

**Calendar No. 543**

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

**S. 2549**

**[Report No. 106–292]**

To authorize appropriations for fiscal year 2001 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.

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IN THE SENATE OF THE UNITED STATES

MAY 12, 2000

Mr. WARNER, from the Committee on Armed Services, reported, under authority of the order of the Senate of May 11th, 2000, the following original bill; which was read twice and placed on the calendar

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**A BILL**

To authorize appropriations for fiscal year 2001 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 2001”.

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:

Sec. 1. Short title.

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

Sec. 3. Congressional defense committees defined.

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

**TITLE I—PROCUREMENT**

**Subtitle A—Authorization of Appropriations**

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Defense Inspector General.

Sec. 106. Chemical demilitarization program.

Sec. 107. Defense health programs.

**Subtitle B—Army Programs**

Sec. 111. Multiyear procurement authority for certain programs.

Sec. 112. Reports and limitations relating to Army transformation.

### **Subtitle C—Navy Programs**

- Sec. 121. CVNX-1 nuclear aircraft carrier program.
- Sec. 122. Arleigh Burke class destroyer program.
- Sec. 123. Virginia class submarine program.
- Sec. 124. ADC(X) ship program.
- Sec. 125. Refueling and complex overhaul program of the CVN-69 nuclear aircraft carrier.

### **Subtitle D—Air Force Programs**

- Sec. 131. Repeal of requirement for annual report on B-2 bomber aircraft program.

### **Subtitle E—Other Matters**

- Sec. 141. Pueblo Chemical Depot chemical agent and munitions destruction technologies.

## **TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

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

- Sec. 201. Authorization of appropriations.
- Sec. 202. Amount for basic and applied research.

### **Subtitle B—Program Requirements, Restrictions, and Limitations**

- Sec. 211. Fiscal year 2002 joint field experiment.
- Sec. 212. Nuclear aircraft carrier design and production modeling.
- Sec. 213. DD-21 class destroyer program.
- Sec. 214. F-22 aircraft program.
- Sec. 215. Joint strike fighter program.
- Sec. 216. Global Hawk high altitude endurance unmanned aerial vehicle.
- Sec. 217. Unmanned advanced capability aircraft and ground combat vehicles.
- Sec. 218. Army space control technology development.
- Sec. 219. Russian American observation satellites program.
- Sec. 220. Joint biological defense program.
- Sec. 221. Report on biological warfare defense vaccine research and development programs.

### **Subtitle C—Other Matters**

- Sec. 241. Mobile offshore base.
- Sec. 242. Air Force science and technology planning.

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

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

- Sec. 301. Operation and maintenance funding.
- Sec. 302. Working capital funds.
- Sec. 303. Armed Forces Retirement Home.
- Sec. 304. Transfer from National Defense Stockpile Transaction Fund.

### **Subtitle B—Program Requirements, Restrictions, and Limitations**

- Sec. 311. Impact aid for children with disabilities.
- Sec. 312. Joint warfighting capabilities assessment teams.

### **Subtitle C—Humanitarian and Civic Assistance**

- Sec. 321. Increased authority to provide health care services as humanitarian and civic assistance.
- Sec. 322. Use of humanitarian and civic assistance funding for pay and allowances of Special Operations Command Reserves furnishing demining training and related assistance as humanitarian assistance.

### **Subtitle D—Department of Defense Industrial Facilities**

- Sec. 331. Codification and improvement of armament retooling and manufacturing support programs.
- Sec. 332. Centers of Industrial and Technical Excellence.
- Sec. 333. Effects of outsourcing on overhead costs of Centers of Industrial and Technical Excellence and ammunition plants.
- Sec. 334. Revision of authority to waive limitation on performance of depot-level maintenance.

### **Subtitle E—Environmental Provisions**

- Sec. 341. Environmental restoration accounts.
- Sec. 342. Payment of fines and penalties for environmental compliance violations.
- Sec. 343. Annual reports under Strategic Environmental Research and Development Program.
- Sec. 344. Modification of authority for indemnification of transferees of closing defense property.
- Sec. 345. Payment of fines or penalties imposed for environmental compliance violations at certain Department of Defense facilities.
- Sec. 346. Reimbursement for certain costs in connection with the Former Nansemond Ordnance Depot Site, Suffolk, Virginia.
- Sec. 347. Environmental restoration activities.
- Sec. 348. Ship disposal project.
- Sec. 349. Report on Defense Environmental Security Corporate Information Management program.
- Sec. 350. Report on Plasma Energy Pyrolysis System.

### **Subtitle F—Other Matters**

- Sec. 361. Effects of worldwide contingency operations on readiness of certain military aircraft and equipment.
- Sec. 362. Realistic budgeting for readiness requirements of the Army.
- Sec. 363. Additions to plan for ensuring visibility over all in-transit end items and secondary items.
- Sec. 364. Performance of emergency response functions at chemical weapons storage installations.
- Sec. 365. Congressional notification of use of radio frequency spectrum by a system entering engineering and manufacturing development.

- Sec. 366. Monitoring of value of performance of Department of Defense functions by workforces selected from between public and private workforces.
- Sec. 367. Suspension of reorganization of Naval Audit Service.
- Sec. 368. Investment of commissary trust revolving fund.
- Sec. 369. Economic procurement of distilled spirits.
- Sec. 370. Resale of armor-piercing ammunition disposed of by the Army.
- Sec. 371. Damage to aviation facilities caused by alkali silica reactivity.
- Sec. 372. Reauthorization of pilot program for acceptance and use of landing fees charged for use of domestic military airfields by civil aircraft.
- Sec. 373. Reimbursement by civil air carriers for support provided at Johnston Atoll.
- Sec. 374. Review of costs of maintaining historical properties.
- Sec. 375. Extension of authority to sell certain aircraft for use in wildfire suppression.
- Sec. 376. Overseas airlift service on Civil Reserve Air Fleet aircraft.

## **TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

### **Subtitle A—Active Forces**

- Sec. 401. End strengths for active forces.

### **Subtitle B—Reserve Forces**

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Fiscal year 2001 limitation on non-dual status technicians.
- Sec. 415. Increase in numbers of members in certain grades authorized to be on active duty in support of the reserves.

### **Subtitle C—Other Matters Relating to Personnel Strengths**

- Sec. 421. Suspension of strength limitations during war or national emergency.
- Sec. 422. Exclusion of certain reserve component members on active duty for more than 180 days from active component end strengths.
- Sec. 423. Exclusion of Army and Air Force medical and dental officers from limitation on strengths of reserve commissioned officers in grades below brigadier general.
- Sec. 424. Authority for temporary increases in number of reserve personnel serving on active duty or full-time National Guard duty in certain grades.
- Sec. 425. Temporary exemption of Director of the National Security Agency from limitations on number of Air Force officers above major general.

### **Subtitle D—Authorization of Appropriations**

- Sec. 431. Authorization of appropriations for military personnel.

## **TITLE V—MILITARY PERSONNEL POLICY**

### **Subtitle A—Officer Personnel Policy**

- Sec. 501. Eligibility of Army Reserve colonels and brigadier generals for position vacancy promotions.

- Sec. 502. Promotion zones for Coast Guard Reserve officers.
- Sec. 503. Time for release of officer promotion selection board reports.
- Sec. 504. Clarification of authority for posthumous commissions and warrants.
- Sec. 505. Inapplicability of active-duty list promotion, separation, and involuntary retirement authorities to reserve general and flag officers serving in certain positions designated for reserve officers by the Chairman of the Joint Chiefs of Staff.
- Sec. 506. Review of actions of selection boards.
- Sec. 507. Extension to all Air Force biomedical sciences officers of authority to retain until specified age.
- Sec. 508. Termination of application requirement for consideration of officers for continuation on the Reserve Active-Status List.
- Sec. 509. Technical corrections relating to retired grade of reserve commissioned officers.
- Sec. 510. Grade of chiefs of reserve components and directors of National Guard components.

### **Subtitle B—Joint Officer Management**

- Sec. 521. Joint specialty designations and additional identifiers.
- Sec. 522. Promotion objectives.
- Sec. 523. Education.
- Sec. 524. Length of joint duty assignment.
- Sec. 525. Annual report to Congress.
- Sec. 526. Multiple assignments considered as single joint duty assignment.
- Sec. 527. Joint duty requirement for promotion to one-star grades.

### **Subtitle C—Education and Training**

- Sec. 541. Eligibility of children of Reserves for presidential appointment to service academies.
- Sec. 542. Selection of foreign students to receive instruction at service academies.
- Sec. 543. Repeal of contingent funding increase for Junior Reserve Officers Training Corps.
- Sec. 544. Revision of authority for Marine Corps Platoon Leaders Class Tuition Assistance Program.

### **Subtitle D—Matters Relating to Recruiting**

- Sec. 551. Army recruiting pilot programs.
- Sec. 552. Enhancement of the joint and service recruitment market research and advertising programs.
- Sec. 553. Access to secondary schools for military recruiting purposes.

### **Subtitle E—Other Matters**

- Sec. 561. Authority for award of Medal of Honor to certain specified persons.
- Sec. 562. Waiver of time limitations for award of certain decorations to certain persons.
- Sec. 563. Ineligibility for involuntary separation pay upon declination of selection for continuation on active duty.
- Sec. 564. Recognition by States of military testamentary instruments.
- Sec. 565. Sense of Congress on the court-martial conviction of Captain Charles Butler McVay, Commander of the U.S.S. Indianapolis, and on the courageous service of its crew.

## **TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS**

### **Subtitle A—Pay and Allowances**

- Sec. 601. Increase in basic pay for fiscal year 2001.
- Sec. 602. Corrections for basic pay tables.
- Sec. 603. Pay in lieu of allowance for funeral honors duty.
- Sec. 604. Clarification of service excluded in computation of creditable service as a Marine Corps officer.
- Sec. 605. Calculation of basic allowance for housing.
- Sec. 606. Eligibility of members in grade E-4 to receive basic allowance for housing while on sea duty.
- Sec. 607. Personal money allowance for the senior enlisted members of the Armed Forces.
- Sec. 608. Increased uniform allowances for officers.
- Sec. 609. Cabinet-level authority to prescribe requirements and allowance for clothing of enlisted members.

### **Subtitle B—Bonuses and Special and Incentive Pays**

- Sec. 611. Extension of certain bonuses and special pay authorities for reserve forces.
- Sec. 612. Extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.
- Sec. 613. Extension of authorities relating to payment of other bonuses and special pays.
- Sec. 614. Consistency of authorities for special pay for reserve medical and dental officers.
- Sec. 615. Special pay for physician assistants of the Coast Guard.
- Sec. 616. Authorization of special pay and accession bonus for pharmacy officers.
- Sec. 617. Correction of references to Air Force veterinarians.
- Sec. 618. Entitlement of active duty officers of the Public Health Service Corps to special pays and bonuses of health professional officers of the Armed Forces.
- Sec. 619. Career sea pay.
- Sec. 620. Increased maximum rate of special duty assignment pay.
- Sec. 621. Expansion of applicability of authority for critical skills enlistment bonus to include all Armed Forces.

### **Subtitle C—Travel and Transportation Allowances**

- Sec. 631. Advance payments for temporary lodging of members and dependents.
- Sec. 632. Incentive for shipping and storing household goods in less than average weights.
- Sec. 633. Expansion of funded student travel.
- Sec. 634. Benefits for members not transporting personal motor vehicles overseas.

### **Subtitle D—Retirement Benefits**

- Sec. 641. Exception to high-36 month retired pay computation for members retired following a disciplinary reduction in grade.
- Sec. 642. Automatic participation in reserve component Survivor Benefit Plan unless declined with spouse's consent.

- Sec. 643. Participation in Thrift Savings Plan.
- Sec. 644. Retirement from active reserve service performed after regular retirement.
- Sec. 645. Same treatment for Federal judges as for other Federal officials regarding payment of military retired pay.

### **Subtitle E—Other Matters**

- Sec. 651. Reimbursement of recruiting and ROTC personnel for parking expenses.
- Sec. 652. Extension of deadline for filing claims associated with capture and internment of certain persons by North Vietnam.
- Sec. 653. Settlement of claims for payments for unused accrued leave and for retired pay.
- Sec. 654. Eligibility of certain members of the Individual Ready Reserve for Servicemembers' Group Life Insurance.
- Sec. 655. Authority to pay gratuity to certain veterans of Bataan and Corregidor.

## **TITLE VII—HEALTH CARE**

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- Sec. 701. Extension of TRICARE Senior Supplement demonstration program.
- Sec. 702. TRICARE Senior Prime demonstration program.
- Sec. 703. Extension and expansion of demonstration project for participation of uniformed services personnel in the Federal Employees Health Benefits program.
- Sec. 704. Implementation of redesigned pharmacy system.

### **Subtitle B—TRICARE Program**

- Sec. 711. Additional beneficiaries under TRICARE Prime Remote program in CONUS.
- Sec. 712. Elimination of copayments for immediate family.
- Sec. 713. Improvement in business practices in the administration of the TRICARE program.

### **Subtitle C—Joint Initiatives With Department of Veterans Affairs**

- Sec. 721. Tracking patient safety in military and veterans health care systems.
- Sec. 722. Pharmaceutical identification technology.
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### **Subtitle D—Other Matters**

- Sec. 731. Permanent authority for certain pharmaceutical benefits.
- Sec. 732. Provision of domiciliary and custodial care for CHAMPUS beneficiaries.
- Sec. 733. Medical and dental care for Medal of Honor recipients and their dependents.
- Sec. 734. School-required physical examinations for certain minor dependents.
- Sec. 735. Two-year extension of dental and medical benefits for surviving dependents of certain deceased members.
- Sec. 736. Extension of authority for contracts for medical services at locations outside medical treatment facilities.



- Sec. 737. Transition of chiropractic health care demonstration program to permanent status.
- Sec. 738. Use of information technology for enhancement of delivery of administrative services under the Defense Health Program.
- Sec. 739. Patient care reporting and management system.
- Sec. 740. Health care management demonstration program.
- Sec. 741. Studies of accrual financing for health care for military retirees.
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### **TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS**

- Sec. 801. Improvements in procurements of services.
- Sec. 802. Addition of threshold value requirement for applicability of a reporting requirement relating to multiyear contract.
- Sec. 803. Planning for the acquisition of information systems.
- Sec. 804. Tracking of information technology purchases.
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- Sec. 806. Extension of authority for Department of Defense acquisition pilot programs.
- Sec. 807. Clarification and extension of authority to carry out certain prototype projects.
- Sec. 808. Clarification of authority of Comptroller General to review records of participants in certain prototype projects.
- Sec. 809. Eligibility of small business concerns owned and controlled by women for assistance under the Mentor-Protege Program.
- Sec. 810. Navy-Marine Corps intranet acquisition.
- Sec. 811. Qualifications required for employment and assignment in contracting positions.
- Sec. 812. Defense acquisition and support workforce.
- Sec. 813. Financial analysis of use of dual rates for quantifying overhead costs at Army industrial facilities.

### **TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT**

- Sec. 901. Repeal of limitation on major Department of Defense headquarters activities personnel.
- Sec. 902. Overall supervision of Department of Defense activities for combating terrorism.
- Sec. 903. National Defense Panel 2001.
- Sec. 904. Quadrennial National Defense Panel.
- Sec. 905. Inspector General investigations of prohibited personnel actions.
- Sec. 906. Network centric warfare.
- Sec. 907. Additional duties for the Commission To Assess United States National Security Space Management and Organization.
- Sec. 908. Special authority for administration of Navy Fisher Houses.
- Sec. 909. Organization and management of the Civil Air Patrol.
- Sec. 910. Responsibility for the National Guard Challenge Program.
- Sec. 911. Supervisory control of Armed Forces Retirement Home Board by Secretary of Defense.
- Sec. 912. Consolidation of certain Navy gift funds.

Sec. 913. Temporary authority to dispose of a gift previously accepted for the Naval Academy.

## **TITLE X—GENERAL PROVISIONS**

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- Sec. 1001. Transfer authority.
- Sec. 1002. Authorization of emergency supplemental appropriations for fiscal year 2000.
- Sec. 1003. United States contribution to NATO common-funded budgets in fiscal year 2001.
- Sec. 1004. Annual OMB/CBO joint report on scoring of budget outlays.
- Sec. 1005. Prompt payment of contract vouchers.
- Sec. 1006. Repeal of certain requirements relating to timing of contract payments.
- Sec. 1007. Plan for prompt posting of contractual obligations.
- Sec. 1008. Plan for electronic submission of documentation supporting claims for contract payments.
- Sec. 1009. Administrative offsets for overpayment of transportation costs.

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- Sec. 1011. Extension and increase of authority to provide additional support for counter-drug activities.
- Sec. 1012. Recommendations on expansion of support for counter-drug activities.
- Sec. 1013. Review of riverine counter-drug program.

### **Subtitle C—Strategic Forces**

- Sec. 1015. Revised nuclear posture review.
- Sec. 1016. Plan for the long-term sustainment and modernization of United States strategic nuclear forces.
- Sec. 1017. Correction of scope of waiver authority for limitation on retirement or dismantlement of strategic nuclear delivery systems.
- Sec. 1018. Report on the defeat of hardened and deeply buried targets.

### **Subtitle D—Miscellaneous Reporting Requirements**

- Sec. 1021. Annual report of the Chairman of the Joint Chiefs of Staff on combatant command requirements.
- Sec. 1022. Semiannual report on Joint Requirements Oversight Council.
- Sec. 1023. Preparedness of military installation first responders for incidents involving weapons of mass destruction.
- Sec. 1024. Date of submittal of reports on shortfalls in equipment procurement and military construction for the reserve components in future-years defense programs.
- Sec. 1025. Management review of Defense Logistics Agency.
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- Sec. 1041. Institute for Defense Computer Security and Information Protection.
- Sec. 1042. Information security scholarship program.
- Sec. 1043. Process for prioritizing background investigations for security clearances for Department of Defense personnel.

- Sec. 1044. Authority to withhold certain sensitive information from public disclosure.
- Sec. 1045. Protection of operational files of the Defense Intelligence Agency.

### **Subtitle F—Other Matters**

- Sec. 1051. Commemoration of the fiftieth anniversary of the Uniform Code of Military Justice.
- Sec. 1052. Technical corrections.
- Sec. 1053. Eligibility of dependents of American Red Cross employees for enrollment in Department of Defense domestic dependent schools in Puerto Rico.
- Sec. 1054. Grants to American Red Cross for Armed Forces emergency services.
- Sec. 1055. Transit pass program for certain Department of Defense personnel.
- Sec. 1056. Fees for providing historical information to the public.
- Sec. 1057. Access to criminal history record information for national security purposes.
- Sec. 1058. Sense of Congress on the naming of the CVN-77 aircraft carrier.
- Sec. 1059. Donation of Civil War cannon.
- Sec. 1060. Maximum size of parcel post packages transported overseas for Armed Forces post offices.

## **TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL POLICY**

- Sec. 1101. Computer/electronic accommodations program.
- Sec. 1102. Additional special pay for foreign language proficiency beneficial for United States national security interests.
- Sec. 1103. Increased number of positions authorized for the Defense Intelligence Senior Executive Service.
- Sec. 1104. Extension of authority for tuition reimbursement and training for civilian employees in the defense acquisition workforce.
- Sec. 1105. Work safety demonstration program.
- Sec. 1106. Employment and compensation of employees for temporary organizations established by law or Executive order.
- Sec. 1107. Extension of authority for voluntary separations in reductions in force.
- Sec. 1108. Electronic maintenance of performance appraisal systems.
- Sec. 1109. Approval authority for cash awards in excess of \$10,000.
- Sec. 1110. Leave for crews of certain vessels.
- Sec. 1111. Life insurance for emergency essential Department of Defense employees.
- Sec. 1112. Civilian personnel services public-private competition pilot program.
- Sec. 1113. Extension, expansion, and revision of authority for experimental personnel program for scientific and technical personnel.

## **TITLE XII—MATTERS RELATING TO OTHER NATIONS**

- Sec. 1201. Authority to transfer naval vessels to certain foreign countries.
- Sec. 1202. Support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities.
- Sec. 1203. Repeal of restriction preventing cooperative airlift support through acquisition and cross-servicing agreements.
- Sec. 1204. Western Hemisphere Institute for Professional Education and Training.

- Sec. 1205. Biannual report on Kosovo peacekeeping.
- Sec. 1206. Mutual assistance for monitoring test explosions of nuclear devices.
- Sec. 1207. Annual report on activities and assistance under Cooperative Threat Reduction programs.
- Sec. 1208. Limitation on use of funds for construction of a Russian facility for the destruction of chemical weapons.
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### **TITLE XIII—NAVY ACTIVITIES ON THE ISLAND OF VIEQUES, PUERTO RICO**

- Sec. 1301. Assistance for economic growth on Vieques.
- Sec. 1302. Requirement for referendum on continuation of Navy training.
- Sec. 1303. Actions if training is approved.
- Sec. 1304. Requirements if training is not approved or mandate for referendum is vitiated.
- Sec. 1305. Exempt property.
- Sec. 1306. Moratorium on improvements at Fort Buchanan.
- Sec. 1307. Property transferred to Secretary of the Interior.
- Sec. 1308. Live Impact Area.

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- Sec. 2001. Short title.

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- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.
- Sec. 2105. Modification of authority to carry out certain fiscal year 2000 projects.
- Sec. 2106. Modification of authority to carry out certain fiscal year 1999 projects.
- Sec. 2107. Modification of authority to carry out fiscal year 1998 project.
- Sec. 2108. Authority to accept funds for realignment of certain military construction project, Fort Campbell, Kentucky.

### **TITLE XXII—NAVY**

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.
- Sec. 2205. Correction in authorized use of funds, Marine Corps Combat Development Command, Quantico, Virginia.

### **TITLE XXIII—AIR FORCE**

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvements to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.

### **TITLE XXIV—DEFENSE AGENCIES**

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Energy conservation projects.
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## **TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM**

- Sec. 2501. Authorized NATO construction and land acquisition projects.
- Sec. 2502. Authorization of appropriations, NATO.

## **TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

- Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

## **TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS**

- Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2702. Extension of authorizations of certain fiscal year 1998 projects.
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## **TITLE XXVIII—GENERAL PROVISIONS**

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- Sec. 2801. Joint use military construction projects.
- Sec. 2802. Exclusion of certain costs from determination of applicability of limitation on use of funds for improvement of family housing.
- Sec. 2803. Replacement of limitations on space by pay grade of military family housing with requirement for local comparability of military family housing.
- Sec. 2804. Modification of lease authority for high-cost military family housing.
- Sec. 2805. Applicability of competition policy to alternative authority for acquisition and improvement of military housing.
- Sec. 2806. Provision of utilities and services under alternative authority for acquisition and improvement of military housing.
- Sec. 2807. Extension of alternative authority for acquisition and improvement of military housing.
- Sec. 2808. Inclusion of readiness center in definition of armory for purposes of construction of reserve component facilities.

### **Subtitle B—Real Property and Facilities Administration**

- Sec. 2811. Increase in threshold for reports to Congress on real property transactions.
- Sec. 2812. Enhancements of military lease authority.
- Sec. 2813. Expansion of procedures for selection of conveyees under authority to convey utility systems.

### **Subtitle C—Defense Base Closure and Realignment**

- Sec. 2821. Scope of agreements to transfer property to redevelopment authorities without consideration under the base closure laws.

## **Subtitle D—Land Conveyances**

### **PART I—ARMY CONVEYANCES**

- Sec. 2831. Land conveyance, Charles Melvin Price Support Center, Illinois.
- Sec. 2832. Land conveyance, Lieutenant General Malcolm Hay Army Reserve Center, Pittsburgh, Pennsylvania.
- Sec. 2833. Land conveyance, Colonel Harold E. Steele Army Reserve Center and maintenance shop, Pittsburgh, Pennsylvania.
- Sec. 2834. Land conveyance, Fort Lawton, Washington.
- Sec. 2835. Land conveyance, Vancouver Barracks, Washington.

### **PART II—NAVY CONVEYANCES**

- Sec. 2851. Modification of land conveyance, Marine Corps Air Station, El Toro, California.
- Sec. 2852. Modification of land conveyance, Defense Fuel Supply Point, Casco Bay, Maine.
- Sec. 2853. Modification of land conveyance authority, former Naval Training Center, Bainbridge, Cecil County, Maryland.
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### **PART III—DEFENSE AGENCIES CONVEYANCES**

- Sec. 2871. Land conveyance, Army and Air Force Exchange Service property, Farmers Branch, Texas.

## **Subtitle E—Other Matters**

- Sec. 2881. Naming of Army missile testing range at Kwajalein Atoll as the Ronald Reagan Ballistic Missile Test Site at Kwajalein Atoll.

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

### **TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

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- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental restoration and waste management.
- Sec. 3103. Other defense activities.
- Sec. 3104. Defense environmental management privatization.
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#### **Subtitle B—Recurring General Provisions**

- Sec. 3121. Reprogramming.
- Sec. 3122. Limits on general plant projects.
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- Sec. 3124. Fund transfer authority.
- Sec. 3125. Authority for conceptual and construction design.
- Sec. 3126. Authority for emergency planning, design, and construction activities.

- Sec. 3127. Funds available for all national security programs of the Department of Energy.
- Sec. 3128. Availability of funds.
- Sec. 3129. Transfer of defense environmental management funds.

### **Subtitle C—National Nuclear Security Administration**

- Sec. 3131. Term of office of person first appointed as Under Secretary for Nuclear Security of the Department of Energy.
- Sec. 3132. Membership of Under Secretary for Nuclear Security on the Joint Nuclear Weapons Council.
- Sec. 3133. Scope of authority of Secretary of Energy to modify organization of National Nuclear Security Administration.
- Sec. 3134. Prohibition on pay of personnel engaged in concurrent service or duties inside and outside National Nuclear Security Administration.
- Sec. 3135. Organization plan for field offices of the National Nuclear Security Administration.
- Sec. 3136. Future-years nuclear security program.
- Sec. 3137. Cooperative research and development of the National Nuclear Security Administration.

### **Subtitle D—Program Authorizations, Restrictions, and Limitations**

- Sec. 3151. Processing, treatment, and disposition of legacy nuclear materials.
- Sec. 3152. Formerly Utilized Sites Remedial Action Program.
- Sec. 3153. Department of Energy defense nuclear nonproliferation programs.
- Sec. 3154. Modification of counterintelligence polygraph program.
- Sec. 3155. Employee incentives for employees at closure project facilities.

### **Subtitle E—Other Matters**

- Sec. 3171. Extension of authority for appointment of certain scientific, engineering, and technical personnel.
- Sec. 3172. Updates of report on nuclear test readiness postures.
- Sec. 3173. Frequency of reports on inadvertent releases of Restricted Data and Formerly Restricted Data.
- Sec. 3174. Form of certifications regarding the safety or reliability of the nuclear weapons stockpile.
- Sec. 3175. Engineering and manufacturing research, development, and demonstration by plant managers of certain nuclear weapons production plants.
- Sec. 3176. Cooperative research and development agreements for government-owned, contractor-operated laboratories.
- Sec. 3177. Commendation of Department of Energy and contractor employees for exemplary service in stockpile stewardship and security.

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

- Sec. 3201. Defense Nuclear Facilities Safety Board.

## **TITLE XXXIII—NAVAL PETROLEUM RESERVES**

- Sec. 3301. Minimum price of petroleum sold from the naval petroleum reserves.

Sec. 3302. Repeal of authority to contract for cooperative or unit plans affecting Naval Petroleum Reserve Numbered 1.

#### **TITLE XXXIV—NATIONAL DEFENSE STOCKPILE**

Sec. 3401. Authorized uses of stockpile funds.

Sec. 3402. Increased receipts under prior disposal authority.

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

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

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

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

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

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

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

15 Funds are hereby authorized to be appropriated for  
16 fiscal year 2001 for procurement for the Army as follows:

17 (1) For aircraft, \$1,749,662,000.

18 (2) For missiles, \$1,382,328,000.

19 (3) For weapons and tracked combat vehicles,  
20 \$2,115,138,000.

21 (4) For ammunition, \$1,224,323,000.

22 (5) For other procurement, \$4,068,570,000.



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

2 (a) NAVY.—Funds are hereby authorized to be appro-  
3 priated for fiscal year 2001 for procurement for the Navy  
4 as follows:

5 (1) For aircraft, \$8,745,958,000.

6 (2) For weapons, including missiles and tor-  
7 pedoes, \$ 1,479,950,000.

8 (3) For shipbuilding and conversion,  
9 \$12,900,076,000.

10 (4) For other procurement, \$3,378,311,000.

11 (b) MARINE CORPS.—Funds are hereby authorized to  
12 be appropriated for fiscal year 2001 for procurement for  
13 the Marine Corps in the amount of \$1,181,035,000.

14 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds  
15 are hereby authorized to be appropriated for fiscal year  
16 2001 for procurement of ammunition for the Navy and  
17 the Marine Corps in the amount of \$496,749,000.

18 **SEC. 103. AIR FORCE.**

19 Funds are hereby authorized to be appropriated for  
20 fiscal year 2001 for procurement for the Air Force as fol-  
21 lows:

22 (1) For aircraft, \$9,968,371,000.

23 (2) For ammunition, \$666,808,000.

24 (3) For missiles, \$3,005,915,000.

25 (4) For other procurement, \$7,724,527,000.

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

2 Funds are hereby authorized to be appropriated for  
3 fiscal year 2001 for Defense-wide procurement in the  
4 amount of \$2,184,608,000.

5 **SEC. 105. DEFENSE INSPECTOR GENERAL.**

6 Funds are hereby authorized to be appropriated for  
7 fiscal year 2001 for procurement for the Inspector General  
8 of the Department of Defense in the amount of  
9 \$3,300,000.

10 **SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.**

11 There is hereby authorized to be appropriated for fis-  
12 cal year 2001 the amount of \$1,003,500,000 for—

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

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

20 **SEC. 107. DEFENSE HEALTH PROGRAMS.**

21 Funds are hereby authorized to be appropriated for  
22 fiscal year 2001 for the Department of Defense for pro-  
23 curement for carrying out health care programs, projects,  
24 and activities of the Department of Defense in the total  
25 amount of \$290,006,000.

## 1           **Subtitle B—Army Programs**

### 2   **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR** 3                   **CERTAIN PROGRAMS.**

4           (a) **AUTHORITY.**—Beginning with the fiscal year  
 5 2001 program year, the Secretary of the Army may, in  
 6 accordance with section 2306b of title 10, United States  
 7 Code, enter into multiyear contracts for procurement of  
 8 the following:

9                   (1) M2A3 Bradley fighting vehicles.

10                  (2) UH–60L Blackhawk helicopters.

11                  (3) CH–60S Seahawk helicopters.

12           (b) **LIMITATION FOR BRADLEY FIGHTING VEHI-**  
 13 **CLES.**—The period for a multiyear contract entered into  
 14 under subsection (a)(1) may not exceed the three consecu-  
 15 tive program years beginning with the fiscal year 2001  
 16 program year.

17           (c) **REPEAL OF SUPERSEDED AUTHORITY.**—Section  
 18 111 of the National Defense Authorization Act for Fiscal  
 19 Year 2000 (Public Law 106–65; 113 Stat. 531) is amend-  
 20 ed by striking paragraph (2).

### 21   **SEC. 112. REPORTS AND LIMITATIONS RELATING TO ARMY** 22                   **TRANSFORMATION.**

23           (a) **REPORT ON OBJECTIVE FORCE DEVELOPMENT**  
 24 **PROCESS.**—The Secretary of the Army shall submit to the  
 25 congressional defense committees a report on the process

1 for developing the objective force in the transformation of  
2 the Army. The report shall include the following:

3 (1) The operational environments envisioned for  
4 the objective force.

5 (2) The threat assumptions on which research  
6 and development efforts for transformation of the  
7 Army into the objective force are based.

8 (3) The potential operational and organizational  
9 concepts for the objective force.

10 (4) The key performance parameters antici-  
11 pated for the objective force and the operational re-  
12 quirements anticipated for the operational require-  
13 ments document of the objective force.

14 (5) The schedule of Army transformation activi-  
15 ties through fiscal year 2012, together with—

16 (A) the projected funding requirements  
17 through that fiscal year for the research and  
18 development activities and the procurement ac-  
19 tivities;

20 (B) the specific adjustments that are made  
21 for Army programs in the future-years defense  
22 program and in the extended planning program  
23 in order to program the funding necessary to  
24 meet the funding requirements for Army trans-  
25 formation; and

1 (C) a summary of the anticipated invest-  
2 ments of the Defense Advanced Research  
3 Projects Agency in programs designed to lead  
4 to the fielding of future combat systems for the  
5 objective force.

6 (6) The joint warfighting requirements that will  
7 be supported by the fielding of the objective force,  
8 together with a description of the adjustments that  
9 are planned to be made in the war plans of the com-  
10 manders of the regional unified combatant com-  
11 mands in relation to the fielding of the objective  
12 force.

13 (7) The changes in lift requirements that result  
14 from the establishment and fielding of the combat  
15 brigades of the objective force.

16 (8) The evaluation process that will be used to  
17 support decisionmaking on the course of the Army  
18 transformation, including a description of the oper-  
19 ational evaluations and experimentation that will be  
20 used to validate the key performance parameters as-  
21 sociated with the objective force and the operational  
22 requirements for the operational requirements docu-  
23 ment of the objective force.

24 (b) REPORTS ON MEDIUM ARMORED COMBAT VEHI-  
25 CLES FOR THE INTERIM BRIGADE COMBAT TEAMS.—(1)

1 The Secretary of the Army shall develop and carry out  
2 a plan for comparing—

3 (A) the costs and operational effectiveness of  
4 the medium armored combat vehicles selected for the  
5 infantry battalions of the interim brigade combat  
6 teams; and

7 (B) the costs and operational effectiveness of  
8 the medium armored vehicles currently in the Army  
9 inventory for the use of infantry battalions.

10 (2) The plan shall provide for the costs and oper-  
11 ational effectiveness of the two sets of vehicles to be deter-  
12 mined on the basis of the results of an operational analysis  
13 that involves the participation of at least one infantry bat-  
14 talion that is fielded with medium armored vehicles cur-  
15 rently in the Army inventory and is similar in organization  
16 to the infantry battalions of the interim brigade combat  
17 teams.

18 (3) The Director of Operational Test and Evaluation  
19 of the Department of Defense shall review the plan devel-  
20 oped under paragraph (1) and submit the Director's com-  
21 ments on the plan to the Secretary of the Army.

22 (4) Not later than February 1, 2001, the Secretary  
23 of the Army shall submit to the congressional defense com-  
24 mittees a report on the plan developed under paragraph  
25 (1). The report shall include the following:

1 (A) The plan.

2 (B) The comments of the Director of Oper-  
3 ational Test and Evaluation on the plan.

4 (C) A discussion of how the results of the oper-  
5 ational analysis are to be used to guide future deci-  
6 sions on the acquisition of medium armored combat  
7 vehicles for additional interim brigade combat teams.

8 (D) The specific adjustments that are made for  
9 Army programs in the future-years defense program  
10 and in the extended planning program in order to  
11 program the funding necessary for fielding the in-  
12 terim brigade combat teams.

13 (5)(A) Not later than March 1, 2002, the Secretary  
14 of the Army shall submit to the congressional defense com-  
15 mittees a report on the results of the comparison of costs  
16 and operational effectiveness of the two sets of medium  
17 armored combat vehicles under paragraph (1).

18 (B) The report under subparagraph (A) shall include  
19 a certification by the Secretary of Defense regarding  
20 whether the results of the comparison would support the  
21 continuation in fiscal year 2003 and beyond of the acquisi-  
22 tion of the additional medium armored combat vehicles  
23 proposed to be used for equipping the interim brigade  
24 combat teams.

1       (c) LIMITATIONS.—(1) Not more than 60 percent of  
2 the amount appropriated for the procurement of armored  
3 vehicles in the family of new medium armored vehicles  
4 pursuant to the authorization of appropriations in section  
5 101(3) may be obligated until the date that is 30 days  
6 after the date on which the Secretary of the Army submits  
7 the report required under subsection (b)(4) to the congres-  
8 sional defense committees.

9       (2) Not more than 60 percent of the funds appro-  
10 priated for the Army for fiscal year 2002 for the procure-  
11 ment of armored vehicles in the family of new medium  
12 armored combat vehicles may be obligated until the date  
13 that is 30 days after the date on which the Secretary of  
14 the Army submits the report required under subsection  
15 (b)(5) to the congressional defense committees.

16       (d) DEFINITIONS.—In this section:

17           (1) The term “transformation”, with respect to  
18 the Army, means the actions being undertaken to  
19 transform the Army, as it is constituted in terms of  
20 organization, equipment, and doctrine in 2000, into  
21 the objective force.

22           (2) The term “objective force” means the Army  
23 that has the organizational structure, the most ad-  
24 vanced equipment that early twenty-first century  
25 science and technology can provide, and the appro-



1        piate doctrine to ensure that the Army is respon-  
 2        sive, deployable, agile, versatile, lethal, survivable,  
 3        and sustainable for the full spectrum of the oper-  
 4        ations anticipated to be required of the Army during  
 5        the early years of the twenty-first century following  
 6        2010.

7            (3) The term “interim brigade combat team”  
 8        means an Army brigade that is designated by the  
 9        Secretary of the Army as a brigade combat team  
 10       and is reorganized and equipped with currently  
 11       available equipment in a configuration that effec-  
 12       tuates an evolutionary advancement toward trans-  
 13       formation of the Army to the objective force.

## 14        **Subtitle C—Navy Programs**

### 15        **SEC. 121. CVNX-1 NUCLEAR AIRCRAFT CARRIER PROGRAM.**

16        (a) AUTHORIZATION OF SHIP.—The Secretary of the  
 17        Navy is authorized to procure the aircraft carrier to be  
 18        designated CVNX-1.

19        (b) ADVANCE PROCUREMENT AND CONSTRUCTION.—  
 20        The Secretary may enter into one or more contracts for  
 21        the advance procurement and advance construction of  
 22        components for the ship authorized under subsection (a).

23        (c) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—  
 24        Of the amounts authorized to be appropriated under sec-  
 25        tion 102(a)(3) for fiscal year 2001, \$21,869,000 is avail-

1 able for the advance procurement and advance construc-  
 2 tion of components (including nuclear components) for the  
 3 CVNX-1 aircraft carrier program.

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

5 (a) **ECONOMICAL MULTIYEAR PROCUREMENT OF**  
 6 **PREVIOUSLY AUTHORIZED VESSELS AND ONE ADDI-**  
 7 **TIONAL VESSEL.**—(1) Subsection (b) of section 122 of the  
 8 National Defense Authorization Act for Fiscal Year 1997  
 9 (Public Law 104-201; 110 Stat. 2446), as amended by  
 10 section 122(a) of Public Law 106-65 (113 Stat. 535), is  
 11 further amended by striking “a total of 18 Arleigh Burke  
 12 class destroyers” in the first sentence and all that follows  
 13 through the period at the end of that sentence and insert-  
 14 ing “Arleigh Burke class destroyers in accordance with  
 15 this subsection and subsection (a)(4) at procurement rates  
 16 not in excess of 3 ships in each of the fiscal years begin-  
 17 ning after September 30, 1998, and before October 1,  
 18 2005. The authority under the preceding sentence is sub-  
 19 ject to the availability of appropriations for such destroy-  
 20 ers.”.

21 (2) The heading for such subsection is amended by  
 22 striking “18”.

23 (b) **ECONOMICAL RATE OF PROCUREMENT.**—It is the  
 24 sense of Congress that, for the procurement of the Arleigh  
 25 Burke class destroyers to be procured after fiscal year

1 2001 under multiyear contracts authorized under section  
 2 122(b) of Public Law 104–201—

3 (1) the Secretary of the Navy should—

4 (A) achieve the most economical rate of  
 5 procurement; and

6 (B) enter into such contracts for advance  
 7 procurement as may be necessary to achieve  
 8 that rate of procurement;

9 (2) the most economical rate of procurement  
 10 would be achieved by procuring 3 of the destroyers  
 11 in each of fiscal years 2002 and 2003 and procuring  
 12 another destroyer in fiscal year 2004; and

13 (3) the Secretary has the authority under sec-  
 14 tion 122(b) of Public Law 104–201 (110 Stat.  
 15 2446) and subsections (b) and (c) of section 122 of  
 16 Public Law 106–65 (113 Stat. 534) to provide for  
 17 procurement at the most economical rate, as de-  
 18 scribed in paragraph (2).

19 (c) UPDATE OF 1993 REPORT ON DDG–51 CLASS  
 20 SHIPS.—(1) The Secretary of the Navy shall submit to  
 21 the Committees on Armed Services of the Senate and the  
 22 House of Representatives, not later than November 1,  
 23 2000, a report that updates the information provided in  
 24 the report of the Secretary of the Navy entitled the  
 25 “Arleigh Burke (DDG–51) Class Industrial Base Study

1 of 1993”. The Secretary shall transmit a copy of the up-  
 2 dated report to the Comptroller General not later than the  
 3 date on which the Secretary submits the report to the  
 4 committees.

5 (2) The Comptroller General shall review the updated  
 6 report submitted under paragraph (1) and, not later than  
 7 December 1, 2000, submit to the Committees on Armed  
 8 Services of the Senate and House of Representatives the  
 9 Comptroller General’s comments on the updated report.

10 **SEC. 123. VIRGINIA CLASS SUBMARINE PROGRAM.**

11 (a) AMOUNTS AUTHORIZED FROM SCN ACCOUNT.—  
 12 Of the amounts authorized to be appropriated by section  
 13 102(a)(3) for fiscal year 2001, \$1,711,234,000 is available  
 14 for the Virginia class submarine program.

15 (b) CONTRACT AUTHORITY.—(1) The Secretary of  
 16 the Navy is authorized to enter into a contract for the  
 17 procurement of up to five Virginia class submarines, in-  
 18 cluding the procurement of material in economic order  
 19 quantities when cost savings are achievable, during fiscal  
 20 years 2003 through 2006. The submarines authorized  
 21 under the preceding sentence are in addition to the sub-  
 22 marines authorized under section 121(b) of the National  
 23 Defense Authorization Act for Fiscal Year 1998 (Public  
 24 Law 105–85; 111 Stat. 1648).

1       (2) A contract entered into under paragraph (1) shall  
2 include a clause that states that any obligation of the  
3 United States to make a payment under this contract is  
4 subject to the availability of appropriations for that pur-  
5 pose.

6       (c) SHIPBUILDER TEAMING.—Paragraphs (2)(A),  
7 (3), and (4) of section 121(b) of Public Law 105–85 apply  
8 to the procurement of submarines under this section.

9       (d) LIMITATION OF LIABILITY.—If a contract en-  
10 tered into under this section is terminated, the United  
11 States shall not be liable for termination costs in excess  
12 of the total of the amounts appropriated for the Virginia  
13 class submarine program that remain available for the  
14 program.

15       (e) REPORT REQUIREMENT.—At that same time that  
16 the President submits the budget for fiscal year 2002 to  
17 Congress under section 1105(a) of title 31, United States  
18 Code, the Secretary of Defense shall submit to the con-  
19 gressional defense committees a report on the Navy’s fleet  
20 of fast attack submarines. The report shall include the fol-  
21 lowing:

22               (1) A plan for maintaining at least 55 fast at-  
23 tack submarines in commissioned service through  
24 2015, including, by 2015, 18 Virginia class sub-  
25 marines.

1           (2) Two assessments of the potential savings  
2           that would be achieved under the Virginia class sub-  
3           marine program if the production rate for such pro-  
4           gram were at least two submarines each fiscal year,  
5           as follows:

6                   (A) An assessment if that were the produc-  
7                   tion rate beginning in fiscal year 2004.

8                   (B) An assessment if that were the produc-  
9                   tion rate beginning in fiscal year 2006.

10          (3) An analysis of the advantages and disadvan-  
11          tages of various contracting strategies for Virginia  
12          class submarine program, including one or more  
13          multiyear procurement strategies and one or more  
14          strategies for block buy with economic order quan-  
15          tity.

16 **SEC. 124. ADC(X) SHIP PROGRAM.**

17          Notwithstanding any other provision of law, the Sec-  
18          retary of the Navy may procure the construction of all  
19          ADC(X) class ships in one shipyard if the Secretary deter-  
20          mines that it is more cost effective to do so than to pro-  
21          cure the construction of such ships from more than one  
22          shipyard.

1 **SEC. 125. REFUELING AND COMPLEX OVERHAUL PROGRAM**  
 2 **OF THE CVN-69 NUCLEAR AIRCRAFT CAR-**  
 3 **RIER.**

4 (a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—  
 5 Of the amount authorized to be appropriated by section  
 6 102(a)(3) for fiscal year 2001, \$703,441,000 is available  
 7 for the commencement of the nuclear refueling and com-  
 8 plex overhaul of the CVN-69 aircraft carrier during fiscal  
 9 year 2001. The amount made available in the preceding  
 10 sentence is the first increment in the incremental funding  
 11 planned for the nuclear refueling and complex overhaul of  
 12 the CVN-69 aircraft carrier.

13 (b) CONTRACT AUTHORITY.—The Secretary of the  
 14 Navy is authorized to enter into a contract during fiscal  
 15 year 2001 for the nuclear refueling and complex overhaul  
 16 of the CVN-69 nuclear aircraft carrier before full funding  
 17 for the contract is available and to provide for the per-  
 18 formance of the contract to begin.

19 **Subtitle D—Air Force Programs**

20 **SEC. 131. REPEAL OF REQUIREMENT FOR ANNUAL REPORT**  
 21 **ON B-2 BOMBER AIRCRAFT PROGRAM.**

22 Section 112 of the National Defense Authorization  
 23 Act for Fiscal Years 1990 and 1991 (Public Law 101–  
 24 189; 103 Stat. 1373), as amended by section 141 of Pub-  
 25 lic Law 104–106 (110 Stat. 213), is repealed.

## **Subtitle E—Other Matters**

### **SEC. 141. PUEBLO CHEMICAL DEPOT CHEMICAL AGENT AND MUNITIONS DESTRUCTION TECH- NOLOGIES.**

(a) LIMITATION.—In determining the technologies to be used for the destruction of the stockpile of lethal chemical agents and munitions at Pueblo Chemical Depot, Colorado, whether under the assessment required by section 141(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 537; 50 U.S.C. 1521 note), the Assembled Chemical Weapons Assessment, or any other assessment, the Secretary of Defense may consider only the following technologies:

(1) Incineration.

(2) Any technologies demonstrated under the Assembled Chemical Weapons Assessment on or before May 1, 2000.

(b) ASSEMBLED CHEMICAL WEAPONS ASSESSMENT DEFINED.—As used in subsection (a), the term “Assembled Chemical Weapons Assessment” means the pilot program carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104–208; 110 Stat. 3009–101; 50 U.S.C. 1521 note).



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 2001 for the use of the Department of Defense  
 9 for research, development, test, and evaluation as follows:

10 (1) For the Army, \$5,461,946,000.

11 (2) For the Navy, \$8,665,865,000.

12 (3) For the Air Force, \$13,927,836,000.

13 (4) For Defense-wide activities,  
 14 \$11,275,202,000, of which \$223,060,000 is author-  
 15 ized for the Director of Operational Test and Eval-  
 16 uation.

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

18 (a) FISCAL YEAR 2001.—Of the amounts authorized  
 19 to be appropriated by section 201, \$4,702,604,000 shall  
 20 be available for basic research and applied research  
 21 projects.

22 (b) BASIC RESEARCH AND APPLIED RESEARCH DE-  
 23 FINED.—For purposes of this section, the term “basic re-  
 24 search and applied research” means work funded in pro-

1 gram elements for defense research and development  
2 under Department of Defense category 6.1 or 6.2.

3 **Subtitle B—Program Requirements, Restrictions, and Limita-**  
4 **tions**

6 **SEC. 211. FISCAL YEAR 2002 JOINT FIELD EXPERIMENT.**

7 (a) REQUIREMENTS.—The Secretary of Defense shall  
8 carry out a joint field experiment in fiscal year 2002. The  
9 Secretary shall ensure that the planning for the joint field  
10 experiment is carried out during fiscal year 2001.

11 (b) PURPOSE.—The purpose of the joint field experi-  
12 ment is to explore the most critical war fighting challenges  
13 at the operational level of war that will confront United  
14 States joint military forces after 2010.

15 (c) PARTICIPATING FORCES.—(1) The joint field ex-  
16 periment shall involve elements of Army, Navy, Marine  
17 Corps, and Air Force, and shall include special operations  
18 forces.

19 (2) The forces designated to participate in the joint  
20 field experiment shall exemplify the concepts for organiza-  
21 tion, equipment, and doctrine that are conceived for the  
22 forces after 2010 under Joint Vision 2010 (issued by the  
23 Joint Chiefs of Staff) and the current vision statements  
24 of the Chief of Staff of the Army, the Chief of Naval Oper-  
25 ations and the Commandant of the Marine Corps, and the

1 Chief of Staff of the Air Force, including the following  
2 concepts:

3 (A) Air Force expeditionary aerospace forces.

4 (B) Army medium weight brigades.

5 (C) Navy forward from the sea.

6 (d) FUNDING.—Of the amount authorized to be ap-  
7 propriated under section 201(2) for joint experimentation,  
8 \$6,000,000 shall be available only for planning the joint  
9 field experiment required under this section.

10 **SEC. 212. NUCLEAR AIRCRAFT CARRIER DESIGN AND PRO-**  
11 **DUCTION MODELING.**

12 Of the amount authorized to be appropriated under  
13 section 201(2) for the Navy for nuclear aircraft carrier  
14 design and production modeling, \$10,000,000 shall be  
15 available for the conversion and development of nuclear  
16 aircraft carrier design data into an electronic, three-di-  
17 mensional product model.

18 **SEC. 213. DD-21 CLASS DESTROYER PROGRAM.**

19 (a) AUTHORITY.—The Secretary of the Navy is au-  
20 thorized to pursue a technology insertion approach for the  
21 construction of the DD-21 destroyer on the following  
22 schedule:

23 (1) Commencement of construction during fis-  
24 cal year 2004.

1           (2) Delivery of the completed vessel during fis-  
2       cal year 2009.

3       (b) SENSE OF CONGRESS.—It is the sense of Con-  
4       gress that—

5           (1) there are compelling reasons for starting  
6       the program for constructing the DD–21 destroyer  
7       in fiscal year 2004 and continuing with sequential  
8       construction of DD–21 class destroyers during the  
9       ensuing fiscal years until 32 DD–21 class destroyers  
10      are constructed; and

11          (2) the Secretary of the Navy, in providing for  
12      the acquisition of DD–21 class destroyers, should  
13      consider that—

14           (A) the Marine Corps needs the surface  
15      fire support capabilities of the DD–21 class de-  
16      stroyers as soon as possible in order to mitigate  
17      the inadequacies of the surface fire support ca-  
18      pabilities that are currently available;

19           (B) the Navy and Marine Corps need to  
20      resolve whether there is a requirement for sur-  
21      face fire support missile weapon systems to be  
22      easily sustainable by means of replenishment  
23      while under way;

24           (C) the technology insertion approach has  
25      been successful for other ship construction pro-

grams and is being pursued for the CVN(X)  
and Virginia class submarine programs;

(D) the establishment of a stable configuration for the first 10 DD-21 class destroyers should enable the construction of the ships with the greatest capabilities at the lowest cost; and

(E) action to acquire DD-21 class destroyers should be taken as soon as possible in order to realize fully the cost savings that can be derived from the construction and operation of DD-21 class destroyers, including—

(i) savings in construction costs that would result from achievement of the Navy's target per-ship cost of \$750,000,000 by the fifth ship constructed in each construction yard;

(ii) savings that will result from the estimated reduction of the crews of destroyers by 200 or more personnel for each ship; and

(iii) savings that will result from a reduction in the operating costs for destroyers by an estimated 70 percent.

(c) NAVY PLAN FOR USE OF TECHNOLOGY INSERTION APPROACH FOR CONSTRUCTION OF THE DD-21

1 SHIP.—The Secretary of the Navy shall submit to the  
2 Committees on Armed Services of the Senate and the  
3 House of Representatives, not later than April 18, 2001,  
4 a plan for pursuing a technology insertion approach for  
5 the construction of the DD–21 destroyer as authorized  
6 under subsection (a). The plan shall include estimates of  
7 the resources necessary to execute the plan.

8 (d) REPORT ON ACQUISITION AND MAINTENANCE  
9 PLAN FOR DD–21 CLASS SHIPS.—The Secretary of De-  
10 fense shall submit to the Committees on Armed Services  
11 of the Senate and House of Representatives, not later than  
12 April 18, 2001, a report on the Navy’s plan for the acqui-  
13 sition and maintenance of DD–21 class destroyers. The  
14 report shall include a discussion of each of the following  
15 matters:

16 (1) The technical feasibility of commencing con-  
17 struction of the DD–21 destroyer in fiscal year 2004  
18 and achieving delivery of the completed ship to the  
19 Navy during fiscal year 2009.

20 (2) An analysis of the advantages and disadvan-  
21 tages of various contracting strategies for the con-  
22 struction of the first 10 DD–21 class destroyers, in-  
23 cluding one or more multiyear procurement strate-  
24 gies and one or more strategies for block buy in eco-  
25 nomic order quantity.

1           (3) The effects on the destroyer industrial base  
 2           and on costs to other Navy shipbuilding programs of  
 3           delaying the commencement of construction of the  
 4           DD-21 destroyer until fiscal year 2005 and delaying  
 5           the commencement of construction of the next DD-  
 6           21 class destroyer until fiscal year 2007.

7           (4) The effects on the fleet maintenance strate-  
 8           gies of Navy fleet commanders, on commercial main-  
 9           tenance facilities in fleet concentration areas, and on  
 10          the administration of funds in compliance with sec-  
 11          tion 2466 of title 10, United States Code, of award-  
 12          ing to a contractor for the construction of a DD-21  
 13          class destroyer all maintenance workloads for DD-  
 14          21 class destroyers that are below depot-level main-  
 15          tenance and above ship-level maintenance.

16 **SEC. 214. F-22 AIRCRAFT PROGRAM.**

17          Section 217(c) of the National Defense Authorization  
 18          Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat.  
 19          1660) is amended by adding at the end the following:

20               “(3) With respect to the limitation in sub-  
 21          section (a), an increase by an amount that does not  
 22          exceed one percent of the total amount of that limi-  
 23          tation (taking into account the increases and de-  
 24          creases, if any, under paragraphs (1) and (2)) if the  
 25          Director of Operational Test and Evaluation, after

1 consulting with the Under Secretary of Defense for  
2 Acquisition, Technology, and Logistics, determines  
3 that the increase is necessary in order to ensure ade-  
4 quate testing.”.

5 **SEC. 215. JOINT STRIKE FIGHTER PROGRAM.**

6 (a) REPORT.—Not later than December 15, 2000,  
7 the Secretary shall submit to Congress a report on the  
8 joint strike fighter program. The report shall contain the  
9 following:

10 (1) A description of the program as the pro-  
11 gram has been restructured before the date of the  
12 report, including any modified acquisition strategy  
13 that has been incorporated into the program.

14 (2) The exit criteria that have been established  
15 to ensure that technical risks are at levels acceptable  
16 for entry of the program into engineering and manu-  
17 facturing development.

18 (b) TRANSFERS FROM OTHER NAVY AND AIR FORCE  
19 ACCOUNTS.—(1) Notwithstanding any other provision of  
20 this Act, the Secretary may transfer to the joint strike  
21 fighter program or within the joint strike fighter program  
22 amounts authorized to be appropriated under section 201  
23 for a purpose other than the purpose of the authorization  
24 of appropriations to which transferred, as follows:



1 (A) Of the funds authorized to be appropriated  
2 under section 201(2), up to \$150,000,000.

3 (B) Of the funds authorized to be appropriated  
4 under section 201(3), up to \$150,000,000.

5 (2) The transfer authority under paragraph (1) is in  
6 addition to the transfer authority provided in section  
7 1001.

8 **SEC. 216. GLOBAL HAWK HIGH ALTITUDE ENDURANCE UN-**  
9 **MANNED AERIAL VEHICLE.**

10 (a) CONCEPT DEMONSTRATION REQUIRED.—The  
11 Secretary of Defense shall require and coordinate a con-  
12 cept demonstration of the Global Hawk high altitude en-  
13 durance unmanned aerial vehicle.

14 (b) PURPOSE OF DEMONSTRATION.—The purpose of  
15 the concept demonstration is to demonstrate the capability  
16 of the Global Hawk high altitude endurance unmanned  
17 aerial vehicle to operate in an airborne surveillance mode,  
18 using available, non-developmental technology.

19 (c) TIME FOR DEMONSTRATION.—The demonstration  
20 shall take place as early in fiscal year 2001 as the Sec-  
21 retary determines practicable.

22 (d) PARTICIPATION BY CINCS.—The Secretary shall  
23 require the Commander in Chief of the United States  
24 Joint Forces Command and the Commander in Chief of  
25 the United States Southern Command jointly to provide

1 guidance for the demonstration and otherwise to partici-  
 2 pate in the demonstration.

3 (e) SCENARIO FOR DEMONSTRATION.—The dem-  
 4 onstration shall be conducted in a counter-drug surveil-  
 5 lance scenario that is designed to replicate factual condi-  
 6 tions typically encountered in the performance of the  
 7 counter-drug surveillance mission of the Commander in  
 8 Chief of the United States Southern Command within that  
 9 commander's area of responsibility.

10 (f) REPORT.—Not later than 45 days after the con-  
 11 cept demonstration is completed, the Secretary shall sub-  
 12 mit to Congress a report on the results of the demonstra-  
 13 tion. The report shall include the following:

14 (1) The Secretary's assessment of the technical  
 15 feasibility of using the Global Hawk high altitude  
 16 endurance unmanned aerial vehicle for airborne air  
 17 surveillance.

18 (2) A discussion of the operational concept for  
 19 the use of the vehicle for that purpose.

20 **SEC. 217. UNMANNED ADVANCED CAPABILITY AIRCRAFT**  
 21 **AND GROUND COMBAT VEHICLES.**

22 (a) GOAL.—It shall be a goal of the Armed Forces  
 23 to achieve the fielding of unmanned, remotely controlled  
 24 technology such that—

1           (1) by 2010, one-third of the operational deep  
2       strike aircraft of the Armed Forces are unmanned;  
3       and

4           (2) by 2015, one-third of the operational  
5       ground combat vehicles of the Armed Forces are un-  
6       manned.

7       (b) REPORT ON ADVANCED CAPABILITY GROUND  
8       COMBAT VEHICLES.—Not later than January 31, 2001,  
9       the Secretary of Defense shall submit to the congressional  
10      defense committees a report on each of the programs un-  
11      dertaken by the Secretaries of the Army, Navy, and Air  
12      Force jointly with the Director of the Defense Advanced  
13      Research Projects Agency to demonstrate advanced capa-  
14      bility ground combat vehicles. The report shall include the  
15      following for the program of each military department:

16           (1) A schedule for the program, including, in  
17      the case of the Army program, a schedule for the  
18      demonstration of the capability for unmanned, re-  
19      motely controlled operation of advanced capability  
20      ground combat vehicles for the Army.

21           (2) An identification of the funding required for  
22      fiscal year 2002 and for the future-years defense  
23      program to carry out the program and, in the case  
24      of the Army program, for the demonstration de-  
25      scribed in paragraph (1).

1           (3) A description and assessment of the acquisi-  
2           tion strategy for unmanned ground combat vehicles  
3           planned by the Secretary of the military department  
4           concerned, together with a complete identification of  
5           all operation, support, ownership, and other costs re-  
6           quired to carry out such strategy through the year  
7           2030.

8           (c) FUNDS.—Of the amount authorized to be appro-  
9           priated for Defense-wide activities under section 201(4)  
10          for the Defense Advanced Research Projects Agency,  
11          \$200,000,000 shall be available only to carry out the pro-  
12          grams referred to in subsection (b).

13   **SEC. 218. ARMY SPACE CONTROL TECHNOLOGY DEVELOP-**  
14                                   **MENT.**

15          (a) KINETIC ENERGY ANTI-SATELLITE TECH-  
16          NOLOGY PROGRAM.—Of the funds authorized to be appro-  
17          priated under section 201(4), \$20,000,000 shall be avail-  
18          able for the kinetic energy anti-satellite technology pro-  
19          gram.

20          (b) OTHER ARMY SPACE CONTROL TECHNOLOGY  
21          DEVELOPMENT.—Of the funds authorized to be appro-  
22          priated under section 201(4), \$5,000,000 shall be avail-  
23          able for the development of space control technologies that  
24          emphasize reversible or temporary effects.

1 (c) LIMITATION.—None of the funds made available  
2 pursuant to subsection (b) may be obligated until the  
3 funds provided for the kinetic energy anti-satellite tech-  
4 nology program under subsection (a) have been released  
5 to the kinetic energy anti-satellite technology program  
6 manager.

7 **SEC. 219. RUSSIAN AMERICAN OBSERVATION SATELLITES**  
8 **PROGRAM.**

9 None of the funds authorized to be appropriated  
10 under section 201(4) for the Russian American Observa-  
11 tion Satellites program may be obligated or expended until  
12 30 days after the Secretary of Defense submits to Con-  
13 gress a report explaining how the Secretary plans to pro-  
14 tect United States advanced military technology that may  
15 be associated with the Russian American Observation Sat-  
16 ellites program.

17 **SEC. 220. JOINT BIOLOGICAL DEFENSE PROGRAM.**

18 (a) LIMITATION.—Funds authorized to be appro-  
19 priated by this Act may not be obligated for the procure-  
20 ment of a vaccine for the biological agent anthrax until  
21 the Secretary of Defense has submitted to the congres-  
22 sional defense committees the following:

23 (1) A written notification that the Food and  
24 Drug Administration has approved for production of  
25 the vaccine the manufacturing source from which

1 the Department of Defense is procuring the vaccine  
2 as of the date of the enactment of this Act (here-  
3 after in this section referred to as the “current man-  
4 ufacturer”).

5 (2) A report on the contingencies associated  
6 with continuing to rely on the current manufacturer  
7 to supply anthrax vaccine.

8 (b) CONTENT OF REPORT.—The report required  
9 under subsection (a)(2) shall include the following:

10 (1) Recommended strategies to mitigate the  
11 risk to the Department of Defense of losing the cur-  
12 rent manufacturer as a source of anthrax vaccine,  
13 together with a discussion of the criteria to be ap-  
14 plied in determining whether to carry out any of the  
15 strategies and which strategy to carry out.

16 (2) Recommended strategies to ensure that the  
17 Department of Defense can procure from any source  
18 or sources an anthrax vaccine approved by the Food  
19 and Drug Administration that meets the require-  
20 ments of the department if—

21 (A) the Food and Drug Administration  
22 does not approve the release of the anthrax vac-  
23 cine available from the current manufacturer;  
24 or

1 (B) the current manufacturer terminates  
2 the production of anthrax vaccine permanently.

3 (3) A five-year budget to support each strategy  
4 recommended under paragraph (1) or (2).

5 **SEC. 221. REPORT ON BIOLOGICAL WARFARE DEFENSE**  
6 **VACCINE RESEARCH AND DEVELOPMENT**  
7 **PROGRAMS.**

8 (a) REQUIREMENT FOR REPORT.—The Secretary of  
9 Defense shall submit to the congressional defense commit-  
10 tees, not later than February 1, 2001, a report on the  
11 acquisition of biological warfare defense vaccines for the  
12 Department of Defense.

13 (b) CONTENT OF REPORT.—The report shall include  
14 the following:

15 (1) The Secretary's evaluation of the implica-  
16 tions of reliance on the commercial sector to meet  
17 the requirements of the Department of Defense for  
18 biological warfare defense vaccines.

19 (2) A complete design for a facility at an alter-  
20 native site determined by the Secretary that is de-  
21 signed to be operated under government ownership  
22 by a contractor for the production of biological war-  
23 fare defense vaccines to meet the current and future  
24 requirements of the Department of Defense for bio-  
25 logical warfare defense vaccines, together with—

1 (A) an estimation of the cost of contractor  
2 operation of such a facility for that purpose;

3 (B) a determination, developed in consulta-  
4 tion with the Surgeon General of the United  
5 States, on the utility of such a facility to sup-  
6 port civilian vaccine requirements and a discus-  
7 sion of the effects that the use of the facility for  
8 that purpose would have on the operating costs  
9 for vaccine production at the facility; and

10 (C) an analysis of the effects that inter-  
11 national demand for vaccines would have on the  
12 operating costs for vaccine production at such  
13 a facility.

14 (c) BIOLOGICAL WARFARE DEFENSE VACCINE DE-  
15 FINED.—In this section, the term “biological warfare de-  
16 fense vaccine” means a vaccine useful for the immuniza-  
17 tion of military personnel to protect against biological  
18 agents on the Validated Threat List issued by the Joint  
19 Chiefs of Staff, whether such vaccine is in production or  
20 is being developed.

## 21 **Subtitle C—Other Matters**

### 22 **SEC. 241. MOBILE OFFSHORE BASE.**

23 (a) REPORT.—Not later than March 1, 2001, the  
24 Secretary of Defense shall submit to Congress a report  
25 on the mobile offshore base concept.



1 (b) CONTENT OF REPORT.—The report shall contain  
2 the following:

3 (1) A cost-benefit analysis of the mobile off-  
4 shore base, using operational concepts that would  
5 support the National Military Strategy.

6 (2) A recommendation regarding whether to  
7 proceed with the mobile offshore base as a program  
8 and, if so—

9 (A) a statement regarding which of the  
10 Armed Forces is to be designated to have the  
11 lead responsibility for the program; and

12 (B) a schedule for the program.

13 **SEC. 242. AIR FORCE SCIENCE AND TECHNOLOGY PLAN-**  
14 **NING.**

15 (a) REPORT.—Not later than one year after the date  
16 of the enactment of this Act, the Secretary of the Air  
17 Force shall submit to the congressional defense commit-  
18 tees a report on the long-term challenges and short-term  
19 objectives of the Air Force science and technology pro-  
20 gram. The report shall include the following:

21 (1) An assessment of the budgetary resources  
22 that are being used for fiscal year 2001 for address-  
23 ing the long-term challenges and the short-term ob-  
24 jectives.

1           (2) The budgetary resources that are necessary  
2       to address those challenges and objectives ade-  
3       quately.

4           (3) A course of action for any projected or on-  
5       going Air Force science and technology programs  
6       that do not address either the long-term challenges  
7       or the short-term objectives.

8           (4) The matters required under subsection  
9       (b)(5) and (c)(6).

10       (b) LONG-TERM CHALLENGES.—(1) The Secretary  
11   of the Air Force shall establish an integrated product team  
12   to identify high-risk, high-payoff challenges that will pro-  
13   vide a long-term focus and motivation for the Air Force  
14   science and technology program over the next 20 to 50  
15   years. The integrated product team shall include rep-  
16   resentatives of the Office of Scientific Research and per-  
17   sonnel from the Air Force Research Laboratory.

18       (2) The team shall solicit views from the entire Air  
19   Force science and technology community on the matters  
20   under consideration by the team.

21       (3) The team—

22           (A) shall select for consideration science and  
23       technology challenges that involve—

24           (i) compelling requirements of the Air  
25       Force;

1 (ii) high-risk, high-payoff areas of explo-  
2 ration; and

3 (iii) very difficult, but probably achievable,  
4 results; and

5 (B) should not include as a selected challenge  
6 any linear extension of an ongoing Air Force science  
7 and technology program.

8 (4) The Deputy Assistant Secretary of the Air Force  
9 for Science, Technology, and Engineering shall designate  
10 a technical coordinator and a management coordinator for  
11 each science and technology challenge identified pursuant  
12 to this subsection. Each technical coordinator shall have  
13 sufficient expertise in fields related to the challenge to be  
14 able to identify other experts and affirm the credibility of  
15 the program. The coordinator for a science and technology  
16 challenge shall conduct workshops within the relevant sci-  
17 entific and technological community to obtain suggestions  
18 for possible approaches to addressing the challenge, to  
19 identify ongoing work that addresses the challenge, to  
20 identify gaps in current work relating to the challenge,  
21 and to highlight promising areas of research.

22 (5) The report required by subsection (a) shall, at  
23 a minimum, provide information on each science and tech-  
24 nology challenge identified pursuant to this subsection and  
25 describe the results of the workshops conducted pursuant

1 to paragraph (4), including any work not currently funded  
2 by the Air Force that should be performed to meet the  
3 challenge.

4 (c) SHORT-TERM OBJECTIVES.—(1) The Secretary  
5 of the Air Force shall establish a task force to identify  
6 short-term technological objectives of the Air Force  
7 science and technology program. The task force shall be  
8 chaired by the Deputy Assistant Secretary of the Air  
9 Force for Science, Technology, and Engineering and shall  
10 include representatives of the Chief of Staff of the Air  
11 Force and the specified combatant commands of the Air  
12 Force.

13 (2) The task force shall solicit views from the entire  
14 Air Force requirements community, user community, and  
15 acquisition community.

16 (3) The task force shall select for consideration short-  
17 term objectives that involve—

18 (A) compelling requirements of the Air Force;

19 (B) support in the user community; and

20 (C) likely attainment of the desired benefits  
21 within a 5-year period.

22 (4) The Deputy Assistant Secretary of the Air Force  
23 for Science, Technology, and Engineering shall establish  
24 an integrated product team for each short-term objective  
25 identified pursuant to this subsection. Each integrated

1 product team shall include representatives of the require-  
2 ments community, the user community, and the science  
3 and technology community with relevant expertise.

4 (5) The integrated product team for a short-term ob-  
5 jective shall be responsible for—

6 (A) identifying, defining, and prioritizing the  
7 enabling capabilities that are necessary for achieving  
8 the objective;

9 (B) identifying gaps in the enabling capabilities  
10 that must be addressed if the short-term objective is  
11 to be achieved; and

12 (C) working with the Air Force science and  
13 technology community to identify science and tech-  
14 nology projects and programs that should be under-  
15 taken to fill each gap in an enabling capability.

16 (6) The report required by subsection (a) shall, at  
17 a minimum, describe each short-term science and tech-  
18 nology objective identified pursuant to this subsection and  
19 describe the work of the integrated product teams con-  
20 ducted pursuant to paragraph (5), including any gaps  
21 identified in enabling capabilities and the science and tech-  
22 nology work that should be undertaken to fill each such  
23 gap.

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

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

Funds are hereby authorized to be appropriated for fiscal year 2001 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, \$19,028,531,000.
- (2) For the Navy, \$23,254,154,000.
- (3) For the Marine Corps, \$2,746,558,000.
- (4) For the Air Force, \$22,389,077,000.
- (5) For Defense-wide activities,  
\$11,973,569,000.
- (6) For the Army Reserve, \$1,526,418,000.
- (7) For the Naval Reserve, \$965,946,000.
- (8) For the Marine Corps Reserve,  
\$138,959,000.
- (9) For the Air Force Reserve, \$1,890,859,000.
- (10) For the Army National Guard,  
\$3,222,335,000.
- (11) For the Air National Guard,  
\$3,450,875,000.

1           (12) For the Defense Inspector General,  
2     \$144,245,000.

3           (13) For the United States Court of Appeals  
4     for the Armed Forces, \$8,574,000.

5           (14) For Environmental Restoration, Army,  
6     \$389,932,000.

7           (15) For Environmental Restoration, Navy,  
8     \$294,038,000.

9           (16) For Environmental Restoration, Air Force,  
10    \$376,300,000.

11          (17) For Environmental Restoration, Defense-  
12    wide, \$23,412,000.

13          (18) For Environmental Restoration, Formerly  
14    Used Defense Sites, \$186,499,000.

15          (19) For Overseas Humanitarian, Disaster, and  
16    Civic Aid programs, \$55,400,000.

17          (20) For Drug Interdiction and Counter-drug  
18    Activities, Defense-wide, \$845,300,000.

19          (21) For the Kaho'olawe Island Conveyance,  
20    Remediation, and Environmental Restoration Trust  
21    Fund, \$25,000,000.

22          (22) For Defense Health Program,  
23    \$11,401,723,000.

24          (23) For Cooperative Threat Reduction pro-  
25    grams, \$458,400,000.

1           (24) For Overseas Contingency Operations  
2           Transfer Fund, \$4,100,577,000.

3 **SEC. 302. WORKING CAPITAL FUNDS.**

4           Funds are hereby authorized to be appropriated for  
5           fiscal year 2001 for the use of the Armed Forces and other  
6           activities and agencies of the Department of Defense for  
7           providing capital for working capital and revolving funds  
8           in amounts as follows:

9           (1) For the Defense Working Capital Funds,  
10          \$916,276,000.

11          (2) For the National Defense Sealift Fund,  
12          \$388,158,000.

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

14          There is hereby authorized to be appropriated for fis-  
15          cal year 2001 from the Armed Forces Retirement Home  
16          Trust Fund the sum of \$69,832,000 for the operation of  
17          the Armed Forces Retirement Home, including the United  
18          States Soldiers' and Airmen's Home and the Naval Home.

19 **SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCK-**  
20 **PILE TRANSACTION FUND.**

21          (a) TRANSFER AUTHORITY.—To the extent provided  
22          in appropriations Acts, not more than \$150,000,000 is au-  
23          thorized to be transferred from the National Defense  
24          Stockpile Transaction Fund to operation and maintenance  
25          accounts for fiscal year 2001 in amounts as follows:



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

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

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

4 (b) TREATMENT OF TRANSFERS.—Amounts trans-  
5 ferred under this section—

6 (1) shall be merged with, and be available for  
7 the same purposes and the same period as, the  
8 amounts in the accounts to which transferred; and

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

12 (c) RELATIONSHIP TO OTHER TRANSFER AUTHOR-  
13 ITY.—The transfer authority provided in this section is in  
14 addition to the transfer authority provided in section  
15 1001.

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

### 19 **SEC. 311. IMPACT AID FOR CHILDREN WITH DISABILITIES.**

20 Of the total amount authorized to be appropriated  
21 under section 301(5) for payments under section 8003 of  
22 the Elementary and Secondary Education Act of 1965 (20  
23 U.S.C. 7703), \$20,000,000 is available only for payments  
24 for children with disabilities under subsection (d) of such  
25 section.

1 **SEC. 312. JOINT WARFIGHTING CAPABILITIES ASSESSMENT**  
 2 **TEAMS.**

3 Of the total amount authorized to be appropriated  
 4 under section 301(5) for the Joint Staff, \$4,000,000 is  
 5 available only for the improvement of the performance of  
 6 analyses by the joint warfighting capabilities assessment  
 7 teams of the Joint Requirements Oversight Council.

8 **Subtitle C—Humanitarian and**  
 9 **Civic Assistance**

10 **SEC. 321. INCREASED AUTHORITY TO PROVIDE HEALTH**  
 11 **CARE SERVICES AS HUMANITARIAN AND**  
 12 **CIVIC ASSISTANCE.**

13 Section 401(e)(1) of title 10, United States Code, is  
 14 amended by striking “rural areas of a country” and insert-  
 15 ing “areas of a country that are rural or are underserved  
 16 by medical, dental, and veterinary professionals, respec-  
 17 tively”.

18 **SEC. 322. USE OF HUMANITARIAN AND CIVIC ASSISTANCE**  
 19 **FUNDING FOR PAY AND ALLOWANCES OF**  
 20 **SPECIAL OPERATIONS COMMAND RESERVES**  
 21 **FURNISHING DEMINING TRAINING AND RE-**  
 22 **LATED ASSISTANCE AS HUMANITARIAN AS-**  
 23 **SISTANCE.**

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

1 “(5) Up to 10 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 **Subtitle D—Department of Defense** 10 **Industrial Facilities**

### 11 **SEC. 331. CODIFICATION AND IMPROVEMENT OF ARMA-** 12 **MENT RETOOLING AND MANUFACTURING** 13 **SUPPORT PROGRAMS.**

14 (a) IN GENERAL.—(1) Part IV of subtitle B of title  
 15 10, United States Code, is amended by inserting after  
 16 chapter 433 the following:

### 17 **“CHAPTER 434—ARMAMENTS INDUSTRIAL** 18 **BASE**

“Sec.

“4551. Policy.

“4552. Armament Retooling and Manufacturing Support Initiative.

“4553. Property management contracts and leases.

“4554. ARMS Initiative loan guarantee program.

“4555. Definitions.

### 19 **“§ 4551. Policy**

20 “It is the policy of the United States—

21 “(1) to encourage, to the maximum extent prac-  
 22 ticable, commercial firms to use Government-owned,

1 contractor-operated ammunition manufacturing fa-  
2 cilities of the Department of the Army;

3 “(2) to use such facilities for supporting pro-  
4 grams, projects, policies, and initiatives that pro-  
5 mote competition in the private sector of the United  
6 States economy and that advance United States in-  
7 terests in the global marketplace;

8 “(3) to increase the manufacture of products  
9 inside the United States;

10 “(4) to support policies and programs that pro-  
11 vide manufacturers with incentives to assist the  
12 United States in making more efficient and economi-  
13 cal use of Government-owned industrial plants and  
14 equipment for commercial purposes;

15 “(5) to provide, as appropriate, small busi-  
16 nesses (including socially and economically disadvan-  
17 taged small business concerns and new small busi-  
18 nesses) with incentives that encourage those busi-  
19 nesses to undertake manufacturing and other indus-  
20 trial processing activities that contribute to the pros-  
21 perity of the United States;

22 “(6) to encourage the creation of jobs through  
23 increased investment in the private sector of the  
24 United States economy;

1 “(7) to foster a more efficient, cost-effective,  
 2 and adaptable armaments industry in the United  
 3 States;

4 “(8) to achieve, with respect to armaments  
 5 manufacturing capacity, an optimum level of readi-  
 6 ness of the national technology and industrial base  
 7 within the United States that is consistent with the  
 8 projected threats to the national security of the  
 9 United States and the projected emergency require-  
 10 ments of the Armed Forces of the United States;  
 11 and

12 “(9) to encourage facility use contracting where  
 13 feasible.

14 **“§ 4552. Armament Retooling and Manufacturing**  
 15 **Support Initiative**

16 “(a) AUTHORITY FOR INITIATIVE.—The Secretary of  
 17 the Army may carry out a program to be known as the  
 18 ‘Armament Retooling and Manufacturing Support Initia-  
 19 tive’ (hereafter in this chapter referred to as the ‘ARMS  
 20 Initiative’).

21 “(b) PURPOSES.—The purposes of the ARMS Initia-  
 22 tive are as follows:

23 “(1) To encourage commercial firms, to the  
 24 maximum extent practicable, to use Government-  
 25 owned, contractor-operated ammunition manufac-

1       turing facilities of the Department of the Army for  
2       commercial purposes.

3           “(2) To increase the opportunities for small  
4       businesses (including socially and economically dis-  
5       advantaged small business concerns and new small  
6       businesses) to use such facilities for those purposes.

7           “(3) To maintain in the United States a work  
8       force having the skills in manufacturing processes  
9       that are necessary to meet industrial emergency  
10      planned requirements for national security purposes.

11          “(4) To demonstrate innovative business prac-  
12      tices, to support Department of Defense acquisition  
13      reform, and to serve as both a model and a labora-  
14      tory for future defense conversion initiatives of the  
15      Department of Defense.

16          “(5) To the maximum extent practicable, to  
17      allow the operation of Government-owned, con-  
18      tractor-operated ammunition manufacturing facili-  
19      ties of the Department of the Army to be rapidly re-  
20      sponsive to the forces of free market competition.

21          “(6) To reduce or eliminate the cost of owner-  
22      ship of ammunition manufacturing facilities by the  
23      Department of the Army, including the costs of op-  
24      erations and maintenance, the costs of environ-  
25      mental remediation, and other costs.

1           “(7) To reduce the cost of products of the De-  
2           partment of Defense produced at ammunition manu-  
3           facturing facilities of the Department of the Army.

4           “(8) To leverage private investment at Govern-  
5           ment-owned, contractor-operated ammunition manu-  
6           facturing facilities through long-term facility use  
7           contracts, property management contracts, leases, or  
8           other agreements that support and advance the poli-  
9           cies and purposes of this chapter, for the following  
10          activities:

11                   “(A) Recapitalization of plant and equip-  
12                   ment.

13                   “(B) Environmental remediation.

14                   “(C) Promotion of commercial business  
15                   ventures.

16                   “(D) Other activities.

17           “(9) To foster cooperation between the Depart-  
18           ment of the Army, property managers, commercial  
19           interests, and State and local agencies in the imple-  
20           mentation of sustainable development strategies and  
21           investment in facilities made available for purposes  
22           of the ARMS Initiative.

23           “(10) To reduce or eliminate the cost of asset  
24           disposal prior to a declaration by the Secretary of

1       the Army that property is excess to the needs of the  
2       Department of the Army.

3       “(c) AVAILABILITY OF FACILITIES.—(1) The Sec-  
4       retary of the Army may make any Government-owned,  
5       contractor-operated ammunition manufacturing facility of  
6       the Department of the Army available for the purposes  
7       of the ARMS Initiative.

8       “(2) The authority under paragraph (1) applies to  
9       a facility described in that paragraph without regard to  
10      whether the facility is active, inactive, in layaway or care-  
11      taker status, or is designated (in whole or in part) as ex-  
12      cess property under property classification procedures ap-  
13      plicable under title II of the Federal Property and Admin-  
14      istrative Services Act of 1949 (40 U.S.C. 481 et seq.).

15      “(d) PRECEDENCE OF PROVISION OVER CERTAIN  
16      PROPERTY MANAGEMENT LAWS.—The following provi-  
17      sions of law shall not apply to uses of property or facilities  
18      in accordance with this section to the extent that such pro-  
19      visions of law are inconsistent with the exercise of the au-  
20      thority of this section:

21               “(1) Section 2667(a)(3) of this title.

22               “(2) The Federal Property and Administrative  
23      Services Act of 1949 (40 U.S.C. 471 et seq.).



1           “(3) Section 321 of the Act of June 30, 1932  
2           (commonly known as the ‘Economy Act’) (40 U.S.C.  
3           303b).

4           “(e) PROGRAM SUPPORT.—(1) Funds appropriated  
5           for purposes of the ARMS Initiative may be used for ad-  
6           ministrative support and management.

7           “(2) A full annual accounting of such expenses for  
8           each fiscal year shall be provided to the Committees on  
9           Armed Services and on Appropriations of the Senate and  
10          the House of Representatives not later than March 30 of  
11          the following fiscal year.

12       **“§ 4553. Property management contracts and leases**

13          “(a) IN GENERAL.—In the case of each Government-  
14          owned, contractor-operated ammunition manufacturing  
15          facility of the Department of the Army that is made avail-  
16          able for the ARMS Initiative, the Secretary of the Army—

17               “(1) shall make full use of facility use con-  
18               tracts, leases, and other such commercial contractual  
19               instruments as may be appropriate;

20               “(2) shall evaluate, on the basis of efficiency,  
21               cost, emergency mobilization requirements, and the  
22               goals and purposes of the ARMS Initiative, the pro-  
23               curement of services from the property manager, in-  
24               cluding maintenance, operation, modification, infra-  
25               structure, environmental restoration and remedi-

1       ation, and disposal of ammunition manufacturing  
2       assets, and other services; and

3           “(3) may, in carrying out paragraphs (1) and  
4       (2)—

5           “(A) enter into contracts, and provide for  
6       subcontracts, for terms up to 25 years, as the  
7       Secretary considers appropriate and consistent  
8       with the needs of the Department of the Army  
9       and the goals and purposes of the ARMS Initia-  
10      tive; and

11          “(B) use procedures that are authorized to  
12      be used under section 2304(c)(5) of this title  
13      when the contractor or subcontractor is a  
14      source specified in law.

15      “(b) CONSIDERATION FOR USE.—(1) To the extent  
16   provided in a contract entered into under this section for  
17   the use of property at a Government-owned, contractor-  
18   operated ammunition manufacturing facility that is ac-  
19   countable under the contract, the Secretary of the Army  
20   may accept consideration for such use that is, in whole  
21   or in part, in a form other than—

22          “(A) rental payments; or

23          “(B) revenue generated at the facility.

1       “(2) Forms of consideration acceptable under para-  
 2 graph (1) for a use of a facility or any property at a facil-  
 3 ity include the following:

4           “(A) The improvement, maintenance, protec-  
 5 tion, repair, and restoration of the facility, the prop-  
 6 erty, or any property within the boundaries of the  
 7 installation where the facility is located.

8           “(B) Reductions in overhead costs.

9           “(C) Reductions in product cost.

10       “(3) The authority under paragraph (1) may be exer-  
 11 cised without regard to section 3302(b) of title 31 and  
 12 any other provision of law.

13       “(c) REPORTING REQUIREMENT.—Not later than  
 14 July 1 each year, the Secretary of the Army shall submit  
 15 to the Committees on Armed Services and on Appropria-  
 16 tions of the Senate and the House of Representatives a  
 17 report on the procedures and controls implemented to  
 18 carry out this section.

19       **“§ 4554. ARMS Initiative loan guarantee program**

20       “(a) PROGRAM AUTHORIZED.—Subject to subsection  
 21 (b), the Secretary of the Army may carry out a loan guar-  
 22 antee program to encourage commercial firms to use am-  
 23 munition manufacturing facilities under this chapter.  
 24 Under any such program, the Secretary may guarantee  
 25 the repayment of any loan made to a commercial firm to

1 fund, in whole or in part, the establishment of a commer-  
 2 cial activity to use any such facility under this chapter.

3 “(b) ADVANCED BUDGET AUTHORITY.—Loan guar-  
 4 antees under this section may not be committed except  
 5 to the extent that appropriations of budget authority to  
 6 cover their costs are made in advance, as required by sec-  
 7 tion 504 of the Federal Credit Reform Act of 1990 (2  
 8 U.S.C. 661c).

9 “(c) PROGRAM ADMINISTRATION.—(1) The Secretary  
 10 may enter into an agreement with any of the officials  
 11 named in paragraph (2) under which that official may,  
 12 for the purposes of this section—

13 “(A) process applications for loan guarantees;

14 “(B) guarantee repayment of loans; and

15 “(C) provide any other services to the Secretary  
 16 to administer the loan guarantee program.

17 “(2) The officials referred to in paragraph (1) are  
 18 as follows:

19 “(A) The Administrator of the Small Business  
 20 Administration.

21 “(B) The head of any appropriate agency in the  
 22 Department of Agriculture, including—

23 “(i) the Administrator of the Farmers  
 24 Home Administration; and

1                   “(ii) the Administrator of the Rural Devel-  
2                   opment Administration.

3           “(3) Each official authorized to do so under an agree-  
4   ment entered into under paragraph (1) may guarantee  
5   loans under this section to commercial firms of any size,  
6   notwithstanding any limitations on the size of applicants  
7   imposed on other loan guarantee programs that the offi-  
8   cial administers.

9           “(4) To the extent practicable, each official proc-  
10   essing loan guarantee applications under this section pur-  
11   suant to an agreement entered into under paragraph (1)  
12   shall use the same processing procedures as the official  
13   uses for processing loan guarantee applications under  
14   other loan guarantee programs that the official admin-  
15   isters.

16          “(d) LOAN LIMITS.—The maximum amount of loan  
17   principal guaranteed during a fiscal year under this sec-  
18   tion may not exceed—

19               “(1) \$20,000,000, with respect to any single  
20       borrower; and

21               “(2) \$320,000,000 with respect to all bor-  
22       rowers.

23          “(e) TRANSFER OF FUNDS.—The Secretary of the  
24   Army may transfer to an official providing services under  
25   subsection (c), and that official may accept, such funds

1 as may be necessary to administer the loan guarantee pro-  
 2 gram under this section.

3 **“§ 4555. Definitions**

4 “In this chapter:

5 “(1) The term ‘property manager’ includes any  
 6 person or entity managing a facility made available  
 7 under the ARMS Initiative through a property man-  
 8 agement contract.

9 “(2) The term ‘property management contract’  
 10 includes facility use contracts, site management con-  
 11 tracts, leases, and other agreements entered into  
 12 under the authority of this chapter.”.

13 (2) The tables of chapters at the beginning of subtitle  
 14 B of such title and at the beginning of part IV of such  
 15 subtitle are amended by inserting after the item relating  
 16 to chapter 433 the following:

**“434. Armaments Industrial Base ..... 4551”.**

17 (b) RELATIONSHIP TO NATIONAL DEFENSE TECH-  
 18 NOLOGY AND INDUSTRIAL BASE.—(1) Subchapter IV of  
 19 chapter 148 of title 10, United States Code, is amended—

20 (A) by redesignating section 2525 as section  
 21 2521; and

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

23 **“§ 2522. Armament retooling and manufacturing**

24 “The Secretary of the Army is authorized by chapter  
 25 434 of this title to carry out programs for the support

1 of armaments retooling and manufacturing in the national  
2 defense industrial and technology base.”.

3 (2) The table of sections at the beginning of such sub-  
4 chapter is amended by striking the item relating to section  
5 2525 and inserting the following:

“2521. Manufacturing Technology Program.

“2522. Armament retooling and manufacturing.”.

6 (c) REPEAL OF SUPERSEDED LAW.—The Armament  
7 Retooling and Manufacturing Support Act of 1992 (sub-  
8 title H of title I of the National Defense Authorization  
9 Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C.  
10 2501 note)) is repealed.

11 **SEC. 332. CENTERS OF INDUSTRIAL AND TECHNICAL EX-**  
12 **CELLENCE.**

13 (a) DESIGNATION OF ARMY ARSENALS.—(1) Sub-  
14 section (a) of section 2474 of title 10, United States Code,  
15 is amended by striking paragraph (1) and inserting the  
16 following:

17 “(1) The Secretary concerned, or the Secretary of  
18 Defense in the case of a Defense Agency, shall designate  
19 as a Center of Industrial and Technical Excellence in the  
20 recognized core competencies of the designee the following:

21 “(A) Each depot-level activity of the military  
22 departments and the Defense Agencies (other than  
23 facilities approved for closure or major realignment  
24 under the Defense Base Closure and Realignment

1 Act of 1990 (part A of title XXIX of Public Law  
2 101–510; 10 U.S.C. 2687 note)).

3 “(B) Each arsenal of the Army.”.

4 (2) Paragraph (2) of such subsection is amended—

5 (A) by inserting “of Defense” after “The Sec-  
6 retary”; and

7 (B) by striking “depot-level activities” and in-  
8 serting “Centers of Industrial and Technical Excel-  
9 lence”.

10 (3) Paragraph (3) of such subsection is amended by  
11 striking “the efficiency and effectiveness of depot-level op-  
12 erations, improve the support provided by depot-level ac-  
13 tivities” and inserting “the efficiency and effectiveness of  
14 operations at Centers of Industrial and Technical Excel-  
15 lence, improve the support provided by the Centers”.

