

106TH CONGRESS
1ST SESSION

S. 974

To authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 6, 1999

Mr. WARNER (for himself and Mr. LEVIN) (by request) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, 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 “National Defense Au-
5 thorization Act for Fiscal Years 2000 and 2001”.

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 2 **Subtitle A—Authorization of**
 3 **Appropriations**

4 **SEC. 101. ARMY.**

5 (a) AIRCRAFT.—Funds are hereby authorized to be
 6 appropriated for procurement of aircraft for the Army as
 7 follows:

- 8 (1) \$1,229,888,000 for fiscal year 2000.
 9 (2) \$1,311,751,000 for fiscal year 2001.

1 (b) MISSILES.—Funds are hereby authorized to be
2 appropriated for procurement of missiles for the Army as
3 follows:

4 (1) \$1,358,104,000 for fiscal year 2000.

5 (2) \$1,413,287,000 for fiscal year 2001.

6 (c) WEAPONS AND TRACKED COMBAT VEHICLES.—
7 Funds are hereby authorized to be appropriated for pro-
8 curement of weapons and tracked combat vehicles for the
9 Army as follows:

10 (1) \$1,416,765,000 for fiscal year 2000.

11 (2) \$1,499,762,000 for fiscal year 2001.

12 (d) AMMUNITION.—Funds are hereby authorized to
13 be appropriated for procurement of ammunition for the
14 Army as follows:

15 (1) \$1,140,816,000 for fiscal year 2000.

16 (2) \$1,256,928,000 for fiscal year 2001.

17 (e) OTHER PROCUREMENT.—Funds are hereby au-
18 thorized to be appropriated for procurement for ammuni-
19 tion for the Army as follows:

20 (1) \$3,423,870,000 for fiscal year 2000.

21 (2) \$4,050,455,000 for fiscal year 2001.

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

23 (a) AIRCRAFT.—Funds are hereby authorized to be
24 appropriated for procurement of aircraft for the Navy as
25 follows:

1 (1) \$8,228,655,000 for fiscal year 2000.

2 (2) \$8,010,880,000 for fiscal year 2001.

3 (b) WEAPONS.—Funds are hereby authorized to be
4 appropriated for procurement of weapons (including mis-
5 siles and torpedoes) for the Navy as follows:

6 (1) \$1,357,400,000 for fiscal year 2000.

7 (2) \$1,559,200,000 for fiscal year 2001.

8 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
9 are hereby authorized to be appropriated for ammunition
10 for the Navy and Marine Corps as follows:

11 (1) \$484,900,000 for fiscal year 2000.

12 (2) \$479,800,000 for fiscal year 2001.

13 (d) SHIPBUILDING AND CONVERSION.—Funds are
14 hereby authorized to be appropriated for shipbuilding and
15 conversion for the Navy as follows:

16 (1) \$6,678,454,000 for fiscal year 2000.

17 (2) \$12,225,660 for fiscal year 2001.

18 (e) OTHER PROCUREMENT, NAVY.—Funds are here-
19 by authorized to be appropriated for other procurement
20 for the Navy as follows:

21 (1) \$4,100,091,000 for fiscal year 2000.

22 (2) \$3,640,153,000 for fiscal year 2001.

23 (f) MARINE CORPS.—Funds are hereby authorized to
24 be appropriated for procurement for the Marine Corps as
25 follows:

1 (1) \$1,137,220,000 for fiscal year 2000.

2 (2) \$1,129,880,000 for fiscal year 2001.

3 **SEC. 103. AIR FORCE.**

4 (a) AIRCRAFT.—Funds are hereby authorized to be
5 appropriated for procurement of aircraft for the Air Force
6 as follows:

7 (1) \$9,302,086,000 for fiscal year 2000.

8 (2) \$9,923,117,000 for fiscal year 2001.

9 (b) MISSILES.—Funds are hereby authorized to be
10 appropriated for procurement of missiles for the Air Force
11 as follows:

12 (1) \$2,359,608,000 for fiscal year 2000.

13 (2) \$3,337,205,000 for fiscal year 2001.

14 (c) AMMUNITION.—Funds are hereby authorized to
15 be appropriated for ammunition for the Air Force as fol-
16 lows:

17 (1) \$419,537,000 for fiscal year 2000.

18 (2) \$648,324,000 for fiscal year 2001.

19 (d) OTHER PROCUREMENT.—Funds are hereby au-
20 thorized to be appropriated for other procurement for the
21 Air Force as follows:

22 (1) \$7,085,177,000 for fiscal year 2000.

23 (2) \$7,399,048,000 for fiscal year 2001.

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

2 Funds are hereby authorized to be appropriated for
3 Defense-wide procurement as follows:

4 (1) \$2,128,967,000 for fiscal year 2000.

5 (2) \$2,911,556,000 for fiscal year 2001.

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

7 Funds are hereby authorized to be appropriated for
8 the Inspector General of the Department of Defense as
9 follows:

10 (1) \$2,100,000 for fiscal year 2000.

11 (2) \$2,100,000 for fiscal year 2001.

12 **SEC. 106. DEFENSE HEALTH PROGRAM.**

13 Funds are hereby authorized to be appropriated for
14 procurement for carrying out health care programs,
15 projects, and activities of the Department of Defense as
16 follows:

17 (1) \$356,970,000 for fiscal year 2000.

18 (2) \$363,149,000 for fiscal year 2001.

19 **SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.**

20 Funds are hereby authorized to be appropriated for
21 the destruction of lethal chemical weapons in accordance
22 with section 1412 of the Department of Defense Author-
23 ization Act, 1986 (50 U.S.C. 1521) and the destruction
24 of chemical warfare of the United States that is not cov-
25 ered by section 1412 of such Act as follows:

26 (1) \$1,169,000,000 for fiscal year 2000.

1 (2) \$986,000,000 for fiscal year 2001.

2 **Subtitle B—Multi-Year Contract**
 3 **Authorization**

4 **SEC. 111. AUTHORIZATION OF APPROPRIATIONS.**

5 Multi-year contracts may be entered into accordance
 6 with section 2306 of title 10, United States Code, as fol-
 7 lows:

8 (1) For the Army:

9 (A) Longbow Apache Helicopter;

10 (B) Javelin Missile;

11 (C) MLRS Rocket Launcher;

12 (D) Abrams M1A2 Upgrade; and

13 (E) Bradley M2A3 Vehicle.

14 (2) For the Navy: F/A-18E/F Aircraft.

15 **TITLE II—RESEARCH, DEVELOP-**
 16 **MENT, TEST, AND EVALUA-**
 17 **TION**

18 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) FISCAL YEAR 2000.—Funds are hereby author-
 20 ized to be appropriated for fiscal year 2000 for the use
 21 of the Armed Forces for research, development, test, and
 22 evaluation, as follows:

23 (1) For the Army, \$4,426,194,000.

24 (2) For the Navy, \$7,984,016,000.

25 (3) For the Air Force, \$13,077,829,000.

1 (4) For Defense-wide activities,
2 \$8,887,180,000, of which—

3 (A) \$253,457,000 is authorized for the ac-
4 tivities of the Director, Test and Evaluation;
5 and

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

8 (b) FISCAL YEAR 2001.—Funds are hereby author-
9 ized to be appropriated for fiscal year 2001 for the use
10 of the Armed Forces for research, development, test, and
11 evaluation, as follows:

12 (1) For the Army, \$4,750,578,000.

13 (2) For the Navy, \$7,974,893,000.

14 (3) For the Air Force, \$12,756,201,000.

15 (4) For Defense-wide activities,
16 \$8,807,157,000, of which—

17 (A) \$253,523,000 is authorized for the ac-
18 tivities of the Director, Test and Evaluation;
19 and

20 (B) \$24,004,000 is authorized for the Di-
21 rector of Operational Test and Evaluation.

1 **TITLE III—OPERATION AND**
2 **MAINTENANCE**
3 **Authorization Of Appropriations**

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

5 (a) FISCAL YEAR \$2000.—Funds are hereby author-
6 ized to be appropriated for fiscal year 2000 for the use
7 of the Armed Forces of the United States and other activi-
8 ties and agencies of the Department of Defense, for ex-
9 penses, not otherwise provided for, for operation and
10 maintenance, in amounts as follows:

11 (1) For the Army, \$18,660,994,000.

12 (2) For the Navy, \$22,238,715,000.

13 (3) For the Marine Corps, \$2,558,929,000.

14 (4) For the Air Force, \$20,363,000.

15 (5) For Defense-wide activities,
16 \$11,419,233,000.

17 (6) For the Army Reserve, \$1,369,213,000.

18 (7) For the Naval Reserve, \$917,647,000.

19 (8) For the Marine Corps Reserve,
20 \$123,266,000.

21 (9) For the Air Force Reserve, \$1,728,437,000.

22 (10) For the Army National Guard,
23 \$2,903,549,000.

24 (11) For the Air National Guard,
25 \$3,099,618,000.

1 (12) For the Defense Inspector General,
2 \$138,744,000.

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

5 (14) For Environmental Restoration, Army,
6 \$378,170,000.

7 (15) For Environmental Restoration, Navy,
8 \$284,000,000.

9 (16) For Environmental Restoration, Air Force,
10 \$376,800,000.

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

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

15 (19) For Overseas Humanitarian, Disaster, and
16 Civic Aid, \$55,800,000.

17 (20) For Drug Interdiction and Counter-drug
18 Activities, Defense-wide, \$788,100,000.

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

22 (22) For the Defense Health Program,
23 \$10,477,687,000.

24 (23) For Cooperative Threat Reduction Pro-
25 grams, \$475,500,000.

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

3 (25) For Quality of Life Enhancements, De-
4 fense, \$1,845,370,000.

5 (b) FISCAL YEAR 2001.—Funds are hereby author-
6 ized to be appropriated for fiscal year 2001 for the use
7 of the Armed Forces of the United States and other activi-
8 ties and agencies of the Department of Defense, for ex-
9 penses, not otherwise provided for, for operation and
10 maintenance, in amounts as follows:

11 (1) For the Army, \$19,198,842,000.

12 (2) For the Navy, \$22,392,156,000.

13 (3) For the Marine Corps, \$2,694,578,000.

14 (4) For the Air Force, \$21,917,426,000.

15 (5) For the Defense Agencies,
16 \$11,421,023,000.

17 (6) For the Army Reserve, \$1,481,540,000.

18 (7) For the Naval Reserve, \$888,701,000.

19 (8) For the Marine Corps Reserve,
20 \$129,890,000.

21 (9) For the Air Force Reserve, \$1,784,073,000.

22 (10) For the Army National Guard,
23 \$3,042,568,000.

24 (11) For the Air National Guard,
25 \$3,251,166,000.

1 (12) For the Defense Inspector General,
2 \$144,375,000.

3 (13) For the United States Court of Appeals
4 for the Armed Forces, \$7,894,000.

5 (14) For Environmental Restoration, Army,
6 \$382,890,000.

7 (15) For Environmental Restoration, Navy,
8 \$296,000,000.

9 (16) For Environmental Restoration, Air Force,
10 \$379,300,000.

11 (17) For Environmental Restoration, Defense-
12 wide, \$187,499,000.

13 (18) For Environmental Restoration, Formerly
14 Used Defense Sites, \$187,499,000.

15 (19) For Overseas Humanitarian, Disaster, and
16 Civic Aid, \$64,900,000.

17 (20) For Drug Interdiction and Counter-drug
18 Activities, Defense-wide, \$769,600,000.

19 (21) For the Defense Health Program,
20 \$10,908,030,000.

21 (22) For Cooperative Threat Reduction Pro-
22 grams, \$501,000,000.

23 (23) For the Overseas Contingency Operations
24 Transfer Fund, \$1,295,000,000.

1 **SEC. 302. WORKING CAPITAL FUNDS.**

2 (a) FISCAL YEAR 2000.—Funds are hereby author-
3 ized to be appropriated for fiscal year 2000 for the use
4 of the Armed Forces of the United States and other activi-
5 ties and agencies of the Department of Defense for pro-
6 viding capital for working capital and revolving funds in
7 amounts as follows:

8 (1) For the Defense Working Capital Funds,
9 \$90,344,000.

10 (2) For the National Defense Sealift Fund,
11 \$354,700,000.

12 (b) FISCAL YEAR 2001.—Funds are hereby author-
13 ized to be appropriated for fiscal year 2001 for the use
14 of the Armed Forces of the United States and other activi-
15 ties and agencies of the Department of Defense for pro-
16 viding capital for working capital and revolving funds, in
17 amounts as follows:

18 (1) For the Defense Working Capital Funds,
19 \$390,408,000.

20 (2) For the National Defense Sealift Fund,
21 \$377,600,000.

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

23 There is hereby authorized to be appropriated from
24 the Armed Forces Retirement Home Trust Fund for the
25 operation of the Armed Forces Retirement Home, includ-

1 ing the United States Soldiers' and Airmen's Home and
2 the Naval Home, as follows:

3 (1) \$68,295,000 for fiscal year 2000.

4 (2) \$68,000,000 for fiscal year 2001.

5 **SEC. 304. TRANSFER FROM THE NATIONAL DEFENSE**
6 **STOCKPILE TRANSACTION FUND.**

7 (a) **TRANSFER AUTHORITY.**—To the extent provided
8 in appropriations Acts:

9 (1) Not more than \$150,000,000 is authorized
10 to be transferred from the National Defense Stock-
11 pile Transaction Fund to operation and maintenance
12 accounts for fiscal year 2000 in amounts as follows:

13 (A) For the Army, \$50,000,000.

14 (B) For the Navy, \$50,000,000.

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

16 (2) Revenue over \$393,500,000 from Fiscal
17 Year 2000 National Defense Stockpile Sales is au-
18 thorized to be transferred from the National Defense
19 Stockpile Transaction Fund to Defense Working
20 Capital Funds to finance the cost of operations of
21 the Defense Reutilization and Marketing Service.

22 (b) **TREATMENT OF TRANSFERS.**—Amounts trans-
23 ferred under this section—

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

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

7 **SEC. 305. AUTHORITY TO FUND INSPECTOR EXPENSES**
8 **FROM THE ORGANIZATION FOR THE PROHI-**
9 **BITION OF CHEMICAL WEAPONS.**

10 (a) IN GENERAL.—Subchapter II of chapter 138,
11 title 10, United States Code, is amended by adding at the
12 end the following new section:

13 **“§ 23501. Expenses of inspectors from the Organiza-**
14 **tion for the Prohibition of Chemical**
15 **Weapons**

16 “(a) The Secretary of Defense, subject to subsection
17 (b), may pay the expenses of international inspectors from
18 the Technical Secretariat of the Organization for the Pro-
19 hibition of Chemical Weapons.

20 “(b) For expenses to qualify under subsection (a),
21 they must be related to the conduct of the inspection and
22 continuous monitoring of Department of Defense sites (in-
23 cluding United States Government contractor and former
24 contractor sites) performed under the Chemical Weapons
25 Convention. Such expenses may include the following:

1 “(1) salary costs for performance of inspection
2 and monitoring duties;

3 “(2) travel, to include travel to and from the
4 point of entry into the United States and internal
5 United States travel;

6 “(3) per diem, not to exceed United Nations
7 rates and to be in compliance with United Nations
8 conditions for per diem for that organization; and

9 “(4) expenses for operations and maintenance
10 of inspection and monitoring equipment.

11 “(c) The Secretary of Defense may pay the expenses
12 authorized under this section in advance and may pay
13 such expenses on a calendar year basis.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 for such subchapter II is amended by adding at the end
16 the following new item:

 “23501. Expenses of inspectors from the Organization for the Prohibition of
 Chemical Weapons.”.

17 **TITLE IV—PERSONNEL**
18 **AUTHORIZATIONS**
19 **Subtitle A—Active Forces**

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

21 (a) FISCAL YEAR 2000.—The Armed Forces are au-
22 thorized strengths for active duty personnel as of Sep-
23 tember 30, 2000, as follows:

24 (1) The Army, 480,000.

1 (2) The Navy, 371,781.

2 (3) The Marine Corps, 172,148.

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

4 (b) FISCAL YEAR 2001.—The Armed Forces are au-
5 thORIZED strengths for active duty personnel as of Sep-
6 tember 30, 2001, as follows:

7 (1) The Army, 480,000.

8 (2) The Navy, 371,299.

9 (3) The Marine Corps, 171,989.

10 (4) The Air Force, 354,366.

11 **Subtitle B—Reserve Forces**

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

13 (a) FISCAL YEAR 2000.—The Armed Forces are au-
14 thORIZED strengths for Selected Reserve personnel of the
15 Reserve components as of September 30, 2000, as follows:

16 (1) The Army National Guard of the United
17 States, 350,000.

18 (2) The Army Reserve, 205,000.

19 (3) The Naval Reserve, 90,288.

20 (4) The Marine Corps Reserve, 39,624.

21 (5) The Air National Guard of the United
22 States, 106,678.

23 (6) The Air Force Reserve, 73,708.

24 (7) The Coast Guard Reserve, 7,600.

1 (b) FISCAL YEAR 2001.—The Armed Forces are au-
2 thorized strengths for Selected Reserve personnel of the
3 Reserve components as of September 30, 2001, as follows:

4 (1) The Army National Guard of the United
5 States, 350,000.

6 (2) The Army Reserve, 205,000.

7 (3) The Naval Reserve, 89,594.

8 (4) The Marine Corps Reserve, 39,467.

9 (5) The Air National Guard of the United
10 States, 106,663.

11 (6) The Air Force Reserve, 73,932.

12 (7) The Coast Guard Reserve, 7,600.

13 (c) WAIVER AUTHORITY.—The Secretary of Defense
14 may vary the end strength authorized by subsection (a)
15 or subsection (b) by not more than 2 percent.

16 (d) ADJUSTMENTS.—The end strengths prescribed by
17 subsection (a) or (b) for the Selected Reserve of any Re-
18 serve component shall be proportionately reduced by—

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

23 (2) the total number of individual members not
24 in units organized to serve as units of the Selected
25 Reserve of such component who are on active duty

1 (other than for training or for unsatisfactory partici-
2 pation in training) without their consent at the end
3 of the fiscal year.

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

10 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
11 **DUTY IN SUPPORT OF THE RESERVES.**

12 (a) FISCAL YEAR 2000.—Within the end strengths
13 prescribed in section 411(a), the Reserve components of
14 the Armed Forces are authorized, as of September 30,
15 2000, the following number of Reserves to be serving on
16 full-time active duty or full-time duty, in the case of mem-
17 bers of the National Guard, for the purpose of organizing,
18 administering, recruiting, instructing, or training the Re-
19 serve components:

20 (1) The Army National Guard of the United
21 States, 21,807.

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

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

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

1 (5) The Air National Guard of the United
2 States, 11,091.

3 (6) The Air Force Reserve, 1,078.

4 (b) FISCAL YEAR 2001.—Within the end strengths
5 prescribed in section 411(b), the Reserve components of
6 the Armed Forces are authorized, as of September 30,
7 2001, the following number of Reserves to be serving on
8 full-time active duty or full-time duty, in the case of mem-
9 bers of the National Guard, for the purpose of organizing,
10 administering, recruiting, instructing, or training the Re-
11 serve components:

12 (1) The Army National Guard of the United
13 States, 21,807.

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

15 (3) The Naval Reserve, 14,769.

16 (4) The Marine Corps Reserve, 2,203.

17 (5) The Air National Guard of the United
18 States, 11,041.

19 (6) The Air Force Reserve, 1,078.

20 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
21 **(DUAL STATUS).**

22 (A) FISCAL YEAR 2000.—The minimum number of
23 military technicians (dual status) as of the last day of fis-
24 cal year 2000 for the Reserve components of the Army

1 and the Air Force (notwithstanding section 129 of title
2 10, United States Code) shall be the following:

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

4 (2) For the Army National Guard of the United
5 States, 21,361.

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

7 (4) For the Air National Guard of the United
8 States, 22,247.

9 (b) FISCAL YEAR 2001.—The minimum number of
10 military technicians (dual status) as of the last day of fis-
11 cal year 2001 for the Reserve components of the Army
12 and the Air Force (notwithstanding section 129 of title
13 10, United States Code) shall be the following:

14 (1) For the Army Reserve, 5,344.

15 (2) For the Army National Guard of the United
16 States, 21,465.

17 (3) For the Air Force Reserve, 9,703.

18 (4) For the Air National Guard of the United
19 States, 22,137.

20 **SEC. 414. END STRENGTHS FOR MILITARY TECHNICIANS**
21 **(NON-DUAL STATUS)**

22 (a) FISCAL YEAR 2000.—The Reserve components of
23 the Army and the Air Force are authorized a maximum
24 strength for non-dual status technicians as of September
25 30, 2000, as follows:

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

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

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

5 (4) For the Air National Guard of the United
6 States, 342.

7 (b) FISCAL YEAR 2001.—The Reserve components of
8 the Army and the Air Force are authorized a maximum
9 strength for non-dual status technicians as of September
10 30, 2001, as follows:

11 (1) For the Army Reserve, 1,100.

12 (2) For the Army National Guard of the United
13 States, 1,636.

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

15 (4) For the Air National Guard of the United
16 States, 342.

17 **SEC. 415. INCREASE IN NUMBER OF MEMBERS IN CERTAIN**
18 **GRADES AUTHORIZED TO SERVE ON ACTIVE**
19 **DUTY IN SUPPORT OF THE RESERVES.**

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

“Grade	Army	Navy	Air Force	Marine Corps
Major or lieutenant commander	3,219	1,071	843	140
Lieutenant colonel or commander ...	1,595	520	746	90
Colonel or Navy captain	471	188	297	30

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

“Grade	Army	Navy	Air Force	Marine Corps
E-9	645	202	403	20
E-8	2,585	429	1,029	94

4 **Subtitle C—End and Grade**
 5 **Strength Management**

6 **SEC. 416. PERMANENT STRENGTH LEVELS TO SUPPORT**
 7 **TWO MAJOR REGIONAL CONTINGENCIES.**

8 Section 691(c), title 10, United States Code, that re-
 9 quires the Armed Forces to fund military end strength at
 10 a minimum level as described in subsection 691(b), is
 11 amended to read as follows:

12 “(c) No funds appropriated to the Department of De-
 13 fense may be used to implement a reduction of the active
 14 duty end strength for any of the armed forces for any fis-
 15 cal year below the level specified in subsection (b) unless
 16 the Secretary of Defense submits to Congress notice of
 17 the proposed lower end strength levels and a justification
 18 for those levels. This justification can be submitted con-
 19 current with annual budget submissions.”.

1 **SEC. 417. PERMANENT SELECTED RESERVE END**
2 **STRENGTH WAIVER AUTHORITY.**

3 Section 115(e) of title 10, United States Code, is
4 amended—

5 (1) by striking “and” at the end of paragraph
6 (1);

7 (2) by striking the period at the end of para-
8 graph (2) and inserting in lieu thereof “; and” and;

9 (3) by adding at the end the following new
10 paragraph:

11 “(3) increase the end strength authorized pur-
12 suant to section (a)(2) for a fiscal year for any of
13 the armed forces by a number equal to not more
14 than 2 percent of that end strength.”.

15 **SEC. 418. SENIOR JOINT OFFICER POSITIONS EXEMPTED**
16 **FROM NUMERICAL LIMITATIONS; PERMA-**
17 **NENT AUTHORITIES.**

18 (a) **PERMANENT EXEMPTION AUTHORITY.**—Para-
19 graph (5) of section 525(b) of title 10, United States
20 Code, is amended by striking subparagraph (C).

21 (b) **PERMANENT REQUIREMENT FOR MILITARY DE-**
22 **PARTMENT SUBMISSIONS FOR CERTAIN JOINT DUTY.**—
23 Section 604 of such title 10 is amended by striking sub-
24 section (c).

1 **SEC. 419. AIR FORCE OFFICER AUTHORIZATIONS.**

2 Section 525 of title 10, United States Code, is
3 amended by adding the following new subsection:

4 “(e)(1) At any time that an officer of an armed force
5 other than the Air Force fills the position of Commander
6 in Chief, United States Transportation Command, an offi-
7 cer while filling the position of Commander, Air Mobility
8 Command, if serving in the grade of general, is in addition
9 to the number that would otherwise be permitted for the
10 Air Force for officers serving on active duty in grades
11 above major general under subsection (b)(1).

12 “(2) At any time that an officer of an armed force
13 other than the Air Force fills the position of Commander
14 in Chief, United States Space Command, an officer while
15 filling the position of Commander, Air Force Space Com-
16 mand, if serving in the grade of general, is in addition
17 to the number that would otherwise be permitted for the
18 Air Force for officers serving on active duty in the grades
19 above major general under subsection (b)(1).”.

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

5 **SEC. 501. OFFICERS ELIGIBLE TO SERVE ON BOARDS OF IN-**
6 **QUIRY.**

7 (a) AUTHORIZATION FOR ACTIVE DUTY OFFICERS IN
8 PAY GRADES OF LIEUTENANT COLONEL OR COMMANDER
9 TO SERVE ON BOARDS OF INQUIRY.—Section 1178(a)(2),
10 of title 10, United States Code, is amended—

11 (1) by striking from the first sentence “in a
12 grade above lieutenant colonel or commander”; and

13 (2) by inserting, immediately after the first sen-
14 tence, the following two sentences: “Further, at least
15 one member of a board must be in a grade above
16 lieutenant colonel or commander. The remaining
17 members of the board must be in a grade above
18 major or lieutenant commander.”.

19 (b) AUTHORIZATION FOR RETIRED OFFICERS IN PAY
20 GRADES OF LIEUTENANT COLONEL OR COMMANDER TO
21 SERVE ON BOARDS OF INQUIRY.—Section 1187(a)(3) of
22 title 10, United States Code, is amended—

23 (1) by striking from the first sentence, “above
24 lieutenant colonel or commander and whose retired
25 grade is”; and

1 (2) by inserting, immediately after the first sen-
2 tence, the following two sentences: “Further, at least
3 one member of a board must be in a grade above
4 lieutenant colonel or commander. The remaining
5 members of a board must be in a grade above major
6 or lieutenant commander.”.

7 (c) AUTHORIZATION FOR OFFICERS IN PAY GRADES
8 OF LIEUTENANT COLONEL OR COMMANDER TO SERVE
9 ON BOARDS OF INQUIRY CONVENEED UNDER CHAPTER
10 1411 OF TITLE 10.—Section 14906(a)(2) of title 10,
11 United States Code, is amended—

12 (1) by striking from the first sentence “holds a
13 grade above lieutenant colonel or commander and”;
14 and

15 (2) by inserting, immediately after the first sen-
16 tence, the following two sentences: “Further, at least
17 one member of a board must be in a grade above
18 lieutenant colonel or commander. The remaining
19 members of the board must be in a grade above
20 major or lieutenant commander.”.

1 **SEC. 502. CLARIFICATION OF SELECTION PROCEDURES**
2 **FOR THE JUDGE ADVOCATES GENERAL AND**
3 **THE ASSISTANT/DEPUTY JUDGE ADVOCATES**
4 **GENERAL OF THE MILITARY DEPARTMENTS**
5 **AND THE STAFF JUDGE ADVOCATE TO THE**
6 **COMMANDANT TO THE MARINE CORPS.**

7 (a) ARMY.—Section 3037(d) of title 10, United
8 States Code, is amended by adding at the end the fol-
9 lowing new sentence: “The Secretary of the Army shall
10 specify the number of officers, not fewer than three nor
11 more than five for each position to be filled, to be rec-
12 ommended.”.

13 (b) NAVY.—

14 (1) THE JUDGE ADVOCATE GENERAL.—Section
15 5148(e) of such title 10 is amended by adding at the
16 end the following new sentence: “The Secretary of
17 the Navy shall specify the number of officers, not
18 fewer than three nor more than five for each posi-
19 tion to be filled, to be recommended.”.

20 (2) THE DEPUTY JUDGE ADVOCATE GEN-
21 ERAL.—Section 5149(a)(2) of such title 10 is
22 amended by adding at the end the following new
23 sentence: “The Secretary of the Navy shall specify
24 the number of officers, not fewer than three nor
25 more than five for each position to be filled, to be
26 recommended.”.

1 Secretary concerned may delay the separation or retire-
 2 ment of the Reserve officer under the provisions of this
 3 chapter until the completion of the disciplinary action
 4 under the provisions of chapter 47 of this title.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
 6 at the beginning of such chapter 1407 is amended by add-
 7 ing at the end:

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

8 **SEC. 511. AUTHORITY TO ORDER RESERVE COMPONENT**
 9 **MEMBERS TO ACTIVE DUTY TO COMPLETE A**
 10 **MEDICAL EVALUATION.**

11 Section 12301 of title 10, United States Code, is
 12 amended by adding at the end the following new sub-
 13 section:

14 “(h) When authorized by the Secretary of Defense,
 15 a Secretary concerned may order a member of a reserve
 16 component to active duty, with the consent of that mem-
 17 ber, to complete a required Department of Defense health
 18 care study, to include an associated medical evaluation of
 19 the member. A member ordered to active duty under this
 20 subsection may be retained with the member’s consent,
 21 when the Secretary concerned deems it appropriate, for
 22 medical treatment for a condition associated with such
 23 study or evaluation, provided such treatment of the mem-
 24 ber otherwise is authorized by law. A member of the Army

1 National Guard of the United States or of the Air Na-
2 tional Guard of the United States may not be ordered to
3 active duty under this subsection without the consent of
4 the governor or other appropriate authority of the State
5 concerned.”.

6 **SEC. 512. ELIGIBILITY FOR CONSIDERATION FOR PRO-**
7 **MOTION: GENERAL RULES.**

8 (a) AMENDMENT.—Section 14301 of title 10, United
9 States Code, is amended by adding the following new sub-
10 section at the end:

11 “(h) OFFICERS ON EDUCATIONAL DELAY.—A Re-
12 serve officer serving in an educational delay status for the
13 purpose of attending an approved institution of higher
14 education for advanced training, subsidized by the military
15 department concerned in the form of a scholarship or sti-
16 pend, is ineligible for consideration for promotion while
17 in such status. The officer shall remain on the reserve ac-
18 tive status list of the military department concerned while
19 in such an educational delay status.”.

20 (b) RETROACTIVE EFFECT.—The Secretary con-
21 cerned, upon a proper application, shall expunge from the
22 record of any officer a non-selection for promotion if the
23 non selection occurred during a period the officer was
24 serving in an educational delay status that occurred be-

1 tween the first day of October 1996 and the effective date
2 of this Act.

3 **SEC. 513. RETENTION OF CERTAIN RESERVE COMPONENT**
4 **OFFICERS WHO TWICE FAILED SELECTION**
5 **FOR PROMOTION.**

6 Section 14506 of title 10, United States Code, is
7 amended to read as follows:

8 “Unless retained as provided in section 12646,
9 12686, 14701, or 14702 of this title, each reserve officer
10 of the Army, Navy, Air Force, or Marine Corps who holds
11 the grade of major or lieutenant commander who has
12 failed of selection to the next higher grade for the second
13 time and whose name is not on a list of officers rec-
14 ommended for promotion to the next higher grade shall,
15 if not earlier removed from the reserve status list, be re-
16 moved from that list in accordance with section 14513 of
17 this title on the later of—

18 “(1) the first day of the month after the month
19 in which the officer completes 20 years of commis-
20 sioned service, or

21 “(2) the first day of the seventh month after
22 the month in which the President approves the re-
23 port of the board which considered the officer for
24 the second time.”.

1 **SEC. 514. COMPUTATION OF YEARS OF SERVICE EXCLU-**
2 **SION.**

3 Section 14706 of title 10, United States Code, is
4 amended to read as follows:

5 “For the purpose of this chapter and chapter 1407
6 of this title, a reserve officer’s years of service include all
7 service of the officer as a commissioned officer of any uni-
8 formed service other than—

9 “(1) service as a warrant officer;

10 “(2) constructive service; and

11 “(3) service after appointment as a commis-
12 sioned officer of a reserve component while in a pro-
13 gram of advanced education to obtain the first pro-
14 fessional degree required for appointment, designa-
15 tion, or assignment as an officer in the Medical
16 Corps, the Dental Corps, the Veterinary Corps, the
17 Medical Service Corps, the Nurse Corps, the Army
18 Medical Specialists Corps, or an officer designated
19 as a chaplain or judge advocate, provided such serv-
20 ice occurs before the officer commences initial serv-
21 ice on active duty or initial service in the Ready Re-
22 serve in the specialty that results from such a de-
23 gree.

24 This exclusion does not apply to service performed by an
25 officer who previously served on active duty or participated

1 as a member of the Ready Reserve in other than a student
2 status.”.

3 **SEC. 515. AUTHORITY TO RETAIN RESERVE COMPONENT**
4 **CHAPLAINS UNTIL AGE 67.**

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

9 **SEC. 516. SPACE REQUIRED TRAVEL FOR RESERVES; EX-**
10 **PANSION AND CODIFICATION.**

11 (a) CODIFICATION.—Section 8023 of such Depart-
12 ment of Defense Appropriations Act, 1999 is codified by
13 amending chapter 1209 of title 10 to add at the end the
14 following new section 12323:

15 **“§ 12323. Space required travel for reserves**

16 “A member of a reserve component is authorized to
17 travel in a space required status on aircraft of the Armed
18 Forces between home and place of inactive duty training,
19 or place of duty in lieu of unit training assembly, when
20 there is no road or railroad transportation (or combination
21 of road and railroad transportation) between those loca-
22 tions: *Provided*, That a member traveling in that status
23 on a military aircraft pursuant to the authority provided
24 in this section is not authorized to receive travel, transpor-

1 tation, or per diem allowances in connection with that
2 travel.”.

3 (b) CLERICAL.—The table of sections for Chapter
4 1209 of such title 10 is amended by adding after the item
5 relating to section 12222 the following new item:

“12323. Space required travel for reserves.”.

6 **SEC. 517. CONFORMING AMENDMENT TO AUTHORIZE RE-**
7 **SERVE OFFICERS AND RETIRED REGULAR**
8 **OFFICERS TO HOLD A CIVIL OFFICE WHILE**
9 **SERVING ON ACTIVE DUTY FOR NOT MORE**
10 **THAN 270 DAYS.**

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

13 (1) in subparagraph (B), by striking “180
14 days” and inserting in lieu thereof “270 days”; and

15 (2) in subparagraph (C), by striking “180
16 days” and inserting in lieu thereof “270 days”.

17 **SEC. 518. CLERICAL AMENDMENT RELATING TO RETIRED**
18 **PAY FOR NON REGULAR SERVICE.**

19 Section 1370(d)(1) of title 10, United States Code,
20 is amended by striking “chapter 1225” and inserting in
21 lieu thereof “chapter 1223”.

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

3 **SEC. 520. TO MAKE PERMANENT THE EXPANSION OF ROTC**
4 **PROGRAM TO INCLUDE GRADUATE STU-**
5 **DENTS.**

6 (a) MAKING PERMANENT THE ROTC GRADUATE
7 PROGRAM.—Section 2107(c)(2) of title 10, United States
8 Code, is amended to read as follows:

9 “(2) The Secretary concerned may provide financial
10 assistance, as described in paragraph (1), to a student en-
11 rolled in an advanced education program beyond the bac-
12 calaureate degree level provided the student also is a cadet
13 or midshipman in an advanced training program. Not
14 more than 15 percent of the total number of scholarships
15 awarded under this section in any year may be awarded
16 under the program.”.

17 (b) AUTHORITY TO ENROLL IN ADVANCED TRAINING
18 PROGRAM.—Section 2101(3) of title 10, United States
19 Code, a definition for “advanced training,” is amended by
20 inserting “students enrolled in an advanced education pro-
21 gram beyond the baccalaureate degree level or to” after
22 “instruction offered in the Senior Reserve Officers’ Train-
23 ing Corps to”.

1 **SEC. 521. CORRECTION OF RESERVE CREDIT FOR PARTICI-**
2 **PATION IN HEALTH PROFESSIONAL SCHOL-**
3 **ARSHIP AND FINANCIAL ASSISTANCE PRO-**
4 **GRAM.**

5 Section 2126(b) of title 10, United States Code, is
6 amended—

7 (1) by revising paragraph (2) to read as follows:

8 “(2) Service credited under paragraph (1)
9 counts only for the award of retirement points for
10 computation of years of service under section 12732
11 of this title and for computation of retired pay under
12 section 12733 of this title.”;

13 (2) in paragraph (3) by striking “paragraph
14 (2)(A), a member” and inserting in lieu thereof
15 “paragraph (2), a member who completes a satisfac-
16 tory year of service in the Selected Reserve”;

17 (3) by redesignating paragraph (5) as para-
18 graph (6); and

19 (4) by inserting after paragraph (4) the fol-
20 lowing new paragraph (5):

21 “(5) A member of the Selected Reserve who is
22 awarded points or service credit under this sub-
23 section shall not be considered to have been in an
24 active status, by reason of the award of the points
25 or credit, while pursuing a course of study under
26 this subchapter for purposes of any provision of law

1 other than sections 12732(a) and 12733(3) of this
2 title.”.

