

Calendar No. 114

106TH CONGRESS
1ST Session

S. 1059

[Report No. 106-50]

A BILL

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

MAY 17 (legislative day, MAY 14), 1999

Read twice and placed on the calendar

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IN THE SENATE OF THE UNITED STATES

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Mr. WARNER, from the Committee on Armed Services, reported the following original bill; which was read twice and placed on the calendar

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

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Defense Au-
3 thorization Act for Fiscal Year 2000”.

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

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

8 (1) Division A—Department of Defense Au-
9 thorizations.

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

12 (3) Division C—Department of Energy Na-
13 tional Security Authorizations and Other Authoriza-
14 tions.

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

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- Sec. 3177. Extension of review of Waste Isolation Pilot Plant, New Mexico.
- Sec. 3178. Proposed schedule for shipments of waste from the Rocky Flats Plant, Colorado, to the Waste Isolation Pilot Project, New Mexico.

**TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY
BOARD**

- Sec. 3201. Defense Nuclear Facilities Safety Board.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authorized uses of stockpile funds.

Sec. 3302. Limitations on previous authority for disposal of stockpile materials.

TITLE XXXIV—PANAMA CANAL COMMISSION

Sec. 3401. Short title.

Sec. 3402. Authorization of expenditures.

Sec. 3403. Purchase of vehicles.

Sec. 3404. Expenditures only in accordance with treaties.

Sec. 3405. Office of Transition Administration.

1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

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

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

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

9 DIVISION A—DEPARTMENT OF 10 DEFENSE AUTHORIZATIONS

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

14 SEC. 101. ARMY.

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

17 (1) For aircraft, \$1,500,188,000.

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

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

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

1 (5) For other procurement, \$3,669,070,000.

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

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

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

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

9 (3) For shipbuilding and conversion,
10 \$7,016,454,000.

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

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

15 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
16 are hereby authorized to be appropriated for procurement
17 of ammunition for the Navy and the Marine Corps in the
18 amount of \$540,700,000.

19 **SEC. 103. AIR FORCE.**

20 Funds are hereby authorized to be appropriated for
21 fiscal year 2000 for procurement for the Air Force as fol-
22 lows:

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

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

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

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

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

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

6 **SEC. 105. DEFENSE INSPECTOR GENERAL.**

7 Funds are hereby authorized to be appropriated for
8 fiscal year 2000 for procurement for the Inspector General
9 of the Department of Defense in the amount of
10 \$2,100,000.

11 **SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.**

12 There is hereby authorized to be appropriated for fis-
13 cal year 2000 the amount of \$1,169,000,000 for—

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

18 (2) the destruction of chemical warfare material
19 of the United States that is not covered by section
20 1412 of such Act.

21 **SEC. 107. DEFENSE HEALTH PROGRAMS.**

22 Funds are hereby authorized to be appropriated for
23 fiscal year 2000 for the Department of Defense for pro-
24 curement for carrying out health care programs, projects,

1 and activities of the Department of Defense in the total
2 amount of \$356,970,000.

3 **Subtitle B—Army Programs**

4 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR** 5 **CERTAIN ARMY PROGRAMS.**

6 Beginning with the fiscal year 2000 program year,
7 the Secretary of the Army may, in accordance with section
8 2306b of title 10, United States Code, enter into multiyear
9 contracts for procurement of the following:

10 (1) The M270A1 launcher.

11 (2) The Family of Medium Tactical Vehicles,
12 except that the period of a multiyear contract may
13 not exceed three years.

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

16 (4) The missile for the Javelin Advanced Anti-
17 tank Weapon System-Medium, except that the pe-
18 riod of a multiyear contract may not exceed four
19 years.

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

21 (6) The Wolverine heavy assault bridge.

22 (7) The system enhancement program for the
23 M1A2 Abrams tank assembly.

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

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

4 (10) The Second Generation Forward Looking
5 Infrared system for the Bradley A3 fighting vehicle,
6 except that the period of a multiyear contract may
7 not exceed four years.

8 (11) The improved Bradley acquisition system
9 for the Bradley A3 fighting vehicle, except that the
10 period of a multiyear contract may not exceed four
11 years.

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

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

16 None of the funds authorized to be appropriated
17 under section 101(5) may be used for the procurement
18 of the close combat tactical trainers configured to mobile
19 or fixed sites for tanks or to mobile or fixed sites for the
20 Bradley A3 fighting vehicle under the Close Combat Tac-
21 tical Trainer program of the Army until—

22 (1) the Secretary of the Army has submitted to
23 the congressional defense committees a report
24 containing—

1 (A) a discussion of the actions taken to
2 correct the deficiencies in such trainers that
3 have been identified by the Director of Oper-
4 ations Test and Evaluation of the Department
5 of Defense before the date of the report; and

6 (B) the Secretary's certification that the
7 close combat tactical trainers satisfy the reli-
8 ability requirements established for the trainers
9 under the program; and

10 (2) thirty days have elapsed since the date of
11 the submittal of the report.

12 **SEC. 113. ARMY AVIATION MODERNIZATION.**

13 (a) MODERNIZATION PLAN.—The Secretary of the
14 Army shall submit to the congressional defense commit-
15 tees a comprehensive plan for the modernization of the
16 Army's helicopter forces. The plan shall include provisions
17 for the following:

18 (1) For the AH-64D Apache Longbow pro-
19 gram:

20 (A) Restoration of the original procure-
21 ment objective of the program to the procure-
22 ment of 747 aircraft and 227 fire control ra-
23 dars.

24 (B) Qualification and training of reserve
25 component pilots as augmentation crews to en-

1 sure 24-hour warfighting capability in deployed
2 attack helicopter units.

3 (C) Fielding of a sufficient number of air-
4 craft in reserve component aviation units to im-
5 plement the provisions of the plan required
6 under subparagraph (B).

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

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

10 (A) Review of the total requirements and
11 acquisition objectives for the program.

12 (B) Fielding of Comanche helicopters to
13 the existing aviation force structure.

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

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

17 (A) A UH-1 modernization program.

18 (B) Revision of total force requirements
19 for the aircraft to reflect the warfighting sup-
20 port requirements and State mission require-
21 ments for aircraft utilized by the Army Na-
22 tional Guard.

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

24 (A) Identification of the requirements for
25 the aircraft.

1 (B) An acquisition strategy for meeting re-
2 quirements that cannot be met by UH-1 Huey
3 helicopters among the warfighting support re-
4 quirements and State mission requirements for
5 aircraft utilized by the Army National Guard.

6 (C) An upgrade program for fielded air-
7 craft.

8 (6) For the CH-47 Chinook helicopter service
9 life extension program, maintenance of the schedule
10 and funding.

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

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

21 (b) LIMITATION.—Not more than 90 percent of the
22 amount authorized to be appropriated under section
23 101(2) may be obligated before the date that is 30 days
24 after the date on which the Secretary of the Army submits

1 the plan required under subsection (a) to the congressional
2 defense committees.

3 **Subtitle C—Navy Programs**

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

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

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

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

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

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

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

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

5 (b) FISCAL YEAR 2001 ADVANCE PROCUREMENT.—

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

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

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

18 **SEC. 123. REPEAL OF REQUIREMENT FOR ANNUAL RE-**
19 **PORT FROM SHIPBUILDERS UNDER CERTAIN**
20 **NUCLEAR ATTACK SUBMARINE PROGRAMS.**

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

24 (b) CONFORMING AMENDMENT.—Paragraph (5) of
25 such section is amended by striking “reports referred to

1 in paragraphs (3) and (4)” and inserting “report referred
2 to in paragraph (4)”.

3 **SEC. 124. COOPERATIVE ENGAGEMENT CAPABILITY PRO-**
4 **GRAM.**

5 (a) LIMITATION.—Cooperative engagement equip-
6 ment procured under the Cooperative Engagement Capa-
7 bility program of the Navy may not be installed into a
8 commissioned vessel until the completion of operational
9 test and evaluation of the shipboard cooperative engage-
10 ment capability.

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

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

15 (a) AUTHORITY.—Beginning with the fiscal year
16 2000 program year, the Secretary of the Navy may, in
17 accordance with section 2306b of title 10, United States
18 Code, enter into a multiyear procurement contract for the
19 procurement of F/A-18E/F aircraft.

20 (b) LIMITATION.—The Secretary may not exercise
21 the authority under subsection (a) until the Secretary of
22 Defense certifies to the Committees on Armed Services of
23 the Senate and House of Representatives that the F/A-
24 18E/F aircraft has successfully completed initial oper-
25 ational test and evaluation.

1 **Subtitle D—Air Force Programs**

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

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

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

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

18 **Subtitle E—Other Matters**

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

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

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

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

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

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

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

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

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

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

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

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

10 (1) For the Army, \$4,671,194,000.

11 (2) For the Navy, \$8,201,116,000.

12 (3) For the Air Force, \$13,567,308,000.

13 (4) For Defense-wide activities,

14 \$9,400,081,000, of which—

15 (A) \$253,457,000 is authorized for the ac-
 16 tivities of the Director, Test and Evaluation;
 17 and

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

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

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

(b) BASIC RESEARCH AND APPLIED RESEARCH DEFINED.—For purposes of this section, the term “basic research and applied research” means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. NATO COMMON-FUNDED CIVIL BUDGET.

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

SEC. 212. MICRO-SATELLITE TECHNOLOGY DEVELOPMENT PROGRAM.

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

(b) MICRO-SATELLITE TECHNOLOGY DEVELOPMENT PLAN.—The Secretary of Defense shall develop a micro-satellite technology development plan to guide technology investment decisions and prioritize technology demonstration activities.

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

5 **SEC. 213. SPACE CONTROL TECHNOLOGY.**

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

11 (b) FUNDS AVAILABLE FOR ARMY EXECUTION.—Of
12 the funds authorized to be appropriated under section
13 201(1), \$41,000,000 shall be available for space control
14 technology development. Of the funds made available pur-
15 suant to the preceding sentence, the Commanding General
16 of the United States Army Space and Missile Defense
17 Command may utilize such amounts as are necessary for
18 any or all of the following activities:

19 (1) Continued development of the kinetic energy
20 anti-satellite technology program necessary to retain
21 an option of conducting a flight test within two
22 years of any decision to do so.

23 (2) Technology development associated with the
24 kinetic energy anti-satellite kill vehicle to tempo-
25 rarily disrupt satellite functions.

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

4 **SEC. 214. SPACE MANEUVER VEHICLE.**

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

8 (b) ACQUISITION OF SECOND FLIGHT TEST ARTI-
9 CLE.—The amount available for the space maneuver vehi-
10 cle program under subsection (a) may be used only to ac-
11 quire a second flight test article for the joint Air Force
12 and National Aeronautics and Space Administration X-
13 37 program in support of the Air Force Space Maneuver
14 Vehicle program.

15 **SEC. 215. MANUFACTURING TECHNOLOGY PROGRAM.**

16 (a) SUPPORT OF HIGH-RISK PROJECTS TO MEET
17 ESSENTIAL REQUIREMENTS.—Subsection (b) of section
18 2525 of title 10, United States Code, is amended—

19 (1) by striking paragraph (4);

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

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

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

24 “(1) to focus Department of Defense support
25 for advanced manufacturing technologies on high-

1 risk projects for the development and application of
2 technologies for use to satisfy manufacturing re-
3 quirements essential to the national defense that in-
4 volve repair and remanufacturing in support of the
5 operations of systems commands, depots, air logis-
6 tics centers, and shipyards;”.

7 (b) EXECUTION.—Subsection (c) of such section is
8 amended—

9 (1) by redesignating paragraph (2) as para-
10 graph (4); and

11 (2) by inserting after paragraph (1) the fol-
12 lowing:

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

19 “(3) A manufacturing technology project selected for
20 the program may be carried out only if the head of the
21 program office of a systems command, depot, air logistics
22 center, or shipyard serves as a sponsor for the project by
23 certifying that funds available to the program office will
24 be used to pay the costs of implementing a manufacturing
25 technology developed and applied under the project to the

1 successful satisfaction of requirements described in sub-
 2 section (b)(1).”.

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

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

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

8 (3) by striking “(B) For each” and all that fol-
 9 lows through “competitive procedures.” and insert-
 10 ing the following: “(2) The competitive procedures
 11 shall include among the factors to be considered in
 12 the evaluation of a proposal for a grant, contract,
 13 cooperative agreement, or other transaction for a
 14 project the extent to which the proposal provides for
 15 the prospective recipient to share in defraying the
 16 costs of the project.”.

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

19 **SEC. 221. THEATER MISSILE DEFENSE UPPER TIER ACQUI-** 20 **SITION STRATEGY.**

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

24 (1) retains funding for both of the upper tier
 25 systems in separate, independently managed pro-

1 gram elements throughout the future-years defense
2 program;

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

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

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

13 (1) The Navy Theater Wide system.

14 (2) The Theater High-Altitude Area Defense
15 system.

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

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

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

2 (a) STRUCTURE OF PROGRAM.—The Secretary of De-
3 fense shall structure the space-based laser program to
4 include—

5 (1) a near-term integrated flight experiment;

6 and

7 (2) an ongoing activity for developing an objec-
8 tive system design, including developing, testing, and
9 operating a prototype system.

10 (b) INTEGRATED FLIGHT EXPERIMENT.—The Sec-
11 retary shall structure the integrated flight experiment to
12 provide for the following:

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

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

21 (3) A goal of launching the experiment by
22 2006.

23 (c) DEVELOPMENT OF OBJECTIVE SYSTEM DE-
24 SIGN.—In order to develop an objective system design
25 suited to the operational and technological environment
26 that will exist when such a system can be deployed, the

1 Secretary shall structure the space-based laser program
2 schedule to include the following:

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

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

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

11 (A) utilizes the lessons learned from the
12 integrated flight experiment;

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

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

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

1 (e) REVISED PROGRAM BASELINE.—The Secretary,
 2 in consultation with the space-based laser joint venture
 3 team, shall promptly revise the space-based laser program
 4 baseline to reflect the requirements of this section.

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

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

16 **SEC. 224. AIRBORNE LASER PROGRAM.**

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

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

3 (2) Scintillometry data collection and analysis.

4 (3) The lethality/vulnerability program.

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

7 (5) Reduction and analysis of other existing
8 data.

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

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

16 (2) approve the plan; and

17 (3) submit a report on the plan to the congres-
18 sional defense committees.

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

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

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

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

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

1 **Subtitle D—Research and Develop-**
 2 **ment for Long-Term Military**
 3 **Capabilities**

4 **SEC. 231. ANNUAL REPORT ON EMERGING OPERATIONAL**
 5 **CONCEPTS.**

6 (a) EXTENSION OF REPORTING REQUIREMENT.—
 7 Subsection (a) of section 1042 of the National Defense
 8 Authorization Act for Fiscal Year 1997 (Public Law 104–
 9 201; 110 Stat. 2642; 10 U.S.C. 113 note) is amended by
 10 striking “2000” and inserting “2002”.

11 (b) IDENTIFICATION OF TECHNOLOGICAL OBJEC-
 12 TIVES FOR RESEARCH AND DEVELOPMENT.—That sec-
 13 tion is further amended by adding at the end the following
 14 new subsection:

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

20 “(1) the most significant strategic and oper-
 21 ational capabilities (including both armed force-spe-
 22 cific and joint capabilities) that are necessary for the
 23 Armed Forces to prevail against the most dangerous
 24 threats, including asymmetrical threats, that could
 25 be posed to the national security interests of the

1 United States by potential adversaries from 2020 to
2 2030;

3 “(2) the key characteristics and capabilities of
4 future military systems (including both armed force-
5 specific and joint systems) that will be needed to
6 meet each such threat; and

7 “(3) the most significant research and develop-
8 ment challenges that must be met, and the techno-
9 logical breakthroughs that must be made, to develop
10 and field such systems.”.

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

12 Section 270(b) of the National Defense Authorization
13 Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat.
14 2469; 10 U.S.C. 2501 note) is amended to read as follows:

15 “(b) TECHNOLOGY AREA REVIEW AND ASSESS-
16 MENT.—With the submission of the plan under subsection
17 (a) each year, the Secretary shall also submit to the com-
18 mittees referred to in that subsection a summary of each
19 technology area review and assessment conducted by the
20 Department of Defense in support of that plan.”.

21 **SEC. 233. REPORT BY UNDER SECRETARY OF DEFENSE**
22 **FOR ACQUISITION AND TECHNOLOGY.**

23 (a) REQUIREMENT.—The Under Secretary of De-
24 fense for Acquisition and Technology shall submit to the
25 congressional defense committees a report on the actions

1 that are necessary to promote the research base and tech-
2 nological development that will be needed for ensuring
3 that the Armed Forces have the military capabilities that
4 are necessary for meeting national security requirements
5 over the next two to three decades.

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

9 (1) the Department of Defense laboratories
10 place an appropriate emphasis on revolutionary
11 changes in military operations and the new tech-
12 nologies that will be necessary to support those oper-
13 ations;

14 (2) the Department helps sustain a high-quality
15 national research base that includes organizations
16 attuned to the needs of the Department, the fos-
17 tering and creation of revolutionary technologies use-
18 ful to the Department, and the capability to identify
19 opportunities for new military capabilities in emerg-
20 ing scientific knowledge;

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

1 (4) the Department can identify militarily rel-
 2 evant technologies that are developed in the private
 3 sector, rapidly incorporate those technologies into
 4 defense systems, and effectively utilize technology
 5 transfer processes;

6 (5) the Department can effectively and effi-
 7 ciently manage the transition of new technologies
 8 from the applied research and advanced techno-
 9 logical development stage through the product devel-
 10 opment stage in a manner that ensures that max-
 11 imum advantage is obtained from advances in tech-
 12 nology; and

13 (6) the Department's educational institutions
 14 for the officers of the uniformed services incorporate
 15 into their officer education and training programs,
 16 as appropriate, materials necessary to ensure that
 17 the officers have the familiarity with the processes,
 18 advances, and opportunities in technology develop-
 19 ment that is necessary for making decisions that en-
 20 sure the superiority of United States defense tech-
 21 nology in the future.

22 **SEC. 234. INCENTIVES TO PRODUCE INNOVATIVE NEW**
 23 **TECHNOLOGIES.**

24 (a) TECHNICAL RISK AND PROFIT INCENTIVE.—The
 25 Department of Defense profit guidelines established in

1 subpart 215.9 of the Department of Defense Supplement
 2 to the Federal Acquisition Regulation shall be modified
 3 to place increased emphasis on technical risk as a factor
 4 for determining appropriate profit margins and otherwise
 5 to provide an increased profit incentive for contractors to
 6 develop and produce complex and innovative new tech-
 7 nologies, rather than to produce mature technologies with
 8 low technical risk.

9 (b) EXPIRATION OF AUTHORITY.—This section shall
 10 cease to be effective one year after the date on which the
 11 Secretary of Defense publishes in the Federal Register
 12 final regulations modifying the guidelines in accordance
 13 with subsection (a).

14 **SEC. 235. DARPA COMPETITIVE PRIZES AWARD PROGRAM**
 15 **FOR ENCOURAGING DEVELOPMENT OF AD-**
 16 **VANCED TECHNOLOGIES.**

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

20 **“§ 2374a. Prizes for advanced technology**

21 **“(a) AUTHORITY.—**The Director of the Defense Ad-
 22 vanced Research Projects Agency may carry out a pro-
 23 gram to award prizes in recognition of outstanding
 24 achievements in basic, advanced, and applied research,
 25 technology development, and prototype development that

1 have the potential for application to the performance of
2 the military missions of the Department of Defense.

3 “(b) COMPETITION REQUIREMENTS.—The Director
4 shall use a competitive process for the selection of recipi-
5 ents of prizes under this section. The process shall include
6 the widely-advertised solicitation of submissions of re-
7 search results, technology developments, and prototypes.

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

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

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

18 “(e) RELATIONSHIP TO OTHER AUTHORITY.—The
19 Director may exercise the authority under this section in
20 conjunction with or in addition to the exercise of any other
21 authority of the Director to acquire, support, or stimulate
22 basic, advanced and applied research, technology develop-
23 ment, or prototype projects.

24 “(f) ANNUAL REPORT.—Promptly after the end of
25 each fiscal year, the Director shall submit to the Commit-

tees on Armed Services of the Senate and the House of Representatives a report on the administration of the program for the fiscal year. The report shall include the following:

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

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

“(3) The methods used for solicitation and evaluation of submissions, together with an assessment of the effectiveness of those methods.”.

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

“2374a. Prizes for advanced technology.”.

SEC. 236. ADDITIONAL PILOT PROGRAM FOR REVITALIZING DEPARTMENT OF DEFENSE LABORATORIES.

(a) AUTHORITY.—(1) The Secretary of Defense may carry out a pilot program to demonstrate improved cooperative relationships with universities and other private sector entities for the performance of research and development functions. The pilot program under this section is in addition to the pilot program carried out under section 246 of the Strom Thurmond National Defense Authoriza-

1 tion Act for Fiscal Year 1999 (Public Law 105–261; 112
2 Stat. 1955; 10 U.S.C. 2358 note)

3 (2) Under the pilot program, the Secretary of De-
4 fense shall provide the director of one science and tech-
5 nology laboratory of each military department with au-
6 thority for the following:

7 (A) To ensure that the defense laboratories can
8 attract a balanced workforce of permanent and tem-
9 porary personnel with an appropriate level of skills
10 and experience, and can effectively compete in hiring
11 processes to obtain the finest scientific talent.

12 (B) To waive any restrictions not required by
13 law that apply to the demonstration and implemen-
14 tation of methods for achieving the objectives in sub-
15 paragraph (A).

16 (3) In selecting the laboratories for participation in
17 the pilot program, the Secretary shall consider labora-
18 tories where innovative management techniques have been
19 demonstrated, particularly as documented under sections
20 1115 through 1119 of title 31, United States Code, relat-
21 ing to Government agency performance and results.

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

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

5 (A) Each laboratory selected for the pilot pro-
6 gram.

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

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

12 (2) Promptly after the expiration of the period for
13 participation of a laboratory in the pilot program, the Sec-
14 retary of Defense shall submit to Congress a final report
15 on the participation of the laboratory in the pilot program.
16 The report shall contain the following:

17 (A) A description of the concepts tested.

18 (B) The results of the testing.

19 (C) The lessons learned.

20 (D) Any proposal for legislation that the Sec-
21 retary recommends on the basis of the experience at
22 the laboratory under the pilot program.

1 **SEC. 237. EXEMPTION OF DEFENSE LABORATORY EMPLOY-**
2 **EES FROM CERTAIN WORKFORCE MANAGE-**
3 **MENT RESTRICTIONS.**

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

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

19 (b) **REDUCTIONS IN FORCE.**—Notwithstanding any
20 provision of law that requires a reduction in the size of
21 the defense acquisition workforce—

22 (1) the employees of a Department of Defense
23 laboratory shall not be considered as being included
24 in that workforce for the purpose of that provision
25 of law; and

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

5 (A) the percent determined by dividing (on
 6 the basis of the equivalent of full-time employ-
 7 ees) the total number of employees in the de-
 8 fense acquisition workforce as of the beginning
 9 of the reduction in force into the number of lab-
 10 oratory employees that, except for paragraph
 11 (1), would otherwise have been considered as
 12 being in the workforce to be reduced under that
 13 provision of law; or

14 (B) any other factor that the Secretary de-
 15 termines as being a more appropriate measure
 16 for the adjustment.

17 **SEC. 238. USE OF WORKING-CAPITAL FUNDS FOR FINANC-**
 18 **ING RESEARCH AND DEVELOPMENT OF THE**
 19 **MILITARY DEPARTMENTS.**

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

23 “(r) **RESEARCH, DEVELOPMENT, TEST, AND EVAL-**
 24 **UATION.**—(1) Working-capital funds shall be used for fi-

1 nancing all research, development, test, and evaluation ac-
 2 tivities and programs of the military departments.

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

6 “(A) Acceptance of reimbursable orders from
 7 authorized customers.

8 “(B) Crediting of working-capital funds, out of
 9 funds available for a military department for re-
 10 search, development, test, and evaluation or any
 11 other appropriate source of funds, for goods and
 12 services provided to that military department.

13 “(3) The policies, procedures, and regulations of the
 14 Department of Defense that are applicable to the use and
 15 management of Department of Defense revolving funds
 16 shall be applied uniformly to all uses of working-capital
 17 funds for financing the activities and programs described
 18 in paragraph (1).”.

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

24 (2) Not later than April 1, 2000, and August 1,
 25 2000, the Under Secretary of Defense (Comptroller) shall

1 submit to the Committees on Armed Services of the Sen-
2 ate and the House of Representatives written status re-
3 ports on the progress made in implementing subsection
4 (r) of section 2208 of title 10, United States Code, as
5 added by subsection (a). Each status report shall, at a
6 minimum, include the following:

7 (A) The schedule for completing the key actions
8 necessary for implementation.

9 (B) The progress made in the implementation
10 by the military departments and the other agencies
11 of the Department of Defense through the date of
12 the report.

13 (C) Each delay and obstacle encountered in the
14 implementation, together with an explanation of the
15 actions taken in each such case to ensure timely im-
16 plementation.

17 **SEC. 239. EFFICIENT UTILIZATION OF DEFENSE LABORA-**
18 **TORIES.**

19 (a) ANALYSIS BY INDEPENDENT PANEL.—(1) Not
20 later than 45 days after the date of the enactment of this
21 Act, the Secretary of Defense shall convene a panel of
22 independent experts under the auspices of the Defense
23 Science Board to conduct an analysis of the resources and
24 capabilities of all of the laboratories and test and evalua-
25 tion facilities of the Department of Defense, including

1 those of the military departments. In conducting the anal-
2 ysis, the panel shall identify opportunities to achieve effi-
3 ciency and reduce duplication of efforts by consolidating
4 responsibilities by area or function or by designating lead
5 agencies or executive agents in cases considered appro-
6 priate. The panel shall report its findings to the Secretary
7 of Defense and to Congress not later than August 1, 2000.

8 (2) The analysis required by paragraph (1) shall, at
9 a minimum, address the capabilities of the laboratories
10 and test and evaluation facilities in the areas of air vehi-
11 cles, armaments, command, control, communications, and
12 intelligence, space, directed energy, electronic warfare,
13 medicine, corporate laboratories, civil engineering, geo-
14 physics, and the environment.

15 (b) PERFORMANCE REVIEW PROCESS.—Not later
16 than 180 days after the date of the enactment of this Act,
17 the Secretary of Defense shall develop an appropriate per-
18 formance review process for rating the quality and rel-
19 evance of work performed by the Department of Defense
20 laboratories. The process shall include customer evaluation
21 and peer review by Department of Defense personnel and
22 appropriate experts from outside the Department of De-
23 fense. The process shall provide for rating all laboratories
24 of the Army, Navy, and Air Force on a consistent basis.

**TITLE III—OPERATION AND
MAINTENANCE
Subtitle A—Authorization of
Appropriations**

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

(a) AMOUNTS AUTHORIZED.—Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

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

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

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

(4) For the Air Force, \$20,382,403,000.

(5) For Defense-wide activities,

\$10,963,033,000.

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

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

(8) For the Marine Corps Reserve,

\$125,766,000.

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

(10) For the Army National Guard,

\$2,912,249,000.

1 (11) For the Air National Guard,
2 \$3,119,518,000.

3 (12) For the Defense Inspector General,
4 \$138,244,000.

5 (13) For the United States Court of Appeals
6 for the Armed Forces, \$7,621,000.

7 (14) For Environmental Restoration, Army,
8 \$378,170,000.

9 (15) For Environmental Restoration, Navy,
10 \$284,000,000.

11 (16) For Environmental Restoration, Air Force,
12 \$376,800,000.

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

15 (18) For Environmental Restoration, Formerly
16 Used Defense Sites, \$199,214,000.

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

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

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

24 (22) For Medical Programs, Defense,
25 \$10,453,487,000.

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

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

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

7 (26) For quality of life enhancements,
8 \$1,845,370,000.

9 (27) For defense transfer programs,
10 \$31,000,000.

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

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

16 Funds are hereby authorized to be appropriated for
17 fiscal year 2000 for the use of the Armed Forces and other
18 activities and agencies of the Department of Defense for
19 providing capital for working-capital and revolving funds
20 in amounts as follows:

21 (1) For the Army Working-Capital Fund,
22 \$62,344,000.

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

1 (3) For the National Defense Sealift Fund,
2 \$394,700,000.

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

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

9 **SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCK-**
10 **PILE TRANSACTION FUND.**

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

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

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

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

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

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

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

4 (c) RELATIONSHIP TO OTHER TRANSFER AUTHOR-
 5 ITY.—The transfer authority provided in this section is in
 6 addition to the transfer authority provided in section
 7 1001.

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

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

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

17 **SEC. 312. USE OF HUMANITARIAN AND CIVIC ASSISTANCE**
 18 **FUNDING FOR PAY AND ALLOWANCES OF**
 19 **SPECIAL OPERATIONS COMMAND RESERVES**
 20 **FURNISHING DEMINING TRAINING AND RE-**
 21 **LATED ASSISTANCE AS HUMANITARIAN AS-**
 22 **SISTANCE.**

23 Section 401(c) of title 10, United States Code, is
 24 amended by adding at the end the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 performance objectives for particular environmental
2 technology projects; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 “(ii) either—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 “(i) Section 2687 of this title.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 “(A) Environmental compliance activities.

17 “(B) Conservation activities.

18 “(C) Pollution prevention activities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 **Subtitle D—Other Matters**

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

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

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

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

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

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

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

4 “(3) contains an analysis of the extent to which
5 the contract conforms to the requirements of section
6 2466 of title 10, United States Code; and
7 “(4) describes the measures taken to ensure
8 that the contract does not violate the core logistics
9 policies, requirements, and restrictions set forth in
10 section 2464 of that title.”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (e) DEFINITIONS.—In this section:

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

16 (A) Magnetic stripe.

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

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

20 (D) Biometric information.

21 (E) Encryption and authentication.

22 (F) Photo identification.

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

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

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

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

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

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

25 (c) DEFINITIONS.—In this section:

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

6 (A) Magnetic stripe.

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

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

10 (D) Biometric information.

11 (E) Encryption and authentication.

12 (F) Photo identification.

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

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

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

25 (1) in subsection (a)(1)—

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

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

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

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

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

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

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

3 **TITLE IV—MILITARY**
4 **PERSONNEL AUTHORIZATIONS**
5 **Subtitle A—Active Forces**

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

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

9 (1) The Army, 480,000.

10 (2) The Navy, 371,781.

11 (3) The Marine Corps, 172,240.

12 (4) The Air Force, 360,877.

13 **SEC. 402. REVISION IN PERMANENT END STRENGTH LEV-**
14 **ELS.**

15 (a) REVISED END STRENGTH FLOORS.—Subsection
16 (b) of section 691 of title 10, United States Code, is
17 amended—

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

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

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

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

1 **SEC. 403. REDUCTION OF END STRENGTHS BELOW LEVELS**
 2 **FOR TWO MAJOR REGIONAL CONTIN-**
 3 **GENCIES.**

4 Section 691(d) of title 10, United States Code, is
 5 amended by striking “unless” and all that follows and in-
 6 serting “unless the Secretary of Defense first submits to
 7 Congress a written notification of the proposed lower end
 8 strength together with the justification for the lower end
 9 strength. The Secretary may submit the notification and
 10 justification with the budget for the department for the
 11 fiscal year.”.

12 **Subtitle B—Reserve Forces**

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

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

- 17 (1) The Army National Guard of the United
 18 States, 350,623.
- 19 (2) The Army Reserve, 205,000.
- 20 (3) The Naval Reserve, 90,288.
- 21 (4) The Marine Corps Reserve, 39,624.
- 22 (5) The Air National Guard of the United
 23 States, 106,744.
- 24 (6) The Air Force Reserve, 73,764.
- 25 (7) The Coast Guard Reserve, 8,000.

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

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

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

14 Whenever such units or such individual members are re-
 15 leased from active duty during any fiscal year, the end
 16 strength prescribed for such fiscal year for the Selected
 17 Reserve of such reserve component shall be proportion-
 18 ately increased by the total authorized strengths of such
 19 units and by the total number of such individual members.

20 (c) PERMANENT WAIVER AUTHORITY.—Section
 21 115(c) of title 10, United States Code, is amended—

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

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

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

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

7 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
 8 **DUTY IN SUPPORT OF THE RESERVES.**

9 Within the end strengths prescribed in section
 10 411(a), the reserve components of the Armed Forces are
 11 authorized, as of September 30, 2000, the following num-
 12 ber of Reserves to be serving on full-time active duty or
 13 full-time duty, in the case of members of the National
 14 Guard, for the purpose of organizing, administering, re-
 15 cruiting, instructing, or training the reserve components:

16 (1) The Army National Guard of the United
 17 States, 22,430.

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

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

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

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

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

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

2 (a) DUAL STATUS TECHNICIANS.—The minimum
3 number of military technicians (dual status) as of Sep-
4 tember 30, 2000, for the reserve components of the Army
5 and the Air Force (notwithstanding section 129 of title
6 10, United States Code) shall be the following:

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

8 (2) For the Army National Guard of the United
9 States, 22,396.

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

11 (4) For the Air National Guard of the United
12 States, 22,247.

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

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

19 (2) For the Army National Guard of the United
20 States, 1,800.

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

22 (4) For the Air National Guard of the United
23 States, 342.

SEC. 414. INCREASE IN NUMBERS OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

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

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

(b) SENIOR ENLISTED MEMBERS.—The table in section 12012(a) of title 10, United States Code, is amended to read as follows:

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

Subtitle C—Authorization of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2000 a total of \$71,693,093,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2000.

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

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

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

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

14 **SEC. 502. ADDITIONAL THREE-STAR OFFICER POSITIONS**
 15 **FOR SUPERINTENDENTS OF SERVICE ACAD-**
 16 **EMIES.**

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

20 “(7) An officer while serving in the position of Super-
 21 intendent of the United States Military Academy, Super-
 22 intendent of the United States Naval Academy, or Super-
 23 intendent of the United States Air Force Academy, if serv-
 24 ing in the grade of lieutenant general or vice admiral, is
 25 in addition to the number that would otherwise be per-

mitted for that officer's armed force for that grade under subsection (a) or paragraph (1) or (2) of this subsection.”.

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

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

“Upon the termination of a detail of an officer to the position of Superintendent of the United States Military Academy, the Secretary of the Army shall retire the officer under any provision of this chapter under which the officer is eligible to retire.”.

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

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

“To be eligible for detail to the position of Superintendent of the Academy, an officer shall enter into an agreement with the Secretary of the Army to accept retirement upon termination of the detail.”.

(2)(A) Chapter 573 of such title is amended by inserting after the table of sections at the beginning of the chapter the following:

1 **“§ 6371. Mandatory retirement: Superintendent of the**
 2 **United States Naval Academy**

3 “Upon the termination of a detail of an officer to the
 4 position of Superintendent of the United States Naval
 5 Academy, the Secretary of the Navy shall retire the officer
 6 under any provision of chapter 571 of this title under
 7 which the officer is eligible to retire.”.

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

10 **“§ 6951a. Superintendent**

11 “(a) There is a Superintendent of the United States
 12 Naval Academy. The immediate governance of the Naval
 13 Academy is under the Superintendent.

14 “(b) The Superintendent shall be detailed to the posi-
 15 tion by the President. To be eligible for detail to the posi-
 16 tion, an officer shall enter into an agreement with the Sec-
 17 retary of the Navy to accept retirement upon termination
 18 of the detail.”.

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

21 **“§ 8921. Mandatory retirement: Superintendent of the**
 22 **United States Air Force Academy**

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

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

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

5 **“§ 9333a. Superintendent: condition for detail to posi-**
 6 **tion**

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

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

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

15 (B) The table of sections at the beginning of chapter
 16 403 of such title is amended by inserting after the item
 17 relating to section 4333 the following:

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

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

“6371. Mandatory retirement: Superintendent of the United States Naval Acad-
 emy.”.

1 (B) The table of sections at the beginning of chapter
 2 603 of such title is amended by inserting after the item
 3 relating to section 6951 the following:

“6951a. Superintendent.”.

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

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

7 (B) The table of sections at the beginning of chapter
 8 903 of such title is amended by inserting after the item
 9 relating to section 9333 the following:

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

10 (d) SAVINGS PROVISION.—The amendments made by
 11 this section shall not apply to an officer serving on the
 12 date of the enactment of this Act in the position of Super-
 13 intendent of the United States Military Academy, Super-
 14 intendent of the United States Naval Academy, or Super-
 15 intendent of the United States Air Force Academy for so
 16 long as the officer continues on and after that date to
 17 serve in the position without a break in the service in the
 18 position.

1 **SEC. 503. INCREASE IN MAXIMUM NUMBER OF OFFICERS**
2 **AUTHORIZED TO BE ON ACTIVE-DUTY LIST IN**
3 **FROCKED GRADE OF BRIGADIER GENERAL**
4 **OR REAR ADMIRAL.**

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

8 **SEC. 504. RESERVE OFFICERS REQUESTING OR OTHER-**
9 **WISE CAUSING NONSELECTION FOR PRO-**
10 **MOTION.**

11 (a) **REPORTING REQUIREMENT.**—Section 617(c) of
12 title 10, United States Code, is amended by striking “reg-
13 ular”.

14 (b) **EFFECTIVE DATE.**—The amendment made by
15 subsection (a) shall take effect on the date of the enact-
16 ment of this Act and shall apply with respect to boards
17 convened under section 611(a) of title 10, United States
18 Code, on or after that date.

19 **SEC. 505. MINIMUM GRADE OF OFFICERS ELIGIBLE TO**
20 **SERVE ON BOARDS OF INQUIRY.**

21 (a) **RETENTION BOARDS FOR REGULAR OFFICERS.**—
22 Section 1187 of title 10, United States Code, is amended
23 to read as follows:

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

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

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

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

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

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

13 “(b) RETIRED OFFICERS.—If qualified officers on ac-
 14 tive duty are not available in sufficient numbers to com-
 15 prise a board convened under this chapter, the Secretary
 16 of the military department concerned shall complete the
 17 membership of the board by appointing retired officers of
 18 the same armed force whose retired grade—

19 “(1) is—

20 “(A) in the case of the President of the
 21 board, above lieutenant colonel or commander;
 22 or

23 “(B) in the case of any other member of
 24 the board, above major or lieutenant com-
 25 mander; and

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

3 “(c) INELIGIBILITY BY REASON OF PREVIOUS CON-
4 SIDERATION OF CASE.—No person may be a member of
5 more than one board convened under this chapter to con-
6 sider the same officer.

7 “(d) EXCLUSION FROM STRENGTH LIMITATION.—A
8 retired general or flag officer who is on active duty for
9 the purpose of serving on a board convened under this
10 chapter shall not, while so serving, be counted against any
11 limitation on the number of general and flag officers who
12 may be on active duty.”.

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

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

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

21 “(2) hold a grade that—

22 “(A) in the case of the President of the
23 board, is above lieutenant colonel or com-
24 mander; or

1 “(B) in the case of any other member of
 2 the board, is above major or lieutenant com-
 3 mander; and

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

6 **SEC. 506. MINIMUM SELECTION OF WARRANT OFFICERS**
 7 **FOR PROMOTION FROM BELOW THE PRO-**
 8 **MOTION ZONE.**

9 Section 575(b)(2) of title 10, United States Code, is
 10 amended by adding at the end the following new sentence:
 11 “If the number determined under this subsection with re-
 12 spect to a promotion zone within a grade (or grade and
 13 competitive category) is less than one, the board may rec-
 14 ommend one such officer for promotion from below the
 15 zone within that grade (or grade and competitive cat-
 16 egory).”.

17 **SEC. 507. INCREASE IN THRESHOLD PERIOD OF ACTIVE**
 18 **DUTY FOR APPLICABILITY OF RESTRICTION**
 19 **ON HOLDING OF CIVIL OFFICE BY RETIRED**
 20 **REGULAR OFFICERS AND RESERVE OFFI-**
 21 **CERS.**

22 Section 973(b)(1) of title 10, United States Code, is
 23 amended—

24 (1) in subparagraph (B), by striking “180
 25 days” and inserting “270 days”; and

1 (2) in subparagraph (C), by striking “180
2 days” and inserting “270 days”.

3 **SEC. 508. EXEMPTION OF RETIREE COUNCIL MEMBERS**
4 **FROM RECALLED RETIREE LIMITS.**

5 Section 690(b)(2) of title 10, United States Code, is
6 amended by adding at the end the following new subpara-
7 graph (D):

8 “(D) Any member of the Retiree Council of the
9 Army, Navy, or Air Force for the period on active
10 duty to attend the annual meeting of the Retiree
11 Council.”.

12 **Subtitle B—Reserve Component**
13 **Matters**

14 **SEC. 511. ADDITIONAL EXCEPTIONS FOR RESERVE COM-**
15 **PONENT GENERAL AND FLAG OFFICERS**
16 **FROM LIMITATION ON AUTHORIZED**
17 **STRENGTH OF GENERAL AND FLAG OFFI-**
18 **CERS ON ACTIVE DUTY.**

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

21 “(d) EXCLUSION OF CERTAIN RESERVE COMPONENT
22 OFFICERS.—(1) The limitations of this section do not
23 apply to the following reserve component general or flag
24 officers:

25 “(A) An officer on active duty for training.

1 “(B) An officer on active duty under a call or
2 order specifying a period of less than 180 days.

3 “(2) Up to 25 reserve component general and flag
4 officers serving on active duty at any one time under calls
5 or orders specifying periods of 180 days or more may be
6 excluded from the limitations of this section. Officers ex-
7 cluded under the preceding sentence are in addition to any
8 other reserve component general or flag officers on active
9 duty under calls or orders specifying periods of 180 days
10 or more who are excluded from the limitations of this sec-
11 tion under authority other than this paragraph.”.

12 **SEC. 512. DUTIES OF RESERVES ON ACTIVE DUTY IN SUP-**
13 **PORT OF THE RESERVES.**

14 (a) DUTIES.—Section 12310 of title 10, United
15 States Code, is amended—

16 (1) by redesignating subsection (b) as sub-
17 section (d) and transferring such subsection, as so
18 redesignated, to the end of the section; and

19 (2) by inserting after subsection (a) the fol-
20 lowing new subsection (b):

21 “(b) DUTIES.—A Reserve on active duty as described
22 in subsection (a) may be assigned only duties in connec-
23 tion with the functions described in that subsection, which
24 may include the following:

1 “(1) Supporting operations or missions as-
2 signed in whole or in part to reserve components.

3 “(2) Supporting operations or missions per-
4 formed or to be performed by—

5 “(A) a unit composed of elements from
6 more than one component of the same armed
7 force; or

8 “(B) a joint forces unit that includes—

9 “(i) one or more reserve component
10 units; or

11 “(ii) if no reserve component unit, any
12 member of a reserve component whose re-
13 serve component assignment is in a posi-
14 tion in an element of the joint forces unit.

15 “(3) Advising the Secretary of Defense, the
16 Secretary of a military department, the Joint Chiefs
17 of Staff, or the commander of a unified combatant
18 command regarding reserve component matters.”.

19 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
20 Section 12310 of title 10, United States Code, is
21 amended—

22 (1) in subsection (a), by inserting “GRADE.—”
23 after “(a)”;

24 (2) in subsection (c)(1), by striking “(c)(1) A
25 Reserve” and inserting “(c) DUTIES RELATING TO

1 DEFENSE AGAINST WEAPONS OF MASS DESTRUC-
2 TION.—(1) Notwithstanding subsection (b), a Re-
3 serve”; and

4 (3) in subsection (d), as redesignated and
5 transferred by subsection (a)(1), by inserting
6 “TRAINING.—” after “(d)”.

7 (c) REVIEW OF USE OF RESERVES ON ACTIVE DUTY
8 IN SUPPORT OF THE RESERVES.—(1) The Secretary of
9 Defense shall review how the Reserves on active duty in
10 support of the reserves are used in relation to the duties
11 set forth under subsection (b) of section 12310 of title
12 10, United States Code, as added by subsection (a)(2).

13 (2) Not later than March 1, 2000, the Secretary shall
14 submit a report on the results of the review to the Com-
15 mittees on Armed Services of the Senate and the House
16 of Representatives. The report shall address, at a min-
17 imum, the following issues:

18 (1) Whether the Reserves on active duty in sup-
19 port of the reserve should be considered as a sepa-
20 rate category of Reserves on active duty.

21 (2) Whether those Reserves should be counted
22 within the active component end strengths and fund-
23 ed by the appropriations for active component mili-
24 tary personnel.

1 **SEC. 513. REPEAL OF LIMITATION ON NUMBER OF RE-**
 2 **SERVES ON FULL-TIME ACTIVE DUTY IN SUP-**
 3 **PORT OF PREPAREDNESS FOR RESPONSES**
 4 **TO EMERGENCIES INVOLVING WEAPONS OF**
 5 **MASS DESTRUCTION.**

6 (a) REPEAL.—Paragraph (4) of section 12310(c) of
 7 title 10, United States Code, is amended by striking the
 8 first sentence.

9 (b) CONFORMING AMENDMENTS.—Paragraph (6) of
 10 such section is amended—

11 (1) by striking “or to increase the number of
 12 personnel authorized by paragraph (4)” in the mat-
 13 ter preceding subparagraph (A); and

14 (2) in subparagraph (A), by striking “or for the
 15 requested additional personnel” and all that follows
 16 through “Federal levels”.

17 **SEC. 514. EXTENSION OF PERIOD FOR RETENTION OF RE-**
 18 **SERVE COMPONENT MAJORS AND LIEUTEN-**
 19 **ANT COMMANDERS WHO TWICE FAIL OF SE-**
 20 **LECTION FOR PROMOTION.**

21 (a) PARITY WITH OFFICERS IN GRADES O-2
 22 AND O-3.—Section 14506 of title 10, United States
 23 Code, is amended—

24 (1) by inserting “the later of (1)” after “in ac-
 25 cordance with section 14513 of this title on”; and

1 (2) by inserting before the period at the end the
 2 following: “, or (2) the first day of the seventh
 3 month after the month in which the President ap-
 4 proves the report of the board which considered the
 5 officer for the second time”.

6 (b) EFFECTIVE DATE.—The amendments made by
 7 subsection (a) shall take effect on the date of the enact-
 8 ment of this Act and shall apply with respect to removals
 9 of reserve officers from reserve active-status lists under
 10 section 14506 of title 10, United States Code, on or after
 11 that date.

12 **SEC. 515. CONTINUATION OF OFFICER ON RESERVE AC-**
 13 **TIVE-STATUS LIST FOR DISCIPLINARY AC-**
 14 **TION.**

15 (a) AUTHORITY.—Chapter 1407 of title 10, United
 16 States Code, is amended by adding at the end the fol-
 17 lowing new section:

18 **“§ 14518. Continuation on reserve active-status list to**
 19 **complete disciplinary action**

20 “When any action has been commenced against an
 21 officer on a reserve active-status list with a view to trying
 22 the officer by court-martial, the Secretary concerned may
 23 delay the separation or retirement of the officer under the
 24 provisions of this chapter until the completion of the ac-
 25 tion.”.

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

“14518. Continuation on reserve active-status list to complete disciplinary action.”.

4 **SEC. 516. RETENTION OF RESERVE COMPONENT CHAP-**
 5 **LAINS UNTIL AGE 67.**

6 Section 14703(b) of title 10, United States Code, is
 7 amended by striking “(or, in the case of a reserve officer
 8 of the Army in the Chaplains or a reserve officer of the
 9 Air Force designated as a chaplain, 60 years of age)”.

10 **SEC. 517. RESERVE CREDIT FOR PARTICIPATION IN**
 11 **HEALTH PROFESSIONS SCHOLARSHIP AND**
 12 **FINANCIAL ASSISTANCE PROGRAM.**

13 Section 2126(b) of title 10, United States Code, is
 14 amended—

15 (1) by striking paragraphs (2) and (3) and in-
 16 serting the following:

17 “(2) Service credited under paragraph (1) counts
 18 only for the award of retirement points for computation
 19 of years of service under section 12732 of this title and
 20 for computation of retired pay under section 12733 of this
 21 title.

22 “(3) The number of points credited to a member
 23 under paragraph (1) for a year of participation in a course
 24 of study is 50. The points shall be credited to the member

1 for one of the years of that participation at the end of
 2 each year after the completion of the course of study that
 3 the member serves in the Selected Reserve and is credited
 4 under section 12732(a)(2) of this title with at least 50
 5 points. The points credited for the participation shall be
 6 recorded in the member's records as having been earned
 7 in the year of the participation in the course of study.”;

8 (2) by redesignating paragraph (5) as para-
 9 graph (6); and

10 (3) by inserting after paragraph (4) the fol-
 11 lowing new paragraph (5):

12 “(5) A member of the Selected Reserve may be con-
 13 sidered to be in an active status while pursuing a course
 14 of study under this subchapter only for purposes of sec-
 15 tions 12732(a) and 12733(3) of this title.”.

16 **SEC. 518. EXCLUSION OF RESERVE OFFICERS ON EDU-**
 17 **CATIONAL DELAY FROM ELIGIBILITY FOR**
 18 **CONSIDERATION FOR PROMOTION.**

19 (a) EXCLUSION.—Section 14301 of title 10, United
 20 States Code is amended by adding at the end the fol-
 21 lowing:

22 “(h) OFFICERS ON EDUCATIONAL DELAY.—An offi-
 23 cer on a reserve active-status list is ineligible for consider-
 24 ation for promotion, but shall remain on the reserve ac-
 25 tive-status list, while the officer is—

1 “(1) pursuing a program of graduate level edu-
 2 cation in an educational delay status approved by
 3 the Secretary concerned; and

4 “(2) receiving from the Secretary financial as-
 5 sistance in connection with the pursuit of the pro-
 6 gram in that status.”.

7 (b) RETROACTIVE EFFECT.—(1) Subsection (h) of
 8 section 14301 of title 10, United States Code (as added
 9 by subsection (a)), shall take effect on the date of the en-
 10 actment of this Act and shall apply with respect to boards
 11 convened under section 14101(a) of such title before, on,
 12 or after that date.

13 (2) The Secretary of the military department con-
 14 cerned, upon receipt of request in a form and manner pre-
 15 scribed by the Secretary, shall expunge from the military
 16 records of an officer any indication of a failure of selection
 17 of the officer for promotion by a board referred to in para-
 18 graph (1) while the officer was ineligible for consideration
 19 by the board by reason of section 14301(h) of title 10,
 20 United States Code.

21 **SEC. 519. EXCLUSION OF PERIOD OF PURSUIT OF PROFES-**
 22 **SIONAL EDUCATION FROM COMPUTATION OF**
 23 **YEARS OF SERVICE FOR RESERVE OFFICERS.**

24 (a) EXCLUSION.—The text of section 14706 of title
 25 10, United States Code, is amended to read as follows:

1 “(a) IN GENERAL.—For the purpose of this chapter
 2 and chapter 1407 of this title, a reserve officer’s years
 3 of service include all service of the officer as a commis-
 4 sioned officer of any uniformed service other than the fol-
 5 lowing:

6 “(1) Service as a warrant officer.

7 “(2) Constructive service.

8 “(3) Except as provided in subsection (b), serv-
 9 ice as a commissioned officer of a reserve component
 10 while pursuing a program of advanced education
 11 leading to the first professional degree required for
 12 appointment, designation, or assignment as an offi-
 13 cer in the Medical Corps, the Dental Corps, the Vet-
 14 erinary Corps, the Medical Service Corps, the Nurse
 15 Corps, the Army Medical Specialists Corps, or as a
 16 chaplain or judge advocate if the service—

17 “(A) follows appointment as a commis-
 18 sioned officer of a reserve component; and

19 “(B) precedes the officer’s initial service
 20 on active duty or initial service in the Ready
 21 Reserve in the professional specialty for which
 22 the degree if required.

23 “(b) PRIOR SERVICE PROFESSIONAL PERSONNEL.—
 24 The exclusion in subsection (a)(3) does not apply to serv-

1 ice described in that subsection that is performed by an
 2 officer who, prior to the described service—

3 “(1) served on active duty; or

4 “(2) participated as a member of the Ready Re-
 5 serve other than in a student status.”.

6 (b) EFFECTIVE DATE.—The amendment made by
 7 subsection (a) shall take effect on the date of the enact-
 8 ment of this Act and shall apply with respect to service
 9 as a commissioned officer on or after that date.

10 **SEC. 520. CORRECTION OF REFERENCE RELATING TO**
 11 **CREDITING OF SATISFACTORY SERVICE BY**
 12 **RESERVE OFFICERS IN HIGHEST GRADE**
 13 **HELD.**

14 Section 1370(d)(1) of title 10, United States Code,
 15 is amended by striking “chapter 1225” and inserting
 16 “chapter 1223”.

17 **SEC. 521. ESTABLISHMENT OF OFFICE OF THE COAST**
 18 **GUARD RESERVE.**

19 (a) ESTABLISHMENT.—Chapter 3 of title 14, United
 20 States Code, is amended by adding at the end the fol-
 21 lowing:

22 **“§ 53. Office of the Coast Guard Reserve; Director**

23 “(a) ESTABLISHMENT OF OFFICE; DIRECTOR.—
 24 There is in the executive part of the Coast Guard an Office
 25 of the Coast Guard Reserve. The head of the Office is

1 the Director of the Coast Guard Reserve. The Director
2 of the Coast Guard Reserve is the principal adviser to the
3 Commandant on Coast Guard Reserve matters and may
4 have such additional functions as the Commandant may
5 direct.

6 “(b) APPOINTMENT.—The President, by and with the
7 advice and consent of the Senate, shall appoint the Direc-
8 tor of the Coast Guard Reserve, from officers of the Coast
9 Guard not on active duty, or on active duty under section
10 10211 of title 10, who—

11 “(1) have had at least 10 years of commis-
12 sioned service;

13 “(2) are in a grade above captain; and

14 “(3) have been recommended by the Secretary
15 of Transportation.

16 “(c) TERM.—(1) The Director of the Coast Guard
17 Reserve holds office for a term determined by the Presi-
18 dent, normally two years, but not more than four years.
19 An officer may be removed from the position of Director
20 for cause at any time.

21 “(2) The Director of the Coast Guard Reserve, while
22 so serving, holds a grade above Captain, without vacating
23 the officer’s permanent grade.

24 “(d) BUDGET.—The Director of the Coast Guard Re-
25 serve is the official within the executive part of the Coast

1 Guard who, subject to the authority, direction, and control
2 of the Secretary of Transportation and the Commandant,
3 is responsible for preparation, justification, and execution
4 of the personnel, operation and maintenance, and con-
5 struction budgets for the Coast Guard Reserve. As such,
6 the Director of the Coast Guard Reserve is the director
7 and functional manager of appropriations made for the
8 Coast Guard Reserve in those areas.

9 “(e) ANNUAL REPORT.—The Director of the Coast
10 Guard Reserve shall submit to the Secretary of Transpor-
11 tation and the Secretary of Defense an annual report on
12 the state of the Coast Guard Reserve and the ability of
13 the Coast Guard Reserve to meet its missions. The report
14 shall be prepared in conjunction with the Commandant
15 and may be submitted in classified and unclassified
16 versions.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of such chapter is amended by inserting
19 after the item relating to section 52 the following:

“53. Office of the Coast Guard Reserve; Director.”.

1 **Subtitle C—Military Education and**
2 **Training**

3 **SEC. 531. AUTHORITY TO EXCEED TEMPORARILY A**
4 **STRENGTH LIMITATION FOR THE SERVICE**
5 **ACADEMIES.**

6 Section 511(a) of the National Defense Authorization
7 Act for Fiscal Years 1992 and 1993 (Public Law 102–
8 190; 105 Stat. 1359; 10 U.S.C. 4342 note) is amended—

9 (1) by inserting “(1)” after “(a) REDUCTION IN
10 AUTHORIZED STRENGTHS.—”; and

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

12 “(2) The Secretary of the military department con-
13 cerned may authorize the strength for an academy for any
14 class year to exceed the strength limitation set forth in
15 paragraph (1) by not more than 5 percent. Before grant-
16 ing that authority, the Secretary shall submit to the Com-
17 mittees on Armed Services of the Senate and House of
18 Representatives a written notification of the determination
19 to authorize the excessive strength for that year. The noti-
20 fication shall include a discussion of the justification for
21 exceeding the strength limitation and the actions that the
22 Secretary plans to take to reduce the strength to a level
23 within the strength limitation.”.

1 **SEC. 532. REPEAL OF LIMITATION ON AMOUNT OF REIM-**
 2 **BURSEMENT AUTHORIZED TO BE WAIVED**
 3 **FOR FOREIGN STUDENTS AT THE SERVICE**
 4 **ACADEMIES.**

5 (a) REPEAL.—Sections 4344(b)(3), 6957(b)(3), and
 6 9344(b)(3) of title 10, United States Code, are repealed.

7 (b) EFFECTIVE DATE.—The amendments made by
 8 subsection (a) shall take effect on the date of the enact-
 9 ment of this Act and shall apply with respect to the aca-
 10 demic year that includes that date and academic years
 11 that begin after that date.

12 **SEC. 533. EXPANSION OF FOREIGN EXCHANGE PROGRAMS**
 13 **OF THE SERVICE ACADEMIES.**

14 (a) UNITED STATES MILITARY ACADEMY.—Section
 15 4345 of title 10, United States Code, is amended—

16 (1) in subsection (b), by striking “10 cadets”
 17 and inserting “24 cadets”; and

18 (2) in subsection (c)(3), by striking “\$50,000”
 19 and inserting “\$120,000”.

20 (b) UNITED STATES NAVAL ACADEMY.—Section
 21 6957a of such title is amended—

22 (1) in subsection (b), by striking “10 mid-
 23 shipmen” and inserting “24 midshipmen”; and

24 (2) in subsection (c)(3), by striking “\$50,000”
 25 and inserting “\$120,000”.

1 (c) UNITED STATES AIR FORCE ACADEMY.—Section
2 9345 of such title is amended—

3 (1) in subsection (b), by striking “10 Air Force
4 cadets” and inserting “24 Air Force cadets”; and

5 (2) in subsection (c)(3), by striking “\$50,000”
6 and inserting “\$120,000”.

7 **SEC. 534. PERMANENT AUTHORITY FOR ROTC SCHOLAR-**
8 **SHIPS FOR GRADUATE STUDENTS.**

9 Section 2107(c)(2) of title 10, United States Code,
10 is amended to read as follows:

11 “(2) The Secretary of the military department con-
12 cerned may provide financial assistance, as described in
13 paragraph (1), to a student enrolled in an advanced edu-
14 cation program beyond the baccalaureate degree level if
15 the student also is a cadet or midshipman in an advanced
16 training program. Not more than 15 percent of the total
17 number of scholarships awarded under this section in any
18 year may be awarded under this paragraph.”.

19 **SEC. 535. AUTHORITY FOR AWARD OF MASTER OF STRA-**
20 **TEGIC STUDIES DEGREE BY THE UNITED**
21 **STATES ARMY WAR COLLEGE.**

22 (a) AUTHORITY FOR DEGREE.—Chapter 401 of title
23 10, United States Code, is amended by adding at the end
24 the following:

1 **“§ 4321. United States Army War College: master of**
 2 **strategic studies degree**

3 “Under regulations prescribed by the Secretary of the
 4 Army, the Commandant of the United States Army War
 5 College, upon the recommendation of the faculty and Dean
 6 of the College, may confer the degree of master of stra-
 7 tegic studies upon graduates of the college who have ful-
 8 filled the requirements for the degree.”.

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

“4321. United States Army War College: master of strategic studies degree.”.

12 **SEC. 536. MINIMUM EDUCATIONAL REQUIREMENTS FOR**
 13 **FACULTY OF THE COMMUNITY COLLEGE OF**
 14 **THE AIR FORCE.**

15 Section 9315 of title 10, United States Code, is
 16 amended by adding at the end the following new sub-
 17 section:

18 “(d) EDUCATIONAL QUALIFICATIONS OF FAC-
 19 ULTY.—Notwithstanding section 3308 of title 5 or any
 20 other provision of law, the commander of the Air Edu-
 21 cation and Training Command may prescribe the min-
 22 imum educational qualifications required for the profes-
 23 sors and instructors of the college. The required qualifica-
 24 tions shall equal or exceed the qualifications necessary to
 25 satisfy accreditation standards applicable to the college.”.

1 **SEC. 537. CONFERRAL OF GRADUATE-LEVEL DEGREES BY**
 2 **AIR UNIVERSITY.**

3 (a) AUTHORITY.—Section 9317(a) of title 10, United
 4 States Code, is amended to read as follows:

5 “(a) AUTHORITY.—Upon the recommendation of the
 6 faculty of a school of the Air University, the Commander
 7 of the Air University may confer a degree upon graduates
 8 of that school who fulfill the requirements for the degree,
 9 as follows:

10 “(1) The degree of master of strategic studies,
 11 for the Air War College.

12 “(2) The degree of master of military oper-
 13 ational art and science, for the Air Command and
 14 Staff College.

15 “(3) The degree of master of airpower art and
 16 science, for the School of Advanced Airpower Stud-
 17 ies.”.

18 (b) CLERICAL AMENDMENTS.—(1) The heading of
 19 that section is amended to read as follows:

20 **“§ 9317. Air University: graduate-level degrees”.**

21 (2) The item relating to such section in the table of
 22 sections at the beginning of chapter 901 of title 10, United
 23 States Code, is amended to read as follows:

“9317. Air University: graduate-level degrees.”.

1 **SEC. 538. PAYMENT OF TUITION FOR EDUCATION AND**
2 **TRAINING OF MEMBERS IN THE DEFENSE AC-**
3 **QUISITION WORKFORCE.**

4 Section 1745(a) of title 10, United States Code, is
5 amended to read as follows:

6 “(a) TUITION REIMBURSEMENT AND TRAINING.—(1)
7 The Secretary of Defense shall provide for tuition reim-
8 bursement and training (including a full-time course of
9 study leading to a degree) for acquisition personnel in the
10 Department of Defense.

11 “(2) For civilian personnel, the reimbursement and
12 training shall be provided under section 4107(b) of title
13 5 for the purposes described in that section. For purposes
14 of such section 4107(b), there is deemed to be, until Sep-
15 tember 30, 2001, a shortage of qualified personnel to serve
16 in acquisition positions in the Department of Defense.

17 “(3) In the case of members of the armed forces, the
18 limitation in section 2007(a) of this title shall not apply
19 to tuition reimbursement and training provided for under
20 this subsection.”.

1 **SEC. 539. FINANCIAL ASSISTANCE PROGRAM FOR PURSUIT**
 2 **OF DEGREES BY OFFICER CANDIDATES IN**
 3 **MARINE CORPS PLATOON LEADERS CLASS**
 4 **PROGRAM.**

5 (a) IN GENERAL.—(1) Part IV of subtitle E of title
 6 10, United States Code, is amended by adding at the end
 7 the following:

8 **“CHAPTER 1610—OTHER EDUCATIONAL**
 9 **ASSISTANCE PROGRAMS**

“Sec.

“16401. Marine Corps Platoon Leaders Class Program: officer candidates pursuing degrees.

10 **“§ 16401. Marine Corps Platoon Leader’s Class Pro-**
 11 **gram: officer candidates pursuing de-**
 12 **grees**

13 “(a) AUTHORITY.—The Secretary of the Navy may
 14 provide financial assistance to an eligible enlisted member
 15 of the Marine Corps Reserve for expenses of the member
 16 while the member is pursuing on a full-time basis at an
 17 institution of higher education a program of education ap-
 18 proved by the Secretary that leads to—

19 “(1) a baccalaureate degree in less than five
 20 academic years; or

21 “(2) a doctor of jurisprudence or bachelor of
 22 laws degree in not more than three academic years.

1 “(b) ELIGIBILITY.—(1) To be eligible for receipt of
2 financial assistance under this section, an enlisted member
3 of the Marine Corps Reserve shall—

4 “(A) be an officer candidate in the Marine
5 Corps Platoon Leaders Class Program and have suc-
6 cessfully completed one six-week (or longer) incre-
7 ment of military training required under the pro-
8 gram;

9 “(B) satisfy the applicable age requirement of
10 paragraph (2);

11 “(C) be enrolled on a full-time basis in a pro-
12 gram of education referred to in subsection (a) at
13 any institution of higher education;

14 “(D) enter into a written agreement with the
15 Secretary—

16 “(i) to accept an appointment as a com-
17 missioned officer in the Marine Corps, if ten-
18 dered by the President;

19 “(ii) to serve on active duty for at least
20 five years; and

21 “(iii) under such terms and conditions as
22 shall be prescribed by the Secretary, to serve in
23 the Marine Corps Reserve until the eighth anni-
24 versary of the date of the appointment.

1 “(2)(A) To meet the age requirements of this para-
2 graph, a member pursuing a baccalaureate degree may not
3 be over 26 years of age on June 30 of the calendar year
4 in which the member is projected to be eligible for appoint-
5 ment as a commissioned officer in the Marine Corps
6 through the Marine Corps Platoon Leaders Class Pro-
7 gram, except that any such member who has served on
8 active duty in the armed forces may, on such date, be any
9 age under 30 years that exceeds 26 years by a number
10 of months that is not more than the number of months
11 that the member served on active duty.

12 “(B) To meet the age requirements of this para-
13 graph, a member pursuing a doctor of jurisprudence or
14 bachelor of laws degree may not be over 30 years of age
15 on June 30 of the calendar year in which the member is
16 projected to be eligible for appointment as a commissioned
17 officer in the Marine Corps through the Marine Corps Pla-
18 toon Leaders Class Program, except that any such mem-
19 ber who has served on active duty in the armed forces
20 may, on such date, be any age under 35 years that exceeds
21 30 years by a number of months that is not more than
22 the number of months that the member served on active
23 duty.

24 “(c) COVERED EXPENSES.—Expenses for which fi-
25 nancial assistance may be provided under this section are

1 tuition and fees charged by the institution of higher edu-
2 cation involved, the cost of books, and, in the case of a
3 program of education leading to a baccalaureate degree,
4 laboratory expenses.

5 “(d) AMOUNT.—The amount of financial assistance
6 provided to a member under this section shall be pre-
7 scribed by the Secretary, but may not exceed \$5,200 for
8 any academic year.

9 “(e) LIMITATIONS.—(1) Financial assistance may be
10 provided to a member under this section only for three
11 consecutive academic years.

12 “(2) Not more than 1,200 members may participate
13 in the financial assistance program under this section in
14 any academic year.

15 “(f) FAILURE TO COMPLETE PROGRAM.—A member
16 in receipt of financial assistance under this section may
17 be ordered to active duty in the Marine Corps by the Sec-
18 retary to serve in an appropriate enlisted grade for such
19 period as the Secretary prescribes, but not for more than
20 four years, if the member—

21 “(1) completes the military and academic re-
22 quirements of the Marine Corps Platoon Leaders
23 Class Program and refuses to accept a commission
24 when offered;

1 “(2) fails to complete the military or academic
2 requirements of the Marine Corps Platoon Leaders
3 Class Program; or

4 “(3) is disenrolled from the Marine Corps Pla-
5 toon Leaders Class Program for failure to maintain
6 eligibility for an original appointment as a commis-
7 sioned officer under section 532 of this title.

8 “(g) INSTITUTION OF HIGHER EDUCATION DE-
9 FINED.—In this section, the term ‘institution of higher
10 education’ has the meaning given that term in section 101
11 of the Higher Education Act of 1965 (20 U.S.C. 1001).”.

12 (2) The tables of chapters at the beginning of subtitle
13 E of such title and at the beginning of part IV of such
14 subtitle are amended by adding at the end the following:

“1610. Other Educational Assistance Programs16401”.

15 (b) CONFORMING AMENDMENT.—Section 3695(a)(5)
16 of title 38, United States Code, is amended by striking
17 “Chapters 106 and 107” and inserting “Chapters 107,
18 1606, and 1610”.

19 (c) COMPUTATION OF CREDITABLE SERVICE.—Sec-
20 tion 205 of title 37, United States Code, is amended by
21 adding at the end the following:

22 “(f) Notwithstanding subsection (a), the years of
23 service of a commissioned officer appointed under section
24 12209 of title 10 after receiving financial assistance under
25 section 16401 of such title may not include a period of

1 service after the date of the establishment of the program
2 of financial assistance by the Secretary that the officer
3 performed concurrently as a member of the Marine Corps
4 Platoon Leaders Class Program and the Marine Corps Re-
5 serve, except for any period of service that the officer per-
6 formed (concurrently with the period of service as a mem-
7 ber of the Marine Corps Platoon Leaders Class Program)
8 as an enlisted member on active duty or as a member of
9 the Selected Reserve.”.

10 (d) TRANSITION PROVISION.—(1) An enlisted mem-
11 ber of the Marine Corps Reserve selected for training as
12 an officer candidate under section 12209 of title 10,
13 United States Code, before implementation of a financial
14 assistance program under section 12216 of such title (as
15 added by subsection (a)) may, upon application, partici-
16 pate in the financial assistance program established under
17 section 12216 of such title (as added by subsection (a))
18 if the member—

19 (A) is eligible for financial assistance under
20 such section 12216;

21 (B) submits a request for the financial assist-
22 ance to the Secretary of the Navy not later than 180
23 days after the date on which the Secretary estab-
24 lishes the financial assistance program; and

1 (C) enters in a written agreement described in
 2 subsection (b)(4) of such section 12216.

3 (2) Section 205(f) of title 37, United States Code,
 4 as added by subsection (c), applies to a member referred
 5 to in paragraph (1).

6 **Subtitle D—Decorations, Awards,** 7 **and Commendations**

8 **SEC. 551. WAIVER OF TIME LIMITATIONS FOR AWARD OF** 9 **CERTAIN DECORATIONS TO CERTAIN PER-** 10 **SON.**

11 (a) WAIVER.—Any limitation established by law or
 12 policy for the time within which a recommendation for the
 13 award of a military decoration or award must be sub-
 14 mitted shall not apply to award of the decoration as de-
 15 scribed in subsection (b), the award of such decoration
 16 having been determined by the Secretary of Transpor-
 17 tation to be warranted in accordance with section 1130
 18 of title 10, United States Code.

19 (b) COAST GUARD COMMENDATION MEDAL.—Sub-
 20 section (a) applies to the award of the Coast Guard Com-
 21 mendation Medal to Mark H. Freeman, of Seattle, Wash-
 22 ington for heroic achievement performed in a manner
 23 above that normally to be expected during rescue oper-
 24 ations for the S.S. Seagate, in September 1956, while

1 serving as a member of the Coast Guard at Gray Harbor
2 Lifeboat Station, Westport, Washington.

3 **Subtitle E—Amendments to**
4 **Uniform Code of Military Justice**

5 **SEC. 561. INCREASE IN SENTENCING JURISDICTION OF**
6 **SPECIAL COURTS-MARTIAL AUTHORIZED TO**
7 **ADJUDGE A BAD CONDUCT DISCHARGE.**

8 (a) INCREASE IN JURISDICTION.—Section 819 of
9 title 10, United States Code (article 19 of the Uniform
10 Code of Military Justice), is amended—

11 (1) in the second sentence, by striking “six
12 months” both places it appears and inserting “one
13 year”; and

14 (2) in the third sentence, by inserting after “A
15 bad conduct discharge” the following: “, confinement
16 for more than six months, or forfeiture of pay for
17 more than six months”.

18 (b) EFFECTIVE DATE.—The amendments made by
19 subsection (a) shall take effect on the first day of the sixth
20 month following the month in which this Act is enacted,
21 and shall apply with respect to charges referred to trial
22 by special courts-martial on or after that effective date.

1 **SEC. 562. REDUCED MINIMUM BLOOD AND BREATH ALCO-**
 2 **HOL LEVELS FOR OFFENSE OF DRUNKEN OP-**
 3 **ERATION OR CONTROL OF A VEHICLE, AIR-**
 4 **CRAFT, OR VESSEL.**

5 (a) STANDARD.—Section 911(2) of title 10, United
 6 States Code (article 111(2) of the Uniform Code of Mili-
 7 tary Justice), is amended by striking “0.10 grams” both
 8 places it appears and inserting “0.08 grams”.

9 (b) EFFECTIVE DATE.—The amendment made by
 10 subsection (a) shall take effect on the date of enactment
 11 of this Act and shall apply with respect to acts committed
 12 on or after that date.

13 **Subtitle F—Other Matters**

14 **SEC. 571. FUNERAL HONORS DETAILS AT FUNERALS OF**
 15 **VETERANS.**

16 (a) RESPONSIBILITY OF SECRETARY OF DEFENSE.—
 17 Subsection (a) of section 1491 of title 10, United States
 18 Code, is amended to read as follows:

19 “(a) RESPONSIBILITY.—The Secretary of Defense
 20 shall ensure that, upon request, a funeral honors detail
 21 is provided for the funeral of any veteran that occurs after
 22 December 31, 1999.”.

23 (b) ELIGIBILITY FOR HONORS.—Subsection (f) of
 24 such section is amended to read as follows:

25 “(h) VETERAN DEFINED.—In this section, the term
 26 ‘veteran’ means the following:

1 “(1) A decedent who was a veteran, as defined
2 in section 101(2) of title 38.

3 “(2) A decedent who, by reason of having been
4 a member of the Selected Reserve, is eligible for a
5 flag to drape the casket under section 2301(f) of
6 title 38.”.

7 (c) COMPOSITION OF FUNERAL HONORS DETAILS.—

8 (1) Subsection (b) of such section is amended—

9 (A) by striking “HONOR GUARD DETAILS.—”
10 and inserting “FUNERAL HONORS DETAILS.—(1)” ;

11 (B) by striking “honor guard detail” and in-
12 serting “funeral honors detail”; and

13 (C) by striking “not less than three persons”
14 and all that follows and inserting the following: “two
15 or more persons.”.

16 (2) Subsection (c) of such section is amended—

17 (A) by striking “(c) PERSONS FORMING HONOR
18 GUARDS.—An honor guard detail” and inserting
19 “(2) At least two members of the funeral honors de-
20 tail for the veteran’s funeral shall be members of the
21 armed forces. At least one of those members shall be
22 a member of the armed force of which the veteran
23 was a member. The remainder of the detail”; and

24 (B) by striking the second sentence and insert-
25 ing the following: “Each member of the armed

1 forces in the detail shall wear the appropriate uni-
2 form of the member's armed force while serving in
3 the detail.”.

