

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

# S. 2550

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## AN ACT

To authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

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

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Department of Defense  
5        Authorization Act for Fiscal Year 2001”.

**1 SEC. 2. TABLE OF CONTENTS.**

**2** The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Congressional defense committees defined.

**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.
- Sec. 113. Rapid intravenous infusion pumps.

**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.
- Sec. 126. Remanufactured AV-8B aircraft.
- Sec. 127. Anti-personnel obstacle breaching system.

**Subtitle D—Air Force Programs**

- Sec. 131. Repeal of requirement for annual report on B-2 bomber aircraft program.
- Sec. 132. Conversion of AGM-65 Maverick missiles.

**Subtitle E—Other Matters**

- Sec. 141. Pueblo Chemical Depot chemical agent and munitions destruction technologies.
- Sec. 142. Integrated bridge systems for naval systems special warfare rigid inflatable boats and high-speed assault craft.
- Sec. 143. Repeal of prohibition on use of Department of Defense funds for procurement of nuclear-capable shipyard crane from a foreign source.

**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.
- Sec. 203. Additional authorization for research, development, test, and evaluation on weathering and corrosion of aircraft surfaces and parts.

### **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.
- Sec. 222. Technologies for detection and transport of pollutants attributable to live-fire activities.
- Sec. 223. Acoustic mine detection.
- Sec. 224. Operational technologies for mounted maneuver forces.
- Sec. 225. Air logistics technology.
- Sec. 226. Precision Location and Identification Program (PLAID).
- Sec. 227. Navy Information Technology Center and Human Resource Enterprise Strategy.
- Sec. 228. Joint Technology Information Center Initiative.
- Sec. 229. Ammunition risk analysis capabilities.
- Sec. 230. Funding for comparisons of medium armored combat vehicles.

### **Subtitle C—Other Matters**

- Sec. 241. Mobile offshore base.
- Sec. 242. Air Force science and technology planning.
- Sec. 243. Enhancement of authorities regarding education partnerships for purposes of encouraging scientific study.

## **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.
- Sec. 313. Weatherproofing of facilities at Keesler Air Force Base, Mississippi.
- Sec. 314. Demonstration project for Internet access and services in rural communities.
- Sec. 315. Tethered Aerostat Radar System (TARS) sites.

- Sec. 316. Mounted Urban Combat Training site, Fort Knox, Kentucky.
- Sec. 317. MK-45 overhaul.
- Sec. 318. Industrial mobilization capacity at Government-owned, Government-operated Army ammunition facilities and arsenals.
- Sec. 319. Close-in weapon system overhauls.
- Sec. 320. Spectrum data base upgrades.

### **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.
- Sec. 335. Unutilized and underutilized plant-capacity costs of United States arsenals.

### **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. Payment of fines or penalties imposed for environmental compliance violations at certain Department of Defense facilities.
- Sec. 345. Reimbursement for certain costs in connection with the Former Nansmond Ordnance Depot Site, Suffolk, Virginia.
- Sec. 346. Environmental restoration activities.
- Sec. 347. Ship disposal project.
- Sec. 348. Report on Defense Environmental Security Corporate Information Management program.
- Sec. 349. 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.
- Sec. 377. Defense travel system.
- Sec. 378. Review of AH-64 aircraft program.
- Sec. 379. Assistance for maintenance, repair, and renovation of school facilities that serve dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 380. Postponement of implementation of Defense Joint Accounting System (DJAS) pending analysis of the system.

#### **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.
- Sec. 511. Contingent exemption from limitation on number of Air Force officers serving on active duty in grades above major general.

### **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—Military Voting Rights Act of 2000**

- Sec. 561. Short title.

- Sec. 562. Guarantee of residency.  
 Sec. 563. State responsibility to guarantee military voting rights.

### **Subtitle F—Other Matters**

- Sec. 571. Authority for award of Medal of Honor to certain specified persons.  
 Sec. 572. Waiver of time limitations for award of certain decorations to certain persons.  
 Sec. 573. Ineligibility for involuntary separation pay upon declination of selection for continuation on active duty.  
 Sec. 574. Recognition by States of military testamentary instruments.  
 Sec. 575. 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.  
 Sec. 576. Senior officers in command in Hawaii on December 7, 1941.  
 Sec. 577. Verbatim records in special courts-martial.  
 Sec. 578. Management and per diem requirements for members subject to lengthy or numerous deployments.  
 Sec. 579. Extension of TRICARE managed care support contracts.  
 Sec. 580. Preparation, participation, and conduct of athletic competitions and small arms competitions by the National Guard and members of the National Guard.

## **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.  
 Sec. 610. Special subsistence allowance for members eligible to receive food stamp assistance.  
 Sec. 610A. Restructuring of basic pay tables for certain enlisted members.  
 Sec. 610B. Basic allowance for housing.

### **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.
- Sec. 622. Entitlement of members of the National Guard and other reserves not on active duty to receive special duty assignment pay.

### **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 after regular retirement.
- Sec. 645. Same treatment for Federal judges as for other Federal officials regarding payment of military retired pay.
- Sec. 646. Policy on increasing minimum survivor benefit plan basic annuities for surviving spouses age 62 or older.
- Sec. 647. Survivor benefit plan annuities for survivors of all members who die on active duty.
- Sec. 648. Family coverage under servicemembers' group life insurance.
- Sec. 649. Fees paid by residents of the Armed Forces Retirement Home.
- Sec. 650. Computation of survivor benefits.
- Sec. 651. Equitable application of early retirement eligibility requirements to military reserve technicians.
- Sec. 652. Concurrent payment to surviving spouses of disability and indemnity compensation and annuities under Survivor Benefit Plan.

### **Subtitle E—Other Matters**

- Sec. 661. Reimbursement of recruiting and ROTC personnel for parking expenses.
- Sec. 662. Extension of deadline for filing claims associated with capture and internment of certain persons by North Vietnam.
- Sec. 663. Settlement of claims for payments for unused accrued leave and for retired pay.
- Sec. 664. Eligibility of certain members of the Individual Ready Reserve for Servicemembers' Group Life Insurance.



- Sec. 665. Authority to pay gratuity to certain veterans of Bataan and Corregidor.
- Sec. 666. Concurrent payment of retired pay and compensation for retired members with service-connected disabilities.
- Sec. 667. Travel by reserves on military aircraft to and from locations outside the continental United States for inactive-duty training.
- Sec. 668. Additional benefits and protections for personnel incurring injury, illness, or disease in the performance of funeral honors duty.
- Sec. 669. Determinations of income eligibility for special supplemental food program.
- Sec. 670. Modification of time for use by certain members of the Selected Reserve of entitlement to educational assistance.
- Sec. 671. Recognition of members of the Alaska Territorial Guard as veterans.
- Sec. 672. Clarification of Department of Veterans Affairs duty to assist.
- Sec. 673. Back pay for members of the Navy and Marine Corps approved for promotion while interned as prisoners of war during World War II.

#### **Subtitle F—Education Benefits**

- Sec. 681. Short title.
- Sec. 682. Transfer of entitlement to educational assistance by certain members of the Armed Forces.
- Sec. 683. Participation of additional members of the Armed Forces in Montgomery GI Bill program.
- Sec. 684. Modification of authority to pay tuition for off-duty training and education.
- Sec. 685. Modification of time for use by certain members of Selected Reserve of entitlement to certain educational assistance.

#### **Subtitle G—Additional Benefits For Reserves and Their Dependents**

- Sec. 691. Sense of Congress.
- Sec. 692. Travel by Reserves on military aircraft.
- Sec. 693. Billeting services for Reserve members traveling for inactive duty training.
- Sec. 694. Increase in maximum number of reserve retirement points that may be credited in any year.
- Sec. 695. Authority for provision of legal services to reserve component members following release from active duty.

### **TITLE VII—HEALTH CARE**

#### **Subtitle A—Senior Health Care**

- Sec. 701. Conditions for eligibility for CHAMPUS upon the attainment of 65 years of age.

#### **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.
- Sec. 714. Improvement of access to health care under the TRICARE program.

Sec. 715. Enhancement of access to TRICARE in rural States.

**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.

Sec. 723. Medical informatics.

**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.

Sec. 742. Augmentation of Army Medical Department by reserve officers of the Public Health Service.

Sec. 743. Service areas of transferees of former uniformed services treatment facilities that are included in the uniformed services health care delivery system.

Sec. 744. Blue ribbon advisory panel on Department of Defense policies regarding the privacy of individual medical records.

**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.

Sec. 805. Repeal of requirement for contractor assurances regarding the completeness, accuracy, and contractual sufficiency of technical data provided by the contractor.

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.
- Sec. 814. Revision of the organization and authority of the Cost Accounting Standards Board.
- Sec. 815. Revision of authority for solutions-based contracting pilot program.
- Sec. 816. Appropriate use of personnel experience and educational requirements in the procurement of information technology services.
- Sec. 817. Study of Office of Management and Budget Circular A-76 process.
- Sec. 818. Procurement notice through electronic access to contracting opportunities.

## **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.
- Sec. 914. Management of Navy research funds by Chief of Naval Research.
- Sec. 915. United States Air Force Institute of Technology.
- Sec. 916. Expansion of authority to exempt geodetic products of the Department of Defense from public disclosure.
- Sec. 917. Coordination and facilitation of development of directed energy technologies, systems, and weapons.

## **TITLE X—GENERAL PROVISIONS**

### **Subtitle A—Financial Matters**

- 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.
- Sec. 1010. Repeal of certain provisions shifting certain outlays from one fiscal year to another.
- Sec. 1010A. Treatment of partial payments under service contracts.

### **Subtitle B—Counter-Drug Activities**

- 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; authority to waive limitation.
- Sec. 1018. Report on the defeat of hardened and deeply buried targets.
- Sec. 1019. Sense of Senate on the maintenance of the strategic nuclear TRIAD.

### **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.
- Sec. 1026. Management review of Defense Information Systems Agency.
- Sec. 1027. Report on spare parts and repair parts program of the Air Force for the C-5 aircraft.
- Sec. 1028. Report on the status of domestic preparedness against the threat of biological terrorism.
- Sec. 1029. Report on global missile launch early warning center.
- Sec. 1030. Management review of working-capital fund activities.
- Sec. 1031. Report on submarine rescue support vessels.
- Sec. 1032. Reports on Federal Government progress in developing information assurance strategies.

### **Subtitle E—Information Security**

- 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.
- Sec. 1061. Aerospace industry Blue Ribbon Commission.
- Sec. 1062. Report to Congress regarding extent and severity of child poverty.
- Sec. 1063. Improving property management.
- Sec. 1064. Sense of the Senate regarding tax treatment of members receiving special pay.
- Sec. 1065. Department of Defense process for decisionmaking in cases of false claims.
- Sec. 1066. Sense of the Senate concerning long-term economic development aid for communities rebuilding from Hurricane Floyd.
- Sec. 1067. Authority to provide headstones or markers for marked graves or otherwise commemorate certain individuals.
- Sec. 1068. Comprehensive study and support for criminal investigations and prosecutions by State and local law enforcement officials.
- Sec. 1069. Student loan repayment programs.
- Sec. 1070. Sense of the Senate on the modernization of Air National Guard F-16A units.
- Sec. 1071. Two-year extension of authority to engage in commercial activities as security for intelligence collection activities.
- Sec. 1072. Firefighter investment and response enhancement.
- Sec. 1073. Breast cancer stamp extension.
- Sec. 1074. Personnel security policies.
- Sec. 1075. Additional matters for annual report on transfers of militarily sensitive technology to countries and entities of concern.
- Sec. 1076. National security implications of United States-China trade relationship.
- Sec. 1077. Secrecy policies and worker health.

### **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.
- Sec. 1114. Clarification of personnel management authority under a personnel demonstration project.
- Sec. 1115. Extension of authority for voluntary separations in reductions in force.
- Sec. 1116. Extension, revision, and expansion of authorities for use of voluntary separation incentive pay and voluntary early retirement.
- Sec. 1117. Department of Defense employee voluntary early retirement authority.
- Sec. 1118. Restrictions on payments for academic training.
- Sec. 1119. Strategic plan.

#### **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.
- Sec. 1209. Limitation on use of funds for Elimination of Weapons Grade Plutonium Program.
- Sec. 1210. Sense of Congress regarding the use of children as soldiers.
- Sec. 1211. Support of consultations on Arab and Israeli arms control and regional security issues.
- Sec. 1212. Authority to consent to retransfer of alternative former naval vessel by Government of Greece.
- Sec. 1213. United States-Russian Federation joint data exchange center on early warning systems and notification of missile launches.
- Sec. 1214. Adjustment of composite theoretical performance levels of high performance computers.

**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.

**TITLE XIV—GOVERNMENT INFORMATION SECURITY  
REFORM**

- Sec. 1401. Short title.  
 Sec. 1402. Coordination of Federal information policy.  
 Sec. 1403. Responsibilities of certain agencies.  
 Sec. 1404. Technical and conforming amendments.  
 Sec. 1405. Effective date.

**TITLE XV—LOCAL LAW ENFORCEMENT ENHANCEMENT  
ACT OF 2000**

- Sec. 1501. Short title.  
 Sec. 1502. Findings.  
 Sec. 1503. Definition of hate crime.  
 Sec. 1504. Support for criminal investigations and prosecutions by State and  
                   local law enforcement officials.  
 Sec. 1505. Grant program.  
 Sec. 1506. Authorization for additional personnel to assist State and local law  
                   enforcement.  
 Sec. 1507. Prohibition of certain hate crime acts.  
 Sec. 1508. Duties of Federal Sentencing Commission.  
 Sec. 1509. Statistics.  
 Sec. 1510. Severability.

**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.

1           **TITLE I—PROCUREMENT**  
2           **Subtitle A—Authorization of**  
3           **Appropriations**

4   **SEC. 101. ARMY.**

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

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

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

9           (3) For weapons and tracked combat vehicles,  
10 \$2,115,138,000.

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

12           (5) For other procurement, \$4,039,670,000.

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

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

17           (1) For aircraft, \$8,685,958,000.

18           (2) For weapons, including missiles and tor-  
19 pedoes, \$1,539,950,000.

20           (3) For shipbuilding and conversion,  
21 \$12,900,076,000.

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

23           (b) MARINE CORPS.—Funds are hereby authorized to  
24 be appropriated for fiscal year 2001 for procurement for  
25 the Marine Corps in the amount of \$1,191,035,000.



1 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds  
2 are hereby authorized to be appropriated for fiscal year  
3 2001 for procurement of ammunition for the Navy and  
4 the Marine Corps in the amount of \$500,749,000.

5 **SEC. 103. AIR FORCE.**

6 Funds are hereby authorized to be appropriated for  
7 fiscal year 2001 for procurement for the Air Force as fol-  
8 lows:

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

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

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

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

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

14 Funds are hereby authorized to be appropriated for  
15 fiscal year 2001 for Defense-wide procurement in the  
16 amount of \$2,203,508,000.

17 **SEC. 105. DEFENSE INSPECTOR GENERAL.**

18 Funds are hereby authorized to be appropriated for  
19 fiscal year 2001 for procurement for the Inspector General  
20 of the Department of Defense in the amount of  
21 \$3,300,000.

22 **SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.**

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

1           (1) the destruction of lethal chemical agents  
2           and munitions in accordance with section 1412 of  
3           the Department of Defense Authorization Act, 1986  
4           (50 U.S.C. 1521); and

5           (2) the destruction of chemical warfare materiel  
6           of the United States that is not covered by section  
7           1412 of such Act.

8   **SEC. 107. DEFENSE HEALTH PROGRAMS.**

9           Funds are hereby authorized to be appropriated for  
10          fiscal year 2001 for the Department of Defense for pro-  
11          curement for carrying out health care programs, projects,  
12          and activities of the Department of Defense in the total  
13          amount of \$290,006,000.

14                   **Subtitle B—Army Programs**

15   **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR**  
16                   **CERTAIN PROGRAMS.**

17          (a) **AUTHORITY.**—Beginning with the fiscal year  
18          2001 program year, the Secretary of the Army may, in  
19          accordance with section 2306b of title 10, United States  
20          Code, enter into multiyear contracts for procurement of  
21          the following:

22                  (1) M2A3 Bradley fighting vehicles.

23                  (2) UH–60L Blackhawk helicopters.

24                  (3) CH–60S Seahawk helicopters.

1 (b) LIMITATION FOR BRADLEY FIGHTING VEHI-  
2 CLES.—The period for a multiyear contract entered into  
3 under subsection (a)(1) may not exceed the three consec-  
4 tive program years beginning with the fiscal year 2001  
5 program year.

6 (c) REPEAL OF SUPERSEDED AUTHORITY.—Section  
7 111 of the National Defense Authorization Act for Fiscal  
8 Year 2000 (Public Law 106–65; 113 Stat. 531) is amend-  
9 ed by striking paragraph (2).

10 **SEC. 112. REPORTS AND LIMITATIONS RELATING TO ARMY**  
11 **TRANSFORMATION.**

12 (a) REPORT ON OBJECTIVE FORCE DEVELOPMENT  
13 PROCESS.—The Secretary of the Army shall submit to the  
14 congressional defense committees a report on the process  
15 for developing the objective force in the transformation of  
16 the Army. The report shall include the following:

17 (1) The operational environments envisioned for  
18 the objective force.

19 (2) The threat assumptions on which research  
20 and development efforts for transformation of the  
21 Army into the objective force are based.

22 (3) The potential operational and organizational  
23 concepts for the objective force.

24 (4) The key performance parameters antici-  
25 pated for the objective force and the operational re-

1 requirements anticipated for the operational require-  
2 ments document of the objective force.

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

5 (A) the projected funding requirements  
6 through that fiscal year for the research and  
7 development activities and the procurement ac-  
8 tivities;

9 (B) the specific adjustments that are made  
10 for Army programs in the future-years defense  
11 program and in the extended planning program  
12 in order to program the funding necessary to  
13 meet the funding requirements for Army trans-  
14 formation; and

15 (C) a summary of the anticipated invest-  
16 ments of the Defense Advanced Research  
17 Projects Agency in programs designed to lead  
18 to the fielding of future combat systems for the  
19 objective force.

20 (6) The joint warfighting requirements that will  
21 be supported by the fielding of the objective force,  
22 together with a description of the adjustments that  
23 are planned to be made in the war plans of the com-  
24 manders of the regional unified combatant com-

1 mands in relation to the fielding of the objective  
2 force.

3 (7) The changes in lift requirements that result  
4 from the establishment and fielding of the combat  
5 brigades of the objective force.

6 (8) The evaluation process that will be used to  
7 support decisionmaking on the course of the Army  
8 transformation, including a description of the oper-  
9 ational evaluations and experimentation that will be  
10 used to validate the key performance parameters as-  
11 sociated with the objective force and the operational  
12 requirements for the operational requirements docu-  
13 ment of the objective force.

14 (b) REPORTS ON MEDIUM ARMORED COMBAT VEHI-  
15 CLES FOR THE INTERIM BRIGADE COMBAT TEAMS.—(1)  
16 The Secretary of the Army shall develop and carry out  
17 a plan for comparing—

18 (A) the costs and operational effectiveness of  
19 the medium armored combat vehicles selected for the  
20 infantry battalions of the interim brigade combat  
21 teams; and

22 (B) the costs and operational effectiveness of  
23 the medium armored vehicles currently in the Army  
24 inventory for the use of infantry battalions.

1           (2) The plan shall provide for the costs and oper-  
2 ational effectiveness of the two sets of vehicles to be deter-  
3 mined on the basis of the results of an operational analysis  
4 that involves the participation of at least one infantry bat-  
5 talion that is fielded with medium armored vehicles cur-  
6 rently in the Army inventory and is similar in organization  
7 to the infantry battalions of the interim brigade combat  
8 teams.

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

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

17                   (A) The plan.

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

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

24                   (D) The specific adjustments that are made for  
25 Army programs in the future-years defense program

1 and in the extended planning program in order to  
2 program the funding necessary for fielding the in-  
3 terim brigade combat teams.

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

9 (B) The report under subparagraph (A) shall include  
10 a certification by the Secretary of Defense regarding  
11 whether the results of the comparison would support the  
12 continuation in fiscal year 2003 and beyond of the acquisi-  
13 tion of the additional medium armored combat vehicles  
14 proposed to be used for equipping the interim brigade  
15 combat teams.

16 (c) LIMITATIONS.—(1) Not more than 60 percent of  
17 the amount appropriated for the procurement of armored  
18 vehicles in the family of new medium armored vehicles  
19 pursuant to the authorization of appropriations in section  
20 101(3) may be obligated until the date that is 30 days  
21 after the date on which the Secretary of the Army submits  
22 the report required under subsection (b)(4) to the congres-  
23 sional defense committees.

24 (2) Not more than 60 percent of the funds appro-  
25 priated for the Army for fiscal year 2002 for the procure-

1 ment of armored vehicles in the family of new medium  
2 armored combat vehicles may be obligated until the date  
3 that is 30 days after the date on which the Secretary of  
4 the Army submits the report required under subsection  
5 (b)(5) to the congressional defense committees.

6 (d) DEFINITIONS.—In this section:

7 (1) The term “transformation”, with respect to  
8 the Army, means the actions being undertaken to  
9 transform the Army, as it is constituted in terms of  
10 organization, equipment, and doctrine in 2000, into  
11 the objective force.

12 (2) The term “objective force” means the Army  
13 that has the organizational structure, the most ad-  
14 vanced equipment that early twenty-first century  
15 science and technology can provide, and the appro-  
16 priate doctrine to ensure that the Army is respon-  
17 sive, deployable, agile, versatile, lethal, survivable,  
18 and sustainable for the full spectrum of the oper-  
19 ations anticipated to be required of the Army during  
20 the early years of the twenty-first century following  
21 2010.

22 (3) The term “interim brigade combat team”  
23 means an Army brigade that is designated by the  
24 Secretary of the Army as a brigade combat team  
25 and is reorganized and equipped with currently



1 available equipment in a configuration that effec-  
2 tuates an evolutionary advancement toward trans-  
3 formation of the Army to the objective force.

4 **SEC. 113. RAPID INTRAVENOUS INFUSION PUMPS.**

5 Of the amount authorized to be appropriated under  
6 section 101(5)—

7 (1) \$6,000,000 shall be available for the pro-  
8 curement of rapid intravenous infusion pumps; and

9 (2) the amount provided for the family of me-  
10 dium tactical vehicles is hereby reduced by  
11 \$6,000,000.

12 **Subtitle C—Navy Programs**

13 **SEC. 121. CVNX-1 NUCLEAR AIRCRAFT CARRIER PROGRAM.**

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

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

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

1 tion of components (including nuclear components) for the  
2 CVNX-1 aircraft carrier program.

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

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

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

22 (b) **ECONOMICAL RATE OF PROCUREMENT.**—It is the  
23 sense of Congress that, for the procurement of the Arleigh  
24 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.

17 (c) CONDITION FOR OUT-YEAR CONTRACT PAY-  
18 MENTS.—A contract entered into under subsection (b)  
19 shall include a clause that states that any obligation of  
20 the United States to make a payment under the contract  
21 for a fiscal year after fiscal year 2001 is subject to the  
22 availability of appropriations for that purpose for that  
23 later fiscal year.

24 **SEC. 126. REMANUFACTURED AV-8B AIRCRAFT.**

25 Of the amount authorized to be appropriated by sec-  
26 tion 102(a)(1)—

1 (1) \$318,646,000 is available for the procure-  
2 ment of remanufactured AV-8B aircraft;

3 (2) \$15,200,000 is available for the procure-  
4 ment of UC-35 aircraft;

5 (3) \$3,300,000 is available for the procurement  
6 of automatic flight control systems for EA-6B air-  
7 craft; and

8 (4) \$46,000,000 is available for engineering  
9 change proposal 583 for FA-18 aircraft.

10 **SEC. 127. ANTI-PERSONNEL OBSTACLE BREACHING SYS-**  
11 **TEM.**

12 Of the total amount authorized to be appropriated  
13 under section 102(c), \$4,000,000 is available only for the  
14 procurement of the anti-personnel obstacle breaching sys-  
15 tem.

16 **Subtitle D—Air Force Programs**

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

19 Section 112 of the National Defense Authorization  
20 Act for Fiscal Years 1990 and 1991 (Public Law 101-  
21 189; 103 Stat. 1373), as amended by section 141 of Pub-  
22 lic Law 104-106 (110 Stat. 213), is repealed.

23 **SEC. 132. CONVERSION OF AGM-65 MAVERICK MISSILES.**

24 (a) INCREASE IN AMOUNT.—The amount authorized  
25 to be appropriated by section 103(3) for procurement of



1 missiles for the Air Force is hereby increased by  
2 \$2,100,000.

3 (b) AVAILABILITY OF AMOUNT.—(1) Of the amount  
4 authorized to be appropriated by section 103(3), as in-  
5 creased by subsection (a), \$2,100,000 shall be available  
6 for In-Service Missile Modifications for the purpose of the  
7 conversion of Maverick missiles in the AGM–65B and  
8 AGM–65G configurations to Maverick missiles in the  
9 AGM–65H and AGM–65K configurations.

10 (2) The amount available under paragraph (1) for the  
11 purpose specified in that paragraph is in addition to any  
12 other amounts available under this Act for that purpose.

13 (c) OFFSET.—The amount authorized to be appro-  
14 priated by section 103(1) for procurement of aircraft for  
15 the Air Force is hereby reduced by \$2,100,000, with the  
16 amount of the reduction applicable to amounts available  
17 under that section for ALE–50 Code Decoys.

## 18 **Subtitle E—Other Matters**

### 19 **SEC. 141. PUEBLO CHEMICAL DEPOT CHEMICAL AGENT** 20 **AND MUNITIONS DESTRUCTION TECH-** 21 **NOLOGIES.**

22 (a) LIMITATION.—In determining the technologies to  
23 be used for the destruction of the stockpile of lethal chem-  
24 ical agents and munitions at Pueblo Chemical Depot, Col-  
25 orado, whether under the assessment required by section

1 141(a) of the National Defense Authorization Act for Fis-  
 2 cal Year 2000 (Public Law 106–65; 113 Stat. 537; 50  
 3 U.S.C. 1521 note), the Assembled Chemical Weapons As-  
 4 sessment, or any other assessment, the Secretary of De-  
 5 fense may consider only the following technologies:

6 (1) Incineration.

7 (2) Any technologies demonstrated under the  
 8 Assembled Chemical Weapons Assessment on or be-  
 9 fore May 1, 2000.

10 (b) ASSEMBLED CHEMICAL WEAPONS ASSESSMENT  
 11 DEFINED.—As used in subsection (a), the term “Assem-  
 12 bled Chemical Weapons Assessment” means the pilot pro-  
 13 gram carried out under section 8065 of the Department  
 14 of Defense Appropriations Act, 1997 (section 101(b) of  
 15 Public Law 104–208; 110 Stat. 3009–101; 50 U.S.C.  
 16 1521 note).

17 **SEC. 142. INTEGRATED BRIDGE SYSTEMS FOR NAVAL SYS-**

18 **TEMS SPECIAL WARFARE RIGID INFLATABLE**

19 **BOATS AND HIGH-SPEED ASSAULT CRAFT.**

20 (a) INCREASE IN AUTHORIZATION FOR PROCURE-  
 21 MENT, DEFENSE-WIDE.—The amount authorized to be  
 22 appropriated by section 104 for procurement, Defense-  
 23 wide, is hereby increased by \$7,000,000.

24 (b) AVAILABILITY OF AMOUNT.—Of the amount au-  
 25 thorized to be appropriated by section 104, as increased

1 by subsection (a), \$7,000,000 shall be available for the  
2 procurement and installation of integrated bridge systems  
3 for naval systems special warfare rigid inflatable boats and  
4 high-speed assault craft for special operations forces.

5 (c) OFFSET.—The amount authorized to be appro-  
6 priated by section 103(4), for other procurement for the  
7 Air Force, is hereby reduced by \$7,000,000.

8 **SEC. 143. REPEAL OF PROHIBITION ON USE OF DEPART-**  
9 **MENT OF DEFENSE FUNDS FOR PROCURE-**  
10 **MENT OF NUCLEAR-CAPABLE SHIPYARD**  
11 **CRANE FROM A FOREIGN SOURCE.**

12 Section 8093 of the Department of Defense Appro-  
13 priations Act, 2000 (Public Law 106–79; 113 Stat. 1253)  
14 is amended by striking subsection (d), relating to a prohi-  
15 bition on the use of Department of Defense funds to pro-  
16 cure a nuclear-capable shipyard crane from a foreign  
17 source.

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, \$5,501,946,000.

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

12 (3) For the Air Force, \$13,887,836,000.

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 **SEC. 203. ADDITIONAL AUTHORIZATION FOR RESEARCH,**  
4 **DEVELOPMENT, TEST, AND EVALUATION ON**  
5 **WEATHERING AND CORROSION OF AIRCRAFT**  
6 **SURFACES AND PARTS.**

7 (a) INCREASE IN AUTHORIZATION.—The amount au-  
8 thorized to be appropriated by section 201(3) is hereby  
9 increased by \$1,500,000.

10 (b) AVAILABILITY OF FUNDS.—The amount available  
11 under section 201(3), as increased by subsection (a), for  
12 research, development, test, and evaluation on weathering  
13 and corrosion of aircraft surfaces and parts (PE62102F)  
14 is hereby increased by \$1,500,000.

15 (c) OFFSET.—The amount authorized to be appro-  
16 priated by section 201(4) is hereby decreased by  
17 \$1,500,000, with the amount of such decrease being allo-  
18 cated to Sensor and Guidance Technology (PE63762E).

19 **Subtitle B—Program Require-**  
20 **ments, Restrictions, and Limita-**  
21 **tions**

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

23 (a) REQUIREMENTS.—The Secretary of Defense shall  
24 carry out a joint field experiment in fiscal year 2002. The

1 Secretary shall ensure that the planning for the joint field  
2 experiment is carried out during fiscal year 2001.

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

7 (c) PARTICIPATING FORCES.—(1) The joint field ex-  
8 periment shall involve elements of Army, Navy, Marine  
9 Corps, and Air Force, and shall include special operations  
10 forces.

11 (2) The forces designated to participate in the joint  
12 field experiment shall exemplify the concepts for organiza-  
13 tion, equipment, and doctrine that are conceived for the  
14 forces after 2010 under Joint Vision 2010 (issued by the  
15 Joint Chiefs of Staff) and the current vision statements  
16 of the Chief of Staff of the Army, the Chief of Naval Oper-  
17 ations and the Commandant of the Marine Corps, and the  
18 Chief of Staff of the Air Force, including the following  
19 concepts:

20 (A) Air Force expeditionary aerospace forces.

21 (B) Army medium weight brigades.

22 (C) Navy forward from the sea.

23 (d) FUNDING.—Of the amount authorized to be ap-  
24 propriated under section 201(2) for joint experimentation,

1 \$6,000,000 shall be available only for planning the joint  
2 field experiment required under this section.

3 **SEC. 212. NUCLEAR AIRCRAFT CARRIER DESIGN AND PRO-**  
4 **DUCTION MODELING.**

5 Of the amount authorized to be appropriated under  
6 section 201(2) for the Navy for nuclear aircraft carrier  
7 design and production modeling, \$10,000,000 shall be  
8 available for the conversion and development of nuclear  
9 aircraft carrier design data into an electronic, three-di-  
10 mensional product model.

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

12 (a) **AUTHORITY.**—The Secretary of the Navy is au-  
13 thorized to pursue a technology insertion approach for the  
14 construction of the DD-21 destroyer on the following  
15 schedule:

16 (1) Commencement of construction during fis-  
17 cal year 2004.

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

20 (b) **SENSE OF CONGRESS.**—It is the sense of Con-  
21 gress that—

22 (1) there are compelling reasons for starting  
23 the program for constructing the DD-21 destroyer  
24 in fiscal year 2004 and continuing with sequential  
25 construction of DD-21 class destroyers during the

1       ensuing fiscal years until 32 DD–21 class destroyers  
2       are constructed; and

3               (2) the Secretary of the Navy, in providing for  
4       the acquisition of DD–21 class destroyers, should  
5       consider that—

6               (A) the Marine Corps needs the surface  
7       fire support capabilities of the DD–21 class de-  
8       stroyers as soon as possible in order to mitigate  
9       the inadequacies of the surface fire support ca-  
10      pabilities that are currently available;

11              (B) the Navy and Marine Corps need to  
12      resolve whether there is a requirement for sur-  
13      face fire support missile weapon systems to be  
14      easily sustainable by means of replenishment  
15      while under way;

16              (C) the technology insertion approach has  
17      been successful for other ship construction pro-  
18      grams and is being pursued for the CVN(X)  
19      and Virginia class submarine programs;

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

24              (E) action to acquire DD–21 class destroy-  
25      ers should be taken as soon as possible in order



1 to realize fully the cost savings that can be de-  
2 rived from the construction and operation of  
3 DD-21 class destroyers, including—

4 (i) savings in construction costs that  
5 would result from achievement of the  
6 Navy's target per-ship cost of  
7 \$750,000,000 by the fifth ship constructed  
8 in each construction yard;

9 (ii) savings that will result from the  
10 estimated reduction of the crews of de-  
11 stroyers by 200 or more personnel for each  
12 ship; and

13 (iii) savings that will result from a re-  
14 duction in the operating costs for destroy-  
15 ers by an estimated 70 percent.

16 (c) NAVY PLAN FOR USE OF TECHNOLOGY INSER-  
17 TION APPROACH FOR CONSTRUCTION OF THE DD-21  
18 SHIP.—The Secretary of the Navy shall submit to the  
19 Committees on Armed Services of the Senate and the  
20 House of Representatives, not later than April 18, 2001,  
21 a plan for pursuing a technology insertion approach for  
22 the construction of the DD-21 destroyer as authorized  
23 under subsection (a). The plan shall include estimates of  
24 the resources necessary to execute the plan.

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

9 (1) The technical feasibility of commencing con-  
10 struction of the DD-21 destroyer in fiscal year 2004  
11 and achieving delivery of the completed ship to the  
12 Navy during fiscal year 2009.

13 (2) An analysis of the advantages and disadvan-  
14 tages of various contracting strategies for the con-  
15 struction of the first 10 DD-21 class destroyers, in-  
16 cluding one or more multiyear procurement strate-  
17 gies and one or more strategies for block buy in eco-  
18 nomic order quantity.

19 (3) The effects on the destroyer industrial base  
20 and on costs to other Navy shipbuilding programs of  
21 delaying the commencement of construction of the  
22 DD-21 destroyer until fiscal year 2005 and delaying  
23 the commencement of construction of the next DD-  
24 21 class destroyer until fiscal year 2007.

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

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

11           Section 217(c) of the National Defense Authorization  
12 Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat.  
13 1660) is amended by adding at the end the following:

14           “(3) With respect to the limitation in sub-  
15           section (a), an increase by an amount that does not  
16           exceed one percent of the total amount of that limi-  
17           tation (taking into account the increases and de-  
18           creases, if any, under paragraphs (1) and (2)) if the  
19           Director of Operational Test and Evaluation, after  
20           consulting with the Under Secretary of Defense for  
21           Acquisition, Technology, and Logistics, determines  
22           that the increase is necessary in order to ensure ade-  
23           quate testing.”.

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

2 (a) REPORT.—Not later than December 15, 2000,  
3 the Secretary shall submit to Congress a report on the  
4 joint strike fighter program. The report shall contain the  
5 following:

6 (1) A description of the program as the pro-  
7 gram has been restructured before the date of the  
8 report, including any modified acquisition strategy  
9 that has been incorporated into the program.

10 (2) The exit criteria that have been established  
11 to ensure that technical risks are at levels acceptable  
12 for entry of the program into engineering and manu-  
13 facturing development.

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

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

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

1           (2) The transfer authority under paragraph (1) is in  
2 addition to the transfer authority provided in section  
3 1001.

4 **SEC. 216. GLOBAL HAWK HIGH ALTITUDE ENDURANCE UN-**  
5 **MANNED AERIAL VEHICLE.**

6           (a) **CONCEPT DEMONSTRATION REQUIRED.**—The  
7 Secretary of Defense shall require and coordinate a con-  
8 cept demonstration of the Global Hawk high altitude en-  
9 durance unmanned aerial vehicle.

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

15          (c) **TIME FOR DEMONSTRATION.**—The demonstration  
16 shall take place as early in fiscal year 2001 as the Sec-  
17 retary determines practicable.

18          (d) **PARTICIPATION BY CINCS.**—The Secretary shall  
19 require the Commander in Chief of the United States  
20 Joint Forces Command and the Commander in Chief of  
21 the United States Southern Command jointly to provide  
22 guidance for the demonstration and otherwise to partici-  
23 pate in the demonstration.

24          (e) **SCENARIO FOR DEMONSTRATION.**—The dem-  
25 onstration shall be conducted in a counter-drug surveil-

1 lance scenario that is designed to replicate factual condi-  
2 tions typically encountered in the performance of the  
3 counter-drug surveillance mission of the Commander in  
4 Chief of the United States Southern Command within that  
5 commander's area of responsibility.

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

10 (1) The Secretary's assessment of the technical  
11 feasibility of using the Global Hawk high altitude  
12 endurance unmanned aerial vehicle for airborne air  
13 surveillance.

14 (2) A discussion of the operational concept for  
15 the use of the vehicle for that purpose.

16 **SEC. 217. UNMANNED ADVANCED CAPABILITY AIRCRAFT**  
17 **AND GROUND COMBAT VEHICLES.**

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

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

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

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

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

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

23           (3) A description and assessment of the acquisi-  
24           tion strategy for unmanned ground combat vehicles  
25           planned by the Secretary of the military department

1 concerned, together with a complete identification of  
2 all operation, support, ownership, and other costs re-  
3 quired to carry out such strategy through the year  
4 2030.

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

10 **SEC. 218. ARMY SPACE CONTROL TECHNOLOGY DEVELOP-**  
11 **MENT.**

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

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

22 (c) LIMITATION.—None of the funds made available  
23 pursuant to subsection (b) may be obligated until the  
24 funds provided for the kinetic energy anti-satellite tech-  
25 nology program under subsection (a) have been released



1 to the kinetic energy anti-satellite technology program  
2 manager.

3 **SEC. 219. RUSSIAN AMERICAN OBSERVATION SATELLITES**  
4 **PROGRAM.**

5 None of the funds authorized to be appropriated  
6 under section 201(4) for the Russian American Observa-  
7 tion Satellites program may be obligated or expended until  
8 30 days after the Secretary of Defense submits to Con-  
9 gress a report explaining how the Secretary plans to pro-  
10 tect United States advanced military technology that may  
11 be associated with the Russian American Observation Sat-  
12 ellites program.

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

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

19 (1) A written notification that the Food and  
20 Drug Administration has approved for production of  
21 the vaccine the manufacturing source from which  
22 the Department of Defense is procuring the vaccine  
23 as of the date of the enactment of this Act (here-  
24 after in this section referred to as the “current man-  
25 ufacturer”).

1           (2) A report on the contingencies associated  
2           with continuing to rely on the current manufacturer  
3           to supply anthrax vaccine.

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

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

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

17                  (A) the Food and Drug Administration  
18                  does not approve the release of the anthrax vac-  
19                  cine available from the current manufacturer;  
20                  or

21                  (B) the current manufacturer terminates  
22                  the production of anthrax vaccine permanently.

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

1 **SEC. 221. REPORT ON BIOLOGICAL WARFARE DEFENSE**  
2 **VACCINE RESEARCH AND DEVELOPMENT**  
3 **PROGRAMS.**

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

9 (b) **CONTENT OF REPORT.**—The report shall include  
10 the following:

11 (1) The Secretary's evaluation of the implica-  
12 tions of reliance on the commercial sector to meet  
13 the requirements of the Department of Defense for  
14 biological warfare defense vaccines.

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

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

24 (B) a determination, developed in consulta-  
25 tion with the Surgeon General of the United  
26 States, on the utility of such a facility to sup-

1 port civilian vaccine requirements and a discus-  
2 sion of the effects that the use of the facility for  
3 that purpose would have on the operating costs  
4 for vaccine production at the facility; and

5 (C) an analysis of the effects that inter-  
6 national demand for vaccines would have on the  
7 operating costs for vaccine production at such  
8 a facility.

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

16 **SEC. 222. TECHNOLOGIES FOR DETECTION AND TRANS-**  
17 **PORT OF POLLUTANTS ATTRIBUTABLE TO**  
18 **LIVE-FIRE ACTIVITIES.**

19 (a) **INCREASE IN AMOUNT.**—The amount authorized  
20 to be appropriated by section 201(4) for research, develop-  
21 ment, test, and evaluation Defense-wide is hereby in-  
22 creased by \$5,000,000.

23 (b) **AVAILABILITY OF AMOUNT.**—Of the amount au-  
24 thorized to be appropriated by section 201(4), as increased  
25 by subsection (a), the amount available for the Strategic

1 Environmental Research and Development Program  
2 (PE6034716D) is hereby increased by \$5,000,000, with  
3 the amount of such increase available for the development  
4 and test of technologies to detect, analyze, and map the  
5 presence of, and transport of, pollutants and contaminants  
6 at sites undergoing the detection and remediation of con-  
7 stituents attributable to live-fire activities in a variety of  
8 hydrogeological scenarios.

9 (c) **ADDITIONAL REQUIREMENT.**—Performance  
10 measures shall be established for the technologies de-  
11 scribed in subsection (b) for purposes of facilitating the  
12 implementation and utilization of such technologies by the  
13 Department of Defense.

14 (d) **OFFSET.**—The amount authorized to be appro-  
15 priated by section 201(4) for research, development, test,  
16 and evaluation, Defense-wide is hereby decreased by  
17 \$5,000,000, with the amount of such decrease applied to  
18 Computing Systems and Communications Technology  
19 (PE602301E).

20 **SEC. 223. ACOUSTIC MINE DETECTION.**

21 (a) **INCREASE IN AMOUNT.**—(1) The amount author-  
22 ized to be appropriated by section 201(1) for research, de-  
23 velopment, test, and evaluation for the Army is hereby in-  
24 creased by \$2,500,000.

1           (2) Of the amount authorized to be appropriated by  
2 section 201(1), as increased by paragraph (1), the amount  
3 available for Countermine Systems (PE602712A) is here-  
4 by increased by \$2,500,000, with the amount of such in-  
5 crease available for research in acoustic mine detection.

6           (b) OFFSET.—The amount authorized to be appro-  
7 priated by section 201(4) for research, development, test,  
8 and evaluation Defense-wide is hereby decreased by  
9 \$2,500,000, with the amount of such decrease to be ap-  
10 plied to Sensor Guidance Technology (PE603762E).

11 **SEC. 224. OPERATIONAL TECHNOLOGIES FOR MOUNTED**  
12 **MANEUVER FORCES.**

13           (a) INCREASE IN AMOUNT.—(1) The amount author-  
14 ized to be appropriated by section 201(1) for research, de-  
15 velopment, test, and evaluation for the Army is hereby in-  
16 creased by \$5,000,000.

17           (2) Of the amount authorized to be appropriated by  
18 section 201(1), as increased by paragraph (1), the amount  
19 available for Concepts Experimentation Program  
20 (PE605326A) is hereby increased by \$5,000,000, with the  
21 amount of such increase available for test and evaluation  
22 of future operational technologies for use by mounted ma-  
23 neuver forces.

24           (b) OFFSET.—The amount authorized to be appro-  
25 priated by section 201(4) for research, development, test,

1 and evaluation Defense-wide is hereby decreased by  
2 \$5,000,000, with the amount of such decrease to be ap-  
3 plied to Computing Systems and Communications Tech-  
4 nology (PE602301E).

5 **SEC. 225. AIR LOGISTICS TECHNOLOGY.**

6 (a) AVAILABILITY OF AMOUNT.—Of the amount au-  
7 thorized to be appropriated by section 201(4) for research,  
8 development, test, and evaluation Defense-wide, the  
9 amount available for Generic Logistics Research and De-  
10 velopment Technology Demonstrations (PE603712S) is  
11 hereby increased by \$300,000, with the amount of such  
12 increase available for air logistics technology.

13 (b) OFFSET.—Of the amount authorized to be appro-  
14 priated by section 201(4), the amount available for Com-  
15 puting Systems and Communications Technology  
16 (PE602301E) is hereby decreased by \$300,000.

17 **SEC. 226. PRECISION LOCATION AND IDENTIFICATION PRO-**  
18 **GRAM (PLAID).**

19 (a) INCREASE IN AMOUNT.—(1) The amount author-  
20 ized to be appropriated by section 201(3) for research, de-  
21 velopment, test, and evaluation for the Air Force is hereby  
22 increased by \$8,000,000.

23 (2) Of the amount authorized to be appropriated by  
24 section 201(3), as increased by paragraph (1), the amount  
25 available for Electronic Warfare Development

1 (PE604270F) is hereby increased by \$8,000,000, with the  
2 amount of such increase available for the Precision Loca-  
3 tion and Identification Program (PLAID).

4 (b) OFFSET.—The amount authorized to be appro-  
5 priated by section 201(1) for research, development, test,  
6 and evaluation for the Army is hereby decreased by  
7 \$8,000,000, with the amount of the reduction applied to  
8 Electronic Warfare Development (PE604270A).

9 **SEC. 227. NAVY INFORMATION TECHNOLOGY CENTER AND**  
10 **HUMAN RESOURCE ENTERPRISE STRATEGY.**

11 (a) AVAILABILITY OF INCREASED AMOUNT.—(1) Of  
12 the amount authorized to be appropriated by section  
13 201(2), for research, development, test, and evaluation for  
14 the Navy, \$5,000,000 shall be available for the Navy Pro-  
15 gram Executive Office for Information Technology for  
16 purposes of the Information Technology Center and for  
17 the Human Resource Enterprise Strategy implemented  
18 under section 8147 of the Department of Defense Appro-  
19 priations Act, 1999 (Public Law 105–262; 112 Stat.  
20 2341; 10 U.S.C. 113 note).

21 (2) Amounts made available under paragraph (1) for  
22 the purposes specified in that paragraph are in addition  
23 to any other amounts made available under this Act for  
24 such purposes.



1 (b) OFFSET.—Of the amount authorized to be appro-  
2 priated by section 201(2), the amount available for Marine  
3 Corps Assault Vehicles (PE603611M) is hereby reduced  
4 by \$5,000,000.

5 **SEC. 228. JOINT TECHNOLOGY INFORMATION CENTER INI-**  
6 **TIATIVE.**

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

9 (1) \$20,000,000 shall be available for the Joint  
10 Technology Information Center Initiative; and

11 (2) the amount provided for cyber attack sens-  
12 ing and warning under the information systems se-  
13 curity program (account 0303140G) is reduced by  
14 \$20,000,000.

15 **SEC. 229. AMMUNITION RISK ANALYSIS CAPABILITIES.**

16 (a) AVAILABILITY OF AMOUNT.—Of the amount au-  
17 thorized to be appropriated by section 201(4) for research,  
18 development, test, and evaluation Defense-wide, the  
19 amount available for Explosives Demilitarization Tech-  
20 nology (PE603104D) is hereby increased by \$5,000,000,  
21 with the amount of such increase available for research  
22 into ammunition risk analysis capabilities.

23 (b) OFFSET.—Of the amount authorized to be appro-  
24 priated by section 201(4), the amount available for Com-

1 puting Systems and Communications Technology  
2 (PE602301E) is hereby decreased by \$5,000,000.

3 **SEC. 230. FUNDING FOR COMPARISONS OF MEDIUM AR-**  
4 **MORED COMBAT VEHICLES.**

5 Of the amount authorized to be appropriated under  
6 section 201(1), \$40,000,000 shall be available for the ad-  
7 vanced tank armament system program for the develop-  
8 ment and execution of the plan for comparing costs and  
9 operational effectiveness of medium armored combat vehi-  
10 cles required under section 112(b).

11 **Subtitle C—Other Matters**

12 **SEC. 241. MOBILE OFFSHORE BASE.**

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

16 (b) CONTENT OF REPORT.—The report shall contain  
17 the following:

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

21 (2) A recommendation regarding whether to  
22 proceed with the mobile offshore base as a program  
23 and, if so—

1 (A) a statement regarding which of the  
2 Armed Forces is to be designated to have the  
3 lead responsibility for the program; and

4 (B) a schedule for the program.

5 **SEC. 242. AIR FORCE SCIENCE AND TECHNOLOGY PLAN-**  
6 **NING.**

7 (a) REPORT.—Not later than one year after the date  
8 of the enactment of this Act, the Secretary of the Air  
9 Force shall submit to the congressional defense commit-  
10 tees a report on the long-term challenges and short-term  
11 objectives of the Air Force science and technology pro-  
12 gram. The report shall include the following:

13 (1) An assessment of the budgetary resources  
14 that are being used for fiscal year 2001 for address-  
15 ing the long-term challenges and the short-term ob-  
16 jectives.

17 (2) The budgetary resources that are necessary  
18 to address those challenges and objectives ade-  
19 quately.

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

24 (4) The matters required under subsection  
25 (b)(5) and (c)(6).

1           (b) LONG-TERM CHALLENGES.—(1) The Secretary  
2 of the Air Force shall establish an integrated product team  
3 to identify high-risk, high-payoff challenges that will pro-  
4 vide a long-term focus and motivation for the Air Force  
5 science and technology program over the next 20 to 50  
6 years. The integrated product team shall include rep-  
7 resentatives of the Office of Scientific Research and per-  
8 sonnel from the Air Force Research Laboratory.

9           (2) The team shall solicit views from the entire Air  
10 Force science and technology community on the matters  
11 under consideration by the team.

12          (3) The team—

13               (A) shall select for consideration science and  
14 technology challenges that involve—

15                   (i) compelling requirements of the Air  
16 Force;

17                   (ii) high-risk, high-payoff areas of explo-  
18 ration; and

19                   (iii) very difficult, but probably achievable,  
20 results; and

21               (B) should not include as a selected challenge  
22 any linear extension of an ongoing Air Force science  
23 and technology program.

24          (4) The Deputy Assistant Secretary of the Air Force  
25 for Science, Technology, and Engineering shall designate

1 a technical coordinator and a management coordinator for  
2 each science and technology challenge identified pursuant  
3 to this subsection. Each technical coordinator shall have  
4 sufficient expertise in fields related to the challenge to be  
5 able to identify other experts and affirm the credibility of  
6 the program. The coordinator for a science and technology  
7 challenge shall conduct workshops within the relevant sci-  
8 entific and technological community to obtain suggestions  
9 for possible approaches to addressing the challenge, to  
10 identify ongoing work that addresses the challenge, to  
11 identify gaps in current work relating to the challenge,  
12 and to highlight promising areas of research.

13 (5) The report required by subsection (a) shall, at  
14 a minimum, provide information on each science and tech-  
15 nology challenge identified pursuant to this subsection and  
16 describe the results of the workshops conducted pursuant  
17 to paragraph (4), including any work not currently funded  
18 by the Air Force that should be performed to meet the  
19 challenge.

20 (c) SHORT-TERM OBJECTIVES.—(1) The Secretary  
21 of the Air Force shall establish a task force to identify  
22 short-term technological objectives of the Air Force  
23 science and technology program. The task force shall be  
24 chaired by the Deputy Assistant Secretary of the Air  
25 Force for Science, Technology, and Engineering and shall

1 include representatives of the Chief of Staff of the Air  
2 Force and the specified combatant commands of the Air  
3 Force.

4 (2) The task force shall solicit views from the entire  
5 Air Force requirements community, user community, and  
6 acquisition community.

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

9 (A) compelling requirements of the Air Force;

10 (B) support in the user community; and

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

13 (4) The Deputy Assistant Secretary of the Air Force  
14 for Science, Technology, and Engineering shall establish  
15 an integrated product team for each short-term objective  
16 identified pursuant to this subsection. Each integrated  
17 product team shall include representatives of the require-  
18 ments community, the user community, and the science  
19 and technology community with relevant expertise.

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

22 (A) identifying, defining, and prioritizing the  
23 enabling capabilities that are necessary for achieving  
24 the objective;

1 (B) identifying gaps in the enabling capabilities  
2 that must be addressed if the short-term objective is  
3 to be achieved; and

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

8 (6) The report required by subsection (a) shall, at  
9 a minimum, describe each short-term science and tech-  
10 nology objective identified pursuant to this subsection and  
11 describe the work of the integrated product teams con-  
12 ducted pursuant to paragraph (5), including any gaps  
13 identified in enabling capabilities and the science and tech-  
14 nology work that should be undertaken to fill each such  
15 gap.

16 **SEC. 243. ENHANCEMENT OF AUTHORITIES REGARDING**  
17 **EDUCATION PARTNERSHIPS FOR PURPOSES**  
18 **OF ENCOURAGING SCIENTIFIC STUDY.**

19 (a) ASSISTANCE IN SUPPORT OF PARTNERSHIPS.—  
20 Subsection (b) of section 2194 of title 10, United States  
21 Code, is amended—

22 (1) in the matter preceding paragraph (1), by  
23 inserting “, and is encouraged to provide,” after  
24 “may provide”;

1           (2) in paragraph (1), by inserting before the  
2 semicolon the following: “for any purpose and dura-  
3 tion in support of such agreement that the director  
4 considers appropriate”; and

5           (3) by striking paragraph (2) and inserting the  
6 following new paragraph (2):

7           “(2) notwithstanding the provisions of the Fed-  
8 eral Property and Administrative Services Act of  
9 1949 (40 U.S.C. 471 et seq.) or any provision of law  
10 or regulation relating to transfers of surplus prop-  
11 erty, transferring to the institution any defense lab-  
12 oratory equipment (regardless of the nature of type  
13 of such equipment) surplus to the needs of the de-  
14 fense laboratory that is determined by the director  
15 to be appropriate for support of such agreement;”.

16           (b) DEFENSE LABORATORY DEFINED.—Subsection  
17 (e) of that section is amended to read as follows:

18           “(e) In this section:

19           “(1) The term ‘defense laboratory’ means any  
20 laboratory, product center, test center, depot, train-  
21 ing and educational organization, or operational  
22 command under the jurisdiction of the Department  
23 of Defense.

24           “(2) The term ‘local educational agency’ has  
25 the meaning given such term in section 14101 of the



1 Elementary and Secondary Education Act of 1965  
2 (20 U.S.C. 8801).”.

3 **TITLE III—OPERATION AND**  
4 **MAINTENANCE**  
5 **Subtitle A—Authorization of**  
6 **Appropriations**

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

8 Funds are hereby authorized to be appropriated for  
9 fiscal year 2001 for the use of the Armed Forces and other  
10 activities and agencies of the Department of Defense for  
11 expenses, not otherwise provided for, for operation and  
12 maintenance, in amounts as follows:

13 (1) For the Army, \$19,031,031,000.

14 (2) For the Navy, \$23,254,154,000.

15 (3) For the Marine Corps, \$2,746,558,000.

16 (4) For the Air Force, \$22,389,077,000.

17 (5) For Defense-wide activities,  
18 \$11,922,069,000.

19 (6) For the Army Reserve, \$1,526,418,000.

20 (7) For the Naval Reserve, \$965,946,000.

21 (8) For the Marine Corps Reserve,  
22 \$138,959,000.

23 (9) For the Air Force Reserve, \$1,890,859,000.

24 (10) For the Army National Guard,  
25 \$3,222,335,000.

1           (11) For the Air National Guard,  
2           \$3,450,875,000.

3           (12) For the Defense Inspector General,  
4           \$144,245,000.

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

7           (14) For Environmental Restoration, Army,  
8           \$389,932,000.

9           (15) For Environmental Restoration, Navy,  
10          \$294,038,000.

11          (16) For Environmental Restoration, Air Force,  
12          \$376,300,000.

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

15          (18) For Environmental Restoration, Formerly  
16          Used Defense Sites, \$231,499,000.

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

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

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

24          (22) For Defense Health Program,  
25          \$11,401,723,000.

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

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

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

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

11           (1) For the Defense Working Capital Funds,  
12           \$916,276,000.

13           (2) For the National Defense Sealift Fund,  
14           \$388,158,000.

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

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

21 **SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCK-**  
22 **PILE TRANSACTION FUND.**

23          (a) TRANSFER AUTHORITY.—To the extent provided  
24          in appropriations Acts, not more than \$150,000,000 is au-  
25          thorized to be transferred from the National Defense

1 Stockpile Transaction Fund to operation and maintenance  
2 accounts for fiscal year 2001 in amounts as follows:

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

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

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

6 (b) TREATMENT OF TRANSFERS.—Amounts trans-  
7 ferred under this section—

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

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

14 (c) RELATIONSHIP TO OTHER TRANSFER AUTHOR-  
15 ITY.—The transfer authority provided in this section is in  
16 addition to the transfer authority provided in section  
17 1001.

18 **Subtitle B—Program Require-**  
19 **ments, Restrictions, and Limita-**  
20 **tions**

21 **SEC. 311. IMPACT AID FOR CHILDREN WITH DISABILITIES.**

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

1 for children with disabilities under subsection (d) of such  
2 section.

3 **SEC. 312. JOINT WARFIGHTING CAPABILITIES ASSESSMENT**  
4 **TEAMS.**

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

10 **SEC. 313. WEATHERPROOFING OF FACILITIES AT KEESLER**  
11 **AIR FORCE BASE, MISSISSIPPI.**

12 Of the total amount authorized to be appropriated  
13 by section 301(4), \$2,800,000 is available for the weather-  
14 proofing of facilities at Keesler Air Force Base, Mis-  
15 sissippi.

16 **SEC. 314. DEMONSTRATION PROJECT FOR INTERNET AC-**  
17 **CESS AND SERVICES IN RURAL COMMU-**  
18 **NITIES.**

19 (a) IN GENERAL.—The Secretary of the Army, acting  
20 through the Chief of the National Guard Bureau, shall  
21 carry out a demonstration project to provide Internet ac-  
22 cess and services to rural communities that are unserved  
23 or underserved by the Internet.

24 (b) PROJECT ELEMENTS.—In carrying out the dem-  
25 onstration project, the Secretary shall—

1           (1) establish and operate distance learning  
2 classrooms in communities described in subsection  
3 (a), including any support systems required for such  
4 classrooms; and

5           (2) subject to subsection (c), provide Internet  
6 access and services in such classrooms through  
7 GuardNet, the telecommunications infrastructure of  
8 the National Guard.

9           (c) AVAILABILITY OF ACCESS AND SERVICES.—  
10 Under the demonstration project, Internet access and  
11 services shall be available to the following:

12           (1) Personnel and elements of governmental  
13 emergency management and response entities lo-  
14 cated in communities served by the demonstration  
15 project.

16           (2) Members and units of the Army National  
17 Guard located in such communities.

18           (3) Businesses located in such communities.

19           (4) Personnel and elements of local govern-  
20 ments in such communities.

21           (5) Other appropriate individuals and entities  
22 located in such communities.

23           (d) REPORT.—Not later than February 1, 2005, the  
24 Secretary shall submit to Congress a report on the dem-  
25 onstration project. The report shall describe the activities

1 under the demonstration project and include any rec-  
2 ommendations for the improvement or expansion of the  
3 demonstration project that the Secretary considers appro-  
4 priate.

5 (e) FUNDING.—(1) The amount authorized to be ap-  
6 propriated by section 301(10) for operation and mainte-  
7 nance of the Army National Guard is hereby increased by  
8 \$15,000,000.

9 (2) Of the amount authorized to be appropriated by  
10 section 301(10), as increased by paragraph (1),  
11 \$15,000,000 shall be available for the demonstration  
12 project required by this section.

13 (3) It is the sense of Congress that requests of the  
14 President for funds for the National Guard for fiscal years  
15 after fiscal year 2001 should provide for sufficient funds  
16 for the continuation of the demonstration project required  
17 by this section.

18 **SEC. 315. TETHERED AEROSTAT RADAR SYSTEM (TARS)**

19 **SITES.**

20 (a) FINDINGS.—Congress makes the following find-  
21 ings:

22 (1) Failure to operate and standardize the cur-  
23 rent Tethered Aerostat Radar System (TARS) sites  
24 along the Southwest border of the United States and

1 the Gulf of Mexico will result in a degradation of the  
2 counterdrug capability of the United States.

3 (2) Most of the illicit drugs consumed in the  
4 United States enter the United States through the  
5 Southwest border, the Gulf of Mexico, and Florida.

6 (3) The Tethered Aerostat Radar System is a  
7 critical component of the counterdrug mission of the  
8 United States relating to the detection and appre-  
9 hension of drug traffickers.

10 (4) Preservation of the current Tethered Aero-  
11 stat Radar System network compels drug traffickers  
12 to transport illicit narcotics into the United States  
13 by more risky and hazardous routes.

14 (b) AVAILABILITY OF FUNDS.—Of the amount au-  
15 thorized to be appropriated by section 301(20) for Drug  
16 Interdiction and Counter-drug Activities, Defense-wide, up  
17 to \$33,000,000 may be made available to Drug Enforce-  
18 ment Policy Support (DEP&S) for purposes of maintain-  
19 ing operations of the 11 current Tethered Aerostat Radar  
20 System (TARS) sites and completing the standardization  
21 of such sites located along the Southwest border of the  
22 United States and in the States bordering the Gulf of  
23 Mexico.



1 **SEC. 316. MOUNTED URBAN COMBAT TRAINING SITE, FORT**  
2 **KNOX, KENTUCKY.**

3 Of the total amount authorized to be appropriated  
4 under section 301(1) for training range upgrades,  
5 \$4,000,000 is available for the Mounted Urban Combat  
6 Training site, Fort Knox, Kentucky.

7 **SEC. 317. MK-45 OVERHAUL.**

8 Of the total amount authorized to be appropriated  
9 under section 301(1) for maintenance, \$12,000,000 is  
10 available for overhaul of MK-45 5-inch guns.

11 **SEC. 318. INDUSTRIAL MOBILIZATION CAPACITY AT GOV-**  
12 **ERNMENT-OWNED, GOVERNMENT-OPERATED**  
13 **ARMY AMMUNITION FACILITIES AND ARSE-**  
14 **NALS.**

15 Of the amount authorized to be appropriated under  
16 section 301(1), \$51,280,000 shall be available for funding  
17 the industrial mobilization capacity at Army ammunition  
18 facilities and arsenals that are government owned, govern-  
19 ment operated.

20 **SEC. 319. CLOSE-IN WEAPON SYSTEM OVERHAULS.**

21 Of the total amount authorized to be appropriated  
22 by section 301(2), \$391,806,000 is available for weapons  
23 maintenance.

1 **SEC. 320. SPECTRUM DATA BASE UPGRADES.**

2 The total amount authorized to be appropriated by  
3 section 301(5) for Spectrum data base upgrades is re-  
4 duced by \$10,000,000.

5 **Subtitle C—Humanitarian and**  
6 **Civic Assistance**

7 **SEC. 321. INCREASED AUTHORITY TO PROVIDE HEALTH**  
8 **CARE SERVICES AS HUMANITARIAN AND**  
9 **CIVIC ASSISTANCE.**

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

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

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

23 “(5) Up to 10 percent of the funds available in any  
24 fiscal year for humanitarian and civic assistance described  
25 in subsection (e)(5) may be expended for the pay and al-  
26 lowances of reserve component personnel of the Special

1 Operations Command for periods of duty for which the  
 2 personnel, for a humanitarian purpose, furnish education  
 3 and training on the detection and clearance of landmines  
 4 or furnish related technical assistance.”.

5 **Subtitle D—Department of Defense**  
 6 **Industrial Facilities**

7 **SEC. 331. CODIFICATION AND IMPROVEMENT OF ARMA-**  
 8 **MENT RETOOLING AND MANUFACTURING**  
 9 **SUPPORT PROGRAMS.**

10 (a) IN GENERAL.—(1) Part IV of subtitle B of title  
 11 10, United States Code, is amended by inserting after  
 12 chapter 433 the following:

13 **“CHAPTER 434—ARMAMENTS INDUSTRIAL**  
 14 **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.

15 **“§ 4551. Policy**

16 “It is the policy of the United States—

17 “(1) to encourage, to the maximum extent prac-  
 18 ticable, commercial firms to use Government-owned,  
 19 contractor-operated ammunition manufacturing fa-  
 20 cilities of the Department of the Army;

21 “(2) to use such facilities for supporting pro-  
 22 grams, projects, policies, and initiatives that pro-

1 mote competition in the private sector of the United  
2 States economy and that advance United States in-  
3 terests in the global marketplace;

4 “(3) to increase the manufacture of products  
5 inside the United States;

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

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

18 “(6) to encourage the creation of jobs through  
19 increased investment in the private sector of the  
20 United States economy;

21 “(7) to foster a more efficient, cost-effective,  
22 and adaptable armaments industry in the United  
23 States;

24 “(8) to achieve, with respect to armaments  
25 manufacturing capacity, an optimum level of readi-

1       ness of the national technology and industrial base  
2       within the United States that is consistent with the  
3       projected threats to the national security of the  
4       United States and the projected emergency require-  
5       ments of the Armed Forces of the United States;  
6       and

7               “(9) to encourage facility use contracting where  
8       feasible.

9       **“§ 4552. Armament Retooling and Manufacturing**  
10               **Support Initiative**

11       “(a) **AUTHORITY FOR INITIATIVE.**—The Secretary of  
12 the Army may carry out a program to be known as the  
13 ‘Armament Retooling and Manufacturing Support Initia-  
14 tive’ (hereafter in this chapter referred to as the ‘ARMS  
15 Initiative’).

16       “(b) **PURPOSES.**—The purposes of the ARMS Initia-  
17 tive are as follows:

18               “(1) To encourage commercial firms, to the  
19 maximum extent practicable, to use Government-  
20 owned, contractor-operated ammunition manufac-  
21 turing facilities of the Department of the Army for  
22 commercial purposes.

23               “(2) To increase the opportunities for small  
24 businesses (including socially and economically dis-

1        advantaged small business concerns and new small  
2        businesses) to use such facilities for those purposes.

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

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

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

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

22           “(7) To reduce the cost of products of the De-  
23       partment of Defense produced at ammunition manu-  
24       facturing facilities of the Department of the Army.

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

8                   “(A) Recapitalization of plant and equip-  
9                   ment.

10                   “(B) Environmental remediation.

11                   “(C) Promotion of commercial business  
12                   ventures.

13                   “(D) Other activities.

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

20           “(10) To reduce or eliminate the cost of asset  
21           disposal prior to a declaration by the Secretary of  
22           the Army that property is excess to the needs of the  
23           Department of the Army.

24           “(c) AVAILABILITY OF FACILITIES.—(1) The Sec-  
25           retary of the Army may make any Government-owned,

1 contractor-operated ammunition manufacturing facility of  
2 the Department of the Army available for the purposes  
3 of the ARMS Initiative.

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

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

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

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

20 “(3) Section 321 of the Act of June 30, 1932  
21 (commonly known as the ‘Economy Act’) (40 U.S.C.  
22 303b).

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



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

6       **“§ 4553. Property management contracts and leases**

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

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

14               “(2) shall evaluate, on the basis of efficiency,  
15 cost, emergency mobilization requirements, and the  
16 goals and purposes of the ARMS Initiative, the pro-  
17 curement of services from the property manager, in-  
18 cluding maintenance, operation, modification, infra-  
19 structure, environmental restoration and remedi-  
20 ation, and disposal of ammunition manufacturing  
21 assets, and other services; and

22               “(3) may, in carrying out paragraphs (1) and  
23 (2)—

24                       “(A) enter into contracts, and provide for  
25 subcontracts, for terms up to 25 years, as the

1 Secretary considers appropriate and consistent  
2 with the needs of the Department of the Army  
3 and the goals and purposes of the ARMS Initia-  
4 tive; and

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

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

16 “(A) rental payments; or

17 “(B) revenue generated at the facility.

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

21 “(A) The improvement, maintenance, protec-  
22 tion, repair, and restoration of the facility, the prop-  
23 erty, or any property within the boundaries of the  
24 installation where the facility is located.

25 “(B) Reductions in overhead costs.

1           “(C) Reductions in product cost.

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

5           “(c) REPORTING REQUIREMENT.—Not later than  
6 July 1 each year, the Secretary of the Army shall submit  
7 to the Committees on Armed Services and on Appropria-  
8 tions of the Senate and the House of Representatives a  
9 report on the procedures and controls implemented to  
10 carry out this section.

11   **“§ 4554. ARMS Initiative loan guarantee program**

12           “(a) PROGRAM AUTHORIZED.—Subject to subsection  
13 (b), the Secretary of the Army may carry out a loan guar-  
14 antee program to encourage commercial firms to use am-  
15 munition manufacturing facilities under this chapter.  
16 Under any such program, the Secretary may guarantee  
17 the repayment of any loan made to a commercial firm to  
18 fund, in whole or in part, the establishment of a commer-  
19 cial activity to use any such facility under this chapter.

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

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

5               “(A) process applications for loan guarantees;

6               “(B) guarantee repayment of loans; and

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

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

11               “(A) The Administrator of the Small Business  
12 Administration.

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

15                       “(i) the Administrator of the Farmers  
16 Home Administration; and

17                       “(ii) the Administrator of the Rural Devel-  
18 opment Administration.

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

1       “(4) To the extent practicable, each official proc-  
2       essing loan guarantee applications under this section pur-  
3       suant to an agreement entered into under paragraph (1)  
4       shall use the same processing procedures as the official  
5       uses for processing loan guarantee applications under  
6       other loan guarantee programs that the official admin-  
7       isters.

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

11             “(1) \$20,000,000, with respect to any single  
12      borrower; and

13             “(2) \$320,000,000 with respect to all bor-  
14      rowers.

15      “(e) TRANSFER OF FUNDS.—The Secretary of the  
16      Army may transfer to an official providing services under  
17      subsection (c), and that official may accept, such funds  
18      as may be necessary to administer the loan guarantee pro-  
19      gram under this section.

20      “**§ 4555. Definitions**

21      “In this chapter:

22             “(1) The term ‘property manager’ includes any  
23      person or entity managing a facility made available  
24      under the ARMS Initiative through a property man-  
25      agement contract.

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

5           (2) The tables of chapters at the beginning of subtitle  
6 B of such title and at the beginning of part IV of such  
7 subtitle are amended by inserting after the item relating  
8 to chapter 433 the following:

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

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

12           (A) by redesignating section 2525 as section  
13           2521; and

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

15           **“§ 2522. Armament retooling and manufacturing**

16           “The Secretary of the Army is authorized by chapter  
17 434 of this title to carry out programs for the support  
18 of armaments retooling and manufacturing in the national  
19 defense industrial and technology base.”.

20           (2) The table of sections at the beginning of such sub-  
21 chapter is amended by striking the item relating to section  
22 2525 and inserting the following:

          “2521. Manufacturing Technology Program.

          “2522. Armament retooling and manufacturing.”.

1 (c) REPEAL OF SUPERSEDED LAW.—The Armament  
2 Retooling and Manufacturing Support Act of 1992 (sub-  
3 title H of title I of the National Defense Authorization  
4 Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C.  
5 2501 note)) is repealed.

6 **SEC. 332. CENTERS OF INDUSTRIAL AND TECHNICAL EX-**  
7 **CELLENCE.**

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

12 “(1) The Secretary concerned, or the Secretary of  
13 Defense in the case of a Defense Agency, shall designate  
14 as a Center of Industrial and Technical Excellence in the  
15 recognized core competencies of the designee the following:

16 “(A) Each depot-level activity of the military  
17 departments and the Defense Agencies (other than  
18 facilities approved for closure or major realignment  
19 under the Defense Base Closure and Realignment  
20 Act of 1990 (part A of title XXIX of Public Law  
21 101–510; 10 U.S.C. 2687 note)).

22 “(B) Each arsenal of the Army.

23 “(C) Each government-owned, government-op-  
24 erated ammunition plant of the Army.”.

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

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

3 (B) by striking “depot-level activities” and in-  
4 sserting “Centers of Industrial and Technical Excel-  
5 lence”.

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

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

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

21 “(A) For employees of the Center, private in-  
22 dustry, or other entities outside the Department of  
23 Defense—

24 “(i) to perform (under contract, sub-  
25 contract, or otherwise) work in any of the core



1           competencies of the Center, including any  
2           depot-level maintenance and repair work that  
3           involves one or more core competencies of the  
4           Center; or

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

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

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

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

19               “(B) To reduce or eliminate the cost of owner-  
20               ship of a Center by the Department of Defense in  
21               such areas of responsibility as operations and main-  
22               tenance and environmental remediation.

23               “(C) To reduce the cost of products of the De-  
24               partment of Defense produced or maintained at a  
25               Center.

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

2                   “(i) such efforts as plant and equipment  
3           recapitalization for a Center; and

4                   “(ii) the promotion of the undertaking of  
5           commercial business ventures at a Center.

6           “(E) To foster cooperation between the armed  
7           forces and private industry.

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

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

21          “(5) In any sale of articles manufactured or services  
22          performed by employees of a Center pursuant to a waiver  
23          under paragraph (4), the Secretary shall charge the full  
24          cost of manufacturing the articles or performing the serv-

1 ices, as the case may be. The full cost charged shall in-  
2 clude both direct costs and indirect costs.”.

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

4 Such section is further amended—

5 (1) striking subsection (d);

6 (2) by redesignating subsection (c) as sub-  
7 section (d); and

8 (3) by inserting after subsection (b) the fol-  
9 lowing new subsection (c):

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

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

20 (d) CREDITING OF AMOUNTS FOR PERFORMANCE.—

21 Subsection (d) of such section, as redesignated by sub-  
22 section (c)(2), is amended by adding at the end the fol-  
23 lowing: “Consideration in the form of rental payments or  
24 (notwithstanding section 3302(b) of title 31) in other  
25 forms may be accepted for a use of property accountable

1 under a contract performed pursuant to this section. Not-  
2 withstanding section 2667(d) of this title, revenues gen-  
3 erated pursuant to this section shall be available for facil-  
4 ity operations, maintenance, and environmental restora-  
5 tion at the Center where the leased property is located.”.

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

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

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

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

20 “(A) to reimburse the Department of De-  
21 fense for the direct and indirect costs (including  
22 any rental costs) that are attributable to the  
23 entity’s use of the equipment or facilities, as de-  
24 termined by that Secretary; and

1           “(B) to hold harmless and indemnify the  
2           United States from—

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

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

15           “(f) CONSTRUCTION OF PROVISION.—Nothing in this  
16           section may be construed to authorize a change, otherwise  
17           prohibited by law, from the performance of work at a Cen-  
18           ter of Industrial and Technical Excellence by Department  
19           of Defense personnel to performance by a contractor.”.

20           (f) LOAN GUARANTEE PROGRAM FOR SUPPORT OF  
21           PUBLIC-PRIVATE PARTNERSHIPS.—Chapter 146 of title  
22           10, United States Code, is amended by adding at the end  
23           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.”.

21 **SEC. 335. UNUTILIZED AND UNDERUTILIZED PLANT-CAPAC-**  
 22 **ITY COSTS OF UNITED STATES ARSENALS.**

23           (a) IN GENERAL.—(1) The Secretary of the Army  
 24 shall submit to Congress each year, together with the

1 President's budget for the fiscal year beginning in such  
2 year under section 1105(a) of title 31, an estimate of the  
3 funds to be required in the fiscal year in order to cover  
4 the costs of operating and maintaining unutilized and un-  
5 derutilized plant capacity at United States arsenals.

6 (2) Funds appropriated to the Secretary for a fiscal  
7 year for costs described in paragraph (1) shall be utilized  
8 by the Secretary in such fiscal year only to cover such  
9 costs.

10 (3) Notwithstanding any other provision of law, the  
11 Secretary shall not include unutilized or underutilized  
12 plant-capacity costs when evaluating an arsenal's bid for  
13 purposes of the arsenal's contracting to provide a good  
14 or service to a United States Government organization.  
15 When an arsenal is subcontracting to a private-sector enti-  
16 ty on a good or service to be provided to a United States  
17 Government organization, the cost charged by the arsenal  
18 shall not include unutilized or underutilized plant-capacity  
19 costs that are funded by a direct appropriation.

20 (b) DEFINITION.—For purposes of this section, the  
21 term “unutilized and underutilized plant-capacity cost”  
22 shall mean the cost associated with operating and main-  
23 taining arsenal facilities and equipment that the Secretary  
24 of the Army determines are required to be kept for mobili-  
25 zation needs, in those months in which the facilities and

1 equipment are not used or are used only 20 percent or  
2 less of available work days.

## 3                   **Subtitle E—Environmental** 4                   **Provisions**

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

6           (a) **ADDITIONAL ACCOUNT FOR FORMERLY USED**  
7 **DEFENSE SITES.**—Subsection (a) of section 2703 of title  
8 10, United States Code, is amended by adding at the end  
9 the following new paragraph:

10                   “(5) An account to be known as the ‘Environ-  
11           mental Restoration Account, Formerly Used Defense  
12           Sites’.”.

13           (b) **ACCOUNTS AS SOLE SOURCE OF FUNDS FOR OP-**  
14 **ERATION AND MONITORING OF ENVIRONMENTAL REM-**  
15 **EDIES.**—That section is further amended by adding at the  
16 end the following:

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

23                   “(2) In this subsection, the term ‘environmental rem-  
24 edy’ shall have the meaning given the term ‘remedy’ under  
25 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 by a Federal agency against the Department  
12 of Defense or such military department, as the case may  
13 be, unless the payment of the fine or penalty is specifically  
14 authorized by law, if the amount of the fine or penalty  
15 (including any supplemental environmental projects car-  
16 ried out as part of such penalty) is \$1,500,000 or more.

17 “(b) DEFINITIONS.—In this section:

18 “(1)(A) Except as provided in subparagraph  
19 (B), the term ‘environmental compliance’, in the  
20 case of on-going operations, functions, or activities  
21 at a Department of Defense facility, means the ac-  
22 tivities necessary to ensure that such operations,  
23 functions, or activities meet requirements under ap-  
24 plicable environmental law.

25 “(B) The term does not include operations,  
26 functions, or activities relating to environmental res-

1       toration under this chapter that are conducted using  
2       funds in an environmental restoration account under  
3       section 2703(a) of this title.

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

7               “(c) EXPIRATION OF PROHIBITION.—This section  
8       does not apply to any part of a violation described in sub-  
9       section (a) that occurs on or after the date that is three  
10      years after the date of the enactment of the National De-  
11      fense Authorization Act for Fiscal Year 2001.”.

12       (2) The table of sections at the beginning of such  
13      chapter is amended by adding at the end the following  
14      new item:

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

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

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

1 **SEC. 343. ANNUAL REPORTS UNDER STRATEGIC ENVIRON-**  
2 **MENTAL RESEARCH AND DEVELOPMENT**  
3 **PROGRAM.**

4 (a) REPEAL OF REQUIREMENT FOR ANNUAL RE-  
5 PORT FROM SCIENTIFIC ADVISORY BOARD.—Section  
6 2904 of title 10, United States Code, is amended—

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

8 (2) by redesignating subsection (i) as subsection  
9 (h).

10 (b) INCLUSION OF ACTIONS OF BOARD IN ANNUAL  
11 REPORTS OF COUNCIL.—Section 2902(d)(3) of such title  
12 is amended by adding at the end the following subpara-  
13 graph:

14 “(D) A summary of the actions of the  
15 Strategic Environmental Research and Develop-  
16 ment Program Scientific Advisory Board during  
17 the year preceding the year in which the report  
18 is submitted and any recommendations, includ-  
19 ing recommendations on program direction and  
20 legislation, that the Advisory Board considers  
21 appropriate regarding the program.”.



1 **SEC. 344. PAYMENT OF FINES OR PENALTIES IMPOSED FOR**  
2 **ENVIRONMENTAL COMPLIANCE VIOLATIONS**  
3 **AT CERTAIN DEPARTMENT OF DEFENSE FA-**  
4 **CILITIES.**

5 (a) ARMY.—The Secretary of the Army may, from  
6 amounts authorized to be appropriated for the Army by  
7 this title and available for such purpose, utilize amounts  
8 for the purposes and at the locations, as follows:

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

16 (2) \$377,250 for a Supplemental Environ-  
17 mental Project to install new parts washers at Fort  
18 Campbell, Kentucky, in satisfaction of a fine im-  
19 posed by Environmental Protection Agency Region 4  
20 under the Solid Waste Disposal Act.

21 (3) \$20,701 for a Supplemental Environmental  
22 Project to upgrade the wastewater treatment plant  
23 at Fort Gordon, Georgia, in satisfaction of a fine  
24 imposed by the State of Georgia under the Solid  
25 Waste Disposal Act.

1           (4) \$78,500 for Supplemental Environmental  
2 Projects to reduce the generation of hazardous waste  
3 at Pueblo Chemical Depot, Colorado, in satisfaction  
4 of a fine imposed by the State of Colorado under the  
5 Solid Waste Disposal Act.

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

12           (6) \$7,975 for payment to the Texas Natural  
13 Resource Conservation Commission of a cash fine  
14 for permit violations assessed under the Solid Waste  
15 Disposal Act.

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

20           (1) \$108,800 for payment to the West Virginia  
21 Division of Environmental Protection of a cash pen-  
22 alty with respect to Allegany Ballistics Laboratory,  
23 West Virginia, under the Solid Waste Disposal Act.

24           (2) \$5,000 for payment to Environmental Pro-  
25 tection Agency Region 6 of a cash penalty with re-

1 spect to Naval Air Station, Corpus Christi, Texas,  
2 under the Clean Air Act (42 U.S.C. 7401).

3 **SEC. 345. REIMBURSEMENT FOR CERTAIN COSTS IN CON-**  
4 **NECTION WITH THE FORMER NANSEMOND**  
5 **ORDNANCE DEPOT SITE, SUFFOLK, VIRGINIA.**

6 (a) **AUTHORITY.**—The Secretary of Defense may pay,  
7 using funds described in subsection (b), not more than  
8 \$98,210 to the Former Nansemond Ordnance Depot Site  
9 Special Account within the Hazardous Substance Super-  
10 fund established by section 9507 of the Internal Revenue  
11 Code of 1986 (26 U.S.C. 9507) to reimburse the Environ-  
12 mental Protection Agency for costs incurred by the agency  
13 in overseeing a time critical removal action under  
14 CERCLA being performed by the Department of Defense  
15 under the Defense Environmental Restoration Program  
16 for ordnance and explosive safety hazards at the Former  
17 Nansemond Ordnance Depot Site, Suffolk, Virginia, pur-  
18 suant to an Interagency Agreement entered into by the  
19 Department of the Army and the Environmental Protec-  
20 tion Agency on January 3, 2000.

21 (b) **SOURCE OF FUNDS.**—Any payment under sub-  
22 section (a) shall be made using amounts authorized to be  
23 appropriated by section 301 to the Environmental Res-  
24 toration Account, Formerly Used Defense Sites, estab-  
25 lished by paragraph (5) of section 2703(a) of title 10,

1 United States Code, as added by section 341(a) of this  
2 Act.

3 (c) DEFINITIONS.—In this section:

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

7 (2) The term “Defense Environmental Restora-  
8 tion Program” means the program of environmental  
9 restoration carried out under chapter 160 of title 10,  
10 United States Code.

11 **SEC. 346. ENVIRONMENTAL RESTORATION ACTIVITIES.**

12 (a) AUTHORITY TO USE FUNDS FOR FACILITIES RE-  
13 LOCATION.—During the period beginning on October 1,  
14 2000, and ending on September 30, 2003, the Secretary  
15 concerned may use funds available under section 2703 of  
16 title 10, United States Code, to pay for the costs of perma-  
17 nently relocating facilities because of a release or threat-  
18 ened release of hazardous substances, pollutants, or con-  
19 taminants from—

20 (1) real property or facilities currently under  
21 the jurisdiction of the Secretary of Defense; or

22 (2) real property or facilities that were under  
23 the jurisdiction of the Secretary of Defense at the  
24 time of the actions leading to such release or threat-  
25 ened release.

1           (b) LIMITATIONS.—(1) The Secretary concerned may  
2 not pay the costs of permanently relocating facilities under  
3 subsection (a) unless the Secretary concerned determines  
4 in writing that such permanent relocation of facilities is  
5 part of a response action that—

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

7           (B) has the approval of relevant regulatory  
8 agencies; and

9           (C) is the most cost effective response action  
10 available.

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

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

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

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

1 (B) A description of the response action taken  
2 or to be taken in connection with each such written  
3 determination.

4 (C) A statement of the costs incurred or to be  
5 incurred in connection with the permanent relocation  
6 of facilities covered by each such written determina-  
7 tion.

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

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

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

15 **SEC. 347. SHIP DISPOSAL PROJECT.**

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

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

23 (3) The Secretary shall use competitive procedures to  
24 award all task orders under the primary contracts under  
25 the ship disposal project.

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

5 (1) A description of the competitive procedures  
6 used for the solicitation and award of all task orders  
7 under the project.

8 (2) A description of the task orders awarded  
9 under the project.

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

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

15 **SEC. 348. REPORT ON DEFENSE ENVIRONMENTAL SECUR-**  
16 **RITY CORPORATE INFORMATION MANAGE-**  
17 **MENT PROGRAM.**

18 (a) REPORT REQUIRED.—Not later than 60 days  
19 after the date of the enactment of this Act, the Secretary  
20 of Defense shall submit to the congressional defense com-  
21 mittees a report on the Defense Environmental Security  
22 Corporate Information Management program.

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

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

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

6           (A) Information access procedures which  
7 keep pace with current and evolving require-  
8 ments for information access.

9           (B) Data standardization and systems in-  
10 tegration.

11          (C) Product failures and cost-effective re-  
12 sults.

13          (D) User confidence and utilization.

14          (E) Program continuity.

15          (F) Program accountability, including ac-  
16 countability for all past, current, and future ac-  
17 tivities funded under the program.

18          (G) Program management and oversight.

19          (H) Program compliance with applicable  
20 requirements of the Clinger-Cohen Act of 1996  
21 (divisions D and E of Public Law 104–106)  
22 and applicable requirements under other provi-  
23 sions of law.



1 **SEC. 349. REPORT ON PLASMA ENERGY PYROLYSIS SYS-**  
2 **TEM.**

3 (a) REPORT REQUIRED.—Not later than October 1,  
4 2000, the Secretary of the Army shall submit to the con-  
5 gressional defense committees a report on the Plasma En-  
6 ergy Pyrolysis System (PEPS).

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

10 (1) An analysis of available information and  
11 data on the fixed-transportable unit demonstration  
12 phase of the System and on the mobile unit dem-  
13 onstration phase of the System.

14 (2) Recommendations regarding future applica-  
15 tions for each phase of the System described in  
16 paragraph (1).

17 (3) A statement of the projected funding for  
18 such future applications.

19 **Subtitle F—Other Matters**

20 **SEC. 361. EFFECTS OF WORLDWIDE CONTINGENCY OPER-**  
21 **ATIONS ON READINESS OF CERTAIN MILI-**  
22 **TARY AIRCRAFT AND EQUIPMENT.**

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

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

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

7           (b) CONTENT OF REPORT.—The report shall contain  
8           the Secretary’s assessment of the effects of the contin-  
9           gency operations referred to in subsection (a) on the capa-  
10          bility of the Department of Defense to maintain a high  
11          level of equipment readiness and to manage a high oper-  
12          ating tempo for the aircraft and ground equipment.

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

16               (1) The effects of the contingency operations  
17               carried out during fiscal years 1995 through 2000  
18               on the aircraft of each of the Navy, Marine Corps,  
19               and Air Force in each category of aircraft, as fol-  
20               lows:

21                       (A) Combat tactical aircraft.

22                       (B) Strategic aircraft.

23                       (C) Combat support aircraft.

24                       (D) Combat service support aircraft.

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

5           (A) Patrolling in no-fly zones—

6           (i) over Iraq in Operation Northern  
7 Watch;

8           (ii) over Iraq in Operation Southern  
9 Watch; and

10           (iii) over the Balkans in Operation Al-  
11 lied Force.

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

15           (C) Air operations in Operation Shining  
16 Hope in Kosovo.

17           (D) All other activities within the general  
18 context of worldwide contingency operations.

19           (3) Any other effects that the Secretary con-  
20 siders appropriate in carrying out subsection (a).

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

24           (1) The effects of the contingency operations  
25 carried out during fiscal years 1995 through 2000

1 on the ground equipment of each of the Army and  
2 Marine Corps.

3 (2) Any other effects that the Secretary con-  
4 siders appropriate in carrying out subsection (a).

5 **SEC. 362. REALISTIC BUDGETING FOR READINESS RE-**  
6 **QUIREMENTS OF THE ARMY.**

7 (a) REQUIREMENT FOR NEW METHODOLOGY.—The  
8 Secretary of the Army shall develop a new methodology  
9 for preparing budget requests for operation and mainte-  
10 nance that can be used to ensure that the budget requests  
11 for operation and maintenance for future fiscal years more  
12 accurately reflect the Army's requirements than do the  
13 budget requests that have been submitted to Congress for  
14 fiscal year 2001 and preceding fiscal years.

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

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

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

22 (B) the cost of conducting the training at  
23 that level; and

1 (C) the costs of all other Army operations,  
2 including the cost of meeting infrastructure re-  
3 quirements; and

4 (2) the Secretary should use the new method-  
5 ology in the preparation of the budget requests for  
6 operation and maintenance for fiscal years after fis-  
7 cal year 2001.

8 **SEC. 363. ADDITIONS TO PLAN FOR ENSURING VISIBILITY**  
9 **OVER ALL IN-TRANSIT END ITEMS AND SEC-**  
10 **ONDARY ITEMS.**

11 (a) **REQUIRED ADDITIONS.**—Subsection (d) of sec-  
12 tion 349 of the Strom Thurmond National Defense Au-  
13 thorization Act for Fiscal Year 1999 (Public Law 105-  
14 261; 112 Stat. 1981; 10 U.S.C. 2458 note) is amended—

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

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

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

23 “(A) the assignment of oversight responsi-  
24 bility for each action identified pursuant to  
25 paragraph (1);

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

3           “(C) an estimate of the annual cost of  
4           oversight.”.

5           (b) CONFORMING AMENDMENTS.—(1) Subsection (a)  
6 of such section is amended by striking “Not later than”  
7 and all that follows through “Congress” and inserting  
8 “The Secretary of Defense shall prescribe and carry out”.  
9           (2) Such section is further amended by adding at the  
10 end the following:

11           “(f) SUBMISSIONS TO CONGRESS.—After the Sec-  
12 retary submits the plan to Congress (on a date not later  
13 than March 1, 1999), the Secretary shall submit to Con-  
14 gress any revisions to the plan that are required by any  
15 law enacted after October 17, 1998. The revisions so made  
16 shall be submitted not later than 180 days after the date  
17 of the enactment of the law requiring the revisions.”.

18           (3) Subsection (e)(1) of such section is amended by  
19 striking “submits the plan” and inserting “submits the  
20 initial plan”.

21 **SEC. 364. PERFORMANCE OF EMERGENCY RESPONSE**  
22 **FUNCTIONS AT CHEMICAL WEAPONS STOR-**  
23 **AGE INSTALLATIONS.**

24           (a) RESTRICTION ON CONVERSION.—The Secretary  
25 of the Army may not convert to contractor performance

1 the emergency response functions of any chemical weapons  
2 storage installation that, as of the date of the enactment  
3 of this Act, are performed for that installation by employ-  
4 ees of the United States until the certification required  
5 by subsection (c) has been submitted in accordance with  
6 that subsection.

7 (b) COVERED INSTALLATIONS.—For the purposes of  
8 this section, a chemical weapons storage installation is any  
9 installation of the Department of Defense on which lethal  
10 chemical agents or munitions are stored.

11 (c) CERTIFICATION REQUIREMENT.—The Secretary  
12 of the Army shall certify in writing to the Committees on  
13 Armed Services of the Senate and the House of Represent-  
14 atives that, to ensure that there will be no lapse of capa-  
15 bility to perform the chemical weapon emergency response  
16 mission at a chemical weapons storage installation during  
17 any transition to contractor performance of those func-  
18 tions at that installation, the plan for conversion of the  
19 performance of those functions—

20 (1) is consistent with the recommendation con-  
21 tained in General Accounting Office Report NSIAD-  
22 00-88, entitled “DoD Competitive Sourcing”, dated  
23 March 2000; and

24 (2) provides for a transition to contractor per-  
25 formance of emergency response functions which en-

1       sures an adequate transfer of the relevant knowledge  
2       and expertise regarding chemical weapon emergency  
3       response to the contractor personnel.

4 **SEC. 365. CONGRESSIONAL NOTIFICATION OF USE OF**  
5                   **RADIO FREQUENCY SPECTRUM BY A SYSTEM**  
6                   **ENTERING ENGINEERING AND MANUFAC-**  
7                   **TURING DEVELOPMENT.**

8       Before a decision is made to enter into the engineer-  
9       ing and manufacturing development phase of a program  
10      for the acquisition of a system that is to use the radio  
11      frequency spectrum, the Secretary of Defense shall submit  
12      to the congressional defense committees a report setting  
13      forth the following:

14           (1) The frequency or frequencies that the sys-  
15      tem will use.

16           (2) A statement of whether the Department of  
17      Defense is, or is to be, designated as the primary  
18      user of the particular frequency or frequencies.

