

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2060

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## AN ACT

To authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, 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 “Department of Defense  
5        Authorization Act for Fiscal Year 1999”.



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### **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

1           (2) the Committee on National Security and the  
2           Committee on Appropriations of the House of Rep-  
3           resentatives.

4           **TITLE I—PROCUREMENT**  
5           **Subtitle A—Authorization of**  
6           **Appropriations**

7   **SEC. 101. ARMY.**

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

10           (1) For aircraft, \$1,466,508,000.

11           (2) For missiles, \$1,175,539,000.

12           (3) For weapons and tracked combat vehicles,  
13           \$1,443,108,000.

14           (4) For ammunition, \$1,010,155,000.

15           (5) For other procurement, \$3,565,927,000.

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

17           (a) NAVY.—Funds are hereby authorized to be appro-  
18           priated for fiscal year 1999 for procurement for the Navy  
19           as follows:

20           (1) For aircraft, \$7,499,934,000.

21           (2) For weapons, including missiles and tor-  
22           pedoes, \$1,370,045,000.

23           (3) For shipbuilding and conversion,  
24           \$6,067,272,000.

25           (4) For other procurement, \$4,052,012,000.

1 (b) MARINE CORPS.—Funds are hereby authorized to  
2 be appropriated for fiscal year 1999 for procurement for  
3 the Marine Corps in the amount of \$910,558,000.

4 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds  
5 are hereby authorized to be appropriated for procurement  
6 of ammunition for the Navy and the Marine Corps in the  
7 amount of \$476,539,000.

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

9 Funds are hereby authorized to be appropriated for  
10 fiscal year 1999 for procurement for the Air Force as fol-  
11 lows:

12 (1) For aircraft, \$8,303,839,000.

13 (2) For missiles, \$2,354,745,000.

14 (3) For ammunition, \$384,161,000.

15 (4) For other procurement, \$6,792,081,000.

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

17 Funds are hereby authorized to be appropriated for  
18 fiscal year 1999 for Defense-wide procurement in the  
19 amount of \$2,029,250,000.

20 **SEC. 105. RESERVE COMPONENTS.**

21 Funds are hereby authorized to be appropriated for  
22 fiscal year 1999 for procurement of aircraft, vehicles, com-  
23 munications equipment, and other equipment for the re-  
24 serve components of the Armed Forces as follows:

1           (1) For the Army National Guard,  
2           \$10,000,000.

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

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

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

6           (5) For the Air Force Reserve, \$10,000,000.

7           (6) For the Marine Corps Reserve,  
8           \$10,000,000.

9 **SEC. 106. DEFENSE INSPECTOR GENERAL.**

10          Funds are hereby authorized to be appropriated for  
11 fiscal year 1999 for procurement for the Inspector General  
12 of the Department of Defense in the amount of  
13 \$1,300,000.

14 **SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.**

15          There is hereby authorized to be appropriated for fis-  
16 cal year 1999 the amount of \$780,150,000 for—

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

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

1 **SEC. 108. DEFENSE HEALTH PROGRAMS.**

2 Funds are hereby authorized to be appropriated for  
3 fiscal year 1999 for the Department of Defense for pro-  
4 curement for carrying out health care programs, projects,  
5 and activities of the Department of Defense in the total  
6 amount of \$402,387,000.

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

8 Funds are hereby authorized to be appropriated for  
9 fiscal year 1999 for the Department of Defense for carry-  
10 ing out the Defense Export Loan Guarantee Program  
11 under section 2540 of title 10, United States Code, in the  
12 total amount of \$1,250,000.

13 **Subtitle B—Army Programs**

14 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR**  
15 **LONGBOW HELLFIRE MISSILE PROGRAM.**

16 Beginning with the fiscal year 1999 program year,  
17 the Secretary of the Army may, in accordance with section  
18 2306b of title 10, United States Code, enter into a  
19 multiyear procurement contract for the procurement of  
20 the Longbow Hellfire missile. The contract may be for a  
21 term of five years.

22 **SEC. 112. CONDITION FOR AWARD OF MORE THAN ONE**  
23 **MULTIYEAR CONTRACT FOR THE FAMILY OF**  
24 **MEDIUM TACTICAL VEHICLES.**

25 Before awarding a multiyear procurement contract  
26 for the production of the Family of Medium Tactical Vehi-

1 cles to more than one contractor under the authority of  
2 section 112(b) of the National Defense Authorization Act  
3 for Fiscal Year 1998 (Public Law 105–85; 111 Stat.  
4 1648), the Secretary of the Army shall certify in writing  
5 to the congressional defense committees that—

6 (1) the total quantity of Family of Medium  
7 Tactical Vehicles trucks required by the Army to be  
8 delivered in any 12-month period exceeds the pro-  
9 duction capacity of any single prime contractor; or

10 (2)(A) the total cost of the procurements to the  
11 Army under all such contracts over the period of the  
12 contracts will be the same as or lower than the  
13 amount that would be the total cost of the procure-  
14 ments if only one such contract were awarded; and

15 (B) the vehicles to be produced by all contrac-  
16 tors under the contracts will be produced with com-  
17 mon components that will be interchangeable among  
18 similarly configured models.

19 **SEC. 113. ARMORED SYSTEM MODERNIZATION.**

20 (a) **LIMITATION.**—Of the funds authorized to be ap-  
21 propriated under section 101(3), \$20,300,000 of the funds  
22 available for the M1A1D Application Integration Kit may  
23 not be obligated for the procurement of the Kit until 30  
24 days after the Secretary of the Army submits the report  
25 required under subsection (b).



1 (b) REPORT.—Not later than January 31, 1999, the  
2 Secretary of the Army shall submit a report on armored  
3 system modernization to the congressional defense com-  
4 mittees. The report shall contain an assessment of the cur-  
5 rent acquisition and fielding strategies for the M1A2  
6 Abrams Tank and M2A3 Bradley Fighting Vehicle and  
7 an assessment of alternatives to those strategies. The re-  
8 port shall specifically include an assessment of an alter-  
9 native fielding strategy that provides for placing all of the  
10 armored vehicles configured in the latest variant into one  
11 heavy corps. The assessment of each alternative strategy  
12 shall include the following:

13 (1) The relative effects on warfighting capabili-  
14 ties in terms of operational effectiveness and train-  
15 ing and support efficiencies, taking into consider-  
16 ation the joint warfighting context.

17 (2) How the alternative strategy would facili-  
18 tate the transition to the Future Scout and Cavalry  
19 System, the Future Combat System, or other ar-  
20 mored systems for the future force structure known  
21 as the Army After Next.

22 (3) How the alternative strategy fits into the  
23 context of overall armored system modernization  
24 through 2020.

25 (4) Budgetary implications.

1           (5) Implications for the national technology and  
2           industrial base.

3 **SEC. 114. REACTIVE ARMOR TILES.**

4           (a) **LIMITATION.**—None of the funds authorized to  
5 be appropriated under section 101(3) or 102(b) may be  
6 obligated for the procurement of reactive armor tiles until  
7 30 days after the date on which the Secretary of Defense  
8 submits to the congressional defense committees the study  
9 required by subsection (c).

10          (b) **EXCEPTION.**—The limitation in subsection (a)  
11 does not apply to the obligation of any funds for the pro-  
12 curement of armor tiles for an armored vehicle for which  
13 the Secretary of the Army or, in the case of the Marine  
14 Corps, the Secretary of the Navy, had established a re-  
15 quirement for such tiles before the date of the enactment  
16 of this Act.

17          (c) **STUDY REQUIRED.**—(1) The Secretary of De-  
18 fense shall contract with an entity independent of the De-  
19 partment of Defense to conduct a study of the present  
20 and future operational requirements of the Army and the  
21 Marine Corps for reactive armor tiles for armored vehicles  
22 and to submit to the Secretary a report on the results  
23 of the study.

24          (2) The study shall include the following:

1           (A) A detailed assessment of the operational re-  
2           quirements of the Army and the Marine Corps for  
3           reactive armor tiles for each of the armored vehicles  
4           presently in use, including the requirements for each  
5           vehicle in its existing configurations and in configu-  
6           rations proposed for the vehicle.

7           (B) For each armored vehicle, an analysis of  
8           the costs and benefits of the procurement and instal-  
9           lation of the tiles, including a comparison of those  
10          costs and benefits with the costs and benefits of any  
11          existing upgrade program for the armored vehicle.

12          (3) The entity carrying out the study shall request  
13          the views of the Secretary of the Army and the Secretary  
14          of the Navy.

15          (d) SUBMISSION TO CONGRESS.—Not later than  
16          April 1, 1999, the Secretary of Defense shall submit to  
17          the congressional defense committees—

18                 (1) the report on the study;

19                 (2) the comments of the Secretary of the Army  
20                 and the Secretary of the Navy on the study; and

21                 (3) for each vehicle for which it is determined  
22                 that a requirement for reactive armor tiles exists,  
23                 the Secretary's recommendations as to the number  
24                 of vehicles to be equipped with the tiles.

1 **SEC. 115. ANNUAL REPORTING OF COSTS ASSOCIATED**  
2 **WITH TRAVEL OF MEMBERS OF CHEMICAL**  
3 **DEMILITARIZATION CITIZENS' ADVISORY**  
4 **COMMISSION.**

5 (a) INFORMATION TO BE INCLUDED IN ANNUAL RE-  
6 PORT ON CHEMICAL DEMILITARIZATION PROGRAM.—Sec-  
7 tion 1412(g)(2) of the Department of Defense Authoriza-  
8 tion Act, 1986 (50 U.S.C. 1521(g)(2)) is amended by add-  
9 ing at the end the following:

10 “(C) An accounting of all funds expended (for  
11 the fiscal year covered by the report) for travel and  
12 associated travel costs for Citizens' Advisory Com-  
13 missioners under section 172(g) of Public Law 102-  
14 484 (50 U.S.C. 1521 note).”.

15 (b) TECHNICAL AMENDMENT.—Section 1412(g) of  
16 section 1412 of such Act is amended by striking out “(g)  
17 PERIODIC REPORTS.—” and inserting in lieu thereof “(g)  
18 ANNUAL REPORT.—”.

19 **SEC. 116. 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  
25 by striking out “During fiscal years 1993 through 1998”

1 and inserting in lieu thereof “During fiscal years 1993  
2 through 1999”.

3 **SEC. 117. ALTERNATIVE TECHNOLOGIES FOR DESTRUC-**  
4 **TION OF ASSEMBLED CHEMICAL WEAPONS.**

5 (a) PROGRAM MANAGEMENT.—The program man-  
6 ager for the Assembled Chemical Weapons Assessment  
7 shall continue to manage the development and testing (in-  
8 cluding demonstration and pilot-scale testing) of tech-  
9 nologies for the destruction of lethal chemical munitions  
10 that are potential or demonstrated alternatives to inciner-  
11 ation. In performing such function, the program manager  
12 shall act independently of the program manager for the  
13 baseline chemical demilitarization program and shall re-  
14 port to the Under Secretary of Defense for Acquisition  
15 and Technology.

16 (b) POST-DEMONSTRATION ACTIVITIES.—(1) The  
17 program manager for the Assembled Chemical Weapons  
18 Assessment may undertake the activities that are nec-  
19 essary to ensure that an alternative technology for the de-  
20 struction of lethal chemical munitions can be implemented  
21 immediately after—

22 (A) the technology has been demonstrated suc-  
23 cessful; and

1 (B) the Under Secretary of Defense for Acqui-  
2 sition and Technology has submitted a report on the  
3 demonstration to Congress.

4 (2) To prepare for the immediate implementation of  
5 any such technology, the program manager may, during  
6 fiscal years 1998 and 1999, take the following actions:

7 (A) Establish program requirements.

8 (B) Prepare procurement documentation.

9 (C) Develop environmental documentation.

10 (D) Identify and prepare to meet public out-  
11 reach and public participation requirements.

12 (E) Prepare to award a contract for the design,  
13 construction, and operation of a pilot facility for the  
14 technology to the provider team for the technology  
15 not later than June 1, 1999.

16 (c) INDEPENDENT EVALUATION.—The Under Sec-  
17 retary of Defense for Acquisition and Technology shall  
18 provide for two evaluations of the cost and schedule of  
19 the Assembled Chemical Weapons Assessment to be per-  
20 formed, and for each such evaluation to be submitted to  
21 the Under Secretary, not later than September 30, 1999.  
22 One of the evaluations shall be performed by a nongovern-  
23 mental organization qualified to make such an evaluation,  
24 and the other evaluation shall be performed separately by

1 the Cost Analysis Improvement Group of the Department  
2 of Defense.

3 (d) PILOT FACILITIES CONTRACTS.—(1) The Under  
4 Secretary of Defense for Acquisition and Technology shall  
5 determine whether to proceed with pilot-scale testing of  
6 a technology referred to in paragraph (2) in time to award  
7 a contract for the design, construction, and operation of  
8 a pilot facility for the technology to the provider team for  
9 the technology not later than December 30, 1999. If the  
10 Under Secretary determines to proceed with such testing,  
11 the Under Secretary shall (exercising the acquisition au-  
12 thority of the Secretary of Defense) so award a contract  
13 not later than such date.

14 (2) Paragraph (1) applies to an alternative tech-  
15 nology for the destruction of lethal chemical munitions,  
16 other than incineration, that the Under Secretary—

17 (A) certifies in writing to Congress is—

18 (i) as safe and cost effective for disposing  
19 of assembled chemical munitions as is inciner-  
20 ation of such munitions; and

21 (ii) is capable of completing the destruction  
22 of such munitions on or before the later of the  
23 date by which the destruction of the munitions  
24 would be completed if incineration were used or  
25 the deadline date for completing the destruction

1 of the munitions under the Chemical Weapons  
2 Convention; and

3 (B) determines as satisfying the Federal and  
4 State environmental and safety laws that are appli-  
5 cable to the use of the technology and to the design,  
6 construction, and operation of a pilot facility for use  
7 of the technology.

8 (3) The Under Secretary shall consult with the Na-  
9 tional Research Council in making determinations and cer-  
10 tifications for the purpose of paragraph (2).

11 (4) In this subsection, the term “Chemical Weapons  
12 Convention” means the Convention on the Prohibition of  
13 Development, Production, Stockpiling and Use of Chemi-  
14 cal Weapons and on their Destruction, opened for signa-  
15 ture on January 13, 1993, together with related annexes  
16 and associated documents.

17 (e) FUNDING.—(1) Of the total amount authorized  
18 to be appropriated under section 107, \$18,000,000 shall  
19 be available for the program manager for the Assembled  
20 Chemical Weapons Assessment for the following:

21 (A) Demonstrations of alternative technologies  
22 under the Assembled Chemical Weapons Assess-  
23 ment.

24 (B) Planning and preparation to proceed from  
25 demonstration of an alternative technology imme-



1 diately into the development of a pilot-scale facility  
2 for the technology, including planning and prepara-  
3 tion for—

4 (i) continued development of the tech-  
5 nology leading to deployment of the technology  
6 for use;

7 (ii) satisfaction of requirements for envi-  
8 ronmental permits;

9 (iii) demonstration, testing, and evaluation;

10 (iv) initiation of actions to design a pilot  
11 plant;

12 (v) provision of support at the field office  
13 or depot level for deployment of the technology  
14 for use; and

15 (vi) educational outreach to the public to  
16 engender support for the deployment.

17 (C) The independent evaluation of cost and  
18 schedule required under subsection (c).

19 (2) Funds authorized to be appropriated under sec-  
20 tion 107(1) are authorized to be used for awarding con-  
21 tracts in accordance with subsection (d) and for taking  
22 any other action authorized in this section.

23 (f) ASSEMBLED CHEMICAL WEAPONS ASSESSMENT  
24 DEFINED.—In this section, the term “Assembled Chemi-  
25 cal Weapons Assessment” means the pilot program car-

1 ried out under section 8065 of the Department of Defense  
2 Appropriations Act, 1997 (section 101(b) of Public Law  
3 104–208; 110 Stat. 3009–101; 50 U.S.C. 1521 note).

## 4 **Subtitle C—Navy Programs**

### 5 **SEC. 121. CVN-77 NUCLEAR AIRCRAFT CARRIER PROGRAM.**

6 Of the amount authorized to be appropriated under  
7 section 102(a)(3) for fiscal year 1999, \$124,500,000 is  
8 available for the advance procurement and advance con-  
9 struction of components (including nuclear components)  
10 for the CVN–77 nuclear aircraft carrier program.

### 11 **SEC. 122. INCREASED AMOUNT TO BE EXCLUDED FROM** 12 **COST LIMITATION FOR SEAWOLF SUBMARINE** 13 **PROGRAM.**

14 Section 123(a) of the National Defense Authorization  
15 Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.  
16 1650) is amended by striking out “\$272,400,000” and in-  
17 serting in lieu thereof “\$557,600,000”.

### 18 **SEC. 123. MULTIYEAR PROCUREMENT AUTHORITY FOR** 19 **THE MEDIUM TACTICAL VEHICLE REPLACE-** 20 **MENT.**

21 Beginning with the fiscal year 1999 program year,  
22 the Secretary of the Navy may, in accordance with section  
23 2306b of title 10, United States Code, enter into a  
24 multiyear procurement contract for the procurement of

1 the Medium Tactical Vehicle Replacement. The contract  
2 may be for a term of five years.

3 **SEC. 124. MULTIYEAR PROCUREMENT AUTHORITY FOR**  
4 **CERTAIN AIRCRAFT PROGRAMS.**

5 Beginning with the fiscal year 1999 program year,  
6 the Secretary of the Navy may, in accordance with section  
7 2306b of title 10, United States Code, enter into multiyear  
8 contracts for the procurement of the following aircraft:

9 (1) The AV-8B aircraft.

10 (2) The E-2C aircraft.

11 (3) The T-45 aircraft.

12 **Subtitle D—Air Force Programs**

13 **SEC. 131. JOINT SURVEILLANCE TARGET ATTACK RADAR**  
14 **SYSTEM.**

15 (a) AMOUNT FOR FOLLOW-ON OPTIONS.—Of the  
16 amount authorized to be appropriated under section  
17 103(1) for the Joint Surveillance Target Attack Radar  
18 System (JSTARS) program, \$72,000,000 is available for  
19 funding the following options:

20 (1) Advance procurement of long-lead items for  
21 two additional E-8C JSTARS aircraft.

22 (2) Payment of expenses associated with termi-  
23 nation of production of JSTARS aircraft, together  
24 with augmentation of other funding for the program  
25 for development of an improved joint surveillance

1 target attack radar, known as the radar technology  
2 insertion program.

3 (b) LIMITATION.—None of the funds available in ac-  
4 cordance with subsection (a) for funding an option de-  
5 scribed in that subsection may be obligated until 30 days  
6 after the date on which the Secretary of Defense submits  
7 to Congress a plan for using the funds. The plan shall  
8 specify the option selected, the reasons for the selection  
9 of that option, and details about how the funds are to be  
10 used for that option.

11 **SEC. 132. LIMITATION ON REPLACEMENT OF ENGINES ON**  
12 **MILITARY AIRCRAFT DERIVED FROM BOEING**  
13 **707 AIRCRAFT.**

14 None of the funds authorized to be appropriated  
15 under this title may be obligated or expended for the re-  
16 placement of engines on aircraft of the Department of De-  
17 fense that are derived from the Boeing 707 aircraft until  
18 the Secretary of Defense has submitted the analysis re-  
19 quired by section 133 of the National Defense Authoriza-  
20 tion Act for Fiscal Year 1998 (Public Law 105–85; 111  
21 Stat. 1652).

22 **SEC. 133. F-22 AIRCRAFT PROGRAM.**

23 (a) LIMITATION ON ADVANCE PROCUREMENT.—(1)  
24 Amounts available for the Department of Defense for any  
25 fiscal year for the F–22 aircraft program may not be obli-

1 gated for advance procurement for the six Lot II F-22  
2 aircraft before the date that is 30 days after date that  
3 is applicable under paragraph (2) or (3).

4 (2) The applicable date for the purposes of paragraph  
5 (1) is the date on which the Secretary of Defense submits  
6 a certification under subsection (b)(1) unless the Sec-  
7 retary submits a report under subsection (b)(2).

8 (3) If the Secretary submits a report under sub-  
9 section (b)(2), the applicable date for the purposes of  
10 paragraph (1) is the later of—

11 (A) the date on which the Secretary of Defense  
12 submits the report; or

13 (B) the date on which the Director of Oper-  
14 ational Test and Evaluation submits the certification  
15 required under subsection (c).

16 (b) CERTIFICATION BY SECRETARY OF DEFENSE.—

17 (1) Upon the completion of 433 hours of flight testing of  
18 F-22 flight test vehicles, the Secretary of Defense shall  
19 submit to the congressional defense committees a certifi-  
20 cation of the completion of that amount of flight testing.

21 A certification is not required under this paragraph if the  
22 Secretary submits a report under paragraph (2).

23 (2) If the Secretary determines that a number of  
24 hours of flight testing of F-22 flight test vehicles less than  
25 433 hours provides the Defense Acquisition Board with

1 a sufficient basis for deciding to proceed into production  
2 of Lot II F-22 aircraft, the Secretary may submit a report  
3 to the congressional defense committees upon the comple-  
4 tion of that lesser number of hours of flight testing. A  
5 report under this paragraph shall contain the following:

6 (A) A certification of the number of hours of  
7 flight testing completed.

8 (B) The reasons for the Secretary's determina-  
9 tion that the lesser number of hours is a sufficient  
10 basis for a decision by the board.

11 (C) A discussion of the extent to which the Sec-  
12 retary's determination is consistent with each deci-  
13 sion made by the Defense Acquisition Board since  
14 January 1997 in the case of a major aircraft acqui-  
15 sition program that the amount of flight testing  
16 completed for the program was sufficient or not suf-  
17 ficient to justify a decision to proceed into low-rate  
18 initial production.

19 (D) A determination by the Secretary that it is  
20 more financially advantageous for the Department to  
21 proceed into production of Lot II F-22 aircraft than  
22 to delay production until completion of 433 hours of  
23 flight testing, together with the reasons for that de-  
24 termination.

1           (c) CERTIFICATION BY THE DIRECTOR OF OPER-  
2     ATIONAL TEST AND EVALUATION.—Upon the completion  
3     of 183 hours of the flight testing of F-22 flight test vehi-  
4     cles provided for in the test and evaluation master plan  
5     for the F-22 aircraft program, as in effect on October  
6     1, 1997, the Director of Operational Test and Evaluation  
7     shall submit to the congressional defense committees a  
8     certification of the completion of that flight testing.

9     **SEC. 134. C-130J AIRCRAFT PROGRAM.**

10           Not later than March 1, 1999, the Secretary of De-  
11     fense shall review the C-130J aircraft program and sub-  
12     mit a report on the program to the congressional defense  
13     committees. The report shall include at least the following:

14           (1) A discussion of the testing planned and the  
15     testing conducted under the program, including—

16                   (A) the testing schedule intended at the  
17     beginning of the program;

18                   (B) the testing schedule as of when the  
19     testing commenced; and

20                   (C) an explanation of the time taken for  
21     the testing.

22           (2) The cost and schedule of the program, in-  
23     cluding—

1 (A) whether the Department has exercised  
2 or plans to exercise contract options for fiscal  
3 years 1996, 1997, 1998, and 1999;

4 (B) when the Department expects the air-  
5 craft to be delivered and how the delivery dates  
6 compare to the delivery dates specified in the  
7 contract;

8 (C) whether the Department expects to  
9 make any modification to the negotiated con-  
10 tract price for these aircraft, and the amount  
11 and basis for any such modification; and

12 (D) whether the Department expects the  
13 reported delays and overruns in the develop-  
14 ment of the aircraft to have any other impact  
15 on the cost, schedule, or performance of the air-  
16 craft.

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

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

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

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



1 (1) For the Army, \$4,838,145,000.

2 (2) For the Navy, \$8,219,997,000.

3 (3) For the Air Force, \$13,673,993,000.

4 (4) For Defense-wide activities,  
5 \$9,583,822,000, of which—

6 (A) \$249,106,000 is authorized for the ac-  
7 tivities of the Director, Test and Evaluation;  
8 and

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

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

12 (a) FISCAL YEAR 1999.—Of the amounts authorized  
13 to be appropriated by section 201, \$4,186,817,000 shall  
14 be available for basic research and applied research  
15 projects.

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

1 **Subtitle B—Program Requirements, Restrictions, and Limitations**  
2  
3

4 **SEC. 211. CRUSADER SELF-PROPELLED ARTILLERY SYSTEM PROGRAM.**  
5

6 (a) **LIMITATION.**—Of the amount authorized to be  
7 appropriated for the Army pursuant to section 201(1), not  
8 more than \$223,000,000 may be obligated for the Cru-  
9 sader self-propelled artillery system program until 30 days  
10 after the date on which the Secretary of the Army submits  
11 the report required under subsection (b).

12 (b) **REQUIREMENT FOR REPORT.**—The Secretary of  
13 the Army shall submit to the congressional defense com-  
14 mittees a report on the Crusader self-propelled artillery  
15 system. The report shall include the following:

16 (1) An assessment of the risks associated with  
17 the current Crusader program technology.

18 (2) The total requirements for the Crusader  
19 system, taking into consideration revisions in force  
20 structure resulting from the redesign of heavy and  
21 light divisions to achieve a force structure known as  
22 the Army After Next.

23 (3) The potential for reducing the weight of the  
24 Crusader system by as much as 50 percent.

1           (4) The potential for using alternative propel-  
2           lants for the artillery projectile for the Crusader sys-  
3           tem and the effects on the overall program schedule  
4           that would result from taking the actions and time  
5           necessary to develop mature technologies for alter-  
6           native propellants.

7           (5) An analysis of the costs and benefits of de-  
8           laying procurement of Crusader to avoid afford-  
9           ability issues associated with the current schedule  
10          and to allow for maturation of weight and propellant  
11          technologies.

12          (c) SUBMISSION OF REPORT.—The Secretary of the  
13          Army shall submit the report not later than March 1,  
14          1999.

15          **SEC. 212. CVN-77 NUCLEAR AIRCRAFT CARRIER PROGRAM.**

16          (a) AMOUNT FOR NEW TECHNOLOGIES.—Of the  
17          amounts authorized to be appropriated under section  
18          201(2) for aircraft carrier system development,  
19          \$50,000,000 shall be available only for research, develop-  
20          ment, test, and evaluation, and for acquisition, of tech-  
21          nologies described in subsection (b) for use in the CVN-  
22          77 nuclear aircraft carrier program.

23          (b) TECHNOLOGIES.—The technologies for which  
24          amounts are available under subsection (a) are tech-  
25          nologies that are designed—

1           (1) for a transition from the CVN-77 aircraft  
2           carrier program to the CV(X) aircraft carrier pro-  
3           gram; and

4           (2) for—

5                 (A) demonstrating enhanced capabilities  
6                 for the CV(X) aircraft carrier program; or

7                 (B) mitigating the cost or technical risks  
8                 of that program.

9   **SEC. 213. UNMANNED AERIAL VEHICLE PROGRAMS.**

10       (a) **TERMINATION OF DARK STAR PROGRAM.**—The  
11       Secretary of Defense shall terminate the Dark Star un-  
12       manned aerial vehicle program. Except as provided in sub-  
13       section (b), funds available for that program may be obli-  
14       gated after the date of the enactment of this Act only for  
15       costs necessary for terminating the program.

16       (b) **GLOBAL HAWK PROGRAM.**—Of the unobligated  
17       balance of the funds available for the Dark Star un-  
18       manned aerial vehicle program, \$32,500,000 shall be  
19       available for the procurement of three Global Hawk un-  
20       manned aerial vehicles. However, none of the funds made  
21       available for the Global Hawk unmanned aerial vehicle  
22       program under the preceding sentence may be obligated  
23       or expended for that program until phase II testing of the  
24       Global Hawk unmanned aerial vehicle has been completed.

1 **SEC. 214. AIRBORNE LASER PROGRAM.**

2 (a) FINDINGS.—Congress makes the following find-  
3 ings:

4 (1) The development plan of the Department of  
5 Defense for the Airborne Laser Program does not  
6 include the basic validation of certain key tech-  
7 nologies until 2002, which is shortly before the pro-  
8 gram is scheduled to enter the engineering and man-  
9 ufacturing development phase of development.

10 (2) It is possible that the technical risk of the  
11 Airborne Laser Program could be substantially re-  
12 duced by restructuring the program to include a  
13 technology demonstration using a low power laser  
14 device to collect optical data in an operationally rep-  
15 resentative environment.

16 (3) Department of Defense officials are cur-  
17 rently planning to have expended approximately  
18 \$1,300,000,000 on the Airborne Laser Program by  
19 the end of fiscal year 2002, and a total of  
20 \$6,300,000,000 by the end of fiscal year 2008 for  
21 the development of the system and the procurement  
22 of seven airborne laser aircraft.

23 (4) Due to the likely vulnerability of an air-  
24 borne laser system to air defense threats, the limited  
25 lethal range of the laser device, and other oper-  
26 ational limitations of the system, the utility of the

1 airborne laser system will be severely restricted  
2 under a wide range of operational scenarios.

3 (b) ASSESSMENT OF TECHNICAL AND OPERATIONAL  
4 LIMITATIONS.—The Secretary of Defense shall conduct an  
5 assessment of the technical obstacles and operational  
6 shortcomings expected for the Airborne Laser Program.  
7 In conducting the assessment, the Secretary shall—

8 (1) require the Panel on Reducing Risk in Bal-  
9 listic Missile Defense Test Programs to evaluate the  
10 adequacy of the test program for the Airborne Laser  
11 Program; and

12 (2) establish an independent team of persons  
13 from outside the Department of Defense who are ex-  
14 perts in relevant fields to review the operational limi-  
15 tations and issues associated with the Airborne  
16 Laser Program.

17 (c) REPORT ON ASSESSMENT.—Not later than March  
18 15, 1999, the Secretary shall submit a report on the as-  
19 sessment to Congress. The report shall include the Sec-  
20 retary's findings and any recommendations that the Sec-  
21 retary considers appropriate.

22 (d) FUNDING FOR PROGRAM.—Of the amount au-  
23 thorized to be appropriated under section 201(3),  
24 \$195,219,000 shall be available for the Airborne Laser  
25 Program.

1 (e) LIMITATION.—Of the amount made available pur-  
2 suant to subsection (d), not more than \$150,000,000 may  
3 be obligated until 30 days after the Secretary submits the  
4 report required under subsection (c).

5 **SEC. 215. ENHANCED GLOBAL POSITIONING SYSTEM PRO-**  
6 **GRAM.**

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

9 (1) Section 152(b) of the National Defense Au-  
10 thorization Act for Fiscal Year 1994 (Public Law  
11 103–160; 107 Stat. 1578) prohibits the obligation of  
12 funds, after September 30, 2000, to modify or pro-  
13 cure any Department of Defense aircraft, ship, ar-  
14 mored vehicle, or indirect-fire weapon system that is  
15 not equipped with a Global Positioning System re-  
16 ceiver.

17 (2) Section 279(b) of the National Defense Au-  
18 thorization Act for Fiscal Year 1996 (Public Law  
19 104–106; 110 Stat. 243) requires the Secretary of  
20 Defense to prepare a plan for enhancing the Global  
21 Positioning System and to provide in that plan for—

22 (A) the development of capabilities to deny  
23 hostile military forces the ability to use the  
24 Global Positioning System without hindering  
25 the ability of United States military forces and

1 civil users to have access to and use of the sys-  
2 tem; and

3 (B) the development and acquisition of re-  
4 ceivers for the Global Positioning System and  
5 other techniques for weapons and weapon sys-  
6 tems that provide substantially improved resist-  
7 ance to jamming and other forms of electronic  
8 interference or disruption.

9 (3) Section 2281 of title 10, United States  
10 Code, requires the Secretary of Defense—

11 (A) to develop appropriate measures for  
12 preventing hostile use of the Global Positioning  
13 System so as to make it unnecessary for the  
14 Secretary to use the selective availability fea-  
15 ture of the system continuously while not hin-  
16 dering the use of the Global Positioning System  
17 by the United States and its allies for military  
18 purposes;

19 (B) to ensure that the Armed Forces of  
20 the United States have the capability to use the  
21 Global Positioning System effectively despite  
22 hostile attempts to prevent the use of the sys-  
23 tem by such forces; and

24 (C) to develop measures for preventing  
25 hostile use of the Global Positioning System in



1           a particular area without hindering peaceful  
2           civil use of the system elsewhere.

3           (b) POLICY ON PRIORITY FOR DEVELOPMENT OF EN-  
4   HANCED GPS SYSTEM.—The development of an enhanced  
5   Global Positioning System is an urgent national security  
6   priority.

7           (c) DEVELOPMENT REQUIRED.—To fulfill the re-  
8   quirements described in subsection (a), the Secretary of  
9   Defense shall develop an enhanced Global Positioning Sys-  
10   tem in accordance with the priority declared in subsection  
11   (b). The enhanced Global Positioning System shall consist  
12   of the following elements:

13           (1) An evolved satellite system that includes dy-  
14   namic frequency reconfiguration and regional-level  
15   directional signal enhancements.

16           (2) Enhanced receivers and user equipment  
17   that are capable of providing military users with di-  
18   rect access to encrypted Global Positioning System  
19   signals.

20           (3) To the extent funded by the Secretary of  
21   Transportation, additional civil frequencies and  
22   other enhancements for civil users.

23           (d) SENSE OF CONGRESS REGARDING FUNDING.—  
24   It is the sense of Congress that—

1           (1) the Secretary of Defense should ensure that  
2           the future-years defense program provides for suffi-  
3           cient funding to develop and deploy an enhanced  
4           Global Positioning System system in accordance  
5           with the priority declared in subsection (b); and

6           (2) the Secretary of Transportation should pro-  
7           vide sufficient funding to support additional civil fre-  
8           quencies for the Global Positioning System and  
9           other enhancements of the system for civil users.

10          (e) PLAN FOR DEVELOPMENT OF ENHANCED GLOB-  
11          AL POSITIONING SYSTEM.—Not later than April 15, 1999,  
12          the Secretary of Defense shall submit to Congress a plan  
13          for carrying out the requirements of subsection (c).

14          (f) DELAYED EFFECTIVE DATE FOR LIMITATION ON  
15          PROCUREMENT OF SYSTEMS NOT GPS-EQUIPPED.—Sec-  
16          tion 152(b) of the National Defense Authorization Act for  
17          Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1578)  
18          is amended by striking out “2000” and inserting in lieu  
19          thereof “2005”.

20          (g) FUNDING FROM AUTHORIZED APPROPRIATIONS  
21          FOR FISCAL YEAR 1999.—Of the amounts authorized to  
22          be appropriated under section 201(3), \$44,000,000 shall  
23          be available to establish and carry out an enhanced Global  
24          Positioning System program.

1 **SEC. 216. MANUFACTURING TECHNOLOGY PROGRAM.**

2 (a) COMPETITION AND COST SHARING.—Subsection  
3 (d) of section 2525 of title 10, United States Code, is  
4 amended by striking out paragraphs (2), (3), and (4) and  
5 inserting in lieu thereof the following:

6 “(2) Except as provided in paragraph (3), the costs  
7 of a project carried out under the program shall be shared  
8 by the Department of Defense and the other parties to  
9 the grant, contract, cooperative agreement, or other trans-  
10 action involved if any results of the project are likely to  
11 have an immediate and direct commercial application. The  
12 cost share—

13 “(A) in the case of a grant, contract, coopera-  
14 tive agreement, or other transaction that is awarded  
15 using a competitive selection process, shall be the  
16 cost share proposed in the application or offer se-  
17 lected for the award; or

18 “(B) in a case in which there is only one appli-  
19 cant or offeror, shall be the cost share negotiated  
20 with the applicant or offeror that provides the best  
21 value for the Government.

22 “(3)(A) Cost-sharing is not required of the non-Fed-  
23 eral Government parties to a grant, contract, cooperative  
24 agreement, or other transaction under paragraph (2) if  
25 the project is determined as being sufficiently high risk

1 to discourage cost-sharing by non-Federal Government  
2 sources.

3 “(B) A determination under subparagraph (A) that  
4 cost-sharing is not required in the case of a particular  
5 grant, contract, cooperative agreement or other trans-  
6 action shall be made by—

7 “(i) the Secretary of the military department  
8 awarding the grant or entering into the contract, co-  
9 operative agreement, or other transaction; or

10 “(ii) the Secretary of Defense for any other  
11 grant, contract, cooperative agreement, or trans-  
12 action.

13 “(C) The transaction file for a case in which cost-  
14 sharing is determined as not being required shall include  
15 written documentation of the reasons for the determina-  
16 tion.”.

17 (b) FIVE-YEAR PLAN.—Subsection (e)(2) of such  
18 section is amended to read as follows:

19 “(2) The plan shall include the following:

20 “(A) An assessment of the effectiveness of the  
21 program.

22 “(B) An assessment of the extent to which the  
23 costs of projects are being shared by the following:

24 “(i) Commercial enterprises in the private  
25 sector.

1           “(ii) Department of Defense program of-  
2           fices, including weapon system program offices.

3           “(iii) Departments and agencies of the  
4           Federal Government outside the Department of  
5           Defense.

6           “(iv) Institutions of higher education.

7           “(v) Other institutions not operated for  
8           profit.

9           “(vi) Other sources.”.

10 **SEC. 217. AUTHORITY FOR USE OF MAJOR RANGE AND**  
11 **TEST FACILITY INSTALLATIONS BY COMMER-**  
12 **CIAL ENTITIES.**

13       (a) PERMANENT AUTHORITY.—Subsection (g) of sec-  
14 tion 2681 of title 10, United States Code, is repealed.

15       (b) REPEAL OF EXECUTED REPORTING REQUIRE-  
16 MENT.—Subsection (h) of such section is repealed.

17 **SEC. 218. EXTENSION OF AUTHORITY TO CARRY OUT CER-**  
18 **TAIN PROTOTYPE PROJECTS.**

19       Section 845(c) of the National Defense Authorization  
20 Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C.  
21 2371 note) is amended by striking out “September 30,  
22 1999” and inserting in lieu thereof “September 30,  
23 2001”.

1 **SEC. 219. NATO ALLIANCE GROUND SURVEILLANCE CON-**  
2 **CEPT DEFINITION.**

3 Amounts authorized to be appropriated under subtitle  
4 A are available for a NATO alliance ground surveillance  
5 concept definition that is based on the Joint Surveillance  
6 Target Attack Radar System (Joint STARS) Radar Tech-  
7 nology Insertion Program (RTIP) sensor of the United  
8 States, as follows:

9 (1) Of the amount authorized to be appro-  
10 priated under section 201(1), \$6,400,000.

11 (2) Of the amount authorized to be appro-  
12 priated under section 201(3), \$3,500,000.

13 **SEC. 220. NATO COMMON-FUNDED CIVIL BUDGET.**

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

17 **SEC. 221. PERSIAN GULF ILLNESSES.**

18 (a) **ADDITIONAL AMOUNT FOR PERSIAN GULF ILL-**  
19 **NESSSES.**—The total amount authorized to be appropriated  
20 under this title for research and development relating to  
21 Persian Gulf illnesses is the total amount authorized to  
22 be appropriated for such purpose under the other provi-  
23 sions of this title plus \$10,000,000.

24 (b) **REDUCED AMOUNT FOR ARMY COMMERCIAL OP-**  
25 **ERATIONS AND SUPPORT SAVINGS PROGRAM.**—Of the  
26 amount authorized to be appropriated under section

1 201(1), \$23,600,000 shall be available for the Army Com-  
2 mercial Operations and Support Savings Program.

3 **SEC. 222. DOD/VA COOPERATIVE RESEARCH PROGRAM.**

4 (a) AVAILABILITY OF FUNDS.—(1) The amount au-  
5 thorized to be appropriated by section 201(4) is hereby  
6 increased by \$10,000,000.

7 (2) Of the amount authorized to be appropriated by  
8 section 201(4), as increased by paragraph (1),  
9 \$10,000,000 shall be available for the DOD/VA Coopera-  
10 tive Research Program.

11 (b) OFFSET.—(1) The amount authorized to be ap-  
12 propriated by section 201(2) is hereby decreased by  
13 \$10,000,000.

14 (2) Of the amount authorized to be appropriated by  
15 section 201(2), as decreased by paragraph (1), not more  
16 than \$18,500,000 shall be available for the Commercial  
17 Operations and Support Savings Program.

18 (c) EXECUTIVE AGENT.—The Secretary of Defense,  
19 acting through the Army Medical Research and Materiel  
20 Command and the Naval Operational Medicine Institute,  
21 shall be the executive agent for the utilization of the funds  
22 made available by subsection (a).

1 **SEC. 223. LOW COST LAUNCH DEVELOPMENT PROGRAM.**

2 Of the total amount authorized to be appropriated  
3 under section 201(3), \$5,000,000 is available for the Low  
4 Cost Launch Development Program.

5 **Subtitle C—Other Matters**

6 **SEC. 231. POLICY WITH RESPECT TO BALLISTIC MISSILE**  
7 **DEFENSE COOPERATION.**

8 As the United States proceeds with efforts to develop  
9 defenses against ballistic missile attack, it should seek to  
10 foster a climate of cooperation with Russia on matters re-  
11 lated to missile defense. In particular, the United States  
12 and its NATO allies should seek to cooperate with Russia  
13 in such areas as early warning.

14 **SEC. 232. REVIEW OF PHARMACOLOGICAL INTERVENTIONS**  
15 **FOR REVERSING BRAIN INJURY.**

16 (a) REVIEW AND REPORT REQUIRED.—The Assist-  
17 ant Secretary of Defense for Health Affairs shall review  
18 research on pharmacological interventions for reversing  
19 brain injury and, not later than March 31, 1999, submit  
20 a report on the results of the review to Congress.

21 (b) CONTENT OF REPORT.—The report shall include  
22 the following:

23 (1) The potential for pharmacological interven-  
24 tions for reversing brain injury to reduce mortality  
25 and morbidity in cases of head injuries incurred in



1 combat or resulting from exposures to chemical  
2 weapons or agents.

3 (2) The potential utility of such interventions  
4 for the Armed Forces.

5 (3) A conclusion regarding whether funding for  
6 research on such interventions should be included in  
7 the budget for the Department of Defense for fiscal  
8 year 2000.

9 **SEC. 233. LANDMINES.**

10 (a) AVAILABILITY OF FUNDS.—(1) Of the amounts  
11 authorized to be appropriated in section 201, \$17,200,000  
12 shall be available for activities relating to the identifica-  
13 tion, adaptation, modification, research, and development  
14 of existing and new tactics, technologies, and operational  
15 concepts that—

16 (A) would provide a combat capability that is  
17 comparable to the combat capability provided by  
18 anti-personnel landmines, including anti-personnel  
19 landmines used in mixed mine systems; and

20 (B) comply with the Convention on the Prohibi-  
21 tion of the Use, Stockpiling, Production and Trans-  
22 fer of Anti-Personnel Mines and on Their Destruc-  
23 tion.

24 (2) The amount available under paragraph (1) shall  
25 be derived as follows:

1           (A) \$12,500,000 shall be available from  
2 amounts authorized to be appropriated by section  
3 201(1).

4           (B) \$4,700,000 shall be available from amounts  
5 authorized to be appropriated by section 201(4).

6           (b) STUDIES.—(1) Not later than 30 days after the  
7 date of enactment of this Act, the Secretary of Defense  
8 shall enter into a contract with each of two appropriate  
9 scientific organizations for purposes of identifying existing  
10 and new tactics, technologies, and concepts referred to in  
11 subsection (a).

12           (2) Each contract shall require the organization con-  
13 cerned to submit a report to the Secretary and to Con-  
14 gress, not later than one year after the execution of such  
15 contract, describing the activities under such contract and  
16 including recommendations with respect to the adaptation,  
17 modification, and research and development of existing  
18 and new tactics, technologies, and concepts identified  
19 under such contract.

20           (3) Amounts available under subsection (a) shall be  
21 available for purposes of the contracts under this sub-  
22 section.

23           (c) REPORTS.—Not later than April 1 of each of  
24 1999 through 2001, the Secretary shall submit to the con-  
25 gressional defense committees a report describing the

1 progress made in identifying and deploying tactics, tech-  
 2 nologies, and concepts referred to in subsection (a).

3 (d) DEFINITIONS.—In this section:

4 (1) ANTI-PERSONNEL LANDMINE.—The term  
 5 “anti-personnel landmine” has the meaning given  
 6 the term “anti-personnel mine” in Article 2 of the  
 7 Convention on the Prohibition of the Use, Stock-  
 8 piling, Production and Transfer of Anti-Personnel  
 9 Mines and on Their Destruction.

10 (2) MIXED MINE SYSTEM.—The term “mixed  
 11 mine system” includes any system in which an anti-  
 12 vehicle landmine or other munition is constructed  
 13 with or used with one or more anti-personnel land-  
 14 mines, but does not include an anti-handling device  
 15 as that term is defined in Article 2 of the Conven-  
 16 tion on the Prohibition of the Use, Stockpiling, Pro-  
 17 duction and Transfer of Anti-Personnel Mines and  
 18 on Their Destruction.

## 19 **TITLE III—OPERATION AND** 20 **MAINTENANCE**

### 21 **Subtitle A—Authorization of** 22 **Appropriations**

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

24 (a) AMOUNTS AUTHORIZED.—Funds are hereby au-  
 25 thorized to be appropriated for fiscal year 1999 for the

1 use of the Armed Forces and other activities and agencies  
2 of the Department of Defense for expenses, not otherwise  
3 provided for, for operation and maintenance, in amounts  
4 as follows:

5 (1) For the Army, \$17,395,563,000.

6 (2) For the Navy, \$22,001,302,000.

7 (3) For the Marine Corps, \$2,621,703,000.

8 (4) For the Air Force, \$19,213,404,000.

9 (5) For the Special Operations Command,  
10 \$1,251,503,000.

11 (6) For Defense-wide activities,  
12 \$9,025,598,000.

13 (7) For the Army Reserve, \$1,217,622,000.

14 (8) For the Naval Reserve, \$943,639,000.

15 (9) For the Marine Corps Reserve,  
16 \$134,593,000.

17 (10) For the Air Force Reserve,  
18 \$1,759,696,000.

19 (11) For the Army National Guard,  
20 \$2,476,815,000.

21 (12) For the Air National Guard,  
22 \$3,113,933,000.

23 (13) For the Defense Inspector General,  
24 \$130,764,000.

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

3           (15) For Environmental Restoration, Army,  
4 \$370,640,000.

5           (16) For Environmental Restoration, Navy,  
6 \$274,600,000.

7           (17) For Environmental Restoration, Air Force,  
8 \$372,100,000.

9           (18) For Environmental Restoration, Defense-  
10 wide, \$23,091,000.

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

13           (20) For Overseas Humanitarian, Demining,  
14 and CINC Initiatives, \$50,000,000.

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

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

20           (23) For Medical Programs, Defense,  
21 \$9,653,435,000.

22           (24) For Cooperative Threat Reduction pro-  
23 grams, \$440,400,000.

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

1           (26) For Impact Aid, \$35,000,000.

2           (b) GENERAL LIMITATION.—Notwithstanding para-  
3 graphs (1) through (25) of subsection (a), the total  
4 amount authorized to be appropriated for fiscal year 1999  
5 under those paragraphs is \$93,875,207,000.

6 **SEC. 302. WORKING CAPITAL FUNDS.**

7           Funds are hereby authorized to be appropriated for  
8 fiscal year 1999 for the use of the Armed Forces and other  
9 activities and agencies of the Department of Defense for  
10 providing capital for working capital and revolving funds  
11 in amounts as follows:

12           (1) For the Defense Working Capital Funds,  
13           Air Force, \$30,800,000.

14           (2) For Defense Working-Capital Fund, De-  
15           fense-wide, \$63,700,000.

16           (3) For the National Defense Sealift Fund,  
17           \$669,566,000.

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

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

1 **SEC. 304. TRANSFER FROM THE NATIONAL DEFENSE**  
2 **STOCKPILE 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 1999 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 **Subtitle B—Program Require-**  
2 **ments, Restrictions, and Limita-**  
3 **tions**

4 **SEC. 311. SPECIAL OPERATIONS COMMAND**  
5 **COUNTERPROLIFERATION AND**  
6 **COUNTERTERRORISM ACTIVITIES.**

7 Of the amount authorized to be appropriated under  
8 section 301(a)(5), the \$18,500,000 available for the Spe-  
9 cial Operations Command that is not needed for the oper-  
10 ation of six of the patrol coastal craft of the Department  
11 of Defense in the Caribbean Sea and Eastern Pacific  
12 Ocean in support of the drug interdiction efforts of the  
13 United States Southern Command by reason of section  
14 331 shall be available for increased training and related  
15 operations in support of that command's  
16 counterproliferation of weapons of mass destruction and  
17 the command's counterterrorism activities. The amount  
18 available under the preceding sentence is in addition to  
19 other funds authorized to be appropriated under section  
20 301(a)(5) for the Special Operations Command for such  
21 purposes.



1 **SEC. 312. TAGGING SYSTEM FOR IDENTIFICATION OF HY-**  
2 **DROCARBON FUELS USED BY THE DEPART-**  
3 **MENT OF DEFENSE.**

4 (a) **AUTHORITY TO CONDUCT PILOT PROGRAM.—**

5 The Secretary of Defense may conduct a pilot program  
6 using existing technology to determine—

7 (1) the feasibility of tagging hydrocarbon fuels  
8 used by the Department of Defense for the purposes  
9 of analyzing and identifying such fuels;

10 (2) the deterrent effect of such tagging on the  
11 theft and misuse of fuels purchased by the Depart-  
12 ment; and

13 (3) the extent to which such tagging assists in  
14 determining the source of surface and underground  
15 pollution in locations having separate fuel storage  
16 facilities of the Department and of civilian compa-  
17 nies.

18 (b) **SYSTEM ELEMENTS.—**The tagging system under  
19 the pilot program shall have the following characteristics:

20 (1) The tagging system does not harm the envi-  
21 ronment.

22 (2) Each chemical used in the tagging system  
23 is—

24 (A) approved for use under the Toxic Sub-  
25 stances Control Act (15 U.S.C. 2601 et seq.);  
26 and

1 (B) substantially similar to the fuel to  
2 which added, as determined in accordance with  
3 criteria established by the Environmental Pro-  
4 tection Agency for the introduction of additives  
5 into hydrocarbon fuels.

6 (3) The tagging system permits a determination  
7 if a tag is present and a determination if the con-  
8 centration of a tag has changed in order to facilitate  
9 identification of tagged fuels and detection of dilu-  
10 tion of tagged fuels.

11 (4) The tagging system does not impair or de-  
12 grade the suitability of tagged fuels for their in-  
13 tended use.

14 (c) REPORT.—Not later than 30 days after the com-  
15 pletion of the pilot program, the Secretary shall submit  
16 to Congress a report setting forth the results of the pilot  
17 program and including any recommendations for legisla-  
18 tion relating to the tagging of hydrocarbon fuels by the  
19 Department that the Secretary considers appropriate.

20 (d) FUNDING.—Of the amounts authorized to be ap-  
21 propriated under section 301(a)(6) for operation and  
22 maintenance for defense-wide activities, not more than  
23 \$5,000,000 shall be available for the pilot program.

1 **SEC. 313. PILOT PROGRAM FOR ACCEPTANCE AND USE OF**  
2 **LANDING FEES CHARGED FOR USE OF DO-**  
3 **MESTIC MILITARY AIRFIELDS BY CIVIL AIR-**  
4 **CRAFT.**

5 (a) PILOT PROGRAM AUTHORIZED.—The Secretary  
6 of each military department may carry out a pilot program  
7 to demonstrate the use of landing fees as a source of fund-  
8 ing for the operation and maintenance of airfields of the  
9 department.

10 (b) IMPOSITION OF LANDING FEES.—Under a pilot  
11 program carried out under this section, the Secretary of  
12 a military department may prescribe and impose landing  
13 fees for use of any military airfield of the department in  
14 the United States by civil aircraft during fiscal years 1999  
15 and 2000. No fee may be charged under the pilot program  
16 for a landing after September 30, 2000.

17 (c) USE OF PROCEEDS.—Amounts received for a fis-  
18 cal year in payment of landing fees imposed under the  
19 pilot program for use of a military airfield shall be cred-  
20 ited to the appropriation that is available for that fiscal  
21 year for the operation and maintenance of the military air-  
22 field, shall be merged with amounts in the appropriation  
23 to which credited, and shall be available for that military  
24 airfield for the same period and purposes as the appropria-  
25 tion is available.

1 (d) REPORT.—Not later than March 31, 2000, the  
 2 Secretary of Defense shall submit to Congress a report  
 3 on the pilot programs carried out under this section by  
 4 the Secretaries of the military departments. The report  
 5 shall specify the amounts of fees received and retained by  
 6 each military department under the pilot program as of  
 7 December 31, 1999.

8 **SEC. 314. NATO COMMON-FUNDED MILITARY BUDGET.**

9 Of the amount authorized to be appropriated by sec-  
 10 tion 30(a)(1), \$227,377,000 shall be available for con-  
 11 tributions for the common-funded Military Budget of  
 12 NATO.

13 **Subtitle C—Environmental**  
 14 **Provisions**

15 **SEC. 321. TRANSPORTATION OF POLYCHLORINATED**  
 16 **BIPHENYLS FROM ABROAD FOR DISPOSAL IN**  
 17 **THE UNITED STATES.**

18 (a) AUTHORITY.—Chapter 157 of title 10, United  
 19 States Code, is amended by adding at the end the follow-  
 20 ing:

21 **“§ 2646. Transportation of polychlorinated biphenyls**  
 22 **from abroad; disposal**

23 “(a) AUTHORITY TO TRANSPORT.—(1) Subject to  
 24 paragraph (2), the Secretary of the Defense and the Sec-  
 25 retaries of the military departments may provide for the

1 transportation into the customs territory of the United  
2 States of polychlorinated biphenyls generated by or under  
3 the control of the Department of Defense for purposes of  
4 their disposal, treatment, or storage in the customs terri-  
5 tory of the United States.

6 “(2) Polychlorinated biphenyls may be transported  
7 into the customs territory of the United States under  
8 paragraph (1) only if the Administrator of the Environ-  
9 mental Protection Agency determines that the transpor-  
10 tation will not result in an unreasonable risk of injury to  
11 health or the environment, and only if such materials are  
12 specifically provided for in subchapter VIII, chapter 98 of  
13 the Harmonized Tariff Schedule of the United States.

14 “(b) DISPOSAL.—(1) The disposal, treatment, and  
15 storage of polychlorinated biphenyls transported into the  
16 customs territory of the United States under subsection  
17 (a) shall be governed by the provisions of the Toxic Sub-  
18 stances Control Act (15 U.S.C. 2601 et seq.).

19 “(2) A chemical waste landfill may not be used for  
20 the disposal, treatment, or storage of polychlorinated  
21 biphenyls transported into the customs territory of the  
22 United States under subsection (a) unless the landfill  
23 meets all of the technical requirements specified in section  
24 761.75(b)(3) of title 40, Code of Federal Regulations, as  
25 in effect on the date that was one year before the date

1 of enactment of the Strom Thurmond National Defense  
2 Authorization Act for Fiscal Year 1999.

3 “(c) CUSTOMS TERRITORY OF THE UNITED STATES  
4 DEFINED.—In this section, the term ‘customs territory of  
5 the United States’ has the meaning given that term in  
6 General Note 2. of the Harmonized Tariff Schedule of the  
7 United States.”.

8 (b) CLERICAL AMENDMENT.—The table of sections  
9 at the beginning of that chapter is amended by adding  
10 at the end the following:

“2646. Transportation of polychlorinated biphenyls from abroad; disposal.”.

11 **SEC. 322. MODIFICATION OF DEADLINE FOR SUBMITTAL**  
12 **TO CONGRESS OF ANNUAL REPORTS ON EN-**  
13 **VIRONMENTAL ACTIVITIES.**

14 Section 2706 of title 10, United States Code, is  
15 amended by striking out “not later than 30 days” each  
16 place it appears in subsections (a), (b), (c), and (d) and  
17 inserting in lieu thereof “not later than 45 days”.

18 **SEC. 323. SUBMARINE SOLID WASTE CONTROL.**

19 (a) SOLID WASTE DISCHARGE REQUIREMENTS.—  
20 Subsection (c)(2) of section 3 of the Act to Prevent Pollu-  
21 tion from Ships (33 U.S.C. 1902) is amended—

22 (1) in subparagraph (A), by adding at the end  
23 the following:

1           “(iii) With regard to submersibles, non-plastic  
2           garbage that has been compacted and weighted to  
3           ensure negative buoyancy.”; and

4           (2) in subparagraph (B)(ii), by striking out  
5           “subparagraph (A)(ii)” and inserting in lieu thereof  
6           “clauses (ii) and (iii) of subparagraph (A)”.

7           (b)       CONFORMING        AMENDMENT.—Subsection  
8           (e)(3)(A) of that section is amended by striking out “gar-  
9           bage that contains more than the minimum amount prac-  
10          ticable of”.

11       **SEC. 324. PAYMENT OF STIPULATED PENALTIES ASSESSED**

12                               **UNDER CERCLA.**

13           The Secretary of Defense may pay, from amounts in  
14           the Department of Defense Base Closure Account 1990  
15           established by section 2906(a)(1) of the Defense Base Clo-  
16           sure and Realignment Act of 1990 (part A of title XXIX  
17           of Public Law 101–510; 10 U.S.C. 2687 note), not more  
18           than \$15,000 as payment of pay stipulated civil penalties  
19           assessed under the Comprehensive Environmental Re-  
20           sponse, Compensation, and Liability Act of 1980 (42  
21           U.S.C. 9601 et seq.) against McClellan Air Force Base,  
22           California.

1 **SEC. 325. AUTHORITY TO PAY NEGOTIATED SETTLEMENT**  
2 **FOR ENVIRONMENTAL CLEANUP OF FOR-**  
3 **MERLY USED DEFENSE SITES IN CANADA.**

4 (a) FINDINGS.—Congress makes the following find-  
5 ings with respect to the authorization of payment of settle-  
6 ment with Canada in subsection (b) regarding environ-  
7 mental cleanup at formerly used defense sites in Canada:

8 (1) A unique and longstanding national security  
9 alliance exists between the United States and Can-  
10 ada.

11 (2) The sites covered by the settlement were  
12 formerly used by the United States and Canada for  
13 their mutual defense.

14 (3) There is no formal treaty or international  
15 agreement between the United States and Canada  
16 regarding the environmental cleanup of the sites.

17 (4) Environmental contamination at some of  
18 the sites could pose a substantial risk to the health  
19 and safety of the United States citizens residing in  
20 States near the border between the United States  
21 and Canada.

22 (5) The United States and Canada reached a  
23 negotiated agreement for an ex-gratia reimburse-  
24 ment of Canada in full satisfaction of claims of Can-  
25 ada relating to environmental contamination which  
26 agreement was embodied in an exchange of Notes



1 between the Government of the United States and  
2 the Government of Canada.

3 (6) There is a unique factual basis for authoriz-  
4 ing a reimbursement of Canada for environmental  
5 cleanup at sites in Canada after the United States  
6 departure from such sites.

7 (7) The basis for and authorization of such re-  
8 imbursement does not extend to similar claims by  
9 other nations.

10 (8) The Government of Canada is committed to  
11 spending the entire \$100,000,000 of the reimburse-  
12 ment authorized in subsection (b) in the United  
13 States, which will benefit United States industry and  
14 United States workers.

15 (b) AUTHORITY TO MAKE PAYMENTS.—(1) Subject  
16 to paragraph (3), the Secretary of Defense may, using  
17 funds specified under subsection (c), make a payment de-  
18 scribed in paragraph (2) in each of fiscal years 1999  
19 through 2008 for purposes of the ex-gratia reimbursement  
20 of Canada in full satisfaction of any and all claims as-  
21 serted against the United States by Canada for environ-  
22 mental cleanup of sites in Canada that were formerly used  
23 for the mutual defense of the United States and Canada.

24 (2) A payment referred to in paragraph (1) is a pay-  
25 ment of \$10,000,000, in constant fiscal year 1996 dollars,

1 into the Foreign Military Sales Trust Account for pur-  
2 poses of Canada.

3 (3) A payment may be made under paragraph (1) in  
4 any fiscal year after fiscal year 1999 only if the Secretary  
5 of Defense submits to Congress with the budget for such  
6 fiscal year under section 1105 of title 31, United States  
7 Code, evidence that the cumulative amount expended by  
8 the Government of Canada for environmental cleanup ac-  
9 tivities in Canada during any fiscal years before such fiscal  
10 year in which a payment under that paragraph was au-  
11 thorized was an amount equal to or greater than the ag-  
12 gregate amount of the payments under that paragraph  
13 during such fiscal years.

14 (c) SOURCE OF FUNDS.—A payment may be made  
15 under subsection (b) in a fiscal year from amounts appro-  
16 priated pursuant to the authorization of appropriations for  
17 the Department of Defense for such fiscal year for Oper-  
18 ation and Maintenance, Defense-Wide.

19 **SEC. 326. SETTLEMENT OF CLAIMS OF FOREIGN GOVERN-**  
20 **MENTS FOR ENVIRONMENTAL CLEANUP OF**  
21 **OVERSEAS SITES FORMERLY USED BY THE**  
22 **DEPARTMENT OF DEFENSE.**

23 (a) NOTICE OF NEGOTIATIONS.—The President shall  
24 notify Congress before entering into any negotiations for  
25 the ex-gratia settlement of the claims of a government of

1 another country against the United States for environ-  
2 mental cleanup of sites in that country that were formerly  
3 used by the Department of Defense.

4 (b) **AUTHORIZATION REQUIRED FOR USE FUNDS**  
5 **FOR PAYMENT OF SETTLEMENT.**—Notwithstanding any  
6 other provision of law, no funds may be utilized for any  
7 payment under an ex-gratia settlement of any claims de-  
8 scribed in subsection (a) unless the use of the funds for  
9 that purpose is specifically authorized by law, treaty, or  
10 international agreement.

11 **SEC. 327. ARCTIC MILITARY ENVIRONMENTAL COOPERA-**  
12 **TION PROGRAM.**

13 (a) **FINDINGS.**—Congress makes the following find-  
14 ings:

15 (1) The Secretary of Defense has developed a  
16 program to address environmental matters relating  
17 to the military activities of the Department of De-  
18 fense in the Arctic region. The program is known as  
19 the “Arctic Military Environmental Cooperation  
20 Program”.

21 (2) The Secretary has carried out the Arctic  
22 Military Environmental Cooperation Program using  
23 funds appropriated for Cooperative Threat Reduc-  
24 tion programs.

1           (b) ACTIVITIES UNDER PROGRAM.—(1) Subject to  
2 paragraph (2), activities under the Arctic Military Envi-  
3 ronmental Cooperation Program shall include cooperative  
4 activities on environmental matters in the Arctic region  
5 with the military departments and agencies of other coun-  
6 tries, including the Russian Federation.

7           (2) Activities under the Arctic Military Environ-  
8 mental Cooperation Program may not include any activi-  
9 ties for purposes for which funds for Cooperative Threat  
10 Reduction programs have been denied, including the pur-  
11 poses for which funds were denied by section 1503 of the  
12 National Defense Authorization Act for Fiscal Year 1997  
13 (Public Law 104–201; 110 Stat. 2732).

14           (c) AVAILABILITY OF FISCAL YEAR 1999 FUNDS.—  
15 (1) Of the amount authorized to be appropriated by sec-  
16 tion 301(a)(6), \$4,000,000 shall be available for carrying  
17 out the Arctic Military Environmental Program.

18           (2) Amounts available for the Arctic Military Envi-  
19 ronmental Cooperation Program under paragraph (1) may  
20 not be obligated or expended for that Program until 45  
21 days after the date on which the Secretary of Defense sub-  
22 mits to the congressional defense committees a plan for  
23 the Program under paragraph (3).

1           (3) The plan for the Arctic Military Environmental  
2 Cooperation Program under this paragraph shall include  
3 the following:

4           (A) A statement of the overall goals and objec-  
5 tives of the Program.

6           (B) A statement of the proposed activities  
7 under the Program and the relationship of such ac-  
8 tivities to the national security interests of the  
9 United States.

10           (C) An assessment of the compatibility of the  
11 activities set forth under subparagraph (B) with the  
12 purposes of the Cooperative Threat Reduction pro-  
13 grams of the Department of Defense (including with  
14 any prohibitions and limitations applicable to such  
15 programs).