16 (b) PUBLIC-PRIVATE PARTNERSHIPS.—Subsection  
17 (b) of such section is amended to read as follows:

18 “(b) PUBLIC-PRIVATE PARTNERSHIPS.—(1) To  
19 achieve one or more objectives set forth in paragraph (2),  
20 the Secretary designating a Center of Industrial and Tech-  
21 nical Excellence under subsection (a) shall authorize and  
22 encourage the head of the Center to enter into public-pri-  
23 vate cooperative arrangements that provide any of the fol-  
24 lowing:



1           “(A) For employees of the Center, private in-  
2           dustry, or other entities outside the Department of  
3           Defense—

4                   “(i) to perform (under contract, sub-  
5                   contract, or otherwise) work in any of the core  
6                   competencies of the Center, including any  
7                   depot-level maintenance and repair work that  
8                   involves one or more core competencies of the  
9                   Center; or

10                   “(ii) to perform at the Center depot-level  
11                   maintenance and repair work that does not in-  
12                   volve a core competency of the Center.

13           “(B) For private industry or other entities out-  
14           side the Department of Defense to use, for any pe-  
15           riod of time determined to be consistent with the  
16           needs of the Department of Defense, any facilities or  
17           equipment of the Center that are not fully utilized  
18           by a military department for its own production or  
19           maintenance requirements.

20           “(2) The objectives for exercising the authority pro-  
21           vided in paragraph (1) are as follows:

22                   “(A) To maximize the utilization of the capacity  
23                   of a Center of Industrial and Technical Excellence.

24                   “(B) To reduce or eliminate the cost of owner-  
25                   ship of a Center by the Department of Defense in

1       such areas of responsibility as operations and main-  
2       tenance and environmental remediation.

3           “(C) To reduce the cost of products of the De-  
4       partment of Defense produced or maintained at a  
5       Center.

6           “(D) To leverage private sector investment in—

7               “(i) such efforts as plant and equipment  
8       recapitalization for a Center; and

9               “(ii) the promotion of the undertaking of  
10      commercial business ventures at a Center.

11          “(E) To foster cooperation between the armed  
12      forces and private industry.

13          “(3) A public-private cooperative arrangement en-  
14      tered into under this subsection shall be known as a ‘pub-  
15      lic-private partnership’.

16          “(4) The Secretary designating a Center of Industrial  
17      and Technical Excellence under subsection (a) may waive  
18      the condition in paragraph (1)(A) and subsection (a)(1)  
19      of section 2553 of this title that an article or service must  
20      be not available (as defined in subsection (g)(2) of such  
21      section) from a United States commercial source in the  
22      case of a particular article or service of a public-private  
23      partnership if the Secretary determines that the waiver  
24      is necessary to achieve one or more objectives set forth  
25      in paragraph (2).

1 “(5) In any sale of articles manufactured or services  
 2 performed by employees of a Center pursuant to a waiver  
 3 under paragraph (4), the Secretary shall charge the full  
 4 cost of manufacturing the articles or performing the serv-  
 5 ices, as the case may be. The full cost charged shall in-  
 6 clude both direct costs and indirect costs.”.

7 (c) PRIVATE SECTOR USE OF EXCESS CAPACITY.—

8 Such section is further amended—

9 (1) striking subsection (d);

10 (2) by redesignating subsection (c) as sub-  
 11 section (d); and

12 (3) by inserting after subsection (b) the fol-  
 13 lowing new subsection (c):

14 “(c) PRIVATE SECTOR USE OF EXCESS CAPACITY.—

15 Any facilities or equipment of a Center of Industrial and  
 16 Technical Excellence made available to private industry  
 17 may be used to perform maintenance or to produce goods  
 18 in order to make more efficient and economical use of Gov-  
 19 ernment-owned industrial plants and encourage the cre-  
 20 ation and preservation of jobs to ensure the availability  
 21 of a workforce with the necessary manufacturing and  
 22 maintenance skills to meet the needs of the armed  
 23 forces.”.

24 (d) CREDITING OF AMOUNTS FOR PERFORMANCE.—

25 Subsection (d) of such section, as redesignated by sub-

1 section (c)(2), is amended by adding at the end the fol-  
 2 lowing: “Consideration in the form of rental payments or  
 3 (notwithstanding section 3302(b) of title 31) in other  
 4 forms may be accepted for a use of property accountable  
 5 under a contract performed pursuant to this section. Not-  
 6 withstanding section 2667(d) of this title, revenues gen-  
 7 erated pursuant to this section shall be available for facil-  
 8 ity operations, maintenance, and environmental restora-  
 9 tion at the Center where the leased property is located.”.

10 (e) AVAILABILITY OF EXCESS EQUIPMENT TO PRI-  
 11 VATE-SECTOR PARTNERS.—Such section is further  
 12 amended by adding at the end the following:

13 “(e) AVAILABILITY OF EXCESS EQUIPMENT TO PRI-  
 14 VATE-SECTOR PARTNERS.—Equipment or facilities of a  
 15 Center of Industrial and Technical Excellence may be  
 16 made available for use by a private-sector entity under this  
 17 section only if—

18 “(1) the use of the equipment or facilities will  
 19 not have a significant adverse effect on the readiness  
 20 of the armed forces, as determined by the Secretary  
 21 concerned or, in the case of a Center in a Defense  
 22 Agency, by the Secretary of Defense; and

23 “(2) the private-sector entity agrees—

24 “(A) to reimburse the Department of De-  
 25 fense for the direct and indirect costs (including

1 any rental costs) that are attributable to the  
2 entity's use of the equipment or facilities, as de-  
3 termined by that Secretary; and

4 “(B) to hold harmless and indemnify the  
5 United States from—

6 “(i) any claim for damages or injury  
7 to any person or property arising out of  
8 the use of the equipment or facilities, ex-  
9 cept in a case of willful conduct or gross  
10 negligence; and

11 “(ii) any liability or claim for damages  
12 or injury to any person or property arising  
13 out of a decision by the Secretary con-  
14 cerned or the Secretary of Defense to sus-  
15 pend or terminate that use of equipment or  
16 facilities during a war or national emer-  
17 gency.”.

18 (f) LOAN GUARANTEE PROGRAM FOR SUPPORT OF  
19 PUBLIC-PRIVATE PARTNERSHIPS.—Chapter 146 of title  
20 10, United States Code, is amended by adding at the end  
21 the following:

1 **“§ 2475. Centers of Industrial and Technical Excel-**  
 2 **lence: loan guarantee program for sup-**  
 3 **port of public-private partnerships**

4 “(a) PROGRAM AUTHORIZED.—Subject to subsection  
 5 (b), the Secretary of Defense may carry out a loan guar-  
 6 antee program to encourage commercial firms to use Cen-  
 7 ters of Industrial and Technical Excellence pursuant to  
 8 section 2474 of this title. Under any such program, the  
 9 Secretary may guarantee the repayment of any loan made  
 10 to a commercial firm to fund, in whole or in part, the es-  
 11 tablishment of public-private partnerships authorized  
 12 under subsection (b) of such section.

13 “(b) ADVANCED BUDGET AUTHORITY.—Loan guar-  
 14 antees under this section may not be committed except  
 15 to the extent that appropriations of budget authority to  
 16 cover their costs are made in advance, as required by sec-  
 17 tion 504 of the Federal Credit Reform Act of 1990 (2  
 18 U.S.C. 661c).

19 “(c) PROGRAM ADMINISTRATION.—(1) The Secretary  
 20 may enter into an agreement with any of the officials  
 21 named in paragraph (2) under which that official may,  
 22 for the purposes of this section—

23 “(A) process applications for loan guarantees;

24 “(B) guarantee repayment of loans; and

25 “(C) provide any other services to the Secretary  
 26 to administer the loan guarantee program.

1       “(2) The officials referred to in paragraph (1) are  
2 as follows:

3               “(A) The Administrator of the Small Business  
4 Administration.

5               “(B) The head of any appropriate agency in the  
6 Department of Agriculture, including—

7                       “(i) the Administrator of the Farmers  
8 Home Administration; and

9                       “(ii) the Administrator of the Rural Devel-  
10 opment Administration.

11       “(3) Each official authorized to do so under an agree-  
12 ment entered into under paragraph (1) may guarantee  
13 loans under this section to commercial firms of any size,  
14 notwithstanding any limitations on the size of applicants  
15 imposed on other loan guarantee programs that the offi-  
16 cial administers.

17       “(4) To the extent practicable, each official proc-  
18 essing loan guarantee applications under this section pur-  
19 suant to an agreement entered into under paragraph (1)  
20 shall use the same processing procedures as the official  
21 uses for processing loan guarantee applications under  
22 other loan guarantee programs that the official admin-  
23 isters.

1       “(d) LOAN LIMITS.—The maximum amount of loan  
 2 principal guaranteed during a fiscal year under this sec-  
 3 tion may not exceed—

4               “(1) \$20,000,000, with respect to any single  
 5 borrower; and

6               “(2) \$320,000,000 with respect to all bor-  
 7 rowers.

8       “(e) TRANSFER OF FUNDS.—The Secretary of De-  
 9 fense may transfer to an official providing services under  
 10 subsection (c), and that official may accept, such funds  
 11 as may be necessary to administer the loan guarantee pro-  
 12 gram under this section.”.

13       (g) USE OF WORKING CAPITAL-FUNDED FACILI-  
 14 TIES.—Section 2208(j) of title 10, United States Code,  
 15 is amended—

16               (1) by striking “contract; and” in paragraph  
 17 (1) and all that follows through “(2) the Depart-  
 18 ment of Defense” in paragraph (2) and inserting the  
 19 following: “contract, and the Department of De-  
 20 fense”;

21               (2) by striking the period at the end and insert-  
 22 ing “; or”; and

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



1           “(2) the Secretary would advance the objectives  
2       set forth in section 2474(b)(2) of this title by au-  
3       thorizing the facility to do so.”.

4       (h) REPEAL OF GENERAL AUTHORITY TO LEASE  
5       EXCESS DEPOT-LEVEL EQUIPMENT AND FACILITIES TO  
6       OUTSIDE TENANTS.—Section 2471 of title 10, United  
7       States Code, is repealed.

8       (i) CLERICAL AMENDMENTS.—The table of sections  
9       at the beginning of chapter 146 of such title is amended—  
10       (1) by striking the item relating to section  
11       2471; and  
12       (2) by adding at the end the following:

“2475. Centers of Industrial and Technical Excellence: loan guarantee program  
for support of public-private partnerships.”.

13 **SEC. 333. EFFECTS OF OUTSOURCING ON OVERHEAD**  
14 **COSTS OF CENTERS OF INDUSTRIAL AND**  
15 **TECHNICAL EXCELLENCE AND AMMUNITION**  
16 **PLANTS.**

17       (a) FINDINGS.—Congress makes the following find-  
18       ings:

19       (1) Centers of Industrial and Technical Excel-  
20       lence and ammunition plants of the United States  
21       comprise a vital component of the national tech-  
22       nology and industrial base that ensures that there is  
23       sufficient domestic industrial capacity to meet the  
24       needs of the Armed Forces for certain critical de-

1       fense equipment and supplies in time of war or na-  
2       tional emergency.

3               (2) Underutilization of the Centers of Industrial  
4       and Technical Excellence and ammunition plants in  
5       peacetime does not diminish the critical importance  
6       of those centers and ammunition plants to the na-  
7       tional defense.

8       (b) REQUIREMENT FOR REPORTS.—(1) Subchapter  
9   V of chapter 148 of title 10, United States Code, is  
10   amended by adding at the end the following:

11   **“§ 2539c. Centers of Industrial and Technical Excel-**  
12               **lence and ammunition plants of the**  
13               **United States: effects of outsourcing on**  
14               **overhead costs**

15       “Not later than 30 days before any official of the De-  
16   partment of Defense enters into a contract with a private  
17   sector source for the performance of a workload already  
18   being performed by more than 50 employees at a Center  
19   of Industrial and Technical Excellence designated under  
20   section 2474(a) of this title or an ammunition plant of  
21   the United States, the Secretary of Defense shall submit  
22   to Congress a report describing the effect that the per-  
23   formance and administration of the contract will have on  
24   the overhead costs of the center or ammunition plant, as  
25   the case may be.”.

1       (2) The table of sections at the beginning of sub-  
 2 chapter V of such chapter is amended by adding at the  
 3 end the following:

“2539e. Centers of Industrial and Technical Excellence and ammunition plants  
 of the United States: effects of outsourcing on overhead  
 costs.”.

4 **SEC. 334. REVISION OF AUTHORITY TO WAIVE LIMITATION**  
 5 **ON PERFORMANCE OF DEPOT-LEVEL MAIN-**  
 6 **TENANCE.**

7       Section 2466(c) of title 10, United States Code, is  
 8 amended to read as follows:

9       “(c) WAIVER OF LIMITATION.—The President may  
 10 waive the limitation in subsection (a) for a fiscal year if—

11           “(1) the President determines that—

12                   “(A) the waiver is necessary for reasons of  
 13 national security; and

14                   “(B) compliance with the limitation cannot  
 15 be achieved through effective management of  
 16 depot operations consistent with those reasons;  
 17 and

18           “(2) the President submits to Congress a notifi-  
 19 cation of the waiver together with a discussion of the  
 20 reasons for the waiver.”.

## **Subtitle E—Environmental Provisions**

### **SEC. 341. ENVIRONMENTAL RESTORATION ACCOUNTS.**

(a) ADDITIONAL ACCOUNT FOR FORMERLY USED DEFENSE SITES.—Subsection (a) of section 2703 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5) An account to be known as the ‘Environmental Restoration Account, Formerly Used Defense Sites’.”.

(b) ACCOUNTS AS SOLE SOURCE OF FUNDS FOR OPERATION AND MONITORING OF ENVIRONMENTAL REMEDIES.—That section is further amended by adding at the end the following:

“(f) ACCOUNTS AS SOLE SOURCE OF FUNDS FOR ENVIRONMENTAL REMEDIES.—(1) The sole source of funds for the long-term operation and monitoring of an environmental remedy at a facility under the jurisdiction of the Department of Defense shall be the applicable environmental restoration account under subsection (a).

“(2) In this subsection, the term ‘environmental remedy’ shall have the meaning given the term ‘remedy’ under section 101(24) of CERCLA (42 U.S.C. 9601(24)).”.

1 **SEC. 342. PAYMENT OF FINES AND PENALTIES FOR ENVI-**  
 2 **RONMENTAL COMPLIANCE VIOLATIONS.**

3 (a) PAYMENT OF FINES AND PENALTIES.—(1) Chap-  
 4 ter 160 of title 10, United States Code, is amended by  
 5 adding at the end the following new section:

6 **“§ 2710. Environmental compliance: payment of fines**  
 7 **and penalties for violations**

8 “(a) IN GENERAL.—The Secretary of Defense or the  
 9 Secretary of a military department may not pay a fine  
 10 or penalty for an environmental compliance violation that  
 11 is imposed against the Department of Defense or such  
 12 military department, as the case may be, unless the pay-  
 13 ment of the fine or penalty is specifically authorized by  
 14 law, if—

15 “(1) the amount of the fine or penalty (includ-  
 16 ing any supplemental environmental projects carried  
 17 out as part of such penalty) is \$1,500,000 or more;  
 18 or

19 “(2) the fine or penalty is based on the applica-  
 20 tion of economic benefit criteria or size-of-business  
 21 criteria.

22 “(b) DEFINITIONS.—In this section:

23 “(1)(A) Except as provided in subparagraph  
 24 (B), the term ‘environmental compliance’, in the  
 25 case of on-going operations, functions, or activities  
 26 at a Department of Defense facility, means the ac-

1       tivities necessary to ensure that such operations,  
2       functions, or activities meet requirements under ap-  
3       plicable environmental law.

4           “(B) The term does not include operations,  
5       functions, or activities relating to environmental res-  
6       toration under this chapter that are conducted using  
7       funds in an environmental restoration account under  
8       section 2703(a) of this title.

9           “(2) The term ‘economic benefit criteria’, in the  
10      case of the imposition of a fine or penalty for an en-  
11      vironmental compliance violation, means criteria  
12      which determine the existence of the violation, or the  
13      amount of the fine or penalty, based on the assump-  
14      tion that a competitive advantage was gained by a  
15      failure to invest money necessary to achieve the envi-  
16      ronmental compliance concerned.

17          “(3) The term ‘size-of-business criteria’, in the  
18      case of the imposition of a fine or penalty for an en-  
19      vironmental compliance violation, means criteria  
20      which determine the existence of the violation, or the  
21      amount of the fine or penalty, based on an assess-  
22      ment of an entity’s net worth and on assumptions  
23      regarding the entity’s ability to pay the fine or pen-  
24      alty.

1           “(4) The term ‘violation’, in the case of envi-  
 2           ronmental compliance, means an act or omission re-  
 3           sulting in the failure to ensure the compliance.”.

4           (2) The table of sections at the beginning of such  
 5 chapter is amended by adding at the end the following  
 6 new item:

“2710. Environmental compliance: payment of fines and penalties for viola-  
 tions.”.

7           (b) APPLICABILITY.—(1) Section 2710 of title 10,  
 8 United States Code (as added by subsection (a)), shall  
 9 take effect on the date of the enactment of this Act.

10          (2) Subsection (a)(1) of that section, as so added,  
 11 shall not apply with respect to any supplemental environ-  
 12 mental projects referred to in that subsection that were  
 13 agreed to before the date of the enactment of this Act.

14 **SEC. 343. ANNUAL REPORTS UNDER STRATEGIC ENVIRON-**  
 15 **MENTAL RESEARCH AND DEVELOPMENT**  
 16 **PROGRAM.**

17          (a) REPEAL OF REQUIREMENT FOR ANNUAL RE-  
 18 PORT FROM SCIENTIFIC ADVISORY BOARD.—Section  
 19 2904 of title 10, United States Code, is amended—

20           (1) by striking subsection (h); and

21           (2) by redesignating subsection (i) as subsection  
 22 (h).

23          (b) INCLUSION OF ACTIONS OF BOARD IN ANNUAL  
 24 REPORTS OF COUNCIL.—Section 2902(d)(3) of such title

1 is amended by adding at the end the following subpara-  
 2 graph:

3                   “(D) A summary of the actions of the  
 4                   Strategic Environmental Research and Develop-  
 5                   ment Program Scientific Advisory Board during  
 6                   the year preceding the year in which the report  
 7                   is submitted and any recommendations, includ-  
 8                   ing recommendations on program direction and  
 9                   legislation, that the Advisory Board considers  
 10                  appropriate regarding the program.”.

11 **SEC. 344. MODIFICATION OF AUTHORITY FOR INDEM-**  
 12 **NIFICATION OF TRANSFEREES OF CLOSING**  
 13 **DEFENSE PROPERTY.**

14           (a) INDEMNIFICATION.—Subsection (a) of section  
 15 330 of the National Defense Authorization Act for Fiscal  
 16 Year 1993 (Public Law 104–484; 10 U.S.C. 2687 note)  
 17 is amended—

18                   (1) in paragraph (1), by striking “and suit”  
 19                   and all that follows through the end and inserting  
 20                   the following: “any suit, claim, demand or action,  
 21                   administrative order or demand, liability, judgment,  
 22                   cost, or other fee arising out of—

23                   “(A) any claim for personal injury or property  
 24                   damage (including death, illness, or loss or damage  
 25                   to property) that results from, or is in any manner



1       predicated upon, the release or threatened release of  
2       any hazardous substance, pollutant or contaminant,  
3       petroleum or petroleum derivative, or unexploded  
4       ordnance as a result of Department of Defense ac-  
5       tivities at a military installation (or any portion  
6       thereof) that is closed or realigned pursuant to a  
7       base closure law; or

8               “(B) subject to paragraph (4), any legally bind-  
9       ing obligation to respond or pay response costs pur-  
10      suant to the Comprehensive Environmental Re-  
11      sponse, Compensation, and Liability Act of 1980 (42  
12      U.S.C. 9601 et seq.), any other Federal law, or any  
13      State law, that results from, or is in any manner  
14      predicated upon, a release or threatened release de-  
15      scribed in subparagraph (A).”;

16             (2) in paragraph (3)—

17               (A) by striking “To the extent” and insert-  
18             ing “(A) Except as provided in subparagraph  
19             (B), to the extent”; and

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

21             “(B) The Secretary of the military department con-  
22      cerned may enter into an agreement in connection with  
23      any transfer of property covered by paragraph (2) which  
24      agreement shall specify the contribution of any person or  
25      entity described in that paragraph to a release or threat-

1 ened release covered by this subsection. The specification  
 2 of a contribution to a release or threatened release under  
 3 this subparagraph shall govern indemnification for the re-  
 4 lease or threatened release under this subsection, except  
 5 to the extent later evidence disproves the specification.”;  
 6 and

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

8 “(4) Indemnification under paragraph (1)(B) with  
 9 respect to a military installation (or portion thereof) shall  
 10 cease five years after the date on which the Secretary of  
 11 the military department concerned provides the covenant  
 12 referred to in section 120(h)(3)(A)(ii)(I) of the Com-  
 13 prehensive Environmental Response, Compensation, and  
 14 Liability Act of 1980 (42 U.S.C. 9620(h)(3)(A)(ii)(I))  
 15 with respect to the military installation (or portion there-  
 16 of).”.

17 (b) CONDITIONS OF INDEMNIFICATION.—Subsection  
 18 (b) of that section is amended by striking paragraphs (1)  
 19 through (4) and inserting the following new paragraphs:

20 “(1) notifies the Secretary of the military de-  
 21 partment concerned and the Attorney General in  
 22 writing—

23 “(A) within two months after the filing of  
 24 any suit, claim, or demand or action, or the  
 25 issuance of any administrative order or demand,

1           that reasonably could be expected to give rise to  
 2           a liability, judgment, cost, or other fee to which  
 3           subsection (a)(1) could apply; and

4           “(B) before the settlement or other resolu-  
 5           tion of such suit, claim, demand or action, or  
 6           order or demand;

7           “(2) furnishes to the Secretary of the military  
 8           department concerned and the Attorney General  
 9           copies of any pertinent papers the person or entity  
 10          receives;

11          “(3) furnishes to the Secretary of the military  
 12          department and the Attorney General evidence or  
 13          proof of any suit, claim, demand or action, adminis-  
 14          trative order or demand, liability, judgment, cost, or  
 15          other fee; and

16          “(4) provides, upon request of the Secretary of  
 17          the military department concerned or the Attorney  
 18          General, access to records and personnel of the per-  
 19          son or entity for purposes of defending or settling  
 20          the suit, claim, demand or action, or order or de-  
 21          mand.”.

22          (c) SETTLEMENT AUTHORITY OF SECRETARY OF DE-  
 23 FENSE.—Subsection (c)(1) of that section is amended—

24           (1) by inserting “administrative order or de-  
 25          mand,” after “demand or action,”; and

1           (2) by striking “or property damage” both  
 2           places it appears and inserting “, property damage,  
 3           or environmental response or response cost”.

4           (d) CONFORMING REPEAL.—That section is further  
 5 amended—

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

7           (2) by redesignating subsections (e) and (f) as  
 8           subsections (d) and (e), respectively.

9           (e) DEFINITIONS.—Subsection (e) of that section, as  
 10 redesignated by subsection (d)(2) of this section, is further  
 11 amended by striking paragraph (1) and inserting the fol-  
 12 lowing new paragraph (1):

13           “(1) The terms ‘facility’, ‘hazardous substance’,  
 14           ‘release’, ‘response’, and ‘pollutant or contaminant’  
 15           have the meanings given such terms in paragraphs  
 16           (9), (14), (22), (25), and (33) of section 101 of the  
 17           Comprehensive Environmental Response, Compensa-  
 18           tion, and Liability Act of 1980, respectively (42  
 19           U.S.C. 9601(9), (14), (22), (25), and (33)).”.

20 **SEC. 345. PAYMENT OF FINES OR PENALTIES IMPOSED FOR**  
 21 **ENVIRONMENTAL COMPLIANCE VIOLATIONS**  
 22 **AT CERTAIN DEPARTMENT OF DEFENSE FA-**  
 23 **CILITIES.**

24           (a) ARMY.—The Secretary of the Army may, from  
 25 amounts authorized to be appropriated for the Army by

1 this title and available for such purpose, utilize amounts  
2 for the purposes and at the locations, as follows:

3           (1) \$993,000 for a Supplemental Environ-  
4 mental Project to implement an installation-wide  
5 hazardous substance management system at Walter  
6 Reed Army Medical Center, Washington, District of  
7 Columbia, in satisfaction of a fine imposed by Envi-  
8 ronmental Protection Agency Region 3 under the  
9 Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

10           (2) \$377,250 for a Supplemental Environ-  
11 mental Project to install new parts washers at Fort  
12 Campbell, Kentucky, in satisfaction of a fine im-  
13 posed by Environmental Protection Agency Region 4  
14 under the Solid Waste Disposal Act.

15           (3) \$20,701 for a Supplemental Environmental  
16 Project to upgrade the wastewater treatment plant  
17 at Fort Gordon, Georgia, in satisfaction of a fine  
18 imposed by the State of Georgia under the Solid  
19 Waste Disposal Act.

20           (4) \$78,500 for Supplemental Environmental  
21 Projects to reduce the generation of hazardous waste  
22 at Pueblo Chemical Depot, Colorado, in satisfaction  
23 of a fine imposed by the State of Colorado under the  
24 Solid Waste Disposal Act.

1           (5) \$20,000 for a Supplemental Environmental  
 2       Project to repair cracks in floors of igloos used to  
 3       store munitions hazardous waste at Deseret Chem-  
 4       ical Depot, Utah, in satisfaction of a fine imposed  
 5       by the State of Utah under the Solid Waste Disposal  
 6       Act.

7       (b) NAVY.—The Secretary of the Navy may, from  
 8       amounts authorized to be appropriated for the Navy by  
 9       this title and available for such purpose, utilize amounts  
 10      for the purposes and at the locations, as follows:

11           (1) \$108,800 for payment to the West Virginia  
 12      Division of Environmental Protection of a cash pen-  
 13      alty with respect to Allegany Ballistics Laboratory,  
 14      West Virginia, under the Solid Waste Disposal Act.

15           (2) \$5,000 for payment to Environmental Pro-  
 16      tection Agency Region 6 of a cash penalty with re-  
 17      spect to Naval Air Station, Corpus Christi, Texas,  
 18      under the Clean Air Act (42 U.S.C. 7401).

19   **SEC. 346. REIMBURSEMENT FOR CERTAIN COSTS IN CON-**  
 20                           **NECTION WITH THE FORMER NANSEMOND**  
 21                           **ORDNANCE DEPOT SITE, SUFFOLK, VIRGINIA.**

22       (a) AUTHORITY.—The Secretary of Defense may pay,  
 23      using funds described in subsection (b), not more than  
 24      \$98,210 to the Former Nansemond Ordnance Depot Site  
 25      Special Account within the Hazardous Substance Super-

1 fund established by section 9507 of the Internal Revenue  
2 Code of 1986 (26 U.S.C. 9507) to reimburse the Environ-  
3 mental Protection Agency for costs incurred by the agency  
4 in overseeing a time critical removal action under  
5 CERCLA being performed by the Department of Defense  
6 under the Defense Environmental Restoration Program  
7 for ordnance and explosive safety hazards at the Former  
8 Nansemond Ordnance Depot Site, Suffolk, Virginia, pur-  
9 suant to an Interagency Agreement entered into by the  
10 Department of the Army and the Environmental Protec-  
11 tion Agency on January 3, 2000.

12 (b) SOURCE OF FUNDS.—Any payment under sub-  
13 section (a) shall be made using amounts authorized to be  
14 appropriated by section 301 to the Environmental Res-  
15 toration Account, Formerly Used Defense Sites, estab-  
16 lished by paragraph (5) of section 2703(a) of title 10,  
17 United States Code, as added by section 341(a) of this  
18 Act.

19 (c) DEFINITIONS.—In this section:

20 (1) The term “CERCLA” means the Com-  
21 prehensive Environmental Response, Compensation,  
22 and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

23 (2) The term “Defense Environmental Restora-  
24 tion Program” means the program of environmental

1 restoration carried out under chapter 160 of title 10,  
2 United States Code.

3 **SEC. 347. ENVIRONMENTAL RESTORATION ACTIVITIES.**

4 (a) **AUTHORITY TO USE FUNDS FOR FACILITIES RE-**  
5 **LOCATION.**—During the period beginning on October 1,  
6 2000, and ending on September 30, 2003, the Secretary  
7 concerned may use funds available under section 2703 of  
8 title 10, United States Code, to pay for the costs of perma-  
9 nently relocating facilities because of a release or threat-  
10 ened release of hazardous substances, pollutants, or con-  
11 taminants from—

12 (1) real property or facilities currently under  
13 the jurisdiction of the Secretary of Defense; or

14 (2) real property or facilities that were under  
15 the jurisdiction of the Secretary of Defense at the  
16 time of the actions leading to such release or threat-  
17 ened release.

18 (b) **LIMITATIONS.**—(1) The Secretary concerned may  
19 not pay the costs of permanently relocating facilities under  
20 subsection (a) unless the Secretary concerned determines  
21 in writing that such permanent relocation of facilities is  
22 part of a response action that—

23 (A) has the support of the affected community;

24 (B) has the approval of relevant regulatory  
25 agencies; and



1           (C) is the most cost effective response action  
2       available.

3       (2) Not more than 5 percent of the funds available  
4       under section 2703 of title 10, United States Code, in any  
5       fiscal year may be used to pay the costs of permanently  
6       relocating facilities pursuant to the authority in subsection  
7       (a).

8       (c) REPORTS.—(1) Not later than November 30 of  
9       each of 2001, 2002, and 2003, the Secretary of Defense  
10      shall submit to Congress a report on each response action  
11      for which a written determination has been made under  
12      subsection (b)(1) in the fiscal year ending in such year.

13      (2) Each report for a fiscal year under paragraph (1)  
14      shall contain the following:

15           (A) A copy of each written determination under  
16      subsection (b)(1) during such fiscal year.

17           (B) A description of the response action taken  
18      or to be taken in connection with each such written  
19      determination.

20           (C) A statement of the costs incurred or to be  
21      incurred in connection with the permanent relocation  
22      of facilities covered by each such written determina-  
23      tion.

24      (d) SECRETARY CONCERNED DEFINED.—In this sec-  
25      tion, the term “Secretary concerned” means the following:

1           (1) The Secretary of a military department,  
2           with regard to real property or facilities for which  
3           such military department is the lead agency.

4           (2) The Secretary of Defense, for any other real  
5           property or facilities.

6   **SEC. 348. SHIP DISPOSAL PROJECT.**

7           (a) CONTINUATION OF PROJECT.—(1) Subject to the  
8           provisions of this subsection, the Secretary of the Navy  
9           shall continue to carry out a ship disposal project within  
10          the United States during fiscal year 2001.

11          (2) The scope of the ship disposal project shall be  
12          sufficient to permit the Secretary to assemble appropriate  
13          data on the cost of scrapping ships.

14          (3) The Secretary shall use competitive procedures to  
15          award all task orders under the primary contracts under  
16          the ship disposal project.

17          (b) REPORT.—Not later than December 31, 2000,  
18          the Secretary shall submit to the congressional defense  
19          committees a report on the ship disposal project referred  
20          to in subsection (a). The report shall contain the following:

21                (1) A description of the competitive procedures  
22                used for the solicitation and award of all task orders  
23                under the project.

24                (2) A description of the task orders awarded  
25                under the project.

1           (3) An assessment of the results of the project  
 2           as of the date of the report, including the perform-  
 3           ance of contractors under the project.

4           (4) The proposed strategy of the Navy for fu-  
 5           ture procurement of ship scrapping activities.

6 **SEC. 349. REPORT ON DEFENSE ENVIRONMENTAL SECU-**  
 7 **RITY CORPORATE INFORMATION MANAGE-**  
 8 **MENT PROGRAM.**

9           (a) REPORT REQUIRED.—Not later than 60 days  
 10 after the date of the enactment of this Act, the Secretary  
 11 of Defense shall submit to the congressional defense com-  
 12 mittees a report on the Defense Environmental Security  
 13 Corporate Information Management program.

14          (b) REPORT ELEMENTS.—The report under sub-  
 15 section (a) shall include the following elements:

16           (1) The recommendations of the Secretary for  
 17           the future mission of the Defense Environmental Se-  
 18           curity Corporate Information Management program.

19           (2) A discussion of the means by which the pro-  
 20           gram will address or provide the following:

21                   (A) Information access procedures which  
 22                   keep pace with current and evolving require-  
 23                   ments for information access.

24                   (B) Data standardization and systems in-  
 25                   tegration.

1 (C) Product failures and cost-effective re-  
2 sults.

3 (D) User confidence and utilization.

4 (E) Program continuity.

5 (F) Program accountability, including ac-  
6 countability for all past, current, and future ac-  
7 tivities funded under the program.

8 (G) Program management and oversight.

9 (H) Program compliance with applicable  
10 requirements of the Clinger-Cohen Act of 1996  
11 (divisions D and E of Public Law 104–106)  
12 and applicable requirements under other provi-  
13 sions of law.

14 **SEC. 350. REPORT ON PLASMA ENERGY PYROLYSIS SYS-**  
15 **TEM.**

16 (a) REPORT REQUIRED.—Not later than October 1,  
17 2000, the Secretary of the Army shall submit to the con-  
18 gressional defense committees a report on the Plasma En-  
19 ergy Pyrolysis System (PEPS).

20 (b) REPORT ELEMENTS.—The report on the Plasma  
21 Energy Pyrolysis System under subsection (a) shall in-  
22 clude the following:

23 (1) An analysis of available information and  
24 data on the fixed-transportable unit demonstration

1 phase of the System and on the mobile unit dem-  
 2 onstration phase of the System.

3 (2) Recommendations regarding future applica-  
 4 tions for each phase of the System described in  
 5 paragraph (1).

6 (3) A statement of the projected funding for  
 7 such future applications.

## 8 **Subtitle F—Other Matters**

### 9 **SEC. 361. EFFECTS OF WORLDWIDE CONTINGENCY OPER-** 10 **ATIONS ON READINESS OF CERTAIN MILI-** 11 **TARY AIRCRAFT AND EQUIPMENT.**

12 (a) REQUIREMENT FOR REPORT.—The Secretary of  
 13 Defense shall submit to Congress, not later than 180 days  
 14 after the date of the enactment of this Act, a report on—

15 (1) the effects of worldwide contingency oper-  
 16 ations of the Navy, Marine Corps, and Air Force on  
 17 the readiness of aircraft of those Armed Forces; and

18 (2) the effects of worldwide contingency oper-  
 19 ations of the Army and Marine Corps on the readi-  
 20 ness of ground equipment of those Armed Forces.

21 (b) CONTENT OF REPORT.—The report shall contain  
 22 the Secretary's assessment of the effects of the contin-  
 23 gency operations referred to in subsection (a) on the capa-  
 24 bility of the Department of Defense to maintain a high

1 level of equipment readiness and to manage a high oper-  
 2 ating tempo for the aircraft and ground equipment.

3 (c) EFFECTS ON AIRCRAFT.—The assessment con-  
 4 tained in the report shall address, with respect to aircraft,  
 5 the following effects:

6 (1) The effects of the contingency operations  
 7 carried out during fiscal years 1995 through 2000  
 8 on the aircraft of each of the Navy, Marine Corps,  
 9 and Air Force in each category of aircraft, as fol-  
 10 lows:

11 (A) Combat tactical aircraft.

12 (B) Strategic aircraft.

13 (C) Combat support aircraft.

14 (D) Combat service support aircraft.

15 (2) The types of adverse effects on the aircraft  
 16 of each of the Navy, Marine Corps, and Air Force  
 17 in each category of aircraft specified in paragraph  
 18 (1) resulting from contingency operations, as follows:

19 (A) Patrolling in no-fly zones—

20 (i) over Iraq in Operation Northern  
 21 Watch;

22 (ii) over Iraq in Operation Southern  
 23 Watch; and

24 (iii) over the Balkans in Operation Al-  
 25 lied Force.

1 (B) Air operations in the NATO air war  
 2 against Serbia in Operation Sky Anvil, Oper-  
 3 ation Noble Anvil, and Operation Allied Force.

4 (C) Air operations in Operation Shining  
 5 Hope in Kosovo.

6 (D) All other activities within the general  
 7 context of worldwide contingency operations.

8 (3) Any other effects that the Secretary con-  
 9 siderers appropriate in carrying out subsection (a).

10 (d) EFFECTS ON GROUND EQUIPMENT.—The assess-  
 11 ment contained in the report shall address, with respect  
 12 to ground equipment, the following effects:

13 (1) The effects of the contingency operations  
 14 carried out during fiscal years 1995 through 2000  
 15 on the ground equipment of each of the Army and  
 16 Marine Corps.

17 (2) Any other effects that the Secretary con-  
 18 siderers appropriate in carrying out subsection (a).

19 **SEC. 362. REALISTIC BUDGETING FOR READINESS RE-**  
 20 **QUIREMENTS OF THE ARMY.**

21 (a) REQUIREMENT FOR NEW METHODOLOGY.—The  
 22 Secretary of the Army shall develop a new methodology  
 23 for preparing budget requests for operation and mainte-  
 24 nance that can be used to ensure that the budget requests  
 25 for operation and maintenance for future fiscal years more

1 accurately reflect the Army's requirements than do the  
 2 budget requests that have been submitted to Congress for  
 3 fiscal year 2001 and preceding fiscal years.

4 (b) SENSE OF CONGRESS ON THE NEW METHOD-  
 5 OLOGY.—It is the sense of Congress that—

6 (1) the methodology should provide for the de-  
 7 termination of the budget levels to request for oper-  
 8 ation and maintenance to be based on—

9 (A) the level of training that must be con-  
 10 ducted in order to maintain essential readiness;

11 (B) the cost of conducting the training at  
 12 that level; and

13 (C) the costs of all other Army operations,  
 14 including the cost of meeting infrastructure re-  
 15 quirements; and

16 (2) the Secretary should use the new method-  
 17 ology in the preparation of the budget requests for  
 18 operation and maintenance for fiscal years after fis-  
 19 cal year 2001.

20 **SEC. 363. ADDITIONS TO PLAN FOR ENSURING VISIBILITY**  
 21 **OVER ALL IN-TRANSIT END ITEMS AND SEC-**  
 22 **ONDARY ITEMS.**

23 (a) REQUIRED ADDITIONS.—Subsection (d) of sec-  
 24 tion 349 of the Strom Thurmond National Defense Au-



1 thorization Act for Fiscal Year 1999 (Public Law 105–  
2 261; 112 Stat. 1981; 10 U.S.C. 2458 note) is amended—

3 (1) by inserting before the period at the end of  
4 paragraph (1) “, including specific actions to ad-  
5 dress underlying weaknesses in the controls over  
6 items being shipped”; and

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

8 “(5) The key management elements for moni-  
9 toring, and for measuring the progress achieved in,  
10 the implementation of the plan, including—

11 “(A) the assignment of oversight responsi-  
12 bility for each action identified pursuant to  
13 paragraph (1);

14 “(B) a description of the resources re-  
15 quired for oversight; and

16 “(C) an estimate of the annual cost of  
17 oversight.”.

18 (b) CONFORMING AMENDMENTS.—(1) Subsection (a)  
19 of such section is amended by striking “Not later than”  
20 and all that follows through “Congress” and inserting  
21 “The Secretary of Defense shall prescribe and carry out”.

22 (2) Such section is further amended by adding at the  
23 end the following:

24 “(f) SUBMISSIONS TO CONGRESS.—After the Sec-  
25 retary submits the plan to Congress (on a date not later

1 than March 1, 1999), the Secretary shall submit to Con-  
 2 gress any revisions to the plan that are required by any  
 3 law enacted after October 17, 1998. The revisions so made  
 4 shall be submitted not later than 180 days after the date  
 5 of the enactment of the law requiring the revisions.”.

6 (3) Subsection (e)(1) of such section is amended by  
 7 striking “submits the plan” and inserting “submits the  
 8 initial plan”.

9 **SEC. 364. PERFORMANCE OF EMERGENCY RESPONSE**  
 10 **FUNCTIONS AT CHEMICAL WEAPONS STOR-**  
 11 **AGE INSTALLATIONS.**

12 (a) RESTRICTION ON CONVERSION.—The Secretary  
 13 of the Army may not convert to contractor performance  
 14 the emergency response functions of any chemical weapons  
 15 storage installation that, as of the date of the enactment  
 16 of this Act, are performed for that installation by employ-  
 17 ees of the United States until the certification required  
 18 by subsection (c) has been submitted in accordance with  
 19 that subsection.

20 (b) COVERED INSTALLATIONS.—For the purposes of  
 21 this section, a chemical weapons storage installation is any  
 22 installation of the Department of Defense on which lethal  
 23 chemical agents or munitions are stored.

24 (c) CERTIFICATION REQUIREMENT.—The Secretary  
 25 of the Army shall certify in writing to the Committees on

1 Armed Services of the Senate and the House of Represent-  
 2 atives that, to ensure that there will be no lapse of capa-  
 3 bility to perform the chemical weapon emergency response  
 4 mission at a chemical weapons storage installation during  
 5 any transition to contractor performance of those func-  
 6 tions at that installation, the plan for conversion of the  
 7 performance of those functions—

8 (1) is consistent with the recommendation con-  
 9 tained in General Accounting Office Report NSIAD-  
 10 00-88, entitled “DoD Competitive Sourcing”, dated  
 11 March 2000; and

12 (2) provides for a transition to contractor per-  
 13 formance of emergency response functions which en-  
 14 sures an adequate transfer of the relevant knowledge  
 15 and expertise regarding chemical weapon emergency  
 16 response to the contractor personnel.

17 **SEC. 365. CONGRESSIONAL NOTIFICATION OF USE OF**  
 18 **RADIO FREQUENCY SPECTRUM BY A SYSTEM**  
 19 **ENTERING ENGINEERING AND MANUFAC-**  
 20 **TURING DEVELOPMENT.**

21 Before a decision is made to enter into the engineer-  
 22 ing and manufacturing development phase of a program  
 23 for the acquisition of a system that is to use the radio  
 24 frequency spectrum, the Secretary of Defense shall submit

1 to the congressional defense committees a report setting  
 2 forth the following:

3           (1) The frequency or frequencies that the sys-  
 4 tem will use.

5           (2) A statement of whether the Department of  
 6 Defense is, or is to be, designated as the primary  
 7 user of the particular frequency or frequencies.

8           (3) If not, the unique technical characteristics  
 9 that make it necessary to use the particular fre-  
 10 quency or frequencies.

11           (4) A description of the protections that the  
 12 Department of Defense has been given to ensure  
 13 that it will not incur costs as a result of current or  
 14 future interference from other users of the par-  
 15 ticular frequency or frequencies.

16 **SEC. 366. MONITORING OF VALUE OF PERFORMANCE OF**  
 17 **DEPARTMENT OF DEFENSE FUNCTIONS BY**  
 18 **WORKFORCES SELECTED FROM BETWEEN**  
 19 **PUBLIC AND PRIVATE WORKFORCES.**

20           (a) REQUIREMENT FOR A MONITORING SYSTEM.—

21 (1) Chapter 146 of title 10, United States Code, as  
 22 amended by section 332(f), is further amended by adding  
 23 at the end the following:

1 **“§ 2476. Public-private workforce selections: system**  
2 **for monitoring value**

3 “(a) SYSTEM FOR MONITORING PERFORMANCE.—(1)

4 The Secretary of Defense shall establish a system for mon-  
5 itoring the performance of functions of the Department  
6 of Defense that—

7 “(A) are performed by 50 or more employees of  
8 the department; and

9 “(B) have been subjected to a workforce review.

10 “(2) In this section, the term ‘workforce review’, with  
11 respect to a function, is a review to determine whether  
12 the function should be performed by a workforce composed  
13 of Federal Government employees or by a private sector  
14 workforce, and includes any review for that purpose that  
15 is carried out under, or is associated with, the following:

16 “(A) Office of Management and Budget Cir-  
17 cular A–76.

18 “(B) A strategic sourcing.

19 “(C) A base closure or realignment.

20 “(D) Any other reorganization, privatization, or  
21 reengineering of an organization.

22 “(b) PERFORMANCE MEASUREMENTS.—The system  
23 for monitoring the performance of a function shall provide  
24 for the measurement of the costs and benefits resulting  
25 from the selection of one workforce over the other work-  
26 force pursuant to a workforce review, as follows:

1           “(1) The costs incurred.

2           “(2) The savings derived.

3           “(3) The value of the performance by the se-  
4       lected workforce measured against the costs of the  
5       performance of that function by the workforce per-  
6       forming the function as of the beginning of the  
7       workforce review, as the workforce then performing  
8       the function was organized.

9       “(c) ANNUAL REPORT.—The Secretary shall submit  
10 to Congress, not later than February 1 of each fiscal year,  
11 a report on the measurable value of the performance dur-  
12 ing the preceding fiscal year of the functions that have  
13 been subjected to a workforce review, as determined under  
14 the monitoring system established under subsection (a).  
15 The report shall display the findings separately for each  
16 of the armed forces and for each Defense Agency.

17       “(d) CONSIDERATION IN PREPARATION OF FUTURE-  
18 YEARS DEFENSE PROGRAM.—In preparing the future-  
19 years defense program under section 221 of this title, the  
20 Secretary of Defense shall, for the fiscal years covered by  
21 the program, estimate and take into account the costs to  
22 be incurred and the savings to be derived from the per-  
23 formance of functions by workforces selected in workforce  
24 reviews. The Secretary shall consider the results of the  
25 monitoring under this section in making the estimates.”.

1       (2) The table of sections at the beginning of such  
 2 chapter, as amended by section 332(i)(2), is further  
 3 amended by adding at the end the following:

“2476. Public-private workforce selections: system for monitoring value.”.

4       (b) CONTENT OF CONGRESSIONAL NOTIFICATION OF  
 5 CONVERSIONS.—Paragraph (1) of section 2461(c) of title  
 6 10, United States Code, is amended—

7           (1) by redesignating subparagraphs (C), (D),  
 8 and (E) as subparagraphs (D), (F) and (G);

9           (2) by inserting after subparagraph (B), the  
 10 following new subparagraph (C):

11           “(C) The Secretary’s certification that the fac-  
 12 tors considered in the examinations performed under  
 13 subsection (b)(3), and in the making of the decision  
 14 to change performance, did not include any predeter-  
 15 mined personnel constraint or limitation in terms of  
 16 man years, end strength, full-time equivalent posi-  
 17 tions, or maximum number of employees.”; and

18           (3) by inserting after subparagraph (D), as re-  
 19 designated by paragraph (1), the following new sub-  
 20 paragraph (E):

21           “(E) A statement of the potential economic ef-  
 22 fect of the change on each affected local community,  
 23 as determined in the examination under subsection  
 24 (b)(3)(B)(ii).”.

1 **SEC. 367. SUSPENSION OF REORGANIZATION OF NAVAL**  
 2 **AUDIT SERVICE.**

3       The Secretary of the Navy shall cease any consolida-  
 4 tions, involuntary transfers, buy-outs, or reductions in  
 5 force of the workforce of auditors and administrative sup-  
 6 port personnel of the Naval Audit Service that are associ-  
 7 ated with the reorganization or relocation of the perform-  
 8 ance of the auditing functions of the Navy until 60 days  
 9 after the date on which the Secretary submits to the con-  
 10 gressional defense committees a report that sets forth in  
 11 detail the Navy's plans and justification for the reorga-  
 12 nization or relocation, as the case may be.

13 **SEC. 368. INVESTMENT OF COMMISSARY TRUST REVOLV-**  
 14 **ING FUND.**

15       Section 2486 of title 10, United States Code, is  
 16 amended—

17           (1) in subsection (g)(5), by striking “(5) In this  
 18 subsection” and inserting “(i) COMMISSARY TRUST  
 19 REVOLVING FUND DEFINED.—In this section”; and  
 20           (2) by inserting after subsection (g)(4) the fol-  
 21 lowing:

22       “(h) INVESTMENT OF COMMISSARY TRUST REVOLV-  
 23 ING FUND.—The Secretary of Defense shall invest such  
 24 portion of the commissary trust revolving fund as is not,  
 25 in the judgment of the Secretary, required to meet current  
 26 withdrawals. The investments shall be in public debt secu-



1 rities with maturities suitable to the needs of the fund,  
 2 as determined by the Secretary, and bearing interest at  
 3 rates determined by the Secretary of the Treasury, taking  
 4 into consideration current market yields on outstanding  
 5 marketable obligations of the United States of comparable  
 6 maturities. The income derived from the investments shall  
 7 be credited to and form a part of the fund.”.

8 **SEC. 369. ECONOMIC PROCUREMENT OF DISTILLED SPIR-**  
 9 **ITS.**

10 Subsection 2488(c) of title 10, United States Code,  
 11 is amended—

12 (1) by striking paragraph (2); and

13 (2) by redesignating paragraph (3) as para-  
 14 graph (2).

15 **SEC. 370. RESALE OF ARMOR-PIERCING AMMUNITION DIS-**  
 16 **POSED OF BY THE ARMY.**

17 (a) RESTRICTION.—(1) Chapter 443 of title 10,  
 18 United States Code, is amended by adding at the end the  
 19 following:

20 **“§ 4688. Armor-piercing ammunition and components:**  
 21 **condition on disposal**

22 “(a) LIMITATION ON RESALE OR OTHER TRANS-  
 23 FER.—Except as provided in subsection (b), whenever the  
 24 Secretary of the Army carries out a disposal (by sale or  
 25 otherwise) of armor-piercing ammunition, or a component

1 of armor-piercing ammunition, the Secretary shall require  
2 as a condition of the disposal that the recipient agree in  
3 writing not to sell or otherwise transfer any of the ammu-  
4 nition (reconditioned or otherwise), or any armor-piercing  
5 component of that ammunition, to any purchaser in the  
6 United States other than a law enforcement or other gov-  
7 ernmental agency.

8 “(b) EXCEPTION.—Subsection (a) does not apply to  
9 a transfer of a component of armor-piercing ammunition  
10 solely for the purpose of metal reclamation by means of  
11 a destructive process such as melting, crushing, or shred-  
12 ding.

13 “(c) SPECIAL RULE FOR NON-ARMOR-PIERCING  
14 COMPONENTS.—A component of the armor-piercing am-  
15 munition that is not itself armor-piercing and is not sub-  
16 jected to metal reclamation as described in subsection (b)  
17 may not be used as a component in the production of new  
18 or remanufactured armor-piercing ammunition other than  
19 for sale to a law enforcement or other governmental agen-  
20 cy or for a government-to-government sale or commercial  
21 export to a foreign government under the Arms Export  
22 Control Act.

23 “(d) DEFINITION.—In this section, the term ‘armor-  
24 piercing ammunition’ means a center-fire cartridge the  
25 military designation of which includes the term ‘armor

1 penetrator’ or ‘armor-piercing’, including a center-fire car-  
 2 tridge designated as armor-piercing incendiary (API) or  
 3 armor-piercing incendiary-tracer (API-T).”.

4 (2) The table of sections at the beginning of such  
 5 chapter is amended by adding at the end the following:

“4688. Armor-piercing ammunition and components: condition on disposal.”.

6 (b) APPLICABILITY.—Section 4688 of title 10, United  
 7 States Code (as added by subsection (a)), shall apply with  
 8 respect to any disposal of ammunition or components re-  
 9 ferred to in that section after the date of the enactment  
 10 of this Act.

11 **SEC. 371. DAMAGE TO AVIATION FACILITIES CAUSED BY AL-**  
 12 **KALI SILICA REACTIVITY.**

13 (a) ASSESSMENT REQUIRED.—The Secretary of De-  
 14 fense shall assess the damage caused to aviation facilities  
 15 of the Department of Defense by alkali silica reactivity.  
 16 In making the assessment, the Secretary shall review the  
 17 department’s aviation facilities throughout the world.

18 (b) DAMAGE PREVENTION AND MITIGATION PLAN.—

19 (1) Taking into consideration the assessment under sub-  
 20 section (a), the Secretary may develop and, during fiscal  
 21 years 2001 through 2006, carry out a plan to prevent and  
 22 mitigate damage to the aviation facilities of the Depart-  
 23 ment of Defense as a result of alkali silica reactivity.

24 (2) A plan developed under paragraph shall provide  
 25 for the following:

1 (A) Treatment of alkali silica reactivity in pave-  
2 ment and structures at a selected test site.

3 (B) The demonstration and deployment of tech-  
4 nologies capable of mitigating alkali silica reactivity  
5 in hardened concrete structures and pavements.

6 (C) The promulgation of specific guidelines for  
7 appropriate testing and use of lithium salts to pre-  
8 vent alkali silica reactivity in new construction.

9 (c) DELEGATION OF AUTHORITY.—The Secretary  
10 shall direct the Chief of Engineers of the Army and the  
11 Commander of the Naval Facilities Engineering Command  
12 to carry out the assessment required by subsection (a) and  
13 to develop and carry out the plan required by subsection  
14 (b).

15 (d) FUNDING.—Of the amounts authorized to be ap-  
16 propriated under section 301, not more than \$5,000,000  
17 is available for carrying out this section.

18 **SEC. 372. REAUTHORIZATION OF PILOT PROGRAM FOR AC-**  
19 **CEPTANCE AND USE OF LANDING FEES**  
20 **CHARGED FOR USE OF DOMESTIC MILITARY**  
21 **AIRFIELDS BY CIVIL AIRCRAFT.**

22 (a) REAUTHORIZATION.—Subsection (a) of section  
23 377 of the Strom Thurmond National Defense Authoriza-  
24 tion Act for Fiscal Year 1999 (Public Law 105–261; 112  
25 Stat. 1993; 10 U.S.C. 113 note) is amended as follows:

1           (1) by striking “1999 and 2000” and inserting  
2           “2001 through 2010”; and

3           (2) by striking the second sentence and insert-  
4           ing “The pilot program under this section may not  
5           be carried out after September 30, 2010.”.

6           (b) FEES COLLECTED.—Subsection (b) of such sec-  
7           tion is amended to read as follows:

8           “(b) LANDING FEE DEFINED.—For the purposes of  
9           this section, the term ‘landing fee’ means any fee that is  
10          established under or in accordance with regulations of the  
11          military department concerned (whether prescribed in a  
12          fee schedule or imposed under a joint-use agreement) to  
13          recover costs incurred for use by civil aircraft of an airfield  
14          of the military department in the United States or in a  
15          territory or possession of the United States.”.

16          (c) USE OF PROCEEDS.—Subsection (c) of such sec-  
17          tion is amended by striking “Amounts received for a fiscal  
18          year in payment of landing fees imposed under the pilot  
19          program for use of a military airfield” and inserting  
20          “Amounts received in payment of landing fees for use of  
21          a military airfield in a fiscal year of the pilot program”.

22          (d) REPORT.—Subsection (d) of such section is  
23          amended—

24                 (1) by striking “March 31, 2000,” and insert-  
25                 ing “March 31, 2003,”; and

1           (2) by striking “December 31, 1999” and in-  
2           serting “December 31, 2002”.

3   **SEC. 373. REIMBURSEMENT BY CIVIL AIR CARRIERS FOR**  
4                   **SUPPORT PROVIDED AT JOHNSTON ATOLL.**

5           (a) IN GENERAL.—Chapter 949 of title 10, United  
6 States Code, is amended by adding at the end the fol-  
7 lowing:

8   **“§ 9783. Johnston Atoll: reimbursement for support**  
9                   **provided to civil air carriers**

10          “(a) AUTHORITY OF THE SECRETARY.—The Sec-  
11 retary of the Air Force may, under regulations prescribed  
12 by the Secretary, require payment by a civil air carrier  
13 for support provided by the United States to the carrier  
14 at Johnston Atoll that is either—

15               “(1) requested by the civil air carrier; or

16               “(2) determined under the regulations as being  
17          necessary to accommodate the civil air carrier’s use  
18          of Johnston Atoll.

19          “(b) AMOUNT OF CHARGES.—Any amount charged  
20 an air carrier under subsection (a) for support shall be  
21 equal to the total amount of the actual costs to the United  
22 States of providing the support. The amount charged may  
23 not include any amount for an item of support that does  
24 not satisfy a condition described in paragraph (1) or (2)  
25 of subsection (a).

1       “(c) RELATIONSHIP TO LANDING FEES.—No landing  
2 fee shall be charged an air carrier for a landing of an air-  
3 craft of the air carrier at Johnston Atoll if the air carrier  
4 is charged under subsection (a) for support provided to  
5 the air carrier.

6       “(d) DISPOSITION OF PAYMENTS.—(1) Notwith-  
7 standing any other provision of law, amounts collected  
8 from an air carrier under this section shall be credited  
9 to appropriations available for the fiscal year in which col-  
10 lected, as follows:

11           “(A) For support provided by the Air Force, to  
12 appropriations available for the Air Force for oper-  
13 ation and maintenance.

14           “(B) For support provided by the Army, to ap-  
15 propriations available for the Army for chemical de-  
16 militarization.

17       “(2) Amounts credited to an appropriation under  
18 paragraph (1) shall be merged with funds in that appro-  
19 priation and shall be available, without further appropria-  
20 tion, for the purposes and period for which the appropria-  
21 tion is available.

22       “(e) DEFINITIONS.—In this section:

23           “(1) The term ‘civil air carrier’ means an air  
24 carrier (as defined in section 40101(a)(2) of title

“(2) The term ‘support’ includes fuel, fire rescue, use of facilities, improvements necessary to accommodate use by civil air carriers, police, safety, housing, food, air traffic control, suspension of military operations on the island (including operations at the Johnston Atoll Chemical Agent Demilitarization System), repairs, and any other construction, services, or supplies.”.

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

“9783. Johnston Atoll: reimbursement for support provided to civil air carriers.”.

14 SEC. 374. REVIEW OF COSTS OF MAINTAINING HISTORICAL  
15 PROPERTIES.

(a) REQUIREMENT FOR REVIEW.—The Comptroller General of the United States shall conduct a review of the annual costs incurred by the Department of Defense to comply with the requirements of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(b) REPORT.—Not later than February 28, 2001, the Comptroller General shall submit to the congressional defense committees a report on the results of the review. The report shall contain the following:



1           (1) For each military department and Defense  
 2           Agency and for the Department of Defense in the  
 3           aggregate, the cost for fiscal year 2000 and the pro-  
 4           jected costs for the ensuing 10 fiscal years.

5           (2) An analysis of the cost to maintain only  
 6           those properties that qualified as historic properties  
 7           under the National Historic Preservation Act when  
 8           such Act was originally enacted.

9           (3) The accounts used for paying the costs of  
 10          complying with the requirements of the National  
 11          Historic Preservation Act.

12          (4) For each military department and Defense  
 13          Agency, the identity of all properties that must be  
 14          maintained in order to comply with the requirements  
 15          of the National Historic Preservation Act.

16 **SEC. 375. EXTENSION OF AUTHORITY TO SELL CERTAIN**  
 17 **AIRCRAFT FOR USE IN WILDFIRE SUPPRES-**  
 18 **SION.**

19          Section 2 of the Wildfire Suppression Aircraft Trans-  
 20          fer Act of 1996 (Public Law 104–307) is amended—

21               (1) in subsection (a)(1) by striking “September  
 22               30, 2000” and inserting “September 30, 2005”;

23               (2) by adding at the end of subsection (d)(1)  
 24               the following: “After taking effect, the regulations

1 shall be effective until the end of the period specified  
 2 in subsection (a)(1).”;

3 (3) in subsection (f), by striking “March 31,  
 4 2000” and inserting “March 31, 2005”.

5 **SEC. 376. OVERSEAS AIRLIFT SERVICE ON CIVIL RESERVE**  
 6 **AIR FLEET AIRCRAFT.**

7 (a) IN GENERAL.—Section 41106(a) of title 49,  
 8 United States Code, is amended—

9 (1) by striking “GENERAL.—(1) Except as pro-  
 10 vided in subsection (b),” and inserting “INTERSTATE  
 11 TRANSPORTATION.—(1) Except as provided in sub-  
 12 section (d),”;

13 (2) in paragraph (1), by striking “of at least 31  
 14 days”;

15 (3) by redesignating subsection (b) as sub-  
 16 section (d); and

17 (4) by inserting after subsection (a) the fol-  
 18 lowing:

19 “(b) TRANSPORTATION BETWEEN THE UNITED  
 20 STATES AND FOREIGN LOCATIONS.—Except as provided  
 21 in subsection (d), the transportation of passengers or  
 22 property by transport category aircraft between a place  
 23 in the United States and a place outside the United States  
 24 obtained by the Secretary of Defense or the Secretary of  
 25 a military department through a contract for airlift service

1 may be provided by an air carrier referred to in subsection  
2 (a).

3 “(c) TRANSPORTATION BETWEEN FOREIGN LOCA-  
4 TIONS.—The transportation of passengers or property by  
5 transport category aircraft between two places outside the  
6 United States obtained by the Secretary of Defense or the  
7 Secretary of a military department through a contract for  
8 airlift service shall be provided by an air carrier that has  
9 aircraft in the civil reserve air fleet whenever transpor-  
10 tation by such an air carrier is reasonably available.”.

11 (b) EFFECTIVE DATE.—The amendments made by  
12 this section shall take effect on October 1, 2000.

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

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

17 The Armed Forces are authorized strengths for active  
18 duty personnel as of September 30, 2001, as follows:

- 19 (1) The Army, 480,000.
- 20 (2) The Navy, 372,000.
- 21 (3) The Marine Corps, 172,600.
- 22 (4) The Air Force, 357,000.

1           **Subtitle B—Reserve Forces**

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

3           (a) IN GENERAL.—The Armed Forces are authorized  
4 strengths for Selected Reserve personnel of the reserve  
5 components as of September 30, 2001, as follows:

6               (1) The Army National Guard of the United  
7 States, 350,088.

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

9               (3) The Naval Reserve, 88,900.

10              (4) The Marine Corps Reserve, 39,558.

11              (5) The Air National Guard of the United  
12 States, 108,022.

13              (6) The Air Force Reserve, 74,300.

14              (7) The Coast Guard Reserve, 8,500.

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

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

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

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

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

9   **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**  
10                   **DUTY IN SUPPORT OF THE RESERVES.**

11       Within the end strengths prescribed in section  
12   411(a), the reserve components of the Armed Forces are  
13   authorized, as of September 30, 2001, the following num-  
14   ber of Reserves to be serving on full-time active duty or  
15   full-time duty, in the case of members of the National  
16   Guard, for the purpose of organizing, administering, re-  
17   cruiting, instructing, or training the reserve components:

18               (1) The Army National Guard of the United  
19       States, 22,536.

20               (2) The Army Reserve, 12,806.

21               (3) The Naval Reserve, 14,649.

22               (4) The Marine Corps Reserve, 2,261.

23               (5) The Air National Guard of the United  
24       States, 11,170.

25               (6) The Air Force Reserve, 1,278.

1 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**  
2 **(DUAL STATUS).**

3 The minimum number of military technicians (dual  
4 status) as of the last day of fiscal year 2001 for the re-  
5 serve components of the Army and the Air Force (notwith-  
6 standing section 129 of title 10, United States Code) shall  
7 be the following:

8 (1) For the Army Reserve, 5,249.

9 (2) For the Army National Guard of the United  
10 States, 22,357.

11 (3) For the Air Force Reserve, 9,733.

12 (4) For the Air National Guard of the United  
13 States, 22,221.

14 **SEC. 414. FISCAL YEAR 2001 LIMITATION ON NON-DUAL STA-**  
15 **TUS TECHNICIANS.**

16 (a) LIMITATION.—The number of non-dual status  
17 technicians employed by the reserve components of the  
18 Army and the Air Force as of September 30, 2001, may  
19 not exceed the following:

20 (1) For the Army Reserve, 1,195.

21 (2) For the Army National Guard of the United  
22 States, 1,600.

23 (3) For the Air Force Reserve, 0.

24 (4) For the Air National Guard of the United  
25 States, 326.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term “non-dual status technician” has the meaning given the term in section 10217(a) of title 10, United States Code.

(c) POSTPONEMENT OF PERMANENT LIMITATION.—Section 10217(c)(2) of title 10, United States Code, is amended by striking “October 1, 2001” and inserting “October 1, 2002”.

**SEC. 415. 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	898	140
Lieutenant Colonel or Commander .....	1,687	520	844	90
Colonel or Navy Captain .....	511	188	317	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 .....	662	202	501	20
E-8 .....	2,676	429	1,102	94”.

1 **Subtitle C—Other Matters Relating**  
 2 **to Personnel Strengths**

3 **SEC. 421. SUSPENSION OF STRENGTH LIMITATIONS DUR-**  
 4 **ING WAR OR NATIONAL EMERGENCY.**

5 (a) SENIOR ENLISTED MEMBERS.—Section 517 of  
 6 title 10, United States Code, is amended by adding at the  
 7 end the following new subsection (c):

8 “(c) The Secretary of Defense may suspend the oper-  
 9 ation of this section in time of war or of national emer-  
 10 gency declared by the Congress or by the President. Any  
 11 suspension shall, if not sooner ended, end on the last day  
 12 of the 2-year period beginning on the date on which the  
 13 suspension (or the last extension thereof) takes effect or  
 14 on the last day of the 1-year period beginning on the date  
 15 of the termination of the war or national emergency,  
 16 whichever occurs first. Title II of the National Emer-  
 17 gencies Act (50 U.S.C. 1621–1622) shall not apply to an  
 18 extension under this subsection.”.

19 (b) SENIOR AGR PERSONNEL.—(1) Chapter 1201 of  
 20 such title is amended by adding at the end the following:

21 **“§ 12013. Authority to suspend sections 12011 and**  
 22 **12012**

23 “The Secretary of Defense may suspend the oper-  
 24 ation of section 12011 or 12012 of this title in time of  
 25 war or of national emergency declared by the Congress



1 or by the President. Any suspension shall, if not sooner  
 2 ended, end on the last day of the 2-year period beginning  
 3 on the date on which the suspension (or the last extension  
 4 thereof) takes effect or on the last day of the 1-year period  
 5 beginning on the date of the termination of the war or  
 6 national emergency, whichever occurs first. Title II of the  
 7 National Emergencies Act (50 U.S.C. 1621–1622) shall  
 8 not apply to an extension under this subsection.”.

9 (2) The table of sections at the beginning of such  
 10 chapter is amended by adding at the end the following:

“12013. Authority to suspend sections 12011 and 12012.”.

11 **SEC. 422. EXCLUSION OF CERTAIN RESERVE COMPONENT**  
 12 **MEMBERS ON ACTIVE DUTY FOR MORE THAN**  
 13 **180 DAYS FROM ACTIVE COMPONENT END**  
 14 **STRENGTHS.**

15 Section 115(d) of title 10, United States Code, is  
 16 amended by adding at the end the following new para-  
 17 graph:

18 “(9) Members of reserve components (not de-  
 19 scribed in paragraph (8)) on active duty for more  
 20 than 180 days to perform special work in support of  
 21 the armed forces (other than in support of the Coast  
 22 Guard) and the combatant commands, except that  
 23 the number of the members excluded under this  
 24 paragraph may not exceed the number equal to two-  
 25 tenths of one percent of the end strength authorized

1 for active-duty personnel under subsection  
 2 (a)(1)(A).”.

3 **SEC. 423. EXCLUSION OF ARMY AND AIR FORCE MEDICAL**  
 4 **AND DENTAL OFFICERS FROM LIMITATION**  
 5 **ON STRENGTHS OF RESERVE COMMISSIONED**  
 6 **OFFICERS IN GRADES BELOW BRIGADIER**  
 7 **GENERAL.**

8 Section 12005(a) of title 10, United States Code, is  
 9 amended by adding at the end the following:

10 “(3) Medical officers and dental officers shall not be  
 11 counted for the purposes of this subsection.”.

12 **SEC. 424. AUTHORITY FOR TEMPORARY INCREASES IN**  
 13 **NUMBER OF RESERVE PERSONNEL SERVING**  
 14 **ON ACTIVE DUTY OR FULL-TIME NATIONAL**  
 15 **GUARD DUTY IN CERTAIN GRADES.**

16 (a) OFFICERS.—Section 12011 of title 10, United  
 17 States Code, is amended by adding at the end the fol-  
 18 lowing new subsection:

19 “(c) Upon increasing under subsection (c)(2) of sec-  
 20 tion 115 of this title the end strength that is authorized  
 21 under subsection (a)(1)(B) of that section for a fiscal year  
 22 for active-duty personnel and full-time National Guard  
 23 duty personnel of an armed force who are to be paid from  
 24 funds appropriated for reserve personnel, the Secretary of  
 25 Defense may increase for that fiscal year the limitation

1 that is set forth in subsection (a) of this section for the  
2 number of officers of that armed force serving in any  
3 grade if the Secretary determines that such action is in  
4 the national interest. The percent of the increase may not  
5 exceed the percent by which the Secretary increases that  
6 end strength.”.

7 (b) ENLISTED PERSONNEL.—Section 12012 of title  
8 10, United States Code, is amended by adding at the end  
9 the following new subsection:

10 “(c) Upon increasing under subsection (c)(2) of sec-  
11 tion 115 of this title the end strength that is authorized  
12 under subsection (a)(1)(B) of that section for a fiscal year  
13 for active-duty personnel and full-time National Guard  
14 duty personnel of an armed force who are to be paid from  
15 funds appropriated for reserve personnel, the Secretary of  
16 Defense may increase for that fiscal year the limitation  
17 that is set forth in subsection (a) of this section for the  
18 number of enlisted members of that armed force serving  
19 in any grade if the Secretary determines that such action  
20 is in the national interest. The percent of the increase may  
21 not exceed the percent by which the Secretary increases  
22 that end strength.”.

1 **SEC. 425. TEMPORARY EXEMPTION OF DIRECTOR OF THE**  
 2 **NATIONAL SECURITY AGENCY FROM LIMITA-**  
 3 **TIONS ON NUMBER OF AIR FORCE OFFICERS**  
 4 **ABOVE MAJOR GENERAL.**

5 Section 525(b) of title 10, United States Code, is  
 6 amended by adding at the end the following new para-  
 7 graph:

8 “(8) An Air Force officer while serving as Director  
 9 of the National Security Agency is in addition to the num-  
 10 ber that would otherwise be permitted for the Air Force  
 11 for officers serving on active duty in grades above major  
 12 general under paragraph (1) and the number that would  
 13 otherwise be permitted for the Air Force for officers serv-  
 14 ing on active duty in grades above brigadier general under  
 15 subsection (a). This paragraph shall not be effective after  
 16 September 30, 2005.”.

17 **Subtitle D—Authorization of**  
 18 **Appropriations**

19 **SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILI-**  
 20 **TARY PERSONNEL.**

21 There is hereby authorized to be appropriated to the  
 22 Department of Defense for military personnel for fiscal  
 23 year 2001 a total of \$75,632,266,000. The authorization  
 24 in the preceding sentence supersedes any other authoriza-  
 25 tion of appropriations (definite or indefinite) for such pur-  
 26 pose for fiscal year 2001.

1 **TITLE V—MILITARY PERSONNEL**  
2 **POLICY**

3 **SEC. 501. ELIGIBILITY OF ARMY RESERVE COLONELS AND**  
4 **BRIGADIER GENERALS FOR POSITION VA-**  
5 **CANCY PROMOTIONS.**

6 Section 14315(b)(1) of title 10, United States Code,  
7 is amended by inserting after “(A) is assigned to the du-  
8 ties of a general officer of the next higher reserve grade  
9 in the Army Reserve” the following: “or is recommended  
10 for such an assignment under regulations prescribed by  
11 the Secretary of the Army”.

12 **SEC. 502. PROMOTION ZONES FOR COAST GUARD RESERVE**  
13 **OFFICERS.**

14 (a) FLEXIBLE AUTHORITY TO MEET COAST GUARD  
15 NEEDS.—Section 729(d) of title 14, United States Code,  
16 is amended to read as follows:

17 “(d)(1) Before convening a selection board to rec-  
18 ommend Reserve officers for promotion, the Secretary  
19 shall establish a promotion zone for officers serving in  
20 each grade and competitive category to be considered by  
21 the board. The Secretary shall determine the number of  
22 officers in the promotion zone for officers serving in any  
23 grade and competitive category from among officers who  
24 are eligible for promotion in that grade and competitive  
25 category.

1       “(2) Before convening a selection board to rec-  
2 ommend Reserve officers for promotion to a grade above  
3 lieutenant (junior grade), the Secretary shall determine  
4 the maximum number of officers in that grade and com-  
5 petitive category that the board may recommend for pro-  
6 motion. The Secretary shall make the determination under  
7 the preceding sentence of the maximum number that may  
8 be recommended with a view to having in an active status  
9 a sufficient number of Reserve officers in each grade and  
10 competitive category to meet the needs of the Coast Guard  
11 for Reserve officers in an active status. In order to make  
12 that determination, the Secretary shall determine (A) the  
13 number of positions needed to accomplish mission objec-  
14 tives which require officers of such competitive category  
15 in the grade to which the board will recommend officers  
16 for promotion, (B) the estimated number of officers need-  
17 ed to fill vacancies in such positions during the period in  
18 which it is anticipated that officers selected for promotion  
19 will be promoted, (C) the number of officers authorized  
20 by the Secretary to serve in an active status in the grade  
21 and competitive category under consideration, and (D)  
22 any statutory limitation on the number of officers in any  
23 grade or category (or combination thereof) authorized to  
24 be in an active status.

1       “(3)(A) The Secretary may, when the needs of the  
2 Coast Guard require, authorize the consideration of offi-  
3 cers in a grade above lieutenant (junior grade) for pro-  
4 motion to the next higher grade from below the promotion  
5 zone.

6       “(B) When selection from below the promotion zone  
7 is authorized, the Secretary shall establish the number of  
8 officers that may be recommended for promotion from  
9 below the promotion zone in each competitive category to  
10 be considered. That number may not exceed the number  
11 equal to 10 percent of the maximum number of officers  
12 that the board is authorized to recommend for promotion  
13 in such competitive category, except that the Secretary  
14 may authorize a greater number, not to exceed 15 percent  
15 of the total number of officers that the board is authorized  
16 to recommend for promotion, if the Secretary determines  
17 that the needs of the Coast Guard so require. If the max-  
18 imum number determined under this paragraph is less  
19 than one, the board may recommend one officer for pro-  
20 motion from below the promotion zone.

21       “(C) The number of officers recommended for pro-  
22 motion from below the promotion zone does not increase  
23 the maximum number of officers that the board is author-  
24 ized to recommend for promotion under paragraph (2).”.

1 (b) RUNNING MATE SYSTEM.—(1) Section 731 of  
2 such title is amended—

3 (A) by designating the text of such section as  
4 subsection (b);

5 (B) by inserting after the section heading the  
6 following:

7 “(a) AUTHORITY TO USE RUNNING MATE SYS-  
8 TEM.—The Secretary may by regulation implement sec-  
9 tion 729(d)(1) of this title by requiring that the promotion  
10 zone for consideration of Reserve officers in an active sta-  
11 tus for promotion to the next higher grade be determined  
12 in accordance with a running mate system as provided in  
13 subsection (b).”;

14 (C) in subsection (b), as designated by subpara-  
15 graph (A), by striking “Subject to the eligibility re-  
16 quirements of this subchapter, a Reserve officer  
17 shall” and inserting the following: “CONSIDERATION  
18 FOR PROMOTION.—If promotion zones are deter-  
19 mined as authorized under subsection (a), a Reserve  
20 officer shall, subject to the eligibility requirements of  
21 this subchapter,”; and

22 (D) by adding at the end the following:

23 “(c) CONSIDERATION OF OFFICERS BELOW THE  
24 ZONE.—If the Secretary authorizes the selection of offi-  
25 cers for promotion from below the promotion zone in ac-



1 cordance with section 729(d)(3) of this title, the number  
 2 of officers to be considered from below the zone may be  
 3 established through the application of the running mate  
 4 system under this subchapter or otherwise as the Sec-  
 5 retary determines to be appropriate to meet the needs of  
 6 the Coast Guard.”.

7 (2)(A) The heading for such section is amended to  
 8 read as follows:

9 **“§ 731. Establishment of promotion zones: running**  
 10 **mate system”.**

11 (B) The item relating to such section in the table of  
 12 sections at the beginning of chapter 21 of title 14, United  
 13 States Code, is amended to read as follows:

“731. Establishment of promotion zones: running mate system.”.

14 (c) **EFFECTIVE DATE.**—This section and the amend-  
 15 ments made by this section shall take effect on October  
 16 1, 2000, and shall apply with respect to selection boards  
 17 convened under section 730 of title 14, United States  
 18 Code, on or after that date.

19 **SEC. 503. TIME FOR RELEASE OF OFFICER PROMOTION SE-**  
 20 **LECTION BOARD REPORTS.**

21 (a) **ACTIVE-DUTY LIST OFFICER BOARDS.**—Section  
 22 618(e) of title 10, United States Code, is amended to read  
 23 as follows:

1       “(e)(1) The names of the officers recommended for  
2 promotion in the report of a selection board may be dis-  
3 seminated to the armed force concerned as follows:

4           “(A) In the case of officers recommended for  
5 promotion to a grade below brigadier general or rear  
6 admiral (lower half), upon the transmittal of the re-  
7 port to the President.

8           “(B) In the case of officers recommended for  
9 promotion to a grade above colonel or, in the case  
10 of the Navy, captain, upon the approval of the re-  
11 port by the President.

12           “(C) In the case of officers whose names have  
13 not been sooner disseminated, upon confirmation by  
14 the Senate.

15       “(2) A list of names of officers disseminated under  
16 paragraph (1) may not include—

17           “(A) any name removed by the President from  
18 the report of the selection board containing that  
19 name, if dissemination is under the authority of sub-  
20 paragraph (B) of such paragraph; or

21           “(B) the name of any officer whose promotion  
22 the Senate failed to confirm, if dissemination is  
23 under the authority of subparagraph (C) of such  
24 paragraph.”.

1 (b) RESERVE ACTIVE-STATUS LIST OFFICER  
2 BOARDS.—The text of section 14112 of title 10, United  
3 States Code, is amended to read as follows:

4 “(a) TIME FOR DISSEMINATION.—The names of the  
5 officers recommended for promotion in the report of a se-  
6 lection board may be disseminated to the armed force con-  
7 cerned as follows:

8 “(1) In the case of officers recommended for  
9 promotion to a grade below brigadier general or rear  
10 admiral (lower half), upon the transmittal of the re-  
11 port to the President.

12 “(2) In the case of officers recommended for  
13 promotion to a grade above colonel or, in the case  
14 of the Navy, captain, upon the approval of the re-  
15 port by the President.

16 “(3) In the case of officers whose names have  
17 not been sooner disseminated, upon confirmation by  
18 the Senate.

19 “(b) NAMES NOT DISSEMINATED.—A list of names  
20 of officers disseminated under subsection (a) may not  
21 include—

22 “(1) any name removed by the President from  
23 the report of the selection board containing that  
24 name, if dissemination is under the authority of  
25 paragraph (2) of such subsection; or

1 “(2) the name of any officer whose promotion  
 2 the Senate failed to confirm, if dissemination is  
 3 under the authority of paragraph (3) of such sub-  
 4 section.”.

5 **SEC. 504. CLARIFICATION OF AUTHORITY FOR POST-**  
 6 **HUMOUS COMMISSIONS AND WARRANTS.**

7 Section 1521(a)(3) of title 10, United States Code,  
 8 is amended to read as follows:

9 “(3) was officially recommended for appoint-  
 10 ment or promotion to a commissioned grade but died  
 11 in line of duty before the appointment or promotion  
 12 was approved by the Secretary concerned or before  
 13 accepting the appointment or promotion.”.

14 **SEC. 505. INAPPLICABILITY OF ACTIVE-DUTY LIST PRO-**  
 15 **MOTION, SEPARATION, AND INVOLUNTARY**  
 16 **RETIREMENT AUTHORITIES TO RESERVE**  
 17 **GENERAL AND FLAG OFFICERS SERVING IN**  
 18 **CERTAIN POSITIONS DESIGNATED FOR RE-**  
 19 **SERVE OFFICERS BY THE CHAIRMAN OF THE**  
 20 **JOINT CHIEFS OF STAFF.**

21 Section 641(1)(B) of title 10, United States Code,  
 22 is amended by inserting “526(b)(2)(A),” after “on active  
 23 duty under section”.

1 **SEC. 506. REVIEW OF ACTIONS OF SELECTION BOARDS.**

2 (a) IN GENERAL.—(1) Chapter 79 of title 10, United  
3 States Code, is amended by adding at the end the fol-  
4 lowing:

5 **“§ 1558. Exclusive remedies in cases involving selec-**  
6 **tion boards**

7 “(a) CORRECTION OF MILITARY RECORDS.—The  
8 Secretary concerned may correct a person’s military  
9 records in accordance with a recommendation made by a  
10 special board. Any such correction shall be effective, retro-  
11 actively, as of the effective date of the action taken on  
12 a report of a previous selection board that resulted in the  
13 action corrected in the person’s military records.

14 “(b) RELIEF ASSOCIATED WITH CORRECTIONS OF  
15 CERTAIN ACTIONS.—(1) The Secretary concerned shall  
16 ensure that a person receives relief under paragraph (2)  
17 or (3), as the person may elect, if the person—

18 “(A) was separated or retired from an armed  
19 force, or transferred to the retired reserve or to inac-  
20 tive status in a reserve component, as a result of a  
21 recommendation of a selection board; and

22 “(B) becomes entitled to retention on or res-  
23 toration to active duty or active status in a reserve  
24 component as a result of a correction of the person’s  
25 military records under subsection (a).

1       “(2)(A) With the consent of a person referred to in  
2 paragraph (1), the person shall be retroactively and pro-  
3 spectively restored to the same status, rights, and entitle-  
4 ments (less appropriate offsets against back pay and al-  
5 lowances) in the person’s armed force as the person would  
6 have had if the person had not been selected to be sepa-  
7 rated, retired, or transferred to the retired reserve or to  
8 inactive status in a reserve component, as the case may  
9 be, as a result of an action corrected under subsection (a).  
10 An action under this subparagraph is subject to subpara-  
11 graph (B).

12       “(B) Nothing in subparagraph (A) shall be construed  
13 to permit a person to be on active duty or in an active  
14 status in a reserve component after the date on which the  
15 person would have been separated, retired, or transferred  
16 to the retired reserve or to inactive status in a reserve  
17 component if the person had not been selected to be sepa-  
18 rated, retired, or transferred to the retired reserve or to  
19 inactive status in a reserve component, as the case may  
20 be, in an action of a selection board that is corrected under  
21 subsection (a).

22       “(3) If the person does not consent to a restoration  
23 of status, rights, and entitlements under paragraph (2),  
24 the person shall receive back pay and allowances (less ap-  
25 propriate offsets) and service credit for the period begin-

1 ning on the date of the person's separation, retirement,  
 2 or transfer to the retired reserve or to inactive status in  
 3 a reserve component, as the case may be, and ending on  
 4 the earlier of—

5           “(A) the date on which the person would have  
 6       been so restored under paragraph (2), as determined  
 7       by the Secretary concerned; or

8           “(B) the date on which the person would other-  
 9       wise have been separated, retired, or transferred to  
 10      the retired reserve or to inactive status in a reserve  
 11      component, as the case may be.

12       “(c) FINALITY OF UNFAVORABLE ACTION.—If a spe-  
 13      cial board makes a recommendation not to correct the  
 14      military records of a person regarding action taken in the  
 15      case of that person on the basis of a previous report of  
 16      a selection board, the action previously taken on that re-  
 17      port shall be considered as final as of the date of the ac-  
 18      tion taken on that report.

19       “(d) REGULATIONS.—(1) The Secretary concerned  
 20      may prescribe regulations to carry out this section (other  
 21      than subsection (e)) with respect to the armed force or  
 22      armed forces under the jurisdiction of the Secretary.

23       “(2) The Secretary may prescribe in the regulations  
 24      the circumstances under which consideration by a special

1 board may be provided for under this section, including  
2 the following:

3           “(A) The circumstances under which consider-  
4           ation of a person’s case by a special board is contin-  
5           gent upon application by or for that person.

6           “(B) Any time limits applicable to the filing of  
7           an application for consideration.

8           “(3) Regulations prescribed by the Secretary of a  
9           military department under this subsection shall be subject  
10          to the approval of the Secretary of Defense.

11          “(e) JUDICIAL REVIEW.—(1) A person challenging  
12          for any reason the action or recommendation of a selection  
13          board, or the action taken by the Secretary concerned on  
14          the report of a selection board, is not entitled to relief in  
15          any judicial proceeding unless the person has first been  
16          considered by a special board under this section or the  
17          Secretary concerned has denied such consideration.

18          “(2) In reviewing an action or recommendation of a  
19          special board or an action of the Secretary concerned on  
20          the report of a special board, a court may hold unlawful  
21          and set aside the recommendation or action, as the case  
22          may be, only on the following bases:

23               “(A) The action or recommendation of the spe-  
24               cial board or the action of the Secretary concerned,



1 as the case may be, was not in compliance with the  
2 applicable procedures.

3 “(B) Any such action or recommendation is  
4 contrary to law.

5 “(3) In reviewing a decision by the Secretary con-  
6 cerned to deny consideration by a special board in any  
7 case, a court may hold unlawful and set aside the decision  
8 only on the following bases:

9 “(A) The decision was not made in accordance  
10 with applicable procedures.

11 “(B) The decision is arbitrary, capricious, or  
12 otherwise contrary to law.

13 “(f) EXCLUSIVITY OF REMEDIES.—Notwithstanding  
14 any other provision of law, but subject to subsection (g),  
15 the remedies provided under this section are the only rem-  
16 edies available to a person for correcting an action or rec-  
17 ommendation of a selection board regarding that person  
18 or an action taken on the report of a selection board re-  
19 garding that person.

20 “(g) EXISTING JURISDICTION.—(1) Nothing in this  
21 section limits the jurisdiction of any court of the United  
22 States under any provision of law to determine the validity  
23 of any statute, regulation, or policy relating to selection  
24 boards, except that, in the event that any such statute,  
25 regulation, or policy is held invalid, the remedies pre-

1 scribed in this section shall be the sole and exclusive rem-  
 2 edies available to any person challenging the recommenda-  
 3 tion of a special board on the basis of the invalidity.

4 “(2) Nothing in this section limits authority to cor-  
 5 rect a military record under section 1552 of this title.

6 “(h) INAPPLICABILITY TO COAST GUARD.—This sec-  
 7 tion does not apply to the Coast Guard when it is not  
 8 operating as a service in the Navy.

9 “(i) DEFINITIONS.—In this section:

10 “(1) The term ‘special board’—

11 “(A) means a board that the Secretary  
 12 concerned convenes under any authority to con-  
 13 sider whether to recommend a person for ap-  
 14 pointment, enlistment, reenlistment, assign-  
 15 ment, promotion, retention, separation, retire-  
 16 ment, or transfer to inactive status in a reserve  
 17 component instead of referring the records of  
 18 that person for consideration by a previously  
 19 convened selection board which considered or  
 20 should have considered that person;

21 “(B) includes a board for the correction of  
 22 military or naval records convened under sec-  
 23 tion 1552 of this title, if designated as a special  
 24 board by the Secretary concerned; and

1           “(C) does not include a promotion special  
2           selection board convened under section 628 or  
3           14502 of this title.

4           “(2) The term ‘selection board’—

5           “(A) means a selection board convened  
6           under section 573(b), 580, 580a, 581, 611(b),  
7           637, 638, 638a, 14101(b), 14701, 14704, or  
8           14705 of this title, and any other board con-  
9           vened by the Secretary concerned under any au-  
10          thority to recommend persons for appointment,  
11          enlistment, reenlistment, assignment, pro-  
12          motion, or retention in the armed forces or for  
13          separation, retirement, or transfer to inactive  
14          status in a reserve component for the purpose  
15          of reducing the number of persons serving in  
16          the armed forces; and

17          “(B) does not include—

18               “(i) a promotion board convened  
19               under section 573(a), 611(a), or 14101(a)  
20               of this title;

21               “(ii) a special board;

22               “(iii) a special selection board con-  
23               vened under section 628 of this title; or

1                   “(iv) a board for the correction of  
2                   military records convened under section  
3                   1552 of this title.”.

4           (2) The table of sections at the beginning of such  
5 chapter is amended by adding at the end the following:

“1558. Exclusive remedies in cases involving selection boards .”.

6           (b) SPECIAL SELECTION BOARDS.—Section 628 of  
7 such title is amended—

8                   (1) by redesignating subsection (g) as sub-  
9                   section (j); and

10                   (2) by inserting after subsection (f) the fol-  
11                   lowing:

12           “(g) LIMITATIONS OF OTHER JURISDICTION.—No  
13 official or court of the United States may—

14                   “(1) consider any claim based to any extent on  
15                   the failure of an officer or former officer of the  
16                   armed forces to be selected for promotion by a pro-  
17                   motion board until—

18                           “(A) the claim has been referred by the  
19                   Secretary concerned to a special selection board  
20                   convened under this section and acted upon by  
21                   that board and the report of the board has been  
22                   approved by the President; or

23                           “(B) the claim has been rejected by the  
24                   Secretary of Defense without consideration by a  
25                   special selection board; or

1           “(2) grant any relief on such a claim unless the  
2           officer or former officer has been selected for pro-  
3           motion by a special selection board convened under  
4           this section to consider the officer’s claim and the  
5           report of the board has been approved by the Presi-  
6           dent.

7           “(h) JUDICIAL REVIEW.—(1) A court of the United  
8           States may review a determination by the Secretary con-  
9           cerned under subsection (a)(1) or (b)(1) not to convene  
10          a special selection board. If a court finds the determina-  
11          tion to be arbitrary or capricious, not based on substantial  
12          evidence, or otherwise contrary to law, it shall remand the  
13          case to the Secretary concerned, who shall provide for con-  
14          sideration of the officer or former officer by a special selec-  
15          tion board under this section.

16          “(2) A court of the United States may review the ac-  
17          tion of a special selection board convened under this sec-  
18          tion on a claim of an officer or former officer and any  
19          action taken by the President on the report of the board.  
20          If a court finds that the action was contrary to law or  
21          involved a material error of fact or a material administra-  
22          tive error, it shall remand the case to the Secretary con-  
23          cerned, who shall provide for reconsideration of the officer  
24          or former officer by another special selection board.

1       “(i) EXISTING JURISDICTION.—(1) Nothing in this  
2 section limits the jurisdiction of any court of the United  
3 States under any provision of law to determine the validity  
4 of any statute, regulation, or policy relating to selection  
5 boards, except that, in the event that any such statute,  
6 regulation, or policy is held invalid, the remedies pre-  
7 scribed in this section shall be the sole and exclusive rem-  
8 edies available to any person challenging the recommenda-  
9 tion of a selection board on the basis of the invalidity.

10       “(2) Nothing in this section limits authority to cor-  
11 rect a military record under section 1552 of this title.”.

12       (c) EFFECTIVE DATE AND APPLICABILITY.—(1) The  
13 amendments made by this section shall take effect on the  
14 date of the enactment of this Act and, except as provided  
15 in paragraph (2), shall apply with respect to any pro-  
16 ceeding pending on or after that date without regard to  
17 whether a challenge to an action of a selection board of  
18 any of the Armed Forces being considered in such pro-  
19 ceeding was initiated before, on, or after that date.

