$10,570,000
	Laurel Bay, South Carolina	\$2,874,000
Defense Logistics Agency	Eielson Air Force Base, Alaska	\$26,000,000
	Defense Fuel Supply Center, Elmendorf Air Force Base, Alaska	\$23,500,000
	Defense Distribution Supply Point, New Cumberland, Pennsylvania ...	\$5,000,000
	Fairchild Air Force Base, Washington	\$12,400,000
	Various Locations	\$8,900,000
Defense Manpower Data Center.	Presidio, Monterey, California	\$28,000,000
National Security Agency	Fort Meade, Maryland	\$2,946,000
Special Operations Command	Naval Amphibious Base, Coronado, California	\$6,000,000
	Fort Benning, Georgia	\$10,200,000
	Mississippi Army Ammunition Plant, Mississippi	\$12,900,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
Tri-Care Management Agency.	Fort Bragg, North Carolina	\$20,100,000
	Fleet Combat Training Center, Dam Neck, Virginia	\$4,700,000
	Fort Wainwright, Alaska	\$133,000,000
	Davis-Monthan Air Force Base, Arizona	\$10,000,000
	Los Angeles Air Force Base, California	\$13,600,000
	Travis Air Force Base, California	\$7,500,000
	Patrick Air Force Base, Florida	\$1,750,000
	Naval Air Station, Jacksonville, Florida	\$3,780,000
	Naval Air Station, Pensacola, Florida	\$4,300,000
	Moody Air Force Base, Georgia	\$1,250,000
	Fort Riley, Kansas	\$6,000,000
	Andrews Air Force Base, Maryland	\$3,000,000
	Naval Air Station, Patuxent River, Maryland	\$4,150,000
	Marine Corps Air Station, Cherry Point, North Carolina	\$3,500,000
	Wright-Patterson Air Force Base, Ohio	\$3,900,000
	Fort Sam Houston, Texas	\$5,800,000
	Cheatham Annex, Virginia	\$1,650,000
	Naval Air Station, Norfolk, Virginia	\$4,050,000
	Fort Lewis, Washington	\$5,500,000
	Naval Air Station, Whidbey Island, Washington	\$4,700,000
	Total:	\$587,320,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2405(a)(2), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for the installations and locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Education Activity ..	Andersen Air Force Base, Guam	\$44,170,000
	Naval Station Rota, Spain	\$17,020,000
	Royal Air Force, Feltwell, United Kingdom	\$4,570,000
	Royal Air Force, Lakenheath, United Kingdom	\$3,770,000
Defense Logistics Agency	Andersen Air Force Base, Guam	\$24,300,000

Defense Agencies: Outside the United States—Continued

Agency	Installation or location	Amount
National Security Agency	Moron Air Base, Spain	\$15,200,000
	Royal Air Force, Menwith Hill Station, United Kingdom	\$500,000
Tri-Care Management Agency.	Naval Security Group Activity, Sabana Seca, Puerto Rico	\$4,000,000
	Ramstein Air Force Base, Germany	\$7,100,000
	Yongsan, Korea	\$41,120,000
Defense-Wide	Royal Air Force, Lakenheath, United Kingdom	\$7,100,000
	Counterdrug Forward Operating Location, Antilles	\$4,880,000
	Counterdrug Forward Operating Location, Costa Rica	\$6,726,000
	Counterdrug Forward Operating Location, Ecuador	\$31,229,000
	Total:	\$211,685,000

1 **SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriations in section 2405(a)(8)(A),
6 the Secretary of Defense may improve existing military
7 family housing units in an amount not to exceed \$50,000.

8 **SEC. 2403. MILITARY FAMILY HOUSING IMPROVEMENT**
9 **PROGRAM.**

10 Of the amount authorized to be appropriated pursu-
11 ant to section 2405(a)(8)(C), \$78,756,000 shall be avail-
12 able for credit to the Department of Defense Family
13 Housing Improvement Fund established by section
14 2883(a)(1) of title 10, United States Code.

15 **SEC. 2404. ENERGY CONSERVATION PROJECTS.**

16 Using amounts appropriated pursuant to the author-
17 ization of appropriations in section 2405(a)(6), the Sec-

1 retary of Defense may carry out energy conservation
2 projects under section 2865 of title 10, United States
3 Code, in the amount of \$31,900,000.

4 **SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DE-**
5 **FENSE AGENCIES.**

6 (a) IN GENERAL.—Funds are hereby authorized to
7 be appropriated for fiscal years beginning after September
8 30, 1999, for military construction, land acquisition, and
9 military family housing functions of the Department of
10 Defense (other than the military departments) in the total
11 amount of \$1,842,582,000 as follows:

12 (1) For military construction projects inside the
13 United States authorized by section 2401(a),
14 \$288,320,000.

15 (2) For military construction projects outside
16 the United States authorized by section 2401(b),
17 \$211,685,000.

18 (3) For unspecified minor construction projects
19 under section 2805 of title 10, United States Code,
20 \$18,618,000.

21 (4) For contingency construction projects of the
22 Secretary of Defense under section 2804 of title 10,
23 United States Code, \$938,000.

1 (5) For architectural and engineering services
2 and construction design under section 2807 of title
3 10, United States Code, \$33,664,000.

4 (6) For energy conservation projects authorized
5 by section 2404, \$31,900,000.

6 (7) For base closure and realignment activities
7 as authorized by the Defense Base Closure and Re-
8 alignment Act of 1990 (part A of title XXIX of
9 Public Law 101-510; 10 U.S.C. 2687 note),
10 \$892,911,000.

11 (8) For military family housing functions:

12 (A) For improvement of military family
13 housing and facilities, \$50,000.

14 (B) For support of military housing (in-
15 cluding functions described in section 2833 of
16 title 10, United States Code), \$41,440,000 of
17 which not more than \$35,639,000 may be obli-
18 gated or expended for the leasing of military
19 family housing units worldwide.

20 (C) For credit to the Department of De-
21 fense Family Housing Improvement Fund as
22 authorized by section 2403, \$78,756,000.

23 (9) For the construction of the Ammunition
24 Demilitarization Facility, Anniston Army Depot,
25 Alabama, authorized by section 2101(a) of the Mili-

1 tary Construction Authorization Act for Fiscal Year
2 1991 (division B of Public Law 101–510; Stat.
3 1758), \$7,000,000.

4 (10) For the construction of the Ammunition
5 Demilitarization Facility, Pine Bluff Arsenal, Arkan-
6 sas, authorized by section 2401 of the Military Con-
7 struction Authorization Act for Fiscal Year 1995
8 (division B of Public Law 103–337; 108 Stat.
9 3040), as amended by section 2407 of the Military
10 Construction Authorization Act for Fiscal Year 1996
11 (division B of Public Law 104–106; 110 Stat. 539),
12 section 2408 of the Military Construction Authoriza-
13 tion Act for Fiscal Year 1998 (division B of Public
14 Law 105–85; 111 Stat. 1982), and section 2406 of
15 the Military Construction Authorization Act for Fis-
16 cal Year 1999 (division B of Public Law 105–261;
17 112 Stat. 2197), \$61,800,000.

18 (11) For the construction of the Ammunition
19 Demilitarization Facility, Umatilla Army Depot, Or-
20 egon, authorized by section 2401 of the Military
21 Construction Authorization Act for Fiscal Year
22 1995, as amended by section 2407 of the Military
23 Construction Authorization Act for Fiscal Year
24 1996, section 2408 of the Military Construction Au-
25 thorization Act for Fiscal Year 1998, and section

1 2406 of the Military Construction Authorization Act
2 for Fiscal Year 1999, \$35,900,000.

3 (12) For the construction of the Ammunition
4 Demilitarization Facility, Pueblo Chemical Activity,
5 Colorado, authorized by section 2401(a) of the Mili-
6 tary Construction Authorization Act for Fiscal Year
7 1997 (division B of Public Law 104–201; 110 Stat.
8 2775), as amended by section 2406 of this Act,
9 \$11,800,000.

10 (13) For the construction of the Ammunition
11 Demilitarization Facility, Newport Army Depot, In-
12 diana, authorized by section 2401(a) of the Military
13 Construction Authorization Act for Fiscal Year 1999
14 (112 Stat. 2193), \$61,200,000.

15 (14) For the construction of the Ammunition
16 Demilitarization Facility, Aberdeen Proving Ground,
17 Maryland, authorized by section 2401(a) of the Mili-
18 tary Construction Authorization Act for Fiscal Year
19 1999, \$66,600,000.

20 (b) LIMITATION OF TOTAL COST OF CONSTRUCTION
21 PROJECTS.—Notwithstanding the cost variation author-
22 ized by section 2853 of title 10, United States Code, and
23 any other cost variations authorized by law, the total cost
24 of all projects carried out under section 2401 of this Act
25 may not exceed—

1 (1) the total amount authorized to be appro-
2 priated pursuant to paragraphs (1) and (2) of sub-
3 section (a);

4 (2) \$115,000,000 (the balance of the amount
5 authorized under section 2401(a) for the construc-
6 tion of the hospital replacement, Fort Wainwright,
7 Alaska); and

8 (3) \$184,000,000 (the balance of the amount
9 authorized under section 2401(a) for the construc-
10 tion of the Ammunition Demilitarization Facility,
11 Blue Grass Army Depot, Kentucky).

12 **SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT**
13 **CERTAIN FISCAL YEAR 1997 PROJECT.**

14 The table in section 2401 of the Military Construc-
15 tion Authorization Act for Fiscal Year 1997 (division B
16 of Public Law 104–201; 110 Stat. 2775), under the agen-
17 cy heading relating to Chemical Demilitarization Program,
18 is amended in the item relating to Pueblo Chemical Activ-
19 ity, Colorado, by striking “\$179,000,000” in the amount
20 column and inserting “\$203,500,000”.

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 con-
14 struction previously financed by the United States.

15 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

16 Funds are hereby authorized to be appropriated for
17 fiscal years beginning after September 30, 1999, for con-
18 tributions by the Secretary of Defense under section 2806
19 of title 10, United States Code, for the share of the United
20 States of the cost of projects for the North Atlantic Treaty
21 Organization Security Investment program authorized by
22 section 2501, in the amount of \$166,340,000.

1 **TITLE XXVI—GUARD AND**
2 **RESERVE FORCES FACILITIES**

3 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**
4 **TION AND LAND ACQUISITION PROJECTS.**

5 There are authorized to be appropriated for fiscal
6 years beginning after September 30, 1999, for the costs
7 of acquisition, architectural and engineering services, and
8 construction of facilities for the Guard and Reserve
9 Forces, and for contributions therefor, under chapter
10 1803 of title 10, United States Code (including the cost
11 of acquisition of land for those facilities), the following
12 amounts:

13 (1) For the Department of the Army—

14 (A) for the Army National Guard of the
15 United States, \$189,639,000; and

16 (B) for the Army Reserve, \$104,817,000.

17 (2) For the Department of the Navy, for the
18 Naval and Marine Corps Reserve, \$28,475,000.

19 (3) For the Department of the Air Force—

20 (A) for the Air National Guard of the
21 United States, \$232,340,000; and

22 (B) for the Air Force Reserve,
23 \$34,864,000.

1 **TITLE XXVII—EXPIRATION AND**
2 **EXTENSION OF AUTHORIZA-**
3 **TIONS**

4 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**
5 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
6 **LAW.**

7 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
8 YEARS.—Except as provided in subsection (b), all author-
9 izations contained in titles XXI through XXVI for military
10 construction projects, land acquisition, family housing
11 projects and facilities, and contributions to the North At-
12 lantic Treaty Organization Security Investment program
13 (and authorizations of appropriations therefor) shall ex-
14 pire on the later of—

15 (1) October 1, 2002; or

16 (2) the date of the enactment of an Act author-
17 izing funds for military construction for fiscal year
18 2003.

19 (b) EXCEPTION.—Subsection (a) shall not apply to
20 authorizations for military construction projects, land ac-
21 quisition, family housing projects and facilities, and con-
22 tributions to the North Atlantic Treaty Organization Se-
23 curity Investment program (and authorizations of appro-
24 priations therefor), for which appropriated funds have
25 been obligated before the later of—

1 (1) October 1, 2002; or

2 (2) the date of the enactment of an Act author-
 3 izing funds for fiscal year 2003 for military con-
 4 struction projects, land acquisition, family housing
 5 projects and facilities, or contributions to the North
 6 Atlantic Treaty Organization Security Investment
 7 program.

8 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 9 **FISCAL YEAR 1997 PROJECTS.**

10 (a) EXTENSIONS.—Notwithstanding section 2701 of
 11 the Military Construction Authorization Act for Fiscal
 12 Year 1997 (division B of Public Law 104–201; 110 Stat.
 13 2782), authorizations for the projects set forth in the ta-
 14 bles in subsection (b), as provided in sections 2101, 2202,
 15 and 2601 of that Act and amended by section 2406 of
 16 this Act, shall remain in effect until October 1, 2000, or
 17 the date of the enactment of an Act authorizing funds for
 18 military construction for fiscal year 2001, whichever is
 19 later.

20 (b) TABLES.—The tables referred to in subsection (a)
 21 are as follows:

Navy: Extension of 1997 Project Authorizations

State	Installation or loca- tion	Project	Amount
Florida	Naval Station Mayport	Family Housing Construction (100 units).	\$10,000,000
Maine	Naval Station Bruns- wick.	Family Housing Construction (72 units).	\$10,925,000

Navy: Extension of 1997 Project Authorizations—Continued

State	Installation or location	Project	Amount
North Carolina	Marine Corps Base Camp Lejeune.	Family Housing Construction (94 units).	\$10,110,000
South Carolina	Marine Corps Air Sta- tion Beaufort.	Family Housing Construction (140 units).	\$14,000,000
Texas	Naval Complex Corpus Christi.	Family Housing Construction (104 units).	\$11,675,000
	Naval Air Station Kingsville.	Family Housing Construction (48 units).	\$7,550,000
Virginia	Marine Corps Combat Development Com- mand, Quantico.	Sanitary Fill	\$8,900,000
Washington	Naval Station Everett	Family Housing Construction (100 units).	\$15,015,000

Army National Guard: Extension of 1997 Project Authorization

State	Installation or location	Project	Amount
Mississippi	Camp Shelby	Multipurpose Range.	\$5,000,000

Defense Agencies: Extension of 1997 Project Authorization

State	Installation or location	Project	Amount
Colorado	Pueblo Chemical Activ- ity.	Ammunition Demilitariza- tion Facility.	\$179,000,000

1 **SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
2 **FISCAL YEAR 1996 PROJECTS.**

3 (a) EXTENSIONS.—Notwithstanding section 2701 of
4 the Military Construction Authorization Act for Fiscal
5 Year 1996 (division B of Public Law 104–106; 110 Stat.
6 541), authorizations for the projects set forth in the tables
7 in subsection (a), as provided in sections 2202 and 2601
8 of that Act and extended by section 2702 of the Military
9 Construction Authorization Act for Fiscal Year 1999 (di-
10 vision B of Public Law 105–261; 112 Stat. 2199), shall

1 remain in effect until October 1, 2000, or the date of the
 2 enactment of an Act authorizing funds for military con-
 3 struction for fiscal year 2001, whichever is later.

4 (b) TABLES.—The tables referred to in subsection (a)
 5 are as follows:

Navy: Extension of 1996 Project Authorization

State	Installation or loca- tion	Project	Amount
California	Camp Pendleton	Family Housing Construction (138 units).	\$20,000,000

Army National Guard: Extension of 1996 Project Authorization

State	Installation or loca- tion	Project	Amount
Missouri	National Guard Train- ing Site, Jefferson City.	Multipurpose Range.	\$2,236,000

6 **SEC. 2704. EFFECTIVE DATE.**

7 Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI
 8 shall take effect on the later of—

9 (1) October 1, 1999; or

10 (2) the date of the enactment of this Act.

1 **TITLE XXVIII—GENERAL**
2 **PROVISIONS**
3 **Subtitle A—Military Construction**
4 **Program and Military Family**
5 **Housing Program Changes**

6 **SEC. 2801. EXEMPTION FROM NOTICE AND WAIT REQUIRE-**
7 **MENTS OF MILITARY CONSTRUCTION**
8 **PROJECTS SUPPORTED BY BURDENSARING**
9 **FUNDS UNDERTAKEN FOR WAR OR NATIONAL**
10 **EMERGENCY.**

11 Section 2350j of title 10, United States Code, is
12 amended—

13 (1) in subsection (e), by adding at the end the
14 following new paragraph:

15 “(3)(A) A military construction project under sub-
16 section (d) may be carried out without regard to the re-
17 quirement in paragraph (1) and the limitation in para-
18 graph (2) if the project is necessary to support the armed
19 forces in the country or region in which the project is car-
20 ried out by reason of a declaration of war, or a declaration
21 by the President of a national emergency pursuant to the
22 National Emergencies Act (50 U.S.C. 1601 et seq.), that
23 is in force at the time of the commencement of the project.

24 “(B) When a decision is made to carry out a military
25 construction project under subparagraph (A), the Sec-

1 retary of Defense shall submit to the congressional com-
2 mittees specified in subsection (g)—

3 “(i) a notice of the decision; and

4 “(ii) a statement of the current estimated cost
5 of the project, including the cost of any real prop-
6 erty transaction in connection with the project.”;
7 and

8 (2) in subsection (g), by striking “subsection
9 (e)(1)” and inserting “subsection (e)”.

10 **SEC. 2802. PROHIBITION ON CARRYING OUT MILITARY CON-**
11 **STRUCTION PROJECTS FUNDED USING IN-**
12 **CREMENTAL FUNDING.**

13 (a) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that—

15 (1) the President should request in the budget
16 for each fiscal year submitted to Congress under sec-
17 tion 1105 of title 31, United States Code, sufficient
18 amounts to fund fully each military construction and
19 family housing construction project proposed to be
20 authorized in such fiscal year; and

21 (2) Congress should authorize and appropriate
22 each fiscal year amounts sufficient to fund fully each
23 military construction and family housing construc-
24 tion project authorized in such fiscal year.

1 (b) PROHIBITION ON INCREMENTAL FUNDING OF
2 MILITARY CONSTRUCTION PROJECTS.—Section 2802 of
3 title 10, United States Code, is amended by adding at the
4 end the following new subsection:

5 “(c) The Secretary of Defense and the Secretaries of
6 the military departments may not obligate funds for a
7 military construction project (including a military family
8 housing project) otherwise authorized by law unless the
9 total amount of appropriations allocated for obligation and
10 expenditure for the project as of the initial obligation of
11 funds for the project is sufficient, without additional
12 funds, to provide for the construction of a usable facility
13 meeting the purpose of the project.”.

14 **SEC. 2803. DEFENSE CHEMICAL DEMILITARIZATION CON-**
15 **STRUCTION ACCOUNT.**

16 (a) ESTABLISHMENT.—Subchapter I of chapter 169
17 of title 10, United States Code, is amended by adding at
18 the end the following:

19 **“§ 2814. Defense Chemical Demilitarization Construc-**
20 **tion Account**

21 “(a) ESTABLISHMENT.—There is established on the
22 books of the Treasury the Defense Chemical Demilitariza-
23 tion Construction Account (in this section referred to as
24 the ‘Account’).

1 “(b) CREDITS TO ACCOUNT.—There shall be credited
2 to the Account amounts authorized for and appropriated
3 to the Account.

4 “(c) USE OF AMOUNTS IN ACCOUNT.—Amounts in
5 the Account shall be available to the Secretary of Defense
6 for carrying out military construction projects authorized
7 by law in support of the chemical demilitarization activi-
8 ties of the Department of Defense under section 1412 of
9 the Department of Defense Authorization Act, 1986 (50
10 U.S.C. 1521) and other provisions of law.

11 “(d) LIMITATION ON OBLIGATION AND EXPENDI-
12 TURE.—(1) Subject to paragraph (2), amounts appro-
13 priated to the Account for a military construction project
14 shall remain available for obligation and expenditure for
15 the project in the fiscal year for which appropriated and
16 the two succeeding fiscal years.

17 “(2) Amounts appropriated for a military construc-
18 tion project for a fiscal year shall remain available for the
19 project until expended without regard to the limitation
20 specified in paragraph (1) if—

21 “(A) any portion of such amounts are obligated
22 for the project before the end of the fiscal years re-
23 ferred to in that paragraph; or

24 “(B) the availability of such amounts for the
25 project are otherwise extended by law.”.

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

“2814. Defense Chemical Demilitarization Construction Account.”.

4 **SEC. 2804. LIMITATION ON AUTHORITY REGARDING ANCIL-**
5 **LARY SUPPORTING FACILITIES UNDER AL-**
6 **TERNATIVE AUTHORITY FOR ACQUISITION**
7 **AND CONSTRUCTION OF MILITARY HOUSING.**

8 Section 2881 of title 10, United States Code, is
9 amended—

10 (1) by inserting “(a) IN GENERAL.—” before
11 “Any project”; and

12 (2) by adding at the end the following new sub-
13 section:

14 “(b) LIMITATION.—A project referred to in sub-
15 section (a) may not include the acquisition or construction
16 of an ancillary supporting facility if, as determined by the
17 Secretary concerned, the facility is to be used for providing
18 merchandise or services in direct competition with—

19 “(1) the Army and Air Force Exchange Service;

20 “(2) the Navy Exchange Service Command;

21 “(3) a Marine Corps exchange;

22 “(4) the Defense Commissary Agency; or

23 “(5) any nonappropriated fund activity of the
24 Department of Defense for the morale, welfare, and
25 recreation of members of the armed forces.”.

