

# Union Calendar No. 113

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2586

[Report No. 107-194]

To authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2002, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2001

Mr. STUMP (for himself and Mr. SKELTON) (both by request) introduced the following bill; which was referred to the Committee on Armed Services

SEPTEMBER 4, 2001

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on July 23, 2001]

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## A BILL

To authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2002, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2       *This Act may be cited as the “National Defense Au-*  
 3 *thorization Act for Fiscal Year 2002”.*

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

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

8           (1) *Division A—Department of Defense Author-*  
 9 *izations.*

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

12          (3) *Division C—Department of Energy National*  
 13 *Security Authorizations and Other Authorizations.*

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

*Sec. 1. Short title; findings.*

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

*Sec. 3. Congressional defense committees defined.*

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

**TITLE I—PROCUREMENT**

**Subtitle A—Authorization of Appropriations**

*Sec. 101. Army.*

*Sec. 102. Navy and Marine Corps.*

*Sec. 103. Air Force.*

*Sec. 104. Defense-wide activities.*

*Sec. 105. Defense Inspector General.*

*Sec. 106. Chemical demilitarization program.*

*Sec. 107. Defense health programs.*

**Subtitle B—Army Programs**

*Sec. 111. Extension of multiyear contract for Family of Medium Tactical Vehi-*  
*cles.*

*Sec. 112. Repeal of limitations on bunker defeat munitions program.*

**Subtitle C—Air Force Programs**

- Sec. 121. Responsibility of Air Force for contracts for all defense space launches.*  
*Sec. 122. Multi-year procurement of C-17 aircraft.*

**Subtitle D—Chemical Munitions Destruction**

- Sec. 141. Destruction of existing stockpile of lethal chemical agents and munitions.*

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

**Subtitle A—Authorization of Appropriations**

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

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

- Sec. 211. Cooperative Department of Defense-Department of Veterans Affairs medical research program.*  
*Sec. 212. Advanced Land Attack Missile program.*  
*Sec. 213. Collaborative program for development of advanced radar systems for naval applications.*

**Subtitle C—Ballistic Missile Defense**

- Sec. 231. Transfer of responsibility for procurement for missile defense programs from Ballistic Missile Defense Organization to military departments.*  
*Sec. 232. Repeal of program element requirements for ballistic missile defense programs.*  
*Sec. 233. Support of ballistic missile defense activities of the Department of Defense by the national defense laboratories of the Department of Energy.*  
*Sec. 234. Missile defense testing initiative.*  
*Sec. 235. Missile Defense System Test Bed Facilities.*

**Subtitle D—Other Matters**

- Sec. 241. Establishment of unmanned aerial vehicle joint operational test bed system.*  
*Sec. 242. Demonstration project to increase small business and university participation in Office of Naval Research efforts to extend benefits of science and technology research to fleet.*  
*Sec. 243. Management responsibility for Navy mine countermeasures programs.*  
*Sec. 244. Program to accelerate the introduction of innovative technology in defense acquisition programs.*

**TITLE III—OPERATION AND MAINTENANCE**

**Subtitle A—Authorization of Appropriations**

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

**Subtitle B—Environmental Provisions**

- Sec. 311. Inventory of explosive risk sites at former military ranges.*
- Sec. 312. National security impact statements.*
- Sec. 313. Reimbursement for certain costs in connection with Hooper Sands site, South Berwick, Maine.*
- Sec. 314. River mitigation studies.*
- Sec. 315. Elimination of annual report on contractor reimbursement for costs of environmental response actions.*

**Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities**

- Sec. 321. Reserve component commissary benefits.*
- Sec. 322. Reimbursement for noncommissary use of commissary facilities.*
- Sec. 323. Civil recovery for nonappropriated fund instrumentality costs related to shoplifting.*

**Subtitle D—Workforce and Depot Issues**

- Sec. 331. Fiscal year 2002 limitations on workforce reviews.*
- Sec. 332. Applicability of core logistics capability requirements to nuclear aircraft carriers.*
- Sec. 333. Continuation of contractor manpower reporting system in Department of the Army.*
- Sec. 334. Limitation on expansion of Wholesale Logistics Modernization Program.*
- Sec. 335. Pilot project for exclusion of certain expenditures from limitation on private sector performance of depot-level maintenance.*
- Sec. 336. Protections for purchasers of articles and services manufactured or performed by working-capital funded industrial facilities of the Department of Defense.*

**Subtitle E—Defense Dependents Education**

- Sec. 341. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.*
- Sec. 342. Availability of auxiliary services of defense dependents' education system for dependents who are home school students.*
- Sec. 343. Report regarding compensation for teachers employed in teaching positions in overseas schools operated by the Department of Defense.*

**Subtitle F—Other Matters**

- Sec. 351. Availability of excess defense personal property to support Department of Veterans Affairs initiative to assist homeless veterans.*
- Sec. 352. Continuation of limitations on implementation of Navy-Marine Corps Intranet contract.*
- Sec. 353. Completion and evaluation of current demonstration programs to improve quality of personal property shipments of members.*
- Sec. 354. Expansion of entities eligible for loan, gift, and exchange of documents, historical artifacts, and obsolete combat materiel.*

**Subtitle G—Service Contracting Reform**

- Sec. 361. Short title.*

- Sec. 362. Required cost savings level for change of function to contractor performance.*
- Sec. 363. Applicability of study and reporting requirements to new commercial or industrial type functions.*
- Sec. 364. Repeal of waiver for small functions.*
- Sec. 365. Requirement for equity in public-private competitions.*
- Sec. 366. Reporting requirements regarding Department of Defense's service contractor workforce.*

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

### **Subtitle A—Active Forces**

- Sec. 401. End strengths for active forces.*
- Sec. 402. Revision in permanent end strength minimum levels.*

### **Subtitle B—Reserve Forces**

- Sec. 411. End strengths for Selected Reserve.*
- Sec. 412. End strengths for Reserves on active duty in support of the reserves.*
- Sec. 413. End strengths for military technicians (dual status).*
- Sec. 414. Fiscal year 2002 limitation on non-dual status technicians.*
- Sec. 415. Limitations on numbers of Reserve personnel serving on active duty or full-time National Guard duty in certain grades for administration of Reserve components.*

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

- Sec. 421. Increase in percentage by which active component end strengths for any fiscal year may be increased.*
- Sec. 422. Active duty end strength exemption for National Guard and reserve personnel performing funeral honors functions.*
- Sec. 423. Increase in authorized strengths for Air Force officers on active duty in the grade of major.*

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

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

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

### **Subtitle A—General Personnel Management Authorities**

- Sec. 501. Enhanced flexibility for management of senior general and flag officer positions.*
- Sec. 502. Original appointments in regular grades for Academy graduates and certain other new officers.*
- Sec. 503. Temporary reduction of time-in-grade requirement for eligibility for promotion for certain active-duty list officers in grades of first lieutenant and lieutenant (junior grade).*
- Sec. 504. Increase in senior enlisted active duty grade limit for Navy, Marine Corps, and Air Force.*
- Sec. 505. Authority for limited extension of medical deferment of mandatory retirement or separation.*
- Sec. 506. Authority for limited extension on active duty of members subject to mandatory retirement or separation.*
- Sec. 507. Clarification of disability severance pay computation.*
- Sec. 508. Officer in charge of United States Navy Band.*

*Sec. 509. One-year extension of expiration date for certain force management authorities.*

***Subtitle B—Reserve Component Personnel Policy***

*Sec. 511. Placement on active-duty list of certain reserve officers on active duty for a period of three years or less.*

*Sec. 512. Expanded application of Reserve special selection boards.*

*Sec. 513. Exception to baccalaureate degree requirement for appointment of reserve officers to grades above first lieutenant.*

*Sec. 514. Improved disability benefits for certain reserve component members.*

*Sec. 515. Time-in-grade requirement for reserve component officers with a non-service connected disability.*

*Sec. 516. Reserve members considered to be deployed for purposes of personnel tempo management.*

*Sec. 517. Funeral honors duty performed by Reserve and Guard members to be treated as inactive-duty training for certain purposes.*

*Sec. 518. Members of the National Guard performing funeral honors duty while in non-Federal status.*

*Sec. 519. Use of military leave for funeral honors duty by Reserve members and National Guardsmen.*

***Subtitle C—Joint Specialty Officers and Joint Professional Military Education***

*Sec. 521. Nominations for joint specialty.*

*Sec. 522. Joint duty credit.*

*Sec. 523. Retroactive joint service credit for duty in certain joint task forces.*

*Sec. 524. Revision to annual report on joint officer management.*

*Sec. 525. Requirement for selection for joint specialty before promotion to general or flag officer grade.*

*Sec. 526. Independent study of joint officer management and joint professional military education reforms.*

*Sec. 527. Professional development education.*

*Sec. 528. Authority for National Defense University to enroll certain private sector civilians.*

*Sec. 529. Continuation of reserve component professional military education test.*

***Subtitle D—Military Education and Training***

*Sec. 531. Defense Language Institute Foreign Language Center.*

*Sec. 532. Authority for the Marine Corps University to award degree of master of strategic studies.*

*Sec. 533. Increase in number of foreign students authorized to be admitted to the service academies.*

*Sec. 534. Increase in maximum age for appointment as a cadet or midshipman in Senior Reserve Officer Training Corps scholarship programs.*

*Sec. 535. Active duty participation as a cadet or midshipman in Senior ROTC advanced training.*

*Sec. 536. Authority to modify the service obligation of certain ROTC cadets in military junior colleges receiving financial assistance.*

*Sec. 537. Modification of nurse officer candidate accession program restriction on students attending educational institutions with Senior Reserve Officers' Training programs.*

*Sec. 538. Repeal of limitation on number of Junior Reserve Officers' Training Corps (JROTC) units.*

- Sec. 539. *Reserve health professionals stipend program expansion.*  
 Sec. 540. *Housing allowance for the Chaplain for the Corps of Cadets, United States Military Academy.*

**Subtitle E—Decorations, Awards, and Commendations**

- Sec. 541. *Authority for award of the medal of honor to Humbert R. Versace for valor during the Vietnam War.*  
 Sec. 542. *Review regarding award of medal of honor to certain Jewish American and Hispanic American war veterans.*  
 Sec. 543. *Authority to issue duplicate medal of honor.*  
 Sec. 544. *Authority to replace stolen military decorations.*  
 Sec. 545. *Waiver of time limitations for award of Navy Distinguished Flying Cross to certain persons.*  
 Sec. 546. *Korea Defense Service medal.*  
 Sec. 547. *Cold War Service medal.*  
 Sec. 548. *Option to convert award of Armed Forces Expeditionary Medal awarded for Operation Frequent Wind to Vietnam Service Medal.*

**Subtitle F—Matters Relating to Voting**

- Sec. 551. *Voting assessments and assistance for members of the uniformed services.*  
 Sec. 552. *Electronic voting demonstration project.*

**Subtitle G—Matters Relating to Military Spouses and Family Members**

- Sec. 561. *Improved financial and other assistance to military spouses for job training and education.*  
 Sec. 562. *Authority to conduct surveys of dependents and survivors of military retirees.*  
 Sec. 563. *Clarification of treatment of classified information concerning persons in a missing status.*  
 Sec. 564. *Transportation to annual meeting of next-of-kin of persons unaccounted for from conflicts after World War II.*  
 Sec. 565. *Amendments to charter of Defense Task Force on Domestic Violence.*

**Subtitle H—Military Justice and Legal Matters**

- Sec. 571. *Requirement that courts-martial consist of not less than 12 members in capital cases.*  
 Sec. 572. *Right of convicted accused to request sentencing by military judge.*  
 Sec. 573. *Codification of requirement for regulations for delivery of military personnel to civil authorities when charged with certain offenses*  
 Sec. 574. *Authority to accept voluntary legal services for members of the Armed Forces.*

**Subtitle I—Other Matters**

- Sec. 581. *Shipment of privately owned vehicles when making permanent change of station moves within United States.*  
 Sec. 582. *Payment of vehicle storage costs in advance.*  
 Sec. 583. *Permanent authority for use of military recruiting funds for certain expenses at Department of Defense recruiting functions.*  
 Sec. 584. *Clarification of military recruiter access to secondary school directory information about students.*

- Sec. 585. Repeal of requirement for final Comptroller General report relating to Army end strength allocations.*
- Sec. 586. Posthumous Army commission in the grade of captain in the Chaplains Corps to Ella E. Gibson for service as chaplain of the First Wisconsin Heavy Artillery regiment during the Civil War.*
- Sec. 587. National Guard Challenge Program.*
- Sec. 588. Payment of FEHBP premiums for certain Reservists called to active duty in support of contingency operations.*
- Sec. 589. 18-month enlistment pilot program.*
- Sec. 590. Per diem allowance for lengthy or numerous deployments.*
- Sec. 591. Congressional review period for change in ground combat exclusion policy.*

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

### **Subtitle A—Pay and Allowances**

- Sec. 601. Increase in basic pay for fiscal year 2002.*
- Sec. 602. Basic pay rate for certain reserve commissioned officers with prior service as an enlisted member or warrant officer.*
- Sec. 603. Subsistence allowances.*
- Sec. 604. Eligibility for basic allowance for housing while between permanent duty stations.*
- Sec. 605. Uniform allowance for officers.*
- Sec. 606. Family separation allowance for certain members electing to serve unaccompanied tour of duty.*

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

- Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.*
- Sec. 612. One-year extension of certain bonus and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.*
- Sec. 613. One-year extension of other bonus and special pay authorities.*
- Sec. 614. Conforming accession bonus for dental officers authority with authorities for other special pay and bonuses.*
- Sec. 615. Additional type of duty resulting in eligibility for hazardous duty incentive pay.*
- Sec. 616. Equal treatment of reservists performing inactive-duty training for receipt of aviation career incentive pay.*
- Sec. 617. Secretarial discretion in prescribing submarine duty incentive pay rates.*
- Sec. 618. Imposition of critical wartime skill requirement for eligibility for Individual Ready Reserve bonus.*
- Sec. 619. Installment payment authority for 15-year career status bonus.*
- Sec. 620. Accession bonus for new officers.*

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

- Sec. 631. Minimum per diem rate for travel and transportation allowance for travel performed upon a change of permanent station and certain other travel.*
- Sec. 632. Payment or reimbursement of temporary subsistence expenses.*
- Sec. 633. Increased weight allowance for transportation of baggage and household effects for junior enlisted members.*



- Sec. 634. Reimbursement of members for mandatory pet quarantine fees for household pets.*
- Sec. 635. Availability of dislocation allowance for married member, whose spouse is a member, assigned to military family housing.*
- Sec. 636. Elimination of prohibition on receipt of dislocation allowance by members ordered to first duty station.*
- Sec. 637. Partial dislocation allowance authorized for housing moves ordered for Government convenience.*
- Sec. 638. Allowances for travel performed in connection with members taking authorized leave between consecutive overseas tours.*
- Sec. 639. Funded student travel as part of school-sponsored exchange programs.*

***Subtitle D—Retirement and Survivor Benefit Matters***

- Sec. 641. Contingent authority for concurrent receipt of military retired pay and veterans' disability compensation.*

***Subtitle E—Other Matters***

- Sec. 651. Funeral honors duty allowance for retired members.*

**TITLE VII—HEALTH CARE PROVISIONS**

***Subtitle A—TRICARE Program***

- Sec. 701. Implementing cost-effective payment rates under the TRICARE program.*
- Sec. 702. Waiver of nonavailability statement or preauthorization requirement.*
- Sec. 703. Improvements in administration of the TRICARE program.*
- Sec. 704. Sub-acute and long-term care program reform.*
- Sec. 705. Reimbursement of travel expenses of a parent, guardian, or responsible family member of a minor covered beneficiary.*

***Subtitle B—Other Matters***

- Sec. 711. Prohibition against requiring military retirees to receive health care solely through the Department of Defense.*
- Sec. 712. Trauma and medical care pilot program.*
- Sec. 713. Enhancement of medical product development.*
- Sec. 714. Repeal of obsolete report requirement.*
- Sec. 715. Clarifications and improvements regarding the Department of Defense Medicare-Eligible Retiree Health Care Fund.*

**TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS**

***Subtitle A—Acquisition Policy and Management***

- Sec. 801. Acquisition milestones.*
- Sec. 802. Acquisition workforce qualifications.*
- Sec. 803. Two-year extension of program applying simplified procedures to certain commercial items.*
- Sec. 804. Contracts for services to be performed outside the United States.*
- Sec. 805. Codification and modification of “Berry Amendment” requirements.*

***Subtitle B—Erroneous Payments Recovery***

- Sec. 811. Short title.*

- Sec. 812. Identification of errors made by executive agencies in payments to contractors and recovery of amounts erroneously paid.*
- Sec. 813. Disposition of recovered funds.*
- Sec. 814. Sources of recovery services.*
- Sec. 815. Management improvement programs.*
- Sec. 816. Reports.*
- Sec. 817. Relationship to authority of inspectors general.*
- Sec. 818. Privacy protections.*
- Sec. 819. Definition.*

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

- Sec. 901. Further reductions in defense acquisition and support workforce.*
- Sec. 902. Sense of Congress on establishment of an Office of Transformation in the Department of Defense.*
- Sec. 903. Revised joint report on establishment of national collaborative information analysis capability.*
- Sec. 904. Elimination of triennial report by Chairman of the Joint Chiefs of Staff on roles and missions of the Armed Forces.*
- Sec. 905. Repeal of requirement for semiannual reports through March 2003 on activities of Joint Requirements Oversight Council.*
- Sec. 906. Correction of references to Air Mobility Command.*
- Sec. 907. Organizational alignment change for Director for Expeditionary Warfare.*

**TITLE X—GENERAL PROVISIONS**

**Subtitle A—Financial Matters**

- Sec. 1001. Transfer authority.*
- Sec. 1002. Incorporation of classified annex.*
- Sec. 1003. Limitation on funds for Bosnia and Kosovo peacekeeping operations for fiscal year 2002.*
- Sec. 1004. Increase in limitations on administrative authority of the Navy to settle admiralty claims.*

**Subtitle B—Naval Vessels**

- Sec. 1011. Revision in types of excess naval vessels for which approval by law is required for disposal to foreign nations.*

**Subtitle C—Counter-Drug Activities**

- Sec. 1021. Extension of reporting requirement regarding Department of Defense expenditures to support foreign counter-drug activities.*
- Sec. 1022. Authority to transfer Tracker aircraft currently used by Armed Forces for counter-drug purposes.*
- Sec. 1023. Authority to transfer Tethered Aerostat Radar System currently used by Armed Forces for counter-drug purposes.*

**Subtitle D—Reports**

- Sec. 1031. Requirement that Department of Defense reports to Congress be accompanied by electronic version.*
- Sec. 1032. Report on Department of Defense role in homeland security matters.*
- Sec. 1033. Revision of annual report to Congress on National Guard and reserve component equipment.*

**Subtitle E—Other Matters**

- Sec. 1041. Department of Defense gift authorities.*
- Sec. 1042. Termination of referendum requirement regarding continuation of military training on island of Vieques, Puerto Rico, and imposition of additional conditions on closure of live-fire training range.*
- Sec. 1043. Repeal of limitation on reductions in Peacekeeper ICBM missiles.*
- Sec. 1044. Sense of the Congress on the importance of the Kwajalein Missile Range/Ronald Reagan Defense Initiative Test Site at Kwajalein Atoll.*
- Sec. 1045. Transfer of Vietnam era F-4 aircraft to nonprofit museum.*
- Sec. 1046. Bomber force structure.*
- Sec. 1047. Technical and clerical amendments.*

**TITLE XI—CIVILIAN PERSONNEL**

- Sec. 1101. Undergraduate training program for employees of the National Imagery and Mapping Agency.*
- Sec. 1102. Pilot program for payment of retraining expenses.*
- Sec. 1103. Payment of expenses to obtain professional credentials.*
- Sec. 1104. Retirement portability elections for certain Department of Defense and Coast Guard employees.*
- Sec. 1105. Removal of requirement that granting civil service compensatory time be based on amount of irregular or occasional overtime work.*
- Sec. 1106. Applicability of certain laws to certain individuals assigned to work in the Federal Government.*
- Sec. 1107. Limitation on premium pay.*
- Sec. 1108. Use of common occupational and health standards as a basis for differential payments made as a consequence of exposure to asbestos.*
- Sec. 1109. Authority for designated civilian employees abroad to act as a notary.*
- Sec. 1110. “Monroney amendment” restored to its prior form.*

**TITLE XII—MATTERS RELATING TO FOREIGN NATIONS**

- Sec. 1201. Clarification of authority to furnish nuclear test monitoring equipment to foreign governments.*
- Sec. 1202. Acquisition of logistical support for security forces.*
- Sec. 1203. Report on the sale and transfer of military hardware, expertise, and technology from States of the former Soviet Union to the People’s Republic of China.*
- Sec. 1204. Limitation on funding for Joint Data Exchange Center.*
- Sec. 1205. Extension of authority to provide assistance under Weapons of Mass Destruction Act for support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities.*
- Sec. 1206. Repeal of requirement for reporting to Congress on military deployments to Haiti.*
- Sec. 1207. Report by Comptroller General on provision of defense articles, services, and military education and training to foreign countries and international organizations.*
- Sec. 1208. Limitation on number of military personnel in Colombia.*

**TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION**

- Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.*

- Sec. 1302. Funding allocations.*  
*Sec. 1303. Prohibition against use of funds until submission of reports.*  
*Sec. 1304. Report on use of revenue generated by activities carried out under Cooperative Threat Reduction programs.*  
*Sec. 1305. Prohibition against use of funds for second wing of fissile material storage facility.*  
*Sec. 1306. Prohibition against use of funds for construction or refurbishment of certain fossil fuel energy plants.*  
*Sec. 1307. Reports on activities and assistance under Cooperative Threat Reduction programs.*  
*Sec. 1308. Report on responsibility for carrying out Cooperative Threat Reduction programs.*  
*Sec. 1309. Chemical weapons destruction.*

#### **TITLE XIV—DEFENSE SPACE REORGANIZATION**

- Sec. 1401. Short title.*  
*Sec. 1402. Authority to establish position of Under Secretary of Defense for Space, Intelligence, and Information.*  
*Sec. 1403. Authority to designate Under Secretary of the Air Force as acquisition executive for space of the Department of Defense.*  
*Sec. 1404. Major force program category for space programs.*  
*Sec. 1405. Comptroller General assessment of implementation of recommendations of Space Commission.*  
*Sec. 1406. Commander of Air Force Space Command.*  
*Sec. 1407. Authority to establish separate career field in the Air Force for space.*

#### **DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

- Sec. 2001. Short title; definition.*

#### **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 2001 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. Modification of authority to carry out certain fiscal year 2000 project.*

#### **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. Modification of authority to carry out certain fiscal year 2001 project.*

**TITLE XXIV—DEFENSE AGENCIES**

- Sec. 2401. Authorized defense agencies construction and land acquisition projects.*  
*Sec. 2402. Energy conservation projects.*  
*Sec. 2403. Authorization of appropriations, defense agencies.*  
*Sec. 2404. Modification of authority to carry out certain fiscal year 2001 project.*  
*Sec. 2405. Modification of authority to carry out certain fiscal year 2000 projects.*  
*Sec. 2406. Modification of authority to carry out certain fiscal year 1999 project.*  
*Sec. 2407. Modification of authority to carry out certain fiscal year 1995 project.*  
*Sec. 2408. Prohibition on expenditures to develop forward operating location on Aruba for United States Southern Command counter-drug detection and monitoring flights.*

**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 FACILITIES**

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

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

- Sec. 2701. Expiration of authorizations and amounts required to be specified by law.*  
*Sec. 2702. Extension of authorizations of certain fiscal year 1999 projects.*  
*Sec. 2703. Extension of authorizations of certain fiscal year 1998 projects.*  
*Sec. 2704. Effective date.*

**TITLE XXVIII—GENERAL PROVISIONS**

**Subtitle A—Military Construction Program and Military Family Housing Changes**

- Sec. 2801. Increase in certain unspecified minor military construction project thresholds.*  
*Sec. 2802. Exclusion of unforeseen environmental hazard remediation from limitation on authorized cost variations.*  
*Sec. 2803. Repeal of annual reporting requirement on military construction and military family housing activities.*  
*Sec. 2804. Permanent authorization for alternative authority for acquisition and improvement of military housing.*

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

- Sec. 2811. Use of military installations for certain recreational activities.*  
*Sec. 2812. Base efficiency project at Brooks Air Force Base, Texas.*

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

- Sec. 2821. Lease back of base closure property.*

**Subtitle D—Land Conveyances***PART I—ARMY CONVEYANCES*

- Sec. 2831. Modification of land exchange, Rock Island Arsenal, Illinois.*  
*Sec. 2832. Modification of land conveyances, Fort Dix, New Jersey.*  
*Sec. 2833. Lease authority, Fort DeRussy, Hawaii.*  
*Sec. 2834. Land exchange and consolidation, Fort Lewis, Washington.*  
*Sec. 2835. Land conveyance, Whittier-Anchorage Pipeline Tank Farm, Anchorage, Alaska.*

*PART II—NAVY CONVEYANCES*

- Sec. 2841. Transfer of jurisdiction, Centerville Beach Naval Station, Humboldt County, California.*  
*Sec. 2842. Land conveyance, Naval Weapons Industrial Reserve Plant, Toledo, Ohio.*  
*Sec. 2843. Modification of authority for conveyance of Naval Computer and Telecommunications Station, Cutler, Maine.*  
*Sec. 2844. Modification of land conveyance, former United States Marine Corps Air Station, Eagle Mountain Lake, Texas.*  
*Sec. 2845. Land transfer and conveyance, Naval Security Group Activity, Winter Harbor, Maine.*

*PART III—AIR FORCE CONVEYANCES*

- Sec. 2851. Water rights conveyance, Andersen Air Force Base, Guam.*  
*Sec. 2852. Reexamination of land conveyance, Lowry Air Force Base, Colorado.*

**Subtitle E—Other Matters**

- Sec. 2861. Transfer of jurisdiction for development of Armed Forces recreation facility, Park City, Utah.*  
*Sec. 2862. Selection of site for United States Air Force Memorial and related land transfers for the improvement of Arlington National Cemetery, Virginia.*  
*Sec. 2863. Management of the Presidio of San Francisco.*  
*Sec. 2864. Effect of limitation on construction of roads or highways, Marine Corps Base, Camp Pendleton, California.*  
*Sec. 2865. Establishment of World War II memorial at additional location on Guam.*

**TITLE XXIX—FORT IRWIN MILITARY LAND WITHDRAWAL**

- Sec. 2901. Short title.*  
*Sec. 2902. Withdrawal and reservation of lands for National Training Center.*  
*Sec. 2903. Map and legal description.*  
*Sec. 2904. Management of withdrawn and reserved lands.*  
*Sec. 2905. Water rights.*  
*Sec. 2906. Environmental compliance and environmental response requirements.*  
*Sec. 2907. West Mojave Coordinated Management Plan.*  
*Sec. 2908. Release of wilderness study areas.*  
*Sec. 2909. Training activity separation from utility corridors.*  
*Sec. 2910. Duration of withdrawal and reservation.*  
*Sec. 2911. Extension of initial withdrawal and reservation.*  
*Sec. 2912. Termination and relinquishment.*  
*Sec. 2913. Delegation of authority.*

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

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

**Subtitle A—National Security Programs Authorizations**

- Sec. 3101. National Nuclear Security Administration.*  
*Sec. 3102. Defense environmental restoration and waste management.*  
*Sec. 3103. Other defense activities.*  
*Sec. 3104. Defense environmental management privatization.*  
*Sec. 3105. Defense nuclear waste disposal.*

**Subtitle B—Recurring General Provisions**

- Sec. 3121. Reprogramming.*  
*Sec. 3122. Limits on general plant projects.*  
*Sec. 3123. Limits on construction projects.*  
*Sec. 3124. Fund transfer authority.*  
*Sec. 3125. Authority for conceptual and construction design.*  
*Sec. 3126. Authority for emergency planning, design, and construction activities.*  
*Sec. 3127. Funds available for all national security programs of the Department of Energy.*  
*Sec. 3128. Availability of funds.*  
*Sec. 3129. Transfers of defense environmental management funds at field offices of the Department of Energy.*  
*Sec. 3130. Transfers of weapons activities funds at national security laboratories and nuclear weapons production facilities.*

**Subtitle C—Program Authorizations, Restrictions, and Limitations**

- Sec. 3131. Termination date of Office of River Protection, Richland, Washington.*  
*Sec. 3132. Organizational modifications for National Nuclear Security Administration.*  
*Sec. 3133. Consolidation of Nuclear Cities Initiative program with Initiatives for Proliferation Prevention program.*  
*Sec. 3134. Disposition of surplus defense plutonium at Savannah River Site, Aiken, South Carolina.*  
*Sec. 3135. Support for public education in the vicinity of Los Alamos National Laboratory, New Mexico.*

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

- Sec. 3201. Authorization.*

**TITLE XXXIII—NATIONAL DEFENSE STOCKPILE**

- Sec. 3301. Definitions.*  
*Sec. 3302. Authorized uses of stockpile funds.*  
*Sec. 3303. Disposal of obsolete and excess materials contained in national defense stockpile.*  
*Sec. 3304. Expedited implementation of authority to dispose of cobalt from National Defense Stockpile.*

**TITLE XXXIV—NAVAL PETROLEUM RESERVES**

*Sec. 3401. Authorization of appropriations.*

**TITLE XXXV—MARITIME ADMINISTRATION**

*Sec. 3501. Authorization of appropriations for fiscal year 2002.*

*Sec. 3502. Define “war risks” to vessels to include confiscation, expropriation, nationalization, and deprivation of the vessels.*

*Sec. 3503. Holding obligor’s cash as collateral under title XI of Merchant Marine Act, 1936.*

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

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

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

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

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

11 ***TITLE I—PROCUREMENT***

12 ***Subtitle A—Authorization of***  
13 ***Appropriations***

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

15 *Funds are hereby authorized to be appropriated for fis-*  
16 *cal year 2002 for procurement for the Army as follows:*

17 *(1) For aircraft, \$1,987,491,000.*

18 *(2) For missiles, \$1,097,286,000.*

19 *(3) For weapons and tracked combat vehicles,*  
20 *\$2,367,046,000.*



1           (4) *For ammunition, \$1,208,565,000.*

2           (5) *For other procurement, \$4,143,986,000.*

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

4           (a) *NAVY.—Funds are hereby authorized to be appro-*  
5 *priated for fiscal year 2002 for procurement for the Navy*  
6 *as follows:*

7           (1) *For aircraft, \$8,337,243,000.*

8           (2) *For weapons, including missiles and tor-*  
9 *pedoes, \$1,476,692,000.*

10          (3) *For shipbuilding and conversion,*  
11 *\$9,321,121,000.*

12          (4) *For other procurement, \$4,157,313,000.*

13          (b) *MARINE CORPS.—Funds are hereby authorized to*  
14 *be appropriated for fiscal year 2002 for procurement for*  
15 *the Marine Corps in the amount of \$1,025,624,000.*

16          (c) *NAVY AND MARINE CORPS AMMUNITION.—Funds*  
17 *are hereby authorized to be appropriated for fiscal year*  
18 *2002 for procurement of ammunition for the Navy and the*  
19 *Marine Corps in the amount of \$463,507,000.*

20 **SEC. 103. AIR FORCE.**

21          *Funds are hereby authorized to be appropriated for fis-*  
22 *cal year 2002 for procurement for the Air Force as follows:*

23          (1) *For aircraft, \$10,705,687,000.*

24          (2) *For missiles, \$3,226,336,000.*

25          (3) *For ammunition, \$871,344,000.*

1           (4) *For other procurement, \$8,250,821,000.*

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

3           *Funds are hereby authorized to be appropriated for fis-*  
4 *cal year 2002 for Defense-wide procurement in the amount*  
5 *of \$2,267,346,000.*

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

7           *Funds are hereby authorized to be appropriated for fis-*  
8 *cal year 2002 for procurement for the Inspector General of*  
9 *the Department of Defense in the amount of \$1,800,000.*

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

11           *There is hereby authorized to be appropriated for fiscal*  
12 *year 2002 the amount of \$1,078,557,000 for—*

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

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

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

21           *Funds are hereby authorized to be appropriated for fis-*  
22 *cal year 2002 for the Department of Defense for procure-*  
23 *ment for carrying out health care programs, projects, and*  
24 *activities of the Department of Defense in the total amount*  
25 *of \$267,915,000.*

1           **Subtitle B—Army Programs**

2   **SEC. 111. EXTENSION OF MULTIYEAR CONTRACT FOR FAM-**  
3                           **ILY OF MEDIUM TACTICAL VEHICLES.**

4           *In order to ensure that an adequate number of vehicles*  
5 *of the “A1” variant of the Family of Medium Tactical Vehi-*  
6 *cles program continue to be fielded to the Army, the Sec-*  
7 *retary of the Army may extend for one additional year the*  
8 *existing multiyear procurement contract, authorized by sec-*  
9 *tion 112(b) of the National Defense Authorization Act for*  
10 *Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1648) and*  
11 *awarded on October 14, 1998, for procurement of vehicles*  
12 *under that program (notwithstanding the maximum period*  
13 *for such contracts otherwise applicable under section*  
14 *2306b(k) of title 10, United States Code) if the Secretary*  
15 *determines that it is necessary to do so in order to prevent*  
16 *a break in production of those vehicles.*

17   **SEC. 112. REPEAL OF LIMITATIONS ON BUNKER DEFEAT**  
18                           **MUNITIONS PROGRAM.**

19           *Section 116 of the National Defense Authorization Act*  
20 *for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2682)*  
21 *is repealed.*

1       **Subtitle C—Air Force Programs**

2       **SEC. 121. RESPONSIBILITY OF AIR FORCE FOR CONTRACTS**

3                       **FOR ALL DEFENSE SPACE LAUNCHES.**

4           (a) *IN GENERAL.*—(1) Chapter 807 of title 10, United  
5 States Code, is amended by inserting after section 8062 the  
6 following new section:

7       **“§ 8063. Contracts for space launches: responsibility**  
8                       **of Air Force for all Department of Defense**  
9                       **elements**

10           *“The Secretary of the Air Force shall ensure that con-*  
11 *tracts for space launch vehicles and space launch services*  
12 *for all elements of the Department of Defense are prepared,*  
13 *negotiated, executed, and managed in a manner that maxi-*  
14 *mizes launch effectiveness, minimizes cost of launch services,*  
15 *provides clear visibility to all elements into contract costs*  
16 *and functions, and, where practicable, takes advantage of*  
17 *commercial space launch capabilities.”.*

18           (2) *The table of sections at the beginning of such chap-*  
19 *ter is amended by inserting after the item relating to section*  
20 *8062 the following new item:*

*“8063. Contracts for space launches: responsibility of Air Force for all Depart-*  
*ment of Defense elements.”.*

21           (b) *REPORT.*—*Not later than 180 days after the date*  
22 *of the enactment of this Act, the Secretary of the Air Force*  
23 *shall submit to the congressional defense committees and the*  
24 *congressional intelligence committees a report on the imple-*

1 *mentation of section 8063 of title 10, United States Code,*  
 2 *as added by subsection (a).*

3 **SEC. 122. MULTI-YEAR PROCUREMENT OF C-17 AIRCRAFT.**

4 *If the Secretary of Defense certifies to the congressional*  
 5 *defense committees before the enactment of this Act that it*  
 6 *is in the interest of the Department of Defense to proceed*  
 7 *with a follow-on multi-year procurement of additional C-*  
 8 *17 aircraft, then the Secretary may, in accordance with sec-*  
 9 *tion 2306b of title 10, United States Code, enter into a new*  
 10 *multi-year procurement contract or extend the current*  
 11 *multi-year procurement contract beginning in fiscal year*  
 12 *2002 to procure up to 60 additional C-17 aircraft in order*  
 13 *to meet the Department's airlift requirements.*

14 ***Subtitle D—Chemical Munitions***  
 15 ***Destruction***

16 **SEC. 141. DESTRUCTION OF EXISTING STOCKPILE OF LE-**  
 17 **THAL CHEMICAL AGENTS AND MUNITIONS.**

18 *Section 152 of the National Defense Authorization Act*  
 19 *for Fiscal Year 1996 (Public Law 104-106; 50 U.S.C. 1521*  
 20 *note) is amended—*

21 *(1) in subsection (b)—*

22 *(A) by inserting “for that site” after “in*  
 23 *place”; and*

24 *(B) by adding at the end the following new*  
 25 *paragraphs:*

1           “(4) *Emergency preparedness and response capa-*  
2           *bilities have been established at the site and in the*  
3           *surrounding communities to respond to emergencies*  
4           *involving risks to public health or safety that are*  
5           *identified by the Secretary of Defense as being risks*  
6           *resulting from the storage or destruction of lethal*  
7           *chemical agents and munitions at the site.*

8           “(5) *The Under Secretary of Defense for Acquisi-*  
9           *tion, Technology, and Logistics recommends initi-*  
10           *ation of destruction at the site after considering the*  
11           *recommendation by the board established by sub-*  
12           *section (g).”*; and

13           (2) *by adding at the end the following new sub-*  
14           *section:*

15           “(g) *OVERSIGHT BOARDS.—(1) The Under Secretary*  
16           *of Defense for Acquisition, Technology, and Logistics shall*  
17           *convene, for each site at which the chemical munitions*  
18           *stockpile is stored, an independent oversight board com-*  
19           *posed of—*

20           “(A) *the Secretary of the Army;*

21           “(B) *the Director of the Federal Emergency*  
22           *Management Agency;*

23           “(C) *the Administrator of the Environmental*  
24           *Protection Agency;*

1           “(D) *the President of the National Academy of*  
2           *Sciences;*

3           “(E) *the Governor of the State in which the site*  
4           *is located; and*

5           “(F) *one individual designated by the Under*  
6           *Secretary from a list of three local representatives of*  
7           *the area in which the site is located, prepared jointly*  
8           *by the Member of the House of Representatives who*  
9           *represents the Congressional District in which the site*  
10          *is located and the Senators representing the State in*  
11          *which the site is located.*

12          “(2) *Not later than six months after each such board*  
13          *is convened, the board shall make a recommendation to the*  
14          *Under Secretary whether the destruction of the chemical*  
15          *munitions stockpile should be initiated at the site.*

16          “(3) *The Under Secretary may not recommend initi-*  
17          *ation of destruction of the chemical munitions stockpile at*  
18          *a site after considering a negative recommendation of the*  
19          *board until 90 days after the Under Secretary provides no-*  
20          *tice to Congress of the intent to recommend initiation of*  
21          *destruction.”.*

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

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

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

7 *Funds are hereby authorized to be appropriated for fis-*  
8 *cal year 2002 for the use of the Department of Defense for*  
9 *research, development, test, and evaluation as follows:*

10 (1) *For the Army, \$6,749,025,000.*

11 (2) *For the Navy, \$10,863,274,000.*

12 (3) *For the Air Force, \$14,455,653,000.*

13 (4) *For Defense-wide activities, \$15,591,978,000,*  
14 *of which \$217,355,000 is authorized for the Director*  
15 *of Operational Test and Evaluation.*

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

17 (a) *FISCAL YEAR 2002.—Of the amounts authorized*  
18 *to be appropriated by section 201, \$4,973,843,000 shall be*  
19 *available for basic research and applied research projects.*

20 (b) *BASIC RESEARCH AND APPLIED RESEARCH DE-*  
21 *FINED.—For purposes of this section, the term “basic re-*  
22 *search and applied research” means work funded in pro-*  
23 *gram elements for defense research and development under*  
24 *Department of Defense category 6.1 or 6.2.*



1 ***Subtitle B—Program Requirements,***  
2 ***Restrictions, and Limitations***

3 ***SEC. 211. COOPERATIVE DEPARTMENT OF DEFENSE-DE-***  
4 ***PARTMENT OF VETERANS AFFAIRS MEDICAL***  
5 ***RESEARCH PROGRAM.***

6 *Of the funds authorized to be appropriated by section*  
7 *201(4), \$5,000,000 shall be available for the cooperative De-*  
8 *partment of Defense/Department of Veterans Affairs med-*  
9 *ical research program. The Secretary of Defense shall trans-*  
10 *fer such amount to the Secretary of Veterans Affairs for*  
11 *such purpose not later than 30 days after the date of the*  
12 *enactment of this Act.*

13 ***SEC. 212. ADVANCED LAND ATTACK MISSILE PROGRAM.***

14 *(a) PROGRAM REQUIRED.—The Secretary of Defense*  
15 *shall establish a competitive program for the development*  
16 *of an advanced land attack missile for the DD–21 land at-*  
17 *tack destroyer and other naval combatants.*

18 *(b) REPORT.—The Secretary of Defense shall submit*  
19 *to the congressional defense committees, with the submission*  
20 *of the budget request for the Department of Defense for fiscal*  
21 *year 2003, a report providing the program plan for the Ad-*  
22 *vanced Land Attack Missile program, the schedule for that*  
23 *program, and funding required for that program.*

24 *(c) FUNDING.—Of the amount authorized to be appro-*  
25 *priated under section 201(2) for research, development, test,*

1 *and evaluation for the Navy, \$20,000,000 shall be available*  
2 *in PE 0603795N for the Advanced Land Attack Missile pro-*  
3 *gram.*

4 **SEC. 213. COLLABORATIVE PROGRAM FOR DEVELOPMENT**  
5 **OF ADVANCED RADAR SYSTEMS FOR NAVAL**  
6 **APPLICATIONS.**

7 *(a) PROGRAM REQUIRED.—The Secretary of Defense*  
8 *shall carry out a program to develop and demonstrate ad-*  
9 *vanced technologies and concepts leading to advanced radar*  
10 *systems for naval and other applications.*

11 *(b) DESCRIPTION OF PROGRAM.—The program under*  
12 *subsection (a) shall be carried out collaboratively pursuant*  
13 *to a memorandum of agreement to be entered into by the*  
14 *Director of Defense Research and Engineering, the Sec-*  
15 *retary of the Navy, and the Director of the Defense Ad-*  
16 *vanced Research Projects Agency. The program shall in-*  
17 *clude the following activities:*

18 *(1) Activities needed to develop and deploy ad-*  
19 *vanced electronics materials, including specifically*  
20 *wide band gap electronics components needed to ex-*  
21 *tend the range and sensitivity of naval radars.*

22 *(2) Identification of acquisition systems for use*  
23 *of the new technology.*

24 *(c) REPORT.—Not later than January 31, 2002, the*  
25 *Director of Defense Research and Engineering, the Sec-*

1 *retary of the Navy, and the Director of the Defense Ad-*  
2 *vanced Research Projects Agency shall submit to the con-*  
3 *gressional defense committees a joint report on the imple-*  
4 *mentation of the program under subsection (a). The report*  
5 *shall include the following:*

6           (1) *A description of the memorandum of agree-*  
7 *ment referred to in subsection (b).*

8           (2) *A schedule for the program.*

9           (3) *Identification of the funding required for fis-*  
10 *cal year 2003 and for the future-years defense pro-*  
11 *gram to carry out the program.*

12           (4) *A list of program capability goals and objec-*  
13 *tives.*

14       (d) *FUNDING.—(1) Of the amount authorized to be ap-*  
15 *propriated for Defense-wide activities by section 201(4) for*  
16 *the Defense Advanced Research Projects Agency,*  
17 *\$41,000,000 shall be available for applied research and*  
18 *maturation of high frequency and high power wide band*  
19 *gap semiconductor electronics technology to carry out the*  
20 *program under subsection (a).*

21       (2) *Of the amount authorized to be appropriated by*  
22 *section 201(2) for the Department of the Navy, \$15,500,000*  
23 *shall be available to carry out the program under subsection*  
24 *(a).*

1                   **Subtitle C—Ballistic Missile**  
2                                   **Defense**

3   **SEC. 231. TRANSFER OF RESPONSIBILITY FOR PROCURE-**  
4                   **MENT FOR MISSILE DEFENSE PROGRAMS**  
5                   **FROM BALLISTIC MISSILE DEFENSE ORGANI-**  
6                   **ZATION TO MILITARY DEPARTMENTS.**

7           (a) *BUDGETING OF MISSILE DEFENSE PROCUREMENT*  
8   *AUTHORITY.*—(1) *Subsection (a) of section 224 of title 10,*  
9   *United States Code is amended by striking “procurement”*  
10   *both places it appears and inserting “research, development,*  
11   *test, and evaluation”.*

12           (2) *Such section is further amended by striking sub-*  
13   *sections (b) and (c) and inserting the following:*

14           “(b) *COVERED PROGRAMS.*—*Subsection (a) applies to*  
15   *any ballistic missile defense program for which research,*  
16   *development, test, and evaluation is carried out by the Bal-*  
17   *listic Missile Defense Organization.”.*

18           (3)(A) *The heading of that section is amended to read*  
19   *as follows:*

20   “**§224. Ballistic missile defense programs: display of**  
21                   **amounts for research, development, test,**  
22                   **and evaluation”.**

23           (B) *The item relating to section 224 in the table of*  
24   *sections at the beginning of chapter 9 of such title is amend-*  
25   *ed to read as follows:*

“224. Ballistic missile defense programs: display of amounts for research, development, test, and evaluation.”.

1           (b) *TRANSFER CRITERIA.*—*The Secretary of Defense*  
2 *shall establish, and submit to the congressional defense com-*  
3 *mittees, criteria for the transfer of ballistic missile defense*  
4 *programs from the Ballistic Missile Defense Organization*  
5 *to the military departments. Those criteria shall, at a min-*  
6 *imum, address technical maturity of the program, avail-*  
7 *ability of facilities for production, and service commitment*  
8 *to procurement funding.*

9           (c) *NOTIFICATION OF TRANSFER.*—*Before responsi-*  
10 *bility for a ballistic missile defense program is transferred*  
11 *from the Ballistic Missile Defense Organization to the Sec-*  
12 *retary of a military department, the Secretary of Defense*  
13 *shall submit to the congressional defense committees notice*  
14 *in writing of the Secretary’s intent to make that transfer.*  
15 *The Secretary shall include with such notice a certification*  
16 *that the program has met the criteria established under sub-*  
17 *section (b) for such a transfer. The transfer may then be*  
18 *carried out after the end of the 60-day period beginning*  
19 *on the date of such notice.*

20 **SEC. 232. REPEAL OF PROGRAM ELEMENT REQUIREMENTS**  
21 **FOR BALLISTIC MISSILE DEFENSE PRO-**  
22 **GRAMS.**

23           (a) *REPEAL.*—*Section 223 of title 10, United States*  
24 *Code, is repealed.*

1           (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
2 *the beginning of chapter 9 of such title is amended by strik-*  
3 *ing the item relating to section 223.*

4 **SEC. 233. SUPPORT OF BALLISTIC MISSILE DEFENSE AC-**  
5 **TIVITIES OF THE DEPARTMENT OF DEFENSE**  
6 **BY THE NATIONAL DEFENSE LABORATORIES**  
7 **OF THE DEPARTMENT OF ENERGY.**

8           (a) *FUNDS TO CARRY OUT CERTAIN BALLISTIC MIS-*  
9 *SILE DEFENSE ACTIVITIES.*—*Of the amounts authorized to*  
10 *be appropriated to the Department of Defense pursuant to*  
11 *section 201(4), \$25,000,000 shall be available, subject to*  
12 *subsection (b) and at the discretion of the Director of the*  
13 *Ballistic Missile Defense Organization, for research, devel-*  
14 *opment, and demonstration activities at the national lab-*  
15 *oratories of the Department of Energy in support of the*  
16 *missions of the Ballistic Missile Defense Organization, in-*  
17 *cluding the following activities:*

18           (1) *Technology development, concept demonstra-*  
19 *tion, and integrated testing to enhance performance,*  
20 *reduce risk, and improve reliability in hit-to-kill*  
21 *interceptors for ballistic missile defense.*

22           (2) *Support for science and engineering teams to*  
23 *assess critical technical problems and prudent alter-*  
24 *native approaches as agreed upon by the Director of*

1        *the Ballistic Missile Defense Organization and the*  
2        *Administrator for Nuclear Security.*

3        *(b) REQUIREMENT FOR MATCHING FUNDS FROM*  
4        *NNSA.—Funds shall be available as provided in subsection*  
5        *(a) only if the Administrator for Nuclear Security makes*  
6        *available matching funds for the activities referred to in*  
7        *subsection (a).*

8        *(c) MEMORANDUM OF UNDERSTANDING.—The activi-*  
9        *ties referred to in subsection (a) shall be carried out under*  
10       *the memorandum of understanding entered into by the Sec-*  
11       *retary of Energy and the Secretary of Defense for the use*  
12       *of national laboratories for ballistic missile defense pro-*  
13       *grams, as required by section 3131 of the National Defense*  
14       *Authorization Act for Fiscal Year 1998 (Public Law 105–*  
15       *85; 111 Stat. 2034) and modified pursuant to section 3132*  
16       *of the Floyd D. Spence National Defense Authorization Act*  
17       *for Fiscal Year 2001 (as enacted into law by Public Law*  
18       *106–398; 114 Stat. 1654A–455) to provide for jointly fund-*  
19       *ed projects.*

20       **SEC. 234. MISSILE DEFENSE TESTING INITIATIVE.**

21       *(a) TESTING INFRASTRUCTURE.—(1) The Secretary of*  
22       *Defense shall ensure that each annual budget request of the*  
23       *Department of Defense—*

1           (A) is designed to provide for comprehensive test-  
2           ing of ballistic missile defense programs during early  
3           stages of development; and

4           (B) includes necessary funding to support and  
5           improve test infrastructure and provide adequate test  
6           assets for the testing of such programs.