20       (2) The amendments made by this section shall not  
21 apply with respect to any action commenced in a court  
22 of the United States before the date of the enactment of  
23 this Act.

1 **SEC. 507. EXTENSION TO ALL AIR FORCE BIOMEDICAL**  
2 **SCIENCES OFFICERS OF AUTHORITY TO RE-**  
3 **TAIN UNTIL SPECIFIED AGE.**

4 Section 14703(a)(3) of title 10, United States Code,  
5 is amended to read as follows:

6 “(3) the Secretary of the Air Force may, with  
7 the officer’s consent, retain in an active status any  
8 reserve officer who is designated as a medical offi-  
9 cer, dental officer, Air Force nurse, Medical Service  
10 Corps officer, biomedical sciences officer, or chap-  
11 lain.”.

12 **SEC. 508. TERMINATION OF APPLICATION REQUIREMENT**  
13 **FOR CONSIDERATION OF OFFICERS FOR**  
14 **CONTINUATION ON THE RESERVE ACTIVE-**  
15 **STATUS LIST.**

16 Section 14701(a)(1) of title 10, United States Code,  
17 is amended by striking “Upon application, a reserve offi-  
18 cer” and inserting “A reserve officer”.

19 **SEC. 509. TECHNICAL CORRECTIONS RELATING TO RE-**  
20 **TIRED GRADE OF RESERVE COMMISSIONED**  
21 **OFFICERS.**

22 (a) ARMY.—Section 3961(a) of title 10, United  
23 States Code, is amended by striking “or for nonregular  
24 service under chapter 1223 of this title”.

1 (b) AIR FORCE.—Section 8961(a) of title 10, United  
 2 States Code, is amended by striking “or for nonregular  
 3 service under chapter 1223 of this title”.

4 (c) EFFECTIVE DATE.—The amendments made by  
 5 subsections (a) and (b) shall apply to Reserve commis-  
 6 sioned officers who are promoted to a higher grade as a  
 7 result of selection for promotion by a board convened  
 8 under chapter 36 or 1403 of title 10, United States Code,  
 9 or having been found qualified for Federal recognition in  
 10 a higher grade under chapter 3 of title 32, United States  
 11 Code, after October 1, 1996.

12 **SEC. 510. GRADE OF CHIEFS OF RESERVE COMPONENTS**  
 13 **AND DIRECTORS OF NATIONAL GUARD COM-**  
 14 **PONENTS.**

15 (a) CHIEF OF ARMY RESERVE.—Section 3038(c) of  
 16 title 10, United States Code, is amended—

17 (1) by striking “major general” in the third  
 18 sentence and inserting “lieutenant general”; and

19 (2) by striking the fourth sentence.

20 (b) CHIEF OF NAVAL RESERVE.—Section 5143(c)(2)  
 21 of such title is amended—

22 (1) by striking “rear admiral” in the first sen-  
 23 tence and inserting “vice admiral”; and

24 (2) by striking the second sentence.



1 (c) CHIEF OF AIR FORCE RESERVE.—Section  
2 8038(c) of such title is amended—

3 (1) by striking “major general” in the third  
4 sentence and inserting “lieutenant general”; and

5 (2) by striking the fourth sentence.

6 (d) DIRECTORS IN THE NATIONAL GUARD BU-  
7 REAU.—Subparagraphs (A) and (B) of section  
8 10506(a)(1) of such title are each amended by striking  
9 “the grade of major general or, if appointed to that posi-  
10 tion in accordance with section 12505(a)(2) of this title,”.

11 (e) COMMANDER, MARINE FORCES RESERVE.—(1)  
12 Section 5144(c)(2) of such title is amended to read as fol-  
13 lows:

14 “(2)(A) The Commander, Marine Forces Reserve,  
15 while so serving, has the grade of major general, without  
16 vacating the officer’s permanent grade. An officer may,  
17 however, be assigned to the position of Commander, Ma-  
18 rine Forces Reserve, in the grade of lieutenant general if  
19 appointed to that grade for service in that position by the  
20 President, by and with the advice and consent of the Sen-  
21 ate. An officer may be recommended to the President for  
22 such an appointment if selected for appointment to that  
23 position in accordance with subparagraph (B).

24 “(B) An officer shall be considered to have been se-  
25 lected for appointment to the position of Commander, Ma-

1 rine Forces Reserve, in accordance with this subparagraph  
 2 if—

3 “(i) the officer is recommended for that ap-  
 4 pointment by the Secretary of the Navy;

5 “(ii) the officer is determined by the Chairman  
 6 of the Joint Chiefs of Staff, in accordance with cri-  
 7 teria and as a result of a process established by the  
 8 Chairman, to have significant joint duty experience;  
 9 and

10 “(iii) the officer is recommended by the Sec-  
 11 retary of Defense to the President for the appoint-  
 12 ment.”.

13 (2) Until October 1, 2002, the Secretary of Defense  
 14 may, on a case-by-case basis, waive clause (ii) of section  
 15 5144(c)(2)(B) of title 10, United States Code (as added  
 16 by paragraph (1)), with respect to the appointment of an  
 17 officer to the position of Commander, Marine Forces Re-  
 18 serve, if in the judgment of the Secretary—

19 (A) the officer is qualified for service in the po-  
 20 sition; and

21 (B) the waiver is necessary for the good of the  
 22 service.

23 (f) REPEAL OF SUPERSEDED AUTHORITY.—(1) Sec-  
 24 tion 12505 of title 10, United States Code, is repealed.

1       (2) The table of sections at the beginning of chapter  
 2 1213 of such title is amended by striking the item relating  
 3 to section 12505.

4       (g) EFFECTIVE DATE.—This section and the amend-  
 5 ments made by this section shall take effect on the earlier  
 6 of—

7           (1) the date that is 90 days after the date of  
 8 the enactment of this Act; or

9           (2) January 1, 2001.

## 10                   **Subtitle B—Joint Officer** 11                   **Management**

### 12   **SEC. 521. JOINT SPECIALTY DESIGNATIONS AND ADDI-** 13                   **TIONAL IDENTIFIERS.**

14       Section 661 of title 10, United States Code, is  
 15 amended to read as follows:

#### 16   **“§ 661. Management policies for joint specialty offi-** 17                   **cers**

18       “(a) ESTABLISHMENT.—The Secretary of Defense  
 19 shall establish policies, procedures, and practices for the  
 20 effective management of officers of the Army, Navy, Air  
 21 Force, and Marine Corps on the active-duty list who are  
 22 particularly trained in, and oriented toward, joint matters  
 23 (as defined in section 668 of this title). Such officers shall  
 24 be identified or designated (in addition to their principal  
 25 military occupational specialty) in such manner as the

1 Secretary of Defense directs. For purposes of this chapter,  
2 officers to be managed by such policies, procedures, and  
3 practices are those who have been designated under sub-  
4 section (b) as joint specialty officers.

5 “(b) JOINT SPECIALTY OFFICER DESIGNATION.—(1)

6 The purpose for designation of officers as joint specialty  
7 officers is to provide a quickly identifiable group of officers  
8 who have the joint service experience and education in  
9 joint matters that are especially required for any par-  
10 ticular organizational staff or joint task force operation.

11 “(2) To qualify for the joint specialty designation, an  
12 officer shall—

13 “(A) have successfully completed—

14 “(i) a program of education in residence at  
15 a joint professional military education school  
16 accredited as such by the Chairman of the  
17 Joint Chiefs of Staff; and

18 “(ii) a full tour of duty in a joint duty as-  
19 signment; or

20 “(B) have successfully completed two full tours  
21 of duty in joint duty assignments.

22 “(3) The requirements set forth in paragraph (2)(A)  
23 may be satisfied in any sequence.

1       “(4) The Secretary of Defense shall prescribe the  
2 standards for characterizing the completion of a require-  
3 ment under paragraph (2) as successful.

4       “(5) An officer may not be designated as a joint spe-  
5 cialty officer unless qualified under paragraph (2).

6       “(c) ADDITIONAL IDENTIFIER.—An officer des-  
7 ignated as a joint specialty officer may be awarded an ad-  
8 ditional joint specialty identifier as directed by the Sec-  
9 retary under subsection (a).

10       “(d) WAIVER AUTHORITY FOR AWARD OF ADDI-  
11 TIONAL IDENTIFIER.—(1) The Secretary of Defense may  
12 waive the applicability of a requirement for a qualification  
13 set forth in subsection (b) for a designation of a particular  
14 officer as a joint specialty officer upon the Secretary’s de-  
15 termination that, by reason of unusual circumstances ap-  
16 plicable in the officer’s case, the officer has one or more  
17 qualifications that are comparable to the qualification  
18 waived.

19       “(2) The Secretary may grant a waiver for a general  
20 or flag officer under paragraph (1) only upon the Sec-  
21 retary’s determination that it is necessary to do so in  
22 order to meet a critical need of the armed forces.

23       “(3) The Secretary may delegate authority under this  
24 subsection only to the Deputy Secretary of Defense or the  
25 Chairman of the Joint Chiefs of Staff.

1       “(4) The Secretary of the military department con-  
2       cerned may request a waiver under this subsection. A re-  
3       quest shall include a full justification for the requested  
4       waiver on the basis of the criterion described in paragraph  
5       (1) and, in the case of a general or flag officer, the addi-  
6       tional criterion described in paragraph (2).

7       “(e) GENERAL AND FLAG OFFICER POSITIONS.—(1)  
8       The Secretary of Defense shall designate the joint duty  
9       assignments for general or flag officers that must be filled  
10      by joint specialty officers.

11      “(2) Only a joint specialty officer may be assigned  
12      to a joint duty assignment designated under paragraph  
13      (1).

14      “(3) The Secretary may waive the limitation in para-  
15      graph (2) if the Secretary determines that it is necessary  
16      to do so in the interest of national security.

17      “(f) JOINT PROFESSIONAL MILITARY EDUCATION  
18      SCHOOLS.—The Chairman of the Joint Chiefs of Staff  
19      shall accredit as joint professional military education  
20      schools for the purposes of this chapter the schools that  
21      the Chairman determines as being qualified for the accred-  
22      itation. A school may not be considered a joint profes-  
23      sional military education school for any such purpose un-  
24      less the school is so accredited.”.

1 **SEC. 522. PROMOTION OBJECTIVES.**

2 (a) OBJECTIVES.—Section 662 of title 10, United  
3 States Code, is amended to read as follows:

4 **“§ 662. Promotion policy objectives for joint officers**

5 “(a) QUALIFICATIONS.—The Secretary of Defense  
6 shall ensure that the qualifications of officers assigned to  
7 joint duty assignments and officers whose previous assign-  
8 ment was a joint duty assignment are such that those offi-  
9 cers are expected, as a group, to be promoted to the next  
10 higher grade at a rate not less than the rate for officers  
11 of the same armed force in the same grade and competi-  
12 tive category who are serving on the headquarters staff  
13 of that armed force.

14 “(b) VALIDATION OF QUALIFICATIONS.—(1) The  
15 Secretary of a military department shall validate the quali-  
16 fications of officers under the jurisdiction of the Secretary  
17 for eligibility for joint duty assignments.

18 “(2) The Secretary shall ensure that, under the proc-  
19 ess prescribed under paragraph (3), an adequate number  
20 of the colonels or, in the case of the Navy, captains vali-  
21 dated as qualified for joint duty assignments satisfy the  
22 requirements under section 619a of this title for pro-  
23 motion to brigadier general or rear admiral (lower half),  
24 respectively.

1       “(3) The Secretary shall prescribe the process for  
2 validating qualifications of officers under the jurisdiction  
3 of the Secretary in accordance with this subsection.

4       “(c) CONSIDERATION OF JOINT SPECIALTY OFFI-  
5 CERS.—(1) The Secretary of Defense shall prescribe poli-  
6 cies for ensuring that joint specialty officers eligible for  
7 consideration for promotion are appropriately considered  
8 for promotion.

9       “(2) The policies shall require the following:

10           “(A) That at least one member of a board con-  
11 vened for the selection of officers for promotion to  
12 a grade above major or, in the case of the Navy,  
13 lieutenant commander is serving in a joint duty as-  
14 signment and has been approved by the Chairman of  
15 the Joint Chiefs of Staff for appointment to mem-  
16 bership on that board.

17           “(B) That the Chairman of the Joint Chiefs of  
18 Staff has the opportunity to review the report of  
19 each promotion selection board referred to in sub-  
20 paragraph (A), and to submit comments on the re-  
21 port to the Secretary of Defense and the Secretary  
22 of the military department concerned, before the  
23 Secretary of that military department takes action  
24 on the report.”.



1 (b) CLERICAL AMENDMENT.—The table of sections  
 2 at the beginning of chapter 38 of title 10, United States  
 3 Code, is amended by striking the item relating to section  
 4 662 and inserting the following:

“662. Promotion policy objectives for joint officers.”.

5 **SEC. 523. EDUCATION.**

6 (a) OFFICERS ELIGIBLE FOR WAIVER OF CAPSTONE  
 7 COURSE REQUIREMENT.—Subsection (a)(1)(C) of section  
 8 663 of title 10, United States Code, is amended by strik-  
 9 ing “scientific and technical qualifications” and inserting  
 10 “career field specialty qualifications”.

11 (b) REPEAL OF REQUIREMENT FOR POST-EDU-  
 12 CATION JOINT DUTY ASSIGNMENT.—Such section is fur-  
 13 ther amended by striking subsection (d).

14 **SEC. 524. LENGTH OF JOINT DUTY ASSIGNMENT.**

15 (a) IN GENERAL.—Section 664 of title 10, United  
 16 States Code, is amended—

17 (1) by striking subsections (a) through (h);

18 (2) by redesignating subsection (i) as subsection  
 19 (f); and

20 (3) by inserting after the section heading the  
 21 following:

22 “(a) IN GENERAL.—The length of a joint duty as-  
 23 signment at an installation or other place of duty shall  
 24 be equivalent to the standard length of the assignments

1 (other than joint duty assignments) of officers at that in-  
2 stallation or other place of duty.

3 “(b) WAIVER AUTHORITY.—The Secretary of De-  
4 fense may waive the requirement in subsection (a) for the  
5 length of a joint duty assignment in the case of any officer  
6 upon a determination by the Secretary that the waiver is  
7 critical in the case of that specific officer for meeting mili-  
8 tary personnel management requirements.

9 “(c) CURTAILMENT OF ASSIGNMENT.—The Sec-  
10 retary of Defense may, upon the request of the Secretary  
11 of the military department concerned, authorize a curtail-  
12 ment of a joint duty assignment of more than two years  
13 for an officer who has served in that assignment for at  
14 least two years.

15 “(d) FULL TOUR OF DUTY.—Subject to subsection  
16 (e), an officer shall be considered to have completed a full  
17 tour of duty in a joint duty assignment upon the comple-  
18 tion of service performed in a grade not lower than major  
19 or, in the case of the Navy, lieutenant commander, as fol-  
20 lows:

21 “(1) Service in a joint duty assignment that  
22 meets the standard set forth in subsection (a).

23 “(2) Service in a joint duty assignment under  
24 the circumstances described in subsection (c).

1           “(3) Cumulative service in one or more joint  
2           task force headquarters that is substantially equiva-  
3           lent to a standard length of assignment determined  
4           under subsection (a).

5           “(4) Service in a joint duty assignment with re-  
6           spect to which the Secretary of Defense has granted  
7           a waiver under subsection (b), but only in a case in  
8           which the Secretary directs that the service com-  
9           pleted by the officer in that duty assignment be con-  
10          sidered to be a full tour of duty in a joint duty as-  
11          signment.

12          “(5) Service in a second joint duty assignment  
13          that is less than the period required under sub-  
14          section (a), but is not less than two years, without  
15          regard to whether a waiver was granted for such as-  
16          signment under subsection (b).”.

17          (b) JOINT DUTY CREDIT FOR CERTAIN JOINT TASK  
18          FORCE ASSIGNMENTS.—Subsection (f) of such section, as  
19          redesignated by subsection (a)(2), is amended—

20               (1) in paragraph (4)(B), by inserting before the  
21               period at the end the following: “, except that cumu-  
22               lative service of less than one year in more than one  
23               such assignment in the headquarters of a joint task  
24               force may not be credited”;

25               (2) in paragraph (4)(E)—

1 (A) by striking “combat or combat-re-  
2 lated”; and

3 (B) by inserting before the period at the  
4 end the following: “, as approved by the Sec-  
5 retary of Defense”;

6 (3) in paragraph (5), by striking “any of the  
7 following provisions of this title:” and all that fol-  
8 lows and inserting “section 662 of this title or para-  
9 graph (2), (4), or (7) of section 667(a) of this  
10 title.”; and

11 (4) by striking paragraph (6).

12 **SEC. 525. ANNUAL REPORT TO CONGRESS.**

13 Section 667 of title 10, United States Code, is  
14 amended by striking paragraph (1) and all that follows  
15 and inserting the following:

16 “(1) The number of joint specialty officers, re-  
17 ported by grade and by branch or specialty.

18 “(2) An assessment of the extent to which the  
19 Secretary of each military department is assigning  
20 personnel to joint duty assignments in accordance  
21 with this chapter and the policies, procedures, and  
22 practices established by the Secretary of Defense  
23 under section 661(a) of this title.

24 “(3) The number of waivers granted under sec-  
25 tion 619a(b)(1) of this title for officers in the grade

1 of colonel or, in the case of the Navy, captain for  
2 each of the years preceding the year in which the re-  
3 port is submitted.

4 “(4) The officers whose service in joint duty as-  
5 signments during the year covered by the report ter-  
6 minated before the officers completed the full tour of  
7 duty in those assignments, expressed as a percent of  
8 the total number of officers in joint duty assign-  
9 ments during that year.

10 “(5) The percentage of fill of student quotas for  
11 each course of the National Defense University for  
12 the year covered by the report.

13 “(6) A list of the joint task force headquarters  
14 in which service was approved for crediting as a  
15 joint duty assignment for the year covered by the re-  
16 port.

17 “(7) The following comparisons:

18 “(A) A comparison of—

19 “(i) the promotion rates for officers  
20 who are officers serving in joint duty as-  
21 signments or officers whose previous as-  
22 signment was a joint duty assignment and  
23 were considered for promotion within the  
24 promotion zone, with

1           “(ii) the promotion rates for other of-  
2           ficers in the same grade and the same  
3           competitive category who are serving on  
4           the headquarters staff of the armed force  
5           concerned and were considered for pro-  
6           motion within the promotion zone.

7           “(B) A comparison of—

8           “(i) the promotion rates for officers  
9           who are officers serving in joint duty as-  
10          signments or officers whose previous as-  
11          signment was a joint duty assignment and  
12          were considered for promotion from above  
13          the promotion zone, with

14          “(ii) the promotion rates for other of-  
15          ficers in the same grade and the same  
16          competitive category who are serving on  
17          the headquarters staff of the armed force  
18          concerned and were considered for pro-  
19          motion from above the promotion zone.

20          “(C) A comparison of—

21          “(i) the promotion rates for officers  
22          who are officers serving in joint duty as-  
23          signments or officers whose previous as-  
24          signment was a joint duty assignment and

1                   were considered for promotion from below  
2                   the promotion zone, with

3                   “(ii) the promotion rates for other of-  
4                   ficers in the same grade and the same  
5                   competitive category who are serving on  
6                   the headquarters staff of the armed force  
7                   concerned and were considered for pro-  
8                   motion from below the promotion zone.

9                   “(8) If any of the comparisons in paragraph (7)  
10                  indicate that the promotion rates for officers re-  
11                  ferred to in subparagraph (A)(i), (B)(i), or (C)(i) of  
12                  such paragraph fail to meet the objective set forth  
13                  in section 662(a) of this title, information on the  
14                  failure and on what action the Secretary has taken  
15                  or plans to take to prevent further failures.

16                  “(9) Any other information relating to joint of-  
17                  ficer management that the Secretary of Defense con-  
18                  siders significant.”.

19 **SEC. 526. MULTIPLE ASSIGNMENTS CONSIDERED AS SIN-**  
20 **GLE JOINT DUTY ASSIGNMENT.**

21                  (a) DEFINITION OF JOINT DUTY ASSIGNMENT.—  
22 Subsection (b) of section 668 of title 10, United States  
23 Code, is amended—

24                  (1) by redesignating paragraph (2) as para-  
25                  graph (3); and

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

3           “(2) An assignment not qualifying as a joint duty as-  
 4           signment within the definition prescribed under paragraph  
 5           (1) shall be treated as a joint duty assignment for the  
 6           purposes of this subchapter if the assignment is consid-  
 7           ered under subsection (c)(2) as part of a single tour of  
 8           duty in a joint duty assignment.”.

9           (b) MULTIPLE ASSIGNMENTS CONSIDERED AS SIN-  
 10          GLE TOUR OF DUTY.—Subsection (c) of such section is  
 11          amended to read as follows:

12          “(c) MULTIPLE ASSIGNMENTS CONSIDERED AS SIN-  
 13          GLE TOUR OF DUTY.—For purposes of this chapter, serv-  
 14          ice in more than one assignment shall be considered to  
 15          be a single tour of duty in a joint duty assignment, as  
 16          follows:

17                 “(1) Continuous service in two or more con-  
 18                 secutive joint duty assignments, as defined under  
 19                 subsection (b)(1).

20                 “(2) Continuous service, in any order, in—

21                         “(A) at least one joint duty assignment, as  
 22                         defined under subsection (b)(1); and

23                         “(B) one or more assignments not satis-  
 24                         fying the definition prescribed under subsection  
 25                         (b)(1) but involving service that provides sig-



1           nificant experience in joint matters, as deter-  
 2           mined under policies prescribed by the Sec-  
 3           retary of Defense under section 661(a) of this  
 4           title.”.

5   **SEC. 527. JOINT DUTY REQUIREMENT FOR PROMOTION TO**  
 6                   **ONE-STAR GRADES.**

7           Section 619a of title 10, United States Code, is  
 8   amended—

9           (1) in subsection (a), by striking “section  
 10       664(f)” and inserting “section 664(d); and

11       (2) in subsection (b)—

12           (A) in paragraph (2), by striking “sci-  
 13       entific and technical qualifications” and insert-  
 14       ing “career field specialty qualifications”; and

15           (B) in paragraph (4), by striking “if—”  
 16       and all that follows and inserting a period.

17                   **Subtitle C—Education and**  
 18                   **Training**

19   **SEC. 541. ELIGIBILITY OF CHILDREN OF RESERVES FOR**  
 20                   **PRESIDENTIAL APPOINTMENT TO SERVICE**  
 21                   **ACADEMIES.**

22       (a) UNITED STATES MILITARY ACADEMY.—Section  
 23   4342(b)(1) of title 10, United States Code, is amended—

24           (1) in subparagraph (B), by striking “, other  
 25       than those granted retired pay under section 12731

1 of this title (or under section 1331 of this title as  
2 in effect before the effective date of the Reserve Of-  
3 ficer Personnel Management Act)”; and

4 (2) by inserting after subparagraph (B) the fol-  
5 lowing:

6 “(C) are serving as members of reserve  
7 components and are credited with at least eight  
8 years of service computed under section 12733  
9 of this title; or

10 “(D) would be, or who died while they  
11 would have been, entitled to retired pay under  
12 chapter 1223 of this title except for not having  
13 attained 60 years of age;”.

14 (b) UNITED STATES NAVAL ACADEMY.—Section  
15 6954(b)(1) of such title is amended—

16 (1) in subparagraph (B), by striking “, other  
17 than those granted retired pay under section 12731  
18 of this title (or under section 1331 of this title as  
19 in effect before the effective date of the Reserve Of-  
20 ficer Personnel Management Act)”; and

21 (2) by inserting after subparagraph (B) the fol-  
22 lowing:

23 “(C) are serving as members of reserve  
24 components and are credited with at least eight

1 years of service computed under section 12733  
2 of this title; or

3 “(D) would be, or who died while they  
4 would have been, entitled to retired pay under  
5 chapter 1223 of this title except for not having  
6 attained 60 years of age;”.

7 (c) UNITED STATES AIR FORCE ACADEMY.—Section  
8 9342(b)(1) of such title is amended—

9 (1) in subparagraph (B), by striking “, other  
10 than those granted retired pay under section 12731  
11 of this title (or under section 1331 of this title as  
12 in effect before the effective date of the Reserve Of-  
13 ficer Personnel Management Act)”; and

14 (2) by inserting after subparagraph (B) the fol-  
15 lowing:

16 “(C) are serving as members of reserve  
17 components and are credited with at least eight  
18 years of service computed under section 12733  
19 of this title; or

20 “(D) would be, or who died while they  
21 would have been, entitled to retired pay under  
22 chapter 1223 of this title except for not having  
23 attained 60 years of age;”.

1 **SEC. 542. SELECTION OF FOREIGN STUDENTS TO RECEIVE**  
2 **INSTRUCTION AT SERVICE ACADEMIES.**

3 (a) UNITED STATES MILITARY ACADEMY.—Section  
4 4344(a) of title 10, United States Code, is amended by  
5 adding at the end the following:

6 “(3) In selecting persons to receive instruction under  
7 this section from among applicants from the countries ap-  
8 proved under paragraph (2), the Secretary shall give a pri-  
9 ority to persons who have a national service obligation to  
10 their countries upon graduation from the Academy.”.

11 (b) UNITED STATES NAVAL ACADEMY.—Section  
12 6957(a) of such title is amended by adding at the end  
13 the following:

14 “(3) In selecting persons to receive instruction under  
15 this section from among applicants from the countries ap-  
16 proved under paragraph (2), the Secretary shall give a pri-  
17 ority to persons who have a national service obligation to  
18 their countries upon graduation from the Academy.”.

19 (c) UNITED STATES AIR FORCE ACADEMY.—Section  
20 9344(a) of such title is amended by adding at the end  
21 the following:

22 “(3) In selecting persons to receive instruction under  
23 this section from among applicants from the countries ap-  
24 proved under paragraph (2), the Secretary shall give a pri-  
25 ority to persons who have a national service obligation to  
26 their countries upon graduation from the Academy.”.

1 (d) EFFECTIVE DATE AND APPLICABILITY.—This  
 2 section and the amendments made by this section shall  
 3 take effect on October 1, 2000, and shall apply with re-  
 4 spect to academic years that begin after that date.

5 **SEC. 543. REPEAL OF CONTINGENT FUNDING INCREASE**  
 6 **FOR JUNIOR RESERVE OFFICERS TRAINING**  
 7 **CORPS.**

8 (a) REPEAL.—(1) Section 2033 of title 10, United  
 9 States Code, is repealed.

10 (2) The table of sections at the beginning of chapter  
 11 102 of such title is amended by striking the item relating  
 12 to section 2033.

13 (b) EFFECTIVE DATE.—This section and the amend-  
 14 ments made by this section shall take effect on October  
 15 1, 2000.

16 **SEC. 544. REVISION OF AUTHORITY FOR MARINE CORPS**  
 17 **PLATOON LEADERS CLASS TUITION ASSIST-**  
 18 **ANCE PROGRAM.**

19 (a) ELIGIBILITY OF OFFICERS.—Section 16401 of  
 20 title 10, United States Code, is amended—

21 (1) in subsection (a), by striking “enlisted” in  
 22 the matter preceding paragraph (1); and

23 (2) in subsection (b)(1)—

1 (A) by striking “an enlisted member” in  
 2 the matter preceding subparagraph (A) and in-  
 3 serting “a member”; and

4 (B) by striking “an officer candidate in” in  
 5 subparagraph (A) and inserting “a member of”.

6 (b) REPEAL OF AGE LIMITATIONS.—Subsection (b)  
 7 of such section is amended—

8 (1) in paragraph (1)—

9 (A) by striking subparagraph (B);

10 (B) by redesignating subparagraphs (C)  
 11 and (D) as subparagraphs (B) and (C), respec-  
 12 tively; and

13 (C) in subparagraph (C), as so redesign-  
 14 nated, by striking “paragraph (3)” and insert-  
 15 ing “paragraph (2)”;

16 (2) by striking subparagraph (2);

17 (3) by redesignating paragraph (3) as para-  
 18 graph (2); and

19 (4) in paragraph (2), as so redesignated, by  
 20 striking “paragraph (1)(D)” and inserting “para-  
 21 graph (1)(C)”.

22 (c) CANDIDATES FOR LAW DEGREES.—Subsection  
 23 (a)(2) of such section is amended by striking “three” and  
 24 inserting “four”.

1 (d) INAPPLICABILITY OF SANCTION TO OFFICERS.—  
 2 Subsection (f)(1) of such section is amended by striking  
 3 “A member” and inserting “An enlisted member”.

4 (e) AMENDMENTS OF HEADINGS.—(1) The heading  
 5 for such section is amended to read as follows:

6 **“§ 16401. Marine Corps Platoon Leaders Class tuition**  
 7 **assistance program”.**

8 (2) The heading for subsection (a) of such section  
 9 is amended by striking “FOR FINANCIAL ASSISTANCE  
 10 PROGRAM”.

11 (f) CLERICAL AMENDMENT.—The item relating to  
 12 such section in the table of chapters at the beginning of  
 13 chapter 1611 of title 10, United States Code, is amended  
 14 to read as follows:

“16401. Marine Corps Platoon Leaders Class tuition assistance program.”.

## 15 **Subtitle D—Matters Relating to** 16 **Recruiting**

### 17 **SEC. 551. ARMY RECRUITING PILOT PROGRAMS.**

18 (a) REQUIREMENT FOR PROGRAMS.—The Secretary  
 19 of the Army shall carry out pilot programs to test various  
 20 recruiting approaches under this section for the following  
 21 purposes:

22 (1) To assess the effectiveness of the recruiting  
 23 approaches for creating enhanced opportunities for  
 24 recruiters to make direct, personal contact with po-  
 25 tential recruits.

1           (2) To improve the overall effectiveness and ef-  
2           ficiency of Army recruiting activities.

3           (b) OUTREACH THROUGH MOTOR SPORTS.—(1) One  
4 of the pilot programs shall be a pilot program of public  
5 outreach that associates the Army with motor sports com-  
6 petitions to achieve the objectives set forth in paragraph  
7 (2).

8           (2) The events and activities undertaken under the  
9 pilot program shall be designed to provide opportunities  
10 for Army recruiters to make direct, personal contact with  
11 high school students to achieve the following objectives:

12           (A) To increase enlistments by students grad-  
13 uating from high school.

14           (B) To reduce attrition in the Delayed Entry  
15 Program of the Army by sustaining the personal  
16 commitment of students who have elected delayed  
17 entry into the Army under the program.

18           (3) Under the pilot program, the Secretary shall pro-  
19 vide for the following:

20           (A) For Army recruiters or other Army  
21 personnel—

22           (i) to organize Army sponsored career day  
23 events in association with national motor sports  
24 competitions; and



1           (ii) to arrange for or encourage attendance  
2           at the competitions by high school students,  
3           teachers, guidance counselors, and administra-  
4           tors of high schools located near the competi-  
5           tions.

6           (B) For Army recruiters and other soldiers to  
7           attend national motor sports competitions—

8           (i) to display exhibits depicting the con-  
9           temporary Army and career opportunities in the  
10          Army; and

11          (ii) to discuss those opportunities with po-  
12          tential recruits.

13          (C) For the Army to sponsor a motor sports  
14          racing team as part of an integrated program of re-  
15          cruitment and publicity for the Army.

16          (D) For the Army to sponsor motor sports com-  
17          petitions for high school students at which recruiters  
18          meet with potential recruits.

19          (E) For Army recruiters or other Army per-  
20          sonnel to compile in an Internet accessible database  
21          the names, addresses, telephone numbers, and elec-  
22          tronic mail addresses of persons who are identified  
23          as potential recruits through activities under the  
24          pilot program.

1           (F) Any other activities associated with motor  
2           sports competition that the Secretary determines ap-  
3           propriate for Army recruitment purposes.

4           (c) OUTREACH AT VOCATIONAL SCHOOLS AND COM-  
5           MUNITY COLLEGES.—(1) One of the pilot programs shall  
6           be a pilot program under which Army recruiters are as-  
7           signed at postsecondary vocational institutions and com-  
8           munity colleges for the purpose of recruiting students  
9           graduating from those institutions and colleges, recent  
10          graduates of those institutions and colleges, and students  
11          withdrawing from enrollments in those institutions and  
12          colleges.

13          (2) The Secretary shall select the institutions and col-  
14          leges to be invited to participate in the pilot program.

15          (3) The conduct of the pilot program at an institution  
16          or college shall be subject to an agreement which the Sec-  
17          retary shall enter into with the governing body or author-  
18          ized official of the institution or college, as the case may  
19          be.

20          (4) Under the pilot program, the Secretary shall pro-  
21          vide for the following:

22                (A) For Army recruiters to be placed in post-  
23                secondary vocational institutions and community col-  
24                leges to serve as a resource for guidance counselors  
25                and to recruit for the Army.

1 (B) For Army recruiters to recruit from among  
2 students and graduates described in paragraph (1).

3 (C) For the use of telemarketing, direct mail,  
4 interactive voice response systems, and Internet  
5 website capabilities to assist the recruiters in the  
6 postsecondary vocational institutions and community  
7 colleges.

8 (D) For any other activities that the Secretary  
9 determines appropriate for recruitment activities in  
10 postsecondary vocational institutions and community  
11 colleges.

12 (5) In this subsection, the term “postsecondary voca-  
13 tional institution” has the meaning given the term in sec-  
14 tion 102(c) of the Higher Education Act of 1965 (20  
15 U.S.C. 1002(c)).

16 (d) CONTRACT RECRUITING INITIATIVES.—(1) One  
17 of the pilot programs shall be a program that expands in  
18 accordance with this subsection the scope of the Army’s  
19 contract recruiting initiatives that are ongoing as of the  
20 date of the enactment of this Act. Under the pilot pro-  
21 gram, the Secretary shall select at least five recruiting bat-  
22 talions to apply the initiatives in efforts to recruit per-  
23 sonnel for the Army.

24 (2) Under the pilot program, the Secretary shall pro-  
25 vide for the following:

1           (A) For replacement of the Regular Army re-  
2           cruiters by contract recruiters in the five recruiting  
3           battalions selected under paragraph (1).

4           (B) For operation of the five battalions under  
5           the same rules and chain of command as the other  
6           Army recruiting battalions.

7           (C) For use of the offices, facilities, and equip-  
8           ment of the five battalions by the contract recruit-  
9           ers.

10          (D) For reversion to performance of the re-  
11          cruiting activities by Regular Army soldiers in the  
12          five battalions upon termination of the pilot pro-  
13          gram.

14          (E) For any other uses of contractor personnel  
15          for Army recruiting activities that the Secretary de-  
16          termines appropriate.

17          (e) DURATION OF PILOT PROGRAMS.—The pilot pro-  
18          grams required by this section shall be carried out during  
19          the period beginning on October 1, 2000, and, subject to  
20          subsection (f), ending on December 31, 2005.

21          (f) AUTHORITY TO EXPAND OR EXTEND PILOT PRO-  
22          GRAMS.—The Secretary may expand the scope of any of  
23          the pilot programs (under subsection (b)(3)(F), (c)(4)(D),  
24          (d)(2)(E), or otherwise) or extend the period for any of  
25          the pilot programs. Before doing so in the case of a pilot

1 program, the Secretary shall submit to the Committees on  
2 Armed Services of the Senate and the House of Represent-  
3 atives a written notification of the expansion of the pilot  
4 program (together with the scope of the expansion) or the  
5 continuation of the pilot program (together with the period  
6 of the extension), as the case may be.

7 (g) RELATIONSHIP TO OTHER LAW.—The Secretary  
8 may exercise the authority to carry out a pilot program  
9 under this section without regard to any other provision  
10 of law that, except for this subsection, would otherwise  
11 restrict the actions taken by the Secretary under that au-  
12 thority.

13 (h) REPORTS.—Not later than February 1, 2006, the  
14 Secretary of the Army shall submit to the Committees on  
15 Armed Services of the Senate and the House of Represent-  
16 atives a separate report on each of the pilot programs car-  
17 ried out under this section. The report on a pilot program  
18 shall include the following:

19 (1) The Secretary's assessment of the value of  
20 the actions taken in the administration of the pilot  
21 program for increasing the effectiveness and effi-  
22 ciency of Army recruiting.

23 (2) Any recommendations for legislation or  
24 other action that the Secretary considers appropriate

1 to increase the effectiveness and efficiency of Army  
2 recruiting.

3 **SEC. 552. ENHANCEMENT OF THE JOINT AND SERVICE RE-**  
4 **CRUITMENT MARKET RESEARCH AND ADVER-**  
5 **TISING PROGRAMS.**

6 The Secretary of Defense shall take appropriate ac-  
7 tions to enhance the effectiveness of the Joint and Service  
8 Recruiting and Advertising Programs through an aggres-  
9 sive program of advertising and market research targeted  
10 to prospective recruits for the Armed Forces and to per-  
11 sons who influence prospective recruits. Chapter 35 of title  
12 44, United States Code, shall not apply to actions taken  
13 under this section.

14 **SEC. 553. ACCESS TO SECONDARY SCHOOLS FOR MILITARY**  
15 **RECRUITING PURPOSES.**

16 (a) REQUIREMENT FOR ACCESS.—Section 503(c) of  
17 title 10, United States Code, is amended to read as fol-  
18 lows:

19 “(c) ACCESS TO SECONDARY SCHOOLS.—(1) Each  
20 local educational agency shall provide to the Department  
21 of Defense, upon a request made for military recruiting  
22 purposes, the same access to secondary school students,  
23 and to directory information concerning such students, as  
24 is provided generally to post-secondary educational institu-

1 tions or to prospective employers of those students, except  
2 as provided in paragraph (5).

3       “(2) If a local educational agency denies a request  
4 for recruiting access that must be granted under para-  
5 graph (1), the Secretary of the military department for  
6 which the request is made shall designate a general or flag  
7 officer of the armed force concerned or a senior executive  
8 of that military department to visit the local educational  
9 agency for the purpose of arranging for recruiting access.  
10 The designated officer or senior executive shall make the  
11 visit within 120 days after the date of the denial of the  
12 request.

13       “(3) Upon a determination by the Secretary of De-  
14 fense that, after the actions under paragraph (2) have  
15 been taken with respect to a local educational agency, the  
16 agency continues to deny recruiting access, the Secretary  
17 shall transmit to the Chief Executive of the State in which  
18 the local educational agency is located a notification of the  
19 denial of access and a request for assistance in obtaining  
20 the requested access. The notification shall be transmitted  
21 within 60 days after the date of the determination. The  
22 Secretary shall provide copies of communications between  
23 the Secretary and a Chief Executive under this subpara-  
24 graph to the Secretary of Education.

1       “(4) If a local educational agency continues to deny  
2 recruiting access one year after the date of the transmittal  
3 of a notification regarding that agency under paragraph  
4 (3), the Secretary shall—

5               “(A) determine whether the agency denies re-  
6 cruiting access to at least two of the armed forces  
7 (other than the Coast Guard when it is not oper-  
8 ating as a service in the Navy); and

9               “(B) upon making an affirmative determination  
10 under subparagraph (A), transmit a notification of  
11 the denial of recruiting access to—

12               “(i) the Committees on Armed Services of  
13 the Senate and the House of Representatives;

14               “(ii) the Senators of the State in which the  
15 local educational agency operates; and

16               “(iii) the member of the House of Rep-  
17 resentatives who represents the district in which  
18 the local educational agency operates.

19       “(5) The requirements of this subsection do not apply  
20 to a local educational agency with respect to access to sec-  
21 ondary school students or access to directory information  
22 concerning such students during any period that there is  
23 in effect a policy of the agency, established by majority  
24 vote of the governing body of the agency, to deny access



1 to the students or to the directory information, respec-  
 2 tively, for military recruiting purposes.

3 “(6) In this subsection:

4 “(A) The term ‘local educational agency’ in-  
 5 cludes a private secondary educational institution.

6 “(B) The term ‘recruiting access’ means access  
 7 requested as described in paragraph (1).

8 “(C) The term ‘senior executive’ has the mean-  
 9 ing given that term in section 3132(a)(3) of title 5.

10 “(D) The term ‘State’ includes the District of  
 11 Columbia, American Samoa, the Federated States of  
 12 Micronesia, Guam, the Republic of the Marshall Is-  
 13 lands, the Commonwealth of the Northern Mariana  
 14 Islands, the Commonwealth of Puerto Rico, the Re-  
 15 public of Palau, and the United States Virgin Is-  
 16 lands.”.

17 (b) TECHNICAL AMENDMENTS.—Section 503 of title  
 18 10, United States Code, is amended—

19 (1) in subsection (a), by inserting “RECRUITING  
 20 CAMPAIGNS.—” after “(a)”;

21 (2) in subsection (b), by inserting “COMPILA-  
 22 TION OF DIRECTORY INFORMATION.—” after “(b)”;  
 23 and

24 (3) in subsection (c), by inserting “ACCESS TO  
 25 SECONDARY SCHOOLS.—” after “(c)”.

1 (c) REPEAL OF DUPLICATIVE AUTHORITY REGARD-  
 2 ING GRANTS AND CONTRACTS TO UNCOOPERATIVE INSTI-  
 3 TUTIONS OF HIGHER EDUCATION.—Section 8120 of the  
 4 Department of Defense Appropriations Act, 2000 (Public  
 5 Law 106–79; 113 Stat. 1260; 10 U.S.C. 983 note) is re-  
 6 pealed.

7 (d) EFFECTIVE DATES.—(1) The amendment made  
 8 by subsection (a) shall take effect on July 1, 2002.

9 (2) The amendments made by subsections (b) and (c)  
 10 shall take effect on the date of the enactment of this Act.

## 11 **Subtitle E—Other Matters**

### 12 **SEC. 561. AUTHORITY FOR AWARD OF MEDAL OF HONOR TO** 13 **CERTAIN SPECIFIED PERSONS.**

14 (a) INAPPLICABILITY OF TIME LIMITATIONS.—Not-  
 15 withstanding the time limitations in section 3744(b) of  
 16 title 10, United States Code, or any other time limitation,  
 17 the President may award the Medal of Honor under sec-  
 18 tion 3741 of such title to the persons specified in sub-  
 19 section (b) for the acts specified in that subsection, the  
 20 award of the Medal of Honor to such persons having been  
 21 determined by the Secretary of the Army to be warranted  
 22 in accordance with section 1130 of such title.

23 (b) PERSONS ELIGIBLE TO RECEIVE THE MEDAL OF  
 24 HONOR.—The persons referred to in subsection (a) are  
 25 the following:

1           (1) Ed W. Freeman, for conspicuous acts of  
2           gallantry and intrepidity at the risk of his life and  
3           beyond the call of duty on November 14, 1965, as  
4           flight leader and second-in-command of a helicopter  
5           lift unit at landing zone X-Ray in the Battle of the  
6           Ia Drang Valley, Republic of Vietnam, during the  
7           Vietnam War, while serving in the grade of Captain  
8           in Alpha Company, 229th Assault Helicopter Bat-  
9           talion, 101st Cavalry Division (Airmobile).

10          (2) James K. Okubo, for conspicuous acts of  
11          gallantry and intrepidity at the risk of his life and  
12          beyond the call of duty on October 28 and 29, and  
13          November 4, 1944, at Foret Domaniale de Champ,  
14          near Biffontaine, France, during World War II,  
15          while serving as an Army medic in the grade of  
16          Technician Fifth Grade in the medical detachment,  
17          442d Regimental Combat Team.

18          (3) Andrew J. Smith, for conspicuous acts of  
19          gallantry and intrepidity at the risk of his life and  
20          beyond the call of duty on November 30, 1864, in  
21          the Battle of Honey Hill, South Carolina, during the  
22          Civil War, while serving as a corporal in the 55th  
23          Massachusetts Voluntary Infantry Regiment.

1 (c) POSTHUMOUS AWARD.—The Medal of Honor may  
 2 be awarded under this section posthumously, as provided  
 3 in section 3752 of title 10, United States Code.

4 (d) PRIOR AWARD.—The Medal of Honor may be  
 5 awarded under this section for service for which a Silver  
 6 Star, or other award, has been awarded.

7 **SEC. 562. WAIVER OF TIME LIMITATIONS FOR AWARD OF**  
 8 **CERTAIN DECORATIONS TO CERTAIN PER-**  
 9 **SONS.**

10 (a) WAIVER.—Any limitation established by law or  
 11 policy for the time within which a recommendation for the  
 12 award of a military decoration or award must be sub-  
 13 mitted shall not apply to awards of decorations described  
 14 in this section, the award of each such decoration having  
 15 been determined by the Secretary concerned to be war-  
 16 ranted in accordance with section 1130 of title 10, United  
 17 States Code.

18 (b) SILVER STAR.—Subsection (a) applies to the  
 19 award of the Silver Star to Louis Rickler, of Rochester,  
 20 New York, for gallantry in action from August 18 to No-  
 21 vember 18, 1918, while serving as a member of the Army.

22 (c) DISTINGUISHED FLYING CROSS.—Subsection (a)  
 23 applies to the award of the Distinguished Flying Cross  
 24 for service during World War II or Korea (including mul-  
 25 tiple awards to the same individual) in the case of each

1 individual concerning whom the Secretary of the Navy (or  
 2 an officer of the Navy acting on behalf of the Secretary)  
 3 submitted to the Committee on Armed Services of the  
 4 House of Representatives and the Committee on Armed  
 5 Services of the Senate, during the period beginning on Oc-  
 6 tober 5, 1999, and ending on the day before the date of  
 7 the enactment of this Act, a notice as provided in section  
 8 1130(b) of title 10, United States Code, that the award  
 9 of the Distinguished Flying Cross to that individual is  
 10 warranted and that a waiver of time restrictions pre-  
 11 scribed by law for recommendation for such award is rec-  
 12 ommended.

13 **SEC. 563. INELIGIBILITY FOR INVOLUNTARY SEPARATION**  
 14 **PAY UPON DECLINATION OF SELECTION FOR**  
 15 **CONTINUATION ON ACTIVE DUTY.**

16 (a) INELIGIBILITY.—Section 1174(a)(1) of title 10,  
 17 United States Code, is amended—

18 (1) by inserting “, 637(a)(4),” after “section  
 19 630(1)(A)”;

20 (2) by inserting “(except under section  
 21 580(e)(2))” after “section 580”.

22 (b) EFFECTIVE DATE AND APPLICABILITY.—The  
 23 amendments made by subsection (a) shall take effect on  
 24 October 1, 2000, and shall apply with respect to dis-  
 25 charges and retirements from active duty that take effect

1 under section 580(e)(2) or 637(a)(4) of title 10, United  
 2 States Code, on or after that date.

3 **SEC. 564. RECOGNITION BY STATES OF MILITARY TESTA-**  
 4 **MENTARY INSTRUMENTS.**

5 (a) IN GENERAL.—Chapter 53 of title 10, United  
 6 States Code, is amended by inserting after section 1044c  
 7 the following new section:

8 **“§ 1044d. Military testamentary instruments: require-**  
 9 **ment for recognition by States**

10 “(a) TESTAMENTARY INSTRUMENTS TO BE GIVEN  
 11 LEGAL EFFECT.—A military testamentary instrument—

12 “(1) is exempt from any requirement of form,  
 13 formality, or recording before probate that is pro-  
 14 vided for testamentary instruments under the laws  
 15 of a State; and

16 “(2) has the same legal effect as a testa-  
 17 mentary instrument prepared and executed in ac-  
 18 cordance with the laws of the State in which it is  
 19 presented for probate.

20 “(b) MILITARY TESTAMENTARY INSTRUMENTS.—  
 21 For purposes of this section, a military testamentary in-  
 22 strument is an instrument that is prepared with testa-  
 23 mentary intent in accordance with regulations prescribed  
 24 under this section and that—

1           “(1) is executed in accordance with subsection  
2           (c) by (or on behalf of) a person, as a testator, who  
3           is eligible for military legal assistance;

4           “(2) makes a disposition of property of the tes-  
5           tator; and

6           “(3) takes effect upon the death of the testator.

7           “(c) REQUIREMENTS FOR EXECUTION OF MILITARY  
8   TESTAMENTARY INSTRUMENTS.—An instrument is valid  
9   as a military testamentary instrument only if—

10           “(1) the instrument is executed by the testator  
11           (or, if the testator is unable to execute the instru-  
12           ment personally, the instrument is executed in the  
13           presence of, by the direction of, and on behalf of the  
14           testator);

15           “(2) the instrument is executed in the presence  
16           of a military legal assistance counsel acting as pre-  
17           siding attorney;

18           “(3) the instrument is executed in the presence  
19           of at least two disinterested witnesses (in addition to  
20           the presiding attorney), each of whom attests to wit-  
21           nessing the testator’s execution of the instrument by  
22           signing it; and

23           “(4) the instrument is executed in accordance  
24           with such additional requirements as may be pro-  
25           vided in regulations prescribed under this section.

1       “(d) SELF-PROVING MILITARY TESTAMENTARY IN-  
 2 STRUMENTS.—(1) If the document setting forth a military  
 3 testamentary instrument meets the requirements of para-  
 4 graph (2), then the signature of a person on the document  
 5 as the testator, an attesting witness, a notary, or the pre-  
 6 siding attorney, together with a written representation of  
 7 the person’s status as such and the person’s military grade  
 8 (if any) or other title, is prima facie evidence of the fol-  
 9 lowing:

10           “(A) That the signature is genuine.

11           “(B) That the signatory had the represented  
 12 status and title at the time of the execution of the  
 13 will.

14           “(C) That the signature was executed in com-  
 15 pliance with the procedures required under the regu-  
 16 lations prescribed under subsection (f).

17       “(2) A document setting forth a military testa-  
 18 mentary instrument meets the requirements of this para-  
 19 graph if it includes (or has attached to it), in a form and  
 20 content required under the regulations prescribed under  
 21 subsection (f), each of the following:

22           “(A) A certificate, executed by the testator,  
 23 that includes the testator’s acknowledgment of the  
 24 testamentary instrument.



1           “(B) An affidavit, executed by each witness  
2           signing the testamentary instrument, that attests to  
3           the circumstances under which the testamentary in-  
4           strument was executed.

5           “(C) A notarization, including a certificate of  
6           any administration of an oath required under the  
7           regulations, that is signed by the notary or other of-  
8           ficial administering the oath.

9           “(e) STATEMENT TO BE INCLUDED.—(1) Under reg-  
10          ulations prescribed under this section, each military testa-  
11          mentary instrument shall contain a statement that sets  
12          forth the provisions of subsection (a).

13          “(2) Paragraph (1) shall not be construed to make  
14          inapplicable the provisions of subsection (a) to a testa-  
15          mentary instrument that does not include a statement de-  
16          scribed in that paragraph.

17          “(f) REGULATIONS.—Regulations for the purposes of  
18          this section shall be prescribed jointly by the Secretary  
19          of Defense and by the Secretary of Transportation with  
20          respect to the Coast Guard when it is not operating as  
21          a service in the Department of the Navy.

22          “(g) DEFINITIONS.—In this section:

23                 “(1) The term ‘person eligible for military legal  
24                 assistance’ means a person who is eligible for legal  
25                 assistance under section 1044 of this title.

1           “(2) The term ‘military legal assistance counsel’  
2       means—

3           “(A) a judge advocate (as defined in sec-  
4       tion 801(13) of this title); or

5           “(B) a civilian attorney serving as a legal  
6       assistance officer under the provisions of sec-  
7       tion 1044 of this title.

8           “(3) The term ‘State’ includes the District of  
9       Columbia, the Commonwealth of Puerto Rico, the  
10      Commonwealth of the Northern Mariana Islands,  
11      and each possession of the United States.”.

12       (b) CLERICAL AMENDMENT.—The table of sections  
13   at the beginning of such chapter is amended by inserting  
14   after the item relating to section 1044c the following new  
15   item:

“1044d. Military testamentary instruments: requirement for recognition by  
States.”.

16   **SEC. 565. SENSE OF CONGRESS ON THE COURT-MARTIAL**  
17                           **CONVICTION OF CAPTAIN CHARLES BUTLER**  
18                           **McVAY, COMMANDER OF THE U.S.S. INDIAN-**  
19                           **APOLIS, AND ON THE COURAGEOUS SERVICE**  
20                           **OF ITS CREW.**

21       (a) FINDINGS.—Congress makes the following find-  
22   ings:

23           (1) Shortly after midnight on the morning of  
24       July 30, 1945, the United States Navy heavy cruiser

1 U.S.S. Indianapolis (CA-35) was torpedoed and  
2 sunk by the Japanese submarine I-58 in what be-  
3 came the worst sea disaster in the history of the  
4 United States Navy.

5 (2) Although approximately 900 of the ship's  
6 crew of 1,196 survived the actual sinking, only 316  
7 of those courageous sailors survived when rescued  
8 after four and a half days adrift in the open sea.

9 (3) Nearly 600 of the approximately 900 men  
10 who survived the sinking perished from battle  
11 wounds, drowning, predatory shark attacks, expo-  
12 sure to the elements, and lack of food and potable  
13 water.

14 (4) Rescue came for the remaining 316 sailors  
15 when they were spotted by chance by Navy Lieuten-  
16 ant Wilbur C. Gwinn while flying a routine naval air  
17 patrol mission.

18 (5) After the end of World War II, the com-  
19 manding officer of the U.S.S. Indianapolis, Captain  
20 Charles Butler McVay, who was rescued with the  
21 other survivors, was court-martialed for "suffering a  
22 vessel to be hazarded through negligence" by failing  
23 to zigzag (a naval tactic employed to help evade sub-  
24 marine attacks), and was convicted even though—

1 (A) the choice to zigzag was left to Cap-  
2 tain McVay's discretion in his orders; and

3 (B) Motchisura Hashimoto, the com-  
4 mander of the Japanese submarine that sank  
5 the U.S.S. Indianapolis, and Glynn R. Donaho,  
6 a United States Navy submarine commander  
7 highly decorated for his service during World  
8 War II, both testified at Captain McVay's  
9 court-martial trial that the Japanese submarine  
10 could have sunk the U.S.S. Indianapolis wheth-  
11 er or not it had been zigzagging, an assertion  
12 that the Japanese submarine commander has  
13 since reaffirmed in a letter to the Chairman of  
14 the Committee on Armed Services of the Sen-  
15 ate.

16 (6) Although not argued by Captain McVay's  
17 defense counsel in the court-martial trial, poor visi-  
18 bility on the night of the sinking (as attested in sur-  
19 viving crew members' handwritten accounts recently  
20 discovered at the National Archives) justified Cap-  
21 tain McVay's choice not to zigzag as that choice was  
22 consistent with the applicable Navy directives in  
23 force in 1945, which stated that, "During thick  
24 weather and at night, except on very clear nights or

1 during bright moonlight, vessels normally cease zig-  
2 zagging.”.

3 (7) Naval officials failed to provide Captain  
4 McVay with available support that was critical to the  
5 safety of the U.S.S. Indianapolis and its crew on  
6 what became its final mission by—

7 (A) disapproving a request made by Cap-  
8 tain McVay for a destroyer escort for the  
9 U.S.S. Indianapolis across the Philippine Sea  
10 as being “not necessary”;

11 (B) not informing Captain McVay that  
12 naval intelligence sources, through signal intel-  
13 ligence (the Japanese code having been broken  
14 earlier in World War II), had become aware  
15 that the Japanese submarine I-58 was oper-  
16 ating in the area of the U.S.S. Indianapolis’  
17 course (as disclosed in evidence presented in a  
18 hearing of the Committee on Armed Services of  
19 the Senate); and

20 (C) not informing Captain McVay of the  
21 sinking of the destroyer escort U.S.S. Underhill  
22 by a Japanese submarine within range of the  
23 course of the U.S.S. Indianapolis four days be-  
24 fore the U.S.S. Indianapolis departed Guam on  
25 its fatal voyage.

1           (8) Captain McVay's court-martial initially was  
2       opposed by his immediate command superiors, Fleet  
3       Admiral Chester Nimitz (CINCPAC) and Vice Ad-  
4       miral Raymond Spruance of the 5th fleet, for which  
5       the U.S.S. Indianapolis served as flagship, but, de-  
6       spite their recommendations, Secretary of the Navy  
7       James Forrestal ordered the court-martial, largely  
8       on the basis of the recommendation of Admiral  
9       King, Chief of Naval Operations.

10          (9) There is no explanation on the public record  
11       for Secretary Forrestal's overruling of the rec-  
12       ommendations made by Admirals Nimitz and  
13       Spruance.

14          (10) Captain McVay was the only commander  
15       of a United States Navy vessel lost in combat to  
16       enemy action during World War II who was sub-  
17       jected to a court-martial trial for such a loss, even  
18       though several hundred United States Navy ships  
19       were lost in combat to enemy action during World  
20       War II.

21          (11) The survivors of the U.S.S. Indianapolis  
22       overwhelmingly conclude that McVay was not at  
23       fault and have dedicated their lives to vindicating  
24       their Captain, Charles McVay, but time is running  
25       out for the 130 remaining members of the crew in

1       their united and steadfast quest to clear their Cap-  
2       tain's name.

3           (12) Although Captain McVay was promoted to  
4       Rear Admiral upon retirement from the Navy, he  
5       never recovered from the stigma of his post-war  
6       court-martial and in 1968, tragically, took his own  
7       life.

8           (13) Captain McVay was a graduate of the  
9       United States Naval Academy, was an exemplary ca-  
10      reer naval officer with an outstanding record (in-  
11      cluding participation in the amphibious invasions of  
12      North Africa, the assault on Iwo Jima, and the as-  
13      sault on Okinawa where he survived a fierce kami-  
14      kaze attack), was a recipient of the Silver Star  
15      earned for courage under fire during the Solomon  
16      Islands campaign, and, with his crew, had so thor-  
17      oughly demonstrated proficiency in naval warfare  
18      that the Navy entrusted Captain McVay and the  
19      crew with transporting, on their fatal cruise, the  
20      components necessary for assembling the atomic  
21      bombs that were exploded over Hiroshima and Na-  
22      gasaki to end the war with Japan.

23       (b) SENSE OF CONGRESS.—(1) It is the sense of Con-  
24      gress, on the basis of the facts presented in a public hear-  
25      ing conducted by the Committee on Armed Services of the

1 Senate on September 14, 1999, including evidence not  
2 available at the time of Captain Charles Butler McVay's  
3 court-martial, and on the basis of extensive interviews and  
4 questioning of witnesses and knowledgeable officials and  
5 a review of the record of the court-martial for and in that  
6 hearing, that—

7           (A) recognizing that the Secretary of the Navy  
8       remitted the sentence of the court-martial and that  
9       Admiral Nimitz, as Chief of Naval Operations, re-  
10      stored Captain McVay to active duty, the American  
11      people should now recognize Captain McVay's lack  
12      of culpability for the tragic loss of the U.S.S. Indi-  
13      anapolis and the lives of the men who died as a re-  
14      sult of her sinking; and

15           (B) knowing that vital information was not  
16      available to the court-martial board and that, as a  
17      result, Captain McVay was convicted, Captain  
18      McVay's military record should now reflect that he  
19      is exonerated for the loss of the ship and its crew.

20       (2) It is, further, the sense of Congress that Congress  
21      strongly encourages the Secretary of the Navy to award  
22      a Navy Unit Commendation to the U.S.S. Indianapolis  
23      and its final crew.



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

4 **SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2001.**

5 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—The  
6 adjustment to become effective during fiscal year 2001 re-  
7 quired by section 1009 of title 37, United States Code,  
8 in the rates of monthly basic pay authorized members of  
9 the uniformed services shall not be made.

10 (b) INCREASE IN BASIC PAY.—Effective on January  
11 1, 2001, the rates of monthly basic pay for members of  
12 the uniformed services are increased by 3.7 percent.

13 **SEC. 602. CORRECTIONS FOR BASIC PAY TABLES.**

14 Section 601(c) of the National Defense Authorization  
15 Act for Fiscal Year 2000 (Public Law 106–65) is  
16 amended—

17 (1) in footnote 2 under the first table (113  
18 Stat. 646), relating to commissioned officers, by  
19 striking “\$12,441.00” and inserting “\$12,488.70”;  
20 and

21 (2) in footnote 2 under the fourth table (113  
22 Stat. 648), relating to enlisted members, by striking  
23 “\$4,701.00” and inserting “\$4,719.00”.

1 **SEC. 603. PAY IN LIEU OF ALLOWANCE FOR FUNERAL HON-**  
 2 **ORS DUTY.**

3 (a) COMPENSATION AT RATE FOR INACTIVE-DUTY  
 4 TRAINING.—(1) Section 115(b)(2) of title 32, United  
 5 States Code, is amended to read as follows:

6 “(2) as directed by the Secretary concerned,  
 7 either—

8 “(A) the allowance under section 435 of  
 9 title 37; or

10 “(B) compensation under section 206 of  
 11 title 37.”.

12 (2) Section 12503(b)(2) of title 10, United States  
 13 Code, is amended to read as follows:

14 “(2) as directed by the Secretary concerned,  
 15 either—

16 “(A) the allowance under section 435 of  
 17 title 37; or

18 “(B) compensation under section 206 of  
 19 title 37.”.

20 (b) CONFORMING REPEAL.—Section 435 of title 37,  
 21 United States Code, is amended by striking subsection (c).

22 (c) EFFECTIVE DATE.—This section and the amend-  
 23 ments made by this section shall take effect on October  
 24 1, 2000, and shall apply with respect to months beginning  
 25 on or after that date.

1 **SEC. 604. CLARIFICATION OF SERVICE EXCLUDED IN COM-**  
 2 **PUTATION OF CREDITABLE SERVICE AS A**  
 3 **MARINE CORPS OFFICER.**

4 (a) SERVICE AS RESERVE ENLISTED MEMBER IN  
 5 PLATOON LEADERS CLASS.—Section 205(f) of title 37,  
 6 United States Code, is amended by striking “that the offi-  
 7 cer performed concurrently as a member” and inserting  
 8 “that the officer performed concurrently as an enlisted  
 9 member”.

10 (b) CORRECTION OF REFERENCE.—Such section  
 11 205(f) is further amended by striking “section 12209”  
 12 and inserting “section 12203”.

13 **SEC. 605. CALCULATION OF BASIC ALLOWANCE FOR HOUS-**  
 14 **ING.**

15 (a) RATES.—Subsection (b) of section 403 of title 37,  
 16 United States Code, is amended—

17 (1) by striking paragraph (2);

18 (2) by redesignating paragraph (1) as para-  
 19 graph (2);

20 (3) by inserting after “(b) BASIC ALLOWANCE  
 21 FOR HOUSING INSIDE THE UNITED STATES.—” the  
 22 following: “(1) The Secretary of Defense shall pre-  
 23 scribe the rates of the basic allowance for housing  
 24 that are applicable for the various military housing  
 25 areas in the United States. The rates for an area

1 shall be based on the costs of adequate housing de-  
 2 termined for the area under paragraph (2).”; and

3 (4) in paragraph (6), by striking “, changes in  
 4 the national average monthly cost of housing,”.

5 (b) REPEAL OF LIMITATION ON TOTAL PAY-  
 6 MENTS.—Subsection (b) of such section is further  
 7 amended—

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

9 (2) by redesignating paragraphs (4), (6), and  
 10 (7) as paragraphs (3), (4), and (5), respectively.

11 **SEC. 606. ELIGIBILITY OF MEMBERS IN GRADE E-4 TO RE-**  
 12 **CEIVE BASIC ALLOWANCE FOR HOUSING**  
 13 **WHILE ON SEA DUTY.**

14 (a) PAYMENT AUTHORIZED.—Subsection (f)(2)(B) of  
 15 section 403 of title 37, United States Code, is amended—

16 (1) by striking “E-5” in the first sentence and  
 17 inserting “E-4 or E-5”; and

18 (2) by striking “grade E-5” in the second sen-  
 19 tence and inserting “grades E-4 and E-5”.

20 (b) CONFORMING AMENDMENT.—Subsection  
 21 (m)(1)(B) of such section is amended by striking “E-4”  
 22 and inserting “E-3”.

1 **SEC. 607. PERSONAL MONEY ALLOWANCE FOR THE SENIOR**  
2 **ENLISTED MEMBERS OF THE ARMED**  
3 **FORCES.**

4 (a) **AUTHORITY.**—Section 414 of title 37, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing:

7 “(c) In addition to other pay or allowances authorized  
8 by this title, a noncommissioned officer is entitled to a  
9 personal money allowance of \$2,000 a year while serving  
10 as the Sergeant Major of the Army, the Master Chief  
11 Petty Officer of the Navy, the Chief Master Sergeant of  
12 the Air Force, the Sergeant Major of the Marine Corps,  
13 or the Master Chief Petty Officer of the Coast Guard.”.

14 (b) **EFFECTIVE DATE.**—This section and the amend-  
15 ment made by this section shall take effect on October  
16 1, 2000.

17 **SEC. 608. INCREASED UNIFORM ALLOWANCES FOR OFFI-**  
18 **CERS.**

19 (a) **INITIAL ALLOWANCE.**—Section 415(a) of title 37,  
20 United States Code, is amended by striking “\$200” and  
21 inserting “\$400”.

22 (b) **ADDITIONAL ALLOWANCE.**—Section 416(a) of  
23 such title is amended by striking “\$100” and inserting  
24 “\$200”.

1 (c) EFFECTIVE DATE.—This section and the amend-  
 2 ments made by this section shall take effect on October  
 3 1, 2000.

4 **SEC. 609. CABINET-LEVEL AUTHORITY TO PRESCRIBE RE-**  
 5 **QUIREMENTS AND ALLOWANCE FOR CLOTH-**  
 6 **ING OF ENLISTED MEMBERS.**

7 Section 418 of title 37, United States Code, is  
 8 amended—

9 (1) in subsection (a), by striking “The Presi-  
 10 dent” and inserting “The Secretary of Defense and  
 11 the Secretary of Transportation, with respect to the  
 12 Coast Guard when it is not operating as a service  
 13 in the Navy,”; and

14 (2) in subsection (b), by striking “the Presi-  
 15 dent” and inserting “the Secretary of Defense”.

16 **Subtitle B—Bonuses and Special**  
 17 **and Incentive Pays**

18 **SEC. 611. EXTENSION OF CERTAIN BONUSES AND SPECIAL**  
 19 **PAY AUTHORITIES FOR RESERVE FORCES.**

20 (a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN  
 21 CRITICALLY SHORT WARTIME SPECIALTIES.—Section  
 22 302g(f) of title 37, United States Code, is amended by  
 23 striking “December 31, 2000” and inserting “December  
 24 31, 2001”.

1 (b) SELECTED RESERVE REENLISTMENT BONUS.—  
 2 Section 308b(f) of such title is amended by striking “De-  
 3 cember 31, 2000” and inserting “December 31, 2001”.

4 (c) SELECTED RESERVE ENLISTMENT BONUS.—Sec-  
 5 tion 308c(e) of such title is amended by striking “Decem-  
 6 ber 31, 2000” and inserting “December 31, 2001”.

7 (d) SPECIAL PAY FOR ENLISTED MEMBERS AS-  
 8 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section  
 9 308d(c) of such title is amended by striking “December  
 10 31, 2000” and inserting “December 31, 2001”.

11 (e) SELECTED RESERVE AFFILIATION BONUS.—Sec-  
 12 tion 308e(e) of such title is amended by striking “Decem-  
 13 ber 31, 2000” and inserting “December 31, 2001”.

14 (f) READY RESERVE ENLISTMENT AND REENLIST-  
 15 MENT BONUS.—Section 308h(g) of such title is amended  
 16 by striking “December 31, 2000” and inserting “Decem-  
 17 ber 31, 2001”.

18 (g) PRIOR SERVICE ENLISTMENT BONUS.—Section  
 19 308i(f) of such title is amended by striking “December  
 20 31, 2000” and inserting “December 31, 2001”.

21 (h) REPAYMENT OF EDUCATION LOANS FOR CER-  
 22 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-  
 23 LECTED RESERVE.—Section 16302(d) of title 10, United  
 24 States Code, is amended by striking “January 1, 2001”  
 25 and inserting “January 1, 2002”.

1 **SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL**  
2 **PAY AUTHORITIES FOR NURSE OFFICER CAN-**  
3 **DIDATES, REGISTERED NURSES, AND NURSE**  
4 **ANESTHETISTS.**

5 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-  
6 GRAM.—Section 2130a(a)(1) of title 10, United States  
7 Code, is amended by striking “December 31, 2000” and  
8 inserting “December 31, 2001”.

9 (b) ACCESSION BONUS FOR REGISTERED NURSES.—  
10 Section 302d(a)(1) of title 37, United States Code, is  
11 amended by striking “December 31, 2000” and inserting  
12 “December 31, 2001”.

13 (c) INCENTIVE SPECIAL PAY FOR NURSE ANES-  
14 THETISTS.—Section 302e(a)(1) of title 37, United States  
15 Code, is amended by striking “December 31, 2000” and  
16 inserting “December 31, 2001”.

17 **SEC. 613. EXTENSION OF AUTHORITIES RELATING TO PAY-**  
18 **MENT OF OTHER BONUSES AND SPECIAL**  
19 **PAYS.**

20 (a) AVIATION OFFICER RETENTION BONUS.—Sec-  
21 tion 301b(a) of title 37, United States Code, is amended  
22 by striking “December 31, 2000,” and inserting “Decem-  
23 ber 31, 2001,”.

24 (b) REENLISTMENT BONUS FOR ACTIVE MEM-  
25 BERS.—Section 308(g) of such title is amended by strik-



1 ing “December 31, 2000” and inserting “December 31,  
2 2001”.

3 (c) ENLISTMENT BONUS FOR PERSONS WITH CRIT-  
4 ICAL SKILLS.—Section 308a(d) of such title is amended  
5 by striking “December 31, 2000” and inserting “Decem-  
6 ber 31, 2001”.

7 (d) ARMY ENLISTMENT BONUS.—Section 308f(c) of  
8 such title is amended by striking “December 31, 2000”  
9 and inserting “December 31, 2001”.

10 (e) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-  
11 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section  
12 312(e) of such title is amended by striking “December 31,  
13 2000” and inserting “December 31, 2001”.

14 (f) NUCLEAR CAREER ACCESSION BONUS.—Section  
15 312b(c) of such title is amended by striking “December  
16 31, 2000” and inserting “December 31, 2001”.

17 (g) NUCLEAR CAREER ANNUAL INCENTIVE  
18 BONUS.—Section 312c(d) of such title is amended by  
19 striking “December 31, 2000” and inserting “December  
20 31, 2001”.

21 **SEC. 614. CONSISTENCY OF AUTHORITIES FOR SPECIAL**  
22 **PAY FOR RESERVE MEDICAL AND DENTAL**  
23 **OFFICERS.**

24 (a) RESERVE MEDICAL OFFICERS SPECIAL PAY.—  
25 Section 302(h)(1) of title 37, United States Code, is

1 amended by adding at the end: “, including active duty  
 2 in the form of annual training, active duty for training,  
 3 and active duty for special work”.

4 (b) RESERVE DENTAL OFFICERS SPECIAL PAY  
 5 AMENDMENT.—Subsection (d) of section 302f of title 37,  
 6 United States Code, is amended to read as follows:

7 “(d) SPECIAL RULE FOR RESERVE MEDICAL AND  
 8 DENTAL OFFICERS.—While a Reserve medical or dental  
 9 officer receives a special pay under section 302 or 302b  
 10 of this title by reason of subsection (a), the officer shall  
 11 not be entitled to special pay under section 302(h) or  
 12 302b(h) of this title.”.

13 **SEC. 615. SPECIAL PAY FOR PHYSICIAN ASSISTANTS OF**  
 14 **THE COAST GUARD.**

15 Section 302c(d)(1) of title 37, United States Code,  
 16 is amended by inserting after “nurse,” the following: “an  
 17 officer of the Coast Guard or Coast Guard Reserve des-  
 18 ignated as a physician assistant,”.

19 **SEC. 616. AUTHORIZATION OF SPECIAL PAY AND ACCES-**  
 20 **SION BONUS FOR PHARMACY OFFICERS.**

21 (a) AUTHORIZATION OF SPECIAL PAY.—Chapter 5 of  
 22 title 37, United States Code, is amended by inserting after  
 23 section 302h the following new section:

1 **“§ 302i. Special pay: pharmacy officers**

2 “(a) ARMY, NAVY, AND AIR FORCE PHARMACY OFFI-  
3 CERS.—Under regulations prescribed pursuant to section  
4 303a of this title, the Secretary of the military department  
5 concerned may, subject to subsection (c), pay special pay  
6 at the rates specified in subsection (d) to an officer who—

7 “(1) is a pharmacy officer in the Medical Serv-  
8 ice Corps of the Army or Navy or the Biomedical  
9 Sciences Corps of the Air Force; and

10 “(2) is on active duty under a call or order to  
11 active duty for a period of not less than one year.

12 “(b) PUBLIC HEALTH SERVICE CORPS.—Subject to  
13 subsection (c), the Secretary of Health and Human Serv-  
14 ices may pay special pay at the rates specified in sub-  
15 section (d) to an officer who—

16 “(1) is an officer in the Regular or Reserve  
17 Corps of the Public Health Service and is designated  
18 as a pharmacy officer; and

19 “(2) is on active duty under a call or order to  
20 active duty for a period of not less than one year.

21 “(c) LIMITATION.—Special pay may not be paid  
22 under this section to an officer serving in a pay grade  
23 above pay grade O–6.

24 “(d) RATE OF SPECIAL PAY.—The rate of special pay  
25 paid to an officer subsection (a) or (b) is as follows:

“(2) \$7,000 per year, if the officer has at least 3 but less than 6 years of creditable service and is not undergoing pharmacy internship training.

7 “(3) \$7,000 per year, if the officer has at least  
8 6 but less than 8 years of creditable service.

9                   “(4) \$12,000 per year, if the officer has at least  
10               8 but less than 12 years of creditable service.

11 “(5) \$10,000 per year, if the officer has at least  
12 12 but less than 14 years of creditable service.

13                   “(6) \$9,000 per year, if the officer has at least  
14                   14 but less than 18 years of creditable service.

15                   “(7) \$8,000 per year, if the officer has 18 or  
16                   more years of creditable service.”.

(b) AUTHORIZATION OF ACCESSION BONUSES.—  
Chapter 5 of that title is further amended by inserting  
after section 302i, as added by subsection (a) of this sec-  
tion, the following new section:

21 **“§ 302j. Special pay: accession bonus for pharmacy of-**  
22 **ficers**

23       “(a) ACCESSION BONUS AUTHORIZED.—A person  
24 who is a graduate of an accredited pharmacy school and  
25 who, during the period beginning on the date of the enact-

1 ment of the National Defense Authorization Act for Fiscal  
 2 Year 2001 and ending on September 30, 2004, executes  
 3 a written agreement described in subsection (c) to accept  
 4 a commission as an officer of a uniformed service and re-  
 5 main on active duty for a period of not less than 4 years  
 6 may, upon acceptance of the agreement by the Secretary  
 7 concerned, be paid an accession bonus in an amount deter-  
 8 mined by the Secretary concerned.

9 “(b) LIMITATION ON AMOUNT OF BONUS.—The  
 10 amount of an accession bonus under subsection (a) may  
 11 not exceed \$30,000.

12 “(c) LIMITATION ON ELIGIBILITY FOR BONUS.—A  
 13 person may not be paid a bonus under subsection (a) if—

14 “(1) the person, in exchange for an agreement  
 15 to accept an appointment as a warrant or commis-  
 16 sioned officer, received financial assistance from the  
 17 Department of Defense or the Department of Health  
 18 and Human Services to pursue a course of study in  
 19 pharmacy; or

20 “(2) the Secretary concerned determines that  
 21 the person is not qualified to become and remain li-  
 22 censed as a pharmacist.

23 “(d) AGREEMENT.—The agreement referred to in  
 24 subsection (a) shall provide that, consistent with the needs  
 25 of the uniformed service concerned, the person executing

1 the agreement shall be assigned to duty, for the period  
2 of obligated service covered by the agreement, as a phar-  
3 macy officer in the Medical Service Corps of the Army  
4 or Navy, a biomedical sciences officer in the Air Force  
5 designated as a pharmacy officer, or a pharmacy officer  
6 of the Public Health Service.

7 “(e) REPAYMENT.—(1) An officer who receives a pay-  
8 ment under subsection (a) and who fails to become and  
9 remain licensed as a pharmacist during the period for  
10 which the payment is made shall refund to the United  
11 States an amount equal to the full amount of such pay-  
12 ment.

13 “(2) An officer who voluntarily terminates service on  
14 active duty before the end of the period agreed to be  
15 served under subsection (a) shall refund to the United  
16 States an amount that bears the same ratio to the amount  
17 paid to the officer as the unserved part of such period  
18 bears to the total period agreed to be served.

19 “(3) An obligation to reimburse the United States  
20 under paragraph (1) or (2) is for all purposes a debt owed  
21 to the United States.

22 “(4) A discharge in bankruptcy under title 11 that  
23 is entered less than 5 years after the termination of an  
24 agreement under this section does not discharge the per-  
25 son signing such agreement from a debt arising under

1 such agreement or this subsection. This paragraph applies  
 2 to any case commenced under title 11 after the date of  
 3 the enactment of the National Defense Authorization Act  
 4 for Fiscal Year 2001.”.

5 (c) ADMINISTRATION.—Section 303a of title 37,  
 6 United States Code, is amended by striking “302h” each  
 7 place it appears and inserting “302j”.

8 (d) CLERICAL AMENDMENT.—The table of sections  
 9 at the beginning of chapter 5 of such title is amended by  
 10 inserting after the item relating to section 302h the fol-  
 11 lowing new items:

“302i. Special pay: pharmacy officers.

“302j. Special pay: accession bonus for pharmacy officers.”.

12 **SEC. 617. CORRECTION OF REFERENCES TO AIR FORCE**  
 13 **VETERINARIANS.**

14 Section 303(a) of title 37, United States Code, is  
 15 amended—

16 (1) in paragraph (1)(B), by striking “who is  
 17 designated as a veterinary officer” and inserting  
 18 “who is an officer in the Biomedical Sciences Corps  
 19 and holds a degree in veterinary medicine”; and

20 (2) in paragraph (2), by striking subparagraph  
 21 (B) and inserting the following:

22 “(B) of a reserve component of the Air  
 23 Force, of the Army or the Air Force without

1 specification of component, or of the National  
 2 Guard, who—

3 “(i) is designated as a veterinary offi-  
 4 cer; or

5 “(ii) is an officer in the Biomedical  
 6 Sciences Corps of the Air Force and holds  
 7 a degree in veterinary medicine; or”.

8 **SEC. 618. ENTITLEMENT OF ACTIVE DUTY OFFICERS OF**  
 9 **THE PUBLIC HEALTH SERVICE CORPS TO**  
 10 **SPECIAL PAYS AND BONUSES OF HEALTH**  
 11 **PROFESSIONAL OFFICERS OF THE ARMED**  
 12 **FORCES.**

13 (a) IN GENERAL.—Section 303a of title 37, United  
 14 States Code, is amended—

15 (1) by redesignating subsections (b) and (c) as  
 16 subsections (c) and (d); and

17 (2) by inserting after subsection (a) the fol-  
 18 lowing new subsection (b):

19 “(b)(1) Except as provided in paragraph (2) or as  
 20 otherwise provided under a provision of this chapter, com-  
 21 missioned officers in the Regular or Reserve Corps of the  
 22 Public Health Service shall be entitled to special pay under  
 23 the provisions of this chapter in the same amounts, and  
 24 under the same terms and conditions, as commissioned of-



1 ficers of the armed forces are entitled to special pay under  
2 the provisions of this chapter.

3 “(2) A commissioned medical officer in the Regular  
4 or Reserve Corps of the Public Health Service (other than  
5 an officer serving in the Indian Health Service) may not  
6 receive additional special pay under section 302(a)(4) of  
7 this title for any period during which the officer is pro-  
8 viding obligated service under the following provisions of  
9 law:

10 “(A) Section 338B of the Public Health Service  
11 Act (42 U.S.C. 254*l*–1).

12 “(B) Section 225(e) of the Public Health Serv-  
13 ice Act, as that section was in effect before 1, 1977.

14 “(C) Section 752 of the Public Health Service  
15 Act, as that section was in effect between October  
16 1, 1977, and August 13, 1981.”.

17 (b) REPEAL OF SUPERSEDED PROVISIONS.—Section  
18 208(a) of the Public Health Service Act (42 U.S.C.  
19 210(a)) is amended—

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

21 (2) by inserting after paragraph (1) the fol-  
22 lowing new paragraph (2):

23 “(2) For provisions relating to the receipt of special  
24 pay by commissioned officers of the Regular and Reserve

1 Corps while on active duty, see section 303a(b) of title  
2 37, United States Code.”.

3 **SEC. 619. CAREER SEA PAY.**

4 (a) REFORM OF AUTHORITIES.—Section 305a of title  
5 37, United States Code, is amended—

6 (1) in subsection (a), by striking “Under regu-  
7 lations prescribed by the President, a member” and  
8 inserting “A member”;

9 (2) by redesignating subsection (d) as sub-  
10 section (e); and

11 (3) by striking subsections (b) and (c) and in-  
12 serting the following:

13 “(b) The Secretary concerned shall prescribe the  
14 monthly rates for special pay applicable to members of  
15 each armed force under the Secretary’s jurisdiction. No  
16 monthly rate may exceed \$750.

17 “(c) A member of a uniformed service entitled to ca-  
18 reer sea pay under this section who has served 36 consecu-  
19 tive months of sea duty is also entitled to a career sea  
20 pay premium for the thirty-seventh consecutive month and  
21 each subsequent consecutive month of sea duty served by  
22 such member. The monthly amount of the premium shall  
23 be prescribed by the Secretary concerned, but may not ex-  
24 ceed \$350.

1       “(d) The Secretary concerned shall prescribe regula-  
 2 tions for the administration of this section for the armed  
 3 force or armed forces under the jurisdiction of the Sec-  
 4 retary. The entitlements under this section shall be subject  
 5 to the regulations.”.

6       (b) EFFECTIVE DATE.—The amendments made by  
 7 this section shall take effect on October 1, 2000, and shall  
 8 apply with respect to months beginning on or after that  
 9 date.

10 **SEC. 620. INCREASED MAXIMUM RATE OF SPECIAL DUTY**  
 11 **ASSIGNMENT PAY.**

12       Section 307(a) of title 37, United States Code, is  
 13 amended—

14               (1) by striking “\$275” and inserting “\$600”;  
 15       and

16               (2) by striking the second sentence.

17 **SEC. 621. EXPANSION OF APPLICABILITY OF AUTHORITY**  
 18 **FOR CRITICAL SKILLS ENLISTMENT BONUS**  
 19 **TO INCLUDE ALL ARMED FORCES.**

20       (a) EXPANSION OF AUTHORITY.—Section 308f of  
 21 title 37, United States Code, is amended—

22               (1) by striking “Secretary of the Army” each  
 23       place it appears and inserting “Secretary con-  
 24       cerned”; and

1           (2) by striking “the Army” in subsections  
2           (a)(3) and (c) and inserting “an armed force”.

3           (b) CONFORMING AMENDMENT.—The heading for  
4 such section is amended to read as follows:

5   **“§ 308f. Special pay: bonus for enlistment”.**

6           (c) CLERICAL AMENDMENT.—The table of sections  
7 at the beginning of chapter 5 of title 37, United States  
8 Code, is amended by striking the item relating to section  
9 308f and inserting the following:

“308f. Special pay: bonus for enlistment.”.

10          (d) EFFECTIVE DATE.—This section and the amend-  
11 ments made by this section shall take effect on October  
12 1, 2000, and shall apply with respect to months beginning  
13 on or after that date.

## 14                   **Subtitle C—Travel and** 15                   **Transportation Allowances**

### 16   **SEC. 631. ADVANCE PAYMENTS FOR TEMPORARY LODGING** 17                   **OF MEMBERS AND DEPENDENTS.**

18          (a) SUBSISTENCE EXPENSES.—Section 404a of title  
19 37, United States Code, is amended—

20           (1) by redesignating subsections (b) and (c) as  
21 subsections (d) and (e), respectively; and

22           (2) by striking subsection (a) and inserting the  
23 following:

24          “(a)(1) Under regulations prescribed by the Secre-  
25 taries concerned, a member of a uniformed service who

1 is ordered to make a change of permanent station de-  
2 scribed in paragraph (2) shall be paid or reimbursed for  
3 subsistence expenses of the member and the member's de-  
4 pendants for the period (subject to subsection (c)) for  
5 which the member and dependents occupy temporary  
6 quarters incident to that change of permanent station.

7 “(2) Paragraph (1) applies to the following:

8 “(A) A permanent change of station from any  
9 duty station to a duty station in the United States  
10 (other than Hawaii or Alaska).

11 “(B) A permanent change of station from a  
12 duty station in the United States (other than Hawaii  
13 or Alaska) to a duty station outside the United  
14 States or in Hawaii or Alaska.

15 “(b) The Secretary concerned may make any pay-  
16 ment for subsistence expenses to a member under this sec-  
17 tion in advance of the incurrence of the expenses. The  
18 amount of an advance payment made to a member shall  
19 be computed on the basis of the Secretary's determination  
20 of the average number of days that members and their  
21 dependents occupy temporary quarters under the cir-  
22 cumstances applicable to the member and the member's  
23 dependents.

24 “(c)(1) In the case of a change of permanent station  
25 described in subsection (a)(2)(A), the period for which

1 subsistence expenses are to be paid or reimbursed under  
2 this section may not exceed 10 days.

3 “(2) In the case of a change of permanent station  
4 described in subsection (a)(2)(B)—

5 “(A) the period for which such expenses are to  
6 be paid or reimbursed under this section may not ex-  
7 ceed five days; and

8 “(B) such payment or reimbursement may be  
9 provided only for expenses incurred before leaving  
10 the United States (other than Hawaii or Alaska).”.

11 (b) PER DIEM.—Section 405 of such title is  
12 amended—

13 (1) by redesignating subsection (b) as sub-  
14 section (c); and

15 (2) by striking subsection (a) and inserting the  
16 following:

17 “(a) Without regard to the monetary limitation of  
18 this title, the Secretary concerned may pay a per diem to  
19 a member who is on duty outside of the United States  
20 or in Hawaii or Alaska, whether or not the member is in  
21 a travel status. The Secretary may pay the per diem in  
22 advance of the accrual of the per diem.

23 “(b) In determining the per diem to be paid under  
24 this section, the Secretary concerned shall consider all ele-  
25 ments of the cost of living to members of the uniformed

1 services under the Secretary's jurisdiction and their de-  
 2 pendants, including the cost of quarters, subsistence, and  
 3 other necessary incidental expenses. However, dependents  
 4 may not be considered in determining the per diem allow-  
 5 ance for a member in a travel status.”.

6 **SEC. 632. INCENTIVE FOR SHIPPING AND STORING HOUSE-**  
 7 **HOLD GOODS IN LESS THAN AVERAGE**  
 8 **WEIGHTS.**

9 Section 406(b)(1) of title 37, United States Code, is  
 10 amended by adding at the end the following new subpara-  
 11 graph:

12 “(G) The Secretary concerned may pay a member a  
 13 share (determined by the Secretary) of the amount of the  
 14 savings resulting to the United States for less than aver-  
 15 age shipping and storage of the member's baggage and  
 16 household effects under subparagraph (A). Shipping and  
 17 storage of a member's baggage and household effects for  
 18 a member shall be considered as less than average if the  
 19 total weights of the baggage and household effects shipped  
 20 and stored are less than the average weights of the bag-  
 21 gage and household effects that are shipped and stored,  
 22 respectively, by members of the same grade and status  
 23 with respect to dependents as the member in connection  
 24 with changes of station that are comparable to the mem-  
 25 ber's change of station. The amount of the savings shall

1 be the amount equal to the excess of the cost of shipping  
 2 and cost of storing such average weights of baggage and  
 3 household effects, respectively, over the corresponding  
 4 costs associated with the weights of the member's baggage  
 5 and household effects. For the administration of this sub-  
 6 paragraph, the Secretary of Defense shall annually deter-  
 7 mine the average weights of baggage and household effects  
 8 shipped and stored.”.

9 **SEC. 633. EXPANSION OF FUNDED STUDENT TRAVEL.**

10 Section 430 of title 37, United States Code, is  
 11 amended—

12 (1) in subsection (a)(3), by striking “for the  
 13 purpose of obtaining a secondary or undergraduate  
 14 college education” and inserting “for the purpose of  
 15 obtaining a formal education”;

16 (2) in subsection (b), by striking “for the pur-  
 17 pose of obtaining a secondary or undergraduate col-  
 18 lege education” and inserting “for the purpose of  
 19 obtaining a formal education”; and

20 (3) in subsection (f)—

21 (A) by striking “In this section, the term”  
 22 and insert the following:

23 “In this section:

24 “(1) The term”; and

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



1           “(2) The term ‘formal education’ means the fol-  
2       lowing:

3           “(A) A secondary education.

4           “(B) An undergraduate college education.

5           “(C) A graduate education pursued on a  
6       full-time basis at an institution of higher edu-  
7       cation (as defined in section 101 of the Higher  
8       Education Act of 1965 (20 U.S.C. 1001)).

9           “(D) Vocational education pursued on a  
10      full-time basis at a post-secondary vocational  
11      institution (as defined in section 102(c) of the  
12      Higher Education Act of 1965 (20 U.S.C.  
13      1002(c))).”.

14 **SEC. 634. BENEFITS FOR MEMBERS NOT TRANSPORTING**  
15 **PERSONAL MOTOR VEHICLES OVERSEAS.**

16       (a) INCENTIVES.—Section 2634 of title 10, United  
17       States Code, is amended—

18           (1) by redesignating subsection (h) as sub-  
19       section (i); and

20           (2) by inserting after subsection (g) the fol-  
21       lowing new subsection (h):

22       “(h)(1) If a member of an armed force authorized  
23       the transportation of a motor vehicle under subsection (a)  
24       elects not to have the vehicle transported and not (if eligi-  
25       ble) to have the vehicle stored under subsection (b), the

1 Secretary concerned may pay the member a share (deter-  
2 mined by the Secretary) of the amount of the savings re-  
3 sulting to the United States. The Secretary may make the  
4 payment in advance of the member's change of permanent  
5 station.

6 “(2) The Secretary of Defense shall determine annu-  
7 ally the rates of savings to the United States that are as-  
8 sociated with elections of a member described in para-  
9 graph (1).”.

10 (b) STORAGE AS ALTERNATIVE TO TRANSPORTATION  
11 FOR UNACCOMPANIED ASSIGNMENTS.—Subsection (b) of  
12 such section—

13 (1) by redesignating paragraph (3) as para-  
14 graph (4); and

15 (2) by inserting after paragraph (2) the fol-  
16 lowing new paragraph (3):

17 “(3) If a member authorized the transportation of a  
18 motor vehicle under subsection (a) is not authorized under  
19 reassignment orders to be accompanied by dependents on  
20 a command-sponsored basis, the member may elect, in lieu  
21 of that transportation, to have the motor vehicle stored  
22 at a location approved by the Secretary concerned. If stor-  
23 age is elected, the Secretary shall pay the expenses associ-  
24 ated with the storage of the vehicle, as authorized under  
25 paragraph (4), up to the amount equal to the cost that

1 would have been incurred by the United States for trans-  
 2 portation of the vehicle under subsection (a). The member  
 3 shall be responsible for the payment of the costs of the  
 4 storage in excess of that amount.”.