1 **SEC. 2805. AVAILABILITY OF FUNDS FOR PLANNING AND**
2 **DESIGN IN CONNECTION WITH ACQUISITION**
3 **OF RESERVE COMPONENT FACILITIES.**

4 Section 18233(f)(1) of title 10, United States Code,
5 is amended by inserting “and design” after “planning”.

6 **SEC. 2806. MODIFICATION OF LIMITATIONS ON RESERVE**
7 **COMPONENT FACILITY PROJECTS FOR CER-**
8 **TAIN SAFETY PROJECTS.**

9 (a) EXEMPTION FROM NOTICE AND WAIT REQUIRE-
10 MENT.—Subsection (a)(2) of section 18233a of title 10,
11 United States Code, is amended by adding at the end the
12 following new subparagraph:

13 “(C) An unspecified minor military construction
14 project (as defined in section 2805(a) of this title)
15 that is intended solely to correct a deficiency that is
16 life-threatening, health-threatening, or safety-threat-
17 ening.”.

18 (b) AVAILABILITY OF OPERATION AND MAINTENANCE FUNDS.—Subsection (b) of that section is amend-
19 ed to read as follows:
20

21 “(b) Under such regulations as the Secretary of De-
22 fense may prescribe, the Secretary may spend from appro-
23 priations available for operation and maintenance amounts
24 necessary to carry out any project authorized under sec-
25 tion 18233(a) of this title costing not more than—

1 “(1) the amount specified in section 2805(c)(1)
 2 of this title, in the case of a project intended solely
 3 to correct a deficiency that is life-threatening,
 4 health-threatening, or safety-threatening; or

5 “(2) the amount specified in section 2805(c)(2)
 6 of this title, in the case of any other project.”.

7 **SEC. 2807. EXPANSION OF ENTITIES ELIGIBLE TO PARTICI-**
 8 **PATE IN ALTERNATIVE AUTHORITY FOR AC-**
 9 **QUISITION AND IMPROVEMENT OF MILITARY**
 10 **HOUSING.**

11 (a) **DEFINITION OF ELIGIBLE ENTITY.**—Section
 12 2871 of title 10, United States Code, is amended—

13 (1) by redesignating paragraphs (5) through
 14 (7) as paragraphs (6) through (8) respectively; and

15 (2) by inserting after paragraph (4) the fol-
 16 lowing new paragraph (5):

17 “(5) The term ‘eligible entity’ means any indi-
 18 vidual, corporation, firm, partnership, company,
 19 State or local government, or housing authority of a
 20 State or local government.”.

21 (b) **GENERAL AUTHORITY.**—Section 2872 of such
 22 title is amended by striking “private persons” and insert-
 23 ing “eligible entities”.

24 (c) **DIRECT LOANS AND LOAN GUARANTEES.**—Sec-
 25 tion 2873 of such title is amended—

1 (1) in subsection (a)(1)—

2 (A) by striking “persons in private sector”
3 and inserting “an eligible entity”; and

4 (B) by striking “such persons” and insert-
5 ing “the eligible entity”; and

6 (2) in subsection (b)(1)—

7 (A) by striking “any person in the private
8 sector” and inserting “an eligible entity”; and

9 (B) by striking “the person” and inserting
10 “the eligible entity”.

11 (d) INVESTMENTS.—Section 2875 of such title is
12 amended—

13 (1) in subsection (a), by striking “nongovern-
14 mental entities” and inserting “an eligible entity”;

15 (2) in subsection (c)—

16 (A) by striking “a nongovernmental enti-
17 ty” both places it appears and inserting “an eli-
18 gible entity”; and

19 (B) by striking “the entity” each place it
20 appears and inserting “the eligible entity”;

21 (3) in subsection (d), by striking “nongovern-
22 mental” and inserting “eligible”; and

23 (4) in subsection (e), by striking “a nongovern-
24 mental entity” and inserting “an eligible entity”.

1 (e) RENTAL GUARANTEES.—Section 2876 of such
2 title is amended by striking “private persons” and insert-
3 ing “eligible entities”.

4 (f) DIFFERENTIAL LEASE PAYMENTS.—Section
5 2877 of such title is amended by striking “private”.

6 (g) CONVEYANCE OR LEASE OF EXISTING PROPERTY
7 AND FACILITIES.—Section 2878(a) of such title is amend-
8 ed by striking “private persons” and inserting “eligible en-
9 tities”.

10 (h) CLERICAL AMENDMENTS.—(1) The heading of
11 section 2875 of such title is amended to read as follows:

12 **“§ 2875. Investments”.**

13 (2) The table of sections at the beginning of sub-
14 chapter IV of chapter 169 of such title is amended by
15 striking the item relating to section 2875 and inserting
16 the following new item:

“2875. Investments.”.

17 **Subtitle B—Real Property and**
18 **Facilities Administration**

19 **SEC. 2811. EXTENSION OF AUTHORITY FOR LEASES OF**
20 **PROPERTY FOR SPECIAL OPERATIONS AC-**
21 **TIVITIES.**

22 Section 2680(d) of title 10, United States Code, is
23 amended by striking “September 30, 2000” and inserting
24 “September 30, 2005”.

1 **SEC. 2812. ENHANCEMENT OF AUTHORITY RELATING TO**
2 **UTILITY PRIVATIZATION.**

3 (a) **EXTENDED CONTRACTS FOR UTILITY SERV-**
4 **ICES.**—Section 2688 of title 10, United States Code, is
5 amended—

6 (1) by redesignating subsections (f), (g), and
7 (h) as subsections (h), (i), and (j), respectively; and

8 (2) by inserting after subsection (e) the fol-
9 lowing new subsection (f):

10 “(f) **EXTENDED CONTRACTS FOR UTILITY SERV-**
11 **ICES.**—(1) The Secretary concerned may, in connection
12 with a conveyance of a utility system under this section,
13 enter into a contract for the provision of utility services.

14 “(2) Notwithstanding the proviso in section
15 201(a)(3) of the Federal Property and Administrative
16 Services Act of 1949 (40 U.S.C. 481(a)(3)), the term of
17 a contract under this subsection may be up to 50 years.”.

18 (b) **AVAILABILITY OF MILITARY CONSTRUCTION**
19 **FUNDS TO FACILITATE CONVEYANCES.**—That section is
20 further amended by inserting after subsection (f), as
21 added by subsection (a) of this section, the following new
22 subsection (g):

23 “(g) **AVAILABILITY OF MILITARY CONSTRUCTION**
24 **FUNDS TO FACILITATE CONVEYANCES.**—(1) Funds ap-
25 propriated for a military construction project authorized
26 by law for the construction, repair, or replacement of a

1 utility system to be conveyed under this section may, in-
 2 stead of being used for the project, be used for a contribu-
 3 tion by the Secretary concerned to the utility company or
 4 entity to which the utility system is being conveyed for
 5 the costs of the utility company or entity with respect to
 6 the construction, repair, or replacement of the utility sys-
 7 tem.

8 “(2) The Secretary concerned shall take into account
 9 any contribution under this subsection with respect to a
 10 utility system for purposes of the economic analysis re-
 11 quired for the conveyance of the utility system under sub-
 12 section (e)(1).”.

13 **Subtitle C—Defense Base Closure** 14 **and Realignment**

15 **SEC. 2821. CONVEYANCE OF PROPERTY AT INSTALLATIONS** 16 **CLOSED OR REALIGNED UNDER THE BASE** 17 **CLOSURE LAWS WITHOUT CONSIDERATION** 18 **FOR ECONOMIC REDEVELOPMENT PUR-** 19 **POSES.**

20 (a) 1990 LAW.—Section 2905(b)(4) of the Defense
 21 Base Closure and Realignment Act of 1990 (part A of title
 22 XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is
 23 amended—

24 (1) in subparagraph (A)—

1 (A) by inserting “or realigned” after
2 “closed”; and

3 (B) by inserting “for purposes of creating
4 jobs at the installation” before the period at the
5 end; and

6 (2) by striking subparagraph (B) and inserting
7 the following new subparagraph (B):

8 “(B)(i) Subject to clauses (ii) and (iii), the transfer
9 of property under this paragraph shall be for consideration
10 at the fair market value of the property.

11 “(ii) The transfer of property under this paragraph
12 shall be without consideration in the case of an installation
13 located in a rural area whose closure or realignment under
14 this part will have a substantial adverse impact on the
15 economy of the communities in the vicinity of the installa-
16 tion.

17 “(iii) The transfer of property of an installation
18 under this paragraph shall also be without consideration
19 if the redevelopment authority with respect to the
20 installation—

21 “(I) provides in the agreement for the transfer
22 of such property that the proceeds of any sale or
23 lease of such property, or portion of such property,
24 received by the redevelopment authority during the
25 period after the date of the transfer of such property

1 agreed upon by the redevelopment authority and the
2 Secretary (but not less than 10 years after that
3 date) shall be used for economic redevelopment of
4 the installation or related to the installation; and

5 “(II) accepts control of such property under the
6 agreement within a reasonable time (as determined
7 by the Secretary) after the completion of the prop-
8 erty disposal record of decision or the entry of a
9 finding of no significant environmental impact with
10 respect to the transfer under the National Environ-
11 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

12 “(iv) For purposes of clause (iii), the following activi-
13 ties shall be treated as economic redevelopment of an in-
14 stallation or related to an installation:

15 “(I) Road construction or improvement.

16 “(II) Construction or improvement of transpor-
17 tation management facilities.

18 “(III) Construction or improvement of storm
19 and sanitary sewers.

20 “(IV) Construction or improvement of facilities
21 for police or fire protection services.

22 “(V) Construction or improvement of other
23 public facilities.

24 “(VI) Construction or improvement of utilities.

1 “(VII) Rehabilitation or improvement of build-
2 ings, including preservation of historic property.

3 “(VIII) Construction, improvement, or acquisi-
4 tion of pollution prevention equipment or facilities.

5 “(IX) Demolition of facilities.

6 “(X) Property management activities, including
7 removal of hazardous material, landscaping, grading,
8 and other site or public improvements.

9 “(XI) Planning and marketing the development
10 and reuse of the installation.

11 “(v) An agreement for the transfer of property of an
12 installation under clause (iii)(I) shall permit the Secretary
13 to recoup from the redevelopment authority concerned
14 such portion as the Secretary determines appropriate of
15 the amount of any proceeds of the sale or lease of the
16 property that the redevelopment authority does not use to
17 support economic redevelopment of the installation or re-
18 lated to the installation for the period specified in the
19 agreement.”.

20 (b) 1988 LAW.—Section 204(b)(4) of the Defense
21 Authorization Amendments and Base Closure and Re-
22 alignment Act (Public Law 100–526; 10 U.S.C. 2687
23 note) is amended—

24 (1) in subparagraph (A)—

1 (A) by inserting “or realigned” after
2 “closed”; and

3 (B) by inserting “for purposes of creating
4 jobs at the installation” before the period at the
5 end; and

6 (2) by striking subparagraph (B) and inserting
7 the following new subparagraph (B):

8 “(B)(i) Subject to clauses (ii) and (iii), the transfer
9 of property under this paragraph shall be for consideration
10 at the fair market value of the property.

11 “(ii) The transfer of property under this paragraph
12 shall be without consideration in the case of an installation
13 located in a rural area whose closure or realignment under
14 this title will have a substantial adverse impact on the
15 economy of the communities in the vicinity of the installa-
16 tion.

17 “(iii) The transfer of property of an installation
18 under this paragraph shall also be without consideration
19 if the redevelopment authority with respect to the
20 installation—

21 “(I) provides in the agreement for the transfer
22 of such property that the proceeds of any sale or
23 lease of such property, or portion of such property,
24 received by the redevelopment authority during the
25 period after the date of the transfer of such property

1 agreed upon by the redevelopment authority and the
2 Secretary (but not less than 10 years after such
3 date) shall be used for economic redevelopment of
4 the installation or related to the installation; and

5 “(II) accepts control of such property under the
6 agreement within a reasonable time (as determined
7 by the Secretary) after the completion of the prop-
8 erty disposal record of decision or the entry of a
9 finding of no significant environmental impact with
10 respect to the transfer under the National Environ-
11 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

12 “(iv) For purposes of clause (iii), the following activi-
13 ties shall be treated as economic redevelopment of an in-
14 stallation or related to an installation:

15 “(I) Road construction or improvement.

16 “(II) Construction or improvement of transpor-
17 tation management facilities.

18 “(III) Construction or improvement of storm
19 and sanitary sewers.

20 “(IV) Construction or improvement of facilities
21 for police or fire protection services.

22 “(V) Construction or improvement of other
23 public facilities.

24 “(VI) Construction or improvement of utilities.

1 “(VII) Rehabilitation or improvement of build-
2 ings, including preservation of historic property.

3 “(VIII) Construction, improvement, or acquisi-
4 tion of pollution prevention equipment or facilities.

5 “(IX) Demolition of facilities.

6 “(X) Property management activities, including
7 removal of hazardous material, landscaping, grading,
8 and other site or public improvements.

9 “(XI) Planning and marketing the development
10 and reuse of the installation.

11 “(v) An agreement for the transfer of property of an
12 installation under clause (iii)(I) shall permit the Secretary
13 to recoup from the redevelopment authority concerned
14 such portion as the Secretary determines appropriate of
15 the amount of any proceeds of the sale or lease of the
16 property that the redevelopment authority does not use to
17 support economic redevelopment of the installation or re-
18 lated to the installation for the period specified in the
19 agreement.”.

20 (c) APPLICABILITY TO CERTAIN PRIOR AGREE-
21 MENTS.—(1)(A) Subject to subparagraph (B), the Sec-
22 retary of Defense may modify an agreement for the trans-
23 fer of property under section 2905(b)(4) of the Defense
24 Base Closure and Realignment Act of 1990, or under sec-
25 tion 204(b)(4) of the Defense Authorization Amendments

1 and Base Closure and Realignment Act, that was entered
2 into before April 21, 1999, for purposes of the com-
3 promise, waiver, adjustment, release, or reduction of any
4 right, title, claim, lien, or demand of the United States
5 under the agreement.

6 (B) The Secretary may modify an agreement under
7 this paragraph only if—

8 (i) the Secretary determines that, as a result of
9 changed economic circumstances, the modification is
10 necessary to provide for economic redevelopment of
11 the installation concerned or related to that installa-
12 tion;

13 (ii) the terms of the modification do not require
14 the return of any payments made to the Secretary
15 under the agreement before the date of the modifica-
16 tion; and

17 (iii) the terms of the modification do not com-
18 promise, waive, adjust, release, or reduce any right,
19 title, claim, lien, or demand of the United States
20 under the agreement with respect to the receipt by
21 the United States of in-kind consideration.

22 (C) In modifying an agreement under subparagraph
23 (A), the Secretary may waive some or all future payments
24 to the United States under the agreement to the extent
25 that the Secretary determines such waiver is necessary.

1 (D) In modifying an agreement under subparagraph
2 (A), the Secretary and the redevelopment authority con-
3 cerned shall include in the agreement provisions consistent
4 with clauses (iii)(I) and (v) of section 2905(b)(4)(B) of
5 the Defense Base Closure and Realignment Act of 1990
6 (as amended by this section), or clauses (iii)(I) and (v)
7 under section 204(b)(4)(B) of the Defense Authorization
8 Amendments and Base Closure and Realignment Act (as
9 so amended), as applicable.

10 (2)(A) The Secretary shall, upon the request of the
11 redevelopment authority concerned, modify an agreement
12 for the transfer of property under section 2905(b)(4) of
13 the Defense Base Closure and Realignment Act of 1990,
14 or under section 204(b)(4) of the Defense Authorization
15 Amendments and Base Closure and Realignment Act, that
16 was entered into between April 21, 1999, and the date
17 of the enactment of this Act in order to conform the agree-
18 ment to the provisions of subparagraph (B) of such section
19 2905(b)(4), as so amended, or subparagraph (B) of such
20 section 204(b)(4), as so amended.

21 (B) A modification of an agreement under this para-
22 graph may compromise, waive, adjust, release, or reduce
23 any right, title, claim, lien, or demand of the United States
24 under the agreement.

1 (d) REPEAL OF CERTAIN OBSOLETE AUTHORITY.—

2 (1) Section 204(b)(4)(D) of the Defense Authorization
3 Amendments and Base Closure and Realignment Act is
4 amended—

5 (A) by striking “(i)”; and

6 (B) by striking clause (ii).

7 (2) Section 2905(b)(4)(D) of the Defense Base Clo-
8 sure and Realignment Act of 1990 is amended—

9 (A) by striking “(i)”; and

10 (B) by striking clause (ii).

11 **Subtitle D—Land Conveyances**

12 **PART I—ARMY CONVEYANCES**

13 **SEC. 2831. LAND CONVEYANCE, ARMY RESERVE CENTER,** 14 **BANGOR, MAINE.**

15 (a) CONVEYANCE AUTHORIZED.—(1) The Secretary
16 of the Army may convey, without consideration, to the
17 City of Bangor, Maine (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 any improve-
20 ments thereon, consisting of approximately 5 acres and
21 containing the Army Reserve Center in Bangor, Maine,
22 known as the Harold S. Slager Army Reserve Center. The
23 parcel has been determined to be excess to the needs of
24 the Army.

1 (2) The purpose of the conveyance is to permit the
2 City to use the property for educational purposes.

3 (b) ALTERNATIVE CONVEYANCE AUTHORITY.—If at
4 the time of the conveyance authorized by subsection (a)
5 the Secretary has transferred jurisdiction over any of the
6 property to be conveyed to the Administrator of General
7 Services, the Administrator shall make the conveyance of
8 such property under this section.

9 (c) FEDERAL SCREENING.—(1) If any of the prop-
10 erty authorized to be conveyed by subsection (a) of this
11 section is under the jurisdiction of the Administrator as
12 of the date of the enactment of this Act, the Administrator
13 shall conduct with respect to such property the screening
14 for further Federal use otherwise required by subsection
15 (a) of section 2696 of title 10, United States Code.

16 (2) Subsections (b) through (d) of such section 2696
17 shall apply to the screening under paragraph (1) as if the
18 screening were a screening conducted under subsection (a)
19 of such section 2696. For purposes of such subsection (b),
20 the date of the enactment of the provision of law author-
21 izing the conveyance of the property authorized to be con-
22 veyed by this section shall be the date of the enactment
23 of this Act.

24 (d) REVERSIONARY INTEREST.—If during the 5-year
25 period beginning on the date the conveyance authorized

1 by subsection (a) is made the Secretary determines that
2 the property conveyed under that subsection is not being
3 used for the purpose specified in paragraph (2) of that
4 subsection, all right, title, and interest in and to the prop-
5 erty shall revert to the United States, and the United
6 States shall have the right of immediate entry onto the
7 property. Any determination of the Secretary under this
8 subsection shall be made on the record after an oppor-
9 tunity for a hearing.

10 (e) DESCRIPTION OF PROPERTY.—The exact acreage
11 and legal description of the real property to be conveyed
12 under subsection (a) shall be determined by a survey satis-
13 factory to the official having jurisdiction over the property
14 at the time of the conveyance. The cost of the survey shall
15 be borne by the City.

16 (f) ADDITIONAL TERMS AND CONDITIONS.—The offi-
17 cial having jurisdiction over the property authorized to be
18 conveyed by subsection (a) at the time of the conveyance
19 may require such additional terms and conditions in con-
20 nection with the conveyance as that official considers ap-
21 propriate to protect the interest of the United States.

22 **SEC. 2832. LAND CONVEYANCES, TWIN CITIES ARMY AMMU-**
23 **NITION PLANT, MINNESOTA.**

24 (a) CONVEYANCE TO CITY AUTHORIZED.—The Sec-
25 retary of the Army may convey to the City of Arden Hills,

1 Minnesota (in this section referred to as the “City”), all
2 right, title, and interest of the United States in and to
3 a parcel of real property, including improvements thereon,
4 consisting of approximately 4 acres at the Twin Cities
5 Army Ammunition Plant, for the purpose of permitting
6 the City to construct a city hall complex on the parcel.

7 (b) CONVEYANCE TO COUNTY AUTHORIZED.—The
8 Secretary of the Army may convey to Ramsey County,
9 Minnesota (in this section referred to as the “County”),
10 all right, title, and interest of the United States in and
11 to a parcel of real property, including improvements there-
12 on, consisting of approximately 35 acres at the Twin Cities
13 Army Ammunition Plant, for the purpose of permitting
14 the County to construct a maintenance facility on the par-
15 cel.

16 (c) CONSIDERATION.—As a consideration for the con-
17 veyances under this section, the City shall make the city
18 hall complex available for use by the Minnesota National
19 Guard for public meetings, and the County shall make the
20 maintenance facility available for use by the Minnesota
21 National Guard, as detailed in agreements entered into be-
22 tween the City, County, and the Commanding General of
23 the Minnesota National Guard. Use of the city hall com-
24 plex and maintenance facility by the Minnesota National

1 Guard shall be without cost to the Minnesota National
2 Guard.

3 (d) DESCRIPTION OF PROPERTY.—The exact acreage
4 and legal description of the real property to be conveyed
5 under this section shall be determined by surveys satisfac-
6 tory to the Secretary. The cost of the survey shall be borne
7 by the recipient of the real property.

8 (e) ADDITIONAL TERMS AND CONDITIONS.—The
9 Secretary may require such additional terms and condi-
10 tions in connection with the conveyances under this section
11 as the Secretary considers appropriate to protect the inter-
12 ests of the United States.

13 **SEC. 2833. REPAIR AND CONVEYANCE OF RED BUTTE DAM**
14 **AND RESERVOIR, SALT LAKE CITY, UTAH.**

15 (a) CONVEYANCE REQUIRED.—The Secretary of the
16 Army may convey, without consideration, to the Central
17 Utah Water Conservancy District, Utah (in this section
18 referred to as the “District”), all right, title, and interest
19 of the United States in and to the real property, including
20 the dam, spillway, and any other improvements thereon,
21 comprising the Red Butte Dam and Reservoir, Salt Lake
22 City, Utah. The Secretary shall make the conveyance with-
23 out regard to the department or agency of the Federal
24 Government having jurisdiction over Red Butte Dam and
25 Reservoir.