7           (2) The Secretary shall ensure that ballistic missile de-  
8           fense programs incorporate, to the greatest possible extent,  
9           operationally realistic test configurations (referred to as  
10          “test bed” configurations) to demonstrate system perform-  
11          ance across a broad range of capability and, during final  
12          stages of operational testing, to demonstrate reliable per-  
13          formance.

14          (3) The Secretary shall ensure that the test infrastruc-  
15          ture for ballistic missile defense programs is capable of sup-  
16          porting continued testing of ballistic missile defense systems  
17          after deployment.

18          (b) *REQUIREMENTS FOR EARLY STAGES OF SYSTEM*  
19          *DEVELOPMENT.*—In order to demonstrate acceptable risk  
20          and developmental stability, the Secretary of Defense shall  
21          ensure that any ballistic missile defense program incor-  
22          porates, to the maximum extent practicable, the following  
23          elements during the early stages of system development:

24                  (1) Pursuit of parallel conceptual approaches  
25                  and technological paths for all critical problematic



1        *components until effective and reliable solutions can*  
2        *be demonstrated.*

3            (2) *Comprehensive ground testing in conjunction*  
4        *with flight-testing for key elements of the proposed*  
5        *system that are considered to present high risk, with*  
6        *such ground testing to make use of existing facilities*  
7        *and combinations of facilities that support testing at*  
8        *the highest possible levels of integration.*

9            (3) *Where appropriate, expenditures to enhance*  
10       *the capabilities of existing test facilities, or to con-*  
11       *struct new test facilities, to support alternative com-*  
12       *plementary test methodologies.*

13           (4) *Sufficient funding of test instrumentation to*  
14       *ensure accurate measurement of all critical test events*  
15       *and, where possible, incorporation of mobile assets to*  
16       *enhance flexibility in test configurations.*

17           (5) *Incorporation into the program of sufficient*  
18       *schedule flexibility and expendable test assets, includ-*  
19       *ing missile interceptors and targets, to ensure that*  
20       *failed or aborted tests can be repeated in a prudent,*  
21       *but expeditious manner.*

22           (6) *Incorporation into flight-test planning for*  
23       *the program, where possible, of—*

24                (A) *methods referred to as “campaign test-*  
25       *ing” and “test through failure” and other appro-*

1            *priate test methods in order to reduce costs per*  
2            *test event;*

3            *(B) events to demonstrate engagement of*  
4            *multiple targets, “shoot-look-shoot”, and other*  
5            *planned operational concepts; and*

6            *(C) exploitation of opportunities to facili-*  
7            *tate early development and demonstration of*  
8            *“family of systems” concepts.*

9            *(c) SPECIFIC REQUIREMENTS FOR GROUND-BASED*  
10          *MID-COURSE INTERCEPTOR SYSTEMS.—For ground-based*  
11          *mid-course interceptor systems, the Secretary of Defense*  
12          *shall initiate steps during fiscal year 2002 to establish a*  
13          *flight-test capability of launching not less than three missile*  
14          *defense interceptors and not less than two ballistic missile*  
15          *targets to provide a realistic test infrastructure.*

16          **SEC. 235. MISSILE DEFENSE SYSTEM TEST BED FACILITIES.**

17          *(a) AUTHORITY TO ACQUIRE OR CONSTRUCT FACILI-*  
18          *TIES.—(1) The Secretary of Defense, using funds appro-*  
19          *priated to the Department of Defense for research, develop-*  
20          *ment, test, and evaluation for fiscal years after fiscal year*  
21          *2001 that are available for programs of the Ballistic Missile*  
22          *Defense Organization, may carry out construction projects,*  
23          *or portions of construction projects, including projects for*  
24          *the acquisition, improvement, or construction of facilities*

1 *of general utility, to establish and operate the Missile De-*  
2 *fense System Test Bed Facilities.*

3       (2) *The authority provided in paragraph (1) may be*  
4 *used to acquire, improve, or construct facilities at a total*  
5 *cost not to exceed \$500,000,000.*

6       (b) *AUTHORITY TO PROVIDE ASSISTANCE TO LOCAL*  
7 *COMMUNITIES.—(1) Subject to paragraph (2), the Sec-*  
8 *retary of Defense, using funds appropriated to the Depart-*  
9 *ment of Defense for research, development, test, and evalua-*  
10 *tion for fiscal years after fiscal year 2001 that are available*  
11 *for programs of the Ballistic Missile Defense Organization,*  
12 *may provide assistance, by grant or otherwise, to local com-*  
13 *munities to meet the need for increased municipal or com-*  
14 *munity services or facilities resulting from the construction,*  
15 *installation, or operation of the Missile Defense System Test*  
16 *Bed Facilities.*

17       (2) *Assistance may be provided to a community under*  
18 *paragraph (1) only if the Secretary of Defense determines*  
19 *that there is an immediate and substantial increase in the*  
20 *need for municipal or community services or facilities as*  
21 *a direct result of the construction, installation, or operation*  
22 *of the Missile Defense System Test Bed Facilities.*

1           ***Subtitle D—Other Matters***

2   ***SEC. 241. ESTABLISHMENT OF UNMANNED AERIAL VEHICLE***

3                   ***JOINT OPERATIONAL TEST BED SYSTEM.***

4           (a) *ESTABLISHMENT OF TEST BED SYSTEM.*—The  
5 commander of the United States Joint Forces Command  
6 shall establish a capability (referred to as a “test bed”)  
7 within the facilities and resources of that command to  
8 evaluate and ensure joint interoperability of unmanned  
9 aerial vehicle systems. That capability shall be independent  
10 of the military departments and shall be managed directly  
11 by the Joint Forces Command.

12           (b) *REQUIRED TRANSFER OF PREDATOR UAV AS-*  
13 *SETS.*—The Secretary of the Navy shall transfer to the com-  
14 mander of the Joint Forces Command the two Predator un-  
15 manned aerial vehicles currently undergoing operational  
16 testing by the Navy, together with associated payloads and  
17 antennas and the associated tactical control system (TCS)  
18 ground station.

19           (c) *USE BY JOINT FORCES COMMAND.*—The items  
20 transferred pursuant to subsection (a) may be used by the  
21 commander of the United States Joint Forces Command  
22 only through the independent joint operational test bed sys-  
23 tem established pursuant to subsection (a) for testing of  
24 those items, including further development of the associated  
25 tactical control system (TCS) ground station, other aspects

1 of unmanned aerial vehicle interoperability, and participa-  
2 tion in such experiments and exercises as the commander  
3 considers appropriate to the mission of that command.

4 (d) *DEADLINE FOR TRANSFERS.*—The transfers re-  
5 quired by subsection (b) shall be completed not later than  
6 90 days after the date of the enactment of this Act.

7 (e) *TRANSFER WHEN NO LONGER REQUIRED BY*  
8 *JOINT FORCES COMMAND.*—Upon a determination by the  
9 commander of the United States Joint Forces Command  
10 that any of the items transferred pursuant to subsection (a)  
11 are no longer needed by that command for use as provided  
12 in subsection (c), those items shall be transferred to the Sec-  
13 retary of the Air Force.

14 **SEC. 242. DEMONSTRATION PROJECT TO INCREASE SMALL**  
15 **BUSINESS AND UNIVERSITY PARTICIPATION**  
16 **IN OFFICE OF NAVAL RESEARCH EFFORTS TO**  
17 **EXTEND BENEFITS OF SCIENCE AND TECH-**  
18 **NOLOGY RESEARCH TO FLEET.**

19 (a) *PROJECT REQUIRED.*—The Secretary of the Navy,  
20 acting through the Chief of Naval Research, shall carry out  
21 a demonstration project to increase access to Navy facilities  
22 of small businesses and universities that are engaged in  
23 science and technology research beneficial to the fleet.

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

1           (1) *establish and operate a Navy Technology Ex-*  
2           *tension Center at a location to be selected by the Sec-*  
3           *retary;*

4           (2) *permit participants in the Small Business*  
5           *Innovation Research Program (SBIR) and Small*  
6           *Business Technology Transfer Program (STTR) that*  
7           *are awarded contracts by Office of Naval Research to*  
8           *access and use Navy facilities without charge for*  
9           *purposes of carrying out such contracts; and*

10          (3) *permit universities, institutions of higher*  
11          *learning, and Federally Funded Research and Devel-*  
12          *opment Centers (FFRDC) collaborating with SBIR*  
13          *and STTR participants to use Navy facilities.*

14          (c) *REPORT.*—*Not later than February 1, 2004, the*  
15          *Secretary shall submit to Congress a report on the dem-*  
16          *onstration project. The report shall include a description*  
17          *of the activities carried out under the demonstration project*  
18          *and any recommendations for the improvement or expan-*  
19          *sion of the demonstration project that the Secretary con-*  
20          *siders appropriate.*

21          **SEC. 243. MANAGEMENT RESPONSIBILITY FOR NAVY MINE**  
22                                                            **COUNTERMEASURES PROGRAMS.**

23          *Section 216(a) of the National Defense Authorization*  
24          *Act for Fiscal Years 1992 and 1993 (Public Law 102–190;*  
25          *105 Stat. 1317), as most recently amended by section 211*

1 *of the Strom Thurmond National Defense Authorization Act*  
2 *for Fiscal Year 1999 (Public Law 105–261; 112 Stat.*  
3 *1946), is amended by striking “through 2003” and insert-*  
4 *ing “through 2008”.*

5 **SEC. 244. PROGRAM TO ACCELERATE THE INTRODUCTION**  
6 **OF INNOVATIVE TECHNOLOGY IN DEFENSE**  
7 **ACQUISITION PROGRAMS.**

8 (a) *PROGRAM REQUIRED.*—*The Secretary of Defense*  
9 *shall carry out a program to provide opportunities for the*  
10 *increased introduction of innovative and cost-saving tech-*  
11 *nology in acquisition programs of the Department of De-*  
12 *fense. The program, to be known as the Challenge Program,*  
13 *shall provide an individual or activity within or outside*  
14 *the Department of Defense with the opportunity to propose*  
15 *alternatives, to be known as challenge proposals, at the com-*  
16 *ponent, subsystem, or system level of an existing Depart-*  
17 *ment of Defense acquisition program that would result in*  
18 *improvements in performance, affordability,*  
19 *manufacturability, or operational capability at the compo-*  
20 *nent, subsystem, or system level of that acquisition pro-*  
21 *gram.*

22 (b) *PANEL.*—(1) *In carrying out the Challenge Pro-*  
23 *gram, the Secretary of Defense shall establish a panel of*  
24 *highly qualified scientists and engineers (hereinafter in this*  
25 *section referred to as the “Panel”) under the auspices of*

1 *the Under Secretary of Defense for Acquisition, Technology,*  
2 *and Logistics. The duty of the Panel shall be to carry out*  
3 *review and evaluation of challenge proposals under sub-*  
4 *section (c).*

5       (2) *A member of the Panel may not participate in any*  
6 *review and evaluation of a challenge proposal under sub-*  
7 *section (c) if at any time within the previous five years*  
8 *that member has, in any capacity, participated in or been*  
9 *affiliated with the Department of Defense program for*  
10 *which the challenge proposal is proposed.*

11       (c) *REVIEW AND EVALUATION OF CHALLENGE PRO-*  
12 *POSALS.—(1) Under procedures prescribed by the Secretary,*  
13 *an individual or activity within or outside the Department*  
14 *of Defense may submit challenge proposals to the Panel.*

15       (2) *The Panel shall carry out an expedited evaluation*  
16 *of each challenge proposal submitted under paragraph (1)*  
17 *to determine whether a prima facie case has been made that*  
18 *the challenge proposal will result in improvements in per-*  
19 *formance, affordability, manufacturability, or operational*  
20 *capability at the component, subsystem, or system level of*  
21 *the applicable acquisition program. If the Panel determines*  
22 *that such a case has not been made, the Panel may turn*  
23 *down the challenge proposal. In any other case, the Panel*  
24 *shall provide for a full review of the challenge proposal*  
25 *under paragraph (3).*



1       (3) *In carrying out a full review of a challenge pro-*  
2 *posal, the Panel shall ensure the following:*

3           (A) *Any incumbent that would be displaced by*  
4 *the implementation of the challenge proposal is pro-*  
5 *vided notice of the challenge proposal and a full op-*  
6 *portunity to demonstrate why the challenge proposal*  
7 *should not be implemented.*

8           (B) *Notice of the full review of the challenge pro-*  
9 *posal is published in one or more appropriate com-*  
10 *mercial publications of national circulation.*

11          (C) *If one or more other challenge proposals are*  
12 *submitted on matters relating to the challenge pro-*  
13 *posal being reviewed, the Panel shall, to the max-*  
14 *imum extent practicable, carry out a full review of*  
15 *those other challenge proposals together with the full*  
16 *review of the original challenge proposal.*

17       (4) *The Secretary of Defense shall ensure that the*  
18 *Panel, in carrying out review and evaluation of challenge*  
19 *proposals under this subsection, has the authority to call*  
20 *upon the technical resources of the laboratories, research,*  
21 *development, and engineering centers, test and evaluation*  
22 *activities, and other elements of the Department.*

23       (d) *FINDINGS OF SUBSTANTIAL SUPERIORITY.—If,*  
24 *after the full review of a challenge proposal is completed,*  
25 *the Panel finds that the challenge proposal will result in*

1 *improvements in performance, affordability,*  
2 *manufacturability, or operational capability at the compo-*  
3 *nent, subsystem, or system level of the applicable acquisi-*  
4 *tion program that are substantially superior to that of the*  
5 *incumbent, the Panel shall submit that finding to the Under*  
6 *Secretary.*

7 *(e) ACTION UPON FINDINGS.—Upon receiving a find-*  
8 *ing under subsection (d), the Under Secretary shall carry*  
9 *out a plan to acquire and implement the challenge proposal*  
10 *with respect to which the finding was made. The Secretary*  
11 *shall carry out such plan—*

12 *(1) after canceling the contract of any incumbent*  
13 *that would be displaced by the implementation of the*  
14 *challenge proposal; or*

15 *(2) after an appropriate program milestone*  
16 *(such as the expiration of such a contract) has been*  
17 *reached.*

18 *(f) ELIMINATION OF CONFLICTS OF INTEREST.—In*  
19 *carrying out each review and evaluation under subsection*  
20 *(c), the Secretary shall ensure the elimination of conflicts*  
21 *of interest.*

22 *(g) FUNDING.—Of the funds authorized to be appro-*  
23 *priated by section 201(4) for Defense-wide research, devel-*  
24 *opment, test, and evaluation for fiscal year 2002,*

1 \$40,000,000 shall be available in PE 63826D8Z for the  
2 Challenge Program required by this section.

3 (h) *REPORT.*—The Secretary shall submit to Congress,  
4 with the submission of the budget request for the Depart-  
5 ment of Defense for each fiscal year beginning with fiscal  
6 year 2003, a report on the implementation of this section.  
7 The report shall include the number and scope of challenge  
8 proposals submitted, reviewed and evaluated, found to be  
9 substantially superior, and implemented.

10 **TITLE III—OPERATION AND**  
11 **MAINTENANCE**

12 **Subtitle A—Authorization of**  
13 **Appropriations**

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

15 *Funds are hereby authorized to be appropriated for fis-*  
16 *cal year 2002 for the use of the Armed Forces and other*  
17 *activities and agencies of the Department of Defense for ex-*  
18 *penses, not otherwise provided for, for operation and main-*  
19 *tenance, in amounts as follows:*

20 (1) *For the Army, \$21,015,280,000.*

21 (2) *For the Navy, \$26,587,962,000.*

22 (3) *For the Marine Corps, \$2,898,114,000.*

23 (4) *For the Air Force, \$25,811,462,000.*

24 (5) *For Defense-wide activities, \$11,922,131,000.*

25 (6) *For the Army Reserve, \$1,814,246,000.*

1           (7) *For the Naval Reserve, \$1,003,690,000.*

2           (8) *For the Marine Corps Reserve, \$144,023,000.*

3           (9) *For the Air Force Reserve, \$2,017,866,000.*

4           (10) *For the Army National Guard,*  
5           *\$3,705,359,000.*

6           (11) *For the Air National Guard,*  
7           *\$3,967,361,000.*

8           (12) *For the Defense Inspector General,*  
9           *\$152,021,000.*

10          (13) *For the United States Court of Appeals for*  
11          *the Armed Forces, \$9,096,000.*

12          (14) *For Environmental Restoration, Army,*  
13          *\$389,800,000.*

14          (15) *For Environmental Restoration, Navy,*  
15          *\$257,517,000.*

16          (16) *For Environmental Restoration, Air Force,*  
17          *\$385,437,000.*

18          (17) *For Environmental Restoration, Defense-*  
19          *wide, \$23,492,000.*

20          (18) *For Environmental Restoration, Formerly*  
21          *Used Defense Sites, \$190,255,000.*

22          (19) *For Overseas Humanitarian, Disaster, and*  
23          *Civic Aid programs, \$49,700,000.*

24          (20) *For Drug Interdiction and Counter-drug*  
25          *Activities, Defense-wide, \$820,381,000.*

1           (21) *For the Kaho'olawe Island Conveyance, Re-*  
2           *mediation, and Environmental Restoration Trust*  
3           *Fund, \$25,000,000.*

4           (22) *For Defense Health Program,*  
5           *\$17,570,750,000.*

6           (23) *For Cooperative Threat Reduction pro-*  
7           *grams, \$403,000,000.*

8           (24) *For Overseas Contingency Operations*  
9           *Transfer Fund, \$2,844,226,000.*

10          (25) *Support for International Sporting Com-*  
11          *petitions, Defense, \$15,800,000.*

12 **SEC. 302. WORKING CAPITAL FUNDS.**

13          *Funds are hereby authorized to be appropriated for fis-*  
14          *cal year 2002 for the use of the Armed Forces and other*  
15          *activities and agencies of the Department of Defense for*  
16          *providing capital for working capital and revolving funds*  
17          *in amounts as follows:*

18               (1) *For the Defense Working Capital Funds,*  
19               *\$1,951,986,000.*

20               (2) *For the National Defense Sealift Fund,*  
21               *\$407,708,000.*

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

23          *There is hereby authorized to be appropriated for fiscal*  
24          *year 2002 from the Armed Forces Retirement Home Trust*  
25          *Fund the sum of \$71,440,000 for the operation of the Armed*

1 *Forces Retirement Home, including the United States Sol-*  
2 *diers' and Airmen's Home and the Naval Home.*

3 **SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE**  
4 **TRANSACTION FUND.**

5 (a) *TRANSFER AUTHORITY.*—*To the extent provided in*  
6 *appropriations Acts, not more than \$150,000,000 is author-*  
7 *ized to be transferred from the National Defense Stockpile*  
8 *Transaction Fund to operation and maintenance accounts*  
9 *for fiscal year 2002 in amounts as follows:*

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

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

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

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

15 (1) *shall be merged with, and be available for the*  
16 *same purposes and the same period as, the amounts*  
17 *in the accounts to which transferred; and*

18 (2) *may not be expended for an item that has*  
19 *been denied authorization of appropriations by Con-*  
20 *gress.*

21 (c) *RELATIONSHIP TO OTHER TRANSFER AUTHOR-*  
22 *ITY.*—*The transfer authority provided in this section is in*  
23 *addition to the transfer authority provided in section 1001.*

1                   **Subtitle B—Environmental**  
2                   **Provisions**

3 **SEC. 311. INVENTORY OF EXPLOSIVE RISK SITES AT**  
4                   **FORMER MILITARY RANGES.**

5           (a) *INVENTORY REQUIRED.*—(1) *Chapter 160 of title*  
6 *10, United States Code, is amended by adding at the end*  
7 *the following new section:*

8 **“§2710. Former military ranges: inventory of explosive**  
9                   **risk sites; use of inventory; public safety**  
10                   **issues**

11           “(a) *DEFINITIONS.*—*In this section:*

12                   “(1) *The term ‘former military range’ means a*  
13 *military range presently located in the United States*  
14 *that—*

15                           “(A) *is or was owned by, leased to, or other-*  
16 *wise possessed or used by the Federal Govern-*  
17 *ment;*

18                           “(B) *is designated as a closed, transferred,*  
19 *or transferring military range (rather than as*  
20 *an active or inactive range); or*

21                           “(C) *is or was used as a site for the dis-*  
22 *posal of military munitions or for the use of*  
23 *military munitions in training or research, de-*  
24 *velopment, testing, and evaluation.*

1           “(2) *The term ‘abandoned military munitions’*  
2           *means unexploded ordnance and other abandoned*  
3           *military munitions, including components thereof*  
4           *and chemical weapons materiel, that pose a threat to*  
5           *human health or safety.*

6           “(3) *The term ‘State’ includes the District of Co-*  
7           *lumbia, the Commonwealth of Puerto Rico, and the*  
8           *territories and possessions.*

9           “(4) *The term ‘United States’, in a geographic*  
10          *sense, includes the Commonwealth of Puerto Rico and*  
11          *the territories and possessions.*

12          “(b) *INVENTORY REQUIRED.—(1) The Secretary of De-*  
13          *fense shall develop and maintain an inventory of former*  
14          *military ranges that are known or suspected to contain*  
15          *abandoned military munitions.*

16          “(2) *The information for each former military range*  
17          *in the inventory shall include, at a minimum, the following:*

18                 “(A) *A unique identifier for the range and its*  
19                 *current designation as either a closed, transferred, or*  
20                 *transferring range.*

21                 “(B) *An appropriate record showing the loca-*  
22                 *tion, boundaries, and extent of the range, including*  
23                 *identification of the State and political subdivisions*  
24                 *of the State in which the range is located and any*  
25                 *Tribal lands encompassed by the range.*



1           “(C) *Known persons and entities, other than a*  
2           *military department, with any current ownership in-*  
3           *terest or control of lands encompassed by the range.*

4           “(D) *Any restrictions or other land use controls*  
5           *currently in place that might affect the potential for*  
6           *public and environmental exposure to abandoned*  
7           *military munitions.*

8           “(c) *SITE PRIORITIZATION.—(1) With respect to each*  
9           *former military range included on the inventory, the Sec-*  
10          *retary of Defense shall assign the range a relative priority*  
11          *for response activities based on the overall conditions at the*  
12          *range. The level of response priority assigned the range shall*  
13          *be included with the information required by subsection*  
14          *(b)(2) to be maintained for the range.*

15          “(2) *In assigning the response priority for a former*  
16          *military range, the Secretary of Defense shall primarily*  
17          *consider factors relating to safety and environmental haz-*  
18          *ard potential, such as the following:*

19                  “(A) *Whether there are known, versus suspected,*  
20                  *abandoned military munitions on all or any portion*  
21                  *of the range and the types of munitions present or*  
22                  *suspected to be present.*

23                  “(B) *Whether public access to the range is con-*  
24                  *trolled, and the effectiveness of these controls.*

1           “(C) *The potential for direct human contact with*  
2           *abandoned military munitions at the range and evi-*  
3           *dence of people entering the range.*

4           “(D) *Whether a response action has been or is*  
5           *being undertaken at the range under the Formerly*  
6           *Used Defense Sites program or other programs.*

7           “(E) *The planned or mandated dates for transfer*  
8           *of the range from military control.*

9           “(F) *The extent of any documented incidents in-*  
10          *volving abandoned military munitions at or from the*  
11          *range. In this subparagraph, the term ‘incidents’*  
12          *means any or all of the following: explosions, discov-*  
13          *eries, injuries, reports, and investigations.*

14          “(G) *The potential for drinking water contami-*  
15          *nation or the release of weapon components into the*  
16          *air.*

17          “(H) *The potential for destruction of sensitive*  
18          *ecosystems and damage to natural resources.*

19          “(d) *UPDATES AND AVAILABILITY.—(1) The Secretary*  
20          *of Defense shall annually update the inventory and site*  
21          *prioritization list to reflect new information that becomes*  
22          *available. The inventory shall be available in published and*  
23          *electronic form.*

24          “(2) *The Secretary of Defense shall work with adjacent*  
25          *communities to provide information concerning conditions*

1 *at the former military range and response activities, and*  
2 *shall respond to inquiries. At a minimum, the Secretary*  
3 *shall notify immediately affected individuals, appropriate*  
4 *State, local, tribal, and Federal officials, and, when appro-*  
5 *priate, civil defense or emergency management agencies.”.*

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

*“2710. Former military ranges: inventory of explosive risk sites; use of inventory;*  
*public safety issues.”.*

8 (b) *INITIAL INVENTORY.—The inventory required by*  
9 *section 2710 of title 10, United States Code, as added by*  
10 *subsection (a), shall be completed and made available not*  
11 *later than one year after the date of the enactment of this*  
12 *Act.*

13 **SEC. 312. NATIONAL SECURITY IMPACT STATEMENTS.**

14 (a) *EVALUATION OF NATIONAL SECURITY IMPACTS*  
15 *REQUIRED.—(1) Chapter 160 of title 10, United States*  
16 *Code, is amended by inserting after section 2710, as added*  
17 *by section 311, the following new section:*

18 **“§2711. Environmental impact statements and envi-**  
19 **ronmental assessments: evaluation of na-**  
20 **tional security impacts of proposed action**  
21 **and alternatives**

22 *“(a) AGENCY ACTION.—Whenever an environmental*  
23 *impact statement or environmental assessment is required*  
24 *under section 102 of the National Environmental Policy*

1 *Act of 1969 (42 U.S.C. 4332) to be prepared in connection*  
2 *with a proposed Department of Defense action, the Sec-*  
3 *retary of Defense shall include as a part of the environ-*  
4 *mental impact statement or environmental assessment a de-*  
5 *tailed evaluation of the impact of the proposed action, and*  
6 *each alternative to the proposed action considered in the*  
7 *statement or assessment, on national security, including the*  
8 *readiness, training, testing, and operations of the armed*  
9 *forces.*

10       “(b) *AGENCY INPUT.*—*The Secretary of Defense shall*  
11 *also include the evaluation required by subsection (a) in*  
12 *any input provided by the Department of Defense as a co-*  
13 *operating agency to a lead agency preparing an environ-*  
14 *mental impact statement or environmental assessment.”.*

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

“2711. *Environmental impact statements and environmental assessments: evalua-*  
*tion of national security impacts of proposed action and alter-*  
*natives.”.*

17       (b) *EFFECTIVE DATE.*—*Section 2711 of title 10,*  
18 *United States Code, as added by subsection (a), shall take*  
19 *effect on the date of the enactment of this Act and apply*  
20 *with respect to any environmental impact statement or en-*  
21 *vironmental assessment prepared by the Secretary of De-*  
22 *fense that has not been released in final form as of that*  
23 *date.*

1 **SEC. 313. REIMBURSEMENT FOR CERTAIN COSTS IN CON-**  
2 **NECTION WITH HOOPER SANDS SITE, SOUTH**  
3 **BERWICK, MAINE.**

4 *Using amounts authorized to be appropriated by sec-*  
5 *tion 301(15) for environmental restoration for the Navy,*  
6 *the Secretary of the Navy may pay \$1,005,478 to the Hoo-*  
7 *per Sands Special Account within the Hazardous Sub-*  
8 *stance Superfund established by section 9507 of the Internal*  
9 *Revenue Code of 1986 (26 U.S.C. 9507) to reimburse the*  
10 *Environmental Protection Agency in full for certain re-*  
11 *sponse costs incurred by the Environmental Protection*  
12 *Agency for actions taken pursuant to the Comprehensive*  
13 *Environmental Response, Compensation, and Liability Act*  
14 *of 1980 (42 U.S.C. 9601 et seq.) at the Hooper Sands site*  
15 *in South Berwick, Maine, pursuant to an interagency*  
16 *agreement entered into by the Department of the Navy and*  
17 *the Environmental Protection Agency in January 2001.*

18 **SEC. 314. RIVER MITIGATION STUDIES.**

19 *(a) PORT OF ORANGE, SABINE RIVER.—The Secretary*  
20 *of Defense may conduct a study regarding mitigation needs*  
21 *in connection with protruding structures and submerged ob-*  
22 *jects remaining from the World War II Navy ship building*  
23 *industry located at the former Navy installation in Orange,*  
24 *Texas, which create navigational hazards along the Sabine*  
25 *River and surrounding the Port of Orange.*

1           (b) *PHILADELPHIA NAVAL SHIPYARD, DELAWARE*  
2 *RIVER.*—*The Secretary of Defense may conduct a study re-*  
3 *garding mitigation needs in connection with floating and*  
4 *partially submerged debris possibly relating to the Philadel-*  
5 *phia Naval Shipyard in that portion of the Delaware River*  
6 *from Philadelphia to the mouth of the river which create*  
7 *navigational hazards along the river.*

8           (c) *USE OF EXISTING INFORMATION.*—*In conducting*  
9 *the studies authorized by this section, the Secretary shall*  
10 *take into account any information available from other*  
11 *studies conducted in connection with the same navigation*  
12 *channels.*

13           (d) *CONSULTATION.*—*The Secretary shall conduct the*  
14 *studies authorized by this section in consultation with ap-*  
15 *propriate State and local government entities and Federal*  
16 *agencies.*

17           (e) *REPORT ON STUDY RESULTS.*—*Not later than*  
18 *April 30, 2002, the Secretary of Defense shall submit to the*  
19 *Committee on Armed Services of the House of Representa-*  
20 *tives and the Committee on Armed Services of the Senate*  
21 *a report that summarizes the results of the studies conducted*  
22 *under this section.*

23           (f) *COST SHARING.*—*Nothing in this section is in-*  
24 *tended to require non-Federal cost sharing of the costs in-*

1 curred by the Secretary of Defense to conduct the studies  
2 authorized by this section.

3 (g) *REMOVAL AUTHORITY.*—Consistent with existing  
4 laws, using funds authorized to be appropriated for these  
5 purposes, and after providing notice to Congress, the Sec-  
6 retary of Defense may work with the other Federal, State,  
7 local, and private entities—

8 (1) to remove the protruding structures and sub-  
9 merged objects along the Sabine River and sur-  
10 rounding the Port of Orange that resulted from the  
11 abandonment of the ship building industry and Navy  
12 installation in Orange, Texas; and

13 (2) to remove floating and partially submerged  
14 debris in the portion of the Delaware River subject to  
15 the study under subsection (b).

16 (h) *RELATION TO OTHER LAWS AND AGREEMENTS.*—  
17 This section is not intended to modify any authorities pro-  
18 vided to the Secretary of the Army by the Water Resources  
19 Development Act of 1986 (33 U.S.C. 2201 et seq.), nor is  
20 it intended to modify any non-Federal cost-sharing respon-  
21 sibilities outlined in any local cooperation agreements.

1 **SEC. 315. ELIMINATION OF ANNUAL REPORT ON CON-**  
2 **TRACTOR REIMBURSEMENT FOR COSTS OF**  
3 **ENVIRONMENTAL RESPONSE ACTIONS.**

4 *Section 2706 of title 10, United States Code, is amend-*  
5 *ed by striking subsection (c).*

6 **Subtitle C—Commissaries and Non-**  
7 **appropriated Fund Instrumen-**  
8 **talities**

9 **SEC. 321. RESERVE COMPONENT COMMISSARY BENEFITS.**

10 *(a) ELIGIBILITY FOR COMMISSARY BENEFITS.—Sec-*  
11 *tion 1063 of title 10, United States Code, is amended—*

12 *(1) by striking subsection (a);*

13 *(2) by redesignating subsections (b) and (c) as*  
14 *subsections (d) and (e), respectively; and*

15 *(3) by inserting after the section heading the fol-*  
16 *lowing new subsections:*

17 *“(a) ELIGIBILITY.—Subject to subsection (c), the Sec-*  
18 *retary concerned shall authorize members of the Ready Re-*  
19 *serve described in subsection (b) to have 24 days of eligi-*  
20 *bility to use commissary stores of the Department of Defense*  
21 *for any calendar year.*

22 *“(b) COVERED MEMBERS.—Subsection (a) applies*  
23 *with respect to the following members of the Ready Reserve:*

24 *“(1) A member of the Selected Reserve who is*  
25 *satisfactorily participating in required training as*



1       *prescribed in section 10147(a)(1) of this title or sec-*  
 2       *tion 502(a) of title 32 in that calendar year.*

3               “(2) *A member of the Ready Reserve (other than*  
 4       *a member described in paragraph (1)) who satisfac-*  
 5       *torily completes 50 or more points credible under sec-*  
 6       *tion 12732(a)(2) of this title in that calendar year.*

7               “(c) *REDUCED NUMBER OF COMMISSARY VISITS FOR*  
 8       *NEW MEMBERS.—The number of commissary visits author-*  
 9       *ized for a member of the Selected Reserve described in sub-*  
 10       *section (b)(1) who enters the Selected Reserve after the be-*  
 11       *ginning of the calendar year shall be equal to twice the*  
 12       *number of full months remaining in the calendar year.”.*

13               “(b) *CLERICAL AMENDMENTS.—(1) The heading of such*  
 14       *section is amended to read as follows:*

15       **“§ 1063. Use of commissary stores: members of Ready**  
 16               **Reserve”.**

17               “(2) *The table of sections at the beginning of chapter*  
 18       *54 of such title is amended by striking the item relating*  
 19       *to section 1063 and inserting the following new item:*

      “1063. *Use of commissary stores: members of Ready Reserve.”.*

20       **SEC. 322. REIMBURSEMENT FOR NONCOMMISSARY USE OF**  
 21               **COMMISSARY FACILITIES.**

22               *Section 2685 of title 10, United States Code, is amend-*  
 23       *ed by adding at the end the following new subsection:*

24               “(f) *REIMBURSEMENT FOR NONCOMMISSARY USE OF*  
 25       *COMMISSARY FACILITIES.—(1) If the Secretary concerned*

1 *uses for noncommissary purposes a commissary facility*  
 2 *whose construction was financed (in whole or in part) using*  
 3 *the proceeds of adjustments or surcharges authorized by sub-*  
 4 *section (a) or revenues referred to in subsection (e), the Sec-*  
 5 *retary concerned shall reimburse the commissary surcharge*  
 6 *account for the depreciated value of the investment made*  
 7 *with such proceeds and revenues.*

8       “(2) *In paragraph (1), the term ‘construction’ has the*  
 9 *meaning given such term in subsection (d)(2).’.*”

10 **SEC. 323. CIVIL RECOVERY FOR NONAPPROPRIATED FUND**

11                   **INSTRUMENTALITY COSTS RELATED TO**  
 12                   **SHOPLIFTING.**

13       *Section 3701(b)(1)(B) of title 31, United States Code,*  
 14 *is amended by inserting before the comma at the end the*  
 15 *following: “, including actual and administrative costs re-*  
 16 *lated to shoplifting, theft detection, and theft prevention”.*

17       ***Subtitle D—Workforce and Depot***  
 18                   ***Issues***

19 **SEC. 331. FISCAL YEAR 2002 LIMITATIONS ON WORKFORCE**  
 20                   **REVIEWS.**

21       (a) **WORKFORCE REVIEW DEFINED.**—*In this section,*  
 22 *the term “workforce review” has the meaning given the term*  
 23 *in section 2461a(a) of title 10, United States Code.*

24       (b) **LIMITED NUMBER OF FULL-TIME EQUIVALENT**  
 25 **POSITIONS REVIEWED.**—*During fiscal year 2002, the total*

1 *number of full-time equivalent positions considered for pos-*  
2 *sible change to performance by the private sector through*  
3 *the performance of a workforce review may not exceed the*  
4 *following:*

5           (1) *328, in the case of full-time equivalent posi-*  
6 *tions for civilian employees of the Department of the*  
7 *Army;*

8           (2) *453, in the case of full-time equivalent posi-*  
9 *tions for civilian employees of the Department of the*  
10 *Navy;*

11           (3) *936, in the case of full-time equivalent posi-*  
12 *tions for civilian employees of the Department of the*  
13 *Air Force; and*

14           (4) *1,336, in the case of full-time equivalent po-*  
15 *sitions for civilian employees of the Department of*  
16 *Defense, other than civilian employees of a military*  
17 *department.*

18           (c) *ADDITIONAL LIMITATION.—None of the full-time*  
19 *equivalent positions for civilian employees of the Depart-*  
20 *ment of the Navy that may be considered in a workforce*  
21 *review during fiscal year 2002 may involve civilian em-*  
22 *ployees who perform functions on behalf of the Marine*  
23 *Corps.*

1 **SEC. 332. APPLICABILITY OF CORE LOGISTICS CAPABILITY**  
2 **REQUIREMENTS TO NUCLEAR AIRCRAFT CAR-**  
3 **RIERS.**

4 *Section 2464(a)(3) of title 10, United States Code, is*  
5 *amended by striking “nuclear aircraft carriers” and insert-*  
6 *ing “nuclear refueling of aircraft carriers”.*

7 **SEC. 333. CONTINUATION OF CONTRACTOR MANPOWER RE-**  
8 **PORTING SYSTEM IN DEPARTMENT OF THE**  
9 **ARMY.**

10 *Section 343 of the National Defense Authorization Act*  
11 *for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 569)*  
12 *is amended—*

13 *(1) by striking subsection (a) and inserting the*  
14 *following new subsection (a):*

15 *“(a) REPORTING REQUIREMENT FOR DEPARTMENT OF*  
16 *THE ARMY.—(1) Not later than March 1 of each fiscal year,*  
17 *the Secretary of the Army shall submit to Congress a report*  
18 *describing the use during the previous fiscal year of non-*  
19 *Federal entities to provide services to the Department of the*  
20 *Army.*

21 *“(2) The data collection required to prepare the report*  
22 *is deemed to be in compliance with the requirements of*  
23 *chapter 35 of title 44, United States Code, commonly known*  
24 *as the Paperwork Reduction Act.*

1       “(3) *The report required by this section is needed to*  
2 *comply with sections 115a and 129a of title 10, United*  
3 *States Code, and is not a procurement action.*”;

4           (2) *by striking “Department of Defense” each*  
5 *place it appears and inserting “Department of the*  
6 *Army”;* and

7           (3) *by adding at the end the following new sub-*  
8 *section:*

9       “(d) *GAO EVALUATION.—Not later than 60 days after*  
10 *the Secretary submits to Congress the report required under*  
11 *subsection (a) for a fiscal year, the Comptroller General*  
12 *shall submit to Congress an evaluation of the report.*”.

13 **SEC. 334. LIMITATION ON EXPANSION OF WHOLESALE LO-**  
14 **GISTICS MODERNIZATION PROGRAM.**

15       (a) *LIMITATION.—The Secretary of the Army may not*  
16 *authorize the expansion of the Wholesale Logistics Mod-*  
17 *ernization Program beyond the original legacy systems in-*  
18 *cluded in the scope of the contract awarded in December*  
19 *1999 until the Secretary certifies to Congress that the origi-*  
20 *nal legacy systems have been successfully replaced.*

21       (b) *GAO EVALUATION.—Not later than 60 days after*  
22 *the Secretary of the Army submits to Congress the certifi-*  
23 *cation required under subsection (a), the Comptroller Gen-*  
24 *eral shall submit to Congress an evaluation of the certifi-*  
25 *cation.*

1 **SEC. 335. PILOT PROJECT FOR EXCLUSION OF CERTAIN EX-**  
2 **PENDITURES FROM LIMITATION ON PRIVATE**  
3 **SECTOR PERFORMANCE OF DEPOT-LEVEL**  
4 **MAINTENANCE.**

5 *Section 2474 of title 10, United States Code, is amend-*  
6 *ed by adding at the end the following new subsection:*

7 *“(g) PILOT PROJECT FOR THE EXCLUSION OF CER-*  
8 *TAIN EXPENDITURES FROM LIMITATION ON PRIVATE SEC-*  
9 *TOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.—*

10 *“(1) AMOUNTS EXCLUDED.—Amounts expended*  
11 *out of funds described in paragraph (2) for the per-*  
12 *formance of a depot-level maintenance and repair*  
13 *workload by non-Federal Government personnel at a*  
14 *Center of Industrial and Technical Excellence named*  
15 *in paragraph (4) shall not be counted for the purposes*  
16 *of section 2466(a) of this title if the personnel are*  
17 *provided by private industry pursuant to a public-*  
18 *private partnership undertaken by the Center under*  
19 *subsection (b).*

20 *“(2) FUNDS FOR FISCAL YEARS 2002 THROUGH*  
21 *2006.—The funds referred to in paragraph (1) are*  
22 *funds available to the Air Force for depot-level main-*  
23 *tenance and repair workloads for fiscal year 2002,*  
24 *2003, 2004, 2005, or 2006, and shall not exceed 10*  
25 *percent of the total funds available in any single*  
26 *year.*

1           “(3) *REPORTING REQUIREMENTS.*—*All funds*  
2 *covered by paragraph (1) shall be included as a sepa-*  
3 *rate item in the reports required under paragraphs*  
4 *(1), (2), and (3) of section 2466(e) of this title.*

5           “(4) *COVERED CENTERS.*—(A) *The Centers of In-*  
6 *dustrial and Technical Excellence referred to in para-*  
7 *graph (1) are the following:*

8                   “(i) *Oklahoma City Air Logistics Center,*  
9 *Oklahoma.*

10                   “(ii) *Ogden Air Logistics Center, Utah.*

11                   “(iii) *Warner-Robins Air Logistics Center,*  
12 *Georgia.*

13           “(B) *The Secretary of the Air Force shall des-*  
14 *ignate as a Center of Industrial and Technical Excel-*  
15 *lence under this section any of the air logistics centers*  
16 *named in subparagraph (A) that have not previously*  
17 *been so designated and shall specify the core com-*  
18 *petencies for which the designation is made.”.*

19 **SEC. 336. PROTECTIONS FOR PURCHASERS OF ARTICLES**  
20 **AND SERVICES MANUFACTURED OR PER-**  
21 **FORMED BY WORKING-CAPITAL FUNDED IN-**  
22 **DUSTRIAL FACILITIES OF THE DEPARTMENT**  
23 **OF DEFENSE..**

24           (a) *GENERAL RULE.*—*Section 2563(c) of title 10,*  
25 *United States Code, is amended—*

1           (1) *in paragraph (1)(B), by striking “in any*  
 2           *case of willful misconduct or gross negligence” and*  
 3           *inserting “as provided in paragraph (3)”;* and

4           (2) *by adding at the end the following new para-*  
 5           *graph:*

6           “(3) *Paragraph (1)(B) does not apply in any case of*  
 7           *willful misconduct or gross negligence or in the case of a*  
 8           *claim by a purchaser of articles or services under this sec-*  
 9           *tion that damages or injury arose from the failure of the*  
 10           *Government to comply with quality, schedule, or cost per-*  
 11           *formance requirements in the contract to provide the arti-*  
 12           *cles or services.”.*

13           (b)           CONFORMING           AMENDMENT.—*Section*  
 14           *2474(e)(2)(B)(i) of such title is amended by striking “in*  
 15           *a case of willful conduct or gross negligence” and inserting*  
 16           *“under the circumstances described in section 2563(c)(3) of*  
 17           *this title”.*

18           ***Subtitle E—Defense Dependents***  
 19           ***Education***

20           ***SEC. 341. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES***  
 21           ***THAT BENEFIT DEPENDENTS OF MEMBERS***  
 22           ***OF THE ARMED FORCES AND DEPARTMENT***  
 23           ***OF DEFENSE CIVILIAN EMPLOYEES.***

24           (a) *EDUCATIONAL AGENCIES ASSISTANCE.—Of the*  
 25           *amount authorized to be appropriated by section 301(5) for*



1 *operation and maintenance for Defense-wide activities,*  
2 *\$30,000,000 shall be available only for the purpose of pro-*  
3 *viding educational agencies assistance to local educational*  
4 *agencies.*

5 (b) *NOTIFICATION.*—*Not later than June 30, 2002, the*  
6 *Secretary of Defense shall notify each local educational*  
7 *agency that is eligible for educational agencies assistance*  
8 *for fiscal year 2002 of—*

9 (1) *that agency’s eligibility for educational agen-*  
10 *cies assistance; and*

11 (2) *the amount of the educational agencies assist-*  
12 *ance for which that agency is eligible.*

13 (c) *DISBURSEMENT OF FUNDS.*—*The Secretary of De-*  
14 *fense shall disburse funds made available under subsection*  
15 *(a) not later than 30 days after the date on which notifica-*  
16 *tion to the eligible local educational agencies is provided*  
17 *pursuant to subsection (b).*

18 (d) *DEFINITIONS.*—*In this section:*

19 (1) *The term “educational agencies assistance”*  
20 *means assistance authorized under section 386(b) of*  
21 *the National Defense Authorization Act for Fiscal*  
22 *Year 1993 (Public Law 102–484; 20 U.S.C. 7703*  
23 *note).*

24 (2) *The term “local educational agency” has the*  
25 *meaning given that term in section 8013(9) of the EL-*

1        *ementary and Secondary Education Act of 1965 (20*  
2        *U.S.C. 7713(9)).*

3        **SEC. 342. AVAILABILITY OF AUXILIARY SERVICES OF DE-**  
4                                **FENSE DEPENDENTS' EDUCATION SYSTEM**  
5                                **FOR DEPENDENTS WHO ARE HOME SCHOOL**  
6                                **STUDENTS.**

7        *Section 1407 of the Defense Dependents' Education Act*  
8        *of 1978 (20 U.S.C. 926) is amended—*

9                                *(1) by redesignating subsection (d) as subsection*  
10                                *(e); and*

11                                *(2) by inserting after subsection (c) the following*  
12                                *new subsection:*

13                                *“(d) AUXILIARY SERVICES AVAILABLE TO HOME*  
14        *SCHOOL STUDENTS.—(1) A dependent who is educated in*  
15        *a home school setting, but who is eligible to enroll in a*  
16        *school of the defense dependents' education system, shall be*  
17        *permitted to use or receive auxiliary services of that school*  
18        *without being required to either enroll in that school or reg-*  
19        *ister for a minimum number of courses offered by that*  
20        *school. The dependent may be required to satisfy other eligi-*  
21        *bility requirements applicable to students actually enrolled*  
22        *in that school who use or receive the same auxiliary services.*

23                                *“(2) For purposes of paragraph (1), the term ‘auxil-*  
24        *iary services’ includes registration in individual courses,*  
25        *use of academic resources, access to the library of the school,*

1 *after hours use of school facilities, and participation in*  
2 *music, sports, and other extracurricular and interscholastic*  
3 *activities.”.*

4 **SEC. 343. REPORT REGARDING COMPENSATION FOR TEACH-**  
5 **ERS EMPLOYED IN TEACHING POSITIONS IN**  
6 **OVERSEAS SCHOOLS OPERATED BY THE DE-**  
7 **PARTMENT OF DEFENSE.**

8 *Not later than 180 days after the date of the enactment*  
9 *of this Act, the Secretary of Defense shall submit to Congress*  
10 *a report evaluating the method currently used by the Sec-*  
11 *retary to fix the basic compensation for teachers and teach-*  
12 *ing positions in the Department of Defense under the De-*  
13 *fense Department Overseas Teachers Pay and Personnel*  
14 *Practices Act (20 U.S.C. 901 et seq.). The report shall in-*  
15 *clude the recommendations of the Secretary regarding a*  
16 *proposal to increase such compensation to reflect the aver-*  
17 *age of the range of rates of basic compensation for similar*  
18 *teaching positions of a comparable level of duties and re-*  
19 *sponsibilities for teachers employed in public schools in the*  
20 *District of Columbia metropolitan area, which includes the*  
21 *District of Columbia Public Schools, Arlington Public*  
22 *Schools, Alexandria City Public Schools, Fairfax County*  
23 *Public Schools, Montgomery County Public Schools, and*  
24 *Prince George’s County Public Schools.*

1                   **Subtitle F—Other Matters**

2   **SEC. 351. AVAILABILITY OF EXCESS DEFENSE PERSONAL**  
3                   **PROPERTY TO SUPPORT DEPARTMENT OF**  
4                   **VETERANS AFFAIRS INITIATIVE TO ASSIST**  
5                   **HOMELESS VETERANS.**

6           (a) *TRANSFER AUTHORITY.*—Section 2557(a) of title  
7 10, United States Code, is amended—

8                   (1) by striking “The Secretary” and inserting  
9                   “(1) The Secretary”; and

10                   (2) by adding at the end the following new para-  
11 graph:

12                   “(2) The Secretary of Defense may make excess cloth-  
13 ing, shoes, sleeping bags, and related nonlethal excess sup-  
14 plies available to the Secretary of Veterans Affairs for dis-  
15 tribution to homeless veterans and programs assisting  
16 homeless veterans. The transfer of nonlethal excess supplies  
17 to the Secretary of Veterans Affairs under this paragraph  
18 shall be without reimbursement.”.

