

**Calendar No. 13**

106<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 4**

[Report No. 106-1]

---

---

**A BILL**

To improve pay and retirement equity for members of the Armed Forces; and for other purposes.

---

---

FEBRUARY 2, 1999

Reported with an amendment

# Calendar No. 13

106TH CONGRESS  
1ST SESSION

## S. 4

[Report No. 106-1]

To improve pay and retirement equity for members of the Armed Forces;  
and for other purposes.

---

### IN THE SENATE OF THE UNITED STATES

JANUARY 19, 1999

Mr. WARNER (for himself, Mr. THURMOND, Mr. MCCAIN, Mr. SMITH of New Hampshire, Mr. INHOFE, Ms. SNOWE, Mr. ROBERTS, Mr. ALLARD, Mr. HUTCHINSON, Mr. SESSIONS, Mr. LOTT, Mr. HAGEL, Mr. ABRAHAM, Mr. MACK, Mrs. HUTCHISON, Mr. SANTORUM, and Mr. COVERDELL) introduced the following bill; which was read twice and referred to the Committee on Armed Services

FEBRUARY 2, 1999

Reported by Mr. WARNER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

---

## A BILL

To improve pay and retirement equity for members of the  
Armed Forces; and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Soldiers’, Sailors’, Air-  
3 men’s, and Marines’ Bill of Rights Act of 1999”.

4 **TITLE I—PAY AND ALLOWANCES**5 **SEC. 101. FISCAL YEAR 2000 INCREASE AND RESTRUCTUR-**  
6 **ING OF BASIC PAY.**

7 (a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—Any  
8 adjustment required by section 1009 of title 37, United  
9 States Code, in the rates of monthly basic pay authorized  
10 members of the uniformed services by section 203(a) of  
11 such title to become effective during fiscal year 2000 shall  
12 not be made.

13 (b) **JANUARY 1, INCREASE IN BASIC PAY.**—Effective  
14 on January 1, 2000, the rates of monthly basic pay for  
15 members of the uniformed services shall be increased by  
16 4.8 percent.

17 (c) **BASIC PAY REFORM.**—(1) Effective on July 1,  
18 2000, the rates of monthly basic pay for members of the  
19 uniformed services within each pay grade are as follows:

COMMISSIONED OFFICERS<sup>1</sup>

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-10 <sup>2</sup>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
O-9 ...	0.00	0.00	0.00	0.00	0.00
O-8 ...	6,594.30	6,810.30	6,953.10	6,993.30	7,171.80
O-7 ...	5,479.50	5,851.80	5,851.50	5,894.40	6,114.60
O-6 ...	4,061.10	4,461.60	4,754.40	4,754.40	4,772.40
O-5 ...	3,248.40	3,813.90	4,077.90	4,127.70	4,291.80
O-4 ...	2,737.80	3,333.90	3,556.20	3,606.04	3,812.40
O-3 <sup>3</sup>	2,544.00	2,884.20	3,112.80	3,364.80	3,525.90
O-2 <sup>3</sup>	2,218.80	2,527.20	2,910.90	3,000.00	3,071.10
O-1 <sup>3</sup>	1,926.30	2,004.90	2,423.10	2,423.10	2,423.10

COMMISSIONED OFFICERS <sup>1</sup>

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
	Over 8	Over 10	Over 12	Over 14	Over 16
0-10 <sup>2</sup>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
0-9 ...	0.00	0.00	0.00	0.00	0.00
0-8 ...	7,471.50	7,540.80	7,824.60	7,906.20	8,150.10
0-7 ...	6,282.00	6,475.80	6,669.00	6,863.10	7,471.50
0-6 ...	4,976.70	5,004.00	5,004.00	5,169.30	5,791.20
0-5 ...	4,291.80	4,420.80	4,659.30	4,971.90	5,286.00
0-4 ...	3,980.40	4,251.50	4,464.00	4,611.00	4,758.90
0-3 <sup>3</sup>	3,702.60	3,850.20	4,040.40	4,139.10	4,139.10
0-2 <sup>3</sup>	3,071.10	3,071.10	3,071.10	3,071.10	3,071.10
0-1 <sup>3</sup>	2,423.10	2,423.10	2,423.10	2,423.10	2,423.10
	Over 18	Over 20	Over 22	Over 24	Over 26
0-10 <sup>2</sup>	\$0.00	\$10,655.10	\$10,707.60	\$10,930.20	\$11,318.40
0-9 ...	0.00	9,319.50	9,453.60	9,647.70	9,986.40
0-8 ...	8,503.80	8,830.20	9,048.00	9,048.00	9,048.00
0-7 ...	7,985.40	7,985.40	7,985.40	7,985.40	8,025.60
0-6 ...	6,086.10	6,381.30	6,549.00	6,719.10	7,049.10
0-5 ...	5,436.00	5,583.60	5,751.90	5,751.90	5,751.90
0-4 ...	4,808.70	4,808.70	4,808.70	4,808.70	4,808.70
0-3 <sup>3</sup>	4,139.10	4,139.10	4,139.10	4,139.10	4,139.10
0-2 <sup>3</sup>	3,071.10	3,071.10	3,071.10	3,071.10	3,071.10
0-1 <sup>3</sup>	2,423.10	2,423.10	2,423.10	2,423.10	2,423.10

<sup>1</sup>Basic pay for these officers is limited to the rate of basic pay for level V of the Executive Schedule.

<sup>2</sup>While serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, basic pay for this grade is calculated to be \$12,441.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code. Nevertheless, basic pay for these officers is limited to the rate of basic pay for level V of the Executive Schedule.

<sup>3</sup>Does not apply to commissioned officers who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE  
AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
0-3E 4	\$0.00	\$0.00	\$0.00	\$3,364.80	\$3,525.90
0-2E 4	0.00	0.00	0.00	3,009.00	3,071.10
0-1E 4	0.00	0.00	0.00	2,423.10	2,588.40
	Over 8	Over 10	Over 12	Over 14	Over 16
0-3E 4	\$3,702.60	\$3,850.20	\$4,040.40	\$4,200.30	\$4,291.80
0-2E 4	3,168.60	3,333.90	3,461.40	3,556.20	3,556.20
0-1E 4	2,683.80	2,781.30	2,877.60	3,009.00	3,009.00
	Over 18	Over 20	Over 22	Over 24	Over 26
0-3E	\$4,416.90	\$4,416.90	\$4,416.90	\$4,416.90	\$4,416.90
0-2E	3,556.20	3,556.20	3,556.20	3,556.20	3,556.20
0-1E	3,009.00	3,009.00	3,009.00	3,009.00	3,009.00

WARRANT OFFICERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W-5 ..	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W-4 ..	2,592.00	2,788.50	2,868.60	2,947.50	3,083.40
W-3 ..	2,355.90	2,555.40	2,555.40	2,588.40	2,694.30
W-2 ..	2,063.40	2,232.60	2,232.60	2,305.80	2,423.10
W-1 ..	1,719.00	1,971.00	1,971.00	2,135.70	2,232.60
	Over 8	Over 10	Over 12	Over 14	Over 16
W-5 ..	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W-4 ..	3,217.20	3,352.80	3,485.10	3,622.20	3,753.60
W-3 ..	2,814.90	2,974.20	3,071.10	3,177.00	3,298.20
W-2 ..	2,555.40	2,852.60	2,749.80	2,844.30	2,949.00
W-1 ..	2,332.80	2,433.30	2,533.20	2,634.00	2,734.80
	Over 18	Over 20	Over 22	Over 24	Over 26
W-5 ..	\$0.00	\$4,475.10	\$4,628.70	\$4,782.90	\$4,937.40
W-4 ..	3,888.00	4,019.00	4,155.60	4,289.70	4,427.10
W-3 ..	3,418.50	3,539.10	3,659.40	3,780.00	3,900.90
W-2 ..	3,058.40	3,163.80	3,270.90	3,378.30	3,478.30
W-1 ..	2,835.00	2,910.90	2,910.90	2,910.90	2,910.90