1 (b) PROVISION OF FUNDS.—Not later than 60 days
2 after the date of the enactment of this Act, the Secretary
3 may make funds available to the District for purposes of
4 the improvement of Red Butte Dam and Reservoir to meet
5 the standards applicable to the dam and reservoir under
6 the laws of the State of Utah.

7 (c) USE OF FUNDS.—The District shall use funds
8 made available to the District under subsection (b) solely
9 for purposes of improving Red Butte Dam and Reservoir
10 to meet the standards referred to in that subsection.

11 (d) RESPONSIBILITY FOR MAINTENANCE AND OPER-
12 ATION.—Upon the conveyance of Red Butte Dam and
13 Reservoir under subsection (a), the District shall assume
14 all responsibility for the operation and maintenance of Red
15 Butte Dam and Reservoir for fish, wildlife, and flood con-
16 trol purposes in accordance with the repayment contract
17 or other applicable agreement between the District and the
18 Bureau of Reclamation with respect to Red Butte Dam
19 and Reservoir.

20 (e) DESCRIPTION OF PROPERTY.—The legal descrip-
21 tion of the real property to be conveyed under subsection
22 (a) shall be determined by a survey satisfactory to the Sec-
23 retary. The cost of the survey shall be borne by the Dis-
24 trict.

1 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
 2 retary may require such additional terms and conditions
 3 in connection with the conveyance under subsection (a) as
 4 the Secretary considers appropriate to protect the inter-
 5 ests of the United States.

6 **PART II—NAVY CONVEYANCES**

7 **SEC. 2841. CLARIFICATION OF LAND EXCHANGE, NAVAL RE-**
 8 **SERVE READINESS CENTER, PORTLAND,**
 9 **MAINE.**

10 (a) CLARIFICATION ON CONVEYEE.—Subsection
 11 (a)(1) of section 2852 of the Military Construction Au-
 12 thorization Act for Fiscal Year 1999 (division B of Public
 13 Law 105–261; 112 Stat. 2220) is amended by striking
 14 “Gulf of Maine Aquarium Development Corporation, Port-
 15 land, Maine (in this section referred to as the ‘Corpora-
 16 tion’)” and inserting “Gulf of Maine Aquarium Develop-
 17 ment Corporation, Portland, Maine, a non-profit edu-
 18 cation and research institute (in this section referred to
 19 as the ‘Aquarium’)”.

20 (b) CONFORMING AMENDMENTS.—That section is
 21 further amended by striking “the Corporation” each place
 22 it appears and inserting “the Aquarium”.

23 **SEC. 2842. LAND CONVEYANCE, NEWPORT, RHODE ISLAND.**

24 (a) CONVEYANCE AUTHORIZED.—The Secretary of
 25 the Navy may convey, without consideration, to the City

1 of Newport, Rhode Island (in this section referred to as
2 the “City”), all right, title, and interest of the United
3 States in and to a parcel of real property (together with
4 any improvements thereon) consisting of approximately 15
5 acres and known familiarly as the Ranger Road site. The
6 real property is bounded by Naval Station Newport, Rhode
7 Island, to the north and west, by the Town of Middletown,
8 Rhode Island, to the north and east, and by Admiral
9 Kalbfus Road, the Jai Alai fronton, the Newport City
10 Yard, and the ramp to Newport Bridge to the south.

11 (b) CONDITION.—The conveyance authorized by sub-
12 section (a) shall be subject to the condition that the City
13 use the conveyed property for one or more of the following
14 purposes:

15 (1) A satellite campus of the Community Col-
16 lege of Rhode Island.

17 (2) A center for child day care and early child-
18 hood education.

19 (3) A center for offices of the Government of
20 the State of Rhode Island.

21 (c) REVERSIONARY INTEREST.—If during the 5-year
22 period beginning on the date the Secretary makes the con-
23 veyance authorized by subsection (a) the Secretary deter-
24 mines that the conveyed property is not being used for
25 any of the purposes specified in subsection (b), all right,

1 title, and interest in and to the property, including any
2 improvements thereon, shall revert to the United States,
3 and the United States shall have the right of immediate
4 entry onto the property. Any determination of the Sec-
5 retary under this subsection shall be made on the record
6 after an opportunity for a hearing.

7 (d) **LEGAL DESCRIPTION OF PROPERTY.**—The exact
8 acreage and legal description of the real property to be
9 conveyed under subsection (a) shall be determined by a
10 survey acceptable to the Secretary. The cost of the survey
11 shall be borne by the City.

12 (e) **ADDITIONAL TERMS AND CONDITIONS.**—The
13 Secretary may require such additional terms and condi-
14 tions in connection with the conveyance authorized by sub-
15 section (a) as the Secretary considers appropriate to pro-
16 tect the interests of the United States.

17 **SEC. 2843. LAND CONVEYANCE, NAVAL WEAPONS INDUS-**
18 **TRIAL RESERVE PLANT NO. 387, DALLAS,**
19 **TEXAS.**

20 (a) **CONVEYANCE AUTHORIZED.**—(1) The Secretary
21 of the Navy may convey to the City of Dallas, Texas (in
22 this section referred to as the “City”), all right, title, and
23 interest of the United States in and to parcels of real prop-
24 erty consisting of approximately 314 acres and comprising

1 the Naval Weapons Industrial Reserve Plant No. 387,
2 Dallas, Texas.

3 (2)(A) As part of the conveyance authorized by para-
4 graph (1), the Secretary may convey to the City such im-
5 provements, equipment, fixtures, and other personal prop-
6 erty located on the parcels referred to in that paragraph
7 as the Secretary determines to be not required by the
8 Navy for other purposes.

9 (B) The Secretary may permit the City to review and
10 inspect the improvements, equipment, fixtures, and other
11 personal property located on the parcels referred to in
12 paragraph (1) for purposes of the conveyance authorized
13 by this paragraph.

14 (b) AUTHORITY TO CONVEY WITHOUT CONSIDER-
15 ATION.—The conveyance authorized by subsection (a) may
16 be made without consideration if the Secretary determines
17 that the conveyance on that basis would be in the best
18 interests of the United States.

19 (c) CONDITION OF CONVEYANCE.—The conveyance
20 authorized by subsection (a) shall be subject to the condi-
21 tion that the City—

22 (1) use the parcels, directly or through an
23 agreement with a public or private entity, for eco-
24 nomic purposes or such other public purposes as the
25 City determines appropriate; or

1 (2) convey the parcels to an appropriate public
2 entity for use for such purposes.

3 (d) REVERSION.—If, during the 5-year period begin-
4 ning on the date the Secretary makes the conveyance au-
5 thorized by subsection (a), the Secretary determines that
6 the conveyed real property is not being used for a purpose
7 specified in subsection (c), all right, title, and interest in
8 and to the property, including any improvements thereon,
9 shall revert to the United States, and the United States
10 shall have the right of immediate entry onto the property.

11 (e) LIMITATION ON CERTAIN SUBSEQUENT CONVEY-
12 ANCES.—(1) Subject to paragraph (2), if at any time after
13 the Secretary makes the conveyance authorized by sub-
14 section (a) the City conveys any portion of the parcels con-
15 veyed under that subsection to a private entity, the City
16 shall pay to the United States an amount equal to the
17 fair market value (as determined by the Secretary) of the
18 portion conveyed at the time of its conveyance under this
19 subsection.

20 (2) Paragraph (1) applies to a conveyance described
21 in that paragraph only if the Secretary makes the convey-
22 ance authorized by subsection (a) without consideration.

23 (3) The Secretary shall deposit in the General Fund
24 of the Treasury as miscellaneous receipts any amounts
25 paid the Secretary under this subsection.

1 (f) INTERIM LEASE.—(1) Until such time as the real
2 property described in subsection (a) is conveyed by deed
3 under this section, the Secretary may continue to lease
4 the property, together with improvements thereon, to the
5 current tenant under the existing terms and conditions of
6 the lease for the property.

7 (2) If good faith negotiations for the conveyance of
8 the property continue under this section beyond the end
9 of the third year of the term of the existing lease for the
10 property, the Secretary shall continue to lease the property
11 to the current tenant of the property under the terms and
12 conditions applicable to the first three years of the lease
13 of the property pursuant to the existing lease for the prop-
14 erty.

15 (g) MAINTENANCE OF PROPERTY.—(1) Subject to
16 paragraph (2), the Secretary shall be responsible for main-
17 taining the real property to be conveyed under this section
18 in its condition as of the date of the enactment of this
19 Act until such time as the property is conveyed by deed
20 under this section.

21 (2) The current tenant of the property shall be re-
22 sponsible for any maintenance required under paragraph
23 (1) to the extent of the activities of that tenant at the
24 property during the period covered by that paragraph.

1 (h) DESCRIPTION OF PROPERTY.—The exact acreage
2 and legal description of the real property to be conveyed
3 under subsection (a) shall be determined by a survey satis-
4 factory to the Secretary. The cost of the survey shall be
5 borne by the City.

6 (i) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
7 retary may require such additional terms and conditions
8 in connection with the conveyance under subsection (a) as
9 the Secretary considers appropriate to protect the inter-
10 ests of the United States.

11 **SEC. 2844. LAND CONVEYANCE, NAVAL TRAINING CENTER,**
12 **ORLANDO, FLORIDA.**

13 The Secretary of the Navy shall convey all right, title,
14 and interest of the United States in and to the land com-
15 prising the main base portion of the Naval Training Cen-
16 ter and the McCoy Annex Areas, Orlando, Florida, to the
17 City of Orlando, Florida, in accordance with the terms and
18 conditions set forth in the Memorandum of Agreement by
19 and between the United States of America and the City
20 of Orlando for the Economic Development Conveyance of
21 Property on the Main Base and McCoy Annex Areas of
22 the Naval Training Center, Orlando, executed by the Par-
23 ties on December 9, 1997, as amended.

1 **PART III—AIR FORCE CONVEYANCES**

2 **SEC. 2851. LAND CONVEYANCE, MCCLELLAN NUCLEAR RA-**
3 **DIATION CENTER, CALIFORNIA.**

4 (a) CONVEYANCE AUTHORIZED.—Notwithstanding
5 any other provision of law, the Secretary of the Air Force
6 may convey, without consideration, to the Regents of the
7 University of California, acting on behalf of the University
8 of California, Davis (in this section referred to as the “Re-
9 gents”), all right, title, and interest of the United States
10 in and to the parcel of real property, including improve-
11 ments thereon, consisting of the McClellan Nuclear Radi-
12 ation Center, California.

13 (b) INSPECTION OF PROPERTY.—The Secretary
14 shall, at an appropriate time before the conveyance au-
15 thorized by subsection (a), permit the Regents access to
16 the property to be conveyed for purposes of such investiga-
17 tion of the McClellan Nuclear Radiation Center and the
18 atomic reactor located at the Center as the Regents con-
19 sider appropriate.

20 (c) HOLD HARMLESS.—(1)(A) The Secretary may
21 not make the conveyance authorized by subsection (a) un-
22 less the Regents agree to indemnify and hold harmless the
23 United States for and against the following:

24 (i) Any and all costs associated with the decon-
25 tamination and decommissioning of the atomic reac-
26 tor at the McClellan Nuclear Radiation Center

1 under requirements that are imposed by the Nuclear
2 Regulatory Commission or any other appropriate
3 Federal or State regulatory agency.

4 (ii) Any and all injury, damage, or other liabil-
5 ity arising from the operation of the atomic reactor
6 after its conveyance under this section.

7 (B) As consideration for the agreement under sub-
8 paragraph (A), the Secretary may pay the Regents an
9 amount determined appropriate by the Secretary. The
10 amount may not exceed \$17,593,000.

11 (2) Notwithstanding the agreement under paragraph
12 (1), the Secretary may, as part of the conveyance author-
13 ized by subsection (a), enter into an agreement with the
14 Regents under which agreement the United States shall
15 indemnify and hold harmless the University of California
16 for and against any injury, damage, or other liability in
17 connection with the operation of the atomic reactor at the
18 McClellan Nuclear Radiation Center after its conveyance
19 under this section that arises from a defect in the atomic
20 reactor that could not have been discovered in the course
21 of the inspection carried out under subsection (b).

22 (d) CONTINUING OPERATION OF REACTOR.—Until
23 such time as the property authorized to be conveyed by
24 subsection (a) is conveyed by deed, the Secretary shall
25 take appropriate actions, including the allocation of per-

1 sonnel, funds, and other resources, to ensure the con-
2 tinuing operation of the atomic reactor located at the
3 McClellan Nuclear Radiation Center in accordance with
4 applicable requirements of the Nuclear Regulatory Com-
5 mission and otherwise in accordance with law.

6 (e) DESCRIPTION OF PROPERTY.—The exact acreage
7 and legal description of the real property to be conveyed
8 under subsection (a) shall be determined by a survey satis-
9 factory to the Secretary. The cost of the survey shall be
10 borne by the Secretary.

11 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
12 retary may require such additional terms and conditions
13 in connection with the conveyance under subsection (a) as
14 the Secretary considers appropriate to protect the inter-
15 ests of the United States.

16 **SEC. 2852. LAND CONVEYANCE, NEWINGTON DEFENSE**
17 **FUEL SUPPLY POINT, NEW HAMPSHIRE.**

18 (a) CONVEYANCE AUTHORIZED.—The Secretary of
19 the Air Force may convey, without consideration, to the
20 Pease Development Authority, New Hampshire (in this
21 section referred to as the “Authority”), all right, title, and
22 interest of the United States in and to parcels of real
23 property, together with any improvements thereon, con-
24 sisting of approximately 10.26 acres and located in
25 Newington, New Hampshire, the site of the Newington

1 Defense Fuel Supply Point. The parcels have been deter-
2 mined to be excess to the needs of the Air Force.

3 (b) RELATED PIPELINE AND EASEMENT.—As part
4 of the conveyance authorized by subsection (a), the Sec-
5 retary may convey to the Authority without consideration
6 all right, title, and interest of the United States in and
7 to the following:

8 (1) The pipeline approximately 1.25 miles in
9 length that runs between the property authorized to
10 be conveyed under subsection (a) and former Pease
11 Air Force Base, New Hampshire, and any facilities
12 and equipment related thereto.

13 (2) An easement consisting of approximately
14 4.612 acres for purposes of activities relating to the
15 pipeline.

16 (c) ALTERNATIVE CONVEYANCE AUTHORITY.—If at
17 the time of the conveyance authorized by this section the
18 Secretary has transferred jurisdiction over any of the
19 property to be conveyed to the Administrator of General
20 Services, the Administrator shall make the conveyance of
21 such property under this section.

22 (d) FEDERAL SCREENING.—(1) If any of the prop-
23 erty authorized to be conveyed by this section is under
24 the jurisdiction of the Administrator as of the date of the
25 enactment of this Act, the Administrator shall conduct

1 with respect to such property the screening for further
2 Federal use otherwise required by subsection (a) of section
3 2696 of title 10, United States Code.

4 (2) Subsections (b) through (d) of such section 2696
5 shall apply to the screening under paragraph (1) as if the
6 screening were a screening conducted under subsection (a)
7 of such section 2696. For purposes of such subsection (b),
8 the date of the enactment of the provision of law author-
9 izing the conveyance of the property authorized to be con-
10 veyed by this section shall be the date of the enactment
11 of this Act.

12 (e) DESCRIPTION OF PROPERTY.—The exact acreage
13 and legal description of the real property to be conveyed
14 under subsection (a), the easement to be conveyed under
15 subsection (b)(2), and the pipeline to be conveyed under
16 subsection (b)(1) shall be determined by surveys and other
17 means satisfactory to the official having jurisdiction over
18 the property or pipeline, as the case may be, at the time
19 of the conveyance. The cost of any survey or other services
20 performed at the direction of that official under the pre-
21 ceding sentence shall be borne by the Authority.

22 (f) ADDITIONAL TERMS AND CONDITIONS.—The offi-
23 cial having jurisdiction over the property to be conveyed
24 under subsection (a), or the pipeline and easement to be
25 conveyed under subsection (b), at the time of the convey-

1 ance may require such additional terms and conditions in
2 connection with the conveyance as that official considers
3 appropriate to protect the interests of the United States.

4 **Subtitle E—Other Matters**

5 **SEC. 2861. ACQUISITION OF STATE-HELD INHOLDINGS,** 6 **EAST RANGE OF FORT HUACHUCA, ARIZONA.**

7 (a) ACQUISITION AUTHORIZED.—(1) The Secretary
8 of the Interior may acquire by eminent domain, but with
9 the consent of the State of Arizona, all right, title, and
10 interest (including any mineral rights) of the State of Ari-
11 zona in and to unimproved Arizona State Trust lands con-
12 sisting of approximately 1,536.47 acres in the Fort
13 Huachuca East Range, Cochise County, Arizona.

14 (2) The Secretary may also acquire by eminent do-
15 main, but with the consent of the State of Arizona, any
16 trust mineral estate of the State of Arizona located be-
17 neath the surface estates of the United States in one or
18 more parcels of land consisting of approximately 12,943
19 acres in the Fort Huachuca East Range, Cochise County,
20 Arizona.

21 (b) CONSIDERATION.—(1) Subject to subsection (c),
22 as consideration for the acquisition by the United States
23 of Arizona State trust lands and mineral interests under
24 subsection (a), the Secretary, acting through the Bureau
25 of Land Management, may convey to the State of Arizona

1 all right, title, and interest of the United States, or some
2 lesser interest, in one or more parcels of Federal land
3 under the jurisdiction of the Bureau of Land Management
4 in the State of Arizona.

5 (2) The lands or interests in land to be conveyed
6 under this subsection shall be mutually agreed upon by
7 the Secretary and the State of Arizona, as provided in sub-
8 section (c)(1).

9 (3) The value of the lands conveyed out of Federal
10 ownership under this subsection either shall be equal to
11 the value of the lands and mineral interests received by
12 the United States under subsection (a) or, if not, shall
13 be equalized by a payment made by the Secretary or the
14 State of Arizona, as necessary.

15 (c) CONDITIONS ON CONVEYANCE TO STATE.—The
16 Secretary may make the conveyance described in sub-
17 section (b) only if—

18 (1) the transfer of the Federal lands to the
19 State of Arizona is acceptable to the State Land
20 Commissioner; and

21 (2) the conveyance of lands and interests in
22 lands under subsection (b) is accepted by the State
23 of Arizona as full consideration for the land and
24 mineral rights acquired by the United States under
25 subsection (a) and terminates all right, title, and in-

1 terest of all parties (other than the United States)
2 in and to the acquired lands and mineral rights.

3 (d) USE OF EMINENT DOMAIN.—The Secretary may
4 acquire the State lands and mineral rights under sub-
5 section (a) pursuant to the laws and regulations governing
6 eminent domain.

7 (e) DETERMINATION OF FAIR MARKET VALUE.—
8 Notwithstanding any other provision of law, the value of
9 lands and interests in lands acquired or conveyed by the
10 United States under this section shall be determined in
11 accordance with the Uniform Appraisal Standards for
12 Federal Land Acquisition, as published by the Depart-
13 ment of Justice in 1992. The appraisal shall be subject
14 to the review and acceptance by the Land Department of
15 the State of Arizona and the Bureau of Land Manage-
16 ment.

17 (f) DESCRIPTIONS OF LAND.—The exact acreage and
18 legal descriptions of the lands and interests in lands ac-
19 quired or conveyed by the United States under this section
20 shall be determined by surveys that are satisfactory to the
21 Secretary of the Interior and the State of Arizona.

22 (g) WITHDRAWAL OF ACQUIRED LANDS FOR MILI-
23 TARY PURPOSES.—After acquisition, the lands acquired
24 by the United States under subsection (a) may be with-
25 drawn and reserved, in accordance with all applicable envi-

1 ronmental laws, for use by the Secretary of the Army for
2 military training and testing in the same manner as other
3 Federal lands located in the Fort Huachuca East Range
4 that were withdrawn and reserved for Army use through
5 Public Land Order 1471 of 1957.

6 (h) **ADDITIONAL TERMS AND CONDITIONS.**—The
7 Secretary of the Interior may require such additional
8 terms and conditions in connection with the conveyance
9 and acquisition of lands and interests in land under this
10 section as the Secretary considers to be appropriate to
11 protect the interests of the United States and any valid
12 existing rights.

13 (i) **COST REIMBURSEMENT.**—All costs associated
14 with the processing of the acquisition of State trust lands
15 and mineral interests under subsection (a) and the convey-
16 ance of public lands under subsection (b) shall be borne
17 by the Secretary of the Army.

18 **SEC. 2862. DEVELOPMENT OF FORD ISLAND, HAWAII.**

19 (a) **IN GENERAL.**—(1) Subject to paragraph (2), the
20 Secretary of the Navy may exercise any authority or com-
21 bination of authorities in this section for the purpose of
22 developing or facilitating the development of Ford Island,
23 Hawaii, to the extent that the Secretary determines the
24 development is compatible with the mission of the Navy.

1 (2) The Secretary may not exercise any authority
2 under this section until—

3 (A) the Secretary submits to the appropriate
4 committees of Congress a master plan for the devel-
5 opment of Ford Island; and

6 (B) a period of 30 calendar days has elapsed
7 following the date on which the notification is re-
8 ceived by those committees.

9 (b) CONVEYANCE AUTHORITY.—(1) The Secretary of
10 the Navy may convey to any public or private person or
11 entity all right, title, and interest of the United States in
12 and to any real property (including any improvements
13 thereon) or personal property under the jurisdiction of the
14 Secretary in the State of Hawaii that the Secretary
15 determines—

16 (A) is excess to the needs of the Navy and all
17 of the other Armed Forces; and

18 (B) will promote the purpose of this section.

19 (2) A conveyance under this subsection may include
20 such terms and conditions as the Secretary considers ap-
21 propriate to protect the interests of the United States.