16           (D) An estimate of the funding to be required  
17 and requested in future fiscal years for the activities  
18 set forth under subparagraph (B).

19           (E) A proposed termination date for the Pro-  
20 gram.

21 **SEC. 328. SENSE OF SENATE REGARDING OIL SPILL PRE-**  
22 **VENTION TRAINING FOR PERSONNEL ON**  
23 **BOARD NAVY VESSELS.**

24           (a) FINDINGS.—The Senate makes the following  
25 findings:

1           (1) There have been six significant oil spills in  
2           Puget Sound, Washington, in 1998, five at Puget  
3           Sound Naval Shipyard (including three from the  
4           U.S.S. Kitty Hawk, one from the U.S.S. Carl Vin-  
5           son, and one from the U.S.S. Sacramento) and one  
6           at Naval Station Everett from the U.S.S. Paul F.  
7           Foster.

8           (2) Navy personnel on board vessels, and not  
9           shipyard employees, were primarily responsible for a  
10          majority of these oil spills at Puget Sound Naval  
11          Shipyard.

12          (3) Oil spills have the potential to damage the  
13          local environment, killing microscopic organisms,  
14          contributing to air pollution, harming plants and  
15          marine animals, and increasing overall pollution lev-  
16          els in Puget Sound.

17          (b) SENSE OF SENATE.—It is the sense of the Senate  
18          that the Secretary of the Navy should take immediate ac-  
19          tion to significantly reduce the risk of vessel oil spills, in-  
20          cluding the minimization of fuel oil transfers, the assur-  
21          ance of proper training and qualifications of all Naval per-  
22          sonnel in occupations that may contribute to or minimize  
23          the risk of shipboard oil spills, and the improvement of  
24          liaison with local authorities concerning oil spill prevention  
25          and response activities.

1                   **Subtitle D—Counter-Drug**  
2                   **Activities**

3   **SEC. 331. PATROL COASTAL CRAFT FOR DRUG INTERDIC-**  
4                   **TION BY SOUTHERN COMMAND.**

5           Of the funds authorized to be appropriated under sec-  
6 tion 301(a)(21), relating to drug interdiction and counter-  
7 drug activities, \$18,500,000 shall be available for the  
8 equipping and operation of six of the Cyclone class coastal  
9 defense ships of the Department of Defense in the Carib-  
10 bean Sea and Eastern Pacific Ocean in support of the  
11 drug interdiction efforts of the United States Southern  
12 Command.

13   **SEC. 332. PROGRAM AUTHORITY FOR DEPARTMENT OF DE-**  
14                   **FENSE SUPPORT FOR COUNTER-DRUG AC-**  
15                   **TIVITIES.**

16           (a) EXTENSION OF AUTHORITY.—Subsection (a) of  
17 section 1004 of the National Defense Authorization Act  
18 for Fiscal Year 1991 (10 U.S.C. 374 note) is amended  
19 by striking out “through 1999” and inserting in lieu  
20 thereof “through 2004”.

21           (b) BASES AND FACILITIES SUPPORT.—(1) Sub-  
22 section (b)(4) of such section is amended by inserting “of  
23 the Department of Defense or any Federal, State, local,  
24 or foreign law enforcement agency” after “counter-drug  
25 activities”.

1           (2) Section 1004 of such Act is further amended by  
2 adding at the end the following:

3           “(h) CONGRESSIONAL NOTIFICATION OF FACILITIES  
4 PROJECTS.—(1) Not later than 21 days before obligating  
5 funds for beginning the work on a project described in  
6 paragraph (2), the Secretary of Defense shall submit to  
7 the congressional defense committees a notification of the  
8 project, including the scope and estimated total cost of the  
9 project.

10           “(2) Paragraph (1) applies to a project for the modi-  
11 fication or repair of a Department of Defense facility for  
12 the purpose set forth in subsection (b)(4) that is estimated  
13 to cost more than \$500,000.”.

14 **SEC. 333. SOUTHWEST BORDER FENCE.**

15           (a) LIMITATION OF FUNDING FOR EXPANSION.—  
16 None of the funds authorized to be appropriated for the  
17 Department of Defense by this Act may be used to expand  
18 the Southwest border fence until the Secretary of Defense  
19 submits the report required by subsection (b).

20           (b) REPORT.—The Secretary of Defense shall submit  
21 to the congressional defense committees a report on the  
22 extent to which the Southwest border fence has reduced  
23 the illegal transportation of narcotics and other drugs into  
24 the United States.



1           (c) SOUTHWEST BORDER FENCE DEFINED.—In this  
2 section, the term “Southwest border fence” means the  
3 fence that was constructed, at Department of Defense ex-  
4 pense, along the southwestern border of the United States  
5 for the purpose of preventing or reducing the illegal trans-  
6 portation of narcotics and other drugs into the United  
7 States.

8 **SEC. 334. REVISION AND CLARIFICATION OF AUTHORITY**  
9                           **FOR FEDERAL SUPPORT OF NATIONAL**  
10                           **GUARD DRUG INTERDICTION AND COUNTER-**  
11                           **DRUG ACTIVITIES.**

12           (a) PROCUREMENT OF EQUIPMENT.—Subsection  
13 (a)(3) of section 112 of title 32, United States Code, is  
14 amended by striking out “and leasing of equipment” and  
15 inserting in lieu thereof “and equipment, and the leasing  
16 of equipment,”.

17           (b) TRAINING AND READINESS.—Subsection (b)(2)  
18 of such section is amended to read as follows:

19           “(2)(A) A member of the National Guard serving on  
20 full-time National Guard duty under orders authorized  
21 under paragraph (1) shall participate in the training re-  
22 quired under section 502(a) of this title in addition to the  
23 duty performed for the purpose authorized under that  
24 paragraph. The pay, allowances, and other benefits of the  
25 member while participating in the training shall be the

1 same as those to which the member is entitled while per-  
2 forming duty for the purpose of carrying out drug inter-  
3 diction and counter-drug activities.

4 “(B) Appropriations available for the Department of  
5 Defense for drug interdiction and counter-drug activities  
6 may be used for paying costs associated with a member’s  
7 participation in training described in subparagraph (A).  
8 The appropriation shall be reimbursed in full, out of ap-  
9 propriations available for paying those costs, for the  
10 amounts paid. Appropriations available for paying those  
11 costs shall be available for making the reimbursements.”.

12 (c) ASSISTANCE TO YOUTH AND CHARITABLE ORGA-  
13 NIZATIONS.—Subsection (b)(3) of such section is amended  
14 to read as follows:

15 “(2) A unit or member of the National Guard of a  
16 State may be used, pursuant to a State drug interdiction  
17 and counter-drug activities plan approved by the Secretary  
18 of Defense under this section, to provide services or other  
19 assistance (other than air transportation) to an organiza-  
20 tion eligible to receive services under section 508 of this  
21 title if—

22 “(A) the State drug interdiction and counter-  
23 drug activities plan specifically recognizes the orga-  
24 nization as being eligible to receive the services or  
25 assistance;

1           “(B) in the case of services, the provision of the  
2           services meets the requirements of paragraphs (1)  
3           and (2) of subsection (a) of section 508 of this title;  
4           and

5           “(C) the services or assistance is authorized  
6           under subsection (b) or (c) of such section or in the  
7           State drug interdiction and counter-drug activities  
8           plan.”.

9           (d) DEFINITION OF DRUG INTERDICTION AND  
10          COUNTER-DRUG ACTIVITIES.—Subsection (i)(1) of such  
11          section is amended by inserting after “drug interdiction  
12          and counter-drug law enforcement activities” the follow-  
13          ing: “, including drug demand reduction activities,”.

14          **SEC. 335. SENSE OF CONGRESS REGARDING PRIORITY OF**  
15                               **DRUG INTERDICTION AND COUNTER-DRUG**  
16                               **ACTIVITIES.**

17          It is the sense of Congress that the Secretary of De-  
18          fense should revise the Global Military Force Policy of the  
19          Department of Defense—

20               (1) to treat the international drug interdiction  
21               and counter-drug activities of the department as a  
22               military operation other than war, thereby elevating  
23               the priority given such activities under the policy to  
24               the next priority below the priority given to war

1 under the policy and to the same priority as is given  
2 to peacekeeping operations under the policy; and

3 (2) to allocate the assets of the department to  
4 drug interdiction and counter-drug activities in ac-  
5 cordance with the priority given those activities.

## 6 **Subtitle E—Other Matters**

### 7 **SEC. 341. LIQUIDITY OF WORKING-CAPITAL FUNDS.**

8 (a) INCREASED CASH BALANCES.—The Secretary of  
9 Defense shall administer the working-capital funds of the  
10 Department of Defense during fiscal year 1999 so as to  
11 ensure that the total amount of the cash balances in such  
12 funds on September 30, 1999, exceeds the total amount  
13 of the cash balances in such funds on September 30, 1998,  
14 by \$1,300,000,000.

15 (b) ACTIONS REGARDING UNBUDGETED LOSSES AND  
16 GAINS.—(1) In order to achieve the increase in cash bal-  
17 ances in working-capital funds required under subsection  
18 (a), the Under Secretary of Defense (Comptroller) shall—

19 (A) assess surcharges on the rates charged to  
20 Department of Defense activities for the perform-  
21 ance of depot-level maintenance and repair work-  
22 loads for those activities in fiscal year 1999 as nec-  
23 essary to recoup for the working-capital funds the  
24 amounts of any operational losses that are incurred  
25 in the performance of those workloads in excess of

1 the amounts of the losses that are budgeted for fis-  
2 cal year 1999; and

3 (B) return to Department of Defense activities  
4 any amounts that—

5 (i) are realized for the working-capital  
6 funds for depot-level maintenance and repair  
7 workloads in excess of the estimated revenues  
8 budgeted for the performance of those work-  
9 loads that originate in those activities; and

10 (ii) are not needed to achieve the required  
11 increase in cash balances.

12 (2) The Under Secretary of Defense (Comptroller)  
13 shall prescribe policies and procedures for carrying out  
14 paragraph (1). The policies and procedures shall include  
15 a prohibition on applying assessments of surcharges to a  
16 Department of Defense activity more frequently than once  
17 every six months.

18 (c) WAIVER.—(1) The Secretary of Defense may  
19 waive the requirements of this section upon certifying to  
20 Congress, in writing, that the waiver is necessary to meet  
21 requirements associated with—

22 (A) a contingency operation (as defined in sec-  
23 tion 101(a)(13) of title 10, United States Code); or

1           (B) an operation of the Armed Forces that  
2           commenced before October 1, 1998, and continues  
3           during fiscal year 1999.

4           (2) The waiver authority under paragraph (1) may  
5           not be delegated to any official other than the Deputy Sec-  
6           retary of Defense.

7           (3) The waiver authority under paragraph (1) does  
8           not apply to the limitation in subsection (d) or the limita-  
9           tion in section 2208(l)(3) of title 10, United States Code  
10          (as added by subsection (e)).

11          (d) FISCAL YEAR 1999 LIMITATION ON ADVANCE  
12          BILLINGS.—(1) The total amount of the advance billings  
13          rendered or imposed for the working-capital funds of the  
14          Department of Defense and the Defense Business Oper-  
15          ations Fund in fiscal year 1999—

16                (A) for the Department of the Navy, may not  
17                exceed \$500,000,000; and

18                (B) for the Department of the Air Force, may  
19                not exceed \$500,000,000.

20          (2) In paragraph (1), the term “advance billing” has  
21          the meaning given such term in section 2208(l) of title  
22          10, United States Code.

23          (e) PERMANENT LIMITATION ON ADVANCE BIL-  
24          LINGS.—(1) Section 2208(l) of title 10, United States  
25          Code, is amended—

1           (A) by redesignating paragraph (3) as para-  
2           graph (4); and

3           (B) by inserting after paragraph (2) the follow-  
4           ing new paragraph (3):

5           “(3) The total amount of the advance billings ren-  
6           dered or imposed for all working-capital funds of the De-  
7           partment of Defense in a fiscal year may not exceed  
8           \$1,000,000,000.”.

9           (2) Section 2208(1)(3) of such title, as added by para-  
10          graph (1), applies to fiscal years after fiscal year 1999.

11          (f) SEMIANNUAL REPORT.—(1) The Under Secretary  
12          shall submit to the Committee on Armed Services of the  
13          Senate and the Committee on National Security of the  
14          House of Representatives—

15               (A) not later than May 1, 1999, a report on the  
16               administration of this section for the 6-month period  
17               ending on March 31, 1999; and

18               (B) not later than November 1, 1999, a report  
19               on the administration of this section for the 6-month  
20               period ending on September 30, 1999.

21          (2) Each report shall include, for the 6-month period  
22          covered by the report, the following:

23               (A) The profit and loss status of each working-  
24               capital fund activity.

1           (B) The actions taken by the Secretary of each  
2           military department to use assessments of sur-  
3           charges to correct for unbudgeted losses and gains.

4 **SEC. 342. TERMINATION OF AUTHORITY TO MANAGE**  
5                   **WORKING-CAPITAL FUNDS AND CERTAIN AC-**  
6                   **TIVITIES THROUGH THE DEFENSE BUSINESS**  
7                   **OPERATIONS FUND.**

8           (a) REVISION OF CERTAIN DBOF PROVISIONS AND  
9 REENACTMENT TO APPLY TO WORKING-CAPITAL FUNDS  
10 GENERALLY.—Section 2208 of title 10, United States  
11 Code, is amended by adding at the end the following:

12           “(m) CAPITAL ASSET SUBACCOUNTS.—Amounts  
13 charged for depreciation of capital assets shall be credited  
14 to a separate capital asset subaccount established within  
15 a working-capital fund.

16           “(n) SEPARATE ACCOUNTING, REPORTING, AND AU-  
17 DITING OF FUNDS AND ACTIVITIES.—The Secretary of  
18 Defense, with respect to the working-capital funds of each  
19 Defense Agency, and the Secretary of each military de-  
20 partment, with respect to the working-capital funds of the  
21 military department, shall provide in accordance with this  
22 subsection for separate accounting, reporting, and audit-  
23 ing of funds and activities managed through the working-  
24 capital funds.



1       “(o) CHARGES FOR GOODS AND SERVICES PROVIDED  
2 THROUGH THE FUND.—(1) Charges for goods and serv-  
3 ices provided for an activity through a working-capital  
4 fund shall include the following:

5           “(A) Amounts necessary to recover the full  
6 costs of the goods and services provided for that ac-  
7 tivity.

8           “(B) Amounts for depreciation of capital assets,  
9 set in accordance with generally accepted accounting  
10 principles.

11       “(2) Charges for goods and services provided through  
12 a working-capital fund may not include the following:

13           “(A) Amounts necessary to recover the costs of  
14 a military construction project (as defined in section  
15 2801(b) of this title), other than a minor construc-  
16 tion project financed by the fund pursuant to section  
17 2805(e)(1) of this title.

18           “(B) Amounts necessary to cover costs incurred  
19 in connection with the closure or realignment of a  
20 military installation.

21           “(C) Amounts necessary to recover the costs of  
22 functions designated by the Secretary of Defense as  
23 mission critical, such as ammunition handling safe-  
24 ty, and amounts for ancillary tasks not directly re-

1       lated to the mission of the function or activity man-  
2       aged through the fund.

3       “(p) PROCEDURES FOR ACCUMULATION OF  
4 FUNDS.—The Secretary of Defense, with respect to each  
5 working-capital fund of a Defense Agency, and the Sec-  
6 retary of a military department, with respect to each work-  
7 ing-capital fund of the military department, shall establish  
8 billing procedures to ensure that the balance in that work-  
9 ing-capital fund does not exceed the amount necessary to  
10 provide for the working-capital requirements of that fund,  
11 as determined by the Secretary concerned.

12       “(q) ANNUAL REPORTS AND BUDGET.—The Sec-  
13 retary of Defense, with respect to each working-capital  
14 fund of a Defense Agency, and the Secretary of each mili-  
15 tary department, with respect to each working-capital  
16 fund of the military department, shall annually submit to  
17 Congress, at the same time that the President submits the  
18 budget under section 1105 of title 31, the following:

19               “(1) A detailed report that contains a state-  
20       ment of all receipts and disbursements of the fund  
21       (including such a statement for each subaccount of  
22       the fund) for the fiscal year ending in the year pre-  
23       ceding the year in which the budget is submitted.

1           “(2) A detailed proposed budget for the oper-  
2           ation of the fund for the fiscal year for which the  
3           budget is submitted.

4           “(3) A comparison of the amounts actually ex-  
5           pended for the operation of the fund for the fiscal  
6           year referred to in paragraph (1) with the amount  
7           proposed for the operation of the fund for that fiscal  
8           year in the President’s budget.

9           “(4) A report on the capital asset subaccount of  
10          the fund that contains the following information:

11                 “(A) The opening balance of the sub-  
12                 account as of the beginning of the fiscal year in  
13                 which the report is submitted.

14                 “(B) The estimated amounts to be credited  
15                 to the subaccount in the fiscal year in which the  
16                 report is submitted.

17                 “(C) The estimated amounts of outlays to  
18                 be paid out of the subaccount in the fiscal year  
19                 in which the report is submitted.

20                 “(D) The estimated balance of the sub-  
21                 account at the end of the fiscal year in which  
22                 the report is submitted.

23                 “(E) A statement of how much of the esti-  
24                 mated balance at the end of the fiscal year in  
25                 which the report is submitted will be needed to

1           pay outlays in the immediately following fiscal  
2           year that are in excess of the amount to be  
3           credited to the subaccount in the immediately  
4           following fiscal year.”.

5           (b) REPEAL OF AUTHORITY TO MANAGE THROUGH  
6 THE DEFENSE BUSINESS OPERATIONS FUND.—(1) Sec-  
7 tion 2216a of title 10, United States Code, is repealed.  
8           (2) The table of sections at the beginning of chapter  
9 131 of such title is amended by striking out the item relat-  
10 ing to section 2216a.

11 **SEC. 343. CLARIFICATION OF AUTHORITY TO RETAIN RE-**  
12 **COVERED COSTS OF DISPOSALS IN WORKING-**  
13 **CAPITAL FUNDS.**

14           Section 2210(a) of title 10, United States Code, is  
15 amended to read as follows:

16           “(a)(1) A working-capital fund established pursuant  
17 to section 2208 of this title may retain so much of the  
18 proceeds of disposals of property referred to in paragraph  
19 (2) as is necessary to recover the expenses incurred by  
20 the fund in disposing of such property. Proceeds from the  
21 sale or disposal of such property in excess of amounts nec-  
22 essary to recover the expenses may be credited to current  
23 applicable appropriations of the Department of Defense.

24           “(2) Paragraph (1) applies to disposals of supplies,  
25 material, equipment, and other personal property that

1 were not financed by stock funds established under section  
2 2208 of this title.”.

3 **SEC. 344. BEST COMMERCIAL INVENTORY PRACTICES FOR**  
4 **MANAGEMENT OF SECONDARY SUPPLY**  
5 **ITEMS.**

6 (a) DEVELOPMENT AND SUBMISSION OF SCHED-  
7 ULE.—Not later than 180 days after the date of the enact-  
8 ment of this Act, the Secretary of each military depart-  
9 ment shall develop and submit to Congress a schedule for  
10 implementing within the military department, for second-  
11 ary supply items managed by that military department,  
12 inventory practices identified by the Secretary as being the  
13 best commercial inventory practices for the acquisition  
14 and distribution of such supply items consistent with mili-  
15 tary requirements. The schedule shall provide for the im-  
16 plementation of such practices to be completed not later  
17 than five years after the date of the enactment of this Act.

18 (b) DEFINITION.—For purposes of this section, the  
19 term “best commercial inventory practice” includes cel-  
20 lular repair processes, use of third-party logistics provid-  
21 ers, and any other practice that the Secretary determines  
22 will enable the military department to reduce inventory  
23 levels and holding costs while improving the responsive-  
24 ness of the supply system to user needs.

1           (c) GAO REPORTS ON MILITARY DEPARTMENT AND  
2 DEFENSE LOGISTICS AGENCY SCHEDULES.—(1) Not  
3 later than 240 days after the date of the enactment of  
4 this Act, the Comptroller General shall submit to Congress  
5 a report evaluating the extent to which the Secretary of  
6 each military department has complied with the require-  
7 ments of this section.

8           (2) Not later than 18 months after the date on which  
9 the Director of the Defense Logistics Agency submits to  
10 Congress a schedule for implementing best commercial in-  
11 ventory practices under section 395 of the National De-  
12 fense Authorization Act for Fiscal Year 1998 (Public Law  
13 105–85; 111 Stat. 1718; 10 U.S.C. 2458 note), the Comp-  
14 troller General shall submit to Congress an evaluation of  
15 the extent to which best commercial inventory practices  
16 are being implemented in the Defense Logistics Agency  
17 in accordance with that schedule.

18 **SEC. 345. INCREASED USE OF SMART CARDS.**

19           (a) FUNDING FOR INCREASED USE GENERALLY.—  
20 Of the funds available for the Navy for fiscal year 1999  
21 for operation and maintenance, the Secretary of the Navy  
22 shall allocate sufficient amounts, up to \$25,000,000, to  
23 making significant progress toward ensuring that smart  
24 cards having a multi-application, multi-technology auto-  
25 mated reading capability are issued and used throughout

1 the Navy and the Marine Corps for purposes for which  
2 such cards are suitable.

3 (b) DEPLOYMENT OF SMART CARDS.—(1) Not later  
4 than March 31, 1999, the Secretary of the Navy shall  
5 equip with smart card technology at least one carrier bat-  
6 tle group, one carrier air wing, and one amphibious readi-  
7 ness group (including the Marine Corps units embarked  
8 on the vessels of such battle and readiness groups) in each  
9 of the United States Atlantic Command and the United  
10 States Pacific Command.

11 (2) None of the funds appropriated pursuant to any  
12 authorization of appropriations in this Act may be ex-  
13 pended after March 31, 1999, for the procurement of the  
14 Joint Uniformed Services Identification card for, or for  
15 the issuance of such card to, members of the Navy or the  
16 Marine Corps until the Secretary of the Navy certifies in  
17 writing to the Committee on Armed Services of the Senate  
18 and the Committee on National Security of the House of  
19 Representatives that the Secretary has completed the  
20 issuance of smart cards in accordance with paragraph (1).

21 (c) PLAN.—Not later than March 31, 1999, the Sec-  
22 retary of the Navy shall submit to the congressional de-  
23 fense committees a plan for equipping all operational  
24 naval units with smart card technology. The Secretary

1 shall include in the plan estimates of the costs of, and  
2 the savings to be derived from, carrying out the plan.

3 (d) SMART CARD DEFINED.—In this section, the  
4 term “smart card” means a credit card size device that  
5 contains one or more integrated-circuits.

6 **SEC. 346. PUBLIC-PRIVATE COMPETITION IN THE PROVI-**  
7 **SION OF SUPPORT SERVICES.**

8 (a) SENSE OF THE SENATE.—It is the sense of the  
9 Senate that the Secretary of Defense should take action  
10 to initiate public-private competitions pursuant to Office  
11 of Management and Budget Circular A-76 for functions  
12 of the Department of Defense involving not fewer than  
13 a number of employees equivalent to 30,000 full-time em-  
14 ployees for each of fiscal years 1999, 2000, 2001, 2002,  
15 2003, and 2004.

16 (b) SMALL FUNCTIONS QUALIFIED FOR A WAIVER  
17 OF THE NOTIFICATION AND REPORTING REQUIREMENTS  
18 FOR CONVERSION TO CONTRACTOR PERFORMANCE.—(1)  
19 Section 2461(d) of title 10, United States Code, is amend-  
20 ed by striking out “20 or fewer” and inserting in lieu  
21 thereof “50 or fewer”.

22 (2) Notwithstanding any other provision of law, no  
23 study, notification, or report may be required pursuant to  
24 subsection (a), (b), or (c) of section 2461 of title 10,  
25 United States Code, or Office of Management and Budget



1 Circular A-76 for functions that are being performed by  
2 50 or fewer Department of Defense civilian employees.

3 (c) **BEST OVERALL VALUE TO THE TAXPAYER.**—Sec-  
4 tion 2462(a) of title 10, United States Code, is amended  
5 by striking out “at a cost that is lower” and all that fol-  
6 lows through the period at the end and inserting in lieu  
7 thereof: “at a lower cost than the cost at which the De-  
8 partment can provide the same supply or service or at a  
9 better overall value than the value that the Department  
10 can provide for the same supply or service. Each deter-  
11 mination regarding relative cost or relative overall value  
12 shall be based on an objective evaluation of cost and per-  
13 formance-related factors and shall include the consider-  
14 ation of any cost differential required by law, Executive  
15 order, or regulation.”.

16 (d) **EFFECTIVE DATE.**—Subsections (b) and (c), and  
17 the amendments made by such subsections, shall take ef-  
18 fect on January 1, 2001.

19 **SEC. 347. CONDITION FOR PROVIDING FINANCIAL ASSIST-**  
20 **ANCE FOR SUPPORT OF ADDITIONAL DUTIES**  
21 **ASSIGNED TO THE ARMY NATIONAL GUARD.**

22 (a) **COMPETITIVE SOURCE SELECTION.**—Section  
23 113(b) of title 32, United States Code, is amended to read  
24 as follows:

1       “(b) COVERED ACTIVITIES.—(1) Except as provided  
2 in paragraph (2), financial assistance may be provided for  
3 the performance of an activity by the Army National  
4 Guard under subsection (a) only if—

5           “(A) the activity is carried out in the perform-  
6       ance of a responsibility of the Secretary of the Army  
7       under paragraph (6), (10), or (11) of section  
8       3013(b) of title 10; and

9           “(B) the Army National Guard was selected to  
10       perform the activity under competitive procedures  
11       that permit all responsible private-sector sources to  
12       submit offers and be considered for selection to per-  
13       form the activity on the basis of the offers.

14       “(2) Paragraph (1)(B) does not apply to an activity  
15 that, on the date of the enactment of the Strom Thurmond  
16 National Defense Authorization Act for Fiscal Year 1999,  
17 was performed for the Federal Government by employees  
18 of the Federal Government or employees of a State.”.

19       (b) PROSPECTIVE APPLICABILITY.—Subparagraph  
20 (B) of section 113(b)(1) of title 32, United States Code  
21 (as amended by subsection (a) of this section), does not  
22 apply to—

23           (1) financial assistance provided under that sec-  
24       tion before October 1, 1998; or

1           (2) financial assistance for an activity that, on  
2           or before May 8, 1998, the Secretary of the Army  
3           identified in writing as being under consideration for  
4           supporting with financial assistance under such sec-  
5           tion.

6 **SEC. 348. REPEAL OF PROHIBITION ON JOINT USE OF**  
7                                   **GRAY ARMY AIRFIELD, FORT HOOD, TEXAS.**

8           Section 319 of the National Defense Authorization  
9           Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat.  
10           3855), relating to a prohibition on the joint military-civil-  
11           ian use of Robert Gray Army Airfield, Fort Hood, Texas,  
12           is repealed.

13 **SEC. 349. INVENTORY MANAGEMENT OF IN-TRANSIT SEC-**  
14                                   **ONDARY ITEMS.**

15           (a) REQUIREMENT FOR PLAN.—Not later than  
16           March 1, 1999, the Secretary of Defense shall submit to  
17           Congress a plan to address problems with Department of  
18           Defense management of the department’s inventories of  
19           in-transit secondary items as follows:

20                   (1) The vulnerability of in-transit secondary  
21                   items to loss through fraud, waste, and abuse.

22                   (2) Loss of oversight of in-transit secondary  
23                   items, including any loss of oversight when items are  
24                   being transported by commercial carriers.

1           (3) Loss of accountability for in-transit second-  
2           ary items due to either a delay of delivery of the  
3           items or a lack of notification of a delivery of the  
4           items.

5           (b) CONTENT OF PLAN.— The plan shall include, for  
6           each of the problems described in subsection (a), the fol-  
7           lowing information:

8           (1) The actions to be taken to correct the prob-  
9           lems.

10          (2) Statements of objectives.

11          (3) Performance measures and schedules.

12          (4) An identification of any resources that may  
13          be necessary for correcting the problem, together  
14          with an estimate of the annual costs.

15          (c) GAO REVIEWS.—(1) Not later than 60 days after  
16          the date on which the Secretary of Defense submits the  
17          plan to Congress, the Comptroller General shall review the  
18          plan and submit to Congress any comments that the  
19          Comptroller General considers appropriate regarding the  
20          plan.

21          (2) The Comptroller General shall monitor any imple-  
22          mentation of the plan and, not later than one year after  
23          the date referred to in paragraph (1), submit to Congress  
24          an assessment of the extent to which the plan has been  
25          implemented.

1 **SEC. 350. PERSONNEL REDUCTIONS IN ARMY MATERIEL**  
2 **COMMAND.**

3 Not later than March 31, 1999, the Comptroller Gen-  
4 eral shall submit to the congressional defense committees  
5 a report concerning—

6 (1) the effect that the quadrennial defense re-  
7 view's proposed personnel reductions in the Army  
8 Materiel Command will have on workload and readi-  
9 ness if implemented; and

10 (2) the projected cost savings from such reduc-  
11 tions and the manner in which such savings are ex-  
12 pected to be achieved.

13 **SEC. 351. PROHIBITIONS REGARDING EVALUATION OF**  
14 **MERIT OF SELLING MALT BEVERAGES AND**  
15 **WINE IN COMMISSARY STORES AS EXCHANGE**  
16 **SYSTEM MERCHANDISE.**

17 Neither the Secretary of Defense nor any other offi-  
18 cial of the Department of Defense may—

19 (1) by contract or otherwise, conduct a survey  
20 of eligible patrons of the commissary store system to  
21 determine patron interest in having commissary  
22 stores sell malt beverages and wine as exchange  
23 store merchandise; or

24 (2) conduct a demonstration project to evaluate  
25 the merit of selling malt beverages and wine in com-  
26 missary stores as exchange store merchandise.

1                   **TITLE IV—MILITARY**  
2           **PERSONNEL AUTHORIZATIONS**  
3                   **Subtitle A—Active Forces**

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

5           The Armed Forces are authorized strengths for active  
6 duty personnel as of September 30, 1999, as follows:

- 7                   (1) The Army, 480,000.  
8                   (2) The Navy, 372,696.  
9                   (3) The Marine Corps, 172,200.  
10                  (4) The Air Force, 370,882.

11   **SEC. 402. LIMITED EXCLUSIONS OF JOINT DUTY OFFICERS**  
12                   **FROM LIMITATIONS ON NUMBER OF GEN-**  
13                   **ERAL AND FLAG OFFICERS.**

14           (a) ONE ADDITIONAL EXEMPTION FROM PERCENT-  
15 AGE LIMITATION ON NUMBER OF LIEUTENANT GEN-  
16 ERALS AND VICE ADMIRALS.—Section 525(b)(4)(B) of  
17 title 10, United States Code, is amended by striking out  
18 “six” and inserting in lieu thereof “seven”.

19           (b) EXTENSION OF AUTHORITY TO EXCLUDE UP TO  
20 12 JOINT DUTY OFFICERS FROM LIMITATION ON AU-  
21 THORIZED GENERAL AND FLAG OFFICER STRENGTH.—  
22 Section 526(b)(2) of such title is amended by striking out  
23 “October 1, 1998” and inserting in lieu thereof “October  
24 1, 2002”.

1 **SEC. 403. LIMITATION ON DAILY AVERAGE OF PERSONNEL**  
2 **ON ACTIVE DUTY IN GRADES E-8 AND E-9.**

3 (a) **FISCAL YEAR BASIS FOR APPLICATION OF LIMITATION.**—The first sentence of section 517(a) of title 10,  
4 TATION.—The first sentence of section 517(a) of title 10,  
5 United States Code, is amended—

6 (1) by striking out “a calendar year” and in-  
7 serting in lieu thereof “a fiscal year”; and

8 (2) by striking out “January 1 of that year”  
9 and inserting in lieu thereof “the first day of that  
10 fiscal year”.

11 (b) **CORRECTION OF CROSS REFERENCE.**—Such sen-  
12 tence is further amended by striking out “Except as pro-  
13 vided in section 307 of title 37, the” and inserting in lieu  
14 thereof “The”.

15 **SEC. 404. REPEAL OF PERMANENT END STRENGTH RE-**  
16 **QUIREMENT FOR SUPPORT OF TWO MAJOR**  
17 **REGIONAL CONTINGENCIES.**

18 (a) **REPEAL.**—Section 691 of title 10, United States  
19 Code, is repealed.

20 (b) **CLERICAL AMENDMENT.**—The table of sections  
21 at the beginning of chapter 39 of such title is amended  
22 by striking out the item relating to section 691.

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, 1999, as follows:

6           (1) The Army National Guard of the United  
7 States, 357,000.

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

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

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

11          (5) The Air National Guard of the United  
12 States, 106,991.

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

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

15          (b) WAIVER AUTHORITY.—The Secretary of Defense  
16 may vary an end strength authorized by subsection (a) by  
17 not more than 2 percent.

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

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



1           (2) the total number of individual members not  
2           in units organized to serve as units of the Selected  
3           Reserve of such component who are on active duty  
4           (other than for training or for unsatisfactory partici-  
5           pation in training) without their consent at the end  
6           of the fiscal year.

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

13 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**  
14 **DUTY IN SUPPORT OF THE RESERVES.**

15           Within the end strengths prescribed in section  
16 411(a), the reserve components of the Armed Forces are  
17 authorized, as of September 30, 1999, the following num-  
18 ber of Reserves to be serving on full-time active duty or  
19 full-time duty, in the case of members of the National  
20 Guard, for the purpose of organizing, administering, re-  
21 cruiting, instructing, or training the reserve components:

22           (1) The Army National Guard of the United  
23           States, 21,763.

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

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

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

2 (5) The Air National Guard of the United  
3 States, 10,930.

4 (6) The Air Force Reserve, 991.

5 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**  
6 **(DUAL STATUS).**

7 The reserve components of the Army and the Air  
8 Force are authorized strengths for military technicians  
9 (dual status) as of September 30, 1999, as follows:

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

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

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

14 (4) For the Air National Guard of the United  
15 States, 22,408.

16 **SEC. 414. EXCLUSION OF ADDITIONAL RESERVE COMPO-**  
17 **NENT GENERAL AND FLAG OFFICERS FROM**  
18 **LIMITATION ON NUMBER OF GENERAL AND**  
19 **FLAG OFFICERS WHO MAY SERVE ON ACTIVE**  
20 **DUTY.**

21 Section 526(d) of title 10, United States Code, is  
22 amended to read as follows:

23 “(d) EXCLUSION OF CERTAIN RESERVE OFFI-  
24 CERS.—(1) Subject to paragraph (2), the limitations of

1 this section do not apply to the following reserve compo-  
 2 nent general or flag officers:

3 “(A) A general or flag officer who is on active  
 4 duty for training.

5 “(B) A general or flag officer who is on active  
 6 duty under a call or order specifying a period of less  
 7 than 180 days.

8 “(C) A general or flag officer who is on active  
 9 duty under a call or order specifying a period of  
 10 more than 179 days.

11 “(2) The number of general or flag officers of an  
 12 armed force that are excluded from the applicability of the  
 13 limitations of this section under paragraph (1)(C) at any  
 14 one time may not exceed the number equal to three per-  
 15 cent of the number specified for that armed force under  
 16 subsection (a).”.

17 **SEC. 415. INCREASE IN NUMBERS OF MEMBERS IN CER-**

18 **TAIN GRADES AUTHORIZED TO BE ON ACTIVE**

19 **DUTY IN SUPPORT OF THE RESERVES.**

20 (a) OFFICERS.—The table in section 12011(a) of title  
 21 10, United States Code, is amended to read as follows:

“Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander .....	3,219	1,071	791	140
Lieutenant Colonel or Commander .....	1,524	520	713	90
Colonel or Navy Captain .....	438	188	297	30”.

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

“Grade	Army	Navy	Air Force	Marine Corps
E-9 .....	623	202	395	20
E-8 .....	2,585	429	997	94”.

4 **SEC. 416. CONSOLIDATION OF STRENGTH AUTHORIZA-**  
 5 **TIONS FOR ACTIVE STATUS NAVAL RESERVE**  
 6 **FLAG OFFICERS OF THE NAVY MEDICAL DE-**  
 7 **PARTMENT STAFF CORPS.**

8 Section 12004(c) of subtitle E of title 10, United  
 9 States Code, is amended—

10 (1) in the table in paragraph (1)—

11 (A) by striking out the item relating to the  
 12 Medical Corps and inserting in lieu thereof the  
 13 following:

“Medical Department staff corps ..... 9”;

14 and

15 (B) by striking out the items relating to  
 16 the Dental Corps, the Nurse Corps, and the  
 17 Medical Service Corps; and

18 (2) by adding at the end the following:

19 “(4)(A) For the purposes of paragraph (1), the Medi-  
 20 cal Department staff corps referred to in the table are as  
 21 follows:

22 “(i) The Medical Corps.

1           “(ii) The Dental Corps.

2           “(iii) The Nurse Corps.

3           “(iv) The Medical Service Corps.

4           “(B) Each of the Medical Department staff corps is  
5 authorized one rear admiral (lower half) within the  
6 strength authorization distributed to the Medical Depart-  
7 ment staff corps under paragraph (1). The Secretary of  
8 the Navy shall distribute the remainder of the strength  
9 authorization for the Medical Department staff corps  
10 under that paragraph among those staff corps as the Sec-  
11 retary determines appropriate to meet the needs of the  
12 Navy.”.

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

15           **SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILI-**  
16           **TARY PERSONNEL.**

17           There is hereby authorized to be appropriated to the  
18 Department of Defense for military personnel for fiscal  
19 year 1999 a total of \$70,434,386,000. The authorization  
20 in the preceding sentence supersedes any other authoriza-  
21 tion of appropriations (definite or indefinite) for such pur-  
22 pose for fiscal year 1999.

1 **TITLE V—MILITARY PERSONNEL**  
2 **POLICY**  
3 **Subtitle A—Officer Personnel**  
4 **Policy**

5 **SEC. 501. STREAMLINED SELECTIVE RETENTION PROCESS**  
6 **FOR REGULAR OFFICERS.**

7 (a) REPEAL OF REQUIREMENT FOR DUPLICATIVE  
8 BOARD.—Section 1183 of title 10, United States Code,  
9 is repealed.

10 (b) CONFORMING AMENDMENTS.—(1) Section  
11 1182(c) of such title is amended by striking out “send  
12 the record of proceedings to a board of review convened  
13 under section 1183 of this title” and inserting in lieu  
14 thereof “recommend to the Secretary concerned that the  
15 officer not be retained on active duty”.

16 (2) Section 1184 of such title is amended by striking  
17 out “board of review convened under section 1183 of this  
18 title” and inserting in lieu thereof “board of inquiry con-  
19 vened under section 1182 of this title”.

20 (c) CLERICAL AMENDMENTS.—(1) The heading for  
21 section 1184 of such title is amended by striking out “**re-**  
22 **view**” and inserting in lieu thereof “**inquiry**”.

23 (2) The table of sections at the beginning of chapter  
24 60 of such title is amended by striking out the items relat-

1 ing to sections 1183 and 1184 and inserting in lieu thereof  
2 the following:

“1184. Removal of officer: action by Secretary upon recommendation of board  
of inquiry.”.

3 **SEC. 502. PERMANENT APPLICABILITY OF LIMITATIONS**  
4 **ON YEARS OF ACTIVE NAVAL SERVICE OF**  
5 **NAVY LIMITED DUTY OFFICERS IN GRADES**  
6 **OF COMMANDER AND CAPTAIN.**

7 (a) COMMANDERS.—Section 633 of title 10, United  
8 States Code, is amended—

9 (1) by striking out “Except an officer” and all  
10 that follows through “or section 6383 of this title  
11 applies” and inserting in lieu thereof “Except an of-  
12 ficer of the Navy or Marine Corps who is an officer  
13 designated for limited duty to whom section 5596(e)  
14 or 6383 of this title applies”; and

15 (2) by striking out the second sentence.

16 (b) CAPTAINS.—Section 634 of such title is amend-  
17 ed—

18 (1) by inserting “an officer of the Navy who is  
19 designated for limited duty to whom section  
20 6383(a)(4) of this title applies and except” in the  
21 first sentence after “Except”; and

22 (2) by striking out the second sentence.

1 (c) YEARS OF ACTIVE NAVAL SERVICE.—Section  
2 6383(a) of such title is amended by striking out paragraph  
3 (5).

4 (d) LIMITATIONS ON SELECTIVE RETENTIONS.—Sec-  
5 tion 6383(k) of such title is amended by striking out the  
6 last sentence.

7 **SEC. 503. INVOLUNTARY SEPARATION PAY DENIED FOR**  
8 **OFFICER DISCHARGED FOR FAILURE OF SE-**  
9 **LECTION FOR PROMOTION REQUESTED BY**  
10 **THE OFFICER.**

11 (a) INELIGIBILITY FOR SEPARATION PAY.—Section  
12 1174(a) of title 10, United States Code, is amended by  
13 adding at the end the following:

14 “(3) Notwithstanding paragraphs (1) and (2), an of-  
15 ficer discharged for twice failing of selection for promotion  
16 to the next higher grade is not entitled to separation pay  
17 under this section if the officer submitted a request not  
18 to be selected for promotion to any selection board that  
19 considered and did not select the officer for promotion to  
20 that grade.”.

21 (b) REPORT OF SELECTION BOARD TO NAME OFFI-  
22 CERS REQUESTING NONSELECTION.—Section 617 of such  
23 title is amended by adding at the end the following:

24 “(c) A selection board convened under section 611(a)  
25 of this title shall include in its report to the Secretary con-



1 cerned the name of any regular officer considered and not  
2 recommended by the board for promotion who submitted  
3 to the board a request not to be selected for promotion.”.

4 (c) EFFECTIVE DATE.—This section and the amend-  
5 ments made by this section shall take effect on the date  
6 of the enactment of this Act and shall apply with respect  
7 to selection boards convened under section 611(a) of title  
8 10, United States Code, on or after that date.

9 **SEC. 504. TERM OF OFFICE OF THE CHIEF OF THE AIR**  
10 **FORCE NURSE CORPS.**

11 Section 8069(b) of title 10, United States Code, is  
12 amended in the third sentence by striking out “and” and  
13 inserting in lieu thereof the following: “except that the  
14 Secretary may increase the limit to four years in any case  
15 in which the Secretary determines that special cir-  
16 cumstances justify a longer term of service in the position.  
17 An officer appointed as Chief”.

18 **SEC. 505. ATTENDANCE OF RECIPIENTS OF NAVAL RE-**  
19 **SERVE OFFICERS’ TRAINING CORPS SCHOL-**  
20 **ARSHIPS AT PARTICIPATING COLLEGES OR**  
21 **UNIVERSITIES.**

22 Section 2107 of title 10, United States Code, is  
23 amended by adding at the end the following:

24 “(i)(1) Notwithstanding any other provision of law or  
25 any policy or regulation of the Department of Defense or

1 of the Department of the Navy, recipients of Naval Re-  
 2 serve Officers' Training Corps scholarships who live in a  
 3 State which has more scholarship awardees than slots  
 4 available under the Navy quotas in their State colleges and  
 5 universities may attend any college or university of their  
 6 choice in their State to which they have been accepted,  
 7 so long as the college or university is a participant in the  
 8 Naval Reserve Officers' Training Corps program.

9       “(2) The Department of Defense and the Depart-  
 10 ment of the Navy are prohibited from setting maximum  
 11 limits on the number of Naval Reserve Officers' Training  
 12 Corps scholarship students who can be enrolled at any col-  
 13 lege or university participating in the Naval Reserve Offi-  
 14 cers' Training Corps program in such State.”.

## 15       **Subtitle B—Reserve Component** 16                                       **Matters**

### 17       **SEC. 511. SERVICE REQUIRED FOR RETIREMENT OF NA-** 18                                       **TIONAL GUARD OFFICER IN HIGHER GRADE.**

19       (a) REVISION OF REQUIREMENT.—Subparagraph  
 20 (E) of section 1370(d)(3) of title 10, United States Code,  
 21 is amended to read as follows:

22       “(E) To the extent authorized by the Secretary of  
 23 the military department concerned, a person who, after  
 24 having been found qualified for Federal recognition in a  
 25 higher grade by a board under section 307 of title 32,

1 serves in a position for which that grade is the minimum  
2 authorized grade and is appointed as a reserve officer in  
3 that grade may be credited for the purposes of subpara-  
4 graph (A) as having served in that grade. The period of  
5 the service for which credit is afforded under the preceding  
6 sentence may only be the period for which the person  
7 served in the position after the Senate provides advice and  
8 consent for the appointment.”.

9 (b) **EFFECTIVE DATE.**—The amendment 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 appoint-  
12 ments to higher grades that take effect after that date.

13 **SEC. 512. REDUCED TIME-IN-GRADE REQUIREMENT FOR**  
14 **RESERVE GENERAL AND FLAG OFFICERS IN-**  
15 **VOLUNTARILY TRANSFERRED FROM ACTIVE**  
16 **STATUS.**

17 (a) **MINIMUM SERVICE IN ACTIVE STATUS.**—Section  
18 1370(d)(3) of title 10, United States Code, as amended  
19 by section 511, is further amended by adding at the end  
20 the following new subparagraph:

21 “(F) A person covered by subparagraph (A) who has  
22 completed at least six months of satisfactory service in a  
23 grade above colonel or (in the case of the Navy) captain  
24 and, while serving in an active status in such grade, is  
25 involuntarily transferred (other than for cause) from ac-

1 tive status may be credited with satisfactory service in the  
 2 grade in which serving at the time of such transfer, not-  
 3 withstanding failure of the person to complete three years  
 4 of service in that grade.”.

5 (b) EFFECTIVE DATE.—Subparagraph (F) of such  
 6 section, as added by subsection (a), shall take effect on  
 7 the date of the enactment of this Act and shall apply with  
 8 respect to transfers referred to in such subparagraph that  
 9 are made on or after that date.

10 **SEC. 513. ELIGIBILITY OF ARMY AND AIR FORCE RESERVE**  
 11 **BRIGADIER GENERALS TO BE CONSIDERED**  
 12 **FOR PROMOTION WHILE ON INACTIVE STA-**  
 13 **TUS LIST.**

14 (a) WAIVER OF ACTIVE STATUS REQUIREMENT.—  
 15 Chapter 1405 of title 10, United States Code, is amended  
 16 by adding at the end the following:

17 **“§ 14318. Officers on inactive status list: eligibility of**  
 18 **Army and Air Force reserve brigadier**  
 19 **generals for consideration for promotion**

20 **“(a) WAIVER OF ONE-YEAR ACTIVE STATUS**  
 21 **RULE.—**The Secretary concerned may waive the eligibility  
 22 requirements in section 14301(a) of this title (and the re-  
 23 quirement in section 140101(a) of this title that an officer  
 24 be on a reserve active-status list) in the case of a general  
 25 officer referred to in subsection (b) and authorize the offi-

1 cer to be considered for promotion under this chapter by  
2 a promotion board convened under section 14101(a) of  
3 this title.

4 “(b) **APPLICABILITY.**—Subsection (a) applies to a re-  
5 serve officer of the Army or Air Force who—

6 “(1) is on the inactive status list of the Standby  
7 Reserve in the grade of brigadier general pursuant  
8 to a transfer under section 14314(a)(2) of this title;

9 “(2) has been on the inactive status list pursu-  
10 ant to the transfer for less than one year as of the  
11 date of the convening of the promotion board that  
12 is to consider the officer for promotion; and

13 “(3) during the one-year period ending on the  
14 date of the transfer to the inactive status list, con-  
15 tinuously performed service on either the reserve ac-  
16 tive-status list, the active-duty list, or a combination  
17 of both lists.”.

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:

“14318. Officers on inactive status list: eligibility of Army and Air Force reserve  
brigadier generals for consideration for promotion.”.

1 **SEC. 514. COMPOSITION OF SELECTIVE EARLY RETIRE-**  
2 **MENT BOARDS FOR REAR ADMIRALS OF THE**  
3 **NAVAL RESERVE AND MAJOR GENERALS OF**  
4 **THE MARINE CORPS RESERVE.**

5 Section 14705(b) of title 10, United States Code, is  
6 amended—

7 (1) by inserting “(1)” after “(b) BOARDS.—”;

8 and

9 (2) by adding at the end the following:

10 “(2) In the case of a board convened to consider the  
11 early retirement of officers in the grade of rear admiral  
12 in the Naval Reserve or major general in the Marine Corps  
13 Reserve, the Secretary of the Navy may prescribe the com-  
14 position of the board notwithstanding section 14102(b) of  
15 this title. In doing so, however, the Secretary shall ensure  
16 that each regular commissioned officer of the Navy or the  
17 Marine Corps appointed to the board holds a permanent  
18 grade higher than the grade of the officers under consider-  
19 ation by the board and that at least one member of the  
20 board is a reserve officer who holds the grade of rear ad-  
21 miral or major general.”.

22 **SEC. 515. USE OF RESERVES FOR EMERGENCIES INVOLV-**  
23 **ING WEAPONS OF MASS DESTRUCTION.**

24 (a) ORDER TO ACTIVE DUTY.—(1) Section 12304 of  
25 title 10, United States Code, is amended—

1 (A) in subsection (a), by inserting “or is nec-  
2 essary to provide assistance referred to in subsection  
3 (b)” after “to augment the active forces for any  
4 operational mission”.

5 (B) in subsection (b)—

6 (i) by striking out “(b)” and inserting in  
7 lieu thereof “(c) LIMITATIONS.—(1)”; and

8 (ii) by striking out “, or to provide” and  
9 inserting in lieu thereof “or, except as provided  
10 in subsection (b), to provide”;

11 (C) by redesignating subsection (c) as para-  
12 graph (2); and

13 (D) by inserting after subsection (a) the follow-  
14 ing new subsection (b):

15 “(b) SUPPORT FOR RESPONSES TO CERTAIN EMER-  
16 GENCIES.—The authority under subsection (a) includes  
17 authority to order a unit or member to active duty to pro-  
18 vide assistance in responding to an emergency involving  
19 a use or threatened use of a weapon of mass destruction.”.

20 (2) Subsection (i) of such section is amended to read  
21 as follows:

22 “(i) DEFINITIONS.—For purposes of this section:

23 “(1) The term ‘Individual Ready Reserve mobi-  
24 lization category’ means, in the case of any reserve

1 component, the category of the Individual Ready Re-  
2 serve described in section 10144(b) of this title.

3 “(2) The term ‘weapon of mass destruction’ has  
4 the meaning given such term in section 1402 of the  
5 Defense Against Weapons of Mass Destruction Act  
6 of 1996 (50 U.S.C. 2302(1)).”.

7 (3) Such section is further amended—

8 (A) in subsection (a), by inserting “AUTHOR-  
9 ITY.—” after “(a)”;

10 (B) in subsection (d), by inserting “EXCLUSION  
11 FROM STRENGTH LIMITATIONS.—” after “(d)”;

12 (C) in subsection (e), by inserting “POLICIES  
13 AND PROCEDURES.—” after “(e)”;

14 (D) in subsection (f), by inserting “NOTIFICA-  
15 TION OF CONGRESS.—” after “(f)”;

16 (E) in subsection (g), by inserting “TERMI-  
17 NATION OF DUTY.—” after “(g)”;

18 (F) in subsection (h), by inserting “RELATION-  
19 SHIP TO WAR POWERS RESOLUTION.—” after  
20 “(h)”.

21 (b) USE OF ACTIVE GUARD AND RESERVE PERSON-  
22 NEL.—Section 12310 of title 10, United States Code, is  
23 amended by adding at the end the following:

24 “(c)(1) A Reserve on active duty as described in sub-  
25 section (a), or a Reserve who is a member of the National



1 Guard serving on full-time National Guard duty under  
2 section 502(f) of title 32 in connection with functions re-  
3 ferred to in subsection (a), may perform any duties in sup-  
4 port of emergency preparedness programs to prepare for  
5 or to respond to any emergency involving the use of a  
6 weapon of mass destruction (as defined in section 1402  
7 of the Defense Against Weapons of Mass Destruction Act  
8 of 1996 (50 U.S.C. 2302(1))).

9 “(2) The costs of the pay, allowances, clothing, sub-  
10 sistence, gratuities, travel, and related expenses for a Re-  
11 serve performing duties under the authority of paragraph  
12 (1) shall be paid from the appropriation that is available  
13 to pay such costs for other members of the reserve compo-  
14 nent of that Reserve who are performing duties as de-  
15 scribed in subsection (a).”.

## 16 **Subtitle C—Other Matters**

### 17 **SEC. 521. ANNUAL MANPOWER REQUIREMENTS REPORT.**

18 Section 115a(a) of title 10, United States Code, is  
19 amended by striking out the first sentence and inserting  
20 in lieu thereof the following: “The Secretary of Defense  
21 shall submit an annual manpower requirements report to  
22 Congress each year, not later than 45 days after the date  
23 on which the President submits the budget for the next  
24 fiscal year to Congress under section 1105(a) of title 31.”.

1 **SEC. 522. FOUR-YEAR EXTENSION OF CERTAIN FORCE RE-**  
2 **DUCTION TRANSITION PERIOD MANAGEMENT**  
3 **AND BENEFITS AUTHORITIES.**

4 (a) ACTIVE FORCE EARLY RETIREMENT.—Section  
5 4403(i) of the National Defense Authorization Act for Fis-  
6 cal Year 1993 (10 U.S.C. 1293 note) is amended by strik-  
7 ing out “October 1, 1999” and inserting in lieu thereof  
8 “October 1, 2003”.

9 (b) SPECIAL SEPARATION BENEFITS PROGRAM.—  
10 Section 1174a(h) of title 10, United States Code, is  
11 amended by striking out “September 30, 1999” and in-  
12 serting in lieu thereof “September 30, 2003”.

13 (c) VOLUNTARY SEPARATION INCENTIVE.—Section  
14 1175(d)(3) of such title is amended by striking out “Sep-  
15 tember 30, 1999” and inserting in lieu thereof “Septem-  
16 ber 30, 2003”.

17 (d) SELECTIVE EARLY RETIREMENT BOARDS.—Sec-  
18 tion 638a(a) of such title, is amended by striking out  
19 “nine-year period” and inserting in lieu thereof “13-year  
20 period”.

21 (e) RETIRED GRADE.—Section 1370(a)(2)(A) of such  
22 title is amended by striking out “nine-year period” and  
23 inserting in lieu thereof “13-year period”.

24 (f) MINIMUM COMMISSIONED SERVICE FOR VOL-  
25 UNTARY RETIREMENT.—Sections 3911(b), 6323(a)(2),  
26 and 8911(b) of such title are amended by striking out

1 “nine-year period” and inserting in lieu thereof “13-year  
2 period”.

3 (g) TRAVEL, TRANSPORTATION, AND STORAGE BEN-  
4 EFITS.—(1) Subsections (c)(1)(C) and (f)(2)(B)(v) of sec-  
5 tion 404 of title 37, United States Code, and subsections  
6 (a)(2)(B)(v) and (g)(1)(C) of section 406 of such title are  
7 amended by striking out “nine-year period” and inserting  
8 in lieu thereof “13-year period”.

9 (2) Section 503(c)(1) of the National Defense Au-  
10 thorization Act for Fiscal Year 1991 (37 U.S.C. 406 note)  
11 is amended by striking out “nine-year period” and insert-  
12 ing in lieu thereof “13-year period”.

13 (h) EDUCATIONAL LEAVE FOR PUBLIC AND COMMU-  
14 NITY SERVICE.—Section 4463(f) of the National Defense  
15 Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143a  
16 note) is amended by striking out “September 30, 1999”  
17 and inserting in lieu thereof “September 30, 2003”.

18 (i) HEALTH BENEFITS.—Section 1145 of title 10,  
19 United States Code, is amended—

20 (1) in subsections (a)(1) and (c)(1), by striking  
21 out “nine-year period” and inserting in lieu thereof  
22 “13-year period”; and

23 (2) in subsection (e), by striking out “five-year  
24 period” and inserting in lieu thereof “nine-year pe-  
25 riod”.

1 (j) COMMISSARY AND EXCHANGE BENEFITS.—Sec-  
2 tion 1146 of such title is amended—

3 (1) by striking out “nine-year period” in the  
4 first sentence and inserting in lieu thereof “13-year  
5 period”; and

6 (2) by striking out “five-year period” in the  
7 second sentence and inserting in lieu thereof “nine-  
8 year period”.

9 (k) USE OF MILITARY HOUSING.—Section 1147(a)  
10 of such title 10 is amended—

11 (1) in paragraph (1), by striking out “nine-year  
12 period” and inserting in lieu thereof “13-year pe-  
13 riod”; and

14 (2) in paragraph (2), by striking out “five-year  
15 period” and inserting in lieu thereof “nine-year pe-  
16 riod”.

17 (l) CONTINUED ENROLLMENT OF DEPENDENTS IN  
18 DEFENSE DEPENDENTS’ EDUCATION SYSTEM.—Section  
19 1407(c)(1) of the Defense Dependents’ Education Act of  
20 1978 (20 U.S.C. 926(c)(1)) is amended by striking out  
21 “nine-year period” and inserting in lieu thereof “13-year  
22 period”.

23 (m) GUARD AND RESERVE TRANSITION INITIA-  
24 TIVES.—Title XLIV of the National Defense Authoriza-

1 tion Act for Fiscal Year 1993 (10 U.S.C. 12681 note) is  
2 amended—

3 (1) in section 4411, by striking out “September  
4 30, 1999” and inserting in lieu thereof “September  
5 30, 2003”; and

6 (2) in section 4416(b)(1), by striking out “Oc-  
7 tober 1, 1999” and inserting in lieu thereof “Octo-  
8 ber 1, 2003”.

9 (n) RETIRED PAY FOR NONREGULAR SERVICE-AGE  
10 AND SERVICE REQUIREMENTS.—(1) Section 12731(f) of  
11 title 10, United States Code, is amended by striking out  
12 “September 30, 1999” and inserting in lieu thereof “Sep-  
13 tember 30, 2003”.

14 (2) Subsections (a)(1)(B) and (b) of section 12731a  
15 of such title are amended by striking out “October 1,  
16 1999” and inserting in lieu thereof “October 1, 2003”.

17 (o) REDUCTION OF TIME-IN-GRADE REQUIREMENT  
18 FOR RETENTION OF GRADE UPON VOLUNTARY RETIRE-  
19 MENT.—Section 1370(d) of such title is amended by add-  
20 ing at the end the following new paragraph:

21 “(5) The Secretary of Defense may authorize the  
22 Secretary of a military department to reduce the three-  
23 year period required by paragraph (3)(A) to a period not  
24 less than two years in the case of retirements effective  
25 during the period beginning on the date of the enactment

1 of the Strom Thurmond National Defense Authorization  
 2 Act for Fiscal Year 1999 and ending September 30, 2003.  
 3 The number of the reserved commissioned officers of an  
 4 armed force in the same grade for whom a reduction is  
 5 made during any fiscal year in the period of service-in-  
 6 grade otherwise required under this paragraph may not  
 7 exceed the number equal to two percent of the strength  
 8 authorized for that fiscal year for reserve commissioned  
 9 officers of that armed force in an active status in that  
 10 grade.”.

11 (p) AFFILIATION WITH GUARD AND RESERVE  
 12 UNITS; WAIVER OF CERTAIN LIMITATIONS.—Section  
 13 1150(a) of such title is amended by striking out “nine-  
 14 year period” and inserting in lieu thereof “13-year pe-  
 15 riod”.

16 (q) TIME FOR USE OF MONTGOMERY G.I. BILL EN-  
 17 TITLEMENT.—Section 16133(b)(1)(B) of such title is  
 18 amended by striking out “September 30, 1999” and in-  
 19 serting in lieu thereof “September 30, 2003”.

20 **SEC. 523. CONTINUATION OF ELIGIBILITY FOR VOL-**  
 21 **UNTARY SEPARATION INCENTIVE AFTER IN-**  
 22 **VOLUNTARY LOSS OF MEMBERSHIP IN**  
 23 **READY OR STANDBY RESERVE.**

24 (a) PERIOD OF ELIGIBILITY.—Subsection (a) of sec-  
 25 tion 1175 of title 10, United States Code, is amended—

1 (1) by inserting “(1)” after “(a)”;

2 (2) by striking out “, for the period of time the  
3 member is serving in a reserve component”; and

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

5 “(2)(A) Except as provided in subparagraph (B), a  
6 financial incentive provided a member under this section  
7 shall be paid for the period equal to twice the number of  
8 years of service of the member, computed as provided in  
9 subsection (e)(5).

10 “(B) If, before the expiration of the period otherwise  
11 applicable under subparagraph (A) to a member receiving  
12 a financial incentive under this section, the member is sep-  
13 arated from a reserve component or is transferred to the  
14 Retired Reserve, the period for payment of a financial in-  
15 centive to the member under this section shall terminate  
16 on the date of the separation or transfer unless—

17 “(i) the separation or transfer is required by  
18 reason of the age or number of years of service of  
19 the member;

20 “(ii) the separation or transfer is required by  
21 reason of the failure of selection for promotion or  
22 the medical disqualification of the member, except in  
23 a case in which the Secretary of Defense or the Sec-  
24 retary of Transportation determines that the basis  
25 for the separation or transfer is a result of a delib-

1 erate action taken by the member with the intent to  
2 avoid retention in the Ready Reserve or Standby Re-  
3 serve; or

4 “(iii) in the case of a separation, the member  
5 is separated from the reserve component for appoint-  
6 ment or enlistment in or transfer to another reserve  
7 component of an armed force for service in the  
8 Ready Reserve or Standby Reserve of that armed  
9 force.”.

10 (b) REPEAL OF SUPERSEDED PROVISION.—Sub-  
11 section (e)(1) of such section is amended by striking out  
12 the second sentence.

13 **SEC. 524. REPEAL OF LIMITATIONS ON AUTHORITY TO SET**  
14 **RATES AND WAIVE REQUIREMENT FOR REIM-**  
15 **BURSEMENT OF EXPENSES INCURRED FOR**  
16 **INSTRUCTION AT SERVICE ACADEMIES OF**  
17 **PERSONS FROM FOREIGN COUNTRIES.**

18 (a) UNITED STATES MILITARY ACADEMY.—Section  
19 4344(b) of title 10, United States Code, is amended—

20 (1) in the second sentence of paragraph (2), by  
21 striking out “, except that the reimbursement rates  
22 may not be less than the cost to the United States  
23 of providing such instruction, including pay, allow-  
24 ances, and emoluments, to a cadet appointed from  
25 the United States”; and



1           (2) by striking out paragraph (3).

2           (b) NAVAL ACADEMY.—Section 6957(b) of such title  
3 is amended—

4           (1) in the second sentence of paragraph (2), by  
5 striking out “, except that the reimbursement rates  
6 may not be less than the cost to the United States  
7 of providing such instruction, including pay, allow-  
8 ances, and emoluments, to a midshipman appointed  
9 from the United States”; and

10          (2) by striking out paragraph (3).

11          (c) AIR FORCE ACADEMY.—Section 9344(b) of such  
12 title is amended—

13          (1) in the second sentence of paragraph (2), by  
14 striking out “, except that the reimbursement rates  
15 may not be less than the cost to the United States  
16 of providing such instruction, including pay, allow-  
17 ances, and emoluments, to a cadet appointed from  
18 the United States”; and

19          (2) by striking out paragraph (3).

20 **SEC. 525. REPEAL OF RESTRICTION ON CIVILIAN EMPLOY-**  
21 **MENT OF ENLISTED MEMBERS.**

22          (a) REPEAL.—Section 974 of title 10, United States  
23 Code, is repealed.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 at the beginning of chapter 49 of such title is amended  
3 by striking out the item relating to section 974.

4 **SEC. 526. EXTENSION OF REPORTING DATES FOR COMMIS-**  
5 **SION ON MILITARY TRAINING AND GENDER-**  
6 **RELATED ISSUES.**

7 (a) INTERIM REPORT.—Subsection (e)(1) of section  
8 562 of the National Defense Authorization Act for Fiscal  
9 Year 1998 (Public Law 105–85; 111 Stat. 1754; 10  
10 U.S.C. 113 note) is amended by striking out “April 15,  
11 1998” and inserting in lieu thereof “October 15, 1998”.

12 (b) FINAL REPORT.—Subsection (e)(2) of such sec-  
13 tion is amended by striking out “September 16, 1998”  
14 and inserting in lieu thereof “March 15, 1999”.