4 (d) CEREMONY, SUPPORT, AND WAIVER.—Such sec-
5 tion is further amended—

6 (1) by redesignating subsections (d) and (e) as
7 subsections (f) and (g), respectively; and

8 (2) by inserting after subsection (b) the fol-
9 lowing:

10 “(c) CEREMONY.—A funeral honors detail shall, at
11 a minimum, perform at the funeral a ceremony that in-
12 cludes the folding and presentation of the flag of the
13 United States to the veteran's family and the playing of
14 Taps. Unless a bugler is a member of the detail, the detail
15 shall play a recorded version of Taps using audio equip-
16 ment which the detail shall provide if adequate audio
17 equipment is not otherwise available for use at the funeral.

18 “(d) SUPPORT.—To provide a funeral honors detail
19 under this section, the Secretary of a military department
20 may provide the following:

21 “(1) Transportation, or reimbursement for
22 transportation, and expenses for a person who par-
23 ticipates in the funeral honors detail under this sec-
24 tion and is not a member of the armed forces or an
25 employee of the United States.

1 “(2) Materiel, equipment, and training for
2 members of a veterans organization or other organi-
3 zation referred to in subsection (b)(2).

4 “(e) WAIVER AUTHORITY.—(1) The Secretary of De-
5 fense may waive any requirement provided in or pursuant
6 to this section when the Secretary considers it necessary
7 to do so to meet the requirements of war, national emer-
8 gency, or a contingency operation, or other military re-
9 quirements.

10 “(2) Before or promptly after granting a waiver
11 under paragraph (1), the Secretary shall transmit a notifi-
12 cation of the waiver to the Committees on Armed Services
13 of the Senate and House of Representatives.”.

14 (e) REGULATIONS.—The text of subsection (f) of
15 such section, as redesignated by subsection (d)(1), is
16 amended to read as follows:

17 “The Secretary of Defense shall prescribe regulations
18 to carry out this section. The regulations shall include the
19 following:

20 “(1) A system for selection of units of the
21 armed forces and other organizations to provide fu-
22 neral honors details.

23 “(2) Procedures for responding and coordi-
24 nating responses to requests for funeral honors de-
25 tails.

1 “(3) Procedures for establishing standards and
2 protocol.

3 “(4) Procedures for providing training and en-
4 suring quality of performance.”.

5 (f) ACCEPTANCE OF VOLUNTARY SERVICES.—Sec-
6 tion 1588(a) of title 10, United States Code, is amended
7 by adding at the end the following:

8 “(4) Voluntary services as a member of a fu-
9 neral honors detail under section 1491 of this title.”.

10 (g) DUTY STATUS OF RESERVES IN FUNERAL HON-
11 ORS DETAILS.—(1) Chapter 1 of title 32, United States
12 Code, is amended—

13 (A) in section 114—

14 (i) by striking “honor guard functions”
15 both places that it appears and inserting “fu-
16 neral honors functions”; and

17 (ii) by striking “drill or training otherwise
18 required” and inserting “drill or training, but
19 may be performed as funeral honors duty under
20 section 115 of this title”; and

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

22 **“§ 115. Funeral honors duty performed as a Federal**
23 **function**

24 “(a) ORDER TO DUTY.—A member of the Army Na-
25 tional Guard of the United States or the Air National

1 Guard of the United States may be ordered to funeral
2 honors duty, with the consent of the member, to prepare
3 for or perform funeral honors functions at the funeral of
4 a veteran under section 1491 of title 10. However, a mem-
5 ber of the Army National Guard of the United States or
6 the Air National Guard of the United States may not be
7 ordered to perform funeral honors functions under this
8 section without the consent of the Governor or other ap-
9 propriate authority of the State concerned.

10 “(b) SERVICE CREDIT.—A member ordered to fu-
11 neral honors duty under this section shall be required to
12 perform a minimum of two hours of such duty in order
13 to receive—

14 “(1) service credit under section
15 12732(a)(2)(E) of title 10; and

16 “(2) if authorized by the Secretary concerned,
17 the allowance under section 435 of title 37.

18 “(c) REIMBURSABLE EXPENSES.—A member who
19 performs funeral honors duty under this section may be
20 paid reimbursement for travel and transportation expenses
21 incurred in conjunction with such duty as authorized
22 under chapter 7 of title 37 if such duty is performed at
23 a location 100 miles or more from the member’s residence.

1 “(d) REGULATIONS.—The exercise of authority under
 2 subsection (a) is subject to regulations prescribed by the
 3 Secretary of Defense.”.

4 (2) Chapter 1213 of title 10, United States Code, is
 5 amended by adding at the end the following:

6 **“§ 12503. Ready Reserve: funeral honors duty**

7 “(a) ORDER TO DUTY.—A member of the Ready Re-
 8 serve may be ordered to funeral honors duty, with the con-
 9 sent of the member, in preparation for or to perform fu-
 10 neral honors functions at the funeral of a veteran as de-
 11 fined in section 1491 of this title.

12 “(b) SERVICE CREDIT.—A member ordered to fu-
 13 neral honors duty under this section shall be required to
 14 perform a minimum of two hours of such duty in order
 15 to receive—

16 “(1) service credit under section
 17 12732(a)(2)(E) of this title; and

18 “(2) if authorized by the Secretary concerned,
 19 the allowance under section 435 of title 37.

20 “(c) REIMBURSABLE EXPENSES.—A member who
 21 performs funeral honors duty under this section may be
 22 paid reimbursement for travel and transportation expenses
 23 incurred in conjunction with such duty as authorized
 24 under chapter 7 of title 37 if such duty is performed at
 25 a location 100 miles or more from the member’s residence.

1 “(d) REGULATIONS.—The exercise of authority under
2 subsection (a) is subject to regulations prescribed by the
3 Secretary of Defense.

4 “(e) MEMBERS OF THE NATIONAL GUARD.—This
5 section does not apply to members of the Army National
6 Guard of the United States or the Air National Guard
7 of the United States. The performance of funeral honors
8 duty by such members is provided for in section 115 of
9 title 32.”.

10 (3) Section 12552 of title 10, United States Code,
11 is amended—

12 (A) by striking “honor guard functions” and in-
13 serting “funeral honors functions”; and

14 (B) by striking “drill or training otherwise re-
15 quired” and inserting “drill or training, but may be
16 performed as funeral honors duty under section
17 12503 of this title”.

18 (h) CREDITING OF ONE POINT FOR RESERVE SERV-
19 ING ON DETAIL.—Section 12732(a)(2) of such title is
20 amended—

21 (1) by inserting after subparagraph (D) the fol-
22 lowing:

23 “(E) One point for each day on which fu-
24 neral honors duty is performed for at least two
25 hours under section 12503 of this title or sec-

1 tion 115 of title 32, unless the duty is per-
 2 formed while in a status for which credit is pro-
 3 vided under another subparagraph of this para-
 4 graph.”; and

5 (2) by striking “, and (D)” in the second sen-
 6 tence and inserting “, (D), and (E)”.

7 (i) BENEFITS FOR MEMBERS IN FUNERAL HONORS
 8 DUTY STATUS.—(1) Section 1074a(a) of such title is
 9 amended—

10 (A) in each of paragraphs (1) and (2)—

11 (i) by striking “or” at the end of subpara-
 12 graph (A);

13 (ii) by striking the period at the end of
 14 subparagraph (B) and inserting “; or”; and

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

16 “(C) service on funeral honors duty under
 17 section 12503 of this title or section 115 of title
 18 32.”; and

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

20 “(4) Each member of the armed forces who in-
 21 curs or aggravates an injury, illness, or disease in
 22 the line of duty while remaining overnight imme-
 23 diately before serving on funeral honors duty under
 24 section 12503 of this title or section 115 of title 32
 25 at or in the vicinity of the place at which the mem-

1 ber was to so serve, if the place is outside reasonable
2 commuting distance from the member’s residence.”.

3 (2) Section 1076(a)(2) of such title is amended by
4 adding at the end the following:

5 “(E) A member who died from an injury, ill-
6 ness, or disease incurred or aggravated while the
7 member—

8 “(i) was serving on funeral honors duty
9 under section 12503 of this title or section 115
10 of title 32;

11 “(ii) was traveling to or from the place at
12 which the member was to so serve; or

13 “(iii) remained overnight at or in the vicin-
14 ity of that place immediately before so serving,
15 if the place is outside reasonable commuting
16 distance from the member’s residence.”.

17 (3) Section 1204(2) of such title is amended—

18 (A) by striking “or” at the end of subpara-
19 graph (A);

20 (B) by inserting “or” after the semicolon at the
21 end of subparagraph (B); and

22 (C) by adding at the end the following:

23 “(C) is a result of an injury, illness, or dis-
24 ease incurred or aggravated in line of duty—

1 “(i) while the member was serving on
 2 funeral honors duty under section 12503
 3 of this title or section 115 of title 32;

4 “(ii) while the member was traveling
 5 to or from the place at which the member
 6 was to so serve; or

7 “(iii) while the member remained
 8 overnight at or in the vicinity of that place
 9 immediately before so serving, if the place
 10 is outside reasonable commuting distance
 11 from the member’s residence;”.

12 (4) Section 1206(2) is amended to read as follows:

13 “(2) the disability is a result of an injury, ill-
 14 ness, or disease incurred or aggravated in line of
 15 duty—

16 “(A) while—

17 “(i) performing active duty or inac-
 18 tive-duty training;

19 “(ii) traveling directly to or from the
 20 place at which such duty is performed; or

21 “(iii) remaining overnight immediately
 22 before the commencement of inactive-duty
 23 training, or while remaining overnight be-
 24 tween successive periods of inactive-duty
 25 training, at or in the vicinity of the site of

1 the inactive-duty training, if the site is out-
 2 side reasonable commuting distance of the
 3 member's residence; or

4 “(B) while the member—

5 “(i) was serving on funeral honors
 6 duty under section 12503 of this title or
 7 section 115 of title 32;

8 “(ii) was traveling to or from the
 9 place at which the member was to so serve;
 10 or

11 “(iii) remained overnight at or in the
 12 vicinity of that place immediately before so
 13 serving, if the place is outside reasonable
 14 commuting distance from the member's
 15 residence;”.

16 (5) Section 1481(a)(2) of such title is amended—

17 (A) by striking “or” at the end of subpara-
 18 graph (D);

19 (B) by striking the period at the end of sub-
 20 paragraph (E) and inserting “; or”; and

21 (C) by adding at the end the following:

22 “(F) either—

23 “(i) serving on funeral honors duty
 24 under section 12503 of this title or section
 25 115 of title 32;

1 “(ii) traveling directly to or from the
2 place at which to so serve; or

3 “(iii) remaining overnight at or in the
4 vicinity of that place before so serving, if
5 the place is outside reasonable commuting
6 distance from the member’s residence.”.

7 (j) FUNERAL HONORS DUTY ALLOWANCE.—Chapter
8 4 of title 37, United States Code, is amended by adding
9 at the end the following:

10 **“§ 435. Allowance for funeral honors duty**

11 “(a) AUTHORITY.—The Secretary concerned may au-
12 thorize payment of an allowance to a member of the Ready
13 Reserve for each day on which the member performs at
14 least two hours of funeral honors duty pursuant to section
15 12503 of title 10 or section 115 of title 32.

16 “(b) AMOUNT.—The daily rate of an allowance paid
17 under this section is \$50.

18 “(c) FULL COMPENSATION.—Except for expenses re-
19 imbursed under subsection (c) of section 12503 of title
20 10 or subsection (c) of section 115 of title 32, the allow-
21 ance paid under this section is the only monetary com-
22 pensation authorized to be paid a member for the perform-
23 ance of funeral honors duty pursuant to such section, re-
24 gardless of the grade in which serving, and shall constitute
25 payment in full to the member.”.

1 (k) CLERICAL AMENDMENTS.—(1)(A) The heading
 2 for section 1491 of title 10, United States Code, is amend-
 3 ed to read as follows:

4 **“§ 1491. Funeral honors functions at funerals for vet-**
 5 **erans”.**

6 (B) The heading for section 12552 of title 10, United
 7 States Code, is amended to read as follows:

8 **“§ 12552. Funeral honors functions at funerals for**
 9 **veterans”.**

10 (2)(A) The item relating to section 1491 in the table
 11 of sections at the beginning of chapter 75 of title 10,
 12 United States Code, is amended to read as follows:

“1491. Funeral honors functions at funerals for veterans.”.

13 (B) The table of sections at the beginning of chapter
 14 1213 of title 10, United States Code, is amended by add-
 15 ing at the end the following:

“12503. Ready Reserve: funeral honors duty.”.

16 (C) The item relating to section 12552 table of sec-
 17 tions at the beginning of chapter 1215 of title 10, United
 18 States Code, is amended to read as follows:

“12552. Funeral honors functions at funerals for veterans.”.

19 (3)(A) The heading for section 114 of title 32, United
 20 States Code, is amended to read as follows:

1 **“§ 114. Funeral honors functions at funerals for vet-**
 2 **erans”.**

3 (B) The table of sections at the beginning of chapter
 4 1 of title 32, United States Code, is amended by striking
 5 the item relating to section 114 and inserting the fol-
 6 lowing:

“114. Funeral honors functions at funerals for veterans.

“115. Funeral honors duty performed as a Federal function.”.

7 (4) The table of sections at the beginning of chapter
 8 4 of title 37, United States Code, is amended by adding
 9 at the end the following:

“435. Allowance for funeral honors duty.”.

10 **SEC. 572. INCREASED AUTHORITY TO EXTEND DELAYED**
 11 **ENTRY PERIOD FOR ENLISTMENTS OF PER-**
 12 **SONS WITH NO PRIOR MILITARY SERVICE.**

13 (a) MAXIMUM PERIOD OF EXTENSION.—Section
 14 513(b)(1) of title 10, United States Code, is amended by
 15 striking “180 days” in the second sentence and inserting
 16 “365 days”.

17 (b) EFFECTIVE DATE.—The amendment made by
 18 subsection (a) shall take effect on October 1, 1999, and
 19 shall apply with respect to enlistments entered into on or
 20 after that date.

21 **SEC. 573. ARMY COLLEGE FIRST PILOT PROGRAM.**

22 (a) PROGRAM REQUIRED.—The Secretary of the
 23 Army shall establish a pilot program to assess whether

1 the Army could increase the number of, and the level of
2 the qualifications of, persons accessed into the Army by
3 encouraging recruits to pursue higher education or voca-
4 tional or technical training before entry into active service
5 in the Army.

6 (b) DELAYED ENTRY WITH ALLOWANCE FOR HIGH-
7 ER EDUCATION.—Under the pilot program, the Secretary
8 may exercise the authority under section 513 of title 10,
9 United States Code—

10 (1) to accept the enlistment of a person as a
11 Reserve for service in the Selected Reserve or Indi-
12 vidual Ready Reserve of the Army Reserve or, not-
13 withstanding the scope of the authority under sub-
14 section (a) of that section, in the Army National
15 Guard of the United States;

16 (2) to authorize, notwithstanding the period
17 limitation in subsection (b) of such section, a delay
18 of the enlistment of that person in a regular compo-
19 nent under that subsection for the period during
20 which the person is enrolled in and pursuing a pro-
21 gram of education at an institution of higher edu-
22 cation, or a program of vocational or technical train-
23 ing, on a full-time basis that is to be completed with-
24 in two years after the date of the enlistment as a
25 Reserve; and

1 (3) in the case of a person enlisted in a reserve
2 component for service in the Individual Ready Re-
3 serve, pay an allowance to the person for each
4 month of that period.

5 (c) MAXIMUM PERIOD OF DELAY.—The period of
6 delay authorized a person under paragraph (2) of sub-
7 section (b) may not exceed the two-year period beginning
8 on the date of the person's enlistment accepted under
9 paragraph (1) of such subsection.

10 (d) AMOUNT OF ALLOWANCE.—(1) The monthly al-
11 lowance paid under subsection (b)(3) is \$150. The allow-
12 ance may not be paid for more than 24 months.

13 (2) An allowance under this section is in addition to
14 any other pay and allowances to which a member of a re-
15 serve component is entitled by reason of participation in
16 the Ready Reserve of that component.

17 (e) COMPARISON GROUP.—To perform the assess-
18 ment under subsection (a), the Secretary may define and
19 study any group not including persons receiving a benefit
20 under subsection (b) and compare that group with any
21 group or groups of persons who receive such benefits
22 under the pilot program.

23 (f) DURATION OF PILOT PROGRAM.—The pilot pro-
24 gram shall be in effect during the period beginning on Oc-
25 tober 1, 1999, and ending on September 30, 2004.

1 (g) REPORT.—Not later than February 1, 2004, the
2 Secretary shall submit to the Committees on Armed Serv-
3 ices of the Senate and the House of Representatives a re-
4 port on the pilot program. The report shall include the
5 following:

6 (1) The assessment of the Secretary regarding
7 the value of the authority under this section for
8 achieving the objectives of increasing the number of,
9 and the level of the qualifications of, persons
10 accessed into the Army.

11 (2) Any recommendation for legislation or other
12 actions that the Secretary considers appropriate to
13 achieve such objectives through grants of entry
14 delays and financial benefits for advanced education
15 and training of recruits.

16 **SEC. 574. REDUCTION IN REQUIRED FREQUENCY OF RE-**
17 **PORTING ON THE SELECTED RESERVE EDU-**
18 **CATIONAL ASSISTANCE PROGRAM UNDER**
19 **THE MONTGOMERY GI BILL.**

20 The text of section 16137 of title 10, United States
21 Code, is amended to read as follows:

22 “The Secretary of Defense shall submit to Congress
23 a report not later than March 1 of every other year con-
24 cerning the operation of the educational assistance pro-
25 gram established by this chapter. The report shall cover

1 the two fiscal years preceding the fiscal year in which the
 2 report is submitted and shall include the number of mem-
 3 bers of the Selected Reserve of the Ready Reserve of each
 4 armed force receiving, and the number entitled to receive,
 5 educational assistance under this chapter during the pe-
 6 riod covered by the report. The Secretary may submit the
 7 report more frequently and adjust the period covered by
 8 the report accordingly.”.

9 **SEC. 575. PARTICIPATION OF MEMBERS IN MANAGEMENT**
 10 **OF ORGANIZATIONS ABROAD THAT PROMOTE**
 11 **INTERNATIONAL UNDERSTANDING.**

12 Section 1033(b)(3) of title 10, United States Code,
 13 is amended by inserting after subparagraph (D) the fol-
 14 lowing:

15 “(E) An entity that, operating in a foreign na-
 16 tion where United States personnel are serving at
 17 United States military activities, promotes under-
 18 standing and tolerance between the United States
 19 personnel (and their families) and the people of that
 20 host foreign nation through programs that foster so-
 21 cial relations between those persons.”.

1 **SEC. 576. FORENSIC PATHOLOGY INVESTIGATIONS BY**
 2 **ARMED FORCES MEDICAL EXAMINER.**

3 (a) INVESTIGATION AUTHORITY.—Chapter 75 of title
 4 10, United States Code, is amended by striking the head-
 5 ing for the chapter and inserting the following:

6 **“CHAPTER 75—DECEASED PERSONNEL**

| | |
|--------------------------------|------|
| “Subchapter | Sec. |
| “I. Death Investigations | 1471 |
| “II. Death Benefits | 1475 |

7 **“SUBCHAPTER I—DEATH INVESTIGATIONS**

“Sec.
 “1471. Forensic pathology investigations.

8 **“§ 1471. Forensic pathology investigations**

9 “(a) AUTHORITY.—Under regulations prescribed by
 10 the Secretary of Defense, the Armed Forces Medical Ex-
 11 aminer may conduct a forensic pathology investigation to
 12 determine the cause or manner of death of a deceased per-
 13 son under circumstances described in subsection (b). The
 14 investigation may include an autopsy of the decedent’s re-
 15 mains.

16 “(b) BASIS FOR INVESTIGATION.—A forensic pathol-
 17 ogy investigation of a death under this section is justified
 18 if—

19 “(1) either—

20 “(A) it appears that the decedent was
 21 killed or that, whatever the cause of the dece-
 22 dent’s death, the cause was unnatural;

1 “(B) the cause or manner of death is un-
2 known;

3 “(C) there is reasonable suspicion that the
4 death was by unlawful means;

5 “(D) it appears that the death resulted
6 from an infectious disease or from the effects of
7 a hazardous material that may have an adverse
8 effect on the military installation or community
9 involved; or

10 “(E) the identity of the decedent is un-
11 known; and

12 “(2) either—

13 “(A) the decedent—

14 “(i) was found dead or died at an in-
15 stallation garrisoned by units of the armed
16 forces that is under the exclusive jurisdic-
17 tion of the United States;

18 “(ii) was a member of the armed
19 forces on active duty or inactive duty for
20 training;

21 “(iii) was a former member recently
22 retired under chapter 61 of this title as a
23 result of an injury or illness incurred while
24 a member on active duty or inactive duty
25 for training; or

1 “(iv) was a civilian dependent of a
2 member of the armed forces and was found
3 dead or died outside the United States;

4 “(B) in any other authorized Department
5 of Defense investigation of matters which in-
6 volves the death, a factual determination of the
7 cause or manner of the death is necessary; or

8 “(C) in any other authorized investigation
9 being conducted by the Federal Bureau of In-
10 vestigation, the National Transportation Safety
11 Board, or any other Federal agency, an author-
12 ized official of such agency with authority to di-
13 rect a forensic pathology investigation requests
14 that the Armed Forces Medical Examiner con-
15 duct such an investigation.

16 “(c) DETERMINATION OF JUSTIFICATION.—(1) Sub-
17 ject to paragraph (2), the determination under paragraph
18 (1) of subsection (b) shall be made by the Armed Forces
19 Medical Examiner.

20 “(2) A commander may make the determination
21 under paragraph (1) of subsection (b) and require a foren-
22 sic pathology investigation under this section without re-
23 gard to a determination made by the Armed Forces Med-
24 ical Examiner if—

1 “(A) in a case involving circumstances de-
2 scribed in paragraph (2)(A)(i) of that subsection,
3 the commander is the commander of the installation
4 where the decedent was found dead or died; or

5 “(B) in a case involving circumstances de-
6 scribed in paragraph (2)(A)(ii) of that subsection,
7 the commander is the commander of the decedent’s
8 unit at a level in the chain of command designated
9 for such purpose in the regulations prescribed by the
10 Secretary of Defense.

11 “(d) LIMITATION IN CONCURRENT JURISDICTION
12 CASES.—(1) The exercise of authority under this section
13 is subject to the exercise of primary jurisdiction for the
14 investigation of a death—

15 “(A) in the case of a death in a State, by the
16 State or a local government of the State; or

17 “(B) in the case of a death in a foreign coun-
18 try, by that foreign country under any applicable
19 treaty, status of forces agreement, or other inter-
20 national agreement between the United States and
21 that foreign country.

22 “(2) Paragraph (1) does not limit the authority of
23 the Armed Forces Medical Examiner to conduct a forensic
24 pathology investigation of a death that is subject to the
25 exercise of primary jurisdiction by another sovereign if the

1 investigation by the other sovereign is concluded without
2 a forensic pathology investigation that the Armed Forces
3 Medical Examiner considers complete. For the purposes
4 of the preceding sentence a forensic pathology investiga-
5 tion is incomplete if the investigation does not include an
6 autopsy of the decedent.

7 “(e) PROCEDURES.—For a forensic pathology inves-
8 tigation under this section, the Armed Forces Medical Ex-
9 aminer shall—

10 “(1) designate one or more qualified patholo-
11 gists to conduct the investigation;

12 “(2) to the extent practicable and consistent
13 with responsibilities under this section, give due re-
14 gard to any applicable law protecting religious be-
15 liefs;

16 “(3) as soon as practicable, notify the dece-
17 dent’s family, if known, that the forensic pathology
18 investigation is being conducted;

19 “(4) as soon as practicable after the completion
20 of the investigation, authorize release of the dece-
21 dent’s remains to the family, if known; and

22 “(5) promptly report the results of the forensic
23 pathology investigation to the official responsible for
24 the overall investigation of the death.

1 “(f) DEFINITION OF STATE.—In this section, the
 2 term ‘State’ includes the District of Columbia, the Com-
 3 monwealth of Puerto Rico, and Guam.”.

4 (b) REPEAL OF AUTHORITY FOR EXISTING INQUEST
 5 PROCEDURES.—Sections 4711 and 9711 of title 10,
 6 United States Code, are repealed.

7 (c) TECHNICAL AND CLERICAL AMENDMENTS.—(1)
 8 Chapter 75 of such title, as amended by subsection (a),
 9 is further amended by inserting before section 1475 the
 10 following:

11 “SUBCHAPTER II—DEATH BENEFITS”.

12 (2) The item relating to chapter 75 in the tables of
 13 chapters at the beginning subtitle A of such title and at
 14 the beginning of part II of such subtitle is amended to
 15 read as follows

“75. Deceased Personnel 1471”.

16 (3) The table of sections at the beginning chapter 445
 17 of such title is amended by striking the item relating to
 18 section 4711.

19 (4) The table of sections at the beginning chapter 945
 20 of such title is amended by striking the item relating to
 21 section 9711.

1 **SEC. 577. NONDISCLOSURE OF INFORMATION ON MISSING**
2 **PERSONS RETURNED TO UNITED STATES**
3 **CONTROL.**

4 Section 1506 of title 10, United States Code, is
5 amended by adding at the end the following:

6 “(f) NONDISCLOSURE OF CERTAIN INFORMATION.—
7 A record of the content of a debriefing of a missing person
8 returned to United States control during the period begin-
9 ning July 8, 1959, and ending February 10, 1996, that
10 was conducted by an official of the United States author-
11 ized to conduct the debriefing is privileged information
12 and, notwithstanding sections 552 and 552a of title 5,
13 may not be disclosed, in whole or in part, under either
14 such section.”.

15 **SEC. 578. USE OF RECRUITING MATERIALS FOR PUBLIC**
16 **RELATIONS PURPOSES.**

17 (a) AUTHORITY.—Subchapter I of chapter 134 of
18 title 10, United States Code, is amended by adding at the
19 end the following:

20 **“§ 2249c. Use of recruiting materials for public rela-**
21 **tions**

22 “Advertising materials developed for use for recruit-
23 ment and retention of personnel for the armed forces may
24 be used for public relations purposes of the Department
25 of Defense under such conditions and subject to such re-
26 strictions as the Secretary of Defense shall prescribe.”.

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

“2249e. Use of recruiting materials for public relations.”.

4 **SEC. 579. IMPROVEMENT AND TRANSFER OF JURISDIC-**
 5 **TION OF TROOPS-TO-TEACHERS PROGRAM.**

6 (a) RECODIFICATION, IMPROVEMENT, AND TRANS-
 7 FER OF PROGRAM.—(1) Section 1151 of title 10, United
 8 States Code, is amended to read as follows:

9 **“§ 1151. Assistance to certain separated or retired**
 10 **members to obtain certification and em-**
 11 **ployment as teachers**

12 “(a) PROGRAM AUTHORIZED.—The administering
 13 Secretary may carry out a program—

14 “(1) to assist eligible members of the armed
 15 forces after their discharge or release, or retirement,
 16 from active duty to obtain certification or licensure
 17 as elementary or secondary school teachers or as vo-
 18 cational or technical teachers; and

19 “(2) to facilitate the employment of such mem-
 20 bers by local educational agencies identified under
 21 subsection (b)(1).

22 “(b) IDENTIFICATION OF LOCAL EDUCATIONAL
 23 AGENCIES AND STATES.—(1)(A) In carrying out the pro-
 24 gram, the administering Secretary shall periodically iden-
 25 tify local educational agencies that—

1 “(i) are receiving grants under title I of the El-
2 ementary and Secondary Education Act of 1965 (20
3 U.S.C. 6301 et seq.) as a result of having within
4 their jurisdictions concentrations of children from
5 low-income families; or

6 “(ii) are experiencing a shortage of qualified
7 teachers, in particular a shortage of science, mathe-
8 matics, special education, or vocational or technical
9 teachers.

10 “(B) The administering Secretary may identify local
11 educational agencies under subparagraph (A) through sur-
12 veys conducted for that purpose or by utilizing information
13 on local educational agencies that is available to the Sec-
14 retary of Education from other sources.

15 “(2) In carrying out the program, the administering
16 Secretary shall also conduct a survey of States to identify
17 those States that have alternative certification or licensure
18 requirements for teachers, including those States that
19 grant credit for service in the armed forces toward satis-
20 fying certification or licensure requirements for teachers.

21 “(c) ELIGIBLE MEMBERS.—(1) Subject to paragraph
22 (2), the following members shall be eligible for selection
23 to participate in the program:

24 “(A) Any member who—

1 “(i) during the period beginning on Octo-
 2 ber 1, 1990, and ending on September 30,
 3 1999, was involuntarily discharged or released
 4 from active duty for purposes of a reduction of
 5 force after six or more years of continuous ac-
 6 tive duty immediately before the discharge or
 7 release; and

8 “(ii) satisfies such other criteria for eligi-
 9 bility as the administering Secretary may pre-
 10 scribe.

11 “(B) Any member—

12 “(i) who, on or after October 1, 1999—

13 “(I) is retired for length of service
 14 with at least 20 years of active service
 15 computed under section 3925, 3926, 8925,
 16 or 8926 of this title or for purposes of
 17 chapter 571 of this title; or

18 “(II) is retired under section 1201 or
 19 1204 of this title;

20 “(ii) who—

21 “(I) in the case of a member applying
 22 for assistance for placement as an elemen-
 23 tary or secondary school teacher, has re-
 24 ceived a baccalaureate or advanced degree

1 from an accredited institution of higher
2 education; or

3 “(II) in the case of a member apply-
4 ing for assistance for placement as a voca-
5 tional or technical teacher—

6 “(aa) has received the equivalent
7 of one year of college from an accred-
8 ited institution of higher education
9 and has 10 or more years of military
10 experience in a vocational or technical
11 field; or

12 “(bb) otherwise meets the certifi-
13 cation or licensure requirements for a
14 vocational or technical teacher in the
15 State in which such member seeks as-
16 sistance for placement under the pro-
17 gram; and

18 “(iii) who satisfies any criteria prescribed
19 under subparagraph (A)(ii).

20 “(2) A member described in paragraph (1) shall be
21 eligible to participate in the program only if the member’s
22 last period of service in the armed forces was characterized
23 as honorable by the Secretary concerned.

24 “(d) INFORMATION REGARDING PROGRAM.—(1) The
25 administering Secretary shall provide information regard-

1 ing the program, and make applications for the program
 2 available, to members as part of preseparation counseling
 3 provided under section 1142 of this title.

4 “(2) The information provided to members shall—

5 “(A) indicate the local educational agencies
 6 identified under subsection (b)(1); and

7 “(B) identify those States surveyed under sub-
 8 section (b)(2) that have alternative certification or
 9 licensure requirements for teachers, including those
 10 States that grant credit for service in the armed
 11 forces toward satisfying such requirements.

12 “(e) SELECTION OF PARTICIPANTS.—(1)(A) Selec-
 13 tion of members to participate in the program shall be
 14 made on the basis of applications submitted to the admin-
 15 istering Secretary on a timely basis. An application shall
 16 be in such form and contain such information as that Sec-
 17 retary may require.

18 “(B) An application shall be considered to be sub-
 19 mitted on a timely basis if the application is submitted
 20 as follows:

21 “(i) In the case of an applicant who is eligible
 22 under subsection (c)(1)(A), not later than September
 23 30, 2003.

24 “(ii) In the case of an applicant who is eligible
 25 under subsection (c)(1)(B), not later than four years

1 after the date of the retirement of the applicant
2 from active duty.

3 “(2) In selecting participants to receive assistance for
4 placement as elementary or secondary school teachers or
5 vocational or technical teachers, the administering Sec-
6 retary shall give priority to members who—

7 “(A) have educational or military experience in
8 science, mathematics, special education, or voca-
9 tional or technical subjects and agree to seek em-
10 ployment as science, mathematics, or special edu-
11 cation teachers in elementary or secondary schools
12 or in other schools under the jurisdiction of a local
13 educational agency; or

14 “(B) have educational or military experience in
15 another subject area identified by that Secretary, in
16 consultation with the National Governors Associa-
17 tion, as important for national educational objectives
18 and agree to seek employment in that subject area
19 in elementary or secondary schools.

20 “(3) The administering Secretary may not select a
21 member to participate in the program unless that Sec-
22 retary has sufficient appropriations for the program avail-
23 able at the time of the selection to satisfy the obligations
24 to be incurred by the United States under subsection (g)
25 with respect to that member.

1 “(f) AGREEMENT.—A member selected to participate
2 in the program shall be required to enter into an agree-
3 ment with the administering Secretary in which the mem-
4 ber agrees—

5 “(1) to obtain, within such time as that Sec-
6 retary may require, certification or licensure as an
7 elementary or secondary school teacher or vocational
8 or technical teacher; and

9 “(2) to accept an offer of full-time employment
10 as an elementary or secondary school teacher or vo-
11 cational or technical teacher for not less than four
12 school years with a local educational agency identi-
13 fied under subparagraph (A) or (B) of subsection
14 (b)(1), to begin the school year after obtaining that
15 certification or licensure.

16 “(g) STIPEND AND BONUS FOR PARTICIPANTS.—
17 (1)(A) Subject to subparagraph (B), the administering
18 Secretary shall pay to each participant in the program a
19 stipend in an amount equal to \$5,000.

20 “(B) The total number of stipends that may be paid
21 under this paragraph in any fiscal year may not exceed
22 3,000.

23 “(2)(A) Subject to subparagraph (B), the admin-
24 istering Secretary may, in lieu of paying a stipend under
25 paragraph (1), pay a bonus of \$10,000 to each participant

1 in the program who agrees under subsection (f) to accept
2 full-time employment as an elementary or secondary
3 school teacher or vocational or technical teacher for not
4 less than four years in a high need school.

5 “(B) The total number of bonuses that may be paid
6 under this paragraph in any fiscal year may not exceed
7 1,000.

8 “(C) In this paragraph, the term ‘high need school’
9 means an elementary school or secondary school that
10 meets one or more of the following criteria:

11 “(i) A drop out rate that exceeds the national
12 average school drop out rate.

13 “(ii) A large percentage of students (as deter-
14 mined by the Secretary of Education in consultation
15 with the National Assessment Governing Board) who
16 speak English as a second language.

17 “(iii) A large percentage of students (as so de-
18 termined) who are at risk of educational failure by
19 reason of limited proficiency in English, poverty,
20 race, geographic location, or economic cir-
21 cumstances.

22 “(iv) A population of students at least one-half
23 of which are from families with an income below the
24 poverty line (as that term is defined by the Office
25 of Management and Budget and revised annually in

1 accordance with section 673(2) of the Community
2 Services Block Grant Act (42 U.S.C. 9902(2)) appli-
3 cable to a family of the size involved.

4 “(v) A large percentage of students (as so de-
5 termined) who qualify for assistance under part B of
6 the Individuals with Disabilities Education Act (20
7 U.S.C. 1411 et seq.).

8 “(vi) Any other criteria established by the ad-
9 ministering Secretary in consultation with the Na-
10 tional Assessment Governing Board.

11 “(3) Stipends and bonuses paid under this subsection
12 shall be taken into account in determining the eligibility
13 of the participant concerned for Federal student financial
14 assistance provided under title IV of the Higher Education
15 Act of 1965 (20 U.S.C. 1070 et seq.).

16 “(h) REIMBURSEMENT UNDER CERTAIN CIR-
17 CUMSTANCES.—(1) If a participant in the program fails
18 to obtain teacher certification or licensure or employment
19 as an elementary or secondary school teacher or vocational
20 or technical teacher as required under the agreement or
21 voluntarily leaves, or is terminated for cause, from the em-
22 ployment during the four years of required service, the
23 participant shall be required to reimburse the admin-
24 istering Secretary for any stipend paid to the participant
25 under subsection (g)(1) in an amount that bears the same

1 ratio to the amount of the stipend as the unserved portion
2 of required service bears to the four years of required serv-
3 ice.

4 “(2) If a participant in the program who is paid a
5 bonus under subsection (g)(2) fails to obtain employment
6 for which the bonus was paid, or voluntarily leaves or is
7 terminated for cause from the employment during the four
8 years of required service, the participant shall be required
9 to reimburse the administering Secretary for the bonus in
10 an amount that bears the same ratio to the amount of
11 the bonus as the unserved portion of required service bears
12 to the four years of required service.

13 “(3)(A) The obligation to reimburse the admin-
14 istering Secretary under this subsection is, for all pur-
15 poses, a debt owing the United States.

16 “(B) A discharge in bankruptcy under title 11 shall
17 not release a participant from the obligation to reimburse
18 the administering Secretary under this subsection.

19 “(C) Any amount owed by a participant under para-
20 graph (1) or (2) shall bear interest at the rate equal to
21 the highest rate being paid by the United States on the
22 day on which the reimbursement is determined to be due
23 for securities having maturities of ninety days or less and
24 shall accrue from the day on which the participant is first
25 notified of the amount due.

1 “(i) EXCEPTIONS TO REIMBURSEMENT PROVI-
2 SIONS.—(1) A participant in the program shall not be con-
3 sidered to be in violation of an agreement entered into
4 under subsection (f) during any period in which the
5 participant—

6 “(A) is pursuing a full-time course of study re-
7 lated to the field of teaching at an eligible institu-
8 tion;

9 “(B) is serving on active duty as a member of
10 the armed forces;

11 “(C) is temporarily totally disabled for a period
12 of time not to exceed three years as established by
13 sworn affidavit of a qualified physician;

14 “(D) is unable to secure employment for a pe-
15 riod not to exceed 12 months by reason of the care
16 required by a spouse who is disabled;

17 “(E) is seeking and unable to find full-time em-
18 ployment as a teacher in an elementary or secondary
19 school or as a vocational or technical teacher for a
20 single period not to exceed 27 months; or

21 “(F) satisfies the provisions of additional reim-
22 bursement exceptions that may be prescribed by the
23 administering Secretary.

24 “(2) A participant shall be excused from reimburse-
25 ment under subsection (h) if the participant becomes per-

1 manently totally disabled as established by sworn affidavit
 2 of a qualified physician. The administering Secretary may
 3 also waive reimbursement in cases of extreme hardship to
 4 the participant, as determined by that Secretary.

5 “(j) RELATIONSHIP TO EDUCATIONAL ASSISTANCE
 6 UNDER MONTGOMERY GI BILL.—The receipt by a partic-
 7 ipant in the program of any assistance under the program
 8 shall not reduce or otherwise affect the entitlement of the
 9 participant to any benefits under chapter 30 of title 38
 10 or chapter 1606 of this title.

11 “(k) DISCHARGE OF STATE ACTIVITIES THROUGH
 12 CONSORTIA OF STATES.—The administering Secretary
 13 may permit States participating in the program to carry
 14 out activities authorized for such States under this section
 15 through one or more consortia of such States.

16 “(l) ASSISTANCE TO STATES IN ACTIVITIES UNDER
 17 PROGRAM.—(1) Subject to paragraph (2), the admin-
 18 istering Secretary may make grants to States partici-
 19 pating in the program, or to consortia of such States, in
 20 order to permit such States or consortia of States to oper-
 21 ate offices for purposes of recruiting eligible members for
 22 participation in the program and facilitating the employ-
 23 ment of participants in the program in schools in such
 24 States or consortia of States.

1 “(2) The total amount of grants under paragraph (1)
2 in any fiscal year may not exceed \$4,000,000.

3 “(m) LIMITATION ON USE OF FUNDS FOR MANAGE-
4 MENT INFRASTRUCTURE.—The administering Secretary
5 may utilize not more than five percent of the funds avail-
6 able to carry out the program for a fiscal year for purposes
7 of establishing and maintaining the management infra-
8 structure necessary to support the program.

9 “(n) DEFINITIONS.—In this section:

10 “(1) The term ‘administering Secretary’, with
11 respect to the program authorized by this section,
12 means the following:

13 “(A) The Secretary of Defense with re-
14 spect to the armed forces (other than the Coast
15 Guard) for the period beginning on October 23,
16 1992, and ending on the date of the completion
17 of the transfer of responsibility for the program
18 to the Secretary of Education under section
19 579(c) of the National Defense Authorization
20 Act for Fiscal Year 2000.

21 “(B) The Secretary of Transportation with
22 respect to the Coast Guard for the period re-
23 ferred to in subparagraph (A).

1 “(C) The Secretary of Education for any
2 period after the period referred to in subpara-
3 graph (A).

4 “(2) The term ‘State’ includes the District of
5 Columbia, American Samoa, the Federated States of
6 Micronesia, Guam, the Republic of the Marshall Is-
7 lands, the Commonwealth of the Northern Mariana
8 Islands, the Commonwealth of Puerto Rico, the Re-
9 public of Palau, and the United States Virgin Is-
10 lands.

11 “(3) The term ‘alternative certification or licen-
12 sure requirements’ means State or local teacher cer-
13 tification or licensure requirements that permit a
14 demonstrated competence in appropriate subject
15 areas gained in careers outside of education to be
16 substituted for traditional teacher training course
17 work.”.

18 (2) The table of sections at the beginning of chapter
19 58 of such title is amended by striking the item relating
20 to section 1151 and inserting the following new item:

“1151. Assistance to certain separated or retired members to obtain certification
and employment as teachers.”.

21 (b) EFFECTIVE DATE.—The amendments made by
22 subsection (a) shall take effect on October 1, 1999.

23 (c) TRANSFER OF JURISDICTION OVER CURRENT
24 PROGRAM.—(1) The Secretary of Defense, Secretary of

1 Transportation, and Secretary of Education shall provide
2 for the transfer to the Secretary of Education of any on-
3 going functions and responsibilities of the Secretary of De-
4 fense and the Secretary of Transportation with respect to
5 the program authorized by section 1151 of title 10, United
6 States Code, for the period beginning on October 23,
7 1992, and ending on September 30, 2001.

8 (2) The Secretaries shall complete the transfer under
9 paragraph (1) not later than October 1, 2001.

10 (3) After completion of the transfer, the Secretary
11 of Education shall discharge that Secretary's functions
12 and responsibilities with respect to the program in con-
13 sultation with the Secretary of Defense and the Secretary
14 of Transportation with respect to the Coast Guard.

15 (d) REPORTS.—(1) Not later than March 31, 2002,
16 the Secretary of Education (in consultation with the Sec-
17 retary of Defense and the Secretary of Transportation)
18 and the Comptroller General shall each submit to Con-
19 gress a report on the effectiveness of the program author-
20 ized by section 1151 of title 10, United States Code (as
21 amended by subsection (a)), in the recruitment and reten-
22 tion of qualified personnel by local educational agencies
23 identified under subsection (b)(1) of such section 1151.

24 (2) The report under paragraph (1) shall include in-
25 formation on the following:

1 (A) The number of participants in the program.

2 (B) The schools in which such participants are
3 employed.

4 (C) The grade levels at which such participants
5 teach.

6 (D) The subject matters taught by such partici-
7 pants.

8 (E) The effectiveness of the teaching of such
9 participants, as indicated by any relevant test scores
10 of the students of such participants.

11 (F) The extent of any academic improvement in
12 the schools in which such participants teach by rea-
13 son of their teaching.

14 (G) The rates of retention of such participants
15 by the local educational agencies employing such
16 participants.

17 (H) The effect of any stipends or bonuses
18 under subsection (g) of such section 1151 in enhanc-
19 ing participation in the program or in enhancing re-
20 cruitment or retention of participants in the pro-
21 gram by the local educational agencies employing
22 such participants.

23 (I) Such other matters as the Secretary of Edu-
24 cation or the Comptroller General, as the case may
25 be, considers appropriate.

1 (3) The report of the Comptroller General under
 2 paragraph (1) shall also include any recommendations of
 3 the Comptroller General as to means of improving the pro-
 4 gram, including means of enhancing the recruitment and
 5 retention of participants in the program.

6 **SEC. 580. SUPPORT FOR EXPANDED CHILD CARE SERV-**
 7 **ICES AND YOUTH PROGRAM SERVICES FOR**
 8 **DEPENDENTS.**

9 (a) **AUTHORITY.**—(1) Subchapter II of chapter 88 of
 10 title 10, United States Code, is amended—

11 (A) by redesignating section 1798 as section
 12 1800; and

13 (B) by inserting after section 1797 the fol-
 14 lowing:

15 **“§ 1798. Child care services and youth program serv-**
 16 **ices for dependents: financial assistance**
 17 **for providers**

18 “(a) **AUTHORITY.**—The Secretary of Defense may
 19 provide financial assistance to an eligible civilian provider
 20 of child care services or youth program services that fur-
 21 nishes such services for members of the armed forces and
 22 employees of the Federal Government if the Secretary de-
 23 termines that providing the assistance—

24 “(1) is in the best interest of the Department
 25 of Defense;

1 “(2) enables supplementation or expansion of
2 furnishing of the services for military installations;
3 and

4 “(3) ensures that the eligible provider is able to
5 comply, and does comply, with the regulations, poli-
6 cies, and standards of the Department of Defense
7 that are applicable to the furnishing of such services.

8 “(b) ELIGIBLE PROVIDER.—A provider of child care
9 services or youth program services is eligible for financial
10 assistance under paragraph (1) if the provider—

11 “(1) is licensed to provide the services under
12 applicable State and local law;

13 “(2) has previously provided such services for
14 members of the armed forces or employees of the
15 Federal Government; and

16 “(3) either—

17 “(A) is a provider of otherwise federally
18 funded or sponsored child development services;

19 “(B) provides the services in a child devel-
20 opment center owned and operated by a private,
21 not-for-profit organization;

22 “(C) is a provider of family child care serv-
23 ices;

1 “(D) conducts a before-school or after-
2 school child care program in a public school fa-
3 cility;

4 “(E) conducts an otherwise federally fund-
5 ed or federally sponsored school age child care
6 or youth services program;

7 “(F) conducts a school age child care or
8 youth services program that is owned and oper-
9 ated by a not-for-profit organization; or

10 “(G) is a provider of another category of
11 child care services or youth services determined
12 by the Secretary of Defense as appropriate for
13 meeting the needs of members of the armed
14 forces or employees of the Department of De-
15 fense.

16 “(c) FUNDING.—To provide financial assistance
17 under this subsection, the Secretary of Defense may use
18 any funds available for the Department of Defense.

19 “(d) BIENNIAL REPORT.—(1) Every two years the
20 Secretary of Defense shall submit to Congress a report
21 on the exercise of authority under this section. The report
22 shall include an evaluation of the effectiveness of the au-
23 thority for meeting the needs of members of the armed
24 forces or employees of the Department of Defense for child
25 care services and youth program services. The report may

1 include any recommendations for legislation that the Sec-
 2 retary considers appropriate to enhance the capability of
 3 the Department of Defense to meet those needs.

4 “(2) A biennial report under this subsection may be
 5 combined with the biennial report under section 1799(d)
 6 of this title into one report for submission to Congress.

7 **“§ 1799. Child care services and youth program serv-**
 8 **ices for dependents: participation by chil-**
 9 **dren and youth otherwise ineligible**

10 “(a) **AUTHORITY.**—The Secretary may authorize par-
 11 ticipation in child care or youth programs of the Depart-
 12 ment of Defense, to the extent of the availability of space
 13 and services, by children and youth under the age of 19
 14 who are not dependents of members of the armed forces
 15 or of employees of the Department of Defense and are
 16 not otherwise eligible for participation in the programs.

17 “(b) **LIMITATION.**—Authorization of participation in
 18 a program under subsection (a) shall be limited to situa-
 19 tions in which the participation promotes the attainment
 20 of the objectives set forth in subsection (c), as determined
 21 by the Secretary.

22 “(c) **OBJECTIVES.**—The objectives for authorizing
 23 participation in a program under subsection (a) are as fol-
 24 lows:

1 “(1) To support the integration of children and
2 youth of military families into civilian communities.

3 “(2) To make more efficient use of Department
4 of Defense facilities and resources.

5 “(3) To establish or support a partnership or
6 consortium arrangement with schools and other
7 youth services organizations serving children of the
8 armed forces.

9 “(d) BIENNIAL REPORT.—(1) Every two years the
10 Secretary of Defense shall submit to Congress a report
11 on the exercise of authority under this section. The report
12 shall include an evaluation of the effectiveness of the au-
13 thority for achieving the objectives set out under sub-
14 section (c). The report may include any recommendations
15 for legislation that the Secretary considers appropriate to
16 enhance the capability of the Department of Defense to
17 attain those objectives.

18 “(2) A biennial report under this subsection may be
19 combined with the biennial report under section 1798(d)
20 of this title into one report for submission to Congress.”.

21 (2) The table of sections at the beginning of such sub-
22 chapter is amended by striking the item relating to section
23 1798 and inserting the following:

“1798. Child care services and youth program services for dependents: financial
assistance for providers.”.

“1799. Child care services and youth program services for dependents: partici-
pation by children and youth otherwise ineligible.

“1800. Definitions.”.

1 (b) FIRST BIENNIAL REPORTS.—The first biennial
2 reports under sections 1798(d) and 1799(d) of title 10,
3 United States Code (as added by subsection (a)), shall be
4 submitted not later than March 31, 2002, and shall cover
5 fiscal years 2000 and 2001.

6 **SEC. 581. RESPONSES TO DOMESTIC VIOLENCE IN THE**
7 **ARMED FORCES.**

8 (a) MILITARY-CIVILIAN TASK FORCE ON DOMESTIC
9 VIOLENCE.—(1) The Secretary of Defense shall establish
10 a Military-Civilian Task Force on Domestic Violence. The
11 Secretary shall appoint the members of the task force in
12 accordance with this section not later than six months
13 after the date of the enactment of this Act.

14 (2)(A) Not later than six months after the date on
15 which all members of the task force are appointed, the
16 task force shall submit to the Secretary of Defense rec-
17 ommendations on the matters set out under subsection
18 (b). The task force shall, thereafter, submit to the Sec-
19 retary of Defense from time to time any analyses and rec-
20 ommendations for policies regarding how the Armed
21 Forces can effectively respond, and improve responses, to
22 cases of domestic violence that the task force considers
23 appropriate.

24 (B) The task force shall submit to Congress an an-
25 nual report containing a detailed discussion of the achieve-

1 ments in responses to domestic violence in the Armed
2 Forces, pending research on domestic violence, and any
3 recommendations for actions to improve the responses of
4 the Armed Forces to domestic violence in the Armed
5 Forces that the task force considers appropriate.

6 (C) The task force shall—

7 (i) meet in plenary session at least once annu-
8 ally; and

9 (ii) visit military installations overseas annually
10 and military installations within the United States
11 semiannually.

12 (3) The Secretary shall appoint the members of the
13 task force. The task force shall include the following:

14 (A) Representatives of Department of Defense
15 family advocacy programs.

16 (B) Medical personnel.

17 (C) Judge advocates.

18 (D) Military police or other law enforcement
19 personnel of the Armed Forces.

20 (E) Commanders.

21 (F) Personnel who plan, execute, and evaluate
22 training of the Armed Forces.

23 (G) Civilian personnel who are experts on do-
24 mestic violence, family advocates, providers of serv-
25 ices specifically for victims of domestic violence, and

1 researchers in domestic violence including, but not
2 limited to, the following:

3 (i) At least two representatives from the
4 national domestic violence resource center and
5 the special issue resource centers referred to in
6 section 308 of the Family Violence Prevention
7 and Services Act (42 U.S.C. Sec. 10407).

8 (ii) At least two representatives from na-
9 tional domestic violence and sexual assault pol-
10 icy organizations.

11 (iii) At least two representatives from se-
12 lected States' domestic violence and sexual as-
13 sault coalitions.

14 (iv) At least two local domestic violence
15 and sexual assault service providers in commu-
16 nities located near military installations.

17 (H) Civilian law enforcement personnel (ap-
18 pointed in consultation with the Attorney General).

19 (I) Representatives of the Department of Jus-
20 tice (appointed in consultation with the Attorney
21 General) from the following offices:

22 (i) The Office on Violence Against Women.

23 (ii) The Violence Against Women Grants
24 Office.

1 (J) Representatives of the Department of
2 Health and Human Services (appointed in consulta-
3 tion with the Secretary of Health and Human Serv-
4 ices) from the Family Violence Prevention and Serv-
5 ices Office.

6 (4) The Secretary shall ensure that the task force in-
7 cludes the following:

8 (A) Representatives of the Office of the Sec-
9 retary of Defense.

10 (B) General and flag officers.

11 (C) Noncommissioned officers.

12 (D) Other enlisted personnel.

13 (5) The Secretary of Defense shall annually designate
14 to chair the task force one member of the task force from
15 among the members on a list of nominees submitted to
16 the Secretary for that purpose by the task force.

17 (6) Each member of the task force shall serve without
18 compensation (other than the compensation to which enti-
19 tled as a member of the Armed Forces or an officer or
20 employee of the United States, as the case may be), but
21 shall be allowed travel expenses, including per diem in lieu
22 of subsistence, at rates authorized for employees of agen-
23 cies under subchapter I of chapter 57 of title 5, United
24 States Code, while away from the member's home or reg-

1 ular places of business in the performance of services for
2 the task force.

3 (7) The Assistant Secretary of Defense for Force
4 Management Policy, under the direction of the Under Sec-
5 retary of Defense for Personnel and Readiness, shall pro-
6 vide oversight of the task force and shall provide the task
7 force with the personnel, facilities, and other administra-
8 tive support that is necessary for the performance of the
9 task force's duties. The Assistant Secretary shall provide
10 for the Secretaries of the military department to provide
11 support described in paragraph (8)(B) for the task force
12 on a rotating basis.

13 (8) The Secretary of the military department con-
14 cerned shall—

15 (A) coordinate visits of the task force to mili-
16 tary installations; and

17 (B) as designated by the Assistant Secretary of
18 Defense and in coordination with Assistant Sec-
19 retary, provide administrative, logistical, and other
20 support for the meetings of the task force.

21 (9) The task force shall terminate three years after
22 the date on which all members of the task force are ap-
23 pointed.

24 (b) UNIFORM RESPONSES.—Not later than six
25 months after receiving the report of the task force under

1 subsection (a)(2)(A), the Secretary of Defense shall, in
2 consultation with the task force, prescribe the following:

3 (1) Standard formats for memorandums of
4 agreement or understanding to be used by the Secre-
5 taries of the military departments for entering into
6 agreements with civilian law enforcement authorities
7 relating to acts of domestic violence involving mem-
8 bers of the Armed Forces.

9 (2) A requirement for a commanding officer of
10 a member of the Armed Forces ordered by a supe-
11 rior not to have contact with a person to give a writ-
12 ten copy of the order to each person protected by the
13 order within 24 hours after the issuance of the
14 order.

15 (3) Standard guidance on the factors for com-
16 manders to consider when determining appropriate
17 action for substantiated allegations of domestic vio-
18 lence by a person subject to that Code.

19 (4) A standard training program for all com-
20 manding officers in the Armed Forces, including a
21 standard curriculum, on the handling of domestic vi-
22 olence cases.

23 (c) REPORTING REQUIREMENTS.—(1) The Secretary
24 shall establish a central database of information on the

1 cases of domestic violence involving members of the Armed
2 Forces.

3 (2) The Secretary shall require the administrator of
4 each family advocacy program of the Armed Forces to
5 maintain and report annually to the administrator of the
6 database established under paragraph (1), the information
7 received or developed under the program on the following
8 matters:

9 (A) Each domestic violence case reported to a
10 commander, any law enforcement authority of the
11 Armed Forces, or a family advocacy program of the
12 Department of Defense.

13 (B) The number of the cases that involve evi-
14 dence determined sufficient for supporting discipli-
15 nary action and, for each such case, a description of
16 the substantiated allegation and the action taken by
17 command authorities in the case.

18 (C) The number of the cases that involve evi-
19 dence determined insufficient for supporting discipli-
20 nary action and, for each such case, a description of
21 the allegation.

22 (3) The Secretary shall submit to Congress an annual
23 report on the data submitted to the central database es-
24 tablished under paragraph (1).

1 TITLE VI—COMPENSATION AND
2 OTHER PERSONNEL BENEFITS
3 Subtitle A—Pay and Allowances

4 SEC. 601. FISCAL YEAR 2000 INCREASE AND RESTRUC-
5 TURING OF BASIC PAY.

6 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any
7 adjustment required by section 1009 of title 37, United
8 States Code, in the rates of monthly basic pay authorized
9 members of the uniformed services by section 203(a) of
10 such title to become effective during fiscal year 2000 shall
11 not be made.

12 (b) JANUARY 1, 2000, INCREASE IN BASIC PAY.—
13 Effective on January 1, 2000, the rates of monthly basic
14 pay for members of the uniformed services shall be in-
15 creased by 4.8 percent.

16 (c) BASIC PAY REFORM.—Effective on July 1, 2000,
17 the rates of monthly basic pay for members of the uni-
18 formed services within each pay grade are as follows:

COMMISSIONED OFFICERS¹
 Years of service computed under section 205 of title 37, United States Code

| Pay Grade | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 |
|-------------------|-----------|----------|----------|----------|----------|
| O-10 ² | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| O-9 ... | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| O-8 ... | 6,594.30 | 6,810.30 | 6,953.10 | 6,993.30 | 7,171.80 |
| O-7 ... | 5,479.50 | 5,851.80 | 5,851.50 | 5,894.40 | 6,114.60 |
| O-6 ... | 4,061.10 | 4,461.60 | 4,754.40 | 4,754.40 | 4,772.40 |
| O-5 ... | 3,248.40 | 3,813.90 | 4,077.90 | 4,127.70 | 4,291.80 |
| O-4 ... | 2,737.80 | 3,333.90 | 3,556.20 | 3,606.04 | 3,812.40 |
| O-3 ³ | 2,544.00 | 2,884.20 | 3,112.80 | 3,364.80 | 3,525.90 |
| O-2 ³ | 2,218.80 | 2,527.20 | 2,910.90 | 3,000.00 | 3,071.10 |
| O-1 ³ | 1,926.30 | 2,004.90 | 2,423.10 | 2,423.10 | 2,423.10 |
| | Over 8 | Over 10 | Over 12 | Over 14 | Over 16 |

COMMISSIONED OFFICERS ¹

Years of service computed under section 205 of title 37, United States Code

| Pay Grade | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 |
|-------------------|-----------|-------------|-------------|-------------|-------------|
| O-10 ² | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| O-9 ... | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| O-8 ... | 7,471.50 | 7,540.80 | 7,824.60 | 7,906.20 | 8,150.10 |
| O-7 ... | 6,282.00 | 6,475.80 | 6,669.00 | 6,863.10 | 7,471.50 |
| O-6 ... | 4,976.70 | 5,004.00 | 5,004.00 | 5,169.30 | 5,791.20 |
| O-5 ... | 4,291.80 | 4,420.80 | 4,659.30 | 4,971.90 | 5,286.00 |
| O-4 ... | 3,980.40 | 4,251.50 | 4,464.00 | 4,611.00 | 4,758.90 |
| O-3 ³ | 3,702.60 | 3,850.20 | 4,040.40 | 4,139.10 | 4,139.10 |
| O-2 ³ | 3,071.10 | 3,071.10 | 3,071.10 | 3,071.10 | 3,071.10 |
| O-1 ³ | 2,423.10 | 2,423.10 | 2,423.10 | 2,423.10 | 2,423.10 |
| | Over 18 | Over 20 | Over 22 | Over 24 | Over 26 |
| O-10 ² | \$0.00 | \$10,655.10 | \$10,707.60 | \$10,930.20 | \$11,318.40 |
| O-9 ... | 0.00 | 9,319.50 | 9,453.60 | 9,647.70 | 9,986.40 |
| O-8 ... | 8,503.80 | 8,830.20 | 9,048.00 | 9,048.00 | 9,048.00 |
| O-7 ... | 7,985.40 | 7,985.40 | 7,985.40 | 7,985.40 | 8,025.60 |
| O-6 ... | 6,086.10 | 6,381.30 | 6,549.00 | 6,719.10 | 7,049.10 |
| O-5 ... | 5,436.00 | 5,583.60 | 5,751.90 | 5,751.90 | 5,751.90 |
| O-4 ... | 4,808.70 | 4,808.70 | 4,808.70 | 4,808.70 | 4,808.70 |
| O-3 ³ | 4,139.10 | 4,139.10 | 4,139.10 | 4,139.10 | 4,139.10 |
| O-2 ³ | 3,071.10 | 3,071.10 | 3,071.10 | 3,071.10 | 3,071.10 |
| O-1 ³ | 2,423.10 | 2,423.10 | 2,423.10 | 2,423.10 | 2,423.10 |

¹ Basic pay for these officers is limited to the rate of basic pay for level V of the Executive Schedule.

² While serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, basic pay for this grade is calculated to be \$12,441.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code. Nevertheless, basic pay for these officers is limited to the rate of basic pay for level V of the Executive Schedule.

³ Does not apply to commissioned officers who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE
AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

| Pay Grade | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 |
|-----------|------------|------------|------------|------------|------------|
| O-3E | \$0.00 | \$0.00 | \$0.00 | \$3,364.80 | \$3,525.90 |
| O-2E | 0.00 | 0.00 | 0.00 | 3,009.00 | 3,071.10 |
| O-1E | 0.00 | 0.00 | 0.00 | 2,423.10 | 2,588.40 |
| | Over 8 | Over 10 | Over 12 | Over 14 | Over 16 |
| O-3E | \$3,702.60 | \$3,850.20 | \$4,040.40 | \$4,200.30 | \$4,291.80 |
| O-2E | 3,168.60 | 3,333.90 | 3,461.40 | 3,556.20 | 3,556.20 |
| O-1E | 2,683.80 | 2,781.30 | 2,877.60 | 3,009.00 | 3,009.00 |
| | Over 18 | Over 20 | Over 22 | Over 24 | Over 26 |
| O-3E | \$4,416.90 | \$4,416.90 | \$4,416.90 | \$4,416.90 | \$4,416.90 |
| O-2E | 3,556.20 | 3,556.20 | 3,556.20 | 3,556.20 | 3,556.20 |
| O-1E | 3,009.00 | 3,009.00 | 3,009.00 | 3,009.00 | 3,009.00 |

WARRANT OFFICERS

Years of service computed under section 205 of title 37, United States Code

| Pay Grade | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 |
|-----------|-----------|------------|------------|------------|------------|
| W-5 .. | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| W-4 .. | 2,592.00 | 2,788.50 | 2,868.60 | 2,947.50 | 3,083.40 |
| W-3 .. | 2,355.90 | 2,555.40 | 2,555.40 | 2,588.40 | 2,694.30 |
| W-2 .. | 2,063.40 | 2,232.60 | 2,232.60 | 2,305.80 | 2,423.10 |
| W-1 .. | 1,719.00 | 1,971.00 | 1,971.00 | 2,135.70 | 2,232.60 |
| | Over 8 | Over 10 | Over 12 | Over 14 | Over 16 |
| W-5 .. | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| W-4 .. | 3,217.20 | 3,352.80 | 3,485.10 | 3,622.20 | 3,753.60 |
| W-3 .. | 2,814.90 | 2,974.20 | 3,071.10 | 3,177.00 | 3,298.20 |
| W-2 .. | 2,555.40 | 2,852.60 | 2,749.80 | 2,844.30 | 2,949.00 |
| W-1 .. | 2,332.80 | 2,433.30 | 2,533.20 | 2,634.00 | 2,734.80 |
| | Over 18 | Over 20 | Over 22 | Over 24 | Over 26 |
| W-5 .. | \$0.00 | \$4,475.10 | \$4,628.70 | \$4,782.90 | \$4,937.40 |
| W-4 .. | 3,888.00 | 4,019.00 | 4,155.60 | 4,289.70 | 4,427.10 |
| W-3 .. | 3,418.50 | 3,539.10 | 3,659.40 | 3,780.00 | 3,900.90 |
| W-2 .. | 3,058.40 | 3,163.80 | 3,270.90 | 3,378.30 | 3,378.30 |
| W-1 .. | 2,835.00 | 2,910.90 | 2,910.90 | 2,910.90 | 2,910.90 |

ENLISTED MEMBERS

Years of service computed under section 205 of title 37, United States Code

| Pay Grade | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 |
|------------------|-----------------------|------------|------------|------------|------------|
| E-9 ⁴ | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| E-8 ... | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| E-7 ... | 1,765.80 | 1,927.80 | 2,001.00 | 2,073.00 | 2,147.70 |
| E-6 ... | 1,518.90 | 1,678.20 | 1,752.60 | 1,824.30 | 1,899.30 |
| E-5 ... | 1,332.60 | 1,494.00 | 1,566.00 | 1,640.40 | 1,714.50 |
| E-4 ... | 1,242.90 | 1,373.10 | 1,447.20 | 1,520.10 | 1,593.90 |
| E-3 ... | 1,171.50 | 1,260.60 | 1,334.10 | 1,335.90 | 1,335.90 |
| E-2 ... | 1,127.40 | 1,127.40 | 1,127.40 | 1,127.40 | 1,127.40 |
| E-1 ... | ⁵ 1,005.60 | 1,005.60 | 1,005.60 | 1,005.60 | 1,005.60 |
| | Over 8 | Over 10 | Over 12 | Over 14 | Over 16 |
| E-9 ⁴ | \$0.00 | \$3,015.30 | \$3,083.40 | \$3,169.80 | \$3,271.50 |
| E-8 ... | 2,528.40 | 2,601.60 | 2,669.70 | 2,751.60 | 2,840.10 |
| E-7 ... | 2,220.90 | 2,294.10 | 2,367.30 | 2,439.30 | 2,514.00 |
| E-6 ... | 1,973.10 | 2,047.20 | 2,118.60 | 2,191.50 | 2,244.60 |
| E-5 ... | 1,789.50 | 1,861.50 | 1,936.20 | 1,936.20 | 1,936.20 |
| E-4 ... | 1,593.90 | 1,593.90 | 1,593.90 | 1,593.90 | 1,593.90 |
| E-3 ... | 1,335.90 | 1,335.90 | 1,335.90 | 1,335.90 | 1,335.90 |
| E-2 ... | 1,127.40 | 1,127.40 | 1,127.40 | 1,127.40 | 1,127.40 |
| E-1 ... | 1,005.60 | 1,005.60 | 1,005.60 | 1,005.60 | 1,005.60 |
| | Over 18 | Over 20 | Over 22 | Over 24 | Over 26 |
| E-9 ⁴ | \$3,373.20 | \$3,473.40 | \$3,609.30 | \$3,744.00 | \$3,915.80 |
| E-8 ... | 2,932.50 | 3,026.10 | 3,161.10 | 3,295.50 | 3,483.60 |
| E-7 ... | 2,588.10 | 2,660.40 | 2,787.60 | 2,926.20 | 3,134.40 |
| E-6 ... | 2,283.30 | 2,283.30 | 2,285.70 | 2,285.70 | 2,285.70 |
| E-5 ... | 1,936.20 | 1,936.20 | 1,936.20 | 1,936.20 | 1,936.20 |
| E-4 ... | 1,593.90 | 1,593.90 | 1,593.90 | 1,593.90 | 1,593.90 |
| E-3 ... | 1,335.90 | 1,335.90 | 1,335.90 | 1,335.90 | 1,335.90 |
| E-2 ... | 1,127.40 | 1,127.40 | 1,127.40 | 1,123.20 | 1,127.40 |

ENLISTED MEMBERS

Years of service computed under section 205 of title 37, United States Code

| Pay Grade | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 |
|-----------|-----------|----------|----------|----------|----------|
| E-1 ... | 1,005.60 | 1,005.60 | 1,005.60 | 1,005.60 | 1,005.60 |

⁴While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, basic pay for this grade is \$4,701.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

⁵In the case of members in the grade E-1 who have served less than 4 months on active duty, basic pay is \$930.30.

1 **SEC. 602. PAY INCREASES FOR FISCAL YEARS 2001**
2 **THROUGH 2006.**

3 (a) ECI+0.5 PERCENT INCREASE FOR ALL MEM-
4 BERS.—Section 1009(c) of title 37, United States Code,
5 is amended—

6 (1) by inserting “(1)” after “(c) EQUAL PER-
7 CENTAGE INCREASE FOR ALL MEMBERS.—”; and

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

9 “(2) Notwithstanding paragraph (1), but subject to
10 subsection (d), an adjustment taking effect under this sec-
11 tion during each of fiscal years 2001 through 2006 shall
12 provide all eligible members with an increase in the month-
13 ly basic pay by the percentage equal to the sum of one
14 percent plus the percentage calculated as provided under
15 section 5303(a) of title 5 for such fiscal year (without re-
16 gard to whether rates of pay under the statutory pay sys-
17 tems are actually increased during such fiscal year under
18 that section by the percentage so calculated).”.

19 (b) EFFECTIVE DATE.—The amendment made by
20 subsection (a) shall take effect on October 1, 2000.

1 **SEC. 603. SPECIAL SUBSISTENCE ALLOWANCE FOR FOOD**
2 **STAMP ELIGIBLE MEMBERS.**

3 (a) ALLOWANCE.—(1) Chapter 7 of title 37, United
4 States Code, is amended by inserting after section 402 the
5 following new section:

6 **“§ 402a. Special subsistence allowance: members eli-**
7 **gible for food stamps**

8 “(a) ENTITLEMENT.—Upon the application of an eli-
9 gible member of a uniformed service described in sub-
10 section (b)(1), the Secretary concerned shall pay the mem-
11 ber a special subsistence allowance for each month for
12 which the member is eligible to receive food stamp assist-
13 ance, as determined by the Secretary.

14 “(b) COVERED MEMBERS.—(1) A member referred
15 to subsection (a) is an enlisted member in pay grade E–
16 5 or below.

17 “(2) For the purposes of this section, a member shall
18 be considered as being eligible to receive food stamp assist-
19 ance if the household of the member meets the income
20 standards of eligibility established under section 5(c)(2)
21 of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)(2)),
22 not taking into account the special subsistence allowance
23 that may be payable to the member under this section and
24 any allowance that is payable to the member under section
25 403 or 404a of this title.

1 “(c) TERMINATION OF ENTITLEMENT.—The entitle-
2 ment of a member to receive payment of a special subsist-
3 ence allowance terminates upon the occurrence of any of
4 the following events:

5 “(1) Termination of eligibility for food stamp
6 assistance.

7 “(2) Payment of the special subsistence allow-
8 ance for 12 consecutive months.

9 “(3) Promotion of the member to a higher
10 grade.

11 “(4) Transfer of the member in a permanent
12 change of station.

13 “(d) REESTABLISHED ENTITLEMENT.—(1) After a
14 termination of a member’s entitlement to the special sub-
15 sistence allowance under subsection (c), the Secretary con-
16 cerned shall resume payment of the special subsistence al-
17 lowance to the member if the Secretary determines, upon
18 further application of the member, that the member is eli-
19 gible to receive food stamps.

20 “(2) Payments resumed under this subsection shall
21 terminate under subsection (c) upon the occurrence of an
22 event described in that subsection after the resumption of
23 the payments.

24 “(3) The number of times that payments are resumed
25 under this subsection is unlimited.

1 “(e) DOCUMENTATION OF ELIGIBILITY.—A member
 2 of the uniformed services applying for the special subsist-
 3 ence allowance under this section shall furnish the Sec-
 4 retary concerned with such evidence of the member’s eligi-
 5 bility for food stamp assistance as the Secretary may re-
 6 quire in connection with the application.

7 “(f) AMOUNT OF ALLOWANCE.—The monthly
 8 amount of the special subsistence allowance under this
 9 section is \$180.

10 “(g) RELATIONSHIP TO BASIC ALLOWANCE FOR
 11 SUBSISTENCE.—The special subsistence allowance under
 12 this section is in addition to the basic allowance for sub-
 13 sistence under section 402 of this title.

14 “(h) FOOD STAMP ASSISTANCE DEFINED.—In this
 15 section, the term ‘food stamp assistance’ means assistance
 16 under the Food Stamp Act of 1977 (7 U.S.C. 2011 et
 17 seq.).

18 “(i) TERMINATION OF AUTHORITY.—No special sub-
 19 sistence allowance may be made under this section for any
 20 month beginning after September 30, 2004.”.

21 (2) The table of sections at the beginning of such
 22 chapter is amended by inserting after the item relating
 23 to section 402 the following:

“402a. Special subsistence allowance: members eligible for food stamps.”.

24 (b) EFFECTIVE DATE.—Section 402a of title 37,
 25 United States Code, shall take effect on the first day of

1 the first month that begins not less than 180 days after
 2 the date of the enactment of this Act.

3 (c) ANNUAL REPORT.—(1) Not later than March 1
 4 of each year after 1999, the Secretary of Defense shall
 5 submit to Congress a report setting forth the number of
 6 members of the uniformed services who are eligible for as-
 7 sistance under the Food Stamp Act of 1977 (7 U.S.C.
 8 2011 et seq.).

9 (2) In preparing the report, the Secretary shall con-
 10 sult with the Secretary of Transportation (with respect to
 11 the Coast Guard), who shall provide the Secretary of De-
 12 fense with any information that the Secretary determines
 13 necessary to prepare the report.

14 (3) No report is required under this section after
 15 March 1, 2004.

16 **SEC. 604. PAYMENT FOR UNUSED LEAVE IN CONJUNCTION**
 17 **WITH A REENLISTMENT.**

18 Section 501 of title 37, United States Code, is
 19 amended—

20 (1) in subsection (a)(1), by inserting “, termi-
 21 nation of an enlistment in conjunction with the com-
 22 mencement of a successive enlistment (without re-
 23 gard to the date of the expiration of the term of the
 24 enlistment being terminated),” after “honorable con-
 25 ditions”; and

1 (2) in subsection (b)(2), by striking “, or enter-
2 ing into an enlistment,”.

3 **SEC. 605. CONTINUANCE OF PAY AND ALLOWANCES WHILE**
4 **IN DUTY STATUS (WHEREABOUTS UNKNOWN).**

5 (a) CONTINUANCE OF PAY AND ALLOWANCES.—(1)
6 Chapter 10 of title 37, United States Code, is amended
7 by inserting after section 552 the following:

8 **“§ 552a. Pay and allowances: continuation while in a**
9 **duty status (whereabouts unknown); limi-**
10 **tations**

11 “For any period that a member of a uniformed serv-
12 ice on active duty or performing inactive-duty training is
13 in a duty status (whereabouts unknown), section 552 of
14 this title, except for subsections (d) and (e), shall apply
15 to the member as if the member were in a missing status
16 for that period.”.

17 (2) The table of sections at the beginning of chapter
18 10 of such title is amended by inserting after the item
19 relating to section 552 the following:

“552a. Pay and allowances: continuation while in a duty status (whereabouts
unknown); limitations.”.