22 (c) LEASE AUTHORITY.—(1) The Secretary of the
23 Navy may lease to any public or private person or entity
24 any real property or personal property under the jurisdic-

1 tion of the Secretary in the State of Hawaii that the Sec-
2 retary determines—

3 (A) is not needed for current operations of the
4 Navy and all of the other Armed Forces; and

5 (B) will promote the purpose of this section.

6 (2) A lease under this subsection shall be subject to
7 section 2667(b)(1) of title 10, United States Code, and
8 may include such others terms as the Secretary considers
9 appropriate to protect the interests of the United States.

10 (3) A lease of real property under this subsection may
11 provide that, upon termination of the lease term, the lessee
12 shall have the right of first refusal to acquire the real
13 property covered by the lease if the property is then con-
14 veyed under subsection (b).

15 (4)(A) The Secretary may provide property support
16 services to or for real property leased under this sub-
17 section.

18 (B) To the extent provided in appropriations Acts,
19 any payment made to the Secretary for services provided
20 under this paragraph shall be credited to the appropria-
21 tion, account, or fund from which the cost of providing
22 the services was paid.

23 (d) ACQUISITION OF LEASEHOLD INTEREST BY SEC-
24 RETARY.—(1) The Secretary of the Navy may acquire a
25 leasehold interest in any facility constructed under sub-

1 section (f) as consideration for a transaction authorized
2 by this section upon such terms as the Secretary considers
3 appropriate to promote the purpose of this section.

4 (2) The term of a lease under paragraph (1) may not
5 exceed 10 years, unless the Secretary of Defense approves
6 a term in excess of 10 years for the purpose of this section.

7 (3) A lease under this subsection may provide that,
8 upon termination of the lease term, the United States
9 shall have the right of first refusal to acquire the facility
10 covered by the lease.

11 (e) REQUIREMENT FOR COMPETITION.—The Sec-
12 retary of the Navy shall use competitive procedures for
13 purposes of selecting the recipient of real or personal prop-
14 erty under subsection (b) and the lessee of real or personal
15 property under subsection (c).

16 (f) CONSIDERATION.—(1) As consideration for the
17 conveyance of real or personal property under subsection
18 (b), or for the lease of real or personal property under
19 subsection (c), the Secretary of the Navy shall accept cash,
20 real property, personal property, or services, or any com-
21 bination thereof, in an aggregate amount equal to not less
22 than the fair market value of the real or personal property
23 conveyed or leased.

1 (2) Subject to subsection (i), the services accepted by
2 the Secretary under paragraph (1) may include the fol-
3 lowing:

4 (A) The construction or improvement of facili-
5 ties at Ford Island.

6 (B) The restoration or rehabilitation of real
7 property at Ford Island.

8 (C) The provision of property support services
9 for property or facilities at Ford Island.

10 (g) NOTICE AND WAIT REQUIREMENTS.—The Sec-
11 retary of the Navy may not carry out a transaction au-
12 thorized by this section until—

13 (1) the Secretary submits to the appropriate
14 committees of Congress a notification of the trans-
15 action, including—

16 (A) a detailed description of the trans-
17 action; and

18 (B) a justification for the transaction
19 specifying the manner in which the transaction
20 will meet the purpose of this section; and

21 (2) a period of 30 calendar days has elapsed
22 following the date on which the notification is re-
23 ceived by those committees.

24 (h) FORD ISLAND IMPROVEMENT ACCOUNT.—(1)
25 There is established on the books of the Treasury an ac-

1 count to be known as the “Ford Island Improvement Ac-
2 count”.

3 (2) There shall be deposited into the account the fol-
4 lowing amounts:

5 (A) Amounts authorized and appropriated to
6 the account.

7 (B) Except as provided in subsection (c)(4)(B),
8 the amount of any cash payment received by the
9 Secretary for a transaction under this section.

10 (i) USE OF ACCOUNT.—(1) Subject to paragraph (2),
11 to the extent provided in advance in appropriation Acts,
12 funds in the Ford Island Improvement Account may be
13 used as follows:

14 (A) To carry out or facilitate the carrying out
15 of a transaction authorized by this section.

16 (B) To carry out improvements of property or
17 facilities at Ford Island.

18 (C) To obtain property support services for
19 property or facilities at Ford Island.

20 (2) To extent that the authorities provided under sub-
21 chapter IV of chapter 169 of title 10, United States Code,
22 are available to the Secretary of the Navy, the Secretary
23 may not use the authorities in this section to acquire, con-
24 struct, or improve family housing units, military unaccom-

1 panied housing units, or ancillary supporting facilities re-
2 lated to military housing at Ford Island.

3 (3)(A) The Secretary may transfer funds from the
4 Ford Island Improvement Account to the following funds:

5 (i) The Department of Defense Family Housing
6 Improvement Fund established by section
7 2883(a)(1) of title 10, United States Code.

8 (ii) The Department of Defense Military Unac-
9 companied Housing Improvement Fund established
10 by section 2883(a)(2) of that title.

11 (B) Amounts transferred under subparagraph (A) to
12 a fund referred to in that subparagraph shall be available
13 in accordance with the provisions of section 2883 of title
14 10, United States Code, for activities authorized under
15 subchapter IV of chapter 169 of that title at Ford Island.

16 (j) INAPPLICABILITY OF CERTAIN PROPERTY MAN-
17 AGEMENT LAWS.—Except as otherwise provided in this
18 section, transactions under this section shall not be subject
19 to the following:

20 (1) Sections 2667 and 2696 of title 10, United
21 States Code.

22 (2) Section 501 of the Stewart B. McKinney
23 Homeless Assistance Act (42 U.S.C. 11411).

1 (3) Sections 202 and 203 of the Federal Prop-
2 erty and Administrative Services Act of 1949 (40
3 U.S.C. 483, 484).

4 (k) SCORING.—Nothing in this section shall be con-
5 strued to waive the applicability to any lease entered into
6 under this section of the budget scorekeeping guidelines
7 used to measure compliance with the Balanced Budget
8 Emergency Deficit Control Act of 1985.

9 (l) CONFORMING AMENDMENTS.—Section 2883(e) of
10 title 10, United States Code, is amended—

11 (1) in paragraph (1), by adding at the end the
12 following new subparagraph:

13 “(E) Any amounts that the Secretary of the
14 Navy transfers to that Fund pursuant to section
15 2862(i)(3)(A)(i) of the Military Construction Au-
16 thorization Act for Fiscal Year 2000, subject to the
17 restrictions on the use of the transferred amounts
18 specified in that section.”; and

19 (2) in paragraph (2), by adding at the end the
20 following new subparagraph:

21 “(E) Any amounts that the Secretary of the
22 Navy transfers to that Fund pursuant to section
23 2862(i)(3)(A)(ii) of the Military Construction Au-
24 thorization Act for Fiscal Year 2000, subject to the

1 restrictions on the use of the transferred amounts
2 specified in that section.”.

3 (m) DEFINITIONS.—In this section:

4 (1) The term “appropriate committees of Con-
5 gress” has the meaning given that term in section
6 2801(4) of title 10, United States Code.

7 (2) The term “property support service” means
8 the following:

9 (A) Any utility service or other service list-
10 ed in section 2686(a) of title 10, United States
11 Code.

12 (B) Any other service determined by the
13 Secretary to be a service that supports the op-
14 eration and maintenance of real property, per-
15 sonal property, or facilities.

16 **SEC. 2863. ENHANCEMENT OF PENTAGON RENOVATION AC-**
17 **TIVITIES.**

18 The Secretary of Defense in conjunction with the
19 Pentagon Renovation Program is authorized to design and
20 construct secure secretarial office and support facilities
21 and security-related changes to the METRO entrance at
22 the Pentagon Reservation. The Secretary shall, not later
23 than January 15, 2000, submit to the congressional de-
24 fense committees the estimated cost for the planning, de-
25 sign, construction, and installation of equipment for these

1 enhancements, together with the revised estimate for the
2 total cost of the renovation of the Pentagon.

3 **SEC. 2864. ONE-YEAR DELAY IN DEMOLITION OF RADIO**
4 **TRANSMITTING FACILITY TOWERS AT NAVAL**
5 **STATION, ANNAPOLIS, MARYLAND, TO FACILI-**
6 **TATE TRANSFER OF TOWERS.**

7 (a) ONE-YEAR DELAY.—The Secretary of the Navy
8 may not obligate or expend any funds for the demolition
9 of the naval radio transmitting towers described in sub-
10 section (b) during the one-year period beginning on the
11 date of the enactment of this Act.

12 (b) COVERED TOWERS.—The naval radio transmit-
13 ting towers described in this subsection are the three
14 southeastern most naval radio transmitting towers located
15 at Naval Station, Annapolis, Maryland that are scheduled
16 for demolition as of the date of enactment of this Act.

17 (c) TRANSFER OF TOWERS.—The Secretary may
18 transfer to the State of Maryland, or the County of Anne
19 Arundel, Maryland, all right, title, and interest (including
20 maintenance responsibility) of the United States in and
21 to the towers described in subsection (b) if the State of
22 Maryland or the County of Anne Arundel, Maryland, as
23 the case may be, agrees to accept such right, title, and
24 interest (including accrued maintenance responsibility)
25 during the one-year period referred to in subsection (a).

1 **SEC. 2865. ARMY RESERVE RELOCATION FROM FORT DOUG-**
2 **LAS, UTAH.**

3 Section 2603 of the National Defense Authorization
4 Act for fiscal year 1998 (P.L. 105–85) is amended as fol-
5 lows:

6 “With regard to the conveyance of a portion of Fort
7 Douglas, Utah to the University of Utah and the resulting
8 relocation of Army Reserve activities to temporary and
9 permanent relocation facilities, the Secretary of the Army
10 may accept the funds paid by the University of Utah or
11 State of Utah to pay costs associated with the conveyance
12 and relocation. Funds received under this section shall be
13 credited to the appropriation, fund or account from which
14 the expenses are ordinarily paid. Amounts so credited shall
15 be available until expended.”.

16 **TITLE XXIX—RENEWAL OF**
17 **MILITARY LAND WITHDRAWALS**

18 **SEC. 2901. FINDINGS.**

19 The Congress finds that—

20 (1) Public Law 99–606 authorized public land
21 withdrawals for several military installations, includ-
22 ing the Barry M. Goldwater Air Force Range in Ari-
23 zona, the McGregor Range in New Mexico, and Fort
24 Wainwright and Fort Greely in Alaska, collectively
25 comprising over 4 million acres of public land;

1 (2) these military ranges provide important
2 military training opportunities and serve a critical
3 role in the national security of the United States
4 and their use for these purposes should be contin-
5 ued;

6 (3) in addition to their use for military pur-
7 poses, these ranges contain significant natural and
8 cultural resources, and provide important wildlife
9 habitat;

10 (4) the future use of these ranges is important
11 not only for the affected military branches, but also
12 for local residents and other public land users;

13 (5) the public land withdrawals authorized in
14 1986 under Public Law 99–606 were for a period of
15 15 years, and expire in November 2001; and

16 (6) it is important that the renewal of these
17 public land withdrawals be completed in a timely
18 manner, consistent with the process established in
19 Public Law 99–606 and other applicable laws, in-
20 cluding the completion of appropriate environmental
21 impact studies and opportunities for public comment
22 and review.

1 **SEC. 2902. SENSE OF THE SENATE REGARDING PROPOSAL**
2 **TO RENEW PUBLIC LAND WITHDRAWALS.**

3 It is the sense of the Senate that the Secretary of
4 Defense and the Secretary of the Interior, consistent with
5 their responsibilities and requirements under applicable
6 laws, should jointly prepare a comprehensive legislative
7 proposal to renew the public land withdrawals for the four
8 ranges referenced in section 2901 and transmit such pro-
9 posal to the Congress no later than July 1, 1999.

10 **SEC. 2903. SENSE OF SENATE REGARDING WITHDRAWALS**
11 **OF CERTAIN LANDS IN ARIZONA.**

12 It is the sense of the Senate that—

13 (1) it is vital to the national interest that the
14 withdrawal of the lands withdrawn by section 1(c) of
15 the Military Lands Withdrawal Act of 1986 (Public
16 Law 99–606), relating to Barry M. Goldwater Air
17 Force Range and the Cabeza Prieta National Wild-
18 life Refuge, which would otherwise expire in 2001,
19 be renewed in 1999;

20 (2) the renewed withdrawal of such lands is
21 critical to meet the military training requirements of
22 the Armed Forces and to provide the Armed Forces
23 with experience necessary to defend the national in-
24 terests;

1 (3) the Armed Forces currently carry out envi-
 2 ronmental stewardship of such lands in a com-
 3 prehensive and focused manner; and

4 (4) a continuation in high-quality management
 5 of United States natural and cultural resources is
 6 required if the United States is to preserve its na-
 7 tional heritage.

8 **DIVISION C—DEPARTMENT OF**
 9 **ENERGY NATIONAL SECURITY**
 10 **AUTHORIZATIONS AND**
 11 **OTHER AUTHORIZATIONS**

12 **TITLE XXXI—DEPARTMENT OF**
 13 **ENERGY NATIONAL SECURITY**
 14 **PROGRAMS**

15 **Subtitle A—National Security**
 16 **Programs Authorizations**

17 **SEC. 3101. WEAPONS ACTIVITIES.**

18 Funds are hereby authorized to be appropriated to
 19 the Department of Energy for fiscal year 2000 for weap-
 20 ons activities in carrying out programs necessary for na-
 21 tional security in the amount of \$4,530,000,000, to be al-
 22 located as follows:

23 (1) STOCKPILE STEWARDSHIP.—Funds are
 24 hereby authorized to be appropriated to the Depart-
 25 ment of Energy for fiscal year 2000 for stockpile

1 stewardship in carrying out weapons activities nec-
2 essary for national security programs in the amount
3 of \$2,248,700,000, to be allocated as follows:

4 (A) For core stockpile stewardship,
5 \$1,748,500,000, to be allocated as follows:

6 (i) For operation and maintenance,
7 \$1,615,355,000.

8 (ii) For plant projects (including
9 maintenance, restoration, planning, con-
10 struction, acquisition, modification of fa-
11 cilities, and the continuation of projects
12 authorized in prior years, and land acquisi-
13 tion related thereto), \$133,145,000, to be
14 allocated as follows:

15 Project 00-D-103, terascale sim-
16 ulation facility, Lawrence Livermore
17 National Laboratory, Livermore, Cali-
18 fornia, \$8,000,000.

19 Project 00-D-105, strategic
20 computing complex, Los Alamos Na-
21 tional Laboratory, Los Alamos, New
22 Mexico, \$26,000,000.

23 Project 00-D-107, joint com-
24 putational engineering laboratory,

1 Sandia National Laboratories, Albu-
2 querre, New Mexico, \$1,800,000.

3 Project 99-D-102, rehabilitation
4 of maintenance facility, Lawrence
5 Livermore National Laboratory,
6 Livermore, California, \$3,900,000.

7 Project 99-D-103, isotope
8 sciences facilities, Lawrence Liver-
9 more National Laboratory, Livermore,
10 California, \$2,000,000.

11 Project 99-D-104, protection of
12 real property (roof reconstruction,
13 Phase II), Lawrence Livermore Na-
14 tional Laboratory, Livermore, Cali-
15 fornia, \$2,400,000.

16 Project 99-D-105, central health
17 physics calibration facility, Los Ala-
18 mos National Laboratory, Los Ala-
19 mos, New Mexico, \$1,000,000.

20 Project 99-D-106, model valida-
21 tion and system certification test cen-
22 ter, Sandia National Laboratories, Al-
23 buquerre, New Mexico, \$6,500,000.

1 Project 99–D–108, renovate ex-
2 isting roadways, Nevada Test Site,
3 Nevada, \$7,005,000.

4 Project 97–D–102, dual-axis ra-
5 diographic hydrotest facility, Los Ala-
6 mos National Laboratory, Los Ala-
7 mos, New Mexico, \$61,000,000.

8 Project 96–D–102, stockpile
9 stewardship facilities revitalization,
10 Phase VI, various locations,
11 \$2,640,000.

12 Project 96–D–104, processing
13 and environmental technology labora-
14 tory, Sandia National Laboratories,
15 Albuquerque, New Mexico,
16 \$10,900,000.

17 (B) For inertial fusion, \$465,700,000, to
18 be allocated as follows:

19 (i) For operation and maintenance,
20 \$217,600,000.

21 (ii) For the following plant project
22 (including maintenance, restoration, plan-
23 ning, construction, acquisition, and modi-
24 fication of facilities, and land acquisition

1 related thereto), \$248,100,000, to be allo-
2 cated as follows:

3 Project 96–D–111, national igni-
4 tion facility, Lawrence Livermore Na-
5 tional Laboratory, Livermore, Cali-
6 fornia, \$248,100,000.

7 (C) For technology partnership and edu-
8 cation, \$34,500,000, to be allocated as follows:

9 (i) For technology partnership,
10 \$15,200,000.

11 (ii) For education, \$19,300,000.

12 (2) STOCKPILE MANAGEMENT.—Funds are
13 hereby authorized to be appropriated to the Depart-
14 ment of Energy for fiscal year 2000 for stockpile
15 management in carrying out weapons activities nec-
16 essary for national security programs in the amount
17 of \$2,039,300,000, to be allocated as follows:

18 (A) For operation and maintenance,
19 \$1,880,621,000.

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 \$158,679,000, to be allocated as follows:

1 Project 99–D–122, rapid reactivation,
2 various locations, \$11,700,000.

3 Project 99–D–127, stockpile manage-
4 ment restructuring initiative, Kansas City
5 Plant, Kansas City, Missouri,
6 \$17,000,000.

7 Project 99–D–128, stockpile manage-
8 ment restructuring initiative, Pantex Plant
9 consolidation, Amarillo, Texas, \$3,429,000.

10 Project 99–D–132, stockpile manage-
11 ment restructuring initiative, nuclear mate-
12 rial safeguards and security upgrades
13 project, Los Alamos National Laboratory,
14 Los Alamos, New Mexico, \$11,300,000.

15 Project 98–D–123, stockpile manage-
16 ment restructuring initiative, tritium facil-
17 ity modernization and consolidation, Sa-
18 vannah River Site, Aiken, South Carolina,
19 \$21,800,000.

20 Project 98–D–124, stockpile manage-
21 ment restructuring initiative, Y–12 Plant
22 consolidation, Oak Ridge, Tennessee,
23 \$3,150,000.

1 Project 98–D–125, tritium extraction
2 facility, Savannah River Site, Aiken, South
3 Carolina, \$33,000,000.

4 Project 98–D–126, accelerator pro-
5 duction of tritium, various locations,
6 \$31,000,000.

7 Project 97–D–123, structural up-
8 grades, Kansas City Plant, Kansas City,
9 Missouri, \$4,800,000.

10 Project 95–D–102, chemistry and
11 metallurgy research building upgrades, Los
12 Alamos National Laboratory, Los Alamos,
13 New Mexico, \$18,000,000.

14 Project 88–D–123, security enhance-
15 ments, Pantex Plant, Amarillo, Texas,
16 \$3,500,000.

17 (3) PROGRAM DIRECTION.—Funds are hereby
18 authorized to be appropriated to the Department of
19 Energy for fiscal year 2000 for program direction in
20 carrying out weapons activities necessary for na-
21 tional security programs in the amount of
22 \$242,000,000.

1 **SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND**
2 **WASTE MANAGEMENT.**

3 Funds are hereby authorized to be appropriated to
4 the Department of Energy for fiscal year 2000 for envi-
5 ronmental restoration and waste management in carrying
6 out programs necessary for national security in the
7 amount of \$5,532,868,000, to be allocated as follows:

8 (1) CLOSURE PROJECTS.—For closure projects
9 carried out in accordance with section 3143 of the
10 National Defense Authorization Act for Fiscal Year
11 1997 (Public Law 104–201; 110 Stat. 2836; 42
12 U.S.C. 7274n) in the amount of \$1,069,492,000.

13 (2) SITE PROJECT AND COMPLETION.—For site
14 project and completion in carrying out environ-
15 mental restoration and waste management activities
16 necessary for national security programs in the
17 amount of \$980,919,000, to be allocated as follows:

18 (A) For operation and maintenance,
19 \$880,629,000.

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 \$100,290,000, to be allocated as follows:

1 Project 00-D-____, Transuranic
2 waste treatment, Oak Ridge, Tennessee,
3 \$12,000,000.

4 Project 00-D-400, Site Operations
5 Center, Idaho National Engineering and
6 Environmental Laboratory, Idaho Falls,
7 Idaho, \$1,306,000.

8 Project 99-D-402, tank farm support
9 services, F&H areas, Savannah River Site,
10 Aiken, South Carolina, \$3,100,000.

11 Project 99-D-404, health physics in-
12 strumentation laboratory, Idaho National
13 Engineering and Environmental Labora-
14 tory, Idaho, \$7,200,000.

15 Project 98-D-401, H-tank farm
16 storm water systems upgrade, Savannah
17 River Site, Aiken, South Carolina,
18 \$2,977,000.

19 Project 98-D-453, plutonium sta-
20 bilization and handling system for pluto-
21 nium finishing plant, Richland, Wash-
22 ington, \$16,860,000.

23 Project 98-D-700, road rehabilita-
24 tion, Idaho National Engineering and En-

1 Environmental Laboratory, Idaho,
2 \$2,590,000.

3 Project 97-D-450, Actinide pack-
4 aging and storage facility, Savannah River
5 Site, Aiken, South Carolina, \$4,000,000.

6 Project 97-D-470, regulatory moni-
7 toring and bioassay laboratory, Savannah
8 River Site, Aiken, South Carolina,
9 \$12,220,000.

10 Project 96-D-406, spent nuclear fuels
11 canister storage and stabilization facility,
12 Richland, Washington, \$24,441,000.