3 **SEC. 522. PAYMENT OF TUITION FOR OFF-DUTY TRAINING**
4 **OR EDUCATION.**

5 Section 1745 of title 10, United States Code, is
6 amended by adding at the end the following new sentence:
7 “Notwithstanding the 75% limitation of section 2007(a)
8 of this title, such tuition reimbursement and training au-
9 thorized by this section may be for the full amount of tui-
10 tion expenses and training incurred.”.

11 **SEC. 523. DEAN OF ACADEMIC BOARD, UNITED STATES**
12 **MILITARY ACADEMY AND DEAN OF THE FAC-**
13 **ULTY; UNITED STATES AIR FORCE ACADEMY.**

14 (a) DEAN OF THE ACADEMIC BOARD, USMA.—Sec-
15 tion 4335(b) of title 10, United States Code, is amended
16 by adding at the end the following sentence: “When the
17 position is filled by an officer of the Army, the Dean has
18 the grade of brigadier general while serving as such, with
19 the benefits authorized for regular brigadier generals of
20 the Army, if appointed to that grade by the President,
21 by and with the advice and consent of the Senate. How-
22 ever, the retirement age of an officer so appointed is that
23 of a permanent professor of the Academy.”.

24 (b) DEAN OF THE FACULTY, USAFA.—Section 9335
25 of title 10, United States Code, is amended as follows:

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:

“4319. United States Army War College: master of strategic studies degree.”.

4 **SEC. 525. MINIMUM EDUCATION REQUIREMENTS FOR COM-**
 5 **MUNITY COLLEGE OF THE AIR FORCE FAC-**
 6 **ULTY.**

7 Section 9315 of title 10, United States Code, is
 8 amended by adding at the end the following new sub-
 9 section:

10 “(d) Notwithstanding section 3308 of title 5, United
 11 States Code, or any other provision of law, the commander
 12 of the Air Education and Training Command may estab-
 13 lish minimum requirements relating to education for Com-
 14 munity College of the Air Force professors and instruc-
 15 tors. Such requirements shall be at a level that complies
 16 with established accreditation standards.”.

17 **SEC. 526. AIR UNIVERSITY: GRADUATE-LEVEL DEGREES.**

18 (a) IN GENERAL.—Section 9317(a) of title 10,
 19 United States Code, is amended to read as follows:

20 “(a) AUTHORITY.—Upon recommendation of the fac-
 21 ulty of the appropriate school, the Commander of the Air
 22 University may confer the degrees of—

23 “(1) master of strategic studies upon graduates
 24 of the Air War College who fulfill the requirements
 25 for that degree;

1 “(2) master of military operational art and
2 science upon graduates of the Air Command and
3 Staff College who fulfill the requirements for that
4 degree; and

5 “(3) master of airpower art and science upon
6 graduates of the School of Advanced Air Power
7 Studies who fulfill the requirements for that de-
8 gree.”.

9 (b) CLERICAL AMENDMENT.—

10 (1) The catchline for such section 9317 is
11 amended to read:

12 **“§ 9317. Air University: graduate-level degrees”.**

13 (2) The table of sections for chapter 901 of
14 such title 10 is amended by amending the item relat-
15 ing to section 9317 to read:

“9317. Air University: graduate-level degrees.”.

16 **SEC. 527. FINANCIAL ASSISTANCE PROGRAM FOR SPE-**
17 **CIALLY SELECTED MEMBERS: MARINE CORPS**
18 **RESERVE.**

19 (a) IN GENERAL.—Chapter 1205 of title 10, United
20 States Code, is amended by adding at the end the fol-
21 lowing new section:

22 **“§ 12216. Financial assistance for members of the pla-**
23 **toon leader’s class program**

24 “(a) The Secretary of the Navy may provide payment
25 of not more than \$5,200 per year for a period not to ex-

1 ceed three consecutive years of educational expenses to eli-
2 gible enlisted members of the Marine Corps Reserve for
3 completion of—

4 “(1) baccalaureate degree requirements in an
5 approved academic program that requires less than
6 five academic years to complete, including tuition,
7 fees, and books, and laboratory expenses; or

8 “(2) doctor of jurisprudence or bachelor of laws
9 degree requirements in an approved academic pro-
10 gram which requires not more than three years to
11 complete, including tuition, fees, and books.

12 “(b) To be eligible for receipt of educational expenses
13 as authorized by subsection (a), an enlisted member of the
14 Marine Corps Reserve must—

15 “(1) either—

16 “(A) be under 27 years of age on June 30
17 of the calendar year in which the member is eli-
18 gible for appointment as a second lieutenant in
19 the Marine Corps for such persons in a bacca-
20 laureate degree program described in subsection
21 (a)(1), except that any such member who has
22 served on active duty in the armed forces may
23 exceed such age limitation on such date by a
24 period equal to the period such member served

1 on active duty, but only if such member will be
2 under 30 years of age on such date; or

3 “(B) be under 31 years of age on June 30
4 of the calendar year in which the member is eli-
5 gible for appointment as a second lieutenant in
6 the Marine Corps for such persons in a doctor
7 of jurisprudence or bachelor of laws degree pro-
8 gram described in subsection (a)(2), except that
9 any such member who has served on active duty
10 in the armed forces may exceed such age limita-
11 tion on such date by a period equal to the pe-
12 riod such member served on active duty, but
13 only if such member will be under 35 years of
14 age on such date;

15 “(2) be satisfactorily enrolled at any accredited
16 civilian educational institution authorized to grant
17 baccalaureate, doctor of jurisprudence or bachelor of
18 law degrees;

19 “(3) be selected as an officer candidate in the
20 Marine Corps Platoon Leader’s Class Program and
21 successfully completes one increment of military
22 training of not less than six weeks’ duration; and

23 “(4) agrees in writing—

1 “(A) to accept an appointment as a com-
2 missioned officer in the Marine Corps, if ten-
3 dered by the President;

4 “(B) to serve on active duty for a min-
5 imum of five years; and

6 “(C) under such terms and conditions as
7 shall be prescribed by the Secretary of the
8 Navy, to serve in the Marine Corps Reserve
9 until the eighth anniversary of the receipt of
10 such appointment.

11 “(c) Upon satisfactorily completing the academic and
12 military requirements of the Marine Corps Platoon Lead-
13 ers Class Program, an officer candidate may be appointed
14 by the President as a Reserve officer in the Marine Corps
15 in the grade of second lieutenant.

16 “(d) Not more than 1,200 officer candidates may
17 participate in the financial assistance program authorized
18 by this section at any one time.

19 “(e) An officer candidate may be ordered to active
20 duty in the Marine Corps by the Secretary of the Navy
21 to serve in an appropriate enlisted grade for such period
22 of time as the Secretary of the Navy prescribes, but not
23 for more than four years, when such person—

24 “(1) accepted financial assistance; and

25 “(2) either—

1 “(A) completes the military and academic
2 requirements of the Marine Corps Platoon
3 Leaders Class Program and refuses to accept a
4 commission when offered;

5 “(B) fails to complete the military or aca-
6 demic requirements of the Marine Corps Pla-
7 toon Leader Class Program; or

8 “(C) is disenrolled from the Marine Corps
9 Platoon Leaders Class Program for failure to
10 maintain eligibility for an original appointment
11 as a commissioned officer under section 532 of
12 this title.

13 Except under regulations prescribed by the Secretary of
14 the Navy, such persons who are not physically qualified
15 for appointment under section 532 and subsequently are
16 determined by the Secretary of the Navy under section
17 505 of this title to be unqualified for service as an enlisted
18 person in the Marine Corps due to a physical or medical
19 condition that was not the result of misconduct or grossly
20 negligent conduct may request a waiver of obligated serv-
21 ice of such financial assistance.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of Chapter 1205 of such title 10 is
24 amended by inserting after the item relating to section
25 12215 the following:

“12216. Financial assistance for members of the platoon leader’s class program.”.

1 (c) COMPUTATION: SERVICE CREDITABLE.—Section
2 205 of title 37, United States Code, is amended by adding
3 at the end the following new subsection:

4 “(f) Notwithstanding subsection (a), a commissioned
5 officer appointed under sections 12209 and 12216 of title
6 10 may not count in computing basic pay period of service
7 after January 1, 2000, that the officer performed concur-
8 rently as a member of the Marine Corps Platoon Leaders
9 Class Program and the Marine Corps Reserve, except that
10 service after this date that such officer performed prior
11 to commissioning while serving as an enlisted member on
12 active duty or as a member of the selected Reserve may
13 be so counted.”.

14 (d) TRANSITION PROVISION.—Enlisted members of
15 the Marine Corps Reserve selected for training as officer
16 candidates under section 12209 of title 10, United States
17 Code, prior to October 1, 2000 may, upon their applica-
18 tion, participate in the financial assistance program estab-
19 lished in subsection (a) if—

20 (1) such person is eligible for financial assist-
21 ance under the qualification requirements of sub-
22 section (a);

1 (2) requests such financial assistance as the
 2 Secretary of the Navy not later than 180 days after
 3 the enactment of this amendment; and

4 (3) agrees in writing to accept an appointment,
 5 if offered in the Marine Corps Reserve, and to com-
 6 ply with the length of obligated service provisions in
 7 subsection (a)(2)(D). In computing length of service
 8 for any purpose, a person who requests financial as-
 9 sistance may not be credited with service either as
 10 an officer candidate or concurrent enlisted service,
 11 other than concurrent enlisted service while serving
 12 on active duty other than for training while a mem-
 13 ber of the Marine Corps Reserve.

14 **Subtitle D—Uniform Code of**
 15 **Military Justice**

16 **SEC. 530. INCREASE IN JURISDICTION OF SPECIAL COURTS-**
 17 **MARTIAL TO AUTHORIZE IMPOSITION OF**
 18 **SENTENCE TO CONFINEMENT AND FORFEIT-**
 19 **URES OF PAY OF NOT MORE THAN ONE YEAR.**

20 (a) INCREASE IN JURISDICTION.—Section 819 of
 21 title 10, United States Code (article 19 of the Uniform
 22 Code of Military Justice), is amended by striking “six
 23 months” each place it appears and inserting in lieu thereof
 24 “one year”.

1 (b) EFFECTIVE DATE.—The amendment made by
 2 subsection (a) shall take effect on the first day of the sixth
 3 month following the month in which it is enacted, except
 4 that this amendment shall apply only to those charges sub-
 5 sequently referred to trial by special court martial.

6 **SEC. 531. REVISION TO MEASUREMENT OF BREATH AND**
 7 **BLOOD ALCOHOL FOR PURPOSES OF DETER-**
 8 **MINING THE OFFENSE OF DRUNKEN OPER-**
 9 **ATION OF A VEHICLE, AIRCRAFT, OR VESSEL.**

10 (a) STANDARD FOR DRUNKENNESS.—Section 911(2)
 11 of title 10, United States Code (article 111 of the Uniform
 12 Code of Military Justice), is amended by striking “0.10
 13 grams” each place it appears and inserting in lieu thereof
 14 “0.08 grams”.

15 (b) EFFECTIVE DATE.—The amendment made by
 16 subsection (a) shall take effect on the date of enactment
 17 of this Act and shall apply with respect to offenses com-
 18 mitted on or after that date.

19 **TITLE VI—COMPENSATION AND**
 20 **OTHER PERSONNEL BENEFITS**
 21 **Subtitle A—Pay and Allowances**

22 **SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2000.**

23 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—Ex-
 24 cept as provided in subsection (b), the adjustment to be-
 25 come effective during fiscal year 2000 required by section

1 1009 of title 37, United States Code, in the rate of month-
2 ly basic pay authorized members of the uniformed services
3 by section 203(a) of such title shall not be made.

4 (b) INCREASE IN BASIC PAY.—Effective on January
5 1, 2000, the rates of basic pay of members of the uni-
6 formed services shall be increased by 4.4 percent.

7 (c) CHANGE IN BASIC PAY TABLES.—Effective July
8 1, 2000, the rates of monthly basic pay for members of
9 the uniformed services are as follows:

10 (c) CHANGE IN BASIC PAY TABLES.—Effective July
11 1, 2000, the rates of monthly basic pay for members of
12 the uniformed services are as follows:

COMMISSIONED OFFICERS 1 2 3

Pay grade	Years of service computed under section 205 of title 37, United States Code														
	<2	2	3	4	6	8	10	12	14	16	18	20	22	24	26
O-10 ³	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	10614.30	10666.80	10888.80	11275.20
O-9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9283.80	9417.60	9611.10	9948.30
O-8	6569.10	6784.50	6926.40	6966.60	7148.40	7443.00	7512.30	7794.60	7876.20	8119.20	8471.40	8796.60	9013.50	9013.50	9013.50
O-7	5458.50	5829.60	5829.60	5871.90	6091.20	6258.30	6451.20	6643.80	6837.00	7443.00	7955.10	7955.10	7955.10	7955.10	7995.30
O-6	4045.50	4444.50	4736.10	4736.10	4754.40	4958.40	4985.70	4985.70	5152.50	5769.00	6063.00	6357.00	6524.10	6695.70	7024.20
O-5	3236.10	3739.50	4062.30	4112.10	4276.20	4276.20	4404.90	4642.50	4953.60	5268.30	5415.30	5562.30	5731.80	5731.80	5731.80
O-4	2727.30	3321.30	3542.70	3592.20	3798.60	3966.00	4236.90	4447.20	4593.60	4740.90	4791.60	4791.60	4791.60	4791.60	4791.60
O-3	2534.40	2873.40	3100.80	3351.90	3512.40	3688.50	3835.50	4024.80	4123.20	4123.20	4123.20	4123.20	4123.20	4123.20	4123.20
O-2 ³	2210.40	2517.90	2899.80	2997.60	3059.40	3059.40	3059.40	3059.40	3059.40	3059.40	3059.40	3059.40	3059.40	3059.40	3059.40
O-1 ³	1919.10	1997.40	2413.80	2413.80	2413.80	2413.80	2413.80	2413.80	2413.80	2413.80	2413.80	2413.80	2413.80	2413.80	2413.80

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

O-3E	0.00	0.00	0.00	3351.90	3512.40	3688.50	3835.50	4024.80	4184.40	4275.60	4402.50	4402.50	4402.50	4402.50	4402.50
O-2E	0.00	0.00	0.00	2997.60	3059.40	3156.30	3321.30	3448.20	3542.70	3542.70	3542.70	3542.70	3542.70	3542.70	3542.70
O-1E	0.00	0.00	0.00	2413.80	2578.50	2673.60	2770.50	2866.80	2997.60	2997.60	2997.60	2997.60	2997.60	2997.60	2997.60

WARRANT OFFICERS

W-5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4458.00	4611.00	4764.99	4918.50
W-4	2582.10	2777.70	2857.80	2937.60	3071.70	3204.90	3337.50	3471.90	3608.40	3759.20	3873.30	4006.20	4139.70	4273.50	4410.30
W-3	2346.90	2545.80	2545.80	2578.50	2684.10	2804.40	2962.80	3059.40	3164.70	3285.60	3405.60	3525.60	3645.60	3765.90	3886.20
W-2	2055.60	2223.90	2223.90	2297.10	2413.80	2548.80	2642.40	2739.30	2833.50	2937.90	3044.70	3151.80	3258.60	3365.70	3473.00
W-1	1712.70	1963.50	1963.50	2127.60	2223.90	2323.80	2424.00	2523.60	2624.10	2724.30	2824.20	2899.80	2899.80	2899.80	2899.80

ENLISTED MEMBERS 4 5 6

Pay grade	Years of service computed under section 205 of title 37, United States Code															
	<2	2	3	4	6	8	10	12	14	16	18	20	22	24	26	
E-9 ⁴	0.00	0.00	0.00	0.00	0.00	0.00	3003.90	3071.70	3157.80	3259.20	3360.30	3460.30	3595.50	3729.60	3900.90	
E-8	0.00	0.00	0.00	0.00	0.00	2518.80	2591.70	2659.50	2741.10	2829.30	2921.40	3014.40	3149.10	3282.90	3471.90	
E-7	1758.90	1920.60	1993.20	2086.10	2139.60	2212.50	2285.40	2359.50	2430.90	2504.40	2577.30	2650.50	2776.80	2915.10	3122.40	
E-6	1513.20	1671.90	1746.00	1817.40	1892.70	1966.50	2040.30	2111.40	2184.00	2235.90	2274.60	2274.60	2274.60	2274.60	2274.60	
E-5	1327.80	1488.30	1560.90	1634.70	1708.50	1783.50	1855.20	1928.70	1929.00	1929.00	1929.00	1929.00	1929.00	1929.00	1929.00	
E-4	1238.10	1368.00	1441.80	1514.40	1587.90	1587.90	1587.90	1587.90	1587.90	1587.90	1587.90	1587.90	1587.90	1587.90	1587.90	
E-3	1167.00	1255.80	1329.00	1330.80	1330.80	1330.80	1330.80	1330.80	1330.80	1330.80	1330.80	1330.80	1330.80	1330.80	1330.80	
E-2	1123.20	1123.20	1123.20	1123.20	1123.20	1123.20	1123.20	1123.20	1123.20	1123.20	1123.20	1123.20	1123.20	1123.20	1123.20	
E-1 > 4 ⁵	1001.70	1001.70	1001.70	1001.70	1001.70	1001.70	1001.70	1001.70	1001.70	1001.70	1001.70	1001.70	1001.70	1001.70	1001.70	
E-1 < 4 ⁶	926.70	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	

¹ Basic pay for these officers is limited to the rate of basic pay for level V of the Executive Schedule.
² While serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, basic pay for this grade is calculated to be \$12,441.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code. Nevertheless, basic pay for these officers is limited to the rate of basic pay for level V of the Executive Schedule.
³ Does not apply to commissioned officers who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.
⁴ While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, 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.
⁵ Applies to personnel who have served 4 months or more on active duty.
⁶ Applies to personnel who have served less than 4 months on active duty.

1 **Subtitle B—Bonuses and Special**
2 **and Incentive Pays**

3 **SEC. 610. ENLISTMENT BONUS INSTALLMENT.**

4 Section 308a(a) of title 37, United States Code, is
5 amended by changing the second sentence to read as fol-
6 lows: “Under regulations prescribed by the appropriate
7 Secretary, the bonus may be paid in a single lump sum,
8 or in periodic installments, to meet established career
9 milestones that ensure terms of the initial contract are
10 satisfied.”.

11 **SEC. 611. ENLISTED BONUS AMOUNT.**

12 Section 308a(a) of title 37, United States Code, is
13 amended by striking out “\$12,000” and inserting in lieu
14 thereof “\$20,000”.

15 **SEC. 612. REENLISTMENT BONUS—MONTHS OF CONTIN-**
16 **UOUS ACTIVE DUTY.**

17 Section 308 of title 37, United States Code, is
18 amended in clause (a)(1)(A), by striking out “twenty-one”
19 and inserting in lieu thereof “seventeen”.

20 **SEC. 613. REENLISTMENT BONUS; INCREASE IN STATUTORY**
21 **MAXIMUM PAYABLE.**

22 Section 308(a)(2) of title 37, United States Code, is
23 amended—

24 (1) in clause (i) of subparagraph (A) by strik-
25 ing “ten” and inserting in lieu thereof “fifteen”; and

1 (2) in subparagraph (B) by striking “\$45,000”
2 and inserting in lieu thereof “\$60,000”.

3 **SEC. 614. RESERVE COMPONENT PRIOR SERVICE ENLIST-**
4 **MENT BONUS ELIGIBILITY FOR ATTAINING A**
5 **CRITICAL SKILL.**

6 Paragraph (2) of section 308i(a) of title 37, United
7 States Code, is amended to read as follows:

8 “(2) A bonus may only be paid under this section
9 to a person who meets each of the following requirements:

10 “(A) The person has completed that person’s
11 military service obligation but has less than 14 years
12 of total military service.

13 “(B) The person has received an honorable dis-
14 charge at the conclusion of military service.

15 “(C) The person is not being released from ac-
16 tive service for the purpose of enlistment in a re-
17 serve component.

18 “(D) The person—

19 “(i) is projected to occupy a position as a
20 member of the Selected Reserve in a specialty
21 in which the person—

22 “(I) successfully served while a mem-
23 ber on active duty; and

24 “(II) attained a level of qualification
25 while a member on active duty commensu-

1 rate with the grade and years of service of
2 the member, or

3 “(ii) is occupying a position as a member
4 of the Selected Reserve in a specialty in which
5 the person—

6 “(I) has completed training or retrain-
7 ing in the specialty skill that is designated
8 as critically short; and

9 “(II) has attained a level of qualifica-
10 tion in the designated critically short spe-
11 cialty skill that is commensurate with the
12 member’s grade and years of service.

13 “(E) The person has not previously been paid
14 a bonus (except under this section) for enlistment,
15 reenlistment, or extension of enlistment in a reserve
16 component.”.

17 **SEC. 615. AVIATION CAREER INCENTIVE PAY FOR AIR BAT-**
18 **TLE MANAGERS.**

19 Section 301a of title 37, United States Code is
20 amended by inserting after subparagraph 301a(b)(3) the
21 following new subparagraph:

22 “(4) SAVE PAY PROVISION.—An air battle man-
23 ager entitled to incentive pay under section 301 of
24 this title is entitled to either the rate authorized in
25 subsection (b) of this section or the rate of incentive

1 pay the member was receiving under section
 2 301(c)(2)(A) of this title immediately prior to such
 3 entitlement under subsection (b), whichever is high-
 4 er.”.

5 **SEC. 616. DIVING DUTY SPECIAL PAY AND HAZARDOUS**
 6 **DUTY INCENTIVE PAY.**

7 Section 304(e) of title 37, United States Code, is
 8 amended to read as follows:

9 “(c) A member may be paid special pay under this
 10 section and incentive pay under section 301 of this title
 11 for the same period of service for each hazardous duty
 12 described in section 301 of this title for which the member
 13 is qualified if the member is assigned by orders to such
 14 a harzadous duty or duties in addition to diving duty.”.

15 **SEC. 617. CAREER ENLISTED FLYER INCENTIVE PAY.**

16 (a) Chapter 5 of title 37, United States Code, is
 17 amended by inserting after section 301e the following new
 18 subsection 301f:

19 **“§ 301f. Incentive pay: career enlisted flyers**

20 “(a) PAY AUTHORIZED.—An enlisted member de-
 21 scribed in subsection (b) may be paid career enlisted flyer
 22 incentive pay as authorized in this section.

23 “(b) ELIGIBLE MEMBERS.—Under regulations pre-
 24 scribed by the Secretary concerned, an enlisted member
 25 of the Armed Forces who—

1 “(1) is entitled to basic pay under section 204
2 of this title, or is entitled to pay under section 206
3 of this title as described in subsection (e) of his sec-
4 tion;

5 “(2) holds or is in training leading to qualifica-
6 tion and designation of an enlisted military occupa-
7 tional speciality or enlisted military rating des-
8 igned as a career enlisted flyer specialty or rating
9 by the Secretary concerned:

10 “(3) is qualified for aviation service under regu-
11 lations prescribed by the Secretary concerned; and

12 “(4) engages and remains in aviation service on
13 a career basis; is entitled to monthly incentive pay
14 in the amount authorized by the Secretary con-
15 cerned, not to be exceed the monthly maximum
16 amounts set forth in subsection (d). Eligible mem-
17 bers may be entitled to continuous monthly incentive
18 pay, or on a month-to-month basis, dependent upon
19 the operation flying duty performed as prescribed in
20 subsection (c). Entitlement to continuous monthly
21 incentive pay ceases in all cases upon completion of
22 25 years of aviation service; thereafter, the member
23 is entitled to monthly incentive pay under subsection
24 (c)(3) for the frequent and regular performance of
25 operational flying duty.

1 “(c) OPERATIONAL FLYING DUTY REQUIRE-
2 MENTS.—(1) A member must perform operational flying
3 duties (as defined in subsection (f)) for 6 of the first 10,
4 9 of the first 15, and 14 of the first 20 years of aviation
5 service, to be entitled to continuous monthly incentive pay.

6 “(2) Upon completion of 10, 15, or 20 years of avia-
7 tion service, a member who has not performed the min-
8 imum required operational flying duties established in this
9 subsection during the prescribed period loses the entitle-
10 ment to continuous monthly incentive pay. For the needs
11 of the Service, the Secretary concerned may permit, on
12 a case-by-case basis, a member to continue to receive con-
13 tinuous monthly incentive pay despite the member’s fail-
14 ure to perform the operational flying duty required during
15 the first 10, 15, or 20 years of aviation service, but only
16 if the member has performed at least 5 years of oper-
17 ational flying duties during the first 10 years of aviation
18 service, 8 years of operational flying duties during the first
19 15 years of aviation service, or 12 years of operational
20 flying duty during the first 20 years of aviation service.
21 The Secretary concerned may delegate this authority, but
22 not below the level of the Service Personnel Chief.

23 “(3) If enlistment to continuous monthly incentive
24 pay ceases under subsection (b) or (2), a member eligible
25 under subsection (b)(1) through (4) is entitled to month-

1 to-month incentive pay for subsequent frequent and reg-
 2 ular performance of operational flying duty. The rate pay-
 3 able is that authorized by the Secretary concerned under
 4 subsection (d) for a member of corresponding years of
 5 aviation service.

6 “(4) If entitlement to continuous monthly incentive
 7 pay ceases under subsection (2), entitlement to continuous
 8 incentive pay may resume if the member meets the min-
 9 imum operational flying duty requirement upon comple-
 10 tion of the next established period of aviation service.

11 “(d) MONTHLY MAXIMUM INCENTIVE PAY.—A mem-
 12 ber who satisfies the requirements in subsections (b) and
 13 (c) may be paid month-to-month incentive pay as author-
 14 ized by the Secretary concerned in amounts not to exceed
 15 the following:

Years of aviation service	Monthly rate
4 or less	\$150
Over 4	225
Over 8	350
Over 14	400.

16 “(e) PAYMENT TO A MEMBER OF A RESERVE COMPO-
 17 NENT WHEN PERFORMING INACTIVE DUTY TRAINING.—
 18 Under regulations of the Secretary concerned, when a
 19 member of a reserve component or the National Guard,
 20 entitled to compensation under section 206 of this title,
 21 meets the requirements described in subsections (b) and
 22 (c), the member is entitled to an increase in compensation
 23 equal to $\frac{1}{30}$ of the monthly incentive pay authorized by

1 the Secretary concerned under subsection (d) for a mem-
2 ber of corresponding years of aviation service who is enti-
3 tled to basic pay. Such member is entitled to the increase
4 for as long as the member is qualified for it, for each reg-
5 ular period of instruction or period of appropriate duty,
6 at which the member is engaged for at least two hours,
7 or for the performance of such other equivalent training,
8 instruction, duty or appropriate duties, as the Secretary
9 may prescribe under section 206(a) of this title.

10 “(f) DEFINITIONS.—In this section:

11 “(1) The term ‘aviation service’ means service
12 performed, under regulations prescribed by the Sec-
13 retary concerned, by a designated career enlisted
14 flyer.

15 “(2) The term ‘operational flying duty’ means
16 flying performed under competent orders while serv-
17 ing in assignments in which basic flying skills nor-
18 mally are maintained in the performance of assigned
19 duties as determined by the Secretary concerned,
20 and flying duty performed by members in training
21 that leads to the award of an enlisted aviation rating
22 or military occupational specialty designated as a ca-
23 reer enlisted flyer rating or specialty by the Sec-
24 retary concerned.

1 “(g) NONAPPLICABILITY TO MEMBERS RECEIVING
2 HAZARDOUS DUTY INCENTIVE PAY OR SPECIAL PAY FOR
3 DIVING DUTY.—A member receiving special pay under
4 section 301(a) or section 304 of this title may not be paid
5 under this section for the same period of service.”.

6 (b) SAVE PAY PROVISION.—In the case of a des-
7 ignated career enlisted flyer receiving incentive pay under
8 section 301(b) or 301(c)(2)(A) of this title on the date
9 immediately preceding enactment of this Act, the member
10 is entitled to the higher of the monthly amount authorized
11 under subsection (b) of this section, or the rate of incen-
12 tive pay the member was receiving immediately preceding
13 enactment of this Act under section 301(b) or
14 301(c)(2)(A) of this title.

15 (c) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of chapter 5 of title 37, United States
17 Code, is amended by inserting immediately after the item
18 referring to section 301e the following new item:

“301f. Incentive pay: career enlisted flyers.”.

19 **SEC. 618. INCREASE TO DIVING DUTY SPECIAL PAY.**

20 Section 304(b) of title 37, United States Code, is
21 amended by striking out “\$200” and “\$300” and insert-
22 ing in lieu thereof, respectively “\$240” and “\$340”.

1 **SEC. 619. FOREIGN LANGUAGE PROFICIENCY PAY—IN-**
 2 **CREASE IN STATUTORY MAXIMUM PAYABLE.**

3 Section 316(b) of title 37, United States Code, is
 4 amended by striking “\$100” and inserting in lieu thereof
 5 “\$300”.

6 **SEC. 620. SURFACE WARFARE OFFICER CONTINUATION**
 7 **PAY.**

8 (a) **SPECIAL PAY: SURFACE WARFARE OFFICER**
 9 **CONTINUATION PAY.**—Chapter 5 of title 37, United
 10 States Code, is amended by inserting after section 301g
 11 the following new section:

12 **“§ 301h. Special pay: surface warfare officer continu-**
 13 **ation pay**

14 “(a) **SPECIAL PAY AUTHORIZED.**—A surface warfare
 15 officer described in subsection (b) who executes a written
 16 agreement to remain on active duty to complete tours of
 17 duty to which the officer may be ordered as a department
 18 head afloat may, upon the acceptance of the agreement
 19 by the Secretary concerned, be paid a sum of money not
 20 to exceed the amount prescribed in subsection (c).

21 “(b) **COVERED OFFICERS.**—A surface warfare officer
 22 referred to in subsection (a) is an officer of the Regular
 23 Navy or Naval Reserve on full-time active duty who—

24 “(1) is designated and serving as a surface war-
 25 fare officer;

1 “(2) has been selected for assignment as a de-
2 partment head on a surface ship; and

3 “(3) has completed any service commitment in-
4 curred through the officer’s original commissioning
5 program.

6 “(c) AMOUNT PAYABLE.—The amount payable under
7 this section may not be more than a total of \$50,000.

8 “(d) PRORATION.—The term of an agreement under
9 subsection (a) and the amount payable under subsection
10 (c) may be prorated.

11 “(e) PAYMENT.—Upon acceptance of an agreement
12 under subsection (a) by the Secretary of the Navy, the
13 total amount payable pursuant to the agreement becomes
14 fixed. It may be paid either—

15 “(1) by a lump sum in the amount of half the
16 total payable under the agreement at the time the
17 agreement is accepted by the Secretary of the Navy
18 followed by equal annual installments on the anni-
19 versary of acceptance of the agreement; or

20 “(2) in equal annual payments with the first
21 payment payable at the time the agreement is ac-
22 cepted by the Secretary of the Navy, and subsequent
23 payments on the anniversary of acceptance of the
24 agreement.

1 “(f) ADDITIONAL PAY.—Any amount paid under this
2 section is in addition to any other pay and allowances to
3 which an officer is entitled.

4 “(g) REPAYMENT.—(1) If an officer who has entered
5 into a written agreement under subsection (a) and has re-
6 ceived all or part of a special pay under this section fails
7 to complete the total period of active duty specified in the
8 agreement, the Secretary of the Navy may require the offi-
9 cer to repay the United States, to the extent that the Sec-
10 retary determines conditions and circumstances warrant,
11 any or all sums paid under this section.

12 “(2) An obligation to repay the United States im-
13 posed under paragraph (1) is for all purposes a debt owed
14 to the United States.

15 “(3) A discharge in bankruptcy under title 11 that
16 is entered less than five years after the termination of an
17 agreement entered into under subsection (a) does not dis-
18 charge the officer signing the agreement from a debt aris-
19 ing under such agreement or under paragraph (1).

20 “(h) REGULATIONS.—The Secretary of the Navy
21 shall prescribe regulations to carry out this section.”.

22 (b) CONFORMING AMENDMENT.—The table of sec-
23 tions at the beginning of chapter 5 of title 37, United
24 States Code, is amended by inserting immediately after
25 the item referring to section 301g the following new item:

“301h. Special pay: surface warfare officer continuation pay.”.

1 **SEC. 621. AVIATION CAREER OFFICERS EXTENDING PE-**
2 **RIOD OF ACTIVE DUTY.**

3 Section 301b(e)(1) of title 37, United States Code,
4 is amended as follows—

5 (1) in subsection (c) by amending paragraph
6 (1) to read as follows:

7 “(1) \$25,000 for each year covered by the writ-
8 ten agreement, if the officer agrees to remain on ac-
9 tive duty to complete 14 years of aviation service;
10 or”; and

11 (2) by amending subsection (d) to read as fol-
12 lows:

13 “(d) PRORATION.—The term of an agreement under
14 subsection (a) and the amount of the bonus under sub-
15 section (c) may be prorated as long as such agreement
16 does not extend beyond the date on which the officer mak-
17 ing such agreement would complete 14 years of aviation
18 service.”.

19 **SEC. 622. SPECIAL WARFARE OFFICER CONTINUATION PAY.**

20 (a) SPECIAL PAY: SPECIAL WARFARE OFFICER CON-
21 TINUATION PAY.—Chapter 5 of title 37, United States
22 Code, is amended by inserting after section 301f the fol-
23 lowing new section:

1 **“§ 301g. Special pay: special warfare officer continu-**
2 **ation pay**

3 “(a) SPECIAL PAY AUTHORIZED.—A special warfare
4 officer described in subsection (b) who executes a written
5 agreement to remain on active duty in special warfare
6 service for at least one year may, upon the acceptance of
7 the agreement by the Secretary concerned, be paid a sum
8 of money not to exceed the amount prescribed in sub-
9 section (c).

10 “(b) COVERED OFFICERS.—A special warfare officer
11 referred to in subsection (a) is an officer of a regular com-
12 ponent of an armed force on full-time active duty who—

13 “(1) is qualified for and serving in a military
14 occupational specialty or designator identified by the
15 Secretary concerned as a special warfare military oc-
16 cupational specialty or designator;

17 “(2) is in pay grade O-3 or O-4 and is not on
18 a promotion list to pay grade O-5 at the time the
19 officer applies for an agreement under this section;

20 “(3) has completed at least six but not more
21 than 14 years of active commissioned service; and

22 “(4) has completed any service commitment in-
23 curred through the officer’s original commissioning
24 program.

25 “(c) AMOUNT PAYABLE.—The entitlement under this
26 section may not be more than \$10,000 for each year of

1 the written agreement. The authority to enter into written
2 agreements under subsection (a) expires as of September
3 30, 2001.

4 “(d) PRORATION.—The term of an agreement under
5 subsection (a) and the amount payable under subsection
6 (c) may be prorated as long as such agreement does not
7 extend beyond the date on which the officer making such
8 agreement would complete 14 years of active commis-
9 sioned service.

10 “(e) PAYMENT.—Upon acceptance of a written agree-
11 ment under subsection (a) by the Secretary concerned, the
12 total amount payable pursuant to the agreement becomes
13 fixed. It may be paid either—

14 “(1) by a lump sum in the amount of half the
15 total payable under the agreement at the time the
16 agreement is accepted by the Secretary concerned
17 followed by equal annual installments on the anni-
18 versary of acceptance of the agreement; or

19 “(2) in graduated annual payments under regu-
20 lations prescribed by the Secretary concerned with
21 the first payment payable at the time the agreement
22 is accepted by the Secretary concerned, and subse-
23 quent payments on the anniversary of acceptance of
24 the agreement.

1 “(f) ADDITIONAL PAY.—Any amount paid under this
2 section is in addition to any other pay and allowances to
3 which an officer is entitled.

4 “(g) REPAYMENT.—(1) If an officer who has entered
5 into a written agreement under subsection (a) and has re-
6 ceived all or part of a special pay under this section fails
7 to complete the total period of active duty specified in the
8 agreement, the Secretary concerned may require the offi-
9 cer to repay the United States, to the extent that the Sec-
10 retary determines conditions and circumstances warrant,
11 any or all sums paid under this section.