## 5 **Subtitle D—Retirement Benefits**

### 6 **SEC. 641. EXCEPTION TO HIGH-36 MONTH RETIRED PAY** 7 **COMPUTATION FOR MEMBERS RETIRED FOL-** 8 **LOWING A DISCIPLINARY REDUCTION IN** 9 **GRADE.**

10 Section 1407 of title 10, United States Code, is  
 11 amended—

12 (1) in subsection (b), by striking “The retired  
 13 pay base” and inserting “Except as provided in sub-  
 14 section (f), the retired pay base”; and

15 (2) by adding at the end the following new sub-  
 16 section:

17 “(f) EXCEPTION FOR ENLISTED MEMBERS REDUCED  
 18 IN GRADE AND OFFICERS WHO DO NOT SERVE SATIS-  
 19 FACTORILY IN HIGHEST GRADE HELD.—

20 “(1) COMPUTATION BASED ON PRE-HIGH-  
 21 THREE RULES.—In the case of a member or former  
 22 member described in paragraph (2), the retired pay  
 23 base or retainer pay base is determined under sec-  
 24 tion 1406 of this title in the same manner as if the

1 member or former member first became a member  
2 of a uniformed service before September 8, 1980.

3 “(2) AFFECTED MEMBERS.—A member or  
4 former member referred to in paragraph (1) is a  
5 member or former member who by reason of conduct  
6 occurring after the date of the enactment of this  
7 subsection—

8 “(A) in the case of a member retired in an  
9 enlisted grade or transferred to the Fleet Re-  
10 serve or Fleet Marine Corps Reserve, was at  
11 any time reduced in grade as the result of a  
12 court-martial sentence, nonjudicial punishment,  
13 or an administrative action, unless the member  
14 was subsequently promoted to a higher enlisted  
15 grade or appointed to a commissioned or war-  
16 rant grade; and

17 “(B) in the case of an officer, is retired in  
18 a grade lower than the highest grade in which  
19 served by reason of denial of a determination or  
20 certification under section 1370 of this title  
21 that the officer served on active duty satisfac-  
22 torily in that grade.

23 “(3) SPECIAL RULE FOR ENLISTED MEM-  
24 BERS.—In the case of a member who retires within  
25 three years after having been reduced in grade as

1 described in paragraph (2)(A), who retires in an en-  
 2 listed grade that is lower than the grade from which  
 3 reduced, and who would be subject to paragraph  
 4 (2)(A) but for a subsequent promotion to a higher  
 5 enlisted grade or a subsequent appointment to a  
 6 warrant or commissioned grade, the rates of basic  
 7 pay used in the computation of the member's high-  
 8 36 average for the period of the member's service in  
 9 a grade higher than the grade in which retired shall  
 10 be the rates of pay that would apply if the member  
 11 had been serving for that period in the grade in  
 12 which retired.”.

13 **SEC. 642. AUTOMATIC PARTICIPATION IN RESERVE COMPO-**  
 14 **NENT SURVIVOR BENEFIT PLAN UNLESS DE-**  
 15 **CLINED WITH SPOUSE'S CONSENT.**

16 (a) INITIAL OPPORTUNITY TO DECLINE.—Para-  
 17 graph (2)(B) of section 1448(a) of title 10, United States  
 18 Code, is amended to read as follows:

19 “(B) RESERVE-COMPONENT ANNUITY PAR-  
 20 TICIPANTS.—A person who is—

21 “(i) eligible to participate in the Plan  
 22 under paragraph (1)(B); and

23 “(ii) married or has a dependent child  
 24 when he is notified under section 12731(d)  
 25 of this title that he has completed the

1           years of service required for eligibility for  
 2           reserve-component retired pay, unless the  
 3           person elects (with his spouse's concur-  
 4           rence, if required under paragraph (3)) not  
 5           to participate in the Plan before the end of  
 6           the 90-day period beginning on the date he  
 7           receives such notification.

8           A person who elects not to participate in the  
 9           Plan as described in the foregoing sentence re-  
 10          mains eligible, upon reaching 60 years of age  
 11          and otherwise becoming entitled to retired pay,  
 12          to participate in the Plan in accordance with  
 13          eligibility under paragraph (1)(A).”.

14          (b) SPOUSAL CONSENT REQUIREMENT.—Paragraph  
 15          (3)(B) of such section is amended—

16               (1) by striking “who elects to provide” and in-  
 17               serting “who is eligible to provide”;

18               (2) by redesignating clauses (i) and (ii) as  
 19               clauses (iii) and (iv), respectively; and

20               (3) by inserting before clause (iii), as so redес-  
 21               ignated, the following:

22                       “(i) not to participate in the Plan;

23                       “(ii) to defer the effective date of an-  
 24                       nuity payments to the 60th anniversary of

1                   the member's birth pursuant to subsection  
2                   (e)(2);”.

3           (c) IRREVOCABILITY OF ELECTION NOT TO PARTICI-  
4 PATE MADE UPON RECEIPT OF 20-YEAR LETTER.—  
5 Paragraph (4)(B) of such section is amended by striking  
6 “to participate in the Plan is irrevocable” and inserting  
7 “not to participate in the Plan is, subject to the sentence  
8 following clause (ii) of paragraph (2)(B), irrevocable”.

9           (d) DESIGNATION OF COMMENCEMENT OF RESERVE-  
10 COMPONENT ANNUITY.—(1) Section 1448(e) of title 10,  
11 United States Code, is amended by striking “a person  
12 electing to participate” and all that follows through “mak-  
13 ing such election” and inserting “a person is required to  
14 make a designation under this subsection, the person”.

15           (2) Section 1450(j)(1) of such title is amended to  
16 read as follows:

17                   “(1) PERSON MAKING SECTION 1448(e) DES-  
18 IGNATION.—A reserve-component annuity shall be  
19 effective in accordance with the designation made  
20 under section 1448(e) of this title by the person pro-  
21 viding the annuity.”.

22           (e) EFFECTIVE DATE.—This section and the amend-  
23 ments made by this section shall take effect on October  
24 1, 2000.

1 **SEC. 643. PARTICIPATION IN THRIFT SAVINGS PLAN.**

2 (a) EFFECTIVE DATE OF PARTICIPATION AUTHOR-  
3 ITY.—Section 663 of the National Defense Authorization  
4 Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.  
5 673; 5 U.S.C. 8440 note) is amended to read as follows:

6 **“SEC. 663. EFFECTIVE DATE.**

7 “(a) IN GENERAL.—The amendments made by this  
8 subtitle shall take effect 180 days after the date of the  
9 enactment of the National Defense Authorization Act for  
10 Fiscal Year 2001.

11 “(b) POSTPONEMENT AUTHORITY.—(1) The Sec-  
12 retary of Defense may postpone the authority of members  
13 of the Ready Reserve to participate in the Thrift Savings  
14 Plan under section 211 of title 37, United States Code  
15 (as amended by this subtitle) up to 360 days after the  
16 date referred to in subsection (a) if the Secretary, after  
17 consultation with the Executive Director (appointed by the  
18 Federal Retirement Thrift Investment Board), determines  
19 that permitting such members to participate in the Thrift  
20 Savings Plan earlier would place an excessive burden on  
21 the administrative capacity of the Board to accommodate  
22 participants in the Thrift Savings Plan.

23 “(2) The Secretary shall notify the congressional de-  
24 fense committees, the Committee on Government Reform  
25 of the House of Representatives, and the Committee on



1 Governmental Affairs of the Senate of any determination  
2 made under paragraph (1).”.

3 (b) REGULATIONS.—Section 661(b) of such Act (113  
4 Stat. 672; 5 U.S.C. 8440e) is amended by striking “the  
5 date on which” and all that follows through “later,” and  
6 inserting “the effective date of the amendments made by  
7 this subtitle (determined under section 663(a)),”.

8 **SEC. 644. RETIREMENT FROM ACTIVE RESERVE SERVICE**  
9 **AFTER REGULAR RETIREMENT.**

10 (a) CONVERSION TO RESERVE RETIREMENT.—(1)  
11 Chapter 1223 of title 10, United States Code, is amended  
12 by adding at the end the following:

13 **“§ 12741. Retirement from active reserve service per-**  
14 **formed after regular retirement**

15 “(a) RESERVE RETIREMENT.—Upon the election of  
16 a member or former member of a reserve component under  
17 subsection (b), the Secretary concerned shall—

18 “(1) treat the person as being entitled to re-  
19 tired pay under this chapter;

20 “(2) terminate the person’s entitlement to re-  
21 tired pay that is payable out of the Department of  
22 Defense Military Retirement Fund under any other  
23 provision of law other than this chapter; and

24 “(3) in the case of a reserve commissioned offi-  
25 cer, transfer the officer to the Retired Reserve.

1       “(b) ELIGIBILITY AND ELECTION.—A person who,  
 2 after being retired under chapter 65, 367, 571, or 867  
 3 of this title, serves in an active status in a reserve compo-  
 4 nent of the armed forces may elect to receive retired pay  
 5 under this chapter if—

6               “(1) the person would, except for paragraph (4)  
 7 of section 12731(a) of this title, otherwise be enti-  
 8 tled to retired pay under this chapter; and

9               “(2) during that reserve service, the person  
 10 served satisfactorily as—

11                       “(A) a reserve commissioned officer; or

12                       “(B) a reserve noncommissioned officer.

13       “(c) TIME AND FORM OF ELECTION.—An election  
 14 under subsection (b) shall be made within such time and  
 15 in such form as the Secretary concerned requires.

16       “(d) EFFECTIVE DATE OF ELECTION.—An election  
 17 made by a person under subsection (b) shall be effective—

18               “(1) except as provided in paragraph (2)(B), as  
 19 of the date on which the person attains 60 years of  
 20 age, if the election is made in accordance with this  
 21 section within 180 days after that date; or

22               “(2) on the first day of the first month that be-  
 23 gins after the date on which the election is made in  
 24 accordance with this section, if—

1           “(A) the election is made more than 180  
2           days after the date on which the person attains  
3           60 years of age; or

4           “(B) the person retires from active reserve  
5           service within that 180-day period.”.

6           (2) The table of sections at the beginning of such  
7 chapter is amended by adding at the end the following:

“12741. Retirement from active service performed after regular retirement.”.

8           (b) **EFFECTIVE DATE AND APPLICABILITY.—**(1)

9 This section and the amendments made by this section  
10 shall take effect 180 days after the date of the enactment  
11 of this Act.

12          (2) No benefits shall accrue under section 12741 of  
13 title 10, United States Code (as added by subsection (a)),  
14 for any period before the first day of the first month that  
15 begins on or after the effective date of this section.

16 **SEC. 645. SAME TREATMENT FOR FEDERAL JUDGES AS FOR**  
17 **OTHER FEDERAL OFFICIALS REGARDING**  
18 **PAYMENT OF MILITARY RETIRED PAY.**

19          (a) **REPEAL OF REQUIREMENT FOR SUSPENSION**  
20 **DURING REGULAR ACTIVE SERVICE.—**Section 371 of title  
21 28, United States Code, is amended—

22               (1) by striking subsection (e); and

23               (2) by redesignating subsection (f) as sub-  
24 section (e).

1 (b) CONFORMING AMENDMENTS.—Subsection (b) of  
 2 such section is amended by striking “subsection (f)” each  
 3 place it appears and inserting “subsection (e)”.

4 (c) RETROACTIVE EFFECTIVE DATE.—The amend-  
 5 ments made by this section shall take effect as of October  
 6 1, 1999.

## 7 **Subtitle E—Other Matters**

### 8 **SEC. 651. REIMBURSEMENT OF RECRUITING AND ROTC** 9 **PERSONNEL FOR PARKING EXPENSES.**

10 (a) IN GENERAL.—Chapter 53 of title 10, United  
 11 States Code, is amended by inserting after section 1053  
 12 the following new section:

#### 13 **“§ 1053a. Reimbursement of recruiting and ROTC** 14 **personnel: parking expenses**

15 “(a) AUTHORITY.—The Secretary concerned may,  
 16 under regulations prescribed by the Secretary of Defense,  
 17 reimburse eligible Department of Defense personnel for  
 18 expenses incurred for parking a privately owned vehicle  
 19 at a place of duty.

20 “(b) ELIGIBILITY.—A member of the armed forces  
 21 or employee of the Department of Defense is eligible for  
 22 reimbursement under subsection (a) while—

23 “(1) assigned to duty as a recruiter for any of  
 24 the armed forces;

1           “(2) assigned to duty at a military entrance  
2           processing facility of the armed forces; or

3           “(3) detailed for instructional and administra-  
4           tive duties at any institution where a unit of the  
5           Senior Reserve Officers’ Training Corps is main-  
6           tained.”.

7           (b) CLERICAL AMENDMENT.—The table of sections  
8           at the beginning of such chapter is amended by inserting  
9           after the item relating to section 1053 the following:

          “1053a. Reimbursement of recruiting and ROTC personnel: parking expenses.”.

10   **SEC. 652. EXTENSION OF DEADLINE FOR FILING CLAIMS**

11                   **ASSOCIATED WITH CAPTURE AND INTERN-**  
12                   **MENT OF CERTAIN PERSONS BY NORTH VIET-**  
13                   **NAM.**

14           Section 657(d)(1) of the National Defense Authoriza-  
15           tion Act for Fiscal Year 1997 (Public Law 104–201; 110  
16           Stat. 2585) is amended by adding at the end the following:  
17           “The Secretary may extend the time limitation under the  
18           preceding sentence for up to 18 months in the case of any  
19           claim for which the Secretary determines that the exten-  
20           sion is necessary to prevent an injustice or that a failure  
21           to file within the time limitation is due to excusable ne-  
22           glect.”.

1 **SEC. 653. SETTLEMENT OF CLAIMS FOR PAYMENTS FOR**  
 2 **UNUSED ACCRUED LEAVE AND FOR RETIRED**  
 3 **PAY.**

4 (a) CLAIMS FOR PAYMENTS FOR UNUSED ACCRUED  
 5 LEAVE.—Subsection (a)(1) of section 3702 of title 31,  
 6 United States Code, is amended by inserting “payments  
 7 for unused accrued leave,” after “transportation,”.

8 (b) WAIVER OF TIME LIMITATIONS.—Subsection  
 9 (e)(1) of such section is amended by striking “claim for  
 10 pay or allowances under title 37” and inserting “claim for  
 11 pay, allowances, or payment for unused accrued leave  
 12 under title 37 or a claim for retired pay under title 10”.

13 **SEC. 654. ELIGIBILITY OF CERTAIN MEMBERS OF THE INDIVIDUAL**  
 14 **READY RESERVE FOR**  
 15 **SERVICEMEMBERS’ GROUP LIFE INSURANCE.**

16 Section 1965(5) of title 38, United States Code, is  
 17 amended—

18 (1) by striking “and” at the end of subpara-  
 19 graph (B);

20 (2) by redesignating subparagraph (C) as sub-  
 21 paragraph (D); and

22 (3) by inserting after subparagraph (B) the fol-  
 23 lowing new subparagraph (C):

24 “(C) a person who volunteers for assign-  
 25 ment to a category in the Individual Ready Re-  
 26 serve of a uniformed service that is subject to

1 an involuntary call to active duty under section  
2 12304 of title 10; and”.

3 **SEC. 655. AUTHORITY TO PAY GRATUITY TO CERTAIN VET-**  
4 **ERANS OF BATAAN AND CORREGIDOR.**

5 (a) PAYMENT OF GRATUITY AUTHORIZED.—The  
6 Secretary of Veterans Affairs may pay a gratuity to a cov-  
7 ered veteran, or to the surviving spouse of a covered vet-  
8 eran, in the amount of \$20,000.

9 (b) COVERED VETERAN DEFINED.—For purposes of  
10 subsection (a), the term “covered veteran” means any vet-  
11 eran of the Armed Forces who—

12 (1) served at Bataan or Corregidor in the Phil-  
13ippines during World War II;

14 (2) was captured and held as a prisoner of war  
15 by Japan as a result of such service; and

16 (3) was required by Japan to perform slave  
17 labor in Japan during World War II.

18 (c) RELATIONSHIP TO OTHER PAYMENTS.—Any  
19 amount paid a person under this section for activity de-  
20 scribed in subsection (b) is in addition to any other  
21 amount paid such person for such activity under any other  
22 provision of law.

1           **TITLE VII—HEALTH CARE**  
2           **Subtitle A—Senior Health Care**

3   **SEC. 701. EXTENSION OF TRICARE SENIOR SUPPLEMENT**  
4           **DEMONSTRATION PROGRAM.**

5           Section 722(a)(2) of the Strom Thurmond National  
6   Defense Authorization Act for Fiscal Year 1999 (Public  
7   Law 105–261; 112 Stat. 2065; 10 U.S.C. 1073 note) is  
8   amended by striking “December 31, 2002” and inserting  
9   “December 31, 2005”.

10   **SEC. 702. TRICARE SENIOR PRIME DEMONSTRATION PRO-**  
11           **GRAM.**

12           (a) EXTENSION OF DEMONSTRATION PROGRAM.—  
13   Paragraph (4) of section 1896(b) of the Social Security  
14   Act (42 U.S.C. 1395ggg(b)) is amended by striking “3-  
15   year period beginning on January 1, 1998” and inserting  
16   “period beginning on January 1, 1998, and ending on De-  
17   cember 31, 2005”.

18           (b) ADDITION OF MAJOR MEDICAL CENTERS.—  
19   Paragraph (1)(A) of such section 1895(b) is amended by  
20   striking “in a military treatment facility” and inserting  
21   “in a Department of Defense medical center considered  
22   by the Secretary to be a major medical center, in any other  
23   military treatment facility,”.



1 (c) DESIGNATION OF ADDITIONAL SITES.—Para-  
 2 graph (2) of such section 1896(b) is amended to read as  
 3 follows:

4 “(2) DESIGNATION OF SITES.—

5 “(A) IN GENERAL.—The project estab-  
 6 lished under this section shall be conducted at  
 7 sites designated jointly by the administering  
 8 Secretaries after review of all TRICARE re-  
 9 gions.

10 “(B) SPECIFIC SITES.—The sites for the  
 11 project shall include the 6 sites designated in  
 12 accordance with subparagraph (A) before the  
 13 date of the enactment of the National Defense  
 14 Authorization Act for Fiscal Year 2001 and the  
 15 major medical centers designated after such  
 16 date in accordance with that subparagraph.”.

17 **SEC. 703. EXTENSION AND EXPANSION OF DEMONSTRA-**  
 18 **TION PROJECT FOR PARTICIPATION OF UNI-**  
 19 **FORMED SERVICES PERSONNEL IN THE FED-**  
 20 **ERAL EMPLOYEES HEALTH BENEFITS PRO-**  
 21 **GRAM.**

22 (a) EXTENSION.—(1) Subsection (d) of section 1108  
 23 of title 10, United States Code, is amended—

24 (A) in paragraph (1), by striking “three con-  
 25 tract years” and inserting “six contract years”; and

1 (B) in paragraph (2), by striking “December  
 2 31, 2002” in the second sentence and inserting “De-  
 3 cember 31, 2005”.

4 (2) Subsection (f)(1) of such section is amended to  
 5 read as follows:

6 “(1) Subject to paragraphs (2) and (3), the period  
 7 of enrollment of an eligible beneficiary who—

8 “(A) enrolls in the demonstration project dur-  
 9 ing the open enrollment period for the year 2000  
 10 shall be three years unless the beneficiary disenrolls  
 11 before the termination of the project; or

12 “(B) enrolls, or extends a previous enrollment  
 13 under subsection (d)(2), during the open enrollment  
 14 period for a year after 2000 shall be equal to the re-  
 15 maining number of years of the demonstration  
 16 project under this section unless the beneficiary  
 17 disenrolls before the termination of the project.”.

18 (b) ADDITIONAL AREAS OF COVERAGE.—Subsection  
 19 (c) of such section is amended—

20 (1) by striking “(c) AREA OF DEMONSTRATION  
 21 PROJECT.—” and inserting “(c) AREAS FOR DEM-  
 22 ONSTRATION PROJECT.—(1)”;

23 (2) by striking “, but not more than ten,”; and

24 (3) by striking the third sentence and inserting  
 25 the following:

1       “(2) In establishing the areas for the demonstration  
 2 project, the Secretary and Director shall include an area  
 3 that includes the catchment area of one or more military  
 4 medical treatment facilities, an area that is not located  
 5 in the catchment area of a military medical treatment fa-  
 6 cility, an area in which there is a Medicare Subvention  
 7 Demonstration project area under section 1896 of title  
 8 XVIII of the Social Security Act (42 U.S.C. 1395ggg),  
 9 and one area for each TRICARE region. Each area se-  
 10 lected after the date of the enactment of the National De-  
 11 fense Authorization Act for Fiscal Year 2001 shall be an  
 12 area that is not located in the catchment area of a military  
 13 medical treatment facility.”.

14       (c) IMPLEMENTATION.—The Secretary of Defense  
 15 shall implement the amendments made by subsection (a)  
 16 as soon as is practicable, but may waive the implementa-  
 17 tion with respect to 2001 if the Secretary determines that  
 18 it is impracticable to implement the amendments with re-  
 19 spect to that year.

20 **SEC. 704. IMPLEMENTATION OF REDESIGNED PHARMACY**  
 21 **SYSTEM.**

22       (a) ENROLLMENT FEE AND DEDUCTIBLES RE-  
 23 QUIRED.—Subsection (b) of section 723 of the Strom  
 24 Thurmond National Defense Authorization Act for Fiscal

1 Year 1999 (Public Law 105–261; 112 Stat. 2068; 10  
2 U.S.C. 1073 note) is amended to read as follows:

3 “(b) ENROLLMENT FEES, DEDUCTIBLES, AND  
4 OTHER CHARGES.—(1) The Secretary may require each  
5 eligible individual described in subsection (e) who partici-  
6 pates in the redesigned pharmacy system to pay an enroll-  
7 ment fee. The Secretary shall ensure that any such enroll-  
8 ment fee required after December 31, 2000, is lower than  
9 the enrollment fee charged under this subsection on such  
10 date.

11 “(2) The Secretary may also impose one or more  
12 cost-sharing requirements for each individual referred to  
13 in paragraph (1) for benefits under the redesigned phar-  
14 macy system as follows:

15 “(A) An annual deductible requirement for each  
16 such individual.

17 “(B) Any premiums, copayments, or other  
18 charges that the Secretary would otherwise collect  
19 from individuals similar to such individual.”.

20 (b) PERIODIC PAYMENT OF PREMIUMS.—Subsection  
21 (b) of such section is further amended by adding at the  
22 end the following:

23 “(2) An individual may elect to pay a premium  
24 charged under this subsection on a monthly or quarterly  
25 basis.”.

1 (c) EFFECTIVE DATE.—The amendments made by  
 2 this section shall take effect on January 1, 2001, and shall  
 3 apply with respect to participation in the redesigned phar-  
 4 macy system under section 723 of Public Law 105–261  
 5 for months beginning on or after that date.

## 6 **Subtitle B—TRICARE Program**

### 7 **SEC. 711. ADDITIONAL BENEFICIARIES UNDER TRICARE** 8 **PRIME REMOTE PROGRAM IN CONUS.**

9 (a) COVERAGE OF OTHER UNIFORMED SERVICES.—  
 10 (1) Section 1074(c) of title 10, United States Code, is  
 11 amended—

12 (A) by striking “armed forces” each place it ap-  
 13 pears, except in paragraph (3)(A), and inserting  
 14 “uniformed services”;

15 (B) in paragraph (1), by inserting after “mili-  
 16 tary department” in the first sentence the following:  
 17 “, the Department of Transportation (with respect  
 18 to the Coast Guard when it is not operating as a  
 19 service in the Navy), or the Department of Health  
 20 and Human Services (with respect to the National  
 21 Oceanic and Atmospheric Administration and the  
 22 Public Health Service)”;

23 (C) in paragraph (2), by adding at the end the  
 24 following:

1           “(C) The Secretary of Defense shall consult  
2           with the other administering Secretaries in the ad-  
3           ministration of this paragraph.”; and

4           (D) in paragraph (3)(A), by striking “The Sec-  
5           retary of Defense may not require a member of the  
6           armed forces described in subparagraph (B)” and  
7           inserting “A member of the uniformed services de-  
8           scribed in subparagraph (B) may not be required”.

9           (2)(A) Subsections (b), (c), and (d)(3) of section 731  
10          of the National Defense Authorization Act for Fiscal Year  
11          1998 (Public Law 105–85; 111 Stat. 1811; 10 U.S.C.  
12          1074 note) are amended by striking “Armed Forces” and  
13          inserting “uniformed services”.

14          (B) Subsection (b) of such section is further amended  
15          by adding at the end the following:

16               “(4) The Secretary of Defense shall consult with the  
17          other administering Secretaries in the administration of  
18          this subsection.”.

19          (C) Subsection (f) of such section is amended by add-  
20          ing at the end the following:

21               “(3) The terms ‘uniformed services’ and ‘ad-  
22          ministering Secretaries’ have the meanings given  
23          those terms in section 1072 of title 10, United  
24          States Code.”.

1       (3) Section 706(b) of the National Defense Author-  
2     ization Act for Fiscal Year 2000 (Public Law 106–65; 113  
3     Stat. 684) is amended by striking “Armed Forces” and  
4     inserting “uniformed services (as defined in section  
5     1072(1) of title 10, United States Code)”.

6       (b) COVERAGE OF IMMEDIATE FAMILY.—(1) Section  
7     1079 of title 10, United States Code, is amended by add-  
8     ing at the end the following:

9       “(p)(1) Subject to such exceptions as the Secretary  
10    of Defense considers necessary, coverage for medical care  
11    under this section for the dependents referred to in sub-  
12    section (a) of a member of the uniformed services referred  
13    to in section 1074(c)(3) of this title who are residing with  
14    the member, and standards with respect to timely access  
15    to such care, shall be comparable to coverage for medical  
16    care and standards for timely access to such care under  
17    the managed care option of the TRICARE program known  
18    as TRICARE Prime.

19       “(2) The Secretary of Defense shall enter into ar-  
20    rangements with contractors under the TRICARE pro-  
21    gram or with other appropriate contractors for the timely  
22    and efficient processing of claims under this subsection.

23       “(3) The Secretary of Defense shall consult with the  
24    other administering Secretaries in the administration of  
25    this subsection.”.

1       (2) Section 731(b) of the National Defense Author-  
2     ization Act for Fiscal Year 1998 (Public Law 105–85; 111  
3     Stat. 1811; 10 U.S.C. 1074 note) is amended—

4           (A) in paragraph (1), by adding at the end the  
5     following: “A dependent of the member, as described  
6     in subparagraph (A), (D), or (I) of section 1072(2)  
7     of title 10, United States Code, who is residing with  
8     the member shall have the same entitlement to care  
9     and to waiver of charges as the member.”; and

10          (B) in paragraph (2), by inserting “or depend-  
11     ent of the member, as the case may be,” after “(2)  
12     A member”.

13     (c) EFFECTIVE DATE.—(1) The amendments made  
14     by subsection (a)(2), with respect to members of the uni-  
15     formed services, and the amendments made by subsection  
16     (b)(2), with respect to dependents of members, shall take  
17     effect on the date of the enactment of this Act and shall  
18     expire with respect to a member or the dependents of a  
19     member, respectively, on the later of the following:

20           (A) The date that is one year after the date of  
21     the enactment of this Act.

22           (B) The date on which the amendments sub-  
23     section (a)(1) or (b)(1) apply with respect to the  
24     coverage of medical care for and provision of such  
25     care to the member or dependents, respectively.



1       (2) Section 731(b)(3) of Public Law 105–85 does not  
 2       apply to a member of the Coast Guard, the National Oce-  
 3       anic and Atmospheric Administration, or the Commis-  
 4       sioned Corps of the Public Health Service, or to a depend-  
 5       ent of a member of a uniformed service.

6       **SEC. 712. ELIMINATION OF COPAYMENTS FOR IMMEDIATE**  
 7                               **FAMILY.**

8       (a) NO COPAYMENT FOR IMMEDIATE FAMILY.—Sec-  
 9       tion 1097a of title 10, United States Code, is amended—  
 10               (1) by redesignating subsection (e) as sub-  
 11               section (f); and

12               (2) by inserting after subsection (d) the fol-  
 13               lowing new subsection (e):

14       “(e) NO COPAYMENT FOR IMMEDIATE FAMILY.—No  
 15       copayment shall be charged a member for care provided  
 16       under TRICARE Prime to a dependent of a member of  
 17       the uniformed services described in subparagraph (A),  
 18       (D), or (I) of section 1072 of this title.”.

19       (b) EFFECTIVE DATE.—The amendments made by  
 20       subsection (a) shall take effect on October 1, 2000, and  
 21       shall apply with respect to care provided on or after that  
 22       date.

1 **SEC. 713. IMPROVEMENT IN BUSINESS PRACTICES IN THE**  
2 **ADMINISTRATION OF THE TRICARE PRO-**  
3 **GRAM.**

4 (a) REQUIREMENT.—Not later than October 1, 2001,  
5 the Secretary of Defense shall take actions that the Sec-  
6 retary considers appropriate to improve the business prac-  
7 tices used in administering the access of eligible persons  
8 to health care services through the TRICARE program  
9 under chapter 55 of title 10, United States Code, includ-  
10 ing the practices relating to the following:

11 (1) The availability and scheduling of appoint-  
12 ments.

13 (2) The filing, processing, and payment of  
14 claims.

15 (3) Public relations efforts that are focused on  
16 outreach to eligible persons.

17 (4) The continuation of enrollments without ex-  
18 piration.

19 (5) The portability of enrollments nationwide.

20 (b) CONSULTATION.—The Secretary of Defense shall  
21 consult with the other administering Secretaries in the de-  
22 velopment of the actions to be taken under subsection (a).

23 (c) REPORT.—Not later than March 15, 2001, the  
24 Secretary of Defense shall submit to the Committees on  
25 Armed Services of the Senate and House of Representa-

1 tives a report on the actions to be taken under subsection  
2 (a).

3 (d) DEFINITIONS.—In this section the terms “admin-  
4 istering Secretaries” and “TRICARE program” shall have  
5 the meanings given such terms in section 1072 of title 10,  
6 United States Code.

7 **Subtitle C—Joint Initiatives With**  
8 **Department of Veterans Affairs**

9 **SEC. 721. TRACKING PATIENT SAFETY IN MILITARY AND**  
10 **VETERANS HEALTH CARE SYSTEMS.**

11 (a) CENTRALIZED TRACKING PROCESS.—The Sec-  
12 retary of Defense and the Secretary of Veterans Affairs  
13 shall jointly prescribe a centralized process for the report-  
14 ing, compiling, and analysis of errors in the provision of  
15 health care under the Defense Health Program and the  
16 Department of Veterans Affairs health care system that  
17 endanger patients beyond the normal risks associated with  
18 the care and treatment of the patients.

19 (b) SAFETY INDICATORS, ET CETERA.—The process  
20 shall include such indicators, standards, and protocols as  
21 the Secretary of Defense and the Secretary of Veterans  
22 Affairs consider necessary for the establishment and ad-  
23 ministration of an effective process.

1 **SEC. 722. PHARMACEUTICAL IDENTIFICATION TECH-**  
2 **NOLOGY.**

3 (a) BAR CODE IDENTIFICATION TECHNOLOGY.—The  
4 Secretary of Defense and the Secretary of Veterans Af-  
5 fairs shall jointly develop a system for the use of bar codes  
6 for the identification of pharmaceuticals.

7 (b) USE IN MAIL ORDER PHARMACEUTICALS PRO-  
8 GRAM.—The Secretary of Defense, in consultation with  
9 the Secretary of Veterans Affairs, shall experiment with  
10 the use of bar code identification of pharmaceuticals in  
11 the administration of the mail order pharmaceuticals pro-  
12 gram carried out under section 1110(a) of title 10, United  
13 States Code (as added by section 731).

14 **SEC. 723. MEDICAL INFORMATICS.**

15 (a) ADDITION MATTERS FOR ANNUAL REPORT ON  
16 MEDICAL INFORMATICS ADVISORY COMMITTEE.—Section  
17 723(d)(5) of the National Defense Authorization Act for  
18 Fiscal Year 2000 (Public Law 106–65; 113 Stat. 697; 10  
19 U.S.C. 1071 note) is amended to read as follows:

20 “(5) The Secretary of Defense shall submit to Con-  
21 gress an annual report on medical informatics. The report  
22 shall include a discussion of the following matters:

23 “(A) The activities of the Committee.

24 “(B) The coordination of development, develop-  
25 ment, and maintenance of health care informatics  
26 systems within the Federal Government, and be-

1       tween the Federal Government and the private sec-  
2       tor.

3               “(C) The progress or growth occurring in med-  
4       ical informatics.

5               “(D) How the TRICARE program and the De-  
6       partment of Veterans Affairs health care system can  
7       use the advancement of knowledge in medical  
8       informatics to raise the standards of health care and  
9       treatment and the expectations for improving health  
10      care and treatment.”.

11      (b) FISCAL YEAR 2001 FUNDING FOR PHARMA-  
12      CEUTICALS-RELATED MEDICAL INFORMATICS.—Of the  
13      amount authorized to be appropriated under section  
14      301(22)—

15              (1) \$64,000,000 is available for the commence-  
16      ment of the implementation of a new computerized  
17      medical record, including an automated entry order  
18      system for pharmaceuticals, that makes all relevant  
19      clinical information on a patient under the Defense  
20      Health Program available when and where it is  
21      needed; and

22              (2) \$9,000,000 is available for the implementa-  
23      tion of an integrated pharmacy system under the  
24      Defense Health Program that creates a single profile  
25      for all of the prescription medications a patient

1 takes, regardless of whether the prescriptions for  
 2 those medications were filled at military or private  
 3 pharmacies serving Department of Defense bene-  
 4 ficiaries worldwide.

## 5 **Subtitle D—Other Matters**

### 6 **SEC. 731. PERMANENT AUTHORITY FOR CERTAIN PHARMA-** 7 **CEUTICAL BENEFITS.**

8 (a) AUTHORITY.—(1) Chapter 55 of title 10, United  
 9 States Code, is amended by adding at the end the fol-  
 10 lowing:

#### 11 **“§ 1110. Pharmaceutical benefits**

12 “(a) PHARMACEUTICALS BY MAIL.—The Secretary of  
 13 Defense shall carry out a program to provide eligible per-  
 14 sons with prescription pharmaceuticals by mail.

15 “(b) RETAIL PHARMACY NETWORK.—To the max-  
 16 imum extent practicable, the Secretary of Defense shall  
 17 include in each managed health care program under this  
 18 chapter, a program to supply prescription pharmaceuticals  
 19 to eligible persons through a managed care network of  
 20 community retail pharmacies in the area covered by the  
 21 managed health care program.

22 “(c) ELIGIBLE PERSONS.—A person is eligible to ob-  
 23 tain pharmaceuticals under the program of pharma-  
 24 ceuticals by mail under subsection (a) or through a retail

1 pharmacy network included in a managed health care pro-  
 2 gram under subsection (b) as follows:

3 “(1) A person who is eligible for medical care  
 4 under a contract for medical care entered into by the  
 5 Secretary of Defense under section 1079 or 1086 of  
 6 this title.

7 “(2) A person who would be eligible for medical  
 8 care under a contract for medical care entered into  
 9 under section 1086 of this title except for the oper-  
 10 ation of subsection (d)(1) of such section.

11 “(d) PHARMACEUTICALS OFFERED.—The Secretary  
 12 of Defense shall determine the pharmaceuticals that may  
 13 be obtained by eligible persons under subsection (a) or (b).

14 “(e) FEES.—The Secretary of Defense shall prescribe  
 15 an appropriate fee, charge, or copayment to be paid by  
 16 persons for pharmaceuticals obtained under subsection (a)  
 17 or (b).

18 “(f) CONSULTATION REQUIREMENT.—The Secretary  
 19 of Defense shall consult with the other administering Sec-  
 20 retaries in the administration of this section.”.

21 (2) The table of sections at the beginning of such  
 22 chapter is amended by adding at the end the following:

“1110. Pharmaceutical benefits.”.

23 (b) REPEAL OF SUPERSEDED AUTHORITY.—Section  
 24 702 of the National Defense Authorization Act for Fiscal

1 Year 1993 (Public Law 102–484; 106 Stat. 2431; 10  
2 U.S.C. 1079 note) is repealed.

3 (c) EFFECTIVE DATE.—This section and the amend-  
4 ments made by this section shall take effect on January  
5 1, 2001.

6 **SEC. 732. PROVISION OF DOMICILIARY AND CUSTODIAL**  
7 **CARE FOR CHAMPUS BENEFICIARIES.**

8 (a) CONTINUATION OF CARE FOR CERTAIN  
9 CHAMPUS BENEFICIARIES.—Section 703(a)(1) of the  
10 National Defense Authorization Act for Fiscal Year 2000  
11 (Public Law 106–65; 113 Stat. 682; 10 U.S.C. 1077 note)  
12 is amended by inserting before the period at the end the  
13 following: “or by the prohibition in section 1086(d)(1) of  
14 such title”.

15 (b) COST LIMITATION FOR INDIVIDUAL CASE MAN-  
16 AGEMENT PROGRAM.—(1) Section 1079(a)(17) of title 10,  
17 United States Code, is amended—

18 (A) by inserting “(A)” after “(17)”; and

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

20 “(B) The total amount expended under sub-  
21 paragraph (A) for a fiscal year may not exceed  
22 \$100,000,000.”.

23 (2) Section 703 of the National Defense Authoriza-  
24 tion Act for Fiscal Year 2000 is amended by adding at  
25 the end the following:



1       “(e) COST LIMITATION.—The total amount paid for  
 2 services for eligible beneficiaries under subsection (a) for  
 3 a fiscal year (together with the costs of administering the  
 4 authority under that subsection) shall be included in the  
 5 expenditures limited by section 1079(a)(17)(B) of title 10,  
 6 United States Code.”.

7       (c) APPLICABILITY OF COST LIMITATION.—The  
 8 amendments made by subsection (b) shall apply to fiscal  
 9 years after fiscal year 1999.

10 **SEC. 733. MEDICAL AND DENTAL CARE FOR MEDAL OF**  
 11 **HONOR RECIPIENTS AND THEIR DEPEND-**  
 12 **ENTS.**

13       (a) MEDAL RECIPIENTS.—Section 1074 of title 10,  
 14 United States Code, is amended by adding at the end the  
 15 following:

16       “(d)(1) A medal of honor recipient is entitled to med-  
 17 ical and dental care under this chapter to the same extent  
 18 as a person referred to in subsection (b).

19       “(2) In this subsection, the term ‘medal of honor re-  
 20 cipient’ means a person awarded a medal of honor under  
 21 section 3741, 6241, or 8741 of this title, or section 491  
 22 of title 14.”.

23       (b) DEPENDENTS.—Section 1076 of such title is  
 24 amended by adding at the end the following:

1       “(f)(1) The immediate dependents of a medal of  
 2 honor recipient are entitled to medical and dental care  
 3 under this chapter to the same extent as a person referred  
 4 to in subsection (b).

5       “(2) In this subsection:

6           “(A) The term ‘medal of honor recipient’ has  
 7 the meaning given the term in section 1074(d)(2) of  
 8 this title.

9           “(B) The term ‘immediate dependent’ means a  
 10 dependent described in subparagraphs (A), (B), (C),  
 11 and (D) of section 1072(2) of this title.”.

12 **SEC. 734. SCHOOL-REQUIRED PHYSICAL EXAMINATIONS**  
 13 **FOR CERTAIN MINOR DEPENDENTS.**

14       Section 1076 of title 10, United States Code, as  
 15 amended by section 733(b), is further amended by adding  
 16 at the end the following:

17       “(g)(1) The administering Secretaries shall furnish  
 18 an eligible dependent a physical examination that is re-  
 19 quired by a school in connection with the enrollment of  
 20 the dependent as a student in that school.

21       “(2) A dependent is eligible for a physical examina-  
 22 tion under paragraph (1) if the dependent—

23           “(A) is entitled to receive medical care under  
 24 subsection (a) or is authorized to receive medical  
 25 care under subsection (b); and

1           “(B) is at least 5 years of age and less than 12  
2       years of age.

3           “(3) Nothing in paragraph (2) may be construed to  
4       prohibit the furnishing of a school-required physical exam-  
5       ination to any dependent who, except for not satisfying  
6       the age requirement under that paragraph, would other-  
7       wise be eligible for a physical examination required to be  
8       furnished under this subsection.”.

9       **SEC. 735. TWO-YEAR EXTENSION OF DENTAL AND MEDICAL**  
10                           **BENEFITS FOR SURVIVING DEPENDENTS OF**  
11                           **CERTAIN DECEASED MEMBERS.**

12       (a) DENTAL BENEFITS.—Section 1076a(k)(2) of title  
13       10, United States Code, is amended by striking “one-year  
14       period” and inserting “three-year period”.

15       (b) MEDICAL BENEFITS.—Section 1079(g) of title  
16       10, United States Code, is amended by striking “one-year  
17       period” in the second sentence and inserting “three-year  
18       period”.

19       **SEC. 736. EXTENSION OF AUTHORITY FOR CONTRACTS FOR**  
20                           **MEDICAL SERVICES AT LOCATIONS OUTSIDE**  
21                           **MEDICAL TREATMENT FACILITIES.**

22       Section 1091(a)(2) of title 10, United States Code,  
23       is amended by striking “December 31, 2000” and insert-  
24       ing “September 30, 2002”.

1 **SEC. 737. TRANSITION OF CHIROPRACTIC HEALTH CARE**  
2 **DEMONSTRATION PROGRAM TO PERMANENT**  
3 **STATUS.**

4 (a) **TRICARE PRIME BENEFITS.**—The Secretary of  
5 Defense shall complete the development and implementa-  
6 tion of a program to provide chiropractic health care serv-  
7 ices and benefits for all TRICARE Prime enrollees as a  
8 permanent part of the military health care system for the  
9 enrollees in that plan, as follows:

10 (1) At the military medical treatment facilities  
11 designated pursuant to section 731(a)(2)(A) of the  
12 National Defense Authorization Act for Fiscal Year  
13 1995 (Public Law 103–337; 10 U.S.C. 1092 note),  
14 not later than 180 days after the date of the enact-  
15 ment of this Act.

16 (2) At the other military medical treatment fa-  
17 cilities considered by the Secretary of Defense to be  
18 major military medical treatment facilities, not later  
19 than October 1, 2001.

20 (b) **PRIMARY CARE MANAGEMENT.**—The Secretary  
21 shall ensure that the primary care manager model, which  
22 requires referral by a primary care manager, is used for  
23 providing the chiropractic health care services and benefits  
24 under the program referred to in subsection (a).

1 (c) CONTINUATION OF EXISTING CHIROPRACTIC  
2 BENEFITS.—Section 731(a)(4) of the National Defense  
3 Authorization Act for Fiscal Year 1995 is amended—

4 (1) by striking “During fiscal year 2000, the”  
5 and inserting “The”; and

6 (2) by adding at the end the following: “The re-  
7 quirement under the preceding sentence shall cease  
8 to apply with respect to a military medical treatment  
9 facility on the date on which the Secretary of De-  
10 fense completes the implementation of a program to  
11 provide chiropractic health care services and benefits  
12 at that facility for all TRICARE Prime enrollees as  
13 a permanent part of the military health care system  
14 for the enrollees in that plan.”.

15 **SEC. 738. USE OF INFORMATION TECHNOLOGY FOR EN-**  
16 **HANCEMENT OF DELIVERY OF ADMINISTRA-**  
17 **TIVE SERVICES UNDER THE DEFENSE**  
18 **HEALTH PROGRAM.**

19 (a) REQUIREMENT.—The Secretary of Defense shall  
20 take the actions that the Secretary determines necessary  
21 to use, in at least one TRICARE program region, com-  
22 mercially available information technology systems and  
23 products to simplify the critical administrative processes  
24 of the defense health program (including TRICARE), to  
25 enhance the efficiency of the performance of administra-

1 tive services under the program, to match commercially  
2 recognized standards of performance of the services, and  
3 otherwise to improve the performance of the services.

4 (b) IMPLEMENTATION.—In carrying out subsection  
5 (a), the Secretary shall ensure that—

6 (1) the use of Internet technology is incor-  
7 porated into the processes referred to in that sub-  
8 section; and

9 (2) conversions to new or different computer  
10 technologies incorporate data requirements that are  
11 widely used in the marketplace (including those used  
12 by medicare or commercial insurers) for the per-  
13 formance of administrative services.

14 (c) ADMINISTRATIVE SERVICES DEFINED.—In this  
15 section, the term “administrative services” includes the  
16 performance of the following functions:

17 (1) Marketing.

18 (2) Enrollment.

19 (3) Program education of beneficiaries.

20 (4) Program education of health care providers.

21 (5) Scheduling of appointments.

22 (6) Processing of claims.

1 **SEC. 739. PATIENT CARE REPORTING AND MANAGEMENT**  
2 **SYSTEM.**

3 (a) ESTABLISHMENT.—The Secretary of Defense  
4 shall establish a patient care error reporting and manage-  
5 ment system.

6 (b) PURPOSES OF SYSTEM.—The purposes of the sys-  
7 tem are as follows:

8 (1) To study the occurrences of errors in the  
9 patient care provided under chapter 55 of title 10,  
10 United States Code.

11 (2) To identify the systemic factors that are as-  
12 sociated with such occurrences.

13 (3) To provide for action to be taken to correct  
14 the identified systemic factors.

15 (c) REQUIREMENTS FOR SYSTEM.—The patient care  
16 error reporting and management system shall include the  
17 following:

18 (1) A hospital-level patient safety center, within  
19 the quality assurance department of each health care  
20 organization of the Department of Defense, to col-  
21 lect, assess, and report on the nature and frequency  
22 of errors related to patient care.

23 (2) For each health care organization of the  
24 Department of Defense and for the entire Defense  
25 health program, the patient safety baselines that are  
26 necessary for the development of a full under-

1 standing of patient safety issues in each such orga-  
2 nization and the entire program, including the na-  
3 ture and types of errors and the systemic causes of  
4 the errors.

5 (3) A Department of Defense Patient Safety  
6 Center within the Armed Forces Institute of Pathol-  
7 ogy to have the following missions:

8 (A) To analyze information on patient care  
9 errors that is submitted to the Center by each  
10 military health care organization.

11 (B) To develop action plans for addressing  
12 patterns of patient care errors.

13 (C) To execute those action plans to miti-  
14 gate and control errors in patient care with a  
15 goal of ensuring that the health care organiza-  
16 tions of the Department of Defense provide  
17 highly reliable patient care with virtually no  
18 error.

19 (D) To provide, through the Assistant Sec-  
20 retary of Defense for Health Affairs, to the  
21 Agency for Healthcare Research and Quality of  
22 the Department of Health and Human Services  
23 any reports that the Assistant Secretary deter-  
24 mines appropriate.



1                   (E) To review and integrate processes for  
2                   reducing errors associated with patient care and  
3                   for enhancing patient safety.

4                   (F) To contract with a qualified and objec-  
5                   tive external organization to manage the na-  
6                   tional patient safety database of the Depart-  
7                   ment of Defense.

8           (d) MEDTEAMS PROGRAM.—The Secretary shall ex-  
9           pand the health care team coordination program to inte-  
10          grate that program into all Department of Defense health  
11          care operations. In carrying out this subsection, the Sec-  
12          retary shall take the following actions:

13               (1) Establish not less than two Centers of Ex-  
14               cellence for the development, validation, prolifera-  
15               tion, and sustainment of the health care team co-  
16               ordination program, one of which shall support all  
17               fixed military health care organizations, the other of  
18               which shall support all combat casualty care organi-  
19               zations.

20               (2) Deploy the program to all fixed and combat  
21               casualty care organizations of each of the Armed  
22               Forces, at the rate of not less than 10 organizations  
23               in each fiscal year.

24               (3) Expand the scope of the health care team  
25               coordination program from a focus on emergency de-

1       partment care to a coverage that includes care in all  
2       major medical specialties, at the rate of not less  
3       than one specialty in each fiscal year.

4           (4) Continue research and development invest-  
5       ments to improve communication, coordination, and  
6       team work in the provision of health care.

7       (e) CONSULTATION.—The Secretary shall consult  
8       with the other administering Secretaries (as defined in  
9       section 1072(3) of title 10, United States Code) in car-  
10      rying out this section.

11   **SEC. 740. HEALTH CARE MANAGEMENT DEMONSTRATION**  
12                           **PROGRAM.**

13       (a) ESTABLISHMENT.—The Secretary of Defense  
14      shall carry out a demonstration program on health care  
15      management to explore opportunities for improving the  
16      planning and management of the Department of Defense  
17      health care system.

18       (b) TEST MODELS.—Under the demonstration pro-  
19      gram, the Secretary shall test the use of the following  
20      planning and management models:

21           (1) A health care simulation model for studying  
22      alternative delivery policies, processes, organizations,  
23      and technologies.

24           (2) A health care simulation model for studying  
25      long term disease management.

1 (c) DEMONSTRATION SITES.—The Secretary shall  
2 test each model separately at one or more sites.

3 (d) PERIOD FOR PROGRAM.—The demonstration pro-  
4 gram shall begin not later than 180 days after the date  
5 of the enactment of this Act and shall terminate on De-  
6 cember 31, 2001.

7 (e) REPORTS.—The Secretary of Defense shall sub-  
8 mit a report on the demonstration program to the Com-  
9 mittees on Armed Services of the Senate and the House  
10 of Representatives not later than March 15, 2002. The  
11 report shall include the Secretary's assessment of the  
12 value of incorporating the use of the tested planning and  
13 management models throughout the Department of De-  
14 fense health care system.

15 (f) FUNDING.—Of the amount authorized to be ap-  
16 propriated under section 301(22), \$6,000,000 shall be  
17 available for the demonstration program under this sec-  
18 tion.

19 **SEC. 741. STUDIES OF ACCRUAL FINANCING FOR HEALTH**  
20 **CARE FOR MILITARY RETIREES.**

21 (a) STUDIES REQUIRED.—The Secretary of Defense  
22 shall carry out two studies to assess the feasibility and  
23 desirability of financing the military health care program  
24 for retirees of the uniformed services on an accrual basis.

1 (b) SOURCES OF STUDIES.—The Secretary shall pro-  
2 vide for—

3 (1) one of the studies under subsection (a) to  
4 be conducted by one or more Department of Defense  
5 organizations designated by the Secretary; and

6 (2) the other study to be conducted by an orga-  
7 nization that is independent of the Department of  
8 Defense and has expertise in financial programs and  
9 health care.

10 (c) REPORTS.—(1) The Secretary shall provide for  
11 the submission of a final report on each study to the Sec-  
12 retary within such time as the Secretary determines nec-  
13 essary to satisfy the requirement in paragraph (2).

14 (2) The Secretary shall transmit the final reports on  
15 the studies to Congress not later than February 8, 2001.  
16 The Secretary may include in the transmittal any com-  
17 ments on the reports or on the matters studied that the  
18 Secretary considers appropriate.

19 **SEC. 742. AUGMENTATION OF ARMY MEDICAL DEPART-**  
20 **MENT BY RESERVE OFFICERS OF THE PUB-**  
21 **LIC HEALTH SERVICE.**

22 (a) AUTHORITY.—The Secretary of the Army and the  
23 Secretary of Health and Human Services may jointly con-  
24 duct a program to augment the Army Medical Department  
25 by exercising any authorities provided to those officials in

1 law for the detailing of reserve commissioned officers of  
2 the Public Health Service not in an active status to the  
3 Army Medical Department for that purpose.

4 (b) AGREEMENT.—The Secretary of the Army and  
5 the Secretary of Health and Human Services shall enter  
6 into an agreement governing any program conducted  
7 under subsection (a).

8 (c) ASSESSMENT.—(1) The Secretary of the Army  
9 shall review the laws providing the authorities described  
10 in subsection (a) and assess the adequacy of those laws  
11 for authorizing—

12 (A) the Secretary of Health and Human Serv-  
13 ices to detail reserve commissioned officers of the  
14 Public Health Service not in an active status to the  
15 Army Medical Department to augment that depart-  
16 ment; and

17 (B) the Secretary of the Army to accept the de-  
18 tail of such officers for that purpose.

19 (2) The Secretary shall complete the review and as-  
20 sessment under paragraph (1) not later than 90 days after  
21 the date of the enactment of this Act.

22 (d) REPORT TO CONGRESS.—Not later than March  
23 1, 2001, the Secretary of the Army shall submit a report  
24 on the results of the review and assessment under sub-  
25 section (c) to the Committees on Armed Services of the

1 Senate and the House of Representatives. The report shall  
2 include the following:

3 (1) The findings resulting from the review and  
4 assessment.

5 (2) Any proposal for legislation that the Sec-  
6 retary recommends to strengthen the authority of  
7 the Secretary of Health and Human Services and  
8 the authority of the Secretary of the Army to take  
9 the actions described in subparagraphs (A) and (B),  
10 respectively, of subsection (c)(1).

11 (e) CONSULTATION REQUIREMENT.—The Secretary  
12 of the Army shall consult with the Secretary of Health  
13 and Human Services in carrying out the review and as-  
14 sessment under subsection (c) and in preparing the report  
15 (including making recommendations) under subsection  
16 (d).

17 **TITLE VIII—ACQUISITION POL-**  
18 **ICY, ACQUISITION MANAGE-**  
19 **MENT, AND RELATED MAT-**  
20 **TERS**

21 **SEC. 801. IMPROVEMENTS IN PROCUREMENTS OF SERV-**  
22 **ICES.**

23 (a) PREFERENCE FOR PERFORMANCE-BASED SERV-  
24 ICE CONTRACTING.—The Secretary of Defense shall en-  
25 sure that, not later than 180 days after the date of the

1 enactment of this Act, the Department of Defense Supple-  
 2 ment to the Federal Acquisition Regulation is revised to  
 3 establish a preference for use of contracts and task orders  
 4 for the purchase of services in the following order of prece-  
 5 dence:

6 (1) A performance-based contract or perform-  
 7 ance-based task order that contains firm fixed prices  
 8 for the specific tasks to be performed.

9 (2) Any other performance-based contract or  
 10 performance-based task order.

11 (3) Any contract or task order that is not a  
 12 performance-based contract or a performance-based  
 13 task order.

14 (b) INCENTIVE FOR USE OF PERFORMANCE-BASED  
 15 SERVICE CONTRACTS.—(1) A Department of Defense per-  
 16 formance-based contract or performance-based task order  
 17 may be treated as a contract for the procurement of com-  
 18 mercial items if—

19 (A) the contract or task order is valued at  
 20 \$5,000,000 or less;

21 (B) the contract or task order sets forth specifi-  
 22 cally each task to be performed and, for each task—

23 (i) defines the task in measurable, mission-  
 24 related terms;

1 (ii) identifies the specific end products or  
2 output to be achieved; and

3 (iii) contains a firm fixed price; and

4 (C) the source of the services provides similar  
5 services contemporaneously to the general public  
6 under terms and conditions similar to those offered  
7 to the Federal Government.

8 (2) The special simplified procedures provided in the  
9 Federal Acquisition Regulation pursuant to section  
10 2304(g)(1)(B) of title 10, United States Code, shall not  
11 apply to a performance-based contract or performance-  
12 based task order that is treated as a contract for the pro-  
13 curement of commercial items under paragraph (1).

14 (3) Not later than 2 years after the date of the enact-  
15 ment of this Act, the Comptroller General shall submit  
16 a report on the implementation of this subsection to the  
17 congressional defense committees.

18 (4) The authority under this subsection shall not  
19 apply to contracts entered into or task orders issued more  
20 than 3 years after the date of the enactment of this Act.

21 (c) CENTERS OF EXCELLENCE IN SERVICE CON-  
22 TRACTING.—Not later than 180 days after the date of the  
23 enactment of this Act, the Secretary of each military de-  
24 partment shall establish at least one center of excellence  
25 in contracting for services. Each center of excellence shall



1 assist the acquisition community by identifying, and serv-  
2 ing as a clearinghouse for, best practices in contracting  
3 for services in the public and private sectors.

4 (d) ENHANCED TRAINING IN SERVICE CON-  
5 TRACTING.—(1) The Secretary of Defense shall ensure  
6 that classes focusing specifically on contracting for serv-  
7 ices are offered by the Defense Acquisition University and  
8 the Defense Systems Management College and are other-  
9 wise available to contracting personnel throughout the De-  
10 partment of Defense.

11 (2) The Secretary of each military department and  
12 the head of each Defense Agency shall ensure that the  
13 personnel of the department or agency, as the case may  
14 be, who are responsible for the awarding and management  
15 of contracts for services receive appropriate training that  
16 is focused specifically on contracting for services.

17 (e) DEFINITIONS.—In this section:

18 (1) The term “performance-based”, with re-  
19 spect to a contract, a task order, or contracting,  
20 means that the contract, task order, or contracting,  
21 respectively, includes the use of performance work  
22 statements that set forth contract requirements in  
23 clear, specific, and objective terms with measurable  
24 outcomes.

1           (2) The term “commercial item” has the mean-  
 2           ing given the term in section 4(12) of the Office of  
 3           Federal Procurement Policy Act (41 U.S.C.  
 4           403(12)).

5           (3) The term “Defense Agency” has the mean-  
 6           ing given the term in section 101(a)(11) of title 10,  
 7           United States Code.

8   **SEC. 802. ADDITION OF THRESHOLD VALUE REQUIREMENT**  
 9                           **FOR APPLICABILITY OF A REPORTING RE-**  
 10                          **QUIREMENT RELATING TO MULTIYEAR CON-**  
 11                          **TRACT.**

12       Section 2036b(l)(4) of title 10, United States Code,  
 13 is amended by striking “until the Secretary of Defense  
 14 submits to the congressional defense committees a report  
 15 with respect to that contract (or contract extension)” in  
 16 the matter preceding subparagraph (A) and inserting “the  
 17 value of which would exceed \$500,000,000 (when entered  
 18 into or when extended, as the case may be) until the Sec-  
 19 retary of Defense has submitted to the congressional de-  
 20 fense committees a report”.

21   **SEC. 803. PLANNING FOR THE ACQUISITION OF INFORMA-**  
 22                           **TION SYSTEMS.**

23       (a) RESPONSIBILITY OF CHIEF INFORMATION OFFI-  
 24 CERS.—Section 2223 of title 10, United States Code, is  
 25 amended—

1 (1) in subsection (a)—

2 (A) by striking “and” at the end of para-  
3 graph (3);

4 (B) by striking the period at the end of  
5 paragraph (4) and inserting “; and”; and

6 (C) by adding at the end the following:

7 “(5) maintain a consolidated inventory of De-  
8 partment of Defense mission critical and mission es-  
9 sential information systems, identify interfaces be-  
10 tween these systems and other information systems,  
11 and develop and maintain contingency plans for re-  
12 sponding to a disruption in the operation of any of  
13 these information systems.”; and

14 (2) in subsection (b)—

15 (A) by striking “and” at the end of para-  
16 graph (3);

17 (B) by striking the period at the end of  
18 paragraph (4) and inserting “; and”; and

19 (C) by adding at the end the following:

20 “(5) maintain an inventory of the mission crit-  
21 ical and mission essential information systems of the  
22 military department, identify interfaces between  
23 these systems and other information systems, and  
24 develop and maintain contingency plans for respond-

1       ing to a disruption in the operation of any of these  
2       information systems.”.

3       (b) REVISED REGULATIONS REQUIRED.—Not later  
4       than 60 days after the date of enactment of this Act, De-  
5       partment of Defense Directive 5000.1 shall be revised to  
6       establish minimum planning requirements for the acquisi-  
7       tion of information technology systems.

8       (c) MISSION CRITICAL AND MISSION ESSENTIAL IN-  
9       FORMATION TECHNOLOGY SYSTEMS.—The revised direc-  
10      tive required by subsection (b) shall—

11           (1) include definitions of the terms “mission  
12           critical information system” and “mission essential  
13           information system”; and

14           (2) prohibit the award of any contract for the  
15           acquisition of a mission critical or mission essential  
16           information technology system until—

17                   (A) the system has been registered with  
18                   the Chief Information Officer of the Depart-  
19                   ment of Defense;

20                   (B) the Chief Information Officer has re-  
21                   ceived all information on the system that is re-  
22                   quired under the directive to be provided to  
23                   that official; and

1 (C) the Chief Information Officer has de-  
2 termined that an appropriate information as-  
3 surance strategy is in place for the system.

4 (d) MAJOR AUTOMATED INFORMATION SYSTEMS.—  
5 The revised directive required by subsection (b) shall pro-  
6 hibit Milestone I approval, Milestone II approval, or Mile-  
7 stone III approval of a major automated information sys-  
8 tem within the Department of Defense until the Chief In-  
9 formation Officer has determined that—

10 (1) the system is being developed in accordance  
11 with the requirements of division E of the Clinger-  
12 Cohen Act of 1996 (40 U.S.C. 1401 et seq.);

13 (2) appropriate actions have been taken with  
14 respect to the system in the areas of business proc-  
15 ess reengineering, analysis of alternatives, economic  
16 analysis, and performance measures; and

17 (3) the system has been registered as described  
18 in subsection (c)(2).

19 (e) REPORTS.—(1) The Secretary of Defense shall  
20 submit to the congressional defense committees, not later  
21 than February 1 of each of fiscal years 2001, 2002, and  
22 2003, a report on the implementation of the requirements  
23 of this section during the preceding fiscal year.

24 (2) The report for a fiscal year under paragraph (1)  
25 shall include, at a minimum, for each major automated

1 information system that was approved during such pre-  
2 ceding fiscal year under Department of Defense Directive  
3 5000.1 (as revised pursuant to subsection (d)), the fol-  
4 lowing:

5 (A) The funding baseline.

6 (B) The milestone schedule.

7 (C) The actions that have been taken to ensure  
8 compliance with the requirements of this section and  
9 the directive.

10 (3) The report for fiscal year 2000 shall include, in  
11 addition to the information required by paragraph (2), an  
12 explanation of the manner in which the responsible offi-  
13 cials within the Department of Defense have addressed,  
14 or intend to address, the following acquisition issues for  
15 each major automated information system to be acquired  
16 after that fiscal year:

17 (A) Requirements definition.

18 (B) Presentation of a business case analysis, in-  
19 cluding an analysis of alternatives and a calculation  
20 of return on investment.

21 (C) Performance measurement.

22 (D) Test and evaluation.

23 (E) Interoperability.

24 (F) Cost, schedule, and performance baselines.

25 (G) Information assurance.

1 (H) Incremental fielding and implementation.

2 (I) Risk mitigation.

3 (J) The role of integrated product teams.

4 (K) Issues arising from implementation of the  
5 Command, Control, Communications, Computers,  
6 Intelligence, Surveillance, and Reconnaissance Plan  
7 required by Department of Defense Directive 5000.1  
8 and Chairman of the Joint Chiefs of Staff Instruc-  
9 tion 3170.01.

10 (L) Oversight, including the Chief Information  
11 Officer's oversight of decision reviews.

12 (f) DEFINITIONS.—In this section:

13 (1) The term “Chief Information Officer”  
14 means the senior official of the Department of De-  
15 fense designated by the Secretary of Defense pursu-  
16 ant to section 3506 of title 44, United States Code.

17 (2) The term “information technology system”  
18 has the meaning given the term “information tech-  
19 nology” in section 5002 of the Clinger-Cohen Act of  
20 1996 (40 U.S.C. 1401).

21 (3) The term “major automated information  
22 system” has the meaning given that term in Depart-  
23 ment of Defense Directive 5000.1.

1 **SEC. 804. TRACKING OF INFORMATION TECHNOLOGY PUR-**  
2 **CHASES.**

3 (a) REQUIREMENT FOR TRACKING SYSTEM.—(1)  
4 Chapter 131 of title 10, United States Code, is amended  
5 by adding at the end the following:

6 **“§2225. Information technology purchases: auto-**  
7 **mated tracking and management systems**

8 “(a) REQUIREMENT FOR SYSTEMS.—(1) The Sec-  
9 retary of each military department shall administer an  
10 automated system for tracking and managing purchases  
11 of information technology products and services by the de-  
12 partment.

13 “(2) The Secretary of Defense shall administer an  
14 automated system for tracking and managing purchases  
15 of information technology products and services by the De-  
16 fense Agencies.

17 “(b) PURCHASE TO WHICH APPLICABLE.—Each sys-  
18 tem under subsection (a) shall, at a minimum, provide for  
19 collection of data on all purchases of information tech-  
20 nology products and services in excess of the simplified  
21 acquisition threshold, regardless of whether such pur-  
22 chases are made in the form of a contract, grant, coopera-  
23 tive agreement, other transaction, task order, delivery  
24 order, or military interdepartmental purchase request, or  
25 in any other form.



1       “(c) DATA TO BE INCLUDED.—The information col-  
2 lected under each such system shall include, for each pur-  
3 chase, the following:

4               “(1) The products or services purchased.

5               “(2) The categorization of the products or serv-  
6 ices as commercial off-the-shelf products, other com-  
7 mercial items, nondevelopmental items other than  
8 commercial items, other noncommercial items, or  
9 services.

10              “(3) The total dollar amount of the purchase.

11              “(4) The contract form used to make the pur-  
12 chase.

13              “(5) In the case of a purchase made through  
14 another agency—

15                      “(A) the agency through which the pur-  
16 chase is made; and

17                      “(B) the reasons for making the purchase  
18 through that agency.

19              “(6) The type of pricing used to make the pur-  
20 chase (whether by fixed price or by another specified  
21 type of pricing).

22              “(7) The extent of competition provided for in  
23 making the purchase.

24              “(8) A statement regarding whether the pur-  
25 chase was made from—

1                   “(A) a small business concern;

2                   “(B) a small business concern owned and  
3                   controlled by socially and economically dis-  
4                   advantaged individuals; or

5                   “(C) a small business concern owned and  
6                   controlled by women.

7                   “(9) A statement regarding whether the pur-  
8                   chase was made in compliance with the planning re-  
9                   quirements provided under sections 5112, 5113,  
10                  5122, and 5123 of the Clinger-Cohen Act of 1996  
11                  (40 U.S.C. 1412, 1413, 1242, 1423).

12                  “(10) In the case of frequently-purchased com-  
13                  mercial off-the-shelf items, data that informs man-  
14                  agers of the unit prices paid for the items and en-  
15                  ables the managers to ensure that such prices are  
16                  fair and reasonable.

17                  “(d) LIMITATION ON PURCHASES.—No purchase of  
18                  information technology products or services in excess of  
19                  the simplified acquisition threshold shall be made for the  
20                  Department of Defense through a Federal Government  
21                  agency that is outside the Department of Defense  
22                  unless—

23                  “(1) data on the purchase is included in a  
24                  tracking system that meets the requirements of sub-  
25                  sections (a), (b), and (c); or

1 “(2) the purchase—

2 “(A) in the case of a purchase by a De-  
3 fense Agency, is approved by the Under Sec-  
4 retary of Defense for Acquisition, Technology,  
5 and Logistics; or

6 “(B) in the case of a purchase by a mili-  
7 tary department, is approved by the senior pro-  
8 curement executive of the military department.

9 “(e) ANNUAL REPORT.—Not later than February 15  
10 of each fiscal year, the Secretary of Defense shall submit  
11 to the Committees on Armed Services of the Senate and  
12 the House of Representatives a report on the purchases  
13 of information technology products and services that were  
14 made by the military departments and Defense Agencies  
15 during the preceding fiscal year. The report shall set forth  
16 an aggregation of the information collected in accordance  
17 with subsection (c).

18 “(f) DEFINITIONS.—In this section:

19 “(1) The term ‘senior procurement executive’,  
20 with respect to a military department, means the of-  
21 ficial designated as the senior procurement executive  
22 for the military department for the purposes of sec-  
23 tion 16(3) of the Office of Federal Procurement Pol-  
24 icy Act (41 U.S.C. 414(3)).

1           “(2) The term ‘simplified acquisition threshold’  
 2           has the meaning given the term in section 4(11) of  
 3           the Office of Federal Procurement Policy Act (31  
 4           U.S.C. 403(11)).

5           “(3) The term ‘small business concern’ means  
 6           a business concern that meets the applicable size  
 7           standards prescribed pursuant to section 3(a) of the  
 8           Small Business Act (15 U.S.C. 632(a)).

9           “(4) The term ‘small business concern owned  
 10          and controlled by socially and economically disadvan-  
 11          taged individuals’ has the meaning given that term  
 12          in section 8(d)(3)(C) of the Small Business Act (15  
 13          U.S.C. 637(d)(3)(C)).

14          “(5) The term ‘small business concern owned  
 15          and controlled by women’ has the meaning given  
 16          that term in section 8(d)(3)(D) of the Small Busi-  
 17          ness Act (15 U.S.C. 637(d)(3)(D)).”.

18          (2) The table of sections at the beginning of such  
 19 chapter is amended by adding at the end the following:

“2225. Information technology purchases: automated tracking and management  
 systems.”.

20          (b) TIME FOR IMPLEMENTATION.—(1) Each official  
 21 required under section 2225 of title 10, United States  
 22 Code (as added by subsection (a)), to administer an auto-  
 23 mated system for tracking and managing purchases of in-  
 24 formation technology products and services shall develop

1 and commence the use of the system not later than one  
2 year after the date of the enactment of this Act.

3 (2) Subsection (d) of section 2225 of title 10, United  
4 States Code (as so added), shall apply to purchases de-  
5 scribed in that subsection for which solicitations of offers  
6 are issued more than one year after the date of the enact-  
7 ment of this Act.

8 (c) GAO REPORT.—Not later than 15 months after  
9 the date of the enactment of this Act, the Comptroller  
10 General shall submit to the congressional defense commit-  
11 tees a report on the systems developed pursuant to section  
12 2225 of title 10, United States Code (as added by sub-  
13 section (a)). The report shall include the Comptroller Gen-  
14 eral’s assessment of the extent to which the systems meet  
15 the requirements of that section.

16 **SEC. 805. REPEAL OF REQUIREMENT FOR CONTRACTOR AS-**  
17 **SURANCES REGARDING THE COMPLETENESS,**  
18 **ACCURACY, AND CONTRACTUAL SUFFI-**  
19 **CIENCY OF TECHNICAL DATA PROVIDED BY**  
20 **THE CONTRACTOR.**

21 Section 2320(b) of title 10, United States Code, is  
22 amended—

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

24 (2) by redesignating paragraphs (8) and (9) as  
25 paragraphs (7) and (8), respectively.

1 **SEC. 806. EXTENSION OF AUTHORITY FOR DEPARTMENT OF**  
2 **DEFENSE ACQUISITION PILOT PROGRAMS.**

3 Section 5064(d)(2) of the Federal Acquisition  
4 Streamlining Act of 1994 (Public Law 103–355; 108 Stat.  
5 3361; 10 U.S.C. 2430 note) is amended by striking “45  
6 days after the date of the enactment of this Act and ends  
7 on September 30, 1998” and inserting “on October 13,  
8 1994, and ends on October 1, 2007”.

9 **SEC. 807. CLARIFICATION AND EXTENSION OF AUTHORITY**  
10 **TO CARRY OUT CERTAIN PROTOTYPE**  
11 **PROJECTS.**

12 (a) AMENDMENTS TO AUTHORITY.—Section 845 of  
13 the National Defense Authorization Act for Fiscal Year  
14 1994 (10 U.S.C. 2371 note) is amended by—

15 (1) redesignating subsection (d) as subsection  
16 (g); and

17 (2) inserting after subsection (c) the following:

18 “(d) APPROPRIATE USE OF AUTHORITY.—(1) The  
19 Secretary of Defense shall ensure that no official of an  
20 agency enters into an agreement for a prototype project  
21 under the authority of this section unless—

22 “(A) at least 20 percent of the total cost of the  
23 prototype project is to be paid out of funds provided  
24 by parties to the agreement other than the Federal  
25 Government (not including funds provided by such  
26 parties in the form of independent research and de-

1        velopment costs and other costs that are reimbursed  
2        as indirect costs under Federal Government con-  
3        tracts);

4            “(B) at least 40 percent of the total cost of the  
5        prototype project is to be paid out of funds provided  
6        by parties to the agreement other than the Federal  
7        Government (including funds provided by such par-  
8        ties in the form of independent research and devel-  
9        opment costs and other costs that are reimbursed as  
10       indirect costs under Federal Government contracts);

11           “(C) there is at least one nontraditional defense  
12        contractor participating to a significant extent in the  
13        prototype project; or

14           “(D) the senior procurement executive for the  
15        agency (as designated for the purposes of section  
16        16(3) of the Office of Federal Procurement Policy  
17        Act (41 U.S.C. 414(3))) determines in writing that  
18        extraordinary circumstances justify the use of the  
19        authority of section 2371 of title 10, United States  
20        Code, in accordance with the requirements of this  
21        section, to enter into the particular agreement.

22           “(2)(A) Except as provided in subparagraph (B), the  
23        amounts counted for the purposes of this subsection as  
24        being provided or to be provided by a party other than  
25        the Federal Government under an agreement for a proto-

1 type project that is entered into under this section do not  
2 include costs that were incurred before the date on which  
3 the agreement becomes effective.

4 “(B) Costs that were incurred for a prototype project  
5 by a party after the beginning of negotiations resulting  
6 in an agreement for the project under this section may  
7 be counted for the purposes of this subsection as being  
8 provided or to be provided by the party under the agree-  
9 ment if and to the extent that the contracting officer or  
10 another official responsible for entering into the agree-  
11 ment determines in writing that—

12 “(i) the party incurred the costs in anticipation  
13 of entering into the agreement; and

14 “(ii) it was appropriate for the party to incur  
15 the costs before the agreement became effective in  
16 order to ensure the successful implementation of the  
17 agreement.

18 “(e) PILOT PROGRAM FOR TRANSITION TO FOLLOW-  
19 ON CONTRACTS.—(1) The Secretary of Defense is author-  
20 ized to carry out a pilot program for follow-on contracting  
21 for the production of items or processes that are developed  
22 by nontraditional defense contractors under prototype  
23 projects carried out under this section.

24 “(2) Under the pilot program—



1           “(A) a qualifying contract for the procurement  
2           of such an item or process, or a qualifying sub-  
3           contract under a contract for the procurement of  
4           such an item or process, may be treated as a con-  
5           tract or subcontract, respectively, for the procure-  
6           ment of commercial items, as defined in section  
7           4(12) of the Office of Federal Procurement Policy  
8           Act (41 U.S.C. 403(12)); and

9           “(B) the item or process may be treated as an  
10          item or process, respectively, that is developed in  
11          part with Federal funds and in part at private ex-  
12          pense for the purposes of section 2320 of title 10,  
13          United States Code.

14          “(3) For the purposes of the pilot program, a quali-  
15          fying contract or subcontract is a contract or subcontract,  
16          respectively, with a nontraditional defense contractor  
17          that—

18               “(A) does not exceed \$20,000,000; and

19               “(B) is either—

20                   “(i) a firm, fixed-price contract or sub-  
21                   contract; or

22                   “(ii) a fixed-price contract or subcontract  
23                   with economic price adjustment.

24          “(4) The authority to conduct a pilot program under  
25          this subsection shall terminate on September 30, 2004.

1 The termination of the authority shall not affect the valid-  
 2 ity of contracts or subcontracts that are awarded or modi-  
 3 fied during the period of the pilot program, without regard  
 4 to whether the contracts or subcontracts are performed  
 5 during the period.

6 “(f) NONTRADITIONAL DEFENSE CONTRACTOR DE-  
 7 FINED.—In this section, the term ‘nontraditional defense  
 8 contractor’ means an entity that has not, for a period of  
 9 at least three years, entered into—

10 “(1) any contract that is subject to the cost ac-  
 11 counting standards prescribed pursuant to section  
 12 26 of the Office of Federal Procurement Policy Act  
 13 (41 U.S.C. 422); or

14 “(2) any other contract or agreement to carry  
 15 out prototype projects or to perform basic, applied,  
 16 or advanced research projects for a Federal Govern-  
 17 ment agency, other than an agreement entered into  
 18 under the authority of this section or section 2371  
 19 of title 10, United States Code.”.

20 (b) EXTENSION OF AUTHORITY.—Subsection (g) of  
 21 such section, as redesignated by subsection (a)(1), is  
 22 amended by striking “September 30, 2001” and inserting  
 23 “September 30, 2004”.

24 (c) MORATORIUM.—Beginning on the date that is  
 25 120 days after the date of the enactment of this Act, no

1 transaction may be entered into under the authority of  
 2 section 845 of the National Defense Authorization Act for  
 3 Fiscal Year 1994 or section 2371 of title 10, United  
 4 States Code, until the final regulations implementing such  
 5 section 2371 (required by subsection (g) of such section)  
 6 are published in the Federal Register.

7 **SEC. 808. CLARIFICATION OF AUTHORITY OF COMP-**  
 8 **TROLLER GENERAL TO REVIEW RECORDS OF**  
 9 **PARTICIPANTS IN CERTAIN PROTOTYPE**  
 10 **PROJECTS.**

11 (a) COMPTROLLER GENERAL REVIEW.—Section  
 12 845(c) of the National Defense Authorization Act for Fis-  
 13 cal Year 1994 (10 U.S.C. 2371 note) is amended—

14 (1) by redesignating paragraphs (3) and (4) as  
 15 paragraphs (4) and (5), respectively; and

16 (2) by inserting after paragraph (2) the fol-  
 17 lowing new paragraph (3):

18 “(3)(A) The right provided to the Comptroller Gen-  
 19 eral in a clause of an agreement under paragraph (1) is  
 20 limited as provided in subparagraph (B) in the case of  
 21 a party to the agreement, an entity that participates in  
 22 the performance of the agreement, or a subordinate ele-  
 23 ment of that party or entity if the only agreements or  
 24 other transactions that the party, entity, or subordinate  
 25 element entered into with Government entities in the year

1 prior to the date of that agreement are cooperative agree-  
 2 ments or transactions that were entered into under this  
 3 section or section 2371 of title 10, United States Code.

4 “(B) The only records of a party, other entity, or sub-  
 5 ordinate element referred to in subparagraph (A) that the  
 6 Comptroller General may examine in the exercise of the  
 7 right referred to in that subparagraph are records of the  
 8 same type as the records that the Government has had  
 9 the right to examine under the audit access clauses of the  
 10 previous agreements or transactions referred to in such  
 11 subparagraph that were entered into by that particular  
 12 party, entity, or subordinate element.”.

13 **SEC. 809. ELIGIBILITY OF SMALL BUSINESS CONCERNS**  
 14 **OWNED AND CONTROLLED BY WOMEN FOR**  
 15 **ASSISTANCE UNDER THE MENTOR-PROTEGE**  
 16 **PROGRAM.**

17 Section 831(m)(2) of the National Defense Author-  
 18 ization Act for Fiscal Year 1991 (Public Law 101–510;  
 19 10 U.S.C. 2302 note) is amended—

20 (1) by striking “or” at the end of subparagraph  
 21 (C);

22 (2) by striking the period at the end of sub-  
 23 paragraph (D) and inserting “; or”; and

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

1                   “(E) a small business concern owned and  
2                   controlled by women, as defined in section  
3                   8(d)(3)(D) of the Small Business Act (15  
4                   U.S.C. 637(d)(3)(D)).”.

5 **SEC. 810. NAVY-MARINE CORPS INTRANET ACQUISITION.**

6           (a) LIMITATION.—The performance of a contract for  
7 the acquisition of a Navy-Marine Corps Intranet may not  
8 begin until the Secretary of the Navy submits a report  
9 on that contract to Congress. A report under this section  
10 shall contain the following information:

11           (1) An estimate of the amount to be expended  
12           on the contract by each of the Navy and Marine  
13           Corps for each fiscal year.

14           (2) The accounts from which the performance  
15           of the contract will be funded through the end of fis-  
16           cal year 2001.

17           (3) A plan for an incrementally phased imple-  
18           mentation of the Navy-Marine Corps Intranet into  
19           the operations of the shore-based activities of the  
20           Navy and Marine Corps.

21           (4) The same information with regard to the  
22           Navy-Marine Corps Intranet as is required to be in-  
23           cluded in the report on major automated information  
24           systems under paragraphs (2) and (3) of section  
25           803(e).

1           (5) With regard to each major command in-  
2           cluded in the first year of the implementation of the  
3           contract—

4                   (A) an estimate of the number of civilian  
5           personnel currently performing functions that  
6           are potentially included in the scope of the con-  
7           tract;

8                   (B) the extent to which the contractor may  
9           continue to rely upon that workforce to perform  
10          functions after the award of the contract; and

11                   (C) the plans of the Department of the  
12          Navy for reassignment, reorganization, or other  
13          disposition of any portion of the workforce that  
14          does not continue to perform current functions.

15          (b) PROHIBITIONS.—(1) The increment of the Navy-  
16          Marine Corps Intranet that is implemented during the  
17          first year of implementation may not include any activities  
18          of the Marine Corps, the naval shipyards, or the naval  
19          aviation depots.

20                (2) Funds available for fiscal year 2001 for activities  
21          referred to in paragraph (1) may not be expended for any  
22          contract for the Navy-Marine Corps Intranet.

23                (c) APPLICABILITY OF STATUTORY AND REGU-  
24          LATORY REQUIREMENTS.—The acquisition of a Navy-Ma-

1 rine Corps Intranet shall be managed by the Department  
2 of the Navy in accordance with the requirements of—

3 (1) the Clinger-Cohen Act of 1996, including  
4 the requirement for utilizing modular contracting in  
5 accordance with section 38 of the Office of Federal  
6 Procurement Policy Act (41 U.S.C. 434); and

7 (2) Department of Defense Directives 5000.1  
8 and 5000.2–R and all other directives, regulations,  
9 and management controls that are applicable to  
10 major investments in information technology and re-  
11 lated services.

12 (d) COMPTROLLER GENERAL REVIEW.—(1) At the  
13 same time that the Secretary of the Navy submits a report  
14 on the Navy-Marine Corps Intranet to Congress under  
15 subsection (a), the Secretary shall transmit a copy of the  
16 report to the Comptroller General.

17 (2) Not later than 60 days after receiving a report  
18 on the Navy-Marine Corps Intranet under paragraph (1),  
19 the Comptroller General shall review the report and sub-  
20 mit to Congress any comments that the Comptroller Gen-  
21 eral considers appropriate regarding the report and the  
22 Navy-Marine Corps Intranet.

1 **SEC. 811. QUALIFICATIONS REQUIRED FOR EMPLOYMENT**  
 2 **AND ASSIGNMENT IN CONTRACTING POSI-**  
 3 **TIONS.**

4 (a) APPLICABILITY OF REQUIREMENTS TO MEMBERS  
 5 OF THE ARMED FORCES.—Section 1724 of title 10,  
 6 United States Code, is amended—

7 (1) in subsection (a), by striking “a person  
 8 must” in the matter preceding paragraph (1) and  
 9 inserting “an employee or member of the armed  
 10 forces must”; and

11 (2) in subsection (d)—

12 (A) by striking “employee of” and insert-  
 13 ing “person in”; and

14 (B) by striking “employee possesses” and  
 15 inserting “person possesses”.

16 (b) MANDATORY ACADEMIC QUALIFICATIONS.—(1)  
 17 Subsection (a)(3) of such section is amended—

18 (A) by inserting “and” before “(B)”; and

19 (B) by striking “, or (C)” and all that follows  
 20 through “listed in subparagraph (B)”.

21 (2) Subsection (b) of such section is amended to read  
 22 as follows:

23 “(b) GS-1102 SERIES POSITIONS AND SIMILAR  
 24 MILITARY POSITIONS.—The Secretary of Defense shall re-  
 25 quire that a person meet the requirements set forth in  
 26 paragraph (3) of subsection (a), but not the other require-



1 ments set forth in that subsection, in order to qualify to  
 2 serve in a position in the Department of Defense in—

3 “(1) the GS–1102 occupational series; or

4 “(2) a similar occupational specialty when the  
 5 position is to be filled by a member of the armed  
 6 forces.”.

7 (c) EXCEPTION.—Subsection (c) of such section is  
 8 amended to read as follows:

9 “(c) EXCEPTION.—The requirements imposed under  
 10 subsection (a) or (b) shall not apply to a person for the  
 11 purpose of qualifying to serve in a position in which the  
 12 person is serving on September 30, 2000.”.

13 (d) DELETION OF UNNECESSARY CROSS REF-  
 14 ERENCES.—Subsection (a) of such section is amended by  
 15 striking “(except as provided in subsections (c) and (d))”  
 16 in the matter preceding paragraph (1).

17 (e) EFFECTIVE DATE.—This section, and the amend-  
 18 ments made by this section, shall take effect on October  
 19 1, 2000, and shall apply to appointments and assignments  
 20 made on or after that date.

21 **SEC. 812. DEFENSE ACQUISITION AND SUPPORT WORK-**  
 22 **FORCE.**

23 (a) REQUIREMENT FOR REPORT.—Not later than  
 24 March 15, 2001, the Secretary of Defense shall submit  
 25 to Congress a report on the sufficiency of the acquisition

1 and support workforce of the Department of Defense. The  
2 report shall include a plan to ensure that the defense ac-  
3 quisition and support workforce is of sufficient size and  
4 has the expertise necessary to ensure the cost-effective  
5 management of the defense acquisition system to obtain  
6 needed products and services at the best value.

7 (b) CONTENT OF REPORT.—(1) The Secretary’s re-  
8 port on the defense acquisition and support workforce  
9 under subsection (a) shall include, at a minimum, the fol-  
10 lowing:

11 (A) A comprehensive reassessment of any pro-  
12 grammed reductions in the workforce and the impact  
13 that such reductions are likely to have on the ability  
14 of the workforce to meet the anticipated workload  
15 and responsibilities of the acquisition workforce.

16 (B) An assessment of the changing demo-  
17 graphics of the workforce, including the impact of  
18 anticipated retirements among the most experienced  
19 acquisition personnel over the next five years, and  
20 management steps that may be needed to address  
21 these changes.

22 (C) A plan to address problems arising from  
23 previous reductions in the workforce, including—

24 (i) increased backlogs in closing out com-  
25 pleted contracts;

1           (ii) increased program costs resulting from  
2           contracting for technical support rather than  
3           using Federal employees to provide the tech-  
4           nical support;

5           (iii) insufficient staff to negotiate fair and  
6           reasonable pricing, to review and respond to  
7           contractor actions, to perform oversight and in-  
8           spections, and otherwise to manage contract re-  
9           quirements;

10          (iv) failures to comply with competition re-  
11          quirements, to perform independent cost esti-  
12          mates, to complete technical reviews, to meet  
13          contractor surveillance requirements, and to  
14          perform necessary cost control functions; and

15          (v) lost opportunities to negotiate strategic  
16          supplier alliances, to improve parts control and  
17          management, to conduct modeling and simula-  
18          tion projects, and to develop other cost savings  
19          initiatives.

20          (D) The actions that are being taken or could  
21          be taken within the Department of Defense to en-  
22          hance the tenure and reduce the turnover of pro-  
23          gram executive officers, program managers, and con-  
24          tracting officers.

1           (E) An evaluation of the acquisition workforce  
2       demonstration project conducted under section 4308  
3       of the National Defense Authorization Act for Fiscal  
4       Year 1996 (Public Law 104–106; 10 U.S.C. 1701  
5       note) together with any recommendations for im-  
6       proving personnel management laws, policies, or pro-  
7       cedures with respect to the defense acquisition and  
8       support workforce.

9       (2) The plan contained in the report shall include  
10     specific milestones for workforce size, composition, and  
11     qualifications (including plans for needed recruiting, re-  
12     tention, and training) to address any problems identified  
13     in the report and to ensure the achievement of the objec-  
14     tives of the plan that are set forth in subsection (a).

15       (c) EXTENSION OF DEMONSTRATION PROJECT.—  
16     Section 4308(b)(3)(B) of the National Defense Authoriza-  
17     tion Act for Fiscal Year 1996 (10 U.S.C. 1701 note) is  
18     amended by striking “3-year period beginning on the date  
19     of the enactment of the National Defense Authorization  
20     Act for Fiscal Year 1998” and inserting “period beginning  
21     on November 18, 1997, and ending on November 17,  
22     2003”.

23       (d) MORATORIUM ON REDUCTION OF DEFENSE AC-  
24     QUISITION WORKFORCE.—(1) Notwithstanding any other  
25     provision of law, the defense acquisition and support work-

1 force may not be reduced, during fiscal years 2001, 2002,  
2 and 2003, below the level of that workforce as of Sep-  
3 tember 30, 2000, determined on the basis of full-time  
4 equivalent positions.

5 (2) The Secretary of Defense may waive the prohibi-  
6 tion in paragraph (1) and reduce the level of the defense  
7 acquisition and support workforce upon submitting to  
8 Congress the Secretary's certification that the defense ac-  
9 quisition and support workforce, at the level to which re-  
10 duced, will be able efficiently and effectively to perform  
11 the workloads that are required of that workforce con-  
12 sistent with the cost-effective management of the defense  
13 acquisition system to obtain best value equipment and  
14 with ensuring military readiness.

15 (e) DEFENSE ACQUISITION AND SUPPORT WORK-  
16 FORCE DEFINED.—In this section, the term “defense ac-  
17 quisition and support workforce” means Armed Forces  
18 and civilian personnel who are assigned to, or are em-  
19 ployed in, an organization of the Department of Defense  
20 that is—

21 (1) an acquisition organization specified in De-  
22 partment of Defense Instruction 5000.58, dated  
23 January 14, 1992; or

1           (2) an organization not so specified that has ac-  
2           quisition as its predominant mission, as determined  
3           by the Secretary of Defense.

4 **SEC. 813. FINANCIAL ANALYSIS OF USE OF DUAL RATES**  
5                   **FOR QUANTIFYING OVERHEAD COSTS AT**  
6                   **ARMY INDUSTRIAL FACILITIES.**

7           (a) REQUIREMENT FOR ANALYSIS.—The Secretary of  
8           the Army shall carry out a financial analysis of the costs  
9           that would be incurred and the benefits that would be de-  
10          rived from the implementation of a policy to use—

11           (1) one set of rates for quantifying the over-  
12          head costs associated with government-owned indus-  
13          trial facilities of the Department of the Army when  
14          allocating those costs to contractors operating the  
15          facilities; and

16           (2) another set of rates for quantifying the  
17          overhead costs to be allocated to the operation of  
18          such facilities by employees of the United States.

19           (b) REPORT.—Not later than February 15, 2001, the  
20          Secretary shall submit to the congressional defense com-  
21          mittees a report on the results of the analysis carried out  
22          under subsection (a). The report shall include the fol-  
23          lowing:

24           (1) The costs and benefits identified in the  
25          analysis under subsection (a).