13 Project 96-D-464, electrical and util-
14 ity systems upgrade, Idaho National Engi-
15 neering and Environmental Laboratory,
16 Idaho, \$11,971,000.

17 Project 96-D-471, chlorofluorocarbon
18 heating, ventilation, and air conditioning
19 and chiller retrofit, Savannah River Site,
20 Aiken, South Carolina, \$931,000.

21 Project 86-D-103, decontamination
22 and waste treatment facility, Lawrence
23 Livermore National Laboratory, Liver-
24 more, California, \$2,000,0000.

1 (3) POST-2006 COMPLETION.—For post-2006
2 project completion in carrying out environmental
3 restoration and waste management activities nec-
4 essary for national security programs in the amount
5 of \$2,902,548,000, to be allocated as follows:

6 (A) For operation and maintenance,
7 \$2,847,997,000.

8 (B) For plant projects (including mainte-
9 nance, restoration, planning, construction, ac-
10 quisition, modification of facilities, and the con-
11 tinuation of projects authorized in prior years,
12 and land acquisition related thereto),
13 \$54,551,000, to be allocated as follows:

14 Project 00–D–401, spent nuclear fuel
15 treatment and storage facility, title I and
16 II, Savannah River Site, Aiken, South
17 Carolina, \$7,000,000.

18 Project 99–D–403, privatization
19 phase I infrastructure support, Richland,
20 Washington, \$13,988,000.

21 Project 97–D–402, tank farm restora-
22 tion and safe operations, Richland, Wash-
23 ington, \$20,516,000.

1 Project 94–D–407, initial tank re-
2 trieval systems, Richland, Washington,
3 \$4,060,000.

4 Project 93–D–187, high-level waste
5 removal from filled waste tanks, Savannah
6 River Site, Aiken, South Carolina,
7 \$8,987,000.

8 (4) SCIENCE AND TECHNOLOGY.—For science
9 and technology in carrying out environmental res-
10 toration and waste management activities necessary
11 for national security programs in the amount of
12 \$235,500,000.

13 (5) PROGRAM DIRECTION.—For program direc-
14 tion in carrying out environmental restoration and
15 waste management activities necessary for national
16 security programs in the amount of \$344,409,000.

17 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

18 (a) IN GENERAL.—Funds are hereby authorized to
19 be appropriated to the Department of Energy for fiscal
20 year 2000 for other defense activities in carrying out pro-
21 grams necessary for national security in the amount of
22 \$1,821,000,000, to be allocated as follows:

23 (1) NONPROLIFERATION AND NATIONAL SECUR-
24 ITY.—For nonproliferation and national security,
25 \$744,300,000, to be allocated as follows:

1 (A) For verification and control tech-
2 nology, \$497,000,000, to be allocated as fol-
3 lows:

4 (i) For nonproliferation and
5 verification research and development,
6 \$215,000,000.

7 (ii) For arms control, \$276,000,000.

8 (iii) For plant projects (including
9 maintenance, restoration, planning, con-
10 struction, acquisition, modification of fa-
11 cilities, and the continuation of projects
12 authorized in prior years, and land acquisi-
13 tion related thereto), \$6,000,000, to be al-
14 located as follows:

15 Project 00-D-192, Nonprolifera-
16 tion and International Security Cen-
17 ters (NISC), Los Alamos National
18 Laboratory, New Mexico, \$6,000,000.

19 (B) For nuclear safeguards and security,
20 \$59,100,000.

21 (C) For security investigations,
22 \$47,000,000.

23 (D) For emergency management,
24 \$21,000,000.

25 (E) For program direction, \$90,450,000.

1 (F) For HEV Transparency implementa-
2 tion, \$15,750,000.

3 (G) For international nuclear safety,
4 \$34,000,000.

5 (2) INTELLIGENCE.—For intelligence,
6 \$36,059,000.

7 (3) COUNTERINTELLIGENCE.—For counter-
8 intelligence, \$66,200,000.

9 (4) WORKER AND COMMUNITY TRANSITION AS-
10 SISTANCE.—For worker and community transition
11 assistance, \$30,000,000, to be allocated as follows:

12 (A) For worker and community transition,
13 \$26,500,000.

14 (B) For program direction, \$3,500,000.

15 (5) FISSILE MATERIALS CONTROL AND DISPOSI-
16 TION.—For fissile materials control and disposition,
17 \$200,000,000, to be allocated as follows:

18 (A) For operation and maintenance,
19 \$129,766,000.

20 (B) For program direction, \$7,343,000.

21 (C) For plant projects (including mainte-
22 nance, restoration, planning, construction, ac-
23 quisition, modification of facilities, and the con-
24 tinuation of projects authorized in prior years,

1 and land acquisition related thereto),
2 \$62,891,000, to be allocated as follows:

3 Project 00–D–142, Immobilization
4 and associated processing facility, various
5 locations, \$21,765,000.

6 Project 99–D–141, pit disassembly
7 and conversion facility, various locations,
8 \$28,751,000.

9 Project 99–D–143, mixed oxide fuel
10 fabrication facility, various locations,
11 \$12,375,000.

12 (6) ENVIRONMENT, SAFETY, AND HEALTH.—
13 For environment, safety, and health, defense,
14 \$79,000,000, to be allocated as follows:

15 (A) For the Office of Environment, Safety,
16 and Health (Defense), \$54,231,000.

17 (B) For program direction, \$24,769,000.

18 (7) OFFICE OF HEARINGS AND APPEALS.—For
19 the Office of Hearings and Appeals, \$3,000,000.

20 (8) NAVAL REACTORS.—For naval reactors,
21 \$675,000,000, to be allocated as follows:

22 (A) For naval reactors development,
23 \$654,400,000, to be allocated as follows:

24 (i) For operation and maintenance,
25 \$630,400,000.

1 (ii) For plant projects (including
2 maintenance, restoration, planning, con-
3 struction, acquisition, modification of fa-
4 cilities, and the continuation of projects
5 authorized in prior years, and land acquisi-
6 tion related thereto), \$24,000,000, to be
7 allocated as follows:

8 GPN-101, general plant projects,
9 various locations, \$9,000,000.

10 Project 98-D-200, site labora-
11 tory/facility upgrade, various loca-
12 tions, \$3,000,000.

13 Project 90-N-102, expended core
14 facility dry cell project, Naval Reac-
15 tors Facility, Idaho, \$12,000,000.

16 (B) For program direction, \$20,600,000.

17 (b) ADJUSTMENT.—(1) The total amount authorized
18 to be appropriated pursuant to this section is the sum of
19 the amounts authorized to be appropriated in paragraphs
20 (1) through (7) of subsection (a) reduced by \$12,559,000.

21 (2) The amount authorized to be appropriated pursu-
22 ant to subsection (a)(1)(C) is reduced by \$20,000,000 to
23 reflect an offset provided by user organizations for secu-
24 rity investigations.

1 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

2 (a) DEFENSE NUCLEAR WASTE DISPOSAL.—Funds
3 are hereby authorized to be appropriated to the Depart-
4 ment of Energy for fiscal year 2000 for payment to the
5 Nuclear Waste Fund established in section 302(c) of the
6 Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c))
7 in the amount of \$112,000,000.

8 (b) ADJUSTMENT.—The amount authorized to be ap-
9 propriated pursuant to subsection (a) is reduced by
10 \$39,000,000.

11 **SEC. 3105. DEFENSE ENVIRONMENTAL MANAGEMENT PRI-**
12 **VATIZATION.**

13 (a) IN GENERAL.—Funds are hereby authorized to
14 be appropriated to the Department of Energy for fiscal
15 year 2000 for privatization initiatives in carrying out envi-
16 ronmental restoration and waste management activities
17 necessary for national security programs in the amount
18 of \$241,000,000, to be allocated as follows:

19 Project 98–PVT–2, spent nuclear fuel dry stor-
20 age, Idaho Falls, Idaho, \$5,000,000.

21 Project 98–PVT–5, waste disposal, Oak Ridge,
22 Tennessee, \$20,000,000.

23 Project 97–PVT–1, tank waste remediation sys-
24 tem phase I, Hanford, Washington, \$106,000,000.

25 Project 97–PVT–2, advanced mixed waste
26 treatment facility, Idaho Falls, Idaho, \$110,000,000.

1 (b) ADJUSTMENT.—The amount authorized to be ap-
2 propriated in subsection (a) is the sum of the amounts
3 authorized to be appropriated for the projects set forth
4 in that subsection, reduced by \$25,000,000 for use of
5 prior year balances of funds for defense environmental
6 management privatization.

7 **Subtitle B—Recurring General** 8 **Provisions**

9 **SEC. 3121. REPROGRAMMING.**

10 (a) IN GENERAL.—Until the Secretary of Energy
11 submits to the congressional defense committees the re-
12 port referred to in subsection (b) and a period of 30 days
13 has elapsed after the date on which such committees re-
14 ceive the report, the Secretary may not use amounts ap-
15 propriated 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 re-
22 quested of, Congress.

23 (b) REPORT.—(1) The report referred to in sub-
24 section (a) is a report containing a full and complete state-
25 ment of the action proposed to be taken and the facts and

1 circumstances relied upon in support of such proposed ac-
2 tion.

3 (2) In the computation of the 30-day period under
4 subsection (a), there shall be excluded any day on which
5 either House of Congress is not in session because of an
6 adjournment of more than 3 days to a day certain.

7 (c) LIMITATIONS.—(1) In no event may the total
8 amount of funds obligated pursuant to this title exceed
9 the total amount authorized to be appropriated by this
10 title.

11 (2) Funds appropriated pursuant to this title may not
12 be used for an item for which Congress has specifically
13 denied funds.

14 **SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.**

15 (a) IN GENERAL.—The Secretary of Energy may
16 carry out any construction project under the general plant
17 projects authorized by this title if the total estimated cost
18 of the construction project does not exceed \$5,000,000.

19 (b) REPORT TO CONGRESS.—If, at any time during
20 the construction of any general plant project authorized
21 by this title, the estimated cost of the project is revised
22 because of unforeseen cost variations and the revised cost
23 of the project exceeds \$5,000,000, the Secretary shall im-
24 mediately furnish a complete report to the congressional

1 defense committees explaining the reasons for the cost
2 variation.

3 **SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

4 (a) IN GENERAL.—(1) Except as provided in para-
5 graph (2), construction on a construction project may not
6 be started or additional obligations incurred in connection
7 with the project above the total estimated cost, whenever
8 the current estimated cost of the construction project,
9 which is authorized by section 3101, 3102, or 3103, or
10 which is in support of national security programs of the
11 Department of Energy and was authorized by any pre-
12 vious Act, exceeds by more than 25 percent the higher
13 of—

14 (A) the amount authorized for the project; or

15 (B) the amount of the total estimated cost for
16 the project as shown in the most recent budget jus-
17 tification data submitted to Congress.

18 (2) An action described in paragraph (1) may be
19 taken if—

20 (A) the Secretary of Energy has submitted to
21 the congressional defense committees a report on the
22 actions and the circumstances making such action
23 necessary; and

1 (B) a period of 30 days has elapsed after the
2 date on which the report is received by the commit-
3 tees.

4 (3) In the computation of the 30-day period under
5 paragraph (2), there shall be excluded any day on which
6 either House of Congress is not in session because of an
7 adjournment of more than 3 days to a day certain.

8 (b) EXCEPTION.—Subsection (a) shall not apply to
9 any construction project which has a current estimated
10 cost of less than \$5,000,000.

11 **SEC. 3124. FUND TRANSFER AUTHORITY.**

12 (a) TRANSFER TO OTHER FEDERAL AGENCIES.—
13 The Secretary of Energy may transfer funds authorized
14 to be appropriated to the Department of Energy pursuant
15 to this title to other Federal agencies for the performance
16 of work for which the funds were authorized. Funds so
17 transferred may be merged with and be available for the
18 same purposes and for the same period as the authoriza-
19 tions of the Federal agency to which the amounts are
20 transferred.

21 (b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—
22 (1) Subject to paragraph (2), the Secretary of Energy may
23 transfer funds authorized to be appropriated to the De-
24 partment of Energy pursuant to this title between any
25 such authorizations. Amounts of authorizations so trans-

1 ferred may be merged with and be available for the same
2 purposes and for the same period as the authorization to
3 which the amounts are transferred.

4 (2) Not more than 5 percent of any such authoriza-
5 tion may be transferred between authorizations under
6 paragraph (1). No such authorization may be increased
7 or decreased by more than five percent by a transfer under
8 such paragraph.

9 (c) LIMITATION.—The authority provided by this sec-
10 tion to transfer authorizations—

11 (1) may only be used to provide funds for items
12 relating to activities necessary for national security
13 programs that have a higher priority than the items
14 from which the funds are transferred; and

15 (2) may not be used to provide funds for an
16 item for which Congress has specifically denied
17 funds.

18 (d) NOTICE TO CONGRESS.—The Secretary of En-
19 ergy shall promptly notify the Committee on Armed Serv-
20 ices of the Senate and the Committee on Armed Services
21 of the House of Representatives of any transfer of funds
22 to or from authorizations under this title.

1 **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.**
2

3 (a) **REQUIREMENT FOR CONCEPTUAL DESIGN.—**(1)
4 Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for
5 funds for a construction project that is in support of a
6 national security program of the Department of Energy,
7 the Secretary of Energy shall complete a conceptual design for that project.
8
9

10 (2) If the estimated cost of completing a conceptual
11 design for a construction project exceeds \$3,000,000, the
12 Secretary shall submit to Congress a request for funds for
13 the conceptual design before submitting a request for
14 funds for the construction project.

15 (3) The requirement in paragraph (1) does not apply
16 to a request for funds—

17 (A) for a construction project the total estimated cost of which is less than \$5,000,000; or

18 (B) for emergency planning, design, and construction activities under section 3126.

21 (b) **AUTHORITY FOR CONSTRUCTION DESIGN.—**(1)
22 Within the amounts authorized by this title, the Secretary
23 of Energy may carry out construction design (including
24 architectural and engineering services) in connection with
25 any proposed construction project if the total estimated
26 cost for such design does not exceed \$600,000.

1 (2) If the total estimated cost for construction design
2 in connection with any construction project exceeds
3 \$600,000, funds for such design must be specifically au-
4 thorized by law.

5 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**
6 **SIGN, AND CONSTRUCTION ACTIVITIES.**

7 (a) **AUTHORITY.**—The Secretary of Energy may use
8 any funds available to the Department of Energy pursuant
9 to an authorization in this title, including those funds au-
10 thorized to be appropriated for advance planning and con-
11 struction design under sections 3101, 3102, and 3103, to
12 perform planning, design, and construction activities for
13 any Department of Energy national security program con-
14 struction project that, as determined by the Secretary,
15 must proceed expeditiously in order to protect public
16 health and safety, to meet the needs of national defense,
17 or to protect property.

18 (b) **LIMITATION.**—The Secretary may not exercise
19 the authority under subsection (a) in the case of any con-
20 struction project until the Secretary has submitted to the
21 congressional defense committees a report on the activities
22 that the Secretary intends to carry out under this section
23 and the circumstances making such activities necessary.

24 (c) **SPECIFIC AUTHORITY.**—The requirement of sec-
25 tion 3125(b)(2) does not apply to emergency planning, de-

1 sign, and construction activities conducted under this sec-
2 tion.

3 **SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECU-**
4 **RITY PROGRAMS OF THE DEPARTMENT OF**
5 **ENERGY.**

6 Subject to the provisions of appropriations Acts and
7 section 3121, amounts appropriated pursuant to this title
8 for management and support activities and for general
9 plant projects are available for use, when necessary, in
10 connection with all national security programs of the De-
11 partment of Energy.

12 **SEC. 3128. AVAILABILITY OF FUNDS.**

13 (a) IN GENERAL.—Except as provided in subsection
14 (b), when so specified in an appropriations Act, amounts
15 appropriated for operation and maintenance or for plant
16 projects may remain available until expended.

17 (b) EXCEPTION FOR PROGRAM DIRECTION FUNDS.—
18 Amounts appropriated for program direction pursuant to
19 an authorization of appropriations in subtitle A shall re-
20 main available to be expended only until the end of fiscal
21 year 2002.

22 **SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL**
23 **MANAGEMENT FUNDS.**

24 (a) TRANSFER AUTHORITY FOR DEFENSE ENVIRON-
25 MENTAL MANAGEMENT FUNDS.—The Secretary of En-

1 ergy shall provide the manager of each field office of the
2 Department of Energy with the authority to transfer de-
3 fense environmental management funds from a program
4 or project under the jurisdiction of the office to another
5 such program or project.

6 (b) LIMITATIONS.—(1) Only one transfer may be
7 made to or from any program or project under subsection
8 (a) in a fiscal year.

9 (2) The amount transferred to or from a program
10 or project under subsection (a) may not exceed \$5,000,000
11 in a fiscal year.

12 (3) A transfer may not be carried out by a manager
13 of a field office under subsection (a) unless the manager
14 determines that the transfer is necessary to address a risk
15 to health, safety, or the environment or to assure the most
16 efficient use of defense environmental management funds
17 at the field office.

18 (4) Funds transferred pursuant to subsection (a)
19 may not be used for an item for which Congress has spe-
20 cifically denied funds or for a new program or project that
21 has not been authorized by Congress.

22 (c) EXEMPTION FROM REPROGRAMMING REQUIRE-
23 MENTS.—The requirements of section 3121 shall not
24 apply to transfers of funds pursuant to subsection (a).

1 (d) NOTIFICATION.—The Secretary, acting through
2 the Assistant Secretary of Energy for Environmental
3 Management, shall notify Congress of any transfer of
4 funds pursuant to subsection (a) not later than 30 days
5 after such transfer occurs.

6 (e) DEFINITIONS.—In this section:

7 (1) The term “program or project” means, with
8 respect to a field office of the Department of En-
9 ergy, any of the following:

10 (A) A program referred to or a project list-
11 ed in paragraph (2) or (3) of section 3102.

12 (B) A program or project not described in
13 subparagraph (A) that is for environmental res-
14 toration or waste management activities nec-
15 essary for national security programs of the De-
16 partment, that is being carried out by the of-
17 fice, and for which defense environmental man-
18 agement funds have been authorized and appro-
19 priated before the date of the enactment of this
20 Act.

21 (2) The term “defense environmental manage-
22 ment funds” means funds appropriated to the De-
23 partment of Energy pursuant to an authorization for
24 carrying out environmental restoration and waste

1 management activities necessary for national secu-
2 rity programs.

3 (f) DURATION OF AUTHORITY.—The managers of the
4 field offices of the Department may exercise the authority
5 provided under subsection (a) during the period beginning
6 on October 1, 1999, and ending on September 30, 2000.

7 **Subtitle C—Program Authoriza-**
8 **tions, Restrictions, and Limita-**
9 **tions**

10 **SEC. 3131. PROHIBITION ON USE OF FUNDS FOR CERTAIN**
11 **ACTIVITIES UNDER FORMERLY UTILIZED**
12 **SITE REMEDIAL ACTION PROGRAM.**

13 Notwithstanding any other provision of law, no funds
14 authorized to be appropriated or otherwise made available
15 by this Act, or by any Act authorizing appropriations for
16 the military activities of the Department of Defense or the
17 defense activities of the Department of Energy for a fiscal
18 year after fiscal year 2000, may be obligated or expended
19 to conduct treatment, storage, or disposal activities at any
20 site designated as a site under the Formerly Utilized Site
21 Remedial Action Program as of the date of the enactment
22 of this Act.

1 **SEC. 3132. CONTINUATION OF PROCESSING, TREATMENT,**
2 **AND DISPOSITION OF LEGACY NUCLEAR MA-**
3 **TERIALS.**

4 The Secretary of Energy shall continue operations
5 and maintain a high state of readiness at the F-canyon
6 and H-canyon facilities at the Savannah River Site, Aiken,
7 South Carolina, and shall provide the technical staff nec-
8 essary to operate and so maintain such facilities.

9 **SEC. 3133. NUCLEAR WEAPONS STOCKPILE LIFE EXTEN-**
10 **SION PROGRAM.**

11 (a) PROGRAM REQUIRED.—The Secretary of Energy
12 shall, in consultation with the Secretary of Defense, carry
13 out a program to provide for the extension of the effective
14 life of the weapons in the nuclear weapons stockpile.

15 (b) ADMINISTRATIVE RESPONSIBILITY FOR PRO-
16 GRAM.—The program under subsection (a) shall be a pro-
17 gram within the Office of Defense Programs of the De-
18 partment of Energy.

19 (c) PROGRAM PLAN.—As part of the program under
20 subsection (a), the Secretary shall develop a long-term
21 plan for the extension of the life of the weapons in the
22 nuclear weapons stockpile. The plan shall provide the fol-
23 lowing:

24 (1) Mechanisms to provide for the remanufac-
25 ture of each weapon design designated by the Sec-

1 retary for inclusion in the enduring nuclear weapons
2 stockpile as of the date of the enactment of this Act.

3 (2) Mechanisms to expedite the collection of
4 data necessary for carrying out the program, includ-
5 ing data relating to the aging of materials and com-
6 ponents, new manufacturing techniques, and the re-
7 placement or substitution of materials.

8 (3) Mechanisms to ensure the appropriate as-
9 signment of roles and missions for each Department
10 nuclear weapons laboratory and production plant, in-
11 cluding mechanisms for allocation of workload,
12 mechanisms to ensure the carrying out of appro-
13 priate modernization activities, and mechanisms to
14 ensure the retention of skilled personnel.

15 (4) Mechanisms for allocating funds for activi-
16 ties under the program, including allocations of
17 funds by weapon type and facility.

18 (d) ANNUAL SUBMITTAL OF PLAN.—(1) The Sec-
19 retary shall submit to the Committees on Armed Services
20 of the Senate and the House of Representatives the plan
21 developed under subsection (c) not later than January 1,
22 2000. The plan shall contain the maximum level of detail
23 practicable.