19           (b) *CLERICAL AMENDMENTS.*—(1) The heading of such  
20 section is amended to read as follows:

1 **“§2557. Excess nonlethal supplies: availability for**  
2 **homeless veteran initiatives and humani-**  
3 **tarian relief”.**

4 (2) *The table of sections at the beginning of chapter*  
5 *152 of such title is amended by striking the item relating*  
6 *to section 2557 and inserting the following new item:*

*“2557. Excess nonlethal supplies: availability for homeless veteran initiatives and humanitarian relief.”.*

7 **SEC. 352. CONTINUATION OF LIMITATIONS ON IMPLEMEN-**  
8 **TATION OF NAVY-MARINE CORPS INTRANET**  
9 **CONTRACT.**

10 (a) *EXCLUSION OF MARINE CORPS.—Subsection (c) of*  
11 *section 814 of the Floyd D. Spence National Defense Au-*  
12 *thorization Act for Fiscal Year 2001 (as enacted by Public*  
13 *Law 106–398; 114 Stat. 1654A–215) is amended—*

14 (1) *by striking “PROHIBITION ON INCREASE OF*  
15 *RATES CHARGED.—” and inserting “PROHIBI-*  
16 *TIONS.—(1)”;*

17 (2) *by striking “fiscal year 2001” and inserting*  
18 *“fiscal year 2002”; and*

19 (3) *by adding at the end the following new para-*  
20 *graph:*

21 *“(2) The Navy Intranet contract may not include any*  
22 *activities of the Marine Corps.”.*

23 (b) *LIMITATION ON PHASED IMPLEMENTATION.—Sub-*  
24 *section (b)(4) of such section is amended—*

1           (1) by striking “fiscal year 2001” both places it  
2           appears and inserting “fiscal year 2002”; and

3           (2) by striking “Marine Corps, the naval ship-  
4           yards, or” both places it appears and inserting  
5           “naval shipyards or”.

6 **SEC. 353. COMPLETION AND EVALUATION OF CURRENT**  
7           **DEMONSTRATION PROGRAMS TO IMPROVE**  
8           **QUALITY OF PERSONAL PROPERTY SHIP-**  
9           **MENTS OF MEMBERS.**

10          (a) *COMPLETION.*—The Secretary of Defense shall con-  
11          duct to completion all demonstration programs in the De-  
12          partment of Defense that were designed to improve the  
13          movement of household goods of members of the Armed  
14          Forces and were being conducted or authorized as of October  
15          1, 2000,

16          (b) *EVALUATION.*—Not later than August 31, 2002, the  
17          Secretary of Defense shall submit to Congress a report eval-  
18          uating whether the demonstration programs referred to in  
19          subsection (a), as implemented, satisfy the goals (as con-  
20          tained in the General Accounting Report NSIAD 97-49)  
21          for such demonstration programs previously agreed upon  
22          between the Department of Defense and representatives of  
23          private sector entities involved in the transportation of  
24          household goods for members of the Armed Forces.

1           (c) *INTERIM REPORTS.*—Not later than January 15,  
2 2002, and April 15, 2002, the Secretary shall submit to  
3 Congress interim reports regarding the progress of the dem-  
4 onstration programs referred to in subsection (a).

5 **SEC. 354. EXPANSION OF ENTITIES ELIGIBLE FOR LOAN,**  
6                   **GIFT, AND EXCHANGE OF DOCUMENTS, HIS-**  
7                   **TORICAL ARTIFACTS, AND OBSOLETE COM-**  
8                   **BAT MATERIEL.**

9           Section 2572(a)(1) of title 10, United States Code, is  
10 amended by inserting before the period at the end the fol-  
11 lowing: “, county, or other political subdivision of a State”.

12           **Subtitle G—Service Contracting**  
13                   **Reform**

14 **SEC. 361. SHORT TITLE.**

15           This subtitle may be cited as the “Department of De-  
16 fense Service Contracting Reform Act of 2001”.

17 **SEC. 362. REQUIRED COST SAVINGS LEVEL FOR CHANGE OF**  
18                   **FUNCTION TO CONTRACTOR PERFORMANCE.**

19           Section 2461(b) of title 10, United States Code, is  
20 amended by adding at the end the following new paragraph:

21           “(5)(A) A commercial or industrial type function of  
22 the Department of Defense may not be changed to perform-  
23 ance by the private sector unless, as a result of the cost com-  
24 parison examination required under paragraph (3)(A), that  
25 employed the most efficient organization process described

1 *in Office of Management and Budget Circular A-76 or any*  
2 *successor administrative regulation or policy, at least a 10-*  
3 *percent cost savings would be achieved by performance of*  
4 *the function by the private sector over the term of the con-*  
5 *tract.*

6       “(B) *The cost savings requirement specified in sub-*  
7 *paragraph (A) does not apply to any contracts for special*  
8 *studies and analyses, construction services, architectural*  
9 *services, engineering services, medical services, scientific*  
10 *and technical services related to (but not in support of) re-*  
11 *search and development, and depot-level maintenance and*  
12 *repair services.*

13       “(C) *The Secretary of Defense may waive the cost sav-*  
14 *ings requirement if—*

15               “(i) *the written waiver is prepared by the Sec-*  
16 *retary of Defense, or the relevant Assistant Secretary*  
17 *or agency head; and*

18               “(ii) *the written waiver is accompanied by a de-*  
19 *tailed determination that national security interests*  
20 *are so compelling as to preclude compliance with the*  
21 *requirement for a cost comparison examination.*

22       “(D) *The Secretary of Defense shall publish a copy of*  
23 *the waiver in the Federal Register.”.*



1 **SEC. 363. APPLICABILITY OF STUDY AND REPORTING RE-**  
2 **QUIREMENTS TO NEW COMMERCIAL OR IN-**  
3 **DUSTRIAL TYPE FUNCTIONS.**

4 (a) *NEW FUNCTIONS.*—Section 2461(a) of title 10,  
5 *United States Code, is amended—*

6 (1) *by striking “CHANGE IN PERFORMANCE.—”*  
7 *and inserting “CHANGE IN OR INITIATION OF PER-*  
8 *FORMANCE.—(1)”*; and

9 (2) *by adding at the end the following new para-*  
10 *graphs:*

11 “(2) *In the case of a commercial or industrial type*  
12 *function of the Department of Defense not previously per-*  
13 *formed by Department of Defense civilian employees or a*  
14 *contractor, the performance of the function by the private*  
15 *sector may not be initiated until—*

16 “(A) *the Secretary of Defense conducts a cost*  
17 *comparison examination that employs the most effi-*  
18 *cient organization process described in Office of Man-*  
19 *agement and Budget Circular A-76, and its supple-*  
20 *mental handbook or any successor administrative reg-*  
21 *ulation or policy; and*

22 “(B) *a determination is made that performance*  
23 *of the function by the private sector would be less*  
24 *costly over the term of the contract than performance*  
25 *by Department of Defense civilian employees during*  
26 *that same period.*

1       “(3) *This subsection does not apply to the following*  
2 *contracts:*

3               “(A) *A contract between the Department of De-*  
4 *fense and the private sector for work with a contract*  
5 *value of less than \$1,000,000 so long as the work was*  
6 *not divided, modified, or in any way changed for the*  
7 *purpose of avoiding the requirements of this section.*

8               “(B) *A contract for special studies and analyses,*  
9 *construction services, architectural services, engineer-*  
10 *ing services, medical services, scientific and technical*  
11 *services related to (but not in support of) research*  
12 *and development, and depot-level maintenance and*  
13 *repair services.*

14       “(4) *The Secretary of Defense may waive the applica-*  
15 *bility of this section if—*

16               “(A) *the written waiver is prepared by the Sec-*  
17 *retary of Defense, or the relevant Assistant Secretary*  
18 *or agency head; and*

19               “(B) *the written waiver is accompanied by a de-*  
20 *tailed determination that—*

21                       “(i) *there is no reasonable expectation that*  
22 *civilian employees would win a public-private*  
23 *competition for the function; and*

24                       “(ii) *the issuance of a waiver would not*  
25 *serve to reduce significantly the level of or qual-*

1            *ity of competition in the future award or per-*  
2            *formance of work.*

3            *“(5) The Secretary of Defense shall publish a copy of*  
4            *the waiver in the Federal Register.”.*

5            *(b) MINIMAL LEVELS OF PUBLIC-PRIVATE COMPETI-*  
6            *TION FOR NEW WORK.—(1) Notwithstanding the use of the*  
7            *waiver authority provided in section 2461 of title 10,*  
8            *United States Code, as amended by this section, not less*  
9            *than the percentage specified in paragraph (2) of the total*  
10           *dollars expended during a specified fiscal year for the per-*  
11           *formance by contractors of commercial or industrial type*  
12           *functions of the Department of Defense not previously per-*  
13           *formed by Department of Defense civilian employees or the*  
14           *private sector (that are not otherwise exempt from compari-*  
15           *son under such section) shall be expended for service con-*  
16           *tracts that are awarded after the completion of cost com-*  
17           *parison examinations.*

18           *(2) The requirements of paragraph (1) apply as fol-*  
19           *lows:*

20           *(A) Not less than 10 percent, for fiscal year*  
21           *2003.*

22           *(B) Not less than 20 percent, for fiscal year*  
23           *2004.*

24           *(C) Not less than 30 percent, for fiscal year*  
25           *2005.*

1           (c) *CLERICAL AMENDMENTS.*—(1) *The heading of such*  
 2 *section 2461 is amended to read as follows:*

3           “**§2461. Commercial or industrial type functions: re-**  
 4                           **quired studies and reports before conver-**  
 5                           **sion to, or initiation of, contractor or ci-**  
 6                           **vilian employee performance”.**

7           (2) *The item relating to such section in the table of*  
 8 *sections at the beginning of chapter 146 of title 10, United*  
 9 *States Code, is amended to read as follows:*

“2461. *Commercial or industrial type functions: required studies and reports be-*  
*fore conversion to, or initiation of, contractor or civilian em-*  
*ployee performance.”.*

10   **SEC. 364. REPEAL OF WAIVER FOR SMALL FUNCTIONS.**

11           *Section 2461 of title 10, United States Code, is amend-*  
 12 *ed by striking subsection (d).*

13   **SEC. 365. REQUIREMENT FOR EQUITY IN PUBLIC-PRIVATE**  
 14                           **COMPETITIONS.**

15           *Section 2461 of title 10, United States Code, is amend-*  
 16 *ed by inserting after subsection (c) the following new sub-*  
 17 *section:*

18           “(d) *EQUITY IN PUBLIC-PRIVATE COMPETITION.*—(1)  
 19 *For any fiscal year in which commercial or industrial type*  
 20 *functions of the Department of Defense performed by De-*  
 21 *partment of Defense civilian employees are studied for pos-*  
 22 *sible change to private sector performance, the Secretary of*  
 23 *Defense shall subject approximately the same number of po-*  
 24 *sitions held by non-Federal employees under contracts with*

1 *the Department of Defense to the same cost comparison ex-*  
2 *amination described in subsection (b)(3), subject to the com-*  
3 *pletion of the terms of those contracts.*

4       “(2) *To the extent possible, the Secretary of Defense*  
5 *should, in complying with this subsection, select those con-*  
6 *tract positions held by non-Federal employees under con-*  
7 *tracts with the Department of Defense that are associated*  
8 *with commercial or industrial type functions that are, or*  
9 *have been, performed at least in part by Department of De-*  
10 *fense civilian employees at any time on or after October*  
11 *1, 1980.*

12       “(3) *Notwithstanding any limitation on the number*  
13 *of Department of Defense civilian employees established by*  
14 *law, regulation, or policy, the Department of Defense may*  
15 *continue to employ, or may hire, such civilian employees*  
16 *as are necessary to perform functions acquired through the*  
17 *public-private competitions required by this subsection or*  
18 *any other provision of this section.”.*

19 **SEC. 366. REPORTING REQUIREMENTS REGARDING DE-**  
20 **PARTMENT OF DEFENSE’S SERVICE CON-**  
21 **TRACTOR WORKFORCE.**

22       (a) *IMPOSITION OF REPORTING REQUIREMENT.—(1)*  
23 *Chapter 146 of title 10, United States Code, is amended*  
24 *by inserting after section 2461a the following new section:*

1 **“§2461b. Use of private sector to perform commercial**  
2 **or industrial type function: contractor re-**  
3 **porting requirements**

4 “(a) *DEFINITIONS.—In this section:*

5 “(1) *CONTRACTOR.—The term ‘contractor’ in-*  
6 *cludes a subcontractor.*

7 “(2) *SECRETARY CONCERNED.—The term ‘Sec-*  
8 *retary concerned’ includes the Secretary of Defense*  
9 *with respect to matters concerning the Defense Agen-*  
10 *cies.*

11 “(b) *GENERAL REPORTING REQUIREMENT.—The Sec-*  
12 *retary concerned shall require each defense contractor to re-*  
13 *port to secure websites established and maintained by the*  
14 *Defense Agencies and military departments the same con-*  
15 *tractor direct and indirect manhour and cost information*  
16 *collected by the Department of the Army pursuant to part*  
17 *668 of title 32, Code of Federal Regulations, as in effect*  
18 *on December 26, 2000, in terms of functions performed, ap-*  
19 *propriations funding the contract, and identification of the*  
20 *subordinate organizational elements within the Defense*  
21 *Agency or military department directly overseeing the con-*  
22 *tractor performance. The indirect information reported*  
23 *may comprise annualized rates for an entire company,*  
24 *which are not apportioned by specific contracts.*

25 “(c) *ASSIGNMENT OF REPORTING RESPONSIBILITY.—*  
26 *The Defense Agency or military department containing the*

1 *major organizational element receiving or reviewing the*  
2 *work performed by a defense contractor shall be responsible*  
3 *for collecting the data required by this section, even where*  
4 *all or part of the contracted work is funded by appropria-*  
5 *tions not controlled by the Secretary concerned. If the De-*  
6 *fense Agency or military department containing the major*  
7 *organizational element receiving or reviewing the work per-*  
8 *formed by the contractor is different from the Defense Agen-*  
9 *cy or military department containing the contracting activ-*  
10 *ity, the Secretary concerned shall ensure that the contractor*  
11 *reports the required information to the Defense Agency or*  
12 *military department containing the major organizational*  
13 *element receiving or reviewing the work performed by the*  
14 *contractor.*

15       “(d) *TIMING OF CONTRACTOR REPORTING TO ASSURE*  
16 *DATA QUALITY.—The Secretary concerned shall require*  
17 *contractors to report the information described in sub-*  
18 *section (c) to the secure web-site contemporaneous with sub-*  
19 *mission of a request for payment (for example, voucher, in-*  
20 *voice, or request for progress payment) or not later than*  
21 *quarterly.*

22       “(e) *CONTRACT REQUIREMENT EFFECTIVE DATE.—*  
23 *The Secretary concerned shall include the reporting require-*  
24 *ment described in this section in each contract solicitation*  
25 *issued, contract awarded, and bilateral modification of an*

1 *existing contract executed, by the Secretary concerned after*  
2 *October 1, 2001.*

3       “(f) *CONTRACTOR SELF-EXEMPTION.—The Secretary*  
4 *concerned shall exempt a contractor from the data collection*  
5 *requirement imposed by this section if the contractor cer-*  
6 *tifies in writing that the contractor does not have an inter-*  
7 *nal system for aggregating billable hours in the direct or*  
8 *indirect pools, or an internal payroll accounting system,*  
9 *and does not otherwise have to ever provide this information*  
10 *to the Government. A contractor may not claim an exemp-*  
11 *tion on the sole basis that the contractor is a foreign con-*  
12 *tractor, that services are provided pursuant to a firm fixed*  
13 *price or time and materials contract or similar instrument,*  
14 *that the payroll system of the contractor is performed by*  
15 *another person, or that the contractor has too many sub-*  
16 *contractors. The validity of this certification is the only re-*  
17 *quirement in this section subject to audit and verification*  
18 *by the Secretary concerned.*

19       “(g) *REPORT TO CONGRESS AND COMPTROLLER GEN-*  
20 *ERAL ACTIONS.—The Secretary concerned shall submit the*  
21 *information collected under subsection (c) to Congress not*  
22 *later than October 1 of each year for the prior fiscal year.*  
23 *Not later than April 1 of each year, the Comptroller General*  
24 *will review the information submitted for the prior fiscal*  
25 *year to assess compliance with this section and the effective-*



1 *ness of Department of Defense initiatives to integrate this*  
 2 *information into its budgeting process.*

3       “(h) *PUBLICATION OF REPORTS.*—*After completion of*  
 4 *the Comptroller General review under subsection (h), the*  
 5 *Secretary concerned shall take steps to make the nonpropri-*  
 6 *etary compilations of the data public on web sites, using*  
 7 *the publication standard expressed by the Department of*  
 8 *the Army in part 668 of title 32, Code of Federal Regula-*  
 9 *tions.”.*

10       (2) *The table of sections at the beginning of such chap-*  
 11 *ter is amended by inserting after the item relating to section*  
 12 *2461a the following new item:*

*“2461b. Use of private sector to perform commercial or industrial type function:  
 contractor reporting requirements.”.*

13       (b) *EFFECTIVE DATE.*—*Section 2461b of title 10,*  
 14 *United States Code, as added by subsection (a), shall take*  
 15 *effect on October 1, 2001.*

16 **TITLE IV—MILITARY PERSONNEL**  
 17 **AUTHORIZATIONS**

18 **Subtitle A—Active Forces**

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

20       *The Armed Forces are authorized strengths for active*  
 21 *duty personnel as of September 30, 2002, as follows:*

22               (1) *The Army, 480,000.*

23               (2) *The Navy, 376,000.*

24               (3) *The Marine Corps, 172,600.*

1           (4) *The Air Force, 358,800.*

2   **SEC. 402. REVISION IN PERMANENT END STRENGTH MIN-**  
3                           **IMUM LEVELS.**

4           (a) *REVISED END STRENGTH FLOORS.*—Section  
5   691(b) of title 10, United States Code, is amended—

6                   (1) *in paragraph (2), by striking “372,000” and*  
7                   *inserting “376,000”; and*

8                   (2) *in paragraph (4), by striking “357,000” and*  
9                   *inserting “358,800”.*

10          (b) *EFFECTIVE DATE.*—The amendments made by sub-  
11   section (a) shall take effect on October 1, 2001, or the date  
12   of the enactment of this Act, whichever is later.

13                           **Subtitle B—Reserve Forces**

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

15          (a) *IN GENERAL.*—The Armed Forces are authorized  
16   strengths for Selected Reserve personnel of the reserve com-  
17   ponents as of September 30, 2002, as follows:

18                   (1) *The Army National Guard of the United*  
19                   *States, 350,000.*

20                   (2) *The Army Reserve, 205,000.*

21                   (3) *The Naval Reserve, 87,000.*

22                   (4) *The Marine Corps Reserve, 39,558.*

23                   (5) *The Air National Guard of the United*  
24                   *States, 108,400.*

25                   (6) *The Air Force Reserve, 74,700.*

1           (7) *The Coast Guard Reserve, 8,000.*

2           (b) *ADJUSTMENTS.—The end strengths prescribed by*  
3 *subsection (a) for the Selected Reserve of any reserve compo-*  
4 *nent shall be proportionately reduced by—*

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

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

15 *Whenever such units or such individual members are re-*  
16 *leased from active duty during any fiscal year, the end*  
17 *strength prescribed for such fiscal year for the Selected Re-*  
18 *serve of such reserve component shall be proportionately in-*  
19 *creased by the total authorized strengths of such units and*  
20 *by the total number of such individual members.*

21 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**  
22 **DUTY IN SUPPORT OF THE RESERVES.**

23           *Within the end strengths prescribed in section 411(a),*  
24 *the reserve components of the Armed Forces are authorized,*  
25 *as of September 30, 2002, the following number of Reserves*

1 *to be serving on full-time active duty or full-time duty, in*  
2 *the case of members of the National Guard, for the purpose*  
3 *of organizing, administering, recruiting, instructing, or*  
4 *training the reserve components:*

5 (1) *The Army National Guard of the United*  
6 *States, 22,974.*

7 (2) *The Army Reserve, 13,108.*

8 (3) *The Naval Reserve, 14,811.*

9 (4) *The Marine Corps Reserve, 2,261.*

10 (5) *The Air National Guard of the United*  
11 *States, 11,591.*

12 (6) *The Air Force Reserve, 1,437.*

13 **SEC. 413. END STRENGTHS FOR MILITARY**  
14 **TECHNICIANS (DUAL STATUS).**

15 *The minimum number of military technicians (dual*  
16 *status) as of the last day of fiscal year 2002 for the reserve*  
17 *components of the Army and the Air Force (notwith-*  
18 *standing section 129 of title 10, United States Code) shall*  
19 *be the following:*

20 (1) *For the Army National Guard of the*  
21 *United States, 23,128.*

22 (2) *For the Army Reserve, 5,999.*

23 (3) *For the Air National Guard of the*  
24 *United States, 22,422.*

25 (4) *For the Air Force Reserve, 9,818.*

1 **SEC. 414. FISCAL YEAR 2002 LIMITATION ON NON-DUAL STA-**  
2 **TUS TECHNICIANS.**

3 (a) *LIMITATION.*—*The number of non-dual status tech-*  
4 *nicians employed by the reserve components of the Army*  
5 *and the Air Force as of September 30, 2002, may not exceed*  
6 *the following:*

7 (1) *For the Army Reserve, 1,095.*

8 (2) *For the Army National Guard of the United*  
9 *States, 1,600.*

10 (3) *For the Air Force Reserve, 90.*

11 (4) *For the Air National Guard of the United*  
12 *States, 350.*

13 (b) *NON-DUAL STATUS TECHNICIANS DEFINED.*—*In*  
14 *this section, the term “non-dual status technician” has the*  
15 *meaning given that term in section 10217(a) of title 10,*  
16 *United States Code.*

17 **SEC. 415. LIMITATIONS ON NUMBERS OF RESERVE PER-**  
18 **SONNEL SERVING ON ACTIVE DUTY OR FULL-**  
19 **TIME NATIONAL GUARD DUTY IN CERTAIN**  
20 **GRADES FOR ADMINISTRATION OF RESERVE**  
21 **COMPONENTS.**

22 (a) *OFFICERS.*—*The text of section 12011 of title 10,*  
23 *United States Code, is amended to read as follows:*

24 “(a) *LIMITATIONS.*—(1) *Of the total number of mem-*  
25 *bers of a reserve component who are serving on full-time*  
26 *reserve component duty at the end of any fiscal year, the*

- 1 number of those members who may be serving in each of
- 2 the grades of major, lieutenant colonel, and colonel may not,
- 3 as of the end of that fiscal year, exceed the number deter-
- 4 mined in accordance with the following table:

<i>Total number of members of a reserve component serving on full-time reserve component duty:</i>	<i>Number of officers of that reserve component who may be serving in the grade of:</i>		
	<i>Major</i>	<i>Lieutenant Colonel</i>	<i>Colonel</i>
<i>Army Reserve:</i>			
10,000 .....	1,390	740	230
11,000 .....	1,529	803	242
12,000 .....	1,668	864	252
13,000 .....	1,804	924	262
14,000 .....	1,940	984	272
15,000 .....	2,075	1,044	282
16,000 .....	2,210	1,104	291
17,000 .....	2,345	1,164	300
18,000 .....	2,479	1,223	309
19,000 .....	2,613	1,282	318
20,000 .....	2,747	1,341	327
21,000 .....	2,877	1,400	336
<i>Army National Guard:</i>			
20,000 .....	1,500	850	325
22,000 .....	1,650	930	350
24,000 .....	1,790	1,010	370
26,000 .....	1,930	1,085	385
28,000 .....	2,070	1,160	400
30,000 .....	2,200	1,235	405
32,000 .....	2,330	1,305	408
34,000 .....	2,450	1,375	411
36,000 .....	2,570	1,445	411
38,000 .....	2,670	1,515	411
40,000 .....	2,770	1,580	411
42,000 .....	2,837	1,644	411
<i>Marine Corps Reserve:</i>			
1,100 .....	106	56	20
1,200 .....	110	60	21
1,300 .....	114	63	22
1,400 .....	118	66	23
1,500 .....	121	69	24
1,600 .....	124	72	25
1,700 .....	127	75	26
1,800 .....	130	78	27
1,900 .....	133	81	28
2,000 .....	136	84	29
2,100 .....	139	87	30
2,200 .....	141	90	31
2,300 .....	143	92	32
2,400 .....	145	94	33
2,500 .....	147	96	34
2,600 .....	149	98	35
<i>Air Force Reserve:</i>			
500 .....	83	85	50
1,000 .....	155	165	95
1,500 .....	220	240	135
2,000 .....	285	310	170
2,500 .....	350	369	203

<i>“Total number of members of a reserve component serving on full-time reserve component duty:</i>	<i>Number of officers of that reserve component who may be serving in the grade of:</i>		
	<i>Major</i>	<i>Lieutenant Colonel</i>	<i>Colonel</i>
3,000 .....	413	420	220
3,500 .....	473	464	230
4,000 .....	530	500	240
4,500 .....	585	529	247
5,000 .....	638	550	254
5,500 .....	688	565	261
6,000 .....	735	575	268
7,000 .....	770	595	280
8,000 .....	805	615	290
10,000 .....	835	635	300
<i>Air National Guard:</i>			
5,000 .....	333	335	251
6,000 .....	403	394	260
7,000 .....	472	453	269
8,000 .....	539	512	278
9,000 .....	606	571	287
10,000 .....	673	630	296
11,000 .....	740	688	305
12,000 .....	807	742	314
13,000 .....	873	795	323
14,000 .....	939	848	332
15,000 .....	1,005	898	341
16,000 .....	1,067	948	350
17,000 .....	1,126	998	359
18,000 .....	1,185	1,048	368
19,000 .....	1,235	1,098	377
20,000 .....	1,283	1,148	380.

1           “(2) Of the total number of members of the Naval Re-  
2 serve who are serving on full-time reserve component duty  
3 at the end of any fiscal year, the number of those members  
4 who may be serving in each of the grades of lieutenant com-  
5 mander, commander, and captain may not, as of the end  
6 of that fiscal year, exceed the number determined in accord-  
7 ance with the following table:

<i>“Total number of members of Naval Reserve serving on full-time reserve component duty</i>	<i>Number of officers who may be serving in the grade of:</i>		
	<i>Lieutenant commander</i>	<i>Commander</i>	<i>Captain</i>
10,000 .....	807	447	141
11,000 .....	867	467	153
12,000 .....	924	485	163
13,000 .....	980	503	173
14,000 .....	1,035	521	183
15,000 .....	1,088	538	193
16,000 .....	1,142	555	203
17,000 .....	1,195	565	213
18,000 .....	1,246	575	223
19,000 .....	1,291	585	233

<i>“Total number of members of Naval Reserve serving on full-time reserve component duty</i>	<i>Number of officers who may be serving in the grade of:</i>		
	<i>Lieutenant commander</i>	<i>Commander</i>	<i>Captain</i>
<i>20,000</i> .....	<i>1,334</i>	<i>595</i>	<i>242</i>
<i>21,000</i> .....	<i>1,364</i>	<i>603</i>	<i>250</i>
<i>22,000</i> .....	<i>1,384</i>	<i>610</i>	<i>258</i>
<i>23,000</i> .....	<i>1,400</i>	<i>615</i>	<i>265</i>
<i>24,000</i> .....	<i>1,410</i>	<i>620</i>	<i>270.</i>

1           “(b) *DETERMINATIONS BY INTERPOLATION.*—If the  
2 *total number of members of a reserve component serving*  
3 *on full-time reserve component duty is between any two*  
4 *consecutive numbers in the first column of the appropriate*  
5 *table in paragraph (1) or (2) of subsection (a), the cor-*  
6 *responding authorized strengths for each of the grades*  
7 *shown in that table for that component are determined by*  
8 *mathematical interpolation between the respective numbers*  
9 *of the two strengths. If the total number of members of a*  
10 *reserve component serving on full-time reserve component*  
11 *duty is more or less than the highest or lowest number, re-*  
12 *spectively, set forth in the first column of the appropriate*  
13 *table in paragraph (1) or (2) of subsection (a), the Sec-*  
14 *retary concerned shall fix the corresponding strengths for*  
15 *the grades shown in that table at the same proportion as*  
16 *is reflected in the nearest limit shown in the table.*

17           “(c) *REALLOCATIONS TO LOWER GRADES.*—Whenever  
18 *the number of officers serving in any grade for duty de-*  
19 *scribed in subsection (a) is less than the number authorized*  
20 *for that grade under this section, the difference between the*



1 *two numbers may be applied to increase the number author-*  
2 *ized under this section for any lower grade.*

3       “(d) *SECRETARIAL WAIVER.—(1) Upon determining*  
4 *that it is in the national interest to do so, the Secretary*  
5 *of Defense may increase for a particular fiscal year the*  
6 *number of reserve officers that may be on full-time reserve*  
7 *component duty for a reserve component in a grade referred*  
8 *to in a table in subsection (a) by a number that does not*  
9 *exceed the number equal to 5 percent of the maximum num-*  
10 *ber specified for the grade in that table.*

11       “(2) *Whenever the Secretary exercises the authority*  
12 *provided in paragraph (1), the Secretary shall submit to*  
13 *the Committee on Armed Services of the Senate and the*  
14 *Committee on Armed Services of the House of Representa-*  
15 *tives notice in writing of the adjustment made.*

16       “(e) *FULL-TIME RESERVE COMPONENT DUTY DE-*  
17 *FINED.—In this section, the term ‘full-time reserve compo-*  
18 *nent duty’ means the following duty:*

19               “(1) *Active duty described in sections 10211,*  
20               *10302, 10303, 10304, 10305, 12310, or 12402 of this*  
21               *title.*

22               “(2) *Full-time National Guard duty (other than*  
23               *for training) under section 502(f) of title 32.*

24               “(3) *Active duty described in section 708 of title*  
25               *32.”.*

1           (b) *SENIOR ENLISTED MEMBERS.*—The text of section  
 2 12012 of title 10, United States Code, is amended to read  
 3 as follows:

4           “(a) *LIMITATIONS.*—Of the total number of members  
 5 of a reserve component who are serving on full-time reserve  
 6 component duty at the end of any fiscal year, the number  
 7 of those members in each of pay grades of  
 8 E–8 and E–9 who may be serving on active duty under  
 9 section 10211 or 12310, or on full-time National Guard  
 10 duty under the authority of section 502(f) of title 32 (other  
 11 than for training) in connection with organizing, admin-  
 12 istering, recruiting, instructing, or training the reserve  
 13 components or the National Guard may not, as of the end  
 14 of that fiscal year, exceed the number determined in accord-  
 15 ance with the following table:

<i>“Total number of members of a reserve component serving on full-time reserve component duty:</i>	<i>Number of members of that reserve compo- nent who may be serving in the grade of:</i>	
	<i>E–8</i>	<i>E–9</i>
<i>Army Reserve:</i>		
10,000 .....	1,052	154
11,000 .....	1,126	168
12,000 .....	1,195	180
13,000 .....	1,261	191
14,000 .....	1,327	202
15,000 .....	1,391	213
16,000 .....	1,455	224
17,000 .....	1,519	235
18,000 .....	1,583	246
19,000 .....	1,647	257
20,000 .....	1,711	268
21,000 .....	1,775	278
<i>Army National Guard:</i>		
20,000 .....	1,650	550
22,000 .....	1,775	615
24,000 .....	1,900	645
26,000 .....	1,945	675
28,000 .....	1,945	705
30,000 .....	1,945	725
32,000 .....	1,945	730
34,000 .....	1,945	735

<i>“Total number of members of a reserve component serving on full-time reserve component duty:</i>	<i>Number of members of that reserve component who may be serving in the grade of:</i>	
	<i>E-8</i>	<i>E-9</i>
36,000 .....	1,945	738
38,000 .....	1,945	741
40,000 .....	1,945	743
42,000 .....	1,945	743
<i>Naval Reserve:</i>		
10,000 .....	340	143
11,000 .....	364	156
12,000 .....	386	169
13,000 .....	407	182
14,000 .....	423	195
15,000 .....	435	208
16,000 .....	447	221
17,000 .....	459	234
18,000 .....	471	247
19,000 .....	483	260
20,000 .....	495	273
21,000 .....	507	286
22,000 .....	519	299
23,000 .....	531	312
24,000 .....	540	325
<i>Marine Corps Reserve:</i>		
1,100 .....	50	11
1,200 .....	55	12
1,300 .....	60	13
1,400 .....	65	14
1,500 .....	70	15
1,600 .....	75	16
1,700 .....	80	17
1,800 .....	85	18
1,900 .....	89	19
2,000 .....	93	20
2,100 .....	96	21
2,200 .....	99	22
2,300 .....	101	23
2,400 .....	103	24
2,500 .....	105	25
2,600 .....	107	26
<i>Air Force Reserve:</i>		
500 .....	75	40
1,000 .....	145	75
1,500 .....	208	105
2,000 .....	270	130
2,500 .....	325	150
3,000 .....	375	170
3,500 .....	420	190
4,000 .....	460	210
4,500 .....	495	230
5,000 .....	530	250
5,500 .....	565	270
6,000 .....	600	290
7,000 .....	670	330
8,000 .....	740	370
10,000 .....	800	400
<i>Air National Guard</i>		
5,000 .....	1,020	405
6,000 .....	1,070	435
7,000 .....	1,120	465
8,000 .....	1,170	490
9,000 .....	1,220	510

<i>“Total number of members of a reserve component serving on full-time reserve component duty:</i>	<i>Number of members of that reserve component who may be serving in the grade of:</i>	
	<i>E-8</i>	<i>E-9</i>
<i>10,000</i> .....	<i>1,270</i>	<i>530</i>
<i>11,000</i> .....	<i>1,320</i>	<i>550</i>
<i>12,000</i> .....	<i>1,370</i>	<i>570</i>
<i>13,000</i> .....	<i>1,420</i>	<i>589</i>
<i>14,000</i> .....	<i>1,470</i>	<i>608</i>
<i>15,000</i> .....	<i>1,520</i>	<i>626</i>
<i>16,000</i> .....	<i>1,570</i>	<i>644</i>
<i>17,000</i> .....	<i>1,620</i>	<i>661</i>
<i>18,000</i> .....	<i>1,670</i>	<i>678</i>
<i>19,000</i> .....	<i>1,720</i>	<i>695</i>
<i>20,000</i> .....	<i>1,770</i>	<i>712.</i>

1           “(b) *DETERMINATIONS BY INTERPOLATION.*—If the  
2 *total number of members of a reserve component serving*  
3 *on full-time reserve component duty is between any two*  
4 *consecutive numbers in the first column of the table in sub-*  
5 *section (a), the corresponding authorized strengths for each*  
6 *of the grades shown in that table for that component are*  
7 *determined by mathematical interpolation between the re-*  
8 *spective numbers of the two strengths. If the total number*  
9 *of members of a reserve component serving on full-time re-*  
10 *serve component duty is more or less than the highest or*  
11 *lowest number, respectively, set forth in the first column*  
12 *of the table in subsection (a), the Secretary concerned shall*  
13 *fix the corresponding strengths for the grades shown in the*  
14 *table at the same proportion as is reflected in the nearest*  
15 *limit shown in the table.*

16           “(c) *REALLOCATIONS TO LOWER GRADE.*—Whenever  
17 *the number of officers serving in pay grade E-9 for duty*  
18 *described in subsection (a) is less than the number author-*  
19 *ized for that grade under this section, the difference between*

1 *the two numbers may be applied to increase the number*  
2 *authorized under this section for pay grade E-8.*

3       “(d) *SECRETARIAL WAIVER.—(1) Upon determining*  
4 *that it is in the national interest to do so, the Secretary*  
5 *of Defense may increase for a particular fiscal year the*  
6 *number of reserve enlisted members that may be on active*  
7 *duty or full-time National Guard duty as described in sub-*  
8 *section (a) for a reserve component in a pay grade referred*  
9 *to in a table in subsection (a) by a number that does not*  
10 *exceed the number equal to 5 percent of the maximum num-*  
11 *ber specified for that grade and reserve component in the*  
12 *table.*

13       “(2) *Whenever the Secretary exercises the authority*  
14 *provided in paragraph (1), the Secretary shall submit to*  
15 *the Committee on Armed Services of the Senate and the*  
16 *Committee on Armed Services of the House of Representa-*  
17 *tives notice in writing of the adjustment made.*

18       “(e) *FULL-TIME RESERVE COMPONENT DUTY DE-*  
19 *FINED.—In this section, the term ‘full-time reserve compo-*  
20 *nent duty’ has the meaning given the term in section*  
21 *12011(e) of this title.”.*

22       “(c) *EFFECTIVE DATE.—The amendments made by this*  
23 *section shall take effect on October 1, 2001, or the date of*  
24 *the enactment of this Act, whichever is later.*

1 ***Subtitle C—Other Matters Relating***  
2 ***to Personnel Strengths***

3 ***SEC. 421. INCREASE IN PERCENTAGE BY WHICH ACTIVE***  
4 ***COMPONENT END STRENGTHS FOR ANY FIS-***  
5 ***CAL YEAR MAY BE INCREASED.***

6 *(a) INCREASE.—Section 115(c)(1) of title 10, United*  
7 *States Code, is amended by striking “1 percent” and insert-*  
8 *ing “2 percent”.*

9 *(b) EFFECTIVE DATE.—The amendment made by sub-*  
10 *section (a) shall take effect on October 1, 2001, or the date*  
11 *of the enactment of this Act, whichever is later.*

12 ***SEC. 422. ACTIVE DUTY END STRENGTH EXEMPTION FOR***  
13 ***NATIONAL GUARD AND RESERVE PERSONNEL***  
14 ***PERFORMING FUNERAL HONORS FUNCTIONS.***

15 *Section 115(d) of title 10, United States Code, is*  
16 *amended by adding at the end the following new para-*  
17 *graphs:*

18 *“(10) Members of reserve components on active*  
19 *duty to prepare for and to perform funeral honors*  
20 *functions for funerals of veterans in accordance with*  
21 *section 1491 of this title.*

22 *“(11) Members on full-time National Guard duty*  
23 *to prepare for and perform funeral honors functions*  
24 *for funerals of veterans in accordance with section*  
25 *1491 of this title.”.*

1 **SEC. 423. INCREASE IN AUTHORIZED STRENGTHS FOR AIR**  
 2 **FORCE OFFICERS ON ACTIVE DUTY IN THE**  
 3 **GRADE OF MAJOR.**

4 *The table in section 523(a)(1) of title 10, United States*  
 5 *Code, is amended by striking the figures under the heading*  
 6 *“Major” in the portion of the table relating to the Air Force*  
 7 *and inserting the following:*

“9,861  
 10,727  
 11,593  
 12,460  
 13,326  
 14,192  
 15,058  
 15,925  
 16,792  
 17,657  
 18,524  
 19,389  
 20,256  
 21,123  
 21,989  
 22,855  
 23,721  
 24,588  
 25,454”.

8 **Subtitle D—Authorization of**  
 9 **Appropriations**

10 **SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILI-**  
 11 **TARY PERSONNEL.**

12 *There is hereby authorized to be appropriated to the*  
 13 *Department of Defense for military personnel for fiscal year*  
 14 *2002 a total of \$82,279,101,000. The authorization in the*  
 15 *preceding sentence supersedes any other authorization of*

1 appropriations (definite or indefinite) for such purpose for  
2 fiscal year 2002.

3 **TITLE V—MILITARY PERSONNEL**  
4 **POLICY**

5 **Subtitle A—General Personnel**  
6 **Management Authorities**

7 **SEC. 501. ENHANCED FLEXIBILITY FOR MANAGEMENT OF**  
8 **SENIOR GENERAL AND FLAG OFFICER POSI-**  
9 **TIONS.**

10 (a) *REPEAL OF LIMIT ON NUMBER OF OFFICERS ON*  
11 *ACTIVE DUTY IN GRADES OF GENERAL AND ADMIRAL.—*  
12 *Section 528 of title 10, United States Code, is repealed.*

13 (b) *CLERICAL AMENDMENT.—The table of sections at*  
14 *the beginning of chapter 32 of such title is amended by*  
15 *striking the item relating to section 528.*

16 **SEC. 502. ORIGINAL APPOINTMENTS IN REGULAR GRADES**  
17 **FOR ACADEMY GRADUATES AND CERTAIN**  
18 **OTHER NEW OFFICERS.**

19 (a) *REPEAL OF REQUIREMENT FOR ONE YEAR OF AC-*  
20 *TIVE DUTY IN A RESERVE GRADE.—Section 532(e) of title*  
21 *10, United States Code, is repealed.*

22 (b) *MILITARY ACADEMY GRADUATES.—Section*  
23 *4353(b) of such title is amended to read as follows:*

24 “(b) *A cadet who completes the prescribed course of in-*  
25 *struction, is qualified for an original appointment in a reg-*



1 ular component under section 532 of this title, and meets  
2 such other criteria for appointment as a commissioned offi-  
3 cer in the Army as may be prescribed by the Secretary of  
4 the Army shall, upon graduation, be appointed a second  
5 lieutenant in the Regular Army under section 531 of this  
6 title, unless appointed under that section in a regular com-  
7 ponent of one of the other armed forces in accordance with  
8 section 541 of this title.”.

9 (c) NAVAL ACADEMY GRADUATES.—Section 6967 of  
10 such title is amended—

11 (1) by inserting “(a)” before “Under regula-  
12 tions”; and

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

14 “(b) A midshipman who completes the prescribed  
15 course of instruction, is qualified for an original appoint-  
16 ment in a regular component under section 532 of this title,  
17 and meets such other criteria for appointment as a commis-  
18 sioned officer in the naval service as may be prescribed by  
19 the Secretary of the Navy shall, upon graduation, be ap-  
20 pointed an ensign in the Regular Navy or a second lieuten-  
21 ant in the Regular Marine Corps under section 531 of this  
22 title, unless appointed under that section in a regular com-  
23 ponent of one of the other armed forces in accordance with  
24 section 541 of this title.”.

1       (d) *AIR FORCE ACADEMY GRADUATES.*—Section  
2 9353(b) of such title is amended to read as follows:

3       “(b) *A cadet who completes the prescribed course of in-*  
4 *struction, is qualified for an original appointment in a reg-*  
5 *ular component under section 532 of this title, and meets*  
6 *such other criteria for appointment as a commissioned offi-*  
7 *cer in the Air Force as may be prescribed by the Secretary*  
8 *of the Air Force shall, upon graduation, be appointed a sec-*  
9 *ond lieutenant in the Regular Air Force under section 531*  
10 *of this title, unless appointed under that section in a reg-*  
11 *ular component of one of the other armed forces in accord-*  
12 *ance with section 541 of this title.”.*

13       (e) *ROTC DISTINGUISHED GRADUATES.*—Section  
14 2106(a) of such title is amended by adding at the end the  
15 following new sentence: “*However, a member of the program*  
16 *selected for an appointment under this section who, under*  
17 *regulations prescribed by the Secretary of the military de-*  
18 *partment concerned, is designated or selected as a Distin-*  
19 *guished Graduate (or the equivalent) shall be appointed as*  
20 *a regular officer.”.*

21       (f) *OTHER COMMISSIONING PROGRAMS.*—(1) Chapter  
22 33 of such title is amended by adding at the end the fol-  
23 lowing new section:

1 **“§ 542. Distinguished Graduates of officer commis-**  
2 **sioning programs other than service acad-**  
3 **emies and ROTC**

4 “A person who is selected for an original appointment  
5 as a commissioned officer in the Army, Navy, Air Force,  
6 or Marine Corps as a result of satisfactory completion of  
7 an officer commissioning program other than the course of  
8 instruction at one of the service academies named in section  
9 541 of this title or the Senior Reserve Officers’ Training  
10 Corps program and who, under regulations prescribed by  
11 the Secretary of the military department concerned, is des-  
12 ignated or selected as a Distinguished Graduate of that pro-  
13 gram (or the equivalent) shall be appointed as a regular  
14 officer.”.

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

“542. Distinguished Graduates of officer commissioning programs other than serv-  
ice academies and ROTC.”.

17 (g) *EFFECTIVE DATE.*—The amendments made by this  
18 section shall take effect on May 1, 2002.

1 **SEC. 503. TEMPORARY REDUCTION OF TIME-IN-GRADE RE-**  
2 **QUIREMENT FOR ELIGIBILITY FOR PRO-**  
3 **MOTION FOR CERTAIN ACTIVE-DUTY LIST OF-**  
4 **FICERS IN GRADES OF FIRST LIEUTENANT**  
5 **AND LIEUTENANT (JUNIOR GRADE).**

6 (a) *AUTHORITY.*—Subsection (a) of section 619 of title  
7 10, United States Code, is amended—

8 (1) in paragraph (1)(B), by inserting before the  
9 period at the end the following: “, or such shorter pe-  
10 riod as may be in effect under paragraph (6)”;

11 (2) by adding at the end the following new para-  
12 graph:

13 “(6)(A) When the needs of the service require, the Sec-  
14 retary of the military department concerned may reduce to  
15 eighteen months the period of service in grade applicable  
16 for purposes of paragraph (1)(B) in the case of officers who  
17 are serving in a position that is authorized for officers in  
18 the grade of captain or, in the case of the Navy, lieutenant.

19 “(B) If the Secretary of the military department con-  
20 cerned uses the authority provided in subparagraph (A),  
21 the number of captains or, in the case of the Navy, lieuten-  
22 ants on the active-duty list may not exceed the number of  
23 positions for which officers in that grade are authorized by  
24 more than one percent.

1       “(C) The authority under subparagraph (A) and the  
2 limitation under subparagraph (B) expire on September  
3 30, 2005.”.

4       (b) *STYLISTIC AMENDMENTS.*—Such section is further  
5 amended as follows:

6           (1) Subsection (a) is amended by striking  
7 “(a)(1)” and inserting “(a) *TIME-IN-GRADE RE-*  
8 *QUIREMENTS.—(1)*”.

9           (2) Subsection (b) is amended by striking  
10 “(b)(1)” and inserting “(b) *CONTINUED ELIGIBILITY*  
11 *FOR CONSIDERATION FOR PROMOTION OF OFFICERS*  
12 *WHO HAVE PREVIOUSLY FAILED OF SELECTION.—*  
13 *(1)*”.

14           (3) Subsection (c) is amended by striking  
15 “(c)(1)” and inserting “(c) *OFFICERS TO BE CONSID-*  
16 *ERED BY PROMOTION BOARDS.—(1)*”.

17           (4) Subsection (d) is amended by inserting  
18 “*CERTAIN OFFICERS NOT TO BE CONSIDERED.—*”  
19 after “(d)”.

20       (c) *TECHNICAL AMENDMENT.*—Subsection (a)(4) of  
21 such section is amended by striking “clause (A)” and insert-  
22 ing “subparagraph (A)”.

1 **SEC. 504. INCREASE IN SENIOR ENLISTED ACTIVE DUTY**  
2 **GRADE LIMIT FOR NAVY, MARINE CORPS, AND**  
3 **AIR FORCE.**

4 (a) *MEMBERS IN PAY GRADE E-8.*—Section 517(a) of  
5 title 10, United States Code, is amended by striking “2 per-  
6 cent (or, in the case of the Army, 2.5 percent)” and insert-  
7 ing “2.5 percent”.

8 (b) *EFFECTIVE DATE.*—The amendment made by sub-  
9 section (a) shall take effect on October 1, 2001, or the date  
10 of the enactment of this Act, whichever is later.

11 **SEC. 505. AUTHORITY FOR LIMITED EXTENSION OF MED-**  
12 **ICAL DEFERMENT OF MANDATORY RETIRE-**  
13 **MENT OR SEPARATION.**

14 The text of section 640 of title 10, United States Code,  
15 is amended to read as follows:

16 “(a) If the Secretary of the military department con-  
17 cerned determines that the evaluation of the physical condi-  
18 tion of an officer and determination of the officer’s entitle-  
19 ment to retirement or separation for physical disability re-  
20 quire hospitalization or medical observation and that such  
21 hospitalization or medical observation cannot be completed  
22 with confidence in a manner consistent with the member’s  
23 well being before the date on which the officer would other-  
24 wise be required to retire or be separated under this title,  
25 the Secretary may defer the retirement or separation of the  
26 officer under this title.

1       “(b) A deferral of retirement or separation under sub-  
2 section (a) may not extend for more than 30 days after com-  
3 pletion of the evaluation requiring hospitalization or med-  
4 ical observation.”.

5 **SEC. 506. AUTHORITY FOR LIMITED EXTENSION ON ACTIVE**  
6                   **DUTY OF MEMBERS SUBJECT TO MANDATORY**  
7                   **RETIREMENT OR SEPARATION.**

8       (a) SECTION 12305 STOP-LOSS AUTHORITY.—Section  
9 12305 of title 10, United States Code, is amended by adding  
10 at the end the following new subsection:

11       “(c) Upon the termination of a suspension made under  
12 the authority of subsection (a) of a provision of law other-  
13 wise requiring the separation or retirement of officers on  
14 active duty because of age, length of service or length of serv-  
15 ice in grade, or failure of selection for promotion, the Sec-  
16 retary concerned shall extend by up to 90 days the otherwise  
17 required separation or retirement date of any officer covered  
18 by the suspended provision whose separation or retirement  
19 date, but for the suspension, would have been before the date  
20 of the termination of the suspension or within 90 days of  
21 the date of such termination.”.