15 **SEC. 527. MORATORIUM ON CHANGES OF GENDER-RELAT-**  
16 **ED POLICIES AND PRACTICES PENDING COM-**  
17 **PLETION OF THE WORK OF THE COMMISSION**  
18 **ON MILITARY TRAINING AND GENDER-RELAT-**  
19 **ED ISSUES.**

20 Notwithstanding any other provision of law, officials  
21 of the Department of Defense are prohibited from imple-  
22 menting any change of policy or official practice in the  
23 department regarding separation or integration of mem-  
24 bers of the Armed Forces on the basis of gender that is  
25 within the responsibility of the Commission on Military

1 Training and Gender-Related Issues to review under sub-  
 2 title F of title V of the National Defense Authorization  
 3 Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.  
 4 1750), before the date on which the commission termi-  
 5 nates under section 564 of such Act.

6 **SEC. 528. TRANSITIONAL COMPENSATION FOR ABUSED**  
 7 **DEPENDENT CHILDREN NOT RESIDING WITH**  
 8 **THE SPOUSE OR FORMER SPOUSE OF A MEM-**  
 9 **BER CONVICTED OF DEPENDENT ABUSE.**

10 (a) ENTITLEMENT NOT CONDITIONED ON FORFEIT-  
 11 URE OF SPOUSAL COMPENSATION.—Subsection (d) of sec-  
 12 tion 1059 of title 10, United States Code, is amended—

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

15 “(1) If the individual was married at the time  
 16 of the commission of the dependent-abuse offense re-  
 17 sulting in the separation, the spouse or former  
 18 spouse to whom the individual was married at that  
 19 time shall be paid such compensation, including an  
 20 amount (determined under subsection (f)(2)) for  
 21 each, if any, dependent child of the individual de-  
 22 scribed in subsection (b) who resides in the same  
 23 household as that spouse or former spouse.”;

24 (2) in paragraph (2)—

1           (A) by striking out “(but for subsection  
2           (g)) would be eligible” and inserting in lieu  
3           thereof “is or, but for subsection (g), would be  
4           eligible”; and

5           (B) by striking out “such compensation”  
6           and inserting in lieu thereof “compensation  
7           under this section”; and

8           (3) in paragraph (4), by striking out “For pur-  
9           poses of paragraphs (2) and (3)” and inserting in  
10          lieu thereof “For purposes of this subsection”.

11          (b) AMOUNT OF PAYMENT.—Subsection (f)(2) of  
12          such section is amended by striking out “has custody of  
13          a dependent child or children of the member” and insert-  
14          ing in lieu thereof “has custody of a dependent child of  
15          the member who resides in the same household as that  
16          spouse or former spouse”.

17          (c) PROSPECTIVE APPLICABILITY.—No benefits shall  
18          accrue by reason of the amendments made by this section  
19          for any month that begins before the date of the enact-  
20          ment of this Act.

1 **SEC. 529. PILOT PROGRAM FOR TREATING GED AND HOME**  
2 **SCHOOL DIPLOMA RECIPIENTS AS HIGH**  
3 **SCHOOL GRADUATES FOR DETERMINATIONS**  
4 **OF ELIGIBILITY FOR ENLISTING IN THE**  
5 **ARMED FORCES.**

6 (a) PROGRAM REQUIRED.—The Secretary of Defense  
7 shall establish a pilot program to assess whether the  
8 Armed Forces could better meet recruiting requirements  
9 by treating GED recipients and home school diploma re-  
10 cipients as having graduated from high school with a high  
11 school diploma for the purpose of determining the eligi-  
12 bility of those persons to enlist in the Armed Forces. The  
13 Secretary of each military department shall administer the  
14 pilot program for the armed force or armed forces under  
15 the jurisdiction of the Secretary.

16 (b) ELIGIBLE RECIPIENTS.—(1) Under the pilot pro-  
17 gram, a person shall be treated as having graduated from  
18 high school with a high school diploma for the purpose  
19 described in subsection (a) if the person—

20 (A) has completed a general education develop-  
21 ment program while participating in the National  
22 Guard Challenge Program and is a GED recipient;  
23 or

24 (B) is a home school diploma recipient and pro-  
25 vides a transcript demonstrating completion of high

1 school to the military department involved under the  
2 pilot program.

3 (2) For the purposes of this section, a person is a  
4 GED recipient if the person, after completing a general  
5 education development program, has obtained certification  
6 of high school equivalency by meeting State requirements  
7 and passing a State approved exam that is administered  
8 for the purpose of providing an appraisal of the person's  
9 achievement or performance in the broad subject matter  
10 areas usually required for high school graduates.

11 (3) For the purposes of this section, a person is a  
12 home school diploma recipient if the person has received  
13 a diploma for completing a program of education through  
14 the high school level at a home school, without regard to  
15 whether the home school is treated as a private school  
16 under the law of the State in which located.

17 (c) ANNUAL LIMIT ON NUMBER.—Not more than  
18 1,250 GED recipients, and not more than 1,250 home  
19 school diploma recipients, enlisted by an armed force in  
20 any fiscal year may be treated under the pilot program  
21 as having graduated from high school with a high school  
22 diploma.

23 (d) PERIOD FOR PILOT PROGRAM.—The pilot pro-  
24 gram shall be in effect for five fiscal years beginning on  
25 October 1, 1998.

1           (e) REPORT.—(1) Not later than February 1, 2004,  
2 the Secretary of Defense shall submit a report on the pilot  
3 program to the Committee on Armed Services of the Sen-  
4 ate and the Committee on National Security of the House  
5 of Representatives.

6           (2)(A) The report shall include the assessment of the  
7 Secretary of Defense, and any assessment of any of the  
8 Secretaries of the military departments, regarding the  
9 value of, and any necessity for, authority to treat GED  
10 recipients and home school diploma recipients as having  
11 graduated from high school with a high school diploma  
12 for the purpose of determining the eligibility of those per-  
13 sons to enlist in the Armed Forces.

14          (B) The Secretary shall also set forth in the report,  
15 by armed force for each fiscal year of the pilot program,  
16 a comparison of the performance of the persons who en-  
17 listed in that armed force during the fiscal year as GED  
18 or home school diploma recipients treated under the pilot  
19 program as having graduated from high school with a high  
20 school diploma with the performance of the persons who  
21 enlisted in that armed force during the same fiscal year  
22 after having graduated from high school with a high school  
23 diploma, with respect to the following:

24                   (i) Attrition.

25                   (ii) Discipline.

1 (iii) Adaptability to military life.

2 (iv) Aptitude for mastering the skills necessary  
3 for technical specialties.

4 (v) Reenlistment rates.

5 (f) REFERENCE TO NATIONAL GUARD CHALLENGE  
6 PROGRAM.—The National Guard Challenge Program re-  
7 ferred to in this section is a program conducted under sec-  
8 tion 509 of title 32, United States Code.

9 (g) STATE DEFINED.—In this section, the term  
10 “State” has the meaning given that term in section  
11 509(l)(1) of title 32, United States Code.

12 **SEC. 530. WAIVER OF TIME LIMITATIONS FOR AWARD OF**  
13 **CERTAIN DECORATIONS TO CERTAIN PER-**  
14 **SONS.**

15 (a) WAIVER.—Any limitation established by law or  
16 policy for the time within which a recommendation for the  
17 award of a military decoration or award must be submit-  
18 ted shall not apply to awards of decorations described in  
19 this section, the award of each such decoration having  
20 been determined by the Secretary of the military depart-  
21 ment concerned to be warranted in accordance with sec-  
22 tion 1130 of title 10, United States Code.

23 (b) DISTINGUISHED-SERVICE CROSS.—Subsection  
24 (a) applies to award of the Distinguished-Service Cross  
25 of the Army as follows:



1           (1) To Isaac Camacho of El Paso, Texas, for  
2           extraordinary heroism in actions at Camp Hiep Hoa  
3           in Vietnam on November 24, 1963, while serving as  
4           a member of the Army.

5           (2) To Bruce P. Crandall of Mesa, Arizona, for  
6           extraordinary heroism in actions at Landing Zone  
7           X-Ray in Vietnam on November 14, 1965, while  
8           serving as a member of the Army.

9           (3) To Leland B. Fair of Jessieville, Arkansas,  
10          for extraordinary heroism in actions in the Phil-  
11          ippine Islands on July 4, 1945, while serving as a  
12          member of the Army.

13          (c) DISTINGUISHED-SERVICE MEDAL.—Subsection  
14 (a) applies to award of the Distinguished-Service Medal  
15 of the Army to Richard P. Sakakida of Fremont, Califor-  
16 nia, for exceptionally meritorious service while a prisoner  
17 of war in the Philippine Islands from May 7, 1942, to  
18 September 14, 1945, while serving as a member of the  
19 Army.

20          (d) DISTINGUISHED FLYING CROSS.—Subsection (a)  
21 applies to award of the Distinguished Flying Cross for  
22 service during World War II or Korea (including multiple  
23 awards to the same individual) in the case of each individ-  
24 ual (not covered by section 573(d) of the National Defense  
25 Authorization Act for Fiscal Year 1998 (Public Law 105–

1 85; 111 Stat. 1757)) concerning whom the Secretary of  
2 the Navy (or an officer of the Navy acting on behalf of  
3 the Secretary) submitted to the Committee on National  
4 Security of the House of Representatives and the Commit-  
5 tee on Armed Services of the Senate, before the date of  
6 the enactment of this Act, a notice as provided in section  
7 1130(b) of title 10, United States Code, that the award  
8 of the Distinguished Flying Cross to that individual is  
9 warranted and that a waiver of time restrictions pre-  
10 scribed by law for recommendation for such award is rec-  
11 ommended.

12 **SEC. 531. PROHIBITION ON ENTRY INTO CORRECTIONAL**  
13 **FACILITIES FOR PRESENTATION OF DECORA-**  
14 **TIONS TO PERSONS WHO COMMIT CERTAIN**  
15 **CRIMES BEFORE PRESENTATION.**

16 (a) PROHIBITION.—Chapter 57 of title 10, United  
17 States Code, is amended by adding at the end the follow-  
18 ing:

19 **“§ 1132. Presentation of decorations: prohibition on**  
20 **entering into correctional facilities for**  
21 **certain presentations**

22 “(a) PROHIBITION.—No member of the armed forces  
23 may enter into a Federal, State, or local correctional facil-  
24 ity for purposes of presenting a decoration to a person  
25 who has been convicted of a serious violent felony.

1 “(b) DEFINITIONS.—In this section:

2 “(1) The term ‘decoration’ means any decora-  
3 tion or award that may be presented or awarded to  
4 a member of the armed forces.

5 “(2) The term ‘serious violent felony’ has the  
6 meaning given that term in section 3359(c)(2)(F) of  
7 title 18.”.

8 (b) CLERICAL AMENDMENT.—The table of sections  
9 at the beginning of that chapter is amended by adding  
10 at the end the following:

“1132. Presentation of decorations: prohibition on entering into correctional fa-  
cilities for certain presentations.”.

11 **SEC. 532. ADVANCEMENT OF BENJAMIN O. DAVIS, JUNIOR,**  
12 **TO GRADE OF GENERAL.**

13 (a) AUTHORITY.—The President is authorized to ad-  
14 vance Benjamin O. Davis, Junior, to the grade of general  
15 on the retired list of the Air Force.

16 (b) ADDITIONAL BENEFITS NOT TO ACCRUE.—An  
17 advancement of Benjamin O. Davis, Junior, to the grade  
18 of general on the retired list of the Air Force under sub-  
19 section (a) shall not increase or change the compensation  
20 or benefits from the United States to which any person  
21 is now or may in the future be entitled based upon the  
22 military service of the said Benjamin O. Davis, Junior.

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

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

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

11 (b) **INCREASE IN BASIC PAY.**—Effective on January  
12 1, 1999, the rates of basic pay of members of the uni-  
13 formed services are increased by 3.6 percent.

14 (c) **OFFSETTING REDUCTIONS IN AUTHORIZATIONS**  
15 **OF APPROPRIATIONS.**—(1) Notwithstanding any other  
16 provision of title I, the total amount authorized to be ap-  
17 propriated under title II is hereby reduced by  
18 \$150,000,000.

19 (2) Notwithstanding any other provision of title II,  
20 the total amount authorized to be appropriated under title  
21 II is hereby reduced by \$275,000,000.

1 **SEC. 602. RATE OF PAY FOR CADETS AND MIDSHIPMEN AT**  
2 **THE SERVICE ACADEMIES.**

3 (a) INCREASED RATE.—Section 203(c) of title 37,  
4 United States Code, is amended by striking out “\$558.04”  
5 and inserting in lieu thereof “\$600.00”.

6 (b) EFFECTIVE DATE.—The amendment made by  
7 subsection (a) shall take effect on January 1, 1999.

8 **SEC. 603. PAYMENTS FOR MOVEMENTS OF HOUSEHOLD**  
9 **GOODS ARRANGED BY MEMBERS.**

10 (a) MONETARY ALLOWANCE AUTHORIZED.—Sub-  
11 section (b)(1) of section 406 of title 37, United States  
12 Code, is amended—

13 (1) in subparagraph (A)—

14 (A) by striking out “, or reimbursement  
15 therefor,”; and

16 (B) by inserting after the second sentence  
17 the following: “Alternatively, a member may be  
18 paid reimbursement or a monetary allowance  
19 under subparagraph (F).”; and

20 (2) by adding at the end the following:

21 “(F) A member entitled to transportation of baggage  
22 and household effects under subparagraph (A) may, as an  
23 alternative to the provision of transportation, be paid re-  
24 imbursement or, at the member’s request, a monetary al-  
25 lowance in advance for the cost of transportation of the  
26 baggage and household effects. The monetary allowance

1 may be paid only if the amount of the allowance does not  
2 exceed the cost that would be incurred by the Government  
3 under subparagraph (A) for the transportation of the bag-  
4 gage and household effects. Appropriations available to  
5 the Department of Defense, the Department of Transpor-  
6 tation, and the Department of Health and Human Serv-  
7 ices for providing transportation of baggage or household  
8 effects of members of the uniformed services shall be avail-  
9 able to pay a reimbursement or monetary allowance under  
10 this subparagraph. The Secretary concerned may pre-  
11 scribe the manner in which the risk of liability for damage,  
12 destruction, or loss of baggage or household effects ar-  
13 ranged, packed, crated, or loaded by a member is allocated  
14 among the member, the United States, and any contractor  
15 when a reimbursement or monetary allowance is elected  
16 under this subparagraph.”.

17 (b) REPEAL OF SUPERSEDED PROVISION.—Such sec-  
18 tion is further amended by striking out subsection (j).

19 **SEC. 604. LEAVE WITHOUT PAY FOR SUSPENDED ACADEMY**  
20 **CADETS AND MIDSHIPMEN.**

21 (a) AUTHORITY.—Section 702 of title 10, United  
22 States Code, is amended—

23 (1) by designating the second sentence of sub-  
24 section (b) as subsection (d);

1           (2) by redesignating subsection (b) as sub-  
2           section (c); and

3           (3) by inserting after subsection (a) the follow-  
4           ing new subsection (b):

5           “(b) LEAVE WITHOUT PAY.—(1) Under regulations  
6           prescribed under subsection (d), the Superintendent of the  
7           United States Military Academy, the United States Naval  
8           Academy, the United States Air Force Academy, or the  
9           United States Coast Guard Academy may order a cadet  
10          or midshipman of the Academy to be placed on leave invol-  
11          untarily for any period during which the cadet or mid-  
12          shipman is suspended from duty at the Academy—

13                 “(A) pending separation from the Academy;

14                 “(B) pending return to the Academy to repeat  
15                 an academic semester or year; or

16                 “(C) for other good cause.

17          “(2) A cadet or midshipman placed on involuntary  
18          leave under paragraph (1) is not entitled to any pay under  
19          section 230(c) of title 37 for the period of the leave.

20          “(3) A return of a cadet or midshipman to a pay sta-  
21          tus at the Academy from an involuntary leave status under  
22          paragraph (1) does not restore any entitlement of the  
23          cadet or midshipman to pay for the period of the involun-  
24          tary leave.”.

1 (b) SUBSECTION HEADINGS.—Such section, as  
2 amended by subsection (a), is further amended—

3 (1) in subsection (a), by inserting “GRADUA-  
4 TION LEAVE.—” after “(a)”;

5 (2) in subsection (c), by inserting “INAPPLICA-  
6 BLE LEAVE PROVISIONS.—” after “(c)”; and

7 (3) in subsection (d), by inserting “REGULA-  
8 TIONS.—” after “(d)”.

9 **Subtitle B—Bonuses and Special**  
10 **and Incentive Pays**

11 **SEC. 611. THREE-MONTH EXTENSION OF CERTAIN BO-**  
12 **NUSES AND SPECIAL PAY AUTHORITIES FOR**  
13 **RESERVE FORCES.**

14 (a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN  
15 CRITICALLY SHORT WARTIME SPECIALTIES.—Section  
16 302g(f) of title 37, United States Code, is amended by  
17 striking out “September 30, 1999” and inserting in lieu  
18 thereof “December 31, 1999”.

19 (b) SELECTED RESERVE REENLISTMENT BONUS.—  
20 Section 308b(f) of title 37, United States Code, is amend-  
21 ed by striking out “September 30, 1999” and inserting  
22 in lieu thereof “December 31, 1999”.

23 (c) SELECTED RESERVE ENLISTMENT BONUS.—Sec-  
24 tion 308c(e) of title 37, United States Code, is amended



1 by striking out “September 30, 1999” and inserting in  
2 lieu thereof “December 31, 1999”.

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 out “September 30, 1999” and inserting in lieu  
7 thereof “December 31, 1999”.

8 (e) SELECTED RESERVE AFFILIATION BONUS.—Sec-  
9 tion 308e(e) of title 37, United States Code, is amended  
10 by striking out “September 30, 1999” and inserting in  
11 lieu thereof “December 31, 1999”.

12 (f) READY RESERVE ENLISTMENT AND REENLIST-  
13 MENT BONUS.—Section 308h(g) of title 37, United States  
14 Code, is amended by striking out “September 30, 1999”  
15 and inserting in lieu thereof “December 31, 1999”.

16 (g) PRIOR SERVICE ENLISTMENT BONUS.—Section  
17 308i(f) of title 37, United States Code, as redesignated  
18 by section 622, is amended by striking out “September  
19 30, 1999” and inserting in lieu thereof “December 31,  
20 1999”.

21 (h) REPAYMENT OF EDUCATION LOANS FOR CER-  
22 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-  
23 LECTED RESERVE.—Section 16302(d) of title 10, United  
24 States Code, is amended by striking out “October 1,  
25 1999” and inserting in lieu thereof “January 1, 2000”.

1 **SEC. 612. THREE-MONTH EXTENSION OF CERTAIN BO-**  
2 **NUSES AND SPECIAL PAY AUTHORITIES FOR**  
3 **NURSE OFFICER CANDIDATES, REGISTERED**  
4 **NURSES, 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 out “September 30, 1999”  
8 and inserting in lieu thereof “December 31, 1999”.

9 (b) ACCESSION BONUS FOR REGISTERED NURSES.—  
10 Section 302d(a)(1) of title 37, United States Code, is  
11 amended by striking out “September 30, 1999” and in-  
12 serting in lieu thereof “December 31, 1999”.

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 out “September 30, 1999”  
16 and inserting in lieu thereof “December 31, 1999”.

17 **SEC. 613. THREE-MONTH EXTENSION OF AUTHORITIES RE-**  
18 **LATING TO PAYMENT OF OTHER BONUSES**  
19 **AND SPECIAL PAYS.**

20 (a) AVIATION OFFICER RETENTION BONUS.—Sec-  
21 tion 301b(a) of title 37, United States Code, is amended  
22 by striking out “September 30, 1999,” and inserting in  
23 lieu thereof “December 31, 1999,”.

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

1 amended by striking out “September 30, 1999” and in-  
2 serting in lieu thereof “December 31, 1999”.

3 (c) ENLISTMENT BONUSES FOR MEMBERS WITH  
4 CRITICAL SKILLS.—Sections 308a(c) and 308f(c) of title  
5 37, United States Code, are each amended by striking out  
6 “September 30, 1999” and inserting in lieu thereof “De-  
7 cember 31, 1999”.

8 (d) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-  
9 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section  
10 312(e) of title 37, United States Code, is amended by  
11 striking out “September 30, 1999” and inserting in lieu  
12 thereof “December 31, 1999”.

13 (e) NUCLEAR CAREER ACCESSION BONUS.—Section  
14 312b(c) of title 37, United States Code, is amended by  
15 striking out “September 30, 1999” and inserting in lieu  
16 thereof “December 31, 1999”.

17 (f) NUCLEAR CAREER ANNUAL INCENTIVE  
18 BONUS.—Section 312c(d) of title 37, United States Code,  
19 is amended by striking out “October 1, 1999” and insert-  
20 ing in lieu thereof “October 1, 1998, and the 15-month  
21 period beginning on that date and ending on December  
22 31, 1999”.

1 **SEC. 614. ELIGIBILITY OF RESERVES FOR SELECTIVE RE-**  
2 **ENLISTMENT BONUS WHEN REENLISTING OR**  
3 **EXTENDING TO PERFORM ACTIVE GUARD**  
4 **AND RESERVE DUTY.**

5 Section 308(a)(1)(D) of title 37, United States Code,  
6 is amended by inserting after “a regular component of the  
7 service concerned” the following: “, or in a reserve compo-  
8 nent of the service concerned in the case of a member re-  
9 enlisting or extending to perform active Guard and Re-  
10 serve duty (as defined in section 101(d)(6) of title 10),”.

11 **SEC. 615. REPEAL OF TEN-PERCENT LIMITATION ON PAY-**  
12 **MENTS OF SELECTIVE REENLISTMENT BO-**  
13 **NUSES IN EXCESS OF \$20,000.**

14 Section 308(b) of title 37, United States Code, is  
15 amended—

16 (1) by striking out paragraph (2); and

17 (2) in paragraph (1), by striking out “(1)”.

18 **SEC. 616. INCREASE OF MAXIMUM AMOUNT AUTHORIZED**  
19 **FOR ARMY ENLISTMENT BONUS.**

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

1 **SEC. 617. EDUCATION LOAN REPAYMENT PROGRAM FOR**  
2 **HEALTH PROFESSIONS OFFICERS SERVING**  
3 **IN SELECTED RESERVE.**

4 (a) **ELIGIBLE PERSONS.**—Subsection (b)(2) of sec-  
5 tion 16302 of title 10, United States Code, is amended  
6 by inserting “, or is enrolled in a program of education  
7 leading to professional qualifications,” after “possesses  
8 professional qualifications”.

9 (b) **INCREASED BENEFITS.**—Subsection (c) of such  
10 section is amended—

11 (1) in paragraph (2), by striking out “\$3,000”  
12 and inserting in lieu thereof “\$20,000”; and

13 (2) in paragraph (3), by striking out “\$20,000”  
14 and inserting in lieu thereof “\$50,000”.

15 **SEC. 618. INCREASE IN AMOUNT OF BASIC EDUCATIONAL**  
16 **ASSISTANCE UNDER ALL-VOLUNTEER FORCE**  
17 **PROGRAM FOR PERSONNEL WITH CRITI-**  
18 **CALLY SHORT SKILLS OR SPECIALTIES.**

19 Section 3015(d) of title 38, United States Code, is  
20 amended by striking out “\$700” and inserting in lieu  
21 thereof “\$950”.

1 **SEC. 619. RELATIONSHIP OF ENTITLEMENTS TO ENLIST-**  
2 **MENT BONUSES AND BENEFITS UNDER THE**  
3 **ALL-VOLUNTEER FORCE EDUCATIONAL AS-**  
4 **SISTANCE PROGRAM.**

5 (a) ENTITLEMENTS NOT EXCLUSIVE.—(1) Sub-  
6 chapter II of chapter 30 of title 38, United States Code,  
7 is amended by adding at the end the following:

8 **“§ 3019A. Relationship to entitlement to certain en-**  
9 **listment bonuses**

10 “The entitlement of an individual to benefits under  
11 this chapter is not affected by receipt by that individual  
12 of an enlistment bonus under section 308a or 308f of title  
13 37.”.

14 (2) The table of sections at the beginning of such  
15 chapter is amended by inserting after the item relating  
16 to section 3019 the following:

“3019A. Relationship to entitlement to certain enlistment bonuses.”.

17 (b) REPEAL OF RELATED LIMITATION.—Section  
18 8013(a) of Public Law 105–56 (111 Stat. 1222) is  
19 amended—

20 (1) by striking out “of this Act—” and all that  
21 follows through “nor shall any amounts” and insert-  
22 ing in lieu thereof “of this Act enlists in the armed  
23 services for a period of active duty of less than three  
24 years, nor shall any amounts”; and

1           (2) in the first proviso, by striking out “in the  
2           case of a member covered by clause (1),”.

3 **SEC. 620. HARDSHIP DUTY PAY.**

4           (a) DUTY FOR WHICH PAY AUTHORIZED.—Sub-  
5 section (a) of section 305 of title 37, United States Code,  
6 is amended by striking out “on duty at a location” and  
7 all that follows and inserting in lieu thereof “performing  
8 duty in the United States or outside the United States  
9 that is designated by the Secretary of Defense as hardship  
10 duty.”.

11           (b) REPEAL OF EXCEPTION FOR MEMBERS RECEIV-  
12 ING CAREER SEA PAY.—Subsection (c) of such section is  
13 repealed.

14           (c) CONFORMING AMENDMENTS.—(1) Subsections  
15 (b) and (d) of such section are amended by striking out  
16 “hardship duty location pay” and inserting in lieu thereof  
17 “hardship duty pay”.

18           (2) Subsection (d) of such section is redesignated as  
19 subsection (e).

20           (3) The heading for such section is amended by strik-  
21 ing out “**location**”.

22           (4) Section 907(d) of title 37, United States Code,  
23 is amended by striking out “duty at a hardship duty loca-  
24 tion” and inserting in lieu thereof “hardship duty”.

1 (d) CLERICAL AMENDMENT.—The item relating to  
2 section 305 in the table of sections at the beginning of  
3 chapter 5 of such title is amended to read as follows:

“305. Special pay: hardship duty pay.”.

4 **SEC. 620A. INCREASED HAZARDOUS DUTY PAY FOR AERIAL**  
5 **FLIGHT CREWMEMBERS IN PAY GRADES**  
6 **E-4 TO E-9.**

7 (a) RATES.—The table in section 301(b) of title 37,  
8 United States Code, is amended by striking out the items  
9 relating to pay grades E-4, E-5, E-6, E-7, E-8, and E-  
10 9, and inserting in lieu thereof the following:

“E-9.....	240
E-8.....	240
E-7.....	240
E-6.....	215
E-5.....	190
E-4.....	165”.

11 (b) EFFECTIVE DATE.—This section and the amend-  
12 ment made by this section shall take effect on October  
13 1, 1998, and shall apply with respect to months beginning  
14 on or after that date.

15 **SEC. 620B. DIVING DUTY SPECIAL PAY FOR DIVERS HAVING**  
16 **DIVING DUTY AS A NONPRIMARY DUTY.**

17 (a) ELIGIBILITY FOR MAINTAINING PROFICIENCY.—  
18 Section 304(a)(3) of title 37, United States Code, is  
19 amended to read as follows:

20 “(3) either—



1           “(A) actually performs diving duty while  
2           serving in an assignment for which diving is a  
3           primary duty; or

4           “(B) meets the requirements to maintain  
5           proficiency as described in paragraph (2) while  
6           serving in an assignment that includes diving  
7           duty other than as a primary duty.”.

8           (b) **EFFECTIVE DATE.**—The amendment made by  
9           subsection (a) shall take effect on October 1, 1998, and  
10          shall apply with respect to months beginning on or after  
11          that date.

12          **SEC. 620C. RETENTION INCENTIVES INITIATIVE FOR CRITI-**  
13                           **CALLY SHORT MILITARY OCCUPATIONAL**  
14                           **SPECIALTIES.**

15          (a) **REQUIREMENT FOR NEW INCENTIVES.**—The  
16          Secretary of Defense shall establish and provide for mem-  
17          bers of the Armed Forces qualified in critically short mili-  
18          tary occupational specialties a series of new incentives that  
19          the Secretary considers potentially effective for increasing  
20          the rates at which those members are retained in the  
21          Armed Forces for service in such specialties.

22          (b) **CRITICALLY SHORT MILITARY OCCUPATIONAL**  
23          **SPECIALTIES.**—For the purposes of this section, a mili-  
24          tary occupational specialty is a critically short military oc-  
25          cupational specialty for an armed force if the number of

1 members retained in that armed force in fiscal year 1998  
2 for service in that specialty is less than 50 percent of the  
3 number of members of that armed force that were pro-  
4 jected to be retained in that armed force for service in  
5 the specialty by the Secretary of the military department  
6 concerned as of October 1, 1997.

7 (c) INCENTIVES.—It is the sense of Congress that,  
8 among the new incentives established and provided under  
9 this section, the Secretary of Defense should include the  
10 following incentives:

11 (1) Family support and leave allowances.

12 (2) Increased special reenlistment or retention  
13 bonuses.

14 (3) Repayment of educational loans.

15 (4) Priority of selection for assignment to pre-  
16 ferred permanent duty station or for extension at  
17 permanent duty station.

18 (5) Modified leave policies.

19 (6) Special consideration for Government hous-  
20 ing or additional housing allowances.

21 (d) RELATIONSHIP TO OTHER INCENTIVES.—Incen-  
22 tives provided under this section are in addition to any  
23 special pay or other benefit that is authorized under any  
24 other provision of law.

1 (e) REPORTS.—(1) Not later than December 1, 1998,  
 2 the Secretary of Defense shall submit to the congressional  
 3 defense committees a report that identifies, for each of  
 4 the Armed Forces, the critically short military occupa-  
 5 tional specialties to which incentives under this section are  
 6 to apply.

7 (2) Not later than April 15, 1999, the Secretary of  
 8 Defense shall submit to the congressional defense commit-  
 9 tees a report that specifies, for each of the Armed Forces,  
 10 the incentives that are to be provided under this section.

## 11 **Subtitle C—Travel and** 12 **Transportation Allowances**

### 13 **SEC. 621. TRAVEL AND TRANSPORTATION FOR REST AND** 14 **RECUPERATION IN CONNECTION WITH CON-** 15 **TINGENCY OPERATIONS AND OTHER DUTY.**

16 Section 411c of title 37, United States Code, is  
 17 amended—

18 (1) in subsection (a)—

19 (A) by redesignating paragraphs (1) and  
 20 (2) as subparagraphs (A) and (B); and

21 (B) by inserting “IN GENERAL.—(1)”  
 22 after “(a)”;

23 (2) in subsection (b), by striking out “(b) The  
 24 transportation authorized by this section” and in-

1       serting in lieu thereof “(2) The transportation au-  
2       thorized by paragraph (1)”; and

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

4       “(b) CONTINGENCY OPERATIONS AND OTHER SPE-  
5       CIAL SITUATIONS.—(1) Under uniform regulations pre-  
6       scribed by the Secretaries concerned, a member of the  
7       armed forces serving a tour of duty at a duty station, and  
8       under conditions, described in paragraph (2) may be paid  
9       for or provided transportation to a location described in  
10      subsection (a)(1) as part of a program of rest and recuper-  
11      ation specifically authorized for members of the armed  
12      forces serving under those conditions at that duty station  
13      by the Secretary concerned in advance of the commence-  
14      ment of the member’s travel.

15      “(2) Paragraph (1) applies to a member of the armed  
16      forces serving at a duty station outside the United States  
17      if—

18               “(A) the member is participating in a contin-  
19      gency operation at or from that duty station; or

20               “(B) the payment for or provision of transpor-  
21      tation would be in the best interests of members of  
22      the armed forces and the United States because of  
23      unusual conditions at the duty station, as deter-  
24      mined by the Secretary concerned.

1       “(3) Transportation may not be paid for or provided  
2 to a member under this subsection for travel that begins—

3               “(A) more than 24 months after the commence-  
4 ment of the tour of duty for which the transpor-  
5 tation is authorized; or

6               “(B) after the tour of duty ends.

7       “(4) The transportation authorized by this subsection  
8 is limited to one round-trip during any tour of at least  
9 6, but less than 24, consecutive months.

10       “(5) Transportation paid for or provided to a member  
11 under this subsection may not be counted as transpor-  
12 tation for which the member is eligible under subsection  
13 (a).”.

14 **SEC. 622. PAYMENT FOR TEMPORARY STORAGE OF BAG-**  
15 **GAGE OF DEPENDENT STUDENT NOT TAKEN**  
16 **ON ANNUAL TRIP TO OVERSEAS DUTY STA-**  
17 **TION OF SPONSOR.**

18       Section 430(b) of title 37, United States Code, is  
19 amended by striking out the second sentence and inserting  
20 in lieu thereof the following: “The allowance authorized  
21 by this section may be prescribed by the Secretaries con-  
22 cerned as transportation in kind or reimbursement there-  
23 for, including an amount for the temporary storage of any  
24 baggage not taken with the child on the annual trip if de-  
25 termined advantageous to the Government.”.

1 **SEC. 623. COMMERCIAL TRAVEL OF RESERVES AT FED-**  
2 **ERAL SUPPLY SCHEDULE RATES FOR AT-**  
3 **TENDANCE AT INACTIVE DUTY TRAINING AS-**  
4 **SEMBLIES.**

5 (a) **AUTHORITY.**—Chapter 1217 of title 10, United  
6 States Code is amended by adding at the end the follow-  
7 ing:

8 **“§ 12603. Commercial travel at Federal supply sched-**  
9 **ule rates for attendance at inactive duty**  
10 **training assemblies**

11 “(a) **FEDERAL SUPPLY SCHEDULE TRAVEL.**—Com-  
12 mercial travel under Federal supply schedules is author-  
13 ized for the travel of a Reserve to the location of inactive  
14 duty training to be performed by the Reserve or from that  
15 location upon completion of the training.

16 “(b) **REGULATIONS.**—The Secretary of Defense shall  
17 prescribe in regulations the requirements, conditions, and  
18 restrictions for travel under the authority of subsection (a)  
19 that the Secretary considers appropriate. The regulations  
20 shall include policies and procedures for preventing abuses  
21 of the travel authority.

22 “(c) **REIMBURSEMENT NOT AUTHORIZED.**—A Re-  
23 serve is not entitled to Government reimbursement for the  
24 cost of travel authorized under subsection (a).

25 “(d) **TREATMENT OF TRANSPORTATION AS USE BY**  
26 **MILITARY DEPARTMENTS.**—For the purposes of section

1 201(a) of the Federal Property and Administrative Serv-  
 2 ices Act of 1949 (40 U.S.C. 481(a)), travel authorized  
 3 under subsection (a) shall be treated as transportation for  
 4 the use of a military department.”.

5 (b) CLERICAL AMENDMENT.—The table of sections  
 6 at the beginning of such chapter is amended by adding  
 7 at the end the following:

“12603. Commercial travel at Federal supply schedule rates for attendance at  
 inactive duty training assemblies.”.

8 **Subtitle D—Retired Pay, Survivor**  
 9 **Benefits, and Related Matters**

10 **SEC. 631. PAID-UP COVERAGE UNDER SURVIVOR BENEFIT**  
 11 **PLAN.**

12 (a) PAID UP AT 30 YEARS OF SERVICE AND AGE  
 13 70.—Section 1452 of title 10, United States Code, is  
 14 amended by adding at the end the following new sub-  
 15 section:

16 “(j) COVERAGE PAID UP AT 30 YEARS AND ATTAIN-  
 17 MENT OF AGE 70.—(1) Coverage of a survivor of a mem-  
 18 ber under the Plan shall be considered paid up as of the  
 19 end of the later of—

20 “(A) the 360th month in which the member’s  
 21 retired pay has been reduced under this section; or

22 “(B) the month in which the member attains  
 23 70 years of age.

1       “(2) The retired pay of a member shall not be re-  
 2       duced under this section to provide coverage of a survivor  
 3       under the Plan after the month when the coverage is con-  
 4       sidered paid up under paragraph (1).”.

5       (b) EFFECTIVE DATE.—Section 1452(j) of title 10,  
 6       United States Code (as added by subsection (a)), shall  
 7       take effect on October 1, 2003.

8       **SEC. 632. COURT-REQUIRED SURVIVOR BENEFIT PLAN**  
 9                               **COVERAGE EFFECTUATED THROUGH ELEC-**  
 10                              **TIONS AND DEEMED ELECTIONS.**

11       (a) ELIMINATION OF DISPARITY IN EFFECTIVE  
 12       DATE PROVISIONS.—Section 1448(b)(3) of title 10,  
 13       United States Code, is amended—

14               (1) in subparagraph (C)—

15                       (A) by striking out the second sentence;

16                       and

17                       (B) by striking out “EFFECTIVE DATE,” in  
 18                       the heading; and

19               (2) by adding at the end the following:

20                       “(E) EFFECTIVE DATE.—An election  
 21                       under this paragraph—

22                               “(i) in the case of a person required  
 23                               (as described in section 1450(f)(3)(B) of  
 24                               this title) to make the election, is effective  
 25                               as of the first day of the first month which



1 begins after the date of the court order or  
2 filing that requires the election; and

3 “(ii) in all other cases, is effective as  
4 of the first day of the first calendar month  
5 following the month in which the election  
6 is received by the Secretary concerned.”.

7 (b) CONFORMITY BY CROSS REFERENCE.—Section  
8 1450(f)(3)(D) of such title is amended by striking out  
9 “the first day of the first month which begins after the  
10 date of the court order or filing involved” and inserting  
11 in lieu thereof “the day referred to in section  
12 1448(b)(3)(E)(i) of this title”.

13 **SEC. 633. RECOVERY, CARE, AND DISPOSITION OF RE-**  
14 **MAINS OF MEDICALLY RETIRED MEMBER**  
15 **WHO DIES DURING HOSPITALIZATION THAT**  
16 **BEGINS WHILE ON ACTIVE DUTY.**

17 (a) IN GENERAL.—Section 1481(a)(7) of title 10,  
18 United States Code, is amended to read as follows:

19 “(7) A person who—

20 “(A) dies as a retired member of an armed  
21 force under the Secretary’s jurisdiction during  
22 a continuous hospitalization of the member as  
23 a patient in a United States hospital that began  
24 while the member was on active duty for a pe-  
25 riod of more than 30 days; or



1 open enrollment period to participate in the Supple-  
2 mental Survivor Benefit Plan.

3 (3) ELIGIBLE RETIRED OR FORMER MEMBER.—

4 For purposes of paragraphs (1) and (2), an eligible  
5 retired or former member is a member or former  
6 member of the uniformed services who on the day  
7 before the first day of the open enrollment period is  
8 not a participant in the Survivor Benefit Plan and—

9 (A) is entitled to retired pay; or

10 (B) would be entitled to retired pay under  
11 chapter 1223 of title 10, United States Code  
12 (or chapter 67 of such title as in effect before  
13 October 5, 1994), but for the fact that such  
14 member or former member is under 60 years of  
15 age.

16 (4) STATUS UNDER SBP OF PERSONS MAKING  
17 ELECTIONS.—

18 (A) STANDARD ANNUITY.—A person mak-  
19 ing an election under paragraph (1) by reason  
20 of eligibility under paragraph (3)(A) shall be  
21 treated for all purposes as providing a standard  
22 annuity under the Survivor Benefit Plan.

23 (B) RESERVE-COMPONENT ANNUITY.—A  
24 person making an election under paragraph (1)  
25 by reason of eligibility under paragraph (3)(B)

1           shall be treated for all purposes as providing a  
2           reserve-component annuity under the Survivor  
3           Benefit Plan.

4           (b) MANNER OF MAKING ELECTIONS.—

5           (1) IN GENERAL.—An election under this sec-  
6           tion must be made in writing, signed by the person  
7           making the election, and received by the Secretary  
8           concerned before the end of the open enrollment pe-  
9           riod. Except as provided in paragraph (2), any such  
10          election shall be made subject to the same condi-  
11          tions, and with the same opportunities for designa-  
12          tion of beneficiaries and specification of base  
13          amount, that apply under the Survivor Benefit Plan  
14          or the Supplemental Survivor Benefit Plan, as the  
15          case may be. A person making an election under  
16          subsection (a) to provide a reserve-component annu-  
17          ity shall make a designation described in section  
18          1448(e) of title 10, United States Code.

19          (2) ELECTION MUST BE VOLUNTARY.—An elec-  
20          tion under this section is not effective unless the  
21          person making the election declares the election to  
22          be voluntary. An election to participate in the Sur-  
23          vivor Benefit Plan under this section may not be re-  
24          quired by any court. An election to participate or  
25          not to participate in the Survivor Benefit Plan is not

1 subject to the concurrence of a spouse or former  
2 spouse of the person.

3 (c) EFFECTIVE DATE FOR ELECTIONS.—Any such  
4 election shall be effective as of the first day of the first  
5 calendar month following the month in which the election  
6 is received by the Secretary concerned.

7 (d) OPEN ENROLLMENT PERIOD DEFINED.—The  
8 open enrollment period is the one-year period beginning  
9 on March 1, 1999.

10 (e) EFFECT OF DEATH OF PERSON MAKING ELEC-  
11 TION WITHIN TWO YEARS OF MAKING ELECTION.—If a  
12 person making an election under this section dies before  
13 the end of the two-year period beginning on the effective  
14 date of the election, the election is void and the amount  
15 of any reduction in retired pay of the person that is attrib-  
16 utable to the election shall be paid in a lump sum to the  
17 person who would have been the deceased person's bene-  
18 ficiary under the voided election if the deceased person  
19 had died after the end of such two-year period.

20 (f) APPLICABILITY OF CERTAIN PROVISIONS OF  
21 LAW.—The provisions of sections 1449, 1453, and 1454  
22 of title 10, United States Code, are applicable to a person  
23 making an election, and to an election, under this section  
24 in the same manner as if the election were made under

1 the Survivor Benefit Plan or the Supplemental Survivor  
2 Benefit Plan, as the case may be.

3 (g) PREMIUMS FOR OPEN ENROLLMENT ELEC-  
4 TION.—

5 (1) PREMIUMS TO BE CHARGED.—The Sec-  
6 retary of Defense shall prescribe in regulations pre-  
7 miums which a person electing under this section  
8 shall be required to pay for participating in the Sur-  
9 vivor Benefit Plan pursuant to the election. The  
10 total amount of the premiums to be paid by a person  
11 under the regulations shall be equal to the sum of—

12 (A) the total amount by which the retired  
13 pay of the person would have been reduced be-  
14 fore the effective date of the election if the per-  
15 son had elected to participate in the Survivor  
16 Benefit Plan (for the same base amount speci-  
17 fied in the election) at the first opportunity that  
18 was afforded the member to participate under  
19 chapter 73 of title 10, United States Code;

20 (B) interest on the amounts by which the  
21 retired pay of the person would have been so re-  
22 duced, computed from the dates on which the  
23 retired pay would have been so reduced at such  
24 rate or rates and according to such methodol-

1           ogy as the Secretary of Defense determines rea-  
2           sonable; and

3           (C) any additional amount that the Sec-  
4           retary determines necessary to protect the actu-  
5           arial soundness of the Department of Defense  
6           Military Retirement Fund against any increased  
7           risk for the fund that is associated with the  
8           election.

9           (2) PREMIUMS TO BE CREDITED TO RETIRE-  
10          MENT FUND.—Premiums paid under the regulations  
11          shall be credited to the Department of Defense Mili-  
12          tary Retirement Fund.

13          (h) DEFINITIONS.—In this section:

14           (1) The term “Survivor Benefit Plan” means  
15           the program established under subchapter II of  
16           chapter 73 of title 10, United States Code.

17           (2) The term “Supplemental Survivor Benefit  
18           Plan” means the program established under sub-  
19           chapter III of chapter 73 of title 10, United States  
20           Code.

21           (3) The term “retired pay” includes retainer  
22           pay paid under section 6330 of title 10, United  
23           States Code.

1           (4) The terms “uniformed services” and “Sec-  
2           retary concerned” have the meanings given those  
3           terms in section 101 of title 37, United States Code.

4           (5) The term “Department of Defense Military  
5           Retirement Fund” means the Department of De-  
6           fense Military Retirement Fund established under  
7           section 1461(a) of title 10, United States Code.

8   **SEC. 635. ELIGIBILITY FOR PAYMENTS OF CERTAIN SUR-**  
9                           **VIVORS OF CAPTURED AND INTERNED VIET-**  
10                          **NAMESE OPERATIVES WHO WERE UNMAR-**  
11                          **RIED AND CHILDLESS AT DEATH.**

12           Section 657(b) of the National Defense Authorization  
13   Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat.  
14   2585) is amended by adding at the end the following:

15           “(3) In the case of a decedent who had not  
16           been married at the time of death—

17                       “(A) to the surviving parents; or

18                       “(B) if there are no surviving parents, to  
19           the surviving siblings by blood of the decedent,  
20           in equal shares.”.

21   **SEC. 636. CLARIFICATION OF RECIPIENT OF PAYMENTS TO**  
22                           **PERSONS CAPTURED OR INTERNED BY**  
23                          **NORTH VIETNAM.**

24           Section 657(f)(1) of the National Defense Authoriza-  
25   tion Act for Fiscal Year 1997 (Public Law 104–201; 110



1 Stat. 2585) is amended by striking out “The actual dis-  
2 bursement” and inserting in lieu thereof “Notwithstand-  
3 ing any agreement (including a power of attorney) to the  
4 contrary, the actual disbursement”.

5 **SEC. 637. PRESENTATION OF UNITED STATES FLAG TO**  
6 **MEMBERS OF THE ARMED FORCES.**

7 (a) ARMY.—(1) Chapter 353 of title 10, United  
8 States Code, is amended by inserting after the table of  
9 sections the following:

10 **“§ 3681. Presentation of flag upon retirement at end**  
11 **of active duty service**

12 “(a) REQUIREMENT.—The Secretary of the Army  
13 shall present a United States flag to a member of any  
14 component of the Army upon the release of the member  
15 from active duty for retirement.

16 “(b) MULTIPLE PRESENTATIONS NOT AUTHOR-  
17 IZED.—A member is not eligible for a presentation of a  
18 flag under subsection (a) if the member has previously  
19 been presented a flag under this section or section 6141  
20 or 8681 of this title.

21 “(c) NO COST TO RECIPIENT.—The presentation of  
22 a flag under his section shall be at no cost to the recipi-  
23 ent.”.

1           (2) The table of sections at the beginning of such  
2 chapter is amended by inserting before the item relating  
3 to section 3684 the following:

“3681. Presentation of flag upon retirement at end of active duty service.”.

4           (b) NAVY AND MARINE CORPS.—(1) Chapter 561 of  
5 title 10, United States Code, is amended by inserting after  
6 the table of sections the following:

7           **“§ 6141. Presentation of flag upon retirement at end**  
8                               **of active duty service**

9           “(a) REQUIREMENT.—The Secretary of the Navy  
10 shall present a United States flag to a member of any  
11 component of the Navy or Marine Corps upon the release  
12 of the member from active duty for retirement or for  
13 transfer to the Fleet Reserve or the Fleet Marine Corps  
14 Reserve.

15           “(b) MULTIPLE PRESENTATIONS NOT AUTHOR-  
16 IZED.—A member is not eligible for a presentation of a  
17 flag under subsection (a) if the member has previously  
18 been presented a flag under this section or section 3681  
19 or 8681 of this title.

20           “(c) NO COST TO RECIPIENT.—The presentation of  
21 a flag under his section shall be at no cost to the recipi-  
22 ent.”.

1           (2) The table of sections at the beginning of such  
2 chapter is amended by inserting before the item relating  
3 to section 6151 the following:

“6141. Presentation of flag upon retirement at end of active duty service.”.

4           (c) AIR FORCE.—(1) Chapter 853 of title 10, United  
5 States Code, is amended by inserting after the table of  
6 sections the following:

7           **“§ 8681. Presentation of flag upon retirement at end**  
8   **of active duty service**

9           “(a) REQUIREMENT.—The Secretary of the Air Force  
10 shall present a United States flag to a member of any  
11 component of the Air Force upon the release of the mem-  
12 ber from active duty for retirement.

13           “(b) MULTIPLE PRESENTATIONS NOT AUTHOR-  
14 IZED.—A member is not eligible for a presentation of a  
15 flag under subsection (a) if the member has previously  
16 been presented a flag under this section or section 3681  
17 or 6141 of this title.

18           “(c) NO COST TO RECIPIENT.—The presentation of a  
19 flag under his section shall be at no cost to the recipient.”.

20           (2) The table of sections at the beginning of such  
21 chapter is amended by inserting before the item relating  
22 to section 8684 the following:

“8681. Presentation of flag upon retirement at end of active duty service.”.

23           (d) REQUIREMENT FOR ADVANCE APPROPRIA-  
24 TIONS.—The Secretary of a military department may

1 present flags under authority provided the Secretary in  
2 section 3681, 6141, or 8681 title 10, United States Code  
3 (as added by this section), only to the extent that funds  
4 for such presentations are appropriated for that purpose  
5 in advance.

6 (e) EFFECTIVE DATE.—Sections 3681, 6141, and  
7 8681 of title 10, United States Code (as added by this  
8 section shall take effect on October 1, 1998, and shall  
9 apply with respect to releases described in those sections  
10 on or after that date.

11 **SEC. 638. ELIMINATION OF BACKLOG OF UNPAID RETIRED**  
12 **PAY.**

13 (a) REQUIREMENT.—The Secretary of the Army shall  
14 take such actions as are necessary to eliminate, by Decem-  
15 ber 31, 1998, the backlog of unpaid retired pay for mem-  
16 bers and former members of the Army (including members  
17 and former members of the Army Reserve and the Army  
18 National Guard).

19 (b) REPORT.—Not later than 30 days after the date  
20 of the enactment of this Act, the Secretary of the Army  
21 shall submit to Congress a report on the backlog of unpaid  
22 retired pay. The report shall include the following:

- 23 (1) The actions taken under subsection (a).  
24 (2) The extent of the remaining backlog.

1           (3) A discussion of any additional actions that  
2           are necessary to ensure that retired pay is paid in  
3           a timely manner.

4           (c) FUNDING.—Of the amount authorized to be ap-  
5           propriated under section 421, \$1,700,000 shall be avail-  
6           able for carrying out this section.

## 7                           **Subtitle E—Other Matters**

### 8   **SEC. 641. DEFINITION OF POSSESSIONS OF THE UNITED** 9                           **STATES FOR PAY AND ALLOWANCES PUR-** 10                          **POSES.**

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

### 13   **SEC. 642. FEDERAL EMPLOYEES’ COMPENSATION COV-** 14                          **ERAGE FOR STUDENTS PARTICIPATING IN** 15                          **CERTAIN OFFICER CANDIDATE PROGRAMS.**

16           (a) PERIODS OF COVERAGE.—Subsection (a)(2) of  
17           section 8140 of title 5, United States Code, is amended  
18           to read as follows:

19                       “(2) during the period of the member’s attend-  
20           ance at training or a practice cruise under chapter  
21           103 of title 10, beginning when the authorized travel  
22           to the training or practice cruise begins and ending  
23           when authorized travel from the training or practice  
24           cruise ends.”.

1 (b) LINE OF DUTY.—Subsection (b) of such section  
2 is amended to read as follows:

3 “(b) For the purpose of this section, an injury, dis-  
4 ability, death, or illness of a member referred to in sub-  
5 section (a) may be considered as incurred or contracted  
6 in line of duty only if the injury, disability, or death is  
7 incurred, or the illness is contracted, by the member dur-  
8 ing a period described in that subsection. Subject to review  
9 by the Secretary of Labor, the Secretary of the military  
10 department concerned (under regulations prescribed by  
11 that Secretary), shall determine whether an injury, dis-  
12 ability, or death was incurred, or an illness was con-  
13 tracted, by a member in line of duty.”.

14 (c) CLARIFICATION OF CASUALTIES COVERED.—  
15 Subsection (a) of such section, as amended by subsection  
16 (a) of this section, is further amended by inserting “, or  
17 an illness contracted,” after “death incurred” in the mat-  
18 ter preceding paragraph (1).

19 (d) EFFECTIVE DATE AND APPLICABILITY.—The  
20 amendments made by subsections (a) and (b) shall take  
21 effect on the date of the enactment of this Act and apply  
22 with respect to injuries, illnesses, disabilities, and deaths  
23 incurred or contracted on or after that date.

1 **SEC. 643. AUTHORITY TO PROVIDE FINANCIAL ASSIST-**  
2 **ANCE FOR EDUCATION OF CERTAIN DEFENSE**  
3 **DEPENDENTS OVERSEAS.**

4 Section 1407(b) of the Defense Dependents' Edu-  
5 cation Act of 1978 (20 U.S.C. 926(b)) is amended—

6 (1) by striking out “(b) Under such cir-  
7 cumstances as he may by regulation prescribe, the  
8 Secretary of Defense” and inserting in lieu thereof  
9 “(b) TUITION AND ASSISTANCE WHEN SCHOOLS  
10 UNAVAILABLE.—(1) Under such circumstances as  
11 the Secretary of Defense may prescribe in regula-  
12 tions, the Secretary”; and

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

14 “(2)(A) The Secretary of Defense, and the Secretary  
15 of Transportation with respect to the Coast Guard when  
16 it is not operating as a service of the Navy, may provide  
17 financial assistance to sponsors of dependents in overseas  
18 areas where schools operated by the Secretary of Defense  
19 under subsection (a) are not reasonably available in order  
20 to assist the sponsors to defray the costs incurred by the  
21 sponsors for the attendance of the dependents at schools  
22 in such areas other than schools operated by the Secretary  
23 of Defense.

24 “(B) The Secretary of Defense and the Secretary of  
25 Transportation shall each prescribe regulations relating to  
26 the availability of financial assistance under subparagraph

1 (A). Such regulations shall, to the maximum extent prac-  
2 ticable, be consistent with Department of State regula-  
3 tions relating to the availability of financial assistance for  
4 the education of dependents of Department of State per-  
5 sonnel overseas.”.

6 **SEC. 644. VOTING RIGHTS OF MILITARY PERSONNEL.**

7 (a) GUARANTEE OF RESIDENCY.—Article VII of the  
8 Soldiers’ and Sailors’ Civil Relief Act of 1940 (50 U.S.C.  
9 App. 590 et seq.) is amended by adding at the end the  
10 following:

11 “SEC. 704. (a) For purposes of voting for an office  
12 of the United States or of a State, a person who is absent  
13 from a State in compliance with military or naval orders  
14 shall not, solely by reason of that absence—

15 “(1) be deemed to have lost a residence or  
16 domicile in that State;

17 “(2) be deemed to have acquired a residence or  
18 domicile in any other State; or

19 “(3) be deemed to have become resident in or  
20 a resident of any other State.

21 “(b) In this section, the term ‘State’ includes a terri-  
22 tory or possession of the United States, a political subdivi-  
23 sion of a State, territory, or possession, and the District  
24 of Columbia.”.



1 (b) STATE RESPONSIBILITY TO GUARANTEE MILI-  
2 TARY VOTING RIGHTS.—(1) Section 102 of the Uniformed  
3 and Overseas Citizens Absentee Voting Act (42 U.S.C.  
4 1973ff-1) is amended—

5 (A) by inserting “(a) ELECTIONS FOR FED-  
6 ERAL OFFICES.—” before “Each State shall—”;  
7 and

8 (B) 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 (2) The heading of title I of such Act is amended  
22 by striking out **“FOR FEDERAL OFFICE”**.

1           **TITLE VII—HEALTH CARE**

2   **SEC. 701. DEPENDENTS' DENTAL PROGRAM.**

3           (a) INFLATION-INDEXED PREMIUM.—(1) Section  
4 1076a(b)(2) of title 10, United States Code, is amended—

5                   (A) by inserting “(A)” after “(2)”; and

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

7           “(B) Effective as of January 1 of each year, the  
8 amount of the premium required under subparagraph (A)  
9 shall be increased by the percent equal to the lesser of—

10                   “(i) the percent by which the rates of basic pay  
11 of members of the uniformed services are increased  
12 on such date; or

13                   “(ii) the sum of one-half percent and the per-  
14 cent computed under section 5303(a) of title 5 for  
15 the increase in rates of basic pay for statutory pay  
16 systems for pay periods beginning on or after such  
17 date.”.

18           (2) The amendment made by subparagraph (B) of  
19 paragraph (1) shall take effect on January 1, 1999, and  
20 shall apply to months after 1998 as if such subparagraph  
21 had been in effect since December 31, 1993.

22           (b) OFFER OF PLAN UNDER TRICARE.—(1) Sec-  
23 tion 1097 of such title is amended by adding at the end  
24 the following:

1       “(f) DEPENDENTS’ DENTAL PLAN.—A basic dental  
2 benefits plan established for eligible dependents under sec-  
3 tion 1076a of this title may be offered under the  
4 TRICARE program.”.

5       (2) Subsection (e) of such section is amended by add-  
6 ing at the end the following: “Charges for a basic dental  
7 benefits plan offered under the TRICARE program pursu-  
8 ant to subsection (f) shall be those provided for under sec-  
9 tion 1076a of this title.”.

10 **SEC. 702. EXTENSION OF AUTHORITY FOR USE OF PER-**  
11 **SONAL SERVICES CONTRACTS FOR PROVI-**  
12 **SION OF HEALTH CARE AT MILITARY EN-**  
13 **TRANCE PROCESSING STATIONS AND ELSE-**  
14 **WHERE OUTSIDE MEDICAL TREATMENT FA-**  
15 **CILITIES.**

16       Section 1091(a)(2) of title 10, United States Code,  
17 is amended in the second sentence by striking out “the  
18 end of the one-year period beginning on the date of the  
19 enactment of this paragraph” and inserting in lieu thereof  
20 “June 30, 1999”.

21 **SEC. 703. TRICARE PRIME AUTOMATIC ENROLLMENTS**  
22 **AND RETIREE PAYMENT OPTIONS.**

23       (a) PROCEDURES.—(1) Chapter 55 of title 10,  
24 United States Code, is amended by inserting after section  
25 1097 the following new section:

1 **“§ 1097a. TRICARE Prime: automatic enrollments;**  
2 **payment options**

3 “(a) AUTOMATIC ENROLLMENT OF CERTAIN DE-  
4 PENDENTS.—Each dependent of a member of the uni-  
5 formed services in grade E4 or below who is entitled to  
6 medical and dental care under section 1076(a)(2)(A) of  
7 this title and resides in the catchment area of a facility  
8 of a uniformed service offering TRICARE Prime shall be  
9 automatically enrolled in TRICARE Prime at the facility.  
10 The Secretary concerned shall provide written notice of  
11 the enrollment to the member. The enrollment of a de-  
12 pendent of the member may be terminated by the member  
13 or the dependent at any time.

14 “(b) AUTOMATIC RENEWAL OF ENROLLMENTS OF  
15 COVERED BENEFICIARIES.—(1) An enrollment of a cov-  
16 ered beneficiary in TRICARE Prime shall be automati-  
17 cally renewed upon the expiration of the enrollment unless  
18 the renewal is declined.

19 “(2) Not later than 15 days before the expiration  
20 date for an enrollment of a covered beneficiary in  
21 TRICARE Prime, the Secretary concerned shall—

22 “(A) transmit a written notification of the  
23 pending expiration and renewal of enrollment to the  
24 covered beneficiary or, in the case of a dependent of  
25 a member of the uniformed services, to the member;  
26 and

1           “(B) afford the beneficiary or member, as the  
2           case may be, an opportunity to decline the renewal  
3           of enrollment.

4           “(c) PAYMENT OPTIONS FOR RETIREES.—A member  
5           or former member of the uniformed services eligible for  
6           medical care and dental care under section 1074(b) of this  
7           title may elect to have any fee payable by the member or  
8           former member for an enrollment in TRICARE Prime  
9           withheld from the member’s retired pay, retainer pay, or  
10          equivalent pay, as the case may be, or to be paid from  
11          a financial institution through electronic transfers of  
12          funds. The fee shall be paid in accordance with the elec-  
13          tion.

14          “(d) REGULATIONS.—The administering Secretaries  
15          shall prescribe regulations, including procedures, for car-  
16          rying out this section.

17          “(e) DEFINITIONS.—In this section:

18                 “(1) The term ‘TRICARE Prime’ means the  
19                 managed care option of the TRICARE program.

20                 “(2) The term ‘catchment area’, with respect to  
21                 a facility of a uniformed service, means the service  
22                 area of the facility, as designated under regulations  
23                 prescribed by the administering Secretaries.”.

1           (2) The table of sections at the beginning of such  
2 chapter is amended by inserting after the item relating  
3 to section 1097 the following new item:

1097a. TRICARE Prime: automatic enrollments; payment options.”.

4           (b) DEADLINE FOR IMPLEMENTATION.—The regula-  
5 tions required under subsection (d) of section 1097a of  
6 title 10, United States Code (as added by subsection (a)),  
7 shall be prescribed to take effect not later than January  
8 1, 1999. The section shall be applied under TRICARE  
9 Prime on and after the date on which the regulations take  
10 effect.

11 **SEC. 704. LIMITED CONTINUED CHAMPUS COVERAGE FOR**  
12 **PERSONS UNAWARE OF A LOSS OF CHAMPUS**  
13 **COVERAGE RESULTING FROM ELIGIBILITY**  
14 **FOR MEDICARE.**

15           (a) CONTINUATION OF ELIGIBILITY.—The eligibility  
16 of a person described in subsection (b) for care under  
17 CHAMPUS may be continued under regulations pre-  
18 scribed by the administering Secretaries if it is determined  
19 under the regulations that the continuation of the eligi-  
20 bility is appropriate in order to ensure that the person  
21 has adequate access to health care.

22           (b) ELIGIBLE PERSONS.—Subsection (a) applies to  
23 a person who—

24               (1) has been eligible for health care under  
25 CHAMPUS;

1           (2) loses eligibility for health care under  
2 CHAMPUS solely by reason of paragraph (1) of sec-  
3 tion 1086(d), United States Code;

4           (3) is unaware of the loss of eligibility; and

5           (4) satisfies the conditions set forth in subpara-  
6 graphs (A) and (B) of paragraph (2) of such section  
7 1086(d) at the time health care is provided under  
8 CHAMPUS pursuant to a continuation of eligibility  
9 in accordance with this section.

10       (c) PERIOD OF CONTINUED ELIGIBILITY.—A con-  
11 tinuation of eligibility under this section shall apply with  
12 regard to health care provided on or after October 1,  
13 1998, and before July 1, 1999.

14       (d) DEFINITIONS.—In this section:

15           (1) The term “administering Secretaries” has  
16 the meaning given such term in paragraph (3) of  
17 section 1072 of title 10, United States Code.

18           (2) The term “CHAMPUS” means the Civilian  
19 Health and Medical Program of the Uniformed  
20 Services, as defined in paragraph (4) of such sec-  
21 tion.

22 **SEC. 705. ENHANCED DEPARTMENT OF DEFENSE ORGAN**  
23 **AND TISSUE DONOR PROGRAM.**

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

1           (1) Organ and tissue transplantation is one of  
2           the most remarkable medical success stories in the  
3           history of medicine.

4           (2) Each year, the number of people waiting for  
5           organ or tissue transplantation increases. It is esti-  
6           mated that there are approximately 39,000 patients,  
7           ranging in age from babies to those in retirement,  
8           awaiting transplants of kidneys, hearts, livers, and  
9           other solid organs.

10          (3) The Department of Defense has made sig-  
11          nificant progress in increasing the awareness of the  
12          importance of organ and tissue donations among  
13          members of the Armed Forces.

14          (4) The inclusion of organ and tissue donor  
15          elections in the Defense Enrollment Eligibility Re-  
16          porting System (DEERS) central database through  
17          the Real-time Automated Personnel Identification  
18          System (RAPIDS) represents a major step in ensur-  
19          ing that organ and tissue donor elections are a mat-  
20          ter of record and are accessible in a timely manner.