## ENLISTED MEMBERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-9 <sup>4</sup>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
E-8 ...	0.00	0.00	0.00	0.00	0.00
E-7 ...	1,765.80	1,927.80	2,001.00	2,073.00	2,147.70
E-6 ...	1,518.90	1,678.20	1,752.60	1,824.30	1,899.30
E-5 ...	1,332.60	1,494.00	1,566.00	1,640.40	1,714.50
E-4 ...	1,242.90	1,373.10	1,447.20	1,520.10	1,593.90
E-3 ...	1,171.50	1,260.60	1,334.10	1,335.90	1,335.90
E-2 ...	1,127.40	1,127.40	1,127.40	1,127.40	1,127.40
E-1 ...	<sup>5</sup> 1,005.60	1,005.60	1,005.60	1,005.60	1,005.60
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9 <sup>4</sup>	\$0.00	\$3,015.30	\$3,083.40	\$3,169.80	\$3,271.50
E-8 ...	2,528.40	2,601.60	2,669.70	2,751.60	2,840.10
E-7 ...	2,220.90	2,294.10	2,367.30	2,439.30	2,514.00
E-6 ...	1,973.10	2,047.20	2,118.60	2,191.50	2,244.60
E-5 ...	1,789.50	1,861.50	1,936.20	1,936.20	1,936.20
E-4 ...	1,593.90	1,593.90	1,593.90	1,593.90	1,593.90
E-3 ...	1,335.90	1,335.90	1,335.90	1,335.90	1,335.90
E-2 ...	1,127.40	1,127.40	1,127.40	1,127.40	1,127.40
E-1 ...	1,005.60	1,005.60	1,005.60	1,005.60	1,005.60
	Over 18	Over 20	Over 22	Over 24	Over 26
E-9 <sup>4</sup>	\$3,373.20	\$3,473.40	\$3,609.30	\$3,744.00	\$3,915.80
E-8 ...	2,932.50	3,026.10	3,161.10	3,295.50	3,483.60
E-7 ...	2,588.10	2,660.40	2,787.60	2,926.20	3,134.40
E-6 ...	2,283.30	2,283.30	2,285.70	2,285.70	2,285.70
E-5 ...	1,936.20	1,936.20	1,936.20	1,936.20	1,936.20
E-4 ...	1,593.90	1,593.90	1,593.90	1,593.90	1,593.90
E-3 ...	1,335.90	1,335.90	1,335.90	1,335.90	1,335.90
E-2 ...	1,127.40	1,127.40	1,127.40	1,123.20	1,127.40
E-1 ...	1,005.60	1,005.60	1,005.60	1,005.60	1,005.60

<sup>4</sup>While serving as Sergeant Major of the Army; Master Chief Petty Officer of the Navy; Chief Master Sergeant of the Air Force; Sergeant Major of the Marine Corps; or Master Chief Petty Officer of the Coast Guard, basic pay for this grade is \$4,701.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

<sup>5</sup>In the case of members in the grade E-1 who have served less than 4 months on active duty, basic pay is \$930.30.

1 **SEC. 102. PAY INCREASES FOR FISCAL YEARS AFTER FIS-**  
 2 **CAL YEAR 2000.**

3 (a) **ECI+0.5 PERCENT INCREASE FOR ALL MEM-**  
 4 **BERS.**—Section 1009(e) of title 37, United States Code,  
 5 is amended to read as follows:

6 “(e) **ECI+0.5 PERCENT INCREASE FOR ALL MEM-**  
 7 **BERS.**—Subject to subsection (d), an adjustment taking  
 8 effect under this section during a fiscal year shall provide  
 9 all eligible members with an increase in the monthly basic  
 10 pay by the percentage equal to the sum of one percent  
 11 plus the percentage calculated as provided under section  
 12 5303(a) of title 5 (without regard to whether rates of pay  
 13 under the statutory pay systems are actually increased  
 14 during such fiscal year under that section by the percent-  
 15 age so calculated).”.

16 (b) **EFFECTIVE DATE.**—The amendment made by  
 17 subsection (a) shall take effect on October 1, 2000.

18 **SEC. 103. SPECIAL SUBSISTENCE ALLOWANCE.**

19 (a) **ALLOWANCE.**—(1) Chapter 7 of title 37, United  
 20 States Code, is amended by inserting after section 402 the  
 21 following new section:

22 “§ 402a. **Special subsistence allowance**

23 “(a) **ENTITLEMENT.**—Upon the application of an eli-  
 24 gible member of a uniformed service, the Secretary con-  
 25 cerned shall pay the member a special subsistence allow-

1   ance for each month for which the member is eligible to  
2   receive food stamp assistance.

3       “(b) ~~TERMINATION OF ENTITLEMENT.~~—The entitle-  
4   ment of a member to receive payment of a special subsist-  
5   ence allowance terminates upon the occurrence of any of  
6   the following events:

7           “(1) Termination of eligibility for food stamp  
8   assistance.

9           “(2) Payment of the special subsistence allow-  
10   ance for ~~12~~ consecutive months.

11          “(3) Promotion of the member to a higher  
12   grade.

13          “(4) Transfer of the member in a permanent  
14   change of station.

15       “(c) ~~REESTABLISHED ENTITLEMENT.~~—(1) After a  
16   termination of a member’s entitlement to the special sub-  
17   sistence allowance under subsection (b), the Secretary con-  
18   cerned shall resume payment of the special subsistence al-  
19   lowance to the member if the Secretary determines, upon  
20   further application of the member, that the member is eli-  
21   gible to receive food stamps.

22       “(2) Payments resumed under this subsection shall  
23   terminate under subsection (b) upon the occurrence of an  
24   event described in that subsection after the resumption of  
25   the payments.



1       “(3) The number of times that payments are resumed  
2 under this subsection is unlimited.

3       “(d) DOCUMENTATION OF ELIGIBILITY.—A member  
4 of the uniformed services applying for the special subsist-  
5 ence allowance under this section shall furnish the Sec-  
6 retary concerned with such evidence of the member’s eligi-  
7 bility for food stamp assistance as the Secretary may re-  
8 quire in connection with the application.

9       “(e) AMOUNT OF ALLOWANCE.—The monthly  
10 amount of the special subsistence allowance under this  
11 section is \$180.

12       “(f) RELATIONSHIP TO BASIC ALLOWANCE FOR SUB-  
13 SISTENCE.—The special subsistence allowance under this  
14 section is in addition to the basic allowance for subsistence  
15 under section 402 of this title.

16       “(g) FOOD STAMP ASSISTANCE DEFINED.—In this  
17 section, the term ‘food stamp assistance’ means assistance  
18 under the Food Stamp Act of 1977 (7 U.S.C. 2011 et  
19 seq.).

20       “(h) TERMINATION OF AUTHORITY.—No special sub-  
21 sistence allowance may be made under this section for any  
22 month beginning after September 30, 2004.”.

23       “(2) The table of sections at the beginning of such  
24 chapter is amended by inserting after the item relating  
25 to section 402 the following:

“402a. Special subsistence allowance.”.

1       (b) ~~EFFECTIVE DATE.~~—Section 402a of title 37,  
2 United States Code, shall take effect on the first day of  
3 the first month that begins not less than 180 days after  
4 the date of the enactment of this Act.

5       (c) ~~ANNUAL REPORT.~~—(1) Not later than March 1  
6 of each year after 1999, the Secretary of Defense shall  
7 submit to Congress a report setting forth the number of  
8 members of the uniformed services who are eligible for as-  
9 sistance under the Flood Stamp Act of 1977 (7 U.S.C.  
10 2011 et seq.).

11       (2) In preparing the report, the Secretary shall con-  
12 sult with the Secretary of Transportation (with respect to  
13 the Coast Guard), the Secretary of Health and Human  
14 Services (with respect to the commissioned corps of the  
15 Public Health Service), and the Secretary of Commerce  
16 (with respect to the commissioned officers of the National  
17 Oceanic and Atmospheric Administration), who shall pro-  
18 vide the Secretary of Defense with any information that  
19 the Secretary determines necessary to prepare the report.

20       (3) No report is required under this section after  
21 March 1, 2004.

1                   **TITLE II—RETIREMENT**  
 2                                   **BENEFITS**

3   **SEC. 201. RETIRED PAY OPTIONS FOR PERSONNEL ENTER-**  
 4                                   **ING UNIFORMED SERVICES ON OR AFTER AU-**  
 5                                   **GUST 1, 1986.**

6           (a) ~~REDUCED RETIRED PAY ONLY FOR MEMBERS~~  
 7 ~~ELECTING 15-YEAR SERVICE BONUS.~~—(1) Paragraph (2)  
 8 of section 1409(b) of title 10, United States Code, is  
 9 amended by inserting after “July 31, 1986,” the following:  
 10 “has elected to receive a bonus under section 318 of title  
 11 37.”

12           (2)(A) Paragraph (2)(A) of section 1401a(b) of title  
 13 10, United States Code, is amended by striking “The Sec-  
 14 retary shall increase the retired pay of each member and  
 15 former member who first became a member of a uniformed  
 16 service before August 1, 1986,” and inserting “Except as  
 17 otherwise provided in this subsection, the Secretary shall  
 18 increase the retired pay of each member and former mem-  
 19 ber”.

20           (B) Paragraph (3) of such section 1401a(b) is  
 21 amended by inserting after “August 1, 1986,” the follow-  
 22 ing: “and has elected to receive a bonus under section 318  
 23 of title 37.”

24           (3) Section 1410 of title 10, United States Code, is  
 25 amended by inserting after “August 1, 1986,” the follow-

1 ing: “who has elected to receive a bonus under section 318  
2 of title 37,”.

3 (b) **OPTIONAL LUMP-SUM BONUS AT 15 YEARS OF**  
4 **SERVICE.**—(1) Chapter 5 of title 37, United States Code,  
5 is amended by adding at the end the following new section:

6 **“§ 318. Special pay: 15-year service bonus elected by**  
7 **members entering on or after August 1,**  
8 **1986**

9 “(a) **PAYMENT OF BONUS.**—The Secretary concerned  
10 shall pay a bonus to a member of a uniformed service who  
11 is eligible and elects to receive the bonus under this sec-  
12 tion.