22       (b) SECTION 123 STOP-LOSS AUTHORITY.—Section  
23 123 of such title is amended by adding at the end the fol-  
24 lowing new subsection:

1       “(d) Upon the termination of a suspension made under  
2 the authority of subsection (a) of a provision of law other-  
3 wise requiring the separation or retirement of officers on  
4 active duty because of age, length of service or length of serv-  
5 ice in grade, or failure of selection for promotion, the Sec-  
6 retary concerned shall extend by up to 90 days the otherwise  
7 required separation or retirement date of any officer covered  
8 by the suspended provision whose separation or retirement  
9 date, but for the suspension, would have been before the date  
10 of the termination of the suspension or within 90 days of  
11 the date of such termination.”.

12 **SEC. 507. CLARIFICATION OF DISABILITY SEVERANCE PAY**  
13 **COMPUTATION.**

14       (a) **CLARIFICATION.**—Section 1212(a)(2) of title 10,  
15 United States Code, is amended by striking “for pro-  
16 motion” in subparagraph (C) and the first place it appears  
17 in subparagraph (D).

18       (b) **EFFECTIVE DATE.**—The amendments made by sub-  
19 section (a) shall apply with respect to members separated  
20 under section 1203 or 1206 of title 10, United States Code,  
21 on or after date of the enactment of this Act.

22 **SEC. 508. OFFICER IN CHARGE OF UNITED STATES NAVY**  
23 **BAND.**

24       (a) **DETAIL AND GRADE.**—Section 6221 of title 10,  
25 United States Code, is amended to read as follows:



1 **§ 6221. United States Navy Band; officer in charge**

2       “(a) *There is a Navy band known as the United States*  
3 *Navy Band.*

4       “(b) *An officer of the Navy designated for limited duty*  
5 *under section 5589 or 5596 of this title who is serving in*  
6 *a grade not below lieutenant commander may be detailed*  
7 *by the Secretary of the Navy as Officer in Charge of the*  
8 *United States Navy Band. While so serving, an officer so*  
9 *detailed shall hold the grade of captain if recommended by*  
10 *the Secretary of the Navy for appointment to that grade*  
11 *and appointed to that grade by the President, by and with*  
12 *the advice and consent of the Senate. Such an appointment*  
13 *may be made notwithstanding section 5596(d) of this*  
14 *title.”.*

15       (b) *CLERICAL AMENDMENT.—The item relating to sec-*  
16 *tion 6221 in the table of sections at the beginning of chapter*  
17 *565 of such title is amended to read as follows:*

      “6221. *United States Navy Band; officer in charge.*”.

18 **SEC. 509. ONE-YEAR EXTENSION OF EXPIRATION DATE FOR**  
19                               **CERTAIN FORCE MANAGEMENT AUTHORI-**  
20                               **TIES.**

21       (a) *EARLY RETIREMENT AUTHORITY FOR ACTIVE*  
22 *FORCE MEMBERS.—Section 4403(i) of the National Defense*  
23 *Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293*  
24 *note) is amended by striking “December 31, 2001” and in-*  
25 *serting “December 31, 2002”.*

1       (b) *SSB AND VSI.—Sections 1174a(h)(1) and*  
2 *1175(d)(3) of title 10, United States Code, are amended by*  
3 *striking “December 31, 2001” and inserting “December 31,*  
4 *2002”.*

5       (c) *SELECTIVE EARLY RETIREMENT BOARDS.—Sec-*  
6 *tion 638a(a) of such title is amended by striking “December*  
7 *31, 2001” and inserting “December 31, 2002”.*

8       (d) *TIME-IN-GRADE REQUIREMENT FOR RETENTION*  
9 *OF GRADE UPON VOLUNTARY RETIREMENT.—Section 1370*  
10 *of such title is amended by striking “December 31, 2001”*  
11 *in subsections (a)(2)(A) and (d)(5) and inserting “Decem-*  
12 *ber 31, 2002”.*

13       (e) *MINIMUM COMMISSIONED SERVICE FOR VOL-*  
14 *UNTARY RETIREMENT AS AN OFFICER.—Sections 3911(b),*  
15 *6323(a)(2), and 8911(b) of such title are amended by strik-*  
16 *ing “December 31, 2001” and inserting “December 31,*  
17 *2002”.*

18       (f) *TRAVEL, TRANSPORTATION, AND STORAGE BENE-*  
19 *FITS.—Sections 404(c)(1)(C), 404(f)(2)(B)(v),*  
20 *406(a)(2)(B)(v), and 406(g)(1)(C) of title 37, United States*  
21 *Code, and section 503(c)(1) of the National Defense Author-*  
22 *ization Act for Fiscal Year 1991 (37 U.S.C. 406 note) are*  
23 *amended by striking “December 31, 2001” and inserting*  
24 *“December 31, 2002”.*

1           (g) *EDUCATIONAL LEAVE FOR PUBLIC AND COMMU-*  
2 *NITY SERVICE.*—Section 4463(f) of the National Defense  
3 *Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143a*  
4 *note) is amended by striking “December 31, 2001” and in-*  
5 *serting “December 31, 2002”.*

6           (h) *TRANSITIONAL HEALTH BENEFITS.*—Subsections  
7 (a)(1), (c)(1), and (e) of section 1145 of title 10, United  
8 *States Code, are amended by striking “December 31, 2001”*  
9 *and inserting “December 31, 2002”.*

10          (i) *TRANSITIONAL COMMISSARY AND EXCHANGE BEN-*  
11 *EFITS.*—Section 1146 of such title is amended by striking  
12 *“December 31, 2001” both places it appears and inserting*  
13 *“December 31, 2002”.*

14          (j) *TRANSITIONAL USE OF MILITARY HOUSING.*—  
15 *Paragraphs (1) and (2) of section 1147(a) of such title are*  
16 *amended by striking “December 31, 2001” and inserting*  
17 *“December 31, 2002”.*

18          (k) *CONTINUED ENROLLMENT OF DEPENDENTS IN DE-*  
19 *FENSE DEPENDENTS’ EDUCATION SYSTEM.*—Section  
20 *1407(c)(1) of the Defense Dependents’ Education Act of*  
21 *1978 (20 U.S.C. 926(c)(1)) is amended by striking “Decem-*  
22 *ber 31, 2001” and inserting “December 31, 2002”.*

23          (l) *FORCE REDUCTION TRANSITION PERIOD DEFINED*  
24 *FOR CERTAIN GUARD AND RESERVE BENEFITS.*—Section  
25 *4411 of the National Defense Authorization Act for Fiscal*

1 Year 1993 (10 U.S.C. 12681 note) is amended by striking  
2 “December 31, 2001” and inserting “December 31, 2002”.

3 (m) *RETIRED PAY FOR NON-REGULAR SERVICE.*—  
4 Sections 12731(f) and 12731a(b) of title 10, United States  
5 Code, are amended by striking “December 31, 2001” and  
6 inserting “December 31, 2002”.

7 (n) *AFFILIATION WITH GUARD AND RESERVE UNITS;*  
8 *WAIVER OF CERTAIN LIMITATIONS.*—Section 1150(a) of  
9 such title is amended by striking “December 31, 2001” and  
10 inserting “December 31, 2002”.

11 (o) *RESERVE MONTGOMERY GI BILL.*—Section  
12 16133(b)(1)(B) of such title is amended by striking “Decem-  
13 ber 31, 2001” and inserting “December 31, 2002”.

14 ***Subtitle B—Reserve Component***  
15 ***Personnel Policy***

16 ***SEC. 511. PLACEMENT ON ACTIVE-DUTY LIST OF CERTAIN***  
17 ***RESERVE OFFICERS ON ACTIVE DUTY FOR A***  
18 ***PERIOD OF THREE YEARS OR LESS.***

19 (a) *CLARIFICATION OF EXEMPTION.*—Section  
20 641(1)(D) of title 10, United States Code, is amended to  
21 read as follows:

22 “(D) on active duty under section 12301(d)  
23 of this title, other than as provided under sub-  
24 paragraph (C), if the call or order to active  
25 duty, under regulations prescribed by the Sec-

1           *retary concerned, specifies a period of three years*  
2           *or less and continued placement on the reserve*  
3           *active-status list;”.*

4           **(b) RETROACTIVE APPLICATION.**—(1) *The Secretary of*  
5 *the military department concerned may provide that an of-*  
6 *ficer who was excluded from the active-duty list under sec-*  
7 *tion 641(1)(D) of title 10, United States Code, as amended*  
8 *by section 521 of the Floyd D. Spence National Defense Au-*  
9 *thorization Act for Fiscal Year 2001 (as enacted into law*  
10 *by Public Law 106–398; 114 Stat. 1654A–108), shall be*  
11 *considered to have been on the active-duty list during the*  
12 *period beginning on the date on which the officer was so*  
13 *excluded and ending on the date of the enactment of this*  
14 *Act.*

15           (2) *The Secretary of the military department con-*  
16 *cerned may provide that a Reserve officer who was placed*  
17 *on the active-duty list on or after October 30, 1997, shall*  
18 *be placed on the reserve active-status list if the officer other-*  
19 *wise meets the conditions specified in section 641(1)(D) of*  
20 *title 10, United States Code, as amended by subsection (a).*

21 **SEC. 512. EXPANDED APPLICATION OF RESERVE SPECIAL**  
22 **SELECTION BOARDS.**

23           **(a) SPECIAL SELECTION BOARD FOR BELOW-THE-**  
24 **ZONE CONSIDERATION.**—*Section 14502 of title 10, United*  
25 *States Code, is amended—*

1           (1) *in subsection (a)(1), by striking “from in or*  
2 *above the promotion zone”;*

3           (2) *in subsection (a)(3), by inserting “for selec-*  
4 *tion for promotion from in or above the promotion*  
5 *zone” after “for consideration”; and*

6           (3) *in subsection (b)(1), by striking “from in or*  
7 *above the promotion zone”.*

8           (b) *TECHNICAL AMENDMENT.—Subsection (b)(1) of*  
9 *such section is amended by striking “under this chapter by*  
10 *a selection board” and inserting “by a promotion board*  
11 *convened under section 14101(a) of this title”.*

12           (c) *EFFECTIVE DATE.—The amendments made by sub-*  
13 *section (a) shall apply to any Reserve officer who was not*  
14 *considered for promotion because of administrative error,*  
15 *or was considered for promotion but not selected because*  
16 *of material error, under part III of subtitle E of title 10,*  
17 *United States Code, on or after October 1, 1996.*

18 **SEC. 513. EXCEPTION TO BACCALAUREATE DEGREE RE-**  
19 **QUIREMENT FOR APPOINTMENT OF RESERVE**  
20 **OFFICERS TO GRADES ABOVE FIRST LIEU-**  
21 **TENANT.**

22           *Section 12205(b) of title 10, United States Code, is*  
23 *amended—*

24           (1) *by redesignating paragraphs (4) and (5) as*  
25 *paragraphs (5) and (6), respectively; and*

1           (2) by inserting after paragraph (3) the fol-  
2           lowing new paragraph (4):

3           “(4) The appointment to a grade in the Army  
4           Reserve of a person whose original appointment as an  
5           officer in the Army Reserve was through the Officer  
6           Candidate School program and who immediately be-  
7           fore that original appointment was an enlisted mem-  
8           ber on active duty.”.

9   **SEC. 514. IMPROVED DISABILITY BENEFITS FOR CERTAIN**  
10                           **RESERVE COMPONENT MEMBERS.**

11           (a) *MEDICAL AND DENTAL CARE.*—Sections  
12   1074a(a)(3) and 1076(a)(2)(C) of title 10, United States  
13   Code, are each amended by striking “, if the” and all that  
14   follows through “member’s residence”.

15           (b) *ELIGIBILITY FOR DISABILITY RETIREMENT*  
16   *OR SEPARATION.*—Sections 1204(2)(B)(iii) and  
17   1206(2)(B)(iii) of title 10, United States Code, are each  
18   amended by striking “, if the” and all that follows through  
19   “member’s residence”.

20           (c) *RECOVERY, CARE, AND DISPOSITION OF RE-*  
21   *MAINS.*—Section 1481(a)(2)(D) of title 10, United States  
22   Code, is amended by striking “, if the site is outside reason-  
23   able commuting distance from the member’s residence”.

24           (d) *PAY.*—Sections 204(g)(1)(D), 204(h)(1)(D), and  
25   206(a)(3)(C) of title 37, United States Code, are each

1 *amended by striking “, if the site is outside reasonable com-*  
2 *muting distance from the member’s residence”.*

3 **SEC. 515. TIME-IN-GRADE REQUIREMENT FOR RESERVE**  
4 **COMPONENT OFFICERS WITH A NONSERVICE**  
5 **CONNECTED DISABILITY.**

6 *Section 1370(d)(3)(B) of title 10, United States Code,*  
7 *is amended to read as follows:*

8 *“(B) A person covered by subparagraph (A) who has*  
9 *completed at least six months of satisfactory service in*  
10 *grade may be credited with satisfactory service in the grade*  
11 *in which serving at the time of transfer or discharge, not-*  
12 *withstanding failure of the person to complete three years*  
13 *of service in that grade, if that person—*

14 *“(i) is transferred from an active status or dis-*  
15 *charged as a reserve commissioned officer solely due*  
16 *to the requirements of a nondiscretionary provision of*  
17 *law requiring that transfer or discharge due to the*  
18 *person’s age or years of service; or*

19 *“(ii) is retired under chapter 1223 of this title*  
20 *because the person no longer meets the qualification*  
21 *for membership in the Ready Reserve solely because of*  
22 *a physical disability, as determined, at a minimum,*  
23 *by a medical evaluation board.”.*



1 **SEC. 516. RESERVE MEMBERS CONSIDERED TO BE DE-**  
2 **PLOYED FOR PURPOSES OF PERSONNEL**  
3 **TEMPO MANAGEMENT.**

4 *Section 991(b) of title 10, United States Code, is*  
5 *amended—*

6 *(1) in paragraph (1)—*

7 *(A) by inserting “active” before “service”;*

8 *and*

9 *(B) by adding at the end the following:*

10 *“For the purpose of applying the preceding sen-*  
11 *tence to a member of a reserve component per-*  
12 *forming active service, the housing in which the*  
13 *member resides when on garrison duty at the*  
14 *member’s permanent duty station or homeport,*  
15 *as the case may be, shall be considered to be ei-*  
16 *ther the housing the member normally occupies*  
17 *when on garrison duty or the member’s perma-*  
18 *nent civilian residence.”;*

19 *(2) by striking paragraph (2);*

20 *(3) by redesignating paragraphs (3) and (4) as*  
21 *paragraphs (2) and (3), respectively; and*

22 *(4) in paragraph (3) (as so redesignated), by*  
23 *striking “in paragraphs (1) and (2)” and inserting*  
24 *“in paragraph (1)”.*

1 **SEC. 517. FUNERAL HONORS DUTY PERFORMED BY RE-**  
2 **SERVE AND GUARD MEMBERS TO BE TREAT-**  
3 **ED AS INACTIVE-DUTY TRAINING FOR CER-**  
4 **TAIN PURPOSES.**

5 (a) *RESERVE MEMBERS.*—Section 12503(a) of title 10,  
6 *United States Code*, is amended by adding at the end the  
7 following new sentence: “Performance of funeral honors  
8 duty by a Reserve not on active duty shall be treated as  
9 inactive-duty training (including with respect to travel to  
10 and from such duty) for purposes of any provision of law  
11 other than sections 206 and 435 of title 37.”.

12 (b) *NATIONAL GUARD MEMBERS.*—Section 115(a) of  
13 *title 32, United States Code*, is amended by adding at the  
14 end the following new sentence: “Performance of funeral  
15 honors duty by such a member not on active duty or full-  
16 time National Guard duty shall be treated as inactive-duty  
17 training (including with respect to travel to and from such  
18 duty) for purposes of any provision of law other than sec-  
19 tions 206 and 435 of title 37.”.

20 (c) *EFFECTIVE DATE.*—The amendments made by this  
21 section shall apply to funeral honors duty performed on or  
22 after October 30, 2000.

1 **SEC. 518. MEMBERS OF THE NATIONAL GUARD PER-**  
2 **FORMING FUNERAL HONORS DUTY WHILE IN**  
3 **NON-FEDERAL STATUS.**

4 *Section 1491(b) of title 10, United States Code, is*  
5 *amended by adding at the end the following new paragraph:*

6 *“(3) A member of the Army National Guard of the*  
7 *United States or the Air National Guard of the United*  
8 *States who serves as a member of a funeral honors detail*  
9 *while in a duty status authorized under State law shall*  
10 *be considered to be a member of the armed forces for the*  
11 *purposes of the first sentence of paragraph (2).”.*

12 **SEC. 519. USE OF MILITARY LEAVE FOR FUNERAL HONORS**  
13 **DUTY BY RESERVE MEMBERS AND NATIONAL**  
14 **GUARDSMEN.**

15 *Section 6323(a)(1) of title 5, United States Code, is*  
16 *amended by inserting “funeral honors duty (as described*  
17 *in section 12503 of title 10 and section 115 of title 32),”*  
18 *after “(as defined in section 101 of title 37),”.*

19 **Subtitle C—Joint Specialty Officers**  
20 **and Joint Professional Military**  
21 **Education**

22 **SEC. 521. NOMINATIONS FOR JOINT SPECIALTY.**

23 *Paragraph (2) of section 661(b) of title 10, United*  
24 *States Code, is amended by striking “The Secretaries” and*  
25 *all that follows through “officers—” and inserting “Each*  
26 *officer on the active-duty list on the date of the enactment*

1 *of the National Defense Authorization Act for Fiscal Year*  
2 *2002 who has not before that date been nominated for the*  
3 *joint specialty by the Secretary of a military department,*  
4 *and each officer who is placed on the active-duty list after*  
5 *such date, who meets the requirements of subsection (c) shall*  
6 *automatically be considered to have been nominated for the*  
7 *joint specialty. From among those officers considered to be*  
8 *nominated for the joint specialty, the Secretary may select*  
9 *for the joint specialty only officers—”.*

10 **SEC. 522. JOINT DUTY CREDIT.**

11 *Paragraph (4) of section 664(i) of title 10, United*  
12 *States Code, is amended—*

13 *(1) in subparagraph (E), by striking “The” and*  
14 *inserting “Except as provided in subparagraph (F),*  
15 *the”;* and

16 *(2) by adding at the end the following new sub-*  
17 *paragraph:*

18 *“(F) Service in a temporary joint task force as-*  
19 *signment not involved in combat or combat-related*  
20 *operations may not be credited for the purposes of*  
21 *joint duty, unless, and only if—*

22 *“(i) the service of the officer and the nature*  
23 *of the joint task force not only meet all criteria*  
24 *of this section, except subparagraph (E), but also*

1           *any additional criteria the Secretary may estab-*  
2           *lish;*

3           “(i) *the Secretary has specifically approved*  
4           *the operation conducted by the joint task force as*  
5           *one that qualifies for joint service credit, and no-*  
6           *tifies Congress upon each approval, providing*  
7           *the criteria that led to that approval; and*

8           “(iii) *the operation is conducted by the*  
9           *joint task force in an environment where an ex-*  
10           *tremely fragile state of peace and high potential*  
11           *for hostilities coexist.”.*

12   **SEC. 523. RETROACTIVE JOINT SERVICE CREDIT FOR DUTY**  
13           **IN CERTAIN JOINT TASK FORCES.**

14           (a) *AUTHORITY.*—*In accordance with section 664(i) of*  
15           *title 10, United States Code, as amended by section 522,*  
16           *the Secretary of Defense may award joint service credit to*  
17           *any officer who served on the staff of a United States joint*  
18           *task force headquarters in an operation and during the pe-*  
19           *riod set forth in subsection (b) and who meets the criteria*  
20           *specified in such section. To determine which officers qual-*  
21           *ify for such retroactive credit, the Secretary shall undertake*  
22           *a case-by-case review of the records of officers.*

23           (b) *ELIGIBLE OPERATIONS.*—*Service in the following*  
24           *operations, during the specified periods, may be counted for*  
25           *credit under subsection (a):*

1           (1) *Operation Northern Watch, during the period*  
2 *beginning on August 1, 1992, and ending on a date*  
3 *to be determined.*

4           (2) *Operation Southern Watch, during the pe-*  
5 *riod beginning on August 27, 1992, and ending on a*  
6 *date to be determined.*

7           (3) *Operation Able Sentry, during the period be-*  
8 *ginning on June 26, 1993, and ending on February*  
9 *28, 1999.*

10          (4) *Operation Joint Endeavor, during the period*  
11 *beginning on December 25, 1995, and ending on De-*  
12 *cember 19, 1996.*

13          (5) *Operation Joint Guard, during the period*  
14 *beginning on December 20, 1996, and ending on June*  
15 *20, 1998.*

16          (6) *Operation Desert Thunder, beginning on*  
17 *January 24, 1998, and ending on December 15, 1998.*

18          (7) *Operation Joint Forge, beginning on June*  
19 *20, 1998, and ending on June 10, 1999.*

20          (8) *Operation Noble Anvil, beginning on March*  
21 *24, 1999, and ending on July 20, 1999.*

22          (9) *Operation Joint Guardian, beginning on*  
23 *June 11, 1999, and ending on a date to be deter-*  
24 *mined.*

1       (c) *REPORT.*—Not later than one year after the date  
2 of the enactment of this Act, the Secretary of Defense shall  
3 submit to Congress a report of the numbers, by service,  
4 grade, and operation, of the officers given joint service cred-  
5 it in accordance with this section.

6 **SEC. 524. REVISION TO ANNUAL REPORT ON JOINT OFFI-**  
7 **CER MANAGEMENT.**

8       Section 667 of title 10, United States Code, is  
9 amended—

10           (1) in paragraph (1)—

11                   (A) by inserting “(A)” after “(1)”; and

12                   (B) by adding at the end the following new  
13 subparagraph:

14                   “(B) The number of officers who meet the cri-  
15 teria for selection for the joint specialty but were not  
16 selected, together with the reasons why.”;

17           (2) by amending paragraph (2) to read as fol-  
18 lows:

19                   “(2) The number of officers with the joint spe-  
20 cialty, shown by grade and branch or specialty and  
21 by education.”;

22           (3) in paragraph (3)—

23                   (A) in subparagraph (A) and (B), by strik-  
24 ing “nominated” and inserting “selected”;

1           (B) by inserting “and” at the end of sub-  
2 paragraph (D);

3           (C) by striking subparagraph (E); and

4           (D) by redesignating subparagraph (F) as  
5 subparagraph (E);

6           (4) in paragraph (4)(A), by striking “nomi-  
7 nated” and inserting “selected”;

8           (5) in paragraph (14)—

9           (A) by inserting “(A)” after “(14)”; and

10           (B) by adding at the end the following new  
11 subparagraph:

12           “(B) An assessment of the extent to which the  
13 Secretary of each military department is assigning  
14 personnel to joint duty assignments in accordance  
15 with this chapter and the policies, procedures, and  
16 practices established by the Secretary of Defense  
17 under section 661(a) of this title.”; and

18           (6) in paragraph (16), by striking “section  
19 664(i)” in the matter preceding subparagraph (A)  
20 and in subparagraph (B) and inserting “subpara-  
21 graphs (E) and (F) of section 664(i)(4)”.



1 **SEC. 525. REQUIREMENT FOR SELECTION FOR JOINT SPE-**  
2 **CIALTY BEFORE PROMOTION TO GENERAL OR**  
3 **FLAG OFFICER GRADE.**

4 (a) *REQUIREMENT.*—Subsection (a) of section 619a of  
5 title 10, United States Code, is amended by striking “un-  
6 less” and all that follows and inserting “unless—

7 “(1) the officer has completed a full tour of duty  
8 in a joint duty assignment (as described in section  
9 664(f) of this title); and

10 “(2) for appointments after September 30, 2007,  
11 the officer has been selected for the joint specialty in  
12 accordance with section 661 of this title.”

13 (b) *WAIVER AUTHORITY.*—Subsection (b) of that sec-  
14 tion is amended by striking “may waive subsection (a) in  
15 the following circumstances:” and inserting “may waive  
16 paragraph (1) or paragraph (2) of subsection (a), or both  
17 paragraphs (1) and (2) of subsection (a), in the following  
18 circumstances (except that paragraph (2) of subsection (a)  
19 may not be waived by reason of paragraph (4)):”.

20 (c) *PROPOSED LEGISLATIVE CHANGES.*—Not later  
21 than December 1, 2002, the Secretary of Defense shall sub-  
22 mit to Congress a draft proposal for such legislative changes  
23 as the Secretary considers needed to implement the amend-  
24 ment made by subsections (a) and (b).

1 **SEC. 526. INDEPENDENT STUDY OF JOINT OFFICER MAN-**  
2 **AGEMENT AND JOINT PROFESSIONAL MILI-**  
3 **TARY EDUCATION REFORMS.**

4 (a) *STUDY.*—*The Secretary of Defense shall provide for*  
5 *an independent study of the joint officer management sys-*  
6 *tem and the joint professional military education system.*  
7 *The Secretary shall ensure that the entity conducting the*  
8 *study is provided such information and support as re-*  
9 *quired. The Secretary shall include in the contract for the*  
10 *study a requirement that the entity conducting the study*  
11 *submit a report to Congress on the study not later than*  
12 *June 30, 2002.*

13 (b) *MATTERS TO BE INCLUDED WITH RESPECT TO*  
14 *JOINT OFFICER MANAGEMENT.*—*With respect to the joint*  
15 *officer management system, the entity conducting the inde-*  
16 *pendent study shall provide for the following:*

17 (1) *Assessment of implications for joint officer*  
18 *education, development, and management that would*  
19 *result from proposed joint organizational operational*  
20 *concepts (such as standing joint task forces) and from*  
21 *emerging officer management and personnel reforms*  
22 *(such as longer careers and more stabilization), that*  
23 *are under consideration by the Secretary of Defense.*

24 (2) *Assessment of the effectiveness of the current*  
25 *joint officer management system to develop and use*  
26 *joint specialty qualified officers in meeting both cur-*

1        *rent and future requirements for joint specialty offi-*  
2        *cers.*

3            (3) *Recommendations, based on empirical and*  
4        *other data, to improve the effectiveness of the joint of-*  
5        *ficer management system, especially with regard to*  
6        *the following:*

7            (A) *The proper mix and sequencing of edu-*  
8        *cation assignments and experience assignments*  
9        *(to include, with respect to both types of assign-*  
10       *ments, consideration of the type and quality,*  
11       *and the length, of such assignments) to qualify*  
12       *an officer as a joint specialty officer, as well as*  
13       *the implications of adopting a variable joint*  
14       *duty tour length and the advisability and impli-*  
15       *cations of a system of qualifying officers as joint*  
16       *specialty officers that uses multiple shorter quali-*  
17       *fication tracks to selection as a joint specialty of-*  
18       *ficer than are now codified.*

19            (B) *The system of using joint specialty offi-*  
20        *cers, including the continued utility of such*  
21        *measures as—*

22            (i) *the required fill of positions on the*  
23        *joint duty assignment list, as specified in*  
24        *paragraphs (1) and (4) of section 661(d) of*  
25        *title 10, United States Code;*

1           (ii) the fill by such officers of a re-  
2           quired number of critical billets, as pre-  
3           scribed by section 661(d)(2) of such title;

4           (iii) the mandated fill by general and  
5           flag officers of a minimum number of crit-  
6           ical billets, as prescribed by section  
7           661(d)(3) of such title; and

8           (iv) current promotion policy objectives  
9           for officers with the joint specialty, officers  
10          serving on the Joint Staff, and officers serv-  
11          ing in joint duty assignment list positions,  
12          as prescribed by section 662 of such title.

13          (C) Changes in policy and law required to  
14          provide officers the required joint specialty qual-  
15          ification before promotion to general or flag offi-  
16          cer grade.

17          (D) A determination of the number of re-  
18          serve component officers who would be qualified  
19          for designation as a joint specialty officer by  
20          reason of experience or education if the stand-  
21          ards of existing law, including waiver authori-  
22          ties, were applied to them, and recommendations  
23          for a process for qualifying and employing fu-  
24          ture reserve component officers as joint specialty  
25          officers.

1           (c) *MATTERS TO BE INCLUDED WITH RESPECT TO*  
2 *JOINT PROFESSIONAL MILITARY EDUCATION.*—*With re-*  
3 *spect to the joint professional military education system,*  
4 *the entity conducting the independent study shall provide*  
5 *for the following:*

6           (1) *The number of officers who under the current*  
7 *system (A) qualified as joint specialty officers by at-*  
8 *tending joint professional military education pro-*  
9 *grams before their first joint duty assignment, (B)*  
10 *qualified as joint specialty officers after arriving at*  
11 *their first joint duty assignment but before completing*  
12 *that assignment, and (C) qualified as joint specialty*  
13 *officers without any joint professional military edu-*  
14 *cation.*

15           (2) *Recommended initiatives (include changes in*  
16 *officer personnel management law, if necessary) to*  
17 *provide incentives and otherwise facilitate attendance*  
18 *at joint professional military education programs be-*  
19 *fore an officer's first joint duty assignment.*

20           (3) *Recommended goals for attendance at the*  
21 *Joint Forces Staff College en route to a first joint*  
22 *duty assignment.*

23           (4) *An assessment of the continuing utility of*  
24 *statutory requirements for use of officers following*

1       *joint professional military education, as prescribed by*  
2       *section 662(d) of title 10, United States Code.*

3               (5) *Determination of whether joint professional*  
4       *military education programs should remain prin-*  
5       *cipally an in-resident, multi-service experience and*  
6       *what role non-resident or distributive learning can or*  
7       *should play in future joint professional military edu-*  
8       *cation programs.*

9               (6) *Examination of options for the length of and*  
10       *increased capacity at Joint Forces Staff College, and*  
11       *whether other in-resident joint professional military*  
12       *education sources should be opened, and if opened,*  
13       *how they might be properly accredited and overseen*  
14       *to provide instruction at the level of the program des-*  
15       *ignated as "joint professional military education".*

16       (d) *CHAIRMAN OF JOINT CHIEFS OF STAFF.*—*With re-*  
17       *spect to the roles of the Secretary of Defense and the Chair-*  
18       *man of the Joint Chiefs of Staff, the entity conducting the*  
19       *independent study shall—*

20               (1) *provide for an evaluation of the current roles*  
21       *of the Secretary of Defense, the Chairman of the Joint*  
22       *Chiefs of Staff, and joint staff in law, policy, and im-*  
23       *plementation with regard to establishing and main-*  
24       *taining oversight of joint officer management, career*

1 *guidelines, and joint professional military education;*  
2 *and*

3 *(2) make recommendations to improve and*  
4 *strengthen those roles.*

5 *(e) REQUIREMENTS FOR STUDY ENTITY.—In pro-*  
6 *viding for the independent study required by subsection (a),*  
7 *the Secretary of Defense shall ensure that the entity con-*  
8 *ducting the study—*

9 *(1) is not a Department of Defense organization;*  
10 *and*

11 *(2) shall, at a minimum, involve in the study,*  
12 *in an integral way, the following persons:*

13 *(A) The Chairman of the Joint Chiefs of*  
14 *Staff and available former Chairmen of the*  
15 *Joint Chiefs of Staff.*

16 *(B) Members and former members of the*  
17 *Joint Staff, the Armed Forces, the Congress, and*  
18 *congressional staff who are or who have been sig-*  
19 *nificantly involved in the development, imple-*  
20 *mentation, or modification of joint officer man-*  
21 *agement and joint professional military edu-*  
22 *cation.*

23 *(C) Experts in joint officer management*  
24 *and education from civilian academic and re-*  
25 *search centers.*

1 **SEC. 527. PROFESSIONAL DEVELOPMENT EDUCATION.**

2       (a) *EXECUTIVE AGENT FOR FUNDING.*—(1) *Effective*  
3 *beginning with fiscal year 2003, the Secretary of Defense*  
4 *shall be the executive agent for funding professional develop-*  
5 *ment education operations of all components of the National*  
6 *Defense University, including the Joint Forces Staff Col-*  
7 *lege. The Secretary may not delegate the Secretary’s func-*  
8 *tions and responsibilities under the preceding sentence to*  
9 *the Secretary of a military department.*

10       (2) *Nothing in this subsection affects policies in effect*  
11 *on the date of the enactment of this Act with respect to—*

12               (A) *the reporting of the President of the National*  
13 *Defense University to the Chairman of the Joint*  
14 *Chiefs of Staff; or*

15               (B) *provision of logistical and base operations*  
16 *support for components of the National Defense Uni-*  
17 *versity by the military departments.*

18       (b) *PREPARATION OF BUDGET REQUESTS.*—*Section*  
19 *2162(b) of title 10, United States Code, is amended—*

20               (1) *by redesignating paragraph (2) as para-*  
21 *graph (3); and*

22               (2) *by inserting after paragraph (1) the fol-*  
23 *lowing new paragraph:*

24               “(2) *As executive agent for funding professional devel-*  
25 *opment education at the National Defense University, in-*  
26 *cluding the Joint Forces Staff College, the Secretary of De-*



1 *fense, with the advice of the Chairman of the Joint Chiefs*  
2 *of Staff, shall prepare the annual budget for professional*  
3 *development education operations at the National Defense*  
4 *University and set forth that request as a separate budget*  
5 *request in the materials submitted to Congress in support*  
6 *of the budget request for the Department of Defense. Nothing*  
7 *in the preceding sentence affects policies in effect on the date*  
8 *of the enactment of this paragraph with respect to budgeting*  
9 *for the funding of logistical and base operations support*  
10 *for components of the National Defense University through*  
11 *the military departments.”.*

12       (c) *FUNDING SOURCE.—(1) Section 2165 of title 10,*  
13 *United States Code, is amended by adding at the end the*  
14 *following new subsection:*

15       “(d) *SOURCE OF FUNDS FOR PROFESSIONAL DEVEL-*  
16 *OPMENT EDUCATION OPERATIONS.—Funding for the pro-*  
17 *fessional development education operations of the National*  
18 *Defense University shall be provided from funds made*  
19 *available to the Secretary of Defense from the annual ap-*  
20 *propriation ‘Operation and Maintenance, Defense-wide’.”.*

21       (2) *Subsection (d) of section 2165 of title 10, United*  
22 *States Code, as added by paragraph (1), shall become effec-*  
23 *tive beginning with fiscal year 2003.*

1 **SEC. 528. AUTHORITY FOR NATIONAL DEFENSE UNIVER-**  
2 **SITY TO ENROLL CERTAIN PRIVATE SECTOR**  
3 **CIVILIANS.**

4 (a) *IN GENERAL.*—(1) Chapter 108 of title 10, United  
5 States Code, is amended by adding at the end the following  
6 new section:

7 **“§2167. National Defense University: admission of**  
8 **private sector civilians to professional**  
9 **military education program**

10 “(a) *AUTHORITY FOR ADMISSION.*—The Secretary of  
11 Defense may permit eligible private sector employees who  
12 work in organizations relevant to national security to re-  
13 ceive instruction at the National Defense University in ac-  
14 cordance with this section. No more than 10 full-time equiv-  
15 alent private sector employees may be enrolled at any one  
16 time. Upon successful completion of the course of instruction  
17 in which enrolled, any such private sector employee may  
18 be awarded an appropriate diploma or degree under section  
19 2165 of this title.

20 “(b) *ELIGIBLE PRIVATE SECTOR EMPLOYEES.*—For  
21 purposes of this section, an eligible private sector employee  
22 is an individual employed by a private firm that is engaged  
23 in providing to the Department of Defense or other Govern-  
24 ment departments or agencies significant and substantial  
25 defense-related systems, products, or services or whose work  
26 product is relevant to national security policy or strategy.

1 *A private sector employee admitted for instruction at the*  
2 *National Defense University remains eligible for such in-*  
3 *struction only so long as that person remains employed by*  
4 *the same firm.*

5       “(c) *ANNUAL CERTIFICATION BY SECRETARY OF DE-*  
6 *FENSE.—Private sector employees may receive instruction*  
7 *at the National Defense University during any academic*  
8 *year only if, before the start of that academic year, the Sec-*  
9 *retary of Defense determines, and certifies to the Committee*  
10 *on Armed Services of the Senate and the Committee on*  
11 *Armed Services of the House of Representatives, that pro-*  
12 *viding instruction to private sector employees under this*  
13 *section during that year will further national security in-*  
14 *terests of the United States.*

15       “(d) *PROGRAM REQUIREMENTS.—The Secretary of*  
16 *Defense shall ensure that—*

17               “(1) *the curriculum for the professional military*  
18 *education program in which private sector employees*  
19 *may be enrolled under this section is not readily*  
20 *available through other schools and concentrates on*  
21 *national security relevant issues; and*

22               “(2) *the course offerings at the National Defense*  
23 *University continue to be determined solely by the*  
24 *needs of the Department of Defense.*

1           “(e) *TUITION.*—*The President of the National Defense*  
2 *University shall charge students enrolled under this section*  
3 *a rate—*

4                   “(1) *that is at least the rate charged for employ-*  
5 *ees of the United States outside the Department of De-*  
6 *fense, less infrastructure costs, and*

7                   “(2) *that considers the value to the school and*  
8 *course of the private sector student.*

9           “(f) *STANDARDS OF CONDUCT.*—*While receiving in-*  
10 *struction at the National Defense University, students en-*  
11 *rolled under this section, to the extent practicable, are sub-*  
12 *ject to the same regulations governing academic perform-*  
13 *ance, attendance, norms of behavior, and enrollment as*  
14 *apply to Government civilian employees receiving instruc-*  
15 *tion at the university.*

16           “(g) *USE OF FUNDS.*—*Amounts received by the Na-*  
17 *tional Defense University for instruction of students en-*  
18 *rolled under this section shall be retained by the university*  
19 *to defray the costs of such instruction. The source, and the*  
20 *disposition, of such funds shall be specifically identified in*  
21 *records of the university.”.*

22           “(2) *The table of sections at the beginning of such chap-*  
23 *ter is amended by adding at the end the following new item:*

“2167. *National Defense University: admission of private sector civilians to pro-*  
*fessional military education program.”.*

1       (b) *EFFECTIVE DATE.*—Section 2167 of title 10,  
2 *United States Code*, as added by subsection (a), shall take  
3 effect on January 1, 2002.

4 **SEC. 529. CONTINUATION OF RESERVE COMPONENT PRO-**  
5 **FESSIONAL MILITARY EDUCATION TEST.**

6       (a) *CONTINUATION OF CONCEPT VALIDATION TEST.*—  
7 *During fiscal year 2002, the Secretary of Defense shall con-*  
8 *tinue the concept validation test of Reserve component joint*  
9 *professional military education that was begun in fiscal*  
10 *year 2001 at the National Defense University.*

11       (b) *PILOT PROGRAM.*—*If the Secretary of Defense de-*  
12 *termines that the results of the concept validation test re-*  
13 *ferred to in subsection (a) warrant conducting a pilot pro-*  
14 *gram of the concept that was the subject of the test, the Sec-*  
15 *retary shall conduct such a pilot program during fiscal year*  
16 *2003.*

17       (c) *FUNDING.*—*The Secretary shall provide funds for*  
18 *the concept validation test under subsection (a) and for any*  
19 *pilot program under subsection (b) from funds appro-*  
20 *priated to the Secretary of Defense in addition those appro-*  
21 *priated for operations of the National Defense University.*

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

3 ***SEC. 531. DEFENSE LANGUAGE INSTITUTE FOREIGN LAN-***  
4 ***GUAGE CENTER.***

5 *(a) AUTHORITY TO CONFER ASSOCIATE OF ARTS DE-*  
6 *GREE.—Chapter 108 of title 10, United States Code, is*  
7 *amended by adding after section 2167, as added by section*  
8 *528(a)(1), the following new section:*

9 ***“§2168. Defense Language Institute Foreign Lan-***  
10 ***guage Center: degree of Associate of Arts***  
11 ***in foreign language***

12 *“(a) Subject to subsection (b), the Commandant of the*  
13 *Defense Language Institute may confer an Associate of Arts*  
14 *degree in a foreign language upon any graduate of the For-*  
15 *ign Language Center of the Institute who fulfills the re-*  
16 *quirements for that degree.*

17 *“(b) A degree may be conferred upon a student under*  
18 *this section only if the Provost of the Center certifies to the*  
19 *Commandant that the student has satisfied all the require-*  
20 *ments prescribed for the degree.*

21 *“(c) The authority provided by subsection (a) shall be*  
22 *exercised under regulations prescribed by the Secretary of*  
23 *Defense.”.*

24 *(b) CLERICAL AMENDMENT.—The table of sections at*  
25 *the beginning of such chapter is amended by adding after*

1 *the item relating to section 2167, as added by section*  
2 *528(a)(2), the following new item:*

*“2168. Defense Language Institute Foreign Language Center: degree of Associate of Arts in foreign language.”.*

3 **SEC. 532. AUTHORITY FOR THE MARINE CORPS UNIVERSITY**  
4 **TO AWARD DEGREE OF MASTER OF STRA-**  
5 **TEGIC STUDIES.**

6 *(a) MARINE CORPS WAR COLLEGE DEGREE.—Section*  
7 *7102 of title 10, United States Code, is amended—*

8 *(1) by redesignating subsection (b) as subsection*  
9 *(c); and*

10 *(2) by inserting after subsection (a) the following*  
11 *new subsection (b):*

12 *“(b) MARINE CORPS WAR COLLEGE.—Upon the rec-*  
13 *ommendation of the Director and faculty of the Marine*  
14 *Corps War College of the Marine Corps University, the*  
15 *President of the Marine Corps University may confer the*  
16 *degree of master of strategic studies upon graduates of the*  
17 *Marine Corps War College who fulfill the requirements for*  
18 *that degree.”.*

19 *(b) CONFORMING AMENDMENTS.—(1) Subsection (a) of*  
20 *such section is amended by striking “upon graduates” and*  
21 *all that follows and inserting “upon graduates of the Com-*  
22 *mand and Staff College who fulfill the requirements for that*  
23 *degree.”.*

1       (2) *Subsection (c) of such section, as redesignated by*  
 2 *subsection (a)(1), is amended by striking “subsection (a)”*  
 3 *and inserting “subsections (a) and (b)”.*

4       (3)(A) *The heading of such section is amended to read*  
 5 *as follows:*

6       **“§ 7102. Marine Corps University: masters degrees;**  
 7               **board of advisors”.**

8       (B) *The item relating to such section in the table of*  
 9 *sections at the beginning of chapter 609 of such title is*  
 10 *amended to read as follows:*

      “7102. *Marine Corps University: masters degrees; board of advisors.*”.

11       (c) *CODIFICATION OF REQUIREMENT FOR BOARD OF*  
 12 *ADVISORS.—(1) Section 7102 of title 10, United States*  
 13 *Code, as amended by subsections (a) and (b), is further*  
 14 *amended by adding at the end the following new subsection:*

15       “(d) *BOARD OF ADVISORS.—The Secretary of the Navy*  
 16 *shall establish a board of advisors for the Marine Corps*  
 17 *University. The Secretary shall ensure that the board is es-*  
 18 *tablished so as to meet all requirements of the appropriate*  
 19 *regional accrediting association.”.*

20       (2) *Section 912 of the National Defense Authorization*  
 21 *Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C.*  
 22 *7102 note) is repealed.*

23       (d) *EFFECTIVE DATE.—The authority to confer the de-*  
 24 *gree of master of strategic studies under section 7102(b) of*  
 25 *title 10, United States Code (as added by subsection (a))*



1 *may not be exercised until the Secretary of Education deter-*  
2 *mines, and certifies to the President of the Marine Corps*  
3 *University, that the requirements established by the Marine*  
4 *Corps War College of the Marine Corps University for that*  
5 *degree are in accordance with generally applicable require-*  
6 *ments for a degree of master of arts. Upon receipt of such*  
7 *a certification, the President of the University shall*  
8 *promptly transmit a copy of the certification to the Com-*  
9 *mittee on Armed Services of the Senate and Committee on*  
10 *Armed Services of the House of Representatives.*

11 **SEC. 533. INCREASE IN NUMBER OF FOREIGN STUDENTS**

12 **AUTHORIZED TO BE ADMITTED TO THE SERV-**  
13 **ICE ACADEMIES.**

14 (a) *UNITED STATES MILITARY ACADEMY.—(1) Sub-*  
15 *section (a)(1) of section 4344 of title 10, United States Code,*  
16 *is amended by striking “40 persons” and inserting “60 per-*  
17 *sons”.*

18 (2) *Subsection (b) of such section is amended—*

19 (A) *by inserting “some or all” in paragraph (2)*  
20 *after “unless a written waiver of”; and*

21 (B) *by striking paragraph (3).*

22 (3) *The amendments made by paragraph (2) shall not*  
23 *apply with respect to any person who entered the United*  
24 *States Military Academy to receive instruction under sec-*

1 *tion 4344 of title 10, United States Code, before the date*  
2 *of the enactment of this Act.*

3 (b) *UNITED STATES NAVAL ACADEMY.—(1) Subsection*  
4 *(a)(1) of section 6957 of title 10, United States Code, is*  
5 *amended by striking “40 persons” and inserting “60 per-*  
6 *sons”.*

7 (2) *Subsection (b) of such section is amended—*

8 (A) *by inserting “some or all” in paragraph (2)*  
9 *after “unless a written waiver of”; and*

10 (B) *by striking paragraph (3).*

11 (3) *The amendments made by paragraph (2) shall not*  
12 *apply with respect to any person who entered the United*  
13 *States Naval Academy to receive instruction under section*  
14 *6957 of title 10, United States Code, before the date of the*  
15 *enactment of this Act.*

16 (c) *UNITED STATES AIR FORCE ACADEMY.—(1) Sub-*  
17 *section (a)(1) of section 9344 of title 10, United States Code,*  
18 *is amended by striking “40 persons” and inserting “60 per-*  
19 *sons”.*

20 (2) *Subsection (b) of such section is amended—*

21 (A) *by inserting “some or all” in paragraph (2)*  
22 *after “unless a written waiver of”; and*

23 (B) *by striking paragraph (3).*

24 (3) *The amendments made by paragraph (2) shall not*  
25 *apply with respect to any person who entered the United*

1 *States Air Force Academy to receive instruction under sec-*  
2 *tion 9344 of title 10, United States Code, before the date*  
3 *of the enactment of this Act.*

4 **SEC. 534. INCREASE IN MAXIMUM AGE FOR APPOINTMENT**  
5 **AS A CADET OR MIDSHIPMAN IN SENIOR RE-**  
6 **SERVE OFFICER TRAINING CORPS SCHOLAR-**  
7 **SHIP PROGRAMS.**

8 (a) *GENERAL ROTC SCHOLARSHIP PROGRAM.*—*Sec-*  
9 *tion 2107(a) of title 10, United States Code, is amended—*

10 (1) *by striking “27 years of age on June 30” and*  
11 *inserting “35 years of age on December 31”; and*

12 (2) *by striking “, except that” and all that fol-*  
13 *lows through “on such date” the second place it ap-*  
14 *pears.*

15 (b) *ARMY RESERVE AND ARMY NATIONAL GUARD*  
16 *ROTC SCHOLARSHIP PROGRAM.*—*Section 2107a(a) of such*  
17 *title is amended—*

18 (1) *by striking “27 years of age on June 30” and*  
19 *inserting “35 years of age on December 31”; and*

20 (2) *by striking “, except that” and all that fol-*  
21 *lows through “on such date” the second place it ap-*  
22 *pears.*

1 **SEC. 535. ACTIVE DUTY PARTICIPATION AS A CADET OR**  
2 **MIDSHIPMAN IN SENIOR ROTC ADVANCED**  
3 **TRAINING.**

4 (a) *SENIOR RESERVE OFFICER TRAINING CORPS.*—  
5 *Section 2104(b)(3) of title 10, United States Code, is*  
6 *amended by striking “a reserve component of”* .