19           (3) If not, the unique technical characteristics  
20      that make it necessary to use the particular fre-  
21      quency or frequencies.

22           (4) A description of the protections that the  
23      Department of Defense has been given to ensure  
24      that it will not incur costs as a result of current or



1 future interference from other users of the par-  
2 ticular frequency or frequencies.

3 **SEC. 366. MONITORING OF VALUE OF PERFORMANCE OF**  
4 **DEPARTMENT OF DEFENSE FUNCTIONS BY**  
5 **WORKFORCES SELECTED FROM BETWEEN**  
6 **PUBLIC AND PRIVATE WORKFORCES.**

7 (a) REQUIREMENT FOR A MONITORING SYSTEM.—

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

11 **“§ 2476. Public-private workforce selections: system**  
12 **for monitoring value**

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

14 The Secretary of Defense shall establish a system for mon-  
15 itoring the performance of functions of the Department  
16 of Defense that—

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

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

20 “(2) In this section, the term ‘workforce review’, with  
21 respect to a function, is a review to determine whether  
22 the function should be performed by a workforce composed  
23 of Federal Government employees or by a private sector  
24 workforce, and includes any review for that purpose that  
25 is carried out under, or is associated with, the following:

1           “(A) Office of Management and Budget Cir-  
2           cular A-76.

3           “(B) A strategic sourcing.

4           “(C) A base closure or realignment.

5           “(D) Any other reorganization, privatization, or  
6           reengineering of an organization.

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

12           “(1) The costs incurred.

13           “(2) The savings derived.

14           “(3) The value of the performance by the se-  
15          lected workforce measured against the costs of the  
16          performance of that function by the workforce per-  
17          forming the function as of the beginning of the  
18          workforce review, as the workforce then performing  
19          the function was organized.

20          “(c) ANNUAL REPORT.—The Secretary shall submit  
21          to Congress, not later than February 1 of each fiscal year,  
22          a report on the measurable value of the performance dur-  
23          ing the preceding fiscal year of the functions that have  
24          been subjected to a workforce review, as determined under  
25          the monitoring system established under subsection (a).

1 The report shall display the findings separately for each  
2 of the armed forces and for each Defense Agency.

3 “(d) CONSIDERATION IN PREPARATION OF FUTURE-  
4 YEARS DEFENSE PROGRAM.—In preparing the future-  
5 years defense program under section 221 of this title, the  
6 Secretary of Defense shall, for the fiscal years covered by  
7 the program, estimate and take into account the costs to  
8 be incurred and the savings to be derived from the per-  
9 formance of functions by workforces selected in workforce  
10 reviews. The Secretary shall consider the results of the  
11 monitoring under this section in making the estimates.”.

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

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

15 (b) CONTENT OF CONGRESSIONAL NOTIFICATION OF  
16 CONVERSIONS.—Paragraph (1) of section 2461(c) of title  
17 10, United States Code, is amended—

18 (1) by redesignating subparagraphs (C), (D),  
19 and (E) as subparagraphs (D), (F) and (G);

20 (2) by inserting after subparagraph (B), the  
21 following new subparagraph (C):

22 “(C) The Secretary’s certification that the fac-  
23 tors considered in the examinations performed under  
24 subsection (b)(3), and in the making of the decision  
25 to change performance, did not include any predeter-

1 mined personnel constraint or limitation in terms of  
2 man years, end strength, full-time equivalent posi-  
3 tions, or maximum number of employees.”; and

4 (3) by inserting after subparagraph (D), as re-  
5 designated by paragraph (1), the following new sub-  
6 paragraph (E):

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

11 **SEC. 367. SUSPENSION OF REORGANIZATION OF NAVAL**  
12 **AUDIT SERVICE.**

13 The Secretary of the Navy shall cease any consolida-  
14 tions, involuntary transfers, buy-outs, or reductions in  
15 force of the workforce of auditors and administrative sup-  
16 port personnel of the Naval Audit Service that are associ-  
17 ated with the reorganization or relocation of the perform-  
18 ance of the auditing functions of the Navy until 60 days  
19 after the date on which the Secretary submits to the con-  
20 gressional defense committees a report that sets forth in  
21 detail the Navy’s plans and justification for the reorga-  
22 nization or relocation, as the case may be.

1 **SEC. 368. INVESTMENT OF COMMISSARY TRUST REVOLV-**  
2 **ING FUND.**

3 Section 2486 of title 10, United States Code, is  
4 amended—

5 (1) in subsection (g)(5), by striking “(5) In this  
6 subsection” and inserting “(i) COMMISSARY TRUST  
7 REVOLVING FUND DEFINED.—In this section”; and

8 (2) by inserting after subsection (g)(4) the fol-  
9 lowing:

10 “(h) INVESTMENT OF COMMISSARY TRUST REVOLV-  
11 ING FUND.—The Secretary of Defense shall invest such  
12 portion of the commissary trust revolving fund as is not,  
13 in the judgment of the Secretary, required to meet current  
14 withdrawals. The investments shall be in public debt secu-  
15 rities with maturities suitable to the needs of the fund,  
16 as determined by the Secretary, and bearing interest at  
17 rates determined by the Secretary of the Treasury, taking  
18 into consideration current market yields on outstanding  
19 marketable obligations of the United States of comparable  
20 maturities. The income derived from the investments shall  
21 be credited to and form a part of the fund.”.

22 **SEC. 369. ECONOMIC PROCUREMENT OF DISTILLED SPIR-**  
23 **ITS.**

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

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

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

3 **SEC. 370. RESALE OF ARMOR-PIERCING AMMUNITION DIS-**  
4 **POSED OF BY THE ARMY.**

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

8 **“§ 4688. Armor-piercing ammunition and components:**  
9 **condition on disposal**

10          “(a) LIMITATION ON RESALE OR OTHER TRANS-  
11 FER.—Except as provided in subsection (b), whenever the  
12 Secretary of the Army carries out a disposal (by sale or  
13 otherwise) of armor-piercing ammunition, or a component  
14 of armor-piercing ammunition, the Secretary shall require  
15 as a condition of the disposal that the recipient agree in  
16 writing not to sell or otherwise transfer any of the ammu-  
17 nition (reconditioned or otherwise), or any armor-piercing  
18 component of that ammunition, to any purchaser in the  
19 United States other than a law enforcement or other gov-  
20 ernmental agency.

21          “(b) EXCEPTION.—Subsection (a) does not apply to  
22 a transfer of a component of armor-piercing ammunition  
23 solely for the purpose of metal reclamation by means of  
24 a destructive process such as melting, crushing, or shred-  
25 ding.

1       “(c) SPECIAL RULE FOR NON-ARMOR-PIERCING  
2 COMPONENTS.—A component of the armor-piercing am-  
3 munition that is not itself armor-piercing and is not sub-  
4 jected to metal reclamation as described in subsection (b)  
5 may not be used as a component in the production of new  
6 or remanufactured armor-piercing ammunition other than  
7 for sale to a law enforcement or other governmental agen-  
8 cy or for a government-to-government sale or commercial  
9 export to a foreign government under the Arms Export  
10 Control Act.

11       “(d) DEFINITION.—In this section, the term ‘armor-  
12 piercing ammunition’ means a center-fire cartridge the  
13 military designation of which includes the term ‘armor  
14 penetrator’ or ‘armor-piercing’, including a center-fire car-  
15 tridge designated as armor-piercing incendiary (API) or  
16 armor-piercing incendiary-tracer (API-T).”.

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

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

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

1 **SEC. 371. DAMAGE TO AVIATION FACILITIES CAUSED BY AL-**  
2 **KALI SILICA REACTIVITY.**

3 (a) **ASSESSMENT REQUIRED.**—The Secretary of De-  
4 fense shall assess the damage caused to aviation facilities  
5 of the Department of Defense by alkali silica reactivity.  
6 In making the assessment, the Secretary shall review the  
7 department's aviation facilities throughout the world.

8 (b) **DAMAGE PREVENTION AND MITIGATION PLAN.**—

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

14 (2) A plan developed under paragraph shall provide  
15 for the following:

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

18 (B) The demonstration and deployment of tech-  
19 nologies capable of mitigating alkali silica reactivity  
20 in hardened concrete structures and pavements.

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

24 (c) **DELEGATION OF AUTHORITY.**—The Secretary  
25 shall direct the Chief of Engineers of the Army and the  
26 Commander of the Naval Facilities Engineering Command



1 to carry out the assessment required by subsection (a) and  
2 to develop and carry out the plan required by subsection  
3 (b).

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

7 **SEC. 372. REAUTHORIZATION OF PILOT PROGRAM FOR AC-**  
8 **CEPTANCE AND USE OF LANDING FEES**  
9 **CHARGED FOR USE OF DOMESTIC MILITARY**  
10 **AIRFIELDS BY CIVIL AIRCRAFT.**

11 (a) REAUTHORIZATION.—Subsection (a) of section  
12 377 of the Strom Thurmond National Defense Authoriza-  
13 tion Act for Fiscal Year 1999 (Public Law 105–261; 112  
14 Stat. 1993; 10 U.S.C. 113 note) is amended as follows:

15 (1) by striking “1999 and 2000” and inserting  
16 “2001 through 2010”; and

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

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

22 “(b) LANDING FEE DEFINED.—For the purposes of  
23 this section, the term ‘landing fee’ means any fee that is  
24 established under or in accordance with regulations of the  
25 military department concerned (whether prescribed in a

1 fee schedule or imposed under a joint-use agreement) to  
 2 recover costs incurred for use by civil aircraft of an airfield  
 3 of the military department in the United States or in a  
 4 territory or possession of the United States.”.

5 (c) USE OF PROCEEDS.—Subsection (c) of such sec-  
 6 tion is amended by striking “Amounts received for a fiscal  
 7 year in payment of landing fees imposed under the pilot  
 8 program for use of a military airfield” and inserting  
 9 “Amounts received in payment of landing fees for use of  
 10 a military airfield in a fiscal year of the pilot program”.

11 (d) REPORT.—Subsection (d) of such section is  
 12 amended—

13 (1) by striking “March 31, 2000,” and insert-  
 14 ing “March 31, 2003,”; and

15 (2) by striking “December 31, 1999” and in-  
 16 serting “December 31, 2002”.

17 **SEC. 373. REIMBURSEMENT BY CIVIL AIR CARRIERS FOR**  
 18 **SUPPORT PROVIDED AT JOHNSTON ATOLL.**

19 (a) IN GENERAL.—Chapter 949 of title 10, United  
 20 States Code, is amended by adding at the end the fol-  
 21 lowing:

22 **“§ 9783. Johnston Atoll: reimbursement for support**  
 23 **provided to civil air carriers**

24 “(a) AUTHORITY OF THE SECRETARY.—The Sec-  
 25 retary of the Air Force may, under regulations prescribed

1 by the Secretary, require payment by a civil air carrier  
2 for support provided by the United States to the carrier  
3 at Johnston Atoll that is either—

4           “(1) requested by the civil air carrier; or

5           “(2) determined under the regulations as being  
6 necessary to accommodate the civil air carrier’s use  
7 of Johnston Atoll.

8           “(b) AMOUNT OF CHARGES.—Any amount charged  
9 an air carrier under subsection (a) for support shall be  
10 equal to the total amount of the actual costs to the United  
11 States of providing the support. The amount charged may  
12 not include any amount for an item of support that does  
13 not satisfy a condition described in paragraph (1) or (2)  
14 of subsection (a).

15           “(c) RELATIONSHIP TO LANDING FEES.—No landing  
16 fee shall be charged an air carrier for a landing of an air-  
17 craft of the air carrier at Johnston Atoll if the air carrier  
18 is charged under subsection (a) for support provided to  
19 the air carrier.

20           “(d) DISPOSITION OF PAYMENTS.—(1) Notwith-  
21 standing any other provision of law, amounts collected  
22 from an air carrier under this section shall be credited  
23 to appropriations available for the fiscal year in which col-  
24 lected, as follows:

1           “(A) For support provided by the Air Force, to  
2           appropriations available for the Air Force for oper-  
3           ation and maintenance.

4           “(B) For support provided by the Army, to ap-  
5           propriations available for the Army for chemical de-  
6           militarization.

7           “(2) Amounts credited to an appropriation under  
8           paragraph (1) shall be merged with funds in that appro-  
9           priation and shall be available, without further appropria-  
10          tion, for the purposes and period for which the appropria-  
11          tion is available.

12          “(e) DEFINITIONS.—In this section:

13           “(1) The term ‘civil air carrier’ means an air  
14           carrier (as defined in section 40101(a)(2) of title  
15           49) that is issued a certificate of public convenience  
16           and necessity under section 41102 of such title.

17           “(2) The term ‘support’ includes fuel, fire res-  
18           cue, use of facilities, improvements necessary to ac-  
19           commodate use by civil air carriers, police, safety,  
20           housing, food, air traffic control, suspension of mili-  
21           tary operations on the island (including operations  
22           at the Johnston Atoll Chemical Agent Demilitariza-  
23           tion System), repairs, and any other construction,  
24           services, or supplies.”.

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 new item:

“9783. Johnston Atoll: reimbursement for support provided to civil air carriers.”.

4 **SEC. 374. REVIEW OF COSTS OF MAINTAINING HISTORICAL**  
5 **PROPERTIES.**

6 (a) REQUIREMENT FOR REVIEW.—The Comptroller  
7 General of the United States shall conduct a review of the  
8 annual costs incurred by the Department of Defense to  
9 comply with the requirements of the National Historic  
10 Preservation Act (16 U.S.C. 470 et seq.).

11 (b) REPORT.—Not later than February 28, 2001, the  
12 Comptroller General shall submit to the congressional de-  
13 fense committees a report on the results of the review.  
14 The report shall contain the following:

15 (1) For each military department and Defense  
16 Agency and for the Department of Defense in the  
17 aggregate, the cost for fiscal year 2000 and the pro-  
18 jected costs for the ensuing 10 fiscal years.

19 (2) An analysis of the cost to maintain only  
20 those properties that qualified as historic properties  
21 under the National Historic Preservation Act when  
22 such Act was originally enacted.

1           (3) The accounts used for paying the costs of  
2           complying with the requirements of the National  
3           Historic Preservation Act.

4           (4) For each military department and Defense  
5           Agency, the identity of all properties that must be  
6           maintained in order to comply with the requirements  
7           of the National Historic Preservation Act.

8 **SEC. 375. EXTENSION OF AUTHORITY TO SELL CERTAIN**  
9                           **AIRCRAFT FOR USE IN WILDFIRE SUPPRES-**  
10                           **SION.**

11           Section 2 of the Wildfire Suppression Aircraft Trans-  
12           fer Act of 1996 (Public Law 104–307) is amended—

13           (1) in subsection (a)(1) by striking “September  
14           30, 2000” and inserting “September 30, 2005”;

15           (2) by adding at the end of subsection (d)(1)  
16           the following: “After taking effect, the regulations  
17           shall be effective until the end of the period specified  
18           in subsection (a)(1).”;

19           (3) in subsection (f), by striking “March 31,  
20           2000” and inserting “March 31, 2005”.

21 **SEC. 376. OVERSEAS AIRLIFT SERVICE ON CIVIL RESERVE**  
22                           **AIR FLEET AIRCRAFT.**

23           (a) IN GENERAL.—Section 41106(a) of title 49,  
24           United States Code, is amended—

1           (1) by striking “GENERAL.—(1) Except as pro-  
2           vided in subsection (b),” and inserting “INTERSTATE  
3           TRANSPORTATION.—(1) Except as provided in sub-  
4           section (d),”;

5           (2) in paragraph (1), by striking “of at least 31  
6           days”;

7           (3) by redesignating subsection (b) as sub-  
8           section (d); and

9           (4) by inserting after subsection (a) the fol-  
10          lowing:

11          “(b) TRANSPORTATION BETWEEN THE UNITED  
12          STATES AND FOREIGN LOCATIONS.—Except as provided  
13          in subsection (d), the transportation of passengers or  
14          property by transport category aircraft between a place  
15          in the United States and a place outside the United States  
16          obtained by the Secretary of Defense or the Secretary of  
17          a military department through a contract for airlift service  
18          may be provided by an air carrier referred to in subsection  
19          (a).

20          “(c) TRANSPORTATION BETWEEN FOREIGN LOCA-  
21          TIONS.—The transportation of passengers or property by  
22          transport category aircraft between two places outside the  
23          United States obtained by the Secretary of Defense or the  
24          Secretary of a military department through a contract for  
25          airlift service shall be provided by an air carrier that has

1 aircraft in the civil reserve air fleet whenever transpor-  
2 tation by such an air carrier is reasonably available.”.

3 (b) EFFECTIVE DATE.—The amendments made by  
4 this section shall take effect on October 1, 2000.

5 **SEC. 377. DEFENSE TRAVEL SYSTEM.**

6 (a) REQUIREMENT FOR REPORT.—Not later than  
7 November 30, 2000, the Secretary of Defense shall submit  
8 to the congressional defense committees a report on the  
9 Defense Travel System.

10 (b) CONTENT OF REPORT.—The report shall include  
11 the following:

12 (1) A detailed discussion of the development,  
13 testing, and fielding of the system, including the  
14 performance requirements, the evaluation criteria,  
15 the funding that has been provided for the develop-  
16 ment, testing, and fielding of the system, and the  
17 funding that is projected to be required for com-  
18 pleting the development, testing, and fielding of the  
19 system.

20 (2) The schedule that has been followed for the  
21 testing of the system, including the initial oper-  
22 ational test and evaluation and the final operational  
23 testing and evaluation, together with the results of  
24 the testing.



1           (3) The cost savings expected to result from the  
2           deployment of the system and from the completed  
3           implementation of the system, together with a dis-  
4           cussion of how the savings are estimated and the ex-  
5           pected schedule for the realization of the savings.

6           (4) An analysis of the costs and benefits of  
7           fielding the front-end software for the system  
8           throughout all 18 geographical areas selected for the  
9           original fielding of the system.

10          (c) LIMITATIONS.—(1) Not more than 25 percent of  
11          the amount authorized to be appropriated under section  
12          301(5) for the Defense Travel System may be obligated  
13          or expended before the date on which the Secretary sub-  
14          mits the report required under subsection (a).

15          (2) Funds appropriated for the Defense Travel Sys-  
16          tem pursuant to the authorization of appropriations re-  
17          ferred to in paragraph (1) may not be used for a purpose  
18          other than the Defense Travel System unless the Sec-  
19          retary first submits to Congress a written notification of  
20          the intended use and the amount to be so used.

21          **SEC. 378. REVIEW OF AH-64 AIRCRAFT PROGRAM.**

22          (a) REQUIREMENT FOR REVIEW.—The Comptroller  
23          General shall conduct a review of the Army's AH-64 air-  
24          craft program to determine the following:

1 (1) Whether any of the following conditions  
2 exist under the program:

3 (A) Obsolete spare parts, rather than  
4 spare parts for the latest aircraft configuration,  
5 are being procured.

6 (B) There is insufficient sustaining system  
7 technical support.

8 (C) The technical data packages and  
9 manuals are obsolete.

10 (D) There are unfunded requirements for  
11 airframe and component upgrades.

12 (2) Whether the readiness of the aircraft is im-  
13 paired by conditions described in paragraph (1) that  
14 are determined to exist.

15 (b) REPORT.—Not later than March 1, 2001, the  
16 Comptroller General shall submit to the congressional de-  
17 fense committees a report on the results of the review  
18 under subsection (a).

19 **SEC. 379. ASSISTANCE FOR MAINTENANCE, REPAIR, AND**  
20 **RENOVATION OF SCHOOL FACILITIES THAT**  
21 **SERVE DEPENDENTS OF MEMBERS OF THE**  
22 **ARMED FORCES AND DEPARTMENT OF DE-**  
23 **FENSE CIVILIAN EMPLOYEES.**

24 (a) GRANTS AUTHORIZED.—Chapter 111 of title 10,  
25 United States Code, is amended—

1           (1) by redesignating section 2199 as section  
2           2199a; and

3           (2) by inserting after section 2198 the following  
4           new section:

5   **“§ 2199. Quality of life education facilities grants**

6           “(a) REPAIR AND RENOVATION ASSISTANCE.—(1)  
7           The Secretary of Defense may make a grant to an eligible  
8           local educational agency to assist the agency to repair and  
9           renovate—

10           “(A) an impacted school facility that is used by  
11           significant numbers of military dependent students;  
12           or

13           “(B) a school facility that was a former Depart-  
14           ment of Defense domestic dependent elementary or  
15           secondary school.

16           “(2) Authorized repair and renovation projects may  
17           include repairs and improvements to an impacted school  
18           facility (including the grounds of the facility) designed to  
19           ensure compliance with the requirements of the Americans  
20           with Disabilities Act or local health and safety ordinances,  
21           to meet classroom size requirements, or to accommodate  
22           school population increases.

23           “(3) The total amount of assistance provided under  
24           this subsection to an eligible local educational agency may

1 not exceed \$5,000,000 during any period of two fiscal  
2 years.

3 “(b) MAINTENANCE ASSISTANCE.—(1) The Sec-  
4 retary of Defense may make a grant to an eligible local  
5 educational agency whose boundaries are the same as a  
6 military installation to assist the agency to maintain an  
7 impacted school facility, including the grounds of such a  
8 facility.

9 “(2) The total amount of assistance provided under  
10 this subsection to an eligible local educational agency may  
11 not exceed \$250,000 during any fiscal year.

12 “(c) DETERMINATION OF ELIGIBLE LOCAL EDU-  
13 CATIONAL AGENCIES.—(1) A local educational agency is  
14 an eligible local educational agency under this section only  
15 if the Secretary of Defense determines that the local edu-  
16 cational agency has—

17 “(A) one or more federally impacted school fa-  
18 cilities and satisfies at least one of the additional eli-  
19 gibility requirements specified in paragraph (2); or

20 “(B) a school facility that was a former Depart-  
21 ment of Defense domestic dependent elementary or  
22 secondary school, but assistance provided under this  
23 subparagraph may only be used to repair and ren-  
24 ovate that facility.

1       “(2) The additional eligibility requirements referred  
2 to in paragraph (1) are the following:

3           “(A) The local educational agency is eligible to  
4 receive assistance under subsection (f) of section  
5 8003 of the Elementary and Secondary Education  
6 Act of 1965 (20 U.S.C. 7703) and at least 10 per-  
7 cent of the students who were in average daily at-  
8 tendance in the schools of such agency during the  
9 preceding school year were students described under  
10 paragraph (1)(A) or (1)(B) of section 8003(a) of the  
11 Elementary and Secondary Education Act of 1965.

12           “(B) At least 35 percent of the students who  
13 were in average daily attendance in the schools of  
14 the local educational agency during the preceding  
15 school year were students described under paragraph  
16 (1)(A) or (1)(B) of section 8003(a) of the Elemen-  
17 tary and Secondary Education Act of 1965.

18           “(C) The State education system and the local  
19 educational agency are one and the same.

20           “(d) NOTIFICATION OF ELIGIBILITY.—Not later than  
21 June 30 of each fiscal year, the Secretary of Defense shall  
22 notify each local educational agency identified under sub-  
23 section (c) that the local educational agency is eligible dur-  
24 ing that fiscal year to apply for a grant under subsection  
25 (a), subsection (b), or both subsections.

1       “(e) RELATION TO IMPACT AID CONSTRUCTION AS-  
2       SISTANCE.—A local education agency that receives a grant  
3       under subsection (a) to repair and renovate a school facil-  
4       ity may not also receive a payment for school construction  
5       under section 8007 of the Elementary and Secondary  
6       Education Act of 1965 (20 U.S.C. 7707) for the same  
7       fiscal year.

8       “(f) GRANT CONSIDERATIONS.—In determining  
9       which eligible local educational agencies will receive a  
10      grant under this section for a fiscal year, the Secretary  
11      of Defense shall take into consideration the following con-  
12      ditions and needs at impacted school facilities of eligible  
13      local educational agencies:

14             “(1) The repair or renovation of facilities is  
15             needed to meet State mandated class size require-  
16             ments, including student-teacher ratios and instruc-  
17             tional space size requirements.

18             “(2) There is a increase in the number of mili-  
19             tary dependent students in facilities of the agency  
20             due to increases in unit strength as part of military  
21             readiness.

22             “(3) There are unhoused students on a military  
23             installation due to other strength adjustments at  
24             military installations.

1           “(4) The repair or renovation of facilities is  
2 needed to address any of the following conditions:

3           “(A) The condition of the facility poses a  
4 threat to the safety and well-being of students.

5           “(B) The requirements of the Americans  
6 with Disabilities Act.

7           “(C) The cost associated with asbestos re-  
8 moval, energy conservation, or technology up-  
9 grades.

10           “(D) Overcrowding conditions as evidenced  
11 by the use of trailers and portable buildings and  
12 the potential for future overcrowding because of  
13 increased enrollment.

14           “(5) The repair or renovation of facilities is  
15 needed to meet any other Federal or State mandate.

16           “(6) The number of military dependent stu-  
17 dents as a percentage of the total student population  
18 in the particular school facility.

19           “(7) The age of facility to be repaired or ren-  
20 ovated.

21           “(g) DEFINITIONS.—In this section:

22           “(1) LOCAL EDUCATIONAL AGENCY.—The term  
23 ‘local educational agency’ has the meaning given  
24 that term in section 8013(9) of the Elementary and

1 Secondary Education Act of 1965 (20 U.S.C.  
2 7713(9)).

3 “(2) IMPACTED SCHOOL FACILITY.—The term  
4 ‘impacted school facility’ means a facility of a local  
5 educational agency—

6 “(A) that is used to provide elementary or  
7 secondary education at or near a military in-  
8 stallation; and

9 “(B) at which the average annual enroll-  
10 ment of military dependent students is a high  
11 percentage of the total student enrollment at  
12 the facility, as determined by the Secretary of  
13 Defense.

14 “(3) MILITARY DEPENDENT STUDENTS.—The  
15 term ‘military dependent students’ means students  
16 who are dependents of members of the armed forces  
17 or Department of Defense civilian employees.

18 “(4) MILITARY INSTALLATION.—The term  
19 ‘military installation’ has the meaning given that  
20 term in section 2687(e) of this title.”.

21 (b) AMENDMENTS TO CHAPTER HEADING AND TA-  
22 BLES OF CONTENTS.—(1) The heading of chapter 111 of  
23 title 10, United States Code, is amended to read as fol-  
24 lows:



1                   **“CHAPTER 111—SUPPORT OF**  
 2                                   **EDUCATION”.**

3           (2) The table of sections at the beginning of such  
 4 chapter is amended by striking the item relating to section  
 5 2199 and inserting the following new items:

“2199. Quality of life education facilities grants.  
 “2199a. Definitions.”.

6           (3) The tables of chapters at the beginning of subtitle  
 7 A, and at the beginning of part III of subtitle A, of such  
 8 title are amended by striking the item relating to chapter  
 9 111 and inserting the following:

**“111. Support of Education ..... 2191”.**

10           (c) FUNDING FOR FISCAL YEAR 2001.—Amounts ap-  
 11 propriated in the Department of Defense Appropriations  
 12 Act, 2001, under the heading “QUALITY OF LIFE EN-  
 13 HANCEMENTS, DEFENSE” may be used by the Secretary  
 14 of Defense to make grants under section 2199 of title 10,  
 15 United States Code, as added by subsection (a).

16 **SEC. 380. POSTPONEMENT OF IMPLEMENTATION OF DE-**  
 17                                   **FENSE JOINT ACCOUNTING SYSTEM (DJAS)**  
 18                                   **PENDING ANALYSIS OF THE SYSTEM.**

19           (a) POSTPONEMENT.—The Secretary of Defense may  
 20 not grant a Milestone III decision for the Defense Joint  
 21 Accounting System (DJAS) until the Secretary—

22                   (1) conducts, with the participation of the In-  
 23                   specter General of the Department of Defense and

1 the inspectors general of the military departments,  
2 an analysis of alternatives to the system to deter-  
3 mine whether the system warrants deployment; and

4 (2) if the Secretary determines that the system  
5 warrants deployment, submits to the congressional  
6 defense committees a report certifying that the sys-  
7 tem meets Milestone I and Milestone II require-  
8 ments and applicable requirements of the Clinger-  
9 Cohen Act of 1996 (divisions D and E of Public  
10 Law 104–106).

11 (b) DEADLINE FOR REPORT.—The report referred to  
12 in subsection (a)(2) shall be submitted, if at all, not later  
13 than March 30, 2001.

14 **TITLE IV—MILITARY**  
15 **PERSONNEL AUTHORIZATIONS**  
16 **Subtitle A—Active Forces**

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

18 The Armed Forces are authorized strengths for active  
19 duty personnel as of September 30, 2001, as follows:

- 20 (1) The Army, 480,000.  
21 (2) The Navy, 372,000.  
22 (3) The Marine Corps, 172,600.  
23 (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, 22,974.

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, 24,728.

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.

1 (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In  
 2 this section, the term “non-dual status technician” has the  
 3 meaning given the term in section 10217(a) of title 10,  
 4 United States Code.

5 (c) POSTPONEMENT OF PERMANENT LIMITATION.—  
 6 Section 10217(c)(2) of title 10, United States Code, is  
 7 amended by striking “October 1, 2001” and inserting  
 8 “October 1, 2002”.

9 **SEC. 415. INCREASE IN NUMBERS OF MEMBERS IN CER-**  
 10 **TAIN GRADES AUTHORIZED TO BE ON ACTIVE**  
 11 **DUTY IN SUPPORT OF THE RESERVES.**

12 (a) OFFICERS.—The table in section 12011(a) of title  
 13 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”.

14 (b) SENIOR ENLISTED MEMBERS.—The table in sec-  
 15 tion 12012(a) of title 10, United States Code, is amended  
 16 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 **Subtitle A—Officer Personnel**  
4 **Policy**

5 **SEC. 501. ELIGIBILITY OF ARMY RESERVE COLONELS AND**  
6 **BRIGADIER GENERALS FOR POSITION VA-**  
7 **CANCY PROMOTIONS.**

8 Section 14315(b)(1) of title 10, United States Code,  
9 is amended by inserting after “(A) is assigned to the du-  
10 ties of a general officer of the next higher reserve grade  
11 in the Army Reserve” the following: “or is recommended  
12 for such an assignment under regulations prescribed by  
13 the Secretary of the Army”.

14 **SEC. 502. PROMOTION ZONES FOR COAST GUARD RESERVE**  
15 **OFFICERS.**

16 (a) **FLEXIBLE AUTHORITY TO MEET COAST GUARD**  
17 **NEEDS.**—Section 729(d) of title 14, United States Code,  
18 is amended to read as follows:

19 “(d)(1) Before convening a selection board to rec-  
20 ommend Reserve officers for promotion, the Secretary  
21 shall establish a promotion zone for officers serving in  
22 each grade and competitive category to be considered by  
23 the board. The Secretary shall determine the number of  
24 officers in the promotion zone for officers serving in any  
25 grade and competitive category from among officers who

1 are eligible for promotion in that grade and competitive  
2 category.

3       “(2) Before convening a selection board to rec-  
4 ommend Reserve officers for promotion to a grade above  
5 lieutenant (junior grade), the Secretary shall determine  
6 the maximum number of officers in that grade and com-  
7 petitive category that the board may recommend for pro-  
8 motion. The Secretary shall make the determination under  
9 the preceding sentence of the maximum number that may  
10 be recommended with a view to having in an active status  
11 a sufficient number of Reserve officers in each grade and  
12 competitive category to meet the needs of the Coast Guard  
13 for Reserve officers in an active status. In order to make  
14 that determination, the Secretary shall determine (A) the  
15 number of positions needed to accomplish mission objec-  
16 tives which require officers of such competitive category  
17 in the grade to which the board will recommend officers  
18 for promotion, (B) the estimated number of officers need-  
19 ed to fill vacancies in such positions during the period in  
20 which it is anticipated that officers selected for promotion  
21 will be promoted, (C) the number of officers authorized  
22 by the Secretary to serve in an active status in the grade  
23 and competitive category under consideration, and (D)  
24 any statutory limitation on the number of officers in any

1 grade or category (or combination thereof) authorized to  
2 be in an active status.

3       “(3)(A) The Secretary may, when the needs of the  
4 Coast Guard require, authorize the consideration of offi-  
5 cers in a grade above lieutenant (junior grade) for pro-  
6 motion to the next higher grade from below the promotion  
7 zone.

8       “(B) When selection from below the promotion zone  
9 is authorized, the Secretary shall establish the number of  
10 officers that may be recommended for promotion from  
11 below the promotion zone in each competitive category to  
12 be considered. That number may not exceed the number  
13 equal to 10 percent of the maximum number of officers  
14 that the board is authorized to recommend for promotion  
15 in such competitive category, except that the Secretary  
16 may authorize a greater number, not to exceed 15 percent  
17 of the total number of officers that the board is authorized  
18 to recommend for promotion, if the Secretary determines  
19 that the needs of the Coast Guard so require. If the max-  
20 imum number determined under this paragraph is less  
21 than one, the board may recommend one officer for pro-  
22 motion from below the promotion zone.

23       “(C) The number of officers recommended for pro-  
24 motion from below the promotion zone does not increase

1 the maximum number of officers that the board is author-  
2 ized to recommend for promotion under paragraph (2).”.

3 (b) RUNNING MATE SYSTEM.—(1) Section 731 of  
4 such title is amended—

5 (A) by designating the text of such section as  
6 subsection (b);

7 (B) by inserting after the section heading the  
8 following:

9 “(a) AUTHORITY TO USE RUNNING MATE SYS-  
10 TEM.—The Secretary may by regulation implement sec-  
11 tion 729(d)(1) of this title by requiring that the promotion  
12 zone for consideration of Reserve officers in an active sta-  
13 tus for promotion to the next higher grade be determined  
14 in accordance with a running mate system as provided in  
15 subsection (b).”;

16 (C) in subsection (b), as designated by subpara-  
17 graph (A), by striking “Subject to the eligibility re-  
18 quirements of this subchapter, a Reserve officer  
19 shall” and inserting the following: “CONSIDERATION  
20 FOR PROMOTION.—If promotion zones are deter-  
21 mined as authorized under subsection (a), a Reserve  
22 officer shall, subject to the eligibility requirements of  
23 this subchapter,”; and

24 (D) by adding at the end the following:

1       “(c) CONSIDERATION OF OFFICERS BELOW THE  
 2 ZONE.—If the Secretary authorizes the selection of offi-  
 3 cers for promotion from below the promotion zone in ac-  
 4 cordance with section 729(d)(3) of this title, the number  
 5 of officers to be considered from below the zone may be  
 6 established through the application of the running mate  
 7 system under this subchapter or otherwise as the Sec-  
 8 retary determines to be appropriate to meet the needs of  
 9 the Coast Guard.”.

10       (2)(A) The heading for such section is amended to  
 11 read as follows:

12       **“§ 731. Establishment of promotion zones: running**  
 13                               **mate system”.**

14       (B) The item relating to such section in the table of  
 15 sections at the beginning of chapter 21 of title 14, United  
 16 States Code, is amended to read as follows:

“731. Establishment of promotion zones: running mate system.”.

17       (c) EFFECTIVE DATE.—This section and the amend-  
 18 ments made by this section shall take effect on October  
 19 1, 2000, and shall apply with respect to selection boards  
 20 convened under section 730 of title 14, United States  
 21 Code, on or after that date.



1 **SEC. 503. TIME FOR RELEASE OF OFFICER PROMOTION SE-**  
2 **LECTION BOARD REPORTS.**

3 (a) ACTIVE-DUTY LIST OFFICER BOARDS.—Section  
4 618(e) of title 10, United States Code, is amended to read  
5 as follows:

6 “(e)(1) The names of the officers recommended for  
7 promotion in the report of a selection board may be dis-  
8 seminated to the armed force concerned as follows:

9 “(A) In the case of officers recommended for  
10 promotion to a grade below brigadier general or rear  
11 admiral (lower half), upon the transmittal of the re-  
12 port to the President.

13 “(B) In the case of officers recommended for  
14 promotion to a grade above colonel or, in the case  
15 of the Navy, captain, upon the approval of the re-  
16 port by the President.

17 “(C) In the case of officers whose names have  
18 not been sooner disseminated, upon confirmation by  
19 the Senate.

20 “(2) A list of names of officers disseminated under  
21 paragraph (1) may not include—

22 “(A) 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 sub-  
25 paragraph (B) of such paragraph; or

1           “(B) the name of any officer whose promotion  
2           the Senate failed to confirm, if dissemination is  
3           under the authority of subparagraph (C) of such  
4           paragraph.”.

5           (b) RESERVE ACTIVE-STATUS LIST OFFICER  
6 BOARDS.—The text of section 14112 of title 10, United  
7 States Code, is amended to read as follows:

8           “(a) TIME FOR DISSEMINATION.—The names of the  
9 officers recommended for promotion in the report of a se-  
10 lection board may be disseminated to the armed force con-  
11 cerned as follows:

12           “(1) In the case of officers recommended for  
13 promotion to a grade below brigadier general or rear  
14 admiral (lower half), upon the transmittal of the re-  
15 port to the President.

16           “(2) In the case of officers recommended for  
17 promotion to a grade above colonel or, in the case  
18 of the Navy, captain, upon the approval of the re-  
19 port by the President.

20           “(3) In the case of officers whose names have  
21 not been sooner disseminated, upon confirmation by  
22 the Senate.

23           “(b) NAMES NOT DISSEMINATED.—A list of names  
24 of officers disseminated under subsection (a) may not  
25 include—

1           “(1) any name removed by the President from  
2 the report of the selection board containing that  
3 name, if dissemination is under the authority of  
4 paragraph (2) of such subsection; or

5           “(2) the name of any officer whose promotion  
6 the Senate failed to confirm, if dissemination is  
7 under the authority of paragraph (3) of such sub-  
8 section.”.

9 **SEC. 504. CLARIFICATION OF AUTHORITY FOR POST-**  
10 **HUMOUS COMMISSIONS AND WARRANTS.**

11           Section 1521(a)(3) of title 10, United States Code,  
12 is amended to read as follows:

13           “(3) was officially recommended for appoint-  
14 ment or promotion to a commissioned grade but died  
15 in line of duty before the appointment or promotion  
16 was approved by the Secretary concerned or before  
17 accepting the appointment or promotion.”.

1 **SEC. 505. INAPPLICABILITY OF ACTIVE-DUTY LIST PRO-**  
2 **MOTION, SEPARATION, AND INVOLUNTARY**  
3 **RETIREMENT AUTHORITIES TO RESERVE**  
4 **GENERAL AND FLAG OFFICERS SERVING IN**  
5 **CERTAIN POSITIONS DESIGNATED FOR RE-**  
6 **SERVE OFFICERS BY THE CHAIRMAN OF THE**  
7 **JOINT CHIEFS OF STAFF.**

8 Section 641(1)(B) of title 10, United States Code,  
9 is amended by inserting “526(b)(2)(A),” after “on active  
10 duty under section”.

11 **SEC. 506. REVIEW OF ACTIONS OF SELECTION BOARDS.**

12 (a) IN GENERAL.—(1) Chapter 79 of title 10, United  
13 States Code, is amended by adding at the end the fol-  
14 lowing:

15 **“§ 1558. Exclusive remedies in cases involving selec-**  
16 **tion boards**

17 “(a) CORRECTION OF MILITARY RECORDS.—The  
18 Secretary concerned may correct a person’s military  
19 records in accordance with a recommendation made by a  
20 special board. Any such correction shall be effective, retro-  
21 actively, as of the effective date of the action taken on  
22 a report of a previous selection board that resulted in the  
23 action corrected in the person’s military records.

24 “(b) RELIEF ASSOCIATED WITH CORRECTIONS OF  
25 CERTAIN ACTIONS.—(1) The Secretary concerned shall

1 ensure that a person receives relief under paragraph (2)  
2 or (3), as the person may elect, if the person—

3           “(A) was separated or retired from an armed  
4 force, or transferred to the retired reserve or to inac-  
5 tive status in a reserve component, as a result of a  
6 recommendation of a selection board; and

7           “(B) becomes entitled to retention on or res-  
8 toration to active duty or active status in a reserve  
9 component as a result of a correction of the person’s  
10 military records under subsection (a).

11           “(2)(A) With the consent of a person referred to in  
12 paragraph (1), the person shall be retroactively and pro-  
13 spectively restored to the same status, rights, and entitle-  
14 ments (less appropriate offsets against back pay and al-  
15 lowances) in the person’s armed force as the person would  
16 have had if the person had not been selected to be sepa-  
17 rated, retired, or transferred to the retired reserve or to  
18 inactive status in a reserve component, as the case may  
19 be, as a result of an action corrected under subsection (a).  
20 An action under this subparagraph is subject to subpara-  
21 graph (B).

22           “(B) Nothing in subparagraph (A) shall be construed  
23 to permit a person to be on active duty or in an active  
24 status in a reserve component after the date on which the  
25 person would have been separated, retired, or transferred

1 to the retired reserve or to inactive status in a reserve  
2 component if the person had not been selected to be sepa-  
3 rated, retired, or transferred to the retired reserve or to  
4 inactive status in a reserve component, as the case may  
5 be, in an action of a selection board that is corrected under  
6 subsection (a).

7       “(3) If the person does not consent to a restoration  
8 of status, rights, and entitlements under paragraph (2),  
9 the person shall receive back pay and allowances (less ap-  
10 propriate offsets) and service credit for the period begin-  
11 ning on the date of the person’s separation, retirement,  
12 or transfer to the retired reserve or to inactive status in  
13 a reserve component, as the case may be, and ending on  
14 the earlier of—

15               “(A) the date on which the person would have  
16 been so restored under paragraph (2), as determined  
17 by the Secretary concerned; or

18               “(B) the date on which the person would other-  
19 wise have been separated, retired, or transferred to  
20 the retired reserve or to inactive status in a reserve  
21 component, as the case may be.

22       “(c) FINALITY OF UNFAVORABLE ACTION.—If a spe-  
23 cial board makes a recommendation not to correct the  
24 military records of a person regarding action taken in the  
25 case of that person on the basis of a previous report of

1 a selection board, the action previously taken on that re-  
2 port shall be considered as final as of the date of the ac-  
3 tion taken on that report.

4 “(d) REGULATIONS.—(1) The Secretary concerned  
5 may prescribe regulations to carry out this section (other  
6 than subsection (e)) with respect to the armed force or  
7 armed forces under the jurisdiction of the Secretary.

8 “(2) The Secretary may prescribe in the regulations  
9 the circumstances under which consideration by a special  
10 board may be provided for under this section, including  
11 the following:

12 “(A) The circumstances under which consider-  
13 ation of a person’s case by a special board is contin-  
14 gent upon application by or for that person.

15 “(B) Any time limits applicable to the filing of  
16 an application for consideration.

17 “(3) Regulations prescribed by the Secretary of a  
18 military department under this subsection shall be subject  
19 to the approval of the Secretary of Defense.

20 “(e) JUDICIAL REVIEW.—(1) A person challenging  
21 for any reason the action or recommendation of a selection  
22 board, or the action taken by the Secretary concerned on  
23 the report of a selection board, is not entitled to relief in  
24 any judicial proceeding unless the person has first been

1 considered by a special board under this section or the  
2 Secretary concerned has denied such consideration.

3 “(2) In reviewing an action or recommendation of a  
4 special board or an action of the Secretary concerned on  
5 the report of a special board, a court may hold unlawful  
6 and set aside the recommendation or action, as the case  
7 may be, only if the court finds that recommendation or  
8 action was contrary to law or involved a material error  
9 of fact or a material administrative error.

10 “(3) In reviewing a decision by the Secretary con-  
11 cerned to deny consideration by a special board in any  
12 case, a court may hold unlawful and set aside the decision  
13 only if the court finds the decision to be arbitrary or capri-  
14 cious, not based on substantial evidence, or otherwise con-  
15 trary to law.

16 “(f) EXCLUSIVITY OF REMEDIES.—Notwithstanding  
17 any other provision of law, but subject to subsection (g),  
18 the remedies provided under this section are the only rem-  
19 edies available to a person for correcting an action or rec-  
20 ommendation of a selection board regarding that person  
21 or an action taken on the report of a selection board re-  
22 garding that person.

23 “(g) EXISTING JURISDICTION.—(1) Nothing in this  
24 section limits the jurisdiction of any court of the United  
25 States under any provision of law to determine the validity



1 of any statute, regulation, or policy relating to selection  
2 boards, except that, in the event that any such statute,  
3 regulation, or policy is held invalid, the remedies pre-  
4 scribed in this section shall be the sole and exclusive rem-  
5 edies available to any person challenging the recommenda-  
6 tion of a special board on the basis of the invalidity.

7 “(2) Nothing in this section limits authority to cor-  
8 rect a military record under section 1552 of this title.

9 “(h) INAPPLICABILITY TO COAST GUARD.—This sec-  
10 tion does not apply to the Coast Guard when it is not  
11 operating as a service in the Navy.

12 “(i) DEFINITIONS.—In this section:

13 “(1) The term ‘special board’—

14 “(A) means a board that the Secretary  
15 concerned convenes under any authority to con-  
16 sider whether to recommend a person for ap-  
17 pointment, enlistment, reenlistment, assign-  
18 ment, promotion, retention, separation, retire-  
19 ment, or transfer to inactive status in a reserve  
20 component instead of referring the records of  
21 that person for consideration by a previously  
22 convened selection board which considered or  
23 should have considered that person;

24 “(B) includes a board for the correction of  
25 military or naval records convened under sec-

1           tion 1552 of this title, if designated as a special  
2           board by the Secretary concerned; and

3           “(C) does not include a promotion special  
4           selection board convened under section 628 or  
5           14502 of this title.

6           “(2) The term ‘selection board’—

7           “(A) means a selection board convened  
8           under section 573(c), 580, 580a, 581, 611(b),  
9           637, 638, 638a, 14101(b), 14701, 14704, or  
10          14705 of this title, and any other board con-  
11          vened by the Secretary concerned under any au-  
12          thority to recommend persons for appointment,  
13          enlistment, reenlistment, assignment, pro-  
14          motion, or retention in the armed forces or for  
15          separation, retirement, or transfer to inactive  
16          status in a reserve component for the purpose  
17          of reducing the number of persons serving in  
18          the armed forces; and

19          “(B) does not include—

20                 “(i) a promotion board convened  
21                 under section 573(a), 611(a), or 14101(a)  
22                 of this title;

23                 “(ii) a special board;

24                 “(iii) a special selection board con-  
25                 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 concerned 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) VICE CHIEF OF NATIONAL GUARD BUREAU.—

5           (1) The Secretary of Defense shall conduct a study of the  
6 advisability of increasing the grade authorized for the Vice  
7 Chief of the National Guard Bureau to Lieutenant Gen-  
8 eral.

9           (2) As part of the study, the Chief of the National  
10 Guard Bureau shall submit to the Secretary of Defense  
11 an analysis of the functions and responsibilities of the Vice  
12 Chief of the National Guard Bureau and the Chief's rec-  
13 ommendation as to whether the grade authorized for the  
14 Vice Chief should be increased.

15           (3) Not later than February 1, 2001, the Secretary  
16 shall submit to the Committees on Armed Services of the  
17 Senate and House of Representatives a report on the  
18 study. The report shall include the following—

19                   (A) the recommendation of the Chief of the Na-  
20 tional Guard Bureau and any other information pro-  
21 vided by the Chief to the Secretary of Defense pur-  
22 suant to paragraph (2);

23                   (B) the conclusions resulting from the study;  
24           and

1 (C) the Secretary's recommendations regarding  
2 whether the grade authorized for the Vice Chief of  
3 the National Guard Bureau should be increased to  
4 Lieutenant General.

5 (h) EFFECTIVE DATES.—Subsection (g) shall take  
6 effect on the date of the enactment of this Act. Except  
7 for that subsection, this section and the amendments  
8 made by this section shall take effect on the earlier of—

9 (1) the date that is 90 days after the date of  
10 the enactment of this Act; or

11 (2) January 1, 2001.

12 **SEC. 511. CONTINGENT EXEMPTION FROM LIMITATION ON**  
13 **NUMBER OF AIR FORCE OFFICERS SERVING**  
14 **ON ACTIVE DUTY IN GRADES ABOVE MAJOR**  
15 **GENERAL.**

16 Section 525(b) of title 10, United States Code, is  
17 amended by adding at the end the following:

18 “(8) While an officer of the Army, Navy, or Marine  
19 Corps is serving as Commander in Chief of the United  
20 States Transportation Command, an officer of the Air  
21 Force, while serving as Commander of the Air Mobility  
22 Command, if serving in the grade of general, is in addition  
23 to the number that would otherwise be permitted for the  
24 Air Force for officers serving on active duty in grades  
25 above major general under paragraph (1).

1 “(9) While an officer of the Army, Navy, or Marine  
2 Corps is serving as Commander in Chief of the United  
3 States Space Command, an officer of the Air Force, while  
4 serving as Commander of the Air Force Space Command,  
5 if serving in the grade of general, is in addition to the  
6 number that would otherwise be permitted for the Air  
7 Force for officers serving on active duty in grades above  
8 major general under paragraph (1).”.

9 **Subtitle B—Joint Officer**  
10 **Management**

11 **SEC. 521. JOINT SPECIALTY DESIGNATIONS AND ADDI-**  
12 **TIONAL IDENTIFIERS.**

13 Section 661 of title 10, United States Code, is  
14 amended to read as follows:

15 **“§ 661. Management policies for joint specialty offi-**  
16 **cers**

17 “(a) ESTABLISHMENT.—The Secretary of Defense  
18 shall establish policies, procedures, and practices for the  
19 effective management of officers of the Army, Navy, Air  
20 Force, and Marine Corps on the active-duty list who are  
21 particularly trained in, and oriented toward, joint matters  
22 (as defined in section 668 of this title). Such officers shall  
23 be identified or designated (in addition to their principal  
24 military occupational specialty) in such manner as the  
25 Secretary of Defense directs. For purposes of this chapter,

1 officers to be managed by such policies, procedures, and  
2 practices are those who have been designated under sub-  
3 section (b) as joint specialty officers.

4 “(b) JOINT SPECIALTY OFFICER DESIGNATION.—(1)

5 The purpose for designation of officers as joint specialty  
6 officers is to provide a quickly identifiable group of officers  
7 who have the joint service experience and education in  
8 joint matters that are especially required for any par-  
9 ticular organizational staff or joint task force operation.

10 “(2) To qualify for the joint specialty designation, an  
11 officer shall—

12 “(A) have successfully completed—

13 “(i) a program of education in residence at  
14 a joint professional military education school  
15 accredited as such by the Chairman of the  
16 Joint Chiefs of Staff; and

17 “(ii) a full tour of duty in a joint duty as-  
18 signment; or

19 “(B) have successfully completed two full tours  
20 of duty in joint duty assignments.

21 “(3) The requirements set forth in paragraph (2)(A)  
22 may be satisfied in any sequence.

23 “(4) The Secretary of Defense shall prescribe the  
24 standards for characterizing the completion of a require-  
25 ment under paragraph (2) as successful.

1       “(5) An officer may not be designated as a joint spe-  
2 cialty officer unless qualified under paragraph (2).

3       “(c) ADDITIONAL IDENTIFIER.—An officer des-  
4 igned as a joint specialty officer may be awarded an ad-  
5 ditional joint specialty identifier as directed by the Sec-  
6 retary under subsection (a).

7       “(d) WAIVER AUTHORITY FOR AWARD OF ADDI-  
8 TIONAL IDENTIFIER.—(1) The Secretary of Defense may  
9 waive the applicability of a requirement for a qualification  
10 set forth in subsection (b) for a designation of a particular  
11 officer as a joint specialty officer upon the Secretary’s de-  
12 termination that, by reason of unusual circumstances ap-  
13 plicable in the officer’s case, the officer has one or more  
14 qualifications that are comparable to the qualification  
15 waived.

16       “(2) The Secretary may grant a waiver for a general  
17 or flag officer under paragraph (1) only upon the Sec-  
18 retary’s determination that it is necessary to do so in  
19 order to meet a critical need of the armed forces.

20       “(3) The Secretary may delegate authority under this  
21 subsection only to the Deputy Secretary of Defense or the  
22 Chairman of the Joint Chiefs of Staff.

23       “(4) The Secretary of the military department con-  
24 cerned may request a waiver under this subsection. A re-  
25 quest shall include a full justification for the requested

1 waiver on the basis of the criterion described in paragraph  
2 (1) and, in the case of a general or flag officer, the addi-  
3 tional criterion described in paragraph (2).

4 “(e) GENERAL AND FLAG OFFICER POSITIONS.—(1)  
5 The Secretary of Defense shall designate the joint duty  
6 assignments for general or flag officers that must be filled  
7 by joint specialty officers.

8 “(2) Only a joint specialty officer may be assigned  
9 to a joint duty assignment designated under paragraph  
10 (1).

11 “(3) The Secretary may waive the limitation in para-  
12 graph (2) if the Secretary determines that it is necessary  
13 to do so in the interest of national security.

14 “(f) JOINT PROFESSIONAL MILITARY EDUCATION  
15 SCHOOLS.—The Chairman of the Joint Chiefs of Staff  
16 shall accredit as joint professional military education  
17 schools for the purposes of this chapter the schools that  
18 the Chairman determines as being qualified for the accred-  
19 itation. A school may not be considered a joint profes-  
20 sional military education school for any such purpose un-  
21 less the school is so accredited.”.

22 **SEC. 522. PROMOTION OBJECTIVES.**

23 (a) OBJECTIVES.—Section 662 of title 10, United  
24 States Code, is amended to read as follows:

1 **“§ 662. Promotion policy objectives for joint officers**

2       “(a) QUALIFICATIONS.—The Secretary of Defense  
3 shall ensure that the qualifications of officers assigned to  
4 joint duty assignments and officers whose previous assign-  
5 ment was a joint duty assignment are such that those offi-  
6 cers are expected, as a group, to be promoted to the next  
7 higher grade at a rate not less than the rate for officers  
8 of the same armed force in the same grade and competi-  
9 tive category who are serving on the headquarters staff  
10 of that armed force.

11       “(b) VALIDATION OF QUALIFICATIONS.—(1) The  
12 Secretary of a military department shall validate the quali-  
13 fications of officers under the jurisdiction of the Secretary  
14 for eligibility for joint duty assignments.

15       “(2) The Secretary shall ensure that, under the proc-  
16 ess prescribed under paragraph (3), an adequate number  
17 of the colonels or, in the case of the Navy, captains vali-  
18 dated as qualified for joint duty assignments satisfy the  
19 requirements under section 619a of this title for pro-  
20 motion to brigadier general or rear admiral (lower half),  
21 respectively.

22       “(3) The Secretary shall prescribe the process for  
23 validating qualifications of officers under the jurisdiction  
24 of the Secretary in accordance with this subsection.

25       “(c) CONSIDERATION OF JOINT SPECIALTY OFFI-  
26 CERS.—(1) The Secretary of Defense shall prescribe poli-



1 cies for ensuring that joint specialty officers eligible for  
2 consideration for promotion are appropriately considered  
3 for promotion.

4 “(2) The policies shall require the following:

5 “(A) That at least one member of a board con-  
6 vened for the selection of officers for promotion to  
7 a grade above major or, in the case of the Navy,  
8 lieutenant commander is serving in a joint duty as-  
9 signment and has been approved by the Chairman of  
10 the Joint Chiefs of Staff for appointment to mem-  
11 bership on that board.

12 “(B) That the Chairman of the Joint Chiefs of  
13 Staff has the opportunity to review the report of  
14 each promotion selection board referred to in sub-  
15 paragraph (A), and to submit comments on the re-  
16 port to the Secretary of Defense and the Secretary  
17 of the military department concerned, before the  
18 Secretary of that military department takes action  
19 on the report.”.

20 (b) CLERICAL AMENDMENT.—The table of sections  
21 at the beginning of chapter 38 of title 10, United States  
22 Code, is amended by striking the item relating to section  
23 662 and inserting the following:

“662. Promotion policy objectives for joint officers.”.

1 **SEC. 523. EDUCATION.**

2 (a) OFFICERS ELIGIBLE FOR WAIVER OF CAPSTONE  
3 COURSE REQUIREMENT.—Subsection (a)(1)(C) of section  
4 663 of title 10, United States Code, is amended by strik-  
5 ing “scientific and technical qualifications” and inserting  
6 “career field specialty qualifications”.

7 (b) REPEAL OF REQUIREMENT FOR POST-EDU-  
8 CATION JOINT DUTY ASSIGNMENT.—Such section is fur-  
9 ther amended by striking subsection (d).

10 **SEC. 524. LENGTH OF JOINT DUTY ASSIGNMENT.**

11 (a) IN GENERAL.—Section 664 of title 10, United  
12 States Code, is amended—

13 (1) by striking subsections (a) through (h);

14 (2) by redesignating subsection (i) as subsection  
15 (f); and

16 (3) by inserting after the section heading the  
17 following:

18 “(a) IN GENERAL.—The length of a joint duty as-  
19 signment at an installation or other place of duty shall  
20 be equivalent to the standard length of the assignments  
21 (other than joint duty assignments) of officers at that in-  
22 stallation or other place of duty.

23 “(b) WAIVER AUTHORITY.—The Secretary of De-  
24 fense may waive the requirement in subsection (a) for the  
25 length of a joint duty assignment in the case of any officer  
26 upon a determination by the Secretary that the waiver is

1 critical in the case of that specific officer for meeting mili-  
2 tary personnel management requirements.

3 “(c) CURTAILMENT OF ASSIGNMENT.—The Sec-  
4 retary of Defense may, upon the request of the Secretary  
5 of the military department concerned, authorize a curtail-  
6 ment of a joint duty assignment of more than two years  
7 for an officer who has served in that assignment for at  
8 least two years.

9 “(d) FULL TOUR OF DUTY.—Subject to subsection  
10 (e), an officer shall be considered to have completed a full  
11 tour of duty in a joint duty assignment upon the comple-  
12 tion of service performed in a grade not lower than major  
13 or, in the case of the Navy, lieutenant commander, as fol-  
14 lows:

15 “(1) Service in a joint duty assignment that  
16 meets the standard set forth in subsection (a).

17 “(2) Service in a joint duty assignment under  
18 the circumstances described in subsection (c).

19 “(3) Cumulative service in one or more joint  
20 task force headquarters that is substantially equiva-  
21 lent to a standard length of assignment determined  
22 under subsection (a).

23 “(4) Service in a joint duty assignment with re-  
24 spect to which the Secretary of Defense has granted  
25 a waiver under subsection (b), but only in a case in

1       which the Secretary directs that the service com-  
2       pleted by the officer in that duty assignment be con-  
3       sidered to be a full tour of duty in a joint duty as-  
4       signment.

5               “(5) Service in a second joint duty assignment  
6       that is less than the period required under sub-  
7       section (a), but is not less than two years, without  
8       regard to whether a waiver was granted for such as-  
9       signment under subsection (b).”.

10       (b) JOINT DUTY CREDIT FOR CERTAIN JOINT TASK  
11       FORCE ASSIGNMENTS.—Subsection (f) of such section, as  
12       redesignated by subsection (a)(2), is amended—

13               (1) in paragraph (4)(B), by inserting before the  
14       period at the end the following: “, except that cumu-  
15       lative service of less than one year in more than one  
16       such assignment in the headquarters of a joint task  
17       force may not be credited”;

18               (2) in paragraph (4)(E)—

19                       (A) by striking “combat or combat-re-  
20       lated”; and

21                       (B) by inserting before the period at the  
22       end the following: “, as approved by the Sec-  
23       retary of Defense”;

24               (3) in paragraph (5), by striking “any of the  
25       following provisions of this title:” and all that fol-

1        lows and inserting “section 662 of this title or para-  
2        graph (2), (4), or (7) of section 667(a) of this  
3        title.”; and

4                (4) by striking paragraph (6).

5        **SEC. 525. ANNUAL REPORT TO CONGRESS.**

6        Section 667 of title 10, United States Code, is  
7        amended by striking paragraph (1) and all that follows  
8        and inserting the following:

9                “(1) The number of joint specialty officers, re-  
10        ported by grade and by branch or specialty.

11                “(2) An assessment of the extent to which the  
12        Secretary of each military department is assigning  
13        personnel to joint duty assignments in accordance  
14        with this chapter and the policies, procedures, and  
15        practices established by the Secretary of Defense  
16        under section 661(a) of this title.

17                “(3) The number of waivers granted under sec-  
18        tion 619a(b)(1) of this title for officers in the grade  
19        of colonel or, in the case of the Navy, captain for  
20        each of the years preceding the year in which the re-  
21        port is submitted.

22                “(4) The officers whose service in joint duty as-  
23        signments during the year covered by the report ter-  
24        minated before the officers completed the full tour of  
25        duty in those assignments, expressed as a percent of

1 the total number of officers in joint duty assign-  
2 ments during that year.

3 “(5) The percentage of fill of student quotas for  
4 each course of the National Defense University for  
5 the year covered by the report.

6 “(6) A list of the joint task force headquarters  
7 in which service was approved for crediting as a  
8 joint duty assignment for the year covered by the re-  
9 port.

10 “(7) The following comparisons:

11 “(A) A comparison of—

12 “(i) the promotion rates for officers  
13 who are officers serving in joint duty as-  
14 signments or officers whose previous as-  
15 signment was a joint duty assignment and  
16 were considered for promotion within the  
17 promotion zone, with

18 “(ii) the promotion rates for other of-  
19 ficers in the same grade and the same  
20 competitive category who are serving on  
21 the headquarters staff of the armed force  
22 concerned and were considered for pro-  
23 motion within the promotion zone.

24 “(B) A comparison of—

1           “(i) the promotion rates for officers  
2 who are officers serving in joint duty as-  
3 signments or officers whose previous as-  
4 signment was a joint duty assignment and  
5 were considered for promotion from above  
6 the promotion zone, with

7           “(ii) the promotion rates for other of-  
8 ficers in the same grade and the same  
9 competitive category who are serving on  
10 the headquarters staff of the armed force  
11 concerned and were considered for pro-  
12 motion from above the promotion zone.

13       “(C) A comparison of—

14           “(i) the promotion rates for officers  
15 who are officers serving in joint duty as-  
16 signments or officers whose previous as-  
17 signment was a joint duty assignment and  
18 were considered for promotion from below  
19 the promotion zone, with

20           “(ii) the promotion rates for other of-  
21 ficers in the same grade and the same  
22 competitive category who are serving on  
23 the headquarters staff of the armed force  
24 concerned and were considered for pro-  
25 motion from below the promotion zone.

1           “(8) If any of the comparisons in paragraph (7)  
2           indicate that the promotion rates for officers re-  
3           ferred to in subparagraph (A)(i), (B)(i), or (C)(i) of  
4           such paragraph fail to meet the objective set forth  
5           in section 662(a) of this title, information on the  
6           failure and on what action the Secretary has taken  
7           or plans to take to prevent further failures.

8           “(9) Any other information relating to joint of-  
9           ficer management that the Secretary of Defense con-  
10          siders significant.”.

11 **SEC. 526. MULTIPLE ASSIGNMENTS CONSIDERED AS SIN-**  
12 **GLE JOINT DUTY ASSIGNMENT.**

13          (a) DEFINITION OF JOINT DUTY ASSIGNMENT.—  
14          Subsection (b) of section 668 of title 10, United States  
15          Code, is amended—

16                 (1) by redesignating paragraph (2) as para-  
17                 graph (3); and

18                 (2) by inserting after paragraph (1) the fol-  
19                 lowing new paragraph (2):

20                 “(2) An assignment not qualifying as a joint duty as-  
21                 signment within the definition prescribed under paragraph  
22                 (1) shall be treated as a joint duty assignment for the  
23                 purposes of this subchapter if the assignment is consid-  
24                 ered under subsection (c)(2) as part of a single tour of  
25                 duty in a joint duty assignment.”.



1 (b) MULTIPLE ASSIGNMENTS CONSIDERED AS SIN-  
2 GLE TOUR OF DUTY.—Subsection (c) of such section is  
3 amended to read as follows:

4 “(c) MULTIPLE ASSIGNMENTS CONSIDERED AS SIN-  
5 GLE TOUR OF DUTY.—For purposes of this chapter, serv-  
6 ice in more than one assignment shall be considered to  
7 be a single tour of duty in a joint duty assignment, as  
8 follows:

9 “(1) Continuous service in two or more con-  
10 secutive joint duty assignments, as defined under  
11 subsection (b)(1).

12 “(2) Continuous service, in any order, in—

13 “(A) at least one joint duty assignment, as  
14 defined under subsection (b)(1); and

15 “(B) one or more assignments not satis-  
16 fying the definition prescribed under subsection  
17 (b)(1) but involving service that provides sig-  
18 nificant experience in joint matters, as deter-  
19 mined under policies prescribed by the Sec-  
20 retary of Defense under section 661(a) of this  
21 title.”.

22 **SEC. 527. JOINT DUTY REQUIREMENT FOR PROMOTION TO**  
23 **ONE-STAR GRADES.**

24 Section 619a of title 10, United States Code, is  
25 amended—

1 (1) in subsection (a), by striking “section  
2 664(f)” and inserting “section 664(d); and

3 (2) in subsection (b)—

4 (A) in paragraph (2), by striking “sci-  
5 entific and technical qualifications” and insert-  
6 ing “career field specialty qualifications”; and

7 (B) in paragraph (4), by striking “if—”  
8 and all that follows and inserting a period.

## 9 **Subtitle C—Education and** 10 **Training**

### 11 **SEC. 541. ELIGIBILITY OF CHILDREN OF RESERVES FOR** 12 **PRESIDENTIAL APPOINTMENT TO SERVICE** 13 **ACADEMIES.**

14 (a) UNITED STATES MILITARY ACADEMY.—Section  
15 4342(b)(1) of title 10, United States Code, 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 (b) UNITED STATES NAVAL ACADEMY.—Section  
8 6954(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;”.

24 (c) UNITED STATES AIR FORCE ACADEMY.—Section  
25 9342(b)(1) of such title is amended—

1           (1) in subparagraph (B), by striking “, other  
2           than those granted retired pay under section 12731  
3           of this title (or under section 1331 of this title as  
4           in effect before the effective date of the Reserve Of-  
5           ficer Personnel Management Act)”; and

6           (2) by inserting after subparagraph (B) the fol-  
7           lowing:

8                   “(C) are serving as members of reserve  
9                   components and are credited with at least eight  
10                  years of service computed under section 12733  
11                  of this title; or

12                   “(D) would be, or who died while they  
13                   would have been, entitled to retired pay under  
14                   chapter 1223 of this title except for not having  
15                   attained 60 years of age;”.

16 **SEC. 542. SELECTION OF FOREIGN STUDENTS TO RECEIVE**  
17 **INSTRUCTION AT SERVICE ACADEMIES.**

18           (a) UNITED STATES MILITARY ACADEMY.—Section  
19 4344(a) of title 10, United States Code, is amended by  
20 adding at the end the following:

21                   “(3) In selecting persons to receive instruction under  
22 this section from among applicants from the countries ap-  
23 proved under paragraph (2), the Secretary shall give a pri-  
24 ority to persons who have a national service obligation to  
25 their countries upon graduation from the Academy.”.

1 (b) UNITED STATES NAVAL ACADEMY.—Section  
2 6957(a) of such title is amended by adding at the end  
3 the following:

4 “(3) In selecting persons to receive instruction under  
5 this section from among applicants from the countries ap-  
6 proved under paragraph (2), the Secretary shall give a pri-  
7 ority to persons who have a national service obligation to  
8 their countries upon graduation from the Academy.”.

9 (c) UNITED STATES AIR FORCE ACADEMY.—Section  
10 9344(a) of such title is amended by adding at the end  
11 the following:

12 “(3) In selecting persons to receive instruction under  
13 this section from among applicants from the countries ap-  
14 proved under paragraph (2), the Secretary shall give a pri-  
15 ority to persons who have a national service obligation to  
16 their countries upon graduation from the Academy.”.

17 (d) EFFECTIVE DATE AND APPLICABILITY.—This  
18 section and the amendments made by this section shall  
19 take effect on October 1, 2000, and shall apply with re-  
20 spect to academic years that begin after that date.

21 **SEC. 543. REPEAL OF CONTINGENT FUNDING INCREASE**  
22 **FOR JUNIOR RESERVE OFFICERS TRAINING**  
23 **CORPS.**

24 (a) REPEAL.—(1) Section 2033 of title 10, United  
25 States Code, is repealed.

1           (2) The table of sections at the beginning of chapter  
2 102 of such title is amended by striking the item relating  
3 to section 2033.

4           (b) EFFECTIVE DATE.—This section and the amend-  
5 ments made by this section shall take effect on October  
6 1, 2000.

7 **SEC. 544. REVISION OF AUTHORITY FOR MARINE CORPS**  
8                           **PLATOON LEADERS CLASS TUITION ASSIST-**  
9                           **ANCE PROGRAM.**

10          (a) ELIGIBILITY OF OFFICERS.—Section 16401 of  
11 title 10, United States Code, is amended—

12                   (1) in subsection (a), by striking “enlisted” in  
13 the matter preceding paragraph (1); and

14                   (2) in subsection (b)(1)—

15                           (A) by striking “an enlisted member” in  
16 the matter preceding subparagraph (A) and in-  
17 serting “a member”; and

18                           (B) by striking “an officer candidate in” in  
19 subparagraph (A) and inserting “a member of”.

20          (b) REPEAL OF AGE LIMITATIONS.—Subsection (b)  
21 of such section is amended—

22                   (1) in paragraph (1)—

23                           (A) by striking subparagraph (B);

1 (B) by redesignating subparagraphs (C)  
2 and (D) as subparagraphs (B) and (C), respec-  
3 tively; and

4 (C) in subparagraph (C), as so redesign-  
5 ated, by striking “paragraph (3)” and insert-  
6 ing “paragraph (2)”;

7 (2) by striking subparagraph (2);

8 (3) by redesignating paragraph (3) as para-  
9 graph (2); and

10 (4) in paragraph (2), as so redesignated, by  
11 striking “paragraph (1)(D)” and inserting “para-  
12 graph (1)(C)”.

13 (c) CANDIDATES FOR LAW DEGREES.—Subsection  
14 (a)(2) of such section is amended by striking “three” and  
15 inserting “four”.

16 (d) INAPPLICABILITY OF SANCTION TO OFFICERS.—  
17 Subsection (f)(1) of such section is amended by striking  
18 “A member” and inserting “An enlisted member”.

19 (e) AMENDMENTS OF HEADINGS.—(1) The heading  
20 for such section is amended to read as follows:

21 **“§ 16401. Marine Corps Platoon Leaders Class tuition**  
22 **assistance program”.**

23 (2) The heading for subsection (a) of such section  
24 is amended by striking “FOR FINANCIAL ASSISTANCE  
25 PROGRAM”.

1 (f) CLERICAL AMENDMENT.—The item relating to  
2 such section in the table of chapters at the beginning of  
3 chapter 1611 of title 10, United States Code, is amended  
4 to read as follows:

“16401. Marine Corps Platoon Leaders Class tuition assistance program.”.

5 **Subtitle D—Matters Relating to**  
6 **Recruiting**

7 **SEC. 551. ARMY RECRUITING PILOT PROGRAMS.**

8 (a) REQUIREMENT FOR PROGRAMS.—The Secretary  
9 of the Army shall carry out pilot programs to test various  
10 recruiting approaches under this section for the following  
11 purposes:

12 (1) To assess the effectiveness of the recruiting  
13 approaches for creating enhanced opportunities for  
14 recruiters to make direct, personal contact with po-  
15 tential recruits.

16 (2) To improve the overall effectiveness and ef-  
17 ficiency of Army recruiting activities.

18 (b) OUTREACH THROUGH MOTOR SPORTS.—(1) One  
19 of the pilot programs shall be a pilot program of public  
20 outreach that associates the Army with motor sports com-  
21 petitions to achieve the objectives set forth in paragraph  
22 (2).

23 (2) The events and activities undertaken under the  
24 pilot program shall be designed to provide opportunities



1 for Army recruiters to make direct, personal contact with  
2 high school students to achieve the following objectives:

3 (A) To increase enlistments by students grad-  
4 uating from high school.

5 (B) To reduce attrition in the Delayed Entry  
6 Program of the Army by sustaining the personal  
7 commitment of students who have elected delayed  
8 entry into the Army under the program.

9 (3) Under the pilot program, the Secretary shall pro-  
10 vide for the following:

11 (A) For Army recruiters or other Army  
12 personnel—

13 (i) to organize Army sponsored career day  
14 events in association with national motor sports  
15 competitions; and

16 (ii) to arrange for or encourage attendance  
17 at the competitions by high school students,  
18 teachers, guidance counselors, and administra-  
19 tors of high schools located near the competi-  
20 tions.

21 (B) For Army recruiters and other soldiers to  
22 attend national motor sports competitions—

23 (i) to display exhibits depicting the con-  
24 temporary Army and career opportunities in the  
25 Army; and

1                   (ii) to discuss those opportunities with po-  
2                   tential recruits.

3                   (C) For the Army to sponsor a motor sports  
4                   racing team as part of an integrated program of re-  
5                   cruitment and publicity for the Army.

6                   (D) For the Army to sponsor motor sports com-  
7                   petitions for high school students at which recruiters  
8                   meet with potential recruits.

9                   (E) For Army recruiters or other Army per-  
10                  sonnel to compile in an Internet accessible database  
11                  the names, addresses, telephone numbers, and elec-  
12                  tronic mail addresses of persons who are identified  
13                  as potential recruits through activities under the  
14                  pilot program.

15                  (F) Any other activities associated with motor  
16                  sports competition that the Secretary determines ap-  
17                  propriate for Army recruitment purposes.

18                  (c) OUTREACH AT VOCATIONAL SCHOOLS AND COM-  
19                  MUNITY COLLEGES.—(1) One of the pilot programs shall  
20                  be a pilot program under which Army recruiters are as-  
21                  signed at postsecondary vocational institutions and com-  
22                  munity colleges for the purpose of recruiting students  
23                  graduating from those institutions and colleges, recent  
24                  graduates of those institutions and colleges, and students

1 withdrawing from enrollments in those institutions and  
2 colleges.

3 (2) The Secretary shall select the institutions and col-  
4 leges to be invited to participate in the pilot program.

5 (3) The conduct of the pilot program at an institution  
6 or college shall be subject to an agreement which the Sec-  
7 retary shall enter into with the governing body or author-  
8 ized official of the institution or college, as the case may  
9 be.

10 (4) Under the pilot program, the Secretary shall pro-  
11 vide for the following:

12 (A) For Army recruiters to be placed in post-  
13 secondary vocational institutions and community col-  
14 leges to serve as a resource for guidance counselors  
15 and to recruit for the Army.

16 (B) For Army recruiters to recruit from among  
17 students and graduates described in paragraph (1).

18 (C) For the use of telemarketing, direct mail,  
19 interactive voice response systems, and Internet  
20 website capabilities to assist the recruiters in the  
21 postsecondary vocational institutions and community  
22 colleges.

23 (D) For any other activities that the Secretary  
24 determines appropriate for recruitment activities in

1 postsecondary vocational institutions and community  
2 colleges.

3 (5) In this subsection, the term “postsecondary voca-  
4 tional institution” has the meaning given the term in sec-  
5 tion 102(c) of the Higher Education Act of 1965 (20  
6 U.S.C. 1002(c)).

7 (d) CONTRACT RECRUITING INITIATIVES.—(1) One  
8 of the pilot programs shall be a program that expands in  
9 accordance with this subsection the scope of the Army’s  
10 contract recruiting initiatives that are ongoing as of the  
11 date of the enactment of this Act. Under the pilot pro-  
12 gram, the Secretary shall select at least five recruiting bat-  
13 talions to apply the initiatives in efforts to recruit per-  
14 sonnel for the Army.

15 (2) Under the pilot program, the Secretary shall pro-  
16 vide for the following:

17 (A) For replacement of the Regular Army re-  
18 cruiters by contract recruiters in the five recruiting  
19 battalions selected under paragraph (1).

20 (B) For operation of the five battalions under  
21 the same rules and chain of command as the other  
22 Army recruiting battalions.

23 (C) For use of the offices, facilities, and equip-  
24 ment of the five battalions by the contract recruit-  
25 ers.

1           (D) For reversion to performance of the re-  
2           cruiting activities by Regular Army soldiers in the  
3           five battalions upon termination of the pilot pro-  
4           gram.

5           (E) For any other uses of contractor personnel  
6           for Army recruiting activities that the Secretary de-  
7           termines appropriate.

8           (e) DURATION OF PILOT PROGRAMS.—The pilot pro-  
9           grams required by this section shall be carried out during  
10          the period beginning on October 1, 2000, and, subject to  
11          subsection (f), ending on December 31, 2005.

12          (f) AUTHORITY TO EXPAND OR EXTEND PILOT PRO-  
13          GRAMS.—The Secretary may expand the scope of any of  
14          the pilot programs (under subsection (b)(3)(F), (c)(4)(D),  
15          (d)(2)(E), or otherwise) or extend the period for any of  
16          the pilot programs. Before doing so in the case of a pilot  
17          program, the Secretary shall submit to the Committees on  
18          Armed Services of the Senate and the House of Represent-  
19          atives a written notification of the expansion of the pilot  
20          program (together with the scope of the expansion) or the  
21          continuation of the pilot program (together with the period  
22          of the extension), as the case may be.

23          (g) RELATIONSHIP TO OTHER LAW.—The Secretary  
24          may exercise the authority to carry out a pilot program  
25          under this section without regard to any other provision

1 of law that, except for this subsection, would otherwise  
2 restrict the actions taken by the Secretary under that au-  
3 thority.

4 (h) REPORTS.—Not later than February 1, 2006, the  
5 Secretary of the Army shall submit to the Committees on  
6 Armed Services of the Senate and the House of Represent-  
7 atives a separate report on each of the pilot programs car-  
8 ried out under this section. The report on a pilot program  
9 shall include the following:

10 (1) The Secretary's assessment of the value of  
11 the actions taken in the administration of the pilot  
12 program for increasing the effectiveness and effi-  
13 ciency of Army recruiting.

14 (2) Any recommendations for legislation or  
15 other action that the Secretary considers appropriate  
16 to increase the effectiveness and efficiency of Army  
17 recruiting.

18 **SEC. 552. ENHANCEMENT OF THE JOINT AND SERVICE RE-**  
19 **CRUITMENT MARKET RESEARCH AND ADVER-**  
20 **TISING PROGRAMS.**

21 The Secretary of Defense shall take appropriate ac-  
22 tions to enhance the effectiveness of the Joint and Service  
23 Recruiting and Advertising Programs through an aggres-  
24 sive program of advertising and market research targeted  
25 to prospective recruits for the Armed Forces and to per-

1 sons who influence prospective recruits. Chapter 35 of title  
2 44, United States Code, shall not apply to actions taken  
3 under this section.

4 **SEC. 553. ACCESS TO SECONDARY SCHOOLS FOR MILITARY**  
5 **RECRUITING PURPOSES.**

6 (a) **REQUIREMENT FOR ACCESS.**—Section 503(c) of  
7 title 10, United States Code, is amended to read as fol-  
8 lows:

9 “(c) **ACCESS TO SECONDARY SCHOOLS.**—(1) Each  
10 local educational agency shall provide to the Department  
11 of Defense, upon a request made for military recruiting  
12 purposes, the same access to secondary school students,  
13 and to directory information concerning such students, as  
14 is provided generally to post-secondary educational institu-  
15 tions or to prospective employers of those students, except  
16 as provided in paragraph (5).

17 “(2) If a local educational agency denies a request  
18 for recruiting access that must be granted under para-  
19 graph (1), the Secretary of the military department for  
20 which the request is made shall designate a general or flag  
21 officer of the armed force concerned or a senior executive  
22 of that military department to visit the local educational  
23 agency for the purpose of arranging for recruiting access.  
24 The designated officer or senior executive shall make the

1 visit within 120 days after the date of the denial of the  
2 request.

3       “(3) Upon a determination by the Secretary of De-  
4 fense that, after the actions under paragraph (2) have  
5 been taken with respect to a local educational agency, the  
6 agency continues to deny recruiting access, the Secretary  
7 shall transmit to the Chief Executive of the State in which  
8 the local educational agency is located a notification of the  
9 denial of access and a request for assistance in obtaining  
10 the requested access. The notification shall be transmitted  
11 within 60 days after the date of the determination. The  
12 Secretary shall provide copies of communications between  
13 the Secretary and a Chief Executive under this subpara-  
14 graph to the Secretary of Education.

15       “(4) If a local educational agency continues to deny  
16 recruiting access one year after the date of the transmittal  
17 of a notification regarding that agency under paragraph  
18 (3), the Secretary shall—

19               “(A) determine whether the agency denies re-  
20 cruiting access to at least two of the armed forces  
21 (other than the Coast Guard when it is not oper-  
22 ating as a service in the Navy); and

23               “(B) upon making an affirmative determination  
24 under subparagraph (A), transmit a notification of  
25 the denial of recruiting access to—



1           “(i) the Committees on Armed Services of  
2           the Senate and the House of Representatives;

3           “(ii) the Senators of the State in which the  
4           local educational agency operates; and

5           “(iii) the member of the House of Rep-  
6           resentatives who represents the district in which  
7           the local educational agency operates.

8           “(5) The requirements of this subsection do not apply  
9           to a local educational agency with respect to access to sec-  
10          ondary school students or access to directory information  
11          concerning such students during any period that there is  
12          in effect a policy of the agency, established by majority  
13          vote of the governing body of the agency, to deny access  
14          to the students or to the directory information, respec-  
15          tively, for military recruiting purposes.

16          “(6) In this subsection:

17               “(A) The term ‘local educational agency’ in-  
18               cludes a private secondary educational institution.

19               “(B) The term ‘recruiting access’ means access  
20               requested as described in paragraph (1).

21               “(C) The term ‘senior executive’ has the mean-  
22               ing given that term in section 3132(a)(3) of title 5.

23               “(D) The term ‘State’ includes the District of  
24               Columbia, American Samoa, the Federated States of  
25               Micronesia, Guam, the Republic of the Marshall Is-

1 lands, the Commonwealth of the Northern Mariana  
2 Islands, the Commonwealth of Puerto Rico, the Re-  
3 public of Palau, and the United States Virgin Is-  
4 lands.”.

5 (b) TECHNICAL AMENDMENTS.—Section 503 of title  
6 10, United States Code, is amended—

7 (1) in subsection (a), by inserting “RECRUITING  
8 CAMPAIGNS.—” after “(a)”;

9 (2) in subsection (b), by inserting “COMPILA-  
10 TION OF DIRECTORY INFORMATION.—” after “(b)”;  
11 and

12 (3) in subsection (c), by inserting “ACCESS TO  
13 SECONDARY SCHOOLS.—” after “(c)”.

14 (c) EFFECTIVE DATES.—(1) The amendment made  
15 by subsection (a) shall take effect on July 1, 2002.

16 (2) The amendments made by subsection (b) shall  
17 take effect on the date of the enactment of this Act.

18 **Subtitle E—Military Voting Rights**  
19 **Act of 2000**

20 **SEC. 561. SHORT TITLE.**

21 This subtitle may be cited as the “Military Voting  
22 Rights Act of 2000”.

1 **SEC. 562. GUARANTEE OF RESIDENCY.**

2 Article VII of the Soldiers' and Sailors' Civil Relief  
3 Act of 1940 (50 U.S.C. 700 et seq.) is amended by adding  
4 at the end the following:

5 "SEC. 704. (a) For purposes of voting for an office  
6 of the United States or of a State, a person who is absent  
7 from a State in compliance with military or naval orders  
8 shall not, solely by reason of that absence—

9 "(1) be deemed to have lost a residence or  
10 domicile in that State;

11 "(2) be deemed to have acquired a residence or  
12 domicile in any other State; or

13 "(3) be deemed to have become resident in or  
14 a resident of any other State.

15 "(b) In this section, the term 'State' includes a terri-  
16 tory or possession of the United States, a political subdivi-  
17 sion of a State, territory, or possession, and the District  
18 of Columbia."

19 **SEC. 563. STATE RESPONSIBILITY TO GUARANTEE MILI-**  
20 **TARY VOTING RIGHTS.**

21 (a) REGISTRATION AND BALLOTING.—Section 102 of  
22 the Uniformed and Overseas Absentee Voting Act (42  
23 U.S.C. 1973ff-1) is amended—

24 (1) by inserting "(a) ELECTIONS FOR FEDERAL  
25 OFFICES.—" before "Each State shall—"; and

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

1 “(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—

2 Each State shall—

3 “(1) permit absent uniformed services voters to  
4 use absentee registration procedures and to vote by  
5 absentee ballot in general, special, primary, and run-  
6 off elections for State and local offices; and

7 “(2) accept and process, with respect to any  
8 election described in paragraph (1), any otherwise  
9 valid voter registration application from an absent  
10 uniformed services voter if the application is received  
11 by the appropriate State election official not less  
12 than 30 days before the election.”.

13 (b) CONFORMING AMENDMENT.—The heading for  
14 title I of such Act is amended by striking out “**FOR**  
15 **FEDERAL OFFICE**”.

## 16 **Subtitle F—Other Matters**

### 17 **SEC. 571. AUTHORITY FOR AWARD OF MEDAL OF HONOR TO** 18 **CERTAIN SPECIFIED PERSONS.**

19 (a) INAPPLICABILITY OF TIME LIMITATIONS.—Not-  
20 withstanding the time limitations in section 3744(b) of  
21 title 10, United States Code, or any other time limitation,  
22 the President may award the Medal of Honor under sec-  
23 tion 3741 of such title to the persons specified in sub-  
24 section (b) for the acts specified in that subsection, the  
25 award of the Medal of Honor to such persons having been

1 determined by the Secretary of the Army to be warranted  
2 in accordance with section 1130 of such title.

3 (b) PERSONS ELIGIBLE TO RECEIVE THE MEDAL OF  
4 HONOR.—The persons referred to in subsection (a) are  
5 the following:

6 (1) Ed W. Freeman, for conspicuous acts of  
7 gallantry and intrepidity at the risk of his life and  
8 beyond the call of duty on November 14, 1965, as  
9 flight leader and second-in-command of a helicopter  
10 lift unit at landing zone X-Ray in the Battle of the  
11 Ia Drang Valley, Republic of Vietnam, during the  
12 Vietnam War, while serving in the grade of Captain  
13 in Alpha Company, 229th Assault Helicopter Bat-  
14 talion, 101st Cavalry Division (Airmobile).

15 (2) James K. Okubo, for conspicuous acts of  
16 gallantry and intrepidity at the risk of his life and  
17 beyond the call of duty on October 28 and 29, and  
18 November 4, 1944, at Foret Domaniale de Champ,  
19 near Biffontaine, France, during World War II,  
20 while serving as an Army medic in the grade of  
21 Technician Fifth Grade in the medical detachment,  
22 442d Regimental Combat Team.

23 (3) Andrew J. Smith, for conspicuous acts of  
24 gallantry and intrepidity at the risk of his life and  
25 beyond the call of duty on November 30, 1864, in

1 the Battle of Honey Hill, South Carolina, during the  
2 Civil War, while serving as a corporal in the 55th  
3 Massachusetts Voluntary Infantry Regiment.

4 (c) POSTHUMOUS AWARD.—The Medal of Honor may  
5 be awarded under this section posthumously, as provided  
6 in section 3752 of title 10, United States Code.

7 (d) PRIOR AWARD.—The Medal of Honor may be  
8 awarded under this section for service for which a Silver  
9 Star, or other award, has been awarded.

10 **SEC. 572. WAIVER OF TIME LIMITATIONS FOR AWARD OF**  
11 **CERTAIN DECORATIONS TO CERTAIN PER-**  
12 **SONS.**

13 (a) WAIVER.—Any limitation established by law or  
14 policy for the time within which a recommendation for the  
15 award of a military decoration or award must be sub-  
16 mitted shall not apply to awards of decorations described  
17 in this section, the award of each such decoration having  
18 been determined by the Secretary concerned to be war-  
19 ranted in accordance with section 1130 of title 10, United  
20 States Code.

21 (b) SILVER STAR.—Subsection (a) applies to the  
22 award of the Silver Star to Louis Rickler, of Rochester,  
23 New York, for gallantry in action from August 18 to No-  
24 vember 18, 1918, while serving as a member of the Army.

1           (c) **DISTINGUISHED FLYING CROSS.**—Subsection (a)  
2 applies to the award of the Distinguished Flying Cross  
3 for service during World War II or Korea (including mul-  
4 tiple awards to the same individual) in the case of each  
5 individual concerning whom the Secretary of the Navy (or  
6 an officer of the Navy acting on behalf of the Secretary)  
7 submitted to the Committee on Armed Services of the  
8 House of Representatives and the Committee on Armed  
9 Services of the Senate, during the period beginning on Oc-  
10 tober 5, 1999, and ending on the day before the date of  
11 the enactment of this Act, a notice as provided in section  
12 1130(b) of title 10, United States Code, that the award  
13 of the Distinguished Flying Cross to that individual is  
14 warranted and that a waiver of time restrictions pre-  
15 scribed by law for recommendation for such award is rec-  
16 ommended.

17 **SEC. 573. INELIGIBILITY FOR INVOLUNTARY SEPARATION**  
18 **PAY UPON DECLINATION OF SELECTION FOR**  
19 **CONTINUATION ON ACTIVE DUTY.**

20           (a) **INELIGIBILITY.**—Section 1174(a)(1) of title 10,  
21 United States Code, is amended—

22           (1) by inserting “, 637(a)(4),” after “section  
23 630(1)(A)”;

24           (2) by inserting “(except under section  
25 580(e)(2))” after “section 580”.

1 (b) EFFECTIVE DATE AND APPLICABILITY.—The  
 2 amendments made by subsection (a) shall take effect on  
 3 October 1, 2000, and shall apply with respect to dis-  
 4 charges and retirements from active duty that take effect  
 5 under section 580(e)(2) or 637(a)(4) of title 10, United  
 6 States Code, on or after that date.

7 **SEC. 574. RECOGNITION BY STATES OF MILITARY TESTA-**  
 8 **MENTARY INSTRUMENTS.**

9 (a) IN GENERAL.—Chapter 53 of title 10, United  
 10 States Code, is amended by inserting after section 1044c  
 11 the following new section:

12 **“§ 1044d. Military testamentary instruments: require-**  
 13 **ment for recognition by States**

14 “(a) TESTAMENTARY INSTRUMENTS TO BE GIVEN  
 15 LEGAL EFFECT.—A military testamentary instrument—

16 “(1) is exempt from any requirement of form,  
 17 formality, or recording before probate that is pro-  
 18 vided for testamentary instruments under the laws  
 19 of a State; and

20 “(2) has the same legal effect as a testa-  
 21 mentary instrument prepared and executed in ac-  
 22 cordance with the laws of the State in which it is  
 23 presented for probate.

24 “(b) MILITARY TESTAMENTARY INSTRUMENTS.—  
 25 For purposes of this section, a military testamentary in-



1 strument is an instrument that is prepared with testa-  
2 mentary intent in accordance with regulations prescribed  
3 under this section and that—

4           “(1) is executed in accordance with subsection  
5           (c) by (or on behalf of) a person, as a testator, who  
6           is eligible for military legal assistance;

7           “(2) makes a disposition of property of the tes-  
8           tator; and

9           “(3) takes effect upon the death of the testator.

10          “(c) REQUIREMENTS FOR EXECUTION OF MILITARY  
11 TESTAMENTARY INSTRUMENTS.—An instrument is valid  
12 as a military testamentary instrument only if—

13           “(1) the instrument is executed by the testator  
14           (or, if the testator is unable to execute the instru-  
15           ment personally, the instrument is executed in the  
16           presence of, by the direction of, and on behalf of the  
17           testator);

18           “(2) the instrument is executed in the presence  
19           of a military legal assistance counsel acting as pre-  
20           siding attorney;

21           “(3) the instrument is executed in the presence  
22           of at least two disinterested witnesses (in addition to  
23           the presiding attorney), each of whom attests to wit-  
24           nessing the testator’s execution of the instrument by  
25           signing it; and

1           “(4) the instrument is executed in accordance  
2           with such additional requirements as may be pro-  
3           vided in regulations prescribed under this section.

4           “(d) SELF-PROVING MILITARY TESTAMENTARY IN-  
5 STRUMENTS.—(1) If the document setting forth a military  
6 testamentary instrument meets the requirements of para-  
7 graph (2), then the signature of a person on the document  
8 as the testator, an attesting witness, a notary, or the pre-  
9 siding attorney, together with a written representation of  
10 the person’s status as such and the person’s military grade  
11 (if any) or other title, is prima facie evidence of the fol-  
12 lowing:

13           “(A) That the signature is genuine.

14           “(B) That the signatory had the represented  
15           status and title at the time of the execution of the  
16           will.

17           “(C) That the signature was executed in com-  
18           pliance with the procedures required under the regu-  
19           lations prescribed under subsection (f).

20           “(2) A document setting forth a military testa-  
21           mentary instrument meets the requirements of this para-  
22           graph if it includes (or has attached to it), in a form and  
23           content required under the regulations prescribed under  
24           subsection (f), each of the following:

1           “(A) A certificate, executed by the testator,  
2           that includes the testator’s acknowledgment of the  
3           testamentary instrument.