13 “(b) **ELIGIBILITY FOR BONUS.**—A member of a uni-  
14 formed service serving on active duty is eligible to receive  
15 a bonus under this section if the member—

16 “(1) first became a member of a uniformed  
17 service on or after August 1, 1986;

18 “(2) has completed 15 years of active duty in  
19 the uniformed services; and

20 “(3) if not already obligated to remain on active  
21 duty for a period that would result in at least 20  
22 years of active-duty service; executes a written  
23 agreement (prescribed by the Secretary concerned)  
24 to remain continuously on active duty for five years

1 after the date of the completion of 15 years of ac-  
2 tive-duty service.

3 “(c) ELECTION.—(1) A member eligible to receive a  
4 bonus under this section may elect to receive the bonus.  
5 The election shall be made in such form and within such  
6 period as the Secretary concerned requires.

7 “(2) An election made under this subsection is irrev-  
8 ovable.

9 “(d) NOTIFICATION OF ELIGIBILITY.—The Secretary  
10 concerned shall transmit a written notification of the op-  
11 portunity to elect to receive a bonus under this section  
12 to each member who is eligible (or upon execution of an  
13 agreement described in subsection (b)(3), would be eligi-  
14 ble) to receive the bonus. The Secretary shall complete the  
15 notification within 180 days after the date on which the  
16 member completes 15 years of active duty. The notifica-  
17 tion shall include the procedures for electing to receive the  
18 bonus and an explanation of the effects under sections  
19 1401a, 1409, and 1410 of title 10 that such an election  
20 has on the computation of any retired or retainer pay  
21 which the member may become eligible to receive.

22 “(e) FORM AND AMOUNT OF BONUS.—A bonus  
23 under this section shall be paid in one lump sum of  
24 \$30,000.

1       “(f) TIME FOR PAYMENT.—Payment of a bonus to  
2 a member electing to receive the bonus under this section  
3 shall be made not later than the first month that begins  
4 on or after the date that is 60 days after the Secretary  
5 concerned receives from the member an election that satis-  
6 fies the requirements imposed under subsection (e).

7       “(g) REPAYMENT OF BONUS.—(1) If a person paid  
8 a bonus under this section fails to complete the total pe-  
9 riod of active duty specified in the agreement entered into  
10 under subsection (b)(3), the person shall refund to the  
11 United States the amount that bears the same ratio to  
12 the amount of the bonus payment as the unserved part  
13 of that total period bears to the total period.

14       “(2) Subject to paragraph (3), an obligation to reim-  
15 burse the United States imposed under paragraph (1) is  
16 for all purposes a debt owed to the United States.

17       “(3) The Secretary concerned may waive, in whole  
18 or in part, a refund required under paragraph (1) if the  
19 Secretary concerned determines that recovery would be  
20 against equity and good conscience or would be contrary  
21 to the best interests of the United States.

22       “(4) A discharge in bankruptcy under title 11 that  
23 is entered less than five years after the termination of an  
24 agreement under this section does not discharge the mem-

1 ber signing such agreement from a debt arising under the  
2 agreement or this subsection.”.

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

“318. Special pay: 15-year service bonus elected by members entering on or  
after August 1, 1986.”.

6       (c) ~~CONFORMING AMENDMENTS TO SURVIVOR BENE-~~  
7 ~~FIT PLAN PROVISIONS.—~~(1) Section 1451(h)(3) of title  
8 10, United States Code, is amended by inserting “OF CER-  
9 TAIN MEMBERS” after “RETIREMENT”.

10       (2) Section 1452(i) of such title is amended by strik-  
11 ing “When the retired pay” and inserting “Whenever the  
12 retired pay”.

13       (d) ~~RELATED TECHNICAL AMENDMENTS.—~~(1) Sec-  
14 tion 1401a(b) of title 10, United States Code, is  
15 amended—

16               (A) by striking the heading for paragraph (1)  
17 and inserting “INCREASE REQUIRED.—”;

18               (B) by striking the heading for paragraph (2)  
19 and inserting “PERCENTAGE INCREASE.—”; and

20               (C) by striking the heading for paragraph (3)  
21 and inserting “REDUCED PERCENTAGE FOR CER-  
22 TAIN POST-AUGUST 1, 1986 MEMBERS.—”.

1       (2) Section 1409(b)(2) of title 10, United States  
 2 Code, is amended by inserting “CERTAIN” after “REDUC-  
 3 TION APPLICABLE TO” in the paragraph heading.

4       (3)(A) The heading of section 1410 of such title is  
 5 amended by inserting “**certain**” before “**members**”.

6       (B) The item relating to such section in the table of  
 7 sections at the beginning of chapter 71 of title 10, United  
 8 States Code, is amended by inserting “certain” before  
 9 “members”.

10 **SEC. 202. PARTICIPATION IN THRIFT SAVINGS PLAN.**

11       (a) PARTICIPATION AUTHORITY.—(1)(A) Chapter 3  
 12 of title 37, United States Code, is amended by adding at  
 13 the end the following:

14 **“§ 211. Participation in Thrift Savings Plan**

15       “(a) AUTHORITY.—A member of the uniformed serv-  
 16 ices serving on active duty for a period of more than 30  
 17 days may participate in the Thrift Savings Plan in accord-  
 18 ance with section 8440e of title 5.

19       “(b) RULE OF CONSTRUCTION REGARDING SEPARA-  
 20 TION.—For the purposes of section 8440e of title 5, the  
 21 following actions shall be considered separation of a mem-  
 22 ber of the uniformed services from Government employ-  
 23 ment:

24               “(1) Release of the member from active-duty  
 25 service (not followed by a resumption of active-duty



1 service within 30 days after the effective date of the  
2 release).

3 “(2) Transfer of the member by the Secretary  
4 concerned to a retired list maintained by the Sec-  
5 retary.”.

6 (B) The table of sections at the beginning of such  
7 chapter is amended by adding at the end the following:  
“211. Participation in Thrift Savings Plan.”.

8 (2)(A) Subchapter III of chapter 84 of title 5, United  
9 States Code, is amended by adding at the end the follow-  
10 ing:

11 **“§ 8440e. Members of the uniformed services on ac-  
12 tive duty**

13 “(a) PARTICIPATION AUTHORIZED.—(1) A member  
14 of the uniformed services authorized to participate in the  
15 Thrift Savings Plan under section 211(a) of title 37 may  
16 contribute to the Thrift Savings Fund.

17 “(2) An election to contribute to the Thrift Savings  
18 Fund under paragraph (1) may be made only during a  
19 period provided under section 8432(b) for individuals sub-  
20 ject to this chapter.

21 “(b) APPLICABILITY OF THRIFT SAVINGS PLAN PRO-  
22 VISIONS.—Except as otherwise provided in this section,  
23 the provisions of this subchapter and subchapter VII of  
24 this chapter shall apply with respect to members of the  
25 uniformed services making contributions to the Thrift

1 Savings Fund as if such members were employees within  
2 the meaning of section 8401(11).

3 “(c) MAXIMUM CONTRIBUTION FROM BASIC PAY.—

4 The amount contributed by a member of the uniformed  
5 services for any pay period out of basic pay may not ex-  
6 ceed 5 percent of such member’s basic pay for such pay  
7 period.

8 “(d) OTHER MEMBER CONTRIBUTIONS.—A member

9 of the uniformed services making contributions to the  
10 Thrift Savings Fund out of basic pay may also contribute  
11 (by direct transfer to the Fund) any part of any special  
12 or incentive pay that the member receives under chapter  
13 5 of title 37. No contribution made under this subsection  
14 shall be subject to, or taken into account for purposes of,  
15 the first sentence of section 8432(d), relating to the appli-  
16 cability of any limitation under section 415 of the Internal  
17 Revenue Code of 1986.

18 “(e) AGENCY CONTRIBUTIONS GENERALLY PROHIB-

19 ITED.—Except as provided in section 211(c) of title 37,  
20 no contribution under section 8432(e) of this title may be  
21 made for the benefit of a member of the uniformed serv-  
22 ices making contributions to the Thrift Savings Fund  
23 under subsection (a).

24 “(f) BENEFITS AND ELECTIONS OF BENEFITS.—In

25 applying section 8433 to a member of the uniformed serv-

1 ices who has an account balance in the Thrift Savings  
2 Fund—

3           “(1) any reference in such section to separation  
4 from Government employment shall be construed to  
5 refer to an action described in section 211(b) of title  
6 37; and

7           “(2) the reference in section 8433(g)(1) to con-  
8 tributions made under section 8432(a) shall be  
9 treated as being a reference to contributions made to  
10 the Fund by the member, whether made under sec-  
11 tion 8351, 8432(a), or this section.

12           “(g) BASIC PAY DEFINED.—For purposes of this sec-  
13 tion, the term ‘basic pay’ means basic pay that is payable  
14 under section 204 of title 37.”.