20 (b) DEFINITION OF DUTY STATUS (WHEREABOUTS
21 UNKNOWN).—Section 551 of such title is amended—

22 (1) by redesignating paragraph (3) as para-
23 graph (4); and

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

3 “(3) The term ‘duty status (whereabouts un-
 4 known)’ means a transitory casualty status des-
 5 ignated for a member of uniformed service by a com-
 6 mander responsible for accounting for the member
 7 when the commander suspects that the member is a
 8 casualty whose absence is involuntary and does not
 9 consider the available relevant evidence sufficient for
 10 making a definite determination that the member is
 11 missing, has deserted, is absent without leave, or is
 12 dead.”.

13 **SEC. 606. EQUITABLE TREATMENT OF CLASS OF 1987 OF**
 14 **THE UNIFORMED SERVICES UNIVERSITY OF**
 15 **THE HEALTH SCIENCES.**

16 (a) YEARS OF SERVICE CREDIT.—An officer of the
 17 uniformed services who entered the Uniformed Services
 18 University of the Health Sciences as a student in 1983
 19 and who successfully completed the course of instruction
 20 at the University in 1987 shall be treated for purposes
 21 of determining pay and years of service in the same man-
 22 ner as a student at the University who graduated in 1986,
 23 notwithstanding the enactment of the Defense Officer Per-
 24 sonnel Management Act (Public Law 96–513; 94 Stat.
 25 2835).

1 (b) PROSPECTIVE APPLICABILITY.—This section
 2 shall take effect on October 1, 1999. No entitlement to
 3 increased pay or allowances accrues for periods before
 4 such date, and no eligibility accrues for consideration for
 5 selection for promotions by boards convened before such
 6 date.

7 **Subtitle B—Bonuses and Special**
 8 **and Incentive Pays**

9 **SEC. 611. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
 10 **ING TO PAYMENT OF CERTAIN BONUSES AND**
 11 **SPECIAL PAYS.**

12 (a) AVIATION OFFICER RETENTION BONUS.—Sec-
 13 tion 301b(a) of title 37, United States Code, is amended
 14 by striking “December 31, 1999,” and inserting “Decem-
 15 ber 31, 2000,”.

16 (b) REENLISTMENT BONUS FOR ACTIVE MEM-
 17 BERS.—Section 308(g) of title 37, United States Code, is
 18 amended by striking “December 31, 1999” and inserting
 19 “December 31, 2000”.

20 (c) ENLISTMENT BONUSES FOR MEMBERS WITH
 21 CRITICAL SKILLS.—Sections 308a(c) and 308f(c) of title
 22 37, United States Code, are each amended by striking
 23 “December 31, 1999” and inserting “December 31,
 24 2000”.

1 (d) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-
2 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section
3 312(e) of title 37, United States Code, is amended by
4 striking “December 31, 1999” and inserting “December
5 31, 2000”.

6 (e) NUCLEAR CAREER ACCESSION BONUS.—Section
7 312b(c) of title 37, United States Code, is amended by
8 striking “December 31, 1999” and inserting “December
9 31, 2000”.

10 (f) NUCLEAR CAREER ANNUAL INCENTIVE
11 BONUS.—Section 312c(d) of title 37, United States Code,
12 is amended by striking “any fiscal year beginning before
13 October 1, 1998, and the 15-month period beginning on
14 that date and ending on December 31, 1999” and insert-
15 ing “the 15-month period beginning on October 1, 1998,
16 and ending on December 31, 1999, and any year begin-
17 ning after December 31, 1999, and ending before January
18 1, 2001”.

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

22 (a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN
23 CRITICALLY SHORT WARTIME SPECIALTIES.—Section
24 302g(f) of title 37, United States Code, is amended by

1 striking “December 31, 1999” and inserting “December
2 31, 2000”.

3 (b) SELECTED RESERVE REENLISTMENT BONUS.—
4 Section 308b(f) of title 37, United States Code, is amend-
5 ed by striking “December 31, 1999” and inserting “De-
6 cember 31, 2000”.

7 (c) SELECTED RESERVE ENLISTMENT BONUS.—Sec-
8 tion 308c(e) of title 37, United States Code, is amended
9 by striking “December 31, 1999” and inserting “Decem-
10 ber 31, 2000”.

11 (d) SPECIAL PAY FOR ENLISTED MEMBERS AS-
12 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section
13 308d(c) of title 37, United States Code, is amended by
14 striking “December 31, 1999” and inserting “December
15 31, 2000”.

16 (e) SELECTED RESERVE AFFILIATION BONUS.—Sec-
17 tion 308e(e) of title 37, United States Code, is amended
18 by striking “December 31, 1999” and inserting “Decem-
19 ber 31, 2000”.

20 (f) READY RESERVE ENLISTMENT AND REENLIST-
21 MENT BONUS.—Section 308h(g) of title 37, United States
22 Code, is amended by striking “December 31, 1999” and
23 inserting “December 31, 2000”.

24 (g) PRIOR SERVICE ENLISTMENT BONUS.—Section
25 308i(f) of title 37, United States Code, is amended by

1 striking “December 31, 1999” and inserting “December
2 31, 2000”.

3 (h) REPAYMENT OF EDUCATION LOANS FOR CER-
4 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-
5 LECTED RESERVE.—Section 16302(d) of title 10, United
6 States Code, is amended by striking “January 1, 2000”
7 and inserting in lieu thereof “January 1, 2001”.

8 **SEC. 613. ONE-YEAR EXTENSION OF CERTAIN BONUSES**
9 **AND SPECIAL PAY AUTHORITIES FOR NURSE**
10 **OFFICER CANDIDATES, REGISTERED NURSES,**
11 **AND NURSE ANESTHETISTS.**

12 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-
13 GRAM.—Section 2130a(a)(1) of title 10, United States
14 Code, is amended by striking “December 31, 1999” and
15 inserting “December 31, 2000”.

16 (b) ACCESSION BONUS FOR REGISTERED NURSES.—
17 Section 302d(a)(1) of title 37, United States Code, is
18 amended by striking “December 31, 1999” and inserting
19 “December 31, 2000”.

20 (c) INCENTIVE SPECIAL PAY FOR NURSE ANES-
21 THETISTS.—Section 302e(a)(1) of title 37, United States
22 Code, is amended by striking “December 31, 1999” and
23 inserting in lieu thereof “December 31, 2000”.

1 **SEC. 614. AMOUNT OF AVIATION CAREER INCENTIVE PAY**
 2 **FOR AIR BATTLE MANAGERS FORMERLY ELI-**
 3 **GIBLE FOR HAZARDOUS DUTY PAY.**

4 (a) SAVE PAY PROVISION.—Section 301a(b) of title
 5 37, United States Code, is amended by adding at the end
 6 the following:

7 “(4) The amount of the monthly incentive pay pay-
 8 able under this section to an air battle manager who was
 9 receiving incentive pay under section 301(c)(2)(A) of this
 10 title immediately before becoming eligible for incentive pay
 11 under this section shall be the higher of—

12 “(A) the monthly rate of incentive pay that the
 13 member was receiving under section 301(c)(2)(A) of
 14 this title; or

15 “(B) the rate applicable to the member under
 16 paragraph (1), (2), or (3).”.

17 (b) EFFECTIVE DATE.—The amendments made by
 18 subsection (a) shall take effect on October 1, 1999, and
 19 shall apply with respect to months beginning on or after
 20 that date.

21 **SEC. 615. AVIATION CAREER OFFICER SPECIAL PAY.**

22 (a) PERIOD OF AUTHORITY.—Subsection (a) of sec-
 23 tion 301b of title 37, United States Code, is amended—

24 (1) by inserting “(1)” after “AUTHORIZED.—”;

25 (2) by striking “during the period beginning on
 26 January 1, 1989, and ending on December 31,

1 1999,” and inserting “during the period described in
2 paragraph (2),”; and

3 (3) adding at the end the following:

4 “(2) Paragraph (1) applies with respect to agree-
5 ments executed during the period beginning on the first
6 day of the first month that begins on or after the date
7 of the enactment of the National Defense Authorization
8 Act for Fiscal Year 2000 and ending on December 31,
9 2004.”.

10 (b) REPEAL OF LIMITATION TO CERTAIN YEARS OF
11 CAREER AVIATION SERVICE.—Subsection (b) of such sec-
12 tion is amended—

13 (1) by striking paragraph (5);

14 (2) by inserting “and” at the end of paragraph
15 (4); and

16 (3) by redesignating paragraph (6) as para-
17 graph (5).

18 (c) REPEAL OF LOWER ALTERNATIVE AMOUNT FOR
19 AGREEMENT TO SERVE FOR 3 OR FEWER YEARS.—Sub-
20 section (c) of such section is amended by striking
21 “than—” and all that follows and inserting “than
22 \$25,000 for each year covered by the written agreement
23 to remain on active duty.”.

24 (d) PRORATION AUTHORITY FOR COVERAGE OF IN-
25 CREASED PERIOD OF ELIGIBILITY.—Subsection (d) of

1 such section is amended by striking “14 years of commis-
 2 sioned service” and inserting “25 years of aviation serv-
 3 ice”.

4 (e) TERMINOLOGY.—Such section is further
 5 amended—

6 (1) in subsection (f), by striking “A retention
 7 bonus” and inserting “Any amount”; and

8 (2) in subsection (i)(1), by striking “retention
 9 bonuses” in the first sentence and inserting “special
 10 pay under this section”.

11 (f) REPEAL OF CONTENT REQUIREMENTS FOR AN-
 12 NUAL REPORT.—Subsection (i)(1) of such section is fur-
 13 ther amended by striking the second sentence.

14 (g) TECHNICAL AMENDMENT.—Subsection (g)(3) of
 15 such section is amended by striking the second sentence.

16 (h) EFFECTIVE DATE.—This section and the amend-
 17 ments made by this section shall take effect on the first
 18 day of the first month that begins on or after the date
 19 of the enactment of this Act.

20 **SEC. 616. CAREER ENLISTED FLYER INCENTIVE PAY.**

21 (a) INCENTIVE PAY AUTHORIZED.—(1) Chapter 5 of
 22 title 37, United States Code, is amended by inserting after
 23 section 301e the following new section 301f:

1 **“§ 301f. Incentive pay: career enlisted flyers**

2 “(a) PAY AUTHORIZED.—An enlisted member de-
3 scribed in subsection (b) may be paid career enlisted flyer
4 incentive pay as provided in this section.

5 “(b) ELIGIBLE MEMBERS.—An enlisted member re-
6 ferred to in subsection (a) is an enlisted member of the
7 armed forces who—

8 “(1) is entitled to basic pay under section 204
9 of this title or is entitled to compensation under
10 paragraph (1) or (2) of section 206(a) of this title;

11 “(2) holds a military occupational specialty or
12 military rating designated as a career enlisted flyer
13 specialty or rating by the Secretary concerned in
14 regulations prescribed under subsection (f) and con-
15 tinues to be proficient in the skills required for that
16 specialty or rating, or is in training leading to the
17 award of such a specialty or rating; and

18 “(3) is qualified for aviation service.

19 “(c) MONTHLY PAYMENT.—(1) Career enlisted flyer
20 incentive pay may be paid a member referred to in sub-
21 section (b) for each month in which the member performs
22 aviation service that involves frequent and regular per-
23 formance of operational flying duty by the member.

24 “(2)(A) Career enlisted flyer incentive pay may be
25 paid a member referred to in subsection (b) for each
26 month in which the member performs service, without re-

1 gard to whether or the extent to which the member per-
2 forms operational flying duty during the month, as fol-
3 lows:

4 “(i) In the case of a member who has per-
5 formed at least 6, and not more than 15, years of
6 aviation service, the member may be so paid after
7 the member has frequently and regularly performed
8 operational flying duty in each of 72 months if the
9 member so performed in at least that number of
10 months before completing the member’s first 10
11 years of performance of aviation service.

12 “(ii) In the case of a member who has per-
13 formed more than 15, and not more than 20, years
14 of aviation service, the member may be so paid after
15 the member has frequently and regularly performed
16 operational flying duty in each of 108 months if the
17 member so performed in at least that number of
18 months before completing the member’s first 15
19 years of performance of aviation service.

20 “(iii) In the case of a member who has per-
21 formed more than 20, and not more than 25, years
22 of aviation service, the member may be so paid after
23 the member has frequently and regularly performed
24 operational flying duty in each of 168 months if the
25 member so performed in at least that number of

1 months before completing the member's first 20
 2 years of performance of aviation service.

3 “(B) The Secretary concerned, or a designee of the
 4 Secretary concerned not below the level of personnel chief
 5 of the armed force concerned, may reduce the minimum
 6 number of months of frequent and regular performance
 7 of operational flying duty applicable in the case of a par-
 8 ticular member under—

9 “(i) subparagraph (A)(i) to 60 months;

10 “(ii) subparagraph (A)(ii) to 96 months; or

11 “(iii) subparagraph (A)(iii) to 144 months.

12 “(C) A member may not be paid career enlisted flyer
 13 incentive pay in the manner provided under subparagraph
 14 (A) after the member has completed 25 years of aviation
 15 service.

16 “(d) MONTHLY RATES.—(1) The monthly rate of any
 17 career enlisted flyer incentive pay paid under this section
 18 to a member on active duty shall be prescribed by the Sec-
 19 retary concerned, but may not exceed the following:

| Years of aviation service | Monthly rate |
|----------------------------------|---------------------|
| 4 or less | \$150 |
| Over 4 | \$225 |
| Over 8 | \$350 |
| Over 14 | \$400. |

20 “(2) The monthly rate of any career enlisted flyer in-
 21 centive pay paid under this section to a member of a re-
 22 serve component for each period of inactive-duty training
 23 during which aviation service is performed shall be equal

1 to $\frac{1}{30}$ of the monthly rate of career enlisted flyer incentive
 2 pay provided under paragraph (1) for a member on active
 3 duty with the same number of years of aviation service.

4 “(e) NONAPPLICABILITY TO MEMBERS RECEIVING
 5 HAZARDOUS DUTY INCENTIVE PAY OR SPECIAL PAY FOR
 6 DIVING DUTY.—A member receiving incentive pay under
 7 section 301(a) of this title or special pay under section
 8 304 of this title may not be paid special pay under this
 9 section for the same period of service.

10 “(f) REGULATIONS.—The Secretary concerned shall
 11 prescribe regulations for the administration of this section.
 12 The regulations shall include the following:

13 “(1) Definitions of the terms ‘aviation service’
 14 and ‘frequently and regularly performed operational
 15 flying duty’ for purposes of this section.

16 “(2) The military occupational specialties or
 17 military rating, as the case may be, that are des-
 18 ignated as career enlisted flyer specialties or ratings,
 19 respectively, for purposes of this section.

20 “(g) DEFINITION.—In this section, the term ‘oper-
 21 ational flying duty’ means—

22 “(1) flying performed under competent orders
 23 while serving in assignments in which basic flying
 24 skills normally are maintained in the performance of

1 assigned duties as determined by the Secretary con-
2 cerned; and

3 “(2) flying performed by members in training
4 that leads to the award of a military occupational
5 specialty or rating referred to in subsection (b)(2).”.

6 (2) The table of sections at the beginning of chapter
7 5 of title 37, United States Code, is amended by inserting
8 after the item relating to section 301e the following new
9 item:

“301f. Incentive pay; career enlisted flyers.”.

10 (b) EFFECTIVE DATE.—The amendments made by
11 subsection (a) shall take effect on October 1, 1999.

12 (c) SAVE PAY PROVISION.—In the case of an enlisted
13 member of a uniformed service who is a designated career
14 enlisted flyer entitled to receive hazardous duty incentive
15 pay under section 301(b) or 301(c)(2)(A) of title 37,
16 United States Code, as of October 1, 1999, the member
17 shall be entitled from that date to payment of incentive
18 pay at the monthly rate that is the higher of—

19 (1) the monthly rate of incentive pay authorized
20 by such section 301(b) or 301(c)(2)(A) as of Sep-
21 tember 30, 1999; or

22 (2) the monthly rate of incentive pay authorized
23 by section 301f of title 37, United States Code, as
24 added by subsection (a).

1 **SEC. 617. RETENTION BONUS FOR SPECIAL WARFARE OF-**
2 **FICERS EXTENDING PERIODS OF ACTIVE**
3 **DUTY.**

4 (a) BONUS AUTHORIZED.—(1) Chapter 5 of title 37,
5 United States Code, is amended by inserting after section
6 301f, as added by section 616 of this Act, the following
7 new section:

8 **“§ 301g. Special pay: special warfare officers extend-**
9 **ing period of active duty**

10 “(a) BONUS AUTHORIZED.—A special warfare officer
11 described in subsection (b) who executes a written agree-
12 ment to remain on active duty in special warfare service
13 for at least one year may, upon the acceptance of the
14 agreement by the Secretary concerned, be paid a retention
15 bonus as provided in this section.

16 “(b) COVERED OFFICERS.—A special warfare officer
17 referred to in subsection (a) is an officer of a uniformed
18 service who—

19 “(1) is qualified for a military occupational spe-
20 cialty or designator identified by the Secretary con-
21 cerned as a special warfare military occupational
22 specialty or designator and is serving in a position
23 for which that specialty or designator is authorized;

24 “(2) is in pay grade O–3, or is in pay grade O–
25 4 and is not on a list of officers recommended for

1 promotion, at the time the officer applies for an
2 agreement under this section;

3 “(3) has completed at least 6, but not more
4 than 14, years of active commissioned service; and

5 “(4) has completed any service commitment in-
6 curred to be commissioned as an officer.

7 “(c) AMOUNT OF BONUS.—The amount of a reten-
8 tion bonus paid under this section may not be more than
9 \$15,000 for each year covered by the written agreement.

10 “(d) PRORATION.—The term of an agreement under
11 subsection (a) and the amount of the bonus payable under
12 subsection (c) may be prorated as long as such agreement
13 does not extend beyond the date on which the officer mak-
14 ing such agreement would complete 14 years of active
15 commissioned service.

16 “(e) PAYMENT.—Upon acceptance of a written agree-
17 ment under subsection (a) by the Secretary concerned, the
18 total amount payable pursuant to the agreement becomes
19 fixed and may be paid—

20 “(1) in a lump sum equal to the amount of half
21 the total amount payable under the agreement at the
22 time the agreement is accepted by the Secretary con-
23 cerned followed by payments of equal annual install-
24 ments on the anniversary of the acceptance of the
25 agreement until the payment in full of the balance

1 of the amount that remains payable under the agree-
2 ment after the payment of the lump sum amount
3 under this paragraph; or

4 “(2) in graduated annual payments under regu-
5 lations prescribed by the Secretary concerned with
6 the first payment being payable at the time the
7 agreement is accepted by the Secretary concerned
8 and subsequent payments being payable on the anni-
9 versaries of the acceptance of the agreement.

10 “(f) ADDITIONAL PAY.—A retention bonus paid
11 under this section is in addition to any other pay and al-
12 lowances to which an officer is entitled.

13 “(g) REPAYMENT.—(1) If an officer who has entered
14 into a written agreement under subsection (a) and has re-
15 ceived all or part of a retention bonus under this section
16 fails to complete the total period of active duty in special
17 warfare service as specified in the agreement, the Sec-
18 retary concerned may require the officer to repay the
19 United States, on a pro rata basis and to the extent that
20 the Secretary determines conditions and circumstances
21 warrant, all sums paid the officer under this section.

22 “(2) An obligation to repay the United States im-
23 posed under paragraph (1) is for all purposes a debt owed
24 to the United States.

1 “(3) A discharge in bankruptcy under title 11 that
 2 is entered less than five years after the termination of a
 3 written agreement entered into under subsection (a) does
 4 not discharge the officer signing the agreement from a
 5 debt arising under such agreement or under paragraph
 6 (1).

7 “(h) REGULATIONS.—The Secretaries concerned
 8 shall prescribe regulations to carry out this section, includ-
 9 ing the definition of the term ‘special warfare service’ for
 10 purposes of this section. Regulations prescribed by the
 11 Secretary of a military department under this section shall
 12 be subject to the approval of the Secretary of Defense.”.

13 (2) The table of sections at the beginning of chapter
 14 5 of title 37, United States Code, as amended by section
 15 110(a) of this Act, is amended by inserting after the item
 16 relating to section 301f the following new item:

“301g. Special pay: special warfare officers extending period of active duty.”.

17 (b) EFFECTIVE DATE.—The amendments made by
 18 subsection (a) shall take effect on October 1, 1999.

19 **SEC. 618. RETENTION BONUS FOR SURFACE WARFARE OF-**
 20 **FICERS EXTENDING PERIODS OF ACTIVE**
 21 **DUTY.**

22 (a) BONUS AUTHORIZED.—(1) Chapter 5 of title 37,
 23 United States Code, is amended by inserting after section
 24 301g, as added by section 617 of this Act, the following
 25 new section:

1 **“§ 301h. Special pay: surface warfare officers extend-**
 2 **ing period of active duty**

3 “(a) SPECIAL PAY AUTHORIZED.—(1) A surface war-
 4 fare officer described in subsection (b) who executes a
 5 written agreement described in paragraph (2) may, upon
 6 the acceptance of the agreement by the Secretary of the
 7 Navy, be paid a retention bonus as provided in this sec-
 8 tion.

9 “(2) An agreement referred to in paragraph (1) is
 10 an agreement in which the officer concerned agrees—

11 “(A) to remain on active duty for at least two
 12 years and through the tenth year of active commis-
 13 sioned service; and

14 “(B) to complete tours of duty to which the of-
 15 ficer may be ordered during the period covered by
 16 subparagraph (A) as a department head afloat.

17 “(b) COVERED OFFICERS.—A surface warfare officer
 18 referred to in subsection (a) is an officer of the Regular
 19 Navy or Naval Reserve on active duty who—

20 “(1) is designated and serving as a surface war-
 21 fare officer;

22 “(2) is in pay grade O-3 at the time the officer
 23 applies for an agreement under this section;

24 “(3) has been selected for assignment as a de-
 25 partment head on a surface ship;

1 “(4) has completed at least four, but not more
2 than eight, years of active commissioned service; and

3 “(5) has completed any service commitment in-
4 curred to be commissioned as an officer.

5 “(c) AMOUNT OF BONUS.—The amount of a reten-
6 tion bonus paid under this section may not be more than
7 \$15,000 for each year covered by the written agreement.

8 “(d) PRORATION.—The term of an agreement under
9 subsection (a) and the amount of the bonus payable under
10 subsection (c) may be prorated as long as such agreement
11 does not extend beyond the date on which the officer mak-
12 ing such agreement would complete 10 years of active
13 commissioned service.

14 “(e) PAYMENT.—Upon acceptance of a written agree-
15 ment under subsection (a) by the Secretary of the Navy,
16 the total amount payable pursuant to the agreement be-
17 comes fixed and may be paid—

18 “(1) in a lump sum equal to the amount of half
19 the total amount payable under the agreement at the
20 time the agreement is accepted by the Secretary fol-
21 lowed by payments of equal annual installments on
22 the anniversary of the acceptance of the agreement
23 until the payment in full of the balance of the
24 amount that remains payable under the agreement

1 after the payment of the lump sum amount under
2 this paragraph; or

3 “(2) in equal annual payments with the first
4 payment being payable at the time the agreement is
5 accepted by the Secretary and subsequent payments
6 being payable on the anniversaries of the acceptance
7 of the agreement.

8 “(f) ADDITIONAL PAY.—A retention bonus paid
9 under this section is in addition to any other pay and al-
10 lowances to which an officer is entitled.

11 “(g) REPAYMENT.—(1) If an officer who has entered
12 into a written agreement under subsection (a) and has re-
13 ceived all or part of a retention bonus under this section
14 fails to complete the total period of active duty specified
15 in the agreement, the Secretary of the Navy may require
16 the officer to repay the United States, on a pro rata basis
17 and to the extent that the Secretary determines conditions
18 and circumstances warrant, all sums paid under this sec-
19 tion.

20 “(2) An obligation to repay the United States im-
21 posed under paragraph (1) is for all purposes a debt
22 owned to the United States.

23 “(3) A discharge in bankruptcy under title 11 that
24 is entered less than five years after the termination of a
25 written agreement entered into under subsection (a) does

1 not discharge the officer signing the agreement from a
 2 debt arising under such agreement or under paragraph
 3 (1).

4 “(h) REGULATIONS.—The Secretary of the Navy
 5 shall prescribe regulations to carry out this section.”.

6 (2) The table of sections at the beginning of chapter
 7 5 of title 37, United States Code, is amended by inserting
 8 after the item relating to section 301g, as added by section
 9 111(a) of this Act, the following new item:

“301h. Special pay: surface warfare officers extending period of active duty.”.

10 (b) EFFECTIVE DATE.—The amendments made by
 11 subsection (a) shall take effect on October 1, 1999.

12 **SEC. 619. ADDITIONAL SPECIAL PAY FOR BOARD CER-**
 13 **TIFIED VETERINARIANS IN THE ARMED**
 14 **FORCES AND PUBLIC HEALTH SERVICE.**

15 (a) AUTHORITY.—Section 303 of title 37, United
 16 States Code, is amended—

17 (1) by inserting “(a) MONTHLY SPECIAL
 18 PAY.—” before “Each”; and

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

20 “(b) ADDITIONAL SPECIAL PAY FOR BOARD CER-
 21 TIFICATION.—A commissioned officer entitled to special
 22 pay under subsection (a) who has been awarded a diploma
 23 as a Diplomate in a specialty recognized by the American
 24 Veterinarian Medical Association is entitled to special pay
 25 (in addition to the special pay under that subsection) at

1 the same rate as is provided under section 302c(b) of this
2 title for an officer referred to in that section who has the
3 same number of years of creditable service as the commis-
4 sioned officer.”.

5 (b) EFFECTIVE DATE.—Section 303(b) of title 37,
6 United States Code, as added by subsection (a), shall
7 apply with respect to months beginning after September
8 30, 1999.

9 **SEC. 620. INCREASE IN RATE OF DIVING DUTY SPECIAL**
10 **PAY.**

11 (a) INCREASE.—Section 304(b) of title 37, United
12 States Code, is amended—

13 (1) by striking “\$200” and inserting “\$240”;
14 and

15 (2) by striking “\$300” and inserting “\$340”.

16 (b) EFFECTIVE DATE.—The amendments made by
17 subsection (a) shall take effect on October 1, 1999, and
18 shall apply with respect to special pay paid under section
19 304 of title 37, United States Code, for months beginning
20 on or after that date.

21 **SEC. 621. INCREASE IN MAXIMUM AMOUNT AUTHORIZED**
22 **FOR REENLISTMENT BONUS FOR ACTIVE**
23 **MEMBERS.**

24 (a) INCREASE IN MAXIMUM AMOUNT.—Section
25 308(a)(2) of title 37, United States Code, is amended—

1 (1) subparagraph (A)(i), by striking “ten” and
2 inserting “15”; and

3 (2) in subparagraph (B), by striking “\$45,000”
4 and inserting “\$60,000”.

5 (b) EFFECTIVE DATE.—The amendment made by
6 subsection (a) shall take effect on October 1, 1999, and
7 shall apply with respect to reenlistments and extensions
8 of enlistments taking effect on or after that date.

9 **SEC. 622. CRITICAL SKILLS ENLISTMENT BONUS.**

10 (a) INCREASE.—Section 308a(a) of title 37, United
11 States Code, is amended in the first sentence by striking
12 “\$12,000” and inserting “\$20,000”.

13 (b) LUMP-SUM PAYMENT OF CRITICAL SKILLS EN-
14 LISTMENT BONUS.—Section 308a(a) of title 37, United
15 States Code, is amended—

16 (1) by inserting “(1)” after “(a)”;

17 (2) by striking all after “may be paid a bonus”
18 and inserting a period; and

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

20 “(2) The appropriate Secretary shall prescribe in reg-
21 ulations the following:

22 “(A) The amount of the bonus, but not more
23 than \$12,000.

24 “(B) Provisions for payment of the bonus in a
25 single lump sum or periodic installments in relation

1 to the attainment of one or more specified career
2 milestones appropriate to ensure that the terms of
3 the enlistment or extension are satisfied.”.

4 (c) EFFECTIVE DATE.—The amendment made by
5 subsection (a) shall take effect on October 1, 1999, and
6 shall apply with respect enlistments and extensions of en-
7 listments taking effect on or after that date.

8 **SEC. 623. SELECTED RESERVE ENLISTMENT BONUS.**

9 (a) ELIMINATION OF REQUIREMENT FOR MINIMUM
10 PERIOD OF ENLISTMENT.—Subsection (a) of section 308c
11 of title 37, United States Code, is amended by striking
12 “for a term of enlistment of not less than six years”.

13 (b) INCREASED MAXIMUM AMOUNT.—Subsection (b)
14 of such section is amended by striking “\$5,000” and in-
15 serting “\$8,000”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 subsections (a) and (b) shall take effect on October 1,
18 1999, and shall apply with respect to enlistments entered
19 into on or after that date.

20 **SEC. 624. SPECIAL PAY FOR MEMBERS OF THE COAST**
21 **GUARD RESERVE ASSIGNED TO HIGH PRI-**
22 **ORITY UNITS OF THE SELECTED RESERVE.**

23 Section 308d(a) of title 37, United States Code, is
24 amended by inserting “, or the Secretary of Transpor-
25 tation with respect to the Coast Guard when it is not oper-

1 ating as a service in the Navy, ” after “Secretary of De-
2 fense”.

3 **SEC. 625. REDUCED MINIMUM PERIOD OF ENLISTMENT IN**
4 **ARMY IN CRITICAL SKILL FOR ELIGIBILITY**
5 **FOR ENLISTMENT BONUS.**

6 (a) REDUCED REQUIREMENT.—Paragraph (3) of
7 section 308f(a) of title 37, United States Code, is amend-
8 ed by striking “3 years” and inserting “2 years”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 subsection (a) shall take effect on October 1, 1999, and
11 shall apply with respect to enlistments entered into on or
12 after that date.

13 **SEC. 626. ELIGIBILITY FOR RESERVE COMPONENT PRIOR**
14 **SERVICE ENLISTMENT BONUS UPON ATTAIN-**
15 **ING A CRITICAL SKILL.**

16 (a) NEWLY ATTAINED CRITICAL SKILL.—Section
17 308i(a) of title 37, United States Code, is amended by
18 striking paragraph (2) and inserting the following:

19 “(2) A bonus may only be paid under this section
20 to a person who meets each of the following requirements:

21 “(A) The person has completed that person’s
22 military service obligation but has less than 14 years
23 of total military service.

24 “(B) The person has received an honorable dis-
25 charge at the conclusion of military service.

1 “(C) The person is not being released from ac-
2 tive service for the purpose of enlistment in a re-
3 serve component.

4 “(D) The person is position eligible under para-
5 graph (3).

6 “(E) The person has not previously been paid
7 a bonus (except under this section) for enlistment,
8 reenlistment, or extension of enlistment in a reserve
9 component.

10 “(3) A person is position eligible for the purposes of
11 paragraph (2)(D) if the person—

12 “(A) is projected to occupy a position as a
13 member of the Selected Reserve in a specialty in
14 which the person—

15 “(i) successfully served while a member on
16 active duty; and

17 “(ii) attained a level of qualification while
18 a member on active duty commensurate with
19 the grade and years of service of the member;
20 or

21 “(B) is occupying a position as a member of the
22 Selected Reserve in a specialty in which the
23 person—

1 “(i) has completed training or retraining in
2 the specialty skill that is designated as critically
3 short; and

4 “(ii) has attained a level of qualification in
5 the designated critically short specialty skill
6 that is commensurate with the member’s grade
7 and years of service.”.

8 (b) **EFFECTIVE DATE.**—The amendment made by
9 subsection (a) shall take effect on the date of the enact-
10 ment of this Act and shall apply to enlistments beginning
11 on or after that date.

12 **SEC. 627. INCREASE IN SPECIAL PAY AND BONUSES FOR**
13 **NUCLEAR-QUALIFIED OFFICERS.**

14 (a) **SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-**
15 **CERS EXTENDING PERIOD OF ACTIVE SERVICE.**—Section
16 312(a) of title 37, United States Code, is amended by
17 striking “\$15,000” and inserting “\$25,000”.

18 (b) **NUCLEAR CAREER ACCESSION BONUS.**—Section
19 312b(a)(1) of title 37, United States Code, is amended
20 by striking “\$10,000” and inserting “\$20,000”.

21 (c) **NUCLEAR CAREER ANNUAL INCENTIVE BO-**
22 **NUSES.**—Section 312c of title 37, United States Code, is
23 amended—

24 (1) in subsection (a)(1), by striking “\$12,000”
25 and inserting “\$22,000”; and

1 (2) in subsection (b)(1), by striking “\$5,500”
2 and inserting “\$10,000”.

3 (d) EFFECTIVE DATE.—(1) The amendments made
4 by this section shall take effect on October 1, 1999.

5 (2) The amendments made by subsections (a) and (b)
6 shall apply with respect to agreements accepted under sec-
7 tion 312(a) and 312b(a), respectively, of title 37, United
8 States Code, on or after October 1, 1999.

9 (3) The amendments made by subsection (c) shall
10 apply with respect to nuclear service years beginning on
11 or after October 1, 1999.

12 **SEC. 628. INCREASE IN MAXIMUM MONTHLY RATE AU-**
13 **THORIZED FOR FOREIGN LANGUAGE PRO-**
14 **FICIENCY PAY.**

15 (a) INCREASE IN MAXIMUM MONTHLY RATE.—Sec-
16 tion 316(b) of title 37, United States Code, is amended
17 by striking “\$100” and inserting “\$300”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 subsection (a) shall take effect on October 1, 1999, and
20 shall apply with respect to foreign language proficiency
21 pay paid under section 316 of title 37, United States
22 Code, for months beginning on or after that date.

Subtitle C—Travel and Transportation Allowances

SEC. 641. PAYMENT OF TEMPORARY LODGING EXPENSES TO ENLISTED MEMBERS MAKING FIRST PER- MANENT CHANGE OF STATION.

Section 404a(a) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking “or” at the end of the paragraph;

(2) in paragraph (2), by inserting “or” after the semicolon; and

(3) by inserting after paragraph (2) the following:

“(3) in the case of an enlisted member, to the member’s first permanent duty station from the member’s home of record or initial technical training school;”.

SEC. 642. DESTINATION AIRPORT FOR EMERGENCY LEAVE TRAVEL TO THE CONTINENTAL UNITED STATES.

Section 411d(b)(1)(A) of title 37, United States Code, is amended to read as follows:

“(A) to either—

“(i) the international airport in the continental United States closest to the location

from which the member and the member's dependents departed; or

“(ii) any other airport in the continental United States that is closer to the destination than is that international airport if the cost of the transportation to the other airport is less expensive than the cost of the transportation to that international airport; or”.

SEC. 643. CLARIFICATION OF PER DIEM ELIGIBILITY OF CERTAIN MILITARY TECHNICIANS (DUAL STATUS) SERVING ON ACTIVE DUTY WITHOUT PAY OUTSIDE THE UNITED STATES.

(a) CLARIFICATION.—Section 1002(b) of title 37, United States Code, is amended—

(1) by inserting “(1)” after “(b)”; and

(2) by adding at the end the following:

“(2) If the Secretary concerned determines that a military technician (dual status) on leave from technician employment under section 6323(d) of title 5 is performing active duty without pay outside the United States without having been afforded an adequate opportunity to satisfy administrative requirements for a commutation of subsistence and quarters under paragraph (1), the Secretary concerned may authorize payment of a per diem allowance to the technician under chapter 4 of this title instead of

1 the commutation while the technician is performing that
2 duty.”.

3 (b) DEFINITION.—Section 101 of such title is amend-
4 ed by adding at the end the following:

5 “(27) The term ‘military technician (dual sta-
6 tus)’ has the meaning given the term in section
7 10216(a) of title 10.”.

8 (c) RETROACTIVE EFFECTIVE DATE.—The amend-
9 ments made by this section shall be effective as of Feb-
10 ruary 10, 1996.

11 **SEC. 644. EXPANSION AND CODIFICATION OF AUTHORITY**
12 **FOR SPACE REQUIRED TRAVEL ON MILITARY**
13 **AIRCRAFT FOR RESERVES PERFORMING IN-**
14 **ACTIVE-DUTY TRAINING OUTSIDE THE CON-**
15 **TINENTAL UNITED STATES.**

16 (a) AUTHORITY.—(1) Chapter 1209 of title 10,
17 United States Code, is amended by adding at the end the
18 following new section:

19 **“§ 12322. Reserves traveling to inactive-duty training**
20 **OCONUS: space required travel**

21 “A member of a reserve component is authorized to
22 travel in a space required status on aircraft of the armed
23 forces between the member’s home and place of inactive-
24 duty training outside the continental United States (in-
25 cluding a place other than the place of the member’s unit

1 training assembly if the member is performing the inac-
 2 tive-duty training in another location) when there is no
 3 transportation between those locations by means of road,
 4 railroad, or a combination of road and railroad. A member
 5 traveling in that status on any such aircraft under the
 6 authority of this section is not authorized to receive travel,
 7 transportation, or per diem allowances in connection with
 8 the travel.”.

9 (2) The table of sections at the beginning of that
 10 chapter is amended by adding at the end the following:

“12322. Reserves traveling to inactive-duty training OCONUS: space required
 travel.”.

11 (b) REPEAL OF SUPERSEDED AUTHORITY.—Section
 12 8023 of Public Law 105–262 (112 Stat. 2302) is repealed.

13 (c) EFFECTIVE DATE.—This section and the amend-
 14 ments made by this section shall take effect on the date
 15 of the enactment of this Act and shall apply with respect
 16 to travel commencing on or after that date.

17 **SEC. 645. REIMBURSEMENT OF TRAVEL EXPENSES IN-**
 18 **CURRED BY MEMBERS OF THE ARMED**
 19 **FORCES IN CONNECTION WITH LEAVE CAN-**
 20 **CELED FOR INVOLVEMENT IN KOSOVO-RE-**
 21 **LATED ACTIVITIES.**

22 (a) AUTHORITY.—The Secretary of the military de-
 23 partment concerned may reimburse a member of the
 24 Armed Forces under the jurisdiction of the Secretary for

1 expenses of travel (to the extent not otherwise reimburs-
 2 able under law) that have been incurred by the member
 3 in connection with approved leave canceled to meet an exi-
 4 gency in connection with United States participation in
 5 Operation Allied Force.

6 (b) ADMINISTRATIVE PROVISIONS.—The Secretary of
 7 Defense shall prescribe the procedures and documentation
 8 required for application for, and payment of, reimburse-
 9 ments to members of the Armed Forces under subsection
 10 (a).

11 **Subtitle D—Retired Pay, Survivor** 12 **Benefits, and Related Matters**

13 **SEC. 651. RETIRED PAY OPTIONS FOR PERSONNEL ENTER-** 14 **ING UNIFORMED SERVICES ON OR AFTER AU-** 15 **GUST 1, 1986.**

16 (a) REDUCED RETIRED PAY ONLY FOR MEMBERS
 17 ELECTING 15-YEAR SERVICE BONUS.—(1) Paragraph (2)
 18 of section 1409(b) of title 10, United States Code, is
 19 amended by inserting after “July 31, 1986,” the following:
 20 “has elected to receive a bonus under section 318 of title
 21 37,”.

22 (2)(A) Paragraph (2)(A) of section 1401a(b) of title
 23 10, United States Code, is amended by striking “The Sec-
 24 retary shall increase the retired pay of each member and
 25 former member who first became a member of a uniformed

1 service before August 1, 1986,” and inserting “Except as
 2 otherwise provided in this subsection, the Secretary shall
 3 increase the retired pay of each member and former mem-
 4 ber”.

5 (B) Paragraph (3) of such section 1401a(b) is
 6 amended by inserting after “August 1, 1986,” the fol-
 7 lowing: “and has elected to receive a bonus under section
 8 318 of title 37,”.

9 (3) Section 1410 of title 10, United States Code, is
 10 amended by inserting after “August 1, 1986,” the fol-
 11 lowing: “who has elected to receive a bonus under section
 12 318 of title 37,”.

13 (b) OPTIONAL LUMP-SUM BONUS AT 15 YEARS OF
 14 SERVICE.—(1) Chapter 5 of title 37, United States Code,
 15 is amended by adding at the end the following new section:

16 **“§ 318. Special pay: 15-year service bonus elected by**
 17 **members entering on or after August 1,**
 18 **1986**

19 “(a) PAYMENT OF BONUS.—The Secretary concerned
 20 shall pay a bonus to a member of a uniformed service who
 21 is eligible and elects to receive the bonus under this sec-
 22 tion.

23 “(b) ELIGIBILITY FOR BONUS.—A member of a uni-
 24 formed service serving on active duty is eligible to receive
 25 a bonus under this section if the member—

1 “(1) first became a member of a uniformed
2 service on or after August 1, 1986;

3 “(2) has completed 15 years of active duty in
4 the uniformed services; and

5 “(3) if not already obligated to remain on active
6 duty for a period that would result in at least 20
7 years of active-duty service, executes a written
8 agreement (prescribed by the Secretary concerned)
9 to remain continuously on active duty for five years
10 after the date of the completion of 15 years of ac-
11 tive-duty service.

12 “(c) ELECTION.—(1) A member eligible to receive a
13 bonus under this section may elect to receive the bonus.
14 The election shall be made in such form and within such
15 period as the Secretary concerned requires.

16 “(2) An election made under this subsection is irrev-
17 ocable.

18 “(d) NOTIFICATION OF ELIGIBILITY.—The Secretary
19 concerned shall transmit a written notification of the op-
20 portunity to elect to receive a bonus under this section
21 to each member who is eligible (or upon execution of an
22 agreement described in subsection (b)(3), would be eligi-
23 ble) to receive the bonus. The Secretary shall complete the
24 notification within 180 days after the date on which the
25 member completes 15 years of active duty. The notifica-

tion shall include the procedures for electing to receive the bonus and an explanation of the effects under sections 1401a, 1409, and 1410 of title 10 that such an election has on the computation of any retired or retainer pay which the member may become eligible to receive.

“(e) FORM AND AMOUNT OF BONUS.—A bonus under this section shall be paid in one lump sum of \$30,000.

“(f) TIME FOR PAYMENT.—Payment of a bonus to a member electing to receive the bonus under this section shall be made not later than the first month that begins on or after the date that is 60 days after the Secretary concerned receives from the member an election that satisfies the requirements imposed under subsection (c).

“(g) REPAYMENT OF BONUS.—(1) If a person paid a bonus under this section fails to complete the total period of active duty specified in the agreement entered into under subsection (b)(3), the person shall refund to the United States the amount that bears the same ratio to the amount of the bonus payment as the unserved part of that total period bears to the total period.

“(2) Subject to paragraph (3), an obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

1 “(3) The Secretary concerned may waive, in whole
 2 or in part, a refund required under paragraph (1) if the
 3 Secretary concerned determines that recovery would be
 4 against equity and good conscience or would be contrary
 5 to the best interests of the United States.

6 “(4) A discharge in bankruptcy under title 11 that
 7 is entered less than five years after the termination of an
 8 agreement under this section does not discharge the mem-
 9 ber signing such agreement from a debt arising under the
 10 agreement or this subsection.”.

11 (2) The table of sections at the beginning of such
 12 chapter is amended by adding at the end the following
 13 new item:

“318. Special pay: 15-year service bonus elected by members entering on or
 after August 1, 1986.”.

14 (c) CONFORMING AMENDMENTS TO SURVIVOR BEN-
 15 EFIT PLAN PROVISIONS.—(1) Section 1451(h)(3) of title
 16 10, United States Code, is amended by inserting “OF CER-
 17 TAIN MEMBERS” after “RETIREMENT”.

18 (2) Section 1452(i) of such title is amended by strik-
 19 ing “When the retired pay” and inserting “Whenever the
 20 retired pay”.

21 (d) RELATED TECHNICAL AMENDMENTS.—(1) Sec-
 22 tion 1401a(b) of title 10, United States Code, is
 23 amended—

1 (A) by striking the heading for paragraph (1)
2 and inserting “INCREASE REQUIRED.—”;

3 (B) by striking the heading for paragraph (2)
4 and inserting “PERCENTAGE INCREASE.—”; and

5 (C) by striking the heading for paragraph (3)
6 and inserting “REDUCED PERCENTAGE FOR CER-
7 TAIN POST-AUGUST 1, 1986 MEMBERS.—”.

8 (2) Section 1409(b)(2) of title 10, United States
9 Code, is amended by inserting “CERTAIN” after “REDUC-
10 TION APPLICABLE TO” in the paragraph heading.

11 (3)(A) The heading of section 1410 of such title is
12 amended by inserting “**certain**” before “**members**”.

13 (B) The item relating to such section in the table of
14 sections at the beginning of chapter 71 of title 10, United
15 States Code, is amended by inserting “certain” before
16 “members”.

17 **SEC. 652. PARTICIPATION IN THRIFT SAVINGS PLAN.**

18 (a) PARTICIPATION AUTHORITY.—(1)(A) Chapter 3
19 of title 37, United States Code, is amended by adding at
20 the end the following:

21 **“§ 211. Participation in Thrift Savings Plan**

22 “(a) AUTHORITY.—A member of the uniformed serv-
23 ices serving on active duty and a member of the Ready
24 Reserve in any pay status may participate in the Thrift
25 Savings Plan in accordance with section 8440e of title 5.

1 “(b) RULE OF CONSTRUCTION REGARDING SEPARA-
 2 TION.—For the purposes of section 8440e of title 5, the
 3 following actions shall be considered separation of a mem-
 4 ber of the uniformed services from Government employ-
 5 ment:

6 “(1) Release of the member from active-duty
 7 service (not followed by a resumption of active-duty
 8 service within 30 days after the effective date of the
 9 release).

10 “(2) Transfer of the member by the Secretary
 11 concerned to a retired list maintained by the Sec-
 12 retary.”.

13 (B) The table of sections at the beginning of such
 14 chapter is amended by adding at the end the following:

“211. Participation in Thrift Savings Plan.”.

15 (2)(A) Subchapter III of chapter 84 of title 5, United
 16 States Code, is amended by adding at the end the fol-
 17 lowing:

18 **“§ 8440e. Members of the uniformed services on ac-**
 19 **tive duty**

20 “(a) PARTICIPATION AUTHORIZED.—(1) A member
 21 of the uniformed services authorized to participate in the
 22 Thrift Savings Plan under section 211(a) of title 37 may
 23 contribute to the Thrift Savings Fund.

24 “(2) An election to contribute to the Thrift Savings
 25 Fund under paragraph (1) may be made only during a

1 period provided under section 8432(b) for individuals sub-
2 ject to this chapter.

3 “(b) APPLICABILITY OF THRIFT SAVINGS PLAN PRO-
4 VISIONS.—Except as otherwise provided in this section,
5 the provisions of this subchapter and subchapter VII of
6 this chapter shall apply with respect to members of the
7 uniformed services making contributions to the Thrift
8 Savings Fund as if such members were employees within
9 the meaning of section 8401(11).

10 “(c) MAXIMUM CONTRIBUTION FROM PAY OR COM-
11 PENSATION.—(1) The amount contributed by a member
12 of the uniformed services for any pay period out of basic
13 pay may not exceed 5 percent of such member’s basic pay
14 for such pay period.

15 “(2) The amount contributed by a member of the
16 Ready Reserve for any pay period for any compensation
17 received under section 206 of title 37 may not exceed 5
18 percent of such member’s compensation for such pay pe-
19 riod, to the extent allowable under the Internal Revenue
20 Code of 1986.

21 “(d) OTHER MEMBER CONTRIBUTIONS.—A member
22 of the uniformed services making contributions to the
23 Thrift Savings Fund out of basic pay, or out of compensa-
24 tion under section 206 of title 37, may also contribute (by
25 direct transfer to the Fund) any part of any special or

1 incentive pay that the member receives under section 308,
 2 308a through 308h, or 318 of title 37, to the extent allow-
 3 able under the Internal Revenue Code of 1986.

4 “(e) AGENCY CONTRIBUTIONS GENERALLY PROHIB-
 5 ITED.—Except as provided in section 211(c) of title 37,
 6 no contribution under section 8432(c) of this title may be
 7 made for the benefit of a member of the uniformed serv-
 8 ices making contributions to the Thrift Savings Fund
 9 under subsection (a).

10 “(f) BENEFITS AND ELECTIONS OF BENEFITS.—In
 11 applying section 8433 to a member of the uniformed serv-
 12 ices who has an account balance in the Thrift Savings
 13 Fund—

14 “(1) any reference in such section to separation
 15 from Government employment shall be construed to
 16 refer to an action described in section 211(b) of title
 17 37; and

18 “(2) the reference in section 8433(g)(1) to con-
 19 tributions made under section 8432(a) shall be
 20 treated as being a reference to contributions made to
 21 the Fund by the member, whether made under sec-
 22 tion 8351, 8432(a), or this section.

23 “(g) BASIC PAY DEFINED.—For purposes of this sec-
 24 tion, the term ‘basic pay’ means basic pay that is payable
 25 under section 204 of title 37.”.

1 (B) The table of sections at the beginning of chapter
2 84 of title 5, United States Code, is amended by adding
3 after the item relating to section 8440d the following:

“8440e. Members of the uniformed services on active duty.”.

4 (3) Section 8432b(b) of title 5, United States Code,
5 is amended—

6 (A) in paragraph (1), by striking “Each em-
7 ployee” and inserting “Except as provided in para-
8 graph (4), each employee”;

9 (B) by redesignating paragraph (4) as para-
10 graph (5); and

11 (C) by inserting after paragraph (3) the fol-
12 lowing new paragraph (4):

13 “(4) No contribution may be made under this section
14 for a period for which an employee made a contribution
15 under section 8440e.”.

16 (4) Section 8473 of title 5, United States Code, is
17 amended—

18 (A) in subsection (a), by striking “14 mem-
19 bers” and inserting “15 members”; and

20 (B) in subsection (b)—

21 (i) by striking “14 members” and inserting
22 “15 members”;

23 (ii) by striking “and” at the end of para-
24 graph (8);

1 (iii) by striking the period at the end of
2 paragraph (9) and inserting “; and”; and

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

4 “(10) 1 shall be appointed to represent partici-
5 pants (under section 8440e) who are members of the
6 uniformed services.”.

7 (5) Paragraph (11) of section 8351(b) of title 5,
8 United States Code, is redesignated as paragraph (8).

9 (b) APPLICABILITY.—(1) Except as provided in para-
10 graph (2), the authority of members of the uniformed
11 services to participate in the Thrift Savings Plan under
12 section 211 of title 37, United States Code (as added by
13 subsection (a)(1)), shall take effect on July 1, 2000.

14 (2)(A) The Secretary of Defense may postpone the
15 authority of members of the Ready Reserve to so partici-
16 pate in the Thrift Savings Plan until 180 days after the
17 date specified in paragraph (1) if the Secretary, after con-
18 sultation with the Executive Director appointed by the
19 Federal Thrift Retirement Investment Board, determines
20 that permitting such members to participate in the Thrift
21 Savings Plan on that date would place an excessive burden
22 on the administrative capacity of the Board to accommo-
23 date participants in the Thrift Savings Plan.

1 (B) The Secretary shall notify the congressional de-
 2 fense committees of any determination made under sub-
 3 paragraph (A).

4 (c) REGULATIONS.—Not later than 180 days after
 5 the date of the enactment of this Act, the Executive Direc-
 6 tor appointed by the Federal Thrift Retirement Invest-
 7 ment Board shall issue regulations to implement section
 8 8440e of title 5, United States Code (as added by sub-
 9 section (a)(2)) and section 211 of title 37, United States
 10 Code (as added by subsection (a)(1)).

11 **SEC. 653. SPECIAL RETENTION INITIATIVE.**

12 Section 211 of title 37, United States Code, as added
 13 by section 652, is amended by adding at the end the fol-
 14 lowing:

15 “(c) AGENCY CONTRIBUTIONS FOR RETENTION IN
 16 CRITICAL SPECIALTIES.—(1) The Secretary concerned
 17 may enter into an agreement with a member to make con-
 18 tributions to the Thrift Savings Fund for the benefit of
 19 the member if the member—

20 “(A) is in a specialty designated by the Sec-
 21 retary as critical to meet requirements (whether
 22 such specialty is designated as critical to meet war-
 23 time or peacetime requirements); and

1 “(B) commits in such agreement to continue to
 2 serve on active duty in that specialty for a period of
 3 six years.

4 “(2) Under any agreement entered into with a mem-
 5 ber under paragraph (1), the Secretary shall make con-
 6 tributions to the Fund for the benefit of the member for
 7 each pay period of the 6-year period of the agreement for
 8 which the member makes a contribution out of basic pay
 9 to the Fund under this section. Paragraph (2) of section
 10 8432(c) applies to the Secretary’s obligation to make con-
 11 tributions under this paragraph, except that the reference
 12 in such paragraph to contributions under paragraph (1)
 13 of such section does not apply.”.

14 **SEC. 654. APPLICABILITY OF DUAL COMPENSATION LIMI-**
 15 **TATION TO RESERVE OFFICERS RETIRED**
 16 **AFTER 20 YEARS OF ACTIVE SERVICE.**

17 (a) **APPLICABILITY.**—Section 5532 of title 5, United
 18 States Code, is amended by inserting after “(b) A retired
 19 officer of a regular component of a uniformed service” in
 20 the first sentence the following: “, or of a reserve compo-
 21 nent of a uniformed service if retired under section 3911,
 22 6323, or 8911 of title 10,”.

23 (b) **EFFECTIVE DATE.**—The amendment made by
 24 subsection (a) shall take effect on October 1, 1999, and
 25 shall apply with respect to retirements of officers of the

1 uniformed services under section 3911, 6323, or 8911 of
 2 title 10, United States Code, that become effective on or
 3 after that date.

4 **SEC. 655. CREDIT TOWARD PAID-UP SBP COVERAGE FOR**
 5 **MONTHS COVERED BY MAKE-UP PREMIUM**
 6 **PAID BY PERSONS ELECTING SBP COVERAGE**
 7 **DURING SPECIAL OPEN ENROLLMENT PE-**
 8 **RIOD.**

9 Section 642 of the Strom Thurmond National De-
 10 fense Authorization Act for Fiscal Year 1999 (Public Law
 11 105–261; 112 Stat. 2045; 10 U.S.C. 1448 note) is
 12 amended—

13 (1) by redesignating subsection (h) as sub-
 14 section (i); and

15 (2) by inserting after subsection (g) the fol-
 16 lowing new subsection (h):

17 “(h) CREDIT TOWARD PAID-UP COVERAGE.—Upon
 18 payment of the total amount of the premiums charged a
 19 person under subsection (g), the retired pay of a person
 20 participating in the Survivor Benefit Plan pursuant to an
 21 election under this section shall be treated, for the pur-
 22 poses of subsection (j) of section 1452 of title 10, United
 23 States Code, as having been reduced under such section
 24 1452 for the months in the period for which the person’s
 25 retired pay would have been reduced if the person had

1 elected to participate in the Survivor Benefit Plan at the
 2 first opportunity that was afforded the person to partici-
 3 pate.”.

4 **SEC. 656. PAID-UP COVERAGE UNDER RETIRED SERVICE-**
 5 **MAN’S FAMILY PROTECTION PLAN.**

6 (a) CONDITIONS.—Subchapter I of chapter 73 of title
 7 10, United States Code, is amended by inserting after sec-
 8 tion 1436 the following:

9 **“§ 1436a. Coverage paid up at 30 years and age 70**

10 “Effective October 1, 2008, no reduction may be
 11 made in a person’s retired pay or retainer pay pursuant
 12 to an election under section 1431(b) or 1432 of this title
 13 for any month after the later of—

14 “(1) the 360th month for which the person re-
 15 tired pay or retainer pay is reduced pursuant to
 16 such an election; and

17 “(2) the month during which the person attains
 18 70 years of age.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
 20 at the beginning of such subchapter is amended by insert-
 21 ing after the item relating to section 1436 the following:

“1436a. Coverage paid up at 30 years and age 70.”.

1 **SEC. 657. PERMANENT AUTHORITY FOR PAYMENT OF AN-**
2 **NUITIES TO CERTAIN MILITARY SURVIVING**
3 **SPOUSES.**

4 Subsection (f) of section 644 of the National Defense
5 Authorization Act for Fiscal Year 1998 (Public Law 105–
6 85; 111 Stat. 1801; 10 U.S.C. 1448 note) is repealed.

7 **SEC. 658. EFFECTUATION OF INTENDED SBP ANNUITY FOR**
8 **FORMER SPOUSE WHEN NOT ELECTED BY**
9 **REASON OF UNTIMELY DEATH OF RETIREE.**

10 (a) CASES NOT COVERED BY EXISTING AUTHOR-
11 ITY.—Paragraph (3) of section 1450(f) of title 10, United
12 States Code, as in effect on the date of the enactment
13 of this Act, shall apply in the case of a former spouse of
14 any person referred to in that paragraph who—

15 (1) incident to a proceeding of divorce, dissolu-
16 tion, or annulment—

17 (A) entered into a written agreement on or
18 after August 21, 1983, to make an election
19 under section 1448(b) of such title to provide
20 an annuity to the former spouse (the agreement
21 thereafter having been incorporated in or rati-
22 fied or approved by a court order or filed with
23 the court of appropriate jurisdiction in accord-
24 ance with applicable State law); or

1 (B) was required by a court order dated on
 2 or after such date to make such an election for
 3 the former spouse; and

4 (2) before making the election, died within 21
 5 days after the date of the agreement referred to in
 6 paragraph (1)(A) or the court order referred to in
 7 paragraph (1)(B), as the case may be.

8 (b) ADJUSTED TIME LIMIT FOR REQUEST BY
 9 FORMER SPOUSE.—For the purposes of paragraph (3)(C)
 10 of section 1450(f) of title 10, United States Code, a court
 11 order or filing referred to in subsection (a)(1) of this sec-
 12 tion that is dated before October 19, 1984, shall be
 13 deemed to be dated on the date of the enactment of this
 14 Act.

15 **Subtitle E—Other Matters**

16 **SEC. 671. ANNUAL REPORT ON EFFECTS OF INITIATIVES** 17 **ON RECRUITMENT AND RETENTION.**

18 (a) REQUIREMENT FOR REPORT.—On December 1 of
 19 each year, the Secretary of Defense shall submit to Con-
 20 gress a report that sets forth the Secretary's assessment
 21 of the effects that the improved pay and other benefits
 22 under this title and under the amendments made by this
 23 title are having on recruitment and retention of personnel
 24 for the Armed Forces.

1 (b) FIRST REPORT.—The first report under this sec-
 2 tion shall be submitted not later than December 1, 2000.

3 **SEC. 672. MEMBERS UNDER BURDENSOME PERSTEMPO.**

4 (a) MANAGEMENT OF DEPLOYMENTS OF INDIVID-
 5 UALS.—Part II of subtitle A of title 10, United States
 6 Code, is amended by inserting after chapter 49 the fol-
 7 lowing:

8 **“CHAPTER 50—MISCELLANEOUS**
 9 **COMMAND RESPONSIBILITIES**

“Sec.

“991. Management of deployments of members.

10 **“§ 991. Management of deployments of members**

11 “(a) GENERAL OR FLAG OFFICER RESPONSIBIL-
 12 ITIES.—The first general officer or flag officer in the
 13 chain of command of a member of the armed forces shall
 14 manage a deployment of the member when the total num-
 15 ber of the days on which the member has been deployed
 16 out of 365 consecutive days is in excess of 180 days. That
 17 officer shall ensure that the member is not deployed or
 18 continued in a deployment on any day on which the total
 19 number of the days on which the member has been de-
 20 ployed would exceed 200 out of 365 consecutive days un-
 21 less a general or flag officer in the grade of general or
 22 admiral in the member’s chain of command approves the
 23 deployment or continued deployment of the member.

1 “(b) DEPLOYMENT DEFINED.—(1) For the purposes
2 of this section, a member of the armed forces is deployed
3 or in a deployment on any day on which, pursuant to or-
4 ders, the member is performing service in a training exer-
5 cise or operation at a location or under circumstances that
6 make it infeasible for the member to spend off-duty time
7 in the housing in which the member resides when on garri-
8 son duty at the member’s permanent duty station.

9 “(2) For the purposes of this section, a member is
10 not deployed or in a deployment when performing service
11 as a student or trainee at a school (including any Federal
12 Government school) or performing administrative, guard,
13 or detail duties in garrison at the member’s permanent
14 duty station.

15 “(c) RECORDKEEPING.—The Secretary of each mili-
16 tary department shall establish a system for tracking and
17 recording the number of days that each member of an
18 armed force under the jurisdiction of the Secretary is de-
19 ployed.

20 “(d) NATIONAL SECURITY WAIVER AUTHORITY.—
21 The Secretary of Defense may suspend the applicability
22 of this section to a member or any group of members when
23 the Secretary determines that it is necessary to do so in
24 the national security interests of the United States.

1 “(e) INAPPLICABILITY TO COAST GUARD.—This sec-
2 tion does not apply to a member of the Coast Guard when
3 the Coast Guard is not operating as a service in the
4 Navy.”.

5 (b) PER DIEM ALLOWANCE FOR LENGTHY OR NU-
6 MEROUS DEPLOYMENTS.—Chapter 7 of title 37, United
7 States Code, is amended by adding at the end the fol-
8 lowing new section:

9 **“§ 435. Per diem allowance for lengthy or numerous**
10 **deployments**

11 “(a) PER DIEM REQUIRED.—The Secretary of the
12 military department concerned shall pay a per diem allow-
13 ance to a member of an armed force for each day that
14 the member is deployed in excess of 220 days out of 365
15 consecutive days.

16 “(b) DEFINITION OF DEPLOYED.—In this section,
17 the term ‘deployed’, with respect to a member, means that
18 the member is deployed or in a deployment within the
19 meaning of section 991(b) of title 10.

20 “(c) AMOUNT OF PER DIEM.—The amount of the per
21 diem payable to a member under this section is \$100.

22 “(d) PAYMENT OF CLAIMS.—A claim of a member
23 for payment of the per diem allowance that is not fully
24 substantiated by the applicable recordkeeping system ap-
25 plicable to the member under section 991(c) of title 10

1 shall be paid if the member furnishes the Secretary con-
 2 cerned with other evidence determined by the Secretary
 3 as being sufficient to substantiate the claim.

4 “(e) RELATIONSHIP TO OTHER ALLOWANCES.—Any
 5 per diem payable to a member under this section is in ad-
 6 dition to any other per diem, allowance, special pay, or
 7 incentive that is payable to the member under any other
 8 provision of law.

9 “(f) NATIONAL SECURITY WAIVER.—No per diem
 10 may be paid under this section to a member of an armed
 11 force for any day on which the applicability of section 991
 12 of title 10 to the member is suspended under subsection
 13 (d) of such section.

14 “(g) INAPPLICABILITY TO COAST GUARD.—This sec-
 15 tion does not apply to a member of the Coast Guard when
 16 the Coast Guard is not operating as a service in the
 17 Navy.”.

18 (c) CLERICAL AMENDMENTS.—(1) The tables of
 19 chapters at the beginning of subtitle A of title 10, United
 20 States Code, and the beginning of part II of such subtitle
 21 are amended by inserting after the item relating to chap-
 22 ter 49 the following:

“50. Miscellaneous Command Responsibilities 991”.

1 (2) The table of sections at the beginning of chapter
 2 7 of title 37, United States Code, is amended by inserting
 3 after the item relating to section 434 the following:

“435. Per diem allowance for lengthy or numerous deployments.”.

4 (d) **APPLICABILITY AND IMPLEMENTATION.**—(1)
 5 Section 991 of title 10, United States Code (as added by
 6 subsection (a)), and section 435 of title 37, United States
 7 Code (as added by subsection (b)), shall apply with respect
 8 to service performed after September 30, 2000.

9 (2) Not later than June 1, 2000, the Secretary of
 10 each military department shall prescribe in regulations the
 11 policies and procedures for implementing such provisions
 12 of law for that military department.

13 **SEC. 673. INCREASED TUITION ASSISTANCE FOR MEMBERS**
 14 **OF THE ARMED FORCES DEPLOYED IN SUP-**
 15 **PORT OF A CONTINGENCY OPERATION OR**
 16 **SIMILAR OPERATION.**

17 (a) **INAPPLICABILITY OF LIMITATION ON AMOUNT.**—
 18 Section 2007(a) of title 10, United States Code, is
 19 amended—

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

21 (2);

22 (2) by striking the period at the end of para-
 23 graph (3) and inserting “; and”; and

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

1 “(4) in the case of a member deployed outside
 2 the United States in support of a contingency oper-
 3 ation or similar operation, all of the charges may be
 4 paid while the member is so deployed.”.

5 (b) INCREASED AUTHORITY SUBJECT TO APPRO-
 6 PRIATIONS.—The authority to pay additional tuition as-
 7 sistance under paragraph (4) of section 2007(a) of title
 8 10, United States Code, as added by subsection (a), may
 9 be exercised only to the extent provided for in appropria-
 10 tions Acts.

11 **SEC. 674. ADMINISTRATION OF SELECTED RESERVE EDU-**
 12 **CATION LOAN REPAYMENT PROGRAM FOR**
 13 **COAST GUARD RESERVE.**

14 Subsection (a)(1) of section 16301 of title 10, United
 15 States Code, is amended by inserting after “the Secretary
 16 of Defense” the following: “, or the Secretary of Transpor-
 17 tation in the case of a member of the Selected Reserve
 18 of the Coast Guard Reserve when the Coast Guard is not
 19 operating as a service in the Navy,”.

20 **SEC. 675. EXTENSION TO ALL UNIFORMED SERVICES OF**
 21 **AUTHORITY FOR PRESENTATION OF UNITED**
 22 **STATES FLAG TO MEMBERS UPON RETIRE-**
 23 **MENT.**

24 (a) PUBLIC HEALTH SERVICE.—Section 221 of the
 25 Public Health Service Act (42 U.S.C. 213a) is amended—

1 (1) by adding at the end of subsection (a) the
2 following:

3 “(17) Section 6141, Presentation of United
4 States flag upon retirement.”; and

5 (2) in subsection (b), by inserting “the Sec-
6 retary of a military department,” after “‘the Sec-
7 retary concerned’,”.

8 (b) NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-
9 ISTRATION.—Section 3 of the Act entitled “An Act to re-
10 vise, codify, and enact into law, title 10 of the United
11 States Code, entitled ‘Armed Forces’, and title 32 of the
12 United States Code, entitled ‘National Guard’ ”, approved
13 August 10, 1956 (33 U.S.C. 857a), is amended—

14 (1) by adding at the end of subsection (a) the
15 following:

16 “(17) Section 6141, Presentation of United
17 States flag upon retirement.”; and

18 (2) in subsection (b), by inserting “the Sec-
19 retary of a military department,” after “‘the Sec-
20 retary concerned’,”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 subsections (a) and (b) shall take effect as of October 1,
23 1998, and shall apply with respect to releases from active
24 duty for retirement on or after that date from service in
25 the commissioned Regular Corps of the Public Health

1 Service or for service as a commissioned officer of the Na-
2 tional Oceanic and Atmospheric Administration on the ac-
3 tive list, as the case may be.

4 **TITLE VII—HEALTH CARE**

5 **Subtitle A—TRICARE Program**

6 **SEC. 701. IMPROVEMENT OF TRICARE BENEFITS AND MAN-** 7 **AGEMENT.**

8 (a) IMPROVEMENT OF TRICARE PROGRAM.—(1)
9 Chapter 55 of title 10, United States Code, is amended
10 by inserting after section 1097a the following:

11 **“§ 1097b. TRICARE: benefits and services**

12 “(a) COMPARABILITY TO FEHBP BENEFITS.—The
13 Secretary of Defense shall, to the maximum extent prac-
14 ticable, ensure that the health care coverage available
15 through the TRICARE program is substantially similar
16 to the health care coverage available under similar health
17 benefits plans offered under the Federal Employees
18 Health Benefits program established under chapter 89 of
19 title 5.

20 “(b) PORTABILITY.—The Secretary of Defense shall
21 provide that any covered beneficiary enrolled in the
22 TRICARE program may receive benefits under that pro-
23 gram at facilities that provide benefits under that program
24 throughout the various regions of that program.

1 “(c) ACCESS.—(1) The Secretary of Defense shall, to
2 the maximum extent practicable, minimize the authoriza-
3 tion or certification requirements imposed upon covered
4 beneficiaries under the TRICARE program as a condition
5 of access to benefits under that program.

6 “(2) The Secretary of Defense shall, to the maximum
7 extent practicable, utilize practices for processing claims
8 under the TRICARE program that are similar to the best
9 industry practices for processing claims for health care
10 services in a simplified and expedited manner. To the max-
11 imum extent practicable, such practices shall include elec-
12 tronic processing of claims.

13 “(d) CONSULTATION REQUIREMENT.—The Secretary
14 of Defense shall carry out the responsibilities under this
15 section after consultation with the other administering
16 Secretaries.

17 **“§ 1097c. TRICARE: financial management**

18 “(a) REIMBURSEMENT OF PROVIDERS.—(1) Subject
19 to paragraph (2), the Secretary of Defense may reimburse
20 health care providers under the TRICARE program at
21 rates higher than the reimbursement rates otherwise au-
22 thorized for the providers under that program if the Sec-
23 retary determines that application of the higher rates is
24 necessary in order to ensure the availability of an adequate

1 number of qualified health care providers under that pro-
2 gram.

3 “(2) The amount of reimbursement provided under
4 paragraph (1) with respect to a health care service may
5 not exceed the lesser of—

6 “(A) the amount equal to the local usual and
7 customary charge for the service in the service area
8 (as determined by the Secretary) in which the serv-
9 ice is provided; or

10 “(B) the amount equal to 115 per cent of the
11 CHAMPUS maximum allowable charge for the serv-
12 ice.

13 “(b) THIRD-PARTY COLLECTIONS.—(1) A medical
14 treatment facility of the uniformed services under the
15 TRICARE program has the same right as the United
16 States under section 1095 of this title to collect from a
17 third-party payer the reasonable costs of health care serv-
18 ices described in paragraph (2) that are incurred by the
19 facility on behalf of a covered beneficiary under that pro-
20 gram.

21 “(2) The Secretary of Defense shall prescribe regula-
22 tions for the administration of this subsection. The regula-
23 tions shall set forth the method to be used for the com-
24 putation of the reasonable costs of inpatient, outpatient,

1 and other health care services. The method of computation
 2 may be—

3 “(A) a method that is based on—

4 “(i) per diem rates;

5 “(ii) all-inclusive rates for each visit;

6 “(iii) diagnosis-related groups; or

7 “(iv) rates prescribed under the regulations
 8 implementing sections 1079 and 1086 of this
 9 title; or

10 “(B) any other method considered appropriate.

11 “(c) CONSULTATION REQUIREMENT.—The Secretary
 12 of Defense shall carry out the responsibilities under this
 13 section after consultation with the other administering
 14 Secretaries.”.

15 (2) The table of sections at the beginning of chapter
 16 55 of such title is amended by inserting after the item
 17 relating to section 1097a the following new item:

“1097b. TRICARE: benefits and services.

“1097c. TRICARE: financial management.”.

18 (b) EFFECTIVE DATE.—The amendments made by
 19 subsection (a) shall take effect one year after the date of
 20 the enactment of this Act.

21 (c) REPORT ON IMPLEMENTATION.—(1) Not later
 22 than 6 months after the date of the enactment of this Act,
 23 the Secretary of Defense, in consultation with the other
 24 administering Secretaries, shall submit to Congress a re-

1 port assessing the effects of the implementation of the re-
 2 quirements and authorities set forth in sections 1097b and
 3 1097c of title 10, United States Code (as added by sub-
 4 section (a)).

5 (2) The report shall include the following:

6 (A) An assessment of the cost of the implemen-
 7 tation of such requirements and authorities.

8 (B) An assessment of whether the implementa-
 9 tion of any such requirements and authorities will
 10 result in the utilization by the TRICARE program
 11 of the best industry practices with respect to the
 12 matters covered by such requirements and authori-
 13 ties.

14 (3) In this subsection, the term “administering Secre-
 15 taries” has the meaning given that term in section
 16 1072(3) of title 10, United States Code.

17 **SEC. 702. EXPANSION AND REVISION OF AUTHORITY FOR**
 18 **DENTAL PROGRAMS FOR DEPENDENTS AND**
 19 **RESERVES.**

20 (a) **AUTHORITY.**—Chapter 55 of title 10, United
 21 States Code, is amended by striking sections 1076a and
 22 1076b and inserting the following:

23 **“§ 1076a. TRICARE dental program**

24 **“(a) ESTABLISHMENT OF DENTAL PLANS.**—The
 25 Secretary of Defense may establish, and in the case of the

1 dental plan described in paragraph (1) shall establish, the
2 following voluntary enrollment dental plans:

3 “(1) PLAN FOR SELECTED RESERVE AND INDI-
4 VIDUAL READY RESERVE.—A dental insurance plan
5 for members of the Selected Reserve of the Ready
6 Reserve and for members of the Individual Ready
7 Reserve described in subsection 10144(b) of this
8 title.

9 “(2) PLAN FOR OTHER RESERVES.—A dental
10 insurance plan for members of the Individual Ready
11 Reserve not eligible to enroll in the plan established
12 under paragraph (1).

13 “(3) PLAN FOR ACTIVE DUTY DEPENDENTS.—
14 Dental benefits plans for eligible dependents of
15 members of the uniformed services who are on active
16 duty for a period of more than 30 days.

17 “(4) PLAN FOR READY RESERVE DEPEND-
18 ENTS.—A dental benefits plan for eligible depend-
19 ents of members of the Ready Reserve of the reserve
20 components who are not on active duty for more
21 than 30 days.

22 “(b) ADMINISTRATION OF PLANS.—The plans estab-
23 lished under this section shall be administered under regu-
24 lations prescribed by the Secretary of Defense in consulta-
25 tion with the other administering Secretaries.

1 “(c) CARE AVAILABLE UNDER PLANS.—Dental plans
2 established under subsection (a) may provide for the fol-
3 lowing dental care:

4 “(1) Diagnostic, oral examination, and preven-
5 tive services and palliative emergency care.

6 “(2) Basic restorative services of amalgam and
7 composite restorations, stainless steel crowns for pri-
8 mary teeth, and dental appliance repairs.

9 “(3) Orthodontic services, crowns, gold fillings,
10 bridges, complete or partial dentures, and such other
11 services as the Secretary of Defense considers to be
12 appropriate.

13 “(d) PREMIUMS.—

14 “(1) PREMIUM SHARING PLANS.—(A) The den-
15 tal insurance plan established under subsection
16 (a)(1) and the dental benefits plans established
17 under subsection (a)(3) are premium sharing plans.