24 (2) The Secretary shall submit to the committees re-
25 ferred to in paragraph (1) each year after 2000, at the

1 same time as the submission of the budget for the fiscal
2 year beginning in such year under section 1105 of title
3 31, United States Code, an update of the plan submitted
4 under paragraph (1). Each update shall contain the same
5 level of detail as the plan submitted under paragraph (1).

6 (e) SENSE OF CONGRESS REGARDING FUNDING OF
7 PROGRAM.—It is the sense of Congress that the President
8 should include in each budget for a fiscal year submitted
9 to Congress under section 1105 of title 31, United States
10 Code, sufficient funds to carry out in the fiscal year cov-
11 ered by such budget the activities under the program
12 under subsection (a) that are specified in the most current
13 version of the plan for the program under this section.

14 **SEC. 3134. TRITIUM PRODUCTION.**

15 (a) PRODUCTION OF NEW TRITIUM.—The Secretary
16 of Energy shall produce new tritium to meet the require-
17 ments of the Nuclear Weapons Stockpile Memorandum at
18 the Tennessee Valley Authority Watts Bar or Sequoyah
19 nuclear power plants consistent with the Secretary's De-
20 cember 22, 1998, decision document designating the Sec-
21 retary's preferred tritium production technology.

22 (b) SUPPORT.—To support the method of tritium
23 production set forth in subsection (a), the Secretary shall
24 design and construct a new tritium extraction facility in

1 the H–Area of the Savannah River Site, Aiken, South
2 Carolina.

3 (c) DESIGN AND ENGINEERING DEVELOPMENT.—

4 The Secretary shall—

5 (1) complete preliminary design and engineer-
6 ing development of the Accelerator Production of
7 Tritium technology design as a backup source of
8 tritium to the source set forth in subsection (a) and
9 consistent with the Secretary’s December 22, 1998,
10 decision document; and

11 (2) make available those funds necessary to
12 complete engineering development and demonstra-
13 tion, preliminary design, and detailed design of key
14 elements of the system consistent with the Sec-
15 retary’s decision document of December 22, 1998.

16 **SEC. 3135. INDEPENDENT COST ESTIMATE OF ACCEL-**
17 **ERATOR PRODUCTION OF TRITIUM.**

18 (a) INDEPENDENT COST ESTIMATE.—(1) The Sec-
19 retary of Energy shall secure an independent cost estimate
20 of the Accelerator Production of Tritium.

21 (2) The estimate shall be conducted at the highest
22 possible level, but in no event at a level below that cur-
23 rently defined by the Secretary as Type III, “Sampling
24 Technique”.

1 (b) REPORT.—Not later than April 1, 2000, the Sec-
2 retary shall submit to the congressional defense commit-
3 tees a report on the independent cost estimate conducted
4 under subsection (a).

5 **SEC. 3136. NONPROLIFERATION INITIATIVES AND ACTIVI-**
6 **TIES.**

7 (a) INITIATIVE FOR PROLIFERATION PREVENTION
8 PROGRAM.—(1) Not more than 40 percent of the funds
9 available in any fiscal year after fiscal year 1999 for the
10 Initiative for Proliferation Prevention program (IPP) may
11 be obligated or expended by the Department of Energy
12 national laboratories to carry out or provide oversight of
13 any activities under that program.

14 (2)(A) None of the funds available in any fiscal year
15 after fiscal year 1999 for the Initiative for Proliferation
16 Prevention program may be used to increase or otherwise
17 supplement the pay or benefits of a scientist or engineer
18 if the scientist or engineer—

19 (i) is currently engaged in activities directly re-
20 lated to the design, development, production, or test-
21 ing of chemical or biological weapons or a missile
22 system to deliver such weapons; or

23 (ii) was not formerly engaged in activities di-
24 rectly related to the design, development, production,

1 or testing of weapons of mass destruction or a mis-
2 sile system to deliver such weapons.

3 (B) None of the funds available in any fiscal year
4 after fiscal year 1999 for the Initiative for Proliferation
5 Prevention program may be made available to an institute
6 if the institute—

7 (i) is currently involved in activities described in
8 subparagraph (A)(i); or

9 (ii) was not formerly involved in activities de-
10 scribed in subparagraph (A)(ii).

11 (3)(A) No funds available for the Initiative for Pro-
12 liferation Prevention program may be provided to an insti-
13 tute or scientist under the program if the Secretary of En-
14 ergy determines that the institute or scientist has made
15 a scientific or business contact in any way associated with
16 or related to weapons of mass destruction with a rep-
17 resentative of a country of proliferation concern.

18 (B) For purposes of this paragraph, the term “coun-
19 try of proliferation concern” means any country so des-
20 ignated by the Director of Central Intelligence for pur-
21 poses of the Initiative for Proliferation Prevention pro-
22 gram.

23 (4)(A) The Secretary of Energy shall prescribe proce-
24 dures for the review of projects under the Initiative for

1 Proliferation Prevention program. The purpose of the re-
2 view shall be to ensure the following:

3 (i) That the military applications of such
4 projects, and any information relating to such appli-
5 cations, is not inadvertently transferred or utilized
6 for military purposes.

7 (ii) That activities under the projects are not
8 redirected toward work relating to weapons of mass
9 destruction.

10 (iii) That the national security interests of the
11 United States are otherwise fully considered before
12 the commencement of the projects.

13 (B) Not later than 30 days after the date on which
14 the Secretary prescribes the procedures required by sub-
15 paragraph (A), the Secretary shall submit to Congress a
16 report on the procedures. The report shall set forth a
17 schedule for the implementation of the procedures.

18 (5)(A) The Secretary shall evaluate the projects car-
19 ried out under the Initiative for Proliferation Prevention
20 program for commercial purposes to determine whether or
21 not such projects are likely to achieve their intended com-
22 mercial objectives.

23 (B) If the Secretary determines as a result of the
24 evaluation that a project is not likely to achieve its in-

1 tended commercial objective, the Secretary shall terminate
2 the project.

3 (6) It is the sense of Congress that the President
4 should enter into negotiations with the Russian Govern-
5 ment for purposes of concluding an agreement between the
6 United States Government and the Russian Government
7 to provide for the permanent exemption from taxation by
8 the Russian Government of the nonproliferation activities
9 of the Department of Energy under the Initiative for Pro-
10 liferation Prevention program.

11 (b) NUCLEAR CITIES INITIATIVE.—(1) No amounts
12 authorized to be appropriated by this title for the Nuclear
13 Cities Initiative may be obligated or expended for purposes
14 of the initiative until the Secretary of Energy certifies to
15 Congress that Russia has agreed to close some of its facili-
16 ties engaged in work on weapons of mass destruction.

17 (2) Notwithstanding a certification under paragraph
18 (1), amounts authorized to be appropriated by this title
19 for the Nuclear Cities Initiative may not be obligated or
20 expended for purposes of providing assistance under the
21 initiative to more than three nuclear cities, and more than
22 two serial production facilities, in Russia in fiscal year
23 2000.

24 (3)(A) The Secretary shall conduct a study of the po-
25 tential economic effects of each commercial program pro-

1 posed under the Nuclear Cities Initiative before providing
2 assistance for the conduct of the program. The study shall
3 include an assessment regarding whether or not the mech-
4 anisms for job creation under the program are likely to
5 lead to the creation of the jobs intended to be created by
6 the program.

7 (B) If the Secretary determines as a result of the
8 study that the intended commercial benefits of a program
9 are not likely to be achieved, the Secretary may not pro-
10 vide assistance for the conduct of the program.

11 (4) Not later than January 1, 2000, the Secretary
12 shall submit to Congress a report describing the participa-
13 tion in or contribution to the Nuclear Cities Initiative of
14 each department and agency of the United States Govern-
15 ment that participates in or contributes to the initiative.
16 The report shall describe separately any interagency par-
17 ticipation in or contribution to the initiative.

18 (c) REPORT.—(1) Not later than January 1, 2000,
19 the Secretary of Energy shall submit to the Committees
20 on Armed Services of the Senate and House of Represent-
21 atives a report on the Initiative for Proliferation Preven-
22 tion program (IPP) and the Nuclear Cities Initiative.

23 (2) The report shall include the following:

24 (A) A strategic plan for the Initiative for Pro-
25 liferation Prevention program and for the Nuclear

1 Cities Initiative, which shall establish objectives for
2 the program or initiative, as the case may be, and
3 means for measuring the achievement of such objec-
4 tives.

5 (B) A list of the most successful projects under
6 the Initiative for Proliferation Prevention program,
7 including for each such project the name of the in-
8 stitute and scientists who are participating or have
9 participated in the project, the number of jobs cre-
10 ated through the project, and the manner in which
11 the project has met the nonproliferation objectives of
12 the United States.

13 (C) A list of the institutes and scientists associ-
14 ated with weapons of mass destruction programs or
15 other defense-related programs in the states of the
16 former Soviet Union that the Department seeks to
17 engage in commercial work under the Initiative for
18 Proliferation Prevention program or the Nuclear
19 Cities Initiative, including—

20 (i) a description of the work performed by
21 such institutes and scientists under such weap-
22 ons of mass destruction programs or other de-
23 fense-related programs; and

24 (ii) a description of any work proposed to
25 be performed by such institutes and scientists

1 under the Initiative for Proliferation Prevention
2 program or the Nuclear Cities Initiative.

3 (d) **NUCLEAR CITIES INITIATIVE DEFINED.**—For
4 purposes of this section, the term “Nuclear Cities Initia-
5 tive” means the initiative arising pursuant to the March
6 1998 discussions between the Vice President of the United
7 States and the Prime Minister of the Russian Federation
8 and between the Secretary of Energy of the United States
9 and the Minister of Atomic Energy of the Russian Federa-
10 tion.

11 **Subtitle D—Safeguards, Security,**
12 **and Counterintelligence at De-**
13 **partment of Energy Facilities**

14 **SEC. 3151. SHORT TITLE.**

15 This subtitle may be cited as the “Department of En-
16 ergy Facilities Safeguards, Security, and Counterintel-
17 ligence Enhancement Act of 1999”.

18 **SEC. 3152. COMMISSION ON SAFEGUARDS, SECURITY, AND**
19 **COUNTERINTELLIGENCE AT DEPARTMENT**
20 **OF ENERGY FACILITIES.**

21 (a) **ESTABLISHMENT.**—There is hereby established a
22 commission to be known as the “Commission on Safe-
23 guards, Security, and Counterintelligence at Department
24 of Energy Facilities” (in this section referred to as the
25 “Commission”).

1 (b) ORGANIZATIONAL MATTERS.—(1) The Commis-
2 sion shall be composed of nine members appointed from
3 among individuals in the public and private sectors who
4 have significant experience in matters related to the secu-
5 rity of nuclear weapons and materials, the classification
6 of information, or counterintelligence matters, as follows:

7 (A) Two shall be appointed by the Chairman of
8 the Committee on Armed Services of the Senate, in
9 consultation with the ranking member of that Com-
10 mittee.

11 (B) One shall be appointed by the ranking
12 member of the Committee on Armed Services of the
13 Senate, in consultation with the Chairman of that
14 Committee.

15 (C) Two shall be appointed by the Chairman of
16 the Committee on Armed Services of the House of
17 Representatives, in consultation with the ranking
18 member of that Committee.

19 (D) One shall be appointed by the ranking
20 member of the Committee on Armed Services of the
21 House of Representatives, in consultation with the
22 Chairman of that Committee.

23 (E) One shall be appointed by the Secretary of
24 Defense.

1 (F) One shall be appointed by the Director of
2 the Federal Bureau of Investigation.

3 (G) One shall be appointed by the Director of
4 Central Intelligence.

5 (2) Members of the Commission shall be appointed
6 for four year terms, except as follows:

7 (A) One member initially appointed under para-
8 graph (1)(A) shall serve a term of two years.

9 (B) One member initially appointed under para-
10 graph (1)(C) shall serve a term of two years.

11 (C) The member initially appointed under para-
12 graph (1)(E) shall serve a term of two years.

13 (3) Any vacancy in the Commission shall be filled in
14 the same manner as the original appointment and shall
15 not affect the powers of the Commission.

16 (4)(A) After five members of the Commission have
17 been appointed under paragraph (1), the Chairman of the
18 Committee on Armed Services of the Senate, in consulta-
19 tion with the Chairman of the Committee on Armed Serv-
20 ices of the House of Representatives, shall designate the
21 chairman of the Commission from among the members ap-
22 pointed under paragraph (1)(A).

23 (B) The chairman of the Commission may be des-
24 ignated once five members of the Commission have been
25 appointed under paragraph (1).

1 (5) The members of the Commission shall be ap-
2 pointed not later than 60 days after the date of the enact-
3 ment of this Act.

4 (6) The members of the Commission shall establish
5 procedures for the activities of the Commission, including
6 procedures for calling meetings, requirements for
7 quorums, and the manner of taking votes.

8 (7) The Commission shall meet not less often than
9 once every three months.

10 (8) The Commission may commence its activities
11 under this section upon the designation of the chairman
12 of the Commission under paragraph (4).

13 (c) DUTIES.—(1) The Commission shall, in accord-
14 ance with this section, review the safeguards, security, and
15 counterintelligence activities (including activities relating
16 to information management, computer security, and per-
17 sonnel security) at Department of Energy facilities to—

18 (A) determine the adequacy of those activities
19 to ensure the security of sensitive information, proc-
20 esses, and activities under the jurisdiction of the De-
21 partment against threats to the disclosure of such
22 information, processes, and activities; and

23 (B) make recommendations for actions the
24 Commission determines as being necessary to ensure
25 that such security is achieved and maintained.

1 (2) The activities of the Commission under paragraph
2 (1) shall include the following:

3 (A) An analysis of the sufficiency of the Design
4 Threat Basis documents as a basis for the allocation
5 of resources for safeguards, security, and counter-
6 intelligence activities at the Department facilities in
7 light of applicable guidance with respect to such ac-
8 tivities, including applicable laws, Department of
9 Energy orders, Presidential Decision Directives, and
10 Executive Orders.

11 (B) Visits to Department facilities to assess the
12 adequacy of the safeguards, security, and counter-
13 intelligence activities at such facilities.

14 (C) Evaluations of specific concerns set forth in
15 Department reports regarding the status of safe-
16 guards, security, or counterintelligence activities at
17 particular Department facilities or at facilities
18 throughout the Department.

19 (D) Reviews of relevant laws, Department or-
20 ders, and other requirements relating to safeguards,
21 security, and counterintelligence activities at Depart-
22 ment facilities.

23 (E) Any other activities relating to safeguards,
24 security, and counterintelligence activities at Depart-

1 ment facilities that the Secretary of Energy con-
2 siders appropriate.

3 (d) REPORT.—(1) Not later than February 15 each
4 year, the Commission shall submit to the Secretary of En-
5 ergy and to the congressional defense committees a report
6 on the activities of the Commission during the preceding
7 year. The report shall be submitted in unclassified form,
8 but may include a classified annex.

9 (2) Each report—

10 (A) shall describe the activities of the Commis-
11 sion during the year covered by the report;

12 (B) shall set forth proposals for any changes in
13 safeguards, security, or counterintelligence activities
14 at Department of Energy facilities that the Commis-
15 sion considers appropriate in light of such activities;
16 and

17 (C) may include any other recommendations for
18 legislation or administrative action that the Commis-
19 sion considers appropriate.

20 (e) PERSONNEL MATTERS.—(1)(A) Each member of
21 the Commission who is not an officer or employee of the
22 Federal Government shall be compensated at a rate equal
23 to the daily equivalent of the annual rate of basic pay pre-
24 scribed for level V of the Executive Schedule under section
25 5316 of title 5, United States Code, for each day (includ-

1 ing travel time) during which such member is engaged in
2 the performance of the duties of the Commission.

3 (B) All members of the Commission who are officers
4 or employees of the United States shall serve without com-
5 pensation in addition to that received for their services as
6 officers or employees of the United States.

7 (2) The members of the Commission shall be allowed
8 travel expenses, including per diem in lieu of subsistence,
9 at rates authorized for employees of agencies under sub-
10 chapter I of chapter 57 of title 5, United States Code,
11 while away from their homes or regular places of business
12 in the performance of services for the Commission.

13 (3)(A) The Commission may, without regard to the
14 civil service laws and regulations, appoint and terminate
15 such personnel as may be necessary to enable the Commis-
16 sion to perform its duties.

17 (B) The Commission may fix the compensation of the
18 personnel of the Commission without regard to the provi-
19 sions of chapter 51 and subchapter III of chapter 53 of
20 title 5, United States Code, relating to classification of
21 positions and General Schedule pay rates.

22 (4) Any officer or employee of the United States may
23 be detailed to the Commission without reimbursement,
24 and such detail shall be without interruption or loss of
25 civil service status or privilege.

1 (5) The members and employees of the Commission
2 shall hold security clearances appropriate for the matters
3 considered by the Commission in the discharge of its du-
4 ties under this section.

5 (f) APPLICABILITY OF FACA.—The provisions of the
6 Federal Advisory Committee Act (5 U.S.C. App.) shall not
7 apply to the activities of the Commission.

8 (g) FUNDING.—(1) From amounts authorized to be
9 appropriated by sections 3101 and 3103, the Secretary of
10 Energy shall make available to the Commission not more
11 than \$1,000,000 for the activities of the Commission
12 under this section.

13 (2) Amounts made available to the Commission under
14 this subsection shall remain available until expended.

15 (h) TERMINATION OF DEPARTMENT OF ENERGY SE-
16 CURITY MANAGEMENT BOARD.—(1) Section 3161 of the
17 National Defense Authorization Act for Fiscal Year 1998
18 (Public Law 105–85; 111 Stat. 2048; 42 U.S.C. 7251
19 note) is repealed.

20 (2) Section 3162 of the National Defense Authoriza-
21 tion Act for Fiscal Year 1998 (Public Law 105–85; 111
22 Stat. 2049; 42 U.S.C. 7274 note) is amended—

23 (A) by striking “(a) IN GENERAL.—”; and

24 (B) by striking subsection (b).

1 **SEC. 3153. BACKGROUND INVESTIGATIONS OF CERTAIN**
2 **PERSONNEL AT DEPARTMENT OF ENERGY**
3 **FACILITIES.**

4 (a) IN GENERAL.—The Secretary of Energy shall en-
5 sure that an investigation meeting the requirements of
6 section 145 of the Atomic Energy Act of 1954 (42 U.S.C.
7 2165) is made for each Department of Energy employee,
8 or contractor employee, at a Department of Energy facil-
9 ity who—

10 (1) carries out duties or responsibilities in or
11 around a location where Restricted Data is or may
12 be present; or

13 (2) has or may have regular access to a location
14 where Restricted Data is present.

15 (b) COMPLIANCE.—The Secretary shall have one year
16 from the date of the enactment of this Act to meet the
17 requirement in subsection (a).

18 **SEC. 3154. PLAN FOR POLYGRAPH EXAMINATIONS OF CER-**
19 **TAIN PERSONNEL AT DEPARTMENT OF EN-**
20 **ERGY FACILITIES.**

21 (a) PLAN.—(1) Not later than 120 days after the
22 date of the enactment of this Act, the Secretary of Energy
23 shall submit to the congressional defense committees a
24 plan for conducting, as part of the Department of Energy
25 personnel assurance programs, periodic polygraph exami-
26 nations of each Department of Energy employee, or con-

1 tractor employee, at a Department of Energy facility who
 2 has or may have access to Restricted Data or Sensitive
 3 Compartmented Information. The purpose of the examina-
 4 tions is to minimize the potential for release or disclosure
 5 of such data or information by such employees.

6 (2) The plan shall include recommendations for any
 7 legislative action necessary to implement the plan.

8 (b) LIMITATION ON USE OF FUNDS PENDING SUB-
 9 MITTAL OF PLAN.—Not more than 50 percent of the
 10 amounts authorized to be appropriated or otherwise made
 11 available for the Department of Energy for fiscal year
 12 2000 for travel expenses may be obligated or expended
 13 until the date of the submittal of the plan required by sub-
 14 section (a).

15 **SEC. 3155. CIVIL MONETARY PENALTIES FOR VIOLATIONS**
 16 **OF DEPARTMENT OF ENERGY REGULATIONS**
 17 **RELATING TO THE SAFEGUARDING AND SE-**
 18 **CURITY OF RESTRICTED DATA.**

19 (a) IN GENERAL.—Chapter 18 of title I of the Atomic
 20 Energy Act of 1954 (42 U.S.C. 2271 et seq.) is amended
 21 by inserting after section 234A the following new section:

22 “SEC. 234B. CIVIL MONETARY PENALTIES FOR VIO-
 23 LATIONS OF DEPARTMENT OF ENERGY REGULATIONS
 24 REGARDING SECURITY OF CLASSIFIED OR SENSITIVE IN-
 25 FORMATION OR DATA.—

1 “a. Any person who has entered into a contract or
2 agreement with the Department of Energy, or a sub-
3 contract or subagreement thereto, and who violates (or
4 whose employee violates) any applicable rule, regulation,
5 or order prescribed or otherwise issued by the Secretary
6 pursuant to this Act relating to the safeguarding or secu-
7 rity of Restricted Data or other classified or sensitive in-
8 formation shall be subject to a civil penalty of not to ex-
9 ceed \$100,000 for each such violation.

10 “b. The Secretary shall include in each contract with
11 a contractor of the Department provisions which provide
12 an appropriate reduction in the fees or amounts paid to
13 the contractor under the contract in the event of a viola-
14 tion by the contractor or contractor employee of any rule,
15 regulation, or order relating to the safeguarding or secu-
16 rity of Restricted Data or other classified or sensitive in-
17 formation. The provisions shall specify various degrees of
18 violations and the amount of the reduction attributable to
19 each degree of violation.

20 “c. The powers and limitations applicable to the as-
21 sessment of civil penalties under section 234A shall apply
22 to the assessment of civil penalties under this section.”.