15           (B) The table of sections at the beginning of chapter  
16 84 of title 5, United States Code, is amended by adding  
17 after the item relating to section 8440d the following:

“8440c. Members of the uniformed services on active duty.”.

18           (3) Section 8432b(b) of title 5, United States Code,  
19 is amended—

20           (A) in paragraph (1), by striking “Each em-  
21 ployee” and inserting “Except as provided in para-  
22 graph (4), each employee”;

23           (B) by redesignating paragraph (4) as para-  
24 graph (5); and

1           (C) by inserting after paragraph (3) the follow-  
2           ing new paragraph (4)

3           “(4) No contribution may be made under this section  
4 for a period for which an employee made a contribution  
5 under section 8440e.”.

6           (4) Section 8473 of title 5, United States Code, is  
7 amended—

8           (A) in subsection (a), by striking “14 mem-  
9           bers” and inserting “15 members”; and

10          (B) in subsection (b)—

11           (i) by striking “14 members” and inserting  
12           “15 members”;

13           (ii) by striking “and” at the end of para-  
14           graph (8);

15           (iii) by striking the period at the end of  
16           paragraph (9) and inserting “; and”; and

17           (iv) by adding at the end the following:

18           “(10) I shall be appointed to represent partici-  
19           pants (under section 8440e) who are members of the  
20           uniformed services.”.

21          (5) Paragraph (11) of section 8351(b) of title 5,  
22 United States Code, is redesignated as paragraph (8).

23          (e) REGULATIONS.—Not later than 180 days after  
24 the date of the enactment of this Act, the Executive Direc-  
25 tor appointed by the Federal Thrift Retirement Invest-

1 ment Board and the Secretary of Defense shall jointly  
 2 issue regulations to implement section 8440e of title 5,  
 3 United States Code (as added by subsection (a)) and sec-  
 4 tion 211 of title 37, United States Code (as added by sub-  
 5 section (b)).

6 **SEC. 203. SPECIAL RETENTION INITIATIVE.**

7 Section 211 of title 37, United States Code, as added  
 8 by section 202, is amended by adding at the end the fol-  
 9 lowing:

10 “(c) AGENCY CONTRIBUTIONS FOR RETENTION IN  
 11 CRITICAL SPECIALTIES.—(1) The Secretary concerned  
 12 may enter into an agreement with a member to make con-  
 13 tributions to the Thrift Savings Fund for the benefit of  
 14 the member if the member—

15 “(A) is in a specialty designated by the Sec-  
 16 retary as critical to meet requirements (whether  
 17 such specialty is designated as critical to meet war-  
 18 time or peacetime requirements); and

19 “(B) commits in such agreement to continue to  
 20 serve on active duty in that specialty for a period of  
 21 six years.

22 “(2) Under any agreement entered into with a mem-  
 23 ber under paragraph (1), the Secretary shall make con-  
 24 tributions to the Fund for the benefit of the member for  
 25 each pay period of the 6-year period of the agreement for

1 which the member makes a contribution out of basic pay  
 2 to the Fund under this section. Paragraph (2) of section  
 3 8432(e) applies to the Secretary's obligation to make con-  
 4 tributions under this paragraph, except that the reference  
 5 in such paragraph to contributions under paragraph (1)  
 6 of such section does not apply.”.

7 **SECTION 1. SHORT TITLE.**

8 *This Act may be cited as the “Soldiers’, Sailors’, Air-*  
 9 *men’s, and Marines’ Bill of Rights Act of 1999”.*

10 **TITLE I—PAY AND ALLOWANCES**

11 **SEC. 101. FISCAL YEAR 2000 INCREASE AND RESTRUCTUR-**  
 12 **ING OF BASIC PAY.**

13 (a) *WAIVER OF SECTION 1009 ADJUSTMENT.—Any*  
 14 *adjustment required by section 1009 of title 37, United*  
 15 *States Code, in the rates of monthly basic pay authorized*  
 16 *members of the uniformed services by section 203(a) of such*  
 17 *title to become effective during fiscal year 2000 shall not*  
 18 *be made.*

19 (b) *JANUARY 1, INCREASE IN BASIC PAY.—Effective*  
 20 *on January 1, 2000, the rates of monthly basic pay for*  
 21 *members of the uniformed services shall be increased by 4.8*  
 22 *percent.*

23 (c) *BASIC PAY REFORM.—(1) Effective on July 1,*  
 24 *2000, the rates of monthly basic pay for members of the*  
 25 *uniformed services within each pay grade are as follows:*

COMMISSIONED OFFICERS<sup>1</sup>

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-10 <sup>2</sup>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
O-9 ...	0.00	0.00	0.00	0.00	0.00
O-8 ...	6,594.30	6,810.30	6,953.10	6,993.30	7,171.80
O-7 ...	5,479.50	5,851.80	5,851.50	5,894.40	6,114.60
O-6 ...	4,061.10	4,461.60	4,754.40	4,754.40	4,772.40
O-5 ...	3,248.40	3,813.90	4,077.90	4,127.70	4,291.80
O-4 ...	2,737.80	3,333.90	3,556.20	3,606.04	3,812.40
O-3 <sup>3</sup>	2,544.00	2,884.20	3,112.80	3,364.80	3,525.90
O-2 <sup>3</sup>	2,218.80	2,527.20	2,910.90	3,000.00	3,071.10
O-1 <sup>3</sup>	1,926.30	2,004.90	2,423.10	2,423.10	2,423.10
	Over 8	Over 10	Over 12	Over 14	Over 16
O-10 <sup>2</sup>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
O-9 ...	0.00	0.00	0.00	0.00	0.00
O-8 ...	7,471.50	7,540.80	7,824.60	7,906.20	8,150.10
O-7 ...	6,282.00	6,475.80	6,669.00	6,863.10	7,471.50
O-6 ...	4,976.70	5,004.00	5,004.00	5,169.30	5,791.20
O-5 ...	4,291.80	4,420.80	4,659.30	4,971.90	5,286.00
O-4 ...	3,980.40	4,251.50	4,464.00	4,611.00	4,758.90
O-3 <sup>3</sup>	3,702.60	3,850.20	4,040.40	4,139.10	4,139.10
O-2 <sup>3</sup>	3,071.10	3,071.10	3,071.10	3,071.10	3,071.10
O-1 <sup>3</sup>	2,423.10	2,423.10	2,423.10	2,423.10	2,423.10
	Over 18	Over 20	Over 22	Over 24	Over 26
O-10 <sup>2</sup>	\$0.00	\$10,655.10	\$10,707.60	\$10,930.20	\$11,318.40
O-9 ...	0.00	9,319.50	9,453.60	9,647.70	9,986.40
O-8 ...	8,503.80	8,830.20	9,048.00	9,048.00	9,048.00
O-7 ...	7,985.40	7,985.40	7,985.40	7,985.40	8,025.60
O-6 ...	6,086.10	6,381.30	6,549.00	6,719.10	7,049.10
O-5 ...	5,436.00	5,583.60	5,751.90	5,751.90	5,751.90
O-4 ...	4,808.70	4,808.70	4,808.70	4,808.70	4,808.70
O-3 <sup>3</sup>	4,139.10	4,139.10	4,139.10	4,139.10	4,139.10
O-2 <sup>3</sup>	3,071.10	3,071.10	3,071.10	3,071.10	3,071.10
O-1 <sup>3</sup>	2,423.10	2,423.10	2,423.10	2,423.10	2,423.10

<sup>1</sup>Basic pay for these officers is limited to the rate of basic pay for level V of the Executive Schedule.

<sup>2</sup>While serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, basic pay for this grade is calculated to be \$12,441.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code. Nevertheless, basic pay for these officers is limited to the rate of basic pay for level V of the Executive Schedule.