4           “(B) An affidavit, executed by each witness  
5           signing the testamentary instrument, that attests to  
6           the circumstances under which the testamentary in-  
7           strument was executed.

8           “(C) A notarization, including a certificate of  
9           any administration of an oath required under the  
10          regulations, that is signed by the notary or other of-  
11          ficial administering the oath.

12          “(e) STATEMENT TO BE INCLUDED.—(1) Under reg-  
13          ulations prescribed under this section, each military testa-  
14          mentary instrument shall contain a statement that sets  
15          forth the provisions of subsection (a).

16          “(2) Paragraph (1) shall not be construed to make  
17          inapplicable the provisions of subsection (a) to a testa-  
18          mentary instrument that does not include a statement de-  
19          scribed in that paragraph.

20          “(f) REGULATIONS.—Regulations for the purposes of  
21          this section shall be prescribed jointly by the Secretary  
22          of Defense and by the Secretary of Transportation with  
23          respect to the Coast Guard when it is not operating as  
24          a service in the Department of the Navy.

25          “(g) DEFINITIONS.—In this section:

1           “(1) The term ‘person eligible for military legal  
2 assistance’ means a person who is eligible for legal  
3 assistance under section 1044 of this title.

4           “(2) The term ‘military legal assistance counsel’  
5 means—

6                   “(A) a judge advocate (as defined in sec-  
7 tion 801(13) of this title); or

8                   “(B) a civilian attorney serving as a legal  
9 assistance officer under the provisions of sec-  
10 tion 1044 of this title.

11           “(3) The term ‘State’ includes the District of  
12 Columbia, the Commonwealth of Puerto Rico, the  
13 Commonwealth of the Northern Mariana Islands,  
14 and each possession of the United States.”.

15           (b) CLERICAL AMENDMENT.—The table of sections  
16 at the beginning of such chapter is amended by inserting  
17 after the item relating to section 1044e the following new  
18 item:

“1044d. Military testamentary instruments: requirement for recognition by  
States.”.

1 **SEC. 575. SENSE OF CONGRESS ON THE COURT-MARTIAL**  
2 **CONVICTION OF CAPTAIN CHARLES BUTLER**  
3 **McVAY, COMMANDER OF THE U.S.S. INDIAN-**  
4 **APOLIS, AND ON THE COURAGEOUS SERVICE**  
5 **OF ITS CREW.**

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

8 (1) Shortly after midnight on the morning of  
9 July 30, 1945, the United States Navy heavy cruiser  
10 U.S.S. Indianapolis (CA-35) was torpedoed and  
11 sunk by the Japanese submarine I-58 in what be-  
12 came the worst sea disaster in the history of the  
13 United States Navy.

14 (2) Although approximately 900 of the ship's  
15 crew of 1,196 survived the actual sinking, only 316  
16 of those courageous sailors survived when rescued  
17 after four and a half days adrift in the open sea.

18 (3) Nearly 600 of the approximately 900 men  
19 who survived the sinking perished from battle  
20 wounds, drowning, predatory shark attacks, expo-  
21 sure to the elements, and lack of food and potable  
22 water.

23 (4) Rescue came for the remaining 316 sailors  
24 when they were spotted by chance by Navy Lieuten-  
25 ant Wilbur C. Gwinn while flying a routine naval air  
26 patrol mission.

1           (5) After the end of World War II, the com-  
2           manding officer of the U.S.S. Indianapolis, Captain  
3           Charles Butler McVay, who was rescued with the  
4           other survivors, was court-martialed for “suffering a  
5           vessel to be hazarded through negligence” by failing  
6           to zigzag (a naval tactic employed to help evade sub-  
7           marine attacks), and was convicted even though—

8                   (A) the choice to zigzag was left to Cap-  
9                   tain McVay’s discretion in his orders; and

10                   (B) Motchisura Hashimoto, the com-  
11                   mander of the Japanese submarine that sank  
12                   the U.S.S. Indianapolis, and Glynn R. Donaho,  
13                   a United States Navy submarine commander  
14                   highly decorated for his service during World  
15                   War II, both testified at Captain McVay’s  
16                   court-martial trial that the Japanese submarine  
17                   could have sunk the U.S.S. Indianapolis wheth-  
18                   er or not it had been zigzagging, an assertion  
19                   that the Japanese submarine commander has  
20                   since reaffirmed in a letter to the Chairman of  
21                   the Committee on Armed Services of the Sen-  
22                   ate.

23           (6) Although not argued by Captain McVay’s  
24           defense counsel in the court-martial trial, poor visi-  
25           bility on the night of the sinking (as attested in sur-

1       viving crew members' handwritten accounts recently  
2       discovered at the National Archives) justified Cap-  
3       tain McVay's choice not to zigzag as that choice was  
4       consistent with the applicable Navy directives in  
5       force in 1945, which stated that, "During thick  
6       weather and at night, except on very clear nights or  
7       during bright moonlight, vessels normally cease zig-  
8       zagging."

9               (7) Naval officials failed to provide Captain  
10       McVay with available support that was critical to the  
11       safety of the U.S.S. Indianapolis and its crew on  
12       what became its final mission by—

13               (A) disapproving a request made by Cap-  
14       tain McVay for a destroyer escort for the  
15       U.S.S. Indianapolis across the Philippine Sea  
16       as being "not necessary";

17               (B) not informing Captain McVay that  
18       naval intelligence sources, through signal intel-  
19       ligence (the Japanese code having been broken  
20       earlier in World War II), had become aware  
21       that the Japanese submarine I-58 was oper-  
22       ating in the area of the U.S.S. Indianapolis'  
23       course (as disclosed in evidence presented in a  
24       hearing of the Committee on Armed Services of  
25       the Senate); and

1           (C) not informing Captain McVay of the  
2           sinking of the destroyer escort U.S.S. Underhill  
3           by a Japanese submarine within range of the  
4           course of the U.S.S. Indianapolis four days be-  
5           fore the U.S.S. Indianapolis departed Guam on  
6           its fatal voyage.

7           (8) Captain McVay's court-martial initially was  
8           opposed by his immediate command superiors, Fleet  
9           Admiral Chester Nimitz (CINCPAC) and Vice Ad-  
10          miral Raymond Spruance of the 5th fleet, for which  
11          the U.S.S. Indianapolis served as flagship, but, de-  
12          spite their recommendations, Secretary of the Navy  
13          James Forrestal ordered the court-martial, largely  
14          on the basis of the recommendation of Admiral  
15          King, Chief of Naval Operations.

16          (9) There is no explanation on the public record  
17          for Secretary Forrestal's overruling of the rec-  
18          ommendations made by Admirals Nimitz and  
19          Spruance.

20          (10) Captain McVay was the only commander  
21          of a United States Navy vessel lost in combat to  
22          enemy action during World War II who was sub-  
23          jected to a court-martial trial for such a loss, even  
24          though several hundred United States Navy ships



1 were lost in combat to enemy action during World  
2 War II.

3 (11) The survivors of the U.S.S. Indianapolis  
4 overwhelmingly conclude that McVay was not at  
5 fault and have dedicated their lives to vindicating  
6 their Captain, Charles McVay, but time is running  
7 out for the 130 remaining members of the crew in  
8 their united and steadfast quest to clear their Cap-  
9 tain's name.

10 (12) Although Captain McVay was promoted to  
11 Rear Admiral upon retirement from the Navy, he  
12 never recovered from the stigma of his post-war  
13 court-martial and in 1968, tragically, took his own  
14 life.

15 (13) Captain McVay was a graduate of the  
16 United States Naval Academy, was an exemplary ca-  
17 reer naval officer with an outstanding record (in-  
18 cluding participation in the amphibious invasions of  
19 North Africa, the assault on Iwo Jima, and the as-  
20 sult on Okinawa where he survived a fierce kami-  
21 kaze attack), was a recipient of the Silver Star  
22 earned for courage under fire during the Solomon  
23 Islands campaign, and, with his crew, had so thor-  
24 oughly demonstrated proficiency in naval warfare  
25 that the Navy entrusted Captain McVay and the

1 crew with transporting, on their fatal cruise, the  
2 components necessary for assembling the atomic  
3 bombs that were exploded over Hiroshima and Na-  
4 gasaki to end the war with Japan.

5 (b) SENSE OF CONGRESS.—(1) It is the sense of Con-  
6 gress, on the basis of the facts presented in a public hear-  
7 ing conducted by the Committee on Armed Services of the  
8 Senate on September 14, 1999, including evidence not  
9 available at the time of Captain Charles Butler McVay’s  
10 court-martial, and on the basis of extensive interviews and  
11 questioning of witnesses and knowledgeable officials and  
12 a review of the record of the court-martial for and in that  
13 hearing, that—

14 (A) recognizing that the Secretary of the Navy  
15 remitted the sentence of the court-martial and that  
16 Admiral Nimitz, as Chief of Naval Operations, re-  
17 stored Captain McVay to active duty, the American  
18 people should now recognize Captain McVay’s lack  
19 of culpability for the tragic loss of the U.S.S. Indi-  
20 anapolis and the lives of the men who died as a re-  
21 sult of her sinking; and

22 (B) knowing that vital information was not  
23 available to the court-martial board and that, as a  
24 result, Captain McVay was convicted, Captain

1       McVay's military record should now reflect that he  
2       is exonerated for the loss of the ship and its crew.

3       (2) It is, further, the sense of Congress that Congress  
4       strongly encourages the Secretary of the Navy to award  
5       a Navy Unit Commendation to the U.S.S. Indianapolis  
6       and its final crew.

7       **SEC. 576. SENIOR OFFICERS IN COMMAND IN HAWAII ON**  
8                                   **DECEMBER 7, 1941.**

9       (a) FINDINGS.—Congress makes the following find-  
10      ings:

11               (1) Rear Admiral Husband E. Kimmel, for-  
12      merly the Commander in Chief of the United States  
13      Fleet and the Commander in Chief, United States  
14      Pacific Fleet, had an excellent and unassailable  
15      record throughout his career in the United States  
16      Navy prior to the December 7, 1941, attack on  
17      Pearl Harbor.

18               (2) Major General Walter C. Short, formerly  
19      the Commander of the United States Army Hawai-  
20      ian Department, had an excellent and unassailable  
21      record throughout his career in the United States  
22      Army prior to the December 7, 1941, attack on  
23      Pearl Harbor.

24               (3) Numerous investigations following the at-  
25      tack on Pearl Harbor have documented that Admiral

1 Kimmel and Lieutenant General Short were not pro-  
2 vided necessary and critical intelligence that was  
3 available, that foretold of war with Japan, that  
4 warned of imminent attack, and that would have  
5 alerted them to prepare for the attack, including  
6 such essential communiques as the Japanese Pearl  
7 Harbor Bomb Plot message of September 24, 1941,  
8 and the message sent from the Imperial Japanese  
9 Foreign Ministry to the Japanese Ambassador in the  
10 United States from December 6 to 7, 1941, known  
11 as the Fourteen-Part Message.

12 (4) On December 16, 1941, Admiral Kimmel  
13 and Lieutenant General Short were relieved of their  
14 commands and returned to their permanent ranks of  
15 rear admiral and major general.

16 (5) Admiral William Harrison Standley, who  
17 served as a member of the investigating commission  
18 known as the Roberts Commission that accused Ad-  
19 miral Kimmel and Lieutenant General Short of  
20 “dereliction of duty” only six weeks after the attack  
21 on Pearl Harbor, later disavowed the report main-  
22 taining that “these two officers were martyred” and  
23 “if they had been brought to trial, both would have  
24 been cleared of the charge”.

1           (6) On October 19, 1944, a Naval Court of In-  
2           quiry exonerated Admiral Kimmel on the grounds  
3           that his military decisions and the disposition of his  
4           forces at the time of the December 7, 1941, attack  
5           on Pearl Harbor were proper “by virtue of the infor-  
6           mation that Admiral Kimmel had at hand which in-  
7           dicated neither the probability nor the imminence of  
8           an air attack on Pearl Harbor”; criticized the higher  
9           command for not sharing with Admiral Kimmel  
10          “during the very critical period of November 26 to  
11          December 7, 1941, important information . . . re-  
12          garding the Japanese situation”; and, concluded  
13          that the Japanese attack and its outcome was attrib-  
14          utable to no serious fault on the part of anyone in  
15          the naval service.

16          (7) On June 15, 1944, an investigation con-  
17          ducted by Admiral T. C. Hart at the direction of the  
18          Secretary of the Navy produced evidence, subse-  
19          quently confirmed, that essential intelligence con-  
20          cerning Japanese intentions and war plans was  
21          available in Washington but was not shared with Ad-  
22          miral Kimmel.

23          (8) On October 20, 1944, the Army Pearl Har-  
24          bor Board of Investigation determined that Lieuten-  
25          ant General Short had not been kept “fully advised

1 of the growing tenseness of the Japanese situation  
2 which indicated an increasing necessity for better  
3 preparation for war”; detailed information and intel-  
4 ligence about Japanese intentions and war plans  
5 were available in “abundance” but were not shared  
6 with the General Short’s Hawaii command; and  
7 General Short was not provided “on the evening of  
8 December 6th and the early morning of December  
9 7th, the critical information indicating an almost im-  
10 mediate break with Japan, though there was ample  
11 time to have accomplished this”.

12 (9) The reports by both the Naval Court of In-  
13 quiry and the Army Pearl Harbor Board of Inves-  
14 tigation were kept secret, and Rear Admiral Kimmel  
15 and Major General Short were denied their requests  
16 to defend themselves through trial by court-martial.

17 (10) The joint committee of Congress that was  
18 established to investigate the conduct of Admiral  
19 Kimmel and Lieutenant General Short completed, on  
20 May 31, 1946, a 1,075-page report which included  
21 the conclusions of the committee that the two offi-  
22 cers had not been guilty of dereliction of duty.

23 (11) The then Chief of Naval Personnel, Admi-  
24 ral J. L. Holloway, Jr., on April 27, 1954, rec-  
25 ommended that Admiral Kimmel be advanced in

1 rank in accordance with the provisions of the Officer  
2 Personnel Act of 1947.

3 (12) On November 13, 1991, a majority of the  
4 members of the Board for the Correction of Military  
5 Records of the Department of the Army found that  
6 Lieutenant General Short “was unjustly held re-  
7 sponsible for the Pearl Harbor disaster” and that  
8 “it would be equitable and just” to advance him to  
9 the rank of lieutenant general on the retired list.

10 (13) In October 1994, the then Chief of Naval  
11 Operations, Admiral Carlisle Trost, withdrew his  
12 1988 recommendation against the advancement of  
13 Admiral Kimmel and recommended that the case of  
14 Admiral Kimmel be reopened.

15 (14) Although the Dorn Report, a report on the  
16 results of a Department of Defense study that was  
17 issued on December 15, 1995, did not provide sup-  
18 port for an advancement of Rear Admiral Kimmel or  
19 Major General Short in grade, it did set forth as a  
20 conclusion of the study that “responsibility for the  
21 Pearl Harbor disaster should not fall solely on the  
22 shoulders of Admiral Kimmel and Lieutenant Gen-  
23 eral Short, it should be broadly shared”.

24 (15) The Dorn Report found that “Army and  
25 Navy officials in Washington were privy to inter-

1       cepted Japanese diplomatic communications . . .  
2       which provided crucial confirmation of the immi-  
3       nence of war”; that “the evidence of the handling of  
4       these messages in Washington reveals some inepti-  
5       tude, some unwarranted assumptions and  
6       misestimations, limited coordination, ambiguous lan-  
7       guage, and lack of clarification and followup at high-  
8       er levels”; and, that “together, these characteristics  
9       resulted in failure . . . to appreciate fully and to  
10      convey to the commanders in Hawaii the sense of  
11      focus and urgency that these intercepts should have  
12      engendered”.

13           (16) On July 21, 1997, Vice Admiral David C.  
14      Richardson (United States Navy, retired) responded  
15      to the Dorn Report with his own study which con-  
16      firmed findings of the Naval Court of Inquiry and  
17      the Army Pearl Harbor Board of Investigation and  
18      established, among other facts, that the war effort  
19      in 1941 was undermined by a restrictive intelligence  
20      distribution policy, and the degree to which the com-  
21      manders of the United States forces in Hawaii were  
22      not alerted about the impending attack on Hawaii  
23      was directly attributable to the withholding of intel-  
24      ligence from Admiral Kimmel and Lieutenant Gen-  
25      eral Short.



1           (17) The Officer Personnel Act of 1947, in es-  
2           tablishing a promotion system for the Navy and the  
3           Army, provided a legal basis for the President to  
4           honor any officer of the Armed Forces of the United  
5           States who served his country as a senior com-  
6           mander during World War II with a placement of  
7           that officer, with the advice and consent of the Sen-  
8           ate, on the retired list with the highest grade held  
9           while on the active duty list.

10           (18) Rear Admiral Kimmel and Major General  
11           Short are the only two eligible officers from World  
12           War II who were excluded from the list of retired of-  
13           ficers presented for advancement on the retired lists  
14           to their highest wartime ranks under the terms of  
15           the Officer Personnel Act of 1947.

16           (19) This singular exclusion from advancement  
17           on the retired list serves only to perpetuate the myth  
18           that the senior commanders in Hawaii were derelict  
19           in their duty and responsible for the success of the  
20           attack on Pearl Harbor, a distinct and unacceptable  
21           expression of dishonor toward two of the finest offi-  
22           cers who have served in the Armed Forces of the  
23           United States.

24           (20) Major General Walter Short died on Sep-  
25           tember 23, 1949, and Rear Admiral Husband Kim-

1 mel died on May 14, 1968, without the honor of  
2 having been returned to their wartime ranks as were  
3 their fellow veterans of World War II.

4 (21) The Veterans of Foreign Wars, the Pearl  
5 Harbor Survivors Association, the Admiral Nimitz  
6 Foundation, the Naval Academy Alumni Association,  
7 the Retired Officers Association, and the Pearl Har-  
8 bor Commemorative Committee, and other associa-  
9 tions and numerous retired military officers have  
10 called for the rehabilitation of the reputations and  
11 honor of Admiral Kimmel and Lieutenant General  
12 Short through their posthumous advancement on the  
13 retired lists to their highest wartime grades.

14 (b) ADVANCEMENT OF REAR ADMIRAL KIMMEL AND  
15 MAJOR GENERAL SHORT ON RETIRED LISTS.—(1) The  
16 President is requested—

17 (A) to advance the late Rear Admiral Husband  
18 E. Kimmel to the grade of admiral on the retired list  
19 of the Navy; and

20 (B) to advance the late Major General Walter  
21 C. Short to the grade of lieutenant general on the  
22 retired list of the Army.

23 (2) Any advancement in grade on a retired list re-  
24 quested under paragraph (1) shall not increase or change  
25 the compensation or benefits from the United States to

1 which any person is now or may in the future be entitled  
2 based upon the military service of the officer advanced.

3 (c) SENSE OF CONGRESS REGARDING THE PROFES-  
4 SIONAL PERFORMANCE OF ADMIRAL KIMMEL AND LIEU-  
5 TENANT GENERAL SHORT.—It is the sense of Congress  
6 that—

7 (1) the late Rear Admiral Husband E. Kimmel  
8 performed his duties as Commander in Chief, United  
9 States Pacific Fleet, competently and professionally,  
10 and, therefore, the losses incurred by the United  
11 States in the attacks on the naval base at Pearl  
12 Harbor, Hawaii, and other targets on the island of  
13 Oahu, Hawaii, on December 7, 1941, were not a re-  
14 sult of dereliction in the performance of those duties  
15 by the then Admiral Kimmel; and

16 (2) the late Major General Walter C. Short per-  
17 formed his duties as Commanding General, Hawai-  
18 ian Department, competently and professionally,  
19 and, therefore, the losses incurred by the United  
20 States in the attacks on Hickam Army Air Field and  
21 Schofield Barracks, Hawaii, and other targets on the  
22 island of Oahu, Hawaii, on December 7, 1941, were  
23 not a result of dereliction in the performance of  
24 those duties by the then Lieutenant General Short.

1 **SEC. 577. VERBATIM RECORDS IN SPECIAL COURTS-MAR-**  
2 **TIAL.**

3 (a) **WHEN REQUIRED.**—Subsection (c)(1)(B) of sec-  
4 tion 854 of title 10, United States Code (article 54 of the  
5 Uniform Code of Military Justice), is amended by insert-  
6 ing after “bad-conduct discharge” the following: “, con-  
7 finement for more than six months, or forfeiture of pay  
8 for more than six months”.

9 (b) **RETROACTIVE EFFECTIVE DATE.**—The amend-  
10 ment made by subsection (a) shall take effect as of April  
11 1, 2000, and shall apply with respect to charges referred  
12 on or after that date to trial by special courts-martial.

13 **SEC. 578. MANAGEMENT AND PER DIEM REQUIREMENTS**  
14 **FOR MEMBERS SUBJECT TO LENGTHY OR NU-**  
15 **MEROUS DEPLOYMENTS.**

16 (a) **MANAGEMENT OF DEPLOYMENTS OF MEM-**  
17 **BERS.**—Section 586(a) of the National Defense Author-  
18 ization Act for Fiscal Year 2000 (Public Law 106–65; 113  
19 Stat. 637) is amended in the text of section 991 of title  
20 10, United States Code, set forth in such section 586(a)—

21 (1) in subsection (a), by striking “an officer in  
22 the grade of general or admiral” in the second sen-  
23 tence and inserting “the designated component com-  
24 mander for the member’s armed force”; and

25 (2) in subsection (b)—

1 (A) in paragraph (1), by inserting “or  
2 homeport, as the case may” before the period at  
3 the end;

4 (B) by redesignating paragraphs (2) and  
5 (3) as paragraphs (3) and (4), respectively;

6 (C) by inserting after paragraph (1) the  
7 following new paragraph (2):

8 “(2) In the case of a member of a reserve component  
9 performing active service, the member shall be considered  
10 deployed or in a deployment for the purposes of paragraph  
11 (1) on any day on which, pursuant to orders that do not  
12 establish a permanent change of station, the member is  
13 performing the active service at a location that—

14 “(A) is not the member’s permanent training  
15 site; and

16 “(B) is—

17 “(i) at least 100 miles from the member’s  
18 permanent residence; or

19 “(ii) a lesser distance from the member’s  
20 permanent residence that, under the cir-  
21 cumstances applicable to the member’s travel, is  
22 a distance that requires at least three hours of  
23 travel to traverse.”; and

24 (D) in paragraph (3), as redesignated by  
25 subparagraph (B) of this paragraph—

1 (i) by striking “or” at the end of sub-  
2 paragraph (A);

3 (ii) by striking the period at the end  
4 of subparagraph (B) and inserting “; or”;  
5 and

6 (iii) by adding at the end the fol-  
7 lowing:

8 “(C) unavailable solely because of—

9 “(i) a hospitalization of the member at the  
10 member’s permanent duty station or homeport  
11 or in the immediate vicinity of the member’s  
12 permanent residence; or

13 “(ii) a disciplinary action taken against the  
14 member.”.

15 (b) ASSOCIATED PER DIEM ALLOWANCE.—Section  
16 586(b) of that Act (113 Stat. 638) is amended in the text  
17 of section 435 of title 37, United States Code, set forth  
18 in such section 586(b)—

19 (1) in subsection (a), by striking “251 days or  
20 more out of the preceding 365 days” and inserting  
21 “501 or more days out of the preceding 730 days”;  
22 and

23 (2) in subsection (b), by striking “prescribed  
24 under paragraph (3)” and inserting “prescribed  
25 under paragraph (4)”.

1           (c) REVIEW OF MANAGEMENT OF DEPLOYMENTS OF  
2 INDIVIDUAL MEMBERS.— Not later than March 31, 2002,  
3 the Secretary of Defense shall submit to the Committees  
4 on Armed Services of the Senate and the House of Rep-  
5 resentatives a report on the administration of section 991  
6 of title 10, United States Code (as added by section  
7 586(a) of the National Defense Authorization Act for Fis-  
8 cal Year 2000), during the first year that such section  
9 991 is in effect. The report shall include—

10           (1) a discussion of the experience in tracking  
11 and recording the deployments of members of the  
12 Armed Forces; and

13           (2) any recommendations for revision of such  
14 section 991 that the Secretary considers appropriate.

15 **SEC. 579. EXTENSION OF TRICARE MANAGED CARE SUP-**  
16 **PORT CONTRACTS.**

17           (a) AUTHORITY.—Notwithstanding any other provi-  
18 sion of law, the TRICARE managed care support con-  
19 tracts in effect, or in final stages of acquisition as of Sep-  
20 tember 30, 1999, may be extended for four years, subject  
21 to subsection (b).

22           (b) CONDITIONS.—Any extension of a contract under  
23 paragraph (1)—

1           (1) may be made only if the Secretary of De-  
2           fense determines that it is in the best interest of the  
3           Government to do so; and

4           (2) shall be based on the price in the final best  
5           and final offer for the last year of the existing con-  
6           tract as adjusted for inflation and other factors mu-  
7           tually agreed to by the contractor and the Govern-  
8           ment.

9   **SEC. 580. PREPARATION, PARTICIPATION, AND CONDUCT**  
10                           **OF ATHLETIC COMPETITIONS AND SMALL**  
11                           **ARMS COMPETITIONS BY THE NATIONAL**  
12                           **GUARD AND MEMBERS OF THE NATIONAL**  
13                           **GUARD.**

14           (a) PREPARATION AND PARTICIPATION OF MEMBERS  
15   GENERALLY.—Subsection (a) of section 504 of title 32,  
16   United States Code, is amended—

17           (1) by striking “or” at the end of paragraph

18           (2);

19           (2) in paragraph (3)—

20                   (A) by inserting “prepare for and” before  
21                   “participate”; and

22                   (B) by striking the period at the end and  
23                   inserting “; or”; and

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



1           “(4) prepare for and participate in qualifying  
2           athletic competitions.”.

3           (b) CONDUCT OF COMPETITIONS.—That section is  
4 further amended by adding at the end the following new  
5 subsection:

6           “(c)(1) Units of the National Guard may conduct  
7 small arms competitions and athletic competitions in con-  
8 junction with training required under this chapter if such  
9 activities would meet the requirements set forth in para-  
10 graphs (1), (3), and (4) of section 508(a) of this title if  
11 such activities were services to be provided under that sec-  
12 tion.

13           “(2) Facilities and equipment of the National Guard,  
14 including military property and vehicles described in sec-  
15 tion 508(c) of this title, may be used in connection with  
16 activities under paragraph (1).”.

17           (c) AVAILABILITY OF FUNDS.—That section is fur-  
18 ther amended by adding at the end the following new sub-  
19 section:

20           “(d) Subject to provisions of appropriations Acts,  
21 amounts appropriated for the National Guard may be  
22 used in order to cover the costs of activities under sub-  
23 section (c) and of expenses of members of the National  
24 Guard under paragraphs (3) and (4) of subsection (a), in-  
25 cluding expenses of attendance and participation fees,

1 travel, per diem, clothing, equipment, and related ex-  
2 penses.”.

3 (d) QUALIFYING ATHLETIC COMPETITIONS DE-  
4 FINED.—That section is further amended by adding at the  
5 end the following new subsection:

6 “(e) In this section, the term ‘qualifying athletic com-  
7 petition’ means a competition in athletic events that re-  
8 quire skills relevant to military duties or involve aspects  
9 of physical fitness that are evaluated by the armed forces  
10 in determining whether a member of the National Guard  
11 is fit for military duty.”.

12 (e) CONFORMING AND CLERICAL AMENDMENTS.—  
13 (1) The section heading of such section is amended to read  
14 as follows:

15 **“§ 504. National Guard schools; small arms competi-  
16 tions; athletic competitions”.**

17 (2) The table of sections at the beginning of chapter  
18 5 of that title is amended by striking the item relating  
19 to section 504 and inserting the following new item:

“504. National Guard schools; small arms competitions; athletic competitions.”.

20 **TITLE VI—COMPENSATION AND**  
21 **OTHER PERSONNEL BENEFITS**  
22 **Subtitle A—Pay and Allowances**

23 **SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2001.**

24 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—The  
25 adjustment to become effective during fiscal year 2001 re-

1 quired by section 1009 of title 37, United States Code,  
2 in the rates of monthly basic pay authorized members of  
3 the uniformed services shall not be made.

4 (b) INCREASE IN BASIC PAY.—Effective on January  
5 1, 2001, the rates of monthly basic pay for members of  
6 the uniformed services are increased by 3.7 percent.

7 **SEC. 602. CORRECTIONS FOR BASIC PAY TABLES.**

8 Section 601(c) of the National Defense Authorization  
9 Act for Fiscal Year 2000 (Public Law 106–65) is  
10 amended—

11 (1) in footnote 2 under the first table (113  
12 Stat. 646), relating to commissioned officers, by  
13 striking “\$12,441.00” and inserting “\$12,488.70”;  
14 and

15 (2) in footnote 2 under the fourth table (113  
16 Stat. 648), relating to enlisted members, by striking  
17 “\$4,701.00” and inserting “\$4,719.00”.

18 **SEC. 603. PAY IN LIEU OF ALLOWANCE FOR FUNERAL HON-**  
19 **ORS DUTY.**

20 (a) COMPENSATION AT RATE FOR INACTIVE-DUTY  
21 TRAINING.—(1) Section 115(b)(2) of title 32, United  
22 States Code, is amended to read as follows:

23 “(2) as directed by the Secretary concerned,  
24 either—

1           “(A) the allowance under section 435 of  
2           title 37; or

3           “(B) compensation under section 206 of  
4           title 37.”.

5           (2) Section 12503(b)(2) of title 10, United States  
6 Code, is amended to read as follows:

7           “(2) as directed by the Secretary concerned,  
8           either—

9           “(A) the allowance under section 435 of  
10           title 37; or

11           “(B) compensation under section 206 of  
12           title 37.”.

13           (b) CONFORMING REPEAL.—Section 435 of title 37,  
14 United States Code, is amended by striking subsection (c).

15           (c) EFFECTIVE DATE.—This section and the amend-  
16 ments made by this section shall take effect on October  
17 1, 2000, and shall apply with respect to months beginning  
18 on or after that date.

19 **SEC. 604. CLARIFICATION OF SERVICE EXCLUDED IN COM-**  
20 **PUTATION OF CREDITABLE SERVICE AS A**  
21 **MARINE CORPS OFFICER.**

22           (a) SERVICE AS RESERVE ENLISTED MEMBER IN  
23 PLATOON LEADERS CLASS.—Section 205(f) of title 37,  
24 United States Code, is amended by striking “that the offi-  
25 cer performed concurrently as a member” and inserting

1 “that the officer performed concurrently as an enlisted  
2 member”.

3 (b) CORRECTION OF REFERENCE.—Such section  
4 205(f) is further amended by striking “section 12209”  
5 and inserting “section 12203”.

6 **SEC. 605. CALCULATION OF BASIC ALLOWANCE FOR HOUS-**  
7 **ING.**

8 (a) RATES.—Subsection (b) of section 403 of title 37,  
9 United States Code, is amended—

10 (1) by striking paragraph (2);

11 (2) by redesignating paragraph (1) as para-  
12 graph (2);

13 (3) by inserting after “(b) BASIC ALLOWANCE  
14 FOR HOUSING INSIDE THE UNITED STATES.—” the  
15 following: “(1) The Secretary of Defense shall pre-  
16 scribe the rates of the basic allowance for housing  
17 that are applicable for the various military housing  
18 areas in the United States. The rates for an area  
19 shall be based on the costs of adequate housing de-  
20 termined for the area under paragraph (2).”; and

21 (4) in paragraph (6), by striking “, changes in  
22 the national average monthly cost of housing,”.

23 (b) REPEAL OF LIMITATION ON TOTAL PAY-  
24 MENTS.—Subsection (b) of such section is further  
25 amended—

- 1 (1) by striking paragraphs (3) and (5); and  
2 (2) by redesignating paragraphs (4), (6), and  
3 (7) as paragraphs (3), (4), and (5), respectively.

4 **SEC. 606. ELIGIBILITY OF MEMBERS IN GRADE E-4 TO RE-**  
5 **CEIVE BASIC ALLOWANCE FOR HOUSING**  
6 **WHILE ON SEA DUTY.**

7 (a) PAYMENT AUTHORIZED.—Subsection (f)(2)(B) of  
8 section 403 of title 37, United States Code, is amended—

9 (1) by striking “E-5” in the first sentence and  
10 inserting “E-4 or E-5”; and

11 (2) by striking “grade E-5” in the second sen-  
12 tence and inserting “grades E-4 and E-5”.

13 (b) CONFORMING AMENDMENT.—Subsection  
14 (m)(1)(B) of such section is amended by striking “E-4”  
15 and inserting “E-3”.

16 **SEC. 607. PERSONAL MONEY ALLOWANCE FOR THE SENIOR**  
17 **ENLISTED MEMBERS OF THE ARMED**  
18 **FORCES.**

19 (a) AUTHORITY.—Section 414 of title 37, United  
20 States Code, is amended by adding at the end the fol-  
21 lowing:

22 “(c) In addition to other pay or allowances authorized  
23 by this title, a noncommissioned officer is entitled to a  
24 personal money allowance of \$2,000 a year while serving  
25 as the Sergeant Major of the Army, the Master Chief

1 Petty Officer of the Navy, the Chief Master Sergeant of  
2 the Air Force, the Sergeant Major of the Marine Corps,  
3 or the Master Chief Petty Officer of the Coast Guard.”.

4 (b) EFFECTIVE DATE.—This section and the amend-  
5 ment made by this section shall take effect on October  
6 1, 2000.

7 **SEC. 608. INCREASED UNIFORM ALLOWANCES FOR OFFI-**  
8 **CERS.**

9 (a) INITIAL ALLOWANCE.—Section 415(a) of title 37,  
10 United States Code, is amended by striking “\$200” and  
11 inserting “\$400”.

12 (b) ADDITIONAL ALLOWANCE.—Section 416(a) of  
13 such title is amended by striking “\$100” and inserting  
14 “\$200”.

15 (c) EFFECTIVE DATE.—This section and the amend-  
16 ments made by this section shall take effect on October  
17 1, 2000.

18 **SEC. 609. CABINET-LEVEL AUTHORITY TO PRESCRIBE RE-**  
19 **QUIREMENTS AND ALLOWANCE FOR CLOTH-**  
20 **ING OF ENLISTED MEMBERS.**

21 Section 418 of title 37, United States Code, is  
22 amended—

23 (1) in subsection (a), by striking “The Presi-  
24 dent” and inserting “The Secretary of Defense and  
25 the Secretary of Transportation, with respect to the

1 Coast Guard when it is not operating as a service  
2 in the Navy,”; and

3 (2) in subsection (b), by striking “the Presi-  
4 dent” and inserting “the Secretary of Defense”.

5 **SEC. 610. SPECIAL SUBSISTENCE ALLOWANCE FOR MEM-**  
6 **BERS ELIGIBLE TO RECEIVE FOOD STAMP AS-**  
7 **SISTANCE.**

8 (a) ALLOWANCE.—(1) Chapter 7 of title 37, United  
9 States Code, is amended by inserting after section 402 the  
10 following new section:

11 **“§ 402a. Special subsistence allowance**

12 “(a) ENTITLEMENT.—(1) Upon the application of an  
13 eligible member of a uniformed service described in sub-  
14 section (b), the Secretary concerned shall pay the member  
15 a special subsistence allowance for each month for which  
16 the member is eligible to receive food stamp assistance.

17 “(2) In determining the eligibility of a member to re-  
18 ceive food stamp assistance for purposes of this section,  
19 the amount of any special subsistence allowance paid the  
20 member under this section shall not be taken into account.

21 “(b) COVERED MEMBERS.—An enlisted member re-  
22 ferred to in subsection (a) is an enlisted member in pay  
23 grade E–5 or below.

24 “(c) TERMINATION OF ENTITLEMENT.—The entitle-  
25 ment of a member to receive payment of a special subsist-



1 ence allowance terminates upon the occurrence of any of  
2 the following events:

3           “(1) Termination of eligibility for food stamp  
4 assistance.

5           “(2) Payment of the special subsistence allow-  
6 ance for 12 consecutive months.

7           “(3) Promotion of the member to a higher  
8 grade.

9           “(4) Transfer of the member in a permanent  
10 change of station.

11          “(d) REESTABLISHED ENTITLEMENT.—(1) After a  
12 termination of a member’s entitlement to the special sub-  
13 sistence allowance under subsection (c), the Secretary con-  
14 cerned shall resume payment of the special subsistence al-  
15 lowance to the member if the Secretary determines, upon  
16 further application of the member, that the member is eli-  
17 gible to receive food stamps.

18          “(2) Payments resumed under this subsection shall  
19 terminate under subsection (c) upon the occurrence of an  
20 event described in that subsection after the resumption of  
21 the payments.

22          “(3) The number of times that payments are resumed  
23 under this subsection is unlimited.

24          “(e) DOCUMENTATION OF ELIGIBILITY.—A member  
25 of the uniformed services applying for the special subsist-

1 ence allowance under this section shall furnish the Sec-  
2 retary concerned with such evidence of the member's eligi-  
3 bility for food stamp assistance as the Secretary may re-  
4 quire in connection with the application.

5 “(f) AMOUNT OF ALLOWANCE.—The monthly  
6 amount of the special subsistence allowance under this  
7 section is \$180.

8 “(g) RELATIONSHIP TO BASIC ALLOWANCE FOR  
9 SUBSISTENCE.—The special subsistence allowance under  
10 this section is in addition to the basic allowance for sub-  
11 sistence under section 402 of this title.

12 “(h) FOOD STAMP ASSISTANCE DEFINED.—In this  
13 section, the term ‘food stamp assistance’ means assistance  
14 under the Food Stamp Act of 1977 (7 U.S.C. 2011 et  
15 seq.).

16 “(i) TERMINATION OF AUTHORITY.—No special sub-  
17 sistence allowance may be made under this section for any  
18 month beginning after September 30, 2005.”.

19 (2) The table of sections at the beginning of such  
20 chapter is amended by inserting after the item relating  
21 to section 402 the following:

“402a. Special subsistence allowance.”.

22 (b) EFFECTIVE DATE.—Section 402a of title 37,  
23 United States Code, shall take effect on the first day of  
24 the first month that begins on or after the date of the  
25 enactment of this Act.

1 (c) ANNUAL REPORT.—(1) Not later than March 1  
2 of each year after 2000, the Comptroller General of the  
3 United States shall submit to Congress a report setting  
4 forth the number of members of the uniformed services  
5 who are eligible for assistance under the Food Stamp Act  
6 of 1977 (7 U.S.C. 2011 et seq.).

7 (2) In preparing the report, the Comptroller General  
8 shall consult with the Secretary of Defense, the Secretary  
9 of Transportation (with respect to the Coast Guard), the  
10 Secretary of Health and Human Services (with respect to  
11 the commissioned corps of the Public Health Service), and  
12 the Secretary of Commerce (with respect to the commis-  
13 sioned officers of the National Oceanic and Atmospheric  
14 Administration), who shall provide the Comptroller Gen-  
15 eral with any information that the Comptroller General  
16 determines necessary to prepare the report.

17 (3) No report is required under this subsection after  
18 March 1, 2005.

19 **SEC. 610A. RESTRUCTURING OF BASIC PAY TABLES FOR**  
20 **CERTAIN ENLISTED MEMBERS.**

21 (a) IN GENERAL.—The table under the heading  
22 “ENLISTED MEMBERS” in section 601(c) of the Na-  
23 tional Defense Authorization Act for Fiscal Year 2000  
24 (Public Law 105–65; 113 Stat. 648) is amended by strik-  
25 ing the amounts relating to pay grades E–7, E–6, and

1 E-5 and inserting the amounts for the corresponding  
 2 years of service specified in the following table:

ENLISTED MEMBERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-7 ...	1,765.80	1,927.80	2,001.00	2,073.00	2,148.60
E-6 ...	1,518.90	1,678.20	1,752.60	1,824.30	1,899.40
E-5 ...	1,332.60	1,494.00	1,566.00	1,640.40	1,715.70
	Over 8	Over 10	Over 12	Over 14	Over 16
E-7 ...	2,277.80	2,350.70	2,423.20	2,495.90	2,570.90
E-6 ...	2,022.60	2,096.40	2,168.60	2,241.90	2,294.80
E-5 ...	1,821.00	1,893.00	1,967.10	1,967.60	1,967.60
	Over 18	Over 20	Over 22	Over 24	Over 26
E-7 ...	2,644.20	2,717.50	2,844.40	2,926.40	3,134.40
E-6 ...	2,332.00	2,332.00	2,335.00	2,335.00	2,335.00
E-5 ...	1,967.60	1,967.60	1,967.60	1,967.60	1,967.60

3 (b) APPLICATION OF AMENDMENTS.—The amend-  
 4 ments made by subsection (a) shall take effect as of Octo-  
 5 ber 1, 2000, and shall apply with respect to months begin-  
 6 ning on or after that date.

7 **SEC. 610B. BASIC ALLOWANCE FOR HOUSING.**

8 (a) APPLICABILITY OF LOW-COST AND NO-COST RE-  
 9 ASSIGNMENTS TO MEMBERS WITH DEPENDENTS.—Sub-  
 10 section (b)(7) of section 403 of title 37, United States  
 11 Code, is amended by striking “without dependents”.

12 (b) ALLOWANCE WHEN DEPENDENTS ARE UNABLE  
 13 TO ACCOMPANY MEMBERS.—Subsection (d) of such sec-  
 14 tion is amended by striking paragraph (3) and inserting  
 15 the following:

1       “(3) In the case of a member with dependents who  
2 is assigned to duty in an area that is different from the  
3 area in which the member’s dependents reside—

4               “(A) the member shall receive a basic allowance  
5 for housing as provided in subsection (b) or (c), as  
6 appropriate;

7               “(B) if the member is assigned to duty in an  
8 area or under circumstances that, as determined by  
9 the Secretary concerned, require the member’s de-  
10 pendents to reside in a different area, the member  
11 shall receive a basic allowance for housing as if the  
12 member were assigned to duty in the area in which  
13 the dependents reside or at the member’s last duty  
14 station, whichever the Secretary concerned deter-  
15 mines to be equitable; or

16               “(C) if the member is assigned to duty in that  
17 area under the conditions of low-cost or no-cost per-  
18 manent change of station or permanent change of  
19 assignment and the Secretary concerned determines  
20 that it would be inequitable to base the member’s  
21 entitlement to, and amount of, a basic allowance for  
22 housing on the cost of housing in the area to which  
23 the member is reassigned, the member shall receive  
24 a basic allowance for housing as if the member were  
25 assigned to duty at the member’s last duty station.”.

1 (c) EFFECTIVE DATE.—The amendments made by  
2 subsections (a) and (b) shall take effect on October 1,  
3 2000, and shall apply with respect to pay periods begin-  
4 ning on and after that date.

5 **Subtitle B—Bonuses and Special**  
6 **and Incentive Pays**

7 **SEC. 611. EXTENSION OF CERTAIN BONUSES AND SPECIAL**  
8 **PAY AUTHORITIES FOR RESERVE FORCES.**

9 (a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN  
10 CRITICALLY SHORT WARTIME SPECIALTIES.—Section  
11 302g(f) of title 37, United States Code, is amended by  
12 striking “December 31, 2000” and inserting “December  
13 31, 2001”.

14 (b) SELECTED RESERVE REENLISTMENT BONUS.—  
15 Section 308b(f) of such title is amended by striking “De-  
16 cember 31, 2000” and inserting “December 31, 2001”.

17 (c) SELECTED RESERVE ENLISTMENT BONUS.—Sec-  
18 tion 308c(e) of such title is amended by striking “Decem-  
19 ber 31, 2000” and inserting “December 31, 2001”.

20 (d) SPECIAL PAY FOR ENLISTED MEMBERS AS-  
21 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section  
22 308d(c) of such title is amended by striking “December  
23 31, 2000” and inserting “December 31, 2001”.

1 (e) SELECTED RESERVE AFFILIATION BONUS.—Sec-  
2 tion 308e(e) of such title is amended by striking “Decem-  
3 ber 31, 2000” and inserting “December 31, 2001”.

4 (f) READY RESERVE ENLISTMENT AND REENLIST-  
5 MENT BONUS.—Section 308h(g) of such title is amended  
6 by striking “December 31, 2000” and inserting “Decem-  
7 ber 31, 2001”.

8 (g) PRIOR SERVICE ENLISTMENT BONUS.—Section  
9 308i(f) of such title is amended by striking “December  
10 31, 2000” and inserting “December 31, 2001”.

11 (h) REPAYMENT OF EDUCATION LOANS FOR CER-  
12 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-  
13 LECTED RESERVE.—Section 16302(d) of title 10, United  
14 States Code, is amended by striking “January 1, 2001”  
15 and inserting “January 1, 2002”.

16 **SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL**  
17 **PAY AUTHORITIES FOR NURSE OFFICER CAN-**  
18 **DIDATES, REGISTERED NURSES, AND NURSE**  
19 **ANESTHETISTS.**

20 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-  
21 GRAM.—Section 2130a(a)(1) of title 10, United States  
22 Code, is amended by striking “December 31, 2000” and  
23 inserting “December 31, 2001”.

24 (b) ACCESSION BONUS FOR REGISTERED NURSES.—  
25 Section 302d(a)(1) of title 37, United States Code, is

1 amended by striking “December 31, 2000” and inserting  
2 “December 31, 2001”.

3 (c) INCENTIVE SPECIAL PAY FOR NURSE ANES-  
4 THETISTS.—Section 302e(a)(1) of title 37, United States  
5 Code, is amended by striking “December 31, 2000” and  
6 inserting “December 31, 2001”.

7 **SEC. 613. EXTENSION OF AUTHORITIES RELATING TO PAY-**  
8 **MENT OF OTHER BONUSES AND SPECIAL**  
9 **PAYS.**

10 (a) AVIATION OFFICER RETENTION BONUS.—Sec-  
11 tion 301b(a) of title 37, United States Code, is amended  
12 by striking “December 31, 2000,” and inserting “Decem-  
13 ber 31, 2001,”.

14 (b) REENLISTMENT BONUS FOR ACTIVE MEM-  
15 BERS.—Section 308(g) of such title is amended by strik-  
16 ing “December 31, 2000” and inserting “December 31,  
17 2001”.

18 (c) ENLISTMENT BONUS FOR PERSONS WITH CRIT-  
19 ICAL SKILLS.—Section 308a(d) of such title is amended  
20 by striking “December 31, 2000” and inserting “Decem-  
21 ber 31, 2001”.

22 (d) ARMY ENLISTMENT BONUS.—Section 308f(c) of  
23 such title is amended by striking “December 31, 2000”  
24 and inserting “December 31, 2001”.



1 (e) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-  
2 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section  
3 312(e) of such title is amended by striking “December 31,  
4 2000” and inserting “December 31, 2001”.

5 (f) NUCLEAR CAREER ACCESSION BONUS.—Section  
6 312b(e) of such title is amended by striking “December  
7 31, 2000” and inserting “December 31, 2001”.

8 (g) NUCLEAR CAREER ANNUAL INCENTIVE  
9 BONUS.—Section 312c(d) of such title is amended by  
10 striking “December 31, 2000” and inserting “December  
11 31, 2001”.

12 **SEC. 614. CONSISTENCY OF AUTHORITIES FOR SPECIAL**  
13 **PAY FOR RESERVE MEDICAL AND DENTAL**  
14 **OFFICERS.**

15 (a) RESERVE MEDICAL OFFICERS SPECIAL PAY.—  
16 Section 302(h)(1) of title 37, United States Code, is  
17 amended by adding at the end: “, including active duty  
18 in the form of annual training, active duty for training,  
19 and active duty for special work”.

20 (b) RESERVE DENTAL OFFICERS SPECIAL PAY  
21 AMENDMENT.—Subsection (d) of section 302f of title 37,  
22 United States Code, is amended to read as follows:

23 “(d) SPECIAL RULE FOR RESERVE MEDICAL AND  
24 DENTAL OFFICERS.—While a Reserve medical or dental  
25 officer receives a special pay under section 302 or 302b

1 of this title by reason of subsection (a), the officer shall  
 2 not be entitled to special pay under section 302(h) or  
 3 302b(h) of this title.”.

4 **SEC. 615. SPECIAL PAY FOR PHYSICIAN ASSISTANTS OF**  
 5 **THE COAST GUARD.**

6 Section 302c(d)(1) of title 37, United States Code,  
 7 is amended by inserting after “nurse,” the following: “an  
 8 officer of the Coast Guard or Coast Guard Reserve des-  
 9 ignated as a physician assistant,”.

10 **SEC. 616. AUTHORIZATION OF SPECIAL PAY AND ACCES-**  
 11 **SION BONUS FOR PHARMACY OFFICERS.**

12 (a) AUTHORIZATION OF SPECIAL PAY.—Chapter 5 of  
 13 title 37, United States Code, is amended by inserting after  
 14 section 302h the following new section:

15 **“§ 302i. Special pay: pharmacy officers**

16 “(a) ARMY, NAVY, AND AIR FORCE PHARMACY OFFI-  
 17 CERS.—Under regulations prescribed pursuant to section  
 18 303a of this title, the Secretary of the military department  
 19 concerned may, subject to subsection (c), pay special pay  
 20 at the rates specified in subsection (d) to an officer who—

21 “(1) is a pharmacy officer in the Medical Serv-  
 22 ice Corps of the Army or Navy or the Biomedical  
 23 Sciences Corps of the Air Force; and

24 “(2) is on active duty under a call or order to  
 25 active duty for a period of not less than one year.

1       “(b) PUBLIC HEALTH SERVICE CORPS.—Subject to  
2 subsection (c), the Secretary of Health and Human Serv-  
3 ices may pay special pay at the rates specified in sub-  
4 section (d) to an officer who—

5           “(1) is an officer in the Regular or Reserve  
6 Corps of the Public Health Service and is designated  
7 as a pharmacy officer; and

8           “(2) is on active duty under a call or order to  
9 active duty for a period of not less than one year.

10       “(c) LIMITATION.—Special pay may not be paid  
11 under this section to an officer serving in a pay grade  
12 above pay grade O–6.

13       “(d) RATE OF SPECIAL PAY.—The rate of special pay  
14 paid to an officer subsection (a) or (b) is as follows:

15           “(1) \$3,000 per year, if the officer is under-  
16 going pharmacy internship training or has less than  
17 3 years of creditable service.

18           “(2) \$7,000 per year, if the officer has at least  
19 3 but less than 6 years of creditable service and is  
20 not undergoing pharmacy internship training.

21           “(3) \$7,000 per year, if the officer has at least  
22 6 but less than 8 years of creditable service.

23           “(4) \$12,000 per year, if the officer has at least  
24 8 but less than 12 years of creditable service.

1 “(5) \$10,000 per year, if the officer has at least  
2 12 but less than 14 years of creditable service.

3 “(6) \$9,000 per year, if the officer has at least  
4 14 but less than 18 years of creditable service.

5 “(7) \$8,000 per year, if the officer has 18 or  
6 more years of creditable service.”.

7 (b) AUTHORIZATION OF ACCESSION BONUSES.—  
8 Chapter 5 of that title is further amended by inserting  
9 after section 302i, as added by subsection (a) of this sec-  
10 tion, the following new section:

11 “§ 302j. **Special pay: accession bonus for pharmacy of-**  
12 **ficers**

13 “(a) ACCESSION BONUS AUTHORIZED.—A person  
14 who is a graduate of an accredited pharmacy school and  
15 who, during the period beginning on the date of the enact-  
16 ment of the National Defense Authorization Act for Fiscal  
17 Year 2001 and ending on September 30, 2004, executes  
18 a written agreement described in subsection (c) to accept  
19 a commission as an officer of a uniformed service and re-  
20 main on active duty for a period of not less than 4 years  
21 may, upon acceptance of the agreement by the Secretary  
22 concerned, be paid an accession bonus in an amount deter-  
23 mined by the Secretary concerned.

1       “(b) LIMITATION ON AMOUNT OF BONUS.—The  
2 amount of an accession bonus under subsection (a) may  
3 not exceed \$30,000.

4       “(c) LIMITATION ON ELIGIBILITY FOR BONUS.—A  
5 person may not be paid a bonus under subsection (a) if—

6           “(1) the person, in exchange for an agreement  
7 to accept an appointment as a warrant or commis-  
8 sioned officer, received financial assistance from the  
9 Department of Defense or the Department of Health  
10 and Human Services to pursue a course of study in  
11 pharmacy; or

12           “(2) the Secretary concerned determines that  
13 the person is not qualified to become and remain li-  
14 censed as a pharmacist.

15       “(d) AGREEMENT.—The agreement referred to in  
16 subsection (a) shall provide that, consistent with the needs  
17 of the uniformed service concerned, the person executing  
18 the agreement shall be assigned to duty, for the period  
19 of obligated service covered by the agreement, as a phar-  
20 macy officer in the Medical Service Corps of the Army  
21 or Navy, a biomedical sciences officer in the Air Force  
22 designated as a pharmacy officer, or a pharmacy officer  
23 of the Public Health Service.

24       “(e) REPAYMENT.—(1) An officer who receives a pay-  
25 ment under subsection (a) and who fails to become and

1 remain licensed as a pharmacist during the period for  
2 which the payment is made shall refund to the United  
3 States an amount equal to the full amount of such pay-  
4 ment.

5       “(2) An officer who voluntarily terminates service on  
6 active duty before the end of the period agreed to be  
7 served under subsection (a) shall refund to the United  
8 States an amount that bears the same ratio to the amount  
9 paid to the officer as the unserved part of such period  
10 bears to the total period agreed to be served.

11       “(3) An obligation to reimburse the United States  
12 under paragraph (1) or (2) is for all purposes a debt owed  
13 to the United States.

14       “(4) A discharge in bankruptcy under title 11 that  
15 is entered less than 5 years after the termination of an  
16 agreement under this section does not discharge the per-  
17 son signing such agreement from a debt arising under  
18 such agreement or this subsection. This paragraph applies  
19 to any case commenced under title 11 after the date of  
20 the enactment of the National Defense Authorization Act  
21 for Fiscal Year 2001.”.

22       (c) ADMINISTRATION.—Section 303a of title 37,  
23 United States Code, is amended by striking “302h” each  
24 place it appears and inserting “302j”.

1 (d) CLERICAL AMENDMENT.—The table of sections  
 2 at the beginning of chapter 5 of such title is amended by  
 3 inserting after the item relating to section 302h the fol-  
 4 lowing new items:

“302i. Special pay: pharmacy officers.

“302j. Special pay: accession bonus for pharmacy officers.”.

5 **SEC. 617. CORRECTION OF REFERENCES TO AIR FORCE**  
 6 **VETERINARIANS.**

7 Section 303(a) of title 37, United States Code, is  
 8 amended—

9 (1) in paragraph (1)(B), by striking “who is  
 10 designated as a veterinary officer” and inserting  
 11 “who is an officer in the Biomedical Sciences Corps  
 12 and holds a degree in veterinary medicine”; and

13 (2) in paragraph (2), by striking subparagraph  
 14 (B) and inserting the following:

15 “(B) of a reserve component of the Air  
 16 Force, of the Army or the Air Force without  
 17 specification of component, or of the National  
 18 Guard, who—

19 “(i) is designated as a veterinary offi-  
 20 cer; or

21 “(ii) is an officer in the Biomedical  
 22 Sciences Corps of the Air Force and holds  
 23 a degree in veterinary medicine; or”.

1 **SEC. 618. ENTITLEMENT OF ACTIVE DUTY OFFICERS OF**  
2 **THE PUBLIC HEALTH SERVICE CORPS TO**  
3 **SPECIAL PAYS AND BONUSES OF HEALTH**  
4 **PROFESSIONAL OFFICERS OF THE ARMED**  
5 **FORCES.**

6 (a) IN GENERAL.—Section 303a of title 37, United  
7 States Code, is amended—

8 (1) by redesignating subsections (b) and (c) as  
9 subsections (c) and (d); and

10 (2) by inserting after subsection (a) the fol-  
11 lowing new subsection (b):

12 “(b)(1) Except as provided in paragraph (2) or as  
13 otherwise provided under a provision of this chapter, com-  
14 missioned officers in the Regular or Reserve Corps of the  
15 Public Health Service shall be entitled to special pay under  
16 the provisions of this chapter in the same amounts, and  
17 under the same terms and conditions, as commissioned of-  
18 ficers of the armed forces are entitled to special pay under  
19 the provisions of this chapter.

20 “(2) A commissioned medical officer in the Regular  
21 or Reserve Corps of the Public Health Service (other than  
22 an officer serving in the Indian Health Service) may not  
23 receive additional special pay under section 302(a)(4) of  
24 this title for any period during which the officer is pro-  
25 viding obligated service under the following provisions of  
26 law:



1           “(A) Section 338B of the Public Health Service  
2     Act (42 U.S.C. 2541–1).

3           “(B) Section 225(e) of the Public Health Serv-  
4     ice Act, as that section was in effect before 1, 1977.

5           “(C) Section 752 of the Public Health Service  
6     Act, as that section was in effect between October  
7     1, 1977, and August 13, 1981.”.

8           (b) REPEAL OF SUPERSEDED PROVISIONS.—Section  
9     208(a) of the Public Health Service Act (42 U.S.C.  
10    210(a)) is amended—

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

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

14           “(2) For provisions relating to the receipt of special  
15     pay by commissioned officers of the Regular and Reserve  
16     Corps while on active duty, see section 303a(b) of title  
17     37, United States Code.”.

18     **SEC. 619. CAREER SEA PAY.**

19           (a) REFORM OF AUTHORITIES.—Section 305a of title  
20     37, United States Code, is amended—

21           (1) in subsection (a), by striking “Under regu-  
22     lations prescribed by the President, a member” and  
23     inserting “A member”;

24           (2) by redesignating subsection (d) as sub-  
25     section (e); and

1           (3) by striking subsections (b) and (c) and in-  
2           serting the following:

3           “(b) The Secretary concerned shall prescribe the  
4           monthly rates for special pay applicable to members of  
5           each armed force under the Secretary’s jurisdiction. No  
6           monthly rate may exceed \$750.

7           “(c) A member of a uniformed service entitled to ca-  
8           reer sea pay under this section who has served 36 consecu-  
9           tive months of sea duty is also entitled to a career sea  
10          pay premium for the thirty-seventh consecutive month and  
11          each subsequent consecutive month of sea duty served by  
12          such member. The monthly amount of the premium shall  
13          be prescribed by the Secretary concerned, but may not ex-  
14          ceed \$350.

15          “(d) The Secretary concerned shall prescribe regula-  
16          tions for the administration of this section for the armed  
17          force or armed forces under the jurisdiction of the Sec-  
18          retary. The entitlements under this section shall be subject  
19          to the regulations.”.

20          (b) EFFECTIVE DATE.—The amendments made by  
21          this section shall take effect on October 1, 2000, and shall  
22          apply with respect to months beginning on or after that  
23          date.

1 **SEC. 620. INCREASED MAXIMUM RATE OF SPECIAL DUTY**  
2 **ASSIGNMENT PAY.**

3 Section 307(a) of title 37, United States Code, is  
4 amended—

5 (1) by striking “\$275” and inserting “\$600”;

6 and

7 (2) by striking the second sentence.

8 **SEC. 621. EXPANSION OF APPLICABILITY OF AUTHORITY**  
9 **FOR CRITICAL SKILLS ENLISTMENT BONUS**  
10 **TO INCLUDE ALL ARMED FORCES.**

11 (a) **EXPANSION OF AUTHORITY.**—Section 308f of  
12 title 37, United States Code, is amended—

13 (1) by striking “Secretary of the Army” each  
14 place it appears and inserting “Secretary con-  
15 cerned”; and

16 (2) by striking “the Army” in subsections  
17 (a)(3) and (c) and inserting “an armed force”.

18 (b) **CONFORMING AMENDMENT.**—The heading for  
19 such section is amended to read as follows:

20 **“§ 308f. Special pay: bonus for enlistment”.**

21 (c) **CLERICAL AMENDMENT.**—The table of sections  
22 at the beginning of chapter 5 of title 37, United States  
23 Code, is amended by striking the item relating to section  
24 308f and inserting the following:

“308f. Special pay: bonus for enlistment.”.

1 (d) EFFECTIVE DATE.—This section and the amend-  
 2 ments made by this section shall take effect on October  
 3 1, 2000, and shall apply with respect to months beginning  
 4 on or after that date.

5 **SEC. 622. ENTITLEMENT OF MEMBERS OF THE NATIONAL**  
 6 **GUARD AND OTHER RESERVES NOT ON AC-**  
 7 **TIVE DUTY TO RECEIVE SPECIAL DUTY AS-**  
 8 **SIGNMENT PAY.**

9 (a) AUTHORITY.—Section 307(a) of title 37, United  
 10 States Code, is amended by inserting after “is entitled to  
 11 basic pay” in the first sentence the following: “, or is enti-  
 12 tled to compensation under section 206 of this title in the  
 13 case of a member of a reserve component not on active  
 14 duty,”.

15 (b) EFFECTIVE DATE.—The amendment made by  
 16 subsection (a) shall take effect on the first day of the first  
 17 month that begins on or after the date of the enactment  
 18 of this Act.

19 **Subtitle C—Travel and**  
 20 **Transportation Allowances**

21 **SEC. 631. ADVANCE PAYMENTS FOR TEMPORARY LODGING**  
 22 **OF MEMBERS AND DEPENDENTS.**

23 (a) SUBSISTENCE EXPENSES.—Section 404a of title  
 24 37, United States Code, is amended—

1           (1) by redesignating subsections (b) and (c) as  
2           subsections (d) and (e), respectively; and

3           (2) by striking subsection (a) and inserting the  
4           following:

5           “(a)(1) Under regulations prescribed by the Secre-  
6           taries concerned, a member of a uniformed service who  
7           is ordered to make a change of permanent station de-  
8           scribed in paragraph (2) shall be paid or reimbursed for  
9           subsistence expenses of the member and the member’s de-  
10          pendents for the period (subject to subsection (c)) for  
11          which the member and dependents occupy temporary  
12          quarters incident to that change of permanent station.

13          “(2) Paragraph (1) applies to the following:

14                 “(A) A permanent change of station from any  
15                 duty station to a duty station in the United States  
16                 (other than Hawaii or Alaska).

17                 “(B) A permanent change of station from a  
18                 duty station in the United States (other than Hawaii  
19                 or Alaska) to a duty station outside the United  
20                 States or in Hawaii or Alaska.

21          “(b) The Secretary concerned may make any pay-  
22          ment for subsistence expenses to a member under this sec-  
23          tion in advance of the incurrence of the expenses. The  
24          amount of an advance payment made to a member shall  
25          be computed on the basis of the Secretary’s determination

1 of the average number of days that members and their  
2 dependents occupy temporary quarters under the cir-  
3 cumstances applicable to the member and the member's  
4 dependents.

5 “(c)(1) In the case of a change of permanent station  
6 described in subsection (a)(2)(A), the period for which  
7 subsistence expenses are to be paid or reimbursed under  
8 this section may not exceed 10 days.

9 “(2) In the case of a change of permanent station  
10 described in subsection (a)(2)(B)—

11 “(A) the period for which such expenses are to  
12 be paid or reimbursed under this section may not ex-  
13 ceed five days; and

14 “(B) such payment or reimbursement may be  
15 provided only for expenses incurred before leaving  
16 the United States (other than Hawaii or Alaska).”.

17 (b) PER DIEM.—Section 405 of such title is  
18 amended—

19 (1) by redesignating subsection (b) as sub-  
20 section (c); and

21 (2) by striking subsection (a) and inserting the  
22 following:

23 “(a) Without regard to the monetary limitation of  
24 this title, the Secretary concerned may pay a per diem to  
25 a member who is on duty outside of the United States

1 or in Hawaii or Alaska, whether or not the member is in  
2 a travel status. The Secretary may pay the per diem in  
3 advance of the accrual of the per diem.

4 “(b) In determining the per diem to be paid under  
5 this section, the Secretary concerned shall consider all ele-  
6 ments of the cost of living to members of the uniformed  
7 services under the Secretary’s jurisdiction and their de-  
8 pendants, including the cost of quarters, subsistence, and  
9 other necessary incidental expenses. However, dependents  
10 may not be considered in determining the per diem allow-  
11 ance for a member in a travel status.”.

12 **SEC. 632. INCENTIVE FOR SHIPPING AND STORING HOUSE-**  
13 **HOLD GOODS IN LESS THAN AVERAGE**  
14 **WEIGHTS.**

15 Section 406(b)(1) of title 37, United States Code, is  
16 amended by adding at the end the following new subpara-  
17 graph:

18 “(G) The Secretary concerned may pay a member a  
19 share (determined by the Secretary) of the amount of the  
20 savings resulting to the United States for less than aver-  
21 age shipping and storage of the member’s baggage and  
22 household effects under subparagraph (A). Shipping and  
23 storage of a member’s baggage and household effects for  
24 a member shall be considered as less than average if the  
25 total weights of the baggage and household effects shipped

1 and stored are less than the average weights of the bag-  
2 gage and household effects that are shipped and stored,  
3 respectively, by members of the same grade and status  
4 with respect to dependents as the member in connection  
5 with changes of station that are comparable to the mem-  
6 ber's change of station. The amount of the savings shall  
7 be the amount equal to the excess of the cost of shipping  
8 and cost of storing such average weights of baggage and  
9 household effects, respectively, over the corresponding  
10 costs associated with the weights of the member's baggage  
11 and household effects. For the administration of this sub-  
12 paragraph, the Secretary of Defense shall annually deter-  
13 mine the average weights of baggage and household effects  
14 shipped and stored.”.

15 **SEC. 633. EXPANSION OF FUNDED STUDENT TRAVEL.**

16 Section 430 of title 37, United States Code, is  
17 amended—

18 (1) in subsection (a)(3), by striking “for the  
19 purpose of obtaining a secondary or undergraduate  
20 college education” and inserting “for the purpose of  
21 obtaining a formal education”;

22 (2) in subsection (b), by striking “for the pur-  
23 pose of obtaining a secondary or undergraduate col-  
24 lege education” and inserting “for the purpose of  
25 obtaining a formal education”; and



1 (3) in subsection (f)—

2 (A) by striking “In this section, the term”

3 and insert the following:

4 “In this section:

5 “(1) The term”; and

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

7 “(2) The term ‘formal education’ means the fol-  
8 lowing:

9 “(A) A secondary education.

10 “(B) An undergraduate college education.

11 “(C) A graduate education pursued on a  
12 full-time basis at an institution of higher edu-  
13 cation (as defined in section 101 of the Higher  
14 Education Act of 1965 (20 U.S.C. 1001)).

15 “(D) Vocational education pursued on a  
16 full-time basis at a post-secondary vocational  
17 institution (as defined in section 102(c) of the  
18 Higher Education Act of 1965 (20 U.S.C.  
19 1002(c)).”.

20 **SEC. 634. BENEFITS FOR MEMBERS NOT TRANSPORTING**  
21 **PERSONAL MOTOR VEHICLES OVERSEAS.**

22 (a) INCENTIVES.—Section 2634 of title 10, United  
23 States Code, is amended—

24 (1) by redesignating subsection (h) as sub-  
25 section (i); and

1           (2) by inserting after subsection (g) the fol-  
2           lowing new subsection (h):

3           “(h)(1) If a member of an armed force authorized  
4 the transportation of a motor vehicle under subsection (a)  
5 elects not to have the vehicle transported and not (if eligi-  
6 ble) to have the vehicle stored under subsection (b), the  
7 Secretary concerned may pay the member a share (deter-  
8 mined by the Secretary) of the amount of the savings re-  
9 sulting to the United States. The Secretary may make the  
10 payment in advance of the member’s change of permanent  
11 station.

12           “(2) The Secretary of Defense shall determine annu-  
13 ally the rates of savings to the United States that are as-  
14 sociated with elections of a member described in para-  
15 graph (1).”.

16           (b) STORAGE AS ALTERNATIVE TO TRANSPORTATION  
17 FOR UNACCOMPANIED ASSIGNMENTS.—Subsection (b) of  
18 such section—

19           (1) by redesignating paragraph (3) as para-  
20           graph (4); and

21           (2) by inserting after paragraph (2) the fol-  
22           lowing new paragraph (3):

23           “(3) If a member authorized the transportation of a  
24 motor vehicle under subsection (a) is not authorized under  
25 reassignment orders to be accompanied by dependents on

1 a command-sponsored basis, the member may elect, in lieu  
 2 of that transportation, to have the motor vehicle stored  
 3 at a location approved by the Secretary concerned. If stor-  
 4 age is elected, the Secretary shall pay the expenses associ-  
 5 ated with the storage of the vehicle, as authorized under  
 6 paragraph (4), up to the amount equal to the cost that  
 7 would have been incurred by the United States for trans-  
 8 portation of the vehicle under subsection (a). The member  
 9 shall be responsible for the payment of the costs of the  
 10 storage in excess of that amount.”.

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

### 12 **SEC. 641. EXCEPTION TO HIGH-36 MONTH RETIRED PAY**

#### 13 **COMPUTATION FOR MEMBERS RETIRED FOL-** 14 **LOWING A DISCIPLINARY REDUCTION IN** 15 **GRADE.**

16 Section 1407 of title 10, United States Code, is  
 17 amended—

18 (1) in subsection (b), by striking “The retired  
 19 pay base” and inserting “Except as provided in sub-  
 20 section (f), the retired pay base”; and

21 (2) by adding at the end the following new sub-  
 22 section:

23 “(f) EXCEPTION FOR ENLISTED MEMBERS REDUCED  
 24 IN GRADE AND OFFICERS WHO DO NOT SERVE SATIS-  
 25 FACTORILY IN HIGHEST GRADE HELD.—

1           “(1) COMPUTATION BASED ON PRE-HIGH-  
2 THREE RULES.—In the case of a member or former  
3 member described in paragraph (2), the retired pay  
4 base or retainer pay base is determined under sec-  
5 tion 1406 of this title in the same manner as if the  
6 member or former member first became a member  
7 of a uniformed service before September 8, 1980.

8           “(2) AFFECTED MEMBERS.—A member or  
9 former member referred to in paragraph (1) is a  
10 member or former member who by reason of conduct  
11 occurring after the date of the enactment of this  
12 subsection—

13           “(A) in the case of a member retired in an  
14 enlisted grade or transferred to the Fleet Re-  
15 serve or Fleet Marine Corps Reserve, was at  
16 any time reduced in grade as the result of a  
17 court-martial sentence, nonjudicial punishment,  
18 or an administrative action, unless the member  
19 was subsequently promoted to a higher enlisted  
20 grade or appointed to a commissioned or war-  
21 rant grade; and

22           “(B) in the case of an officer, is retired in  
23 a grade lower than the highest grade in which  
24 served by reason of denial of a determination or  
25 certification under section 1370 of this title

1           that the officer served on active duty satisfac-  
2           torily in that grade.

3           “(3) SPECIAL RULE FOR ENLISTED MEM-  
4           BERS.—In the case of a member who retires within  
5           three years after having been reduced in grade as  
6           described in paragraph (2)(A), who retires in an en-  
7           listed grade that is lower than the grade from which  
8           reduced, and who would be subject to paragraph  
9           (2)(A) but for a subsequent promotion to a higher  
10          enlisted grade or a subsequent appointment to a  
11          warrant or commissioned grade, the rates of basic  
12          pay used in the computation of the member’s high-  
13          36 average for the period of the member’s service in  
14          a grade higher than the grade in which retired shall  
15          be the rates of pay that would apply if the member  
16          had been serving for that period in the grade in  
17          which retired.”.

18 **SEC. 642. AUTOMATIC PARTICIPATION IN RESERVE COMPO-**  
19 **NENT SURVIVOR BENEFIT PLAN UNLESS DE-**  
20 **CLINED WITH SPOUSE’S CONSENT.**

21          (a) INITIAL OPPORTUNITY TO DECLINE.—Para-  
22 graph (2)(B) of section 1448(a) of title 10, United States  
23 Code, is amended to read as follows:

24                           “(B) RESERVE-COMPONENT ANNUITY PAR-  
25                           TICIPANTS.—A person who is—

1           “(i) eligible to participate in the Plan  
2           under paragraph (1)(B); and

3           “(ii) married or has a dependent child  
4           when he is notified under section 12731(d)  
5           of this title that he has completed the  
6           years of service required for eligibility for  
7           reserve-component retired pay, unless the  
8           person elects (with his spouse’s concu-  
9           rence, if required under paragraph (3)) not  
10          to participate in the Plan before the end of  
11          the 90-day period beginning on the date he  
12          receives such notification.

13          A person who elects not to participate in the  
14          Plan as described in the foregoing sentence re-  
15          mains eligible, upon reaching 60 years of age  
16          and otherwise becoming entitled to retired pay,  
17          to participate in the Plan in accordance with  
18          eligibility under paragraph (1)(A).”.

19          (b) SPOUSAL CONSENT REQUIREMENT.—Paragraph  
20          (3)(B) of such section is amended—

21                 (1) by striking “who elects to provide” and in-  
22                 serting “who is eligible to provide”;

23                 (2) by redesignating clauses (i) and (ii) as  
24                 clauses (iii) and (iv), respectively; and

1           (3) by inserting before clause (iii), as so rededesignated, the following:

2                           “(i) not to participate in the Plan;

3                           “(ii) to defer the effective date of annuity payments to the 60th anniversary of the member’s birth pursuant to subsection (e)(2);”.

4           (c) IRREVOCABILITY OF ELECTION NOT TO PARTICIPATE MADE UPON RECEIPT OF 20-YEAR LETTER.— Paragraph (4)(B) of such section is amended by striking “to participate in the Plan is irrevocable” and inserting “not to participate in the Plan is, subject to the sentence following clause (ii) of paragraph (2)(B), irrevocable”.

5           (d) DESIGNATION OF COMMENCEMENT OF RESERVE-COMPONENT ANNUITY.—(1) Section 1448(e) of title 10, United States Code, is amended by striking “a person electing to participate” and all that follows through “making such election” and inserting “a person is required to make a designation under this subsection, the person”.

6           (2) Section 1450(j)(1) of such title is amended to read as follows:

7                           “(1) PERSON MAKING SECTION 1448(e) DESIGNATION.—A reserve-component annuity shall be effective in accordance with the designation made

1 under section 1448(e) of this title by the person pro-  
2 viding the annuity.”.

3 (e) EFFECTIVE DATE.—This section and the amend-  
4 ments made by this section shall take effect on October  
5 1, 2000.

6 **SEC. 643. PARTICIPATION IN THRIFT SAVINGS PLAN.**

7 (a) EFFECTIVE DATE OF PARTICIPATION AUTHOR-  
8 ITY.—Section 663 of the National Defense Authorization  
9 Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.  
10 673; 5 U.S.C. 8440 note) is amended to read as follows:

11 **“SEC. 663. EFFECTIVE DATE.**

12 “(a) IN GENERAL.—The amendments made by this  
13 subtitle shall take effect 180 days after the date of the  
14 enactment of the National Defense Authorization Act for  
15 Fiscal Year 2001.

16 “(b) POSTPONEMENT AUTHORITY.—(1) The Sec-  
17 retary of Defense may postpone the authority of members  
18 of the Ready Reserve to participate in the Thrift Savings  
19 Plan under section 211 of title 37, United States Code  
20 (as amended by this subtitle) up to 360 days after the  
21 date referred to in subsection (a) if the Secretary, after  
22 consultation with the Executive Director (appointed by the  
23 Federal Retirement Thrift Investment Board), determines  
24 that permitting such members to participate in the Thrift  
25 Savings Plan earlier would place an excessive burden on



1 the administrative capacity of the Board to accommodate  
2 participants in the Thrift Savings Plan.

3 “(2) The Secretary shall notify the congressional de-  
4 fense committees, the Committee on Government Reform  
5 of the House of Representatives, and the Committee on  
6 Governmental Affairs of the Senate of any determination  
7 made under paragraph (1).”.

8 (b) REGULATIONS.—Section 661(b) of such Act (113  
9 Stat. 672; 5 U.S.C. 8440e) is amended by striking “the  
10 date on which” and all that follows through “later,” and  
11 inserting “the effective date of the amendments made by  
12 this subtitle (determined under section 663(a)),”.

13 **SEC. 644. RETIREMENT FROM ACTIVE RESERVE SERVICE**  
14 **AFTER REGULAR RETIREMENT.**

15 (a) CONVERSION TO RESERVE RETIREMENT.—(1)  
16 Chapter 1223 of title 10, United States Code, is amended  
17 by adding at the end the following:

18 **“§ 12741. Retirement from active reserve service per-**  
19 **formed after regular retirement**

20 “(a) RESERVE RETIREMENT.—Upon the election of  
21 a member or former member of a reserve component under  
22 subsection (b), the Secretary concerned shall—

23 “(1) treat the person as being entitled to re-  
24 tired pay under this chapter;

1           “(2) terminate the person’s entitlement to re-  
2           tired pay that is payable out of the Department of  
3           Defense Military Retirement Fund under any other  
4           provision of law other than this chapter; and

5           “(3) in the case of a reserve commissioned offi-  
6           cer, transfer the officer to the Retired Reserve.

7           “(b) ELIGIBILITY AND ELECTION.—A person who,  
8           after being retired under chapter 65, 367, 571, or 867  
9           of this title, serves in an active status in a reserve compo-  
10          nent of the armed forces may elect to receive retired pay  
11          under this chapter if—

12           “(1) the person would, except for paragraph (4)  
13          of section 12731(a) of this title, otherwise be enti-  
14          tled to retired pay under this chapter; and

15           “(2) during that reserve service, the person  
16          served satisfactorily as—

17           “(A) a reserve commissioned officer; or

18           “(B) a reserve noncommissioned officer.

19           “(c) TIME AND FORM OF ELECTION.—An election  
20          under subsection (b) shall be made within such time and  
21          in such form as the Secretary concerned requires.

22           “(d) EFFECTIVE DATE OF ELECTION.—An election  
23          made by a person under subsection (b) shall be effective—

24           “(1) except as provided in paragraph (2)(B), as  
25          of the date on which the person attains 60 years of

1 age, if the election is made in accordance with this  
2 section within 180 days after that date; or

3 “(2) on the first day of the first month that be-  
4 gins after the date on which the election is made in  
5 accordance with this section, if—

6 “(A) the election is made more than 180  
7 days after the date on which the person attains  
8 60 years of age; or

9 “(B) the person retires from active reserve  
10 service within that 180-day period.”.

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

“12741. Retirement from active service performed after regular retirement.”.

13 (b) EFFECTIVE DATE AND APPLICABILITY.—(1)  
14 This section and the amendments made by this section  
15 shall take effect 180 days after the date of the enactment  
16 of this Act.

17 (2) No benefits shall accrue under section 12741 of  
18 title 10, United States Code (as added by subsection (a)),  
19 for any period before the first day of the first month that  
20 begins on or after the effective date of this section.

1 **SEC. 645. SAME TREATMENT FOR FEDERAL JUDGES AS FOR**  
2 **OTHER FEDERAL OFFICIALS REGARDING**  
3 **PAYMENT OF MILITARY RETIRED PAY.**

4 (a) REPEAL OF REQUIREMENT FOR SUSPENSION  
5 DURING REGULAR ACTIVE SERVICE.—Section 371 of title  
6 28, United States Code, is amended—

7 (1) by striking subsection (e); and

8 (2) by redesignating subsection (f) as sub-  
9 section (e).

10 (b) CONFORMING AMENDMENTS.—Subsection (b) of  
11 such section is amended by striking “subsection (f)” each  
12 place it appears and inserting “subsection (e)”.

13 (c) RETROACTIVE EFFECTIVE DATE.—The amend-  
14 ments made by this section shall take effect as of October  
15 1, 1999.

16 **SEC. 646. POLICY ON INCREASING MINIMUM SURVIVOR**  
17 **BENEFIT PLAN BASIC ANNUITIES FOR SUR-**  
18 **VIVING SPOUSES AGE 62 OR OLDER.**

19 It is the sense of Congress that there should be en-  
20 acted during the 106th Congress legislation that increases  
21 the minimum basic annuities provided under the Survivor  
22 Benefit Plan for surviving spouses of members of the uni-  
23 formed services who are 62 years of age or older.

1 **SEC. 647. SURVIVOR BENEFIT PLAN ANNUITIES FOR SUR-**  
2 **VIVORS OF ALL MEMBERS WHO DIE ON AC-**  
3 **TIVE DUTY.**

4 (a) ENTITLEMENT.—(1) Subsection (d)(1) of section  
5 1448 of title 10, United States Code, is amended to read  
6 as follows:

7 “(1) SURVIVING SPOUSE ANNUITY.—The Sec-  
8 retary concerned shall pay an annuity under this  
9 subchapter to the surviving spouse of—

10 “(A) a member who dies on active duty  
11 after—

12 “(i) becoming eligible to receive re-  
13 tired pay;

14 “(ii) qualifying for retired pay except  
15 that he has not applied for or been granted  
16 that pay; or

17 “(iii) completing 20 years of active  
18 service but before he is eligible to retire as  
19 a commissioned officer because he has not  
20 completed 10 years of active commissioned  
21 service; or

22 “(B) a member not described in subpara-  
23 graph (A) who dies on active duty, except in the  
24 case of a member whose death, as determined  
25 by the Secretary concerned—

1                   “(i) is a direct result of the member’s  
2                   intentional misconduct or willful neglect; or  
3                   “(ii) occurs during a period of unau-  
4                   thorized absence.”.

5           (2) The heading for subsection (d) of such section  
6 is amended by striking “RETIREMENT-ELIGIBLE”.

7           (b) AMOUNT OF ANNUITY.—Section 1451(c)(1) of  
8 such title is amended to read as follows:

9                   “(1) IN GENERAL.—In the case of an annuity  
10                   provided under section 1448(d) or 1448(f) of this  
11                   title, the amount of the annuity shall be determined  
12                   as follows:

13                           “(A) BENEFICIARY UNDER 62 YEARS OF  
14                           AGE.—If the person receiving the annuity is  
15                           under 62 years of age or is a dependent child  
16                           when the member or former member dies, the  
17                           monthly annuity shall be the amount equal to  
18                           55 percent of the retired pay imputed to the  
19                           member or former member. The retired pay im-  
20                           puted to a member or former member is as fol-  
21                           lows:

22                                   “(i) Except in a case described in  
23                                   clause (ii), the retired pay to which the  
24                                   member or former member would have  
25                                   been entitled if the member or former

1 member had been entitled to that pay  
2 based upon his years of active service when  
3 he died.

4 “(ii) In the case of a deceased mem-  
5 ber referred to in subparagraph (A)(iii) or  
6 (B) of section 1448(d)(1) of this title, the  
7 retired pay to which the member or former  
8 member would have been entitled if the  
9 member had been entitled to that pay  
10 based upon a retirement under section  
11 1201 of this title (if on active duty for  
12 more than 30 days when the member died)  
13 or section 1204 of this title (if on active  
14 duty for 30 days or less when the member  
15 died) for a disability rated as total.

16 “(B) BENEFICIARY 62 YEARS OF AGE OR  
17 OLDER.—

18 “(i) GENERAL RULE.—If the person  
19 receiving the annuity (other than a de-  
20 pendent child) is 62 years of age or older  
21 when the member or former member dies,  
22 the monthly annuity shall be the amount  
23 equal to 35 percent of the retired pay im-  
24 puted to the member or former member as

1 described in clause (i) or (ii) of the second  
2 sentence of subparagraph (A).

3 “(ii) **RULE IF BENEFICIARY ELIGIBLE**  
4 **FOR SOCIAL SECURITY OFFSET COMPUTA-**  
5 **TION.**—If the beneficiary is eligible to have  
6 the annuity computed under subsection (e)  
7 and if, at the time the beneficiary becomes  
8 entitled to the annuity, computation of the  
9 annuity under that subsection is more fa-  
10 vorable to the beneficiary than computa-  
11 tion under clause (i), the annuity shall be  
12 computed under that subsection rather  
13 than under clause (i).”.

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 deaths occurring  
17 on or after that date.

18 **SEC. 648. FAMILY COVERAGE UNDER SERVICEMEMBERS’**  
19 **GROUP LIFE INSURANCE.**

20 (a) **INSURABLE DEPENDENTS.**—Section 1965 of title  
21 38, United States Code, is amended by adding at the end  
22 the following:

23 “(10) The term ‘insurable dependent’, with re-  
24 spect to a member, means the following:

25 “(A) The member’s spouse.



1           “(B) A child of the member for so long as  
2           the child is unmarried and the member is pro-  
3           viding over 50 percent of the support of the  
4           child.”.

5           (b) INSURANCE COVERAGE.—(1) Subsection (a) of  
6           section 1967 of title 38, United States Code, is amended  
7           to read as follows:

8           “(a)(1) Subject to an election under paragraph (2), any  
9           policy of insurance purchased by the Secretary under sec-  
10          tion 1966 of this title shall automatically insure the fol-  
11          lowing persons against death:

12          “(A) In the case of any member of a uniformed  
13          service on active duty (other than active duty for  
14          training)—

15                  “(i) the member; and

16                  “(ii) each insurable dependent of the mem-  
17          ber.

18          “(B) Any member of a uniformed service on active  
19          duty for training or inactive duty training scheduled  
20          in advance by competent authority.

21          “(C) Any member of the Ready Reserve of a uni-  
22          formed service who meets the qualifications set forth  
23          in section 1965(5)(B) of this title.

24          “(2)(A) A member may elect in writing not to be in-  
25          sured under this subchapter.

1       “(B) A member referred to in subparagraph (A) may  
2 also make either or both of the following elections in writ-  
3 ing:

4           “(i) An election not to insure a dependent  
5 spouse under this subchapter.

6           “(ii) An election to insure none of the member’s  
7 children under this subchapter.

8       “(3)(A) Subject to an election under subparagraph  
9 (B), the amount for which a person is insured under this  
10 subchapter is as follows:

11           “(i) In the case of a member, \$200,000.

12           “(ii) In the case of a member’s spouse, the  
13 amount equal to 50 percent of the amount for which  
14 the member is insured under this subchapter.

15           “(iii) In the case of a member’s child, \$10,000.

16       “(B) A member may elect in writing to be insured  
17 or to insure an insurable dependent in an amount less  
18 than the amount provided under subparagraph (A). The  
19 amount of insurance so elected shall, in the case of a mem-  
20 ber or spouse, be evenly divisible by \$10,000 and, in the  
21 case of a child, be evenly divisible by \$5,000.

22       “(4) No dependent of a member is insured under this  
23 chapter unless the member is insured under this sub-  
24 chapter.

1       “(5) The insurance shall be effective with respect to  
2 a member and the member’s dependents on the first day  
3 of active duty or active duty for training, or the beginning  
4 of a period of inactive duty training scheduled in advance  
5 by competent authority, or the first day a member of the  
6 Ready Reserve meets the qualifications set forth in section  
7 1965(5)(B) of this title, or the date certified by the Sec-  
8 retary to the Secretary concerned as the date  
9 Servicemembers’ Group Life Insurance under this sub-  
10 chapter for the class or group concerned takes effect,  
11 whichever is the later date.”.

12       (2) Subsection (c) of such section is amended by  
13 striking out the first sentence and inserting the following:  
14 “If a person eligible for insurance under this subchapter  
15 is not so insured, or is insured for less than the maximum  
16 amount provided for the person under subparagraph (A)  
17 of subsection (a)(3), by reason of an election made by a  
18 member under subparagraph (B) of that subsection, the  
19 person may thereafter be insured under this subchapter  
20 in the maximum amount or any lesser amount elected as  
21 provided in such subparagraph (B) upon written applica-  
22 tion by the member, proof of good health of each person  
23 to be so insured, and compliance with such other terms  
24 and conditions as may be prescribed by the Secretary.”.

1 (c) TERMINATION OF COVERAGE.—(1) Subsection  
2 (a) of section 1968 of such title is amended—

3 (A) in the matter preceding paragraph (1), by  
4 inserting “and any insurance thereunder on any in-  
5 surable dependent of such a member,” after “ any  
6 insurance thereunder on any member of the uni-  
7 formed services,”;

8 (B) by striking “and” at the end of paragraph  
9 (3);

10 (C) by striking the period at the end of para-  
11 graph (4) and inserting “; and”; and

12 (D) by adding at the end the following:

13 “(5) with respect to an insurable dependent of  
14 the member—

15 “(A) upon election made in writing by the  
16 member to terminate the coverage; or

17 “(B) on the earlier of—

18 “(i) the date of the member’s death;

19 “(ii) the date of termination of the in-  
20 surance on the member’s life under this  
21 subchapter;

22 “(iii) the date of the dependent’s  
23 death; or

1                   “(iv) the termination of the depend-  
2                   ent’s status as an insurable dependent of  
3                   the member.

4           (2) Subsection (b)(1)(A) of such section is amended  
5 by inserting “(to insure against death of the member  
6 only)” after “converted to Veterans’ Group Life Insur-  
7 ance”.

8           (d) PREMIUMS.—Section 1969 of such title is amend-  
9 ed by adding at the end the following:

10           “(g)(1) During any period in which any insurable de-  
11 pendent of a member is insured under this subchapter,  
12 there shall be deducted each month from the member’s  
13 basic or other pay until separation or release from active  
14 duty an amount determined by the Secretary (which shall  
15 be the same for all such members) as the premium allo-  
16 cable to the pay period for providing that insurance cov-  
17 erage.

18           “(2)(A) The Secretary shall determine the premium  
19 amounts to be charged for life insurance coverage for de-  
20 pendants of members under this subchapter.

21           “(B) The premium amounts shall be determined on  
22 the basis of sound actuarial principles and shall include  
23 an amount necessary to cover the administrative costs to  
24 the insurer or insurers providing such insurance.

1       “(C) Each premium rate for the first policy year shall  
2 be continued for subsequent policy years, except that the  
3 rate may be adjusted for any such subsequent policy year  
4 on the basis of the experience under the policy, as deter-  
5 mined by the Secretary in advance of that policy year.

6       “(h) Any overpayment of a premium for insurance  
7 coverage for an insurable dependent of a member that is  
8 terminated under section 1968(a)(5) of this title shall be  
9 refunded to the member.”.

10       (e) PAYMENTS OF INSURANCE PROCEEDS.—Section  
11 1970 of such title is amended by adding at the end the  
12 following:

13       “(h) Any amount of insurance in force on an insurable  
14 dependent of a member under this subchapter on the date  
15 of the dependent’s death shall be paid, upon the establish-  
16 ment of a valid claim therefor, to the member or, in the  
17 event of the member’s death before payment to the mem-  
18 ber can be made, then to the person or persons entitled  
19 to receive payment of the proceeds of insurance on the  
20 member’s life under this subchapter.”.

21       (f) EFFECTIVE DATE AND INITIAL IMPLEMENTA-  
22 TION.—(1) This section and the amendments made by this  
23 section shall take effect on the first day of the first month  
24 that begins more than 120 days after the date of the en-

1 actment of this Act, except that paragraph (2) shall take  
2 effect on the date of the enactment of this Act.

3 (2) The Secretary of Veterans Affairs, in consultation  
4 with the Secretaries of the military departments, the Sec-  
5 retary of Transportation, the Secretary of Commerce and  
6 the Secretary of Health and Human Services, shall take  
7 such action as is necessary to ensure that each member  
8 of the uniformed services on active duty (other than active  
9 duty for training) during the period between the date of  
10 the enactment of this Act and the effective date deter-  
11 mined under paragraph (1) is furnished an explanation  
12 of the insurance benefits available for dependents under  
13 the amendments made by this section and is afforded an  
14 opportunity before such effective date to make elections  
15 that are authorized under those amendments to be made  
16 with respect to dependents.

17 **SEC. 649. FEES PAID BY RESIDENTS OF THE ARMED**  
18 **FORCES RETIREMENT HOME.**

19 (a) NAVAL HOME.—Section 1514 of the Armed  
20 Forces Retirement Home Act of 1991 (24 U.S.C. 414)  
21 is amended by striking subsection (d) and inserting the  
22 following:

23 “(d) NAVAL HOME.—The monthly fee required to be  
24 paid by a resident of the Naval Home under subsection  
25 (a) shall be as follows:

1           “(1) For a resident in an independent living  
2 status, \$500.

3           “(2) For a resident in an assisted living status,  
4 \$750.

5           “(3) For a resident of a skilled nursing facility,  
6 \$1,250.”.

7           (b) UNITED STATES SOLDIERS’ AND AIRMEN’S  
8 HOME.—Subsection (c) of such section is amended—

9           (1) by striking “(c) FIXING FEES.—” and in-  
10 sserting “(c) UNITED STATES SOLDIERS’ AND AIR-  
11 MEN’S HOME.—”;

12           (2) in paragraph (1)—

13           (A) by striking “the fee required by sub-  
14 section (a) of this section” and inserting “the  
15 fee required to be paid by residents of the  
16 United States Soldiers’ and Airmen’s Home  
17 under subsection (a)”;

18           (B) by striking “needs of the Retirement  
19 Home” and inserting “needs of that establish-  
20 ment”;

21           (3) in paragraph (2), by striking the second  
22 sentence.