18 “(B) Members enrolled in a premium sharing
19 plan for themselves or for their dependents shall be
20 required to pay a share of the premium charged for
21 the benefits provided under the plan. The member’s
22 share of the premium charge may not exceed \$20
23 per month for the enrollment.

24 “(C) Effective as of January 1 of each year, the
25 amount of the premium required under subpara-

1 graph (A) shall be increased by the percent equal to
2 the lesser of—

3 “(i) the percent by which the rates of basic
4 pay of members of the uniformed services are
5 increased on such date; or

6 “(ii) the sum of one-half percent and the
7 percent computed under section 5303(a) of title
8 5 for the increase in rates of basic pay for stat-
9 utory pay systems for pay periods beginning on
10 or after such date.

11 “(D) The Secretary of Defense may reduce the
12 monthly premium required to be paid under para-
13 graph (1) in the case of enlisted members in pay
14 grade E-1, E-2, E-3, or E-4 if the Secretary deter-
15 mines that such a reduction is appropriate to assist
16 such members to participate in a dental plan re-
17 ferred to in subparagraph (A).

18 “(2) FULL PREMIUM PLANS.—(A) The dental
19 insurance plan established under subsection (a)(2)
20 and the dental benefits plan established under sub-
21 section (a)(4) are full premium plans.

22 “(B) Members enrolled in a full premium plan
23 for themselves or for their dependents shall be re-
24 quired to pay the entire premium charged for the
25 benefits provided under the plan.

1 “(3) PAYMENT PROCEDURES.—A member’s
 2 share of the premium for a plan established under
 3 subsection (a) may be paid by deductions from the
 4 basic pay of the member and from compensation
 5 paid under section 206 of title 37, as the case may
 6 be. The regulations prescribed under subsection (b)
 7 shall specify the procedures for payment of the pre-
 8 miums by enrollees who do not receive such pay.

9 “(e) COPAYMENTS UNDER PREMIUM SHARING
 10 PLANS.—A member or dependent who receives dental care
 11 under a premium sharing plan referred to in subsection
 12 (d)(1) shall—

13 “(1) in the case of care described in subsection
 14 (c)(1), pay no charge for the care;

15 “(2) in the case of care described in subsection
 16 (c)(2), pay 20 percent of the charges for the care;
 17 and

18 “(3) in the case of care described in subsection
 19 (c)(3), pay a percentage of the charges for the care
 20 that is determined appropriate by the Secretary of
 21 Defense, after consultation with the other admin-
 22 istering Secretaries.

23 “(f) TRANSFER OF MEMBERS.—If a member whose
 24 dependents are enrolled in the plan established under sub-
 25 section (a)(3) is transferred to a duty station where dental

1 care is provided to the member's eligible dependents under
2 a program other than that plan, the member may dis-
3 continue participation under the plan. If the member is
4 later transferred to a duty station where dental care is
5 not provided to such member's eligible dependents except
6 under the plan established under subsection (a)(3), the
7 member may re-enroll the dependents in that plan.

8 “(g) CARE OUTSIDE THE UNITED STATES.—The
9 Secretary of Defense may exercise the authority provided
10 under subsection (a) to establish dental insurance plans
11 and dental benefits plans for dental benefits provided out-
12 side the United States for the eligible members and de-
13 pendents of members of the uniformed services. In the
14 case of such an overseas dental plan, the Secretary may
15 waive or reduce any copayments required by subsection
16 (e) to the extent the Secretary determines appropriate for
17 the effective and efficient operation of the plan.

18 “(h) WAIVER OF REQUIREMENTS FOR SURVIVING
19 DEPENDENTS.—The Secretary of Defense may waive (in
20 whole or in part) any requirements of a dental plan estab-
21 lished under this section as the Secretary determines nec-
22 essary for the effective administration of the plan for a
23 dependent who is an eligible dependent described in sub-
24 section (k)(2).

1 “(i) AUTHORITY SUBJECT TO APPROPRIATIONS.—

2 The authority of the Secretary of Defense to enter into
3 a contract under this section for any fiscal year is subject
4 to the availability of appropriations for that purpose.

5 “(j) LIMITATION ON REDUCTION OF BENEFITS.—

6 The Secretary of Defense may not reduce benefits pro-
7 vided under a plan established under this section until—

8 “(1) the Secretary provides notice of the Sec-
9 retary’s intent to reduce such benefits to the Com-
10 mittees on Armed Services of the Senate and the
11 House of Representatives; and

12 “(2) one year has elapsed following the date of
13 such notice.

14 “(k) ELIGIBLE DEPENDENT DEFINED.—In this sec-
15 tion, the term ‘eligible dependent’—

16 “(1) means a dependent described in subpara-
17 graph (A), (D), or (I) of section 1072(2) of this
18 title; and

19 “(2) includes any such dependent of a member
20 who dies while on active duty for a period of more
21 than 30 days or a member of the Ready Reserve if
22 the dependent is enrolled on the date of the death
23 of the member in a dental benefits plan established
24 under subsection (a), except that the term does not
25 include the dependent after the end of the one-year

1 period beginning on the date of the member's
2 death.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 55 of such title is amended
5 by striking out the items relating to sections 1076a and
6 1076b and inserting the following:

“1076a. TRICARE dental program.”.

7 **SEC. 703. SENSE OF CONGRESS REGARDING AUTOMATIC**
8 **ENROLLMENT OF MEDICARE-ELIGIBLE BENE-**
9 **FICIARIES IN THE TRICARE SENIOR PRIME**
10 **DEMONSTRATION PROGRAM.**

11 It is the sense of Congress that—

12 (1) any person who is enrolled in a managed
13 health care program of the Department of Defense
14 where the TRICARE Senior Prime demonstration
15 program is implemented and who attains eligibility
16 for medicare should be automatically authorized to
17 enroll in the TRICARE Senior Prime demonstration
18 program; and

19 (2) the Secretary of Defense, in coordination
20 with the other administering Secretaries referred to
21 in section 1072(3) of title 10, United States Code,
22 should modify existing policies and procedures for
23 the TRICARE Senior Prime demonstration program
24 as necessary to permit the automatic enrollment.

1 **SEC. 704. TRICARE BENEFICIARY ADVOCATES.**

2 (a) ESTABLISHMENT OF POSITIONS.—The Secretary
3 of Defense shall require in regulations that—

4 (1) each lead agent under the TRICARE
5 program—

6 (A) designate a person to serve full-time as
7 a beneficiary advocate for TRICARE bene-
8 ficiaries; and

9 (B) provide for toll-free telephone commu-
10 nication between TRICARE beneficiaries and
11 the beneficiary advocate; and

12 (2) the commander of each medical care facility
13 under chapter 55 of title 10, United States Code,
14 designate a person to serve, as a primary or collat-
15 eral duty, as beneficiary advocate for TRICARE
16 beneficiaries served at that facility.

17 (b) DUTIES.—The Secretary shall prescribe the du-
18 ties of the position of beneficiary advocate in the regula-
19 tions.

20 (c) INITIAL DESIGNATIONS.—Each beneficiary advo-
21 cate required under the regulations shall be designated not
22 later than January 15, 2000.

Subtitle B—Other Matters

SEC. 711. CARE AT FORMER UNIFORMED SERVICES TREATMENT FACILITIES FOR ACTIVE DUTY MEMBERS STATIONED AT CERTAIN REMOTE LOCATIONS.

(a) **AUTHORITY.**—Care may be furnished by a designated provider pursuant to any contract entered into by the designated provider under section 722(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) to eligible members who reside within the service area of the designated provider.

(b) **ELIGIBILITY.**—A member of the Armed Forces is eligible for care under subsection (a) if the member is a member described in section 731(c) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1811; 10 U.S.C. 1074 note).

(c) **APPLICABLE POLICIES.**—In furnishing care to an eligible member under subsection (a), a designated provider shall adhere to the Department of Defense policies applicable to the furnishing of care under the TRICARE Prime Remote program, including coordinating with uniformed services medical authorities for hospitalizations and all referrals for specialty care.

1 (d) REIMBURSEMENT RATES.—The Secretary of De-
 2 fense, in consultation with the designated providers, shall
 3 prescribe reimbursement rates for care furnished to eligi-
 4 ble members under subsection (a). The rates prescribed
 5 for care may not exceed the amounts allowable under the
 6 TRICARE Standard plan for the same care.

7 **SEC. 712. ONE-YEAR EXTENSION OF CHIROPRACTIC**
 8 **HEALTH CARE DEMONSTRATION PROGRAM.**

9 Section 731(b) of the National Defense Authorization
 10 Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C.
 11 1092 note) is amended by striking “1999” and inserting
 12 “2000”.

13 **SEC. 713. PROGRAM YEAR STABILITY IN HEALTH CARE**
 14 **BENEFITS.**

15 Section 1073 of title 10, United States Code, is
 16 amended—

17 (1) by inserting “(a) RESPONSIBLE OFFI-
 18 CIALS.—” at the beginning of the text of the section;
 19 and

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

21 “(b) STABILITY IN PROGRAM OF BENEFITS.—The
 22 Secretary of Defense shall, to the maximum extent prac-
 23 ticable, provide a stable program of benefits under this
 24 chapter throughout each fiscal year. To achieve the sta-
 25 bility in the case of contracts entered into under this chap-

1 ter, the contracts shall be administered so as to implement
 2 at the beginning of a fiscal year all changes in benefits
 3 and administration that are to be made for that fiscal
 4 year. However, the Secretary of Defense may implement
 5 any such change after the fiscal year begins if the Sec-
 6 retary determines that the change would significantly im-
 7 prove the provision of care to eligible beneficiaries under
 8 this chapter or that the later implementation of the change
 9 would, for other reasons, result in a more effective provi-
 10 sion of care to eligible beneficiaries.”.

11 **SEC. 714. BEST VALUE CONTRACTING.**

12 (a) **AUTHORITY.**—Chapter 55 of title 10, United
 13 States Code, is amended by inserting after section 1073
 14 the following:

15 **“§ 1073a. Contracts for health care: best value con-**
 16 **tracting**

17 “(a) **AUTHORITY.**—Under regulations prescribed by
 18 the administering Secretaries, health care contracts shall
 19 be awarded in the administration of this chapter to the
 20 offeror or offerors that will provide the best value to the
 21 United States to the maximum extent consistent with fur-
 22 nishing high-quality health care in a manner that protects
 23 the fiscal and other interests of the United States.

24 “(b) **FACTORS CONSIDERED.**—In the determination
 25 of best value—

1 “(1) consideration shall be given to the factors
2 specified in the regulations; and

3 “(2) greater weight shall be accorded to tech-
4 nical and performance-related factors than to cost
5 and price-related factors.

6 “(c) APPLICABILITY.—The authority under the regu-
7 lations shall apply to any contract in excess of
8 \$5,000,000.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of such chapter is amended by inserting
11 after the item relating to section 1073 the following:

“1073a. Contracts for health care: best value contracting.”.

12 **SEC. 715. AUTHORITY TO ORDER RESERVE COMPONENT**
13 **MEMBERS TO ACTIVE DUTY FOR HEALTH**
14 **SURVEILLANCE STUDIES.**

15 Section 12301 of title 10, United States Code, is
16 amended by adding at the end the following new sub-
17 section:

18 “(h) When authorized by the Secretary of Defense,
19 the Secretary concerned may order a member of a reserve
20 component to active duty, with the consent of that mem-
21 ber, for a Department of Defense health surveillance study
22 required under other authority, including any associated
23 medical evaluation of the member. The Secretary con-
24 cerned may, with the member’s consent, retain the mem-
25 ber on active duty for medical treatment authorized by law

1 for a condition associated with the study or evaluation.
2 A member of the Army National Guard of the United
3 States or of the Air National Guard of the United States
4 may not be ordered to active duty under this subsection
5 without the consent of the governor or other appropriate
6 authority of the State concerned.”.

7 **SEC. 716. CONTINUATION OF PREVIOUSLY PROVIDED CUS-**
8 **TODIAL CARE BENEFITS FOR CERTAIN**
9 **CHAMPUS BENEFICIARIES.**

10 (a) CONTINUATION OF COVERAGE.—Subject to sub-
11 section (c), the Secretary of Defense may continue pay-
12 ment under the Civilian Health and Medical Program of
13 the Uniformed Services (as defined in section 1072 of title
14 10, United States Code) for domiciliary or custodial care
15 services, otherwise excluded by regulations implementing
16 section 1077(b)(1) of such title, on behalf of beneficiaries
17 described in subsection (b).

18 (b) COVERED BENEFICIARIES.—Beneficiaries re-
19 ferred to in subsection (a) are covered beneficiaries (as
20 defined in section 1072 of such title) who, prior to the
21 effective date of final regulations to implement the indi-
22 vidual case management program authorized by section
23 1079(a)(17) of such title, were provided domiciliary or
24 custodial care services for which the Secretary provided
25 payment.

1 (c) SECRETARIAL AUTHORITY.—The authority pro-
 2 vided by subsection (a) is subject to a case-by-case deter-
 3 mination by the Secretary that discontinuation of payment
 4 for domiciliary or custodial care services or transition
 5 under the case management program authorized by such
 6 section 1079(a)(17) to alternative programs and services
 7 would be inadequate to meet the needs of, and unjust to,
 8 the beneficiary.

9 **TITLE VIII—ACQUISITION POL-**
 10 **ICY, ACQUISITION MANAGE-**
 11 **MENT, AND RELATED MAT-**
 12 **TERS**

13 **SEC. 801. EXTENSION OF TEST PROGRAM FOR NEGOTIA-**
 14 **TION OF COMPREHENSIVE SMALL BUSINESS**
 15 **SUBCONTRACTING PLANS.**

16 Section 834(e) of the National Defense Authorization
 17 Act for Fiscal Years 1990 and 1991 (Public Law 101–
 18 189; 15 U.S.C. 637 note) is amended by striking “Sep-
 19 tember 30, 2000” and inserting “September 30, 2005”.

20 **SEC. 802. MENTOR-PROTEGE PROGRAM IMPROVEMENTS.**

21 (a) PROGRAM PARTICIPATION TERM.—Subsection
 22 (e)(2) of section 831 of the National Defense Authoriza-
 23 tion Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is
 24 amended to read as follows:

1 “(2) A program participation term for any pe-
 2 riod of not more than three years, except that the
 3 term may be a period of up to five years if the Sec-
 4 retary of Defense determines in writing that unusual
 5 circumstances justify a program participation term
 6 in excess of three years.”.

7 (b) INCENTIVES AUTHORIZED FOR MENTOR
 8 FIRMS.—Subsection (g) of such section is amended—

9 (1) in paragraph (1), by striking “shall” and
 10 inserting “may”;

11 (2) in paragraph (2)—

12 (A) in subparagraph (A)—

13 (i) by striking “shall” and inserting
 14 “may”;

15 (ii) by striking “subsection (f)” and
 16 all that follows through “(i) as a line item”
 17 and inserting “subsection (f) as provided
 18 for in a line item”;

19 (iii) by striking the semicolon pre-
 20 ceding clause (ii) and inserting a period;
 21 and

22 (iv) by striking clauses (ii), (iii), and
 23 (iv); and

24 (B) by striking subparagraph (B) and in-
 25 serting the following:

1 “(B) The determinations made in annual perform-
 2 ance reviews of a mentor firm’s mentor-protege agreement
 3 under subsection (l)(2) shall be a major factor in the de-
 4 terminations of amounts of reimbursement, if any, that
 5 the mentor firm is eligible to receive in the remaining
 6 years of the program participation term under the agree-
 7 ment.

8 “(C) The total amount reimbursed under this para-
 9 graph to a mentor firm for costs of assistance furnished
 10 in a fiscal year to a protege firm may not exceed
 11 \$1,000,000, except in a case in which the Secretary of De-
 12 fense determines in writing that unusual circumstances
 13 justify a reimbursement of a higher amount.”; and

14 (3) in paragraph (3)(A), by striking “either
 15 subparagraph (A) or (C) of paragraph (2) or are re-
 16 imbursed pursuant to subparagraph (B) of such
 17 paragraph” and inserting “paragraph (2)”.

18 (c) FIVE-YEAR EXTENSION OF AUTHORITY.—Sub-
 19 section (j) of such section is amended to read as follows:

20 “(j) EXPIRATION OF AUTHORITY.—(1) No mentor-
 21 protege agreement may be entered into under subsection
 22 (e) after September 30, 2004.

23 “(2) No reimbursement may be paid, and no credit
 24 toward the attainment of a subcontracting goal may be

1 granted, under subsection (g) for any cost incurred after
2 September 30, 2005.”.

3 (d) REPORTS AND REVIEWS.—Subsection (l) of such
4 section is amended to read as follows:

5 “(l) REPORTS AND REVIEWS.—(1) The mentor firm
6 and protege firm under a mentor-protege agreement shall
7 submit to the Secretary of Defense an annual report on
8 the progress made by the protege firm in employment, rev-
9 enues, and participation in Department of Defense con-
10 tracts during the fiscal year covered by the report. The
11 requirement for submission of an annual report applies
12 with respect to each fiscal year covered by the program
13 participation term under the agreement and each of the
14 two fiscal years following the expiration of the program
15 participation term. The Secretary shall prescribe the tim-
16 ing and form of the annual report.

17 “(2)(A) The Secretary shall conduct an annual per-
18 formance review of each mentor-protege agreement that
19 provides for reimbursement of costs. The Secretary shall
20 determine on the basis of the review whether—

21 “(i) all costs reimbursed to the mentor firm
22 under the agreement were reasonably incurred to
23 furnish assistance to the protege firm in accordance
24 with the requirements of this section and applicable
25 regulations; and

1 “(ii) the mentor firm and protege firm accu-
2 rately reported progress made by the protege firm in
3 employment, revenues, and participation in Depart-
4 ment of Defense contracts during the program par-
5 ticipation term covered by the mentor-protege agree-
6 ment and the two fiscal years following the expira-
7 tion of the program participation term.

8 “(B) The Secretary shall act through the Commander
9 of the Defense Contract Management Command in car-
10 rying out the reviews and making the determinations
11 under subparagraph (A).

12 “(3) Not later than 6 months after the end of each
13 of fiscal years 2000 through 2004, the Secretary of De-
14 fense shall submit to Congress an annual report on the
15 mentor-protege program for that fiscal year.

16 “(2) The annual report for a fiscal year shall include,
17 at a minimum, the following:

18 “(A) The number of mentor-protege agreements
19 that were entered into during the fiscal year.

20 “(B) The number of mentor-protege agreements
21 that were in effect during the fiscal year.

22 “(C) The total amount reimbursed to mentor
23 firms pursuant to subsection (g) during the fiscal
24 year.

1 “(D) Each mentor-protege agreement, if any,
2 that was approved during the fiscal year in accord-
3 ance with subsection (e)(2) to provide a program
4 participation term in excess of 3 years, together with
5 the justification for the approval.

6 “(E) Each reimbursement of a mentor firm in
7 excess of the limitation in subsection (g)(2)(C) that
8 was made during the fiscal year pursuant to an ap-
9 proval granted in accordance with that subsection,
10 together with the justification for the approval.

11 “(F) Trends in the progress made in employ-
12 ment, revenues, and participation in Department of
13 Defense contracts by the protege firms participating
14 in the program during the fiscal year and the pro-
15 tege firms that completed or otherwise terminated
16 participation in the program during the preceding
17 two fiscal years.”.

18 (e) REPEAL OF LIMITATION ON AVAILABILITY OF
19 FUNDING.—Subsection (n) of such section is repealed.

20 (f) EFFECTIVE DATE AND SAVINGS PROVISION.—(1)
21 The amendments made by this section shall take effect
22 on October 1, 1999, and shall apply with respect to men-
23 tor-protege agreements that are entered into under section
24 831(e) of the National Defense Authorization Act for Fis-
25 cal Year 1991 on or after that date.

1 (2) Section 831 of the National Defense Authoriza-
2 tion Act for Fiscal Year 1991, as in effect on September
3 30, 1999, shall continue to apply with respect to mentor-
4 protege agreements entered into before October 1, 1998.

5 **SEC. 803. REPORT ON TRANSITION OF SMALL BUSINESS IN-**
6 **NOVATION RESEARCH PROGRAM ACTIVITIES**
7 **INTO DEFENSE ACQUISITION PROGRAMS.**

8 (a) REQUIREMENT FOR REPORT.—Not later than
9 March 1, 2000, the Secretary of Defense shall submit to
10 Congress a report on the status of the implementation of
11 the Small Business Innovation Research program transi-
12 tion plan that was developed pursuant to section 818 of
13 the Strom Thurmond National Defense Authorization Act
14 for Fiscal Year 1999 (Public Law 105–261; 112 Stat.
15 2089).

16 (b) CONTENT OF REPORT.—The report shall include
17 the following:

18 (1) The status of the implementation of each of
19 the provisions in the transition plan.

20 (2) For any provision of the plan that has not
21 been fully implemented as of the date of the
22 report—

23 (A) the reasons for the provision not hav-
24 ing been fully implemented; and

1 (B) a schedule, with specific milestones,
2 for the implementation of the provision.

3 **SEC. 804. AUTHORITY TO CARRY OUT CERTAIN PROTO-**
4 **TYPE PROJECTS.**

5 (a) GAO EXAMINATION OF RECORDS.—Section 845
6 of the National Defense Authorization Act for Fiscal Year
7 1994 (Public Law 103–160; 107 Stat. 1721; 10 U.S.C.
8 2371 note) is amended—

9 (1) by redesignating subsection (c) as sub-
10 section (d); and

11 (2) by inserting after subsection (b) the fol-
12 lowing:

13 “(c) COMPTROLLER GENERAL REVIEW.—(1) Each
14 agreement entered into by an official referred to in sub-
15 section (a) to carry out a project under that subsection
16 that provides for payments in a total amount in excess
17 of \$5,000,000 shall include a clause that provides for the
18 Comptroller General, in the discretion of the Comptroller
19 General, to examine the records of any party to the agree-
20 ment or any entity that participates in the performance
21 of the agreement.

22 “(2) The official referred to in subsection (a) who is
23 entering into an agreement described in paragraph (1)
24 may waive the applicability of the requirement in that
25 paragraph to the agreement if the official determines that

1 it would not be in the public interest to apply the require-
2 ment to the agreement. The waiver shall be effective with
3 respect to the agreement only if the official transmits a
4 notification of the waiver to Congress and the Comptroller
5 General before entering into the agreement. The notifica-
6 tion shall include the rationale for the determination.

7 “(3) The Comptroller General may not examine
8 records pursuant to a clause included in an agreement
9 under paragraph (1) more than three years after the final
10 payment is made by the United States under the agree-
11 ment.”.

12 (b) TECHNICAL CORRECTION.—Subsection (b)(1) of
13 such section is amended by striking “(e)(2) and (e)(3) of
14 such section 2371” and inserting “(e)(1)(B) and (e)(2)
15 of such section 2371”.

16 **SEC. 805. PILOT PROGRAM FOR COMMERCIAL SERVICES.**

17 (a) PROGRAM AUTHORIZED.—The Secretary of De-
18 fense may carry out a pilot program to treat procurements
19 of commercial services as procurements of commercial
20 items.

21 (b) DESIGNATION OF PILOT PROGRAM CAT-
22 EGORIES.—The Secretary of Defense may designate the
23 following categories of services as commercial services cov-
24 ered by the pilot program:

25 (1) Utilities and housekeeping services.

1 (2) Education and training services.

2 (3) Transportation, travel and relocation serv-
3 ices.

4 (c) TREATMENT AS COMMERCIAL ITEMS.—A Depart-
5 ment of Defense contract for the procurement of commer-
6 cial services designated by the Secretary for the pilot pro-
7 gram shall be treated as a contract for the procurement
8 of commercial items, as defined in section 4(12) of the
9 Office of Federal Procurement Policy Act (41 U.S.C.
10 403(12)), if the source of the services provides similar
11 services contemporaneously to the general public under
12 terms and conditions similar to those offered to the Fed-
13 eral Government.

14 (d) GUIDANCE.—Not later than 90 days after the
15 date of the enactment of this Act, the Secretary shall issue
16 guidance to procurement officials on contracting for com-
17 mercial services under the pilot program. The guidance
18 shall place particular emphasis on ensuring that nego-
19 tiated prices for designated services, including prices nego-
20 tiated without competition, are fair and reasonable.

21 (e) DURATION OF PILOT PROGRAM.—(1) The pilot
22 program shall begin on the date that the Secretary issues
23 the guidance required by subsection (d) and may continue
24 for a period, not in excess of five years, that the Secretary
25 shall establish.

1 (2) The pilot program shall cover Department of De-
2 fense contracts for the procurement of commercial services
3 designated by the Secretary under subsection (b) that are
4 awarded or modified during the period of the pilot pro-
5 gram, regardless of whether the contracts are performed
6 during the period.

7 (f) REPORT TO CONGRESS.—(1) The Secretary shall
8 submit to Congress a report on the impact of the pilot
9 program on—

10 (A) prices paid by the Federal Government
11 under contracts for commercial services covered by
12 the pilot program;

13 (B) the quality and timeliness of the services
14 provided under such contracts;

15 (C) the number of Federal Government per-
16 sonnel that are necessary to enter into and admin-
17 ister such contracts; and

18 (D) the impact of the program on levels of con-
19 tracting with small business concerns, small business
20 concerns owned and controlled by socially and eco-
21 nomically disadvantaged individuals, and small busi-
22 ness concerns owned and controlled by women.

23 (2) The Secretary shall submit the report—

1 (A) not later than 90 days after the end of the
2 third full fiscal year for which the pilot program is
3 in effect; or

4 (B) if the period established for the pilot pro-
5 gram under subsection (e)(1) does not cover three
6 full fiscal years, not later than 90 days after the end
7 of the designated period.

8 (g) PRICE TREND ANALYSIS.—The Secretary of De-
9 fense shall apply the procedures developed pursuant to
10 section 803(c) of the Strom Thurmond National Defense
11 Authorization Act for Fiscal Year 1999 (Public Law 105–
12 261; 112 Stat. 2081; 10 U.S.C. 2306a note) to collect and
13 analyze information on price trends for all services covered
14 by the pilot program and for the services in such cat-
15 egories of services not covered by the pilot program to
16 which the Secretary considers it appropriate to apply those
17 procedures.

18 (h) DEFINITIONS.—In this section:

19 (A) The term “small business concern” means
20 a business concern that meets the applicable size
21 standards prescribed pursuant to section 3(a) of the
22 Small Business Act (15 U.S.C. 632(a)).

23 (B) The term “small business concern owned
24 and controlled by socially and economically disadvan-
25 tagged individuals” has the meaning given the term

1 in section 8(d)(3)(C) of the Small Business Act (15
2 U.S.C. 637(d)(3)(C)).

3 (C) The term “small business concern owned
4 and controlled by women” has the meaning given the
5 term in section 8(d)(3)(D) of the Small Business
6 Act (15 U.S.C. 637(d)(3)(D)).

7 **SEC. 806. APPLICABILITY OF COMPETITION REQUIRE-**
8 **MENTS TO PURCHASES FROM A REQUIRED**
9 **SOURCE.**

10 (a) CONDITIONS FOR COMPETITION.—Chapter 141
11 of title 10, United States Code, is amended by adding at
12 the end the following:

13 **“§ 2410n. Products of Federal Prison Industries: pro-**
14 **cedural requirements**

15 “(a) MARKET RESEARCH.—Before purchasing a
16 product listed in the latest edition of the Federal Prison
17 Industries catalog under section 4124(d) of title 18, the
18 Secretary of Defense shall conduct market research to de-
19 termine whether the Federal Prison Industries product is
20 comparable in price, quality, and time of delivery to prod-
21 ucts available from the private sector.

22 “(b) LIMITED COMPETITION REQUIREMENT.—If the
23 Secretary determines that a Federal Prison Industries
24 product is not comparable in price, quality, and time of
25 delivery to products available from the private sector, the

1 Secretary shall use competitive procedures for the procure-
 2 ment of the product. In conducting such a competition,
 3 the Secretary shall consider a timely offer from Federal
 4 Prison Industries for award in accordance with the speci-
 5 fications and evaluation factors specified in the solicita-
 6 tion.

7 “(c) EXEMPTIONS.—Notwithstanding any other pro-
 8 vision of law, the Secretary shall not be required—

9 (1) to purchase from Federal Prison Industries
 10 any product that is—

11 (A) integral to, or embedded in, a product
 12 that is not available from Federal Prison Indus-
 13 tries; or

14 (B) a national security system; or

15 (2) to make a purchase from Federal Prison In-
 16 dustries in a total amount that is less than the
 17 micropurchase threshold, as defined in section 32(f)
 18 of the Office of Federal Procurement Policy Act (41
 19 U.S.C. 428(f)).

20 “(d) NATIONAL SECURITY SYSTEM DEFINED.—In
 21 this section, the term ‘national security system’ means any
 22 telecommunications or information system operated by the
 23 United States Government, the function, operation, or use
 24 of which—

25 “(1) involves intelligence activities;

1 “(2) involves cryptologic activities related to na-
2 tional security;

3 “(3) involves command and control of military
4 forces;

5 “(4) involves equipment that is an integral part
6 of a weapon or a weapon system; or

7 “(5) is critical to the direct fulfillment of mili-
8 tary or intelligence missions, except for a system
9 that is to be used for routine administrative and
10 business applications (including payroll, finance, lo-
11 gistics, and personnel management applications).”.

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:

“2410n. Products of Federal Prison Industries: procedural requirements.”.

15 **TITLE IX—DEPARTMENT OF DE-**
16 **FENSE ORGANIZATION AND**
17 **MANAGEMENT**

18 **Subtitle A—General**

19 **SEC. 901. NUMBER OF MANAGEMENT HEADQUARTERS AND**
20 **HEADQUARTERS SUPPORT ACTIVITIES PER-**
21 **SONNEL.**

22 (a) REVISED LIMITATION.—Section 130a of title 10,
23 United States Code, is amended—

24 (1) in subsection (a), by striking “75 percent”
25 and inserting “65 percent”; and

1 (2) in subsection (c), by striking “October 1,
2 1997” and inserting “October 1, 1989”.

3 (b) REPEAL OF PHASED REDUCTION REQUIRE-
4 MENT.—Subsection (b) of such section is repealed.

5 (c) CONFORMING REPEAL.—Subsection (g) of such
6 section is repealed.

7 (d) TECHNICAL AMENDMENT.—Subsections (c), (d),
8 (e), and (f) are redesignated as subsections (b), (c), (d),
9 and (e), respectively.

10 **SEC. 902. ADDITIONAL MATTERS FOR ANNUAL REPORTS**
11 **ON JOINT WARFIGHTING EXPERIMENTATION.**

12 Section 485(b) of title 10, United States Code, is
13 amended by adding at the end the following:

14 “(5) Any recommendations that the commander
15 considers appropriate regarding—

16 “(A) the development or procurement of
17 advanced technologies, systems, or weapons or
18 systems platforms, or other changes in doctrine,
19 organization, training, materiel, leadership, per-
20 sonnel, or the allocation of resources, as a re-
21 sult of joint warfighting experimentation activi-
22 ties;

23 “(B) the elimination of unnecessary equip-
24 ment and redundancies in capabilities and
25 forces across the armed forces; and

1 “(C) the fielding of advanced technologies
 2 across the armed forces for purposes of the de-
 3 velopment of joint operational concepts or the
 4 conduct of joint warfighting experiments.

5 “(6) A description of any actions taken by the
 6 Secretary of Defense to implement the recommenda-
 7 tions of the commander.”.

8 **SEC. 903. ACCEPTANCE OF GUARANTEES IN CONNECTION**
 9 **WITH GIFTS TO THE UNITED STATES MILI-**
 10 **TARY ACADEMY.**

11 (a) **AUTHORITY.**—Chapter 403 of title 10, United
 12 States Code, is amended by adding at the end the fol-
 13 lowing new section:

14 **“§ 4359. Acceptance of guarantees with gifts for**
 15 **major projects**

16 “(a) **ACCEPTANCE AUTHORITY.**—The Secretary of
 17 the Army may, subject to subsection (c), accept from a
 18 donor a qualified guarantee for the completion of a major
 19 project for the benefit of the Academy.

20 “(b) **OBLIGATION AUTHORITY.**—Funds available for
 21 a project for which a guarantee has been accepted under
 22 this section may be obligated and expended for the project
 23 without regard to whether the total amount of the funds
 24 and other resources available for the project (not taking

1 into account the amount of the guarantee) is sufficient
2 to pay for completion of the project.

3 “(c) DEFINITIONS.—In this section:

4 “(1) MAJOR PROJECT.—The term ‘major
5 project’ means a project for the purchase or other
6 procurement of real or personal property, or for the
7 construction of any improvement to real property,
8 the total cost of which is, or is estimated to be, at
9 least \$1,000,000.

10 “(2) QUALIFIED GUARANTEE.—The term
11 ‘qualified guarantee’, with respect to a major
12 project, means a guarantee that—

13 “(A) is made by a person in connection
14 with the person’s donation, specifically for the
15 project, of a total amount in cash or securities
16 that, as determined by the Secretary of the
17 Army, is sufficient to defray a substantial por-
18 tion of the total cost of the project;

19 “(B) is made to facilitate or expedite the
20 completion of the project in reasonable anticipa-
21 tion that other donors will contribute sufficient
22 funds or other resources in amounts sufficient
23 to pay for completion of the project;

24 “(C) is set forth as a written agreement
25 that provides for the donor to furnish in cash

1 or securities, in addition to the donor's other
2 gift or gifts for the project, any additional
3 amount that may become necessary for paying
4 the cost of completing the project by reason of
5 a failure to obtain from other donors or sources
6 funds or other resources in amounts sufficient
7 to pay the cost of completing the project; and

8 “(D) is accompanied by—

9 “(i) an unconditional letter of credit
10 for the benefit of the Academy that is in
11 the amount of the guarantee and is issued
12 by a major United States commercial
13 bank; or

14 “(ii) a qualified account control agree-
15 ment.

16 “(3) QUALIFIED ACCOUNT CONTROL AGREE-
17 MENT.—The term ‘qualified account control agree-
18 ment’, with respect to a guarantee of a donor, means
19 an agreement among the donor, the Secretary of the
20 Army, and a major United States investment man-
21 agement firm that—

22 “(A) ensures the availability of sufficient
23 funds or other financial resources to pay the
24 amount guaranteed during the period of the
25 guarantee;

1 “(B) provides for the perfection of a secu-
2 rity interest in the assets of the account for the
3 United States for the benefit of the Academy
4 with the highest priority available for liens and
5 security interests under applicable law;

6 “(C) requires the donor to maintain in an
7 account with the investment management firm
8 assets having a total value that is not less than
9 130 percent of the amount guaranteed; and

10 “(D) requires the investment management
11 firm, at any time that the value of the account
12 is less than the value required to be maintained
13 under subparagraph (C), to liquidate any
14 noncash assets in the account and reinvest the
15 proceeds in Treasury bills issued under section
16 3104 of title 31.

17 “(4) MAJOR UNITED STATES COMMERCIAL
18 BANK.—The term ‘major United States commercial
19 bank’ means a commercial bank that—

20 “(A) is headquartered in the United
21 States; and

22 “(B) has net assets in a total amount con-
23 sidered by the Secretary of the Army to qualify
24 the bank as a major bank.

1 “(5) MAJOR UNITED STATES INVESTMENT MAN-
 2 AGEMENT FIRM.—The term ‘major United States in-
 3 vestment management firm’ means an investment
 4 company (as defined in section 3 of the Investment
 5 Company Act of 1940 (15 U.S.C. 80a–3)) that—

6 “(A) is headquartered in the United
 7 States; and

8 “(B) manages for others the investment of
 9 assets in a total amount considered by the Sec-
 10 retary of the Army to qualify the firm as a
 11 major investment management firm.”.

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:

“4359. Acceptance of guarantees with gifts for major projects.”.

15 **SEC. 904. MANAGEMENT OF THE CIVIL AIR PATROL.**

16 (a) MANAGEMENT STRUCTURE.—Section 9441 of
 17 title 10, United States Code, is amended—

18 (1) by redesignating subsections (b), (c), and
 19 (d), as subsections (c), (d), and (e), respectively; and

20 (2) by striking subsection (a) and inserting the
 21 following:

22 “(a) NONMILITARY AUXILIARY OF THE AIR
 23 FORCE.—The Civil Air Patrol is a nonmilitary, voluntary
 24 civilian auxiliary of the Air Force.

1 “(b) ADMINISTRATION AND MANAGEMENT.—(1) The
2 Civil Air Patrol is administered by the Chief of Staff of
3 the Air Force under the direction of the Secretary of the
4 Air Force.

5 “(2) The headquarters of the Civil Air Patrol, which
6 shall perform command, control, and administrative func-
7 tions, is composed of organizational elements approved by
8 the Secretary of the Air Force in regulations which the
9 Secretary shall prescribe. The organizational elements
10 shall include, at a minimum, the following:

11 “(A) A National Board of Directors composed
12 of members appointed by the Secretary as follows:

13 “(i) A majority of the members being ap-
14 pointed from among active and retired general
15 officers of the Air Force (including the Air
16 Force Reserve and Air National Guard of the
17 United States) and senior civilian employees of
18 the Department of the Air Force, and the sen-
19 ior appointed member on active duty being des-
20 ignated as the Chairman.

21 “(ii) A minority of the members being ap-
22 pointed from among senior members of the
23 Civil Air Patrol.

24 “(B) A National Commander appointed by ma-
25 jority vote of the National Board of Directors from

1 among civilian volunteer members of the Civil Air
2 Patrol.

3 “(C) An Executive Director, a Safety Officer,
4 and an Inspector General, each of whom is ap-
5 pointed by majority vote of the National Board of
6 Directors and shall report through the National
7 Board of Directors to the Secretary of the Air
8 Force.

9 “(D) Any officers of the Air Force on active
10 duty, other members of the Air Force, and employ-
11 ees of the Air Force that may be assigned to the
12 staff of the national headquarters of the Civil Air
13 Patrol.

14 “(E) Any volunteer members of the Civil Air
15 Patrol, and any employees of the Civil Air Patrol,
16 that the Executive Director and National Board of
17 Directors determine are necessary for administering
18 the organization and ensuring that it is capable of
19 assisting the Air Force in the performance of its
20 noncombat mission.

21 “(3) A member of the Regular Air Force, Air Force
22 Reserve, or Air National Guard serving in a position pro-
23 vided for under paragraph (2) may not receive any com-
24 pensation for service other than the pay and allowances
25 to which the member is otherwise entitled as a member

1 of the armed forces. A member may serve in such a posi-
2 tion notwithstanding any prohibition on participation of
3 active duty members of the armed forces in the manage-
4 ment of non-Federal entities.

5 “(4)(A) Except as provided in subsection (e), a mem-
6 ber or employee of the Civil Air Patrol is not, by reason
7 of that membership or employment—

8 “(i) an employee of the Federal Government; or

9 “(ii) subject to the provisions of law relating to
10 Federal Government employment, including any pro-
11 vision of law relating to hours of work, entitlement
12 to or rates of compensation, leave, unemployment
13 compensation, or any other Federal employee benefit
14 nor to the ethics laws, conflict of interests laws, and
15 other laws and regulations governing the conduct of
16 Federal employees.

17 “(B) Nothing in subparagraph (A) limits the author-
18 ity of the Secretary to prescribe standards applicable to
19 the conduct and behavior of members and employees of
20 the Civil Air Patrol and to enforce those standards.”.

21 (b) ADDITIONAL ADMINISTRATIVE CONDITIONS.—
22 Section 9441 of such title, as amended by subsection (a),
23 is further amended by adding at the end the following:

24 “(f) FUNDING PROCEDURES.—Chapter 63 of title 31
25 and regulations governing the provision of appropriated

1 funds to private nonprofit organizations apply to the fur-
 2 nishing of funds to the Civil Air Patrol under subsections
 3 (c) and (e) or any other provision of law.

4 “(g) CONDITIONS RELATING TO EXERCISE OF CHAR-
 5 TER POWERS.—The exercise of the powers granted to the
 6 Civil Air Patrol in section 40304 of title 36 is subject to
 7 the approval of the Secretary of the Air Force and applica-
 8 ble policies, regulations, or instructions prescribed by the
 9 Secretary.”.

10 (c) TECHNICAL AMENDMENTS.—(1) Subsection (c)
 11 of such section, as redesignated by subsection (a)(1), is
 12 amended by inserting “SUPPORT BY AIR FORCE.—” after
 13 “(c)”.

14 (2) Subsection (d) of such section, as redesignated
 15 by subsection (a)(1), is amended by inserting “USE FOR
 16 NONCOMBAT MISSION.—” after “(d)”.

17 (3) Subsection (e) of such section, as redesignated by
 18 subsection (a)(1), is amended by inserting “EMPLOYMENT
 19 OF AIR FORCE RETIREES.—” after “(e)”.

20 **SEC. 905. MINIMUM INTERVAL FOR UPDATING AND REVIS-**
 21 **ING DEPARTMENT OF DEFENSE STRATEGIC**
 22 **PLAN.**

23 Section 306(b) of title 5, United States Code, is
 24 amended by striking “, and shall be updated and revised
 25 at least every three years.” and inserting a period and the

1 following: “The strategic plan shall be updated and revised
2 at least every three years, except that the strategic plan
3 for the Department of Defense shall be updated and re-
4 vised at least every four years.”.

5 **SEC. 906. PERMANENT REQUIREMENT FOR QUADRENNIAL**
6 **DEFENSE REVIEW.**

7 (a) REVIEW REQUIRED.—Chapter 2 of title 10,
8 United States Code, is amended by inserting after section
9 117 the following:

10 **“§ 118. Quadrennial defense review**

11 “(a) REVIEW REQUIRED.—The Secretary of Defense,
12 in consultation with the Chairman of the Joint Chiefs of
13 Staff, shall conduct in each year in which a President is
14 inaugurated a comprehensive examination of the defense
15 strategy, force structure, force modernization plans, infra-
16 structure, budget plan, and other elements of the defense
17 program and policies with a view toward determining and
18 expressing the defense strategy of the United States and
19 establishing a revised defense plan for the ensuing 10
20 years and a revised defense plan for the ensuing 20 years.

21 “(b) CONSIDERATION OF REPORTS OF NATIONAL
22 DEFENSE PANEL.—In conducting the review, the Sec-
23 retary shall take into consideration the reports of the Na-
24 tional Defense Panel submitted under section 184(d) of
25 this title.

1 “(c) REPORT TO CONGRESS.—The Secretary shall
2 submit a report on each review to the Committees on
3 Armed Services of the Senate and the House of Represent-
4 atives not later than September 30 of the year in which
5 the review is conducted. The report shall include the fol-
6 lowing:

7 “(1) The results of the review, including a com-
8 prehensive discussion of the defense strategy of the
9 United States and the force structure best suited to
10 implement that strategy, expressed in terms of size,
11 characteristics, and organization, or in other terms
12 suitable for characterizing the force structure.

13 “(2) The size, characteristics, and organization
14 of an alternative force structure that is suited for
15 implementing the strategy but is significantly larger
16 than the force structure discussed under paragraph
17 (1), together with the benefits and risks associated
18 with the larger force structure.

19 “(3) The size, characteristics, and organization
20 of an alternative force structure that is suited for
21 implementing the strategy but is significantly small-
22 er than the force structure discussed under para-
23 graph (1), together with the benefits and risks asso-
24 ciated with the smaller force structure.

1 “(4) The threats examined for purposes of the
2 review and the scenarios developed in the examina-
3 tion of such threats.

4 “(5) The assumptions used in the review, in-
5 cluding assumptions relating to the cooperation of
6 allies and mission-sharing, levels of acceptable risk,
7 warning times, and intensity and duration of con-
8 flict.

9 “(6) The effect on the force structure of prep-
10 arations for and participation in peace operations
11 and military operations other than war.

12 “(7) The effect on the force structure of the
13 utilization by the armed forces of technologies antici-
14 pated to be available for the ensuing 10 years and
15 technologies anticipated to be available for the ensu-
16 ing 20 years, including precision guided munitions,
17 stealth, night vision, digitization, and communica-
18 tions, and the changes in organization, doctrine, and
19 operational concepts that would result from the utili-
20 zation of such technologies.

21 “(8) The manpower and sustainment policies
22 required under the defense strategy to support en-
23 gagement in conflicts lasting more than 120 days.

24 “(9) The anticipated roles and missions of the
25 reserve components in the defense strategy and the

1 strength, capabilities, and equipment necessary to
2 assure that the reserve components can capably dis-
3 charge those roles and missions.

4 “(10) The appropriate ratio of combat forces to
5 support forces (commonly referred to as the “tooth-
6 to-tail” ratio) under the defense strategy, including,
7 in particular, the appropriate number and size of
8 headquarters units and Defense Agencies for that
9 purpose.

10 “(11) The air-lift and sea-lift capabilities re-
11 quired to support the defense strategy.

12 “(12) The forward presence, pre-positioning,
13 and other anticipatory deployments necessary under
14 the defense strategy for conflict deterrence and ade-
15 quate military response to anticipated conflicts.

16 “(13) The extent to which resources must be
17 shifted among two or more theaters under the de-
18 fense strategy in the event of conflict in such thea-
19 ters.

20 “(14) The advisability of revisions to the Uni-
21 fied Command Plan as a result of the defense strat-
22 egy.

23 “(15) Any other matter the Secretary considers
24 appropriate.”.

1 (b) NATIONAL DEFENSE PANEL.—Chapter 7 of such
2 title is amended by adding at the end the following:

3 **“§ 184. National Defense Panel**

4 “(a) ESTABLISHMENT.—Not later than January 1 of
5 each year immediately preceding a year in which a Presi-
6 dent is to be inaugurated, the Secretary of Defense shall
7 establish a nonpartisan, independent panel to be known
8 as the National Defense Panel. The Panel shall have the
9 duties set forth in this section.

10 “(b) MEMBERSHIP AND CHAIRMAN.—(1) The Panel
11 shall be composed of nine members appointed from among
12 persons in the private sector who are recognized experts
13 in matters relating to the national security of the United
14 States, as follows:

15 “(A) Three members appointed by the Sec-
16 retary of Defense.

17 “(B) Three members appointed by the Chair-
18 man of the Committee on Armed Services of the
19 Senate, in consultation with the ranking member of
20 the committee.

21 “(C) Three members appointed by the Chair-
22 man of the Committee on Armed Services of the
23 House of Representatives, in consultation with the
24 ranking member of the committee.

1 “(2) The Secretary of Defense, in consultation with
2 the chairmen and ranking members of the Committees on
3 Armed Services of the Senate and the House of Represent-
4 atives, shall designate one of the members to serve as the
5 chairman of the Panel

6 “(c) DUTIES.—(1) The Panel shall—

7 “(A) assess the matters referred to in para-
8 graph (2);

9 “(B) assess the current and projected strategic
10 environment, together with the progress made by the
11 armed forces in transforming to meet the environ-
12 ment;

13 “(C) identify the most dangerous threats to the
14 national security interests of the United States that
15 are to be countered by the United States in the en-
16 suing 10 years and those that are to be encountered
17 in the ensuing 20 years;

18 “(D) identify the strategic and operational chal-
19 lenges for the armed forces to address in order to
20 prepare to counter the threats identified under sub-
21 paragraph (C);

22 “(E) develop—

23 “(i) a recommendation on the priority that
24 should be accorded to each of the strategic and

1 operational challenges identified under subpara-
2 graph (D); and

3 “(ii) a recommendation on the priority that
4 should be accorded to the development of each
5 joint capability needed to meet each such chal-
6 lenge; and

7 “(F) identify the issues that the Panel rec-
8 ommends for assessment during the next quadren-
9 nial review to be conducted under section 118 of this
10 title.

11 “(2) The matters to be assessed under paragraph
12 (1)(A) are the defense strategy, force structure, force
13 modernization plans, infrastructure, budget plan, and
14 other elements of the defense program and policies estab-
15 lished since the previous quadrennial defense review under
16 section 118 of this title.

17 “(3) The Panel shall conduct the assessments under
18 paragraph (1) with a view toward recommending—

19 “(A) the most critical changes that should be
20 made to the defense strategy of the United States
21 for the ensuing 10 years and the most critical
22 changes that should be made to the defense strategy
23 of the United States for the ensuing 20 years; and

24 “(B) any changes considered appropriate by the
25 Panel regarding the major weapon systems pro-

1 grammed for the force, including any alternatives to
2 those weapon systems.

3 “(d) REPORT.—(1) The Panel, in the year that it is
4 conducting an assessment under subsection (c), shall sub-
5 mit to the Secretary of Defense and to the Committees
6 on Armed Services of the Senate and the House of Rep-
7 resentatives two reports on the assessment, including a
8 discussion of the Panel’s activities, the findings and rec-
9 ommendations of the Panel, and any recommendations for
10 legislation that the Panel considers appropriate, as fol-
11 lows:

12 “(A) A status report and an outline of current
13 activities not later than July 1 of the year.

14 “(B) A final report not later than December 1
15 of the year.

16 “(2) Not later than December 15 of the year in which
17 the Secretary receives a final report under paragraph
18 (1)(B), the Secretary shall submit to the committees re-
19 ferred to in subsection (b) a copy of the report together
20 with the Secretary’s comments on the report.

21 “(e) INFORMATION FROM FEDERAL AGENCIES.—
22 The Panel may secure directly from the Department of
23 Defense and any of its components and from any other
24 Federal department and agency such information as the
25 Panel considers necessary to carry out its duties under

1 this section. The head of the department or agency con-
2 cerned shall ensure that information requested by the
3 Panel under this subsection is promptly provided.

4 “(f) PERSONNEL MATTERS.—(1) Each member of
5 the Panel shall be compensated at a rate equal to the daily
6 equivalent of the annual rate of basic pay prescribed for
7 level IV of the Executive Schedule under section 5315 of
8 title 5 for each day (including travel time) during which
9 the member is engaged in the performance of the duties
10 of the Panel.

11 “(2) The members of the Panel shall be allowed travel
12 expenses, including per diem in lieu of subsistence, at
13 rates authorized for employees of agencies under sub-
14 chapter I of chapter 57 of title 5 while away from their
15 homes or regular places of business in the performance
16 of services for the Panel.

17 “(3)(A) The chairman of the Panel may, without re-
18 gard to the civil service laws and regulations, appoint and
19 terminate an executive director and a staff if the Panel
20 determines that an executive director and staff are nec-
21 essary in order for the Panel to perform its duties effec-
22 tively. The employment of an executive director shall be
23 subject to confirmation by the Panel.

24 “(B) The chairman may fix the compensation of the
25 executive director without regard to the provisions of

1 chapter 51 and subchapter III of chapter 53 of title 5 re-
2 lating to classification of positions and General Schedule
3 pay rates, except that the rate of pay for the executive
4 director may not exceed the rate payable for level V of
5 the Executive Schedule under section 5316 of such title.

6 “(4) Any Federal Government employee may be de-
7 tailed to the Panel without reimbursement of the employ-
8 ee’s agency, and such detail shall be without interruption
9 or loss of civil service status or privilege. The Secretary
10 shall ensure that sufficient personnel are detailed to the
11 Panel to enable the Panel to carry out its duties effec-
12 tively.

13 “(5) To the maximum extent practicable, the mem-
14 bers and employees of the Panel shall travel on military
15 aircraft, military ships, military vehicles, or other military
16 conveyances when travel is necessary in the performance
17 of a duty of the Panel, except that no such aircraft, ship,
18 vehicle, or other conveyance may be scheduled primarily
19 for the transportation of any such member or employee
20 when the cost of commercial transportation is less expen-
21 sive.

22 “(g) ADMINISTRATIVE PROVISIONS.—(1) The Panel
23 may use the United States mails and obtain printing and
24 binding services in the same manner and under the same

1 conditions as other departments and agencies of the Fed-
2 eral Government.

3 “(2) The Secretary shall furnish the Panel any ad-
4 ministrative and support services requested by the Panel.

5 “(3) The Panel may accept, use, and dispose of gifts
6 or donations of services or property.

7 “(h) PAYMENT OF PANEL EXPENSES.—The com-
8 pensation, travel expenses, and per diem allowances of
9 members and employees of the Panel shall be paid out of
10 funds available to the Department of Defense for the pay-
11 ment of compensation, travel allowances, and per diem al-
12 lowances, respectively, of civilian employees of the Depart-
13 ment. The other expenses of the Panel shall be paid out
14 of funds available to the Department for the payment of
15 similar expenses incurred by the Department.

16 “(i) TERMINATION.—The Panel shall terminate at
17 the end of the year following the year in which the Panel
18 submits its final report under subsection (d)(1)(B). For
19 the period that begins 90 days after the date of submittal
20 of the report, the activities and staff of the panel shall
21 be reduced to a level that the Secretary of Defense con-
22 sidered sufficient to continue the availability of the panel
23 for consultation with the Secretary of Defense and with
24 the Committees on Armed Services of the Senate and the
25 House of Representatives.”.

1 (c) CLERICAL AMENDMENTS.—(1) The table of sec-
 2 tions at the beginning of chapter 2 of title 10, United
 3 States Code, is amended by inserting after the item relat-
 4 ing to section 117 the following:

“118. Quadrennial defense review.”.

5 (2) The table of sections at the beginning of chapter
 6 7 of such title is amended by adding at the end the fol-
 7 lowing:

“184. National Defense Panel.”.

8 **Subtitle B—Commission To Assess**
 9 **United States National Security**
 10 **Space Management and Organi-**
 11 **zation**

12 **SEC. 911. ESTABLISHMENT OF COMMISSION.**

13 (a) ESTABLISHMENT.—There is hereby established a
 14 commission known as the “Commission To Assess United
 15 States National Security Space Management and Organi-
 16 zation” (hereafter in this subtitle referred to as the “Com-
 17 mission”).

18 (b) COMPOSITION.—The Commission shall be com-
 19 posed of nine members appointed by the Secretary of De-
 20 fense. In selecting individuals for appointment to the Com-
 21 mission, the Secretary should consult with—

22 (1) the Speaker of the House of Representa-
 23 tives concerning the appointment of three of the
 24 members of the Commission;

1 (2) the majority leader of the Senate concerning
2 the appointment of three of the members of the
3 Commission; and

4 (3) the minority leader of the House of Rep-
5 resentatives and the minority leader of the Senate
6 concerning the appointment of three of the members
7 of the Commission.

8 (c) QUALIFICATIONS.—Members of the Commission
9 shall be appointed from among private citizens of the
10 United States who have knowledge and expertise in the
11 areas of national security space policy, programs, organi-
12 zations, and future national security concepts.

13 (d) CHAIRMAN.—The Speaker of the House of Rep-
14 resentatives, after consultation with the majority leader of
15 the Senate and the minority leaders of the House of Rep-
16 resentatives and the Senate, shall designate one of the
17 members of the Commission to serve as chairman of the
18 Commission.

19 (e) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
20 bers shall be appointed for the life of the Commission. Any
21 vacancy in the Commission shall be filled in the same man-
22 ner as the original appointment.

23 (f) SECURITY CLEARANCES.—All members of the
24 Commission shall hold appropriate security clearances.

1 (g) INITIAL ORGANIZATION REQUIREMENTS.—(1) All
2 appointments to the Commission shall be made not later
3 than 90 days after the date of the enactment of this Act.

4 (2) The Commission shall convene its first meeting
5 not later than 60 days after the date as of which all mem-
6 bers of the Commission have been appointed, but not ear-
7 lier than October 15, 1999.

8 **SEC. 912. DUTIES OF COMMISSION.**

9 (a) REVIEW OF UNITED STATES NATIONAL SECU-
10 RITY SPACE MANAGEMENT AND ORGANIZATION.—The
11 Commission shall, with a focus on changes to be imple-
12 mented over the near-term, medium-term, and long-term
13 that would strengthen United States national security, re-
14 view the following:

15 (1) The relationship between the intelligence
16 and nonintelligence aspects of national security
17 space (so-called “white space” and “black space”),
18 and the potential benefits of a partial or complete
19 merger of the programs, projects, or activities that
20 are differentiated by the two aspects.

21 (2) The benefits of establishing any of the fol-
22 lowing:

23 (A) An independent military department
24 and service dedicated to the national security
25 space mission.

1 (B) A corps within the Air Force dedicated
2 to the national security space mission.

3 (C) A position of Assistant Secretary of
4 Defense for Space within the Office of the Sec-
5 retary of Defense.

6 (D) Any other change to the existing orga-
7 nizational structure of the Department of De-
8 fense for national security space management
9 and organization.

10 (3) The benefits of establishing a new major
11 force program, or other budget mechanism, for man-
12 aging national security space funding within the De-
13 partment of Defense.

14 (b) COOPERATION FROM GOVERNMENT OFFI-
15 CIALS.—In carrying out its duties, the Commission should
16 receive the full and timely cooperation of the Secretary
17 of Defense, the Director of Central Intelligence, and any
18 other United States Government official responsible for
19 providing the Commission with analyses, briefings, and
20 other information necessary for the fulfillment of its re-
21 sponsibilities.

22 **SEC. 913. REPORT.**

23 The Commission shall, not later than six months
24 after the date of its first meeting, submit to Congress a
25 report on its findings and conclusions.

1 **SEC. 914. POWERS.**

2 (a) HEARINGS.—The Commission or, at its direction,
3 any panel or member of the Commission, may, for the pur-
4 pose of carrying out the provisions of this subtitle, hold
5 hearings, sit and act at times and places, take testimony,
6 receive evidence, and administer oaths to the extent that
7 the Commission or any panel or member considers advis-
8 able.

9 (b) INFORMATION.—The Commission may secure di-
10 rectly from the Department of Defense, the other depart-
11 ments and agencies of the intelligence community, and any
12 other Federal department or agency information that the
13 Commission considers necessary to enable the Commission
14 to carry out its responsibilities under this subtitle.

15 **SEC. 915. COMMISSION PROCEDURES.**

16 (a) MEETINGS.—The Commission shall meet at the
17 call of the Chairman.

18 (b) QUORUM.—(1) Five members of the Commission
19 shall constitute a quorum other than for the purpose of
20 holding hearings.

21 (2) The Commission shall act by resolution agreed
22 to by a majority of the members of the Commission.

23 (c) COMMISSION.—The Commission may establish
24 panels composed of less than full membership of the Com-
25 mission for the purpose of carrying out the Commission's
26 duties. The actions of each such panel shall be subject to

1 the review and control of the Commission. Any findings
2 and determinations made by such a panel shall not be con-
3 sidered the findings and determinations of the Commis-
4 sion unless approved by the Commission.

5 (d) **AUTHORITY OF INDIVIDUALS TO ACT FOR COM-**
6 **MISSION.**—Any member or agent of the Commission may,
7 if authorized by the Commission, take any action which
8 the Commission is authorized to take under this subtitle.

9 **SEC. 916. PERSONNEL MATTERS.**

10 (a) **PAY OF MEMBERS.**—Members of the Commission
11 shall serve without pay by reason of their work on the
12 Commission.

13 (b) **TRAVEL EXPENSES.**—The members of the Com-
14 mission shall be allowed travel expenses, including per
15 diem in lieu of subsistence, at rates authorized for employ-
16 ees of agencies under subchapter I of chapter 57 of title
17 5, United States Code, while away from their homes or
18 regular places of business in the performance of services
19 for the Commission.

20 (c) **STAFF.**—(1) The chairman of the Commission
21 may, without regard to the provisions of title 5, United
22 States Code, governing appointments in the competitive
23 service, appoint a staff director and such additional per-
24 sonnel as may be necessary to enable the Commission to

1 perform its duties. The appointment of a staff director
2 shall be subject to the approval of the Commission.

3 (2) The chairman of the Commission may fix the pay
4 of the staff director and other personnel without regard
5 to the provisions of chapter 51 and subchapter III of chap-
6 ter 53 of title 5, United States Code, relating to classifica-
7 tion of positions and General Schedule pay rates, except
8 that the rate of pay fixed under this paragraph for the
9 staff director may not exceed the rate payable for level
10 V of the Executive Schedule under section 5316 of such
11 title and the rate of pay for other personnel may not ex-
12 ceed the maximum rate payable for grade GS-15 of the
13 General Schedule.

14 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon
15 request of the chairman of the Commission, the head of
16 any Federal department or agency may detail, on a non-
17 reimbursable basis, any personnel of that department or
18 agency to the Commission to assist it in carrying out its
19 duties.

20 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-
21 TENT SERVICES.—The chairman of the Commission may
22 procure temporary and intermittent services under section
23 3109(b) of title 5, United States Code, at rates for individ-
24 uals which do not exceed the daily equivalent of the annual

1 rate of basic pay payable for level V of the Executive
2 Schedule under section 5316 of such title.

3 **SEC. 917. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.**

4 (a) POSTAL AND PRINTING SERVICES.—The Com-
5 mission may use the United States mails and obtain print-
6 ing and binding services in the same manner and under
7 the same conditions as other departments and agencies of
8 the Federal Government.

9 (b) MISCELLANEOUS ADMINISTRATIVE AND SUP-
10 PORT SERVICES.—The Secretary of Defense shall furnish
11 the Commission, on a reimbursable basis, any administra-
12 tive and support services requested by the Commission.

13 **SEC. 918. FUNDING.**

14 Funds for activities of the Commission shall be pro-
15 vided from amounts appropriated for the Department of
16 Defense for operation and maintenance for Defense-wide
17 activities for fiscal year 2000. Upon receipt of a written
18 certification from the Chairman of the Commission speci-
19 fying the funds required for the activities of the Commis-
20 sion, the Secretary of Defense shall promptly disburse to
21 the Commission, from such amounts, the funds required
22 by the Commission as stated in such certification.

23 **SEC. 919. TERMINATION OF THE COMMISSION.**

24 The Commission shall terminate 60 days after the
25 date of the submission of its report under section 913.

1 **TITLE X—GENERAL PROVISIONS**

2 **Subtitle A—Financial Matters**

3 **SEC. 1001. TRANSFER AUTHORITY.**

4 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

5 (1) Upon determination by the Secretary of Defense that
6 such action is necessary in the national interest, the Sec-
7 retary may transfer amounts of authorizations made avail-
8 able to the Department of Defense in this division for fis-
9 cal year 2000 between any such authorizations for that
10 fiscal year (or any subdivisions thereof). Amounts of au-
11 thorizations so transferred shall be merged with and be
12 available for the same purposes as the authorization to
13 which transferred.

14 (2) The total amount of authorizations that the Sec-
15 retary may transfer under the authority of this section
16 may not exceed \$2,000,000,000.

17 (b) **LIMITATIONS.—**The authority provided by this
18 section to transfer authorizations—

19 (1) may only be used to provide authority for
20 items that have a higher priority than the items
21 from which authority is transferred; and

22 (2) may not be used to provide authority for an
23 item that has been denied authorization by Con-
24 gress.

1 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
2 transfer made from one account to another under the au-
3 thority of this section shall be deemed to increase the
4 amount authorized for the account to which the amount
5 is transferred by an amount equal to the amount trans-
6 ferred.

7 (d) NOTICE TO CONGRESS.—The Secretary shall
8 promptly notify Congress of each transfer made under
9 subsection (a).

10 **SEC. 1002. SECOND BIENNIAL FINANCIAL MANAGEMENT**
11 **IMPROVEMENT PLAN.**

12 The second biennial financial management improve-
13 ment plan submitted to Congress under section 2222 of
14 title 10, United States Code, shall include the following
15 matters:

16 (1) An inventory of the finance and accounting
17 systems and data feeder systems of the Department
18 of Defense and, for each such system—

19 (A) a statement regarding whether the sys-
20 tem complies with the requirements applicable
21 to the system under sections 3512, 3515, and
22 3521 of title 31, United States Code;

23 (B) a statement regarding whether the sys-
24 tem is to be retained, consolidated, or elimi-
25 nated;

1 (C) a detailed plan of the actions that are
2 being taken or are to be taken within the De-
3 partment of Defense (including provisions for
4 schedule, performance objectives, interim mile-
5 stones, and necessary resources)—

6 (i) to ensure easy and reliable inter-
7 facing of the system (or a consolidated or
8 successor system) with the department's
9 core finance and accounting systems and
10 with other data feeder systems; and

11 (ii) to institute appropriate internal
12 controls that, among other benefits, ensure
13 the integrity of the data in the system (or
14 a consolidated or successor system);

15 (D) for each system that is to be consoli-
16 dated or eliminated, a detailed plan of the ac-
17 tions that are being taken or are to be taken
18 (including provisions for schedule and interim
19 milestones) in carrying out the consolidation or
20 elimination, including a discussion of both the
21 interim or migratory systems and any further
22 consolidation that may be involved; and

23 (E) a list of the officials in the Depart-
24 ment of Defense who are responsible for ensur-

1 ing that actions referred to in subparagraphs
2 (C) and (D) are taken in a timely manner.

3 (2) A description of each major procurement
4 action that is being taken within the Department of
5 Defense to replace or improve a finance and ac-
6 counting system or a data feeder system listed in the
7 inventory under paragraph (1) and, for each such
8 procurement action, the measures that are being
9 taken or are to be taken to ensure that the new or
10 enhanced system—

11 (A) provides easy and reliable interfacing
12 of the system with the core finance and ac-
13 counting systems of the department and with
14 other data feeder systems; and

15 (B) includes appropriate internal controls
16 that, among other benefits, ensure the integrity
17 of the data in the system.

18 (3) A financial management competency plan
19 that includes performance objectives, milestones (in-
20 cluding interim objectives), responsible officials, and
21 the necessary resources to accomplish the perform-
22 ance objectives, together with the following:

23 (A) A description of the actions necessary
24 to ensure that the person in each comptroller
25 position (or comparable position) in the Depart-

1 ment of Defense, whether a member of the
2 Armed Forces or a civilian employee, has the
3 education, technical competence, and experience
4 to perform in accordance with the core com-
5 petencies necessary for financial management.

6 (B) A description of the education that is
7 necessary for a financial manager in a senior
8 grade to be knowledgeable in—

9 (i) applicable laws and administrative
10 and regulatory requirements, including the
11 requirements and procedures relating to
12 Government performance and results
13 under sections 1105(a)(28), 1115, 1116,
14 1117, 1118, and 1119 of title 31, United
15 States Code;

16 (ii) the strategic planning process and
17 how the process relates to resource man-
18 agement;

19 (iii) budget operations and analysis
20 systems;

21 (iv) management analysis functions
22 and evaluation; and

23 (v) the principles, methods, tech-
24 niques, and systems of financial manage-
25 ment.

1 (C) The advantages and disadvantages of
2 establishing and operating a consolidated De-
3 partment of Defense school that instructs in the
4 principles referred to in subparagraph (B)(v).

5 (D) The applicable requirements for formal
6 civilian education.

7 (4) A detailed plan (including performance ob-
8 jectives and milestones and standards for measuring
9 progress toward attainment of the objectives) for—

10 (A) improving the internal controls and in-
11 ternal review processes of the Defense Finance
12 and Accounting Service to provide reasonable
13 assurances that—

14 (i) obligations and costs are in compli-
15 ance with the applicable laws;

16 (ii) funds, property, and other assets
17 are safeguarded against waste, loss, unau-
18 thorized use, and misappropriation; and

19 (iii) revenues and expenditures appli-
20 cable to agency operations are properly re-
21 corded and accounted for so as to permit
22 the preparation of accounts and reliable fi-
23 nancial and statistical reports and to main-
24 tain accountability over assets;

1 (B) ensuring that the Defense Finance and
 2 Accounting Service has—

3 (i) a single standard transaction gen-
 4 eral ledger;

5 (ii) an integrated data base for fi-
 6 nance and accounting functions; and

7 (iii) automated cost, performance, and
 8 other output measures;

9 (C) providing a single, consistent set of
 10 policies and procedures for financial trans-
 11 actions throughout the Department of Defense;

12 (D) ensuring compliance with applicable
 13 policies and procedures for financial trans-
 14 actions throughout the Department of Defense;
 15 and

16 (E) reviewing safeguards for preservation
 17 of assets and verifying the existence of assets.

18 **SEC. 1003. SINGLE PAYMENT DATE FOR INVOICE FOR VAR-**
 19 **IOUS SUBSISTENCE ITEMS.**

20 Section 3903 of title 31, United States Code, is
 21 amended—

22 (1) by redesignating subsection (c) as sub-
 23 section (d); and

24 (2) by inserting after subsection (b) the fol-
 25 lowing new subsection (c):

1 “(c) A contract for the procurement of subsistence
 2 items that is entered into under the prime vendor program
 3 of the Defense Logistics Agency may specify for the pur-
 4 poses of section 3902 of this title a single required pay-
 5 ment date that is to be applicable to an invoice for subsist-
 6 ence items furnished under the contract when more than
 7 one payment due date would otherwise be applicable to
 8 the invoice under the regulations prescribed under para-
 9 graphs (2), (3), and (4) of subsection (a) or under any
 10 other provisions of law. The required payment date speci-
 11 fied in the contract shall be consistent with prevailing in-
 12 dustry practices for the subsistence items, but may not
 13 be more than 10 days after the date of receipt of the in-
 14 voice. The Director of the Office of Management and
 15 Budget shall provide in the regulations under subsection
 16 (a) that when a required payment date is so specified for
 17 an invoice, no other payment due date applies to the in-
 18 voice.”.

19 **SEC. 1004. AUTHORITY TO REQUIRE USE OF ELECTRONIC**
 20 **TRANSFER OF FUNDS FOR DEPARTMENT OF**
 21 **DEFENSE PERSONNEL PAYMENTS.**

22 (a) **AUTHORITY.**—Chapter 165 of title 10, United
 23 States Code, is amended by adding at the end the fol-
 24 lowing:

1 **“§ 2784. Payments to personnel: electronic transfers**
 2 **of funds**

3 “(a) **AUTHORITY.**—The Secretary of Defense may re-
 4 quire that pay, allowances, retired or retainer pay, and
 5 any other payments out of funds available to the Depart-
 6 ment of Defense to or for members of the armed forces,
 7 former members of the armed forces, employees or former
 8 employees of the Department of Defense, or dependents
 9 of such personnel be made by electronic transfer of funds.
 10 For any such requirement, the Secretary of Defense may
 11 prescribe in regulations any exceptions that the Secretary
 12 considers appropriate.

13 “(b) **RELATIONSHIP TO OTHER LAW.**—The authority
 14 under subsection (a) is independent of the authority pro-
 15 vided under section 3332 of title 31 and may be exercised
 16 without regard to any exception provided under that sec-
 17 tion.”.

18 (b) **CLERICAL AMENDMENT.**—The table of sections
 19 at the beginning of such chapter is amended by adding
 20 at the end the following:

“2784. Payments to personnel: electronic transfers of funds.”.

21 **SEC. 1005. PAYMENT OF FOREIGN LICENSING FEES OUT**
 22 **OF PROCEEDS OF SALES OF MAPS, CHARTS,**
 23 **AND NAVIGATIONAL BOOKS.**

24 (a) **IN GENERAL.**—Subchapter II of chapter 22 of
 25 title 10, United States Code, is amended—

1 (1) by redesignating section 456 as section 457;

2 and

3 (2) by inserting after section 455 the following

4 new section 456:

5 **“§ 456. Maps, charts, and navigational publications:**

6 **use of proceeds of sale for foreign licens-**

7 **ing and other fees**

8 “(a) AUTHORITY TO PAY FOREIGN LICENSING

9 FEES.—The Secretary of Defense may pay, out of the pro-
10 ceeds of sales of maps, charts, and other publications of
11 the National Imagery and Mapping Agency (which are
12 hereby made available for the purpose), any licensing or
13 other fees imposed by foreign countries or international
14 organizations for the acquisition or use of data or products
15 by the Agency.

16 “(b) DISPOSITION OF OTHER PROCEEDS.—Any pro-
17 ceeds of sales not paid under the authority in subsection
18 (a) shall be deposited by the Secretary of Defense in the
19 Treasury as miscellaneous receipts.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of that subchapter is amended by striking
22 the item relating to section 456 and inserting the following
23 new items:

“456. Maps, charts, and navigational publications: use of proceeds of sale for
foreign licensing and other fees.

“457. Civil actions barred.”.

1 **SEC. 1006. AUTHORITY FOR DISBURSING OFFICERS TO**
 2 **SUPPORT USE OF AUTOMATED TELLER MA-**
 3 **CHINES ON NAVAL VESSELS FOR FINANCIAL**
 4 **TRANSACTIONS.**

5 Section 3342(a) of title 31, United States Code, is
 6 amended—

7 (1) by striking “and” at the end of paragraph
 8 (2);

9 (2) by striking the period at the end of para-
 10 graph (3)(B) and inserting “; and”; and

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

13 “(4) with respect to automated teller machines
 14 on naval vessels—

15 “(A) provide operating funds to the auto-
 16 mated teller machines; and

17 “(B) accept, for safekeeping, deposits and
 18 transfers of funds made through the automated
 19 teller machines.”.

20 **SEC. 1007. CENTRAL TRANSFER ACCOUNT FOR COM-**
 21 **BATING TERRORISM.**

22 (a) AMOUNT FOR FISCAL YEAR 2000.—(1) Of the
 23 amounts authorized to be appropriated under this Act for
 24 the Department of Defense for fiscal year 2000,
 25 \$1,954,430,000 shall be available from the sources and
 26 in the amounts specified in paragraph (2) for the missions

1 of the Department of Defense related to combating ter-
2 rorism inside and outside the United States.

3 (2) The amounts and sources referred to in para-
4 graph (1) are as follows:

5 (A) \$229,820,000 of the total amount author-
6 ized to be appropriated pursuant to title I for fiscal
7 year 2000.

8 (B) \$212,510,000 of the total amount author-
9 ized to be appropriated pursuant to title II for fiscal
10 year 2000.

11 (C) \$1,512,100,000 of the total amount author-
12 ized to be appropriated pursuant to title III for fis-
13 cal year 2000 (except for the amount authorized to
14 be appropriated under section 301(a)(25)).

15 (b) TRANSFER.—(1) The amounts made available
16 under subsection (a) from the authorizations of appropria-
17 tions referred to in that subsection shall be transferred
18 to the amount authorized to be appropriated under section
19 301(a)(25).

20 (2) The transfer authority provided in this section is
21 in addition to the transfer authority provided in section
22 1001.

23 (c) BUDGET PROPOSALS FOR FISCAL YEARS AFTER
24 FISCAL YEAR 2000.—The budget of the United States
25 Government submitted to Congress under section 1105 of

1 title 31, United States Code, for each fiscal year after fis-
 2 cal year 2000 shall set forth separately for a single ac-
 3 count the amount requested for the missions of the De-
 4 partment of Defense related to combating terrorism inside
 5 and outside the United States.