7 (b) *BASIC PAY.*—*Section 209(c) of title 37, United*  
8 *States Code, is amended by inserting “unless the cadet or*  
9 *midshipman is serving on active duty” before the period*  
10 *at the end.*

11 **SEC. 536. AUTHORITY TO MODIFY THE SERVICE OBLIGA-**  
12 **TION OF CERTAIN ROTC CADETS IN MILITARY**  
13 **JUNIOR COLLEGES RECEIVING FINANCIAL**  
14 **ASSISTANCE.**

15 (a) *AUTHORITY TO MODIFY AGREEMENTS.*—*Sub-*  
16 *section (b) of section 2107a of title 10, United States Code,*  
17 *is amended—*

18 (1) *by inserting “(1)” after “(b)”;*

19 (2) *by redesignating paragraphs (1), (2), (3),*  
20 *(4), (5), and (6) as subparagraphs (A), (B), (C), (D),*  
21 *(E), and (F), respectively;*

22 (3) *by designating the sentence following sub-*  
23 *paragraph (F), as so redesignated, as paragraph (2);*  
24 *and*

25 (4) *by adding at the end the following new para-*  
26 *graph:*

1           “(3) *In the case of a cadet under this section at a mili-*  
2 *tary junior college, the Secretary may, at any time and*  
3 *with the consent of the cadet concerned, modify an agree-*  
4 *ment described in paragraph (1)(F) submitted by the cadet*  
5 *to reduce or eliminate the troop program unit service obli-*  
6 *gation specified in the agreement and to establish, in lieu*  
7 *of that obligation, an active duty service obligation. Such*  
8 *a modification may be made only if the Secretary deter-*  
9 *mines that it is in the best interests of the United States*  
10 *to do so.”*

11           **(b) RETROACTIVE APPLICATION.**—*The authority of the*  
12 *Secretary of Defense under section 2107a(b)(3) of title 10,*  
13 *United States Code, as added by subsection (a), may be ex-*  
14 *ercised with regard to any agreement described in sub-*  
15 *section (b)(1)(F) (including agreements related to partici-*  
16 *pation in the Advanced Course of the Army Reserve Offi-*  
17 *cers’ Training Corps at a military college or civilian insti-*  
18 *tution) entered into during the period beginning on Janu-*  
19 *ary 1, 1991 and ending on July 12, 2000.*

20           **(c) TECHNICAL AMENDMENT.**—*Subsection (h) of such*  
21 *section is amended by striking “military college” in the sec-*  
22 *ond sentence and inserting “military junior college”.*

1 **SEC. 537. MODIFICATION OF NURSE OFFICER CANDIDATE**  
2 **ACCESSION PROGRAM RESTRICTION ON STU-**  
3 **DENTS ATTENDING EDUCATIONAL INSTITU-**  
4 **TIONS WITH SENIOR RESERVE OFFICERS'**  
5 **TRAINING PROGRAMS.**

6 *Section 2130a of title 10, United States Code, is*  
7 *amended—*

8 *(1) in subsection (a)(2), by striking “that does*  
9 *not have a Senior Reserve Officers’ Training Program*  
10 *established under section 2102 of this title”; and*

11 *(2) in subsection (b)(1), by inserting before the*  
12 *semicolon at the end “or that has a Senior Reserve*  
13 *Officers’ Training Program for which the student is*  
14 *ineligible”.*

15 **SEC. 538. REPEAL OF LIMITATION ON NUMBER OF JUNIOR**  
16 **RESERVE OFFICERS’ TRAINING CORPS**  
17 **(JROTC) UNITS.**

18 *Section 2031(a)(1) of title 10, United States Code, is*  
19 *amended by striking the second sentence.*

20 **SEC. 539. RESERVE HEALTH PROFESSIONALS STIPEND PRO-**  
21 **GRAM EXPANSION.**

22 *(a) PURPOSE OF PROGRAM.—Subsection (a) of section*  
23 *16201 of title 10, United States Code, is amended—*

24 *(1) by striking “specialties critically needed in*  
25 *wartime”;*

1           (2) by striking “training in such specialties”  
2           and inserting “training that leads to a degree in  
3           medicine or dentistry or training in a health profes-  
4           sions specialty that is critically needed in wartime”;  
5           and

6           (3) by striking “training in certain health care  
7           specialties” and inserting “health care education and  
8           training”.

9           (b) *MEDICAL AND DENTAL STUDENT STIPEND*.—Such  
10          section is further amended—

11           (1) by redesignating subsections (b), (c), (d), and  
12           (e) as subsections (c), (d), (e), and (f), respectively;  
13           and

14           (2) by inserting after subsection (a) the following  
15           new subsection (b):

16           “(b) *MEDICAL AND DENTAL SCHOOL STUDENTS*.—(1)  
17          Under the stipend program under this chapter, the Sec-  
18          retary of the military department concerned may enter into  
19          an agreement with a person who—

20           “(A) is eligible to be appointed as an officer in  
21           a reserve component;

22           “(B) is enrolled or has been accepted for enroll-  
23           ment in an institution in a course of study that re-  
24           sults in a degree in medicine or dentistry;

1           “(C) signs an agreement that, unless sooner sepa-  
2 rated, the person will—

3           “(i) complete the educational phase of the  
4 program;

5           “(ii) accept a reappointment or redesigna-  
6 tion within the person’s reserve component, if  
7 tendered, based upon the person’s health profes-  
8 sion, following satisfactory completion of the  
9 educational and intern programs; and

10           “(iii) participate in a residency program;

11           and

12           “(D) if required by regulations prescribed by the  
13 Secretary of Defense, agrees to apply for, if eligible,  
14 and accept, if offered, residency training in a health  
15 profession skill which has been designated by the Sec-  
16 retary of Defense as a critically needed wartime skill.

17           “(2) Under the agreement—

18           “(A) the Secretary of the military department  
19 concerned shall agree to pay the participant a sti-  
20 pend, in the amount determined under subsection (f),  
21 for the period or the remainder of the period the stu-  
22 dent is satisfactorily progressing toward a degree in  
23 medicine or dentistry while enrolled in an accredited  
24 medical or dental school;



1           “(B) the participant shall not be eligible to re-  
2           ceive such stipend before appointment, designation, or  
3           assignment as an officer for service in the Ready Re-  
4           serve;

5           “(C) the participant shall be subject to such ac-  
6           tive duty requirements as may be specified in the  
7           agreement and to active duty in time of war or na-  
8           tional emergency as provided by law for members of  
9           the Ready Reserve; and

10           “(D) the participant shall agree to serve, upon  
11           successful completion of the program, one year in the  
12           Selected Reserve for each six months, or part thereof,  
13           for which the stipend is provided. In the case of a  
14           participant who enters into a subsequent agreement  
15           under subsection (c) and successfully completes resi-  
16           dency training in a specialty designated by the Sec-  
17           retary of Defense as a specialty critically needed by  
18           the military department in wartime, the requirement  
19           to serve in the Selected Reserve may be reduced to one  
20           year for each year, or part thereof, for which the sti-  
21           pend was provided while enrolled in medical or den-  
22           tal school.”.

23           (c) *WARTIME CRITICAL SKILLS*.—Subsection (c) of  
24           such section (as redesignated by subsection (b)(1)) is  
25           amended—

1           (1) by inserting “WARTIME” after “CRITICAL” in  
2           the heading; and

3           (2) by inserting “or has been appointed as a  
4           medical or dental officer in the Reserve of the armed  
5           force concerned” in paragraph (1)(B) before the semi-  
6           colon at the end.

7           (d) *SERVICE OBLIGATION REQUIREMENT.*—Paragraph  
8           (2)(D) of subsection (c) of such section (as redesignated by  
9           subsection (b)(1)) and paragraph (2)(D) of subsection (d)  
10          of such section (as so redesignated) are amended by striking  
11          “two years in the Ready Reserve for each year,” and insert-  
12          ing “one year in the Ready Reserve for each six months,”.

13          (e) *CROSS-REFERENCE.*—Paragraph (2)(A) of sub-  
14          section (c) of such section (as redesignated by subsection  
15          (b)(1)) and paragraph (2)(A) of subsection (d) of such sec-  
16          tion (as so redesignated) are amended by striking “sub-  
17          section (e)” and inserting “subsection (f)”.

18   **SEC. 540. HOUSING ALLOWANCE FOR THE CHAPLAIN FOR**  
19                           **THE CORPS OF CADETS, UNITED STATES**  
20                           **MILITARY ACADEMY.**

21          (a) *AUTHORITY.*—The second sentence of section 4337  
22          of title 10, United States Code, is amended to read as fol-  
23          lows: “Notwithstanding any other provision of law, the  
24          chaplain is entitled to the same basic allowance for housing

1 *allowed to a lieutenant colonel, and to fuel and light for*  
2 *quarters in kind.”.*

3 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*  
4 *section (a) shall take effect on the first day of the first*  
5 *month beginning on or after the date of the enactment of*  
6 *this Act.*

7 ***Subtitle E—Decorations, Awards,***  
8 ***and Commendations***

9 ***SEC. 541. AUTHORITY FOR AWARD OF THE MEDAL OF***  
10 ***HONOR TO HUMBERT R. VERSACE FOR VALOR***  
11 ***DURING THE VIETNAM WAR.***

12 (a) *WAIVER OF TIME LIMITATION.*—*Notwithstanding*  
13 *the time limitations specified in section 3744 of title 10,*  
14 *United States Code, or any other time limitation with re-*  
15 *spect to the awarding of certain medals to persons who*  
16 *served in the military service, the President may award the*  
17 *Medal of Honor under section 3741 of that title to Humbert*  
18 *R. Versace for the acts of valor referred to in subsection*  
19 *(b).*

20 (b) *ACTION DESCRIBED.*—*The acts of valor referred to*  
21 *in subsection (a) are the actions of Humbert R. Versace be-*  
22 *tween October 29, 1963, and September 26, 1965, while in-*  
23 *terned as a prisoner-of-war by the Vietnamese Communist*  
24 *National Liberation Front (Viet Cong) in the Republic of*  
25 *Vietnam.*

1 **SEC. 542. REVIEW REGARDING AWARD OF MEDAL OF**  
2 **HONOR TO CERTAIN JEWISH AMERICAN AND**  
3 **HISPANIC AMERICAN WAR VETERANS.**

4 (a) *REVIEW REQUIRED.*—*The Secretary of each mili-*  
5 *tary department shall review the service records of each*  
6 *Jewish American war veteran or Hispanic American war*  
7 *veteran described in subsection (b) to determine whether*  
8 *that veteran should be awarded the Medal of Honor.*

9 (b) *COVERED JEWISH AMERICAN WAR VETERANS AND*  
10 *HISPANIC AMERICAN WAR VETERANS.*—*The Jewish Amer-*  
11 *ican war veterans and Hispanic American war veterans*  
12 *whose service records are to be reviewed under subsection*  
13 *(a) are the following:*

14 (1) *Any Jewish American war veteran or His-*  
15 *panic American war veteran who was awarded the*  
16 *Distinguished Service Cross, the Navy Cross, or the*  
17 *Air Force Cross before the date of the enactment of*  
18 *this Act.*

19 (2) *Any other Jewish American war veteran or*  
20 *Hispanic American war veteran whose name is sub-*  
21 *mitted to the Secretary concerned for such purpose be-*  
22 *fore the end of the one-year period beginning on the*  
23 *date of the enactment of this Act.*

24 (c) *CONSULTATIONS.*—*In carrying out the review*  
25 *under subsection (a), the Secretary of each military depart-*  
26 *ment shall consult with the Jewish War Veterans of the*

1 *United States of America and with such other veterans serv-*  
2 *ice organizations as the Secretary considers appropriate.*

3       (d) *RECOMMENDATION BASED ON REVIEW.*—*If the*  
4 *Secretary concerned determines, based upon the review*  
5 *under subsection (a) of the service records of any Jewish*  
6 *American war veteran or Hispanic American war veteran,*  
7 *that the award of the Medal of Honor to that veteran is*  
8 *warranted, the Secretary shall submit to the President a*  
9 *recommendation that the President award the Medal of*  
10 *Honor to that veteran.*

11       (e) *AUTHORITY TO AWARD MEDAL OF HONOR.*—*A*  
12 *Medal of Honor may be awarded to a Jewish American war*  
13 *veteran or Hispanic American war veteran in accordance*  
14 *with a recommendation of the Secretary concerned under*  
15 *subsection (a).*

16       (f) *WAIVER OF TIME LIMITATIONS.*—*An award of the*  
17 *Medal of Honor may be made under subsection (e) without*  
18 *regard to—*

19               (1) *section 3744, 6248, or 8744 of title 10,*  
20 *United States Code, as applicable; and*

21               (2) *any regulation or other administrative re-*  
22 *striction on—*

23                       (A) *the time for awarding the Medal of*  
24 *Honor; or*

1                   (B) the awarding of the Medal of Honor for  
2                   service for which a Distinguished Service Cross,  
3                   Navy Cross, or Air Force Cross has been award-  
4                   ed.

5           (g) *DEFINITION.*—For purposes of this section, the  
6 term “Jewish American war veteran” means any person  
7 who served in the Armed Forces during World War II or  
8 a later period of war and who identified himself or herself  
9 as Jewish on his or her military personnel records.

10 **SEC. 543. AUTHORITY TO ISSUE DUPLICATE MEDAL OF**  
11 **HONOR.**

12           (a) *ARMY.*—(1) Chapter 357 of title 10, United States  
13 Code, is amended by adding at the end the following new  
14 section:

15 **“§3754. Medal of honor: duplicate medal**

16           “A person awarded a medal of honor shall, upon writ-  
17 ten application of that person, be issued, without charge,  
18 one duplicate medal of honor with ribbons and appur-  
19 tenances. Such duplicate medal of honor shall be marked,  
20 in such manner as the Secretary of the Army may deter-  
21 mine, as a duplicate or for display purposes only.”.

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

“3754. Medal of honor: duplicate medal.”.

1           (b) NAVY.—(1) Chapter 567 of title 10, United States  
2 Code, is amended by adding at the end the following new  
3 section:

4 **“§ 6256. Medal of honor: duplicate medal**

5           “A person awarded a medal of honor shall, upon writ-  
6 ten application of that person, be issued, without charge,  
7 one duplicate medal of honor with ribbons and appur-  
8 tenances. Such duplicate medal of honor shall be marked,  
9 in such manner as the Secretary of the Navy may deter-  
10 mine, as a duplicate or for display purposes only.”.

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

“6256. Medal of honor: duplicate medal.”.

13           (c) AIR FORCE.—(1) Chapter 857 of title 10, United  
14 States Code, is amended by adding at the end the following  
15 new section:

16 **“§ 8754. Medal of honor: duplicate medal**

17           “A person awarded a medal of honor shall, upon writ-  
18 ten application of that person, be issued, without charge,  
19 one duplicate medal of honor with ribbons and appur-  
20 tenances. Such duplicate medal of honor shall be marked,  
21 in such manner as the Secretary of the Air Force may deter-  
22 mine, as a duplicate or for display purposes only.”.

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

“8754. Medal of honor: duplicate medal.”.

1           (d) *COAST GUARD.*—(1) Chapter 13 of title 14, United  
2 States Code, is amended by inserting after section 503 the  
3 following new section:

4 **“§ 504. Medal of honor: duplicate medal**

5           “A person awarded a medal of honor shall, upon writ-  
6 ten application of that person, be issued, without charge,  
7 one duplicate medal of honor with ribbons and appur-  
8 tenances. Such duplicate medal of honor shall be marked,  
9 in such manner as the Secretary may determine, as a du-  
10 plicate or for display purposes only.”

11           (2) The table of sections at the beginning of such chap-  
12 ter is amended by inserting after the item relating to section  
13 503 the following new item:

          “504. Medal of honor: duplicate medal.”

14           (e) *DEFINITION OF MEDAL OF HONOR FOR PURPOSES*  
15 *OF FEDERAL UNAUTHORIZED-USE CRIME.*—Section  
16 704(b)(2)(B) of title 18, United States Code, is amended  
17 to read as follows:

18           “(B) As used in this subsection, ‘Congressional  
19 Medal of Honor’ means—

20                   “(i) a medal of honor awarded under sec-  
21 tion 3741, 6241, or 8741 of title 10 or section  
22 491 of title 14;

23                   “(ii) a duplicate medal of honor issued  
24 under section 3754, 6256, or 8754 of title 10 or  
25 section 504 of title 14; or



1                   “(iii) a replacement of a medal of honor  
2                   provided under section 3747, 6253, or 8747 of  
3                   title 10 or section 501 of title 14.”.

4 **SEC. 544. AUTHORITY TO REPLACE STOLEN MILITARY**  
5                   **DECORATIONS.**

6           (a) *ARMY, NAVY, AND AIR FORCE.*—Sections 3747,  
7 6253, and 8747 of title 10, United States Code, are each  
8 amended by striking “lost or destroyed” and inserting “sto-  
9 len, lost, or destroyed”.

10          (b) *COAST GUARD.*—Section 501 of title 14, United  
11 States Code, is amended by inserting “stolen,” before  
12 “lost,”.

13 **SEC. 545. WAIVER OF TIME LIMITATIONS FOR AWARD OF**  
14                   **NAVY DISTINGUISHED FLYING CROSS TO**  
15                   **CERTAIN PERSONS.**

16          (a) *WAIVER.*—Any limitation established by law or  
17 policy for the time within which a recommendation for the  
18 award of a military decoration or award must be submitted  
19 shall not apply to awards of decorations described in this  
20 section, the award of each such decoration having been de-  
21 termined by the Secretary concerned to be warranted in ac-  
22 cordance with section 1130 of title 10, United States Code.

23          (b) *DISTINGUISHED FLYING CROSS.*—Subsection (a)  
24 applies to the award of the Distinguished Flying Cross for  
25 service during World War II or Korea (including multiple

1 awards to the same individual) in the case of each indi-  
2 vidual concerning whom the Secretary of the Navy (or an  
3 officer of the Navy acting on behalf of the Secretary) sub-  
4 mitted to the Committee on Armed Services of the House  
5 of Representatives and the Committee on Armed Services  
6 of the Senate, during the period beginning on October 31,  
7 2000, and ending on the day before the date of the enact-  
8 ment of this Act, a notice as provided in section 1130(b)  
9 of title 10, United States Code, that the award of the Distin-  
10 guished Flying Cross to that individual is warranted and  
11 that a waiver of time restrictions prescribed by law for rec-  
12 ommendation for such award is recommended.

13 **SEC. 546. KOREA DEFENSE SERVICE MEDAL.**

14 (a) ARMY.—(1) Chapter 357 of title 10, United States  
15 Code, as amended by section 543(a)(1), is further amended  
16 by adding at the end the following new section:

17 **“§ 3755. Korea Defense Service Medal**

18 “(a) The Secretary of the Army shall issue a campaign  
19 medal, to be known as the Korea Defense Service Medal,  
20 to each person who while a member of the Army served in  
21 the Republic of Korea or the waters adjacent thereto during  
22 the KDSM eligibility period and met the service require-  
23 ments for the award of that medal prescribed under sub-  
24 section (c).

1           “(b) *In this section, the term ‘KDSM eligibility period’*  
2 *means the period beginning on July 28, 1954, and ending*  
3 *on such date after the date of the enactment of this section*  
4 *as may be determined by the Secretary of Defense to be ap-*  
5 *propriate for terminating eligibility for the Korea Defense*  
6 *Service Medal.*

7           “(c) *The Secretary of the Army shall prescribe service*  
8 *requirements for eligibility for the Korea Defense Service*  
9 *Medal. Those requirements shall not be more stringent than*  
10 *the service requirements for award of the Armed Forces Ex-*  
11 *peditionary Medal for instances in which the award of that*  
12 *medal is authorized.*”.

13           (2) *The table of sections at the beginning of such chap-*  
14 *ter, as amended by section 543(a)(2), is further amended*  
15 *by adding at the end the following new item:*

          “3755. *Korea Defense Service Medal.*”.

16           (b) *NAVY AND MARINE CORPS.—(1) Chapter 567 of*  
17 *title 10, United States Code, as amended by section*  
18 *543(b)(1), is further amended by adding at the end the fol-*  
19 *lowing new section:*

20           “**§ 6257. Korea Defense Service Medal**

21           “(a) *The Secretary of the Navy shall issue a campaign*  
22 *medal, to be known as the Korea Defense Service Medal,*  
23 *to each person who while a member of the Navy or Marine*  
24 *Corps served in the Republic of Korea or the waters adja-*  
25 *cent thereto during the KDSM eligibility period and met*

1 *the service requirements for the award of that medal pre-*  
2 *scribed under subsection (c).*

3       “(b) *In this section, the term ‘KDSM eligibility period’*  
4 *means the period beginning on July 28, 1954, and ending*  
5 *on such date after the date of the enactment of this section*  
6 *as may be determined by the Secretary of Defense to be ap-*  
7 *propriate for terminating eligibility for the Korea Defense*  
8 *Service Medal.*

9       “(c) *The Secretary of the Navy shall prescribe service*  
10 *requirements for eligibility for the Korea Defense Service*  
11 *Medal. Those requirements shall not be more stringent than*  
12 *the service requirements for award of the Armed Forces Ex-*  
13 *peditionary Medal for instances in which the award of that*  
14 *medal is authorized.”.*

15       (2) *The table of sections at the beginning of such chap-*  
16 *ter, as amended by section 543(b)(2), is further amended*  
17 *by adding at the end the following new item:*

“6257. *Korea Defense Service Medal.*”.

18       (c) *AIR FORCE.*—(1) *Chapter 857 of title 10, United*  
19 *States Code, as amended by section 543(c)(1), is further*  
20 *amended by adding at the end the following new section:*

21 **“§ 8755. Korea Defense Service Medal**

22       “(a) *The Secretary of the Air Force shall issue a cam-*  
23 *paign medal, to be known as the Korea Defense Service*  
24 *Medal, to each person who while a member of the Air Force*  
25 *served in the Republic of Korea or the waters adjacent there-*

1 to during the *KDSM* eligibility period and met the service  
2 requirements for the award of that medal prescribed under  
3 subsection (c).

4 “(b) In this section, the term ‘*KDSM* eligibility period’  
5 means the period beginning on July 28, 1954, and ending  
6 on such date after the date of the enactment of this section  
7 as may be determined by the Secretary of Defense to be ap-  
8 propriate for terminating eligibility for the Korea Defense  
9 Service Medal.

10 “(c) The Secretary of the Air Force shall prescribe serv-  
11 ice requirements for eligibility for the Korea Defense Service  
12 Medal. Those requirements shall not be more stringent than  
13 the service requirements for award of the Armed Forces Ex-  
14 peditionary Medal for instances in which the award of that  
15 medal is authorized.”.

16 (2) The table of sections at the beginning of such chap-  
17 ter, as amended by section 543(c)(2), is further amended  
18 by adding at the end the following new item:

“8755. Korea Defense Service Medal.”.

19 (d) AWARD FOR SERVICE BEFORE DATE OF ENACT-  
20 MENT.—The Secretary of the military department con-  
21 cerned shall take appropriate steps to provide in a timely  
22 manner for the issuance of the Korea Defense Service Medal,  
23 upon application therefor, to persons whose eligibility for  
24 that medal is by reason of service in the Republic of Korea

1 *or the waters adjacent thereto before the date of the enact-*  
2 *ment of this Act.*

3 **SEC. 547. COLD WAR SERVICE MEDAL.**

4 *(a) AUTHORITY.—Chapter 57 of title 10, United States*  
5 *Code, is amended by adding at the end the following new*  
6 *section:*

7 **“§ 1134. Cold War service medal**

8 *“(a) MEDAL AUTHORIZED.—The Secretary concerned*  
9 *shall, upon application, issue the Cold War service medal*  
10 *to a person eligible to receive that medal. The Cold War*  
11 *service medal shall be of an appropriate design approved*  
12 *by the Secretary of Defense, with ribbons, lapel pins, and*  
13 *other appurtenances.*

14 *“(b) ELIGIBILITY.—(1) A person is eligible to receive*  
15 *the Cold War service medal if the person—*

16 *“(A) served on active duty during the Cold War;*

17 *“(B) has not been released from active duty with*  
18 *a characterization of service less favorable than hon-*  
19 *orable and has not received a discharge less favorable*  
20 *than an honorable discharge; and*

21 *“(C) except as provided under paragraph (3),*  
22 *meets the service requirements of paragraph (2).*

23 *“(2) The service requirements of this paragraph are—*

24 *“(A) in the case of a person who served on active*  
25 *duty during the Cold War as an enlisted member,*

1       *that the person have completed that person's initial*  
2       *term of enlistment and after the end of that initial*  
3       *term of enlistment have reenlisted for an additional*  
4       *term of enlistment or have been appointed as an offi-*  
5       *cer; and*

6               *“(B) in the case of a person who served on active*  
7       *duty during the Cold War as an officer, that the per-*  
8       *son have completed that person's initial service obli-*  
9       *gation as an officer and have served in the armed*  
10       *forces after completing that initial service obligation.*

11       *“(3) The Secretary concerned, under regulations pre-*  
12       *scribed under this section, may waive the service require-*  
13       *ments of paragraph (2)—*

14               *“(A) in the case of any person discharged or re-*  
15       *leased from active duty for a disability incurred or*  
16       *aggravated in line of duty;*

17               *“(B) in the case of any person discharged for*  
18       *hardship under section 1173 of this title; and*

19               *“(C) under any other circumstance for which the*  
20       *Secretary determines that such a waiver is war-*  
21       *ranted.*

22       *“(c) ONE AWARD AUTHORIZED.—Not more than one*  
23       *Cold War service medal may be issued to any person.*

24       *“(d) ISSUANCE TO REPRESENTATIVE OF DECEASED.—*  
25       *If a person who is eligible for the Cold War service medal*

1 *dies before being issued that medal, the medal may, upon*  
 2 *application, be issued to the person's representative, as des-*  
 3 *ignated by the Secretary concerned.*

4       “(e) *REPLACEMENT.*—Under regulations prescribed by  
 5 the Secretary concerned, a Cold War service medal that is  
 6 lost, destroyed, or rendered unfit for use without fault or  
 7 neglect on the part of the person to whom it was issued  
 8 may be replaced without charge.

9       “(f) *UNIFORM REGULATIONS.*—The Secretary of De-  
 10 fense shall ensure that regulations prescribed by the Secre-  
 11 taries of the military departments under this section are  
 12 uniform so far as is practicable.

13       “(g) *COLD WAR DEFINED.*—In this section, the term  
 14 ‘Cold War’ means the period beginning on September 2,  
 15 1945, and ending at the end of December 26, 1991.”.

16       “(b) *CLERICAL AMENDMENT.*—The table of sections at  
 17 the beginning of such chapter is amended by adding at the  
 18 end the following new item:

“1134. Cold War service medal.”.

19 **SEC. 548. OPTION TO CONVERT AWARD OF ARMED FORCES**  
 20 **EXPEDITIONARY MEDAL AWARDED FOR OP-**  
 21 **ERATION FREQUENT WIND TO VIETNAM**  
 22 **SERVICE MEDAL.**

23       “(a) *IN GENERAL.*—The Secretary of the military de-  
 24 partment concerned shall, upon the application of an indi-  
 25 vidual who is an eligible Vietnam evacuation veteran,



1 *award that individual the Vietnam Service Medal, notwith-*  
 2 *standing any otherwise applicable requirements for the*  
 3 *award of that medal. Any such award shall be made in*  
 4 *lieu of the Armed Forces Expeditionary Medal awarded the*  
 5 *individual for participation in Operation Frequent Wind.*

6 (b) *ELIGIBLE VIETNAM EVACUATION VETERAN.*—For  
 7 purposes of this section, the term “eligible Vietnam evacu-  
 8 ation veteran” means a member or former member of the  
 9 Armed Forces who was awarded the Armed Forces Expedi-  
 10 tionary Medal for participation in military operations des-  
 11 ignated as Operation Frequent Wind arising from the evac-  
 12 uation of Vietnam on April 29 and 30, 1975.

## 13 ***Subtitle F—Matters Relating to*** 14 ***Voting***

### 15 ***SEC. 551. VOTING ASSESSMENTS AND ASSISTANCE FOR*** 16 ***MEMBERS OF THE UNIFORMED SERVICES.***

17 (a) *IN GENERAL.*—Chapter 80 of title 10, United  
 18 States Code, is amended by adding at the end the following  
 19 new section:

#### 20 ***“§1566. Voting assistance: compliance assessments*** 21 ***and assistance***

22 “(a) *INSPECTOR GENERAL ASSESSMENTS.*—(1) The  
 23 Department of Defense Inspector General shall each cal-  
 24 endar year conduct a random and unannounced assessment

1 *at a minimum of 15 Department of Defense installations*  
2 *of the compliance at those installations with—*

3           “(A) *the requirements of the Uniformed and*  
4 *Overseas Citizens Absentee Voting Act (42 U.S.C.*  
5 *1973ff et seq.);*

6           “(B) *Department of Defense regulations regard-*  
7 *ing that Act and the Federal Voting Assistance Pro-*  
8 *gram carried out under that Act; and*

9           “(C) *other requirements of law regarding voting*  
10 *by members of the armed forces.*

11           “(2) *Each assessment under paragraph (1) shall in-*  
12 *clude a review of such compliance—*

13           “(A) *within units to which are assigned, in the*  
14 *aggregate, not less than 20 percent of the personnel*  
15 *assigned to duty at that installation;*

16           “(B) *within a representative survey of members*  
17 *of the armed forces assigned to that installation and*  
18 *their dependents; and*

19           “(C) *within unit voting assistance officers to*  
20 *measure program effectiveness.*

21           “(b) *REGULAR MILITARY DEPARTMENT ASSESS-*  
22 *MENTS.—The Secretary of each military department shall*  
23 *include in the set of issues and programs to be reviewed*  
24 *during any management effectiveness review or inspection*  
25 *an assessment of compliance with the Uniformed and Over-*

1 *seas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.)*  
2 *and with Department of Defense regulations regarding the*  
3 *Federal Voting Assistance Program.*

4       “(c) *VOTING ASSISTANCE OFFICERS.—Voting assist-*  
5 *ance officers appointed or assigned under Department of*  
6 *Defense regulations regarding the Federal Voting Assistance*  
7 *Program shall be appointed or assigned with the expecta-*  
8 *tion of serving in that capacity for a minimum of 30*  
9 *months. A member of the armed forces assigned to such a*  
10 *position may not be assigned other duties that would not*  
11 *be considered part of the member’s primary military duties,*  
12 *except when a unit commander determines that insufficient*  
13 *personnel are available to fulfill all additional duty require-*  
14 *ments. Performance evaluation reports pertaining to a*  
15 *member who has been assigned to serve as a voting assist-*  
16 *ance officer shall comment on the performance of the mem-*  
17 *ber as a voting assistance officer.*

18       “(d) *DELIVERY OF MAIL FROM OVERSEAS PRECEDING*  
19 *FEDERAL ELECTIONS.—(1) During the four months pre-*  
20 *ceding a general Federal election month, the Secretary of*  
21 *Defense shall periodically conduct surveys of all overseas*  
22 *locations and vessels at sea with military units responsible*  
23 *for collecting mail for return shipment to the United States*  
24 *and all port facilities in the United States and overseas*  
25 *where military-related mail is collected for shipment to*

1 *overseas locations or to the United States. The purpose of*  
2 *each survey shall be to determine if voting materials are*  
3 *awaiting shipment at any such location and, if so, the*  
4 *length of time that such materials have been held at that*  
5 *location. During the fourth and third months before a gen-*  
6 *eral Federal election month, such surveys shall be conducted*  
7 *biweekly. During the second and first months before a gen-*  
8 *eral Federal election month, such surveys shall be conducted*  
9 *weekly.*

10       “(2) *The Secretary shall ensure that voting materials*  
11 *are transmitted expeditiously by military postal authorities*  
12 *at all times.*

13       “(3) *In this section, the term ‘general Federal election*  
14 *month’ means November in an even-numbered year.’.*”

15       (b) *CLERICAL AMENDMENT.—The table of sections at*  
16 *the beginning of such chapter is amended by adding at the*  
17 *end the following new item:*

*“1566. Voting assistance: compliance assessments and assistance.”.*

18 **SEC. 552. ELECTRONIC VOTING DEMONSTRATION PROJECT.**

19       (a) *DEMONSTRATION PROJECT.—The Secretary of De-*  
20 *fense shall carry out a demonstration project to examine*  
21 *voting in Federal elections by absent uniformed services vot-*  
22 *ers through a long-distance electronic voting system. The*  
23 *demonstration project shall be carried out for voting in the*  
24 *regularly scheduled general election for Federal office in No-*  
25 *vember 2002. Under the demonstration project, absent uni-*

1 *formed services voters participating in the project shall be*  
2 *provided a means, with the cooperation and assistance of*  
3 *State election officials of States that agree to participate*  
4 *in the project, to cast their ballots in that election through*  
5 *a long-distance electronic voting method.*

6       **(b) SCOPE OF PROJECT.**—*The Secretary shall deter-*  
7 *mine the scope of the demonstration project under this sec-*  
8 *tion, including the absent uniformed services voters author-*  
9 *ized to participate in the project. The project shall be car-*  
10 *ried out with participation of sufficient numbers of absent*  
11 *uniformed services voters so that the results are statistically*  
12 *relevant.*

13       **(c) COORDINATION WITH STATE ELECTION OFFI-**  
14 **CIALS.**—*The Secretary shall carry out the demonstration*  
15 *project under this section through cooperative agreements*  
16 *with State election officials of States that agree to partici-*  
17 *pate in the project.*

18       **(d) REPORT TO CONGRESS.**—*Not later than June 1,*  
19 *2003, the Secretary shall submit to Congress a report ana-*  
20 *lyzing the demonstration project conducted under this sec-*  
21 *tion. The Secretary shall include in the report any rec-*  
22 *ommendations the Secretary considers appropriate for con-*  
23 *tinuing the project on an expanded basis during the next*  
24 *regularly scheduled general election for Federal office.*

1       (e) *ABSENT UNIFORMED SERVICES VOTER DE-*  
2 *FINED.*—*In this section, the term “absent uniformed serv-*  
3 *ices voter” has the meaning given that term in section*  
4 *107(1) of the Uniformed and Overseas Citizens Absentee*  
5 *Voting Act (42 U.S.C. 1973ff-6(1)).*

6       ***Subtitle G—Matters Relating to***  
7       ***Military Spouses and Family***  
8       ***Members***

9       ***SEC. 561. IMPROVED FINANCIAL AND OTHER ASSISTANCE***  
10                   ***TO MILITARY SPOUSES FOR JOB TRAINING***  
11                   ***AND EDUCATION.***

12       (a) *EXAMINATION OF EXISTING EMPLOYMENT ASSIST-*  
13 *ANCE PROGRAMS.*—(1) *The Secretary of Defense shall ex-*  
14 *amine existing Department of Defense and other Federal,*  
15 *State, and nongovernmental programs with the objective of*  
16 *improving retention of military personnel by increasing the*  
17 *employability of military spouses and assisting those*  
18 *spouses in gaining access to financial and other assistance*  
19 *for job training and education.*

20       (2) *In conducting the examination, the Secretary shall*  
21 *give priority to facilitating and increasing access of mili-*  
22 *tary spouses to existing Department of Defense, Federal,*  
23 *State, and nongovernmental sources for the types of finan-*  
24 *cial assistance set forth in paragraph (3), but shall also*  
25 *specifically assess whether the Department of Defense should*

1 *begin a program for direct financial assistance to military*  
2 *spouses for some or all of those types of assistance and*  
3 *whether such a program of direct financial assistance would*  
4 *enhance retention.*

5 *(3) In conducting the examination pursuant to para-*  
6 *graph (1), the Secretary should focus on financial assistance*  
7 *for military spouses for one or more of the following pur-*  
8 *poses:*

9 *(A) Career-related education.*

10 *(B) Certification and license fees for employ-*  
11 *ment-related purposes.*

12 *(C) Apprenticeships and internships.*

13 *(D) Technical training.*

14 *(E) Training to improve job skills.*

15 *(F) Career counseling.*

16 *(G) Skills assessment.*

17 *(H) Job-search skills.*

18 *(I) Job-related transportation.*

19 *(J) Child care.*

20 *(K) Any additional employment-related purpose*  
21 *specified by the Secretary for the purposes of the ex-*  
22 *amination under paragraph (1).*

23 *(4) Not later than March 30, 2002, the Secretary of*  
24 *Defense shall submit to the Committee on Armed Services*  
25 *of the Senate and the Committee on Armed Services of the*

1 *House of Representatives a report on the results of the ex-*  
2 *amination under paragraph (1).*

3       **(b) REVIEW OF DEPARTMENT OF DEFENSE POLI-**  
4 *CIES.—(1) The Secretary of Defense shall review Depart-*  
5 *ment of Defense policies that affect employment and edu-*  
6 *cation opportunities for military spouses in the Department*  
7 *of Defense in order to further expand those opportunities.*  
8 *The review shall include the consideration of providing, to*  
9 *the extent authorized by law, separate spouse preferences*  
10 *for employment by appropriated and nonappropriated fund*  
11 *operations.*

12       **(2) Not later than March 30, 2002, the Secretary of**  
13 *Defense shall submit to the Committee on Armed Services*  
14 *of the Senate and the Committee on Armed Services of the*  
15 *House of Representatives a report on the results of the re-*  
16 *view under paragraph (1).*

17       **(c) SPOUSE EMPLOYMENT ASSISTANCE.—Section 1784**  
18 *of title 10, United States Code, is amended by adding at*  
19 *the end the following new subsections:*

20       **“(d) SPACE-AVAILABLE USE OF FACILITIES FOR**  
21 *SPOUSE TRAINING PURPOSES.—Under regulations pre-*  
22 *scribed by the Secretary of Defense, the Secretary of a mili-*  
23 *tary department may make available to a non-Department*  
24 *of Defense entity space in non-excess facilities controlled by*  
25 *that Secretary for the purpose of the non-Department of De-*



1 *fense entity providing employment-related training for*  
2 *military spouses.*

3 “(e) *EMPLOYMENT BY OTHER FEDERAL AGENCIES.—*

4 *The Secretary of Defense shall work with the Director of*  
5 *the Office of Personnel Management and the heads of other*  
6 *Federal departments and agencies to expand and facilitate*  
7 *the use of existing Federal programs and resources in sup-*  
8 *port of military spouse employment.*

9 “(f) *PRIVATE-SECTOR EMPLOYMENT.—The Secretary*  
10 *of Defense—*

11 “(1) *shall seek to develop partnerships with firms*  
12 *in the private sector to enhance employment opportu-*  
13 *nities for spouses of members of the armed forces and*  
14 *to provide for improved job portability for such*  
15 *spouses, especially in the case of the spouse of a mem-*  
16 *ber of the armed forces accompanying the member to*  
17 *a new geographical area because of a change of per-*  
18 *manent duty station of the member; and*

19 “(2) *shall work with the United States Chamber*  
20 *of Commerce and other appropriate private-sector en-*  
21 *tities to facilitate the formation of such partnerships.*

22 “(g) *EMPLOYMENT WITH DOD CONTRACTORS.—The*  
23 *Secretary of Defense shall examine and seek ways for incor-*  
24 *porating hiring preferences for qualified spouses of members*

1 *of the armed forces into contracts between the Department*  
2 *of Defense and private-sector entities.”.*

3 **SEC. 562. AUTHORITY TO CONDUCT SURVEYS OF DEPEND-**  
4 **ENTS AND SURVIVORS OF MILITARY RETIR-**  
5 **EES.**

6 (a) *EXTENSION OF SURVEY AUTHORITY.*—Subsection  
7 (a) of section 1782 of title 10, United States Code, is  
8 amended to read as follows:

9 “(a) *AUTHORITY.*—The Secretary of Defense, in order  
10 to determine the effectiveness of Federal programs relating  
11 to military families and the need for new programs, may  
12 conduct surveys of—

13 “(1) *members of the armed forces who are on ac-*  
14 *tive duty, in an active status, or retired;*

15 “(2) *family members of such members; and*

16 “(3) *survivors of retired members.”.*

17 (b) *CONFORMING AMENDMENT.*—Subsection (c) of such  
18 section is amended by striking “family members” and all  
19 that follows through “armed forces” the second place it ap-  
20 pears and inserting “persons covered by subsection (a)”.

21 **SEC. 563. CLARIFICATION OF TREATMENT OF CLASSIFIED**  
22 **INFORMATION CONCERNING PERSONS IN A**  
23 **MISSING STATUS.**

24 Section 1506(b)(2) of title 10, United States Code, is  
25 amended—

1           (1) by inserting “(A)” after “(2)”;

2           (2) by striking the period at the end and insert-  
3           ing “of all missing persons from the conflict or period  
4           of war to which the classified information pertains.”;  
5           and

6           (3) by adding at the end the following new sub-  
7           paragraph:

8           “(B) For purposes of subparagraph (A), information  
9           shall be considered to be made reasonably available if placed  
10          in a separate and distinct file that is available for review  
11          by persons specified in subparagraph (A) upon the request  
12          of any such person either to review the separate file or to  
13          review the personnel file of the missing person concerned.”.

14 **SEC. 564. TRANSPORTATION TO ANNUAL MEETING OF**  
15                                   **NEXT-OF-KIN OF PERSONS UNACCOUNTED**  
16                                   **FOR FROM CONFLICTS AFTER WORLD WAR II.**

17          (a) *IN GENERAL.*—(1) Chapter 157 of title 10, United  
18          States Code, is amended by adding at the end the following  
19          new section:

20 **“§2647. Transportation to annual meeting of next-of-**  
21                                   **kin of persons unaccounted for from con-**  
22                                   **flicts after World War II**

23          “The Secretary of Defense may provide transportation  
24          for the next-of-kin of persons who are unaccounted for from  
25          the Korean conflict, the Cold War, Vietnam War era, or

1 *the Persian Gulf War to and from an annual meeting in*  
2 *the United States. Such transportation shall be provided*  
3 *under such regulations as the Secretary of Defense may pre-*  
4 *scribe.”.*

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

*“2647. Transportation to annual meeting of next-of-kin of persons unaccounted*  
*for from conflicts after World War II.”.*

7 (b) *EFFECTIVE DATE.*—*Section 2647 of title 10,*  
8 *United States Code, as added by subsection (a), shall take*  
9 *effect on October 1, 2001, or the date of the enactment of*  
10 *this Act, whichever is later.*

11 **SEC. 565. AMENDMENTS TO CHARTER OF DEFENSE TASK**  
12 **FORCE ON DOMESTIC VIOLENCE.**

13 (a) *MEMBERS APPOINTED FROM PRIVATE SECTOR.*—  
14 *Subsection (h)(1) of section 591 of the National Defense Au-*  
15 *thorization Act for Fiscal Year 2000 (Public Law 106–65;*  
16 *113 Stat. 639; 10 U.S.C. 1562 note) is amended—*

17 (1) *by inserting “who is a member of the Armed*  
18 *Forces or civilian officer or employee of the United*  
19 *States” after “Each member of the task force”;*

20 (2) *by striking “, but shall” and all that follows*  
21 *and inserting a period; and*

22 (3) *by adding at the end the following new sen-*  
23 *tence: “Other members of the task force shall be ap-*

1       pointed in accordance with, and subject to, section  
2       3161 of title 5, United States Code.”.

3       (b) *EXTENSION OF TERMINATION DATE.*—Subsection  
4       (j) of such section is amended by striking “three years after  
5       the date of the enactment of this Act” and inserting “on  
6       April 24, 2003”.

7       ***Subtitle H—Military Justice and***  
8       ***Legal Matters***

9       ***SEC. 571. REQUIREMENT THAT COURTS-MARTIAL CONSIST***  
10       ***OF NOT LESS THAN 12 MEMBERS IN CAPITAL***  
11       ***CASES.***

12       (a) *CLASSIFICATION OF GENERAL COURT-MARTIAL IN*  
13       *CAPITAL CASES.*—Section 816(1)(A) of title 10, United  
14       States Code (article 16(1)(A) of the Uniform Code of Mili-  
15       tary Justice) is amended by inserting after “five members”  
16       the following: “or, in a case in which the accused may be  
17       sentenced to a penalty of death, the number of members de-  
18       termined under section 825a of this title (article 25a)”.

19       (b) *NUMBER OF MEMBERS REQUIRED.*—(1) Chapter  
20       47 of title 10, United States Code (the Uniform Code of  
21       Military Justice), is amended by inserting after section 825  
22       (article 25) the following new section:

23       ***“§ 825a. Art. 25a. Number of members in capital cases***

24       ***“In a case in which the accused may be sentenced to***  
25       ***a penalty of death, the number of members shall be not less***

1 *than 12, unless 12 members are not reasonably available*  
 2 *because of physical conditions or military exigencies, in*  
 3 *which case the convening authority shall specify a lesser*  
 4 *number of members not less than five, and the court may*  
 5 *be assembled and the trial held with not less than the num-*  
 6 *ber of members so specified. In such a case, the convening*  
 7 *authority shall make a detailed written statement, to be ap-*  
 8 *ended to the record, stating why a greater number of mem-*  
 9 *bers were not reasonably available.”.*

10       (2) *The table of sections at the beginning of subchapter*  
 11 *V of such chapter is amended by inserting after the item*  
 12 *relating to section 825 (article 25) the following new item:*

“825a. 25a. *Number of members in capital cases.*”.

13       (c) *ABSENT AND ADDITIONAL MEMBERS.—Section*  
 14 *829(b) of such title (article 29 of the Uniform Code of Mili-*  
 15 *tary Justice) is amended—*

16               (1) *by inserting “(1)” after “(b)”;*

17               (2) *by striking “five members” both places it ap-*  
 18 *pears and inserting “the applicable minimum num-*  
 19 *ber of members”;* and

20               (3) *by adding at the end the following new para-*  
 21 *graph:*

22       “(2) *In this section, the term ‘applicable minimum*  
 23 *number of members’ means five members or, in a case in*  
 24 *which the death penalty may be adjudged, the number of*

1 *members determined under section 825a of this title (article*  
2 *25a).”.*

3 *(d) APPLICABILITY.—The amendments made by this*  
4 *section shall apply with respect to offenses committed after*  
5 *the date of the enactment of this Act.*

6 **SEC. 572. RIGHT OF CONVICTED ACCUSED TO REQUEST**  
7 **SENTENCING BY MILITARY JUDGE.**

8 *(a) SENTENCING BY JUDGE.—(1) Chapter 47 of title*  
9 *10, United States Code (the Uniform Code of Military Jus-*  
10 *tice), is amended by inserting after section 852 (article 52)*  
11 *the following new section:*

12 **“§852a. Art. 52a. Right of accused to request sen-**  
13 **tencing by military judge rather than by**  
14 **members**

15 *“(a) In the case of an accused convicted of an offense*  
16 *by a court-martial composed of a military judge and mem-*  
17 *bers, the sentence shall be tried before and adjudged by the*  
18 *military judge rather than the members if, after the find-*  
19 *ings are announced and before evidence in the sentencing*  
20 *proceeding is introduced, the accused, knowing the identity*  
21 *of the military judge and after consultation with defense*  
22 *counsel, requests orally on the record or in writing that the*  
23 *sentence be tried before and adjudged by the military judge*  
24 *rather than the members.*

1       “(b) *This section shall not apply with respect to an*  
 2 *offense for which the death penalty may be adjudged unless*  
 3 *the case has been previously referred to trial as a noncapital*  
 4 *case.*”.

5       (2) *The table of sections at the beginning of subchapter*  
 6 *VII of such chapter is amended by inserting after the item*  
 7 *relating to section 852 (article 52) the following new item:*

“852a. 52a. *Right of accused to request sentencing by military judge rather than*  
*by members.*”.

8       (b) *EFFECTIVE DATE.*—*Section 852a of title 10,*  
 9 *United States Code (article 52a of the Uniform Code of*  
 10 *Military Justice), as added by subsection (a), shall apply*  
 11 *with respect to offenses committed after the date of the en-*  
 12 *actment of this Act.*

13 **SEC. 573. CODIFICATION OF REQUIREMENT FOR REGULA-**  
 14 **TIONS FOR DELIVERY OF MILITARY PER-**  
 15 **SONNEL TO CIVIL AUTHORITIES WHEN**  
 16 **CHARGED WITH CERTAIN OFFENSES**

17       (a) *CODIFICATION OF EXISTING PROVISIONS.*—*Section*  
 18 *814 of title 10, United States Code (article 14 of the Uni-*  
 19 *form Code of Military Justice), is amended by adding at*  
 20 *the end the following new subsection:*

21       “(c) *The Secretary of Defense shall ensure that the Sec-*  
 22 *retaries of the military departments prescribe regulations*  
 23 *under subsection (a) and that those regulations are uniform*



1 *throughout the armed forces under the jurisdiction of the*  
2 *Secretary of Defense. Those regulations shall—*

3           “(1) *specifically provide for the delivery to the*  
4 *appropriate civil authority for trial, in any appro-*  
5 *priate case, of a member accused by civil authority of*  
6 *parental kidnapping or a similar offense, including*  
7 *criminal contempt arising from any such offense or*  
8 *from child custody matters; and*

9           “(2) *specifically address the special needs for the*  
10 *exercise of the authority contained in this section (ar-*  
11 *ticle) in a case in which a member of the armed forces*  
12 *assigned overseas is accused of an offense by civil au-*  
13 *thority.”.*

14       **(b) REPEAL OF CODIFIED PROVISIONS.**—*Section 721*  
15 *of the National Defense Authorization Act, Fiscal Year 1989*  
16 *(Public Law 100–456; 10 U.S.C. 814 note), is repealed.*

17 **SEC. 574. AUTHORITY TO ACCEPT VOLUNTARY LEGAL SERV-**  
18 **ICES FOR MEMBERS OF THE ARMED FORCES.**

19       **(a) AUTHORITY.**—*Subsection (a) of section 1588 of*  
20 *title 10, United States Code, is amended by adding at the*  
21 *end the following new paragraph:*

22           “(5) *Voluntary legal assistance services under*  
23 *section 1044 of this title.”.*

1       (b) *APPLICABLE FEDERAL LAWS.*—Subsection (d)(1)  
2 *of such section is amended by adding at the end the fol-*  
3 *lowing new subparagraph:*

4               “(E) Section 1054 of this title (relating to de-  
5 *fense of certain suits arising out of legal malpractice),*  
6 *in the case of persons providing voluntary legal as-*  
7 *sistance services under subsection (a)(5).”.*

## 8               ***Subtitle I—Other Matters***

### 9 ***SEC. 581. SHIPMENT OF PRIVATELY OWNED VEHICLES*** 10               ***WHEN MAKING PERMANENT CHANGE OF STA-*** 11               ***TION MOVES WITHIN UNITED STATES.***

12       Section 2634(h)(1) of title 10, United States Code, is  
13 *amended by inserting “or when the Secretary concerned de-*  
14 *termines that the transport of a vehicle upon such a transfer*  
15 *is advantageous and cost-effective to the United States” be-*  
16 *fore the period at the end.*

### 17 ***SEC. 582. PAYMENT OF VEHICLE STORAGE COSTS IN AD-*** 18               ***VANCE.***

19       Section 2634(b) of title 10, United States Code, is  
20 *amended by adding at the end the following new paragraph:*

21               “(4) Storage costs payable under this subsection may  
22 *be paid in advance.”.*

1 **SEC. 583. PERMANENT AUTHORITY FOR USE OF MILITARY**  
2 **RECRUITING FUNDS FOR CERTAIN EXPENSES**  
3 **AT DEPARTMENT OF DEFENSE RECRUITING**  
4 **FUNCTIONS.**

5 (a) *REPEAL OF TERMINATION PROVISION.*—Section  
6 520c of title 10, United States Code, is amended by striking  
7 subsection (c).