21          (b) RESPONSIBILITIES OF THE SECRETARY OF DE-  
22          FENSE.—The Secretary of Defense shall ensure that the  
23          advanced systems developed for recording Armed Forces  
24          members' personal data and information (such as the  
25          SMARTCARD, MEDITAG, and Personal Information



1 Carrier) include the capability to record organ and tissue  
2 donation elections.

3 (c) RESPONSIBILITIES OF THE SECRETARIES OF THE  
4 MILITARY DEPARTMENTS.—The Secretaries of the mili-  
5 tary departments shall ensure that—

6 (1) appropriate information about organ and  
7 tissue donation is provided to each recruit and offi-  
8 cer candidate of the Armed Forces during initial  
9 training;

10 (2) members of the Armed Forces are given re-  
11 curring, specific opportunities to elect to be organ or  
12 tissue donors during service in the Armed Forces  
13 and upon retirement; and

14 (3) members of the Armed Forces electing to be  
15 organ or tissue donors are encouraged to advise  
16 their next of kin concerning the donation decision  
17 and any subsequent change of that decision.

18 (d) RESPONSIBILITIES OF THE SURGEONS GENERAL  
19 OF THE MILITARY DEPARTMENT.—The Surgeons General  
20 of the Armed Forces shall ensure that—

21 (1) appropriate training is provided to enlisted  
22 and officer medical personnel to facilitate the effec-  
23 tive operation of organ and tissue donation activities  
24 under garrison conditions and, to the extent pos-  
25 sible, under operational conditions; and

1           (2) medical logistical activities can, to the ex-  
2           tent possible without jeopardizing operational re-  
3           quirements, support an effective organ and tissue  
4           donation program.

5           (e) REPORT.—Not later than September 1, 1999, the  
6           Secretary of Defense shall submit to the Committee on  
7           Armed Services of the Senate and the Committee on Na-  
8           tional Security of the House of Representatives a report  
9           on the status of the implementation of this section.

10 **SEC. 706. JOINT DEPARTMENT OF DEFENSE AND DEPART-**  
11 **MENT OF VETERANS AFFAIRS REVIEWS RE-**  
12 **LATING TO INTERDEPARTMENTAL COOPERA-**  
13 **TION IN THE DELIVERY OF MEDICAL CARE.**

14           (a) FINDINGS.—Congress makes the following find-  
15           ings:

16           (1) The military health care system of the De-  
17           partment of Defense and the Veterans Health Ad-  
18           ministration of the Department of Veterans Affairs  
19           are national institutions that collectively manage  
20           more than 1,500 hospitals, clinics, and health care  
21           facilities worldwide to provide services to more than  
22           11,000,000 beneficiaries.

23           (2) In the post-Cold War era, these institutions  
24           are in a profound transition that involves challeng-  
25           ing opportunities.

1           (3) During the period from 1988 to 1998, the  
2           number of military medical personnel has declined  
3           by 15 percent and the number of military hospitals  
4           has been reduced by one-third.

5           (4) During the two years since 1996, the De-  
6           partment of Veterans Affairs has revitalized its  
7           structure by decentralizing authority into 22 Veter-  
8           ans Integrated Service Networks.

9           (5) In the face of increasing costs of medical  
10          care, increased demands for health care services, and  
11          increasing budgetary constraints, the Department of  
12          Defense and the Department of Veterans Affairs  
13          have embarked on a variety of dynamic and innova-  
14          tive cooperative programs ranging from shared serv-  
15          ices to joint venture operations of medical facilities.

16          (6) In 1984, there was a combined total of 102  
17          Department of Veterans Affairs and Department of  
18          Defense facilities with sharing agreements. By 1997,  
19          that number had grown to 420. During the six years  
20          from fiscal year 1992 through fiscal year 1997,  
21          shared services increased from slightly over 3,000  
22          services to more than 6,000 services ranging from  
23          major medical and surgical services, laundry, blood,  
24          and laboratory services to unusual speciality care  
25          services.

1           (7) The Department of Defense and the De-  
2           partment of Veterans Affairs are conducting four  
3           health care joint ventures in New Mexico, Nevada,  
4           Texas, Oklahoma, and are planning to conduct four  
5           more such ventures in Alaska, Florida, Hawaii, and  
6           California.

7           (b) SENSE OF CONGRESS.—It is the sense of Con-  
8           gress that—

9           (1) the Department of Defense and the Depart-  
10          ment of Veterans Affairs are to be commended for  
11          the cooperation between the two departments in the  
12          delivery of medical care, of which the cooperation in-  
13          volved in the establishment and operation of the De-  
14          partment of Defense and the Department of Veter-  
15          ans Affairs Executive Council is a praiseworthy ex-  
16          ample;

17          (2) the two departments are encouraged to con-  
18          tinue to explore new opportunities to enhance the  
19          availability and delivery of medical care to bene-  
20          ficiaries by further enhancing the cooperative efforts  
21          of the departments; and

22          (3) enhanced cooperation is encouraged for—

23                  (A) the general areas of access to quality  
24                  medical care, identification and elimination of

1           impediments to enhanced cooperation, and joint  
2           research and program development; and

3                   (B) the specific areas in which there is sig-  
4           nificant potential to achieve progress in co-  
5           operation in a short term, including comput-  
6           erization of patient records systems, participa-  
7           tion of the Department of Veterans Affairs in  
8           the TRICARE program, pharmaceutical pro-  
9           grams, and joint physical examinations.

10       (c) JOINT SURVEY OF POPULATIONS SERVED.—(1)

11   The Secretary of Defense and the Secretary of Veterans  
12   Affairs shall jointly conduct a survey of their respective  
13   medical care beneficiary populations to identify, by cat-  
14   egory of beneficiary (defined as the Secretaries consider  
15   appropriate), the expectations of, requirements for, and  
16   behavior patterns of the beneficiaries with respect to medi-  
17   cal care. The two Secretaries shall develop the protocol  
18   for the survey jointly, but shall obtain the services of an  
19   entity independent of the Department of Defense and the  
20   Department of Veterans Affairs for carrying out the sur-  
21   vey.

22       (2) The survey shall include the following:

23                   (A) Demographic characteristics, economic  
24           characteristics, and geographic location of bene-

1       ficiary populations with regard to catchment or serv-  
2       ice areas.

3           (B) The types and frequency of care required  
4       by veterans, retirees, and dependents within  
5       catchment or service areas of Department of De-  
6       fense and Veterans Affairs medical facilities and  
7       outside those areas.

8           (C) The numbers of, characteristics of, and  
9       types of medical care needed by the veterans, retir-  
10      ees, and dependents who, though eligible for medical  
11      care in Department of Defense or Department of  
12      Veterans Affairs treatment facilities or other feder-  
13      ally funded medical programs, choose not to seek  
14      medical care from those facilities or under those pro-  
15      grams, and the reasons for that choice.

16          (D) The obstacles or disincentives for seeking  
17      medical care from such facilities or under such pro-  
18      grams that veterans, retirees, and dependents per-  
19      ceive.

20          (E) Any other matters that the Secretary of  
21      Defense and the Secretary of Veterans Affairs con-  
22      sider appropriate for the survey.

23      (3) The Secretary of Defense and the Secretary of  
24      Veterans Affairs shall submit a report on the results of  
25      the survey to the appropriate committees of Congress. The

1 report shall contain the matters described in paragraph  
2 (2) and any proposals for legislation that the Secretaries  
3 recommend for enhancing Department of Defense and De-  
4 partment of Veterans Affairs cooperative efforts with re-  
5 spect to the delivery of medical care.

6 (d) REVIEW OF LAW AND POLICIES.—(1) The Sec-  
7 retary of Defense and the Secretary of Veterans Affairs  
8 shall jointly conduct a review to identify impediments to  
9 cooperation between the Department of Defense and the  
10 Department of Veterans Affairs regarding the delivery of  
11 medical care. The matters reviewed shall include the fol-  
12 lowing:

13 (A) All laws, policies, and regulations, and any  
14 attitudes of beneficiaries of the health care systems  
15 of the two departments, that have the effect of pre-  
16 venting the establishment, or limiting the effective-  
17 ness, of cooperative health care programs of the de-  
18 partments.

19 (B) The requirements and practices involved in  
20 the credentialing and licensure of health care pro-  
21 viders.

22 (C) The perceptions of beneficiaries in a variety  
23 of categories (defined as the Secretaries consider ap-  
24 propriate) regarding the various Federal health care  
25 systems available for their use.

1           (2) The Secretaries shall jointly submit a report on  
2 the results of the review to the appropriate committees  
3 of Congress. The report shall include any proposals for  
4 legislation that the Secretaries recommend for eliminating  
5 or reducing impediments to interdepartmental cooperation  
6 that are identified during the review.

7           (e) PARTICIPATION IN TRICARE.—(1) The Sec-  
8 retary of Defense shall review the TRICARE program to  
9 identify opportunities for increased participation by the  
10 Department of Veterans Affairs in that program. The on-  
11 going collaboration between Department of Defense offi-  
12 cials and Department of Veterans Affairs officials regard-  
13 ing increasing the participation shall be included among  
14 the matters reviewed.

15           (2) The Secretary of Defense and the Secretary of  
16 Veterans Affairs shall jointly submit to the appropriate  
17 committees of Congress a semiannual report on the status  
18 of the review and on efforts to increase the participation  
19 of the Department of Veterans Affairs in the TRICARE  
20 program. No report is required under this paragraph after  
21 the submission of a semiannual report in which the Sec-  
22 retaries declare that the Department of Veterans Affairs  
23 is participating in the TRICARE program to the extent  
24 that can reasonably be expected to be attained.



1 (f) PHARMACEUTICAL BENEFITS AND PROGRAMS.—

2 (1) The Federal Pharmaceutical Steering Committee  
3 shall—

4 (A) undertake a comprehensive examination of  
5 existing pharmaceutical benefits and programs for  
6 beneficiaries of Federal medical care programs, in-  
7 cluding matters relating to the purchasing, distribu-  
8 tion, and dispensing of pharmaceuticals and the  
9 management of mail order pharmaceuticals pro-  
10 grams; and

11 (B) review the existing methods for contracting  
12 for and distributing medical supplies and services.

13 (2) The committee shall submit a report on the re-  
14 sults of the examination to the appropriate committees of  
15 Congress.

16 (g) STANDARDIZATION OF PHYSICAL EXAMINATIONS  
17 FOR DISABILITY.—The Secretary of Defense and the Sec-  
18 retary of Veterans Affairs shall submit to the appropriate  
19 committees of Congress a report on the status of the ef-  
20 forts of the Department of Defense and the Department  
21 of Veterans Affairs to standardize physical examinations  
22 administered by the two departments for the purpose of  
23 determining or rating disabilities.

1 (h) APPROPRIATE COMMITTEES OF CONGRESS DE-  
2 FINED.—For the purposes of this section, the appropriate  
3 committees of Congress are as follows:

4 (1) The Committee on Armed Services and the  
5 Committee on Veterans' Affairs of the Senate.

6 (2) The Committee on National Security and  
7 the Committee on Veterans' Affairs of the House of  
8 Representatives.

9 (i) DEADLINES FOR SUBMISSION OF REPORTS.—(1)  
10 The report required by subsection (c)(3) shall be submit-  
11 ted not later than January 1, 2000.

12 (2) The report required by subsection (d)(2) shall be  
13 submitted not later than March 1, 1999.

14 (3) The semiannual report required by subsection  
15 (e)(2) shall be submitted not later than March 1 and Sep-  
16 tember 1 of each year.

17 (4) The report on the examination required under  
18 subsection (f) shall be submitted not later than 60 days  
19 after the completion of the examination.

20 (5) The report required by subsection (g) shall be  
21 submitted not later than March 1, 1999.

1 **SEC. 707. DEMONSTRATION PROJECTS TO PROVIDE**  
2 **HEALTH CARE TO CERTAIN MEDICARE-ELIGI-**  
3 **BLE BENEFICIARIES OF THE MILITARY**  
4 **HEALTH CARE SYSTEM.**

5 (a) IN GENERAL.—(1) The Secretary of Defense  
6 shall, after consultation with the other administering Sec-  
7 retaries, carry out three demonstration projects (described  
8 in subsections (d), (e), and (f)) in order to assess the fea-  
9 sibility and advisability of providing certain medical care  
10 coverage to the medicare-eligible individuals described in  
11 subsection (b).

12 (2) The Secretary shall commence the demonstration  
13 projects not later than January 1, 2000, and shall termi-  
14 nate the demonstration projects not later than December  
15 31, 2003.

16 (3) The aggregate costs incurred by the Secretary  
17 under the demonstration projects in any year may not ex-  
18 ceed \$60,000,000.

19 (b) ELIGIBLE INDIVIDUALS.—An individual eligible  
20 to participate in a demonstration project under subsection  
21 (a) is a member or former member of the uniformed serv-  
22 ices described in section 1074(b) of title 10, United States  
23 Code, a dependent of the member described in section  
24 1076(a)(2)(B) or 1076(b) of that title, or a dependent of  
25 a member of the uniformed services who died while on ac-  
26 tive duty for a period of more than 30 days, who—

1 (1) is 65 years of age or older;

2 (2) is entitled to hospital insurance benefits  
3 under part A of title XVIII of the Social Security  
4 Act (42 U.S.C. 1395c et seq.);

5 (3) is enrolled in the supplemental medical in-  
6 surance program under part B of such title XVIII  
7 (42 U.S.C. 1395j et seq.); and

8 (4) resides in an area of the demonstration  
9 project selected by the Secretary under subsection  
10 (c).

11 (c) AREAS OF DEMONSTRATION PROJECTS.—(1)  
12 Subject to paragraph (3), the Secretary shall carry out  
13 each demonstration project under this section in two sepa-  
14 rate areas selected by the Secretary.

15 (2) Of the two areas selected for each demonstration  
16 project—

17 (A) one shall be an area outside the catchment  
18 area of a military medical treatment facility in  
19 which—

20 (i) no eligible organization has a contract  
21 in effect under section 1876 of the Social Secu-  
22 rity Act (42 U.S.C. 1395mm) and no  
23 Medicare+Choice organization has a contract  
24 in effect under part C of title XVIII of that Act  
25 (42 U.S.C. 1395w–21); or

1           (ii) the aggregate number of enrollees with  
2           an eligible organization with a contract in effect  
3           under section 1876 of that Act or with a  
4           Medicare+Choice organization with a contract  
5           in effect under part C of title XVIII of that Act  
6           is less than 2.5 percent of the total number of  
7           individuals in the area who are entitled to hos-  
8           pital insurance benefits under part A of title  
9           XVIII of that Act; and

10          (B) one shall be an area outside the catchment  
11          area of a military medical treatment facility in  
12          which—

13               (i) at least one eligible organization has a  
14               contract in effect under section 1876 of that  
15               Act or one Medicare+Choice organization has a  
16               contract in effect under part C of title XVIII of  
17               that Act; and

18               (ii) the aggregate number of enrollees with  
19               an eligible organization with a contract in effect  
20               under section 1876 of that Act or with a  
21               Medicare+Choice organization with a contract  
22               in effect under part C of title XVIII of that Act  
23               exceeds 10 percent of the total number of indi-  
24               viduals in the area who are entitled to hospital

1 insurance benefits under part A of title XVIII  
2 of that Act.

3 (3) The Secretary may not carry out a demonstration  
4 project under this section in any area in which the Sec-  
5 retary is carrying out any other medical care demonstra-  
6 tion project unless the Secretary determines that the con-  
7 duct of such other medical care demonstration project will  
8 not interfere with the conduct or evaluation of the dem-  
9 onstration project under this section.

10 (d) FEHBP AS SUPPLEMENT TO MEDICARE DEM-  
11 ONSTRATION.—(1)(A) Under one of the demonstration  
12 projects under this section, the Secretary shall permit eli-  
13 gible individuals described in subsection (b) who reside in  
14 the areas of the demonstration project selected under sub-  
15 section (c) to enroll in the health benefits plans offered  
16 through the Federal Employees Health Benefits program  
17 under chapter 89 of title 5, United States Code.

18 (B) The Secretary shall carry out the demonstration  
19 project under this subsection under an agreement with the  
20 Office of Personnel Management.

21 (2)(A) An eligible individual described in paragraph  
22 (1) shall not be required to satisfy any eligibility criteria  
23 specified in chapter 89 of title 5, United States Code, as  
24 a condition for enrollment in the health benefits plans of-  
25 fered through the Federal Employee Health Benefits pro-

1 gram under the demonstration project under this sub-  
2 section.

3 (B) Each eligible individual who enrolls in a health  
4 benefits plan under the demonstration project shall be re-  
5 quired to remain enrolled in the supplemental medical in-  
6 surance program under part B of title XVIII of the Social  
7 Security Act while participating in the demonstration  
8 project.

9 (3)(A) The authority responsible for approving re-  
10 tired or retainer pay or equivalent pay in the case of a  
11 member or former member shall manage the participation  
12 of the members or former members who enroll in health  
13 benefits plans offered through the Federal Employee  
14 Health Benefits program pursuant to paragraph (1).

15 (B) Such authority shall distribute program informa-  
16 tion to eligible individuals, process enrollment applica-  
17 tions, forward all required contributions to the Employees  
18 Health Benefits Fund established under section 8909 of  
19 title 5, United States Code, in a timely manner, assist in  
20 the reconciliation of enrollment records with health plans,  
21 and prepare such reports as the Office of Personnel Man-  
22 agement may require in its administration of chapter 89  
23 of such title.

24 (4)(A) The Office of Personnel Management shall re-  
25 quire health benefits plans under chapter 89 of title 5,

1 United States Code, that participate in the demonstration  
2 project to maintain a separate risk pool for purposes of  
3 establishing premium rates for eligible individuals who en-  
4 roll in such plans in accordance with this subsection.

5 (B) The Office shall determine total subscription  
6 charges for self only or for family coverage for eligible in-  
7 dividuals who enroll in a health benefits plan under chap-  
8 ter 89 of such title in accordance with this subsection,  
9 which shall include premium charges paid to the plan and  
10 amounts described in section 8906(c) of title 5, United  
11 States Code, for administrative expenses and contingency  
12 reserves.

13 (5) The Secretary shall be responsible for the Govern-  
14 ment contribution for an eligible individual who enrolls in  
15 a health benefits plan under chapter 89 of title 5, United  
16 States Code, in accordance with this subsection, except  
17 that the amount of the contribution may not exceed the  
18 amount of the Government contribution which would be  
19 payable if such individual were an employee enrolled in  
20 the same health benefits plan and level of benefits.

21 (6) The cancellation by a eligible individual of cov-  
22 erage under the Federal Employee Health Benefits pro-  
23 gram shall be irrevocable during the term of the dem-  
24 onstration project under this subsection.



1 (e) TRICARE AS SUPPLEMENT TO MEDICARE DEM-  
2 ONSTRATION.—(1) Under one of the demonstration  
3 projects under this section, the Secretary shall permit eli-  
4 gible individuals described in subsection (b) who reside in  
5 each area of the demonstration project selected under sub-  
6 section (c) to enroll in the TRICARE program. The dem-  
7 onstration project under this subsection shall be known  
8 as the “TRICARE Senior Supplement”.

9 (2) Payment for care and services received by eligible  
10 individuals who enroll in the TRICARE program under  
11 the demonstration project shall be made as follows:

12 (A) First, under title XVIII of the Social Secu-  
13 rity Act, but only the extent that payment for such  
14 care and services is provided for under that title.

15 (B) Second, under the TRICARE program, but  
16 only to the extent that payment for such care and  
17 services is provided under that program and is not  
18 provided for under subparagraph (A).

19 (C) Third, by the eligible individual concerned,  
20 but only to the extent that payment for such care  
21 and services is not provided for under subpara-  
22 graphs (B) and (C).

23 (3)(A) The Secretary shall require each eligible indi-  
24 vidual who enrolls in the TRICARE program under the  
25 demonstration project to pay an enrollment fee. The Sec-

1 retary may provide for payment of the enrollment fee on  
2 a periodic basis.

3 (B) The amount of the enrollment fee of an eligible  
4 individual under subparagraph (A) in any year may not  
5 exceed an amount equal to 75 percent of the total sub-  
6 scription charges in that year for self-only or family, fee-  
7 for-service coverage under the health benefits plan under  
8 the Federal Employees Health Benefits program under  
9 chapter 89 of title 5, United States Code, that is most  
10 similar in coverage to the TRICARE program.

11 (f) TRICARE MAIL ORDER PHARMACY BENEFIT  
12 SUPPLEMENT TO MEDICARE DEMONSTRATION.—(1)  
13 Under one of the demonstration projects under this sec-  
14 tion, the Secretary shall permit eligible individuals de-  
15 scribed in subsection (b) who reside in each area of the  
16 demonstration project selected under subsection (c) to  
17 participate in the mail order pharmacy benefit available  
18 under the TRICARE program.

19 (2) The Secretary may collect from eligible individ-  
20 uals who participate in the mail order pharmacy benefit  
21 under the demonstration project any premiums,  
22 deductibles, copayments, or other charges that the Sec-  
23 retary would otherwise collect from individuals similar to  
24 such eligible individuals for participation in the benefit.

1 (g) INDEPENDENT EVALUATION.—(1) The Secretary  
2 shall provide for an evaluation of the demonstration  
3 projects conducted under this section by an appropriate  
4 person or entity that is independent of the Department  
5 of Defense.

6 (2) The evaluation shall include the following:

7 (A) An analysis of the costs of each demonstra-  
8 tion project to the United States and to the eligible  
9 individuals who enroll or participate in such dem-  
10 onstration project.

11 (B) An assessment of the extent to which each  
12 demonstration project satisfied the requirements of  
13 such eligible individuals for the health care services  
14 available under such demonstration project.

15 (C) An assessment of the effect, if any, of each  
16 demonstration project on military medical readiness.

17 (D) A description of the rate of the enrollment  
18 or participation in each demonstration project of the  
19 individuals who were eligible to enroll or participate  
20 in such demonstration project.

21 (E) An assessment of which demonstration  
22 project provides the most suitable model for a pro-  
23 gram to provide adequate health care services to the  
24 population of individuals consisting of the eligible in-  
25 dividuals.

1           (F) An evaluation of any other matters that the  
2           Secretary considers appropriate.

3           (3) The Comptroller General shall review the evalua-  
4           tion conducted under paragraph (1). In carrying out the  
5           review, the Comptroller General shall—

6           (A) assess the validity of the processes used in  
7           the evaluation; and

8           (B) assess the validity of any findings under  
9           the evaluation.

10          (4)(A) The Secretary shall submit a report on the re-  
11          sults of the evaluation under paragraph (1), together with  
12          the evaluation, to the Committee on Armed Services of  
13          the Senate and the Committee on National Security of the  
14          House of Representatives not later than December 31,  
15          2003.

16          (B) The Comptroller General shall submit a report  
17          on the results of the review under paragraph (3) to the  
18          committees referred to in subparagraph (A) not later than  
19          February 15, 2004.

20          (h) ADDITIONAL REQUIREMENTS RELATING TO  
21          FEHBP DEMONSTRATION PROJECT.—(1) Notwithstand-  
22          ing subsection (a)(2), the Secretary shall commence the  
23          demonstration project under subsection (d) on July 1,  
24          1999.

1           (2) Notwithstanding subsection (c), the Secretary  
2 shall carry out the demonstration project under subsection  
3 (d) in four separate areas, of which—

4           (A) two shall meet the requirements of sub-  
5 section (c)(1)(A); and

6           (B) two others shall meet the requirements of  
7 subsection (c)(1)(B).

8           (3)(A) Notwithstanding subsection (f), the Secretary  
9 shall provide for an annual evaluation of the demonstra-  
10 tion project under subsection (d) that meets the require-  
11 ments of subsection (f)(2).

12          (B) The Comptroller shall review each evaluation pro-  
13 vided for under subparagraph (A).

14          (C) Not later than September 15 in each of 2000  
15 through 2004, the Secretary shall submit a report on the  
16 results of the evaluation under subparagraph (A) during  
17 such year, together with the evaluation, to the Committee  
18 on Armed Services of the Senate and the Committee on  
19 National Security of the House of Representatives.

20          (D) Not later than December 31 in each of 2000  
21 through 2004, the Comptroller General shall submit a re-  
22 port on the results of the review under subparagraph (B)  
23 during such year to the committees referred to in subpara-  
24 graph (C).

25          (i) DEFINITIONS.—In this section:

1           (1) The term “administering Secretaries” has  
2           the meaning given that term in section 1072(3) of  
3           title 10, United States Code.

4           (2) The term “TRICARE program” has the  
5           meaning given that term in section 1072(7) of title  
6           10, United States Code.

7           (j) COMPETITION FOR SERVICES.—The program  
8           under this section will allow retail to compete for services  
9           in delivery of pharmacy benefits without increasing costs  
10          to the Government or the beneficiaries.

11 **SEC. 708. PROFESSIONAL QUALIFICATIONS OF PHYSI-**  
12 **CIANS PROVIDING MILITARY HEALTH CARE.**

13          (a) REQUIREMENT FOR UNRESTRICTED LICENSE.—  
14          Section 1094(a)(1) of title 10, United States Code, is  
15          amended by adding at the end the following: “In the case  
16          of a physician, the physician may not provide health care  
17          as a physician under this chapter unless the current li-  
18          cense is an unrestricted license that is not subject to limi-  
19          tation on the scope of practice ordinarily granted to other  
20          physicians for a similar specialty by the jurisdiction that  
21          granted the license.”.

22          (b) SATISFACTION OF CONTINUING MEDICAL EDU-  
23          CATION REQUIREMENTS.—(1) Chapter 55 of title 10,  
24          United States Code, is amended by inserting after section  
25          1094 the following new section:

1 **“§ 1094a. Continuing medical education require-**  
2 **ments: system for monitoring physician**  
3 **compliance**

4 “The Secretary of Defense shall establish a mecha-  
5 nism for ensuring that each person under the jurisdiction  
6 of the Secretary of a military department who provides  
7 health care under this chapter as a physician satisfies the  
8 continuing medical education requirements applicable to  
9 the physician.”.

10 (2) The table of sections at the beginning of such  
11 chapter is amended by adding at the end the following  
12 new item:

“1094a. Continuing medical education requirements: system for monitoring phy-  
sician compliance.”.

13 (c) EFFECTIVE DATES.—(1) The amendment made  
14 by subsection (a) shall take effect on October 1, 1998.

15 (2) The system required by section 1094a of title 10,  
16 United States Code (as added by subsection (b)), shall  
17 take effect on the date that is three years after the date  
18 of the enactment of this Act.

1 **SEC. 709. ASSESSMENT OF ESTABLISHMENT OF INDEPEND-**  
2 **ENT ENTITY TO EVALUATE POST-CONFLICT**  
3 **ILLNESSES AMONG MEMBERS OF THE ARMED**  
4 **FORCES AND HEALTH CARE PROVIDED BY**  
5 **THE DEPARTMENT OF DEFENSE AND DE-**  
6 **PARTMENT OF VETERANS AFFAIRS BEFORE**  
7 **AND AFTER DEPLOYMENT OF SUCH MEM-**  
8 **BERS.**

9 (a) AGREEMENT FOR ASSESSMENT.—The Secretary  
10 of Defense shall seek to enter into an agreement with the  
11 National Academy of Sciences, or other appropriate inde-  
12 pendent organization, under which agreement the Acad-  
13 emy shall carry out the assessment referred to in sub-  
14 section (b).

15 (b) ASSESSMENT.—(1) Under the agreement, the  
16 Academy shall assess the need for and feasibility of estab-  
17 lishing an independent entity to—

18 (A) evaluate and monitor interagency coordina-  
19 tion on issues relating to the post-deployment health  
20 concerns of members of the Armed Forces, including  
21 coordination relating to outreach and risk commu-  
22 nication, recordkeeping, research, utilization of new  
23 technologies, international cooperation and research,  
24 health surveillance, and other health-related activi-  
25 ties;



1 (B) evaluate the health care (including preven-  
2 tive care and responsive care) provided to members  
3 of the Armed Forces both before and after their de-  
4 ployment on military operations;

5 (C) monitor and direct government efforts to  
6 evaluate the health of members of the Armed Forces  
7 upon their return from deployment on military oper-  
8 ations for purposes of ensuring the rapid identifica-  
9 tion of any trends in diseases or injuries among such  
10 members as a result of such operations;

11 (D) provide and direct the provision of ongoing  
12 training of health care personnel of the Department  
13 of Defense and the Department of Veterans Affairs  
14 in the evaluation and treatment of post-deployment  
15 diseases and health conditions, including nonspecific  
16 and unexplained illnesses; and

17 (E) make recommendations to the Department  
18 of Defense and the Department of Veterans Affairs  
19 regarding improvements in the provision of health  
20 care referred to in subparagraph (B), including im-  
21 provements in the monitoring and treatment of  
22 members referred to in that subparagraph.

23 (2) The assessment shall cover the health care pro-  
24 vided by the Department of Defense and, where applica-  
25 ble, by the Department of Veterans Affairs.

1           (c) REPORT.—(1) The agreement shall require the  
2 Academy to submit to the committees referred to in para-  
3 graph (3) a report on the results of the assessment under  
4 this section not later than one year after the date of enact-  
5 ment of this Act.

6           (2) The report shall include the following:

7                 (A) The recommendation of the Academy as to  
8 the need for and feasibility of establishing an inde-  
9 pendent entity as described in subsection (b) and a  
10 justification of such recommendation.

11                (B) If the Academy recommends that an entity  
12 be established, the recommendations of the Academy  
13 as to—

14                   (i) the organizational placement of the en-  
15 tity;

16                   (ii) the personnel and other resources to be  
17 allocated to the entity;

18                   (iii) the scope and nature of the activities  
19 and responsibilities of the entity; and

20                   (iv) mechanisms for ensuring that any rec-  
21 ommendations of the entity are carried out by  
22 the Department of Defense and the Department  
23 of Veterans Affairs.

24           (3) The report shall be submitted to the following:

1           (A) The Committee on Armed Services and the  
2           Committee on Veterans' Affairs of the Senate.

3           (B) The Committee on National Security and  
4           the Committee on Veterans' Affairs of the House of  
5           Representatives.

6 **SEC. 710. LYME DISEASE.**

7           Of the amounts authorized to be appropriated by this  
8           Act for Defense Health Programs, \$3,000,000 shall be  
9           available for research and surveillance activities relating  
10          to Lyme disease and other tick-borne diseases.

11 **SEC. 711. ACCESSIBILITY TO CARE UNDER TRICARE.**

12          (a) REHABILITATIVE SERVICES FOR HEAD INJU-  
13          RIES.—The Secretary of Defense shall revise the  
14          TRICARE policy manual to clarify that rehabilitative  
15          services are available to a patient for a head injury when  
16          the treating physician certifies that such services would  
17          be beneficial for the patient and there is potential for the  
18          patient to recover from the injury.

19          (b) REVIEW OF ADEQUACY OF PROVIDER NET-  
20          WORK.—The Secretary of Defense shall review the admin-  
21          istration of the TRICARE Prime health plans to deter-  
22          mine whether, for the region covered by each such plan,  
23          there is a sufficient number, distribution, and variety of  
24          qualified participating health care providers to ensure that  
25          all covered health care services, including specialty serv-

1 ices, are available and accessible in a timely manner to  
2 all persons covered by the plan. If the Secretary deter-  
3 mines during the review that, in the region, there is an  
4 inadequate network of providers to provide the covered  
5 benefits in proximity to the permanent duty stations of  
6 covered members of the uniformed services in the region,  
7 or in proximity to the residences of other persons covered  
8 by the plan in the region, the Secretary shall take such  
9 actions as are necessary to ensure that the TRICARE  
10 Prime plan network of providers in the region is adequate  
11 to provide for all covered benefits to be available and ac-  
12 cessible in a timely manner to all persons covered by the  
13 plan.

14 **SEC. 712. HEALTH BENEFITS FOR ABUSED DEPENDENTS OF**  
15 **MEMBERS OF THE ARMED FORCES.**

16 Paragraph (1) of section 1076(e) of title 10, United  
17 States Code, is amended to read as follows:

18 “(1) The administering Secretary shall furnish  
19 an abused dependent of a former member of a uni-  
20 formed service described in paragraph (4), during  
21 that period that the abused dependent is in receipt  
22 of transitional compensation under section 1059 of  
23 this title, with medical and dental care, including  
24 mental health services, in facilities of the uniformed  
25 services in accordance with the same eligibility and

1 benefits as were applicable for that abused depend-  
2 ent during the period of active service of the former  
3 member.”.

4 **SEC. 713. PROCESS FOR WAIVING INFORMED CONSENT RE-**  
5 **QUIREMENT FOR ADMINISTRATION OF CER-**  
6 **TAIN DRUGS TO MEMBERS OF ARMED**  
7 **FORCES.**

8 (a) LIMITATION AND WAIVER.—(1) Section 1107 of  
9 title 10, United States Code, is amended—

10 (A) by redesignating subsection (f) as sub-  
11 section (g); and

12 (B) by inserting after subsection (e) the follow-  
13 ing new subsection (f):

14 “(f) LIMITATION AND WAIVER.—(1) An investiga-  
15 tional new drug or a drug unapproved for its applied use  
16 may not be administered to a member of the armed forces  
17 pursuant to a request or requirement referred to in sub-  
18 section (a) unless—

19 “(A) the member provides prior consent to re-  
20 ceive the drug in accordance with the requirements  
21 imposed under the regulations required under para-  
22 graph (4) of section 505(i) of the Federal Food,  
23 Drug, and Cosmetic Act (21 U.S.C. 355(i)); or

24 “(B) the Secretary obtains—

1           “(i) under such section a waiver of such  
2 requirements; and

3           “(ii) a written statement that the Presi-  
4 dent concurs in the determination of the Sec-  
5 retary required under paragraph (2) and with  
6 the Secretary’s request for the waiver.

7           “(2) The Secretary of Defense may request a waiver  
8 referred to in paragraph (1)(B) in the case of any request  
9 or requirement to administer a drug under this section  
10 if the Secretary determines that obtaining consent is not  
11 feasible, is contrary to the best interests of the members  
12 involved, or is not in the best interests of national security.  
13 Only the Secretary may exercise the authority to make the  
14 request for the Department of Defense, and the Secretary  
15 may not delegate that authority.

16           “(3) The Secretary shall submit to the chairman and  
17 ranking minority member of each congressional defense  
18 committee a notification of each waiver granted pursuant  
19 to a request of the Secretary under paragraph (2), to-  
20 gether with the concurrence of the President under para-  
21 graph (1)(B) that relates to the waiver and the justifica-  
22 tion for the request or requirement under subsection (a)  
23 for a member to receive the drug covered by the waiver.

24           “(4) In this subsection, the term ‘congressional de-  
25 fense committee’ means each of the following:

1           “(A) The Committee on Armed Services and  
2 the Committee on Appropriations of the Senate.

3           “(B) The Committee on National Security and  
4 the Committee on Appropriations of the House of  
5 Representatives.”.

6           (2) The requirements for a concurrence of the Presi-  
7 dent and a notification of committees of Congress that are  
8 set forth in section 1107(f) of title 10, United States Code  
9 (as added by paragraph (1)(B)) shall apply with respect  
10 to—

11           (A) each waiver of the requirement for prior  
12 consent imposed under the regulations required  
13 under paragraph (4) of section 505(i) of the Federal  
14 Food, Drug, and Cosmetic Act (or under any ante-  
15 cedent provision of law or regulations) that—

16                   (i) has been granted under that section (or  
17                   antecedent provision of law or regulations) be-  
18                   fore the date of the enactment of this Act; and

19                   (ii) is applied after that date; and

20           (B) each waiver of such requirement that is  
21 granted on or after that date.

22           (b) TIME AND FORM OF NOTICE.—(1) Subsection (b)  
23 of such section is amended by striking out “, if prac-  
24 ticable” and all that follows through “first administered  
25 to the member”.

1       (2) Subsection (c) of such section is amended by  
 2 striking out “unless the Secretary of Defense determines”  
 3 and all that follows through “alternative method”.

4 **TITLE VIII—ACQUISITION POL-**  
 5 **ICY, ACQUISITION MANAGE-**  
 6 **MENT, AND RELATED MAT-**  
 7 **TERS**

8 **SEC. 801. PARA-ARAMID FIBERS AND YARNS.**

9       (a) AUTHORIZED SOURCES.—Chapter 141 of title 10,  
 10 United States Code is amended by adding at the end the  
 11 following:

12 **“§ 2410n. Foreign manufactured para-aramid fibers**  
 13 **and yarns: procurement**

14       “(a) AUTHORITY.—The Secretary of Defense may  
 15 procure articles containing para-aramid fibers and yarns  
 16 manufactured in a foreign country referred to in sub-  
 17 section (b).

18       “(b) FOREIGN COUNTRIES COVERED.—The author-  
 19 ity under subsection (a) applies with respect to a foreign  
 20 country that—

21               “(1) is a party to a defense memorandum of  
 22 understanding entered into under section 2531 of  
 23 this title; and

24               “(2) permits United States firms that manufac-  
 25 ture para-aramid fibers and yarns to compete with



1 foreign firms for the sale of para-aramid fibers and  
 2 yarns in that country, as determined by the Sec-  
 3 retary of Defense.

4 “(c) **APPLICABILITY TO SUBCONTRACTS.**—The au-  
 5 thority under subsection (a) applies with respect to sub-  
 6 contracts under Department of Defense contracts as well  
 7 as to such contracts.

8 “(d) **DEFINITIONS.**—In this section, the terms  
 9 ‘United States firm’ and ‘foreign firm’ have the meanings  
 10 given such terms in section 2532(d) of this title.”.

11 (b) **CLERICAL AMENDMENT.**—The table of sections  
 12 at the beginning of such chapter is amended by adding  
 13 at the end the following:

“2410n. Foreign manufactured para-aramid fibers and yarns: procurement.”.

14 **SEC. 802. PROCUREMENT OF TRAVEL SERVICES FOR OFFI-**  
 15 **CIAL AND UNOFFICIAL TRAVEL UNDER ONE**  
 16 **CONTRACT.**

17 (a) **AUTHORITY.**—Chapter 147 of title 10, United  
 18 States Code, is amended by inserting after section 2490a  
 19 the following new section:

20 **“§ 2490b. Travel services: procurement for official**  
 21 **and unofficial travel under one contract**

22 “(a) **AUTHORITY.**—The head of an agency may enter  
 23 into a contract for travel-related services that provides for  
 24 the contractor to furnish services for both official travel  
 25 and unofficial travel.

1       “(b) CREDITS, DISCOUNTS, COMMISSIONS, FEES.—

2 (1) A contract entered into under this section may provide  
3 for credits, discounts, or commissions or other fees to ac-  
4 crue to the Department of Defense. The accrual and  
5 amounts of credits, discounts, or commissions or other  
6 fees may be determined on the basis of the volume (meas-  
7 ured in the number or total amount of transactions or oth-  
8 erwise) of the travel-related sales that are made by the  
9 contractor under the contract.

10       “(2) The evaluation factors applicable to offers for  
11 a contract under this section may include a factor that  
12 relates to the estimated aggregate value of any credits,  
13 discounts, commissions, or other fees that would accrue  
14 to the Department of Defense for the travel-related sales  
15 made under the contract.

16       “(3) Commissions or fees received by the Department  
17 of Defense as a result of travel-related sales made under  
18 a contract entered into under this section shall be distrib-  
19 uted as follows:

20               “(A) For amounts relating to sales for official  
21 travel, credit to appropriations available for official  
22 travel for the fiscal year in which the amounts were  
23 charged.

24               “(B) For amounts relating to sales for unoffi-  
25 cial travel, deposit in nonappropriated fund accounts

1 available for morale, welfare, and recreation pro-  
2 grams.

3 “(c) DEFINITIONS.—In this section:

4 “(1) The term ‘head of an agency’ has the  
5 meaning given that term in section 2302(1) of this  
6 title.

7 “(2) The term ‘official travel’ means travel at  
8 the expense of the Federal Government.

9 “(3) The term ‘unofficial travel’ means personal  
10 travel or other travel that is not paid for or reim-  
11 bursed by the Federal Government out of appro-  
12 priated funds.

13 “(d) INAPPLICABILITY TO COAST GUARD AND  
14 NASA.—This section does not apply to the Coast Guard  
15 when it is not operating as a service in the Navy, nor to  
16 the National Aeronautics and Space Administration.”.

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

“2490b. Travel services: procurement for official and unofficial travel under one  
contract.”.

20 **SEC. 803. LIMITATION ON USE OF PRICE PREFERENCE**  
21 **UPON ATTAINMENT OF CONTRACT GOAL FOR**  
22 **SMALL AND DISADVANTAGED BUSINESSES.**

23 Section 2323(e)(3) of title 10, United States Code,  
24 is amended—

1 (1) by inserting “(A)” after “(3)”;

2 (2) by inserting “, except as provided in (B),”  
3 after “the head of an agency may” in the first sen-  
4 tence; and

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

6 “(B) The head of an agency may not exercise the au-  
7 thority under subparagraph (A) to enter into a contract  
8 for a price exceeding fair market cost in the fiscal year  
9 following a fiscal year in which the Department of Defense  
10 attained the 5 percent goal required by subsection (a).”.

11 **SEC. 804. DISTRIBUTION OF ASSISTANCE UNDER THE PRO-**  
12 **CUREMENT TECHNICAL ASSISTANCE COOP-**  
13 **ERATIVE AGREEMENT PROGRAM.**

14 (a) CORRECTION OF DESCRIPTION OF GEOGRAPHIC  
15 UNIT.—Section 2413(c) of title 10, United States Code,  
16 is amended by striking out “region” and inserting in lieu  
17 thereof “district”.

18 (b) ALLOCATION OF FUNDS.—(1) Section 2415 of  
19 title 10, United States Code, is repealed.

20 (2) The table of sections at the beginning of chapter  
21 142 of such title is amended by striking the item relating  
22 to section 2415.

1 **SEC. 805. DEFENSE COMMERCIAL PRICING MANAGEMENT**  
2 **IMPROVEMENT.**

3 (a) **SHORT TITLE.**—This section may be cited as the  
4 “Defense Commercial Pricing Management Improvement  
5 Act of 1998”.

6 (b) **COMMERCIAL ITEMS EXEMPT FROM COST OR**  
7 **PRICING DATA CERTIFICATION REQUIREMENTS.**—For  
8 the purposes of this section, the term “exempt item”  
9 means a commercial item that is exempt under subsection  
10 (b)(1)(B) of section 2306a of title 10, United States Code,  
11 or subsection (b)(1)(B) of section 304A of the Federal  
12 Property and Administrative Services Act of 1949 (41  
13 U.S.C. 254b), from the requirements for submission of  
14 certified cost or pricing data under that section.

15 (c) **COMMERCIAL PRICING REGULATIONS.**—(1) The  
16 Federal Acquisition Regulation issued in accordance with  
17 sections 6 and 25 of the Office of Federal Procurement  
18 Policy Act shall be revised to clarify the procedures and  
19 methods to be used for determining the reasonableness of  
20 prices of exempt items.

21 (2) The regulations shall, at a minimum, provide spe-  
22 cific guidance on—

23 (A) the appropriate application and precedence  
24 of such price analysis tools as catalog-based pricing,  
25 market-based pricing, historical pricing, parametric  
26 pricing, and value analysis;

1 (B) the circumstances under which contracting  
2 officers should require offerors of exempt items to  
3 provide—

4 (i) uncertified cost or pricing data; or

5 (ii) information on prices at which the of-  
6 feror has previously sold the same or similar  
7 items;

8 (C) the role and responsibility of Department of  
9 Defense support organizations, such as the Defense  
10 Contract Audit Agency, in procedures for determin-  
11 ing price reasonableness; and

12 (D) the meaning and appropriate application of  
13 the term “purposes other than governmental pur-  
14 poses” in section 4(12) of the Office of Federal Pro-  
15 curement Policy Act (41 U.S.C. 403(12)).

16 (3) This subsection shall cease to be effective one  
17 year after the date on which final regulations prescribed  
18 pursuant to paragraph (1) take effect.

19 (d) UNIFIED MANAGEMENT OF PROCUREMENT OF  
20 EXEMPT COMMERCIAL ITEMS.—The Secretary of Defense  
21 shall develop and implement procedures to ensure that, to  
22 the maximum extent that is practicable and consistent  
23 with the efficient operation of the Department of Defense,  
24 a single item manager or contracting officer is responsible

1 for negotiating and entering into all contracts for the pro-  
2 curement of exempt items from a single contractor.

3 (e) COMMERCIAL PRICE TREND ANALYSIS.—(1) The  
4 Secretary of Defense shall develop and implement proce-  
5 dures that, to the maximum extent that is practicable and  
6 consistent with the efficient operation of the Department  
7 of Defense, provide for the collection and analysis of infor-  
8 mation on price trends for categories of exempt items de-  
9 scribed in paragraph (2).

10 (2) A category of exempt items referred to in para-  
11 graph (1) consists of exempt items—

12 (A) that are in a single Federal Supply Group  
13 or Federal Supply Class, are provided by a single  
14 contractor, or are otherwise logically grouped for the  
15 purpose of analyzing information on price trends;  
16 and

17 (B) for which there is a potential for the price  
18 paid to be significantly higher (on a percentage  
19 basis) than the prices previously paid in procure-  
20 ments of the same or similar items for the Depart-  
21 ment of Defense, as determined by the head of the  
22 procuring Department of Defense agency or the Sec-  
23 retary of the procuring military department on the  
24 basis of criteria prescribed by the Secretary of De-  
25 fense.

1           (3) The head of a Department of Defense agency or  
2 the Secretary of a military department shall take appro-  
3 priate action to address any unreasonable escalation in  
4 prices being paid for items procured by that agency or  
5 military department as identified in an analysis conducted  
6 pursuant to paragraph (1).

7           (4)(A) Not later than 180 days after the date of the  
8 enactment of this Act, the Under Secretary of Defense for  
9 Acquisition and Technology shall submit to the congress-  
10 sional defense committees a report describing the proce-  
11 dures prescribed under paragraph (1), including a descrip-  
12 tion of the criteria established for the selection of cat-  
13 egories of exempt items for price trend analysis.

14           (B) Not later than April 1 of each of fiscal years  
15 2000, 2001, and 2002, the Under Secretary of Defense  
16 for Acquisition and Technology shall submit to the con-  
17 gressional defense committees a report on the analyses of  
18 price trends that were conducted for categories of exempt  
19 items during the preceding fiscal year under the proce-  
20 dures prescribed pursuant to paragraph (1). The report  
21 shall include a description of the actions taken to identify  
22 and address any unreasonable price escalation for the cat-  
23 egories of items.

24           (f) SECRETARY OF DEFENSE TO ACT THROUGH  
25 UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND



1 TECHNOLOGY.—The Secretary of Defense shall act  
2 through the Under Secretary of Defense for Acquisition  
3 and Technology to carry out subsections (d) and (e).

4 **SEC. 806. DEPARTMENT OF DEFENSE PURCHASES**  
5 **THROUGH OTHER AGENCIES.**

6 (a) EXTENSION OF REGULATIONS.—Not later than  
7 three months after the date of the enactment of this Act,  
8 the Secretary of Defense shall revise the regulations issued  
9 pursuant to section 844 of the National Defense Author-  
10 ization Act for Fiscal Year 1994 (Public Law 103–160;  
11 107 Stat. 1720; 31 U.S.C. 1535 note) to cover all pur-  
12 chases of goods and services by the Department of De-  
13 fense under contracts entered into or administered by any  
14 other agency pursuant to the authority of section 2304a  
15 of title 10, United States Code, or section 303H of the  
16 Federal Property and Administrative Services Act (41  
17 U.S.C. 253h).

18 (b) TERMINATION.—This section shall cease to be ef-  
19 fective 1 year after the date on which final regulations  
20 prescribed pursuant to subsection (a) take effect.

1 **SEC. 807. SUPERVISION OF DEFENSE ACQUISITION UNI-**  
2 **VERSITY STRUCTURE BY UNDER SECRETARY**  
3 **OF DEFENSE FOR ACQUISITION AND TECH-**  
4 **NOLOGY.**

5 Section 1702 of title 10, United States Code, is  
6 amended by adding at the end the following: “The Under  
7 Secretary shall prescribe policies and requirements for the  
8 educational programs of the defense acquisition university  
9 structure established under section 1746 of this title.”.

10 **SEC. 808. REPEAL OF REQUIREMENT FOR DIRECTOR OF**  
11 **ACQUISITION EDUCATION, TRAINING, AND**  
12 **CAREER DEVELOPMENT TO BE WITHIN THE**  
13 **OFFICE OF THE UNDER SECRETARY OF DE-**  
14 **FENSE FOR ACQUISITION AND TECHNOLOGY.**

15 Section 1703 of title 10, United States Code, is  
16 amended by striking out “within the office of the Under  
17 Secretary”.

18 **SEC. 809. ELIGIBILITY OF INVOLUNTARILY DOWNGRADED**  
19 **EMPLOYEE FOR MEMBERSHIP IN AN ACQUI-**  
20 **SITION CORPS.**

21 Section 1732(c) of title 10, United States Code, is  
22 amended by adding at the end the following new para-  
23 graph:

24 “(3) Paragraph (1) of subsection (b) shall not apply  
25 to an employee who—

1           “(A) having previously served in a position  
2           within a grade referred to in subparagraph (A) of  
3           that paragraph, is currently serving in the same po-  
4           sition within a grade below GS-13, or in another po-  
5           sition within that grade, by reason of a reduction in  
6           force or the closure or realignment of a military in-  
7           stallation, or for any other reason other by reason  
8           of an adverse personnel action for cause; and

9           “(B) except as provided in paragraphs (1) and  
10          (2), satisfies the educational, experience, and other  
11          requirements prescribed under paragraphs (2), (3),  
12          and (4) of that subsection.”.

13 **SEC. 810. PILOT PROGRAMS FOR TESTING PROGRAM MAN-**  
14 **AGER PERFORMANCE OF PRODUCT SUPPORT**  
15 **OVERSIGHT RESPONSIBILITIES FOR LIFE**  
16 **CYCLE OF ACQUISITION PROGRAMS.**

17          (a) DESIGNATION OF PILOT PROGRAMS.—The Sec-  
18          retary of Defense, acting through the Secretaries of the  
19          military departments, shall designate 10 acquisition pro-  
20          grams of the military departments as pilot programs on  
21          program manager responsibility for product support.

22          (b) RESPONSIBILITIES OF PROGRAM MANAGERS.—  
23          The program manager for each acquisition program des-  
24          ignated as a pilot program under this section shall have  
25          the responsibility for ensuring that the product support

1 functions for the program are properly carried out over  
2 the entire life cycle of the program.

3 (c) REPORT.—Not later than February 1, 1999, the  
4 Secretary of Defense shall submit to the congressional de-  
5 fense committees a report on the pilot programs. The re-  
6 port shall contain the following:

7 (1) A description of the acquisition programs  
8 designated as pilot programs under subsection (a).

9 (2) For each such acquisition program, the spe-  
10 cific management actions taken to ensure that the  
11 program manager has the responsibility for oversight  
12 of the performance of the product support functions.

13 (3) Any proposed change to law, policy, regula-  
14 tion, or organization that the Secretary considers de-  
15 sirable, and determines feasible to implement, for  
16 ensuring that the program managers are fully re-  
17 sponsible under the pilot programs for the perform-  
18 ance of all such responsibilities.

19 **SEC. 811. SCOPE OF PROTECTION OF CERTAIN INFORMA-**  
20 **TION FROM DISCLOSURE.**

21 Section 2371(i)(2)(A) of title 10, United States Code,  
22 is amended by striking out “cooperative agreement that  
23 includes a clause described in subsection (d)” and insert-  
24 ing in lieu thereof “cooperative agreement for performance

1 of basic, applied, or advanced research authorized by sec-  
2 tion 2358 of this title”.

3 **SEC. 812. PLAN FOR RAPID TRANSITION FROM COMPLE-**  
4 **TION OF SMALL BUSINESS INNOVATION RE-**  
5 **SEARCH INTO DEFENSE ACQUISITION PRO-**  
6 **GRAMS.**

7 (a) PLAN REQUIRED.—Not later than February 1,  
8 1999, the Secretary of Defense shall submit to the Com-  
9 mittee on Armed Services of the Senate and the Commit-  
10 tee on National Security of the House of Representatives  
11 a plan for facilitating the rapid transition into Department  
12 of Defense acquisition programs of successful first phase  
13 and second phase activities under the Small Business In-  
14 novation Research program under section 9 of the Small  
15 Business Act (15 U.S.C. 638).

16 (b) CONDITIONS.—The plan submitted under sub-  
17 section (a) shall—

18 (1) be consistent with the Small Business Inno-  
19 vation Research program and with recent acquisition  
20 reforms that are applicable to the Department of  
21 Defense; and

22 (2) provide—

23 (A) a high priority for funding the projects  
24 under the Small Business Innovation Research  
25 program that are likely to be successful under

1 a third phase agreement entered into pursuant  
2 to section 9(r) of the Small Business Act (15  
3 U.S.C. 638(r)); and

4 (B) for favorable consideration, in the ac-  
5 quisition planning process, for funding projects  
6 under the Small Business Innovation Research  
7 program that are subject to a third phase  
8 agreement described in subparagraph (A).

9 **SEC. 813. SENIOR EXECUTIVES COVERED BY LIMITATION**  
10 **ON ALLOWABILITY OF COMPENSATION FOR**  
11 **CERTAIN CONTRACTOR PERSONNEL.**

12 (a) DEFENSE CONTRACTS.—Section 2324(l)(5) of  
13 title 10, United States Code, is amended to read as fol-  
14 lows:

15 “(5) The term ‘senior executive’, with respect to  
16 a contractor, means the five most highly com-  
17 pensated employees in management positions at each  
18 home office and segment of the contractor.”.

19 (b) NON-DEFENSE CONTRACTS.—Section 306(m)(2)  
20 of the Federal Property and Administrative Services Act  
21 of 1949 (41 U.S.C. 256(m)(2)) is amended to read as fol-  
22 lows:

23 “(2) The term ‘senior executive’, with respect to  
24 a contractor, means the five most highly com-

1       pensated employees in management positions at each  
2       home office and segment of the contractor.”.

3       (c) CONFORMING AMENDMENT.—Section 39(c)(2) of  
4 the Office of Federal Procurement Policy Act (41 U.S.C.  
5 435(c)(2)) is amended to read as follows:

6             “(2) The term ‘senior executive’, with respect to  
7 a contractor, means the five most highly com-  
8 pensated employees in management positions at each  
9 home office and segment of the contractor.”.

10 **SEC. 814. SEPARATE DETERMINATIONS OF EXCEPTIONAL**  
11 **WAIVERS OF TRUTH IN NEGOTIATION RE-**  
12 **QUIREMENTS FOR PRIME CONTRACTS AND**  
13 **SUBCONTRACTS.**

14       (a)       DEFENSE       PROCUREMENTS.—Section  
15 2306a(a)(5) of title 10, United States Code, is amended  
16 to read as follows:

17       “(5) A waiver of requirements for submission of cer-  
18 tified cost or pricing data that is granted under subsection  
19 (b)(1)(C) in the case of a contract or subcontract does  
20 not waive the requirement under paragraph (1)(C) for  
21 submission of cost or pricing data in the case of sub-  
22 contracts under that contract or subcontract unless the  
23 head of the agency concerned determines that the require-  
24 ment under that paragraph should be waived in the case

1 of such subcontracts and justifies in writing the reasons  
2 for the determination.”.

3 (b) NON-DEFENSE PROCUREMENTS.—Section  
4 304A(a)(5) of the Federal Property and Administrative  
5 Services Act of 1949 (41 U.S.C. 254b(a)(5)) is amended  
6 to read as follows:

7 “(5) A waiver of requirements for submission of cer-  
8 tified cost or pricing data that is granted under subsection  
9 (b)(1)(C) in the case of a contract or subcontract does  
10 not waive the requirement under paragraph (1)(C) for  
11 submission of cost or pricing data in the case of sub-  
12 contracts under that contract or subcontract unless the  
13 head of the executive agency concerned determines that  
14 the requirement under that paragraph should be waived  
15 in the case of such subcontracts and justifies in writing  
16 the reasons for the determination.”.

17 **SEC. 815. FIVE-YEAR AUTHORITY FOR SECRETARY OF THE**  
18 **NAVY TO EXCHANGE CERTAIN ITEMS.**

19 (a) BARTER AUTHORITY.—The Secretary of the  
20 Navy may enter into a barter agreement to exchange  
21 trucks and other tactical vehicles for the repair and re-  
22 manufacture of ribbon bridges for the Marine Corps in  
23 accordance with section 201(c) of the Federal Property  
24 and Administrative Services Act of 1949 (40 U.S.C.  
25 481(c)), except that the requirement for items exchanged



1 under that section to be similar items shall not apply to  
2 the authority under this subsection.

3 (b) PERIOD OF AUTHORITY.—The authority to enter  
4 into agreements under subsection (a) and to make ex-  
5 changes under any such agreement is effective during the  
6 5-year period beginning on October 1, 1998, and ending  
7 at the end of September 30, 2003.

8 **SEC. 816. CLARIFICATION OF RESPONSIBILITY FOR SUB-**  
9 **MISSION OF INFORMATION ON PRICES PRE-**  
10 **VIOUSLY CHARGED FOR PROPERTY OR SERV-**  
11 **ICES OFFERED.**

12 (a) ARMED SERVICES PROCUREMENTS.—Section  
13 2306a(d)(1) of title 10, United States Code is amended—

14 (1) by striking out “the data submitted shall”  
15 in the second sentence and inserting in lieu thereof  
16 the following: “the contracting officer shall require  
17 that the data submitted”; and

18 (2) by adding at the end the following: “Sub-  
19 mission of data required of an offeror under the pre-  
20 ceding sentence in the case of a contract or sub-  
21 contract shall be a condition for the eligibility of the  
22 offeror to enter into the contract or subcontract.”.

23 (b) CIVILIAN AGENCY PROCUREMENTS.—Section  
24 304A(d)(1) of the Federal Property and Administrative

1 Services Act of 1949 (41 U.S.C. 254b(d)(1)), is amend-  
2 ed—

3 (1) by striking out “the data submitted shall”  
4 in the second sentence and inserting in lieu thereof  
5 the following: “the contracting officer shall require  
6 that the data submitted”; and

7 (2) by adding at the end the following: “Sub-  
8 mission of data required of an offeror under the pre-  
9 ceding sentence in the case of a contract or sub-  
10 contract shall be a condition for the eligibility of the  
11 offeror to enter into the contract or subcontract.”.

12 (c) CRITERIA FOR CERTAIN DETERMINATIONS.—Not  
13 later than 180 days after the date of the enactment of  
14 this Act, the Federal Acquisition Regulation shall be  
15 amended to include criteria for contracting officers to  
16 apply for determining the specific price information that  
17 an offeror should be required to submit under section  
18 2306(d) of title 10, United States Code, or section  
19 304A(d) of the Federal Property and Administrative Serv-  
20 ices Act of 1949 (41 U.S.C. 254b(d)).

21 **SEC. 817. DENIAL OF QUALIFICATION OF A SMALL DIS-**  
22 **ADVANTAGED BUSINESS SUPPLIER.**

23 (a) No later than December 1, 1998, the Secretary  
24 shall submit to the Congress a report recommending alter-  
25 native means through which a refiner that qualifies as a

1 small disadvantaged business and that delivers fuel by  
2 barge to Defense Energy Supply Point-Anchorage under  
3 a contract with the Defense Energy Supply Center can—

4 (1) fulfill its contractual obligations,

5 (2) maintain its status as a small disadvan-  
6 taged business, and

7 (3) receive the small disadvantaged business  
8 premium for the total amount of fuel under the con-  
9 tract,

10 when ice conditions in Cook Inlet threaten physical deliv-  
11 ery of such fuel.

12 (b) Any inability by such refiner to satisfy its contrac-  
13 tual obligations to the Defense Energy Supply Center for  
14 the delivery of fuel to Defense Energy Supply Point-An-  
15 chorage may not be used as a basis for the denial of such  
16 refiner's small disadvantaged business status or small dis-  
17 advantaged business premium for the total amount of fuel  
18 under the contract, where such inability is a result of ice  
19 conditions, as determined by the United States Coast  
20 Guard, in Cook Inlet through February 1999, and if the  
21 Secretary of Defense determines that such inability will  
22 result in an inequity to the refiner.

1 **TITLE IX—DEPARTMENT OF DE-**  
2 **FENSE ORGANIZATION AND**  
3 **MANAGEMENT**

4 **SEC. 901. REDUCTION IN NUMBER OF ASSISTANT SEC-**  
5 **RETARY OF DEFENSE POSITIONS.**

6 (a) NINE POSITIONS.—Section 138(a) of title 10,  
7 United States Code, is amended by striking out “ten” and  
8 insert in lieu thereof “nine”.

9 (b) CONFORMING AMENDMENT.—The item relating  
10 to the Assistant Secretaries of Defense in section 5315  
11 of title 5, United States Code, is amended to read as fol-  
12 lows:

13 “Assistant Secretaries of Defense (9).”.

14 **SEC. 902. RENAMING OF POSITION OF ASSISTANT SEC-**  
15 **RETARY OF DEFENSE FOR COMMAND, CON-**  
16 **TROL, COMMUNICATIONS, AND INTEL-**  
17 **LIGENCE.**

18 Section 138(b)(3) of title 10, United States Code is  
19 amended to read as follows:

20 “(3) One of the Assistant Secretaries shall be the As-  
21 sistant Secretary of Defense for Space and Information  
22 Superiority. The Assistant Secretary—

23 “(A) shall have as his principal duty the overall  
24 supervision of the functions of the Department of  
25 Defense that relate to space, intelligence, informa-

1       tion security, information operations, command, con-  
2       trol, communications, computers, surveillance, recon-  
3       naissance, and electromagnetic spectrum; and

4               “(B) shall be the Chief Information Officer of  
5       the Department of Defense.”.

6       **SEC. 903. AUTHORITY TO EXPAND THE NATIONAL DE-**  
7                               **FENSE UNIVERSITY.**

8       Section 2165(b) of title 10, United States Code, is  
9       amended by adding at the end the following:

10               “(7) Any other educational institution of the  
11       Department of Defense that the Secretary considers  
12       appropriate and designates as an institution of the  
13       university.”.

14       **SEC. 904. REDUCTION IN DEPARTMENT OF DEFENSE**  
15                               **HEADQUARTERS STAFF.**

16       (a) REDUCTION REQUIRED.—(1) The Secretary of  
17       Defense shall reduce the number of Federal Government  
18       employees and members of the Armed Forces on the head-  
19       quarters staffs of Department of Defense organizations in  
20       accordance with this section. The Secretary shall achieve  
21       the required reductions not later than September 30,  
22       2003.

23       (2) The total number of Federal Government employ-  
24       ees and members of the Armed Forces on the head-  
25       quarters staffs of all organizations within a category of

1 organizations described in paragraph (4) shall be reduced  
2 below the baseline number for the category by the percent-  
3 age specified for the category in that paragraph. In the  
4 administration of this section, the number of employees  
5 employed on a basis other than a full time basis shall be  
6 converted to, and expressed as, the equivalent number of  
7 full time employees.

8 (3) For the purposes of this subsection, the baseline  
9 number for the organizations in a category is the total  
10 number of Federal Government employees and members  
11 of the Armed Forces on the headquarters staffs of those  
12 organizations on October 1, 1996.

13 (4) The categories of organizations, and the percent-  
14 ages applicable under paragraph (1) to the organizations  
15 in such categories, are as follows:

16 (A) The Office of the Secretary of Defense and  
17 associated activities, a reduction of 33 percent.

18 (B) Defense agencies, a reduction of 21 per-  
19 cent.

20 (C) Department of Defense field activities and  
21 other operating organizations reporting to the Office  
22 of the Secretary of Defense, a reduction of 36 per-  
23 cent.

24 (D) The Joint Staff and associated activities, a  
25 reduction of 29 percent.

1           (E) The headquarters of the combatant com-  
2           mands and associated activities, a reduction of 7  
3           percent.

4           (F) Other headquarters elements (including the  
5           headquarters of the military departments and their  
6           major commands) and associated activities, a reduc-  
7           tion of 29 percent.

8           (b) LIMITED RELIEF FROM PROHIBITION ON MAN-  
9           AGING BY END-STRENGTH.—(1) The Secretary may waive  
10          the requirements and restrictions of section 129 of title  
11          10, United States Code, for an organization or activity  
12          covered by subsection (a) to the extent that the Secretary  
13          determines necessary to achieve the personnel reductions  
14          required by that subsection.

15          (2) Not later than 30 days after exercising the waiver  
16          authority under paragraph (1) in the case of an organiza-  
17          tion or activity, the Secretary shall notify the congres-  
18          sional defense committees of the scope and duration of the  
19          waiver and the reasons for granting the waiver.