6 **SEC. 1008. UNITED STATES CONTRIBUTION TO NATO COM-**
 7 **MON-FUNDED BUDGETS IN FISCAL YEAR 2000.**

8 (a) FISCAL YEAR 2000 LIMITATION.—The total
 9 amount contributed by the Secretary of Defense in fiscal
 10 year 2000 for the common-funded budgets of NATO may
 11 be any amount up to, but not in excess of, the amount
 12 specified in subsection (b) (rather than the maximum
 13 amount that would otherwise be applicable to those con-
 14 tributions under the fiscal year 1998 baseline limitation).

15 (b) TOTAL AMOUNT.—The amount of the limitation
 16 applicable under subsection (a) is the sum of the following:

17 (1) The amounts of unexpended balances, as of
 18 the end of fiscal year 1999, of funds appropriated
 19 for fiscal years before fiscal year 2000 for payments
 20 for those budgets.

21 (2) The amount authorized to be appropriated
 22 under section 301(a)(1) that is available for con-
 23 tributions for the NATO common-funded military
 24 budget under section 311.

1 (3) The amount authorized to be appropriated
2 under section 201 that is available for contribution
3 for the NATO common-funded civil budget under
4 section 211.

5 (4) The total amount of the contributions au-
6 thorized to be made under section 2501.

7 (c) DEFINITIONS.—For purposes of this section:

8 (1) COMMON-FUNDED BUDGETS OF NATO.—
9 The term “common-funded budgets of NATO”
10 means the Military Budget, the Security Investment
11 Program, and the Civil Budget of the North Atlantic
12 Treaty Organization (and any successor or addi-
13 tional account or program of NATO).

14 (2) FISCAL YEAR 1998 BASELINE LIMITATION.—
15 The term “fiscal year 1998 baseline limitation”
16 means the maximum annual amount of Department
17 of Defense contributions for common-funded budgets
18 of NATO that is set forth as the annual limitation
19 in section 3(2)(C)(ii) of the resolution of the Senate
20 giving the advice and consent of the Senate to the
21 ratification of the Protocols to the North Atlantic
22 Treaty of 1949 on the Accession of Poland, Hun-
23 gary, and the Czech Republic (as defined in section
24 4(7) of that resolution), approved by the Senate on
25 April 30, 1998.

1 **Subtitle B—Naval Vessels and**
2 **Shipyards**

3 **SEC. 1011. SALES OF NAVAL SHIPYARD ARTICLES AND**
4 **SERVICES TO NUCLEAR SHIP CONTRACTORS.**

5 (a) WAIVER OF REQUIRED CONDITIONS.—Chapter
6 633 of title 10, United States Code, is amended by insert-
7 ing after section 7299a the following:

8 **“§ 7300. Contracts for nuclear ships: sales of naval**
9 **shipyard articles and services to contrac-**
10 **tors**

11 “The conditions set forth in section 2208(j)(2) of this
12 title and subsections (a)(1) and (c)(1) of section 2553 of
13 this title shall not apply to a sale of articles or services
14 of a naval shipyard that is made to a contractor under
15 a Department of Defense contract for a nuclear ship in
16 order to facilitate the contractor’s fulfillment of that con-
17 tract.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of such chapter is amended by inserting
20 after the item relating to section 7299a the following:

 “7300. Contracts for nuclear ships: sales of naval shipyard articles and services
 to contractors.”.

1 **SEC. 1012. PERIOD OF DELAY AFTER NOTICE OF PRO-**
 2 **POSED TRANSFER OF VESSEL STRICKEN**
 3 **FROM NAVAL VESSEL REGISTER.**

4 Section 7306(d) of title 10, United States Code, is
 5 amended—

- 6 (1) by striking “(1)”;
- 7 (2) by striking “(A)” and inserting “(1)”;
- 8 (3) by striking “(B)” and all that follows and
 9 inserting the following:

10 “(2) following the date on which such notice is
 11 sent to Congress, there has elapsed 60 days on
 12 which at least one of the Houses of Congress has
 13 been in session.”.

14 **Subtitle C—Miscellaneous Report**
 15 **Requirements and Repeals**

16 **SEC. 1021. PRESERVATION OF CERTAIN DEFENSE REPORT-**
 17 **ING REQUIREMENTS.**

18 (a) PRESERVATION.—Any provision of law specified
 19 in subsections (b) through (i) that requires the submittal
 20 to Congress (or any committee of the Congress) of any
 21 annual, semiannual, or other regular periodic report shall
 22 remain in effect with respect to that requirement (notwith-
 23 standing any other provision of law) in accordance with
 24 the terms of the specified provision of law.

1 (b) TITLE 10.—Subsection (a) applies with respect
2 to the following provisions of title 10, United States Code,
3 listed in the Clerk’s Report (defined in subsection (j)):

4 (1) Sections 113(c) and 113(j), listed on page
5 57 of the Clerk’s Report.

6 (2) Section 115a(a), listed on page 57 of the
7 Clerk’s Report as 10 U.S.C. 115(b)(3)(A).

8 (3) Section 139(f), listed on page 62 of the
9 Clerk’s Report as 10 U.S.C. 138(g)(1).

10 (4) Section 221, listed on page 64 of the
11 Clerk’s Report as 10 U.S.C. 114.

12 (5) Section 226, specified on page 149 of the
13 Clerk’s Report as section 1002 of Public Law 102–
14 190.

15 (6) Section 662(b), listed on page 58 of the
16 Clerk’s Report.

17 (7) Section 1464(c), listed on page 60 of the
18 Clerk’s Report.

19 (8) Section 2006(e)(3), listed on page 76 of the
20 Clerk’s Report.

21 (9) Section 2010, listed on page 57 of the
22 Clerk’s Report.

23 (10) Section 2011(e), listed on page 56 of the
24 Clerk’s Report as Pub. L. 102–190, Sec. 1052(a).

1 (11) Section 2208(q), listed on page 64 of the
2 Clerk's Report as 10 U.S.C. 2208(i).

3 (12) Section 2391(c), listed on page 62 of the
4 Clerk's Report.

5 (13) Section 2431(a), listed on page 63 of the
6 Clerk's Report.

7 (14) Section 2432, listed on page 63 of the
8 Clerk's Report.

9 (15) Section 2433, listed on page 63 of the
10 Clerk's Report as 10 U.S.C. 2433(e)(1) and
11 2433(e)(2)(A).

12 (16) Section 2461(g), listed on page 62 of the
13 Clerk's Report as 10 U.S.C. 2304 note.

14 (17) Section 2662(b), listed on pages 69, 74,
15 and 76 of the Clerk's Report.

16 (18) Section 2687(b), listed on page 62 of the
17 Clerk's Report.

18 (19) Section 2706, listed on page 60 of the
19 Clerk's Report.

20 (20) Section 2859, listed on page 58 of the
21 Clerk's Report.

22 (21) Section 2902(g)(2), specified on page 148
23 of the Clerk's Report as section 1804(a) of Public
24 Law 101–510.

1 (22) Section 10541(a), listed on page 57 of the
2 Clerk's Report as 10 U.S.C. 115(a).

3 (23) Section 12302(d), listed on page 14 of the
4 Clerk's Report as 10 U.S.C. 673(d).

5 (24) Section 16137, listed on page 59 of the
6 Clerk's Report as 10 U.S.C. 2137.

7 (c) TITLE 37.—Subsection (a) applies with respect
8 to sections 1008(a) and 1008(b) of title 37, United States
9 Code, listed on page 14 of the Clerk's Report (defined in
10 subsection (j)).

11 (d) NATIONAL DEFENSE AND MILITARY CONSTRUC-
12 TION AUTHORIZATION ACTS.—Subsection (a) applies with
13 respect to provisions of law listed in the Clerk's Report
14 (defined in subsection (j)), as follows:

15 (1) FISCAL YEAR 1982.—The following provi-
16 sions of the Military Construction Authorization Act,
17 1982 (Public Law 97–99):

18 (A) Section 703(g) (95 Stat. 1376), listed
19 on page 62 of the Clerk's Report.

20 (B) Section 704 (95 Stat. 1377), listed on
21 pages 68, 73, and 75 of the Clerk's Report.

22 (2) FISCAL YEARS 1988 AND 1989.—Section
23 1121(f) of the National Defense Authorization Act
24 for Fiscal Year 1988 and 1989 (Public Law 100–

1 180; 101 Stat. 1148; 10 U.S.C. 113 note) (listed on
2 page 61 of the Clerk's Report).

3 (3) FISCAL YEARS 1990 AND 1991.—Section
4 113(b) of the National Defense Authorization Act
5 for Fiscal Year 1990 and 1991 (Public Law 101–
6 189; 103 Stat. 1373) (listed on page 2 of the Clerk's
7 Report).

8 (4) FISCAL YEARS 1992 AND 1993.—The fol-
9 lowing provisions of the National Defense Authoriza-
10 tion Act for Fiscal Years 1992 and 1993 (Public
11 Law 102–190):

12 (A) Section 822(b) (42 U.S.C. 6687(b)),
13 listed on page 36 of the Clerk's Report.

14 (B) Section 1097 (22 U.S.C. 2751 note),
15 listed on page 15 of the Clerk's Report.

16 (e) OTHER NATIONAL SECURITY LAWS.—Subsection
17 (a) applies with respect to provisions of law listed in the
18 Clerk's Report (defined in subsection (j)), as follows:

19 (1) STRATEGIC AND CRITICAL MATERIALS
20 STOCK PILING ACT.—Any provision of the Strategic
21 and Critical Materials Stock Piling Act (50 U.S.C.
22 98 et seq.), referred to on page 169 of the Clerk's
23 Report.

24 (2) NATIONAL SECURITY ACT OF 1947.—Section
25 108 of the National Security Act of 1947 (50 U.S.C.

1 404a), listed on page 33 of the Clerk's Report as
2 Pub. L. 99-433, Sec. 603(a)).

3 (3) IRAQ RESOLUTION.—Section 3 of the Au-
4 thorization for Use of Military Force Against Iraq
5 Resolution (50 U.S.C. 1541 note), listed on page 14
6 of the Clerk's Report as Pub. L. 102-1, Sec. 3).

7 (4) MILITARY SELECTIVE SERVICE ACT.—Sec-
8 tion 10(g) of the Military Selective Service Act (50
9 U.S.C. App. 460(g)) (listed on page 191 of the
10 Clerk's Report).

11 (5) NATIONAL EMERGENCIES ACT.—The fol-
12 lowing provisions of the National Emergencies Act:

13 (A) Section 202(d) (50 U.S.C. 1622(d)),
14 listed on page 33 of the Clerk's Report.

15 (B) Section 401(c) (50 U.S.C. 1641(c)),
16 listed on page 33 of the Clerk's Report.

17 (6) FOOD AND FORAGE ACT.—Section 3732 of
18 the Revised Statutes, popularly known as the "Food
19 and Forage Act" (listed on page 64 of the Clerk's
20 Report as 41 U.S.C. 11).

21 (7) SPECIAL NATIONAL DEFENSE CONTRACTING
22 AUTHORITY.—Section 4 of the Act entitled "An Act
23 to authorize the making, amending, and modification
24 of contracts to facilitate the national defense", ap-
25 proved August 28, 1958 (listed on several pages of

1 the Clerk's Report, including pages 9, 48, 51, 64,
 2 69, 74, 76, 134, 142, 174, 179, and 186, as 50
 3 U.S.C. 1434).

4 (f) OTHER LAWS ADMINISTERED BY THE DEPART-
 5 MENT OF DEFENSE.—Subsection (a) applies with respect
 6 to the following provisions of law listed in the Clerk's Re-
 7 port (defined in subsection (j)):

8 (1) DEFENSE DEPENDENTS' EDUCATION ACT
 9 OF 1978.—Section 1405 of the Defense Dependents'
 10 Education Act of 1978 (title XIV of Public Law 95–
 11 561; 20 U.S.C. 924) (listed on page 77 of the
 12 Clerk's Report).

13 (2) ARMED FORCES RETIREMENT HOME ACT OF
 14 1991.—Section 1516(f) of the Armed Forces Retire-
 15 ment Home Act of 1991 (title XV of Public Law
 16 101–510; 104 Stat. 1728; 24 U.S.C. 416) (listed on
 17 page 56 of the Clerk's Report).

18 (g) PROVISIONS OF LAW REQUIRING DEPARTMENT
 19 OF ENERGY REPORTS.—Subsection (a) applies with re-
 20 spect to provisions of law listed in part IV–A–5 of the
 21 Clerk's Report (defined in subsection (j)), relating to re-
 22 ports to be submitted by the Secretary of Energy (or any
 23 other official of the Department of Energy), as follows:

24 (1) NATIONAL DEFENSE AUTHORIZATION
 25 ACTS.—The following provisions of provisions law:

1 (A) Section 1436(e) of the National De-
 2 fense Authorization Act, Fiscal Year 1989
 3 (Public Law 100–456; 42 U.S.C. 2121 note)
 4 (listed on page 83 of the Clerk’s Report).

5 (B) Section 3141(c) of the National De-
 6 fense Authorization Act for Fiscal Years 1990
 7 and 1991 (Public Law 101–189; 42 U.S.C.
 8 7274a(c)) (listed on page 87 of the Clerk’s Re-
 9 port).

10 (C) Section 3134 of the National Defense
 11 Authorization Act for Fiscal Year 1991 (Public
 12 Law 101–510; 42 U.S.C. 7274c) (listed on page
 13 87 of the Clerk’s Report).

14 (2) TITLE 10, UNITED STATES CODE.—Sections
 15 7424(b), 7425(b), and 7431(c) of title 10, United
 16 States Code (listed on page 89 of the Clerk’s Re-
 17 port).

18 (3) ENERGY POLICY AND CONSERVATION
 19 ACT.—Section 165(b) of the Energy Policy and Con-
 20 servation Act (Public Law 94–163; 42 U.S.C.
 21 6245(b)) (listed on page 89 of the Clerk’s Report).

22 (h) OTHER TITLES OF THE UNITED STATES
 23 CODE.—Subsection (a) applies with respect to provisions
 24 of the United States Code listed in the Clerk’s Report (de-
 25 fined in subsection (j)), as follows:

1 (1) TITLE 31.—The following provisions of title
2 31:

3 (A) Section 3554(e)(2) of title 31, United
4 States Code (listed on page 8 of the Clerk's Re-
5 port as 31 U.S.C. 3554(e)(2)).

6 (B) Section 9503(a) (listed on page 151 of
7 the Clerk's Report as 31 U.S.C.
8 9503(a)(1)(B)).

9 (2) TITLE 36.—Section 300110(b) of title 36,
10 listed on page 65 of the Clerk's Report as 36 U.S.C.
11 6.

12 (i) OTHER LAWS.—Subsection (a) applies with re-
13 spect to the following provisions of law listed in the Clerk's
14 Report (defined in subsection (j)):

15 (1) SUPPLEMENTAL APPROPRIATIONS ACT,
16 1982.—Section 503(f) of the Supplemental Appro-
17 priations Act, 1987 (Public Law 100–71; 101 Stat.
18 471; 5 U.S.C. 7301 note) (listed on page 151 of the
19 Clerk's Report), insofar as the report under that
20 section relates to activities of the Department of De-
21 fense.

22 (2) BARRY GOLDWATER SCHOLARSHIP AND EX-
23 CELLENCE IN EDUCATION ACT.—Section 1411(b) of
24 the Barry Goldwater Scholarship and Excellence in
25 Education Act (title XIV of Public Law 99–661 (20

1 U.S.C. 4710(b)) (listed on page 174 of the Clerk's
2 Report).

3 (3) FEDERAL PROPERTY AND ADMINISTRATIVE
4 SERVICES ACT OF 1949.—Section 205(b) of the Fed-
5 eral Property and Administrative Services Act of
6 1949 (listed on page 8 of the Clerk's Report as 40
7 U.S.C. 486(b)).

8 (4) UNIFORMED AND OVERSEAS CITIZENS AB-
9 SENTEE VOTING ACT.—Section 101(b)(6) of the
10 Uniformed and Overseas Citizens Absentee Voting
11 Act (listed on page 151 of the Clerk's Report as 42
12 U.S.C. 1973ff(b)(6)).

13 (5) NATIONAL SCIENCE AND TECHNOLOGY POL-
14 ICY, ORGANIZATION, AND PRIORITIES ACT OF 1976.—
15 Section 603(e) of the National Science and Tech-
16 nology Policy, Organization, and Priorities Act of
17 1976 (42 U.S.C. 6683(e)) (specified on page 36 of
18 the Clerk's Report as section 841(a) of Public Law
19 101–189).

20 (6) LAWS REQUIRING MARITIME ADMINISTRA-
21 TION REPORTS.—Provisions of law listed under the
22 heading “Maritime Administration” in Part IV–A–
23 12 in the Clerk's Report, relating to reports to be
24 submitted by the Secretary of Transportation (or

1 any other official of the Department of Transpor-
 2 tation), listed on page 139.

3 (j) CLERK’S REPORT DEFINED.—For the purposes
 4 of this section, the term “Clerk’s Report” means the docu-
 5 ment submitted by the Clerk of House of Representatives
 6 to the Speaker of the House of Representatives on Janu-
 7 ary 5, 1993 (designated as House Document No. 103–
 8 7) for the first session of the 103d Congress pursuant to
 9 clause 2 of Rule III of the Rules of the House of Rep-
 10 resentatives, requiring the Clerk to prepare, at the com-
 11 mencement of every regular session of Congress, a list of
 12 reports which it is the duty of any officer or department
 13 to make to Congress.

14 **SEC. 1022. ANNUAL REPORT ON COMBATANT COMMAND**
 15 **REQUIREMENTS.**

16 Section 153 of title 10, United States Code, is
 17 amended by adding at the end the following:

18 “(c) ANNUAL REPORT ON COMBATANT COMMAND
 19 REQUIREMENTS.—(1) Not later than August 15 of each
 20 year, the Chairman shall submit to the committees of Con-
 21 gress named in paragraph (2) a report on the require-
 22 ments of the combatant commands established under sec-
 23 tion 161 of this title. The report shall contain the fol-
 24 lowing:

1 “(A) A consolidation of the integrated priority
2 lists of requirements of the combatant commands.

3 “(B) The Chairman’s views on the consolidated
4 lists.

5 “(2) The committees of Congress referred to in para-
6 graph (1) are the Committees on Armed Services and on
7 Appropriations of the Senate and House of Representa-
8 tives.”.

9 **SEC. 1023. REPORT ON ASSESSMENTS OF READINESS TO**
10 **EXECUTE THE NATIONAL MILITARY STRAT-**
11 **EGY.**

12 (a) REQUIREMENT FOR REPORT.—(1) The Secretary
13 of Defense shall submit to the Committees on Armed Serv-
14 ices of the Senate and House of Representatives in unclas-
15 sified form a report on assessments of the readiness of
16 the United States to execute the National Military Strat-
17 egy. The report shall contain the following:

18 (A) All models used by the Joint Chiefs of Staff
19 to assess the capability of the United States to exe-
20 cute the strategy and all other models used by the
21 Armed Forces to assess the capability.

22 (B) The assessments that would result from the
23 use of those models if it were necessary to execute
24 the National Military Strategy under the scenario
25 set forth in paragraph (2), including the levels of the

1 casualties that the United States would be projected
2 to incur.

3 (C) The increasing levels of the casualties that
4 would be projected under that scenario over a range
5 of risks of prosecuting two major theater wars that
6 proceeds from low-moderate risk to moderate-high
7 risk.

8 (D) An estimate of—

9 (i) the total resources needed to attain a
10 moderate-high risk under the scenario;

11 (ii) the total resources needed to attain a
12 low-moderate risk under the scenario; and

13 (iii) the incremental resources needed to
14 decrease the level of risk from moderate-high to
15 low-moderate.

16 (2) The scenario to be used for purposes of subpara-
17 graphs (B), (C), and (D) of paragraph (1) assumes that—

18 (A) while the Armed Forces are engaged in op-
19 erations at the level of the operations ongoing as of
20 the date of the enactment of this Act, international
21 armed conflict begins in Southwest Asia and on the
22 Korean peninsula; and

23 (B) the Armed Forces are equipped, supplied,
24 manned, and trained at levels current as of such
25 date.

1 (b) LIMITATION ON USE OF FUNDS PENDING SUB-
2 MITTAL OF REPORT.—Of the funds authorized to be ap-
3 propriated under section 301(a)(5) for the Office of the
4 Secretary of Defense and the Joint Chiefs of Staff, not
5 more than 75 percent of such funds may be expended until
6 the report required in subsection (a) is submitted.

7 **SEC. 1024. REPORT ON INVENTORY AND CONTROL OF**
8 **MILITARY EQUIPMENT.**

9 (a) REPORT REQUIRED.—Not later than August 31,
10 2000, the Secretary of Defense shall submit to the Com-
11 mittees on Armed Services of the Senate and the House
12 of Representatives a report on the inventory and control
13 of the military equipment of the Department of Defense
14 as of the end of fiscal year 1999. The report shall address
15 the inventories of each of the Army, Navy, Air Force, and
16 Marine Corps separately.

17 (b) CONTENT.—The report shall include the fol-
18 lowing:

19 (1) For each item of military equipment in the
20 inventory, stated by item nomenclature—

21 (A) the quantity of the item in the inven-
22 tory as of the beginning of the fiscal year;

23 (B) the quantity of acquisitions of the item
24 during the fiscal year;

1 (C) the quantity of disposals of the item
2 during the fiscal year;

3 (D) the quantity of losses of the item dur-
4 ing the performance of military missions during
5 the fiscal year; and

6 (E) the quantity of the item in the inven-
7 tory as of the end of the fiscal year.

8 (2) A reconciliation of the quantity of each item
9 in the inventory as of the beginning of the fiscal
10 year with the quantity of the item in the inventory
11 as of the end of fiscal year.

12 (3) For each item of military equipment that
13 cannot be reconciled—

14 (A) an explanation of why the quantities
15 cannot be reconciled; and

16 (B) a discussion of the remedial actions
17 planned to be taken, including target dates for
18 accomplishing the remedial actions.

19 (4) Supporting schedules identifying the loca-
20 tion of each item that are available to Congress or
21 auditors of the Comptroller General upon request.

22 (c) MILITARY EQUIPMENT DEFINED.—For the pur-
23 poses of this section, the term “military equipment”
24 means all equipment that is used in support of military

1 missions and is maintained on the visibility systems of the
2 Army, Navy, Air Force, or Marine Corps.

3 (d) INSPECTOR GENERAL REVIEW.—Not later than
4 November 30, 2000, the Inspector General of the Depart-
5 ment of Defense shall review the report submitted to the
6 committees under subsection (a) and shall submit to the
7 committees any comments that the Inspector General con-
8 siders appropriate.

9 **SEC. 1025. SPACE TECHNOLOGY GUIDE.**

10 (a) REQUIREMENT.—The Secretary of Defense shall
11 develop a detailed guide for investment in space science
12 and technology, demonstrations of space technology, and
13 planning and development for space technology systems.
14 In the development of the guide, the goal shall be to iden-
15 tify the technologies and technology demonstrations need-
16 ed for the United States to take full advantage of use of
17 space for national security purposes.

18 (b) RELATIONSHIP TO FUTURE-YEARS DEFENSE
19 PROGRAM.—The space technology guide shall include two
20 alternative technology paths. One shall be consistent with
21 the applicable funding limitations associated with the fu-
22 ture-years defense program. The other shall reflect the as-
23 sumption that it is not constrained by funding limitations.

24 (c) RELATIONSHIP TO ACTIVITIES OUTSIDE THE DE-
25 PARTMENT OF DEFENSE.—The Secretary shall include in

1 the guide a discussion of the potential for cooperative in-
2 vestment and technology development with other depart-
3 ments and agencies of the United States and with private
4 sector entities.

5 (d) UTILIZATION OF PREVIOUS STUDIES AND RE-
6 PORTS.—The Secretary shall take into consideration pre-
7 viously completed studies and reports that may be relevant
8 to the development of the guide, including the United
9 States Space Command's Long Range Plan of March
10 1998 and the Air Force Space Command's Strategic Mas-
11 ter Plan of December 1997.

12 (e) REPORT.—Not later than April 15, 2000, the Sec-
13 retary shall submit a report on the space technology guide
14 to the congressional defense committees.

15 **SEC. 1026. REPORT AND REGULATIONS ON DEPARTMENT**
16 **OF DEFENSE POLICIES ON PROTECTING THE**
17 **CONFIDENTIALITY OF COMMUNICATIONS**
18 **WITH PROFESSIONALS PROVIDING THERA-**
19 **PEUTIC OR RELATED SERVICES REGARDING**
20 **SEXUAL OR DOMESTIC ABUSE.**

21 (a) STUDY AND REPORT.—(1) The Comptroller Gen-
22 eral shall study the policies, procedures, and practices of
23 the military departments for protecting the confidentiality
24 of communications between—

1 (A) a dependent of a member of the Armed
2 Forces who—

3 (i) is a victim of sexual harassment, sexual
4 assault, or intrafamily abuse; or

5 (ii) has engaged in such misconduct; and

6 (B) a therapist, counselor, advocate, or other
7 professional from whom the dependent seeks profes-
8 sional services in connection with effects of such
9 misconduct.

10 (2) Not later than 180 days after the date of the en-
11 actment of this Act, the Comptroller General shall con-
12 clude the study and submit a report on the results of the
13 study to Congress and the Secretary of Defense.

14 (b) REGULATIONS.—The Secretary of Defense shall
15 prescribe in regulations the policies and procedures that
16 the Secretary considers appropriate to provide the max-
17 imum protections for the confidentiality of communica-
18 tions described in subsection (a) relating to misconduct
19 described in that subsection, consistent with—

20 (1) the findings of the Comptroller General;

21 (2) the standards of confidentiality and ethical
22 standards issued by relevant professional organiza-
23 tions;

24 (3) applicable requirements of Federal and
25 State law;

1 (4) the best interest of victims of sexual harass-
2 ment, sexual assault, or intrafamily abuse;

3 (5) military necessity; and

4 (6) such other factors as the Secretary, in con-
5 sultation with the Attorney General, may consider
6 appropriate.

7 (c) REPORT BY SECRETARY OF DEFENSE.—Not later
8 than January 21, 2000, the Secretary of Defense shall
9 submit to Congress a report on the actions taken under
10 subsection (b) and any other actions taken by the Sec-
11 retary to provide the maximum possible protections for
12 confidentiality described in that subsection.

13 **SEC. 1027. COMPTROLLER GENERAL REPORT ON ANTICI-**
14 **PATED EFFECTS OF PROPOSED CHANGES IN**
15 **OPERATION OF STORAGE SITES FOR LETHAL**
16 **CHEMICAL AGENTS AND MUNITIONS.**

17 (a) REPORT REQUIRED.—Not later than March 31,
18 2000, the Comptroller General shall submit to the Com-
19 mittees on Armed Services of the Senate and the House
20 of Representatives a report on the proposal in the latest
21 quadrennial defense review to reduce the Federal civilian
22 workforce involved in the operation of the eight storage
23 sites for lethal chemical agents and munitions in the conti-
24 nental United States and to convert to contractor oper-
25 ation of the storage sites. The workforce reductions ad-

1 dressed in the report shall include those that are to be
2 effectuated by fiscal year 2002.

3 (b) CONTENT OF REPORT.—The report shall include
4 the following:

5 (1) For each site, a description of the assigned
6 chemical storage, chemical demilitarization, and in-
7 dustrial missions.

8 (2) A description of the criteria and reporting
9 systems applied to ensure that the storage sites and
10 the workforce operating the storage sites have—

11 (A) the capabilities necessary to respond
12 effectively to emergencies involving chemical ac-
13 cidents; and

14 (B) the industrial capabilities necessary to
15 meet replenishment and surge requirements.

16 (3) The risks associated with the proposed
17 workforce reductions and contractor performance,
18 particularly regarding chemical accidents, incident
19 response capabilities, community-wide emergency
20 preparedness programs, and current or planned
21 chemical demilitarization programs.

22 (4) The effects of the proposed workforce re-
23 ductions and contractor performance on the capa-
24 bility to satisfy permit requirements regarding envi-
25 ronmental protection that are applicable to the per-

1 performance of current and future chemical demili-
2 tarization and industrial missions.

3 (5) The effects of the proposed workforce re-
4 ductions and contractor performance on the capa-
5 bility to perform assigned industrial missions, par-
6 ticularly the materiel replenishment missions for
7 chemical or biological defense or for chemical muni-
8 tions.

9 (6) Recommendations for mitigating the risks
10 and adverse effects identified in the report.

11 **SEC. 1028. REPORT ON DEPLOYMENTS OF RAPID ASSESS-**
12 **MENT AND INITIAL DETECTION TEAMS**
13 **ACROSS STATE BOUNDARIES.**

14 Not later than 90 days after the date of the enact-
15 ment of this Act, the Secretary of Defense shall submit
16 to Congress a report on out-of-State use of Rapid Assess-
17 ment and Initial Detection Teams for responses to inci-
18 dents involving a weapon of mass destruction. The report
19 shall include a specific description and analysis of the pro-
20 cedures that have been established or agreed to by States
21 for the use in one State of a team that is based in another
22 State.

1 **SEC. 1029. REPORT ON CONSEQUENCE MANAGEMENT PRO-**
2 **GRAM INTEGRATION OFFICE UNIT READI-**
3 **NESS.**

4 (a) **JOINT READINESS REVIEW.**—(1) The Secretary
5 of Defense shall include in the quarterly report submitted
6 to Congress under section 482 of title 10, United States
7 Code, for the first quarter beginning after the date of the
8 enactment of this Act an assessment of the readiness,
9 training status, and future funding requirements of all ac-
10 tive and reserve component units that are considered as-
11 sets of the Consequence Management Program Integra-
12 tion Office of the Department of Defense.

13 (2) The Secretary of Defense shall set forth the as-
14 sessment in an annex to the quarterly report. The Sec-
15 retary shall include in the annex a detailed description of
16 how the active and reserve component units are integrated
17 with the Rapid Assessment and Initial Detection Teams
18 in the overall Consequence Management Program Integra-
19 tion Office of the Department of Defense.

20 (b) **DECONTAMINATION READINESS PLAN.**—The
21 Secretary of Defense shall prepare a decontamination
22 readiness plan for the Consequence Management Program
23 Integration Office. The plan shall include the following:

24 (1) The actions necessary to ensure that the
25 units designated to carry out decontamination mis-

1 sions under the program are at the highest level of
2 readiness for carrying out the missions.

3 (2) The funding necessary for attaining and
4 maintaining that level of readiness.

5 (3) Procedures for ensuring that each decon-
6 tamination unit is available to respond to an inci-
7 dent in the United States that involves a weapon of
8 mass destruction within 12 hours after being noti-
9 fied of the incident by a Rapid Assessment and Ini-
10 tial Detection Team.

11 **SEC. 1030. ANALYSIS OF RELATIONSHIP BETWEEN**
12 **THREATS AND BUDGET SUBMISSION FOR FIS-**
13 **CAL YEAR 2001.**

14 (a) REQUIREMENT FOR REPORT.—The Secretary of
15 Defense, in coordination with the Chairman of the Joint
16 Chiefs of Staff and the Director of Central Intelligence,
17 shall submit to the congressional defense committees, on
18 the date that the President submits the budget for fiscal
19 year 2001 to Congress under section 1105(a) of title 31,
20 United States Code, a report on the relationship between
21 the budget proposed for budget function 050 (National
22 Defense) for that fiscal year and the then-current and
23 emerging threats to the national security interests of the
24 United States identified in the annual national security

1 strategy report required under section 108 of the National
2 Security Act of 1947 (50 U.S.C. 404a).

3 (b) CONTENT.—The report shall contain the fol-
4 lowing:

5 (1) A detailed description of the threats re-
6 ferred to in subsection (a);

7 (2) An analysis of such threats in terms of the
8 probability that an attack or other threat event will
9 actually occur, the military challenge posed by the
10 threats, and the potential damage that the threats
11 could have to the national security interests of the
12 United States.

13 (3) An analysis of the allocation of funds in the
14 fiscal year 2001 budget and the future-years defense
15 program that addresses the threats in each category.

16 (4) A justification for each major defense acqui-
17 sition program (as defined in section 2430 of title
18 10, United States Code) that is provided for in the
19 budget in light of the description and analyses set
20 forth in the report.

21 (c) FORM OF REPORT.—The report shall be sub-
22 mitted in unclassified form, but may also be submitted in
23 classified form if necessary.

1 **SEC. 1031. REPORT ON NATO'S DEFENSE CAPABILITIES**
2 **INITIATIVE.**

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

5 (1) At the Washington Summit meeting of the
6 North Atlantic Council in April 1999, NATO Heads
7 of State and Governments launched a Defense Capa-
8 bilities Initiative.

9 (2) The Defense Capabilities Initiative is de-
10 signed to improve the defense capabilities of the in-
11 dividual nations of the NATO Alliance to ensure the
12 effectiveness of future operations across the full
13 spectrum of Alliance missions in the present and
14 foreseeable security environment.

15 (3) Under the Defense Capabilities Initiative,
16 special focus will be given to improving interoper-
17 ability among Alliance forces and to increasing de-
18 fense capabilities through improvements in the
19 deployability and mobility of Alliance forces, the sus-
20 tainability and logistics of the forces, the surviv-
21 ability and effective engagement capability of the
22 forces, and command and control and information
23 systems.

24 (4) The successful implementation of the De-
25 fense Capabilities Initiative will serve to enable all
26 NATO allies to make a more equitable contribution

1 to the full spectrum of Alliance missions, thereby in-
2 creasing burdensharing within the Alliance and en-
3 hancing the ability of European allies to undertake
4 operations pursuant to the European Security and
5 Defense Identity within the Alliance.

6 (b) ANNUAL REPORT.—(1) Not later than January
7 31 of each year, the Secretary of Defense shall submit
8 to the Committees on Armed Services of the Senate and
9 the House of Representatives a report on implementation
10 of the Defense Capabilities Initiative by the nations of the
11 NATO Alliance. The report shall include the following:

12 (A) A discussion of the work of the temporary
13 High-Level Steering Group, or any successor group,
14 established to oversee the implementation of the De-
15 fense Capabilities Initiative and to meet the require-
16 ment of coordination and harmonization among rel-
17 evant planning disciplines.

18 (B) A description of the actions taken, includ-
19 ing implementation of the Multinational Logistics
20 Center concept and development of the C3 system
21 architecture, by the Alliance as a whole to further
22 the Defense Capabilities Initiative.

23 (C) A description of the actions taken by each
24 of our NATO allies to improve the capabilities of
25 their forces in each of the following areas:

1 (i) Interoperability with other Alliance
2 forces.

3 (ii) Deployability and mobility.

4 (iii) Sustainability and logistics.

5 (iv) Survivability and effective engagement
6 capability.

7 (v) Command and control and information
8 systems.

9 (4) The report shall be submitted in unclassified
10 form, but may also be submitted in classified form if nec-
11 essary.

12 **Subtitle D—Other Matters**

13 **SEC. 1041. LIMITATION ON RETIREMENT OR DISMANTLE-** 14 **MENT OF STRATEGIC NUCLEAR DELIVERY** 15 **SYSTEMS.**

16 (a) ONE-YEAR EXTENSION.—Subsection (g) of sec-
17 tion 1302 of the National Defense Authorization Act for
18 Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1948),
19 as amended by section 1501 of the Strom Thurmond Na-
20 tional Defense Authorization Act for Fiscal Year 1999
21 (Public Law 105–261; 112 Stat. 2171), is further amend-
22 ed by striking “and 1999” and inserting “through 2000”.

23 (b) MINIMUM LEVELS FOR CERTAIN SYSTEMS.—
24 Subsection (a) of such section is amended—

1 (1) in paragraph (1), by striking “71” and in-
2 serting “76”; and

3 (2) in paragraph (2), by striking “18” and in-
4 serting “14”.

5 **SEC. 1042. LIMITATION ON REDUCTION IN UNITED STATES**
6 **STRATEGIC NUCLEAR FORCES.**

7 (a) LIMITATION ON REDUCTION OF UNITED STATES
8 STRATEGIC NUCLEAR FORCES.—None of the funds au-
9 thorized to be appropriated by this or any other Act for
10 fiscal year 2000 may be used to reduce the number of
11 United States strategic nuclear forces below the maximum
12 number of those forces, for each category of nuclear arms,
13 permitted the United States under the START II Treaty
14 unless the President submits to Congress a report con-
15 taining an assessment indicating that such reductions
16 would not impede the capability of the United States to
17 respond militarily to any militarily significant increase in
18 the challenge to United States security or strategic sta-
19 bility posed by nuclear weapon modernization programs of
20 the People’s Republic of China or any other nation.

21 (b) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that, in negotiating a START III Treaty with the
23 Russian Federation, or any other arms control treaty with
24 the Russian Federation making comparable amounts of
25 reductions in United States strategic nuclear forces—

1 (1) the strategic nuclear forces and nuclear
2 modernization programs of the People’s Republic of
3 China and every other nation possessing nuclear
4 weapons should be taken into full consideration in
5 the negotiation of such treaty; and

6 (2) such programs should not undermine the
7 limitations set forth in the treaty.

8 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
9 tion may be construed to authorize the retirement or dis-
10 mantlement, or the preparation for retirement or dis-
11 mantlement, of any strategic nuclear delivery system de-
12 scribed in section 1302 of the National Defense Authoriza-
13 tion Act for Fiscal Year 1998 (Public Law 105–85) below
14 the level specified for the system in that section, as amend-
15 ed by section 1041.

16 (d) DEFINITIONS.—In this section:

17 (1) START II TREATY DEFINED.—The term
18 “START II Treaty” means the Treaty Between the
19 United States of America and the Russian Federa-
20 tion on Further Reduction and Limitation of Stra-
21 tegic Offensive Arms, and related protocols and
22 memorandum of understanding, signed at Moscow
23 on January 3, 1993.

24 (2) UNITED STATES STRATEGIC NUCLEAR
25 FORCES.—The term “United States strategic nu-

1 clear forces” includes intercontinental ballistic mis-
 2 siles (ICBMs) and ICBM launchers, submarine-
 3 launched ballistic missiles (SLBMs) and SLBM
 4 launchers, heavy bombers, ICBM warheads, SLBM
 5 warheads, and heavy bomber nuclear armaments.

6 **SEC. 1043. COUNTERPROLIFERATION PROGRAM REVIEW**
 7 **COMMITTEE.**

8 (a) EXTENSION OF COMMITTEE.—Section 1605(f) of
 9 the National Defense Authorization Act for Fiscal Year
 10 1994 (Public Law 103–160; 22 U.S.C. 2751 note) is
 11 amended by striking “September 30, 2000” and inserting
 12 “September 30, 2004”.

13 (b) EXECUTIVE SECRETARY OF THE COMMITTEE.—
 14 Paragraph (5) of section 1605(a) of the National Defense
 15 Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751
 16 note) is amended to read as follows:

17 “(5) The Assistant Secretary of Defense for Strategy
 18 and Threat Reduction shall serve as executive secretary
 19 to the committee.”.

20 (c) EARLIER DEADLINE FOR ANNUAL REPORT ON
 21 COUNTERPROLIFERATION ACTIVITIES AND PROGRAMS.—
 22 Section 1503(a) of the National Defense Authorization
 23 Act for Fiscal Year 1995 (22 U.S.C. 2751 note) is amend-
 24 ed by striking “May 1 of each year” and inserting “Feb-
 25 ruary 1 of each year”.

1 **SEC. 1044. LIMITATION REGARDING COOPERATIVE**
2 **THREAT REDUCTION PROGRAMS.**

3 Funds authorized to be appropriated under this Act
4 may not be obligated or expended for assistance for a
5 country under any Cooperative Threat Reduction program
6 specified under section 1501 of the National Defense Au-
7 thorization Act for Fiscal Year 1997 (Public Law 104-
8 201; 50 U.S.C. 2362 note) until the President certifies
9 to Congress that the government of that country is com-
10 mitted to—

11 (1) complying with all relevant arms control
12 agreements;

13 (2) facilitating United States verification of
14 weapons destruction;

15 (3) forgoing any use of fissionable and other
16 components of destroyed nuclear weapons in new nu-
17 clear weapons;

18 (4) forgoing the replacement of destroyed weap-
19 ons of mass destruction; and

20 (5) forgoing any military modernization pro-
21 gram that exceeds legitimate defense requirements.

1 **SEC. 1045. PERIOD COVERED BY ANNUAL REPORT ON AC-**
2 **COUNTING FOR UNITED STATES ASSISTANCE**
3 **UNDER COOPERATIVE THREAT REDUCTION**
4 **PROGRAMS.**

5 Section 1206(a)(2) of the National Defense Author-
6 ization Act for Fiscal Year 1996 (Public Law 104–106,
7 110 Stat. 471; 22 U.S.C. 5955 note) is amended to read
8 as follows:

9 “(2) The report shall be submitted under this section
10 not later than January 31 of each year and shall cover
11 the fiscal year ending in the preceding year. No report
12 is required under this section after the completion of the
13 Cooperative Threat Reduction programs.”.

14 **SEC. 1046. SUPPORT OF UNITED NATIONS-SPONSORED EF-**
15 **FORTS TO INSPECT AND MONITOR IRAQI**
16 **WEAPONS ACTIVITIES.**

17 (a) LIMITATION ON AMOUNT OF ASSISTANCE IN FIS-
18 CAL YEAR 2000.—The total amount of the assistance for
19 fiscal year 2000 that is provided by the Secretary of De-
20 fense under section 1505 of the Weapons of Mass Destruc-
21 tion Control Act of 1992 (22 U.S.C. 5859a) as activities
22 of the Department of Defense in support of activities
23 under that Act may not exceed \$15,000,000.

24 (b) EXTENSION OF AUTHORITY TO PROVIDE ASSIST-
25 ANCE.—Subsection (f) of section 1505 of the Weapons of

1 Mass Destruction Control Act of 1992 (22 U.S.C. 5859a)
2 is amended by striking “1999” and inserting “2000”.

3 **SEC. 1047. INFORMATION ASSURANCE INITIATIVE.**

4 (a) FINDINGS.—Congress makes the following find-
5 ings:

6 (1) The United States is becoming increasingly
7 dependent upon information systems for national se-
8 curity, economic security, and a broad range of other
9 vital national interests.

10 (2) Presidential Decision Directive 63, dated
11 May 22, 1998, recognizes the importance of infor-
12 mation assurance and sets forth policy and organiza-
13 tional recommendations for addressing the informa-
14 tion assurance challenges.

15 (3) The Department of Defense has undertaken
16 significant steps to address threats to the Defense
17 Information Infrastructure, including the establish-
18 ment of a Defense Information Assurance Program.

19 (4) Notwithstanding those actions and other
20 important actions taken by the President and the
21 Secretary of Defense to address the challenges of in-
22 formation assurance, the Department of Defense,
23 other Federal departments and agencies, and a
24 broad range of private sector entities continue to

1 face new challenges and threats to their information
2 systems.

3 (5) Although the Secretary of Defense can and
4 should play an important role in helping address a
5 broad range of information warfare threats to the
6 United States, the Secretary necessarily focuses pri-
7 marily on addressing the vulnerabilities of the infor-
8 mation systems and other infrastructures, within
9 and outside of the Department of Defense, on which
10 the Department of Defense depends for the conduct
11 of daily operations and the conduct of operations in
12 crises.

13 (6) It is important for the Secretary of Defense
14 to work closely with the heads of all departments
15 and agencies of the Federal Government concerned
16 to identify areas in which the Department of De-
17 fense can contribute to securing critical national in-
18 frastructures beyond the areas under the direct over-
19 sight and control of the Secretary of Defense.

20 (b) DEFENSE INFORMATION ASSURANCE PRO-
21 GRAM.—(1) The Secretary of Defense shall carry out an
22 information assurance program.

23 (2) The Secretary shall submit to Congress an annual
24 report on the program. The annual report shall include
25 the Department of Defense information assurance guide

1 applicable under subsection (c) as of the date of the re-
2 port. The first report shall be submitted not later than
3 March 15, 1999.

4 (c) DEFENSE INFORMATION ASSURANCE GUIDE.—

5 (1) The Secretary of Defense shall prepare a Department
6 of Defense information assurance guide for the develop-
7 ment of appropriate organizational structures and tech-
8 nologies for information assurance under the program.
9 The Secretary shall modify or replace the guide from time
10 to time to maintain the current relevance of the guide.

11 (2) The Department of Defense information assur-
12 ance guide shall include the following:

13 (A) A plan for developing information assur-
14 ance technologies, including the criteria used to
15 prioritize research, development, and procurement
16 investments in such technologies.

17 (B) A plan for organizing the Department of
18 Defense to defend against information warfare
19 threats, including the organizational changes that
20 are planned or being considered together with a reci-
21 tation of the organizational changes that have been
22 implemented.

23 (C) A plan for joint efforts by the Department
24 of Defense with other departments and agencies of
25 the Federal Government and with State and local

1 organizations to strengthen the security of the infor-
2 mation systems and infrastructures in the United
3 States, with particular emphasis on the systems and
4 elements of the infrastructure on which the Depart-
5 ment of Defense depends for the conduct of daily op-
6 erations and the conduct of operations in crises.

7 (D) An assessment of the threats to informa-
8 tion systems and infrastructures on which the De-
9 partment of Defense depends for the conduct of
10 daily operations and the conduct of operations in cri-
11 ses, including an assessment of technical or other
12 vulnerabilities in Defense Department information
13 and communications systems.

14 (E) A plan for conducting exercises, war games,
15 simulations, experiments, and other activities de-
16 signed to prepare the Department of Defense to re-
17 spond to information warfare threats.

18 (F) Any proposal for legislation that the Sec-
19 retary considers necessary for implementing the De-
20 fense information assurance program or for other-
21 wise responding to information warfare threats.

22 (G) Any other information that the Secretary
23 determines relevant.

24 (d) INFORMATION ASSURANCE TESTBED.—(1) The
25 Secretary of Defense shall develop an information assur-

1 ance testbed. In developing the testbed, the Secretary shall
2 consult with the heads of the other departments and agen-
3 cies of the Federal Government that the Secretary deter-
4 mines as being concerned with defense information assur-
5 ance.

6 (2) The information assurance testbed shall be orga-
7 nized to provide the following:

8 (A) An integrated organizational structure
9 within the Department of Defense to plan and facili-
10 tate the conduct of simulations, wargames, exercises,
11 experiments, and other activities designed to prepare
12 and inform the Department of Defense regarding in-
13 formation warfare threats.

14 (B) Organizational and planning means for the
15 conduct by the Department of Defense of integrated
16 or joint exercises and experiments with the commer-
17 cial organizations and other non-Department of De-
18 fense organizations that are responsible for the over-
19 sight and management of critical information sys-
20 tems and infrastructures on which the Department
21 of Defense depends for the conduct of daily oper-
22 ations and the conduct of operations in crises.

23 (e) FUNDING.—(1) Of the amounts authorized to be
24 appropriated under section 104—

1 (A) \$10,000,000 is available for procurement
2 by the Defense Information Systems Agency of se-
3 cure terminal equipment for use by the Armed
4 Forces and Defense Agencies; and

5 (B) \$10,000,000 is available for development
6 and procurement of tools for real-time computer in-
7 trusion detection, analysis, and warning.

8 (2) Of the amounts authorized to be appropriated
9 under section 201(4)—

10 (A) \$5,000,000 in program element 65710D8 is
11 available for establishing and operating the informa-
12 tion assurance testbed established pursuant to sub-
13 section (d); and

14 (B) \$40,000,000 in program element 33140G is
15 available for—

- 16 (i) secure wireless communications;
17 (ii) public key infrastructure;
18 (iii) tool development by the Information
19 Operations Technology Center;
20 (iv) critical infrastructure modeling; and
21 (v) software security research.

22 (3) Of the amounts authorized to be appropriated
23 under section 301(a)(5), \$10,000,000 is available for
24 training, education, and retention of information tech-
25 nology professionals of the Department of Defense.

1 **SEC. 1048. DEFENSE SCIENCE BOARD TASK FORCE ON**
2 **TELEVISION AND RADIO AS A PROPAGANDA**
3 **INSTRUMENT IN TIME OF MILITARY CON-**
4 **FLICT.**

5 (a) DEFENSE SCIENCE BOARD TASK FORCE ON
6 RADIO AND TELEVISION AS A PROPAGANDA INSTRUMENT
7 IN TIME OF CONFLICT.—The Secretary of Defense shall
8 establish a task force of the Defense Science Board to ex-
9 amine the use of radio and television broadcasting as a
10 propaganda instrument and the adequacy of the capabili-
11 ties of the United States Armed Forces in this area to
12 deal with situations such as the conflict in the Federal
13 Republic of Yugoslavia.

14 (b) DUTIES OF THE TASK FORCE.—The task force
15 shall assess and develop recommendations as to the appro-
16 priate capabilities, if any, that the United States Armed
17 Forces should have to broadcast radio and television into
18 an area so as to ensure that the general public in that
19 area are exposed to the facts of the conflict. In making
20 the assessment and developing the recommendations, the
21 task force shall review the following:

22 (1) The capabilities of the United States Armed
23 Forces to develop programming and to broadcast
24 factual information that can reach a large segment
25 of the general public in a country like the Federal
26 Republic of Yugoslavia.

1 (2) The potential of various airborne or land-
2 based mechanisms to have capabilities described in
3 paragraph (1), including but not limited to desirable
4 improvements to the EC-130 Commando Solo air-
5 craft, and the utilization of other airborne platforms,
6 unmanned aerial vehicles, and land-based transmit-
7 ters in conjunction with satellites.

8 (3) Other issues relating to the use of television
9 and radio as a propaganda instrument in time of
10 conflict.

11 (c) REPORT.—The task force shall submit to the Sec-
12 retary of Defense a report containing its assessments and
13 recommendations not later than February 1, 2000. The
14 Secretary shall submit the report, together with the com-
15 ments and recommendations of the Secretary of Defense,
16 to the congressional defense committees not later than
17 March 1, 2000.

18 (d) FEDERAL REPUBLIC OF YUGOSLAVIA DE-
19 FINED.—In this section, the term “Federal Republic of
20 Yugoslavia” means the Federal Republic of Yugoslavia
21 (Serbia and Montenegro).

1 **SEC. 1049. PREVENTION OF INTERFERENCE WITH DEPART-**
2 **MENT OF DEFENSE USE OF FREQUENCY**
3 **SPECTRUM.**

4 (a) COMPATIBILITY WITH DEFENSE SYSTEMS.—A
5 non-Department of Defense entity operating a commu-
6 nication system, device, or apparatus on any portion of
7 the frequency spectrum used by the Department of De-
8 fense, whether or not licensed to do so, shall ensure that
9 the system, device, or apparatus is designed not to inter-
10 fere with and not to receive interference from the commu-
11 nication systems that are operated by or for the Depart-
12 ment of Defense on that portion of the frequency spectrum
13 as of the date of the enactment of this Act.

14 (b) COSTS OF REDESIGN OR REBUILDING OF MILI-
15 TARY SYSTEMS.—If it is necessary for the Department of
16 Defense to redesign or rebuild a communication system
17 used by the department because of a violation of sub-
18 section (a) by a non-Department of Defense entity, that
19 entity shall be liable to the United States for the costs
20 incurred by the United States for the redesign or rebuild-
21 ing of the Department of Defense system or, if the entity
22 is a department or agency of the United States, shall
23 transfer to the Department of Defense funds in the
24 amount of such costs.

1 (c) EFFECTIVE DATE.—This section applies with re-
2 spect to operation of a communication system, device, or
3 apparatus on or after October 1, 1999.

4 **SEC. 1050. OFF-SHORE ENTITIES INTERFERING WITH DE-**
5 **PARTMENT OF DEFENSE USE OF THE FRE-**
6 **QUENCY SPECTRUM.**

7 (a) LIMITATION ON USE OF FUNDS.—Funds author-
8 ized to be appropriated or otherwise made available by this
9 or any other Act may not be obligated to enter into any
10 contract with, make any payment to, or issue any broad-
11 cast or other license or permit to any entity that broad-
12 casts from outside the United States into the United
13 States on any frequency that, as of the date of the enact-
14 ment of this Act, is reserved to or used by the Department
15 of Defense, unless the broadcasting is authorized under
16 law.

17 (b) SAVINGS PROVISION.—The provisions of sub-
18 section (a) shall not be construed to interfere with the en-
19 forcement authority of the Federal Communications Com-
20 mission under the Communications Act of 1934 or any
21 other law.

1 **SEC. 1051. REPEAL OF LIMITATION ON AMOUNT OF FED-**
 2 **ERAL EXPENDITURES FOR THE NATIONAL**
 3 **GUARD CHALLENGE PROGRAM.**

4 Section 509(b) of title 32, United States Code, is
 5 amended by striking “, except that Federal expenditures
 6 under the program may not exceed \$50,000,000 for any
 7 fiscal year”.

8 **SEC. 1052. NONDISCLOSURE OF INFORMATION ON PER-**
 9 **SONNEL OF OVERSEAS, SENSITIVE, OR ROU-**
 10 **TINELY DEPLOYABLE UNITS.**

11 (a) IN GENERAL.—Chapter 3 of title 10, United
 12 States Code, is amended by inserting after section 130a
 13 the following:

14 **“§ 130b. Nondisclosure of information: personnel in**
 15 **overseas, sensitive, or routinely**
 16 **deployable units**

17 “(a) EXEMPTION FROM DISCLOSURE.—Notwith-
 18 standing any other provision of law, the Secretary of De-
 19 fense and, with respect to the Coast Guard when it is not
 20 operating as a service in the Navy, the Secretary of Trans-
 21 portation may authorize to be withheld from disclosure to
 22 the public the name, rank, duty address, official title, and
 23 information regarding the pay of—

24 “(1) members of the armed forces assigned to
 25 overseas, sensitive, or routinely deployable units; and

1 “(2) employees of the Department of Defense
2 or of the Coast Guard whose duty stations are with
3 overseas, sensitive, or routinely deployable units.

4 “(b) EXCEPTIONS.—(1) The authority in subsection
5 (a) is subject to such exceptions as the President may di-
6 rect.

7 “(2) Subsection (a) does not authorize any official to
8 withhold, or to authorize the withholding of, information
9 from Congress.

10 “(c) DEFINITIONS.—In this section:

11 “(1) The term ‘unit’ means a military organiza-
12 tion of the armed forces designated as a unit by
13 competent authority.

14 “(2) The term ‘overseas unit’ means a unit that
15 is located outside the continental United States and
16 its territories.

17 “(3) The term ‘sensitive unit’ means a unit that
18 is primarily involved in training for the conduct of,
19 or conducting, special activities or classified mis-
20 sions, including the following:

21 “(A) A unit involved in collecting, han-
22 dling, disposing, or storing of classified infor-
23 mation and materials.

24 “(B) A unit engaged in training—

25 “(i) special operations units;

1 “(ii) security group commands weap-
2 ons stations; or

3 “(iii) communications stations.

4 “(C) Any other unit that is designated as
5 a sensitive unit by the Secretary of Defense or,
6 in the case of the Coast Guard when it is not
7 operating as a service in the Navy, by the Sec-
8 retary of Transportation.

9 “(4) The term ‘routinely deployable unit’—

10 “(A) means a unit that normally deploys
11 from its permanent home station on a periodic
12 or rotating basis to meet peacetime operational
13 requirements that, or to participate in sched-
14 uled training exercises that, routinely require
15 deployments outside the United States and its
16 territories; and

17 “(B) includes a unit that is alerted for de-
18 ployment outside the United States and its ter-
19 ritories during an actual execution of a contin-
20 gency plan or in support of a crisis operation.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of such chapter is amended by adding
23 at the end the following:

“130b. Nondisclosure of information: personnel in overseas, sensitive, or rou-
tinely deployable units.”.

1 **SEC. 1053. NONDISCLOSURE OF OPERATIONAL FILES OF**
2 **THE NATIONAL IMAGERY AND MAPPING**
3 **AGENCY.**

4 (a) **AUTHORITY TO WITHHOLD.**—Subchapter II of
5 chapter 22 of title 10, United States Code, as amended
6 by section 1005, is further amended by adding at the end
7 the following:

8 **“§ 458. Withholding of operational files from public**
9 **disclosure**

10 “(a) **AUTHORITY.**—The Secretary of Defense may
11 withhold from public disclosure operational files described
12 in subsection (b) to the same extent that operational files
13 may be withheld under section 701 of the National Secu-
14 rity Act of 1947 (50 U.S.C. 431).

15 “(b) **COVERED OPERATIONAL FILES.**—The authority
16 under subsection (a) applies to operational files in the pos-
17 session of the National Imagery and Mapping Agency
18 that—

19 “(1) as of September 22, 1996, were main-
20 tained by the National Photographic Interpretation
21 Center; or

22 “(2) concern the activities of the Agency that,
23 as of such date, were performed by the National
24 Photographic Interpretation Center.

25 “(c) **OPERATIONAL FILES DEFINED.**—In this sec-
26 tion, the term ‘operational files’ has the meaning given

1 the term in section 701(b) of the National Security Act
2 of 1947 (50 U.S.C. 431(b)).”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such subchapter, as amended by sec-
5 tion 1005, is further amended by adding at the end the
6 following:

“458. Withholding of operational files from public disclosure.”.

7 **SEC. 1054. NONDISCLOSURE OF INFORMATION OF THE NA-**
8 **TIONAL IMAGERY AND MAPPING AGENCY**
9 **HAVING COMMERCIAL SIGNIFICANCE.**

10 (a) AUTHORITY TO WITHHOLD.—Subchapter II of
11 chapter 22 of title 10, United States Code, as amended
12 by section 1053, is further amended by adding at the end
13 the following:

14 **“§ 459. Withholding of certain commercially signifi-**
15 **cant information from public disclosure**

16 “(a) AUTHORITY.—The Secretary of Defense may
17 withhold from public disclosure information in the posses-
18 sion of the National Imagery and Mapping Agency if the
19 Secretary determines in writing that—

20 “(1) public disclosure of the information would
21 compete with or otherwise adversely affect commer-
22 cial operations in any existing or emerging commer-
23 cial industry or the operation of any existing or
24 emerging commercial market; and

“(2) In the administration of the authority under subsection (a) with respect to imagery and imagery intelligence, the Secretary of Defense shall be subject to the policies and directives prescribed by the Director of Central Intelligence for the public disclosure of such information.”.

“459. Withholding of certain commercially significant information from public disclosure.”.

1 **SEC. 1055. CONTINUED ENROLLMENT OF DEPENDENTS IN**
2 **DEPARTMENT OF DEFENSE DOMESTIC DE-**
3 **PENDENT ELEMENTARY AND SECONDARY**
4 **SCHOOLS AFTER LOSS OF ELIGIBILITY.**

5 Section 2164(c)(3) of title 10, United States Code,
6 is amended to read as follows:

7 “(3) The Secretary may, for good cause, authorize
8 a dependent of a member of the armed forces or of a Fed-
9 eral employee to continue enrollment in a program under
10 this subsection notwithstanding a change in the status of
11 the member or employee that, except for this paragraph,
12 would otherwise terminate the eligibility of the dependent
13 to be enrolled in the program. The enrollment may con-
14 tinue for as long as the Secretary considers appropriate.
15 The Secretary may remove the dependent from the pro-
16 gram at any time that the Secretary determines that there
17 is good cause for the removal.”.

18 **SEC. 1056. UNIFIED SCHOOL BOARDS FOR ALL DEPART-**
19 **MENT OF DEFENSE DOMESTIC DEPENDENT**
20 **SCHOOLS IN THE COMMONWEALTH OF PUER-**
21 **TO RICO AND GUAM.**

22 Section 2164(d)(1) of title 10, United States Code,
23 is amended by adding at the end the following: “The Sec-
24 retary may provide for the establishment of one school
25 board for all such schools in the Commonwealth of Puerto
26 Rico and one school board for all such schools in Guam

1 instead of one school board for each military installation
2 in those locations.”.

3 **SEC. 1057. DEPARTMENT OF DEFENSE STARBASE PRO-**
4 **GRAM.**

5 (a) PROGRAM AUTHORITY.—Chapter 111 of title 10,
6 United States Code, is amended by inserting after section
7 2193 the following:

8 **“§ 2193b. Improvement of education in technical**
9 **fields: program for support of elementary**
10 **and secondary education in science,**
11 **mathematics, and technology**

12 “(a) AUTHORITY FOR PROGRAM.—The Secretary of
13 Defense may conduct a science, mathematics, and tech-
14 nology education improvement program known as the ‘De-
15 partment of Defense STARBASE Program’. The Sec-
16 retary shall carry out the program through the secretaries
17 of the military departments.

18 “(b) PURPOSE.—The purpose of the program is to
19 improve knowledge and skills of students in kindergarten
20 through twelfth grade in mathematics, science, and tech-
21 nology.

22 “(c) STARBASE ACADEMIES.—(1) The Secretary
23 shall provide for the establishment of at least 25 acad-
24 emies under the program.

1 “(2) An academy established under the program shall
2 provide the following:

3 “(A) For each elementary and secondary grade
4 level, the presentation of a curricula of 20 hours of
5 instruction in science, mathematics, and technology.

6 “(B) Outreach programs for the support of ele-
7 mentary and secondary level instruction in science,
8 mathematics, and technology at other locations.

9 “(3) The Secretary may support the establishment
10 and operation of any academy in excess of two academies
11 in a State only if the Secretary has first authorized in
12 writing the establishment of the academy and the costs
13 of the establishment and operation of the academy are
14 paid out of funds provided by sources other than the De-
15 partment of Defense. Any such costs that are paid out
16 of appropriated funds shall be considered as paid out of
17 funds provided by such other sources if such sources fully
18 reimburse the United States for the costs.

19 “(d) AUTHORIZED SUPPORT.—The following support
20 may be provided for activities under the program:

21 “(1) Administrative and instructional per-
22 sonnel.

23 “(2) Facilities.

24 “(3) Instructional materials, including text-
25 books.

1 “(4) Equipment.

2 “(5) To the extent considered appropriate by
3 the Secretary of the military department concerned,
4 any additional resources (including transportation
5 and billeting) that may be available.

6 “(e) PERSONS ELIGIBLE TO PARTICIPATE IN PRO-
7 GRAM.—The Secretary of Defense shall prescribe the
8 standards and procedures for selecting persons to partici-
9 pate in the program.

10 “(f) PROGRAM PERSONNEL.—(1) The Secretary of
11 the military department concerned may—

12 “(1) authorize members of the armed forces to
13 provide command, administrative, training, or sup-
14 porting services for the program on a full-time basis;
15 and

16 “(2) employ or procure by contract civilian per-
17 sonnel to provide such services.

18 “(f) REGULATIONS.—The Secretary of Defense shall
19 prescribe regulations governing the conduct of the pro-
20 gram.

21 “(g) FUNDING.—(1) The Secretary shall ensure that
22 each academy meeting at least the minimum operating
23 standards established for academies under the program is
24 funded at a level of at least \$200,000 for each fiscal year.

1 “(2) The Secretary of Defense and the Secretaries
2 of the military departments may accept financial and
3 other support for the program from other departments
4 and agencies of the Federal Government, State govern-
5 ments, local governments, and not-for-profit and other or-
6 ganizations in the private sector.

7 “(h) ANNUAL REPORT.—Within 90 days after the
8 end of each fiscal year, the Secretary of Defense shall sub-
9 mit a report on the program to Congress. The report shall
10 contain a discussion of the design and conduct of the pro-
11 gram and an evaluation of the effectiveness of the pro-
12 gram.

13 “(i) STATE DEFINED.—In this section, the term
14 ‘State’ includes the District of Columbia, the Common-
15 wealth of Puerto Rico, the United States Virgin Islands,
16 and Guam.”.

17 (b) EXISTING STARBASE ACADEMIES.—While con-
18 tinuing in operation, the academies existing on the date
19 of the enactment of this Act under the Department of De-
20 fense STARBASE Program, as such program is in effect
21 on such date, shall be counted for the purpose of meeting
22 the requirement under section 2193b(c)(1) of title 10,
23 United States Code (as added by subsection (a)), relating
24 to the minimum number of STARBASE academies.

1 (c) REORGANIZATION OF CHAPTER.—Chapter 111 of
 2 title 10, United States Code, as amended by subsection
 3 (a), is further amended—

4 (1) by inserting after section 2193 and before
 5 the section 2193b added by subsection (a) the fol-
 6 lowing:

7 **“§ 2193a. Improvement of education in technical**
 8 **fields: general authority for support of el-**
 9 **ementary and secondary education in**
 10 **science and mathematics”;**

11 (2) by transferring subsection (b) of section
 12 2193 to section 2193a (as added by paragraph (1)),
 13 inserting such subsection after the heading for sec-
 14 tion 2193a, and striking out “(b)”;

15 (3) by redesignating subsection (c) of section
 16 2193 as subsection (b).

17 (d) CLERICAL AMENDMENTS.—(1) The heading for
 18 section 2192 of such title is amended to read as follows:

19 **“§ 2192. Improvement of education in technical fields:**
 20 **general authority regarding education in**
 21 **science, mathematics, and engineering”.**

22 (2) The heading for section 2193 is amended to read
 23 as follows:

1 **“§ 2193. Improvement of education in technical fields:**
 2 **grants for higher education in science**
 3 **and mathematics”.**

4 (3) The table of sections at the beginning of such
 5 chapter is amended by striking the items relating to sec-
 6 tions 2192 and 2193 and inserting the following:

“2192. Improvement of education in technical fields: general authority regarding
 education in science, mathematics, and engineering.

“2193. Improvement of education in technical fields: grants for higher education
 in science and mathematics.

“2193a. Improvement of education in technical fields: general authority for sup-
 port of elementary and secondary education in science and
 mathematics.

“2193b. Improvement of education in technical fields: program for support of
 elementary and secondary education in science, mathematics,
 and technology.”.

7 **SEC. 1058. PROGRAM TO COMMEMORATE THE 50TH ANNI-**
 8 **VERSARY OF THE KOREAN WAR.**

9 (a) PERIOD OF PROGRAM.—Section 1083(a) of the
 10 National Defense Authorization Act for Fiscal Year 1998
 11 (Public Law 105–85; 111 Stat. 1918; 10 U.S.C. 113 note)
 12 is amended by striking “The Secretary of Defense” and
 13 inserting “During fiscal years 2000 through 2004, the
 14 Secretary of Defense”.

15 (b) CHANGE OF NAME.—(1) Section 1083(c) of such
 16 Act is amended by striking “‘The Department of Defense
 17 Korean War Commemoration’” and inserting in lieu
 18 thereof “‘The United States of America Korean War
 19 Commemoration’”.

1 (2) The amendment made by paragraph (1) may not
2 be construed to supersede rights that are established or
3 vested before the date of the enactment of this Act.

4 (c) FUNDING.—Section 1083(f) of such Act is
5 amended to read as follows:

6 “(f) USE OF FUNDS.—(1) Funds appropriated for
7 the Army for fiscal years 2000 through 2004 for operation
8 and maintenance shall be available for the program au-
9 thorized under subsection (a).

10 “(2) The total amount expended by the Department
11 of Defense through the Department of Defense 50th Anni-
12 versary of the Korean War Commemoration Committee,
13 an entity within the Department of the Army, to carry
14 out the program authorized under subsection (a) for fiscal
15 years 2000 through 2004 may not exceed \$7,000,000.

16 “(3) The limitation in paragraph (2) shall not apply
17 to expenditures by a unit of the Armed Forces or a similar
18 organization to commemorate the Korean War from funds
19 available to the unit or similar organization for that pur-
20 pose.”.

21 (d) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect on October 1, 1999.

1 **SEC. 1059. EXTENSION AND REAUTHORIZATION OF DE-**
2 **ENSE PRODUCTION ACT OF 1950.**

3 (a) EXTENSION OF TERMINATION DATE.—Section
4 717(a) of the Defense Production Act of 1950 (50 U.S.C.
5 App. 2166(a)) is amended by striking “September 30,
6 1999” and inserting “September 30, 2000”.

7 (b) EXTENSION OF AUTHORIZATION.—Section
8 711(b) of the Defense Production Act of 1950 (50 U.S.C.
9 App. 2161(b)) is amended by striking “the fiscal years
10 1996, 1997, 1998, and 1999” and inserting “fiscal years
11 1996 through 2000”.

12 **SEC. 1060. EXTENSION TO NAVAL AIRCRAFT OF COAST**
13 **GUARD AUTHORITY FOR DRUG INTERDIC-**
14 **TION ACTIVITIES.**

15 Section 637(c) of title 14, United States Code, is
16 amended—

17 (1) by striking “or” at the end of paragraph
18 (1);

19 (2) by striking the period at the end of para-
20 graph (2) and inserting “; or”; and

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

23 “(3) it is a naval aircraft on which one or more
24 members of the Coast Guard are assigned.”.

1 **TITLE XI—DEPARTMENT OF**
2 **DEFENSE CIVILIAN PERSONNEL**

3 **SEC. 1101. ACCELERATED IMPLEMENTATION OF VOL-**
4 **UNTARY EARLY RETIREMENT AUTHORITY.**

5 Section 1109(d)(1) of the Strom Thurmond National
6 Defense Authorization Act for Fiscal Year 1999 (Public
7 Law 105–261; 112 Stat. 2145; 5 U.S.C. 8336 note) is
8 amended by striking “October 1, 2000” and inserting
9 “October 1, 1999”.

10 **SEC. 1102. DEFERENCE TO EEOC PROCEDURES FOR INVES-**
11 **TIGATION OF COMPLAINTS OF SEXUAL HAR-**
12 **ASSMENT MADE BY EMPLOYEES.**

13 Section 1561(a) of title 10, United States Code, is
14 amended by striking “or a civilian employee under the su-
15 pervision of the officer”.

16 **SEC. 1103. RESTORATION OF LEAVE OF EMERGENCY ES-**
17 **SENTIAL EMPLOYEES SERVING IN A COMBAT**
18 **ZONE.**

19 (a) SERVICE IN A COMBAT ZONE AS EXIGENCY OF
20 THE PUBLIC BUSINESS.—Section 6304(d) of title 5,
21 United States Code, is amended by adding at the end the
22 following:

23 “(4)(A) For the purpose of this subsection, service
24 of a Department of Defense emergency essential employee
25 in a combat zone is an exigency of the public business

1 for that employee. Any leave that, by reason of such serv-
 2 ice, is lost by the employee by operation of this section
 3 (regardless of whether such leave was scheduled) shall be
 4 restored to the employee and shall be credited and avail-
 5 able in accordance with paragraph (2).

6 “(B) As used in subparagraph (A)—

7 “(i) the term ‘Department of Defense emer-
 8 gency essential employee’ means an employee of the
 9 Department of Defense who is designated under sec-
 10 tion 1580 of title 10 as an emergency essential em-
 11 ployee; and

12 “(ii) the term ‘combat zone’ has the meaning
 13 given such term in section 112(c)(2) of the Internal
 14 Revenue Code of 1986.”.

15 (b) DESIGNATION OF EMERGENCY ESSENTIAL EM-
 16 PLOYEES.—(1) Chapter 81 of title 10, United States
 17 Code, is amended by inserting after the table of sections
 18 at the beginning of such chapter the following new section
 19 1580:

20 **“§ 1580. Emergency essential employees: designation**

21 “(a) CRITERIA FOR DESIGNATION.—The Secretary of
 22 Defense or the Secretary of the military department con-
 23 cerned may designate as an emergency essential employee
 24 any employee of the Department of Defense, whether per-

1 manent or temporary, the duties of whose position meet
2 all of the following criteria:

3 “(1) It is the duty of the employee to provide
4 immediate and continuing support for combat oper-
5 ations or to support maintenance and repair of com-
6 bat essential systems of the armed forces.

7 “(2) It is necessary for the employee to perform
8 that duty in a combat zone after the evacuation of
9 nonessential personnel, including any dependents of
10 members of the armed forces, from the zone in con-
11 nection with a war, a national emergency declared
12 by Congress or the President, or the commencement
13 of combat operations of the armed forces in the
14 zone.

15 “(3) It is impracticable to convert the employ-
16 ee’s position to a position authorized to be filled by
17 a member of the armed forces because of a necessity
18 for that duty to be performed without interruption.

19 “(b) ELIGIBILITY OF EMPLOYEES OF NON-
20 APPROPRIATED FUND INSTRUMENTALITIES.—A non-
21 appropriated fund instrumentality employee is eligible for
22 designation as an emergency essential employee under
23 subsection (a).

24 “(c) DEFINITIONS.—In this section:

1 “(1) The term ‘combat zone’ has the meaning
2 given that term in section 112(c)(2) of the Internal
3 Revenue Code of 1986.

4 “(2) The term ‘nonappropriated fund instru-
5 mentality employee’ has the meaning given that
6 term in section 1587(a)(1) of this title.”.

7 (2) The table of sections at the beginning of such
8 chapter is amended by inserting before the item relating
9 to section 1581 the following:

 “1580. Emergency essential employees: designation.”.

10 **SEC. 1104. LEAVE WITHOUT LOSS OF BENEFITS FOR MILI-**
11 **TARY RESERVE TECHNICIANS ON ACTIVE**
12 **DUTY IN SUPPORT OF COMBAT OPERATIONS.**

13 (a) ELIMINATION OF RESTRICTION TO SITUATIONS
14 INVOLVING NONCOMBAT OPERATIONS.—Section
15 6323(d)(1) of title 5, United States Code, is amended by
16 striking “noncombat”.

17 (b) EFFECTIVE DATE.—The amendment made by
18 subsection (a) shall take effect on the date of the enact-
19 ment of this Act and shall apply with respect to days of
20 leave under section 6323(d)(1) of title 5, United States
21 Code, on or after that date.

1 **SEC. 1105. WORK SCHEDULES AND PREMIUM PAY OF**
2 **SERVICE ACADEMY FACULTY.**

3 (a) UNITED STATES MILITARY ACADEMY.—Section
4 4338 of title 10, United States Code, is amended by add-
5 ing at the end the following new subsection (c):

6 “(c) The Secretary of the Army may, notwithstanding
7 the provisions of subchapter V of chapter 55 of title 5
8 or section 6101 of such title, prescribe for persons em-
9 ployed under this section the following:

10 “(1) The work schedule, including hours of
11 work and tours of duty, set forth with such speci-
12 ficity and other characteristics as the Secretary de-
13 termines appropriate.

14 “(2) Any premium pay or compensatory time
15 off for hours of work or tours of duty in excess of
16 the regularly scheduled hours or tours of duty.”.