1           (2) The risks to the United States of imple-  
 2           menting a dual rates policy described in subsection  
 3           (a).

4           (3) The effects that a use of dual rates under  
 5           such a policy would have on the defense industrial  
 6           base of the United States.

7   **TITLE IX—DEPARTMENT OF DE-**  
 8   **FENSE ORGANIZATION AND**  
 9   **MANAGEMENT**

10 **SEC. 901. [SCO00.185]. REPEAL OF LIMITATION ON MAJOR**  
 11                   **DEPARTMENT OF DEFENSE HEADQUARTERS**  
 12                   **ACTIVITIES PERSONNEL.**

13           (a) REPEAL OF LIMITATION.—(1) Section 130a of  
 14           title 10, United States Code, is repealed.

15           (2) The table of sections at the beginning of chapter  
 16           3 of such title is amended by striking the item relating  
 17           to section 130a.

18           (b) REPEAL OF ASSOCIATED REPORTING REQUIRE-  
 19           MENT.—Section 921(b) of the National Defense Author-  
 20           ization Act for Fiscal Year 2000 (Public Law 106–65; 113  
 21           Stat. 723) is repealed.

1 **SEC. 902. OVERALL SUPERVISION OF DEPARTMENT OF DE-**  
2 **FENSE ACTIVITIES FOR COMBATING TER-**  
3 **RORISM.**

4 Section 138(b)(4) of title 10, United States Code, is  
5 amended to read as follows:

6 “(4)(A) One of the Assistant Secretaries shall be the  
7 Assistant Secretary of Defense for Special Operations and  
8 Low Intensity Conflict.

9 “(B) The Assistant Secretary shall have the following  
10 duties:

11 “(i) As the principal duty, to provide overall su-  
12 pervision (including oversight of policy and re-  
13 sources) of special operations activities (as defined  
14 in section 167(j) of this title) and low intensity con-  
15 flict activities of the Department of Defense.

16 “(ii) To provide overall direction and super-  
17 vision for policy, program planning and execution,  
18 and allocation and use of resources for the activities  
19 of the Department of Defense for combating ter-  
20 rorism, including antiterrorism activities,  
21 counterterrorism activities, terrorism consequences  
22 management activities, and terrorism-related intel-  
23 ligence support activities.

24 “(C) The Assistant Secretary is the principal civilian  
25 adviser to the Secretary of Defense on, and is the principal  
26 official within the senior management of the Department



1 of Defense (after the Secretary and Deputy Secretary) re-  
2 sponsible for, the following matters:

3 “(i) Special operations and low intensity con-  
4 flict.

5 “(ii) Combating terrorism.”.

6 **SEC. 903. NATIONAL DEFENSE PANEL 2001.**

7 (a) ESTABLISHMENT.—Not later than March 1,  
8 2001, the Secretary of Defense shall establish a non-  
9 partisan, independent panel to be known as the National  
10 Defense Panel 2001. The Panel shall have the duties set  
11 forth in this section.

12 (b) MEMBERSHIP AND CHAIRMAN.—(1) The Panel  
13 shall be composed of nine members appointed from among  
14 persons in the private sector who are recognized experts  
15 in matters relating to the national security of the United  
16 States, as follows:

17 (A) Three members appointed by the Secretary  
18 of Defense.

19 (B) Three members appointed by the Chairman  
20 of the Committee on Armed Services of the Senate,  
21 in consultation with the ranking member of the com-  
22 mittee.

23 (C) Three members appointed by the Chairman  
24 of the Committee on Armed Services of the House

1 of Representatives, in consultation with the ranking  
2 member of the committee.

3 (2) The Secretary of Defense, in consultation with  
4 the chairmen and ranking members of the Committees on  
5 Armed Services of the Senate and the House of Represent-  
6 atives, shall designate one of the members to serve as the  
7 chairman of the Panel.

8 (c) DUTIES.—(1) The Panel shall—

9 (A) assess the matters referred to in paragraph  
10 (2);

11 (B) assess the current and projected strategic  
12 environment, together with the progress made by the  
13 Armed Forces in transforming to meet that environ-  
14 ment;

15 (C) identify the most dangerous threats to the  
16 national security interests of the United States that  
17 are to be countered by the United States in the en-  
18 suing 10 years and those that are to be encountered  
19 in the ensuing 20 years;

20 (D) identify the strategic and operational chal-  
21 lenges for the Armed Forces to address in order to  
22 prepare to counter the threats identified under sub-  
23 paragraph (C);

24 (E) develop—

1 (i) a recommendation on the priority that  
2 should be accorded to each of the strategic and  
3 operational challenges identified under subpara-  
4 graph (D); and

5 (ii) a recommendation on the priority that  
6 should be accorded to the development of each  
7 joint capability needed to meet each such chal-  
8 lenge; and

9 (F) identify the issues that the Panel rec-  
10 ommends for assessment during the next quadren-  
11 nial review to be conducted under section 118 of  
12 title 10, United States Code.

13 (2) The matters to be assessed under paragraph  
14 (1)(A) are the defense strategy, force structure, force  
15 modernization plans, infrastructure, budget plan, and  
16 other elements of the defense program and policies estab-  
17 lished since the quadrennial defense review conducted in  
18 1996.

19 (3) The Panel shall conduct the assessments under  
20 paragraph (1) with a view toward recommending—

21 (A) the most critical changes that should be  
22 made to the defense strategy of the United States  
23 for the ensuing 10 years and the most critical  
24 changes that should be made to the defense strategy  
25 of the United States for the ensuing 20 years; and

1           (B) any changes considered appropriate by the  
2       Panel regarding the major weapon systems pro-  
3       grammed for the force, including any alternatives to  
4       those weapon systems.

5       (d) REPORT.—(1) The Panel shall submit to the Sec-  
6       retary of Defense and to the Committees on Armed Serv-  
7       ices of the Senate and the House of Representatives two  
8       reports on the assessment, including a discussion of the  
9       Panel’s activities, the findings and recommendations of  
10      the Panel, and any recommendations for legislation that  
11      the Panel considers appropriate, as follows:

12           (A) An interim report not later than July 1,  
13      2001.

14           (B) A final report not later than December 1,  
15      2001.

16      (2) Not later than December 15, 2001, the Secretary  
17      shall transmit to the committees referred to in paragraph  
18      (1) the Secretary’s comments on the final report sub-  
19      mitted to the committees under subparagraph (B) of that  
20      paragraph.

21      (e) INFORMATION FROM FEDERAL AGENCIES.—The  
22      Panel may secure directly from the Department of De-  
23      fense and any of its components and from any other de-  
24      partment and agency of the United States such informa-  
25      tion as the Panel considers necessary to carry out its du-

1 ties under this section. The head of the department or  
2 agency concerned shall ensure that information requested  
3 by the Panel under this subsection is promptly provided.

4 (f) PERSONNEL MATTERS.—(1) Each member of the  
5 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, United States Code, for each day (including travel  
9 time) during which the member is engaged in the perform-  
10 ance of the duties 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, United States Code,  
15 while away from their homes or regular places of business  
16 in the performance 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,  
2 United States Code, relating to classification of positions  
3 and General Schedule pay rates, except that the rate of  
4 pay for the executive director may not exceed the rate pay-  
5 able for level V of the Executive Schedule under section  
6 5316 of such title.

7 (4) Any employee of the United States may be de-  
8 tailed to the Panel without reimbursement of the employ-  
9 ee's agency, and such detail shall be without interruption  
10 or loss of civil service status or privilege. The Secretary  
11 shall ensure that sufficient personnel are detailed to the  
12 Panel to enable the Panel to carry out its duties effec-  
13 tively.

14 (5) To the maximum extent practicable, the members  
15 and employees of the Panel shall travel on military air-  
16 craft, military ships, military vehicles, or other military  
17 conveyances when travel is necessary in the performance  
18 of a duty of the Panel, except that no such aircraft, ship,  
19 vehicle, or other conveyance may be scheduled primarily  
20 for the transportation of any such member or employee  
21 when the cost of commercial transportation is less expen-  
22 sive.

23 (g) ADMINISTRATIVE PROVISIONS.—(1) The Panel  
24 may use the United States mails and obtain printing and  
25 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 admin-  
4 istrative 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 the  
17 end of the year following the year in which the Panel sub-  
18 mits its final report under subsection (d)(1)(B). For the  
19 period that begins 90 days after the date of submittal of  
20 the report, the activities and staff of the panel shall be  
21 reduced to a level that the Secretary of Defense considers  
22 sufficient to continue the availability of the panel for con-  
23 sultation with the Secretary of Defense and with the Com-  
24 mittees on Armed Services of the Senate and the House  
25 of Representatives.

1 **SEC. 904. QUADRENNIAL NATIONAL DEFENSE PANEL.**

2 (a) NATIONAL DEFENSE PANEL.—(1) Chapter 7 of  
3 title 10, United States Code, is amended by adding at the  
4 end the following:

5 **“§ 184. National Defense Panel**

6 “(a) ESTABLISHMENT.—Not later than January 1 of  
7 each year immediately preceding a year in which a Presi-  
8 dent is to be inaugurated, the Secretary of Defense shall  
9 establish a nonpartisan, independent panel to be known  
10 as the National Defense Panel. The Panel shall have the  
11 duties set forth in this section.

12 “(b) MEMBERSHIP AND CHAIRMAN.—(1) The Panel  
13 shall be composed of nine members appointed from among  
14 persons in the private sector who are recognized experts  
15 in matters relating to the national security of the United  
16 States, as follows:

17 “(A) Three members appointed by the Sec-  
18 retary of Defense.

19 “(B) Three members appointed by the Chair-  
20 man of the Committee on Armed Services of the  
21 Senate, in consultation with the ranking member of  
22 the committee.

23 “(C) Three members appointed by the Chair-  
24 man of the Committee on Armed Services of the  
25 House of Representatives, in consultation with the  
26 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) An interim report not later than July 1 of  
13      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 paragraph (1) the Secretary’s comments on  
20      that 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      department or agency of the United States any informa-  
25      tion that the Panel considers necessary to carry out its

1 duties under this section. The head of that department  
2 or agency 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       (2) The table of sections at the beginning of such  
2 chapter is amended by adding at the end the following:

“184. National Defense Panel.”.

3       (b) FIRST PANEL TO BE ESTABLISHED IN 2004.—

4 The first National Defense Panel under section 184 of  
5 title 10, United States Code (as added by subsection (a)),  
6 shall be established in 2004.

7 **SEC. 905. INSPECTOR GENERAL INVESTIGATIONS OF PRO-**  
8 **HIBITED PERSONNEL ACTIONS.**

9       (a) STANDARDS AND PROCEDURES FOR PRELIMI-  
10 NARY DETERMINATIONS.—Subsection (c)(3)(A) of section  
11 1034 of title 10, United States Code, is amended by in-  
12 serting “, in accordance with regulations prescribed under  
13 subsection (h),” after “shall expeditiously determine”.

14       (b) DEFINITION OF INSPECTOR GENERAL.—Sub-  
15 section (i)(2) of such section is amended by adding at the  
16 end the following:

17               “(H) An officer of the armed forces or em-  
18 ployee of the Department of Defense, not re-  
19 ferred to in any other subparagraph of this  
20 paragraph, who is assigned or detailed to serve  
21 as an Inspector General at any level in the De-  
22 partment of Defense.”.

23 **SEC. 906. NETWORK CENTRIC WARFARE.**

24       (a) GOAL.—It shall be a goal of the Department of  
25 Defense to fully coordinate the network centric warfare

1 efforts being pursued by the Joint Chiefs of Staff, the De-  
2 fense Agencies, and the military departments so that (1)  
3 the concepts, procedures, training, and technology devel-  
4 opment resulting from those efforts lead to an integrated  
5 information network, and (2) a coherent concept for ena-  
6 bling information dominance in joint military operations  
7 can be formulated.

8 (b) REPORT ON IMPLEMENTATION OF NETWORK  
9 CENTRIC WARFARE PRINCIPLES.—(1) The Secretary of  
10 Defense, in consultation with the Chairman of the Joint  
11 Chiefs of Staff, shall submit to the congressional defense  
12 committees a report on the development and implementa-  
13 tion of network centric warfare concepts in the Depart-  
14 ment of Defense.

15 (2) The report shall contain the following:

16 (A) A clear definition and terminology to de-  
17 scribe the set of operational concepts referred to as  
18 network centric warfare.

19 (B) An identification and description of cur-  
20 rent, planned, and needed activities by the Office of  
21 the Secretary of Defense, the Joint Chiefs of Staff,  
22 and the United States Joint Forces Command to co-  
23 ordinate the development of doctrine and the defini-  
24 tion of requirements and to ensure that those activi-  
25 ties are consistent with the concepts of network cen-



1       tric warfare and information superiority that are ar-  
2       ticulated in Joint Vision 2010 issued by the Joint  
3       Chiefs of Staff.

4           (C) Recommended metrics, and a process for  
5       applying and reporting such metrics, to assist the  
6       Secretary of Defense and the Chairman of the Joint  
7       Chiefs of Staff in the evaluation of the progress  
8       being made toward—

9           (i) the implementation of the concepts of  
10       network centric warfare and information superi-  
11       ority that are articulated in Joint Vision 2010;  
12       and

13          (ii) the attainment of a fully integrated,  
14       joint command, control, communications, com-  
15       puters, intelligence, surveillance, and reconnais-  
16       sance capability.

17       (D) A recommended joint concept development  
18       and experimentation campaign for enabling the co-  
19       evolution of doctrine, organization, training, mate-  
20       riel, leadership, people, and facilities that are perti-  
21       nent to achieving advances in command and control  
22       consistent with the concepts of network centric war-  
23       fare and information superiority articulated in those  
24       vision statements.

1 (E) A description of the programs and initia-  
2 tives underway, together with a discussion of the  
3 progress made (as determined using metrics rec-  
4 ommended under subparagraph (C)) toward—

5 (i) establishing a foundation for net-  
6 working the sensors, combat personnel and  
7 weapon systems, and decisionmaking nodes to  
8 ensure that there is seamless communication  
9 within each of the Armed Forces and across the  
10 Armed Forces;

11 (ii) achieving, within and between the  
12 Armed Forces, full situational awareness of the  
13 dispositions of friendly forces so that joint task  
14 forces can operate effectively on fast-changing  
15 battlefields with substantially reduced risk of  
16 fratricide and less restrictive control measures;  
17 and

18 (iii) ensuring a seamless delivery of fire on  
19 targets by the Armed Forces and allied forces,  
20 with particular attention being given in that  
21 discussion to how networking of surface and  
22 aerial fire delivery and aerial transport assets  
23 can be exploited to manage theater airspace so  
24 as to minimize the coordination steps necessary

1           for obtaining fire clearance or aerial transit  
2           clearance.

3           (F) An identification of the additional powers  
4           that must be provided the officials making joint pol-  
5           icy for the Armed Forces in order to ensure that  
6           those officials have sufficient authority quickly to de-  
7           velop and implement means for supporting network  
8           centric warfare, including such means as interoper-  
9           able intranets of the Armed Forces and joint and al-  
10          lied interoperability standards for the joint operating  
11          environment.

12          (G) The areas of joint authority that require  
13          greater emphasis or resource allocation.

14          (H) The specific organizational entities that can  
15          provide coordination for the development of network  
16          centric warfare systems and doctrine.

17          (I) The joint requirements under development  
18          that will lead to the acquisition of technologies for  
19          enabling the implementation and support of network  
20          centric warfare, together with—

21                 (i) a description of how the joint require-  
22                 ments are modifying existing requirements and  
23                 vision statements of each of the Armed Forces  
24                 to better reflect the joint nature of network cen-  
25                 tric warfare;

1           (ii) a description of how the vision state-  
2           ments are being expanded to reflect the role of  
3           network centric warfare concepts in future coa-  
4           lition operations and operations other than war;  
5           and

6           (iii) an evaluation of whether there is a  
7           need to modify the milestone decision processes  
8           for all acquisition programs that directly affect  
9           joint task force interoperability and interoper-  
10          ability between the Armed Forces.

11          (J) A discussion of how the efforts within the  
12          Department of Defense to implement information  
13          superiority concepts described in Joint Vision 2010  
14          are informed by private sector investments, and suc-  
15          cesses and failures, in implementing networking  
16          technologies that enhance distribution, inventory  
17          control, maintenance management, personnel man-  
18          agement, knowledge management, technology devel-  
19          opment, and other relevant business areas.

20          (K) A discussion of how Department of Defense  
21          activities to establish a joint network centric  
22          capability—

23               (i) are coordinated with the Intelligence  
24               Community, the Department of Commerce, the  
25               Department of Justice, the Federal Emergency

1 Management Agency, and other departments  
2 and agencies of the United States; and

3 (ii) are carried out in accordance with  
4 Presidential Decision Directive 63 and the Na-  
5 tional Plan for Information Systems Protection.

6 (c) STUDY ON USE OF JOINT EXPERIMENTATION  
7 FOR DEVELOPING NETWORK CENTRIC WARFARE CON-  
8 CEPTS.—(1) The Secretary of Defense shall conduct a  
9 study on the present and future use of the joint experi-  
10 mentation program of the Department of Defense in the  
11 development of network centric warfare concepts.

12 (2) The Secretary shall submit to the congressional  
13 defense committees a report on the results of the study.  
14 The report shall include the following:

15 (A) A survey and description of how experimen-  
16 tation under the joint experimentation program and  
17 experimentation under the experimentation program  
18 of each of the Armed Forces are being used for eval-  
19 uating emerging concepts in network centric war-  
20 fare.

21 (B) Recommended means and mechanisms for  
22 using the results of the joint experimentation for de-  
23 veloping new joint requirements, new joint doctrine,  
24 and new acquisition programs of the military depart-  
25 ments and Defense Agencies with a view to achiev-

1       ing the objective of supporting network centric oper-  
2       ations.

3           (C) Recommendations on future joint experi-  
4       mentation to validate and accelerate the use of net-  
5       work centric warfare concepts in operations involving  
6       coalition forces.

7           (D) Recommendations on how joint experimen-  
8       tation can be used to identify impediments to—

9           (i) the development of a joint information  
10       network; and

11          (ii) the seamless coordination of the  
12       intranet systems of each of the Armed Forces  
13       in operational environments.

14          (E) Recommendations on how joint experimen-  
15       tation can be used to develop concepts in revolu-  
16       tionary force redesign to leverage new operational  
17       concepts in network centric warfare.

18          (F) The levels of appropriations necessary for  
19       joint experimentation on network-related concepts.

20       (3) The Secretary of Defense, acting through the  
21       Chairman of the Joint Chiefs of Staff, shall designate the  
22       Commander in Chief of the United States Joint Forces  
23       Command to carry out the study and to prepare the report  
24       required under this subsection.

1 (d) REPORT ON SCIENCE AND TECHNOLOGY PRO-  
2 GRAMS TO SUPPORT NETWORK CENTRIC WARFARE CON-  
3 CEPTS.—(1) The Under Secretary of Defense for Acquisi-  
4 tion, Technology, and Logistics shall submit to the con-  
5 gressional defense committees a report describing the co-  
6 ordination of the science and technology investments of  
7 the military departments and Defense Agencies in the de-  
8 velopment of future joint network centric warfare capabili-  
9 ties. The Under Secretary shall consult with the Chairman  
10 of the Joint Chiefs of Staff in the preparation of the re-  
11 port.

12 (2) The report shall include the following:

13 (A) A discussion of the science and technology  
14 investments in the following areas:

15 (i) Sensors, including ground-based, air-  
16 based, sea-based, and space-based inhabited  
17 and uninhabited systems.

18 (ii) Seamless communications and net-  
19 working protocols and technologies.

20 (iii) Modeling and simulation of tech-  
21 nologies and operational concepts.

22 (iv) Secure and reliable information net-  
23 works and databases.

24 (v) Computing and software technology.

25 (vi) Robust human-machine interfaces.

1 (vii) Novel training concepts for supporting  
 2 network centric operations.

3 (B) For the areas listed in subparagraph (A)—

4 (i) a rationalization of the rapid pace of  
 5 technological change and the influence of global  
 6 developments in commercial technology; and

7 (ii) an explanation of how that rationaliza-  
 8 tion is informing and modifying science and  
 9 technology investments made by the Depart-  
 10 ment of Defense.

11 (e) TIME FOR SUBMISSION OF REPORTS.—Each re-  
 12 port required under this section shall be submitted not  
 13 later than March 1, 2001.

14 **SEC. 907. ADDITIONAL DUTIES FOR THE COMMISSION TO**  
 15 **ASSESS UNITED STATES NATIONAL SECURITY**  
 16 **SPACE MANAGEMENT AND ORGANIZATION.**

17 Section 1622(a) of the National Defense Authoriza-  
 18 tion Act for Fiscal Year 2000 (Public Law 106–65; 113  
 19 Stat. 814; 10 U.S.C. 111 note) is amended by adding at  
 20 the end the following:

21 “(6) The advisability of—

22 “(A) various actions to eliminate the re-  
 23 quirement for specified officers in the United  
 24 States Space Command to be flight rated that  
 25 results from the dual assignment of such offi-



cers to that command and to one or more other commands for which the officers are expressly required to be flight rated;

“(B) the establishment of a requirement that all new general or flag officers of the United States Space Command have experience in space, missile, or information operations that is either acquisition experience or operational experience; and

“(C) rotating the command of the United States Space Command among the Armed Forces.”.

**SEC. 908. SPECIAL AUTHORITY FOR ADMINISTRATION OF  
NAVY FISHER HOUSES.**

(a) BASE OPERATING SUPPORT.—Section 2493 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) SPECIAL AUTHORITY FOR NAVY.—The Secretary of the Navy shall provide base operating support for Fisher Houses associated with health care facilities of the Navy. The level of the support shall be equivalent to the base operating support that the Secretary provides for

1 morale, welfare, and recreation category B community ac-  
2 tivities (as defined in regulations, prescribed by the Sec-  
3 retary, that govern morale, welfare, and recreation activi-  
4 ties associated with Navy installations).”.

5 (b) SAVINGS PROVISIONS FOR CERTAIN NAVY EM-  
6 PLOYEES.—(1) The Secretary of the Navy may continue  
7 to employ, and pay out of appropriated funds, any em-  
8 ployee of the Navy in the competitive service who, as of  
9 October 17, 1998, was employed by the Navy in a position  
10 at a Fisher House administered by the Navy, but only for  
11 so long as the employee is continuously employed in that  
12 position.

13 (2) After a person vacates a position in which the  
14 person was continued to be employed under the authority  
15 of paragraph (1), a person employed in that position shall  
16 be employed as an employee of a nonappropriated fund  
17 instrumentality of the United States and may not be paid  
18 for services in that position out of appropriated funds.

19 (3) In this subsection:

20 (A) The term “Fisher House” has the meaning  
21 given the term in section 2493(a)(1) of title 10,  
22 United States Code.

23 (B) The term “competitive service” has the  
24 meaning given the term in section 2102 of title 5,  
25 United States Code.

1 (c) EFFECTIVE DATE.—(1) The amendments made  
 2 by subsection (a) shall be effective as of October 17, 1998,  
 3 as if included in section 2493 of title 10, United States  
 4 Code, as enacted by section 906(a) of Public Law 105–  
 5 261.

6 (2) Subsection (b) applies with respect to the pay pe-  
 7 riod that includes October 17, 1998, and subsequent pay  
 8 periods.

9 **SEC. 909. ORGANIZATION AND MANAGEMENT OF THE CIVIL**  
 10 **AIR PATROL.**

11 (a) IN GENERAL.—Chapter 909 of title 10, United  
 12 States Code, is amended to read as follow:

13 **“CHAPTER 909—CIVIL AIR**  
 14 **PATROL**

“Sec.

“9441. Status as federally chartered corporation; purposes.

“9442. Status as volunteer civilian auxiliary of the Air Force.

“9443. Activities not performed as auxiliary of the Air Force.

“9444. Activities performed as auxiliary of the Air Force.

“9445. Funds appropriated for the Civil Air Patrol.

“9446. Miscellaneous personnel authorities.

“9447. Board of Governors.

“9448. Regulations.

15 **“§ 9441. Status as federally chartered corporation;**  
 16 **purposes**

17 “(a) STATUS.—(1) The Civil Air Patrol is a nonprofit  
 18 corporation that is federally chartered under section  
 19 40301 of title 36.

1 “(2) Except as provided in section 9442(b)(2) of this  
 2 title, the Civil Air Patrol is not an instrumentality of the  
 3 Federal Government for any purpose.

4 “(b) PURPOSES.—The purposes of the Civil Air Pa-  
 5 trol are set forth in section 40302 of title 36.

6 **“§ 9442. Status as volunteer civilian auxiliary of the**  
 7 **Air Force**

8 “(a) VOLUNTEER CIVILIAN AUXILIARY.—The Civil  
 9 Air Patrol is a volunteer civilian auxiliary of the Air Force  
 10 when the services of the Civil Air Patrol are used by any  
 11 department or agency in any branch of the Federal Gov-  
 12 ernment.

13 “(b) USE BY AIR FORCE.—(1) The Secretary of the  
 14 Air Force may use the services of the Civil Air Patrol to  
 15 fulfill the noncombat programs and missions of the De-  
 16 partment of the Air Force.

17 “(2) The Civil Air Patrol shall be deemed to be an  
 18 instrumentality of the United States with respect to any  
 19 act or omission of the Civil Air Patrol, including any mem-  
 20 ber of the Civil Air Patrol, in carrying out a mission as-  
 21 signed by the Secretary of the Air Force.

22 **“§ 9443. Activities not performed as auxiliary of the**  
 23 **Air Force**

24 “(a) SUPPORT FOR STATE AND LOCAL AUTHORI-  
 25 TIES.—The Civil Air Patrol may, in its status as a feder-

1 ally chartered nonprofit corporation and not as an auxil-  
2 iary of the Air Force, provide assistance requested by  
3 State or local governmental authorities to perform disaster  
4 relief missions and activities, other emergency missions  
5 and activities, and nonemergency missions and activities.  
6 Missions and activities carried out under this section shall  
7 be consistent with the purposes of the Civil Air Patrol.

8 “(b) USE OF FEDERALLY PROVIDED RESOURCES.—

9 (1) To perform any mission or activity authorized under  
10 subsection (a), the Civil Air Patrol may use any equip-  
11 ment, supplies, and other resources provided to it by the  
12 Air Force or by any other department or agency of the  
13 Federal Government or acquired by or for the Civil Air  
14 Patrol with appropriated funds, without regard to whether  
15 the Civil Air Patrol has reimbursed the Federal Govern-  
16 ment source for the equipment, supplies, other resources,  
17 or funds, as the case may be.

18 “(2) The use of equipment, supplies, or other re-  
19 sources under paragraph (1) is subject to—

20 “(A) the terms and conditions of the applicable  
21 agreement entered into under chapter 63 of title 31;  
22 and

23 “(B) the laws and regulations that govern the  
24 use by nonprofit corporations of federally provided

“(d) LIABILITY INSURANCE.—The Secretary of the Air Force may provide the Civil Air Patrol with funds for paying the cost of liability insurance for missions and activities carried out under this section.

“(a) AIR FORCE SUPPORT FOR ACTIVITIES.—The Secretary of the Air Force may furnish to the Civil Air Patrol in accordance with this section any equipment, supplies, and other resources that the Secretary determines necessary to enable the Civil Air Patrol to fulfill the missions assigned by the Secretary to the Civil Air Patrol as an auxiliary of the Air Force.

1       “(b) FORMS OF AIR FORCE SUPPORT.—The Sec-  
2   retary of the Air Force may, under subsection (a)—

3               “(1) give, lend, or sell to the Civil Air Patrol  
4       without regard to the Federal Property and Admin-  
5       istrative Services Act of 1949 (40 U.S.C. 471 et  
6       seq.)—

7               “(A) major items of equipment (including  
8       aircraft, motor vehicles, computers, and com-  
9       munications equipment) that are excess to the  
10      military departments; and

11              “(B) necessary related supplies and train-  
12      ing aids that are excess to the military depart-  
13      ments;

14              “(2) permit the use, with or without charge, of  
15      services and facilities of the Air Force;

16              “(3) furnish supplies (including fuel, lubricants,  
17      and other items required for vehicle and aircraft op-  
18      erations) or provide funds for the acquisition of sup-  
19      plies;

20              “(4) establish, maintain, and supply liaison offi-  
21      cers of the Air Force at the national, regional, State,  
22      and territorial headquarters of the Civil Air Patrol;

23              “(5) detail or assign any member of the Air  
24      Force or any officer, employee, or contractor of the  
25      Department of the Air Force to any liaison office at

1 the national, regional, State, or territorial head-  
2 quarters of the Civil Air Patrol;

3 “(6) detail any member of the Air Force or any  
4 officer, employee, or contractor of the Department of  
5 the Air Force to any unit or installation of the Civil  
6 Air Patrol to assist in the training programs of the  
7 Civil Air Patrol;

8 “(7) authorize the payment of travel expenses  
9 and allowances, at rates not to exceed those paid to  
10 employees of the Federal Government under sub-  
11 chapter I of chapter 57 of title 5, to members of the  
12 Civil Air Patrol while the members are carrying out  
13 programs or missions specifically assigned by the Air  
14 Force;

15 “(8) provide funds for the national head-  
16 quarters of the Civil Air Patrol, including—

17 “(A) funds for the payment of staff com-  
18 pensation and benefits, administrative expenses,  
19 travel, per diem and allowances, rent, utilities,  
20 other operational expenses of the national head-  
21 quarters; and

22 “(B) to the extent considered necessary by  
23 the Secretary of the Air Force to fulfill Air  
24 Force requirements, funds for the payment of



1 compensation and benefits for key staff at re-  
2 gional, State, or territorial headquarters;

3 “(9) authorize the payment of expenses of plac-  
4 ing into serviceable condition, improving, and main-  
5 taining equipment (including aircraft, motor vehi-  
6 cles, computers, and communications equipment)  
7 owned or leased by the Civil Air Patrol;

8 “(10) provide funds for the lease or purchase of  
9 items of equipment that the Secretary determines  
10 necessary for the Civil Air Patrol;

11 “(11) support the Civil Air Patrol cadet pro-  
12 gram by furnishing—

13 “(A) articles of the Air Force uniform to  
14 cadets without cost; and

15 “(B) any other support that the Secretary  
16 of the Air Force determines is consistent with  
17 Air Force missions and objectives; and

18 “(12) provide support, including appropriated  
19 funds, for the Civil Air Patrol aerospace education  
20 program to the extent that the Secretary of the Air  
21 Force determines appropriate for furthering the ful-  
22 fillment of Air Force missions and objectives.

23 “(c) ASSISTANCE BY OTHER AGENCIES.—(1) The  
24 Secretary of the Air Force may arrange for the use by  
25 the Civil Air Patrol of such facilities and services under

1 the jurisdiction of the Secretary of the Army, the Sec-  
 2 retary of the Navy, or the head of any other department  
 3 or agency of the United States as the Secretary of the  
 4 Air Force considers to be needed by the Civil Air Patrol  
 5 to carry out its mission.

6 “(2) An arrangement for use of facilities or services  
 7 of a military department or other department or agency  
 8 under this subsection shall be subject to the agreement  
 9 of the Secretary of the military department or head of the  
 10 other department or agency, as the case may be.

11 “(3) Each arrangement under this subsection shall be  
 12 made in accordance with regulations prescribed under sec-  
 13 tion 9448 of this title.

14 **“§ 9445. Funds appropriated for the Civil Air Patrol**

15 “Funds appropriated for the Civil Air Patrol shall be  
 16 available only for the exclusive use of the Civil Air Patrol.

17 **“§ 9446. Miscellaneous personnel authorities**

18 “(a) USE OF RETIRED AIR FORCE PERSONNEL.—

19 (1) Upon the request of a person retired from service in  
 20 the Air Force, the Secretary of the Air Force may enter  
 21 into a personal services contract with that person pro-  
 22 viding for the person to serve as an administrator or liai-  
 23 son officer for the Civil Air Patrol. The qualifications of  
 24 a person to provide the services shall be determined and

1 approved in accordance with regulations prescribed under  
2 section 9448 of this title.

3 “(2) To the extent provided in a contract under para-  
4 graph (1), a person providing services under the contract  
5 may accept services on behalf of the Air Force.

6 “(3) A person, while providing services under a con-  
7 tract authorized under paragraph (1), may not be consid-  
8 ered to be on active duty or inactive-duty training for any  
9 purpose.

10 “(b) USE OF CIVIL AIR PATROL CHAPLAINS.—The  
11 Secretary of the Air Force may use the services of Civil  
12 Air Patrol chaplains in support of the Air Force active  
13 duty and reserve component forces to the extent and under  
14 conditions that the Secretary determines appropriate.

15 **“§ 9447. Board of Governors**

16 “(a) GOVERNING BODY.—The Board of Governors of  
17 the Civil Air Patrol is the governing body of the Civil Air  
18 Patrol.

19 “(b) COMPOSITION.—The Board of Governors is  
20 composed of 13 members as follows:

21 “(1) Four members appointed by the Secretary  
22 of the Air Force, who may be active or retired offi-  
23 cers of the Air Force (including reserve components  
24 of the Air Force), employees of the Federal Govern-  
25 ment, or private citizens.

1           “(2) Four members of the Civil Air Patrol,  
2       elected from among the members of the Civil Air  
3       Patrol in the manner provided in regulations pre-  
4       scribed under section 9448 of this title.

5           “(3) Three members appointed or selected as  
6       provided in subsection (c) from among personnel of  
7       any Federal Government agencies, public corpora-  
8       tions, nonprofit associations, and other organizations  
9       that have an interest and expertise in civil aviation  
10      and the Civil Air Patrol mission.

11          “(4) One member appointed by the Majority  
12      Leader of the Senate.

13          “(5) One member appointed by the Speaker of  
14      the House of Representatives.

15          “(c) APPOINTMENTS FROM INTERESTED ORGANIZA-  
16      TIONS.—(1) Subject to paragraph (2), the members of the  
17      Board of Governors referred to in subsection (b)(3) shall  
18      be appointed jointly by the Secretary of the Air Force and  
19      the National Commander of the Civil Air Patrol.

20          “(2) Any vacancy in the position of a member re-  
21      ferred to in paragraph (1) that is not filled under that  
22      paragraph within 90 days shall be filled by majority vote  
23      of the other members of the Board.

24          “(d) CHAIRPERSON.—(1) The Chairperson of the  
25      Board of Governors shall be chosen by the members of

1 the Board of Governors from among the members of the  
2 Board eligible for selection under paragraph (2) and shall  
3 serve for a term of two years.

4 “(2) The position of Chairperson shall be held on a  
5 rotating basis, first by a member of the Board selected  
6 from among those appointed by the Secretary of the Air  
7 Force under paragraph (1) of subsection (b) and then by  
8 a member of the Board selected from among the members  
9 elected by the Civil Air Patrol under paragraph (2) of that  
10 subsection. Upon the expiration of the term of a Chair-  
11 person selected from among the members referred to in  
12 one of those paragraphs, the selection of a successor to  
13 that position shall be made from among the members who  
14 are referred to in the other paragraph.

15 “(e) POWERS.—(1) The Board of Governors shall,  
16 subject to paragraphs (2) and (3), exercise the powers  
17 granted under section 40304 of title 36.

18 “(2) Any exercise by the Board of the power to  
19 amend the constitution or bylaws of the Civil Air Patrol  
20 or to adopt a new constitution or bylaws shall be subject  
21 to the approval of the corporate officers of the Civil Air  
22 Patrol, as those officers are defined in the constitution and  
23 bylaws of the Civil Air Patrol.

1       “(3) Neither the Board of Governors nor any other  
2 component of the Civil Air Patrol may modify or terminate  
3 any requirement or authority set forth in this section.

4       “(f) PERSONAL LIABILITY FOR BREACH OF A FIDU-  
5 CIARY DUTY.—(1) The Board of Governors may, subject  
6 to paragraph (2), take such action as is necessary to limit  
7 the personal liability of a member of the Board of Gov-  
8 ernors to the Civil Air Patrol or to any of its members  
9 for monetary damages for a breach of fiduciary duty while  
10 serving as a member of the Board.

11       “(2) The Board may not limit the liability of a mem-  
12 ber of the Board of Governors to the Civil Air Patrol or  
13 to any of its members for monetary damages for any of  
14 the following:

15               “(A) A breach of the member’s duty of loyalty  
16 to the Civil Air Patrol or its members.

17               “(B) Any act or omission that is not in good  
18 faith or that involves intentional misconduct or a  
19 knowing violation of law.

20               “(C) Participation in any transaction from  
21 which the member directly or indirectly derives an  
22 improper personal benefit.

23       “(3) Nothing in this subsection shall be construed as  
24 rendering section 207 or 208 of title 18 inapplicable in  
25 any respect to a member of the Board of Governors who

1 is a member of the Air Force on active duty, an officer  
2 on a retired list of the Air Force, or an employee of the  
3 Federal Government.

4 “(g) PERSONAL LIABILITY FOR BREACH OF A FIDU-  
5 CIARY DUTY.—(1) Except as provided in paragraph (2),  
6 no member of the Board of Governors or officer of the  
7 Civil Air Patrol shall be personally liable for damages for  
8 any injury or death or loss or damage of property resulting  
9 from a tortious act or omission of an employee or member  
10 of the Civil Air Patrol.

11 “(2) Paragraph (1) does not apply to a member of  
12 the Board of Governors or officer of the Civil Air Patrol  
13 for a tortious act or omission in which the member or offi-  
14 cer, as the case may be, was personally involved, whether  
15 in breach of a civil duty or in commission of a criminal  
16 offense.

17 “(3) Nothing in this subsection shall be construed to  
18 restrict the applicability of common law protections and  
19 rights that a member of the Board of Governors or officer  
20 of the Civil Air Patrol may have.

21 “(4) The protections provided under this subsection  
22 are in addition to the protections provided under sub-  
23 section (f).

1 **“§ 9448. Regulations**

2       “(a) **AUTHORITY.**—The Secretary of the Air Force  
3 shall prescribe regulations for the administration of this  
4 chapter.

5       “(b) **REQUIRED REGULATIONS.**—The regulations  
6 shall include the following:

7           “(1) Regulations governing the conduct of the  
8 activities of the Civil Air Patrol when it is per-  
9 forming its duties as a volunteer civilian auxiliary of  
10 the Air Force under section 9442 of this title.

11          “(2) Regulations for providing support by the  
12 Air Force and for arranging assistance by other  
13 agencies under section 9444 of this title.

14          “(3) Regulations governing the qualifications of  
15 retired Air Force personnel to serve as an adminis-  
16 trator or liaison officer for the Civil Air Patrol under  
17 a personal services contract entered into under sec-  
18 tion 9446(a) of this title.

19          “(4) Procedures and requirements for the elec-  
20 tion of members of the Board of Governors under  
21 section 9447(b)(2) of this title.

22       “(c) **APPROVAL BY SECRETARY OF DEFENSE.**—The  
23 regulations required by subsection (b)(2) shall be subject  
24 to the approval of the Secretary of Defense.”.

25       (b) **CONFORMING AMENDMENTS.**—(1) Section 40302  
26 of title 36, United States Code, is amended—



1 (A) by striking “to—” in the matter preceding  
2 paragraph (1) and inserting “as follows.”;

3 (B) by inserting “To” after the paragraph des-  
4 ignation in each of paragraphs (1), (2), (3), and (4);

5 (C) by striking the semicolon at the end of  
6 paragraphs (1)(B) and (2) and inserting a period;

7 (D) by striking “; and” at the end of paragraph  
8 (3) and inserting a period; and

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

10 “(5) To assist the Department of the Air Force  
11 in fulfilling its noncombat programs and missions.”.

12 (2)(A) Section 40303 of such title is amended—

13 (i) by inserting “(a) MEMBERSHIP.—” before  
14 “Eligibility”; and

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

16 “(b) GOVERNING BODY.—The Civil Air Patrol has a  
17 Board of Governors. The composition and responsibilities  
18 of the Board of Governors are set forth in section 9447  
19 of title 10.”.

20 (B) The heading for such section is amended to read  
21 as follows:

22 **“§ 40303. Membership and governing body”.**

23 (C) The item relating to such section in the table of  
24 sections at the beginning of chapter 403 of title 36, United  
25 States Code, is amended to read as follows:

“40303. Membership and governing body.”.

1 (c) EFFECTIVE DATE.—This section and the amend-  
 2 ments made by this section shall take effect on January  
 3 1, 2001.

4 **SEC. 910. RESPONSIBILITY FOR THE NATIONAL GUARD**  
 5 **CHALLENGE PROGRAM.**

6 (a) SECRETARY OF DEFENSE.—Subsection (a) of  
 7 section 509 of title 32, United States Code, is amended  
 8 by striking “, acting through the Chief of the National  
 9 Guard Bureau,”.

10 (b) CLARIFICATION OF SOURCE OF FEDERAL SUP-  
 11 PORT.—Subsection (b) of such section is amended by  
 12 striking “Federal expenditures” and inserting “Depart-  
 13 ment of Defense expenditures”.

14 (c) REGULATIONS.—Such section is further  
 15 amended—

16 (1) by redesignating subsection (l) and sub-  
 17 section (m); and

18 (2) by inserting after subsection (k) the fol-  
 19 lowing new subsection (l):

20 “(l) REGULATIONS.—The Secretary of Defense shall  
 21 prescribe regulations to carry out this section, including  
 22 regulations governing the following:

23 “(1) Terms and conditions to be included in  
 24 program agreements under subsection (c).

1 “(2) The eligibility requirements for participa-  
2 tion under subsection (e).

3 “(3) The benefits authorized for program par-  
4 ticipants under subsection (f).

5 “(4) The status of National Guard personnel  
6 providing services for the program under subsection  
7 (g).

8 “(5) The use of equipment and facilities of the  
9 National Guard for the program under subsection  
10 (h).

11 “(6) The status of program participants under  
12 subsection (i).

13 “(7) The procedures for communicating be-  
14 tween the Secretary of Defense and States regarding  
15 the program.”.

16 **SEC. 911. SUPERVISORY CONTROL OF ARMED FORCES RE-**  
17 **TIREMENT HOME BOARD BY SECRETARY OF**  
18 **DEFENSE.**

19 (a) BOARD AUTHORITY SUBJECT TO SECRETARY’S  
20 CONTROL.—Section 1516(a) of the Armed Forces Retire-  
21 ment Home Act of 1991 (Public Law 101–510; 24 U.S.C.  
22 416(a)) is amended by inserting after the first sentence  
23 the following: “The Board is subject to the authority, di-  
24 rection, and control of the Secretary of Defense in the per-  
25 formance of its responsibilities.”.

1 (b) APPOINTMENT AND TERMS OF BOARD MEM-  
 2 BERS.—Section 1515 of such Act (24 U.S.C. 415) is  
 3 amended—

4 (1) in subsection (b), by adding at the end the  
 5 following:

6 “An appointment not made by the Secretary of Defense  
 7 is subject to the approval of the Secretary of Defense.”;

8 (2) in subsection (e)(3), by striking “Chairman  
 9 of the Retirement Home Board” and inserting “Sec-  
 10 retary of Defense”; and

11 (3) in subsection (f), by striking “(f) EARLY  
 12 EXPIRATION OF TERM.—” and inserting the fol-  
 13 lowing:

14 “(f) EARLY TERMINATION.—(1) The Secretary of  
 15 Defense may terminate the appointment of a member of  
 16 the Board at the pleasure of the Secretary.

17 “(2)”.

18 (c) RESPONSIBILITY OF CHAIRMAN TO THE SEC-  
 19 RETARY.—Section 1515(d)(1)(B) of such Act (24 U.S.C.  
 20 415(d)(1)(B)) is amended by striking “not be responsible  
 21 to the Secretary of Defense or to the Secretaries of the  
 22 military departments” and inserting “be responsible to the  
 23 Secretary of Defense, but not to the Secretaries of the  
 24 military departments,”.

1 **SEC. 912. CONSOLIDATION OF CERTAIN NAVY GIFT FUNDS.**

2 (a) MERGER OF NAVAL HISTORICAL CENTER FUND  
3 INTO DEPARTMENT OF THE NAVY GENERAL GIFT  
4 FUND.—(1) The Secretary of the Navy shall transfer all  
5 amounts in the Naval Historical Center Fund maintained  
6 under section 7222 of title 10, United States Code, to the  
7 Department of the Navy General Gift Fund maintained  
8 under section 2601 of such title. Upon completing the  
9 transfer, the Secretary shall close the Naval Historical  
10 Center Fund.

11 (2) Amounts transferred to the Department of the  
12 Navy General Gift Fund under this subsection shall be  
13 merged with other amounts in that Fund and shall be  
14 available for the purposes for which amounts in that Fund  
15 are available.

16 (b) CONSOLIDATION OF NAVAL ACADEMY GENERAL  
17 GIFT FUND AND NAVAL ACADEMY MUSEUM FUND.—(1)  
18 The Secretary of the Navy shall transfer all amounts in  
19 the United States Naval Academy Museum Fund estab-  
20 lished by section 6974 of title 10, United States Code, to  
21 the gift fund maintained for the benefit and use of the  
22 United States Naval Academy under section 6973 of such  
23 title. Upon completing the transfer, the Secretary shall  
24 close the United States Naval Academy Museum Fund.

25 (2) Amounts transferred under this subsection shall  
26 be merged with other amounts in the gift fund to which

1 transferred and shall be available for the purposes for  
2 which amounts in that gift fund are available.

3 (c) CONSOLIDATION AND REVISION OF AUTHORITIES  
4 FOR ACCEPTANCE OF GIFTS, BEQUESTS, AND LOANS FOR  
5 THE UNITED STATES NAVAL ACADEMY.—(1) Subsection  
6 (a) of section 6973 of title 10, United States Code, is  
7 amended—

8 (A) in the first sentence—

9 (i) by inserting “, and loans of personal  
10 property other than money,” after “gifts and  
11 bequests of personal property”; and

12 (ii) by inserting “or the Naval Academy  
13 Museum, its collection, or its services” before  
14 the period at the end;

15 (B) in the second sentence, by striking  
16 “‘United States Naval Academy general gift fund’”  
17 and inserting “‘United States Naval Academy Gift  
18 and Museum Fund’”; and

19 (C) in the third sentence, by inserting “(includ-  
20 ing the Naval Academy Museum)” after “the Naval  
21 Academy”.

22 (2) Such section 6973 is further amended—

23 (A) by redesignating subsections (b) and (c) as  
24 subsections (c) and (d), respectively; and

1           (B) by inserting after subsection (a) the fol-  
2       lowing new subsection (b):

3       “(b) The Secretary shall prescribe written guidelines  
4 to be used for determinations of whether the acceptance  
5 of money, any personal property, or any loan of personal  
6 property under subsection (a) would reflect unfavorably on  
7 the ability of the Department of the Navy or any officer  
8 or employee of the Department of the Navy to carry out  
9 responsibilities or duties in a fair and objective manner,  
10 or would compromise either the integrity or the appear-  
11 ance of the integrity of any program of the Department  
12 of the Navy or any officer or employee of the Department  
13 of the Navy who is involved in any such program.”.

14       (3) Subsection (d) of such section, as redesignated  
15 by paragraph (2)(A), is amended by striking “United  
16 States Naval Academy general gift fund” both places it  
17 appears and inserting “United States Naval Academy Gift  
18 and Museum Fund”.

19       (4) The heading for such section is amended to read  
20 as follows:

1 **“§ 6973. Gifts, bequests, and loans of property: accept-**  
 2 **ance for benefit and use of Naval Acad-**  
 3 **emy”.**

4 (d) REFERENCES TO CLOSED GIFT FUNDS.—(1)  
 5 Section 6974 of title 10, United States Code, is amended  
 6 to read as follows:

7 **“§ 6974. United States Naval Academy Museum Fund:**  
 8 **references to Fund**

9 “Any reference in a law, regulation, document, paper,  
 10 or other record of the United States to the United States  
 11 Naval Academy Museum Fund formerly maintained under  
 12 this section shall be deemed to refer to the United States  
 13 Naval Academy Gift and Museum Fund maintained under  
 14 section 6973 of this title.”.

15 (2) Section 7222 of such title is amended to read as  
 16 follows:

17 **“§ 7222. Naval Historical Center Fund: references to**  
 18 **Fund**

19 “Any reference in a law, regulation, document, paper,  
 20 or other record of the United States to the Naval Histor-  
 21 ical Center Fund formerly maintained under this section  
 22 shall be deemed to refer to the Department of the Navy  
 23 General Gift Fund maintained under section 2601 of this  
 24 title.”.

25 (e) CLERICAL AMENDMENTS.—(1) The table of sec-  
 26 tions at the beginning of chapter 603 of title 10, United



1 States Code, is amended by striking the items relating to  
2 sections 6973 and 6974 and inserting the following:

“6973. Gifts, bequests, and loans of property: acceptance for benefit and use  
of Naval Academy.

“6974. United States Naval Academy Museum Fund: references to Fund.”.

3 (2) The item relating to section 7222 of such title  
4 in the table of sections at the beginning of chapter 631  
5 of such title is amended to read as follows:

“7222. Naval Historical Center Fund: references to Fund.”.

6 **SEC. 913. TEMPORARY AUTHORITY TO DISPOSE OF A GIFT**  
7 **PREVIOUSLY ACCEPTED FOR THE NAVAL**  
8 **ACADEMY.**

9 Notwithstanding section 6973 of title 10, United  
10 States Code, during fiscal year 2001, the Secretary of the  
11 Navy may dispose of the current cash value of a gift ac-  
12 cepted before the date of the enactment of this Act for  
13 the Naval Academy general gift fund by disbursing out  
14 of that fund the amount equal to that cash value to an  
15 entity designated by the donor of the gift.

16 **TITLE X—GENERAL PROVISIONS**  
17 **Subtitle A—Financial Matters**

18 **SEC. 1001. TRANSFER AUTHORITY.**

19 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

20 (1) Upon determination by the Secretary of Defense that  
21 such action is necessary in the national interest, the Sec-  
22 retary may transfer amounts of authorizations made avail-  
23 able to the Department of Defense in this division for fis-

1 cal year 2001 between any such authorizations for that  
2 fiscal year (or any subdivisions thereof). Amounts of au-  
3 thorizations so transferred shall be merged with and be  
4 available for the same purposes as the authorization to  
5 which transferred.

6 (2) The total amount of authorizations that the Sec-  
7 retary may transfer under the authority of this section  
8 may not exceed \$2,000,000,000.

9 (b) LIMITATIONS.—The authority provided by this  
10 section to transfer authorizations—

11 (1) may only be used to provide authority for  
12 items that have a higher priority than the items  
13 from which authority is transferred; and

14 (2) may not be used to provide authority for an  
15 item that has been denied authorization by Con-  
16 gress.

17 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A  
18 transfer made from one account to another under the au-  
19 thority of this section shall be deemed to increase the  
20 amount authorized for the account to which the amount  
21 is transferred by an amount equal to the amount trans-  
22 ferred.

23 (d) NOTICE TO CONGRESS.—The Secretary shall  
24 promptly notify Congress of each transfer made under  
25 subsection (a).

1 **SEC. 1002. AUTHORIZATION OF EMERGENCY SUPPLE-**  
2 **MENTAL APPROPRIATIONS FOR FISCAL YEAR**  
3 **2000.**

4       Amounts authorized to be appropriated to the De-  
5 partment of Defense for fiscal year 2000 in the National  
6 Defense Authorization Act for Fiscal Year 2000 (Public  
7 Law 106–65) are hereby adjusted, with respect to any  
8 such authorized amount, by the amount by which appro-  
9 priations pursuant to such authorization were increased  
10 (by a supplemental appropriation) or decreased (by a re-  
11 scission), or both, in any law making supplemental appro-  
12 priations for fiscal year 2000 that is enacted during the  
13 106th Congress, second session.

14 **SEC. 1003. UNITED STATES CONTRIBUTION TO NATO COM-**  
15 **MON-FUNDED BUDGETS IN FISCAL YEAR 2001.**

16       (a) **FISCAL YEAR 2001 LIMITATION.**—The total  
17 amount contributed by the Secretary of Defense in fiscal  
18 year 2001 for the common-funded budgets of NATO may  
19 be any amount up to, but not in excess of, the amount  
20 specified in subsection (b) (rather than the maximum  
21 amount that would otherwise be applicable to those con-  
22 tributions under the fiscal year 1998 baseline limitation).

23       (b) **TOTAL AMOUNT.**—The amount of the limitation  
24 applicable under subsection (a) is the sum of the following:

25               (1) The amounts of unexpended balances, as of  
26       the end of fiscal year 2000, of funds appropriated

1 for fiscal years before fiscal year 2001 for payments  
2 for those budgets.

3 (2) The amount specified in subsection (c)(1).

4 (3) The amount specified in subsection (c)(2).

5 (4) The total amount of the contributions au-  
6 thorized to be made under section 2501.

7 (c) AUTHORIZED AMOUNTS.—Amounts authorized to  
8 be appropriated by titles II and III of this Act are avail-  
9 able for contributions for the common-funded budgets of  
10 NATO as follows:

11 (1) Of the amount provided in section 201(1),  
12 \$743,000 for the Civil Budget.

13 (2) Of the amount provided in section 301(1),  
14 \$194,400,000 for the Military Budget.

15 (d) DEFINITIONS.—For purposes of this section:

16 (1) COMMON-FUNDED BUDGETS OF NATO.—  
17 The term “common-funded budgets of NATO”  
18 means the Military Budget, the Security Investment  
19 Program, and the Civil Budget of the North Atlantic  
20 Treaty Organization (and any successor or addi-  
21 tional account or program of NATO).

22 (2) FISCAL YEAR 1998 BASELINE LIMITATION.—  
23 The term “fiscal year 1998 baseline limitation”  
24 means the maximum annual amount of Department  
25 of Defense contributions for common-funded budgets

1 of NATO that is set forth as the annual limitation  
2 in section 3(2)(C)(ii) of the resolution of the Senate  
3 giving the advice and consent of the Senate to the  
4 ratification of the Protocols to the North Atlantic  
5 Treaty of 1949 on the Accession of Poland, Hun-  
6 gary, and the Czech Republic (as defined in section  
7 4(7) of that resolution), approved by the Senate on  
8 April 30, 1998.

9 **SEC. 1004. ANNUAL OMB/CBO JOINT REPORT ON SCORING**  
10 **OF BUDGET OUTLAYS.**

11 (a) REVISION OF SCOPE OF TECHNICAL ASSUMP-  
12 TIONS.—Subsection (a)(1) of section 226 of title 10,  
13 United States Code, is amended by inserting “subfunc-  
14 tional category 051 (Department of Defense—Military)  
15 under” before “major functional category 050”.

16 (b) TREATMENT OF DIFFERENCES IN OUTLAY  
17 RATES AND ASSUMPTIONS.—(1) Subsection (b) of such  
18 section is amended by striking “, the report shall reflect  
19 the average of the relevant outlay rates or assumptions  
20 used by the two offices.” and inserting “, the report shall  
21 reflect the differences between the relevant outlay rates  
22 or assumptions used by the two offices. For each account  
23 for which a difference is reported, the report shall also  
24 display, by fiscal year, each office’s estimates regarding  
25 budget authority, outlay rates, and outlays.”.

1       (2) The heading for such subsection is amended to  
2 read as follows: “DIFFERENCES IN OUTLAY RATES AND  
3 ASSUMPTIONS.—”.

4 **SEC. 1005. PROMPT PAYMENT OF CONTRACT VOUCHERS.**

5       (a) REQUIREMENT.—(1) Chapter 131 of title 10,  
6 United States Code, is amended by adding at the end the  
7 following:

8 **“§ 2225. Prompt payment of vouchers for contracted**  
9 **property and services**

10       “(a) REQUIREMENT.—Of the contract vouchers that  
11 are received by the Defense Finance and Accounting Sys-  
12 tem by means of the mechanization of contract adminis-  
13 tration service, the number of such vouchers that remain  
14 unpaid for more than 30 days as of the last day of each  
15 month may not exceed 5 percent of the total number of  
16 the contract vouchers so received that remain unpaid on  
17 that day.

18       “(b) CONDITIONAL REQUIREMENT FOR REPORT.—  
19 (1) For any month of a fiscal year that the requirement  
20 in subsection (a) is not met, the Secretary of Defense shall  
21 submit to Congress a report on the magnitude of the un-  
22 paid contract vouchers. The report for a month shall be  
23 submitted not later than 30 days after the end of that  
24 month.

1       “(2) A report for a month under paragraph (1) shall  
2 include information current as of the last day of the month  
3 as follows:

4           “(A) The number of the vouchers received by  
5 the Defense Finance and Accounting System by  
6 means of the mechanization of contract administra-  
7 tion service during each month.

8           “(B) The number of the vouchers so received,  
9 whenever received by the Defense Finance and Ac-  
10 counting System, that remain unpaid for each of the  
11 following periods:

12               “(i) Not more than 30 days.

13               “(ii) Over 30 days and not more than 60  
14 days.

15               “(iii) Over 60 days and not more than 90  
16 days.

17               “(iv) More than 90 days.

18           “(C) The number of the vouchers so received  
19 that remain unpaid for the major categories of pro-  
20 curements, as defined by the Secretary of Defense.

21           “(D) The corrective actions that are necessary,  
22 and those that are being taken, to ensure compliance  
23 with the requirement in subsection (a).

24       “(c) CONTRACT VOUCHER DEFINED.—In this sec-  
25 tion, the term ‘contract voucher’ means a voucher or in-

1 voice for the payment of a contractor for services, commer-  
 2 cial items (as defined in section 4(12) of the Office of Fed-  
 3 eral Procurement Policy Act (41 U.S.C. 403(12))), or  
 4 other deliverable items provided by the contractor pursu-  
 5 ant to a contract funded by the Department of Defense.”.

6 (2) The table of sections at the beginning of such  
 7 chapter is amended by adding at the end the following:

“2225. Prompt payment of vouchers for contracted property and services”.

8 (b) EFFECTIVE DATE.—Section 2225 of title 10,  
 9 United States Code (as added by subsection (a)), shall  
 10 take effect on December 1, 2000, and shall apply with re-  
 11 spect to months beginning on or after that date.

12 **SEC. 1006. REPEAL OF CERTAIN REQUIREMENTS RELATING**  
 13 **TO TIMING OF CONTRACT PAYMENTS.**

14 The following provisions of law are repealed: sections  
 15 8175 and 8176 of the Department of Defense Appropria-  
 16 tions Act, 2000 (Public Law 106–79), as amended by sec-  
 17 tions 214 and 215, respectively, of H.R. 3425 of the 106th  
 18 Congress (113 Stat. 1501A–297), as enacted into law by  
 19 section 1000(a)(5) of Public Law 106–113.

20 **SEC. 1007. PLAN FOR PROMPT POSTING OF CONTRACTUAL**  
 21 **OBLIGATIONS.**

22 (a) REQUIREMENT FOR PLAN.—The Secretary of De-  
 23 fense shall submit to the congressional defense commit-  
 24 tees, not later than November 15, 2000, and carry out  
 25 a plan for ensuring that each obligation of the Department



1 of Defense under a transaction described in subsection (c)  
2 is posted within 10 days after the obligation is incurred.

3 (b) CONTENT OF PLAN.—The plan for posting obli-  
4 gations shall provide the following:

5 (1) Uniform posting requirements that are ap-  
6 plicable throughout the Department of Defense, in-  
7 cluding requirements for the posting of detailed data  
8 on each obligation.

9 (2) A system of uniform accounting classifica-  
10 tion reference numbers.

11 (3) Increased use of electronic means for the  
12 submission of invoices and other billing documents.

13 (c) COVERED TRANSACTIONS.—The plan shall apply  
14 to each liability of the Department of Defense for a pay-  
15 ment under the following:

16 (1) A contract.

17 (2) An order issued under a contract.

18 (3) Services received under a contract.

19 (4) Any transaction that is similar to a trans-  
20 action referred to in another paragraph of this sub-  
21 section.

1 **SEC. 1008. PLAN FOR ELECTRONIC SUBMISSION OF DOCU-**  
2 **MENTATION SUPPORTING CLAIMS FOR CON-**  
3 **TRACT PAYMENTS.**

4 (a) REQUIREMENT FOR PLAN.—The Secretary of De-  
5 fense shall submit to the congressional defense commit-  
6 tees, not later than March 30, 2001, and carry out a plan  
7 for ensuring that all documentation that is to be submitted  
8 to the Department of Defense in support of claims for  
9 payment under contracts is submitted electronically.

10 (b) CONTENT OF PLAN.—The plan shall include the  
11 following:

12 (1) The format in which information can be ac-  
13 cepted by the Defense Finance and Accounting Serv-  
14 ice's corporate database.

15 (2) Procedures for electronic submission of the  
16 following:

17 (A) Receiving reports.

18 (B) Contracts and contract modifications.

19 (C) Required certifications.

20 (3) The requirements to be included in con-  
21 tracts regarding electronic submission of invoices by  
22 contractors.

1   **SEC. 1009. ADMINISTRATIVE OFFSETS FOR OVERPAYMENT**  
2                   **OF TRANSPORTATION COSTS.**

3           (a) OFFSETS FOR OVERPAYMENTS OR LIQUIDATED  
4 DAMAGES.—Section 2636 of title 10, United States Code,  
5 is amended to read as follows:

6   **“§ 2636. Deductions from amounts due carriers**

7           “(a) AMOUNTS FOR LOSS OR DAMAGE.—An amount  
8 deducted from an amount due a carrier shall be credited  
9 as follows:

10           “(1) If deducted because of loss of or damage  
11 to material in transit for a military department, to  
12 the proper appropriation, account, or fund from  
13 which the same or similar material may be replaced.

14           “(2) If deducted as an administrative offset for  
15 an overpayment previously made to the carrier under  
16 any Department of Defense contract for transpor-  
17 tation services or as liquidated damages due under  
18 any such contract, to the appropriation or account  
19 from which payments for the transportation services  
20 were made.

21           “(b) SIMPLIFIED OFFSET FOR COLLECTION OF  
22 CLAIMS NOT IN EXCESS OF THE SIMPLIFIED ACQUISI-  
23 TION THRESHOLD.—(1) In any case in which the total  
24 amount of a claim for the recovery of overpayments or  
25 liquidated damages under a contract described in sub-  
26 section (a)(2) does not exceed the simplified acquisition

1 threshold, the Secretary of Defense or the Secretary con-  
 2 cerned may exercise the authority to collect the claim by  
 3 administrative offset under section 3716 of title 31 after  
 4 providing the notice required by paragraph (1) of sub-  
 5 section (a) of that section, but without regard to para-  
 6 graphs (2), (3), and (4) of that subsection.

7 “(2) In this subsection, the term ‘simplified acquisi-  
 8 tion threshold’ has the meaning given the term in section  
 9 4(11) of the Office of Federal Procurement Policy Act (41  
 10 U.S.C. 403(11)).”.

11 (b) CLERICAL AMENDMENT.—The item relating to  
 12 such section in the table of sections at the beginning of  
 13 chapter 157 of such title is amended to read as follows:

“2636. Deductions from amounts due carriers.”.

## 14 **Subtitle B—Counter-Drug** 15 **Activities**

### 16 **SEC. 1011. EXTENSION AND INCREASE OF AUTHORITY TO** 17 **PROVIDE ADDITIONAL SUPPORT FOR** 18 **COUNTER-DRUG ACTIVITIES.**

19 (a) EXTENSION OF AUTHORITY FOR ASSISTANCE TO  
 20 COLOMBIA.—Section 1033 of the National Defense Au-  
 21 thorization Act for Fiscal Year 1998 (Public Law 105–  
 22 85; 111 Stat. 1881) is amended—

23 (1) in subsection (a), by striking “during fiscal  
 24 years 1998 through 2002,”; and

25 (2) in subsection (b)—

1 (A) in paragraph (1), by inserting before  
 2 the period at the end the following: “, for fiscal  
 3 years 1998 through 2002”; and

4 (B) in paragraph (2), by inserting before  
 5 the period at the end the following: “, for fiscal  
 6 years 1998 through 2006’.

7 (b) ADDITIONAL TYPE OF SUPPORT.—Subsection (c)  
 8 of such section is amended by adding at the end the fol-  
 9 lowing:

10 “(4) The transfer of one light observation air-  
 11 craft.”.

12 (c) INCREASED MAXIMUM ANNUAL AMOUNT OF SUP-  
 13 PORT.—Subsection (e)(2) of such section is amended—

14 (1) by striking “\$20,000,000” and inserting  
 15 “\$40,000,000”; and

16 (2) by striking “2002” and inserting “2006, of  
 17 which not more than \$10,000,000 may be obligated  
 18 or expended for any fiscal year for support for the  
 19 counter-drug activities of the Government of Peru”.

20 **SEC. 1012. RECOMMENDATIONS ON EXPANSION OF SUP-**  
 21 **PORT FOR COUNTER-DRUG ACTIVITIES.**

22 (a) REQUIREMENT FOR SUBMITTAL OF REC-  
 23 OMMENDATIONS.—The Secretary of Defense shall submit  
 24 to the Committees on Armed Services of the Senate and  
 25 the House of Representatives, not later than February 1,

1 2001, the Secretary's recommendations regarding whether  
2 expanded support for counter-drug activities should be au-  
3 thorized under section 1033 of the National Defense Au-  
4 thorization Act for Fiscal Year 1998 (Public Law 105-  
5 85; 111 Stat. 1881) for the region that includes the coun-  
6 tries that are covered by that authority on the date of the  
7 enactment of this Act.

8 (b) CONTENT OF SUBMISSION.—The submission  
9 under subsection (a) shall include the following:

10 (1) What, if any, additional countries should be  
11 covered.

12 (2) What, if any, additional support should be  
13 provided to covered countries, together with the rea-  
14 sons for recommending the additional support.

15 (3) For each country recommended under para-  
16 graph (1), a plan for providing support, including  
17 the counter-drug activities proposed to be supported.

18 **SEC. 1013. REVIEW OF RIVERINE COUNTER-DRUG PRO-**  
19 **GRAM.**

20 (a) REQUIREMENT FOR REVIEW.—The Secretary of  
21 Defense shall review the riverine counter-drug program  
22 supported under section 1033 of the National Defense Au-  
23 thorization Act for Fiscal Year 1998 (Public Law 105-  
24 85; 111 Stat. 1881).

1 (b) REPORT.—Not later than February 1, 2001, the  
 2 Secretary shall submit a report on the riverine counter-  
 3 drug program to the Committees on Armed Services of  
 4 the Senate and the House of Representatives. The report  
 5 shall include, for each country receiving support under the  
 6 riverine counter-drug program, the following:

7 (1) The Assistant Secretary’s assessment of the  
 8 effectiveness of the program.

9 (2) A recommendation regarding which of the  
 10 Armed Forces, units of the Armed Forces, or other  
 11 organizations within the Department of Defense  
 12 should be responsible for managing the program.

13 (c) DELEGATION OF AUTHORITY.—The Secretary  
 14 shall require the Assistant Secretary of Defense for Spe-  
 15 cial Operations and Low Intensity Conflict to carry out  
 16 the responsibilities under this section.

## 17 **Subtitle C—Strategic Forces**

### 18 **SEC. 1015. REVISED NUCLEAR POSTURE REVIEW.**

19 (a) REQUIREMENT FOR REVIEW.—The Secretary of  
 20 Defense, in consultation with the Secretary of Energy,  
 21 shall conduct a comprehensive review of the nuclear pos-  
 22 ture of the United States for the next 5 to 10 years.

23 (b) ELEMENTS OF REVIEW.—The nuclear posture re-  
 24 view shall include the following elements:

1           (1) The role of nuclear forces in United States  
2       military strategy, planning, and programming.

3           (2) The policy requirements and objectives for  
4       the United States to maintain a safe, reliable, and  
5       credible nuclear deterrence posture.

6           (3) The relationship between United States nu-  
7       clear deterrence policy, targeting strategy, and arms  
8       control objectives.

9           (4) The levels and composition of the nuclear  
10      delivery systems that will be required for imple-  
11      menting the United States national and military  
12      strategy, including any plans for replacing or modi-  
13      fying existing systems.

14          (5) The nuclear weapons complex that will be  
15      required for implementing the United States na-  
16      tional and military strategy, including any plans to  
17      modernize or modify the complex.

18          (6) The active and inactive nuclear weapons  
19      stockpile that will be required for implementing the  
20      United States national and military strategy, includ-  
21      ing any plans for replacing or modifying warheads.

22      (c) REPORT TO CONGRESS.—The Secretary of De-  
23      fense shall submit to Congress, in unclassified and classi-  
24      fied forms as necessary, a report on the results of the nu-



1 clear posture review concurrently with the Quadrennial  
2 Defense Review due in December 2001.

3 (d) SENSE OF CONGRESS.—It is the sense of Con-  
4 gress that, to clarify United States nuclear deterrence pol-  
5 icy and strategy for the next 5 to 10 years, a revised nu-  
6 clear posture review should be conducted and that such  
7 review should be used as the basis for establishing future  
8 United States arms control objectives and negotiating po-  
9 sitions.

10 **SEC. 1016. PLAN FOR THE LONG-TERM SUSTAINMENT AND**  
11 **MODERNIZATION OF UNITED STATES STRA-**  
12 **TEGIC NUCLEAR FORCES.**

13 (a) REQUIREMENT FOR PLAN.—The Secretary of De-  
14 fense, in consultation with the Secretary of Energy, shall  
15 develop a long-range plan for the sustainment and mod-  
16 ernization of United States strategic nuclear forces to  
17 counter emerging threats and satisfy the evolving require-  
18 ments of deterrence.

19 (b) ELEMENTS OF PLAN.—The plan specified under  
20 subsection (a) shall include the Secretary's plans, if any,  
21 for the sustainment and modernization of the following:

22 (1) Land-based and sea-based strategic ballistic  
23 missiles, including any plans for developing replace-  
24 ments for the Minuteman III intercontinental bal-  
25 listic missile and the Trident II sea-launched bal-

1 listic missile and plans for common ballistic missile  
 2 technology development

3 (2) Strategic nuclear bombers, including any  
 4 plans for a B-2 follow-on, a B-52 replacement, and  
 5 any new air-launched weapon systems.

6 (3) Appropriate warheads to outfit the strategic  
 7 nuclear delivery systems referred to in paragraphs  
 8 (1) and (2) to satisfy evolving military requirements.

9 (c) SUBMITTAL OF PLAN.—The plan specified under  
 10 subsection (a) shall be submitted to Congress not later  
 11 than April 15, 2001. The plan shall be submitted in un-  
 12 classified and classified forms, as necessary.

13 **SEC. 1017. CORRECTION OF SCOPE OF WAIVER AUTHORITY**  
 14 **FOR LIMITATION ON RETIREMENT OR DIS-**  
 15 **MANTLEMENT OF STRATEGIC NUCLEAR DE-**  
 16 **LIVERY SYSTEMS.**

17 Section 1302(b) of the National Defense Authoriza-  
 18 tion Act for Fiscal Year 1998 (Public Law 105–85; 111  
 19 Stat. 1948), as amended by section 1501(a) of the Na-  
 20 tional Defense Authorization Act for Fiscal Year 2000  
 21 (Public Law 106–65; 113 Stat. 806), is further amended  
 22 by striking “the application of the limitation in effect  
 23 under paragraph (1)(B) or (3) of subsection (a), as the  
 24 case may be,” and inserting “the application of the limita-

1 tion in effect under subsection (a) to a strategic nuclear  
2 delivery system”.

3 **SEC. 1018. REPORT ON THE DEFEAT OF HARDENED AND**  
4 **DEEPLY BURIED TARGETS.**

5 (a) STUDY.—The Secretary of Defense shall, in con-  
6 junction with the Secretary of Energy, conduct a study  
7 relating to the defeat of hardened and deeply buried tar-  
8 gets. Under the study, the Secretaries shall—

9 (1) review the requirements and current and fu-  
10 ture plans for hardened and deeply buried targets  
11 and agent defeat weapons concepts and activities;

12 (2) determine if those plans adequately address  
13 all requirements;

14 (3) identify potential future hardened and deep-  
15 ly buried targets and other related targets;

16 (4) determine what resources and research and  
17 development efforts are needed to defeat the targets  
18 identified under paragraph (3) as well as other  
19 agent defeat requirements;

20 (5) assess both current and future options to  
21 defeat hardened and deeply buried targets as well as  
22 agent defeat weapons concepts, including any limited  
23 research and development that may be necessary to  
24 conduct such assessment; and

1           (6) determine the capability and cost of each  
2           option.

3           (b) REPORT.—The Secretary of Defense shall submit  
4           to the congressional defense committees a report on the  
5           results of the study required by subsection (a) not later  
6           than July 1, 2001.

## 7           **Subtitle D—Miscellaneous** 8           **Reporting Requirements**

### 9           **SEC. 1021. ANNUAL REPORT OF THE CHAIRMAN OF THE** 10           **JOINT CHIEFS OF STAFF ON COMBATANT** 11           **COMMAND REQUIREMENTS.**

12           (a) ADDITIONAL COMPONENT.—Section 153(d)(1) of  
13           title 10, United States Code, is amended by adding at the  
14           end the following:

15           “(C) The extent to which the future-years de-  
16           fense program (under section 221 of this title) ad-  
17           dresses the requirements on the consolidated lists.”.

18           (b) APPLICABILITY TO REPORTS AFTER FISCAL  
19           YEAR 2000.—Subparagraph (C) of paragraph (1) of sec-  
20           tion 153(d) of title 10, United States Code (as added by  
21           subsection (a)), shall apply to reports submitted to Con-  
22           gress under such section after fiscal year 2000.

1 **SEC. 1022. SEMIANNUAL REPORT ON JOINT REQUIRE-**  
2 **MENTS OVERSIGHT COUNCIL.**

3 (a) SEMIANNUAL REPORT.—The Chairman of the  
4 Joints Chiefs of Staff shall submit to the congressional  
5 defense committees a semiannual report on the activities  
6 of the Joint Requirements Oversight Council. The prin-  
7 cipal purpose of the report is to inform the committees  
8 of the progress made in the reforming and refocusing of  
9 the Joint Requirements Oversight Council process during  
10 the period covered by the report.

11 (b) CONTENT.—The report for a half of a fiscal year  
12 shall include the following:

13 (1) A listing and justification for each of the  
14 distinct capability areas selected by the Chairman of  
15 the Joints Chiefs of Staff as being within the prin-  
16 cipal domain of the Joint Requirements Oversight  
17 Council.

18 (2) A listing of the joint requirements devel-  
19 oped, considered, or approved within each of the ca-  
20 pability areas.

21 (3) A listing and explanation of the decisions  
22 made by the Joint Requirements Oversight Council,  
23 together with a delineation of each decision that was  
24 made in disagreement with a position advocated by  
25 the Commander in Chief, United States Joint  
26 Forces Command, as the chief proponent of the re-

1 requirements identified by the commanders of the uni-  
2 fied and specified combatant commands.

3 (4) An assessment of the progress made in ele-  
4 vating the Joint Requirements Oversight Council to  
5 a more strategic focus on future war fighting re-  
6 quirements, integration of requirements, and devel-  
7 opment of overarching common architectures.

8 (5) A summation and assessment of the role  
9 and impact of joint experimentation on the processes  
10 and decisions for defining joint requirements, for de-  
11 fining requirements of each of the Armed Forces in-  
12 dividually, for managing acquisitions by Defense  
13 Agencies, and for managing acquisitions by the mili-  
14 tary departments.

15 (6) A description of any procedural actions that  
16 have been taken to improve the Joint Requirements  
17 Oversight Council.

18 (7) Any recommendations for legislation or for  
19 providing additional resources that the Chairman  
20 considers necessary in order fully to refocus and re-  
21 form the processes of the Joint Requirements Over-  
22 sight Council.

23 (c) DATES FOR SUBMISSION.—(1) The semiannual  
24 report for the half of a fiscal year ending on March 31

1 of a year shall be submitted not later than August 31 of  
2 that year.

3 (2) The semiannual report for the half of a fiscal year  
4 ending on September 30 of a year shall be submitted not  
5 later than February 28 of the following year.

6 (3) The first semiannual report shall be submitted  
7 not later than February 28, 2001, and shall cover the last  
8 half of fiscal year 2000.

9 **SEC. 1023. PREPAREDNESS OF MILITARY INSTALLATION**  
10 **FIRST RESPONDERS FOR INCIDENTS INVOLV-**  
11 **ING WEAPONS OF MASS DESTRUCTION.**

12 (a) REQUIREMENT FOR REPORT.—Not later than 90  
13 days after the date of the enactment of this Act, the Sec-  
14 retary of Defense shall submit to Congress a report on  
15 the program of the Department of Defense to ensure the  
16 preparedness of the first responders of the Department  
17 of Defense for incidents involving weapons of mass de-  
18 struction on installations of the Department of Defense.

19 (b) CONTENT OF REPORT.—The report shall include  
20 the following:

21 (1) A detailed description of the overall pre-  
22 paredness program.

23 (2) The schedule and costs associated with the  
24 implementation of the program.

1           (3) The Department’s plan for coordinating the  
2           preparedness program with responders in the com-  
3           munities in the localities of the installations.

4           (4) The Department’s plan for promoting the  
5           interoperability of the equipment used by the instal-  
6           lation first responders referred to in subsection (a)  
7           with the equipment used by the first responders in  
8           those communities.

9           (c) DEFINITIONS.—In this section:

10           (1) The term “first responder” means an orga-  
11           nization responsible for responding to an incident in-  
12           volving a weapon of mass destruction.

13           (2) The term “weapon of mass destruction” has  
14           the meaning given that term in section 1403(1) of  
15           the Defense Against Weapons of Mass Destruction  
16           Act of 1996 (50 U.S.C. 2302(1)).

17 **SEC. 1024. DATE OF SUBMITTAL OF REPORTS ON SHORT-**  
18 **FALLS IN EQUIPMENT PROCUREMENT AND**  
19 **MILITARY CONSTRUCTION FOR THE RE-**  
20 **SERVE COMPONENTS IN FUTURE-YEARS DE-**  
21 **FENSE PROGRAMS.**

22           Section 10543(c) of title 10, United States Code, is  
23           amended by adding at the end the following new para-  
24           graph:



1       “(3) A report required under paragraph (1) for a fis-  
2 cal year shall be submitted not later than 15 days after  
3 the date on which the President submits to Congress the  
4 budget for such fiscal year under section 1105(a) of title  
5 31.”.

6 **SEC. 1025. MANAGEMENT REVIEW OF DEFENSE LOGISTICS**

7 **AGENCY.**

8       (a) COMPTROLLER GENERAL REVIEW REQUIRED.—  
9 The Comptroller General shall review each operation of  
10 the Defense Logistics Agency—

11           (1) to assess—

12               (A) the efficiency of the operation;

13               (B) the effectiveness of the operation in  
14 meeting customer requirements; and

15               (C) the flexibility of the operation to adopt  
16 best business practices; and

17           (2) to identify alternative approaches for im-  
18 proving the operations of the agency.

19       (b) REPORT.—Not later than February 1, 2002, the  
20 Comptroller General shall submit to the Committees on  
21 Armed Services of the Senate and the House of Represent-  
22 atives 1 or more reports setting forth the Comptroller  
23 General’s findings resulting from the review.

1 **SEC. 1026. MANAGEMENT REVIEW OF DEFENSE INFORMA-**  
2 **TION SYSTEMS AGENCY.**

3 (a) COMPTROLLER GENERAL REVIEW REQUIRED.—

4 The Comptroller General shall review each operation of  
5 the Defense Information Systems Agency—

6 (1) to assess—

7 (A) the efficiency of the operation;

8 (B) the effectiveness of the operation in  
9 meeting customer requirements; and

10 (C) the flexibility of the operation to adopt  
11 best business practices; and

12 (2) to identify alternative approaches for im-  
13 proving the information systems of the Department  
14 of Defense.

15 (b) REPORT.—Not later than February 1, 2002, the  
16 Comptroller General shall submit to the Committees on  
17 Armed Services of the Senate and the House of Represent-  
18 atives one or more reports setting forth the Comptroller  
19 General's findings resulting from the review.

20 **Subtitle E—Information Security**

21 **SEC. 1041. INSTITUTE FOR DEFENSE COMPUTER SECURITY**  
22 **AND INFORMATION PROTECTION.**

23 (a) ESTABLISHMENT.—The Secretary of Defense  
24 shall establish an Institute for Defense Computer Security  
25 and Information Protection.

1 (b) MISSION.—The Secretary shall require the  
2 institute—

3 (1) to conduct research and technology develop-  
4 ment that is relevant to foreseeable computer and  
5 network security requirements and information as-  
6 surance requirements of the Department of Defense  
7 with a principal focus on areas not being carried out  
8 by other organizations in the private or public sec-  
9 tor; and

10 (2) to facilitate the exchange of information re-  
11 garding cyberthreats, technology, tools, and other  
12 relevant issues between government and nongovern-  
13 ment organizations and entities.

14 (c) CONTRACTOR OPERATION.—The Secretary shall  
15 enter into a contract with a not-for-profit entity or consor-  
16 tium of not-for-profit entities to organize and operate the  
17 institute. The Secretary shall use competitive procedures  
18 for the selection of the contractor to the extent determined  
19 necessary by the Secretary.

20 (d) FUNDING.—Of the amounts authorized to be ap-  
21 propriated under section 301(5), \$10,000,000 shall be  
22 available for the Institute for Defense Computer Security  
23 and Information Protection.

1 (e) REPORT.—Not later than April 1, 2001, the Sec-  
 2 retary shall submit to the congressional defense commit-  
 3 tees the Secretary’s plan for implementing this section.

4 **SEC. 1042. INFORMATION SECURITY SCHOLARSHIP PRO-**  
 5 **GRAM.**

6 (a) ESTABLISHMENT OF PROGRAM.—(1) Part III of  
 7 subtitle A of title 10, United States Code, is amended by  
 8 adding at the end the following:

9 **“CHAPTER 112—OTHER EDUCATIONAL**  
 10 **ASSISTANCE PROGRAMS**

“Sec.

“2200. Information security scholarship program.

11 **“§ 2200. Information security scholarship program**

12 “(a) ESTABLISHMENT.—To encourage the recruit-  
 13 ment and retention of Department of Defense personnel  
 14 who have the computer and network security skills nec-  
 15 essary to meet Department of Defense information assur-  
 16 ance requirements, the Secretary of Defense may establish  
 17 a program to provide educational assistance in accordance  
 18 with this section to persons pursuing a program of edu-  
 19 cation in disciplines relevant to those requirements.

20 “(b) ELIGIBLE PERSONS.—The Secretary may pro-  
 21 vide educational assistance under the program for pursuit  
 22 of a baccalaureate or advanced degree in a discipline re-  
 23 ferred to in subsection (a) at an institution of higher edu-

1 cation by a person entering into an agreement with the  
2 Secretary of Defense as described in subsection (c).

3 “(c) SERVICE AGREEMENT.—(1) To receive edu-  
4 cational assistance under this section—

5 “(A) a member of the armed forces shall enter  
6 into an agreement to serve on active duty in the  
7 member’s armed force for the period of obligated  
8 service determined under paragraph (2);

9 “(B) an employee of the Department of De-  
10 fense shall enter into an agreement to continue in  
11 the employment of the department for the period of  
12 obligated service determined under paragraph (2);  
13 and

14 “(C) a person not referred to in subparagraph  
15 (A) or (B) shall enter into an agreement—

16 “(i) to enlist or accept a commission in one  
17 of the armed forces and to serve on active duty  
18 in that armed force for the period of obligated  
19 service determined under paragraph (2); or

20 “(ii) to accept and continue employment in  
21 the Department of Defense for the period of ob-  
22 ligated service determined under paragraph (2).

23 “(2) For the purposes of this subsection, the period  
24 of obligated service for a recipient of educational assist-  
25 ance under this section is one year for each academic year

1 (or fraction thereof) for which educational assistance is  
2 provided. The period of obligated service is in addition to  
3 any other period for which the recipient is obligated to  
4 serve on active duty or in the civil service, as the case  
5 may be.

6 “(3) An agreement entered into under this section by  
7 a person pursuing an academic degree shall include  
8 clauses that provide the following:

9 “(A) That the period of obligated service begins  
10 on a date after the award of the degree that is de-  
11 termined under the regulations prescribed under  
12 subsection (g).

13 “(B) That the person will maintain satisfactory  
14 academic progress, as determined in accordance with  
15 the regulations prescribed under subsection (g), and  
16 that failure to maintain such progress constitutes  
17 grounds for termination of the educational assist-  
18 ance provided the person under this section.

19 “(C) Any other terms and conditions that the  
20 Secretary of Defense determines appropriate for car-  
21 rying out this section.

22 “(d) AMOUNT OF ASSISTANCE.—The amount of the  
23 educational assistance provided for a person under this  
24 section shall be the amount determined by the Secretary  
25 of Defense as being necessary to pay all educational ex-

1 penses incurred by that person, including tuition, fees,  
2 books, and laboratory expenses, but not including expenses  
3 for room and board. The expense paid, however, shall be  
4 limited to those educational expenses normally incurred by  
5 students at the institution of higher education involved.

6 “(e) REFUND FOR PERIOD OF UNSERVED OBLI-  
7 GATED SERVICE.—(1) A person who voluntarily termi-  
8 nates service before the end of the period of obligated serv-  
9 ice required under an agreement entered into under sub-  
10 section (c) shall refund to the United States an amount  
11 that bears the same ratio to the amount of the educational  
12 assistance paid for the person as the unserved part of such  
13 period bears to the total period.

14 “(2) An obligation to reimburse the United States  
15 imposed under paragraph (1) is for all purposes a debt  
16 owed to the United States.

17 “(3) The Secretary of Defense may waive, in whole  
18 or in part, a refund required under paragraph (1) if the  
19 Secretary determines that recovery would be against eq-  
20 uity and good conscience or would be contrary to the best  
21 interests of the United States.

22 “(f) EFFECT OF DISCHARGE IN BANKRUPTCY.—A  
23 discharge in bankruptcy under title 11 that is entered less  
24 than 5 years after the termination of an agreement under  
25 this section does not discharge the person signing such

1 agreement from a debt arising under such agreement or  
 2 under subsection (e).

3 “(g) REGULATIONS.—The Secretary of Defense shall  
 4 prescribe regulations for the administration of any pro-  
 5 gram established under this section.

6 “(h) INAPPLICABILITY TO COAST GUARD.—This sec-  
 7 tion does not apply to the Coast Guard when it is not  
 8 operating as a service in the Navy.

9 “(i) DEFINITIONS.—In this section:

10 “(1) The term ‘information assurance’ includes  
 11 the following:

12 “(A) Computer security.

13 “(B) Network security.

14 “(C) Any other information technology  
 15 that the Secretary of Defense considers related  
 16 to information assurance.

17 “(2) The term ‘institution of higher education’  
 18 has the meaning given the term in section 101 of the  
 19 Higher Education Act of 1965 (20 U.S.C. 1001).”.

20 (2) The tables of chapters at the beginning of subtitle  
 21 A of title 10, United States Code, and the beginning of  
 22 part III of such subtitle are amended by inserting after  
 23 the item relating to chapter 111 the following:

“112. Other Educational Assistance Programs ..... 2200”.

24 (b) FUNDING.—Of the amount authorized to be ap-  
 25 propriated under section 301(5), \$20,000,000 shall be



1 available for carrying out an information security scholar-  
 2 ship program under section 2200 of title 10, United States  
 3 Code (as added by subsection (a)).

4 (c) REPORT.—Not later than April 1, 2001, the Sec-  
 5 retary of Defense shall submit to the congressional defense  
 6 committees a plan for implementing an information secu-  
 7 rity scholarship program under section 2200 of title 10,  
 8 United States Code.

9 **SEC. 1043. PROCESS FOR PRIORITIZING BACKGROUND IN-**  
 10 **VESTIGATIONS FOR SECURITY CLEARANCES**  
 11 **FOR DEPARTMENT OF DEFENSE PERSONNEL.**

12 (a) ESTABLISHMENT OF PROCESS.—Chapter 80 of  
 13 title 10, United States Code, is amended by adding at the  
 14 end the following:

15 **“§ 1563. Security clearance investigations**

16 “(a) EXPEDITED PROCESS.—The Secretary of De-  
 17 fense shall prescribe a process for expediting the comple-  
 18 tion of the background investigations necessary for grant-  
 19 ing security clearances for Department of Defense per-  
 20 sonnel who are engaged in sensitive duties that are critical  
 21 to the national security.

22 “(b) REQUIRED FEATURES.—The process developed  
 23 under subsection (a) shall provide for the following:

24 “(1) Quantification of the requirements for  
 25 background investigations necessary for grants of se-

1 security clearances for Department of Defense per-  
2 sonnel.

3 “(2) Categorization of personnel on the basis of  
4 the degree of sensitivity of their duties and the ex-  
5 tent to which those duties are critical to the national  
6 security.

7 “(3) Prioritization of the processing of back-  
8 ground investigations on the basis of the categories  
9 of personnel.

10 “(c) ANNUAL REVIEW.—The Secretary shall review,  
11 each year, the process prescribed under subsection (a) and  
12 shall revise it as determined necessary in relation to ongo-  
13 ing Department of Defense missions.

14 “(d) CONSULTATION REQUIREMENT.—The Secretary  
15 shall consult with the Secretaries of the military depart-  
16 ments and the heads of Defense Agencies in carrying out  
17 this section.

18 “(e) SENSITIVE DUTIES.—For the purposes of this  
19 section, it is not necessary for the performance of duties  
20 to involve classified activities or classified matters in order  
21 for the duties to be considered sensitive and critical to the  
22 national security.”.

23 (b) CLERICAL AMENDMENT.—The table of sections  
24 at the beginning of such chapter is amended by adding  
25 at the end the following:

“1563. Security clearance investigations.”.

1 **SEC. 1044. AUTHORITY TO WITHHOLD CERTAIN SENSITIVE**  
2 **INFORMATION FROM PUBLIC DISCLOSURE.**

3 (a) IN GENERAL.—Chapter 3 of title 10, United  
4 States Code, is amended by inserting after section 130b  
5 the following new section:

6 **“§ 130c. Nondisclosure of information: certain sen-**  
7 **sitive information of foreign governments**  
8 **and international organizations**

9 “(a) EXEMPTION FROM DISCLOSURE.—The national  
10 security official concerned (as defined in subsection (g))  
11 may withhold from public disclosure otherwise required by  
12 law sensitive information of foreign governments in ac-  
13 cordance with this section.

14 “(b) INFORMATION ELIGIBLE FOR EXEMPTION.—  
15 For the purposes of this section, information is sensitive  
16 information of a foreign government only if the national  
17 security official concerned makes each of the following de-  
18 terminations with respect to the information:

19 “(1) That the information was provided by, oth-  
20 erwise made available by, or produced in cooperation  
21 with, a foreign government or international organi-  
22 zation.

23 “(2) That the foreign government or inter-  
24 national organization is withholding the information  
25 from public disclosure (relying for that determina-

1       tion on the written representation of the foreign gov-  
2       ernment or international organization to that effect).