20          (c) MANAGEMENT BY BUDGET.—(1) The Secretary  
21          shall waive the requirement under subsection (a) to reduce  
22          the number of personnel on the headquarters staff of an  
23          organization or activity if the Secretary determines that  
24          the budget authority available for the organization or ac-  
25          tivity for fiscal year 2003 has been reduced below the

1 budget authority available for the organization or activity  
2 for fiscal year 1996 by at least the percentage equal to  
3 one-fifth of the percentage specified in subsection (a)(4)  
4 for the category of the organization or activity.

5 (2) In this subsection, the term “budget authority”  
6 has the meaning given that term in section 3(2)(A) of the  
7 Congressional Budget Act of 1974 (2 U.S.C. 622(2)(A)).

8 (d) JOINT AND DEFENSE-WIDE ACTIVITIES.—If the  
9 Secretary consolidates functions in a Department of De-  
10 fense-wide or joint organization or activity described in  
11 subparagraph (A), (B), (C), (D), or (E) of subsection  
12 (a)(4) in order to meet the requirement for reduction in  
13 the personnel of the other headquarters (including the  
14 headquarters of the military departments and their major  
15 commands) referred to in subparagraph (F) of such sub-  
16 section, the Secretary may apply to that organization or  
17 activity, instead of the percentage that would otherwise  
18 apply under such subsection, a lesser percentage that is  
19 appropriate to reflect the increased responsibilities of the  
20 organization or activity.

21 (e) REPORT.—Not later than March 1, 1999, the  
22 Secretary of Defense shall submit to the congressional de-  
23 fense committees a report containing a plan to implement  
24 the personnel reductions required by this section.

25 (f) CATEGORIES DEFINED.—In this section:



1           (1) The term “Office of the Secretary of De-  
2           fense and associated activities” means the following  
3           organizations and activities:

4                   (A) The Office of the Secretary of Defense,  
5                   as defined in section 131 of title 10, United  
6                   States Code.

7                   (B) The defense support activities that  
8                   perform technical and analytical support for the  
9                   Office of the Secretary of Defense.

10           (2) The term “defense agencies” means the fol-  
11           lowing organizations and activities:

12                   (A) The Ballistic Missile Defense Organi-  
13                   zation.

14                   (B) The Defense Advanced Research  
15                   Projects Agency.

16                   (C) The Defense Commissary Agency.

17                   (D) The Defense Contract Audit Agency.

18                   (E) The Defense Finance and Accounting  
19                   Services.

20                   (F) The Defense Information Systems  
21                   Agency.

22                   (G) The Defense Legal Services Agency.

23                   (H) The Defense Logistics Agency.

24                   (I) The Defense Security Assistance Agen-  
25                   cy.

1 (J) The Defense Security Service.

2 (K) The Defense Special Weapons Agency.

3 (L) The On-Site Inspection Agency.

4 (M) The Treaty Compliance and Threat  
5 Reduction Agency.

6 (3) The term “Department of Defense field ac-  
7 tivities and other operating organizations reporting  
8 to the Office of the Secretary of Defense” means the  
9 following organizations and activities:

10 (A) The American Forces Information  
11 Service.

12 (B) The TRICARE Support Office.

13 (C) The Office of Economic Adjustment.

14 (D) The Department of Defense Education  
15 Activity.

16 (E) Washington Headquarters Services.

17 (F) The Department of Defense Human  
18 Resources Activity.

19 (G) The Defense Prisoner of War/Missing  
20 Personnel Office.

21 (H) The Defense Medical Programs Activ-  
22 ity.

23 (I) The Defense Technology Security Ad-  
24 ministration.

25 (J) The C4I Support Activity.

1                   (K) The Plans and Program Analysis Sup-  
2                   port Center.

3                   (L) The Defense Airborne Reconnaissance  
4                   Office.

5                   (M) The Defense Acquisition University.

6                   (N) The Director of Military Support.

7                   (O) The Defense Technical Information  
8                   Center.

9                   (P) The National Defense University.

10                  (4) The term “Joint Staff and associated activi-  
11                  ties” means the following organizations and activi-  
12                  ties:

13                         (A) The Joint Staff referred to in section  
14                         155 of title 10, United States Code.

15                         (B) Department of Defense activities that  
16                         are controlled by the Chairman of the Joint  
17                         Chiefs of Staff and report directly to the Joint  
18                         Staff.

19                  (5) The term “headquarters of the combatant  
20                  commands” means the headquarters of the combat-  
21                  ant commands, as defined in section 161(c)(3) of  
22                  title 10, United States Code.

23                  (6) The term “other headquarters elements (in-  
24                  cluding the headquarters of the military departments

1 and their major commands)” means the following  
2 organizations and activities:

3 (A) The military department headquarters  
4 listed and defined in Department of Defense  
5 Directive 5100.73, “Department of Defense  
6 Management Headquarters and Headquarters  
7 Support Activities”, as in effect on November  
8 12, 1996.

9 (B) Other military headquarters elements  
10 defined in such directive that are not otherwise  
11 covered by paragraphs (1), (2), (3), (4), and  
12 (5).

13 (g) REPEAL OF SUPERSEDED PROVISIONS.—(1) Sec-  
14 tions 130a and 194 of title 10, United States Code, are  
15 repealed.

16 (2)(A) The table of sections at the beginning of chap-  
17 ter 3 of such title is amended by striking out the item  
18 relating to section 130a.

19 (B) The table of sections at the beginning of chapter  
20 8 of such title is amended by striking out the item relating  
21 to section 194.

1 **SEC. 905. 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  
5 116 the following:

6 **“§ 117. 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 181(d) of  
21 this title.

22 “(c) REPORT TO CONGRESS.—The Secretary shall  
23 submit a report on each review to the Committee on  
24 Armed Services of the Senate and the Committee on Na-  
25 tional Security of the House of Representatives not later

1 than September 30 of the year in which the review is con-  
2 ducted. The report shall include the following:

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.

7           “(2) The threats examined for purposes of the  
8 review and the scenarios developed in the examina-  
9 tion of such threats.

10           “(3) The assumptions used in the review, in-  
11 cluding assumptions relating to the cooperation of  
12 allies and mission-sharing, levels of acceptable risk,  
13 warning times, and intensity and duration of con-  
14 flict.

15           “(4) The effect on the force structure of prep-  
16 arations for and participation in peace operations  
17 and military operations other than war.

18           “(5) The effect on the force structure of the  
19 utilization by the Armed Forces of technologies an-  
20 ticipated to be available for the ensuing 10 years  
21 and technologies anticipated to be available for the  
22 ensuing 20 years, including precision guided muni-  
23 tions, stealth, night vision, digitization, and commu-  
24 nications, and the changes in doctrine and oper-

1       ational concepts that would result from the utiliza-  
2       tion of such technologies.

3               “(6) The manpower and sustainment policies  
4       required under the defense strategy to support en-  
5       gagement in conflicts lasting more than 120 days.

6               “(7) The anticipated roles and missions of the  
7       reserve components in the defense strategy and the  
8       strength, capabilities, and equipment necessary to  
9       assure that the reserve components can capably dis-  
10      charge those roles and missions.

11              “(8) The appropriate ratio of combat forces to  
12      support forces (commonly referred to as the “tooth-  
13      to-tail” ratio) under the defense strategy, including,  
14      in particular, the appropriate number and size of  
15      headquarter units and Defense Agencies for that  
16      purpose.

17              “(9) The air-lift and sea-lift capabilities re-  
18      quired to support the defense strategy.

19              “(10) The forward presence, pre-positioning,  
20      and other anticipatory deployments necessary under  
21      the defense strategy for conflict deterrence and ade-  
22      quate military response to anticipated conflicts.

23              “(11) The extent to which resources must be  
24      shifted among two or more theaters under the de-

1       fense strategy in the event of conflict in such thea-  
2       ters.

3               “(12) The advisability of revisions to the Uni-  
4       fied Command Plan as a result of the defense strat-  
5       egy.

6               “(13) Any other matter the Secretary considers  
7       appropriate.”.

8       (b) NATIONAL DEFENSE PANEL.—Chapter 7 of such  
9       title is amended by adding at the end the following:

10   **“§ 181. National Defense Panel**

11       “(a) ESTABLISHMENT.—Not later than January 1 of  
12       each year immediately preceding a year in which a Presi-  
13       dent is to be inaugurated, the Secretary of Defense shall  
14       establish a nonpartisan, independent panel to be known  
15       as the National Defense Panel. The Panel shall have the  
16       duties set forth in this section.

17       “(b) MEMBERSHIP.—The Panel shall be composed of  
18       a chairman and eight other individuals appointed by the  
19       Secretary, in consultation with the chairman and ranking  
20       member of the Committee on Armed Services of the Sen-  
21       ate and the chairman and ranking member of the Commit-  
22       tee on National Security of the House of Representatives,  
23       from among individuals in the private sector who are rec-  
24       ognized experts in matters relating to the national security  
25       of the United States.



1 “(c) DUTIES.—The Panel shall—

2 “(1) conduct and submit to the Secretary of  
3 Defense and to the Committee on Armed Services of  
4 the Senate and the Committee on National Security  
5 of the House of Representatives a comprehensive as-  
6 sessment of the defense strategy, force structure,  
7 force modernization plans, infrastructure, budget  
8 plan, and other elements of the defense program and  
9 policies with a view toward recommending a defense  
10 strategy of the United States and a revised defense  
11 plan for the ensuing 10 years and a revised defense  
12 plan for the ensuing 20 years; and

13 “(2) identify issues that the Panel recommends  
14 for assessment during the next review to be con-  
15 ducted under section 117 of this title.

16 “(d) REPORT.—(1) The Panel, in the year that it is  
17 conducting an assessment under subsection (c), shall sub-  
18 mit to the Secretary of Defense and to the Committee on  
19 Armed Services of the Senate and the Committee on Na-  
20 tional Security of the House of Representatives two re-  
21 ports on its activities and the findings and recommenda-  
22 tions of the Panel, including any recommendations for leg-  
23 islation that the Panel considers appropriate, as follows:

24 “(A) An interim report not later than July 1 of  
25 the year.

1           “(B) A final report not later than December 1  
2           of the year.

3           “(2) Not later than December 15 of the year in which  
4 the Secretary receive a final report under paragraph  
5 (1)(B), the Secretary shall submit to the committees re-  
6 ferred to in subsection (b) a copy of the report together  
7 with the Secretary’s comments on the report.

8           “(e) INFORMATION FROM FEDERAL AGENCIES.—  
9 The Panel may secure directly from the Department of  
10 Defense and any of its components and from any other  
11 Federal department and agency such information as the  
12 Panel considers necessary to carry out its duties under  
13 this section. The head of the department or agency con-  
14 cerned shall ensure that information requested by the  
15 Panel under this subsection is promptly provided.

16           “(f) PERSONNEL MATTERS.—(1) Each member of  
17 the Panel shall be compensated at a rate equal to the daily  
18 equivalent of the annual rate of basic pay prescribed for  
19 level IV of the Executive Schedule under section 5315 of  
20 title 5 for each day (including travel time) during which  
21 the member is engaged in the performance of the duties  
22 of the Panel.

23           “(2) The members of the Panel shall be allowed travel  
24 expenses, including per diem in lieu of subsistence, at  
25 rates authorized for employees of agencies under sub-

1 chapter I of chapter 57 of title 5 while away from their  
2 homes or regular places of business in the performance  
3 of services for the Panel.

4 “(3)(A) The chairman of the Panel may, without re-  
5 gard to the civil service laws and regulations, appoint and  
6 terminate an executive director and a staff if the Panel  
7 determines that an executive director and staff are nec-  
8 essary in order for the Panel to perform its duties effec-  
9 tively. The employment of an executive director shall be  
10 subject to confirmation by the Panel.

11 “(B) The chairman may fix the compensation of the  
12 executive director without regard to the provisions of  
13 chapter 51 and subchapter III of chapter 53 of title 5 re-  
14 lating to classification of positions and General Schedule  
15 pay rates, except that the rate of pay for the executive  
16 director may not exceed the rate payable for level V of  
17 the Executive Schedule under section 5316 of such title.

18 “(4) Any Federal Government employee may be de-  
19 tailed to the Panel without reimbursement of the employ-  
20 ee’s agency, and such detail shall be without interruption  
21 or loss of civil service status or privilege. The Secretary  
22 shall ensure that sufficient personnel are detailed to the  
23 Panel to enable the Panel to carry out its duties effec-  
24 tively.

1       “(5) To the maximum extent practicable, the mem-  
2 bers and employees of the Panel shall travel on military  
3 aircraft, military ships, military vehicles, or other military  
4 conveyances when travel is necessary in the performance  
5 of a duty of the Panel, except that no such aircraft, ship,  
6 vehicle, or other conveyance may be scheduled primarily  
7 for the transportation of any such member or employee  
8 when the cost of commercial transportation is less expen-  
9 sive.

10       “(g) ADMINISTRATIVE PROVISIONS.—(1) The Panel  
11 may use the United States mails and obtain printing and  
12 binding services in the same manner and under the same  
13 conditions as other departments and agencies of the Fed-  
14 eral Government.

15       “(2) The Secretary shall furnish the Panel any ad-  
16 ministrative and support services requested by the Panel.

17       “(3) The Panel may accept, use, and dispose of gifts  
18 or donations of services or property.

19       “(h) PAYMENT OF PANEL EXPENSES.—The com-  
20 pensation, travel expenses, and per diem allowances of  
21 members and employees of the Panel shall be paid out of  
22 funds available to the Department of Defense for the pay-  
23 ment of compensation, travel allowances, and per diem al-  
24 lowances, respectively, of civilian employees of the Depart-  
25 ment. The other expenses of the Panel shall be paid out

1 of funds available to the Department for the payment of  
2 similar expenses incurred by the Department.

3       “(i) TERMINATION.—The Panel shall terminate at  
4 the end of the year following the year in which the Panel  
5 submits its final report under subsection (d)(1)(B). For  
6 the period that begins 90 days after the date of submittal  
7 of the report, the activities and staff of the panel shall  
8 be reduced to a level that the Secretary of Defense consid-  
9 ers sufficient to continue the availability of the panel for  
10 consultation with the Secretary of Defense and with the  
11 Committee on Armed Services of the Senate and the Com-  
12 mittee on National Security of the House of Representa-  
13 tives.”.

14       (c) CLERICAL AMENDMENTS.—(1) The table of sec-  
15 tions at the beginning of chapter 2 of title 10, United  
16 States Code, is amended by inserting after the item relat-  
17 ing to section 116 the following:

“117. Quadrennial defense review.”.

18       (2) The table of sections at the beginning of chapter  
19 7 of such title is amended by adding at the end the follow-  
20 ing:

“181. National Defense Panel.”.

21       (d) CONTINUATION OF 1997 NATIONAL DEFENSE  
22 PANEL.—Section 924(j) of the Military Force Structure  
23 Review Act of 1996 (subtitle B of title IX of Public Law

1 104–201; 110 Stat. 2626; 10 U.S.C. 111 note) is amended  
2 to read as follows:

3 “(j) **TERMINATION.**—The Panel shall continue until  
4 the first National Defense Panel is established under sec-  
5 tion 181(a) of title 10, United States Code, and shall then  
6 terminate. The activities and staff of the panel shall be  
7 reduced to a level that the Secretary of Defense considers  
8 sufficient to continue the availability of the panel for con-  
9 sultation with the Secretary of Defense and with the Com-  
10 mittee on Armed Services of the Senate and the Commit-  
11 tee on National Security of the House of Representa-  
12 tives.”.

13 **SEC. 906. MANAGEMENT REFORM FOR RESEARCH, DEVEL-**  
14 **OPMENT, TEST, AND EVALUATION.**

15 (a) **REQUIREMENTS FOR ANALYSIS AND PLAN.**—(1)  
16 The Secretary of Defense, acting through the Under Sec-  
17 retary of Defense for Acquisition and Technology, shall  
18 analyze the structures and processes of the Department  
19 of Defense for management of its laboratories and test  
20 and evaluation centers and, taking into consideration the  
21 analysis, develop a plan for improving the management of  
22 the laboratories and centers. The plan shall include the  
23 reorganizations and reforms that the Secretary considers  
24 appropriate.

25 (2) The analysis shall include the following:

1           (A) Opportunities to achieve efficiency and re-  
2           duce duplication of efforts by consolidating respon-  
3           sibilities for research, development, test, and evalua-  
4           tion, by area or function, in a military department  
5           as a lead agency or executive agent.

6           (B) Reforms of the management processes of  
7           Department of Defense laboratories and test and  
8           evaluation centers that would reduce costs and in-  
9           crease efficiency in the conduct of research, develop-  
10          ment, test, and evaluation.

11          (C) Opportunities for Department of Defense  
12          laboratories and test and evaluation centers to enter  
13          into partnership arrangements with laboratories in  
14          industry, academia, and other Federal agencies that  
15          demonstrate leadership, initiative, and innovation in  
16          research, development, test, and evaluation.

17          (D) The benefits of consolidating test ranges  
18          and test facilities under one management structure.

19          (E) Personnel demonstration projects and pilot  
20          projects that are being carried out to address the  
21          challenges for and constraints on recruitment and  
22          retention of scientists and engineers.

23          (F) The extent to which there is disseminated  
24          within the Department of Defense laboratories and  
25          test and evaluation centers information regarding

1 initiatives that have successfully improved efficiency  
2 through reform of management processes and other  
3 means.

4 (G) Any cost savings that can be derived di-  
5 rectly from reorganization of management struc-  
6 tures.

7 (H) Options for reinvesting any such cost sav-  
8 ings in the Department of Defense laboratories and  
9 test and evaluation centers.

10 (3) The Secretary shall submit the plan required  
11 under paragraph (1) to the congressional defense commit-  
12 tees not later than 180 days after the date of the enact-  
13 ment of this Act.

14 (b) COST-BASED MANAGEMENT INFORMATION SYS-  
15 TEM.—(1) The Secretary of Defense shall develop a plan,  
16 including a schedule, for establishing a cost-based man-  
17 agement information system for Department of Defense  
18 laboratories and test and evaluation centers. The system  
19 shall provide for accurately identifying and comparing the  
20 costs of operating each laboratory and each center.

21 (2) In preparing the plan, the Secretary shall assess  
22 the feasibility and desirability of establishing a common  
23 methodology for assessing costs. The Secretary shall con-  
24 sider the use of a revolving fund as one potential meth-  
25 odology.



1       (3) The Secretary shall submit the plan required  
2 under paragraph (1) to the congressional defense commit-  
3 tees not later than 90 days after the date of the enactment  
4 of this Act.

5 **SEC. 907. RESTRUCTURING OF ADMINISTRATION OF FISHER**  
6 **HOUSES.**

7       (a) ADMINISTRATION AS NONAPPROPRIATED FUND  
8 INSTRUMENTALITY.—(1) Chapter 147 of title 10, United  
9 States Code, is amended by adding at the end the follow-  
10 ing:

11 **“§ 2490b. Fisher Houses: administration as non-**  
12 **appropriated fund instrumentality**

13       “(a) FISHER HOUSES AND SUITES.—(1) For the  
14 purposes of this section, a Fisher House is a housing facil-  
15 ity that—

16           “(A) is located in proximity to a health care fa-  
17 cility of the Army, the Air Force, or the Navy;

18           “(B) is available for residential use on a tem-  
19 porary basis by patients of that health care facility,  
20 members of the families of such patients, and others  
21 providing the equivalent of familial support for such  
22 patients; and

23           “(C) has been constructed and donated by—

24                   “(i) the Zachary and Elizabeth M. Fisher  
25                   Armed Services Foundation; or

1                   “(ii) another source, if the Secretary des-  
2                   ignates the housing facility as a Fisher House.

3           “(2) For the purposes of this section, a Fisher Suite  
4 is one or more rooms that meet the requirements of sub-  
5 paragraph (A) and (B) of paragraph (1), are constructed,  
6 altered, or repaired and donated by a source described in  
7 subparagraph (C) of that paragraph, and are designated  
8 by the Secretary concerned as a Fisher Suite.

9           “(b) NONAPPROPRIATED FUND INSTRUMENTAL-  
10 ITY.—The Secretary of a military department shall admin-  
11 ister all Fisher Houses and Fisher Suites associated with  
12 health care facilities of that military department as a non-  
13 appropriated fund instrumentality of the United States.

14           “(c) GOVERNANCE.—The Secretary shall establish a  
15 system for the governance of the nonappropriated fund in-  
16 strumentality.

17           “(d) CENTRAL FUND.—The Secretary shall establish  
18 a single fund as the source of funding for the operation,  
19 maintenance, and improvement of all Fisher Houses and  
20 Fisher Suites of the nonappropriated fund instrumentality.  
21 ity.

22           “(e) ACCEPTANCE OF CONTRIBUTIONS AND FEES.—  
23 The Secretary of a military department may accept  
24 money, property, and services donated for the support of  
25 a Fisher House or Fisher Suite, and may impose fees re-

1 lating to the use of the Fisher Houses and Fisher Suites.  
2 All monetary donations, and the proceeds of the disposal  
3 of any other donated property, accepted by the Secretary  
4 under this subsection shall be credited to the fund estab-  
5 lished under subsection (d) for the Fisher Houses and  
6 Fisher Suites of that military department and shall be  
7 available for all Fisher Houses and Fisher Suites of that  
8 military department.

9 “(f) ANNUAL REPORT.—Not later than January 15  
10 of each year, the Secretary of each military department  
11 shall submit a report on Fisher House operations to the  
12 Committee on Armed Services of the Senate and the Com-  
13 mittee on National Security of the House of Representa-  
14 tives. The report shall include, at a minimum, the follow-  
15 ing:

16 “(1) The amount in the fund established by the  
17 Secretary for the Fisher Houses and Fisher Suites  
18 under subsection (d), as of October 1 of the previous  
19 year.

20 “(2) The operation of the fund during the fiscal  
21 year ending on the day before that date, including—

22 “(A) all gifts, fees, and interest credited to  
23 the fund; and

24 “(B) the disbursements from the fund.

1           “(3) The budget for the operation of the Fisher  
2           Houses and Fisher Suites for the fiscal year in  
3           which the report is submitted.”.

4           (2) The table of sections at the beginning of such  
5           chapter is amended by adding at the end the following:

          “2490b. Fisher Houses: administration as nonappropriated fund instrumental-  
          ity.”.

6           (b) FUNDING TRANSITION.—(1) Not later than 90  
7           days after the date of the enactment of this Act the Sec-  
8           retary of each military department shall—

9                   (A) establish the fund required under section  
10           2490b(d) of title 10, United States Code (as added  
11           by subsection (a)); and

12                   (B) close the Fisher House trust fund for that  
13           department and transfer the amounts in the closed  
14           fund to the newly established fund.

15           (2) Of the amounts appropriated for the Navy pursu-  
16           ant to section 301, the Secretary of the Navy shall trans-  
17           fer to the fund established by the Secretary under section  
18           2490b(d) of title 10, United States Code (as added by sub-  
19           section (a)) such amount as the Secretary considers appro-  
20           priate for establishing in the fund a corpus sufficient for  
21           operating Fisher Houses and Fisher Suites of the Navy.

22           (3) Of the amounts appropriated for the Air Force  
23           pursuant to section 301, the Secretary of the Air Force  
24           shall transfer to the fund established by the Secretary

1 under section 2490b(d) of title 10, United States Code  
2 (as added by subsection (a)) such amount as the Secretary  
3 considers appropriate for establishing in the fund a corpus  
4 sufficient for operating Fisher Houses and Fisher Suites  
5 of the Air Force.

6 (4) The Secretary of each military department, upon  
7 completing the actions required of the Secretary under the  
8 preceding paragraphs of this subsection, shall submit to  
9 Congress a report containing—

10 (A) the Secretary's certification that those ac-  
11 tions have been completed; and

12 (B) a statement of the amount deposited in the  
13 newly established fund.

14 (5) Amounts transferred to a fund established under  
15 section 2490b(d) of title 10, United States Code (as added  
16 by subsection (a)), shall be available without fiscal year  
17 limitation for the purposes for which the fund is estab-  
18 lished and shall be administered as nonappropriated  
19 funds.

20 (c) CONFORMING REPEALS.—(1) Section 2221 of  
21 title 10, United States Code, and the item relating to that  
22 section in the table of sections at the beginning of chapter  
23 131 of such title, are repealed.

1           (2) Section 1321(a) of title 31, United States Code,  
2 is amended by striking out paragraphs (92), (93), and  
3 (94).

4           (3) The amendments made by paragraphs (1) and (2)  
5 shall take effect 90 days after the date of the enactment  
6 of this Act.

7 **SEC. 908. REDESIGNATION OF DIRECTOR OF DEFENSE RE-**  
8 **SEARCH AND ENGINEERING AS DIRECTOR OF**  
9 **DEFENSE           TECHNOLOGY           AND**  
10 **COUNTERPROLIFERATION AND TRANSFER**  
11 **OF RESPONSIBILITIES.**

12           (a) REDESIGNATION.—Subsection (a) of section 137  
13 of title 10, United States Code, is amended by striking  
14 out “Director of Defense Research and Engineering” and  
15 inserting in lieu thereof “Director of Defense Technology  
16 and Counterproliferation”.

17           (b) DUTIES.—Subsection (b) of such section 137 is  
18 amended to read as follows:

19           “(b) The Director of Defense Technology and  
20 Counterproliferation shall—

21                   “(1) except as otherwise prescribed by the Sec-  
22 retary of Defense, perform such duties relating to  
23 research and engineering as the Under Secretary of  
24 Defense for Acquisition and Technology may pre-  
25 scribe;

1           “(2) advise the Secretary of Defense on matters  
2 relating to nuclear energy and nuclear weapons;

3           “(3) serve as the Staff Director of the Joint  
4 Nuclear Weapons Council under section 179 of this  
5 title; and

6           “(4) perform such other duties as the Secretary  
7 of Defense may prescribe.”.

8           (c) ABOLISHMENT OF POSITION OF ASSISTANT TO  
9 THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEM-  
10 ICAL AND BIOLOGICAL DEFENSE PROGRAMS.—Section  
11 142 of such title is repealed.

12          (d) CONFORMING AMENDMENTS.—(1) Title 5,  
13 United States Code, is amended as follows:

14           (A) In section 5315, by striking out “Director  
15 of Defense Research and Engineering” and inserting  
16 in lieu thereof the following:

17           “Director of Defense Technology and  
18 Counterproliferation”.

19           (B) In section 5316, by striking out “Assistant  
20 to the Secretary of Defense for Nuclear and Chemi-  
21 cal and Biological Defense Programs, Department of  
22 Defense.”.

23          (2) Title 10, United States Code, is amended as fol-  
24 lows:

1 (A) In section 131(b), by striking out para-  
2 graph (6) and inserting in lieu thereof the following:

3 “(6) Director of Defense Technology and  
4 Counterproliferation.”.

5 (B) In section 138(d), by striking out “Director  
6 of Defense Research and Engineering” and inserting  
7 in lieu thereof “Director of Defense Technology and  
8 Counterproliferation”.

9 (C) In section 179(c)(2), by striking out “As-  
10 sistant to the Secretary of Defense for Nuclear and  
11 Chemical and Biological Defense Programs” and in-  
12 serting in lieu thereof “Director of Defense Tech-  
13 nology and Counterproliferation”.

14 (D) In section 2350a(g)(3), by striking out  
15 “Deputy Director, Defense Research and Engineer-  
16 ing (Test and Evaluation)” and inserting in lieu  
17 thereof “Under Secretary of Defense for Acquisition  
18 and Technology”.

19 (E) In section 2617(a), by striking out “Direc-  
20 tor of Defense Research and Engineering” and in-  
21 serting in lieu thereof “Director of Defense Tech-  
22 nology and Counterproliferation”.

23 (F) In section 2902(b), by striking out para-  
24 graph (1) and inserting in lieu thereof the following:



1           “(1) The Director of Defense Technology and  
2 Counterproliferation.”.

3           (3) Section 257(a) of the National Defense Author-  
4 ization Act for Fiscal Year 1995 (10 U.S.C. 2358 note)  
5 is amended by striking out “Director of Defense Research  
6 and Engineering” and inserting in lieu thereof “Director  
7 of Defense Technology and Counterproliferation”.

8           (4) The National Defense Authorization Act for Fis-  
9 cal Year 1994 is amended as follows:

10           (A) In section 802(a) (10 U.S.C. 2358 note),  
11 by striking out “Director of Defense Research and  
12 Engineering” and inserting in lieu thereof “Director  
13 of Defense Technology and Counterproliferation”.

14           (B) In section 1605(a)(5), (22 U.S.C. 2751  
15 note) by striking out “Assistant to the Secretary of  
16 Defense for Nuclear and Chemical and Biological  
17 Defense Programs” and inserting in lieu thereof  
18 “Director of Defense Technology and  
19 Counterproliferation”.

20           (e) CLERICAL AMENDMENTS.—(1) The section head-  
21 ing of section 137 of title 10, United States Code, is  
22 amended to read as follows:

1 **“§ 137. Director of Defense Technology and**  
 2 **Counterproliferation”.**

3 (2) The table of sections at the beginning of chapter  
 4 4 of title 10, United States Code, is amended—

5 (A) by striking out the item relating to section  
 6 137 and inserting in lieu thereof the following:

“137. Director of Defense Technology and Counterproliferation.”;

7 and

8 (B) by striking out the item relating to section  
 9 142.

10 **SEC. 909. CENTER FOR HEMISPHERIC DEFENSE STUDIES.**

11 (a) FUNDING FOR CENTER FOR HEMISPHERIC DE-  
 12 FENSE STUDIES.—(1) Chapter 108 of title 10, United  
 13 States Code, is amended by adding at the end the follow-  
 14 ing:

15 **“§ 2166. National Defense University: funding of com-  
 16 ponent institution**

17 “Funds available for the payment of personnel ex-  
 18 penses under the Latin American cooperation authority  
 19 set forth in section 1050 of this title are also available  
 20 for the costs of the operation of the Center for Hemi-  
 21 spheric Defense Studies.”.

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

“2166. National Defense University: funding of component institution.”.

1 (b) CONFORMING AMENDMENT.—Section 1050 of  
2 title 10, United States Code, is amended by inserting  
3 “Secretary of Defense or the” before “Secretary of a mili-  
4 tary department”.

5 **SEC. 910. MILITARY AVIATION ACCIDENT INVESTIGATIONS.**

6 (a) FINDINGS.—Congress makes the following find-  
7 ings:

8 (1) In February 1996, the Government Ac-  
9 counting Office released a report highlighting a 75  
10 percent reduction in aviation Class A mishaps, a 70  
11 percent reduction in aviation mishap fatalities and a  
12 65 percent reduction in Class A mishap rates from  
13 1975–1995 (Military Aircraft Safety—Significant  
14 Improvements since 1975).

15 (2) In February 1998, the Government Ac-  
16 counting Office completed a follow-up review of mili-  
17 tary aircraft safety, noting that the military experi-  
18 enced fewer serious aviation mishaps in fiscal years  
19 1996 and 1997 than in previous fiscal years (Mili-  
20 tary Aircraft Safety: Serious Accidents Remain at  
21 Historically Low Levels).

22 (3) The report required by section 1046 of the  
23 National Defense Authorization Act for fiscal year  
24 1998 (Public Law 105–85; 111 Stat. 1888) con-  
25 cluded, “DoD found no evidence that changing exist-

1 ing investigation processes to more closely resemble  
2 those of the NTSB would help DoD to find more an-  
3 swers more quickly, or accurately”.

4 (4) The Department of Defense must further  
5 improve its aviation safety by fully examining all op-  
6 tions for improving or replacing its current aviation  
7 accident investigation processes.

8 (5) The inter-service working group formed as  
9 a result of that report has contributed to progress  
10 in military aviation accident investigations by identi-  
11 fying ways to improve family assistance, as has the  
12 formal policy direction coordinated by the Office of  
13 the Secretary of Defense.

14 (6) Such progress includes the issuance of Air  
15 Force Instruction 90-701 entitled “Assistance to  
16 Families of Persons Involved in Air Force Aviation  
17 Mishaps”, that attempts to meet the need for a  
18 more timely flow of relevant information to families,  
19 a family liaison officer, and the establishment of the  
20 Air Force Office of Family Assistance. However, for-  
21 mal policy directions and Air Force instructions have  
22 not adequately addressed the failure to provide pri-  
23 mary next of kin of members of the Armed Forces  
24 involved in military aviation accidents with interim  
25 reports regarding the course of investigations into

1 such accidents, and the Department of Defense must  
2 improve its procedures for informing the families of  
3 the persons involved in military aviation mishaps.

4 (7) The report referred to in paragraph (3)  
5 concluded that the Department would “benefit from  
6 the disappearance of the misperception that the priv-  
7 ileged portion of the safety investigation exists to  
8 hide unfavorable information”.

9 (8) That report further specified that “[e]ach  
10 Military Department has procedures in place to  
11 place to provide redacted copies of the final [privi-  
12 leged] safety report to the families. However, fami-  
13 lies must formally request a copy of the final safety  
14 investigation report”.

15 (9) Current efforts to improve family notification  
16 would be enhanced by the issuance by the Secretary of  
17 Defense of uniform regulations to improve the timeliness  
18 and reliability of information provided to the primary next  
19 of kin of persons involved in military aviation accidents  
20 during and following both the legal investigation and safe-  
21 ty investigation phases of such investigations.

22 (b) EVALUATION OF DEPARTMENT OF DEFENSE  
23 AVIATION ACCIDENT INVESTIGATION PROCEDURES.—(1)  
24 The Secretary of Defense shall establish a task force to—

1           (A) review the procedures employed by the De-  
2           partment of Defense to conduct military aviation ac-  
3           cident investigations; and

4           (B) identify mechanisms for improving such in-  
5           vestigations and the military aviation accident inves-  
6           tigation process.

7           (2) The Secretary shall appoint to the task force the  
8           following:

9           (A) An appropriate number of members of the  
10          Armed Forces, including both members of the regu-  
11          lar components and the reserve components, who  
12          have experience relating to military aviation or in-  
13          vestigations into military aviation accidents.

14          (B) An appropriate number of former members  
15          of the Armed Forces who have such experience.

16          (C) With the concurrence of the member con-  
17          cerned, a member of the National Transportation  
18          Safety Board.

19          (3)(A) The task force shall submit to Congress an  
20          interim report and a final report on its activities under  
21          this subsection. The interim report shall be submitted on  
22          December 1, 1998, and the final report shall be submitted  
23          on March 31, 1999.

24          (B) Each report under subparagraph (A) shall in-  
25          clude the following:

1 (i) An assessment of the advisability of conduct-  
2 ing all military aviation accident investigations  
3 through an entity that is independent of the military  
4 departments.

5 (ii) An assessment of the effectiveness of the  
6 current military aviation accident investigation proc-  
7 ess in identifying the cause of military aviation acci-  
8 dents and correcting problems so identified in a  
9 timely manner.

10 (iii) An assessment whether or not the proce-  
11 dures for sharing the results of military aviation ac-  
12 cident investigations among the military depart-  
13 ments should be improved.

14 (iv) An assessment of the advisability of cen-  
15 tralized training and instruction for military aircraft  
16 investigators.

17 (v) An assessment of any costs or cost  
18 avoidances that would result from the elimination of  
19 any overlap in military aviation accident investiga-  
20 tion activities conducted under the current so-called  
21 “two-track” investigation process.

22 (vi) Any improvements or modifications in the  
23 current military aviation accident investigation proc-  
24 ess that the task force considers appropriate to re-

1       duce the potential for aviation accidents and in-  
2       crease public confidence in the process.

3       (c) UNIFORM REGULATIONS FOR RELEASE OF IN-  
4       TERIM SAFETY INVESTIGATION REPORTS.—(1)(A) Not  
5       later than May 1, 1999, the Secretary of Defense shall  
6       prescribe regulations that provide for the release to the  
7       family members of persons involved in military aviation  
8       accidents, and to members of the public, of reports re-  
9       ferred to in paragraph (2).

10       (B) The regulations shall apply uniformly to each  
11       military department.

12       (2) A report under paragraph (1) is a report on the  
13       findings of any ongoing privileged safety investigation into  
14       an accident referred to in that paragraph. Such report  
15       shall be in a redacted form or other form appropriate to  
16       preserve witness confidentiality and to minimize the ef-  
17       fects of the release of information in such report on na-  
18       tional security.

19       (3) Reports under paragraph (1) shall be made avail-  
20       able—

21               (A) in the case of family members, at least once  
22       every 30 days or upon the development of a new or  
23       significantly changed finding during the course of  
24       the investigation concerned; and



1 (B) in the case of members of the public, on re-  
2 quest.

## 3 **TITLE X—GENERAL PROVISIONS**

### 4 **Subtitle A—Financial Matters**

#### 5 **SEC. 1001. TRANSFER AUTHORITY.**

6 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

7 (1) Upon determination by the Secretary of Defense that  
8 such action is necessary in the national interest, the Sec-  
9 retary may transfer amounts of authorizations made avail-  
10 able to the Department of Defense in this division for fis-  
11 cal year 1999 between any such authorizations for that  
12 fiscal year (or any subdivisions thereof). Amounts of au-  
13 thorizations so transferred shall be merged with and be  
14 available for the same purposes as the authorization to  
15 which transferred.

16 (2) The total amount of authorizations that the Sec-  
17 retary may transfer under the authority of this section  
18 may not exceed \$2,000,000,000.

19 (b) **LIMITATIONS.—**The authority provided by this  
20 section to transfer authorizations—

21 (1) may only be used to provide authority for  
22 items that have a higher priority than the items  
23 from which authority is transferred; and

1           (2) may not be used to provide authority for an  
2           item that has been denied authorization by Con-  
3           gress.

4           (c) EFFECT ON AUTHORIZATION AMOUNTS.—A  
5           transfer made from one account to another under the au-  
6           thority of this section shall be deemed to increase the  
7           amount authorized for the account to which the amount  
8           is transferred by an amount equal to the amount trans-  
9           ferred.

10          (d) NOTICE TO CONGRESS.—The Secretary shall  
11          promptly notify Congress of each transfer made under  
12          subsection (a).

13       **SEC. 1002. AUTHORIZATION OF EMERGENCY APPROPRIA-**  
14   **TIONS FOR FISCAL YEAR 1999.**

15          (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
16          are hereby authorized to be appropriated for the Depart-  
17          ment of Defense for fiscal year 1999 for incremental costs  
18          of operations of the Armed Forces in and around Bosnia  
19          and Herzegovina in the total amount of \$1,858,600,000,  
20          as follows:

21               (1) For military personnel, in addition to the  
22               amounts authorized to be appropriated in title IV of  
23               this Act:

24                               (A) For the Army, \$297,700,000.

25                               (B) For the Navy, \$9,700,000.

1 (C) For the Marine Corps, \$2,700,000.

2 (D) For the Air Force, \$33,900,000.

3 (E) For the Naval Reserve, \$2,200,000.

4 (2) For operation and maintenance for the  
5 Overseas Contingency Operations Transfer Fund, in  
6 addition to the total amount authorized to be appro-  
7 priated for that fund in section 301(a)(25) of this  
8 Act, \$1,512,400,000.

9 (b) TRANSFER AUTHORITY.—Upon determination by  
10 the Secretary of Defense that such action is necessary in  
11 the national interest, the Secretary may transfer amounts  
12 of authorizations made available to the Department of De-  
13 fense in subsection (a)(2) for fiscal year 1999 to any of  
14 the authorizations for that fiscal year in section 301.  
15 Amounts of authorizations so transferred shall be merged  
16 with and be available for the same purposes as the author-  
17 ization to which transferred. The transfer authority under  
18 this subsection is in addition to any other transfer author-  
19 ity provided in this Act.

20 (c) DESIGNATION AS EMERGENCY.—Funds author-  
21 ized to be appropriated in accordance with subsection (a)  
22 are designated as emergency requirements pursuant to  
23 section 251(b)(2)(A) of the Balanced Budget and Emer-  
24 gency Deficit Control Act of 1985.

1 **SEC. 1003. AUTHORIZATION OF PRIOR EMERGENCY SUP-**  
2 **PLEMENTAL APPROPRIATIONS FOR FISCAL**  
3 **YEAR 1998.**

4       Amounts authorized to be appropriated to the De-  
5 partment of Defense for fiscal year 1998 in the National  
6 Defense Authorization Act for Fiscal Year 1998 (Public  
7 Law 105–85) are hereby adjusted, with respect to any  
8 such authorized amount, by the amount by which appro-  
9 priations pursuant to such authorization were increased  
10 (by a supplemental appropriation) or decreased (by a re-  
11 scission), or both, in the 1998 Supplemental Appropria-  
12 tions and Rescissions Act (Public Law 105–174).

13 **SEC. 1004. PARTNERSHIP FOR PEACE INFORMATION SYS-**  
14 **TEM MANAGEMENT.**

15       Funds authorized to be appropriated under titles II  
16 and III of this Act shall be available for Partnership for  
17 Peace information management systems as follows:

18           (1) Of the amount authorized to be appro-  
19 priated under section 201(4) for Defense-wide activi-  
20 ties, \$2,000,000.

21           (2) Of the amount authorized to be appro-  
22 priated under section 301 for Defense-wide activi-  
23 ties, \$3,000,000.

1 **SEC. 1005. REDUCTIONS IN FISCAL YEAR 1998 AUTHORIZA-**  
2 **TIONS OF APPROPRIATIONS FOR DIVISION A**  
3 **AND DIVISION B AND INCREASES IN CERTAIN**  
4 **AUTHORIZATIONS OF APPROPRIATIONS.**

5 (a) **TOTAL REDUCTION.**—Notwithstanding any other  
6 provision in this division, amounts authorized to be appro-  
7 priated under other provisions of this division are reduced  
8 in accordance with subsection (b) by the total amount of  
9 \$421,900,000 in order to reflect savings resulting from  
10 revised economic assumptions.

11 (b) **DISTRIBUTION OF REDUCTION.**—

12 (1) **PROCUREMENT.**—Amounts authorized to be  
13 appropriated for procurement under title I are re-  
14 duced as follows:

15 (A) **ARMY.**—For the Army:

16 (i) **AIRCRAFT.**—For aircraft under  
17 section 101(1), by \$4,000,000.

18 (ii) **MISSILES.**—For missiles under  
19 section 101(2), by \$4,000,000.

20 (iii) **WEAPONS AND TRACKED COMBAT**  
21 **VEHICLES.**—For weapons and tracked  
22 combat vehicles under section 101(3), by  
23 \$4,000,000.

24 (iv) **AMMUNITION.**—For ammunition  
25 under section 101(4), by \$3,000,000.

1 (v) OTHER PROCUREMENT.—For  
2 other procurement under section 101(5),  
3 by \$9,000,000.

4 (B) NAVY AND MARINE CORPS.—For the  
5 Navy, Marine Corps, or both the Navy and Ma-  
6 rine Corps:

7 (i) AIRCRAFT.—For aircraft under  
8 section 102(a)(1), by \$22,000,000.

9 (ii) WEAPONS.—For weapons, includ-  
10 ing missiles and torpedoes, under section  
11 102(a)(2), by \$4,000,000.

12 (iii) SHIPBUILDING AND CONVER-  
13 SION.—For shipbuilding and conversion  
14 under section 102(a)(3), by \$18,000,000.

15 (iv) OTHER PROCUREMENT.—For  
16 other procurement under section  
17 102(a)(4), by \$12,000,000.

18 (v) MARINE CORPS PROCUREMENT.—  
19 For procurement for the Marine Corps  
20 under section 102(b), by \$2,000,000.

21 (vi) AMMUNITION.—For ammunition  
22 under section 102(c), by \$1,000,000.

23 (C) AIR FORCE.—For the Air Force:

24 (i) AIRCRAFT.—For aircraft under  
25 section 103(1), by \$23,000,000.

1 (ii) MISSILES.—For missiles under  
2 section 103(2), by \$7,000,000.

3 (iii) AMMUNITION.—For ammunition  
4 under section 103(3), by \$1,000,000.

5 (iv) OTHER PROCUREMENT.—For  
6 other procurement under section 103(4),  
7 by \$17,500,000.

8 (D) DEFENSE-WIDE ACTIVITIES.—For the  
9 Department of Defense for Defense-wide activi-  
10 ties under section 104, by \$5,800,000.

11 (E) CHEMICAL DEMILITARIZATION PRO-  
12 GRAM.—For the destruction of lethal chemical  
13 agents and munitions and of chemical warfare  
14 material under section 107, by \$3,000,000.

15 (2) R D T & E.—Amounts authorized to be ap-  
16 propriated for research, development, test, and eval-  
17 uation under title II are reduced as follows:

18 (A) ARMY.—For the Army under section  
19 201(1), by \$10,000,000.

20 (B) NAVY.—For the Navy under section  
21 201(2), by \$20,000,000.

22 (C) AIR FORCE.—For the Air Force under  
23 section 201(3), by \$39,000,000.

1 (D) DEFENSE-WIDE ACTIVITIES.—For De-  
2 fense-wide activities under section 201(4), by  
3 \$26,700,000.

4 (3) OPERATION AND MAINTENANCE.—Amounts  
5 authorized to be appropriated for operation and  
6 maintenance under title III are reduced as follows:

7 (A) ARMY.—For the Army under section  
8 301(a)(1), by \$24,000,000.

9 (B) NAVY.—For the Navy under section  
10 301(a)(2), by \$32,000,000.

11 (C) MARINE CORPS.—For the Marine  
12 Corps under section 301(a)(3), by \$4,000,000.

13 (D) AIR FORCE.—For the Air Force under  
14 section 301(a)(4), by \$31,000,000.

15 (E) DEFENSE-WIDE ACTIVITIES.—For De-  
16 fense-wide activities under section 301(a)(6), by  
17 \$17,600,000.

18 (F) ARMY RESERVE.—For the Army Re-  
19 serve under section 301(a)(7), by \$2,000,000.

20 (G) NAVAL RESERVE.—For the Naval Re-  
21 serve under section 301(a)(8), by \$2,000,000.

22 (H) AIR FORCE RESERVE.—For the Air  
23 Force Reserve under section 301(a)(10), by  
24 \$2,000,000.



1           (I) ARMY NATIONAL GUARD.—For the  
2 Army National Guard under section  
3 301(a)(11), by \$4,000,000.

4           (J) AIR NATIONAL GUARD.—For the Air  
5 National Guard under section 301(a)(12), by  
6 \$4,000,000.

7           (K) ENVIRONMENTAL RESTORATION,  
8 ARMY.—For Environmental Restoration, Army  
9 under section 301(a)(15), by \$1,000,000.

10          (L) ENVIRONMENTAL RESTORATION,  
11 NAVY.—For Environmental Restoration, Navy  
12 under section 301(a)(16), by \$1,000,000.

13          (M) ENVIRONMENTAL RESTORATION, AIR  
14 FORCE.—For Environmental Restoration, Air  
15 Force under section 301(a)(17), by \$1,000,000.

16          (N) ENVIRONMENTAL RESTORATION, DE-  
17 FENSE-WIDE.—For Environmental Restoration,  
18 Defense-wide under section 301(a)(18), by  
19 \$1,000,000.

20          (O) DRUG INTERDICTION AND COUNTER-  
21 DRUG ACTIVITIES, DEFENSE-WIDE.—For Drug  
22 Interdiction and Counter-drug Activities, De-  
23 fense-wide under section 301(a)(21), by  
24 \$2,000,000.

1 (P) MEDICAL PROGRAMS, DEFENSE.—For  
2 Medical Programs, Defense under section  
3 301(a)(23), by \$36,000,000.

4 (4) MILITARY CONSTRUCTION, ARMY.—  
5 Amounts authorized to be appropriated for military  
6 construction, Army, under title XXI by section  
7 2104(a) are reduced by \$5,000,000, of which  
8 \$3,000,000 shall be a reduction of support of mili-  
9 tary family housing under section 2104(a)(5)(B).

10 (5) MILITARY CONSTRUCTION, NAVY.—Amounts  
11 authorized to be appropriated for military construc-  
12 tion, Navy, under title XXII by section 2204(a) are  
13 reduced by \$5,000,000, of which—

14 (A) \$1,000,000 shall be a reduction of con-  
15 struction and acquisition of military family  
16 housing under section 2204(a)(5)(A); and

17 (B) \$3,000,000 shall be a reduction of  
18 support of military family housing under sec-  
19 tion 2204(a)(5)(B).

20 (6) MILITARY CONSTRUCTION, AIR FORCE.—  
21 Amounts authorized to be appropriated for military  
22 construction, Air Force, under title XXIII by section  
23 2304(a) are reduced by \$4,000,000, of which—

1 (A) \$1,000,000 shall be a reduction of con-  
2 struction and acquisition of military family  
3 housing under section 2304(a)(5)(A); and

4 (B) \$2,000,000 shall be a reduction of  
5 support of military family housing under sec-  
6 tion 2304(a)(5)(B).

7 (7) MILITARY CONSTRUCTION, DEFENSE AGEN-  
8 CIES.—Amounts authorized to be appropriated for  
9 military construction, Defense Agencies, under title  
10 XXIV by section 2404(a) are reduced by  
11 \$6,300,000, of which \$5,000,000 shall be a reduc-  
12 tion of defense base closure and realignment under  
13 section 2404(a)(10), of which—

14 (A) \$1,000,000 shall be a reduction of de-  
15 fense base closure and realignment, Army;

16 (B) \$2,000,000 shall be a reduction of de-  
17 fense base closure and realignment, Navy; and

18 (C) \$2,000,000 shall be a reduction of de-  
19 fense base closure and realignment, Air Force.

20 (8) NORTH ATLANTIC TREATY ORGANIZATION  
21 SECURITY INVESTMENT PROGRAM.—Amounts au-  
22 thorized to be appropriated for contributions to the  
23 North Atlantic Treaty Organization Security Invest-  
24 ment program under title XXV by section 2502 are  
25 reduced by \$1,000,000.

1 (c) PROPORTIONATE REDUCTIONS WITHIN AC-  
2 COUNTS.—The amount provided for each budget activity,  
3 budget activity group, budget subactivity group, program,  
4 project, or activity under an authorization of appropria-  
5 tions reduced by subsection (b) is hereby reduced by the  
6 percentage computed by dividing the total amount of that  
7 authorization of appropriations (before the reduction) into  
8 the amount by which that total amount is so reduced.

9 (d) INCREASE IN CERTAIN AUTHORIZATIONS OF AP-  
10 PROPRIATIONS.—

11 (1) OPERATION AND MAINTENANCE, ARMY NA-  
12 TIONAL GUARD.—The amount authorized to be ap-  
13 propriated by section 301(a)(11), as reduced by sub-  
14 section (b)(3)(I), is increased by \$120,000,000.

15 (2) OTHER DEFENSE PROGRAMS, DEPARTMENT  
16 OF ENERGY.—The amount authorized to be appro-  
17 priated by section 3103 is increased by \$20,000,000,  
18 which amount shall be available for verification and  
19 control technology under paragraph (1)(C) of that  
20 section.

21 **SEC. 1006. AMOUNT AUTHORIZED FOR CONTRIBUTIONS**  
22 **FOR NATO COMMON-FUNDED BUDGETS.**

23 (a) TOTAL AMOUNT.—Contributions are authorized  
24 to be made in fiscal year 1999 for the common-funded  
25 budgets of NATO, out of funds available for the Depart-

1 ment of Defense for that purpose, in the total amount that  
 2 is equal to the sum of (1) the amounts of the unexpended  
 3 balances, as of the end of fiscal year 1998, of funds appro-  
 4 priated for fiscal years before fiscal year 1999 for pay-  
 5 ments for such budgets, (2) the amount authorized to be  
 6 appropriated under section 301(a)(1) that is available for  
 7 contributions for the NATO common-funded military  
 8 budget under section 314, (3) the amount authorized to  
 9 be appropriated under section 201(1) that is available for  
 10 contribution for the NATO common-funded civil budget  
 11 under section 219, and (4) the total amount of the con-  
 12 tributions authorized to be made under section 2501.

13 (b) DEFINITION.—In this section, the term “com-  
 14 mon-funded budgets of NATO” means the Military Budg-  
 15 et, the Security Investment Program, and the Civil Budget  
 16 of NATO (and any successor or additional account or pro-  
 17 gram of NATO).

## 18 **Subtitle B—Naval Vessels**

### 19 **SEC. 1011. IOWA CLASS BATTLESHIP RETURNED TO NAVAL** 20 **VESSEL REGISTER.**

21 The U.S.S. Iowa shall be listed, and maintained, on  
 22 the Naval Vessel Register under section 1011 of the Na-  
 23 tional Defense Authorization Act for Fiscal Year 1996  
 24 (Public Law 104–106; 110 Stat. 421) instead of the  
 25 U.S.S. New Jersey, which shall be stricken from the reg-

1 ister. The preceding sentence does not affect the continued  
2 effectiveness of subsection (d) of such section.

3 **SEC. 1012. LONG-TERM CHARTER OF THREE VESSELS IN**  
4 **SUPPORT OF SUBMARINE RESCUE, ESCORT,**  
5 **AND TOWING.**

6 (a) **AUTHORITY.**—The Secretary of the Navy may to  
7 enter into one or more long-term charters in accordance  
8 with section 2401 of title 10, United States Code, for  
9 three vessels to support the rescue, escort, and towing of  
10 submarines.

11 (b) **VESSELS.**—The vessels that may be chartered  
12 under subsection (a) are as follows:

13 (1) The Carolyn Chouest (United States official  
14 number D102057).

15 (2) The Kellie Chouest (United States official  
16 number D1038519).

17 (3) The Dolores Chouest (United States official  
18 number D600288).

19 (c) **CHARTER PERIOD.**—The period for which a vessel  
20 is chartered under subsection (a) may not extend beyond  
21 October 1, 2004.

22 (d) **FUNDING.**—The funds used for charters entered  
23 into under subsection (a) shall be funds authorized to be  
24 appropriated under section 301(a)(2).

1 **SEC. 1013. TRANSFERS OF CERTAIN NAVAL VESSELS TO**  
2 **CERTAIN FOREIGN COUNTRIES.**

3 (a) **AUTHORITY.**—

4 (1) **ARGENTINA.**—The Secretary of the Navy is  
5 authorized to transfer to the Government of Argen-  
6 tina on a grant basis the tank landing ship Newport  
7 (LST 1179).

8 (2) **BRAZIL.**—The Secretary of the Navy is au-  
9 thorized to transfer vessels to the Government of  
10 Brazil as follows:

11 (A) On a sale basis, the Newport class  
12 tank landing ships Cayuga (LST 1186) and Pe-  
13 oria (LST 1183).

14 (B) On a combined lease-sale basis, the  
15 Cimarron class oiler Merrimack (AO 179).

16 (3) **CHILE.**—The Secretary of the Navy is au-  
17 thorized to transfer vessels to the Government of  
18 Chile on a sale basis as follows:

19 (A) The Newport class tank landing ship  
20 San Bernardino (LST 1189).

21 (B) The auxiliary repair dry dock Water-  
22 ford (ARD 5).

23 (4) **GREECE.**—The Secretary of the Navy is au-  
24 thorized to transfer vessels to the Government of  
25 Greece as follows:

26 (A) On a sale basis, the following vessels:

1 (i) The Oak Ridge class medium dry  
2 dock Alamogordo (ARDM 2).

3 (ii) The Knox class frigates Vreeland  
4 (FF 1068) and Trippe (FF 1075).

5 (B) On a combined lease-sale basis, the  
6 Kidd class guided missile destroyers Kidd  
7 (DDG 993), Callaghan (DDG 994), Scott  
8 (DDG 995) and Chandler (DDG 996).

9 (C) On a grant basis, the following vessels:

10 (i) The Knox class frigate Hepburn  
11 (FF 1055).

12 (ii) The Adams class guided missile  
13 destroyers Strauss (DDG 16), Semmes  
14 (DDG 18), and Waddell (DDG 24).

15 (5) MEXICO.—The Secretary of the Navy is au-  
16 thorized to transfer to the Government of Mexico on  
17 a sale basis the auxiliary repair dry dock San Onofre  
18 (ARD 30) and the Knox class frigate Pharris (FF  
19 1094).

20 (6) PHILIPPINES.—The Secretary of the Navy  
21 is authorized to transfer to the Government of the  
22 Philippines on a sale basis the Stalwart class ocean  
23 surveillance ship Triumph (T-AGOS 4).

24 (7) PORTUGAL.—The Secretary of the Navy is  
25 authorized to transfer to the Government of Por-



1 tugal on a grant basis the Stalwart class ocean sur-  
2 veillance ship Assurance (T-AGOS 5).

3 (8) SPAIN.—The Secretary of the Navy is au-  
4 thORIZED to transfer to the Government of Spain on  
5 a sale basis the Newport class tank landing ships  
6 Harlan County (LST 1196) and Barnstable County  
7 (LST 1197).

8 (9) TAIWAN.—The Secretary of the Navy is au-  
9 thORIZED to transfer vessels to the Taipei Economic  
10 and Cultural Representative Office in the United  
11 States (which is the Taiwan instrumentality des-  
12 igned pursuant to section 10(a) of the Taiwan Re-  
13 lations Act) on a sale basis as follows:

14 (A) The Knox class frigates Peary (FF  
15 1073), Joseph Hewes (FF 1078), Cook (FF  
16 1083), Brewton (FF 1086), Kirk (FF 1087)  
17 and Barbey (FF 1088).

18 (B) The Newport class tank landing ships  
19 Manitowoc (LST 1180) and Sumter (LST  
20 1181).

21 (C) The floating dry dock Competent  
22 (AFDM 6).

23 (D) The Anchorage class dock landing ship  
24 Pensacola (LSD 38).

1           (10) TURKEY.—The Secretary of the Navy is  
2 authorized to transfer vessels to the Government of  
3 Turkey as follows:

4           (A) On a sale basis, the following vessels:

5               (i) The Oliver Hazard Perry class  
6 guided missile frigates Mahlon S. Tisdale  
7 (FFG 27), Reid (FFG 30) and Duncan  
8 (FFG 10).

9               (ii) The Knox class frigates Reasoner  
10 (FF 1063), Fanning (FF 1076), Bowen  
11 (FF 1079), McCandless (FF 1084), Don-  
12 ald Beary (FF 1085), Ainsworth (FF  
13 1090), Thomas C. Hart (FF 1092), and  
14 Capodanno (FF 1093).

15           (B) On a grant basis, the Knox class frig-  
16 ates Paul (FF 1080), Miller (FF 1091), W.S.  
17 Simms (FF 1059).

18           (11) VENEZUELA.—The Secretary of the Navy  
19 is authorized to transfer to the Government of Ven-  
20 ezuela on a sale basis the unnamed medium auxil-  
21 iary floating dry dock AFDM 2.

22           (b) BASES OF TRANSFER.—

23               (1) GRANT.—A transfer of a naval vessel au-  
24 thorized to be made on a grant basis under sub-

1 section (a) shall be made under section 516 of the  
2 Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

3 (2) SALE.—A transfer of a naval vessel author-  
4 ized to be made on a sale basis under subsection (a)  
5 shall be made under section 21 of the Arms Export  
6 Control Act (22 U.S.C. 2761).

7 (3) COMBINED LEASE-SALE.—(A) A transfer of  
8 a naval vessel authorized to be made on a combined  
9 lease-sale basis under subsection (a) shall be made  
10 under sections 61 and 21 of the Arms Export Con-  
11 trol Act (22 U.S.C. 2796 and 2761, respectively) in  
12 accordance with this paragraph.

13 (B) For each naval vessel authorized by sub-  
14 section (a) for transfer on a lease-sale basis, the  
15 Secretary of the Navy is authorized to transfer the  
16 vessel under the terms of a lease, with lease pay-  
17 ments suspended for the term of the lease, if the  
18 country entering into the lease of the vessel simulta-  
19 neously enters into a foreign military sales agree-  
20 ment for the transfer of title to the leased vessel.  
21 Delivery of title to the purchasing country shall not  
22 be made until the purchase price of the vessel has  
23 been paid in full. Upon delivery of title to the pur-  
24 chasing country, the lease shall terminate.

1           (C) If the purchasing country fails to make full  
2           payment of the purchase price by the date required  
3           under the sales agreement, the sales agreement shall  
4           be immediately terminated, the suspension of lease  
5           payments under the lease shall be vacated, and the  
6           United States shall retain all funds received on or  
7           before the date of the termination under the sales  
8           agreement, up to the amount of the lease payments  
9           due and payable under the lease and all other costs  
10          required by the lease to be paid to that date. No in-  
11          terest shall be payable to the recipient by the United  
12          States on any amounts that are paid to the United  
13          States by the recipient under the sales agreement  
14          and are not retained by the United States under the  
15          lease.

16          (c) REQUIREMENT FOR PROVISION IN ADVANCE IN  
17          AN APPROPRIATIONS ACT.—Authority to transfer vessels  
18          on a sale or combined lease-sale basis under subsection  
19          (a) shall be effective only to the extent that authority to  
20          effectuate such transfers, together with appropriations to  
21          cover the associated cost (as defined in section 502 of the  
22          Congressional Budget and Impoundment Control Act of  
23          1974 (2 U.S.C. 661a)), are provided in advance in an ap-  
24          propriations Act.

1           (d) NOTIFICATION OF CONGRESS.—Not later than 30  
2 days after the date of the enactment of this Act, the Sec-  
3 retary of the Navy shall submit to Congress, for each  
4 naval vessel that is to be transferred under this section  
5 before January 1, 1999, the notifications required under  
6 section 516 of the Foreign Assistance Act of 1961 (22  
7 U.S.C. 2321j) and section 525 of the Foreign Operations,  
8 Export Financing, and Related Programs Appropriations  
9 Act, 1998 (Public Law 105–118; 111 Stat. 2413).

10           (e) GRANTS NOT COUNTED IN ANNUAL TOTAL OF  
11 TRANSFERRED EXCESS DEFENSE ARTICLES.—The value  
12 of the naval vessels authorized by subsection (a) to be  
13 transferred on a grant basis under section 516 of the For-  
14 eign Assistance Act of 1961 (22 U.S.C. 2321j) shall not  
15 be counted for the purposes of that section in the aggre-  
16 gate value of excess defense articles transferred to coun-  
17 tries under that section in any fiscal year.

18           (f) COSTS OF TRANSFERS.—Any expense of the  
19 United States in connection with a transfer authorized by  
20 subsection (a) shall be charged to the recipient (notwith-  
21 standing section 516(e)(1) of the Foreign Assistance Act  
22 of 1961 (22 U.S.C. 2321j(e)(1)) in the case of a transfer  
23 authorized to be made on a grant basis under subsection  
24 (a)).

1 (g) REPAIR AND REFURBISHMENT IN UNITED  
2 STATES SHIPYARDS.—The Secretary of the Navy shall re-  
3 quire, as a condition of the transfer of a vessel under this  
4 section, that the country to which the vessel is transferred  
5 have such repair or refurbishment of the vessel as is need-  
6 ed, before the vessel joins the naval forces of that country,  
7 performed at a shipyard located in the United States, in-  
8 cluding a United States Navy shipyard.

9 (h) EXPIRATION OF AUTHORITY.—The authority to  
10 transfer a vessel under subsection (a) shall expire at the  
11 end of the two-year period beginning on the date of the  
12 enactment of this Act.

13 **SEC. 1014. SENSE OF CONGRESS CONCERNING THE NAMING**  
14 **OF AN LPD-17 VESSEL.**

15 It is the sense of Congress that, consistent with sec-  
16 tion 1018 of the National Defense Authorization Act for  
17 Fiscal Year 1996 (Public Law 104-106; 110 Stat. 425),  
18 the next unnamed vessel of the LPD-17 class of amphib-  
19 ious vessels should be named the U.S.S. Clifton B. Cates,  
20 in honor of Marine General Clifton B. Cates (1893-1970),  
21 a native of Tennessee whose distinguished career of service  
22 in the Marine Corps included combat service in World War  
23 I so heroic that he became the most decorated Marine  
24 Corps officer of World War I, included exemplary combat  
25 leadership from Guadalcanal to Tinian and Iwo Jima and

1 beyond in the Pacific Theater during World War II, and  
2 culminated in Lieutenant General Cates being appointed  
3 the 19th Commandant of the Marine Corps, a position in  
4 which he led the Marine Corps' efficient and alacritous  
5 response to the invasion of the Republic of South Korea  
6 by Communist North Korea.