<sup>3</sup>Does not apply to commissioned officers who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE  
AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-3E <sup>4</sup>	\$0.00	\$0.00	\$0.00	\$3,364.80	\$3,525.90
O-2E <sup>4</sup>	0.00	0.00	0.00	3,009.00	3,071.10
O-1E <sup>4</sup>	0.00	0.00	0.00	2,423.10	2,588.40
	Over 8	Over 10	Over 12	Over 14	Over 16
O-3E <sup>4</sup>	\$3,702.60	\$3,850.20	\$4,040.40	\$4,200.30	\$4,291.80
O-2E <sup>4</sup>	3,168.60	3,333.90	3,461.40	3,556.20	3,556.20

**COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE  
AS AN ENLISTED MEMBER OR WARRANT OFFICER**

*Years of service computed under section 205 of title 37, United States Code*

<i>Pay Grade</i>	<i>2 or less</i>	<i>Over 2</i>	<i>Over 3</i>	<i>Over 4</i>	<i>Over 6</i>
<i>O-1E<sup>4</sup></i>	2,683.80	2,781.30	2,877.60	3,009.00	3,009.00
	<i>Over 18</i>	<i>Over 20</i>	<i>Over 22</i>	<i>Over 24</i>	<i>Over 26</i>
<i>O-3E</i>	\$4,416.90	\$4,416.90	\$4,416.90	\$4,416.90	\$4,416.90
<i>O-2E</i>	3,556.20	3,556.20	3,556.20	3,556.20	3,556.20
<i>O-1E</i>	3,009.00	3,009.00	3,009.00	3,009.00	3,009.00

**WARRANT OFFICERS**

*Years of service computed under section 205 of title 37, United States Code*

<i>Pay Grade</i>	<i>2 or less</i>	<i>Over 2</i>	<i>Over 3</i>	<i>Over 4</i>	<i>Over 6</i>
<i>W-5 ...</i>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>W-4 ...</i>	2,592.00	2,788.50	2,868.60	2,947.50	3,083.40
<i>W-3 ...</i>	2,355.90	2,555.40	2,555.40	2,588.40	2,694.30
<i>W-2 ...</i>	2,063.40	2,232.60	2,232.60	2,305.80	2,423.10
<i>W-1 ...</i>	1,719.00	1,971.00	1,971.00	2,135.70	2,232.60
	<i>Over 8</i>	<i>Over 10</i>	<i>Over 12</i>	<i>Over 14</i>	<i>Over 16</i>
<i>W-5 ...</i>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>W-4 ...</i>	3,217.20	3,352.80	3,485.10	3,622.20	3,753.60
<i>W-3 ...</i>	2,814.90	2,974.20	3,071.10	3,177.00	3,298.20
<i>W-2 ...</i>	2,555.40	2,852.60	2,749.80	2,844.30	2,949.00
<i>W-1 ...</i>	2,332.80	2,433.30	2,533.20	2,634.00	2,734.80
	<i>Over 18</i>	<i>Over 20</i>	<i>Over 22</i>	<i>Over 24</i>	<i>Over 26</i>
<i>W-5 ...</i>	\$0.00	\$4,475.10	\$4,628.70	\$4,782.90	\$4,937.40
<i>W-4 ...</i>	3,888.00	4,019.00	4,155.60	4,289.70	4,427.10
<i>W-3 ...</i>	3,418.50	3,539.10	3,659.40	3,780.00	3,900.90
<i>W-2 ...</i>	3,058.40	3,163.80	3,270.90	3,378.30	3,378.30
<i>W-1 ...</i>	2,835.00	2,910.90	2,910.90	2,910.90	2,910.90

**ENLISTED MEMBERS**

*Years of service computed under section 205 of title 37, United States Code*

<i>Pay Grade</i>	<i>2 or less</i>	<i>Over 2</i>	<i>Over 3</i>	<i>Over 4</i>	<i>Over 6</i>
<i>E-9<sup>4</sup></i>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>E-8 ...</i>	0.00	0.00	0.00	0.00	0.00
<i>E-7 ...</i>	1,765.80	1,927.80	2,001.00	2,073.00	2,147.70
<i>E-6 ...</i>	1,518.90	1,678.20	1,752.60	1,824.30	1,899.30
<i>E-5 ...</i>	1,332.60	1,494.00	1,566.00	1,640.40	1,714.50
<i>E-4 ...</i>	1,242.90	1,373.10	1,447.20	1,520.10	1,593.90
<i>E-3 ...</i>	1,171.50	1,260.60	1,334.10	1,335.90	1,335.90
<i>E-2 ...</i>	1,127.40	1,127.40	1,127.40	1,127.40	1,127.40
<i>E-1 ...</i>	<sup>5</sup> 1,005.60	1,005.60	1,005.60	1,005.60	1,005.60
	<i>Over 8</i>	<i>Over 10</i>	<i>Over 12</i>	<i>Over 14</i>	<i>Over 16</i>
<i>E-9<sup>4</sup></i>	\$0.00	\$3,015.30	\$3,083.40	\$3,169.80	\$3,271.50
<i>E-8 ...</i>	2,528.40	2,601.60	2,669.70	2,751.60	2,840.10
<i>E-7 ...</i>	2,220.90	2,294.10	2,367.30	2,439.30	2,514.00
<i>E-6 ...</i>	1,973.10	2,047.20	2,118.60	2,191.50	2,244.60
<i>E-5 ...</i>	1,789.50	1,861.50	1,936.20	1,936.20	1,936.20
<i>E-4 ...</i>	1,593.90	1,593.90	1,593.90	1,593.90	1,593.90



ENLISTED MEMBERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-3 ...	1,335.90	1,335.90	1,335.90	1,335.90	1,335.90
E-2 ...	1,127.40	1,127.40	1,127.40	1,127.40	1,127.40
E-1 ...	1,005.60	1,005.60	1,005.60	1,005.60	1,005.60
	Over 18	Over 20	Over 22	Over 24	Over 26
E-9 <sup>4</sup>	\$3,373.20	\$3,473.40	\$3,609.30	\$3,744.00	\$3,915.80
E-8 ...	2,932.50	3,026.10	3,161.10	3,295.50	3,483.60
E-7 ...	2,588.10	2,660.40	2,787.60	2,926.20	3,134.40
E-6 ...	2,283.30	2,283.30	2,285.70	2,285.70	2,285.70
E-5 ...	1,936.20	1,936.20	1,936.20	1,936.20	1,936.20
E-4 ...	1,593.90	1,593.90	1,593.90	1,593.90	1,593.90
E-3 ...	1,335.90	1,335.90	1,335.90	1,335.90	1,335.90
E-2 ...	1,127.40	1,127.40	1,127.40	1,123.20	1,127.40
E-1 ...	1,005.60	1,005.60	1,005.60	1,005.60	1,005.60

<sup>4</sup>While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, basic pay for this grade is \$4,701.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

<sup>5</sup>In the case of members in the grade E-1 who have served less than 4 months on active duty, basic pay is \$930.30.

1 **SEC. 102. PAY INCREASES FOR FISCAL YEARS AFTER FISCAL**

2 **YEAR 2000.**

3 (a) *ECI+0.5 PERCENT INCREASE FOR ALL MEM-*

4 *BERS.—Section 1009(c) of title 37, United States Code, is*

5 *amended to read as follows:*

6 “(c) *ECI+0.5 PERCENT INCREASE FOR ALL MEM-*

7 *BERS.—Subject to subsection (d), an adjustment taking ef-*

8 *fect under this section during a fiscal year shall provide*

9 *all eligible members with an increase in the monthly basic*

10 *pay by the percentage equal to the sum of one percent plus*

11 *the percentage calculated as provided under section 5303(a)*

12 *of title 5 (without regard to whether rates of pay under*

13 *the statutory pay systems are actually increased during*

14 *such fiscal year under that section by the percentage so cal-*

15 *culated).”.*

1       (b) *EFFECTIVE DATE.*—*The amendment made by sub-*  
2 *section (a) shall take effect on October 1, 2000.*

3 **SEC. 103. SPECIAL SUBSISTENCE ALLOWANCE.**

4       (a) *ALLOWANCE.*—(1) *Chapter 7 of title 37, United*  
5 *States Code, is amended by inserting after section 402 the*  
6 *following new section:*

7 **“§402a. Special subsistence allowance**

8       “(a) *ENTITLEMENT.*—*Upon the application of an eli-*  
9 *gible member of a uniformed service described in subsection*  
10 *(b), the Secretary concerned shall pay the member a special*  
11 *subsistence allowance for each month for which the member*  
12 *is eligible to receive food stamp assistance.*

13       “(b) *COVERED MEMBERS.*—*An enlisted member re-*  
14 *ferred to subsection (a) is an enlisted member in pay grade*  
15 *E–5 or below.*

16       “(c) *TERMINATION OF ENTITLEMENT.*—*The entitle-*  
17 *ment of a member to receive payment of a special subsist-*  
18 *ence allowance terminates upon the occurrence of any of*  
19 *the following events:*

20               “(1) *Termination of eligibility for food stamp*  
21 *assistance.*

22               “(2) *Payment of the special subsistence allow-*  
23 *ance for 12 consecutive months.*

24               “(3) *Promotion of the member to a higher grade.*

1           “(4) *Transfer of the member in a permanent*  
2           *change of station.*

3           “(d) *REESTABLISHED ENTITLEMENT.—(1) After a ter-*  
4           *mination of a member’s entitlement to the special subsist-*  
5           *ence allowance under subsection (c), the Secretary con-*  
6           *cerned shall resume payment of the special subsistence al-*  
7           *lowance to the member if the Secretary determines, upon*  
8           *further application of the member, that the member is eligi-*  
9           *ble to receive food stamps.*

10          “(2) *Payments resumed under this subsection shall ter-*  
11          *minate under subsection (c) upon the occurrence of an event*  
12          *described in that subsection after the resumption of the pay-*  
13          *ments.*

14          “(3) *The number of times that payments are resumed*  
15          *under this subsection is unlimited.*

16          “(e) *DOCUMENTATION OF ELIGIBILITY.—A member of*  
17          *the uniformed services applying for the special subsistence*  
18          *allowance under this section shall furnish the Secretary con-*  
19          *cerned with such evidence of the member’s eligibility for*  
20          *food stamp assistance as the Secretary may require in con-*  
21          *nection with the application.*

22          “(f) *AMOUNT OF ALLOWANCE.—The monthly amount*  
23          *of the special subsistence allowance under this section is*  
24          *\$180.*

1           “(g) *RELATIONSHIP TO BASIC ALLOWANCE FOR SUB-*  
2 *SISTENCE.*—*The special subsistence allowance under this*  
3 *section is in addition to the basic allowance for subsistence*  
4 *under section 402 of this title.*

5           “(h) *FOOD STAMP ASSISTANCE DEFINED.*—*In this sec-*  
6 *tion, the term ‘food stamp assistance’ means assistance*  
7 *under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).*

8           “(i) *TERMINATION OF AUTHORITY.*—*No special sub-*  
9 *sistence allowance may be made under this section for any*  
10 *month beginning after September 30, 2004.”.*

11           (2) *The table of sections at the beginning of such chap-*  
12 *ter is amended by inserting after the item relating to section*  
13 *402 the following:*

          “402a. *Special subsistence allowance.*”.