3           “(3) That any of the following conditions are  
4       met:

5           “(A) The foreign government or inter-  
6       national organization requests, in writing, that  
7       the information be withheld.

8           “(B) The information was provided or  
9       made available to the United States Govern-  
10      ment on the condition that it not be released to  
11      the public.

12          “(C) The information is an item of infor-  
13      mation, or is in a category of information, that  
14      the national security official concerned has  
15      specified in regulations prescribed under sub-  
16      section (f) as being information the release of  
17      which would have an adverse effect on the abil-  
18      ity of the United States Government to obtain  
19      the same or similar information in the future.

20          “(c) INFORMATION OF OTHER AGENCIES.—If the na-  
21      tional security official concerned provides to the head of  
22      another agency sensitive information of a foreign govern-  
23      ment, as determined by that national security official  
24      under subsection (b), and informs the head of the other  
25      agency of that determination, then the head of the other

1 agency shall withhold the information from any public dis-  
2 closure unless that national security official specifically  
3 authorizes the disclosure.

4 “(d) LIMITATIONS.—(1) If a request for disclosure  
5 covers any sensitive information of a foreign government  
6 (as described in subsection (b)) that came into the posses-  
7 sion or under the control of the United States Government  
8 before the date of the enactment of the National Defense  
9 Authorization Act for Fiscal Year 2001 and more than  
10 25 years before the request is received by an agency, the  
11 information may be withheld only as set forth in para-  
12 graph (3).

13 “(2)(A) If a request for disclosure covers any sen-  
14 sitive information of a foreign government (as described  
15 in subsection (b)) that came into the possession or under  
16 the control of the United States Government on or after  
17 the date referred to in paragraph (1), the authority to  
18 withhold the information under this section is subject to  
19 the provisions of subparagraphs (B) and (C).

20 “(B) Information referred to in subparagraph (A)  
21 may not be withheld under this section after—

22 “(i) the date that is specified by a foreign gov-  
23 ernment or international organization in a request  
24 or expression of a condition described in paragraph  
25 (1) or (2) of subsection (b) that is made by the for-

1       eign government or international organization con-  
2       cerning the information; or

3               “(ii) if there are more than one such foreign  
4       governments or international organizations, the lat-  
5       est date so specified by any of them.

6       “(C) If no date is applicable under subparagraph (B)  
7       to a request referred to in subparagraph (A) and the infor-  
8       mation referred to in that subparagraph came into posses-  
9       sion or under the control of the United States more than  
10      10 years before the date on which the request is received  
11      by an agency, the information may be withheld under this  
12      section only as set forth in paragraph (3).

13       “(3) Information referred to in paragraph (1) or  
14      (2)(C) may be withheld under this section in the case of  
15      a request for disclosure only if, upon the notification of  
16      each foreign government and international organization  
17      concerned in accordance with the regulations prescribed  
18      under subsection (g)(2), any such government or organiza-  
19      tion requests in writing that the information not be dis-  
20      closed for an additional period stated in the request of  
21      that government or organization. After the national secu-  
22      rity official concerned considers the request of the foreign  
23      government or international organization, the official shall  
24      designate a later date as the date after which the informa-  
25      tion is not to be withheld under this section. The later

1 date may be extended in accordance with a later request  
2 of any such foreign government or international organiza-  
3 tion under this paragraph.

4 “(e) INFORMATION PROTECTED UNDER OTHER AU-  
5 THORITY.—This section does not apply to information or  
6 matters that are specifically required in the interest of na-  
7 tional defense or foreign policy to be protected against un-  
8 authorized disclosure under criteria established by an Ex-  
9 ecutive order and are classified, properly, at the confiden-  
10 tial, secret, or top secret level pursuant to such Executive  
11 order.

12 “(f) DISCLOSURES NOT AFFECTED.—Nothing in this  
13 section shall be construed to authorize any official to with-  
14 hold, or to authorize the withholding of, information from  
15 the following:

16 “(1) Congress.

17 “(2) The Comptroller General, unless the infor-  
18 mation relates to activities that the President des-  
19 ignates as foreign intelligence or counterintelligence  
20 activities.

21 “(g) REGULATIONS.—(1) The national security offi-  
22 cials referred to in subsection (h)(1) shall each prescribe  
23 regulations to carry out this section. The regulations shall  
24 include criteria for making the determinations required  
25 under subsection (b). The regulations may provide for con-

1 trols on access to and use of, and special markings and  
 2 specific safeguards for, a category or categories of infor-  
 3 mation subject to this section.

4 “(2) The regulations shall include procedures for no-  
 5 tifying and consulting with each foreign government or  
 6 international organization concerned about requests for  
 7 disclosure of information to which this section applies.

8 “(h) DEFINITIONS.—In this section:

9 “(1) The term ‘national security official con-  
 10 cerned’ means the following:

11 “(A) The Secretary of Defense, with re-  
 12 spect to information of concern to the Depart-  
 13 ment of Defense, as determined by the Sec-  
 14 retary.

15 “(B) The Secretary of Transportation,  
 16 with respect to information of concern to the  
 17 Coast Guard, as determined by the Secretary,  
 18 but only while the Coast Guard is not operating  
 19 as a service in the Navy.

20 “(C) The Secretary of Energy, with re-  
 21 spect to information concerning the national se-  
 22 curity programs of the Department of Energy,  
 23 as determined by the Secretary.

24 “(2) The term ‘agency’ has the meaning given  
 25 that term in section 552(f) of title 5.



1           “(3) The term ‘international organization’  
2 means the following:

3           “(A) A public international organization  
4 designated pursuant to section 1 of the Inter-  
5 national Organizations Immunities Act (59  
6 Stat. 669; 22 U.S.C. 288) as being entitled to  
7 enjoy the privileges, exemptions, and immuni-  
8 ties provided in such Act.

9           “(B) A public international organization  
10 created pursuant to a treaty or other inter-  
11 national agreement as an instrument through  
12 or by which two or more foreign governments  
13 engage in some aspect of their conduct of inter-  
14 national affairs.

15           “(C) An official mission, except a United  
16 States mission, to a public international organi-  
17 zation referred to in subparagraph (A) or (B).”.

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 130b the following new  
21 item:

“130e. Nondisclosure of information: certain sensitive information of foreign  
governments and international organizations.”.

1 **SEC. 1045. PROTECTION OF OPERATIONAL FILES OF THE**  
2 **DEFENSE INTELLIGENCE AGENCY.**

3 (a) AUTHORITY.—Subchapter I of chapter 21 of title  
4 10, United States Code, is amended by adding at the end  
5 the following:

6 **“§ 426. Protection of sensitive information: oper-**  
7 **ational files of the Defense Intelligence**  
8 **Agency**

9 “(a) AUTHORITY TO WITHHOLD OPERATIONAL  
10 FILES.—The Secretary of Defense may withhold from  
11 public disclosure operational files described in subsection  
12 (b) to the same extent that operational files may be with-  
13 held under section 701 of the National Security Act of  
14 1947 (50 U.S.C. 431), subject to judicial review under the  
15 same circumstances and to the same extent as is provided  
16 in subsection (f) of such section.

17 “(b) DECENNIAL REVIEW OF EXEMPTED OPER-  
18 ATIONAL FILES.—Section 702 of the National Security  
19 Act of 1947 (50 U.S.C. 432), setting forth requirements  
20 for decennial review of exemptions from public disclosure  
21 and related provisions for judicial review shall apply with  
22 respect to the exemptions from public disclosure that are  
23 in force under subsection (a), subject to the following re-  
24 quirements:

25 “(1) The Secretary of Defense shall conduct the  
26 decennial review under this subsection.

1           “(2) In the application of the judicial review  
 2           provisions under subsection (c) of such section  
 3           702—

4                   “(A) the references to the Central Intel-  
 5           ligence Agency shall be deemed to refer to the  
 6           Secretary of Defense; and

7                   “(B) the reference in paragraph (1) of that  
 8           subsection to the period for the first review  
 9           shall be deemed to refer to the 10-year period  
 10          beginning on the day after the date of the en-  
 11          actment of the National Defense Authorization  
 12          Act for Fiscal Year 2001.

13          “(c) OPERATIONAL FILES DEFINED.—In this sec-  
 14          tion, the term ‘operational files’ has the meaning given  
 15          that term in section 701(b) of the National Security Act  
 16          of 1947 (50 U.S.C. 431(b)), except that the references to  
 17          elements of the Central Intelligence Agency do not  
 18          apply.”.

19          (b) CLERICAL AMENDMENT.—The table of sections  
 20          at the beginning of such subchapter is amended by adding  
 21          at the end the following:

“426. Protection of sensitive information: operational files of the Defense Intel-  
 ligence Agency.”.

## **Subtitle F—Other Matters**

### **SEC. 1051. COMMEMORATION OF THE FIFTIETH ANNIVERSARY OF THE UNIFORM CODE OF MILITARY JUSTICE.**

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

(1) The American military justice system predates the United States itself, having had a continuous existence since the enactment of the first American Articles of War by the Continental Congress in 1775.

(2) Pursuant to article I of the Constitution, which explicitly empowers Congress “To make Rules for the Government and Regulation of the land and naval Forces”, Congress enacted the Articles of War and an Act to Govern the Navy, which were revised on several occasions between the ratification of the Constitution and the end of World War II.

(3) Dissatisfaction with the administration of military justice in World War I and World War II led both to significant statutory reforms in the Articles of War and to the convening of a committee, under Department of Defense auspices, to draft a uniform code of military justice applicable to all of the Armed Forces.

1           (4) The committee, chaired by Professor Ed-  
2       mund M. Morgan of Harvard Law School, made rec-  
3       ommendations that formed the basis of bills intro-  
4       duced in Congress to establish such a uniform code  
5       of military justice.

6           (5) After lengthy hearings and debate on the  
7       congressional proposals, the Uniform Code of Mili-  
8       tary Justice was enacted into law on May 5, 1950,  
9       when President Harry S. Truman signed the legisla-  
10      tion.

11          (6) President Truman then issued a revised  
12      Manual for Courts-Martial implementing the new  
13      code, and the code became effective on May 31,  
14      1951.

15          (7) One of the greatest innovations of the Uni-  
16      form Code of Military Justice was the establishment  
17      of a civilian court of appeals within the military jus-  
18      tice system. That court, the United States Court of  
19      Military Appeals (now the United States Court of  
20      Appeals for the Armed Forces), held its first session  
21      on July 25, 1951.

22          (8) Congress enacted major revisions of the  
23      Uniform Code of Military Justice in 1968 and 1983  
24      and, in addition, has amended the code from time to  
25      time over the years as practice under the code indi-

1 cated a need for updating the substance or proce-  
2 dure of the law of military justice.

3 (9) The evolution of the system of military jus-  
4 tice under the Uniform Code of Military Justice may  
5 be traced in the decisions of the Courts of Criminal  
6 Appeals of each of the Armed Forces and the deci-  
7 sions of the United States Court of Appeals for the  
8 Armed Forces. These courts have produced a unique  
9 body of jurisprudence upon which commanders and  
10 judge advocates rely in the performance of their du-  
11 ties.

12 (10) It is altogether fitting that the fiftieth an-  
13 niversary of the Uniform Code of Military Justice be  
14 duly commemorated.

15 (b) COMMEMORATION.—The Congress—

16 (1) requests the President to issue a proclama-  
17 tion commemorating the fiftieth anniversary of the  
18 Uniform Code of Military Justice; and

19 (2) calls upon the Department of Defense, the  
20 Armed Forces, and the United States Court of Ap-  
21 peals for the Armed Forces to commemorate the oc-  
22 casion with ceremonies and activities befitting its  
23 importance.

1 **SEC. 1052. TECHNICAL CORRECTIONS.**

2 (a) THRESHOLD DATE FOR EFFECTIVENESS OF  
3 AGREEMENTS TO MAKE AN SBP ELECTION.—(1) Section  
4 657(a)(1)(A) of the National Defense Authorization Act  
5 for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 668;  
6 10 U.S.C. 1450 note) is amended by striking “August 21,  
7 1983” and inserting “August 19, 1983”.

8 (2) The amendment made by paragraph (1) shall  
9 take effect as of October 5, 1999, and shall apply as if  
10 included in section 657(a)(1)(A) of Public Law 106–65  
11 on that date.

12 (b) STATE OF INCORPORATION OF FLEET RESERVE  
13 ASSOCIATION.—Sections 70102(a) and 70108(a) of title  
14 36, United States Code, are amended by striking “Dela-  
15 ware” and inserting “Pennsylvania”.

16 **SEC. 1053. ELIGIBILITY OF DEPENDENTS OF AMERICAN**  
17 **RED CROSS EMPLOYEES FOR ENROLLMENT**  
18 **IN DEPARTMENT OF DEFENSE DOMESTIC DE-**  
19 **PENDENT SCHOOLS IN PUERTO RICO.**

20 Section 2164 of title 10, United States Code, is  
21 amended by adding at the end the following:

22 “(i) AMERICAN RED CROSS EMPLOYEE DEPEND-  
23 ENTS IN PUERTO RICO.—(1) The Secretary of Defense  
24 may authorize a dependent of an employee of the Amer-  
25 ican Red Cross performing armed forces emergency serv-  
26 ices in Puerto Rico to enroll in an educational program

1 provided by the Secretary pursuant to subsection (a) in  
2 Puerto Rico.

3 “(2) In determining the dependency status of any  
4 person for the purposes of paragraph (1), the Secretary  
5 shall apply the same definitions as apply to the determina-  
6 tion of such status with respect to Federal employees in  
7 the administration of this section.

8 “(3) The Secretary shall be paid for the educational  
9 services and related items provided to a student under  
10 paragraph (1). To determine the amount for educational  
11 services, the Secretary shall allocate to the student a  
12 share, considered appropriate by the Secretary, of the  
13 costs of providing the educational program in which the  
14 student is enrolled. The Secretary shall enter into such  
15 agreements or take such other actions as the Secretary  
16 determines necessary to ensure that the payments re-  
17 quired under this paragraph are made.”.

18 **SEC. 1054. GRANTS TO AMERICAN RED CROSS FOR ARMED**  
19 **FORCES EMERGENCY SERVICES.**

20 (a) GRANTS AUTHORIZED.—The Secretary of De-  
21 fense may, subject to subsection (b), make a grant to the  
22 American Red Cross of up to \$9,400,000 in each of fiscal  
23 years 2001, 2002, and 2003 for the support of the Armed  
24 Forces Emergency Services program of the American Red  
25 Cross.



1 (b) MATCHING REQUIREMENT.—A grant may not be  
2 made for a fiscal year under subsection (a) until the Sec-  
3 retary receives from the American Red Cross a certifi-  
4 cation providing assurances satisfactory to the Secretary  
5 that the American Red Cross will expend for the Armed  
6 Forces Emergency Services program for that fiscal year  
7 funds, derived from sources other than the Federal Gov-  
8 ernment, in a total amount that equals or exceeds the  
9 amount of the grant.

10 (c) FUNDING.—Of the amount authorized to be ap-  
11 propriated by section 301 for operation and maintenance  
12 for Defense-wide activities, \$9,400,000 shall be available  
13 for grants made under this section.

14 **SEC. 1055. TRANSIT PASS PROGRAM FOR CERTAIN DEPART-**  
15 **MENT OF DEFENSE PERSONNEL.**

16 (a) ESTABLISHMENT OF PROGRAM.—To encourage  
17 Department of Defense personnel in areas described in  
18 subsection (b) to use means other than single-occupancy  
19 motor vehicles to commute to or from work, the Secretary  
20 of Defense shall exercise the authority provided in section  
21 7905 of title 5, United States Code, to establish a program  
22 to provide the personnel in such areas with a transit pass  
23 benefit under subsection (b)(2)(A) of such section.

24 (b) COVERED AREAS.—The Secretary shall establish  
25 the program required by subsection (a) in the areas which

1 do not meet the revised national ambient air quality stand-  
2 ards under section 109 of the Clean Air Act (42 U.S.C.  
3 7409).

4 (c) TIME FOR IMPLEMENTATION.—The Secretary  
5 shall prescribe the effective date for the program required  
6 under subsection (a). The effective date so prescribed may  
7 not be later than the first day of the first month that be-  
8 gins on or after the date that is 180 days after the date  
9 of the enactment of this Act.

10 **SEC. 1056. FEES FOR PROVIDING HISTORICAL INFORMA-**  
11 **TION TO THE PUBLIC.**

12 (a) ARMY.—(1) Chapter 437 of title 10, United  
13 States Code, is amended by adding at the end the fol-  
14 lowing:

15 **“§ 4595. Army Military History Institute: fee for pro-**  
16 **viding historical information to the pub-**  
17 **lic**

18 “(a) AUTHORITY.—Except as provided in subsection  
19 (b), the Secretary of the Army may charge a person a fee  
20 for providing the person with information from the United  
21 States Army Military History Institute that is requested  
22 by that person.

23 “(b) EXCEPTIONS.—A fee may not be charged under  
24 this section—

1           “(1) to a person for information that the person  
2       requests to carry out a duty as a member of the  
3       armed forces or an officer or employee of the United  
4       States; or

5           “(2) for a release of information under section  
6       552 of title 5.

7       “(c) LIMITATION ON AMOUNT.—A fee charged for  
8       providing information under this section may not exceed  
9       the cost of providing the information.

10       “(d) RETENTION OF FEES.—Amounts received under  
11       subsection (a) for providing information in any fiscal year  
12       shall be credited to the appropriation or appropriations  
13       charged the costs of providing information to the public  
14       from the United States Army Military History Institute  
15       during that fiscal year.

16       “(e) DEFINITIONS.—In this section:

17           “(1) The term ‘United States Army Military  
18       History Institute’ means the archive for historical  
19       records and materials of the Army that the Sec-  
20       retary of the Army designates as the primary ar-  
21       chive for such records and materials.

22           “(2) The terms ‘officer of the United States’  
23       and ‘employee of the United States’ have the mean-  
24       ings given the terms ‘officer’ and ‘employee’, respec-

1 tively, in sections 2104 and 2105, respectively, of  
 2 title 5.”.

3 (2) The table of sections at the beginning of such  
 4 chapter is amended by adding at the end the following:

“4595. Army Military History Institute: fee for providing historical information  
 to the public.”.

5 (b) NAVY.—(1) Chapter 649 of such title 10 is  
 6 amended by adding at the end the following new section:

7 **“§ 7582. Naval and Marine Corps Historical Centers:**  
 8 **fee for providing historical information**  
 9 **to the public**

10 “(a) AUTHORITY.—Except as provided in subsection  
 11 (b), the Secretary of the Navy may charge a person a fee  
 12 for providing the person with information from the United  
 13 States Naval Historical Center or the Marine Corps His-  
 14 torical Center that is requested by that person.

15 “(b) EXCEPTIONS.—A fee may not be charged under  
 16 this section—

17 “(1) to a person for information that the person  
 18 requests to carry out a duty as a member of the  
 19 armed forces or an officer or employee of the United  
 20 States; or

21 “(2) for a release of information under section  
 22 552 of title 5.

1       “(c) LIMITATION ON AMOUNT.—A fee charged for  
2 providing information under this section may not exceed  
3 the cost of providing the information.

4       “(d) RETENTION OF FEES.—Amounts received under  
5 subsection (a) for providing information from the United  
6 States Naval Historical Center or the Marine Corps His-  
7 torical Center in any fiscal year shall be credited to the  
8 appropriation or appropriations charged the costs of pro-  
9 viding information to the public from that historical center  
10 during that fiscal year.

11       “(e) DEFINITIONS.—In this section:

12           “(1) The term ‘United States Naval Historical  
13 Center’ means the archive for historical records and  
14 materials of the Navy that the Secretary of the Navy  
15 designates as the primary archive for such records  
16 and materials.

17           “(2) The term ‘Marine Corps Historical Center’  
18 means the archive for historical records and mate-  
19 rials of the Marine Corps that the Secretary of the  
20 Navy designates as the primary archive for such  
21 records and materials.

22           “(3) The terms ‘officer of the United States’  
23 and ‘employee of the United States’ have the mean-  
24 ings given the terms ‘officer’ and ‘employee’, respec-

1 tively, in sections 2104 and 2105, respectively, of  
2 title 5.”.

3 (2) The heading of such chapter is amended by strik-  
4 ing “**RELATED**”.

5 (3)(A) The table of sections at the beginning of such  
6 chapter is amended by adding at the end the following  
7 new item:

“7582. Naval and Marine Corps Historical Centers: fee for providing historical  
information to the public.”.

8 (B) The item relating to such chapter in the tables  
9 of chapters at the beginning of subtitle C of title 10,  
10 United States Code, and the beginning of part IV of such  
11 subtitle is amended by striking out “Related”.

12 (c) AIR FORCE.—(1) Chapter 937 of title 10, United  
13 States Code, is amended by adding at the end the fol-  
14 lowing new section:

15 **“§ 9594. Air Force Military History Institute: fee for**  
16 **providing historical information to the**  
17 **public**

18 “(a) AUTHORITY.—Except as provided in subsection  
19 (b), the Secretary of the Air Force may charge a person  
20 a fee for providing the person with information from the  
21 United States Air Force Military History Institute that  
22 is requested by that person.

23 “(b) EXCEPTIONS.—A fee may not be charged under  
24 this section—

1           “(1) to a person for information that the person  
2       requests to carry out a duty as a member of the  
3       armed forces or an officer or employee of the United  
4       States; or

5           “(2) for a release of information under section  
6       552 of title 5.

7       “(c) LIMITATION ON AMOUNT.—A fee charged for  
8       providing information under this section may not exceed  
9       the cost of providing the information.

10       “(d) RETENTION OF FEES.—Amounts received under  
11       subsection (a) for providing information in any fiscal year  
12       shall be credited to the appropriation or appropriations  
13       charged the costs of providing information to the public  
14       from the United States Air Force Military History Insti-  
15       tute during that fiscal year.

16       “(e) DEFINITIONS.—In this section:

17           “(1) The term ‘United States Air Force Mili-  
18       tary History Institute’ means the archive for histor-  
19       ical records and materials of the Air Force that the  
20       Secretary of the Air Force designates as the primary  
21       archive for such records and materials.

22           “(2) The terms ‘officer of the United States’  
23       and ‘employee of the United States’ have the mean-  
24       ings given the terms ‘officer’ and ‘employee’, respec-

1 tively, in sections 2104 and 2105, respectively, of  
 2 title 5.”.

3 (2) The table of sections at the beginning of such  
 4 chapter is amended by adding at the end the following  
 5 new item:

“9594. Air Force Military History Institute: fee for providing historical information to the public.”.

6 **SEC. 1057. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION FOR NATIONAL SECURITY PURPOSES.**  
 7  
 8

9 (a) CONDITIONS FOR AVAILABILITY OF INFORMATION.—Subsection (b) of section 9101 of title 5, United  
 10 States Code, is amended—  
 11

12 (1) by striking paragraph (3);

13 (2) by redesignating paragraph (2) as paragraph (4);  
 14

15 (3) in paragraph (1)—

16 (A) in the first sentence—

17 (i) by inserting “the Department of  
 18 Transportation,” after “the Department of  
 19 State,”; and

20 (ii) by inserting “the following:” after  
 21 “eligibility for”; and

22 (B) by striking “(A) access to classified information” and all that follows through the end  
 23 of the paragraph and inserting the following:  
 24



1           “(A) Access to classified information.

2           “(B) Assignment to or retention in sensitive na-  
3       tional security duties.

4           “(C) Acceptance or retention in the armed  
5       forces.

6           “(D) Appointment, retention, or assignment to  
7       a position of public trust or a critical or sensitive po-  
8       sition while either employed by the Federal Govern-  
9       ment or performing a Federal Government contract.

10          “(2) If the criminal justice agency possesses the capa-  
11       bility to provide automated criminal history record infor-  
12       mation based on a search of its records by name and other  
13       common identifiers, the agency shall provide the requester  
14       with full criminal history record information for individ-  
15       uals who meet the matching criteria.

16          “(3) Fees, if any, charged for providing criminal his-  
17       tory record information pursuant to this subsection may  
18       not exceed the reasonable cost of providing such informa-  
19       tion through an automated name search.”; and

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

21          “(5) A criminal justice agency may not require, as  
22       a condition for the release of criminal history record infor-  
23       mation under this subsection, that any official of a depart-  
24       ment or agency named in paragraph (1) enter into an  
25       agreement with a State or local government to indemnify

1 and hold harmless the State or locality for damages, costs,  
2 or other monetary loss arising from the disclosure or use  
3 by that department or agency of criminal history record  
4 information obtained from the State or local government  
5 pursuant to this subsection.”.

6 (b) USE OF AUTOMATED INFORMATION DELIVERY  
7 SYSTEMS.—Such section is further amended—

8 (1) by redesignating subsection (e) as sub-  
9 section (f); and

10 (2) by inserting after subsection (d) the fol-  
11 lowing new subsection (e):

12 “(e)(1) Automated information delivery systems shall  
13 be used to provide criminal history record information a  
14 department or agency under subsection (b) whenever  
15 available.

16 “(2) Fees, if any, charged for automated access  
17 through such systems may not exceed the reasonable cost  
18 of providing such access.

19 “(3) The criminal justice agency providing the crimi-  
20 nal history record information through such systems may  
21 not limit disclosure on the basis that the repository is  
22 accessed from outside the State.

23 “(4) Information provided through such systems shall  
24 be the full and complete criminal history record.

1 “(5) Criminal justice agencies shall accept and re-  
 2 spond to requests for criminal history record information  
 3 through such systems with printed or photocopied records  
 4 when requested.”.

5 **SEC. 1058. SENSE OF CONGRESS ON THE NAMING OF THE**  
 6 **CVN-77 AIRCRAFT CARRIER.**

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

9 (1) Over the last three decades Congress has  
 10 authorized and appropriated funds for a total of 10  
 11 “NIMITZ” class aircraft carriers.

12 (2) The last vessel in the “NIMITZ” class of  
 13 aircraft carriers, CVN-77, is currently under con-  
 14 struction and will be delivered in 2008.

15 (3) The first nine vessels in this class bear the  
 16 following proud names:

17 (A) U.S.S. Nimitz (CVN-68).

18 (B) U.S.S. Dwight D. Eisenhower (CVN-  
 19 69).

20 (C) U.S.S. Carl Vinson (CVN-70).

21 (D) U.S.S. Theodore Roosevelt (CVN-71).

22 (E) U.S.S. Abraham Lincoln (CVN-72).

23 (F) U.S.S. George Washington (CVN-73).

24 (G) U.S.S. John C. Stennis (CVN-74).

25 (H) U.S.S. Harry S. Truman (CVN-75).

1 (I) U.S.S. Ronald Reagan (CVN-76).

2 (4) It is appropriate for Congress to rec-  
3 ommend to the President, as Commander in Chief of  
4 the Armed Forces, an appropriate name for the final  
5 vessel in the “NIMITZ” class of aircraft carriers.

6 (5) Over the last 25 years the vessels in the  
7 “NIMITZ” class of aircraft carriers have served as  
8 one of the principal means of United States diplo-  
9 macy and as one of the principal means for the de-  
10 fense of the United States and our allies around the  
11 world.

12 (6) The name bestowed upon aircraft carrier  
13 CVN-77 should embody the American spirit and  
14 provide a lasting symbol of the American commit-  
15 ment to freedom.

16 (7) The name “Lexington” has been a symbol of  
17 freedom from the first battle of the American Revo-  
18 lution.

19 (8) The two aircraft carriers previously named  
20 U.S.S. Lexington (the CV-2 and the CV-16) served  
21 our Nation for 64 years, served in World War II,  
22 and earned 13 battle stars.

23 (9) One of those honored vessels, the CV-2,  
24 was lost after having given gallant fight at the Bat-  
25 tle of Coral Sea in 1942.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-  
 2 gress that the CVN-77 aircraft carrier should be named  
 3 the “U.S.S. Lexington”—

4 (1) in order to honor the men and women who  
 5 served in the Armed Forces of the United States  
 6 during World War II, and the incalculable number  
 7 of United States citizens on the home front during  
 8 that war, who mobilized in the name of freedom, and  
 9 who are today respectfully referred to as the “Great-  
 10 est Generation”; and

11 (2) as a special tribute to the 16,000,000 vet-  
 12 erans of the Armed Forces who served on land, sea,  
 13 and air during World War II (of whom less than  
 14 6,000,000 remain alive today) and a lasting symbol  
 15 of their commitment to freedom as they pass on hav-  
 16 ing proudly taken their place in history.

17 **SEC. 1059. DONATION OF CIVIL WAR CANNON.**

18 (a) AUTHORITY.—The Secretary of the Army shall  
 19 convey all right, title, and interest of the United States  
 20 in and to the Civil War era cannon described in subsection  
 21 (b) to the Edward Dorr Tracey, Jr. Camp 18 of the Sons  
 22 of the Confederate Veterans.

23 (b) PROPERTY TO BE CONVEYED.—The cannon re-  
 24 ferred to in subsection (a) is a 12-pounder Napoleon can-  
 25 non bearing the following markings:

1 (1) On the top: “CS”.

2 (2) On the face of the muzzle: “Macon Arsenal,  
3 1864/No.41/1164 ET”.

4 (3) On the right trunnion: “Macon Arsenal  
5 GEO/1864/No.41/WT.1164/E.T.”.

6 (c) CONSIDERATION.—No consideration may be re-  
7 quired by the Secretary for the conveyance of the cannon  
8 under this section.

9 (d) ADDITIONAL TERMS AND CONDITIONS.—The  
10 Secretary may require such additional terms and condi-  
11 tions in connection with the conveyance under this section  
12 as the Secretary considers appropriate to protect the inter-  
13 ests of the United States.

14 (e) RELATIONSHIP TO OTHER LAW.—The convey-  
15 ance required under this section may be carried out with-  
16 out regard to the Act entitled “An Act for the preservation  
17 of American antiquities”, approved June 8, 1906 (34 Stat.  
18 225; 16 U.S.C. 431 et seq.), popularly referred to as the  
19 “Antiquities Act of 1906”.

20 **SEC. 1060. MAXIMUM SIZE OF PARCEL POST PACKAGES**  
21 **TRANSPORTED OVERSEAS FOR ARMED**  
22 **FORCES POST OFFICES.**

23 Section 3401(b) of title 39, United States Code, is  
24 amended by striking “100 inches in length and girth com-  
25 bined” in paragraphs (2) and (3) and inserting “the max-

1 imum size allowed by the Postal Service for fourth class  
 2 parcel post (known as ‘Standard Mail (B)’”).

3 **TITLE XI—DEPARTMENT OF DE-**  
 4 **FENSE CIVILIAN PERSONNEL**  
 5 **POLICY**

6 **SEC. 1101. COMPUTER/ELECTRONIC ACCOMMODATIONS**  
 7 **PROGRAM.**

8 (a) AUTHORITY TO EXPAND PROGRAM.—(1) Chapter  
 9 81 of title 10, United States Code, is amended by inserting  
 10 after section 1581 the following:

11 **“§ 1582. Assistive technology, assistive technology de-**  
 12 **vices, and assistive technology services**

13 “(a) AUTHORITY.—The Secretary of Defense may  
 14 provide assistive technology, assistive technology devices,  
 15 and assistive technology services to the following:

16 “(1) Department of Defense employees with  
 17 disabilities.

18 “(2) Organizations within the department that  
 19 have requirements to make programs or facilities ac-  
 20 cessible to and usable by persons with disabilities.

21 “(3) Any other department or agency of the  
 22 Federal Government, upon the request of the head  
 23 of that department or agency, for its employees with  
 24 disabilities or for satisfying a requirement to make

1       its programs or facilities accessible to and usable by  
2       persons with disabilities.

3       “(b) DEFINITIONS.—In this section, the terms ‘as-  
4       sistive technology’, ‘assistive technology device’, ‘assistive  
5       technology service’, and ‘disability’ have the meanings  
6       given the terms in section 3 of the Assistive Technology  
7       Act of 1998 (29 U.S.C. 3002).”.

8       (2) The table of sections at the beginning of such  
9       chapter is amended by inserting after the item relating  
10      to section 1581 the following:

“1582. Assistive technology, assistive technology devices, and assistive tech-  
nology services.”.

11      (b) FUNDING.—Of the amount authorized to be ap-  
12      propriated under section 301(5) for operation and mainte-  
13      nance for Defense-wide activities, not more than  
14      \$2,000,000 is available for the purpose of expanding and  
15      administering the Computer/Electronic Accommodation  
16      Program of the Department of Defense to provide under  
17      section 1582 of title 10, United States Code (as added  
18      by subsection (a)), the technology, devices, and services  
19      described in that section.



1 **SEC. 1102. ADDITIONAL SPECIAL PAY FOR FOREIGN LAN-**  
2 **GUAGE PROFICIENCY BENEFICIAL FOR**  
3 **UNITED STATES NATIONAL SECURITY INTER-**  
4 **ESTS.**

5 (a) IN GENERAL.—Chapter 81 of title 10, United  
6 States Code, is amended by inserting after section 1596  
7 the following new section:

8 **“§ 1596a. Foreign language proficiency: special pay**  
9 **for proficiency beneficial for other na-**  
10 **tional security interests**

11 “(a) AUTHORITY.—The Secretary of Defense may  
12 pay special pay under this section to an employee of the  
13 Department of Defense who—

14 “(1) has been certified by the Secretary to be  
15 proficient in a foreign language identified by the  
16 Secretary as being a language in which proficiency  
17 by civilian personnel of the department is necessary  
18 because of national security interests;

19 “(2) is assigned duties requiring proficiency in  
20 that foreign language; and

21 “(3) is not receiving special pay under section  
22 1596 of this title.

23 “(b) RATE.—The rate of special pay for an employee  
24 under this section shall be prescribed by the Secretary,  
25 but may not exceed five percent of the employee’s rate of  
26 basic pay.

1       “(c) RELATIONSHIP TO OTHER PAY AND ALLOW-  
 2 ANCES.—Special pay under this section is in addition to  
 3 any other pay or allowances to which the employee is enti-  
 4 tled.

5       “(d) REGULATIONS.—The Secretary of Defense shall  
 6 prescribe regulations to carry out this section.”.

7       (b) AMENDMENT TO DISTINGUISH OTHER FOREIGN  
 8 LANGUAGE PROFICIENCY SPECIAL PAY.—The heading for  
 9 section 1596 of title 10, United States Code, is amended  
 10 to read as follows:

11   **“§ 1596. Foreign language proficiency: special pay for**  
 12                   **proficiency beneficial for intelligence in-**  
 13                   **terests”.**

14       (c) CLERICAL AMENDMENT.—The table of sections  
 15 at the beginning of chapter 81 of such title is amended  
 16 by striking the item relating to section 1596 and inserting  
 17 the following:

“1596. Foreign language proficiency: special pay for proficiency beneficial for  
 intelligence interests.

“1596a. Foreign language proficiency: special pay for proficiency beneficial for  
 other national security interests.”.

18   **SEC. 1103. INCREASED NUMBER OF POSITIONS AUTHOR-**  
 19                   **IZED FOR THE DEFENSE INTELLIGENCE SEN-**  
 20                   **IOR EXECUTIVE SERVICE.**

21       Section 1606(a) of title 10, United States Code, is  
 22 amended by striking “492” and inserting “517”.

1 **SEC. 1104. EXTENSION OF AUTHORITY FOR TUITION REIM-**  
2 **BURSEMENT AND TRAINING FOR CIVILIAN**  
3 **EMPLOYEES IN THE DEFENSE ACQUISITION**  
4 **WORKFORCE.**

5 Section 1745(a) of title 10, United States Code, is  
6 amended by striking “September 30, 2001” in the second  
7 sentence and inserting “September 30, 2010”.

8 **SEC. 1105. WORK SAFETY DEMONSTRATION PROGRAM.**

9 (a) ESTABLISHMENT.—The Secretary of Defense  
10 shall carry out a defense employees work safety dem-  
11 onstration program.

12 (b) PRIVATE SECTOR WORK SAFETY MODELS.—  
13 Under the demonstration program, the Secretary shall—

14 (1) adopt for use in the workplace of employees  
15 of the Department of Defense such work safety mod-  
16 els used by employers in the private sector that the  
17 Secretary considers as being representative of the  
18 best work safety practices in use by private sector  
19 employers; and

20 (2) determine whether the use of those prac-  
21 tices in the Department of Defense improves the  
22 work safety record of Department of Defense em-  
23 ployees.

24 (c) SITES.—(1) The Secretary shall carry out the  
25 demonstration program—

1           (A) at not fewer than two installations of each  
2           of the Armed Forces (other than the Coast Guard),  
3           for employees of the military department concerned;  
4           and

5           (B) in at least two Defense Agencies (as de-  
6           fined in section 101(a)(11) of title 10, United States  
7           Code).

8           (2) The Secretary shall select the installations and  
9           Defense Agencies from among the installations and De-  
10          fense Agencies listed in the Federal Worker 2000 Presi-  
11          dential Initiative.

12          (d) PERIOD FOR PROGRAM.—The demonstration pro-  
13          gram shall begin not later than 180 days after the date  
14          of the enactment of this Act and shall terminate on Sep-  
15          tember 30, 2002.

16          (e) REPORTS.—(1) The Secretary of Defense shall  
17          submit an interim report on the demonstration program  
18          to the Committees on Armed Services of the Senate and  
19          the House of Representatives not later than December 1,  
20          2001. The interim report shall contain, at a minimum, for  
21          each site of the demonstration program the following:

22                (A) A baseline assessment of the lost workday  
23                injury rate.

1 (B) A comparison of the lost workday injury  
2 rate for fiscal year 2000 with the lost workday in-  
3 jury rate for fiscal year 1999.

4 (C) The direct and indirect costs associated  
5 with all lost workday injuries.

6 (2) The Secretary of Defense shall submit a final re-  
7 port on the demonstration program to the Committees on  
8 Armed Services of the Senate and the House of Represent-  
9 atives not later than December 1, 2002. The final report  
10 shall contain, at a minimum, for each site of the dem-  
11 onstration program the following:

12 (A) The Secretary's determination on the issue  
13 stated in subsection (b)(2).

14 (B) A comparison of the lost workday injury  
15 rate under the program with the baseline assessment  
16 of the lost workday injury rate.

17 (C) The lost workday injury rate for fiscal year  
18 2002.

19 (D) A comparison of the direct and indirect  
20 costs associated with all lost workday injuries for fis-  
21 cal year 2002 with the direct and indirect costs asso-  
22 ciated with all lost workday injuries for fiscal year  
23 2001.

24 (f) FUNDING.—Of the amount authorized to be ap-  
25 propriated under section 301(5), \$5,000,000 shall be

1 available for the demonstration program under this sec-  
 2 tion.

3 **SEC. 1106. EMPLOYMENT AND COMPENSATION OF EMPLOY-**  
 4 **EES FOR TEMPORARY ORGANIZATIONS ES-**  
 5 **TABLISHED BY LAW OR EXECUTIVE ORDER.**

6 (a) IN GENERAL.—Chapter 31 of title 5, United  
 7 States Code, is amended by adding at the end the fol-  
 8 lowing new subchapter:

9 “SUBCHAPTER IV—TEMPORARY ORGANIZA-  
 10 TIONS ESTABLISHED BY LAW OR EXECU-  
 11 TIVE ORDER

12 “§ 3161. **Employment and compensation of employees**

13 “(a) DEFINITION OF TEMPORARY ORGANIZATION.—  
 14 For the purposes of this subchapter, the term ‘temporary  
 15 organization’ means a commission, committee, board, or  
 16 other organization that—

17 “(1) is established by law or Executive order  
 18 for a specific period not in excess of 3 years for the  
 19 purpose of performing a specific study or other  
 20 project; and

21 “(2) is terminated upon the completion of the  
 22 study or project or upon the occurrence of a condi-  
 23 tion related to the completion of the study or  
 24 project.

1       “(b) EMPLOYMENT AUTHORITY.—(1) Notwith-  
2 standing the provisions of chapter 51 of this title, the head  
3 of an Executive agency may appoint persons to positions  
4 of employment in a temporary organization in such num-  
5 bers and with such skills as are necessary for the perform-  
6 ance of the functions required of a temporary organiza-  
7 tion.

8       “(2) The period of an appointment under paragraph  
9 (1) may not exceed three years, except that under regula-  
10 tions prescribed by the Office of Personnel Management  
11 the period of appointment may be extended for up to an  
12 additional two years.

13       “(3) The positions of employment in a temporary or-  
14 ganization are in the excepted service of the civil service.

15       “(c) DETAIL AUTHORITY.—Upon the request of the  
16 head of a temporary organization, the head of any depart-  
17 ment or agency of the Government may detail, on a non-  
18 reimbursable basis, any personnel of the department or  
19 agency to that organization to assist in carrying out its  
20 duties.

21       “(d) COMPENSATION.—(1) The rate of basic pay for  
22 an employee appointed under subsection (b) shall be estab-  
23 lished under regulations prescribed by the Office of Per-  
24 sonnel Management without regard to the provisions of  
25 chapter 51 and subchapter III of chapter 53 of this title.

1       “(2) The rate of basic pay for the chairman, a mem-  
2 ber, an executive director, a staff director, or another exec-  
3 utive level position of a temporary organization may not  
4 exceed the maximum rate of basic pay established for the  
5 Senior Executive Service under section 5382 of this title.

6       “(3) Except as provided in paragraph (4), the rate  
7 of basic pay for other positions in a temporary organiza-  
8 tion may not exceed the maximum rate of basic pay for  
9 grade GS-15 of the General Schedule under section 5332  
10 of this title.

11       “(4) The rate of basic pay for a senior staff position  
12 of a temporary organization may, in a case determined  
13 by the head of the temporary organization as exceptional,  
14 exceed the maximum rate of basic pay authorized under  
15 paragraph (3), but may not exceed the maximum rate of  
16 basic pay authorized for an executive level position under  
17 paragraph (2).

18       “(5) In this subsection, the term ‘basic pay’ includes  
19 locality pay provided for under section 5304 of this title.

20       “(e) TRAVEL EXPENSES.—An employee of a tem-  
21 porary organization, whether employed on a full-time or  
22 part-time basis, may be allowed travel and transportation  
23 expenses, including per diem in lieu of subsistence, at  
24 rates authorized for employees of agencies under sub-  
25 chapter I of chapter 57 of this title, while traveling away



1 from the employee's regular place of business in the per-  
 2 formance of services for the temporary organization.

3       “(f) BENEFITS.—(1) An employee appointed under  
 4 subsection (b) shall be afforded the same benefits and en-  
 5 titlements as are provided other employees under subpart  
 6 G of part III of this title, except that a full-time employee  
 7 shall be eligible for life insurance under chapter 87 of this  
 8 title and health benefits under chapter 89 of this title im-  
 9 mediately upon appointment to the position of full-time  
 10 employment without regard to the duration of the tem-  
 11 porary organization or of the appointment to that position  
 12 of the temporary organization.

13       “(2) Until an employee of a temporary organization  
 14 has completed one year of continuous service in the civil  
 15 service, there shall be withheld from the employee's pay  
 16 the following:

17               “(A) In the case of an employee insured pursu-  
 18 ant to paragraph (1) by an insurance policy pur-  
 19 chased by the Office under chapter 87 of this title,  
 20 the amount equal to the amount of the Government  
 21 contribution under section 8708 of this title, as well  
 22 as the amount required to be withheld from the pay  
 23 of the employee under section 8707 of this title, all  
 24 of which shall be deposited in the Treasury of the  
 25 United States to the credit of the Employees' Life

1 Insurance Fund referred to in section 8714 of this  
2 title.

3 “(B) In the case of an employee participating  
4 pursuant to paragraph (1) in a Federal Employees  
5 Health Benefits plan under chapter 89 of this title,  
6 the amount equal to the amount of the Government  
7 contribution under section 8906 of this title, as well  
8 as the amount required to be withheld from the pay  
9 of the employee under section 8906 of this title, all  
10 of which shall be paid into the Employees Health  
11 Benefits Fund referred to in section 8909 of this  
12 title.

13 “(3) No contribution shall be made by the United  
14 States for an employee under section 8708 or 8906 of this  
15 title for any period for which subparagraph (A) or (B),  
16 respectively, of paragraph (2) applies to the employee.

17 “(g) RETURN RIGHTS.—An employee serving under  
18 a career or career conditional appointment or the equiva-  
19 lent in an agency who transfers to or converts to an ap-  
20 pointment in a temporary organization with the consent  
21 of the head of the agency is entitled to be returned to  
22 the employee’s former position or a position of like senior-  
23 ity, status, and pay without grade or pay retention in the  
24 agency if the employee—

1           “(1) is being separated from the temporary or-  
 2           ganization for reasons other than misconduct, ne-  
 3           glect of duty, or malfeasance; and

4           “(2) applies for return not later than 30 days  
 5           before the earlier of—

6                   “(A) the date of the termination of the em-  
 7                   ployment in the temporary organization; or

8                   “(B) the date of the termination of the  
 9                   temporary organization.

10          “(h) TEMPORARY AND INTERMITTENT SERVICES.—  
 11          The head of a temporary organization may procure for  
 12          the organization temporary and intermittent services  
 13          under section 3109(b) of this title.

14          “(i) ACCEPTANCE OF VOLUNTEER SERVICES.—(1)  
 15          The head of a temporary organization may accept volun-  
 16          teer services appropriate to the duties of the organization  
 17          without regard to section 1342 of title 31.

18          “(2) Donors of voluntary services accepted for a tem-  
 19          porary organization under this subsection may include the  
 20          following:

21                   “(A) Advisors.

22                   “(B) Experts.

23                   “(C) Members of the commission, committee,  
 24          board, or other temporary organization, as the case  
 25          may be.

1           “(D) A person performing services in any other  
2           capacity determined appropriate by the head of the  
3           temporary organization.

4           “(3) The head of the temporary organization—

5           “(A) shall ensure that each person performing  
6           voluntary services accepted under this subsection is  
7           notified of the scope of the voluntary services accept-  
8           ed;

9           “(B) shall supervise the volunteer to the same  
10          extent as employees receiving compensation for simi-  
11          lar services; and

12          “(C) shall ensure that the volunteer has appro-  
13          priate credentials or is otherwise qualified to per-  
14          form in each capacity for which the volunteer’s serv-  
15          ices are accepted.

16          “(4) A person providing volunteer services accepted  
17          under this subsection shall be considered an employee of  
18          the Federal Government in the performance of those serv-  
19          ices for the purposes of the following provisions of law:

20               “(A) Chapter 81 of this title, relating to com-  
21               pensation for work-related injuries.

22               “(B) Chapter 171 of title 28, relating to tort  
23               claims.

24               “(C) Chapter 11 of title 18, relating to conflicts  
25               of interest.”.

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

“SUBCHAPTER IV—TEMPORARY ORGANIZATIONS ESTABLISHED  
 BY LAW OR EXECUTIVE ORDER

“Sec.

“3161. Employment and compensation of employees.”.

4 **SEC. 1107. EXTENSION OF AUTHORITY FOR VOLUNTARY**  
 5 **SEPARATIONS IN REDUCTIONS IN FORCE.**

6 Section 3502(f)(5) of title 5, United States Code, is  
 7 amended by striking “September 30, 2001” and inserting  
 8 “September 30, 2005”.

9 **SEC. 1108. ELECTRONIC MAINTENANCE OF PERFORMANCE**  
 10 **APPRAISAL SYSTEMS.**

11 Section 4302 of title 5, United States Code, is  
 12 amended by adding at the end the following:

13 “(c) The head of an agency may administer and  
 14 maintain its performance appraisal systems electronically  
 15 in accordance with regulations which the Office shall pre-  
 16 scribe.”.

17 **SEC. 1109. APPROVAL AUTHORITY FOR CASH AWARDS IN**  
 18 **EXCESS OF \$10,000.**

19 Section 4502 of title 5, United States Code, is  
 20 amended by adding at the end the following:

21 “(f) The Secretary of Defense may grant a cash  
 22 award under subsection (b) of this section without regard

1 to the requirements for certification and approval provided  
2 in that subsection.”.

3 **SEC. 1110. LEAVE FOR CREWS OF CERTAIN VESSELS.**

4 Section 6305(c)(2) of title 5, United States Code, is  
5 amended to read as follows:

6 “(2) may not be made the basis for a lump-sum  
7 payment, except that civil service mariners of the  
8 Military Sealift Command on temporary promotion  
9 aboard ship may be paid the difference between their  
10 temporary and permanent rates of pay for leave ac-  
11 crued and not otherwise used during the temporary  
12 promotion upon the expiration or termination of the  
13 temporary promotion; and”.

14 **SEC. 1111. LIFE INSURANCE FOR EMERGENCY ESSENTIAL**  
15 **DEPARTMENT OF DEFENSE EMPLOYEES.**

16 Section 8702 of title 5, United States Code, is  
17 amended by adding at the end the following new sub-  
18 section:

19 “(c) Notwithstanding a notice previously given under  
20 subsection (b), an employee of the Department of Defense  
21 who is designated as an emergency essential employee  
22 under section 1580 of title 10 shall be insured if the em-  
23 ployee, within 60 days after the date of the designation,  
24 elects to be insured under a policy of insurance under this  
25 chapter. An election under the preceding sentence shall be

1 effective when provided to the Office in writing, in the  
 2 form prescribed by the Office, within such 60-day pe-  
 3 riod.”.

4 **SEC. 1112. CIVILIAN PERSONNEL SERVICES PUBLIC-PRI-**  
 5 **VATE COMPETITION PILOT PROGRAM.**

6 (a) PROGRAM REQUIRED.—The Secretary of Defense  
 7 shall establish a pilot program to assess the extent to  
 8 which the effectiveness and efficiency of the performance  
 9 of civilian personnel services for the Department of De-  
 10 fense could be increased by conducting competitions for  
 11 the performance of such services between the public and  
 12 private sectors. The pilot program under this section shall  
 13 be known as the “Civilian Personnel Services Public-Pri-  
 14 vate Competition Program”.

15 (b) CIVILIAN PERSONNEL REGIONS TO BE IN-  
 16 CLUDED.—(1) The pilot program shall be carried out in  
 17 four civilian personnel regions, as follows:

18 (A) In one region, for the civilian personnel  
 19 services for the Department of the Army.

20 (B) In two regions, for the civilian personnel  
 21 services for the Department of the Navy.

22 (C) In one region, for the civilian personnel  
 23 services for any military department or for any orga-  
 24 nization within the Department of Defense that is  
 25 not within a military department.

1       (2) The Secretary shall designate the regions to par-  
2       ticipate in the pilot program. The Secretary shall select  
3       the regions for designation from among the regions where  
4       the conduct of civilian personnel operations are most con-  
5       ducive to public-private competition. In making the selec-  
6       tions, the Secretary shall consult with the Secretary of the  
7       Army, the Secretary of the Navy, and the Director of  
8       Washington Headquarters Services.

9       (c) RIGHT OF FIRST REFUSAL FOR DISPLACE FED-  
10      ERAL EMPLOYEES.—The Secretary of Defense shall take  
11      the actions necessary to ensure that, in the case of a con-  
12      version to private sector performance under the pilot pro-  
13      gram, employees of the United States who are displaced  
14      by the conversion have the right of first refusal for jobs  
15      for which they are qualified that are created by the conver-  
16      sion.

17      (d) DURATION AND COVERAGE OF THE PROGRAM.—  
18      The pilot program shall be carried out during the period  
19      beginning on October 1, 2000, and ending on December  
20      31, 2004.

21      (e) AUTHORITY TO EXPAND PROGRAM.—The Sec-  
22      retary may expand the pilot program to include other re-  
23      gions.

24      (f) REPORT.—Not later than February 1, 2005, the  
25      Secretary shall submit a report on the pilot program to



1 the Committees on Armed Services of the Senate and the  
2 House of Representatives. The report shall include the fol-  
3 lowing:

4           (1) The Secretary's assessment of the value of  
5 the actions taken in the administration of the pilot  
6 program for increasing the effectiveness and effi-  
7 ciency of the performance of civilian personnel serv-  
8 ices for the Department of Defense in the regions  
9 covered by the pilot program, as compared to the  
10 performance of civilian personnel services for the de-  
11 partment in regions not included in the pilot pro-  
12 gram.

13           (2) Any recommendations for legislation or  
14 other action that the Secretary considers appropriate  
15 to increase the effectiveness and efficiency of the  
16 performance of civilian personnel services for the  
17 Department of Defense in all regions.

18 **SEC. 1113. EXTENSION, EXPANSION, AND REVISION OF AU-**  
19 **THORITY FOR EXPERIMENTAL PERSONNEL**  
20 **PROGRAM FOR SCIENTIFIC AND TECHNICAL**  
21 **PERSONNEL.**

22           (a) EXTENSION OF PROGRAM.—Section 1101 of the  
23 Strom Thurmond National Defense Authorization Act for  
24 Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2139;  
25 5 U.S.C. 3104 note) is amended—

1           (1) in subsection (a), by striking “the 5-year  
2           period beginning on the date of the enactment of  
3           this Act” and inserting “the program period speci-  
4           fied in subsection (e)(1)”;

5           (2) in subsection (e), by striking paragraph (1)  
6           and inserting the following:

7           “(1) The period for carrying out the program author-  
8           ized under this section begins on October 17, 1998, and  
9           ends on October 16, 2005.”; and

10          (3) in subsection (f), by striking “on the day  
11          before the termination of the program” and insert-  
12          ing “on the last day of the program period specified  
13          in subsection (e)(1)”.

14          (b) EXPANSION OF SCOPE.—Subsection (a) of such  
15          section, as amended by subsection (a)(1) of this section,  
16          is further amended by inserting before the period at the  
17          end the following: “and research and development projects  
18          administered by laboratories designated for the program  
19          by the Secretary from among the laboratories of each of  
20          the military departments”.

21          (c) LIMITATION ON NUMBER OF APPOINTMENTS.—  
22          Subsection (b)(1) of such section is amended to read as  
23          follows:

24                 “(1) without regard to any provision of title 5,  
25                 United States Code, governing the appointment of

1 employees in the civil service, appoint scientists and  
2 engineers from outside the civil service and uni-  
3 formed services (as such terms are defined in section  
4 2101 of such title) to—

5 “(A) not more than 40 scientific and engi-  
6 neering positions in the Defense Advanced Re-  
7 search Projects Agency;

8 “(B) not more than 40 scientific and engi-  
9 neering positions in the designated laboratories  
10 of each of the military services; and

11 “(C) not more than a total of 10 scientific  
12 and engineering positions in the National Im-  
13 agery and Mapping Agency and the National  
14 Security Agency.”.

15 (d) RATES OF PAY FOR APPOINTEES.—Subsection  
16 (b)(2) of such section is amended by inserting after  
17 “United States Code,” the following: “as increased by lo-  
18 cality-based comparability payments under section 5304  
19 of such title,”.

20 (e) COMMENSURATE EXTENSION OF REQUIREMENT  
21 FOR ANNUAL REPORT.—Subsection (g) of such section is  
22 amended by striking “2004” and inserting “2006”.

23 (f) AMENDMENT OF SECTION HEADING.—The head-  
24 ing for such section is amended to read as follows:

1 “SEC. 1101. EXPERIMENTAL PERSONNEL PROGRAM FOR  
2 SCIENTIFIC AND TECHNICAL PERSONNEL.”.

3 **TITLE XII—MATTERS RELATING**  
4 **TO OTHER NATIONS**

5 **SEC. 1201. AUTHORITY TO TRANSFER NAVAL VESSELS TO**  
6 **CERTAIN FOREIGN COUNTRIES.**

7 (a) AUTHORITY TO TRANSFER.—

8 (1) AUSTRALIA.—The Secretary of the Navy is  
9 authorized to transfer to the Government of Aus-  
10 tralia the “KIDD” class guided missile destroyers  
11 KIDD (DDG 993), CALLAGHAN (DDG 994),  
12 SCOTT (DDG 995), and CHANDLER (DDG 996).  
13 Each such transfer shall be on a combined lease-sale  
14 basis under sections 61 and 21 of the Arms Export  
15 Control Act (22 U.S.C. 2796 and 2761).

16 (2) BRAZIL.—The Secretary of the Navy is au-  
17 thorized to transfer to the Government of Brazil the  
18 “THOMASTON” class dock landing ships ALAMO  
19 (LSD 33) and HERMITAGE (LSD 34), and the  
20 “GARCIA” class frigates BRADLEY (FF 1041),  
21 DAVIDSON (FF 1045), SAMPLE (FF 1048) and  
22 ALBERT DAVID (FF 1050). Each such transfer  
23 shall be on a grant basis under section 516 of the  
24 Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

25 (3) CHILE.—The Secretary of the Navy is au-  
26 thorized to transfer to the Government of Chile the

1       “OLIVER HAZARD PERRY” class guided missile  
2       frigates WADSWORTH (FFG 9), and ESTOCIN  
3       (FFG 15). Each such transfer shall be on a com-  
4       bined lease-sale basis under sections 61 and 21 of  
5       the Arms Export Control Act (22 U.S.C. 2796 and  
6       2761).

7           (4) EGYPT.—The Secretary of the Navy is au-  
8       thorized to transfer to the Government of Egypt the  
9       “DIXIE” class destroyer tender YOSEMITE (AD  
10      19). The transfer shall be on a grant basis under  
11      section 516 of the Foreign Assistance Act of 1961  
12      (22 U.S.C. 2321j).

13          (5) GREECE.—The Secretary of the Navy is au-  
14      thorized to transfer to the Government of Greece the  
15      “KNOX” class frigates VREELAND (FF 1068)  
16      and TRIPPE (FF 1075). Each such transfer shall  
17      be on a grant basis under section 516 of the Foreign  
18      Assistance Act of 1961 (22 U.S.C. 2321j).

19          (6) TURKEY.—(A) The Secretary of the Navy is  
20      authorized to transfer to the Government of Turkey  
21      the “OLIVER HAZARD PERRY” class guided mis-  
22      sile frigates JOHN A. MOORE (FFG 19) and  
23      FLATLEY (FFG 21). Each transfer under the au-  
24      thority of this subsection shall be on a combined  
25      lease-sale basis under sections 61 and 21 of the

1 Arms Export Control Act (22 U.S.C. 2796 and  
2 2761).

3 (B) The authority provided under subparagraph  
4 (A) is in addition to the authority provided under  
5 section 1018(a)(9) of Public Law 106–65 (113 Stat.  
6 745) for the Secretary of the Navy to transfer such  
7 vessels to the Government of Turkey on a sale basis  
8 under section 21 of the Arms Export Control Act  
9 (22 U.S.C. 2761).

10 (b) GRANTS NOT COUNTED IN ANNUAL TOTAL OF  
11 TRANSFERRED EXCESS DEFENSE ARTICLES.—The value  
12 of a vessel transferred to another country on a grant basis  
13 under section 516 of the Foreign Assistance Act of 1961  
14 (22 U.S.C. 2321j) pursuant to authority provided by sub-  
15 section (a) shall not be counted for the purposes of sub-  
16 section (g) of that section in the aggregate value of excess  
17 defense articles transferred to countries under that section  
18 in any fiscal year.

19 (c) COSTS OF TRANSFERS.—Any expense incurred by  
20 the United States in connection with a transfer authorized  
21 by this section shall be charged to the recipient (notwith-  
22 standing section 516(e)(1) of the Foreign Assistance Act  
23 of 1961 (22 U.S.C. 2321j(e)(1)) in the case of a transfer  
24 authorized to be made on a grant basis under subsection  
25 (a)).

1       (d) REPAIR AND REFURBISHMENT IN UNITED  
2 STATES SHIPYARDS.—To the maximum extent prac-  
3 ticable, the Secretary of the Navy shall require, as a condi-  
4 tion of the transfer of a vessel under this section, that  
5 the country to which the vessel is transferred have such  
6 repair or refurbishment of the vessel as is needed, before  
7 the vessel joins the naval forces of that country, performed  
8 at a shipyard located in the United States, including a  
9 United States Navy shipyard.

10       (e) CONDITIONS RELATING TO COMBINED LEASE-  
11 SALE TRANSFERS.—A transfer of a vessel on a combined  
12 lease-sale basis authorized by subsection (a) shall be made  
13 in accordance with the following requirements:

14           (1) The Secretary of the Navy may initially  
15 transfer the vessel by lease, with lease payments sus-  
16 pended for the term of the lease, if the country en-  
17 tering into the lease for the vessel simultaneously  
18 enters into a foreign military sales agreement for the  
19 transfer of title to the vessel.

20           (2) The Secretary may not deliver to the pur-  
21 chasing country title to the vessel until the purchase  
22 price of the vessel under such a foreign military  
23 sales agreement is paid in full.

24           (3) Upon payment of the purchase price in full  
25 under such a sales agreement and delivery of title to

1 the recipient country, the Secretary shall terminate  
2 the lease.

3 (4) If the purchasing country fails to make full  
4 payment of the purchase price in accordance with  
5 the sales agreement by the date required under the  
6 sales agreement—

7 (A) the sales agreement shall be imme-  
8 diately terminated;

9 (B) the suspension of lease payments  
10 under the lease shall be vacated; and

11 (C) the United States shall be entitled to  
12 retain all funds received on or before the date  
13 of the termination under the sales agreement,  
14 up to the amount of the lease payments due  
15 and payable under the lease and all other costs  
16 required by the lease to be paid to that date.

17 (5) If a sales agreement is terminated pursuant  
18 to paragraph (4), the United States shall not be re-  
19 quired to pay any interest to the recipient country  
20 on any amount paid to the United States by the re-  
21 cipient country under the sales agreement and not  
22 retained by the United States under the lease.

23 (f) AUTHORIZATION OF APPROPRIATIONS FOR COSTS  
24 OF LEASE-SALE TRANSFERS.—There is hereby authorized  
25 to be appropriated into the Defense Vessels Transfer Pro-



1 gram Account such sums as may be necessary for paying  
2 the costs (as defined in section 502 of the Congressional  
3 Budget Act of 1974 (2 U.S.C. 661a)) of the lease-sale  
4 transfers authorized by subsection (a). Amounts so appro-  
5 priated shall be available only for the purpose of paying  
6 those costs.

7 (g) EXPIRATION OF AUTHORITY.—The authority pro-  
8 vided under subsection (a) shall expire at the end of the  
9 two-year period beginning on the date of the enactment  
10 of this Act.

11 **SEC. 1202. SUPPORT OF UNITED NATIONS-SPONSORED EF-**  
12 **FORTS TO INSPECT AND MONITOR IRAQI**  
13 **WEAPONS ACTIVITIES.**

14 (a) LIMITATION ON AMOUNT OF ASSISTANCE IN FIS-  
15 CAL YEAR 2001.—The total amount of the assistance for  
16 fiscal year 2001 that is provided by the Secretary of De-  
17 fense under section 1505 of the Weapons of Mass Destruc-  
18 tion Control Act of 1992 (22 U.S.C. 5859a) as activities  
19 of the Department of Defense in support of activities  
20 under that Act may not exceed \$15,000,000.

21 (b) EXTENSION OF AUTHORITY TO PROVIDE ASSIST-  
22 ANCE.—Subsection (f) of section 1505 of the Weapons of  
23 Mass Destruction Control Act of 1992 (22 U.S.C. 5859a)  
24 is amended by striking “2000” and inserting “2001”.

1 **SEC. 1203. REPEAL OF RESTRICTION PREVENTING COOP-**  
 2 **ERATIVE AIRLIFT SUPPORT THROUGH AC-**  
 3 **QUISITION AND CROSS-SERVICING AGREE-**  
 4 **MENTS.**

5 Section 2350c of title 10, United States Code, is  
 6 amended—

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

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

10 **SEC. 1204. WESTERN HEMISPHERE INSTITUTE FOR PRO-**  
 11 **FSSIONAL EDUCATION AND TRAINING.**

12 (a) IN GENERAL.—Chapter 108 of title 10, United  
 13 States Code, is amended by adding at the end the fol-  
 14 lowing:

15 **“§ 2166. Western Hemisphere Institute for Profes-**  
 16 **sional Education and Training**

17 “(a) ESTABLISHMENT AND ADMINISTRATION.—(1)  
 18 The Secretary of Defense may operate an education and  
 19 training facility for the purpose set forth in subsection (b).  
 20 The facility may be called the Western Hemisphere Insti-  
 21 tute for Professional Education and Training.

22 “(2) The Secretary may designate the Secretary of  
 23 a military department as the Department of Defense exec-  
 24 utive agent for carrying out the responsibilities of the Sec-  
 25 retary of Defense under this section.

1       “(b) PURPOSE.—The purpose of the Institute is to  
2 provide professional education and training to eligible per-  
3 sonnel of the Western Hemisphere within the context of  
4 the democratic principles set forth in the Charter of the  
5 Organization of American States and supporting agree-  
6 ments, while fostering mutual knowledge, transparency,  
7 confidence, and cooperation among the participating na-  
8 tions and promoting democratic values, respect for human  
9 rights, and knowledge and understanding of United States  
10 customs and traditions.

11       “(c) ELIGIBLE PERSONNEL.—(1) Subject to para-  
12 graph (2), personnel of the Western Hemisphere are eligi-  
13 ble for education and training at the Institute as follows:

14               “(A) Military personnel.

15               “(B) Law enforcement personnel.

16               “(C) Civilians, whether or not employed by a  
17 government of the Western Hemisphere.

18       “(2) The selection of foreign personnel for education  
19 or training at the Institute is subject to the approval of  
20 the Secretary of State.

21       “(d) CURRICULUM.—(1) The curriculum of the Insti-  
22 tute shall include mandatory instruction for each student,  
23 for at least 8 hours, on human rights, the rule of law,  
24 due process, civilian control of the military, and the role  
25 of the military in a democratic society.

1       “(2) The curriculum may include instruction and  
2 other educational and training activities on the following:

3               “(A) Leadership development.

4               “(B) Counterdrug operations.

5               “(C) Peace support operations.

6               “(D) Disaster relief.

7               “(E) Any other matters that the Secretary de-  
8 termines appropriate.

9       “(e) BOARD OF VISITORS.—(1) There shall be a  
10 Board of Visitors for the Institute. The Board shall be  
11 composed of the following:

12               “(A) Two members of the Senate designated by  
13 the President pro tempore of the Senate.

14               “(B) Two members of the House of Represent-  
15 atives designated by the Speaker of the House of  
16 Representatives.

17               “(C) Six persons designated by the Secretary of  
18 Defense including, to the extent practicable, at least  
19 one member from academia, one member from the  
20 religious community, and one member from the  
21 human rights community.

22               “(D) One person designated by the Secretary of  
23 State.

1           “(E) For each of the armed forces, the senior  
2           military officer responsible for training and doctrine  
3           or a designee of that officer.

4           “(F) The Commander in Chief of the United  
5           States Southern Command or a designee of that of-  
6           ficer.

7           “(2) The members of the Board shall serve for 2  
8           years except for the members referred to in subparagraphs  
9           (A) and (B) of paragraph (1) who may serve until a suc-  
10          cessor is designated.

11          “(3) A vacancy in a position of membership on the  
12          Board shall be filled in the same manner as the position  
13          was originally filled.

14          “(4) The Board shall meet at least once each year.

15          “(5)(A) The Board shall inquire into the curriculum,  
16          instruction, physical equipment, fiscal affairs, academic  
17          methods, and other matters relating to the Institute that  
18          the Board decides to consider.

19          “(B) The Board shall review the curriculum of the  
20          Institute to determine whether—

21                 “(i) the curriculum complies with applicable  
22                 United States laws and regulations;

23                 “(ii) the curriculum is consistent with United  
24                 States policy goals toward Latin America and the  
25                 Caribbean;

1           “(iii) the curriculum adheres to current United  
2       States doctrine; and

3           “(iv) the instruction under the curriculum ap-  
4       propriately emphasizes the matters described in sub-  
5       section (d)(1).

6           “(6) Not later than 60 days after its annual meeting,  
7       the Board shall submit to the Secretary of Defense a writ-  
8       ten report of its action and of its views and recommenda-  
9       tions pertaining to the Institute.

10          “(7) Members of the Board may not be compensated  
11       for service on the Board. In the case of officers or employ-  
12       ees of the United States serving on the Board as part of  
13       their official duties, compensation paid to the members as  
14       officers or employees of the United States shall not be con-  
15       sidered compensation for service on the Board.

16          “(8) With the approval of the Secretary of Defense,  
17       the Board may accept and use the services of voluntary  
18       and noncompensated advisers appropriate to the duties of  
19       the Board without regard to section 1342 of title 31.

20          “(9) Members of the Board and advisers whose serv-  
21       ices are accepted under paragraph (8) shall be allowed  
22       travel and transportation expenses, including per diem in  
23       lieu of subsistence, while away from their homes or regular  
24       places of business in the performance of services for the

1 Board. Allowances under this paragraph shall be  
2 computed—

3 “(A) in the case of members of the Board who  
4 are officers or employees of the United States, at  
5 rates authorized for employees of agencies under  
6 subchapter I of chapter 57 of title 5; and

7 “(B) in the case of other members of the Board  
8 and advisers, as authorized under section 5703 of  
9 title 5 for employees serving without pay.

10 “(10) The Federal Advisory Committee Act (5 U.S.C.  
11 App. 2), other than section 14 (relating to termination  
12 after two years), shall apply to the Board.

13 “(f) FIXED COSTS.—The fixed costs of operating and  
14 maintaining the Institute—

15 “(1) may be paid from funds available to the  
16 Army for operation and maintenance; and

17 “(2) may not be paid out of the proceeds of tui-  
18 tion fees charged for professional education and  
19 training at the Institute.

20 “(g) ANNUAL REPORT.—Not later than March 15 of  
21 each year, the Secretary of Defense shall submit to Con-  
22 gress a detailed report on the activities of the Institute  
23 during the preceding year. The Secretary shall coordinate  
24 the preparation of the report with the heads of department  
25 and agencies of the United States that have official inter-

1 ests in the activities of the Institute, as determined by the  
2 Secretary.”.

3 (b) REPEAL OF AUTHORITY FOR UNITED STATES  
4 ARMY SCHOOL OF THE AMERICAS.—Section 4415 of title  
5 10, United States Code, is repealed.

6 (c) CLERICAL AMENDMENTS.—(1) The table of sec-  
7 tions at the beginning of chapter 108 of title 10, United  
8 States Code, is amended by inserting after the item relat-  
9 ing to section 2165 the following:

“2166. Western Hemisphere Institute for Professional Education and Train-  
ing.”.

10 (2) The table of sections at the beginning of chapter  
11 407 of such title is amended by striking the item relating  
12 to section 4415.

13 **SEC. 1205. BIENNIAL REPORT ON KOSOVO PEACEKEEPING.**

14 (a) REQUIREMENT FOR PERIODIC REPORT.—Begin-  
15 ning on December 1, 2000, and every six months there-  
16 after, the President shall submit to the congressional de-  
17 fense committees, the Committee on Foreign Relations of  
18 the Senate, and the Committee on International Relations  
19 of the House of Representatives a report on the contribu-  
20 tions of European nations and organizations to the peace-  
21 keeping operations in Kosovo.

22 (b) CONTENT OF REPORT.—Each report shall con-  
23 tain detailed information on the following:



1           (1) The commitments and pledges made by the  
2       European Commission, the member nations of the  
3       European Union, and the European member nations  
4       of the North Atlantic Treaty Organization for recon-  
5       struction assistance in Kosovo, humanitarian assist-  
6       ance in Kosovo, the Kosovo Consolidated Budget,  
7       police (including special police) for the United Na-  
8       tions international police force for Kosovo, and mili-  
9       tary personnel for peacekeeping operations in  
10      Kosovo.

11          (2) The amount of the assistance that has been  
12      provided in each category, and the number of police  
13      and military personnel that have been deployed to  
14      Kosovo, by each such organization or nation.

15          (3) The full range of commitments and respon-  
16      sibilities that have been undertaken for Kosovo by  
17      the United Nations, the European Union, and the  
18      Organization for Security and Cooperation in Eu-  
19      rope (OSCE), the progress made by those organiza-  
20      tions in fulfilling those commitments and respon-  
21      sibilities, an assessment of the tasks that remain to  
22      be accomplished, and an anticipated schedule for  
23      completing those tasks.

1 **SEC. 1206. MUTUAL ASSISTANCE FOR MONITORING TEST**  
2 **EXPLOSIONS OF NUCLEAR DEVICES.**

3 (a) **AUTHORITY.**—Subchapter II of chapter 138 of  
4 title 10, United States Code, is amended by adding at the  
5 end the following new section:

6 **“§ 2350l. Mutual assistance for monitoring test explo-**  
7 **sions of nuclear devices**

8 “(a) **ACCEPTANCE OF CONTRIBUTIONS.**—(1) The  
9 Secretary of Defense may accept funds, services, or prop-  
10 erty from a foreign government, an international organiza-  
11 tion, or any other entity for a purpose described in para-  
12 graph (2).

13 “(2) Contributions accepted under paragraph (1)  
14 may be used only for the development, procurement, in-  
15 stallation, operation, repair, or maintenance of equipment  
16 for monitoring test explosions of nuclear devices, or for  
17 communications relating to the operation of such equip-  
18 ment. The equipment may be installed and used on United  
19 States territory, foreign territory (including Antarctica),  
20 or in international waters.

21 “(3) Any funds accepted under paragraph (1) shall  
22 be deposited in an account established by the Secretary  
23 for use for the purposes described in paragraph (2), and  
24 shall be available, without fiscal year limitation, for use  
25 by Department of Defense officials authorized by the Sec-

1   retary of Defense for contracts, grants, or other forms of  
2   acquisition for such purposes.

3       “(b) AUTHORITY TO PROVIDE MONITORING ASSIST-  
4   ANCE.—(1) To satisfy obligations of the United States to  
5   monitor test explosions of nuclear devices, the Secretary  
6   of Defense may provide a foreign government with assist-  
7   ance for the monitoring of such tests, but only in accord-  
8   ance with an agreement satisfying the requirements of  
9   paragraph (3).

10       “(2) The assistance authorized under paragraph (1)  
11   is as follows:

12           “(A) A loan or conveyance of—

13               “(i) equipment for monitoring test explo-  
14               sions of nuclear devices; and

15               “(ii) associated equipment.

16           “(B) The installation of such equipment on for-  
17   eign territory or in international waters.

18       “(3) Assistance for a foreign government under this  
19   subsection shall be subject to an agreement entered into  
20   between the United States and the foreign government  
21   that ensures the following:

22           “(A) That the Secretary has timely access to  
23   data that is produced, collected, or generated by  
24   equipment loaned or conveyed to the foreign govern-  
25   ment under the agreement.

1 “(B) That the Secretary—

2 “(i) has access to that equipment for pur-  
3 poses of inspecting, testing, maintaining, repair-  
4 ing, or replacing the equipment; and

5 “(ii) may take such actions as are nec-  
6 essary to meet United States obligations to in-  
7 spect, test, maintain, repair, or replace the  
8 equipment.

9 “(c) DELEGATION.—The Secretary may delegate au-  
10 thority to carry out subsection (a) or (b) only to the Under  
11 Secretary of Defense for Acquisition, Technology, and Lo-  
12 gistics or the Secretary of the Air Force. Authority so del-  
13 egated may be further delegated.”.

14 (b) CLERICAL AMENDMENT.—The table of sections  
15 at the beginning of subchapter II of such chapter is  
16 amended by inserting after the item relating to section  
17 2350k the following new item:

“2350l. Mutual assistance for monitoring test explosions of nuclear devices.”.

18 **SEC. 1207. ANNUAL REPORT ON ACTIVITIES AND ASSIST-**  
19 **ANCE UNDER COOPERATIVE THREAT REDUC-**  
20 **TION PROGRAMS.**

21 (a) ANNUAL REPORT CONSOLIDATING DISPARATE  
22 REPORT REQUIREMENTS.—(1) Chapter 23 of title 10,  
23 United States Code, is amended by adding at the end the  
24 following new section:

1 **“§ 488. Annual report on activities and assistance**  
2 **under Cooperative Threat Reduction pro-**  
3 **grams**

4 “(a) ANNUAL REPORT.—In any year in which the  
5 budget of the President under section 1105 of title 31 for  
6 the fiscal year beginning in such year requests funds for  
7 the Department of Defense for assistance or activities  
8 under Cooperative Threat Reduction programs with the  
9 states of the former Soviet Union, the Secretary of De-  
10 fense shall submit to Congress a report on activities and  
11 assistance during the preceding fiscal year under Coopera-  
12 tive Threat Reduction programs setting forth the matters  
13 in subsection (c).

14 “(b) DEADLINE FOR REPORT.—The report under  
15 subsection (a) shall be submitted not later than the first  
16 Monday in February of a year.

17 “(c) MATTERS TO BE INCLUDED.—The report under  
18 subsection (a) in a year shall set forth the following:

19 “(1) An estimate of the total amount that will  
20 be required to be expended by the United States in  
21 order to achieve the objectives of the Cooperative  
22 Threat Reduction programs.

23 “(2) A five-year plan setting forth the amount  
24 of funds and other resources proposed to be provided  
25 by the United States for Cooperative Threat Reduc-  
26 tion programs over the term of the plan, including

1 the purpose for which such funds and resources will  
2 be used, and to provide guidance for the preparation  
3 of annual budget submissions with respect to Coop-  
4 erative Threat Reduction programs.

5 “(3) A description of the Cooperative Threat  
6 Reduction activities carried out during the fiscal  
7 year ending in the year preceding the year of the re-  
8 port, including—

9 “(A) the amounts notified, obligated, and  
10 expended for such activities and the purposes  
11 for which such amounts were notified, obli-  
12 gated, and expended for such fiscal year and  
13 cumulatively for Cooperative Threat Reduction  
14 programs;

15 “(B) a description of the participation, if  
16 any, of each department and agency of the  
17 United States Government in such activities;

18 “(C) a description of such activities, in-  
19 cluding the forms of assistance provided;

20 “(D) a description of the United States  
21 private sector participation in the portion of  
22 such activities that were supported by the obli-  
23 gation and expenditure of funds for Cooperative  
24 Threat Reduction programs; and

1           “(E) such other information as the Sec-  
2           retary of Defense considers appropriate to in-  
3           form Congress fully of the operation of Cooper-  
4           ative Threat Reduction programs and activities,  
5           including with respect to proposed demilitariza-  
6           tion or conversion projects, information on the  
7           progress toward demilitarization of facilities  
8           and the conversion of the demilitarized facilities  
9           to civilian activities.

10          “(4) A description of the audits, examinations,  
11          and other efforts, such as on-site inspections, con-  
12          ducted by the United States during the fiscal year  
13          ending in the year preceding the year of the report  
14          to ensure that assistance provided under Cooperative  
15          Threat Reduction programs is fully accounted for  
16          and that such assistance is being used for its in-  
17          tended purpose, including a description of—

18               “(A) if such assistance consisted of equip-  
19               ment, a description of the current location of  
20               such equipment and the current condition of  
21               such equipment;

22               “(B) if such assistance consisted of con-  
23               tracts or other services, a description of the sta-  
24               tus of such contracts or services and the meth-  
25               ods used to ensure that such contracts and

1 services are being used for their intended pur-  
2 pose;

3 “(C) a determination whether the assist-  
4 ance described in subparagraphs (A) and (B)  
5 has been used for its intended purpose; and

6 “(D) a description of the audits, examina-  
7 tions, and other efforts planned to be carried  
8 out during the fiscal year beginning in the year  
9 of the report to ensure that Cooperative Threat  
10 Reduction assistance provided during such fis-  
11 cal year is fully accounted for and is used for  
12 its intended purpose.

13 “(5) A current description of the tactical nu-  
14 clear weapons arsenal of Russia, including—

15 “(A) an estimate of the current types,  
16 numbers, yields, viability, locations, and deploy-  
17 ment status of the nuclear warheads in that ar-  
18 senal;

19 “(B) an assessment of the strategic rel-  
20 evance of such warheads;

21 “(C) an assessment of the current and pro-  
22 jected threat of theft, sale, or unauthorized use  
23 of such warheads; and

24 “(D) a summary of past, current, and  
25 planned United States efforts to work coopera-



1           tively with Russia to account for, secure, and  
 2           reduce Russia's stockpile of tactical nuclear  
 3           warheads and associated fissile materials.

4           “(d) INPUT OF DCI.—The Director of Central Intel-  
 5   ligence shall submit to the Secretary of Defense the views  
 6   of the Director on any matters covered by subsection  
 7   (b)(5) in a report under this section. Such views shall be  
 8   included in such report as a classified annex to such re-  
 9   port.

10          “(e) COMPTROLLER GENERAL ASSESSMENT.—Not  
 11   later than 60 days after the date on which a report is  
 12   submitted to Congress under subsection (a), the Comp-  
 13   troller General shall submit to Congress a report setting  
 14   forth the Comptroller General's assessment of the report  
 15   under subsection (a), including any recommendations re-  
 16   garding the report under subsection (a) that the Comp-  
 17   troller General considers appropriate.”.

18          (2) The table of sections at the beginning of chapter  
 19   23 of such title is amended by adding at the end the fol-  
 20   lowing new item:

“488. Annual report on activities and assistance under Cooperative Threat Re-  
 duction programs.”.

21          (b) FIRST REPORT.—The first report submitted  
 22   under section 488 of title 10, United States Code, as  
 23   added by subsection (a), shall be submitted in 2002.

1       (c) REPEAL OF SUPERSEDED REPORTING REQUIRE-  
2       MENTS.—(1) The following provisions of law are repealed:

3           (A) Section 1207 of the Cooperative Threat Re-  
4       duction Act of 1994 (title XII of Public Law 103–  
5       160; 107 Stat. 1782; 22 U.S.C. 5956), relating to  
6       semiannual reports on Cooperative Threat Reduc-  
7       tion.

8           (B) Section 1203 of the National Defense Au-  
9       thorization Act for Fiscal Year 1995 (Public Law  
10      103–337; 108 Stat. 2882), relating to a report ac-  
11     counting for United States for Cooperative Threat  
12     Reduction.

13          (C) Section 1205 of the National Defense Au-  
14     thorization Act for Fiscal Year 1995 (108 Stat.  
15     2883; 10 U.S.C. 5952 note), relating to multiyear  
16     planning and Allied support for Cooperative Threat  
17     Reduction.

18          (D) Section 1206 of the National Defense Au-  
19     thorization Act for Fiscal Year 1996 (Public Law  
20     104–106; 22 U.S.C. 5955 note), relating to account-  
21     ing for United States assistance for Cooperative  
22     Threat Reduction.

23          (E) Section 1307 of the National Defense Au-  
24     thorization Act for Fiscal Year 2000 (Public Law  
25     106–65; 113 Stat. 795), relating to a limitation on

1 use of funds for Cooperative Threat Reduction pend-  
 2 ing submittal of a multiyear plan.

3 (2) Section 1312 of the National Defense Authoriza-  
 4 tion Act for Fiscal Year 2000 (113 Stat. 796; 22 U.S.C.  
 5 5955 note), relating to Russian nonstrategic nuclear arms,  
 6 is amended—

7 (A) by striking “(a) SENSE OF CONGRESS.—”;

8 and

9 (B) by striking subsections (b) and (c).

10 **SEC. 1208. LIMITATION ON USE OF FUNDS FOR CONSTRUC-**  
 11 **TION OF A RUSSIAN FACILITY FOR THE DE-**  
 12 **STRUCTION OF CHEMICAL WEAPONS.**

13 Section 1305 of the National Defense Authorization  
 14 Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.  
 15 794; 22 U.S.C. 5952 note) is amended to read as follows:

16 **“SEC. 1305. LIMITATION ON USE OF FUNDS FOR CHEMICAL**  
 17 **WEAPONS DESTRUCTION.**

18 “(a) LIMITATION.—No fiscal year 2000 Cooperative  
 19 Threat Reduction funds, and no funds appropriated for  
 20 Cooperative Threat Reduction programs after the date of  
 21 the enactment of this Act, may be obligated or expended  
 22 for any fiscal year for the purpose of the construction of  
 23 the Shchuch’ye chemical weapons destruction facility in  
 24 Russia before the date that is 30 days after the Secretary  
 25 of Defense certifies in writing to the Committees on

1 Armed Services of the Senate and the House of Represent-  
2 atives for that fiscal year that each of the following condi-  
3 tions has been met:

4           “(1) That the government of the Russian Fed-  
5 eration has agreed to provide at least \$25,000,000  
6 annually for the construction support and operation  
7 of the facility to destroy chemical weapons and for  
8 the support and maintenance of the facility for that  
9 purpose for each year of the entire operating life-  
10 cycle of the facility.

11           “(2) That the government of the Russian Fed-  
12 eration has agreed to utilize the facility to destroy  
13 the remaining four stockpiles of nerve agents, which  
14 are located at Kisner, Pochep, Leonidovka, and  
15 Maradykovsky.

16           “(3) That the United States has obtained  
17 multiyear commitments from governments of other  
18 countries to donate funds for the support of essen-  
19 tial social infrastructure projects for Shchuch’ye in  
20 sufficient amounts to ensure that the projects are  
21 adequately maintained during the entire operating  
22 life-cycle of the facility.

23           “(4) That Russia has agreed to destroy its  
24 chemical weapons production facilities at Volgograd  
25 and Novocheboksark.

1       “(b) TIMING OF CERTIFICATIONS.—The certification  
 2 under subsection (a) for any fiscal year shall be submitted  
 3 prior to the obligation of funds in such fiscal year for the  
 4 purpose specified in that subsection.”.

5 **SEC. 1209. LIMITATION ON USE OF FUNDS FOR ELIMI-**  
 6 **NATION OF WEAPONS GRADE PLUTONIUM**  
 7 **PROGRAM.**

8       Of the amounts authorized to be appropriated by this  
 9 Act for fiscal year 2001 for the Elimination of Weapons  
 10 Grade Plutonium Program, not more than 50 percent of  
 11 such amounts may be obligated or expended for the pro-  
 12 gram in fiscal year 2001 until 30 days after the date on  
 13 which the Secretary of Defense submits to the Committees  
 14 on Armed Services of the Senate and House of Represent-  
 15 atives a report on an agreement between the United States  
 16 Government and the Government of the Russian Federa-  
 17 tion regarding a new option selected for the shut down  
 18 or conversion of the reactors of the Russian Federation  
 19 that produce weapons grade plutonium, including—

20           (1) the new date on which such reactors will  
 21 cease production of weapons grade plutonium under  
 22 such agreement by reason of the shut down or con-  
 23 version of such reactors; and

24           (2) any cost-sharing arrangements between the  
 25 United States Government and the Government of

1 the Russian Federation in undertaking activities  
2 under such agreement.

3 **TITLE XIII—NAVY ACTIVITIES ON**  
4 **THE ISLAND OF VIEQUES,**  
5 **PUERTO RICO**

6 **SEC. 1301. ASSISTANCE FOR ECONOMIC GROWTH ON**  
7 **VIEQUES.**

8 (a) **AUTHORITY.**—The President may provide eco-  
9 nomic assistance under this section for the people and  
10 communities of the island of Vieques.

11 (b) **MAXIMUM AMOUNT.**—The total amount of eco-  
12 nomic assistance provided under this section may, subject  
13 to section 1303(b), be any amount up to \$40,000,000.

14 **SEC. 1302. REQUIREMENT FOR REFERENDUM ON CONTINU-**  
15 **ATION OF NAVY TRAINING.**

16 (a) **REFERENDUM.**—

17 (1) **REQUIREMENT.**—The President shall, ex-  
18 cept as provided in paragraph (2), provide for a ref-  
19 erendum to be conducted on the island of Vieques to  
20 determine by a majority of the votes cast in the ref-  
21 erendum by the Vieques electorate whether the peo-  
22 ple of Vieques approve or disapprove of the continu-  
23 ation of the conduct of live-fire training, and any  
24 other types of training, by the Armed Forces at the

1 Navy's training sites on the island on the conditions  
2 described in subsection (d).

3 (2) EXCEPTION.—If the Chief of Naval Oper-  
4 ations and the Commandant of the Marine Corps  
5 jointly submit to the congressional defense commit-  
6 tees, after the date of the enactment of this Act and  
7 before the date set forth in subsection (c), their cer-  
8 tification that the Vieques Naval Training Range is  
9 no longer needed for training by the Navy and the  
10 Marine Corps, then the requirement for a ref-  
11 erendum under paragraph (1) shall cease to be effec-  
12 tive on the date on which the certification is sub-  
13 mitted.

14 (b) PROHIBITION OF OTHER PROPOSITIONS.—In a  
15 referendum under this section, no proposition or option  
16 may be presented as an alternative to the propositions of  
17 approval and of disapproval of the continuation of the con-  
18 duct of training as described in subsection (a)(1).

19 (c) TIME FOR REFERENDUM.—A referendum re-  
20 quired under this section shall be held on May 1, 2001,  
21 or within 270 days before such date or 270 days after  
22 such date. The Secretary of the Navy shall publicize the  
23 date set for the referendum 90 days before that date.

24 (d) REQUIRED TRAINING CONDITIONS.—For the  
25 purposes of a referendum under this section, the condi-

1 tions for the continuation of the conduct of training are  
2 those that are proposed by the Secretary of the Navy and  
3 publicized on the island of Vieques in connection with, and  
4 for a reasonable period in advance of, the referendum. The  
5 conditions shall include the following:

6 (1) LIVE-FIRE TRAINING.—A condition that the  
7 training may include live-fire training.

8 (2) MAXIMUM ANNUAL DAYS OF USE.—A condi-  
9 tion that the training may be conducted on not more  
10 than 90 days each year.

11 (e) PROCLAMATION OF OUTCOME.—Promptly after a  
12 referendum is completed under this section, the President  
13 shall determine, and issue a proclamation declaring, the  
14 outcome of the referendum. The President’s determination  
15 shall be final.

16 (f) VIEQUES ELECTORATE DEFINED.—In this sec-  
17 tion, the term “Vieques electorate”, with respect to a ref-  
18 erendum under this section, means the residents of the  
19 island of Vieques, Puerto Rico, who, as of the date that  
20 is 180 days before the date of the referendum, have an  
21 electoral domicile on, and are duly registered to vote on,  
22 the island of Vieques under the laws of the Commonwealth  
23 of Puerto Rico.



1 **SEC. 1303. ACTIONS IF TRAINING IS APPROVED.**

2 (a) **CONDITION FOR EFFECTIVENESS.**—This section  
3 shall take effect on the date on which the President issues  
4 a proclamation under subsection (e) of section 1302 de-  
5 claring that the continuation of the conduct of training  
6 (including live-fire training) by the Armed Forces at the  
7 Navy’s training sites on the island of Vieques on the condi-  
8 tions described in subsection (d) of that section is ap-  
9 proved in a referendum conducted under that section.

10 (b) **ADDITIONAL ECONOMIC ASSISTANCE.**—The  
11 President may provide economic assistance for the people  
12 and communities of the island of Vieques in a total  
13 amount up to \$50,000,000 in addition to the total amount  
14 of economic assistance authorized to be provided under  
15 section 1301.