23           (c) SAVINGS PROVISION.—Such section is further  
24 amended by adding at the end the following:



1       “(e) RESIDENTS BEFORE FISCAL YEAR 2001.—A  
2 resident of the Retirement Home on September 30, 2000,  
3 may not be charged a monthly fee under this section in  
4 an amount that exceeds the amount of the monthly fee  
5 charged that resident for the month of September 2000.”.

6       (d) EFFECTIVE DATE.—The amendments made by  
7 this section shall take effect on October 1, 2000.

8 **SEC. 650. COMPUTATION OF SURVIVOR BENEFITS.**

9       (a) INCREASED BASIC ANNUITY.—(1) Subsection  
10 (a)(1)(B)(i) of section 1451 of title 10, United States  
11 Code, is amended by striking “35 percent of the base  
12 amount.” and inserting “the product of the base amount  
13 and the percent applicable for the month. The percent ap-  
14 plicable for a month is 35 percent for months beginning  
15 on or before the date of the enactment of the National  
16 Defense Authorization Act for Fiscal Year 2001, 40 per-  
17 cent for months beginning after such date and before Oc-  
18 tober 2004, and 45 percent for months beginning after  
19 September 2004.”.

20       (2) Subsection (a)(2)(B)(i)(I) of such section is  
21 amended by striking “35 percent” and inserting “the per-  
22 cent specified under subsection (a)(1)(B)(i) as being appli-  
23 cable for the month”.

24       (3) Subsection (c)(1)(B)(i) of such section is  
25 amended—

1 (A) by striking “35 percent” and inserting “the  
2 applicable percent”; and

3 (B) by adding at the end the following: “The  
4 percent applicable for a month under the preceding  
5 sentence is the percent specified under subsection  
6 (a)(1)(B)(i) as being applicable for the month.”.

7 (4) The heading for subsection (d)(2)(A) of such sec-  
8 tion is amended to read as follows: “COMPUTATION OF AN-  
9 NUITY.—”.

10 (b) ADJUSTED SUPPLEMENTAL ANNUITY.—Section  
11 1457(b) of title 10, United States Code, is amended—

12 (1) by striking “5, 10, 15, or 20 percent” and  
13 inserting “the applicable percent”; and

14 (2) by inserting after the first sentence the fol-  
15 lowing: “The percent used for the computation shall  
16 be an even multiple of 5 percent and, whatever the  
17 percent specified in the election, may not exceed 20  
18 percent for months beginning on or before the date  
19 of the enactment of the National Defense Authoriza-  
20 tion Act for Fiscal Year 2001, 15 percent for  
21 months beginning after that date and before October  
22 2004, and 10 percent for months beginning after  
23 September 2004.”.

1           (c) RECOMPUTATION OF ANNUITIES.—(1) Effective  
2 on the first day of each month referred to in paragraph  
3 (2)—

4           (A) each annuity under section 1450 of title 10,  
5 United States Code, that commenced before that  
6 month, is computed under a provision of section  
7 1451 of that title amended by subsection (a), and is  
8 payable for that month shall be recomputed so as to  
9 be equal to the amount that would be in effect if the  
10 percent applicable for that month under that provi-  
11 sion, as so amended, had been used for the initial  
12 computation of the annuity; and

13           (B) each supplemental survivor annuity under  
14 section 1457 of such title that commenced before  
15 that month and is payable for that month shall be  
16 recomputed so as to be equal to the amount that  
17 would be in effect if the percent applicable for that  
18 month under that section, as amended by this sec-  
19 tion, had been used for the initial computation of  
20 the supplemental survivor annuity.

21           (2) The requirements for recomputation of annuities  
22 under paragraph (1) apply with respect to the following  
23 months:

24           (A) The first month that begins after the date  
25 of the enactment of this Act.

1 (B) October 2004.

2 (d) RECOMPUTATION OF RETIRED PAY REDUCTIONS  
3 FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—The Sec-  
4 retary of Defense shall take such actions as are neces-  
5 sitated by the amendments made by subsection (b) and  
6 the requirements of subsection (c)(1)(B) to ensure that  
7 the reductions in retired pay under section 1460 of title  
8 10, United States Code, are adjusted to achieve the objec-  
9 tives set forth in subsection (b) of that section.

10 **SEC. 651. EQUITABLE APPLICATION OF EARLY RETIRE-**  
11 **MENT ELIGIBILITY REQUIREMENTS TO MILI-**  
12 **TARY RESERVE TECHNICIANS.**

13 (a) TECHNICIANS COVERED BY FERS.—Paragraph  
14 (1) of section 8414(c) of title 5, United States Code, is  
15 amended by striking “after becoming 50 years of age and  
16 completing 25 years of service” and inserting “after com-  
17 pleting 25 years of service or after becoming 50 years of  
18 age and completing 20 years of service”.

19 (b) TECHNICIANS COVERED BY CSRS.—Section  
20 8336 of title 5, United States Code, is amended by adding  
21 at the end the following new subsection:

22 “(p) Section 8414(c) of this title applies—

23 “(1) under paragraph (1) of such section to a  
24 military reserve technician described in that para-

1 graph for purposes of determining entitlement to an  
2 annuity under this subchapter; and

3 “(2) under paragraph (2) of such section to a  
4 military technician (dual status) described in that  
5 paragraph for purposes of determining entitlement  
6 to an annuity under this subchapter.”.

7 (c) TECHNICAL AMENDMENT.—Section 1109(a)(2)  
8 of Public Law 105–261 (112 Stat. 2143) is amended by  
9 striking “adding at the end” and inserting “inserting after  
10 subsection (n)”.

11 (d) APPLICABILITY.—Subsection (c) of section 8414  
12 of such title (as amended by subsection (a)), and sub-  
13 section (p) of section 8336 of title 5, United States Code  
14 (as added by subsection (b)), shall apply according to the  
15 provisions thereof with respect to separations from service  
16 referred to in such subsections that occur on or after Octo-  
17 ber 5, 1999.

18 **SEC. 652. CONCURRENT PAYMENT TO SURVIVING SPOUSES**  
19 **OF DISABILITY AND INDEMNITY COMPENSA-**  
20 **TION AND ANNUITIES UNDER SURVIVOR BEN-**  
21 **EFIT PLAN.**

22 (a) CONCURRENT PAYMENT.—Section 1450 of title  
23 10, United States Code, is amended by striking subsection  
24 (c).

1 (b) CONFORMING AMENDMENTS.—That section is  
2 further amended by striking subsections (e) and (k).

3 (c) EFFECTIVE DATE.—The amendments made by  
4 this section shall take effect on the date of the enactment  
5 of this Act, and shall apply with respect to the payment  
6 of annuities under the Survivor Benefit Plan under sub-  
7 chapter II of chapter 73 of title 10, United States Code,  
8 for months beginning on or after that date.

9 (d) RECOMPUTATION OF ANNUITIES.—The Secretary  
10 of Defense shall provide for the readjustment of any annu-  
11 ities to which subsection (c) of section 1450 of title 10,  
12 United States Code, applies as of the date before the date  
13 of the enactment of this Act, as if the adjustment other-  
14 wise provided for under such subsection (c) had never been  
15 made.

16 (e) PROHIBITION ON RETROACTIVE BENEFITS.—No  
17 benefits shall be paid to any person by virtue of the  
18 amendments made by this section for any period before  
19 the effective date of the amendments as specified in sub-  
20 section (c).

1           **Subtitle E—Other Matters**

2   **SEC. 661. REIMBURSEMENT OF RECRUITING AND ROTC**  
3           **PERSONNEL FOR PARKING EXPENSES.**

4           (a) IN GENERAL.—Chapter 53 of title 10, United  
5 States Code, is amended by inserting after section 1053  
6 the following new section:

7   **“§ 1053a. Reimbursement of recruiting and ROTC**  
8           **personnel: parking expenses**

9           “(a) AUTHORITY.—The Secretary concerned may,  
10 under regulations prescribed by the Secretary of Defense,  
11 reimburse eligible Department of Defense personnel for  
12 expenses incurred for parking a privately owned vehicle  
13 at a place of duty.

14           “(b) ELIGIBILITY.—A member of the armed forces  
15 or employee of the Department of Defense is eligible for  
16 reimbursement under subsection (a) while—

17                   “(1) assigned to duty as a recruiter for any of  
18 the armed forces;

19                   “(2) assigned to duty at a military entrance  
20 processing facility of the armed forces; or

21                   “(3) detailed for instructional and administra-  
22 tive duties at any institution where a unit of the  
23 Senior Reserve Officers’ Training Corps is main-  
24 tained.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
 2 at the beginning of such chapter is amended by inserting  
 3 after the item relating to section 1053 the following:

“1053a. Reimbursement of recruiting and ROTC personnel: parking expenses.”.

4 **SEC. 662. EXTENSION OF DEADLINE FOR FILING CLAIMS**  
 5 **ASSOCIATED WITH CAPTURE AND INTERN-**  
 6 **MENT OF CERTAIN PERSONS BY NORTH VIET-**  
 7 **NAM.**

8 Section 657(d)(1) of the National Defense Authoriza-  
 9 tion Act for Fiscal Year 1997 (Public Law 104–201; 110  
 10 Stat. 2585) is amended by adding at the end the following:  
 11 “The Secretary may extend the time limitation under the  
 12 preceding sentence for up to 18 months in the case of any  
 13 claim for which the Secretary determines that the exten-  
 14 sion is necessary to prevent an injustice or that a failure  
 15 to file within the time limitation is due to excusable ne-  
 16 glect.”.

17 **SEC. 663. SETTLEMENT OF CLAIMS FOR PAYMENTS FOR**  
 18 **UNUSED ACCRUED LEAVE AND FOR RETIRED**  
 19 **PAY.**

20 (a) CLAIMS FOR PAYMENTS FOR UNUSED ACCRUED  
 21 LEAVE.—Subsection (a)(1) of section 3702 of title 31,  
 22 United States Code, is amended by inserting “payments  
 23 for unused accrued leave,” after “transportation,”.

24 (b) WAIVER OF TIME LIMITATIONS.—Subsection  
 25 (e)(1) of such section is amended by striking “claim for



1 pay or allowances under title 37” and inserting “claim for  
 2 pay, allowances, or payment for unused accrued leave  
 3 under title 37 or a claim for retired pay under title 10”.

4 **SEC. 664. ELIGIBILITY OF CERTAIN MEMBERS OF THE INDI-**  
 5 **VIDUAL READY RESERVE FOR SERVICE-**  
 6 **MEMBERS’ GROUP LIFE INSURANCE.**

7 Section 1965(5) of title 38, United States Code, is  
 8 amended—

9 (1) by striking “and” at the end of subpara-  
 10 graph (B);

11 (2) by redesignating subparagraph (C) as sub-  
 12 paragraph (D); and

13 (3) by inserting after subparagraph (B) the fol-  
 14 lowing new subparagraph (C):

15 “(C) a person who volunteers for assign-  
 16 ment to a category in the Individual Ready Re-  
 17 serve of a uniformed service that is subject to  
 18 an involuntary call to active duty under section  
 19 12304 of title 10; and”.

20 **SEC. 665. AUTHORITY TO PAY GRATUITY TO CERTAIN VET-**  
 21 **ERANS OF BATAAN AND CORREGIDOR.**

22 (a) **PAYMENT OF GRATUITY AUTHORIZED.**—The  
 23 Secretary of Veterans Affairs may pay a gratuity to a cov-  
 24 ered veteran, or to the surviving spouse of a covered vet-  
 25 eran, in the amount of \$20,000.

1 (b) COVERED VETERAN DEFINED.—For purposes of  
2 subsection (a), the term “covered veteran” means any vet-  
3 eran of the Armed Forces who—

4 (1) served at Bataan or Corregidor in the Phil-  
5ippines during World War II;

6 (2) was captured and held as a prisoner of war  
7 by Japan as a result of such service; and

8 (3) was required by Japan to perform slave  
9 labor in Japan during World War II.

10 (c) RELATIONSHIP TO OTHER PAYMENTS.—Any  
11 amount paid a person under this section for activity de-  
12 scribed in subsection (b) is in addition to any other  
13 amount paid such person for such activity under any other  
14 provision of law.

15 **SEC. 666. CONCURRENT PAYMENT OF RETIRED PAY AND**  
16 **COMPENSATION FOR RETIRED MEMBERS**  
17 **WITH SERVICE-CONNECTED DISABILITIES.**

18 (a) CONCURRENT PAYMENT.—Section 5304(a) of  
19 title 38, United States Code, is amended by adding at the  
20 end the following new paragraph:

21 “(3) Notwithstanding the provisions of paragraph (1)  
22 and section 5305 of this title, compensation under chapter  
23 11 of this title may be paid to a person entitled to receive  
24 retired or retirement pay described in such section 5305

1 concurrently with such person's receipt of such retired or  
2 retirement pay.".

3 (b) EFFECTIVE DATE.—The amendment made by  
4 subsection (a) shall take effect on the date of the enact-  
5 ment of this Act, and apply with respect to payments of  
6 compensation for months beginning on or after that date.

7 (c) PROHIBITION ON RETROACTIVE BENEFITS.—No  
8 benefits shall be paid to any person by virtue of the  
9 amendment made by subsection (a) for any period before  
10 the effective date of this Act as specified in subsection (b).

11 **SEC. 667. TRAVEL BY RESERVES ON MILITARY AIRCRAFT**  
12 **TO AND FROM LOCATIONS OUTSIDE THE**  
13 **CONTINENTAL UNITED STATES FOR INAC-**  
14 **TIVE-DUTY TRAINING.**

15 (a) SPACE-REQUIRED TRAVEL.—Subsection (a) of  
16 section 18505 of title 10, United States Code, is  
17 amended—

18 (1) by inserting “residence or” after “In the  
19 case of a member of a reserve component whose”;  
20 and

21 (2) by inserting after “(including a place” the  
22 following: “of inactive-duty training”.

23 (b) CLERICAL AMENDMENTS.—(1) The heading of  
24 such section is amended to read as follows:

1 “§ 18505. **Space-required travel: Reserves traveling to**  
 2 **inactive-duty training**”.

3 (2) The item relating to such section in the table of  
 4 sections at the beginning of such chapter is amended to  
 5 read as follows:

“18505. Space-required travel: Reserves traveling to inactive-duty training.”.

6 **SEC. 668. ADDITIONAL BENEFITS AND PROTECTIONS FOR**  
 7 **PERSONNEL INCURRING INJURY, ILLNESS,**  
 8 **OR DISEASE IN THE PERFORMANCE OF FU-**  
 9 **NERAL HONORS DUTY.**

10 (a) INCAPACITATION PAY.—Section 204 of title 37,  
 11 United States Code, is amended—

12 (1) in subsection (g)(1)—

13 (A) by striking “or” at the end of subpara-  
 14 graph (C);

15 (B) by striking the period at the end of  
 16 subparagraph (D) and inserting “; or”; and

17 (C) by adding at the end the following:

18 “(E) in line of duty while—

19 “(i) serving on funeral honors duty under  
 20 section 12503 of this title or section 115 of title  
 21 32;

22 “(ii) traveling to or from the place at  
 23 which the duty was to be performed; or

24 “(iii) remaining overnight at or in the vi-  
 25 cinity of that place immediately before so serv-

1 ing, if the place is outside reasonable com-  
2 muting distance from the member's residence.”;

3 and

4 (2) in subsection (h)(1)—

5 (A) by striking “or” at the end of subpara-  
6 graph (C);

7 (B) by striking the period at the end of  
8 subparagraph (D) and inserting “; or”; and

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

10 “(E) in line of duty while—

11 “(i) serving on funeral honors duty under  
12 section 12503 of this title or section 115 of title  
13 32;

14 “(ii) traveling to or from the place at  
15 which the duty was to be performed; or

16 “(iii) remaining overnight at or in the vi-  
17 cinity of that place immediately before so serv-  
18 ing, if the place is outside reasonable com-  
19 muting distance from the member's residence.”.

20 (b) TORT CLAIMS.—Section 2671 of title 28, United  
21 States Code, is amended by inserting “115,” in the second  
22 paragraph after “members of the National Guard while  
23 engaged in training or duty under section”.

1 (c) APPLICABILITY.—(1) The amendments made by  
2 subsection (a) shall apply with respect to months begin-  
3 ning on or after the date of the enactment of this Act.

4 (2) The amendment made by subsection (b) shall  
5 apply with respect to acts and omissions occurring before,  
6 on, or after the date of the enactment of this Act.

7 **SEC. 669. DETERMINATIONS OF INCOME ELIGIBILITY FOR**  
8 **SPECIAL SUPPLEMENTAL FOOD PROGRAM.**

9 Section 1060a(c)(1)(B) of title 10, United States  
10 Code, is amended by striking the second sentence and in-  
11 serting the following: “In the application of such criterion,  
12 the Secretary shall exclude from income any basic allow-  
13 ance for housing as permitted under section 17(d)(2)(B)  
14 of the Child Nutrition Act of 1966 (42 U.S.C.  
15 1786(d)(2)(B)).”.

16 **SEC. 670. MODIFICATION OF TIME FOR USE BY CERTAIN**  
17 **MEMBERS OF THE SELECTED RESERVE OF**  
18 **ENTITLEMENT TO EDUCATIONAL ASSIST-**  
19 **ANCE.**

20 (a) IN GENERAL.—Subsection (a) of section 16133  
21 of title 10, United States Code, is amended by striking  
22 “(1) at the end” and all that follows through the end and  
23 inserting “on the date the person is separated from the  
24 Selected Reserve.”.

1           (b) CERTAIN MEMBERS.—Paragraph (1) of sub-  
2 section (b) of that section is amended in the flush matter  
3 following subparagraph (B) by striking “shall be deter-  
4 mined” and all that follows through the end and inserting  
5 “shall expire on the later of (i) the 10-year period begin-  
6 ning on the date on which such person becomes entitled  
7 to educational assistance under this chapter, or (ii) the  
8 end of the 4-year period beginning on the date such person  
9 is separated from, or ceases to be, a member of the Se-  
10 lected Reserve.”.

11           (c) CONFORMING AMENDMENTS.—Subsection (b) of  
12 that section is further amended—

13                 (1) in paragraph (2), by striking “subsection  
14 (a)” and inserting “subsections (a) and (b)(1)”;

15                 (2) in paragraph (3), by striking “subsection  
16 (a)” and inserting “subsection (b)(1)”;

17                 (3) in paragraph (4)—

18                         (A) in subparagraph (A), by striking “sub-  
19 section (a)” and inserting “subsections (a) and  
20 (b)(1)”;

21                         (B) in subparagraph (B), by striking  
22 “clause (2) of such subsection” and inserting  
23 “subsection (a)”.

1 **SEC. 671. RECOGNITION OF MEMBERS OF THE ALASKA TER-**  
2 **RITORIAL GUARD AS VETERANS.**

3 (a) IN GENERAL.—Section 106 of title 38, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing new subsection:

6 “(f) Service as a member of the Alaska Territorial  
7 Guard during World War II of any individual who was  
8 honorably discharged therefrom under section 656(b) of  
9 the National Defense Authorization Act for Fiscal Year  
10 2001 shall be considered active duty for purposes of all  
11 laws administered by the Secretary.”.

12 (b) DISCHARGE.—(1) The Secretary of Defense shall  
13 issue to each individual who served as a member of the  
14 Alaska Territorial Guard during World War II a discharge  
15 from such service under honorable conditions if the Sec-  
16 retary determines that the nature and duration of the  
17 service of the individual so warrants.

18 (2) A discharge under paragraph (1) shall designate  
19 the date of discharge. The date of discharge shall be the  
20 date, as determined by the Secretary, of the termination  
21 of service of the individual concerned as described in that  
22 paragraph.

23 (c) PROHIBITION ON RETROACTIVE BENEFITS.—No  
24 benefits shall be paid to any individual for any period be-  
25 fore the date of the enactment of this Act by reason of  
26 the enactment of this section.



1 **SEC. 672. CLARIFICATION OF DEPARTMENT OF VETERANS**  
2 **AFFAIRS DUTY TO ASSIST.**

3 (a) IN GENERAL.—Section 5107 of title 38, United  
4 States Code, is amended to read as follows:

5 **“§ 5107 Assistance to claimants; benefit of the doubt;**  
6 **burden of proof**

7 “(a) The Secretary shall assist a claimant in devel-  
8 oping all facts pertinent to a claim for benefits under this  
9 title. Such assistance shall include requesting information  
10 as described in section 5106 of this title. The Secretary  
11 shall provide a medical examination when such examina-  
12 tion may substantiate entitlement to the benefits sought.  
13 The Secretary may decide a claim without providing as-  
14 sistance under this subsection when no reasonable possi-  
15 bility exists that such assistance will aid in the establish-  
16 ment of entitlement.

17 “(b) The Secretary shall consider all evidence and  
18 material of record in a case before the Department with  
19 respect to benefits under laws administered by the Sec-  
20 retary and shall give the claimant the benefit of the doubt  
21 when there is an approximate balance of positive and neg-  
22 ative evidence regarding any issue material to the deter-  
23 mination of the matter.

24 “(c) Except when otherwise provided by this title or  
25 by the Secretary in accordance with the provisions of this  
26 title, a person who submits a claim for benefits under a

1 law administered by the Secretary shall have the burden  
2 of proof.”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
4 at the beginning of chapter 51 of that title is amended  
5 by striking the item relating to section 5017 and inserting  
6 the following new item:

“5107 Assistance to claimants; benefit of the doubt; burden of proof.”.

7 **SEC. 673. BACK PAY FOR MEMBERS OF THE NAVY AND MA-**  
8 **RINE CORPS APPROVED FOR PROMOTION**  
9 **WHILE INTERNED AS PRISONERS OF WAR**  
10 **DURING WORLD WAR II.**

11 (a) ENTITLEMENT OF FORMER PRISONERS OF  
12 WAR.—Upon receipt of a claim made in accordance with  
13 this section, the Secretary of the Navy shall pay back pay  
14 to a claimant who, by reason of being interned as a pris-  
15 oner of war while serving as a member of the Navy or  
16 the Marine Corps during World War II, was not available  
17 to accept a promotion for which the claimant was ap-  
18 proved.

19 (b) PROPER CLAIMANT FOR DECEASED FORMER  
20 MEMBER.—In the case of a person described in subsection  
21 (a) who is deceased, the back pay for that deceased person  
22 under this section shall be paid to a member or members  
23 of the family of the deceased person determined appro-  
24 priate in the same manner as is provided in section 6(c)  
25 of the War Claims Act of 1948 (50 U.S.C. App. 2005(c)).

1       (c) AMOUNT OF BACK PAY.—The amount of back  
2 pay payable to or for a person described in subsection (a)  
3 is the amount equal to the excess of—

4           (1) the total amount of basic pay that would  
5 have been paid to that person for service in the  
6 Navy or the Marine Corps if the person had been  
7 promoted on the date on which the promotion was  
8 approved, over

9           (2) the total amount of basic pay that was paid  
10 to or for that person for such service on and after  
11 that date.

12       (d) TIME LIMITATIONS.—(1) To be eligible for a pay-  
13 ment under this section, a claimant must file a claim for  
14 such payment with the Secretary of Defense within two  
15 years after the effective date of the regulations imple-  
16 menting this section.

17           (2) Not later than 18 months after receiving a claim  
18 for payment under this section, the Secretary shall deter-  
19 mine the eligibility of the claimant for payment of the  
20 claim. Subject to subsection (f), if the Secretary deter-  
21 mines that the claimant is eligible for the payment, the  
22 Secretary shall promptly pay the claim.

23       (e) REGULATIONS.—The Secretary of Defense shall  
24 prescribe regulations to carry out this section. Such regu-  
25 lations shall include procedures by which persons may sub-

1 mit claims for payment under this section. Such regula-  
2 tions shall be prescribed not later than six months after  
3 the date of the enactment of this Act.

4 (f) LIMITATION ON DISBURSEMENT.—(1) Notwith-  
5 standing any power of attorney, assignment of interest,  
6 contract, or other agreement, the actual disbursement of  
7 a payment under this section may be made only to each  
8 person who is eligible for the payment under subsection  
9 (a) or (b) and only—

10 (A) upon the appearance of that person, in per-  
11 son, at any designated disbursement office in the  
12 United States or its territories; or

13 (B) at such other location or in such other  
14 manner as that person may request in writing.

15 (2) In the case of a claim approved for payment but  
16 not disbursed as a result of operation of paragraph (1),  
17 the Secretary of Defense shall hold the funds in trust for  
18 the person in an interest bearing account until such time  
19 as the person makes an election under such paragraph.

20 (g) ATTORNEY FEES.—Notwithstanding any con-  
21 tract, the representative of a person may not receive, for  
22 services rendered in connection with the claim of, or with  
23 respect to, a person under this section, more than 10 per-  
24 cent of the amount of a payment made under this section  
25 on that claim.

1 (h) OUTREACH.—The Secretary of the Navy shall  
 2 take such actions as are necessary to ensure that the bene-  
 3 fits and eligibility for benefits under this section are widely  
 4 publicized by means designed to provide actual notice of  
 5 the availability of the benefits in a timely manner to the  
 6 maximum number of eligible persons practicable.

7 (i) DEFINITION.—In this section, the term “World  
 8 War II” has the meaning given the term in section 101(8)  
 9 of title 38, United States Code.

## 10 **Subtitle F—Education Benefits**

### 11 **SEC. 681. SHORT TITLE.**

12 This subtitle may be cited as the “Helping Our Pro-  
 13 fessionals Educationally (HOPE) Act of 2000”.

### 14 **SEC. 682. TRANSFER OF ENTITLEMENT TO EDUCATIONAL** 15 **ASSISTANCE BY CERTAIN MEMBERS OF THE** 16 **ARMED FORCES.**

17 (a) AUTHORITY TO TRANSFER TO FAMILY MEM-  
 18 BERS.—(1) Subchapter II of chapter 30 of title 38, United  
 19 States Code, is amended by adding at the end the fol-  
 20 lowing new section:

#### 21 **“§ 3020. Transfer of entitlement to basic educational** 22 **assistance: members of the Armed Forces**

23 “(a)(1) Subject to the provisions of this section, the  
 24 Secretary of each military department may, for the pur-  
 25 pose of enhancing recruiting and retention and at such

1 Secretary's sole discretion, permit an individual described  
2 in paragraph (2) who is entitled to basic educational as-  
3 sistance under this subchapter to elect to transfer such  
4 individual's entitlement to such assistance, in whole or in  
5 part, to the dependents specified in subsection (b).

6       “(2) An individual referred to in paragraph (1) is any  
7 individual who is a member of the Armed Forces at the  
8 time of the approval by the Secretary of the military de-  
9 partment concerned of the individual's request to transfer  
10 entitlement to educational assistance under this section.

11       “(3) The Secretary of the military department con-  
12 cerned may not approve an individual's request to transfer  
13 entitlement to educational assistance under this section  
14 until the individual has completed six years of service in  
15 the Armed Forces.

16       “(4) Subject to the time limitation for use of entitle-  
17 ment under section 3031 of this title, an individual ap-  
18 proved to transfer entitlement to educational assistance  
19 under this section may transfer such entitlement at any  
20 time after the approval of individual's request to transfer  
21 such entitlement without regard to whether the individual  
22 is a member of the Armed Forces when the transfer is  
23 executed.

24       “(b) An individual approved to transfer an entitle-  
25 ment to basic educational assistance under this section

1 may transfer the individual's entitlement to such assist-  
2 ance as follows:

3           “(1) To the individual's spouse.

4           “(2) To one or more of the individual's chil-  
5 dren.

6           “(3) To a combination of the individuals re-  
7 ferred to in paragraphs (1) and (2).

8           “(c)(1) An individual transferring an entitlement to  
9 basic educational assistance under this section shall—

10           “(A) designate the dependent or dependents to  
11 whom such entitlement is being transferred and the  
12 percentage of such entitlement to be transferred to  
13 each such dependent; and

14           “(B) specify the period for which the transfer  
15 shall be effective for each dependent designated  
16 under subparagraph (A).

17           “(2) The aggregate amount of the entitlement trans-  
18 ferable by an individual under this section may not exceed  
19 the aggregate amount of the entitlement of such individual  
20 to basic educational assistance under this subchapter.

21           “(3) An individual transferring an entitlement under  
22 this section may modify or revoke the transfer at any time  
23 before the use of the transferred entitlement begins. An  
24 individual shall make the modification or revocation by

1 submitting written notice of the action to the Secretary  
2 of the military department concerned.

3 “(d)(1) A dependent to whom entitlement to edu-  
4 cational assistance is transferred under this section may  
5 not commence the use of the transferred entitlement until  
6 the completion by the individual making the transfer of  
7 10 years of service in the Armed Forces.

8 “(2) The use of any entitlement transferred under  
9 this section shall be charged against the entitlement of the  
10 individual making the transfer at the rate of one month  
11 for each month of transferred entitlement that is used.

12 “(3) Except as provided in under subsection  
13 (c)(1)(B) and subject to paragraphs (4) and (5), a depend-  
14 ent to whom entitlement is transferred under this section  
15 is entitled to basic educational assistance under this sub-  
16 chapter in the same manner and at the same rate as the  
17 individual from whom the entitlement was transferred.

18 “(4) Notwithstanding section 3031 of this title, a  
19 child to whom entitlement is transferred under this section  
20 may not use any entitlement so transferred after attaining  
21 the age of 26 years.

22 “(5) The administrative provisions of this chapter  
23 (including the provisions set forth in section 3034(a)(1)  
24 of this title) shall apply to the use of entitlement trans-  
25 ferred under this section, except that the dependent to



1 whom the entitlement is transferred shall be treated as  
2 the eligible veteran for purposes of such provisions.

3 “(e) In the event of an overpayment of basic edu-  
4 cational assistance with respect to a dependent to whom  
5 entitlement is transferred under this section, the depend-  
6 ent and the individual making the transfer shall be jointly  
7 and severally liable to the United States for the amount  
8 of the overpayment for purposes of section 3685 of this  
9 title.

10 “(f) The Secretary of a military department may ap-  
11 prove transfers of entitlement to educational assistance  
12 under this section in a fiscal year only to the extent that  
13 appropriations for military personnel are available in the  
14 fiscal year for purposes of making transfers of funds  
15 under section 2006 of title 10 with respect to such trans-  
16 fers of entitlement.

17 “(g) The Secretary of Defense shall prescribe regula-  
18 tions for purposes of this section. Such regulations shall  
19 specify the manner and effect of an election to modify or  
20 revoke a transfer of entitlement under subsection (e)(3)  
21 and shall specify the manner of the applicability of the  
22 administrative provisions referred to in subsection (d)(5)  
23 to a dependent to whom entitlement is transferred under  
24 this section.

1       “(h)(1) Not later than January 31, 2002, and each  
2 year thereafter, each Secretary of a military department  
3 shall submit to the Committees on Armed Services of the  
4 Senate and House of Representatives a report on the  
5 transfers of entitlement under this section that were ap-  
6 proved by such Secretary during the preceding year.

7       “(2) Each report shall set forth—

8           “(A) the number of transfers of entitlement  
9 under this section that were approved by such Sec-  
10 retary during the preceding year; or

11           “(B) if no transfers of entitlement under this  
12 section were approved by such Secretary during that  
13 year, a justification for such Secretary’s decision not  
14 to approve any such transfers of entitlement during  
15 that year.”.

16       (2) The table of sections at the beginning of such  
17 chapter is amended by inserting after the item relating  
18 to section 3019 the following new item:

“3020. Transfer of entitlement to basic educational assistance: members of the  
Armed Forces.”.

19       (b) TREATMENT UNDER DEPARTMENT OF DEFENSE  
20 EDUCATION BENEFITS FUND.—Section 2006(b)(2) of  
21 title 10, United States Code, is amended by adding at the  
22 end the following:

23           “(D) The present value of the future bene-  
24 fits payable from the Fund as a result of trans-

1           fers under section 3020 of title 38 of entitle-  
2           ment to basic educational assistance under  
3           chapter 30 of title 38.”

4           (c) PLAN FOR IMPLEMENTATION.—Not later than  
5 June 30, 2001, the Secretary of Defense shall submit to  
6 Congress a report describing the manner in which the Sec-  
7 retaries of the military departments propose to exercise  
8 the authority granted by section 3020 of title 38, United  
9 States Code, as added by subsection (a).

10 **SEC. 683. PARTICIPATION OF ADDITIONAL MEMBERS OF**  
11                           **THE ARMED FORCES IN MONTGOMERY GI**  
12                           **BILL PROGRAM.**

13           (a) PARTICIPATION AUTHORIZED.—(1) Subchapter  
14 II of chapter 30 of title 38, United States Code, as amend-  
15 ed by section 682(a) of this Act, is further amended by  
16 inserting after section 3018C the following new section:

17 **“§ 3018D. Opportunity to enroll: certain VEAP par-**  
18                           **ticipants; active duty personnel not pre-**  
19                           **viously enrolled**

20           “(a)(1) Notwithstanding any other provision of law  
21 and subject to the provisions of this section, the Secretary  
22 concerned may, for the purpose of enhancing recruiting  
23 and retention and at such Secretary’s sole discretion, per-  
24 mit an individual described in subsection (b) to elect under

1 subsection (c) to become entitled to basic educational as-  
2 sistance under this chapter.

3 “(2) The Secretary concerned may permit an indi-  
4 vidual to elect to become entitled to basic educational as-  
5 sistance under this section only if sufficient funds are  
6 available in accordance with this section for purposes of  
7 payments by the Secretary of Defense into the Depart-  
8 ment of Defense Education Benefits Fund under section  
9 2006 of title 10 with respect to such election.

10 “(3) An individual who makes an election to become  
11 entitled to basic educational assistance under this section  
12 shall be entitled to basic educational assistance under this  
13 chapter.

14 “(b) An individual eligible to be permitted to make  
15 an election under this section is an individual who—

16 “(1) either—

17 “(A)(i) is a participant on the date of the  
18 enactment of this section in the educational  
19 benefits program provided by chapter 32 of this  
20 title; or

21 “(ii) disenrolled from participation in that  
22 program before that date; or

23 “(B) has made an election under section  
24 3011(c)(1) or 3012(d)(1) of this title not to re-  
25 ceive educational assistance under this chapter

1           and has not withdrawn that election under sec-  
2           tion 3018(a) of this title as of that date;

3           “(2) is serving on active duty (excluding periods  
4           referred to in section 3202(1)(C) of this title in the  
5           case of an individual described in paragraph (1)(A))  
6           on that date; and

7           “(3) before applying for benefits under this sec-  
8           tion, has completed the requirements of a secondary  
9           school diploma (or equivalency certificate) or has  
10          successfully completed the equivalent of 12 semester  
11          hours in a program of education leading to a stand-  
12          ard college degree.

13          “(c) An individual permitted to make an election  
14          under this section to become entitled to basic educational  
15          assistance under this chapter shall make an irrevocable  
16          election to receive benefits under this section in lieu of  
17          benefits under chapter 32 of this title or withdraw the  
18          election made under section 3011(c)(1) or 3012(d)(1) of  
19          this title, as the case may be, pursuant to procedures  
20          which the Secretary of each military department shall pro-  
21          vide in accordance with regulations prescribed by the Sec-  
22          retary of Defense for the purpose of carrying out this sec-  
23          tion or which the Secretary of Transportation shall pro-  
24          vide for such purpose with respect to the Coast Guard  
25          when it is not operating as a service in the Navy.

1       “(d)(1) Except as provided in paragraphs (2) and  
2 (3), in the case of an individual who makes an election  
3 under this section to become entitled to basic educational  
4 assistance under this chapter, the basic pay of the indi-  
5 vidual shall be reduced (in a manner determined by the  
6 Secretary of Defense) until the total amount by which  
7 such basic pay is reduced is—

8               “(A) \$1,200, in the case of an individual de-  
9 scribed in subsection (b)(1)(A); or

10              “(B) \$1,500, in the case of an individual de-  
11 scribed in subsection (b)(1)(B).

12       “(2) In the case of an individual previously enrolled  
13 in the educational benefits program provided by chapter  
14 32 of this title, the total amount of the reduction in basic  
15 pay otherwise required by paragraph (1) shall be reduced  
16 by an amount equal to so much of the unused contribu-  
17 tions made by the individual to the Post-Vietnam Era Vet-  
18 erans Education Account under section 3222(a) of this  
19 title as do not exceed \$1,200.

20       “(3) An individual may at any time pay the Secretary  
21 concerned an amount equal to the difference between the  
22 total of the reductions otherwise required with respect to  
23 the individual under this subsection and the total amount  
24 of the reductions made with respect to the individual  
25 under this subsection as of the time of the payment.

1       “(4) The Secretary concerned shall transfer to the  
2 Secretary of Defense amounts retained with respect to in-  
3 dividuals under paragraph (1) and amounts, if any, paid  
4 by individuals under paragraph (3).

5       “(e)(1) An individual who is enrolled in the edu-  
6 cational benefits program provided by chapter 32 of this  
7 title and who makes the election described in subsection  
8 (c) shall be disenrolled from the program as of the date  
9 of such election.

10       “(2) For each individual who is disenrolled from such  
11 program, the Secretary shall transfer to Secretary of De-  
12 fense any amounts in the Post-Vietnam Era Veterans  
13 Education Account that are attributable to the individual,  
14 including amounts in the Account that are attributable to  
15 the individual by reason of contributions made by the Sec-  
16 retary of Defense under section 3222(c) of this title.

17       “(f) With respect to each individual electing under  
18 this section to become entitled to basic educational assist-  
19 ance under this chapter, the Secretary concerned shall  
20 transfer to the Secretary of Defense, from appropriations  
21 for military personnel that are available for transfer, an  
22 amount equal to the difference between—

23               “(1) the amount required to be paid by the Sec-  
24 retary of Defense into the Department of Defense

1 Education Benefits Fund with respect to such elec-  
2 tion; and

3 “(2) the aggregate amount transferred to the  
4 Secretary of Defense with respect to the individual  
5 under subsections (d) and (e).

6 “(g) The Secretary of Defense shall utilize amounts  
7 transferred to such Secretary under this section for pur-  
8 poses of payments into the Department of Defense Edu-  
9 cation Benefits Fund with respect to the provision of bene-  
10 fits under this chapter for individuals making elections  
11 under this section.

12 “(h)(1) The requirements of sections 3011(a)(3) and  
13 3012(a)(3) of this title shall apply to an individual who  
14 makes an election under this section, except that the com-  
15 pletion of service referred to in such section shall be the  
16 completion of the period of active duty being served by  
17 the individual on the date of the enactment of this section.

18 “(2) The procedures provided in regulations referred  
19 to in subsection (c) shall provide for notice of the require-  
20 ments of subparagraphs (B), (C), and (D) of section  
21 3011(a)(3) of this title and of subparagraphs (B), (C),  
22 and (D) of section 3012(a)(3) of this title. Receipt of such  
23 notice shall be acknowledged in writing.

24 “(i)(1) Not later than January 31, 2002, and each  
25 year thereafter, each Secretary concerned shall submit to



1 the Committees on Armed Services of the Senate and  
2 House of Representatives a report on the members of the  
3 Armed Forces under the jurisdiction of such Secretary  
4 who were permitted to elect to become entitled to basic  
5 educational assistance under this section during the pre-  
6 ceding year.

7 “(2) Each report shall set forth—

8 “(A) the number of members who were per-  
9 mitted to elect to become entitled to basic edu-  
10 cational assistance under this section during the pre-  
11 ceding year;

12 “(B) the number of members so permitted who  
13 elected to become entitled to basic educational as-  
14 sistance during that year; and

15 “(C) if no members were so permitted during  
16 that year, a justification for such Secretary’s deci-  
17 sion not to permit any members to elect to become  
18 so entitled during that year.”.

19 (2) The table of sections at the beginning of chapter  
20 30 of that title, as amended by section 682(a) of this Act,  
21 is further amended by inserting after the item relating to  
22 section 3018C the following new item:

“3018D. Opportunity to enroll: certain VEAP participants; active duty per-  
sonnel not previously enrolled.”.

1           (b) CONFORMING AMENDMENT.—Section 3015(f) of  
2 that title is amended by striking “or 3018C” and inserting  
3 “3018C, or 3018D”.

4           (c) TREATMENT UNDER DEPARTMENT OF DEFENSE  
5 EDUCATION BENEFITS FUND.—Section 2006(b)(2) of  
6 title 10, United States Code, as amended by section  
7 682(b) of this Act, is further amended by adding at the  
8 end the following:

9                         “(E) The present value of the future bene-  
10                         fits payable from the Fund as a result of elec-  
11                         tions under section 3018D of title 38 of entitle-  
12                         ment to basic educational assistance under  
13                         chapter 30 of title 38.”.

14           (d) PLANS FOR IMPLEMENTATION.—(1) Not later  
15 than June 30, 2001, the Secretary of Defense shall submit  
16 to Congress a report describing the manner in which the  
17 Secretaries of the military departments propose to exercise  
18 the authority granted by section 3018A of title 38, United  
19 States Code, as added by subsection (a).

20           (2) Not later than June 30, 2001, the Secretary of  
21 Transportation shall submit to Congress a report describ-  
22 ing the manner in which that Secretary proposes to exer-  
23 cise the authority granted by such section 3018A with re-  
24 spect to members of the Coast Guard.

1 **SEC. 684. MODIFICATION OF AUTHORITY TO PAY TUITION**  
2 **FOR OFF-DUTY TRAINING AND EDUCATION.**

3 (a) **AUTHORITY TO PAY ALL CHARGES.**—Section  
4 2007 of title 10, United States Code, is amended—

5 (1) by striking subsections (a) and (b) and in-  
6 serting the following new subsections:

7 “(a) Subject to subsection (b), the Secretary of a  
8 military department may pay all or a portion of the  
9 charges of an educational institution for the tuition or ex-  
10 penses of a member of the armed forces enrolled in such  
11 educational institution for education or training during  
12 the member’s off-duty periods.

13 “(b) In the case of a commissioned officer on active  
14 duty, the Secretary of the military department concerned  
15 may not pay charges under subsection (a) unless the offi-  
16 cer agrees to remain on active duty for a period of at least  
17 two years after the completion of the training or education  
18 for which the charges are paid.”; and

19 (2) in subsection (d)—

20 (A) by striking “(within the limits set forth  
21 in subsection (a))” in the matter preceding  
22 paragraph (1); and

23 (B) in paragraph (3), by striking “sub-  
24 section (a)(3)” and inserting “subsection (b)”.

25 (b) **USE OF ENTITLEMENT TO ASSISTANCE UNDER**  
26 **MONTGOMERY GI BILL FOR PAYMENT OF CHARGES.**—(1)

1 That section is further amended by adding at the end the  
2 following new subsection:

3 “(e)(1) A member of the armed forces who is entitled  
4 to basic educational assistance under chapter 30 of title  
5 38 may use such entitlement for purposes of paying any  
6 portion of the charges described in subsection (a) or (c)  
7 that are not paid for by the Secretary of the military de-  
8 partment concerned under such subsection.

9 “(2) The use of entitlement under paragraph (1)  
10 shall be governed by the provisions of section 3014(b) of  
11 title 38.”

12 (2) Section 3014 of title 38, United States Code, is  
13 amended—

14 (A) by inserting “(a)” before “The Secretary”;  
15 and

16 (B) by adding at the end the following new sub-  
17 section:

18 “(b)(1) In the case of an individual entitled to basic  
19 educational assistance who is pursuing education or train-  
20 ing described in subsection (a) or (c) of section 2007 of  
21 title 10, the Secretary shall, at the election of the indi-  
22 vidual, pay the individual a basic educational assistance  
23 allowance to meet all or a portion of the charges of the  
24 educational institution for the education or training that

1 are not paid by the Secretary of the military department  
2 concerned under such subsection.

3 “(2)(A) The amount of the basic educational assist-  
4 ance allowance payable to an individual under this sub-  
5 section for a month shall be the amount of the basic edu-  
6 cational assistance allowance to which the individual would  
7 be entitled for the month under section 3015 of this title  
8 (without regard to subsection (g) of that section) were  
9 payment made under that section instead of under this  
10 subsection.

11 “(B) The maximum number of months for which an  
12 individual may be paid a basic educational assistance al-  
13 lowance under paragraph (1) is 36.”.

14 (3) Section 3015 of title 38, United States Code, is  
15 amended—

16 (A) by striking “subsection (g)” each place it  
17 appears in subsections (a) and (b);

18 (B) by redesignating subsection (g) as sub-  
19 section (h); and

20 (C) by inserting after subsection (f) the fol-  
21 lowing new subsection (g):

22 “(g) In the case of an individual who has been paid  
23 a basic educational assistance allowance under section  
24 3014(b) of this title, the rate of the basic educational as-  
25 sistance allowance applicable to the individual under this

1 section shall be the rate otherwise applicable to the indi-  
2 vidual under this section reduced by an amount equal to—

3 “(1) the aggregate amount of such allowances  
4 paid the individual under such section 3014(b); di-  
5 vided by

6 “(2) 36.”.

7 **SEC. 685. MODIFICATION OF TIME FOR USE BY CERTAIN**  
8 **MEMBERS OF SELECTED RESERVE OF ENTI-**  
9 **TLEMENT TO CERTAIN EDUCATIONAL AS-**  
10 **SISTANCE.**

11 Section 16133(b) of title 10, United States Code, is  
12 amended by adding at the end the following new para-  
13 graph:

14 “(5)(A) In the case of a person who continues to  
15 serve as member of the Selected Reserve as of the end  
16 of the 10-year period applicable to the person under sub-  
17 section (a), as extended, if at all, under paragraph (4),  
18 the period during which the person may use the person’s  
19 entitlement shall expire at the end of the 5-year period  
20 beginning on the date the person is separated from the  
21 Selected Reserve.

22 “(B) The provisions of paragraph (4) shall apply with  
23 respect to any period of active duty of a person referred  
24 to in subparagraph (A) during the 5-year period referred  
25 to in that subparagraph.”.

1 **Subtitle G—Additional Benefits For**  
2 **Reserves and Their Dependents**

3 **SEC. 691. SENSE OF CONGRESS.**

4 It is the sense of Congress that it is in the national  
5 interest for the President to provide the funds for the re-  
6 serve components of the Armed Forces (including the Na-  
7 tional Guard and Reserves) that are sufficient to ensure  
8 that the reserve components meet the requirements speci-  
9 fied for the reserve components in the National Military  
10 Strategy, including training requirements.

11 **SEC. 692. TRAVEL BY RESERVES ON MILITARY AIRCRAFT.**

12 (a) SPACE-REQUIRED TRAVEL FOR TRAVEL TO  
13 DUTY STATIONS INCONUS AND OCONUS.—(1) Sub-  
14 section (a) of section 18505 of title 10, United States  
15 Code, is amended to read as follows:

16 “(a) A member of a reserve component traveling to  
17 a place of annual training duty or inactive-duty training  
18 (including a place other than the member’s unit training  
19 assembly if the member is performing annual training  
20 duty or inactive-duty training in another location) may  
21 travel in a space-required status on aircraft of the armed  
22 forces between the member’s home and the place of such  
23 duty or training.”.

24 (2) The heading of such section is amended to read  
25 as follows:

1 **“§ 18505. Reserves traveling to annual training duty**  
2 **or inactive-duty training: authority for**  
3 **space-required travel”.**

4 (b) SPACE-AVAILABLE TRAVEL FOR MEMBERS OF  
5 SELECTED RESERVE AND DEPENDENTS.—Chapter 1805  
6 of such title is amended by adding at the end the following  
7 new section:

8 **“§ 18506. Space-available travel: Selected Reserve**  
9 **members and dependents**

10 “(a) ELIGIBILITY FOR SPACE-AVAILABLE TRAVEL.—  
11 The Secretary of Defense shall prescribe regulations to  
12 allow persons described in subsection (b) to receive trans-  
13 portation on aircraft of the Department of Defense on a  
14 space-available basis under the same terms and conditions  
15 (including terms and conditions applicable to travel out-  
16 side the United States) as apply to members of the armed  
17 forces entitled to retired pay.

18 “(b) PERSONS ELIGIBLE.—Subsection (a) applies to  
19 a person who is a member of the Selected Reserve in good  
20 standing (as determined by the Secretary concerned) or  
21 who is a participating member of the Individual Ready Re-  
22 serve of the Navy or Coast Guard in good standing (as  
23 determined by the Secretary concerned).

24 “(c) DEPENDENTS.—A dependent of a person de-  
25 scribed in subsection (b) shall be provided transportation



1 under this section on the same basis as dependents of  
2 members of the armed forces entitled to retired pay.

3       “(d) **LIMITATION ON REQUIRED IDENTIFICATION.**—  
4 Neither the ‘Authentication of Reserve Status for Travel  
5 Eligibility’ form (DD Form 1853), nor or any other form,  
6 other than the presentation of military identification and  
7 duty orders upon request, or other methods of identifica-  
8 tion required of active duty personnel, shall be required  
9 of reserve component personnel using space-available  
10 transportation within or outside the continental United  
11 States under this section.”.

12       (c) **CLERICAL AMENDMENTS.**—The table of sections  
13 at the beginning of such chapter is amended by striking  
14 the item relating to section 18505 and inserting the fol-  
15 lowing new items:

“18505. Reserves traveling to annual training duty or inactive-duty training: au-  
thority for space-required travel.

“18506. Space-available travel: Selected Reserve members and dependents.”.

16       (d) **IMPLEMENTING REGULATIONS.**—Regulations  
17 under section 18506 of title 10, United States Code, as  
18 added by subsection (b), shall be prescribed not later than  
19 180 days after the date of the enactment of this Act.

20 **SEC. 693. BILLETING SERVICES FOR RESERVE MEMBERS**  
21 **TRAVELING FOR INACTIVE DUTY TRAINING.**

22       (a) **IN GENERAL.**—(1) Chapter 1217 of title 10,  
23 United States Code, is amended by inserting after section  
24 12603 the following new section:

1 **“§ 12604. Billeting in Department of Defense facili-**  
 2 **ties: Reserves attending inactive-duty**  
 3 **training**

4 “(a) AUTHORITY FOR BILLETING ON SAME BASIS AS  
 5 ACTIVE DUTY MEMBERS TRAVELING UNDER ORDERS.—  
 6 The Secretary of Defense shall prescribe regulations au-  
 7 thorizing a Reserve traveling to inactive-duty training at  
 8 a location more than 50 miles from that Reserve’s resi-  
 9 dence to be eligible for billeting in Department of Defense  
 10 facilities on the same basis and to the same extent as a  
 11 member of the armed forces on active duty who is trav-  
 12 eling under orders away from the member’s permanent  
 13 duty station.

14 “(b) PROOF OF REASON FOR TRAVEL.—The Sec-  
 15 retary shall include in the regulations the means for con-  
 16 firming a Reserve’s eligibility for billeting under sub-  
 17 section (a).”.

18 (2) The table of sections at the beginning of such  
 19 chapter is amended by inserting after the item relating  
 20 to section 12603 the following new item:

“12604. Billeting in Department of Defense facilities: Reserves attending inac-  
 tive-duty training.

21 (b) EFFECTIVE DATE.—Section 12604 of title 10,  
 22 United States Code, as added by subsection (a), shall  
 23 apply with respect to periods of inactive-duty training be-

1 ginning more than 180 days after the date of the enact-  
2 ment of this Act.

3 **SEC. 694. INCREASE IN MAXIMUM NUMBER OF RESERVE**  
4 **RETIREMENT POINTS THAT MAY BE CRED-**  
5 **ITED IN ANY YEAR.**

6 Section 12733(3) of title 10, United States Code, is  
7 amended by striking “but not more than” and all that  
8 follows and inserting “but not more than—

9 “(A) 60 days in any one year of service be-  
10 fore the year of service that includes September  
11 23, 1996;

12 “(B) 75 days in the year of service that in-  
13 cludes September 23, 1996, and in any subse-  
14 quent year of service before the year of service  
15 that includes the date of the enactment of the  
16 National Defense Authorization Act for Fiscal  
17 Year 2001; and

18 “(C) 90 days in the year of service that in-  
19 cludes the date of the enactment of the Na-  
20 tional Defense Authorization Act for Fiscal  
21 Year 2001 and in any subsequent year of serv-  
22 ice.”.

1 **SEC. 695. AUTHORITY FOR PROVISION OF LEGAL SERVICES**  
2 **TO RESERVE COMPONENT MEMBERS FOL-**  
3 **LOWING RELEASE FROM ACTIVE DUTY.**

4 (a) **LEGAL SERVICES.**—Section 1044(a) of title 10,  
5 United States Code, is amended—

6 (1) by redesignating paragraph (4) as para-  
7 graph (5); and

8 (2) by inserting after paragraph (3) the fol-  
9 lowing new paragraph (4):

10 “(4) Members of reserve components of the  
11 armed forces not covered by paragraph (1) or (2)  
12 following release from active duty under a call or  
13 order to active duty for more than 30 days issued  
14 under a mobilization authority (as determined by the  
15 Secretary of Defense), but only during the period  
16 that begins on the date of the release and is equal  
17 to at least twice the length of the period served on  
18 active duty under such call or order to active duty.”.

19 (b) **DEPENDENTS.**—Paragraph (5) of such section,  
20 as redesignated by subsection (a)(1), is amended by strik-  
21 ing “and (3)” and inserting “(3), and (4)”.

22 (c) **IMPLEMENTING REGULATIONS.**—Regulations to  
23 implement the amendments made by this section shall be  
24 prescribed not later than 180 days after the date of the  
25 enactment of this Act.

1           **TITLE VII—HEALTH CARE**  
2           **Subtitle A—Senior Health Care**

3   **SEC. 701. CONDITIONS FOR ELIGIBILITY FOR CHAMPUS**  
4                   **UPON THE ATTAINMENT OF 65 YEARS OF**  
5                   **AGE.**

6           (a) ELIGIBILITY OF MEDICARE ELIGIBLE PER-  
7   SONS.—Section 1086(d) of title 10, United States Code,  
8   is amended—

9                   (1) by striking paragraph (2) and inserting the  
10           following:

11           “(2) The prohibition contained in paragraph (1) shall  
12   not apply to a person referred to in subsection (c) who—

13                   “(A) is enrolled in the supplementary medical  
14           insurance program under part B of such title (42  
15           U.S.C. 1395j et seq.); and

16                   “(B) in the case of a person under 65 years of  
17           age, is entitled to hospital insurance benefits under  
18           part A of title XVIII of the Social Security Act pur-  
19           suant to subparagraph (A) or (C) of section  
20           226(b)(2) of such Act (42 U.S.C. 426(b)(2)) or sec-  
21           tion 226A(a) of such Act (42 U.S.C. 426–1(a)).”;  
22           and

23                   (2) in paragraph (4), by striking “paragraph  
24           (1) who satisfy only the criteria specified in subpara-  
25           graphs (A) and (B) of paragraph (2), but not sub-

1 paragraph (C) of such paragraph,” and inserting  
2 “subparagraph (B) of paragraph (2) who do not sat-  
3 isfy the condition specified in subparagraph (A) of  
4 such paragraph”.

5 (b) EXTENSION OF TRICARE SENIOR PRIME DEM-  
6 ONSTRATION PROGRAM.—Paragraph (4) of section  
7 1896(b) of the Social Security Act (42 U.S.C.  
8 1395ggg(b)) is amended by striking “3-year period begin-  
9 ning on January 1, 1998” and inserting “period beginning  
10 on January 1, 1998, and ending on December 31, 2001”.

11 (c) EFFECTIVE DATES.—(1) The amendments made  
12 by subsection (a) shall take effect on October 1, 2001.

13 (2) The amendment made by subsection (b) shall take  
14 effect on the date of the enactment of this Act.

15 (d) ADJUSTMENT FOR BUDGET-RELATED RESTRIC-  
16 TIONS.—Effective on October 1, 2003, section 1086(d)(2)  
17 of title 10, United States Code, as amended by subsection  
18 (a), is further amended by striking “in the case of a per-  
19 son under 65 years of age,” and inserting “is under 65  
20 years of age and”.

1       **Subtitle B—TRICARE Program**

2       **SEC. 711. ADDITIONAL BENEFICIARIES UNDER TRICARE**

3                       **PRIME REMOTE PROGRAM IN CONUS.**

4           (a) COVERAGE OF OTHER UNIFORMED SERVICES.—

5       (1) Section 1074(c) of title 10, United States Code, is  
6 amended—

7           (A) by striking “armed forces” each place it ap-  
8 pears, except in paragraph (3)(A), and inserting  
9 “uniformed services”;

10          (B) in paragraph (1), by inserting after “mili-  
11 tary department” in the first sentence the following:  
12 “, the Department of Transportation (with respect  
13 to the Coast Guard when it is not operating as a  
14 service in the Navy), or the Department of Health  
15 and Human Services (with respect to the National  
16 Oceanic and Atmospheric Administration and the  
17 Public Health Service)”;

18          (C) in paragraph (2), by adding at the end the  
19 following:

20           “(C) The Secretary of Defense shall consult  
21 with the other administering Secretaries in the ad-  
22 ministration of this paragraph.”; and

23          (D) in paragraph (3)(A), by striking “The Sec-  
24 retary of Defense may not require a member of the  
25 armed forces described in subparagraph (B)” and

1 inserting “A member of the uniformed services de-  
2 scribed in subparagraph (B) may not be required”.

3 (2)(A) Subsections (b), (c), and (d)(3) of section 731  
4 of the National Defense Authorization Act for Fiscal Year  
5 1998 (Public Law 105–85; 111 Stat. 1811; 10 U.S.C.  
6 1074 note) are amended by striking “Armed Forces” and  
7 inserting “uniformed services”.

8 (B) Subsection (b) of such section is further amended  
9 by adding at the end the following:

10 “(4) The Secretary of Defense shall consult with the  
11 other administering Secretaries in the administration of  
12 this subsection.”.

13 (C) Subsection (f) of such section is amended by add-  
14 ing at the end the following:

15 “(3) The terms ‘uniformed services’ and ‘ad-  
16 ministering Secretaries’ have the meanings given  
17 those terms in section 1072 of title 10, United  
18 States Code.”.

19 (3) Section 706(b) of the National Defense Author-  
20 ization Act for Fiscal Year 2000 (Public Law 106–65; 113  
21 Stat. 684) is amended by striking “Armed Forces” and  
22 inserting “uniformed services (as defined in section  
23 1072(1) of title 10, United States Code)”.



1 (b) COVERAGE OF IMMEDIATE FAMILY.—(1) Section  
2 1079 of title 10, United States Code, is amended by add-  
3 ing at the end the following:

4 “(p)(1) Subject to such exceptions as the Secretary  
5 of Defense considers necessary, coverage for medical care  
6 under this section for the dependents referred to in sub-  
7 section (a) of a member of the uniformed services referred  
8 to in section 1074(c)(3) of this title who are residing with  
9 the member, and standards with respect to timely access  
10 to such care, shall be comparable to coverage for medical  
11 care and standards for timely access to such care under  
12 the managed care option of the TRICARE program known  
13 as TRICARE Prime.

14 “(2) The Secretary of Defense shall enter into ar-  
15 rangements with contractors under the TRICARE pro-  
16 gram or with other appropriate contractors for the timely  
17 and efficient processing of claims under this subsection.

18 “(3) The Secretary of Defense shall consult with the  
19 other administering Secretaries in the administration of  
20 this subsection.”.

21 (2) Section 731(b) of the National Defense Author-  
22 ization Act for Fiscal Year 1998 (Public Law 105–85; 111  
23 Stat. 1811; 10 U.S.C. 1074 note) is amended—

24 (A) in paragraph (1), by adding at the end the  
25 following: “A dependent of the member, as described

1 in subparagraph (A), (D), or (I) of section 1072(2)  
2 of title 10, United States Code, who is residing with  
3 the member shall have the same entitlement to care  
4 and to waiver of charges as the member.”; and

5 (B) in paragraph (2), by inserting “or depend-  
6 ent of the member, as the case may be,” after “(2)  
7 A member”.

8 (c) EFFECTIVE DATE.—(1) The amendments made  
9 by subsection (a)(2), with respect to members of the uni-  
10 formed services, and the amendments made by subsection  
11 (b)(2), with respect to dependents of members, shall take  
12 effect on the date of the enactment of this Act and shall  
13 expire with respect to a member or the dependents of a  
14 member, respectively, on the later of the following:

15 (A) The date that is one year after the date of  
16 the enactment of this Act.

17 (B) The date on which the amendments sub-  
18 section (a)(1) or (b)(1) apply with respect to the  
19 coverage of medical care for and provision of such  
20 care to the member or dependents, respectively.

21 (2) Section 731(b)(3) of Public Law 105–85 does not  
22 apply to a member of the Coast Guard, the National Oce-  
23 anic and Atmospheric Administration, or the Commis-  
24 sioned Corps of the Public Health Service, or to a depend-  
25 ent of a member of a uniformed service.

1 **SEC. 712. ELIMINATION OF COPAYMENTS FOR IMMEDIATE**  
2 **FAMILY.**

3 (a) NO COPAYMENT FOR IMMEDIATE FAMILY.—Sec-  
4 tion 1097a of title 10, United States Code, is amended—

5 (1) by redesignating subsection (e) as sub-  
6 section (f); and

7 (2) by inserting after subsection (d) the fol-  
8 lowing new subsection (e):

9 “(e) NO COPAYMENT FOR IMMEDIATE FAMILY.—No  
10 copayment shall be charged a member for care provided  
11 under TRICARE Prime to a dependent of a member of  
12 the uniformed services described in subparagraph (A),  
13 (D), or (I) of section 1072 of this title.”

14 (b) EFFECTIVE DATE.—The amendments made by  
15 subsection (a) shall take effect on October 1, 2000, and  
16 shall apply with respect to care provided on or after that  
17 date.

18 **SEC. 713. IMPROVEMENT IN BUSINESS PRACTICES IN THE**  
19 **ADMINISTRATION OF THE TRICARE PRO-**  
20 **GRAM.**

21 (a) REQUIREMENT.—Not later than October 1, 2001,  
22 the Secretary of Defense shall take actions that the Sec-  
23 retary considers appropriate to improve the business prac-  
24 tices used in administering the access of eligible persons  
25 to health care services through the TRICARE program

1 under chapter 55 of title 10, United States Code, includ-  
2 ing the practices relating to the following:

3 (1) The availability and scheduling of appoint-  
4 ments.

5 (2) The filing, processing, and payment of  
6 claims.

7 (3) Public relations efforts that are focused on  
8 outreach to eligible persons.

9 (4) The continuation of enrollments without ex-  
10 piration.

11 (5) The portability of enrollments nationwide.

12 (b) CONSULTATION.—The Secretary of Defense shall  
13 consult with the other administering Secretaries in the de-  
14 velopment of the actions to be taken under subsection (a).

15 (c) REPORT.—Not later than March 15, 2001, the  
16 Secretary of Defense shall submit to the Committees on  
17 Armed Services of the Senate and House of Representa-  
18 tives a report on the actions to be taken under subsection  
19 (a).

20 (d) DEFINITIONS.—In this section the terms “admin-  
21 istering Secretaries” and “TRICARE program” shall have  
22 the meanings given such terms in section 1072 of title 10,  
23 United States Code.

1 **SEC. 714. IMPROVEMENT OF ACCESS TO HEALTH CARE**  
2 **UNDER THE TRICARE PROGRAM.**

3 (a) **WAIVER OF NONAVAILABILITY STATEMENT OR**  
4 **PREAUTHORIZATION.**—In the case of a covered beneficiary  
5 under chapter 55 of title 10, United States Code, who is  
6 enrolled in TRICARE Standard, the Secretary of Defense  
7 may not require with regard to authorized health care  
8 services (other than mental health services) under any new  
9 contract for the provision of health care services under  
10 such chapter that the beneficiary—

11 (1) obtain a nonavailability statement or  
12 preauthorization from a military medical treatment  
13 facility in order to receive the services from a civilian  
14 provider; or

15 (2) obtain a nonavailability statement for care  
16 in specialized treatment facilities outside the 200-  
17 mile radius of a military medical treatment facility.

18 (b) **NOTICE.**—The Secretary may require that the  
19 covered beneficiary inform the primary care manager of  
20 the beneficiary of any health care received from a civilian  
21 provider or in a specialized treatment facility.

22 (c) **EXCEPTIONS.**—Subsection (a) shall not apply if—

23 (1) the Secretary demonstrates significant cost  
24 avoidance for specific procedures at the affected  
25 military medical treatment facilities;

1           (2) the Secretary determines that a specific  
2 procedure must be maintained at the affected mili-  
3 tary medical treatment facility to ensure the pro-  
4 ficiency levels of the practitioners at the facility; or

5           (3) the lack of nonavailability statement data  
6 would significantly interfere with TRICARE con-  
7 tract administration.

8           (d) EFFECTIVE DATE.—This section shall take effect  
9 on October 1, 2001.

10 **SEC. 715. ENHANCEMENT OF ACCESS TO TRICARE IN**  
11 **RURAL STATES.**

12           (a) HIGHER MAXIMUM ALLOWABLE CHARGE.—Sec-  
13 tion 1079(h) of title 10, United States Code, is  
14 amended—

15           (1) in paragraph (1), by striking “paragraphs  
16 (2) and (3)” in the first sentence and inserting  
17 “paragraphs (2), (3), and (4)”;

18           (2) by redesignating paragraph (4) as para-  
19 graph (5);

20           (3) by inserting after paragraph (3) the fol-  
21 lowing new paragraph (4):

22           “(4)(A) The amount payable for a charge for a serv-  
23 ice provided by an individual health care professional or  
24 other noninstitutional health care provider in a rural State  
25 for which a claim is submitted under a plan contracted

1 for under subsection (a) shall be equal to 80 percent of  
2 the customary and reasonable charge for services of that  
3 type when provided by such a professional or other pro-  
4 vider, as the case may be, in that State.

5 “(B) A customary and reasonable charge shall be de-  
6 termined for the purposes of subparagraph (A) under reg-  
7 ulations prescribed by the Secretary of Defense in con-  
8 sultation with the other administering Secretaries. In pre-  
9 scribing the regulations, the Secretary may also consult  
10 with the Administrator of the Health Care Financing Ad-  
11 ministration of the Department of Health and Human  
12 Services.”; and

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

14 “(6) In this subsection the term ‘rural State’ means  
15 a State that has, on average, as determined by the Bureau  
16 of the Census in the latest decennial census—

17 “(A) less than 76 residents per square mile;  
18 and

19 “(B) less than 211 actively practicing physi-  
20 cians (not counting physicians employed by the  
21 United States) per 100,000 residents.”.

22 (b) REPORT.—(1) Not later than 180 days after the  
23 date of the enactment of this Act, the Secretary of Defense  
24 shall submit to the Committees on Armed Services of the  
25 Senate and the House of Representatives a report on the

1 extent to which physicians are choosing not to participate  
2 in contracts for the furnishing of health care in rural  
3 States under chapter 55 of title 10, United States Code.

4 (2) The report shall include the following:

5 (A) The number of physicians in rural States  
6 who are withdrawing from participation, or other-  
7 wise refusing to participate, in the health care con-  
8 tracts.

9 (B) The reasons for the withdrawals and refus-  
10 als.

11 (C) The actions that the Secretary of Defense  
12 can take to encourage more physicians to participate  
13 in the health care contracts.

14 (D) Any recommendations for legislation that  
15 the Secretary considers necessary to encourage more  
16 physicians to participate in the health care con-  
17 tracts.

18 (3) In this subsection, the term “rural State” has the  
19 meaning given that term in section 1079(h)(6) of title 10,  
20 United States Code (as added by subsection (a)).



1     **Subtitle C—Joint Initiatives With**  
2     **Department of Veterans Affairs**

3     **SEC. 721. TRACKING PATIENT SAFETY IN MILITARY AND**  
4             **VETERANS HEALTH CARE SYSTEMS.**

5             (a) **CENTRALIZED TRACKING PROCESS.**—The Sec-  
6     retary of Defense and the Secretary of Veterans Affairs  
7     shall jointly prescribe a centralized process for the report-  
8     ing, compiling, and analysis of errors in the provision of  
9     health care under the Defense Health Program and the  
10    Department of Veterans Affairs health care system that  
11    endanger patients beyond the normal risks associated with  
12    the care and treatment of the patients.

13            (b) **SAFETY INDICATORS, ET CETERA.**—The process  
14    shall include such indicators, standards, and protocols as  
15    the Secretary of Defense and the Secretary of Veterans  
16    Affairs consider necessary for the establishment and ad-  
17    ministration of an effective process.

18     **SEC. 722. PHARMACEUTICAL IDENTIFICATION TECH-**  
19             **NOLOGY.**

20            (a) **BAR CODE IDENTIFICATION TECHNOLOGY.**—The  
21    Secretary of Defense and the Secretary of Veterans Af-  
22    fairs shall jointly develop a system for the use of bar codes  
23    for the identification of pharmaceuticals.

24            (b) **USE IN MAIL ORDER PHARMACEUTICALS PRO-**  
25    **GRAM.**—The Secretary of Defense, in consultation with

1 the Secretary of Veterans Affairs, shall experiment with  
2 the use of bar code identification of pharmaceuticals in  
3 the administration of the mail order pharmaceuticals pro-  
4 gram carried out under section 1110(a) of title 10, United  
5 States Code (as added by section 731).

6 **SEC. 723. MEDICAL INFORMATICS.**

7 (a) ADDITION MATTERS FOR ANNUAL REPORT ON  
8 MEDICAL INFORMATICS ADVISORY COMMITTEE.—Section  
9 723(d)(5) of the National Defense Authorization Act for  
10 Fiscal Year 2000 (Public Law 106–65; 113 Stat. 697; 10  
11 U.S.C. 1071 note) is amended to read as follows:

12 “(5) The Secretary of Defense shall submit to Con-  
13 gress an annual report on medical informatics. The report  
14 shall include a discussion of the following matters:

15 “(A) The activities of the Committee.

16 “(B) The coordination of development, deploy-  
17 ment, and maintenance of health care informatics  
18 systems within the Federal Government, and be-  
19 tween the Federal Government and the private sec-  
20 tor.

21 “(C) The progress or growth occurring in med-  
22 ical informatics.

23 “(D) How the TRICARE program and the De-  
24 partment of Veterans Affairs health care system can  
25 use the advancement of knowledge in medical

1 informatics to raise the standards of health care and  
2 treatment and the expectations for improving health  
3 care and treatment.”.

4 (b) FISCAL YEAR 2001 FUNDING FOR PHARMA-  
5 CEUTICALS-RELATED MEDICAL INFORMATICS.—Of the  
6 amount authorized to be appropriated under section  
7 301(22)—

8 (1) \$64,000,000 is available for the commence-  
9 ment of the implementation of a new computerized  
10 medical record, including an automated entry order  
11 system for pharmaceuticals, that makes all relevant  
12 clinical information on a patient under the Defense  
13 Health Program available when and where it is  
14 needed; and

15 (2) \$9,000,000 is available for the implementa-  
16 tion of an integrated pharmacy system under the  
17 Defense Health Program that creates a single profile  
18 for all of the prescription medications a patient  
19 takes, regardless of whether the prescriptions for  
20 those medications were filled at military or private  
21 pharmacies serving Department of Defense bene-  
22 ficiaries worldwide.

1           **Subtitle D—Other Matters**

2   **SEC. 731. PERMANENT AUTHORITY FOR CERTAIN PHARMA-**  
3                   **CEUTICAL BENEFITS.**

4           (a) **AUTHORITY.**—(1) Chapter 55 of title 10, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing:

7   **“§ 1110. Pharmaceutical benefits**

8           “(a) **PHARMACEUTICALS BY MAIL.**—The Secretary of  
9 Defense shall carry out a program to provide eligible per-  
10 sons with prescription pharmaceuticals by mail.

11          “(b) **RETAIL PHARMACY NETWORK.**—To the max-  
12 imum extent practicable, the Secretary of Defense shall  
13 include in each managed health care program under this  
14 chapter, a program to supply prescription pharmaceuticals  
15 to eligible persons through a managed care network of  
16 community retail pharmacies in the area covered by the  
17 managed health care program.

18          “(c) **ELIGIBLE PERSONS.**—A person is eligible to ob-  
19 tain pharmaceuticals under the program of pharma-  
20 ceuticals by mail under subsection (a) or through a retail  
21 pharmacy network included in a managed health care pro-  
22 gram under subsection (b) as follows:

23                 “(1) A person who is eligible for medical care  
24                 under a contract for medical care entered into by the

1 Secretary of Defense under section 1079 or 1086 of  
2 this title.

3 “(2) A person who would be eligible for medical  
4 care under a contract for medical care entered into  
5 under section 1086 of this title except for the oper-  
6 ation of subsection (d)(1) of such section.

7 “(d) PHARMACEUTICALS OFFERED.—The Secretary  
8 of Defense shall determine the pharmaceuticals that may  
9 be obtained by eligible persons under subsection (a) or (b).

10 “(e) FEES.—The Secretary of Defense shall prescribe  
11 an appropriate fee, charge, or copayment to be paid by  
12 persons for pharmaceuticals obtained under subsection (a)  
13 or (b).

14 “(f) CONSULTATION REQUIREMENT.—The Secretary  
15 of Defense shall consult with the other administering Sec-  
16 retaries in the administration of this section.”.

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

“1110. Pharmaceutical benefits.”.

19 (b) REPEAL OF SUPERSEDED AUTHORITY.—Section  
20 702 of the National Defense Authorization Act for Fiscal  
21 Year 1993 (Public Law 102–484; 106 Stat. 2431; 10  
22 U.S.C. 1079 note) is repealed.

23 (c) EFFECTIVE DATE.—This section and the amend-  
24 ments made by this section shall take effect on January  
25 1, 2001.

1 **SEC. 732. PROVISION OF DOMICILIARY AND CUSTODIAL**  
2 **CARE FOR CHAMPUS BENEFICIARIES.**

3 (a) CONTINUATION OF CARE FOR CERTAIN  
4 CHAMPUS BENEFICIARIES.—Section 703(a)(1) of the  
5 National Defense Authorization Act for Fiscal Year 2000  
6 (Public Law 106–65; 113 Stat. 682; 10 U.S.C. 1077 note)  
7 is amended by inserting before the period at the end the  
8 following: “or by the prohibition in section 1086(d)(1) of  
9 such title”.

10 (b) COST LIMITATION FOR INDIVIDUAL CASE MAN-  
11 AGEMENT PROGRAM.—(1) Section 1079(a)(17) of title 10,  
12 United States Code, is amended—

13 (A) by inserting “(A)” after “(17)”; and

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

15 “(B) The total amount expended under sub-  
16 paragraph (A) for a fiscal year may not exceed  
17 \$100,000,000.”.

18 (2) Section 703 of the National Defense Authoriza-  
19 tion Act for Fiscal Year 2000 is amended by adding at  
20 the end the following:

21 “(e) COST LIMITATION.—The total amount paid for  
22 services for eligible beneficiaries under subsection (a) for  
23 a fiscal year (together with the costs of administering the  
24 authority under that subsection) shall be included in the  
25 expenditures limited by section 1079(a)(17)(B) of title 10,  
26 United States Code.”.

1 (c) APPLICABILITY OF COST LIMITATION.—The  
2 amendments made by subsection (b) shall apply to fiscal  
3 years after fiscal year 1999.

4 **SEC. 733. MEDICAL AND DENTAL CARE FOR MEDAL OF**  
5 **HONOR RECIPIENTS AND THEIR DEPEND-**  
6 **ENTS.**

7 (a) MEDAL RECIPIENTS.—Section 1074 of title 10,  
8 United States Code, is amended by adding at the end the  
9 following:

10 “(d)(1) A medal of honor recipient is entitled to med-  
11 ical and dental care under this chapter to the same extent  
12 as a person referred to in subsection (b).

13 “(2) In this subsection, the term ‘medal of honor re-  
14 cipient’ means a person awarded a medal of honor under  
15 section 3741, 6241, or 8741 of this title, or section 491  
16 of title 14.”.

17 (b) DEPENDENTS.—Section 1076 of such title is  
18 amended by adding at the end the following:

19 “(f)(1) The immediate dependents of a medal of  
20 honor recipient are entitled to medical and dental care  
21 under this chapter to the same extent as a person referred  
22 to in subsection (b).

23 “(2) In this subsection:

1           “(A) The term ‘medal of honor recipient’ has  
2 the meaning given the term in section 1074(d)(2) of  
3 this title.

4           “(B) The term ‘immediate dependent’ means a  
5 dependent described in subparagraphs (A), (B), (C),  
6 and (D) of section 1072(2) of this title.”.

7 **SEC. 734. SCHOOL-REQUIRED PHYSICAL EXAMINATIONS**  
8 **FOR CERTAIN MINOR DEPENDENTS.**

9           Section 1076 of title 10, United States Code, as  
10 amended by section 733(b), is further amended by adding  
11 at the end the following:

12           “(g)(1) The administering Secretaries shall furnish  
13 an eligible dependent a physical examination that is re-  
14 quired by a school in connection with the enrollment of  
15 the dependent as a student in that school.

16           “(2) A dependent is eligible for a physical examina-  
17 tion under paragraph (1) if the dependent—

18           “(A) is entitled to receive medical care under  
19 subsection (a) or is authorized to receive medical  
20 care under subsection (b); and

21           “(B) is at least 5 years of age and less than 12  
22 years of age.

23           “(3) Nothing in paragraph (2) may be construed to  
24 prohibit the furnishing of a school-required physical exam-  
25 ination to any dependent who, except for not satisfying



1 the age requirement under that paragraph, would other-  
2 wise be eligible for a physical examination required to be  
3 furnished under this subsection.”.

4 **SEC. 735. TWO-YEAR EXTENSION OF DENTAL AND MEDICAL**  
5 **BENEFITS FOR SURVIVING DEPENDENTS OF**  
6 **CERTAIN DECEASED MEMBERS.**

7 (a) DENTAL BENEFITS.—Section 1076a(k)(2) of title  
8 10, United States Code, is amended by striking “one-year  
9 period” and inserting “three-year period”.

10 (b) MEDICAL BENEFITS.—Section 1079(g) of title  
11 10, United States Code, is amended by striking “one-year  
12 period” in the second sentence and inserting “three-year  
13 period”.

14 **SEC. 736. EXTENSION OF AUTHORITY FOR CONTRACTS FOR**  
15 **MEDICAL SERVICES AT LOCATIONS OUTSIDE**  
16 **MEDICAL TREATMENT FACILITIES.**

17 Section 1091(a)(2) of title 10, United States Code,  
18 is amended by striking “December 31, 2000” and insert-  
19 ing “September 30, 2002”.

20 **SEC. 737. TRANSITION OF CHIROPRACTIC HEALTH CARE**  
21 **DEMONSTRATION PROGRAM TO PERMANENT**  
22 **STATUS.**

23 (a) TRICARE PRIME BENEFITS.—The Secretary of  
24 Defense shall complete the development and implementa-  
25 tion of a program to provide chiropractic health care serv-

1 ices and benefits for all TRICARE Prime enrollees as a  
2 permanent part of the military health care system for the  
3 enrollees in that plan, as follows:

4 (1) At the military medical treatment facilities  
5 designated pursuant to section 731(a)(2)(A) of the  
6 National Defense Authorization Act for Fiscal Year  
7 1995 (Public Law 103–337; 10 U.S.C. 1092 note),  
8 not later than 180 days after the date of the enact-  
9 ment of this Act.

10 (2) At the other military medical treatment fa-  
11 cilities considered by the Secretary of Defense to be  
12 major military medical treatment facilities, not later  
13 than October 1, 2001.

14 (b) PRIMARY CARE MANAGEMENT.—The Secretary  
15 shall ensure that the primary care manager model, which  
16 requires referral by a primary care manager, is used for  
17 providing the chiropractic health care services and benefits  
18 under the program referred to in subsection (a).

19 (c) CONTINUATION OF EXISTING CHIROPRACTIC  
20 BENEFITS.—Section 731(a)(4) of the National Defense  
21 Authorization Act for Fiscal Year 1995 is amended—

22 (1) by striking “During fiscal year 2000, the”  
23 and inserting “The”; and

24 (2) by adding at the end the following: “The re-  
25 quirement under the preceding sentence shall cease

1 to apply with respect to a military medical treatment  
2 facility on the date on which the Secretary of De-  
3 fense completes the implementation of a program to  
4 provide chiropractic health care services and benefits  
5 at that facility for all TRICARE Prime enrollees as  
6 a permanent part of the military health care system  
7 for the enrollees in that plan.”.

8 **SEC. 738. USE OF INFORMATION TECHNOLOGY FOR EN-**  
9 **HANCEMENT OF DELIVERY OF ADMINISTRA-**  
10 **TIVE SERVICES UNDER THE DEFENSE**  
11 **HEALTH PROGRAM.**

12 (a) **REQUIREMENT.**—The Secretary of Defense shall  
13 take the actions that the Secretary determines necessary  
14 to use, in at least one TRICARE program region, com-  
15 mercially available information technology systems and  
16 products to simplify the critical administrative processes  
17 of the defense health program (including TRICARE), to  
18 enhance the efficiency of the performance of administra-  
19 tive services under the program, to match commercially  
20 recognized standards of performance of the services, and  
21 otherwise to improve the performance of the services.

22 (b) **IMPLEMENTATION.**—In carrying out subsection  
23 (a), the Secretary shall ensure that—

1           (1) the use of Internet technology is incor-  
2           porated into the processes referred to in that sub-  
3           section; and

4           (2) conversions to new or different computer  
5           technologies incorporate data requirements that are  
6           widely used in the marketplace (including those used  
7           by medicare or commercial insurers) for the per-  
8           formance of administrative services.

9           (c) ADMINISTRATIVE SERVICES DEFINED.—In this  
10          section, the term “administrative services” includes the  
11          performance of the following functions:

12           (1) Marketing.

13           (2) Enrollment.

14           (3) Program education of beneficiaries.

15           (4) Program education of health care providers.

16           (5) Scheduling of appointments.

17           (6) Processing of claims.

18          **SEC. 739. PATIENT CARE REPORTING AND MANAGEMENT**

19                           **SYSTEM.**

20           (a) ESTABLISHMENT.—The Secretary of Defense  
21          shall establish a patient care error reporting and manage-  
22          ment system.

23           (b) PURPOSES OF SYSTEM.—The purposes of the sys-  
24          tem are as follows:

1           (1) To study the occurrences of errors in the  
2 patient care provided under chapter 55 of title 10,  
3 United States Code.

4           (2) To identify the systemic factors that are as-  
5 sociated with such occurrences.

6           (3) To provide for action to be taken to correct  
7 the identified systemic factors.

8           (c) REQUIREMENTS FOR SYSTEM.—The patient care  
9 error reporting and management system shall include the  
10 following:

11           (1) A hospital-level patient safety center, within  
12 the quality assurance department of each health care  
13 organization of the Department of Defense, to col-  
14 lect, assess, and report on the nature and frequency  
15 of errors related to patient care.

16           (2) For each health care organization of the  
17 Department of Defense and for the entire Defense  
18 health program, the patient safety baselines that are  
19 necessary for the development of a full under-  
20 standing of patient safety issues in each such orga-  
21 nization and the entire program, including the na-  
22 ture and types of errors and the systemic causes of  
23 the errors.

1           (3) A Department of Defense Patient Safety  
2 Center within the Armed Forces Institute of Pathol-  
3 ogy to have the following missions:

4           (A) To analyze information on patient care  
5 errors that is submitted to the Center by each  
6 military health care organization.

7           (B) To develop action plans for addressing  
8 patterns of patient care errors.

9           (C) To execute those action plans to miti-  
10 gate and control errors in patient care with a  
11 goal of ensuring that the health care organiza-  
12 tions of the Department of Defense provide  
13 highly reliable patient care with virtually no  
14 error.

15           (D) To provide, through the Assistant Sec-  
16 retary of Defense for Health Affairs, to the  
17 Agency for Healthcare Research and Quality of  
18 the Department of Health and Human Services  
19 any reports that the Assistant Secretary deter-  
20 mines appropriate.

21           (E) To review and integrate processes for  
22 reducing errors associated with patient care and  
23 for enhancing patient safety.

24           (F) To contract with a qualified and objec-  
25 tive external organization to manage the na-

1            tional patient safety database of the Depart-  
2            ment of Defense.

3            (d) MEDTEAMS PROGRAM.—The Secretary shall ex-  
4            pand the health care team coordination program to inte-  
5            grate that program into all Department of Defense health  
6            care operations. In carrying out this subsection, the Sec-  
7            retary shall take the following actions:

8            (1) Establish not less than two Centers of Ex-  
9            cellence for the development, validation, prolifera-  
10           tion, and sustainment of the health care team co-  
11           ordination program, one of which shall support all  
12           fixed military health care organizations, the other of  
13           which shall support all combat casualty care organi-  
14           zations.

15           (2) Deploy the program to all fixed and combat  
16           casualty care organizations of each of the Armed  
17           Forces, at the rate of not less than 10 organizations  
18           in each fiscal year.

19           (3) Expand the scope of the health care team  
20           coordination program from a focus on emergency de-  
21           partment care to a coverage that includes care in all  
22           major medical specialties, at the rate of not less  
23           than one specialty in each fiscal year.

1 (4) Continue research and development invest-  
 2 ments to improve communication, coordination, and  
 3 team work in the provision of health care.

4 (e) CONSULTATION.—The Secretary shall consult  
 5 with the other administering Secretaries (as defined in  
 6 section 1072(3) of title 10, United States Code) in car-  
 7 rying out this section.

8 **SEC. 740. HEALTH CARE MANAGEMENT DEMONSTRATION**  
 9 **PROGRAM.**

10 (a) ESTABLISHMENT.—The Secretary of Defense  
 11 shall carry out a demonstration program on health care  
 12 management to explore opportunities for improving the  
 13 planning and management of the Department of Defense  
 14 health care system.

15 (b) TEST MODELS.—Under the demonstration pro-  
 16 gram, the Secretary shall test the use of the following  
 17 planning and management models:

18 (1) A health care simulation model for studying  
 19 alternative delivery policies, processes, organizations,  
 20 and technologies.

21 (2) A health care simulation model for studying  
 22 long term disease management.

23 (c) DEMONSTRATION SITES.—The Secretary shall  
 24 test each model separately at one or more sites.



1 (d) PERIOD FOR PROGRAM.—The demonstration pro-  
2 gram shall begin not later than 180 days after the date  
3 of the enactment of this Act and shall terminate on De-  
4 cember 31, 2001.

5 (e) REPORTS.—The Secretary of Defense shall sub-  
6 mit a report on the demonstration program to the Com-  
7 mittees on Armed Services of the Senate and the House  
8 of Representatives not later than March 15, 2002. The  
9 report shall include the Secretary's assessment of the  
10 value of incorporating the use of the tested planning and  
11 management models throughout the Department of De-  
12 fense health care system.

13 (f) FUNDING.—Of the amount authorized to be ap-  
14 propriated under section 301(22), \$6,000,000 shall be  
15 available for the demonstration program under this sec-  
16 tion.

17 **SEC. 741. STUDIES OF ACCRUAL FINANCING FOR HEALTH**  
18 **CARE FOR MILITARY RETIREES.**

19 (a) STUDIES REQUIRED.—The Secretary of Defense  
20 shall carry out two studies to assess the feasibility and  
21 desirability of financing the military health care program  
22 for retirees of the uniformed services on an accrual basis.

23 (b) SOURCES OF STUDIES.—The Secretary shall pro-  
24 vide for—

1           (1) one of the studies under subsection (a) to  
2 be conducted by one or more Department of Defense  
3 organizations designated by the Secretary; and

4           (2) the other study to be conducted by an orga-  
5 nization that is independent of the Department of  
6 Defense and has expertise in financial programs and  
7 health care.

8       (c) REPORTS.—(1) The Secretary shall provide for  
9 the submission of a final report on each study to the Sec-  
10 retary within such time as the Secretary determines nec-  
11 essary to satisfy the requirement in paragraph (2).

12       (2) The Secretary shall transmit the final reports on  
13 the studies to Congress not later than February 8, 2001.  
14 The Secretary may include in the transmittal any com-  
15 ments on the reports or on the matters studied that the  
16 Secretary considers appropriate.

17 **SEC. 742. AUGMENTATION OF ARMY MEDICAL DEPART-**  
18 **MENT BY RESERVE OFFICERS OF THE PUB-**  
19 **LIC HEALTH SERVICE.**

20       (a) AUTHORITY.—The Secretary of the Army and the  
21 Secretary of Health and Human Services may jointly con-  
22 duct a program to augment the Army Medical Department  
23 by exercising any authorities provided to those officials in  
24 law for the detailing of reserve commissioned officers of

1 the Public Health Service not in an active status to the  
2 Army Medical Department for that purpose.

3 (b) AGREEMENT.—The Secretary of the Army and  
4 the Secretary of Health and Human Services shall enter  
5 into an agreement governing any program conducted  
6 under subsection (a).

7 (c) ASSESSMENT.—(1) The Secretary of the Army  
8 shall review the laws providing the authorities described  
9 in subsection (a) and assess the adequacy of those laws  
10 for authorizing—

11 (A) the Secretary of Health and Human Serv-  
12 ices to detail reserve commissioned officers of the  
13 Public Health Service not in an active status to the  
14 Army Medical Department to augment that depart-  
15 ment; and

16 (B) the Secretary of the Army to accept the de-  
17 tail of such officers for that purpose.

18 (2) The Secretary shall complete the review and as-  
19 sessment under paragraph (1) not later than 90 days after  
20 the date of the enactment of this Act.

21 (d) REPORT TO CONGRESS.—Not later than March  
22 1, 2001, the Secretary of the Army shall submit a report  
23 on the results of the review and assessment under sub-  
24 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 **SEC. 743. SERVICE AREAS OF TRANSFEREES OF FORMER**  
18 **UNIFORMED SERVICES TREATMENT FACILI-**  
19 **TIES THAT ARE INCLUDED IN THE UNI-**  
20 **FORMED SERVICES HEALTH CARE DELIVERY**  
21 **SYSTEM.**

22 Section 722(e) of the National Defense Authorization  
23 Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C.  
24 1073 note) is amended—

1           (1) by inserting “(1)” after “(e) SERVICE  
2           AREA.—”; and

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

4           “(2) The Secretary may, with the agreement of a des-  
5           ignated provider, expand the service area of the designated  
6           provider as the Secretary determines necessary to permit  
7           covered beneficiaries to enroll in the designated provider’s  
8           managed care plan. The expanded service area may in-  
9           clude one or more noncontiguous areas.”.

10 **SEC. 744. BLUE RIBBON ADVISORY PANEL ON DEPART-**  
11 **MENT OF DEFENSE POLICIES REGARDING**  
12 **THE PRIVACY OF INDIVIDUAL MEDICAL**  
13 **RECORDS.**

14           (a) ESTABLISHMENT.—(1) There is hereby estab-  
15           lished an advisory panel to be known as the Blue Ribbon  
16           Advisory Panel on Department of Defense Policies Re-  
17           garding the Privacy of Individual Medical Records (in this  
18           section referred to as the “Panel”).

19           (2)(A) The Panel shall be composed of 7 members  
20           appointed by the President, of whom—

21           (i) at least one shall be a member of a con-  
22           sumer organization;

23           (ii) at least one shall be a medical professional;

24           (iii) at least one shall have a background in  
25           medical ethics; and

1           (iv) at least one shall be a member of the  
2       Armed Forces.

3       (B) The appointments of the members of the Panel  
4 shall be made not later than 30 days after the date of  
5 the enactment of this Act.

6       (3) No later than 30 days after the date on which  
7 all members of the Panel have been appointed, the Panel  
8 shall hold its first meeting.

9       (4) The Panel shall select a Chairman and Vice  
10 Chairman from among its members.

11       (b) DUTIES.—(1) The Panel shall conduct a thorough  
12 study of all matters relating to the policies and practices  
13 of the Department of Defense regarding the privacy of in-  
14 dividual medical records.

15       (2) Not later than April 30, 2001, the Panel shall  
16 submit a report to the President and Congress which shall  
17 contain a detailed statement of the findings and conclu-  
18 sions of the Panel, together with its recommendations for  
19 such legislation and administrative actions as it considers  
20 appropriate to ensure the privacy of individual medical  
21 records.

22       (c) POWERS.—(1) The Panel may hold such hearings,  
23 sit and act at such times and places, take such testimony,  
24 and receive such evidence as the Panel considers advisable  
25 to carry out the purposes of this section.

1           (2) The Panel may secure directly from the Depart-  
2 ment of Defense, and any other Federal department or  
3 agency, such information as the Panel considers necessary  
4 to carry out the provisions of this section. Upon request  
5 of the Chairman of the Panel, the Secretary of Defense,  
6 or the head of such department or agency, shall furnish  
7 such information to the Panel.

8           (3) The Panel may use the United States mails in  
9 the same manner and under the same conditions as other  
10 departments and agencies of the Federal Government.

11          (4) The Panel may accept, use, and dispose of gifts  
12 or donations of services or property.

13          (5) Any Federal Government employee may be de-  
14 tailed to the Panel without reimbursement, and such detail  
15 shall be without interruption or loss of civil service status  
16 or privilege.