7 **SEC. 1015. CONVEYANCE OF NDRF VESSEL EX-U.S.S. LORAIN**  
8 **COUNTY.**

9 (a) **AUTHORITY TO CONVEY.**—The Secretary of  
10 Transportation may convey all right, title, and interest of  
11 the Federal Government in and to the vessel ex-U.S.S.  
12 LORAIN COUNTY (LST-1177) to the Ohio War Memo-  
13 rial, Inc., located in Sandusky, Ohio (in this section re-  
14 ferred to as the “recipient”), for use as a memorial to  
15 Ohio veterans.

16 (b) **TERMS OF CONVEYANCE.**—

17 (1) **DELIVERY OF VESSEL.**—In carrying out  
18 subsection (a), the Secretary shall deliver the ves-  
19 sel—

20 (A) at the place where the vessel is located  
21 on the date of conveyance;

22 (B) in its condition on that date; and

23 (C) at no cost to the Federal Government.

24 (2) **REQUIRED CONDITIONS.**—The Secretary  
25 may not convey a vessel under this section unless—

1           (A) the recipient agrees to hold the Gov-  
2           ernment harmless for any claims arising from  
3           exposure to hazardous materials, including as-  
4           bestos and polychlorinated biphenyls, after con-  
5           veyance of the vessel, except for claims arising  
6           before the date of the conveyance of from use  
7           of the vessel by the Government after that date;  
8           and

9           (B) the recipient has available, for use to  
10          restore the vessel, in the form of cash, liquid as-  
11          sets, or a written loan commitment, financial  
12          resources of at least \$100,000.

13          (3) *ADDITIONAL TERMS.*—The Secretary may  
14          require such additional terms and conditions in con-  
15          nection with the conveyance authorized by this sec-  
16          tion as the Secretary considers appropriate.

17          (c) *OTHER UNNEEDED EQUIPMENT.*—The Secretary  
18          may convey to the recipient of the vessel conveyed under  
19          this section any unneeded equipment from other vessels  
20          in the National Defense Reserve Fleet, for use to restore  
21          the vessel conveyed under this section to museum quality.



1 **SEC. 1016. HOMEPORTING OF THE U.S.S. IOWA BATTLESHIP**  
2 **IN SAN FRANCISCO.**

3 It is the sense of Congress that the U.S.S. Iowa  
4 should be homeported at the Port of San Francisco, Cali-  
5 fornia.

6 **SEC. 1017. SHIP SCRAPPING PILOT PROGRAM.**

7 (a) IN GENERAL.—The Secretary of the Navy shall  
8 carry out a vessel scrapping pilot program within the  
9 United States during fiscal years 1999 and 2000. The  
10 scope of the program shall be that which the Secretary  
11 determines is sufficient to gather data on the cost of  
12 scrapping Government vessels domestically and to dem-  
13 onstrate cost effective technologies and techniques to  
14 scrap such vessels in a manner that is protective of worker  
15 safety and health and the environment.

16 (b) CONTRACT AWARD.—(1) The Secretary shall  
17 award a contract or contracts under subsection (a) to the  
18 offeror or offerors that the Secretary determines will pro-  
19 vide the best value to the United States, taking into ac-  
20 count such factors as the Secretary considers appropriate.

21 (2) In making a best value determination under this  
22 subsection, the Secretary shall give a greater weight to  
23 technical and performance-related factors than to cost and  
24 price-related factors.

25 (3) The Secretary shall give significant weight to the  
26 technical qualifications and past performance of the con-

1 tractor and the major subcontractors or team members of  
2 the contractor in complying with applicable Federal, State,  
3 and local laws and regulations for environmental and  
4 worker protection. In accordance with the requirements of  
5 the Federal Acquisition Regulation, in the case of an offer-  
6 or without a record of relevant past performance or for  
7 whom information on past performance is not available,  
8 the offeror may not be evaluated favorably or unfavorably  
9 on past performance.

10 (c) CONTRACT TERMS AND CONDITIONS.—The con-  
11 tract or contracts awarded by the Secretary pursuant to  
12 subsection (b) shall, at a minimum, provide for—

13 (1) the transfer of the vessel or vessels to the  
14 contractor or contractors;

15 (2) the sharing, by any appropriate contracting  
16 method, of the costs of scrapping the vessel or ves-  
17 sels between the Government and the contractor or  
18 contractors;

19 (3) a performance incentive for a successful  
20 record of environmental and worker protection; and

21 (4) Government access to contractor records in  
22 accordance with the requirements of section 2313 of  
23 title 10, United States Code.

24 (d) REPORTS.—(1) Not later than September 30,  
25 1999, the Secretary of the Navy shall submit an interim

1 report on the pilot program to the congressional defense  
2 committees. The report shall contain the following:

3 (A) The procedures used for the solicitation and  
4 award of a contract or contracts under the pilot pro-  
5 gram.

6 (B) The contract or contracts awarded under  
7 the pilot program.

8 (2) Not later than September 30, 2000, the Secretary  
9 of the Navy shall submit a final report on the pilot pro-  
10 gram to the congressional defense committees. The report  
11 shall contain the following:

12 (A) The results of the pilot program and the  
13 performance of the contractors under such program.

14 (B) The Secretary's procurement strategy for  
15 future ship scrapping activities.

## 16 **Subtitle C—Miscellaneous Report** 17 **Requirements and Repeals**

### 18 **SEC. 1021. REPEAL OF REPORTING REQUIREMENTS.**

19 (a) REPORTS REQUIRED BY TITLE 10.—

20 (1) HEALTH AND MEDICAL CARE STUDIES AND  
21 DEMONSTRATIONS.—Section 1092(a) of title 10,  
22 United States Code, is amended by striking out  
23 paragraph (3).

24 (2) ANNUAL REPORT ON USE OF MONEY RENT-  
25 ALS FOR LEASES OF NON-EXCESS PROPERTY.—Sec-

1 tion 2667(d) of title 10, United States Code, is  
2 amended—

3 (A) in paragraph (1)(A)(ii), by striking out  
4 “paragraph (4) or (5)” and inserting in lieu  
5 thereof “paragraph (3) or (4)”.

6 (B) by striking out paragraph (3); and

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

9 (b) **REPORT REQUIRED BY MILITARY CONSTRUCTION**  
10 **AUTHORIZATION ACT.**—Section 2819 of the National De-  
11 fense Authorization Act, Fiscal Year 1989 (Public Law  
12 100–456; 102 Stat. 2119; 10 U.S.C. 2391 note,), relating  
13 to the Commission on Alternative Utilization of Military  
14 Facilities, is amended—

15 (1) in subsection (a) by striking out “(a) ES-  
16 TABLISHMENT OF COMMISSION.—”; and

17 (2) by striking out subsections (b) and (c).

18 **SEC. 1022. REPORT ON DEPARTMENT OF DEFENSE FINAN-**  
19 **CIAL MANAGEMENT IMPROVEMENT PLAN.**

20 Not later than 60 days after the date on which the  
21 Secretary of Defense submits the first biennial financial  
22 management improvement plan required by section 2222  
23 of title 10, United States Code, the Comptroller General  
24 shall submit to Congress an analysis of the plan. The anal-

1 ysis shall include a discussion of the content of the plan  
2 and the extent to which the plan—

3 (1) complies with the requirements of such sec-  
4 tion 2222; and

5 (2) is a workable plan for addressing the finan-  
6 cial management problems of the Department of De-  
7 fense.

8 **SEC. 1023. FEASIBILITY STUDY OF PERFORMANCE OF DE-**  
9 **PARTMENT OF DEFENSE FINANCE AND AC-**  
10 **COUNTING FUNCTIONS BY PRIVATE SECTOR**  
11 **SOURCES OR OTHER FEDERAL GOVERNMENT**  
12 **SOURCES.**

13 (a) **STUDY REQUIRED.**—The Secretary of Defense  
14 shall carry out a study of the feasibility and advisability  
15 of selecting on a competitive basis the source or sources  
16 for performing the finance and accounting functions of the  
17 Department of Defense from among private sector  
18 sources, the Defense Finance and Accounting Service of  
19 the Department of Defense, the military departments, and  
20 other Federal Government agencies.

21 (b) **REPORT.**—Not later than October 1, 1999, the  
22 Secretary shall submit a written report on the results of  
23 the study to Congress. The report shall include the follow-  
24 ing:

1           (1) A discussion of how the finance and ac-  
2           counting functions of the Department of Defense are  
3           performed, including the necessary operations, the  
4           operations actually performed, the personnel re-  
5           quired for the operations, and the core competencies  
6           that are necessary for the performance of those  
7           functions.

8           (2) A comparison of the performance of the fi-  
9           nance and accounting functions by the Defense Fi-  
10          nance and Accounting Service with the performance  
11          of finance and accounting functions by the other  
12          sources referred to in subsection (a) that exemplify  
13          the best finance and accounting practices and re-  
14          sults, together with a comparison of the costs of the  
15          performance of such functions by the Defense Fi-  
16          nance and Accounting Service and the estimated  
17          costs of the performance of such functions by those  
18          other sources.

19          (3) The finance and accounting functions, if  
20          any, that are appropriate for performance by those  
21          other sources, together with a concept of operations  
22          that—

23                       (A) specifies the mission;

24                       (B) identifies the finance and accounting  
25                       operations to be performed;

1 (C) describes the work force that is nec-  
2 essary to perform those operations;

3 (D) discusses where the operations are to  
4 be performed;

5 (E) describes how the operations are to be  
6 performed; and

7 (F) discusses the relationship between how  
8 the operations are to be performed and the mis-  
9 sion.

10 (4) An analysis of how Department of Defense  
11 programs or processes would be affected by the per-  
12 formance of the finance and accounting functions of  
13 the Department of Defense by one or more of those  
14 other sources.

15 (5) The status of the efforts within the Depart-  
16 ment of Defense to consolidate and eliminate redun-  
17 dant finance and accounting systems and to better  
18 integrate the automated and manual systems of the  
19 department that provide input to financial manage-  
20 ment or accounting systems of the department.

21 (6) A description of a feasible and effective  
22 process for selecting, on a competitive basis, sources  
23 to perform the finance and accounting functions of  
24 the Department of Defense from among the sources

1 referred to in subsection (a), including a discussion  
2 of the selection criteria considered appropriate.

3 (7) Any recommended policy for selecting  
4 sources to perform the finance and accounting func-  
5 tions of the Department of Defense on a competitive  
6 basis from among the sources referred to in sub-  
7 section (a), together with such other recommenda-  
8 tions that the Secretary considers appropriate.

9 (8) An analysis of the costs and benefits of the  
10 various policies and actions recommended.

11 (9) A discussion of any findings, analyses, and  
12 recommendations of the performance of the finance  
13 and accounting functions of the Department of De-  
14 fense that have been made by the Task Force on  
15 Defense Reform appointed by the Secretary of De-  
16 fense.

17 (c) MARKET RESEARCH.—In carrying out the study,  
18 the Secretary shall perform market research to determine  
19 whether the availability of responsible private sector  
20 sources of finance and accounting services is sufficient for  
21 there to be a reasonable expectation of meaningful com-  
22 petition for any contract for the procurement of finance  
23 and accounting services for the Department of Defense.



1 **SEC. 1024. REORGANIZATION AND CONSOLIDATION OF OP-**  
2 **ERATING LOCATIONS OF THE DEFENSE FI-**  
3 **NANCE AND ACCOUNTING SERVICE.**

4 (a) **LIMITATION.**—No operating location of the De-  
5 fense Finance and Accounting Service may be closed be-  
6 fore the date that is six months after the date on which  
7 the Secretary submits to Congress the plan required by  
8 subsection (b).

9 (b) **PLAN REQUIRED.**—The Secretary of Defense  
10 shall submit to Congress a strategic plan for improving  
11 the financial management operations at each of the oper-  
12 ating locations of the Defense Finance and Accounting  
13 Service.

14 (c) **CONTENT OF PLAN.**—The plan shall include, at  
15 a minimum, the following:

16 (1) The workloads that it is necessary to per-  
17 form at the operating locations each fiscal year.

18 (2) The capacity and number of operating loca-  
19 tions that are necessary for performing the work-  
20 loads.

21 (3) A discussion of the costs and benefits that  
22 could result from reorganizing the operating loca-  
23 tions of the Defense Finance and Accounting Service  
24 on the basis of function performed, together with the  
25 Secretary's assessment of the feasibility of carrying  
26 out such a reorganization.

1 (d) SUBMITTAL OF PLAN.—The plan shall be submit-  
2 ted to the Committee on Armed Services of the Senate  
3 and the Committee on National Security of the House of  
4 Representatives not later than December 15, 1998.

5 **SEC. 1025. REPORT ON INVENTORY AND CONTROL OF MILI-  
6 TARY EQUIPMENT.**

7 (a) REPORT REQUIRED.—Not later than March 1,  
8 1999, the Secretary of Defense shall submit to the Com-  
9 mittee on Armed Services of the Senate and the Commit-  
10 tee on National Security of the House of Representatives  
11 a report on the inventory and control of the military equip-  
12 ment of the Department of Defense as of the end of fiscal  
13 year 1998. The report shall address the inventories of each  
14 of the Army, Navy, Air Force, and Marine Corps sepa-  
15 rately.

16 (b) CONTENT.—The report shall include the follow-  
17 ing:

18 (1) For each item of military equipment in the  
19 inventory, stated by item nomenclature—

20 (A) the quantity of the item in the inven-  
21 tory as of the beginning of the fiscal year;

22 (B) the quantity of acquisitions of the item  
23 during the fiscal year;

24 (C) the quantity of disposals of the item  
25 during the fiscal year;

1 (D) the quantity of losses of the item dur-  
2 ing the performance of military missions during  
3 the fiscal year; and

4 (E) the quantity of the item in the inven-  
5 tory as of the end of the fiscal year.

6 (2) A reconciliation of the quantity of each item  
7 in the inventory as of the beginning of the fiscal  
8 year with the quantity of the item in the inventory  
9 as of the end of fiscal year.

10 (3) For each item of military equipment that  
11 cannot be reconciled—

12 (A) an explanation of why the quantities  
13 cannot be reconciled; and

14 (B) a discussion of the remedial actions  
15 planned to be taken, including target dates for  
16 accomplishing the remedial actions.

17 (4) Supporting schedules identifying the loca-  
18 tion of each item that are available to Congress or  
19 auditors of the Comptroller General upon request.

20 (c) MILITARY EQUIPMENT DEFINED.—For the pur-  
21 poses of this section, the term “military equipment”  
22 means all equipment that is used in support of military  
23 missions and is maintained on the visibility systems of the  
24 Army, Navy, Air Force, or Marine Corps.

1 (d) INSPECTOR GENERAL REVIEW.—Not later than  
2 June 1, 1999, the Inspector General of the Department  
3 of Defense shall review the report submitted to the com-  
4 mittees under subsection (a) and shall submit to the com-  
5 mittees any comments that the Inspector General consid-  
6 ers appropriate.

7 **SEC. 1026. REPORT ON CONTINUITY OF ESSENTIAL OPER-**  
8 **ATIONS AT RISK OF FAILURE BECAUSE OF**  
9 **COMPUTER SYSTEMS THAT ARE NOT YEAR**  
10 **2000 COMPLIANT.**

11 (a) FINDINGS.—Congress makes the following find-  
12 ings:

13 (1) Because of the way computers store and  
14 process dates, most computers will not function  
15 properly, or at all, after January 1, 2000, a problem  
16 that is commonly referred to as the year 2000 prob-  
17 lem.

18 (2) The United States Government is currently  
19 conducting a massive program to identify and cor-  
20 rect computer systems that suffer from the year  
21 2000 problem.

22 (3) The cost to the Department of Defense of  
23 correcting this problem in its computer systems has  
24 been estimated to be more than \$1,000,000,000.

1           (4) Other nations have failed to initiate aggres-  
2           sive action to identify and correct the year 2000  
3           problem within their own computers.

4           (5) Unless other nations initiate aggressive ac-  
5           tions to ensure the reliability and stability of certain  
6           communications and strategic systems, United  
7           States national security may be jeopardized.

8           (b) REPORT REQUIRED.—The Secretary of Defense  
9           and the Director of Central Intelligence shall jointly sub-  
10          mit to the Committee on Armed Services of the Senate  
11          and the Committee on National Security of the House of  
12          Representatives a report on the plans of the Department  
13          of Defense and the intelligence community for ensuring  
14          the continuity of performance of essential operations that  
15          are at risk of failure because of computer systems and  
16          other information and support systems that are not year  
17          2000 compliant.

18          (c) CONTENT.—The report shall contain, at a mini-  
19          mum, the following:

20               (1) A prioritization of mission critical systems  
21               to ensure that the most critical systems have the  
22               highest priority for efforts to reprogram computers  
23               to be year 2000 compliant.

24               (2) A discussion of the private and other public  
25               information and support systems relied on by the

1 national security community, including the intel-  
2 ligence community, and the efforts under way to en-  
3 sure that those systems are year 2000 compliant.

4 (3) The efforts under way to repair the underly-  
5 ing operating systems and infrastructure.

6 (4) The plans for comprehensive testing of De-  
7 partment of Defense systems, including simulated  
8 operational tests in mission areas.

9 (5) A comprehensive contingency plan, for the  
10 entire national security community, which provides  
11 for resolving emergencies resulting from a system  
12 that is not year 2000 compliant and includes provi-  
13 sion for the creation of crisis action teams for use  
14 in resolving such emergencies.

15 (6) A discussion of the efforts undertaken to  
16 ensure the continued reliability of service on the sys-  
17 tems used by the President and other leaders of the  
18 United States for communicating with the leaders of  
19 other nations.

20 (7) A discussion of the vulnerability of allied  
21 armed forces to failure systems that are not, or have  
22 critical components that are not, year 2000 compli-  
23 ant, together with an assessment of the potential  
24 problems for interoperability among the Armed

1 Forces of the United States and allied armed forces  
2 because of the potential for failure of such systems.

3 (8) An estimate of the total cost of making the  
4 computer systems and other information and sup-  
5 port systems comprising the computer networks of  
6 the Department of Defense and the intelligence com-  
7 munity year 2000 compliant.

8 (9) The countries that have critical computer-  
9 based systems any disruption of which, due to not  
10 being year 2000 compliant, would cause a significant  
11 potential national security risk to the United States.

12 (10) A discussion of the cooperative arrange-  
13 ments between the United States and other nations  
14 to assist those nations in identifying and correcting  
15 (to the extent necessary to meet national security in-  
16 terests of the United States) any problems in their  
17 communications and strategic systems, or other sys-  
18 tems identified by the Secretary of Defense, that  
19 make the systems not year 2000 compliant.

20 (11) A discussion of the threat posed to the na-  
21 tional security interests of the United States from  
22 any potential failure of strategic systems of foreign  
23 countries that are not year 2000 compliant.

1 (d) SUBMITTAL.—The report shall be submitted not  
2 later than March 31, 1999, in classified form and, as nec-  
3 essary, unclassified form.

4 (e) INTERNATIONAL COOPERATIVE ARRANGE-  
5 MENTS.—The Secretary of Defense, with the concurrence  
6 of the Secretary of State may enter into a cooperative ar-  
7 rangement with a representative of any foreign govern-  
8 ment to provide for the United States to assist the foreign  
9 government in identifying and correcting (to the extent  
10 necessary to meet national security interests of the United  
11 States) any problems in communications, strategic, or  
12 other systems of that foreign government that make the  
13 systems not year 2000 compliant.

14 (f) YEAR 2000 COMPLIANT.—In this section, the  
15 term “year 2000 compliant”, with respect to a computer  
16 system or any other information or support system, means  
17 that the programs of the system correctly recognize dates  
18 in years after 1999 as being dates after 1999 for the pur-  
19 poses of program functions for which the correct date is  
20 relevant to the performance of the functions.

21 **SEC. 1027. REPORTS ON NAVAL SURFACE FIRE-SUPPORT**  
22 **CAPABILITIES.**

23 (a) NAVY REPORT.—(1) Not later than March 31,  
24 1999, the Secretary of the Navy shall submit to the Com-  
25 mittee on Armed Services of the Senate and the Commit-



1 tee on National Security of the House of Representatives  
2 a report on battleship readiness for meeting requirements  
3 of the Armed Forces for naval surface fire support.

4 (2) The report shall contain the following:

5 (A) The reasons for the Secretary's failure to  
6 comply with the requirements of section 1011 of the  
7 National Defense Authorization Act for Fiscal Year  
8 1996 (Public Law 104-106; 110 Stat. 421) until  
9 February 1998.

10 (B) The requirements for Air-Naval Gunfire Li-  
11 aison Companies.

12 (C) The plans of the Navy for retaining and  
13 maintaining 16-inch ammunition for the main guns  
14 of battleships.

15 (D) The plans of the Navy for retaining the  
16 hammerhead crane essential for lifting battleship  
17 turrets.

18 (E) An estimate of the cost of reactivating  
19 Iowa-class battleships for listing on the Naval Vessel  
20 Register, restoring the vessels to seaworthiness with  
21 operational capabilities necessary to meet require-  
22 ments for naval surface fire-support, and maintain-  
23 ing the battleships in that condition for continued  
24 listing on the register, together with an estimate of

1 the time necessary to reactivate and restore the ves-  
2 sels to that condition.

3 (3) The Secretary shall act through the Director of  
4 Expeditionary Warfare Division (N85) of the Office of the  
5 Chief of Naval Operations in preparing the report.

6 (b) GAO REPORT.—(1) The Comptroller General  
7 shall submit to the Committee on Armed Services of the  
8 Senate and the Committee on National Security of the  
9 House of Representatives a report on the naval surface  
10 fire-support capabilities of the Navy.

11 (2) The report shall contain the following:

12 (A) An assessment of the extent of the compli-  
13 ance by the Secretary of the Navy with the require-  
14 ments of section 1011 of the National Defense Au-  
15 thorization Act for Fiscal Year 1996 (Public Law  
16 104–106; 110 Stat. 421).

17 (B) The plans of the Navy for executing the  
18 naval surface fire-support mission of the Navy.

19 (C) An assessment of the short-term costs and  
20 the long-term costs associated with the plans.

21 (D) An assessment of the short-term costs and  
22 the long-term costs associated with alternative meth-  
23 ods for executing the naval surface fire-support mis-  
24 sion of the Navy, including the alternative of re-  
25 activating two battleships.

1 **SEC. 1028. REPORT ON ROLES IN DEPARTMENT OF DE-**  
2 **FENSE AVIATION ACCIDENT INVESTIGA-**  
3 **TIONS.**

4 (a) REPORT REQUIRED.—Not later than March 31,  
5 1999, the Secretary of Defense shall submit to Congress  
6 a report on the roles of the Office of the Secretary of De-  
7 fense and the Joint Staff in the investigation of Depart-  
8 ment of Defense aviation accidents.

9 (b) CONTENT OF REPORT.—The report shall include  
10 the following:

11 (1) An assessment of whether the Office of the  
12 Secretary of Defense and the Joint Staff should  
13 have more direct involvement in the investigation of  
14 military aviation accidents.

15 (2) The advisability of the Office of the Sec-  
16 retary of Defense, the Joint Staff, or another De-  
17 partment of Defense entity independent of the mili-  
18 tary departments supervising the conduct of aviation  
19 accident investigations.

20 (3) An assessment of the minimum training  
21 and experience required for aviation accident inves-  
22 tigation board presidents and board members.

23 **SEC. 1029. STRATEGIC PLAN FOR EXPANDING DISTANCE**  
24 **LEARNING INITIATIVES.**

25 (a) PLAN REQUIRED.—The Secretary of Defense  
26 shall develop a strategic plan for guiding and expanding

1 distance learning initiatives within the Department of De-  
2 fense. The plan shall provide for an expansion of such ini-  
3 tiatives over five consecutive fiscal years beginning with  
4 fiscal year 2000.

5 (b) CONTENT OF PLAN.—The strategic plan shall, at  
6 a minimum, contain the following:

7 (1) A statement of measurable goals and objec-  
8 tives and outcome-related performance indicators  
9 (consistent with section 1115 of title 31, United  
10 States Code, relating to agency performance plans)  
11 for the development and execution of distance learn-  
12 ing initiatives throughout the Department of De-  
13 fense.

14 (2) A detailed description of how distance learn-  
15 ing initiatives are to be developed and managed  
16 within the Department of Defense.

17 (3) An assessment of the estimated costs and  
18 the benefits associated with developing and main-  
19 taining an appropriate infrastructure for distance  
20 learning.

21 (4) A statement of planned expenditures for the  
22 investments necessary to build and maintain the in-  
23 frastructure.

24 (5) A description of the mechanisms that are to  
25 be used to supervise the development and coordina-

1       tion of the distance learning initiatives of the De-  
2       partment of Defense.

3       (c) RELATIONSHIP TO EXISTING INITIATIVE.—In de-  
4       veloping the strategic plan, the Secretary may take into  
5       account the ongoing collaborative effort among the De-  
6       partment of Defense, other Federal agencies, and private  
7       industry that is known as the Advanced Distribution  
8       Learning initiative. However, the Secretary shall ensure  
9       that the strategic plan is specifically focused on the train-  
10      ing and education goals and objectives of the Department  
11      of Defense.

12      (d) SUBMISSION TO CONGRESS.—The Secretary of  
13      Defense shall submit the strategic plan to Congress not  
14      later than March 1, 1999.

15      **SEC. 1030. REPORT ON INVOLVEMENT OF ARMED FORCES**  
16                                   **IN CONTINGENCY AND ONGOING OPER-**  
17                                   **ATIONS.**

18      (a) REPORT REQUIRED.—Not later than January 31,  
19      1999, the Secretary of Defense shall submit to the con-  
20      gressional defense committees a report on the involvement  
21      of the Armed Forces of the United States in major contin-  
22      gency operations and major ongoing operations since the  
23      end of the Persian Gulf War, including such operations  
24      as the involvement in the Stabilization Force in Bosnia  
25      and Herzegovina, Operation Southern Watch, and Oper-

1 ation Northern Watch. The report shall contain the follow-  
2 ing:

3 (1) A discussion of the effects of that involve-  
4 ment on retention and reenlistment of personnel in  
5 the Armed Forces.

6 (2) The extent to which the use of combat sup-  
7 port and combat service support personnel and  
8 equipment of the Armed Forces in the operations  
9 has resulted in shortages of Armed Forces personnel  
10 and equipment in other regions of the world.

11 (3) The accounts from which funds have been  
12 drawn to pay for the operations and the specific pro-  
13 grams for which the funds were available until di-  
14 verted to pay for the operations.

15 (4) The vital interests of the United States that  
16 are involved in each operation or, if none, the inter-  
17 ests of the United States that are involved in each  
18 operation and a characterization of those interests.

19 (5) What clear and distinct objectives guide the  
20 activities of United States forces in each operation.

21 (6) What the President has identified on the  
22 basis of those objectives as the date, or the set of  
23 conditions, that defines the end of each operation.

1 (b) FORM OF REPORT.—The report shall be submit-  
2 ted in unclassified form, but may also be submitted in a  
3 classified form if necessary.

4 (c) MAJOR OPERATION DEFINED.—For the purposes  
5 of this section, a contingency operation or an ongoing op-  
6 eration is a major contingency operation or a major ongo-  
7 ing operation, respectively, if the operation involves more  
8 than 500 members of the Armed Forces.

9 **SEC. 1031. SUBMISSION OF REPORT ON OBJECTIVES OF A**  
10 **CONTINGENCY OPERATION WITH FIRST RE-**  
11 **QUEST FOR FUNDING THE OPERATION.**

12 (a) FINDINGS.—Congress makes the following find-  
13 ings:

14 (1) On May 3, 1994, the President issued Pres-  
15 idential Decision Directive 25 declaring that Amer-  
16 ican participation in United Nations and other peace  
17 operations would depend in part on whether the role  
18 of United States forces is tied to clear objectives and  
19 an endpoint for United States participation can be  
20 identified.

21 (2) Between that date and mid-1998, the Presi-  
22 dent and other executive branch officials have obli-  
23 gated or requested appropriations of approximately  
24 \$9,400,000,000 for military-related operations  
25 throughout Bosnia and Herzegovina without provid-

1       ing to Congress, in conjunction with the budget sub-  
2       mission for any fiscal year, a strategic plan for such  
3       operations under the criteria set forth in that Presi-  
4       dential Decision Directive.

5           (3) Between November 27, 1995, and mid-1998  
6       the President has established three deadlines, since  
7       elapsed, for the termination of United States mili-  
8       tary-related operations throughout Bosnia and  
9       Herzegovina.

10          (4) On December 17, 1997, the President an-  
11       nounced that United States ground combat forces  
12       would remain in Bosnia and Herzegovina for an un-  
13       known period of time.

14          (5) Approximately 47,880 United States mili-  
15       tary personnel (excluding personnel serving in units  
16       assigned to the Republic of Korea) have participated  
17       in 14 international contingency operations between  
18       fiscal years 1991 and 1998.

19          (6) The 1998 posture statements of the Navy  
20       and Air Force included declarations that the pace of  
21       military operations over fiscal year 1997 adversely  
22       affected the readiness of non-deployed forces, per-  
23       sonnel retention rates, and spare parts inventories of  
24       the Navy and Air Force.



1 (b) INFORMATION TO BE REPORTED WITH FUNDING  
2 REQUEST.—Section 113 of title 10, United States Code,  
3 is amended by adding at the end the following:

4 “(1) INFORMATION TO ACCOMPANY INITIAL FUND-  
5 ING REQUEST FOR CONTINGENCY OPERATION.—When-  
6 ever the President submits to Congress a request for ap-  
7 propriations for costs associated with a contingency oper-  
8 ation that involves, or likely will involve, the deployment  
9 of more than 500 members of the armed forces, the Sec-  
10 retary of Defense shall submit to Congress a report on  
11 the objectives of the operation. The report shall include  
12 a discussion of the following:

13 “(1) What clear and distinct objectives guide  
14 the activities of United States forces in the oper-  
15 ation.

16 “(2) What the President has identified on the  
17 basis of those objectives as the date, or the set of  
18 conditions, that defines the endpoint of the oper-  
19 ation.”.

20 **SEC. 1032. REPORTS ON THE DEVELOPMENT OF THE EURO-**  
21 **PEAN SECURITY AND DEFENSE IDENTITY.**

22 (a) REQUIREMENT FOR REPORTS.—The Secretary of  
23 Defense shall submit to the congressional defense commit-  
24 tees in accordance with this section reports on the develop-  
25 ment of the European Security and Defense Identity

1 (ESDI) within the NATO Alliance that would enable the  
2 Western European Union (WEU), with the consent of the  
3 NATO Alliance, to assume the political control and strate-  
4 gic direction of NATO assets and capabilities made avail-  
5 able by the Alliance.

6 (b) REPORTS TO BE SUBMITTED.—The reports re-  
7 quired to be submitted under subsection (a) are as follows:

8 (1) An initial report, submitted not later than  
9 December 15, 1998, that contains a discussion of  
10 the actions taken, and the plans for future actions,  
11 to build the European Security and Defense Iden-  
12 tity, together with the matters required under sub-  
13 section (c).

14 (2) A semiannual report on the progress made  
15 toward establishing the European Security and De-  
16 fense Identity, submitted not later than March 15  
17 and December 15 of each year after 1998.

18 (c) CONTENT OF REPORTS.—The Secretary shall in-  
19 clude in each report under this section the following:

20 (1) A discussion of the arrangements between  
21 NATO and the Western European Union for the re-  
22 lease, transfer, monitoring, return, and recall of  
23 NATO assets and capabilities.

24 (2) A discussion of the development of such  
25 planning and other capabilities by the Western Eu-

1       ropean Union that are necessary to provide political  
2       control and strategic direction of NATO assets and  
3       capabilities.

4               (3) A discussion of the development of terms of  
5       reference for the Deputy Supreme Allied Com-  
6       mander, Europe, with respect to the European Secu-  
7       rity and Defense Identity.

8               (4) A discussion of the arrangements for the  
9       assignment or appointment of NATO officers to  
10      serve in two positions concurrently (commonly re-  
11      ferred to as “dual-hatting”).

12              (5) A discussion of the development of the  
13      Combined Joint Task Force (CJTF) concept, includ-  
14      ing lessons-learning from the NATO-led Stabiliza-  
15      tion Force in Bosnia.

16              (6) Identification within the NATO Alliance of  
17      the types of separable but not separate capabilities,  
18      assets, and support assets for Western European  
19      Union-led operations.

20              (7) Identification of separable but not separate  
21      headquarters, headquarters elements, and command  
22      positions for command and conduct of Western Eu-  
23      ropean Union-led operations.

24              (8) The conduct by NATO, at the request of  
25      and in coordination with the Western European

1 Union, of military planning and exercises for illus-  
2 trative missions.

3 (9) A discussion of the arrangements between  
4 NATO and the Western European Union for the  
5 sharing of information, including intelligence.

6 (10) Such other information as the Secretary  
7 considers useful for a complete understanding of the  
8 establishment of the European Security and Defense  
9 Identity within the NATO Alliance.

10 (d) TERMINATION OF SEMIANNUAL REPORTING RE-  
11 QUIREMENT.—No report is required under subsection  
12 (b)(2) after the Secretary submits under that subsection  
13 a report in which the Secretary states that the European  
14 Security and Defense Identity has been fully established.

15 **SEC. 1033. REPORT ON REDUCTION OF INFRASTRUCTURE**  
16 **COSTS AT BROOKS AIR FORCE BASE, TEXAS.**

17 (a) REQUIREMENT.—Not later than December 31,  
18 1998, the Secretary of the Air Force shall, in consultation  
19 with the Secretary of Defense, submit to the congressional  
20 defense committees a report on means of reducing signifi-  
21 cantly the infrastructure costs at Brooks Air Force Base,  
22 Texas, while also maintaining or improving the support  
23 for Department of Defense missions and personnel pro-  
24 vided through Brooks Air Force Base.

1 (b) ELEMENTS.—The report shall include the follow-  
2 ing:

3 (1) A description of any barriers (including bar-  
4 riers under law and through policy) to improved in-  
5 frastructure management at Brooks Air Force Base.

6 (2) A description of means of reducing infra-  
7 structure management costs at Brooks Air Force  
8 Base through cost-sharing arrangements and more  
9 cost-effective utilization of property.

10 (3) A description of any potential public part-  
11 nerships or public-private partnerships to enhance  
12 management and operations at Brooks Air Force  
13 Base.

14 (4) An assessment of any potential for expand-  
15 ing infrastructure management opportunities at  
16 Brooks Air Force Base as a result of initiative con-  
17 sidered at the Base or at other installations.

18 (5) An analysis (including appropriate data) on  
19 current and projected costs of the ownership or lease  
20 of Brooks Air Force Base under a variety of owner-  
21 ship or leasing scenarios, including the savings that  
22 would accrue to the Air Force under such scenarios  
23 and a schedule for achieving such savings.

1           (6) Any recommendations relating to reducing  
2           the infrastructure costs at Brooks Air Force Base  
3           that the Secretary considers appropriate.

4 **SEC. 1034. ANNUAL GAO REVIEW OF F/A-18E/F AIRCRAFT**  
5 **PROGRAM.**

6           (a) REVIEW AND REPORT REQUIRED.—Not later  
7 than June 15 of each year, the Comptroller General shall  
8 review the F/A-18E/F aircraft program and submit to  
9 Congress a report on the results of the review. The Comp-  
10 troller General shall also submit to Congress with each  
11 report a certification regarding whether the Comptroller  
12 General has had access to sufficient information to make  
13 informed judgments on the matters covered by the report.

14           (b) CONTENT OF REPORT.—The report submitted on  
15 the program each year shall include the following:

16           (1) The extent to which engineering and manu-  
17 facturing development and operational test and eval-  
18 uation under the program are meeting the goals es-  
19 tablished for engineering and manufacturing devel-  
20 opment and operational test and evaluation under  
21 the program, including the performance, cost, and  
22 schedule goals.

23           (2) The status of modifications expected to  
24 have a significant effect on the cost or performance  
25 of the F/A-18E/F aircraft.

1 (c) DURATION OF REQUIREMENT.—The Comptroller  
2 General shall submit the first report under this section  
3 not later than June 15, 1999. No report is required under  
4 this section after the full rate production contract is  
5 awarded under the program.

6 (d) REQUIREMENT TO SUPPORT ANNUAL GAO RE-  
7 VIEW.—The Secretary of Defense and the prime contrac-  
8 tors under the F/A-18E/F aircraft program shall timely  
9 provide the Comptroller General with such information on  
10 the program, including information on program perform-  
11 ance, as the Comptroller General considers necessary to  
12 carry out the responsibilities under this section.

13 **SEC. 1035. REVIEW AND REPORT REGARDING THE DIS-**  
14 **TRIBUTION OF NATIONAL GUARD RE-**  
15 **SOURCES AMONG STATES.**

16 (a) REQUIREMENT FOR REVIEW.—The Chief of the  
17 National Guard Bureau shall review the process used for  
18 allocating and distributing resources, including all cat-  
19 egories of full-time manning, among the States for the Na-  
20 tional Guard of the States.

21 (b) PURPOSE OF REVIEW.—The purpose of the re-  
22 view is to determine whether the process provides for ade-  
23 quately funding the National Guard of the States that  
24 have within the National Guard no unit or few (15 or less)  
25 units categorized in readiness tiers I, II, and III.

1 (c) MATTERS REVIEWED.—The matters reviewed  
2 shall include the following:

3 (1) The factors considered for the process of  
4 determining the distribution of resources, including  
5 the weights assigned to the factors.

6 (2) The extent to which the process results in  
7 funding for the units of the States described in sub-  
8 section (b) at the levels necessary to optimize the  
9 preparedness of the units to meet the mission re-  
10 quirements applicable to the units.

11 (3) The effects that funding at levels deter-  
12 mined under the process will have on the National  
13 Guard of those States in the future, including the ef-  
14 fects on all categories of full-time manning, and unit  
15 readiness, recruitment, and continued use of existing  
16 National Guard armories and other facilities.

17 (d) REPORT.—Not later than March 15, 1999, the  
18 Chief of the National Guard Bureau shall submit a report  
19 on the results of the review to the congressional defense  
20 committees.

21 **SEC. 1036. REPORT ON THE PEACEFUL EMPLOYMENT OF**  
22 **FORMER SOVIET EXPERTS ON WEAPONS OF**  
23 **MASS DESTRUCTION.**

24 (a) REPORT REQUIRED.—Not later than January 31,  
25 1999, the Secretary of Defense shall submit to the con-



1 gressional defense committees a report on the need for and  
2 the feasibility of programs, other than those involving the  
3 development or promotion of commercially viable propos-  
4 als, to further United States nonproliferation objectives  
5 regarding former Soviet experts in ballistic missiles or  
6 weapons of mass destruction. The report shall contain an  
7 analysis of the following:

8           (1) The number of such former Soviet experts  
9           who are, or are likely to become within the coming  
10          decade, unemployed, underemployed, or unpaid and,  
11          therefore, at risk of accepting export orders, con-  
12          tracts, or job offers from countries developing weap-  
13          ons of mass destruction.

14          (2) The extent to which the development of  
15          nonthreatening, commercially viable products and  
16          services, with or without United States assistance,  
17          can reasonably be expected to employ such former  
18          experts.

19          (3) The extent to which projects that do not in-  
20          volve the development of commercially viable prod-  
21          ucts or services could usefully employ additional  
22          such former experts.

23          (4) The likely cost and benefits of a 10-year  
24          program of United States or international assistance  
25          to projects of the sort discussed in paragraph (3).

1 (b) CONSULTATION REQUIREMENT.—The report  
2 shall be prepared in consultation with the Secretary of  
3 State, the Secretary of Energy, and such other officials  
4 as the Secretary of Defense considers appropriate.

5 **Subtitle D—Other Matters**

6 **SEC. 1041. COOPERATIVE COUNTERPROLIFERATION PRO-**  
7 **GRAM.**

8 (a) ASSISTANCE AUTHORIZED.—Subject to sub-  
9 section (b), the Secretary of Defense may provide a foreign  
10 country or any of its instrumentalities with assistance that  
11 the Secretary determines necessary for destroying, remov-  
12 ing, or obtaining from that country—

13 (1) weapons of mass destruction; or

14 (2) materials, equipment, or technology related  
15 to the delivery or development of weapons of mass  
16 destruction.

17 (b) CERTIFICATION REQUIRED.—(1) Not later than  
18 15 days before providing assistance under subsection (a)  
19 regarding weapons, materials, equipment, or technology  
20 referred to in that subsection, the Secretary of Defense  
21 shall certify to the congressional defense committees that  
22 the weapons, materials, equipment, or technology meet  
23 each of the following requirements:

1           (A) The weapons, materials, equipment, or  
2           technology are at risk of being sold or otherwise  
3           transferred to a restricted foreign state or entity.

4           (B) The transfer of the weapons, materials,  
5           equipment, or technology would pose a significant  
6           threat to national security interests of the United  
7           States or would significantly advance a foreign coun-  
8           try's weapon program that threatens national secu-  
9           rity interests of the United States.

10          (C) Other options for securing or otherwise pre-  
11          venting the transfer of the weapons, materials,  
12          equipment, or technology have been considered and  
13          rejected as ineffective or inadequate.

14          (2) The Secretary may waive the deadline for submit-  
15          ting a certification required under paragraph (1) in any  
16          case if the Secretary determines that compliance with the  
17          requirement would compromise national security objec-  
18          tives of the United States in that case. The Secretary shall  
19          promptly notify the Chairman and ranking minority mem-  
20          bers of the congressional defense committees regarding the  
21          waiver and submit the certification not later than 45 days  
22          after completing the action of providing the assistance in  
23          the case.

24          (3) No assistance may be provided under subsection  
25          (a) in any case unless the Secretary submits the certifi-

1 cation required under paragraph (1) or a notification re-  
2 quired under paragraph (2) in such case.

3 (c) ANNUAL REPORTS.—(1) Not later than January  
4 30 of each year, the Secretary of Defense shall submit  
5 to the congressional defense committees a report on the  
6 activities carried out under this section. The first annual  
7 report shall be submitted not later than January 30, 2000.

8 (2) Each annual report shall set forth in separate sec-  
9 tions for the previous year the following:

10 (A) The assistance provided under this section  
11 and the purposes for which provided.

12 (B) The sources of funds for the assistance pro-  
13 vided.

14 (C) Any assistance provided for the Department  
15 of Defense under this section by any other depart-  
16 ment or agency of the Federal Government, together  
17 with the source or sources of that assistance.

18 (D) Any other information that the Secretary  
19 considers appropriate for informing the appropriate  
20 congressional committees about actions taken under  
21 this section.

22 (d) DEFINITIONS.—In this section:

23 (1) The term “restricted foreign state or en-  
24 tity”, with respect to weapons, materials, equipment,

1 or technology covered by a certification of the Sec-  
2 retary of Defense under subsection (b), means—

3 (A) any foreign country the government of  
4 which has repeatedly provided support for acts  
5 of international terrorism, as determined by the  
6 Secretary of State determines under section  
7 620A of the Foreign Assistance Act of 1961  
8 (22 U.S.C. 2371); or

9 (B) any foreign state or entity that the  
10 Secretary of Defense determines would con-  
11 stitute a military threat to the territory of the  
12 United States, national security interests of the  
13 United States, or allies of the United States, if  
14 that foreign state or entity were to possess the  
15 weapons, materials, equipment, or technology.

16 (2) The term “weapon of mass destruction” has  
17 the meaning given that term in section 1402 of the  
18 Defense Against Weapons of Mass Destruction Act  
19 of 1996 (50 U.S.C. 2302(1)).

20 **SEC. 1042. EXTENSION OF COUNTERPROLIFERATION AU-**  
21 **THORITIES FOR SUPPORT OF UNITED NA-**  
22 **TIONS SPECIAL COMMISSION ON IRAQ.**

23 Section 1505 of the Weapons of Mass Destruction  
24 Control Act of 1992 (title XV of Public Law 102-484;  
25 22 U.S.C. 5859a) is amended—

1           (1) in subsection (d)(3), by striking out “or  
2           \$15,000,000 for fiscal year 1998” and inserting in  
3           lieu thereof “or \$15,000,000 for each of fiscal years  
4           1998 and 1999”; and

5           (2) in subsection (f), by striking out “fiscal  
6           year 1998” and inserting in lieu thereof “fiscal year  
7           1999”.

8 **SEC. 1043. ONE-YEAR EXTENSION OF LIMITATION ON RE-**  
9 **TIREMENT OR DISMANTLEMENT OF STRATE-**  
10 **GIC NUCLEAR DELIVERY SYSTEMS.**

11           Section 1302 of the National Defense Authorization  
12 Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.  
13 1948) is amended—

14           (1) by striking out “during fiscal year 1998”  
15           each place it appears and inserting in lieu thereof  
16           “during any fiscal year”; and

17           (2) by adding at the end the following:

18           “(g) APPLICABILITY TO FISCAL YEARS 1998 and  
19 1999.—This section applies to fiscal years 1998 and  
20 1999.”.

21 **SEC. 1044. DIRECT-LINE COMMUNICATION BETWEEN**  
22 **UNITED STATES AND RUSSIAN COMMANDERS**  
23 **OF STRATEGIC FORCES.**

24           (a) SENSE OF CONGRESS.—It is the sense of Con-  
25 gress that a direct line of communication between the com-

1 manders in chief of the United States Strategic and Space  
2 Commands and the Commander of the Russian Strategic  
3 Rocket Forces could be a useful confidence-building tool.

4 (b) REPORT.—Not later than two months after the  
5 date of the enactment of this Act, the Secretary of Defense  
6 shall submit to the Committee on Armed Services of the  
7 Senate and to the Committee on National Security of the  
8 House of Representatives a report on the feasibility of ini-  
9 tiating discussions on direct-line communication described  
10 in subsection (a).

11 **SEC. 1045. CHEMICAL WARFARE DEFENSE.**

12 (a) REVIEW AND MODIFICATION OF POLICIES AND  
13 DOCTRINE.—The Secretary of Defense shall review the  
14 policies and doctrines of the Department of Defense on  
15 chemical warfare defense and modify the policies and doc-  
16 trine as appropriate to achieve the objectives set forth in  
17 subsection (b).

18 (b) OBJECTIVES.—The objectives for the modifica-  
19 tion of policies and doctrines of the Department of De-  
20 fense on chemical warfare defense are as follows:

21 (1) To provide for adequate protection of per-  
22 sonnel from any low-level exposure to a chemical  
23 warfare agent that would endanger the health of ex-  
24 posed personnel because of the deleterious effects  
25 of—

1 (A) a single exposure to the agent;

2 (B) exposure to the agent concurrently  
3 with other dangerous exposures, such as expo-  
4 sures to—

5 (i) other potentially toxic substances  
6 in the environment, including pesticides,  
7 other insect and vermin control agents,  
8 and environmental pollutants;

9 (ii) low-grade nuclear and electro-  
10 magnetic radiation present in the environ-  
11 ment;

12 (iii) preventive medications (that are  
13 dangerous when taken concurrently with  
14 other dangerous exposures referred to in  
15 this paragraph); and

16 (iv) occupational hazards, including  
17 battlefield hazards; and

18 (C) repeated exposures to the agent, or  
19 some combination of one or more exposures to  
20 the agent and other dangerous exposures re-  
21 ferred to in subparagraph (B), over time.

22 (2) To provide for—

23 (A) the prevention of and protection  
24 against, and the detection (including confirma-  
25 tion) of, exposures to a chemical warfare agent



1 (whether intentional or inadvertent) at levels  
2 that, even if not sufficient to endanger health  
3 immediately, are greater than the level that is  
4 recognized under Department of Defense poli-  
5 cies as being the maximum safe level of expo-  
6 sure to that agent for the general population;  
7 and

8 (B) the recording, reporting, coordinating,  
9 and retaining of information on possible expo-  
10 sures described in subparagraph (A), including  
11 the monitoring of the health effects of expo-  
12 sures on humans and animals, and the docu-  
13 menting and reporting of those health effects  
14 specifically by location.

15 (3) Provide solutions for the concerns and mis-  
16 sion requirements that are specifically applicable for  
17 one or more of the Armed Forces in a protracted  
18 conflict when exposures to chemical agents could be  
19 complex, dynamic, and occurring over an extended  
20 period.

21 (c) RESEARCH PROGRAM.—The Secretary of Defense  
22 shall develop and carry out a plan to establish a research  
23 program for determining the effects of chronic and low-  
24 dose exposures to chemical warfare agents. The research  
25 shall be designed to yield results that can guide the Sec-

1 retary in the evolution of policy and doctrine on low-level  
2 exposures to chemical warfare agents. The plan shall state  
3 the objectives and scope of the program and include a 5-  
4 year funding plan.

5 (d) REPORT.—Not later than May 1, 1999, the Sec-  
6 retary of Defense shall submit to the Committee on Armed  
7 Services of the Senate and the Committee on National Se-  
8 curity of the House of Representatives a report on the re-  
9 sults of the review under subsection (a) and on the re-  
10 search program developed under subsection (c). The re-  
11 port shall include the following:

12 (1) Each modification of chemical warfare de-  
13 fense policy and doctrine resulting from the review.

14 (2) Any recommended legislation regarding  
15 chemical warfare defense.

16 (3) The plan for the research program.

17 **SEC. 1046. ACCOUNTING TREATMENT OF ADVANCE PAY-**  
18 **MENT OF PERSONNEL.**

19 (a) TREATMENT.—Section 1006 of title 37, United  
20 States Code, is amended by adding at the end the follow-  
21 ing:

22 “(1) Notwithstanding any provision of chapter 15 of  
23 title 31, an amount paid a member under this section in  
24 advance of the fiscal year in which the member’s entitle-  
25 ment to that amount accrues—

1           “(1) shall be treated as being obligated and ex-  
2           pended in that fiscal year; and

3           “(2) may not be treated as reducing the unobli-  
4           gated balance of the appropriations available for  
5           military personnel, Reserve personnel, or National  
6           Guard personnel, as the case may be, for the fiscal  
7           year in which paid.”.

8           (b) **APPLICABILITY.**—Subsection (l) of section 1006  
9           of title 37, United States Code (as added by subsection  
10          (a)), shall apply to advance payments made under such  
11          section in fiscal years beginning after September 30, 1997.

12          **SEC. 1047. REINSTATEMENT OF DEFINITION OF FINANCIAL**  
13                           **INSTITUTION IN AUTHORITIES FOR REIM-**  
14                           **BURSING DEFENSE PERSONNEL FOR GOV-**  
15                           **ERNMENT ERRORS IN DIRECT DEPOSITS OF**  
16                           **PAY.**

17          (a) **MEMBERS OF THE ARMED FORCES.**—Section  
18          1053(d)(1) of title 10, United States Code, is amended  
19          to read as follows:

20               “(1) The term ‘financial institution’ means a  
21               bank, savings and loan association or similar institu-  
22               tion, or a credit union chartered by the United  
23               States Government or a State.”.

1 (b) CIVILIAN EMPLOYEES.—Section 1594(d)(1) of  
2 title 10, United States Code, is amended to read as fol-  
3 lows:

4 “(1) The term ‘financial institution’ means a  
5 bank, savings and loan association or similar institu-  
6 tion, or a credit union chartered by the United  
7 States Government or a State.”.

8 **SEC. 1048. PILOT PROGRAM ON ALTERNATIVE NOTICE OF**  
9 **RECEIPT OF LEGAL PROCESS FOR GARNISH-**  
10 **MENT OF FEDERAL PAY FOR CHILD SUPPORT**  
11 **AND ALIMONY.**

12 (a) PROGRAM REQUIRED.—The Secretary of Defense  
13 shall conduct a pilot program on alternative notice proce-  
14 dures for withholding or garnishment of pay for the pay-  
15 ment of child support and alimony under section 459 of  
16 the Social Security Act (42 U.S.C. 659).

17 (b) PURPOSE.—The purpose of the pilot program is  
18 to test the efficacy of providing notice in accordance with  
19 subsection (c) to the person whose pay is to be withheld  
20 or garnisheed.

21 (c) NOTICE REQUIREMENTS.—Under the pilot pro-  
22 gram, if an agent designated under paragraph (1) of sec-  
23 tion 459(c) of the Social Security Act for members of the  
24 Armed Forces or employees of the Department of Defense  
25 receives notice or service of a court order, notice to with-

1 hold, or other legal process regarding a child support or  
2 alimony obligation of such a member or employee, the  
3 agent may omit from the notice that the agent sends to  
4 the member or employee under paragraph (2)(A) of that  
5 section the copy of the notice or service received by the  
6 agent. The agent shall include in the notice, which shall  
7 be in writing, the following:

8           (1) A description of the court order, notice to  
9           withhold, or other legal process.

10           (2) The identity of the court, administrative  
11           agency, or official that issued the order.

12           (3) The case number assigned by the court, ad-  
13           ministrative agency, or official.

14           (4) The amount of the obligation.

15           (5) The name of each person for whom the sup-  
16           port or alimony is provided.

17           (6) The name, address, and telephone number  
18           of the person or office from which a copy of the no-  
19           tice or service may be obtained.

20           (d) PERIOD OF PILOT PROGRAM.—The Secretary  
21 shall commence the pilot program not later than 90 days  
22 after the date of the enactment of this Act. The pilot pro-  
23 gram shall terminate on September 30, 2000.

1 (e) REPORT.—Not later than April 1, 2001, the Sec-  
2 retary shall submit a report on the pilot program to Con-  
3 gress. The report shall contain the following:

4 (1) The number of notices that were issued in  
5 accordance with subsection (c) during the period of  
6 the pilot program.

7 (2) The number of persons who requested cop-  
8 ies of the notice or service of the court order, notice  
9 of withholding, or other legal process involved.

10 (3) Any communication received by the Sec-  
11 retary or an agent referred to in subsection (c) com-  
12 plaining about not being furnished a copy of the no-  
13 tice or service of the court order, notice of withhold-  
14 ing, or other legal process with the agent's notice.

15 **SEC. 1049. COSTS PAYABLE TO THE DEPARTMENT OF DE-**  
16 **FENSE AND OTHER FEDERAL AGENCIES FOR**  
17 **SERVICES PROVIDED TO THE DEFENSE COM-**  
18 **MISSARY AGENCY.**

19 (a) LIMITATION.—Section 2482(b)(1) of title 10,  
20 United States Code, is amended by adding at the end the  
21 following: “However, the Defense Commissary Agency  
22 may not pay for any such service any amount that exceeds  
23 the price at which the service could be procured in full  
24 and open competition (as such term is defined in section

1 4(6) of the Office of Federal Procurement Policy Act (41  
2 U.S.C. 403(6)).”.

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 with respect to services  
6 provided or obtained on or after that date.

7 **SEC. 1050. COLLECTION OF DISHONORED CHECKS PRE-**  
8 **SENTED AT COMMISSARY STORES.**

9 Section 2486 of title 10, United States Code, is  
10 amended by adding at the end the following:

11 “(g) **COLLECTION OF DISHONORED CHECKS.**—(1)  
12 The Secretary of Defense may impose a charge for the  
13 collection of a check accepted at a commissary store that  
14 is not honored by the financial institution on which the  
15 check is drawn. The imposition and amounts of charges  
16 shall be consistent with practices of commercial grocery  
17 stores regarding dishonored checks.

18 “(2)(A) The following persons are liable to the United  
19 States for the amount of a check referred to in paragraph  
20 (1) that is returned unpaid to the United States, together  
21 with any charge imposed under that paragraph:

22 “(i) The person who presented the check.

23 “(ii) Any person whose status and relationship  
24 to the person who presented the check provide the

1 basis for that person's eligibility to make purchases  
2 at a commissary store.

3 “(B) Any amount for which a person is liable under  
4 subparagraph (A) may be collected by deducting and with-  
5 holding such amount from any amounts payable to that  
6 person by the United States.

7 “(3) Amounts collected as charges imposed under  
8 paragraph (1) shall be credited to the commissary trust  
9 revolving fund.

10 “(4) Appropriated funds may be used to pay any  
11 costs incurred in the collection of checks and charges re-  
12 ferred to in paragraph (1). An appropriation account  
13 charged a cost under the preceding sentence shall be reim-  
14 bursed the amount of that cost out of funds in the com-  
15 missary trust revolving fund.

16 “(5) In this subsection, the term ‘commissary trust  
17 revolving fund’ means the trust revolving fund maintained  
18 by the Department of Defense for surcharge collections  
19 and proceeds of sales of commissary stores.”.

20 **SEC. 1051. DEFENSE COMMISSARY AGENCY TELECOMMUNI-**  
21 **CATIONS.**

22 (a) USE OF FTS 2000/2001.—The Secretary of De-  
23 fense shall prescribe in regulations authority for the De-  
24 fense Commissary Agency to meet its telecommunication  
25 requirements by obtaining telecommunication services and



1 related items under the FTS 2000/2001 contract through  
2 a frame relay system procured for the agency.

3 (b) REPORT.—Upon the initiation of telecommuni-  
4 cation service for the Defense Commissary Agency under  
5 the FTS 2000/2001 contract through the frame relay sys-  
6 tem, the Secretary of Defense shall submit to Congress  
7 a notification that the service has been initiated.

8 (c) DEFINITION.—In this section, the term  
9 “FTS 2000/2001 contract” means the contract for the  
10 provision of telecommunication services for the Federal  
11 Government that was entered into by the Defense Infor-  
12 mation Technology Contract Organization.

13 **SEC. 1052. RESEARCH GRANTS COMPETITIVELY AWARDED**  
14 **TO SERVICE ACADEMIES.**

15 (a) UNITED STATES MILITARY ACADEMY.—(1)  
16 Chapter 403 of title 10, United States Code, is amended  
17 by adding at the end the following new section:

18 **“§ 4358. Research grants: acceptance, application,**  
19 **and use**

20 “(a) ACCEPTANCE OF COMPETITIVELY AWARDED  
21 GRANTS.—The Superintendent of the Academy may ac-  
22 cept a research grant that is awarded on a competitive  
23 basis by a source referred to in subsection (b) for a re-  
24 search project that is to be carried out by a professor or

1 instructor of the Academy for a scientific, literary, or edu-  
2 cational purpose.

3       “(b) APPLICATION FOR GRANTS.—A professor or in-  
4 structor of the Academy, together with the Superintend-  
5 ent, may apply for a research grant referred to in sub-  
6 section (a) from any corporation, fund, foundation, edu-  
7 cational institution, or similar entity that is organized and  
8 operated primarily for scientific, literary, or educational  
9 purposes.

10       “(c) ADMINISTRATION OF GRANT PROCEEDS.—The  
11 Superintendent shall establish a special account for ad-  
12 ministering the proceeds of a research grant accepted  
13 under subsection (a) and shall use the account for the ad-  
14 ministration of such proceeds in accordance with applica-  
15 ble regulations and the terms and conditions of the grant.

16       “(d) RELATED EXPENSES.—Subject to such limita-  
17 tions as may be provided in appropriations Acts, appro-  
18 priations available for the Academy may be used to pay  
19 expenses incurred by the Academy in pursuit of an award  
20 of a research grant authorized to be accepted under sub-  
21 section (a).

22       “(e) REGULATIONS.—The Secretary of the Army  
23 shall prescribe in regulations the requirements, restric-  
24 tions, and conditions that the Secretary considers appro-

1 piate for the exercise and administration of the authority  
2 under this section.”.

3 (2) The table of sections at the beginning of such  
4 chapter is amended by adding at the end the following  
5 new item:

“4358. Research grants: acceptance, application, and use.”.

6 (b) UNITED STATES NAVAL ACADEMY.—(1) Chapter  
7 603 of title 10, United States Code, is amended by adding  
8 at the end the following new section:

9 **“§ 6977. Research grants: acceptance, application,  
10 and use**

11 “(a) ACCEPTANCE OF COMPETITIVELY AWARDED  
12 GRANTS.—The Superintendent of the Academy may ac-  
13 cept a research grant that is awarded on a competitive  
14 basis by a source referred to in subsection (b) for a re-  
15 search project that is to be carried out by a professor or  
16 instructor of the Academy for a scientific, literary, or edu-  
17 cational purpose.

18 “(b) APPLICATION FOR GRANTS.—A professor or in-  
19 structor of the Academy, together with the Superintend-  
20 ent, may apply for a research grant referred to in sub-  
21 section (a) from any corporation, fund, foundation, edu-  
22 cational institution, or similar entity that is organized and  
23 operated primarily for scientific, literary, or educational  
24 purposes.

1       “(c) ADMINISTRATION OF GRANT PROCEEDS.—The  
2 Superintendent shall establish a special account for ad-  
3 ministering the proceeds of a research grant accepted  
4 under subsection (a) and shall use the account for the ad-  
5 ministration of such proceeds in accordance with applica-  
6 ble regulations and the terms and conditions of the grant.

7       “(d) RELATED EXPENSES.—Subject to such limita-  
8 tions as may be provided in appropriations Acts, appro-  
9 priations available for the Academy may be used to pay  
10 expenses incurred by the Academy in pursuit of an award  
11 of a research grant authorized to be accepted under sub-  
12 section (a).

13       “(e) REGULATIONS.—The Secretary of the Navy  
14 shall prescribe in regulations the requirements, restric-  
15 tions, and conditions that the Secretary considers appro-  
16 priate for the exercise and administration of the authority  
17 under this section.”.

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

“6977. Research grants: acceptance, application, and use.”.

21       (c) UNITED STATES AIR FORCE ACADEMY.—(1)  
22 Chapter 903 of title 10, United States Code, is amended  
23 by adding at the end the following new section:

1 **“§ 9357. Research grants: acceptance, application,**  
2 **and use**

3 “(a) ACCEPTANCE OF COMPETITIVELY AWARDED  
4 GRANTS.—The Superintendent of the Academy may ac-  
5 cept a research grant that is awarded on a competitive  
6 basis by a source referred to in subsection (b) for a re-  
7 search project that is to be carried out by a professor or  
8 instructor of the Academy for a scientific, literary, or edu-  
9 cational purpose.

10 “(b) APPLICATION FOR GRANTS.—A professor or in-  
11 structor of the Academy, together with the Superintend-  
12 ent, may apply for a research grant referred to in sub-  
13 section (a) from any corporation, fund, foundation, edu-  
14 cational institution, or similar entity that is organized and  
15 operated primarily for scientific, literary, or educational  
16 purposes.

17 “(c) ADMINISTRATION OF GRANT PROCEEDS.—The  
18 Superintendent shall establish a special account for ad-  
19 ministering the proceeds of a research grant accepted  
20 under subsection (a) and shall use the account for the ad-  
21 ministration of such proceeds in accordance with applica-  
22 ble regulations and the terms and conditions of the grant.

23 “(d) RELATED EXPENSES.—Subject to such limita-  
24 tions as may be provided in appropriations Acts, appro-  
25 priations available for the Academy may be used to pay  
26 expenses incurred by the Academy in pursuit of an award

1 of a research grant authorized to be accepted under sub-  
2 section (a).

3 “(e) REGULATIONS.—The Secretary of the Air Force  
4 shall prescribe in regulations the requirements, restric-  
5 tions, and conditions that the Secretary considers appro-  
6 priate for the exercise and administration of the authority  
7 under this section.”.

8 (2) The table of sections at the beginning of such  
9 chapter is amended by adding at the end the following  
10 new item:

“9357. Research grants: acceptance, application, and use.”.

11 **SEC. 1053. CLARIFICATION AND SIMPLIFICATION OF RE-**  
12 **SPONSIBILITIES OF INSPECTORS GENERAL**  
13 **REGARDING WHISTLEBLOWER PROTEC-**  
14 **TIONS.**

15 (a) ROLES OF INSPECTORS GENERAL OF THE ARMED  
16 FORCES.—(1) Subsection (c) of section 1034 of title 10,  
17 United States Code, is amended—

18 (A) by striking out paragraph (1) and inserting  
19 in lieu thereof the following:

20 “(1) If a member of the armed forces submits to an  
21 Inspector General an allegation that a personnel action  
22 prohibited by subsection (b) has been taken (or threat-  
23 ened) against the member with respect to a communica-  
24 tion described in paragraph (2), the Inspector General of  
25 the Department of Defense or the Inspector General of

1 the armed force concerned shall take the action required  
2 under paragraph (3).”; and

3 (B) by striking out paragraph (3) and inserting  
4 in lieu thereof the following:

5 “(3) The Inspector General receiving an allegation as  
6 described in paragraph (1) shall expeditiously determine  
7 whether there is sufficient evidence to warrant an inves-  
8 tigation of the allegation. Upon determining that an inves-  
9 tigation is warranted, the Inspector General shall expedi-  
10 tiously investigate the allegation. In the case of an allega-  
11 tion received by the Inspector General of the Department  
12 of Defense, the Inspector General may delegate that duty  
13 to the Inspector General of the armed force concerned.  
14 Neither an initial determination nor an investigation is re-  
15 quired under this paragraph in the case of an allegation  
16 made more than 60 days after the date on which the mem-  
17 ber becomes aware of the personnel action that is the sub-  
18 ject of the allegation.