16 **SEC. 1304. REQUIREMENTS IF TRAINING IS NOT APPROVED**  
17 **OR MANDATE FOR REFERENDUM IS VITI-**  
18 **ATED.**

19 (a) **CONDITIONS FOR EFFECTIVENESS.**—This section  
20 shall take effect on the date on which either of the fol-  
21 lowing occurs:

22 (1) The President issues a proclamation under  
23 subsection (e) of section 1302 declaring that the  
24 continuation of the conduct of training (including  
25 live-fire training) by the Armed Forces at the Navy’s  
26 training sites on the island of Vieques on the condi-

1        tions described in subsection (d) of that section is  
2        not approved in the referendum conducted under  
3        that section.

4            (2) The requirement for a referendum under  
5        section 1302 ceases to be effective under subsection  
6        (a)(2) of that section.

7        (b) ACTIONS REQUIRED OF SECRETARY OF DE-  
8 FENSE.—The Secretary of Defense—

9            (1) shall, not later than May 1, 2003—

10            (A) terminate all Navy and Marine Corps  
11        training operations on the island of Vieques;  
12        and

13            (B) terminate all Navy and Marine Corps  
14        operations at Roosevelt Roads, Puerto Rico,  
15        that are related to the use of the training range  
16        on the island of Vieques by the Navy and the  
17        Marine Corps.

18            (2) may relocate the units of the Armed Forces  
19        (other than those of the reserve components) and ac-  
20        tivities of the Department of Defense (including  
21        nonappropriated fund activities) at Fort Buchanan,  
22        Puerto Rico, to Roosevelt Roads, Puerto Rico, to en-  
23        sure maximum utilization of capacity;

24            (3) shall close the Department of Defense in-  
25        stallations and facilities on the island of Vieques

1 (other than properties exempt from transfer under  
2 section 1305); and

3 (4) shall, except as provided in section 1305,  
4 transfer to the Secretary of the Interior—

5 (A) the Live Impact Area on the island of  
6 Vieques;

7 (B) all Department of Defense real prop-  
8 erties on the eastern side of that island that are  
9 identified as conservation zones; and

10 (C) all other Department of Defense real  
11 properties on the eastern side of that island.

12 (c) ACTIONS REQUIRED OF SECRETARY OF THE IN-  
13 TERIOR.—The Secretary of the Interior shall retain, and  
14 may not dispose of any of, the properties transferred  
15 under subsection (b)(4) pending the enactment of a law  
16 that addresses the disposition of those properties.

17 (d) GAO REVIEW.—

18 (1) REQUIREMENT FOR REVIEW.—The Comp-  
19 troller General shall review the requirement for the  
20 continued use of Fort Buchanan by active Army  
21 forces and shall submit to the congressional defense  
22 committees a report on the review. The report shall  
23 contain the following:

24 (A) FINDINGS.—The findings resulting  
25 from the review.

1 (B) RECOMMENDATIONS.—Recommendations  
 2 regarding the closure of Fort Buchanan  
 3 and the consolidation of United States military  
 4 forces to Roosevelt Roads, Puerto Rico.

5 (2) TIME FOR SUBMITTAL OF REPORT.—The  
 6 Comptroller General shall submit the report under  
 7 paragraph (1) not later than one year after the date  
 8 of the referendum conducted under section 1302 or  
 9 the date on which a certification is submitted to the  
 10 congressional defense committees under section  
 11 1302(a)(2), as the case may be.

12 **SEC. 1305. EXEMPT PROPERTY.**

13 (a) IN GENERAL.—The Department of Defense prop-  
 14 erties and property interests described in subsection (b)  
 15 may not be transferred out of the Department of Defense  
 16 under this title.

17 (b) PROPERTIES DESCRIBED.—The exemption under  
 18 subsection (a) applies to the following Department of De-  
 19 fense properties and property interests on the island of  
 20 Vieques:

21 (1) ROTHRSITE.—The site for relocatable  
 22 over-the-horizon radar.

23 (2) TELECOMMUNICATIONS SITES.—The Mount  
 24 Pirata telecommunications sites.

1           (3) ASSOCIATED INTERESTS.—Any easements,  
2       rights-of-way, and other interests in property that  
3       the Secretary of Defense determines necessary for—

4           (A) ensuring access to the properties re-  
5       ferred to in paragraphs (1) and (2);

6           (B) providing utilities for such properties;

7           (C) ensuring the security of such prop-  
8       erties; and

9           (D) ensuring effective maintenance and op-  
10      erations on the property.

11 **SEC. 1306. MORATORIUM ON IMPROVEMENTS AT FORT BU-**  
12 **CHANAN.**

13       (a) IN GENERAL.—Except as provided in subsection  
14 (b), no acquisition, construction, conversion, rehabilita-  
15 tion, extension, or improvement of any facility at Fort Bu-  
16 chanan, Puerto Rico, may be initiated or continued on or  
17 after the date of the enactment of this Act.

18       (b) EXCEPTIONS.—The prohibition in subsection (a)  
19 does not apply to the following:

20           (1) Actions necessary to maintain the existing  
21 facilities (including utilities) at Fort Buchanan.

22           (2) The construction of reserve component fa-  
23 cilities authorized before the date of the enactment  
24 of this Act.

1       (c) TERMINATION.—This subsection shall cease to be  
2 effective upon the issuance of a proclamation described in  
3 section 1303(a).

4 **SEC. 1307. PROPERTY TRANSFERRED TO SECRETARY OF**  
5 **THE INTERIOR.**

6       (a) TRANSFERS REQUIRED.—Not later than Sep-  
7 tember 30, 2005, the Secretary of Defense shall, except  
8 as provided in section 1305, transfer to the Secretary of  
9 the Interior all Department of Defense real properties on  
10 the western part of the island of Vieques that are identi-  
11 fied as conservation zones.

12       (b) ADMINISTRATION OF PROPERTIES AS WILDLIFE  
13 REFUGES.—The Secretary of the Interior shall administer  
14 as wildlife refuges under the National Wildlife Refuge Sys-  
15 tem Administration Act of 1966 (16 U.S.C. 668dd et seq.)  
16 all properties transferred to the Secretary under this sec-  
17 tion.

18 **SEC. 1308. LIVE IMPACT AREA.**

19       (a) RESPONSIBILITY FOR LIVE IMPACT AREA.—  
20 Upon a termination of Navy and Marine Corps training  
21 operations on the island of Vieques under section 1304(b),  
22 and pending the enactment of a law that addresses the  
23 disposition of the Live Impact Area, the Secretary of the  
24 Interior shall assume responsibility for the administration

1 of the Live Impact Area and deny public access to the  
2 area.

3 (b) LIVE IMPACT AREA DEFINED.—In this title, the  
4 term “Live Impact Area” means the parcel of real prop-  
5 erty, consisting of approximately 900 acres (more or less),  
6 on the island of Vieques that is designated by the Sec-  
7 retary of the Navy for targeting by live ordnance in the  
8 training of forces of the Navy and Marine Corps.

9 **DIVISION B—MILITARY CON-**  
10 **STRUCTION AUTHORIZA-**  
11 **TIONS**

12 **SEC. 2001. SHORT TITLE.**

13 This division may be cited as the “Military Construc-  
14 tion Authorization Act for Fiscal Year 2001”.

15 **TITLE XXI—ARMY**

16 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**  
17 **ACQUISITION PROJECTS.**

18 (a) INSIDE THE UNITED STATES.—Using amounts  
19 appropriated pursuant to the authorization of appropria-  
20 tions in section 2104(a)(1), the Secretary of the Army  
21 may acquire real property and carry out military construc-  
22 tion projects for the installations and locations inside the  
23 United States, and in the amounts, set forth in the fol-  
24 lowing table:

**Army: Inside the United States**

State	Installation or location	Amount
Alabama .....	Redstone Arsenal .....	\$23,400,000
Alaska .....	Fort Richardson .....	\$3,000,000
Arizona .....	Fort Huachuca .....	\$1,250,000
California .....	Fort Irwin .....	\$31,000,000
Georgia .....	Fort Benning .....	\$15,800,000
Hawaii .....	Pohakuloa Training Range .....	\$32,000,000
	Wheeler Army Air Field .....	\$43,800,000
Kansas .....	Fort Riley .....	\$22,000,000
Maryland .....	Aberdeen Proving Ground .....	\$3,100,000
	Fort Meade .....	\$19,000,000
Missouri .....	Fort Leonard Wood .....	\$61,200,000
North Carolina .....	Fort Bragg .....	\$222,200,000
	Sunny Point Military Ocean Terminal	\$2,300,000
Ohio .....	Columbus .....	\$1,832,000
Oklahoma .....	Fort Sill .....	\$10,100,000
Pennsylvania .....	Carlisle Barracks .....	\$10,500,000
	New Cumberland Army Depot .....	\$3,700,000
Texas .....	Fort Bliss .....	\$26,000,000
	Fort Hood .....	\$26,000,000
	Red River Army Depot .....	\$800,000
Virginia .....	Fort Eustis .....	\$4,450,000
	Total: .....	\$563,432,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2104(a)(2), the Secretary of the Army  
4 may acquire real property and carry out military construc-  
5 tion projects for the locations outside the United States,  
6 and in the amounts, set forth in the following table:

**Army: Outside the United States**

Country	Installation or location	Amount
Germany .....	Area Support Group, Bamberg .....	\$11,650,000
	Area Support Group, Darmstadt ....	\$11,300,000
	Kaiserslautern .....	\$3,400,000
	Mannheim .....	\$4,050,000
Korea .....	Camp Humphreys .....	\$14,200,000
	Camp Page .....	\$19,500,000
	Total: .....	\$64,100,000

7 (c) UNSPECIFIED WORLDWIDE.—Using amounts ap-  
8 propriated pursuant to the authorization of appropriations  
9 in section 2104(a)(3), the Secretary of the Army may ac-



1 quire real property and carry out military construction  
 2 projects for the installation and location, and in the  
 3 amount, set forth in the following table:

**Army: Unspecified Worldwide**

Location	Installation	Amount
Unspecified Worldwide .....	Classified Location .....	\$11,500,000

4 **SEC. 2102. FAMILY HOUSING.**

5 (a) CONSTRUCTION AND ACQUISITION.—Using  
 6 amounts appropriated pursuant to the authorization of ap-  
 7 propriations in section 2104(a)(6)(A), the Secretary of the  
 8 Army may construct or acquire family housing units (in-  
 9 cluding land acquisition) at the installations, for the pur-  
 10 poses, and in the amounts set forth in the following table:

**Army: Family Housing**

State or County	Installation or loca- tion	Purpose	Amount
Alaska .....	Fort Wainwright .....	72 Units .....	\$24,000,000
Arizona .....	Fort Huachuca .....	110 Units .....	\$16,224,000
Hawaii .....	Schofield Barracks .....	72 Units .....	\$15,500,000
Kentucky .....	Fort Campbell .....	56 Units .....	\$7,800,000
	Fort Campbell .....	128 Units .....	\$20,000,000
Maryland .....	Fort Detrick .....	48 Units .....	\$5,600,000
North Carolina .....	Fort Bragg .....	112 Units .....	\$14,600,000
South Carolina .....	Fort Jackson .....	1 Unit .....	\$250,000
Texas .....	Fort Bliss .....	64 Units .....	\$10,200,000
	Fort Sam Houston .....	80 Units .....	\$10,000,000
Korea .....	Camp Humphreys .....	60 Units .....	\$21,800,000
	Total: .....	.....	\$145,974,000

11 (b) PLANNING AND DESIGN.—Using amounts appro-  
 12 priated pursuant to the authorization of appropriations in  
 13 section 2104(a)(6)(A), the Secretary of the Army may  
 14 carry out architectural and engineering services and con-  
 15 struction design activities with respect to the construction

1 or improvement of family housing units in an amount not  
2 to exceed \$8,742,000.

3 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
4 **UNITS.**

5 Subject to section 2825 of title 10, United States  
6 Code, and using amounts appropriated pursuant to the  
7 authorization of appropriations in section 2104(a)(6)(A),  
8 the Secretary of the Army may improve existing military  
9 family housing units in an amount not to exceed  
10 \$63,590,000.

11 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

12 (a) IN GENERAL.—Subject to subsection (c), funds  
13 are hereby authorized to be appropriated for fiscal years  
14 beginning after September 30, 2000, for military con-  
15 struction, land acquisition, and military family housing  
16 functions of the Department of the Army in the total  
17 amount of \$1,978,295,000 as follows:

18 (1) For military construction projects inside the  
19 United States authorized by section 2101(a),  
20 \$372,832,000.

21 (2) For military construction projects outside  
22 the United States authorized by section 2101(b),  
23 \$64,100,000.

1           (3) For military construction projects at un-  
2           specified worldwide locations authorized by section  
3           2101(c), \$11,500,000.

4           (4) For unspecified minor construction projects  
5           authorized by section 2805 of title 10, United States  
6           Code, \$15,000,000.

7           (5) For architectural and engineering services  
8           and construction design under section 2807 of title  
9           10, United States Code, \$97,482,000.

10          (6) For military family housing functions:

11               (A) For construction and acquisition, plan-  
12               ning and design, and improvement of military  
13               family housing and facilities, \$218,306,000.

14               (B) For support of military family housing  
15               (including the functions described in section  
16               2833 of title 10, United States Code),  
17               \$978,275,000.

18          (7) For the construction of the Ammunition  
19          Demilitarization Facility, Pine Bluff Arsenal, Arkan-  
20          sas, authorized in section 2401(a) of the Military  
21          Construction Authorization Act for Fiscal Year 1995  
22          (division B of Public Law 103–337; 108 Stat.  
23          3040), as amended by section 2407 of the Military  
24          Construction Authorization Act for Fiscal Year 1996  
25          (division B of Public Law 104–106; 110 Stat. 539),

1 section 2408 of the Military Construction Authoriza-  
2 tion Act for Fiscal Year 1998 (division B of Public  
3 Law 105–85; 111 Stat. 1982), and section 2406 of  
4 the Military Construction Authorization Act for Fis-  
5 cal Year 1999 (division B of Public Law 105–261;  
6 112 Stat. 2197), \$43,600,000.

7 (8) For the construction of the Ammunition  
8 Demilitarization Facility Phase 6, Umatilla Army  
9 Depot, Oregon, authorized in section 2401(a) of the  
10 Military Construction Authorization Act for Fiscal  
11 Year 1995, as amended by section 2407 of the Mili-  
12 tary Construction Authorization Act for Fiscal Year  
13 1996, section 2408 of the Military Construction Au-  
14 thorization Act for Fiscal Year 1998, and section  
15 2406 of the Military Construction Authorization Act  
16 for Fiscal Year 1999, \$9,400,000.

17 (9) For the construction of the Ammunition  
18 Demilitarization Facility Phase 2, Pueblo Army  
19 Depot, Colorado, authorized in section 2401(a) of  
20 the Military Construction Authorization Act for Fis-  
21 cal Year 1997 (division B of Public Law 104–201;  
22 110 Stat. 2775), as amended by section 2406 of the  
23 Military Construction Authorization Act for Fiscal  
24 Year 2000 (division B of Public Law 106–65; 113  
25 Stat. 839), \$10,700,000.

1           (10) For the construction of the Ammunition  
2       Demilitarization Facility Phase 3, Newport Army  
3       Depot, Indiana, authorized in section 2401(a) of the  
4       Military Construction Authorization Act for Fiscal  
5       Year 1999 (112 Stat. 2193), \$54,400,000.

6           (11) For the construction of the Ammunition  
7       Demilitarization Facility phase 3, Aberdeen Proving  
8       Ground, Maryland, authorized in section 2401(a) of  
9       the Military Construction Authorization Act for Fis-  
10      cal Year 1999, \$45,700,000.

11          (12) For the construction of the railhead facil-  
12      ity, Fort Hood, Texas, authorized in section 2101(a)  
13      of the Military Construction Authorization Act for  
14      Fiscal Year 1999, as amended by section 2106 of  
15      this Act, \$9,800,000.

16          (13) For the construction of a Barracks Com-  
17      plex—Infantry Drive Phase 1C, Fort Riley, Kansas,  
18      authorized in section 2101(a) of the Military Con-  
19      struction Authorization Act for Fiscal Year 1999, as  
20      amended by section 2106 of this Act, \$10,000,000.

21          (14) For the construction of a Multipurpose  
22      Digital Range Phase 3, Fort Knox, Kentucky, au-  
23      thorized in section 2101(a) of the Military Construc-  
24      tion Authorization Act for Fiscal Year 1999,  
25      \$600,000.

1           (15) For the construction of the Chemical De-  
2       fense Qualification Facility, Pine Bluff Arsenal, Ar-  
3       kansas, authorized in section 2101(a) of the Military  
4       Construction Authorization Act for Fiscal Year 2000  
5       (113 Stat. 825), \$2,592,000.

6           (16) For the construction of a Barracks Com-  
7       plex—Wilson Street Phase 1B, Schofield Barracks,  
8       Hawaii, authorized in section 2101(a) of the Mili-  
9       tary Construction Authorization Act for Fiscal Year  
10      2000, \$22,400,000.

11          (17) For the construction of the Ammunition  
12      Demilitarization Support Phase 2, Blue Grass Army  
13      Depot, Kentucky, authorized in section 2401(a) the  
14      Military Construction Act for Fiscal Year 2000 (113  
15      Stat. 836), \$8,500,000.

16          (18) For the construction of a Barracks Com-  
17      plex—Tagaytay Street Phase 2B, Fort Bragg,  
18      North Carolina, authorized in section 2101(a) of the  
19      Military Construction Act for Fiscal Year 2000,  
20      \$3,108,000.

21      (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
22      PROJECTS.—Notwithstanding the cost variations author-  
23      ized by section 2853 of title 10, United States Code, and  
24      any other cost variations authorized by law, the total cost

1 of all projects carried out under section 2101 of this Act  
2 may not exceed—

3 (1) the total amount authorized to be appro-  
4 priated under paragraphs (1) and (2) of subsection  
5 (a);

6 (2) \$22,600,000 (the balance of the amount au-  
7 thorized under section 2101(a) for the construction  
8 of a Basic Training Complex at Fort Leonard Wood,  
9 Missouri);

10 (3) \$10,000,000 (the balance of the amount au-  
11 thorized under section 2101(a) for construction of a  
12 Multipurpose Digital Training Range at Fort Hood,  
13 Texas);

14 (4) \$34,000,000 (the balance of the amount au-  
15 thorized under section 2101(a) for construction of a  
16 barracks complex, Longstreet Road Phase I at Fort  
17 Bragg, North Carolina);

18 (5) \$104,000,000 (the balance of the amount  
19 authorized under section 2101(a) for the construc-  
20 tion of a barracks complex, Bunter Road Phase I at  
21 Fort Bragg, North Carolina); and

22 (6) \$20,000,000 (the balance of the amount au-  
23 thorized under section 2101(a) for the construction  
24 of Saddle Access Road, Pohakuloa Training Facility,  
25 Hawaii).

1       (c) ADJUSTMENT.—The total amount authorized to  
 2 be appropriated pursuant to paragraphs (1) through (18)  
 3 of subsection (a) is the sum of the amounts authorized  
 4 to be appropriated by those paragraphs, reduced by  
 5 \$20,546,000 which represents savings in the foreign cur-  
 6 rency account.

7       **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**  
 8                               **CERTAIN FISCAL YEAR 2000 PROJECTS.**

9       (a) CONSTRUCTION PROJECTS INSIDE THE UNITED  
 10 STATES.—The table in section 2101(a) of the Military  
 11 Construction Authorization Act for Fiscal Year 2000 (di-  
 12 vision B of Public Law 106–65; 113 Stat. 825) is  
 13 amended—

14               (1) in the item relating to Fort Stewart, Geor-  
 15               gia, by striking “\$71,700,000” in the amount col-  
 16               umn and inserting “\$25,700,000”;

17               (2) by striking the item relating to Fort Riley,  
 18               Kansas; and

19               (3) by striking the amount identified as the  
 20               total in the amount column and inserting  
 21               “\$956,750,000”.

22       (b) UNSPECIFIED MINOR CONSTRUCTION  
 23 PROJECTS.—Subsection (a)(3) of section 2104 of the Mili-  
 24 tary Construction Authorization Act for Fiscal Year 2000



1 (113 Stat. 826) is amended by striking “\$9,500,000” and  
2 inserting “\$14,600,000”.

3 (c) CONFORMING AMENDMENTS.—Section 2104 of  
4 the Military Construction Authorization Act for Fiscal  
5 Year 2000 is further amended—

6 (1) in the matter preceding subsection (a), by  
7 striking “\$2,353,231,000” and inserting  
8 “\$2,358,331,000”; and

9 (2) by striking paragraph (7) of subsection (b).

10 **SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT**  
11 **CERTAIN FISCAL YEAR 1999 PROJECTS.**

12 (a) MODIFICATION.—The table in section 2101 of the  
13 Military Construction Authorization Act for Fiscal Year  
14 1999 (division B of Public Law 105–261; 112 Stat. 2182)  
15 is amended—

16 (1) in the item relating to Fort Hood, Texas,  
17 by striking “\$32,500,000” in the amount column  
18 and inserting “\$45,300,000”;

19 (2) in the item relating to Fort Riley, Kansas,  
20 by striking “\$41,000,000” in the amount column  
21 and inserting “\$44,500,000”; and

22 (3) by striking the amount identified as the  
23 total in the amount column and inserting  
24 “\$785,081,000”.

1 (b) CONFORMING AMENDMENTS.—Section 2104 of  
 2 that Act (112 Stat. 2184) is amended—

3 (1) in the matter preceding subsection (a), by  
 4 striking “\$2,098,713,000” and inserting  
 5 “\$2,111,513,000”;

6 (2) in subsection (a)(1)(1), by striking  
 7 “\$609,076,000” and inserting “\$622,581,000”; and

8 (3) in subsection (b)(7), by striking  
 9 “\$24,500,000” and inserting “\$28,000,000”.

10 **SEC. 2107. MODIFICATION OF AUTHORITY TO CARRY OUT**  
 11 **FISCAL YEAR 1998 PROJECT.**

12 (a) MODIFICATION.—The table in section 2101(a) of  
 13 the Military Construction Authorization Act for Fiscal  
 14 Year 1998 (division B of Public Law 105–85; 111 Stat.  
 15 1967), as amended by section 2105(a) of the Military Con-  
 16 struction Authorization Act for Fiscal Year 1999 (division  
 17 B of Public Law 105–261; 112 Stat. 2185) is further  
 18 amended—

19 (1) in the item relating to Hunter Army Air-  
 20 field, Fort Stewart, Georgia, by striking  
 21 “\$54,000,000” in the amount column and inserting  
 22 “\$57,500,000”; and

23 (2) by striking the amount identified as the  
 24 total in the amount column and inserting  
 25 “\$606,250,000”.

1 (b) CONFORMING AMENDMENT.—Section 2104(b)(5)  
2 of the Military Construction Authorization Act for Fiscal  
3 Year 1998 (111 Stat. 1969) is amended by striking  
4 “\$42,500,000” and inserting “\$46,000,000”.

5 **SEC. 2108. AUTHORITY TO ACCEPT FUNDS FOR REALIGN-**  
6 **MENT OF CERTAIN MILITARY CONSTRUCTION**  
7 **PROJECT, FORT CAMPBELL, KENTUCKY.**

8 (a) AUTHORITY TO ACCEPT FUNDS.—(1) The Sec-  
9 retary of the Army may accept funds from the Federal  
10 Highway Administration or the State of Kentucky for pur-  
11 poses of funding all costs associated with the realignment  
12 of the military construction project involving a rail con-  
13 nector located at Fort Campbell, Kentucky, authorized in  
14 section 2101(a) of the Military Construction Authorization  
15 Act for Fiscal Year 1997 (division B of Public Law 104–  
16 201; 110 Stat. 2763).

17 (2) Any funds accepted under paragraph (1) shall be  
18 credited to the account of the Department of the Army  
19 from which the costs of the realignment of the military  
20 construction project described in that paragraph are to be  
21 paid.

22 (b) USE OF FUNDS.—(1) The Secretary may use  
23 funds accepted under subsection (a) for any costs associ-  
24 ated with the realignment of the military construction  
25 project described in that subsection in addition to any

1 amounts authorized and appropriated for the military con-  
 2 struction project.

3 (2) For purposes of paragraph (1), the costs associ-  
 4 ated with the realignment of the military construction  
 5 project described in subsection (a) include redesign costs,  
 6 additional construction costs, additional costs due to con-  
 7 struction delays related to the realignment, and additional  
 8 real estate costs.

9 (3) Funds accepted under subsection (a) shall remain  
 10 available under paragraph (1) until expended.

## 11 **TITLE XXII—NAVY**

### 12 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND** 13 **ACQUISITION PROJECTS.**

14 (a) **INSIDE THE UNITED STATES.**—Using amounts  
 15 appropriated pursuant to the authorization of appropria-  
 16 tions in section 2204(a)(1), the Secretary of the Navy may  
 17 acquire real property and carry out military construction  
 18 projects for the installations and locations inside the  
 19 United States, and in the amounts, set forth in the fol-  
 20 lowing table:

**Navy: Inside the United States**

<b>State</b>	<b>Installation or location</b>	<b>Amount</b>
Arizona .....	Marine Corps Air Station, Yuma .....	\$8,200,000
	Navy Detachment, Camp Navajo .....	\$2,940,000
California .....	Marine Corps Air Station, Miramar .....	\$7,350,000
	Marine Corps Air-Ground Combat Cen- ter, Twentynine Palms.	\$2,100,000
	Marine Corps Base, Camp Pendleton .....	\$8,100,000
	Naval Air Station, Lemoore .....	\$8,260,000
	Naval Air Warfare Center Weapons Divi- sion, Point Mugu.	\$11,400,000
	Naval Aviation Depot, North Island .....	\$4,340,000
	Naval Facility, San Clemente Island .....	\$8,860,000

**Navy: Inside the United States**—Continued

<b>State</b>	<b>Installation or location</b>	<b>Amount</b>
	Naval Ship Weapons Systems Engineering Station, Port Hueneme.	\$10,200,000
	Naval Station, San Diego .....	\$53,200,000
Connecticut .....	Naval Submarine Base, New London .....	\$3,100,000
CONUS Various .....	CONUS Various .....	\$11,500,000
District of Columbia .....	Marine Corps Barracks .....	\$17,197,000
	Naval District, Washington .....	\$2,450,000
	Naval Research Laboratory, Washington	\$12,390,000
Florida .....	Coastal System Station, Panama City ....	\$9,960,000
	Naval Air Station, Whiting Field, Milton	\$5,130,000
	Naval Surface Warfare Center Detachment, Ft. Lauderdale.	\$3,570,000
Georgia .....	Marine Corps Logistics Base, Albany .....	\$1,100,000
	Trident Refit Facility, Kings Bay .....	\$5,200,000
Hawaii .....	Fleet Industrial Supply Center, Pearl Harbor.	\$12,000,000
	Naval Undersea Weapons Station Detachment, Lualualei.	\$2,100,000
	Marine Corps Air Station, Kaneohe .....	\$18,400,000
	Naval Station, Pearl Harbor .....	\$37,600,000
Illinois .....	Naval Training Center, Great Lakes .....	\$121,400,000
Maine .....	Naval Air Station, Brunswick .....	\$2,450,000
	Naval Ship Yard, Portsmouth .....	\$4,960,000
Maryland .....	Naval Explosive Ordinance Disposal Tech Division, Indian Head.	\$6,430,000
Mississippi .....	Naval Air Station, Meridian .....	\$6,230,000
	Naval Oceanographic Office, Stennis Space Center.	\$6,950,000
Nevada .....	Naval Air Station, Fallon .....	\$6,280,000
New Jersey .....	Naval Weapons Station, Earle .....	\$2,420,000
North Carolina .....	Marine Corps Air Station, Cherry Point	\$8,480,000
	Marine Corps Air Station, New River .....	\$3,400,000
	Marine Corps Base, Camp LeJeune .....	\$45,870,000
	Naval Aviation Depot, Cherry Point .....	\$7,540,000
Rhode Island .....	Naval Undersea Warfare Center Division, Newport.	\$4,150,000
South Carolina .....	Marine Corps Air Station, Beaufort .....	\$3,140,000
	Marine Corps Recruit Depot, Parris Island.	\$2,660,000
Texas .....	Naval Air Station, Kingsville .....	\$2,670,000
Virginia .....	AEGIS Combat Systems Center, Wallops Island.	\$3,300,000
	Marine Corps Combat Development Command, Quantico.	\$8,590,000
	Naval Air Station, Oceana .....	\$5,250,000
	Naval Air Station, Norfolk .....	\$31,450,000
	Naval Amphibious Base, Little Creek .....	\$2,830,000
	Naval Shipyard, Norfolk, Portsmouth ....	\$16,100,000
	Naval Station, Norfolk .....	\$4,700,000
	Naval Surface Warfare Center, Dahlgren	\$30,700,000
Washington .....	Naval Station, Everett .....	\$5,500,000
	Naval Submarine Base, Bangor .....	\$4,600,000
	Puget Sound Naval Shipyard, Bremerton	\$78,460,000
	Strategic Weapons Facility Pacific, Bremerton.	\$1,400,000
	Total: .....	\$694,557,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-

tions in section 2204(a)(2), the Secretary of the Navy 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:

**Navy: Outside the United States**

Country	Installation or location	Amount
Bahrain .....	Administrative Support Unit .....	\$19,400,000
Italy .....	Naval Air Station, Sigonella .....	\$32,969,000
	Naval Support Activity, Naples .....	\$15,000,000
Various Locations .....	Host Nation Infrastructure Support .....	\$142,000
	Total: .....	\$67,511,000

**SEC. 2202. FAMILY HOUSING.**

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including 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
California .....	Marine Corps Air-Ground Combat Center, Twentynine Palms.	79 Units .....	\$13,923,000
	Naval Air Station, Lemoore.	160 Units .....	\$27,768,000
Hawaii .....	Commander Naval Base, Pearl Harbor.	112 Units .....	\$23,654,000
	Commander Naval Base, Pearl Harbor.	62 Units .....	\$14,237,000
	Commander Naval Base, Pearl Harbor.	98 Units .....	\$22,230,000
	Marine Corps Air Station, Kaneohe Bay.	84 Units .....	\$21,910,000
Maine .....	Naval Air Station, Brunswick.	168 Units .....	\$18,722,000
Mississippi .....	Naval Station, Pascagoula.	140 Units .....	\$21,605,000
North Carolina .....	Camp LeJeune .....	149 Units .....	\$7,838,000
Washington .....	Naval Air Station, Whidbey Island.	98 Units .....	\$16,873,000

**Navy: Family Housing**—Continued

<b>State</b>	<b>Installation or location</b>	<b>Purpose</b>	<b>Amount</b>
		Total: .....	\$188,760,000

1 (b) PLANNING AND DESIGN.—Using amounts appro-  
2 priated pursuant to the authorization of appropriations in  
3 section 2204(a)(5)(A), the Secretary of the Navy may  
4 carry out architectural and engineering services and con-  
5 struction design activities with respect to the construction  
6 or improvement of military family housing units in an  
7 amount not to exceed \$19,958,000.

8 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
9 **UNITS.**

10 Subject to section 2825 of title 10, United States  
11 Code, and using amounts appropriated pursuant to the  
12 authorization of appropriations in section 2204(a)(5)(A),  
13 the Secretary of the Navy may improve existing military  
14 family housing units in an amount not to exceed  
15 \$183,547,000.

16 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

17 (a) IN GENERAL.—Subject to subsection (c), funds  
18 are hereby authorized to be appropriated for fiscal years  
19 beginning after September 30, 2000, for military con-  
20 struction, land acquisition, and military family housing  
21 functions of the Department of the Navy in the total  
22 amount of \$2,095,163,000 as follows:

1           (1) For military construction projects inside the  
2       United States authorized by section 2201(a),  
3       \$633,537,000.

4           (2) For military construction projects outside  
5       the United States authorized by section 2201(b),  
6       \$66,571,000.

7           (3) For unspecified minor construction projects  
8       authorized by section 2805 of title 10, United States  
9       Code, \$7,659,000.

10          (4) For architectural and engineering services  
11       and construction design under section 2807 of title  
12       10, United States Code, \$64,093,000.

13          (5) For military family housing functions:

14               (A) For construction and acquisition, plan-  
15       ning and design, and improvement of military  
16       family housing and facilities, \$392,265,000.

17               (B) For support of military housing (in-  
18       cluding functions described in section 2833 of  
19       title 10, United States Code), \$882,638,000.

20          (6) For construction of a berthing wharf at  
21       Naval Air Station, North Island, California, author-  
22       ized by section 2201(a) of the Military Construction  
23       Authorization Act for Fiscal Year 2000 (division B  
24       of Public Law 106–65; 113 Stat. 828), \$12,800,000.



1           (7) For construction of the Commander-in-  
2       Chief Headquarters, Pacific Command, Camp H.M.  
3       Smith, Hawaii, authorized by section 2201(a) of the  
4       Military Construction Authorization Act for Fiscal  
5       Year 2000, \$35,600,000.

6       (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
7       PROJECTS.—Notwithstanding the cost variations author-  
8       ized by section 2853 of title 10, United States Code, and  
9       any other cost variation authorized by law, the total cost  
10      of all projects carried out under section 2201 of this Act  
11      may not exceed—

12           (1) the total amount authorized to be appro-  
13      priated under paragraphs (1) and (2) of subsection  
14      (a);

15           (2) \$17,500,000 (the balance of the amount au-  
16      thorized under section 2201(a) for repair of a pier  
17      at Naval Station, San Diego, California);

18           (3) \$12,390,000 (the balance of the amount au-  
19      thorized under section 2201(a) for construction of a  
20      Nano Science Research Laboratory, Washington,  
21      District of Columbia);

22           (4) \$4,000,000 (the balance of the amount au-  
23      thorized under section 2201(a) for construction of  
24      armories at Marine Corps Base, Camp LeJeune,  
25      North Carolina);

1           (5) \$2,670,000 (the balance of the amount au-  
2           thorized under section 2201(a) for construction of  
3           an aircraft parking apron at Naval Air Station,  
4           Kingsville, Texas);

5           (6) \$24,460,000 (the balance of the amount au-  
6           thorized under section 2201(a) for replacement of a  
7           pier at Naval Ship Yard, Bremerton, Puget Sound,  
8           Washington); and

9           (7) \$940,000 (the balance of the amount au-  
10          thorized under section 2201(b) for construction of  
11          community facilities at Naval Air Station, Sigonella,  
12          Italy).

13          (c) ADJUSTMENT.—The total amount authorized to  
14          be appropriated pursuant to paragraphs (1) through (7)  
15          of subsection (a) is the sum of the amounts authorized  
16          to be appropriated by such paragraphs, reduced by  
17          \$9,351,000 which represents \$3,960,000 for savings in  
18          the foreign currency account and \$5,391,000 from prior  
19          year unobligated funds.

20   **SEC. 2205. CORRECTION IN AUTHORIZED USE OF FUNDS,**  
21                   **MARINE CORPS COMBAT DEVELOPMENT**  
22                   **COMMAND, QUANTICO, VIRGINIA.**

23          The Secretary of the Navy may carry out a military  
24          construction project involving infrastructure development  
25          at the Marine Corps Combat Development Command,

1 Quantico, Virginia, in the amount of \$8,900,000, using  
 2 amounts appropriated pursuant to the authorization of ap-  
 3 propriations in section 2204(a)(1) of the Military Con-  
 4 struction Authorization Act for Fiscal Year 1997 (division  
 5 B of Public Law 104–201; 110 Stat. 2769) for a military  
 6 construction project involving a sanitary landfill at that  
 7 installation, as authorized by section 2201(a) of that Act  
 8 (110 Stat. 2767) and extended by section 2702 of the  
 9 Military Construction Authorization Act for Fiscal Year  
 10 2000 (division B of Public Law 106–65; 113 Stat. 842)  
 11 and section 2703 of this Act.

## 12 **TITLE XXIII—AIR FORCE**

### 13 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 14 **LAND ACQUISITION PROJECTS.**

15 (a) INSIDE THE UNITED STATES.—Using amounts  
 16 appropriated pursuant to the authorization of appropria-  
 17 tions in section 2304(a)(1), the Secretary of the Air Force  
 18 may acquire real property and carry out military construc-  
 19 tion projects for the installations and locations inside the  
 20 United States, and in the amounts, set forth in the fol-  
 21 lowing table:

**Air Force: Inside the United States**

State	Installation or location	Amount
Alabama .....	Maxwell Air Force Base .....	\$3,825,000
Alaska .....	Cape Romanzof .....	\$3,900,000
	Eielson Air Force Base .....	\$40,990,000
	Elmendorf Air Force Base .....	\$35,186,000
Arizona .....	Davis-Monthan Air Force Base .....	\$7,900,000
Arkansas .....	Little Rock Air Force Base .....	\$18,319,000
California .....	Beale Air Force Base .....	\$10,099,000
	Los Angeles Air Force Base .....	\$6,580,000

**Air Force: Inside the United States—Continued**

State	Installation or location	Amount
Colorado .....	Vandenberg Air Force Base .....	\$4,650,000
	Buckley Air National Guard Base ...	\$2,750,000
	Peterson Air Force Base .....	\$20,086,000
	Schriever Air Force Base .....	\$8,450,000
	United States Air Force Academy ...	\$18,960,000
CONUS Classified .....	Classified Location .....	\$1,810,000
District of Columbia .....	Bolling Air Force Base .....	\$4,520,000
Florida .....	Eglin Air Force Base .....	\$8,940,000
	Eglin Auxiliary Field 9 .....	\$7,960,000
Georgia .....	Patrick Air Force Base .....	\$12,970,000
	Tyndall Air Force Base .....	\$25,300,000
	Fort Stewart/Hunter Army Air Field	\$4,920,000
	Moody Air Force Base .....	\$11,318,000
	Robins Air Force Base .....	\$4,095,000
Hawaii .....	Hickam Air Force Base .....	\$4,620,000
Idaho .....	Mountain Home Air Force Base .....	\$10,125,000
Illinois .....	Scott Air Force Base .....	\$3,830,000
Kansas .....	McConnell Air Force Base .....	\$2,100,000
Louisiana .....	Barksdale Air Force Base .....	\$20,464,000
Massachusetts .....	Hanscom Air Force Base .....	\$17,851,000
Mississippi .....	Columbus Air Force Base .....	\$4,828,000
	Keesler Air Force Base .....	\$15,040,000
Missouri .....	Whiteman Air Force Base .....	\$12,050,000
Montana .....	Malmstrom Air Force Base .....	\$11,179,000
Nebraska .....	Offutt Air Force Base .....	\$9,765,000
New Jersey .....	McGuire Air Force Base .....	\$9,772,000
New Mexico .....	Cannon Air Force Base .....	\$4,934,000
	Holloman Air Force Base .....	\$18,380,000
	Kirtland Air Force Base .....	\$7,352,000
North Carolina .....	Pope Air Force Base .....	\$24,570,000
Ohio .....	Wright-Patterson Air Force Base ...	\$22,600,000
Oklahoma .....	Altus Air Force Base .....	\$2,939,000
	Tinker Air Force Base .....	\$18,180,000
	Vance Air Force Base .....	\$10,504,000
South Carolina .....	Charleston Air Force Base .....	\$22,238,000
	Shaw Air Force Base .....	\$2,850,000
South Dakota .....	Ellsworth Air Force Base .....	\$10,290,000
Texas .....	Dyess Air Force Base .....	\$24,988,000
	Lackland Air Force Base .....	\$10,330,000
Utah .....	Hill Air Force Base .....	\$28,050,000
Virginia .....	Langley Air Force Base .....	\$7,470,000
Washington .....	Fairchild Air Force Base .....	\$2,046,000
	McChord Air Force Base .....	\$10,250,000
Wyoming .....	F.E. Warren Air Force Base .....	\$36,114,000
Total: .....		\$649,237,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2304(a)(2), the Secretary of the Air Force  
4 may acquire real property and carry out military construc-  
5 tion projects for the installations and locations outside the

1 United States, and in the amounts, set forth in the fol-  
 2 lowing table:

**Air Force: Outside the United States**

Country	Installation or location	Amount
Diego Garcia .....	Diego Garcia .....	\$5,475,000
Italy .....	Aviano Air Base .....	\$8,000,000
Korea .....	Kunsan Air Base .....	\$6,400,000
	Osan Air Base .....	\$21,948,000
Spain .....	Naval Station Rota .....	\$5,052,000
Turkey .....	Incirlik Air Base .....	\$1,000,000
	Total: .....	\$47,875,000

3 **SEC. 2302. FAMILY HOUSING.**

4 (a) CONSTRUCTION AND ACQUISITION.—Using  
 5 amounts appropriated pursuant to the authorization of ap-  
 6 propriations in section 2304(a)(5)(A), the Secretary of the  
 7 Air Force may construct or acquire family housing units  
 8 (including land acquisition) at the installations, for the  
 9 purposes, and in the amounts set forth in the following  
 10 table:

**Air Force: Family Housing**

State	Installation or loca- tion	Purpose	Amount
District of Columbia .....	Bolling Air Force Base	136 Units .....	\$17,137,000
Idaho .....	Mountain Home Air Force Base.	136 Units .....	\$22,694,000
North Dakota .....	Cavalier Air Force Sta- tion.	2 Units .....	\$443,000
	Minot Air Force Base	134 Units .....	\$19,097,000
		Total: .....	\$59,371,000

11 (b) PLANNING AND DESIGN.—Using amounts appro-  
 12 priated pursuant to the authorization of appropriations in  
 13 section 2304(a)(5)(A), the Secretary of the Air Force may  
 14 carry out architectural and engineering services and con-  
 15 struction design activities with respect to the construction

1 or improvement of military family housing units in an  
2 amount not to exceed \$13,730,000.

3 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
4 **UNITS.**

5 Subject to section 2825 of title 10, United States  
6 Code, and using amounts appropriated pursuant to the  
7 authorization of appropriations in section 2304(a)(5)(A),  
8 the Secretary of the Air Force may improve existing mili-  
9 tary family housing units in an amount not to exceed  
10 \$174,046,000.

11 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**  
12 **FORCE.**

13 (a) IN GENERAL.—Subject to subsection (c), funds  
14 are hereby authorized to be appropriated for fiscal years  
15 beginning after September 30, 2000, for military con-  
16 struction, land acquisition, and military family housing  
17 functions of the Department of the Air Force in the total  
18 amount of \$1,851,909,000 as follows:

19 (1) For military construction projects inside the  
20 United States authorized by section 2301(a),  
21 \$649,237,000.

22 (2) For military construction projects outside  
23 the United States authorized by section 2301(b),  
24 \$47,875,000.

1           (3) For unspecified minor construction projects  
2           authorized by section 2805 of title 10, United States  
3           Code, \$9,850,000.

4           (4) For architectural and engineering services  
5           and construction design under section 2807 of title  
6           10, United States Code, \$71,529,000.

7           (5) For military housing functions:

8                 (A) For construction and acquisition, plan-  
9                 ning and design, and improvement of military  
10                family housing and facilities, \$247,147,000.

11               (B) For support of military family housing  
12                (including functions described in section 2833  
13                of title 10, United States Code), \$826,271,000.

14       (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
15   PROJECTS.—Notwithstanding the cost variations author-  
16   ized by section 2853 of title 10, United States Code, and  
17   any other cost variation authorized by law, the total cost  
18   of all projects carried out under section 2301 of this Act  
19   may not exceed the total amount authorized to be appro-  
20   priated under paragraphs (1) and (2) of subsection (a).

21       (c) ADJUSTMENT.—The total amount authorized to  
22   be appropriated pursuant to paragraphs (1) through (5)  
23   of subsection (a) is the sum of the amounts authorized  
24   to be appropriated by such paragraphs, reduced by  
25   \$33,846,000, which represents \$12,231,000 for savings in

1 the foreign currency account and \$21,615,000 from prior  
 2 year unobligated funds.

## 3           **TITLE XXIV—DEFENSE** 4           **AGENCIES**

### 5   **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-** 6           **TION AND LAND ACQUISITION PROJECTS.**

7           (a) INSIDE THE UNITED STATES.—Using amounts  
 8 appropriated pursuant to the authorization of appropria-  
 9 tions in section 2403(a)(1), the Secretary of Defense may  
 10 acquire real property and carry out military construction  
 11 projects for the installations and locations inside the  
 12 United States, and in the amounts, set forth in the fol-  
 13 lowing table:

**Defense Agencies: Inside the United States**

Agency	Installation or location	Amount
Defense Education Activity ..	Camp LeJeune, North Carolina .....	\$5,914,000
	Laurel Bay, South Carolina .....	\$804,000
Defense Logistics Agency .....	Defense Distribution Depot Susque- hanna, New Cumberland, Pennsyl- vania .....	\$17,700,000
	Defense Fuel Support Point, Cherry Point, North Carolina .....	\$5,700,000
	Defense Fuel Support Point, MacDill Air Force Base, Florida ..	\$16,956,000
	Defense Fuel Support Point, McConnell Air Force Base, Kan- sas .....	\$11,000,000
	Defense Fuel Support Point, Naval Air Station, Fallon, Nevada .....	\$5,000,000
	Defense Fuel Support Point, North Island, California .....	\$5,900,000
	Defense Fuel Support Point, Oceana Naval Air Station, Virginia .....	\$2,000,000
	Defense Fuel Support Point, Patux- ent River, Maryland .....	\$8,300,000
	Defense Fuel Support Point, Twentynine Palms, California .....	\$2,200,000
	Defense Supply Center, Richmond, Virginia .....	\$4,500,000
National Security Agency .....	Fort Meade, Maryland .....	\$4,228,000
Special Operations Command	Classified Location .....	\$2,303,000
	Eglin Auxiliary Field 9, Florida .....	\$23,204,000
	Fleet Combat Training Center, Dam Neck, Virginia .....	\$5,500,000



**Defense Agencies: Inside the United States**—Continued

<b>Agency</b>	<b>Installation or location</b>	<b>Amount</b>
Tri-Care Management Activity.	Fort Bragg, North Carolina .....	\$8,600,000
	Fort Campbell, Kentucky .....	\$16,300,000
	Naval Air Station, North Island, California .....	\$1,350,000
	Naval Air Station, Oceana, Virginia .....	\$3,400,000
	Naval Amphibious Base, Coronado, California .....	\$4,300,000
	Naval Amphibious Base, Little Creek, Virginia .....	\$5,400,000
	Edwards Air Force Base, California .....	\$17,900,000
	Marine Corps Base, Camp Pendleton, California .....	\$14,150,000
	Eglin Air Force Base, Florida .....	\$37,600,000
	Fort Drum, New York .....	\$1,400,000
	Patrick Air Force Base, Florida .....	\$2,700,000
	Tyndall Air Force Base, Florida .....	\$7,700,000
	Total: .....	\$242,009,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2403(a)(2), the Secretary of Defense may  
4 acquire real property and carry out military construction  
5 projects for the installations and locations outside the  
6 United States, and in the amounts, set forth in the fol-  
7 lowing table:

**Defense Agencies: Outside the United States**

<b>Agency</b>	<b>Installation or location</b>	<b>Amount</b>
Defense Education Activity ..	Hanau, Germany .....	\$1,026,000
	Hohenfels, Germany .....	\$13,774,000
	Royal Air Force, Feltwell, United Kingdom .....	\$1,287,000
	Royal Air Force, Lakenheath, United Kingdom .....	\$3,086,000
	Schweinfurt, Germany .....	\$1,444,000
	Sigonella, Italy .....	\$971,000
	Wuerzburg, Germany .....	\$1,798,000
	Kleber Kaserne, Germany .....	\$7,500,000
Defense Finance and Accounting Service.		
Defense Logistics Agency .....	Defense Fuel Support Point, Andersen Air Force Base, Guam .....	\$36,000,000
	Defense Fuel Support Point, Marine Corps Air Station, Iwakuni, Japan .....	\$22,400,000
	Defense Fuel Support Point, Misawa Air Base, Japan .....	\$26,400,000
	Defense Fuel Support Point, Royal Air Force, Mildenhall, United Kingdom .....	\$10,000,000

**Defense Agencies: Outside the United States**—Continued

<b>Agency</b>	<b>Installation or location</b>	<b>Amount</b>
Defense Threat Reduction Agency. Special Operations Command Tri-Care Management Agency.	Defense Fuel Support Point, Sigonella, Italy .....	\$16,300,000
	Darmstadt, Germany .....	\$2,450,000
	Roosevelt Roads, Puerto Rico .....	\$1,241,000
	Taegu, Korea .....	\$1,450,000
	Kitzingen, Germany .....	\$1,400,000
	Naval Support Activity, Naples, Italy .....	\$43,850,000
	Wiesbaden Air Base, Germany .....	\$7,187,000
	Total: .....	\$199,564,000

1 (c) UNSPECIFIED WORLDWIDE.—Using amounts ap-  
2 propriated pursuant to the authorization of appropriations  
3 in section 2403(a)(3), the Secretary of Defense may ac-  
4 quire real property and carry out military construction  
5 projects for the installations and locations, and in the  
6 amounts, set forth in the following table:

**Defense Agencies: Unspecified Worldwide**

<b>Location</b>	<b>Installation</b>	<b>Amount</b>
Unspecified Worldwide .....	Unspecified Worldwide .....	\$451,135,000

7 **SEC. 2402. ENERGY CONSERVATION PROJECTS.**

8 Using amounts appropriated pursuant to the author-  
9 ization of appropriations in section 2403(a)(7), the Sec-  
10 retary of Defense may carry out energy conservation  
11 projects under section 2865 of title 10, United States  
12 Code, in the amount of \$16,785,000.

13 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**  
14 **FENSE AGENCIES.**

15 (a) IN GENERAL.—Subject to subsection (c), funds  
16 are hereby authorized to be appropriated for fiscal years

1 beginning after September 30, 2000, for military con-  
2 struction, land acquisition, and military family housing  
3 functions of the Department of Defense (other than the  
4 military departments), in the total amount of  
5 \$1,912,703,000 as follows:

6 (1) For military construction projects inside the  
7 United States authorized by section 2401(a),  
8 \$242,009,000.

9 (2) For military construction projects outside  
10 the United States authorized by section 2401(b),  
11 \$199,564,000.

12 (3) For the military construction projects at  
13 unspecified worldwide locations authorized by section  
14 2401(c), \$85,095,000.

15 (4) For unspecified minor construction projects  
16 under section 2805 of title 10, United States Code,  
17 \$17,390,000.

18 (5) For contingency construction projects of the  
19 Secretary of Defense under section 2804 of title 10,  
20 United States Code, \$10,000,000.

21 (6) For architectural and engineering services  
22 and construction design under section 2807 of title  
23 10, United States Code, \$78,605,000.

24 (7) For energy conservation projects authorized  
25 by section 2404 of this Act, \$16,785,000.

1           (8) For base closure and realignment activities  
2       as authorized by the Defense Base Closure and Re-  
3       alignment Act of 1990 (part A of title XXIX of  
4       Public Law 101–510; 10 U.S.C. 2687 note),  
5       \$1,174,369,000.

6           (9) For military family housing functions, for  
7       support of military housing (including functions de-  
8       scribed in section 2833 of title 10, United States  
9       Code), \$44,886,000 of which not more than  
10      \$38,478,000 may be obligated or expended for the  
11      leasing of military family housing units worldwide.

12          (10) For construction of a replacement hospital  
13      at Fort Wainwright, Alaska, authorized by section  
14      2401(a) of the Military Construction Authorization  
15      Act for Fiscal Year 2000 (division B of Public Law  
16      106–65; 113 Stat. 836), \$44,000,000.

17      (b) LIMITATION OF TOTAL COST OF CONSTRUCTION  
18      PROJECTS.—Notwithstanding the cost variation author-  
19      ized by section 2853 of title 10, United States Code, and  
20      any other cost variations authorized by law, the total cost  
21      of all projects carried out under section 2401 of this Act  
22      may not exceed—

23           (1) the total amount authorized to be appro-  
24      priated under paragraphs (1) and (2) of subsection  
25      (a); and

1           (2) \$366,040,000 (the balance of the amount au-  
2           thorized under section 2401(c) for construction of  
3           National Missile Defense Initial Deployment Facili-  
4           ties, Unspecified Worldwide locations).

5           (c) ADJUSTMENT.—The total amount authorized to  
6           be appropriated pursuant to paragraphs (1) through (6)  
7           of subsection (a) is the sum of the amounts authorized  
8           to be appropriated by such paragraphs, reduced by  
9           \$7,155,000 which represents savings in the foreign cur-  
10          rency account.

11   **TITLE   XXV—NORTH   ATLANTIC**  
12       **TREATY   ORGANIZATION   SE-**  
13       **CURITY   INVESTMENT   PRO-**  
14       **GRAM**

15   **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**  
16       **ACQUISITION PROJECTS.**

17          The Secretary of Defense may make contributions for  
18          the North Atlantic Treaty Organization Security Invest-  
19          ment program as provided in section 2806 of title 10,  
20          United States Code, in an amount not to exceed the sum  
21          of the amount authorized to be appropriated for this pur-  
22          pose in section 2502 and the amount collected from the  
23          North Atlantic Treaty Organization as a result of con-  
24          struction previously financed by the United States.

1 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

2 Funds are hereby authorized to be appropriated for  
 3 fiscal years beginning after September 30, 2000, for con-  
 4 tributions by the Secretary of Defense under section 2806  
 5 of title 10, United States Code, for the share of the United  
 6 States of the cost of projects for the North Atlantic Treaty  
 7 Organization Security Investment program authorized by  
 8 section 2501, in the amount of \$190,000,000.

9 **TITLE XXVI—GUARD AND**  
 10 **RESERVE FORCES FACILITIES**

11 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**  
 12 **TION AND LAND ACQUISITION PROJECTS.**

13 There are authorized to be appropriated for fiscal  
 14 years beginning after September 30, 2000, for the costs  
 15 of acquisition, architectural and engineering services, and  
 16 construction of facilities for the Guard and Reserve  
 17 Forces, and for contributions therefore, under chapter  
 18 1803 of title 10, United States Code (including the cost  
 19 of acquisition of land for those facilities), the following  
 20 amounts:

21 (1) For the Department of the Army—

22 (A) for the Army National Guard of the  
 23 United States, \$181,629,000; and

24 (B) for the Army Reserve, \$92,497,000.

25 (2) For the Department of the Navy, for the  
 26 Naval and Marine Corps Reserve, \$38,091,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, \$161,806,000; and

(B) for the Air Force Reserve, \$32,673,000.

## **TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZA- TIONS**

### **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.**

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefore) shall expire on the later of—

(1) October 1, 2003; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2004.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land ac-

1 quisation, family housing projects and facilities, and con-  
 2 tributions to the North Atlantic Treaty Organization Se-  
 3 curity Investment program (and authorizations of appro-  
 4 priations therefore) for which appropriated funds have  
 5 been obligated before the later of—

6 (1) October 1, 2003; or

7 (2) the date of the enactment of an Act author-  
 8 izing funds for fiscal year 2004 for military con-  
 9 struction projects, land acquisition, family housing  
 10 projects and facilities, or contributions to the North  
 11 Atlantic Treaty Organization Security Investment  
 12 program.

13 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 14 **FISCAL YEAR 1998 PROJECTS.**

15 (a) EXTENSION.—Notwithstanding section 2701 of  
 16 the Military Construction Authorization Act for Fiscal  
 17 Year 1998 (division B of Public Law 105–85; 111 Stat.  
 18 1984), authorizations set forth in the tables in subsection  
 19 (b), as provided in section 2102, 2202, or 2302 of that  
 20 Act, shall remain in effect until October 1, 2001, or the  
 21 date of the enactment of an Act authorizing funds for mili-  
 22 tary construction for fiscal year 2002, whichever is later.

23 (b) TABLES.—The tables referred to in subsection (a)  
 24 are as follows:



**Army: Extension of 1998 Project Authorizations**

<b>State</b>	<b>Installation or location</b>	<b>Project</b>	<b>Amount</b>
Maryland .....	Fort Meade .....	Family Housing Construction (56 units).	\$7,900,000
Texas .....	Fort Hood .....	Family Housing Construction (130 units).	\$18,800,000

**Navy: Extension of 1998 Project Authorizations**

<b>State</b>	<b>Installation or location</b>	<b>Project</b>	<b>Amount</b>
California .....	Naval Complex, San Diego.	Replacement Family Housing Construction (94 units).	\$13,500,000
California .....	Marine Corps Air Station, Miramar.	Family Housing Construction (166 units).	\$28,881,000
California .....	Marine Corps Air-Ground Combat Center, Twentynine Palms.	Replacement Family Housing Construction (132 units).	\$23,891,000
Louisiana .....	Naval Complex, New Orleans.	Replacement Family Housing Construction (100 units).	\$11,930,000
Texas .....	Naval Complex, Kingsville and Corpus Christi.	Family Housing Construction (212 units).	\$22,250,000
Washington .....	Naval Air Station, Whidbey Island.	Replacement Family Housing Construction (102 units).	\$16,000,000

**Air Force: Extension of 1998 Project Authorizations**

<b>State</b>	<b>Installation or location</b>	<b>Project</b>	<b>Amount</b>
Georgia .....	Robins Air Force Base	Replace Family Housing (60 units).	\$6,800,000
Idaho .....	Mountain Home Air Force Base.	Replace Family Housing (60 units).	\$11,032,000
New Mexico .....	Kirtland Air Force Base.	Replace Family Housing (180 units).	\$20,900,000
Texas .....	Dyess Air Force Base	Construct Family Housing (70 units).	\$10,503,000

**1 SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
**2 FISCAL YEAR 1997 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2701 of  
 4 the Military Construction Authorization Act for Fiscal  
 5 Year 1997 (division B of Public Law 104–201; 110 Stat.  
 6 2782), authorizations set forth in the tables in subsection  
 7 (b), as provided in section 2201, 2202, or 2601 of that  
 8 Act and extended by section 2702 of the Military Con-  
 9 struction Authorization Act for Fiscal Year 2000 (division  
 10 B of Public Law 106–65; 113 Stat. 842), shall remain  
 11 in effect until October 1, 2001, or the date of the enact-  
 12 ment of an Act authorizing funds for military construction  
 13 for fiscal year 2002, whichever is later.

14 (b) TABLES.—The tables referred to in subsection (a)  
 15 are as follows:

**Navy: Extension of 1997 Project Authorizations**

State	Installation or loca- tion	Project	Amount
Florida .....	Navy Station, Mayport	Family Housing Construction (100 units).	\$10,000,000
North Carolina .....	Marine Corps Base, Camp Lejuene.	Family Housing Construction (94 units).	\$10,110,000
South Carolina .....	Marine Corps Air Sta- tion, Beaufort.	Family Housing Construction (140 units).	\$14,000,000
Texas .....	Naval Complex, Corpus Christi.	Family Housing Replacement (104 units).	\$11,675,000
	Naval Air Station, Kingsville.	Family Housing Replacement (48 units).	\$7,550,000
Virginia .....	Marine Corps Combat Development Com- mand, Quantico.	Infrastructure ..	\$8,900,000
Washington .....	Naval Station, Everett	Family Housing Construction (100 units).	\$15,015,000

**Army National Guard: Extension of 1997 Project Authorization**

<b>State</b>	<b>Installation or location</b>	<b>Project</b>	<b>Amount</b>
Mississippi .....	Camp Shelby .....	Multipurpose Range Complex (Phase II).	\$5,000,000

**1 SEC. 2704. EFFECTIVE DATE.**

2 Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI  
3 shall take effect on the later of—

4 (1) October 1, 2000; or

5 (2) the date of the enactment of this Act.

6 **TITLE XXVIII—GENERAL**  
7 **PROVISIONS**

8 **Subtitle A—Military Construction**  
9 **Program and Military Family**  
10 **Housing Changes**

11 **SEC. 2801. JOINT USE MILITARY CONSTRUCTION**  
12 **PROJECTS.**

13 (a) SENSE OF CONGRESS ON JOINT USE  
14 PROJECTS.—It is the sense of Congress that in preparing  
15 the budget for a fiscal year for submission to Congress  
16 under section 1105 of title 31, United States Code, the  
17 Secretary of Defense should—

18 (1) seek to identify military construction  
19 projects that are suitable as joint use military con-  
20 struction projects;

1           (2) specify in the budget for the fiscal year the  
2       military construction projects that are identified  
3       under paragraph (1); and

4           (3) give priority in the budget for the fiscal  
5       year to the military construction projects specified  
6       under paragraph (2).

7       (b) ANNUAL EVALUATION AND REPORT ON JOINT  
8       USE PROJECTS.—(1) Subchapter I of chapter 169 of title  
9       10, United States Code, is amended by adding at the end  
10      the following new section:

11     **“§ 2815. Joint use military construction projects:**  
12                     **evaluation; annual report**

13       “(a) ANNUAL EVALUATION.—The Secretary of De-  
14      fense shall include with the budget for each fiscal year  
15      under section 1105 of title 31, a certification by each Sec-  
16      retary concerned that in evaluating military construction  
17      projects for inclusion in the budget for such fiscal year,  
18      such Secretary evaluated the feasibility of carrying out  
19      such projects as joint use military construction projects.

20       “(b) ANNUAL REPORT.—(1) Not later than Sep-  
21      tember 30 each year, the Secretary of Defense shall sub-  
22      mit to the appropriate committees of Congress a report  
23      on joint use military construction projects.

1       “(2) Each report under paragraph (1) shall include,  
2 for the one-year period ending on the date of the report,  
3 the following:

4           “(A) The military construction requirements  
5 that were evaluated for their feasibility to be carried  
6 out through joint use military construction projects,  
7 with each such requirement set forth by armed  
8 force, component (whether active or reserve compo-  
9 nent), and location.

10          “(B) An estimate of the fiscal year in which  
11 each requirement set forth under subparagraph (A)  
12 is likely to be met, without regard to the applica-  
13 bility of any future-years defense program, and an  
14 assessment of the extent to which such requirement  
15 could be met more rapidly through a joint use mili-  
16 tary construction project.

17          “(C) A list of the military construction projects  
18 determined to be feasible as joint use military con-  
19 struction projects, including—

20           “(i) the number of military personnel and  
21 civilian personnel to be served by each such  
22 project; and

23           “(ii) an estimate of the costs avoidable by  
24 carrying out each such project as a joint use

1           military project rather than as an independent  
2           military construction project.

3           “(c) JOINT USE MILITARY CONSTRUCTION PROJECT  
4 DEFINED.—In this section, the term ‘joint use military  
5 construction project’ means a military construction project  
6 for a facility intended to be used by—

7           “(1) both the active and a reserve component of  
8           a single armed force; or

9           “(2) two or more components (whether active  
10          or reserve components) of the armed forces.”.

11          (2) The table of sections at the beginning of that sub-  
12 chapter is amended by adding at the end the following  
13 new item:

“2815. Joint use military construction projects: evaluation; annual report.”.

14 **SEC. 2802. EXCLUSION OF CERTAIN COSTS FROM DETER-**  
15 **MINATION OF APPLICABILITY OF LIMITATION**  
16 **ON USE OF FUNDS FOR IMPROVEMENT OF**  
17 **FAMILY HOUSING.**

18          Section 2825(b) of title 10, United States Code, is  
19 amended—

20           (1) by redesignating paragraph (3) as para-  
21           graph (4); and

22           (2) by inserting after paragraph (2) the fol-  
23           lowing new paragraph (3):

24           “(3) In determining the applicability of the limitation  
25 contained in paragraph (1), the Secretary concerned shall

1 exclude from the cost of the improvement of the unit or  
 2 units concerned the following:

3           “(A) The cost of the installation, maintenance,  
 4           and repair of communications, security, or  
 5           antiterrorism equipment required by an occupant of  
 6           the unit or units to perform duties assigned as a  
 7           member of the armed forces.

8           “(B) The cost of repairing or replacing the ex-  
 9           terior of the unit or units if such repair or replace-  
 10          ment is necessary to meet applicable standards for  
 11          historical preservation.”.

12 **SEC. 2803. REPLACEMENT OF LIMITATIONS ON SPACE BY**  
 13 **PAY GRADE OF MILITARY FAMILY HOUSING**  
 14 **WITH REQUIREMENT FOR LOCAL COM-**  
 15 **PARABILITY OF MILITARY FAMILY HOUSING.**

16       (a) IN GENERAL.—(1) Section 2826 of title 10,  
 17 United States Code, is amended to read as follows:

18 **“§ 2826. Military family housing: local comparability**  
 19 **of rooms patterns and floor areas**

20       “(a) LOCAL COMPARABILITY.—In the construction,  
 21 acquisition, and improvement of military family housing,  
 22 the Secretary concerned shall ensure that the room pat-  
 23 terns and floor areas of military family housing in a par-  
 24 ticular locality (as designated by the Secretary concerned  
 25 for purposes of this section) are similar to room patterns

1 and floor areas of similar housing in the private sector  
2 in that locality.

3 “(b) REQUESTS FOR AUTHORITY FOR MILITARY  
4 FAMILY HOUSING.—(1) In submitting to Congress a re-  
5 quest for authority to carry out the construction, acquisi-  
6 tion, or improvement of military family housing, the Sec-  
7 retary concerned shall include in the request information  
8 on the net floor area of each unit of military family hous-  
9 ing to be constructed, acquired, or improved under the au-  
10 thority.

11 “(2) In this subsection, the term ‘net floor area’, in  
12 the case of a military family housing unit, means the total  
13 number of square feet of the floor space inside the exterior  
14 walls of the unit, excluding the floor area of an unfinished  
15 basement, an unfinished attic, a utility space, a garage,  
16 a carport, an open or insect-screened porch, a stairwell,  
17 and any space used for a solar-energy system.”.

18 (2) The table of sections at the beginning of sub-  
19 chapter II of chapter 169 of that title is amended by strik-  
20 ing the item relating to section 2826 and inserting the  
21 following new item:

“2826. Military family housing: local comparability of rooms patterns and floor  
areas.”.

22 (b) EFFECTIVE DATE.—(1) Except as provided in  
23 paragraph (2), the amendments made by subsection (a)  
24 shall take effect on October 1, 2000.



1       (2) Subsection (a) of section 2826, of title 10, United  
2 States Code (as added by subsection (a) of this section),  
3 shall apply with respect to the construction, acquisition,  
4 or improvement of military family housing under authority  
5 for the construction, acquisition, or improvement of such  
6 housing that takes effect on or after October 1, 2000.

7 **SEC. 2804. MODIFICATION OF LEASE AUTHORITY FOR**  
8 **HIGH-COST MILITARY FAMILY HOUSING.**

9       (a) REPEAL OF SINGLE LEASE MAXIMUM FOR  
10 UNITED STATES SOUTHERN COMMAND.—Paragraph (4)  
11 of section 2828(b) of title 10, United States Code, is  
12 amended—

13           (1) by inserting “(A)” after “(4)”;

14           (2) by striking the second sentence; and

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

17       “(B) The amount of all leases under this paragraph  
18 may not exceed \$280,000 per year, as adjusted from time  
19 to time under paragraph (6).”.

20       (b) FIVE-YEAR LIMITATION ON TERM OF LEASES  
21 FOR UNITED STATES SOUTHERN COMMAND.—That para-  
22 graph is further amended by adding at the end the fol-  
23 lowing new subparagraph:

24       “(C) The term of any lease under this paragraph may  
25 not exceed 5 years.”.

1       (c) ANNUAL ADJUSTMENT OF MAXIMUM LEASE  
2 AMOUNTS.—That section is further amended by striking  
3 paragraph (5) and inserting the following new paragraphs:

4       “(5) At the beginning of each fiscal year, the Sec-  
5 retary concerned shall adjust the maximum lease amount  
6 provided for leases under paragraphs (2) and (3) for the  
7 previous fiscal year by the percentage (if any) by which  
8 the national average monthly cost of housing (as cal-  
9 culated for purposes of determining rates of basic allow-  
10 ance for housing under section 403 of title 37) for the  
11 preceding fiscal year exceeds the national average monthly  
12 cost of housing (as so calculated) for the fiscal year before  
13 such preceding fiscal year.

14       “(6) At the beginning of each fiscal year, the Sec-  
15 retary of the Army shall adjust the maximum aggregate  
16 amount for leases under paragraph (4) for the previous  
17 fiscal year by the percentage (if any) by which the annual  
18 average cost of housing for the Miami Military Housing  
19 Area (as calculated for purposes of determining rates of  
20 basic allowance for housing under section 403 of title 37)  
21 for the preceding fiscal year exceeds the annual average  
22 cost of housing for the Miami Military Housing Area (as  
23 so calculated) for the fiscal year before such preceding fis-  
24 cal year.”.

1 (d) CONFORMING AMENDMENTS.—That section is  
2 further amended—

3 (1) in paragraph (2), by inserting after “per  
4 year” the following: “, as adjusted from time to  
5 under paragraph (5)”; and

6 (2) in paragraph (3), by striking “\$12,000 per  
7 unit per year but does not exceed \$14,000 per unit  
8 per year” and inserting “the maximum amount per  
9 unit per year in effect under paragraph (2) but does  
10 not exceed \$14,000 per unit per year, as adjusted  
11 from time to time under paragraph (5)”.

12 **SEC. 2805. APPLICABILITY OF COMPETITION POLICY TO AL-**  
13 **TERNATIVE AUTHORITY FOR ACQUISITION**  
14 **AND IMPROVEMENT OF MILITARY HOUSING.**

15 (a) APPLICABILITY.—(1) Subchapter IV of chapter  
16 169 of title 10, United States Code, is amended by insert-  
17 ing after section 2872 the following:

18 **“§ 2872a. Competition requirements**

19 “(a) CONTRACTS.—The Secretary concerned shall  
20 comply with section 2304 of this title when entering into  
21 any contract in furtherance of the exercise of any author-  
22 ity or combination of authorities under this subchapter for  
23 a purpose specified in section 2872 of this title.

24 “(b) OTHER FORMS OF AGREEMENTS.—(1) The Sec-  
25 retary concerned shall use competitive procedures to enter

1 into any agreement other than a contract in furtherance  
2 of the exercise of any authority or combination of authori-  
3 ties under this subchapter for a purpose specified in sec-  
4 tion 2872 of this title.

5 “(2) The Secretary concerned may waive the applica-  
6 bility of paragraph (1) to an agreement only if the  
7 Secretary—

8 “(A) determines that the use of competitive  
9 procedures for entering into the agreement would be  
10 inconsistent with the public interest; and

11 “(B) submits to Congress a written notification  
12 of the determination not less than 30 days before  
13 entering into the agreement.”.

14 (2) The table of sections at the beginning of such sub-  
15 chapter is amended by inserting after the item relating  
16 to section 2872 the following:

“2872a. Competition requirements.”.

17 (b) EFFECTIVE DATE.—Section 2872a of title 10,  
18 United States Code (as added by subsection (a)), shall  
19 take effect on October 1, 2000, and shall apply with re-  
20 spect to contracts and agreements referred to in that sec-  
21 tion that are entered into on or after that date.

1 **SEC. 2806. PROVISION OF UTILITIES AND SERVICES UNDER**  
2 **ALTERNATIVE AUTHORITY FOR ACQUISITION**  
3 **AND IMPROVEMENT OF MILITARY HOUSING.**

4 (a) AUTHORITY TO FURNISH ON REIMBURSABLE  
5 BASIS.—Subchapter IV of chapter 169 of title 10, United  
6 States Code, as amended by section 2805, is further  
7 amended by inserting after section 2872a the following  
8 new section:

9 **“§ 2872b. Utilities and services**

10 “(a) AUTHORITY TO FURNISH.—The Secretary con-  
11 cerned may furnish utilities and services referred to in  
12 subsection (b) in connection with any military housing ac-  
13 quired or constructed pursuant to the exercise of any au-  
14 thority or combination of authorities under this sub-  
15 chapter if the military housing is located on a military in-  
16 stallation.

17 “(b) COVERED UTILITIES AND SERVICES.—The utili-  
18 ties and services that may be furnished under subsection  
19 (a) are the following:

20 “(1) Electric power.

21 “(2) Steam.

22 “(3) Compressed air.

23 “(4) Water.

24 “(5) Sewage and garbage disposal.

25 “(6) Natural, manufactured, or mixed gas.

26 “(7) Ice.

1 “(8) Mechanical refrigeration.

2 “(9) Telecommunications service.

3 “(c) REIMBURSEMENT.—(1) The Secretary con-  
4 cerned shall be reimbursed for any utilities or services fur-  
5 nished under subsection (a).

6 “(2) The amount of any cash payment received under  
7 paragraph (1) shall be credited to the appropriation or  
8 working capital account from which the cost of furnishing  
9 the utilities or services concerned was paid. Amounts so  
10 credited to an appropriation or account shall be merged  
11 with funds in such appropriation or account, and shall be  
12 available to the same extent, and subject to the same  
13 terms and conditions, as such funds.”.

14 (b) CLERICAL AMENDMENT.—The table of sections  
15 at the beginning of such subchapter, as so amended, is  
16 further amended by inserting after the item relating to  
17 section 2872a the following new item:

“2872b. Utilities and services.”.

18 **SEC. 2807. EXTENSION OF ALTERNATIVE AUTHORITY FOR**  
19 **ACQUISITION AND IMPROVEMENT OF MILI-**  
20 **TARY HOUSING.**

21 Section 2885 of title 10, United States Code, is  
22 amended by striking “February 10, 2001” and inserting  
23 “February 10, 2004”.

1 **SEC. 2808. INCLUSION OF READINESS CENTER IN DEFINI-**  
 2 **TION OF ARMORY FOR PURPOSES OF CON-**  
 3 **STRUCTION OF RESERVE COMPONENT FA-**  
 4 **CILITIES.**

5 (a) INCLUSION.—Section 18232(3) of title 10, United  
 6 States Code, is amended—

7 (1) in the first sentence, by striking “The term  
 8 ‘armory’ means” and inserting “The terms ‘armory’  
 9 and ‘readiness center’ mean”; and

10 (2) in the second sentence, by striking “It in-  
 11 cludes” and inserting “Such terms include”.

12 (b) CONFORMING AMENDMENTS.—(1) Section  
 13 18232(2)(B) of such title is amended by inserting “, readi-  
 14 ness center,” after “armory”.

15 (2) Section 18236(b) of such title is amended in the  
 16 matter preceding paragraph (1) by inserting “or readiness  
 17 center” after “an armory”.

18 **Subtitle B—Real Property and**  
 19 **Facilities Administration**

20 **SEC. 2811. INCREASE IN THRESHOLD FOR REPORTS TO**  
 21 **CONGRESS ON REAL PROPERTY TRANS-**  
 22 **ACTIONS.**

23 Section 2662 of title 10, United States Code, is  
 24 amended by striking “\$200,000” each place it appears  
 25 and inserting “\$500,000”.

1 **SEC. 2812. ENHANCEMENTS OF MILITARY LEASE AUTHOR-**  
2 **ITY.**

3 (a) **PROPERTY AVAILABLE FOR LEASE.**—Subsection  
4 (a) of section 2667 of title 10, United States Code, is  
5 amended—

6 (1) by inserting “and” at the end of paragraph  
7 (1);

8 (2) by striking paragraph (2); and

9 (3) by redesignating paragraph (3) as para-  
10 graph (2).

11 (b) **IN KIND CONSIDERATION.**—That section is fur-  
12 ther amended—

13 (1) in subsection (b)(5)—

14 (A) by striking “improvement, mainte-  
15 nance, protection, repair, or restoration,” and  
16 inserting “alteration, repair, or improvement,”;  
17 and

18 (B) by striking “, or of the entire unit or  
19 installation where a substantial part of it is  
20 leased,”;

21 (2) by transferring subsection (c) to the end of  
22 the section and redesignating such subsection, as so  
23 transferred, as subsection (i);

24 (3) by inserting after subsection (b) the fol-  
25 lowing new subsection (c):



1       “(c)(1) In addition to any in kind consideration ac-  
2       cepted under subsection (b)(5), in kind consideration ac-  
3       cepted with respect to a lease under subsection (b) may  
4       include the following:

5               “(A) Maintenance, protection, alteration, repair,  
6       improvement, or restoration (including environ-  
7       mental restoration) of property or facilities under  
8       the control of the Secretary concerned.

9               “(B) Construction of new facilities for the Sec-  
10       retary concerned.

11              “(C) Provision of facilities for use by the Sec-  
12       retary concerned.

13              “(D) Facilities operation support for the Sec-  
14       retary concerned.

15              “(E) Provision of such other services relating to  
16       activities that will occur on the leased property as  
17       the Secretary concerned considers appropriate.

18       “(2) In kind consideration under paragraph (1) may  
19       be accepted at any property or facilities under the control  
20       of the Secretary concerned that are selected for that pur-  
21       pose by the Secretary concerned.

22       “(3) Sections 2662 and 2802 of this title shall not  
23       apply to any new facilities whose construction is accepted  
24       as in kind consideration under this subsection.

1       “(4) In the case of a lease for which all or part of  
 2 the consideration proposed to be accepted by the Secretary  
 3 concerned under this subsection is the construction of fa-  
 4 cilities with a value in excess of \$500,000, the Secretary  
 5 concerned may not enter into the lease until 30 days after  
 6 the date on which a report on the facts of the lease is  
 7 submitted to the congressional defense committees.”; and

8               (4) in subsection (f)—

9                       (A) by striking paragraph (4); and

10                      (B) by redesignating paragraph (5) as  
 11 paragraph (4).

12       (c) USE OF MONEY RENTALS.—Subsection (d) of  
 13 that section is amended—

14               (1) in paragraph (1), by striking subparagraph

15 (B) and inserting the following new subparagraphs:

16       “(B) Subject to subparagraphs (C) and (D), the  
 17 sums deposited in the special account of a military depart-  
 18 ment pursuant to subparagraph (A) shall be available to  
 19 the military department for the following:

20               “(i) Maintenance, protection, alteration, repair,  
 21 improvement, or restoration (including environ-  
 22 mental restoration) of property or facilities.

23               “(ii) Construction or acquisition of new facili-  
 24 ties.

25               “(iii) Lease of facilities.

1           “(iv) Facilities operation support.

2           “(C) At least 50 percent of the sums deposited in  
3 the special account of a military department under sub-  
4 paragraph (A) by reason of a lease shall be available for  
5 activities described in subparagraph (B) only at the mili-  
6 tary installation where the leased property is located.

7           “(D) The Secretary concerned may not construct or  
8 acquire under subparagraph (B)(ii) facilities with a value  
9 in excess of \$500,000 until 30 days after the date on  
10 which a report on the facts of the construction or acquisi-  
11 tion of such facilities is submitted to the congressional de-  
12 fense committees.”; and

13           (2) in paragraph (3)—

14           (A) in the matter preceding subparagraph  
15 (A), by striking “As part” and all that follows  
16 through “Secretary of Defense” and inserting  
17 “Not later than March 15 each year, the Sec-  
18 retary of Defense shall submit to the congres-  
19 sional defense committees a report which”; and

20           (B) in subparagraph (A), by striking “re-  
21 quest” and inserting “report”.

22           (d) INDEMNIFICATION FOR ENVIRONMENTAL CON-  
23 TAMINATION.—That section is further amended by strik-  
24 ing subsection (h) and inserting the following new sub-  
25 section (h):

1       “(h)(1) Subject to paragraph (2), the Secretary con-  
2       cerned may enter into an agreement to hold harmless, de-  
3       fend, and indemnify in full any person or entity to whom  
4       the Secretary concerned leases real property under sub-  
5       section (a) from and against any suit, claim, demand or  
6       action, liability, judgment, cost, or other fee arising out  
7       of—

8               “(A) any claim for personal injury, property  
9       damage (including death, illness, or loss of or dam-  
10      age to property or economic loss), that results from,  
11      or is in any manner predicated upon, the release or  
12      threatened release of any hazardous substance, pol-  
13      lutant or contaminant, petroleum or petroleum de-  
14      rivative, or unexploded ordnance as a result of De-  
15      partment of Defense activities on the military instal-  
16      lation at which the leased property is located; and

17              “(B) any legally binding obligation to respond  
18      pursuant to the Comprehensive Environmental Re-  
19      sponse, Compensation, and Liability Act of 1980 (42  
20      U.S.C. 9601 et seq.) or any other Federal law, or  
21      any State law, that results from, or is in any man-  
22      ner predicated upon, the release or threatened re-  
23      lease of any hazardous substance, pollutant or con-  
24      taminant, petroleum or petroleum derivative, or  
25      unexploded ordnance as a result of Department of

1 Defense activities on the military installation at  
2 which the leased property is located.

3 “(2) Any agreement entered into pursuant to para-  
4 graph (1) shall provide that—

5 “(A) if, at the time of a claim for indemnifica-  
6 tion under the agreement, less than 50 percent of  
7 the release or threatened release of hazardous sub-  
8 stances, pollutants or contaminants, petroleum or  
9 petroleum derivatives, or unexploded ordnance giving  
10 rise to the suit, claim, demand or action, liability,  
11 judgment, cost, or other fee for which indemnifica-  
12 tion is demanded is a result of Department of De-  
13 fense activities, the indemnification authorized by  
14 paragraph (1) shall not apply; and

15 “(B) if, at the time of a claim for indemnifica-  
16 tion under the agreement, 50 percent or more of the  
17 release or threatened release of hazardous sub-  
18 stances, pollutants or contaminants, petroleum or  
19 petroleum derivatives, or unexploded ordnance giving  
20 rise to the suit, claim, demand or action, liability,  
21 judgment, cost, or other fee for which indemnifica-  
22 tion is demanded is a result of Department of De-  
23 fense activities, the indemnification authorized by  
24 paragraph (1) shall be reduced to the extent of the  
25 contribution to any such release or threatened re-

1        lease of any person or entity other than the Depart-  
2        ment of Defense.

3        “(3) No indemnification may be afforded under an  
4        agreement under this subsection unless the person or enti-  
5        ty making a claim for indemnification—

6                “(A) notifies the Secretary concerned in writing  
7        within two months of the filing of any suit, claim,  
8        demand, or action that reasonably could be expected  
9        to give rise to a liability, judgment, cost, or other fee  
10       to which the agreement applies and at least one  
11       month before settlement or other resolution of such  
12       suit, claim, demand, or action;

13               “(B) furnishes to the Secretary concerned cop-  
14       ies of pertinent papers the person or entity receives;

15               “(C) furnishes evidence or proof of any suit,  
16       claim, demand or action, liability, judgment, cost, or  
17       other fee covered by this subsection;

18               “(D) provides, upon request of the Secretary  
19       concerned, access to the records and personnel of the  
20       person or entity for purposes of defending or settling  
21       any such suit, claim, demand, or action; and

22               “(E) if the Secretary concerned chooses not to  
23       defend or settle any such suit, claim, demand, or ac-  
24       tion, the person or entity making a claim for indem-  
25       nification notifies the Secretary concerned in writing

1       within one month of any judgment, settlement, or  
2       other resolution of the suit, claim, demand, or ac-  
3       tion.

4       “(4)(A) In any case in which the Secretary concerned  
5       determines that the military department may be required  
6       to make indemnification payments to a person or entity  
7       under this subsection, the Secretary concerned may settle  
8       or defend, on behalf of the person or entity, the suit,  
9       claim, demand, or action that could give rise to such re-  
10      quirement.

11      “(B) In any case described in subparagraph (A), if  
12      the person or entity to whom the military department may  
13      be required to make indemnification payments does not  
14      allow the Secretary concerned to settle or defend the  
15      claim, the person or entity may not be afforded indem-  
16      nification with respect to the claim under this subsection.

17      “(5) Nothing in this subsection shall be construed as  
18      affecting or modifying in any way the applicability of the  
19      provisions of section 120(h) of the Comprehensive Envi-  
20      ronmental Response, Compensation, and Liability Act of  
21      1980 (42 U.S.C. 9620(h)).”.

22      (e) DEFINITIONS.—That section is further amended  
23      by adding at the end the following new subsection:

24      “(j) In this section:

1           “(1) The term ‘congressional defense commit-  
2       tees’ means:

3           “(A) The Committees on Armed Services  
4       and Appropriations of the Senate.

5           “(B) The Committees on Armed Services  
6       and Appropriations of the House of Representa-  
7       tives.

8           “(2) The term ‘base closure law’ means the fol-  
9       lowing:

10          “(A) Section 2687 of this title.

11          “(B) The Defense Base Closure and Re-  
12       alignment Act of 1990 (part A of title XXIX of  
13       Public Law 101–510; 10 U.S.C. 2687 note).

14          “(C) Title II of the Defense Authorization  
15       Amendments and Base Closure and Realign-  
16       ment Act (Public Law 100–526; 10 U.S.C.  
17       2687 note).

18          “(3) The terms ‘hazardous substance’, ‘release’,  
19       and ‘pollutant or contaminant’ have the meanings  
20       given such terms in paragraphs (14), (22), and (33)  
21       of section 101 of the Comprehensive Environmental  
22       Response, Compensation, and Liability Act of 1980,  
23       respectively (42 U.S.C. 9601 (14), (22), and (33)).



1           “(4) The term ‘military installation’ has the  
2           meaning given such term in section 2687(e)(1) of  
3           this title.”.

4           (f) TREATMENT OF CERTAIN RECEIPTS.—(1) From  
5           the money rentals resulting from leases entered into under  
6           section 2667 of title 10, United States Code, an amount  
7           equal to \$20,100,000 shall be deposited in the Treasury  
8           as miscellaneous receipts in each of fiscal years 2001  
9           through 2005, inclusive.

10          (2) The amount of the deposit under paragraph (1)  
11          in any fiscal year covered by that paragraph may be re-  
12          duced only to the extent that other receipts of the Depart-  
13          ment of Defense for such fiscal year in an amount equal  
14          to such reduction are deposited in the Treasury as mis-  
15          cellaneous receipts in such fiscal year.

16       **SEC. 2813. EXPANSION OF PROCEDURES FOR SELECTION**  
17                               **OF CONVEYEEES UNDER AUTHORITY TO CON-**  
18                               **VEY UTILITY SYSTEMS.**

19          Section 2688(b) of title 10, United States Code, is  
20          amended—

21               (1) by inserting “(1)” before “If more than  
22          one”; and

23               (2) by adding at the end the following new  
24          paragraph:

1 “(2) Notwithstanding paragraph (1), the Secretary  
 2 concerned may use procedures other than competitive pro-  
 3 cedures for the selection of a conveyee of a utility under  
 4 subsection (a) in accordance with the provisions of sub-  
 5 sections (c) through (f) of section 2304 this title.”.

## 6 **Subtitle C—Defense Base Closure** 7 **and Realignment**

### 8 **SEC. 2821. SCOPE OF AGREEMENTS TO TRANSFER PROP-** 9 **ERTY TO REDEVELOPMENT AUTHORITIES** 10 **WITHOUT CONSIDERATION UNDER THE BASE** 11 **CLOSURE LAWS.**

12 (a) 1990 LAW.—Section 2905(b)(4)(B)(i) of the De-  
 13 fense Base Closure and Realignment Act of 1990 (part  
 14 A of title XXIX of Public Law 101–510; 10 U.S.C. 2687  
 15 note) is amended by striking “the transfer” and inserting  
 16 “the initial transfer of property”.

17 (b) 1988 LAW.—Section 204(b)(4)(B)(i) of the De-  
 18 fense Authorization Amendments and Base Closure and  
 19 Realignment Act (title II of Public Law 100–526; 10  
 20 U.S.C. 2687 note) is amended by striking “the transfer”  
 21 and inserting “the initial transfer of property”.

## **Subtitle D—Land Conveyances**

### **Part I—Army Conveyances**

#### **SEC. 2831. LAND CONVEYANCE, CHARLES MELVIN PRICE SUPPORT CENTER, ILLINOIS.**

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Army may convey to the Tri-City Regional Port District of Granite City, Illinois (in this section referred to as the “Port District”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 752 acres and known as the Charles Melvin Price Support Center, for the purpose of permitting the Port District to use the parcel for development of a port facility and for other public purposes.

(2) The property to be conveyed under paragraph (1) shall include 158 units of military family housing at the Charles Melvin Price Support Center for the purpose of permitting the Port District to use the housing to provide affordable housing, but only if the Port District agrees to accord first priority to members of the Armed Forces in the lease of the housing.

(3) The Secretary of the Army may include as part of the conveyance under paragraph (1) such personal property of the Army at the Charles Melvin Price Support Center that the Secretary of Transportation considers ap-

1 appropriate for the development or operation of the port fa-  
2 cility if the Secretary of the Army determines that such  
3 property is excess to the needs of the Army.

4 (b) INTERIM LEASE.—Until such time as the real  
5 property described in subsection (a) is conveyed by deed,  
6 the Secretary of the Army may lease the property to the  
7 Port District.

8 (c) CONSIDERATION.—(1) The conveyance under  
9 subsection (a) shall be made without consideration as a  
10 public benefit conveyance for port development if the Sec-  
11 retary of the Army determines that the Port District satis-  
12 fies the criteria specified in section 203(q) of the Federal  
13 Property and Administrative Services Act of 1949 (40  
14 U.S.C. 484(q)) and regulations prescribed to implement  
15 such section. If the Secretary determines that the Port  
16 District fails to qualify for a public benefit conveyance,  
17 but still desires to acquire the property, the Port District  
18 shall pay to the United States an amount equal to the  
19 fair market value of the property to be conveyed. The fair  
20 market value of the property shall be determined by the  
21 Secretary.

22 (2) The Secretary may accept as consideration for a  
23 lease of the property under subsection (b) an amount that  
24 is less than fair market value of the property leased if

1 the Secretary determines that the public interest will be  
2 served as a result of the lease on that basis.

3 (d) ARMY RESERVE CONFERENCE CENTER.—(1)  
4 Notwithstanding the total acreage of the parcel authorized  
5 for conveyance under subsection (a), the Secretary of the  
6 Army may retain a portion of the parcel, not to exceed  
7 50 acres, for the development of an Army Reserve Con-  
8 ference Center.

9 (2) In selecting acreage for retention under this sub-  
10 section, the Secretary shall ensure that the location and  
11 use of the retained acreage does not interfere with the  
12 Port District's use of the remainder of the parcel for de-  
13 velopment of a port facility and for other public purposes.

14 (3) At such time as the Secretary determines that  
15 the acreage retained under this subsection is no longer  
16 needed for an Army Reserve Conference Center, the Sec-  
17 retary shall convey the acreage to the Port District in ac-  
18 cordance with subsection (c).

19 (e) FEDERAL LEASE OF FACILITIES.—(1) As a con-  
20 dition for the conveyance under subsection (a), the Sec-  
21 retary of the Army may require that the Port District  
22 lease to the Department of Defense or any other Federal  
23 agency facilities for use by the agency on the property  
24 being conveyed. Any lease under this subsection shall be

1 made under terms and conditions satisfactory to the Sec-  
2 retary and the Port District.

3 (2) The agency leasing a facility under this sub-  
4 section shall provide for the maintenance of the facility  
5 or pay the Port District to maintain the facility. Mainte-  
6 nance of the leased facilities performed by the Port Dis-  
7 trict shall be to the reasonable satisfaction of the United  
8 States, or as required by all applicable Federal, State, and  
9 local laws and ordinances.

10 (3) At the end of a lease under this subsection, the  
11 facility covered by the lease shall revert to the Port Dis-  
12 trict.