17          (d) TERMINATION.—The Panel shall terminate 30  
18 days after the date on which the Panel submits its report  
19 under subsection (b)(2).

20          (e) FUNDING.—(1) Of the amounts authorized to be  
21 appropriated by this Act, the Secretary shall make avail-  
22 able to the Panel such sums as the Panel may require  
23 for its activities under this section.

1       (2) Any sums made available under paragraph (1)  
2 shall remain available, without fiscal year limitation, until  
3 expended.

4 **TITLE VIII—ACQUISITION POL-**  
5 **ICY, ACQUISITION MANAGE-**  
6 **MENT, AND RELATED MAT-**  
7 **TERS**

8 **SEC. 801. IMPROVEMENTS IN PROCUREMENTS OF SERV-**  
9 **ICES.**

10       (a) PREFERENCE FOR PERFORMANCE-BASED SERV-  
11 ICE CONTRACTING.—Not later than 180 days after the  
12 date of the enactment of this Act, the Federal Acquisition  
13 Regulation issued in accordance with sections 6 and 25  
14 of the Office of Federal Procurement Policy Act (41  
15 U.S.C. 405 and 421) shall be revised to establish a pref-  
16 erence for use of contracts and task orders for the pur-  
17 chase of services in the following order of precedence:

18           (1) A performance-based contract or perform-  
19 ance-based task order that contains firm fixed prices  
20 for the specific tasks to be performed.

21           (2) Any other performance-based contract or  
22 performance-based task order.

23           (3) Any contract or task order that is not a  
24 performance-based contract or a performance-based  
25 task order.



1 (b) INCENTIVE FOR USE OF PERFORMANCE-BASED  
2 SERVICE CONTRACTS.—(1) A Department of Defense per-  
3 formance-based contract or performance-based task order  
4 may be treated as a contract for the procurement of com-  
5 mercial items if—

6 (A) the contract or task order is valued at  
7 \$5,000,000 or less;

8 (B) the contract or task order sets forth specifi-  
9 cally each task to be performed and, for each task—

10 (i) defines the task in measurable, mission-  
11 related terms;

12 (ii) identifies the specific end products or  
13 output to be achieved; and

14 (iii) contains a firm fixed price; and

15 (C) the source of the services provides similar  
16 services contemporaneously to the general public  
17 under terms and conditions similar to those offered  
18 to the Federal Government.

19 (2) The special simplified procedures provided in the  
20 Federal Acquisition Regulation pursuant to section  
21 2304(g)(1)(B) of title 10, United States Code, shall not  
22 apply to a performance-based contract or performance-  
23 based task order that is treated as a contract for the pro-  
24 curement of commercial items under paragraph (1).

1           (3) Not later than 2 years after the date of the enact-  
2 ment of this Act, the Comptroller General shall submit  
3 a report on the implementation of this subsection to the  
4 congressional defense committees.

5           (4) The authority under this subsection shall not  
6 apply to contracts entered into or task orders issued more  
7 than 3 years after the date of the enactment of this Act.

8           (c) CENTERS OF EXCELLENCE IN SERVICE CON-  
9 TRACTING.—Not later than 180 days after the date of the  
10 enactment of this Act, the Secretary of each military de-  
11 partment shall establish at least one center of excellence  
12 in contracting for services. Each center of excellence shall  
13 assist the acquisition community by identifying, and serv-  
14 ing as a clearinghouse for, best practices in contracting  
15 for services in the public and private sectors.

16           (d) ENHANCED TRAINING IN SERVICE CON-  
17 TRACTING.—(1) The Secretary of Defense shall ensure  
18 that classes focusing specifically on contracting for serv-  
19 ices are offered by the Defense Acquisition University and  
20 the Defense Systems Management College and are other-  
21 wise available to contracting personnel throughout the De-  
22 partment of Defense.

23           (2) The Secretary of each military department and  
24 the head of each Defense Agency shall ensure that the  
25 personnel of the department or agency, as the case may

1 be, who are responsible for the awarding and management  
2 of contracts for services receive appropriate training that  
3 is focused specifically on contracting for services.

4 (e) DEFINITIONS.—In this section:

5 (1) The term “performance-based”, with re-  
6 spect to a contract, a task order, or contracting,  
7 means that the contract, task order, or contracting,  
8 respectively, includes the use of performance work  
9 statements that set forth contract requirements in  
10 clear, specific, and objective terms with measurable  
11 outcomes.

12 (2) The term “commercial item” has the mean-  
13 ing given the term in section 4(12) of the Office of  
14 Federal Procurement Policy Act (41 U.S.C.  
15 403(12)).

16 (3) The term “Defense Agency” has the mean-  
17 ing given the term in section 101(a)(11) of title 10,  
18 United States Code.

19 **SEC. 802. ADDITION OF THRESHOLD VALUE REQUIREMENT**  
20 **FOR APPLICABILITY OF A REPORTING RE-**  
21 **QUIREMENT RELATING TO MULTIYEAR CON-**  
22 **TRACT.**

23 Section 2036b(1)(4) of title 10, United States Code,  
24 is amended by striking “until the Secretary of Defense  
25 submits to the congressional defense committees a report

1 with respect to that contract (or contract extension)” in  
2 the matter preceding subparagraph (A) and inserting “the  
3 value of which would exceed \$500,000,000 (when entered  
4 into or when extended, as the case may be) until the Sec-  
5 retary of Defense has submitted to the congressional de-  
6 fense committees a report”.

7 **SEC. 803. PLANNING FOR THE ACQUISITION OF INFORMA-**  
8 **TION SYSTEMS.**

9 (a) RESPONSIBILITY OF CHIEF INFORMATION OFFI-  
10 CERS.—Section 2223 of title 10, United States Code, is  
11 amended—

12 (1) in subsection (a)—

13 (A) by striking “and” at the end of para-  
14 graph (3);

15 (B) by striking the period at the end of  
16 paragraph (4) and inserting “; and”; and

17 (C) by adding at the end the following:

18 “(5) maintain a consolidated inventory of De-  
19 partment of Defense mission critical and mission es-  
20 sential information systems, identify interfaces be-  
21 tween these systems and other information systems,  
22 and develop and maintain contingency plans for re-  
23 sponding to a disruption in the operation of any of  
24 these information systems.”; and

25 (2) in subsection (b)—

1 (A) by striking “and” at the end of para-  
2 graph (3);

3 (B) by striking the period at the end of  
4 paragraph (4) and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(5) maintain an inventory of the mission crit-  
7 ical and mission essential information systems of the  
8 military department, identify interfaces between  
9 these systems and other information systems, and  
10 develop and maintain contingency plans for respond-  
11 ing to a disruption in the operation of any of these  
12 information systems.”.

13 (b) REVISED REGULATIONS REQUIRED.—Not later  
14 than 60 days after the date of enactment of this Act, De-  
15 partment of Defense Directive 5000.1 shall be revised to  
16 establish minimum planning requirements for the acquisi-  
17 tion of information technology systems.

18 (c) MISSION CRITICAL AND MISSION ESSENTIAL IN-  
19 FORMATION TECHNOLOGY SYSTEMS.—The revised direc-  
20 tive required by subsection (b) shall—

21 (1) include definitions of the terms “mission  
22 critical information system” and “mission essential  
23 information system”; and

1           (2) prohibit the award of any contract for the  
2           acquisition of a mission critical or mission essential  
3           information technology system until—

4                   (A) the system has been registered with  
5           the Chief Information Officer of the Depart-  
6           ment of Defense;

7                   (B) the Chief Information Officer has re-  
8           ceived all information on the system that is re-  
9           quired under the directive to be provided to  
10          that official; and

11                  (C) the Chief Information Officer has de-  
12          termined that an appropriate information as-  
13          surance strategy is in place for the system.

14          (d) MAJOR AUTOMATED INFORMATION SYSTEMS.—

15          The revised directive required by subsection (b) shall pro-  
16          hibit Milestone I approval, Milestone II approval, or Mile-  
17          stone III approval of a major automated information sys-  
18          tem within the Department of Defense until the Chief In-  
19          formation Officer has determined that—

20                  (1) the system is being developed in accordance  
21          with the requirements of division E of the Clinger-  
22          Cohen Act of 1996 (40 U.S.C. 1401 et seq.);

23                  (2) appropriate actions have been taken with  
24          respect to the system in the areas of business proc-

1        ess reengineering, analysis of alternatives, economic  
2        analysis, and performance measures; and

3            (3) the system has been registered as described  
4        in subsection (c)(2).

5        (e) REPORTS.—(1) The Secretary of Defense shall  
6        submit to the congressional defense committees, not later  
7        than February 1 of each of fiscal years 2001, 2002, and  
8        2003, a report on the implementation of the requirements  
9        of this section during the preceding fiscal year.

10        (2) The report for a fiscal year under paragraph (1)  
11        shall include, at a minimum, for each major automated  
12        information system that was approved during such pre-  
13        ceding fiscal year under Department of Defense Directive  
14        5000.1 (as revised pursuant to subsection (d)), the fol-  
15        lowing:

16            (A) The funding baseline.

17            (B) The milestone schedule.

18            (C) The actions that have been taken to ensure  
19        compliance with the requirements of this section and  
20        the directive.

21        (3) The report for fiscal year 2000 shall include, in  
22        addition to the information required by paragraph (2), an  
23        explanation of the manner in which the responsible offi-  
24        cials within the Department of Defense have addressed,  
25        or intend to address, the following acquisition issues for

1 each major automated information system to be acquired  
2 after that fiscal year:

3 (A) Requirements definition.

4 (B) Presentation of a business case analysis, in-  
5 cluding an analysis of alternatives and a calculation  
6 of return on investment.

7 (C) Performance measurement.

8 (D) Test and evaluation.

9 (E) Interoperability.

10 (F) Cost, schedule, and performance baselines.

11 (G) Information assurance.

12 (H) Incremental fielding and implementation.

13 (I) Risk mitigation.

14 (J) The role of integrated product teams.

15 (K) Issues arising from implementation of the  
16 Command, Control, Communications, Computers,  
17 Intelligence, Surveillance, and Reconnaissance Plan  
18 required by Department of Defense Directive 5000.1  
19 and Chairman of the Joint Chiefs of Staff Instruc-  
20 tion 3170.01.

21 (L) Oversight, including the Chief Information  
22 Officer's oversight of decision reviews.

23 (f) DEFINITIONS.—In this section:

24 (1) The term “Chief Information Officer”  
25 means the senior official of the Department of De-



1 fense designated by the Secretary of Defense pursu-  
2 ant to section 3506 of title 44, United States Code.

3 (2) The term “information technology system”  
4 has the meaning given the term “information tech-  
5 nology” in section 5002 of the Clinger-Cohen Act of  
6 1996 (40 U.S.C. 1401).

7 (3) The term “major automated information  
8 system” has the meaning given that term in Depart-  
9 ment of Defense Directive 5000.1.

10 **SEC. 804. TRACKING OF INFORMATION TECHNOLOGY PUR-**  
11 **CHASES.**

12 (a) REQUIREMENT FOR TRACKING SYSTEM.—(1)  
13 Chapter 131 of title 10, United States Code, is amended  
14 by adding at the end the following:

15 **“§ 2225. Information technology purchases: auto-**  
16 **mated tracking and management systems**

17 “(a) REQUIREMENT FOR SYSTEMS.—(1) The Sec-  
18 retary of each military department shall administer an  
19 automated system for tracking and managing purchases  
20 of information technology products and services by the de-  
21 partment.

22 “(2) The Secretary of Defense shall administer an  
23 automated system for tracking and managing purchases  
24 of information technology products and services by the De-  
25 fense Agencies.

1       “(b) PURCHASE TO WHICH APPLICABLE.—Each sys-  
2 tem under subsection (a) shall, at a minimum, provide for  
3 collection of data on all purchases of information tech-  
4 nology products and services in excess of the simplified  
5 acquisition threshold, regardless of whether such pur-  
6 chases are made in the form of a contract, grant, coopera-  
7 tive agreement, other transaction, task order, delivery  
8 order, or military interdepartmental purchase request, or  
9 in any other form.

10       “(c) DATA TO BE INCLUDED.—The information col-  
11 lected under each such system shall include, for each pur-  
12 chase, the following:

13               “(1) The products or services purchased.

14               “(2) The categorization of the products or serv-  
15 ices as commercial off-the-shelf products, other com-  
16 mercial items, nondevelopmental items other than  
17 commercial items, other noncommercial items, or  
18 services.

19               “(3) The total dollar amount of the purchase.

20               “(4) The contract form used to make the pur-  
21 chase.

22               “(5) In the case of a purchase made through  
23 another agency—

24                       “(A) the agency through which the pur-  
25 chase is made; and

1           “(B) the reasons for making the purchase  
2           through that agency.

3           “(6) The type of pricing used to make the pur-  
4           chase (whether by fixed price or by another specified  
5           type of pricing).

6           “(7) The extent of competition provided for in  
7           making the purchase.

8           “(8) A statement regarding whether the pur-  
9           chase was made from—

10           “(A) a small business concern;

11           “(B) a small business concern owned and  
12           controlled by socially and economically dis-  
13           advantaged individuals; or

14           “(C) a small business concern owned and  
15           controlled by women.

16           “(9) A statement regarding whether the pur-  
17           chase was made in compliance with the planning re-  
18           quirements provided under sections 5112, 5113,  
19           5122, and 5123 of the Clinger-Cohen Act of 1996  
20           (40 U.S.C. 1412, 1413, 1242, 1423).

21           “(10) In the case of frequently-purchased com-  
22           mercial off-the-shelf items, data that informs man-  
23           agers of the unit prices paid for the items and en-  
24           ables the managers to ensure that such prices are  
25           fair and reasonable.

1       “(d) LIMITATION ON PURCHASES.—No purchase of  
2 information technology products or services in excess of  
3 the simplified acquisition threshold shall be made for the  
4 Department of Defense through a Federal Government  
5 agency that is outside the Department of Defense  
6 unless—

7               “(1) data on the purchase is included in a  
8 tracking system that meets the requirements of sub-  
9 sections (a), (b), and (c); or

10              “(2) the purchase—

11                      “(A) in the case of a purchase by a De-  
12 fense Agency, is approved by the Under Sec-  
13 retary of Defense for Acquisition, Technology,  
14 and Logistics; or

15                      “(B) in the case of a purchase by a mili-  
16 tary department, is approved by the senior pro-  
17 curement executive of the military department.

18       “(e) ANNUAL REPORT.—Not later than February 15  
19 of each fiscal year, the Secretary of Defense shall submit  
20 to the Committees on Armed Services of the Senate and  
21 the House of Representatives a report on the purchases  
22 of information technology products and services that were  
23 made by the military departments and Defense Agencies  
24 during the preceding fiscal year. The report shall set forth

1 an aggregation of the information collected in accordance  
2 with subsection (c).

3 “(f) DEFINITIONS.—In this section:

4 “(1) The term ‘senior procurement executive’,  
5 with respect to a military department, means the of-  
6 ficial designated as the senior procurement executive  
7 for the military department for the purposes of sec-  
8 tion 16(3) of the Office of Federal Procurement Pol-  
9 icy Act (41 U.S.C. 414(3)).

10 “(2) The term ‘simplified acquisition threshold’  
11 has the meaning given the term in section 4(11) of  
12 the Office of Federal Procurement Policy Act (31  
13 U.S.C. 403(11)).

14 “(3) The term ‘small business concern’ means  
15 a business concern that meets the applicable size  
16 standards prescribed pursuant to section 3(a) of the  
17 Small Business Act (15 U.S.C. 632(a)).

18 “(4) The term ‘small business concern owned  
19 and controlled by socially and economically disadvan-  
20 taged individuals’ has the meaning given that term  
21 in section 8(d)(3)(C) of the Small Business Act (15  
22 U.S.C. 637(d)(3)(C)).

23 “(5) The term ‘small business concern owned  
24 and controlled by women’ has the meaning given

1 that term in section 8(d)(3)(D) of the Small Busi-  
2 ness Act (15 U.S.C. 637(d)(3)(D)).”.

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

“2225. Information technology purchases: automated tracking and management  
systems.”.

5 (b) TIME FOR IMPLEMENTATION.—(1) Each official  
6 required under section 2225 of title 10, United States  
7 Code (as added by subsection (a)), to administer an auto-  
8 mated system for tracking and managing purchases of in-  
9 formation technology products and services shall develop  
10 and commence the use of the system not later than one  
11 year after the date of the enactment of this Act.

12 (2) Subsection (d) of section 2225 of title 10, United  
13 States Code (as so added), shall apply to purchases de-  
14 scribed in that subsection for which solicitations of offers  
15 are issued more than one year after the date of the enact-  
16 ment of this Act.

17 (c) GAO REPORT.—Not later than 15 months after  
18 the date of the enactment of this Act, the Comptroller  
19 General shall submit to the congressional defense commit-  
20 tees a report on the systems developed pursuant to section  
21 2225 of title 10, United States Code (as added by sub-  
22 section (a)). The report shall include the Comptroller Gen-  
23 eral’s assessment of the extent to which the systems meet  
24 the requirements of that section.

1 **SEC. 805. REPEAL OF REQUIREMENT FOR CONTRACTOR AS-**  
2 **SURANCES REGARDING THE COMPLETENESS,**  
3 **ACCURACY, AND CONTRACTUAL SUFFI-**  
4 **CIENCY OF TECHNICAL DATA PROVIDED BY**  
5 **THE CONTRACTOR.**

6 Section 2320(b) of title 10, United States Code, is  
7 amended—

8 (1) by striking paragraph (7); and

9 (2) by redesignating paragraphs (8) and (9) as  
10 paragraphs (7) and (8), respectively.

11 **SEC. 806. EXTENSION OF AUTHORITY FOR DEPARTMENT OF**  
12 **DEFENSE ACQUISITION PILOT PROGRAMS.**

13 Section 5064(d)(2) of the Federal Acquisition  
14 Streamlining Act of 1994 (Public Law 103–355; 108 Stat.  
15 3361; 10 U.S.C. 2430 note) is amended by striking “45  
16 days after the date of the enactment of this Act and ends  
17 on September 30, 1998” and inserting “on October 13,  
18 1994, and ends on October 1, 2007”.

19 **SEC. 807. CLARIFICATION AND EXTENSION OF AUTHORITY**  
20 **TO CARRY OUT CERTAIN PROTOTYPE**  
21 **PROJECTS.**

22 (a) AMENDMENTS TO AUTHORITY.—Section 845 of  
23 the National Defense Authorization Act for Fiscal Year  
24 1994 (10 U.S.C. 2371 note) is amended by—

25 (1) redesignating subsection (d) as subsection  
26 (g); and

1 (2) inserting after subsection (c) the following:

2 “(d) APPROPRIATE USE OF AUTHORITY.—(1) The  
3 Secretary of Defense shall ensure that no official of an  
4 agency enters into an agreement for a prototype project  
5 under the authority of this section unless—

6 “(A) at least 20 percent of the total cost of the  
7 prototype project is to be paid out of funds provided  
8 by parties to the agreement other than the Federal  
9 Government (not including funds provided by such  
10 parties in the form of independent research and de-  
11 velopment costs and other costs that are reimbursed  
12 as indirect costs under Federal Government con-  
13 tracts);

14 “(B) at least 40 percent of the total cost of the  
15 prototype project is to be paid out of funds provided  
16 by parties to the agreement other than the Federal  
17 Government (including funds provided by such par-  
18 ties in the form of independent research and devel-  
19 opment costs and other costs that are reimbursed as  
20 indirect costs under Federal Government contracts);

21 “(C) there is at least one nontraditional defense  
22 contractor participating to a significant extent in the  
23 prototype project; or

24 “(D) the senior procurement executive for the  
25 agency (as designated for the purposes of section



1       16(3) of the Office of Federal Procurement Policy  
2       Act (41 U.S.C. 414(3))) determines in writing that  
3       extraordinary circumstances justify the use of the  
4       authority of section 2371 of title 10, United States  
5       Code, in accordance with the requirements of this  
6       section, to enter into the particular agreement.

7       “(2)(A) Except as provided in subparagraph (B), the  
8       amounts counted for the purposes of this subsection as  
9       being provided or to be provided by a party other than  
10      the Federal Government under an agreement for a proto-  
11      type project that is entered into under this section do not  
12      include costs that were incurred before the date on which  
13      the agreement becomes effective.

14      “(B) Costs that were incurred for a prototype project  
15      by a party after the beginning of negotiations resulting  
16      in an agreement for the project under this section may  
17      be counted for the purposes of this subsection as being  
18      provided or to be provided by the party under the agree-  
19      ment if and to the extent that the contracting officer or  
20      another official responsible for entering into the agree-  
21      ment determines in writing that—

22              “(i) the party incurred the costs in anticipation  
23              of entering into the agreement; and

24              “(ii) it was appropriate for the party to incur  
25              the costs before the agreement became effective in

1 order to ensure the successful implementation of the  
2 agreement.

3 “(e) PILOT PROGRAM FOR TRANSITION TO FOLLOW-  
4 ON CONTRACTS.—(1) The Secretary of Defense is author-  
5 ized to carry out a pilot program for follow-on contracting  
6 for the production of items or processes that are developed  
7 by nontraditional defense contractors under prototype  
8 projects carried out under this section.

9 “(2) Under the pilot program—

10 “(A) a qualifying contract for the procurement  
11 of such an item or process, or a qualifying sub-  
12 contract under a contract for the procurement of  
13 such an item or process, may be treated as a con-  
14 tract or subcontract, respectively, for the procure-  
15 ment of commercial items, as defined in section  
16 4(12) of the Office of Federal Procurement Policy  
17 Act (41 U.S.C. 403(12)); and

18 “(B) the item or process may be treated as an  
19 item or process, respectively, that is developed in  
20 part with Federal funds and in part at private ex-  
21 pense for the purposes of section 2320 of title 10,  
22 United States Code.

23 “(3) For the purposes of the pilot program, a quali-  
24 fying contract or subcontract is a contract or subcontract,

1 respectively, with a nontraditional defense contractor  
2 that—

3 “(A) does not exceed \$20,000,000; and

4 “(B) is either—

5 “(i) a firm, fixed-price contract or sub-  
6 contract; or

7 “(ii) a fixed-price contract or subcontract  
8 with economic price adjustment.

9 “(4) The authority to conduct a pilot program under  
10 this subsection shall terminate on September 30, 2004.  
11 The termination of the authority shall not affect the valid-  
12 ity of contracts or subcontracts that are awarded or modi-  
13 fied during the period of the pilot program, without regard  
14 to whether the contracts or subcontracts are performed  
15 during the period.

16 “(f) NONTRADITIONAL DEFENSE CONTRACTOR DE-  
17 FINED.—In this section, the term ‘nontraditional defense  
18 contractor’ means an entity that has not, for a period of  
19 at least three years, entered into—

20 “(1) any contract that is subject to the cost ac-  
21 counting standards prescribed pursuant to section  
22 26 of the Office of Federal Procurement Policy Act  
23 (41 U.S.C. 422); or

24 “(2) any other contract or agreement to carry  
25 out prototype projects or to perform basic, applied,

1 or advanced research projects for a Federal Govern-  
2 ment agency, other than an agreement entered into  
3 under the authority of this section or section 2371  
4 of title 10, United States Code.”.

5 (b) EXTENSION OF AUTHORITY.—Subsection (g) of  
6 such section, as redesignated by subsection (a)(1), is  
7 amended by striking “September 30, 2001” and inserting  
8 “September 30, 2004”.

9 (c) MORATORIUM.—Beginning on the date that is  
10 120 days after the date of the enactment of this Act, no  
11 transaction may be entered into under the authority of  
12 section 845 of the National Defense Authorization Act for  
13 Fiscal Year 1994 or section 2371 of title 10, United  
14 States Code, until the final regulations implementing such  
15 section 2371 (required by subsection (g) of such section)  
16 are published in the Federal Register.

17 **SEC. 808. CLARIFICATION OF AUTHORITY OF COMP-**  
18 **TROLLER GENERAL TO REVIEW RECORDS OF**  
19 **PARTICIPANTS IN CERTAIN PROTOTYPE**  
20 **PROJECTS.**

21 (a) COMPTROLLER GENERAL REVIEW.—Section  
22 845(c) of the National Defense Authorization Act for Fis-  
23 cal Year 1994 (10 U.S.C. 2371 note) is amended—

24 (1) by redesignating paragraphs (3) and (4) as  
25 paragraphs (4) and (5), respectively; and

1           (2) by inserting after paragraph (2) the fol-  
2           lowing new paragraph (3):

3           “(3)(A) The right provided to the Comptroller Gen-  
4           eral in a clause of an agreement under paragraph (1) is  
5           limited as provided in subparagraph (B) in the case of  
6           a party to the agreement, an entity that participates in  
7           the performance of the agreement, or a subordinate ele-  
8           ment of that party or entity if the only agreements or  
9           other transactions that the party, entity, or subordinate  
10          element entered into with Government entities in the year  
11          prior to the date of that agreement are cooperative agree-  
12          ments or transactions that were entered into under this  
13          section or section 2371 of title 10, United States Code.

14          “(B) The only records of a party, other entity, or sub-  
15          ordinate element referred to in subparagraph (A) that the  
16          Comptroller General may examine in the exercise of the  
17          right referred to in that subparagraph are records of the  
18          same type as the records that the Government has had  
19          the right to examine under the audit access clauses of the  
20          previous agreements or transactions referred to in such  
21          subparagraph that were entered into by that particular  
22          party, entity, or subordinate element.”.

1 **SEC. 809. ELIGIBILITY OF SMALL BUSINESS CONCERNS**  
2 **OWNED AND CONTROLLED BY WOMEN FOR**  
3 **ASSISTANCE UNDER THE MENTOR-PROTEGE**  
4 **PROGRAM.**

5 Section 831(m)(2) of the National Defense Author-  
6 ization Act for Fiscal Year 1991 (Public Law 101–510;  
7 10 U.S.C. 2302 note) is amended—

8 (1) by striking “or” at the end of subparagraph  
9 (C);

10 (2) by striking the period at the end of sub-  
11 paragraph (D) and inserting “; or”; and

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

13 “(E) a small business concern owned and  
14 controlled by women, as defined in section  
15 8(d)(3)(D) of the Small Business Act (15  
16 U.S.C. 637(d)(3)(D)).”.

17 **SEC. 810. NAVY-MARINE CORPS INTRANET ACQUISITION.**

18 (a) **LIMITATION.**—The performance of a contract for  
19 the acquisition of a Navy-Marine Corps Intranet may not  
20 begin until the Secretary of the Navy submits a report  
21 on that contract to Congress. A report under this section  
22 shall contain the following information:

23 (1) An estimate of the amount to be expended  
24 on the contract by each of the Navy and Marine  
25 Corps for each fiscal year.

1           (2) The accounts from which the performance  
2 of the contract will be funded through the end of fis-  
3 cal year 2001.

4           (3) A plan for an incrementally phased imple-  
5 mentation of the Navy-Marine Corps Intranet into  
6 the operations of the shore-based activities of the  
7 Navy and Marine Corps.

8           (4) The same information with regard to the  
9 Navy-Marine Corps Intranet as is required to be in-  
10 cluded in the report on major automated information  
11 systems under paragraphs (2) and (3) of section  
12 803(e).

13           (5) With regard to each major command in-  
14 cluded in the first year of the implementation of the  
15 contract—

16                   (A) an estimate of the number of civilian  
17 personnel currently performing functions that  
18 are potentially included in the scope of the con-  
19 tract;

20                   (B) the extent to which the contractor may  
21 continue to rely upon that workforce to perform  
22 functions after the award of the contract; and

23                   (C) the plans of the Department of the  
24 Navy for reassignment, reorganization, or other

1 disposition of any portion of the workforce that  
2 does not continue to perform current functions.

3 (b) PROHIBITIONS.—(1) The increment of the Navy-  
4 Marine Corps Intranet that is implemented during the  
5 first year of implementation may not include any activities  
6 of the Marine Corps, the naval shipyards, or the naval  
7 aviation depots.

8 (2) Funds available for fiscal year 2001 for activities  
9 referred to in paragraph (1) may not be expended for any  
10 contract for the Navy-Marine Corps Intranet.

11 (c) APPLICABILITY OF STATUTORY AND REGU-  
12 LATORY REQUIREMENTS.—The acquisition of a Navy-Ma-  
13 rine Corps Intranet shall be managed by the Department  
14 of the Navy in accordance with the requirements of—

15 (1) the Clinger-Cohen Act of 1996, including  
16 the requirement for utilizing modular contracting in  
17 accordance with section 38 of the Office of Federal  
18 Procurement Policy Act (41 U.S.C. 434); and

19 (2) Department of Defense Directives 5000.1  
20 and 5000.2–R and all other directives, regulations,  
21 and management controls that are applicable to  
22 major investments in information technology and re-  
23 lated services.

24 (d) COMPTROLLER GENERAL REVIEW.—(1) At the  
25 same time that the Secretary of the Navy submits a report



1 on the Navy-Marine Corps Intranet to Congress under  
2 subsection (a), the Secretary shall transmit a copy of the  
3 report to the Comptroller General.

4 (2) Not later than 60 days after receiving a report  
5 on the Navy-Marine Corps Intranet under paragraph (1),  
6 the Comptroller General shall review the report and sub-  
7 mit to Congress any comments that the Comptroller Gen-  
8 eral considers appropriate regarding the report and the  
9 Navy-Marine Corps Intranet.

10 (e) PHASED IMPLEMENTATION TO COMMENCE DUR-  
11 ING FISCAL YEAR 2001—The Secretary of the Navy shall  
12 commence a phased implementation of the Navy-Marine  
13 Corps Intranet during fiscal year 2001. For the implemen-  
14 tation in that fiscal year—

15 (1) not more than fifteen percent of the total  
16 number of work stations to be provided under the  
17 Navy-Marine Corps Intranet program may be pro-  
18 vided in the first quarter of such fiscal year; and

19 (2) no additional work stations may be provided  
20 until—

21 (A) the Secretary has conducted oper-  
22 ational testing of the Intranet; and

23 (B) the Chief Information Officer of the  
24 Department of Defense has certified to the Sec-

1           retary that the results of the operational testing  
2           of the Intranet are acceptable.

3           (f) IMPACT ON FEDERAL EMPLOYEES.—The Sec-  
4   retary shall mitigate any adverse impact of the implemen-  
5   tation of the Navy-Marine Corps Intranet on civilian em-  
6   ployees of the Department of the Navy who, as of the date  
7   of the enactment of this Act, are performing functions  
8   that are included in the scope of the Navy-Marine Corps  
9   Intranet program by—

10           (1) developing a comprehensive plan for the  
11   transition of such employees to the performance of  
12   other functions within the Department of the Navy;

13           (2) taking full advantage of transition authori-  
14   ties available for the benefit of employees;

15           (3) encouraging the retraining of employees  
16   who express a desire to qualify for reassignment to  
17   the performance of other functions within the De-  
18   partment of the Navy; and

19           (4) including a provision in the Navy-Marine  
20   Corps Intranet contract that requires the contractor  
21   to provide a preference for hiring employees of the  
22   Department of the Navy who, as of the date of the  
23   enactment of this Act, are performing functions that  
24   are included in the scope of the contract.

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   **SEC. 814. REVISION OF THE ORGANIZATION AND AUTHOR-**  
8                           **ITY OF THE COST ACCOUNTING STANDARDS**  
9                           **BOARD.**

10          (a) ESTABLISHMENT WITHIN OMB.—Paragraph (1)  
11          of subsection (a) of section 26 of the Office of Federal  
12          Procurement Policy Act (41 U.S.C. 422) is amended by  
13          striking “Office of Federal Procurement Policy” in the  
14          first sentence and inserting “Office of Management and  
15          Budget”.

16          (b) COMPOSITION OF BOARD.—Subsection (a) of  
17          such section is further amended—

18                 (1) by striking the second sentence of para-  
19                 graph (1);

20                 (2) by redesignating paragraph (2) as para-  
21                 graph (3); and

22                 (3) by inserting after paragraph (1) the fol-  
23                 lowing new paragraph (2):

24                 “(2) The Board shall consist of five members ap-  
25                 pointed as follows:

1           “(A) A Chairman, appointed by the Director of  
2           the Office of Management and Budget, from among  
3           persons who are knowledgeable in cost accounting  
4           matters for Federal Government contracts.

5           “(B) One member, appointed by the Secretary  
6           of Defense, from among Department of Defense per-  
7           sonnel.

8           “(C) One member, appointed by the Adminis-  
9           trator, from among employees of executive agencies  
10          other than the Department of Defense, with the con-  
11          currence of the head of the executive agency con-  
12          cerned.

13          “(D) One member, appointed by the Chairman  
14          from among persons (other than officers and em-  
15          ployees of the United States) who are in the ac-  
16          counting or accounting education profession.

17          “(E) One member, appointed by the Chairman  
18          from among persons in industry.”.

19          (c) TERM OF OFFICE.—Paragraph (3) of such sub-  
20          section, as redesignated by subsection (b)(2), is  
21          amended—

22                 (1) in subparagraph (A)—

23                         (A) by striking “, other than the Adminis-  
24                         trator for Federal Procurement Policy,”;

25                         (B) by striking clause (i);

1 (C) by redesignating clauses (ii) and (iii)  
2 as clauses (i) and (ii), respectively; and

3 (D) in clause (ii), as so redesignated, by  
4 striking “individual who is appointed under  
5 paragraph (1)(A)” and inserting “officer or em-  
6 ployee of the Federal Government who is ap-  
7 pointed as a member under paragraph (2)”;  
8 and

9 (2) by striking subparagraph (C).

10 (d) OTHER BOARD PERSONNEL.—(1) Subsection (b)  
11 of such section is amended to read as follows:

12 “(b) SENIOR STAFF.—The Chairman, after consulta-  
13 tion with the Board, may appoint an executive secretary  
14 and two additional staff members without regard to the  
15 provisions of title 5, United States Code, governing ap-  
16 pointments in the competitive service and in senior-level  
17 positions. The Chairman may pay such employees without  
18 regard to the provisions of chapter 51 (relating to classi-  
19 fication of positions), and subchapter III of chapter 53  
20 of such title and section 5376 of such title (relating to  
21 the rates of basic pay under the General Schedule and for  
22 senior-level positions, respectively), except that no indi-  
23 vidual so appointed may receive pay in excess of the max-  
24 imum rate of basic pay payable for a senior-level position  
25 under such section 5376.”.

1           (2) Subsections (c) and (d)(2), and the third sentence  
2 of subsection (e), of such section are amended by striking  
3 “Administrator” and inserting “Chairman”.

4           (e) COST ACCOUNTING STANDARDS AUTHORITY.—

5 (1) Paragraph (1) of subsection (f) of such section is  
6 amended by inserting “, subject to direction of the Direc-  
7 tor of the Office of Management and Budget,” after “ex-  
8 clusive authority”.

9           (2) Paragraph (2)(B)(iv) of such subsection is  
10 amended by striking “more than \$7,500,000” and insert-  
11 ing “\$7,500,000 or more”.

12          (3) Paragraph (3) of such subsection is amended, in  
13 the first sentence—

14               (A) by striking “Administrator, after consulta-  
15 tion with the Board” and inserting “Chairman, with  
16 the concurrence of a majority of the members of the  
17 Board”; and

18               (B) by inserting before the period at the end  
19 the following: “, including rules and procedures for  
20 the public conduct of meetings of the Board”.

21          (4) Paragraph (5)(C) of such subsection is amended  
22 to read as follows:

23               “(C) The head of an executive agency may not dele-  
24 gate the authority under subparagraph (A) or (B) to any

1 official in the executive agency below a level in the execu-  
2 tive agency as follows:

3           “(i) The senior policymaking level, except as  
4 provided in clause (ii).

5           “(ii) The head of a procuring activity, in the  
6 case of a firm, fixed price contract or subcontract  
7 for which the requirement to obtain cost or pricing  
8 data under subsection (a) of section 2306a of title  
9 10, United States Code, or subsection (a) of section  
10 304A of the Federal Property and Administrative  
11 Services Act of 1949 (41 U.S.C. 254b) is waived  
12 under subsection (b)(1)(C) of such section, respec-  
13 tively.”.

14           (5) Paragraph (5)(E) of such subsection is amended  
15 by inserting before the period at the end the following:  
16 “in accordance with requirements prescribed by the  
17 Board”.

18           (f) REQUIREMENTS FOR STANDARDS.—(1) Sub-  
19 section (g)(1)(B) of section 26 of the Office of Federal  
20 Procurement Policy Act is amended by inserting before  
21 the semicolon at the end the following: “, together with  
22 a solicitation of comments on those issues”.

23           (g) INTEREST RATE APPLICABLE TO CONTRACT  
24 PRICE ADJUSTMENTS.—Subsection (h)(4) of such section

1 is amended by inserting “(a)(2)” after “6621” both places  
2 that it appears.

3 (h) REPEAL OF REQUIREMENT FOR ANNUAL RE-  
4 PORT.—Such section is further amended by striking sub-  
5 section (i).

6 (i) EFFECTS OF BOARD INTERPRETATIONS AND  
7 REGULATIONS.—Subsection (j) of such section is  
8 amended—

9 (1) in paragraph (1), by striking “promulgated  
10 by the Cost Accounting Standards Board under sec-  
11 tion 719 of the Defense Production Act of 1950 (50  
12 U.S.C. App. 2168)” and inserting “that are in effect  
13 on the date of the enactment of the National De-  
14 fense Authorization Act for Fiscal Year 2001”; and

15 (2) in paragraph (3), by striking “under the au-  
16 thority set forth in section 6 of this Act” and insert-  
17 ing “exercising the authority provided in section 6 of  
18 this Act in consultation with the Chairman”.

19 (j) RATE OF PAY FOR CHAIRMAN.—Section 5315 of  
20 title 5, United States Code, is amended by adding at the  
21 end the following:

22 “Chairman, Cost Accounting Standards  
23 Board.”.

24 (k) TRANSITION PROVISION FOR MEMBERS.—Each  
25 member of the Cost Accounting Standards Board who

1 serves on the Board under paragraph (1) of section 26(a)  
2 of the Office of Federal Procurement Policy Act, as in ef-  
3 fect on the day before the date of the enactment of this  
4 Act, shall continue to serve as a member of the Board  
5 until the earlier of—

6 (1) the expiration of the term for which the  
7 member was so appointed; or

8 (2) the date on which a successor to such mem-  
9 ber is appointed under paragraph (2) of such section  
10 26(a), as amended by subsection (b) of this section.

11 **SEC. 815. REVISION OF AUTHORITY FOR SOLUTIONS-BASED**  
12 **CONTRACTING PILOT PROGRAM.**

13 (a) PILOT PROJECTS UNDER THE PROGRAM.—Sec-  
14 tion 5312 of the Clinger-Cohen Act of 1996 (40 U.S.C.  
15 1492) is amended—

16 (1) in subsection (a), by striking “subsection  
17 (d)(2)” and inserting “subsection (d)”; and

18 (2) by striking subsection (d) and inserting the  
19 following:

20 “(d) PILOT PROGRAM PROJECTS.—The Adminis-  
21 trator shall authorize to be carried out under the pilot  
22 program—

23 “(1) not more than 10 projects, each of which  
24 has an estimated cost of at least \$25,000,000 and  
25 not more than \$100,000,000; and



1           “(2) not more than 10 projects for small busi-  
2           ness concerns, each of which has an estimated cost  
3           of at least \$1,000,000 and not more than  
4           \$5,000,000.”.

5           (b) **ELIMINATION OF REQUIREMENT FOR FEDERAL**  
6 **FUNDING OF PROGRAM DEFINITION PHASE.**—Subsection  
7 (c)(9)(B) of such section is amended by striking “program  
8 definition phase (funded, in the case of the source ulti-  
9 mately awarded the contract, by the Federal Govern-  
10 ment)—” and inserting “program definition phase—”.

11 **SEC. 816. APPROPRIATE USE OF PERSONNEL EXPERIENCE**  
12                           **AND EDUCATIONAL REQUIREMENTS IN THE**  
13                           **PROCUREMENT OF INFORMATION TECH-**  
14                           **NOLOGY SERVICES.**

15           (a) **AMENDMENT OF THE FEDERAL ACQUISITION**  
16 **REGULATION.**—Not later than 180 days after the date of  
17 the enactment of this Act, the Federal Acquisition Regula-  
18 tion issued in accordance with sections 6 and 25 of the  
19 Office of Federal Procurement Policy Act (41 U.S.C. 405  
20 and 421) shall be amended to address the use of personnel  
21 experience and educational requirements in the procure-  
22 ment of information technology services.

23           (b) **CONTENT OF AMENDMENT.**—The amendment  
24 issued pursuant to subsection (a) shall—

1           (1) provide that a solicitation of bids on a per-  
2           formance-based contract for the procurement of in-  
3           formation technology services may not set forth any  
4           minimum experience or educational requirement for  
5           contractor personnel that a bidder must satisfy in  
6           order to be eligible for award of the contract; and

7           (2) specify—

8                   (A) the circumstances under which a solici-  
9                   tation of bids for other contracts for the pro-  
10                   curement of information technology services  
11                   may set forth any such minimum requirement  
12                   for that purpose; and

13                   (B) the circumstances under which a solici-  
14                   tation of bids for other contracts for the pro-  
15                   curement of information technology services  
16                   may not set forth any such minimum require-  
17                   ment for that purpose.

18           (c) CONSTRUCTION OF REGULATION.—The amend-  
19           ment issued pursuant to subsection (a) shall include a rule  
20           of construction that a prohibition included in the amend-  
21           ment under paragraph (1) or (2)(B) does not prohibit the  
22           consideration of the experience and educational levels of  
23           the personnel of bidders in the selection of a bidder to  
24           be awarded a contract.

1 (d) GAO REPORT.—Not later than 1 year after the  
2 date on which the regulations required by subsection (a)  
3 are published in the Federal Register, the Comptroller  
4 General shall submit to Congress an evaluation of—

5 (1) executive agency compliance with the regu-  
6 lations; and

7 (2) conformity of the regulations with existing  
8 law, together with any recommendations that the  
9 Comptroller General considers appropriate.

10 (e) DEFINITIONS.—In this section:

11 (1) The term “executive agency” has the mean-  
12 ing given that term in section 4 of the Office of Fed-  
13 eral Procurement Policy Act (41 U.S.C. 403).

14 (2) The term “performance-based contract”  
15 means a contract that includes performance work  
16 statements setting forth contract requirements in  
17 clear, specific, and objective terms with measurable  
18 outcomes.

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

22 **SEC. 817. STUDY OF OFFICE OF MANAGEMENT AND BUDG-**  
23 **ET CIRCULAR A-76 PROCESS.**

24 (a) GAO-CONVENED PANEL.—The Comptroller Gen-  
25 eral shall convene a panel of experts to study rules, and

1 the administration of the rules, governing the selection of  
2 sources for the performance of commercial or industrial  
3 functions for the Federal Government from between public  
4 and private sector sources, including public-private com-  
5 petitions pursuant to the Office of Management and  
6 Budget Circular A-76. The Comptroller General shall be  
7 the chairman of the panel.

8 (b) COMPOSITION OF PANEL.—(1) The Comptroller  
9 General shall appoint highly qualified and knowledgeable  
10 persons to serve on the panel and shall ensure that the  
11 following groups receive fair representation on the panel:

12 (A) Officers and employees of the United  
13 States.

14 (B) Persons in private industry.

15 (C) Federal labor organizations.

16 (2) For the purposes of the requirement for fair rep-  
17 resentation under paragraph (1), persons serving on the  
18 panel under subparagraph (C) of that paragraph shall not  
19 be counted as persons serving on the panel under subpara-  
20 graph (A) or (B) of that paragraph.

21 (c) PARTICIPATION BY OTHER INTERESTED PAR-  
22 TIES.—The Comptroller General shall ensure that the op-  
23 portunity to submit information and views on the Office  
24 of Management and Budget Circular A-76 process to the  
25 panel for the purposes of the study is accorded to all inter-

1 ested parties, including officers and employees of the  
2 United States not serving on the panel and entities in pri-  
3 vate industry and representatives of federal labor organi-  
4 zations not represented on the panel.

5 (d) INFORMATION FROM AGENCIES.—The panel may  
6 secure directly from any department or agency of the  
7 United States any information that the panel considers  
8 necessary to carry out a meaningful study of administra-  
9 tion of the rules described in subsection (a), including the  
10 Office of Management and Budget Circular A–76 process.  
11 Upon the request of the Chairman of the panel, the head  
12 of such department or agency shall furnish the requested  
13 information to the panel.

14 (e) REPORT.—The Comptroller General shall submit  
15 a report on the results of the study to Congress.

16 (f) DEFINITION.—In this section, the term “federal  
17 labor organization” has the meaning given the term “labor  
18 organization” in section 7103(a)(4) of title 5, United  
19 States Code.

20 **SEC. 818. PROCUREMENT NOTICE THROUGH ELECTRONIC**  
21 **ACCESS TO CONTRACTING OPPORTUNITIES.**

22 (a) PUBLICATION BY ELECTRONIC ACCESSIBILITY.—  
23 Subsection (a) of section 18 of the Office of Federal Pro-  
24 curement Policy Act (41 U.S.C. 416) is amended—

1           (1) in paragraph (1)(A), by striking “furnish  
2           for publication by the Secretary of Commerce” and  
3           inserting “publish”;

4           (2) by striking paragraph (2) and inserting the  
5           following:

6           “(2)(A) A notice of solicitation required to be pub-  
7           lished under paragraph (1) may be published by means  
8           of—

9           “(i) electronic accessibility that meets the re-  
10          quirements of paragraph (7); or

11          “(ii) publication in the Commerce Business  
12          Daily.

13          “(B) The Secretary of Commerce shall promptly pub-  
14          lish in the Commerce Business Daily each notice or an-  
15          nouncement received under this subsection for publication  
16          by that means.”; and

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

18          “(7) A publication of a notice of solicitation by means  
19          of electronic accessibility meets the requirements of this  
20          paragraph for electronic accessibility if the notice is elec-  
21          tronically accessible in a form that allows convenient and  
22          universal user access through the single Government-wide  
23          point of entry designated in the Federal Acquisition Regu-  
24          lation.”.

1 (b) WAITING PERIOD FOR ISSUANCE OF SOLICITA-  
2 TION.—Paragraph (3) of such subsection is amended—

3 (1) in the matter preceding subparagraph (A),  
4 by striking “furnish a notice to the Secretary of  
5 Commerce” and inserting “publish a notice of solici-  
6 tation”; and

7 (2) in subparagraph (A), by striking “by the  
8 Secretary of Commerce”.

9 (c) CONFORMING AMENDMENTS FOR SMALL BUSI-  
10 NESS ACT.—Subsection (e) of section 8 of the Small Busi-  
11 ness Act (15 U.S.C. 637) is amended—

12 (1) in paragraph (1)(A), by striking “furnish  
13 for publication by the Secretary of Commerce” and  
14 inserting “publish”;

15 (2) by striking paragraph (2) and inserting the  
16 following:

17 “(2)(A) A notice of solicitation required to be pub-  
18 lished under paragraph (1) may be published by means  
19 of—

20 “(i) electronic accessibility that meets the re-  
21 quirements of section 18(a)(7) of the Office of Fed-  
22 eral Procurement Policy Act (41 U.S.C. 416(a)(7));  
23 or

24 “(ii) publication in the Commerce Business  
25 Daily.

1           “(B) The Secretary of Commerce shall promptly pub-  
2 lish in the Commerce Business Daily each notice or an-  
3 nouncement received under this subsection for publication  
4 by that means.”; and

5           (3) in paragraph (3)—

6           (A) in the matter preceding subparagraph  
7 (A), by striking “furnish a notice to the Sec-  
8 retary of Commerce” and inserting “publish a  
9 notice of solicitation”; and

10           (B) in subparagraph (A), by striking “by  
11 the Secretary of Commerce”.

12           (d) PERIODIC REPORTS ON IMPLEMENTATION OF  
13 ELECTRONIC COMMERCE IN FEDERAL PROCUREMENT.—  
14 Section 30(e) of the Office of Federal Procurement Policy  
15 Act (41 U.S.C. 426(e)) is amended—

16           (1) in the first sentence, by striking “Not later  
17 than March 1, 1998, and every year afterward  
18 through 2003” and inserting “Not later than March  
19 1 of each even-numbered year through 2004”; and

20           (2) in paragraph (4)—

21           (A) by striking “Beginning with the report  
22 submitted on March 1, 1999,”; and

23           (B) by striking “calendar year” and insert-  
24 ing “two fiscal years”.



1 (e) EFFECTIVE DATE AND APPLICABILITY.—This  
2 section and the amendments made by this section shall  
3 take effect on October 1, 2000. The amendments made  
4 by subsections (a), (b) and (c) shall apply with respect  
5 to solicitations issued on or after that date.

6 **TITLE IX—DEPARTMENT OF DE-**  
7 **FENSE ORGANIZATION AND**  
8 **MANAGEMENT**

9 **SEC. 901. REPEAL OF LIMITATION ON MAJOR DEPARTMENT**  
10 **OF DEFENSE HEADQUARTERS ACTIVITIES**  
11 **PERSONNEL.**

12 (a) REPEAL OF LIMITATION.—(1) Section 130a of  
13 title 10, United States Code, is repealed.

14 (2) The table of sections at the beginning of chapter  
15 3 of such title is amended by striking the item relating  
16 to section 130a.

17 (b) REPEAL OF ASSOCIATED REPORTING REQUIRE-  
18 MENT.—Section 921(b) of the National Defense Author-  
19 ization Act for Fiscal Year 2000 (Public Law 106–65; 113  
20 Stat. 723) is repealed.

21 **SEC. 902. OVERALL SUPERVISION OF DEPARTMENT OF DE-**  
22 **FENSE ACTIVITIES FOR COMBATING TER-**  
23 **RORISM.**

24 Section 138(b)(4) of title 10, United States Code, is  
25 amended to read as follows:

1           “(4)(A) One of the Assistant Secretaries shall be the  
2 Assistant Secretary of Defense for Special Operations and  
3 Low Intensity Conflict.

4           “(B) The Assistant Secretary shall have the following  
5 duties:

6                   “(i) As the principal duty, to provide overall su-  
7 pervision (including oversight of policy and re-  
8 sources) of special operations activities (as defined  
9 in section 167(j) of this title) and low intensity con-  
10 flict activities of the Department of Defense.

11                   “(ii) To provide overall direction and super-  
12 vision for policy, program planning and execution,  
13 and allocation and use of resources for the activities  
14 of the Department of Defense for combating ter-  
15 rorism, including antiterrorism activities,  
16 counterterrorism activities, terrorism consequences  
17 management activities, and terrorism-related intel-  
18 ligence support activities.

19           “(C) The Assistant Secretary is the principal civilian  
20 adviser to the Secretary of Defense on, and is the principal  
21 official within the senior management of the Department  
22 of Defense (after the Secretary and Deputy Secretary) re-  
23 sponsible for, the following matters:

24                   “(i) Special operations and low intensity con-  
25 flict.

1           “(ii) Combating terrorism.”.

2   **SEC. 903. NATIONAL DEFENSE PANEL 2001.**

3           (a) ESTABLISHMENT.—Not later than March 1,  
4 2001, the Secretary of Defense shall establish a non-  
5 partisan, independent panel to be known as the National  
6 Defense Panel 2001. The Panel shall have the duties set  
7 forth in this section.

8           (b) MEMBERSHIP AND CHAIRMAN.—(1) The Panel  
9 shall be composed of nine members appointed from among  
10 persons in the private sector who are recognized experts  
11 in matters relating to the national security of the United  
12 States, as follows:

13           (A) Three members appointed by the Secretary  
14 of Defense.

15           (B) Three members appointed by the Chairman  
16 of the Committee on Armed Services of the Senate,  
17 in consultation with the ranking member of the com-  
18 mittee.

19           (C) Three members appointed by the Chairman  
20 of the Committee on Armed Services of the House  
21 of Representatives, in consultation with the ranking  
22 member of the committee.

23           (2) The Secretary of Defense, in consultation with  
24 the chairmen and ranking members of the Committees on  
25 Armed Services of the Senate and the House of Represent-

1 atives, shall designate one of the members to serve as the  
2 chairman of the Panel.

3 (c) DUTIES.—(1) The Panel shall—

4 (A) assess the matters referred to in paragraph  
5 (2);

6 (B) assess the current and projected strategic  
7 environment, together with the progress made by the  
8 Armed Forces in transforming to meet that environ-  
9 ment;

10 (C) identify the most dangerous threats to the  
11 national security interests of the United States that  
12 are to be countered by the United States in the en-  
13 suing 10 years and those that are to be encountered  
14 in the ensuing 20 years;

15 (D) identify the strategic and operational chal-  
16 lenges for the Armed Forces to address in order to  
17 prepare to counter the threats identified under sub-  
18 paragraph (C);

19 (E) develop—

20 (i) a recommendation on the priority that  
21 should be accorded to each of the strategic and  
22 operational challenges identified under subpara-  
23 graph (D); and

24 (ii) a recommendation on the priority that  
25 should be accorded to the development of each

1 joint capability needed to meet each such chal-  
2 lenge; and

3 (F) identify the issues that the Panel rec-  
4 ommends for assessment during the next quadren-  
5 nial review to be conducted under section 118 of  
6 title 10, United States Code.

7 (2) The matters to be assessed under paragraph  
8 (1)(A) are the defense strategy, force structure, force  
9 modernization plans, infrastructure, budget plan, and  
10 other elements of the defense program and policies estab-  
11 lished since the quadrennial defense review conducted in  
12 1996.

13 (3) The Panel shall conduct the assessments under  
14 paragraph (1) with a view toward recommending—

15 (A) the most critical changes that should be  
16 made to the defense strategy of the United States  
17 for the ensuing 10 years and the most critical  
18 changes that should be made to the defense strategy  
19 of the United States for the ensuing 20 years; and

20 (B) any changes considered appropriate by the  
21 Panel regarding the major weapon systems pro-  
22 grammed for the force, including any alternatives to  
23 those weapon systems.

24 (d) REPORT.—(1) The Panel shall submit to the Sec-  
25 retary of Defense and to the Committees on Armed Serv-

1 ices of the Senate and the House of Representatives two  
2 reports on the assessment, including a discussion of the  
3 Panel's activities, the findings and recommendations of  
4 the Panel, and any recommendations for legislation that  
5 the Panel considers appropriate, as follows:

6           (A) An interim report not later than July 1,  
7           2001.

8           (B) A final report not later than December 1,  
9           2001.

10          (2) Not later than December 15, 2001, the Secretary  
11 shall transmit to the committees referred to in paragraph  
12 (1) the Secretary's comments on the final report sub-  
13 mitted to the committees under subparagraph (B) of that  
14 paragraph.

15          (e) INFORMATION FROM FEDERAL AGENCIES.—The  
16 Panel may secure directly from the Department of De-  
17 fense and any of its components and from any other de-  
18 partment and agency of the United States such informa-  
19 tion as the Panel considers necessary to carry out its du-  
20 ties under this section. The head of the department or  
21 agency concerned shall ensure that information requested  
22 by the Panel under this subsection is promptly provided.

23          (f) PERSONNEL MATTERS.—(1) Each member of the  
24 Panel shall be compensated at a rate equal to the daily  
25 equivalent of the annual rate of basic pay prescribed for

1 level IV of the Executive Schedule under section 5315 of  
2 title 5, United States Code, for each day (including travel  
3 time) during which the member is engaged in the perform-  
4 ance of the duties of the Panel.

5 (2) The members of the Panel shall be allowed travel  
6 expenses, including per diem in lieu of subsistence, at  
7 rates authorized for employees of agencies under sub-  
8 chapter I of chapter 57 of title 5, United States Code,  
9 while away from their homes or regular places of business  
10 in the performance of services for the Panel.

11 (3)(A) The chairman of the Panel may, without re-  
12 gard to the civil service laws and regulations, appoint and  
13 terminate an executive director and a staff if the Panel  
14 determines that an executive director and staff are nec-  
15 essary in order for the Panel to perform its duties effec-  
16 tively. The employment of an executive director shall be  
17 subject to confirmation by the Panel.

18 (B) The chairman may fix the compensation of the  
19 executive director without regard to the provisions of  
20 chapter 51 and subchapter III of chapter 53 of title 5,  
21 United States Code, relating to classification of positions  
22 and General Schedule pay rates, except that the rate of  
23 pay for the executive director may not exceed the rate pay-  
24 able for level V of the Executive Schedule under section  
25 5316 of such title.

1           (4) Any employee of the United States may be de-  
2 tailed to the Panel without reimbursement of the employ-  
3 ee's agency, and such detail shall be without interruption  
4 or loss of civil service status or privilege. The Secretary  
5 shall ensure that sufficient personnel are detailed to the  
6 Panel to enable the Panel to carry out its duties effec-  
7 tively.

8           (5) To the maximum extent practicable, the members  
9 and employees of the Panel shall travel on military air-  
10 craft, military ships, military vehicles, or other military  
11 conveyances when travel is necessary in the performance  
12 of a duty of the Panel, except that no such aircraft, ship,  
13 vehicle, or other conveyance may be scheduled primarily  
14 for the transportation of any such member or employee  
15 when the cost of commercial transportation is less expen-  
16 sive.

17           (g) ADMINISTRATIVE PROVISIONS.—(1) The Panel  
18 may use the United States mails and obtain printing and  
19 binding services in the same manner and under the same  
20 conditions as other departments and agencies of the Fed-  
21 eral Government.

22           (2) The Secretary shall furnish the Panel any admin-  
23 istrative and support services requested by the Panel.

24           (3) The Panel may accept, use, and dispose of gifts  
25 or donations of services or property.



1           (h) PAYMENT OF PANEL EXPENSES.—The com-  
2   pensation, travel expenses, and per diem allowances of  
3   members and employees of the Panel shall be paid out of  
4   funds available to the Department of Defense for the pay-  
5   ment of compensation, travel allowances, and per diem al-  
6   lowances, respectively, of civilian employees of the Depart-  
7   ment. The other expenses of the Panel shall be paid out  
8   of funds available to the Department for the payment of  
9   similar expenses incurred by the Department.

10          (i) TERMINATION.—The Panel shall terminate at the  
11   end of the year following the year in which the Panel sub-  
12   mits its final report under subsection (d)(1)(B). For the  
13   period that begins 90 days after the date of submittal of  
14   the report, the activities and staff of the panel shall be  
15   reduced to a level that the Secretary of Defense considers  
16   sufficient to continue the availability of the panel for con-  
17   sultation with the Secretary of Defense and with the Com-  
18   mittees on Armed Services of the Senate and the House  
19   of Representatives.

20   **SEC. 904. QUADRENNIAL NATIONAL DEFENSE PANEL.**

21          (a) NATIONAL DEFENSE PANEL.—(1) Chapter 7 of  
22   title 10, United States Code, is amended by adding at the  
23   end the following:

1 **“§ 184. National Defense Panel**

2       “(a) ESTABLISHMENT.—Not later than January 1 of  
3 each year immediately preceding a year in which a Presi-  
4 dent is to be inaugurated, the Secretary of Defense shall  
5 establish a nonpartisan, independent panel to be known  
6 as the National Defense Panel. The Panel shall have the  
7 duties set forth in this section.

8       “(b) MEMBERSHIP AND CHAIRMAN.—(1) The Panel  
9 shall be composed of nine members appointed from among  
10 persons in the private sector who are recognized experts  
11 in matters relating to the national security of the United  
12 States, as follows:

13           “(A) Three members appointed by the Sec-  
14 retary of Defense.

15           “(B) Three members appointed by the Chair-  
16 man of the Committee on Armed Services of the  
17 Senate, in consultation with the ranking member of  
18 the committee.

19           “(C) Three members appointed by the Chair-  
20 man of the Committee on Armed Services of the  
21 House of Representatives, in consultation with the  
22 ranking member of the committee.

23       “(2) The Secretary of Defense, in consultation with  
24 the chairmen and ranking members of the Committees on  
25 Armed Services of the Senate and the House of Represent-

1 atives, shall designate one of the members to serve as the  
2 chairman of the Panel

3 “(c) DUTIES.—(1) The Panel shall—

4 “(A) assess the matters referred to in para-  
5 graph (2);

6 “(B) assess the current and projected strategic  
7 environment, together with the progress made by the  
8 armed forces in transforming to meet the environ-  
9 ment;

10 “(C) identify the most dangerous threats to the  
11 national security interests of the United States that  
12 are to be countered by the United States in the en-  
13 suing 10 years and those that are to be encountered  
14 in the ensuing 20 years;

15 “(D) identify the strategic and operational chal-  
16 lenges for the armed forces to address in order to  
17 prepare to counter the threats identified under sub-  
18 paragraph (C);

19 “(E) develop—

20 “(i) a recommendation on the priority that  
21 should be accorded to each of the strategic and  
22 operational challenges identified under subpara-  
23 graph (D); and

24 “(ii) a recommendation on the priority that  
25 should be accorded to the development of each

1 joint capability needed to meet each such chal-  
2 lenge; and

3 “(F) identify the issues that the Panel rec-  
4 ommends for assessment during the next quadren-  
5 nial review to be conducted under section 118 of this  
6 title.

7 “(2) The matters to be assessed under paragraph  
8 (1)(A) are the defense strategy, force structure, force  
9 modernization plans, infrastructure, budget plan, and  
10 other elements of the defense program and policies estab-  
11 lished since the previous quadrennial defense review under  
12 section 118 of this title.

13 “(3) The Panel shall conduct the assessments under  
14 paragraph (1) with a view toward recommending—

15 “(A) the most critical changes that should be  
16 made to the defense strategy of the United States  
17 for the ensuing 10 years and the most critical  
18 changes that should be made to the defense strategy  
19 of the United States for the ensuing 20 years; and

20 “(B) any changes considered appropriate by the  
21 Panel regarding the major weapon systems pro-  
22 grammed for the force, including any alternatives to  
23 those weapon systems.

24 “(d) REPORT.—(1) The Panel, in the year that it is  
25 conducting an assessment under subsection (c), shall sub-

1 mit to the Secretary of Defense and to the Committees  
2 on Armed Services of the Senate and the House of Rep-  
3 resentatives two reports on the assessment, including a  
4 discussion of the Panel’s activities, the findings and rec-  
5 ommendations of the Panel, and any recommendations for  
6 legislation that the Panel considers appropriate, as fol-  
7 lows:

8           “(A) An interim report not later than July 1 of  
9           the year.

10           “(B) A final report not later than December 1  
11           of the year.

12           “(2) Not later than December 15 of the year in which  
13 the Secretary receives a final report under paragraph  
14 (1)(B), the Secretary shall submit to the committees re-  
15 ferred to in paragraph (1) the Secretary’s comments on  
16 that report.

17           “(e) INFORMATION FROM FEDERAL AGENCIES.—  
18 The Panel may secure directly from the Department of  
19 Defense and any of its components and from any other  
20 department or agency of the United States any informa-  
21 tion that the Panel considers necessary to carry out its  
22 duties under this section. The head of that department  
23 or agency shall ensure that information requested by the  
24 Panel under this subsection is promptly provided.

1       “(f) PERSONNEL MATTERS.—(1) Each member of  
2 the Panel shall be compensated at a rate equal to the daily  
3 equivalent of the annual rate of basic pay prescribed for  
4 level IV of the Executive Schedule under section 5315 of  
5 title 5 for each day (including travel time) during which  
6 the member is engaged in the performance of the duties  
7 of the Panel.

8       “(2) The members of the Panel shall be allowed travel  
9 expenses, including per diem in lieu of subsistence, at  
10 rates authorized for employees of agencies under sub-  
11 chapter I of chapter 57 of title 5 while away from their  
12 homes or regular places of business in the performance  
13 of services for the Panel.

14       “(3)(A) The chairman of the Panel may, without re-  
15 gard to the civil service laws and regulations, appoint and  
16 terminate an executive director and a staff if the Panel  
17 determines that an executive director and staff are nec-  
18 essary in order for the Panel to perform its duties effec-  
19 tively. The employment of an executive director shall be  
20 subject to confirmation by the Panel.

21       “(B) The chairman may fix the compensation of the  
22 executive director without regard to the provisions of  
23 chapter 51 and subchapter III of chapter 53 of title 5 re-  
24 lating to classification of positions and General Schedule  
25 pay rates, except that the rate of pay for the executive

1 director may not exceed the rate payable for level V of  
2 the Executive Schedule under section 5316 of such title.

3 “(4) Any Federal Government employee may be de-  
4 tailed to the Panel without reimbursement of the employ-  
5 ee’s agency, and such detail shall be without interruption  
6 or loss of civil service status or privilege. The Secretary  
7 shall ensure that sufficient personnel are detailed to the  
8 Panel to enable the Panel to carry out its duties effec-  
9 tively.

10 “(5) To the maximum extent practicable, the mem-  
11 bers and employees of the Panel shall travel on military  
12 aircraft, military ships, military vehicles, or other military  
13 conveyances when travel is necessary in the performance  
14 of a duty of the Panel, except that no such aircraft, ship,  
15 vehicle, or other conveyance may be scheduled primarily  
16 for the transportation of any such member or employee  
17 when the cost of commercial transportation is less expen-  
18 sive.

19 “(g) ADMINISTRATIVE PROVISIONS.—(1) The Panel  
20 may use the United States mails and obtain printing and  
21 binding services in the same manner and under the same  
22 conditions as other departments and agencies of the Fed-  
23 eral Government.

24 “(2) The Secretary shall furnish the Panel any ad-  
25 ministrative and support services requested by the Panel.

1       “(3) The Panel may accept, use, and dispose of gifts  
2 or donations of services or property.

3       “(h) PAYMENT OF PANEL EXPENSES.—The com-  
4 pensation, travel expenses, and per diem allowances of  
5 members and employees of the Panel shall be paid out of  
6 funds available to the Department of Defense for the pay-  
7 ment of compensation, travel allowances, and per diem al-  
8 lowances, respectively, of civilian employees of the Depart-  
9 ment. The other expenses of the Panel shall be paid out  
10 of funds available to the Department for the payment of  
11 similar expenses incurred by the Department.

12       “(i) TERMINATION.—The Panel shall terminate at  
13 the end of the year following the year in which the Panel  
14 submits its final report under subsection (d)(1)(B). For  
15 the period that begins 90 days after the date of submittal  
16 of the report, the activities and staff of the panel shall  
17 be reduced to a level that the Secretary of Defense con-  
18 sidered sufficient to continue the availability of the Panel  
19 for consultation with the Secretary of Defense and with  
20 the Committees on Armed Services of the Senate and the  
21 House of Representatives.”.

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

“184. National Defense Panel.”.

24       (b) FIRST PANEL TO BE ESTABLISHED IN 2004.—  
25 The first National Defense Panel under section 184 of



1 title 10, United States Code (as added by subsection (a)),  
2 shall be established in 2004.

3 **SEC. 905. INSPECTOR GENERAL INVESTIGATIONS OF PRO-**  
4 **HIBITED PERSONNEL ACTIONS.**

5 (a) STANDARDS AND PROCEDURES FOR PRELIMI-  
6 NARY DETERMINATIONS.—Subsection (c)(3)(A) of section  
7 1034 of title 10, United States Code, is amended by in-  
8 serting “, in accordance with regulations prescribed under  
9 subsection (h),” after “shall expeditiously determine”.

10 (b) DEFINITION OF INSPECTOR GENERAL.—Sub-  
11 section (i)(2) of such section is amended by adding at the  
12 end the following:

13 “(H) An officer of the armed forces or em-  
14 ployee of the Department of Defense, not re-  
15 ferred to in any other subparagraph of this  
16 paragraph, who is assigned or detailed to serve  
17 as an Inspector General at any level in the De-  
18 partment of Defense.”.

19 **SEC. 906. NETWORK CENTRIC WARFARE.**

20 (a) GOAL.—It shall be a goal of the Department of  
21 Defense to fully coordinate the network centric warfare  
22 efforts being pursued by the Joint Chiefs of Staff, the De-  
23 fense Agencies, and the military departments so that (1)  
24 the concepts, procedures, training, and technology devel-  
25 opment resulting from those efforts lead to an integrated

1 information network, and (2) a coherent concept for ena-  
2 bling information dominance in joint military operations  
3 can be formulated.

4 (b) REPORT ON IMPLEMENTATION OF NETWORK  
5 CENTRIC WARFARE PRINCIPLES.—(1) The Secretary of  
6 Defense, in consultation with the Chairman of the Joint  
7 Chiefs of Staff, shall submit to the congressional defense  
8 committees a report on the development and implementa-  
9 tion of network centric warfare concepts in the Depart-  
10 ment of Defense.

11 (2) The report shall contain the following:

12 (A) A clear definition and terminology to de-  
13 scribe the set of operational concepts referred to as  
14 network centric warfare.

15 (B) An identification and description of cur-  
16 rent, planned, and needed activities by the Office of  
17 the Secretary of Defense, the Joint Chiefs of Staff,  
18 and the United States Joint Forces Command to co-  
19 ordinate the development of doctrine and the defini-  
20 tion of requirements and to ensure that those activi-  
21 ties are consistent with the concepts of network cen-  
22 tric warfare and information superiority that are ar-  
23 ticulated in Joint Vision 2010 issued by the Joint  
24 Chiefs of Staff.

1 (C) Recommended metrics, and a process for  
2 applying and reporting such metrics, to assist the  
3 Secretary of Defense and the Chairman of the Joint  
4 Chiefs of Staff in the evaluation of the progress  
5 being made toward—

6 (i) the implementation of the concepts of  
7 network centric warfare and information superi-  
8 ority that are articulated in Joint Vision 2010;  
9 and

10 (ii) the attainment of a fully integrated,  
11 joint command, control, communications, com-  
12 puters, intelligence, surveillance, and reconnais-  
13 sance capability.

14 (D) A recommended joint concept development  
15 and experimentation campaign for enabling the co-  
16 evolution of doctrine, organization, training, mate-  
17 riel, leadership, people, and facilities that are perti-  
18 nent to achieving advances in command and control  
19 consistent with the concepts of network centric war-  
20 fare and information superiority articulated in those  
21 vision statements.

22 (E) A description of the programs and initia-  
23 tives underway, together with a discussion of the  
24 progress made (as determined using metrics rec-  
25 ommended under subparagraph (C)) toward—

1           (i) establishing a foundation for net-  
2 working the sensors, combat personnel and  
3 weapon systems, and decisionmaking nodes to  
4 ensure that there is seamless communication  
5 within each of the Armed Forces and across the  
6 Armed Forces;

7           (ii) achieving, within and between the  
8 Armed Forces, full situational awareness of the  
9 dispositions of friendly forces so that joint task  
10 forces can operate effectively on fast-changing  
11 battlefields with substantially reduced risk of  
12 fratricide and less restrictive control measures;  
13 and

14           (iii) ensuring a seamless delivery of fire on  
15 targets by the Armed Forces and allied forces,  
16 with particular attention being given in that  
17 discussion to how networking of surface and  
18 aerial fire delivery and aerial transport assets  
19 can be exploited to manage theater airspace so  
20 as to minimize the coordination steps necessary  
21 for obtaining fire clearance or aerial transit  
22 clearance.

23           (F) An identification of the additional powers  
24 that must be provided the officials making joint pol-  
25 icy for the Armed Forces in order to ensure that

1 those officials have sufficient authority quickly to de-  
2 velop and implement means for supporting network  
3 centric warfare, including such means as interoper-  
4 able intranets of the Armed Forces and joint and al-  
5 lied interoperability standards for the joint operating  
6 environment.

7 (G) The areas of joint authority that require  
8 greater emphasis or resource allocation.

9 (H) The specific organizational entities that can  
10 provide coordination for the development of network  
11 centric warfare systems and doctrine.

12 (I) The joint requirements under development  
13 that will lead to the acquisition of technologies for  
14 enabling the implementation and support of network  
15 centric warfare, together with—

16 (i) a description of how the joint require-  
17 ments are modifying existing requirements and  
18 vision statements of each of the Armed Forces  
19 to better reflect the joint nature of network cen-  
20 tric warfare;

21 (ii) a description of how the vision state-  
22 ments are being expanded to reflect the role of  
23 network centric warfare concepts in future coa-  
24 lition operations and operations other than war;  
25 and

1           (iii) an evaluation of whether there is a  
2           need to modify the milestone decision processes  
3           for all acquisition programs that directly affect  
4           joint task force interoperability and interoper-  
5           ability between the Armed Forces.

6           (J) A discussion of how the efforts within the  
7           Department of Defense to implement information  
8           superiority concepts described in Joint Vision 2010  
9           are informed by private sector investments, and suc-  
10          cesses and failures, in implementing networking  
11          technologies that enhance distribution, inventory  
12          control, maintenance management, personnel man-  
13          agement, knowledge management, technology devel-  
14          opment, and other relevant business areas.

15          (K) A discussion of how Department of Defense  
16          activities to establish a joint network centric  
17          capability—

18               (i) are coordinated with the Intelligence  
19               Community, the Department of Commerce, the  
20               Department of Justice, the Federal Emergency  
21               Management Agency, and other departments  
22               and agencies of the United States; and

23               (ii) are carried out in accordance with  
24               Presidential Decision Directive 63 and the Na-  
25               tional Plan for Information Systems Protection.

1           (c) STUDY ON USE OF JOINT EXPERIMENTATION  
2 FOR DEVELOPING NETWORK CENTRIC WARFARE CON-  
3 CEPTS.—(1) The Secretary of Defense shall conduct a  
4 study on the present and future use of the joint experi-  
5 mentation program of the Department of Defense in the  
6 development of network centric warfare concepts.

7           (2) The Secretary shall submit to the congressional  
8 defense committees a report on the results of the study.  
9 The report shall include the following:

10           (A) A survey and description of how experimen-  
11 tation under the joint experimentation program and  
12 experimentation under the experimentation program  
13 of each of the Armed Forces are being used for eval-  
14 uating emerging concepts in network centric war-  
15 fare.

16           (B) Recommended means and mechanisms for  
17 using the results of the joint experimentation for de-  
18 veloping new joint requirements, new joint doctrine,  
19 and new acquisition programs of the military depart-  
20 ments and Defense Agencies with a view to achiev-  
21 ing the objective of supporting network centric oper-  
22 ations.

23           (C) Recommendations on future joint experi-  
24 mentation to validate and accelerate the use of net-

1 work centric warfare concepts in operations involving  
2 coalition forces.

3 (D) Recommendations on how joint experimen-  
4 tation can be used to identify impediments to—

5 (i) the development of a joint information  
6 network; and

7 (ii) the seamless coordination of the  
8 intranet systems of each of the Armed Forces  
9 in operational environments.

10 (E) Recommendations on how joint experimen-  
11 tation can be used to develop concepts in revolu-  
12 tionary force redesign to leverage new operational  
13 concepts in network centric warfare.

14 (F) The levels of appropriations necessary for  
15 joint experimentation on network-related concepts.

16 (3) The Secretary of Defense, acting through the  
17 Chairman of the Joint Chiefs of Staff, shall designate the  
18 Commander in Chief of the United States Joint Forces  
19 Command to carry out the study and to prepare the report  
20 required under this subsection.

21 (d) REPORT ON SCIENCE AND TECHNOLOGY PRO-  
22 GRAMS TO SUPPORT NETWORK CENTRIC WARFARE CON-  
23 CEPTS.—(1) The Under Secretary of Defense for Acquisi-  
24 tion, Technology, and Logistics shall submit to the con-  
25 gressional defense committees a report describing the co-



1 ordination of the science and technology investments of  
2 the military departments and Defense Agencies in the de-  
3 velopment of future joint network centric warfare capabili-  
4 ties. The Under Secretary shall consult with the Chairman  
5 of the Joint Chiefs of Staff in the preparation of the re-  
6 port.

7 (2) The report shall include the following:

8 (A) A discussion of the science and technology  
9 investments in the following areas:

10 (i) Sensors, including ground-based, air-  
11 based, sea-based, and space-based inhabited  
12 and uninhabited systems.

13 (ii) Seamless communications and net-  
14 working protocols and technologies.

15 (iii) Modeling and simulation of tech-  
16 nologies and operational concepts.

17 (iv) Secure and reliable information net-  
18 works and databases.

19 (v) Computing and software technology.

20 (vi) Robust human-machine interfaces.

21 (vii) Novel training concepts for supporting  
22 network centric operations.

23 (B) For the areas listed in subparagraph (A)—

1 (i) a rationalization of the rapid pace of  
2 technological change and the influence of global  
3 developments in commercial technology; and

4 (ii) an explanation of how that rationaliza-  
5 tion is informing and modifying science and  
6 technology investments made by the Depart-  
7 ment of Defense.

8 (e) TIME FOR SUBMISSION OF REPORTS.—Each re-  
9 port required under this section shall be submitted not  
10 later than March 1, 2001.

11 **SEC. 907. ADDITIONAL DUTIES FOR THE COMMISSION TO**  
12 **ASSESS UNITED STATES NATIONAL SECURITY**  
13 **SPACE MANAGEMENT AND ORGANIZATION.**

14 Section 1622(a) of the National Defense Authoriza-  
15 tion Act for Fiscal Year 2000 (Public Law 106–65; 113  
16 Stat. 814; 10 U.S.C. 111 note) is amended by adding at  
17 the end the following:

18 “(6) The advisability of—

19 “(A) various actions to eliminate the re-  
20 quirement for specified officers in the United  
21 States Space Command to be flight rated that  
22 results from the dual assignment of such offi-  
23 cers to that command and to one or more other  
24 commands for which the officers are expressly  
25 required to be flight rated;

1           “(B) the establishment of a requirement  
2           that all new general or flag officers of the  
3           United States Space Command have experience  
4           in space, missile, or information operations that  
5           is either acquisition experience or operational  
6           experience; and

7           “(C) rotating the command of the United  
8           States Space Command among the Armed  
9           Forces.”.

10 **SEC. 908. SPECIAL AUTHORITY FOR ADMINISTRATION OF**  
11 **NAVY FISHER HOUSES.**

12           (a) **BASE OPERATING SUPPORT.**—Section 2493 of  
13 title 10, United States Code, is amended—

14           (1) by redesignating subsection (f) as sub-  
15           section (g); and

16           (2) by inserting after subsection (e) the fol-  
17           lowing new subsection (f):

18           “(f) **SPECIAL AUTHORITY FOR NAVY.**—The Sec-  
19           retary of the Navy shall provide base operating support  
20           for Fisher Houses associated with health care facilities of  
21           the Navy. The level of the support shall be equivalent to  
22           the base operating support that the Secretary provides for  
23           morale, welfare, and recreation category B community ac-  
24           tivities (as defined in regulations, prescribed by the Sec-

1 retary, that govern morale, welfare, and recreation activi-  
2 ties associated with Navy installations).”.

3 (b) SAVINGS PROVISIONS FOR CERTAIN NAVY EM-  
4 PLOYEES.—(1) The Secretary of the Navy may continue  
5 to employ, and pay out of appropriated funds, any em-  
6 ployee of the Navy in the competitive service who, as of  
7 October 17, 1998, was employed by the Navy in a position  
8 at a Fisher House administered by the Navy, but only for  
9 so long as the employee is continuously employed in that  
10 position.

11 (2) After a person vacates a position in which the  
12 person was continued to be employed under the authority  
13 of paragraph (1), a person employed in that position shall  
14 be employed as an employee of a nonappropriated fund  
15 instrumentality of the United States and may not be paid  
16 for services in that position out of appropriated funds.

17 (3) In this subsection:

18 (A) The term “Fisher House” has the meaning  
19 given the term in section 2493(a)(1) of title 10,  
20 United States Code.

21 (B) The term “competitive service” has the  
22 meaning given the term in section 2102 of title 5,  
23 United States Code.

24 (c) EFFECTIVE DATE.—(1) The amendments made  
25 by subsection (a) shall be effective as of October 17, 1998,

1 as if included in section 2493 of title 10, United States  
 2 Code, as enacted by section 906(a) of Public Law 105–  
 3 261.

4 (2) Subsection (b) applies with respect to the pay pe-  
 5 riod that includes October 17, 1998, and subsequent pay  
 6 periods.

7 **SEC. 909. ORGANIZATION AND MANAGEMENT OF THE CIVIL**  
 8 **AIR PATROL.**

9 (a) IN GENERAL.—Chapter 909 of title 10, United  
 10 States Code, is amended to read as follow:

11 **“CHAPTER 909—CIVIL AIR**  
 12 **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.

13 **“§ 9441. Status as federally chartered corporation;**  
 14 **purposes**

15 “(a) STATUS.—(1) The Civil Air Patrol is a nonprofit  
 16 corporation that is federally chartered under section  
 17 40301 of title 36.

18 “(2) Except as provided in section 9442(b)(2) of this  
 19 title, the Civil Air Patrol is not an instrumentality of the  
 20 Federal Government for any purpose.

1           “(b) PURPOSES.—The purposes of the Civil Air Pa-  
2 trol are set forth in section 40302 of title 36.

3           **“§ 9442. Status as volunteer civilian auxiliary of the**  
4   **Air Force**

5           “(a) VOLUNTEER CIVILIAN AUXILIARY.—The Civil  
6 Air Patrol is a volunteer civilian auxiliary of the Air Force  
7 when the services of the Civil Air Patrol are used by any  
8 department or agency in any branch of the Federal Gov-  
9 ernment.

10          “(b) USE BY AIR FORCE.—(1) The Secretary of the  
11 Air Force may use the services of the Civil Air Patrol to  
12 fulfill the noncombat programs and missions of the De-  
13 partment of the Air Force.

14          “(2) The Civil Air Patrol shall be deemed to be an  
15 instrumentality of the United States with respect to any  
16 act or omission of the Civil Air Patrol, including any mem-  
17 ber of the Civil Air Patrol, in carrying out a mission as-  
18 signed by the Secretary of the Air Force.

19           **“§ 9443. Activities not performed as auxiliary of the**  
20   **Air Force**

21          “(a) SUPPORT FOR STATE AND LOCAL AUTHORI-  
22 TIES.—The Civil Air Patrol may, in its status as a feder-  
23 ally chartered nonprofit corporation and not as an auxil-  
24 iary of the Air Force, provide assistance requested by  
25 State or local governmental authorities to perform disaster

1 relief missions and activities, other emergency missions  
2 and activities, and nonemergency missions and activities.  
3 Missions and activities carried out under this section shall  
4 be consistent with the purposes of the Civil Air Patrol.

5 “(b) USE OF FEDERALLY PROVIDED RESOURCES.—

6 (1) To perform any mission or activity authorized under  
7 subsection (a), the Civil Air Patrol may use any equip-  
8 ment, supplies, and other resources provided to it by the  
9 Air Force or by any other department or agency of the  
10 Federal Government or acquired by or for the Civil Air  
11 Patrol with appropriated funds, without regard to whether  
12 the Civil Air Patrol has reimbursed the Federal Govern-  
13 ment source for the equipment, supplies, other resources,  
14 or funds, as the case may be.

15 “(2) The use of equipment, supplies, or other re-  
16 sources under paragraph (1) is subject to—

17 “(A) the terms and conditions of the applicable  
18 agreement entered into under chapter 63 of title 31;  
19 and

20 “(B) the laws and regulations that govern the  
21 use by nonprofit corporations of federally provided  
22 assets or of assets purchased with appropriated  
23 funds, as the case may be.

24 “(c) AUTHORITY NOT CONTINGENT ON REIMBURSE-  
25 MENT.—The authority for the Civil Air Patrol to provide

1 assistance under this section is not contingent on the Civil  
2 Air Patrol being reimbursed for the cost of providing the  
3 assistance. If the Civil Air Patrol requires reimbursement  
4 for the provision of any such assistance, the Civil Air Pa-  
5 trol may establish the reimbursement rate for the assist-  
6 ance at a rate less than the rate charged by private sector  
7 sources for equivalent services.

8 “(d) LIABILITY INSURANCE.—The Secretary of the  
9 Air Force may provide the Civil Air Patrol with funds for  
10 paying the cost of liability insurance for missions and ac-  
11 tivities carried out under this section.

12 **“§ 9444. Activities performed as auxiliary of the Air**  
13 **Force**

14 “(a) AIR FORCE SUPPORT FOR ACTIVITIES.—The  
15 Secretary of the Air Force may furnish to the Civil Air  
16 Patrol in accordance with this section any equipment, sup-  
17 plies, and other resources that the Secretary determines  
18 necessary to enable the Civil Air Patrol to fulfill the mis-  
19 sions assigned by the Secretary to the Civil Air Patrol as  
20 an auxiliary of the Air Force.

21 “(b) FORMS OF AIR FORCE SUPPORT.—The Sec-  
22 retary of the Air Force may, under subsection (a)—

23 “(1) give, lend, or sell to the Civil Air Patrol  
24 without regard to the Federal Property and Admin-



1        Administrative Services Act of 1949 (40 U.S.C. 471 et  
2        seq.)—

3                “(A) major items of equipment (including  
4                aircraft, motor vehicles, computers, and com-  
5                munications equipment) that are excess to the  
6                military departments; and

7                “(B) necessary related supplies and train-  
8                ing aids that are excess to the military depart-  
9                ments;

10              “(2) permit the use, with or without charge, of  
11              services and facilities of the Air Force;

12              “(3) furnish supplies (including fuel, lubricants,  
13              and other items required for vehicle and aircraft op-  
14              erations) or provide funds for the acquisition of sup-  
15              plies;

16              “(4) establish, maintain, and supply liaison offi-  
17              cers of the Air Force at the national, regional, State,  
18              and territorial headquarters of the Civil Air Patrol;

19              “(5) detail or assign any member of the Air  
20              Force or any officer, employee, or contractor of the  
21              Department of the Air Force to any liaison office at  
22              the national, regional, State, or territorial head-  
23              quarters of the Civil Air Patrol;

24              “(6) detail any member of the Air Force or any  
25              officer, employee, or contractor of the Department of

1 the Air Force to any unit or installation of the Civil  
2 Air Patrol to assist in the training programs of the  
3 Civil Air Patrol;

4 “(7) authorize the payment of travel expenses  
5 and allowances, at rates not to exceed those paid to  
6 employees of the Federal Government under sub-  
7 chapter I of chapter 57 of title 5, to members of the  
8 Civil Air Patrol while the members are carrying out  
9 programs or missions specifically assigned by the Air  
10 Force;

11 “(8) provide funds for the national head-  
12 quarters of the Civil Air Patrol, including—

13 “(A) funds for the payment of staff com-  
14 pensation and benefits, administrative expenses,  
15 travel, per diem and allowances, rent, utilities,  
16 other operational expenses of the national head-  
17 quarters; and

18 “(B) to the extent considered necessary by  
19 the Secretary of the Air Force to fulfill Air  
20 Force requirements, funds for the payment of  
21 compensation and benefits for key staff at re-  
22 gional, State, or territorial headquarters;

23 “(9) authorize the payment of expenses of plac-  
24 ing into serviceable condition, improving, and main-  
25 taining equipment (including aircraft, motor vehi-

1       cles, computers, and communications equipment)  
2       owned or leased by the Civil Air Patrol;

3           “(10) provide funds for the lease or purchase of  
4       items of equipment that the Secretary determines  
5       necessary for the Civil Air Patrol;

6           “(11) support the Civil Air Patrol cadet pro-  
7       gram by furnishing—

8           “(A) articles of the Air Force uniform to  
9       cadets without cost; and

10          “(B) any other support that the Secretary  
11       of the Air Force determines is consistent with  
12       Air Force missions and objectives; and

13          “(12) provide support, including appropriated  
14       funds, for the Civil Air Patrol aerospace education  
15       program to the extent that the Secretary of the Air  
16       Force determines appropriate for furthering the ful-  
17       fillment of Air Force missions and objectives.

18       “(c) ASSISTANCE BY OTHER AGENCIES.—(1) The  
19       Secretary of the Air Force may arrange for the use by  
20       the Civil Air Patrol of such facilities and services under  
21       the jurisdiction of the Secretary of the Army, the Sec-  
22       retary of the Navy, or the head of any other department  
23       or agency of the United States as the Secretary of the  
24       Air Force considers to be needed by the Civil Air Patrol  
25       to carry out its mission.

1       “(2) An arrangement for use of facilities or services  
2 of a military department or other department or agency  
3 under this subsection shall be subject to the agreement  
4 of the Secretary of the military department or head of the  
5 other department or agency, as the case may be.

6       “(3) Each arrangement under this subsection shall be  
7 made in accordance with regulations prescribed under sec-  
8 tion 9448 of this title.

9       **“§ 9445. Funds appropriated for the Civil Air Patrol**

10       “Funds appropriated for the Civil Air Patrol shall be  
11 available only for the exclusive use of the Civil Air Patrol.

12       **“§ 9446. Miscellaneous personnel authorities**

13       “(a) USE OF RETIRED AIR FORCE PERSONNEL.—

14       (1) Upon the request of a person retired from service in  
15 the Air Force, the Secretary of the Air Force may enter  
16 into a personal services contract with that person pro-  
17 viding for the person to serve as an administrator or liai-  
18 son officer for the Civil Air Patrol. The qualifications of  
19 a person to provide the services shall be determined and  
20 approved in accordance with regulations prescribed under  
21 section 9448 of this title.

22       “(2) To the extent provided in a contract under para-  
23 graph (1), a person providing services under the contract  
24 may accept services on behalf of the Air Force.

1       “(3) A person, while providing services under a con-  
2 tract authorized under paragraph (1), may not be consid-  
3 ered to be on active duty or inactive-duty training for any  
4 purpose.

5       “(b) USE OF CIVIL AIR PATROL CHAPLAINS.—The  
6 Secretary of the Air Force may use the services of Civil  
7 Air Patrol chaplains in support of the Air Force active  
8 duty and reserve component forces to the extent and under  
9 conditions that the Secretary determines appropriate.

10 **“§ 9447. Board of Governors**

11       “(a) GOVERNING BODY.—The Board of Governors of  
12 the Civil Air Patrol is the governing body of the Civil Air  
13 Patrol.

14       “(b) COMPOSITION.—The Board of Governors is  
15 composed of 13 members as follows:

16               “(1) Four members appointed by the Secretary  
17 of the Air Force, who may be active or retired offi-  
18 cers of the Air Force (including reserve components  
19 of the Air Force), employees of the Federal Govern-  
20 ment, or private citizens.

21               “(2) Four members of the Civil Air Patrol,  
22 elected from among the members of the Civil Air  
23 Patrol in the manner provided in regulations pre-  
24 scribed under section 9448 of this title.

1           “(3) Three members appointed or selected as  
2           provided in subsection (c) from among personnel of  
3           any Federal Government agencies, public corpora-  
4           tions, nonprofit associations, and other organizations  
5           that have an interest and expertise in civil aviation  
6           and the Civil Air Patrol mission.

7           “(4) One member appointed by the Majority  
8           Leader of the Senate.

9           “(5) One member appointed by the Speaker of  
10          the House of Representatives.

11          “(c) APPOINTMENTS FROM INTERESTED ORGANIZA-  
12          TIONS.—(1) Subject to paragraph (2), the members of the  
13          Board of Governors referred to in subsection (b)(3) shall  
14          be appointed jointly by the Secretary of the Air Force and  
15          the National Commander of the Civil Air Patrol.

16          “(2) Any vacancy in the position of a member re-  
17          ferred to in paragraph (1) that is not filled under that  
18          paragraph within 90 days shall be filled by majority vote  
19          of the other members of the Board.

20          “(d) CHAIRPERSON.—(1) The Chairperson of the  
21          Board of Governors shall be chosen by the members of  
22          the Board of Governors from among the members of the  
23          Board eligible for selection under paragraph (2) and shall  
24          serve for a term of two years.

1           “(2) The position of Chairperson shall be held on a  
2 rotating basis, first by a member of the Board selected  
3 from among those appointed by the Secretary of the Air  
4 Force under paragraph (1) of subsection (b) and then by  
5 a member of the Board selected from among the members  
6 elected by the Civil Air Patrol under paragraph (2) of that  
7 subsection. Upon the expiration of the term of a Chair-  
8 person selected from among the members referred to in  
9 one of those paragraphs, the selection of a successor to  
10 that position shall be made from among the members who  
11 are referred to in the other paragraph.

12           “(e) POWERS.—(1) The Board of Governors shall,  
13 subject to paragraphs (2) and (3), exercise the powers  
14 granted under section 40304 of title 36.

15           “(2) Any exercise by the Board of the power to  
16 amend the constitution or bylaws of the Civil Air Patrol  
17 or to adopt a new constitution or bylaws shall be subject  
18 to the approval of the corporate officers of the Civil Air  
19 Patrol, as those officers are defined in the constitution and  
20 bylaws of the Civil Air Patrol.

21           “(3) Neither the Board of Governors nor any other  
22 component of the Civil Air Patrol may modify or terminate  
23 any requirement or authority set forth in this section.

24           “(f) PERSONAL LIABILITY FOR BREACH OF A FIDU-  
25 CIARY DUTY.—(1) The Board of Governors may, subject

1 to paragraph (2), take such action as is necessary to limit  
2 the personal liability of a member of the Board of Gov-  
3 ernors to the Civil Air Patrol or to any of its members  
4 for monetary damages for a breach of fiduciary duty while  
5 serving as a member of the Board.