12 “(2) An obligation to repay the United States im-
13 posed under paragraph (1) is for all purposes a debt owed
14 to the United States.

15 “(3) A discharge in bankruptcy under title 11 that
16 is entered less than five years after the termination of a
17 written agreement entered into under subsection (a) does
18 not discharge the officer signing the agreement from a
19 debt arising under such agreement or under paragraph
20 (1).

21 “(h) REGULATIONS.—The Secretaries concerned
22 shall prescribe regulations to carry out this section. Regu-
23 lations prescribed by the Secretary of a military depart-
24 ment shall be subject to the approval of the Secretary of
25 Defense.”.

1 (b) CONFORMING AMENDMENT.—The table of sec-
2 tion at the beginning of chapter 5 of title 37, United
3 States Code, is amended by inserting immediately after
4 the item referring to section 301f the following new item:
“301g. Special pay: special warfare officer continuation pay.”.

5 **SEC. 623. INCREASE IN SPECIAL PAY AND BONUSES FOR**
6 **NUCLEAR-QUALIFIED OFFICERS.**

7 (a) SPECIAL PAY FOR OFFICERS EXTENDING PE-
8 RIOD OF ACTIVE SERVICE.—Section 312(a) of title 37,
9 United States Code, is amended by striking out “\$15,000”
10 and inserting in lieu thereof “\$25,000”.

11 (b) NUCLEAR CAREER ACCESSION BONUS.—Section
12 312b(a)(1) of title 37, United States Code, is amended
13 by striking out “\$10,000” and inserting in lieu thereof
14 “\$20,000”.

15 (c) NUCLEAR CAREER ANNUAL INCENTIVE BO-
16 NUSES.—Section 312c of title 37, United States Code, is
17 amended—

18 (1) in subsection (a)(1) by striking out
19 “\$12,000” and inserting in lieu thereof “\$22,000”;
20 and

21 (2) in subsection (b)(1), by striking out
22 “\$5,500” and inserting in lieu thereof “\$10,000”.

1 **Subtitle C—Extension of Certain**
2 **Bonuses and Special Pays**

3 **SEC. 625. EXTENSION OF CERTAIN BONUSES AND SPECIAL**
4 **PAY AUTHORITIES FOR RESERVE FORCES**
5 **THROUGH FISCAL YEAR 2001.**

6 (a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN
7 CRITICALLY SHORT WARTIME SPECIALTIES.—Section
8 302g(f) of title 37, United States Code, is amended by
9 striking out “December 31, 1999” and inserting in lieu
10 thereof “September 30, 2001”.

11 (b) SELECTED RESERVE REENLISTMENT BONUS.—
12 Section 308b(f) of title 37, United States Code, is amend-
13 ed by striking out “December 31, 1999” and inserting in
14 lieu thereof “September 30, 2001”.

15 (c) SELECTED RESERVE ENLISTMENT BONUS.—Sec-
16 tion 308c(e) of title 37, United States Code, is amended
17 by striking out “December 31, 1999” and inserting in lieu
18 thereof “September 30, 2001”.

19 (d) SPECIAL PAY FOR ENLISTED MEMBERS AS-
20 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section
21 308d(c) of title 37, United States Code, is amended by
22 striking out “December 31, 1999” and inserting in lieu
23 thereof “September 30, 2001”.

24 (e) SELECTED RESERVE AFFILIATION BONUS.—Sec-
25 tion 308e(e) of title 37, United States Code, is amended

1 by striking out “December 31, 1999” and inserting in lieu
2 thereof “September 30, 2001”.

3 (f) **READY RESERVE ENLISTMENT AND REENLIST-**
4 **MENT BONUS.**—Section 308h(g) of title 37, United States
5 Code, is amended by striking out “December 31, 1999”
6 and inserting in lieu thereof “September 30, 2001”.

7 (g) **PRIOR SERVICE REENLISTMENT BONUS.**—Sec-
8 tion 308i(f) of title 37, United States Code, is amended
9 by striking out “December 31, 1999” and inserting in lieu
10 thereof “September 30, 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 out “January 1,
15 2000” and inserting in lieu thereof “October 1, 2001”.

16 **SEC. 626. EXTENSION OF AUTHORITIES RELATING TO PAY-**
17 **MENT OF REENLISTMENT AND ENLISTMENT**
18 **BONUSES AND SPECIAL PAY FOR AVIATION**
19 **CAREER OFFICERS EXTENDING PERIOD OF**
20 **ACTIVE DUTY.**

21 (a) **SPECIAL PAY FOR AVIATION CAREER OFFICERS**
22 **EXTENDING PERIOD OF ACTIVE DUTY.**—Section 301b(a)
23 of title 37, United States Code, is amended by striking
24 out “December 31, 1999” and inserting in lieu thereof
25 “September 30, 2001”.

1 (b) REENLISTMENT BONUS FOR ACTIVE MEM-
2 BERS.—Section 308(g) of title 37, United States Code, is
3 amended by striking out “December 31, 1999” and insert-
4 ing in lieu thereof “September 30, 2001”.

5 (c) ENLISTMENT BONUSES FOR MEMBERS WITH
6 CRITICAL SKILLS.—Section 308a(c) and 308b(c) of title
7 37, United States Code, are each amended by striking out
8 “December 31, 1999” and inserting in lieu thereof “Sep-
9 tember 30, 2001”.

10 **SEC. 627. EXTENSION OF CERTAIN BONUSES AND SPECIAL**
11 **PAY AUTHORITIES FOR NURSE OFFICER CAN-**
12 **DIDATES, REGISTERED NURSES, AND NURSE**
13 **ANESTHETISTS.**

14 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-
15 GRAM.—Section 2130a(a)(1) of title 10, United States
16 Code, is amended by striking out “December 31, 1999”
17 and inserting in lieu thereof “September 30, 2001”.

18 (b) ACCESSION BONUS FOR REGISTERED NURSES.—
19 Section 302d(a)(1) of title 37, United States Code, is
20 amended by striking out “December 31, 1999” and insert-
21 ing in lieu thereof “September 30, 2001”.

22 (c) INCENTIVE SPECIAL PAY FOR NURSE ANES-
23 THETISTS.—Section 302e(a)(1) of title 37, United States
24 Code, is amended by striking out “December 31, 1999”
25 and inserting in lieu thereof “September 30, 2001”.

1 **SEC. 628. EXTENSION OF AUTHORITY RELATING TO PAY-**
 2 **MENT OF NUCLEAR CAREER FIELD BONUSES**
 3 **AND SPECIAL PAY.**

4 (a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-
 5 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section
 6 312(e) of title 37, United States Code, is amended by
 7 striking “December 31, 1999” and inserting in lieu there-
 8 of “September 30, 2001”.

9 (b) NUCLEAR CAREER ACCESSION BONUS.—Section
 10 312b(c) of title 37, United States Code, is amended by
 11 striking “December 31, 1999” and inserting in lieu there-
 12 of “September 30, 2001”.

13 (c) NUCLEAR CAREER ANNUAL INCENTIVE
 14 BONUS.—Section 312c(d) of title 37, United States Code,
 15 is amended by striking “October 1, 1998 and the 15-
 16 month period beginning on that date and ending Decem-
 17 ber 31, 1999” and inserting in lieu thereof “September
 18 30, 2001”.

19 **Subtitle D—Military Retired Pay**

20 **SEC. 630. REPEAL OF REDUCTION IN RETIRED PAY APPLI-**
 21 **CABLE TO POST-AUGUST 1, 1986, MEMBERS**
 22 **WITH LESS THAN 30 YEARS OF SERVICE.**

23 (a) REPEAL OF REDUCTION.—Section 1409(b) of
 24 title 10, United States Code, is amended—

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

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

3 (b) CONFORMING AMENDMENT.—Paragraph (1) of
4 such section is amended by striking “paragraphs (2) and
5 (3)” and inserting in lieu thereof “paragraph (2)”.

6 **SEC. 631. MODIFY ‘CPI-1’ COST-OF-LIVING ADJUSTMENT AP-**
7 **PLICABLE TO RETIRED PAY OF POST-AUGUST**
8 **1, 1986, MEMBERS.**

9 Section 1401a(b) of title 10, United States Code, is
10 amended by striking paragraph (3) and inserting in lieu
11 thereof the following new paragraph (3):

12 “(3) POST-AUGUST 1, 1986 MEMBERS.—(A) If
13 the percent determined under paragraph (2) is
14 greater than or equal to three percent, the Secretary
15 of Defense shall increase the retired pay of each
16 member and former member who first became a
17 member on or after August 1, 1986, by the dif-
18 ference between—

19 “(i) the percent determined in paragraph
20 (2); and

21 “(ii) one percent.

22 “(B) If the percent determined under para-
23 graph (2) is less than three percent, the Secretary
24 shall increase the retired pay of each member and
25 former member who first became a member on or

1 after August 1, 1986, by the lesser of the CPI
2 change or two percent.”.

3 **SEC. 632. CONFORMING AMENDMENTS.**

4 (a) RECOMPUTATION OF COLA ADJUSTMENT
5 “CATCH-UP” AT AGE 62.—(1) Section 1410 of title 10,
6 United States Code, is amended—

7 (A) by amending the catchline for section 1410
8 to read as follows:

9 **“§ 1410. Restoral of COLA amount at age 62 for mem-
10 bers entering on or after August 1, 1986”;**

11 (B) by striking paragraph (2); and

12 (C) by striking “—

13 “(1)” and realigning the indented remaining matter
14 as one with the preceding paragraph; and

15 (D) at the end of the realigned matter by strik-
16 ing “; and” inserting in lieu thereof a period.

17 (b) AMENDMENTS TO SURVIVOR BENEFIT PLAN.—
18 Chapter 73 of such title is amended as follows:

19 (1) Section 1447(6)(A) is amended by striking
20 “(determined without regard to any reduction under
21 section 1409(b)(2) of this title)”.

22 (2) Section 1451 is amended in subsection (h)
23 by striking paragraph (3); and

24 (3) Section 1452 is amended in subsection (c)
25 by striking paragraph (4).

1 **SEC. 633. EFFECTIVE DATE.**

2 The amendments made by sections 630, 631, and 632
3 shall take effect on October 1, 1999.

4 **Subtitle E—Other Matters**

5 **SEC. 640. LUMP SUM LEAVE WITH REENLISTMENT.**

6 Section 501 of title 37, United States Code, is
7 amended—

8 (1) in paragraph (a)(1), by adding at the end
9 before the semicolon the following: “, or in conjunc-
10 tion with a reenlistment regardless of when it oc-
11 curs”; and

12 (2) in paragraph (b)(2), by striking “or enter-
13 ing into an enlistment,”.

14 **SEC. 641. EMERGENCY LEAVE TRAVEL COST LIMITATIONS.**

15 Section 411d(b)(1) of title 37, United States Code,
16 is amended—

17 (1) by redesignating clause (A) as clause (A)(i);

18 (2) by adding a new clause “(A)(ii) to any air-
19 port in the continental United States to which travel
20 can be arranged at the same or a lower cost as trav-
21 el obtained under clause (A)(i) above; or”.

22 **SEC. 642. AUTHORITY TO EXPEND APPROPRIATED FUNDS**
23 **TO PAY CERTAIN ACTUAL EXPENSES OF RE-**
24 **SERVISTS.**

25 Section 404(i) of title 37, United States Code, is
26 amended—

1 (1) in paragraph (1), by striking the period at
2 the end of the paragraph and inserting in lieu there-
3 of “or, if transit government quarters are unavail-
4 able, may provide contract quarters as lodging in
5 kind as if the member were entitled to such allow-
6 ances under subsection (a) of this section.”;

7 (2) in paragraph (3), by inserting “or expenses
8 for contract quarters” after “service charge ex-
9 penses”; and

10 (3) by adding at the end the following new
11 paragraph (4):

12 “(4) Use of Government Charge Cards is au-
13 thorized for payment of these expenses.”.

14 **SEC. 643. AVIATION CAREER INCENTIVE PAY; DELEGATION**
15 **OF AUTHORITY TO WAIVE OPERATIONAL FLY-**
16 **ING DUTY REQUIREMENTS.**

17 Section 301a(a)(5) of title 37, United States Code,
18 is amended by striking the third sentence and inserting
19 in lieu thereof the following: “The Secretary concerned
20 may delegate the authority in the preceding sentence, but
21 not below the Service Personnel Chief, to permit the pay-
22 ment of incentive pay under this paragraph.”.

1 **SEC. 644. TUITION ASSISTANCE FOR MEMBERS DEPLOYED**
2 **IN A CONTINGENCY OPERATION.**

3 Section 2007(a) of title 10, United States Code, is
4 amended—

5 (1) in paragraph (2), by striking “and”;

6 (2) in paragraph (3), by striking the period at
7 the end and inserting in lieu thereof “; and”; and

8 (3) by adding at the end the following new
9 paragraph:

10 “(4) in the case of a member serving in a con-
11 tingency operation as defined in section 101(a)(13)
12 of this title, or similar operational mission (other
13 than for training) designated by the Secretary con-
14 cerned, all of the charges may be paid.”.

15 **SEC. 645. PAYMENT OF TEMPORARY LODGING EXPENSES**
16 **TO MEMBERS MAKING THEIR FIRST PERMA-**
17 **NENT CHANGE OF STATION.**

18 Section 404a(a) of title 37, United States Code, is
19 amended—

20 (1) in paragraph (1), by striking “or” at the
21 end of the paragraph;

22 (2) in paragraph (2), by inserting “or” after
23 the semicolon; and

24 (3) by inserting after paragraph (2) the fol-
25 lowing new paragraph (3):

1 “(3) for enlisted members, from the member’s
2 home of record or initial technical school to the
3 member’s first permanent duty station;”.

4 **SEC. 646. DUTY STATUS; WHEREABOUTS UNKNOWN; PAY**
5 **ADMINISTRATION.**

6 (a) DEFINITION.—Section 551 of title 37, United
7 States Code, is amended—

8 (1) by redesignating subsection (3) as sub-
9 section (4); and

10 (2) by inserting the following new subsection
11 (3):

12 “(3) The term ‘duty status; whereabouts un-
13 known’ defines a transitory casualty status, applica-
14 ble only to military personnel, that is used when the
15 responsible commander suspects the member may be
16 a casualty whose absence is involuntary, but does
17 not consider that sufficient evidence currently exists
18 to make a definite determination that the member
19 is—

20 “(A) missing;

21 “(B) deserted;

22 “(C) absent without leave; or

23 “(D) dead.”.

24 (b) CONFORMING AMENDMENTS.—(1) Section 552 of
25 title 37, United States Code, is amended—

1 (A) by amending the section heading to read as
2 follows:

3 **“§ 552. Pay and allowances; continuation while in a**
4 **missing or duty status; whereabouts un-**
5 **known status; limitations”;**

6 (B) in subsection (a), by inserting “or duty sta-
7 tus; whereabouts unknown” after “missing” each
8 place it appears; and

9 (C) in paragraph (a)(1), by striking out “that”
10 the first place it appears, and inserting in lieu there-
11 of “either”.

12 (2) In the table of sections at the beginning of chap-
13 ter 10 of title 37, United States Code, the item referring
14 to section 552 is amended to read as follows:

“552. Pay and allowances; continuation while in a missing or duty status;
whereabouts unknown status; limitations.”.

15 **SEC. 647. BIENNIAL REPORTING REQUIREMENT FOR THE**
16 **MONTGOMERY GI BILL; SELECTED RESERVE.**

17 Section 16137 of title 10, United States Code, is
18 amended by striking “not later than March 1 of each year
19 concerning the operation of the educational assistance pro-
20 gram established by this chapter during the preceding fis-
21 cal year.” and inserting in lieu thereof “by March 1, at
22 least once every two years concerning the operation of the
23 educational assistance program established by this chapter
24 during the preceding fiscal years.”.

1 **TITLE VII—HEALTH CARE**
2 **PROVISIONS**

3 **SEC. 701. ADMINISTRATION OF HEALTH CARE CONTRACTS**
4 **AND PROGRAMS.**

5 Section 1073 of title 10, United States Code, is
6 amended—

7 (1) by inserting “(a)” at the beginning of the
8 current text; and

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

11 “(b)(1) In the administration of contracts under this
12 chapter, the Secretary of Defense shall provide a stable
13 and uniform program of medical and dental care by imple-
14 menting program benefit and administrative changes at
15 the start of each fiscal year, rather than throughout the
16 year, except when the Secretary determines that the
17 change would significantly improve health services to eligi-
18 ble beneficiaries under this chapter, or that for other rea-
19 sons implementation other than at the start of the fiscal
20 year would most effectively carry out the purposes of this
21 chapter.

22 “(2) In cases in which a law is enacted requiring the
23 initiation of a new program or benefit under this chapter,
24 the Secretary of Defense may defer for up to one year

1 the implementation schedule for such new program or ben-
2 efit if the Secretary—

3 “(A) determines such deferral is necessary to
4 seek the appropriation of such funds, additional to
5 those needed for ongoing programs and benefits
6 under this chapter, as may be necessary for such
7 new programs and benefits; and

8 “(B) certifies to Congress that such deferral is
9 necessary to prevent disruptions to such ongoing
10 programs and benefits and reports on the appropria-
11 tions amounts that would be necessary to proceed
12 with timely implementation of the new program or
13 benefit.”.

14 **SEC. 702. CONTINUATION OF PREVIOUSLY PROVIDED CUS-**
15 **TODIAL CARE BENEFITS FOR CERTAIN**
16 **CHAMPUS BENEFICIARIES.**

17 (a) CONTINUATION OF COVERAGE.—Subject to sub-
18 section (c), the Secretary of Defense may continue pay-
19 ment under the Civilian Health and Medical Program of
20 the Uniformed Services (as defined in section 1072 of title
21 10, United States Code) for domiciliary or custodial care
22 services, otherwise excluded by regulations implementing
23 section 1077(b)(1) of such title on behalf of beneficiaries
24 described in subsection (b).

1 (b) COVERED BENEFICIARIES.—Beneficiaries de-
 2 scribed in subsection (a) are covered beneficiaries as (de-
 3 fined in section 1072 of such title) who, prior to the effec-
 4 tive date of final regulations to implement the individual
 5 care management program authorized by section
 6 1079(a)(17) of such title, were provided domiciliary or
 7 custodial care services for which the Secretary provided
 8 payment.

9 (c) SECRETARIAL AUTHORITY.—The authority pro-
 10 vided by subsection (a) is subject to a case-by-case deter-
 11 mination by the Secretary that discontinuation of payment
 12 for domiciliary or custodial care services or transition
 13 under the case management program authorized by such
 14 section 1079(a)(17) to alternative programs and services
 15 would be inadequate to meet the needs of, and unjust, to
 16 the beneficiary.

17 **SEC. 704. AUTHORITY OF ARMED FORCES MEDICAL EXAM-**
 18 **INER TO CONDUCT AUTOPSIES.**

19 (a) IN GENERAL.—Chapter 3 of title 10, United
 20 States Code, is amended by adding after section 130a the
 21 following new section:

22 **“§ 130b. Authority of armed forces medical examiner**
 23 **to conduct autopsies**

24 “(a) IN GENERAL.—Under regulations prescribed by
 25 the Secretary of Defense, the Armed Forces Medical Ex-

1 aminer is authorized to conduct a forensic pathology inves-
2 tigation, including an autopsy, when a person is found
3 dead or dies under circumstances that require a forensic
4 pathology investigation to determine the cause or manner
5 of death and one of the circumstances described in sub-
6 section (b) is also present.

7 “(b) APPLICABILITY.—The circumstances referred to
8 in subsection (a) are, subject to subsection (c), any one
9 of the following:

10 “(1) A person is found dead or dies at an in-
11 stallation garrisoned by units of the armed forces
12 and under the exclusive jurisdiction of the United
13 States.

14 “(2) A member of the armed forces on active
15 duty or inactive duty for training is found dead or
16 dies, or a former member dies soon after retirement
17 under chapter 61 of this title as a result of an injury
18 or illness incurred while such a member.

19 “(3) A civilian dependent of a member of the
20 armed forces is found dead or dies in any location
21 outside the United States.

22 “(4) Pursuant to an authorized Department of
23 Defense investigation of matters in which there is
24 involved the death of a person or persons, a factual

1 determination is necessary of the cause or manner of
2 the death(s).

3 “(5) Pursuant to an authorized investigation
4 being conducted by the Federal Bureau of Investiga-
5 tion, the National Transportation Safety Board, or
6 other Federal agency, an authorized official of such
7 agency with authority to direct a forensic pathology
8 investigation requests that such an investigation be
9 conducted by the Armed Forces Medical Examiner.

10 “(c) LIMITATION IN CONCURRENT JURISDICTION
11 CASES.—Authority of the Armed Forces Medical Exam-
12 iner to conduct a forensic pathology investigation under
13 the circumstances described in subsection (b) is subject
14 to the primary jurisdiction, to the extent fully exercised
15 (including conducting an autopsy), of the appropriate
16 state or local governmental authority or, if outside the
17 United States, of appropriate authorities under any appli-
18 cable Status of Forces or other international agreement
19 between the United States and the country involved.

20 “(d) PROCEDURES.—In conducting forensic pathol-
21 ogy investigations under this section, the Armed Forces
22 Medical Examiner shall—

23 “(1) designate qualified pathologists for this
24 purpose;

1 “(2) to the extent practicable and consistent
2 with responsibilities under this section, give due re-
3 gard to any applicable law protecting religious be-
4 liefs;

5 “(3) as soon as practicable, inform the family
6 of the decedent, if known, of the fact of the forensic
7 pathology investigation;

8 “(4) as soon as practicable after completion of
9 the investigation, return the remains of the deceased
10 to the family of the decedent, if known; and

11 “(5) promptly report the results of the forensic
12 pathology investigation to the authorized official re-
13 sponsible for the investigation relating to the death.

14 “(e) DEFINITION.—In this section, the term ‘cir-
15 cumstances that require a forensic pathology investigation’
16 are, in the judgment of the Armed Forces Medical
17 Examiner—

18 “(1) a person is killed or from any cause dies
19 an unnatural death;

20 “(2) the cause or manner of death are un-
21 known;

22 “(3) there is reasonable suspicion that the
23 death was by unlawful means;

24 “(4) death was apparently from an infectious
25 disease or from the effects of a hazardous material

1 that may have an adverse effect on the installation
2 or community; or

3 “(5) the identity of the deceased person is un-
4 known.”.

5 (b) CONFORMING AMENDMENT.—Chapter 577 of
6 title 10, United States Code, is amended by adding after
7 section 6522 the following new section:

8 **“§ 6523. Inquests**

9 “(a) When a person is found dead under cir-
10 cumstances that require investigation, at a place garri-
11 soned by the Navy or Marine Corps, and under the exclu-
12 sive jurisdiction of the United States, the commanding of-
13 ficer shall direct a summary court-martial to investigate
14 the circumstances of the death.

15 “(b) In conducting an investigation under subsection
16 (a), the summary court-martial may summon witnesses
17 and examine them under oath.

18 “(c) The summary court-martial shall promptly sub-
19 mit to the commanding officer a report of the investigation
20 and findings as to the cause of death.”.

21 (c) CLERICAL AMENDMENTS.—(1) The tables of sec-
22 tions of such title and chapters are amended—

23 (A) by adding after the item relating to section
24 130a the following new item:

“130b. Authority of armed forces medical examiner to conduct autopsies.”;

25 and

1 (B) by adding after the item relating to section
2 6522 the following new item:

“6523. Inquests.”

3 (2) The chapter heading for such chapter 577 is
4 amended by adding at the end a semicolon and “**IN-**
5 **QUESTS**”.

6 (3) The tables of chapters and table of sections for
7 such title 10, for Subtitle C of such title, and for Part
8 II of such Subtitle are amended with respect to the items
9 relating to chapter 577 by adding at the end a semicolon
10 and “**Inquests**”.

11 **SEC. 705. EMERGENCY MEDICAL CARE FOR EMPLOYEES OF**
12 **THE DEPARTMENT OF DEFENSE ON DUTY IN**
13 **THE FORMER SOVIET UNION OR FORMER**
14 **WARSAW PACT COUNTRIES.**

15 (a) **AUTHORITY FOR MEDICAL CARE.**—Chapter 53 of
16 title 10, United States Code, is amended by inserting after
17 section 1049 the following new section 1049a:

18 “**§ 1049a. Emergency medical care for employees of**
19 **the Department of Defense on duty in the**
20 **former Soviet Union or former Warsaw**
21 **Pact countries**

22 “The Secretary of Defense may make payments for
23 emergency medical or dental care for military, civilian, and
24 contractor employees of the Department of Defense per-
25 manently or temporarily on duty in the countries of the

1 former Soviet Union and the former Warsaw Pact. The
 2 authority of the Secretary of Defense to make payments
 3 under this section is effective for any fiscal year only to
 4 the extent that appropriated funds are available for such
 5 purpose.”.

6 (c) CLERICAL AMENDMENT.—(1) The table of sec-
 7 tions at the beginning of title 10, United States Code, is
 8 amended by adding at the end the following new item:

“1049a. Emergency medical care for employees of the Department of Defense
 on duty in the former Soviet Union or former Warsaw Pact
 countries.”.

9 **SEC. 706. THIRD PARTY COLLECTION PROGRAM IMPROVE-**
 10 **MENTS.**

11 Section 1095 of title 10, United States Code, is
 12 amended—

13 (1) by amending subsection (f) to read as fol-
 14 lows:

15 “(f) The Secretary of Defense, in consultation with
 16 the other administering Secretaries, shall prescribe regula-
 17 tions for the administration of this section. Such regula-
 18 tions shall provide for the computation of the reasonable
 19 cost of inpatient, outpatient, or other health care services.
 20 Computation of such reasonable cost may be based on—

21 “(1) per diem rates;

22 “(2) all-inclusive per visit rates;

23 “(3) diagnosis-related groups;

1 “(4) rates prescribed under the regulations im-
2 plementing section 1079 and 1086 of this title; or

3 “(5) such other methods as may be appro-
4 priate.”; and

5 (2) in subsection (h)(1), by striking the first
6 sentence and inserting in lieu thereof “The term
7 ‘third party payer’ means an entity that provides an
8 insurance, medical service, or health plan by con-
9 tract or agreement including an automobile liability
10 insurance or no fault insurance carrier, a worker’s
11 compensation program or plan, and any other plan
12 or program that is designed to provide compensation
13 or coverage for expenses incurred by a beneficiary
14 for medical services and supplies.”.

15 **TITLE VIII—ACQUISITION POL-**
16 **ICY, ACQUISITION MANAGE-**
17 **MENT, AND RELATED MAT-**
18 **TERS**

19 **SEC. 801. PROTECTION OF COMMERCIAL SOURCES.**

20 Section 455(b)(1) of title 10, United States Code, is
21 amended by—

22 (1) in subparagraph (B) by striking “or”;

23 (2) in subparagraph (C) by striking the period
24 at the end and inserting in lieu thereof “; or”; and

1 (3) by adding at the end the following new sub-
2 paragraph (D):

3 “(D) that contains information that the
4 Secretary of Defense has determined in writing,
5 if disclosed, would interfere or unfairly compete
6 with an emerging or existing commercial indus-
7 try or market operation.”.

8 (4) by adding at the end the following new
9 paragraph (4):

10 “(4) Nothing in this section shall affect, limit,
11 or supersede the authorities or responsibilities of the
12 Director of Central Intelligence with respect to im-
13 agery and imagery intelligence pursuant to the Na-
14 tional Security Act of 1947, as amended (50 U.S.C.
15 402 et seq.), Executive Order 12951, or any suc-
16 cessor Executive order and applicable Presidential
17 directives. The withholding of imagery and imagery
18 intelligence will be in accordance with the policies
19 and directives of the Director of Central Intel-
20 ligence.”.

21 **SEC. 802. WAIVER OF LIVE-FIRE SURVIVABILITY TESTING**
22 **MH-47E/MH-60K HELICOPTER MODIFICATION**
23 **PROGRAMS.**

24 (a) WAIVER.—Notwithstanding the requirement of
25 section 2366(e)(1) of title 10, United States Code, that

1 any waiver by the Secretary of Defense of the application
2 of the survivability tests to a covered system occur before
3 the system or program enters engineering and manufac-
4 turing development, and notwithstanding the requirements
5 of section 142 of the National Defense Authorization Act
6 for Fiscal Year 1993 (Public Law 102-484; 106 Stat.
7 2338) that operational test and evaluation and surviv-
8 ability testing of the MH-47E helicopters and MH-60K
9 helicopters be completed prior to full materiel release of
10 the helicopters for operational use, the Secretary may
11 waive the application of the survivability tests to the MH-
12 47E and MH-60K helicopter modification programs, be-
13 fore full material release of the MH-47E and MH-60K
14 helicopters for operational use.

15 (b) REPORT.—Except as provided in subsection (a)
16 above, any waiver by the Secretary of Defense of the appli-
17 cation of the survivability tests to the MH-47E and MH-
18 60K helicopters shall comply with all other requirements
19 of subsection (c) of section 2366 of title 10, United States
20 Code.

21 **SEC. 803. SALE, EXCHANGE, AND WAIVER AUTHORITY FOR**
22 **COAL AND COKE.**

23 (a) IN GENERAL.—Section 2404 of title 10, United
24 States Code, is amended—

1 (1) in the catchline for the provision by insert-
2 ing “, coal, coke,” after “petroleum”;

3 (2) in subsection (a)—

4 (A) by inserting “, coal, coke,” after “pe-
5 troleum”; and

6 (B) in paragraph (1), by inserting “, coal
7 market conditions, coke market conditions,”
8 after “petroleum market conditions”;

9 (3) in subsection (b), by inserting “, coal,
10 coke,” after “petroleum”;

11 (4) in subsection (c), by inserting “, coal,
12 coke,” after the term “petroleum”; and

13 (5) in subsection (d), by inserting “, coal,
14 coke,” after “petroleum”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 for chapter 141 of such title 10 is amended by amending
17 the item relating to section 2104 by inserting “, coal,
18 coke,” after “petroleum”.

19 **SEC. 804. REPEAL OF CERTIFICATION OF FUNDING FOR**
20 **SUPPORT COSTS IN THE FIVE YEAR DEFENSE**
21 **PROGRAM.**

22 Section 2306b(i)(1) of title 10, United States Code,
23 is amended—

24 (1) by striking “each of the following conditions
25 is satisfied.”;

1 (2) by striking subparagraph (A); and
2 (3) by striking “(B) The” and inserting in lieu
3 thereof “the”.

4 **SEC. 805. REPEAL OF THE SHIPBUILDING CAPABILITY**
5 **PRESERVATION AGREEMENT.**

6 (a) REPEALER.—Section 7315 of title 10, United
7 States Code, relating to the Shipbuilding Capability Pres-
8 ervation Agreement, is repealed.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of chapter 633 of title 10 is amended
11 by striking the item relating to section 7315.

12 **SEC. 806. ELIMINATION OF SUBCONTRACT NOTIFICATION**
13 **REQUIREMENTS.**

14 Section 2306(e) of title 10, United States Code, is
15 amended to read as follows:

16 “(e) Except for contracts with a contractor that
17 maintains a purchasing system that has been approved by
18 the cognizant contracting officer, each cost contract and
19 each cost-plus-a-fixed-fee contract shall include a contract
20 provision that requires the contractor to notify the agency,
21 prior to the award under a prime contract, of—

22 “(1) a cost-plus-a-fixed-fee subcontract; or

23 “(2) a fixed-price subcontract or purchase order
24 involving more than the greater of—

1 “(A) the simplified acquisition threshold;

2 or

3 “(B) five percent of the estimated cost of
4 the prime contract.”.

5 **SEC. 807. ANNUAL REPORT TO CONGRESS ON NUCLEAR AT-**
6 **TACK SUBMARINE PROCUREMENT AND SUB-**
7 **MARINE TECHNOLOGY.**

8 Section 131 of the National Defense Authorization
9 Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat.
10 206) is amended by striking subsections (b), (c), (e) and
11 (f).

12 **SEC. 808. ELIMINATION OF ANNUAL REPORT ON DESIGN**
13 **RESPONSIBILITY OF NEW ATTACK SUB-**
14 **MARINE PROGRAM.**

15 Section 121(g) of the National Defense Authorization
16 Act of Fiscal Year 1997 (Public Law 104–201; 110 Stat.
17 2441) is amended by striking paragraph (3).

18 **SEC. 809. CLERICAL AMENDMENT TO THE AUTHORITY TO**
19 **CARRY OUT CERTAIN PROTOTYPE PROJECTS.**

20 Section 845(b)(1) of the National Defense Authoriza-
21 tion Act of Fiscal Year 1994 (Public Law 103–160; 107
22 Stat. 1722; 10 U.S.C. 2371 note), as amended by section
23 804 of the National Defense Authorization Act for Fiscal
24 Year 1997 (Public Law 104–201; 110 Stat. 2605), is
25 amended by striking “(e)(2) and (e)(3) of such section

1 2371” and inserting in lieu thereof “(e)(1)(B) and (e)(2)
2 of such section 2371”.

3 **SEC. 810. MANUFACTURING TECHNOLOGY COST SHARING.**

4 Section 2525 of title 10, United States Code, is
5 amended—

6 (1) in subsection (b)—

7 (A) by redesignating paragraphs (5)
8 through (8) as paragraphs (6) through (9), re-
9 spectfully; and

10 (B) by inserting after paragraph (3) the
11 following new paragraph (4):

12 “(4) to address broad defense-related manufac-
13 turing inefficiencies and requirements;”; and

14 (2) by amending subsections (d) and (e) to read
15 as follows:

16 “(d) COMPETITION AND COST SHARING.—(1) Com-
17 petitive procedures shall be used for awarding all grants
18 and entering into all contracts, cooperative agreements,
19 and other transactions under the program.

20 “(2)(A) Cost sharing is required for projects under-
21 taken under the term of this section except when a project
22 meets conditions in subparagraph (B).

23 “(B) Cost sharing may be waived when a project—

24 “(i) is not likely to have an immediate and di-
25 rect commercial application, and

1 “(ii) is initiated by a military Service acquisi-
2 tion organization or by the Defense Logistics Agen-
3 cy, pursuant to a formal review of manufacturing
4 development opportunities and planning for project
5 execution.

6 “(C) If cost sharing is not used, the appro-
7 priate Service Acquisition Executive, the Director of
8 the Defense Logistics Agency, or a designee of such
9 an official, shall document the rationale in the trans-
10 action file for each such project.

11 “(e) FIVE-YEAR PLAN.—(1) The Under Secretary of
12 Defense (Acquisition & Technology) shall prepare a five-
13 year plan for the program which establishes—

14 “(A) The overall manufacturing technology
15 goals, milestones, priorities, and investment strategy
16 for the program; and

17 “(B) for each of the five fiscal years covered by
18 the plan, the objectives of, and funding for the pro-
19 gram by, each military department and each Defense
20 Agency participating in the program.

21 “(2) The plan shall also provide an assessment of the
22 following:

23 “(A) Effectiveness of the program.

24 “(B) Extent to which the costs of projects are
25 being shared.

1 “(3) The plan shall be updated annually and shall
2 be included in the budget justification documents sub-
3 mitted in support of the budget of the Department of De-
4 fense for a fiscal year (as included in the budget of the
5 President submitted to Congress under section 1105 of
6 title 31).”.

7 **TITLE IX—DEPARTMENT OF DE-**
8 **FENSE ORGANIZATION AND**
9 **MANAGEMENT**

10 **Subtitle A—Organization**

11 **SEC. 901. ABOLISHMENT OF POSITION OF ASSISTANT TO**
12 **THE SECRETARY OF DEFENSE FOR NUCLEAR**
13 **AND CHEMICAL AND BIOLOGICAL DEFENSE**
14 **PROGRAMS.**

15 “(a) IN GENERAL.—Section 142 of title 10, United
16 States Code, is repealed.

17 “(b) CONFORMING AMENDMENTS.—Section
18 179(e)(2) of such title 10 is amended by striking “The
19 Assistant to the Secretary of Defense for Nuclear and
20 Chemical and Biological Defense Programs” and inserting
21 in lieu thereof “Director, Defense Research & Engineer-
22 ing”. Section 5316 of title 5, United States Code, is
23 amended by striking “Assistant to the Secretary of De-
24 fense for Nuclear and Chemical and Biological Defense
25 Programs, Department of Defense”.