19 “(4) If an Inspector General within a military depart-  
20 ment receives an allegation covered by this subsection,  
21 that Inspector General shall promptly notify the Inspector  
22 General of the Department of Defense of the allegation  
23 in accordance with regulations prescribed under sub-  
24 section (h).

1       “(5) The Inspector General of the Department of De-  
2 fense, or the Inspector General of the Department of  
3 Transportation (in the case of a member of the Coast  
4 Guard when the Coast Guard is not operating as a service  
5 in the Navy), shall ensure that the inspector general con-  
6 ducting the investigation of an allegation under this para-  
7 graph is outside the immediate chain of command of both  
8 the member submitting the allegation and the individual  
9 or individuals alleged to have taken the retaliatory ac-  
10 tion.”.

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

12           (A) by striking out “the Inspector General shall  
13 conduct” and inserting in lieu thereof “an Inspector  
14 General shall conduct”; and

15           (B) by adding at the end the following: “In the  
16 case of an allegation received by the Inspector Gen-  
17 eral of the Department of Defense, the Inspector  
18 General may delegate that duty to the Inspector  
19 General of the armed force concerned.”.

20       (b) MISMANAGEMENT COVERED BY PROTECTED  
21 COMMUNICATIONS.—Subsection (c)(2)(B) of such section  
22 is amended by striking out “Mismanagement” and insert-  
23 ing in lieu thereof “Gross mismanagement”.



1 (c) SIMPLIFIED REPORTING AND NOTICE REQUIRE-  
2 MENTS.—(1) Paragraph (1) of subsection (e) of such sec-  
3 tion is amended—

4 (A) by striking out “the Inspector General shall  
5 submit a report on” and inserting in lieu thereof  
6 “the Inspector General conducting the investigation  
7 shall provide”; and

8 (B) inserting “shall transmit a copy of the re-  
9 port on the results of the investigation to” before  
10 “the member of the armed forces”.

11 (2) Paragraph (2) of such subsection is amended by  
12 adding at the end the following: “However, the copy need  
13 not include summaries of interviews conducted, nor any  
14 document acquired, during the course of the investigation.  
15 Such items shall be transmitted to the member if the  
16 member requests the items, whether before or after the  
17 copy of the report is transmitted to the member.”.

18 (3) Paragraph (3) of such subsection is amended by  
19 striking out “90 days” and inserting in lieu thereof “120  
20 days”.

21 (d) REPEAL OF POST-INVESTIGATION INTERVIEW  
22 REQUIREMENT.—Subsection (h) of such section is re-  
23 pealed.

24 (e) INSPECTOR GENERAL DEFINED.—Subsection  
25 (j)(2) of such section is amended—

1           (1) by redesignating subparagraph (B) as sub-  
2           paragraph (G) and, in that subparagraph, by strik-  
3           ing out “an officer” and inserting in lieu thereof  
4           “An officer”;

5           (2) by striking out subparagraph (A) and in-  
6           serting in lieu thereof the following:

7                   “(A) The Inspector General of the Depart-  
8                   ment of Defense.

9                   “(B) The Inspector General of the Depart-  
10                  ment of Transportation, in the case of a mem-  
11                  ber of the Coast Guard when the Coast Guard  
12                  is not operating as a service in the Navy.

13                  “(C) The Inspector General of the Army,  
14                  in the case of a member of the Army.

15                  “(D) The Naval Inspector General, in the  
16                  case of a member of the Navy.

17                  “(E) The Inspector General of the Air  
18                  Force, in the case of a member of the Air  
19                  Force.

20                  “(F) The Deputy Naval Inspector General  
21                  for Marine Corps Matters, in the case of a  
22                  member of the Marine Corps.”; and

23           (3) in the matter preceding subparagraph (A),  
24           by striking out “means—” and inserting in lieu  
25           thereof “means the following:”.

1 (f) TECHNICAL AND CONFORMING AMENDMENTS.—

2 (1) Subsections (i) and (j) of such section are redesignated  
3 as subsections (h) and (i), respectively.

4 (2) Subsection (b)(1)(B)(ii) of such section is amend-  
5 ed by striking out “subsection (j))” and inserting in lieu  
6 thereof “subsection (i)) or any other Inspector General ap-  
7 pointed under the Inspector General Act of 1978”.

8 **SEC. 1054. AMOUNTS RECOVERED FROM CLAIMS AGAINST**  
9 **THIRD PARTIES FOR LOSS OR DAMAGE TO**  
10 **PERSONAL PROPERTY SHIPPED OR STORED**  
11 **AT GOVERNMENT EXPENSE.**

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

15 **“§ 2739. Amounts recovered from claims against third**  
16 **parties for loss or damage to personal**  
17 **property shipped or stored at Govern-**  
18 **ment expense**

19 “(a) CREDITING OF COLLECTIONS.—Amounts col-  
20 lected as described in subsection (b) by or for a military  
21 department in any fiscal year shall be credited to the ap-  
22 propriation that is available for that fiscal year for the  
23 military department for the payment of claims for loss or  
24 damage of personal property shipped or stored at Govern-  
25 ment expense. Amounts so credited shall be merged with

1 the funds in the appropriation and shall be available for  
 2 the same period and purposes as the funds with which  
 3 merged.

4 “(b) COLLECTIONS COVERED.—An amount author-  
 5 ized for crediting in accordance with subsection (a) is any  
 6 amount that a military department collects under sections  
 7 3711, 3716, 3717 and 3721 of title 31 from a third party  
 8 for a loss or damage to personal property that occurred  
 9 during shipment or storage of the property at Government  
 10 expense and for which the Secretary of the military de-  
 11 partment paid the owner in settlement of a claim.”.

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

“2739. Amounts recovered from claims against third parties for loss or damage  
 to personal property shipped or stored at government ex-  
 pense.”.

15 **SEC. 1055. ELIGIBILITY FOR ATTENDANCE AT DEPART-**  
 16 **MENT OF DEFENSE DOMESTIC DEPENDENT**  
 17 **ELEMENTARY AND SECONDARY SCHOOLS.**

18 (a) MILITARY DEPENDENTS.—Subsection (a) of sec-  
 19 tion 2164 of title 10, United States Code, is amended—

20 (1) by designating the first sentence as para-  
 21 graph (1);

22 (2) by designating the second sentence as para-  
 23 graph (2); and

1           (3) by adding at the end of paragraph (2), as  
2           so designated, the following: “The Secretary may  
3           also permit a dependent of a member of the armed  
4           forces to enroll in such a program if the dependent  
5           is residing in such a jurisdiction, whether on or off  
6           a military installation, while the member is assigned  
7           away from that jurisdiction on a remote or unaccom-  
8           panied assignment under permanent change of sta-  
9           tion orders.”.

10          (b) EMPLOYEE DEPENDENTS.—Subsection (c)(2) of  
11          such section is amended by striking out subparagraph (B)  
12          and inserting in lieu thereof the following:

13          “(B) The Secretary may extend the enrollment of a  
14          dependent referred to in subparagraph (A) in the program  
15          for more than five consecutive school years if the Secretary  
16          determines that the dependent is eligible under paragraph  
17          (1), space is available in the program, and adequate ar-  
18          rangements are made for reimbursement of the Secretary  
19          for the costs to the Secretary of the educational services  
20          provided for the dependent. An extension shall be for only  
21          one school year, but the Secretary may authorize a succes-  
22          sive extension each year for the next school year upon  
23          making the determinations required under the preceding  
24          sentence for that next school year.”.

1           (c) CUSTOMS SERVICE EMPLOYEE DEPENDENTS IN  
2 PUERTO RICO.—(1) Subsection (c) of such section is fur-  
3 ther amended by adding at the end the following:

4           “(4)(A) A dependent of a United States Customs  
5 Service employee who resides in Puerto Rico but not on  
6 a military installation may enroll in an educational pro-  
7 gram provided by the Secretary pursuant to subsection (a)  
8 in Puerto Rico.

9           “(B) Notwithstanding the limitation on duration of  
10 enrollment set forth in paragraph (2), a dependent de-  
11 scribed in subparagraph (A) who is enrolled in an edu-  
12 cation program described in that subparagraph may be re-  
13 moved from the program only for good cause (as deter-  
14 mined by the Secretary). No requirement under that para-  
15 graph for reimbursement of the Secretary for the costs  
16 of educational services provided for the dependent shall  
17 apply with respect to the dependent.

18           “(C) In the event of the death in the line of duty  
19 of an employee described in subparagraph (A), a depend-  
20 ent of the employee may remain enrolled in an educational  
21 program described in that subparagraph until—

22                   “(i) the end of the academic year in which the  
23 death occurs; or

24                   “(ii) the dependent is removed for good cause  
25 (as so determined).”.

1           (2) The amendment made by paragraph (1) shall  
2 take effect on the date of enactment of this Act and apply  
3 to academic years beginning on or after that date.

4 **SEC. 1056. FEES FOR PROVIDING HISTORICAL INFORMA-**  
5 **TION TO THE PUBLIC.**

6           (a) ARMY.—(1) Chapter 437 of title 10, United  
7 States Code, is amended by adding at the end the follow-  
8 ing:

9 **“§ 4595. Army Military History Institute: fee for pro-**  
10 **viding historical information to the pub-**  
11 **lic**

12           “(a) AUTHORITY.—Except as provided in subsection  
13 (b), the Secretary of the Army may charge a person a fee  
14 for providing the person with information requested by the  
15 person that is provided from the United States Army Mili-  
16 tary History Institute.

17           “(b) EXCEPTIONS.—A fee may not be charged under  
18 this section—

19                   “(1) to a person for information that the person  
20 requests to carry out a duty as a member of the  
21 armed forces or an officer or employee of the United  
22 States; or

23                   “(2) for a release of information under section  
24 552 of title 5.

1       “(c) LIMITATION ON AMOUNT OF FEE.—The amount  
2 of the fee charged under this section for providing infor-  
3 mation may not exceed the cost of providing the informa-  
4 tion.

5       “(d) RETENTION OF FEES.—Amounts received under  
6 subsection (a) for providing information in any fiscal year  
7 shall be credited to the appropriation or appropriations  
8 charged the costs of providing information to the public  
9 from the United States Army Military History Institute  
10 during that fiscal year.

11       “(e) DEFINITIONS.—In this section:

12               “(1) The term ‘United States Army Military  
13 History Institute’ means the archive for historical  
14 records and materials of the Army that the Sec-  
15 retary of the Army designates as the primary ar-  
16 chive for such records and materials.

17               “(2) The terms ‘officer of the United States’  
18 and ‘employee of the United States’ have the mean-  
19 ings given those terms in sections 2104 and 2105,  
20 respectively, of title 5.”.

21       (2) The table of sections at the beginning of such  
22 chapter is amended by adding at the end the following:

“4595. Army Military History Institute: fee for providing historical information  
to the public.”.

23       (b) NAVY.—(1) Chapter 649 of such title 10 is  
24 amended by adding at the end the following new section:



1 **“§ 7582. Naval and Marine Corps Historical Centers:**  
2 **fee for providing historical information**  
3 **to the public**

4 “(a) **AUTHORITY.**—Except as provided in subsection  
5 (b), the Secretary of the Navy may charge a person a fee  
6 for providing the person with information requested by the  
7 person that is provided from the United States Naval His-  
8 torical Center or the Marine Corps Historical Center.

9 “(b) **EXCEPTIONS.**—A fee may not be charged under  
10 this section—

11 “(1) to a person for information that the person  
12 requests to carry out a duty as a member of the  
13 armed forces or an officer or employee of the United  
14 States; or

15 “(2) for a release of information under section  
16 552 of title 5.

17 “(c) **LIMITATION ON AMOUNT OF FEE.**—The amount  
18 of the fee charged under this section for providing infor-  
19 mation may not exceed the cost of providing the informa-  
20 tion.

21 “(d) **RETENTION OF FEES.**—Amounts received under  
22 subsection (a) for providing information from the United  
23 States Naval Historical Center or the Marine Corps His-  
24 torical Center in any fiscal year shall be credited to the  
25 appropriation or appropriations charged the costs of pro-

1 viding information to the public from that historical center  
2 during that fiscal year.

3 “(e) DEFINITIONS.—In this section:

4 “(1) The term ‘United States Naval Historical  
5 Center’ means the archive for historical records and  
6 materials of the Navy that the Secretary of the Navy  
7 designates as the primary archive for such records  
8 and materials.

9 “(2) The term ‘Marine Corps Historical Center’  
10 means the archive for historical records and mate-  
11 rials of the Marine Corps that the Secretary of the  
12 Navy designates as the primary archive for such  
13 records and materials.

14 “(3) The terms ‘officer of the United States’  
15 and ‘employee of the United States’ have the mean-  
16 ings given those terms in sections 2104 and 2105,  
17 respectively, of title 5.”.

18 (2) The heading of such chapter is amended by strik-  
19 ing out “**RELATED**”.

20 (3)(A) The table of sections at the beginning of such  
21 chapter is amended by adding at the end the following  
22 new item:

“7582. Naval and Marine Corps Historical Centers: fee for providing historical  
information to the public.”.

23 (B) The item relating to such chapter in the tables  
24 of chapters at the beginning of subtitle C of title 10,

1 United States Code, and the beginning of part IV of such  
2 subtitle is amended by striking out “Related”.

3 (c) AIR FORCE.—(1) Chapter 937 of title 10, United  
4 States Code, is amended by adding at the end the follow-  
5 ing new section:

6 **“§ 9594. Air Force Military History Institute: fee for**  
7 **providing historical information to the**  
8 **public**

9 “(a) AUTHORITY.—Except as provided in subsection  
10 (b), the Secretary of the Air Force may charge a person  
11 a fee for providing the person with information requested  
12 by the person that is provided from the United States Air  
13 Force Military History Institute.

14 “(b) EXCEPTIONS.—A fee may not be charged under  
15 this section—

16 “(1) to a person for information that the person  
17 requests to carry out a duty as a member of the  
18 armed forces or an officer or employee of the United  
19 States; or

20 “(2) for a release of information under section  
21 552 of title 5.

22 “(c) LIMITATION ON AMOUNT OF FEE.—The amount  
23 of the fee charged under this section for providing infor-  
24 mation may not exceed the cost of providing the informa-  
25 tion.

1       “(d) **RETENTION OF FEES.**—Amounts received under  
 2 subsection (a) for providing information in any fiscal year  
 3 shall be credited to the appropriation or appropriations  
 4 charged the costs of providing information to the public  
 5 from the United States Air Force Military History Insti-  
 6 tute during that fiscal year.

7       “(e) **DEFINITIONS.**—In this section:

8           “(1) The term ‘United States Air Force Mili-  
 9 tary History Institute’ means the archive for histori-  
 10 cal records and materials of the Air Force that the  
 11 Secretary of the Air Force designates as the primary  
 12 archive for such records and materials.

13           “(2) The terms ‘officer of the United States’  
 14 and ‘employee of the United States’ have the mean-  
 15 ings given those terms in sections 2104 and 2105,  
 16 respectively, of title 5.”.

17       (2) The table of sections at the beginning of such  
 18 chapter 937 is amended by adding at the end the following  
 19 new item:

“9594. Air Force Military History Institute: fee for providing historical informa-  
 tion to the public.”.

20 **SEC. 1057. PERIODIC INSPECTION OF THE ARMED FORCES**

21 **RETIREMENT HOME.**

22       (a) **INSPECTION BY INSPECTORS GENERAL OF THE**  
 23 **ARMED FORCES.**—Section 1518 of the Armed Forces Re-

1 tirement Home Act of 1991 (24 U.S.C. 418) is amended  
2 to read as follows:

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

4       “(a) TRIENNIAL INSPECTION.—Every three years the  
5 Inspector General of an armed force shall inspect the Re-  
6 tirement Home, including the records of the Retirement  
7 Home.

8       “(b) ALTERNATING DUTY AMONG INSPECTORS GEN-  
9 ERAL.—The duty to inspect the Retirement Home shall  
10 alternate among the Inspector General of the Army, the  
11 Naval Inspector General, and the Inspector General of the  
12 Air Force on such schedule as the Secretary of Defense  
13 shall direct.

14       “(c) REPORTS.—Not later than 45 days after com-  
15 pleting an inspection under subsection (a), the Inspector  
16 General carrying out the inspection shall submit to the  
17 Retirement Home Board, the Secretary of Defense, and  
18 Congress a report describing the results of the inspection  
19 and containing such recommendations as the Inspector  
20 General considers appropriate.”.

21       (b) FIRST INSPECTION.—The first inspection under  
22 section 1518 of the Armed Forces Retirement Home Act  
23 of 1991, as amended by subsection (a), shall be carried  
24 out during fiscal year 1999.

1 **SEC. 1058. TRANSFER OF F-4 PHANTOM II AIRCRAFT TO**  
2 **FOUNDATION.**

3 (a) **AUTHORITY.**—The Secretary of the Air Force  
4 may convey, without consideration to the Collings Founda-  
5 tion, Stow, Massachusetts (in this section referred to as  
6 the “foundation”), all right, title, and interest of the  
7 United States in and to one surplus F-4 Phantom II air-  
8 craft. The conveyance shall be made by means of a condi-  
9 tional deed of gift.

10 (b) **CONDITION OF AIRCRAFT.**—The Secretary may  
11 not convey ownership of the aircraft under subsection (a)  
12 until the Secretary determines that the foundation has al-  
13 tered the aircraft in such manner as the Secretary deter-  
14 mines necessary to ensure that the aircraft does not have  
15 any capability for use as a platform for launching or re-  
16 leasing munitions or any other combat capability that it  
17 was designed to have. The Secretary is not required to  
18 repair or alter the condition of the aircraft before convey-  
19 ing ownership of the aircraft.

20 (c) **REVERTER UPON BREACH OF CONDITIONS.**—  
21 The Secretary shall include in the instrument of convey-  
22 ance of the aircraft—

23 (1) a condition that the foundation not convey  
24 any ownership interest in, or transfer possession of,  
25 the aircraft to any other party without the prior ap-  
26 proval of the Secretary of the Air Force;

1           (2) a condition that the operation and mainte-  
2 nance of the aircraft comply with all applicable limi-  
3 tations and maintenance requirements imposed by  
4 the Administrator of the Federal Aviation Adminis-  
5 tration; and

6           (3) a condition that if the Secretary of the Air  
7 Force determines at any time that the foundation  
8 has conveyed an ownership interest in, or trans-  
9 ferred possession of, the aircraft to any other party  
10 without the prior approval of the Secretary, or has  
11 failed to comply with the condition set forth in para-  
12 graph (2), all right, title, and interest in and to the  
13 aircraft, including any repair or alteration of the air-  
14 craft, shall revert to the United States, and the  
15 United States shall have the right of immediate pos-  
16 session of the aircraft.

17       (d) CONVEYANCE AT NO COST TO THE UNITED  
18 STATES.—The conveyance of an aircraft authorized by  
19 this section shall be made at no cost to the United States.  
20 Any costs associated with such conveyance, costs of deter-  
21 mining compliance with subsection (b), and costs of oper-  
22 ation and maintenance of the aircraft conveyed shall be  
23 borne by the foundation.

24       (e) ADDITIONAL TERMS AND CONDITIONS.—The  
25 Secretary of the Air Force may require such additional

1 terms and conditions in connection with the conveyance  
2 under this section as the Secretary considers appropriate  
3 to protect the interests of the United States.

4 (f) CLARIFICATION OF LIABILITY.—Notwithstanding  
5 any other provision of law, upon the conveyance of owner-  
6 ship of the F-4 Phantom II aircraft to the foundation  
7 under subsection (a), the United States shall not be liable  
8 for any death, injury, loss, or damage that results from  
9 any use of that aircraft by any person other than the  
10 United States.

11 **SEC. 1059. ACT CONSTITUTING PRESIDENTIAL APPROVAL**  
12 **OF VESSEL WAR RISK INSURANCE RE-**  
13 **QUESTED BY THE SECRETARY OF DEFENSE.**

14 Section 1205(b) of the Merchant Marine Act of 1936  
15 (46 U.S.C. App. 1285(b)) is amended by adding at the  
16 end the following: “The signature of the President (or of  
17 an official designated by the President) on the agreement  
18 shall be treated as an expression of the approval required  
19 under section 1202(a) to provide the insurance.”.

20 **SEC. 1060. COMMENDATION AND MEMORIALIZATION OF**  
21 **THE UNITED STATES NAVY ASIATIC FLEET.**

22 (a) FINDINGS.—Congress makes the following find-  
23 ings:



1           (1) The United States established the Asiatic  
2 Fleet of the Navy in 1910 to protect American na-  
3 tionals, policies, and possessions in the Far East.

4           (2) The sailors and Marines of the Asiatic Fleet  
5 ensured the safety of United States citizens and for-  
6 eign nationals, and provided humanitarian assist-  
7 ance, in that region during the Chinese civil war, the  
8 Yangtze Flood of 1931, and the outbreak of Sino-  
9 Japanese hostilities.

10          (3) In 1940, due to deteriorating political rela-  
11 tions and increasing tensions between the United  
12 States and Japan, a reinforced Asiatic Fleet began  
13 concentrating on the defense of the Philippines and  
14 engaged in extensive training to ensure maximum  
15 operational readiness for any eventuality.

16          (4) Following the declaration of war against  
17 Japan, the warships, submarines, and aircraft of the  
18 Asiatic Fleet singly or in task forces courageously  
19 fought many naval battles against a superior Japa-  
20 nese armada.

21          (5) The Asiatic Fleet directly suffered the loss  
22 of 22 ships, 1,826 men killed or missing in action,  
23 and 518 men captured and imprisoned under the  
24 worst of conditions with many of them dying while  
25 held as prisoners of war.

1 (b) COMMENDATION.—Congress—

2 (1) commends the personnel who served in the  
3 Asiatic Fleet of the United States Navy during the  
4 period 1910 to 1942; and

5 (2) honors those who gave their lives in the line  
6 of duty while serving in the Asiatic Fleet.

7 (c) UNITED STATES NAVY ASIATIC FLEET MEMO-  
8 RIAL DAY.—The President is authorized and requested to  
9 issue a proclamation designating March 1, 1999 as  
10 “United States Navy Asiatic Fleet Memorial Day” and  
11 calling upon the people of the United States to observe  
12 United States Navy Asiatic Fleet Memorial Day with ap-  
13 propriate programs, ceremonies, and activities.

14 **SEC. 1061. PROGRAM TO COMMEMORATE 50TH ANNIVER-**  
15 **SARY OF THE KOREAN WAR.**

16 (a) REFERENCE TO KOREAN WAR.—Section 1083 of  
17 the National Defense Authorization Act for Fiscal Year  
18 1998 (Public Law 105–85; 111 Stat. 1918; 10 U.S.C. 113  
19 note) is amended—

20 (1) in the section heading, by striking out “**KO-**  
21 **REAN CONFLICT**” and inserting in lieu thereof  
22 “**KOREAN WAR**”;

23 (2) by striking out “Korean conflict” each place  
24 it appears and inserting in lieu thereof “Korean  
25 War”; and

1           (3) in subsections (c) and (d)(1), by striking  
2           out “Korean Conflict” and inserting in lieu thereof  
3           “Korean War”.

4           (b) LIMITATION ON EXPENDITURES.—Subsection (f)  
5 of such section is amended to read as follows:

6           “(f) LIMITATION ON EXPENDITURES.—The total  
7 amount expended for the commemorative program for fis-  
8 cal years 1998 through 2004 by the Department of De-  
9 fense 50th Anniversary of the Korean War Commemora-  
10 tive Committee established by the Secretary of Defense  
11 may not exceed \$10,000,000.”.

12 **SEC. 1062. DEPARTMENT OF DEFENSE USE OF FREQUENCY**  
13 **SPECTRUM.**

14           (a) FINDING.—Congress finds that the report sub-  
15 mitted to Congress by the Secretary of Defense on April  
16 2, 1998, regarding the reallocation of the frequency spec-  
17 trum used or dedicated to the Department of Defense and  
18 the intelligence community, does not include a discussion  
19 of the costs to the Department of Defense that are associ-  
20 ated with past and potential future reallocations of the  
21 frequency spectrum, although such a discussion was to be  
22 included in the report as directed in connection with the  
23 enactment of the National Defense Authorization Act for  
24 Fiscal Year 1998.

1 (b) ADDITIONAL REPORT.—The Secretary of Defense  
2 shall, not later than October 31, 1998, submit to the Com-  
3 mittee on Armed Services of the Senate and the Commit-  
4 tee on National Security of the House of Representatives  
5 a report that discusses the costs referred to in subsection  
6 (a).

7 (c) RELOCATION OF FEDERAL FREQUENCIES.—Sec-  
8 tion 113(g)(1) of the National Telecommunications and  
9 Information Administration Organization Act (47 U.S.C.  
10 923(g)(1)) is amended—

11 (1) by striking out “(1) IN GENERAL.—In  
12 order” and inserting in lieu thereof the following:

13 “(1) IN GENERAL.—

14 “(A) AUTHORITY OF FEDERAL ENTITIES  
15 TO ACCEPT COMPENSATION.—In order”;

16 (2) in subparagraph (A), as so designated, by  
17 striking out the second, third, and fourth sentences  
18 and inserting in lieu thereof the following: “Any  
19 such Federal entity which proposes to so relocate  
20 shall notify the NTLA, which in turn shall notify the  
21 Commission, before the auction concerned of the  
22 marginal costs anticipated to be associated with such  
23 relocation or with modifications necessary to accom-  
24 modate prospective licensees. The Commission in  
25 turn shall notify potential bidders of the estimated

1 relocation or modification costs based on the geo-  
2 graphic area covered by the proposed licenses before  
3 the auction; and

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

5 “(B) REQUIREMENT TO COMPENSATE FED-  
6 ERAL ENTITIES.—Any person on whose behalf a  
7 Federal entity incurs costs under subparagraph  
8 (A) shall compensate the Federal entity in ad-  
9 vance for such costs. Such compensation may  
10 take the form of a cash payment or in-kind  
11 compensation.

12 “(C) DISPOSITION OF PAYMENTS.—

13 “(i) PAYMENT BY ELECTRONIC FUNDS  
14 TRANSFER.—A person making a cash pay-  
15 ment under this paragraph shall make the  
16 cash payment by depositing the amount of  
17 the payment by electronic funds transfer in  
18 the account of the Federal entity con-  
19 cerned in the Treasury of the United  
20 States or in another account as authorized  
21 by law.

22 “(ii) AVAILABILITY.—Subject to the  
23 provisions of authorization Acts and appro-  
24 priations Acts, amounts deposited under  
25 this subparagraph shall be available to the

1 Federal entity concerned to pay directly  
2 the costs of relocation under this para-  
3 graph, to repay or make advances to ap-  
4 propriations or funds which do or will ini-  
5 tially bear all or part of such costs, or to  
6 refund excess sums when necessary.

7 “(D) APPLICATION TO CERTAIN OTHER  
8 RELOCATIONS.—The provisions of this para-  
9 graph also apply to any Federal entity that op-  
10 erates a Federal Government station assigned  
11 to used electromagnetic spectrum identified for  
12 reallocation under subsection (a) if before Au-  
13 gust 5, 1997, the Commission has not identified  
14 that spectrum for service or assigned licenses or  
15 otherwise authorized service for that spectrum.

16 “(E) IMPLEMENTATION PROCEDURES.—  
17 The NTLA and the Commission shall develop  
18 procedures for the implementation of this para-  
19 graph, which procedures shall include a process  
20 for resolving any differences that arise between  
21 the Federal Government and commercial licens-  
22 ees regarding estimates of relocation or modi-  
23 fication costs under this paragraph.

24 “(F) INAPPLICABILITY TO CERTAIN RELO-  
25 CATIONS.—With the exception of spectrum lo-

1 cated at 1710–1755 Megahertz, the provisions  
2 of this paragraph shall not apply to Federal  
3 spectrum identified for reallocation in the first  
4 reallocation report submitted to the President  
5 and Congress under subsection (a).”.

6 (d) **REPORTS ON COSTS OF RELOCATIONS.**—The  
7 head of each department or agency of the Federal Govern-  
8 ment shall include in the annual budget submission of  
9 such department or agency to the Director of the Office  
10 of Management and Budget a report assessing the costs  
11 to be incurred by such department or agency as a result  
12 of any frequency relocations of such department or agency  
13 that are anticipated under section 113 of the National  
14 Telecommunications Information Administration Organi-  
15 zation Act (47 U.S.C. 923) as of the date of such report.

16 **SEC. 1063. TECHNICAL AND CLERICAL AMENDMENTS.**

17 (a) **TITLE 10, UNITED STATES CODE.**—Title 10,  
18 United States Code, is amended as follows:

19 (1) The item relating to section 484 in the table  
20 of sections at the beginning of chapter 23 is amend-  
21 ed to read as follows:

“484. Annual report on aircraft inventory.”.

22 (2) Section 517(a) is amended by striking out  
23 “Except as provided in section 307 of title 37, the”  
24 and inserting in lieu thereof “The”.

1           (3) The item relating to section 2302c in the  
2           table of sections at the beginning of chapter 137 is  
3           amended to read as follows:

“2302c. Implementation of electronic commerce capability.”.

4           (4) The table of subchapters at the beginning  
5           of chapter 148 is amended by striking out “2491”  
6           in the item relating to subchapter I and inserting in  
7           lieu thereof “2500”.

8           (5) Section 7045(c) is amended by striking out  
9           “the” after “are subject to”.

10          (6) Section 7572(b) is repealed.

11          (7) Section 12683(b)(2) is amended by striking  
12          out “; or” at the end and inserting in lieu thereof  
13          a period.

14          (b) PUBLIC LAW 105–85.—Effective as of November  
15          18, 1997, and as if included therein as enacted, the Na-  
16          tional Defense Authorization Act for Fiscal Year 1998  
17          (Public Law 105–85) is amended as follows:

18               (1) Section 1006(a) (111 Stat. 1869) is amend-  
19               ed by striking out “or” in the quoted matter and in-  
20               serting in lieu thereof “and”.

21               (2) Section 3133(b)(3) (111 Stat. 2036) is  
22               amended by striking out “III” and inserting in lieu  
23               thereof “XIV”.

24          (c) OTHER ACTS.—



1           (1) Section 18(c)(1) of the Office of Federal  
2 Procurement Policy Act (41 U.S.C. 416(c)(1)) is  
3 amended by striking out the period at the end of  
4 subparagraph (A) and inserting in lieu thereof a  
5 semicolon.

6           (2) Section 3(c)(2) of Public Law 101–533 (22  
7 U.S.C. 3142(c)(2)) is amended by striking out “in-  
8 cluded in the most recent plan submitted to the Con-  
9 gress under section 2506 of title 10” and inserting  
10 in lieu thereof “identified in the most recent assess-  
11 ment prepared under section 2505 of title 10”.

12       (d) COORDINATION WITH OTHER AMENDMENTS.—  
13 For purposes of applying amendments made by provisions  
14 of this Act other than provisions of this section, this sec-  
15 tion shall be treated as having been enacted immediately  
16 before the other provisions of this Act.

17 **SEC. 1064. EXTENSION AND REAUTHORIZATION OF DE-**  
18 **FENSE PRODUCTION ACT OF 1950.**

19       (a) EXTENSION OF TERMINATION DATE.—Section  
20 717(a) of the Defense Production Act of 1950 (50 U.S.C.  
21 App. 2166(a)) is amended by striking “September 30,  
22 1998” and inserting “September 30, 1999”.

23       (b) EXTENSION OF AUTHORIZATION.—Section  
24 711(b) of the Defense Production Act of 1950 (50 U.S.C.

1 App. 2161(b)) is amended by striking “and 1998” and  
2 inserting “1998, and 1999”.

3 **SEC. 1065. BUDGETING FOR CONTINUED PARTICIPATION**  
4 **OF UNITED STATES FORCES IN NATO OPER-**  
5 **ATIONS IN BOSNIA AND HERZEGOVINA.**

6 (a) FINDINGS.—Congress makes the following find-  
7 ings:

8 (1) Funding levels in the Department of De-  
9 fense budget have not been sufficient to pay for the  
10 deployment of United States ground combat forces  
11 in Bosnia and Herzegovina that began in fiscal year  
12 1996.

13 (2) The Department of Defense has used funds  
14 from the operation and maintenance accounts of the  
15 Armed Forces to pay for the operations because the  
16 funding levels included in the defense budgets for  
17 fiscal years 1996 and 1997 have not been adequate  
18 to maintain operations in Bosnia and Herzegovina.

19 (3) Funds necessary to continue United States  
20 participation in the NATO operations in Bosnia and  
21 Herzegovina, and to replace operation and mainte-  
22 nance funds used for the operations, have been re-  
23 quested by the President as supplemental appropria-  
24 tions in fiscal years 1996 and 1997. The Depart-  
25 ment of Defense has also proposed to reprogram

1 previously appropriated funds to make up the short-  
2 fall for continued United States operations in Bosnia  
3 and Herzegovina.

4 (4) In February 1998, the President certified to  
5 Congress that the continued presence of United  
6 States forces in Bosnia and Herzegovina after June  
7 30, 1998, was necessary in order to meet national  
8 security interests of the United States.

9 (5) The discretionary spending limit established  
10 for the defense category for fiscal year 1998 in the  
11 Balanced Budget and Emergency Deficit Control  
12 Act of 1985 does not take into account the contin-  
13 ued deployment of United States forces in Bosnia  
14 and Herzegovina after June 30, 1998. Therefore,  
15 the President requested emergency supplemental ap-  
16 propriations for the Bosnia and Herzegovina mission  
17 through September 30, 1998.

18 (6) Amounts for operations in Bosnia and  
19 Herzegovina were not included in the original budget  
20 proposed by the President for the Department of  
21 Defense for fiscal year 1999.

22 (7) The President requested \$1,858,600,000 in  
23 emergency appropriations in his March 4, 1998  
24 amendment to the fiscal year 1999 budget to cover

1 the shortfall in funding in the fiscal year 1999 for  
2 the costs of extending the mission in Bosnia.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-  
4 gress that—

5 (1) the President should include in the budget  
6 for the Department of Defense that the President  
7 submits to Congress under section 1105(a) of title  
8 31, United States Code, for each fiscal year suffi-  
9 cient amounts to pay for any proposed continuation  
10 of the participation of United States forces in  
11 NATO operations in Bosnia and Herzegovina for  
12 that fiscal year; and

13 (2) amounts included in the budget for that  
14 purpose should not be transferred from amounts  
15 that would otherwise be proposed in the budget of  
16 any of the Armed Forces in accordance with the fu-  
17 ture-years defense program related to that budget,  
18 or any other agency of the Executive Branch, but,  
19 instead, should be an overall increase in the budget  
20 for the Department of Defense.

21 **SEC. 1066. NATO PARTICIPATION IN THE PERFORMANCE OF**  
22 **PUBLIC SECURITY FUNCTIONS OF CIVILIAN**  
23 **AUTHORITIES IN BOSNIA AND HERZEGOVINA.**

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

1           (1) The North Atlantic Treaty Organization  
2           (NATO) has approved the creation of a multi-na-  
3           tional specialized unit of gendarmes- or para-mili-  
4           tary police composed of European security forces to  
5           help promote public security in Bosnia and  
6           Herzegovina as a part of the post-June 1998 mis-  
7           sion for the Stabilization Force (SFOR) authorized  
8           under the United Nations Security Council Resolu-  
9           tion 1088 (December 12, 1996).

10           (2) On at least four occasions, beginning in  
11           July 1997, the Stabilization Force (SFOR) has been  
12           involved, pursuant to military annex 1(A) of the  
13           Dayton Agreement, in carrying out missions for the  
14           specific purpose of detaining war criminals, and on  
15           at least one of those occasions United States forces  
16           were directly involved in carrying out the mission.

17           (b) SENSE OF CONGRESS.—It is the sense of Con-  
18           gress that United States forces should not serve as civil  
19           police in Bosnia and Herzegovina.

20           (c) REQUIREMENT FOR REPORT.—The President  
21           shall submit to Congress, not later than October 1, 1998,  
22           a report on the status of the NATO force of gendarmes  
23           or paramilitary police referred to in subsection (a)(1), in-  
24           cluding the mission of the force, the composition of the  
25           force, and the extent, if any, to which members of the

1 Armed Forces of the United States are participating (or  
2 are to participate) in the force.

3 **SEC. 1067. PILOT PROGRAM FOR REVITALIZING THE LAB-**  
4 **ORATORIES AND TEST AND EVALUATION**  
5 **CENTERS OF THE DEPARTMENT OF DEFENSE.**

6 (a) FINDINGS.—Congress makes the following find-  
7 ings:

8 (1) Officials of the Department of Defense are  
9 critically dependent on the science and technology  
10 laboratories and test and evaluation centers, of the  
11 department—

12 (A) to exploit commercial technology for  
13 unique military purposes;

14 (B) to develop advanced technology in pre-  
15 cise areas;

16 (C) to provide the officials with objective  
17 advice and counsel on science and technology  
18 matters; and

19 (D) to lead the decisionmaking that identi-  
20 fies the most cost-effective procurements of  
21 military equipment and services.

22 (2) The laboratories and test and evaluation  
23 centers are facing a number of challenges that, if  
24 not overcome, could limit the productivity and self-

1 sustainability of the laboratories and centers, includ-  
2 ing—

3 (A) the declining funding provided for  
4 science and technology in the technology base  
5 program of the Department of Defense;

6 (B) difficulties experienced in recruiting,  
7 retaining, and motivating high-quality person-  
8 nel; and

9 (C) the complex web of policies and regu-  
10 latory constraints that restrict authority of  
11 managers to operate the laboratories and cen-  
12 ters in a businesslike fashion.

13 (3) Congress has provided tools to deal with the  
14 changing nature of technological development in the  
15 defense sector by encouraging closer cooperation  
16 with industry and university research and by author-  
17 izing demonstrations of alternative personnel sys-  
18 tems.

19 (4) A number of laboratories and test and eval-  
20 uation centers have addressed the challenges and are  
21 employing a variety of innovative methods, such as  
22 the so-called “Federated Lab Concept” undertaken  
23 at the Army Research Laboratory, to maintain the  
24 high quality of the technical program, to provide a  
25 challenging work environment for researchers, and

1 to meet the high cost demands of maintaining facili-  
2 ties that are equal or superior in quality to com-  
3 parable facilities anywhere in the world.

4 (b) COMMENDATION.—Congress commends the Sec-  
5 retary of Defense for the progress made by the science  
6 and technology laboratories and test and evaluation cen-  
7 ters to achieve the results described in subsection (a)(4)  
8 and encourages the Secretary to take the actions necessary  
9 to ensure continued progress for the laboratories and test  
10 and evaluation centers in developing cooperative relation-  
11 ships with universities and other private sector entities for  
12 the performance of research and development functions.

13 (c) PILOT PROGRAM.—(1) In conjunction with the  
14 plan for restructuring and revitalizing the science and  
15 technology laboratories and test and evaluation centers of  
16 the Department of Defense that is required by section 906  
17 of this Act, the Secretary of Defense may carry out a pilot  
18 program to demonstrate improved cooperative relation-  
19 ships with universities and other private sector entities for  
20 the performance of research and development functions.

21 (2) Under the pilot program, the Secretary of De-  
22 fense shall provide the director of one science and tech-  
23 nology laboratory, and the director of one test and evalua-  
24 tion center, of each military department with authority for  
25 the following:



1           (A) To explore innovative methods for quickly,  
2           efficiently, and fairly entering into cooperative rela-  
3           tionships with universities and other private sector  
4           entities with respect to the performance of research  
5           and development functions.

6           (B) To waive any restrictions on the dem-  
7           onstration and implementation of such methods that  
8           are not required by law.

9           (C) To develop or expand innovative methods of  
10          operation that provide more defense research for  
11          each dollar of cost, including to carry out such ini-  
12          tiatives as focusing on the performance of core func-  
13          tions and adopting more business-like practices.

14          (3) In selecting the laboratories and centers for par-  
15          ticipation in the pilot program, the Secretary shall con-  
16          sider laboratories and centers where innovative manage-  
17          ment techniques have been demonstrated, particularly as  
18          documented under sections 1115 through 1119 of title 31,  
19          United States Code, relating to Government agency per-  
20          formance and results.

21          (4) The Secretary may carry out the pilot program  
22          at each selected laboratory and center for a period of three  
23          years beginning not later than March 1, 1999.

24          (d) REPORTS.—(1) Not later than March 1, 1999,  
25          the Secretary of Defense shall submit a report on the im-

1 plementation of the pilot program to Congress. The report  
2 shall include the following:

3 (A) Each laboratory and center selected for the  
4 pilot program.

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

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

10 (2) Promptly after the expiration of the period for  
11 participation of a laboratory or center in the pilot pro-  
12 gram, the Secretary of Defense shall submit to Congress  
13 a final report on the participation of the laboratory or cen-  
14 ter in the pilot program. The report shall contain the fol-  
15 lowing:

16 (A) A description of the concepts tested.

17 (B) The results of the testing.

18 (C) The lessons learned.

19 (D) Any proposal for legislation that the Sec-  
20 retary recommends on the basis of the experience at  
21 the laboratory or center under the pilot program.

1 **SEC. 1068. SENSE OF CONGRESS REGARDING THE HERO-**  
2 **ISM, SACRIFICE, AND SERVICE OF FORMER**  
3 **SOUTH VIETNAMESE COMMANDOS IN CON-**  
4 **NECTION WITH UNITED STATES ARMED**  
5 **FORCES DURING THE VIETNAM CONFLICT.**

6 (a) FINDINGS.—Congress makes the following find-  
7 ings:

8 (1) South Vietnamese commandos were re-  
9 cruited by the United States as part of OPLAN 34A  
10 or its predecessor or OPLAN 35 from 1961 to 1970.

11 (2) The commandos conducted covert oper-  
12 ations in North Vietnam during the Vietnam con-  
13 flict.

14 (3) Many of the commandos were captured and  
15 imprisoned by North Vietnamese forces, some for as  
16 long as 20 years.

17 (4) The commandos served and fought proudly  
18 during the Vietnam conflict.

19 (5) Many of the commandos lost their lives  
20 serving in operations conducted by the United States  
21 during the Vietnam conflict.

22 (6) Many of the Vietnamese commandos now  
23 reside in the United States.

24 (b) SENSE OF CONGRESS—Congress recognizes and  
25 honors the former South Vietnamese commandos for their

1 heroism, sacrifice, and service in connection with United  
2 States armed forces during the Vietnam conflict.

3 **SEC. 1069. SENSE OF THE SENATE REGARDING DECLASSIFICATION OF CLASSIFIED INFORMATION OF THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF ENERGY.**

7 It is the sense of the Senate that the Secretary of  
8 Defense and the Secretary of Energy should submit to  
9 Congress a request for funds in fiscal year 2000 for activi-  
10 ties relating to the declassification of information under  
11 the jurisdiction of such Secretaries in order to fulfill the  
12 obligations and commitments of such Secretaries under  
13 Executive Order No. 12958 and the Atomic Energy Act  
14 of 1954 (42 U.S.C. 2011 et seq.) and to the stakeholders.

15 **SEC. 1070. RUSSIAN NONSTRATEGIC NUCLEAR WEAPONS.**

16 (a) SENSE OF THE SENATE.—It is the sense of the  
17 Senate that—

18 (1) the 7,000 to 12,000 or more nonstrategic  
19 (or “tactical”) nuclear weapons estimated by the  
20 United States Strategic Command to be in the Rus-  
21 sian arsenal may present the greatest threat of sale  
22 or theft of a nuclear warhead in the world today;

23 (2) as the number of deployed strategic war-  
24 heads in the Russian and United States arsenals de-  
25 clines to just a few thousand under the START ac-

1 cords, Russia's vast superiority in tactical nuclear  
2 warheads—many of which have yields equivalent to  
3 strategic nuclear weapons—could become strategi-  
4 cally destabilizing;

5 (3) while the United States has unilaterally re-  
6 duced its inventory of tactical nuclear weapons by  
7 nearly 90 percent since the end of the Cold War,  
8 Russia is behind schedule in implementing the steep  
9 tactical nuclear arms reductions pledged by former  
10 Soviet President Gorbachev in 1991 and Russian  
11 President Yeltsin in 1992, perpetuating the dangers  
12 from Russia's tactical nuclear stockpile; and

13 (4) the President of the United States should  
14 call on the Russian Federation to expedite reduction  
15 of its tactical nuclear arsenal in accordance with the  
16 promises made in 1991 and 1992.

17 (b) REPORT.—Not later than March 15, 1999, the  
18 Secretary of Defense shall submit to the Congress a report  
19 on Russia's nonstrategic nuclear weapons, including—

20 (1) estimates regarding the current numbers,  
21 types, yields, viability, and locations of such war-  
22 heads;

23 (2) an assessment of the strategic implications  
24 of the Russian Federation's nonstrategic arsenal, in-  
25 cluding the potential use of such warheads in a stra-

1       tegie role or the use of their components in strategic  
2       nuclear systems;

3           (3) an assessment of the extent of the current  
4       threat of theft, sale, or unauthorized use of such  
5       warheads, including an analysis of Russian com-  
6       mand and control as it concerns the use of tactical  
7       nuclear warheads; and

8           (4) a summary of past, current, and planned ef-  
9       forts to work cooperatively with the Russian Federa-  
10      tion to account for, secure, and reduce Russia's  
11      stockpile of tactical nuclear warheads and associated  
12      fissile material.

13      (c) VIEWS.—This report shall include the views of the  
14      Director of Central Intelligence and the Commander in  
15      Chief of the United States Strategic Command.

16      **SEC. 1071. SENSE OF SENATE ON NUCLEAR TESTS IN**  
17   **SOUTH ASIA.**

18      (a) FINDINGS.—The Senate finds that—

19           (1) on May 11 and 13, 1998, the Government  
20      of India conducted a series of underground nuclear  
21      tests;

22           (2) on May 28 and 30, 1998, the Government  
23      of Pakistan conducted a series of underground nu-  
24      clear tests;

1           (3) although not recognized or accepted as such  
2           by the United Nations Security Council, India and  
3           Pakistan have declared themselves nuclear weapon  
4           states;

5           (4) India and Pakistan have conducted exten-  
6           sive nuclear weapons research over several decades,  
7           resulting in the development of nuclear capabilities  
8           and the potential for the attainment of nuclear arse-  
9           nals and the dangerous proliferation of nuclear  
10          weaponry;

11          (5) India and Pakistan have refused to enter  
12          into internationally recognized nuclear non-prolifera-  
13          tion agreements, including the Comprehensive Test  
14          Ban Treaty, the Treaty on the Non-Proliferation of  
15          Nuclear Weapons, and full-scope safeguards agree-  
16          ments with the International Atomic Energy Agency;

17          (6) India and Pakistan, which have been at war  
18          with each other 3 times in the past 50 years, have  
19          urgent bilateral conflicts, most notably over the dis-  
20          puted territory of Kashmir;

21          (7) the testing of nuclear weapons by India and  
22          Pakistan has created grave and serious tensions on  
23          the Indian subcontinent; and

24          (8) the United States response to India and  
25          Pakistan's nuclear tests has included the imposition

1 of wide-ranging sanctions as called for under the  
2 Arms Export Control Act and the Nuclear Prolifera-  
3 tion Prevention Act of 1994.

4 (b) SENSE OF SENATE.—The Senate—

5 (1) strongly condemns the decisions by the gov-  
6 ernments of India and Pakistan to conduct nuclear  
7 tests in May 1998;

8 (2) supports the President’s decision to carry  
9 out the provisions of the Nuclear Proliferation Pre-  
10 vention Act of 1994 with respect to India and Paki-  
11 stan and invoke all sanctions in that Act;

12 (3) calls upon members of the international  
13 community to impose similar sanctions against India  
14 and Pakistan to those imposed by the United States;

15 (4) calls for the governments of India and Paki-  
16 stan to commit not to conduct any additional nu-  
17 clear tests;

18 (5) urges the governments of India and Paki-  
19 stan to take immediate steps, bilaterally and under  
20 the auspices of the United Nations, to reduce ten-  
21 sions between them;

22 (6) urges India and Pakistan to engage in high-  
23 level dialogue aimed at reducing the likelihood of  
24 armed conflict, enacting confidence and security  
25 building measures, and resolving areas of dispute;



1           (7) commends all nations to take steps which  
2 will reduce tensions in South Asia, including appro-  
3 priate measures to prevent the transfer of tech-  
4 nology that could further exacerbate the arms race  
5 in South Asia, and thus avoid further deterioration  
6 of security there;

7           (8) calls upon the President to seek a diplo-  
8 matic solution between the governments of India and  
9 Pakistan to promote peace and stability in South  
10 Asia and resolve the current impasse;

11           (9) encourages United States leadership in as-  
12 sisting the governments of India and Pakistan to re-  
13 solve their 50-year conflict over the disputed terri-  
14 tory in Kashmir;

15           (10) urges India and Pakistan to take imme-  
16 diate, binding, and verifiable steps to roll back their  
17 nuclear programs and come into compliance with  
18 internationally accepted norms regarding the pro-  
19 liferation of weapons of mass destruction; and

20           (11) urges the United States to reevaluate its  
21 bilateral relationship with India and Pakistan, in  
22 light of the new regional security realities in South  
23 Asia, with the goal of preventing further nuclear and  
24 ballistic missile proliferation, diffusing long-standing  
25 regional rivalries between India and Pakistan, and

1       securing commitments from them which, if carried  
2       out, could result in a calibrated lifting of United  
3       States sanctions imposed under the Arms Export  
4       Control Act and the Nuclear Proliferation Preven-  
5       tion Act of 1994.

6       **SEC. 1072. SENSE OF CONGRESS REGARDING CONTINUED**  
7                   **PARTICIPATION OF UNITED STATES FORCES**  
8                   **IN OPERATIONS IN BOSNIA AND**  
9                   **HERZEGOVINA.**

10       (a) FINDINGS.—Congress makes the following find-  
11       ings:

12               (1) The contributions of the people of the  
13       United States and other nations have, in large meas-  
14       ure, resulted in the suspension of fighting and allevi-  
15       ated the suffering of the people of Bosnia and  
16       Herzegovina since December 1995.

17               (2) the people of the United States have ex-  
18       pended approximately \$9,500,000,000 in tax dollars  
19       between 1992 and mid-1998 just in support of the  
20       United States military operations in Bosnia to  
21       achieve those results.

22               (3) Efforts to restore the economy and political  
23       structure in Bosnia and Herzegovina have achieved  
24       some success in accordance with the Dayton Agree-  
25       ment.

1           (4) In February 1998, the President certified to  
2 Congress that the continued presence of United  
3 States forces in Bosnia and Herzegovina after June  
4 30, 1998, was necessary in order to meet national  
5 security interests of the United States.

6           (5) There is, however, no accurate estimate of  
7 the time needed to accomplish the civilian implemen-  
8 tation tasks outlined in the Dayton Agreement.

9           (b) SENSE OF CONGRESS.—It is the sense of Con-  
10 gress that—

11           (1) United States ground combat forces should  
12 not remain in Bosnia and Herzegovina indefinitely  
13 in view of the world-wide commitments of the Armed  
14 Forces of the United States;

15           (2) the President should work with NATO allies  
16 and the other nations whose military forces are par-  
17 ticipating in the NATO-led Stabilization Force to  
18 withdraw United States ground combat forces from  
19 Bosnia and Herzegovina within a reasonable period  
20 of time, consistent with the safety of those forces  
21 and the accomplishment of the Stabilization Force's  
22 military tasks;

23           (3) a NATO-led force without the participation  
24 of United States ground combat forces in Bosnia  
25 and Herzegovina might be suitable for a follow-on

1 force for Bosnia and Herzegovina if the European  
2 Security and Defense Identity is not sufficiently de-  
3 veloped or is otherwise considered inappropriate for  
4 such a mission;

5 (4) the United States may decide to provide ap-  
6 propriate support to a Western European Union-led  
7 or NATO-led follow-on force for Bosnia and  
8 Herzegovina, including command and control, intel-  
9 ligence, logistics, and, if necessary, a ready reserve  
10 force in the region;

11 (5) the President should inform the European  
12 NATO allies of this expression of the sense of Con-  
13 gress and should strongly urge them to undertake  
14 preparations for establishing a Western European  
15 Union-led or a NATO-led force as a follow-on force  
16 to the NATO-led Stabilization Force if needed to  
17 maintain peace and stability in Bosnia and  
18 Herzegovina; and

19 (6) the President should consult closely with the  
20 congressional leadership and the congressional de-  
21 fense committees with respect to the progress being  
22 made toward achieving a sustainable peace in Bosnia  
23 and Herzegovina and the progress being made to-  
24 ward a reduction and ultimate withdrawal of United

1 States ground combat forces from Bosnia and  
2 Herzegovina.

3 (c) ONE-TIME REPORTS.—The President shall sub-  
4 mit to Congress the following reports:

5 (1) Not later than September 30, 1998, a re-  
6 port containing a discussion of the likely impact on  
7 the security situation in Bosnia and Herzegovina  
8 and on the prospects for establishing self-sustaining  
9 peace and stable local government there that would  
10 result from a phased reduction in the number of  
11 United States military personnel stationed in Bosnia  
12 and Herzegovina under the following alternatives:

13 (A) A phased reduction to 5,000 by Feb-  
14 ruary 2, 1999, to 3,500 by June 30, 1999, and  
15 to 2,500 by February 2, 2000.

16 (B) A phased reduction by February 2,  
17 2000, to the number of personnel that is ap-  
18 proximately equal to the mean average of—

19 (i) the number of military personnel  
20 of the United Kingdom that are stationed  
21 in Bosnia and Herzegovina on that date;

22 (ii) the number of military personnel  
23 of Germany that are stationed there on  
24 that date;

1 (iii) the number of military personnel  
2 of France that are stationed there on that  
3 date; and

4 (iv) the number of military personnel  
5 of Italy that are stationed there on that  
6 date.

7 (2) Not later than October 1, 1998, a report on  
8 the status of the NATO force of gendarmes or para-  
9 military police referred to in subsection (a)(1), in-  
10 cluding the mission of the force, the composition of  
11 the force, and the extent, if any, to which members  
12 of the Armed Forces of the United States are par-  
13 ticipating (or are to participate) in the force.

14 (d) REPORT TO ACCOMPANY EACH REQUEST FOR  
15 FUNDING.—(1) Each time that the President submits to  
16 Congress a proposal for funding continued operations of  
17 United States forces in Bosnia and Herzegovina, the  
18 President shall submit to Congress a report on the mis-  
19 sions of United States forces there. The first report shall  
20 be submitted at the same time that the President submits  
21 the budget for fiscal year 2000 to Congress under section  
22 1105(a) of title 31, United States Code.

23 (2) Each report under paragraph (1) shall include the  
24 following:

1           (A) The performance objectives and schedule  
2 for the implementation of the Dayton Agreement, in-  
3 cluding—

4           (i) the specific objectives for the reestab-  
5 lishment of a self-sustaining peace and a stable  
6 local government in Bosnia and Herzegovina,  
7 taking into account (I) each of the areas of im-  
8 plementation required by the Dayton Agree-  
9 ment, as well as other areas that are not cov-  
10 ered specifically in the Dayton Agreement but  
11 are essential for reestablishing such a peace and  
12 local government and to permitting an orderly  
13 withdrawal of the international peace implemen-  
14 tation force from Bosnia and Herzegovina, and  
15 (II) the benchmarks reported in the latest semi-  
16 annual report submitted under section 7(b)(2)  
17 of the 1998 Supplemental Appropriations and  
18 Rescissions Act (revised as necessary to be cur-  
19 rent as of the date of the report submitted  
20 under this subsection); and

21           (ii) the schedule, specified by fiscal year,  
22 for achieving the objectives.

23           (B) The military and non-military missions that  
24 the President has directed for United States forces  
25 in Bosnia and Herzegovina in support of the objec-

1 tives identified pursuant to paragraph (1), including  
2 a specific discussion of—

3 (i) the mission of the United States forces,  
4 if any, in connection with the pursuit and ap-  
5 prehension of war criminals;

6 (ii) the mission of the United States forces,  
7 if any, in connection with civilian police func-  
8 tions;

9 (iii) the mission of the United States  
10 forces, if any, in connection with the resettlement  
11 of refugees; and

12 (iv) the missions undertaken by the United  
13 States forces, if any, in support of international  
14 and local civilian authorities.

15 (C) An assessment of the risk for the United  
16 States forces in Bosnia and Herzegovina, including,  
17 for each mission identified pursuant to subpara-  
18 graph (B), the assessment of the Chairman of the  
19 Joint Chiefs of Staff regarding the nature and level  
20 of risk of the mission for the safety and well-being  
21 of United States military personnel.

22 (D) An assessment of the cost to the United  
23 States, by fiscal year, of carrying out the missions  
24 identified pursuant to subparagraph (B) for the pe-



1 riod indicated in the schedule provided pursuant to  
2 subparagraph (A).

3 (E) A joint assessment by the Secretary of De-  
4 fense and the Secretary of State of the status of  
5 planning for—

6 (i) the assumption of all remaining mili-  
7 tary missions inside Bosnia and Herzegovina by  
8 European military and paramilitary forces; and

9 (ii) the establishment and support of for-  
10 ward-based United States rapid response force  
11 outside of Bosnia and Herzegovina that would  
12 be capable of deploying rapidly to defeat mili-  
13 tary threats to a European follow-on force in-  
14 side Bosnia and Herzegovina, and of providing  
15 whatever logistical, intelligence, and air support  
16 is needed to ensure that a European follow-on  
17 force is fully capable of accomplishing its mis-  
18 sions under the Dayton Agreement.

19 (e) DAYTON AGREEMENT DEFINED.—In this section,  
20 the term “Dayton Agreement” means the General Frame-  
21 work Agreement for Peace in Bosnia and Herzegovina, to-  
22 gether with annexes relating thereto, done at Dayton, No-  
23 vember 10 through 16, 1995.

1 **SEC. 1073. COMMISSION TO ASSESS THE RELIABILITY,**  
2 **SAFETY, AND SECURITY OF THE UNITED**  
3 **STATES NUCLEAR DETERRENT.**

4 (a) ESTABLISHMENT.—There is hereby established a  
5 commission to be known as the “Commission for Assess-  
6 ment of the Reliability, Safety, and Security of the United  
7 States Nuclear Deterrent”.

8 (b) COMPOSITION.—(1) The Commission shall be  
9 composed of six members who shall be appointed from  
10 among private citizens of the United States with knowl-  
11 edge and expertise in the technical aspects of design,  
12 maintenance, and deployment of nuclear weapons, as fol-  
13 lows:

14 (A) Two members appointed by the Majority  
15 Leader of the Senate.

16 (B) One member appointed by the Minority  
17 Leader of the Senate.

18 (C) Two members appointed by the Speaker of  
19 the House of Representatives.

20 (D) One member appointed by the Minority  
21 Leader of the House of Representatives.

22 (2) The Senate Majority Leader and the Speaker of  
23 the House of Representatives shall each appoint one mem-  
24 ber to serve for five years and one member to serve for  
25 two years. The Minority Leaders of the Senate and House

1 of Representatives shall each appoint one member to serve  
2 for five years. A member may be reappointed.

3 (3) Any vacancy in the Commission shall be filled in  
4 the same manner as the original appointment.

5 (4) All members of the Commission shall hold appro-  
6 priate security clearances.

7 (c) CHAIRMAN.—The Majority Leader of the Senate,  
8 after consultation with the Speaker of the House of Rep-  
9 resentatives and the Minority Leaders of the Senate and  
10 House of Representatives, shall designate one of the mem-  
11 bers of the Commission, without regard to the term of ap-  
12 pointment of that member, to serve as Chairman of the  
13 Commission.

14 (d) DUTIES OF COMMISSION.—(1) Each year the  
15 Commission shall assess, for Congress—

16 (A) the safety, security, and reliability of the  
17 nuclear deterrent forces of the United States; and

18 (B) the annual certification on the safety, secu-  
19 rity, and reliability of the nuclear weapons stockpile  
20 of the United States that is provided by the direc-  
21 tors of the national weapons laboratories through  
22 the Secretary of Energy to the President.

23 (2) The Commission shall submit to Congress an an-  
24 nual report, in classified form, setting forth the findings  
25 and conclusions resulting from each assessment.

1           (e) COOPERATION OF OTHER AGENCIES.—(1) The  
2 Commission may secure directly from the Department of  
3 Energy, the Department of Defense, or any of the national  
4 weapons laboratories or plants or any other Federal de-  
5 partment or agency information that the Commission con-  
6 sidered necessary for the Commission to carry out its du-  
7 ties.

8           (2) For carrying out its duties, the Commission shall  
9 be provided full and timely cooperation by the Secretary  
10 of Energy, the Secretary of Defense, the Commander of  
11 United States Strategic Command, the Directors of the  
12 Los Alamos National Laboratory, the Lawrence Liver-  
13 more National Laboratory, the Sandia National Labora-  
14 tories, the Savannah River Site, the Y-12 Plant, the  
15 Pantex Facility, and the Kansas City Plant, and any other  
16 official of the United States that the Chairman determines  
17 as having information described in paragraph (1).

18           (3) The Secretary of Energy and the Secretary of De-  
19 fense shall each designate at least one officer or employee  
20 of the Department of Energy and the Department of De-  
21 fense, respectively, to serve as a liaison officer between the  
22 department and the Commission.

23           (f) COMMISSION PROCEDURES.—(1) The Commission  
24 shall meet at the call of the Chairman.

1           (2) Four members of the Commission shall constitute  
2 a quorum, except that the Commission may designate a  
3 lesser number of members as a quorum for the purpose  
4 of holding hearings. The Commission shall act by resolu-  
5 tion agreed to by a majority of the members of the Com-  
6 mission.

7           (3) Any member or agent of the Commission may,  
8 if authorized by the Commission, take any action that the  
9 Commission is authorized to take under this section.

10          (4) The Commission may establish panels composed  
11 of less than the full membership of the Commission for  
12 the purpose of carrying out the Commission's duties.  
13 Findings and conclusions of a panel of the Commission  
14 may not be considered findings and conclusions of the  
15 Commission unless approved by the Commission.

16          (5) The Commission or, at its direction, any panel  
17 or member of the Commission, may, for the purpose of  
18 carrying out its duties, hold hearings, sit and act at times  
19 and places, take testimony, receive evidence, and admin-  
20 ister oaths to the extent that the Commission or any panel  
21 or member considers advisable.

22          (g) PERSONNEL MATTERS.—(1) A member of the  
23 Commission shall be compensated at the daily equivalent  
24 of the rate of basic pay established for level V of the Exec-  
25 utive Schedule under 5316 of title 5, United States Code,

1 for each day on which the member is engaged in any meet-  
2 ing, hearing, briefing, or other work in the performance  
3 of duties of the Commission.

4 (2) A member of the Commission shall be allowed  
5 travel expenses, including per diem in lieu of subsistence,  
6 at rates authorized for employees of agencies under sub-  
7 chapter I of chapter 57 of title 5, United States Code,  
8 while away from the member's home or regular place of  
9 business in the performance of services for the Commis-  
10 sion.

11 (3) The Chairman of the Commission may, without  
12 regard to the provisions of the title 5, United States Code,  
13 governing appointments in the competitive service, appoint  
14 a staff director and such additional personnel as may be  
15 necessary to enable the Commission to perform its duties.  
16 The Chairman of the Commission may fix the pay of the  
17 staff director and other personnel without regard to the  
18 provisions of chapter 51, and subchapter III of chapter  
19 53 of title 5, United States Code, relating to classification  
20 of positions and General Schedule pay rates, except that  
21 the rate of pay fixed under this paragraph for the staff  
22 director may not exceed the rate payable for level V of  
23 the Executive Schedule under section 5316 of such title.

24 (4) Upon the request of the Chairman of the Commis-  
25 sion, the head of any Federal department or agency may

1 detail, on a nonreimbursable basis, any personnel of that  
2 department or agency to the Commission to assist it in  
3 carrying out its duties.

4 (5) The Chairman of the Commission may procure  
5 temporary and intermittent services under section 3109(b)  
6 of title 5, United States Code, at rates for individuals  
7 which do not exceed the daily equivalent of the annual rate  
8 of basic pay payable for level V of the Executive Schedule  
9 and under section 5316 of such title.