6 “(2) The Board may not limit the liability of a mem-  
7 ber of the Board of Governors to the Civil Air Patrol or  
8 to any of its members for monetary damages for any of  
9 the following:

10 “(A) A breach of the member’s duty of loyalty  
11 to the Civil Air Patrol or its members.

12 “(B) Any act or omission that is not in good  
13 faith or that involves intentional misconduct or a  
14 knowing violation of law.

15 “(C) Participation in any transaction from  
16 which the member directly or indirectly derives an  
17 improper personal benefit.

18 “(3) Nothing in this subsection shall be construed as  
19 rendering section 207 or 208 of title 18 inapplicable in  
20 any respect to a member of the Board of Governors who  
21 is a member of the Air Force on active duty, an officer  
22 on a retired list of the Air Force, or an employee of the  
23 Federal Government.

24 “(g) PERSONAL LIABILITY FOR BREACH OF A FIDU-  
25 CIARY DUTY.—(1) Except as provided in paragraph (2),



1 no member of the Board of Governors or officer of the  
2 Civil Air Patrol shall be personally liable for damages for  
3 any injury or death or loss or damage of property resulting  
4 from a tortious act or omission of an employee or member  
5 of the Civil Air Patrol.

6 “(2) Paragraph (1) does not apply to a member of  
7 the Board of Governors or officer of the Civil Air Patrol  
8 for a tortious act or omission in which the member or offi-  
9 cer, as the case may be, was personally involved, whether  
10 in breach of a civil duty or in commission of a criminal  
11 offense.

12 “(3) Nothing in this subsection shall be construed to  
13 restrict the applicability of common law protections and  
14 rights that a member of the Board of Governors or officer  
15 of the Civil Air Patrol may have.

16 “(4) The protections provided under this subsection  
17 are in addition to the protections provided under sub-  
18 section (f).

19 **“§ 9448. Regulations**

20 “(a) **AUTHORITY.**—The Secretary of the Air Force  
21 shall prescribe regulations for the administration of this  
22 chapter.

23 “(b) **REQUIRED REGULATIONS.**—The regulations  
24 shall include the following:

1           “(1) Regulations governing the conduct of the  
2           activities of the Civil Air Patrol when it is per-  
3           forming its duties as a volunteer civilian auxiliary of  
4           the Air Force under section 9442 of this title.

5           “(2) Regulations for providing support by the  
6           Air Force and for arranging assistance by other  
7           agencies under section 9444 of this title.

8           “(3) Regulations governing the qualifications of  
9           retired Air Force personnel to serve as an adminis-  
10          trator or liaison officer for the Civil Air Patrol under  
11          a personal services contract entered into under sec-  
12          tion 9446(a) of this title.

13          “(4) Procedures and requirements for the elec-  
14          tion of members of the Board of Governors under  
15          section 9447(b)(2) of this title.

16          “(c) APPROVAL BY SECRETARY OF DEFENSE.—The  
17          regulations required by subsection (b)(2) shall be subject  
18          to the approval of the Secretary of Defense.”.

19          (b) CONFORMING AMENDMENTS.—(1) Section 40302  
20          of title 36, United States Code, is amended—

21                 (A) by striking “to—” in the matter preceding  
22                 paragraph (1) and inserting “as follows:”;

23                 (B) by inserting “To” after the paragraph des-  
24                 ignation in each of paragraphs (1), (2), (3), and (4);

1 (C) by striking the semicolon at the end of  
2 paragraphs (1)(B) and (2) and inserting a period;

3 (D) by striking “; and” at the end of paragraph  
4 (3) and inserting a period; and

5 (E) by adding at the end the following:

6 “(5) To assist the Department of the Air Force  
7 in fulfilling its noncombat programs and missions.”.

8 (2)(A) Section 40303 of such title is amended—

9 (i) by inserting “(a) MEMBERSHIP.—” before  
10 “Eligibility”; and

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

12 “(b) GOVERNING BODY.—The Civil Air Patrol has a  
13 Board of Governors. The composition and responsibilities  
14 of the Board of Governors are set forth in section 9447  
15 of title 10.”.

16 (B) The heading for such section is amended to read  
17 as follows:

18 “§ 40303. **Membership and governing body**”.

19 (C) The item relating to such section in the table of  
20 sections at the beginning of chapter 403 of title 36, United  
21 States Code, is amended to read as follows:

“40303. Membership and governing body.”.

22 (c) EFFECTIVE DATE.—This section and the amend-  
23 ments made by this section shall take effect on January  
24 1, 2001.

1 **SEC. 910. RESPONSIBILITY FOR THE NATIONAL GUARD**  
2 **CHALLENGE PROGRAM.**

3 (a) SECRETARY OF DEFENSE.—Subsection (a) of  
4 section 509 of title 32, United States Code, is amended  
5 by striking “, acting through the Chief of the National  
6 Guard Bureau,”.

7 (b) CLARIFICATION OF SOURCE OF FEDERAL SUP-  
8 PORT.—Subsection (b) of such section is amended by  
9 striking “Federal expenditures” and inserting “Depart-  
10 ment of Defense expenditures”.

11 (c) REGULATIONS.—Such section is further  
12 amended—

13 (1) by redesignating subsection (l) and sub-  
14 section (m); and

15 (2) by inserting after subsection (k) the fol-  
16 lowing new subsection (l):

17 “(l) REGULATIONS.—The Secretary of Defense shall  
18 prescribe regulations to carry out this section, including  
19 regulations governing the following:

20 “(1) Terms and conditions to be included in  
21 program agreements under subsection (c).

22 “(2) The eligibility requirements for partici-  
23 pation under subsection (e).

24 “(3) The benefits authorized for program par-  
25 ticipants under subsection (f).

1           “(4) The status of National Guard personnel  
2           providing services for the program under subsection  
3           (g).

4           “(5) The use of equipment and facilities of the  
5           National Guard for the program under subsection  
6           (h).

7           “(6) The status of program participants under  
8           subsection (i).

9           “(7) The procedures for communicating be-  
10          tween the Secretary of Defense and States regarding  
11          the program.”.

12 **SEC. 911. SUPERVISORY CONTROL OF ARMED FORCES RE-**  
13 **TIREMENT HOME BOARD BY SECRETARY OF**  
14 **DEFENSE.**

15          (a) BOARD AUTHORITY SUBJECT TO SECRETARY’S  
16 CONTROL.—Section 1516(a) of the Armed Forces Retire-  
17 ment Home Act of 1991 (Public Law 101–510; 24 U.S.C.  
18 416(a)) is amended by inserting after the first sentence  
19 the following: “The Board is subject to the authority, di-  
20 rection, and control of the Secretary of Defense in the per-  
21 formance of its responsibilities.”.

22          (b) APPOINTMENT AND TERMS OF BOARD MEM-  
23 BERS.—Section 1515 of such Act (24 U.S.C. 415) is  
24 amended—

1           (1) in subsection (b), by adding at the end the  
2           following:

3           “An appointment not made by the Secretary of Defense  
4           is subject to the approval of the Secretary of Defense.”;

5           (2) in subsection (e)(3), by striking “Chairman  
6           of the Retirement Home Board” and inserting “Sec-  
7           retary of Defense”; and

8           (3) in subsection (f), by striking “(f) EARLY  
9           EXPIRATION OF TERM.—” and inserting the fol-  
10          lowing:

11          “(f) EARLY TERMINATION.—(1) The Secretary of  
12          Defense may terminate the appointment of a member of  
13          the Board at the pleasure of the Secretary.

14          “(2)”.

15          (c) RESPONSIBILITY OF CHAIRMAN TO THE SEC-  
16          RETARY.—Section 1515(d)(1)(B) of such Act (24 U.S.C.  
17          415(d)(1)(B)) is amended by striking “not be responsible  
18          to the Secretary of Defense or to the Secretaries of the  
19          military departments” and inserting “be responsible to the  
20          Secretary of Defense, but not to the Secretaries of the  
21          military departments,”.

22          **SEC. 912. CONSOLIDATION OF CERTAIN NAVY GIFT FUNDS.**

23          (a) MERGER OF NAVAL HISTORICAL CENTER FUND  
24          INTO DEPARTMENT OF THE NAVY GENERAL GIFT  
25          FUND.—(1) The Secretary of the Navy shall transfer all

1 amounts in the Naval Historical Center Fund maintained  
2 under section 7222 of title 10, United States Code, to the  
3 Department of the Navy General Gift Fund maintained  
4 under section 2601 of such title. Upon completing the  
5 transfer, the Secretary shall close the Naval Historical  
6 Center Fund.

7 (2) Amounts transferred to the Department of the  
8 Navy General Gift Fund under this subsection shall be  
9 merged with other amounts in that Fund and shall be  
10 available for the purposes for which amounts in that Fund  
11 are available.

12 (b) CONSOLIDATION OF NAVAL ACADEMY GENERAL  
13 GIFT FUND AND NAVAL ACADEMY MUSEUM FUND.—(1)  
14 The Secretary of the Navy shall transfer all amounts in  
15 the United States Naval Academy Museum Fund estab-  
16 lished by section 6974 of title 10, United States Code, to  
17 the gift fund maintained for the benefit and use of the  
18 United States Naval Academy under section 6973 of such  
19 title. Upon completing the transfer, the Secretary shall  
20 close the United States Naval Academy Museum Fund.

21 (2) Amounts transferred under this subsection shall  
22 be merged with other amounts in the gift fund to which  
23 transferred and shall be available for the purposes for  
24 which amounts in that gift fund are available.

1 (c) CONSOLIDATION AND REVISION OF AUTHORITIES  
2 FOR ACCEPTANCE OF GIFTS, BEQUESTS, AND LOANS FOR  
3 THE UNITED STATES NAVAL ACADEMY.—(1) Subsection  
4 (a) of section 6973 of title 10, United States Code, is  
5 amended—

6 (A) in the first sentence—

7 (i) by inserting “, and loans of personal  
8 property other than money,” after “gifts and  
9 bequests of personal property”; and

10 (ii) by inserting “or the Naval Academy  
11 Museum, its collection, or its services” before  
12 the period at the end;

13 (B) in the second sentence, by striking  
14 “‘United States Naval Academy general gift fund’ ”  
15 and inserting “‘United States Naval Academy Gift  
16 and Museum Fund’ ”; and

17 (C) in the third sentence, by inserting “(includ-  
18 ing the Naval Academy Museum)” after “the Naval  
19 Academy”.

20 (2) Such section 6973 is further amended—

21 (A) by redesignating subsections (b) and (c) as  
22 subsections (c) and (d), respectively; and

23 (B) by inserting after subsection (a) the fol-  
24 lowing new subsection (b):



1       “(b) The Secretary shall prescribe written guidelines  
2 to be used for determinations of whether the acceptance  
3 of money, any personal property, or any loan of personal  
4 property under subsection (a) would reflect unfavorably on  
5 the ability of the Department of the Navy or any officer  
6 or employee of the Department of the Navy to carry out  
7 responsibilities or duties in a fair and objective manner,  
8 or would compromise either the integrity or the appear-  
9 ance of the integrity of any program of the Department  
10 of the Navy or any officer or employee of the Department  
11 of the Navy who is involved in any such program.”.

12       (3) Subsection (d) of such section, as redesignated  
13 by paragraph (2)(A), is amended by striking “United  
14 States Naval Academy general gift fund” both places it  
15 appears and inserting “United States Naval Academy Gift  
16 and Museum Fund”.

17       (4) The heading for such section is amended to read  
18 as follows:

19       **“§ 6973. Gifts, bequests, and loans of property: accept-**  
20                               **ance for benefit and use of Naval Acad-**  
21                               **emy”.**

22       (d) REFERENCES TO CLOSED GIFT FUNDS.—(1)  
23 Section 6974 of title 10, United States Code, is amended  
24 to read as follows:

1 **“§ 6974. United States Naval Academy Museum Fund:**  
2 **references to Fund**

3 “Any reference in a law, regulation, document, paper,  
4 or other record of the United States to the United States  
5 Naval Academy Museum Fund formerly maintained under  
6 this section shall be deemed to refer to the United States  
7 Naval Academy Gift and Museum Fund maintained under  
8 section 6973 of this title.”.

9 (2) Section 7222 of such title is amended to read as  
10 follows:

11 **“§ 7222. Naval Historical Center Fund: references to**  
12 **Fund**

13 “Any reference in a law, regulation, document, paper,  
14 or other record of the United States to the Naval Histor-  
15 ical Center Fund formerly maintained under this section  
16 shall be deemed to refer to the Department of the Navy  
17 General Gift Fund maintained under section 2601 of this  
18 title.”.

19 (e) CLERICAL AMENDMENTS.—(1) The table of sec-  
20 tions at the beginning of chapter 603 of title 10, United  
21 States Code, is amended by striking the items relating to  
22 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.”.

1           (2) The item relating to section 7222 of such title  
 2 in the table of sections at the beginning of chapter 631  
 3 of such title is amended to read as follows:

“7222. Naval Historical Center Fund: references to Fund.”.

4 **SEC. 913. TEMPORARY AUTHORITY TO DISPOSE OF A GIFT**  
 5 **PREVIOUSLY ACCEPTED FOR THE NAVAL**  
 6 **ACADEMY.**

7           Notwithstanding section 6973 of title 10, United  
 8 States Code, during fiscal year 2001, the Secretary of the  
 9 Navy may dispose of the current cash value of a gift ac-  
 10 cepted before the date of the enactment of this Act for  
 11 the Naval Academy general gift fund by disbursing out  
 12 of that fund the amount equal to that cash value to an  
 13 entity designated by the donor of the gift.

14 **SEC. 914. MANAGEMENT OF NAVY RESEARCH FUNDS BY**  
 15 **CHIEF OF NAVAL RESEARCH.**

16           (a) CLARIFICATION OF DUTIES.—Section 5022 of  
 17 title 10, United States Code, is amended—

18           (1) by redesignating subsections (c) and (d) as  
 19 subsections (d) and (e), respectively;

20           (2) by inserting after paragraph (1) of sub-  
 21 section (a) the following:

22           “(b)(1) The Chief of Naval Research is the head of  
 23 the Office of Naval Research.”; and

24           (3) by inserting after subsection (b) the fol-  
 25 lowing new subsection (c):



1           “(2) To provide advanced instruction and tech-  
2           nical education for employees of the Department of  
3           the Air Force and members of the Air Force (includ-  
4           ing the reserve components) in their practical and  
5           theoretical duties.

6   **“§ 9322. Sense of the Senate regarding the utilization**  
7                           **of the Air Force Institute of Technology**

8           “‘It is the sense of the Senate that in order to insure  
9           full and continued utilization of the Air Force Institute  
10          of Technology, the Secretary of the Air Force should, in  
11          consult with the Chief of Staff of the Air Force and the  
12          Commander of the Air Force Materiel Command, review  
13          the following areas of organizational structure and oper-  
14          ations at the Institute:

15                   “(1) The grade of the Commandant.

16                   “(2) The chain of command of the Com-  
17                   mandant of the Institute within the Air Force.

18                   “(3) The employment and compensation of ci-  
19                   vilian professors at the Institute.

20                   “(4) The processes for the identification of re-  
21                   quirements for advanced degrees within the Air  
22                   Force, identification for annual enrollment quotas  
23                   and selection of candidates.

24                   “(5) Post graduation opportunities for grad-  
25                   uates of the Institute.

1           “(6) The policies and practices regarding the  
2 admission of—

3           “(A) officers of the Army, Navy, Marine  
4 Corps, and Coast Guard;

5           “(B) employees of the Department of the  
6 Army, Department of the Navy, and Depart-  
7 ment of Transportation;

8           “(C) personnel of the armed forces of for-  
9 eign countries;

10           “(D) enlisted members of the Armed  
11 Forces of the United States; and

12           “(E) others eligible for admission.”.

13 **SEC. 916. EXPANSION OF AUTHORITY TO EXEMPT GEO-**  
14 **DETTIC PRODUCTS OF THE DEPARTMENT OF**  
15 **DEFENSE FROM PUBLIC DISCLOSURE.**

16           Section 455(b)(1)(C) of title 10, United States Code,  
17 is amended by striking “or reveal military operational or  
18 contingency plans” and inserting “, reveal military oper-  
19 ational or contingency plans, or reveal, jeopardize, or com-  
20 promise military or intelligence capabilities”.

21 **SEC. 917. COORDINATION AND FACILITATION OF DEVELOP-**  
22 **MENT OF DIRECTED ENERGY TECH-**  
23 **NOLOGIES, SYSTEMS, AND WEAPONS.**

24           (a) FINDINGS.—Congress makes the following find-  
25 ings:

1           (1) Directed energy systems are available to ad-  
2           dress many current challenges with respect to mili-  
3           tary weapons, including offensive weapons and de-  
4           fensive weapons.

5           (2) Directed energy weapons offer the potential  
6           to maintain an asymmetrical technological edge over  
7           adversaries of the United States for the foreseeable  
8           future.

9           (3) It is in the national interest that funding  
10          for directed energy science and technology programs  
11          be increased in order to support priority acquisition  
12          programs and to develop new technologies for future  
13          applications.

14          (4) It is in the national interest that the level  
15          of funding for directed energy science and tech-  
16          nology programs correspond to the level of funding  
17          for large-scale demonstration programs in order to  
18          ensure the growth of directed energy science and  
19          technology programs and to ensure the successful  
20          development of other weapons systems utilizing di-  
21          rected energy systems.

22          (5) The industrial base for several critical di-  
23          rected energy technologies is in fragile condition and  
24          lacks appropriate incentives to make the large-scale  
25          investments that are necessary to address current

1 and anticipated Department of Defense require-  
2 ments for such technologies.

3 (6) It is in the national interest that the De-  
4 partment of Defense utilize and expand upon di-  
5 rected energy research currently being conducted by  
6 the Department of Energy, other Federal agencies,  
7 the private sector, and academia.

8 (7) It is increasingly difficult for the Federal  
9 Government to recruit and retain personnel with  
10 skills critical to directed energy technology develop-  
11 ment.

12 (8) The implementation of the recommenda-  
13 tions contained in the High Energy Laser Master  
14 Plan of the Department of Defense is in the national  
15 interest.

16 (9) Implementation of the management struc-  
17 ture outlined in the Master Plan will facilitate the  
18 development of revolutionary capabilities in directed  
19 energy weapons by achieving a coordinated and fo-  
20 cused investment strategy under a new management  
21 structure featuring a joint technology office with  
22 senior-level oversight provided by a technology coun-  
23 cil and a board of directors.

24 (b) IMPLEMENTATION OF HIGH ENERGY LASER  
25 MASTER PLAN.—(1) The Secretary of Defense shall im-



1 plement the management and organizational structure  
2 specified in the Department of Defense High Energy  
3 Laser Master Plan of March 24, 2000.

4 (2) The Secretary shall locate the Joint Technology  
5 Office specified in the High Energy Laser Master Plan  
6 at a location determined appropriate by the Secretary, not  
7 later than October 1, 2000.

8 (3) In determining the location of the Joint Tech-  
9 nology Office, the Secretary shall, in consultation with the  
10 Deputy Under Secretary of Defense for Science and Tech-  
11 nology, evaluate whether to locate the Office at a site at  
12 which occur a substantial proportion of the directed en-  
13 ergy research, development, test, and evaluation activities  
14 of the Department of Defense.

15 (c) ENHANCEMENT OF INDUSTRIAL BASE.—(1) The  
16 Secretary of Defense shall develop and undertake initia-  
17 tives, including investment initiatives, for purposes of en-  
18 hancing the industrial base for directed energy tech-  
19 nologies and systems.

20 (2) Initiatives under paragraph (1) shall be designed  
21 to—

22 (A) stimulate the development by institutions of  
23 higher education and the private sector of promising  
24 directed energy technologies and systems; and

1           (B) stimulate the development of a workforce  
2 skilled in such technologies and systems.

3           (d) ENHANCEMENT OF TEST AND EVALUATION CA-  
4 PABILITIES.—The Secretary of Defense shall consider  
5 modernizing the High Energy Laser Test Facility at  
6 White Sands Missile Range, New Mexico, in order to en-  
7 hance the test and evaluation capabilities of the Depart-  
8 ment of Defense with respect to directed energy weapons.

9           (e) COOPERATIVE PROGRAMS AND ACTIVITIES.—The  
10 Secretary of Defense shall evaluate the feasibility and ad-  
11 visability of entering into cooperative programs or activi-  
12 ties with other Federal agencies, institutions of higher  
13 education, and the private sector, including the national  
14 laboratories of the Department of Energy, for the purpose  
15 of enhancing the programs, projects, and activities of the  
16 Department of Defense relating to directed energy tech-  
17 nologies, systems, and weapons.

18           (f) FUNDING FOR FISCAL YEAR 2001.—(1) Of the  
19 amount authorized to be appropriated by section 201(4)  
20 for research, development, test, and evaluation, Defense-  
21 wide, up to \$50,000,000 may be available for science and  
22 technology activities relating to directed energy tech-  
23 nologies, systems, and weapons.

24           (2) The Secretary of Defense shall establish proce-  
25 dures for the allocation of funds available under para-

1 graph (1) among activities referred to in that paragraph.  
2 In establishing such procedures, the Secretary shall pro-  
3 vide for the competitive selection of programs, projects,  
4 and activities to be carried out by the recipients of such  
5 funds.

6 (g) DIRECTED ENERGY DEFINED.—In this section,  
7 the term “directed energy”, with respect to technologies,  
8 systems, or weapons, means technologies, systems, or  
9 weapons that provide for the directed transmission of en-  
10 ergies across the energy and frequency spectrum, includ-  
11 ing high energy lasers and high power microwaves.

## 12 **TITLE X—GENERAL PROVISIONS**

### 13 **Subtitle A—Financial Matters**

#### 14 **SEC. 1001. TRANSFER AUTHORITY.**

15 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—  
16 (1) Upon determination by the Secretary of Defense that  
17 such action is necessary in the national interest, the Sec-  
18 retary may transfer amounts of authorizations made avail-  
19 able to the Department of Defense in this division for fis-  
20 cal year 2001 between any such authorizations for that  
21 fiscal year (or any subdivisions thereof). Amounts of au-  
22 thorizations so transferred shall be merged with and be  
23 available for the same purposes as the authorization to  
24 which transferred.

1           (2) The total amount of authorizations that the Sec-  
2 retary may transfer under the authority of this section  
3 may not exceed \$2,000,000,000.

4           (b) LIMITATIONS.—The authority provided by this  
5 section to transfer authorizations—

6                 (1) may only be used to provide authority for  
7 items that have a higher priority than the items  
8 from which authority is transferred; and

9                 (2) may not be used to provide authority for an  
10 item that has been denied authorization by Con-  
11 gress.

12           (c) EFFECT ON AUTHORIZATION AMOUNTS.—A  
13 transfer made from one account to another under the au-  
14 thority of this section shall be deemed to increase the  
15 amount authorized for the account to which the amount  
16 is transferred by an amount equal to the amount trans-  
17 ferred.

18           (d) NOTICE TO CONGRESS.—The Secretary shall  
19 promptly notify Congress of each transfer made under  
20 subsection (a).

21 **SEC. 1002. AUTHORIZATION OF EMERGENCY SUPPLE-**  
22 **MENTAL APPROPRIATIONS FOR FISCAL YEAR**  
23 **2000.**

24           Amounts authorized to be appropriated to the De-  
25 partment of Defense for fiscal year 2000 in the National

1 Defense Authorization Act for Fiscal Year 2000 (Public  
2 Law 106–65) are hereby adjusted, with respect to any  
3 such authorized amount, by the amount by which appro-  
4 priations pursuant to such authorization were increased  
5 (by a supplemental appropriation) or decreased (by a re-  
6 scission), or both, in any law making supplemental appro-  
7 priations for fiscal year 2000 that is enacted during the  
8 106th Congress, second session.

9 **SEC. 1003. UNITED STATES CONTRIBUTION TO NATO COM-**  
10 **MON-FUNDED BUDGETS IN FISCAL YEAR 2001.**

11 (a) **FISCAL YEAR 2001 LIMITATION.**—The total  
12 amount contributed by the Secretary of Defense in fiscal  
13 year 2001 for the common-funded budgets of NATO may  
14 be any amount up to, but not in excess of, the amount  
15 specified in subsection (b) (rather than the maximum  
16 amount that would otherwise be applicable to those con-  
17 tributions under the fiscal year 1998 baseline limitation).

18 (b) **TOTAL AMOUNT.**—The amount of the limitation  
19 applicable under subsection (a) is the sum of the following:

20 (1) The amounts of unexpended balances, as of  
21 the end of fiscal year 2000, of funds appropriated  
22 for fiscal years before fiscal year 2001 for payments  
23 for those budgets.

24 (2) The amount specified in subsection (c)(1).

25 (3) The amount specified in subsection (c)(2).

1           (4) The total amount of the contributions au-  
2           thorized to be made under section 2501.

3           (c) AUTHORIZED AMOUNTS.—Amounts authorized to  
4           be appropriated by titles II and III of this Act are avail-  
5           able for contributions for the common-funded budgets of  
6           NATO as follows:

7           (1) Of the amount provided in section 201(1),  
8           \$743,000 for the Civil Budget.

9           (2) Of the amount provided in section 301(1),  
10          \$194,400,000 for the Military Budget.

11          (d) DEFINITIONS.—For purposes of this section:

12          (1) COMMON-FUNDED BUDGETS OF NATO.—  
13          The term “common-funded budgets of NATO”  
14          means the Military Budget, the Security Investment  
15          Program, and the Civil Budget of the North Atlantic  
16          Treaty Organization (and any successor or addi-  
17          tional account or program of NATO).

18          (2) FISCAL YEAR 1998 BASELINE LIMITATION.—  
19          The term “fiscal year 1998 baseline limitation”  
20          means the maximum annual amount of Department  
21          of Defense contributions for common-funded budgets  
22          of NATO that is set forth as the annual limitation  
23          in section 3(2)(C)(ii) of the resolution of the Senate  
24          giving the advice and consent of the Senate to the  
25          ratification of the Protocols to the North Atlantic

1 Treaty of 1949 on the Accession of Poland, Hun-  
2 gary, and the Czech Republic (as defined in section  
3 4(7) of that resolution), approved by the Senate on  
4 April 30, 1998.

5 **SEC. 1004. ANNUAL OMB/CBO JOINT REPORT ON SCORING**  
6 **OF BUDGET OUTLAYS.**

7 (a) REVISION OF SCOPE OF TECHNICAL ASSUMP-  
8 TIONS.—Subsection (a)(1) of section 226 of title 10,  
9 United States Code, is amended by inserting “subfunc-  
10 tional category 051 (Department of Defense—Military)  
11 under” before “major functional category 050”.

12 (b) TREATMENT OF DIFFERENCES IN OUTLAY  
13 RATES AND ASSUMPTIONS.—(1) Subsection (b) of such  
14 section is amended by striking “, the report shall reflect  
15 the average of the relevant outlay rates or assumptions  
16 used by the two offices.” and inserting “, the report shall  
17 reflect the differences between the relevant outlay rates  
18 or assumptions used by the two offices. For each account  
19 for which a difference is reported, the report shall also  
20 display, by fiscal year, each office’s estimates regarding  
21 budget authority, outlay rates, and outlays.”.

22 (2) The heading for such subsection is amended to  
23 read as follows: “DIFFERENCES IN OUTLAY RATES AND  
24 ASSUMPTIONS.—”.

1 **SEC. 1005. PROMPT PAYMENT OF CONTRACT VOUCHERS.**

2 (a) REQUIREMENT.—(1) Chapter 131 of title 10,  
3 United States Code, is amended by adding at the end the  
4 following:

5 **“§ 2225. Prompt payment of vouchers for contracted**  
6 **property and services**

7 “(a) REQUIREMENT.—Of the contract vouchers that  
8 are received by the Defense Finance and Accounting Serv-  
9 ice by means of the mechanization of contract administra-  
10 tion services system, the number of such vouchers that re-  
11 main unpaid for more than 30 days as of the last day  
12 of each month may not exceed 5 percent of the total num-  
13 ber of the contract vouchers so received that remain un-  
14 paid on that day.

15 “(b) CONDITIONAL REQUIREMENT FOR REPORT.—  
16 (1) For any month of a fiscal year that the requirement  
17 in subsection (a) is not met, the Secretary of Defense shall  
18 submit to Congress a report on the magnitude of the un-  
19 paid contract vouchers. The report for a month shall be  
20 submitted not later than 30 days after the end of that  
21 month.

22 “(2) A report for a month under paragraph (1) shall  
23 include information current as of the last day of the month  
24 as follows:

25 “(A) The number of the vouchers received by  
26 the Defense Finance and Accounting Service by



1 means of the mechanization of contract administra-  
2 tion services system during each month.

3 “(B) The number of the vouchers so received,  
4 whenever received by the Defense Finance and Ac-  
5 counting Service, that remain unpaid for each of the  
6 following periods:

7 “(i) Not more than 30 days.

8 “(ii) Over 30 days and not more than 60  
9 days.

10 “(iii) Over 60 days and not more than 90  
11 days.

12 “(iv) More than 90 days.

13 “(C) The number of the vouchers so received  
14 that remain unpaid for the major categories of pro-  
15 curements, as defined by the Secretary of Defense.

16 “(D) The corrective actions that are necessary,  
17 and those that are being taken, to ensure compliance  
18 with the requirement in subsection (a).

19 “(c) CONTRACT VOUCHER DEFINED.—In this sec-  
20 tion, the term ‘contract voucher’ means a voucher or in-  
21 voice for the payment of a contractor for services, commer-  
22 cial items (as defined in section 4(12) of the Office of Fed-  
23 eral Procurement Policy Act (41 U.S.C. 403(12))), or  
24 other deliverable items provided by the contractor pursu-  
25 ant to a contract funded by the Department of Defense.”.

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

“2225. Prompt payment of vouchers for contracted property and services”.

3           (b) **EFFECTIVE DATE.**—Section 2225 of title 10,  
4 United States Code (as added by subsection (a)), shall  
5 take effect on December 1, 2000, and shall apply with re-  
6 spect to months beginning on or after that date.

7 **SEC. 1006. REPEAL OF CERTAIN REQUIREMENTS RELATING**  
8 **TO TIMING OF CONTRACT PAYMENTS.**

9           The following provisions of law are repealed: sections  
10 8175 and 8176 of the Department of Defense Appropria-  
11 tions Act, 2000 (Public Law 106–79), as amended by sec-  
12 tions 214 and 215, respectively, of H.R. 3425 of the 106th  
13 Congress (113 Stat. 1501A–297), as enacted into law by  
14 section 1000(a)(5) of Public Law 106–113.

15 **SEC. 1007. PLAN FOR PROMPT POSTING OF CONTRACTUAL**  
16 **OBLIGATIONS.**

17           (a) **REQUIREMENT FOR PLAN.**—The Secretary of De-  
18 fense shall submit to the congressional defense commit-  
19 tees, not later than November 15, 2000, and carry out  
20 a plan for ensuring that each obligation of the Department  
21 of Defense under a transaction described in subsection (c)  
22 is posted within 10 days after the obligation is incurred.

23           (b) **CONTENT OF PLAN.**—The plan for posting obli-  
24 gations shall provide the following:

1 (1) Uniform posting requirements that are ap-  
2 plicable throughout the Department of Defense, in-  
3 cluding requirements for the posting of detailed data  
4 on each obligation.

5 (2) A system of uniform accounting classifica-  
6 tion reference numbers.

7 (3) Increased use of electronic means for the  
8 submission of invoices and other billing documents.

9 (c) COVERED TRANSACTIONS.—The plan shall apply  
10 to each liability of the Department of Defense for a pay-  
11 ment under the following:

12 (1) A contract.

13 (2) An order issued under a contract.

14 (3) Services received under a contract.

15 (4) Any transaction that is similar to a trans-  
16 action referred to in another paragraph of this sub-  
17 section.

18 **SEC. 1008. PLAN FOR ELECTRONIC SUBMISSION OF DOCU-**  
19 **MENTATION SUPPORTING CLAIMS FOR CON-**  
20 **TRACT PAYMENTS.**

21 (a) REQUIREMENT FOR PLAN.—The Secretary of De-  
22 fense shall submit to the congressional defense commit-  
23 tees, not later than March 30, 2001, and carry out a plan  
24 for ensuring that all documentation that is to be submitted

1 to the Department of Defense in support of claims for  
2 payment under contracts is submitted electronically.

3 (b) CONTENT OF PLAN.—The plan shall include the  
4 following:

5 (1) The format in which information can be ac-  
6 cepted by the Defense Finance and Accounting Serv-  
7 ice’s corporate database.

8 (2) Procedures for electronic submission of the  
9 following:

10 (A) Receiving reports.

11 (B) Contracts and contract modifications.

12 (C) Required certifications.

13 (3) The requirements to be included in con-  
14 tracts regarding electronic submission of invoices by  
15 contractors.

16 **SEC. 1009. ADMINISTRATIVE OFFSETS FOR OVERPAYMENT**  
17 **OF TRANSPORTATION COSTS.**

18 (a) OFFSETS FOR OVERPAYMENTS OR LIQUIDATED  
19 DAMAGES.—Section 2636 of title 10, United States Code,  
20 is amended to read as follows:

21 **“§ 2636. Deductions from amounts due carriers**

22 “(a) AMOUNTS FOR LOSS OR DAMAGE.—An amount  
23 deducted from an amount due a carrier shall be credited  
24 as follows:

1           “(1) If deducted because of loss of or damage  
2           to material in transit for a military department, to  
3           the proper appropriation, account, or fund from  
4           which the same or similar material may be replaced.

5           “(2) If deducted as an administrative offset for  
6           an overpayment previously made to the carrier under  
7           any Department of Defense contract for transpor-  
8           tation services or as liquidated damages due under  
9           any such contract, to the appropriation or account  
10          from which payments for the transportation services  
11          were made.

12          “(b) SIMPLIFIED OFFSET FOR COLLECTION OF  
13 CLAIMS NOT IN EXCESS OF THE SIMPLIFIED ACQUISI-  
14 TION THRESHOLD.—(1) In any case in which the total  
15 amount of a claim for the recovery of overpayments or  
16 liquidated damages under a contract described in sub-  
17 section (a)(2) does not exceed the simplified acquisition  
18 threshold, the Secretary of Defense or the Secretary con-  
19 cerned may exercise the authority to collect the claim by  
20 administrative offset under section 3716 of title 31 after  
21 providing the notice required by paragraph (1) of sub-  
22 section (a) of that section, but without regard to para-  
23 graphs (2), (3), and (4) of that subsection.

24          “(2) In this subsection, the term ‘simplified acquisi-  
25 tion threshold’ has the meaning given the term in section

1 4(11) of the Office of Federal Procurement Policy Act (41  
2 U.S.C. 403(11)).”.

3 (b) CLERICAL AMENDMENT.—The item relating to  
4 such section in the table of sections at the beginning of  
5 chapter 157 of such title is amended to read as follows:

“2636. Deductions from amounts due carriers.”.

6 **SEC. 1010. REPEAL OF CERTAIN PROVISIONS SHIFTING**  
7 **CERTAIN OUTLAYS FROM ONE FISCAL YEAR**  
8 **TO ANOTHER.**

9 Sections 305 and 306 of H.R. 3425 of the 106th  
10 Congress, as enacted into law by section 1000(a)(5) of  
11 Public Law 106–113 (113 Stat. 1501A–306), are re-  
12 pealed.

13 **SEC. 1010A. TREATMENT OF PARTIAL PAYMENTS UNDER**  
14 **SERVICE CONTRACTS.**

15 For the purposes of the regulations prescribed under  
16 section 3903(a)(5) of title 31, United States Code, partial  
17 payments, other than progress payments, that are made  
18 on a contract for the procurement of services shall be  
19 treated as being periodic payments.

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

3   **SEC. 1011. EXTENSION AND INCREASE OF AUTHORITY TO**  
4                   **PROVIDE ADDITIONAL SUPPORT FOR**  
5                   **COUNTER-DRUG ACTIVITIES.**

6           (a) EXTENSION OF AUTHORITY FOR ASSISTANCE TO  
7 COLOMBIA.—Section 1033 of the National Defense Au-  
8 thorization Act for Fiscal Year 1998 (Public Law 105–  
9 85; 111 Stat. 1881) is amended—

10                   (1) in subsection (a), by striking “during fiscal  
11 years 1998 through 2002,”; and

12                   (2) in subsection (b)—

13                           (A) in paragraph (1), by inserting before  
14 the period at the end the following: “, for fiscal  
15 years 1998 through 2002”; and

16                           (B) in paragraph (2), by inserting before  
17 the period at the end the following: “, for fiscal  
18 years 1998 through 2006’.

19           (b) ADDITIONAL TYPE OF SUPPORT.—Subsection (c)  
20 of such section is amended by adding at the end the fol-  
21 lowing:

22                           “(4) The transfer of one light observation air-  
23 craft.”.

24           (c) INCREASED MAXIMUM ANNUAL AMOUNT OF SUP-  
25 PORT.—Subsection (e)(2) of such section is amended—

1 (1) by striking “\$20,000,000” and inserting  
 2 “\$40,000,000”; and

3 (2) by striking “2002” and inserting “2006, of  
 4 which not more than \$10,000,000 may be obligated  
 5 or expended for any fiscal year for support for the  
 6 counter-drug activities of the Government of Peru”.

7 **SEC. 1012. RECOMMENDATIONS ON EXPANSION OF SUP-**  
 8 **PORT FOR COUNTER-DRUG ACTIVITIES.**

9 (a) **REQUIREMENT FOR SUBMITTAL OF REC-**  
 10 **COMMENDATIONS.**—The Secretary of Defense shall submit  
 11 to the Committees on Armed Services of the Senate and  
 12 the House of Representatives, not later than February 1,  
 13 2001, the Secretary’s recommendations regarding whether  
 14 expanded support for counter-drug activities should be au-  
 15 thorized under section 1033 of the National Defense Au-  
 16 thorization Act for Fiscal Year 1998 (Public Law 105–  
 17 85; 111 Stat. 1881) for the region that includes the coun-  
 18 tries that are covered by that authority on the date of the  
 19 enactment of this Act.

20 (b) **CONTENT OF SUBMISSION.**—The submission  
 21 under subsection (a) shall include the following:

22 (1) What, if any, additional countries should be  
 23 covered.



1           (2) What, if any, additional support should be  
2           provided to covered countries, together with the rea-  
3           sons for recommending the additional support.

4           (3) For each country recommended under para-  
5           graph (1), a plan for providing support, including  
6           the counter-drug activities proposed to be supported.

7 **SEC. 1013. REVIEW OF RIVERINE COUNTER-DRUG PRO-**  
8           **GRAM.**

9           (a) **REQUIREMENT FOR REVIEW.**—The Secretary of  
10 Defense shall review the riverine counter-drug program  
11 supported under section 1033 of the National Defense Au-  
12 thorization Act for Fiscal Year 1998 (Public Law 105–  
13 85; 111 Stat. 1881).

14           (b) **REPORT.**—Not later than February 1, 2001, the  
15 Secretary shall submit a report on the riverine counter-  
16 drug program to the Committees on Armed Services of  
17 the Senate and the House of Representatives. The report  
18 shall include, for each country receiving support under the  
19 riverine counter-drug program, the following:

20           (1) The Assistant Secretary’s assessment of the  
21 effectiveness of the program.

22           (2) A recommendation regarding which of the  
23 Armed Forces, units of the Armed Forces, or other  
24 organizations within the Department of Defense  
25 should be responsible for managing the program.

1 (c) DELEGATION OF AUTHORITY.—The Secretary  
2 shall require the Assistant Secretary of Defense for Spe-  
3 cial Operations and Low Intensity Conflict to carry out  
4 the responsibilities under this section.

## 5 **Subtitle C—Strategic Forces**

### 6 **SEC. 1015. REVISED NUCLEAR POSTURE REVIEW.**

7 (a) REQUIREMENT FOR REVIEW.—The Secretary of  
8 Defense, in consultation with the Secretary of Energy,  
9 shall conduct a comprehensive review of the nuclear pos-  
10 ture of the United States for the next 5 to 10 years.

11 (b) ELEMENTS OF REVIEW.—The nuclear posture re-  
12 view shall include the following elements:

13 (1) The role of nuclear forces in United States  
14 military strategy, planning, and programming.

15 (2) The policy requirements and objectives for  
16 the United States to maintain a safe, reliable, and  
17 credible nuclear deterrence posture.

18 (3) The relationship between United States nu-  
19 clear deterrence policy, targeting strategy, and arms  
20 control objectives.

21 (4) The levels and composition of the nuclear  
22 delivery systems that will be required for imple-  
23 menting the United States national and military  
24 strategy, including any plans for replacing or modi-  
25 fying existing systems.



1 develop a long-range plan for the sustainment and mod-  
2 ernization of United States strategic nuclear forces to  
3 counter emerging threats and satisfy the evolving require-  
4 ments of deterrence.

5 (b) ELEMENTS OF PLAN.—The plan specified under  
6 subsection (a) shall include the Secretary’s plans, if any,  
7 for the sustainment and modernization of the following:

8 (1) Land-based and sea-based strategic ballistic  
9 missiles, including any plans for developing replace-  
10 ments for the Minuteman III intercontinental bal-  
11 listic missile and the Trident II sea-launched bal-  
12 listic missile and plans for common ballistic missile  
13 technology development

14 (2) Strategic nuclear bombers, including any  
15 plans for a B–2 follow-on, a B–52 replacement, and  
16 any new air-launched weapon systems.

17 (3) Appropriate warheads to outfit the strategic  
18 nuclear delivery systems referred to in paragraphs  
19 (1) and (2) to satisfy evolving military requirements.

20 (c) SUBMITTAL OF PLAN.—The plan specified under  
21 subsection (a) shall be submitted to Congress not later  
22 than April 15, 2001. The plan shall be submitted in un-  
23 classified and classified forms, as necessary.

1 **SEC. 1017. CORRECTION OF SCOPE OF WAIVER AUTHORITY**  
2 **FOR LIMITATION ON RETIREMENT OR DIS-**  
3 **MANTLEMENT OF STRATEGIC NUCLEAR DE-**  
4 **LIVERY SYSTEMS; AUTHORITY TO WAIVE LIM-**  
5 **ITATION.**

6 (a) IN GENERAL.—Section 1302(b) of the National  
7 Defense Authorization Act for Fiscal Year 1998 (Public  
8 Law 105–85; 111 Stat. 1948), as amended by section  
9 1501(a) of the National Defense Authorization Act for  
10 Fiscal Year 2000 (Public Law 106–65; 113 Stat. 806),  
11 is further amended by striking “the application of the limi-  
12 tation in effect under paragraph (1)(B) or (3) of sub-  
13 section (a), as the case may be,” and inserting “the appli-  
14 cation of the limitation in effect under subsection (a) to  
15 a strategic nuclear delivery system”.

16 (b) AUTHORITY TO WAIVE LIMITATION ON RETIRE-  
17 MENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DE-  
18 LIVERY SYSTEMS.—After the submission of the report on  
19 the results of the nuclear posture review to Congress  
20 under section 1015(c)—

21 (1) the Secretary of Defense shall, taking into  
22 consideration the results of the review, submit to the  
23 President a recommendation regarding whether the  
24 President should waive the limitation on the retire-  
25 ment or dismantlement of strategic nuclear delivery  
26 systems in section 1302 of the National Defense Au-

1 authorization Act for Fiscal Year 1998 (Public Law  
2 105–85; 111 Stat. 1948); and

3 (2) the President, taking into consideration the  
4 results of the review and the recommendation made  
5 by the Secretary of Defense under paragraph (1),  
6 may waive the limitation referred to in that para-  
7 graph if the President determines that it is in the  
8 national security interests of the United States to do  
9 so.

10 **SEC. 1018. REPORT ON THE DEFEAT OF HARDENED AND**  
11 **DEEPLY BURIED TARGETS.**

12 (a) STUDY.—The Secretary of Defense shall, in con-  
13 junction with the Secretary of Energy, conduct a study  
14 relating to the defeat of hardened and deeply buried tar-  
15 gets. Under the study, the Secretaries shall—

16 (1) review the requirements and current and fu-  
17 ture plans for hardened and deeply buried targets  
18 and agent defeat weapons concepts and activities;

19 (2) determine if those plans adequately address  
20 all requirements;

21 (3) identify potential future hardened and deep-  
22 ly buried targets and other related targets;

23 (4) determine what resources and research and  
24 development efforts are needed to defeat the targets

1 identified under paragraph (3) as well as other  
2 agent defeat requirements;

3 (5) assess both current and future options to  
4 defeat hardened and deeply buried targets as well as  
5 agent defeat weapons concepts, including any limited  
6 research and development that may be necessary to  
7 conduct such assessment; and

8 (6) determine the capability and cost of each  
9 option.

10 (b) REPORT.—The Secretary of Defense shall submit  
11 to the congressional defense committees a report on the  
12 results of the study required by subsection (a) not later  
13 than July 1, 2001.

14 **SEC. 1019. SENSE OF SENATE ON THE MAINTENANCE OF**  
15 **THE STRATEGIC NUCLEAR TRIAD.**

16 It is the sense of the Senate that, in light of the po-  
17 tential for further arms control agreements with the Rus-  
18 sian Federation limiting strategic forces—

19 (1) it is in the national interest of the United  
20 States to maintain a robust and balanced TRIAD of  
21 strategic nuclear delivery vehicles, including long-  
22 range bombers, land-based intercontinental ballistic  
23 missiles (ICBMs), and ballistic missile submarines;  
24 and

1           (2) reductions to United States conventional  
2 bomber capability are not in the national interest of  
3 the United States.

4           **Subtitle D—Miscellaneous**  
5           **Reporting Requirements**

6   **SEC. 1021. ANNUAL REPORT OF THE CHAIRMAN OF THE**  
7           **JOINT CHIEFS OF STAFF ON COMBATANT**  
8           **COMMAND REQUIREMENTS.**

9           (a) **ADDITIONAL COMPONENT.**—Section 153(d)(1) of  
10 title 10, United States Code, is amended by adding at the  
11 end the following:

12                   “(C) The extent to which the future-years de-  
13 fense program (under section 221 of this title) ad-  
14 dresses the requirements on the consolidated lists.”.

15           (b) **APPLICABILITY TO REPORTS AFTER FISCAL**  
16 **YEAR 2000.**—Subparagraph (C) of paragraph (1) of sec-  
17 tion 153(d) of title 10, United States Code (as added by  
18 subsection (a)), shall apply to reports submitted to Con-  
19 gress under such section after fiscal year 2000.

20   **SEC. 1022. SEMIANNUAL REPORT ON JOINT REQUIRE-**  
21           **MENTS OVERSIGHT COUNCIL.**

22           (a) **SEMIANNUAL REPORT.**—The Chairman of the  
23 Joints Chiefs of Staff shall submit to the congressional  
24 defense committees a semiannual report on the activities  
25 of the Joint Requirements Oversight Council. The prin-



1 cipal purpose of the report is to inform the committees  
2 of the progress made in the reforming and refocusing of  
3 the Joint Requirements Oversight Council process during  
4 the period covered by the report.

5 (b) CONTENT.—The report for a half of a fiscal year  
6 shall include the following:

7 (1) A listing and justification for each of the  
8 distinct capability areas selected by the Chairman of  
9 the Joints Chiefs of Staff as being within the prin-  
10 cipal domain of the Joint Requirements Oversight  
11 Council.

12 (2) A listing of the joint requirements devel-  
13 oped, considered, or approved within each of the ca-  
14 pability areas.

15 (3) A listing and explanation of the decisions  
16 made by the Joint Requirements Oversight Council,  
17 together with a delineation of each decision that was  
18 made in disagreement with a position advocated by  
19 the Commander in Chief, United States Joint  
20 Forces Command, as the chief proponent of the re-  
21 quirements identified by the commanders of the uni-  
22 fied and specified combatant commands.

23 (4) An assessment of the progress made in ele-  
24 vating the Joint Requirements Oversight Council to  
25 a more strategic focus on future war fighting re-

1 requirements, integration of requirements, and devel-  
2 opment of overarching common architectures.

3 (5) A summation and assessment of the role  
4 and impact of joint experimentation on the processes  
5 and decisions for defining joint requirements, for de-  
6 fining requirements of each of the Armed Forces in-  
7 dividually, for managing acquisitions by Defense  
8 Agencies, and for managing acquisitions by the mili-  
9 tary departments.

10 (6) A description of any procedural actions that  
11 have been taken to improve the Joint Requirements  
12 Oversight Council.

13 (7) Any recommendations for legislation or for  
14 providing additional resources that the Chairman  
15 considers necessary in order fully to refocus and re-  
16 form the processes of the Joint Requirements Over-  
17 sight Council.

18 (c) DATES FOR SUBMISSION.—(1) The semiannual  
19 report for the half of a fiscal year ending on March 31  
20 of a year shall be submitted not later than August 31 of  
21 that year.

22 (2) The semiannual report for the half of a fiscal year  
23 ending on September 30 of a year shall be submitted not  
24 later than February 28 of the following year.

1           (3) The first semiannual report shall be submitted  
2 not later than February 28, 2001, and shall cover the last  
3 half of fiscal year 2000.

4 **SEC. 1023. PREPAREDNESS OF MILITARY INSTALLATION**  
5                           **FIRST RESPONDERS FOR INCIDENTS INVOLV-**  
6                           **ING WEAPONS OF MASS DESTRUCTION.**

7           (a) REQUIREMENT FOR REPORT.—Not later than 90  
8 days after the date of the enactment of this Act, the Sec-  
9 retary of Defense shall submit to Congress a report on  
10 the program of the Department of Defense to ensure the  
11 preparedness of the first responders of the Department  
12 of Defense for incidents involving weapons of mass de-  
13 struction on installations of the Department of Defense.

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

16                   (1) A detailed description of the overall pre-  
17                   paredness program.

18                   (2) The schedule and costs associated with the  
19                   implementation of the program.

20                   (3) The Department's plan for coordinating the  
21                   preparedness program with responders in the com-  
22                   munities in the localities of the installations.

23                   (4) The Department's plan for promoting the  
24                   interoperability of the equipment used by the instal-  
25                   lation first responders referred to in subsection (a)

1 with the equipment used by the first responders in  
2 those communities.

3 (c) DEFINITIONS.—In this section:

4 (1) The term “first responder” means an orga-  
5 nization responsible for responding to an incident in-  
6 volving a weapon of mass destruction.

7 (2) The term “weapon of mass destruction” has  
8 the meaning given that term in section 1403(1) of  
9 the Defense Against Weapons of Mass Destruction  
10 Act of 1996 (50 U.S.C. 2302(1)).

11 **SEC. 1024. DATE OF SUBMITTAL OF REPORTS ON SHORT-**  
12 **FALLS IN EQUIPMENT PROCUREMENT AND**  
13 **MILITARY CONSTRUCTION FOR THE RE-**  
14 **SERVE COMPONENTS IN FUTURE-YEARS DE-**  
15 **FENSE PROGRAMS.**

16 Section 10543(c) of title 10, United States Code, is  
17 amended by adding at the end the following new para-  
18 graph:

19 “(3) A report required under paragraph (1) for a fis-  
20 cal year shall be submitted not later than 15 days after  
21 the date on which the President submits to Congress the  
22 budget for such fiscal year under section 1105(a) of title  
23 31.”.

1 **SEC. 1025. MANAGEMENT REVIEW OF DEFENSE LOGISTICS**

2 **AGENCY.**

3 (a) COMPTROLLER GENERAL REVIEW REQUIRED.—

4 The Comptroller General shall review each operation of  
5 the Defense Logistics 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 operations of the agency.

14 (b) REPORT.—Not later than February 1, 2002, the  
15 Comptroller General shall submit to the Committees on  
16 Armed Services of the Senate and the House of Represent-  
17 atives 1 or more reports setting forth the Comptroller  
18 General's findings resulting from the review.

19 **SEC. 1026. MANAGEMENT REVIEW OF DEFENSE INFORMA-**

20 **TION SYSTEMS AGENCY.**

21 (a) COMPTROLLER GENERAL REVIEW REQUIRED.—

22 The Comptroller General shall review each operation of  
23 the Defense Information Systems Agency—

24 (1) to assess—

25 (A) the efficiency of the operation;

1 (B) the effectiveness of the operation in  
2 meeting customer requirements; and

3 (C) the flexibility of the operation to adopt  
4 best business practices; and

5 (2) to identify alternative approaches for im-  
6 proving the information systems of the Department  
7 of Defense.

8 (b) REPORT.—Not later than February 1, 2002, the  
9 Comptroller General shall submit to the Committees on  
10 Armed Services of the Senate and the House of Represent-  
11 atives one or more reports setting forth the Comptroller  
12 General’s findings resulting from the review.

13 **SEC. 1027. REPORT ON SPARE PARTS AND REPAIR PARTS**  
14 **PROGRAM OF THE AIR FORCE FOR THE C-5**  
15 **AIRCRAFT.**

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

18 (1) There exists a significant shortfall in the  
19 Nation’s current strategic airlift requirement, even  
20 though strategic airlift remains critical to the na-  
21 tional security strategy of the United States.

22 (2) This shortfall results from the slow phase-  
23 out of C-141 aircraft and their replacement with C-  
24 17 aircraft and from lower than optimal reliability  
25 rates for the C-5 aircraft.

1           (3) One of the primary causes of these reli-  
2           ability rates for C-5 aircraft, and especially for  
3           operational unit aircraft, is the shortage of spare re-  
4           pair parts. Over the past 5 years, this shortage has  
5           been particularly evident in the C-5 fleet.

6           (4) NMCS (Not Mission Capable for Supply)  
7           rates for C-5 aircraft have increased significantly in  
8           the period between 1997 and 1999. At Dover Air  
9           Force Base, Delaware, an average of 7 to 9 C-5 air-  
10          craft were not available during that period because  
11          of a lack of parts.

12          (5) Average rates of cannibalization of C-5 air-  
13          craft per 100 sorties of such aircraft have also in-  
14          creased during that period and are well above the  
15          Air Mobility Command standard. In any given  
16          month, this means devoting additional manhours to  
17          cannibalizations of C-5 aircraft. At Dover Air Force  
18          Base, an average of 800 to 1,000 additional  
19          manhours were required for cannibalizations of C-5  
20          aircraft during that period. Cannibalizations are  
21          often required for aircraft that transit through a  
22          base such as Dover Air Force Base, as well as those  
23          that are based there.

24          (6) High cannibalization rates indicate a signifi-  
25          cant problem in delivering spare parts in a timely

1 manner and systemic problems within the repair and  
2 maintenance process, and also demoralize over-  
3 worked maintenance crews.

4 (7) The C-5 aircraft remains an absolutely crit-  
5 ical asset in air mobility and airlifting heavy equip-  
6 ment and personnel to both military contingencies  
7 and humanitarian relief efforts around the world.

8 (8) Despite increased funding for spare and re-  
9 pair parts and other efforts by the Air Force to miti-  
10 gate the parts shortage problem, Congress continues  
11 to receive reports of significant cannibalizations to  
12 airworthy C-5 aircraft and parts backlogs.

13 (b) REPORTS.—Not later than January 1, 2001, and  
14 September 30, 2001, the Secretary of the Air Force shall  
15 submit to the congressional defense committees a report  
16 on the overall status of the spare and repair parts program  
17 of the Air Force for the C-5 aircraft. The report shall  
18 include the following—

19 (1) a statement of the funds currently allocated  
20 to parts for the C-5 aircraft and the adequacy of  
21 such funds to meet current and future parts and  
22 maintenance requirements for that aircraft;

23 (2) a description of current efforts to address  
24 shortfalls in parts for such aircraft, including an as-



1        assessment of potential short-term and long-term ef-  
2        fects of such efforts;

3            (3) an assessment of the effects of such short-  
4        falls on readiness and reliability ratings for C-5 air-  
5        craft;

6            (4) a description of cannibalization rates for C-  
7        5 aircraft and the manhours devoted to  
8        cannibalizations of such aircraft; and

9            (5) an assessment of the effects of parts short-  
10       falls and cannibalizations with respect to C-5 air-  
11       craft on readiness and retention.

12 **SEC. 1028. REPORT ON THE STATUS OF DOMESTIC PRE-**  
13            **PAREDNESS AGAINST THE THREAT OF BIO-**  
14            **LOGICAL TERRORISM.**

15        (a) **REPORT REQUIRED.**—Not later than March 31,  
16 2001, the President shall submit to the Speaker of the  
17 House of Representatives and the President Pro Tempore  
18 of the Senate a report on domestic preparedness against  
19 the threat of biological terrorism.

20        (b) **REPORT ELEMENTS.**—The report shall address  
21 the following:

22            (1) The current state of United States pre-  
23        paredness to defend against a biologic attack.

1           (2) The roles that various Federal agencies cur-  
2           rently play, and should play, in preparing for, and  
3           defending against, such an attack.

4           (3) The roles that State and local agencies and  
5           public health facilities currently play, and should  
6           play, in preparing for, and defending against, such  
7           an attack.

8           (4) The advisability of establishing an intergov-  
9           ernmental task force to assist in preparations for  
10          such an attack.

11          (5) The potential role of advanced communica-  
12          tions systems in aiding domestic preparedness  
13          against such an attack.

14          (6) The potential for additional research and  
15          development in biotechnology to aid domestic pre-  
16          paredness against such an attack.

17          (7) Other measures that should be taken to aid  
18          domestic preparedness against such an attack.

19          (8) The financial resources necessary to support  
20          efforts for domestic preparedness against such an  
21          attack.

22          (9) The beneficial consequences of such efforts  
23          on—

24                  (A) the treatment of naturally occurring  
25                  infectious disease;

1 (B) the efficiency of the United States  
2 health care system;

3 (C) the maintenance in the United States  
4 of a competitive edge in biotechnology; and

5 (D) the United States economy.

6 **SEC. 1029. REPORT ON GLOBAL MISSILE LAUNCH EARLY**  
7 **WARNING CENTER.**

8 Not later than March 15, 2001, the Secretary of De-  
9 fense shall submit to the congressional defense committees  
10 a report on the feasibility and advisability of establishing  
11 a center at which missile launch early warning data from  
12 the United States and other nations would be made avail-  
13 able to representatives of nations concerned with the  
14 launch of ballistic missiles. The report shall include the  
15 Secretary's assessment of the advantages and disadvan-  
16 tages of such a center and any other matters regarding  
17 such a center that the Secretary considers appropriate.

18 **SEC. 1030. MANAGEMENT REVIEW OF WORKING-CAPITAL**  
19 **FUND ACTIVITIES.**

20 (a) **COMPTROLLER GENERAL REVIEW REQUIRED.**—  
21 The Comptroller General shall conduct a review of the  
22 working-capital fund activities of the Department of De-  
23 fense to identify any potential changes in current manage-  
24 ment processes or policies that, if made, would result in

1 a more efficient and economical operation of those activi-  
2 ties.

3 (b) REVIEW TO INCLUDE CARRYOVER POLICY.—The  
4 review shall include a review of practices under the De-  
5 partment of Defense policy that authorizes funds available  
6 for working-capital fund activities for one fiscal year to  
7 be obligated for work to be performed at such activities  
8 within the first 90 days of the next fiscal year (known  
9 as “carryover”). On the basis of the review, the Comp-  
10 troller General shall determine the following:

11 (1) The extent to which the working-capital  
12 fund activities of the Department of Defense have  
13 complied with the 90-day carryover policy.

14 (2) The reasons for the carryover authority  
15 under the policy to apply to as much as a 90-day  
16 quantity of work.

17 (3) Whether applying the carryover authority to  
18 not more than a 30-day quantity of work would be  
19 sufficient to ensure uninterrupted operations at the  
20 working-capital fund activities early in a fiscal year.

21 (4) What, if any, savings could be achieved by  
22 restricting the carryover authority so as to apply to  
23 a 30-day quantity of work.

1 **SEC. 1031. REPORT ON SUBMARINE RESCUE SUPPORT VES-**  
2 **SELS.**

3 (a) REQUIREMENT.—The Secretary of the Navy shall  
4 submit to Congress, together with the submission of the  
5 budget of the President for fiscal year 2002 under section  
6 1105 of title 31, United States Code, a report on the plan  
7 of the Navy for providing for submarine rescue support  
8 vessels through fiscal year 2007.

9 (b) CONTENT.—The report shall include a discussion  
10 of the following:

11 (1) The requirement for submarine rescue sup-  
12 port vessels through fiscal year 2007, including ex-  
13 perience in changing from the provision of such ves-  
14 sels from dedicated platforms to the provision of  
15 such vessels through vessel of opportunity services  
16 and charter vessels.

17 (2) The resources required, the risks to subma-  
18 riners, and the operational impacts of the following:

19 (A) Chartering submarine rescue support  
20 vessels for terms of up to five years, with op-  
21 tions to extend the charters for two additional  
22 five-year periods.

23 (B) Providing submarine rescue support  
24 vessels using vessel of opportunity services.

1           (C) Providing submarine rescue support  
2           services through other means considered by the  
3           Navy.

4 **SEC. 1032. REPORTS ON FEDERAL GOVERNMENT**  
5           **PROGRESS IN DEVELOPING INFORMATION**  
6           **ASSURANCE STRATEGIES.**

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

9           (1) The protection of our Nation’s critical infra-  
10          structure is of paramount importance to the security  
11          of the United States.

12          (2) The vulnerability of our Nation’s critical  
13          sectors—such as financial services, transportation,  
14          communications, and energy and water supply—has  
15          increased dramatically in recent years as our econ-  
16          omy and society have become ever more dependent  
17          on interconnected computer systems.

18          (3) Threats to our Nation’s critical infrastruc-  
19          ture will continue to grow as foreign governments,  
20          terrorist groups, and cyber-criminals increasingly  
21          focus on information warfare as a method of achiev-  
22          ing their aims.

23          (4) Addressing the computer-based risks to our  
24          Nation’s critical infrastructure requires extensive co-

1 ordination and cooperation within and between Fed-  
2 eral agencies and the private sector.

3 (5) Presidential Decision Directive No. 63  
4 (PDD-63) identifies 12 areas critical to the func-  
5 tioning of the United States and requires certain  
6 Federal agencies, and encourages private sector in-  
7 dustries, to develop and comply with strategies in-  
8 tended to enhance the Nation's ability to protect its  
9 critical infrastructure.

10 (6) PDD-63 requires lead Federal agencies to  
11 work with their counterparts in the private sector to  
12 create early warning information sharing systems  
13 and other cyber-security strategies.

14 (7) PDD-63 further requires that key Federal  
15 agencies develop their own internal information as-  
16 surance plans, and that these plans be fully oper-  
17 ational not later than May 2003.

18 (b) REPORT REQUIREMENTS.—(1) Not later than  
19 July 1, 2001, the President shall submit to Congress a  
20 comprehensive report detailing the specific steps taken by  
21 the Federal Government as of the date of the report to  
22 develop infrastructure assurance strategies as outlined by  
23 Presidential Decision Directive No. 63 (PDD-63). The re-  
24 port shall include the following:

1           (A) A detailed summary of the progress of each  
2           Federal agency in developing an internal information  
3           assurance plan.

4           (B) The progress of Federal agencies in estab-  
5           lishing partnerships with relevant private sector in-  
6           dustries.

7           (2) Not later than 120 days after the date of the en-  
8           actment of this Act, the Secretary of Defense shall submit  
9           to Congress a detailed report on the roles and responsibil-  
10          ities of the Department of Defense in defending against  
11          attacks on critical infrastructure and critical information-  
12          based systems. The report shall include the following:

13           (A) A description of the current role of the De-  
14           partment of Defense in implementing Presidential  
15           Decision Directive No. 63 (PDD-63).

16           (B) A description of the manner in which the  
17           Department is integrating its various capabilities  
18           and assets (including the Army Land Information  
19           Warfare Activity (LIWA), the Joint Task Force on  
20           Computer Network Defense (JTF-CND), and the  
21           National Communications System) into an indica-  
22           tions and warning architecture.

23           (C) A description of Department work with the  
24           intelligence community to identify, detect, and  
25           counter the threat of information warfare programs



1 by potentially hostile foreign national governments  
2 and sub-national groups.

3 (D) A definitions of the terms “nationally sig-  
4 nificant cyber event” and “cyber reconstitution”.

5 (E) A description of the organization of Depart-  
6 ment to protect its foreign-based infrastructure and  
7 networks.

8 (F) An identification of the elements of a de-  
9 fense against an information warfare attack, includ-  
10 ing the integration of the Computer Network Attack  
11 Capability of the United States Space Command  
12 into the overall cyber-defense of the United States.

## 13 **Subtitle E—Information Security**

### 14 **SEC. 1041. INSTITUTE FOR DEFENSE COMPUTER SECURITY** 15 **AND INFORMATION PROTECTION.**

16 (a) ESTABLISHMENT.—The Secretary of Defense  
17 shall establish an Institute for Defense Computer Security  
18 and Information Protection.

19 (b) MISSION.—The Secretary shall require the  
20 institute—

21 (1) to conduct research and technology develop-  
22 ment that is relevant to foreseeable computer and  
23 network security requirements and information as-  
24 surance requirements of the Department of Defense  
25 with a principal focus on areas not being carried out

1 by other organizations in the private or public sec-  
2 tor; and

3 (2) to facilitate the exchange of information re-  
4 garding cyberthreats, technology, tools, and other  
5 relevant issues between government and nongovern-  
6 ment organizations and entities.

7 (c) CONTRACTOR OPERATION.—The Secretary shall  
8 enter into a contract with a not-for-profit entity or consor-  
9 tium of not-for-profit entities to organize and operate the  
10 institute. The Secretary shall use competitive procedures  
11 for the selection of the contractor to the extent determined  
12 necessary by the Secretary.

13 (d) FUNDING.—Of the amounts authorized to be ap-  
14 propriated under section 301(5), \$10,000,000 shall be  
15 available for the Institute for Defense Computer Security  
16 and Information Protection.

17 (e) REPORT.—Not later than April 1, 2001, the Sec-  
18 retary shall submit to the congressional defense commit-  
19 tees the Secretary's plan for implementing this section.

20 **SEC. 1042. INFORMATION SECURITY SCHOLARSHIP PRO-**  
21 **GRAM.**

22 (a) ESTABLISHMENT OF PROGRAM.—(1) Part III of  
23 subtitle A of title 10, United States Code, is amended by  
24 adding at the end the following:

1 **“CHAPTER 112—INFORMATION SECURITY**  
 2 **SCHOLARSHIP PROGRAM**

“Sec.

“2200. Programs; purpose.

“2200a. Scholarship program.

“2200b. Grant program.

“2200c. Centers of Academic Excellence in Information Assurance Education.

“2200d. Regulations.

“2200e. Definitions.

“2200f. Inapplicability to Coast Guard.

3 **“§ 2200. Programs; purpose**

4 “(a) IN GENERAL.—To encourage the recruitment  
 5 and retention of Department of Defense personnel who  
 6 have the computer and network security skills necessary  
 7 to meet Department of Defense information assurance re-  
 8 quirements, the Secretary of Defense may carry out pro-  
 9 grams in accordance with this chapter to provide financial  
 10 support for education in disciplines relevant to those re-  
 11 quirements at institutions of higher education.

12 “(b) TYPES OF PROGRAMS.—The programs author-  
 13 ized under this chapter are as follows:

14 “(1) Scholarships for pursuit of programs of  
 15 education in information assurance at institutions of  
 16 higher education.

17 “(2) Grants to institutions of higher education.

18 **“§ 2200a. Scholarship program**

19 “(a) AUTHORITY.—The Secretary of Defense may,  
 20 subject to subsection (g), provide financial assistance in  
 21 accordance with this section to a person pursuing a bacca-

1 laureate or advanced degree in an information assurance  
2 discipline referred to in section 2200(a) of this title at an  
3 institution of higher education who enters into an agree-  
4 ment with the Secretary as described in subsection (b).

5       “(b) SERVICE AGREEMENT FOR SCHOLARSHIP RE-  
6 CIPIENTS.—(1) To receive financial assistance under this  
7 section—

8           “(A) a member of the armed forces shall enter  
9       into an agreement to serve on active duty in the  
10       member’s armed force for the period of obligated  
11       service determined under paragraph (2);

12           “(B) an employee of the Department of De-  
13       fense shall enter into an agreement to continue in  
14       the employment of the department for the period of  
15       obligated service determined under paragraph (2);  
16       and

17           “(C) a person not referred to in subparagraph  
18       (A) or (B) shall enter into an agreement—

19           “(i) to enlist or accept a commission in one  
20       of the armed forces and to serve on active duty  
21       in that armed force for the period of obligated  
22       service determined under paragraph (2); or

23           “(ii) to accept and continue employment in  
24       the Department of Defense for the period of ob-  
25       ligated service determined under paragraph (2).

1       “(2) For the purposes of this subsection, the period  
2 of obligated service for a recipient of financial assistance  
3 under this section shall be the period determined by the  
4 Secretary of Defense as being appropriate to obtain ade-  
5 quate service in exchange for the financial assistance and  
6 otherwise to achieve the goals set forth in section 2200(a)  
7 of this title. In no event may the period of service required  
8 of a recipient be less than the period equal to  $\frac{3}{4}$  of the  
9 total period of pursuit of a degree for which the Secretary  
10 agrees to provide the recipient with financial assistance  
11 under this section. The period of obligated service is in  
12 addition to any other period for which the recipient is obli-  
13 gated to serve on active duty or in the civil service, as  
14 the case may be.

15       “(3) An agreement entered into under this section by  
16 a person pursuing an academic degree shall include  
17 clauses that provide the following:

18               “(A) That the period of obligated service begins  
19 on a date after the award of the degree that is de-  
20 termined under the regulations prescribed under sec-  
21 tion 2200d of this title.

22               “(B) That the person will maintain satisfactory  
23 academic progress, as determined in accordance with  
24 those regulations, and that failure to maintain such  
25 progress constitutes grounds for termination of the

1 financial assistance for the person under this sec-  
2 tion.

3 “(C) Any other terms and conditions that the  
4 Secretary of Defense determines appropriate for car-  
5 rying out this section.

6 “(c) AMOUNT OF ASSISTANCE.—The amount of the  
7 financial assistance provided for a person under this sec-  
8 tion shall be the amount determined by the Secretary of  
9 Defense as being necessary to pay all educational expenses  
10 incurred by that person, including tuition, fees, cost of  
11 books, laboratory expenses, and expenses of room and  
12 board. The expenses paid, however, shall be limited to  
13 those educational expenses normally incurred by students  
14 at the institution of higher education involved.

15 “(d) USE OF ASSISTANCE FOR SUPPORT OF INTERN-  
16 SHIPS.—The financial assistance for a person under this  
17 section may also be provided to support internship activi-  
18 ties of the person at the Department of Defense in periods  
19 between the academic years leading to the degree for  
20 which assistance is provided the person under this section.

21 “(e) REFUND FOR PERIOD OF UNSERVED OBLI-  
22 GATED SERVICE.—(1) A person who voluntarily termi-  
23 nates service before the end of the period of obligated serv-  
24 ice required under an agreement entered into under sub-  
25 section (b) shall refund to the United States an amount

1 determined by the Secretary of Defense as being appro-  
2 priate to obtain adequate service in exchange for financial  
3 assistance and otherwise to achieve the goals set forth in  
4 section 2200(a) of this title.

5       “(2) An obligation to reimburse the United States  
6 imposed under paragraph (1) is for all purposes a debt  
7 owed to the United States.

8       “(3) The Secretary of Defense may waive, in whole  
9 or in part, a refund required under paragraph (1) if the  
10 Secretary determines that recovery would be against eq-  
11 uity and good conscience or would be contrary to the best  
12 interests of the United States.

13       “(f) EFFECT OF DISCHARGE IN BANKRUPTCY.—A  
14 discharge in bankruptcy under title 11 that is entered less  
15 than 5 years after the termination of an agreement under  
16 this section does not discharge the person signing such  
17 agreement from a debt arising under such agreement or  
18 under subsection (e).

19       “(g) ALLOCATION OF FUNDING.—Not less than 50  
20 percent of the amount available for financial assistance  
21 under this section for a fiscal year shall be available only  
22 for providing financial assistance for the pursuit of de-  
23 grees referred to in subsection (a) at institutions of higher  
24 education that have established, improved, or are admin-  
25 istering programs of education in information assurance

1 under the grant program established in section 2200b of  
2 this title, as determined by the Secretary of Defense.

3 **“§ 2200b. Grant program**

4 “(a) AUTHORITY.—The Secretary of Defense may  
5 provide grants of financial assistance to institutions of  
6 higher education to support the establishment, improve-  
7 ment, or administration of programs of education in infor-  
8 mation assurance disciplines referred to in section 2200(a)  
9 of this title.

10 “(b) PURPOSES.—The proceeds of grants under this  
11 section may be used by an institution of higher education  
12 for the following purposes:

13 “(1) Faculty development.

14 “(2) Curriculum development.

15 “(3) Laboratory improvements.

16 “(4) Faculty research in information security.

17 **“§ 2200c. Centers of Academic Excellence in Informa-**  
18 **tion Assurance Education**

19 “In the selection of a recipient for the award of a  
20 scholarship or grant under this chapter, consideration  
21 shall be given to whether—

22 “(1) in the case of a scholarship, the institution  
23 at which the recipient pursues a degree is a Center  
24 of Academic Excellence in Information Assurance  
25 Education; and



1           “(2) in the case of a grant, the recipient is a  
2           Center of Academic Excellence in Information As-  
3           surance Education.

4   **“§ 2200d. Regulations**

5           “The Secretary of Defense shall prescribe regulations  
6 for the administration of this chapter.

7   **“§ 2200e. Definitions**

8           “In this chapter:

9           “(1) The term ‘information assurance’ includes  
10          the following:

11                   “(A) Computer security.

12                   “(B) Network security.

13                   “(C) Any other information technology  
14          that the Secretary of Defense considers related  
15          to information assurance.

16           “(2) The term ‘institution of higher education’  
17          has the meaning given the term in section 101 of the  
18          Higher Education Act of 1965 (20 U.S.C. 1001).

19           “(3) The term ‘Center of Academic Excellence  
20          in Information Assurance Education’ means an in-  
21          stitution of higher education that is designated as a  
22          Center of Academic Excellence in Information As-  
23          surance Education by the Director of the National  
24          Security Agency.

1 **“§ 2200f. Inapplicability to Coast Guard**

2 “This chapter does not apply to the Coast Guard  
3 when it is not operating as a service in the Navy.”.

4 (2) The tables of chapters at the beginning of subtitle  
5 A of title 10, United States Code, and the beginning of  
6 part III of such subtitle are amended by inserting after  
7 the item relating to chapter 111 the following:

“112. Information Security Scholarship Program ..... 2200”.

8 (b) FUNDING.—Of the amount authorized to be ap-  
9 propriated under section 301(5), \$20,000,000 shall be  
10 available for carrying out chapter 112 of title 10, United  
11 States Code (as added by subsection (a)).

12 (c) REPORT.—Not later than April 1, 2001, the Sec-  
13 retary of Defense shall submit to the congressional defense  
14 committees a plan for implementing the programs under  
15 chapter 112 of title 10, United States Code.

16 **SEC. 1043. PROCESS FOR PRIORITIZING BACKGROUND IN-**  
17 **VESTIGATIONS FOR SECURITY CLEARANCES**  
18 **FOR DEPARTMENT OF DEFENSE PERSONNEL.**

19 (a) ESTABLISHMENT OF PROCESS.—Chapter 80 of  
20 title 10, United States Code, is amended by adding at the  
21 end the following:

22 **“§ 1563. Security clearance investigations**

23 “(a) EXPEDITED PROCESS.—The Secretary of De-  
24 fense shall prescribe a process for expediting the comple-  
25 tion of the background investigations necessary for grant-

1 ing security clearances for Department of Defense per-  
2 sonnel who are engaged in sensitive duties that are critical  
3 to the national security.

4 “(b) REQUIRED FEATURES.—The process developed  
5 under subsection (a) shall provide for the following:

6 “(1) Quantification of the requirements for  
7 background investigations necessary for grants of se-  
8 curity clearances for Department of Defense per-  
9 sonnel.

10 “(2) Categorization of personnel on the basis of  
11 the degree of sensitivity of their duties and the ex-  
12 tent to which those duties are critical to the national  
13 security.

14 “(3) Prioritization of the processing of back-  
15 ground investigations on the basis of the categories  
16 of personnel.

17 “(c) ANNUAL REVIEW.—The Secretary shall review,  
18 each year, the process prescribed under subsection (a) and  
19 shall revise it as determined necessary in relation to ongo-  
20 ing Department of Defense missions.

21 “(d) CONSULTATION REQUIREMENT.—The Secretary  
22 shall consult with the Secretaries of the military depart-  
23 ments and the heads of Defense Agencies in carrying out  
24 this section.

1 “(e) SENSITIVE DUTIES.—For the purposes of this  
2 section, it is not necessary for the performance of duties  
3 to involve classified activities or classified matters in order  
4 for the duties to be considered sensitive and critical to the  
5 national security.”.

6 (b) CLERICAL AMENDMENT.—The table of sections  
7 at the beginning of such chapter is amended by adding  
8 at the end the following:

“1563. Security clearance investigations.”.

9 **SEC. 1044. AUTHORITY TO WITHHOLD CERTAIN SENSITIVE**  
10 **INFORMATION FROM PUBLIC DISCLOSURE.**

11 (a) IN GENERAL.—Chapter 3 of title 10, United  
12 States Code, is amended by inserting after section 130b  
13 the following new section:

14 **“§ 130c. Nondisclosure of information: certain sen-**  
15 **sitive information of foreign governments**  
16 **and international organizations**

17 “(a) EXEMPTION FROM DISCLOSURE.—The national  
18 security official concerned (as defined in subsection (g))  
19 may withhold from public disclosure otherwise required by  
20 law sensitive information of foreign governments in ac-  
21 cordance with this section.

22 “(b) INFORMATION ELIGIBLE FOR EXEMPTION.—  
23 For the purposes of this section, information is sensitive  
24 information of a foreign government only if the national

1 security official concerned makes each of the following de-  
2 terminations with respect to the information:

3           “(1) That the information was provided by, oth-  
4 erwise made available by, or produced in cooperation  
5 with, a foreign government or international organi-  
6 zation.

7           “(2) That the foreign government or inter-  
8 national organization is withholding the information  
9 from public disclosure (relying for that determina-  
10 tion on the written representation of the foreign gov-  
11 ernment or international organization to that effect).

12           “(3) That any of the following conditions are  
13 met:

14           “(A) The foreign government or inter-  
15 national organization requests, in writing, that  
16 the information be withheld.

17           “(B) The information was provided or  
18 made available to the United States Govern-  
19 ment on the condition that it not be released to  
20 the public.

21           “(C) The information is an item of infor-  
22 mation, or is in a category of information, that  
23 the national security official concerned has  
24 specified in regulations prescribed under sub-  
25 section (f) as being information the release of

1           which would have an adverse effect on the abil-  
2           ity of the United States Government to obtain  
3           the same or similar information in the future.

4           “(c) INFORMATION OF OTHER AGENCIES.—If the na-  
5           tional security official concerned provides to the head of  
6           another agency sensitive information of a foreign govern-  
7           ment, as determined by that national security official  
8           under subsection (b), and informs the head of the other  
9           agency of that determination, then the head of the other  
10          agency shall withhold the information from any public dis-  
11          closure unless that national security official specifically  
12          authorizes the disclosure.

13          “(d) LIMITATIONS.—(1) If a request for disclosure  
14          covers any sensitive information of a foreign government  
15          (as described in subsection (b)) that came into the posses-  
16          sion or under the control of the United States Government  
17          before the date of the enactment of the National Defense  
18          Authorization Act for Fiscal Year 2001 and more than  
19          25 years before the request is received by an agency, the  
20          information may be withheld only as set forth in para-  
21          graph (3).

22          “(2)(A) If a request for disclosure covers any sen-  
23          sitive information of a foreign government (as described  
24          in subsection (b)) that came into the possession or under  
25          the control of the United States Government on or after

1 the date referred to in paragraph (1), the authority to  
2 withhold the information under this section is subject to  
3 the provisions of subparagraphs (B) and (C).

4 “(B) Information referred to in subparagraph (A)  
5 may not be withheld under this section after—

6 “(i) the date that is specified by a foreign gov-  
7 ernment or international organization in a request  
8 or expression of a condition described in paragraph  
9 (1) or (2) of subsection (b) that is made by the for-  
10 eign government or international organization con-  
11 cerning the information; or

12 “(ii) if there are more than one such foreign  
13 governments or international organizations, the lat-  
14 est date so specified by any of them.

15 “(C) If no date is applicable under subparagraph (B)  
16 to a request referred to in subparagraph (A) and the infor-  
17 mation referred to in that subparagraph came into posses-  
18 sion or under the control of the United States more than  
19 10 years before the date on which the request is received  
20 by an agency, the information may be withheld under this  
21 section only as set forth in paragraph (3).

22 “(3) Information referred to in paragraph (1) or  
23 (2)(C) may be withheld under this section in the case of  
24 a request for disclosure only if, upon the notification of  
25 each foreign government and international organization

1 concerned in accordance with the regulations prescribed  
2 under subsection (g)(2), any such government or organiza-  
3 tion requests in writing that the information not be dis-  
4 closed for an additional period stated in the request of  
5 that government or organization. After the national secu-  
6 rity official concerned considers the request of the foreign  
7 government or international organization, the official shall  
8 designate a later date as the date after which the informa-  
9 tion is not to be withheld under this section. The later  
10 date may be extended in accordance with a later request  
11 of any such foreign government or international organiza-  
12 tion under this paragraph.

13       “(e) INFORMATION PROTECTED UNDER OTHER AU-  
14 THORITY.—This section does not apply to information or  
15 matters that are specifically required in the interest of na-  
16 tional defense or foreign policy to be protected against un-  
17 authorized disclosure under criteria established by an Ex-  
18 ecutive order and are classified, properly, at the confiden-  
19 tial, secret, or top secret level pursuant to such Executive  
20 order.

21       “(f) DISCLOSURES NOT AFFECTED.—Nothing in this  
22 section shall be construed to authorize any official to with-  
23 hold, or to authorize the withholding of, information from  
24 the following:

25               “(1) Congress.



1           “(2) The Comptroller General, unless the infor-  
2           mation relates to activities that the President des-  
3           ignates as foreign intelligence or counterintelligence  
4           activities.

5           “(g) REGULATIONS.—(1) The national security offi-  
6           cials referred to in subsection (h)(1) shall each prescribe  
7           regulations to carry out this section. The regulations shall  
8           include criteria for making the determinations required  
9           under subsection (b). The regulations may provide for con-  
10          trols on access to and use of, and special markings and  
11          specific safeguards for, a category or categories of infor-  
12          mation subject to this section.

13          “(2) The regulations shall include procedures for no-  
14          tifying and consulting with each foreign government or  
15          international organization concerned about requests for  
16          disclosure of information to which this section applies.

17          “(h) DEFINITIONS.—In this section:

18                  “(1) The term ‘national security official con-  
19                  cerned’ means the following:

20                          “(A) The Secretary of Defense, with re-  
21                          spect to information of concern to the Depart-  
22                          ment of Defense, as determined by the Sec-  
23                          retary.

24                          “(B) The Secretary of Transportation,  
25                          with respect to information of concern to the

1 Coast Guard, as determined by the Secretary,  
2 but only while the Coast Guard is not operating  
3 as a service in the Navy.

4 “(C) The Secretary of Energy, with re-  
5 spect to information concerning the national se-  
6 curity programs of the Department of Energy,  
7 as determined by the Secretary.

8 “(2) The term ‘agency’ has the meaning given  
9 that term in section 552(f) of title 5.

10 “(3) The term ‘international organization’  
11 means the following:

12 “(A) A public international organization  
13 designated pursuant to section 1 of the Inter-  
14 national Organizations Immunities Act (59  
15 Stat. 669; 22 U.S.C. 288) as being entitled to  
16 enjoy the privileges, exemptions, and immuni-  
17 ties provided in such Act.

18 “(B) A public international organization  
19 created pursuant to a treaty or other inter-  
20 national agreement as an instrument through  
21 or by which two or more foreign governments  
22 engage in some aspect of their conduct of inter-  
23 national affairs.



1       “(b) DECENNIAL REVIEW OF EXEMPTED OPER-  
2       ATIONAL FILES.—Section 702 of the National Security  
3       Act of 1947 (50 U.S.C. 432), setting forth requirements  
4       for decennial review of exemptions from public disclosure  
5       and related provisions for judicial review shall apply with  
6       respect to the exemptions from public disclosure that are  
7       in force under subsection (a), subject to the following re-  
8       quirements:

9               “(1) The Secretary of Defense shall conduct the  
10       decennial review under this subsection.

11              “(2) In the application of the judicial review  
12       provisions under subsection (c) of such section  
13       702—

14                   “(A) the references to the Central Intel-  
15       ligence Agency shall be deemed to refer to the  
16       Secretary of Defense; and

17                   “(B) the reference in paragraph (1) of that  
18       subsection to the period for the first review  
19       shall be deemed to refer to the 10-year period  
20       beginning on the day after the date of the en-  
21       actment of the National Defense Authorization  
22       Act for Fiscal Year 2001.

23       “(c) OPERATIONAL FILES DEFINED.—In this sec-  
24       tion, the term ‘operational files’ has the meaning given  
25       that term in section 701(b) of the National Security Act

1 of 1947 (50 U.S.C. 431(b)), except that the references to  
 2 elements of the Central Intelligence Agency do not  
 3 apply.”.

4 (b) CLERICAL AMENDMENT.—The table of sections  
 5 at the beginning of such subchapter is amended by adding  
 6 at the end the following:

“426. Protection of sensitive information: operational files of the Defense Intel-  
 ligence Agency.”.

## 7 **Subtitle F—Other Matters**

### 8 **SEC. 1051. COMMEMORATION OF THE FIFTIETH ANNIVER-** 9 **SARY OF THE UNIFORM CODE OF MILITARY** 10 **JUSTICE.**

11 (a) FINDINGS.—Congress makes the following find-  
 12 ings:

13 (1) The American military justice system pre-  
 14 dates the United States itself, having had a contin-  
 15 uous existence since the enactment of the first  
 16 American Articles of War by the Continental Con-  
 17 gress in 1775.

18 (2) Pursuant to article I of the Constitution,  
 19 which explicitly empowers Congress “To make Rules  
 20 for the Government and Regulation of the land and  
 21 naval Forces”, Congress enacted the Articles of War  
 22 and an Act to Govern the Navy, which were revised  
 23 on several occasions between the ratification of the  
 24 Constitution and the end of World War II.

1           (3) Dissatisfaction with the administration of  
2 military justice in World War I and World War II  
3 led both to significant statutory reforms in the Arti-  
4 cles of War and to the convening of a committee,  
5 under Department of Defense auspices, to draft a  
6 uniform code of military justice applicable to all of  
7 the Armed Forces.

8           (4) The committee, chaired by Professor Ed-  
9 mund M. Morgan of Harvard Law School, made rec-  
10 ommendations that formed the basis of bills intro-  
11 duced in Congress to establish such a uniform code  
12 of military justice.

13           (5) After lengthy hearings and debate on the  
14 congressional proposals, the Uniform Code of Mili-  
15 tary Justice was enacted into law on May 5, 1950,  
16 when President Harry S. Truman signed the legisla-  
17 tion.

18           (6) President Truman then issued a revised  
19 Manual for Courts-Martial implementing the new  
20 code, and the code became effective on May 31,  
21 1951.

22           (7) One of the greatest innovations of the Uni-  
23 form Code of Military Justice was the establishment  
24 of a civilian court of appeals within the military jus-  
25 tice system. That court, the United States Court of

1 Military Appeals (now the United States Court of  
2 Appeals for the Armed Forces), held its first session  
3 on July 25, 1951.

4 (8) Congress enacted major revisions of the  
5 Uniform Code of Military Justice in 1968 and 1983  
6 and, in addition, has amended the code from time to  
7 time over the years as practice under the code indi-  
8 cated a need for updating the substance or proce-  
9 dure of the law of military justice.

10 (9) The evolution of the system of military jus-  
11 tice under the Uniform Code of Military Justice may  
12 be traced in the decisions of the Courts of Criminal  
13 Appeals of each of the Armed Forces and the deci-  
14 sions of the United States Court of Appeals for the  
15 Armed Forces. These courts have produced a unique  
16 body of jurisprudence upon which commanders and  
17 judge advocates rely in the performance of their du-  
18 ties.

19 (10) It is altogether fitting that the fiftieth an-  
20 niversary of the Uniform Code of Military Justice be  
21 duly commemorated.

22 (b) COMMEMORATION.—The Congress—

23 (1) requests the President to issue a proclama-  
24 tion commemorating the fiftieth anniversary of the  
25 Uniform Code of Military Justice; and

1           (2) calls upon the Department of Defense, the  
2           Armed Forces, and the United States Court of Ap-  
3           peals for the Armed Forces to commemorate the oc-  
4           casion with ceremonies and activities befitting its  
5           importance.

6 **SEC. 1052. TECHNICAL CORRECTIONS.**

7           (a) THRESHOLD DATE FOR EFFECTIVENESS OF  
8 AGREEMENTS TO MAKE AN SBP ELECTION.—(1) Section  
9 657(a)(1)(A) of the National Defense Authorization Act  
10 for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 668;  
11 10 U.S.C. 1450 note) is amended by striking “August 21,  
12 1983” and inserting “August 19, 1983”.

13           (2) The amendment made by paragraph (1) shall  
14 take effect as of October 5, 1999, and shall apply as if  
15 included in section 657(a)(1)(A) of Public Law 106–65  
16 on that date.

17           (b) STATE OF INCORPORATION OF FLEET RESERVE  
18 ASSOCIATION.—Sections 70102(a) and 70108(a) of title  
19 36, United States Code, are amended by striking “Dela-  
20 ware” and inserting “Pennsylvania”.



1 **SEC. 1053. ELIGIBILITY OF DEPENDENTS OF AMERICAN**  
2 **RED CROSS EMPLOYEES FOR ENROLLMENT**  
3 **IN DEPARTMENT OF DEFENSE DOMESTIC DE-**  
4 **PENDENT SCHOOLS IN PUERTO RICO.**

5 Section 2164 of title 10, United States Code, is  
6 amended by adding at the end the following:

7 “(i) AMERICAN RED CROSS EMPLOYEE DEPEND-  
8 ENTS IN PUERTO RICO.—(1) The Secretary of Defense  
9 may authorize a dependent of an employee of the Amer-  
10 ican Red Cross performing armed forces emergency serv-  
11 ices in Puerto Rico to enroll in an educational program  
12 provided by the Secretary pursuant to subsection (a) in  
13 Puerto Rico.

14 “(2) In determining the dependency status of any  
15 person for the purposes of paragraph (1), the Secretary  
16 shall apply the same definitions as apply to the determina-  
17 tion of such status with respect to Federal employees in  
18 the administration of this section.

19 “(3) The Secretary shall be paid for the educational  
20 services and related items provided to a student under  
21 paragraph (1). To determine the amount for educational  
22 services, the Secretary shall allocate to the student a  
23 share, considered appropriate by the Secretary, of the  
24 costs of providing the educational program in which the  
25 student is enrolled. The Secretary shall enter into such  
26 agreements or take such other actions as the Secretary

1 determines necessary to ensure that the payments re-  
2 quired under this paragraph are made.”.

3 **SEC. 1054. GRANTS TO AMERICAN RED CROSS FOR ARMED**  
4 **FORCES EMERGENCY SERVICES.**

5 (a) GRANTS AUTHORIZED.—The Secretary of De-  
6 fense may, subject to subsection (b), make a grant to the  
7 American Red Cross of up to \$9,400,000 in each of fiscal  
8 years 2001, 2002, and 2003 for the support of the Armed  
9 Forces Emergency Services program of the American Red  
10 Cross.

11 (b) MATCHING REQUIREMENT.—A grant may not be  
12 made for a fiscal year under subsection (a) until the Sec-  
13 retary receives from the American Red Cross a certifi-  
14 cation providing assurances satisfactory to the Secretary  
15 that the American Red Cross will expend for the Armed  
16 Forces Emergency Services program for that fiscal year  
17 funds, derived from sources other than the Federal Gov-  
18 ernment, in a total amount that equals or exceeds the  
19 amount of the grant.

20 (c) FUNDING.—Of the amount authorized to be ap-  
21 propriated by section 301 for operation and maintenance  
22 for Defense-wide activities, \$9,400,000 shall be available  
23 for grants made under this section.

1 **SEC. 1055. TRANSIT PASS PROGRAM FOR CERTAIN DEPART-**  
2 **MENT OF DEFENSE PERSONNEL.**

3 (a) ESTABLISHMENT OF PROGRAM.—To encourage  
4 Department of Defense personnel in areas described in  
5 subsection (b) to use means other than single-occupancy  
6 motor vehicles to commute to or from work, the Secretary  
7 of Defense shall exercise the authority provided in section  
8 7905 of title 5, United States Code, to establish a program  
9 to provide the personnel in such areas with a transit pass  
10 benefit under subsection (b)(2)(A) of such section.