17 (b) UNITED STATES NAVAL ACADEMY.—Section
18 6952 of title 10, United States Code, is amended by—

19 (1) redesignating subsection (c) as subsection
20 (d); and

21 (2) inserting after subsection (b) the following
22 new subsection (c):

23 “(c) The Secretary of the Navy may, notwithstanding
24 the provisions of subchapter V of chapter 55 of title 5
25 or section 6101 of such title, prescribe for persons em-
26 ployed under this section the following:

1 “(1) The work schedule, including hours of
2 work and tours of duty, set forth with such speci-
3 ficity and other characteristics as the Secretary de-
4 termines appropriate.

5 “(2) Any premium pay or compensatory time
6 off for hours of work or tours of duty in excess of
7 the regularly scheduled hours or tours of duty.”.

8 (c) UNITED STATES AIR FORCE ACADEMY.—Section
9 9338 of title 10, United States Code, is amended by add-
10 ing at the end the following new subsection (c):

11 “(c) The Secretary of the Air Force may, notwith-
12 standing the provisions of subchapter V of chapter 55 of
13 title 5 or section 6101 of such title, prescribe for persons
14 employed under this section the following:

15 “(1) The work schedule, including hours of
16 work and tours of duty, set forth with such speci-
17 ficity and other characteristics as the Secretary de-
18 termines appropriate.

19 “(2) Any premium pay or compensatory time
20 off for hours of work or tours of duty in excess of
21 the regularly scheduled hours or tours of duty.”.

1 **SEC. 1106. SALARY SCHEDULES AND RELATED BENEFITS**
 2 **FOR FACULTY AND STAFF OF THE UNI-**
 3 **FORMED SERVICES UNIVERSITY OF THE**
 4 **HEALTH SCIENCES.**

5 Section 2113(f) of title 10, United States Code, is
 6 amended by adding at the end the following:

7 “(3) The limitations in sections 5307 and 5373 of
 8 title 5 do not apply to the authority of the Secretary under
 9 paragraph (1) to prescribe salary schedules and other re-
 10 lated benefits.”.

11 **TITLE XII—NATIONAL MILITARY**
 12 **MUSEUM AND RELATED MAT-**
 13 **TERS**

14 **Subtitle A—Commission on**
 15 **National Military Museum**

16 **SEC. 1201. ESTABLISHMENT.**

17 (a) ESTABLISHMENT.—There is hereby established a
 18 commission known as the “Commission on the National
 19 Military Museum” (in this subtitle referred to as the
 20 “Commission”).

21 (b) COMPOSITION.—(1) The Commission shall be
 22 composed of 10 individuals appointed from among individ-
 23 uals who have an expertise in military or museum matters,
 24 of whom—

25 (A) six shall be appointed by the President;

1 (B) one shall be appointed by the Chairman of
2 the Committee on Armed Services of the Senate;

3 (C) one shall be appointed by the Ranking
4 Member of the Committee on Armed Services of the
5 Senate;

6 (D) one shall be appointed by the Chairman of
7 the Committee on Armed Services of the House of
8 Representatives; and

9 (E) one shall be appointed by the Ranking
10 Member of the Committee on Armed Services of the
11 House of Representatives.

12 (2) The following shall be ex officio members of the
13 Commission:

14 (A) The Secretary of Defense.

15 (B) The Secretary of the Army.

16 (C) The Secretary of the Navy.

17 (D) The Secretary of the Air Force.

18 (E) The Commandant of the Marine Corps.

19 (F) The Commandant of the Coast Guard.

20 (G) The Secretary of the Smithsonian Institu-
21 tion.

22 (H) The Chairman of the National Capital
23 Planning Commission.

24 (I) The Chairperson of the Commission of Fine
25 Arts.

1 (c) ORIGINAL CHAIRPERSON.—The President shall
2 designate one of the individuals first appointed to the
3 Commission under subsection (b)(1) as the chairperson of
4 the Commission.

5 (d) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
6 bers shall be appointed for the life of the Commission. Any
7 vacancy in the Commission shall be filled in the same man-
8 ner as the original appointment.

9 (e) INITIAL ORGANIZATION REQUIREMENTS.—(1) All
10 appointments to the Commission shall be made not later
11 than 90 days after the date of the enactment of this Act.

12 (2) The Commission shall convene its first meeting
13 not later than 60 days after the date as of which all mem-
14 bers of the Commission have been appointed, but not ear-
15 lier than October 15, 1999.

16 **SEC. 1202. DUTIES OF COMMISSION.**

17 (a) IN GENERAL.—The Commission shall conduct a
18 study in order to make recommendations to Congress re-
19 garding an authorization for the construction of a national
20 military museum in the National Capital Area.

21 (b) STUDY ELEMENTS.—In conducting the study, the
22 Commission shall—

23 (1) determine whether existing military muse-
24 ums, historic sites, and memorials in the United
25 States are adequate—

1 (A) to provide in a cost-effective manner
2 for display of, and interaction with, readily ac-
3 cessible and adequately preserved artifacts and
4 readily accessible representations of the Armed
5 Forces and of the wars in which the United
6 States has been engaged;

7 (B) to honor the service to the United
8 States of the active and reserve members of the
9 Armed Forces and the veterans of the United
10 States;

11 (C) to educate current and future genera-
12 tions regarding the Armed Forces and the sac-
13 rifices of members of the Armed Forces and the
14 Nation in furtherance of the defense of free-
15 dom; and

16 (D) to foster public pride in the achieve-
17 ments and activities of the Armed Forces;

18 (2) determine whether adequate inventories of
19 artifacts and representations of the Armed Forces
20 and of the wars in which the United States has been
21 engaged are available, either in current inventories
22 or in private or public collections, for loan or other
23 provision to a national military museum; and

24 (3) develop preliminary proposals for—

1 (A) the dimensions and design of a na-
2 tional military museum in the National Capital
3 Area;

4 (B) the location of the museum in that
5 Area; and

6 (C) the approximate cost of the final de-
7 sign and construction of the museum and of the
8 costs of operating the museum.

9 (c) ADDITIONAL DUTIES.—If the Commission deter-
10 mines to recommend that Congress authorize the con-
11 struction of a national military museum in the National
12 Capital Area, the Commission shall also—

13 (1) recommend one or more sites for the mu-
14 seum;

15 (2) propose a schedule for construction of the
16 museum;

17 (3) assess the potential effects of the museum
18 on the environment, facilities, and roadways in the
19 vicinity of the site or sites where the museum is pro-
20 posed to be located;

21 (4) recommend the percentages of funding for
22 the museum to be provided by the Federal Govern-
23 ment, State and local governments, and private
24 sources, respectively;

1 (5) assess the potential for fundraising for the
2 museum during the 20-year period following the au-
3 thorization of construction of the museum; and

4 (6) assess and recommend various governing
5 structures for the museum, including a governing
6 structure that places the museum within the Smith-
7 sonian Institution.

8 **SEC. 1203. REPORT.**

9 The Commission shall, not later than 12 months after
10 the date of its first meeting, submit to Congress a report
11 on its findings and conclusions under this subtitle, includ-
12 ing any recommendations under section 1202.

13 **SEC. 1204. POWERS.**

14 (a) HEARINGS.—The Commission or, at its direction,
15 any panel or member of the Commission, may, for the pur-
16 pose of carrying out the provisions of this subtitle, hold
17 hearings, sit and act at times and places, take testimony,
18 receive evidence, and administer oaths to the extent that
19 the Commission or any panel or member considers advis-
20 able.

21 (b) INFORMATION.—The Commission may secure di-
22 rectly from the Department of Defense and any other Fed-
23 eral department or agency information that the Commis-
24 sion considers necessary to enable the Commission to
25 carry out its responsibilities under this subtitle.

1 **SEC. 1205. COMMISSION PROCEDURES.**

2 (a) MEETINGS.—The Commission shall meet at the
3 call of the Chairman.

4 (b) QUORUM.—(1) Five members of the Commission
5 shall constitute a quorum other than for the purpose of
6 holding hearings.

7 (2) The Commission shall act by resolution agreed
8 to by a majority of the members of the Commission.

9 (c) COMMISSION.—The Commission may establish
10 panels composed of less than full membership of the Com-
11 mission for the purpose of carrying out the Commission's
12 duties. The actions of each such panel shall be subject to
13 the review and control of the Commission. Any findings
14 and determinations made by such a panel shall not be con-
15 sidered the findings and determinations of the Commis-
16 sion unless approved by the Commission.

17 (d) AUTHORITY OF INDIVIDUALS TO ACT FOR COM-
18 MISSION.—Any member or agent of the Commission may,
19 if authorized by the Commission, take any action which
20 the Commission is authorized to take under this subtitle.

21 **SEC. 1206. PERSONNEL MATTERS.**

22 (a) PAY OF MEMBERS.—Members of the Commission
23 shall serve without pay by reason of their work on the
24 Commission.

25 (b) TRAVEL EXPENSES.—The members of the Com-
26 mission shall be allowed travel expenses, including per

1 diem in lieu of subsistence, at rates authorized for employ-
2 ees of agencies under subchapter I of chapter 57 of title
3 5, United States Code, while away from their homes or
4 regular places of business in the performance of services
5 for the Commission.

6 (c) STAFF.—(1) The chairman of the Commission
7 may, without regard to the provisions of title 5, United
8 States Code, governing appointments in the competitive
9 service, appoint a staff director and such additional per-
10 sonnel as may be necessary to enable the Commission to
11 perform its duties. The appointment of a staff director
12 shall be subject to the approval of the Commission.

13 (2) The chairman of the Commission may fix the pay
14 of the staff director and other personnel without regard
15 to the provisions of chapter 51 and subchapter III of chap-
16 ter 53 of title 5, United States Code, relating to classifica-
17 tion of positions and General Schedule pay rates, except
18 that the rate of pay fixed under this paragraph for the
19 staff director may not exceed the rate payable for level
20 V of the Executive Schedule under section 5316 of such
21 title and the rate of pay for other personnel may not ex-
22 ceed the maximum rate payable for grade GS-15 of the
23 General Schedule.

24 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon
25 request of the chairman of the Commission, the head of

1 any Federal department or agency may detail, on a non-
 2 reimbursable basis, any personnel of that department or
 3 agency to the Commission to assist it in carrying out its
 4 duties.

5 (e) **PROCUREMENT OF TEMPORARY AND INTERMIT-**
 6 **TENT SERVICES.**—The chairman of the Commission may
 7 procure temporary and intermittent services under section
 8 3109(b) of title 5, United States Code, at rates for individ-
 9 uals which do not exceed the daily equivalent of the annual
 10 rate of basic pay payable for level V of the Executive
 11 Schedule under section 5316 of such title.

12 **SEC. 1207. MISCELLANEOUS ADMINISTRATIVE PROVI-**
 13 **SIONS.**

14 (a) **POSTAL AND PRINTING SERVICES.**—The Com-
 15 mission may use the United States mails and obtain print-
 16 ing and binding services in the same manner and under
 17 the same conditions as other departments and agencies of
 18 the Federal Government.

19 (b) **MISCELLANEOUS ADMINISTRATIVE AND SUP-**
 20 **PORT SERVICES.**—The Secretary of Defense shall furnish
 21 the Commission, on a reimbursable basis, any administra-
 22 tive and support services requested by the Commission.

23 **SEC. 1208. FUNDING.**

24 (a) **IN GENERAL.**—Funds for activities of the Com-
 25 mission shall be provided from amounts appropriated for

1 the Department of Defense for operation and maintenance
 2 for Defense-wide activities for fiscal year 2000.

3 (b) REQUEST.—Upon receipt of a written certifi-
 4 cation from the Chairman of the Commission specifying
 5 the funds required for the activities of the Commission,
 6 the Secretary of Defense shall promptly disburse to the
 7 Commission, from such amounts, the funds required by
 8 the Commission as stated in such certification.

9 (c) AVAILABILITY OF CERTAIN FUNDS.—Of the
 10 funds available for activities of the Commission under this
 11 section, \$2,000,000 shall be available for the activities, if
 12 any, of the Commission under section 1202(c).

13 **SEC. 1209. TERMINATION OF COMMISSION.**

14 The Commission shall terminate 60 days after the
 15 date of the submission of its report under section 1203.

16 **Subtitle B—Related Matters**

17 **SEC. 1211. FUTURE USE OF NAVY ANNEX PROPERTY, AR-**
 18 **LINGTON, VIRGINIA.**

19 (a) LIMITATION ON FUTURE USE.—No transfer of
 20 any real property of the Navy Annex property, or other
 21 use of that property not authorized as of the date of the
 22 enactment of this Act, may be carried out until 2 years
 23 after the later of—

24 (1) the date of the submittal of the study on
 25 the expansion of Arlington Cemetery required by the

1 Joint Explanatory Statement of the Committee of
2 Conference to accompany the Thurmond National
3 Defense Authorization Act for Fiscal Year 1999
4 (Public Law 105–261); or

5 (2) the date of the submittal of the report of
6 the Commission on the National Military Museum
7 under section 1203.

8 (b) NAVY ANNEX PROPERTY DESCRIBED.—For pur-
9 poses of subsection (a), the Navy Annex property is the
10 parcels of real property under the jurisdiction of the Fed-
11 eral Government located in Arlington, Virginia, as follows:

12 (1) A parcel bounded by Columbia Pike to the
13 south and east, the rear property line of the residen-
14 tial properties fronting Oak Street to the west, and
15 the southern limit of Southgate Road to the north.

16 (2) A parcel bounded by Shirley Memorial Bou-
17 levard (Interstate Route 395) to the south, the east-
18 ern edge of the Department of Transportation of the
19 Commonwealth of Virginia to the west, Columbia
20 Pike to the north, and the access road to Shirley
21 Memorial Boulevard immediately east of Joyce
22 Street to the east.

**DIVISION B—MILITARY CON-
STRUCTION AUTHORIZA-
TIONS**

SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construc-
tion Authorization Act for Fiscal Year 2000”.

TITLE XXI—ARMY

**SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND
ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts
appropriated pursuant to the authorization of appropria-
tions in section 2104(a)(1), the Secretary of the Army
may acquire real property and carry out military construc-
tion projects for the installations and locations inside the
United States, and in the amounts, set forth in the fol-
lowing table:

Army: Inside the United States

| State | Installation or location | Amount |
|----------------------------|--|--------------|
| Alaska | Fort Richardson | \$14,600,000 |
| | Fort Wainwright | \$34,800,000 |
| Arkansas | Pine Bluff Arsenal | \$18,000,000 |
| California | Fort Irwin | \$13,400,000 |
| Colorado | Peterson Air Force Base | \$25,000,000 |
| District of Columbia | Fort McNair | \$1,250,000 |
| | Walter Reed Medical Center | \$6,800,000 |
| Georgia | Fort Benning | \$48,400,000 |
| | Fort Stewart | \$19,000,000 |
| | Fort Stewart/Hunter Army Air Field ... | \$7,000,000 |
| | Hunter Army Air Field | \$7,200,000 |
| Hawaii | Schofield Barracks | \$95,000,000 |
| Kansas | Fort Leavenworth | \$34,100,000 |
| | Fort Riley | \$27,000,000 |
| Kentucky | Blue Grass Army Depot | \$17,000,000 |
| | Fort Campbell | \$56,900,000 |
| Maryland | Fort Meade | \$22,450,000 |
| Massachusetts | Westover Air Force Reserve Base | \$4,000,000 |
| Missouri | Fort Leonard Wood | \$10,600,000 |
| Nevada | Hawthorne Army Depot | \$1,700,000 |
| New Jersey | Fort Monmouth | \$11,800,000 |

Army: Inside the United States—Continued

| State | Installation or location | Amount |
|----------------------|---|---------------|
| North Carolina | Fort Bragg | \$125,400,000 |
| | Military Ocean Terminal Sunny Point | \$3,800,000 |
| Oklahoma | Fort Sill | \$13,200,000 |
| | McAlester Army Ammunition | \$16,600,000 |
| Pennsylvania | Carlisle Barracks | \$5,000,000 |
| | Letterkenny Army Depot | \$3,650,000 |
| South Carolina | Fort Jackson | \$7,400,000 |
| Texas | Fort Bliss | \$50,400,000 |
| | Fort Hood | \$68,000,000 |
| Virginia | Fort Belvoir | \$3,850,000 |
| | Fort Eustis | \$39,000,000 |
| | Fort Myer | \$2,900,000 |
| Washington | Fort Lewis | \$6,200,000 |
| | Yakima Training Center | \$17,200,000 |
| CONUS Various | CONUS Various | \$36,400,000 |
| | Total: | \$875,000,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

| Country | Installation or location | Amount |
|---------------|----------------------------------|--------------|
| Germany | Ansbach | \$21,000,000 |
| | Area Support Group Bamberg | \$23,200,000 |
| | Mannheim | \$4,500,000 |
| Korea | Camp Casey | \$31,000,000 |
| | Camp Howze | \$3,050,000 |
| | Camp Stanley | \$3,650,000 |
| | Total: | \$86,400,000 |

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (in-

cluding land acquisition) at the installation, for the purpose, and in the amount set forth in the following table:

Army: Family Housing

| Country | Installation or location | Purpose | Amount |
|-------------|--------------------------|----------------|--------------|
| Korea | Camp Humphreys | 60 Units | \$24,000,000 |
| | | Total: | \$24,000,000 |

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$4,300,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed \$32,600,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and

1 military family housing functions of the Department of the
2 Army in the total amount of \$2,194,333,000 as follows:

3 (1) For military construction projects inside the
4 United States authorized by section 2101(a),
5 \$736,708,000.

6 (2) For military construction projects outside
7 the United States authorized by section 2101(b),
8 \$86,400,000.

9 (3) For unspecified minor construction projects
10 authorized by section 2805 of title 10, United States
11 Code, \$9,500,000.

12 (4) For architectural and engineering services
13 and construction design under section 2807 of title
14 10, United States Code, \$83,414,000.

15 (5) For military family housing functions:

16 (A) For construction and acquisition, plan-
17 ning and design, and improvement of military
18 family housing and facilities, \$61,531,000.

19 (B) For support of military family housing
20 (including the functions described in section
21 2833 of title 10, United States Code),
22 \$1,098,080,000.

23 (6) For the construction of the United States
24 Disciplinary Barracks, Phase III, Fort Leavenworth,
25 Kansas, authorized by section 2101(a) of the Mili-

1 tary Construction Authorization Act for Fiscal Year
2 1998 (division B of Public Law 105–85; 111 Stat.
3 1966), \$18,800,000.

4 (7) For the construction of the Whole Barracks
5 Complex Renewal, Fort Campbell, Kentucky, author-
6 ized by section 2101(a) of the Military Construction
7 Authorization Act for Fiscal Year 1999 (division B
8 of Public Law 105–261; 112 Stat. 2182),
9 \$4,800,000.

10 (8) For the construction of the Multi-Purpose
11 Digital Training Range, Fort Knox, Kentucky, au-
12 thorized by section 2101(a) of the Military Construc-
13 tion Authorization Act for Fiscal Year 1999,
14 \$2,400,000.

15 (9) For the construction of the Cadet Develop-
16 ment Center, United States Military Academy, West
17 Point, New York, authorized by section 2101(a) of
18 the Military Construction Authorization Act for Fis-
19 cal Year 1999, \$28,500,000.

20 (10) For the construction of the Force XXI
21 Soldier Development Center, Fort Hood, Texas, au-
22 thorized by section 2101(a) of the Military Construc-
23 tion Authorization Act for Fiscal Year 1999,
24 \$14,000,000.

1 (11) For the construction of the Railhead Facil-
2 ity, Fort Hood, Texas, authorized by section
3 2101(a) of the Military Construction Authorization
4 Act of Fiscal Year 1999, \$14,800,000.

5 (12) For the construction of the Power Plant,
6 Roi Namur Island, Kwajalein Atoll, Kwajalein, au-
7 thorized by section 2101(b) of the Military Con-
8 struction Authorization Act for Fiscal Year 1999
9 (112 Stat. 2183), \$35,400,000.

10 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
11 PROJECTS.—Notwithstanding the cost variations author-
12 ized by section 2853 of title 10, United States Code, and
13 any other cost variation authorized by law, the total cost
14 of all projects carried out under section 2101 of this Act
15 may not exceed—

16 (1) the total amount authorized to be appro-
17 priated pursuant to paragraphs (1) and (2) of sub-
18 section (a);

19 (2) \$80,800,000 (the balance of the amount au-
20 thorized under section 2101(a) for the construction
21 of the whole barracks complex renewal at Schofield
22 Barracks, Hawaii); and

23 (3) \$57,492,000 (the balance of the amount au-
24 thorized under section 2101(a) for the construction

1 of the whole barracks complex renewal at Fort
 2 Bragg, North Carolina).

3 **TITLE XXII—NAVY**

4 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND** 5 **ACQUISITION PROJECTS.**

6 (a) INSIDE THE UNITED STATES.—Using amounts
 7 appropriated pursuant to the authorization of appropria-
 8 tions in section 2204(a)(1), the Secretary of the Navy may
 9 acquire real property and carry out military construction
 10 projects for the installations and locations inside the
 11 United States, and in the amounts, set forth in the fol-
 12 lowing table:

Navy: Inside the United States

| State | Installation or location | Amount |
|----------------------|---|--------------|
| Arizona | Marine Corps Air Station, Yuma | \$17,020,000 |
| | Navy Detachment, Camp Navajo | \$7,560,000 |
| California | Marine Corps Air-Ground Combat Cen- ter, Twentynine Palms. | \$34,760,000 |
| | Marine Corps Base, Camp Pendleton | \$31,660,000 |
| | Marine Corps Logistics Base, Barstow ... | \$4,670,000 |
| | Marine Corps Recruit Depot, San Diego | \$3,200,000 |
| | Naval Air Station, Lemoore | \$24,020,000 |
| | Naval Air Station, North Island | \$54,420,000 |
| | Naval Hospital, San Diego | \$21,590,000 |
| | Naval Hospital, Twentynine Palms | \$7,640,000 |
| Florida | Naval Air Station, Whiting Field, Milton | \$4,750,000 |
| Georgia | Marine Corps Logistics Base, Albany | \$6,260,000 |
| | Naval Air Station, Atlanta | \$5,430,000 |
| Hawaii | Camp H.M. Smith | \$86,050,000 |
| | Marine Corps Air Station, Kaneohe Bay | \$5,790,000 |
| | Naval Shipyard, Pearl Harbor | \$10,610,000 |
| | Naval Station, Pearl Harbor | \$18,600,000 |
| | Naval Submarine Base, Pearl Harbor | \$29,460,000 |
| Idaho | Naval Surface Warfare Center, Bayview | \$10,040,000 |
| Illinois | Naval Training Center, Great Lakes | \$57,290,000 |
| Maine | Naval Air Station, Brunswick | \$16,890,000 |
| Maryland | Naval Surface Warfare Center, Indian Head. | \$10,070,000 |
| Mississippi | Naval Construction Battalion Center, Gulfport. | \$19,170,000 |
| New Jersey | Naval Air Warfare Center Aircraft Divi- sion, Lakehurst. | \$15,710,000 |
| North Carolina | Marine Corps Air Station, New River | \$5,470,000 |
| | Marine Corps Base, Camp LeJeune | \$21,380,000 |
| Pennsylvania | Navy Ships Parts Control Center, Me- chanicsburg. | \$2,990,000 |

Navy: Inside the United States—Continued

| State | Installation or location | Amount |
|----------------------|--|---------------|
| South Carolina | Naval Shipyard, Philadelphia | \$13,320,000 |
| | Naval Weapons Station, Charleston | \$7,640,000 |
| | Marine Corps Air Station, Beaufort | \$10,490,000 |
| Virginia | Marine Corps Combat Development Command, Quantico. | \$20,820,000 |
| | Naval Air Station, Oceana | \$11,490,000 |
| | Naval Shipyard, Norfolk, Portsmouth | \$17,630,000 |
| | Naval Station, Norfolk | \$69,550,000 |
| | Naval Weapons Station, Yorktown | \$25,040,000 |
| | Tactical Training Group Atlantic, Dam Neck. | \$10,310,000 |
| | Naval Ordnance Center Pacific Division Detachment, Port Hadlock. | \$3,440,000 |
| Washington | Puget Sound Naval Shipyard, Bremerton | \$15,610,000 |
| | Strategic Weapons Facility Pacific, Bremerton. | \$6,300,000 |
| | Total: | \$744,140,000 |

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2204(a)(2), the Secretary of the Navy may
4 acquire real property and carry out military construction
5 projects for the locations outside the United States, and
6 in the amounts, set forth in the following table:

Navy: Outside the United States

| Country | Installation or location | Amount |
|--------------------|---|---------------|
| Bahrain | Administrative Support Unit | \$83,090,000 |
| Diego Garcia | Naval Support Facility, Diego Garcia | \$8,150,000 |
| Greece | Naval Support Activity, Souda Bay | \$6,380,000 |
| Italy | Naval Support Activity, Naples | \$26,750,000 |
| | Total: | \$124,370,000 |

7 **SEC. 2202. FAMILY HOUSING.**

8 (a) CONSTRUCTION AND ACQUISITION.—Using
9 amounts appropriated pursuant to the authorization of ap-
10 propriations in section 2204(a)(5)(A), the Secretary of the
11 Navy may construct or acquire family housing units (in-

cluding land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

| State | Installation or location | Purpose | Amount |
|---------------|--|-----------------|---------------|
| Arizona | Marine Corps Air Station, Yuma. | 100 Units | \$17,000,000 |
| Hawaii | Marine Corps Air Station, Kaneohe Bay. | 100 Units | \$26,615,000 |
| | Marine Corps Base, Kaneohe Bay. | 84 Units | \$22,639,000 |
| | Naval Base, Pearl Harbor. | 96 Units | \$19,167,000 |
| | Naval Base, Pearl Harbor. | 96 Units | \$19,167,000 |
| | | Total: | \$115,589,000 |

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$17,715,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed \$165,050,000.

1 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

2 (a) IN GENERAL.—Funds are hereby authorized to
3 be appropriated for fiscal years beginning after September
4 30, 1999, for military construction, land acquisition, and
5 military family housing functions of the Department of the
6 Navy in the total amount of \$2,078,015,000 as follows:

7 (1) For military construction projects inside the
8 United States authorized by section 2201(a),
9 \$673,960,000.

10 (2) For military construction projects outside
11 the United States authorized by section 2201(b),
12 \$124,370,000.

13 (3) For unspecified minor construction projects
14 authorized by section 2805 of title 10, United States
15 Code, \$7,342,000.

16 (4) For architectural and engineering services
17 and construction design under section 2807 of title
18 10, United States Code, \$66,229,000.

19 (5) For military family housing functions:

20 (A) For construction and acquisition, plan-
21 ning and design, and improvement of military
22 family housing and facilities, \$298,354,000.

23 (B) For support of military housing (in-
24 cluding functions described in section 2833 of
25 title 10, United States Code), \$895,070,000.

1 (6) For construction of the Berthing Wharf
 2 (Increment II), Naval Station Norfolk, Virginia, au-
 3 thorized by section 2201(a) of the Military Construc-
 4 tion Authorization Act for Fiscal Year 1999 (divi-
 5 sion B of Public Law 105–261; 112 Stat. 2186),
 6 \$12,690,000.

7 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
 8 PROJECTS.—Notwithstanding the cost variations author-
 9 ized by section 2853 of title 10, United States Code, and
 10 any other cost variation authorized by law, the total cost
 11 of all projects carried out under section 2201 of this Act
 12 may not exceed—

13 (1) the total amount authorized to be appro-
 14 priated pursuant to paragraphs (1) and (2) of sub-
 15 section (a); and

16 (2) \$70,180,000 (the balance of the amount au-
 17 thorized under section 2201(a) for the construction
 18 of the Commander-in-Chief Headquarters, Pacific
 19 Command, Camp H. M. Smith, Hawaii).

20 **SEC. 2205. TECHNICAL MODIFICATION OF AUTHORITY RE-**
 21 **LATING TO CERTAIN FISCAL YEAR 1997**
 22 **PROJECT.**

23 The table in section 2202(a) of the Military Construc-
 24 tion Authorization Act for Fiscal Year 1997 (division B
 25 of Public Law 104–201; 110 Stat. 2768) is amended in

1 the item relating to Naval Air Station Brunswick, Maine,
 2 by striking “92 Units” in the purpose column and insert-
 3 ing “72 Units”.

4 **TITLE XXIII—AIR FORCE**

5 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 6 **LAND ACQUISITION PROJECTS.**

7 (a) INSIDE THE UNITED STATES.—Using amounts
 8 appropriated pursuant to the authorization of appropria-
 9 tions in section 2304(a)(1), the Secretary of the Air Force
 10 may acquire real property and carry out military construc-
 11 tion projects for the installations and locations inside the
 12 United States, and in the amounts, set forth in the fol-
 13 lowing table:

Air Force: Inside the United States

| State | Installation or location | Amount |
|---------------------|-------------------------------------|--------------|
| Alabama | Maxwell Air Force Base | \$10,600,000 |
| Alaska | Eielson Air Force Base | \$24,100,000 |
| | Elmendorf Air Force Base | \$42,300,000 |
| Arizona | Davis-Monthan Air Force Base | \$7,800,000 |
| California | Beale Air Force Base | \$8,900,000 |
| | Travis Air Force Base | \$7,500,000 |
| Colorado | Peterson Air Force Base | \$33,000,000 |
| | Schriever Air Force Base | \$9,400,000 |
| | United States Air Force Academy ... | \$17,500,000 |
| Delaware | Dover Air Force Base | \$12,000,000 |
| Florida | Eglin Air Force Base | \$13,600,000 |
| | Eglin Auxiliary Field 9 | \$18,800,000 |
| | MacDill Air Force Base | \$5,500,000 |
| | Patrick Air Force Base | \$17,800,000 |
| Georgia | Fort Benning | \$3,900,000 |
| | Moody Air Force Base | \$3,200,000 |
| | Robins Air Force Base | \$3,350,000 |
| Hawaii | Hickam Air Force Base | \$3,300,000 |
| Idaho | Mountain Home Air Force Base | \$17,000,000 |
| Kansas | McConnell Air Force Base | \$10,963,000 |
| Kentucky | Fort Campbell | \$6,300,000 |
| Maryland | Andrews Air Force Base | \$9,900,000 |
| Massachusetts | Hanscom Air Force Base | \$16,000,000 |
| Mississippi | Columbus Air Force Base | \$2,600,000 |
| | Keesler Air Force Base | \$35,900,000 |
| Missouri | Whiteman Air Force Base | \$24,900,000 |
| Montana | Malmstrom Air Force Base | \$11,600,000 |
| Nebraska | Offutt Air Force Base | \$8,300,000 |
| Nevada | Nellis Air Force Base | \$18,600,000 |

Air Force: Inside the United States—Continued

| State | Installation or location | Amount |
|------------------------|--------------------------------------|---------------|
| New Jersey | McGuire Air Force Base | \$11,800,000 |
| New York | Rome Laboratory | \$12,800,000 |
| North Carolina | Fort Bragg | \$4,600,000 |
| | Pope Air Force Base | \$7,700,000 |
| North Dakota | Grand Forks Air Force Base | \$9,500,000 |
| Ohio | Wright-Patterson Air Force Base | \$22,200,000 |
| Oklahoma | Tinker Air Force Base | \$47,400,000 |
| South Carolina | Charleston Air Force Base | \$18,200,000 |
| South Dakota | Ellsworth Air Force Base | \$10,200,000 |
| Tennessee | Arnold Air Force Base | \$7,800,000 |
| Texas | Dyess Air Force Base | \$5,400,000 |
| | Lackland Air Force Base | \$13,400,000 |
| | Laughlin Air Force Base | \$3,250,000 |
| Utah | Hill Air Force Base | \$4,600,000 |
| Virginia | Langley Air Force Base | \$6,300,000 |
| Washington | Fairchild Air Force Base | \$13,600,000 |
| | McChord Air Force Base | \$7,900,000 |
| CONUS Classified | Classified Location | \$16,870,000 |
| | Total: | \$628,133,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

| Country | Installation or location | Amount |
|----------------------|-----------------------------------|--------------|
| Guam | Andersen Air Force Base | \$8,900,000 |
| Italy | Aviano Air Base | \$3,700,000 |
| Korea | Osan Air Base | \$19,600,000 |
| Portugal | Lajes Field, Azores | \$1,800,000 |
| United Kingdom | Ascension Island | \$2,150,000 |
| | Royal Air Force, Feltwell | \$3,000,000 |
| | Royal Air Force, Lakenheath | \$18,200,000 |
| | Royal Air Force, Mildenhall | \$17,600,000 |
| | Royal Air Force, Molesworth | \$1,700,000 |
| | Total: | \$76,650,000 |

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of ap-

1 appropriations in section 2304(a)(5)(A), the Secretary of the
 2 Air Force may construct or acquire family housing units
 3 (including land acquisition) at the installations, for the
 4 purposes, and in the amounts set forth in the following
 5 table:

Air Force: Family Housing

| State or Country | Installation or location | Purpose | Amount |
|----------------------------|---------------------------------|-----------------|---------------|
| Arizona | Davis-Monthan Air Force Base. | 64 Units | \$10,000,000 |
| California | Beale Air Force Base .. | 60 Units | \$8,500,000 |
| | Edwards Air Force Base. | 188 Units | \$32,790,000 |
| | Vandenberg Air Force Base. | 91 Units | \$16,800,000 |
| District of Columbia | Bolling Air Force Base | 72 Units | \$9,375,000 |
| Florida | Eglin Air Force Base .. | 130 Units | \$14,080,000 |
| | MacDill Air Force Base. | 54 Units | \$9,034,000 |
| Mississippi | Columbus Air Force Base. | 100 Units | \$12,290,000 |
| Montana | Malmstrom Air Force Base. | 34 Units | \$7,570,000 |
| Nebraska | Offutt Air Force Base | 72 Units | \$12,352,000 |
| New Mexico | Holloman Air Force Base. | 76 Units | \$9,840,000 |
| North Carolina | Seymour Johnson Air Force Base. | 78 Units | \$12,187,000 |
| North Dakota | Grand Forks Air Force Base. | 42 Units | \$10,050,000 |
| Texas | Minot Air Force Base | 72 Units | \$10,756,000 |
| | Lackland Air Force Base. | 48 Units | \$7,500,000 |
| Portugal | Lajes Field, Azores | 75 Units | \$12,964,000 |
| | | Total: | \$196,088,000 |

6 (b) PLANNING AND DESIGN.—Using amounts appro-
 7 priated pursuant to the authorization of appropriations in
 8 section 2304(a)(5)(A), the Secretary of the Air Force may
 9 carry out architectural and engineering services and con-
 10 struction design activities with respect to the construction
 11 or improvement of military family housing units in an
 12 amount not to exceed \$17,471,000.

1 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriations in section 2304(a)(5)(A),
6 the Secretary of the Air Force may improve existing mili-
7 tary family housing units in an amount not to exceed
8 \$129,952,000.

9 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
10 **FORCE.**

11 (a) IN GENERAL.—Funds are hereby authorized to
12 be appropriated for fiscal years beginning after September
13 30, 1999, for military construction, land acquisition, and
14 military family housing functions of the Department of the
15 Air Force in the total amount of \$1,917,191,000 as fol-
16 lows:

17 (1) For military construction projects inside the
18 United States authorized by section 2301(a),
19 \$628,133,000.

20 (2) For military construction projects outside
21 the United States authorized by section 2301(b),
22 \$76,650,000.

23 (3) For unspecified minor construction projects
24 authorized by section 2805 of title 10, United States
25 Code, \$8,741,000.

1 (4) For architectural and engineering services
 2 and construction design under section 2807 of title
 3 10, United States Code, \$38,264,000.

4 (5) For military housing functions:

5 (A) For construction and acquisition, plan-
 6 ning and design, and improvement of military
 7 family housing and facilities, \$343,511,000.

8 (B) For support of military family housing
 9 (including the functions described in section
 10 2833 of title 10, United States Code),
 11 \$821,892,000.

12 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
 13 PROJECTS.—Notwithstanding the cost variations author-
 14 ized by section 2853 of title 10, United States Code, and
 15 any other cost variation authorized by law, the total cost
 16 of all projects carried out under section 2301 of this Act
 17 may not exceed \$628,133,000.

18 **TITLE XXIV—DEFENSE** 19 **AGENCIES**

20 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-** 21 **TION AND LAND ACQUISITION PROJECTS.**

22 (a) INSIDE THE UNITED STATES.—Using amounts
 23 appropriated pursuant to the authorization of appropria-
 24 tions in section 2405(a)(1), the Secretary of Defense may
 25 acquire real property and carry out military construction

1 projects for the installations and locations inside the
 2 United States, and in the amounts, set forth in the fol-
 3 lowing table:

Defense Agencies: Inside the United States

| Agency | Installation or location | Amount |
|------------------------------------|---|---------------|
| Chemical Demilitarization Program. | Blue Grass Army Depot, Kentucky .. | \$195,800,000 |
| Defense Education Activity .. | Marine Corps Base, Camp LeJeune, North Carolina | \$10,570,000 |
| | Laurel Bay, South Carolina | \$2,874,000 |
| Defense Logistics Agency | Eielson Air Force Base, Alaska | \$26,000,000 |
| | Defense Fuel Supply Center, Elmendorf Air Force Base, Alaska | \$23,500,000 |
| | Defense Distribution Supply Point, New Cumberland, Pennsylvania ... | \$5,000,000 |
| | Fairchild Air Force Base, Washington | \$12,400,000 |
| | Various Locations | \$8,900,000 |
| Defense Manpower Data Center. | Presidio, Monterey, California | \$28,000,000 |
| National Security Agency | Fort Meade, Maryland | \$2,946,000 |
| Special Operations Command | Naval Amphibious Base, Coronado, California | \$6,000,000 |
| | Fort Benning, Georgia | \$10,200,000 |
| | Mississippi Army Ammunition Plant, Mississippi | \$12,900,000 |
| | Fort Bragg, North Carolina | \$20,100,000 |
| | Fleet Combat Training Center, Dam Neck, Virginia | \$4,700,000 |
| Tri-Care Management Agency. | Fort Wainwright, Alaska | \$133,000,000 |
| | Davis-Monthan Air Force Base, Arizona | \$10,000,000 |
| | Los Angeles Air Force Base, California | \$13,600,000 |
| | Travis Air Force Base, California | \$7,500,000 |
| | Patrick Air Force Base, Florida | \$1,750,000 |
| | Naval Air Station, Jacksonville, Florida | \$3,780,000 |
| | Naval Air Station, Pensacola, Florida | \$4,300,000 |
| | Moody Air Force Base, Georgia | \$1,250,000 |
| | Fort Riley, Kansas | \$6,000,000 |
| | Andrews Air Force Base, Maryland | \$3,000,000 |
| | Naval Air Station, Patuxent River, Maryland | \$4,150,000 |
| | Marine Corps Air Station, Cherry Point, North Carolina | \$3,500,000 |
| | Wright-Patterson Air Force Base, Ohio | \$3,900,000 |
| | Fort Sam Houston, Texas | \$5,800,000 |
| | Cheatham Annex, Virginia | \$1,650,000 |
| | Naval Air Station, Norfolk, Virginia | \$4,050,000 |
| | Fort Lewis, Washington | \$5,500,000 |
| | Naval Air Station, Whidbey Island, Washington | \$4,700,000 |
| | Total: | \$587,320,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

| Agency | Installation or location | Amount |
|--------------------------------|---|---------------|
| Defense Education Activity .. | Andersen Air Force Base, Guam | \$44,170,000 |
| | Naval Station Rota, Spain | \$17,020,000 |
| | Royal Air Force, Feltwell, United Kingdom | \$4,570,000 |
| | Royal Air Force, Lakenheath, United Kingdom | \$3,770,000 |
| Defense Logistics Agency | Andersen Air Force Base, Guam | \$24,300,000 |
| | Moron Air Base, Spain | \$15,200,000 |
| National Security Agency | Royal Air Force, Menwith Hill Station, United Kingdom | \$500,000 |
| Tri-Care Management Agency. | Naval Security Group Activity, Sabana Seca, Puerto Rico | \$4,000,000 |
| | Ramstein Air Force Base, Germany | \$7,100,000 |
| | Yongsan, Korea | \$41,120,000 |
| | Royal Air Force, Lakenheath, United Kingdom | \$7,100,000 |
| Defense-Wide | Counterdrug Forward Operating Location, Antilles | \$4,880,000 |
| | Counterdrug Forward Operating Location, Costa Rica | \$6,726,000 |
| | Counterdrug Forward Operating Location, Ecuador | \$31,229,000 |
| | Total: | \$211,685,000 |

SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(8)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed \$50,000.

1 **SEC. 2403. MILITARY FAMILY HOUSING IMPROVEMENT**
2 **PROGRAM.**

3 Of the amount authorized to be appropriated pursu-
4 ant to section 2405(a)(8)(C), \$78,756,000 shall be avail-
5 able for credit to the Department of Defense Family
6 Housing Improvement Fund established by section
7 2883(a)(1) of title 10, United States Code.

8 **SEC. 2404. ENERGY CONSERVATION PROJECTS.**

9 Using amounts appropriated pursuant to the author-
10 ization of appropriations in section 2405(a)(6), the Sec-
11 retary of Defense may carry out energy conservation
12 projects under section 2865 of title 10, United States
13 Code, in the amount of \$31,900,000.

14 **SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DE-**
15 **FENSE AGENCIES.**

16 (a) IN GENERAL.—Funds are hereby authorized to
17 be appropriated for fiscal years beginning after September
18 30, 1999, for military construction, land acquisition, and
19 military family housing functions of the Department of
20 Defense (other than the military departments) in the total
21 amount of \$1,842,582,000 as follows:

22 (1) For military construction projects inside the
23 United States authorized by section 2401(a),
24 \$288,320,000.

1 (2) For military construction projects outside
2 the United States authorized by section 2401(b),
3 \$211,685,000.

4 (3) For unspecified minor construction projects
5 under section 2805 of title 10, United States Code,
6 \$18,618,000.

7 (4) For contingency construction projects of the
8 Secretary of Defense under section 2804 of title 10,
9 United States Code, \$938,000.

10 (5) For architectural and engineering services
11 and construction design under section 2807 of title
12 10, United States Code, \$33,664,000.

13 (6) For energy conservation projects authorized
14 by section 2404, \$31,900,000.

15 (7) For base closure and realignment activities
16 as authorized by the Defense Base Closure and Re-
17 alignment Act of 1990 (part A of title XXIX of
18 Public Law 101–510; 10 U.S.C. 2687 note),
19 \$892,911,000.

20 (8) For military family housing functions:

21 (A) For improvement of military family
22 housing and facilities, \$50,000.

23 (B) For support of military housing (in-
24 cluding functions described in section 2833 of
25 title 10, United States Code), \$41,440,000 of

1 which not more than \$35,639,000 may be obli-
2 gated or expended for the leasing of military
3 family housing units worldwide.

4 (C) For credit to the Department of De-
5 fense Family Housing Improvement Fund as
6 authorized by section 2403, \$78,756,000.

7 (9) For the construction of the Ammunition
8 Demilitarization Facility, Anniston Army Depot,
9 Alabama, authorized by section 2101(a) of the Mili-
10 tary Construction Authorization Act for Fiscal Year
11 1991 (division B of Public Law 101–510; Stat.
12 1758), \$7,000,000.

13 (10) For the construction of the Ammunition
14 Demilitarization Facility, Pine Bluff Arsenal, Arkan-
15 sas, authorized by section 2401 of the Military Con-
16 struction Authorization Act for Fiscal Year 1995
17 (division B of Public Law 103–337; 108 Stat.
18 3040), as amended by section 2407 of the Military
19 Construction Authorization Act for Fiscal Year 1996
20 (division B of Public Law 104–106; 110 Stat. 539),
21 section 2408 of the Military Construction Authoriza-
22 tion Act for Fiscal Year 1998 (division B of Public
23 Law 105–85; 111 Stat. 1982), and section 2406 of
24 the Military Construction Authorization Act for Fis-

1 cal Year 1999 (division B of Public Law 105–261;
2 112 Stat. 2197), \$61,800,000.

3 (11) For the construction of the Ammunition
4 Demilitarization Facility, Umatilla Army Depot, Or-
5 egon, authorized by section 2401 of the Military
6 Construction Authorization Act for Fiscal Year
7 1995, as amended by section 2407 of the Military
8 Construction Authorization Act for Fiscal Year
9 1996, section 2408 of the Military Construction Au-
10 thorization Act for Fiscal Year 1998, and section
11 2406 of the Military Construction Authorization Act
12 for Fiscal Year 1999, \$35,900,000.

13 (12) For the construction of the Ammunition
14 Demilitarization Facility, Pueblo Chemical Activity,
15 Colorado, authorized by section 2401(a) of the Mili-
16 tary Construction Authorization Act for Fiscal Year
17 1997 (division B of Public Law 104–201; 110 Stat.
18 2775), as amended by section 2406 of this Act,
19 \$11,800,000.

20 (13) For the construction of the Ammunition
21 Demilitarization Facility, Newport Army Depot, In-
22 diana, authorized by section 2401(a) of the Military
23 Construction Authorization Act for Fiscal Year 1999
24 (112 Stat. 2193), \$61,200,000.

1 (14) For the construction of the Ammunition
2 Demilitarization Facility, Aberdeen Proving Ground,
3 Maryland, authorized by section 2401(a) of the Mili-
4 tary Construction Authorization Act for Fiscal Year
5 1999, \$66,600,000.

6 (b) LIMITATION OF TOTAL COST OF CONSTRUCTION
7 PROJECTS.—Notwithstanding the cost variation author-
8 ized by section 2853 of title 10, United States Code, and
9 any other cost variations authorized by law, the total cost
10 of all projects carried out under section 2401 of this Act
11 may not exceed—

12 (1) the total amount authorized to be appro-
13 priated pursuant to paragraphs (1) and (2) of sub-
14 section (a);

15 (2) \$115,000,000 (the balance of the amount
16 authorized under section 2401(a) for the construc-
17 tion of the hospital replacement, Fort Wainwright,
18 Alaska); and

19 (3) \$184,000,000 (the balance of the amount
20 authorized under section 2401(a) for the construc-
21 tion of the Ammunition Demilitarization Facility,
22 Blue Grass Army Depot, Kentucky).

1 **SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT**
 2 **CERTAIN FISCAL YEAR 1997 PROJECT.**

3 The table in section 2401 of the Military Construc-
 4 tion Authorization Act for Fiscal Year 1997 (division B
 5 of Public Law 104–201; 110 Stat. 2775), under the agen-
 6 cy heading relating to Chemical Demilitarization Program,
 7 is amended in the item relating to Pueblo Chemical Activ-
 8 ity, Colorado, by striking “\$179,000,000” in the amount
 9 column and inserting “\$203,500,000”.

10 **TITLE XXV—NORTH ATLANTIC**
 11 **TREATY ORGANIZATION SE-**
 12 **CURITY INVESTMENT PRO-**
 13 **GRAM**

14 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
 15 **ACQUISITION PROJECTS.**

16 The Secretary of Defense may make contributions for
 17 the North Atlantic Treaty Organization Security Invest-
 18 ment program as provided in section 2806 of title 10,
 19 United States Code, in an amount not to exceed the sum
 20 of the amount authorized to be appropriated for this pur-
 21 pose in section 2502 and the amount collected from the
 22 North Atlantic Treaty Organization as a result of con-
 23 struction previously financed by the United States.

24 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

25 Funds are hereby authorized to be appropriated for
 26 fiscal years beginning after September 30, 1999, for con-

1 tributions by the Secretary of Defense under section 2806
 2 of title 10, United States Code, for the share of the United
 3 States of the cost of projects for the North Atlantic Treaty
 4 Organization Security Investment program authorized by
 5 section 2501, in the amount of \$172,472,000.

6 **TITLE XXVI—GUARD AND**
 7 **RESERVE FORCES FACILITIES**

8 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**
 9 **TION AND LAND ACQUISITION PROJECTS.**

10 There are authorized to be appropriated for fiscal
 11 years beginning after September 30, 1999, for the costs
 12 of acquisition, architectural and engineering services, and
 13 construction of facilities for the Guard and Reserve
 14 Forces, and for contributions therefor, under chapter
 15 1803 of title 10, United States Code (including the cost
 16 of acquisition of land for those facilities), the following
 17 amounts:

- 18 (1) For the Department of the Army—
 19 (A) for the Army National Guard of the
 20 United States, \$179,271,000; and
 21 (B) for the Army Reserve, \$115,185,000.
 22 (2) For the Department of the Navy, for the
 23 Naval and Marine Corps Reserve, \$23,045,000.
 24 (3) For the Department of the Air Force—

1 (A) for the Air National Guard of the
2 United States, \$232,340,000; and

3 (B) for the Air Force Reserve,
4 \$34,864,000.

5 **TITLE XXVII—EXPIRATION AND**
6 **EXTENSION OF AUTHORIZA-**
7 **TIONS**

8 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**
9 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
10 **LAW.**

11 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
12 YEARS.—Except as provided in subsection (b), all author-
13 izations contained in titles XXI through XXVI for military
14 construction projects, land acquisition, family housing
15 projects and facilities, and contributions to the North At-
16 lantic Treaty Organization Security Investment program
17 (and authorizations of appropriations therefor) shall ex-
18 pire on the later of—

19 (1) October 1, 2002; or

20 (2) the date of the enactment of an Act author-
21 izing funds for military construction for fiscal year
22 2003.

23 (b) EXCEPTION.—Subsection (a) shall not apply to
24 authorizations for military construction projects, land ac-
25 quisition, family housing projects and facilities, and con-

1 tributions to the North Atlantic Treaty Organization Se-
 2 curity Investment program (and authorizations of appro-
 3 priations therefor), for which appropriated funds have
 4 been obligated before the later of—

5 (1) October 1, 2002; or

6 (2) the date of the enactment of an Act author-
 7 izing funds for fiscal year 2003 for military con-
 8 struction projects, land acquisition, family housing
 9 projects and facilities, or contributions to the North
 10 Atlantic Treaty Organization Security Investment
 11 program.

12 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 13 **FISCAL YEAR 1997 PROJECTS.**

14 (a) EXTENSIONS.—Notwithstanding section 2701 of
 15 the Military Construction Authorization Act for Fiscal
 16 Year 1997 (division B of Public Law 104–201; 110 Stat.
 17 2782), authorizations for the projects set forth in the ta-
 18 bles in subsection (b), as provided in sections 2101, 2202,
 19 and 2601 of that Act and amended by section 2406 of
 20 this Act, shall remain in effect until October 1, 2000, or
 21 the date of the enactment of an Act authorizing funds for
 22 military construction for fiscal year 2001, whichever is
 23 later.

24 (b) TABLES.—The tables referred to in subsection (a)
 25 are as follows:

Navy: Extension of 1997 Project Authorizations

| State | Installation or location | Project | Amount |
|----------------------|--|--|---------------|
| Florida | Naval Station Mayport | Family Housing Construction (100 units). | \$10,000,000 |
| Maine | Naval Station Brunswick. | Family Housing Construction (72 units). | \$10,925,000 |
| North Carolina | Marine Corps Base Camp Lejuene. | Family Housing Construction (94 units). | \$10,110,000 |
| South Carolina | Marine Corps Air Station Beaufort. | Family Housing Construction (140 units). | \$14,000,000 |
| Texas | Naval Complex Corpus Christi. | Family Housing Construction (104 units). | \$11,675,000 |
| | Naval Air Station Kingsville. | Family Housing Construction (48 units). | \$7,550,000 |
| Virginia | Marine Corps Combat Development Command, Quantico. | Sanitary Fill | \$8,900,000 |
| Washington | Naval Station Everett | Family Housing Construction (100 units). | \$15,015,000 |

Army National Guard: Extension of 1997 Project Authorization

| State | Installation or location | Project | Amount |
|-------------------|---------------------------------|---------------------|---------------|
| Mississippi | Camp Shelby | Multipurpose Range. | \$5,000,000 |

Defense Agencies: Extension of 1997 Project Authorization

| State | Installation or location | Project | Amount |
|----------------|---------------------------------|---------------------------------------|---------------|
| Colorado | Pueblo Chemical Activity. | Ammunition Demilitarization Facility. | \$179,000,000 |

1 **SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
2 **FISCAL YEAR 1996 PROJECTS.**

3 (a) EXTENSIONS.—Notwithstanding section 2701 of
4 the Military Construction Authorization Act for Fiscal
5 Year 1996 (division B of Public Law 104–106; 110 Stat.
6 541), authorizations for the projects set forth in the tables
7 in subsection (a), as provided in sections 2202 and 2601

1 of that Act and extended by section 2702 of the Military
 2 Construction Authorization Act for Fiscal Year 1999 (di-
 3 vision B of Public Law 105–261; 112 Stat. 2199), shall
 4 remain in effect until October 1, 2000, or the date of the
 5 enactment of an Act authorizing funds for military con-
 6 struction for fiscal year 2001, whichever is later.

7 (b) TABLES.—The tables referred to in subsection (a)
 8 are as follows:

Navy: Extension of 1996 Project Authorization

| State | Installation or loca- tion | Project | Amount |
|------------------|-------------------------------|--|--------------|
| California | Camp Pendleton | Family Housing Construction (138 units). | \$20,000,000 |

Army National Guard: Extension of 1996 Project Authorization

| State | Installation or loca- tion | Project | Amount |
|----------------|---|------------------------|-------------|
| Missouri | National Guard Train- ing Site, Jefferson City. | Multipurpose Range. | \$2,236,000 |

9 **SEC. 2704. EFFECTIVE DATE.**

10 Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI
 11 shall take effect on the later of—

12 (1) October 1, 1999; or

13 (2) the date of the enactment of this Act.

1 **TITLE XXVIII—GENERAL**
 2 **PROVISIONS**
 3 **Subtitle A—Military Construction**
 4 **Program and Military Family**
 5 **Housing Program Changes**

6 **SEC. 2801. EXEMPTION FROM NOTICE AND WAIT REQUIRE-**
 7 **MENTS OF MILITARY CONSTRUCTION**
 8 **PROJECTS SUPPORTED BY BURDENSARING**
 9 **FUNDS UNDERTAKEN FOR WAR OR NATIONAL**
 10 **EMERGENCY.**

11 Section 2350j of title 10, United States Code, is
 12 amended—

13 (1) in subsection (e), by adding at the end the
 14 following new paragraph:

15 “(3)(A) A military construction project under sub-
 16 section (d) may be carried out without regard to the re-
 17 quirement in paragraph (1) and the limitation in para-
 18 graph (2) if the project is necessary to support the armed
 19 forces in the country or region in which the project is car-
 20 ried out by reason of a declaration of war, or a declaration
 21 by the President of a national emergency pursuant to the
 22 National Emergencies Act (50 U.S.C. 1601 et seq.), that
 23 is in force at the time of the commencement of the project.

24 “(B) When a decision is made to carry out a military
 25 construction project under subparagraph (A), the Sec-

1 retary of Defense shall submit to the congressional com-
 2 mittees specified in subsection (g)—

3 “(i) a notice of the decision; and

4 “(ii) a statement of the current estimated cost
 5 of the project, including the cost of any real prop-
 6 erty transaction in connection with the project.”;
 7 and

8 (2) in subsection (g), by striking “subsection
 9 (e)(1)” and inserting “subsection (e)”.

10 **SEC. 2802. PROHIBITION ON CARRYING OUT MILITARY CON-**
 11 **STRUCTION PROJECTS FUNDED USING IN-**
 12 **CREMENTAL FUNDING.**

13 (a) SENSE OF CONGRESS.—It is the sense of Con-
 14 gress that—

15 (1) the President should request in the budget
 16 for each fiscal year submitted to Congress under sec-
 17 tion 1105 of title 31, United States Code, sufficient
 18 amounts to fund fully each military construction and
 19 family housing construction project proposed to be
 20 authorized in such fiscal year; and

21 (2) Congress should authorize and appropriate
 22 each fiscal year amounts sufficient to fund fully each
 23 military construction and family housing construc-
 24 tion project authorized in such fiscal year.

1 (b) PROHIBITION ON INCREMENTAL FUNDING OF
 2 MILITARY CONSTRUCTION PROJECTS.—Section 2802 of
 3 title 10, United States Code, is amended by adding at the
 4 end the following new subsection:

5 “(c) The Secretary of Defense and the Secretaries of
 6 the military departments may not obligate funds for a
 7 military construction project (including a military family
 8 housing project) otherwise authorized by law unless the
 9 total amount of appropriations allocated for obligation and
 10 expenditure for the project as of the initial obligation of
 11 funds for the project is sufficient, without additional
 12 funds, to provide for the construction of a usable facility
 13 meeting the purpose of the project.”.

14 **SEC. 2803. DEFENSE CHEMICAL DEMILITARIZATION CON-**
 15 **STRUCTION ACCOUNT.**

16 (a) ESTABLISHMENT.—Subchapter I of chapter 169
 17 of title 10, United States Code, is amended by adding at
 18 the end the following:

19 **“§ 2814. Defense Chemical Demilitarization Construc-**
 20 **tion Account**

21 “(a) ESTABLISHMENT.—There is established on the
 22 books of the Treasury the Defense Chemical Demilitariza-
 23 tion Construction Account (in this section referred to as
 24 the ‘Account’).

1 “(b) CREDITS TO ACCOUNT.—There shall be credited
2 to the Account amounts authorized for and appropriated
3 to the Account.

4 “(c) USE OF AMOUNTS IN ACCOUNT.—Amounts in
5 the Account shall be available to the Secretary of Defense
6 for carrying out military construction projects authorized
7 by law in support of the chemical demilitarization activi-
8 ties of the Department of Defense under section 1412 of
9 the Department of Defense Authorization Act, 1986 (50
10 U.S.C. 1521) and other provisions of law.

11 “(d) LIMITATION ON OBLIGATION AND EXPENDI-
12 TURE.—(1) Subject to paragraph (2), amounts appro-
13 priated to the Account for a military construction project
14 shall remain available for obligation and expenditure for
15 the project in the fiscal year for which appropriated and
16 the two succeeding fiscal years.

17 “(2) Amounts appropriated for a military construc-
18 tion project for a fiscal year shall remain available for the
19 project until expended without regard to the limitation
20 specified in paragraph (1) if—

21 “(A) any portion of such amounts are obligated
22 for the project before the end of the fiscal years re-
23 ferred to in that paragraph; or

24 “(B) the availability of such amounts for the
25 project are otherwise extended by law.”.

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

“2814. Defense Chemical Demilitarization Construction Account.”.

4 **SEC. 2804. LIMITATION ON AUTHORITY REGARDING ANCIL-**
 5 **LARY SUPPORTING FACILITIES UNDER AL-**
 6 **TERNATIVE AUTHORITY FOR ACQUISITION**
 7 **AND CONSTRUCTION OF MILITARY HOUSING.**

8 Section 2881 of title 10, United States Code, is
 9 amended—

10 (1) by inserting “(a) IN GENERAL.—” before
 11 “Any project”; and

12 (2) by adding at the end the following new sub-
 13 section:

14 “(b) LIMITATION.—A project referred to in sub-
 15 section (a) may not include the acquisition or construction
 16 of an ancillary supporting facility if, as determined by the
 17 Secretary concerned, the facility is to be used for providing
 18 merchandise or services in direct competition with—

19 “(1) the Army and Air Force Exchange Service;

20 “(2) the Navy Exchange Service Command;

21 “(3) a Marine Corps exchange;

22 “(4) the Defense Commissary Agency; or

23 “(5) any nonappropriated fund activity of the
 24 Department of Defense for the morale, welfare, and
 25 recreation of members of the armed forces.”.

1 **SEC. 2805. AVAILABILITY OF FUNDS FOR PLANNING AND**
2 **DESIGN IN CONNECTION WITH ACQUISITION**
3 **OF RESERVE COMPONENT FACILITIES.**

4 Section 18233(f)(1) of title 10, United States Code,
5 is amended by inserting “and design” after “planning”.

6 **SEC. 2806. MODIFICATION OF LIMITATIONS ON RESERVE**
7 **COMPONENT FACILITY PROJECTS FOR CER-**
8 **TAIN SAFETY PROJECTS.**

9 (a) EXEMPTION FROM NOTICE AND WAIT REQUIRE-
10 MENT.—Subsection (a)(2) of section 18233a of title 10,
11 United States Code, is amended by adding at the end the
12 following new subparagraph:

13 “(C) An unspecified minor military construction
14 project (as defined in section 2805(a) of this title)
15 that is intended solely to correct a deficiency that is
16 life-threatening, health-threatening, or safety-threat-
17 ening.”.

18 (b) AVAILABILITY OF OPERATION AND MAINTENANCE FUNDS.—Subsection (b) of that section is amend-
19 ed to read as follows:
20

21 “(b) Under such regulations as the Secretary of De-
22 fense may prescribe, the Secretary may spend from appro-
23 priations available for operation and maintenance amounts
24 necessary to carry out any project authorized under sec-
25 tion 18233(a) of this title costing not more than—

1 “(1) the amount specified in section 2805(c)(1)
 2 of this title, in the case of a project intended solely
 3 to correct a deficiency that is life-threatening,
 4 health-threatening, or safety-threatening; or
 5 “(2) the amount specified in section 2805(c)(2)
 6 of this title, in the case of any other project.”.

7 **Subtitle B—Real Property and** 8 **Facilities Administration**

9 **SEC. 2811. EXTENSION OF AUTHORITY FOR LEASES OF** 10 **PROPERTY FOR SPECIAL OPERATIONS AC-** 11 **TIVITIES.**

12 Section 2680(d) of title 10, United States Code, is
 13 amended by striking “September 30, 2000” and inserting
 14 “September 30, 2005”.

15 **SEC. 2812. ENHANCEMENT OF AUTHORITY RELATING TO** 16 **UTILITY PRIVATIZATION.**

17 (a) EXTENDED CONTRACTS FOR UTILITY SERV-
 18 ICES.—Section 2688 of title 10, United States Code, is
 19 amended—

20 (1) by redesignating subsections (f), (g), and
 21 (h) as subsections (h), (i), and (j), respectively; and
 22 (2) by inserting after subsection (e) the fol-
 23 lowing new subsection (f):

24 “(f) EXTENDED CONTRACTS FOR UTILITY SERV-
 25 ICES.—(1) The Secretary concerned may, in connection

1 with a conveyance of a utility system under this section,
2 enter into a contract for the provision of utility services.

3 “(2) Notwithstanding the proviso in section
4 201(a)(3) of the Federal Property and Administrative
5 Services Act of 1949 (40 U.S.C. 481(a)(3)), the term of
6 a contract under this subsection may be up to 50 years.”.

7 (b) AVAILABILITY OF MILITARY CONSTRUCTION
8 FUNDS TO FACILITATE CONVEYANCES.—That section is
9 further amended by inserting after subsection (f), as
10 added by subsection (a) of this section, the following new
11 subsection (g):

12 “(g) AVAILABILITY OF MILITARY CONSTRUCTION
13 FUNDS TO FACILITATE CONVEYANCES.—(1) Funds ap-
14 propriated for a military construction project authorized
15 by law for the construction, repair, or replacement of a
16 utility system to be conveyed under this section may, in-
17 stead of being used for the project, be used for a contribu-
18 tion by the Secretary concerned to the utility company or
19 entity to which the utility system is being conveyed for
20 the costs of the utility company or entity with respect to
21 the construction, repair, or replacement of the utility sys-
22 tem.

23 “(2) The Secretary concerned shall take into account
24 any contribution under this subsection with respect to a
25 utility system for purposes of the economic analysis re-

1 quired for the conveyance of the utility system under sub-
 2 section (e)(1).”.

3 **Subtitle C—Defense Base Closure** 4 **and Realignment**

5 **SEC. 2821. CONVEYANCE OF PROPERTY AT INSTALLATIONS** 6 **CLOSED OR REALIGNED UNDER THE BASE** 7 **CLOSURE LAWS WITHOUT CONSIDERATION** 8 **FOR ECONOMIC REDEVELOPMENT PUR-** 9 **POSES.**

10 (a) 1990 LAW.—Section 2905(b)(4) of the Defense
 11 Base Closure and Realignment Act of 1990 (part A of title
 12 XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is
 13 amended—

14 (1) in subparagraph (A)—

15 (A) by inserting “or realigned” after
 16 “closed”; and

17 (B) by inserting “for purposes of creating
 18 jobs at the installation” before the period at the
 19 end; and

20 (2) by striking subparagraph (B) and inserting
 21 the following new subparagraph (B):

22 “(B)(i) Subject to clauses (ii) and (iii), the transfer
 23 of property under this paragraph shall be for consideration
 24 at the fair market value of the property.

1 “(ii) The transfer of property under this paragraph
2 shall be without consideration in the case of an installation
3 located in a rural area whose closure or realignment under
4 this part will have a substantial adverse impact on the
5 economy of the communities in the vicinity of the installa-
6 tion.

7 “(iii) The transfer of property of an installation
8 under this paragraph shall also be without consideration
9 if the redevelopment authority with respect to the
10 installation—

11 “(I) provides in the agreement for the transfer
12 of such property that the proceeds of any sale or
13 lease of such property, or portion of such property,
14 received by the redevelopment authority during the
15 period after the date of the transfer of such property
16 agreed upon by the redevelopment authority and the
17 Secretary (but not less than 10 years after that
18 date) shall be used for economic redevelopment of
19 the installation or related to the installation; and

20 “(II) accepts control of such property under the
21 agreement within a reasonable time (as determined
22 by the Secretary) after the completion of the prop-
23 erty disposal record of decision or the entry of a
24 finding of no significant environmental impact with

1 respect to the transfer under the National Environ-
2 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

3 “(iv) For purposes of clause (iii), the following activi-
4 ties shall be treated as economic redevelopment of an in-
5 stallation or related to an installation:

6 “(I) Road construction or improvement.

7 “(II) Construction or improvement of transpor-
8 tation management facilities.

9 “(III) Construction or improvement of storm
10 and sanitary sewers.

11 “(IV) Construction or improvement of facilities
12 for police or fire protection services.

13 “(V) Construction or improvement of other
14 public facilities.

15 “(VI) Construction or improvement of utilities.

16 “(VII) Rehabilitation or improvement of build-
17 ings, including preservation of historic property.

18 “(VIII) Construction, improvement, or acquisi-
19 tion of pollution prevention equipment or facilities.

20 “(IX) Demolition of facilities.

21 “(X) Property management activities, including
22 removal of hazardous material, landscaping, grading,
23 and other site or public improvements.

24 “(XI) Planning and marketing the development
25 and reuse of the installation.

1 “(v) An agreement for the transfer of property of an
2 installation under clause (iii)(I) shall permit the Secretary
3 to recoup from the redevelopment authority concerned
4 such portion as the Secretary determines appropriate of
5 the amount of any proceeds of the sale or lease of the
6 property that the redevelopment authority does not use to
7 support economic redevelopment of the installation or re-
8 lated to the installation for the period specified in the
9 agreement.”.

10 (b) 1988 LAW.—Section 204(b)(4) of the Defense
11 Authorization Amendments and Base Closure and Re-
12 alignment Act (Public Law 100–526; 10 U.S.C. 2687
13 note) is amended—

14 (1) in subparagraph (A)—

15 (A) by inserting “or realigned” after
16 “closed”; and

17 (B) by inserting “for purposes of creating
18 jobs at the installation” before the period at the
19 end; and

20 (2) by striking subparagraph (B) and inserting
21 the following new subparagraph (B):

22 “(B)(i) Subject to clauses (ii) and (iii), the transfer
23 of property under this paragraph shall be for consideration
24 at the fair market value of the property.

1 “(ii) The transfer of property under this paragraph
2 shall be without consideration in the case of an installation
3 located in a rural area whose closure or realignment under
4 this title will have a substantial adverse impact on the
5 economy of the communities in the vicinity of the installa-
6 tion.

7 “(iii) The transfer of property of an installation
8 under this paragraph shall also be without consideration
9 if the redevelopment authority with respect to the
10 installation—

11 “(I) provides in the agreement for the transfer
12 of such property that the proceeds of any sale or
13 lease of such property, or portion of such property,
14 received by the redevelopment authority during the
15 period after the date of the transfer of such property
16 agreed upon by the redevelopment authority and the
17 Secretary (but not less than 10 years after such
18 date) shall be used for economic redevelopment of
19 the installation or related to the installation; and

20 “(II) accepts control of such property under the
21 agreement within a reasonable time (as determined
22 by the Secretary) after the completion of the prop-
23 erty disposal record of decision or the entry of a
24 finding of no significant environmental impact with

1 respect to the transfer under the National Environ-
2 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

3 “(iv) For purposes of clause (iii), the following activi-
4 ties shall be treated as economic redevelopment of an in-
5 stallation or related to an installation:

6 “(I) Road construction or improvement.

7 “(II) Construction or improvement of transpor-
8 tation management facilities.

9 “(III) Construction or improvement of storm
10 and sanitary sewers.

11 “(IV) Construction or improvement of facilities
12 for police or fire protection services.

13 “(V) Construction or improvement of other
14 public facilities.

15 “(VI) Construction or improvement of utilities.

16 “(VII) Rehabilitation or improvement of build-
17 ings, including preservation of historic property.

18 “(VIII) Construction, improvement, or acquisi-
19 tion of pollution prevention equipment or facilities.

20 “(IX) Demolition of facilities.

21 “(X) Property management activities, including
22 removal of hazardous material, landscaping, grading,
23 and other site or public improvements.

24 “(XI) Planning and marketing the development
25 and reuse of the installation.

1 “(v) An agreement for the transfer of property of an
2 installation under clause (iii)(I) shall permit the Secretary
3 to recoup from the redevelopment authority concerned
4 such portion as the Secretary determines appropriate of
5 the amount of any proceeds of the sale or lease of the
6 property that the redevelopment authority does not use to
7 support economic redevelopment of the installation or re-
8 lated to the installation for the period specified in the
9 agreement.”.

10 (c) APPLICABILITY TO CERTAIN PRIOR AGREE-
11 MENTS.—(1)(A) Subject to subparagraph (B), the Sec-
12 retary of Defense may modify an agreement for the trans-
13 fer of property under section 2905(b)(4) of the Defense
14 Base Closure and Realignment Act of 1990, or under sec-
15 tion 204(b)(4) of the Defense Authorization Amendments
16 and Base Closure and Realignment Act, that was entered
17 into before April 21, 1999, for purposes of the com-
18 promise, waiver, adjustment, release, or reduction of any
19 right, title, claim, lien, or demand of the United States
20 under the agreement.

21 (B) The Secretary may modify an agreement under
22 this paragraph only if—

23 (i) the Secretary determines that, as a result of
24 changed economic circumstances, the modification is
25 necessary to provide for economic redevelopment of

1 the installation concerned or related to that installa-
2 tion;

3 (ii) the terms of the modification do not require
4 the return of any payments made to the Secretary
5 under the agreement before the date of the modifica-
6 tion; and

7 (iii) the terms of the modification do not com-
8 promise, waive, adjust, release, or reduce any right,
9 title, claim, lien, or demand of the United States
10 under the agreement with respect to the receipt by
11 the United States of in-kind consideration.

12 (C) In modifying an agreement under subparagraph
13 (A), the Secretary may waive some or all future payments
14 to the United States under the agreement to the extent
15 that the Secretary determines such waiver is necessary.

16 (D) In modifying an agreement under subparagraph
17 (A), the Secretary and the redevelopment authority con-
18 cerned shall include in the agreement provisions consistent
19 with clauses (iii)(I) and (v) of section 2905(b)(4)(B) of
20 the Defense Base Closure and Realignment Act of 1990
21 (as amended by this section), or clauses (iii)(I) and (v)
22 under section 204(b)(4)(B) of the Defense Authorization
23 Amendments and Base Closure and Realignment Act (as
24 so amended), as applicable.

1 (2)(A) The Secretary shall, upon the request of the
 2 redevelopment authority concerned, modify an agreement
 3 for the transfer of property under section 2905(b)(4) of
 4 the Defense Base Closure and Realignment Act of 1990,
 5 or under section 204(b)(4) of the Defense Authorization
 6 Amendments and Base Closure and Realignment Act, that
 7 was entered into between April 21, 1999, and the date
 8 of the enactment of this Act in order to conform the agree-
 9 ment to the provisions of subparagraph (B) of such section
 10 2905(b)(4), as so amended, or subparagraph (B) of such
 11 section 204(b)(4), as so amended.

12 (B) A modification of an agreement under this para-
 13 graph may compromise, waive, adjust, release, or reduce
 14 any right, title, claim, lien, or demand of the United States
 15 under the agreement.

16 (d) REPEAL OF CERTAIN OBSOLETE AUTHORITY.—

17 (1) Section 204(b)(4)(D) of the Defense Authorization
 18 Amendments and Base Closure and Realignment Act is
 19 amended—

20 (A) by striking “(i)”; and

21 (B) by striking clause (ii).

22 (2) Section 2905(b)(4)(D) of the Defense Base Clo-
 23 sure and Realignment Act of 1990 is amended—

24 (A) by striking “(i)”; and

25 (B) by striking clause (ii).

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

SEC. 2831. LAND CONVEYANCE, ARMY RESERVE CENTER, BANGOR, MAINE.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Army may convey, without consideration, to the City of Bangor, Maine (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 5 acres and containing the Army Reserve Center in Bangor, Maine, known as the Harold S. Slager Army Reserve Center. The parcel has been determined to be excess to the needs of the Army.

(2) The purpose of the conveyance is to permit the City to use the property for educational purposes.

(b) ALTERNATIVE CONVEYANCE AUTHORITY.—If at the time of the conveyance authorized by subsection (a) the Secretary has transferred jurisdiction over any of the property to be conveyed to the Administrator of General Services, the Administrator shall make the conveyance of such property under this section.

(c) FEDERAL SCREENING.—(1) If any of the property authorized to be conveyed by subsection (a) of this section is under the jurisdiction of the Administrator as

1 of the date of the enactment of this Act, the Administrator
2 shall conduct with respect to such property the screening
3 for further Federal use otherwise required by subsection
4 (a) of section 2696 of title 10, United States Code.

5 (2) Subsections (b) through (d) of such section 2696
6 shall apply to the screening under paragraph (1) as if the
7 screening were a screening conducted under subsection (a)
8 of such section 2696. For purposes of such subsection (b),
9 the date of the enactment of the provision of law author-
10 izing the conveyance of the property authorized to be con-
11 veyed by this section shall be the date of the enactment
12 of this Act.

13 (d) REVERSIONARY INTEREST.—If during the 5-year
14 period beginning on the date the conveyance authorized
15 by subsection (a) is made the Secretary determines that
16 the property conveyed under that subsection is not being
17 used for the purpose specified in paragraph (2) of that
18 subsection, all right, title, and interest in and to the prop-
19 erty shall revert to the United States, and the United
20 States shall have the right of immediate entry onto the
21 property. Any determination of the Secretary under this
22 subsection shall be made on the record after an oppor-
23 tunity for a hearing.