10 (h) MISCELLANEOUS ADMINISTRATIVE PROVI-  
11 SIONS.—(1) The Commission may use the United States  
12 mails and obtain printing and binding services in the same  
13 manner and under the same conditions as other depart-  
14 ments and agencies of the Federal Government.

15 (2) The Secretary of Defense and the Secretary of  
16 Energy shall furnish the Commission with any administra-  
17 tive and support services requested by the Commission  
18 and with office space within the Washington, District Co-  
19 lumbia, metropolitan area that is sufficient for the admin-  
20 istrative offices of the Commission and for holding general  
21 meetings of Commission.

22 (i) FUNDING.—The Secretary of Defense and the  
23 Secretary of Energy shall each contribute 50 percent of  
24 the amount of funds that are necessary for the Commis-  
25 sion to carry out its duties. Upon receiving from the

1 Chairman of the Commission a written certification of the  
2 amount of funds that is necessary for funding the activi-  
3 ties of the Commission for a period, the Secretaries shall  
4 promptly make available to the Commission funds in the  
5 total amount specified in the certification. Funds available  
6 for the Department of Defense for Defense-wide research,  
7 development, test, and evaluation shall be available for the  
8 Department of Defense contribution. Funds available for  
9 the Department of Energy for atomic energy defense ac-  
10 tivities shall be available for the Department of Energy  
11 contribution.

12 (j) TERMINATION OF THE COMMISSION.—The Com-  
13 mission shall terminate three years after the date of the  
14 appointment of the member designated as Chairman.

15 (k) INITIAL IMPLEMENTATION.—All appointments to  
16 the Commission shall be made not later than 45 days after  
17 the date of the enactment of this Act. The Commission  
18 shall convene its first meeting not later than 30 days after  
19 the date as of which all members of the Commission have  
20 been appointed.



1 **SEC. 1074. AUTHORITY FOR WAIVER OF MORATORIUM ON**  
2 **ARMED FORCES USE OF ANTIPERSONNEL**  
3 **LANDMINES.**

4 Section 580 of the Foreign Operations, Export Fi-  
5 nancing, and Related Programs Appropriations Act, 1996  
6 (Public Law 104–107; 110 Stat. 751) is amended—

7 (1) by redesignating subsection (b) as sub-  
8 section (c); and

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

11 “(b) WAIVER AUTHORITY.—(1) The President may  
12 waive the moratorium set forth in subsection (a) if the  
13 President determines that the waiver is necessary in the  
14 national security interests of the United States.

15 “(2) The President shall notify the President pro  
16 tempore of the Senate and the Speaker of the House of  
17 Representatives of the exercise of the authority provided  
18 by paragraph (1).”.

19 **SEC. 1075. APPOINTMENT OF DIRECTOR AND DEPUTY DI-**  
20 **RECTOR OF THE NAVAL HOME.**

21 (a) APPOINTMENT AND QUALIFICATIONS OF DIREC-  
22 TOR AND DEPUTY DIRECTOR.—Subsection (a) of section  
23 1517 of the Armed Forces Retirement Home Act of 1991  
24 (24 U.S.C. 417) is amended—

25 (1) in paragraph (2)—

1 (A) by striking out “Each Director” and  
2 inserting in lieu thereof “The Director of the  
3 United States Soldiers’ and Airmen’s Home”;  
4 and

5 (B) by striking out subparagraph (B) and  
6 inserting in lieu thereof the following:

7 “(B) meet the requirements of paragraph (4).”;

8 (2) by redesignating paragraph (3) as para-  
9 graph (5); and

10 (3) by inserting after paragraph (2) the follow-  
11 ing new paragraphs (3) and (4):

12 “(3) The Director, and any Deputy Director, of the  
13 Naval Home shall be appointed by the Secretary of De-  
14 fense from among persons recommended by the Secretar-  
15 ies of the military departments who—

16 “(A) in the case of the position of Director, are  
17 commissioned officers of the Armed Forces serving  
18 on active duty in a pay grade above 0–5;

19 “(B) in the case of the position of Deputy Di-  
20 rector, are commissioned officers of the Armed  
21 Forces serving on active duty in a pay grade above  
22 0–4; and

23 “(C) meet the requirements of paragraph (4).

24 “(4) Each Director shall have appropriate leadership  
25 and management skills, an appreciation and understand-

1 ing of the culture and norms associated with military serv-  
2 ice, and significant military background.”.

3 (b) TERM OF DIRECTOR AND DEPUTY DIRECTOR.—

4 Subsection (c) of such section is amended—

5 (1) by striking out “(c) TERM OF DIRECTOR.—”

6 and all that follows through “A Director” in the sec-  
7 ond sentence and inserting in lieu thereof “(c)  
8 TERMS OF DIRECTORS.—(1) The term of office of  
9 the Director of the United States Soldiers’ and Air-  
10 men’s Home shall be five years. The Director”;

11 (2) by adding at the end the following new  
12 paragraph:

13 “(2) The Director and the Deputy Director of the  
14 Naval Home shall serve at the pleasure of the Secretary  
15 of Defense.”.

16 (c) DEFINITIONS.—Such section is further amended  
17 by adding at the end the following:

18 “(g) DEFINITIONS.—In this section:

19 “(1) The term ‘United States Soldiers’ and Air-  
20 men’s Home’ means the separate facility of the Re-  
21 tirement Home that is known as the United States  
22 Soldiers’ and Airmen’s Home.

23 “(2) The term ‘Naval Home’ means the sepa-  
24 rate facility of the Retirement Home that is known  
25 as the Naval Home.”.

1 (d) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect on October 1, 1998.

3 **SEC. 1076. SENSE OF THE CONGRESS ON THE DEFENSE**  
4 **SCIENCE AND TECHNOLOGY PROGRAM.**

5 (a) FUNDING REQUIREMENTS FOR THE DEFENSE  
6 SCIENCE AND TECHNOLOGY PROGRAM BUDGET.—It is  
7 the sense of the Congress that for each of the fiscal years  
8 2000 through 2008, it should be an objective of the Sec-  
9 retary of Defense to increase the budget for the Defense  
10 Science and Technology Program for the fiscal year over  
11 the budget for that program for the preceding fiscal year  
12 by a percent that is at least two percent above the rate  
13 of inflation as determined by the Office of Management  
14 and Budget.

15 (b) GUIDELINES FOR THE DEFENSE SCIENCE AND  
16 TECHNOLOGY PROGRAM.—

17 (1) RELATIONSHIP OF DEFENSE SCIENCE AND  
18 TECHNOLOGY PROGRAM TO UNIVERSITY RE-  
19 SEARCH.—It is the sense of the Congress that the  
20 following should be key objectives of the Defense  
21 Science and Technology Program—

22 (A) the sustainment of research capabili-  
23 ties in scientific and engineering disciplines crit-  
24 ical to the Department of Defense;

1           (B) the education and training of the next  
2 generation of scientists and engineers in dis-  
3 ciplines that are relevant to future defense sys-  
4 tems, particularly through the conduct of basic  
5 research; and

6           (C) the Continued support of the Defense  
7 Experimental Program to Stimulate Competi-  
8 tive Research and research programs at histori-  
9 cally black colleges and universities and minor-  
10 ity institutions.

11           (2) RELATIONSHIP OF THE DEFENSE SCIENCE  
12 AND TECHNOLOGY PROGRAM TO COMMERCIAL RE-  
13 SEARCH AND TECHNOLOGY.—

14           (A) It is the sense of the Congress that in  
15 supporting projects within the Defense Science  
16 and Technology Program, the Secretary of De-  
17 fense should attempt to leverage commercial re-  
18 search, technology, products, and processes for  
19 the benefit of the Department of Defense.

20           (B) It is the sense of the Congress that  
21 funds made available for projects and programs  
22 of the Defense Science and Technology Pro-  
23 gram should be used only for the benefit of the  
24 Department of Defense, which includes—

- 1 (i) the development of technology that  
2 has only military applications;
- 3 (ii) the development of militarily use-  
4 ful, commercially viable technology; or
- 5 (iii) the adaption of commercial tech-  
6 nology, products, or processes for military  
7 purposes.

8 (3) SYNERGISTIC MANAGEMENT OF RESEARCH  
9 AND DEVELOPMENT.—It is the sense of the Con-  
10 gress that the Secretary of Defense may allocate a  
11 combination of funds available for the Department  
12 of Defense for basic and applied research and for  
13 advanced development to support any individual  
14 project or program within the Defense Science and  
15 Technology Program. This flexibility is not intended  
16 to change the allocation of funds in any fiscal year  
17 among basic and applied research and advanced de-  
18 velopment.

19 (c) DEFINITIONS.—In this section:

20 (1) The term “Defense Science and Technology  
21 Program” means basic and applied research and ad-  
22 vanced development.

23 (2) The term “basic and applied research”  
24 means work funded in program elements for defense

1 research and development under Department of De-  
2 fense R&D Budget Activities 1 or 2.

3 (3) The term “advanced development” means  
4 work funded in program elements for defense re-  
5 search and development under Department of De-  
6 fense R&D Budget Activity 3.

7 **SEC. 1077. DEMILITARIZATION AND EXPORTATION OF DE-**  
8 **FENSE PROPERTY.**

9 (a) **CENTRALIZED ASSIGNMENT OF DEMILITARIZA-**  
10 **TION CODES FOR DEFENSE PROPERTY.**—(1) Chapter 153  
11 of title 10, United States Code, is amended by inserting  
12 after section 2572 the following:

13 **“§ 2573. Demilitarization codes for defense property**

14 “(a) **AUTHORITY.**—The Secretary of Defense shall—

15 “(1) assign the demilitarization codes to the  
16 property (other than real property) of the Depart-  
17 ment of Defense; and

18 “(2) take any action that the Secretary consid-  
19 ers necessary to ensure that the property assigned  
20 demilitarization codes is demilitarized in accordance  
21 with the assigned codes.

22 “(b) **SUPREMACY OF CODES.**—A demilitarization  
23 code assigned to an item of property by the Secretary of  
24 Defense under this section shall take precedence over any  
25 demilitarization code assigned to the item before the date

1 of enactment of the Strom Thurmond National Defense  
2 Authorization Act for Fiscal Year 1999 by any other offi-  
3 cial in the Department of Defense.

4 “(c) ENFORCEMENT.—The Secretary of Defense  
5 shall commit the personnel and resources to the exercise  
6 of authority under subsection (a) that are necessary to en-  
7 sure that—

8 “(1) appropriate demilitarization codes are as-  
9 signed to property of the Department of Defense;  
10 and

11 “(2) property is demilitarized in accordance  
12 with the assigned codes.

13 “(d) ANNUAL REPORT.—The Secretary of Defense  
14 shall include in the annual reports submitted to Congress  
15 under section 113(c)(1) of this title in 1999 and 2000 a  
16 discussion of the following:

17 “(1) The exercise of the authority under this  
18 section during the fiscal year preceding the fiscal  
19 year in which the report is submitted.

20 “(2) Any changes in the exercise of the author-  
21 ity that are taking place in the fiscal year in which  
22 the report is submitted or are planned for that fiscal  
23 year or any subsequent fiscal year.

24 “(e) DEFINITIONS.—In this section:



1           “(1) The term ‘demilitarization code’, with re-  
 2           spect to property, means a code that identifies the  
 3           extent to which the property must be demilitarized  
 4           before disposal.

5           “(2) The term ‘demilitarize’, with respect to  
 6           property, means to destroy the military offensive or  
 7           defensive advantages inherent in the property, by  
 8           mutilation, cutting, crushing, scrapping, melting,  
 9           burning, or altering the property so that the prop-  
 10          erty cannot be used for the purpose for which it was  
 11          originally made.”.

12          (2) The table of sections at the beginning of such  
 13 chapter 153 is amended by inserting after the item relat-  
 14 ing to section 2572 the following:

“2573. Demilitarization codes for defense property.”.

15          (b) CRIMINAL OFFENSE.—(1) Chapter 27 of title 18,  
 16 United States Code, is amended by adding at the end the  
 17 following:

18 **“§ 554. Violations of regulated acts involving the ex-**  
 19 **portation of United States property**

20          “(a) Any person who—

21               “(1) fraudulently or knowingly exports or other-  
 22               wise sends from the United States (as defined in  
 23               section 545 of this title), or attempts to export or  
 24               send from the United States any merchandise con-  
 25               trary to any law of the United States; or

1           “(2) receives, conceals, buys, sells, or in any  
2           manner facilitates, the transportation, concealment,  
3           or sale of any merchandise prior to exportation,  
4           knowing that the merchandise is intended for expor-  
5           tation in violation of Federal law;  
6 shall be fined under this title, imprisoned not more than  
7 5 years, or both.

8           “(b) The penalties under this section shall be in addi-  
9           tion to any other applicable criminal penalty.”.

10          (2) The table of sections at the beginning of such  
11 chapter is amended by adding at the end the following:

“554. Violations of regulated acts involving the exportation of United States  
property.”.

12 **SEC. 1078. DESIGNATION OF AMERICA’S NATIONAL MARI-**  
13 **TIME MUSEUM.**

14          (a) DESIGNATION OF AMERICA’S NATIONAL MARI-  
15 TIME MUSEUM.—The Mariners’ Museum building located  
16 at 100 Museum Drive, Newport News, Virginia, and the  
17 South Street Seaport Museum buildings located at 207  
18 Front Street, New York, New York, shall be known and  
19 designated as “America’s National Maritime Museum”.

20          (b) REFERENCE TO AMERICA’S NATIONAL MARITIME  
21 MUSEUM.—Any reference in a law, map, regulation, docu-  
22 ment, paper, or other record of the United States to the  
23 buildings referred to in subsection (a) shall be deemed to  
24 be a reference to America’s National Maritime Museum.

1           (c) LATER ADDITIONS OF OTHER MUSEUMS NOT  
2 PRECLUDED.—The designation of museums named in  
3 subsection (a) as America’s National Maritime Museum  
4 does not preclude the addition of any other museum to  
5 the group of museums covered by that designation.

6           (d) CRITERIA FOR LATER ADDITIONS.—A museum  
7 is appropriate for designation as a museum of America’s  
8 National Maritime Museum if the museum—

9                   (1) houses a collection of maritime artifacts  
10           clearly representing America’s maritime heritage;  
11           and

12                   (2) provides outreach programs to educate the  
13           public on America’s maritime heritage.

14 **SEC. 1079. BURIAL HONORS FOR VETERANS.**

15           (a) FINDINGS.—The Senate makes the following  
16 findings:

17                   (1) Throughout the years, men and women have  
18           unselfishly answered the call to arms, at tremendous  
19           personal sacrifice. Burial honors for deceased veter-  
20           ans are an important means of reminding Americans  
21           of the sacrifices endured to keep the Nation free.

22                   (2) The men and women who serve honorably  
23           in the Armed Forces, whether in war or peace, and  
24           whether discharged, separated, or retired, deserve

1 commemoration for their military service at the time  
2 of their death by an appropriate military tribute.

3 (3) It is tremendously important to pay an ap-  
4 propriate final tribute on behalf of a grateful Nation  
5 to honor individuals who served the Nation in the  
6 Armed Forces.

7 (b) CONFERENCE ON MILITARY BURIAL HONOR  
8 PRACTICES.—(1) Not later than October 31, 1998, the  
9 Secretary of Defense shall, in consultation with the Sec-  
10 retary of Veterans Affairs, convene and preside over a con-  
11 ference for the purpose of determining means of improving  
12 and increasing the availability of military burial honors  
13 for veterans. The Secretary of Veterans Affairs shall also  
14 participate in the conference.

15 (2) The Secretaries shall invite and encourage the  
16 participation at the conference of appropriate representa-  
17 tives of veterans service organizations.

18 (3) The participants in the conference shall—

19 (A) review current policies and practices of the  
20 military departments and the Department of Veter-  
21 ans Affairs relating to the provision of military hon-  
22 ors at the burial of veterans;

23 (B) analyze the costs associated with providing  
24 military honors at the burial of veterans, including

1 the costs associated with utilizing personnel and  
2 other resources for that purpose;

3 (C) assess trends in the rate of death of veter-  
4 ans; and

5 (D) propose, consider, and determine means of  
6 improving and increasing the availability of military  
7 honors at the burial of veterans.

8 (4) Not later than 180 days after the date of enact-  
9 ment of this Act, the Secretary of Defense shall submit  
10 to Congress a report on the conference under this sub-  
11 section. The report shall set forth any modifications to De-  
12 partment of Defense directives on military burial honors  
13 adopted as a result of the conference and include any rec-  
14 ommendations for legislation that the Secretary considers  
15 appropriate as a result of the conference.

16 (c) VETERANS SERVICE ORGANIZATION DEFINED.—  
17 In this section, the term “veterans service organization”  
18 means any organization recognized by the Secretary of  
19 Veterans Affairs under section 5902 of title 38, United  
20 States Code.

21 **SEC. 1080. CHEMICAL STOCKPILE EMERGENCY PREPARED-**  
22 **NESS PROGRAM.**

23 Section 1412 of the Department of Defense Author-  
24 ization Act, 1986 (Public Law 99–145; 50 U.S.C. 1521)

1 is amended by adding at the end of subsection (c) the fol-  
2 lowing:

3 “(4)(A) The Director of the Federal Emergency  
4 Management Agency shall carry out a program to provide  
5 assistance to State and local governments in developing  
6 capabilities to respond to emergencies involving risks to  
7 the public health or safety within their jurisdictions that  
8 are identified by the Secretary as being risks resulting  
9 from—

10 “(i) the storage of any such agents and muni-  
11 tions at military installations in the continental  
12 United States; or

13 “(ii) the destruction of such agents and muni-  
14 tions at facilities referred to in paragraph (1)(B).

15 “(B) No assistance may be provided under this para-  
16 graph after the completion of the destruction of the United  
17 States stockpile of lethal chemical agents and munitions.”.

18 **SEC. 1081. SENSE OF SENATE REGARDING THE AUGUST**  
19 **1995 ASSASSINATION ATTEMPT AGAINST**  
20 **PRESIDENT SHEVARDNADZE OF GEORGIA.**

21 (a) FINDINGS.—Congress makes the following find-  
22 ings:

23 (1) On Tuesday, August 29, 1995, President  
24 Eduard Shevardnadze of Georgia narrowly survived  
25 a car bomb attack as he departed his offices in the

1 Georgian Parliament building to attend the signing  
2 ceremony for the new constitution of Georgia.

3 (2) The former Chief of the Georgian National  
4 Security Service, Lieutenant General Igor  
5 Giorgadze, after being implicated in organizing the  
6 August 29, 1995, assassination attempt on Presi-  
7 dent Shevardnadze, fled Georgia from the Russian-  
8 controlled Varziani airbase on a Russian military  
9 aircraft.

10 (3) Lieutenant General Giorgadze has been  
11 seen openly in Moscow and is believed to have been  
12 given residence at a Russian government facility de-  
13 spite the fact that Interpol is conducting a search  
14 for Lieutenant General Giorgadze for his role in the  
15 assassination attempt against President  
16 Shervardnadze.

17 (4) The Russian Interior Ministry claims that it  
18 is unable to locate Lieutenant General Giorgadze in  
19 Moscow.

20 (5) The Georgian Security and Interior Min-  
21 istries presented information to the Russian Interior  
22 Ministry on November 13, 1996; January 17, 1997;  
23 March 7, 1997; March 24, 1997 and August 12,  
24 1997, which included the exact location in Moscow  
25 of where Lieutenant General Giorgadze's family

1 lived, the exact location where Lieutenant General  
2 Giorgadze lived outside of Moscow in a dacha of the  
3 Russian Ministry of Defense; as well as the changing  
4 official Russian government license tag numbers and  
5 description of the automobile that Lieutenant Gen-  
6 eral Giorgadze uses; the people he associates with;  
7 the apartments he visits, and the places including  
8 restaurants, markets, and companies, that he fre-  
9 quents.

10 (6) On May 12, 1998, the Moscow-based Rus-  
11 sian newspaper *Zavtra* carried an interview with  
12 Lieutenant General Giorgadze in which Lieutenant  
13 General Giorgadze calls for the overthrow of the  
14 Government of Georgia.

15 (7) Title II of the Foreign Operations Appro-  
16 priations, Export Financing, and Related Programs  
17 Appropriations Act, 1998 (Public Law 105–118)  
18 prohibits assistance to any government of the new  
19 independent states of the former Soviet Union if  
20 that government directs any action in violation of  
21 the national sovereignty of any other new independ-  
22 ent state.

23 (b) SENSE OF THE SENATE.—It is the sense of the  
24 Senate that the Secretary of Defense should—



1           (1) urge the Government of the Russian Fed-  
2           eration to extradite the former Chief of the Georgian  
3           National Security Service, Lieutenant General Igor  
4           Giorgadze, to Georgia for the purpose of standing  
5           trial for his role in the attempted assassination of  
6           Georgian President Eduard Shevardnadze on August  
7           29, 1995;

8           (2) request cooperation from the Minister of  
9           Defense of the Russian Federation and the Govern-  
10          ment of the Russian Federation to ensure that Rus-  
11          sian military bases on Georgian territory are no  
12          longer used to facilitate the escape of assassins seek-  
13          ing to kill the freely elected President of Georgia  
14          and to otherwise respect the national sovereignty of  
15          Georgia; and

16          (3) use all authorities available to the United  
17          States Government to provide urgent and immediate  
18          assistance to ensure to the maximum extent prac-  
19          ticable the personal security of President  
20          Shevardnadze.

21 **SEC. 1082. ISSUANCE OF BURIAL FLAGS FOR DECEASED**  
22 **MEMBERS AND FORMER MEMBERS OF THE**  
23 **SELECTED RESERVE.**

24          Section 2301(a) of title 38, United States Code, is  
25          amended—

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

3           (2) by striking out the period at the end of  
4 paragraph (2) and inserting in lieu thereof “; and”;  
5 and

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

7           “(3) deceased individual who—

8                   “(A) was serving as a member of the Se-  
9 lected Reserve (as described in section 10143 of  
10 title 10) at the time of death;

11                   “(B) had served at least one enlistment, or  
12 the period of initial obligated service, as a mem-  
13 ber of the Selected Reserve and was discharged  
14 from service in the Armed Forces under condi-  
15 tions not less favorable than honorable; or

16                   “(C) was discharged from service in the  
17 Armed Forces under conditions not less favor-  
18 able than honorable by reason of a disability in-  
19 curred or aggravated in line of duty during the  
20 individual’s initial enlistment, or period of ini-  
21 tial obligated service, as a member of the Se-  
22 lected Reserve.”.

23 **SEC. 1083. ELIMINATING SECRET SENATE HOLDS.**

24           (a) **STANDING ORDER.**—It is a standing order of the  
25 Senate that a Senator who provides notice to leadership

1 of his or her intention to object to proceeding to a motion  
2 or matter shall disclose the objection or hold in the Con-  
3 gressional Record not later than 2 session days after the  
4 date of the notice.

5 (b) RULEMAKING.—This section is adopted—

6 (1) as an exercise of the rulemaking power of  
7 the Senate and as such it is deemed a part of the  
8 rules of the Senate and it supersedes other rules  
9 only to the extent that it is inconsistent with such  
10 rules; and

11 (2) with full recognition of the constitutional  
12 right of the Senate to change its rules at any time,  
13 in the same manner, and to the same extent as in  
14 the case of any other rule of the Senate.

15 **SEC. 1084. DEFENSE BURDENSARING.**

16 (a) REVISED GOALS FOR EFFORTS TO INCREASE AL-  
17 LIED BURDENSARING.—Subsection (a) of section 1221  
18 of the National Defense Authorization Act for Fiscal Year  
19 1998 (Public Law 105–85; 111 Stat. 1935; 22 U.S.C.  
20 1928 note) is amended to read as follows:

21 “(a) EFFORTS TO INCREASE ALLIED  
22 BURDENSARING.—The President shall seek to have each  
23 nation that has cooperative military relations with the  
24 United States (including security agreements, basing ar-  
25 rangements, or mutual participation in multinational mili-

1 tary organizations or operations) take one or more of the  
2 following actions:

3           “(1) For any nation in which United States  
4 military personnel are assigned to permanent duty  
5 ashore, increase its financial contributions to the  
6 payment of the nonpersonnel costs incurred by the  
7 United States Government for stationing United  
8 States military personnel in that nation, with a goal  
9 of achieving by September 30, 2000, 75 percent of  
10 such costs. An increase in financial contributions by  
11 any nation under this paragraph may include the  
12 elimination of taxes, fees, or other charges levied on  
13 United States military personnel, equipment, or fa-  
14 cilities stationed in that nation.

15           “(2) Increase its annual budgetary outlays for  
16 national defense as a percentage of its gross domes-  
17 tic product by 10 percent or at least to a percentage  
18 level commensurate to that of the United States by  
19 September 30, 1999.

20           “(3) Increase the military assets (including per-  
21 sonnel, equipment, logistics, support and other re-  
22 sources) that it contributes or has pledged to con-  
23 tribute to multinational military activities worldwide  
24 by 10 percent by September 30, 1999.

1           “(4) Increase its annual budgetary outlays for  
2 foreign assistance (funds to promote democratiza-  
3 tion, governmental accountability and transparency,  
4 economic stabilization and development, defense eco-  
5 nomic conversion, respect for the rule of law and  
6 internationally recognized human rights, or humani-  
7 tarian relief efforts) by 10 percent, or to provide  
8 such foreign assistance at a minimum annual rate  
9 equal to one percent of its gross domestic product,  
10 by September 30, 1999.”.

11           (b) REVISED REQUIREMENT FOR REPORT ON  
12 PROGRESS IN INCREASING ALLIED BURDENSARING.—  
13 Subsection (c) of such section is amended to read as fol-  
14 lows:

15           “(c) REPORT ON PROGRESS IN INCREASING ALLIED  
16 BURDENSARING.—Not later than March 1, 1999, the  
17 Secretary of Defense shall submit to Congress a report  
18 on—

19           “(1) steps taken by other nations toward com-  
20 pleting the actions described in subsection (a);

21           “(2) all measures taken by the President, in-  
22 cluding those authorized in subsection (b), to achieve  
23 the actions described in subsection (a);

24           “(3) the difference between the amount allo-  
25 cated by other nations for each of the actions de-

1 scribed in subsection (a) during the period beginning  
2 on October 1, 1996, and ending on September 30,  
3 1997, and during the period beginning on October 1,  
4 1997, and ending on September 30, 1998, or, in the  
5 case of any nation for which the data for such peri-  
6 ods is inadequate, the difference between the  
7 amounts for the latest periods for which adequate  
8 data is available; and

9 “(4) the budgetary savings to the United States  
10 that are expected to accrue as a result of the steps  
11 described under paragraph (1).”.

12 (c) EXTENSION OF DEADLINE FOR REPORT REGARD-  
13 ING NATIONAL SECURITY BASES FOR FORWARD DEPLOY-  
14 MENT AND BURDENSARING RELATIONSHIPS.—Sub-  
15 section (d)(2) of such section is amended by striking out  
16 “March 1, 1998” and inserting in lieu thereof “March 1,  
17 1999”.

18 **SEC. 1085. REVIEW OF DEFENSE AUTOMATED PRINTING**  
19 **SERVICE FUNCTIONS.**

20 (a) REVIEW REQUIRED.—The Secretary of Defense  
21 shall provide for a review of the functions of the Defense  
22 Automated Printing Service in accordance with this sec-  
23 tion and submit to the Committee on Armed Services of  
24 the Senate and the Committee on National Security of the

1 House of Representatives the matters required under sub-  
2 section (d) not later than March 31, 1999.

3 (b) PERFORMANCE BY INDEPENDENT ENTITY.—The  
4 Secretary of Defense shall select the General Accounting  
5 Office, an experienced entity in the private sector, or any  
6 other entity outside the Department of Defense to perform  
7 the review. The Comptroller General shall perform the re-  
8 view if the Secretary selects the Comptroller General to  
9 do so.

10 (c) REPORT.—The entity performing the review  
11 under this section shall submit to the Secretary of Defense  
12 a report that sets forth the findings and recommendations  
13 of that entity resulting from the review. The report shall  
14 contain the following:

15 (1) The functions that are inherently national  
16 security functions and, as such, need to be per-  
17 formed within the Department of Defense, together  
18 with a detailed justification for the determination for  
19 each such function.

20 (2) The functions that are appropriate for  
21 transfer to another appropriate entity to perform,  
22 including private sector entity.

23 (3) Any recommended legislation and any ad-  
24 ministrative action that is necessary for transferring  
25 or outsourcing the functions.

1           (4) A discussion of the costs or savings associ-  
2           ated with the transfers or outsourcing.

3           (5) A description of the management structure  
4           of the Defense Automated Printing Service.

5           (6) A list of all sites where functions of the De-  
6           fense Automated Printing Service are performed by  
7           the Defense Automated Printing Service.

8           (7) The total number of the personnel employed  
9           by the Defense Automated Printing Service and the  
10          locations where the personnel perform the duties as  
11          employees.

12          (8) A description of the functions performed by  
13          the Defense Automated Printing Service and, for  
14          each such function, the number of employees of the  
15          Defense Automated Printing Service that perform  
16          the function.

17          (9) For each site identified under paragraph  
18          (6), an assessment of each type of equipment at the  
19          site.

20          (10) The type and explanation of the net-  
21          working and technology integration linking all of the  
22          sites referred to in paragraph (6).

23          (11) The current and future requirements of  
24          customers of the Defense Automated Printing Serv-  
25          ice.



1           (12) An assessment of the effectiveness of the  
2           current structure of the Defense Automated Print-  
3           ing Service in supporting current and future cus-  
4           tomer requirements and plans to address any defi-  
5           ciencies in supporting such requirements.

6           (13) A description and discussion of the best  
7           business practices that are used by the Defense  
8           Automated Printing Service and of other best busi-  
9           ness that could be used by the Defense Automated  
10          Printing Service.

11          (14) Options for maximizing the Defense Auto-  
12          mated Printing Service structure and services to  
13          provide the most cost effective service to its cus-  
14          tomers.

15          (d) REVIEW AND COMMENTS OF SECRETARY OF DE-  
16 FENSE.—(1) After reviewing the report, the Secretary of  
17 Defense shall submit the report to Congress, together with  
18 the Secretary's comments on the report and a plan to  
19 transfer or outsource from the Defense Automated Print-  
20 ing Service to another appropriate entity the functions of  
21 the Defense Automated Printing Service that—

22           (1) are not identified in the report as being in-  
23           herently national security functions; and

1           (2) the Secretary believes should be transferred  
2           or outsourced for performance outside the Depart-  
3           ment of Defense in accordance with law.

4           (e) **EXTENSION OF REQUIREMENT FOR COMPETITIVE**  
5 **PROCUREMENT OF SERVICES.**—Section 351(a) of the Na-  
6 tional Defense Authorization Act for Fiscal Year 1996  
7 (Public Law 104–106; 110 Stat. 266), as amended by sec-  
8 tion 351(a) of Public Law 104–201 (110 Stat. 2490) and  
9 section 387(a)(1) of Public Law 105–85 (111 Stat. 1713),  
10 is further amended by striking out “1998” and inserting  
11 in lieu thereof “1999”.

12 **SEC. 1086. INCREASED MISSILE THREAT IN ASIA-PACIFIC**  
13 **REGION.**

14           (a) **STUDY.**—The Secretary of Defense shall carry  
15 out a study of the architecture requirements for the estab-  
16 lishment and operation of a theater ballistic missile de-  
17 fense system in the Asia-Pacific region that would have  
18 the capability to protect key regional allies of the United  
19 States.

20           (b) **REPORT.**—(1) Not later than January 1, 1999,  
21 the Secretary shall submit to the Committee on National  
22 Security of the House of Representatives and the Commit-  
23 tee on Armed Services of the Senate a report containing—

24                   (A) the results of the study conducted under  
25           subsection (a);

1 (B) the factors used to obtain such results; and

2 (C) a description of any existing United States  
3 missile defense system that could be transferred to  
4 key allies of the United States in the Asia-Pacific re-  
5 gion to provide for their self-defense against limited  
6 ballistic missile attacks.

7 (2) The report shall be submitted in both classified  
8 and unclassified form.

9 **SEC. 1087. COOPERATION BETWEEN THE DEPARTMENT OF**  
10 **THE ARMY AND THE EPA IN MEETING CWC**  
11 **REQUIREMENTS.**

12 (a) FINDINGS.—The Senate finds that:

13 (1) Compliance with international obligations to  
14 destroy the United States chemical stockpile by  
15 April 28, 2007, as required under the Chemical  
16 Weapons Convention (CWC), is a national priority.

17 (2) The President should ensure that the De-  
18 partment of Defense and the Department of the  
19 Army receive all necessary assistance from Federal  
20 agencies in expediting and accelerating the destruc-  
21 tion of the lethal chemical stockpile.

22 (3) The Environmental Protection Agency, as  
23 one of the Federal agencies with responsibilities to  
24 assist the Department of Defense and the Depart-  
25 ment of the Army, has asserted that it is not ade-

1       quately funded to provide, or meet its National re-  
2       sponsibilities under the Resource Conservation and  
3       Recovery Act (RCRA) permitting requirements, in  
4       order to assist the United States Government in  
5       meeting its international obligations to destroy its le-  
6       thal chemical stockpile.

7               (4) The Environmental Protection Agency  
8       (EPA) should work in concert with the State and  
9       local governments in this process, and that they  
10      should properly budget for this process.

11      (b) REPORT REQUIRED.—The Department of De-  
12     fense, in coordination with the Environmental Protection  
13     Agency, shall report to the congressional defense commit-  
14     tees by April 1, 1999, on the following—

15              (1) responsibilities associated with obligations  
16      under the Resource Conservation and Recovery Act  
17      (RCRA) permitting process related to United States  
18      international obligations under the CWC to destroy  
19      the United States chemical stockpile;

20              (2) technical assistance provided by the EPA to  
21      its regional offices and the States and local govern-  
22      ments in the permitting process, and how that as-  
23      sistance facilitates the issuance of the environmental  
24      permits at the various sites;

1           (3) responsibility of the Department of Defense  
2           to provide funding to the EPA, for the facilitation  
3           of meetings of the National Chemical Agent Demili-  
4           tarization Workgroup, meetings between the Office  
5           of Solid Waste and the affected EPA Regional Of-  
6           fices and States, and meetings between the Office of  
7           Solid Waste, the Program Manager for Chemical  
8           Demilitarization and the Department of Defense;  
9           and

10           (4) responsibility of the Department of Defense  
11           and the Department of the Army to provide funds  
12           to the Environmental Protection Agency to hire full-  
13           time equivalents to assist in the formulation of  
14           RCRA permits.

15           **TITLE XI—DEPARTMENT OF**  
16           **DEFENSE CIVILIAN PERSONNEL**

17           **SEC. 1101. REPEAL OF EMPLOYMENT PREFERENCE NOT**  
18                           **NEEDED FOR RECRUITMENT AND RETEN-**  
19                           **TION OF QUALIFIED CHILD CARE PROVID-**  
20                           **ERS.**

21           Section 1792 of title 10, United States Code, is  
22           amended—

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

1 **SEC. 1102. MAXIMUM PAY RATE COMPARABILITY FOR FAC-**  
2 **ULTY MEMBERS OF THE UNITED STATES AIR**  
3 **FORCE INSTITUTE OF TECHNOLOGY.**

4 Section 9314(b)(2)(B) of title 10, United States  
5 Code, is amended by striking out “section 5306(e)” and  
6 inserting in lieu thereof “section 5373”.

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

9 **SEC. 1103. FOUR-YEAR EXTENSION OF VOLUNTARY SEPA-**  
10 **RATION INCENTIVE PAY AUTHORITY.**

11 Section 5597(e) of title 5, United States Code, is  
12 amended by striking out “September 30, 2001” and in-  
13 serting in lieu thereof “September 30, 2003”.

14 **SEC. 1104. DEPARTMENT OF DEFENSE EMPLOYEE VOL-**  
15 **UNTARY EARLY RETIREMENT AUTHORITY.**

16 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section  
17 8336 of title 5, United States Code, is amended—

18 (1) in subsection (d)(2), by inserting “except in  
19 the case of an employee described in subsection  
20 (o)(1),” after “(2)”; and

21 (2) by adding at the end the following:

22 “(o)(1) An employee of the Department of Defense  
23 who is separated from the service under conditions de-  
24 scribed in paragraph (2) after completing 25 years of serv-  
25 ice or after becoming 50 years of age and completing 20  
26 years of service is entitled to an annuity.

1 “(2) Paragraph (1) applies to an employee who—

2 “(A) has been employed continuously by the  
3 Department of Defense for more than 30 days be-  
4 fore the date on which the Secretary concerned re-  
5 quests the determinations required under in sub-  
6 paragraph (D)(i);

7 “(B) is serving under an appointment that is  
8 not limited by time;

9 “(C) has not received a decision notice of invol-  
10 untary separation for misconduct or unacceptable  
11 performance that is pending decision; and

12 “(D) is separated from the service voluntarily  
13 during a period in which—

14 “(i) the Department of Defense or the  
15 military department or subordinate organization  
16 within the Department of Defense or military  
17 department in which the employee is serving is  
18 undergoing a major reorganization, a major re-  
19 duction in force, or a major transfer of func-  
20 tion, and employees comprising a significant  
21 percentage of the employees serving in that de-  
22 partment or organization are to be separated or  
23 subject to an immediate reduction in the rate of  
24 basic pay (without regard to subchapter VI of  
25 chapter 53, or comparable provisions of law), as

1 determined by the Office of Personnel Manage-  
2 ment (under regulations prescribed by the Of-  
3 fice) upon the request of the Secretary con-  
4 cerned; and

5 “(ii) the employee is within the scope of an  
6 offer of voluntary early retirement (as defined  
7 by organizational unit, occupational series or  
8 level, geographical location, any other similar  
9 factor that the Office of Personnel Management  
10 determines appropriate, or any combination of  
11 such definitions of scope), as determined by the  
12 Secretary concerned under regulations pre-  
13 scribed by the Office.

14 “(3) In this subsection, the term ‘Secretary con-  
15 cerned’ means—

16 “(A) the Secretary of Defense, with respect to  
17 an employee of the Department of Defense not em-  
18 ployed in a position in a military department;

19 “(B) the Secretary of the Army, with respect to  
20 an employee of the Department of the Army;

21 “(C) the Secretary of the Navy, with respect to  
22 an employee of the Department of the Navy;

23 “(D) the Secretary of the Air Force, with re-  
24 spect to an employee of the Department of the Air  
25 Force.”.



1 (b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

2 Section 8414 of such title is amended—

3 (1) in subsection (b)(1)(B), inserting “except in  
4 the case of an employee described in subsection  
5 (d)(1),” after “(B)”; and

6 (2) by adding at the end the following:

7 “(d)(1) An employee of the Department of Defense  
8 who is separated from the service under conditions de-  
9 scribed in paragraph (2) after completing 25 years of serv-  
10 ice or after becoming 50 years of age and completing 20  
11 years of service is entitled to an annuity.

12 “(2) Paragraph (1) applies to an employee who—

13 “(A) has been employed continuously by the  
14 Department of Defense for more than 30 days be-  
15 fore the date on which the Secretary concerned re-  
16 quests the determinations required under subpara-  
17 graph (D)(i);

18 “(B) is serving under an appointment that is  
19 not limited by time;

20 “(C) has not received a decision notice of invol-  
21 untary separation for misconduct or unacceptable  
22 performance that is pending decision; and

23 “(D) is separated from the service voluntarily  
24 during a period in which—

1           “(i) the Department of Defense or the  
2           military department or subordinate organization  
3           within the Department of Defense or military  
4           department in which the employee is serving is  
5           undergoing a major reorganization, a major re-  
6           duction in force, or a major transfer of func-  
7           tion, and employees comprising a significant  
8           percentage of the employees serving in that de-  
9           partment or organization are to be separated or  
10          subject to an immediate reduction in the rate of  
11          basic pay (without regard to subchapter VI of  
12          chapter 53, or comparable provisions of law), as  
13          determined by the Office of Personnel Manage-  
14          ment (under regulations prescribed by the Of-  
15          fice) upon the request of the Secretary con-  
16          cerned; and

17          “(ii) the employee is within the scope of an  
18          offer of voluntary early retirement (as defined  
19          by organizational unit, occupational series or  
20          level, geographical location, any other similar  
21          factor that the Office of Personnel Management  
22          determines appropriate, or any combination of  
23          such definitions of scope), as determined by the  
24          Secretary concerned under regulations pre-  
25          scribed by the Office.

1 “(3) In this subsection, the term ‘Secretary con-  
2 cerned’ means—

3 “(A) the Secretary of Defense, with respect to  
4 an employee of the Department of Defense not em-  
5 ployed in a position in a military department;

6 “(B) the Secretary of the Army, with respect to  
7 an employee of the Department of the Army;

8 “(C) the Secretary of the Navy, with respect to  
9 an employee of the Department of the Navy;

10 “(D) the Secretary of the Air Force, with re-  
11 spect to an employee of the Department of the Air  
12 Force.”.

13 (c) CONFORMING AMENDMENTS.—(1) Section  
14 8339(h) of such title is amended by striking out “or (j)”  
15 in the first sentence and inserting in lieu thereof “(j), or  
16 (o)”.

17 (2) Section 8464(a)(1)(A)(i) of such title is amended  
18 by striking out “or (b)(1)(B)” and inserting in lieu thereof  
19 “, (b)(1)(B), or (d)”.

20 **SEC. 1105. DEFENSE ADVANCED RESEARCH PROJECTS**  
21 **AGENCY EXPERIMENTAL PERSONNEL MAN-**  
22 **AGEMENT PROGRAM FOR TECHNICAL PER-**  
23 **SONNEL.**

24 (a) PROGRAM AUTHORIZED.—During the 5-year pe-  
25 riod beginning on the date of the enactment of this Act,

1 the Secretary of Defense may carry out a program of ex-  
2 perimental use of special personnel management authority  
3 provided in this section in order to facilitate the recruit-  
4 ment of eminent experts in science or engineering for re-  
5 search and development projects administered by the De-  
6 fense Advanced Research Projects Agency.

7 (b) SPECIAL PERSONNEL MANAGEMENT AUTHOR-  
8 ITY.—Under the program, the Secretary may—

9 (1) appoint scientists and engineers from out-  
10 side the civil service and uniformed services (as such  
11 terms are defined in section 2101 of title 5, United  
12 States Code) to not more than 20 scientific and en-  
13 gineering positions in the Defense Advanced Re-  
14 search Projects Agency without regard to any provi-  
15 sion of title 5, United States Code, governing the  
16 appointment of employees in the civil service;

17 (2) prescribe the rates of basic pay for positions  
18 to which employees are appointed under paragraph  
19 (1) at rates not in excess of the maximum rate of  
20 basic pay authorized for senior-level positions under  
21 section 5376 of title 5, United States Code, notwith-  
22 standing any provision of such title governing the  
23 rates of pay or classification of employees in the ex-  
24 ecutive branch; and

1           (3) pay any employee appointed under para-  
2           graph (1) payments in addition to basic pay within  
3           the limit applicable to the employee under subsection  
4           (d)(1).

5           (c) LIMITATION ON TERM OF APPOINTMENT.—(1)  
6           Except as provided in paragraph (2), the service of an em-  
7           ployee under an appointment under subsection (b)(1) may  
8           not exceed four years.

9           (2) The Secretary may, in the case of a particular  
10          employee, extend the period to which service is limited  
11          under paragraph (1) by up to two years if the Secretary  
12          determines that such action is necessary to promote the  
13          efficiency of the Defense Advanced Research Projects  
14          Agency.

15          (d) LIMITATIONS ON ADDITIONAL PAYMENTS.—(1)  
16          The total amount of the additional payments paid to an  
17          employee under subsection (b)(3) for any 12-month period  
18          may not exceed the least of the following amounts:

19                (A) \$25,000.

20                (B) The amount equal to 25 percent of the em-  
21                ployee's annual rate of basic pay.

22                (C) The amount of the limitation that is appli-  
23                cable for a calendar year under section 5307(a)(1)  
24                of title 5, United States Code.

1           (2) An employee appointed under subsection (b)(1)  
2 is not eligible for any bonus, monetary award, or other  
3 monetary incentive for service except for payments author-  
4 ized under subsection (b)(3).

5           (e) PERIOD OF PROGRAM.—(1) The program author-  
6 ized under this section shall terminate at the end of the  
7 5-year period referred to in subsection (a).

8           (2) After the termination of the program—

9                   (A) no appointment may be made under para-  
10 graph (1) of subsection (b);

11                   (B) a rate of basic pay prescribed under para-  
12 graph (2) of that subsection may not take effect for  
13 a position; and

14                   (C) no period of service may be extended under  
15 subsection (c)(1).

16           (f) SAVINGS PROVISIONS.—In the case of an em-  
17 ployee who, on the day before the termination of the pro-  
18 gram, is serving in a position pursuant to an appointment  
19 under subsection (b)(1)—

20                   (1) the termination of the program does not  
21 terminate the employee's employment in that posi-  
22 tion before the expiration of the lesser of—

23                           (A) the period for which the employee was  
24 appointed; or

1 (B) the period to which the employee's  
2 service is limited under subsection (c), including  
3 any extension made under paragraph (2) of  
4 that subsection before the termination of the  
5 program; and

6 (2) the rate of basic pay prescribed for the posi-  
7 tion under subsection (b)(2) may not be reduced for  
8 so long (within the period applicable to the employee  
9 under paragraph (1)) as the employee continues to  
10 serve in the position without a break in service.

11 (g) ANNUAL REPORT.—(1) Not later than October  
12 15 of each year, beginning in 1999, the Secretary of De-  
13 fense shall submit a report on the program to the Commit-  
14 tee on Armed Services of the Senate and the Committee  
15 on National Security of the House of Representatives. The  
16 report submitted in a year shall cover the 12-month period  
17 ending on the day before the anniversary, in that year,  
18 of the date of the enactment of this Act.

19 (2) The annual report shall contain, for the period  
20 covered by the report, the following:

21 (A) A detailed discussion of the exercise of au-  
22 thority under this section.

23 (B) The sources from which appointees were re-  
24 cruited.

1 (C) The methodology used for identifying and  
2 selecting appointees.

3 (D) Any additional information that the Sec-  
4 retary considers helpful for assessing the utility of  
5 the authority under this section.

6 **TITLE XII—JOINT WARFIGHTING**  
7 **EXPERIMENTATION**

8 **SEC. 1201. FINDINGS.**

9 Congress makes the following findings:

10 (1) The collapse of the Soviet Union in 1991  
11 and the unprecedented explosion of technological ad-  
12 vances that could fundamentally redefine military  
13 threats and military capabilities in the future have  
14 generated a need to assess the defense policy, strat-  
15 egy, and force structure necessary to meet future de-  
16 fense requirements of the United States.

17 (2) The assessment conducted by the adminis-  
18 tration of President Bush (known as the “Base  
19 Force” assessment) and the assessment conducted  
20 by the administration of President Clinton (known  
21 as the “Bottom-Up Review”) were important at-  
22 tempts to redefine the defense strategy of the United  
23 States and the force structure of the Armed Forces  
24 necessary to execute that strategy.



1           (3) Those assessments have become inadequate  
2 as a result of the pace of global geopolitical change  
3 and the speed of technological change, which have  
4 been greater than expected.

5           (4) The Chairman of the Joint Chiefs of Staff  
6 reacted to the changing environment by developing  
7 and publishing in May 1996 a vision statement,  
8 known as “Joint Vision 2010”, to be a basis for the  
9 transformation of United States military capabilities.  
10 The vision statement embodies the improved intel-  
11 ligence and command and control that is available in  
12 the information age and sets forth the operational  
13 concepts of dominant maneuver, precision engage-  
14 ment, full-dimensional protection, and focused logis-  
15 tics to achieve the objective of full spectrum domi-  
16 nance.

17           (5) In 1996 Congress, concerned about the  
18 shortcomings in defense policies and programs de-  
19 rived from the Base-Force Review and the Bottom-  
20 Up Review, determined that there was a need for a  
21 new, comprehensive assessment of the defense strat-  
22 egy of the United States and the force structure of  
23 the Armed Forces necessary for meeting the threats  
24 to the United States in the 21st century.

1           (6) As a result of that determination, Congress  
2 passed the Military Force Structure Review Act of  
3 1996 (subtitle B of title IX of the National Defense  
4 Authorization Act for Fiscal Year 1997), which re-  
5 quired the Secretary of Defense to complete in 1997  
6 a quadrennial defense review of the defense program  
7 of the United States. The review was required to in-  
8 clude a comprehensive examination of the defense  
9 strategy, force structure, force modernization plans,  
10 infrastructure, and other elements of the defense  
11 program and policies with a view toward determining  
12 and expressing the defense strategy of the United  
13 States and establishing a revised defense program  
14 through 2005. The Act also established a National  
15 Defense Panel to assess the Quadrennial Defense  
16 Review and to conduct an independent, nonpartisan  
17 review of the strategy, force structure, and funding  
18 required to meet anticipated threats to the national  
19 security of the United States through 2010 and be-  
20 yond.

21           (7) The Quadrennial Defense Review, com-  
22 pleted by the Secretary of Defense in May 1997, de-  
23 fined the defense strategy in terms of “Shape, Re-  
24 spond, and Prepare Now”. The Quadrennial Defense  
25 Review placed greater emphasis on the need to pre-

1       pare now for an uncertain future by exploiting the  
2       revolution in technology and transforming the force  
3       toward Joint Vision 2010. It concluded that our fu-  
4       ture force will be different in character than our cur-  
5       rent force.

6               (8) The National Defense Panel Report, pub-  
7       lished in December 1997, concluded that “the De-  
8       partment of Defense should accord the highest prior-  
9       ity to executing a transformation strategy for the  
10      United States military, starting now.” The panel  
11      recommended the establishment of a Joint Forces  
12      Command with the responsibility to be the joint  
13      force integrator and provider and the responsibility  
14      for driving the process for transforming United  
15      States forces, including the conduct of joint experi-  
16      mentation, and to have the budget for carrying out  
17      those responsibilities.

18              (9) The assessments of both the Quadrennial  
19      Defense Review and the National Defense Panel  
20      provide Congress with a compelling argument that  
21      the future security environment and the military  
22      challenges to be faced by the United States in the  
23      future will be fundamentally different than the cur-  
24      rent environment and challenges. The assessments  
25      also reinforce the foundational premise of the Gold-

1 water-Nichols Department of Defense Reorganiza-  
2 tion Act of 1986 that warfare, in all of its varieties,  
3 will be joint warfare requiring the execution of devel-  
4 oped joint operational concepts.

5 (10) A process of joint experimentation is nec-  
6 essary for—

7 (A) integrating advances in technology  
8 with changes in the organizational structure of  
9 the Armed Forces and the development of joint  
10 operational concepts that will be effective  
11 against national security threats anticipated for  
12 the future; and

13 (B) identifying and assessing the inter-  
14 dependent aspects of joint warfare that are key  
15 for transforming the conduct of military oper-  
16 ations by the United States to meet those an-  
17 ticipated threats successfully.

18 (11) It is critical for future readiness that the  
19 Armed Forces of the United States innovatively in-  
20 vestigate and test technologies, forces, and joint  
21 operational concepts in simulations, wargames, and  
22 virtual settings, as well as in field environments  
23 under realistic conditions against the full range of  
24 future challenges. It is essential that an energetic  
25 and innovative organization be established and em-

1       powered to design and implement a process of joint  
2       experimentation to develop and validate new joint  
3       warfighting concepts, along with experimentation by  
4       the Armed Forces, that is directed at transforming  
5       the Armed Forces to meet the threats to the na-  
6       tional security that are anticipated for the early 21st  
7       century. That process will drive changes in doctrine,  
8       organization, training and education, materiel, lead-  
9       ership, and personnel.

10               (12) The Department of Defense is committed  
11       to conducting aggressive experimentation as a key  
12       component of its transformation strategy.

13               (13) The competition of ideas is critical for  
14       achieving effective transformation. Experimentation  
15       by each of the Armed Forces has been, and will con-  
16       tinue to be, a vital aspect of the pursuit of effective  
17       transformation. Joint experimentation leverages the  
18       effectiveness of each of the Armed Forces and the  
19       Defense Agencies.

20       **SEC. 1202. SENSE OF CONGRESS.**

21               (a) DESIGNATION OF COMMANDER TO HAVE JOINT  
22       WARFIGHTING EXPERIMENTATION MISSION.—It is the  
23       sense of Congress that Congress supports the initiative of  
24       the Secretary of Defense and the Chairman of the Joint  
25       Chiefs of Staff to designate a commander of a combatant

1 command to have the mission for joint warfighting experi-  
2 mentation, consistent with the understanding of Congress  
3 that the Chairman of the Joint Chiefs of Staff will assign  
4 the designated commander the tasks to develop and vali-  
5 date new joint warfighting concepts and capabilities, and  
6 to determine the implications, for doctrine, organization,  
7 training and education, materiel, leadership, and person-  
8 nel, of the Department of Defense strategy for transform-  
9 ing the Armed Forces to meet the national security threats  
10 of the future.

11 (b) RESOURCES OF COMMANDER.—It is, further, the  
12 sense of Congress that the commander designated to have  
13 the joint warfighting experimentation mission should—

14 (1) have sufficient freedom of action and au-  
15 thority over the necessary forces to successfully es-  
16 tablish and conduct the process of joint warfighting  
17 experimentation;

18 (2) be provided resources adequate for the joint  
19 warfighting experimentation process; and

20 (3) have authority over the use of the resources  
21 for the planning, preparation, conduct, and assess-  
22 ment of joint warfighting experimentation.

23 (c) AUTHORITY AND RESPONSIBILITIES OF COM-  
24 MANDER.—It is, further, the sense of Congress that, for  
25 the conduct of joint warfighting experimentation to be ef-

1 fective, it is necessary that the commander designated to  
2 have the joint warfighting experimentation mission also  
3 have the authority and responsibility for the following:

4           (1) Developing and implementing a process of  
5 joint experimentation to formulate and validate con-  
6 cepts critical for joint warfighting in the future, in-  
7 cluding (in such process) analyses, simulations,  
8 wargames, information superiority and other experi-  
9 ments, advanced concept technology demonstrations,  
10 and joint exercises conducted in virtual and actual  
11 field environments.

12           (2) Planning, preparing, and conducting the  
13 program of joint warfighting experimentation.

14           (3) Assessing the effectiveness of organizational  
15 structures, operational concepts, and technologies  
16 employed in joint experimentation, investigating op-  
17 portunities for coordinating the evolution of the or-  
18 ganizational structure of the Armed Forces compat-  
19 ibly with the concurrent evolution of advanced tech-  
20 nologies, and investigating new concepts for trans-  
21 forming joint warfighting capabilities to meet the  
22 operational challenges expected to be encountered by  
23 the Armed Forces in the early 21st century.

24           (4) Coordinating with each of the Armed  
25 Forces and the Defense Agencies regarding the de-

1       velopment of the equipment (including surrogate or  
2       real technologies, platforms, and systems) necessary  
3       for the conduct of joint experimentation, or, if nec-  
4       essary, developing such equipment directly.

5           (5) Coordinating with each of the Armed  
6       Forces and the Defense Agencies regarding the ac-  
7       quisition of the materiel, supplies, services, and sur-  
8       rogate or real technology resources necessary for the  
9       conduct of joint experimentation, or, if necessary,  
10      acquiring such items and services directly.

11          (6) Developing scenarios and measures of effec-  
12      tiveness for joint experimentation.

13          (7) Conducting so-called “red team” vulner-  
14      ability assessments as part of joint experimentation.

15          (8) Assessing the interoperability of equipment  
16      and forces.

17          (9) Providing the Secretary of Defense and the  
18      Chairman of the Joint Chiefs of Staff with the com-  
19      mander’s recommendations (developed on the basis  
20      of joint experimentation) for reducing unnecessary  
21      redundancy of equipment and forces.

22          (10) Providing the Secretary of Defense and  
23      the Chairman of the Joint Chiefs of Staff with the  
24      commander’s recommendations (developed on the  
25      basis of joint experimentation) regarding synchroni-



1 zation of the fielding of advanced technologies  
2 among the Armed Forces to enable the development  
3 and execution of joint operational concepts.

4 (11) Submitting, reviewing, and making rec-  
5 ommendations (in conjunction with the joint experi-  
6 mentation and evaluation process) to the Chairman  
7 of the Joint Chiefs of Staff on mission needs state-  
8 ments and operational requirements documents.

9 (12) Exploring new operational concepts (in-  
10 cluding those developed within the Office of the Sec-  
11 retary of Defense and Defense Agencies, other uni-  
12 fied commands, the Armed Forces, and the Joint  
13 Staff), and integrating and testing in joint experi-  
14 mentation the systems and concepts that result from  
15 warfighting experimentation by the Armed Forces  
16 and the Defense Agencies.

17 (13) Developing, planning, refining, assessing,  
18 and recommending to the Secretary of Defense and  
19 the Chairman of the Joint Chiefs of Staff the most  
20 promising joint concepts and capabilities for experi-  
21 mentation and assessment.

22 (14) Assisting the Secretary of Defense and the  
23 Chairman of the Joint Chiefs of Staff to prioritize  
24 joint requirements and acquisition programs on the  
25 basis of joint warfighting experimentation.

1 (d) CONTINUED EXPERIMENTATION BY OTHER DE-  
2 FENSE ORGANIZATIONS.—It is, further, the sense of Con-  
3 gress that—

4 (1) the Armed Forces are expected to continue  
5 to develop concepts and conduct intraservice and  
6 multiservice warfighting experimentation within their  
7 core competencies; and

8 (2) the commander of United States Special  
9 Operations Command is expected to continue to de-  
10 velop concepts and conduct joint experimentation as-  
11 sociated with special operations forces.

12 (e) CONGRESSIONAL REVIEW.—It is, further, the  
13 sense of Congress that—

14 (1) Congress will carefully review the initial re-  
15 port and annual reports on joint warfighting experi-  
16 mentation required under section 1203 to determine  
17 the adequacy of the scope and pace of the trans-  
18 formation of the Armed Forces to meet future chal-  
19 lenges to the national security; and

20 (2) if the progress is inadequate, Congress will  
21 consider legislation to establish a unified combatant  
22 command with the mission, forces, budget, respon-  
23 sibilities, and authority described in the preceding  
24 provisions of this section.

1 **SEC. 1203. REPORTS ON JOINT WARFIGHTING EXPERIMEN-**  
2 **TATION.**

3 (a) INITIAL REPORT.—(1) On such schedule as the  
4 Secretary of Defense shall direct, the commander of the  
5 combatant command assigned the mission for joint  
6 warfighting experimentation shall submit to the Secretary  
7 an initial report on the implementation of joint experimen-  
8 tation. Not later than April 1, 1999, the Secretary shall  
9 submit the report, together with any comments that the  
10 Secretary considers appropriate and any comments that  
11 the Chairman of the Joint Chiefs of Staff considers appro-  
12 priate, to the Chairmen of the Committee on Armed Serv-  
13 ices of the Senate and the Committee on National Security  
14 of the House of Representatives.

15 (2) The initial report of the commander shall include  
16 the following:

17 (A) The commander's understanding of the  
18 commander's specific authority and responsibilities  
19 and of the commander's relationship to the Sec-  
20 retary of Defense, the Chairman of the Joint Chiefs  
21 of Staff, the Joint Staff, the commanders of other  
22 combatant commands, the Armed Forces, and the  
23 Defense Agencies and activities.

24 (B) The organization of the commander's com-  
25 batant command, and of its staff, for carrying out  
26 the joint warfighting experimentation mission.

1           (C) The process established for tasking forces  
2           to participate in joint warfighting experimentation  
3           and the commander's specific authority over the  
4           forces.

5           (D) Any forces designated or made available as  
6           joint experimentation forces.

7           (E) The resources provided for joint  
8           warfighting experimentation, including the personnel  
9           and funding for the initial implementation of joint  
10          experimentation, the process for providing the re-  
11          sources to the commander, the categories of the  
12          funding, and the authority of the commander for  
13          budget execution.

14          (F) The authority of the commander, and the  
15          process established, for the development and acquisi-  
16          tion of the material, supplies, services, and equip-  
17          ment necessary for the conduct of joint warfighting  
18          experimentation, including the authority and process  
19          for development and acquisition by the Armed  
20          Forces and the Defense Agencies and the authority  
21          and process for development and acquisition by the  
22          commander directly.

23          (G) The authority of the commander to design,  
24          prepare, and conduct joint experiments (including  
25          the scenarios and measures of effectiveness used) for

1        assessing operational concepts for meeting future  
2        challenges to the national security.

3            (H) The role assigned the commander for—

4            (i) integrating and testing in joint  
5        warfighting experimentation the systems that  
6        emerge from warfighting experimentation by  
7        the Armed Forces or the Defense Agencies;

8            (ii) assessing the effectiveness of organiza-  
9        tional structures, operational concepts, and  
10       technologies employed in joint warfighting ex-  
11       perimentation; and

12           (iii) assisting the Secretary of Defense and  
13        the Chairman of the Joint Chiefs of Staff in  
14        prioritizing acquisition programs in relationship  
15        to future joint warfighting capabilities.

16           (I) Any other comments that the commander  
17        considers appropriate.

18           (b) ANNUAL REPORT.—(1) On such schedule as the  
19        Secretary of Defense shall direct, the commander of the  
20        combatant command assigned the mission for joint  
21        warfighting experimentation shall submit to the Secretary  
22        an annual report on the conduct of joint experimentation  
23        activities for the fiscal year ending in the year of the re-  
24        port. Not later than December 1 of each year, the Sec-  
25        retary shall submit the report, together with any com-

1 ments that the Secretary considers appropriate and any  
2 comments that the Chairman of the Joint Chiefs of Staff  
3 considers appropriate, to the Chairmen of the Committee  
4 on Armed Services of the Senate and the Committee on  
5 National Security of the House of Representatives. The  
6 first annual report shall be submitted in 1999.

7 (2) The annual report of the commander shall in-  
8 clude, for the fiscal year covered by the report, the follow-  
9 ing:

10 (A) Any changes in—

11 (i) the commander's authority and respon-  
12 sibilities for joint warfighting experimentation;

13 (ii) the commander's relationship to the  
14 Secretary of Defense, the Chairman of the  
15 Joint Chiefs of Staff, the Joint Staff, the com-  
16 manders of the other combatant commands, the  
17 Armed Forces, or the Defense Agencies or ac-  
18 tivities;

19 (iii) the organization of the commander's  
20 command and staff for joint warfighting experi-  
21 mentation;

22 (iv) any forces designated or made avail-  
23 able as joint experimentation forces;

24 (v) the process established for tasking  
25 forces to participate in joint experimentation

1 activities or the commander's specific authority  
2 over the tasked forces;

3 (vi) the procedures for providing funding  
4 for the commander, the categories of funding,  
5 or the commander's authority for budget execu-  
6 tion;

7 (vii) the authority of the commander, and  
8 the process established, for the development  
9 and acquisition of the material, supplies, serv-  
10 ices, and equipment necessary for the conduct  
11 of joint warfighting experimentation;

12 (viii) the commander's authority to design,  
13 prepare, and conduct joint experiments (includ-  
14 ing the scenarios and measures of effectiveness  
15 used) for assessing operational concepts for  
16 meeting future challenges to the national secu-  
17 rity; or

18 (ix) any role described in subsection  
19 (a)(2)(H).

20 (B) The conduct of joint warfighting experi-  
21 mentation activities, including the number of activi-  
22 ties, the forces involved, the national security chal-  
23 lenges addressed, the operational concepts assessed,  
24 and the scenarios and measures of effectiveness  
25 used.

1           (C) An assessment of the results of warfighting  
2 experimentation within the Department of Defense.

3           (D) The effect of warfighting experimentation  
4 on the process for transforming the Armed Forces  
5 to meet future challenges to the national security.

6           (E) Any recommendations that the commander  
7 considers appropriate regarding—

8                 (i) the development or acquisition of ad-  
9 vanced technologies; or

10                (ii) changes in organizational structure,  
11 operational concepts, or joint doctrine.

12           (F) An assessment of the adequacy of re-  
13 sources, and any recommended changes for the proc-  
14 ess of providing resources, for joint warfighting ex-  
15 perimentation.

16           (G) Any recommended changes in the authority  
17 or responsibilities of the commander.

18           (H) Any additional comments that the com-  
19 mander considers appropriate.

Passed the Senate June 25, 1998.

Attest:

*Secretary.*



105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2060**

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**AN ACT**

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

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