23 (b) CLARIFYING AMENDMENT.—The section heading
24 of section 234A of that Act (42 U.S.C. 2282a) is amended
25 by inserting “SAFETY” before “REGULATIONS”.

1 (c) CLERICAL AMENDMENT.—The table of sections
 2 for that Act is amended by inserting after the item relat-
 3 ing to section 234 the following new items:

“234A. Civil Monetary Penalties for Violations of Department of Energy Safety
 Regulations.

“234B. Civil Monetary Penalties for Violations of Department of Energy Regu-
 lations Regarding Security of Classified or Sensitive Informa-
 tion or Data.”.

4 **SEC. 3156. MORATORIUM ON LABORATORY-TO-LABORA-**
 5 **TORY AND FOREIGN VISITORS AND ASSIGN-**
 6 **MENTS PROGRAMS.**

7 (a) CERTIFICATION.—(1) The Secretary of Energy,
 8 the Director of Central Intelligence, and the Director of
 9 the Federal Bureau of Investigation shall jointly submit
 10 to the committees referred to in paragraph (3) a certifi-
 11 cation that each program referred to in paragraph (2)
 12 meets the following conditions:

13 (A) That the program complies with applicable
 14 orders, regulations, and policies of the Department
 15 of Energy relating to the safeguarding and security
 16 of sensitive information and fulfills any counterintel-
 17 ligence requirements arising under such orders, reg-
 18 ulations, and policies.

19 (B) That the program complies with Presi-
 20 dential Decision Directives and similar requirements
 21 relating to the safeguarding and security of sensitive
 22 information and fulfills any counterintelligence re-

1 requirements arising under such Directives or require-
2 ments.

3 (C) That the program includes adequate protec-
4 tions against the inadvertent release of Restricted
5 Data, information important to the national security
6 of the United States, and any other sensitive infor-
7 mation the disclosure of which might harm the inter-
8 ests of the United States.

9 (D) That the program does not pose an undue
10 risk to the national security interests of the United
11 States.

12 (2) A program referred to in this paragraph is any
13 program as follows:

14 (A) A cooperative program carried out between
15 the Department of Energy and the People's Repub-
16 lic of China.

17 (B) A cooperative program carried out between
18 the Department of Energy and an independent state
19 of the former Soviet Union.

20 (C) A cooperative program carried out between
21 the Department of Energy and any nation des-
22 ignated as sensitive by the Secretary of State.

23 (3) The committees referred to in this paragraph are
24 the following:

1 (A) The Committees on Armed Services and
2 Appropriations and the Select Committee on Intel-
3 ligence of the Senate.

4 (B) The Committees on Armed Services and
5 Appropriations and the Permanent Select Committee
6 on Intelligence of the House of Representatives.

7 (b) LIMITATION ON USE OF FUNDS PENDING CER-
8 TIFICATION.—(1) Except as provided in paragraph (2), no
9 amounts authorized to be appropriated by section 3101
10 or 3103 or otherwise made available to the Department
11 of Energy for fiscal year 2000 may be obligated or ex-
12 pended to conduct a program referred to in subsection
13 (a)(2), or any studies or planning in anticipation of such
14 program, beginning on the date that is 45 days after the
15 date of the enactment of this Act and continuing until 30
16 days after the date on which the Director of Central Intel-
17 ligence submits to the committees referred to in subsection
18 (a)(3) the certification referred to in subsection (a)(1).
19 The certification shall be submitted in unclassified form,
20 but may include a classified annex.

21 (2)(A) The 30-day wait period specified in paragraph
22 (1) for the obligation and expenditure of funds for a pro-
23 gram referred to in subsection (a)(2) shall not apply if
24 the certification with respect to the program under sub-

1 section (a)(1) is submitted during the 45-day period begin-
2 ning on the date of the enactment of this Act.

3 (B) The limitation in paragraph (1) shall not apply—

4 (i) to the obligation or expenditure of funds au-
5 thORIZED to be appropriated by title III for activities
6 relating to cooperative threat reduction with states
7 of the former Soviet Union; or

8 (ii) to the obligation or expenditure of funds au-
9 thORIZED to be appropriated by section
10 3103(a)(1)(A)(ii) for the materials protection control
11 and accounting program of the Department.

12 **SEC. 3157. INCREASED PENALTIES FOR MISUSE OF RE-**
13 **STRICTED DATA.**

14 (a) COMMUNICATION OF RESTRICTED DATA.—Sec-
15 tion 224 of the Atomic Energy Act of 1954 (42 U.S.C.
16 2274) is amended—

17 (1) in clause a., by striking “\$20,000” and in-
18 serting “\$40,000”; and

19 (2) in clause b., by striking “\$10,000” and in-
20 serting “\$20,000”.

21 (b) RECEIPT OF RESTRICTED DATA.—Section 225 of
22 the Atomic Energy Act of 1954 (42 U.S.C. 2275) is
23 amended by striking “\$20,000” and inserting “\$40,000”.

1 (c) DISCLOSURE OF RESTRICTED DATA.—Section
2 227 of the Atomic Energy Act of 1954 (42 U.S.C. 2277)
3 is amended by striking “\$2,500” and inserting “\$5,000”.

4 **SEC. 3158. ORGANIZATION OF DEPARTMENT OF ENERGY**
5 **COUNTERINTELLIGENCE AND INTELLIGENCE**
6 **PROGRAMS AND ACTIVITIES.**

7 (a) OFFICE OF COUNTERINTELLIGENCE.—Title II of
8 the Department of Energy Organization Act (42 U.S.C.
9 7131 et seq.) is amended by adding at the end the fol-
10 lowing:

11 “OFFICE OF COUNTERINTELLIGENCE

12 “SEC. 213. (a) There is within the Department an
13 Office of Counterintelligence.

14 “(b)(1) The head of the Office shall be the Director
15 of the Office of Counterintelligence.

16 “(2) The Secretary shall, with the concurrence of the
17 Director of the Federal Bureau of Investigation, designate
18 the head of the office from among senior executive service
19 employees of the Federal Bureau of Investigation who
20 have expertise in matters relating to counterintelligence.

21 “(3) The Director of the Federal Bureau of Inves-
22 tigation may detail, on a reimbursable basis, any employee
23 of the Bureau to the Department for service as Director
24 of the Office. The service of an employee of the Bureau
25 as Director of the Office shall not result in any loss of

1 status, right, or privilege by the employee within the Bu-
2 reau.

3 “(4) The Director of the Office shall report directly
4 to the Secretary.

5 “(c)(1) The Director of the Office shall develop and
6 ensure the implementation of security and counterintel-
7 ligence programs and activities at Department facilities in
8 order to reduce the threat of disclosure or loss of classified
9 and other sensitive information at such facilities.

10 “(2) The Director of the Office shall be responsible
11 for the administration of the personnel assurance pro-
12 grams of the Department.

13 “(3) The Director shall inform the Secretary, the Di-
14 rector of Central Intelligence, and the Director of the Fed-
15 eral Bureau of Investigation on a regular basis, and upon
16 specific request by any such official, regarding the status
17 and effectiveness of the security and counterintelligence
18 programs and activities at Department facilities.

19 “(d)(1) Not later than March 1 each year, the Direc-
20 tor of the Office shall submit to the Secretary, the Direc-
21 tor of Central Intelligence, and the Director of the Federal
22 Bureau of Investigation and to the Committees on Armed
23 Services of the Senate and House of Representatives a re-
24 port on the status and effectiveness of the security and

1 counterintelligence programs and activities at Department
2 facilities during the preceding year.

3 “(2) Each report shall include for the year covered
4 by the report the following:

5 “(A) A description of the status and effective-
6 ness of the security and counterintelligence pro-
7 grams and activities at Department facilities.

8 “(B) A description of any violation of law or
9 other requirement relating to intelligence, counter-
10 intelligence, or security at such facilities, including—

11 “(i) the number of violations that were in-
12 vestigated; and

13 “(ii) the number of violations that remain
14 unresolved.

15 “(C) A description of the number of foreign
16 visitors to Department facilities, including the loca-
17 tions of the visits of such visitors.

18 “(3) Each report submitted under this subsection to
19 the committees referred to in paragraph (1) shall be sub-
20 mitted in unclassified form, but may include a classified
21 annex.”.

22 (b) OFFICE OF INTELLIGENCE.—That title is further
23 amended by adding at the end the following:

24 “OFFICE OF INTELLIGENCE

25 “SEC. 214. (a) There is within the Department an
26 Office of Intelligence.

1 “(b)(1) The head of the Office shall be the Director
2 of the Office of Intelligence.

3 “(2) The Director of the Office shall be a senior execu-
4 tive service employee of the Department.

5 “(3) The Director of the Office shall report directly
6 to the Secretary.

7 “(c) The Director of the Office shall be responsible
8 for the programs and activities of the Department relating
9 to the analysis of intelligence with respect to nuclear weap-
10 ons and materials, other nuclear matters, and energy secu-
11 rity.”.

12 (c) CLERICAL AMENDMENT.—The table of contents
13 for that Act is amended by inserting after the item relat-
14 ing to section 212 the following items:

“213. Office of Counterintelligence.

“214. Office of Intelligence.”.

15 **SEC. 3159. COUNTERINTELLIGENCE ACTIVITIES AT CER-**
16 **TAIN DEPARTMENT OF ENERGY FACILITIES.**

17 (a) ASSIGNMENT OF COUNTERINTELLIGENCE PER-
18 SONNEL.—(1) The Secretary of Energy shall assign to
19 each Department of Energy facility at which Restricted
20 Data is located an individual who shall assess security and
21 counterintelligence matters at that facility.

22 (2) An individual assigned to a facility under this
23 subsection shall be stationed at the facility.

1 (b) SUPERVISION.—Each individual assigned under
2 subsection (a) shall report directly to the Director of the
3 Office of Counterintelligence of the Department of En-
4 ergy.

5 **SEC. 3160. WHISTLEBLOWER PROTECTION.**

6 (a) PROGRAM.—The Secretary of Energy shall estab-
7 lish a program to ensure that an employee of the Depart-
8 ment of Energy, or a contractor employee, may not be dis-
9 charged, demoted, or otherwise discriminated against as
10 a reprisal for disclosing to a person or entity referred to
11 in subsection (b) information relating to the protection of
12 classified information which the employee or contractor
13 employee reasonably believes to provide direct and specific
14 evidence of a violation described in subsection (c).

15 (b) COVERED PERSONS AND ENTITIES.—A person or
16 entity referred to in this subsection is the following:

17 (1) A Member of a committee of Congress hav-
18 ing primary responsibility for oversight of the de-
19 partment, agency, or element of the Federal Govern-
20 ment to which the disclosed information relates.

21 (2) An employee of Congress who—

22 (A) is a staff member of a committee of
23 Congress having primary responsibility for over-
24 sight of the department, agency, or element of

1 the Federal Government to which the disclosed
2 information relates; and

3 (B) has an appropriate security clearance
4 for access to the information.

5 (3) The Inspector General of the Department of
6 Energy.

7 (4) The Federal Bureau of Investigation.

8 (5) Any other element of the Federal Govern-
9 ment designated by the Secretary as authorized to
10 receive information of the type disclosed.

11 (c) COVERED VIOLATIONS.—A violation referred to
12 in subsection (a) is—

13 (1) a violation of law or Federal regulation;

14 (2) gross mismanagement, a gross waste of
15 funds, or abuse of authority; or

16 (3) a false statement to Congress on an issue
17 of material fact.

18 **SEC. 3161. INVESTIGATION AND REMEDIATION OF AL-**
19 **LEGED REPRISALS FOR DISCLOSURE OF CER-**
20 **TAIN INFORMATION TO CONGRESS.**

21 (a) SUBMITTAL OF ALLEGATIONS TO INSPECTOR
22 GENERAL.—A Department of Energy employee or con-
23 tractor employee who believes that the employee has been
24 discharged, demoted, or otherwise discriminated against
25 as a reprisal for disclosing information referred to in sub-

1 section (a) of section 3160 in accordance with the provi-
2 sions of that section may submit a complaint relating to
3 such action to the Inspector General of the Department
4 of Energy.

5 (b) INVESTIGATION.—(1) For each complaint sub-
6 mitted under subsection (a), the Inspector General shall—

7 (A) determine whether or not the complaint is
8 frivolous; and

9 (B) if the Inspector General determines the
10 complaint is not frivolous, conduct an investigation
11 of the complaint.

12 (2) The Inspector General shall submit a report on
13 each investigation undertaken under paragraph (1)(B)
14 to—

15 (A) the employee who submitted the complaint
16 on which the investigation is based;

17 (B) the contractor concerned, if any; and

18 (C) the Secretary of Energy.

19 (c) REMEDIAL ACTIONS.—(1) If the Secretary deter-
20 mines that an employee has been subjected to an adverse
21 personnel action referred to in subsection (a) in contraven-
22 tion of the provisions of section 3160(a), the Secretary
23 shall—

24 (A) in the case of a Department employee, take
25 appropriate actions to abate the action; or

1 (B) in the case of a contractor employee, order
2 the contractor concerned to take appropriate actions
3 to abate the action.

4 (2)(A) If a contractor fails to comply with an order
5 issued under paragraph (1)(B), the Secretary may file an
6 action for enforcement of the order in the appropriate
7 United States district court.

8 (B) In any action brought under subparagraph (A),
9 the court may grant appropriate relief, including injunc-
10 tive relief and compensatory and exemplary damages.

11 (d) QUARTERLY REPORT.—(1) Not later than 30
12 days after the commencement of each fiscal quarter, the
13 Inspector General shall submit to the congressional de-
14 fense committees a report on the investigations under-
15 taken under subsection (b)(1)(B) during the preceding fis-
16 cal quarter, including a summary of the results of such
17 investigations.

18 (2) A report under paragraph (1) shall not identify
19 or otherwise provide any information on a person submit-
20 ting a complaint under this section without the consent
21 of the person.

1 **SEC. 3162. NOTIFICATION TO CONGRESS OF CERTAIN SECU-**
2 **RITY AND COUNTERINTELLIGENCE FAIL-**
3 **URES AT DEPARTMENT OF ENERGY FACILI-**
4 **TIES.**

5 (a) **REQUIREMENT.**—The Secretary of Energy, after
6 consultation with the Director of Central Intelligence and
7 the Director of the Federal Bureau of Investigation, as
8 appropriate, shall submit to the congressional defense
9 committees a notification of each serious security or coun-
10 terintelligence failure at a Department of Energy facility
11 that the Secretary considers likely to cause significant
12 harm or damage to the national security interests of the
13 United States.

14 (b) **DEADLINE.**—The Secretary shall submit a notice
15 under subsection (a) for a failure covered by that sub-
16 section not later than 30 days after learning of the failure.

17 (c) **PROCEDURES.**—The Secretary and the congress-
18 sional defense committees shall each establish such proce-
19 dures as may be necessary to carry out the provisions of
20 this title.

21 (d) **PROTECTION OF CLASSIFIED AND OTHER SEN-**
22 **SITIVE INFORMATION.**—(1) The House of Representatives
23 and the Senate shall each establish, by rule or resolution
24 of such House, procedures to protect from unauthorized
25 disclosure classified information, all information relating
26 to intelligence sources and methods, and sensitive law en-

1 enforcement information that is furnished to the congres-
2 sional defense committees pursuant to this section.

3 (2) Such procedures shall be established in consulta-
4 tion with the Secretary of Energy, the Director of Central
5 Intelligence, and the Director of the Federal Bureau of
6 Investigation.

7 (e) SAVINGS PROVISIONS.—(1) Nothing in this sec-
8 tion shall be construed as authority to withhold informa-
9 tion from the congressional defense committees on the
10 grounds that providing the information to such commit-
11 tees would constitute the unauthorized disclosure of classi-
12 fied information, information relating to intelligence
13 sources or methods, or sensitive law enforcement informa-
14 tion.

15 (2) Nothing in this section shall be construed to mod-
16 ify or supersede any other requirement to report informa-
17 tion on intelligence activities to Congress, including the
18 requirement under section 501 of the National Security
19 Act of 1947 (50 U.S.C. 413) for the President to ensure
20 that the intelligence committees are kept fully and cur-
21 rently informed of the intelligence activities of the United
22 States and for the intelligence committees to notify
23 promptly other congressional committees of any matter re-
24 lating to intelligence activities requiring the attention of
25 such committees.

1 **SEC. 3163. CONDUCT OF SECURITY CLEARANCES.**

2 (a) RESPONSIBILITY OF FEDERAL BUREAU OF IN-
3 VESTIGATION.—Section 145 of the Atomic Energy Act of
4 1954 (42 U.S.C. 2165) is amended by striking “the Civil
5 Service Commission” each place it appears in subsections
6 a., b., and c. and inserting “the Federal Bureau of Inves-
7 tigation”.

8 (b) CONFORMING AMENDMENTS.—That section is
9 further amended—

10 (1) by striking subsections d. and f.; and

11 (2) by redesignating subsections e., g., and h.
12 as subsections d., e., and f., respectively; and

13 (3) in subsection d., as so redesignated, by
14 striking “determine that investigations” and all that
15 follows and inserting “require that investigations be
16 conducted by the Federal Bureau of Investigation of
17 any group or class covered by subsections a., b., and
18 c. of this section.”.

19 (c) COMPLIANCE.—The Director of the Federal Bu-
20 reau of Investigation shall have one year from the date
21 of the enactment of this Act to meet the responsibilities
22 of the Bureau under section 145 of the Atomic Energy
23 Act of 1954, as amended by this section.

24 (d) REPORT.—Not later than 6 months after the date
25 of the enactment of this Act, the Director of the Federal
26 Bureau of Investigation shall submit to the congressional

1 defense committees, the Select Committee on Intelligence
2 of the Senate, and the Permanent Select Committee on
3 Intelligence of the House of Representatives a report on
4 the implementation of the responsibilities of the Bureau
5 under section 145 of the Atomic Energy Act of 1954, as
6 so amended.

7 (e) TECHNICAL AMENDMENT.—Subsection f. of that
8 section, as so redesignated, is amended by striking “sec-
9 tion 145 b.” and inserting “subsection b. of this section”.

10 **SEC. 3164. PROTECTION OF CLASSIFIED INFORMATION**
11 **DURING LABORATORY-TO-LABORATORY EX-**
12 **CHANGES.**

13 (a) PROVISION OF TRAINING.—The Secretary of En-
14 ergy shall ensure that all Department of Energy employ-
15 ees and Department of Energy contractor employees par-
16 ticipating in laboratory-to-laboratory cooperative exchange
17 activities are fully trained in matters relating to the pro-
18 tection of classified information and to potential espionage
19 and counterintelligence threats.

20 (b) COUNTERING OF ESPIONAGE AND INTEL-
21 LIGENCE-GATHERING ABROAD.—(1) The Secretary shall
22 establish a pool of Department employees and Department
23 contractor employees who are specially trained to counter
24 threats of espionage and intelligence-gathering by foreign
25 nationals against Department employees and Department

1 contractor employees who travel abroad for laboratory-to-
2 laboratory exchange activities or other cooperative ex-
3 change activities on behalf of the Department.

4 (2) The Director of Counterintelligence of the De-
5 partment of Energy may assign at least one employee
6 from the pool established under paragraph (1) to accom-
7 pany a group of Department employees or Department
8 contractor employees who travel to any nation designated
9 to be a sensitive country for laboratory-to-laboratory ex-
10 change activities or other cooperative exchange activities
11 on behalf of the Department.

12 **SEC. 3165. DEFINITION.**

13 In this subtitle, the term “Restricted Data” has the
14 meaning given that term in section 11 y. of the Atomic
15 Energy Act of 1954 (42 U.S.C. 2014(y)).

16 **Subtitle E—Other Matters**

17 **SEC. 3171. MAINTENANCE OF NUCLEAR WEAPONS EXPER-**
18 **TISE IN THE DEPARTMENT OF DEFENSE AND**
19 **DEPARTMENT OF ENERGY.**

20 (a) ADMINISTRATION OF JOINT NUCLEAR WEAPONS
21 COUNCIL.—(1) Subsection (b) of section 179 of title 10,
22 United States Code, is amended by adding at the end the
23 following new paragraph:

24 “(3) The Council shall meet not less often than once
25 every three months.”.

1 (2) Subsection (c) of that section is amended by add-
2 ing at the end the following new paragraph:

3 “(3) If the position of Assistant to the Secretary of
4 Defense for Nuclear and Chemical and Biological Defense
5 Programs remains vacant for a period of more than 9
6 months, the Secretary of Energy shall appoint a qualified
7 individual to serve as acting staff director of the Council
8 until the position of Assistant to the Secretary of Defense
9 for Nuclear and Chemical and Biological Defense Pro-
10 grams is filled.”.

11 (b) REVITALIZATION OF JOINT NUCLEAR WEAPONS
12 COUNCIL.—(1) The Secretary of Defense and the Sec-
13 retary of Energy shall jointly prepare and submit to the
14 Committees on Armed Services of the Senate and the
15 House of Representatives a plan to revitalize the Joint
16 Nuclear Weapons Council established by section 179 of
17 title 10, United States Code.

18 (2) The plan shall include any proposed modification
19 to the membership or responsibilities of the Council that
20 the Secretaries jointly determine advisable to enhance the
21 capability of the Council to ensure the integration of De-
22 partment of Defense requirements for nuclear weapons
23 into the programs and budget processes of the Depart-
24 ment of Energy.

1 (c) ANNUAL REPORT ON COUNCIL ACTIVITIES.—The
2 Secretary of Defense, shall, after consultation with the
3 Secretary of Energy, submit to the Committees on Armed
4 Services of the Senate and the House of Representatives
5 on an annual basis a report on the activities of the Joint
6 Nuclear Weapons Council. Each report shall include the
7 following:

8 (1) A description of the activities of the Council
9 during the 12-month period ending on the date of
10 the report together with any assessments or studies
11 conducted by the Council during that period.