14           (b) *EFFECTIVE DATE.*—*Section 402a of title 37,*  
15 *United States Code, shall take effect on the first day of the*  
16 *first month that begins not less than 180 days after the date*  
17 *of the enactment of this Act.*

18           (c) *ANNUAL REPORT.*—(1) *Not later than March 1 of*  
19 *each year after 1999, the Secretary of Defense shall submit*  
20 *to Congress a report setting forth the number of members*  
21 *of the uniformed services who are eligible for assistance*  
22 *under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).*

23           (2) *In preparing the report, the Secretary shall consult*  
24 *with the Secretary of Transportation (with respect to the*  
25 *Coast Guard), the Secretary of Health and Human Services*

1 *(with respect to the commissioned corps of the Public Health*  
 2 *Service), and the Secretary of Commerce (with respect to*  
 3 *the commissioned officers of the National Oceanic and At-*  
 4 *mospheric Administration), who shall provide the Secretary*  
 5 *of Defense with any information that the Secretary deter-*  
 6 *mines necessary to prepare the report.*

7 *(3) No report is required under this section after*  
 8 *March 1, 2004.*

9 **TITLE II—RETIREMENT**  
 10 **BENEFITS**

11 **SEC. 201. RETIRED PAY OPTIONS FOR PERSONNEL ENTER-**  
 12 **ING UNIFORMED SERVICES ON OR AFTER AU-**  
 13 **GUST 1, 1986.**

14 *(a) REDUCED RETIRED PAY ONLY FOR MEMBERS*  
 15 *ELECTING 15-YEAR SERVICE BONUS.—(1) Paragraph (2)*  
 16 *of section 1409(b) of title 10, United States Code, is amend-*  
 17 *ed by inserting after “July 31, 1986,” the following: “has*  
 18 *elected to receive a bonus under section 318 of title 37,”.*

19 *(2)(A) Paragraph (2)(A) of section 1401a(b) of title*  
 20 *10, United States Code, is amended by striking “The Sec-*  
 21 *retary shall increase the retired pay of each member and*  
 22 *former member who first became a member of a uniformed*  
 23 *service before August 1, 1986,” and inserting “Except as*  
 24 *otherwise provided in this subsection, the Secretary shall*

1 *increase the retired pay of each member and former mem-*  
 2 *ber”.*

3 *(B) Paragraph (3) of such section 1401a(b) is amended*  
 4 *by inserting after “August 1, 1986,” the following: “and*  
 5 *has elected to receive a bonus under section 318 of title 37,”.*

6 *(3) Section 1410 of title 10, United States Code, is*  
 7 *amended by inserting after “August 1, 1986,” the following:*  
 8 *“who has elected to receive a bonus under section 318 of*  
 9 *title 37,”.*

10 *(b) OPTIONAL LUMP-SUM BONUS AT 15 YEARS OF*  
 11 *SERVICE.—(1) Chapter 5 of title 37, United States Code,*  
 12 *is amended by adding at the end the following new section:*  
 13 **“§318. Special pay: 15-year service bonus elected by**  
 14 **members entering on or after August 1,**  
 15 **1986**

16 *“(a) PAYMENT OF BONUS.—The Secretary concerned*  
 17 *shall pay a bonus to a member of a uniformed service who*  
 18 *is eligible and elects to receive the bonus under this section.*

19 *“(b) ELIGIBILITY FOR BONUS.—A member of a uni-*  
 20 *formed service serving on active duty is eligible to receive*  
 21 *a bonus under this section if the member—*

22 *“(1) first became a member of a uniformed serv-*  
 23 *ice on or after August 1, 1986;*

24 *“(2) has completed 15 years of active duty in the*  
 25 *uniformed services; and*

1           “(3) if not already obligated to remain on active  
2           duty for a period that would result in at least 20  
3           years of active-duty service, executes a written agree-  
4           ment (prescribed by the Secretary concerned) to re-  
5           main continuously on active duty for five years after  
6           the date of the completion of 15 years of active-duty  
7           service.

8           “(c) *ELECTION.*—(1) A member eligible to receive a  
9           bonus under this section may elect to receive the bonus. The  
10          election shall be made in such form and within such period  
11          as the Secretary concerned requires.

12          “(2) An election made under this subsection is irrev-  
13          ocable.

14          “(d) *NOTIFICATION OF ELIGIBILITY.*—The Secretary  
15          concerned shall transmit a written notification of the op-  
16          portunity to elect to receive a bonus under this section to  
17          each member who is eligible (or upon execution of an agree-  
18          ment described in subsection (b)(3), would be eligible) to  
19          receive the bonus. The Secretary shall complete the notifica-  
20          tion within 180 days after the date on which the member  
21          completes 15 years of active duty. The notification shall in-  
22          clude the procedures for electing to receive the bonus and  
23          an explanation of the effects under sections 1401a, 1409,  
24          and 1410 of title 10 that such an election has on the com-

1 *putation of any retired or retainer pay which the member*  
2 *may become eligible to receive.*

3       “(e) *FORM AND AMOUNT OF BONUS.*—*A bonus under*  
4 *this section shall be paid in one lump sum of \$30,000.*

5       “(f) *TIME FOR PAYMENT.*—*Payment of a bonus to a*  
6 *member electing to receive the bonus under this section shall*  
7 *be made not later than the first month that begins on or*  
8 *after the date that is 60 days after the Secretary concerned*  
9 *receives from the member an election that satisfies the re-*  
10 *quirements imposed under subsection (c).*

11       “(g) *REPAYMENT OF BONUS.*—(1) *If a person paid a*  
12 *bonus under this section fails to complete the total period*  
13 *of active duty specified in the agreement entered into under*  
14 *subsection (b)(3), the person shall refund to the United*  
15 *States the amount that bears the same ratio to the amount*  
16 *of the bonus payment as the unserved part of that total pe-*  
17 *riod bears to the total period.*

18       “(2) *Subject to paragraph (3), an obligation to reim-*  
19 *burse the United States imposed under paragraph (1) is*  
20 *for all purposes a debt owed to the United States.*

21       “(3) *The Secretary concerned may waive, in whole or*  
22 *in part, a refund required under paragraph (1) if the Sec-*  
23 *retary concerned determines that recovery would be against*  
24 *equity and good conscience or would be contrary to the best*  
25 *interests of the United States.*



1       “(4) A discharge in bankruptcy under title 11 that is  
2 entered less than five years after the termination of an  
3 agreement under this section does not discharge the member  
4 signing such agreement from a debt arising under the agree-  
5 ment or this subsection.”.

6       (2) The table of sections at the beginning of such chap-  
7 ter is amended by adding at the end the following new item:

“318. Special pay: 15-year service bonus elected by members entering on or after  
August 1, 1986.”.

8       (c) *CONFORMING AMENDMENTS TO SURVIVOR BENEFIT*  
9 *PLAN PROVISIONS.*—(1) Section 1451(h)(3) of title 10,  
10 United States Code, is amended by inserting “OF CERTAIN  
11 MEMBERS” after “RETIREMENT”.

12       (2) Section 1452(i) of such title is amended by striking  
13 “When the retired pay” and inserting “Whenever the retired  
14 pay”.

15       (d) *RELATED TECHNICAL AMENDMENTS.*—(1) Section  
16 1401a(b) of title 10, United States Code, is amended—

17           (A) by striking the heading for paragraph (1)  
18 and inserting “INCREASE REQUIRED.—”;

19           (B) by striking the heading for paragraph (2)  
20 and inserting “PERCENTAGE INCREASE.—”; and

21           (C) by striking the heading for paragraph (3)  
22 and inserting “REDUCED PERCENTAGE FOR CERTAIN  
23 POST-AUGUST 1, 1986 MEMBERS.—”.