1 (c) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of Chapter 4 of title 10, United States
3 Code, is amended by striking the item relating to section
4 142.

5 **SEC. 902. MODIFICATION OF THE TITLES OF CERTAIN MEM-**
6 **BERS OF THE STRATEGIC ENVIRONMENTAL**
7 **RESEARCH AND DEVELOPMENT PROGRAM**
8 **COUNCIL.**

9 Section 2902(b) of title 10, United States Code, is
10 amended—

11 (1) in paragraph (1), by striking “Director of
12 Defense Research and Engineering” and inserting in
13 lieu thereof “Deputy Under Secretary of Defense for
14 Science and Technology”; and

15 (2) in paragraph (6), by striking “Energy Re-
16 search” and inserting in lieu thereof “Science”.

17 **SEC. 903. ESTABLISHMENT OF THE POSITION IN THE OF-**
18 **FICE OF THE SECRETARY OF DEFENSE OF DI-**
19 **RECTOR OF DEFENSE LOGISTICS.**

20 (a) IN GENERAL.—Chapter 4 of title 10, United
21 States Code, is amended by inserting after section 133a
22 the following new section:

23 **“§ 133b. Director of Defense Logistics**

24 “(a) There is a Director of Defense Logistics, ap-
25 pointed from civilian life by the President, by and with

1 the advice and consent of the Senate at level 4 of the Exec-
2 utive Schedule.

3 “(b) The Director shall be appointed without regard
4 to political affiliation and solely on the basis of fitness to
5 perform the duties of the office of Director.

6 “(c) Except as otherwise prescribed by the Secretary
7 of Defense, the Director is the principal adviser to the Sec-
8 retary and the Under Secretary of Defense for Acquisition
9 and Technology on logistics in the Department of Defense
10 and the principal logistics official within the senior man-
11 agement of the Department of Defense, and shall perform
12 such duties relating to logistics as the Under Secretary
13 of Defense for Acquisition and Technology may assign,
14 including—

15 “(1) prescribe, by authority of the Secretary of
16 Defense, policies and procedures for the conduct of
17 logistics in the Department of Defense;

18 “(2) advise and assist the Secretary of Defense,
19 the Deputy Secretary of Defense, the Under Sec-
20 retary of Defense for Acquisition and Technology
21 and provide guidance to and consult with the Secre-
22 taries of military departments with respect to logis-
23 tics in the Department of Defense; and

24 “(3) monitor and review all logistics programs
25 in the Department of Defense.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of such chapter 4 is amended by inserting
 3 after the item relating to section 133a the following new
 4 item:

“133b. Director of Defense Logistics.”

5 (c) CONFORMING AMENDMENT.—Section 5315 of
 6 title 5, United States Code, is amended by adding at the
 7 end of the following new item “Director of Defense Logis-
 8 tics”.

9 **Subtitle B—Management of Service**
 10 **Academies**

11 **SEC. 905. HOURS AND PAY FOR SERVICE ACADEMY FAC-**
 12 **ULTY.**

13 (a) ARMY.—Section 4338 of title 10, United States
 14 Code, is amended by adding at the end the following new
 15 subsection (e):

16 “(e) Notwithstanding the provisions of subchapter V,
 17 chapter 55 of title 5, United States Code, or section 6101
 18 of chapter 61 of such title, the Secretary of the Army may
 19 establish the work schedule, including hours of work and
 20 tours of duty, for persons employed under this section and
 21 premium pay, if any, and compensatory time off, if any,
 22 for hours of work or tours of duty in excess of those regu-
 23 larly scheduled. The specificity and other characteristics
 24 of the schedule shall be determined by the Secretary.”.

1 (b) NAVY.—Section 6952 of title 10, United States
2 Code, is amended—

3 (1) by redesignating subsection (c) as sub-
4 section (d); and

5 (2) by inserting after subsection (b) the fol-
6 lowing new subsection (c):

7 “(c) Notwithstanding the provisions of subchapter V,
8 chapter 55 of title 5, United States Code, or section 6101
9 of chapter 61 of such title, the Secretary of the Navy may
10 establish the work schedule, including hours of work and
11 tours of duty, for persons employed under this section and
12 premium pay, if any, and compensatory time off, if any,
13 for hours of work or tours of duty in excess of those regu-
14 larly scheduled. The specificity and other characteristics
15 of the schedule shall be determined by the Secretary.”.

16 (c) AIR FORCE.—Section 9338 of title 10, United
17 States Code, is amended by adding at the end the fol-
18 lowing new subsection (c):

19 “(c) Notwithstanding the provisions of subchapter V,
20 chapter 55 of title 5, United States Code, or section 6101
21 of chapter 61 of such title, the Secretary of the Air Force
22 may establish the work schedule, including hours of work
23 and tours of duty, for persons employed under this section
24 and premium pay, if any, and compensatory time off, if
25 any, for hours of work or tours of duty in excess of those

1 regularly scheduled. The specificity and other characteris-
2 ties of the schedule shall be determined by the Secretary.”.

3 **SEC. 906. ELIGIBILITY FOR PRESIDENTIAL APPOINTMENT**
4 **TO A SERVICE ACADEMY; TO INCLUDE CHIL-**
5 **DREN OF RESERVE PERSONNEL AND CER-**
6 **TAIN ACTIVE DUTY PERSONNEL.**

7 (a) ARMY.—Section 4342(b)(1) of title 10, United
8 States Code, is amended—

9 (1) by striking paragraph (A) and inserting in
10 lieu thereof the following new subparagraph:

11 “(A) are currently on active duty (other
12 than for training) and who have served on ac-
13 tive duty for a total of at least eight years.”;

14 (2) in subparagraph (B), by striking “, other
15 than those granted retired pay under section 12731
16 of this title (or under section 1331 of this title as
17 in effect before the effective date of the Reserve Of-
18 ficer Personnel Management Act)”; and

19 (3) by adding at the end the following new sub-
20 paragraphs (C) and (D):

21 “(C) are serving as a member of a reserve
22 component and have earned at least 2,880 re-
23 tirement points credited for purposes of section
24 12733 of this title; or

1 “(D) are, or who died while they were, eli-
2 gible for retired pay under chapter 1223 of this
3 title, but had not yet reached age 60;”.

4 (b) NAVY.—Section 6954(b)(1) of title 10, United
5 States Code, is amended—

6 (1) by striking paragraph (A) and inserting in
7 lieu thereof the following new subparagraph:

8 “(A) are currently on active duty (other
9 than for training) and who have served on ac-
10 tive duty for a total of at least eight years.”;

11 (2) in subparagraph (B), by striking “, other
12 than those granted retired pay under section 12731
13 of this title (or under section 1331 of this title as
14 in effect before the effective date of the Reserve Of-
15 ficer Personnel Management Act)”; and

16 (3) by adding at the end the following new sub-
17 paragraphs (C) and (D):

18 “(C) are serving as a member of a reserve
19 component and who have earned at least 2,880
20 retirement points countable for purposes of sec-
21 tion 12733 of this title; or

22 “(D) are, or who died while they were, eli-
23 gible for retired pay under chapter 1223 of this
24 title, but had not yet reached age 60;”.

1 (c) AIR FORCE.—Section 9342(b)(1) of title 10,
2 United States Code, is amended—

3 (1) by striking paragraph (A) and inserting in
4 lieu thereof the following new subparagraph:

5 “(A) are currently on active duty (other
6 than for training) and who have served on ac-
7 tive duty for a total of at least eight years.”;

8 (2) in subparagraph (B), by striking “, other
9 than those granted retired pay under section 12731
10 of this title (or under section 1331 of this title as
11 in effect before the effective date of the Reserve Of-
12 ficer Personnel Management Act)”;

13 (3) by adding at the end the following new sub-
14 paragraphs (C) and (D):

15 “(C) are serving as a member of a reserve
16 component and who have earned at least 2,880
17 retirement points countable for purposes of sec-
18 tion 12733 of this title; or

19 “(D) are, or who died while they were, eli-
20 gible for retired pay under chapter 1223 of this
21 title, but had not yet reached age 60;”.

1 **SEC. 907. REIMBURSEMENT OF EXPENSES FOR INSTRUC-**
2 **TION AT SERVICE ACADEMIES OF PERSONS**
3 **FROM FOREIGN COUNTRIES.**

4 (a) UNITED STATES MILITARY ACADEMY.—Section
5 4344(b) of title 10, United States Code, is amended—

6 (1) by striking the text of paragraph (3) and
7 inserting in lieu thereof the following new para-
8 graph:

9 “The amount of reimbursement waived under
10 paragraph (2) may not exceed 50 percent of the per-
11 person reimbursement amount otherwise required to
12 be paid by a foreign country under such paragraph,
13 except in the case of not more than twenty persons
14 receiving instruction at the Academy under this sec-
15 tion at any one time.”.

16 (b) NAVAL ACADEMY.—Section 6957(b) of title 10,
17 United States Code, is amended—

18 (1) by striking the text of paragraph (3) and
19 inserting in lieu thereof the following new para-
20 graph:

21 “The amount of reimbursement waived under
22 paragraph (2) may not exceed 50 percent of the per-
23 person reimbursement amount otherwise required to
24 be paid by a foreign country under such paragraph,
25 except in the case of not more than twenty persons

1 receiving instruction at the Naval Academy under
2 this section at any one time.”.

3 (c) AIR FORCE ACADEMY.—Section 9344(b) of title
4 10, United States Code, is amended—

5 (1) by striking the text of paragraph (3) and
6 inserting in lieu thereof the following new para-
7 graph:

8 “The amount of reimbursement waived under
9 paragraph (2) may not exceed 50 percent of the per-
10 person reimbursement amount otherwise required to
11 be paid by a foreign country under such paragraph,
12 except in the case of not more than twenty persons
13 receiving instruction at the Naval Academy under
14 this section at any one time.”.

15 (d) EFFECTIVE DATE.—The amendments made by
16 this section apply with respect to students from a foreign
17 country entering the United States Military Academy, the
18 United States Naval Academy, or the United States Air
19 Force Academy on or after May 1, 1999.

20 **SEC. 908. SERVICE ACADEMY FOREIGN EXCHANGE PRO-**
21 **GRAM.**

22 (a) UNITED STATES MILITARY ACADEMY.—(1) Sec-
23 tion 4345(b) of title 10, United States Code, is amended
24 by striking out “10 cadets” and inserting in lieu thereof
25 “24 cadets”.

1 (2) Section 4345(c)(3) of title 10, United States
2 Code, is amended by striking out “\$50,000” and inserting
3 in lieu thereof “\$120,000”.

4 (b) UNITED STATES NAVAL ACADEMY.—(1) Section
5 6857a(b) of title 10, United States Code, is amended by
6 striking out “10 midshipmen” and inserting in lieu thereof
7 “24 midshipmen”.

8 (2) Section 6957a(c)(3) of title 10, United States
9 Code, is amended by striking out “\$50,000” and inserting
10 in lieu thereof “\$120,000”.

11 (c) UNITED STATES AIR FORCE ACADEMY.—(1) Sec-
12 tion 9345(b) of title 10, United States Code, is amended
13 by striking out “10 cadets” and inserting in lieu thereof
14 “24 cadets”.

15 (2) Section 9345(c)(3) of title 10, United States
16 Code, is amended by striking out “\$50,000” and inserting
17 in lieu thereof “\$120,000”.

18 **Subtitle C—Personnel Management**

19 **SEC. 910. DELETION OF CIVILIAN EMPLOYEES FROM INVES-** 20 **TIGATIONS OF COMPLAINTS OF SEXUAL HAR-** 21 **ASSMENT BY COMMANDING OFFICERS AND** 22 **OFFICERS IN CHARGE.**

23 Section 1561(a) of title 10, United States Code, is
24 amended by striking “or a civilian employee under the su-
25 pervision of the officer”.

1 **SEC. 911. EXEMPTION OF RETIREE COUNCIL MEMBERS**
 2 **FROM RECALLED RETIREE LIMITS.**

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

6 “(D) Any officer assigned to duty as a member of
 7 the Army, Navy, or Air Force Retiree Council for the pe-
 8 riod of active duty to which ordered.”

9 **Subtitle D—Other Matters**

10 **SEC. 915. EXEMPTION FROM REQUIREMENT FOR RELEASE**
 11 **OF PERSONNEL INFORMATION FOR CERTAIN**
 12 **OVERSEAS, SENSITIVE AND ROUTINELY**
 13 **DEPLOYABLE UNITS.**

14 (a) IN GENERAL.—Subchapter I of Chapter 21 of
 15 title 10, United States Code, is amended by adding at the
 16 end the following new section:

17 **§ 426. Disclosure of personnel information: exemption**
 18 **for overseas, sensitive, or routinely**
 19 **deployable, units**

20 “(a) EXEMPTION FROM DISCLOSURE.—Except as re-
 21 quired by the President or as provided in subsection (b),
 22 no provision of law shall be construed to require the dis-
 23 sure of the name, rank, duty address, official title, or sal-
 24 ary of members of the armed forces or civilian employees
 25 of the Department of Defense or Department of Transpor-
 26 tation assigned to or employed by—

1 “(1) overseas units;

2 “(2) sensitive units; or

3 “(3) routinely deployable units.

4 “(b) DEFINITIONS.—In this section:

5 “(1) The term ‘overseas units’ means United
6 States military organizations outside the continental
7 United States or its territories.

8 “(2) The term ‘sensitive units’ means those
9 military organizations of the armed forces primarily
10 involved in training for, or the conduct of special ac-
11 tivities, or classified missions, including units in-
12 volved in collecting, handling, disposing, or storing
13 of classified information and materials. Also included
14 are units engaged in training special operations
15 units, security group commands weapons stations,
16 and communications stations and such other military
17 organizations as the Secretary of Defense may des-
18 ignate. Army, Navy and Air Force armed forces and
19 their subordinate organizations are considered mili-
20 tary organizations.

21 “(3) The term ‘routinely deployable unit’ means
22 those units of the armed forces that normally deploy
23 from permanent home station on a periodic or rotat-
24 ing basis to meet peacetime operational require-
25 ments, or to participate in scheduled training exer-

1 cises, which require deployment outside of the
2 United States, or United States territories on a rou-
3 tine basis. The term also includes units which are
4 alerted for deployment outside of the United States,
5 or United States territories, during actual execution
6 of a contingency plan, or in support of a crisis oper-
7 ation.

8 “(c) PROVISION OF INFORMATION TO CONGRESS.—
9 Subsection (a) does not apply with respect to the provision
10 of information to Congress.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of Subchapter I of Chapter 21 of title
13 10 is amended by adding the following new section head-
14 ing:

“426. Disclosure of personnel information: exemption of overseas, sensitive, and
routinely deployable units.”.

15 **SEC. 916. VESSELS STRICKEN FROM NAVAL VESSEL REG-**
16 **ISTER, CAPTURED.**

17 Section 730(d) of title 10, United States Code is
18 amended—

19 (1) by striking the designator (1) at the begin-
20 ning of the first paragraph;

21 (2) by striking paragraph (2); and

22 (3) in the remaining matter, by striking “days
23 of continuous session of Congress” and inserting in
24 lieu thereof “calendar days”.

1 **SEC. 917. LEASES: LAND FOR SPECIAL OPERATIONS ACTIVI-**
2 **TIES; EXTENSION OF AUTHORITY.**

3 Section 2680(d) of title 10, United States Code, is
4 amended by striking “September 30, 2000” and inserting
5 in lieu thereof “September 30, 2002”.

6 **SEC. 918. TO CONSOLIDATE VARIOUS DEPARTMENT OF THE**
7 **NAVY TRUST AND GIFT FUNDS.**

8 (a) CONSOLIDATION OF NAVAL ACADEMY GENERAL
9 GIFT FUND AND THE NAVAL ACADEMY MUSEUM
10 FUND.—Section 6973 of title 10, United States Code, is
11 amended—

12 (1) by amending subsection 6973(a) to read as
13 follows:

14 “(a)(1) The Secretary of the Navy may accept, hold,
15 administer, and spend gifts and bequests of personal prop-
16 erty, and loans of personal property other than money,
17 made on the condition that it be used for the benefit of,
18 or for use in connection with, the Naval Academy or the
19 Naval Academy Museum, its collection, or its services. Gift
20 or bequests of money and the proceeds from the sales of
21 property received as gifts shall be deposited in the Treas-
22 ury in the fund called ‘United States Naval Academy Gift
23 and Museum Fund.’ The Secretary may disburse funds
24 deposited under this subsection for the benefit or use of
25 the Naval Academy or the Naval Academy Museum sub-
26 ject to terms of the gift or bequest.

1 “(2) The Secretary shall develop written guidelines
2 to be used in determining whether the acceptance of
3 money, personal property or loans of personal property
4 under paragraph (1) would reflect unfavorably upon the
5 ability of the Department of the Navy or any employee
6 of the Department of the Navy to carry out its responsibil-
7 ities or his or her official duties in a fair and objective
8 manner, or would compromise the integrity, or the appear-
9 ance of the integrity, or its programs or any official in-
10 volved in those programs.”; and

11 (2) in subsection 6973(c), by striking “United
12 States Naval Academy general gift fund” both times
13 such phrase appears in the subsection and by insert-
14 ing in lieu thereof, in each instance, “United States
15 Naval Academy Gift and Museum Fund.”.

16 (b) REPEAL OF NAVAL ACADEMY MUSEUM FUND.—
17 Section 6974 of such title 10, is hereby repealed.

18 (c) REPEAL OF NAVAL HISTORICAL CENTER
19 FUND.—Section 7222 of such title 10, is hereby repealed.

20 (d) TRANSFER OF FUNDS.—

21 (1) UNITED STATES GIFT AND MUSEUM
22 FUND.—All funds currently deposited or held in the
23 United States Naval Academy Museum Fund estab-
24 lished pursuant to section 6974 of such title 10,
25 shall be transferred to the United States Naval

1 Academy Gift and Museum Fund authorized by sub-
2 section (a).

3 (2) NAVAL GENERAL GIFT FUND.—All funds
4 currently deposited or held in the Naval Historical
5 Center Fund, established pursuant to section 7222
6 of such title 10, shall be transferred to the Depart-
7 ment of the Navy General Gift Fund authorized by
8 section 2601 of such title 10.

9 (e) CLERICAL AMENDMENTS.—

10 (1) CHAPTER 603.—The Table of Sections at
11 the beginning of Chapter 603 of such title 10 is
12 amended by striking the item relating to section
13 6974.

14 (2) CHAPTER 631.—The Table of Sections at
15 the beginning of Chapter 631 of such title 10 is
16 amended by striking the item relating to section
17 7222.

18 **SEC. 919. USE OF BURDEN SHARING FUNDS FOR CON-**
19 **STRUCTION IN THE EVENT OF WAR OR NA-**
20 **TIONAL EMERGENCY.**

21 Section 2350j(e), title 10, United States Code, is
22 amended by adding at the end the following new para-
23 graph:

24 “(3) In the event of a declaration of war or the dec-
25 laration by the President of a national emergency in ac-

1 cordance with the National Emergencies Act (Public Law
2 94–412; 50 U.S.C. 1601 et seq.) that requires the use of
3 armed forces in the country (or, in the case of a contribu-
4 tion by a regional organization, within the region) which
5 provided the burden sharing contribution, the Secretary
6 of Defense, or the Secretary of a military department
7 when authorized by the Secretary of Defense, may under-
8 take a military construction project under subsection (d)
9 necessary to support such use of the armed forces without
10 meeting the 21-day notice and wait period specified in
11 paragraph (2). However, when a decision is made to un-
12 dertake a military construction project under such cir-
13 cumstances, the Secretary of Defense shall notify the ap-
14 propriate committees of Congress of that decision and of
15 the estimated cost of such construction projects, including
16 the cost of any real estate action pertaining to those con-
17 struction projects. Authority to not comply with the 21-
18 day notice and wait provision shall terminate with respect
19 to any war or national emergency at the end of the war
20 or national emergency.”.

21 **SEC. 920. PROTECTION OF OPERATIONAL FILES OF THE NA-**
22 **TIONAL IMAGERY AND MAPPING AGENCY.**

23 Title I of the National Security Act of 1947 (50
24 U.S.C. 402 et seq.) is amended by inserting after section
25 105A (50 U.S.C. 403–5a) the following new section:

1 “PROTECTION OF OPERATIONAL FILES OF THE NATIONAL
2 IMAGERY AND MAPPING AGENCY

3 “SEC. 105B. (a) EXEMPTION OF CERTAIN OPER-
4 ATIONAL FILES FROM SEARCH, REVIEW, PUBLICATION,
5 OR DISCLOSURE.—(1) Operational files of the National
6 Imagery and Mapping Agency may be exempted by the
7 Director of the National Imagery and Mapping Agency,
8 with the coordination of the Director of Central Intel-
9 ligence, from the provisions of section 552 of title 5,
10 United States Code (Freedom of Information Act), which
11 require publication or disclosure, or search or review, in
12 connection therewith.

13 “(2) For the purposes of this section, the term “oper-
14 ational files” means files of the National Imagery and
15 Mapping Agency (NIMA) concerning the activities of
16 NIMA that were previously performed by the National
17 Photographic Interpretation Center of the Central Intel-
18 ligence Agency (NPIC), and which document the means
19 by which foreign intelligence or counterintelligence is col-
20 lected through scientific and technical systems, except that
21 files which are the sole repository of disseminated intel-
22 ligence are not operational files.

23 “(3) Notwithstanding paragraph (1) of this sub-
24 section, exempted operational files shall continue to be
25 subject to search and review for information concerning—

1 “(A) United States citizens or aliens lawfully
2 admitted for permanent residence who have re-
3 quested information on themselves pursuant to the
4 provisions of section 552 or title 5, United States
5 Code (Freedom of Information Act), or section 552a
6 of title 5, United States Code (Privacy Act of 1974);

7 “(B) Any special activity the existence of which
8 is not exempt from disclosure under the provisions
9 of section 552 of title 5, United States Code; or

10 “(C) The specific subject matter of an inves-
11 tigation by the Intelligence Oversight Board, the De-
12 partment of Justice, the Office of General Counsel
13 of the National Imagery and Mapping Agency, or
14 the Office of the Director of the National Imagery
15 and Mapping Agency for any impropriety, or viola-
16 tion of law, Executive order, or Presidential direc-
17 tive, in the conduct of an intelligence activity.

18 “(4)(A) Files that are not exempted under subsection
19 (a)(1) of this section which contain information derived
20 or disseminated from exempted operational files shall be
21 subject to search and review.

22 “(B) The inclusion of information from exempted
23 operational files in files that are not exempted under sub-
24 section (a)(1) shall not affect the exemption under sub-

1 section (a)(1) of the originating operational files for
2 search, review publication or disclosure.

3 “(C) Records from exempted operational files which
4 have been disseminated to and referenced in files that are
5 not exempted under subsection (a)(1) and which have been
6 returned to exempted operational files for sole retention
7 shall be subject to search and review.

8 “(5) the provisions of subsection (a)(1) may not be
9 superseded except by a provision of law which is enacted
10 after the date of enactment of this act, and which specifi-
11 cally cites and repeals or modifies its provisions.

12 “(6) Whenever any person who has requested agency
13 records under section 552 of title 5, United States Code
14 (Freedom of Information Act), alleges that the National
15 Imagery and Mapping Agency has withheld records im-
16 properly because of failure to comply with any provision
17 of this section, judicial review shall be available under the
18 terms set forth in section 552(a)(4)(B) of title 5 United
19 States Code, except that—

20 “(A) in any case in which information specifi-
21 cally authorized under criteria established by an Ex-
22 ecutive order to be kept secret in the interests of na-
23 tional defense or foreign relations is filed with, or
24 produced for, the court by the National Imagery and

1 Mapping Agency, such information shall be exam-
2 ined ex parte, in camera by the court.

3 “(B) the court shall, to the fullest extent prac-
4 ticable, determine the issues of fact based on sworn
5 written submissions of the parties;

6 “(C) when a complainant alleges that requested
7 records were improperly withheld because of im-
8 proper exception of operational files, the National
9 Imagery and Mapping Agency shall meet its burden
10 under section 552(a)(4)(B) of title 5, United States
11 Code, by demonstrating to the court by sworn writ-
12 ten submission that exempted operational files likely
13 to contain responsible records currently perform the
14 functions set forth in subsection (a)(2) of this sec-
15 tion; and

16 “(D)(i) when a complainant alleges that re-
17 quested records were improperly withheld because of
18 improper exception of operational files, the National
19 Imagery and Mapping Agency shall meet its burden
20 under section 552(a)(4)(B) of title 5, United States
21 Code, by demonstrating to the court by sworn writ-
22 ten submission that exempted operational files likely
23 to contain responsible records currently perform the
24 functions set forth in subsection (a)(2) of this sec-
25 tion; and

1 “(ii) the court may not order the National Im-
2 agery and Mapping Agency to review the content of
3 any exempted operational file or files in order to
4 make the demonstration required under clause (i) of
5 this subparagraph, unless the complainant disputes
6 the National Imagery and Mapping Agency’s show-
7 ing with a sworn written submission based on per-
8 sonal knowledge or otherwise admissible evidence;

9 “(E) in proceedings under subparagraphs (C)
10 and (D) of subsection (a)(6), the parties shall not
11 obtain discovery pursuant to rules 26 and 36;

12 “(F) if the court finds under this subsection
13 that the National Imagery and Mapping Agency has
14 improperly withheld requested records because of
15 failure to comply with any provisions of this section,
16 the court shall order the National Imagery and Map-
17 ping Agency to search and review the appropriate
18 exempted operational file or files for the requested
19 records and make such records, or portions thereof,
20 available in accordance with the provisions of section
21 552 of title 5, United States Code (Freedom of In-
22 formation Act), and such order shall be the exclusive
23 remedy for failure to comply with the section;

24 “(G) if at any time following the filing of a
25 complaint pursuant to this subsection the National

1 Imagery and Mapping Agency agrees to search the
2 appropriate exempted operational file or files for the
3 requested records, the court shall dismiss the claim
4 based upon such complaint; and

5 “(H) any information filed with, or produced
6 for the court pursuant to subparagraphs (A) and
7 (D) shall be coordinated with the Director of Central
8 Intelligence prior to submission to the court.

9 “(b) DECENNIAL REVIEW OF EXEMPTED OPER-
10 ATIONAL FILES.—(1) Not less than once every ten years,
11 the Director of the National Imagery and Mapping Agency
12 and the Director of Central Intelligence shall review the
13 exemptions in force under subsection (a)(1) of this section
14 to determine whether such exemptions may be removed
15 from the category or exempted files or any portion thereof.
16 The Director of Central Intelligence must approve any de-
17 termination to remove such exemptions.

18 “(2) The review required by subsection (b)(1) of this
19 section shall include consideration of the historical values
20 of other public interest in the subject matter of the par-
21 ticular category of files or portions thereof and the poten-
22 tial for declassifying a significant part of the information
23 contained therein.

24 “(3) A complaint which alleges that the National Im-
25 agery and Mapping Agency has improperly withheld

1 records because of failure to comply with this subsection
 2 may seek judicial review in the district court of the United
 3 States of the district in which any of the parties reside,
 4 or in the District of Columbia. In such a proceeding, the
 5 court's review shall be limited to determining—

6 “(A) whether the National Imagery and Map-
 7 ping Agency has conducted the review required by
 8 subsection (b)(1) within 10 years after the enact-
 9 ment of this section or within ten years after the
 10 last review; and

11 “(B) whether the National Imagery and Map-
 12 ping Agency, in fact, considered the criteria set forth
 13 in subsection (b)(2) of this section in conducting the
 14 required review.”.

15 **TITLE X—GENERAL PROVISIONS**

16 **Subtitle A—Financial Matters**

17 **SEC. 1001. REPEAL OF REQUIREMENT FOR SEPARATE**

18 **BUDGET REQUEST FOR PROCUREMENT OF**

19 **RESERVE EQUIPMENT.**

20 Section 114(e) of title 10, United States Code, is re-
 21 pealed.

1 **SEC. 1002. REPEAL OF REQUIREMENT FOR TWO-YEAR**
2 **BUDGET CYCLE FOR THE DEPARTMENT OF**
3 **DEFENSE.**

4 Section 1405 of the Department of Defense Author-
5 ization Act, 1986 (31 U.S.C. 1105 note) is repealed.

6 **SEC. 1003. DATE FOR SUBMITTAL OF JOINT REPORT ON**
7 **SCORING OF BUDGET OUTLAYS.**

8 Section 226 of title 10, United States Code is
9 amended—

10 (1) in subsection (a) by striking “Not later
11 than December 15 of each year” and inserting in
12 lieu thereof “Not later than the day on which the
13 budget for any fiscal year is submitted to Congress
14 pursuant to section 1105 of title 31”;

15 (2) in paragraph (a)(1) by striking “major
16 functional category 050” and all that follows
17 through “section 1105 of title 31;”, and inserting in
18 lieu thereof “subfunctional category 051 (Depart-
19 ment of Defense—Military) for that budget;”;

20 (3) in the catchline to subsection (b) by striking
21 “USE OF AVERAGES.—” and inserting in lieu there-
22 of “USE OF DIFFERENCES.—”; and

23 (4) in subsection (b) by striking “, the report
24 shall reflect the average of the relevant outlay rates
25 or assumptions used by the two offices.” and insert-
26 ing in lieu thereof “, the report shall reflect the dif-

1 ferences between the relevant outlay rates or as-
2 sumptions used by the two offices. For each account
3 where a difference exists, the report also shall dis-
4 play the budget year budget authority (BA), the
5 rates, and the outlays estimated by both offices.”.

6 **SEC. 1004. EXTENSION OF PILOT PROGRAM FOR THE SALE**
7 **OF AIR POLLUTION EMISSION REDUCTION**
8 **INCENTIVES.**

9 Section 351(a)(2) of the National Defense Authoriza-
10 tion Act for Fiscal Year 1998 (Public Law 105–85; 111
11 Stat. 1692) is amended by striking “and ending two years
12 after such date” and inserting in lieu thereof “and ending
13 four years after such date.”.

14 **Subtitle B—Foreign Nations**

15 **SEC. 1010. COOPERATIVE MILITARY AIRLIFT AGREEMENTS:**
16 **ALLIED COUNTRIES.**

17 Section 2350c of chapter 138 of title 10, United
18 States Code, is amended—

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

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

1 **SEC. 1011. ONE-YEAR EXTENSION OF COUNTER-**
 2 **PROLIFERATION AUTHORITIES FOR SUP-**
 3 **PORT OF UNITED NATIONS SPECIAL COMMIS-**
 4 **SION ON IRAQ.**

5 (a) AMOUNT AUTHORIZED FOR FISCAL YEAR
 6 2000.—The total amount of assistance for fiscal year
 7 2000 provided by the Secretary of Defense under section
 8 1505 of the Weapons of Mass Destruction Control Act of
 9 1992 (22 U.S.C. 5859a) that is provided for activities of
 10 the Department of Defense in support of the United Na-
 11 tions Special Commission on Iraq, may not exceed
 12 \$15,000,000.

13 (b) EXTENSION OF AUTHORITY TO PROVIDE ASSIST-
 14 ANCE.—Section 1505(f) of the Weapons of Mass Destruc-
 15 tion Control Act of 1992 (22 U.S.C. 5859a) is amended
 16 by striking “1999” and inserting in lieu thereof “2000”.

17 **Subtitle C—Department of Defense**
 18 **Schools**

19 **SEC. 1015. AMENDMENT OF ELIGIBILITY REQUIREMENTS**
 20 **FOR ATTENDANCE AT DEPARTMENT OF DE-**
 21 **FENSE DOMESTIC DEPENDENT ELEMENTARY**
 22 **AND SECONDARY SCHOOLS, RISING SENIOR.**

23 Section 2164(c) of title 10, United States Code, is
 24 amended by adding at the end the following new para-
 25 graph (4):

1 “(4) A dependent of a member of the armed
2 forces or a Federal civilian employee who has been
3 a junior in a secondary school in a program under
4 this section may be enrolled as a senior in that pro-
5 gram in the next school year, notwithstanding a
6 change in the enrollment eligibility status of the de-
7 pendent that, except for this paragraph, would oth-
8 erwise terminate the eligibility of the dependents to
9 be enrolled in the program.”.

10 **SEC. 1016. AMENDMENT OF PROVISION FOR SCHOOL**
11 **BOARDS IN DEPARTMENT OF DEFENSE DO-**
12 **MESTIC DEPENDENT ELEMENTARY AND SEC-**
13 **ONDARY SCHOOLS.**

14 Section 2164(d)(1) of title 10, United States Code,
15 is amended to read as follows:

16 “(1) The Secretary of Defense shall provide for
17 the establishment of a school board for Department
18 of Defense Domestic Dependent Elementary and
19 Secondary Schools at each military installation
20 under this section, except that one school board shall
21 be authorized for all Department of Defense Domes-
22 tic Dependent Elementary and Secondary Schools lo-
23 cated in each territory, commonwealth, or possession
24 of the United States.”.

1 **SEC. 1017. AMENDMENT OF ELIGIBILITY CRITERIA FOR DE-**
2 **PENDENTS OF MEMBERS OF THE ARMED**
3 **FORCES OR OF FEDERAL EMPLOYEES TO AT-**
4 **TEND DEPARTMENT OF DEFENSE DOMESTIC**
5 **DEPENDENT ELEMENTARY AND SECONDARY**
6 **SCHOOLS.**

7 Section 2164(c)(3) of title 10, United States Code,
8 is amended to read as follows:

9 “(3) The Secretary of Defense may authorize a
10 dependent of a member of the armed forces or the
11 dependent of a Federal employee, to continue enroll-
12 ment in a program under this subsection for so long
13 as the Secretary of Defense deems appropriate not-
14 withstanding a change in the status of the member
15 of the armed forces or of the Federal employee that,
16 except for this paragraph, would otherwise terminate
17 the eligibility of the dependent to be enrolled in the
18 program. The Secretary shall exercise this authority
19 only for a showing of good cause as determined by
20 the Secretary or his representative for this purpose.
21 The Secretary of Defense may remove the dependent
22 from the program at any time for cause.”.

1 **Subtitle D—Other Matters**

2 **SEC. 1020. INSTALLMENT CONTRACTS FOR PURCHASE OF**
3 **PROPERTY.**

4 Section 301 of the Soldiers' and Sailors' Civil Relief
5 Act of 1940 (50 U.S.C. App. 531) is amended—

6 (1) by inserting at the beginning of the current
7 matter the designator (a); and

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

10 “(b) A member of the armed forces of the United
11 States on active duty, who buys or leases a motor vehicle
12 by means of a contract with a seller, lessee, or creditor,
13 may remove the motor vehicle from the State in which it
14 is located, if the member is reassigned to a different State
15 or country by competent Government orders, provided
16 that: (1) the member has not missed more than three peri-
17 odic payments during the term of the contract and other-
18 wise is not in default of the contract at the time of reas-
19 signment; and (2) the member furnishes the seller, lessee,
20 or creditor with a copy of the Government orders and the
21 member's forwarding address.”.

22 **SEC. 1021. NATIONAL GUARD CHALLENGE PROGRAM.**

23 Section 509(b) of title 32, United States Code, is
24 amended by striking “, except that Federal expenditures

1 under the program may not exceed \$50,000,000 for any
2 fiscal year”.

3 **SEC. 1022. TELECOMMUNICATION EQUIPMENT INSTALLA-**
4 **TION FOR MILITARY SERVICES VOLUNTEER**
5 **PROGRAMS; DISCRETIONARY AUTHORITY TO**
6 **INSTALL EQUIPMENT.**

7 Section 1588 of title 10, United States Code, is
8 amended by adding at the end the following new sub-
9 section (f):

10 “(f) DISCRETIONARY AUTHORITY TO INSTALL
11 EQUIPMENT.—Notwithstanding the provisions of section
12 1348 of title 31, a Secretary concerned may use appro-
13 priated or non-appropriated funds of the Department of
14 Defense or, with respect to the Coast Guard, the Depart-
15 ment in which the Coast Guard is operating to install tele-
16 phone lines and any necessary telecommunication equip-
17 ment in the private residences of designated Service volun-
18 teers and pay for usage charges for such equipment. The
19 Secretary of Defense or, with respect to the Coast Guard,
20 the Secretary of the Department in which the Coast Guard
21 is operating shall prescribe regulations to carry out this
22 subsection.”.

1 (2) in the table of sections at the beginning of
2 chapter 81 by adding the following at the end of
3 the table:

“1600. Department of Defense Emergency Essential Employees.”.