11 (b) COVERED AREAS.—The Secretary shall establish  
12 the program required by subsection (a) in the areas which  
13 do not meet the revised national ambient air quality stand-  
14 ards under section 109 of the Clean Air Act (42 U.S.C.  
15 7409).

16 (c) TIME FOR IMPLEMENTATION.—The Secretary  
17 shall prescribe the effective date for the program required  
18 under subsection (a). The effective date so prescribed may  
19 not be later than the first day of the first month that be-  
20 gins on or after the date that is 180 days after the date  
21 of the enactment of this Act.

22 **SEC. 1056. FEES FOR PROVIDING HISTORICAL INFORMA-**  
23 **TION TO THE PUBLIC.**

24 (a) ARMY.—(1) Chapter 437 of title 10, United  
25 States Code, is amended by adding at the end the fol-  
26 lowing:

1 **“§ 4595. Army Military History Institute: fee for pro-**  
2 **viding historical information to the pub-**  
3 **lic**

4 “(a) AUTHORITY.—Except as provided in subsection  
5 (b), the Secretary of the Army may charge a person a fee  
6 for providing the person with information from the United  
7 States Army Military History Institute that is requested  
8 by that person.

9 “(b) EXCEPTIONS.—A fee may not be charged under  
10 this section—

11 “(1) to a person for information that the person  
12 requests to carry out a duty as a member of the  
13 armed forces or an officer or employee of the United  
14 States; or

15 “(2) for a release of information under section  
16 552 of title 5.

17 “(c) LIMITATION ON AMOUNT.—A fee charged for  
18 providing information under this section may not exceed  
19 the cost of providing the information.

20 “(d) RETENTION OF FEES.—Amounts received under  
21 subsection (a) for providing information in any fiscal year  
22 shall be credited to the appropriation or appropriations  
23 charged the costs of providing information to the public  
24 from the United States Army Military History Institute  
25 during that fiscal year.

26 “(e) DEFINITIONS.—In this section:

1           “(1) The term ‘United States Army Military  
2           History Institute’ means the archive for historical  
3           records and materials of the Army that the Sec-  
4           retary of the Army designates as the primary ar-  
5           chive for such records and materials.

6           “(2) The terms ‘officer of the United States’  
7           and ‘employee of the United States’ have the mean-  
8           ings given the terms ‘officer’ and ‘employee’, respec-  
9           tively, in sections 2104 and 2105, respectively, of  
10          title 5.”.

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

“4595. Army Military History Institute: fee for providing historical information  
to the public.”.

13          (b) NAVY.—(1) Chapter 649 of such title 10 is  
14          amended by adding at the end the following new section:

15          “**§ 7582. Naval and Marine Corps Historical Centers:**  
16                           **fee for providing historical information**  
17                           **to the public**

18          “(a) AUTHORITY.—Except as provided in subsection  
19          (b), the Secretary of the Navy may charge a person a fee  
20          for providing the person with information from the United  
21          States Naval Historical Center or the Marine Corps His-  
22          torical Center that 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 from the United  
12 States Naval Historical Center or the Marine Corps His-  
13 torical Center in any fiscal year shall be credited to the  
14 appropriation or appropriations charged the costs of pro-  
15 viding information to the public from that historical center  
16 during that fiscal year.

17          “(e) DEFINITIONS.—In this section:

18           “(1) The term ‘United States Naval Historical  
19 Center’ means the archive for historical records and  
20 materials of the Navy that the Secretary of the Navy  
21 designates as the primary archive for such records  
22 and materials.

23           “(2) The term ‘Marine Corps Historical Center’  
24 means the archive for historical records and mate-  
25 rials of the Marine Corps that the Secretary of the

1 Navy designates as the primary archive for such  
2 records and materials.

3 “(3) The terms ‘officer of the United States’  
4 and ‘employee of the United States’ have the mean-  
5 ings given the terms ‘officer’ and ‘employee’, respec-  
6 tively, in sections 2104 and 2105, respectively, of  
7 title 5.”.

8 (2) The heading of such chapter is amended by strik-  
9 ing “**RELATED**”.

10 (3)(A) The table of sections at the beginning of such  
11 chapter is amended by adding at the end the following  
12 new item:

“7582. Naval and Marine Corps Historical Centers: fee for providing historical  
information to the public.”.

13 (B) The item relating to such chapter in the tables  
14 of chapters at the beginning of subtitle C of title 10,  
15 United States Code, and the beginning of part IV of such  
16 subtitle is amended by striking out “Related”.

17 (c) AIR FORCE.—(1) Chapter 937 of title 10, United  
18 States Code, is amended by adding at the end the fol-  
19 lowing new section:

20 “§ 9594. **Air Force Military History Institute: fee for**  
21 **providing historical information to the**  
22 **public**

23 “(a) AUTHORITY.—Except as provided in subsection  
24 (b), the Secretary of the Air Force may charge a person

1 a fee for providing the person with information from the  
2 United States Air Force Military History Institute that  
3 is requested by that person.

4 “(b) EXCEPTIONS.—A fee may not be charged under  
5 this section—

6 “(1) to a person for information that the person  
7 requests to carry out a duty as a member of the  
8 armed forces or an officer or employee of the United  
9 States; or

10 “(2) for a release of information under section  
11 552 of title 5.

12 “(c) LIMITATION ON AMOUNT.—A fee charged for  
13 providing information under this section may not exceed  
14 the cost of providing the information.

15 “(d) RETENTION OF FEES.—Amounts received under  
16 subsection (a) for providing information in any fiscal year  
17 shall be credited to the appropriation or appropriations  
18 charged the costs of providing information to the public  
19 from the United States Air Force Military History Insti-  
20 tute during that fiscal year.

21 “(e) DEFINITIONS.—In this section:

22 “(1) The term ‘United States Air Force Mili-  
23 tary History Institute’ means the archive for histor-  
24 ical records and materials of the Air Force that the



1 Secretary of the Air Force designates as the primary  
2 archive for such records and materials.

3 “(2) The terms ‘officer of the United States’  
4 and ‘employee of the United States’ have the mean-  
5 ings given the terms ‘officer’ and ‘employee’, respec-  
6 tively, in sections 2104 and 2105, respectively, of  
7 title 5.”.

8 (2) The table of sections at the beginning of such  
9 chapter is amended by adding at the end the following  
10 new item:

“9594. Air Force Military History Institute: fee for providing historical informa-  
tion to the public.”.

11 **SEC. 1057. ACCESS TO CRIMINAL HISTORY RECORD INFOR-**  
12 **MATION FOR NATIONAL SECURITY PUR-**  
13 **POSES.**

14 (a) CONDITIONS FOR AVAILABILITY OF INFORMA-  
15 TION.—Subsection (b) of section 9101 of title 5, United  
16 States Code, is amended—

17 (1) by striking paragraph (3);

18 (2) by redesignating paragraph (2) as para-  
19 graph (4);

20 (3) in paragraph (1)—

21 (A) in the first sentence—

22 (i) by inserting “the Department of  
23 Transportation,” after “the Department of  
24 State,”; and

1 (ii) by inserting “the following:” after  
2 “eligibility for”; and

3 (B) by striking “(A) access to classified in-  
4 formation” and all that follows through the end  
5 of the paragraph and inserting the following:

6 “(A) Access to classified information.

7 “(B) Assignment to or retention in sensitive na-  
8 tional security duties.

9 “(C) Acceptance or retention in the armed  
10 forces.

11 “(D) Appointment, retention, or assignment to  
12 a position of public trust or a critical or sensitive po-  
13 sition while either employed by the Federal Govern-  
14 ment or performing a Federal Government contract.

15 “(2) If the criminal justice agency possesses the capa-  
16 bility to provide automated criminal history record infor-  
17 mation based on a search of its records by name and other  
18 common identifiers, the agency shall provide the requester  
19 with full criminal history record information for individ-  
20 uals who meet the matching criteria.

21 “(3) Fees, if any, charged for providing criminal his-  
22 tory record information pursuant to this subsection may  
23 not exceed the reasonable cost of providing such informa-  
24 tion through an automated name search.”; and

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

1       “(5) A criminal justice agency may not require, as  
2 a condition for the release of criminal history record infor-  
3 mation under this subsection, that any official of a depart-  
4 ment or agency named in paragraph (1) enter into an  
5 agreement with a State or local government to indemnify  
6 and hold harmless the State or locality for damages, costs,  
7 or other monetary loss arising from the disclosure or use  
8 by that department or agency of criminal history record  
9 information obtained from the State or local government  
10 pursuant to this subsection.”.

11       (b) USE OF AUTOMATED INFORMATION DELIVERY  
12 SYSTEMS.—Such section is further amended—

13           (1) by redesignating subsection (e) as sub-  
14 section (f); and

15           (2) by inserting after subsection (d) the fol-  
16 lowing new subsection (e):

17       “(e)(1) Automated information delivery systems shall  
18 be used to provide criminal history record information a  
19 department or agency under subsection (b) whenever  
20 available.

21       “(2) Fees, if any, charged for automated access  
22 through such systems may not exceed the reasonable cost  
23 of providing such access.

24       “(3) The criminal justice agency providing the crimi-  
25 nal history record information through such systems may

1 not limit disclosure on the basis that the repository is  
2 accessed from outside the State.

3 “(4) Information provided through such systems shall  
4 be the full and complete criminal history record.

5 “(5) Criminal justice agencies shall accept and re-  
6 spond to requests for criminal history record information  
7 through such systems with printed or photocopied records  
8 when requested.”.

9 **SEC. 1058. SENSE OF CONGRESS ON THE NAMING OF THE**  
10 **CVN-77 AIRCRAFT CARRIER.**

11 (a) FINDINGS.—Congress makes the following find-  
12 ings:

13 (1) Over the last three decades Congress has  
14 authorized and appropriated funds for a total of 10  
15 “NIMITZ” class aircraft carriers.

16 (2) The last vessel in the “NIMITZ” class of  
17 aircraft carriers, CVN-77, is currently under con-  
18 struction and will be delivered in 2008.

19 (3) The first nine vessels in this class bear the  
20 following proud names:

21 (A) U.S.S. Nimitz (CVN-68).

22 (B) U.S.S. Dwight D. Eisenhower (CVN-  
23 69).

24 (C) U.S.S. Carl Vinson (CVN-70).

25 (D) U.S.S. Theodore Roosevelt (CVN-71).

1 (E) U.S.S. Abraham Lincoln (CVN-72).

2 (F) U.S.S. George Washington (CVN-73).

3 (G) U.S.S. John C. Stennis (CVN-74).

4 (H) U.S.S. Harry S. Truman (CVN-75).

5 (I) U.S.S. Ronald Reagan (CVN-76).

6 (4) It is appropriate for Congress to rec-  
7 ommend to the President, as Commander in Chief of  
8 the Armed Forces, an appropriate name for the final  
9 vessel in the “NIMITZ” class of aircraft carriers.

10 (5) Over the last 25 years the vessels in the  
11 “NIMITZ” class of aircraft carriers have served as  
12 one of the principal means of United States diplo-  
13 macy and as one of the principal means for the de-  
14 fense of the United States and our allies around the  
15 world.

16 (6) The name bestowed upon aircraft carrier  
17 CVN-77 should embody the American spirit and  
18 provide a lasting symbol of the American commit-  
19 ment to freedom.

20 (7) The name “Lexington” has been a symbol of  
21 freedom from the first battle of the American Revo-  
22 lution.

23 (8) The two aircraft carriers previously named  
24 U.S.S. Lexington (the CV-2 and the CV-16) served

1 our Nation for 64 years, served in World War II,  
2 and earned 13 battle stars.

3 (9) One of those honored vessels, the CV-2,  
4 was lost after having given gallant fight at the Bat-  
5 tle of Coral Sea in 1942.

6 (b) SENSE OF CONGRESS.—It is the sense of Con-  
7 gress that the CVN-77 aircraft carrier should be named  
8 the “U.S.S. Lexington”—

9 (1) in order to honor the men and women who  
10 served in the Armed Forces of the United States  
11 during World War II, and the incalculable number  
12 of United States citizens on the home front during  
13 that war, who mobilized in the name of freedom, and  
14 who are today respectfully referred to as the “Great-  
15 est Generation”; and

16 (2) as a special tribute to the 16,000,000 vet-  
17 erans of the Armed Forces who served on land, sea,  
18 and air during World War II (of whom less than  
19 6,000,000 remain alive today) and a lasting symbol  
20 of their commitment to freedom as they pass on hav-  
21 ing proudly taken their place in history.

22 **SEC. 1059. DONATION OF CIVIL WAR CANNON.**

23 (a) AUTHORITY.—The Secretary of the Army shall  
24 convey all right, title, and interest of the United States  
25 in and to the Civil War era cannon described in subsection

1 (b) to the Edward Dorr Tracey, Jr. Camp 18 of the Sons  
2 of the Confederate Veterans.

3 (b) PROPERTY TO BE CONVEYED.—The cannon re-  
4 ferred to in subsection (a) is a 12-pounder Napoleon can-  
5 non bearing the following markings:

6 (1) On the top: “CS”.

7 (2) On the face of the muzzle: “Macon Arsenal,  
8 1864/No.41/1164 ET”.

9 (3) On the right trunnion: “Macon Arsenal  
10 GEO/1864/No.41/WT.1164/E.T.”.

11 (c) CONSIDERATION.—No consideration may be re-  
12 quired by the Secretary for the conveyance of the cannon  
13 under this section.

14 (d) ADDITIONAL TERMS AND CONDITIONS.—The  
15 Secretary may require such additional terms and condi-  
16 tions in connection with the conveyance under this section  
17 as the Secretary considers appropriate to protect the inter-  
18 ests of the United States.

19 (e) RELATIONSHIP TO OTHER LAW.—The convey-  
20 ance required under this section may be carried out with-  
21 out regard to the Act entitled “An Act for the preservation  
22 of American antiquities”, approved June 8, 1906 (34 Stat.  
23 225; 16 U.S.C. 431 et seq.), popularly referred to as the  
24 “Antiquities Act of 1906”.

1 **SEC. 1060. MAXIMUM SIZE OF PARCEL POST PACKAGES**  
2 **TRANSPORTED OVERSEAS FOR ARMED**  
3 **FORCES POST OFFICES.**

4 Section 3401(b) of title 39, United States Code, is  
5 amended by striking “100 inches in length and girth com-  
6 bined” in paragraphs (2) and (3) and inserting “the max-  
7 imum size allowed by the Postal Service for fourth class  
8 parcel post (known as ‘Standard Mail (B)’ ”.

9 **SEC. 1061. AEROSPACE INDUSTRY BLUE RIBBON COMMIS-**  
10 **SION.**

11 (a) FINDINGS.—Congress makes the following find-  
12 ings:

13 (1) The United States aerospace industry, com-  
14 posed of manufacturers of commercial, military, and  
15 business aircraft, helicopters, aircraft engines, mis-  
16 siles, spacecraft, materials, and related components  
17 and equipment, has a unique role in the economic  
18 and national security of our Nation.

19 (2) In 1999, the aerospace industry continued  
20 to produce, at \$37,000,000,000, the largest trade  
21 surplus of any industry in the United States econ-  
22 omy.

23 (3) The United States aerospace industry em-  
24 ploys 800,000 Americans in highly skilled positions  
25 associated with manufacturing aerospace products.



1           (4) United States aerospace technology is pre-  
2 eminent in the global marketplace for both defense  
3 and commercial products.

4           (5) History since World War I has dem-  
5 onstrated that a superior aerospace capability usu-  
6 ally determines victory in military operations and  
7 that a robust, technically innovative aerospace capa-  
8 bility will be essential for maintaining United States  
9 military superiority in the 21st century.

10          (6) Federal Government policies concerning in-  
11 vestment in aerospace research and development and  
12 procurement, controls on the export of services and  
13 goods containing advanced technologies, and other  
14 aspects of the Government-industry relationship will  
15 have a critical impact on the ability of the United  
16 States aerospace industry to retain its position of  
17 global leadership.

18          (7) Recent trends in investment in aerospace  
19 research and development, in changes in global aero-  
20 space market share, and in the development of com-  
21 petitive, non-United States aerospace industries  
22 could undermine the future role of the United States  
23 aerospace industry in the national economy and in  
24 the security of the Nation.

1           (8) Because the United States aerospace indus-  
2           try stands at an historical crossroads, it is advisable  
3           for the President and Congress to appoint a blue  
4           ribbon commission to assess the future of the indus-  
5           try and to make recommendations for Federal Gov-  
6           ernment actions to ensure United States pre-  
7           eminence in aerospace in the 21st century.

8           (b) ESTABLISHMENT.—There is established a Blue  
9           Ribbon Commission on the Future of the United States  
10          Aerospace Industry.

11          (c) MEMBERSHIP.—(1) The Commission shall be  
12          composed of 12 members appointed, not later than March  
13          1, 2001, as follows:

14                (A) Up to 6 members appointed by the Presi-  
15                dent.

16                (B) Two members appointed by the Majority  
17                Leader of the Senate.

18                (C) Two members appointed by the Speaker of  
19                the House of Representatives.

20                (D) One member appointed by the Minority  
21                Leader of the Senate.

22                (E) One member appointed by the Minority  
23                Leader of the House of Representatives.

24          (2) The members of the Commission shall be ap-  
25          pointed from among—

1           (A) persons with extensive experience and na-  
2           tional reputations in aerospace manufacturing, eco-  
3           nomics, finance, national security, international  
4           trade or foreign policy; and

5           (B) persons who are representative of labor or-  
6           ganizations associated with the aerospace industry.

7           (3) Members shall be appointed for the life of the  
8           Commission. Any vacancy in the Commission shall not af-  
9           fect its powers, but shall be filled in the same manner as  
10          the original appointment.

11          (4) The President shall designate one member of the  
12          Commission to serve as the Chairman.

13          (5) The Commission shall meet at the call of the  
14          Chairman. A majority of the members shall constitute a  
15          quorum, but a lesser number may hold hearings for the  
16          Commission.

17          (d) DUTIES.—(1) The Commission shall—

18               (A) study the issues associated with the future  
19               of the United States aerospace industry in the global  
20               economy, particularly in relationship to United  
21               States national security; and

22               (B) assess the future importance of the domes-  
23               tic aerospace industry for the economic and national  
24               security of the United States.

1           (2) In order to fulfill its responsibilities, the Commis-  
2 sion shall study the following:

3           (A) The budget process of the Federal Govern-  
4 ment, particularly with a view to assessing the ade-  
5 quacy of projected budgets of the Federal Govern-  
6 ment agencies for aerospace research and develop-  
7 ment and procurement.

8           (B) The acquisition process of the Federal Gov-  
9 ernment, particularly with a view to assessing—

10           (i) the adequacy of the current acquisition  
11 process of Federal agencies; and

12           (ii) the procedures for developing and field-  
13 ing aerospace systems incorporating new tech-  
14 nologies in a timely fashion.

15           (C) The policies, procedures, and methods for  
16 the financing and payment of government contracts.

17           (D) Statutes and regulations governing inter-  
18 national trade and the export of technology, particu-  
19 larly with a view to assessing—

20           (i) the extent to which the current system  
21 for controlling the export of aerospace goods,  
22 services, and technologies reflects an adequate  
23 balance between the need to protect national se-  
24 curity and the need to ensure unhindered access  
25 to the global marketplace; and

1           (ii) the adequacy of United States and  
2           multilateral trade laws and policies for main-  
3           taining the international competitiveness of the  
4           United States aerospace industry.

5           (E) Policies governing taxation, particularly  
6           with a view to assessing the impact of current tax  
7           laws and practices on the international competitive-  
8           ness of the aerospace industry.

9           (F) Programs for the maintenance of the na-  
10          tional space launch infrastructure, particularly with  
11          a view to assessing the adequacy of current and pro-  
12          jected programs for maintaining the national space  
13          launch infrastructure.

14          (G) Programs for the support of science and  
15          engineering education, including current programs  
16          for supporting aerospace science and engineering ef-  
17          forts at institutions of higher learning, with a view  
18          to determining the adequacy of those programs.

19          (e) REPORT.—(1) Not later than March 1, 2002, the  
20          Commission shall submit a report on its activities to the  
21          President and Congress.

22          (2) The report shall include the following:

23                (A) The Commission's findings and conclusions.

24                (B) Recommendations for actions by Federal  
25          Government agencies to support the maintenance of

1 a robust aerospace industry in the United States in  
2 the 21st century.

3 (C) A discussion of the appropriate means for  
4 implementing the recommendations.

5 (f) IMPLEMENTATION OF RECOMMENDATIONS.—The  
6 heads of the executive agencies of the Federal Government  
7 having responsibility for matters covered by recommenda-  
8 tions of the Commission shall consider the implementation  
9 of those recommendations in accordance with regular ad-  
10 ministrative procedures. The Director of the Office of  
11 Management and Budget shall coordinate the consider-  
12 ation of the recommendations among the heads of those  
13 agencies.

14 (g) ADMINISTRATIVE REQUIREMENTS AND AUTHORI-  
15 TIES.—(1) The Director of the Office of Management and  
16 Budget shall ensure that the Commission is provided such  
17 administrative services, facilities, staff, and other support  
18 services as may be necessary. Any expenses of the Com-  
19 mission shall be paid from funds available to the Director.

20 (2) The Commission may hold hearings, sit and act  
21 at times and places, take testimony, and receive evidence  
22 that the Commission considers advisable to carry out the  
23 purposes of this Act.

24 (3) The Commission may secure directly from any de-  
25 partment or agency of the Federal Government any infor-

1 mation that the Commission considers necessary to carry  
2 out the provisions of this Act. Upon the request of the  
3 Chairman of the Commission, the head of such depart-  
4 ment or agency shall furnish such information to the Com-  
5 mission.

6 (4) The Commission may use the United States mails  
7 in the same manner and under the same conditions as  
8 other departments and agencies of the Federal Govern-  
9 ment.

10 (5) The Commission is an advisory committee for the  
11 purposes of the Federal Advisory Committee Act (5  
12 U.S.C. App. 2).

13 (h) COMMISSION PERSONNEL MATTERS.—(1) Mem-  
14 bers of the Commission shall serve without additional com-  
15 pensation for their service on the Commission, except that  
16 members appointed from among private citizens may be  
17 allowed travel expenses, including per diem in lieu of sub-  
18 sistence, as authorized by law for persons serving intermit-  
19 tently in government service under subchapter I of chapter  
20 57 of title 5, United States Code, while away from their  
21 homes and places of business in the performance of serv-  
22 ices for the Commission.

23 (2) The Chairman of the Commission may, without  
24 regard to the civil service laws and regulations, appoint  
25 and terminate any staff that may be necessary to enable

1 the Commission to perform its duties. The employment of  
2 a head of staff shall be subject to confirmation by the  
3 Commission. The Chairman may fix the compensation of  
4 the staff personnel without regard to the provisions of  
5 chapter 51 and subchapter III of chapter 53 of title 5,  
6 United States Code, relating to classification of positions  
7 and General Schedule pay rates, except that the rates of  
8 pay fixed by the Chairman shall be in compliance with the  
9 guidelines prescribed under section 7(d) of the Federal  
10 Advisory Committee Act.

11 (3) Any Federal Government employee may be de-  
12 tailed to the Commission without reimbursement. Any  
13 such detail shall be without interruption or loss of civil  
14 status or privilege.

15 (4) The Chairman may procure temporary and inter-  
16 mittent services under section 3109(b) of title 5, United  
17 States Code, at rates for individuals that do not exceed  
18 the daily equivalent of the annual rate of basic pay pre-  
19 scribed for level V of the Executive Schedule under section  
20 5316 of such title.

21 (i) TERMINATION.—The Commission shall terminate  
22 30 days after the submission of the report under sub-  
23 section (e).



1 **SEC. 1062. REPORT TO CONGRESS REGARDING EXTENT**  
2 **AND SEVERITY OF CHILD POVERTY.**

3 (a) IN GENERAL.—Not later than June 1, 2001 and  
4 prior to any reauthorization of the temporary assistance  
5 to needy families program under part A of title IV of the  
6 Social Security Act (42 U.S.C. 601 et seq.) for any fiscal  
7 year after fiscal year 2002, the Secretary of Health and  
8 Human Services (in this section referred to as the “Sec-  
9 retary”) shall report to Congress on the extent and sever-  
10 ity of child poverty in the United States. Such report shall,  
11 at a minimum—

12 (1) determine for the period since the enact-  
13 ment of the Personal Responsibility and Work Op-  
14 portunity Reconciliation Act of 1996 (Public Law  
15 104–193; 110 Stat. 2105)—

16 (A) whether the rate of child poverty in the  
17 United States has increased;

18 (B) whether the children who live in pov-  
19 erty in the United States have gotten poorer;  
20 and

21 (C) how changes in the availability of cash  
22 and non-cash benefits to poor families have af-  
23 fected child poverty in the United States;

24 (2) identify alternative methods for defining  
25 child poverty that are based on consideration of fac-  
26 tors other than family income and resources, includ-

1       ing consideration of a family’s work-related ex-  
2       penses; and

3               (3) contain multiple measures of child poverty  
4       in the United States that may include the child pov-  
5       erty gap and the extreme poverty rate.

6       (b) **LEGISLATIVE PROPOSAL.**—If the Secretary deter-  
7       mines that during the period since the enactment of the  
8       Personal Responsibility and Work Opportunity Reconcili-  
9       ation Act of 1996 (Public Law 104–193; 110 Stat. 2105)  
10      the extent or severity of child poverty in the United States  
11      has increased to any extent, the Secretary shall include  
12      with the report to Congress required under subsection (a)  
13      a legislative proposal addressing the factors that led to  
14      such increase.

15      **SEC. 1063. IMPROVING PROPERTY MANAGEMENT.**

16      (a) **IN GENERAL.**—Section 203(p)(1)(B)(ii) of the  
17      Federal Property and Administrative Services Act of 1949  
18      (40 U.S.C. 484(p)(1)(B)(ii)) is amended by striking “July  
19      31, 2000” and inserting “December 31, 2002”.

20      (b) **CONFORMING AMENDMENT.**—Section 233 of Ap-  
21      pendix E of Public Law 106–113 (113 Stat. 1501A–301)  
22      is repealed.

1 **SEC. 1064. SENSE OF THE SENATE REGARDING TAX TREAT-**  
2 **MENT OF MEMBERS RECEIVING SPECIAL**  
3 **PAY.**

4 It is the sense of the Senate that members of the  
5 Armed Forces who receive special pay for duty subject to  
6 hostile fire or imminent danger (37 U.S.C. 310) should  
7 receive the same tax treatment as members serving in  
8 combat zones.

9 **SEC. 1065. DEPARTMENT OF DEFENSE PROCESS FOR DECI-**  
10 **SIONMAKING IN CASES OF FALSE CLAIMS.**

11 Not later than February 1, 2001, the Secretary of  
12 Defense shall submit to Congress a report describing the  
13 policies and procedures for Department of Defense deci-  
14 sionmaking on issues arising under sections 3729 through  
15 3733 of title 31, United States Code, in cases of claims  
16 submitted to the Department of Defense that are sus-  
17 pected or alleged to be false. The report shall include a  
18 discussion of any changes that have been made in the poli-  
19 cies and procedures since January 1, 2000.

20 **SEC. 1066. SENSE OF THE SENATE CONCERNING LONG-**  
21 **TERM ECONOMIC DEVELOPMENT AID FOR**  
22 **COMMUNITIES REBUILDING FROM HURRI-**  
23 **CANE FLOYD.**

24 (a) FINDINGS.—The Senate finds that—

1           (1) during September 1999, Hurricane Floyd  
2 ran a path of destruction along the entire eastern  
3 seaboard from Florida to Maine;

4           (2) Hurricane Floyd was the most destructive  
5 natural disaster in the history of the State of North  
6 Carolina and most costly natural disaster in the his-  
7 tory of the State of New Jersey;

8           (3) the Federal Emergency Management Agen-  
9 cy declared Hurricane Floyd the eighth worst nat-  
10 ural disaster of the past decade;

11           (4) although the Federal Emergency Manage-  
12 ment Agency coordinates the Federal response to  
13 natural disasters that exceed the capabilities of  
14 State and local governments and assists commu-  
15 nities to recover from those disasters, the Federal  
16 Emergency Management Agency is not equipped to  
17 provide long-term economic recovery assistance;

18           (5) it has been 9 months since Hurricane Floyd  
19 and the Nation has hundreds of communities that  
20 have yet to recover from the devastation caused by  
21 that disaster;

22           (6) in the past, Congress has responded to nat-  
23 ural disasters by providing additional economic com-  
24 munity development assistance to communities re-  
25 covering from those disasters, including

1       \$250,000,000 for Hurricane Georges in 1998,  
2       \$552,000,000 for Red River Valley floods in North  
3       Dakota in 1997, \$25,000,000 for Hurricanes Fran  
4       and Hortense in 1996, and \$725,000,000 for the  
5       Northridge Earthquake in California in 1994;

6           (7) additional assistance provided by Congress  
7       to communities recovering from natural disasters  
8       has been in the form of community development  
9       block grants administered by the Department of  
10       Housing and Urban Development;

11          (8) communities affected by Hurricane Floyd  
12       are facing similar recovery needs as have victims of  
13       other natural disasters and will need long-term eco-  
14       nomic recovery plans to make them strong again;  
15       and

16          (9) on April 7, 2000, the Senate passed amend-  
17       ment number 3001 to S. Con. Res. 101, which  
18       amendment would allocate \$250,000,000 in long-  
19       term economic development aid to assist commu-  
20       nities rebuilding from Hurricane Floyd, including  
21       \$150,000,000 in community development block  
22       grant funding and \$50,000,000 in rural facilities  
23       grant funding.

24       (b) SENSE OF THE SENATE.—It is the sense of the  
25       Senate that—

1           (1) communities devastated by Hurricane Floyd  
2           should know that, in the past, Congress has re-  
3           sponded to natural disasters by demonstrating a  
4           commitment to helping affected States and commu-  
5           nities to recover;

6           (2) the Federal response to natural disasters  
7           has traditionally been quick, supportive, and appro-  
8           priate;

9           (3) recognizing that communities devastated by  
10          Hurricane Floyd are facing tremendous challenges  
11          as they begin their recovery, the Federal agencies  
12          that administer community and regional develop-  
13          ment programs should expect an increase in applica-  
14          tions and other requests from these communities;

15          (4) community development block grants ad-  
16          ministered by the Department of Housing and  
17          Urban Development, grant programs administered  
18          by the Economic Development Administration, and  
19          the Community Facilities Grant Program adminis-  
20          tered by the Department of Agriculture are re-  
21          sources that communities have used to accomplish  
22          revitalization and economic development following  
23          natural disasters; and

24          (5) additional community and regional develop-  
25          ment funding, as provided for in amendment number

1 3001 to S. Con. Res. 101, as passed by the Senate  
2 on April 7, 2000, should be appropriated to assist  
3 communities in need of long-term economic develop-  
4 ment aid as a result of damage suffered by Hurri-  
5 cane Floyd.

6 **SEC. 1067. AUTHORITY TO PROVIDE HEADSTONES OR**  
7 **MARKERS FOR MARKED GRAVES OR OTHER-**  
8 **WISE COMMEMORATE CERTAIN INDIVIDUALS.**

9 (a) IN GENERAL.—Section 2306 of title 38, United  
10 States Code, is amended—

11 (1) in subsections (a) and (e)(1), by striking  
12 “the unmarked graves of”; and

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

14 “(f) A headstone or marker furnished under sub-  
15 section (a) shall be furnished, upon request, for the  
16 marked grave or unmarked grave of the individual or at  
17 another area appropriate for the purpose of commemo-  
18 rating the individual.”.

19 (b) APPLICABILITY.—(1) Except as provided in para-  
20 graph (2), the amendment to subsection (a) of section  
21 2306 of title 38, United States Code, made by subsection  
22 (a) of this section, and subsection (f) of such section 2306,  
23 as added by subsection (a) of this section, shall apply with  
24 respect to burials occurring before, on, or after the date  
25 of the enactment of this Act.

1           (2) The amendments referred to in paragraph (1)  
2 shall not apply in the case of the grave for any individual  
3 who died before November 1, 1990, for which the Admin-  
4 istrator of Veterans' Affairs provided reimbursement in  
5 lieu of furnishing a headstone or marker under subsection  
6 (d) of section 906 of title 38, United States Code, as such  
7 subsection was in effect after September 30, 1978, and  
8 before November 1, 1990.

9 **SEC. 1068. COMPREHENSIVE STUDY AND SUPPORT FOR**  
10 **CRIMINAL INVESTIGATIONS AND PROSECU-**  
11 **TIONS BY STATE AND LOCAL LAW ENFORCE-**  
12 **MENT OFFICIALS.**

13           (a) STUDIES.—

14               (1) COLLECTION OF DATA.—

15                   (A) DEFINITION OF RELEVANT OF-  
16 FENSE.—In this paragraph, the term “relevant  
17 offense” means a crime described in subsection  
18 (b)(1) of the first section of Public Law 101–  
19 275 (28 U.S.C. 534 note) and a crime that  
20 manifests evidence of prejudice based on gender  
21 or age.

22                   (B) COLLECTION FROM CROSS-SECTION OF  
23 STATES.—Not later than 120 days after the  
24 date of enactment of this Act, the Comptroller  
25 General of the United States, in consultation



1 with the National Governors' Association, shall  
2 select 10 jurisdictions with laws classifying cer-  
3 tain types of offenses as relevant offenses and  
4 10 jurisdictions without such laws from which  
5 to collect the data described in subparagraph  
6 (C) over a 12-month period.

7 (C) DATA TO BE COLLECTED.—The data  
8 described in this paragraph are—

9 (i) the number of relevant offenses  
10 that are reported and investigated in the  
11 jurisdiction;

12 (ii) the percentage of relevant offenses  
13 that are prosecuted and the percentage  
14 that result in conviction;

15 (iii) the duration of the sentences im-  
16 posed for crimes classified as relevant of-  
17 fenses in the jurisdiction, compared with  
18 the length of sentences imposed for similar  
19 crimes committed in jurisdictions with no  
20 laws relating to relevant offenses; and

21 (iv) references to and descriptions of  
22 the laws under which the offenders were  
23 punished.

24 (D) COSTS.—Participating jurisdictions  
25 shall be reimbursed for the reasonable and nec-

1           essary costs of compiling data collected under  
2           this paragraph.

3           (2) STUDY OF RELEVANT OFFENSE ACTIVITY.—

4                   (A) IN GENERAL.—Not later than 18  
5           months after the date of enactment of this Act,  
6           the Comptroller General of the United States  
7           shall complete a study and submit to Congress  
8           a report that analyzes the data collected under  
9           paragraph (1) and under section 534 of title  
10          28, United States Code, to determine the extent  
11          of relevant offense activity throughout the  
12          United States and the success of State and  
13          local officials in combating that activity.

14                   (B) IDENTIFICATION OF TRENDS.—In the  
15          study conducted under subparagraph (A), the  
16          Comptroller General of the United States shall  
17          identify any trends in the commission of rel-  
18          evant offenses specifically by—

19                           (i) geographic region;

20                           (ii) type of crime committed; and

21                           (iii) the number and percentage of rel-  
22          evant offenses that are prosecuted and the  
23          number for which convictions are obtained.

24           (b) ASSISTANCE OTHER THAN FINANCIAL ASSIST-  
25          ANCE.—At the request of a law enforcement official of a

1 State or a political subdivision of a State, the Attorney  
2 General, acting through the Director of the Federal Bu-  
3 reau of Investigation and in cases where the Attorney  
4 General determines special circumstances exist, may pro-  
5 vide technical, forensic, prosecutorial, or any other assist-  
6 ance in the criminal investigation or prosecution of any  
7 crime that—

8           (1) constitutes a crime of violence (as defined  
9           in section 16 of title 18, United States Code);

10           (2) constitutes a felony under the laws of the  
11           State; and

12           (3) is motivated by animus against the victim  
13           by reason of the membership of the victim in a par-  
14           ticular class or group.

15           (c) GRANTS.—

16           (1) IN GENERAL.—The Attorney General may,  
17           in cases where the Attorney General determines spe-  
18           cial circumstances exist, make grants to States and  
19           local subdivisions of States to assist those entities in  
20           the investigation and prosecution of crimes moti-  
21           vated by animus against the victim by reason of the  
22           membership of the victim in a particular class or  
23           group.

1           (2) ELIGIBILITY.—A State or political subdivi-  
2           sion of a State applying for assistance under this  
3           subsection shall—

4                   (A) describe the purposes for which the  
5                   grant is needed; and

6                   (B) certify that the State or political sub-  
7                   division lacks the resources necessary to inves-  
8                   tigate or prosecute a crime motivated by ani-  
9                   mus against the victim by reason of the mem-  
10                  bership of the victim in a particular class or  
11                  group.

12           (3) DEADLINE.—An application for a grant  
13           under this subsection shall be approved or dis-  
14           approved by the Attorney General not later than 10  
15           days after the application is submitted.

16           (4) GRANT AMOUNT.—A grant under this sub-  
17           section shall not exceed \$100,000 for any single  
18           case.

19           (5) REPORT AND AUDIT.—Not later than De-  
20           cember 31, 2001, the Attorney General, in consulta-  
21           tion with the National Governors' Association,  
22           shall—

23                   (A) submit to Congress a report describing  
24                   the applications made for grants under this

1 subsection, the award of such grants, and the  
2 effectiveness of the grant funds awarded; and

3 (B) conduct an audit of the grants award-  
4 ed under this subsection to ensure that such  
5 grants are used for the purposes provided in  
6 this subsection.

7 (6) AUTHORIZATION OF APPROPRIATIONS.—  
8 There is authorized to be appropriated \$5,000,000  
9 for each of the fiscal years 2001 and 2002 to carry  
10 out this section.

11 **SEC. 1069. STUDENT LOAN REPAYMENT PROGRAMS.**

12 (a) STUDENT LOANS.—Section 5379(a)(1)(B) of title  
13 5, United States Code, is amended—

14 (1) in clause (i), by inserting “(20 U.S.C. 1071  
15 et seq.)” before the semicolon;

16 (2) in clause (ii), by striking “part E of title IV  
17 of the Higher Education Act of 1965” and inserting  
18 “part D or E of title IV of the Higher Education  
19 Act of 1965 (20 U.S.C. 1087a et seq., 1087aa et  
20 seq.)”; and

21 (3) in clause (iii), by striking “part C of title  
22 VII of Public Health Service Act or under part B  
23 of title VIII of such Act” and inserting “part A of  
24 title VII of the Public Health Service Act (42 U.S.C.

1 292 et seq.) or under part E of title VIII of such  
2 Act (42 U.S.C. 297a et seq.)”.

3 (b) PERSONNEL COVERED.—

4 (1) INELIGIBLE PERSONNEL.—Section  
5 5379(a)(2) of title 5, United States Code, is amend-  
6 ed to read as follows:

7 “(2) An employee shall be ineligible for benefits under  
8 this section if the employee occupies a position that is ex-  
9 cepted from the competitive service because of its con-  
10 fidential, policy-determining, policy-making, or policy-ad-  
11 vocating character.”.

12 (2) PERSONNEL RECRUITED OR RETAINED.—

13 Section 5379(b)(1) of title 5, United States Code, is  
14 amended by striking “professional, technical, or ad-  
15 ministrative”.

16 (c) REGULATIONS.—

17 (1) PROPOSED REGULATIONS.—Not later than  
18 60 days after the date of enactment of this Act, the  
19 Director of the Office of Personnel Management (re-  
20 ferred to in this section as the “Director”) shall  
21 issue proposed regulations under section 5379(g) of  
22 title 5, United States Code. The Director shall pro-  
23 vide for a period of not less than 60 days for public  
24 comment on the regulations.



1           (1) Certain United States Air Force Air Na-  
2           tional Guard fighter units are flying some of the  
3           world's oldest and least capable F-16A aircraft  
4           which are approaching the end of their service lives.

5           (2) The aircraft are generally incompatible with  
6           those flown by the active force and therefore cannot  
7           be effectively deployed to theaters of operation to  
8           support contingencies and to relieve the high oper-  
9           ations tempo of active duty units.

10          (3) The Air Force has specified no plans to re-  
11          place these obsolescent aircraft before the year 2007  
12          at the earliest.

13          (b) SENSE OF THE SENATE.—It is the sense of the  
14          Senate that in light of these findings the Air Force should,  
15          by February 1, 2001, provide the Congress with a plan  
16          to modernize and upgrade the combat capabilities of those  
17          Air National Guard units that are now flying F-16As so  
18          they can deploy as part of Air Expeditionary Forces and  
19          assist in relieving the high operations tempo of active duty  
20          units.



1 **SEC. 1071. TWO-YEAR EXTENSION OF AUTHORITY TO EN-**  
2 **GAGE IN COMMERCIAL ACTIVITIES AS SECU-**  
3 **RITY FOR INTELLIGENCE COLLECTION AC-**  
4 **TIVITIES.**

5 Section 431(a) of title 10, United States Code, is  
6 amended in the second sentence by striking “December  
7 31, 2000” and inserting “December 31, 2002”.

8 **SEC. 1072. FIREFIGHTER INVESTMENT AND RESPONSE EN-**  
9 **HANCEMENT.**

10 The Federal Fire Prevention and Control Act of 1974  
11 (15 U.S.C. 2201 et seq.) is amended by adding at the end  
12 the following:

13 **“SEC. 33. FIREFIGHTER INVESTMENT AND RESPONSE EN-**  
14 **HANCEMENT.**

15 “(a) DEFINITION OF FIREFIGHTING PERSONNEL.—  
16 In this section, the term ‘firefighting personnel’ means in-  
17 dividuals, including volunteers, who are firefighters, offi-  
18 cers of fire departments, or emergency medical service per-  
19 sonnel of fire departments.

20 “(b) ASSISTANCE PROGRAM.—

21 “(1) AUTHORITY.—In accordance with this sec-  
22 tion, the Director may—

23 “(A) make grants on a competitive basis to  
24 fire departments for the purpose of protecting  
25 the health and safety of the public and fire-

1 fighting personnel against fire and fire-related  
2 hazards; and

3 “(B) provide assistance for fire prevention  
4 programs in accordance with paragraph (4).

5 “(2) ESTABLISHMENT OF OFFICE FOR ADMIN-  
6 STRATION OF ASSISTANCE.—Before providing as-  
7 sistance under paragraph (1), the Director shall es-  
8 tablish an office in the Federal Emergency Manage-  
9 ment Agency that shall have the duties of estab-  
10 lishing specific criteria for the selection of recipients  
11 of the assistance, and administering the assistance,  
12 under this section.

13 “(3) USE OF FIRE DEPARTMENT GRANT  
14 FUNDS.—The Director may make a grant under  
15 paragraph (1)(A) only if the applicant for the grant  
16 agrees to use the grant funds—

17 “(A) to hire additional firefighting per-  
18 sonnel;

19 “(B) to train firefighting personnel in fire-  
20 fighting, emergency response, arson prevention  
21 and detection, or the handling of hazardous ma-  
22 terials, or to train firefighting personnel to pro-  
23 vide any of the training described in this sub-  
24 paragraph;

1           “(C) to fund the creation of rapid interven-  
2           tion teams to protect firefighting personnel at  
3           the scenes of fires and other emergencies;

4           “(D) to certify fire inspectors;

5           “(E) to establish wellness and fitness pro-  
6           grams for firefighting personnel to ensure that  
7           the firefighting personnel can carry out their  
8           duties;

9           “(F) to fund emergency medical services  
10          provided by fire departments;

11          “(G) to acquire additional firefighting vehi-  
12          cles, including fire trucks;

13          “(H) to acquire additional firefighting  
14          equipment, including equipment for communica-  
15          tions and monitoring;

16          “(I) to acquire personal protective equip-  
17          ment required for firefighting personnel by the  
18          Occupational Safety and Health Administra-  
19          tion, and other personal protective equipment  
20          for firefighting personnel;

21          “(J) to modify fire stations, fire training  
22          facilities, and other facilities to protect the  
23          health and safety of firefighting personnel;

24          “(K) to enforce fire codes;

25          “(L) to fund fire prevention programs; or

1           “(M) to educate the public about arson  
2 prevention and detection.

3           “(4) FIRE PREVENTION PROGRAMS.—

4           “(A) IN GENERAL.—For each fiscal year,  
5 the Director shall use not less than 10 percent  
6 of the funds made available under subsection  
7 (c)—

8                   “(i) to make grants to fire depart-  
9 ments for the purpose described in para-  
10 graph (3)(L); and

11                   “(ii) to make grants to, or enter into  
12 contracts or cooperative agreements with,  
13 national, State, local, or community orga-  
14 nizations that are recognized for their ex-  
15 perience and expertise with respect to fire  
16 prevention or fire safety programs and ac-  
17 tivities, for the purpose of carrying out fire  
18 prevention programs.

19           “(B) PRIORITY.—In selecting organiza-  
20 tions described in subparagraph (A)(ii) to re-  
21 ceive assistance under this paragraph, the Di-  
22 rector shall give priority to organizations that  
23 focus on prevention of injuries to children from  
24 fire.

1           “(5) APPLICATION.—The Director may provide  
2 assistance to a fire department or organization  
3 under this subsection only if the fire department or  
4 organization seeking the assistance submits to the  
5 Director an application in such form and containing  
6 such information as the Director may require.

7           “(6) MATCHING REQUIREMENT.—The Director  
8 may provide assistance under this subsection only if  
9 the applicant for the assistance agrees to match with  
10 an equal amount of non-Federal funds 10 percent of  
11 the assistance received under this subsection for any  
12 fiscal year.

13           “(7) MAINTENANCE OF EXPENDITURES—The  
14 Director may provide assistance under this sub-  
15 section only if the applicant for the assistance agrees  
16 to maintain in the fiscal year for which the assist-  
17 ance will be received the applicant’s aggregate ex-  
18 penditures for the uses described in paragraph (3)  
19 or (4) at or above the average level of such expendi-  
20 tures in the 2 fiscal years preceding the fiscal year  
21 for which the assistance will be received.

22           “(8) REPORT TO THE DIRECTOR.—The Direc-  
23 tor may provide assistance under this subsection  
24 only if the applicant for the assistance agrees to sub-  
25 mit to the Director a report, including a description

1 of how the assistance was used, with respect to each  
2 fiscal year for which the assistance was received.

3 “(9) VARIETY OF FIRE DEPARTMENT GRANT  
4 RECIPIENTS.—The Director shall ensure that grants  
5 under paragraph (1)(A) for a fiscal year are made  
6 to a variety of fire departments, including, to the ex-  
7 tent that there are eligible applicants—

8 “(A) paid, volunteer, and combination fire  
9 departments;

10 “(B) fire departments located in commu-  
11 nities of varying sizes; and

12 “(C) fire departments located in urban,  
13 suburban, and rural communities.

14 “(10) LIMITATION ON EXPENDITURES FOR  
15 FIREFIGHTING VEHICLES.—The Director shall en-  
16 sure that not more than 25 percent of the assistance  
17 made available under this subsection for a fiscal  
18 year is used for the use described in paragraph  
19 (3)(G).

20 “(c) AUTHORIZATION OF APPROPRIATIONS.—

21 “(1) IN GENERAL.—There are authorized to be  
22 appropriated to the Director—

23 “(A) \$100,000,000 for fiscal year 2001;

24 “(B) \$200,000,000 for fiscal year 2002;

25 “(C) \$400,000,000 for fiscal year 2003;

1           “(D) \$600,000,000 for fiscal year 2004;  
2           “(E) \$800,000,000 for fiscal year 2005;  
3           and  
4           “(F) \$1,000,000,000 for fiscal year 2006.

5           “(2) LIMITATION ON ADMINISTRATIVE COSTS.—  
6           Of the amounts made available under paragraph (1)  
7           for a fiscal year, the Director may use not more  
8           than 10 percent for the administrative costs of car-  
9           rying out this section.”.

10 **SEC. 1073. BREAST CANCER STAMP EXTENSION.**

11           Section 414(g) of title 39, United States Code, is  
12 amended by striking “2-year” and inserting “4-year”.

13 **SEC. 1074. PERSONNEL SECURITY POLICIES.**

14           No officer or employee of the Department of Defense  
15 or any contractor thereof, and no member of the Armed  
16 Forces shall be granted a security clearance if that  
17 person—

18           (1) has been convicted in any court within the  
19 United States of a crime and sentenced to imprison-  
20 ment for a term exceeding 1 year;

21           (2) is an unlawful user of or addicted to any  
22 controlled substance (as defined in section 102 of  
23 the Controlled Substances Act);

24           (3) is currently mentally incompetent; or

1           (4) has been discharged from the Armed Forces  
2           under dishonorable conditions.

3 **SEC. 1075. ADDITIONAL MATTERS FOR ANNUAL REPORT ON**  
4           **TRANSFERS OF MILITARILY SENSITIVE TECH-**  
5           **NOLOGY TO COUNTRIES AND ENTITIES OF**  
6           **CONCERN.**

7           Section 1402(b) of the National Defense Authoriza-  
8           tion Act for Fiscal Year 2000 (Public Law 106–65; 113  
9           Stat. 798) is amended by adding at the end the following:

10           “(4) The status of the implementation or other  
11           disposition of recommendations included in reports  
12           of audits by Inspectors General that have been set  
13           forth in previous annual reports under this section.”.

14 **SEC. 1076. NATIONAL SECURITY IMPLICATIONS OF UNITED**  
15           **STATES-CHINA TRADE RELATIONSHIP.**

16           (a) IN GENERAL.—

17           (1) NAME OF COMMISSION.—Section 127(e)(1)  
18           of the Trade Deficit Review Commission Act (19  
19           U.S.C. 2213 note) is amended by striking “Trade  
20           Deficit Review Commission” and inserting “United  
21           States-China Security Review Commission”.

22           (2) QUALIFICATIONS OF MEMBERS.—Section  
23           127(e)(3)(B)(i)(I) of such Act (19 U.S.C. 2213  
24           note) is amended by inserting “national security



1 matters and United States-China relations,” after  
2 “expertise in”.

3 (3) PERIOD OF APPOINTMENT.—Section  
4 127(c)(3)(A) of such Act (19 U.S.C. 2213 note) is  
5 amended to read as follows:

6 “(A) IN GENERAL.—

7 “(i) APPOINTMENT BEGINNING WITH  
8 107th CONGRESS.—Beginning with the  
9 107th Congress and each new Congress  
10 thereafter, members shall be appointed not  
11 later than 30 days after the date on which  
12 Congress convenes. Members may be re-  
13 appointed for additional terms of service.

14 “(ii) TRANSITION.—Members serving  
15 on the Commission shall continue to serve  
16 until such time as new members are ap-  
17 pointed.”.

18 (b) PURPOSE.—Section 127(k) of the Trade Deficit  
19 Review Commission Act (19 U.S.C. 2213 note) is amend-  
20 ed to read as follows:

21 “(k) UNITED STATES-CHINA NATIONAL SECURITY  
22 IMPLICATIONS.—

23 “(1) IN GENERAL.—Upon submission of the re-  
24 port described in subsection (e), the Commission  
25 shall—

1           “(A) wind up the functions of the Trade  
2           Deficit Review Commission; and

3           “(B) monitor, investigate, and report to  
4           Congress on the national security implications  
5           of the bilateral trade and economic relationship  
6           between the United States and the People’s Re-  
7           public of China.

8           “(2) ANNUAL REPORT.—Not later than March  
9           1, 2002, and annually thereafter, the Commission  
10          shall submit a report to Congress, in both unclassi-  
11          fied and classified form, regarding the national secu-  
12          rity implications and impact of the bilateral trade  
13          and economic relationship between the United States  
14          and the People’s Republic of China. The report shall  
15          include a full analysis, along with conclusions and  
16          recommendations for legislative and administrative  
17          actions, of the national security implications for the  
18          United States of the trade and current balances with  
19          the People’s Republic of China in goods and serv-  
20          ices, financial transactions, and technology transfers.  
21          The Commission shall also take into account pat-  
22          terns of trade and transfers through third countries  
23          to the extent practicable.

1           “(3) CONTENTS OF REPORT.—The report de-  
2           scribed in paragraph (2) shall include, at a min-  
3           imum, a full discussion of the following:

4                   “(A) The portion of trade in goods and  
5                   services with the United States that the Peo-  
6                   ple’s Republic of China dedicates to military  
7                   systems or systems of a dual nature that could  
8                   be used for military purposes.

9                   “(B) The acquisition by the Government of  
10                  the People’s Republic of China and entities con-  
11                  trolled by the Government of advanced military  
12                  technologies through United States trade and  
13                  technology transfers.

14                  “(C) Any transfers, other than those iden-  
15                  tified under subparagraph (B), to the military  
16                  systems of the People’s Republic of China made  
17                  by United States firms and United States-based  
18                  multinational corporations.

19                  “(D) An analysis of the statements and  
20                  writing of the People’s Republic of China offi-  
21                  cials and officially-sanctioned writings that bear  
22                  on the intentions of the Government of the Peo-  
23                  ple’s Republic of China regarding the pursuit of  
24                  military competition with, and leverage over,

1 the United States and the Asian allies of the  
2 United States.

3 “(E) The military actions taken by the  
4 Government of the People’s Republic of China  
5 during the preceding year that bear on the na-  
6 tional security of the United States and the re-  
7 gional stability of the Asian allies of the United  
8 States.

9 “(F) The effects to the national security  
10 interests of the United States of the use by the  
11 People’s Republic of China of financial trans-  
12 actions, capital flow, and currency manipula-  
13 tions.

14 “(G) Any action taken by the Government  
15 of the People’s Republic of China in the context  
16 of the World Trade Organization that is ad-  
17 verse to the United States national security in-  
18 terests.

19 “(H) Patterns of trade and investment be-  
20 tween the People’s Republic of China and its  
21 major trading partners, other than the United  
22 States, that appear to be substantively different  
23 from trade and investment patterns with the  
24 United States and whether the differences con-

1           stitute a security problem for the United  
2           States.

3           “(I) The extent to which the trade surplus  
4           of the People’s Republic of China with the  
5           United States enhances the military budget of  
6           the People’s Republic of China.

7           “(J) An overall assessment of the state of  
8           the security challenges presented by the Peo-  
9           ple’s Republic of China to the United States  
10          and whether the security challenges are increas-  
11          ing or decreasing from previous years.

12          “(4) RECOMMENDATIONS OF REPORT.—The re-  
13          port described in paragraph (2) shall include rec-  
14          ommendations for action by Congress or the Presi-  
15          dent, or both, including specific recommendations  
16          for the United States to invoke Article XXI (relating  
17          to security exceptions) of the General Agreement on  
18          Tariffs and Trade 1994 with respect to the People’s  
19          Republic of China, as a result of any adverse impact  
20          on the national security interests of the United  
21          States.”.

22          (c) CONFORMING AMENDMENTS.—

23                 (1) HEARINGS.—Section 127(f)(1) of such Act  
24                 (19 U.S.C. 2213 note) is amended to read as fol-  
25                 lows:

1           “(1) HEARINGS.—

2                   “(A) IN GENERAL.—The Commission or,  
3           at its direction, any panel or member of the  
4           Commission, may for the purpose of carrying  
5           out the provisions of this Act, hold hearings, sit  
6           and act at times and places, take testimony, re-  
7           ceive evidence, and administer oaths to the ex-  
8           tent that the Commission or any panel or mem-  
9           ber considers advisable.

10                   “(B) INFORMATION.—The Commission  
11           may secure directly from the Department of  
12           Defense, the Central Intelligence Agency, and  
13           any other Federal department or agency infor-  
14           mation that the Commission considers nec-  
15           essary to enable the Commission to carry out  
16           its responsibilities under this Act, except the  
17           provision of intelligence information to the  
18           Commission shall be made with due regard for  
19           the protection from unauthorized disclosure of  
20           classified information relating to sensitive intel-  
21           ligence sources and methods or other exception-  
22           ally sensitive matters, under procedures ap-  
23           proved by the Director of Central Intelligence.

24                   “(C) SECURITY.—The Office of Senate Se-  
25           curity shall—

1           “(i) provide classified storage and  
2           meeting and hearing spaces, when nec-  
3           essary, for the Commission; and

4           “(ii) assist members and staff of the  
5           Commission in obtaining security clear-  
6           ances.

7           “(D) SECURITY CLEARANCES.—All mem-  
8           bers of the Commission and appropriate staff  
9           shall be sworn and hold appropriate security  
10          clearances.”.

11          (2) CHAIRMAN.—

12           (A) Section 127(c)(6) of such Act (19  
13          U.S.C. 2213 note) is amended by striking  
14          “Chairperson” and inserting “Chairman”.

15           (B) Section 127(g) of such Act (19 U.S.C.  
16          2213 note) is amended by striking “Chair-  
17          person” each place it appears and inserting  
18          “Chairman”.

19          (3) CHAIRMAN AND VICE CHAIRMAN.—Section  
20          127(c)(7) of such Act (19 U.S.C. 2213 note) is  
21          amended—

22           (A) by striking “CHAIRPERSON AND VICE  
23          CHAIRPERSON” in the heading and inserting  
24          “CHAIRMAN AND VICE CHAIRMAN”;

1 (B) by striking “chairperson” and “vice  
2 chairperson” in the text and inserting “Chair-  
3 man” and “Vice Chairman”; and

4 (C) by inserting “at the beginning of each  
5 new Congress” before the end period.

6 (d) APPROPRIATIONS.—Section 127(i) of such Act  
7 (19 U.S.C. 2213 note) is amended to read as follows:

8 “(i) AUTHORIZATION.—

9 “(1) IN GENERAL.—There are authorized to be  
10 appropriated to the Commission for fiscal year 2001,  
11 and each fiscal year thereafter, such sums as may  
12 be necessary to enable it to carry out its functions.  
13 Appropriations to the Commission are authorized to  
14 remain available until expended. Unobligated bal-  
15 ances of appropriations made to the Trade Deficit  
16 Review Commission before the effective date of this  
17 subsection shall remain available to the Commission  
18 on and after such date.

19 “(2) FOREIGN TRAVEL FOR OFFICIAL PUR-  
20 POSES.—Foreign travel for official purposes by  
21 members and staff of the Commission may be au-  
22 thorized by either the Chairman or the Vice Chair-  
23 man.”.



1           (e) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect on the first day of the 107th  
3 Congress.

4 **SEC. 1077. SECRECY POLICIES AND WORKER HEALTH.**

5           (a) REVIEW OF SECRECY POLICIES.—The Secretary  
6 of Defense in consultation with the Secretary of Energy  
7 shall review classification and security policies and, within  
8 appropriate national security constraints, ensure that such  
9 policies do not prevent or discourage employees at former  
10 nuclear weapons facilities who may have been exposed to  
11 radioactive or other hazardous substances associated with  
12 nuclear weapons from discussing such exposures with ap-  
13 propriate health care providers and with other appropriate  
14 officials. The policies reviewed should include the policy  
15 to neither confirm nor deny the presence of nuclear weap-  
16 ons as it is applied to former United States nuclear weap-  
17 ons facilities that no longer contain nuclear weapons or  
18 materials.

19           (b) NOTIFICATION OF AFFECTED EMPLOYEES.—(1)  
20 The Secretary of Defense in consultation with the Sec-  
21 retary of Energy shall seek to identify individuals who are  
22 or were employed at Department of Defense sites that no  
23 longer store, assemble, disassemble, or maintain nuclear  
24 weapons.

1           (2) Upon determination that such employees may  
2 have been exposed to radioactive or hazardous substances  
3 associated with nuclear weapons at such sites, such em-  
4 ployees shall be notified of any such exposures to radi-  
5 ation, or hazardous substances associated with nuclear  
6 weapons.

7           (3) Such notification shall include an explanation of  
8 how such employees can discuss any such exposures with  
9 health care providers who do not possess security clear-  
10 ances without violating security or classification proce-  
11 dures or, if necessary, provide guidance to facilitate the  
12 ability of such individuals to contact health care providers  
13 with appropriate security clearances or discuss such expo-  
14 sures with other officials who are determined by the Sec-  
15 retary of Defense to be appropriate.

16           (c) The Secretary of Defense in consultation with the  
17 Secretary of Energy shall, no later than May 1, 2001, sub-  
18 mit a report to the Congressional Defense Committees set-  
19 ting forth—

20                   (1) the results of the review in paragraph (a)  
21 including any changes made or recommendations for  
22 legislation; and

23                   (2) the status of the notification in paragraph  
24 (b) and an anticipated date on which such notifica-  
25 tion will be completed.

1 **TITLE XI—DEPARTMENT OF DE-**  
2 **FENSE CIVILIAN PERSONNEL**  
3 **POLICY**

4 **SEC. 1101. COMPUTER/ELECTRONIC ACCOMMODATIONS**  
5 **PROGRAM.**

6 (a) **AUTHORITY TO EXPAND PROGRAM.**—(1) Chapter  
7 81 of title 10, United States Code, is amended by inserting  
8 after section 1581 the following:

9 **“§ 1582. Assistive technology, assistive technology de-**  
10 **vices, and assistive technology services**

11 “(a) **AUTHORITY.**—The Secretary of Defense may  
12 provide assistive technology, assistive technology devices,  
13 and assistive technology services to the following:

14 “(1) Department of Defense employees with  
15 disabilities.

16 “(2) Organizations within the department that  
17 have requirements to make programs or facilities ac-  
18 cessible to and usable by persons with disabilities.

19 “(3) Any other department or agency of the  
20 Federal Government, upon the request of the head  
21 of that department or agency, for its employees with  
22 disabilities or for satisfying a requirement to make  
23 its programs or facilities accessible to and usable by  
24 persons with disabilities.

1       “(b) DEFINITIONS.—In this section, the terms ‘as-  
 2       sistive technology’, ‘assistive technology device’, ‘assistive  
 3       technology service’, and ‘disability’ have the meanings  
 4       given the terms in section 3 of the Assistive Technology  
 5       Act of 1998 (29 U.S.C. 3002).”.

6       (2) The table of sections at the beginning of such  
 7       chapter is amended by inserting after the item relating  
 8       to section 1581 the following:

“1582. Assistive technology, assistive technology devices, and assistive tech-  
 nology services.”.

9       (b) FUNDING.—Of the amount authorized to be ap-  
 10       propriated under section 301(5) for operation and mainte-  
 11       nance for Defense-wide activities, not more than  
 12       \$2,000,000 is available for the purpose of expanding and  
 13       administering the Computer/Electronic Accommodation  
 14       Program of the Department of Defense to provide under  
 15       section 1582 of title 10, United States Code (as added  
 16       by subsection (a)), the technology, devices, and services  
 17       described in that section.

18       **SEC. 1102. ADDITIONAL SPECIAL PAY FOR FOREIGN LAN-**  
 19                               **GUAGE PROFICIENCY BENEFICIAL FOR**  
 20                               **UNITED STATES NATIONAL SECURITY INTER-**  
 21                               **ESTS.**

22       (a) IN GENERAL.—Chapter 81 of title 10, United  
 23       States Code, is amended by inserting after section 1596  
 24       the following new section:

1 **“§ 1596a. Foreign language proficiency: special pay**  
2 **for proficiency beneficial for other na-**  
3 **tional security interests**

4 “(a) **AUTHORITY.**—The Secretary of Defense may  
5 pay special pay under this section to an employee of the  
6 Department of Defense who—

7 “(1) has been certified by the Secretary to be  
8 proficient in a foreign language identified by the  
9 Secretary as being a language in which proficiency  
10 by civilian personnel of the department is necessary  
11 because of national security interests;

12 “(2) is assigned duties requiring proficiency in  
13 that foreign language; and

14 “(3) is not receiving special pay under section  
15 1596 of this title.

16 “(b) **RATE.**—The rate of special pay for an employee  
17 under this section shall be prescribed by the Secretary,  
18 but may not exceed five percent of the employee’s rate of  
19 basic pay.

20 “(c) **RELATIONSHIP TO OTHER PAY AND ALLOW-**  
21 **ANCES.**—Special pay under this section is in addition to  
22 any other pay or allowances to which the employee is enti-  
23 tled.

24 “(d) **REGULATIONS.**—The Secretary of Defense shall  
25 prescribe regulations to carry out this section.”.

1 (b) AMENDMENT TO DISTINGUISH OTHER FOREIGN  
 2 LANGUAGE PROFICIENCY SPECIAL PAY.—The heading for  
 3 section 1596 of title 10, United States Code, is amended  
 4 to read as follows:

5 **“§ 1596. Foreign language proficiency: special pay for**  
 6 **proficiency beneficial for intelligence in-**  
 7 **terests”.**

8 (c) CLERICAL AMENDMENT.—The table of sections  
 9 at the beginning of chapter 81 of such title is amended  
 10 by striking the item relating to section 1596 and inserting  
 11 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.”.

12 **SEC. 1103. INCREASED NUMBER OF POSITIONS AUTHOR-**  
 13 **IZED FOR THE DEFENSE INTELLIGENCE SEN-**  
 14 **IOR EXECUTIVE SERVICE.**

15 Section 1606(a) of title 10, United States Code, is  
 16 amended by striking “492” and inserting “517”.

17 **SEC. 1104. EXTENSION OF AUTHORITY FOR TUITION REIM-**  
 18 **BURSEMENT AND TRAINING FOR CIVILIAN**  
 19 **EMPLOYEES IN THE DEFENSE ACQUISITION**  
 20 **WORKFORCE.**

21 Section 1745(a) of title 10, United States Code, is  
 22 amended by striking “September 30, 2001” in the second  
 23 sentence and inserting “September 30, 2010”.

1 **SEC. 1105. WORK SAFETY DEMONSTRATION PROGRAM.**

2 (a) ESTABLISHMENT.—The Secretary of Defense  
3 shall carry out a defense employees work safety dem-  
4 onstration program.

5 (b) PRIVATE SECTOR WORK SAFETY MODELS.—  
6 Under the demonstration program, the Secretary shall—

7 (1) adopt for use in the workplace of employees  
8 of the Department of Defense such work safety mod-  
9 els used by employers in the private sector that the  
10 Secretary considers as being representative of the  
11 best work safety practices in use by private sector  
12 employers; and

13 (2) determine whether the use of those prac-  
14 tices in the Department of Defense improves the  
15 work safety record of Department of Defense em-  
16 ployees.

17 (c) SITES.—(1) The Secretary shall carry out the  
18 demonstration program—

19 (A) at not fewer than two installations of each  
20 of the Armed Forces (other than the Coast Guard),  
21 for employees of the military department concerned;  
22 and

23 (B) in at least two Defense Agencies (as de-  
24 fined in section 101(a)(11) of title 10, United States  
25 Code).

1           (2) The Secretary shall select the installations and  
2 Defense Agencies from among the installations and De-  
3 fense Agencies listed in the Federal Worker 2000 Presi-  
4 dential Initiative.

5           (d) PERIOD FOR PROGRAM.—The demonstration pro-  
6 gram shall begin not later than 180 days after the date  
7 of the enactment of this Act and shall terminate on Sep-  
8 tember 30, 2002.

9           (e) REPORTS.—(1) The Secretary of Defense shall  
10 submit an interim report on the demonstration program  
11 to the Committees on Armed Services of the Senate and  
12 the House of Representatives not later than December 1,  
13 2001. The interim report shall contain, at a minimum, for  
14 each site of the demonstration program the following:

15                   (A) A baseline assessment of the lost workday  
16 injury rate.

17                   (B) A comparison of the lost workday injury  
18 rate for fiscal year 2000 with the lost workday in-  
19 jury rate for fiscal year 1999.

20                   (C) The direct and indirect costs associated  
21 with all lost workday injuries.

22           (2) The Secretary of Defense shall submit a final re-  
23 port on the demonstration program to the Committees on  
24 Armed Services of the Senate and the House of Represent-  
25 atives not later than December 1, 2002. The final report



1 shall contain, at a minimum, for each site of the dem-  
2 onstration program the following:

3 (A) The Secretary's determination on the issue  
4 stated in subsection (b)(2).

5 (B) A comparison of the lost workday injury  
6 rate under the program with the baseline assessment  
7 of the lost workday injury rate.

8 (C) The lost workday injury rate for fiscal year  
9 2002.

10 (D) A comparison of the direct and indirect  
11 costs associated with all lost workday injuries for fis-  
12 cal year 2002 with the direct and indirect costs asso-  
13 ciated with all lost workday injuries for fiscal year  
14 2001.

15 (f) FUNDING.—Of the amount authorized to be ap-  
16 propriated under section 301(5), \$5,000,000 shall be  
17 available for the demonstration program under this sec-  
18 tion.

19 **SEC. 1106. EMPLOYMENT AND COMPENSATION OF EMPLOY-**  
20 **EES FOR TEMPORARY ORGANIZATIONS ES-**  
21 **TABLISHED BY LAW OR EXECUTIVE ORDER.**

22 (a) IN GENERAL.—Chapter 31 of title 5, United  
23 States Code, is amended by adding at the end the fol-  
24 lowing new subchapter:

1 “SUBCHAPTER IV—TEMPORARY ORGANIZA-  
2 TIONS ESTABLISHED BY LAW OR EXECU-  
3 TIVE ORDER

4 “§ 3161. **Employment and compensation of employees**

5 “(a) DEFINITION OF TEMPORARY ORGANIZATION.—

6 For the purposes of this subchapter, the term ‘temporary  
7 organization’ means a commission, committee, board, or  
8 other organization that—

9 “(1) is established by law or Executive order  
10 for a specific period not in excess of 3 years for the  
11 purpose of performing a specific study or other  
12 project; and

13 “(2) is terminated upon the completion of the  
14 study or project or upon the occurrence of a condi-  
15 tion related to the completion of the study or  
16 project.

17 “(b) EMPLOYMENT AUTHORITY.—(1) Notwith-  
18 standing the provisions of chapter 51 of this title, the head  
19 of an Executive agency may appoint persons to positions  
20 of employment in a temporary organization in such num-  
21 bers and with such skills as are necessary for the perform-  
22 ance of the functions required of a temporary organiza-  
23 tion.

24 “(2) The period of an appointment under paragraph  
25 (1) may not exceed three years, except that under regula-

1 tions prescribed by the Office of Personnel Management  
2 the period of appointment may be extended for up to an  
3 additional two years.

4 “(3) The positions of employment in a temporary or-  
5 ganization are in the excepted service of the civil service.

6 “(c) DETAIL AUTHORITY.—Upon the request of the  
7 head of a temporary organization, the head of any depart-  
8 ment or agency of the Government may detail, on a non-  
9 reimbursable basis, any personnel of the department or  
10 agency to that organization to assist in carrying out its  
11 duties.

12 “(d) COMPENSATION.—(1) The rate of basic pay for  
13 an employee appointed under subsection (b) shall be estab-  
14 lished under regulations prescribed by the Office of Per-  
15 sonnel Management without regard to the provisions of  
16 chapter 51 and subchapter III of chapter 53 of this title.

17 “(2) The rate of basic pay for the chairman, a mem-  
18 ber, an executive director, a staff director, or another exec-  
19 utive level position of a temporary organization may not  
20 exceed the maximum rate of basic pay established for the  
21 Senior Executive Service under section 5382 of this title.

22 “(3) Except as provided in paragraph (4), the rate  
23 of basic pay for other positions in a temporary organiza-  
24 tion may not exceed the maximum rate of basic pay for

1 grade GS–15 of the General Schedule under section 5332  
2 of this title.

3 “(4) The rate of basic pay for a senior staff position  
4 of a temporary organization may, in a case determined  
5 by the head of the temporary organization as exceptional,  
6 exceed the maximum rate of basic pay authorized under  
7 paragraph (3), but may not exceed the maximum rate of  
8 basic pay authorized for an executive level position under  
9 paragraph (2).

10 “(5) In this subsection, the term ‘basic pay’ includes  
11 locality pay provided for under section 5304 of this title.

12 “(e) TRAVEL EXPENSES.—An employee of a tem-  
13 porary organization, whether employed on a full-time or  
14 part-time basis, may be allowed travel and transportation  
15 expenses, including per diem in lieu of subsistence, at  
16 rates authorized for employees of agencies under sub-  
17 chapter I of chapter 57 of this title, while traveling away  
18 from the employee’s regular place of business in the per-  
19 formance of services for the temporary organization.

20 “(f) BENEFITS.—(1) An employee appointed under  
21 subsection (b) shall be afforded the same benefits and en-  
22 titlements as are provided other employees under subpart  
23 G of part III of this title, except that a full-time employee  
24 shall be eligible for life insurance under chapter 87 of this  
25 title and health benefits under chapter 89 of this title im-

1 mediate upon appointment to the position of full-time  
2 employment without regard to the duration of the tem-  
3 porary organization or of the appointment to that position  
4 of the temporary organization.

5 “(2) Until an employee of a temporary organization  
6 has completed one year of continuous service in the civil  
7 service, there shall be withheld from the employee’s pay  
8 the following:

9 “(A) In the case of an employee insured pursu-  
10 ant to paragraph (1) by an insurance policy pur-  
11 chased by the Office under chapter 87 of this title,  
12 the amount equal to the amount of the Government  
13 contribution under section 8708 of this title, as well  
14 as the amount required to be withheld from the pay  
15 of the employee under section 8707 of this title, all  
16 of which shall be deposited in the Treasury of the  
17 United States to the credit of the Employees’ Life  
18 Insurance Fund referred to in section 8714 of this  
19 title.

20 “(B) In the case of an employee participating  
21 pursuant to paragraph (1) in a Federal Employees  
22 Health Benefits plan under chapter 89 of this title,  
23 the amount equal to the amount of the Government  
24 contribution under section 8906 of this title, as well  
25 as the amount required to be withheld from the pay

1 of the employee under section 8906 of this title, all  
2 of which shall be paid into the Employees Health  
3 Benefits Fund referred to in section 8909 of this  
4 title.

5 “(3) No contribution shall be made by the United  
6 States for an employee under section 8708 or 8906 of this  
7 title for any period for which subparagraph (A) or (B),  
8 respectively, of paragraph (2) applies to the employee.

9 “(g) RETURN RIGHTS.—An employee serving under  
10 a career or career conditional appointment or the equiva-  
11 lent in an agency who transfers to or converts to an ap-  
12 pointment in a temporary organization with the consent  
13 of the head of the agency is entitled to be returned to  
14 the employee’s former position or a position of like senior-  
15 ity, status, and pay without grade or pay retention in the  
16 agency if the employee—

17 “(1) is being separated from the temporary or-  
18 ganization for reasons other than misconduct, ne-  
19 glect of duty, or malfeasance; and

20 “(2) applies for return not later than 30 days  
21 before the earlier of—

22 “(A) the date of the termination of the em-  
23 ployment in the temporary organization; or

24 “(B) the date of the termination of the  
25 temporary organization.

1       “(h) TEMPORARY AND INTERMITTENT SERVICES.—  
2 The head of a temporary organization may procure for  
3 the organization temporary and intermittent services  
4 under section 3109(b) of this title.

5       “(i) ACCEPTANCE OF VOLUNTEER SERVICES.—(1)  
6 The head of a temporary organization may accept volun-  
7 teer services appropriate to the duties of the organization  
8 without regard to section 1342 of title 31.

9       “(2) Donors of voluntary services accepted for a tem-  
10 porary organization under this subsection may include the  
11 following:

12           “(A) Advisors.

13           “(B) Experts.

14           “(C) Members of the commission, committee,  
15 board, or other temporary organization, as the case  
16 may be.

17           “(D) A person performing services in any other  
18 capacity determined appropriate by the head of the  
19 temporary organization.

20       “(3) The head of the temporary organization—

21           “(A) shall ensure that each person performing  
22 voluntary services accepted under this subsection is  
23 notified of the scope of the voluntary services accept-  
24 ed;

1           “(B) shall supervise the volunteer to the same  
2           extent as employees receiving compensation for simi-  
3           lar services; and

4           “(C) shall ensure that the volunteer has appro-  
5           priate credentials or is otherwise qualified to per-  
6           form in each capacity for which the volunteer’s serv-  
7           ices are accepted.

8           “(4) A person providing volunteer services accepted  
9           under this subsection shall be considered an employee of  
10          the Federal Government in the performance of those serv-  
11          ices for the purposes of the following provisions of law:

12           “(A) Chapter 81 of this title, relating to com-  
13          pensation for work-related injuries.

14           “(B) Chapter 171 of title 28, relating to tort  
15          claims.

16           “(C) Chapter 11 of title 18, relating to conflicts  
17          of interest.”.

18          (b) CLERICAL AMENDMENT.—The table of sections  
19          at the beginning of such chapter is amended by adding  
20          at the end the following:

          “SUBCHAPTER IV—TEMPORARY ORGANIZATIONS ESTABLISHED  
          BY LAW OR EXECUTIVE ORDER

          “Sec.

          “3161. Employment and compensation of employees.”.



1 **SEC. 1107. EXTENSION OF AUTHORITY FOR VOLUNTARY**  
2 **SEPARATIONS IN REDUCTIONS IN FORCE.**

3 Section 3502(f)(5) of title 5, United States Code, is  
4 amended by striking “September 30, 2001” and inserting  
5 “September 30, 2005”.

6 **SEC. 1108. ELECTRONIC MAINTENANCE OF PERFORMANCE**  
7 **APPRAISAL SYSTEMS.**

8 Section 4302 of title 5, United States Code, is  
9 amended by adding at the end the following:

10 “(c) The head of an agency may administer and  
11 maintain its performance appraisal systems electronically  
12 in accordance with regulations which the Office shall pre-  
13 scribe.”.

14 **SEC. 1109. APPROVAL AUTHORITY FOR CASH AWARDS IN**  
15 **EXCESS OF \$10,000.**

16 Section 4502 of title 5, United States Code, is  
17 amended by adding at the end the following:

18 “(f) The Secretary of Defense may grant a cash  
19 award under subsection (b) of this section without regard  
20 to the requirements for certification and approval provided  
21 in that subsection.”.

22 **SEC. 1110. LEAVE FOR CREWS OF CERTAIN VESSELS.**

23 Section 6305(c)(2) of title 5, United States Code, is  
24 amended to read as follows:

25 “(2) may not be made the basis for a lump-sum  
26 payment, except that civil service mariners of the

1 Military Sealift Command on temporary promotion  
2 aboard ship may be paid the difference between their  
3 temporary and permanent rates of pay for leave ac-  
4 crued and not otherwise used during the temporary  
5 promotion upon the expiration or termination of the  
6 temporary promotion; and”.

7 **SEC. 1111. LIFE INSURANCE FOR EMERGENCY ESSENTIAL**  
8 **DEPARTMENT OF DEFENSE EMPLOYEES.**

9 Section 8702 of title 5, United States Code, is  
10 amended by adding at the end the following new sub-  
11 section:

12 “(c) Notwithstanding a notice previously given under  
13 subsection (b), an employee of the Department of Defense  
14 who is designated as an emergency essential employee  
15 under section 1580 of title 10 shall be insured if the em-  
16 ployee, within 60 days after the date of the designation,  
17 elects to be insured under a policy of insurance under this  
18 chapter. An election under the preceding sentence shall be  
19 effective when provided to the Office in writing, in the  
20 form prescribed by the Office, within such 60-day pe-  
21 riod.”.

22 **SEC. 1112. CIVILIAN PERSONNEL SERVICES PUBLIC-PRI-**  
23 **VATE COMPETITION PILOT PROGRAM.**

24 (a) PROGRAM REQUIRED.—The Secretary of Defense  
25 shall establish a pilot program to assess the extent to

1 which the effectiveness and efficiency of the performance  
2 of civilian personnel services for the Department of De-  
3 fense could be increased by conducting competitions for  
4 the performance of such services between the public and  
5 private sectors. The pilot program under this section shall  
6 be known as the “Civilian Personnel Services Public-Pri-  
7 vate Competition Program”.

8 (b) CIVILIAN PERSONNEL REGIONS TO BE IN-  
9 CLUDED.—(1) The pilot program shall be carried out in  
10 four civilian personnel regions, as follows:

11 (A) In one region, for the civilian personnel  
12 services for the Department of the Army.

13 (B) In two regions, for the civilian personnel  
14 services for the Department of the Navy.

15 (C) In one region, for the civilian personnel  
16 services for any military department or for any orga-  
17 nization within the Department of Defense that is  
18 not within a military department.

19 (2) The Secretary shall designate the regions to par-  
20 ticipate in the pilot program. The Secretary shall select  
21 the regions for designation from among the regions where  
22 the conduct of civilian personnel operations are most con-  
23 ducive to public-private competition. In making the selec-  
24 tions, the Secretary shall consult with the Secretary of the

1 Army, the Secretary of the Navy, and the Director of  
2 Washington Headquarters Services.

3 (c) RIGHT OF FIRST REFUSAL FOR DISPLACE FED-  
4 ERAL EMPLOYEES.—The Secretary of Defense shall take  
5 the actions necessary to ensure that, in the case of a con-  
6 version to private sector performance under the pilot pro-  
7 gram, employees of the United States who are displaced  
8 by the conversion have the right of first refusal for jobs  
9 for which they are qualified that are created by the conver-  
10 sion.

11 (d) DURATION AND COVERAGE OF THE PROGRAM.—  
12 The pilot program shall be carried out during the period  
13 beginning on October 1, 2000, and ending on December  
14 31, 2004.

15 (e) AUTHORITY TO EXPAND PROGRAM.—The Sec-  
16 retary may expand the pilot program to include other re-  
17 gions.

18 (f) REPORT.—Not later than February 1, 2005, the  
19 Secretary shall submit a report on the pilot program to  
20 the Committees on Armed Services of the Senate and the  
21 House of Representatives. The report shall include the fol-  
22 lowing:

23 (1) The Secretary's assessment of the value of  
24 the actions taken in the administration of the pilot  
25 program for increasing the effectiveness and effi-

1       ciency of the performance of civilian personnel serv-  
2       ices for the Department of Defense in the regions  
3       covered by the pilot program, as compared to the  
4       performance of civilian personnel services for the de-  
5       partment in regions not included in the pilot pro-  
6       gram.

7               (2) Any recommendations for legislation or  
8       other action that the Secretary considers appropriate  
9       to increase the effectiveness and efficiency of the  
10      performance of civilian personnel services for the  
11      Department of Defense in all regions.

12 **SEC. 1113. EXTENSION, EXPANSION, AND REVISION OF AU-**  
13                   **THORITY FOR EXPERIMENTAL PERSONNEL**  
14                   **PROGRAM FOR SCIENTIFIC AND TECHNICAL**  
15                   **PERSONNEL.**

16       (a) EXTENSION OF PROGRAM.—Section 1101 of the  
17      Strom Thurmond National Defense Authorization Act for  
18      Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2139;  
19      5 U.S.C. 3104 note) is amended—

20               (1) in subsection (a), by striking “the 5-year  
21      period beginning on the date of the enactment of  
22      this Act” and inserting “the program period speci-  
23      fied in subsection (e)(1)”;

24               (2) in subsection (e), by striking paragraph (1)  
25      and inserting the following:

1       “(1) The period for carrying out the program author-  
2 ized under this section begins on October 17, 1998, and  
3 ends on October 16, 2005.”; and

4           (3) in subsection (f), by striking “on the day  
5 before the termination of the program” and insert-  
6 ing “on the last day of the program period specified  
7 in subsection (e)(1)”.

8       (b) EXPANSION OF SCOPE.—Subsection (a) of such  
9 section, as amended by subsection (a)(1) of this section,  
10 is further amended by inserting before the period at the  
11 end the following: “and research and development projects  
12 administered by laboratories designated for the program  
13 by the Secretary from among the laboratories of each of  
14 the military departments”.

15       (c) LIMITATION ON NUMBER OF APPOINTMENTS.—  
16 Subsection (b)(1) of such section is amended to read as  
17 follows:

18           “(1) without regard to any provision of title 5,  
19 United States Code, governing the appointment of  
20 employees in the civil service, appoint scientists and  
21 engineers from outside the civil service and uni-  
22 formed services (as such terms are defined in section  
23 2101 of such title) to—

1           “(A) not more than 40 scientific and engi-  
2           neering positions in the Defense Advanced Re-  
3           search Projects Agency;

4           “(B) not more than 40 scientific and engi-  
5           neering positions in the designated laboratories  
6           of each of the military services; and

7           “(C) not more than a total of 10 scientific  
8           and engineering positions in the National Im-  
9           agery and Mapping Agency and the National  
10          Security Agency.”.

11          (d) RATES OF PAY FOR APPOINTEES.—Subsection  
12          (b)(2) of such section is amended by inserting after  
13          “United States Code,” the following: “as increased by lo-  
14          cality-based comparability payments under section 5304  
15          of such title,”.

16          (e) COMMENSURATE EXTENSION OF REQUIREMENT  
17          FOR ANNUAL REPORT.—Subsection (g) of such section is  
18          amended by striking “2004” and inserting “2006”.

19          (f) AMENDMENT OF SECTION HEADING.—The head-  
20          ing for such section is amended to read as follows:

1 **“SEC. 1101. EXPERIMENTAL PERSONNEL PROGRAM FOR**  
2 **SCIENTIFIC AND TECHNICAL PERSONNEL.”.**

3 **SEC. 1114. CLARIFICATION OF PERSONNEL MANAGEMENT**  
4 **AUTHORITY UNDER A PERSONNEL DEM-**  
5 **ONSTRATION PROJECT.**

6 Section 342(b) of the National Defense Authorization  
7 Act for Fiscal Year 1995 is amended—

8 (1) by striking the last sentence of paragraph  
9 (4); and

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

11 “(5) The employees of a laboratory covered by a per-  
12 sonnel demonstration project under this section shall be  
13 managed by the director of the laboratory subject to the  
14 supervision of the Under Secretary of Defense for Acquisi-  
15 tion, Technology, and Logistics. Notwithstanding any  
16 other provision of law, the director of the laboratory is  
17 authorized to appoint individuals to positions in the lab-  
18 oratory, and to fix the compensation of such individuals  
19 for service in those positions, under the demonstration  
20 project without the review or approval of any official or  
21 agency other than the Under Secretary.”.

22 **SEC. 1115. EXTENSION OF AUTHORITY FOR VOLUNTARY**  
23 **SEPARATIONS IN REDUCTIONS IN FORCE.**

24 Section 3502(f)(5) of title 5, United States Code, is  
25 amended by striking “September 30, 2001” and inserting  
26 “September 30, 2005”.



1 **SEC. 1116. EXTENSION, REVISION, AND EXPANSION OF AU-**  
2 **THORITIES FOR USE OF VOLUNTARY SEPARA-**  
3 **TION INCENTIVE PAY AND VOLUNTARY**  
4 **EARLY RETIREMENT.**

5 (a) **EXTENSION OF AUTHORITY.**—Subsection (e) of  
6 section 5597 of title 5, United States Code, is amended  
7 by striking “September 30, 2003” and inserting “Sep-  
8 tember 30, 2005”.

9 (b) **REVISION AND ADDITION OF PURPOSES FOR DE-**  
10 **PARTMENT OF DEFENSE VSIP.**—Subsection (b) of such  
11 section is amended by inserting after “transfer of func-  
12 tion,” the following: “restructuring of the workforce (to  
13 meet mission needs, achieve one or more strength reduc-  
14 tions, correct skill imbalances, or reduce the number of  
15 high-grade, managerial, or supervisory positions in accord-  
16 ance with the strategic plan required under section 1118  
17 of the National Defense Authorization Act for Fiscal Year  
18 2001),”.

19 (c) **ELIGIBILITY.**—Subsection (c) of such section is  
20 amended—

21 (1) in paragraph (2), by inserting “objective  
22 and nonpersonal” after “similar”; and

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

24 “A determination of which employees are within the scope  
25 of an offer of separation pay shall be made only on the

1 basis of consistent and well-documented application of the  
2 relevant criteria.”.

3 (d) INSTALLMENT PAYMENTS.—Subsection (d) of  
4 such section is amended—

5 (1) by striking paragraph (1) and inserting the  
6 following:

7 “(1) shall be paid in a lump-sum or in install-  
8 ments;”;

9 (2) by striking “and” at the end of paragraph  
10 (3);

11 (3) by striking the period at the end of para-  
12 graph (4) and inserting “; and”; and

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

14 “(5) if paid in installments, shall cease to be  
15 paid upon the recipient’s acceptance of employment  
16 by the Federal Government, or commencement of  
17 work under a personal services contract, as de-  
18 scribed in subsection (g)(1).”.

19 (e) APPLICABILITY OF REPAYMENT REQUIREMENT  
20 TO REEMPLOYMENT UNDER PERSONAL SERVICES CON-  
21 TRACTS.—Subsection (g)(1) of such section is amended by  
22 inserting after “employment with the Government of the  
23 United States” the following: “, or who commences work  
24 for an agency of the United States through a personal  
25 services contract with the United States,”.

1 **SEC. 1117. DEPARTMENT OF DEFENSE EMPLOYEE VOL-**  
2 **UNTARY EARLY RETIREMENT AUTHORITY.**

3 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section  
4 8336 of title 5, United States Code, is amended—

5 (1) in subsection (d)(2), by inserting “except in  
6 the case of an employee described in subsection  
7 (o)(1),” after “(2)”; and

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

9 “(o)(1) An employee of the Department of Defense  
10 who, before October 1, 2005, is separated from the service  
11 after completing 25 years of service or after becoming 50  
12 years of age and completing 20 years of service is entitled  
13 to an immediate annuity under this subchapter if the em-  
14 ployee is eligible for the annuity under paragraph (2) or  
15 (3).

16 “(2)(A) An employee referred to in paragraph (1) is  
17 eligible for an immediate annuity under this paragraph if  
18 the employee—

19 “(i) is separated from the service involuntarily  
20 other than for cause; and

21 “(ii) has not declined a reasonable offer of an-  
22 other position in the Department of Defense for  
23 which the employee is qualified, which is not lower  
24 than 2 grades (or pay levels) below the employee’s  
25 grade (or pay level), and which is within the employ-  
26 ee’s commuting area.

1       “(B) For the purposes of paragraph (2)(A)(i), a sepa-  
2 ration for failure to accept a directed reassignment to a  
3 position outside the commuting area of the employee con-  
4 cerned or to accompany a position outside of such area  
5 pursuant to a transfer of function may not be considered  
6 to be a removal for cause.

7       “(3) An employee referred to in paragraph (1) is eli-  
8 gible for an immediate annuity under this paragraph if  
9 the employee satisfies all of the following conditions:

10           “(A) The employee is separated from the serv-  
11 ice voluntarily during a period in which the organi-  
12 zation within the Department of Defense in which  
13 the employee is serving is undergoing a major orga-  
14 nizational adjustment.

15           “(B) The employee has been employed continu-  
16 ously by the Department of Defense for more than  
17 30 days before the date on which the head of the  
18 employee’s organization requests the determinations  
19 required under subparagraph (A).

20           “(C) The employee is serving under an appoint-  
21 ment that is not limited by time.

22           “(D) The employee is not in receipt of a deci-  
23 sion notice of involuntary separation for misconduct  
24 or unacceptable performance.

1           “(E) The employee is within the scope of an  
2           offer of voluntary early retirement, as defined on the  
3           basis of one or more of the following objective cri-  
4           teria:

5                   “(i) One or more organizational units.

6                   “(ii) One or more occupational groups, se-  
7                   ries, or levels.

8                   “(iii) One or more geographical locations.

9                   “(iv) Any other similar objective and non-  
10                  personal criteria that the Office of Personnel  
11                  Management determines appropriate.

12           “(4) Under regulations prescribed by the Office of  
13           Personnel Management, the determinations of whether an  
14           employee meets—

15                   “(A) the requirements of subparagraph (A) of  
16                   paragraph (3) shall be made by the Office, upon the  
17                   request of the Secretary of Defense; and

18                   “(B) the requirements of subparagraph (E) of  
19                   such paragraph shall be made by the Secretary of  
20                   Defense.

21           “(5) A determination of which employees are within  
22           the scope of an offer of early retirement shall be made  
23           only on the basis of consistent and well-documented appli-  
24           cation of the relevant criteria.

1       “(6) In this subsection, the term ‘major organiza-  
2 tional adjustment’ means any of the following:

3           “(A) A major reorganization.

4           “(B) A major reduction in force.

5           “(C) A major transfer of function.

6           “(D) A workforce restructuring—

7               “(i) to meet mission needs;

8               “(ii) to achieve one or more reductions in  
9 strength;

10               “(iii) to correct skill imbalances; or

11               “(iv) to reduce the number of high-grade,  
12 managerial, supervisory, or similar positions.”.

13       (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—

14 Section 8414 of such title is amended—

15           (1) in subsection (b)(1)(B), by inserting “except  
16 in the case of an employee described in subsection  
17 (d)(1),” after “(B)”; and

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

19       “(d)(1) An employee of the Department of Defense  
20 who, before October 1, 2005, is separated from the service  
21 after completing 25 years of service or after becoming 50  
22 years of age and completing 20 years of service is entitled  
23 to an immediate annuity under this subchapter if the em-  
24 ployee is eligible for the annuity under paragraph (2) or  
25 (3).