1       (2) *Section 1409(b)(2) of title 10, United States Code,*  
 2 *is amended by inserting “CERTAIN” after “REDUCTION AP-*  
 3 *PLICABLE TO” in the paragraph heading.*

4       (3)(A) *The heading of section 1410 of such title is*  
 5 *amended by inserting “**certain**” before “**members**”.*

6       (B) *The item relating to such section in the table of*  
 7 *sections at the beginning of chapter 71 of title 10, United*  
 8 *States Code, is amended by inserting “certain” before*  
 9 *“members”.*

10 **SEC. 202. PARTICIPATION IN THRIFT SAVINGS PLAN.**

11       (a) *PARTICIPATION AUTHORITY.—(1)(A) Chapter 3 of*  
 12 *title 37, United States Code, is amended by adding at the*  
 13 *end the following:*

14 **“§211. Participation in Thrift Savings Plan**

15       “(a) *AUTHORITY.—A member of the uniformed services*  
 16 *serving on active duty for a period of more than 30 days*  
 17 *may participate in the Thrift Savings Plan in accordance*  
 18 *with section 8440e of title 5.*

19       “(b) *RULE OF CONSTRUCTION REGARDING SEPARA-*  
 20 *TION.—For the purposes of section 8440e of title 5, the fol-*  
 21 *lowing actions shall be considered separation of a member*  
 22 *of the uniformed services from Government employment:*

23               “(1) *Release of the member from active-duty*  
 24       *service (not followed by a resumption of active-duty*

1       *service within 30 days after the effective date of the*  
 2       *release).*

3               “(2) *Transfer of the member by the Secretary*  
 4       *concerned to a retired list maintained by the Sec-*  
 5       *retary.”.*

6       *(B) The table of sections at the beginning of such chap-*  
 7       *ter is amended by adding at the end the following:*

      “211. *Participation in Thrift Savings Plan.”.*

8               “(2)(A) *Subchapter III of chapter 84 of title 5, United*  
 9       *States Code, is amended by adding at the end the following:*

10       **“§8440e. *Members of the uniformed services on active***  
 11               ***duty***

12               “(a) *PARTICIPATION AUTHORIZED.—(1) A member of*  
 13       *the uniformed services authorized to participate in the*  
 14       *Thrift Savings Plan under section 211(a) of title 37 may*  
 15       *contribute to the Thrift Savings Fund.*

16               “(2) *An election to contribute to the Thrift Savings*  
 17       *Fund under paragraph (1) may be made only during a*  
 18       *period provided under section 8432(b) for individuals sub-*  
 19       *ject to this chapter.*

20               “(b) *APPLICABILITY OF THRIFT SAVINGS PLAN PROVI-*  
 21       *SIONS.—Except as otherwise provided in this section, the*  
 22       *provisions of this subchapter and subchapter VII of this*  
 23       *chapter shall apply with respect to members of the uni-*  
 24       *formed services making contributions to the Thrift Savings*

1 *Fund as if such members were employees within the mean-*  
2 *ing of section 8401(11).*

3       “(c) *MAXIMUM CONTRIBUTION FROM BASIC PAY.—*  
4 *The amount contributed by a member of the uniformed serv-*  
5 *ices for any pay period out of basic pay may not exceed*  
6 *5 percent of such member’s basic pay for such pay period.*

7       “(d) *OTHER MEMBER CONTRIBUTIONS.—A member of*  
8 *the uniformed services making contributions to the Thrift*  
9 *Savings Fund out of basic pay may also contribute (by di-*  
10 *rect transfer to the Fund) any part of any special or incen-*  
11 *tive pay that the member receives under section 308, 308a,*  
12 *308f, or 318 of title 37. No contribution made under this*  
13 *subsection shall be subject to, or taken into account for pur-*  
14 *poses of, the first sentence of section 8432(d), relating to*  
15 *the applicability of any limitation under section 415 of the*  
16 *Internal Revenue Code of 1986.*

17       “(e) *AGENCY CONTRIBUTIONS GENERALLY PROHIB-*  
18 *ITED.—Except as provided in section 211(c) of title 37, no*  
19 *contribution under section 8432(c) of this title may be made*  
20 *for the benefit of a member of the uniformed services making*  
21 *contributions to the Thrift Savings Fund under subsection*  
22 *(a).*

23       “(f) *BENEFITS AND ELECTIONS OF BENEFITS.—In ap-*  
24 *plying section 8433 to a member of the uniformed services*  
25 *who has an account balance in the Thrift Savings Fund—*

1           “(1) any reference in such section to separation  
2           from Government employment shall be construed to  
3           refer to an action described in section 211(b) of title  
4           37; and

5           “(2) the reference in section 8433(g)(1) to con-  
6           tributions made under section 8432(a) shall be treated  
7           as being a reference to contributions made to the  
8           Fund by the member, whether made under section  
9           8351, 8432(a), or this section.

10          “(g) BASIC PAY DEFINED.—For purposes of this sec-  
11          tion, the term ‘basic pay’ means basic pay that is payable  
12          under section 204 of title 37.”.

13          (B) The table of sections at the beginning of chapter  
14          84 of title 5, United States Code, is amended by adding  
15          after the item relating to section 8440d the following:

          “8440e. Members of the uniformed services on active duty.”.

16          (3) Section 8432b(b) of title 5, United States Code, is  
17          amended—

18                 (A) in paragraph (1), by striking “Each em-  
19                 ployee” and inserting “Except as provided in para-  
20                 graph (4), each employee”;

21                 (B) by redesignating paragraph (4) as para-  
22                 graph (5); and

23                 (C) by inserting after paragraph (3) the follow-  
24                 ing new paragraph (4):

1       “(4) No contribution may be made under this section  
2 for a period for which an employee made a contribution  
3 under section 8440e.”.

4       (4) Section 8473 of title 5, United States Code, is  
5 amended—

6           (A) in subsection (a), by striking “14 members”  
7 and inserting “15 members”; and

8           (B) in subsection (b)—

9               (i) by striking “14 members” and inserting  
10 “15 members”;

11               (ii) by striking “and” at the end of para-  
12 graph (8);

13               (iii) by striking the period at the end of  
14 paragraph (9) and inserting “; and”; and

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

16                   “(10) 1 shall be appointed to represent partici-  
17 pants (under section 8440e) who are members of the  
18 uniformed services.”.

19       (5) Paragraph (11) of section 8351(b) of title 5, United  
20 States Code, is redesignated as paragraph (8).

21       (b) *APPLICABILITY.*—The authority of members of the  
22 uniformed services to participate in the Thrift Savings  
23 Plan under section 211 of title 37, United States Code (as  
24 added by subsection (a)(1)), shall take effect on July 1,  
25 2000.

1       (c) *REGULATIONS.*—Not later than 180 days after the  
 2 date of the enactment of this Act, the Executive Director  
 3 appointed by the Federal Thrift Retirement Investment  
 4 Board shall issue regulations to implement section 8440e  
 5 of title 5, United States Code (as added by subsection  
 6 (a)(2)) and section 211 of title 37, United States Code (as  
 7 added by subsection (a)(1)).

8 **SEC. 203. SPECIAL RETENTION INITIATIVE.**

9       Section 211 of title 37, United States Code, as added  
 10 by section 202, is amended by adding at the end the follow-  
 11 ing:

12       “(c) *AGENCY CONTRIBUTIONS FOR RETENTION IN*  
 13 *CRITICAL SPECIALTIES.*—(1) *The Secretary concerned may*  
 14 *enter into an agreement with a member to make contribu-*  
 15 *tions to the Thrift Savings Fund for the benefit of the mem-*  
 16 *ber if the member—*

17               “(A) *is in a specialty designated by the Sec-*  
 18 *retary as critical to meet requirements (whether such*  
 19 *specialty is designated as critical to meet wartime or*  
 20 *peacetime requirements); and*

21               “(B) *commits in such agreement to continue to*  
 22 *serve on active duty in that specialty for a period of*  
 23 *six years.*

24       “(2) *Under any agreement entered into with a member*  
 25 *under paragraph (1), the Secretary shall make contribu-*

1 tions to the Fund for the benefit of the member for each  
 2 pay period of the 6-year period of the agreement for which  
 3 the member makes a contribution out of basic pay to the  
 4 Fund under this section. Paragraph (2) of section 8432(c)  
 5 applies to the Secretary's obligation to make contributions  
 6 under this paragraph, except that the reference in such  
 7 paragraph to contributions under paragraph (1) of such  
 8 section does not apply.”.

9 **TITLE III—MONTGOMERY GI**  
 10 **BILL BENEFITS**

11 **SEC. 301. INCREASE IN RATES OF EDUCATIONAL ASSIST-**  
 12 **ANCE FOR FULL-TIME EDUCATION.**

13 (a) *INCREASE.*—Section 3015 of title 38, United States  
 14 Code, is amended—

15 (1) in subsection (a)(1), by striking “\$528” and  
 16 inserting “\$600”; and

17 (2) in subsection (b)(1), by striking “\$429” and  
 18 inserting “\$488”.