8 (b) *TECHNICAL AMENDMENTS.*—Subsection (a) of such  
9 section is amended—

10 (1) in paragraph (4), by striking “recruiting  
11 events” and inserting “recruiting functions”; and

12 (2) in paragraph (5), by striking “recruiting ef-  
13 forts” the first place it appears and inserting “re-  
14 cruiting functions”.

15 **SEC. 584. CLARIFICATION OF MILITARY RECRUITER ACCESS**  
16 **TO SECONDARY SCHOOL DIRECTORY INFOR-**  
17 **MATION ABOUT STUDENTS.**

18 Section 503(c)(1) of title 10, United States Code, is  
19 amended by striking “purposes,” and all that follows and  
20 inserting the following: “purposes—

21 “(A) the same access to secondary school students  
22 as is provided generally to post-secondary educational  
23 institutions or to prospective employers of those stu-  
24 dents; and

25 “(B) the same access to directory information  
26 concerning those students as is provided to a post-sec-

1        *ondary educational institution upon an indication by*  
2        *a secondary school student that the student seeks to*  
3        *enroll or intends to enroll at that institution.”.*

4        **SEC. 585. REPEAL OF REQUIREMENT FOR FINAL COMP-**  
5                                **TROLLER GENERAL REPORT RELATING TO**  
6                                **ARMY END STRENGTH ALLOCATIONS.**

7        *Section 552 of the National Defense Authorization Act*  
8        *for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 319;*  
9        *10 U.S.C. 115 note) is repealed.*

10        **SEC. 586. POSTHUMOUS ARMY COMMISSION IN THE GRADE**  
11                                **OF CAPTAIN IN THE CHAPLAINS CORPS TO**  
12                                **ELLA E. GIBSON FOR SERVICE AS CHAPLAIN**  
13                                **OF THE FIRST WISCONSIN HEAVY ARTILLERY**  
14                                **REGIMENT DURING THE CIVIL WAR.**

15        *The President is authorized and requested to post-*  
16        *humously appoint Ella E. Gibson to the grade of captain*  
17        *in the Chaplains Corps of the Army, the commission to*  
18        *issue as of the date of her appointment as chaplain to the*  
19        *First Wisconsin Heavy Artillery regiment during the Civil*  
20        *War and to be considered to have been in effect during the*  
21        *time during which she faithfully performed the services of*  
22        *a chaplain to that regiment and for which Congress by law*  
23        *(Private Resolution 31 of the 40th Congress, approved*  
24        *March 3, 1869) previously provided for her to be paid the*  
25        *full pay and emoluments of a chaplain in the United States*

1 *Army as if she had been regularly commissioned and mus-*  
2 *tered into service.*

3 **SEC. 587. NATIONAL GUARD CHALLENGE PROGRAM.**

4 (a) *TERMINATION OF LIMITATION ON FEDERAL EX-*  
5 *PENDITURES.*—*Subsection (b)(2)(A) of section 509 of title*  
6 *32, United States Code, is amended by striking “in a fiscal*  
7 *year” and inserting “in fiscal year 2001 or 2002”.*

8 (b) *MATCHING FUNDS REQUIREMENTS.*—*Subsection*  
9 *(d) of such section is amended by striking paragraphs (1)*  
10 *through (4) and inserting the following new paragraphs:*

11 “(1) *for fiscal years 2001 and 2002, 60 percent*  
12 *of the costs of operating the State program during*  
13 *that fiscal year; and*

14 “(2) *for fiscal year 2003 and each subsequent fis-*  
15 *cal year, 75 percent of the costs of operating the State*  
16 *program during that fiscal year.”.*

17 (c) *REPEAL OF CONTINGENT FUNDING FOR JROTC.*—  
18 (1) *Section 2033 of title 10, United States Code, is repealed.*

19 (2) *The table of sections at the beginning of chapter*  
20 *102 of such title is amended by striking the item relating*  
21 *to section 2033.*

22 (3) *The amendments made by this subsection shall take*  
23 *effect on October 1, 2002.*

1 **SEC. 588. PAYMENT OF FEHBP PREMIUMS FOR CERTAIN RE-**  
2 **SERVISTS CALLED TO ACTIVE DUTY IN SUP-**  
3 **PORT OF CONTINGENCY OPERATIONS.**

4 (a) *IN GENERAL.*—Subsection (e) of section 8906 of  
5 title 5, United States Code, is amended by adding at the  
6 end the following new paragraph:

7 “(3)(A) An employing agency may pay both the em-  
8 ployee and Government contributions, and any additional  
9 administrative expenses otherwise chargeable to the em-  
10 ployee, with respect to health care coverage for an employee  
11 described in subparagraph (B) and the family of such em-  
12 ployee.

13 “(B) An employee referred to in subparagraph (A) is  
14 an employee who—

15 “(i) is enrolled in a health benefits plan under  
16 this chapter;

17 “(ii) is a member of a reserve component of the  
18 armed forces;

19 “(iii) is called or ordered to active duty in sup-  
20 port of a contingency operation (as defined in section  
21 101(a)(13) of title 10);

22 “(iv) is placed on leave without pay or separated  
23 from service to perform active duty; and

24 “(v) serves on active duty for a period of more  
25 than 30 consecutive days.

1       “(C) Notwithstanding the one-year limitation on cov-  
2 erage described in paragraph (1)(A), payment may be made  
3 under this paragraph for a period not to exceed 18  
4 months.”

5       (b) *CONFORMING AMENDMENT.*—The matter preceding  
6 paragraph (1) in subsection (f) of such section is amended  
7 to read as follows:

8       “(f) The Government contribution, and any additional  
9 payments under subsection (e)(3)(A), for health benefits for  
10 an employee shall be paid—”

11       (c) *APPLICABILITY.*—The amendments made by this  
12 section apply with respect to employees called to active duty  
13 on or after December 8, 1995, and an agency may make  
14 retroactive payments to such employees for premiums paid  
15 on or after such date.

16 **SEC. 589. 18-MONTH ENLISTMENT PILOT PROGRAM.**

17       (a) *IN GENERAL.*—(1) Chapter 333 of title 10, United  
18 States Code, is amended by adding at the end the following  
19 new section:

20 **“§ 3264. 18-month enlistment pilot program**

21       “(a) During the pilot program period, the Secretary  
22 of the Army shall carry out a pilot program with the objec-  
23 tive of increasing participation of prior service persons in  
24 the Selected Reserve and providing assistance in building  
25 the pool of participants in the Individual Ready Reserve.

1       “(b) Under the program, the Secretary may, notwith-  
2 standing section 505(c) of this title, accept persons for origi-  
3 nal enlistment in the Army for a term of enlistment con-  
4 sisting of 18 months service on active duty, to be followed  
5 by three years of service in the Selected Reserve and then  
6 service in the Individual Ready Reserve to complete the  
7 military service obligation.

8       “(c) No more than 10,000 persons may be accepted for  
9 enlistment in the Army through the program under this sec-  
10 tion.

11       “(d) A person enlisting in the Army through the pro-  
12 gram under this section is eligible for an enlistment bonus  
13 under section 309 of title 37, notwithstanding the enlist-  
14 ment time period specified in subsection (a) of that section.

15       “(e) For purposes of the program under this section,  
16 the pilot program period is the period beginning on October  
17 1, 2003, and ending on December 31, 2007.

18       “(f) Not later than December 31, 2007, and December  
19 31, 2012, the Secretary of the Army shall submit to the  
20 Committee on Armed Services of the Senate and the Com-  
21 mittee on Armed Services of the House of Representatives  
22 a report on the program under this section. In each such  
23 report, the Secretary shall set forth the views of the Sec-  
24 retary on the success of the program in meeting the objec-  
25 tives stated in subsection (a) and whether the program



1 *should be continued and, if so, whether it should be modified*  
2 *or expanded.”.*

3 (2) *The table of sections at the beginning of such chap-*  
4 *ter is amended by adding at the end the following new item:*  
*“3264. 18-month enlistment pilot program.”.*

5 (b) *IMPLEMENTATION REPORT.—The Secretary of the*  
6 *Army shall submit to the Committee on Armed Services of*  
7 *the Senate and the Committee on Armed Services of the*  
8 *House of Representatives a report on the Secretary’s plan*  
9 *for implementation of section 3264 of title 10, United States*  
10 *Code, as added by subsection (a). Such report shall be sub-*  
11 *mitted not later than March 1, 2002.*

12 **SEC. 590. PER DIEM ALLOWANCE FOR LENGTHY OR NUMER-**  
13 **OUS DEPLOYMENTS.**

14 (a) *FUNDING SOURCE FOR ALLOWANCE.—Section*  
15 *436(a) of title 37, United States Code, is amended by add-*  
16 *ing at the end the following new sentence: “The Secretary*  
17 *shall pay the allowance from appropriations available for*  
18 *operation and maintenance for the armed force in which*  
19 *the member serves.”.*

20 (b) *EXPANDED REPORT REGARDING MANAGEMENT OF*  
21 *INDIVIDUAL MEMBER DEPLOYMENTS.—Section 574(d) of*  
22 *the Floyd D. Spence National Defense Authorization Act*  
23 *for Fiscal Year 2001 (as enacted by Public Law 106–398;*  
24 *114 Stat. 1654A–138) is amended in the second sentence*

1 *by striking paragraphs (1) and (2) and inserting the fol-*  
2 *lowing new paragraphs:*

3           “(1) *a discussion of the experience in tracking*  
4           *and recording the deployments of members of the*  
5           *Armed Forces and the payment of the per diem allow-*  
6           *ance for lengthy or numerous deployments in accord-*  
7           *ance with section 436 of title 37, United States Code;*

8           “(2) *specific comments regarding the effect of sec-*  
9           *tion 991 of title 10, United States Code, and section*  
10           *436 of title 37, United States Code, on the readiness*  
11           *of the Navy and Marine Corps given the deployment*  
12           *intensive mission of these services; and*

13           “(3) *any recommendations for revision of section*  
14           *991 of title 10, United States Code, or section 436 of*  
15           *title 37, United States Code, that the Secretary con-*  
16           *siders appropriate.”.*

17 **SEC. 591. CONGRESSIONAL REVIEW PERIOD FOR CHANGE**  
18 **IN GROUND COMBAT EXCLUSION POLICY.**

19           *Section 542(b) of the National Defense Authorization*  
20 *Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C.*  
21 *113 note) is amended—*

22           (1) *in paragraph (1)—*

23                   (A) *by striking “not less than 90 days”;*

24           *and*

1           (B) by adding at the end the following new  
2 sentence: “Such a change may then be imple-  
3 mented only after the end of a period of 60 days  
4 of continuous session of Congress (excluding any  
5 day on which either House of Congress is not in  
6 session) following the date on which the report is  
7 received.”; and

8           (2) by adding at the end the following new para-  
9 graph:

10          “(5) For purposes of this subsection, the continuity of  
11 a session of Congress is broken only by an adjournment of  
12 the Congress sine die.”.

13       **TITLE VI—COMPENSATION AND**  
14       **OTHER PERSONNEL BENEFITS**  
15       **Subtitle A—Pay and Allowances**

16       **SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2002.**

17          (a) *WAIVER OF SECTION 1009 ADJUSTMENT.*—The ad-  
18 justment to become effective during fiscal year 2002 re-  
19 quired by section 1009 of title 37, United States Code, in  
20 the rates of monthly basic pay authorized members of the  
21 uniformed services shall not be made.

22          (b) *INCREASE IN BASIC PAY.*—Effective on January  
23 1, 2002, the rates of monthly basic pay for members of the  
24 uniformed services within each pay grade are as follows:

COMMISSIONED OFFICERS<sup>1</sup>

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

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-10 <sup>2</sup>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
O-9 ....	0.00	0.00	0.00	0.00	0.00
O-8 ....	7,180.20	7,415.40	7,571.10	7,614.90	7,809.30
O-7 ....	5,966.40	6,371.70	6,371.70	6,418.20	6,657.90
O-6 ....	4,422.00	4,857.90	5,176.80	5,176.80	5,196.60
O-5 ....	3,537.00	4,152.60	4,440.30	4,494.30	4,673.10
O-4 ....	3,023.70	3,681.90	3,927.60	3,982.50	4,210.50
O-3 <sup>3</sup>	2,796.60	3,170.40	3,421.80	3,698.70	3,875.70
O-2 <sup>3</sup>	2,416.20	2,751.90	3,169.50	3,276.30	3,344.10
O-1 <sup>3</sup>	2,097.60	2,183.10	2,638.50	2,638.50	2,638.50
	Over 8	Over 10	Over 12	Over 14	Over 16
O-10 <sup>2</sup>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
O-9 ....	0.00	0.00	0.00	0.00	0.00
O-8 ....	8,135.10	8,210.70	8,519.70	8,608.50	8,874.30
O-7 ....	6,840.30	7,051.20	7,261.80	7,472.70	8,135.10
O-6 ....	5,418.90	5,448.60	5,448.60	5,628.60	6,305.70
O-5 ....	4,673.10	4,813.50	5,073.30	5,413.50	5,755.80
O-4 ....	4,395.90	4,696.20	4,930.20	5,092.50	5,255.70
O-3 <sup>3</sup>	4,070.10	4,232.40	4,441.20	4,549.50	4,549.50
O-2 <sup>3</sup>	3,344.10	3,344.10	3,344.10	3,344.10	3,344.10
O-1 <sup>3</sup>	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50
	Over 18	Over 20	Over 22	Over 24	Over 26
O-10 <sup>2</sup>	\$0.00	11,601.90	11,659.20	11,901.30	12,324.00
O-9 ....	0.00	10,147.50	10,293.60	10,504.80	10,873.80
O-8 ....	9,259.50	9,614.70	9,852.00	9,852.00	9,852.00
O-7 ....	8,694.90	8,694.90	8,694.90	8,694.90	8,738.70
O-6 ....	6,627.00	6,948.30	7,131.00	7,316.10	7,675.20
O-5 ....	5,919.00	6,079.80	6,262.80	6,262.80	6,262.80
O-4 ....	5,310.60	5,310.60	5,310.60	5,310.60	5,310.60
O-3 <sup>3</sup>	4,549.50	4,549.50	4,549.50	4,549.50	4,549.50
O-2 <sup>3</sup>	3,344.10	3,344.10	3,344.10	3,344.10	3,344.10
O-1 <sup>3</sup>	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50

<sup>1</sup>Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for commissioned officers in pay grades O-7 through O-10 may not exceed the rate of pay for level III of the Executive Schedule and the actual rate of basic pay for all other officers may not exceed the rate of pay for level V of the Executive Schedule.

<sup>2</sup>Subject to the preceding footnote, 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, the rate of basic pay for this grade is \$13,598.10, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

<sup>3</sup>This table does not apply to commissioned officers in pay grade O-1, O-2, or O-3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

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

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

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-3E	\$0.00	\$0.00	\$0.00	3,698.70	3,875.70
O-2E	0.00	0.00	0.00	3,276.30	3,344.10
O-1E	0.00	0.00	0.00	2,638.50	2,818.20
	Over 8	Over 10	Over 12	Over 14	Over 16
O-3E	4,070.10	4,232.40	4,441.20	4,617.00	4,717.50
O-2E	3,450.30	3,630.00	3,768.90	3,872.40	3,872.40

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

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

<i>Pay Grade</i>	<i>2 or less</i>	<i>Over 2</i>	<i>Over 3</i>	<i>Over 4</i>	<i>Over 6</i>
<i>O-1E</i>	2,922.30	3,028.50	3,133.20	3,276.30	3,276.30
	<i>Over 18</i>	<i>Over 20</i>	<i>Over 22</i>	<i>Over 24</i>	<i>Over 26</i>
<i>O-3E</i>	4,855.20	4,855.20	4,855.20	4,855.20	4,855.20
<i>O-2E</i>	3,872.40	3,872.40	3,872.40	3,872.40	3,872.40
<i>O-1E</i>	3,276.30	3,276.30	3,276.30	3,276.30	3,276.30

**WARRANT OFFICERS <sup>1</sup>**

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

<i>Pay Grade</i>	<i>2 or less</i>	<i>Over 2</i>	<i>Over 3</i>	<i>Over 4</i>	<i>Over 6</i>
<i>W-5 ...</i>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>W-4 ...</i>	2,889.60	3,108.60	3,198.00	3,285.90	3,437.10
<i>W-3 ...</i>	2,638.80	2,862.00	2,862.00	2,898.90	3,017.40
<i>W-2 ...</i>	2,321.40	2,454.00	2,569.80	2,654.10	2,726.40
<i>W-1 ...</i>	2,049.90	2,217.60	2,330.10	2,402.70	2,511.90
	<i>Over 8</i>	<i>Over 10</i>	<i>Over 12</i>	<i>Over 14</i>	<i>Over 16</i>
<i>W-5 ...</i>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>W-4 ...</i>	3,586.50	3,737.70	3,885.30	4,038.00	4,184.40
<i>W-3 ...</i>	3,152.40	3,330.90	3,439.50	3,558.30	3,693.90
<i>W-2 ...</i>	2,875.20	2,984.40	3,093.90	3,200.40	3,318.00
<i>W-1 ...</i>	2,624.70	2,737.80	2,850.00	2,963.70	3,077.10
	<i>Over 18</i>	<i>Over 20</i>	<i>Over 22</i>	<i>Over 24</i>	<i>Over 26</i>
<i>W-5 ...</i>	\$0.00	4,965.60	5,136.00	5,307.00	5,478.60
<i>W-4 ...</i>	4,334.40	4,480.80	4,632.60	4,782.00	4,935.30
<i>W-3 ...</i>	3,828.60	3,963.60	4,098.30	4,233.30	4,368.90
<i>W-2 ...</i>	3,438.90	3,559.80	3,680.10	3,801.30	3,801.30
<i>W-1 ...</i>	3,189.90	3,275.10	3,275.10	3,275.10	3,275.10

<sup>1</sup> Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for warrant officers may not exceed the rate of pay for level V of the Executive Schedule.

ENLISTED MEMBERS<sup>1</sup>

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

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-9 <sup>2</sup>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
E-8 ....	0.00	0.00	0.00	0.00	0.00
E-7 ....	1,986.90	2,169.00	2,251.50	2,332.50	2,417.40
E-6 ....	1,701.00	1,870.80	1,953.60	2,033.70	2,117.40
E-5 ....	1,561.50	1,665.30	1,745.70	1,828.50	1,912.80
E-4 ....	1,443.60	1,517.70	1,599.60	1,680.30	1,752.30
E-3 ....	1,303.50	1,385.40	1,468.50	1,468.50	1,468.50
E-2 ....	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30
E-1 ....	<sup>3</sup> 1,105.50	1,105.50	1,105.50	1,105.50	1,105.50
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9 <sup>2</sup>	\$0.00	\$3,423.90	3,501.30	3,599.40	3,714.60
E-8 ....	2,858.10	2,940.60	3,017.70	3,110.10	3,210.30
E-7 ....	2,562.90	2,645.10	2,726.40	2,808.00	2,892.60
E-6 ....	2,254.50	2,337.30	2,417.40	2,499.30	2,558.10
E-5 ....	2,030.10	2,110.20	2,193.30	2,193.30	2,193.30
E-4 ....	1,752.30	1,752.30	1,752.30	1,752.30	1,752.30
E-3 ....	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50
E-2 ....	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30
E-1 ....	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50
	Over 18	Over 20	Over 22	Over 24	Over 26
E-9 <sup>2</sup>	\$3,830.40	3,944.10	4,098.30	4,251.30	4,467.00
E-8 ....	3,314.70	3,420.30	3,573.00	3,724.80	3,937.80
E-7 ....	2,975.10	3,057.30	3,200.40	3,292.80	3,526.80
E-6 ....	2,602.80	2,602.80	2,602.80	2,602.80	2,602.80
E-5 ....	2,193.30	2,193.30	2,193.30	2,193.30	2,193.30
E-4 ....	1,752.30	1,752.30	1,752.30	1,752.30	1,752.30
E-3 ....	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50
E-2 ....	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30
E-1 ....	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50

<sup>1</sup>Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

<sup>2</sup>Subject to the preceding footnote, while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, basic pay for this grade is \$5,382.90, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

<sup>3</sup>In the case of members in pay grade E-1 who have served less than 4 months on active duty, the rate of basic pay is \$1,022.70.

1 **SEC. 602. BASIC PAY RATE FOR CERTAIN RESERVE COMMIS-**  
2 **SIONED OFFICERS WITH PRIOR SERVICE AS**  
3 **AN ENLISTED MEMBER OR WARRANT OFFI-**  
4 **CER.**

5 Section 203(d) of title 37, United States Code, is  
6 amended—

7 (1) by inserting “(1)” after “(d)”;

1           (2) by striking “who is credited” and all that  
2 follows through “and enlisted member” and inserting  
3 “is described in paragraph (2)”; and

4           (3) by adding at the end the following new para-  
5 graph:

6           “(2) Paragraph (1) applies with respect to a commis-  
7 sioned officer in pay grade O-1, O-2, or O-3 who—

8           “(A) is credited with a total of over four years’  
9 active service as warrant officer or as a warrant offi-  
10 cer and enlisted member; or

11           “(B) earned a total of more than 1,460 points  
12 credited under section 12732(a)(2) of title 10 while  
13 serving as a warrant officer or enlisted member.”.

14 **SEC. 603. SUBSISTENCE ALLOWANCES.**

15           (a) **BASIC ALLOWANCE FOR SUBSISTENCE.**—Section  
16 402 of title 37, United States Code, is amended—

17           (1) in subsection (b), by adding at the end the  
18 following new paragraph:

19           “(4) For purposes of implementing paragraph (2), the  
20 monthly rate of basic allowance for subsistence that was in  
21 effect for an enlisted member for calendar year 2001 shall  
22 be deemed to be \$233.”; and

23           (2) by striking subsection (d) and inserting the  
24 following new subsection:

1           “(d) *SPECIAL RULE FOR ENLISTED MEMBERS WHO*  
2 *MESS SEPARATELY.*—*The Secretary of Defense may pre-*  
3 *scribe a basic allowance for subsistence for enlisted members*  
4 *at a rate higher than the rate provided for in subsection*  
5 *(b) when messing facilities of the United States are not*  
6 *available for the members.*”

7           (b) *TERMINATION OF BAS TRANSITIONAL AUTHOR-*  
8 *ITY.*—*Effective as of October 1, 2001, section 603(c) of the*  
9 *Floyd D. Spence National Defense Authorization Act for*  
10 *Fiscal Year 2001 (as enacted by Public Law 106–398; 114*  
11 *Stat. 1654A–145) is amended by striking “October 1, 2001”*  
12 *and inserting “January 1, 2002”.*

13           (c) *FAMILY SUBSISTENCE SUPPLEMENTAL ALLOW-*  
14 *ANCE FOR LOW-INCOME MEMBERS OF THE ARMED*  
15 *FORCES.*—*Section 402a(b)(1) of title 37, United States*  
16 *Code, is amended by inserting “with dependents” after “a*  
17 *member of the armed forces”.*

18 **SEC. 604. ELIGIBILITY FOR BASIC ALLOWANCE FOR HOUS-**  
19 **ING WHILE BETWEEN PERMANENT DUTY STA-**  
20 **TIONS.**

21           (a) *REPEAL OF PAY GRADE LIMITATION.*—*Section*  
22 *403(i) of title 37, United States Code, is amended by strik-*  
23 *ing “who is in a pay grade E–4 (4 or more years of service)*  
24 *or above”.*



1       (b) *EFFECTIVE DATE; APPLICATION.*—*The amendment*  
 2 *made by this section shall take effect on January 1, 2003,*  
 3 *and apply to members of the uniformed services in a travel*  
 4 *or leave status between permanent duty stations on or after*  
 5 *that date.*

6 **SEC. 605. UNIFORM ALLOWANCE FOR OFFICERS.**

7       (a) *RELATION TO INITIAL UNIFORM ALLOWANCE.*—  
 8 *Section 416(b)(1) of title 37, United States Code, is amend-*  
 9 *ed by striking “\$200” and inserting “\$400”.*

10       (b) *EFFECTIVE DATE.*—*The amendment made by this*  
 11 *section shall take effect as of October 1, 2000.*

12 **SEC. 606. FAMILY SEPARATION ALLOWANCE FOR CERTAIN**  
 13 **MEMBERS ELECTING TO SERVE UNACCOM-**  
 14 **PANIED TOUR OF DUTY.**

15       (a) *AVAILABILITY OF ALLOWANCE.*—*Section 427(c) of*  
 16 *title 37, United States Code, is amended—*

17               (1) *by striking “A member” in the first sentence*  
 18 *and inserting “(1) Except as provided in paragraph*  
 19 *(2) or (3), a member”;*

20               (2) *by redesignating the second sentence as para-*  
 21 *graph (3); and*

22               (3) *by inserting after the first sentence the fol-*  
 23 *lowing new paragraph:*

24       “(2) *A member who elects to serve an unaccompanied*  
 25 *tour of duty because the movement of a dependent of the*

1 member to the permanent station is denied for certified  
 2 medical reasons is entitled to an allowance under subsection  
 3 (a)(1)(A).”.

4 (b) *EFFECTIVE DATE; APPLICATION.*—The amend-  
 5 ments made by this section shall take effect on January 1,  
 6 2002. Paragraph (2) of section 427(c) of title 37, United  
 7 States Code, as added by subsection (a), shall apply with  
 8 respect to pay periods beginning on or after that date for  
 9 a member of the uniformed services covered by such para-  
 10 graph regardless of the date on which the member first made  
 11 the election to serve an unaccompanied tour of duty.

12 ***Subtitle B—Bonuses and Special***  
 13 ***and Incentive Pays***

14 ***SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND***  
 15 ***SPECIAL PAY AUTHORITIES FOR RESERVE***  
 16 ***FORCES.***

17 (a) *SPECIAL PAY FOR HEALTH PROFESSIONALS IN*  
 18 *CRITICALLY SHORT WARTIME SPECIALTIES.*—Section  
 19 302g(f) of title 37, United States Code, is amended by strik-  
 20 ing “December 31, 2001” and inserting “December 31,  
 21 2002”.

22 (b) *SELECTED RESERVE REENLISTMENT BONUS.*—  
 23 Section 308b(f) of such title is amended by striking “De-  
 24 cember 31, 2001” and inserting “December 31, 2002”.

1           (c) *SELECTED RESERVE ENLISTMENT BONUS.*—Sec-  
2   tion 308c(e) of such title is amended by striking “December  
3   31, 2001” and inserting “December 31, 2002”.

4           (d) *SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED*  
5   *TO CERTAIN HIGH PRIORITY UNITS.*—Section 308d(c) of  
6   such title is amended by striking “December 31, 2001” and  
7   inserting “December 31, 2002”.

8           (e) *SELECTED RESERVE AFFILIATION BONUS.*—Sec-  
9   tion 308e(e) of such title is amended by striking “December  
10  31, 2001” and inserting “December 31, 2002”.

11          (f) *READY RESERVE ENLISTMENT AND REENLIST-*  
12 *MENT BONUS.*—Section 308h(g) of such title is amended by  
13 striking “December 31, 2001” and inserting “December 31,  
14 2002”.

15          (g) *PRIOR SERVICE ENLISTMENT BONUS.*—Section  
16 308i(f) of such title is amended by striking “December 31,  
17 2001” and inserting “December 31, 2002”.

18          (h) *REPAYMENT OF EDUCATION LOANS FOR CERTAIN*  
19 *HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED*  
20 *RESERVE.*—Section 16302(d) of title 10, United States  
21 Code, is amended by striking “January 1, 2002” and in-  
22 serting “January 1, 2003”.

1 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**  
2 **SPECIAL PAY AUTHORITIES FOR NURSE OFFI-**  
3 **CER CANDIDATES, REGISTERED NURSES, AND**  
4 **NURSE ANESTHETISTS.**

5 (a) *NURSE OFFICER CANDIDATE ACCESSION PRO-*  
6 *GRAM.*—Section 2130a(a)(1) of title 10, United States Code,  
7 is amended by striking “December 31, 2001” and inserting  
8 “December 31, 2002”.

9 (b) *ACCESSION BONUS FOR REGISTERED NURSES.*—  
10 Section 302d(a)(1) of title 37, United States Code, is  
11 amended by striking “December 31, 2001” and inserting  
12 “December 31, 2002”.

13 (c) *INCENTIVE SPECIAL PAY FOR NURSE ANES-*  
14 *THETISTS.*—Section 302e(a)(1) of title 37, United States  
15 Code, is amended by striking “December 31, 2001” and in-  
16 serting “December 31, 2002”.

17 **SEC. 613. ONE-YEAR EXTENSION OF OTHER BONUS AND**  
18 **SPECIAL PAY AUTHORITIES.**

19 (a) *AVIATION OFFICER RETENTION BONUS.*—Section  
20 301b(a) of title 37, United States Code, is amended by strik-  
21 ing “December 31, 2001” and inserting “December 31,  
22 2002”.

23 (b) *REENLISTMENT BONUS FOR ACTIVE MEMBERS.*—  
24 Section 308(g) of such title is amended by striking “Decem-  
25 ber 31, 2001” and inserting “December 31, 2002”.

1           (c) *ENLISTMENT BONUS FOR ACTIVE MEMBERS.*—Section  
2   tion 309(e) of such title is amended by striking “December  
3   31, 2001” and inserting “December 31, 2002”.

4           (d) *SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS*  
5   *EXTENDING PERIOD OF ACTIVE SERVICE.*—Section 312(e)  
6   of such title is amended by striking “December 31, 2001”  
7   and inserting “December 31, 2002”.

8           (e) *NUCLEAR CAREER ACCESSION BONUS.*—Section  
9   312b(c) of such title is amended by striking “December 31,  
10  2001” and inserting “December 31, 2002”.

11          (f) *NUCLEAR CAREER ANNUAL INCENTIVE BONUS.*—  
12  Section 312c(d) of such title is amended by striking “De-  
13  cember 31, 2001” and inserting “December 31, 2002”.

14          (g) *RETENTION BONUS FOR MEMBERS WITH CRITICAL*  
15  *MILITARY SKILLS.*—Section 323(i) of such title is amended  
16  by striking “December 31, 2001” and inserting “December  
17  31, 2002”.

18  **SEC. 614. CONFORMING ACCESSION BONUS FOR DENTAL**  
19                           **OFFICERS AUTHORITY WITH AUTHORITIES**  
20                           **FOR OTHER SPECIAL PAY AND BONUSES.**

21          Section 302h(a)(1) of title 37, United States Code, is  
22  amended by striking “the date of the enactment of this sec-  
23  tion, and ending on September 30, 2002” and inserting  
24  “September 23, 1996, and ending on December 31, 2002”.

1 **SEC. 615. ADDITIONAL TYPE OF DUTY RESULTING IN ELIGI-**  
2 **BILITY FOR HAZARDOUS DUTY INCENTIVE**  
3 **PAY.**

4 (a) *PERFORMANCE OF MARITIME BOARD AND SEARCH*  
5 *OPERATIONS.*—Section 301(a) of title 37, United States  
6 Code, is amended—

7 (1) in paragraph (10), by striking “or” at the  
8 end;

9 (2) by redesignating paragraph (11) as para-  
10 graph (12); and

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

13 “(11) involving regular participation as a mem-  
14 ber of a team conducting visit, board, search, and sei-  
15 zure operations aboard vessels in support of maritime  
16 interdiction operations; or”.

17 (b) *MONTHLY AMOUNT.*—Subsection (c) of such section  
18 is amended—

19 (1) in paragraph (1), by striking “(10)” and in-  
20 serting “(11)”; and

21 (2) in paragraph (2)(A), by striking “(11)” and  
22 inserting “(12)”.

23 (c) *EFFECTIVE DATE; APPLICATION.*—The amend-  
24 ments made by this section shall take effect on January 1,  
25 2002, and apply to duty described in the amendment made  
26 by subsection (a)(2) on or after that date.

1 **SEC. 616. EQUAL TREATMENT OF RESERVISTS PERFORMING**  
2 **INACTIVE-DUTY TRAINING FOR RECEIPT OF**  
3 **AVIATION CAREER INCENTIVE PAY.**

4 (a) *INCENTIVE PAY EQUITY FOR RESERVISTS.*—Sub-  
5 section (d) of section 301a of title 37, United States Code,  
6 is amended to read as follows:

7 “(d) *MEMBERS PERFORMING INACTIVE-DUTY TRAIN-*  
8 *ING.*—Under regulations prescribed by the President and  
9 to the extent provided for by appropriations, in the case  
10 of a member of a reserve component of a uniformed service,  
11 or of the National Guard, who is entitled to compensation  
12 under section 206 of this title, and who performs, under  
13 orders, duty described in subsection (a), the member is also  
14 entitled to monthly incentive pay under subsection (b) for  
15 the performance of that duty in the same manner as a mem-  
16 ber with corresponding years of aviation service who is enti-  
17 tled to basic pay. Such member is entitled to the incentive  
18 pay for as long as the member remains qualified for it, as  
19 provided in subsection (a). This subsection does not apply  
20 to a member who is entitled to basic pay under section 204  
21 of this title.”.

22 (b) *EFFECTIVE DATE; APPLICATION.*—The amendment  
23 made by this section shall take effect on January 1, 2002,  
24 and apply to duty described in the amendment made by  
25 subsection (a)(2) on or after that date.

1 **SEC. 617. SECRETARIAL DISCRETION IN PRESCRIBING SUB-**  
2 **MARINE DUTY INCENTIVE PAY RATES.**

3 (a) *AUTHORITY OF SECRETARY OF THE NAVY; MAX-*  
4 *IMUM RATE.*—Section 301c of title 37, United States Code,  
5 is amended by striking subsection (b) and inserting the fol-  
6 lowing new subsection:

7 “(b) *MONTHLY RATES.*—(1) Subject to paragraph (2),  
8 a member who meets the requirements prescribed in sub-  
9 section (a) is entitled to monthly submarine duty incentive  
10 pay in an amount prescribed by the Secretary of the Navy.

11 “(2) The monthly amount of submarine duty incentive  
12 pay may not exceed \$1,000.”

13 (b) *CONFORMING AMENDMENTS.*—Such section is fur-  
14 ther amended—

15 (1) in subsection (a), by striking “set forth in”  
16 each place it appears and inserting “prescribed pur-  
17 suant to”; and

18 (2) in subsection (d), by striking “authorized by”  
19 and inserting “prescribed pursuant to”.

20 (c) *EFFECTIVE DATE; TRANSITION.*—The amendments  
21 made by this section shall take effect on January 1, 2002.  
22 The tables set forth in subsection (b) of section 301c of title  
23 37, United States Code, as in effect on December 31, 2001,  
24 shall continue to apply until the Secretary of the Navy pre-  
25 scribes new submarine duty incentive pay rates as author-  
26 ized by the amendment made by subsection (a).



1 **SEC. 618. IMPOSITION OF CRITICAL WARTIME SKILL RE-**  
2 **QUIREMENT FOR ELIGIBILITY FOR INDI-**  
3 **VIDUAL READY RESERVE BONUS.**

4 *Section 308h(a)(1) of title 37, United States Code, is*  
5 *amended—*

6 *(1) by striking “and who” and inserting “, who*  
7 *is qualified in a skill or speciality designated by the*  
8 *Secretary concerned as critically short to meet war-*  
9 *time requirements, and who”;* and

10 *(2) by striking “a combat or combat support*  
11 *skill of”.*

12 **SEC. 619. INSTALLMENT PAYMENT AUTHORITY FOR 15-YEAR**  
13 **CAREER STATUS BONUS.**

14 *(a) MEMBER ELECTION.—Section 322(d) of title 37,*  
15 *United States Code, is amended—*

16 *(1) in paragraph (1), by striking “paid in a sin-*  
17 *gle lump sum of” and inserting “equal to”;*

18 *(2) by redesignating paragraph (2) as para-*  
19 *graph (4), and in such paragraph, by striking “The*  
20 *bonus” and inserting “The lump sum payment of the*  
21 *bonus, and the first installment payment in the case*  
22 *of members who elect to receive the bonus in install-*  
23 *ments,”;* and

24 *(3) by inserting after paragraph (1) the fol-*  
25 *lowing new paragraphs:*

1           “(2) A member electing to receive the bonus under this  
2 section shall elect one of the following payment options:

3           “(A) A single lump sum of \$30,000.

4           “(B) Two installments of \$15,000 each.

5           “(C) Three installments of \$10,000 each.

6           “(D) Four installments of \$7,500 each.

7           “(E) Five installments of \$6,000 each.

8           “(3) If a member elects installment payments under  
9 paragraph (2), the second installment (and subsequent in-  
10 stallments, as applicable) shall be paid on the earlier of the  
11 following dates:

12           “(A) The annual anniversary date of the pay-  
13 ment of the first installment.

14           “(B) January 15 of each succeeding calendar  
15 year.”.

16           (c) *EFFECTIVE DATE; APPLICATION.*—The amend-  
17 ments made by this section shall take effect on the date of  
18 the enactment of this Act. The Secretary concerned (as de-  
19 fined in section 101(5) of title 37, United States Code) shall  
20 extend to each member of the uniformed services who has  
21 executed the written agreement required by subsection (a)(2)  
22 of section 322 of such title before that date, but who has  
23 not received the lump sum payment by that date, an oppor-  
24 tunity to make the election authorized by subsection (d) of  
25 such section, as amended by subsection (a) of this section.

1 **SEC. 620. ACCESSION BONUS FOR NEW OFFICERS.**

2 (a) *BONUS AUTHORIZED.*—Chapter 5 of title 37,  
3 United States Code, is amended by adding at the end the  
4 following new section:

5 **“§ 324. Special pay: accession bonus for new officers**

6 “(a) *ACCESSION BONUS AUTHORIZED.*—Under regula-  
7 tions prescribed by the Secretary concerned, a person who  
8 executes a written agreement to accept a commission as an  
9 officer of the armed forces and serve on active duty for the  
10 period specified in the agreement may, upon acceptance of  
11 the agreement by the Secretary concerned, be paid an acces-  
12 sion bonus in an amount determined by the Secretary con-  
13 cerned.

14 “(b) *LIMITATION ON AMOUNT OF BONUS.*—The  
15 amount of an accession bonus under subsection (a) may not  
16 exceed \$100,000.

17 “(c) *PAYMENT METHOD.*—Upon acceptance of a writ-  
18 ten agreement under subsection (a) by the Secretary con-  
19 cerned, the total amount of the accession bonus payable  
20 under the agreement becomes fixed. The agreement shall  
21 specify whether the accession bonus will be paid by the Sec-  
22 retary in a lump sum or installments.

23 “(d) *RELATION TO OTHER ACCESSION BONUS AU-*  
24 *THORITY.*—An individual may not receive a accession  
25 bonus under this section and section 302d, 302h, 302j, or  
26 312b of this title for the same period of service.

1           “(e) *REPAYMENT.*—(1) *If an individual who has en-*  
2 *tered into an agreement under subsection (a) and has re-*  
3 *ceived all or part of the accession bonus under the agree-*  
4 *ment fails to accept a commission as an officer or to com-*  
5 *mence or complete the total period of active duty service*  
6 *specified in the agreement, the Secretary concerned may re-*  
7 *quire the individual to repay the United States, on a pro*  
8 *rata basis and to the extent that the Secretary determines*  
9 *conditions and circumstances warrant, any or all of the*  
10 *amount paid to the individual under the agreement.*

11           “(2) *An obligation to repay the United States imposed*  
12 *under paragraph (1) is for all purposes a debt owed to the*  
13 *United States.*

14           “(3) *A discharge in bankruptcy under title 11 that is*  
15 *entered less than five years after the termination of a writ-*  
16 *ten agreement entered into under subsection (a) does not*  
17 *discharge the individual signing the agreement from a debt*  
18 *arising under such agreement or under paragraph (1).”.*

19           “(b) *CLERICAL AMENDMENT.*—*The table of sections at*  
20 *the beginning of such chapter is amended by adding at the*  
21 *end the following new item:*

“324. *Special pay: accession bonus for new officers.*”.

1                   **Subtitle C—Travel and**  
2                   **Transportation Allowances**

3   **SEC. 631. MINIMUM PER DIEM RATE FOR TRAVEL AND**  
4                   **TRANSPORTATION ALLOWANCE FOR TRAVEL**  
5                   **PERFORMED UPON A CHANGE OF PERMA-**  
6                   **NENT STATION AND CERTAIN OTHER TRAVEL.**

7           (a) *ESTABLISHMENT OF RATE.*—Section 404(d) of  
8 *title 37, United States Code, is amended by adding at the*  
9 *end the following new paragraph:*

10           “(5) *The per diem rates established under paragraph*  
11 *(2)(A) for travel performed in connection with a change of*  
12 *permanent station or for travel described in paragraph (2)*  
13 *or (3) of subsection (a) shall be equal to the standard per*  
14 *diem rates established in the Federal travel regulation for*  
15 *travel within the continental United States of civilian em-*  
16 *ployees and their dependents, unless the Secretaries con-*  
17 *cerned determines that a higher rate for members is more*  
18 *appropriate.*”.

19           (b) *EFFECTIVE DATE; APPLICATION.*—*The amendment*  
20 *made by this section shall take effect on January 1, 2003,*  
21 *and apply to travel covered by such amendment that is per-*  
22 *formed on or after that date by members of the uniformed*  
23 *services and their dependents.*

1 **SEC. 632. PAYMENT OR REIMBURSEMENT OF TEMPORARY**  
 2 **SUBSISTENCE EXPENSES.**

3 (a) *INCLUSION OF OFFICERS.*—Subsection (a)(2)(C) of  
 4 section 404a of title 37, United States Code, is amended  
 5 by striking “an enlisted member” and inserting “a mem-  
 6 ber”.

7 (b) *INCREASE IN MAXIMUM DAILY AUTHORIZED*  
 8 *RATE.*—Subsection (e) of such section is amended by strik-  
 9 ing “\$110” and inserting “\$180”.

10 (c) *EFFECTIVE DATE; APPLICATION.*—The amend-  
 11 ments made by this section shall take effect on January 1,  
 12 2002, and apply with respect to an order in connection with  
 13 a change of permanent station issued on or after that date.

14 **SEC. 633. INCREASED WEIGHT ALLOWANCE FOR TRANSPOR-**  
 15 **TATION OF BAGGAGE AND HOUSEHOLD EF-**  
 16 **FECTS FOR JUNIOR ENLISTED MEMBERS.**

17 (a) *INCREASED WEIGHT ALLOWANCES.*—The table in  
 18 section 406(b)(1)(C) of title 37, United States Code, is  
 19 amended—

20 (1) by striking the two footnotes; and

21 (2) by striking the items relating to pay grade  
 22 E–1 through E–4 and inserting the following new  
 23 items:

“E–4 .....	7,000	8,000
“E–3 .....	5,000	8,000
“E–2 .....	5,000	8,000
“E–1 .....	5,000	8,000”.

1       (b) *EFFECTIVE DATE; APPLICATION.*—*The amend-*  
2 *ments made by this section shall take effect on January 1,*  
3 *2003, and apply with respect to an order in connection with*  
4 *a change of temporary or permanent station issued on or*  
5 *after that date.*

6 **SEC. 634. REIMBURSEMENT OF MEMBERS FOR MANDATORY**  
7                   **PET QUARANTINE FEES FOR HOUSEHOLD**  
8                   **PETS.**

9       Section 406(a)(1) of title 37, United States Code, is  
10 *amended in the last sentence by striking “\$275” and insert-*  
11 *ing “\$675”.*

12 **SEC. 635. AVAILABILITY OF DISLOCATION ALLOWANCE FOR**  
13                   **MARRIED MEMBER, WHOSE SPOUSE IS A MEM-**  
14                   **BER, ASSIGNED TO MILITARY FAMILY HOUS-**  
15                   **ING.**

16       (a) *ALLOWANCE AVAILABLE.*—*Section 407(a)(2) of*  
17 *title 37, United States Code, is amended by adding at the*  
18 *end the following new subparagraph:*

19               “(F) *A member married to another member, both*  
20 *of whom are without other dependents, who actually*  
21 *moves to a new permanent duty station where the*  
22 *member is assigned to family housing provided by the*  
23 *United States, except that only one dislocation allow-*  
24 *ance may be paid to the married couple with respect*  
25 *to the move.”.*

1       (b) *EFFECTIVE DATE; APPLICATION.*—The amend-  
2       ments made by this section shall take effect on January 1,  
3       2003, and apply with respect to an order to move for a  
4       member of a uniformed service issued on or after that date.

5       **SEC. 636. ELIMINATION OF PROHIBITION ON RECEIPT OF**  
6                               **DISLOCATION ALLOWANCE BY MEMBERS OR-**  
7                               **DERED TO FIRST DUTY STATION.**

8       (a) *ALLOWANCE AVAILABLE.*—Section 407(e) of title  
9       37, United States Code, is amended—

10               (1) by striking “*FIRST OR LAST DUTY*” and in-  
11               serting “*EFFECT OF ORDER FROM LAST DUTY STA-*  
12               *TION*”; and

13               (2) by striking “*from the member’s home to the*  
14               *member’s first duty station or*”.

15       (b) *EFFECTIVE DATE; APPLICATION.*—The amend-  
16       ments made by this section shall take effect on January 1,  
17       2003, and apply with respect to an order to move for a  
18       member of a uniformed service issued on or after that date.