1       “(2)(A) An employee referred to in paragraph (1) is  
2 eligible for an immediate annuity under this paragraph if  
3 the employee—

4           “(i) is separated from the service involuntarily  
5 other than for cause; and

6           “(ii) has not declined a reasonable offer of an-  
7 other position in the Department of Defense for  
8 which the employee is qualified, which is not lower  
9 than 2 grades (or pay levels) below the employee’s  
10 grade (or pay level), and which is within the employ-  
11 ee’s commuting area.

12       “(B) For the purposes of paragraph (2)(A)(i), a sepa-  
13 ration for failure to accept a directed reassignment to a  
14 position outside the commuting area of the employee con-  
15 cerned or to accompany a position outside of such area  
16 pursuant to a transfer of function may not be considered  
17 to be a removal for cause.

18       “(3) An employee referred to in paragraph (1) is eli-  
19 gible for an immediate annuity under this paragraph if  
20 the employee satisfies all of the following conditions:

21           “(A) The employee is separated from the serv-  
22 ice voluntarily during a period in which the organi-  
23 zation within the Department of Defense in which  
24 the employee is serving is undergoing a major orga-  
25 nizational adjustment.

1           “(B) The employee has been employed continu-  
2           ously by the Department of Defense for more than  
3           30 days before the date on which the head of the  
4           employee’s organization requests the determinations  
5           required under subparagraph (A).

6           “(C) The employee is serving under an appoint-  
7           ment that is not limited by time.

8           “(D) The employee is not in receipt of a deci-  
9           sion notice of involuntary separation for misconduct  
10          or unacceptable performance.

11          “(E) The employee is within the scope of an  
12          offer of voluntary early retirement, as defined on the  
13          basis of one or more of the following objective cri-  
14          teria:

15                 “(i) One or more organizational units.

16                 “(ii) One or more occupational groups, se-  
17                 ries, or levels.

18                 “(iii) One or more geographical locations.

19                 “(iv) Any other similar objective and non-  
20                 personal criteria that the Office of Personnel  
21                 Management determines appropriate.

22          “(4) Under regulations prescribed by the Office of  
23          Personnel Management, the determinations of whether an  
24          employee meets—



1           “(A) the requirements of subparagraph (A) of  
2 paragraph (3) shall be made by the Office upon the  
3 request of the Secretary of Defense; and

4           “(B) the requirements of subparagraph (E) of  
5 such paragraph shall be made by the Secretary of  
6 Defense.

7           “(5) A determination of which employees are within  
8 the scope of an offer of early retirement shall be made  
9 only on the basis of consistent and well-documented appli-  
10 cation of the relevant criteria.

11          “(6) In this subsection, the term ‘major organiza-  
12 tional adjustment’ means any of the following:

13           “(A) A major reorganization.

14           “(B) A major reduction in force.

15           “(C) A major transfer of function.

16           “(D) A workforce restructuring—

17               “(i) to meet mission needs;

18               “(ii) to achieve one or more reductions in  
19 strength;

20               “(iii) to correct skill imbalances; or

21               “(iv) to reduce the number of high-grade,  
22 managerial, supervisory, or similar positions.”.

23          (c) CONFORMING AMENDMENTS.—(1) Section  
24 8339(h) of such title is amended by striking out “or (j)”  
25 in the first sentence and inserting “(j), or (o)”.

1           (2) Section 8464(a)(1)(A)(i) of such title is amended  
2 by striking out “or (b)(1)(B)” and “, (b)(1)(B), or (d)”.

3           (d) EFFECTIVE DATE; APPLICABILITY.—The amend-  
4 ments made by this section—

5           (1) shall take effect on October 1, 2000; and

6           (2) shall apply with respect to an approval for  
7 voluntary early retirement made on or after that  
8 date.

9 **SEC. 1118. RESTRICTIONS ON PAYMENTS FOR ACADEMIC**  
10 **TRAINING.**

11           (a) SOURCES OF POSTSECONDARY EDUCATION.—  
12 Subsection (a) of section 4107 of title 5, United States  
13 Code, is amended—

14           (1) by striking “or” at the end of paragraph  
15 (1);

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

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

19           “(3) any course of postsecondary education that  
20 is administered or conducted by an institution not  
21 accredited by a national or regional accrediting body  
22 (except in the case of a course or institution for  
23 which standards for accrediting do not exist or are  
24 determined by the head of the employee’s agency as  
25 being inappropriate), regardless of whether the

1 course is provided by means of classroom instruc-  
2 tion, electronic instruction, or otherwise.”.

3 (b) WAIVER OF RESTRICTION ON DEGREE TRAIN-  
4 ING.—Subsection (b)(1) of such section is amended by  
5 striking “if necessary” and all that follows through the  
6 end and inserting “if the training provides an opportunity  
7 for an employee of the agency to obtain an academic de-  
8 gree pursuant to a planned, systematic, and coordinated  
9 program of professional development approved by the head  
10 of the agency.”.

11 (c) CONFORMING AND CLERICAL AMENDMENTS.—  
12 The heading for such section is amended to read as fol-  
13 lows:

14 **“§ 4107. Restrictions”.**

15 (3) The item relating to such section in the table of  
16 sections at the beginning of chapter 41 of title 5, United  
17 States Code, is amended to read as follows:

“4107. Restrictions.”.

18 **SEC. 1119. STRATEGIC PLAN.**

19 (a) REQUIREMENT FOR PLAN.—Not later than six  
20 months after the date of the enactment of this Act, and  
21 before exercising any of the authorities provided or ex-  
22 tended by the amendments made by sections 1115 through  
23 1117, the Secretary of Defense shall submit to the appro-  
24 priate committees of Congress a strategic plan for the ex-  
25 ercise of such authorities. The plan shall include an esti-

1 mate of the number of Department of Defense employees  
2 that would be affected by the uses of authorities as de-  
3 scribed in the plan.

4 (b) CONSISTENCY WITH DOD PERFORMANCE AND  
5 REVIEW STRATEGIC PLAN.—The strategic plan submitted  
6 under subsection (a) shall be consistent with the strategic  
7 plan of the Department of Defense that is in effect under  
8 section 306 of title 5, United States Code.

9 (c) APPROPRIATE COMMITTEES.—For the purposes  
10 of this section, the appropriate committees of Congress are  
11 as follows:

12 (1) The Committee on Armed Services and the  
13 Committee on Governmental Affairs of the Senate.

14 (2) The Committee on Armed Services and the  
15 Committee on Government Reform of the House of  
16 Representatives.

17 **TITLE XII—MATTERS RELATING**  
18 **TO OTHER NATIONS**

19 **SEC. 1201. AUTHORITY TO TRANSFER NAVAL VESSELS TO**  
20 **CERTAIN FOREIGN COUNTRIES.**

21 (a) AUTHORITY TO TRANSFER.—

22 (1) AUSTRALIA.—The Secretary of the Navy is  
23 authorized to transfer to the Government of Aus-  
24 tralia the “KIDD” class guided missile destroyers  
25 KIDD (DDG 993), CALLAGHAN (DDG 994),

1 SCOTT (DDG 995), and CHANDLER (DDG 996).  
2 Each such transfer shall be on a combined lease-sale  
3 basis under sections 61 and 21 of the Arms Export  
4 Control Act (22 U.S.C. 2796 and 2761).

5 (2) BRAZIL.—The Secretary of the Navy is au-  
6 thorized to transfer to the Government of Brazil the  
7 “THOMASTON” class dock landing ships ALAMO  
8 (LSD 33) and HERMITAGE (LSD 34), and the  
9 “GARCIA” class frigates BRADLEY (FF 1041),  
10 DAVIDSON (FF 1045), SAMPLE (FF 1048) and  
11 ALBERT DAVID (FF 1050). Each such transfer  
12 shall be on a grant basis under section 516 of the  
13 Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

14 (3) CHILE.—The Secretary of the Navy is au-  
15 thorized to transfer to the Government of Chile the  
16 “OLIVER HAZARD PERRY” class guided missile  
17 frigates WADSWORTH (FFG 9), and ESTOCIN  
18 (FFG 15). Each such transfer shall be on a com-  
19 bined lease-sale basis under sections 61 and 21 of  
20 the Arms Export Control Act (22 U.S.C. 2796 and  
21 2761).

22 (4) EGYPT.—The Secretary of the Navy is au-  
23 thorized to transfer to the Government of Egypt the  
24 “DIXIE” class destroyer tender YOSEMITE (AD  
25 19). The transfer shall be on a grant basis under

1 section 516 of the Foreign Assistance Act of 1961  
2 (22 U.S.C. 2321j).

3 (5) GREECE.—The Secretary of the Navy is au-  
4 thorized to transfer to the Government of Greece the  
5 “KNOX” class frigates VREELAND (FF 1068)  
6 and TRIPPE (FF 1075). Each such transfer shall  
7 be on a grant basis under section 516 of the Foreign  
8 Assistance Act of 1961 (22 U.S.C. 2321j).

9 (6) TURKEY.—(A) The Secretary of the Navy is  
10 authorized to transfer to the Government of Turkey  
11 the “OLIVER HAZARD PERRY” class guided mis-  
12 sile frigates JOHN A. MOORE (FFG 19) and  
13 FLATLEY (FFG 21). Each transfer under the au-  
14 thority of this subsection shall be on a combined  
15 lease-sale basis under sections 61 and 21 of the  
16 Arms Export Control Act (22 U.S.C. 2796 and  
17 2761).

18 (B) The authority provided under subparagraph  
19 (A) is in addition to the authority provided under  
20 section 1018(a)(9) of Public Law 106–65 (113 Stat.  
21 745) for the Secretary of the Navy to transfer such  
22 vessels to the Government of Turkey on a sale basis  
23 under section 21 of the Arms Export Control Act  
24 (22 U.S.C. 2761).

1 (b) GRANTS NOT COUNTED IN ANNUAL TOTAL OF  
2 TRANSFERRED EXCESS DEFENSE ARTICLES.—The value  
3 of a vessel transferred to another country on a grant basis  
4 under section 516 of the Foreign Assistance Act of 1961  
5 (22 U.S.C. 2321j) pursuant to authority provided by sub-  
6 section (a) shall not be counted for the purposes of sub-  
7 section (g) of that section in the aggregate value of excess  
8 defense articles transferred to countries under that section  
9 in any fiscal year.

10 (c) COSTS OF TRANSFERS.—Any expense incurred by  
11 the United States in connection with a transfer authorized  
12 by this section shall be charged to the recipient (notwith-  
13 standing section 516(e)(1) of the Foreign Assistance Act  
14 of 1961 (22 U.S.C. 2321j(e)(1)) in the case of a transfer  
15 authorized to be made on a grant basis under subsection  
16 (a)).

17 (d) REPAIR AND REFURBISHMENT IN UNITED  
18 STATES SHIPYARDS.—To the maximum extent prac-  
19 ticable, the Secretary of the Navy shall require, as a condi-  
20 tion of the transfer of a vessel under this section, that  
21 the country to which the vessel is transferred have such  
22 repair or refurbishment of the vessel as is needed, before  
23 the vessel joins the naval forces of that country, performed  
24 at a shipyard located in the United States, including a  
25 United States Navy shipyard.

1           (e) CONDITIONS RELATING TO COMBINED LEASE-  
2 SALE TRANSFERS.—A transfer of a vessel on a combined  
3 lease-sale basis authorized by subsection (a) shall be made  
4 in accordance with the following requirements:

5           (1) The Secretary of the Navy may initially  
6 transfer the vessel by lease, with lease payments sus-  
7 pended for the term of the lease, if the country en-  
8 tering into the lease for the vessel simultaneously  
9 enters into a foreign military sales agreement for the  
10 transfer of title to the vessel.

11           (2) The Secretary may not deliver to the pur-  
12 chasing country title to the vessel until the purchase  
13 price of the vessel under such a foreign military  
14 sales agreement is paid in full.

15           (3) Upon payment of the purchase price in full  
16 under such a sales agreement and delivery of title to  
17 the recipient country, the Secretary shall terminate  
18 the lease.

19           (4) If the purchasing country fails to make full  
20 payment of the purchase price in accordance with  
21 the sales agreement by the date required under the  
22 sales agreement—

23                   (A) the sales agreement shall be imme-  
24 diately terminated;



1           (B) the suspension of lease payments  
2           under the lease shall be vacated; and

3           (C) the United States shall be entitled to  
4           retain all funds received on or before the date  
5           of the termination under the sales agreement,  
6           up to the amount of the lease payments due  
7           and payable under the lease and all other costs  
8           required by the lease to be paid to that date.

9           (5) If a sales agreement is terminated pursuant  
10          to paragraph (4), the United States shall not be re-  
11          quired to pay any interest to the recipient country  
12          on any amount paid to the United States by the re-  
13          cipient country under the sales agreement and not  
14          retained by the United States under the lease.

15          (f) AUTHORIZATION OF APPROPRIATIONS FOR COSTS  
16          OF LEASE-SALE TRANSFERS.—There is hereby authorized  
17          to be appropriated into the Defense Vessels Transfer Pro-  
18          gram Account such sums as may be necessary for paying  
19          the costs (as defined in section 502 of the Congressional  
20          Budget Act of 1974 (2 U.S.C. 661a)) of the lease-sale  
21          transfers authorized by subsection (a). Amounts so appro-  
22          priated shall be available only for the purpose of paying  
23          those costs.

24          (g) EXPIRATION OF AUTHORITY.—The authority pro-  
25          vided under subsection (a) shall expire at the end of the

1 two-year period beginning on the date of the enactment  
2 of this Act.

3 **SEC. 1202. SUPPORT OF UNITED NATIONS-SPONSORED EF-**  
4 **FORTS TO INSPECT AND MONITOR IRAQI**  
5 **WEAPONS ACTIVITIES.**

6 (a) **LIMITATION ON AMOUNT OF ASSISTANCE IN FIS-**  
7 **CAL YEAR 2001.**—The total amount of the assistance for  
8 fiscal year 2001 that is provided by the Secretary of De-  
9 fense under section 1505 of the Weapons of Mass Destruc-  
10 tion Control Act of 1992 (22 U.S.C. 5859a) as activities  
11 of the Department of Defense in support of activities  
12 under that Act may not exceed \$15,000,000.

13 (b) **EXTENSION OF AUTHORITY TO PROVIDE ASSIST-**  
14 **ANCE.**—Subsection (f) of section 1505 of the Weapons of  
15 Mass Destruction Control Act of 1992 (22 U.S.C. 5859a)  
16 is amended by striking “2000” and inserting “2001”.

17 **SEC. 1203. REPEAL OF RESTRICTION PREVENTING COOP-**  
18 **ERATIVE AIRLIFT SUPPORT THROUGH AC-**  
19 **QUISITION AND CROSS-SERVICING AGREE-**  
20 **MENTS.**

21 Section 2350c of title 10, United States Code, is  
22 amended—

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

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

1 **SEC. 1204. WESTERN HEMISPHERE INSTITUTE FOR PRO-**  
2 **FESSIONAL EDUCATION AND TRAINING.**

3 (a) IN GENERAL.—Chapter 108 of title 10, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 **“§ 2166. Western Hemisphere Institute for Profes-**  
7 **sional Education and Training**

8 “(a) ESTABLISHMENT AND ADMINISTRATION.—(1)  
9 The Secretary of Defense may operate an education and  
10 training facility for the purpose set forth in subsection (b).  
11 The facility may be called the Western Hemisphere Insti-  
12 tute for Professional Education and Training.

13 “(2) The Secretary may designate the Secretary of  
14 a military department as the Department of Defense exec-  
15 utive agent for carrying out the responsibilities of the Sec-  
16 retary of Defense under this section.

17 “(b) PURPOSE.—The purpose of the Institute is to  
18 provide professional education and training to eligible per-  
19 sonnel of the Western Hemisphere within the context of  
20 the democratic principles set forth in the Charter of the  
21 Organization of American States and supporting agree-  
22 ments, while fostering mutual knowledge, transparency,  
23 confidence, and cooperation among the participating na-  
24 tions and promoting democratic values, respect for human  
25 rights, and knowledge and understanding of United States  
26 customs and traditions.

1       “(c) ELIGIBLE PERSONNEL.—(1) Subject to para-  
2 graph (2), personnel of the Western Hemisphere are eligi-  
3 ble for education and training at the Institute as follows:

4               “(A) Military personnel.

5               “(B) Law enforcement personnel.

6               “(C) Civilians, whether or not employed by a  
7 government of the Western Hemisphere.

8       “(2) The selection of foreign personnel for education  
9 or training at the Institute is subject to the approval of  
10 the Secretary of State.

11       “(d) CURRICULUM.—(1) The curriculum of the Insti-  
12 tute shall include mandatory instruction for each student,  
13 for at least 8 hours, on human rights, the rule of law,  
14 due process, civilian control of the military, and the role  
15 of the military in a democratic society.

16       “(2) The curriculum may include instruction and  
17 other educational and training activities on the following:

18               “(A) Leadership development.

19               “(B) Counterdrug operations.

20               “(C) Peace support operations.

21               “(D) Disaster relief.

22               “(E) Any other matters that the Secretary de-  
23 termines appropriate.

1       “(e) BOARD OF VISITORS.—(1) There shall be a  
2 Board of Visitors for the Institute. The Board shall be  
3 composed of the following:

4           “(A) Two members of the Senate designated by  
5 the President pro tempore of the Senate.

6           “(B) Two members of the House of Represent-  
7 atives designated by the Speaker of the House of  
8 Representatives.

9           “(C) Six persons designated by the Secretary of  
10 Defense including, to the extent practicable, at least  
11 one member from academia, one member from the  
12 religious community, and one member from the  
13 human rights community.

14          “(D) One person designated by the Secretary of  
15 State.

16          “(E) For each of the armed forces, the senior  
17 military officer responsible for training and doctrine  
18 or a designee of that officer.

19          “(F) The Commander in Chief of the United  
20 States Southern Command or a designee of that of-  
21 ficer.

22       “(2) The members of the Board shall serve for 2  
23 years except for the members referred to in subparagraphs  
24 (A) and (B) of paragraph (1) who may serve until a suc-  
25 cessor is designated.

1       “(3) A vacancy in a position of membership on the  
2 Board shall be filled in the same manner as the position  
3 was originally filled.

4       “(4) The Board shall meet at least once each year.

5       “(5)(A) The Board shall inquire into the curriculum,  
6 instruction, physical equipment, fiscal affairs, academic  
7 methods, and other matters relating to the Institute that  
8 the Board decides to consider.

9       “(B) The Board shall review the curriculum of the  
10 Institute to determine whether—

11           “(i) the curriculum complies with applicable  
12 United States laws and regulations;

13           “(ii) the curriculum is consistent with United  
14 States policy goals toward Latin America and the  
15 Caribbean;

16           “(iii) the curriculum adheres to current United  
17 States doctrine; and

18           “(iv) the instruction under the curriculum ap-  
19 propriately emphasizes the matters described in sub-  
20 section (d)(1).

21       “(6) Not later than 60 days after its annual meeting,  
22 the Board shall submit to the Secretary of Defense a writ-  
23 ten report of its action and of its views and recommenda-  
24 tions pertaining to the Institute.

1       “(7) Members of the Board may not be compensated  
2 for service on the Board. In the case of officers or employ-  
3 ees of the United States serving on the Board as part of  
4 their official duties, compensation paid to the members as  
5 officers or employees of the United States shall not be con-  
6 sidered compensation for service on the Board.

7       “(8) With the approval of the Secretary of Defense,  
8 the Board may accept and use the services of voluntary  
9 and noncompensated advisers appropriate to the duties of  
10 the Board without regard to section 1342 of title 31.

11       “(9) Members of the Board and advisers whose serv-  
12 ices are accepted under paragraph (8) shall be allowed  
13 travel and transportation expenses, including per diem in  
14 lieu of subsistence, while away from their homes or regular  
15 places of business in the performance of services for the  
16 Board. Allowances under this paragraph shall be  
17 computed—

18               “(A) in the case of members of the Board who  
19 are officers or employees of the United States, at  
20 rates authorized for employees of agencies under  
21 subchapter I of chapter 57 of title 5; and

22               “(B) in the case of other members of the Board  
23 and advisers, as authorized under section 5703 of  
24 title 5 for employees serving without pay.

1       “(10) The Federal Advisory Committee Act (5 U.S.C.  
2 App. 2), other than section 14 (relating to termination  
3 after two years), shall apply to the Board.

4       “(f) FIXED COSTS.—The fixed costs of operating and  
5 maintaining the Institute—

6           “(1) may be paid from funds available to the  
7 Army for operation and maintenance; and

8           “(2) may not be paid out of the proceeds of tui-  
9 tion fees charged for professional education and  
10 training at the Institute.

11       “(g) ANNUAL REPORT.—Not later than March 15 of  
12 each year, the Secretary of Defense shall submit to Con-  
13 gress a detailed report on the activities of the Institute  
14 during the preceding year. The Secretary shall coordinate  
15 the preparation of the report with the heads of department  
16 and agencies of the United States that have official inter-  
17 ests in the activities of the Institute, as determined by the  
18 Secretary.”.

19       (b) REPEAL OF AUTHORITY FOR UNITED STATES  
20 ARMY SCHOOL OF THE AMERICAS.—Section 4415 of title  
21 10, United States Code, is repealed.

22       (c) CLERICAL AMENDMENTS.—(1) The table of sec-  
23 tions at the beginning of chapter 108 of title 10, United  
24 States Code, is amended by inserting after the item relat-  
25 ing to section 2165 the following:



“2166. Western Hemisphere Institute for Professional Education and Training.”.

1           (2) The table of sections at the beginning of chapter  
2 407 of such title is amended by striking the item relating  
3 to section 4415.

4 **SEC. 1205. BIENNIAL REPORT ON KOSOVO PEACEKEEPING.**

5           (a) REQUIREMENT FOR PERIODIC REPORT.—Begin-  
6 ning on December 1, 2000, and every six months there-  
7 after, the President shall submit to the congressional de-  
8 fense committees, the Committee on Foreign Relations of  
9 the Senate, and the Committee on International Relations  
10 of the House of Representatives a report on the contribu-  
11 tions of European nations and organizations to the peace-  
12 keeping operations in Kosovo.

13           (b) CONTENT OF REPORT.—Each report shall con-  
14 tain detailed information on the following:

15                   (1) The commitments and pledges made by the  
16 European Commission, the member nations of the  
17 European Union, and the European member nations  
18 of the North Atlantic Treaty Organization for recon-  
19 struction assistance in Kosovo, humanitarian assist-  
20 ance in Kosovo, the Kosovo Consolidated Budget,  
21 police (including special police) for the United Na-  
22 tions international police force for Kosovo, and mili-  
23 tary personnel for peacekeeping operations in  
24 Kosovo.

1           (2) The amount of the assistance that has been  
2           provided in each category, and the number of police  
3           and military personnel that have been deployed to  
4           Kosovo, by each such organization or nation.

5           (3) The full range of commitments and respon-  
6           sibilities that have been undertaken for Kosovo by  
7           the United Nations, the European Union, and the  
8           Organization for Security and Cooperation in Eu-  
9           rope (OSCE), the progress made by those organiza-  
10          tions in fulfilling those commitments and respon-  
11          sibilities, an assessment of the tasks that remain to  
12          be accomplished, and an anticipated schedule for  
13          completing those tasks.

14 **SEC. 1206. MUTUAL ASSISTANCE FOR MONITORING TEST**  
15 **EXPLOSIONS OF NUCLEAR DEVICES.**

16          (a) **AUTHORITY.**—Subchapter II of chapter 138 of  
17 title 10, United States Code, is amended by adding at the  
18 end the following new section:

19 **“§ 2350l. Mutual assistance for monitoring test explo-**  
20 **sions of nuclear devices**

21          “(a) **ACCEPTANCE OF CONTRIBUTIONS.**—(1) The  
22 Secretary of Defense may accept funds, services, or prop-  
23 erty from a foreign government, an international organiza-  
24 tion, or any other entity for a purpose described in para-  
25 graph (2).

1       “(2) Contributions accepted under paragraph (1)  
2 may be used only for the development, procurement, in-  
3 stallation, operation, repair, or maintenance of equipment  
4 for monitoring test explosions of nuclear devices, or for  
5 communications relating to the operation of such equip-  
6 ment. The equipment may be installed and used on United  
7 States territory, foreign territory (including Antarctica),  
8 or in international waters.

9       “(3) Any funds accepted under paragraph (1) shall  
10 be deposited in an account established by the Secretary  
11 for use for the purposes described in paragraph (2), and  
12 shall be available, without fiscal year limitation, for use  
13 by Department of Defense officials authorized by the Sec-  
14 retary of Defense for contracts, grants, or other forms of  
15 acquisition for such purposes.

16       “(b) AUTHORITY TO PROVIDE MONITORING ASSIST-  
17 ANCE.—(1) To satisfy obligations of the United States to  
18 monitor test explosions of nuclear devices, the Secretary  
19 of Defense may provide a foreign government with assist-  
20 ance for the monitoring of such tests, but only in accord-  
21 ance with an agreement satisfying the requirements of  
22 paragraph (3).

23       “(2) The assistance authorized under paragraph (1)  
24 is as follows:

25               “(A) A loan or conveyance of—

1           “(i) equipment for monitoring test explo-  
2           sions of nuclear devices; and

3           “(ii) associated equipment.

4           “(B) The installation of such equipment on for-  
5           eign territory or in international waters.

6           “(3) Assistance for a foreign government under this  
7           subsection shall be subject to an agreement entered into  
8           between the United States and the foreign government  
9           that ensures the following:

10           “(A) That the Secretary has timely access to  
11           data that is produced, collected, or generated by  
12           equipment loaned or conveyed to the foreign govern-  
13           ment under the agreement.

14           “(B) That the Secretary—

15           “(i) has access to that equipment for pur-  
16           poses of inspecting, testing, maintaining, repair-  
17           ing, or replacing the equipment; and

18           “(ii) may take such actions as are nec-  
19           essary to meet United States obligations to in-  
20           spect, test, maintain, repair, or replace the  
21           equipment.

22           “(c) DELEGATION.—The Secretary may delegate au-  
23           thority to carry out subsection (a) or (b) only to the Under  
24           Secretary of Defense for Acquisition, Technology, and Lo-

1 gistics or the Secretary of the Air Force. Authority so del-  
 2 egated may be further delegated.”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
 4 at the beginning of subchapter II of such chapter is  
 5 amended by inserting after the item relating to section  
 6 2350k the following new item:

“2350l. Mutual assistance for monitoring test explosions of nuclear devices.”.

7 **SEC. 1207. ANNUAL REPORT ON ACTIVITIES AND ASSIST-**  
 8 **ANCE UNDER COOPERATIVE THREAT REDUC-**  
 9 **TION PROGRAMS.**

10 (a) ANNUAL REPORT CONSOLIDATING DISPARATE  
 11 REPORT REQUIREMENTS.—(1) Chapter 23 of title 10,  
 12 United States Code, is amended by adding at the end the  
 13 following new section:

14 **“§ 488. Annual report on activities and assistance**  
 15 **under Cooperative Threat Reduction pro-**  
 16 **grams**

17 “(a) ANNUAL REPORT.—In any year in which the  
 18 budget of the President under section 1105 of title 31 for  
 19 the fiscal year beginning in such year requests funds for  
 20 the Department of Defense for assistance or activities  
 21 under Cooperative Threat Reduction programs with the  
 22 states of the former Soviet Union, the Secretary of De-  
 23 fense shall submit to Congress a report on activities and  
 24 assistance during the preceding fiscal year under Coopera-

1 tive Threat Reduction programs setting forth the matters  
2 in subsection (c).

3 “(b) DEADLINE FOR REPORT.—The report under  
4 subsection (a) shall be submitted not later than the first  
5 Monday in February of a year.

6 “(c) MATTERS TO BE INCLUDED.—The report under  
7 subsection (a) in a year shall set forth the following:

8 “(1) An estimate of the total amount that will  
9 be required to be expended by the United States in  
10 order to achieve the objectives of the Cooperative  
11 Threat Reduction programs.

12 “(2) A five-year plan setting forth the amount  
13 of funds and other resources proposed to be provided  
14 by the United States for Cooperative Threat Reduc-  
15 tion programs over the term of the plan, including  
16 the purpose for which such funds and resources will  
17 be used, and to provide guidance for the preparation  
18 of annual budget submissions with respect to Coop-  
19 erative Threat Reduction programs.

20 “(3) A description of the Cooperative Threat  
21 Reduction activities carried out during the fiscal  
22 year ending in the year preceding the year of the re-  
23 port, including—

24 “(A) the amounts notified, obligated, and  
25 expended for such activities and the purposes

1 for which such amounts were notified, obli-  
2 gated, and expended for such fiscal year and  
3 cumulatively for Cooperative Threat Reduction  
4 programs;

5 “(B) a description of the participation, if  
6 any, of each department and agency of the  
7 United States Government in such activities;

8 “(C) a description of such activities, in-  
9 cluding the forms of assistance provided;

10 “(D) a description of the United States  
11 private sector participation in the portion of  
12 such activities that were supported by the obli-  
13 gation and expenditure of funds for Cooperative  
14 Threat Reduction programs; and

15 “(E) such other information as the Sec-  
16 retary of Defense considers appropriate to in-  
17 form Congress fully of the operation of Cooper-  
18 ative Threat Reduction programs and activities,  
19 including with respect to proposed demilitariza-  
20 tion or conversion projects, information on the  
21 progress toward demilitarization of facilities  
22 and the conversion of the demilitarized facilities  
23 to civilian activities.

24 “(4) A description of the audits, examinations,  
25 and other efforts, such as on-site inspections, con-

1 ducted by the United States during the fiscal year  
2 ending in the year preceding the year of the report  
3 to ensure that assistance provided under Cooperative  
4 Threat Reduction programs is fully accounted for  
5 and that such assistance is being used for its in-  
6 tended purpose, including a description of—

7 “(A) if such assistance consisted of equip-  
8 ment, a description of the current location of  
9 such equipment and the current condition of  
10 such equipment;

11 “(B) if such assistance consisted of con-  
12 tracts or other services, a description of the sta-  
13 tus of such contracts or services and the meth-  
14 ods used to ensure that such contracts and  
15 services are being used for their intended pur-  
16 pose;

17 “(C) a determination whether the assist-  
18 ance described in subparagraphs (A) and (B)  
19 has been used for its intended purpose; and

20 “(D) a description of the audits, examina-  
21 tions, and other efforts planned to be carried  
22 out during the fiscal year beginning in the year  
23 of the report to ensure that Cooperative Threat  
24 Reduction assistance provided during such fis-



1 cal year is fully accounted for and is used for  
2 its intended purpose.

3 “(5) A current description of the tactical nu-  
4 clear weapons arsenal of Russia, including—

5 “(A) an estimate of the current types,  
6 numbers, yields, viability, locations, and deploy-  
7 ment status of the nuclear warheads in that ar-  
8 senal;

9 “(B) an assessment of the strategic rel-  
10 evance of such warheads;

11 “(C) an assessment of the current and pro-  
12 jected threat of theft, sale, or unauthorized use  
13 of such warheads; and

14 “(D) a summary of past, current, and  
15 planned United States efforts to work coopera-  
16 tively with Russia to account for, secure, and  
17 reduce Russia’s stockpile of tactical nuclear  
18 warheads and associated fissile materials.

19 “(d) INPUT OF DCI.—The Director of Central Intel-  
20 ligence shall submit to the Secretary of Defense the views  
21 of the Director on any matters covered by subsection  
22 (b)(5) in a report under this section. Such views shall be  
23 included in such report as a classified annex to such re-  
24 port.

1       “(e) COMPTROLLER GENERAL ASSESSMENT.—Not  
2 later than 60 days after the date on which a report is  
3 submitted to Congress under subsection (a), the Comp-  
4 troller General shall submit to Congress a report setting  
5 forth the Comptroller General’s assessment of the report  
6 under subsection (a), including any recommendations re-  
7 garding the report under subsection (a) that the Comp-  
8 troller General considers appropriate.”.

9       (2) The table of sections at the beginning of chapter  
10 23 of such title is amended by adding at the end the fol-  
11 lowing new item:

“488. Annual report on activities and assistance under Cooperative Threat Re-  
duction programs.”.

12       (b) FIRST REPORT.—The first report submitted  
13 under section 488 of title 10, United States Code, as  
14 added by subsection (a), shall be submitted in 2002.

15       (c) REPEAL OF SUPERSEDED REPORTING REQUIRE-  
16 MENTS.—(1) The following provisions of law are repealed:

17           (A) Section 1207 of the Cooperative Threat Re-  
18 duction Act of 1994 (title XII of Public Law 103-  
19 160; 107 Stat. 1782; 22 U.S.C. 5956), relating to  
20 semiannual reports on Cooperative Threat Reduc-  
21 tion.

22           (B) Section 1203 of the National Defense Au-  
23 thorization Act for Fiscal Year 1995 (Public Law  
24 103-337; 108 Stat. 2882), relating to a report ac-

1 counting for United States for Cooperative Threat  
2 Reduction.

3 (C) Section 1205 of the National Defense Au-  
4 thorization Act for Fiscal Year 1995 (108 Stat.  
5 2883; 10 U.S.C. 5952 note), relating to multiyear  
6 planning and Allied support for Cooperative Threat  
7 Reduction.

8 (D) Section 1206 of the National Defense Au-  
9 thorization Act for Fiscal Year 1996 (Public Law  
10 104–106; 22 U.S.C. 5955 note), relating to account-  
11 ing for United States assistance for Cooperative  
12 Threat Reduction.

13 (E) Section 1307 of the National Defense Au-  
14 thorization Act for Fiscal Year 2000 (Public Law  
15 106–65; 113 Stat. 795), relating to a limitation on  
16 use of funds for Cooperative Threat Reduction pend-  
17 ing submittal of a multiyear plan.

18 (2) Section 1312 of the National Defense Authoriza-  
19 tion Act for Fiscal Year 2000 (113 Stat. 796; 22 U.S.C.  
20 5955 note), relating to Russian nonstrategic nuclear arms,  
21 is amended—

22 (A) by striking “(a) SENSE OF CONGRESS.—”;

23 and

24 (B) by striking subsections (b) and (c).

1 **SEC. 1208. LIMITATION ON USE OF FUNDS FOR CONSTRUC-**  
2 **TION OF A RUSSIAN FACILITY FOR THE DE-**  
3 **STRUCTION OF CHEMICAL WEAPONS.**

4 Section 1305 of the National Defense Authorization  
5 Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.  
6 794; 22 U.S.C. 5952 note) is amended to read as follows:

7 **“SEC. 1305. LIMITATION ON USE OF FUNDS FOR CHEMICAL**  
8 **WEAPONS DESTRUCTION.**

9 “(a) **LIMITATION.**—No fiscal year 2000 Cooperative  
10 Threat Reduction funds, and no funds appropriated for  
11 Cooperative Threat Reduction programs after the date of  
12 the enactment of this Act, may be obligated or expended  
13 for any fiscal year for the purpose of the construction of  
14 the Shchuch’ye chemical weapons destruction facility in  
15 Russia before the date that is 30 days after the Secretary  
16 of Defense certifies in writing to the Committees on  
17 Armed Services of the Senate and the House of Represent-  
18 atives for that fiscal year that each of the following condi-  
19 tions has been met:

20 “(1) That the government of the Russian Fed-  
21 eration has agreed to provide at least \$25,000,000  
22 annually for the construction support and operation  
23 of the facility to destroy chemical weapons and for  
24 the support and maintenance of the facility for that  
25 purpose for each year of the entire operating life-  
26 cycle of the facility.

1           “(2) That the government of the Russian Fed-  
2           eration has agreed to utilize the facility to destroy  
3           the remaining four stockpiles of nerve agents, which  
4           are located at Kisner, Pochep, Leonidovka, and  
5           Maradykovsky.

6           “(3) That the United States has obtained  
7           multiyear commitments from governments of other  
8           countries to donate funds for the support of essen-  
9           tial social infrastructure projects for Shchuch’ye in  
10          sufficient amounts to ensure that the projects are  
11          adequately maintained during the entire operating  
12          life-cycle of the facility.

13          “(4) That Russia has agreed to destroy its  
14          chemical weapons production facilities at Volgograd  
15          and Novocheboksark.

16          “(b) TIMING OF CERTIFICATIONS.—The certification  
17          under subsection (a) for any fiscal year shall be submitted  
18          prior to the obligation of funds in such fiscal year for the  
19          purpose specified in that subsection.”.

20       **SEC. 1209. LIMITATION ON USE OF FUNDS FOR ELIMI-**  
21                               **NATION OF WEAPONS GRADE PLUTONIUM**  
22                               **PROGRAM.**

23          Of the amounts authorized to be appropriated by this  
24          Act for fiscal year 2001 for the Elimination of Weapons  
25          Grade Plutonium Program, not more than 50 percent of

1 such amounts may be obligated or expended for the pro-  
2 gram in fiscal year 2001 until 30 days after the date on  
3 which the Secretary of Defense submits to the Committees  
4 on Armed Services of the Senate and House of Represent-  
5 atives a report on an agreement between the United States  
6 Government and the Government of the Russian Federa-  
7 tion regarding a new option selected for the shut down  
8 or conversion of the reactors of the Russian Federation  
9 that produce weapons grade plutonium, including—

10 (1) the new date on which such reactors will  
11 cease production of weapons grade plutonium under  
12 such agreement by reason of the shut down or con-  
13 version of such reactors; and

14 (2) any cost-sharing arrangements between the  
15 United States Government and the Government of  
16 the Russian Federation in undertaking activities  
17 under such agreement.

18 **SEC. 1210. SENSE OF CONGRESS REGARDING THE USE OF**

19 **CHILDREN AS SOLDIERS.**

20 (a) FINDINGS.—Congress finds that—

21 (1) in the year 2000 approximately 300,000 in-  
22 dividuals under the age of 18 are participating in  
23 armed conflict in more than 30 countries worldwide;

24 (2) many of these children are forcibly con-  
25 scripted through kidnapping or coercion, while oth-

1       ers join military units due to economic necessity, to  
2       avenge the loss of a family member, or for their own  
3       personal safety;

4               (3) many military commanders frequently force  
5       child soldiers to commit gruesome acts of ritual  
6       killings or torture against their enemies, including  
7       against other children;

8               (4) many military commanders separate chil-  
9       dren from their families in order to foster depend-  
10      ence on military units and leaders, leaving children  
11      vulnerable to manipulation, deep traumatization, and  
12      in need of psychological counseling and rehabilita-  
13      tion;

14              (5) child soldiers are exposed to hazardous con-  
15      ditions and risk physical injuries, sexually trans-  
16      mitted diseases, malnutrition, deformed backs and  
17      shoulders from carrying overweight loads, and res-  
18      piratory and skin infections;

19              (6) many young female soldiers face the addi-  
20      tional psychological and physical horrors of rape and  
21      sexual abuse, being enslaved for sexual purposes by  
22      militia commanders, and forced to endure severe so-  
23      cial stigma should they return home;

24              (7) children in northern Uganda continue to be  
25      kidnapped by the Lords Resistance Army (LRA),

1 which is supported and funded by the Government  
2 of Sudan and which has committed and continues to  
3 commit gross human rights violations in Uganda;

4 (8) children in Sri Lanka have been forcibly re-  
5 cruited by the opposition Tamil Tigers movement  
6 and forced to kill or be killed in the armed conflict  
7 in that country;

8 (9) an estimated 7,000 child soldiers have been  
9 involved in the conflict in Sierra Leone, some as  
10 young as age 10, with many being forced to commit  
11 extrajudicial executions, torture, rape, and amputa-  
12 tions for the rebel Revolutionary United Front;

13 (10) on January 21, 2000, in Geneva, a United  
14 Nations Working Group, including representatives  
15 from more than 80 governments including the  
16 United States, reached consensus on an optional  
17 protocol on the use of child soldiers;

18 (11) this optional protocol will raise the inter-  
19 national minimum age for conscription and direct  
20 participation in armed conflict to age eighteen, pro-  
21 hibit the recruitment and use in armed conflict of  
22 persons under the age of eighteen by non-govern-  
23 mental armed forces, encourage governments to  
24 raise the minimum legal age for voluntary recruits  
25 above the current standard of 15 and, commits gov-



1 ernments to support the demobilization and rehabili-  
2 tation of child soldiers, and when possible, to allo-  
3 cate resources to this purpose;

4 (12) on October 29, 1998, United Nations Sec-  
5 retary General Kofi Annan set minimum age re-  
6 quirements for United Nations peacekeeping per-  
7 sonnel that are made available by member nations of  
8 the United Nations;

9 (13) United Nations Under-Secretary General  
10 for Peace-keeping, Bernard Miyet, announced in the  
11 Fourth Committee of the General Assembly that  
12 contributing governments of member nations were  
13 asked not to send civilian police and military observ-  
14 ers under the age of 25, and that troops in national  
15 contingents should preferably be at least 21 years of  
16 age but in no case should they be younger than 18  
17 years of age;

18 (14) on August 25, 1999, the United Nations  
19 Security Council unanimously passed Resolution  
20 1261 (1999) condemning the use of children in  
21 armed conflicts;

22 (15) in addressing the Security Council, the  
23 Special Representative of the Secretary General for  
24 Children and Armed Conflict, Olara Otunnu, urged  
25 the adoption of a global three-pronged approach to

1 combat the use of children in armed conflict, first to  
2 raise the age limit for recruitment and participation  
3 in armed conflict from the present age of 15 to the  
4 age of 18, second, to increase international pressure  
5 on armed groups which currently abuse children,  
6 and third to address the political, social, and eco-  
7 nomic factors which create an environment where  
8 children are induced by appeal of ideology or by  
9 socio-economic collapse to become child soldiers;

10 (16) the United States delegation to the United  
11 Nations working group relating to child soldiers,  
12 which included representatives from the Department  
13 of Defense, supported the Geneva agreement on the  
14 optional protocol;

15 (17) on May 25, 2000, the United Nations  
16 General Assembly unanimously adopted the optional  
17 protocol on the use of child soldiers;

18 (18) the optional protocol was opened for signa-  
19 ture on June 5, 2000; and

20 (17) President Clinton has publicly announced  
21 his support of the optional protocol and a speedy  
22 process of review and signature.

23 (b) SENSE OF CONGRESS.—(1) Congress joins the  
24 international community in—

1 (A) condemning the use of children as soldiers  
2 by governmental and nongovernmental armed forces  
3 worldwide; and

4 (B) welcoming the optional protocol as a critical  
5 first step in ending the use of children as soldiers.

6 (2) It is the sense of Congress that—

7 (A) it is essential that the President consult  
8 closely with the Senate with the objective of building  
9 support for this protocol, and the Senate move for-  
10 ward as expeditiously as possible.

11 (B) the President and Congress should work to-  
12 gether to enact a law that establishes a fund for the  
13 rehabilitation and reintegration into society of child  
14 soldiers; and

15 (C) the Departments of State and Defense  
16 should undertake all possible efforts to persuade and  
17 encourage other governments to ratify and endorse  
18 the new optional protocol on the use of child sol-  
19 diers.

20 **SEC. 1211. SUPPORT OF CONSULTATIONS ON ARAB AND**  
21 **ISRAELI ARMS CONTROL AND REGIONAL SE-**  
22 **CURITY ISSUES.**

23 Of the amount authorized to be appropriated by sec-  
24 tion 301(5), up to \$1,000,000 is available for the support  
25 of programs to promote informal region-wide consultations

1 among Arab, Israeli, and United States officials and ex-  
2 perts on arms control and security issues concerning the  
3 Middle East region.

4 **SEC. 1212. AUTHORITY TO CONSENT TO RETRANSFER OF**  
5 **ALTERNATIVE FORMER NAVAL VESSEL BY**  
6 **GOVERNMENT OF GREECE.**

7 Section 1012 of the National Defense Authorization  
8 Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.  
9 740) is amended—

10 (1) in subsection (a), by inserting after “HS  
11 Rodos (ex-USS BOWMAN COUNTY (LST 391))”  
12 the following: “, LST 325, or any other former  
13 United States LST that is excess to the needs of  
14 that government”; and

15 (2) in subsection (b)(1), by inserting “retrans-  
16 ferred under subsection (a)” after “the vessel”.

17 **SEC. 1213. UNITED STATES-RUSSIAN FEDERATION JOINT**  
18 **DATA EXCHANGE CENTER ON EARLY WARN-**  
19 **ING SYSTEMS AND NOTIFICATION OF MISSILE**  
20 **LAUNCHES.**

21 (a) **AUTHORITY.**—The Secretary of Defense is au-  
22 thorized to establish, in conjunction with the Government  
23 of the Russian Federation, a United States-Russian Fed-  
24 eration joint center for the exchange of data from early  
25 warning systems and for notification of missile launches.

1           (b) **SPECIFIC ACTIONS.**—The actions that the Sec-  
2 retary jointly undertakes for the establishment of the cen-  
3 ter may include the renovation of a mutually agreed upon  
4 facility to be made available by the Russian Federation  
5 and the provision of such equipment and supplies as may  
6 be necessary to commence the operation of the center.

7 **SEC. 1214. ADJUSTMENT OF COMPOSITE THEORETICAL**  
8                           **PERFORMANCE LEVELS OF HIGH PERFORM-**  
9                           **ANCE COMPUTERS.**

10           (a) **LAYOVER PERIOD FOR NEW PERFORMANCE LEV-**  
11 **ELS.**—Section 1211 of the National Defense Authoriza-  
12 tion Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note)  
13 is amended—

14                   (1) in the second sentence of subsection (d), by  
15 striking “180” and inserting “60”; and

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

17           “(g) **CALCULATION OF 60-DAY PERIOD.**—The 60-  
18 day period referred to in subsection (d) shall be calculated  
19 by excluding the days on which either House of Congress  
20 is not in session because of an adjournment of the Con-  
21 gress sine die.”.

22           (b) **EFFECTIVE DATE.**—The amendments made by  
23 subsection (a) shall apply to any new composite theoretical  
24 performance level established for purposes of section  
25 1211(a) of the National Defense Authorization Act for

1 Fiscal Year 1998 that is submitted by the President pur-  
2 suant to section 1211(d) of that Act on or after the date  
3 of the enactment of this Act.

4 **TITLE XIII—NAVY ACTIVITIES ON**  
5 **THE ISLAND OF VIEQUES,**  
6 **PUERTO RICO**

7 **SEC. 1301. ASSISTANCE FOR ECONOMIC GROWTH ON**  
8 **VIEQUES.**

9 (a) **AUTHORITY.**—The President may provide eco-  
10 nomic assistance under this section for the people and  
11 communities of the island of Vieques.

12 (b) **MAXIMUM AMOUNT.**—The total amount of eco-  
13 nomic assistance provided under this section may, subject  
14 to section 1303(b), be any amount up to \$40,000,000.

15 **SEC. 1302. REQUIREMENT FOR REFERENDUM ON CONTINU-**  
16 **ATION OF NAVY TRAINING.**

17 (a) **REFERENDUM.**—

18 (1) **REQUIREMENT.**—The President shall, ex-  
19 cept as provided in paragraph (2), provide for a ref-  
20 erendum to be conducted on the island of Vieques to  
21 determine by a majority of the votes cast in the ref-  
22 erendum by the Vieques electorate whether the peo-  
23 ple of Vieques approve or disapprove of the continu-  
24 ation of the conduct of live-fire training, and any  
25 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 regarding the closure of Fort Buchanan  
2           and the consolidation of United States military  
3           forces to Roosevelt Roads, Puerto Rico.

4           (2) TIME FOR SUBMITTAL OF REPORT.—The  
5           Comptroller General shall submit the report under  
6           paragraph (1) not later than one year after the date  
7           of the referendum conducted under section 1302 or  
8           the date on which a certification is submitted to the  
9           congressional defense committees under section  
10          1302(a)(2), as the case may be.

11          **SEC. 1305. EXEMPT PROPERTY.**

12          (a) IN GENERAL.—The Department of Defense prop-  
13          erties and property interests described in subsection (b)  
14          may not be transferred out of the Department of Defense  
15          under this title.

16          (b) PROPERTIES DESCRIBED.—The exemption under  
17          subsection (a) applies to the following Department of De-  
18          fense properties and property interests on the island of  
19          Vieques:

20                  (1) ROTHRSITE.—The site for relocatable  
21                  over-the-horizon radar.

22                  (2) TELECOMMUNICATIONS SITES.—The Mount  
23                  Pirata telecommunications sites.  
24

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 **TITLE XIV—GOVERNMENT IN-**  
10 **FORMATION SECURITY RE-**  
11 **FORM**

12 **SEC. 1401. SHORT TITLE.**

13 This title may be cited as the “Government Informa-  
14 tion Security Act”.

15 **SEC. 1402. COORDINATION OF FEDERAL INFORMATION**  
16 **POLICY.**

17 Chapter 35 of title 44, United States Code, is amend-  
18 ed by inserting at the end the following:

19 “SUBCHAPTER II—INFORMATION SECURITY  
20 “§ 3531. **Purposes**

21 “The purposes of this subchapter are to—

22 “(1) provide a comprehensive framework for es-  
23 tablishing and ensuring the effectiveness of controls  
24 over information resources that support Federal op-  
25 erations and assets;

1           “(2)(A) recognize the highly networked nature  
2           of the Federal computing environment including the  
3           need for Federal Government interoperability and, in  
4           the implementation of improved security manage-  
5           ment measures, assure that opportunities for inter-  
6           operability are not adversely affected; and

7           “(B) provide effective governmentwide manage-  
8           ment and oversight of the related information secu-  
9           rity risks, including coordination of information se-  
10          curity efforts throughout the civilian, national secu-  
11          rity, and law enforcement communities;

12          “(3) provide for development and maintenance  
13          of minimum controls required to protect Federal in-  
14          formation and information systems; and

15          “(4) provide a mechanism for improved over-  
16          sight of Federal agency information security pro-  
17          grams.

18 **“§ 3532. Definitions**

19          “(a) Except as provided under subsection (b), the  
20          definitions under section 3502 shall apply to this sub-  
21          chapter.

22          “(b) As used in this subchapter the term—

23                  “(1) ‘information technology’ has the meaning  
24                  given that term in section 5002 of the Clinger-Cohen  
25                  Act of 1996 (40 U.S.C. 1401); and



1           “(2) ‘mission critical system’ means any tele-  
2           communications or information system used or oper-  
3           ated by an agency or by a contractor of an agency,  
4           or other organization on behalf of an agency, that—

5                   “(A) is defined as a national security sys-  
6           tem under section 5142 of the Clinger-Cohen  
7           Act of 1996 (40 U.S.C. 1452);

8                   “(B) is protected at all times by proce-  
9           dures established for information which has  
10           been specifically authorized under criteria es-  
11           tablished by an Executive order or an Act of  
12           Congress to be classified in the interest of na-  
13           tional defense or foreign policy; or

14                   “(C) processes any information, the loss,  
15           misuse, disclosure, or unauthorized access to or  
16           modification of, would have a debilitating im-  
17           pact on the mission of an agency.

18 **“§ 3533. Authority and functions of the Director**

19           “(a)(1) The Director shall establish governmentwide  
20           policies for the management of programs that—

21                   “(A) support the cost-effective security of Fed-  
22           eral information systems by promoting security as  
23           an integral component of each agency’s business op-  
24           erations; and

1           “(B) include information technology architec-  
2           tures as defined under section 5125 of the Clinger-  
3           Cohen Act of 1996 (40 U.S.C. 1425).

4           “(2) Policies under this subsection shall—

5           “(A) be founded on a continuing risk manage-  
6           ment cycle that recognizes the need to—

7           “(i) identify, assess, and understand risk;

8           and

9           “(ii) determine security needs commensu-  
10          rate with the level of risk;

11          “(B) implement controls that adequately ad-  
12          dress the risk;

13          “(C) promote continuing awareness of informa-  
14          tion security risk; and

15          “(D) continually monitor and evaluate policy  
16          and control effectiveness of information security  
17          practices.

18          “(b) The authority under subsection (a) includes the  
19          authority to—

20          “(1) oversee and develop policies, principles,  
21          standards, and guidelines for the handling of Fed-  
22          eral information and information resources to im-  
23          prove the efficiency and effectiveness of govern-  
24          mental operations, including principles, policies, and  
25          guidelines for the implementation of agency respon-

1 sibilities under applicable law for ensuring the pri-  
2 vacy, confidentiality, and security of Federal infor-  
3 mation;

4 “(2) consistent with the standards and guide-  
5 lines promulgated under section 5131 of the Clinger-  
6 Cohen Act of 1996 (40 U.S.C. 1441) and sections  
7 5 and 6 of the Computer Security Act of 1987 (40  
8 U.S.C. 1441 note; Public Law 100–235; 101 Stat.  
9 1729), require Federal agencies to identify and af-  
10 ford security protections commensurate with the risk  
11 and magnitude of the harm resulting from the loss,  
12 misuse, or unauthorized access to or modification of  
13 information collected or maintained by or on behalf  
14 of an agency;

15 “(3) direct the heads of agencies to—

16 “(A) identify, use, and share best security  
17 practices;

18 “(B) develop an agency-wide information  
19 security plan;

20 “(C) incorporate information security prin-  
21 ciples and practices throughout the life cycles of  
22 the agency’s information systems; and

23 “(D) ensure that the agency’s information  
24 security plan is practiced throughout all life cy-  
25 cles of the agency’s information systems;

1           “(4) oversee the development and implementa-  
2           tion of standards and guidelines relating to security  
3           controls for Federal computer systems by the Sec-  
4           retary of Commerce through the National Institute  
5           of Standards and Technology under section 5131 of  
6           the Clinger-Cohen Act of 1996 (40 U.S.C. 1441)  
7           and section 20 of the National Institute of Stand-  
8           ards and Technology Act (15 U.S.C. 278g-3);

9           “(5) oversee and coordinate compliance with  
10          this section in a manner consistent with—

11                 “(A) sections 552 and 552a of title 5;

12                 “(B) sections 20 and 21 of the National  
13                 Institute of Standards and Technology Act (15  
14                 U.S.C. 278g-3 and 278g-4);

15                 “(C) section 5131 of the Clinger-Cohen  
16                 Act of 1996 (40 U.S.C. 1441);

17                 “(D) sections 5 and 6 of the Computer Se-  
18                 curity Act of 1987 (40 U.S.C. 1441 note; Pub-  
19                 lic Law 100-235; 101 Stat. 1729); and

20                 “(E) related information management  
21                 laws; and

22          “(6) take any authorized action under section  
23          5113(b)(5) of the Clinger-Cohen Act of 1996 (40  
24          U.S.C. 1413(b)(5)) that the Director considers ap-  
25          propriate, including any action involving the budg-

1 etary process or appropriations management process,  
2 to enforce accountability of the head of an agency  
3 for information resources management, including the  
4 requirements of this subchapter, and for the invest-  
5 ments made by the agency in information tech-  
6 nology, including—

7 “(A) recommending a reduction or an in-  
8 crease in any amount for information resources  
9 that the head of the agency proposes for the  
10 budget submitted to Congress under section  
11 1105(a) of title 31;

12 “(B) reducing or otherwise adjusting ap-  
13 portionments and reapportionments of appro-  
14 priations for information resources; and

15 “(C) using other authorized administrative  
16 controls over appropriations to restrict the  
17 availability of funds for information resources.

18 “(c) The authorities of the Director under this sec-  
19 tion may be delegated—

20 “(1) to the Secretary of Defense, the Director  
21 of Central Intelligence, and other agency head as  
22 designated by the President in the case of systems  
23 described under subparagraphs (A) and (B) of sec-  
24 tion 3532(b)(2); and

1           “(2) in the case of all other Federal informa-  
2           tion systems, only to the Deputy Director for Man-  
3           agement of the Office of Management and Budget.

4   **“§ 3534. Federal agency responsibilities**

5           “(a) The head of each agency shall—

6           “(1) be responsible for—

7                   “(A) adequately ensuring the integrity,  
8                   confidentiality, authenticity, availability, and  
9                   nonrepudiation of information and information  
10                  systems supporting agency operations and as-  
11                  sets;

12                   “(B) developing and implementing infor-  
13                  mation security policies, procedures, and control  
14                  techniques sufficient to afford security protec-  
15                  tions commensurate with the risk and mag-  
16                  nitude of the harm resulting from unauthorized  
17                  disclosure, disruption, modification, or destruc-  
18                  tion of information collected or maintained by  
19                  or for the agency; and

20                   “(C) ensuring that the agency’s informa-  
21                  tion security plan is practiced throughout the  
22                  life cycle of each agency system;

23           “(2) ensure that appropriate senior agency offi-  
24           cials are responsible for—

1           “(A) assessing the information security  
2 risks associated with the operations and assets  
3 for programs and systems over which such offi-  
4 cials have control;

5           “(B) determining the levels of information  
6 security appropriate to protect such operations  
7 and assets; and

8           “(C) periodically testing and evaluating in-  
9 formation security controls and techniques;

10          “(3) delegate to the agency Chief Information  
11 Officer established under section 3506, or a com-  
12 parable official in an agency not covered by such  
13 section, the authority to administer all functions  
14 under this subchapter including—

15           “(A) designating a senior agency informa-  
16 tion security official who shall report to the  
17 Chief Information Officer or a comparable offi-  
18 cial;

19           “(B) developing and maintaining an agen-  
20 cywide information security program as re-  
21 quired under subsection (b);

22           “(C) ensuring that the agency effectively  
23 implements and maintains information security  
24 policies, procedures, and control techniques;

1           “(D) training and overseeing personnel  
2           with significant responsibilities for information  
3           security with respect to such responsibilities;  
4           and

5           “(E) assisting senior agency officials con-  
6           cerning responsibilities under paragraph (2);

7           “(4) ensure that the agency has trained per-  
8           sonnel sufficient to assist the agency in complying  
9           with the requirements of this subchapter and related  
10          policies, procedures, standards, and guidelines; and

11          “(5) ensure that the agency Chief Information  
12          Officer, in coordination with senior agency officials,  
13          periodically—

14                 “(A)(i) evaluates the effectiveness of the  
15                 agency information security program, including  
16                 testing control techniques; and

17                 “(ii) implements appropriate remedial ac-  
18                 tions based on that evaluation; and

19                 “(B) reports to the agency head on—

20                         “(i) the results of such tests and eval-  
21                         uations; and

22                         “(ii) the progress of remedial actions.

23          “(b)(1) Each agency shall develop and implement an  
24          agencywide information security program to provide infor-  
25          mation security for the operations and assets of the agen-



1 cy, including operations and assets provided or managed  
2 by another agency.

3 “(2) Each program under this subsection shall  
4 include—

5 “(A) periodic risk assessments that consider in-  
6 ternal and external threats to—

7 “(i) the integrity, confidentiality, and  
8 availability of systems; and

9 “(ii) data supporting critical operations  
10 and assets;

11 “(B) policies and procedures that—

12 “(i) are based on the risk assessments re-  
13 quired under subparagraph (A) that cost-effec-  
14 tively reduce information security risks to an  
15 acceptable level; and

16 “(ii) ensure compliance with—

17 “(I) the requirements of this sub-  
18 chapter;

19 “(II) policies and procedures as may  
20 be prescribed by the Director; and

21 “(III) any other applicable require-  
22 ments;

23 “(C) security awareness training to inform per-  
24 sonnel of—

1           “(i) information security risks associated  
2 with the activities of personnel; and

3           “(ii) responsibilities of personnel in com-  
4 plying with agency policies and procedures de-  
5 signed to reduce such risks;

6           “(D)(i) periodic management testing and eval-  
7 uation of the effectiveness of information security  
8 policies and procedures; and

9           “(ii) a process for ensuring remedial action to  
10 address any significant deficiencies; and

11           “(E) procedures for detecting, reporting, and  
12 responding to security incidents, including—

13           “(i) mitigating risks associated with such  
14 incidents before substantial damage occurs;

15           “(ii) notifying and consulting with law en-  
16 forcement officials and other offices and au-  
17 thorities;

18           “(iii) notifying and consulting with an of-  
19 fice designated by the Administrator of General  
20 Services within the General Services Adminis-  
21 tration; and

22           “(iv) notifying and consulting with an of-  
23 fice designated by the Secretary of Defense, the  
24 Director of Central Intelligence, and other  
25 agency head as designated by the President for

1 incidents involving systems described under  
2 subparagraphs (A) and (B) of section  
3 3532(b)(2).

4 “(3) Each program under this subsection is subject  
5 to the approval of the Director and is required to be re-  
6 viewed at least annually by agency program officials in  
7 consultation with the Chief Information Officer. In the  
8 case of systems described under subparagraphs (A) and  
9 (B) of section 3532(b)(2), the Director shall delegate ap-  
10 proval authority under this paragraph to the Secretary of  
11 Defense, the Director of Central Intelligence, and other  
12 agency head as designated by the President.

13 “(c)(1) Each agency shall examine the adequacy and  
14 effectiveness of information security policies, procedures,  
15 and practices in plans and reports relating to—

16 “(A) annual agency budgets;

17 “(B) information resources management under  
18 the Paperwork Reduction Act of 1995 (44 U.S.C.  
19 101 note);

20 “(C) performance and results based manage-  
21 ment under the Clinger-Cohen Act of 1996 (40  
22 U.S.C. 1401 et seq.);

23 “(D) program performance under sections 1105  
24 and 1115 through 1119 of title 31, and sections  
25 2801 through 2805 of title 39; and

1 “(E) financial management under—

2 “(i) chapter 9 of title 31, United States  
3 Code, and the Chief Financial Officers Act of  
4 1990 (31 U.S.C. 501 note; Public Law 101–  
5 576) (and the amendments made by that Act);

6 “(ii) the Federal Financial Management  
7 Improvement Act of 1996 (31 U.S.C. 3512  
8 note) (and the amendments made by that Act);  
9 and

10 “(iii) the internal controls conducted under  
11 section 3512 of title 31.

12 “(2) Any significant deficiency in a policy, procedure,  
13 or practice identified under paragraph (1) shall be re-  
14 ported as a material weakness in reporting required under  
15 the applicable provision of law under paragraph (1).

16 “(d)(1) In addition to the requirements of subsection  
17 (c), each agency, in consultation with the Chief Informa-  
18 tion Officer, shall include as part of the performance plan  
19 required under section 1115 of title 31 a description of—

20 “(A) the time periods; and

21 “(B) the resources, including budget, staffing,  
22 and training,

23 which are necessary to implement the program required  
24 under subsection (b)(1).

1       “(2) The description under paragraph (1) shall be  
2 based on the risk assessment required under subsection  
3 (b)(2)(A).

4 **“§ 3535. Annual independent evaluation**

5       “(a)(1) Each year each agency shall have performed  
6 an independent evaluation of the information security pro-  
7 gram and practices of that agency.

8       “(2) Each evaluation under this section shall  
9 include—

10           “(A) an assessment of compliance with—

11                   “(i) the requirements of this subchapter;

12           and

13                   “(ii) related information security policies,  
14                   procedures, standards, and guidelines; and

15           “(B) tests of the effectiveness of information  
16           security control techniques.

17       “(3) The Inspector General or the independent eval-  
18 uator performing an evaluation under this section includ-  
19 ing the Comptroller General may use any audit, evalua-  
20 tion, or report relating to programs or practices of the  
21 applicable agency.

22       “(b)(1)(A) Subject to subparagraph (B), for agencies  
23 with Inspectors General appointed under the Inspector  
24 General Act of 1978 (5 U.S.C. App.) or any other law,  
25 the annual evaluation required under this section or, in

1 the case of systems described under subparagraphs (A)  
2 and (B) of section 3532(b)(2), an audit of the annual eval-  
3 uation required under this section, shall be performed by  
4 the Inspector General or by an independent evaluator, as  
5 determined by the Inspector General of the agency.

6 “(B) For systems described under subparagraphs (A)  
7 and (B) of section 3532(b)(2), the evaluation required  
8 under this section shall be performed only by an entity  
9 designated by the Secretary of Defense, the Director of  
10 Central Intelligence, or other agency head as designated  
11 by the President.

12 “(2) For any agency to which paragraph (1) does not  
13 apply, the head of the agency shall contract with an inde-  
14 pendent evaluator to perform the evaluation.

15 “(3) An evaluation of agency information security  
16 programs and practices performed by the Comptroller  
17 General may be in lieu of the evaluation required under  
18 this section.

19 “(c) Not later than 1 year after the date of enactment  
20 of this subchapter, and on that date every year thereafter,  
21 the applicable agency head shall submit to the Director—

22 “(1) the results of each evaluation required  
23 under this section, other than an evaluation of a sys-  
24 tem described under subparagraph (A) or (B) of sec-  
25 tion 3532(b)(2); and

1           “(2) the results of each audit of an evaluation  
2           required under this section of a system described  
3           under subparagraph (A) or (B) of section  
4           3532(b)(2).

5           “(d)(1) Each year the Comptroller General shall  
6           review—

7           “(A) the evaluations required under this section  
8           (other than an evaluation of a system described  
9           under subparagraph (A) or (B) of section  
10          3532(b)(2));

11          “(B) the results of each audit of an evaluation  
12          required under this section of a system described  
13          under subparagraph (A) or (B) of section  
14          3532(b)(2); and

15          “(C) other information security evaluation re-  
16          sults.

17          “(2) The Comptroller General shall report to Con-  
18          gress regarding the results of the review required under  
19          paragraph (1) and the adequacy of agency information  
20          programs and practices.

21          “(3) Evaluations and audits of evaluations of systems  
22          under the authority and control of the Director of Central  
23          Intelligence and evaluations and audits of evaluation of  
24          National Foreign Intelligence Programs systems under the  
25          authority and control of the Secretary of Defense—

1           “(A) shall not be provided to the Comptroller  
2           General under this subsection; and

3           “(B) shall be made available only to the appro-  
4           priate oversight committees of Congress, in accord-  
5           ance with applicable laws.

6           “(e) Agencies and evaluators shall take appropriate  
7           actions to ensure the protection of information, the disclo-  
8           sure of which may adversely affect information security.  
9           Such protections shall be commensurate with the risk and  
10          comply with all applicable laws.”.

11   **SEC. 1403. RESPONSIBILITIES OF CERTAIN AGENCIES.**

12          (a) DEPARTMENT OF COMMERCE.—Notwithstanding  
13          section 20 of the National Institute of Standards and  
14          Technology Act (15 U.S.C. 278g–3) and except as pro-  
15          vided under subsection (b), the Secretary of Commerce,  
16          through the National Institute of Standards and Tech-  
17          nology and with technical assistance from the National Se-  
18          curity Agency, as required or when requested, shall—

19                  (1) develop, issue, review, and update standards  
20                  and guidance for the security of Federal information  
21                  systems, including development of methods and tech-  
22                  niques for security systems and validation programs;

23                  (2) develop, issue, review, and update guidelines  
24                  for training in computer security awareness and ac-



1       cepted computer security practices, with assistance  
2       from the Office of Personnel Management;

3           (3) provide agencies with guidance for security  
4       planning to assist in the development of applications  
5       and system security plans for such agencies;

6           (4) provide guidance and assistance to agencies  
7       concerning cost-effective controls when inter-  
8       connecting with other systems; and

9           (5) evaluate information technologies to assess  
10      security vulnerabilities and alert Federal agencies of  
11      such vulnerabilities as soon as those vulnerabilities  
12      are known.

13       (b) DEPARTMENT OF DEFENSE AND THE INTEL-  
14      LIGENCE COMMUNITY.—

15           (1) IN GENERAL.—Notwithstanding section  
16      3533 of title 44, United States Code (as added by  
17      section 1402 of this Act), the Secretary of Defense,  
18      the Director of Central Intelligence, and other agen-  
19      cy head as designated by the President, shall, con-  
20      sistent with their respective authorities—

21           (A) develop and issue information security  
22      policies, standards, and guidelines for systems  
23      described under subparagraphs (A) and (B) of  
24      section 3532(b)(2) of title 44, United States  
25      Code (as added by section 1402 of this Act),

1 that provide more stringent protection than the  
2 policies, principles, standards, and guidelines  
3 required under section 3533 of such title; and

4 (B) ensure the implementation of the in-  
5 formation security policies, principles, stand-  
6 ards, and guidelines described under subpara-  
7 graph (A).

8 (2) MEASURES ADDRESSED.—The policies,  
9 principles, standards, and guidelines developed by  
10 the Secretary of Defense and the Director of Central  
11 Intelligence under paragraph (1) shall address the  
12 full range of information assurance measures needed  
13 to protect and defend Federal information and infor-  
14 mation systems by ensuring their integrity, confiden-  
15 tiality, authenticity, availability, and nonrepudiation.

16 (c) DEPARTMENT OF JUSTICE.—The Department of  
17 Justice shall review and update guidance to agencies on—

18 (1) legal remedies regarding security incidents  
19 and ways to report to and work with law enforce-  
20 ment agencies concerning such incidents; and

21 (2) lawful uses of security techniques and tech-  
22 nologies.

23 (d) GENERAL SERVICES ADMINISTRATION.—The  
24 General Services Administration shall—

1           (1) review and update General Services Admin-  
2           istration guidance to agencies on addressing security  
3           considerations when acquiring information tech-  
4           nology; and

5           (2) assist agencies in—

6                 (A) fulfilling agency responsibilities under  
7                 section 3534(b)(2)(E) of title 44, United States  
8                 Code (as added by section 1402 of this Act);  
9                 and

10                (B) the acquisition of cost-effective secu-  
11                rity products, services, and incident response  
12                capabilities.

13           (e) OFFICE OF PERSONNEL MANAGEMENT.—The Of-  
14           fice of Personnel Management shall—

15                (1) review and update Office of Personnel Man-  
16                agement regulations concerning computer security  
17                training for Federal civilian employees;

18                (2) assist the Department of Commerce in up-  
19                dating and maintaining guidelines for training in  
20                computer security awareness and computer security  
21                best practices; and

22                (3) work with the National Science Foundation  
23                and other agencies on personnel and training initia-  
24                tives (including scholarships and fellowships, as au-

1       thorized by law) as necessary to ensure that the  
2       Federal Government—

3               (A) has adequate sources of continuing in-  
4               formation security education and training avail-  
5               able for employees; and

6               (B) has an adequate supply of qualified in-  
7               formation security professionals to meet agency  
8               needs.

9       (f) INFORMATION SECURITY POLICIES, PRINCIPLES,  
10      STANDARDS, AND GUIDELINES.—

11              (1) IN GENERAL.—Notwithstanding any provi-  
12              sion of this title (including any amendment made by  
13              this title)—

14                      (A) the Secretary of Defense, the Director  
15                      of Central Intelligence, and other agency head  
16                      as designated by the President shall develop  
17                      such policies, principles, standards, and guide-  
18                      lines for mission critical systems subject to  
19                      their control;

20                      (B) the policies, principles, standards, and  
21                      guidelines developed by the Secretary of De-  
22                      fense, the Director of Central Intelligence, and  
23                      other agency head as designated by the Presi-  
24                      dent may be adopted, to the extent that such  
25                      policies are consistent with policies and guid-

1           ance developed by the Director of the Office of  
2           Management and Budget and the Secretary of  
3           Commerce—

4                   (i) by the Director of the Office of  
5                   Management and Budget, as appropriate,  
6                   to the mission critical systems of all agen-  
7                   cies; or

8                   (ii) by an agency head, as appro-  
9                   priate, to the mission critical systems of  
10                  that agency; and

11           (C) to the extent that such policies are  
12           consistent with policies and guidance developed  
13           by the Director of the Office of Management  
14           and Budget and the Secretary of Commerce, an  
15           agency may develop and implement information  
16           security policies, principles, standards, and  
17           guidelines that provide more stringent protec-  
18           tion than those required under section 3533 of  
19           title 44, United States Code (as added by sec-  
20           tion 1402 of this Act), or subsection (a) of this  
21           section.

22           (2) MEASURES ADDRESSED.—The policies,  
23           principles, standards, and guidelines developed by  
24           the Secretary of Defense and the Director of Central  
25           Intelligence under paragraph (1) shall address the

1 full range of information assurance measures needed  
 2 to protect and defend Federal information and infor-  
 3 mation systems by ensuring their integrity, confiden-  
 4 tiality, authenticity, availability, and nonrepudiation.

5 (g) ATOMIC ENERGY ACT OF 1954.—Nothing in this  
 6 title (including any amendment made by this title) shall  
 7 supersede any requirement made by or under the Atomic  
 8 Energy Act of 1954 (42 U.S.C. 2011 et seq.). Restricted  
 9 Data or Formerly Restricted Data shall be handled, pro-  
 10 tected, classified, downgraded, and declassified in con-  
 11 formity with the Atomic Energy Act of 1954 (42 U.S.C.  
 12 2011 et seq.).

13 **SEC. 1404. TECHNICAL AND CONFORMING AMENDMENTS.**

14 (a) IN GENERAL.—Chapter 35 of title 44, United  
 15 States Code, is amended—

16 (1) in the table of sections—

17 (A) by inserting after the chapter heading  
 18 the following:

19 “SUBCHAPTER I—FEDERAL INFORMATION  
 20 POLICY”;

21 and

22 (B) by inserting after the item relating to  
 23 section 3520 the following:

24 “SUBCHAPTER II—INFORMATION SECURITY

“Sec.  
 “3531. Purposes.



1 (C) in subsection (f)(1), by striking “chap-  
2 ter” and inserting “subchapter”;

3 (5) in section 3505—

4 (A) in subsection (a), in the matter pre-  
5 ceding paragraph (1), by striking “chapter”  
6 and inserting “subchapter”;

7 (B) in subsection (a)(2), by striking “chap-  
8 ter” and inserting “subchapter”; and

9 (C) in subsection (a)(3)(B)(iii), by striking  
10 “chapter” and inserting “subchapter”;

11 (6) in section 3506—

12 (A) in subsection (a)(1)(B), by striking  
13 “chapter” and inserting “subchapter”;

14 (B) in subsection (a)(2)(A), by striking  
15 “chapter” and inserting “subchapter”;

16 (C) in subsection (a)(2)(B), by striking  
17 “chapter” and inserting “subchapter”;

18 (D) in subsection (a)(3)—

19 (i) in the first sentence, by striking  
20 “chapter” and inserting “subchapter”; and

21 (ii) in the second sentence, by striking  
22 “chapter” and inserting “subchapter”;

23 (E) in subsection (b)(4), by striking “chap-  
24 ter” and inserting “subchapter”;



1 (F) in subsection (c)(1), by striking “chap-  
2 ter, to” and inserting “subchapter, to”; and

3 (G) in subsection (c)(1)(A), by striking  
4 “chapter” and inserting “subchapter”;

5 (7) in section 3507—

6 (A) in subsection (e)(3)(B), by striking  
7 “chapter” and inserting “subchapter”;

8 (B) in subsection (h)(2)(B), by striking  
9 “chapter” and inserting “subchapter”;

10 (C) in subsection (h)(3), by striking “chap-  
11 ter” and inserting “subchapter”;

12 (D) in subsection (j)(1)(A)(i), by striking  
13 “chapter” and inserting “subchapter”;

14 (E) in subsection (j)(1)(B), by striking  
15 “chapter” and inserting “subchapter”; and

16 (F) in subsection (j)(2), by striking “chap-  
17 ter” and inserting “subchapter”;

18 (8) in section 3509, by striking “chapter” and  
19 inserting “subchapter”;

20 (9) in section 3512—

21 (A) in subsection (a), by striking “chapter  
22 if” and inserting “subchapter if”; and

23 (B) in subsection (a)(1), by striking “chap-  
24 ter” and inserting “subchapter”;

25 (10) in section 3514—

1 (A) in subsection (a)(1)(A), by striking  
2 “chapter” and inserting “subchapter”; and

3 (B) in subsection (a)(2)(A)(ii), by striking  
4 “chapter” and inserting “subchapter” each  
5 place it appears;

6 (11) in section 3515, by striking “chapter” and  
7 inserting “subchapter”;

8 (12) in section 3516, by striking “chapter” and  
9 inserting “subchapter”;

10 (13) in section 3517(b), by striking “chapter”  
11 and inserting “subchapter”;

12 (14) in section 3518—

13 (A) in subsection (a), by striking “chap-  
14 ter” and inserting “subchapter” each place it  
15 appears;

16 (B) in subsection (b), by striking “chap-  
17 ter” and inserting “subchapter”;

18 (C) in subsection (c)(1), by striking “chap-  
19 ter” and inserting “subchapter”;

20 (D) in subsection (c)(2), by striking “chap-  
21 ter” and inserting “subchapter”;

22 (E) in subsection (d), by striking “chap-  
23 ter” and inserting “subchapter”; and

24 (F) in subsection (e), by striking “chap-  
25 ter” and inserting “subchapter”; and

1           (15) in section 3520, by striking “chapter” and  
2           inserting “subchapter”.

3 **SEC. 1405. EFFECTIVE DATE.**

4           This title and the amendments made by this title  
5 shall take effect 30 days after the date of enactment of  
6 this Act.

7 **TITLE XV—LOCAL LAW EN-**  
8 **FORCEMENT ENHANCEMENT**  
9 **ACT OF 2000**

10 **SEC. 1501. SHORT TITLE.**

11           This title may be cited as the “Local Law Enforce-  
12 ment Enhancement Act of 2000”.

13 **SEC. 1502. FINDINGS.**

14           Congress makes the following findings:

15           (1) The incidence of violence motivated by the  
16 actual or perceived race, color, religion, national ori-  
17 gin, gender, sexual orientation, or disability of the  
18 victim poses a serious national problem.

19           (2) Such violence disrupts the tranquility and  
20 safety of communities and is deeply divisive.

21           (3) State and local authorities are now and will  
22 continue to be responsible for prosecuting the over-  
23 whelming majority of violent crimes in the United  
24 States, including violent crimes motivated by bias.

1       These authorities can carry out their responsibilities  
2       more effectively with greater Federal assistance.

3           (4) Existing Federal law is inadequate to ad-  
4       dress this problem.

5           (5) The prominent characteristic of a violent  
6       crime motivated by bias is that it devastates not just  
7       the actual victim and the victim's family and friends,  
8       but frequently savages the community sharing the  
9       traits that caused the victim to be selected.

10          (6) Such violence substantially affects interstate  
11       commerce in many ways, including—

12           (A) by impeding the movement of members  
13       of targeted groups and forcing such members to  
14       move across State lines to escape the incidence  
15       or risk of such violence; and

16           (B) by preventing members of targeted  
17       groups from purchasing goods and services, ob-  
18       taining or sustaining employment or partici-  
19       pating in other commercial activity.

20          (7) Perpetrators cross State lines to commit  
21       such violence.

22          (8) Channels, facilities, and instrumentalities of  
23       interstate commerce are used to facilitate the com-  
24       mission of such violence.

1           (9) Such violence is committed using articles  
2 that have traveled in interstate commerce.

3           (10) For generations, the institutions of slavery  
4 and involuntary servitude were defined by the race,  
5 color, and ancestry of those held in bondage. Slavery  
6 and involuntary servitude were enforced, both prior  
7 to and after the adoption of the 13th amendment to  
8 the Constitution of the United States, through wide-  
9 spread public and private violence directed at per-  
10 sons because of their race, color, or ancestry, or per-  
11 ceived race, color, or ancestry. Accordingly, elimi-  
12 nating racially motivated violence is an important  
13 means of eliminating, to the extent possible, the  
14 badges, incidents, and relics of slavery and involun-  
15 tary servitude.

16           (11) Both at the time when the 13th, 14th, and  
17 15th amendments to the Constitution of the United  
18 States were adopted, and continuing to date, mem-  
19 bers of certain religious and national origin groups  
20 were and are perceived to be distinct “races”. Thus,  
21 in order to eliminate, to the extent possible, the  
22 badges, incidents, and relics of slavery, it is nec-  
23 essary to prohibit assaults on the basis of real or  
24 perceived religions or national origins, at least to the  
25 extent such religions or national origins were re-

1 garded as races at the time of the adoption of the  
2 13th, 14th, and 15th amendments to the Constitu-  
3 tion of the United States.

4 (12) Federal jurisdiction over certain violent  
5 crimes motivated by bias enables Federal, State, and  
6 local authorities to work together as partners in the  
7 investigation and prosecution of such crimes.

8 (13) The problem of crimes motivated by bias  
9 is sufficiently serious, widespread, and interstate in  
10 nature as to warrant Federal assistance to States  
11 and local jurisdictions.

12 **SEC. 1503. DEFINITION OF HATE CRIME.**

13 In this title, the term “hate crime” has the same  
14 meaning as in section 280003(a) of the Violent Crime  
15 Control and Law Enforcement Act of 1994 (28 U.S.C.  
16 994 note).

17 **SEC. 1504. SUPPORT FOR CRIMINAL INVESTIGATIONS AND**  
18 **PROSECUTIONS BY STATE AND LOCAL LAW**  
19 **ENFORCEMENT OFFICIALS.**

20 (a) ASSISTANCE OTHER THAN FINANCIAL ASSIST-  
21 ANCE.—

22 (1) IN GENERAL.—At the request of a law en-  
23 forcement official of a State or Indian tribe, the At-  
24 torney General may provide technical, forensic, pros-  
25 ecutorial, or any other form of assistance in the

1 criminal investigation or prosecution of any crime  
2 that—

3 (A) constitutes a crime of violence (as de-  
4 fined in section 16 of title 18, United States  
5 Code);

6 (B) constitutes a felony under the laws of  
7 the State or Indian tribe; and

8 (C) is motivated by prejudice based on the  
9 victim's race, color, religion, national origin,  
10 gender, sexual orientation, or disability or is a  
11 violation of the hate crime laws of the State or  
12 Indian tribe.

13 (2) PRIORITY.—In providing assistance under  
14 paragraph (1), the Attorney General shall give pri-  
15 ority to crimes committed by offenders who have  
16 committed crimes in more than 1 State and to rural  
17 jurisdictions that have difficulty covering the ex-  
18 traordinary expenses relating to the investigation or  
19 prosecution of the crime.

20 (b) GRANTS.—

21 (1) IN GENERAL.—The Attorney General may  
22 award grants to assist State, local, and Indian law  
23 enforcement officials with the extraordinary expenses  
24 associated with the investigation and prosecution of  
25 hate crimes. In implementing the grant program, the

1 Office of Justice Programs shall work closely with  
2 the funded jurisdictions to ensure that the concerns  
3 and needs of all affected parties, including commu-  
4 nity groups and schools, colleges, and universities,  
5 are addressed through the local infrastructure devel-  
6 oped under the grants.

7 (2) APPLICATION.—

8 (A) IN GENERAL.—Each State desiring a  
9 grant under this subsection shall submit an ap-  
10 plication to the Attorney General at such time,  
11 in such manner, and accompanied by or con-  
12 taining such information as the Attorney Gen-  
13 eral shall reasonably require.

14 (B) DATE FOR SUBMISSION.—Applications  
15 submitted pursuant to subparagraph (A) shall  
16 be submitted during the 60-day period begin-  
17 ning on a date that the Attorney General shall  
18 prescribe.

19 (C) REQUIREMENTS.—A State or political  
20 subdivision of a State or tribal official applying  
21 for assistance under this subsection shall—

22 (i) describe the extraordinary pur-  
23 poses for which the grant is needed;

24 (ii) certify that the State, political  
25 subdivision, or Indian tribe lacks the re-



1 sources necessary to investigate or pros-  
2 ecute the hate crime;

3 (iii) demonstrate that, in developing a  
4 plan to implement the grant, the State, po-  
5 litical subdivision, or tribal official has con-  
6 sulted and coordinated with nonprofit, non-  
7 governmental victim services programs  
8 that have experience in providing services  
9 to victims of hate crimes; and

10 (iv) certify that any Federal funds re-  
11 ceived under this subsection will be used to  
12 supplement, not supplant, non-Federal  
13 funds that would otherwise be available for  
14 activities funded under this subsection.

15 (3) DEADLINE.—An application for a grant  
16 under this subsection shall be approved or dis-  
17 approved by the Attorney General not later than 30  
18 business days after the date on which the Attorney  
19 General receives the application.

20 (4) GRANT AMOUNT.—A grant under this sub-  
21 section shall not exceed \$100,000 for any single ju-  
22 risdiction within a 1 year period.

23 (5) REPORT.—Not later than December 31,  
24 2001, the Attorney General shall submit to Congress  
25 a report describing the applications submitted for

1 grants under this subsection, the award of such  
2 grants, and the purposes for which the grant  
3 amounts were expended.

4 (6) AUTHORIZATION OF APPROPRIATIONS.—

5 There is authorized to be appropriated to carry out  
6 this subsection \$5,000,000 for each of fiscal years  
7 2001 and 2002.

8 **SEC. 1505. GRANT PROGRAM.**

9 (a) AUTHORITY TO MAKE GRANTS.—The Office of  
10 Justice Programs of the Department of Justice shall  
11 award grants, in accordance with such regulations as the  
12 Attorney General may prescribe, to State and local pro-  
13 grams designed to combat hate crimes committed by juve-  
14 niles, including programs to train local law enforcement  
15 officers in identifying, investigating, prosecuting, and pre-  
16 venting hate crimes.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated such sums as may be  
19 necessary to carry out this section.

20 **SEC. 1506. AUTHORIZATION FOR ADDITIONAL PERSONNEL**  
21 **TO ASSIST STATE AND LOCAL LAW ENFORCE-**  
22 **MENT.**

23 There are authorized to be appropriated to the De-  
24 partment of the Treasury and the Department of Justice,  
25 including the Community Relations Service, for fiscal

1 years 2001, 2002, and 2003 such sums as are necessary  
2 to increase the number of personnel to prevent and re-  
3 spond to alleged violations of section 249 of title 18,  
4 United States Code (as added by this title).

5 **SEC. 1507. PROHIBITION OF CERTAIN HATE CRIME ACTS.**

6 (a) IN GENERAL.—Chapter 13 of title 18, United  
7 States Code, is amended by adding at the end the fol-  
8 lowing:

9 **“§ 249. Hate crime acts**

10 “(a) IN GENERAL.—

11 “(1) OFFENSES INVOLVING ACTUAL OR PER-  
12 CEIVED RACE, COLOR, RELIGION, OR NATIONAL ORI-  
13 GIN.—Whoever, whether or not acting under color of  
14 law, willfully causes bodily injury to any person or,  
15 through the use of fire, a firearm, or an explosive or  
16 incendiary device, attempts to cause bodily injury to  
17 any person, because of the actual or perceived race,  
18 color, religion, or national origin of any person—

19 “(A) shall be imprisoned not more than 10  
20 years, fined in accordance with this title, or  
21 both; and

22 “(B) shall be imprisoned for any term of  
23 years or for life, fined in accordance with this  
24 title, or both, if—

25 “(i) death results from the offense; or

1           “(ii) the offense includes kidnaping or  
2           an attempt to kidnap, aggravated sexual  
3           abuse or an attempt to commit aggravated  
4           sexual abuse, or an attempt to kill.

5           “(2) OFFENSES INVOLVING ACTUAL OR PER-  
6           CEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEX-  
7           UAL ORIENTATION, OR DISABILITY.—

8           “(A) IN GENERAL.—Whoever, whether or  
9           not acting under color of law, in any cir-  
10          cumstance described in subparagraph (B), will-  
11          fully causes bodily injury to any person or,  
12          through the use of fire, a firearm, or an explo-  
13          sive or incendiary device, attempts to cause  
14          bodily injury to any person, because of the ac-  
15          tual or perceived religion, national origin, gen-  
16          der, sexual orientation, or disability of any  
17          person—

18                 “(i) shall be imprisoned not more  
19                 than 10 years, fined in accordance with  
20                 this title, or both; and

21                 “(ii) shall be imprisoned for any term  
22                 of years or for life, fined in accordance  
23                 with this title, or both, if—

24                         “(I) death results from the of-  
25                         fense; or

1                   “(II) the offense includes kid-  
2                   naping or an attempt to kidnap, ag-  
3                   gravated sexual abuse or an attempt  
4                   to commit aggravated sexual abuse, or  
5                   an attempt to kill.

6                   “(B) CIRCUMSTANCES DESCRIBED.—For  
7                   purposes of subparagraph (A), the cir-  
8                   cumstances described in this subparagraph are  
9                   that—

10                   “(i) the conduct described in subpara-  
11                   graph (A) occurs during the course of, or  
12                   as the result of, the travel of the defendant  
13                   or the victim—

14                   “(I) across a State line or na-  
15                   tional border; or

16                   “(II) using a channel, facility, or  
17                   instrumentality of interstate or for-  
18                   eign commerce;

19                   “(ii) the defendant uses a channel, fa-  
20                   cility, or instrumentality of interstate or  
21                   foreign commerce in connection with the  
22                   conduct described in subparagraph (A);

23                   “(iii) in connection with the conduct  
24                   described in subparagraph (A) the defend-  
25                   ant employs a firearm, explosive or incen-

1 diary device, or other weapon that has  
2 traveled in interstate or foreign commerce;

3 or

4 “(iv) the conduct described in sub-  
5 paragraph (A)—

6 “(I) interferes with commercial  
7 or other economic activity in which  
8 the victim is engaged at the time of  
9 the conduct; or

10 “(II) otherwise affects interstate  
11 or foreign commerce.

12 “(b) CERTIFICATION REQUIREMENT.—No prosecu-  
13 tion of any offense described in this subsection may be  
14 undertaken by the United States, except under the certifi-  
15 cation in writing of the Attorney General, the Deputy At-  
16 torney General, the Associate Attorney General, or any  
17 Assistant Attorney General specially designated by the At-  
18 torney General that—

19 “(1) he or she has reasonable cause to believe  
20 that the actual or perceived race, color, religion, na-  
21 tional origin, gender, sexual orientation, or disability  
22 of any person was a motivating factor underlying the  
23 alleged conduct of the defendant; and

24 “(2) he or his designee or she or her designee  
25 has consulted with State or local law enforcement of-

1 officials regarding the prosecution and determined  
2 that—

3 “(A) the State does not have jurisdiction  
4 or does not intend to exercise jurisdiction;

5 “(B) the State has requested that the Fed-  
6 eral Government assume jurisdiction;

7 “(C) the State does not object to the Fed-  
8 eral Government assuming jurisdiction; or

9 “(D) the verdict or sentence obtained pur-  
10 suant to State charges left demonstratively  
11 unvindicated the Federal interest in eradicating  
12 bias-motivated violence.

13 “(c) DEFINITIONS.—In this section—

14 “(1) the term ‘explosive or incendiary device’  
15 has the meaning given the term in section 232 of  
16 this title; and

17 “(2) the term ‘firearm’ has the meaning given  
18 the term in section 921(a) of this title.”.

19 (b) TECHNICAL AND CONFORMING AMENDMENT.—

20 The analysis for chapter 13 of title 18, United States  
21 Code, is amended by adding at the end the following:

“249. Hate crime acts.”.

22 **SEC. 1508. DUTIES OF FEDERAL SENTENCING COMMISSION.**

23 (a) AMENDMENT OF FEDERAL SENTENCING GUIDE-  
24 LINES.—Pursuant to its authority under section 994 of  
25 title 28, United States Code, the United States Sentencing

1 Commission shall study the issue of adult recruitment of  
2 juveniles to commit hate crimes and shall, if appropriate,  
3 amend the Federal sentencing guidelines to provide sen-  
4 tencing enhancements (in addition to the sentencing en-  
5 hancement provided for the use of a minor during the  
6 commission of an offense) for adult defendants who recruit  
7 juveniles to assist in the commission of hate crimes.

8 (b) **CONSISTENCY WITH OTHER GUIDELINES.**—In  
9 carrying out this section, the United States Sentencing  
10 Commission shall—

11 (1) ensure that there is reasonable consistency  
12 with other Federal sentencing guidelines; and

13 (2) avoid duplicative punishments for substan-  
14 tially the same offense.

15 **SEC. 1509. STATISTICS.**

16 Subsection (b)(1) of the first section of the Hate  
17 Crimes Statistics Act (28 U.S.C. 534 note) is amended  
18 by inserting “gender,” after “race,”.

19 **SEC. 1510. SEVERABILITY.**

20 If any provision of this title, an amendment made by  
21 this title, or the application of such provision or amend-  
22 ment to any person or circumstance is held to be unconsti-  
23 tutional, the remainder of this title, the amendments made  
24 by this title, and the application of the provisions of such



1 to any person or circumstance shall not be affected there-  
2 by.

Passed the Senate July 13, 2000.

Attest:

*Secretary.*



106TH CONGRESS  
2D SESSION

**S. 2550**

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**AN ACT**

To authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

S 2550 ES—2

S 2550 ES—3

S 2550 ES—4

S 2550 ES—5

S 2550 ES—6

S 2550 ES—7

S 2550 ES—8

S 2550 ES—9

S 2550 ES—10

S 2550 ES—11

S 2550 ES—12

S 2550 ES—13

S 2550 ES—14

S 2550 ES—15

S 2550 ES—16

S 2550 ES—17

S 2550 ES—18

S 2550 ES—19

S 2550 ES—20

S 2550 ES—21

S 2550 ES—22

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S 2550 ES—36

S 2550 ES—37

S 2550 ES—38

S 2550 ES—39

S 2550 ES—40

S 2550 ES—41

S 2550 ES—42

S 2550 ES—43

S 2550 ES—44

S 2550 ES—45

S 2550 ES—46

S 2550 ES—47

S 2550 ES—48

S 2550 ES—49

S 2550 ES—50