13 (f) FLOOD CONTROL EASEMENT.—The Port District  
14 shall grant to the Secretary of the Army an easement on  
15 the property conveyed under subsection (a) for the pur-  
16 pose of permitting the Secretary to implement and main-  
17 tain flood control projects. The Secretary, acting through  
18 the Corps of Engineers, shall be responsible for the main-  
19 tenance of any flood control project built on the property  
20 pursuant to the easement.

21 (g) DESCRIPTION OF PROPERTY.—The exact acreage  
22 and legal description of the property to be conveyed under  
23 subsection (a) shall be determined by a survey satisfactory  
24 to the Secretary of the Army and the Port District.

1 (h) ADDITIONAL TERMS.—The Secretary of the  
2 Army may require such additional terms and conditions  
3 in connection with the conveyance as the Secretary con-  
4 siderers appropriate to protect the interests of the United  
5 States.

6 **SEC. 2832. LAND CONVEYANCE, LIEUTENANT GENERAL**  
7 **MALCOLM HAY ARMY RESERVE CENTER,**  
8 **PITTSBURGH, PENNSYLVANIA.**

9 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
10 the Army may convey to the City of Pittsburgh, Pennsyl-  
11 vania (in this section referred to as the “City”), all right,  
12 title, and interest of the United States in and to a parcel  
13 of real property, including improvements thereon, con-  
14 sisting of approximately 2.68 acres located at 950 Saw  
15 Mill Run Boulevard in Pittsburgh, Pennsylvania, and con-  
16 taining the Lieutenant General Malcolm Hay Army Re-  
17 serve Center.

18 (b) CONSIDERATION.—As consideration for the con-  
19 veyance under subsection (a), the City shall pay to the  
20 United States an amount equal to the fair market value  
21 of the property to be conveyed, as determined by the Sec-  
22 retary.

23 (c) DESCRIPTION OF PROPERTY.—The exact acreage  
24 and legal description of the real property to be conveyed  
25 under this section shall be determined by a survey satis-

1 factory to the Secretary. The cost of the survey shall be  
2 borne by the City.

3 (d) ADDITIONAL TERMS AND CONSIDERATION.—The  
4 Secretary may require such additional terms and condi-  
5 tions in connection with the conveyance under subsection  
6 (a) as the Secretary considers appropriate to protect the  
7 interests of the United States.

8 **SEC. 2833. LAND CONVEYANCE, COLONEL HAROLD E.**  
9 **STEELE ARMY RESERVE CENTER AND MAIN-**  
10 **TENANCE SHOP, PITTSBURGH, PENNSYL-**  
11 **VANIA.**

12 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
13 the Army may convey to the Ellis School, Pittsburgh,  
14 Pennsylvania (in this section referred to as the “School”),  
15 all right, title, and interest of the United States in and  
16 to a parcel of real property, including improvements there-  
17 on, consisting of approximately 2 acres located at 6482  
18 Aurelia Street in Pittsburgh, Pennsylvania, and con-  
19 taining the Colonel Harold E. Steele Army Reserve Center  
20 and Maintenance Shop.

21 (b) CONSIDERATION.—As consideration for the con-  
22 veyance under subsection (a), the School shall pay to the  
23 United States an amount equal to the fair market value  
24 of the property to be conveyed, as determined by the Sec-  
25 retary.



1 (c) DESCRIPTION OF PROPERTY.—The exact acreage  
 2 and legal description of the real property to be conveyed  
 3 under this section shall be determined by a survey satis-  
 4 factory to the Secretary. The cost of the survey shall be  
 5 borne by the School.

6 (d) ADDITIONAL TERMS AND CONSIDERATION.—The  
 7 Secretary may require such additional terms and condi-  
 8 tions in connection with the conveyance under subsection  
 9 (a) as the Secretary considers appropriate to protect the  
 10 interests of the United States.

11 **SEC. 2834. LAND CONVEYANCE, FORT LAWTON, WASH-**  
 12 **INGTON.**

13 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
 14 the Army may convey, without consideration, to the City  
 15 of Seattle, Washington (in this section referred to as the  
 16 “City”), all right, title, and interest of the United States  
 17 in and to the real property at Fort Lawton, Washington,  
 18 consisting of Area 500 and Government Way from 36th  
 19 Avenue to Area 500, for purposes of the inclusion of the  
 20 property in Discovery Park, Seattle, Washington.

21 (b) DESCRIPTION OF PROPERTY.—The exact acreage  
 22 and legal description of the property to be conveyed under  
 23 subsection (a) shall be determined by a survey satisfactory  
 24 to the Secretary. The cost of the survey shall be borne  
 25 by the City.

1 (c) ADDITIONAL TERMS AND CONDITIONS.—The  
2 Secretary may require such additional terms and condi-  
3 tions in connection with the conveyance under subsection  
4 (a) as the Secretary considers appropriate to protect the  
5 interests of the United States.

6 **SEC. 2835. LAND CONVEYANCE, VANCOUVER BARRACKS,**  
7 **WASHINGTON.**

8 (a) CONVEYANCE OF WEST BARRACKS AUTHOR-  
9 IZED.—The Secretary of the Army may convey, without  
10 consideration, to the City of Vancouver, Washington (in  
11 this section referred to as the “City”), all right, title, and  
12 interest of the United States in and to a parcel of real  
13 property, including any improvements thereon, encom-  
14 passing 19 structures at Vancouver Barracks, Wash-  
15 ington, which are identified by the Army using numbers  
16 between 602 and 676, and are known as the west bar-  
17 racks.

18 (b) PURPOSE.—The purpose of the conveyance au-  
19 thorized by subsection (a) shall be to include the property  
20 described in that subsection in the Vancouver National  
21 Historic Reserve, Washington.

22 (c) DESCRIPTION OF PROPERTY.—The exact acreage  
23 and legal description of the real property to be conveyed  
24 under subsection (a) shall be determined by a survey satis-

1 factory to the Secretary. The cost of the survey shall be  
 2 borne by the City.

3 (d) **ADDITIONAL TERMS AND CONDITIONS.**—The  
 4 Secretary may require such additional terms and condi-  
 5 tions in connection with the conveyance authorized by sub-  
 6 section (a) as the Secretary considers appropriate to pro-  
 7 tect the interests of the United States.

## 8 **Part II—Navy Conveyances**

### 9 **SEC. 2851. MODIFICATION OF LAND CONVEYANCE, MARINE** 10 **CORPS AIR STATION, EL TORO, CALIFORNIA.**

11 (a) **USE OF CONSIDERATION FOR CONVEYANCE AT**  
 12 **MCAS, MIRAMAR, CALIFORNIA.**—Section 2811(a)(2) of  
 13 the Military Construction Authorization Act for Fiscal  
 14 Years 1990 and 1991 (division B of Public Law 101–189;  
 15 103 Stat. 1650) is amended by striking “of additional  
 16 military family housing units at Marine Corps Air Station,  
 17 Tustin, California.” and inserting “and repair of roads  
 18 and development of aerial port of embarkation facilities  
 19 at Marine Corps Air Station, Miramar, California.”.

20 (b) **CONFORMING AMENDMENT.**—The section head-  
 21 ing of such section is amended by striking “, **AND CON-**  
 22 **STRUCTION OF FAMILY HOUSING AT MA-**  
 23 **RINE CORPS AIR STATION, TUSTIN, CALI-**  
 24 **FORNIA**”.

1 **SEC. 2852. MODIFICATION OF LAND CONVEYANCE, DE-**  
2 **FENSE FUEL SUPPLY POINT, CASCO BAY,**  
3 **MAINE.**

4 Section 2839 of the Military Construction Authoriza-  
5 tion Act for Fiscal Year 1995 (division B of Public Law  
6 103–337; 108 Stat. 3065) is amended—

7 (1) by redesignating subsections (c) and (d) as  
8 subsections (d) and (e), respectively; and

9 (2) by inserting after subsection (b) the fol-  
10 lowing new subsection (c):

11 “(c) REPLACEMENT OF REMOVED ELECTRIC UTIL-  
12 ITY SERVICE.—(1) The Secretary of Defense may replace  
13 the electric utility service removed during the course of  
14 environmental remediation carried out with respect to the  
15 property to be conveyed under subsection (a), including  
16 the procurement and installation of electrical cables,  
17 switch cabinets, and transformers associated with the  
18 service.

19 “(2) As part of the replacement of the electric utility  
20 service under paragraph (1), the Secretary of Defense  
21 may, in consultation with the Town, improve the electric  
22 utility service and install telecommunications service. The  
23 Town shall pay any cost associated with the improvement  
24 of the electric utility service and the installation of tele-  
25 communications service under this paragraph.”.

1 **SEC. 2853. MODIFICATION OF LAND CONVEYANCE AUTHOR-**  
2 **ITY, FORMER NAVAL TRAINING CENTER,**  
3 **BAINBRIDGE, CECIL COUNTY, MARYLAND.**

4 Section 1 of Public Law 99–596 (100 Stat. 3349)  
5 is amended—

6 (1) in subsection (a), by striking “subsections  
7 (b) through (f)” and inserting “subsections (b)  
8 through (e)”;

9 (2) by striking subsection (b) and inserting the  
10 following new subsection (b):

11 “(b) CONSIDERATION.—(1) In the event of the trans-  
12 fer of the property under subsection (a) to the State of  
13 Maryland, the transfer shall be with consideration or with-  
14 out consideration from the State of Maryland, at the elec-  
15 tion of the Secretary.

16 “(2) If the Secretary elects to receive consideration  
17 from the State of Maryland under paragraph (1), the Sec-  
18 retary may reduce the amount of consideration to be re-  
19 ceived from the State of Maryland under that paragraph  
20 by an amount equal to the cost, estimated as of the time  
21 of the transfer of the property under this section, of the  
22 restoration of the historic buildings on the property. The  
23 total amount of the reduction of consideration under this  
24 paragraph may not exceed \$500,000.”;

25 (3) by striking subsection (d); and

1           (4) by redesignating subsections (e) and (f) as  
2           subsections (d) and (e), respectively.

3 **SEC. 2854. LAND CONVEYANCE, NAVAL COMPUTER AND**  
4 **TELECOMMUNICATIONS STATION, CUTLER,**  
5 **MAINE.**

6           (a) CONVEYANCE AUTHORIZED.—The Secretary of  
7 the Navy may convey, without consideration, to the State  
8 of Maine, any political subdivision of the State of Maine,  
9 or any tax-supported agency in the State of Maine, all  
10 right, title, and interest of the United States in and to  
11 a parcel of real property, together with any improvements  
12 thereon, consisting of approximately 263 acres located in  
13 Washington County, Maine, and known as the Naval Com-  
14 puter and Telecommunications Station (NCTS), Cutler,  
15 Maine.

16           (b) REIMBURSEMENT FOR ENVIRONMENTAL AND  
17 OTHER ASSESSMENTS.—(1) The Secretary may require  
18 the recipient of the property conveyed under this section  
19 to reimburse the Secretary for the costs incurred by the  
20 Secretary for any environmental assessments and other  
21 studies and analyses carried out by the Secretary with re-  
22 spect to the property to be conveyed under this section  
23 before the conveyance of the property under this section.

24           (2) The amount of any reimbursement required under  
25 paragraph (1) shall be determined by the Secretary and

1 may not exceed the cost of the assessments, studies, and  
 2 analyses for which reimbursement is required under that  
 3 paragraph.

4 (3) Amounts paid as reimbursement for costs under  
 5 this subsection shall be credited to the account from which  
 6 the costs were paid. Amounts so credited to an account  
 7 shall be merged with funds in the account, and shall be  
 8 available for the same purposes and subject to the same  
 9 limitations as the funds with which merged.

10 (c) DESCRIPTION OF PROPERTY.—The exact acreage  
 11 and legal description of the property to be conveyed under  
 12 subsection (a) shall be determined by a survey satisfactory  
 13 to the Secretary. The cost of the survey shall be borne  
 14 by the recipient of the property under this section.

15 (d) ADDITIONAL TERMS AND CONDITIONS.—The  
 16 Secretary may require such additional terms and condi-  
 17 tions in connection with the conveyance under subsection  
 18 (a) as the Secretary considers appropriate to protect the  
 19 interests of the United States.

## 20 **Part III—Defense Agencies Conveyances**

### 21 **SEC. 2871. LAND CONVEYANCE, ARMY AND AIR FORCE EX- 22 CHANGE SERVICE PROPERTY, FARMERS 23 BRANCH, TEXAS.**

24 (a) CONVEYANCE AUTHORIZED.—(1) The Secretary  
 25 of Defense may convey all right, title, and interest of the

1 United States in and to a parcel of real property, including  
2 improvements thereon, under the jurisdiction of the Army  
3 and Air Force Exchange Service that is located at 2727  
4 LBJ Freeway, Farmers Branch, Texas.

5 (2) The Secretary shall carry out any activities under  
6 this section (other than activities under subsections (e)  
7 and (g)) through the Army and Air Force Exchange Serv-  
8 ice.

9 (b) CONSIDERATION.—As consideration for the con-  
10 veyance of property under subsection (a) the Secretary  
11 shall require a cash payment in an amount equal to the  
12 fair market value (as determined by the Secretary) of the  
13 property. The cash payment shall be made in a lump-sum  
14 payment.

15 (c) TREATMENT OF PAYMENT.—Any cash payment  
16 received under subsection (b) shall be processed in accord-  
17 ance with section 204(c) of the Federal Property and Ad-  
18 ministrative Services Act of 1949 (40 U.S.C. 485(c)).

19 (d) APPLICATION OF OTHER LAWS.—The conveyance  
20 authorized by subsection (a) shall not be subject to the  
21 following:

22 (1) Section 2693 of title 10, United States  
23 Code.



1           (2) The provisions of the Federal Property and  
2       Administrative Services Act of 1949 (40 U.S.C. 471  
3       et seq.).

4           (3) Section 501 of the Stewart B. McKinney  
5       Homeless Assistance Act (42 U.S.C. 11411).

6           (4) Any other provision of law which is incon-  
7       sistent with a provision of this section.

8       (e) REPORT.—Not later than one year after the con-  
9       veyance, if any, of property under this section, the Sec-  
10      retary shall submit to the congressional defense commit-  
11      tees a report on the conveyance. The report shall set forth  
12      the details of the conveyance.

13      (f) DESCRIPTION OF PROPERTY.—The exact acreage  
14      and legal description of the property to be conveyed under  
15      subsection (a) shall be determined by a survey satisfactory  
16      to the Secretary. The cost of the survey shall be borne  
17      by the prospective purchaser of the property.

18      (g) ADDITIONAL TERMS AND CONDITIONS.—The  
19      Secretary may require such additional terms and condi-  
20      tions in connection with the conveyance under subsection  
21      (a) as the Secretary considers appropriate to protect the  
22      interests of the United States.

1           **Subtitle E—Other Matters**

2   **SEC. 2881. NAMING OF ARMY MISSILE TESTING RANGE AT**  
3                   **KWAJALEIN ATOLL AS THE RONALD REAGAN**  
4                   **BALLISTIC MISSILE DEFENSE TEST SITE AT**  
5                   **KWAJALEIN ATOLL.**

6           The United States Army missile testing range located  
7   at Kwajalein Atoll in the Marshall Islands shall be known  
8   and designated as the “Ronald Reagan Ballistic Missile  
9   Defense Test Site at Kwajalein Atoll”. Any reference to  
10   that range in any law, regulation, map, document, record,  
11   or other paper of the United States shall be considered  
12   to be a reference to the Ronald Reagan Ballistic Missile  
13   Defense Test Site at Kwajalein Atoll.

1 **DIVISION C—DEPARTMENT OF**  
 2 **ENERGY NATIONAL SECURITY**  
 3 **AUTHORIZATIONS AND**  
 4 **OTHER AUTHORIZATIONS**  
 5 **TITLE XXXI—DEPARTMENT OF**  
 6 **ENERGY NATIONAL SECURITY**  
 7 **PROGRAMS**  
 8 **Subtitle A—National Security**  
 9 **Programs Authorizations**

10 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**  
 11 **TION.**

12 (a) IN GENERAL.—Funds are hereby authorized to  
 13 be appropriated to the Department of Energy for fiscal  
 14 year 2001 for national nuclear security administration in  
 15 carrying out programs necessary for national security in  
 16 the amount of \$6,214,835,000, to be allocated as follows:

17 (1) WEAPONS ACTIVITIES.—For weapons activi-  
 18 ties necessary for national nuclear security adminis-  
 19 tration, \$4,672,800,000, to be allocated as follows:

20 (A) STEWARDSHIP OPERATION AND MAIN-  
 21 TENANCE.—For stewardship operation and  
 22 maintenance in carrying out weapons activities  
 23 necessary for national nuclear security adminis-  
 24 tration, \$3,887,383,000, to be allocated as fol-  
 25 lows:

1 (i) For directed stockpile work,  
2 \$842,603,000.

3 (ii) For campaigns, \$1,496,982,000.

4 (iii) For readiness in technical base  
5 and facilities, \$1,547,798,000.

6 (B) SECURE TRANSPORTATION ASSETS.—

7 For secure transportation assets in carrying out  
8 weapons activities necessary for national nu-  
9 clear security administration, \$115,673,000, to  
10 be allocated as follows:

11 (i) For operation and maintenance,  
12 \$79,357,000.

13 (ii) For program direction (secure  
14 transportation), \$36,316,000.

15 (C) PROGRAM DIRECTION.—For program  
16 direction in carrying out weapons activities nec-  
17 essary for national nuclear security administra-  
18 tion, \$221,257,000.

19 (D) CONSTRUCTION.—For construction  
20 (including maintenance, restoration, planning,  
21 construction, acquisition, modification of facili-  
22 ties, and the continuation of projects authorized  
23 in prior years, and land acquisition related  
24 thereto) in carrying out weapons activities nec-

1            necessary for national nuclear security administra-  
2            tion, \$448,173,000, to be allocated as follows:

3                    Project 01–D–101, distributed infor-  
4                    mation systems laboratory, Sandia Na-  
5                    tional Laboratories, Livermore, California,  
6                    \$2,300,000.

7                    Project 01–D–103, preliminary  
8                    project design and engineering, various lo-  
9                    cations, \$14,500,000.

10                   Project 01–D–124, highly enriched  
11                   uranium (HEU) materials facility, Y–12  
12                   Plant, Oak Ridge, Tennessee,  
13                   \$17,800,000.

14                   Project 01–D–126, weapons evalua-  
15                   tion test laboratory, Pantex Plant, Ama-  
16                   rillo, Texas, \$3,000,000.

17                   Project 00–D–103, terascale simula-  
18                   tion facility, Lawrence Livermore National  
19                   Laboratory, Livermore, California,  
20                   \$5,000,000.

21                   Project 00–D–105, strategic com-  
22                   puting complex, Los Alamos National Lab-  
23                   oratory, Los Alamos, New Mexico,  
24                   \$56,000,000.

1           Project 00–D–107, joint computa-  
2           tional engineering laboratory, Sandia Na-  
3           tional Laboratories, Albuquerque, New  
4           Mexico, \$6,700,000.

5           Project 99–D–103, isotope sciences  
6           facilities, Lawrence Livermore National  
7           Laboratory, Livermore, California,  
8           \$5,000,000.

9           Project 99–D–104, protection of real  
10          property (roof reconstruction, Phase II)  
11          Lawrence Livermore National Laboratory,  
12          Livermore, California, \$2,800,000.

13          Project 99–D–106, model validation  
14          and systems certification test center,  
15          Sandia National Laboratories, Albu-  
16          querque, New Mexico, \$5,200,000.

17          Project 99–D–108, renovate existing  
18          roadways, Nevada Test Site, Nevada,  
19          \$2,000,000.

20          Project 99–D–125, replace boilers and  
21          controls, Kansas City Plant, Kansas City,  
22          Missouri, \$13,000,000.

23          Project 99–D–127, stockpile manage-  
24          ment restructuring initiative, Kansas City

1 Plant, Kansas City, Missouri,  
2 \$23,765,000.

3 Project 99–D–128, stockpile manage-  
4 ment restructuring initiative, Pantex Plant  
5 consolidation, Amarillo, Texas, \$4,998,000.

6 Project 99–D–132, stockpile manage-  
7 ment restructuring initiative, nuclear mate-  
8 rials safeguards and security upgrades  
9 project, Los Alamos National Laboratory,  
10 Los Alamos, New Mexico, \$18,043,000.

11 Project 98–D–123, stockpile manage-  
12 ment restructuring initiative, tritium facil-  
13 ity modernization and consolidation, Sa-  
14 vannah River Site, Aiken, South Carolina,  
15 \$30,767,000.

16 Project 98–D–125, tritium extraction  
17 facility, Savannah River Site, Aiken, South  
18 Carolina, \$75,000,000.

19 Project 98–D–126, Accelerator Pro-  
20 duction of Tritium (APT), various loca-  
21 tions, \$34,000,000.

22 Project 97–D–102, dual-axis radio-  
23 graphic hydrotest facility (DARHT), Los  
24 Alamos National Laboratory, Los Alamos,  
25 New Mexico, \$35,232,000.

1                   Project 97–D–123, structural up-  
 2                   grades, Kansas City Plant, Kansas City,  
 3                   Missouri, \$2,918,000.

4                   Project 96–D–111, national ignition  
 5                   facility (NIF), Lawrence Livermore Na-  
 6                   tional Laboratory, Livermore, California,  
 7                   \$74,100,000.

8                   Project 95–D–102, chemistry and  
 9                   metallurgy research upgrades project, Los  
 10                  Alamos National Laboratory, Los Alamos,  
 11                  New Mexico, \$13,337,000.

12                  Project 88–D–123, security enhance-  
 13                  ment, Pantex Plant, Amarillo, Texas,  
 14                  \$2,713,000.

15                  (2) DEFENSE NUCLEAR NONPROLIFERATION.—

16                  For defense nuclear nonproliferation necessary for  
 17                  national nuclear security administration,  
 18                  \$847,035,000, to be allocated as follows:

19                  (A)           NONPROLIFERATION           AND  
 20                  VERIFICATION   RESEARCH   AND   DEVELOP-  
 21                  MENT.—For nonproliferation and verification  
 22                  research and development technology in car-  
 23                  rying out defense nuclear nonproliferation nec-  
 24                  essary for national nuclear security administra-  
 25                  tion, \$262,990,000, to be allocated as follows:



1 (i) For operation and maintenance,  
2 \$255,990,000.

3 (ii) For the following plant project  
4 (including maintenance, restoration, plan-  
5 ning, construction, acquisition, modifica-  
6 tion of facilities, and the continuation of  
7 projects authorized in prior years, and land  
8 acquisition related thereto), \$7,000,000, to  
9 be allocated as follows:

10 Project 00–D–192, nonprolifera-  
11 tion and international security center  
12 (NISC), Los Alamos National Labora-  
13 tory, Los Alamos, New Mexico,  
14 \$7,000,000.

15 (B) ARMS CONTROL.—For arms control in  
16 carrying out defense nuclear nonproliferation  
17 necessary for national nuclear security adminis-  
18 tration, \$308,060,000, to be allocated as fol-  
19 lows:

20 (i) For arms control operations,  
21 \$272,870,000.

22 (ii) For highly enriched uranium  
23 (HEU) transparency implementation,  
24 \$15,190,000.

1 (iii) For international nuclear safety,  
2 \$20,000,000.

3 (C) FISSILE MATERIALS DISPOSITION.—  
4 For fissile materials disposition in carrying out  
5 defense nuclear nonproliferation necessary for  
6 national nuclear security administration,  
7 \$224,517,000, to be allocated as follows:

8 (i) For operation and maintenance,  
9 \$175,517,000.

10 (ii) For plant projects (including  
11 maintenance, restoration, planning, con-  
12 struction, acquisition, modification of fa-  
13 cilities, and the continuation of projects  
14 authorized in prior years, and land acquisi-  
15 tion related thereto), \$49,000,000, to be  
16 allocated as follows:

17 Project 00–D–142, immobiliza-  
18 tion and associated processing facility,  
19 titles I and II design, Savannah River  
20 Site, Aiken, South Carolina,  
21 \$3,000,000.

22 Project 99–D–141, pit dis-  
23 assembly and conversion facility, titles  
24 I and II design, Savannah River Site,  
25 Aiken, South Carolina, \$31,000,000.

1                   Project 99–D–143, mixed oxide  
2                   fuel fabrication facility, titles I and II  
3                   design, Savannah River Site, Aiken,  
4                   South Carolina, \$15,000,000.

5                   (D) PROGRAM DIRECTION.—For program  
6                   direction in carrying out defense nuclear non-  
7                   proliferation necessary for national nuclear se-  
8                   curity administration, \$51,468,000.

9                   (3) NAVAL REACTORS.—For naval reactors ac-  
10                  tivities necessary for national nuclear security ad-  
11                  ministration, \$695,000,000, to be allocated as fol-  
12                  lows:

13                  (A) NAVAL REACTORS DEVELOPMENT.—  
14                  For naval reactors development in carrying out  
15                  naval reactors activities necessary for national  
16                  nuclear security administration, \$673,600,000,  
17                  to be allocated as follows:

18                         (i) For operation and maintenance,  
19                         \$644,900,000.

20                         (ii) For plant projects (including  
21                         maintenance, restoration, planning, con-  
22                         struction, acquisition, modification of fa-  
23                         cilities, and the continuation of projects  
24                         authorized in prior years, and land acquisi-

tion related thereto), \$28,700,000, to be allocated as follows:

Project GPN-101, general plant projects, various locations, \$11,400,000.

Project 01-D-200, major office replacement building, Schenectady, New York, \$1,300,000.

Project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho Falls, Idaho, \$16,000,000.

(B) PROGRAM DIRECTION.—For program direction in carrying out naval reactors activities necessary for national nuclear security administration, \$21,400,000.

**SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.**

(a) IN GENERAL.—Subject to subsection (b), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for environmental restoration and waste management activities in carrying out programs necessary for national security in the amount of \$5,501,824,000, to be allocated as follows:

1           (1) CLOSURE PROJECTS.—For closure projects  
2       carried out in accordance with section 3143 of the  
3       National Defense Authorization Act for Fiscal Year  
4       1997 (Public Law 104–201; 110 Stat. 2836; 42  
5       U.S.C. 7277n), \$1,082,297,000

6           (2) SITE/PROJECT COMPLETION.—For site com-  
7       pletion and project completion in carrying out envi-  
8       ronmental management activities necessary for na-  
9       tional security programs, \$930,951,000, to be allo-  
10      cated as follows:

11           (A) For operation and maintenance,  
12           \$861,475,000.

13           (B) For plant projects (including mainte-  
14       nance, restoration, planning, construction, ac-  
15       quisition, modification of facilities, and the con-  
16       tinuation of projects authorized in prior years,  
17       and land acquisition related thereto),  
18       \$69,476,000, to be allocated as follows:

19           Project 01–D–402, Intec cathodic  
20       protection system expansion, Idaho Na-  
21       tional Engineering and Environmental  
22       Laboratory, Idaho Falls, Idaho, \$500,000.

23           Project 01–D–407, highly enriched  
24       uranium (HEU) blend down, Savannah

1 River Site, Aiken, South Carolina,  
2 \$27,932,000.

3 Project 99–D–402, tank farm support  
4 services, F&H areas, Savannah River Site,  
5 Aiken, South Carolina, \$7,714,000.

6 Project 99–D–404, health physics in-  
7 strumentation laboratory, Idaho National  
8 Engineering and Environmental Labora-  
9 tory, Idaho Falls, Idaho, \$4,300,000.

10 Project 98–D–453, plutonium sta-  
11 bilization and handling system for pluto-  
12 nium finishing plant, Richland, Wash-  
13 ington, \$1,690,000.

14 Project 97–D–470, regulatory moni-  
15 toring and bioassay laboratory, Savannah  
16 River Site, Aiken, South Carolina,  
17 \$3,949,000.

18 Project 96–D–471, chlorofluorocarbon  
19 heating, ventilation, and air conditioning  
20 and chiller retrofit, Savannah River Site,  
21 Aiken, South Carolina, \$12,512,000.

22 Project 92–D–140, F&H canyon ex-  
23 haust upgrades, Savannah River Site,  
24 Aiken, South Carolina, \$8,879,000.

1                   Project 86–D–103, decontamination  
2                   and waste treatment facility, Lawrence  
3                   Livermore National Laboratory, Liver-  
4                   more, California, \$2,000,000.

5                   (3) POST 2006 COMPLETION.—For post-2006  
6                   completion in carrying out environmental restoration  
7                   and waste management activities necessary for na-  
8                   tional security programs, \$3,028,457,000, to be allo-  
9                   cated as follows:

10                   (A) For operation and maintenance,  
11                   \$2,533,725,000.

12                   (B) For plant projects (including mainte-  
13                   nance, restoration, planning, construction, ac-  
14                   quisition, modification of facilities, and the con-  
15                   tinuation of projects authorized in prior years,  
16                   and land acquisition related thereto),  
17                   \$99,732,000, to be allocated as follows:

18                   Project 01–D–403, immobilized high-  
19                   level waste interim storage facility, Rich-  
20                   land, Washington, \$1,300,000.

21                   Project 99–D–403, privatization  
22                   phase I infrastructure support, Richland,  
23                   Washington, \$7,812,000.

1                   Project 97–D–402, tank farm restora-  
2                   tion and safe operations, Richland, Wash-  
3                   ington, \$46,023,000.

4                   Project 94–D–407, initial tank re-  
5                   trieval systems, Richland, Washington,  
6                   \$17,385,000.

7                   Project 93–D–187, high-level waste  
8                   removal from filled waste tanks, Savannah  
9                   River Site, Aiken, South Carolina,  
10                  \$27,212,000.

11               (4) SCIENCE AND TECHNOLOGY DEVELOP-  
12               MENT.—For science and technology development in  
13               carrying out environmental restoration and waste  
14               management activities necessary for national secu-  
15               rity programs, \$246,548,000.

16               (5) PROGRAM DIRECTION.—For program direc-  
17               tion in carrying out environmental restoration and  
18               waste management activities necessary for national  
19               security programs, \$354,888,000.

20               (b) ADJUSTMENT.—The total amount authorized to  
21               be appropriated by subsection (a) is the sum of the  
22               amounts authorized to be appropriated by paragraphs (1)  
23               through (5) of that subsection, reduced by \$141,317,000.



1 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

2 (a) IN GENERAL.—Subject to subsection (b), funds  
3 are hereby authorized to be appropriated to the Depart-  
4 ment of Energy for fiscal year 2001 for other defense ac-  
5 tivities in carrying out programs necessary for national se-  
6 curity in the amount of \$536,322,000, to be allocated as  
7 follows:

8 (1) INTELLIGENCE.—For intelligence in car-  
9 rying out other defense activities necessary for na-  
10 tional security programs, \$38,059,000, to be allo-  
11 cated as follows:

12 (A) For operation and maintenance,  
13 \$36,059,000.

14 (B) For the following plant project (includ-  
15 ing maintenance, restoration, planning, con-  
16 struction, acquisition, modification of facilities,  
17 and the continuation of projects authorized in  
18 prior years, and land acquisition related there-  
19 to), \$2,000,000, to be allocated as follows:

20 Project 01–D–800, sensitive compart-  
21 mented information facility, Lawrence  
22 Livermore National Laboratory, Liver-  
23 more, California, \$2,000,000.

24 (2) COUNTERINTELLIGENCE.—For counter-  
25 intelligence in carrying out other defense activities

1       necessary for national security programs,  
2       \$75,200,000.

3           (3) SECURITY AND EMERGENCY OPERATIONS.—  
4       For security and emergency operations in carrying  
5       out other defense activities necessary for national se-  
6       curity programs, \$281,576,000, to be allocated as  
7       follows:

8           (A) For nuclear safeguards and security,  
9       \$124,409,000.

10          (B) For security investigations,  
11       \$33,000,000.

12          (C) For emergency management,  
13       \$37,300,000.

14          (D) For program direction, \$86,867,000.

15           (4) INDEPENDENT OVERSIGHT AND PERFORM-  
16       ANCE ASSURANCE.—For independent oversight and  
17       performance assurance in carrying out other defense  
18       activities necessary for national security programs,  
19       \$14,937,000, to be allocated for program direction.

20           (5) ENVIRONMENT, SAFETY, AND HEALTH, DE-  
21       FENSE.—For environment, safety, and health, de-  
22       fense, in carrying out other defense activities nec-  
23       essary for national security programs, \$99,050,000,  
24       to be allocated as follows:

1 (A) For the Office of Environment, Safety,  
2 and Health (Defense), \$76,446,000.

3 (B) For program direction, \$22,604,000.

4 (6) WORKER AND COMMUNITY TRANSITION.—  
5 For worker and community transition in carrying  
6 out other defense activities necessary for national se-  
7 curity programs, \$24,500,000, to be allocated as fol-  
8 lows:

9 (A) For operation and maintenance,  
10 \$21,500,000.

11 (B) For program direction, \$3,000,000.

12 (7) OFFICE OF HEARINGS AND APPEALS.—For  
13 the Office of Hearings and Appeals in carrying out  
14 other defense activities necessary for national secu-  
15 rity programs, \$3,000,000.

16 (b) ADJUSTMENTS.—(1) The amount authorized to  
17 be appropriated pursuant to subsection (a)(3)(B) is re-  
18 duced by \$20,000,000 to reflect an offset provided by user  
19 organizations for security investigations.

20 (2) The total amount authorized to be appropriated  
21 by subsection (a) is the sum of the amounts authorized  
22 to be appropriated by paragraphs (1) through (7) of that  
23 subsection, reduced by \$50,000,000.

1 **SEC. 3104. DEFENSE ENVIRONMENTAL MANAGEMENT PRI-**  
2 **VATIZATION.**

3 (a) IN GENERAL.—Funds are hereby authorized to  
4 be appropriated to the Department of Energy for fiscal  
5 year 2001 for privatization initiatives in carrying out envi-  
6 ronmental restoration and waste management activities  
7 necessary for national security programs in the amount  
8 of \$540,092,000, to be allocated as follows:

9 Project 98–PVT–2, spent nuclear fuel dry stor-  
10 age, Idaho Falls, Idaho, \$25,092,000.

11 Project 97–PVT–1, tank waste remediation sys-  
12 tem project, phase I, Richland, Washington,  
13 \$450,000,000.

14 Project 97–PVT–2, advanced mixed waste  
15 treatment project Idaho Falls, Idaho, \$65,000,000.

16 (b) EXPLANATION OF ADJUSTMENT.—The amount  
17 authorized to be appropriated pursuant to subsection (a)  
18 is the sum of the amounts authorized to be appropriated  
19 for the projects in that subsection reduced by \$25,092,000  
20 for use of prior year balances of funds for defense environ-  
21 mental management privatization.

22 **SEC. 3105. ENERGY EMPLOYEES COMPENSATION INITIA-**  
23 **TIVE.**

24 Funds are hereby authorized to be appropriated to  
25 the Department of Energy for fiscal year 2001 for an en-

1 ergy employees compensation initiative in the amount of  
2 \$17,000,000.

3 **SEC. 3106. DEFENSE NUCLEAR WASTE DISPOSAL.**

4 Funds are hereby authorized to be appropriated to  
5 the Department of Energy for fiscal year 2001 for pay-  
6 ment to the Nuclear Waste Fund established in section  
7 302(c) of the Nuclear Waste Policy Act of 1982 (42  
8 U.S.C. 10222(c)) in the amount of \$112,000,000.

9 **SEC. 3107. INTERIM STORAGE ACTIVITIES.**

10 The amounts authorized to be appropriated to the  
11 Department of Energy by sections 3101, 3102, 3103,  
12 3104, 3105, and 3106 are hereby reduced by  
13 \$85,000,000, for interim storage activities.

14 **Subtitle B—Recurring General**  
15 **Provisions**

16 **SEC. 3121. REPROGRAMMING.**

17 (a) IN GENERAL.—Until the Secretary of Energy  
18 submits to the congressional defense committees the re-  
19 port referred to in subsection (b) and a period of 30 days  
20 has elapsed after the date on which such committees re-  
21 ceive the report, the Secretary may not use amounts ap-  
22 propriated pursuant to this title for any program—

23 (1) in amounts that exceed, in a fiscal year—  
24 (A) 110 percent of the amount authorized  
25 for that program by this title; or

1 (B) \$ 1,000,000 more than the amount au-  
2 thorized for that program by this title; or

3 (2) which has not been presented to, or re-  
4 quested of, Congress.

5 (b) REPORT.—(1) The report referred to in sub-  
6 section (a) is a report containing a full and complete state-  
7 ment of the action proposed to be taken and the facts and  
8 circumstances relied upon in support of the proposed ac-  
9 tion.

10 (2) In the computation of the 30-day period under  
11 subsection (a), there shall be excluded any day on which  
12 either House of Congress is not in session because of an  
13 adjournment of more than 3 days to a day certain.

14 (c) LIMITATIONS.—(1) In no event may the total  
15 amount of funds obligated pursuant to this title exceed  
16 the total amount authorized to be appropriated by this  
17 title.

18 (2) Funds appropriated pursuant to this title may not  
19 be used for an item for which Congress has specifically  
20 denied funds.

21 **SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.**

22 (a) IN GENERAL.—The Secretary of Energy may  
23 carry out any construction project under the general plant  
24 projects authorized by this title if the total estimated cost  
25 of the construction project does not exceed \$5,000,000.

1 (b) REPORT TO CONGRESS.—If, at any time during  
2 the construction of any general plant project authorized  
3 by this title, the estimated cost of the project is revised  
4 because of unforeseen cost variations and the revised cost  
5 of the project exceeds \$5,000,000, the Secretary shall im-  
6 mediately furnish a report to the congressional defense  
7 committees explaining the reasons for the cost variation.

8 **SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

9 (a) IN GENERAL.—(1) Except as provided in para-  
10 graph (2), construction on a construction project may not  
11 be started or additional obligations incurred in connection  
12 with the project above the total estimated cost, whenever  
13 the current estimated cost of the construction project, au-  
14 thorized by 3101, 3102, or 3103, or which is in support  
15 of national security programs of the Department of En-  
16 ergy and was authorized by any previous Act, exceeds by  
17 more than 25 percent the higher of—

18 (A) the amount authorized for the project; or

19 (B) the amount of the total estimated cost for  
20 the project as shown in the most recent budget jus-  
21 tification data submitted to Congress.

22 (2) An action described in paragraph (1) may be  
23 taken if—

24 (A) the Secretary of Energy has submitted to  
25 the congressional defense committees a report on the

1       actions and the circumstances making such action  
2       necessary; and

3               (B) a period of 30 days has elapsed after the  
4       date on which the report is received by the commit-  
5       tees.

6       (3) In the computation of the 30-day period under  
7       paragraph (2), there is excluded any day on which either  
8       House of Congress is not in session because of an adjourn-  
9       ment of more than 3 days to a day certain.

10       (b) EXCEPTION.—Subsection (a) does not apply to a  
11       construction project with a current estimated cost of less  
12       than \$5,000,000.

13       **SEC. 3124. FUND TRANSFER AUTHORITY.**

14       (a) TRANSFER TO OTHER FEDERAL AGENCIES.—  
15       The Secretary of Energy may transfer funds authorized  
16       to be appropriated to the Department of Energy pursuant  
17       to this title to other Federal agencies for the performance  
18       of work for which the funds were authorized. Funds so  
19       transferred may be merged with and be available for the  
20       same purposes and for the same time period as the author-  
21       izations of the Federal agency to which the amounts are  
22       transferred.

23       (b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—  
24       (1) Subject to paragraph (2), the Secretary of Energy may  
25       transfer funds authorized to be appropriated to the De-



1 partment of Energy pursuant to this title between any  
2 such authorizations. Amounts of authorizations so trans-  
3 ferred may be merged with and be available for the same  
4 purposes and for the same period as the authorization to  
5 which the amounts are transferred.

6 (2) Not more than 5 percent of any such authoriza-  
7 tion may be transferred between authorizations under  
8 paragraph (1). No such authorization may be increased  
9 or decreased by more than 5 percent by a transfer under  
10 such paragraph.

11 (c) LIMITATIONS.—The authority provided by this  
12 subsection to transfer authorizations—

13 (1) may be used only to provide funds for items  
14 relating to activities necessary for national security  
15 programs that have a higher priority than the items  
16 from which the funds are transferred; and

17 (2) may not be used to provide funds for an  
18 item for which Congress has specifically denied  
19 funds.

20 (d) NOTICE TO CONGRESS.—The Secretary of En-  
21 ergy shall promptly notify the Committees on Armed Serv-  
22 ices of the Senate and House of Representatives of any  
23 transfer of funds to or from authorizations under this  
24 title.

1 **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUC-**  
2 **TION DESIGN.**

3 (a) REQUIREMENT OF CONCEPTUAL DESIGN.—(1)  
4 Subject to paragraph (2) and except as provided in para-  
5 graph (3), before submitting to Congress a request for  
6 funds for a construction project that is in support of a  
7 national security program of the Department of Energy,  
8 the Secretary of Energy shall complete a conceptual de-  
9 sign for that project.

10 (2) If the estimated cost of completing a conceptual  
11 design for a construction project exceeds \$3,000,000, the  
12 Secretary shall submit to Congress a request for funds for  
13 the conceptual design before submitting a request for  
14 funds for the construction project.

15 (3) The requirement in paragraph (1) does not apply  
16 to a request for funds—

17 (A) for a construction project the total esti-  
18 mated cost of which is less than \$5,000,000; or

19 (B) for emergency planning, design, and con-  
20 struction activities under section 3126.

21 (b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1)  
22 Within the amounts authorized by this title, the Secretary  
23 of Energy may carry out construction design (including  
24 architectural and engineering services) in connection with  
25 any proposed construction project if the total estimated  
26 cost for such design does not exceed \$600,000.

1       (2) If the total estimated cost for construction design  
2 in connection with any construction project exceeds  
3 \$600,000, funds for that design must be specifically au-  
4 thorized by law.

5 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**  
6 **SIGN, AND CONSTRUCTION ACTIVITIES.**

7       (a) **AUTHORITY.**—The Secretary of Energy may use  
8 any funds available to the Department of Energy pursuant  
9 to an authorization in this title, including funds authorized  
10 to be appropriated for advance planning and construction  
11 design under sections 3101, 3102, and 3103, to perform  
12 planning, design, and construction activities for any De-  
13 partment of Energy national security program construc-  
14 tion project that, as determined by the Secretary, must  
15 proceed expeditiously in order to protect public health and  
16 safety, to meet the needs of national defense, or to protect  
17 property.

18       (b) **LIMITATION.**—The Secretary may not exercise  
19 the authority under subsection (a) in the case of any con-  
20 struction project until the Secretary has submitted to the  
21 congressional defense committees a report on the activities  
22 that the Secretary intends to carry out under this section  
23 and the circumstances making those activities necessary.

24       (c) **SPECIFIC AUTHORITY.**—The requirement of sec-  
25 tion 3125(b)(2) does not apply to emergency planning, de-

1 sign, and construction activities conducted under this sec-  
2 tion.

3 **SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECU-**  
4 **RITY PROGRAMS OF THE DEPARTMENT OF**  
5 **ENERGY.**

6 Subject to the provisions of appropriation Acts and  
7 section 3121, amounts appropriated pursuant to this title  
8 for management and support activities and for general  
9 plant projects are available for use, when necessary, in  
10 connection with all national security programs of the De-  
11 partment of Energy.

12 **SEC. 3128. AVAILABILITY OF FUNDS.**

13 (a) IN GENERAL.—Except as provided in subsection  
14 (b), when so specified in an appropriations Act, amounts  
15 appropriated for operation and maintenance or for plant  
16 projects may remain available until expended.

17 (b) EXCEPTION FOR PROGRAM DIRECTION FUNDS.—  
18 Amounts appropriated for program direction pursuant to  
19 an authorization of appropriations in subtitle A shall re-  
20 main available to be expended only until the end of fiscal  
21 year 2003.

22 **SEC. 3129. TRANSFER OF DEFENSE ENVIRONMENTAL MAN-**  
23 **AGEMENT FUNDS.**

24 (a) TRANSFER AUTHORITY FOR DEFENSE ENVIRON-  
25 MENTAL MANAGEMENT FUNDS.—The Secretary of En-

1 ergy shall provide the manager of each field office of the  
2 Department of Energy with the authority to transfer de-  
3 fense environmental management funds from a program  
4 or project under the jurisdiction of the office to another  
5 such program or project.

6 (b) LIMITATIONS.—(1) Only one transfer may be  
7 made to or from any program or project under subsection  
8 (a) in a fiscal year.

9 (2) The amount transferred to or from a program  
10 or project under subsection (a) may not exceed \$5,000,000  
11 in a fiscal year.

12 (3) A transfer may not be carried out by a manager  
13 of a field office under subsection (a) unless the manager  
14 determines that the transfer is necessary to address a risk  
15 to health, safety, or the environment or to assure the most  
16 efficient use of defense environmental management funds  
17 at the field office.

18 (4) Funds transferred pursuant to subsection (a)  
19 may not be used for an item for which Congress has spe-  
20 cifically denied funds or for a new program or project that  
21 has not been authorized by Congress.

22 (c) EXEMPTION FROM REPROGRAMMING REQUIRE-  
23 MENTS.—The requirements of section 3121 shall not  
24 apply to transfers of funds pursuant to subsection (a).

1 (d) NOTIFICATION.—The Secretary, acting through  
2 the Assistant Secretary of Energy for Environmental  
3 Management, shall notify Congress of any transfer of  
4 funds pursuant to subsection (a) not later than 30 days  
5 after such transfer occurs.

6 (e) DEFINITIONS.—In this section:

7 (1) The term “program or project” means, with  
8 respect to a field office of the Department of En-  
9 ergy, any of the following:

10 (A) A program referred to or a project list-  
11 ed in paragraphs (2) through (5) of section  
12 3102(a).

13 (B) A program or project not described in  
14 subparagraph (A) that is for environmental res-  
15 toration or waste management activities nec-  
16 essary for national security programs of the De-  
17 partment, that is being carried out by the of-  
18 fice, and for which defense environmental man-  
19 agement funds have been authorized and appro-  
20 priated before the date of the enactment of this  
21 Act.

22 (2) The term “defense environmental manage-  
23 ment funds” means funds appropriated to the De-  
24 partment of Energy pursuant to an authorization for  
25 carrying out environmental restoration and waste

1 management activities necessary for national secu-  
2 rity programs.

3 (f) DURATION OF AUTHORITY.—The managers of the  
4 field offices of the Department may exercise the authority  
5 provided under subsection (a) during the period beginning  
6 on October 1, 2000, and ending on September 30, 2001.

7 **Subtitle C—National Nuclear**  
8 **Security Administration**

9 **SEC. 3131. TERM OF OFFICE OF PERSON FIRST APPOINTED**  
10 **AS UNDER SECRETARY FOR NUCLEAR SECU-**  
11 **RITY OF THE DEPARTMENT OF ENERGY.**

12 (a) LENGTH OF TERM.—The term of office as Under  
13 Secretary for Nuclear Security of the Department of En-  
14 ergy of the person first appointed to that position shall  
15 be three years.

16 (b) EXCLUSIVE REASONS FOR REMOVAL.—The ex-  
17 clusive reasons for removal from office as Under Secretary  
18 for Nuclear Security of the person described in subsection  
19 (a) shall be inefficiency, neglect of duty, or malfeasance  
20 in office.

21 (c) POSITION DESCRIBED.—The position of Under  
22 Secretary for Nuclear Security of the Department of En-  
23 ergy referred to in this section is the position established  
24 by subsection (c) of section 202 of the Department of En-  
25 ergy Organization Act (42 U.S.C. 7132), as added by sec-

tion 3202 of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 954)).

**SEC. 3132. MEMBERSHIP OF UNDER SECRETARY FOR NUCLEAR SECURITY ON THE JOINT NUCLEAR WEAPONS COUNCIL.**

(a) MEMBERSHIP.—Section 179 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraph (3) and inserting the following new paragraph (3):

“(3) The Under Secretary for Nuclear Security of the Department of Energy.”; and

(2) in subsection (b)(2), by striking “the representative designated under subsection (a)(3)” and inserting “the Under Secretary for Nuclear Security of the Department of Energy”.

(b) CONFORMING AMENDMENT.—Section 3212 of the National Nuclear Security Administration Act (title XXXII of the Public Law 106–65; 50 U.S.C. 2402) is amended by adding at the end the following new subsection:

“(e) MEMBERSHIP ON JOINT NUCLEAR WEAPONS COUNCIL.—The Administrator serves as a member of the Joint Nuclear Weapons Council under section 179 of title 10, United States Code.”.



1 **SEC. 3133. SCOPE OF AUTHORITY OF SECRETARY OF EN-**  
2 **ERGY TO MODIFY ORGANIZATION OF NA-**  
3 **TIONAL NUCLEAR SECURITY ADMINISTRA-**  
4 **TION.**

5 (a) SCOPE OF AUTHORITY.—Subtitle A of the Na-  
6 tional Nuclear Security Administration Act (title XXXII  
7 of Public Law 106–65; 113 Stat. 957; 50 U.S.C. 2401  
8 et seq.) is amended by adding at the end the following  
9 new section:

10 **“SEC. 3219. SCOPE OF AUTHORITY OF SECRETARY OF EN-**  
11 **ERGY TO MODIFY ORGANIZATION OF ADMIN-**  
12 **ISTRATION.**

13 “Notwithstanding the authority granted by section  
14 643 of the Department of Energy Organization Act (42  
15 U.S.C. 7253) or any other provision of law, the Secretary  
16 of Energy may not establish, abolish, alter, consolidate,  
17 or discontinue any organizational unit or component, or  
18 transfer any function, of the Administration, except as au-  
19 thorized by subsection (b) or (c) of section 3291.”.

20 (b) CONFORMING AMENDMENTS.—Section 643 of the  
21 Department of Energy Organization Act (42 U.S.C. 7253)  
22 is amended—

- 23 (1) by striking “The Secretary” and inserting  
24 “(a) Subject to subsection (b), the Secretary”; and  
25 (2) by adding at the end the following new sub-  
26 section:

1       “(b) The authority of the Secretary to establish, abol-  
 2 ish, alter, consolidate, or discontinue any organizational  
 3 unit or component of the National Nuclear Security Ad-  
 4 ministration is governed by the provisions of section 3219  
 5 of the National Nuclear Security Administration Act (title  
 6 XXXII of Public Law 106–65).”.

7   **SEC. 3134. PROHIBITION ON PAY OF PERSONNEL ENGAGED**  
 8                   **IN CONCURRENT SERVICE OR DUTIES INSIDE**  
 9                   **AND OUTSIDE NATIONAL NUCLEAR SECURITY**  
 10                  **ADMINISTRATION.**

11       Subtitle C of the National Nuclear Security Adminis-  
 12 tration Act (title XXXII of Public Law 106–65; 50 U.S.C.  
 13 2441 et seq.) is amended by adding at the end the fol-  
 14 lowing new section:

15   **“SEC. 3245. PROHIBITION ON PAY OF PERSONNEL EN-**  
 16                   **GAGED IN CONCURRENT SERVICE OR DUTIES**  
 17                   **INSIDE AND OUTSIDE ADMINISTRATION.**

18       “Except as otherwise expressly provided by statute,  
 19 no funds authorized to be appropriated or otherwise made  
 20 available for the Department of Energy for any fiscal year  
 21 after fiscal year 2000 may be obligated or utilized to pay  
 22 the basic pay of an officer or employee of the Department  
 23 of Energy who—

1           “(1) serves concurrently in a position in the Ad-  
2           ministration and a position outside the Administra-  
3           tion; or

4           “(2) performs concurrently the duties of a posi-  
5           tion in the Administration and the duties of a posi-  
6           tion outside the Administration.”.

7   **SEC. 3135. ORGANIZATION PLAN FOR FIELD OFFICES OF**  
8                   **THE NATIONAL NUCLEAR SECURITY ADMIN-**  
9                   **ISTRATION.**

10       (a) **PLAN REQUIRED.**—Not later than March 1,  
11   2001, the Administrator of the National Nuclear Security  
12   Administration shall submit to the Committees on Armed  
13   Services of the Senate and House of Representatives a  
14   plan for assigning roles and responsibilities to and among  
15   the headquarters and field organizational units of the Na-  
16   tional Nuclear Security Administration.

17       (b) **PLAN ELEMENTS.**—The plan shall include the  
18   following:

19           (1) A general description of the organizational  
20       structure of the administrative functions of the Na-  
21       tional Nuclear Security Administration under the  
22       plan, including the authorities and responsibilities to  
23       be vested in the units of the headquarters, oper-  
24       ations offices, and area offices of the Administra-  
25       tion.

1           (2) A description of any downsizing, elimi-  
2           nation, or consolidation of units of the headquarters,  
3           operations offices, and area offices of the Adminis-  
4           tration that may be necessary to enhance the effi-  
5           ciency of the Administration.

6           (3) A description of the modifications of staff-  
7           ing levels of the headquarters, operations offices,  
8           and area offices of the Administration, including any  
9           reductions in force, employment of additional per-  
10          sonnel, or realignments of personnel, that are nec-  
11          essary to implement the plan.

12          (4) A schedule for the implementation of the  
13          plan.

14          (c) INCLUDED FACILITIES.—The plan shall address  
15          any administrative units in the National Nuclear Security  
16          Administration, including units in and under the fol-  
17          lowing:

18               (1) The Department of Energy Headquarters,  
19               Washington, District of Columbia, metropolitan  
20               area.

21               (2) The Albuquerque Operations Office, Albu-  
22               querque, New Mexico.

23               (3) The Nevada Operations Office, Las Vegas,  
24               Nevada.

1           (4) The Oak Ridge Operations Office, Oak  
2       Ridge, Tennessee.

3           (5) The Oakland Operations Office, Oakland,  
4       California.

5           (6) The Savannah River Operations Office,  
6       Aiken, South Carolina.

7           (7) The Los Alamos Area Office, Los Alamos,  
8       New Mexico.

9           (8) The Kirtland Area Office, Albuquerque,  
10      New Mexico.

11          (9) The Amarillo Area Office, Amarillo, Texas.

12          (10) The Kansas City Area Office, Kansas City,  
13      Missouri.

14   **SEC. 3136. FUTURE-YEARS NUCLEAR SECURITY PROGRAM.**

15      (a) PROGRAM REQUIRED.—(1) The Under Secretary  
16   for Nuclear Security of the Department of Energy shall  
17   submit to the congressional defense committees a future-  
18   years nuclear security program (including associated an-  
19   nexes) for fiscal year 2001 and the five succeeding fiscal  
20   years.

21      (2) The program shall reflect the estimated expendi-  
22   tures and proposed appropriations included in the budget  
23   for fiscal year 2001 that is submitted to Congress in 2000  
24   under section 1105(a) of title 31, United States Code.

1 (b) PROGRAM DETAIL.—The level of detail of the  
2 program submitted under subsection (a) shall be equiva-  
3 lent to the level of detail in the Project Baseline Summary  
4 system of the Department of Energy, if practicable, but  
5 in no event below the following:

6 (1) In the case of directed stockpile work, detail  
7 as follows:

8 (A) Stockpile research and development.

9 (B) Stockpile maintenance.

10 (C) Stockpile evaluation.

11 (D) Dismantlement and disposal.

12 (E) Production support.

13 (F) Field engineering, training, and manu-  
14 als.

15 (2) In the case of campaigns, detail as follows:

16 (A) Primary certification.

17 (B) Dynamic materials properties.

18 (C) Advanced radiography.

19 (D) Secondary certification and nuclear  
20 system margins.

21 (E) Enhanced surety.

22 (F) Weapons system engineering certifi-  
23 cation.

24 (G) Certification in hostile environments.

25 (H) Enhanced surveillance.

1 (I) Advanced design and production tech-  
2 nologies.

3 (J) Inertial confinement fusion (ICF) igni-  
4 tion and high yield.

5 (K) Defense computing and modeling.

6 (L) Pit manufacturing readiness.

7 (M) Secondary readiness.

8 (N) High explosive readiness.

9 (O) Nonnuclear readiness.

10 (P) Materials readiness.

11 (Q) Tritium readiness.

12 (3) In the case of readiness in technical base  
13 and facilities, detail as follows:

14 (A) Operation of facilities.

15 (B) Program readiness.

16 (C) Special projects.

17 (D) Materials recycle and recovery.

18 (E) Containers.

19 (F) Storage.

20 (4) In the case of secure transportation assets,  
21 detail as follows:

22 (A) Operation and maintenance.

23 (B) Program direction relating to trans-  
24 portation.

25 (5) Program direction.

1 (6) Construction (listed by project number).

2 (7) In the case of safeguards and security, de-  
3 tail as follows:

4 (A) Operation and maintenance.

5 (B) Construction.

6 (c) DEADLINE FOR SUBMITTAL.—The future-years  
7 nuclear security program required by subsection (a) shall  
8 be submitted not later than November 1, 2000.

9 (d) LIMITATION ON USE OF FUNDS PENDING SUB-  
10 MITTAL.—Not more than 65 percent of the funds author-  
11 ized to be appropriated or otherwise made available for  
12 the Department of Energy for fiscal year 2001 by section  
13 3101(c) may be obligated or expended until 45 days after  
14 the date on which the Under Secretary of Energy for Nu-  
15 clear Security submits to the congressional defense com-  
16 mittees the program required by subsection (a).

17 **SEC. 3137. COOPERATIVE RESEARCH AND DEVELOPMENT**  
18 **OF THE NATIONAL NUCLEAR SECURITY AD-**  
19 **MINISTRATION.**

20 (a) OBJECTIVE FOR OBLIGATION OF FUNDS.—It  
21 shall be an objective of the Administrator of the National  
22 Nuclear Security Administration to obligate funds for co-  
23 operative research and development agreements (as that  
24 term is defined in section 12(d)(1) of the Stevenson-  
25 Wydler Technology Innovation Act of 1980 (15 U.S.C.



1 3710a(d)(1)), or similar cooperative, cost-shared research  
2 partnerships with non-Federal organizations, in a fiscal  
3 year covered by subsection (b) in an amount at least equal  
4 to the percentage of the total amount appropriated for the  
5 Administration for such fiscal year that is specified for  
6 such fiscal year under subsection (b).

7 (b) FISCAL YEAR PERCENTAGES.—The percentages  
8 of funds appropriated for the National Nuclear Security  
9 Administration that are obligated in accordance with the  
10 objective under subsection (a) are as follows:

11 (1) In each of fiscal years 2001 and 2002, 0.5  
12 percent.

13 (2) In any fiscal year after fiscal year 2002, the  
14 percentage recommended by the Administrator for  
15 each such fiscal year in the report under subsection  
16 (c).

17 (c) RECOMMENDATIONS FOR PERCENTAGES IN  
18 LATER FISCAL YEARS.—Not later than one year after the  
19 date of the enactment of this Act, the Administrator shall  
20 submit to the congressional defense committees a report  
21 setting forth the Administrator's recommendations for ap-  
22 propriate percentages of funds appropriated for the Na-  
23 tional Nuclear Security Administration to be obligated for  
24 agreements described in subsection (a) during each fiscal  
25 year covered by the report.

1       (d) CONSISTENCY OF AGREEMENTS.—Any agree-  
2   ment entered into under this section shall be consistent  
3   with and in support of the mission of the National Nuclear  
4   Security Administration.

5       (e) REPORTS ON ACHIEVEMENT OF OBJECTIVE.—(1)  
6   Not later than March 30, 2002, and each year thereafter,  
7   the Administrator shall submit to the congressional de-  
8   fense committees a report on whether funds of the Na-  
9   tional Nuclear Security Administration were obligated in  
10  the fiscal year ending in the preceding year in accordance  
11  with the objective for such fiscal year under this section.

12       (2) If funds were not obligated in a fiscal year in ac-  
13  cordance with the objective under this section for such fis-  
14  cal year, the report under paragraph (1) shall—

15           (A) describe the actions the Administrator pro-  
16       poses to take to ensure that the objective under this  
17       section for the current fiscal year and future fiscal  
18       years will be met; and

19           (B) include any recommendations for legislation  
20       required to achieve such actions.

1 **Subtitle D—Program Authoriza-**  
2 **tions, Restrictions, and Limita-**  
3 **tions**

4 **SEC. 3151. PROCESSING, TREATMENT, AND DISPOSITION OF**  
5 **LEGACY NUCLEAR MATERIALS.**

6 (a) CONTINUATION.—The Secretary of Energy shall  
7 continue operations and maintain a high state of readiness  
8 at the F-canyon and H-canyon facilities at the Savannah  
9 River Site, Aiken, South Carolina, and shall provide tech-  
10 nical staff necessary to operate and so maintain such fa-  
11 cilities.

12 (b) LIMITATION ON USE OF FUNDS FOR DECOMMISS-  
13 SIONING OF F-CANYON FACILITY.—No amounts author-  
14 ized to be appropriated or otherwise made available for  
15 the Department of Energy by this Act or any other Act  
16 may be obligated or expended for purposes of commencing  
17 the decommissioning of the F-canyon facility at the Savan-  
18 nah River Site, including any studies and planning relat-  
19 ing to such decommissioning, until the Secretary and the  
20 Defense Nuclear Facilities Safety Board jointly submit to  
21 the congressional defense committees a certification as fol-  
22 lows:

23 (1) That all materials present in the facility as  
24 of the date of the certification are safely stabilized.

1           (2) That requirements applicable to the facility  
2       in order to meet the future needs of the United  
3       States for fissile materials disposition can be met  
4       fully utilizing the H-canyon facility at the Savannah  
5       River Site.

6       (c) PLAN FOR TRANSFER OF LONG-TERM CHEMICAL  
7       SEPARATION ACTIVITIES.—Not later than February 15,  
8       2001, the Secretary shall submit to the Committees on  
9       Armed Services of the Senate and House of Representa-  
10      tives a plan for the transfer of all long-term chemical sepa-  
11      ration activities from the F-canyon facility to the H-can-  
12      yon facility at the Savannah River Site commencing in fis-  
13      cal year 2002.

14   **SEC. 3152. FORMERLY UTILIZED SITES REMEDIAL ACTION**  
15                           **PROGRAM.**

16       (a) CONTINGENT LIMITATION ON AVAILABILITY OF  
17       FUNDS FOR CERTAIN TRAVEL EXPENSES.—Subject to  
18       the provisions of this section, no funds authorized to be  
19       appropriated or otherwise made available for the Depart-  
20       ment of Energy by this or any other Act may be obligated  
21       or expended for travel by the Secretary of Energy or any  
22       employees of the Office of the Secretary of Energy.

23       (b) APPLICABILITY.—The prohibition in subsection  
24       (a) shall take effect on March 1, 2001, unless the Sec-  
25       retary of Energy makes a certification to the congressional

1 defense committees before that date that the Department  
2 of Energy is in compliance with the requirements of sec-  
3 tion 3131 of the National Defense Authorization Act for  
4 Fiscal Year 2000 (Public Law 106–65; 113 Stat. 925; 10  
5 U.S.C. 2701 note).

6 (c) TERMINATION.—If the prohibition in subsection  
7 (a) takes effect under subsection (b), the prohibition shall  
8 remain in effect until the date on which the Secretary  
9 makes the certification described in subsection (b).

10 **SEC. 3153. DEPARTMENT OF ENERGY DEFENSE NUCLEAR**  
11 **NONPROLIFERATION PROGRAMS.**

12 (a) NUCLEAR MATERIALS PROTECTION, CONTROL,  
13 AND ACCOUNTING PROGRAM.—(1) Not later than Janu-  
14 ary 1, 2001, and each year thereafter, the Secretary of  
15 Energy shall submit to the Committees on Armed Services  
16 of the Senate and House of Representatives a report on  
17 the status of efforts during the preceding fiscal year under  
18 the Nuclear Materials Protection, Control, and Accounting  
19 Program of the Department of Energy to secure weapons-  
20 usable nuclear materials in Russia that have been identi-  
21 fied as being at risk for theft or diversion.

22 (2) Each report under paragraph (1) shall set forth  
23 the following:

24 (A) The number of buildings, including building  
25 locations, that received complete and integrated ma-

1       terials protection, control, and accounting systems  
2       for nuclear materials described in paragraph (1)  
3       during the year covered by such report.

4           (B) The amounts of highly enriched uranium  
5       and plutonium in Russia that have been secured  
6       under systems described in subparagraph (A) as of  
7       the date of such report.

8           (C) The amount of nuclear materials described  
9       in paragraph (1) that continues to require securing  
10      under systems described in subparagraph (A) as of  
11      the date of such report.

12          (D) A plan for actions to secure the nuclear  
13      materials identified in subparagraph (C) under sys-  
14      tems described in subparagraph (A), including an es-  
15      timate of the cost of such actions.

16          (E) The amounts expended through the fiscal  
17      year preceding the date of such report to secure nu-  
18      clear materials described in paragraph (1) under  
19      systems described in subparagraph (A), set forth by  
20      total amount and by amount per fiscal year.

21      (3)(A) No amounts authorized to be appropriated for  
22      the Department of Energy by this Act or any other Act  
23      for purposes of the Nuclear Materials Protection, Control,  
24      and Accounting Program may be obligated or expended  
25      after September 30, 2000, for any project under the pro-

1 gram at a nuclear weapons complex in Russia until the  
2 Secretary submits to the Committees on Armed Services  
3 of the Senate and House of Representatives a report on  
4 the access policy established with respect to such project,  
5 including a certification that the access policy has been  
6 implemented.

7 (B) The access policy with respect to a project under  
8 this paragraph shall—

9 (i) permit appropriate determinations by United  
10 States officials regarding security requirements, in-  
11 cluding security upgrades, for the project; and

12 (ii) ensure verification by United States officials  
13 that Department of Energy assistance at the project  
14 is being used for the purposes intended.

15 (b) NUCLEAR CITIES INITIATIVE.—(1)(A) Except as  
16 provided in subparagraph (B), no amounts authorized to  
17 be appropriated or otherwise made available for the De-  
18 partment of Energy for fiscal year 2001 for the Nuclear  
19 Cities Initiative may be obligated or expended for purposes  
20 of providing assistance under the Initiative until 30 days  
21 after the date on which the Secretary of Energy submits  
22 to the Committees on Armed Services of the Senate and  
23 House of Representatives a copy of an agreement de-  
24 scribed in subparagraph (C).

1 (B) Subparagraph (A) shall not apply with respect  
2 to the obligation or expenditure of funds for purposes of  
3 providing assistance under the Nuclear Cities Initiative to  
4 the following:

5 (i) Not more than three nuclear cities in Rus-  
6 sia.

7 (ii) Not more than two serial production facili-  
8 ties in Russia.

9 (C) An agreement referred to in this subparagraph  
10 is a written agreement between the United States Govern-  
11 ment and the Government of the Russian Federation  
12 which provides that Russia will close some of its facilities  
13 engaged in nuclear weapons assembly and disassembly  
14 work.

15 (2)(A) Of the amounts appropriated or otherwise  
16 made available for the Department of Energy for fiscal  
17 year 2001 for the Nuclear Cities Initiative, not more than  
18 50 percent of such amounts may be obligated or expended  
19 for purposes of the Initiative until the Secretary of Energy  
20 establishes and implements project review procedures for  
21 projects under the Initiative.

22 (B) The project review procedures established under  
23 subparagraph (A) shall ensure that any scientific, tech-  
24 nical, or commercial project initiated under the Nuclear  
25 Cities Initiative—



1 (i) shall not enhance the military or weapons of  
2 mass destruction capabilities of Russia;

3 (ii) shall not result in the inadvertent transfer  
4 or utilization of products or activities under such  
5 project for military purposes;

6 (iii) shall be commercially viable; and

7 (iv) shall be carried out in conjunction with an  
8 appropriate commercial, industrial, or other non-  
9 profit entity as partner.

10 (C) Not later than January 1, 2001, the Secretary  
11 of Energy shall submit to the Committees on Armed Serv-  
12 ices of the Senate and House of Representatives a report  
13 on the project review procedures established and imple-  
14 mented under this paragraph.

15 (3) In this subsection, the term “Nuclear Cities Ini-  
16 tiative” means the initiative arising pursuant to the March  
17 1998 discussion between the Vice President of the United  
18 States and the Prime Minister of the Russian Federation  
19 and between the Secretary of Energy of the United States  
20 and the Minister of Atomic Energy of the Russian Federa-  
21 tion.

22 (c) INTERNATIONAL NUCLEAR SECURITY PRO-  
23 GRAM.—Amounts authorized to be appropriated or other-  
24 wise made available by this title for the Department of  
25 Energy for fiscal year 2001 for the International Nuclear

1 Security Program in the former Soviet Union and Eastern  
2 Europe shall be available only for purposes of reactor safe-  
3 ty upgrades and training relating to nuclear operator and  
4 reactor safety.

5 **SEC. 3154. MODIFICATION OF COUNTERINTELLIGENCE**  
6 **POLYGRAPH PROGRAM.**

7 (a) COVERED PERSONS.—Subsection (b) of section  
8 3154 of the Department of Energy Facilities Safeguards,  
9 Security, and Counterintelligence Enhancement Act of  
10 1999 (subtitle D of title XXXI of Public Law 106–65;  
11 113 Stat. 941; 42 U.S.C. 7383h) is amended to read as  
12 follows:

13 “(b) COVERED PERSONS.—(1) Subject to paragraph  
14 (2), for purposes of this section, a covered person is one  
15 of the following:

16 “(A) An officer or employee of the Department.

17 “(B) An expert or consultant under contract to  
18 the Department.

19 “(C) An officer or employee of a contractor of  
20 the Department.

21 “(D) An individual assigned or detailed to the  
22 Department.

23 “(E) An applicant for a position in the Depart-  
24 ment.

1       “(2) A person described in paragraph (1) is a covered  
2 person for purposes of this section only if the position of  
3 the person, or for which the person is applying, under that  
4 paragraph is a position in one of the categories of posi-  
5 tions listed in section 709.4 of title 10, Code of Federal  
6 Regulations.”.

7       (b) HIGH-RISK PROGRAMS.—Subsection (c) of that  
8 section is amended to read as follows:

9       “(c) HIGH-RISK PROGRAMS.—For purposes of this  
10 section, high-risk programs are the following:

11           “(1) The programs known as Special Access  
12 Programs and Personnel Security and Assurance  
13 Programs.

14           “(2) Any other program or position category  
15 specified in section 709.4 of title 10, Code of Fed-  
16 eral Regulations.”.

17       (c) AUTHORITY TO WAIVE EXAMINATION REQUIRE-  
18 MENT.—Subsection (d) of that section is amended—

19           (1) by inserting “(1)” before “The Secretary”;  
20 and

21           (2) by adding at the end the following new  
22 paragraphs:

23       “(2) Subject to paragraph (3), the Secretary may  
24 waive the applicability of paragraph (1) to a covered  
25 person—

1           “(A) if—

2               “(i) the Secretary determines that the  
3           waiver is in the national security interests of  
4           the United States;

5               “(ii) the covered person previously has  
6           been granted a security clearance; and

7               “(iii) the covered person acknowledges in a  
8           signed writing that the capacity of the covered  
9           person to perform duties under a high-risk pro-  
10          gram after the expiration of the waiver is condi-  
11          tional upon meeting the requirements of para-  
12          graph (1) within the effective period of the  
13          waiver;

14           “(B) if another Federal agency certifies to the  
15          Secretary that the covered person has completed  
16          successfully a full-scope or counterintelligence-scope  
17          polygraph examination during the 5-year period end-  
18          ing on the date of the certification; or

19           “(C) if the Secretary determines, after consulta-  
20          tion with the covered person, that the treatment of  
21          a medical or psychological condition of the covered  
22          person should preclude the administration of the ex-  
23          amination.

24          “(3)(A) Any waiver under paragraph (2)(A) shall be  
25          effective for not more than 120 days.

1 “(B) Any waiver under paragraph (2)(C) shall be ef-  
 2 fective for the duration of the treatment on which such  
 3 waiver is based.”.

4 (d) SCOPE OF COUNTERINTELLIGENCE POLYGRAPH  
 5 EXAMINATION.—Subsection (f) of that section is  
 6 amended—

7 (1) by inserting “terrorism,” after “sabotage,”;  
 8 and

9 (2) by inserting “deliberate damage to or mali-  
 10 cious misuse of a United States Government infor-  
 11 mation or defense system,” before “and”.

12 **SEC. 3155. EMPLOYEE INCENTIVES FOR EMPLOYEES AT**  
 13 **CLOSURE PROJECT FACILITIES.**

14 (a) AUTHORITY TO PROVIDE INCENTIVES.—Not-  
 15 withstanding any other provision of law, the Secretary of  
 16 Energy may provide to any eligible employee of the De-  
 17 partment of Energy one or more of the incentives de-  
 18 scribed in subsection (d).

19 (b) ELIGIBLE EMPLOYEES.—An individual is an eli-  
 20 gible employee of the Department of Energy for purposes  
 21 of this section if the individual—

22 (1) has worked continuously at a closure facility  
 23 for at least two years;

24 (2) is an employee (as that term is defined in  
 25 section 2105(a) of title 5, United States Code);

1           (3) has a fully satisfactory or equivalent per-  
2           formance rating during the most recent performance  
3           period and is not subject to an adverse notice re-  
4           garding conduct; and

5           (4) meets any other requirement or condition  
6           under subsection (d) for the incentive which is pro-  
7           vided the employee under this section.

8           (c) CLOSURE FACILITY DEFINED.—For purposes of  
9           this section, the term “closure facility” means a Depart-  
10          ment of Energy facility at which the Secretary is carrying  
11          out a closure project selected under section 3143 of the  
12          National Defense Authorization Act for Fiscal Year 1997  
13          (42 U.S.C. 7274n).

14          (d) INCENTIVES.—The incentives that the Secretary  
15          may provide under this section are the following:

16               (1) The right to accumulate annual leave pro-  
17               vided by section 6303 of title 5, United States Code,  
18               for use in succeeding years until it totals not more  
19               than 90 days, or not more than 720 hours based on  
20               a standard work week, at the beginning of the first  
21               full biweekly pay period, or corresponding period for  
22               an employee who is not paid on the basis of biweekly  
23               pay periods, occurring in a year, except that—

24                       (A) any annual leave that remains unused  
25                       when an employee transfers to a position in a

1 department or agency of the Federal Govern-  
2 ment shall be liquidated upon the transfer by  
3 payment to the employee of a lump sum for  
4 leave in excess of 30 days, or in excess of 240  
5 hours based on a standard work week; and

6 (B) upon separation from service, annual  
7 leave accumulated under this paragraph shall  
8 be treated as any other accumulated annual  
9 leave is treated.

10 (2) The right to be paid a retention allowance  
11 in a lump sum in compliance with paragraphs (1)  
12 and (2) of section 5754(b) of title 5, United States  
13 Code, if the employee meets the requirements of sec-  
14 tion 5754(a) of that title, except that the retention  
15 allowance may exceed 25 percent, but may not be  
16 more than 40 percent, of the employee's rate of  
17 basic pay.

18 (3) A detail under section 3341 of title 5,  
19 United States Code.

20 (4) The right to receive a voluntary separation  
21 incentive payment in the amount equal to the  
22 amount the employee would be entitled to receive  
23 under section 5595(c) of title 5, United States Code,  
24 subject to the terms, conditions, and procedures set  
25 forth in section 663 of the Treasury, Postal Service,

1       and General Government Appropriations Act, 1997  
2       (5 U.S.C. 5597 note), except that the date in section  
3       663(c)(2)(D) of that Act does not apply.

4       (e) AGREEMENT.—(1) An eligible employee of the  
5       Department of Energy provided an incentive under this  
6       section shall enter into an agreement with the Secretary  
7       to remain employed at the closure facility at which the  
8       employee is employed as of the date of the agreement until  
9       a specific date or for a specific period of time.

10       (2) The detail of an employee under subsection (d)(3)  
11       shall not be treated as terminating the employment of the  
12       employee at a closure facility for purposes of an agreement  
13       under paragraph (1).

14       (f) VIOLATION OF AGREEMENT.—(1) Except as pro-  
15       vided under paragraph (3), an eligible employee of the De-  
16       partment of Energy who violates an agreement under sub-  
17       section (e), or is dismissed for cause, shall forfeit eligibility  
18       for any incentives under this section as of the date of the  
19       violation or dismissal, as the case may be.

20       (2) Except as provided under paragraph (3), an eligi-  
21       ble employee of the Department of Energy who is paid  
22       a retention allowance under subsection (d)(2), receives a  
23       voluntary separation incentive payment under subsection  
24       (d)(4), or both, and who violates an agreement under sub-  
25       section (e), or is dismissed for cause, before the end of



1 the period or date of employment agreed upon under such  
 2 agreement shall refund to the United States an amount  
 3 that bears the same ratio to the aggregate amount so paid  
 4 to or received by the employee as the unserved part of  
 5 such employment bears to the total period of employment  
 6 agreed upon under such agreement.

7 (3) The Secretary may waive the applicability of  
 8 paragraph (1) or (2) to an employee otherwise covered by  
 9 such paragraph if the Secretary determines that there is  
 10 good and sufficient reason for the waiver.

11 (g) REPORT.—The Secretary shall include in each re-  
 12 port on a closure project under section 3143(h) of the Na-  
 13 tional Defense Authorization Act for Fiscal Year 1997 a  
 14 report on the incentives, if any, provided under this section  
 15 with respect to the project for the period covered by such  
 16 report.

17 (h) EXPIRATION OF AUTHORITY.—The authority to  
 18 provide incentives under this section shall expire on Sep-  
 19 tember 23, 2011.

20 (i) DETAILS.—(1) Section 3341 of title 5, United  
 21 States Code, is amended to read as follows:

22 **“§ 3341. Details: within and among Executive agen-**  
 23 **cies; to non-Federal employers**

24 “(a) The head of an Executive agency may detail em-  
 25 ployees among the components of the agency, except em-

1 ployees who are required by law to be engaged exclusively  
2 in some specific work.

3 “(b) The head of an Executive agency may detail to  
4 duties in the Executive agency or another Executive agen-  
5 cy or to a non-Federal employer, on a nonreimbursable  
6 basis, an employee who has been identified by the Execu-  
7 tive agency as being, or likely to become, a surplus em-  
8 ployee or displaced employee.

9 “(c) For purposes of this section:

10 “(1) The term ‘Executive agency’ has the  
11 meaning given that term by section 105, but does  
12 not include a Government corporation or the General  
13 Accounting Office.

14 “(2) The term ‘displaced employee’ means an  
15 employee who has been given specific notice that the  
16 employee is to be separated due to a reduction in  
17 force.

18 “(3) The term ‘surplus employee’ means an em-  
19 ployee who has been identified by the employing  
20 agency as likely to be separated due to a reduction  
21 in force.

22 “(4) The term ‘non-Federal employer’ means  
23 an employer other than an Executive agency or any  
24 agency in the legislative or judicial branch (including  
25 Congress or any United States court).”.

1       (2) The table of sections at the beginning of chapter  
 2 33 of such title is amended by striking the item relating  
 3 to section 3341 and inserting the following new item:

“3341. Details: within and among Executive agencies; to non-Federal employ-  
 ers.”.

4       (i) HEALTH COVERAGE.—Section 8905a(d)(4) of  
 5 title 5, United States Code, is amended by adding after  
 6 subparagraph (B) the following new subparagraph (C):

7       “(C) Notwithstanding subparagraph (B), if the basis  
 8 for continued coverage under this section is a voluntary  
 9 or involuntary separation from the Department of Energy  
 10 by reason of a closure project under section 3143 of the  
 11 National Defense Authorization Act for Fiscal Year 1997  
 12 (42 U.S.C. 7274n)—

13               “(i) the individual shall be liable for not more  
 14 than the employee contributions referred to in para-  
 15 graph (1)(A)(i); and

16               “(ii) the Department of Energy shall pay the  
 17 remaining portion of the amount required is under  
 18 paragraph (1)(A).”.

## 19               **Subtitle E—Other Matters**

### 20       **SEC. 3171. EXTENSION OF AUTHORITY FOR APPOINTMENT** 21               **OF CERTAIN SCIENTIFIC, ENGINEERING, AND** 22               **TECHNICAL PERSONNEL.**

23       Section 3161(c)(1) of the National Defense Author-  
 24 ization Act for Fiscal Year 1995 (42 U.S.C. 7231 note)

1 is amended by striking “September 30, 2000” and insert-  
 2 ing “September 30, 2002”.

3 **SEC. 3172. UPDATES OF REPORT ON NUCLEAR TEST READI-**  
 4 **NESS POSTURES.**

5 Section 3152 of the National Defense Authorization  
 6 Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat.  
 7 623) is amended—

8 (1) by inserting “(a) REPORT.—” before “Not  
 9 later than February 15, 1996,”; and

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

11 “(b) BIENNIAL UPDATES OF REPORT.—(1) The Sec-  
 12 retary shall submit to the congressional defense commit-  
 13 tees an update of the report required under (a) not later  
 14 than February 15, 2001, and every two years thereafter.

15 “(2) Each update under paragraph (1) shall include,  
 16 current as of the date of such update, the following:

17 “(A) A list and description of the workforce  
 18 skills and capabilities that are essential to carry out  
 19 underground nuclear tests at the Nevada Test Site.

20 “(B) A list and description of the infrastructure  
 21 and physical plant that are essential to carry out un-  
 22 derground nuclear tests at the Nevada Test Site.

23 “(C) A description of the readiness status of  
 24 the skills and capabilities described in subparagraph

1 (A) and of the infrastructure and physical plant de-  
2 scribed in subparagraph (B).

3 “(3) Each update under paragraph (1) shall be sub-  
4 mitted in unclassified form, but may include a classified  
5 annex.”.

6 **SEC. 3173. FREQUENCY OF REPORTS ON INADVERTENT RE-**  
7 **LEASES OF RESTRICTED DATA AND FOR-**  
8 **MERLY RESTRICTED DATA.**

9 (a) **FREQUENCY OF REPORTS.**—Section 3161(f)(2)  
10 of the Strom Thurmond National Defense Authorization  
11 Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat.  
12 2261; 50 U.S.C. 435 note) is amended to read as follows:

13 “(2) The Secretary of Energy shall, on a quarterly  
14 basis, notify the committees and Assistant to the Presi-  
15 dent specified in subsection (d) of inadvertent releases de-  
16 scribed in paragraph (1) that are discovered after the date  
17 of the enactment of this Act.”.

18 (b) **EFFECTIVE DATE.**—The amendment made by  
19 subsection (a) shall take effect on the date of the enact-  
20 ment of this Act and shall apply with respect to inad-  
21 vertent releases of Restricted Data and Formerly Re-  
22 stricted Data that are discovered on or after that date.

1 **SEC. 3174. FORM OF CERTIFICATIONS REGARDING THE**  
2 **SAFETY OR RELIABILITY OF THE NUCLEAR**  
3 **WEAPONS STOCKPILE.**

4 Any certification submitted to the President by the  
5 Secretary of Defense or the Secretary of Energy regarding  
6 confidence in the safety or reliability of a nuclear weapon  
7 type in the United States nuclear weapons stockpile shall  
8 be submitted in classified form only.

9 **SEC. 3175. ENGINEERING AND MANUFACTURING RE-**  
10 **SEARCH, DEVELOPMENT, AND DEMONSTRA-**  
11 **TION BY PLANT MANAGERS OF CERTAIN NU-**  
12 **CLEAR WEAPONS PRODUCTION PLANTS.**

13 (a) **AUTHORITY.**—The Secretary of Energy may au-  
14 thorize the plant manager of a covered nuclear weapons  
15 production plant to engage in research, development, and  
16 demonstration activities with respect to the engineering  
17 and manufacturing capabilities at such plant in order to  
18 maintain and enhance such capabilities at such plant.

19 (b) **FUNDING.**—Of the amount allocated by the Sec-  
20 retary to a covered nuclear weapons production plant each  
21 fiscal year from amounts available to the Department of  
22 Energy for such fiscal year for national security programs,  
23 not more than an amount equal to 2 percent of such  
24 amount may be used for activities authorized under sub-  
25 section (a).

1 (c) COVERED NUCLEAR WEAPONS PRODUCTION  
 2 PLANTS.—For purposes of this section, the term “covered  
 3 nuclear weapons production plant” means the following:

4 (1) The Kansas City Plant, Kansas City, Mis-  
 5 souri.

6 (2) The Y-12 Plant, Oak Ridge, Tennessee.

7 (3) The Pantex Plant, Amarillo, Texas.

8 **SEC. 3176. COOPERATIVE RESEARCH AND DEVELOPMENT**  
 9 **AGREEMENTS FOR GOVERNMENT-OWNED,**  
 10 **CONTRACTOR-OPERATED LABORATORIES.**

11 (a) STRATEGIC PLANS.—Subsection (a) of section 12  
 12 of the Stevenson-Wydler Technology Innovation Act of  
 13 1980 (15 U.S.C. 3710a) is amended by striking “joint  
 14 work statement,” and inserting “joint work statement or,  
 15 if permitted by the agency, in an agency-approved annual  
 16 strategic plan,”.

17 (b) EXPERIMENTAL FEDERAL WAIVERS.—Sub-  
 18 section (b) of that section is amended by adding at the  
 19 end the following new paragraph:

20 “(6)(A) In the case of a Department of Energy lab-  
 21 oratory, a designated official of the Department of Energy  
 22 may waive any license retained by the Government under  
 23 paragraph (1)(A), (2), or (3)(D), in whole or in part and  
 24 according to negotiated terms and conditions, if the des-  
 25 ignated official finds that the retention of the license by

1 the Department of Energy would substantially inhibit the  
 2 commercialization of an invention that would otherwise  
 3 serve an important Federal mission.

4 “(B) The authority to grant a waiver under subpara-  
 5 graph (A) shall expire on the date that is 5 years after  
 6 the date of the enactment of the National Defense Author-  
 7 ization Act for Fiscal Year 2001.

8 “(C) The expiration under subparagraph (B) of au-  
 9 thority to grant a waiver under subparagraph (A) shall  
 10 not effect any waiver granted under subparagraph (A) be-  
 11 fore the expiration of such authority.”.

12 (c) TIME REQUIRED FOR APPROVAL.—Subsection  
 13 (c)(5) of that section is amended—

14 (1) by striking subparagraph (C);

15 (2) by redesignating subparagraph (D) as sub-  
 16 paragraph (C); and

17 (3) in subparagraph (C), as so redesignated—

18 (A) in clause (i)—

19 (i) by striking “with a small business  
 20 firm”; and

21 (ii) by inserting “if” after “state-  
 22 ment”; and

23 (B) by adding at the end the following new  
 24 clauses:



1       “(iv) Any agency that has contracted with a non-Fed-  
2 eral entity to operate a laboratory may develop and pro-  
3 vide to such laboratory one or more model cooperative re-  
4 search and development agreements for purposes of stand-  
5 ardizing practices and procedures, resolving common legal  
6 issues, and enabling review of cooperative research and de-  
7 velopment agreements to be carried out in a routine and  
8 prompt manner.

9       “(v) A Federal agency may waive the requirements  
10 of clause (i) or (ii) under such circumstances as the agency  
11 considers appropriate.”.

12 **SEC. 3177. COMMENDATION OF DEPARTMENT OF ENERGY**  
13 **AND CONTRACTOR EMPLOYEES FOR EXEM-**  
14 **PLARY SERVICE IN STOCKPILE STEWARD-**  
15 **SHIP AND SECURITY.**

16       (a) **AUTHORITY TO PRESENT CERTIFICATE OF COM-**  
17 **MENDATION.**—The Secretary of Energy may present a  
18 certificate of commendation to any current or former em-  
19 ployee of the Department of Energy, and any current or  
20 former employee of a Department contractor, whose serv-  
21 ice to the Department in matters relating to stockpile  
22 stewardship and security assisted the Department in fur-  
23 thering the national security interests of the United  
24 States.

1 (b) CERTIFICATE.—The certificate of commendation  
 2 presented to a current or former employee under sub-  
 3 section (a) shall include an appropriate citation of the  
 4 service of the current or former employee described in that  
 5 subsection, including a citation for dedication, intellect,  
 6 and sacrifice in furthering the national security interests  
 7 of the United States by maintaining a strong, safe, and  
 8 viable United States nuclear deterrent during the Cold  
 9 War or thereafter.

10 (c) DEPARTMENT OF ENERGY DEFINED.—For pur-  
 11 poses of this section, the term “Department of Energy”  
 12 includes any predecessor agency of the Department of En-  
 13 ergy.

14 **TITLE XXXII—DEFENSE NU-**  
 15 **CLEAR FACILITIES SAFETY**  
 16 **BOARD**

17 **SEC. 3201. DEFENSE NUCLEAR FACILITIES SAFETY BOARD.**

18 There are authorized to be appropriated for fiscal  
 19 year 2001, \$18,500,000 for the operation of the Defense  
 20 Nuclear Facilities Safety Board under chapter 21 of the  
 21 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

**TITLE XXXIII—NAVAL  
PETROLEUM RESERVES**

**SEC. 3301. MINIMUM PRICE OF PETROLEUM SOLD FROM  
THE NAVAL PETROLEUM RESERVES.**

(a) HIGHER MINIMUM PRICE.—Subparagraph (A) of section 7430(b)(2) of title 10, United States Code, is amended by striking “90 percent of”.

(b) INAPPLICABILITY OF REQUIREMENT TO RESERVE NUMBERED 1.—Such section 7430(b)(2) is further amended by striking “Naval Petroleum Reserves Numbered 1, 2, and 3” in the matter preceding subparagraph (A) and inserting “Naval Petroleum Reserves Numbered 2 and 3”.

**SEC. 3302. REPEAL OF AUTHORITY TO CONTRACT FOR CO-  
OPERATIVE OR UNIT PLANS AFFECTING  
NAVAL PETROLEUM RESERVE NUMBERED 1.**

(a) REPEAL.—Section 7426 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 641 of such title is amended by striking the item relating to section 7426.

## **TITLE XXXIV—NATIONAL DEFENSE STOCKPILE**

### **SEC. 3401. AUTHORIZED USES OF STOCKPILE FUNDS.**

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2001, the National Defense Stockpile Manager may obligate up to \$75,000,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

1   **SEC. 3402. INCREASED RECEIPTS UNDER PRIOR DISPOSAL**

2                   **AUTHORITY.**

3           Section 3303(a) of the Strom Thurmond National  
4   Defense Authorization Act for Fiscal Year 1999 (Public  
5   Law 105–261; 1112 Stat. 2263; 50 U.S.C. 98d note) is  
6   amended—

7           (1)   in   paragraph   (2),   by   striking  
8           “\$460,000,000” and inserting “\$409,000,000”;

9           (2)   in   paragraph   (3),   by   striking  
10          “\$555,000,000” and inserting “\$585,000,000”; and

11          (3)   in   paragraph   (4),   by   striking  
12          “\$590,000,000” and inserting “\$620,000,000”.

**Calendar No. 543**

106TH CONGRESS  
2D SESSION

**S. 2549**

**[Report No. 106-292]**

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## **A BILL**

To authorize appropriations for fiscal year 2001 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.

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MAY 12, 2000

Reported from the Committee on Armed Services, under authority of the order of the Senate of May 11th, 2000, the following original bill; which was read twice and placed on the calendar