19       **SEC. 637. PARTIAL DISLOCATION ALLOWANCE AUTHORIZED**  
20                               **FOR HOUSING MOVES ORDERED FOR GOV-**  
21                               **ERNMENT CONVENIENCE.**

22       (a) *AUTHORIZATION OF PARTIAL DISLOCATION AL-*  
23       *LOWANCE.*—Section 407 of title 37, United States Code is  
24       amended—



1           (1) *by redesignating subsections (f) and (g) as*  
2           *subsections (g) and (h), respectively; and*

3           (2) *by inserting after subsection (e) the following*  
4           *new subsection:*

5           “(f) *PARTIAL DISLOCATION ALLOWANCE.—(1) Under*  
6           *regulations prescribed by the Secretary concerned, a mem-*  
7           *ber ordered to occupy or vacate family housing provided*  
8           *by the United States to permit the privatization or renova-*  
9           *tion of housing or for any other reason (other than pursuant*  
10           *to a permanent change of station) may be paid a partial*  
11           *dislocation allowance of \$500.*

12           “(2) *Effective on the same date that the monthly rates*  
13           *of basic pay for all members are increased under section*  
14           *1009 of this title or another provision of law, the Secretary*  
15           *of Defense shall adjust the rate of the partial dislocation*  
16           *allowance authorized by this subsection by the percentage*  
17           *equal to the average percentage increase in the rates of basic*  
18           *pay.*

19           “(3) *Subsections (c) and (d) do not apply to the par-*  
20           *tial dislocation allowance authorized by this subsection.”.*

21           (b) *EFFECTIVE DATE; APPLICATION.—The amend-*  
22           *ments made by this section shall take effect on January 1,*  
23           *2002, and apply with respect to an order to move for a*  
24           *member of a uniformed service issued on or after that date.*

1 **SEC. 638. ALLOWANCES FOR TRAVEL PERFORMED IN CON-**  
2 **NECTION WITH MEMBERS TAKING AUTHOR-**  
3 **IZED LEAVE BETWEEN CONSECUTIVE OVER-**  
4 **SEAS TOURS.**

5 *Section 411b(a)(1) of title 37, United States Code, is*  
6 *amended by striking “, or his designee, or to a place no*  
7 *farther distant than his home of record”.*

8 **SEC. 639. FUNDED STUDENT TRAVEL AS PART OF SCHOOL-**  
9 **SPONSORED EXCHANGE PROGRAMS.**

10 *(a) RECOGNITION OF TEMPORARY EXCHANGE PRO-*  
11 *GRAMS.—Section 430 of title 37, United States Code, is*  
12 *amended—*

13 *(1) in subsection (a)(3), by inserting before the*  
14 *comma at the end the following: “or is attending a*  
15 *school outside the continental United States, if the de-*  
16 *pendent is attending the school outside the continental*  
17 *United States for less than one year under a program*  
18 *approved by the school in the continental United*  
19 *States at which the dependent is enrolled”;* and

20 *(2) in subsection (b)(1), by striking “in the con-*  
21 *tinental United States for the purpose of obtaining a*  
22 *formal education” in the first sentence and inserting*  
23 *“described in subsection (a)(3)”.*

24 *(b) LIMITATION ON AMOUNT OF ALLOWANCE.—Sub-*  
25 *section (b) of such section is amended by adding at the end*  
26 *the following new paragraph:*

1       “(3) *The transportation allowance under paragraph*  
 2 *(1) for a dependent child who is attending a school outside*  
 3 *the continental United States for less than one year under*  
 4 *a program approved by the school in the continental United*  
 5 *States at which the dependent is enrolled shall not exceed*  
 6 *the allowance the member would be paid for a trip between*  
 7 *the school in the continental United States and the mem-*  
 8 *ber’s duty station outside the continental United States and*  
 9 *return.”.*

10       (c) *EFFECTIVE DATE.*—*The amendments made by this*  
 11 *section shall take effect on January 1, 2002.*

12                   ***Subtitle D—Retirement and***  
 13                   ***Survivor Benefit Matters***

14 ***SEC. 641. CONTINGENT AUTHORITY FOR CONCURRENT RE-***  
 15                   ***CEIPT OF MILITARY RETIRED PAY AND VET-***  
 16                   ***ERANS’ DISABILITY COMPENSATION.***

17       (a) *RESTORATION OF RETIRED PAY BENEFITS.*—  
 18 *Chapter 71 of title 10, United States Code, is amended by*  
 19 *adding at the end the following new section:*

20 ***“§1414. Members eligible for retired pay who have***  
 21                   ***service-connected disabilities: payment of***  
 22                   ***retired pay and veterans’ disability com-***  
 23                   ***ensation; contingent authority***

24       “(a) *PAYMENT OF BOTH RETIRED PAY AND COM-*  
 25 *PENSATION.*—*Subject to subsection (b), a member or former*

1 *member of the uniformed services who is entitled to retired*  
2 *pay (other than as specified in subsection (c)) and who is*  
3 *also entitled to veterans' disability compensation is entitled*  
4 *to be paid both without regard to sections 5304 and 5305*  
5 *of title 38, subject to the enactment of qualifying offsetting*  
6 *legislation as specified in subsection (f).*

7       “(b) *SPECIAL RULE FOR CHAPTER 61 CAREER RETIR-*  
8 *EES.—The retired pay of a member retired under chapter*  
9 *61 of this title with 20 years or more of service otherwise*  
10 *creditable under section 1405 of this title at the time of the*  
11 *member's retirement is subject to reduction under sections*  
12 *5304 and 5305 of title 38, but only to the extent that the*  
13 *amount of the member's retired pay under chapter 61 of*  
14 *this title exceeds the amount of retired pay to which the*  
15 *member would have been entitled under any other provision*  
16 *of law based upon the member's service in the uniformed*  
17 *services if the member had not been retired under chapter*  
18 *61 of this title.*

19       “(c) *EXCEPTION.—Subsection (a) does not apply to a*  
20 *member retired under chapter 61 of this title with less than*  
21 *20 years of service otherwise creditable under section 1405*  
22 *of this title at the time of the member's retirement.*

23       “(d) *DEFINITIONS.—In this section:*

1           “(1) *The term ‘retired pay’ includes retainer*  
2           *pay, emergency officers’ retirement pay, and naval*  
3           *pension.*

4           “(2) *The term ‘veterans’ disability compensation’*  
5           *has the meaning given the term ‘compensation’ in sec-*  
6           *tion 101(12) of title 38.*

7           “(e) *EFFECTIVE DATE.—If qualifying offsetting legis-*  
8           *lation (as defined in subsection (f)) is enacted, the provi-*  
9           *sions of subsection (a) shall take effect on—*

10           “(1) *the first day of the first month beginning*  
11           *after the date of the enactment of such qualifying off-*  
12           *setting legislation; or*

13           “(2) *the first day of the fiscal year that begins*  
14           *in the calendar year in which such legislation is en-*  
15           *acted, if that date is later than the date specified in*  
16           *paragraph (1).*

17           “(f) *EFFECTIVENESS CONTINGENT ON ENACTMENT OF*  
18           *OFFSETTING LEGISLATION.—(1) The provisions of sub-*  
19           *section (a) shall be effective only if—*

20           “(A) *the President, in the budget for any fiscal*  
21           *year, proposes the enactment of legislation that, if en-*  
22           *acted, would be qualifying offsetting legislation; and*

23           “(B) *after that budget is submitted to Congress,*  
24           *there is enacted qualifying offsetting legislation.*

25           “(2) *For purposes of this subsection:*

1           “(A) *The term ‘qualifying offsetting legislation’*  
2           *means legislation (other than an appropriations Act)*  
3           *that includes provisions that—*

4                   “(i) *offset fully the increased outlays to be*  
5                   *made by reason of the provisions of subsection*  
6                   *(a) for each of the first 10 fiscal years beginning*  
7                   *after the date of the enactment of such legisla-*  
8                   *tion;*

9                   “(ii) *expressly state that they are enacted*  
10                  *for the purpose of the offset described in clause*  
11                  *(i); and*

12                  “(iii) *are included in full on the PayGo*  
13                  *scorecard.*

14           “(B) *The term ‘PayGo scorecard’ means the esti-*  
15           *mates that are made by the Director of the Congres-*  
16           *sional Budget Office and the Director of the Office of*  
17           *Management and Budget under section 252(d) of the*  
18           *Balanced Budget and Emergency Deficit Control Act*  
19           *of 1985 (2 U.S.C. 902(d)) with respect to the ten fis-*  
20           *cal years following the date of the enactment of the*  
21           *legislation that is qualifying offsetting legislation for*  
22           *purposes of this section.”.*

23           (b) *CONFORMING TERMINATION OF SPECIAL COM-*  
24           *PENSATION PROGRAM.—Section 1413(a) of such title is*  
25           *amended by adding at the end the following new sentence:*

1 *“If the provisions of subsection (a) of section 1414 of this*  
 2 *title become effective in accordance with subsection (f) of*  
 3 *that section, payments under this section shall be termi-*  
 4 *nated effective as of the month beginning on the effective*  
 5 *date specified in subsection (e) of that section.”.*

6 (c) *CLERICAL AMENDMENT.—The table of sections at*  
 7 *the beginning of such chapter is amended by adding at the*  
 8 *end the following new item:*

*“1414. Members eligible for retired pay who have service-connected disabilities;  
 payment of retired pay and veterans’ disability compensation;  
 contingent authority.”.*

9 (d) *PROHIBITION OF RETROACTIVE BENEFITS.—If the*  
 10 *provisions of subsection (a) of section 1414 of title 10,*  
 11 *United States Code, becomes effective in accordance with*  
 12 *subsection (f) of that section, no benefit may be paid to any*  
 13 *person by reason of those provisions for any period before*  
 14 *the effective date specified in subsection (e) of that section.*

## 15 ***Subtitle E—Other Matters***

16 ***SEC. 651. FUNERAL HONORS DUTY ALLOWANCE FOR RE-***  
 17 ***TIRED MEMBERS.***

18 (a) *ALLOWANCE AUTHORIZED.—Subsection (a) of sec-*  
 19 *tion 435 of title 37, United States Code, is amended—*

20 (1) *by inserting “(1)” before “The Secretary”;*  
 21 *and*

22 (2) *by adding at the end the following new para-*  
 23 *graph:*

1       “(2) *The Secretary concerned may also authorize pay-*  
2 *ment of an allowance under this section to a retired member*  
3 *of the armed forces who performs at least two hours of duty*  
4 *preparing for or performing honors at the funeral of a vet-*  
5 *eran.*”.

6       (b) *RELATION TO OTHER COMPENSATION.*—*Such sec-*  
7 *tion is further amended by adding at the end the following*  
8 *new subsection:*

9       “(c) *CONCURRENT PAYMENT.*—*Notwithstanding any*  
10 *other provision of law, the allowance paid to a retired mem-*  
11 *ber of the armed forces under this section shall be in addi-*  
12 *tion to any other compensation to which the retired member*  
13 *may be entitled under this title or titles 10 or 38.*”.

14                   **TITLE VII—HEALTH CARE**  
15                   **PROVISIONS**

16                   **Subtitle A—TRICARE Program**

17 **SEC. 701. IMPLEMENTING COST-EFFECTIVE PAYMENT**  
18                   **RATES UNDER THE TRICARE PROGRAM.**

19       *Not later than January 1, 2002, the Secretary of De-*  
20 *fense shall, with respect to categories of health care pro-*  
21 *viders or services for which the Secretary has not already*  
22 *done so and to the extent that the Secretary determines is*  
23 *practicable—*

24                   (1) *implement the payment rates used under*  
25 *medicare, or similar rates based on medicare pay-*



1 *ment methods, to pay for health care services provided*  
2 *by institutional and noninstitutional providers under*  
3 *the TRICARE program; and*

4 *(2) as a condition of participation in the*  
5 *TRICARE program, prohibit balance billing of cov-*  
6 *ered beneficiaries by institutional providers and limit*  
7 *balance billing by noninstitutional providers (subject*  
8 *to any exceptions the Secretary determines appro-*  
9 *priate) consistent with the limiting charge percentage*  
10 *under medicare.*

11 **SEC. 702. WAIVER OF NONAVAILABILITY STATEMENT OR**  
12 **PREAUTHORIZATION REQUIREMENT.**

13 *(a) IN GENERAL.—Section 721 of the Floyd D. Spence*  
14 *National Defense Authorization Act for Fiscal Year 2001*  
15 *(as enacted in Public Law 106–398; 114 Stat. 1654A–184)*  
16 *is amended—*

17 *(1) in the matter preceding paragraph (1) in*  
18 *subsection (a), by striking “new”;*

19 *(2) by striking subsection (c) and inserting the*  
20 *following:*

21 *“(c) EXCEPTIONS.—(1) Subject to paragraph (2), the*  
22 *Secretary may provide that subsection (a) shall not apply*  
23 *for a period of up to one year if—*

24 *“(A) the Secretary—*

1           “(i) demonstrates significant costs would be  
2           avoided by performing specific procedures at the  
3           affected military medical treatment facility or  
4           facilities;

5           “(ii) determines that a specific procedure  
6           must be provided at the affected military med-  
7           ical treatment facility or facilities to ensure the  
8           proficiency levels of the practitioners at the facil-  
9           ity or facilities; or

10          “(iii) determines that the lack of nonavail-  
11          ability statement data would significantly inter-  
12          fere with *TRICARE* contract administration;

13          “(B) the Secretary provides notification of the  
14          Secretary’s intent to make an exception under this  
15          subsection to covered beneficiaries who receive care at  
16          the military medical treatment facility or facilities  
17          that will be affected by the decision to make an excep-  
18          tion under this subsection;

19          “(C) the Secretary provides notification to the  
20          Committees on Armed Services of the House of Rep-  
21          resentatives and the Senate of the Secretary’s intent  
22          to make an exception under this subsection, the reason  
23          for making an exception, and the date that a non-  
24          availability statement will be required; and

1           “(D) 60 days have elapsed since the date of the  
2           notification described in subparagraph (C).

3           “(2)(A) Except as provided in subparagraph (B), the  
4           Secretary may make an exception under this subsection  
5           with respect to—

6           “(i) one or more services performed at a military  
7           medical treatment facility or facilities; or

8           “(ii) one or more services performed in a  
9           TRICARE region.

10          “(B) With respect to maternity care, the Secretary  
11          may make an exception under this subsection with respect  
12          to a military medical treatment facility.

13          “(3) In the case of health care provided in conjunction  
14          with a graduate medical education program, the period of  
15          nonapplicability described in paragraph (1) shall be, in-  
16          stead of one year, the period for which a residency review  
17          committee has approved the program.”; and

18          (3) in subsection (d), by striking “October 1,  
19          2001” and inserting “two years after the date of the  
20          enactment of the National Defense Authorization Act  
21          for Fiscal Year 2002”.

22          (b) REPORT.—Not later than March 1, 2002, the Sec-  
23          retary of Defense shall submit to the Committees on Armed  
24          Services of the House of Representatives and the Senate a

1 *report on the Secretary's plans for implementing such sec-*  
2 *tion.*

3 **SEC. 703. IMPROVEMENTS IN ADMINISTRATION OF THE**  
4 **TRICARE PROGRAM.**

5 (a) *EXPANSION OF TRICARE PROGRAM.*—Section  
6 1072(7) of title 10, United States Code, is amended by strik-  
7 ing “the competitive selection of contractors to financially  
8 underwrite”.

9 (b) *REDUCTION OF CONTRACT START-UP TIME.*—Sec-  
10 tion 1095c(b) of such title is amended—

11 (1) *in paragraph (1)*—

12 (A) *by striking “The” and inserting “Ex-*  
13 *cept as provided in paragraph (3), the”; and*

14 (B) *by striking “contract.” and all that fol-*  
15 *lows through “as soon as practicable after the*  
16 *award of the”; and*

17 (2) *by adding at the end the following new para-*  
18 *graph:*

19 “(3) *The Secretary may reduce the nine-month start-*  
20 *up period required under paragraph (1) if—*

21 “(A) *the Secretary—*

22 “(i) *determines that a shorter period is suf-*  
23 *ficient to ensure effective implementation of all*  
24 *contract requirements; and*

1           “(i) submits notification to the Committees  
2           on Armed Services of the House of Representa-  
3           tives and the Senate of the Secretary’s intent to  
4           reduce the nine-month start-up period; and  
5           “(B) 60 days have elapsed since the date of such  
6           notification.”.

7   **SEC. 704. SUB-ACUTE AND LONG-TERM CARE PROGRAM RE-**  
8           **FORM.**

9           (a) *IN GENERAL.*—(1) Chapter 55 of title 10, United  
10          States Code, is amended by inserting after section 1074i  
11          the following new section:

12       **“§ 1074j. Sub-acute care program**

13           “(a) *ESTABLISHMENT.*—The Secretary of Defense shall  
14          establish an effective, efficient, and integrated sub-acute  
15          care benefits program under this chapter (hereinafter re-  
16          ferred to in this section as the ‘program’). Except as other-  
17          wise provided in this section, the types of health care au-  
18          thorized under the program shall be the same as those pro-  
19          vided under section 1079 of this title. The Secretary, after  
20          consultation with the other administering Secretaries, shall  
21          promulgate regulations to carry out this section.

22           “(b) *BENEFITS.*—(1) The program shall include a uni-  
23          form skilled nursing facility benefit that shall be provided  
24          in the manner and under the conditions described in section  
25          1861(h) and (i) of the Social Security Act (42 U.S.C.

1 1395x(h) and (i)), except that the limitation on the number  
2 of days of coverage under section 1812(a) and (b) of such  
3 Act (42 U.S.C. 1395d(a) and (b)) shall not be applicable  
4 under the program. Skilled nursing facility care for each  
5 spell of illness shall continue to be provided for as long as  
6 medically necessary and appropriate.

7 “(2) In this subsection:

8 “(A) The term ‘skilled nursing facility’ has the  
9 meaning given such term in section 1819(a) of the  
10 Social Security Act (42 U.S.C. 1395i–3(a)).

11 “(B) The term ‘spell of illness’ has the meaning  
12 given such term in section 1861(a) of such Act (42  
13 U.S.C. 1395x(a)).

14 “(3) The program shall include a comprehensive, inter-  
15 mittent home health care benefit that shall be provided in  
16 the manner and under the conditions described in section  
17 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)).”.

18 (2) The table of sections at the beginning of such chap-  
19 ter is amended by inserting after the item relating to section  
20 1074i the following new item:

“1074j. Sub-acute care program.”.

21 (b) *EXTENDED BENEFITS FOR CERTAIN DEPEND-*  
22 *ENTS.*—Section 1079 of such title is amended by striking  
23 subsections (d), (e), and (f) and inserting the following new  
24 subsections:

1       “(d)(1) *The Secretary of Defense shall establish a pro-*  
2 *gram to provide extended benefits for eligible dependents,*  
3 *which may include the provision of comprehensive health*  
4 *care services, including case management services, to assist*  
5 *in the reduction of the disabling effects of a qualifying con-*  
6 *dition of an eligible dependent. Registration shall be re-*  
7 *quired to receive the extended benefits.*

8       “(2) *The Secretary of Defense, after consultation with*  
9 *the other administering Secretaries, shall promulgate regu-*  
10 *lations to carry out this subsection.*

11       “(3) *In this subsection:*

12               “(A) *The term ‘eligible dependent’ means a de-*  
13 *pendent of a member of the uniformed services on ac-*  
14 *tive duty for a period of more than 30 days, as de-*  
15 *scribed in subparagraph (A), (D), or (I) of section*  
16 *1072(2) of this title, who has a qualifying condition.*

17               “(B) *The term ‘qualifying condition’ means the*  
18 *condition of a dependent who is moderately or se-*  
19 *verely mentally retarded, has a serious physical dis-*  
20 *ability, or has an extraordinary physical or psycho-*  
21 *logical condition.*

22       “(e) *Extended benefits for eligible dependents under*  
23 *subsection (d) may include comprehensive health care serv-*  
24 *ices with respect to the qualifying condition of such a de-*  
25 *pendent, and include, to the extent such benefits are not*

1 *provided under provisions of this chapter other than under*  
2 *this section, the following:*

3           “(1) *Diagnosis.*

4           “(2) *Inpatient, outpatient, and comprehensive*  
5 *home health care supplies and services.*

6           “(3) *Training, rehabilitation, and special edu-*  
7 *cation.*

8           “(4) *Institutional care in private nonprofit, pub-*  
9 *lic, and State institutions and facilities and, if ap-*  
10 *propriate, transportation to and from such institu-*  
11 *tions and facilities.*

12           “(5) *Custodial care, notwithstanding the prohibi-*  
13 *tion in section 1077(b)(1) of this title.*

14           “(6) *Respite care for the primary caregiver of*  
15 *the eligible dependent.*

16           “(7) *Such other services and supplies as deter-*  
17 *mined appropriate by the Secretary, notwithstanding*  
18 *the limitations in subsection (a)(13).*

19           “(f) *Members shall be required to share in the cost of*  
20 *any benefits provided to their dependents under subsection*  
21 *(d) as follows:*

22           “(1) *Members in the lowest enlisted pay grade*  
23 *shall be required to pay the first \$25 incurred each*  
24 *month, and members in the highest commissioned pay*  
25 *grade shall be required to pay the first \$250 incurred*



1        *each month. The amounts to be paid by members in*  
2        *all other pay grades shall be determined under regula-*  
3        *tions to be prescribed by the Secretary of Defense in*  
4        *consultation with the administering Secretaries.*

5            *“(2) A member who has more than one depend-*  
6        *ent incurring expenses in a given month under a*  
7        *plan covered by subsection (d) shall not be required*  
8        *to pay an amount greater than would be required if*  
9        *the member had only one such dependent.”.*

10        *(c) DEFINITIONS OF CUSTODIAL CARE AND DOMI-*  
11        *CILIARY CARE.—Section 1072 of title 10, United States*  
12        *Code, is amended by adding at the end the following new*  
13        *paragraphs:*

14            *“(8) The term ‘custodial care’ means treatment*  
15        *or services, regardless of who recommends such treat-*  
16        *ment or services or where such treatment or services*  
17        *are provided, that—*

18            *“(A) can be rendered safely and reasonably*  
19        *by a person who is not medically skilled; or*

20            *“(B) is or are designed mainly to help the*  
21        *patient with the activities of daily living.*

22            *“(9) The term ‘domiciliary care’ means care pro-*  
23        *vided to a patient in an institution or homelike envi-*  
24        *ronment because—*

1                   “(A) providing support for the activities of  
2                   daily living in the home is not available or is  
3                   unsuitable; or

4                   “(B) members of the patient’s family are  
5                   unwilling to provide the care.”.

6           (d) *CONFORMING AMENDMENT.*—Section 1079 of title  
7 10, United States Code, is amended in subsection (a) by  
8 striking paragraph (17).

9           (e) *CONTINUATION OF INDIVIDUAL CASE MANAGEMENT*  
10 *SERVICES FOR CERTAIN ELIGIBLE BENEFICIARIES.*—(1)  
11 *Notwithstanding the termination of the Individual Case*  
12 *Management Program by subsection (d), the Secretary of*  
13 *Defense shall, in any case in which the Secretary makes*  
14 *the determination described in paragraph (2), continue to*  
15 *provide payment as if such program were in effect for home*  
16 *health care or custodial care services provided to an eligible*  
17 *beneficiary that would otherwise be excluded from coverage*  
18 *under regulations implementing chapter 55 of title 10,*  
19 *United States Code.*

20           (2) *The determination referred to in paragraph (1) is*  
21 *a determination that discontinuation of payment for serv-*  
22 *ices not otherwise provided under such chapter would result*  
23 *in the provision of services inadequate to meet the needs*  
24 *of the eligible beneficiary and would be unjust to such bene-*  
25 *ficiary.*

1       (3) *For purposes of this subsection, “eligible bene-*  
2 *ficiary” means a covered beneficiary (as that term is de-*  
3 *fin ed in section 1072 of title 10, United States Code) who,*  
4 *before the effective date of this section, was provided custo-*  
5 *dial care services under the Individual Case Management*  
6 *Program for which the Secretary provided payment.*

7       (f) *REPORT ON INITIATIVES REGARDING LONG-TERM*  
8 *CARE.—The Secretary of Defense shall, not later than April*  
9 *1, 2002, submit to Congress a report on the feasibility and*  
10 *desirability of establishing new initiatives, taking into ac-*  
11 *count chapter 90 of title 5, United States Code, to improve*  
12 *the availability of long-term care for members and retired*  
13 *members of the uniformed services and their families.*

14       (g) *REFERENCE IN TITLE 10 TO LONG-TERM CARE*  
15 *PROGRAM IN TITLE 5.—(1) Chapter 55 of title 10, United*  
16 *States Code, is amended by inserting after section 1074j*  
17 *(as added by subsection (a)) the following new section:*

18       **“§ 1074k. Long-term care insurance**

19       *“Provisions regarding long-term care insurance for*  
20 *members and certain former members of the uniformed serv-*  
21 *ices and their families are set forth in chapter 90 of title*  
22 *5.”.*

23       (2) *The table of sections at the beginning of such chap-*  
24 *ter is amended by inserting after the item relating to section*  
25 *1074j (as added by subsection (a)) the following new item:*

*“1074k. Long-term care insurance.”.*

1           (h) *EFFECTIVE DATE.*—*This section, and the amend-*  
2 *ments made by this section, shall take effect on October 1,*  
3 *2001.*

4 **SEC. 705. REIMBURSEMENT OF TRAVEL EXPENSES OF A**  
5 **PARENT, GUARDIAN, OR RESPONSIBLE FAM-**  
6 **ILY MEMBER OF A MINOR COVERED BENE-**  
7 **FICIARY.**

8           *Section 1074i of title 10, United States Code, is*  
9 *amended by adding at the end the following new sentence:*  
10 *“In any case in which reimbursement of travel expenses of*  
11 *a covered beneficiary who is a minor and dependent is re-*  
12 *quired under this section, the Secretary also shall provide*  
13 *reimbursement for reasonable travel expenses of the parent*  
14 *or guardian of, or the family member responsible for, such*  
15 *covered beneficiary.”.*

16 **Subtitle B—Other Matters**

17 **SEC. 711. PROHIBITION AGAINST REQUIRING MILITARY RE-**  
18 **TIREES TO RECEIVE HEALTH CARE SOLELY**  
19 **THROUGH THE DEPARTMENT OF DEFENSE.**

20           *No provision of law (whether enacted before or after*  
21 *this Act) may be construed as authorizing the Secretary of*  
22 *Defense to take any action that would require, or have the*  
23 *effect of requiring, a member or former member of the*  
24 *Armed Forces who is entitled to retired or retainer pay to*  
25 *enroll to receive health care from the Federal Government*

1 *only through the Department of Defense. This section may*  
2 *not be superseded by a subsequent Act unless that Act—*

3 *(1) specifically refers to this section; and*

4 *(2) specifically states that such provision of law*  
5 *supersedes the provisions of this section.*

6 **SEC. 712. TRAUMA AND MEDICAL CARE PILOT PROGRAM.**

7 *(a) REQUIREMENT TO CONDUCT PILOT PROGRAM.—*

8 *The Secretary of Defense shall conduct a pilot program*  
9 *under which the Brooke Army Medical Center and the*  
10 *Wilford Hall Air Force Medical Center in San Antonio,*  
11 *Texas, may charge civilians who are not covered bene-*  
12 *ficiaries under chapter 55 of title 10, United States Code,*  
13 *fees representing the actual costs of trauma and other med-*  
14 *ical care provided to such civilians using private sector*  
15 *itemized rates.*

16 *(b) USE OF FEES COLLECTED.—(1) The Brooke Army*  
17 *Medical Center and the Wilford Hall Air Force Medical*  
18 *Center may use the amounts collected under the pilot pro-*  
19 *gram for—*

20 *(A) trauma consortium activities;*

21 *(B) administrative, operating, and equipment*  
22 *costs; and*

23 *(C) readiness training.*

1       (2) *The operating budgets of those medical centers shall*  
2 *not be reduced as a result of fees collected under the pilot*  
3 *program.*

4       (c) *EFFICIENT PRACTICES.*—*Under the pilot program,*  
5 *the commander of the Brooke Army Medical Center or*  
6 *Wilford Hall Air Force Medical Center may authorize the*  
7 *use of funds appropriated to the Department of Defense for*  
8 *medical care for trauma and other medical care provided*  
9 *at such center to civilians described in subsection (a).*

10       (d) *LENGTH OF PILOT PROGRAM.*—*The pilot program*  
11 *under this section shall commence on October 1, 2001, and*  
12 *be conducted for a period of three years.*

13       (e) *REPORTS.*—*The Secretary of Defense shall submit*  
14 *to Congress not later than October 1st of each of 2002*  
15 *through 2004 a report describing the progress and effective-*  
16 *ness of the pilot program carried out under this section.*

17 **SEC. 713. ENHANCEMENT OF MEDICAL PRODUCT DEVELOP-**  
18 **MENT.**

19       Section 980 of title 10, United States Code, is  
20 amended—

21             (1) by inserting “(a)” before “Funds”; and

22             (2) by adding at the end the following new sub-  
23 section:

24       “(b) *The Secretary of Defense may waive the prohibi-*  
25 *tion in this section with respect to a specific research project*

1 *to advance the development of a medical product necessary*  
2 *to the armed forces if the research project is carried out*  
3 *in accordance with all other applicable laws.”.*

4 **SEC. 714. REPEAL OF OBSOLETE REPORT REQUIREMENT.**

5 *Section 701 of the National Defense Authorization Act*  
6 *for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 1074g*  
7 *note) is amended by striking subsection (d).*

8 **SEC. 715. CLARIFICATIONS AND IMPROVEMENTS REGARD-**  
9 **ING THE DEPARTMENT OF DEFENSE MEDI-**  
10 **CARE-ELIGIBLE RETIREE HEALTH CARE**  
11 **FUND.**

12 *(a) CLARIFICATION REGARDING COVERAGE.—Sub-*  
13 *section (b) of section 1111 of title 10, United States Code,*  
14 *is amended to read as follows:*

15 *“(b) In this chapter:*

16 *“(1) The term ‘Department of Defense retiree*  
17 *health care programs’ means the provisions of this*  
18 *title or any other provision of law creating an entitle-*  
19 *ment to or eligibility for health care under a Depart-*  
20 *ment of Defense or uniformed services program for a*  
21 *member or former member of a participating uni-*  
22 *formed service who is entitled to retired or retainer*  
23 *pay, and an eligible dependent under such program.*

24 *“(2) The term ‘designated Department of Defense*  
25 *health care program’ means a program described in*

1 paragraph (1) of this subsection that is designated  
2 under section 1113(c).

3 “(3) The term ‘eligible dependent’ means a de-  
4 pendent (as such term is defined in section 1072(2))  
5 described in section 1076(a)(2) (other than a depend-  
6 ent of a member on active duty), 1076(b), 1086(c)(2),  
7 or 1086(c)(3)).

8 “(4) The term ‘medicare-eligible’, with respect to  
9 any person, means entitled to benefits under part A  
10 of title XVIII of the Social Security Act (42 U.S.C.  
11 1395c et seq.).

12 “(5) The term ‘participating uniformed service’  
13 means the Army, Navy, Air Force, and Marine Corps,  
14 and any other uniformed service that is covered by an  
15 agreement entered into under subsection (c).”

16 (b) PARTICIPATION OF OTHER UNIFORMED SERV-  
17 ICES.—(1) Section 1111 of such title is further amended  
18 by adding after subsection (b), the following new subsection:

19 “(c) The Secretary of Defense may enter into an agree-  
20 ment with any other administering Secretary for participa-  
21 tion in the Fund by a uniformed service under the jurisdic-  
22 tion of that Secretary. Any such agreement shall require  
23 that Secretary to make contributions to the Fund on behalf  
24 of the members of the uniformed service under the jurisdic-  
25 tion of that Secretary comparable to the contributions to



1 *the Fund made by the Secretary of Defense under section*  
2 *1116.”*

3 (2) *Section 1112 of such title is amended by adding*  
4 *at the end the following new paragraph:*

5 “(4) *Amounts paid into the Fund pursuant to*  
6 *section 1111(c).”*

7 (3) *Section 1115 of such title is amended—*

8 (A) *in subsection (a), by inserting “partici-*  
9 *pating” before “uniformed services”; and*

10 (B) *in subparagraphs (A)(ii) and (B)(ii) of subsection*  
11 *(b)(1), by inserting “under the jurisdiction of the Secretary*  
12 *of Defense” after “uniformed services”.*

13 (4) *Section 1116(a) of such title is amended in para-*  
14 *graphs (1)(B) and (2)(B) by inserting “under the jurisdic-*  
15 *tion of the Secretary of Defense” after “uniformed services”.*

16 (c) *CLARIFICATION OF PAYMENTS FROM THE FUND.—*

17 (1) *The second sentence of subsection (a) of section 1111*  
18 *of such title is amended by inserting “designated” before*  
19 *“Department of Defense retiree health care programs for*  
20 *medicare-eligible beneficiaries”.*

21 (2) *Subsection (a) of section 1113 of such title is*  
22 *amended to read as follows:*

23 “(a) *There shall be paid from the Fund amounts pay-*  
24 *able for the costs of designated Department of Defense re-*  
25 *tiree health care programs for the benefit of members or*

1 *former members of a participating uniformed service who*  
2 *are entitled to retired or retainer pay and are medicare-*  
3 *eligible, and eligible dependents described in section*  
4 *1111(b)(3) who are medicare-eligible.”*

5 *(3) Such section is further amended by adding at the*  
6 *end the following new subsection:*

7 *“(c) For purposes of payments from the Fund under*  
8 *subsection (a), the Secretary of Defense shall designate the*  
9 *program authorized by section 1086 of this title.”.*

10 *(d) TECHNICAL AMENDMENTS.—(1) The heading for*  
11 *section 1111 of such title is amended to read as follows:*

12 ***“§1111. Establishment and purpose of Fund; defini-***  
13 ***tions; authority to enter into agreements”.***

14 *(2) The item relating to section 1111 in the table of*  
15 *sections at the beginning of chapter 56 of such title is*  
16 *amended to read as follows:*

*“1111. Establishment and purpose of Fund; definitions; authority to enter into*  
*agreements.”.*

17 *(f) EFFECTIVE DATE.—The amendments made by this*  
18 *section shall take effect on October 1, 2002.*

1 **TITLE VIII—ACQUISITION POL-**  
2 **ICY, ACQUISITION MANAGE-**  
3 **MENT, AND RELATED MAT-**  
4 **TERS**

5 **Subtitle A—Acquisition Policy and**  
6 **Management**

7 **SEC. 801. ACQUISITION MILESTONES.**

8 (a) *TITLE 10, U.S.C.—Title 10, United States Code,*  
9 *is amended—*

10 (1) *in section 2366(c), subsections (b)(3)(A),*  
11 *(c)(3)(A), and (h)(1) of section 2432, and section*  
12 *2434(a), by striking “engineering and manufacturing*  
13 *development” each place such words appear and in-*  
14 *serting “system development and demonstration”;*

15 (2) *in section 2400—*

16 (A) *in subsection (a)(2), by striking “engi-*  
17 *neering and manufacturing development” and*  
18 *inserting “system development and demonstra-*  
19 *tion”;* and

20 (B) *in subsections (a)(1)(A), (a)(2), (a)(4)*  
21 *and (a)(5), by striking “milestone II” each place*  
22 *such term appears and inserting “milestone B”;*  
23 *and*

24 (3) *in section 2435—*

1           (A) in subsection (b), by striking “engineer-  
2           ing and manufacturing development” and insert-  
3           ing “system development and demonstration”;

4           (B) in subsection (c)(1), by striking “dem-  
5           onstration and validation” and inserting “sys-  
6           tem development and demonstration”;

7           (C) in subsection (c)(2), by striking “engi-  
8           neering and manufacturing development” and  
9           inserting “production and deployment”; and

10          (D) in subsection (c)(3), by striking “pro-  
11          duction and deployment” and inserting “full  
12          rate production”.

13          (b) *OTHER LAWS.*—(1) *Section 811(c) of the Floyd D.*  
14 *Spence National Defense Authorization Act for Fiscal Year*  
15 *2001 (as enacted in Public Law 106–398; 114 Stat. 1654A–*  
16 *211) is amended—*

17           (A) by striking “Milestone I” and inserting  
18           “Milestone B”;

19           (B) by striking “Milestone II” and inserting  
20           “Milestone C”; and

21           (C) by striking “Milestone III” and inserting  
22           “full rate production”.

23          (2) *Section 8102(b) of the Department of Defense Ap-*  
24 *propriations Act, 2001 (Public Law 106–259; 114 Stat.*  
25 *696) is amended—*

1           (A) by striking “Milestone I” and inserting  
2           “Milestone B”;

3           (B) by striking “Milestone II” and inserting  
4           “Milestone C”; and

5           (C) by striking “Milestone III” and inserting  
6           “full rate production”.

7   **SEC. 802. ACQUISITION WORKFORCE QUALIFICATIONS.**

8           (a) *QUALIFICATIONS.*—Section 1724 of title 10, United  
9   States Code, is amended—

10           (1) in subsection (a)—

11                   (A) by striking the matter preceding para-  
12                   graph (1) and inserting the following:

13           “(a) *CONTRACTING OFFICERS.*—The Secretary of De-  
14   fense shall require that, in order to qualify to serve in an  
15   acquisition position as a contracting officer with authority  
16   to award or administer contracts for amounts above the  
17   simplified acquisition threshold referred to in section  
18   2304(g) of this title, an employee of the Department of De-  
19   fense or member of the armed forces (other than the Coast  
20   Guard) must, except as provided in subsections (c) and  
21   (d)—”;

22                   (B) in paragraph (1)—

23                           (i) by striking “mandatory”; and

24                           (ii) by striking “at the grade level”  
25                   and all that follows and inserting “(A) in

1           *the case of an employee, serving in the posi-*  
2           *tion within the grade of the General Sched-*  
3           *ule in which the employee is serving, and*  
4           *(B) in the case of a member of the armed*  
5           *forces, in the member's grade;"; and*  
6           *(C) in paragraph (3)(A), by inserting a*  
7           *comma after "business";*

8           *(2) by striking subsection (b) and inserting the*  
9           *following new subsection:*

10          *"(b) GS-1102 SERIES POSITIONS AND SIMILAR MILI-*  
11          *TARY POSITIONS.—(1) The Secretary of Defense shall re-*  
12          *quire that in order to qualify to serve in a position in the*  
13          *Department of Defense that is in the GS-1102 occupational*  
14          *series an employee or potential employee of the Department*  
15          *of Defense meet the requirements set forth in paragraph (3)*  
16          *of subsection (a). The Secretary may not require that in*  
17          *order to serve in such a position an employee or potential*  
18          *employee meet any of the requirements of paragraphs (1)*  
19          *and (2) of that subsection.*

20          *"(2) The Secretary of Defense shall require that in*  
21          *order for a member of the armed forces to be selected for*  
22          *an occupational specialty within the armed forces that (as*  
23          *determined by the Secretary) is similar to the GS-1102 oc-*  
24          *cupational series a member of the armed forces meet the*  
25          *requirements set forth in paragraph (3) of subsection (a).*

1 *The Secretary may not require that in order to be selected*  
2 *for such an occupational specialty a member meet any of*  
3 *the requirements of paragraphs (1) and (2) of that sub-*  
4 *section.”; and*

5 *(3) by striking subsections (c) and (d) inserting*  
6 *the following new subsections:*

7 *“(c) EXCEPTIONS.—The qualification requirements*  
8 *imposed by the Secretary of Defense pursuant to subsections*  
9 *(a) and (b) shall not apply to an employee of the Depart-*  
10 *ment of Defense or member of the armed forces who—*

11 *“(1) served as a contracting officer with author-*  
12 *ity to award or administer contracts in excess of the*  
13 *simplified acquisition threshold on or before Sep-*  
14 *tember 30, 2000;*

15 *“(2) served, on or before September 30, 2000, in*  
16 *a position either as an employee in the GS–1102 se-*  
17 *ries or as a member of the armed forces in similar*  
18 *occupational specialty;*

19 *“(3) is in the contingency contracting force; or*

20 *“(4) is described in subsection (e)(1)(B).*

21 *“(d) WAIVER.—The acquisition career program board*  
22 *concerned may waive any or all of the requirements of sub-*  
23 *sections (a) and (b) with respect to an employee of the De-*  
24 *partment of Defense or member of the armed forces if the*  
25 *board certifies that the individual possesses significant po-*

1 *tential for advancement to levels of greater responsibility*  
2 *and authority, based on demonstrated job performance and*  
3 *qualifying experience. With respect to each waiver granted*  
4 *under this subsection, the board shall set forth in a written*  
5 *document the rationale for its decision to waive such re-*  
6 *quirements. Such document shall be submitted to and re-*  
7 *tained by the Director of Acquisition Education, Training,*  
8 *and Career Development.*

9       “(e) *DEVELOPMENTAL OPPORTUNITIES.—(1) The Sec-*  
10 *retary of Defense may—*

11               “(A) *establish or continue one or more programs*  
12 *for the purpose of recruiting, selecting, appointing,*  
13 *educating, qualifying, and developing the careers of*  
14 *individuals to meet the requirements in subpara-*  
15 *graphs (A) and (B) of subsection (a)(3);*

16               “(B) *appoint individuals to developmental posi-*  
17 *tions in those programs; and*

18               “(C) *separate from the civil service after a three-*  
19 *year probationary period any individual appointed*  
20 *under this subsection who, as determined by the Sec-*  
21 *retary, fails to complete satisfactorily any program*  
22 *described in subparagraph (A).*

23       “(2) *To qualify for any developmental program de-*  
24 *scribed in paragraph (1)(A), an individual shall have—*



1           “(A) *been awarded a baccalaureate degree from*  
2           *an accredited institution of higher education author-*  
3           *ized to grant baccalaureate degrees; or*

4           “(B) *completed at least 24 semester credit hours*  
5           *or the equivalent of study from an accredited institu-*  
6           *tion of higher education in any of the disciplines of*  
7           *accounting, business, finance, law, contracts, pur-*  
8           *chasing, economics, industrial management, mar-*  
9           *keting, quantitative methods, or organization and*  
10          *management.*

11          “(f) *CONTINGENCY CONTRACTING FORCE.—The Sec-*  
12          *retary shall establish qualification requirements for the con-*  
13          *tingency contracting force consisting of members of the*  
14          *armed forces whose mission is to deploy in support of con-*  
15          *tingency operations and other operations of the Department*  
16          *of Defense, including—*

17                 “(1) *completion of at least 24 semester credit*  
18                 *hours or the equivalent of study from an accredited*  
19                 *institution of higher education or similar educational*  
20                 *institution in any of the disciplines of accounting,*  
21                 *business, finance, law, contracts, purchasing, econom-*  
22                 *ics, industrial management, marketing, quantitative*  
23                 *methods, or organization and management; or*

24                 “(2) *passage of an examination that dem-*  
25                 *onstrates skills, knowledge, or abilities comparable to*

1       *that of an individual who has completed at least 24*  
2       *semester credit hours or the equivalent of study in*  
3       *any of the disciplines described in paragraph (1).”.*

4       **(b) CLERICAL AMENDMENT.**—Section 1732(c)(2) of  
5       *such title is amended by inserting a comma after “busi-*  
6       *ness”.*

7       **SEC. 803. TWO-YEAR EXTENSION OF PROGRAM APPLYING**  
8                **SIMPLIFIED PROCEDURES TO CERTAIN COM-**  
9                **MERCIAL ITEMS.**

10       *Section 4202(e) of the Clinger-Cohen Act of 1996 (divi-*  
11       *sions D and E of Public Law 104–106; 110 Stat. 654; 10*  
12       *U.S.C. 2304 note) is amended by striking “January 1,*  
13       *2002” and inserting “January 1, 2004”.*

14       **SEC. 804. CONTRACTS FOR SERVICES TO BE PERFORMED**  
15                **OUTSIDE THE UNITED STATES.**

16       **(a) IN GENERAL.**—Chapter 141 of title 10, *United*  
17       *States Code, is amended by inserting after section 2381 the*  
18       *following new section:*

19       **“§ 2382. Contracts for services to be performed outside**  
20                **the United States**

21       *“The Secretary of Defense may enter into contracts to*  
22       *employ individuals or organizations to perform services in*  
23       *countries other than the United States without regard to*  
24       *laws regarding the negotiation, making, and performance*  
25       *of contracts and performance of work in the United States.*

1 *Individuals employed by contract to perform such services*  
2 *shall not by virtue of such employment be considered to be*  
3 *employees of the United States Government for purposes of*  
4 *any law administered by the Office of Personnel Manage-*  
5 *ment, but the Secretary may determine the applicability*  
6 *to such individuals of any other law administered by the*  
7 *Secretary concerning the employment of such individuals*  
8 *in countries other than the United States.”.*

9       (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
10 *the beginning of such chapter is amended by inserting after*  
11 *the item relating to section 2381 the following new item:*

*“2382. Contracts for services to be performed outside the United States.”.*

12 **SEC. 805. CODIFICATION AND MODIFICATION OF “BERRY**  
13 **AMENDMENT” REQUIREMENTS.**

14       (a) *BERRY AMENDMENT REQUIREMENTS.*—(1) *Chap-*  
15 *ter 148 of title 10, United States Code, is amended by in-*  
16 *serting after section 2533 the following new section:*

17 **“§2533a. Requirement to buy certain articles from**  
18 **American sources; exceptions**

19       “(a) *REQUIREMENT.*—*Except as provided in sub-*  
20 *sections (c) through (g), funds appropriated or otherwise*  
21 *available to the Department of Defense may not be used*  
22 *for the procurement of an item described in subsection (b)*  
23 *if the item is not grown, reprocessed, reused, or produced*  
24 *in the United States.*

1           “(b) *COVERED ITEMS*.—An item referred to in sub-  
2 section (a) is any of the following:

3           “(1) An article or item of—

4                   “(A) food;

5                   “(B) clothing;

6                   “(C) tents, tarpaulins, parachutes, or cov-  
7 ers;

8                   “(D) cotton and other natural fiber prod-  
9 ucts, woven silk or woven silk blends, spun silk  
10 yarn for cartridge cloth, synthetic fabric or coat-  
11 ed synthetic fabric (including all textile fibers  
12 and yarns that are for use in such fabrics), can-  
13 vas products, or wool (whether in the form of  
14 fiber or yarn or contained in fabrics, materials,  
15 or manufactured articles); or

16                   “(E) any item of individual equipment  
17 manufactured from or containing such fibers,  
18 yarns, fabrics, or materials.

19           “(2) Specialty metals, including stainless steel  
20 flatware.

21           “(3) Hand or measuring tools.

22           “(c) *EXCEPTION*.—The Secretary of Defense or the Sec-  
23 retary of the military department concerned may waive the  
24 requirement in subsection (a) if—

1           “(1) such Secretary determines that satisfactory  
2           quality and sufficient quantity of any such article or  
3           item described in subsection (b)(1) or specialty metals  
4           (including stainless steel flatware) grown, reprocessed,  
5           reused, or produced in the United States cannot be  
6           procured as and when needed at United States mar-  
7           ket prices;

8           “(2) such Secretary has provided notice to the  
9           public regarding the waiver;

10           “(3) such Secretary has notified the Committees  
11           on Appropriations, Armed Services, and Small Busi-  
12           ness of the House of Representatives and the Senate  
13           regarding the waiver and provided a justification to  
14           such committees for the waiver; and

15           “(4) 30 days have elapsed since the date of the  
16           notification of such committees.

17           “(d) *EXCEPTION FOR CERTAIN PROCUREMENTS OUT-*  
18           *SIDE THE UNITED STATES.*—Subsection (a) does not apply  
19           to the following:

20           “(1) Procurements outside the United States in  
21           support of combat operations.

22           “(2) Procurements by vessels in foreign waters.

23           “(3) Emergency procurements or procurements of  
24           perishable foods by an establishment located outside

1       *the United States for the personnel attached to such*  
2       *establishment.*

3       “(e) *EXCEPTION FOR SPECIALTY METALS AND CHEM-*  
4       *ICAL WARFARE PROTECTIVE CLOTHING.—Subsection (a)*  
5       *does not preclude the procurement of specialty metals or*  
6       *chemical warfare protective clothing produced outside the*  
7       *United States if—*

8               “(1) *such procurement is necessary—*

9                       “(A) *to comply with agreements with for-*  
10                      *foreign governments requiring the United States to*  
11                      *purchase supplies from foreign sources for the*  
12                      *purposes of offsetting sales made by the United*  
13                      *States Government or United States firms under*  
14                      *approved programs serving defense requirements;*  
15                      *or*

16                      “(B) *in furtherance of agreements with for-*  
17                      *foreign governments in which both such govern-*  
18                      *ments agree to remove barriers to purchases of*  
19                      *supplies produced in the other country or serv-*  
20                      *ices performed by sources of the other country;*  
21                      *and*

22                      “(2) *any such agreement with a foreign govern-*  
23                      *ment complies, where applicable, with the require-*  
24                      *ments of section 36 of the Arms Export Control Act*  
25                      *(22 U.S.C. 2776) and with section 2457 of this title.*

1           “(f) *EXCEPTION FOR CERTAIN FOODS.*—Subsection (a)  
2 *does not preclude the procurement of foods manufactured*  
3 *or processed in the United States.*

4           “(g) *EXCEPTION FOR SMALL PURCHASES.*—Subsection  
5 (a) *does not apply to purchases for amounts not greater*  
6 *than the simplified acquisition threshold referred to in sec-*  
7 *tion 2304(g) of this title.*

8           “(h) *APPLICABILITY TO CONTRACTS AND SUB-*  
9 *CONTRACTS FOR PROCUREMENT OF COMMERCIAL ITEMS.*—  
10 *This section is applicable to contracts and subcontracts for*  
11 *the procurement of commercial items notwithstanding sec-*  
12 *tion 34 of the Office of Federal Procurement Policy Act (41*  
13 *U.S.C. 430).*

14           “(i) *GEOGRAPHIC COVERAGE.*—*In this section, the*  
15 *term ‘United States’ includes the commonwealths, terri-*  
16 *ories, and possessions of the United States.*

17           “(j) *EXCEPTION FOR COMMISSARIES, EXCHANGES,*  
18 *AND OTHER NONAPPROPRIATED FUND INSTRUMENTAL-*  
19 *ITIES.*—*Subsection (a) does not apply to items purchased*  
20 *for resale purposes in commissaries, military exchanges, or*  
21 *nonappropriated fund instrumentalities operated by the*  
22 *military departments or the Department of Defense.”.*

23           (2) *The table of sections at the beginning of such chap-*  
24 *ter is amended by inserting after the item relating to section*  
25 *2533 the following new item:*

“2533a. *Requirement to buy certain articles from American sources; exceptions.*”.

1       (b) *REPEAL OF SOURCE PROVISIONS.*—*The following*  
2 *provisions of law are repealed:*

3           (1) *Section 9005 of the Department of Defense*  
4 *Appropriations Act, 1993 (Public Law 102–396; 10*  
5 *U.S.C. 2241 note).*

6           (2) *Section 8109 of the Department of Defense*  
7 *Appropriations Act, 1997 (as contained in section*  
8 *101(b) of Public Law 104–208; 110 Stat. 3009–111;*  
9 *10 U.S.C. 2241 note).*

## 10       ***Subtitle B—Erroneous Payments*** 11                               ***Recovery***

### 12       ***SEC. 811. SHORT TITLE.***

13           *This subtitle may be cited as the “Erroneous Payments*  
14 *Recovery Act of 2001”.*

### 15       ***SEC. 812. IDENTIFICATION OF ERRORS MADE BY EXECU-*** 16                               ***TIVE AGENCIES IN PAYMENTS TO CONTRAC-*** 17                               ***TORS AND RECOVERY OF AMOUNTS ERRO-*** 18                               ***NEOUSLY PAID.***

19           (a) *PROGRAM REQUIRED.*—*The head of each executive*  
20 *agency that enters into contracts with a total value in excess*  
21 *of \$500,000,000 in a fiscal year shall carry out a cost-effec-*  
22 *tive program for identifying any errors made in paying*  
23 *the contractors and for recovering any amounts erroneously*  
24 *paid to the contractors.*



1           (b) *RECOVERY AUDITS AND ACTIVITIES.*—A program  
2 of an executive agency under subsection (a) shall include  
3 recovery audits and recovery activities. The head of the ex-  
4 ecutive agency shall determine, in accordance with guidance  
5 provided under subsection (c), the classes of contracts to  
6 which recovery audits and recovery activities are appro-  
7 priately applied.