4 (b) ESTATE TAX OF DECEASED EMERGENCY ESSEN-
5 TIAL EMPLOYEES.—Section 2201 of the Internal Revenue
6 Code of 1986 (section 2201 of title 26, United States
7 Code) is amended by inserting “, or while serving as a
8 Department of Defense emergency essential employee (as
9 that term is defined in section 1600 of title 10, United
10 States Code),” after “a member of the Armed Forces of
11 the United States”.

12 (c) LEAVE RESTORATION OF EMERGENCY ESSEN-
13 TIAL EMPLOYEES.—Section 6304 of title 5, United States
14 Code, is amended in subsection (d) by inserting a new sub-
15 paragraph (4):

16 “(4) For the purpose of this subsection, the de-
17 ployment of a Department of Defense employee who
18 has been designated to be emergency essential under
19 the provision of section 1600 of title 10 to a combat
20 zone outside the United States, shall be deemed to
21 create an exigency of the public business and any
22 leave that is lost by an employee of such installation
23 by operation of this section (regardless of whether
24 such leave was scheduled) shall be restored to the

1 employee and shall be credited and available in ac-
2 cordance with paragraph (2).”.

3 **SEC. 1024. CHEMICAL STOCKPILE EMERGENCY PREPARED-**
4 **NESS PROGRAM.**

5 (a) Section 1412(c) of the Department of Defense
6 Authorization Act, 1986 (Public Law 99–145) (50 U.S.C.
7 1521), is amended by adding at the end the following:

8 “(4)(A) The Director of the Federal Emergency
9 Management Agency shall administer a program to pro-
10 vide off-post emergency preparedness required to protect
11 the public around installations where lethal chemical
12 agents and munitions are stored in the continental United
13 States from risks that may be identified by the Secretary.

14 “(B) The Director shall assist States to respond to
15 credible emergencies associated with the storage and de-
16 struction of the lethal chemical agents and munitions iden-
17 tified in paragraph (a)(4)(A).

18 “(C) The Director may make grants to State and
19 local governments for the purposes of this subsection.

20 “(D) The Director may establish an incentive pro-
21 gram to encourage State and local governments to achieve
22 early, efficient, and cost-effective attainment of the level
23 of emergency preparedness required under this subsection.
24 Under the program, the Director may permit any State
25 or a State’s subgrantee to retain a portion of a grant made

1 under paragraph (C) that represents cost savings realized
2 by the State or subgrantee because of early completion
3 of program objectives. Amounts retained by any State or
4 subgrantee shall not exceed \$100,000 in any fiscal year
5 and shall be available for any emergency management pur-
6 pose determined by the State or subgrantee.

7 “(E) The Director shall report annually to Congress
8 on the activities carried out under this subsection.”.

9 (b) Section 1412(f) (50 U.S.C. 1521(f)) of such Act
10 is amended—

11 (1) by striking “IDENTIFICATION OF FUNDS.—
12 Funds” and inserting in lieu thereof “IDENTIFICA-
13 TION OF FUNDS.—(1) Funds”;

14 (2) by inserting “(other than funds for carrying
15 out the program established in subsection (c)(4))”
16 after “Funds for carrying out this section”; and

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

18 “(2) The funds for carrying out the program
19 established in subsection (c)(4) shall be set out in a
20 separate defense-related activities program account
21 for the Federal Emergency Management Agency for
22 any fiscal year under the national defense function
23 (function 050) of the Budget of the United States.”.

1 **TITLE XI—DEFENSE BASE CLO-**
2 **SURE AND REALIGNMENT**
3 **ACT OF 1999**

4 **SEC. 1101. SHORT TITLE AND PURPOSE.**

5 (a) **SHORT TITLE.**—This title may be cited as the
6 “Defense Base Closure and Realignment Act of 1999”.

7 (b) **PURPOSE.**—The purpose of this title is to provide
8 a fair process that will result in the timely closure and
9 realignment of military installations inside the United
10 States.

11 **SEC. 1102. THE COMMISSION.**

12 (a) **ESTABLISHMENT.**—There is established an inde-
13 pendent commission to be known as the “Defense Base
14 Closure and Realignment Commission”.

15 (b) **DUTIES.**—The Commission shall carry out the
16 duties specified for it in the part.

17 (c) **APPOINTMENT.**—(1)(A) The Commission shall be
18 composed of eight members appointed by the President,
19 by and with the advise and consent of the Senate.

20 (B) The President shall transmit to the Senate the
21 nominations for appointment to the Commission—

22 (i) by no later than March 15, 2001, in the case
23 of members of the Commission whose terms will ex-
24 pire at the end of the first session of the 107th Con-
25 gress; and

1 (ii) by no later than March 15, 2005, in the
2 case of members of the Commission whose terms will
3 expire at the end of the first session of the 109th
4 Congress;

5 (C) If the President does not transmit to Congress
6 the nominations for appointment to the Commission on
7 or before the date specified for 2005 in clause (ii) of sub-
8 paragraph (B), the process by which military installations
9 may be selected for closure or realignment under this part
10 with respect to that year shall be terminated.

11 (2) In selecting individuals for nominations for ap-
12 pointments to the Commission, the President should con-
13 sult with—

14 (A) the Speaker of the House of Representa-
15 tives concerning the appointment of two members;

16 (B) the majority leader of the Senate con-
17 cerning the appointment of two members;

18 (C) the minority leader of the House of Rep-
19 resentatives concerning the appointment of one
20 member; and

21 (D) the minority leader of the Senate con-
22 cerning the appointment of one member.

23 (3) At the time the President nominates individuals
24 for appointment to the Commission for each session of
25 Congress referred to in paragraph (1)(B), the President

1 shall designate one such individual who shall serve as
2 Chairman of the Commission.

3 (d) TERMS.—(1) Except as provided in paragraph
4 (2), each member of the Commission shall serve until the
5 adjournment of Congress sine die for the session during
6 which the member was appointed to the Commission.

7 (2) The Chairman of the Commission shall serve until
8 the confirmation of a successor.

9 (e) MEETINGS.—(1) The Commission shall meet only
10 during calendar years 2001 and 2005.

11 (2)(A) Each meeting of the Commission, other than
12 meetings in which classified information is to be discussed,
13 shall be open to the public. The Commission shall provide
14 an opportunity for the public to comment, and shall con-
15 sider any such comments.

16 (B) All the proceedings, information, and delibera-
17 tions of the Commission shall be open, upon request, to
18 the following:

19 (i) The Chairman and the ranking minority
20 party member of the Subcommittee on Readiness,
21 Sustainability, and Support of the Committee on
22 Armed Services of the Senate, or such other mem-
23 bers of the Subcommittee designated by such Chair-
24 man or ranking minority party member.

1 (ii) The Chairman and the ranking minority
2 party member of the Subcommittee on Military In-
3 stallations and Facilities of the Committee on Na-
4 tional Security of the House of Representatives, or
5 such other members of the Subcommittee designated
6 by such Chairman or ranking minority party mem-
7 ber.

8 (iii) The Chairmen and ranking minority party
9 members of the Subcommittees on Military Con-
10 struction of the Committees on Appropriations of
11 the Senate and of the House of Representatives, or
12 such other members of the Subcommittees des-
13 igned by such Chairmen or ranking minority party
14 members.

15 (f) VACANCIES.—A vacancy in the Commission shall
16 be filled in the same manner as the original appointment,
17 but the individual appointed to fill the vacancy shall serve
18 only for the unexpired portion of the term for which the
19 individual's predecessor was appointed.

20 (g) PAY AND TRAVEL EXPENSES.—(1)(A) Each
21 member, other than the Chairman, shall be paid at a rate
22 equal to the daily equivalent of the minimum annual rate
23 of basic pay payable for level IV of the Executive Schedule
24 under section 5315 of title 5, United States Code, for each
25 day (including travel time) during which the member is

1 engaged in the actual performance of duties vested in the
2 Commission.

3 (B) The Chairman shall be paid for each day referred
4 to in subparagraph (A) at a rate equal to the daily equiva-
5 lent of the minimum annual rate of basic pay payable for
6 level III of the Executive Schedule under section 5314,
7 of title 5, United States Code.

8 (2) Members shall receive travel expenses, including
9 per diem in lieu of subsistence, in accordance with sections
10 5702 and 5703 of title 5, United States Code.

11 (h) DIRECTOR OF STAFF.—(1) The Commission
12 shall, without regard to section 5311(b) of title 5, United
13 States Code, appoint a Director who has not served on
14 active duty in the Armed Forces or as a civilian employee
15 of the Department of Defense during the one-year period
16 preceding the date of such appointment.

17 (2) The Director shall be paid at the rate of basic
18 pay payable for level IV of the Executive Schedule under
19 section 5315 of title 5, United States Code.

20 (i) STAFF.—(1) Subject to paragraphs (2) and (3),
21 the Director, with the approval of the Commission, may
22 appoint and fix the pay of additional personnel.

23 (2) The Director may make such appointments with-
24 out regard to the provisions of title 5, United States Code,
25 governing appointments in the competitive service, and

1 any personnel so appointed may be paid without regard
2 to the provisions of chapter 51 and subchapter III of chap-
3 ter 53 of that title relating to classification and General
4 Schedule pay rates, except that an individual so appointed
5 may not receive pay in excess of the annual rate of basic
6 pay payable for senior-level positions of the civil service
7 as described in section 5376 of title 5, United States Code.

8 (3)(A) Not more than one-third of the personnel em-
9 ployed by or detailed to the Commission may be on detail
10 from the Department of Defense.

11 (B)(i) Not more than one-fifth of the professional an-
12 alysts of the Commission staff may be persons detailed
13 from the Department of Defense to the Commission.

14 (ii) No person detailed from the Department of De-
15 fense to the Commission may be assigned as the lead pro-
16 fessional analyst with respect to a military department or
17 defense agency.

18 (C) A person may not be detailed from the Depart-
19 ment of Defense to the Commission if, within 12 months
20 before the detail is to begin, that person participated per-
21 sonally and substantially in any manner within the De-
22 partment of Defense concerning the preparation of rec-
23 ommendations for closures or realignments of military in-
24 stallations.

1 (D) No member of the Armed Forces, and no officer
2 or employee of the Department of Defense, may—

3 (i) prepare any report concerning the effective-
4 ness, fitness, or efficiency of the performance on the
5 staff of the Commission of any person detailed from
6 the Department of Defense to that staff;

7 (ii) review the preparation of such report; or

8 (iii) approve or disapprove such a report.

9 (4) Upon request of the Director, the head of any
10 Federal department or agency may detail any of the per-
11 sonnel of that department or agency to the Commission
12 to assist the Commission in carrying out its duties under
13 this part.

14 (5) The Comptroller General of the United States
15 shall provide assistance, including the detailing of employ-
16 ees, to the Commission in accordance with an agreement
17 entered into with the Commission.

18 (6) The following restrictions relating to the per-
19 sonnel of the Commission shall apply during 2002 through
20 2004:

21 (A) There may not be more than 15 persons on
22 the staff at any one time.

23 (B) The staff may perform only such functions
24 as are necessary to prepare for the transition to new

1 membership on the Commission in the following
2 year.

3 (C) No member of the Armed Forces and no
4 employee of the Department of Defense may serve
5 on the staff.

6 (j) OTHER AUTHORITY.—(1) The Commission may
7 procure by contract, to the extent funds are available, the
8 temporary or intermittent services of experts or consult-
9 ants pursuant to section 3109 of title 5, United States
10 Code.

11 (2) The Commission may lease space and acquire per-
12 sonal property to the extent funds are available.

13 (k) FUNDING.—(1) There are authorized to be appro-
14 priated to the Commission such funds as are necessary
15 to carry out its duties under this part. Such funds shall
16 remain available until expended.

17 (2) If no funds are appropriated to the Commission
18 by the 106th Congress, the Secretary of Defense may
19 transfer to the Commission funds from the Department
20 of Defense Base Closure Account established by section
21 2906 of Public Law 101–510. Such funds shall remain
22 available until expended.

23 (l) TERMINATION.—The Commission shall terminate
24 on December 31, 2005.

1 (m) PROHIBITION AGAINST RESTRICTING COMMU-
2 NICATIONS.—Section 1034 of title 10, United States
3 Code, shall apply with respect to communications with the
4 Commission.

5 **SEC. 1103. PROCEDURE FOR MAKING RECOMMENDATIONS**
6 **FOR BASE CLOSURES AND REALIGNMENTS.**

7 (a) FORCE-STRUCTURE PLAN.—(1) As part of the
8 budget justification documents submitted to Congress in
9 support of the budget for the Department of Defense for
10 each of the fiscal years 2002 and 2006, the Secretary shall
11 include a force-structure plan for the Armed Forces based
12 on an assessment by the Secretary of the probable threats
13 to the national security during the six-year period begin-
14 ning with the fiscal year for which the budget request is
15 made and of the anticipated levels of funding that will be
16 available for national defense purposes during such period.

17 (2) Such plan shall include, without any reference (di-
18 rectly or indirectly) to military installations inside the
19 United States that may be closed or realigned under such
20 plan—

21 (A) a description of the assessment referred to
22 in paragraph (1);

23 (B) a description (i) of the anticipated force
24 structure during and at the end of such period for
25 each military department (with specifications of the

1 number and type of units in the active and reserve
2 forces of each such department), and (ii) of the
3 units that will need to be forward based (with a jus-
4 tification thereof) during and at the end of each
5 such period; and

6 (C) a description of the anticipated implementa-
7 tion of such force-structure plan.

8 (3) The Secretary shall also transmit a copy of each
9 such force-structure plan to the Commission.

10 (b) SELECTION CRITERIA.—The Secretary shall, by
11 no later than February 29, 2000, publish in the Federal
12 Register and transmit to the congressional defense com-
13 mittees the criteria proposed to be used by the Depart-
14 ment of Defense in making recommendations for the clo-
15 sure or realignment of military installations inside the
16 United States under this part. The Secretary shall provide
17 an opportunity for public comment on the proposed cri-
18 teria for a period of at least 30 days and shall include
19 notice of that opportunity in the publication required
20 under the preceding sentence.

21 (2)(A) The Secretary shall, by no later than April 14,
22 2000, publish in the Federal Register and transmit to the
23 congressional defense committees the final criteria to be
24 used in making recommendations for the closure or re-
25 alignment of military installations inside the United States

1 under this part. Except as provided in subparagraph (B),
2 such criteria shall be the final criteria to be used, making
3 such recommendations unless disapproved by a joint reso-
4 lution of Congress enacted on or before May 31, 2000.

5 (B) The Secretary may amend such criteria, but such
6 amendments may not become effective until they have
7 been published in the Federal Register, opened to public
8 comment for at least 30 days, and then transmitted to
9 the congressional defense committees in final form by no
10 later than January 15 of the year concerned. Such amend-
11 ed criteria shall be the final criteria to be used, along with
12 the force-structure plan referred to in subsection (a), in
13 making such recommendations unless disapproved by a
14 joint resolution of Congress enacted on or before February
15 15 of the year concerned.

16 (c) SECRETARY OF DEFENSE RECOMMENDATIONS.—

17 (1) The Secretary may, by no later than May 15, 2001,
18 and May 16, 2005, publish in the Federal Register and
19 transmit to the congressional defense committees and to
20 the Commission a list of the military installations inside
21 the United States that the Secretary recommends for clo-
22 sure or realignment on the basis of the force-structure
23 plan and the final criteria referred to in subsection (b)
24 that are applicable to the year concerned.

1 (2) The Secretary shall include, with the list of rec-
2 ommendations published and transmitted pursuant to
3 paragraph (1), a summary of the selection process that
4 resulted in the recommendation for each installation, in-
5 cluding a justification for each recommendation and an
6 evaluation discussing each of the final selection criteria es-
7 tablished pursuant to section 1103(b). The Secretary shall
8 transmit the matters referred to in the preceding sentence
9 not later than 7 days after the date of the transmittal
10 to the congressional defense committees and the Commis-
11 sion of the list referred to in paragraph (1).

12 (3)(A) In considering military installations for clo-
13 sure or realignment, the Secretary shall consider all mili-
14 tary installations inside the United States equally without
15 regard to whether the installation has been previously con-
16 sidered or proposed for closure or realignment by the
17 Department.

18 (B) In considering military installations for closure
19 or realignment, the Secretary may not take into account
20 for any purpose any advance conversion planning under-
21 taken by an affected community with respect to the antici-
22 pated closure or realignment of an installation.

23 (C) For purposes of subparagraph (B), in the case
24 of a community anticipating the economic effects of a clo-

1 sure or realignment of a military installation, advance con-
2 version planning—

3 (i) shall include community adjustment and eco-
4 nomic diversification planning undertaken by the
5 community before an anticipated selection of a mili-
6 tary installation in or near the community for clo-
7 sure or realignment; and

8 (ii) may include the development of contingency
9 redevelopment plans, plans for economic develop-
10 ment and diversification, and plans for the joint use
11 (including civilian and military use, public and pri-
12 vate use, civilian dual use, and civilian shared use)
13 of the property or facilities of the installation after
14 the anticipated closure or realignment.

15 (4) In addition to making all information used by the
16 Secretary to prepare the recommendations under this sub-
17 section available to Congress (including any committee or
18 member of Congress), the Secretary shall also make such
19 information available to the Commission and the Comp-
20 troller General of the United States.

21 (5)(A) Each person referred to in subparagraph (B),
22 when submitting information to the Secretary of Defense
23 or the Commission concerning the closure or realignment
24 of a military installation, shall certify that such informa-

1 tion is accurate and complete to the best of that person's
2 knowledge and belief.

3 (B) Subparagraph (A) applies to the following per-
4 sons:

5 (i) The Secretaries of the military departments.

6 (ii) The heads of the Defense Agencies.

7 (iii) Each person who is in a position the duties
8 of which include personal and substantial involve-
9 ment in the preparation and submission of informa-
10 tion and recommendations concerning the closure or
11 realignment of military installations, as designated
12 in regulations which the Secretary of Defense shall
13 prescribe, regulations which the Secretary of each
14 military department shall prescribe for personnel
15 within that military department, or regulations
16 which the head of each Defense Agency shall pre-
17 scribe for personnel within that Defense Agency.

18 (6) Any information provided to the Commission by
19 a person described in paragraph (5)(B) shall also be sub-
20 mitted to the Senate and the House of Representatives
21 to be made available to the Members of the House con-
22 cerned in accordance with the rules of that House. The
23 information shall be submitted to the Senate and House
24 of Representatives within 48 hours after the submission
25 of the information to the Commission.

1 (d) REVIEW AND RECOMMENDATIONS BY THE COM-
2 MISSION.—(1) After receiving the recommendations from
3 the Secretary pursuant to subsection (c) for any year, the
4 Commission shall conduct public hearings on the rec-
5 ommendations. All testimony before the Commission at a
6 public hearing conducted under this paragraph shall be
7 presented under oath.

8 (2)(A) The Commission shall, by no later than Sep-
9 tember 6 of each year in which the Secretary transmits
10 recommendations to it pursuant to subsection (c), trans-
11 mit to the President a report containing the Commission's
12 findings and conclusions based on a review and analysis
13 of the recommendations made by the Secretary, together
14 with the Commission's recommendations for closures and
15 realignments of military installations inside the United
16 States.

17 (B) Subject to subparagraph (C), in making its rec-
18 ommendations, the Commission may make changes in any
19 of the recommendations made by the Secretary if the
20 Commission determines that the Secretary deviated sub-
21 stantially from the force-structure plan and final criteria
22 referred to in subsection (c)(1) in making recommenda-
23 tions.

24 (C) In the case of a change described in subpara-
25 graph (D) in the recommendations made by the Secretary,

1 the Commission may make the change only if the
2 Commission—

3 (i) makes the determination required by sub-
4 paragraph (B);

5 (ii) determines that the change is consistent
6 with the force-structure plan and final criteria re-
7 ferred to in subsection (c)(1);

8 (iii) publishes a notice of the proposed change
9 in the Federal Register not less than 45 days before
10 transmitting its recommendations to the President
11 pursuant to paragraph (2); and

12 (iv) conducts public hearings on the proposed
13 change.

14 (D) Subparagraph (C) shall apply to a change by the
15 Commission in the Secretary's recommendations that
16 would—

17 (i) add a military installation to the list of mili-
18 tary installations recommended by the Secretary for
19 closure;

20 (ii) add a military installation to the list of mili-
21 tary installations recommended by the Secretary for
22 realignment; or

23 (iii) increase the extent of a realignment of a
24 particular military installation recommended by the
25 Secretary.

1 (E) In making recommendations under this para-
2 graph, the Commission may not take into account for any
3 purpose any advance conversion planning undertaken by
4 an affected community with respect to the anticipated clo-
5 sure or realignment of a military installation.

6 (3) The Commission shall explain and justify in its
7 report submitted to the President pursuant to paragraph
8 (2) any recommendation made by the Commission that is
9 different from the recommendations made by the Sec-
10 retary pursuant to subsection (c). The Commission shall
11 transmit a copy of such report to the congressional defense
12 committees on the same date on which it transmits its rec-
13 ommendations to the President under paragraph (2).

14 (4) After September 6 of each year in which the Com-
15 mission transmits recommendations to the President
16 under this subsection: the Commission shall promptly pro-
17 vide, upon request, to any Member of Congress informa-
18 tion used by the Commission in making its recommenda-
19 tions.

20 (5) The Comptroller General of the United States
21 shall—

22 (A) assist the Commission, to the extent re-
23 quested, in the Commission's review and analysis of
24 the recommendations made by the Secretary pursu-
25 ant to subsection (C); and

1 (B) by no later than June 15 of each year in
2 which the Secretary makes such recommendations,
3 transmit to the Congress and to the Commission a
4 report containing a detailed analysis of the Sec-
5 retary's recommendations and selection process.

6 (e) REVIEW BY THE PRESIDENT.—(1) The President
7 shall, by no later than September 21 of each year in which
8 the Commission makes recommendations under subsection
9 (d), transmit to the Commission and to the Congress a
10 report containing the President's approval or disapproval
11 of the Commission's recommendations.

12 (2) If the President approves all the recommenda-
13 tions of the Commission, the President shall transmit a
14 copy of such recommendations to the Congress, together
15 with a certification of such approval.

16 (3) If the President disapproves the recommendations
17 of the Commission, in whole or in part, the President shall
18 transmit to the Commission and the Congress the reasons
19 for that disapproval. The Commission shall then transmit
20 to the President, by no later than October 24 of the year
21 concerned, a revised list of recommendations for the clo-
22 sure and realignment of military installations.

23 (4) If the President approves all of the revised rec-
24 ommendations of the Commission transmitted to the
25 President under paragraph (3), the President shall trans-

1 mit a copy of such revised recommendations to the Con-
2 gress, together with a certification of such approval.

3 (5) If the President does not transmit to the Con-
4 gress an approval and certification described in paragraph
5 (2) or (4) by November 7 of any year in which the Com-
6 mission has transmitted recommendations to the Presi-
7 dent under this part, the process by which military instal-
8 lations may be selected for closure or realignment under
9 this part with respect to that year shall be terminated.

10 **SEC. 1104. CLOSURE AND REALIGNMENT OF MILITARY IN-**
11 **STALLATIONS.**

12 (a) IN GENERAL.—Subject to subsection (b), the Sec-
13 retary shall—

14 (1) close all military installations recommended
15 for closure by the Commission in each report trans-
16 mitted to the congress by the President pursuant to
17 section 1103(e);

18 (2) realign all military installations rec-
19 ommended for realignment by such Commission in
20 each such report;

21 (3) initiate all such closures and realignments
22 no later than two years after the date on which the
23 President transmits a report to the Congress pursu-
24 ant to section 1103(e) containing the recommenda-
25 tions for such closures or realignments; and

1 (4) complete all such closures and realignments
2 no later than the end of the six-year period begin-
3 ning on the date on which the President transmits
4 the report pursuant to section 1103(e) containing
5 the recommendations for such closures or realign-
6 ments.

7 (b) CONGRESSIONAL DISAPPROVAL.—(1) The Sec-
8 retary may not carry out any closure or realignment rec-
9 ommended by the Commission in a report transmitted
10 from the President pursuant to section 1103(e) if a joint
11 resolution is enacted, in accordance with the provisions of
12 section 1108, disapproving such recommendations of the
13 Commission before the earlier of—

14 (A) the end of the 45-day period beginning on
15 the date on which the President transmits such re-
16 port; or

17 (B) the adjournment of Congress sine die for
18 the session during which such report is transmitted.

19 (2) For purposes of paragraph (1) of this subsection
20 and subsections (a) and (c) of section 1108, the days on
21 which either House of Congress is not in session because
22 of adjournment of more than three days to a day certain
23 shall be excluded in the computation of a period.

1 **SEC. 1105. IMPLEMENTATION.**

2 (a) IN GENERAL.—(1) In closing or realigning any
3 military installation under this part, the Secretary may—

4 (A) take such actions as may be necessary to
5 close or realign any military installation, including
6 the acquisition of such land, the construction of such
7 replacement facilities, the performance of such ac-
8 tivities, and the conduct of such advance planning
9 and design as may be required to transfer functions
10 from a military installation being closed or realigned
11 to another military installation, and may use for
12 such purpose funds in the Account or funds appro-
13 priated to the Department of Defense for use in
14 planning and design, minor construction, or oper-
15 ation and maintenance;

16 (B) provide—

17 (i) economic adjustment assistance to any
18 community located near a military installation
19 being closed or realigned, and

20 (ii) community planning assistance to any
21 community located near a military installation
22 to which functions will be transferred as a re-
23 sult of the closure or realignment of a military
24 installation,

25 if the Secretary of Defense determines that the fi-
26 nancial resources available to the community (by

1 grant or otherwise) for such purposes are inad-
2 equate, and may use for such purposes funds in the
3 Account or funds appropriated to the Department of
4 Defense for economic adjustment assistance or com-
5 munity planning assistance;

6 (C) carry out activities for the purposes of envi-
7 ronmental restoration and mitigation at any such in-
8 stallation, and shall use for such purposes funds in
9 the Account;

10 (D) provide outplacement assistance to civilian
11 employees employed by the Department of Defense
12 at military installations being closed or realigned,
13 and may use for such purpose funds in the Account
14 or funds appropriated to the Department of Defense
15 for outplacement assistance to employees; and

16 (E) reimburse other Federal agencies for ac-
17 tions performed at the request of the Secretary with
18 respect to any such closure or realignment, and may
19 use for such purpose funds in the Account or funds
20 appropriated to the Department of Defense and
21 available for such purpose.

22 (2) In carrying out any closure or realignment under
23 this part, the Secretary shall ensure that environmental
24 restoration of any property made excess to the needs of
25 the Department of Defense as a result of such closure or

1 realignment be carried out as soon as possible with funds
2 available for such purpose.

3 (b) MANAGEMENT AND DISPOSAL OF PROPERTY.—

4 (1) The Administrator of General Services shall delegate
5 to the Secretary of Defense, with respect to excess and
6 surplus real property, facilities, and personal property lo-
7 cated at a military installation closed or realigned under
8 this part—

9 (A) the authority of the Administrator to utilize
10 excess property under section 202 of the Federal
11 Property and Administrative Services Act of 1949
12 (40 U.S.C. 483);

13 (B) the authority of the Administrator to dis-
14 pose of surplus property under section 203 of that
15 Act (40 U.S.C. 484);

16 (C) the authority to dispose of surplus property
17 for public airports under sections 47151 through
18 47153 of title 49, United States Code; and

19 (D) the authority of the Administrator to deter-
20 mine the availability of excess or surplus real prop-
21 erty for wildlife conservation purposes in accordance
22 with the Act of May 19, 1948 (16 U.S.C. 667b).

23 (2)(A) Subject to subparagraph (B) and paragraphs
24 (3), (4), (5), and (6), the Secretary of Defense shall exer-

1 cise the authority delegated to the Secretary pursuant to
2 paragraph (1) in accordance with—

3 (i) all regulations governing the utilization of
4 excess property and the disposal of surplus property
5 under the Federal Property and Administrative
6 Services Act of 1949; and

7 (ii) all regulations governing the conveyance
8 and disposal of property under section 13(g) of the
9 Surplus Property Act of 1944 (50 U.S.C. App.
10 1622(g)).

11 (B) The Secretary may, with the concurrence of the
12 Administrator of General Services—

13 (i) prescribe general policies and methods for
14 utilizing excess property and disposing of surplus
15 property pursuant to the authority delegated under
16 paragraph (1); and

17 (ii) issue regulations relating to such policies
18 and methods, which shall supersede the regulations
19 referred to in subparagraph (A) with respect to that
20 authority.

21 (C) The Secretary of Defense may transfer real prop-
22 erty or facilities located at a military installation to be
23 closed or realigned under this part, with or without reim-
24 bursement, to a military department or other entity (in-

1 cluding a nonappropriated fund instrumentality) within
2 the Department of Defense or the Coast Guard.

3 (D) Before any action may be taken with respect to
4 the disposal of any surplus real property or facility located
5 at any military installation to be closed or realigned under
6 this part, the Secretary of Defense shall consult with the
7 Governor of the State and the heads of the local govern-
8 ments concerned for the purpose of considering any plan
9 for the use of such property by the local community con-
10 cerned.

11 (3)(A) Not later than 6 months after the date of ap-
12 proval of the closure or realignment of a military installa-
13 tion under this part, the Secretary, in consultation with
14 the redevelopment authority with respect to the installa-
15 tion, shall—

16 (i) inventory personal property located at the
17 installation; and

18 (ii) identify the items (or categories of items) of
19 such personal property that the Secretary deter-
20 mines to be related to real property and anticipates
21 will support the implementation of the redevelop-
22 ment plan with respect to the installation.

23 (B) If no redevelopment authority referred to in sub-
24 paragraph (A) exists with respect to an installation, the
25 Secretary shall consult with—

1 (i) the local government in whose jurisdiction
2 the installation is wholly located; or

3 (ii) a local government agency or State govern-
4 ment agency designated for the purpose of such con-
5 sultation by the chief executive officer of the State
6 in which the installation is located.

7 (C)(i) Except as provided in subparagraphs (E) and
8 (F), the Secretary may not carry out any of the activities
9 referred to in clause (ii) with respect to an installation
10 referred to in that clause until the earlier of—

11 (I) one week after the date on which the rede-
12 velopment plan for the installation is submitted to
13 the Secretary;

14 (II) the date on which the redevelopment au-
15 thority notifies the Secretary that it will not submit
16 such a plan;

17 (III) twenty-four months after the date of ap-
18 proval of the closure realignment of the installation;
19 or

20 (IV) ninety days before the date of the closure
21 or realignment of the installation.

22 (ii) The activities referred to in clause (i) are activi-
23 ties relating to the closure or realignment of an installa-
24 tion to be closed or realigned under this part as follows:

1 (I) The transfer from the installation of items
2 of personal property at the installation identified in
3 accordance with subparagraph (A).

4 (II) The reduction in maintenance and repair of
5 facilities or equipment located at the installation
6 below the minimum levels required to support the
7 use of such facilities or equipment for nonmilitary
8 purposes.

9 (D) Except as provided in paragraph (4), the Sec-
10 retary may not transfer items of personal property located
11 at an installation to be closed or realigned under this part
12 to another installation, or dispose of such items. If such
13 items are identified in the redevelopment plan for the in-
14 stallation as items essential to the reuse or redevelopment
15 of the installation. In connection with the development of
16 the redevelopment plan for the installation, the Secretary
17 shall consult with the entity responsible for developing the
18 redevelopment plan to identify the items of personal prop-
19 erty located at the installation, if any, that the entity de-
20 sires to be retained at the installation for reuse or redevel-
21 opment of the installation.

22 (E) This paragraph shall not apply to any personal
23 property located at an installation to be closed or realigned
24 under this part if the property—

1 (i) is required for the operation of a unit, func-
2 tion, component, weapon, or weapons system at an-
3 other installation;

4 (ii) is uniquely military in character, and is
5 likely to have no civilian use (other than use for its
6 material content or as a source of commonly used
7 components);

8 (iii) is not required for the reutilization or rede-
9 velopment of the installation (as jointly determined
10 by the Secretary and the redevelopment authority);

11 (iv) is stored at the installation for purposes of
12 distribution (including spare parts or stock items);

13 or

14 (v)(I) meets known requirements of an author-
15 ized program of another Federal department or
16 agency for which expenditures for similar property
17 would be necessary, and

18 (II) is the subject of a written request by the
19 head of the department or agency.

20 (F) Notwithstanding subparagraphs (C)(i) and (D),
21 the Secretary may carry out any activity referred to in
22 subparagraph (C)(ii) or (D) if the Secretary determines
23 that the carrying out of such activity is in the national
24 security interest of the United States.

1 (4)(A) The Secretary may transfer real property and
2 personal property located at a military installation to be
3 closed or realigned under this part to the redevelopment
4 authority with respect to the installation.

5 (B)(i)(I) Except as provided in clause (ii), the trans-
6 fer of property under subparagraph (A) may be for consid-
7 eration at or below the estimated fair market value of the
8 property transferred or without consideration. Such con-
9 sideration may include consideration in kind (including
10 goods and services), real property and improvements, or
11 such other consideration as the Secretary considers appro-
12 priate. The Secretary shall determine the estimated fair
13 market value of the property to be transferred under this
14 subparagraph before carrying out such transfer.

15 (II) The Secretary shall prescribe regulations that set
16 forth guidelines for determining the amount, if any, of
17 consideration required for a transfer under this para-
18 graph. Such regulations shall include a requirement that,
19 in the case of each transfer under this paragraph for con-
20 sideration below the estimated fair market value of the
21 property transferred, the Secretary provide an explanation
22 why the transfer is not for the estimated fair market value
23 of the property transferred (including an explanation why
24 the transfer cannot be carried out in accordance with the

1 authority provided to the Secretary pursuant to paragraph
2 (1) or (2)).

3 (ii) The transfer of property under subparagraph (A)
4 shall be without consideration in the case of any installa-
5 tion located in a rural area whose closure or realignment
6 under this part will have a substantial adverse impact (as
7 determined by the Secretary) on the economy of the com-
8 munities in the vicinity of the installation and on the pros-
9 pect for the economic recovery of such communities from
10 such closure or realignment. The Secretary shall prescribe
11 in the regulations under clause (i)(II) the manner of deter-
12 mining whether communities are eligible for the transfer
13 of property under this clause.

14 (iii) In the case of a transfer under subparagraph (A)
15 for consideration below the fair market value of the prop-
16 erty transferred, the Secretary may recoup from the trans-
17 feree of such property such portion as the Secretary deter-
18 mines appropriate of the amount, if any, by which the sale
19 or lease of such property by such transferee exceeds the
20 amount of consideration paid to the Secretary for such
21 property by such transferee. The Secretary shall prescribe
22 regulations for determining the amount of recoupment
23 under this clause.

24 (C)(i) The Secretary may transfer real property at
25 an installation approved for closure or realignment under

1 this part (including property at an installation approved
2 for realignment which will be retained by the Department
3 of Defense or another Federal agency after realignment)
4 to the redevelopment authority for the installation if the
5 redevelopment authority agrees to lease, directly upon
6 transfer, one or more portions of the property transferred
7 under this subparagraph to the Secretary or to the head
8 of another department or agency of the Federal Govern-
9 ment. Subparagraph (B) shall apply to a transfer under
10 this subparagraph.

11 (ii) A lease under clause (i) shall be for a term of
12 not to exceed 50 years, but may provide for options for
13 renewal or extension of the term by the department or
14 agency concerned.

15 (iii) A lease under clause (i) may not require rental
16 payments by the United States.

17 (iv) A lease under clause (i) shall include a provision
18 specifying that if the department or agency concerned
19 ceases requiring the use of the leased property before the
20 expiration of the term of the lease, the remainder of the
21 lease term may be satisfied by the same or another depart-
22 ment or agency of the Federal Government using the prop-
23 erty for a use similar to the use under the lease. Exercise
24 of the authority provided by this clause shall be made in
25 consultation with the redevelopment authority concerned.

1 (D)(i) The transfer of personal property under sub-
2 paragraph (A) shall not be subject to the provisions of
3 sections 202 and 203 of the Federal Property and Admin-
4 istrative Services Act of 1949 (40 U.S.C. 483, 484) if the
5 Secretary determines that the transfer of such property
6 is necessary for the effective implementation of a redevel-
7 opment plan with respect to the installation at which such
8 property is located.

9 (ii) The Secretary may, in lieu of the transfer of prop-
10 erty referred to in subparagraph (A), transfer property
11 similarly to such property (including property not located
12 at the installation) if the Secretary determines that the
13 transfer of such similar property is in the interest of the
14 United States.