19 (b) *EFFECTIVE DATE.*—The amendments made by sub-  
 20 section (a) shall take effect on October 1, 1999, and shall  
 21 apply with respect to educational assistance allowances  
 22 paid for months after September 1999. However, no adjust-  
 23 ment in rates of educational assistance shall be made under  
 24 subsection (g) of section 3015 of title 38, United States  
 25 Code, for fiscal year 2000.



1 **SEC. 302. TERMINATION OF REDUCTIONS OF BASIC PAY.**

2 (a) *REPEALS.*—(1) *Section 3011 of title 38, United*  
3 *States Code, is amended by striking subsection (b).*

4 (2) *Section 3012 of such title is amended by striking*  
5 *subsection (c).*

6 (3) *The amendments made by paragraphs (1) and (2)*  
7 *shall take effect on the date of the enactment of this Act*  
8 *and shall apply to individuals whose initial obligated pe-*  
9 *riod of active duty under section 3011 or 3012 of title 38,*  
10 *United States Code, as the case may be, begins on or after*  
11 *such date.*

12 (b) *TERMINATION OF REDUCTIONS IN PROGRESS.*—  
13 *Any reduction in the basic pay of an individual referred*  
14 *to in section 3011(b) of title 38, United States Code, by*  
15 *reason of such section 3011(b), or of any individual referred*  
16 *to in section 3012(c) of such title by reason of such section*  
17 *3012(c), as of the date of the enactment of this Act shall*  
18 *cease commencing with the first month beginning after such*  
19 *date, and any obligation of such individual under such sec-*  
20 *tion 3011(b) or 3012(c), as the case may be, as of the day*  
21 *before such date shall be deemed to be fully satisfied as of*  
22 *such date.*

23 (c) *CONFORMING AMENDMENT.*—*Section 3034(e)(1) of*  
24 *title 38, United States Code, is amended in the second sen-*  
25 *tence by striking “as soon as practicable” and all that fol-*

1 lows through “such additional times” and inserting “at  
2 such times”.

3 **SEC. 303. ACCELERATED PAYMENTS OF EDUCATIONAL AS-**  
4 **SISTANCE.**

5 Section 3014 of title 38, United States Code, is  
6 amended—

7 (1) by inserting “(a)” before “The Secretary  
8 shall pay”; and

9 (2) by adding at the end the following new sub-  
10 section (b):

11 “(b)(1) When the Secretary determines that it is ap-  
12 propriate to accelerate payments under the regulations pre-  
13 scribed pursuant to paragraph (6), the Secretary may make  
14 payments of basic educational assistance allowance under  
15 this subchapter on an accelerated basis.

16 “(2) The Secretary may pay a basic educational as-  
17 sistance allowance on an accelerated basis only to an indi-  
18 vidual entitled to payment of the allowance under this sub-  
19 chapter who has made a request for payment of the allow-  
20 ance on an accelerated basis.

21 “(3) In the event an adjustment under section 3015(g)  
22 of this title in the monthly rate of basic educational assist-  
23 ance will occur during a period for which a payment of  
24 an allowance is made on an accelerated basis under this  
25 subsection, the Secretary shall—

1           “(A) pay on an accelerated basis the amount the  
2           allowance otherwise payable under this subchapter for  
3           the period without regard to the adjustment under  
4           that section; and

5           “(B) pay on the date of the adjustment any ad-  
6           ditional amount of the allowance that is payable for  
7           the period as a result of the adjustment.

8           “(4) The entitlement to a basic educational assistance  
9           allowance under this subchapter of an individual who is  
10          paid an allowance on an accelerated basis under this sub-  
11          section shall be charged at a rate equal to one month for  
12          each month of the period covered by the accelerated payment  
13          of the allowance.

14          “(5) A basic educational assistance allowance shall be  
15          paid on an accelerated basis under this subsection as fol-  
16          lows:

17                 “(A) In the case of an allowance for a course  
18                 leading to a standard college degree, at the beginning  
19                 of the quarter, semester, or term of the course in a  
20                 lump-sum amount equivalent to the aggregate amount  
21                 of monthly allowance otherwise payable under this  
22                 subchapter for the quarter, semester, or term, as the  
23                 case may be, of the course.

24                 “(B) In the case of an allowance for a course  
25                 other than a course referred to in subparagraph (A)—

1           “(i) at the later of (I) the beginning of the  
2           course, or (II) a reasonable time after the request  
3           for payment by the individual concerned; and

4           “(ii) in any amount requested by the indi-  
5           vidual concerned up to the aggregate amount of  
6           monthly allowance otherwise payable under this  
7           subchapter for the period of the course.

8           “(6) The Secretary shall prescribe regulations for pur-  
9           poses of making payments of basic educational allowance  
10          on an accelerated basis under this subsection. Such regula-  
11          tions shall specify the circumstances under which acceler-  
12          ated payments should be made and include requirements  
13          relating to the request for, making and delivery of, and re-  
14          ceipt and use of such payments.”.

15   **SEC. 304. TRANSFER OF ENTITLEMENT TO EDUCATIONAL**  
16                                   **ASSISTANCE.**

17          (a) *AUTHORITY TO TRANSFER TO FAMILY MEMBER.*—  
18          Subchapter II of chapter 30 of title 38, United States Code,  
19          is amended by adding at the end the following new section:

20   **“§ 3020. Transfer of entitlement to basic educational**  
21                                   **assistance**

22          “(a) The Secretary may, for the purpose of enhancing  
23          recruiting and retention, and at the Secretary’s sole discre-  
24          tion, permit an individual entitled to educational assist-  
25          ance under this subchapter to elect to transfer such individ-

1 *ual's entitlement to such assistance, in whole or in part,*  
2 *to the individuals specified in subsection (b).*

3       “(b) *An individual's entitlement to educational assist-*  
4 *ance may be transferred when authorized under subsection*  
5 *(a) as follows:*

6               “(1) *To the individual's spouse.*

7               “(2) *To one or more of the individual's children.*

8               “(3) *To a combination of the individuals referred*  
9 *to in paragraphs (1) and (2).*

10       “(c)(1) *An individual electing to transfer an entitle-*  
11 *ment to educational assistance under this section shall—*

12               “(A) *designate the individual or individuals to*  
13 *whom such entitlement is being transferred and the*  
14 *percentage of such entitlement to be transferred to*  
15 *each such individual; and*

16               “(B) *specify the period for which the transfer*  
17 *shall be effective for each individual designated under*  
18 *subparagraph (A).*

19       “(2) *The aggregate amount of the entitlement transfer-*  
20 *able by an individual under this section may not exceed*  
21 *the aggregate amount of the entitlement of such individual*  
22 *to educational assistance under this subchapter.*

23       “(3) *An individual electing to transfer an entitlement*  
24 *under this section may elect to modify or revoke the transfer*  
25 *at any time before the use of the transferred entitlement.*

1 *An individual shall make the election by submitting written*  
2 *notice of such election to the Secretary.*

3       “(d)(1) *The use of any entitlement transferred under*  
4 *this section shall be charged against the entitlement of the*  
5 *individual making the transfer at the rate of one month*  
6 *for each month of transferred entitlement that is used.*

7       “(2) *Except as provided in paragraph (3), an individ-*  
8 *ual using entitlement transferred under this section shall*  
9 *be subject to the provisions of this chapter in such use as*  
10 *if such individual were entitled to the educational assist-*  
11 *ance covered by the transferred entitlement in the individ-*  
12 *ual’s own right.*

13       “(3) *Notwithstanding section 3031 of this title, a child*  
14 *shall complete the use of any entitlement transferred to the*  
15 *child under this section before the child attains the age of*  
16 *26 years.*

17       “(e) *In the event of an overpayment of educational as-*  
18 *sistance with respect to an individual to whom entitlement*  
19 *is transferred under this section, such individual and the*  
20 *individual making the transfer under this section shall be*  
21 *jointly and severally liable to the United States for the*  
22 *amount of the overpayment for purposes of section 3685 of*  
23 *this title.*

24       “(f) *The Secretary shall prescribe regulations for pur-*  
25 *poses of this section. Such regulations shall specify the man-*

1 *ner and effect of an election to modify or revoke a transfer*  
 2 *of entitlement under subsection (c)(3).”.*

3 (b) *CLERICAL AMENDMENT.—The table of sections at*  
 4 *the beginning of such chapter is amended by inserting after*  
 5 *the item relating to section 3019 the following new item:*  
 “3020. *Transfer of entitlement to basic educational assistance.”.*

6 ***TITLE IV—REPORT***

7 ***SEC. 401. ANNUAL REPORT ON EFFECTS OF INITIATIVES ON***  
 8 ***RECRUITMENT AND RETENTION.***

9 (a) *REQUIREMENT FOR REPORT.—On December 1 of*  
 10 *each year, the Secretary of Defense shall submit to Congress*  
 11 *a report that sets forth the Secretary’s assessment of the ef-*  
 12 *fects that the provisions of this Act and the amendments*  
 13 *made by the Act are having on recruitment and retention*  
 14 *of personnel for the Armed Forces.*

15 (b) *FIRST REPORT.—The first report under this sec-*  
 16 *tion shall be submitted not later than December 1, 2000.*