24 (e) DESCRIPTION OF PROPERTY.—The exact acreage
25 and legal description of the real property to be conveyed

1 under subsection (a) shall be determined by a survey satis-
 2 factory to the official having jurisdiction over the property
 3 at the time of the conveyance. The cost of the survey shall
 4 be borne by the City.

5 (f) ADDITIONAL TERMS AND CONDITIONS.—The offi-
 6 cial having jurisdiction over the property authorized to be
 7 conveyed by subsection (a) at the time of the conveyance
 8 may require such additional terms and conditions in con-
 9 nection with the conveyance as that official considers ap-
 10 propriate to protect the interest of the United States.

11 **PART II—NAVY CONVEYANCES**

12 **SEC. 2841. CLARIFICATION OF LAND EXCHANGE, NAVAL RE-** 13 **SERVE READINESS CENTER, PORTLAND,** 14 **MAINE.**

15 (a) CLARIFICATION ON CONVEYEE.—Subsection
 16 (a)(1) of section 2852 of the Military Construction Au-
 17 thorization Act for Fiscal Year 1999 (division B of Public
 18 Law 105–261; 112 Stat. 2220) is amended by striking
 19 “Gulf of Maine Aquarium Development Corporation, Port-
 20 land, Maine (in this section referred to as the ‘Corpora-
 21 tion’)” and inserting “Gulf of Maine Aquarium Develop-
 22 ment Corporation, Portland, Maine, a non-profit edu-
 23 cation and research institute (in this section referred to
 24 as the ‘Aquarium’)”.

1 (b) CONFORMING AMENDMENTS.—That section is
2 further amended by striking “the Corporation” each place
3 it appears and inserting “the Aquarium”.

4 **SEC. 2842. LAND CONVEYANCE, NEWPORT, RHODE ISLAND.**

5 (a) CONVEYANCE AUTHORIZED.—The Secretary of
6 the Navy may convey, without consideration, to the City
7 of Newport, Rhode Island (in this section referred to as
8 the “City”), all right, title, and interest of the United
9 States in and to a parcel of real property (together with
10 any improvements thereon) consisting of approximately 15
11 acres and known familiarly as the Ranger Road site. The
12 real property is bounded by Naval Station Newport, Rhode
13 Island, to the north and west, by the Town of Middletown,
14 Rhode Island, to the north and east, and by Admiral
15 Kalbfus Road, the Jai Alai fronton, the Newport City
16 Yard, and the ramp to Newport Bridge to the south.

17 (b) CONDITION.—The conveyance authorized by sub-
18 section (a) shall be subject to the condition that the City
19 use the conveyed property for one or more of the following
20 purposes:

21 (1) A satellite campus of the Community Col-
22 lege of Rhode Island.

23 (2) A center for child day care and early child-
24 hood education.

1 (3) A center for offices of the Government of
2 the State of Rhode Island.

3 (c) REVERSIONARY INTEREST.—If during the 5-year
4 period beginning on the date the Secretary makes the con-
5 veyance authorized by subsection (a) the Secretary deter-
6 mines that the conveyed property is not being used for
7 any of the purposes specified in subsection (b), all right,
8 title, and interest in and to the property, including any
9 improvements thereon, shall revert to the United States,
10 and the United States shall have the right of immediate
11 entry onto the property. Any determination of the Sec-
12 retary under this subsection shall be made on the record
13 after an opportunity for a hearing.

14 (d) LEGAL DESCRIPTION OF PROPERTY.—The exact
15 acreage and legal description of the real property to be
16 conveyed under subsection (a) shall be determined by a
17 survey acceptable to the Secretary. The cost of the survey
18 shall be borne by the City.

19 (e) ADDITIONAL TERMS AND CONDITIONS.—The
20 Secretary may require such additional terms and condi-
21 tions in connection with the conveyance authorized by sub-
22 section (a) as the Secretary considers appropriate to pro-
23 tect the interests of the United States.

1 **SEC. 2843. LAND CONVEYANCE, NAVAL WEAPONS INDUS-**
2 **TRIAL RESERVE PLANT NO. 387, DALLAS,**
3 **TEXAS.**

4 (a) CONVEYANCE AUTHORIZED.—(1) The Secretary
5 of the Navy may convey to the City of Dallas, Texas (in
6 this section referred to as the “City”), all right, title, and
7 interest of the United States in and to parcels of real prop-
8 erty consisting of approximately 314 acres and comprising
9 the Naval Weapons Industrial Reserve Plant No. 387,
10 Dallas, Texas.

11 (2)(A) As part of the conveyance authorized by para-
12 graph (1), the Secretary may convey to the City such im-
13 provements, equipment, fixtures, and other personal prop-
14 erty located on the parcels referred to in that paragraph
15 as the Secretary determines to be not required by the
16 Navy for other purposes.

17 (B) The Secretary may permit the City to review and
18 inspect the improvements, equipment, fixtures, and other
19 personal property located on the parcels referred to in
20 paragraph (1) for purposes of the conveyance authorized
21 by this paragraph.

22 (b) AUTHORITY TO CONVEY WITHOUT CONSIDER-
23 ATION.—The conveyance authorized by subsection (a) may
24 be made without consideration if the Secretary determines
25 that the conveyance on that basis would be in the best
26 interests of the United States.

1 (c) CONDITION OF CONVEYANCE.—The conveyance
2 authorized by subsection (a) shall be subject to the condi-
3 tion that the City—

4 (1) use the parcels, directly or through an
5 agreement with a public or private entity, for eco-
6 nomic purposes or such other public purposes as the
7 City determines appropriate; or

8 (2) convey the parcels to an appropriate public
9 entity for use for such purposes.

10 (d) REVERSION.—If, during the 5-year period begin-
11 ning on the date the Secretary makes the conveyance au-
12 thorized by subsection (a), the Secretary determines that
13 the conveyed real property is not being used for a purpose
14 specified in subsection (c), all right, title, and interest in
15 and to the property, including any improvements thereon,
16 shall revert to the United States, and the United States
17 shall have the right of immediate entry onto the property.

18 (e) LIMITATION ON CERTAIN SUBSEQUENT CONVEY-
19 ANCES.—(1) Subject to paragraph (2), if at any time after
20 the Secretary makes the conveyance authorized by sub-
21 section (a) the City conveys any portion of the parcels con-
22 veyed under that subsection to a private entity, the City
23 shall pay to the United States an amount equal to the
24 fair market value (as determined by the Secretary) of the

1 portion conveyed at the time of its conveyance under this
2 subsection.

3 (2) Paragraph (1) applies to a conveyance described
4 in that paragraph only if the Secretary makes the convey-
5 ance authorized by subsection (a) without consideration.

6 (3) The Secretary shall deposit in the General Fund
7 of the Treasury as miscellaneous receipts any amounts
8 paid the Secretary under this subsection.

9 (f) INTERIM LEASE.—(1) Until such time as the real
10 property described in subsection (a) is conveyed by deed
11 under this section, the Secretary may continue to lease
12 the property, together with improvements thereon, to the
13 current tenant under the existing terms and conditions of
14 the lease for the property.

15 (2) If good faith negotiations for the conveyance of
16 the property continue under this section beyond the end
17 of the third year of the term of the existing lease for the
18 property, the Secretary shall continue to lease the property
19 to the current tenant of the property under the terms and
20 conditions applicable to the first three years of the lease
21 of the property pursuant to the existing lease for the prop-
22 erty.

23 (g) MAINTENANCE OF PROPERTY.—(1) Subject to
24 paragraph (2), the Secretary shall be responsible for main-
25 taining the real property to be conveyed under this section

1 in its condition as of the date of the enactment of this
 2 Act until such time as the property is conveyed by deed
 3 under this section.

4 (2) The current tenant of the property shall be re-
 5 sponsible for any maintenance required under paragraph
 6 (1) to the extent of the activities of that tenant at the
 7 property during the period covered by that paragraph.

8 (h) DESCRIPTION OF PROPERTY.—The exact acreage
 9 and legal description of the real property to be conveyed
 10 under subsection (a) shall be determined by a survey satis-
 11 factory to the Secretary. The cost of the survey shall be
 12 borne by the City.

13 (i) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
 14 retary may require such additional terms and conditions
 15 in connection with the conveyance under subsection (a) as
 16 the Secretary considers appropriate to protect the inter-
 17 ests of the United States.

18 **PART III—AIR FORCE CONVEYANCES**

19 **SEC. 2851. LAND CONVEYANCE, MCCLELLAN NUCLEAR RA-** 20 **DIATION CENTER, CALIFORNIA.**

21 (a) CONVEYANCE AUTHORIZED.—Notwithstanding
 22 any other provision of law, the Secretary of the Air Force
 23 may convey, without consideration, to the Regents of the
 24 University of California, acting on behalf of the University
 25 of California, Davis (in this section referred to as the “Re-

1 gents’), all right, title, and interest of the United States
2 in and to the parcel of real property, including improve-
3 ments thereon, consisting of the McClellan Nuclear Radi-
4 ation Center, California.

5 (b) INSPECTION OF PROPERTY.—The Secretary
6 shall, at an appropriate time before the conveyance au-
7 thorized by subsection (a), permit the Regents access to
8 the property to be conveyed for purposes of such investiga-
9 tion of the McClellan Nuclear Radiation Center and the
10 atomic reactor located at the Center as the Regents con-
11 sider appropriate.

12 (c) HOLD HARMLESS.—(1)(A) The Secretary may
13 not make the conveyance authorized by subsection (a) un-
14 less the Regents agree to indemnify and hold harmless the
15 United States for and against the following:

16 (i) Any and all costs associated with the decon-
17 tamination and decommissioning of the atomic reac-
18 tor at the McClellan Nuclear Radiation Center
19 under requirements that are imposed by the Nuclear
20 Regulatory Commission or any other appropriate
21 Federal or State regulatory agency.

22 (ii) Any and all injury, damage, or other liabil-
23 ity arising from the operation of the atomic reactor
24 after its conveyance under this section.

1 (B) As consideration for the agreement under sub-
2 paragraph (A), the Secretary may pay the Regents an
3 amount determined appropriate by the Secretary. The
4 amount may not exceed \$17,593,000.

5 (2) Notwithstanding the agreement under paragraph
6 (1), the Secretary may, as part of the conveyance author-
7 ized by subsection (a), enter into an agreement with the
8 Regents under which agreement the United States shall
9 indemnify and hold harmless the University of California
10 for and against any injury, damage, or other liability in
11 connection with the operation of the atomic reactor at the
12 McClellan Nuclear Radiation Center after its conveyance
13 under this section that arises from a defect in the atomic
14 reactor that could not have been discovered in the course
15 of the inspection carried out under subsection (b).

16 (d) CONTINUING OPERATION OF REACTOR.—Until
17 such time as the property authorized to be conveyed by
18 subsection (a) is conveyed by deed, the Secretary shall
19 take appropriate actions, including the allocation of per-
20 sonnel, funds, and other resources, to ensure the con-
21 tinuing operation of the atomic reactor located at the
22 McClellan Nuclear Radiation Center in accordance with
23 applicable requirements of the Nuclear Regulatory Com-
24 mission and otherwise in accordance with law.

1 (e) DESCRIPTION OF PROPERTY.—The exact acreage
 2 and legal description of the real property to be conveyed
 3 under subsection (a) shall be determined by a survey satis-
 4 factory to the Secretary. The cost of the survey shall be
 5 borne by the Secretary.

6 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
 7 retary may require such additional terms and conditions
 8 in connection with the conveyance under subsection (a) as
 9 the Secretary considers appropriate to protect the inter-
 10 ests of the United States.

11 **SEC. 2852. LAND CONVEYANCE, NEWINGTON DEFENSE**
 12 **FUEL SUPPLY POINT, NEW HAMPSHIRE.**

13 (a) CONVEYANCE AUTHORIZED.—The Secretary of
 14 the Air Force may convey, without consideration, to the
 15 Pease Development Authority, New Hampshire (in this
 16 section referred to as the “Authority”), all right, title, and
 17 interest of the United States in and to parcels of real
 18 property, together with any improvements thereon, con-
 19 sisting of approximately 10.26 acres and located in
 20 Newington, New Hampshire, the site of the Newington
 21 Defense Fuel Supply Point. The parcels have been deter-
 22 mined to be excess to the needs of the Air Force.

23 (b) RELATED PIPELINE AND EASEMENT.—As part
 24 of the conveyance authorized by subsection (a), the Sec-
 25 retary may convey to the Authority without consideration

1 all right, title, and interest of the United States in and
2 to the following:

3 (1) The pipeline approximately 1.25 miles in
4 length that runs between the property authorized to
5 be conveyed under subsection (a) and former Pease
6 Air Force Base, New Hampshire, and any facilities
7 and equipment related thereto.

8 (2) An easement consisting of approximately
9 4.612 acres for purposes of activities relating to the
10 pipeline.

11 (c) ALTERNATIVE CONVEYANCE AUTHORITY.—If at
12 the time of the conveyance authorized by this section the
13 Secretary has transferred jurisdiction over any of the
14 property to be conveyed to the Administrator of General
15 Services, the Administrator shall make the conveyance of
16 such property under this section.

17 (d) FEDERAL SCREENING.—(1) If any of the prop-
18 erty authorized to be conveyed by this section is under
19 the jurisdiction of the Administrator as of the date of the
20 enactment of this Act, the Administrator shall conduct
21 with respect to such property the screening for further
22 Federal use otherwise required by subsection (a) of section
23 2696 of title 10, United States Code.

24 (2) Subsections (b) through (d) of such section 2696
25 shall apply to the screening under paragraph (1) as if the

1 screening were a screening conducted under subsection (a)
2 of such section 2696. For purposes of such subsection (b),
3 the date of the enactment of the provision of law author-
4 izing the conveyance of the property authorized to be con-
5 veyed by this section shall be the date of the enactment
6 of this Act.

7 (e) DESCRIPTION OF PROPERTY.—The exact acreage
8 and legal description of the real property to be conveyed
9 under subsection (a), the easement to be conveyed under
10 subsection (b)(2), and the pipeline to be conveyed under
11 subsection (b)(1) shall be determined by surveys and other
12 means satisfactory to the official having jurisdiction over
13 the property or pipeline, as the case may be, at the time
14 of the conveyance. The cost of any survey or other services
15 performed at the direction of that official under the pre-
16 ceding sentence shall be borne by the Authority.

17 (f) ADDITIONAL TERMS AND CONDITIONS.—The offi-
18 cial having jurisdiction over the property to be conveyed
19 under subsection (a), or the pipeline and easement to be
20 conveyed under subsection (b), at the time of the convey-
21 ance may require such additional terms and conditions in
22 connection with the conveyance as that official considers
23 appropriate to protect the interests of the United States.

1 **Subtitle E—Other Matters**

2 **SEC. 2861. ACQUISITION OF STATE-HELD INHOLDINGS,**
3 **EAST RANGE OF FORT HUACHUCA, ARIZONA.**

4 (a) ACQUISITION AUTHORIZED.—(1) The Secretary
5 of the Interior may acquire by eminent domain, but with
6 the consent of the State of Arizona, all right, title, and
7 interest (including any mineral rights) of the State of Ari-
8 zona in and to unimproved Arizona State Trust lands con-
9 sisting of approximately 1,536.47 acres in the Fort
10 Huachuca East Range, Cochise County, Arizona.

11 (2) The Secretary may also acquire by eminent do-
12 main, but with the consent of the State of Arizona, any
13 trust mineral estate of the State of Arizona located be-
14 neath the surface estates of the United States in one or
15 more parcels of land consisting of approximately 12,943
16 acres in the Fort Huachuca East Range, Cochise County,
17 Arizona.

18 (b) CONSIDERATION.—(1) Subject to subsection (c),
19 as consideration for the acquisition by the United States
20 of Arizona State trust lands and mineral interests under
21 subsection (a), the Secretary, acting through the Bureau
22 of Land Management, may convey to the State of Arizona
23 all right, title, and interest of the United States, or some
24 lesser interest, in one or more parcels of Federal land

1 under the jurisdiction of the Bureau of Land Management
2 in the State of Arizona.

3 (2) The lands or interests in land to be conveyed
4 under this subsection shall be mutually agreed upon by
5 the Secretary and the State of Arizona, as provided in sub-
6 section (c)(1).

7 (3) The value of the lands conveyed out of Federal
8 ownership under this subsection either shall be equal to
9 the value of the lands and mineral interests received by
10 the United States under subsection (a) or, if not, shall
11 be equalized by a payment made by the Secretary or the
12 State of Arizona, as necessary.

13 (c) CONDITIONS ON CONVEYANCE TO STATE.—The
14 Secretary may make the conveyance described in sub-
15 section (b) only if—

16 (1) the transfer of the Federal lands to the
17 State of Arizona is acceptable to the State Land
18 Commissioner; and

19 (2) the conveyance of lands and interests in
20 lands under subsection (b) is accepted by the State
21 of Arizona as full consideration for the land and
22 mineral rights acquired by the United States under
23 subsection (a) and terminates all right, title, and in-
24 terest of all parties (other than the United States)
25 in and to the acquired lands and mineral rights.

1 (d) USE OF EMINENT DOMAIN.—The Secretary may
2 acquire the State lands and mineral rights under sub-
3 section (a) pursuant to the laws and regulations governing
4 eminent domain.

5 (e) DETERMINATION OF FAIR MARKET VALUE.—
6 Notwithstanding any other provision of law, the value of
7 lands and interests in lands acquired or conveyed by the
8 United States under this section shall be determined in
9 accordance with the Uniform Appraisal Standards for
10 Federal Land Acquisition, as published by the Depart-
11 ment of Justice in 1992. The appraisal shall be subject
12 to the review and acceptance by the Land Department of
13 the State of Arizona and the Bureau of Land Manage-
14 ment.

15 (f) DESCRIPTIONS OF LAND.—The exact acreage and
16 legal descriptions of the lands and interests in lands ac-
17 quired or conveyed by the United States under this section
18 shall be determined by surveys that are satisfactory to the
19 Secretary of the Interior and the State of Arizona.

20 (g) WITHDRAWAL OF ACQUIRED LANDS FOR MILI-
21 TARY PURPOSES.—After acquisition, the lands acquired
22 by the United States under subsection (a) may be with-
23 drawn and reserved, in accordance with all applicable envi-
24 ronmental laws, for use by the Secretary of the Army for
25 military training and testing in the same manner as other

1 Federal lands located in the Fort Huachuca East Range
2 that were withdrawn and reserved for Army use through
3 Public Land Order 1471 of 1957.

4 (h) ADDITIONAL TERMS AND CONDITIONS.—The
5 Secretary of the Interior may require such additional
6 terms and conditions in connection with the conveyance
7 and acquisition of lands and interests in land under this
8 section as the Secretary considers to be appropriate to
9 protect the interests of the United States and any valid
10 existing rights.

11 (i) COST REIMBURSEMENT.—All costs associated
12 with the processing of the acquisition of State trust lands
13 and mineral interests under subsection (a) and the convey-
14 ance of public lands under subsection (b) shall be borne
15 by the Secretary of the Army.

16 **SEC. 2862. DEVELOPMENT OF FORD ISLAND, HAWAII.**

17 (a) IN GENERAL.—(1) Subject to paragraph (2), the
18 Secretary of the Navy may exercise any authority or com-
19 bination of authorities in this section for the purpose of
20 developing or facilitating the development of Ford Island,
21 Hawaii, to the extent that the Secretary determines the
22 development is compatible with the mission of the Navy.

23 (2) The Secretary may not exercise any authority
24 under this section until—

1 (A) the Secretary submits to the appropriate
2 committees of Congress a master plan for the devel-
3 opment of Ford Island; and

4 (B) a period of 30 calendar days has elapsed
5 following the date on which the notification is re-
6 ceived by those committees.

7 (b) CONVEYANCE AUTHORITY.—(1) The Secretary of
8 the Navy may convey to any public or private person or
9 entity all right, title, and interest of the United States in
10 and to any real property (including any improvements
11 thereon) or personal property under the jurisdiction of the
12 Secretary in the State of Hawaii that the Secretary
13 determines—

14 (A) is excess to the needs of the Navy and all
15 of the other Armed Forces; and

16 (B) will promote the purpose of this section.

17 (2) A conveyance under this subsection may include
18 such terms and conditions as the Secretary considers ap-
19 propriate to protect the interests of the United States.

20 (c) LEASE AUTHORITY.—(1) The Secretary of the
21 Navy may lease to any public or private person or entity
22 any real property or personal property under the jurisdic-
23 tion of the Secretary in the State of Hawaii that the Sec-
24 retary determines—

1 (A) is not needed for current operations of the
2 Navy and all of the other Armed Forces; and

3 (B) will promote the purpose of this section.

4 (2) A lease under this subsection shall be subject to
5 section 2667(b)(1) of title 10, United States Code, and
6 may include such others terms as the Secretary considers
7 appropriate to protect the interests of the United States.

8 (3) A lease of real property under this subsection may
9 provide that, upon termination of the lease term, the lessee
10 shall have the right of first refusal to acquire the real
11 property covered by the lease if the property is then con-
12 veyed under subsection (b).

13 (4)(A) The Secretary may provide property support
14 services to or for real property leased under this sub-
15 section.

16 (B) To the extent provided in appropriations Acts,
17 any payment made to the Secretary for services provided
18 under this paragraph shall be credited to the appropria-
19 tion, account, or fund from which the cost of providing
20 the services was paid.

21 (d) ACQUISITION OF LEASEHOLD INTEREST BY SEC-
22 RETARY.—(1) The Secretary of the Navy may acquire a
23 leasehold interest in any facility constructed under sub-
24 section (f) as consideration for a transaction authorized

1 by this section upon such terms as the Secretary considers
2 appropriate to promote the purpose of this section.

3 (2) The term of a lease under paragraph (1) may not
4 exceed 10 years, unless the Secretary of Defense approves
5 a term in excess of 10 years for the purpose of this section.

6 (3) A lease under this subsection may provide that,
7 upon termination of the lease term, the United States
8 shall have the right of first refusal to acquire the facility
9 covered by the lease.

10 (e) REQUIREMENT FOR COMPETITION.—The Sec-
11 retary of the Navy shall use competitive procedures for
12 purposes of selecting the recipient of real or personal prop-
13 erty under subsection (b) and the lessee of real or personal
14 property under subsection (c).

15 (f) CONSIDERATION.—(1) As consideration for the
16 conveyance of real or personal property under subsection
17 (b), or for the lease of real or personal property under
18 subsection (c), the Secretary of the Navy shall accept cash,
19 real property, personal property, or services, or any com-
20 bination thereof, in an aggregate amount equal to not less
21 than the fair market value of the real or personal property
22 conveyed or leased.

23 (2) Subject to subsection (i), the services accepted by
24 the Secretary under paragraph (1) may include the fol-
25 lowing:

1 (A) The construction or improvement of facili-
2 ties at Ford Island.

3 (B) The restoration or rehabilitation of real
4 property at Ford Island.

5 (C) The provision of property support services
6 for property or facilities at Ford Island.

7 (g) NOTICE AND WAIT REQUIREMENTS.—The Sec-
8 retary of the Navy may not carry out a transaction au-
9 thorized by this section until—

10 (1) the Secretary submits to the appropriate
11 committees of Congress a notification of the trans-
12 action, including—

13 (A) a detailed description of the trans-
14 action; and

15 (B) a justification for the transaction
16 specifying the manner in which the transaction
17 will meet the purpose of this section; and

18 (2) a period of 30 calendar days has elapsed
19 following the date on which the notification is re-
20 ceived by those committees.

21 (h) FORD ISLAND IMPROVEMENT ACCOUNT.—(1)
22 There is established on the books of the Treasury an ac-
23 count to be known as the “Ford Island Improvement Ac-
24 count”.

1 (2) There shall be deposited into the account the fol-
2 lowing amounts:

3 (A) Amounts authorized and appropriated to
4 the account.

5 (B) Except as provided in subsection (c)(4)(B),
6 the amount of any cash payment received by the
7 Secretary for a transaction under this section.

8 (i) USE OF ACCOUNT.—(1) Subject to paragraph (2),
9 to the extent provided in advance in appropriation Acts,
10 funds in the Ford Island Improvement Account may be
11 used as follows:

12 (A) To carry out or facilitate the carrying out
13 of a transaction authorized by this section.

14 (B) To carry out improvements of property or
15 facilities at Ford Island.

16 (C) To obtain property support services for
17 property or facilities at Ford Island.

18 (2) To extent that the authorities provided under sub-
19 chapter IV of chapter 169 of title 10, United States Code,
20 are available to the Secretary of the Navy, the Secretary
21 may not use the authorities in this section to acquire, con-
22 struct, or improve family housing units, military unaccom-
23 panied housing units, or ancillary supporting facilities re-
24 lated to military housing at Ford Island.

1 (3)(A) The Secretary may transfer funds from the
2 Ford Island Improvement Account to the following funds:

3 (i) The Department of Defense Family Housing
4 Improvement Fund established by section
5 2883(a)(1) of title 10, United States Code.

6 (ii) The Department of Defense Military Unac-
7 companied Housing Improvement Fund established
8 by section 2883(a)(2) of that title.

9 (B) Amounts transferred under subparagraph (A) to
10 a fund referred to in that subparagraph shall be available
11 in accordance with the provisions of section 2883 of title
12 10, United States Code, for activities authorized under
13 subchapter IV of chapter 169 of that title at Ford Island.

14 (j) INAPPLICABILITY OF CERTAIN PROPERTY MAN-
15 AGEMENT LAWS.—Except as otherwise provided in this
16 section, transactions under this section shall not be subject
17 to the following:

18 (1) Sections 2667 and 2696 of title 10, United
19 States Code.

20 (2) Section 501 of the Stewart B. McKinney
21 Homeless Assistance Act (42 U.S.C. 11411).

22 (3) Sections 202 and 203 of the Federal Prop-
23 erty and Administrative Services Act of 1949 (40
24 U.S.C. 483, 484).

1 (k) SCORING.—Nothing in this section shall be con-
2 strued to waive the applicability to any lease entered into
3 under this section of the budget scorekeeping guidelines
4 used to measure compliance with the Balanced Budget
5 Emergency Deficit Control Act of 1985.

6 (l) CONFORMING AMENDMENTS.—Section 2883(c) of
7 title 10, United States Code, is amended—

8 (1) in paragraph (1), by adding at the end the
9 following new subparagraph:

10 “(E) Any amounts that the Secretary of the
11 Navy transfers to that Fund pursuant to section
12 2862(i)(3)(A)(i) of the Military Construction Au-
13 thorization Act for Fiscal Year 2000, subject to the
14 restrictions on the use of the transferred amounts
15 specified in that section.”; and

16 (2) in paragraph (2), by adding at the end the
17 following new subparagraph:

18 “(E) Any amounts that the Secretary of the
19 Navy transfers to that Fund pursuant to section
20 2862(i)(3)(A)(ii) of the Military Construction Au-
21 thorization Act for Fiscal Year 2000, subject to the
22 restrictions on the use of the transferred amounts
23 specified in that section.”.

24 (m) DEFINITIONS.—In this section:

1 (1) The term “appropriate committees of Con-
 2 gress” has the meaning given that term in section
 3 2801(4) of title 10, United States Code.

4 (2) The term “property support service” means
 5 the following:

6 (A) Any utility service or other service list-
 7 ed in section 2686(a) of title 10, United States
 8 Code.

9 (B) Any other service determined by the
 10 Secretary to be a service that supports the op-
 11 eration and maintenance of real property, per-
 12 sonal property, or facilities.

13 **TITLE XXIX—RENEWAL OF** 14 **MILITARY LAND WITHDRAWALS**

15 **SEC. 2901. SHORT TITLE.**

16 This title may be cited as the Military Lands With-
 17 drawal Renewal Act of 1999”.

18 **SEC. 2902. WITHDRAWALS.**

19 (a) BARRY M. GOLDWATER RANGE.—(1) Subject to
 20 valid existing rights and except as otherwise provided in
 21 this title, the lands described in paragraph (3) are hereby
 22 withdrawn from all forms of appropriation under the pub-
 23 lic land laws (including the mining laws and the mineral
 24 leasing and the geothermal leasing laws).

1 (2) Such lands are reserved for use by the Secretary
2 of the Air Force and the Secretary of the Navy for—

3 (A) testing and training for aerial bombing,
4 missile firing, and tactical maneuvering and air sup-
5 port;

6 (B) joint air and ground operations training,
7 including ground maneuvers; and

8 (C) subject to the requirements of section
9 2904(f), other defense-related purposes consistent
10 with the purposes specified in this paragraph.

11 (3) The lands referred to in paragraph (1) are the
12 lands comprising approximately 2,664,423 acres in Mari-
13 copa, Pima, and Yuma Counties, Arizona, as generally de-
14 picted on the map entitled “Luke Air Force Range With-
15 drawal—Proposed”, dated January 1985, and withdrawn
16 by the provisions of section 1(c) of the Military Lands
17 Withdrawal Act of 1986 (Public Law 99–606). Such lands
18 do not include any portion of the lands so withdrawn that
19 were relinquished to the Secretary of the Interior under
20 the provisions of that Act.

21 (4)(A) The Secretary of the Air Force and the Sec-
22 retary of the Navy shall enter into a memorandum of un-
23 derstanding specifying the geographic areas of the lands
24 withdrawn by this subsection that will be managed by the

1 Secretary of the Air Force and the Secretary of the Navy,
2 respectively.

3 (B) For purposes of this title, the Secretary of the
4 Air Force shall be treated as the Secretary of the military
5 department concerned for the lands specified in the memo-
6 randum of understanding as managed by the Secretary
7 of the Air Force.

8 (C) For purposes of this title, the Secretary of the
9 Navy shall be treated as the Secretary of the military de-
10 partment concerned for the lands specified in the memo-
11 randum of understanding as managed by the Secretary
12 of the Navy.

13 (5) The Barry M. Goldwater Air Force Range is here-
14 by redesignated as the “Barry M. Goldwater Range”. Any
15 reference to the Barry M. Goldwater Air Force Range in
16 any law, regulation, document, record, map, or other
17 paper of the United States shall be deemed to be a ref-
18 erence to the Barry M. Goldwater Range.

19 (6) The withdrawal and reservation established by
20 this subsection shall be a multi-year withdrawal consistent
21 with the environmental impact statements prepared by the
22 military departments and the Department of the Interior.

23 (b) MCGREGOR RANGE.—(1) Subject to valid exist-
24 ing rights and except as otherwise provided in this title,
25 the public lands described in paragraph (3) are hereby

1 withdrawn from all forms of appropriation under the pub-
2 lic land laws (including the mining laws and the mineral
3 leasing and the geothermal leasing laws).

4 (2) Such lands are reserved for use by the Secretary
5 of the Army—

6 (A) for training and weapons testing; and

7 (B) subject to the requirements of section
8 2904(f), for other defense-related purposes con-
9 sistent with the purposes specified in this paragraph.

10 (3) The lands referred to in paragraph (1) are the
11 lands comprising approximately 608,384.87 acres in Otero
12 County, New Mexico, as generally depicted on the map
13 entitled “McGregor Range Withdrawal—Proposed”, dated
14 January 1985, and withdrawn by the provisions of section
15 1(d) of the Military Lands Withdrawal Act of 1986. Such
16 lands do not include any portion of the lands so withdrawn
17 that were relinquished to the Secretary of the Interior
18 under the provisions of that Act.

19 (4) Any of the public lands withdrawn under para-
20 graph (1) which, as of the date of the enactment of this
21 Act, are managed pursuant to section 603 of the Federal
22 Land Policy and Management Act of 1976 (43 U.S.C.
23 1782) shall continue to be managed under that section
24 until otherwise expressly provided by law.

1 (5) The withdrawal and reservation established by
2 this subsection shall be a multi-year withdrawal consistent
3 with the environmental impact statements prepared by the
4 military departments and the Department of the Interior.

5 (c) FORT GREELY MANEUVER AREA AND FORT
6 GREELY AIR DROP ZONE.—(1) Subject to valid existing
7 rights and except as otherwise provided in this title, the
8 lands described in paragraph (3) are hereby withdrawn
9 from all forms of appropriation under the public land laws
10 (including the mining laws and the mineral leasing and
11 the geothermal leasing laws), under the Act entitled “An
12 Act to provide for the admission of the State of Alaska
13 into the Union”, approved July 7, 1958 (48 U.S.C. note
14 prec. 21), and under the Alaska Native Claims Settlement
15 Act (43 U.S.C. 1601 et seq.).

16 (2) Such lands are reserved for use by the Secretary
17 of the Army for—

18 (A) military maneuvering, training, and equip-
19 ment development and testing; and

20 (B) subject to the requirements of section
21 2904(f), other defense-related purposes consistent
22 with the purposes specified in this paragraph.

23 (3)(A) The lands referred to in paragraph (1) are—

24 (i) the lands comprising approximately 571,995
25 acres in the Big Delta Area, Alaska, as generally de-

1 picted on the map entitled “Fort Greely Maneuver
2 Area Withdrawal—Proposed”, dated January 1985,
3 and withdrawn by the provisions of section 1(e) of
4 the Military Lands Withdrawal Act of 1986; and

5 (ii) the lands comprising approximately 51,590
6 acres in the Granite Creek Area, Alaska, as gen-
7 erally depicted on the map entitled “Fort Greely, Air
8 Drop Zone Withdrawal—Proposed”, dated January
9 1985, and withdrawn by the provisions of such sec-
10 tion.

11 (B) Such lands do not include any portion of the
12 lands so withdrawn that were relinquished to the Sec-
13 retary of the Interior under the provisions of that Act.

14 (d) FORT WAINWRIGHT MANEUVER AREA.—(1) Sub-
15 ject to valid existing rights and except as otherwise pro-
16 vided in this title, the public lands described in paragraph
17 (3) are hereby withdrawn from all forms of appropriation
18 under the public land laws (including the mining laws and
19 the mineral leasing and the geothermal leasing laws),
20 under the Act entitled “An Act to provide for the admis-
21 sion of the State of Alaska into the Union”, approved July
22 7, 1958 (48 U.S.C. note prec. 21), and under the Alaska
23 Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

24 (2) Such lands are reserved for use by the Secretary
25 of the Army for—

1 (A) military maneuvering;

2 (B) training for artillery firing, aerial gunnery,
3 and infantry tactics; and

4 (C) subject to the requirements of section
5 2904(f), other defense-related purposes consistent
6 with the purposes specified in this paragraph.

7 (3) The lands referred to in paragraph (1) are the
8 lands comprising approximately 247,951.67 acres of land
9 in the Fourth Judicial District, Alaska, as generally de-
10 picted on the map entitled “Fort Wainwright Maneuver
11 Area Withdrawal—Proposed”, dated January 1985, and
12 withdrawn by the provisions of section 1(f) of the Military
13 Lands Withdrawal Act of 1986. Such lands do not include
14 any portion of the lands so withdrawn that were relin-
15 quished to the Secretary of the Interior under the provi-
16 sions of that Act.

17 **SEC. 2903. MAPS AND LEGAL DESCRIPTIONS.**

18 (a) PUBLICATION AND FILING REQUIREMENT.—As
19 soon as practicable after the date of the enactment of this
20 Act, the Secretary of the Interior shall—

21 (1) publish in the Federal Register a notice
22 containing the legal description of the lands with-
23 drawn by this title; and

24 (2) file maps and the legal description of the
25 lands withdrawn by this title with the Committee on

1 Energy and Natural Resources of the Senate and
2 the Committee on Resources of the House of Rep-
3 resentatives.

4 (b) TECHNICAL CORRECTIONS.—Such maps and
5 legal descriptions shall have the same force and effect as
6 if they were included in this title except that the Secretary
7 of the Interior may correct clerical and typographical er-
8 rors in such maps and legal descriptions.

9 (c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies
10 of such maps and legal descriptions shall be available for
11 public inspection in the following offices:

12 (1) The Office of the Secretary of Defense.

13 (2) The offices of the Director and appropriate
14 State Directors of the Bureau of Land Management.

15 (3) The offices of the Director and appropriate
16 Regional Directors of the United States Fish and
17 Wildlife Service.

18 (4) The office of the commander, Luke Air
19 Force Base.

20 (5) The office of the commander, McGregor
21 Range.

22 (6) The office of the installation commander,
23 Fort Richardson, Alaska.

24 (7) The office of the commander, Marine Corps
25 Air Station, Yuma, Arizona.

1 (d) REIMBURSEMENT.—The Secretary of Defense
2 shall reimburse the Secretary of the Interior for any costs
3 incurred by the Secretary of the Interior in carrying out
4 this section.

5 **SEC. 2904. MANAGEMENT OF WITHDRAWN LANDS.**

6 (a) MANAGEMENT BY SECRETARY OF THE INTE-
7 RIOR.—(1)(A) The Secretary of the Interior shall manage
8 the lands withdrawn by this title (except those lands with-
9 in a unit of the National Wildlife Refuge System) pursu-
10 ant to the Federal Land Policy and Management Act of
11 1976 (43 U.S.C. 1701 et seq.) and other applicable law,
12 including the Recreation Use of Wildlife Areas Act of
13 1962 (16 U.S.C. 460k et seq.) and this title. The Sec-
14 retary shall manage such lands through the Bureau of
15 Land Management.

16 (B)(i) Lands within the Cabeza Prieta National Wild-
17 life Refuge shall be managed pursuant to the National
18 Wildlife Refuge System Administration Act of 1966 (16
19 U.S.C. 668dd et seq.) and other applicable laws, including
20 this title.

21 (ii) No provision of this title, except this section and
22 sections 2902, 2905, 2912, and 2913, shall apply to the
23 management of the Cabeza Prieta National Wildlife Ref-
24 uge.

1 (2) To the extent consistent with applicable law and
2 Executive orders, the lands withdrawn by this title may
3 be managed in a manner permitting—

4 (A) the continuation of grazing pursuant to ap-
5 plicable law and Executive orders where permitted
6 on the date of the enactment of this Act;

7 (B) protection of wildlife and wildlife habitat;

8 (C) control of predatory and other animals;

9 (D) recreation; and

10 (E) the prevention and appropriate suppression
11 of brush and range fires resulting from nonmilitary
12 activities.

13 (3)(A) All nonmilitary use of the lands withdrawn by
14 this title, other than the uses described in paragraph (2),
15 shall be subject to such conditions and restrictions as may
16 be necessary to permit the military use of such lands for
17 the purposes specified in or authorized pursuant to this
18 title.

19 (B) The Secretary of the Interior may issue any
20 lease, easement, right-of-way, or other authorization with
21 respect to the nonmilitary use of such lands only with the
22 concurrence of the Secretary of the military department
23 concerned.

24 (b) CLOSURE TO PUBLIC.—(1) If the Secretary of the
25 military department concerned determines that military

1 operations, public safety, or national security require the
2 closure to public use of any road, trail, or other portion
3 of the lands withdrawn by this title, that Secretary may
4 take such action as that Secretary determines necessary
5 to effect and maintain such closure.

6 (2) Any such closure shall be limited to the minimum
7 areas and periods which the Secretary of the military de-
8 partment concerned determines are required to carry out
9 this subsection.

10 (3) During any closure under this subsection, the
11 Secretary of the military department concerned shall—

12 (A) keep appropriate warning notices posted;
13 and

14 (B) take appropriate steps to notify the public
15 concerning such closures.

16 (c) MANAGEMENT PLAN.—(1)(A) The Secretary of
17 the Interior (after consultation with the Secretary of the
18 military department concerned) shall develop a plan for
19 the management of each area withdrawn by this title.

20 (2) Each plan shall—

21 (A) be consistent with applicable law;

22 (B) be subject to conditions and restrictions
23 specified in subsection (a)(3); and

1 (C) include such provisions as may be necessary
2 for proper management and protection of the re-
3 sources and values of such areas.

4 (3) The Secretary of the Interior shall develop each
5 plan required by this subsection not later than three years
6 after the date of the enactment of this Act. In developing
7 a plan for an area, the Secretary may utilize or modify
8 appropriate provisions of the management plan developed
9 for the area under section 3(c) of the Military Lands
10 Withdrawal Act of 1986.

11 (d) BRUSH AND RANGE FIRES.—(1) The Secretary
12 of the military department concerned shall take necessary
13 precautions to prevent and suppress brush and range fires
14 occurring within and outside the lands withdrawn by this
15 title as a result of military activities and may seek assist-
16 ance from the Bureau of Land Management in the sup-
17 pression of such fires.

18 (2) Each memorandum of understanding required by
19 subsection (e) shall provide for Bureau of Land Manage-
20 ment assistance in the suppression of fires referred to in
21 paragraph (1) in the area covered by the memorandum
22 of understanding, and for a transfer of funds from the
23 military department concerned to the Bureau of Land
24 Management as compensation for such assistance.

1 (e) MEMORANDUM OF UNDERSTANDING.—(1) The
2 Secretary of the Interior and the Secretary of the military
3 department concerned shall (with respect to each area
4 withdrawn by section 2902) enter into a memorandum of
5 understanding to implement the management plan devel-
6 oped under subsection (c).

7 (2) Each memorandum of understanding shall pro-
8 vide that the Director of the Bureau of Land Management
9 shall provide assistance in the suppression of fires result-
10 ing from the military use of lands withdrawn by this title
11 if requested by the Secretary of the military department
12 concerned.

13 (f) ADDITIONAL MILITARY USES.—(1) The lands
14 withdrawn by this title may be used for defense-related
15 uses other than those specified in the applicable provision
16 of section 2902. The use of such lands for such purposes
17 shall be governed by all laws applicable to such lands, in-
18 cluding this title.

19 (2)(A) The Secretary of Defense shall promptly no-
20 tify the Secretary of the Interior in the event that the
21 lands withdrawn by this title will be used for defense-re-
22 lated purposes other than those specified in section 2902.

23 (B) Such notification shall indicate the additional use
24 or uses involved, the proposed duration of such uses, and
25 the extent to which such additional military uses of the

1 lands will require that additional or more stringent condi-
2 tions or restrictions be imposed on otherwise-permitted
3 nonmilitary uses of the land or portions thereof.

4 (3) Subject to valid existing rights, the Secretary of
5 the military department concerned may utilize sand, grav-
6 el, or similar mineral or material resources on the lands
7 withdrawn by this title when the use of such resources
8 is required to meet the construction needs of the military
9 department concerned on the lands withdrawn by this
10 title.

11 (g) ADDITIONAL MANAGEMENT REQUIREMENTS.—

12 (1) Except as otherwise provided in this title, the lands
13 withdrawn by this title shall be managed in a manner
14 that—

15 (A) complies with current resource management
16 standards; and

17 (B) maintains a level of effort similar to that
18 in effect on the date of the enactment of this Act.

19 (2) Not later than six months after the date of the
20 enactment of this Act, the Secretary of the Interior shall
21 submit to Congress and to the Secretary of Defense a re-
22 port on the management of lands withdrawn by this title.
23 The report shall include any recommendations for addi-
24 tional actions to preserve and protect the natural re-
25 sources of such lands, and any additional recommenda-

1 tions, that the Secretary of the Interior considers appro-
2 priate.

3 **SEC. 2905. SPECIAL WILDLIFE RULES ON BARRY M. GOLD-**
4 **WATER RANGE.**

5 (a) APPLICABILITY OF LAW.—Neither the with-
6 drawal by section 2902(a) nor any other provision of this
7 title shall be construed to amend any law, Executive order,
8 or public land order in effect on the date of the enactment
9 of this Act with respect to the Cabeza Prieta National
10 Wildlife Refuge.

11 (b) APPLICABILITY OF MEMORANDA OF UNDER-
12 STANDING.—Neither the withdrawal by section 2902(a)
13 nor any other provision of this title shall be construed to
14 amend any memorandum of understanding between the
15 Secretary of the Interior and the Secretary of the Air
16 Force regarding the administration and joint use of a por-
17 tion of the Cabeza Prieta National Wildlife Refuge.

18 (c) MODIFICATION OF MEMORANDA OF UNDER-
19 STANDING.—No modification of a provision of the memo-
20 randum of understanding between the Secretary of the In-
21 terior and the Secretary of the Air Force regarding Air
22 Force operations on the Cabeza Prieta National Wildlife
23 Refuge in effect on November 21, 1994, shall take effect
24 until 90 days after the date on which the Secretary of
25 the Interior submits to the Committees on Armed Serv-

ices, Energy and Natural Resources, and Environment
and Public Works of the Senate and the Committees on
Armed Services and Resources of the House of Represent-
atives a report on the proposed modification.

**SEC. 2906. ESTABLISHMENT OF NATIONAL PARK IN BARRY
M. GOLDWATER RANGE.**

(a) STUDY.—The Secretary of Defense and the Sec-
retary of the Interior shall jointly conduct a comprehensive
study of the feasibility and advisability of establishing a
national park from all or portions of the lands withdrawn
by section 2902(a).

(b) REPORT.—Not later than 2 years after the date
of the enactment of this Act, the Secretary of Defense and
the Secretary of the Interior shall jointly submit to Con-
gress a report on the study conducted under subsection
(a). The report shall include the recommendations of the
Secretaries as to the feasibility and advisability of estab-
lishing a national park from all or portions of the lands
specified in that subsection.

SEC. 2907. LAND MANAGEMENT ANALYSIS.

(a) PERIODIC ANALYSIS REQUIRED.—Not later than
10 years after the date of the enactment of this Act, any
every 10 years thereafter, the Secretary of the military
department concerned shall, in consultation with the Sec-
retary of the Interior, conduct an analysis of the degree

1 to which the management of the lands withdrawn by this
2 title conforms to the requirements of laws applicable to
3 the management of such lands, including this title.

4 (b) DEADLINE.—Each analysis under this section
5 shall be completed not later than 270 days after the com-
6 mencement of such analysis.

7 (c) LIMITATION ON COST.—The cost of each analysis
8 under this section may not exceed \$900,000 in constant
9 1999 dollars.

10 (d) REPORT.—Not later than 90 days after the date
11 of the completion of an analysis under this section, the
12 Secretary of the military department concerned shall sub-
13 mit to Congress a report on the analysis. The report shall
14 set forth the results of the analysis and include any other
15 matters relating to the management of the lands with-
16 drawn by this title that such Secretary considers appro-
17 priate.

18 **SEC. 2908. ONGOING ENVIRONMENTAL RESTORATION.**

19 (a) REQUIREMENT.—To the extent provided in ad-
20 vance in appropriations Acts, the Secretary of the military
21 department concerned shall carry out a program to pro-
22 vide for the environmental restoration of the lands with-
23 drawn by this title in order to ensure a level of environ-
24 mental decontamination of such lands equivalent to the

1 level of environmental decontamination that exists on such
2 lands as of the date of the enactment of this Act.

3 (b) REPORTS.—(1) At the same time the President
4 submits to Congress the budget for any fiscal year after
5 fiscal year 2000, the Secretary of the military department
6 concerned shall submit to the committees referred to in
7 paragraph (2) a report on environmental restoration ac-
8 tivities relating to the lands withdrawn by this title. The
9 report shall satisfy the requirements of section 2706(a)
10 of title 10, United States Code, with respect to the activi-
11 ties on such lands.

12 (2) The committees referred to in paragraph (1) are
13 the Committees on Appropriations, Armed Services, and
14 Energy and Natural Resources of the Senate and the
15 Committees on Appropriations, Armed Services, and Re-
16 sources of the House of Representatives.

17 **SEC. 2909. RELINQUISHMENT.**

18 (a) AUTHORITY.—The Secretary of the military de-
19 partment concerned may relinquish all or any of the lands
20 withdrawn by this title to the Secretary of the Interior.

21 (b) NOTICE.—If the Secretary of the military depart-
22 ment concerned determines to relinquish any lands with-
23 drawn by this title under subsection (a), that Secretary
24 shall transmit to the Secretary of the Interior a notice of
25 intent to relinquish such lands.

1 (c) DETERMINATION OF CONTAMINATION.—(1) Be-
2 fore transmitting a notice of intent to relinquish any lands
3 under subsection (b), the Secretary of Defense, acting
4 through the military department concerned, shall deter-
5 mine whether and to what extent such lands are contami-
6 nated with explosive, toxic, or other hazardous materials.

7 (2) A copy of a determination with respect to any
8 lands under paragraph (1) shall be transmitted to the Sec-
9 retary of the Interior together with the notice of intent
10 to relinquish such lands under subsection (b).

11 (3) Copies of both the notice of intent to relinquish
12 lands under subsection (b) and the determination regard-
13 ing the contamination of such lands under this subsection
14 shall be published in the Federal Register by the Secretary
15 of the Interior.

16 (d) DECONTAMINATION.—(1) If any land subject to
17 a notice of intent to relinquish under subsection (a) is con-
18 taminated, and the Secretary of the Interior, in consulta-
19 tion with the Secretary of the military department con-
20 cerned, makes the determination described in paragraph
21 (2), the Secretary of the military department concerned
22 shall, to the extent provided in advance in appropriations
23 Acts, undertake the environmental decontamination of the
24 land.

1 (2) A determination referred to in this paragraph is
2 a determination that—

3 (A) decontamination of the land concerned is
4 practicable and economically feasible (taking into
5 consideration the potential future use and value of
6 the land); and

7 (B) upon decontamination, the land could be
8 opened to operation of some or all of the public land
9 laws, including the mining laws.

10 (e) ALTERNATIVES.—(1) If a circumstance described
11 in paragraph (2) arises with respect to any land which
12 is covered by a notice of intent to relinquish under sub-
13 section (a), the Secretary of the Interior shall not be re-
14 quired to accept the land under this section.

15 (2) A circumstance referred to in this paragraph is—

16 (A) a determination by the Secretary of the In-
17 terior, in consultation with the Secretary of the mili-
18 tary department concerned that—

19 (i) decontamination of the land is not prac-
20 ticable or economically feasible; or

21 (ii) the land cannot be decontaminated to
22 a sufficient extent to permit its opening to the
23 operation of some or all of the public land laws;
24 or

1 (B) the appropriation by Congress of amounts
2 that are insufficient to provide for the decontamina-
3 tion of the land.

4 (f) STATUS OF CONTAMINATED LANDS.—If, because
5 of their contaminated state, the Secretary of the Interior
6 declines to accept jurisdiction over lands withdrawn by
7 this title which have been proposed for relinquishment
8 under subsection (a)—

9 (1) the Secretary of the military department
10 concerned shall take appropriate steps to warn the
11 public of the contaminated state of such lands and
12 any risks associated with entry onto such lands; and

13 (2) the Secretary of the military department
14 concerned shall report to the Secretary of the Inte-
15 rior and to Congress concerning the status of such
16 lands and all actions taken in furtherance of this
17 subsection.

18 (g) REVOCATION OF AUTHORITY.—(1) Notwith-
19 standing any other provision of law, the Secretary of the
20 Interior may, upon deciding that it is in the public interest
21 to accept jurisdiction over lands proposed for relinquis-
22 ment pursuant to subsection (a), revoke the withdrawal
23 established by this title as it applies to such lands.

1 (2) Should the decision be made to revoke the with-
 2 drawal, the Secretary of the Interior shall publish in the
 3 Federal Register an appropriate order which shall—

4 (A) terminate the withdrawal;

5 (B) constitute official acceptance of full juris-
 6 diction over the lands by the Secretary of the Inte-
 7 rior; and

8 (C) state the date upon which the lands will be
 9 opened to the operation of some or all of the public
 10 lands laws, including the mining laws.

11 (h) TREATMENT OF CERTAIN RELINQUISHED
 12 LANDS.—Any lands withdrawn by section 2902(c) or
 13 2902(d) that are relinquished under this section shall be
 14 public lands under the jurisdiction of the Bureau of Land
 15 Management and shall be considered vacant, unreserved,
 16 and unappropriated for purposes of the public land laws.

17 **SEC. 2910. DELEGABILITY.**

18 (a) DEFENSE.—The functions of the Secretary of De-
 19 fense or of the Secretary of a military department under
 20 this title may be delegated.

21 (b) INTERIOR.—The functions of the Secretary of the
 22 Interior under this title may be delegated, except that an
 23 order described in section 2909(g) may be approved and
 24 signed only by the Secretary of the Interior, the Under

1 Secretary of the Interior, or an Assistant Secretary of the
2 Interior.

3 **SEC. 2911. WATER RIGHTS.**

4 Nothing in this title shall be construed to establish
5 a reservation to the United States with respect to any
6 water or water right on the lands described in section
7 2902. No provision of this title shall be construed as au-
8 thorizing the appropriation of water on lands described in
9 section 2902 by the United States after the date of the
10 enactment of this Act except in accordance with the law
11 of the relevant State in which lands described in section
12 2902 are located. This section shall not be construed to
13 affect water rights acquired by the United States before
14 the date of the enactment of this Act.

15 **SEC. 2912. HUNTING, FISHING, AND TRAPPING.**

16 All hunting, fishing, and trapping on the lands with-
17 drawn by this title shall be conducted in accordance with
18 the provisions of section 2671 of title 10, United States
19 Code, except that hunting, fishing, and trapping within
20 the Cabeza Prieta National Wildlife Refuge shall be con-
21 ducted in accordance with the National Wildlife Refuge
22 System Administration Act of 1966 (16 U.S.C. 668dd et
23 seq.), the Recreation Use of Wildlife Areas Act of 1962
24 (16 U.S.C. 460k et seq.), and other laws applicable to the
25 National Wildlife Refuge System.

1 **SEC. 2913. MINING AND MINERAL LEASING.**

2 (a) DETERMINATION OF LANDS SUITABLE FOR
3 OPENING.—(1) As soon as practicable after the date of
4 the enactment of this Act and at least every five years
5 thereafter, the Secretary of the Interior shall determine,
6 with the concurrence of the Secretary of the military de-
7 partment concerned, which public and acquired lands (ex-
8 cept as provided in this subsection) described in sub-
9 sections (b), (c), and (d) of section 2902 the Secretary
10 of the Interior considers suitable for opening to the oper-
11 ation of the Mining Law of 1872, the Mineral Lands Leas-
12 ing Act of 1920, the Mineral Leasing Act for Acquired
13 Lands of 1947, the Geothermal Steam Act of 1970, or
14 any one or more of such Acts.

15 (2) The Secretary of the Interior shall publish a no-
16 tice in the Federal Register listing the lands determined
17 suitable for opening pursuant to this section and speci-
18 fying the opening date, except that lands contained within
19 the Cabeza Prieta National Wildlife Refuge in Arizona
20 shall not be determined to be suitable for opening pursu-
21 ant to this section.

22 (b) OPENING LANDS.—On the day specified by the
23 Secretary of the Interior in a notice published in the Fed-
24 eral Register pursuant to subsection (a), the land identi-
25 fied under subsection (a) as suitable for opening to the
26 operation of one or more of the laws specified in sub-

1 section (a) shall automatically be open to the operation
2 of such laws without the necessity for further action by
3 the Secretary or Congress.

4 (c) EXCEPTION FOR COMMON VARIETIES.—No de-
5 posit of minerals or materials of the types identified by
6 section 3 of the Act of July 23, 1955 (69 Stat. 367),
7 whether or not included in the term “common varieties”
8 in that Act, shall be subject to location under the Mining
9 Law of 1872 on lands described in section 2902.

10 (d) REGULATIONS.—(1) The Secretary of the Inte-
11 rior, with the advice and concurrence of the Secretary of
12 the military department concerned, shall prescribe such
13 regulations to implement this section as may be necessary
14 to assure safe, uninterrupted, and unimpeded use of the
15 lands described in section 2902 for military purposes.

16 (2) Such regulations shall contain guidelines to assist
17 mining claimants in determining how much, if any, of the
18 surface of any lands opened pursuant to this section may
19 be used for purposes incident to mining.

20 (e) CLOSURE OF MINING LANDS.—In the event of
21 a national emergency or for purposes of national defense
22 or security, the Secretary of the Interior, at the request
23 of the Secretary of the military department concerned,
24 shall close any lands that have been opened to mining or
25 to mineral or geothermal leasing pursuant to this section.

1 (f) LAWS GOVERNING MINING ON WITHDRAWN
2 LANDS.—(1) Except as otherwise provided in this title,
3 mining claims located pursuant to this title shall be sub-
4 ject to the provisions of the mining laws. In the event of
5 a conflict between those laws and this title, this title shall
6 prevail.

7 (2) All mining claims located under the terms of this
8 title shall be subject to the provisions of the Federal Land
9 Policy and Management Act of 1976 (43 U.S.C. 1701 et
10 seq.).

11 (g) PATENTS.—(1) Patents issued pursuant to this
12 title for locatable minerals shall convey title to locatable
13 minerals only, together with the right to use so much of
14 the surface as may be necessary for purposes incident to
15 mining under the guidelines for such use established by
16 the Secretary of the Interior by regulation.

17 (2) All such patents shall contain a reservation to the
18 United States of the surface of all lands patented and of
19 all nonlocatable minerals on those lands.

20 (3) For the purposes of this subsection, all minerals
21 subject to location under the Mining Law of 1872 shall
22 be treated as locatable minerals.

23 **SEC. 2914. IMMUNITY OF UNITED STATES.**

24 The United States and all departments or agencies
25 thereof shall be held harmless and shall not be liable for

1 any injuries or damages to persons or property suffered
 2 in the course of any mining or mineral or geothermal leas-
 3 ing activity conducted on lands described in section 2902.

4 **DIVISION C—DEPARTMENT OF**
 5 **ENERGY NATIONAL SECURITY**
 6 **AUTHORIZATIONS AND**
 7 **OTHER AUTHORIZATIONS**
 8 **TITLE XXXI—DEPARTMENT OF**
 9 **ENERGY NATIONAL SECURITY**
 10 **PROGRAMS**
 11 **Subtitle A—National Security**
 12 **Programs Authorizations**

13 **SEC. 3101. WEAPONS ACTIVITIES.**

14 Funds are hereby authorized to be appropriated to
 15 the Department of Energy for fiscal year 2000 for weap-
 16 ons activities in carrying out programs necessary for na-
 17 tional security in the amount of \$4,530,000,000, to be al-
 18 located as follows:

19 (1) STOCKPILE STEWARDSHIP.—Funds are
 20 hereby authorized to be appropriated to the Depart-
 21 ment of Energy for fiscal year 2000 for stockpile
 22 stewardship in carrying out weapons activities nec-
 23 essary for national security programs in the amount
 24 of \$2,248,700,000, to be allocated as follows:

1 (A) For core stockpile stewardship,
2 \$1,748,500,000, to be allocated as follows:

3 (i) For operation and maintenance,
4 \$1,615,355,000.

5 (ii) For plant projects (including
6 maintenance, restoration, planning, con-
7 struction, acquisition, modification of fa-
8 cilities, and the continuation of projects
9 authorized in prior years, and land acqui-
10 sition related thereto), \$133,145,000, to be
11 allocated as follows:

12 Project 00–D–103, terascale sim-
13 ulation facility, Lawrence Livermore
14 National Laboratory, Livermore, Cali-
15 fornia, \$8,000,000.

16 Project 00–D–105, strategic
17 computing complex, Los Alamos Na-
18 tional Laboratory, Los Alamos, New
19 Mexico, \$26,000,000.

20 Project 00–D–107, joint com-
21 putational engineering laboratory,
22 Sandia National Laboratories, Albu-
23 querque, New Mexico, \$1,800,000.

24 Project 99–D–102, rehabilitation
25 of maintenance facility, Lawrence

1 Livermore National Laboratory,
2 Livermore, California, \$3,900,000.

3 Project 99–D–103, isotope
4 sciences facilities, Lawrence Liver-
5 more National Laboratory, Livermore,
6 California, \$2,000,000.

7 Project 99–D–104, protection of
8 real property (roof reconstruction,
9 Phase II), Lawrence Livermore Na-
10 tional Laboratory, Livermore, Cali-
11 fornia, \$2,400,000.

12 Project 99–D–105, central health
13 physics calibration facility, Los Ala-
14 mos National Laboratory, Los Ala-
15 mos, New Mexico, \$1,000,000.

16 Project 99–D–106, model valida-
17 tion and system certification test cen-
18 ter, Sandia National Laboratories, Al-
19 buquerque, New Mexico, \$6,500,000.

20 Project 99–D–108, renovate ex-
21 isting roadways, Nevada Test Site,
22 Nevada, \$7,005,000.

23 Project 97–D–102, dual-axis ra-
24 diographic hydrotest facility, Los Ala-

1 mos National Laboratory, Los Ala-
2 mos, New Mexico, \$61,000,000.

3 Project 96-D-102, stockpile
4 stewardship facilities revitalization,
5 Phase VI, various locations,
6 \$2,640,000.

7 Project 96-D-104, processing
8 and environmental technology labora-
9 tory, Sandia National Laboratories,
10 Albuquerque, New Mexico,
11 \$10,900,000.

12 (B) For inertial fusion, \$465,700,000, to
13 be allocated as follows:

14 (i) For operation and maintenance,
15 \$217,600,000.

16 (ii) For the following plant project
17 (including maintenance, restoration, plan-
18 ning, construction, acquisition, and modi-
19 fication of facilities, and land acquisition
20 related thereto), \$248,100,000, to be allo-
21 cated as follows:

22 Project 96-D-111, national igni-
23 tion facility, Lawrence Livermore Na-
24 tional Laboratory, Livermore, Cali-
25 fornia, \$248,100,000.

1 (C) For technology partnership and edu-
2 cation, \$34,500,000, to be allocated as follows:

3 (i) For technology partnership,
4 \$15,200,000.

5 (ii) For education, \$19,300,000.

6 (2) STOCKPILE MANAGEMENT.—Funds are
7 hereby authorized to be appropriated to the Depart-
8 ment of Energy for fiscal year 2000 for stockpile
9 management in carrying out weapons activities nec-
10 essary for national security programs in the amount
11 of \$2,039,300,000, to be allocated as follows:

12 (A) For operation and maintenance,
13 \$1,880,621,000.

14 (B) For plant projects (including mainte-
15 nance, restoration, planning, construction, ac-
16 quisition, modification of facilities, and the con-
17 tinuation of projects authorized in prior years,
18 and land acquisition related thereto),
19 \$158,679,000, to be allocated as follows:

20 Project 99–D–122, rapid reactivation,
21 various locations, \$11,700,000.

22 Project 99–D–127, stockpile manage-
23 ment restructuring initiative, Kansas City
24 Plant, Kansas City, Missouri,
25 \$17,000,000.

1 Project 99–D–128, stockpile manage-
2 ment restructuring initiative, Pantex Plant
3 consolidation, Amarillo, Texas, \$3,429,000.

4 Project 99–D–132, stockpile manage-
5 ment restructuring initiative, nuclear mate-
6 rial safeguards and security upgrades
7 project, Los Alamos National Laboratory,
8 Los Alamos, New Mexico, \$11,300,000.

9 Project 98–D–123, stockpile manage-
10 ment restructuring initiative, tritium facil-
11 ity modernization and consolidation, Sa-
12 vannah River Site, Aiken, South Carolina,
13 \$21,800,000.

14 Project 98–D–124, stockpile manage-
15 ment restructuring initiative, Y–12 Plant
16 consolidation, Oak Ridge, Tennessee,
17 \$3,150,000.

18 Project 98–D–125, tritium extraction
19 facility, Savannah River Site, Aiken, South
20 Carolina, \$33,000,000.

21 Project 98–D–126, accelerator pro-
22 duction of tritium, various locations,
23 \$31,000,000.

1 Project 97–D–123, structural up-
2 grades, Kansas City Plant, Kansas City,
3 Missouri, \$4,800,000.

4 Project 95–D–102, chemistry and
5 metallurgy research building upgrades, Los
6 Alamos National Laboratory, Los Alamos,
7 New Mexico, \$18,000,000.

8 Project 88–D–123, security enhance-
9 ments, Pantex Plant, Amarillo, Texas,
10 \$3,500,000.

11 (3) PROGRAM DIRECTION.—Funds are hereby
12 authorized to be appropriated to the Department of
13 Energy for fiscal year 2000 for program direction in
14 carrying out weapons activities necessary for na-
15 tional security programs in the amount of
16 \$242,000,000.

17 **SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND**
18 **WASTE MANAGEMENT.**

19 Funds are hereby authorized to be appropriated to
20 the Department of Energy for fiscal year 2000 for envi-
21 ronmental restoration and waste management in carrying
22 out programs necessary for national security in the
23 amount of \$5,532,868,000, to be allocated as follows:

24 (1) CLOSURE PROJECTS.—For closure projects
25 carried out in accordance with section 3143 of the

1 National Defense Authorization Act for Fiscal Year
2 1997 (Public Law 104-201; 110 Stat. 2836; 42
3 U.S.C. 7274n) in the amount of \$1,069,492,000.

4 (2) SITE PROJECT AND COMPLETION.—For site
5 project and completion in carrying out environ-
6 mental restoration and waste management activities
7 necessary for national security programs in the
8 amount of \$980,919,000, to be allocated as follows:

9 (A) For operation and maintenance,
10 \$892,629,000.

11 (B) For plant projects (including mainte-
12 nance, restoration, planning, construction, ac-
13 quisition, modification of facilities, and the con-
14 tinuation of projects authorized in prior years,
15 and land acquisition related thereto),
16 \$88,290,000, to be allocated as follows:

17 Project 99-D-402, tank farm support
18 services, F&H areas, Savannah River Site,
19 Aiken, South Carolina, \$3,100,000.

20 Project 99-D-404, health physics in-
21 strumentation laboratory, Idaho National
22 Engineering and Environmental Labora-
23 tory, Idaho, \$7,200,000.

24 Project 98-D-401, H-tank farm
25 storm water systems upgrade, Savannah

1 River Site, Aiken, South Carolina,
2 \$2,977,000.

3 Project 98-D-453, plutonium sta-
4 bilization and handling system for pluto-
5 nium finishing plant, Richland, Wash-
6 ington, \$16,860,000.

7 Project 98-D-700, road rehabilita-
8 tion, Idaho National Engineering and En-
9 vironmental Laboratory, Idaho,
10 \$2,590,000.

11 Project 97-D-450, Actinide pack-
12 aging and storage facility, Savannah River
13 Site, Aiken, South Carolina, \$4,000,000.

14 Project 97-D-470, regulatory moni-
15 toring and bioassay laboratory, Savannah
16 River Site, Aiken, South Carolina,
17 \$12,220,000.

18 Project 96-D-406, spent nuclear fuels
19 canister storage and stabilization facility,
20 Richland, Washington, \$24,441,000.

21 Project 96-D-464, electrical and util-
22 ity systems upgrade, Idaho National Engi-
23 neering and Environmental Laboratory,
24 Idaho, \$11,971,000.

1 Project 96–D–471, chlorofluorocarbon
2 heating, ventilation, and air conditioning
3 and chiller retrofit, Savannah River Site,
4 Aiken, South Carolina, \$931,000.

5 Project 86–D–103, decontamination
6 and waste treatment facility, Lawrence
7 Livermore National Laboratory, Liver-
8 more, California, \$2,000,0000.

9 (3) POST-2006 COMPLETION.—For post-2006
10 project completion in carrying out environmental
11 restoration and waste management activities nec-
12 essary for national security programs in the amount
13 of \$2,902,548,000, to be allocated as follows:

14 (A) For operation and maintenance,
15 \$2,847,997,000.

16 (B) For plant projects (including mainte-
17 nance, restoration, planning, construction, ac-
18 quisition, modification of facilities, and the con-
19 tinuation of projects authorized in prior years,
20 and land acquisition related thereto),
21 \$54,551,000, to be allocated as follows:

22 Project 00–D–401, spent nuclear fuel
23 treatment and storage facility, title I and
24 II, Savannah River Site, Aiken, South
25 Carolina, \$7,000,000.

1 Project 99–D–403, privatization
2 phase I infrastructure support, Richland,
3 Washington, \$13,988,000.

4 Project 97–D–402, tank farm restora-
5 tion and safe operations, Richland, Wash-
6 ington, \$20,516,000.

7 Project 94–D–407, initial tank re-
8 trieval systems, Richland, Washington,
9 \$4,060,000.

10 Project 93–D–187, high-level waste
11 removal from filled waste tanks, Savannah
12 River Site, Aiken, South Carolina,
13 \$8,987,000.

14 (4) SCIENCE AND TECHNOLOGY.—For science
15 and technology in carrying out environmental res-
16 toration and waste management activities necessary
17 for national security programs in the amount of
18 \$235,500,000.

19 (5) PROGRAM DIRECTION.—For program direc-
20 tion in carrying out environmental restoration and
21 waste management activities necessary for national
22 security programs in the amount of \$344,409,000.

23 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

24 (a) IN GENERAL.—Funds are hereby authorized to
25 be appropriated to the Department of Energy for fiscal

1 year 2000 for other defense activities in carrying out pro-
2 grams necessary for national security in the amount of
3 \$1,821,000,000, to be allocated as follows:

4 (1) NONPROLIFERATION AND NATIONAL SECUR-
5 RITY.—For nonproliferation and national security,
6 \$744,300,000, to be allocated as follows:

7 (A) For verification and control tech-
8 nology, \$497,000,000, to be allocated as fol-
9 lows:

10 (i) For nonproliferation and
11 verification research and development,
12 \$215,000,000.

13 (ii) For arms control, \$276,000,000.

14 (iii) For plant projects (including
15 maintenance, restoration, planning, con-
16 struction, acquisition, modification of fa-
17 cilities, and the continuation of projects
18 authorized in prior years, and land acquisi-
19 tion related thereto), \$6,000,000, to be al-
20 located as follows:

21 Project 00–D–192, Nonprolifera-
22 tion and International Security Cen-
23 ters (NISC), Los Alamos National
24 Laboratory, New Mexico, \$6,000,000.

1 (B) For nuclear safeguards and security,
2 \$59,100,000.

3 (C) For security investigations,
4 \$47,000,000.

5 (D) For emergency management,
6 \$21,000,000.

7 (E) For program direction, \$90,450,000.

8 (F) For HEV Transparency implementa-
9 tion, \$15,750,000.

10 (G) For international nuclear safety,
11 \$34,000,000.

12 (2) INTELLIGENCE.—For intelligence,
13 \$36,059,000.

14 (3) COUNTERINTELLIGENCE.—For counter-
15 intelligence, \$66,200,000.

16 (4) WORKER AND COMMUNITY TRANSITION AS-
17 SISTANCE.—For worker and community transition
18 assistance, \$30,000,000, to be allocated as follows:

19 (A) For worker and community transition,
20 \$26,500,000.

21 (B) For program direction, \$3,500,000.

22 (5) FISSILE MATERIALS CONTROL AND DISPOSI-
23 TION.—For fissile materials control and disposition,
24 \$200,000,000, to be allocated as follows:

1 (A) For operation and maintenance,
2 \$129,766,000.

3 (B) For program direction, \$7,343,000.

4 (C) For plant projects (including maintenance,
5 nance, restoration, planning, construction, acquisition,
6 modification of facilities, and the continuation of projects
7 authorized in prior years, and land acquisition related thereto),
8 \$62,891,000, to be allocated as follows:

10 Project 00–D–142, Immobilization
11 and associated processing facility, various
12 locations, \$21,765,000.

13 Project 99–D–141, pit disassembly
14 and conversion facility, various locations,
15 \$28,751,000.

16 Project 99–D–143, mixed oxide fuel
17 fabrication facility, various locations,
18 \$12,375,000.

19 (6) ENVIRONMENT, SAFETY, AND HEALTH.—
20 For environment, safety, and health, defense,
21 \$79,000,000, to be allocated as follows:

22 (A) For the Office of Environment, Safety,
23 and Health (Defense), \$54,231,000.

24 (B) For program direction, \$24,769,000.

1 (7) OFFICE OF HEARINGS AND APPEALS.—For
2 the Office of Hearings and Appeals, \$3,000,000.

3 (8) NAVAL REACTORS.—For naval reactors,
4 \$675,000,000, to be allocated as follows:

5 (A) For naval reactors development,
6 \$654,400,000, to be allocated as follows:

7 (i) For operation and maintenance,
8 \$630,400,000.

9 (ii) For plant projects (including
10 maintenance, restoration, planning, con-
11 struction, acquisition, modification of fa-
12 cilities, and the continuation of projects
13 authorized in prior years, and land acquisi-
14 tion related thereto), \$24,000,000, to be
15 allocated as follows:

16 GPN–101, general plant projects,
17 various locations, \$9,000,000.

18 Project 98–D–200, site labora-
19 tory/facility upgrade, various loca-
20 tions, \$3,000,000.

21 Project 90–N–102, expended core
22 facility dry cell project, Naval Reac-
23 tors Facility, Idaho, \$12,000,000.

24 (B) For program direction, \$20,600,000.

1 (b) ADJUSTMENT.—(1) The total amount authorized
2 to be appropriated pursuant to this section is the sum of
3 the amounts authorized to be appropriated in paragraphs
4 (1) through (7) of subsection (a) reduced by \$12,559,000.

5 (2) The amount authorized to be appropriated pursu-
6 ant to subsection (a)(1)(C) is reduced by \$20,000,000 to
7 reflect an offset provided by user organizations for secu-
8 rity investigations.

9 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

10 (a) DEFENSE NUCLEAR WASTE DISPOSAL.—Funds
11 are hereby authorized to be appropriated to the Depart-
12 ment of Energy for fiscal year 2000 for payment to the
13 Nuclear Waste Fund established in section 302(c) of the
14 Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c))
15 in the amount of \$112,000,000.

16 (b) ADJUSTMENT.—The amount authorized to be ap-
17 propriated pursuant to subsection (a) is reduced by
18 \$39,000,000.

19 **SEC. 3105. DEFENSE ENVIRONMENTAL MANAGEMENT PRI-**
20 **VATIZATION.**

21 (a) IN GENERAL.—Funds are hereby authorized to
22 be appropriated to the Department of Energy for fiscal
23 year 2000 for privatization initiatives in carrying out envi-
24 ronmental restoration and waste management activities

1 necessary for national security programs in the amount
2 of \$241,000,000, to be allocated as follows:

3 Project 98–PVT–2, spent nuclear fuel dry stor-
4 age, Idaho Falls, Idaho, \$5,000,000.

5 Project 98–PVT–5, waste disposal, Oak Ridge,
6 Tennessee, \$20,000,000.

7 Project 97–PVT–1, tank waste remediation sys-
8 tem phase I, Hanford, Washington, \$106,000,000.

9 Project 97–PVT–2, advanced mixed waste
10 treatment facility, Idaho Falls, Idaho, \$110,000,000.

11 (b) ADJUSTMENT.—The amount authorized to be ap-
12 propriated in subsection (a) is the sum of the amounts
13 authorized to be appropriated for the projects set forth
14 in that subsection, reduced by \$25,000,000 for use of
15 prior year balances of funds for defense environmental
16 management privatization.