15 (E) The provisions of section 120(h) of the Com-
16 prehensive Environmental Response, Compensation, and
17 Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to
18 any transfer of real property under this paragraph.

19 (F) The Secretary may require any additional terms
20 and conditions in connection with a transfer under this
21 paragraph as such Secretary considers appropriate to pro-
22 tect the interests of the United States.

23 (5)(A) Except as provided in subparagraph (B), the
24 Secretary shall take such actions as the Secretary deter-
25 mines necessary to ensure that final determinations under

1 paragraph (1) regarding whether another department or
2 agency of the Federal Government has identified a use for
3 any portion of a military installation to be closed or re-
4 aligned under this part, or will accept transfer of any por-
5 tion of such installation, are made not later than 6 months
6 after the date of approval of closure or realignment of that
7 installation.

8 (B) The Secretary may, in consultation with the rede-
9 velopment authority with respect to an installation, post-
10 pone making the final determinations referred to in sub-
11 paragraph (A) with respect to the installation for such pe-
12 riod as the Secretary determines appropriate if the Sec-
13 retary determines that such postponement is in the best
14 interests of the communities affected by the closure or re-
15 alignment of the installation.

16 (6)(A) The disposal of buildings and property located
17 at installations approved foreclosure or realignment under
18 this part shall be carried out in accordance with this para-
19 graph.

20 (B)(i) Not later than the date on which the Secretary
21 of Defense completes the final determinations referred to
22 in paragraph (5) relating to the use or transferability of
23 any portion of an installation covered by this paragraph,
24 the Secretary shall—

1 (I) identify the buildings and property at the
2 installation for which the Department of Defense
3 has a use, for which another department or agency
4 of the Federal Government has identified a use, or
5 of which another department or agency will accept
6 a transfer;

7 (II) take such actions as are necessary to iden-
8 tify any building or property at the installation not
9 identified under subclause (I) that is excess property
10 or surplus property;

11 (III) submit to the Secretary of Housing and
12 Urban Development and to the redevelopment au-
13 thority for the installation (or the chief executive of-
14 ficer of the State in which the installation is located
15 if there is no redevelopment authority for the instal-
16 lation at the completion of the determination de-
17 scribed in the stem of this sentence) information on
18 any building or property that is identified under sub-
19 clause (II); and

20 (IV) publish in the Federal Register and in a
21 newspaper of general circulation in the communities
22 in the vicinity of the installation information on the
23 buildings and property identified under subclause
24 (II).

1 (ii) Upon the recognition of a redevelopment author-
2 ity of an installation covered by this paragraph, the Sec-
3 retary of Defense shall publish in the Federal Register and
4 in a newspaper of general circulation in the communities
5 in the vicinity of the installation information on the rede-
6 velopment authority.

7 (C)(i) State and local governments, representatives of
8 the homeless, and other interested parties located in the
9 communities in the vicinity of an installation covered by
10 this paragraph shall submit to the redevelopment author-
11 ity for the installation a notice of the interest, if any, of
12 such governments, representatives, and parties in the
13 buildings or property, or any portion thereof, at the instal-
14 lation that are identified under subparagraph (B)(i)(II).
15 A notice of interest under this clause shall describe the
16 need of the government, representative, or party concerned
17 for the buildings or property covered by the notice.

18 (ii) The redevelopment authority for an installation
19 shall assist the government, representatives, and parties
20 referred to in clause (i) in evaluating buildings and prop-
21 erty at the installation for purposes of this subparagraph.

22 (iii) In providing assistance under clause (ii), a rede-
23 velopment authority shall—

1 (I) consult with representatives of the homeless
2 in the communities in the vicinity of the installation
3 concerned; and

4 (II) undertake outreach efforts to provide infor-
5 mation on the buildings and property to representa-
6 tives of the homeless, and to other persons or enti-
7 ties interested in assisting the homeless in such com-
8 munities.

9 (iv) It is the sense of Congress that redevelopment
10 authorities should begin to conduct outreach efforts under
11 clause (iii)(II) with respect to an installation as soon as
12 is practicable after the date of approval of closure or re-
13 alignment of the installation.

14 (D)(ii) State and local government, representatives of
15 the homeless, and other interested parties shall submit a
16 notice of interest to a redevelopment authority under sub-
17 paragraph (C) not later than the date specified for such
18 notice by the redevelopment authority.

19 (ii) The date specified under clause (i) shall be—

20 (I) In the case of an installation for which a re-
21 development authority has been recognized as of the
22 date of the completion of the determinations referred
23 to in paragraph (5), not earlier than 3 months and
24 not later than 6 months after the date of publication
25 of such determination in a newspaper of general cir-

1 culation in the communities in the vicinity of the in-
2 stallation, as required by section
3 1105(b)(6)(D)(iii)(I); and

4 (II) in the case of an installation for which a
5 redevelopment authority is not recognized as of such
6 date, not earlier than 3 months and not later than
7 6 months after the date of the recognition of a rede-
8 velopment authority for the installation.

9 (iii) Upon specifying a date for an installation under
10 this subparagraph, the redevelopment authority for the in-
11 stallation that—

12 (I) publish the date specified and other require-
13 ments for purposes of submitting notice of interest
14 in a newspaper of general circulation in the commu-
15 nities in the vicinity of the installation concerned;
16 and

17 (II) notify the Secretary of Defense of the date.

18 (E)(i) In submitting to a redevelopment authority
19 under subparagraph (C) a notice of interest in the use
20 of buildings or property at an installation to assist the
21 homeless, a representative of the homeless shall submit the
22 following:

23 (I) A description of the homeless assistance
24 program that the representative proposes to carry
25 out at the installation.

1 (II) An assessment of the need for the program.

2 (III) A description of the extent to which the
3 program is or will be coordinated with other home-
4 less assistance programs in the communities in the
5 vicinity of the installation.

6 (IV) A description of the buildings and property
7 at the installation that are necessary in order to
8 carry out the program.

9 (V) A description of the financial plan, the or-
10 ganization and the organizational capacity of the
11 representative to carry out the program.

12 (VI) A assessment of the time required in order
13 to commence carrying out the program.

14 (ii) A redevelopment authority may not release to the
15 public any information submitted to the redevelopment au-
16 thority under clause (i)(V) without the consent of the rep-
17 resentative of the homeless concerned unless such release
18 is authorized under Federal law under the law of the State
19 and communities in which the installation concerned is lo-
20 cated.

21 (F)(i) The redevelopment authority for each installa-
22 tion covered by this paragraph shall prepare a redevelop-
23 ment plan for the installation. The redevelopment author-
24 ity shall, in preparing the plan, consider the interests in
25 the use to assist the homeless of the buildings and prop-

1 erty at the installation that are expressed in the notices
2 submitted to the redevelopment authority under subpara-
3 graph (C).

4 (ii)(I) In connection with a redevelopment plan for
5 an installation, a redevelopment authority and representa-
6 tives of the homeless shall prepare legally binding agree-
7 ments that provide for the use to assist the homeless of
8 buildings and property, resources, and assistance on or off
9 the installation. The implementation of such agreements
10 shall be contingent upon the decision regarding the dis-
11 posal of the buildings and property covered by the agree-
12 ments by the Secretary of Defense under subparagraph
13 (K) or (L).

14 (II) Agreements under this clause shall provide for
15 the reversion to the redevelopment authority concerned, or
16 to such other entity or entities as the agreements shall
17 provide, of buildings and property that are made available
18 under this paragraph for use to assist the homeless in the
19 event that such buildings and property cease being used
20 for that purpose.

21 (iii) A redevelopment authority shall provide oppor-
22 tunity for public comment on a redevelopment plan before
23 submission of the plan to the Secretary of Defense and
24 the Secretary of Housing and Urban Development under
25 subparagraph (G).

1 (iv) A redevelopment authority shall complete prepa-
2 ration of a redevelopment plan for an installation and sub-
3 mit the plan under subparagraph (G) not later than 9
4 months after the date specified by the redevelopment au-
5 thority for the installation under subparagraph (D).

6 (G)(i) Upon completion of a redevelopment plan
7 under subparagraph (F), a redevelopment authority shall
8 submit an application containing the plan to the Secretary
9 of Defense and to the Secretary of Housing and Urban
10 Development.

11 (ii) A redevelopment authority shall include in an ap-
12 plication under clause (i) the following:

13 (I) A copy of the redevelopment plan, including
14 a summary of any public comments on the plan re-
15 ceived by the redevelopment authority under sub-
16 paragraph (F)(iii).

17 (II) A copy of each notice of interest of use of
18 buildings and property to assist the homeless that
19 was submitted to the redevelopment authority under
20 subparagraph (C), together with a description of the
21 manner, if any, in which the plan addresses the in-
22 terest expressed in each such notice, and, if the plan
23 does not address such an interest, an explanation
24 why the plan does not address the interest.

1 (III) A summary of the outreach undertaken by
2 the redevelopment authority under subparagraph
3 (C)(iii)(II) in preparing the plan.

4 (IV) A statement identifying the representatives
5 of the homeless and the homeless assistance plan-
6 ning boards, if any, with which the redevelopment
7 authority consulted in preparing the plan, and the
8 results of such consultations.

9 (V) An assessment of the manner in which the
10 redevelopment plan balances the expressed needs of
11 the homeless and the need of the communities in the
12 vicinity of the installation for economic redevelop-
13 ment and other development.

14 (VI) Copies of the agreements that the redevelop-
15 ment authority proposes to enter into under sub-
16 paragraph (F)(ii).

17 (H)(i) Not later than 60 days after receiving a rede-
18 velopment plan under subparagraph (G), the Secretary of
19 Housing and Urban Development shall complete a review
20 of the plan. The purpose of the review is to determine
21 whether the plan, with respect to the expressed interest
22 and requests of representatives of the homeless—

23 (I) takes into consideration the size and nature
24 of the homeless population in the communities in the
25 vicinity of the installation, the availability of existing

1 services in such communities to meet the needs of
2 the homeless in such communities, and the suit-
3 ability of the buildings and property covered by the
4 plan for the use and needs of the homeless in such
5 communities;

6 (II) takes into consideration any economic im-
7 pact of the homeless assistance under the plan on
8 the communities in the vicinity of the installation;

9 (III) balances in an appropriate manner the
10 needs of the communities in the vicinity of the in-
11 stallation for economic redevelopment and other de-
12 velopment with the needs of the homeless in such
13 communities;

14 (IV) was developed in consultation with rep-
15 resentatives of the homeless and the homeless assist-
16 ance planning boards, if any, in the communities in
17 the vicinity of the installation; and

18 (V) specifies the manner in which buildings and
19 property, resources, and assistance on or off the in-
20 stallation will be made available for homeless assist-
21 ance purposes.

22 (ii) It is the sense of Congress that the Secretary of
23 Housing and Urban Development shall, in completing the
24 review of a plan under this subparagraph, take into con-
25 sideration and be receptive to the predominant views on

1 the plan of the communities in the vicinity of the installa-
2 tion covered by the plan.

3 (iii) The Secretary of Housing and Urban Develop-
4 ment may engage in negotiations and consultations with
5 a redevelopment authority before or during the course of
6 a review under clause (i) with a view toward resolving any
7 preliminary determination of the Secretary that a redevel-
8 opment plan does not meet a requirement set forth in that
9 clause. The redevelopment authority may modify the rede-
10 velopment plan as a result of such negotiations and con-
11 sultations.

12 (iv) Upon completion of a review of a redevelopment
13 plan under clause (i), the Secretary of Housing and Urban
14 Development shall notify the Secretary of Defense and the
15 redevelopment authority concerned of the determination of
16 the Secretary of Housing and Urban Development under
17 that clause.

18 (v) If the Secretary of Housing and Urban Develop-
19 ment determines as a result of such a review that a rede-
20 velopment plan does not meet the requirements set forth
21 in clause (i), a notice under clause (iv) shall include—

22 (I) an explanation of that determination; and

23 (II) a statement of the actions that the redevel-
24 opment authority must undertake in order to ad-
25 dress that determination.

1 (I)(i) Upon receipt of a notice under subparagraph
2 (H)(iv) of a determination that a redevelopment plan does
3 not meet a requirement set forth in subparagraph (H)(i),
4 a redevelopment authority shall have the opportunity to—

5 (I) revise the plan in order to address the deter-
6 mination; and

7 (II) submit the revised plan to the Secretary of
8 Defense and the Secretary of Housing and Urban
9 Development.

10 (ii) A redevelopment authority shall submit a revised
11 plan under this subparagraph to such Secretaries, if at
12 all, not later than 90 days after the date on which the
13 redevelopment authority receives the notice referred to in
14 clause (i).

15 (J)(i) Not later than 30 days after receiving a revised
16 redevelopment plan under subparagraph (I), the Secretary
17 of Housing and Urban Development shall review the re-
18 vised plan and determine if the plan meets the require-
19 ments set forth in subparagraph (H)(i).

20 (ii) The Secretary of Housing and Urban Develop-
21 ment shall notify the Secretary of Defense and the redevel-
22 opment authority concerned of the determination of the
23 Secretary of Housing and Urban Development under this
24 subparagraph.

1 (K)(i) Upon receipt of a notice under subparagraph
2 (H)(iv) or (J)(ii) of the determination of the Secretary of
3 Housing and Urban Development that a redevelopment
4 plan for an installation meets the requirements set forth
5 in subparagraph (H)(i), the Secretary of Defense shall dis-
6 pose of the buildings and property at the installation.

7 (ii) For purposes of carrying out an environmental
8 assessment of the closure or realignment of an installa-
9 tion, the Secretary of Defense shall treat the redevelop-
10 ment plan for the installation (including the aspects of the
11 plan providing for disposal to State or local governments,
12 representatives of the homeless, and other interested par-
13 ties) as part of the proposed Federal action for the instal-
14 lation.

15 (iii) The Secretary of Defense shall dispose of build-
16 ings and property under clause (i) in accordance with the
17 record of decision or other decision document prepared by
18 the Secretary in accordance with the National Environ-
19 mental Policy Act of 1969 (42 U.S.C. 4331 et seq.). In
20 preparing the record of decision or other decision docu-
21 ment, the Secretary shall give substantial deference to the
22 redevelopment plan concerned.

23 (iv) The disposal under clause (i) of buildings and
24 property to assist the homeless shall be without consider-
25 ation.

1 (v) In the case of a request for a conveyance under
2 clause (i) of buildings and property for public benefit
3 under section 203(k) of the Federal Property and Admin-
4 istrative Services Act of 1949 (40 U.S.C. 484(k)) or sec-
5 tions 47151 through 47153 of title 49, United States
6 Code, the sponsoring Federal agency shall use the eligi-
7 bility criteria set forth in such section or such subchapter
8 (as the case may be) to determine the eligibility of the
9 applicant and use proposed in the request for the public
10 benefit conveyance.

11 (L)(i) If the Secretary of Housing and Urban Devel-
12 opment determines under subparagraph (J) that a revised
13 redevelopment plan for an installation does not meet the
14 requirements set forth in subparagraph (H)(i), or if no
15 revised plan is so submitted, that Secretary shall—

16 (I) review the original redevelopment plan sub-
17 mitted to that Secretary under subparagraph (G),
18 including the notice or notices of representatives of
19 the homeless referred to in clause (ii)(II) of that
20 subparagraph;

21 (II) consult with the representatives referred to
22 in subclause (I), if any, for purposes of evaluating
23 the continuing interest of such representatives in the
24 use of buildings or property at the installation to as-
25 sist the homeless;

1 (III) request that each such representative sub-
2 mit to that Secretary the items described in clause
3 (ii); and

4 (IV) based on the actions of that Secretary
5 under subclauses (I) and (II), and on any informa-
6 tion obtained by that Secretary as a result of such
7 actions, indicate to the Secretary of Defense the
8 buildings and property at the installation that meet
9 the requirements set forth in subparagraphs (H)(i).
10 (ii) The Secretary of Housing and Urban Develop-
11 ment may request under clause (i)(III) that a representa-
12 tive of the homeless submit to that Secretary the following:

13 (I) A description of the program of such rep-
14 resentative to assist the homeless.

15 (II) A description of the manner in which the
16 buildings and property that the representative pro-
17 poses to use for such purpose will assist the home-
18 less.

19 (III) Such information as that Secretary re-
20 quires in order to determine the financial capacity of
21 the representative to carry out the program and to
22 ensure that the program will be carried out in com-
23 pliance with Federal environmental law and Federal
24 law against discrimination.

1 (IV) Such information as the Secretary requires
2 in order to determine that police services, fire pro-
3 tection services, and water and sewer services avail-
4 able in the communities in the vicinity of the instal-
5 lation concerned are adequate for the program.

6 (iii) Not later than 90 days after the date of the re-
7 ceipt of a revised plan for an installation under subpara-
8 graph (J), the Secretary of Housing and Urban Develop-
9 ment shall—

10 (I) notify the Secretary of Defense and the re-
11 development authority concerned of the buildings
12 and property at an installation under clause (i)(IV)
13 that the Secretary of Housing and Urban Develop-
14 ment determines are suitable for use to assist the
15 homeless; and

16 (II) notify the Secretary of Defense of the ex-
17 tent to which the revised plan meets the criteria set
18 forth in subparagraph (H)(i).

19 (iv)(I) Upon notice from the Secretary of Housing
20 and Urban Development with respect to an installation
21 under clause (iii), the Secretary of Defense shall dispose
22 of buildings and property at the installation in consulta-
23 tion with the Secretary of Housing and Urban Develop-
24 ment and the redevelopment authority concerned.

1 (II) For purposes of carrying out an environmental
2 assessment of the closure or realignment of an installa-
3 tion, the Secretary of Defense shall treat the redevelop-
4 ment plan submitted by the redevelopment authority for
5 the installation (including the aspects of the plan pro-
6 viding for disposal to State or local governments, rep-
7 resentatives of the homeless, and other interested parties)
8 as part of the proposed Federal action for the installation.
9 The Secretary of Defense shall incorporate the notification
10 of the Secretary of Housing and Urban Development
11 under clause (iii)(I) as part of the proposed Federal action
12 for the installation only to the extent, if any, that the Sec-
13 retary of Defense considers such incorporation to be ap-
14 propriate and consistent with the best and highest use of
15 the installation as a whole, taking into consideration the
16 redevelopment plan submitted by the redevelopment au-
17 thority.

18 (III) The Secretary of Defense shall dispose of build-
19 ings and property under subclause (I) in accordance with
20 the record of decision or other decision document prepared
21 by the Secretary in accordance with the National Environ-
22 mental Policy Act of 1969 (42 U.S.C. 4331 et seq.). In
23 preparing the record of decision or other decision docu-
24 ment, the Secretary shall give deference to the redevelop-

1 ment plan submitted by the redevelopment authority for
2 the installation.

3 (IV) The disposal under subclause (I) of buildings
4 and property to assist the homeless shall be without con-
5 sideration.

6 (V) In the case of a request for a conveyance under
7 subclause (I) of buildings and property for public benefit
8 under section 203(k) of the Federal Property and Admin-
9 istrative Services Act of 1949 (40 U.S.C. 484(k)) or sec-
10 tions 47151 through 47153 of title 49, United States
11 Code, the sponsoring Federal agency shall use the eligi-
12 bility criteria set forth in such section or such subchapter
13 (as the case may be) to determine the eligibility of the
14 applicant and use proposed in the request for the public
15 benefit conveyance.

16 (M)(i) In the event of the disposal of buildings and
17 property of an installation pursuant to subparagraph (K)
18 or (L), the redevelopment authority for the installation
19 shall be responsible for the implementation of and compli-
20 ance with agreements under the redevelopment plan de-
21 scribed in that subparagraph for the installation.

22 (ii) If a building or property reverts to a redevelop-
23 ment authority under such an agreement, the redevelop-
24 ment authority shall take appropriate actions to secure,
25 to the maximum extent practicable, the utilization of the

1 building or property by other homeless representatives to
2 assist the homeless. A redevelopment authority may not
3 be required to utilize the building or property to assist
4 the homeless.

5 (N) The Secretary of Defense may postpone or ex-
6 tend any deadline provided for under this paragraph in
7 the case of an installation covered by this paragraph for
8 such period as the Secretary considers appropriate if the
9 Secretary determines that such postponement is in the in-
10 terests of the communities affected by the closure or re-
11 alignment of the installation. The Secretary shall make
12 such determinations in consultation with the redevelop-
13 ment authority concerned and, in the case of deadlines
14 provided for under this paragraph with respect to the Sec-
15 retary of Housing and Urban Development, in consulta-
16 tion with the Secretary of Housing and Urban Develop-
17 ment.

18 (O) For purposes of this paragraph, the term “com-
19 munities in the vicinity of the installation”, in the case
20 of an installation, means the communities that constitute
21 the political jurisdictions (other than the State in which
22 the installation is located) that comprise the redevelop-
23 ment authority for the installation.

24 (P) For purposes of this paragraph, the term “other
25 interested parties”, in the case of an installation, includes

1 any parties eligible for the conveyance of property of the
2 installation under section 203(k) of the Federal Property
3 and Administrative Services Act of 1949 (40 U.S.C.
4 484(k)) or sections 47151 through 47153 of title 49,
5 United States Code, whether or not the parties assist the
6 homeless.

7 (7)(A) Subject to subparagraph (C), the Secretary
8 may enter into agreements (including contracts, coopera-
9 tive agreements, or other arrangements for reimburse-
10 ment) with local governments for the provision of police
11 or security services, fire protection services, airfield oper-
12 ation services, or other community services by such gov-
13 ernments at military installations closed or to be closed
14 or realigned or to be realigned, under this part, if the Sec-
15 retary determines that the provision of such services under
16 such agreements is in the best interests of the Department
17 of Defense.

18 (B) The Secretary may exercise the authority pro-
19 vided under this paragraph without regard to the provi-
20 sions of chapter 146 of title 10, United States Code.

21 (C) The Secretary may not exercise the authority
22 under subparagraph (A) with respect to an installation
23 earlier than 180 days before the date on which the instal-
24 lation is to be closed.

1 (D) The Secretary shall include in a contract for serv-
2 ices entered into with a local government under this para-
3 graph a clause that requires the use of professionals to
4 furnish the services to the extent that professionals are
5 available in the area under the jurisdiction of such govern-
6 ment.

7 (c) APPLICABILITY OF NATIONAL ENVIRONMENTAL
8 POLICY ACT OF 1969.—(1) The provisions of the National
9 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
10 seq.) shall not apply to the actions of the Commission,
11 and, except as provided in paragraph (2), the Department
12 of Defense in carrying out this part.

13 (2)(A) The provisions of the National Environmental
14 Policy Act of 1969 shall apply to actions of the Depart-
15 ment of Defense under this part (i) during the process
16 of property disposal, and (ii) during the process of relo-
17 cating functions from a military installation being closed
18 or realigned to another military installation after the re-
19 ceiving installation has been selected but before the func-
20 tions are relocated.

21 (B) In applying the provisions of the National Envi-
22 ronmental Policy Act of 1969 to the processes referred
23 to in subparagraph (A), the Secretary of Defense and the
24 Secretary of the military departments concerned shall not
25 have to consider—

1 (i) the need for closing or realigning the mili-
2 tary installation which has been recommended for
3 closure or realignment by the Commission;

4 (ii) the need for transferring functions to any
5 military installation which has been selected as the
6 receiving installation; or

7 (iii) military installations alternative to those
8 recommended or selected.

9 (3) A civil action for judicial review, with respect to
10 any requirement of the National Environmental Policy Act
11 of 1969 to the extent such Act is applicable under para-
12 graph (2), of any act or failure to act by the Department
13 of Defense during the closing, realigning, or relocating of
14 functions referred to in clauses (i) and (ii) of paragraph
15 (2)(A), may not be brought more than 60 days after the
16 date of such act or failure to act.

17 (d) WAIVER.—The Secretary of Defense may close or
18 realign military installations under this part without re-
19 gard to—

20 (1) any provision of law restricting the use of
21 funds for closing or realigning military installations
22 included in any appropriations or authorization Act;
23 and

24 (2) sections 2662 and 2687 of title 10, United
25 States Code.

1 (e) TRANSFER AUTHORITY IN CONNECTION WITH
2 PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—

3 (1)(A) Subject to paragraph (2) of this subsection and sec-
4 tion 120(h) of the Comprehensive Environmental Re-
5 sponse, Compensation, and Liability Act of 1980 (42
6 U.S.C. 9620A(h)), the Secretary may enter into an agree-
7 ment to transfer by deed real property or facilities referred
8 to in subparagraph (B) with any person who agrees to
9 perform all environmental restoration, waste management,
10 and environmental compliance activities that are required
11 for the property or facilities under Federal and State laws,
12 administrative decisions, agreements (including schedules
13 and milestones), and concurrences.

14 (B) The real property and facilities referred to in
15 subparagraph (A) are the real property and facilities lo-
16 cated at an installation closed or to be closed or realigned
17 or to be realigned under this part that are available exclu-
18 sively for the use, or expression of an interest in a use,
19 of a redevelopment authority under subsection (b)(6)(F)
20 during the period provided for that use, or expression of
21 interest in use, under that subsection.

22 (C) The Secretary may require any additional terms
23 and conditions in connection with an agreement author-
24 ized by subparagraph (A) as the Secretary considers ap-
25 propriate to protect the interests of the United States.

1 (2) A transfer of real property or facilities may be
2 made under paragraph (1) only if the Secretary certifies
3 to Congress that—

4 (A) the costs of all environmental restoration,
5 waste management, and environmental compliance
6 activities to be paid by the recipient of the property
7 or facilities are equal to or greater than the fair
8 market value of the property or facilities to be trans-
9 ferred, as determined by the Secretary; or

10 (B) if such costs are lower than the fair market
11 value of the property or facilities, the recipient of
12 the property or facilities agrees to pay the difference
13 between the fair market value and such costs.

14 (3) As part of an agreement under paragraph (1),
15 the Secretary shall disclose to the person to whom the
16 property or facilities will be transferred any information
17 of the Secretary regarding the environmental restoration,
18 waste management, and environmental compliance activi-
19 ties described in paragraph (1) that relate to the property
20 or facilities. The Secretary shall provide such information
21 before entering into the agreement.

22 (4) Nothing in this subsection shall be construed to
23 modify, alter, or amend the Comprehensive Environmental
24 Response, Compensation, and Liability Act of 1980 (42

1 U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42
2 U.S.C. 6901 et seq.).

3 (5) Section 330 of the National Defense Authoriza-
4 tion Act for Fiscal Year 1993 (Public Law 102-484; 10
5 U.S.C. 2687 note) shall not apply to any transfer under
6 this subsection to persons or entities described in sub-
7 section (a)(2) of such section 330.

8 (f) TRANSFER AUTHORITY IN CONNECTION WITH
9 CONSTRUCTION OR PROVISION OF MILITARY FAMILY
10 HOUSING.—(1) Subject to paragraph (2), the Secretary
11 may enter into an agreement to transfer by deed real prop-
12 erty or facilities located at or near an installation closed
13 or to be closed, or realigned or to be realigned, under this
14 part with any person who agrees, in exchange for the real
15 property or facilities, to transfer to the Secretary housing
16 units that are constructed or provided by the person and
17 located at or near a military installation at which there
18 is a shortage of suitable housing to meet the requirements
19 of members of the Armed Forces and their dependents.
20 The Secretary may not select real property for transfer
21 under this paragraph if the property is identified in the
22 redevelopment plan for the installation as property essen-
23 tial to the reuse or redevelopment of the installation.

24 (2) A transfer of real property or facilities may be
25 made under paragraph (1) only if—

1 (A) the fair market value of the housing units
2 to be received by the Secretary in exchange for the
3 property or facilities to be transferred is equal to or
4 greater than the fair market value of such property
5 or facilities, as determined by the Secretary; or

6 (B) in the event the fair market value of the
7 housing units is less than the fair market value of
8 property or facilities to be transferred, the recipient
9 of the property or facilities agrees to pay to the Sec-
10 retary the amount equal to the excess of the fair
11 market value of the property or facilities over the
12 fair market value of the housing units.

13 (3) Notwithstanding paragraph (2) of section
14 1106(a), the Secretary may deposit funds received under
15 paragraph (2)(B) in the Department of Defense Family
16 Housing Improvement Fund established under section
17 2873(a) of title 10, United States Code.

18 (4) The Secretary shall submit to the congressional
19 defense committees a report describing each agreement
20 proposed to be entered into under paragraph (1), includ-
21 ing the consideration to be received by the United States
22 under the agreement. The Secretary may not enter into
23 the agreement until the end of the 30-day period begin-
24 ning on the date the congressional defense committees re-
25 ceive the report regarding the agreement.

1 (5) the Secretary may require any additional terms
2 and conditions in connection with an agreement author-
3 ized by this subsection as the Secretary considers appro-
4 priate to protect the interests of the United States.

5 (g) ACQUISITION OF MANUFACTURED HOUSING.—

6 (1) In closing or realigning any military installation under
7 this part, the Secretary may purchase any or all right,
8 title, and interest of a member of the Armed Forces and
9 any spouse of the member in manufactured housing lo-
10 cated at a manufactured housing park established at an
11 installation closed or realigned under this part, or make
12 a payment to the member to relocate the manufactured
13 housing to a suitable new site, if the Secretary determines
14 that—

15 (A) it is in the best interest of the Federal Gov-
16 ernment to eliminate or relocate the manufactured
17 housing park; and

18 (B) the elimination or relocation of the manu-
19 factured housing park would result in an unreason-
20 able financial hardship to the owners of the manu-
21 factured housing.

22 (2) Any payment made under this subsection shall
23 not exceed 90 percent of the purchase price of the manu-
24 factured housing, as paid by the member or any spouse
25 of the member, plus the cost of any permanent improve-

1 ments subsequently made to the manufactured housing by
2 the member or spouse of the member.

3 (3) The Secretary shall dispose of manufactured
4 housing acquired under this subsection through resale, do-
5 nation, trade or otherwise within one year of acquisition.

6 **SEC. 1106. ACCOUNT.**

7 (a) IN GENERAL.—(1) There is hereby established on
8 the books of the Treasury an account to be known as the
9 “Department of Defense Base Closure Account 1999”
10 which shall be administered by the Secretary as a single
11 account.

12 (2) There shall be deposited into the Account—

13 (A) funds authorized for and appropriated to
14 the Account;

15 (B) any funds that the Secretary may, subject
16 to approval in an appropriation Act, transfer to the
17 Account from funds appropriated to the Department
18 of Defense for any purpose, except that such funds
19 may be transferred only after the date on which the
20 Secretary transmits written notice of, and justifica-
21 tion for, such transfer to the congressional defense
22 committees;

23 (C) except as provided in subsection (d), pro-
24 ceeds received from the lease, transfer, or disposal of

1 any property at a military installation closed or re-
2 aligned under this part; and

3 (D) proceeds received after July 13, 2001, from
4 the lease, transfer, or disposal of any property at a
5 military installation closed or realigned under the
6 Defense Base Closure and Realignment Act of 1990
7 (Public Law 101–510; 10 U.S.C. 2687 note).

8 (b) USE OF FUNDS.—(1) The Secretary may use the
9 funds in the Account only for the purposes described in
10 section 1105, or, after July 13, 2001, for property man-
11 agement and disposal at installations closed or realigned
12 under the Defense Base Closure and Realignment Act of
13 1990 (Public Law 101–510; 10 U.S.C. 2687 note).

14 (2) When a decision is made to use funds in the Ac-
15 count to carry out a construction project under section
16 1105(a) and the cost of the project will exceed the max-
17 imum amount authorized by law for a minor military con-
18 struction project, the Secretary shall notify in writing the
19 congressional defense committees of the nature of, and
20 justification for, the project and the amount of expendi-
21 tures for such project. Any such construction project may
22 be carried out without regard to section 2802(a) of title
23 10, United States Code.

24 (c) REPORTS.—(1)(A) No later than 60 days after
25 the end of each fiscal year in which the Secretary carries

1 out activities under this part, the Secretary shall transmit
2 a report to the congressional defense committees of the
3 amount and nature of the deposits into, and the expendi-
4 tures from, the Account during such fiscal year and of
5 the amount and nature of other expenditures made pursu-
6 ant to section 1105(a) during such fiscal year.

7 (B) The reports for a fiscal year shall include the fol-
8 lowing:

9 (i) The obligation and expenditures from the
10 Account during the fiscal year, identified by sub-
11 account, for each military department and Defense
12 Agency.

13 (ii) The fiscal year in which appropriations for
14 such expenditures were made and the fiscal year in
15 which funds were obligated for such expenditures.

16 (iii) Each military construction project for
17 which such obligations and expenditures were made,
18 identified by installation and project title.

19 (iv) A description and explanation of the extent,
20 if any, to which expenditures for military construc-
21 tion projects for the fiscal year differed from pro-
22 posals for projects and funding levels that were in-
23 cluded in the justification transmitted to Congress
24 under section 1107(l), or otherwise, for the funding

1 proposals for the Account for such fiscal year, in-
2 cluding an explanation of—

3 (I) any failure to carry out military con-
4 struction projects that were so proposed; and

5 (II) any expenditures for military construc-
6 tion projects that were not so proposed.

7 (2) Unobligated funds which remain in the Account
8 after the termination of the authority of the Secretary to
9 carry out a closure or realignment under this part shall
10 be held in the Account until transferred by law after the
11 congressional defense committees receive the report trans-
12 mitted under paragraph (3).

13 (3) No later than 60 days after the termination of
14 the authority of the Secretary to carry out a closure or
15 realignment under this part, the Secretary shall transmit
16 to the congressional defense committees a report con-
17 taining an accounting of—

18 (A) all the funds deposited into and expended
19 from the Account or otherwise expended under this
20 part; and

21 (B) any amount remaining in the Account.

22 (d) DISPOSAL OR TRANSFER OF COMMISSARY
23 STORES AND PROPERTY PURCHASED WITH NON-
24 APPROPRIATED FUNDS.—(1) If any real property or facil-
25 ity acquired, constructed, or improved (in whole or in part)

1 with commissary store funds or nonappropriated funds is
2 transferred or disposed of in connection with the closure
3 or realignment of a military installation under this part,
4 a portion of the proceeds of the transfer or other disposal
5 of property on that installation shall be deposited in the
6 reserve account established under section 204(b)(7)(C) of
7 the Defense Authorization Amendments and Base Closure
8 and Realignment Act (10 U.S.C. 2687 note).

9 (2) The amount so deposited shall be equal to the
10 depreciated value of the investment made with such funds
11 in the acquisition, construction, or improvement of that
12 particular real property or facility. The depreciated value
13 of the investment shall be computed in accordance with
14 regulations prescribed by the Secretary of Defense.

15 (3) The Secretary may use amounts in the account
16 (in such an aggregate amount as is provided in advance
17 in appropriation Acts) for the purpose of acquiring, con-
18 structing, and improving—

19 (A) commissary stores; and

20 (B) real property and facilities for non-
21 appropriated fund instrumentalities.

22 (4) As used in this subsection:

23 (A) The term “commissary store funds” means
24 funds received from the adjustment of, or surcharge

1 on, selling prices at commissary stores fixed under
2 section 2685 of title 10, United States Code.

3 (B) The term “nonappropriated funds” means
4 funds received from a nonappropriated fund instru-
5 mentality.

6 (C) The term “nonappropriated fund instru-
7 mentality” means an instrumentality of the United
8 States under the jurisdiction of the Armed Forces
9 (including the Army and Air Force Exchange Serv-
10 ice, the Navy Resale and Services Support Office,
11 and the Marine Corps exchanges) which is conducted
12 for the comfort, pleasure, contentment, or physical
13 or mental improvement of members of the Armed
14 Forces.

15 (e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR
16 ENVIRONMENTAL RESTORATION PROJECTS.—Except for
17 funds deposited into the Account under subsection (a),
18 funds appropriated to the Department of Defense may not
19 be used for purposes described in section 1105 (a)(1)(C).
20 The prohibition in this subsection shall expire upon the
21 termination of the authority of the Secretary to carry out
22 a closure or realignment under this part.

23 **SEC. 1107. REPORTS.**

24 As part of the budget request for the Department of
25 Defense for fiscal year 2005 and for each fiscal year there-

1 after in which the Secretary carries out activities under
2 this part, the Secretary shall transmit to the congressional
3 defense committees of Congress—

4 (1) a schedule of the closure and realignment
5 actions to be carried out under this part in fiscal
6 year for which the request is made and an estimate
7 of the total expenditures required and cost savings
8 to be achieved by each such closure and realignment
9 and of the time period in which these savings are to
10 be achieved in each case, together with the Sec-
11 retary's assessment of the environmental effects of
12 such actions; and

13 (2) a description of the military installations,
14 including those under construction and those
15 planned for construction, to which functions are to
16 be transferred as a result of such closures and re-
17 alignments, together with the Secretary's assessment
18 of the environmental effects of such transfers.