12 (2) A description of the highest priority require-
13 ments of the Department of Defense with respect to
14 the Department of Energy stockpile stewardship and
15 management program as of that date.

16 (3) An assessment of the extent to which the
17 requirements referred to in paragraph (2) are being
18 addressed by the Department of Energy as of that
19 date.

20 (d) NUCLEAR MISSION MANAGEMENT PLAN.—The
21 Secretary of Defense shall develop and implement a plan
22 to ensure the continued reliability of the capability of the
23 Department of Defense to carry out its nuclear deterrent
24 mission. The plan shall—

1 (1) articulate the current policy of the United
2 States on the role of nuclear weapons and nuclear
3 deterrence in the conduct of defense and foreign re-
4 lations matters;

5 (2) establish stockpile viability and capability
6 requirements with respect to that mission, including
7 the number and variety of warheads required;

8 (3) establish requirements relating to the con-
9 tractor industrial base, support infrastructure, and
10 surveillance, testing, assessment, and certification of
11 nuclear weapons necessary to support that mission;

12 (4) take into account requirements for the crit-
13 ical skills, readiness, training, exercise, and testing
14 of personnel necessary to meet that mission; and

15 (5) take into account the relevant programs and
16 plans of the military departments and the defense
17 agencies with respect to readiness, sustainment (in-
18 cluding research and development), and moderniza-
19 tion of the strategic deterrent forces.

20 (e) NUCLEAR EXPERTISE RETENTION MEASURES.—

21 (1) The Secretary of Energy and Secretary of Defense
22 shall jointly submit to the committees referred to in sub-
23 section (c) a plan setting forth the actions that the Secre-
24 taries consider necessary to retain core scientific, engi-
25 neering, and technical skills and capabilities within the

1 Department of Energy, the Department of Defense, and
2 their contractors in order to maintain the United States
3 nuclear deterrent force indefinitely.

4 (2) The plan shall include the following elements:

5 (A) A baseline of current skills and capabilities
6 by location.

7 (B) A statement of the skills or capabilities that
8 are at risk of being lost within the next ten years.

9 (C) A proposal for recruitment and retention
10 measures to address the loss of such skills or capa-
11 bilities.

12 (D) A proposal for the training and evaluation
13 of personnel with core scientific, engineering, and
14 technical skills and capabilities.

15 (E) A statement of the additional advanced
16 manufacturing programs and process engineering
17 programs that are required to maintain the nuclear
18 deterrent force indefinitely.

19 (F) An assessment of the desirability of estab-
20 lishing a nuclear weapons workforce reserve to en-
21 sure the availability of the skills and capabilities of
22 present and former employees of the Department in
23 the event of an urgent future need for such skills
24 and capabilities.

1 (f) REPORTS ON CRITICAL DIFFICULTIES AT NU-
2 CLEAR WEAPONS LABORATORIES.—Section 3159 of the
3 National Defense Authorization Act for Fiscal Year 1997
4 (Public Law 104–201; 110 Stat. 2842; 42 U.S.C. 7274o)
5 is amended—

6 (1) by redesignating subsection (d) as sub-
7 section (e); and

8 (2) by inserting after subsection (c) the fol-
9 lowing new subsection (d):

10 “(d) INCLUSION OF REPORTS IN ANNUAL STOCKPILE
11 CERTIFICATION.—Any report submitted pursuant to sub-
12 section (a) shall also be included with the decision docu-
13 ments that accompany the annual certification of the safe-
14 ty and reliability of the United States nuclear weapons
15 stockpile which is provided to the President for the year
16 in which such report is submitted.”.

17 (g) TECHNICAL AMENDMENT.—Section 179(f) of
18 title 10, United States Code, is amended by striking “the
19 Committee on Armed Services” and all that follows
20 through “House of Representatives” and inserting “the
21 Committees on Armed Services and Appropriations of the
22 Senate and the Committees on Armed Services and Appro-
23 priations of the House of Representatives”.

1 **SEC. 3172. MODIFICATION OF BUDGET AND PLANNING RE-**
2 **QUIREMENTS FOR DEPARTMENT OF ENERGY**
3 **NATIONAL SECURITY ACTIVITIES.**

4 (a) ENHANCEMENT OF ANNUAL FIVE-YEAR BUDG-
5 ET.—(1) Section 3155 of the National Defense Authoriza-
6 tion Act for Fiscal Year 1997 (Public Law 104–201; 110
7 Stat. 2841; 42 U.S.C. 7271b) is amended—

8 (A) by redesignating subsection (b) as sub-
9 section (c);

10 (B) by striking subsection (a) and inserting the
11 following new subsections:

12 “(a) REQUIREMENT.—The Secretary of Energy shall
13 prepare for each fiscal year after fiscal year 2000 a pro-
14 gram and budget plan for the national security programs
15 of the Department of Energy for the five-fiscal year period
16 beginning in the year the program and budget plan is pre-
17 pared.

18 “(b) ELEMENTS.—Each program and budget plan
19 shall contain the following:

20 “(1) The estimated expenditures and proposed
21 appropriations necessary to support the programs,
22 projects, and activities of the national security pro-
23 grams of the Department during the five-fiscal year
24 period covered by the program and budget plan, ex-
25 pressed in a level of detail comparable to that con-
26 tained in the budget submitted by the President to

1 Congress under section 1105 of title 31, United
2 States Code.

3 “(2) A description of the anticipated workload
4 requirements for each Department site during that
5 five-fiscal year period.”; and

6 (C) in subsection (c), as so redesignated, by
7 striking “the budget required” and inserting “the
8 program and budget plan required”.

9 (2) The section heading of such section is amended
10 by striking “**FIVE-YEAR BUDGET**” and inserting “**FIVE-**
11 **FISCAL YEAR PROGRAM AND BUDGET PLAN**”.

12 (b) **ADDITIONAL REQUIREMENTS FOR WEAPONS AC-**
13 **TIVITIES BUDGETS.**—Section 3156 of the National De-
14 fense Authorization Act for Fiscal Year 1997 (Public Law
15 104–201; 110 Stat. 2841; 42 U.S.C. 7271c) is amended—

16 (1) by redesignating subsection (c) as sub-
17 section (d); and

18 (2) by inserting after subsection (b) the fol-
19 lowing new subsection (c):

20 “(c) **IMPACT OF BUDGET ON STOCKPILE.**—The Sec-
21 retary shall include in the materials the Secretary submits
22 to Congress in support of the budget for any fiscal year
23 after fiscal year 2000 that is submitted by the President
24 pursuant to section 1105 of title 31, United States Code,
25 a description of how the funds identified for each program

1 element in the weapons activities budget of the Depart-
2 ment for such fiscal year will help ensure that the nuclear
3 weapons stockpile is safe and reliable as determined in ac-
4 cordance with the criteria established under 3158 of the
5 National Defense Authorization Act for Fiscal Year 1999
6 (Public Law 105–261; 112 Stat. 2257; 42 U.S.C. 2121
7 note).”.

8 **SEC. 3173. EXTENSION OF AUTHORITY OF DEPARTMENT OF**
9 **ENERGY TO PAY VOLUNTARY SEPARATION**
10 **INCENTIVE PAYMENTS.**

11 (a) **EXTENSION.**—Notwithstanding subsection
12 (c)(2)(D) of section 663 of the Treasury, Postal Service,
13 and General Government Appropriations Act, 1997 (Pub-
14 lic Law 104–208; 110 Stat. 3009–383; 5 U.S.C. 5597
15 note), the Department of Energy may pay voluntary sepa-
16 ration incentive payments to qualifying employees who vol-
17 untarily separate (whether by retirement or resignation)
18 before January 1, 2003.

19 (b) **EXERCISE OF AUTHORITY.**—The Department
20 shall pay voluntary separation incentive payments under
21 subsection (a) in accordance with the provisions of such
22 section 663.

1 **SEC. 3174. INTEGRATED FISSILE MATERIALS MANAGEMENT**

2 **PLAN.**

3 (a) **PLAN.**—The Secretary of Energy shall develop a
4 long-term plan for the integrated management of fissile
5 materials by the Department of Energy. The plan shall—

6 (1) identify means of consolidating or inte-
7 grating the responsibilities of the Office of Environ-
8 mental Management, the Office of Fissile Materials
9 Disposition, the Office of Nuclear Energy, and the
10 Office of Defense Programs for the treatment, stor-
11 age and disposition of fissile materials, and for the
12 waste streams containing fissile materials, in order
13 to achieve budgetary and other efficiencies in the
14 discharge of those responsibilities; and

15 (2) identify any expenditures necessary at the
16 sites that are anticipated to have an enduring mis-
17 sion for plutonium management in order to achieve
18 the integrated management of fissile materials by
19 the Department.

20 (b) **SUBMITTAL TO CONGRESS.**—The Secretary shall
21 submit the plan required by subsection (a) to the congres-
22 sional defense committees not later than February 1,
23 2000.

1 **SEC. 3175. USE OF AMOUNTS FOR AWARD FEES FOR DE-**
2 **PARTMENT OF ENERGY CLOSURE PROJECTS**
3 **FOR ADDITIONAL CLEANUP PROJECTS AT**
4 **CLOSURE PROJECT SITES.**

5 (a) **AUTHORITY TO USE AMOUNTS.**—The Secretary
6 of Energy may use an amount authorized to be appro-
7 priated for the payment of award fees for a Department
8 of Energy closure project for purposes of conducting addi-
9 tional cleanup activities at the closure project site if the
10 Secretary—

11 (1) anticipates that such amount will not be ob-
12 ligated for payment of award fees in the fiscal year
13 in which such amount is authorized to be appro-
14 priated; and

15 (2) determines the use will not result in a deferr-
16 al of the payment of the award fees for more than
17 12 months.

18 (b) **REPORT ON USE OF AUTHORITY.**—Not later than
19 30 days after each exercise of the authority in subsection
20 (a), the Secretary shall submit to the congressional de-
21 fense committees a report the exercise of the authority.

22 **SEC. 3176. PILOT PROGRAM FOR PROJECT MANAGEMENT**
23 **OVERSIGHT REGARDING DEPARTMENT OF**
24 **ENERGY CONSTRUCTION PROJECTS.**

25 (a) **REQUIREMENT.**—(1) The Secretary of Energy
26 shall carry out a pilot program on use of project manage-

1 ment oversight (PMO) services for Department of Energy
2 construction projects.

3 (2) The purpose of the pilot program is to provide
4 a basis for determining whether or not the use of competi-
5 tively procured, external project management oversight
6 services on construction projects would permit the Depart-
7 ment to control excessive costs and schedule delays associ-
8 ated with Department construction projects having large
9 capital costs.

10 (b) PROJECTS COVERED BY PROGRAM.—(1) Subject
11 to paragraph (2), the Secretary shall carry out the pilot
12 program at construction projects selected by the Sec-
13 retary. The projects shall include one or more construction
14 projects authorized pursuant to section 3101 and one con-
15 struction project authorized pursuant to section 3102.

16 (2) The Secretary shall select projects that have cap-
17 ital construction costs anticipated to be not less than
18 \$25,000,000.

19 (c) SERVICES UNDER PROGRAM.—The project man-
20 agement oversight services utilized under the pilot pro-
21 gram shall include the following services:

22 (1) Monitoring the overall progress of a project.

23 (2) Determining whether or not a project is on
24 schedule.

1 (3) Determining whether or not a project is
2 within budget.

3 (4) Determining whether or not a project con-
4 forms with plans and specifications approved by the
5 Department.

6 (5) Determining whether or not a project is
7 being carried out efficiently and effectively.

8 (6) Any other management oversight services
9 that the Secretary considers appropriate for pur-
10 poses of the pilot program.

11 (d) PROCUREMENT OF SERVICES UNDER PRO-
12 GRAM.—Any services procured under the pilot program
13 shall be acquired—

14 (1) on a competitive basis; and

15 (2) from among commercial entities that—

16 (A) do not currently manage or operate fa-
17 cilities at a location where the pilot program is
18 being conducted; and

19 (B) have an expertise in the management
20 of large construction projects.

21 (e) REPORT.—Not later than February 1, 2000, the
22 Secretary shall submit to the Committees on Armed Serv-
23 ices of the Senate and the House of Representatives a re-
24 port on pilot program. The report shall include the Sec-
25 retary's assessment of the feasibility and desirability of

1 utilizing project management oversight services for De-
2 partment of Energy construction projects.

3 **SEC. 3177. EXTENSION OF REVIEW OF WASTE ISOLATION**
4 **PILOT PLANT, NEW MEXICO.**

5 Section 1433(a) of the National Defense Authoriza-
6 tion Act, Fiscal Year 1989 (Public Law 100-456; 102
7 Stat. 2073) is amended in the second sentence by striking
8 “nine additional one-year periods” and inserting “fourteen
9 additional one-year periods”.

10 **SEC. 3178. PROPOSED SCHEDULE FOR SHIPMENTS OF**
11 **WASTE FROM THE ROCKY FLATS PLANT, COL-**
12 **ORADO, TO THE WASTE ISOLATION PILOT**
13 **PLANT, NEW MEXICO.**

14 (a) SUBMITTAL OF PROPOSED SCHEDULE.—Not
15 later than 60 days after the date of the enactment of this
16 Act, the Secretary of Energy shall submit to the Commit-
17 tees on Armed Services of the Senate and House of Rep-
18 resentatives a proposed schedule for the commencement
19 of shipments of waste from the Rocky Flats Plant, Colo-
20 rado, to the Waste Isolation Pilot Plant, New Mexico.

21 (b) ELEMENTS.—The schedule under subsection (a)
22 shall set forth—

23 (1) the proposed commencement date of ship-
24 ments of mixed transuranic waste from the Rocky
25 Flats Plant to the Waste Isolation Pilot Plant; and

1 (2) the proposed commencement date of ship-
2 ments of unmixed transuranic waste from the Rocky
3 Flats Plant to the Waste Isolation Pilot Plant.

4 (c) REQUIREMENTS REGARDING SCHEDULE.—In
5 preparing the schedule, the Secretary shall assume the fol-
6 lowing:

7 (1) A closure date for the Rocky Flats Plant in
8 2006.

9 (2) That all waste that is transferable from the
10 Rocky Flats Plant to the Waste Isolation Pilot Plant
11 will be removed from the Rocky Flats Plant by that
12 closure date as specified in the current 2006 Rocky
13 Flats Plant Closure Plan.

14 (3) That, to the maximum extent practicable,
15 shipments of waste from the Rocky Flats Plant to
16 the Waste Isolation Pilot Plant will be carried out
17 on an expedited schedule, but not interfere with
18 other shipments of waste to the Waste Isolation
19 Pilot Plant that are planned as of the date of the
20 enactment of this Act.

21 **SEC. 3179. COMPTROLLER GENERAL REPORT ON CLOSURE**
22 **OF ROCKY FLATS ENVIRONMENTAL TECH-**
23 **NOLOGY SITE, COLORADO.**

24 (a) REPORT.—Not later than December 31, 2000,
25 the Comptroller General shall submit to the Committees

1 on Armed Services of the Senate and House of Represent-
2 atives a report assessing the progress in the closure of the
3 Rocky Flats Environmental Technology Site, Colorado.

4 (b) REPORT ELEMENTS.—The report shall address
5 the following:

6 (1) How decisions with respect to the future
7 use of the Rocky Flats Environmental Technology
8 Site effect ongoing cleanup at the site.

9 (2) Whether the Secretary of Energy could pro-
10 vide flexibility to the contractor at the site in order
11 to quicken the cleanup of the site.

12 (3) Whether the Secretary could take additional
13 actions throughout the nuclear weapons complex of
14 the Department of Energy in order to quicken the
15 closure of the site.

16 (4) The developments, if any, since the April
17 1999 report of the Comptroller General that could
18 alter the pace of the closure of the site.

19 (5) The possibility of closure of the site by
20 2006.

21 (6) The actions that could be taken by the Sec-
22 retary or Congress to ensure that the site would be
23 closed by 2006.

1 **TITLE XXXII—DEFENSE NU-**
2 **CLEAR FACILITIES SAFETY**
3 **BOARD**

4 **SEC. 3201. DEFENSE NUCLEAR FACILITIES SAFETY BOARD.**

5 There are authorized to be appropriated for fiscal
6 year 2000, \$17,500,000 for the operation of the Defense
7 Nuclear Facilities Safety Board under chapter 21 of the
8 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

9 **TITLE XXXIII—NATIONAL**
10 **DEFENSE STOCKPILE**

11 **SEC. 3301. AUTHORIZED USES OF STOCKPILE FUNDS.**

12 (a) OBLIGATION OF STOCKPILE FUNDS.—During fis-
13 cal year 2000, the National Defense Stockpile Manager
14 may obligate up to \$78,700,000 of the funds in the Na-
15 tional Defense Stockpile Transaction Fund for the author-
16 ized uses of such funds under section 9(b)(2) of the Stra-
17 tegic and Critical Materials Stock Piling Act (50 U.S.C.
18 98h(b)(2)), including the disposal of hazardous materials
19 that are environmentally sensitive.

20 (b) ADDITIONAL OBLIGATIONS.—The National De-
21 fense Stockpile Manager may obligate amounts in excess
22 of the amount specified in subsection (a) if the National
23 Defense Stockpile Manager notifies Congress that extraor-
24 dinary or emergency conditions necessitate the additional
25 obligations. The National Defense Stockpile Manager may

1 make the additional obligations described in the notifica-
2 tion after the end of the 45-day period beginning on the
3 date on which Congress receives the notification.

4 (c) LIMITATIONS.—The authorities provided by this
5 section shall be subject to such limitations as may be pro-
6 vided in appropriations Acts.

7 **SEC. 3302. LIMITATIONS ON PREVIOUS AUTHORITY FOR**
8 **DISPOSAL OF STOCKPILE MATERIALS.**

9 (a) PUBLIC LAW 105–261 AUTHORITY.—Section
10 3303(b) of the Strom Thurmond National Defense Au-
11 thorization Act for Fiscal Year 1999 (Public Law 105–
12 261; 112 Stat. 2263; 50 U.S.C. 98d note) is amended—

13 (1) by striking “(b) LIMITATION ON DISPOSAL
14 QUANTITY.—” and inserting “(b) LIMITATIONS ON
15 DISPOSAL AUTHORITY.—(1)”; and

16 (2) by adding at the end the following:

17 “(2) The President may not dispose of materials
18 under this section in excess of the disposals necessary to
19 result in receipts in the amounts specified in subsection
20 (a).”.

21 (b) PUBLIC LAW 105–85 AUTHORITY.—Section
22 3305(b) of the National Defense Authorization Act for
23 Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2058;
24 50 U.S.C. 98d note) is amended—

1 **SEC. 3402. AUTHORIZATION OF EXPENDITURES.**

2 (a) IN GENERAL.—Subject to subsection (b), the
3 Panama Canal Commission is authorized to use amounts
4 in the Panama Canal Revolving Fund to make such ex-
5 penditures within the limits of funds and borrowing au-
6 thority available to it in accordance with law, and to make
7 such contracts and commitments, as may be necessary
8 under the Panama Canal Act of 1979 (22 U.S.C. 3601
9 et seq.) for the operation, maintenance, improvement, and
10 administration of the Panama Canal for the period Octo-
11 ber 1, 1999, through noon on December 31, 1999.

12 (b) LIMITATIONS.—For the period described in sub-
13 section (a), the Panama Canal Commission may expend
14 from funds in the Panama Canal Revolving Fund not
15 more than \$25,000 for official reception and representa-
16 tion expenses, of which—

17 (1) not more than \$7,000 may be used for offi-
18 cial reception and representation expenses of the Su-
19 pervisory Board of the Commission;

20 (2) not more than \$3,500 may be used for offi-
21 cial reception and representation expenses of the
22 Secretary of the Commission; and

23 (3) not more than \$14,500 may be used for of-
24 ficial reception and representation expenses of the
25 Administrator of the Commission.

1 **SEC. 3403. PURCHASE OF VEHICLES.**

2 Notwithstanding any other provision of law, the
3 funds available to the Commission shall be available for
4 the purchase and transportation to the Republic of Pan-
5 ama of replacement passenger motor vehicles, the pur-
6 chase price of which shall not exceed \$26,000 per vehicle.

7 **SEC. 3404. EXPENDITURES ONLY IN ACCORDANCE WITH**
8 **TREATIES.**

9 Expenditures authorized under this title may be made
10 only in accordance with the Panama Canal Treaties of
11 1977 and any law of the United States implementing
12 those treaties.

13 **SEC. 3405. OFFICE OF TRANSITION ADMINISTRATION.**

14 (a) EXPENDITURES FROM PANAMA CANAL COMMIS-
15 SION DISSOLUTION FUND.—The Office of Transition Ad-
16 ministration established under subsection (b) of section
17 1305 of the Panama Canal Act of 1979 (22 U.S.C. 3714a)
18 is authorized to obligate and expend funds from the Pan-
19 ama Canal Commission Dissolution Fund established
20 under subsection (c) of such section for the purposes enu-
21 merated in such subsection until the fund terminates.

22 (b) ADMINISTRATIVE OFFICES.—The Office of Tran-
23 sition Administration shall have offices in the Republic of
24 Panama and in Washington, District of Columbia. The of-
25 fice in Panama shall be subject to the authority of the
26 United States chief of mission in the Republic of Panama.

1 (c) OVERSIGHT OF CLOSE-OUT ACTIVITIES.—The
2 Panama Canal Commission shall enter into an agreement
3 with the head of a department or agency of the Federal
4 Government to supervise the close out of the affairs of
5 the Commission under section 1305 of the Panama Canal
6 Act of 1979 and to certify the completion of that function.

Passed the Senate May 27, 1999.

Attest:

Secretary.

106TH CONGRESS
1ST SESSION

S. 1059

AN ACT

To authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.