17 **Subtitle B—Recurring General** 18 **Provisions**

19 **SEC. 3121. REPROGRAMMING.**

20 (a) IN GENERAL.—Until the Secretary of Energy
21 submits to the congressional defense committees the re-
22 port referred to in subsection (b) and a period of 30 days
23 has elapsed after the date on which such committees re-
24 ceive the report, the Secretary may not use amounts ap-
25 propriated pursuant to this title for any program—

1 (1) in amounts that exceed, in a fiscal year—

2 (A) 110 percent of the amount authorized

3 for that program by this title; or

4 (B) \$1,000,000 more than the amount au-

5 thorized for that program by this title; or

6 (2) which has not been presented to, or re-

7 quested of, Congress.

8 (b) REPORT.—(1) The report referred to in sub-

9 section (a) is a report containing a full and complete state-

10 ment of the action proposed to be taken and the facts and

11 circumstances relied upon in support of such proposed ac-

12 tion.

13 (2) In the computation of the 30-day period under

14 subsection (a), there shall be excluded any day on which

15 either House of Congress is not in session because of an

16 adjournment of more than 3 days to a day certain.

17 (c) LIMITATIONS.—(1) In no event may the total

18 amount of funds obligated pursuant to this title exceed

19 the total amount authorized to be appropriated by this

20 title.

21 (2) Funds appropriated pursuant to this title may not

22 be used for an item for which Congress has specifically

23 denied funds.

1 **SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.**

2 (a) IN GENERAL.—The Secretary of Energy may
3 carry out any construction project under the general plant
4 projects authorized by this title if the total estimated cost
5 of the construction project does not exceed \$5,000,000.

6 (b) REPORT TO CONGRESS.—If, at any time during
7 the construction of any general plant project authorized
8 by this title, the estimated cost of the project is revised
9 because of unforeseen cost variations and the revised cost
10 of the project exceeds \$5,000,000, the Secretary shall im-
11 mediately furnish a complete report to the congressional
12 defense committees explaining the reasons for the cost
13 variation.

14 **SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

15 (a) IN GENERAL.—(1) Except as provided in para-
16 graph (2), construction on a construction project may not
17 be started or additional obligations incurred in connection
18 with the project above the total estimated cost, whenever
19 the current estimated cost of the construction project,
20 which is authorized by section 3101, 3102, or 3103, or
21 which is in support of national security programs of the
22 Department of Energy and was authorized by any pre-
23 vious Act, exceeds by more than 25 percent the higher
24 of—

25 (A) the amount authorized for the project; or

1 (B) the amount of the total estimated cost for
2 the project as shown in the most recent budget jus-
3 tification data submitted to Congress.

4 (2) An action described in paragraph (1) may be
5 taken if—

6 (A) the Secretary of Energy has submitted to
7 the congressional defense committees a report on the
8 actions and the circumstances making such action
9 necessary; and

10 (B) a period of 30 days has elapsed after the
11 date on which the report is received by the commit-
12 tees.

13 (3) In the computation of the 30-day period under
14 paragraph (2), there shall be excluded any day on which
15 either House of Congress is not in session because of an
16 adjournment of more than 3 days to a day certain.

17 (b) EXCEPTION.—Subsection (a) shall not apply to
18 any construction project which has a current estimated
19 cost of less than \$5,000,000.

20 **SEC. 3124. FUND TRANSFER AUTHORITY.**

21 (a) TRANSFER TO OTHER FEDERAL AGENCIES.—
22 The Secretary of Energy may transfer funds authorized
23 to be appropriated to the Department of Energy pursuant
24 to this title to other Federal agencies for the performance
25 of work for which the funds were authorized. Funds so

1 transferred may be merged with and be available for the
2 same purposes and for the same period as the authoriza-
3 tions of the Federal agency to which the amounts are
4 transferred.

5 (b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—

6 (1) Subject to paragraph (2), the Secretary of Energy may
7 transfer funds authorized to be appropriated to the De-
8 partment of Energy pursuant to this title between any
9 such authorizations. Amounts of authorizations so trans-
10 ferred may be merged with and be available for the same
11 purposes and for the same period as the authorization to
12 which the amounts are transferred.

13 (2) Not more than 5 percent of any such authoriza-
14 tion may be transferred between authorizations under
15 paragraph (1). No such authorization may be increased
16 or decreased by more than five percent by a transfer under
17 such paragraph.

18 (c) LIMITATION.—The authority provided by this sec-
19 tion to transfer authorizations—

20 (1) may only be used to provide funds for items
21 relating to activities necessary for national security
22 programs that have a higher priority than the items
23 from which the funds are transferred; and

1 (2) may not be used to provide funds for an
2 item for which Congress has specifically denied
3 funds.

4 (d) NOTICE TO CONGRESS.—The Secretary of En-
5 ergy shall promptly notify the Committee on Armed Serv-
6 ices of the Senate and the Committee on Armed Services
7 of the House of Representatives of any transfer of funds
8 to or from authorizations under this title.

9 **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUC-**
10 **TION DESIGN.**

11 (a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1)
12 Subject to paragraph (2) and except as provided in para-
13 graph (3), before submitting to Congress a request for
14 funds for a construction project that is in support of a
15 national security program of the Department of Energy,
16 the Secretary of Energy shall complete a conceptual de-
17 sign for that project.

18 (2) If the estimated cost of completing a conceptual
19 design for a construction project exceeds \$3,000,000, the
20 Secretary shall submit to Congress a request for funds for
21 the conceptual design before submitting a request for
22 funds for the construction project.

23 (3) The requirement in paragraph (1) does not apply
24 to a request for funds—

1 (A) for a construction project the total esti-
 2 mated cost of which is less than \$5,000,000; or

3 (B) for emergency planning, design, and con-
 4 struction activities under section 3126.

5 (b) **AUTHORITY FOR CONSTRUCTION DESIGN.**—(1)

6 Within the amounts authorized by this title, the Secretary
 7 of Energy may carry out construction design (including
 8 architectural and engineering services) in connection with
 9 any proposed construction project if the total estimated
 10 cost for such design does not exceed \$600,000.

11 (2) If the total estimated cost for construction design
 12 in connection with any construction project exceeds
 13 \$600,000, funds for such design must be specifically au-
 14 thorized by law.

15 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**
 16 **SIGN, AND CONSTRUCTION ACTIVITIES.**

17 (a) **AUTHORITY.**—The Secretary of Energy may use
 18 any funds available to the Department of Energy pursuant
 19 to an authorization in this title, including those funds au-
 20 thorized to be appropriated for advance planning and con-
 21 struction design under sections 3101, 3102, and 3103, to
 22 perform planning, design, and construction activities for
 23 any Department of Energy national security program con-
 24 struction project that, as determined by the Secretary,
 25 must proceed expeditiously in order to protect public

1 health and safety, to meet the needs of national defense,
2 or to protect property.

3 (b) LIMITATION.—The Secretary may not exercise
4 the authority under subsection (a) in the case of any con-
5 struction project until the Secretary has submitted to the
6 congressional defense committees a report on the activities
7 that the Secretary intends to carry out under this section
8 and the circumstances making such activities necessary.

9 (c) SPECIFIC AUTHORITY.—The requirement of sec-
10 tion 3125(b)(2) does not apply to emergency planning, de-
11 sign, and construction activities conducted under this sec-
12 tion.

13 **SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECU-**
14 **RITY PROGRAMS OF THE DEPARTMENT OF**
15 **ENERGY.**

16 Subject to the provisions of appropriations Acts and
17 section 3121, amounts appropriated pursuant to this title
18 for management and support activities and for general
19 plant projects are available for use, when necessary, in
20 connection with all national security programs of the De-
21 partment of Energy.

22 **SEC. 3128. AVAILABILITY OF FUNDS.**

23 (a) IN GENERAL.—Except as provided in subsection
24 (b), when so specified in an appropriations Act, amounts

1 appropriated for operation and maintenance or for plant
2 projects may remain available until expended.

3 (b) EXCEPTION FOR PROGRAM DIRECTION FUNDS.—
4 Amounts appropriated for program direction pursuant to
5 an authorization of appropriations in subtitle A shall re-
6 main available to be expended only until the end of fiscal
7 year 2002.

8 **SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL**
9 **MANAGEMENT FUNDS.**

10 (a) TRANSFER AUTHORITY FOR DEFENSE ENVIRON-
11 MENTAL MANAGEMENT FUNDS.—The Secretary of En-
12 ergy shall provide the manager of each field office of the
13 Department of Energy with the authority to transfer de-
14 fense environmental management funds from a program
15 or project under the jurisdiction of the office to another
16 such program or project.

17 (b) LIMITATIONS.—(1) Only one transfer may be
18 made to or from any program or project under subsection
19 (a) in a fiscal year.

20 (2) The amount transferred to or from a program
21 or project under subsection (a) may not exceed \$5,000,000
22 in a fiscal year.

23 (3) A transfer may not be carried out by a manager
24 of a field office under subsection (a) unless the manager
25 determines that the transfer is necessary to address a risk

1 to health, safety, or the environment or to assure the most
2 efficient use of defense environmental management funds
3 at the field office.

4 (4) Funds transferred pursuant to subsection (a)
5 may not be used for an item for which Congress has spe-
6 cifically denied funds or for a new program or project that
7 has not been authorized by Congress.

8 (c) EXEMPTION FROM REPROGRAMMING REQUIRE-
9 MENTS.—The requirements of section 3121 shall not
10 apply to transfers of funds pursuant to subsection (a).

11 (d) NOTIFICATION.—The Secretary, acting through
12 the Assistant Secretary of Energy for Environmental
13 Management, shall notify Congress of any transfer of
14 funds pursuant to subsection (a) not later than 30 days
15 after such transfer occurs.

16 (e) DEFINITIONS.—In this section:

17 (1) The term “program or project” means, with
18 respect to a field office of the Department of En-
19 ergy, any of the following:

20 (A) A program referred to or a project list-
21 ed in paragraph (2) or (3) of section 3102.

22 (B) A program or project not described in
23 subparagraph (A) that is for environmental res-
24 toration or waste management activities nec-
25 essary for national security programs of the De-

partment, that is being carried out by the office, and for which defense environmental management funds have been authorized and appropriated before the date of the enactment of this Act.

(2) The term “defense environmental management funds” means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

(f) DURATION OF AUTHORITY.—The managers of the field offices of the Department may exercise the authority provided under subsection (a) during the period beginning on October 1, 1999, and ending on September 30, 2000.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. PROHIBITION ON USE OF FUNDS FOR CERTAIN ACTIVITIES UNDER FORMERLY UTILIZED SITE REMEDIAL ACTION PROGRAM.

Notwithstanding any other provision of law, no funds authorized to be appropriated or otherwise made available by this Act, or by any Act authorizing appropriations for the military activities of the Department of Defense or the

1 defense activities of the Department of Energy for a fiscal
2 year after fiscal year 2000, may be obligated or expended
3 to conduct treatment, storage, or disposal activities at any
4 site designated as a site under the Formerly Utilized Site
5 Remedial Action Program as of the date of the enactment
6 of this Act.

7 **SEC. 3132. CONTINUATION OF PROCESSING, TREATMENT,**
8 **AND DISPOSITION OF LEGACY NUCLEAR MA-**
9 **TERIALS.**

10 The Secretary of Energy shall continue operations
11 and maintain a high state of readiness at the F-canyon
12 and H-canyon facilities at the Savannah River Site, Aiken,
13 South Carolina, and shall provide the technical staff nec-
14 essary to operate and so maintain such facilities.

15 **SEC. 3133. NUCLEAR WEAPONS STOCKPILE LIFE EXTEN-**
16 **SION PROGRAM.**

17 (a) PROGRAM REQUIRED.—The Secretary of Energy
18 shall, in consultation with the Secretary of Defense, carry
19 out a program to provide for the extension of the effective
20 life of the weapons in the nuclear weapons stockpile.

21 (b) ADMINISTRATIVE RESPONSIBILITY FOR PRO-
22 GRAM.—The program under subsection (a) shall be a pro-
23 gram within the Office of Defense Programs of the De-
24 partment of Energy.

1 (c) PROGRAM PLAN.—As part of the program under
2 subsection (a), the Secretary shall develop a long-term
3 plan for the extension of the life of the weapons in the
4 nuclear weapons stockpile. The plan shall provide the fol-
5 lowing:

6 (1) Mechanisms to provide for the remanufac-
7 ture of each weapon design designated by the Sec-
8 retary for inclusion in the enduring nuclear weapons
9 stockpile as of the date of the enactment of this Act.

10 (2) Mechanisms to expedite the collection of
11 data necessary for carrying out the program, includ-
12 ing data relating to the aging of materials and com-
13 ponents, new manufacturing techniques, and the re-
14 placement or substitution of materials.

15 (3) Mechanisms to ensure the appropriate as-
16 signment of roles and missions for each Department
17 nuclear weapons laboratory and production plant, in-
18 cluding mechanisms for allocation of workload,
19 mechanisms to ensure the carrying out of appro-
20 priate modernization activities, and mechanisms to
21 ensure the retention of skilled personnel.

22 (4) Mechanisms for allocating funds for activi-
23 ties under the program, including allocations of
24 funds by weapon type and facility.

1 (d) ANNUAL SUBMITTAL OF PLAN.—(1) The Sec-
2 retary shall submit to the Committees on Armed Services
3 of the Senate and the House of Representatives the plan
4 developed under subsection (c) not later than January 1,
5 2000. The plan shall contain the maximum level of detail
6 practicable.

7 (2) The Secretary shall submit to the committees re-
8 ferred to in paragraph (1) each year after 2000, at the
9 same time as the submission of the budget for the fiscal
10 year beginning in such year under section 1105 of title
11 31, United States Code, an update of the plan submitted
12 under paragraph (1). Each update shall contain the same
13 level of detail as the plan submitted under paragraph (1).

14 (e) SENSE OF CONGRESS REGARDING FUNDING OF
15 PROGRAM.—It is the sense of Congress that the President
16 should include in each budget for a fiscal year submitted
17 to Congress under section 1105 of title 31, United States
18 Code, sufficient funds to carry out in the fiscal year cov-
19 ered by such budget the activities under the program
20 under subsection (a) that are specified in the most current
21 version of the plan for the program under this section.

22 **SEC. 3134. TRITIUM PRODUCTION.**

23 (a) PRODUCTION OF NEW TRITIUM.—The Secretary
24 of Energy shall produce new tritium to meet the require-
25 ments of the Nuclear Weapons Stockpile Memorandum at

1 the Tennessee Valley Authority Watts Bar or Sequoyah
2 nuclear power plants consistent with the Secretary's De-
3 cember 22, 1998, decision document designating the Sec-
4 retary's preferred tritium production technology.

5 (b) SUPPORT.—To support the method of tritium
6 production set forth in subsection (a), the Secretary shall
7 design and construct a new tritium extraction facility in
8 the H-Area of the Savannah River Site, Aiken, South
9 Carolina.

10 (c) DESIGN AND ENGINEERING DEVELOPMENT.—
11 The Secretary shall—

12 (1) complete preliminary design and engineer-
13 ing development of the Accelerator Production of
14 Tritium technology design as a backup source of
15 tritium to the source set forth in subsection (a) and
16 consistent with the Secretary's December 22, 1998,
17 decision document; and

18 (2) make available those funds necessary to
19 complete engineering development and demonstra-
20 tion, preliminary design, and detailed design of key
21 elements of the system consistent with the Sec-
22 retary's decision document of December 22, 1998.

1 **SEC. 3135. INDEPENDENT COST ESTIMATE OF ACCEL-**
2 **ERATOR PRODUCTION OF TRITIUM.**

3 (a) INDEPENDENT COST ESTIMATE.—(1) The Sec-
4 retary of Energy shall secure an independent cost estimate
5 of the Accelerator Production of Tritium.

6 (2) The estimate shall be conducted at the highest
7 possible level, but in no event at a level below that cur-
8 rently defined by the Secretary as Type III, “Sampling
9 Technique”.

10 (b) REPORT.—Not later than April 1, 2000, the Sec-
11 retary shall submit to the congressional defense commit-
12 tees a report on the independent cost estimate conducted
13 under subsection (a).

14 **SEC. 3136. NONPROLIFERATION INITIATIVES AND ACTIVI-**
15 **TIES.**

16 (a) INITIATIVE FOR PROLIFERATION PREVENTION
17 PROGRAM.—(1) Not more than 40 percent of the funds
18 available in any fiscal year after fiscal year 1999 for the
19 Initiative for Proliferation Prevention program (IPP) may
20 be obligated or expended by the Department of Energy
21 national laboratories to carry out or provide oversight of
22 any activities under that program.

23 (2)(A) None of the funds available in any fiscal year
24 after fiscal year 1999 for the Initiative for Proliferation
25 Prevention program may be used to increase or otherwise

1 supplement the pay or benefits of a scientist or engineer
2 if the scientist or engineer—

3 (i) is currently engaged in activities directly re-
4 lated to the design, development, production, or test-
5 ing of chemical or biological weapons or a missile
6 system to deliver such weapons; or

7 (ii) was not formerly engaged in activities di-
8 rectly related to the design, development, production,
9 or testing of weapons of mass destruction or a mis-
10 sile system to deliver such weapons.

11 (B) None of the funds available in any fiscal year
12 after fiscal year 1999 for the Initiative for Proliferation
13 Prevention program may be made available to an institute
14 if the institute—

15 (i) is currently involved in activities described in
16 subparagraph (A)(i); or

17 (ii) was not formerly involved in activities de-
18 scribed in subparagraph (A)(ii).

19 (3)(A) No funds available for the Initiative for Pro-
20 liferation Prevention program may be provided to an insti-
21 tute or scientist under the program if the Secretary of En-
22 ergy determines that the institute or scientist has made
23 a scientific or business contact in any way associated with
24 or related to weapons of mass destruction with a rep-
25 resentative of a country of proliferation concern.

1 (B) For purposes of this paragraph, the term “coun-
2 try of proliferation concern” means any country so des-
3 ignated by the Director of Central Intelligence for pur-
4 poses of the Initiative for Proliferation Prevention pro-
5 gram.

6 (4)(A) The Secretary of Energy shall prescribe proce-
7 dures for the review of projects under the Initiative for
8 Proliferation Prevention program. The purpose of the re-
9 view shall be to ensure the following:

10 (i) That the military applications of such
11 projects, and any information relating to such appli-
12 cations, is not inadvertently transferred or utilized
13 for military purposes.

14 (ii) That activities under the projects are not
15 redirected toward work relating to weapons of mass
16 destruction.

17 (iii) That the national security interests of the
18 United States are otherwise fully considered before
19 the commencement of the projects.

20 (B) Not later than 30 days after the date on which
21 the Secretary prescribes the procedures required by sub-
22 paragraph (A), the Secretary shall submit to Congress a
23 report on the procedures. The report shall set forth a
24 schedule for the implementation of the procedures.

1 (5)(A) The Secretary shall evaluate the projects car-
2 ried out under the Initiative for Proliferation Prevention
3 program for commercial purposes to determine whether or
4 not such projects are likely to achieve their intended com-
5 mercial objectives.

6 (B) If the Secretary determines as a result of the
7 evaluation that a project is not likely to achieve its in-
8 tended commercial objective, the Secretary shall terminate
9 the project.

10 (6) It is the sense of Congress that the President
11 should enter into negotiations with the Russian Govern-
12 ment for purposes of concluding an agreement between the
13 United States Government and the Russian Government
14 to provide for the permanent exemption from taxation by
15 the Russian Government of the nonproliferation activities
16 of the Department of Energy under the Initiative for Pro-
17 liferation Prevention program.

18 (b) NUCLEAR CITIES INITIATIVE.—(1) No amounts
19 authorized to be appropriated by this title for the Nuclear
20 Cities Initiative may be obligated or expended for purposes
21 of the initiative until the Secretary of Energy certifies to
22 Congress that Russia has agreed to close some of its facili-
23 ties engaged in work on weapons of mass destruction.

24 (2) Notwithstanding a certification under paragraph
25 (1), amounts authorized to be appropriated by this title

1 for the Nuclear Cities Initiative may not be obligated or
2 expended for purposes of providing assistance under the
3 initiative to more than three nuclear cities, and more than
4 two serial production facilities, in Russia in fiscal year
5 2000.

6 (3)(A) The Secretary shall conduct a study of the po-
7 tential economic effects of each commercial program pro-
8 posed under the Nuclear Cities Initiative before providing
9 assistance for the conduct of the program. The study shall
10 include an assessment regarding whether or not the mech-
11 anisms for job creation under the program are likely to
12 lead to the creation of the jobs intended to be created by
13 the program.

14 (B) If the Secretary determines as a result of the
15 study that the intended commercial benefits of a program
16 are not likely to be achieved, the Secretary may not pro-
17 vide assistance for the conduct of the program.

18 (4) Not later than January 1, 2000, the Secretary
19 shall submit to Congress a report describing the participa-
20 tion in or contribution to the Nuclear Cities Initiative of
21 each department and agency of the United States Govern-
22 ment that participates in or contributes to the initiative.
23 The report shall describe separately any interagency par-
24 ticipation in or contribution to the initiative.

1 (c) REPORT.—(1) Not later than January 1, 2000,
2 the Secretary of Energy shall submit to the Committees
3 on Armed Services of the Senate and House of Represent-
4 atives a report on the Initiative for Proliferation Preven-
5 tion program (IPP) and the Nuclear Cities Initiative.

6 (2) The report shall include the following:

7 (A) A strategic plan for the Initiative for Pro-
8 liferation Prevention program and for the Nuclear
9 Cities Initiative, which shall establish objectives for
10 the program or initiative, as the case may be, and
11 means for measuring the achievement of such objec-
12 tives.

13 (B) A list of the most successful projects under
14 the Initiative for Proliferation Prevention program,
15 including for each such project the name of the in-
16 stitute and scientists who are participating or have
17 participated in the project, the number of jobs cre-
18 ated through the project, and the manner in which
19 the project has met the nonproliferation objectives of
20 the United States.

21 (C) A list of the institutes and scientists associ-
22 ated with weapons of mass destruction programs or
23 other defense-related programs in the states of the
24 former Soviet Union that the Department seeks to
25 engage in commercial work under the Initiative for

1 Proliferation Prevention program or the Nuclear
 2 Cities Initiative, including—

3 (i) a description of the work performed by
 4 such institutes and scientists under such weap-
 5 ons of mass destruction programs or other de-
 6 fense-related programs; and

7 (ii) a description of any work proposed to
 8 be performed by such institutes and scientists
 9 under the Initiative for Proliferation Prevention
 10 program or the Nuclear Cities Initiative.

11 (d) NUCLEAR CITIES INITIATIVE DEFINED.—For
 12 purposes of this section, the term “Nuclear Cities Initia-
 13 tive” means the initiative arising pursuant to the March
 14 1998 discussions between the Vice President of the United
 15 States and the Prime Minister of the Russian Federation
 16 and between the Secretary of Energy of the United States
 17 and the Minister of Atomic Energy of the Russian Federa-
 18 tion.

19 **Subtitle D—Safeguards, Security,**
 20 **and Counterintelligence at De-**
 21 **partment of Energy Facilities**

22 **SEC. 3151. SHORT TITLE.**

23 This subtitle may be cited as the “Department of En-
 24 ergy Facilities Safeguards, Security, and Counterintel-
 25 ligence Enhancement Act of 1999”.

1 **SEC. 3152. COMMISSION ON SAFEGUARDS, SECURITY, AND**
2 **COUNTERINTELLIGENCE AT DEPARTMENT**
3 **OF ENERGY FACILITIES.**

4 (a) ESTABLISHMENT.—There is hereby established a
5 commission to be known as the “Commission on Safe-
6 guards, Security, and Counterintelligence at Department
7 of Energy Facilities” (in this section referred to as the
8 “Commission”).

9 (b) ORGANIZATIONAL MATTERS.—(1) The Commis-
10 sion shall be composed of nine members appointed from
11 among individuals in the public and private sectors who
12 have significant experience in matters related to the secu-
13 rity of nuclear weapons and materials, the classification
14 of information, or counterintelligence matters, as follows:

15 (A) Two shall be appointed by the Chairman of
16 the Committee on Armed Services of the Senate, in
17 consultation with the ranking member of that Com-
18 mittee.

19 (B) One shall be appointed by the ranking
20 member of the Committee on Armed Services of the
21 Senate, in consultation with the Chairman of that
22 Committee.

23 (C) Two shall be appointed by the Chairman of
24 the Committee on Armed Services of the House of
25 Representatives, in consultation with the ranking
26 member of that Committee.

1 (D) One shall be appointed by the ranking
2 member of the Committee on Armed Services of the
3 House of Representatives, in consultation with the
4 Chairman of that Committee.

5 (E) One shall be appointed by the Secretary of
6 Defense.

7 (F) One shall be appointed by the Director of
8 the Federal Bureau of Investigation.

9 (G) One shall be appointed by the Director of
10 Central Intelligence.

11 (2) Members of the Commission shall be appointed
12 for four year terms, except as follows:

13 (A) One member initially appointed under para-
14 graph (1)(A) shall serve a term of two years.

15 (B) One member initially appointed under para-
16 graph (1)(C) shall serve a term of two years.

17 (C) The member initially appointed under para-
18 graph (1)(E) shall serve a term of two years.

19 (3) Any vacancy in the Commission shall be filled in
20 the same manner as the original appointment and shall
21 not affect the powers of the Commission.

22 (4) The Chairman of the Committee on Armed Serv-
23 ices of the Senate, in consultation with the Chairman of
24 the Committee on Armed Services of the House of Rep-
25 resentatives, shall designate the chairman of the Commis-

1 sion from among the members appointed under paragraph
2 (1)(A).

3 (5) The members of the Commission shall be ap-
4 pointed not later than 60 days after the date of the enact-
5 ment of this Act.

6 (6) The members of the Commission shall establish
7 procedures for the activities of the Commission, including
8 procedures for calling meetings, requirements for
9 quorums, and the manner of taking votes.

10 (7) The Commission shall meet not less often than
11 once every three months.

12 (c) DUTIES.—(1) The Commission shall, in accord-
13 ance with this section, review the safeguards, security, and
14 counterintelligence activities (including activities relating
15 to information management, computer security, and per-
16 sonnel security) at Department of Energy facilities to—

17 (A) determine the adequacy of those activities
18 to ensure the security of sensitive information, proc-
19 esses, and activities under the jurisdiction of the De-
20 partment against threats to the disclosure of such
21 information, processes, and activities; and

22 (B) make recommendations for actions the
23 Commission determines as being necessary to ensure
24 that such security is achieved and maintained.

1 (2) The activities of the Commission under paragraph
2 (1) shall include the following:

3 (A) An analysis of the sufficiency of the Design
4 Threat Basis documents as a basis for the allocation
5 of resources for safeguards, security, and counter-
6 intelligence activities at the Department facilities in
7 light of applicable guidance with respect to such ac-
8 tivities, including applicable laws, Department of
9 Energy orders, Presidential Decision Directives, and
10 Executive Orders.

11 (B) Visits to Department facilities to assess the
12 adequacy of the safeguards, security, and counter-
13 intelligence activities at such facilities.

14 (C) Evaluations of specific concerns set forth in
15 Department reports regarding the status of safe-
16 guards, security, or counterintelligence activities at
17 particular Department facilities or at facilities
18 throughout the Department.

19 (D) Reviews of relevant laws, Department or-
20 ders, and other requirements relating to safeguards,
21 security, and counterintelligence activities at Depart-
22 ment facilities.

23 (E) Any other activities relating to safeguards,
24 security, and counterintelligence activities at Depart-

1 ment facilities that the Secretary of Energy con-
2 siders appropriate.

3 (d) REPORT.—(1) Not later than February 15 each
4 year, the Commission shall submit to the Secretary of En-
5 ergy and to the congressional defense committees a report
6 on the activities of the Commission during the preceding
7 year. The report shall be submitted in unclassified form,
8 but may include a classified annex.

9 (2) Each report—

10 (A) shall describe the activities of the Commis-
11 sion during the year covered by the report;

12 (B) shall set forth proposals for any changes in
13 safeguards, security, or counterintelligence activities
14 at Department of Energy facilities that the Commis-
15 sion considers appropriate in light of such activities;
16 and

17 (C) may include any other recommendations for
18 legislation or administrative action that the Commis-
19 sion considers appropriate.

20 (e) PERSONNEL MATTERS.—(1)(A) Each member of
21 the Commission who is not an officer or employee of the
22 Federal Government shall be compensated at a rate equal
23 to the daily equivalent of the annual rate of basic pay pre-
24 scribed for level V of the Executive Schedule under section
25 5316 of title 5, United States Code, for each day (includ-

1 ing travel time) during which such member is engaged in
2 the performance of the duties of the Commission.

3 (B) All members of the Commission who are officers
4 or employees of the United States shall serve without com-
5 pensation in addition to that received for their services as
6 officers or employees of the United States.

7 (2) The members of the Commission shall be allowed
8 travel expenses, including per diem in lieu of subsistence,
9 at rates authorized for employees of agencies under sub-
10 chapter I of chapter 57 of title 5, United States Code,
11 while away from their homes or regular places of business
12 in the performance of services for the Commission.

13 (3)(A) The Commission may, without regard to the
14 civil service laws and regulations, appoint and terminate
15 such personnel as may be necessary to enable the Commis-
16 sion to perform its duties.

17 (B) The Commission may fix the compensation of the
18 personnel of the Commission without regard to the provi-
19 sions of chapter 51 and subchapter III of chapter 53 of
20 title 5, United States Code, relating to classification of
21 positions and General Schedule pay rates.

22 (4) Any officer or employee of the United States may
23 be detailed to the Commission without reimbursement,
24 and such detail shall be without interruption or loss of
25 civil service status or privilege.

1 (5) The members and employees of the Commission
2 shall hold security clearances appropriate for the matters
3 considered by the Commission in the discharge of its du-
4 ties under this section.

5 (f) APPLICABILITY OF FACA.—The provisions of the
6 Federal Advisory Committee Act (5 U.S.C. App.) shall not
7 apply to the activities of the Commission.

8 (g) FUNDING.—(1) From amounts authorized to be
9 appropriated by sections 3101 and 3103, the Secretary of
10 Energy shall make available to the Commission not more
11 than \$1,000,000 for the activities of the Commission
12 under this section.

13 (2) Amounts made available to the Commission under
14 this subsection shall remain available until expended.

15 (h) TERMINATION OF DEPARTMENT OF ENERGY SE-
16 CURITY MANAGEMENT BOARD.—(1) Section 3161 of the
17 National Defense Authorization Act for Fiscal Year 1998
18 (Public Law 105–85; 111 Stat. 2048; 42 U.S.C. 7251
19 note) is repealed.

20 (2) The Secretary of Energy shall take appropriate
21 actions to conclude the affairs of the Department of En-
22 ergy Security Management Board as soon as practicable
23 after the date of the enactment of this Act.

1 (3) Section 3162 of the National Defense Authoriza-
2 tion Act for Fiscal Year 1998 (Public Law 105–85; 111
3 Stat. 2049; 42 U.S.C. 7274 note) is amended—

4 (A) by striking “(a) IN GENERAL.—”; and

5 (B) by striking subsection (b).

6 **SEC. 3153. BACKGROUND INVESTIGATIONS OF CERTAIN**
7 **PERSONNEL AT DEPARTMENT OF ENERGY**
8 **FACILITIES.**

9 (a) IN GENERAL.—The Secretary of Energy shall en-
10 sure that an investigation meeting the requirements of
11 section 145 of the Atomic Energy Act of 1954 (42 U.S.C.
12 2165) is made for each Department of Energy employee,
13 or contractor employee, at a Department of Energy facil-
14 ity who—

15 (1) carries out duties or responsibilities in or
16 around a location where Restricted Data is or may
17 be present; or

18 (2) has or may have regular access to a location
19 where Restricted Data is present.

20 (b) COMPLIANCE.—The Secretary shall have one year
21 from the date of the enactment of this Act to meet the
22 requirement in subsection (a).

1 **SEC. 3154. PLAN FOR POLYGRAPH EXAMINATIONS OF CER-**
2 **TAIN PERSONNEL AT DEPARTMENT OF EN-**
3 **ERGY FACILITIES.**

4 (a) PLAN.—(1) Not later than 120 days after the
5 date of the enactment of this Act, the Secretary of Energy
6 shall submit to the congressional defense committees a
7 plan for conducting, as part of the Department of Energy
8 personnel assurance programs, periodic polygraph exami-
9 nations of each Department of Energy employee, or con-
10 tractor employee, at a Department of Energy facility who
11 has or may have access to Restricted Data or Sensitive
12 Compartmented Information. The purpose of the examina-
13 tions is to minimize the potential for release or disclosure
14 of such data or information by such employees.

15 (2) The plan shall include recommendations for any
16 legislative action necessary to implement the plan.

17 (b) LIMITATION ON USE OF FUNDS PENDING SUB-
18 MITTAL OF PLAN.—Not more than 50 percent of the
19 amounts authorized to be appropriated or otherwise made
20 available for the Department of Energy for fiscal year
21 2000 for travel expenses may be obligated or expended
22 until the date of the submittal of the plan required by sub-
23 section (a).

1 **SEC. 3155. CIVIL MONETARY PENALTIES FOR VIOLATIONS**
2 **OF DEPARTMENT OF ENERGY REGULATIONS**
3 **RELATING TO THE SAFEGUARDING AND SE-**
4 **CURITY OF RESTRICTED DATA.**

5 (a) IN GENERAL.—Chapter 18 of title I of the Atomic
6 Energy Act of 1954 (42 U.S.C. 2271 et seq.) is amended
7 by inserting after section 234A the following new section:

8 “SEC. 234B. CIVIL MONETARY PENALTIES FOR VIO-
9 LATIONS OF DEPARTMENT OF ENERGY REGULATIONS
10 REGARDING SECURITY OF CLASSIFIED OR SENSITIVE IN-
11 FORMATION OR DATA.—

12 “a. Any person who has entered into a contract or
13 agreement with the Department of Energy, or a sub-
14 contract or subagreement thereto, and who violates (or
15 whose employee violates) any applicable rule, regulation,
16 or order prescribed or otherwise issued by the Secretary
17 pursuant to this Act relating to the safeguarding or secu-
18 rity of Restricted Data or other classified or sensitive in-
19 formation shall be subject to a civil penalty of not to ex-
20 ceed \$100,000 for each such violation.

21 “b. The Secretary shall include in each contract with
22 a contractor of the Department provisions which provide
23 an appropriate reduction in the fees or amounts paid to
24 the contractor under the contract in the event of a viola-
25 tion by the contractor or contractor employee of any rule,
26 regulation, or order relating to the safeguarding or secu-

1 rity of Restricted Data or other classified or sensitive in-
 2 formation. The provisions shall specify various degrees of
 3 violations and the amount of the reduction attributable to
 4 each degree of violation.

5 “c. The powers and limitations applicable to the as-
 6 sessment of civil penalties under section 234A shall apply
 7 to the assessment of civil penalties under this section.”.

8 (b) CLARIFYING AMENDMENT.—The section heading
 9 of section 234A of that Act (42 U.S.C. 2282a) is amended
 10 by inserting “SAFETY” before “REGULATIONS”.

11 (c) CLERICAL AMENDMENT.—The table of sections
 12 for that Act is amended by inserting after the item relat-
 13 ing to section 234 the following new items:

“234A. Civil Monetary Penalties for Violations of Department of Energy Safety
 Regulations.

“234B. Civil Monetary Penalties for Violations of Department of Energy Regu-
 lations Regarding Security of Classified or Sensitive Informa-
 tion or Data.”.

14 **SEC. 3156. MORATORIUM ON LABORATORY-TO-LABORA-**
 15 **TORY AND FOREIGN VISITORS AND ASSIGN-**
 16 **MENTS PROGRAMS.**

17 (a) CERTIFICATION.—(1) The Secretary of Energy,
 18 the Director of Central Intelligence, and the Director of
 19 the Federal Bureau of Investigation shall jointly submit
 20 to the committees referred to in paragraph (3) a certifi-
 21 cation that each program referred to in paragraph (2)
 22 meets the following conditions:

1 (A) That the program complies with applicable
2 orders, regulations, and policies of the Department
3 of Energy relating to the safeguarding and security
4 of sensitive information and fulfills any counterintel-
5 ligence requirements arising under such orders, reg-
6 ulations, and policies.

7 (B) That the program complies with Presi-
8 dential Decision Directives and similar requirements
9 relating to the safeguarding and security of sensitive
10 information and fulfills any counterintelligence re-
11 quirements arising under such Directives or require-
12 ments.

13 (C) That the program includes adequate protec-
14 tions against the inadvertent release of Restricted
15 Data, information important to the national security
16 of the United States, and any other sensitive infor-
17 mation the disclosure of which might harm the inter-
18 ests of the United States.

19 (D) That the program does not pose an undue
20 risk to the national security interests of the United
21 States.

22 (2) A program referred to in this paragraph is any
23 program as follows:

1 (A) A cooperative program carried out between
2 the Department of Energy and the People's Repub-
3 lic of China.

4 (B) A cooperative program carried out between
5 the Department of Energy and an independent state
6 of the former Soviet Union.

7 (C) A cooperative program carried out between
8 the Department of Energy and any nation des-
9 ignated as sensitive by the Secretary of State.

10 (3) The committees referred to in this paragraph are
11 the following:

12 (A) The Committees on Armed Services and
13 Appropriations and the Select Committee on Intel-
14 ligence of the Senate.

15 (B) The Committees on Armed Services and
16 Appropriations and the Permanent Select Committee
17 on Intelligence of the House of Representatives.

18 (b) LIMITATION ON USE OF FUNDS PENDING CER-
19 TIFICATION.—(1) Except as provided in paragraph (2), no
20 amounts authorized to be appropriated by section 3101
21 or 3103 or otherwise made available to the Department
22 of Energy for fiscal year 2000 may be obligated or ex-
23 pended to conduct a program referred to in subsection
24 (a)(2), or any studies or planning in anticipation of such
25 program, beginning on the date that is 45 days after the

1 date of the enactment of this Act and continuing until 30
2 days after the date on which the Director of Central Intel-
3 ligence submits to the committees referred to in subsection
4 (a)(3) the certification referred to in subsection (a)(1).
5 The certification shall be submitted in unclassified form,
6 but may include a classified annex.

7 (2)(A) The 30-day wait period specified in paragraph
8 (1) for the obligation and expenditure of funds for a pro-
9 gram referred to in subsection (a)(2) shall not apply if
10 the certification with respect to the program under sub-
11 section (a)(1) is submitted during the 45-day period begin-
12 ning on the date of the enactment of this Act.

13 (B) The limitation in paragraph (1) shall not apply—

14 (i) to the obligation or expenditure of funds au-
15 thorized to be appropriated by title III for activities
16 relating to cooperative threat reduction with states
17 of the former Soviet Union; or

18 (ii) to the obligation or expenditure of funds au-
19 thorized to be appropriated by section
20 3103(a)(1)(A)(ii) for the materials protection control
21 and accounting program of the Department.

1 **SEC. 3157. INCREASED PENALTIES FOR MISUSE OF RE-**
 2 **STRICTED DATA.**

3 (a) COMMUNICATION OF RESTRICTED DATA.—Sec-
 4 tion 224 of the Atomic Energy Act of 1954 (42 U.S.C.
 5 2274) is amended—

6 (1) in clause a., by striking “\$20,000” and in-
 7 serting “\$40,000”; and

8 (2) in clause b., by striking “\$10,000” and in-
 9 serting “\$20,000”.

10 (b) RECEIPT OF RESTRICTED DATA.—Section 225 of
 11 the Atomic Energy Act of 1954 (42 U.S.C. 2275) is
 12 amended by striking “\$20,000” and inserting “\$40,000”.

13 (c) DISCLOSURE OF RESTRICTED DATA.—Section
 14 227 of the Atomic Energy Act of 1954 (42 U.S.C. 2277)
 15 is amended by striking “\$2,500” and inserting “\$5,000”.

16 **SEC. 3158. ORGANIZATION OF DEPARTMENT OF ENERGY**
 17 **COUNTERINTELLIGENCE AND INTELLIGENCE**
 18 **PROGRAMS AND ACTIVITIES.**

19 (a) OFFICE OF COUNTERINTELLIGENCE.—Title II of
 20 the Department of Energy Organization Act (42 U.S.C.
 21 7131 et seq.) is amended by adding at the end the fol-
 22 lowing:

23 “OFFICE OF COUNTERINTELLIGENCE

24 “SEC. 213. (a) There is within the Department an
 25 Office of Counterintelligence.

1 “(b)(1) The head of the Office shall be the Director
2 of the Office of Counterintelligence.

3 “(2) The Secretary shall, with the concurrence of the
4 Director of the Federal Bureau of Investigation, designate
5 the head of the office from among senior executive service
6 employees of the Federal Bureau of Investigation who
7 have expertise in matters relating to counterintelligence.

8 “(3) The Director of the Federal Bureau of Inves-
9 tigation may detail, on a reimbursable basis, any employee
10 of the Bureau to the Department for service as Director
11 of the Office. The service of an employee of the Bureau
12 as Director of the Office shall not result in any loss of
13 status, right, or privilege by the employee within the Bu-
14 reau.

15 “(4) The Director of the Office shall report directly
16 to the Secretary.

17 “(c)(1) The Director of the Office shall develop and
18 ensure the implementation of security and counterintel-
19 ligence programs and activities at Department facilities in
20 order to reduce the threat of disclosure or loss of classified
21 and other sensitive information at such facilities.

22 “(2) The Director of the Office shall be responsible
23 for the administration of the personnel assurance pro-
24 grams of the Department.

1 “(3) The Director shall inform the Secretary, the Di-
2 rector of Central Intelligence, and the Director of the Fed-
3 eral Bureau of Investigation on a regular basis, and upon
4 specific request by any such official, regarding the status
5 and effectiveness of the security and counterintelligence
6 programs and activities at Department facilities.

7 “(d)(1) Not later than March 1 each year, the Direc-
8 tor of the Office shall submit to the Secretary, the Direc-
9 tor of Central Intelligence, and the Director of the Federal
10 Bureau of Investigation and to the Committees on Armed
11 Services of the Senate and House of Representatives a re-
12 port on the status and effectiveness of the security and
13 counterintelligence programs and activities at Department
14 facilities during the preceding year.

15 “(2) Each report shall include for the year covered
16 by the report the following:

17 “(A) A description of the status and effective-
18 ness of the security and counterintelligence pro-
19 grams and activities at Department facilities.

20 “(B) A description of any violation of law or
21 other requirement relating to intelligence, counter-
22 intelligence, or security at such facilities, including—

23 “(i) the number of violations that were in-
24 vestigated; and

1 “(ii) the number of violations that remain
2 unresolved.

3 “(C) A description of the number of foreign
4 visitors to Department facilities, including the loca-
5 tions of the visits of such visitors.

6 “(3) Each report submitted under this subsection to
7 the committees referred to in paragraph (1) shall be sub-
8 mitted in unclassified form, but may include a classified
9 annex.”.

10 (b) OFFICE OF INTELLIGENCE.—That title is further
11 amended by adding at the end the following:

12 “OFFICE OF INTELLIGENCE

13 “SEC. 214. (a) There is within the Department an
14 Office of Intelligence.

15 “(b)(1) The head of the Office shall be the Director
16 of the Office of Intelligence.

17 “(2) The Director of the Office shall be a senior exec-
18 utive service employee of the Department.

19 “(3) The Director of the Office shall report directly
20 to the Secretary.

21 “(c) The Director of the Office shall be responsible
22 for the programs and activities of the Department relating
23 to the analysis of intelligence with respect to nuclear weap-
24 ons and materials, other nuclear matters, and energy secu-
25 rity.”.

1 (c) CLERICAL AMENDMENT.—The table of contents
 2 for that Act is amended by inserting after the item relat-
 3 ing to section 212 the following items:

“213. Office of Counterintelligence.

“214. Office of Intelligence.”.

4 **SEC. 3159. COUNTERINTELLIGENCE ACTIVITIES AT CER-**
 5 **TAIN DEPARTMENT OF ENERGY FACILITIES.**

6 (a) ASSIGNMENT OF COUNTERINTELLIGENCE PER-
 7 SONNEL.—(1) The Secretary of Energy shall assign to
 8 each Department of Energy facility at which Restricted
 9 Data is located an individual who shall assess security and
 10 counterintelligence matters at that facility.

11 (2) An individual assigned to a facility under this
 12 subsection shall be stationed at the facility.

13 (b) SUPERVISION.—Each individual assigned under
 14 subsection (a) shall report directly to the Director of the
 15 Office of Counterintelligence of the Department of En-
 16 ergy.

17 **SEC. 3160. WHISTLEBLOWER PROTECTION.**

18 (a) PROGRAM.—The Secretary of Energy shall estab-
 19 lish a program to ensure that an employee of the Depart-
 20 ment of Energy, or a contractor employee, may not be dis-
 21 charged, demoted, or otherwise discriminated against as
 22 a reprisal for disclosing to a person or entity referred to
 23 in subsection (b) information relating to the protection of
 24 classified information which the employee or contractor

1 employee reasonably believes to provide direct and specific
2 evidence of a violation described in subsection (c).

3 (b) COVERED PERSONS AND ENTITIES.—A person or
4 entity referred to in this subsection is the following:

5 (1) A Member of a committee of Congress hav-
6 ing primary responsibility for oversight of the de-
7 partment, agency, or element of the Federal Govern-
8 ment to which the disclosed information relates.

9 (2) An employee of Congress who—

10 (A) is a staff member of a committee of
11 Congress having primary responsibility for over-
12 sight of the department, agency, or element of
13 the Federal Government to which the disclosed
14 information relates; and

15 (B) has an appropriate security clearance
16 for access to the information.

17 (3) The Inspector General of the Department of
18 Energy.

19 (4) The Federal Bureau of Investigation.

20 (5) Any other element of the Federal Govern-
21 ment designated by the Secretary as authorized to
22 receive information of the type disclosed.

23 (c) COVERED VIOLATIONS.—A violation referred to
24 in subsection (a) is—

25 (1) a violation of law or Federal regulation;

1 (2) gross mismanagement, a gross waste of
2 funds, or abuse of authority; or

3 (3) a false statement to Congress on an issue
4 of material fact.

5 **SEC. 3161. INVESTIGATION AND REMEDIATION OF AL-**
6 **LEGED REPRISALS FOR DISCLOSURE OF CER-**
7 **TAIN INFORMATION TO CONGRESS.**

8 (a) SUBMITTAL OF ALLEGATIONS TO INSPECTOR
9 GENERAL.—A Department of Energy employee or con-
10 tractor employee who believes that the employee has been
11 discharged, demoted, or otherwise discriminated against
12 as a reprisal for disclosing information referred to in sub-
13 section (a) of section 3160 in accordance with the provi-
14 sions of that section may submit a complaint relating to
15 such action to the Inspector General of the Department
16 of Energy.

17 (b) INVESTIGATION.—(1) For each complaint sub-
18 mitted under subsection (a), the Inspector General shall—

19 (A) determine whether or not the complaint is
20 frivolous; and

21 (B) if the Inspector General determines the
22 complaint is not frivolous, conduct an investigation
23 of the complaint.

1 (2) The Inspector General shall submit a report on
2 each investigation undertaken under paragraph (1)(B)
3 to—

4 (A) the employee who submitted the complaint
5 on which the investigation is based;

6 (B) the contractor concerned, if any; and

7 (C) the Secretary of Energy.

8 (c) REMEDIAL ACTIONS.—(1) If the Secretary deter-
9 mines that an employee has been subjected to an adverse
10 personnel action referred to in subsection (a) in contraven-
11 tion of the provisions of section 3160(a), the Secretary
12 shall—

13 (A) in the case of a Department employee, take
14 appropriate actions to abate the action; or

15 (B) in the case of a contractor employee, order
16 the contractor concerned to take appropriate actions
17 to abate the action.

18 (2)(A) If a contractor fails to comply with an order
19 issued under paragraph (1)(B), the Secretary may file an
20 action for enforcement of the order in the appropriate
21 United States district court.

22 (B) In any action brought under subparagraph (A),
23 the court may grant appropriate relief, including injunc-
24 tive relief and compensatory and exemplary damages.

1 (d) QUARTERLY REPORT.—(1) Not later than 30
2 days after the commencement of each fiscal quarter, the
3 Inspector General shall submit to the congressional de-
4 fense committees a report on the investigations under-
5 taken under subsection (b)(1)(B) during the preceding fis-
6 cal quarter, including a summary of the results of such
7 investigations.

8 (2) A report under paragraph (1) shall not identify
9 or otherwise provide any information on a person submit-
10 ting a complaint under this section without the consent
11 of the person.

12 **SEC. 3162. NOTIFICATION TO CONGRESS OF CERTAIN SECU-**
13 **RITY AND COUNTERINTELLIGENCE FAIL-**
14 **URES AT DEPARTMENT OF ENERGY FACILI-**
15 **TIES.**

16 (a) REQUIREMENT.—The Secretary of Energy, after
17 consultation with the Director of Central Intelligence and
18 the Director of the Federal Bureau of Investigation, as
19 appropriate, shall submit to the congressional defense
20 committees a notification of each serious security or coun-
21 terintelligence failure at a Department of Energy facility
22 that the Secretary considers likely to cause significant
23 harm or damage to the national security interests of the
24 United States.

1 (b) DEADLINE.—The Secretary shall submit a notice
2 under subsection (a) for a failure covered by that sub-
3 section not later than 30 days after learning of the failure.

4 (c) PROCEDURES.—The Secretary and the congres-
5 sional defense committees shall each establish such proce-
6 dures as may be necessary to carry out the provisions of
7 this title.

8 (d) PROTECTION OF CLASSIFIED AND OTHER SEN-
9 SITIVE INFORMATION.—(1) The House of Representatives
10 and the Senate shall each establish, by rule or resolution
11 of such House, procedures to protect from unauthorized
12 disclosure classified information, all information relating
13 to intelligence sources and methods, and sensitive law en-
14 forcement information that is furnished to the congres-
15 sional defense committees pursuant to this section.

16 (2) Such procedures shall be established in consulta-
17 tion with the Secretary of Energy, the Director of Central
18 Intelligence, and the Director of the Federal Bureau of
19 Investigation.

20 (e) SAVINGS PROVISIONS.—(1) Nothing in this sec-
21 tion shall be construed as authority to withhold informa-
22 tion from the congressional defense committees on the
23 grounds that providing the information to such commit-
24 tees would constitute the unauthorized disclosure of classi-
25 fied information, information relating to intelligence

1 sources or methods, or sensitive law enforcement informa-
 2 tion.

3 (2) Nothing in this section shall be construed to mod-
 4 ify or supersede any other requirement to report informa-
 5 tion on intelligence activities to Congress, including the
 6 requirement under section 501 of the National Security
 7 Act of 1947 (50 U.S.C. 413) for the President to ensure
 8 that the intelligence committees are kept fully and cur-
 9 rently informed of the intelligence activities of the United
 10 States and for the intelligence committees to notify
 11 promptly other congressional committees of any matter re-
 12 lating to intelligence activities requiring the attention of
 13 such committees.

14 **SEC. 3163. DEFINITION.**

15 In this subtitle, the term “Restricted Data” has the
 16 meaning given that term in section 11 y. of the Atomic
 17 Energy Act of 1954 (42 U.S.C. 2014(y)).

18 **Subtitle E—Other Matters**

19 **SEC. 3171. MAINTENANCE OF NUCLEAR WEAPONS EXPER-**
 20 **TISE IN THE DEPARTMENT OF DEFENSE AND**
 21 **DEPARTMENT OF ENERGY.**

22 (a) ADMINISTRATION OF JOINT NUCLEAR WEAPONS
 23 COUNCIL.—(1) Subsection (b) of section 179 of title 10,
 24 United States Code, is amended by adding at the end the
 25 following new paragraph:

1 “(3) The Council shall meet not less often than once
2 every three months.”.

3 (2) Subsection (c) of that section is amended by add-
4 ing at the end the following new paragraph:

5 “(3) If the position of Assistant to the Secretary of
6 Defense for Nuclear and Chemical and Biological Defense
7 Programs remains vacant for a period of more than 9
8 months, the Secretary of Energy shall appoint a qualified
9 individual to serve as acting staff director of the Council
10 until the position of Assistant to the Secretary of Defense
11 for Nuclear and Chemical and Biological Defense Pro-
12 grams is filled.”.

13 (b) REVITALIZATION OF JOINT NUCLEAR WEAPONS
14 COUNCIL.—(1) The Secretary of Defense and the Sec-
15 retary of Energy shall jointly prepare and submit to the
16 Committees on Armed Services of the Senate and the
17 House of Representatives a plan to revitalize the Joint
18 Nuclear Weapons Council established by section 179 of
19 title 10, United States Code.

20 (2) The plan shall include any proposed modification
21 to the membership or responsibilities of the Council that
22 the Secretaries jointly determine advisable to enhance the
23 capability of the Council to ensure the integration of De-
24 partment of Defense requirements for nuclear weapons

1 into the programs and budget processes of the Depart-
2 ment of Energy.

3 (c) ANNUAL REPORT ON COUNCIL ACTIVITIES.—The
4 Secretary of Defense, shall, after consultation with the
5 Secretary of Energy, submit to the Committees on Armed
6 Services of the Senate and the House of Representatives
7 on an annual basis a report on the activities of the Joint
8 Nuclear Weapons Council. Each report shall include the
9 following:

10 (1) A description of the activities of the Council
11 during the 12-month period ending on the date of
12 the report together with any assessments or studies
13 conducted by the Council during that period.

14 (2) A description of the highest priority require-
15 ments of the Department of Defense with respect to
16 the Department of Energy stockpile stewardship and
17 management program as of that date.

18 (3) An assessment of the extent to which the
19 requirements referred to in paragraph (2) are being
20 addressed by the Department of Energy as of that
21 date.

22 (d) NUCLEAR MISSION MANAGEMENT PLAN.—The
23 Secretary of Defense shall develop and implement a plan
24 to ensure the continued reliability of the capability of the

1 Department of Defense to carry out its nuclear deterrent
2 mission. The plan shall—

3 (1) articulate the current policy of the United
4 States on the role of nuclear weapons and nuclear
5 deterrence in the conduct of defense and foreign re-
6 lations matters;

7 (2) establish stockpile viability and capability
8 requirements with respect to that mission, including
9 the number and variety of warheads required;

10 (3) establish requirements relating to the con-
11 tractor industrial base, support infrastructure, and
12 surveillance, testing, assessment, and certification of
13 nuclear weapons necessary to support that mission;

14 (4) take into account requirements for the crit-
15 ical skills, readiness, training, exercise, and testing
16 of personnel necessary to meet that mission; and

17 (5) take into account the relevant programs and
18 plans of the military departments and the defense
19 agencies with respect to readiness, sustainment (in-
20 cluding research and development), and moderniza-
21 tion of the strategic deterrent forces.

22 (e) NUCLEAR EXPERTISE RETENTION MEASURES.—

23 (1) The Secretary of Energy and Secretary of Defense
24 shall jointly submit to the committees referred to in sub-
25 section (c) a plan setting forth the actions that the Secre-

1 taries consider necessary to retain core scientific, engi-
2 neering, and technical skills and capabilities within the
3 Department of Energy, the Department of Defense, and
4 their contractors in order to maintain the United States
5 nuclear deterrent force indefinitely.

6 (2) The plan shall include the following elements:

7 (A) A baseline of current skills and capabilities
8 by location.

9 (B) A statement of the skills or capabilities that
10 are at risk of being lost within the next ten years.

11 (C) A proposal for recruitment and retention
12 measures to address the loss of such skills or capa-
13 bilities.

14 (D) A proposal for the training and evaluation
15 of personnel with core scientific, engineering, and
16 technical skills and capabilities.

17 (E) A statement of the additional advanced
18 manufacturing programs and process engineering
19 programs that are required to maintain the nuclear
20 deterrent force indefinitely.

21 (F) An assessment of the desirability of estab-
22 lishing a nuclear weapons workforce reserve to en-
23 sure the availability of the skills and capabilities of
24 present and former employees of the Department in

1 the event of an urgent future need for such skills
2 and capabilities.

3 (f) REPORTS ON CRITICAL DIFFICULTIES AT NU-
4 CLEAR WEAPONS LABORATORIES.—Section 3159 of the
5 National Defense Authorization Act for Fiscal Year 1997
6 (Public Law 104–201; 110 Stat. 2842; 42 U.S.C. 7274o)
7 is amended—

8 (1) by redesignating subsection (d) as sub-
9 section (e); and

10 (2) by inserting after subsection (c) the fol-
11 lowing new subsection (d):

12 “(d) INCLUSION OF REPORTS IN ANNUAL STOCKPILE
13 CERTIFICATION.—Any report submitted pursuant to sub-
14 section (a) shall also be included with the decision docu-
15 ments that accompany the annual certification of the safe-
16 ty and reliability of the United States nuclear weapons
17 stockpile which is provided to the President for the year
18 in which such report is submitted.”.

19 (g) TECHNICAL AMENDMENT.—Section 179(f) of
20 title 10, United States Code, is amended by striking “the
21 Committee on Armed Services” and all that follows
22 through “House of Representatives” and inserting “the
23 Committees on Armed Services and Appropriations of the
24 Senate and the Committees on Armed Services and Appro-
25 priations of the House of Representatives”.

1 **SEC. 3172. MODIFICATION OF BUDGET AND PLANNING RE-**
2 **QUIREMENTS FOR DEPARTMENT OF ENERGY**
3 **NATIONAL SECURITY ACTIVITIES.**

4 (a) ENHANCEMENT OF ANNUAL FIVE-YEAR BUDG-
5 ET.—(1) Section 3155 of the National Defense Authoriza-
6 tion Act for Fiscal Year 1997 (Public Law 104–201; 110
7 Stat. 2841; 42 U.S.C. 7271b) is amended—

8 (A) by redesignating subsection (b) as sub-
9 section (c);

10 (B) by striking subsection (a) and inserting the
11 following new subsections:

12 “(a) REQUIREMENT.—The Secretary of Energy shall
13 prepare for each fiscal year after fiscal year 2000 a pro-
14 gram and budget plan for the national security programs
15 of the Department of Energy for the five-fiscal year period
16 beginning in the year the program and budget plan is pre-
17 pared.

18 “(b) ELEMENTS.—Each program and budget plan
19 shall contain the following:

20 “(1) The estimated expenditures and proposed
21 appropriations necessary to support the programs,
22 projects, and activities of the national security pro-
23 grams of the Department during the five-fiscal year
24 period covered by the program and budget plan, ex-
25 pressed in a level of detail comparable to that con-
26 tained in the budget submitted by the President to

1 Congress under section 1105 of title 31, United
2 States Code.

3 “(2) A description of the anticipated workload
4 requirements for each Department site during that
5 five-fiscal year period.”; and

6 (C) in subsection (c), as so redesignated, by
7 striking “the budget required” and inserting “the
8 program and budget plan required”.

9 (2) The section heading of such section is amended
10 by striking “**FIVE-YEAR BUDGET**” and inserting “**FIVE-**
11 **FISCAL YEAR PROGRAM AND BUDGET PLAN**”.

12 (b) ADDITIONAL REQUIREMENTS FOR WEAPONS AC-
13 TIVITIES BUDGETS.—Section 3156 of the National De-
14 fense Authorization Act for Fiscal Year 1997 (Public Law
15 104–201; 110 Stat. 2841; 42 U.S.C. 7271c) is amended—

16 (1) by redesignating subsection (c) as sub-
17 section (d); and

18 (2) by inserting after subsection (b) the fol-
19 lowing new subsection (c):

20 “(c) IMPACT OF BUDGET ON STOCKPILE.—The Sec-
21 retary shall include in the materials the Secretary submits
22 to Congress in support of the budget for any fiscal year
23 after fiscal year 2000 that is submitted by the President
24 pursuant to section 1105 of title 31, United States Code,
25 a description of how the funds identified for each program

1 element in the weapons activities budget of the Depart-
2 ment for such fiscal year will help ensure that the nuclear
3 weapons stockpile is safe and reliable as determined in ac-
4 cordance with the criteria established under 3158 of the
5 National Defense Authorization Act for Fiscal Year 1999
6 (Public Law 105–261; 112 Stat. 2257; 42 U.S.C. 2121
7 note).”.

8 **SEC. 3173. EXTENSION OF AUTHORITY OF DEPARTMENT OF**
9 **ENERGY TO PAY VOLUNTARY SEPARATION**
10 **INCENTIVE PAYMENTS.**

11 (a) EXTENSION.—Notwithstanding subsection
12 (c)(2)(D) of section 663 of the Treasury, Postal Service,
13 and General Government Appropriations Act, 1997 (Pub-
14 lic Law 104–208; 110 Stat. 3009–383; 5 U.S.C. 5597
15 note), the Department of Energy may pay voluntary sepa-
16 ration incentive payments to qualifying employees who vol-
17 untarily separate (whether by retirement or resignation)
18 before January 1, 2003.

19 (b) EXERCISE OF AUTHORITY.—The Department
20 shall pay voluntary separation incentive payments under
21 subsection (a) in accordance with the provisions of such
22 section 663.

1 **SEC. 3174. INTEGRATED FISSILE MATERIALS MANAGEMENT**

2 **PLAN.**

3 (a) PLAN.—The Secretary of Energy shall develop a
4 long-term plan for the integrated management of fissile
5 materials by the Department of Energy. The plan shall—

6 (1) identify means of consolidating or inte-
7 grating the responsibilities of the Office of Environ-
8 mental Management, the Office of Fissile Materials
9 Disposition, the Office of Nuclear Energy, and the
10 Office of Defense Programs for the treatment, stor-
11 age and disposition of fissile materials, and for the
12 waste streams containing fissile materials, in order
13 to achieve budgetary and other efficiencies in the
14 discharge of those responsibilities; and

15 (2) identify any expenditures necessary at the
16 sites that are anticipated to have an enduring mis-
17 sion for plutonium management in order to achieve
18 the integrated management of fissile materials by
19 the Department.

20 (b) SUBMITTAL TO CONGRESS.—The Secretary shall
21 submit the plan required by subsection (a) to the congres-
22 sional defense committees not later than February 1,
23 2000.

1 **SEC. 3175. AUTHORITY OF DEPARTMENT OF ENERGY TO**
2 **ACCEPT LOANS FROM CONTRACTORS FOR**
3 **CLOSURE PROJECTS AT DEPARTMENT OF EN-**
4 **ERGY DEFENSE FACILITIES.**

5 (a) **AUTHORITY TO ACCEPT LOANS.**—Notwith-
6 standing any other provision of law, the Secretary of En-
7 ergy may accept a loan from a contractor carrying out
8 closure projects at a Department of Energy defense facil-
9 ity for purposes of funding additional closure projects at
10 Department defense facilities.

11 (b) **LIMITATION ON SOURCE OF LOAN AMOUNT.**—
12 The amount for a loan by a contractor under this section
13 shall be derived only from amounts paid the contractor
14 by the Secretary as fees for carrying out closure projects
15 at Department defense facilities.

16 (c) **LIMITATION ON LOAN TERMS.**—(1) A loan under
17 this section shall not accrue any monetary interest.

18 (2) A loan under this section shall not be secured by
19 an interest in any property or other asset of the United
20 States

21 (d) **AGREEMENT.**—A loan under this section shall be
22 governed by the terms of an agreement between the Sec-
23 retary and the contractor concerned for purposes of the
24 loan.

1 **SEC. 3176. PILOT PROGRAM FOR PROJECT MANAGEMENT**
2 **OVERSIGHT REGARDING DEPARTMENT OF**
3 **ENERGY CONSTRUCTION PROJECTS.**

4 (a) REQUIREMENT.—(1) The Secretary of Energy
5 shall carry out a pilot program on use of project manage-
6 ment oversight (PMO) services for Department of Energy
7 construction projects.

8 (2) The purpose of the pilot program is to provide
9 a basis for determining whether or not the use of competi-
10 tively procured, external project management oversight
11 services on construction projects would permit the Depart-
12 ment to control excessive costs and schedule delays associ-
13 ated with Department construction projects having large
14 capital costs.

15 (b) PROJECTS COVERED BY PROGRAM.—(1) Subject
16 to paragraph (2), the Secretary shall carry out the pilot
17 program at construction projects selected by the Sec-
18 retary. The projects shall include one or more construction
19 projects authorized pursuant to section 3101 and one con-
20 struction project authorized pursuant to section 3102.

21 (2) The Secretary shall select projects that have cap-
22 ital construction costs anticipated to be not less than
23 \$25,000,000.

24 (c) SERVICES UNDER PROGRAM.—The project man-
25 agement oversight services utilized under the pilot pro-
26 gram shall include the following services:

1 (1) Monitoring the overall progress of a project.

2 (2) Determining whether or not a project is on
3 schedule.

4 (3) Determining whether or not a project is
5 within budget.

6 (4) Determining whether or not a project con-
7 forms with plans and specifications approved by the
8 Department.

9 (5) Determining whether or not a project is
10 being carried out efficiently and effectively.

11 (6) Any other management oversight services
12 that the Secretary considers appropriate for pur-
13 poses of the pilot program.

14 (d) PROCUREMENT OF SERVICES UNDER PRO-
15 GRAM.—Any services procured under the pilot program
16 shall be acquired—

17 (1) on a competitive basis; and

18 (2) from among commercial entities that—

19 (A) do not currently manage or operate fa-
20 cilities at a location where the pilot program is
21 being conducted; and

22 (B) have an expertise in the management
23 of large construction projects.

24 (e) REPORT.—Not later than February 1, 2000, the
25 Secretary shall submit to the Committees on Armed Serv-

ices of the Senate and the House of Representatives a report on pilot program. The report shall include the Secretary's assessment of the feasibility and desirability of utilizing project management oversight services for Department of Energy construction projects.

**SEC. 3177. EXTENSION OF REVIEW OF WASTE ISOLATION
PILOT PLANT, NEW MEXICO.**

Section 1433(a) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2073) is amended in the second sentence by striking “nine additional one-year periods” and inserting “fourteen additional one-year periods”.

**SEC. 3178. PROPOSED SCHEDULE FOR SHIPMENTS OF
WASTE FROM THE ROCKY FLATS PLANT, COLORADO,
TO THE WASTE ISOLATION PILOT
PROJECT, NEW MEXICO.**

(a) SUBMITTAL OF PROPOSED SCHEDULE.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the Committees on Armed Services of the Senate and House of Representatives a proposed schedule for the commencement of shipments of waste from the Rocky Flats Plant, Colorado, to the Waste Isolation Pilot Project, New Mexico.

(b) ELEMENTS.—The schedule under subsection (a) shall set forth—

1 (1) the proposed commencement date of ship-
2 ments of mixed transuranic waste from the Rocky
3 Flats Plant to the Waste Isolation Pilot Project; and

4 (2) the proposed commencement date of ship-
5 ments of unmixed transuranic waste from the Rocky
6 Flats Plant to the Waste Isolation Pilot Project.

7 (c) REQUIREMENTS REGARDING SCHEDULE.—In
8 preparing the schedule, the Secretary shall assume the fol-
9 lowing:

10 (1) A closure date for the Rocky Flats Plant in
11 2006.

12 (2) That all waste that is transferable from the
13 Rocky Flats Plant to the Waste Isolation Pilot
14 Project will be removed from the Rocky Flats Plant
15 by that closure date as specified in the current 2006
16 Rocky Flats Plant Closure Plan.

17 (3) That, to the maximum extent practicable,
18 shipments of waste from the Rocky Flats Plant to
19 the Waste Isolation Pilot Project will not interfere
20 with other shipments of waste to the Waste Isolation
21 Pilot Project.

1 **TITLE XXXII—DEFENSE NU-**
 2 **CLEAR FACILITIES SAFETY**
 3 **BOARD**

4 **SEC. 3201. DEFENSE NUCLEAR FACILITIES SAFETY BOARD.**

5 There are authorized to be appropriated for fiscal
 6 year 2000, \$17,500,000 for the operation of the Defense
 7 Nuclear Facilities Safety Board under chapter 21 of the
 8 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

9 **TITLE XXXIII—NATIONAL**
 10 **DEFENSE STOCKPILE**

11 **SEC. 3301. AUTHORIZED USES OF STOCKPILE FUNDS.**

12 (a) OBLIGATION OF STOCKPILE FUNDS.—During fis-
 13 cal year 2000, the National Defense Stockpile Manager
 14 may obligate up to \$78,700,000 of the funds in the Na-
 15 tional Defense Stockpile Transaction Fund for the author-
 16 ized uses of such funds under section 9(b)(2) of the Stra-
 17 tegic and Critical Materials Stock Piling Act (50 U.S.C.
 18 98h(b)(2)), including the disposal of hazardous materials
 19 that are environmentally sensitive.

20 (b) ADDITIONAL OBLIGATIONS.—The National De-
 21 fense Stockpile Manager may obligate amounts in excess
 22 of the amount specified in subsection (a) if the National
 23 Defense Stockpile Manager notifies Congress that extraor-
 24 dinary or emergency conditions necessitate the additional
 25 obligations. The National Defense Stockpile Manager may

1 make the additional obligations described in the notifica-
 2 tion after the end of the 45-day period beginning on the
 3 date on which Congress receives the notification.

4 (c) LIMITATIONS.—The authorities provided by this
 5 section shall be subject to such limitations as may be pro-
 6 vided in appropriations Acts.

7 **SEC. 3302. LIMITATIONS ON PREVIOUS AUTHORITY FOR**
 8 **DISPOSAL OF STOCKPILE MATERIALS.**

9 (a) PUBLIC LAW 105–261 AUTHORITY.—Section
 10 3303(b) of the Strom Thurmond National Defense Au-
 11 thorization Act for Fiscal Year 1999 (Public Law 105–
 12 261; 112 Stat. 2263; 50 U.S.C. 98d note) is amended—

13 (1) by striking “(b) LIMITATION ON DISPOSAL
 14 QUANTITY.—” and inserting “(b) LIMITATIONS ON
 15 DISPOSAL AUTHORITY.—(1)”; and

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

17 “(2) The President may not dispose of materials
 18 under this section in excess of the disposals necessary to
 19 result in receipts in the amounts specified in subsection
 20 (a).”.

21 (b) PUBLIC LAW 105–85 AUTHORITY.—Section
 22 3305(b) of the National Defense Authorization Act for
 23 Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2058;
 24 50 U.S.C. 98d note) is amended—

1 (1) by striking “(b) LIMITATION ON DISPOSAL
2 QUANTITY.—” and inserting “(b) LIMITATIONS ON
3 DISPOSAL AUTHORITY.—(1)”; and

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

5 “(2) The President may not dispose of cobalt under
6 this section in excess of the disposals necessary to result
7 in receipts in the amounts specified in subsection (a).”.

8 (c) PUBLIC LAW 104–201 AUTHORITY.—Section
9 3305(b) of the National Defense Authorization Act for
10 Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2855;
11 50 U.S.C. 98d note) is amended—

12 (1) by striking “(b) LIMITATION ON DISPOSAL
13 QUANTITY.—” and inserting “(b) LIMITATIONS ON
14 DISPOSAL AUTHORITY.—(1)”; and

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

16 “(2) The President may not dispose of materials
17 under this section in excess of the disposals necessary to
18 result in receipts in the amounts specified in subsection
19 (a).”.

20 **TITLE XXXIV—PANAMA CANAL** 21 **COMMISSION**

22 **SEC. 3401. SHORT TITLE.**

23 This title may be cited as the “Panama Canal Com-
24 mission Authorization Act for Fiscal Year 2000”.

1 **SEC. 3402. AUTHORIZATION OF EXPENDITURES.**

2 (a) IN GENERAL.—Subject to subsection (b), the
3 Panama Canal Commission is authorized to use amounts
4 in the Panama Canal Revolving Fund to make such ex-
5 penditures within the limits of funds and borrowing au-
6 thority available to it in accordance with law, and to make
7 such contracts and commitments, as may be necessary
8 under the Panama Canal Act of 1979 (22 U.S.C. 3601
9 et seq.) for the operation, maintenance, improvement, and
10 administration of the Panama Canal for the period Octo-
11 ber 1, 1999, through noon on December 31, 1999.

12 (b) LIMITATIONS.—For the period described in sub-
13 section (a), the Panama Canal Commission may expend
14 from funds in the Panama Canal Revolving Fund not
15 more than \$25,000 for official reception and representa-
16 tion expenses, of which—

17 (1) not more than \$7,000 may be used for offi-
18 cial reception and representation expenses of the Su-
19 pervisory Board of the Commission;

20 (2) not more than \$3,500 may be used for offi-
21 cial reception and representation expenses of the
22 Secretary of the Commission; and

23 (3) not more than \$14,500 may be used for of-
24 ficial reception and representation expenses of the
25 Administrator of the Commission.

1 **SEC. 3403. PURCHASE OF VEHICLES.**

2 Notwithstanding any other provision of law, the
3 funds available to the Commission shall be available for
4 the purchase and transportation to the Republic of Pan-
5 ama of replacement passenger motor vehicles, the pur-
6 chase price of which shall not exceed \$26,000 per vehicle.

7 **SEC. 3404. EXPENDITURES ONLY IN ACCORDANCE WITH**
8 **TREATIES.**

9 Expenditures authorized under this title may be made
10 only in accordance with the Panama Canal Treaties of
11 1977 and any law of the United States implementing
12 those treaties.

13 **SEC. 3405. OFFICE OF TRANSITION ADMINISTRATION.**

14 (a) EXPENDITURES FROM PANAMA CANAL COMMIS-
15 SION DISSOLUTION FUND.—The Office of Transition Ad-
16 ministration established under subsection (b) of section
17 1305 of the Panama Canal Act of 1979 (22 U.S.C. 3714a)
18 is authorized to obligate and expend funds from the Pan-
19 ama Canal Commission Dissolution Fund established
20 under subsection (c) of such section for the purposes enu-
21 merated in such subsection until the fund terminates.

22 (b) ADMINISTRATIVE OFFICES.—The Office of Tran-
23 sition Administration shall have offices in the Republic of
24 Panama and in Washington, District of Columbia. The of-
25 fice in Panama shall be subject to the authority of the
26 United States chief of mission in the Republic of Panama.

1 (c) OVERSIGHT OF CLOSE-OUT ACTIVITIES.—The
2 Panama Canal Commission shall enter into an agreement
3 with the head of a department or agency of the Federal
4 Government to supervise the close out of the affairs of
5 the Commission under section 1305 of the Panama Canal
6 Act of 1979 and to certify the completion of that function.