19 **SEC. 1108. CONGRESSIONAL CONSIDERATION OF COMMIS-**
20 **SION REPORT.**

21 (a) **TERMS OF THE RESOLUTION.**—For purposes of
22 section 1104(b), the term “joint resolution” means only
23 a joint resolution which is introduced within the 10-day
24 period beginning on the date on which the President trans-

1 mits the report to the Congress under section 1103(e),
2 and—

3 (1) which does not have a preamble;

4 (2) the matter after the resolving clause of
5 which is as follows: “That Congress disapproves the
6 recommendations of the Defense Base Closure and
7 Realignment Commission as submitted by the Presi-
8 dent on _____”, the blank space being filled in
9 with the appropriate date; and

10 (3) the title of which is as follows: “Joint reso-
11 lution disapproving the recommendations of the De-
12 fense Base Closure and Realignment Commission.”.

13 (b) REFERRAL.—A resolution described in subsection
14 (a) that is introduced in the House of Representatives
15 shall be referred to the Committee on Armed Services of
16 the House of Representatives. A resolution described in
17 subsection (a) introduced in the Senate shall be referred
18 to the Committee on Armed Services of the Senate.

19 (c) DISCHARGE.—If the committee to which a resolu-
20 tion described in subsection (a) is referred has not re-
21 ported such a resolution (or an identical resolution) by the
22 end of the 20-day period beginning on the date on which
23 the President transmits the report to the Congress under
24 section 1103(e), such committee shall be, at the end of
25 such period, discharged from further consideration of such

1 resolution, and such resolution shall be placed on the ap-
2 propriate calendar of the House involved.

3 (d) CONSIDERATION.—(1) On or after the third day
4 after the date on which the committee to which such a
5 resolution is referred has reported, or has been discharged
6 (under subsection (c)) from further consideration of, such
7 a resolution, it is in order (even though a previous motion
8 to the same effect has been disagreed to) for any Member
9 of the respective House to move to proceed to the consider-
10 ation of the resolution. A member may make the motion
11 only on the day after the calendar day on which the Mem-
12 ber announces to the House concerned the Member's in-
13 tention to make the motion, except that, in the case of
14 the House of Representatives, the motion may be made
15 without such prior announcement if the motion is made
16 by direction of the committee to which the resolution was
17 referred. The motion is highly privileged in the House of
18 Representatives and is privileged in the Senate and is not
19 debatable. The motion is not subject to amendment, or
20 to a motion to postpone, or a motion to proceed to the
21 consideration of other business. A motion to reconsider the
22 vote by which the motion is agreed to or disagreed to shall
23 not be in order. If a motion to proceed to the consideration
24 of the resolution is agreed to, the respective House shall
25 immediately proceed to consideration of the joint resolu-

1 tion without intervening motion, order, or other business,
2 and the resolution shall remain the unfinished business of
3 the respective House until disposed of.

4 (2) Debate on the resolution, and on all debatable
5 motions and appeals in connection therewith, shall be lim-
6 ited to not more than 2 hours, which shall be divided
7 equally between those favoring and those opposing the res-
8 olution. An amendment to the resolution is not in order.
9 A motion further to limit debate is in order and not debat-
10 able. A motion to postpone, or a motion to proceed to the
11 consideration of other business, or a motion to recommit
12 the resolution is not in order. A motion to reconsider the
13 vote by which the resolution is agreed to or disagreed to
14 is not in order.

15 (3) Immediately following the conclusion of the de-
16 bate on a resolution described in subsection (a) and a sin-
17 gle quorum call at the conclusion of the debate if re-
18 quested in accordance with the rules of the appropriate
19 House, the vote on final passage of the resolution shall
20 occur.

21 (4) Appeals from the decisions of the Chair relating
22 to the application of the rules of the Senate or the House
23 of Representatives, as the case may be, to the procedure
24 relating to a resolution described in subsection (a) shall
25 be decided without debate.

1 (e) CONSIDERATION BY OTHER HOUSE.—(1) If, be-
2 fore the passage by one House of a resolution of that
3 House described in subsection (a), that House receives
4 from the other House a resolution described in subsection
5 (a), then the following procedures shall apply:

6 (A) The resolution of the other House shall not
7 be referred to a committee and may not be consid-
8 ered in the House receiving it except in the case of
9 final passage as provided in subparagraph (B)(ii).

10 (B) With respect to a resolution described in
11 subsection (a) of the House receiving the
12 resolution—

13 (i) the procedure in that House shall be
14 the same as if no resolution had been received
15 from the other House; but

16 (ii) the vote on final passage shall be on
17 the resolution of the other House.

18 (2) Upon disposition of the resolution received from
19 the other House, it shall no longer be in order to consider
20 the resolution that originated in the receiving House.

21 (f) RULES OF THE SENATE AND HOUSE.—This sec-
22 tion is enacted by Congress—

23 (1) as an exercise of the rule making power of
24 the Senate and House of Representatives, respec-
25 tively, and as such it is deemed a part of the rules

1 of each House, respectively, but applicable only with
2 respect to the procedure to be followed in that
3 House in the case of a resolution described in sub-
4 section (a), and it supersedes other rules only to the
5 extent that it is inconsistent with such rules; and

6 (2) with full recognition of the constitutional
7 right of either House to change the rules (so far as
8 relating to the procedure of that House) at any time,
9 in the same manner, and to the same extent as in
10 the case of any other rule of that House.

11 **SEC. 1109. RESTRICTION ON OTHER BASE CLOSURE**
12 **AUTHORITY.**

13 (a) IN GENERAL.—Except as provided in subsection
14 (c), during the period beginning on the date of the enact-
15 ment of this Act and ending on December 31, 2005, this
16 part shall be the exclusive authority for selecting for clo-
17 sure or realignment, or for carrying out any closure or
18 realignment of, a military installation inside the United
19 States.

20 (b) RESTRICTION.—Except as provided in subsection
21 (c), none of the funds available to the Department of De-
22 fense may be used, other than under this part, during the
23 period specified in subsection (a)—

24 (1) to identify, through any transmittal to the
25 Congress or through any other public announcement

1 or notification, any military installation inside the
2 United States as an installation to be closed or re-
3 aligned or as an installation under consideration for
4 closure or realignment; or

5 (2) to carry out any closure or realignment of
6 a military installation inside the United States.

7 (c) EXCEPTION.—Nothing in this part affects the au-
8 thority of the Secretary to carry out—

9 (1) closures and realignments under title II of
10 Public Law 100–526;

11 (2) closures and realignments under Public Law
12 101–510; and

13 (3) closures and realignments to which section
14 2687 of title 10, United States Code, is not applica-
15 ble, including closures and realignments carried out
16 for reasons of national security or a military emer-
17 gency referred to in subsection (c) of such section.

18 **SEC. 1110. DEFINITIONS.**

19 As used in this part:

20 (1) The term “Account” means the Department
21 of Defense Base Closure Account 1999 established
22 by section 1106(a)(1).

23 (2) The term “congressional defense commit-
24 tees” means the Committee on Armed Services and
25 the Committee on Appropriations of the Senate and

1 the Committee on Armed Forces and the Committee
2 on Appropriations of the House of Representatives.

3 (3) The term “Commission” means the Com-
4 mission established by section 1102.

5 (4) The term “military installation” means a
6 base, camp, post, station, yard, center, homeport fa-
7 cility for any ship, or other activity under the juris-
8 diction of the Department of Defense, including any
9 leased facility. Such term does not include any facil-
10 ity used primarily for civil works, rivers and harbors
11 projects, flood control, or other projects not under
12 the primary jurisdiction or control of the Depart-
13 ment of Defense.

14 (5) The term “realignment” includes any action
15 which both reduces and relocates functions and civil-
16 ian personnel positions but does not include a reduc-
17 tion in force resulting from workload adjustments,
18 reduced personnel or funding levels, or skill imbal-
19 ances.

20 (6) The term “Secretary” means the Secretary
21 of Defense.

22 (7) The term “United States” means the 50
23 States, the District of Columbia, the Commonwealth
24 of Puerto Rico, Guam, the Virgin Islands, American

1 Samoa, and any other commonwealth, territory, or
2 possession of the United States.

3 (8) The term “date of approval”, with respect
4 to a closure or realignment of an installation, means
5 the date on which the authority of Congress to dis-
6 approve a recommendation of closure or realign-
7 ment, as the case may be, of such installation under
8 this part expires.

9 (9) The term “redevelopment authority”, in the
10 case of an installation to be closed or realigned
11 under this part, means any entity (including an enti-
12 ty established by a State or local government) recog-
13 nized by the Secretary of Defense as the entity re-
14 sponsible for developing the redevelopment plan with
15 respect to the installation or for directing the imple-
16 mentation of such plan.

17 (10) The term “redevelopment plan” in the
18 case of an installation to be closed or realigned
19 under this part, means a plan that—

20 (A) is agreed to by the local redevelopment
21 authority with respect to the installation; and

22 (B) provides for the reuse or redevelo-
23 pment of the real property and personal property
24 of the installation that is available for such

1 reuse and redevelopment as a result of the clo-
2 sure or realignment of the installation.

3 (11) The term “representative of the homeless”
4 has the meaning given such term in section
5 501(i)(4) of the Stewart B. McKinney Homeless As-
6 sistance Act (42 U.S.C. 11411(i)(4)).

7 **SEC. 1111. CLARIFYING AMENDMENTS.**

8 (a) All authorities provided to the Secretary of De-
9 fense with respect to installations closed or to be closed
10 pursuant to the Defense Base Closure and Realignment
11 Act of 1990 (Public Law 101–510, as amended; 10 U.S.C.
12 2687 note), shall apply to the same extent to installations
13 realigned or to be realigned pursuant to the Defense Base
14 Closure and Realignment Act of 1990 (Public Law 101–
15 510, as amended; 10 U.S.C. 2687 note).

16 (b) For the purposes of this Act and notwithstanding
17 any other provision of law, governments of Indian tribes
18 shall be treated as State and local governments.

19 **SEC. 1112. CONFORMING AMENDMENTS.**

20 DEFINITIONS OF BASE CLOSURE LAW.—(1) Sub-
21 section (c)(1) of Section 3341 of title 5, United States
22 Code, is amended by adding at the end the following new
23 paragraph (D):

24 “(D) Any other similar law enacted after
25 November 5, 1990.”

1 (2) Subsection (h) of Section 2667 of title 10, United
 2 States Code, is amended by adding at the end the fol-
 3 lowing new paragraph (4):

4 “(4) Any other similar law enacted after No-
 5 vember 5, 1990.”.

6 **DIVISION B—MILITARY CON-**
 7 **STRUCTION AUTHORIZA-**
 8 **TIONS**

Sec. 2001. Short title.

TITLE XXI—ARMY

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.
- Sec. 2105. Modification of authority to carry out certain fiscal year 1995 projects.
- Sec. 2106. Modification of authority to carry out certain fiscal year 1998 projects.

TITLE XXII—NAVY

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.
- Sec. 2205. Authorization, Drug Interdiction and Counter-Drug Activities.

TITLE XXIII—AIR FORCE

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvements to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.
- Sec. 2305. Authorization, Drug Interdiction and Counter-Drug Activities.

TITLE XXIV—DEFENSE AGENCIES

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Improvements to military family housing units.
- Sec. 2403. Military housing improvement program.
- Sec. 2404. Energy conservation projects.
- Sec. 2405. Authorization of appropriations, Defense Agencies.
- Sec. 2406. Modification of authority to carry out certain fiscal year 1990 projects.

**TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION
SECURITY INVESTMENT PROGRAM**

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

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

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

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

- Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorization of certain fiscal year 1996 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1995 projects.
Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

**Subtitle A—Military Construction Program and Military
Family Housing**

- Sec. 2801. Limitation on certain projects; authority to carry out small projects with operation and maintenance funds.
Sec. 2802. Planning and design funds for military construction projects.

Subtitle B—Real Property and Facilities Administration

- Sec. 2803. Utility privatization.
Sec. 2804. Authority to carry out former military housing Privatization projects with funds transferred to family housing construction.
Sec. 2805. Pilot Project for the Improvement and Operating Support of Ford Island, Hawaii.

Subtitle C—Defense Base Closure and Realignment

- Sec. 2806. Establishment of environmental restoration accounts for base closure installations and formerly used defense sites.

1 **DIVISION B—MILITARY CON-**
2 **STRUCTION AUTHORIZA-**
3 **TIONS**

4 **SECTION 2001. SHORT TITLE.**

- 5 This division may be cited as the “Military Construc-
6 tion Authorization Act for Fiscal Year 2000”.

TITLE XXI—ARMY

- Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Improvements to military family housing units.

Sec. 2104. Authorization of appropriations, Army.

Sec. 2105. Modification of authority to carry out certain fiscal year 1995 projects.

Sec. 2106. Modification of authority to carry out certain fiscal year 1998 projects.

1 SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND
2 ACQUISITION PROJECTS.

3 (a) INSIDE THE UNITED STATES.—Using amounts
4 appropriated pursuant to the authorization of appropria-
5 tions in section 2104(a)(1), the Secretary of the Army
6 may acquire real property and carry out military construc-
7 tion projects for the installations and locations inside the
8 United States, and in the amounts, set forth in the fol-
9 lowing table:

Army: Inside the United States

State	Installation or location	Amount
Alaska	Fort Richardson	\$14,600,000
	Fort Wainwright	\$15,500,000
California	Fort Irwin	\$13,400,000
Colorado	Peterson Air Force Base	\$25,000,000
District of Columbia	Fort McNair	\$1,250,000
	Walter Reed Medical Center	\$6,800,000
Georgia	Fort Benning	\$48,400,000
	Fort Stewart/Hunter Army Air	\$3,500,000
	Hunter Army Air Field	\$7,200,000
Hawaii	Schofield Barracks	\$95,000,000
Kansas	Fort Leavenworth	\$34,100,000
Kentucky	Blue Grass Army Depot	\$212,800,000
	Fort Campbell	\$36,900,000
Maryland	Fort Meade	\$22,450,000
Massachusetts	Westover Air Reserve Base	\$4,000,000
Missouri	Fort Leonard Wood	\$10,600,000
North Carolina	Fort Bragg	\$111,000,000
	Sunny Point (MOTSU)	\$3,800,000
Oklahoma	Fort Sill	\$13,200,000
	McAlester Army Ammunition	\$16,600,000
Pennsylvania	Carlisle Barracks	\$5,000,000
	Letterkenny Army Depot	\$3,650,000
South Carolina	Fort Jackson	\$7,400,000
Texas	Fort Bliss	\$50,400,000
	Fort Hood	\$68,000,000
Virginia	Fort Belvoir	\$3,850,000
	Fort Eustis	\$39,000,000
	Fort Myer	\$2,900,000
Washington	Fort Lewis	\$6,200,000

Army: Inside the United States—Continued

State	Installation or location	Amount
CONUS Various	Yakima Training Center	\$17,200,000
	CONUS Various	\$36,400,000
	Total	\$936,100,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2104(a)(2), the Secretary of the Army
4 may acquire real property and carry out military construc-
5 tion projects for the locations outside the United States,
6 and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Ansbach	\$21,000,000
	Area Support Group	\$23,200,000
	Mannheim	\$4,500,000
Korea	Camp Casey	\$31,000,000
	Camp Howze	\$3,050,000
	Camp Stanley	\$3,650,000
	Total	\$86,400,000

7 **SEC. 2102. FAMILY HOUSING.**

8 (a) CONSTRUCTION AND ACQUISITION.—Using
9 amounts appropriated pursuant to the authorization of ap-
10 propriations in section 2104(a)(19)(A), the Secretary of
11 the Army may construct or acquire family housing units
12 (including land acquisition) at the installations, for the
13 purposes, and in the amounts set forth in the following
14 table:

Army: Family Housing

State	Installation or location	Purpose	Amount
Korea	Camp Humphreys	60 units	\$24,000,000
		Total	\$24,000,000

1 (b) PLANNING AND DESIGN.—Using amounts appro-
2 priated pursuant to the authorization of appropriations in
3 section 2104(a)(19)(A), the Secretary of the Army may
4 carryout architectural and engineering services and con-
5 struction design activities with respect to the construction
6 or improvement of family housing units in an amount not
7 to exceed \$4,300,000.

8 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
9 **UNITS.**

10 Subject to section 2825 of title 10, United States
11 Code, and using amounts appropriated pursuant to the
12 authorization of appropriations in sections
13 2104(a)(19)(A), the Secretary of the Army may improve
14 existing military family housing units in an amount not
15 to exceed \$32,600,000.

16 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

17 (a) IN GENERAL.—Funds are hereby authorized to
18 be appropriated for fiscal years beginning after September
19 30, 1999, for military construction, land acquisition, and
20 military family housing functions of the Department of the
21 Army in the total amount of \$1,768,086,000 as follows:

1 (1) For military construction projects inside the
2 United States authorized by section 2101(a),
3 \$187,513,000.

4 (2) For military construction projects outside
5 the United States authorized by section 2101(b),
6 \$13,985,000.

7 (3) For a reduction in the amount of super-
8 vision, inspection and overhead included in the above
9 authorization of appropriations, section 2104(a) (1)
10 and (2) of this Act, \$30,689,000.

11 (4) For the construction of the U.S. Discipli-
12 nary Barracks, Phase II, Fort Leavenworth, Kan-
13 sas, authorized in section 2101(a) of the National
14 Defense Authorization Act for Fiscal Year 1998 (di-
15 vision B of Public Law 105–85; 111 Stat. 1967),
16 \$18,800,000.

17 (5) For the construction of the Railhead Facil-
18 ity, Fort Hood, Texas, authorized in section 2101(a)
19 of the National Defense Authorization Act for Fiscal
20 Year 1999 (division B of Public Law 105–261; 112
21 Stat. 2182), \$14,800,000.

22 (6) For the construction of the Power Plant,
23 Roi Namur Island, Kwajalein Atoll, Kwajalein, au-
24 thorized in section 2101(a) of the National Defense
25 Authorization Act for Fiscal Year 1999 (division B

1 of Public Law 105–261; 112 Stat. 2183),
2 \$35,400,000.

3 (7) For the construction of the Cadet Develop-
4 ment Center, United States Military Academy, West
5 Point, New York, authorized in section 2101(a) of
6 the National Defense Authorization Act for Fiscal
7 Year 1999 (division B of Public Law 105–261; 112
8 Stat. 2182), \$28,500,000.

9 (8) For the construction of the Ammunition
10 Demilitarization Facility, Anniston Army Depot,
11 Alabama, authorized in section 2101(a) of the Mili-
12 tary Construction Authorization Act for Fiscal Year
13 1991 (division B of Public Law 101–510; Stat.
14 1758), as amended by section 2101(a) of the Mili-
15 tary Construction Authorization Act for Fiscal Year
16 1992 and 1993 (division B of Public Law 102–190;
17 105 Stat. 1508); section 2101(a) of the Military
18 Construction Authorization Act for Fiscal Year 1993
19 (division B of Public Law 102–484; 106 Stat.
20 2586); and section 2401 of the Military Construc-
21 tion Authorization Act for Fiscal Year 1995 (divi-
22 sion B of Public Law 103–337, 108 Stat. 3040),
23 \$7,000,000.

24 (9) For the construction of the Ammunition
25 Demilitarization Facility, Pine Bluff Arsenal, Arkan-

1 sas, authorized in section 2401 of Military Construc-
2 tion Authorization Act for Fiscal Year 1995 (divi-
3 sion B of Public Law 103–337; 108 Stat. 3040), as
4 amended by section 2407 of the National Defense
5 Authorization Act for Fiscal Year 1996 (division B
6 of Public Law 104–106; 110 Stat. 539), section
7 2408 of the Military Construction Authorization Act
8 for Fiscal Year 1998 (division B of Public Law 105–
9 85; 111 Stat. 1982), and section 2406 of the Mili-
10 tary Construction Authorization Act for Fiscal Year
11 1999 (division B of Public Law 105–261; 112 Stat.
12 2197), \$61,800,000.

13 (10) For the construction of the Ammunition
14 Demilitarization Facility, Umatilla Army Depot, Or-
15 egon, authorized in section 2401 of the Military
16 Construction Authorization Act for Fiscal Year 1995
17 (division B of Public Law 103–337; 108 Stat.
18 3040), as amended by section 2407 of the Military
19 Construction Authorization Act for Fiscal Year 1996
20 (division B of Public Law 104–106; 110 Stat. 539);
21 section 2408 of the Military Construction Authoriza-
22 tion Act for Fiscal Year 1998 (division B of Public
23 Law 105–85; 111 Stat. 1982); and section 2406 of
24 the Military Construction Authorization Act for Fis-

1 cal Year 1999 (division B of Public Law 105–261;
2 112 Stat. 2197), \$35,900,000.

3 (11) For the construction of the Ammunition
4 Demilitarization Facility, Aberdeen Proving Ground,
5 Maryland, authorized in section 2401(a) of the Mili-
6 tary Construction Authorization Act for Fiscal Year
7 1999 (division B of Public Law 105–261; 112 Stat.
8 2193), \$66,600,000.

9 (12) For the construction of the Ammunition
10 Demilitarization Facility at Newport Army Depot,
11 Indiana, authorized in section 2401(a) of the Mili-
12 tary Construction Authorization Act for Fiscal Year
13 1999 (division B of Public Law 105–261; 112 Stat.
14 2193), \$61,200,000.

15 (13) For the construction of the Ammunition
16 Demilitarization Facility, Pueblo Army Depot, Colo-
17 rado, authorized in section 2401(a) of the Military
18 Construction Authorization Act for Fiscal Year 1997
19 (division B of Public Law 104–201; 110 Stat.
20 2775), \$11,800,000.

21 (14) For the construction of the Whole Bar-
22 racks Complex Renewal, Fort Campbell, Kentucky,
23 authorized in section 2101(a) of the Military Con-
24 struction Authorization Act for Fiscal Year 1999

1 (division B of Public Law 105–261; 112 Stat.
2 2182), \$4,800,000.

3 (15) For the Construction of the Multi-Purpose
4 Digital Training Range, Fort Knox, Kentucky, au-
5 thORIZED in section 2101(a) of the Military Construc-
6 tion Authorization Act for Fiscal Year 1999 (divi-
7 sion B of Public Law 105–261; 112 Stat. 2182),
8 \$2,400,000.

9 (16) For the construction of the Force XXI
10 Soldier Development Center, Fort Hood, Texas, au-
11 thORIZED in section 2101(a) of the Military Construc-
12 tion Authorization Act for Fiscal Year 1999 (divi-
13 sion B of Public Law 105–85; 111 Stat. 1966),
14 \$14,000,000.

15 (17) For unspecified minor construction
16 projects authorized by section 2805 of title 10,
17 United States Code, \$9,500,000.

18 (18) For architectural and engineering services
19 and construction design and supervision, inspection
20 and overhead as follows:

21 (A) for architectural and engineering serv-
22 ices and construction design under section 2807
23 of title 10, United States Code, \$82,005,000.

1 (B) and supervision, inspection and over-
2 head under section 2802 of title 10 United
3 States Code, \$30,689,000.

4 (19) For military family housing functions:

5 (A) For construction and acquisition, plan-
6 ning and design and improvement of military
7 family housing and facilities, \$14,003,000.

8 (B) For support of military family housing
9 (including the functions described in section
10 2833 of title 10, United States Code),
11 \$1,098,080,000.

12 (b) ADVANCE AUTHORIZATION OF APPROPRIA-
13 TIONS.—Funds are hereby authorized to be appropriated
14 for fiscal years beginning after September 30, 2000, for
15 completion of military construction and family housing
16 projects authorized in sections 2101, 2102, and 2103, and
17 subject to the same terms, as follows:

18 (1) For military construction projects author-
19 ized by section 2101, \$659,536,000.

20 (2) For military family housing functions au-
21 thorized by sections 2102(a) and 2103,
22 \$43,991,000.

23 (c) ADVANCE AUTHORIZATION OF APPROPRIATIONS
24 FOR FISCAL YEAR 2001 BIENNIAL BUDGET.—Funds are
25 hereby authorized to be appropriated for fiscal years be-

1 ginning after September 30, 2000, for military construc-
2 tion and family housing projects authorized for fiscal year
3 2001, as follows:

4 (1) For military construction projects and land
5 acquisition authorized for fiscal year 2001,
6 \$950,784,000.

7 (2) For military family housing functions au-
8 thorized for fiscal year 2001, \$1,018,264,000.

9 (d) LIMITATION ON TOTAL COST OF CONSTRUCTION
10 PROJECTS.—Notwithstanding the cost variations author-
11 ized by section 2853 of title 10, United States Code, and
12 any other cost variation authorized by law, the total cost
13 of all projects carried out under section 2101 of this Act
14 may not exceed \$1,022,500,000.

15 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**
16 **CERTAIN FISCAL YEAR 1997 PROJECTS.**

17 The table in section 2401 of the Military Construc-
18 tion Authorization Act for Fiscal Year 1997 (division B
19 of Public Law 104–201; 110 Stat. 2775), under the agen-
20 cy heading relating to Chemical Weapons and Munitions
21 Destruction, is amended in the item relating to Pueblo
22 Chemical Activity, Colorado, by striking out
23 “\$179,000,000” in the amount column and inserting in
24 lieu thereof “\$203,500,000”.

1 **TITLE XXII—NAVY**

Sec. 2201. Authorized Navy construction and land acquisition projects.
 Sec. 2202. Family housing.
 Sec. 2203. Improvements to military family housing units.
 Sec. 2204. Authorization of appropriations, Navy.
 Sec. 2205. Authorization, Drug Interdiction and Counter-Drug Activities

2 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
 3 **ACQUISITION PROJECTS.**

4 (a) INSIDE THE UNITED STATES.—Using amounts
 5 appropriated pursuant to the authorization of appropria-
 6 tions in section 2204(a)(1), the Secretary of the Navy may
 7 acquire real property and carry out military construction
 8 projects for the installations and locations inside the
 9 United States, and in the amounts, set forth in the fol-
 10 lowing table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	\$17,020,000
	Navy Detachment, Camp Navajo	\$7,560,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms.	\$34,760,000
	Marine Corps Base, Camp Pendleton	\$31,660,000
	Marine Corps Logistics Base, Barstow	\$4,670,000
	Marine Corps Recruit Depot, San Diego	\$3,200,000
	Naval Air Station, Lemoore	\$24,020,000
	Naval Air Station, North Island	\$54,420,000
	Naval Hospital, San Diego	\$21,590,000
	Naval Hospital, Twentynine Palms	\$7,640,000
Florida	Naval Air Station, Whiting Field, Milton	\$4,750,000
Georgia	Marine Corps Logistics Base, Albany	\$6,260,000
Hawaii	Camp H.M. Smith	\$86,050,000
	Marine Corps Air Station, Kaneohe Bay	\$5,790,000
	Naval Shipyard, Pearl Harbor	\$10,610,000
	Naval Station, Pearl Harbor	\$18,600,000
	Naval Submarine Base, Pearl Harbor	\$29,460,000
Idaho	Naval Surface Warfare Center, Bayview	\$10,040,000
Illinois	Naval Training Center, Great Lakes	\$57,290,000
Maine	Naval Air Station, Brunswick	\$16,890,000
Maryland	Naval Surface Warfare Center, Indian Head.	\$10,070,000
Mississippi	Naval Construction Battalion Center Gulfport.	\$19,170,000
New Jersey	Naval Air Warfare Center Aircraft Division, Lakehurst.	\$15,710,000
North Carolina	Marine Corps Air Station, New River	\$5,470,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
Pennsylvania	Marine Corps Base, Camp LeJeune	\$21,380,000
	Navy Ships Parts Control Center, Mechanicsburg.	\$2,990,000
South Carolina	Naval Weapons Station, Charleston	\$7,640,000
Virginia	Marine Corps Air Station, Beaufort	\$10,490,000
	Marine Corps Combat Development Command, Quantico.	\$20,820,000
	Naval Air Station, Oceana	\$11,490,000
	Naval Shipyard, Norfolk, Portsmouth	\$17,630,000
	Naval Station, Norfolk	\$69,550,000
	Naval Weapons Station, Yorktown	\$25,040,000
	Tactical Training Group Atlantic, Dam Neck.	\$10,310,000
Washington	Naval Ordnance Center Pacific Division Detachment, Port.	\$3,440,000
	Puget Sound Naval Shipyard, Bremerton	\$15,610,000
	Strategic Weapons Facility Pacific, Bremerton.	\$6,300,000
	Total	\$725,390,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2204(a)(2), the Secretary of the Navy may
4 acquire real property and carry out military construction
5 projects for the locations outside the United States, and
6 in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahrain	Administrative Support Unit	\$83,090,000
Diego Garcia	Naval Support Facility, Diego Garcia	\$8,150,000
Greece	Naval Support Activity, Souda Bay	\$6,380,000
Italy	Naval Support Activity, Naples	\$26,750,000
	Total	\$124,370,000

7 SEC. 2202. FAMILY HOUSING.

8 (a) CONSTRUCTION AND ACQUISITION.—Using
9 amounts appropriated pursuant to the authorization of ap-
10 propriations in section 2204(a)(7)(A), the Secretary of the
11 Navy may construct or acquire family housing units (in-

1 cluding land acquisition) at the installations, for the pur-
 2 poses, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or loca- tion	Purpose	Amount
Hawaii	Marine Corps Air Sta- tion, Kaneohe Bay.	100 units	\$26,615,000
	Naval Base Pearl Harbor	133 units	\$30,168,000
	Naval Base Pearl Harbor	96 units	\$19,167,000
	Total	\$75,950,000

3 (b) **PLANNING AND DESIGN.**—Using amounts appro-
 4 priated pursuant to the authorization of appropriation in
 5 section 2204(a)(7)(A), the Secretary of the Navy may
 6 carry out architectural and engineering services and con-
 7 struction design activities with respect to the construction
 8 or improvement of military family housing units in an
 9 amount not to exceed \$17,715,000.

10 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 11 **UNITS.**

12 Subject to section 2825 of title 10, United States
 13 Code, and using amounts appropriated pursuant to the
 14 authorization of appropriations in section 2204(a)(7)(A),
 15 the Secretary of the Navy may improve existing military
 16 family housing units in an amount not to exceed
 17 \$153,250,000.

18 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

19 (a) **IN GENERAL.**—Funds are hereby authorized to
 20 be appropriated for fiscal years beginning after September

1 30, 1999, for military construction, land acquisition, and
2 military family housing functions of the Department of the
3 Navy in the total amount of \$1,284,394,000 as follows:

4 (1) For military construction projects inside the
5 United States authorized by section 2201(a),
6 \$202,444,000.

7 (2) For military construction projects outside
8 the United States authorized by section 2201(b),
9 \$31,680,000.

10 (3) for a reduction in the amount of super-
11 vision, inspection and overhead included in the above
12 authorization of appropriations, section 2204(a) (1)
13 and (2) of this act, (\$6,178,000).

14 (4) For construction of Berthing Wharf (Incr.
15 II), Naval Station Norfolk, Virginia, authorized in
16 section 2201(a) of the Military Construction Author-
17 ization Act for Fiscal Year 1999 (division B or Pub-
18 lic Law 105–261; 112 Stat. 2187), \$12,690,000.

19 (5) For unspecified minor construction projects
20 authorized by section 2805 of title 10, United States
21 Code, \$7,342,000.

22 (6) For architectural and engineering services
23 and construction design and supervision, inspection
24 and overhead as follows:

1 (A) for architectural and engineering serv-
2 ices and construction design under section 2807
3 of title 10, United States Code, \$65,630,000.

4 (B) and supervision, inspection and over-
5 head under section 2802 of title 10 United
6 States Code, \$6,178,000.

7 (7) For military family housing functions:

8 (A) For construction and acquisition, plan-
9 ning and design and improvement of military
10 family housing and facilities, \$64,605,000.

11 (B) For support of military housing (in-
12 cluding functions described in section 2833 of
13 title 10, United States Code), \$895,070,000.

14 (b) ADVANCE AUTHORIZATION OF APPROPRIA-
15 TIONS.—Funds are hereby authorized to be appropriated
16 for fiscal years beginning after September 30, 2000, for
17 completion of military construction and family housing
18 projects authorized in sections 2201, 2202, and 2203, and
19 subject to the same terms, as follows:

20 (1) For military construction projects, author-
21 ized by section 2201, \$502,812,000.

22 (2) For military family housing functions au-
23 thorized by sections 2202(a) and 2203,
24 \$171,167,000.

1 (c) ADVANCE AUTHORIZATION OF APPROPRIATIONS
2 FOR FISCAL YEAR 2001 BIENNIAL BUDGET.—Funds are
3 hereby authorized to be appropriated for fiscal years be-
4 ginning after September 30, 2000, for military construc-
5 tion and family housing projects authorized for fiscal year
6 2001, as follows:

7 (1) For military construction projects and land
8 acquisition authorized for fiscal year 2001,
9 \$760,019,000.

10 (2) For military family housing functions au-
11 thORIZED for fiscal year 2001, \$1,072,195,000.

12 (d) LIMITATION ON TOTAL COST OF CONSTRUCTION
13 PROJECTS.—Notwithstanding the cost variations author-
14 ized by section 2853 of title 10, United States Code, and
15 any other cost variation authorized by law, the total cost
16 of all projects carried out under section 2201 of this Act
17 may not exceed \$849,760,000.

18 **SEC. 2205. AUTHORIZATION, DRUG INTERDICTION AND**
19 **COUNTER-DRUG ACTIVITIES.**

20 Using amounts made available for that purpose in the
21 Drug Interdiction and Counter-Drug Activities, Defense
22 Appropriation, the Secretary of the Navy, or such other
23 Service Secretary as the Secretary of Defense later may
24 designate may acquire real property and carry out a mili-
25 tary construction project for a Forward Deployment Site

- 1 in a location to be designated by the Secretary of Defense
 2 in the amount of \$6,726,000.

3 **TITLE XXIII—AIR FORCE**

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2302 Family housing.

Sec. 2303 Improvements to military family housing units.

Sec. 2304 Authorization of appropriations, Air Force.

Sec. 2305 Authorization, Drug Interdiction and Counter-Drug Activities.

4 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 5 **LAND ACQUISITION PROJECTS.**

6 (a) **INSIDE THE UNITED STATES.**—Using amounts
 7 appropriated pursuant to the authorization of appropria-
 8 tions in section 2304(a)(1), the Secretary of the Air Force
 9 may acquire real property and carry out military construc-
 10 tion projects for the installations and locations inside the
 11 United States, and in the amounts, set forth in the fol-
 12 lowing table:

Air Force: Inside the United States

State	Installation or location	Amount
Alaska	Eielson Air Force Base	\$24,100,000
	Elmendorf Air Force Base	\$32,800,000
Arizona	Davis-Monthan Air Force Base	\$7,800,000
California	Beale Air Force Base	\$8,900,000
	Travis Air Force Base	\$7,500,000
Colorado	Peterson Air Force Base	\$33,000,000
	Schriever Air Force Base	\$9,400,000
	US Air Force Academy	\$17,500,000
CONUS Classified	Classified Location	\$16,870,000
Florida	Eglin Air Force Base	\$13,600,000
	Eglin Auxiliary Field 9	\$18,800,000
Georgia	MacDill Air Force Base	\$5,500,000
	Patrick Air Force Base	\$17,800,000
	Fort Benning	\$3,900,000
	Moody Air Force Base	\$3,200,000
	Robins Air Force Base	\$3,350,000
Hawaii	Hickam Air Force Base	\$3,300,000
Idaho	Mountain Home Air Force Base	\$17,000,000
Kansas	McConnell Air Force Base	\$9,600,000
Kentucky	Fort Campbell	\$6,300,000
Mississippi	Keesler Air Force Base	\$27,000,000
Missouri	Whiteman Air Force Base	\$24,900,000
Nebraska	Offutt Air Force Base	\$8,300,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
Nevada	Nellis Air Force Base	\$18,600,000
New Jersey	McGuire Air Force Base	\$11,800,000
New York	Rome Laboratory	\$12,800,000
North Carolina	Fort Bragg	\$4,600,000
	Pope Air Force Base	\$7,700,000
Ohio	Wright-Patterson Air Force Base	\$17,600,000
Oklahoma	Tinker Air Force Base	\$23,800,000
South Carolina	Charleston Air Force Base	\$18,200,000
Tennessee	Arnold Air Force Base	\$7,800,000
Texas	Lackland Air Force Base	\$13,400,000
	Laughlin Air Force Base	\$3,250,000
Utah	Hill Air Force Base	\$4,600,000
Virginia	Langley Air Force Base	\$6,300,000
Washington	Fairchild Air Force Base	\$4,500,000
	McChord Air Force Base	\$7,900,000
Total		\$483,270,000

1 (b) **OUTSIDE THE UNITED STATES.**—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2304(a)(2), the Secretary of the Air Force
4 may acquire real property and carry out military construc-
5 tion projects for the installations and locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing table:

Air Force: Outside the United States

Country	Installation or location	Amount
Guam	Andersen Air Force Base	\$8,900,000
Italy	Aviano Air Base	\$3,700,000
Korea	Osan Air Base	\$19,600,000
Portugal	Lajes Field, Azores	\$1,800,000
United Kingdom	Ascension Island	\$2,150,000
	Royal Air Force Feltwell	\$3,000,000
	Royal Air Force Lakenheath	\$18,200,000
	Royal Air Force Mildenhall	\$17,600,000
	Royal Air Force Molesworth	\$1,700,000
Total		\$76,650,000

8 SEC. 2302. FAMILY HOUSING.

9 (a) **CONSTRUCTION AND ACQUISITION.**—Using
10 amounts appropriated pursuant to the authorization of ap-

1 appropriations in section 2304(a)(6)(A), the Secretary of the
 2 Air Force may construct or acquire family housing units
 3 (including land acquisition) at the installations, for the
 4 purposes, and in the amounts set forth in the following
 5 table:

Air Force: Family Housing

State	Installation or location	Purpose	Amount
Arizona	Davis-Monthan Air Force Base.	64 units	\$10,000,000
California	Beale Air Force Base ..	60 units	8,500,000
	Edwards Air Force Base.	188 units	32,790,000
	Vandenberg Air Force Base.	91 units	16,800,000
District of Columbia	Bolling Air Force Base	72 units	9,375,000
Florida	Eglin Air Force Base ..	130 units	14,080,000
	MacDill Air Force Base.	54 units	9,034,000
Mississippi	Columbus Air Force Base.	100 units	12,290,000
Montana	Malmstrom Air Force Base.	34 units	7,570,000
Nebraska	Offutt Air Force Base	72 units	12,352,000
North Carolina	Seymour Johnson Air Force Base.	78 units	12,187,000
North Dakota	Grand Forks Air Force Base.	42 units	10,050,000
Texas	Minot Air Force Base	72 units	10,756,000
	Lackland Air Force Base.	48 units	7,500,000
Portugal	Lajes Field, Azores	75 units	12,964,000
	Total	186,248,000

6 (b) PLANNING AND DESIGN.—Using amounts appro-
 7 priated pursuant to the authorization of appropriations in
 8 section 2304(a)(6)(A), the Secretary of the Air Force may
 9 carry out architectural and engineering services and con-
 10 struction design activities with respect to the construction
 11 or improvement of military family housing units in an
 12 amount not to exceed \$17,093,000.

1 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriations in section 2304(a)(6)(A),
6 the Secretary of the Air Force may improve existing mili-
7 tary family housing units in an amount not to exceed
8 \$124,452,000.

9 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
10 **FORCE.**

11 (a) IN GENERAL.—Funds are hereby authorized to
12 be appropriated for fiscal years beginning after September
13 30, 1999, for military construction, land acquisition, and
14 military family housing functions of the Department of the
15 Air Force in the total amount of \$1,103,162,000 as fol-
16 lows:

17 (1) For military construction projects inside
18 the United States authorized by section 2301(a),
19 \$122,362,000.

20 (2) For military construction projects outside
21 the United States authorized by section 2301(b),
22 \$20,372,000.

23 (3) For a reduction in the amount of super-
24 vision, inspection and overhead included in the above
25 authorization of appropriations, section 2304(a)(1)
26 and (2) of this Act, (\$3,376,000).

1 (4) For unspecified minor construction projects
2 authorized by section 2805 of title 10, United States
3 Code, \$8,741,000.

4 (5) For architectural and engineering services
5 and construction design and supervision, inspection
6 and overhead costs as follows:

7 (A) For architectural and engineering serv-
8 ices and construction design under section 2807
9 of title 10, United States Code, \$28,004,000.

10 (B) For supervision, inspection and over-
11 head under section 2802 of title 10, United
12 States Code, \$3,376,000.

13 (6) For military housing functions:

14 (A) For construction and acquisition, plan-
15 ning and design and improvement of military
16 family housing and facilities, \$101,791,000.

17 (B) For support of military family housing
18 (including functions described in section 2833
19 of title 10, United States Code), \$821,892,000.

20 (b) ADVANCE AUTHORIZATION OF APPROPRIA-
21 TIONS.—Funds are hereby authorized to be appropriated
22 for fiscal years beginning after September 30, 2000, for
23 completion of military construction and family housing
24 projects authorized in sections 2301, 2302, and 2303, and
25 subject to the same terms, as follows:

1 (1) For military construction projects author-
2 ized by section 2301, \$379,867,000.

3 (2) For military family housing functions au-
4 thorized by sections 2302(a) and 2303,
5 \$215,222,000.

6 (c) **ADVANCED AUTHORIZATION OF APPROPRIATIONS**
7 **FOR FISCAL YEAR 2001 BIENNIAL BUDGET.**— Funds are
8 hereby authorized to be appropriated for fiscal years be-
9 ginning after September 30, 2000, for military construc-
10 tion and family housing projects authorized for fiscal year
11 2001, as follows:

12 (1) For military construction projects author-
13 ized for fiscal year 2001, \$534,287,000.

14 (2) For military family housing functions au-
15 thorized for fiscal year 2001, \$1,062,806,000.

16 (d) **LIMITATION ON TOTAL COST OF CONSTRUCTION**
17 **PROJECTS.**—Notwithstanding the cost variations author-
18 ized by section 2853 of title 10, United States Code, and
19 any other cost variation authorized by law, the total cost
20 of all projects carried out under section 2301 of this Act
21 may not exceed \$559,920,000.

22 **SEC. 2305. AUTHORIZATION, DRUG INTERDICTION AND**
23 **COUNTER-DRUG ACTIVITIES.**

24 Using amounts made available for that purpose in the
25 Drug Interdiction and Counter-Drug Activities, Defense

1 appropriation, the Secretary of the Air Force, or other
 2 Service Secretary as the Secretary of Defense later may
 3 designate may acquire real property and carry out military
 4 construction projects for Forward Deployment Sites in
 5 Ecuador, in the amount of \$31,229,000, and in Curacao,
 6 in the amount of \$4,880,000.

7 **TITLE XXIV—DEFENSE**
 8 **AGENCIES**

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Improvements to military family housing units.
- Sec. 2403. Military housing improvement program.
- Sec. 2404. Energy conservation projects.
- Sec. 2405. Authorization of appropriations, Defense Agencies.
- Sec. 2406. Modification of authority to carry out certain fiscal year 1990 projects.

9 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

11 (a) **INSIDE THE UNITED STATES.**—Using amounts
 12 appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may
 13 acquire real property and carry out military construction
 14 projects for the installations and locations inside the
 15 United States, and in the amounts, set forth in the following table:
 17

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Education Activity ..	Laurel Bay, South Carolina Marine Corps Base, Camp LeJeune, North Carolina.	\$2,874,000
Defense Logistics Agency	Defense Distribution New Cumberland—DDSP.	\$5,000,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
Defense Manpower Data Center.	DFSC, Elmendorf Air Force Base, Alaska.	
	Eielson Air Force Base, Alaska.	
	Fairchild Air Force Base, Washington.	
	Various Locations	\$8,900,000
National Security Agency	Fort Meade, Maryland	\$2,946,000
Special Operations Command	Fleet Combat Training Center, Dam Neck, Virginia.	\$4,700,000
	Fort Benning, Georgia.	
	Fort Bragg, North Carolina.	
	Mississippi Army Ammunition Plant, Mississippi.	\$9,600,000
	Naval Amphibious Base, Coronado, California.	\$6,000,000
Tri-Care Management Agency.	Andrews Air Force Base, Maryland	\$3,000,000
	Cheatham Annex, Virginia	\$1,650,000
	Davis-Monthan Air Force Base, Arizona.	
	Fort Lewis, Washington	\$5,500,000
	Fort Riley, Kansas	\$6,000,000
	Fort Sam Houston, Texas	\$5,800,000
	Fort Wainwright, Alaska	\$133,000,000
	Los Angeles Air Force Base, California.	
	Marine Corps Air Station, Cherry Point, North Carolina.	\$3,500,000
	Moody Air Force Base, Georgia	\$1,250,000
	Naval Air Station, Jacksonville, Florida.	\$3,780,000
	Naval Air Station, Norfolk, Virginia	\$4,050,000
	Naval Air Station, Patuxent River, Maryland.	\$4,150,000
	Naval Air Station, Pensacola, Florida.	\$4,300,000
	Naval Air Station, Whidbey Island, Washington.	\$4,700,000
	Patrick Air Force Base, Florida	\$1,750,000
	Travis Air Force Base, California	\$7,500,000
	Wright-Patterson Air Force Base, Ohio.	\$3,900,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropri-
3 ations in section 2405(a)(2), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for the installations and locations outside the

1 United States, and in the amounts, set forth in the fol-
 2 lowing table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Education Activity ..	Andersen Air Force Base, Guam	\$44,170,000
	Naval Station Rota, Spain	\$17,020,000
	Royal Air Force, Feltwell, United Kingdom.	\$4,570,000
	Royal Air Force, Lakenheath, United Kingdom.	\$3,770,000
Defense Logistics Agency	Andersen Air Force Base, Guam	\$24,300,000
	Moron Air Base, Spain	\$15,200,000
National Security Agency	Royal Air Force, Menwith Hill Station, United Kingdom.	\$500,000
Tri-Care Management Agency.	Naval Security Group Activity, Sabana Seca, Puerto Rico.	\$4,000,000
	Ramstein Air Force Base, Germany	\$7,100,000
	Royal Air Force, Lakenheath, United Kingdom.	\$7,100,000
	Yongsan, Korea	\$41,120,000
	Total	\$168,850,000

3 **SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 4 **UNITS.**

5 Subject to section 2825 of title 10, United States
 6 Code, and using amounts appropriated pursuant to the
 7 authorization of appropriation in section 2405(a)(8)(A),
 8 the Secretary of Defense may improve existing military
 9 family housing units in an amount not to exceed \$50,000.

10 **SEC. 2403. MILITARY HOUSING IMPROVEMENT PROGRAM.**

11 Of the amount authorized to be appropriated pursu-
 12 ant to section 2405(a)(8)(C), \$78,756,000 shall be avail-
 13 able for credit to the Department of Defense Family
 14 Housing Fund established by section 2883(a)(1) of title
 15 10, United States Code.

1 **SEC. 2404. ENERGY CONSERVATION PROJECTS.**

2 Using amounts appropriated pursuant to the author-
3 ization of appropriations in section 2405(a)(6), the Sec-
4 retary of Defense may carry out energy conservation
5 projects under section 2865 of title 10, United States
6 Code, in the amount of \$31,900,000.

7 **SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DE-**
8 **FENSE AGENCIES.**

9 (a) IN GENERAL.—Funds are hereby authorized to
10 be appropriated for fiscal years beginning after September
11 30, 1999, for military construction, land acquisition, and
12 military family housing functions of the Department of
13 Defense (other than the military departments), in the total
14 amount of \$1,019,162,000 as follows:

15 (1) For military construction projects inside the
16 United States authorized by section 2401(a),
17 \$94,083,000.

18 (2) For military construction projects outside
19 the United States authorized by section 2401(b),
20 \$39,484,000.

21 (3) For unspecified minor construction projects
22 under section 2805 of title 10, United States Code,
23 \$18,618,000.

24 (4) For contingency construction projects of the
25 Secretary of Defense under section 2804 of title 10,
26 United States Code, \$938,000.

1 (5) For architectural and engineering services
2 and construction design under section 2807 of title
3 10, United States Code, \$33,324,000.

4 (6) For Energy Conservation projects author-
5 ized by section 2404 of this Act, \$6,558,000.

6 (7) For base closure and realignment activities
7 as authorized by the Defense Base Closure and Re-
8 alignment Act of 1990 (part A of title XXIX of
9 Public Law 101–510; 10 U.S.C. 2687 note),
10 \$705,911,000.

11 (8) For military family housing functions:

12 (A) For improvement of military family
13 housing and facilities, \$50,000.

14 (B) For support of military housing (in-
15 cluding functions described in section 2833 of
16 title 10, United States Code), \$41,440,000 of
17 which not more than \$35,639,000 may be obli-
18 gated or expended for the leasing of military
19 family housing units worldwide.

20 (C) For credit to the Department of De-
21 fense Family Housing Improvement Fund as
22 authorized by section 2403 of this Act,
23 \$78,756,000.

24 (b) ADVANCE AUTHORIZATION OF APPROPRIA-
25 TIONS.—Funds are hereby authorized to be appropriated

1 for fiscal years beginning after September 30, 2000, as
2 follows:

3 (1) For completion of military construction
4 projects authorized in section 2401, and subject to
5 the same terms, as follows, \$337,900,000.

6 (2) For the completion of base closure and re-
7 alignment activities as authorized by the Defense
8 Base Closure and Realignment Act of 1990 (part A
9 of title XXIX of Public Law 101–510; 10 U.S.C.
10 2687 note), commenced in fiscal year 2000,
11 \$577,306,000.

12 (c) ADVANCE AUTHORIZATION OF APPROPRIATIONS
13 FOR FISCAL YEAR 2001 BIENNIAL BUDGET.—Funds are
14 hereby authorized to be appropriated for fiscal years be-
15 ginning after September 30, 2000, for military construc-
16 tion and family housing projects authorized for fiscal year
17 2001, as follows:

18 (1) For military construction projects and land
19 acquisition authorized for fiscal year 2001,
20 \$789,559,000.

21 (2) For military family housing functions au-
22 thorized for fiscal year 2001, \$43,313,000.

23 (3) For base realignment and closure as author-
24 ized by the Defense Base Closure and Realignment

1 Act of 1990 (part A of title XXIX of Public Law
2 101–510; 10 U.S.C. 2687 note), \$1,009,329,000.

3 (4) For credit to the Department of Defense
4 Family Housing Improvement Fund, \$175,367,000.

5 (d) LIMITATION OF TOTAL COST OF CONSTRUCTION
6 PROJECTS.—Notwithstanding the cost variation author-
7 ized by section 2853 of title 10, United States Code, and
8 any other cost variations authorized by law, the total cost
9 of all projects carried out under section 2401 of this Act
10 may not exceed \$557,070,000.

11 **TITLE XXV—NORTH ATLANTIC**
12 **TREATY ORGANIZATION SE-**
13 **CURITY INVESTMENT PRO-**
14 **GRAM**

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

Sec. 2503. Advance authorization of appropriations, NATO.

15 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
16 **ACQUISITION PROJECTS.**

17 The Secretary of Defense may make contributions for
18 the North Atlantic Treaty Organization Security Invest-
19 ment Program as provided in section 2806 of title 10,
20 United States Code, in an amount not to exceed the sum
21 of the amount authorized to be appropriated for this pur-
22 pose in section 2502 and the amount collected from the
23 North Atlantic Treaty Organization as a result of con-
24 struction previously financed by the United States.

1 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

2 Funds are hereby authorized to be appropriated for
 3 fiscal years beginning after September 30, 1999, for con-
 4 tributions by the Secretary of Defense under section 2806
 5 of title 10, United States Code, for the share of the United
 6 States of the cost of projects for the North Atlantic Treaty
 7 Organization Security Investment Program authorized by
 8 section 2501, in the amount of \$191,000,000.

9 **SEC. 2503. ADVANCE AUTHORIZATION OF APPROPRIATIONS**
 10 **FOR FISCAL YEAR 2001 BIENNIAL BUDGET.**

11 Funds are hereby authorized to be appropriated for
 12 fiscal years beginning after September 30, 2000, for con-
 13 tributions by the Secretary of Defense under section 2806
 14 of title 10, United States Code, for the share of the United
 15 States of the cost of projects for the North Atlantic Treaty
 16 Organization Security Investment Program, in the amount
 17 of \$198,000,000.

18 **TITLE XXVI—GUARD AND**
 19 **RESERVE FORCES FACILITIES**

Sec. 2601. Authorized guard and reserve construction and land acquisition
 projects

20 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**
 21 **TION AND LAND ACQUISITION PROJECTS.**

22 (a) IN GENERAL.—There are authorized to be appro-
 23 priated for fiscal years beginning after September 30,
 24 1999, for the costs of acquisition, architectural and engi-

1 neering services, and construction of facilities for the
2 Guard and Reserve Forces, and for contributions therefor,
3 under chapter 1803 of title 10, United States Code (in-
4 cluding the cost of acquisition of land for those facilities),
5 the following amounts:

6 (1) For the Department of the Army:

7 (A) For the Army National Guard of the
8 United States, \$16,045,000.

9 (B) For the Army Reserve, \$23,120,000.

10 (2) For the Department of the Navy, for the
11 Naval and Marine Corps Reserve, \$4,933,000.

12 (3) For the Department of the Air Force:

13 (A) For the Air National Guard of the
14 United States, \$21,319,000.

15 (B) For the Air Force Reserve,
16 \$12,155,000.

17 (b) ADVANCE AUTHORIZATION OF APPROPRIA-
18 TIONS.—Funds are hereby authorized to be appropriated
19 for fiscal years beginning after September 30, 2000, for
20 completion of military construction projects, authorized by
21 subsection (a), and for other authorized purposes as fol-
22 lows:

23 (1) For the Department of the Army:

24 (A) For the Army National Guard of the
25 United States, \$41,357,000.

1 (B) For the Army Reserve, \$54,506,000.

2 (2) For the Department of the Navy, for the
3 Naval and Marine Corps Reserve, \$10,020,000.

4 (3) For the Department of the Air Force:

5 (A) For the Air National Guard of the
6 United States, \$51,981,000.

7 (B) For the Air Force Reserve,
8 \$15,165,000.

9 (c) ADVANCE AUTHORIZATION OF APPROPRIATIONS
10 FOR FISCAL YEAR 2001 BIENNIAL BUDGET.—Funds are
11 hereby authorized to be appropriated for fiscal years be-
12 ginning after September 30, 2000, for military construc-
13 tion projects authorized for fiscal year 2001, as follows:

14 (1) For the Department of the Army:

15 (A) For the Army National Guard of the
16 United States, \$48,000,000.

17 (B) For the Army Reserve, \$88,388,000.

18 (2) For the Department of the Navy, for the
19 Naval and Marine Corps Reserve, \$20,000,000.

20 (3) For the Department of the Air Force:

21 (A) For the Air National Guard of the
22 United States, \$56,625,000.

23 (B) For the Air Force Reserve,
24 \$20,014,000.

1 **TITLE XXVII—EXPIRATION AND**
 2 **EXTENSION OF AUTHORIZA-**
 3 **TIONS**

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.

Sec. 2702. Extension of authorizations of certain fiscal year 1996 projects.

Sec. 2703. Extension of authorizations of certain fiscal year 1995 projects.

Sec. 2704. Effective date.

4 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**
 5 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
 6 **LAW.**

7 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
 8 YEARS.—Except as provided in subsection (b), all author-
 9 izations contained in titles XXI through XXVI for military
 10 construction projects, land acquisition, family housing
 11 projects and facilities, and contributions to the North At-
 12 lantic Treaty Organization Security Investment Program
 13 (and authorizations of appropriations therefor) shall ex-
 14 pire on the later of—

15 (1) October 1, 2002; or

16 (2) the date for the enactment of an Act au-
 17 thorizing funds for military construction for fiscal
 18 year 2003.

19 (b) EXCEPTION.—Subsection (a) shall not apply to
 20 authorizations for military construction projects, land ac-
 21 quisition, family housing projects and facilities, and con-
 22 tributions to the North Atlantic Treaty Organization Se-

1 curity Investment program (and authorizations of appro-
2 priations therefor), for which appropriated funds have
3 been obligated before the later of—

4 (1) October 1, 2002; or

5 (2) the date of the enactment of an Act author-
6 izing funds for fiscal year 2003 for military con-
7 struction projects, land acquisition, family housing
8 projects and facilities; or contributions to the North
9 Atlantic Treaty Organization Security Investment
10 program.

11 **SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
12 **FISCAL YEAR 1997 PROJECTS**

13 (a) EXTENSIONS.—Notwithstanding section 2701 of
14 the Military Construction Authorization Act for Fiscal
15 Year 1997 (division B of Public Law 104–201, 110 Stat.
16 2782), authorizations for the projects set forth in the ta-
17 bles in subsection (b), as provided in sections 2101 and
18 2601 and subsection (a) of section 2202 of that Act, shall
19 remain in effect until October 1, 2000, or the date of the
20 enactment of an Act authorizing funds for military con-
21 struction for fiscal year 2001, whichever is later.

22 (b) TABLES.—The tables referred to in subsection (a)
23 are as follows:

Army: Extension of 1997 Project Authorizations

State	Installation or location	Project	Amount
Colorado	Pueblo Army Depot	Ammunition Demilitarization Facility.	\$179,000,000

Navy: Extension of 1997 Project Authorizations

State	Installation or location	Project	Amount
Florida	Mayport	FH New Construction—100 Units.	\$10,000,000
Maine	Brunswick	FH Replacement Construction, Ph I—72 Units.	\$10,925,000
North Carolina ..	Camp Lejuene	FH New Construction—94 Units.	\$10,110,000
South Carolina ..	Beaufort	FH New Construction—140 Units.	\$14,000,000
Texas	Corpus Christi	FH Replacement Construction—104 Units.	\$11,675,000
	Kingsville	FH Replacement Construction, Ph I—48 Units.	\$7,550,000
Washington	Everett	FH New Construction—100 Units.	\$15,015,000

Army National Guard: Extension of 1997 Project Authorizations

State	Installation or location	Project	Amount
Mississippi	Camp Shelby	Multi-Purpose Range (PHI).	\$5,000,000

1 **SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
2 **FISCAL YEAR 1996 PROJECTS.**

3 (a) EXTENSIONS.—Notwithstanding section 2701 of
4 the Military Construction Authorization Act for Fiscal
5 Year 1996 (division B of Public Law 104–106, 110 Stat.
6 541), authorizations for the projects set forth in the tables
7 in subsection (a) as provided in section 2202 and sub-
8 section (b), as provided in section 2601 of that Act, shall
9 remain in effect until October 1, 2000, or the date of the

1 enactment of an Act authorizing funds for military con-
 2 struction for fiscal year 2001, whichever is later.

3 (b) TABLES.—The tables referred to in subsection (a)
 4 are as follows:

Navy: Extension of 1996 Project Authorizations

State	Installation or loca- tion	Project	Amount
California	Camp Pendleton	FH Construction—138 Units.	\$20,000,000

Army National Guard: Extension of 1996 Project Authorizations

State	Installation or loca- tion	Project	Amount
Missouri	Jefferson City	Baffled Range	\$2,236,000

5 **SEC. 2704. EFFECTIVE DATE.**

6 Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI
 7 shall take effect on the later of—

8 (1) October 1, 1999; or

9 (2) the date of the enactment of this Act.

10 **TITLE XXVIII—GENERAL**
 11 **PROVISIONS**

12 **Subtitle A—Military Construction**
 13 **Program and Military Family**
 14 **Housing**

15 **SEC. 2801. LIMITATION ON CERTAIN PROJECTS; AUTHOR-**
 16 **ITY TO CARRY OUT SMALL PROJECTS WITH**
 17 **OPERATION AND MAINTENANCE FUNDS.**

18 (a) UNSPECIFIED MINOR CONSTRUCTION FUNDS
 19 FOR LIFE, HEALTH, OR SAFETY THREATS.—Subsection

1 (a)(2) of Section 18233a of title 10, United States Code,
2 is amended by adding the following subparagraph (C) at
3 the end thereof:

4 “(C) Minor construction projects that have an ap-
5 proved cost equal to or less than \$3,000,000, provided
6 that they are intended solely to correct a deficiency that
7 is life-threatening, health-threatening, or safety-threat-
8 ening.”.

9 (b) OPERATION AND MAINTENANCE FUNDS FOR
10 LIFE, HEALTH, OR SAFETY THREATS.—Paragraph (b) of
11 Section 18233a of title 10, United States Code, is amend-
12 ed by inserting the following at the end thereof: “For
13 projects intended solely to correct a deficiency that is life
14 threatening, health-threatening, or safety-threatening,
15 \$1,000,000 or less may be spent from available operations
16 and maintenance appropriations.”.

17 **SEC. 2802. PLANNING AND DESIGN FUNDS FOR MILITARY**
18 **CONSTRUCTION PROJECTS.**

19 Subsection (f)(1) of Section 18233 of title 10, United
20 States Code is amended by inserting “and design” imme-
21 diately following “planning”.

1 **Subtitle B—Real Property and**
2 **Facilities Administration**

3 **SEC. 2803. UTILITY PRIVATIZATION.**

4 Section 2688 of title 10, United States Code, is
5 amended by adding at the end the following new para-
6 graphs:

7 “(i) **EXTENDED CONTRACTS FOR UTILITY SERV-**
8 **ICES.**—Notwithstanding section 201(a)(3) of the Federal
9 Property and Administrative Services Act (40 U.S.C.
10 481(a)(3)), the Secretary may, in connection with a con-
11 veyance of a utility system under this section, enter into
12 a contract for utility services for a period not to exceed
13 fifty years.

14 “(j) **FUNDING SOURCES.**—Any Military Construction
15 funds authorized and appropriated for a construction, re-
16 pair, or replacement project of a utility system may be
17 used, in place of such construction, repair, or replacement
18 project, to facilitate the conveyance of such utility system
19 under this section. Facilitating the conveyance of a utility
20 system shall only consist of contributing to the cost of con-
21 struction, repair, or replacement of the utility system by
22 the entity to which it is being conveyed. Any such con-
23 tribution shall be considered in the economic analysis re-
24 quired under subsection (e)(1).”.

1 **SEC. 2804. AUTHORITY TO CARRY OUT FORMER MILITARY**
2 **HOUSING PRIVATIZATION PROJECTS WITH**
3 **FUNDS TRANSFERRED TO FAMILY HOUSING**
4 **CONSTRUCTION.**

5 (a) IN GENERAL.—Subchapter II of Chapter 169,
6 title 10, United States Code, is amended by inserting after
7 section 2837 the following new section:

8 **“§ 2838. Authority to carry out former military hous-**
9 **ing privatization projects**

10 “(a) AUTHORITY.—Subject to subsection (b), the
11 Secretary concerned may construct or acquire family hous-
12 ing units (including land acquisition) not otherwise au-
13 thorized if (1) Congress had previously appropriated funds
14 into the Family Housing Improvement Fund established
15 by section 2883(a)(1) of this title, for such housing units
16 and (2) funds for such units have been transferred, pursu-
17 ant to authority provided in an appropriations Act, from
18 the Family Housing Improvement Fund into a Family
19 Housing account.

20 “(b) CONGRESSIONAL NOTIFICATION.—When a deci-
21 sion is made to construct or acquire family housing units
22 under this section, the Secretary concerned shall submit
23 a report in writing to the appropriate committees of Con-
24 gress on that decision. Each such report shall include (1)
25 the justification for the housing project and the current
26 estimate of the cost of the project; and (2) the justification

1 for carrying out the housing project under this section as
 2 opposed to under the Military Housing Privatization Ini-
 3 tiative (10 U.S.C. §§ 2871–2885). The housing project
 4 may then be carried out only after the end of the 21-day
 5 period beginning on the date the notification is received
 6 by such committees.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
 8 at the beginning of such Subchapter is amended by insert-
 9 ing after the item relating to section 2837 the following
 10 new item:

“2838. Authority to Carry Out Former Military Housing Privatization
 Projects.”.

11 **SEC. 2805. PILOT PROJECT FOR THE IMPROVEMENT AND**
 12 **OPERATING SUPPORT OF FORD ISLAND, HA-**
 13 **WAI.**

14 (a) AUTHORITIES.—In order to develop Ford Island
 15 the Secretary of the Navy is authorized, in accordance
 16 with the terms of this section, to—

17 (1) enter into leases of real and personal prop-
 18 erty under the jurisdiction of the Navy in the State
 19 of Hawaii upon such terms as the Secretary of the
 20 Navy considers appropriate, subject to the limita-
 21 tions of 10 U.S.C. 2667(b)(1);

22 (2) sell or exchange real or personal property
 23 under the jurisdiction of the Navy in the State of

1 Hawaii, and to acquire interests in land incident to
2 such sales or exchanges;

3 (3) accept the construction of facilities and
4 military housing units on Ford Island;

5 (4) use for such purposes funds in the Pearl
6 Harbor Account or funds appropriated to the De-
7 partment of the Navy; and

8 (5) enter into leases and pay rent for facilities
9 constructed under this section which leases may be
10 operating leases for no more than twenty years un-
11 less the Secretary of Defense determines that a
12 longer term is appropriate.

13 (b) LEASES.—(1) The Secretary of the Navy may
14 enter into a lease after finding that the lease will provide
15 appropriate benefits to the Navy and the use of the prop-
16 erty by the lessee will be compatible with the mission of
17 the Navy.

18 (2) A lease under this section shall comply with 10
19 U.S.C. 2667(b)(1).

20 (3) Payments for utilities and services furnished les-
21 sees pursuant to leases may be credited to the account
22 from which the cost of furnishing the utilities and services
23 was paid.

24 (4) Leases may include a right-of-first-refusal in the
25 lessee to acquire title to the leased premises.

1 (5) The term “lease” means a written lease entered
2 into under this section.

3 (c) CONSIDERATION.—(1) Consideration for leases,
4 sales and exchanges under this section shall be not less
5 than the fair value as determined by the Secretary of the
6 Navy. Consideration may be in cash or in kind.

7 (2) Consideration in kind may include the provision
8 on Ford Island of facilities and related services, the con-
9 struction on Ford Island of facilities (including military
10 housing units), or the improvement, protection, repair,
11 restoration, or operating support of any property on Ford
12 Island.

13 (d) COMPETITION.—The Secretary of the Navy shall
14 use competitive procedures in the selection of a lessee or
15 purchaser under this section, unless the Secretary of the
16 Navy, with the concurrence of the Secretary of Defense,
17 determines that deviation from those procedures is nec-
18 essary to accomplish the purposes of the project. The Sec-
19 retary of the Navy shall not delegate the authority to ap-
20 prove a deviation from competition below the level of a
21 civilian employee of the Department of the Navy appointed
22 by the President with the advice and consent of the Sen-
23 ate.

24 (e) NOTIFICATION.—(1) The Secretary of the Navy
25 shall notify the defense committees 30 days prior to

1 issuing a solicitation for a lease, sale or exchange under
2 this section.

3 (2) The Secretary of the Navy shall notify the defense
4 committees 30 days prior to entering into a lease, sale or
5 exchange under this section.

6 (f) THE ACCOUNT.—(1) There is established on the
7 books of the Treasury an account to be known as the Pearl
8 Harbor Account.

9 (2) There shall be deposited into the account (A)
10 funds appropriated to the account, and (B) proceeds of
11 leases and sales under this section.

12 (3) To the extent provided in advance in appropria-
13 tion acts, funds in the account may be used to carry out
14 the authority of the Secretary of the Navy under this sec-
15 tion and for improvements and operating support of Ford
16 Island.

17 (4) The account shall remain available until it is
18 closed under section 1555 title 31 United States Code.

19 (5) To the extent provided in appropriation acts, the
20 Secretary of the Navy may transfer funds from this ac-
21 count to the Department of Defense Family Housing Im-
22 provement Fund and the Department of Defense Military
23 Unaccompanied Housing Improvement Fund to carry out
24 the privatization of military housing at Ford Island in ac-

1 cordance with the Military Housing Privatization Initia-
2 tive (10 U.S.C. 2871 et seq.).

3 (g) EXEMPTIONS.—Leases, sales and exchanges
4 under this section shall not be subject to the following:

5 (1) All provisions of the Military Leasing Stat-
6 ute (10 U.S.C. 2667), except Section 2667(b)(1).

7 (2) The Stewart B. McKinney Homeless Assist-
8 ance Act (42 U.S.C. 11411).

9 (3) The Randolph Shepard Act (20 U.S.C. 107
10 et seq.).

11 (4) The Federal Property and Administrative
12 Services Act (40 U.S.C. 483 & 484).

13 (5) The screening requirement of section 2696
14 of title 10, United States Code.

15 (h) SCORING.—Nothing in this section shall be con-
16 strued to waive the budget score keeping guidelines used
17 to measure compliance with the Balanced Budget Emer-
18 gency Deficit Control Act of 1985, as amended, for leases
19 entered into pursuant to the authorization provided in this
20 section.

1 **Subtitle C—Defense Base Closure**
 2 **and Realignment**

3 **SEC. 2806. ESTABLISHMENT OF ENVIRONMENTAL RES-**
 4 **TORATION ACCOUNTS FOR BASE CLOSURE**
 5 **INSTALLATIONS AND FORMERLY USED DE-**
 6 **FENSE SITES.**

7 (a) ENVIRONMENTAL RESTORATION ACCOUNT FOR
 8 FORMERLY USED DEFENSE SITES.—Section 2703 of title
 9 10, United States Code, is amended by adding at the end
 10 of subsection (a) the following new paragraph (5):

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

11 (b) ENVIRONMENTAL RESTORATION ACCOUNT FOR
 12 BASE CLOSURE INSTALLATIONS.—Section 2703 of title
 13 10, United States Code, is amended—

14 (1) by adding at the end of subsection (a) the
 15 following new paragraph (6):

16 “(6) An account to be known as the “Environmental
 17 Restoration Account, Base Realignment and Closure.”;
 18 and

19 (2) by adding at the end the following new sub-
 20 sections:

21 “(f) BASE REALIGNMENT AND CLOSURE AC-
 22 COUNT.—The Environmental Restoration Account, Base
 23 Realignment and Closure shall be the exclusive source of
 24 funds for carrying out environmental restoration and miti-

1 gation activities required as the result of a closure or re-
2 alignment of a military installation pursuant to a base clo-
3 sure law.

4 “(g) BASE CLOSURE LAW DEFINED.—For purposes
5 of this section, the term “base closure law” means the fol-
6 lowing:

7 “(1) The Defense Base Closure and Realign-
8 ment Act of 1990, as amended (Div. B. title XXIX
9 of Public Law 101–510; 10 U.S.C. § 2687 note).

10 “(2) Title II of the Defense Authorization
11 Amendments and Base Closure and Realignment
12 Act, as amended (Public Law 100–526; 10 U.S.C.
13 § 2687 note).”.

14 (c) TRANSFER OF FUNDS.—The Secretary of De-
15 fense may transfer from the Department of Defense Base
16 Closure Account 1990, established in section 2906 of the
17 Defense Base Closure and Realignment Act of 1990, as
18 amended (Div. B. title XXIX of Public Law 101–510; 10
19 U.S.C. § 2687 note), into the Environmental Restoration
20 Account, Base Realignment and Closure, established in
21 subsection (b) of this provision, such amounts as he deter-
22 mines to be necessary in order to carry out activities de-
23 scribed in subsection 2703(f) of title 10, United States
24 Code, as added by this section.

1 (d) FUNDING OF ADMINISTRATIVE EXPENSES AND
2 TECHNICAL ASSISTANCE.—Section 2705(g) is amended to
3 read as follows:

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

8 “(2) In the case of an installation approved for re-
9 alignment or closure under a base closure law, to the ex-
10 tent that such base closure law provides for the funding
11 of environmental restoration costs at such installation
12 from an account established for purposes of carrying out
13 base realignments and closures, such account shall also
14 be available for administrative expenses and technical as-
15 sistance under this section with respect to such installa-
16 tion.”.

17 (e) CONFORMING AMENDMENT.—Section 2906(e) of
18 the Defense Base Closure and Realignment Act of 1990,
19 as amended (Div. B. title XXIX of Public Law 101–510;
20 10 U.S.C. § 2687 note) is repealed.

21 (f) EFFECTIVE DATE.—This section shall take effect
22 upon enactment, except that subsections (b), (c), and (e)
23 shall become effective on October 1, 2000.

○