8           (c) *OMB GUIDANCE.*—The Director of the Office of  
9 Management and Budget shall issue guidance for the con-  
10 duct of programs under subsection (a). The guidance shall  
11 include the following:

12                   (1) *Definitions of the terms “recovery audit” and*  
13                   *“recovery activity” for the purposes of the programs.*

14                   (2) *The classes of contracts to which recovery au-*  
15                   *ditions and recovery activities are appropriately applied*  
16                   *under the programs.*

17                   (3) *Protections for the confidentiality of—*

18                           (A) *sensitive financial information that has*  
19                           *not been released for use by the general public;*  
20                           *and*

21                           (B) *information that could be used to iden-*  
22                           *tify a person.*

23                   (4) *Policies and procedures for ensuring that the*  
24                   *implementation of the programs does not result in du-*  
25                   *plicative audits of contractor records.*

1           (5) *Policies regarding the types of contracts execu-*  
2 *utive agencies may use for the procurement of recov-*  
3 *ery services, including guidance for use, in appro-*  
4 *priate circumstances, of a contingency contract pur-*  
5 *suant to which the head of an executive agency may*  
6 *pay a contractor an amount equal to a percentage of*  
7 *the total amount collected for the United States pur-*  
8 *suant to that contract.*

9           (6) *Protections for a contractor's records and fa-*  
10 *cilities through restrictions on the authority of a con-*  
11 *tractor under a contract for the procurement of recov-*  
12 *ery services for an executive agency—*

13                 (A) *to require the production of any record*  
14 *or information by any person other than an offi-*  
15 *cer, employee, or agent of the executive*  
16 *agency;*

17                 (B) *to establish, or otherwise have, a phys-*  
18 *ical presence on the property or premises of any*  
19 *private sector entity for the purposes of per-*  
20 *forming the contract; or*

21                 (C) *to act as agents for the Government in*  
22 *the recovery of funds erroneously paid to con-*  
23 *tractors.*

24           (7) *Policies for the appropriate types of manage-*  
25 *ment improvement programs authorized by section*

1       815 that executive agencies may carry out to address  
2       overpayment problems and the recovery of overpay-  
3       ments.

4       **SEC. 813. DISPOSITION OF RECOVERED FUNDS.**

5       (a) *AVAILABILITY OF FUNDS FOR RECOVERY AUDITS*  
6       *AND ACTIVITIES PROGRAM.*—Funds collected under a pro-  
7       gram carried out by an executive agency under section 812  
8       shall be available to the executive agency, in such amounts  
9       as are provided in advance in appropriations Acts, for the  
10      following purposes:

11           (1) *To reimburse the actual expenses incurred by*  
12           *the executive agency in the administration of the pro-*  
13           *gram.*

14           (2) *To pay contractors for services under the*  
15           *program in accordance with the guidance issued*  
16           *under section 812(c)(5).*

17      (b) *FUNDS NOT USED FOR PROGRAM.*—Any amounts  
18      erroneously paid by an executive agency that are recovered  
19      under such a program of an executive agency and are not  
20      used to reimburse expenses or pay contractors under sub-  
21      section (a)—

22           (1) *shall be credited to the appropriations from*  
23           *which the erroneous payments were made that remain*  
24           *available for obligation as of the time such amounts*  
25           *were collected, shall be merged with other amounts in*

1        *those appropriations, and shall be available for the*  
2        *purposes and period for which such appropriations*  
3        *are available; or*

4            *(2) if no such appropriation remains available*  
5        *for obligation at that time, shall be disposed of as*  
6        *provided in subsection (c).*

7        *(c) OTHER DISPOSITIONS.—Of the total amount col-*  
8        *lected under such a program of an executive agency that*  
9        *is to be disposed of under this subsection—*

10            *(1) up to 25 percent of such amount may be ex-*  
11        *pended by the head of the executive agency for car-*  
12        *rying out any management improvement program of*  
13        *the executive agency under section 815; and*

14            *(2) the remainder of that total amount, includ-*  
15        *ing any amount not expended under paragraph (1),*  
16        *shall be deposited in the Treasury as miscellaneous*  
17        *receipts.*

18        *(d) PRIORITY OF OTHER AUTHORIZED DISPOSI-*  
19        *TIONS.—Notwithstanding subsections (b) and (c), the au-*  
20        *thority under such subsections may not be exercised to use,*  
21        *credit, or deposit funds collected under such a program as*  
22        *provided in those subsections to the extent that any other*  
23        *provision of law requires or authorizes the crediting of such*  
24        *funds to a nonappropriated fund instrumentality, revolving*

1 *fund, working-capital fund, trust fund, or other fund or ac-*  
2 *count.*

3 **SEC. 814. SOURCES OF RECOVERY SERVICES.**

4 (a) *CONSIDERATION OF AVAILABLE RECOVERY RE-*  
5 *SOURCES.*—(1) *In carrying out a program under section*  
6 *812, the head of an executive agency shall consider all re-*  
7 *sources available to that official to carry out the program.*

8 (2) *The resources considered by the head of an execu-*  
9 *tive agency for carrying out the program shall include the*  
10 *resources available to the executive agency for such purpose*  
11 *from the following sources:*

12 (A) *The executive agency.*

13 (B) *Other departments and agencies of the*  
14 *United States.*

15 (C) *Private sector sources.*

16 (b) *COMPLIANCE WITH APPLICABLE LAW AND REGU-*  
17 *LATIONS.*—*Before entering into a contract with a private*  
18 *sector source for the performance of services under a pro-*  
19 *gram of the executive agency carried out under section 812,*  
20 *the head of an executive agency shall comply with—*

21 (1) *any otherwise applicable provisions of Office*  
22 *of Management and Budget Circular A-76; and*

23 (2) *any other applicable provision of law or reg-*  
24 *ulation with respect to the selection between employees*

1        *of the United States and private sector sources for the*  
2        *performance of services.*

3        **SEC. 815. MANAGEMENT IMPROVEMENT PROGRAMS.**

4        *In accordance with guidance provided by the Director*  
5        *of the Office of Management and Budget under section 812,*  
6        *the head of an executive agency required to carry out a pro-*  
7        *gram under section 812 may carry out a program for im-*  
8        *proving management processes within the executive*  
9        *agency—*

10            *(1) to address problems that contribute directly*  
11            *to the occurrence of errors in the paying of contrac-*  
12            *tors of the executive agency; or*

13            *(2) to improve the recovery of overpayments due*  
14            *to the agency.*

15        **SEC. 816. REPORTS.**

16            *(a) REQUIREMENT FOR REPORTS.—Not later than 30*  
17            *months after the date of the enactment of this Act, and an-*  
18            *nually for each of the first two years following the year of*  
19            *the first report, the Director of the Office of Management*  
20            *and Budget shall submit to the Committee on Government*  
21            *Reform of the House of Representatives and the Committee*  
22            *on Governmental Affairs of the Senate, a report on the im-*  
23            *plementation of this subtitle.*

24            *(b) CONTENT.—Each report shall include—*

1           (1) *a general description and evaluation of the*  
2           *steps taken by the heads of executive agencies to carry*  
3           *out the programs under this subtitle, including any*  
4           *management improvement programs carried out*  
5           *under section 815;*

6           (2) *the costs incurred by executive agencies to*  
7           *carry out the programs under this subtitle; and*

8           (3) *the amounts recovered under the programs*  
9           *under this subtitle.*

10 **SEC. 817. RELATIONSHIP TO AUTHORITY OF INSPECTORS**

11                                   **GENERAL.**

12           *Nothing in this subtitle shall be construed as impair-*  
13           *ing the authority of an Inspector General under the Inspec-*  
14           *tor General Act of 1978 or any other provision of law.*

15 **SEC. 818. PRIVACY PROTECTIONS.**

16           (a) *PROHIBITION.—Any nongovernmental entity that,*  
17           *in the course of recovery auditing or recovery activity under*  
18           *this subtitle, obtains information that identifies an indi-*  
19           *vidual or with respect to which there is a reasonable basis*  
20           *to believe that the information can be used to identify an*  
21           *individual, may not disclose the information for any pur-*  
22           *pose other than such recovery auditing or recovery activity*  
23           *and governmental oversight of such activity, unless disclo-*  
24           *sure for that other purpose is authorized by the individual*

1 *to the executive agency that contracted for the performance*  
2 *of the recovery auditing or recovery activity.*

3 (b) *LIABILITY.*—*Any person that violates subsection*  
4 *(a) shall be liable for any damages (including nonpecuniary*  
5 *damages), costs, and attorneys fees incurred by the indi-*  
6 *vidual as a result of the violation.*

7 **SEC. 819. DEFINITION.**

8 *In this subtitle, the term “executive agency” has the*  
9 *meaning given that term in section 4(1) of the Office of*  
10 *Federal Procurement Policy Act (41 U.S.C. 403(1)).*

11 **TITLE IX—DEPARTMENT OF DE-**  
12 **FENSE ORGANIZATION AND**  
13 **MANAGEMENT**

14 **SEC. 901. FURTHER REDUCTIONS IN DEFENSE ACQUI-**  
15 **SION AND SUPPORT WORKFORCE**

16 (a) *REDUCTION OF DEFENSE ACQUISITION AND SUP-*  
17 *PORT WORKFORCE.*—*The Secretary of Defense shall accom-*  
18 *plish reductions in defense acquisition and support per-*  
19 *sonnel positions during fiscal year 2002 so that the total*  
20 *number of such personnel as of October 1, 2002, is less than*  
21 *the total number of such personnel as of October 1, 2001,*  
22 *by at least 13,000.*

23 (b) *DEFENSE ACQUISITION WORKFORCE DEFINED.*—  
24 *For purposes of this section, the term “defense acquisition*  
25 *and support personnel” has the meaning given that term*



1 *in section 931(d) of the Strom Thurmond National Defense*  
2 *Authorization Act for Fiscal Year 1999 (Public Law 105–*  
3 *261; 112 Stat. 2106).*

4 **SEC. 902. SENSE OF CONGRESS ON ESTABLISHMENT OF AN**  
5 **OFFICE OF TRANSFORMATION IN THE DE-**  
6 **PARTMENT OF DEFENSE.**

7 *(a) FINDINGS.—Congress finds the following:*

8 *(1) The Armed Forces should give careful consid-*  
9 *eration to implementating transformation to meet*  
10 *operational challenges and exploit opportunities re-*  
11 *sulting from changes in the threat environment and*  
12 *the emergence of new technologies.*

13 *(2) A 1999 Defense Science Board report on*  
14 *transformation concluded that there was no overall*  
15 *Department of Defense vision for transformation, no*  
16 *road map, no metrics to measure progress, and little*  
17 *sense of urgency.*

18 *(3) Historic case studies have shown that within*  
19 *the military, as well as commercial enterprises, suc-*  
20 *cessful transformation must be directed from the high-*  
21 *est levels of an organization.*

22 *(b) SENSE OF CONGRESS ON ESTABLISHMENT OF OF-*  
23 *FICE OF TRANSFORMATION.—It is the sense of Congress that*  
24 *the Secretary of Defense should consider the establishment*

1 *of an Office of Transformation within the Office of the Sec-*  
2 *retary of Defense to advise the Secretary on—*

3           (1) *development of force transformation strate-*  
4 *gies to ensure that the military of the future is pre-*  
5 *pared to dissuade potential military competitors and,*  
6 *if that fails, to fight and win decisively across the*  
7 *spectrum of future conflict;*

8           (2) *ensuring a continuous and broadly focused*  
9 *transformation process;*

10          (3) *service and joint acquisition and experimen-*  
11 *tation efforts, funding for experimentation efforts,*  
12 *promising operational concepts and technologies, and*  
13 *other transformation activities, as appropriate; and*

14          (4) *development of service and joint operational*  
15 *concepts, transformation implementation strategies,*  
16 *and risk management strategies.*

17          (c) *SENSE OF CONGRESS ON FUNDING.—It is the sense*  
18 *of Congress that the Secretary of Defense should consider*  
19 *providing funding adequate for sponsoring selective proto-*  
20 *typing efforts, wargames, and studies and analyses and for*  
21 *appropriate staffing, as recommended by the director of an*  
22 *Office of Transformation as described in subsection (b).*

1 **SEC. 903. REVISED JOINT REPORT ON ESTABLISHMENT OF**  
2 **NATIONAL COLLABORATIVE INFORMATION**  
3 **ANALYSIS CAPABILITY.**

4 (a) *REVISED REPORT.*—At the same time as the sub-  
5 mission of the budget for fiscal year 2003 under section  
6 1105 of title 31, United States Code, the Secretary of De-  
7 fense and the Director of Central Intelligence shall submit  
8 to the congressional defense committees and the congres-  
9 sional intelligence committees a revised report assessing al-  
10 ternatives for the establishment of a national collaborative  
11 information analysis capability.

12 (b) *MATTERS INCLUDED.*—The revised report shall  
13 cover the same matters required to be included in the DOD/  
14 CIA report, except that the alternative architectures assessed  
15 in the revised report shall be limited to architectures that  
16 include the participation of all Federal agencies involved  
17 in the collection of intelligence. The revised report shall also  
18 include a draft of legislation sufficient to carry out the pre-  
19 ferred architecture identified in the revised report.

20 (c) *OFFICIALS TO BE CONSULTED.*—The revised re-  
21 port shall be prepared after consultation with all appro-  
22 priate Federal officials, including the following:

- 23 (1) *The Secretary of the Treasury.*  
24 (2) *The Secretary of Commerce.*  
25 (3) *The Secretary of State.*  
26 (4) *The Attorney General.*



1           (1) by inserting “(1)” before “Upon the comple-  
2           tion”;

3           (2) by designating the second and third sentences  
4           as paragraph (3); and

5           (3) by inserting after paragraph (1), as des-  
6           ignated by paragraph (1) of this subsection, the fol-  
7           lowing new paragraph:

8           “(2) As part of his assessment under paragraph (1),  
9           the Chairman shall provide his assessment of the assign-  
10          ment of functions (or roles and missions) to the armed  
11          forces and such recommendations for changes thereto as the  
12          Chairman considers necessary to achieve maximum effi-  
13          ciency of the armed forces. In preparing such assessment,  
14          the Chairman shall consider (among other matters) the fol-  
15          lowing:

16                 “(A) Unnecessary duplication of effort among the  
17                 armed forces.

18                 “(B) Changes in technology that can be applied  
19                 effectively to warfare.”.

1 **SEC. 905. REPEAL OF REQUIREMENT FOR SEMIANNUAL RE-**  
2 **PORTS THROUGH MARCH 2003 ON ACTIVITIES**  
3 **OF JOINT REQUIREMENTS OVERSIGHT COUN-**  
4 **CIL.**

5 *Section 916 of the Floyd D. Spence National Defense*  
6 *Authorization Act for Fiscal Year 2001 (as enacted into law*  
7 *by Public Law 106-398; 114 Stat. 1654A-231) is repealed.*

8 **SEC. 906. CORRECTION OF REFERENCES TO AIR MOBILITY**  
9 **COMMAND.**

10 (a) *REFERENCES IN TITLE 10, UNITED STATES*  
11 *CODE.—Sections 2554(d) and 2555(a) of title 10, United*  
12 *States Code, are each amended by striking “Military Airlift*  
13 *Command” and inserting “Air Mobility Command”.*

14 (b) *REPEAL OF OBSOLETE PROVISION.—Section 8074*  
15 *of such title is amended by striking subsection (c).*

16 (c) *REFERENCES IN TITLE 37, UNITED STATES*  
17 *CODE.—Sections 430(c) and 432(b) of title 37, United*  
18 *States Code, are each amended by striking “Military Airlift*  
19 *Command” and inserting “Air Mobility Command”.*

20 **SEC. 907. ORGANIZATIONAL ALIGNMENT CHANGE FOR DI-**  
21 **RECTOR FOR EXPEDITIONARY WARFARE.**

22 *Section 5038(a) of title 10, United States Code, is*  
23 *amended by striking “Office of the Deputy Chief of Naval*  
24 *Operations for Resources, Warfare Requirements, and As-*  
25 *sessments” and inserting “office of the Deputy Chief of*

1 *Naval Operations with responsibility for warfare require-*  
2 *ments and programs”.*

3 ***TITLE X—GENERAL PROVISIONS***

4 ***Subtitle A—Financial Matters***

5 ***SEC. 1001. TRANSFER AUTHORITY.***

6 *(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1)*  
7 *Upon determination by the Secretary of Defense that such*  
8 *action is necessary in the national interest, the Secretary*  
9 *may transfer amounts of authorizations made available to*  
10 *the Department of Defense in this division for fiscal year*  
11 *2002 between any such authorizations for that fiscal year*  
12 *(or any subdivisions thereof). Amounts of authorizations so*  
13 *transferred shall be merged with and be available for the*  
14 *same purposes as the authorization to which transferred.*

15 *(2) The total amount of authorizations that the Sec-*  
16 *retary may transfer under the authority of this section may*  
17 *not exceed \$2,000,000,000.*

18 *(b) LIMITATIONS.—The authority provided by this sec-*  
19 *tion to transfer authorizations—*

20 *(1) may only be used to provide authority for*  
21 *items that have a higher priority than the items from*  
22 *which authority is transferred; and*

23 *(2) may not be used to provide authority for an*  
24 *item that has been denied authorization by Congress.*

1           (c) *EFFECT ON AUTHORIZATION AMOUNTS.*—A trans-  
2 *fer made from one account to another under the authority*  
3 *of this section shall be deemed to increase the amount au-*  
4 *thorized for the account to which the amount is transferred*  
5 *by an amount equal to the amount transferred.*

6           (d) *NOTICE TO CONGRESS.*—*The Secretary shall*  
7 *promptly notify Congress of each transfer made under sub-*  
8 *section (a).*

9 **SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.**

10           (a) *STATUS OF CLASSIFIED ANNEX.*—*The Classified*  
11 *Annex prepared by the Committee on Armed Services of the*  
12 *House of Representatives to accompany its report on the*  
13 *bill H.R. 2586 of the One Hundred Seventh Congress and*  
14 *transmitted to the President is hereby incorporated into this*  
15 *Act.*

16           (b) *CONSTRUCTION WITH OTHER PROVISIONS OF*  
17 *ACT.*—*The amounts specified in the Classified Annex are*  
18 *not in addition to amounts authorized to be appropriated*  
19 *by other provisions of this Act.*

20           (c) *LIMITATION ON USE OF FUNDS.*—*Funds appro-*  
21 *priated pursuant to an authorization contained in this Act*  
22 *that are made available for a program, project, or activity*  
23 *referred to in the Classified Annex may only be expended*  
24 *for such program, project, or activity in accordance with*  
25 *such terms, conditions, limitations, restrictions, and re-*



1 *quirements as are set out for that program, project, or activ-*  
2 *ity in the Classified Annex.*

3 (d) *DISTRIBUTION OF CLASSIFIED ANNEX.—The*  
4 *President shall provide for appropriate distribution of the*  
5 *Classified Annex, or of appropriate portions of the annex,*  
6 *within the executive branch of the Government.*

7 **SEC. 1003. LIMITATION ON FUNDS FOR BOSNIA AND**  
8 **KOSOVO PEACEKEEPING OPERATIONS FOR**  
9 **FISCAL YEAR 2002.**

10 (a) *LIMITATION.—Of the amounts authorized to be ap-*  
11 *propriated by section 301(24) for the Overseas Contingency*  
12 *Operations Transfer Fund—*

13 (1) *no more than \$1,315,600,000 may be obli-*  
14 *gated for incremental costs of the Armed Forces for*  
15 *Bosnia peacekeeping operations; and*

16 (2) *no more than \$1,528,600,000 may be obli-*  
17 *gated for incremental costs of the Armed Forces for*  
18 *Kosovo peacekeeping operations.*

19 (b) *PRESIDENTIAL WAIVER.—The President may*  
20 *waive the limitation in subsection (a)(1), or the limitation*  
21 *in subsection (a)(2), after submitting to Congress the fol-*  
22 *lowing:*

23 (1) *The President's written certification that the*  
24 *waiver is necessary in the national security interests*  
25 *of the United States.*

1           (2) *The President's written certification that ex-*  
2 *ercising the waiver will not adversely affect the readi-*  
3 *ness of United States military forces.*

4           (3) *A report setting forth the following:*

5                 (A) *The reasons that the waiver is necessary*  
6 *in the national security interests of the United*  
7 *States.*

8                 (B) *The specific reasons that additional*  
9 *funding is required for the continued presence of*  
10 *United States military forces participating in,*  
11 *or supporting, Bosnia peacekeeping operations,*  
12 *or Kosovo peacekeeping operations, as the case*  
13 *may be, for fiscal year 2002.*

14                (C) *A discussion of the impact on the mili-*  
15 *tary readiness of United States Armed Forces of*  
16 *the continuing deployment of United States mili-*  
17 *tary forces participating in, or supporting, Bos-*  
18 *nia peacekeeping operations, or Kosovo peace-*  
19 *keeping operations, as the case may be.*

20           (4) *A supplemental appropriations request for*  
21 *the Department of Defense for such amounts as are*  
22 *necessary for the additional fiscal year 2002 costs as-*  
23 *sociated with United States military forces partici-*  
24 *pating in, or supporting, Bosnia or Kosovo peace-*  
25 *keeping operations.*

1       (c) *PEACEKEEPING OPERATIONS DEFINED.*—For the  
2 purposes of this section:

3           (1) The term “Bosnia peacekeeping operations”  
4 has the meaning given such term in section 1004(e)  
5 of the Strom Thurmond National Defense Authoriza-  
6 tion Act for Fiscal Year 1999 (Public Law 105–261;  
7 112 Stat. 2112).

8           (2) The term “Kosovo peacekeeping  
9 operations”—

10           (A) means the operation designated as Op-  
11 eration Joint Guardian and any other operation  
12 involving the participation of any of the Armed  
13 Forces in peacekeeping or peace enforcement ac-  
14 tivities in and around Kosovo; and

15           (B) includes, with respect to Operation  
16 Joint Guardian or any such other operation,  
17 each activity that is directly related to the sup-  
18 port of the operation.

19 **SEC. 1004. INCREASE IN LIMITATIONS ON ADMINISTRATIVE**  
20 **AUTHORITY OF THE NAVY TO SETTLE ADMI-**  
21 **RALTY CLAIMS.**

22       (a) *ADMIRALTY CLAIMS AGAINST THE UNITED*  
23 *STATES.*—Section 7622 of title 10, United States Code, is  
24 amended—

1           (1) *in subsections (a) and (b), by striking*  
2           “\$1,000,000” *and inserting “\$15,000,000”; and*

3           (2) *in subsection (c), by striking “\$100,000” and*  
4           *inserting “\$1,000,000”.*

5           (b) *ADMIRALTY CLAIMS BY THE UNITED STATES.—*  
6           *Section 7623 of such title is amended—*

7           (1) *in subsection (a)(2), by striking*  
8           “\$1,000,000” *and inserting “\$15,000,000”; and*

9           (2) *in subsection (c), by striking “\$100,000” and*  
10          *inserting “\$1,000,000”.*

11          (c) *EFFECTIVE DATE.—The amendments made by this*  
12          *section shall apply with respect to any claim accruing on*  
13          *or after February 1, 2001.*

## 14                                   ***Subtitle B—Naval Vessels***

### 15          ***SEC. 1011. REVISION IN TYPES OF EXCESS NAVAL VESSELS***

#### 16                                   ***FOR WHICH APPROVAL BY LAW IS REQUIRED***

#### 17                                   ***FOR DISPOSAL TO FOREIGN NATIONS.***

18          (a) *REVISION IN VESSEL THRESHOLD.—Section 7307*  
19          *of title 10, United States Code, is amended—*

20                 (1) *in subsection (a), by striking “A naval ves-*  
21                 *sel” and inserting “Except as provided in subsection*  
22                 *(b), a combatant naval vessel”;*

23                 (2) *by redesignating subsection (b) as subsection*  
24                 *(c);*

1           (3) by inserting after subsection (a) the following  
2           new subsection (b):

3           “(b) *TREATMENT OF VESSELS HELD BY FOREIGN NA-*  
4           *TIONS BY LOAN OR LEASE.*—Subsection (a) shall not apply  
5           to the disposal to another nation of a vessel described in  
6           that subsection that, at the time of the disposal, is held by  
7           the nation to which the disposal is to be made pursuant  
8           to a loan or lease arrangement made under section 61 of  
9           the Arms Export Control Act (22 U.S.C. 2796) or any other  
10          provision of law.”; and

11          (4) by adding after subsection (c), as redesign-  
12          ated by paragraph (2), the following new subsection:

13          “(d) *INAPPLICABILITY OF VESSEL DISPOSALS TO AG-*  
14          *GREGATE ANNUAL VALUE LIMITATIONS.*—The value of a  
15          vessel transferred to another country under an applicable  
16          provision of law as described in subsection (c) shall not be  
17          counted for the purposes of any aggregate limit on the value  
18          of articles transferred to other countries under that provi-  
19          sion of law during any year (or other applicable period  
20          of time).”.

21          (b) *TECHNICAL AMENDMENTS.*—Subsection (a) of such  
22          section is further amended—

23                 (1) by striking “*LARGER OR NEWER*” in the sub-  
24                 section heading and inserting “*CERTAIN COMBATANT;*  
25                 and

1           (2) by striking “approved by law enacted after  
2           August 5, 1974” and inserting “specifically approved  
3           by law”.

#### 4   **Subtitle C—Counter-Drug Activities**

##### 5   **SEC. 1021. EXTENSION OF REPORTING REQUIREMENT RE-** 6                           **GARDING DEPARTMENT OF DEFENSE EX-** 7                           **PENDITURES TO SUPPORT FOREIGN** 8                           **COUNTER-DRUG ACTIVITIES.**

9           Section 1022 of the Floyd D. Spence National Defense  
10          Authorization Act for Fiscal Year 2001 (as enacted by Pub-  
11          lic Law 106–398; 114 Stat. 1654A–255) is amended—

12                   (1) by inserting “and April 15, 2002,” after  
13                   “January 1, 2001,”; and

14                   (2) by striking “fiscal year 2000” and inserting  
15                   “the preceding fiscal year”.

##### 16   **SEC. 1022. AUTHORITY TO TRANSFER TRACKER AIRCRAFT** 17                           **CURRENTLY USED BY ARMED FORCES FOR** 18                           **COUNTER-DRUG PURPOSES.**

19           (a) *TRANSFER AUTHORITY.*—The Secretary of Defense  
20          may transfer to the administrative jurisdiction and oper-  
21          ational control of another Federal agency all Tracker air-  
22          craft in the inventory of the Department of Defense.

23           (b) *EFFECT OF FAILURE TO TRANSFER.*—If the trans-  
24          fer authority provided by subsection (a) is not exercised by  
25          the Secretary of Defense by September 30, 2002, any Track-

1 *er aircraft remaining in the inventory of the Department*  
2 *of Defense may not be used by the Armed Forces for counter-*  
3 *drug purposes after that date.*

4 **SEC. 1023. AUTHORITY TO TRANSFER TETHERED AEROSTAT**  
5 **RADAR SYSTEM CURRENTLY USED BY ARMED**  
6 **FORCES FOR COUNTER-DRUG PURPOSES.**

7 (a) *TRANSFER AUTHORITY.*—*The Secretary of Defense*  
8 *may transfer to the administrative jurisdiction and oper-*  
9 *ational control of another Federal agency the Tethered Aero-*  
10 *stat Radar System currently used by the Armed Forces in*  
11 *maritime, air, and land counter-drug detection and moni-*  
12 *toring.*

13 (b) *EFFECT OF FAILURE TO TRANSFER.*—*If the trans-*  
14 *fer authority provided by subsection (a) is not exercised by*  
15 *the Secretary of Defense by September 30, 2002, the Teth-*  
16 *ered Aerostat Radar System may not be used by the Armed*  
17 *Forces for counter-drug purposes after that date.*

18 **Subtitle D—Reports**

19 **SEC. 1031. REQUIREMENT THAT DEPARTMENT OF DEFENSE**  
20 **REPORTS TO CONGRESS BE ACCOMPANIED**  
21 **BY ELECTRONIC VERSION.**

22 (a) *IN GENERAL.*—*Chapter 23 of title 10, United*  
23 *States Code, is amended by inserting after the table of sec-*  
24 *tions the following new section:*

1 **“§ 480. Department of Defense reports: submission in**  
2 **electronic form**

3 “(a) *REQUIREMENT.*—Whenever the Secretary of De-  
4 fense or any other official of the Department of Defense is  
5 required by law to submit a report to Congress (or any com-  
6 mittee of either House of Congress), the Secretary or other  
7 official shall provide to Congress (or each such committee)  
8 a copy of the report in an electronic medium.

9 “(b) *EXCEPTION.*—Subsection (a) does not apply to a  
10 report submitted in classified form.

11 “(c) *DEFINITION.*—In this section, the term ‘report’ in-  
12 cludes any certification, notification, or other communica-  
13 tion in writing.”.

14 (b) *CLERICAL AMENDMENT.*—The table of sections at  
15 the beginning of such chapter is amended by inserting before  
16 the item relating to section 481 the following new item:

“480. Department of Defense reports: submission in electronic form.”.

17 **SEC. 1032. REPORT ON DEPARTMENT OF DEFENSE ROLE IN**  
18 **HOMELAND SECURITY MATTERS.**

19 *The Secretary of Defense shall conduct a study on the*  
20 *appropriate role for the Department of Defense in homeland*  
21 *security matters. The Secretary shall submit to the Congress*  
22 *a report on the results of that study at the same time that*  
23 *the budget of the President for fiscal year 2003 is submitted*  
24 *to Congress.*



1 **SEC. 1033. REVISION OF ANNUAL REPORT TO CONGRESS ON**  
2 **NATIONAL GUARD AND RESERVE COMPO-**  
3 **NENT EQUIPMENT.**

4 *The text of section 10541 of title 10, United States*  
5 *Code, is amended to read as follows:*

6 *“(a) REQUIREMENT.—The Secretary of Defense shall*  
7 *submit to Congress each year, not later than March 1, a*  
8 *written report concerning the equipment of the National*  
9 *Guard and the reserve components of the armed forces. Each*  
10 *such report shall cover the current fiscal year and the three*  
11 *succeeding years.*

12 *“(b) MATTERS TO BE INCLUDED IN REPORT.—Each*  
13 *report under this section shall include the following (shown*  
14 *in the aggregate and separately for each reserve component):*

15 *“(1) A list of major items of equipment required*  
16 *and on-hand in the inventories of the reserve compo-*  
17 *nents.*

18 *“(2) A list of major items of equipment that are*  
19 *expected to be procured from commercial sources or*  
20 *transferred from the active component to the reserve*  
21 *components.*

22 *“(3) A statement of major items of equipment in*  
23 *the inventories of the reserve components that are sub-*  
24 *stitutes for a required major item of equipment.*

25 *“(4) A narrative explanation of the plan of the*  
26 *Secretary concerned to equip each reserve component,*

1        *including an explanation of the plan to equip units*  
2        *of the reserve components that are short major items*  
3        *of equipment at the outset of war or a contingency*  
4        *operation.*

5            *“(5) A narrative discussing the current status of*  
6        *the compatibility and interoperability of equipment*  
7        *between the reserve components and the active forces*  
8        *and the effect of that level of compatibility or inter-*  
9        *operability on combat effectiveness, together with a*  
10       *plan to achieve full equipment compatibility and*  
11       *interoperability.*

12           *“(6) A narrative discussing modernization short-*  
13       *falls and maintenance backlogs within the reserve*  
14       *components and the effect of those shortfalls on com-*  
15       *bat effectiveness.*

16           *“(7) A narrative discussing the overall age and*  
17       *condition of equipment currently in the inventory of*  
18       *the reserve components.*

19           *“(c) MAJOR ITEMS OF EQUIPMENT.—In this section,*  
20       *the term ‘major items of equipment’ includes ships, aircraft,*  
21       *combat vehicles, and key combat support equipment.*

22           *“(d) FORMAT AND LEVEL OF DETAIL.—Each report*  
23       *under this section shall be expressed in the same format and*  
24       *with the same level of detail as the information presented*

1 *in the Future-Years Defense Program Procurement Annex*  
2 *prepared by the Department of Defense.”.*

3 ***Subtitle E—Other Matters***

4 ***SEC. 1041. DEPARTMENT OF DEFENSE GIFT AUTHORITIES.***

5 *(a) ADDITIONAL ITEMS AUTHORIZED TO BE DONATED*  
6 *BY SECRETARY OF THE NAVY.—Section 7545 of title 10,*  
7 *United States Code, is amended—*

8 *(1) in subsection (a)—*

9 *(A) by striking “Subject to” and all that*  
10 *follows through “by him,” and inserting “AU-*  
11 *THORITY TO MAKE LOANS AND GIFTS.—The*  
12 *Secretary of the Navy”;*

13 *(B) by striking “captured, condemned,” and*  
14 *all that follows through “to—” and inserting*  
15 *“items described in subsection (b) that are not*  
16 *needed by the Department of the Navy to any of*  
17 *the following:”*

18 *(C) by capitalizing the first letter after the*  
19 *paragraph designation in each of paragraphs (1)*  
20 *through (12);*

21 *(D) by striking the semicolon at the end of*  
22 *paragraphs (1) through (10) and inserting a pe-*  
23 *riod;*

24 *(E) by striking “; or” at the end of para-*  
25 *graph (11) and inserting a period;*

1           (F) in paragraph (5), by striking “World  
2           War I or World War II” and inserting “a for-  
3           eign war”;

4           (G) in paragraph (6), by striking “soldiers’  
5           monument” and inserting “servicemen’s monu-  
6           ment”; and

7           (H) in paragraph (8), by inserting “or me-  
8           morial” after “a museum”;

9           (2) by redesignating subsections (b) and (c) as  
10          subsections (d) and (e), respectively;

11          (3) by inserting after subsection (a) the following  
12          new subsections:

13          “(b) *ITEMS ELIGIBLE FOR DISPOSAL.*—This section  
14          applies to the following types of property held by the De-  
15          partment of the Navy:

16                 “(1) Captured, condemned, or obsolete ordnance  
17                 material.

18                 “(2) Captured, condemned, or obsolete combat or  
19                 shipboard material.

20                 “(c) *REGULATIONS.*—A loan or gift made under this  
21          section shall be subject to regulations prescribed by the Sec-  
22          retary of the Navy and to regulations under section 205  
23          of the Federal Property and Administrative Services Act  
24          of 1949 (40 U.S.C. 486).”;

1           (4) in subsection (d) (as redesignated by para-  
2           graph (2)), by inserting “*MAINTENANCE OF THE*  
3           *RECORDS OF THE GOVERNMENT.—*” after the sub-  
4           section designation;

5           (5) in subsection (e) (as redesignated by para-  
6           graph (2)), by inserting “*ALTERNATIVE AUTHORITIES*  
7           *TO MAKE GIFTS OR LOANS.—*” after the subsection  
8           designation; and

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

11          “(f) *AUTHORITY TO TRANSFER A PORTION OF A VES-*  
12          *SEL.—The Secretary may lend, give, or otherwise transfer*  
13          *any portion of the hull or superstructure of a vessel stricken*  
14          *from the Naval Vessel Register and designated for scrapping*  
15          *to a qualified organization specified in subsection (a). The*  
16          *terms and conditions of an agreement for the transfer of*  
17          *a portion of a vessel under this section shall include a re-*  
18          *quirement that the transferee will maintain the material*  
19          *conveyed in a condition that will not diminish the histor-*  
20          *ical value of the material or bring discredit upon the*  
21          *Navy.”.*

22          (b) *CONFORMING AMENDMENTS.—Section 2572(a) of*  
23          *such title is amended—*

1           (1) in paragraph (2), by striking “soldiers’  
2           monument” and inserting “servicemen’s monument”;  
3           and

4           (2) in paragraph (4), by inserting “or memo-  
5           rial” after “An incorporated museum”.

6 **SEC. 1042. TERMINATION OF REFERENDUM REQUIREMENT**  
7                                   **REGARDING CONTINUATION OF MILITARY**  
8                                   **TRAINING ON ISLAND OF VIEQUES, PUERTO**  
9                                   **RICO, AND IMPOSITION OF ADDITIONAL CON-**  
10                                  **DITIONS ON CLOSURE OF LIVE-FIRE TRAIN-**  
11                                  **ING RANGE.**

12           (a) *IN GENERAL.*—*Title XV of the Floyd D. Spence*  
13 *National Defense Authorization Act for Fiscal Year 2001*  
14 *(as enacted by Public Law 106–398; 114 Stat. 1654A–348)*  
15 *is amended by striking sections 1503, 1504, and 1505 and*  
16 *inserting the following new sections:*

17 **“SEC. 1503. CONDITIONS ON CLOSURE OF VIEQUES NAVAL**  
18                                   **TRAINING RANGE.**

19           “(a) *REQUIRED CERTIFICATION.*—*The Secretary of the*  
20 *Navy may close the Vieques Naval Training Range on the*  
21 *island of Vieques, Puerto Rico, and discontinue live-fire*  
22 *training at that range only if—*

23                           “(1) *the Chief of Naval Operations and the Com-*  
24                           *mandant of the Marine Corps jointly certify that*  
25                           *there is an alternative training facility that provides*

1        *an equivalent or superior level of training for units*  
2        *of the Navy and the Marine Corps stationed or de-*  
3        *ployed in the eastern United States; and*

4                *“(2) the new facility is available and fully capa-*  
5        *ble of supporting such training immediately upon ces-*  
6        *sation of live-fire training on Vieques.*

7        *“(b) EQUIVALENT OR SUPERIOR LEVEL OF TRAINING*  
8        *DEFINED.—In this section, the term ‘equal or superior level*  
9        *of training’ refers to an ability by the Armed Forces to con-*  
10       *duct at a single location coordinated live-fire training, in-*  
11       *cluding simultaneous large-scale tactical air strikes, naval*  
12       *surface fire support and artillery, and amphibious landing*  
13       *operations, as was conducted at Vieques Naval Training*  
14       *Range before April 19, 1999.*

15       **“SEC. 1504. NAVY RETENTION OF CLOSED VIEQUES NAVAL**  
16                        **TRAINING RANGE.**

17                *“(a) RETENTION.—If the conditions specified in sec-*  
18       *tion 1503(a) are satisfied and the Secretary of the Navy*  
19       *terminates all Navy and Marine Corps training operations*  
20       *on the island of Vieques, the Secretary of the Navy shall*  
21       *retain administrative jurisdiction over the Live Impact*  
22       *Area and all other Department of Defense real properties*  
23       *on the eastern side of the island for possible reactivation*  
24       *for training use, including live-fire training, in the event*  
25       *a national emergency.*

1       “(b) *ADMINISTRATION.*—*The Secretary of the Navy*  
2 *may enter into a cooperative agreement with the Secretary*  
3 *of the Interior to provide for management of the property*  
4 *described in subsection (a), pending reactivation for train-*  
5 *ing use, by appropriate agencies of the Department of the*  
6 *Interior as follows:*

7               “(1) *Management of the Live Impact Area as a*  
8 *wilderness area under the Wilderness Act (16 U.S.C.*  
9 *1131 et seq.), including a prohibition on public access*  
10 *to the area.*

11               “(2) *Management of the remaining property as*  
12 *wildlife refuges under the National Wildlife Refuge*  
13 *System Administration Act of 1966 (16 U.S.C. 668dd*  
14 *et seq.).*

15       “(c) *LIVE IMPACT AREA DEFINED.*—*In this section,*  
16 *the term ‘Live Impact Area’ means the parcel of real prop-*  
17 *erty, consisting of approximately 900 acres (more or less),*  
18 *on the island of Vieques that is designated by the Secretary*  
19 *of the Navy for targeting by live ordnance in the training*  
20 *of forces of the Navy and Marine Corps.”.*

21       “(b) *CONFORMING AMENDMENT.*—*Section 1507(c) of*  
22 *such Act is amended by striking “the issuance of a procla-*  
23 *mation described in section 1504(a) or”.*



1 **SEC. 1043. REPEAL OF LIMITATION ON REDUCTIONS IN**  
2 **PEACEKEEPER ICBM MISSILES.**

3 *Subsection (a)(1) of section 1302 of the National De-*  
4 *fense Authorization Act for Fiscal Year 1998 (Public Law*  
5 *105–85) is amended by striking subparagraph (D).*

6 **SEC. 1044. SENSE OF THE CONGRESS ON THE IMPORTANCE**  
7 **OF THE KWAJALEIN MISSILE RANGE/RONALD**  
8 **REAGAN DEFENSE INITIATIVE TEST SITE AT**  
9 **KWAJALEIN ATOLL.**

10 *(a) IMPORTANCE OF MISSILE RANGE.—Congress rec-*  
11 *ognizes the importance of the Kwajalein Missile Range to*  
12 *the Department of Defense, particularly in that—*

13 *(1) Kwajalein acts as a buffer between Hawaii*  
14 *and Asia and provides an important role in moni-*  
15 *toring potential adversaries in the Pacific Theatre;*  
16 *and*

17 *(2) the range is the only location at which tests*  
18 *for United States exoatmospheric ballistic missile de-*  
19 *fense intercepts occurs.*

20 *(b) FINDINGS.—Congress finds that the Department of*  
21 *Defense conducted a study regarding the importance of*  
22 *Kwajalein Missile Range and made the following findings:*

23 *(1) The United States has an overriding defense*  
24 *interest in continuing the use of the Kwajalein Mis-*  
25 *sile Range and facilities on Kwajalein Atoll.*

1           (2) *The requirements of United States missile de-*  
2 *fense and space surveillance programs, combined with*  
3 *the uniqueness of Kwajalein’s location, and infra-*  
4 *structure investment, make renewal of the Compact in*  
5 *the best interest of the Department of Defense.*

6           (c) *SENSE OF CONGRESS.—It is the sense of Congress*  
7 *that the United States—*

8           (1) *should work to continue the long-term rela-*  
9 *tionship of the Department of Defense with the Kwaj-*  
10 *alein Missile Range/Ronald Reagan Defense Initiative*  
11 *Test Site at Kwajalein Atoll; and*

12           (2) *should continue to recognize the vital impor-*  
13 *tance of that test site to the national security of the*  
14 *United States and peacekeeping efforts in Asia.*

15 **SEC. 1045. TRANSFER OF VIETNAM ERA F-4 AIRCRAFT TO**  
16 **NONPROFIT MUSEUM.**

17           (a) *AUTHORITY TO CONVEY.—The Secretary of the Air*  
18 *Force may convey, without consideration, to the nonprofit*  
19 *National Aviation Museum and Foundation of Oklahoma*  
20 *(in this section referred to as the “museum”), all right, title,*  
21 *and interest of the United States in and to one surplus F-*  
22 *4 aircraft that is flyable or that can be readily restored*  
23 *to flyable condition. The conveyance shall be made by means*  
24 *of a conditional deed of gift.*

1           **(b) CONDITION OF AIRCRAFT.**—(1) *The Secretary may*  
2 *not convey ownership of an aircraft under subsection (a)*  
3 *until the Secretary determines that the museum has altered*  
4 *the aircraft in such manner as the Secretary determines*  
5 *necessary to ensure that the aircraft does not have any ca-*  
6 *pability for use as a platform for launching or releasing*  
7 *munitions or any other combat capability that it was de-*  
8 *signed to have.*

9           (2) *The Secretary is not required to repair or alter*  
10 *the condition of the aircraft before conveying ownership of*  
11 *the aircraft.*

12           **(c) REVERTER UPON BREACH OF CONDITIONS.**—*The*  
13 *Secretary shall include in the instrument of conveyance of*  
14 *the aircraft—*

15                   (1) *a condition that the museum not convey any*  
16 *ownership interest in, or transfer possession of, the*  
17 *aircraft to any other party without the prior ap-*  
18 *proval of the Secretary;*

19                   (2) *a condition that the museum operate and*  
20 *maintain the aircraft in compliance with all applica-*  
21 *ble limitations and maintenance requirements im-*  
22 *posed by the Administrator of the Federal Aviation*  
23 *Administration; and*

24                   (3) *a condition that if the Secretary determines*  
25 *at any time that the museum has conveyed an owner-*

1        *ship interest in, or transferred possession of, the air-*  
2        *craft to any other party without the prior approval*  
3        *of the Secretary, or has failed to comply with the con-*  
4        *dition set forth in paragraph (2), all right, title, and*  
5        *interest in and to the aircraft, including any repair*  
6        *or alteration of the aircraft, shall revert to the United*  
7        *States, and the United States shall have the right of*  
8        *immediate possession of the aircraft.*

9        *(d) CONVEYANCE AT NO COST TO THE UNITED*  
10       *STATES.—The conveyance of the aircraft under subsection*  
11       *(a) shall be made at no cost to the United States. Any costs*  
12       *associated with the conveyance, costs of determining compli-*  
13       *ance with subsection (b), and costs of operation and mainte-*  
14       *nance of the aircraft conveyed shall be borne by the mu-*  
15       *seum.*

16       *(e) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*  
17       *retary may require such additional terms and conditions*  
18       *in connection with a conveyance under this section as the*  
19       *Secretary considers appropriate to protect the interests of*  
20       *the United States.*

21       **SEC. 1046. BOMBER FORCE STRUCTURE.**

22       *(a) LIMITATION.—None of the funds available to the*  
23       *Department of Defense for fiscal year 2002 may be obligated*  
24       *or expended for retiring or dismantling any of the 93 B-*  
25       *1B Lancer bombers in service as of June 1, 2001, or for*

1 *transferring or reassigning any of those aircraft from the*  
2 *unit or the facility to which assigned as of that date, until*  
3 *each of the following has occurred:*

4           (1) *The President transmits to Congress a na-*  
5 *tional security strategy report under section 108 of*  
6 *the National Security Act of 1947 (50 U.S.C. 4040)*  
7 *as required by subsection (a)(3) of that section.*

8           (2) *The Secretary of Defense submits to the Com-*  
9 *mittee on Armed Services of the Senate and the Com-*  
10 *mittee on Armed Services of the House of Representa-*  
11 *tives the Quadrennial Defense Review (QDR) under*  
12 *section 118 of title 10, United States Code, that under*  
13 *that section is required to be submitted not later than*  
14 *September 30, 2001.*

15           (3) *The Secretary of Defense submits to the Com-*  
16 *mittee on Armed Services of the Senate and the Com-*  
17 *mittee on Armed Services of the House of Representa-*  
18 *tives a report that provides—*

19                   (A) *the changes in national security consid-*  
20 *erations from those applicable to the air force*  
21 *bomber studies conducted during 1992 and 1995*  
22 *that warrant changes in the current configura-*  
23 *tion of the bomber fleet; and*

24                   (B) *the plans of the Department of Defense*  
25 *for assigning new missions to the National*

1           *Guard units that currently fly B-1 aircraft and*  
2           *for the transition of those units and their facili-*  
3           *ties from the current B-1 mission to their future*  
4           *missions.*

5           *(4) The Secretary of Defense submits to Congress*  
6           *the annual report of the Secretary for 2001 required*  
7           *by section 113(c) of title 10, United States Code.*

8           *(5) The Secretary of Defense submits to Congress*  
9           *a report on the results of the Revised Nuclear Posture*  
10          *Review conducted under section 1042 of the Floyd D.*  
11          *Spence National Defense Authorization Act for Fiscal*  
12          *Year 2001 (as enacted into law by Public Law 106-*  
13          *398; 114 Stat. 1654A-262), as required by subsection*  
14          *(c) of that section.*

15          *(6) The Secretary of Defense conducts, and sub-*  
16          *mits to the Committee on Armed Services of the Sen-*  
17          *ate and Committee on Armed Services of the House*  
18          *of Representatives a report on the results of, a com-*  
19          *prehensive study to determine—*

20                  *(A) the role of manned bomber aircraft ap-*  
21                  *propriate to meet the requirements derived from*  
22                  *the National Security Strategy report referred to*  
23                  *in paragraph (1);*

24                  *(B) the amount and type of bomber force*  
25                  *structure in the United States Air Force appro-*

1            *priate to meet the requirements derived from the*  
2            *National Security Strategy report referred to in*  
3            *paragraph (1); and*

4            *(C) the most cost effective allocation of*  
5            *bomber force structure, factoring in use of the re-*  
6            *serve components of the Air Force consistent with*  
7            *the requirements of the National Security Strat-*  
8            *egy report referred to in paragraph (1).*

9            *(b) GAO STUDY AND REPORT.—The Comptroller Gen-*  
10          *eral of the United States shall conduct a study on the same*  
11          *matters as specified in subparagraphs (A), (B), and (C) of*  
12          *subsection (a)(6). The Comptroller General shall submit to*  
13          *Congress a report containing the results of that study not*  
14          *later than 180 days after the date of the submission of the*  
15          *report referred to in subsection (a)(6)*

16          *(c) DEFINITIONS.—For purposes of this section:*

17                  *(1) AMOUNT AND TYPE OF BOMBER FORCE*  
18                  *STRUCTURE.—The term “amount and type of bomber*  
19                  *force structure” means the required numbers of B–2*  
20                  *aircraft, B–52 aircraft, and B–1 aircraft consistent*  
21                  *with the requirements of the National Security Strat-*  
22                  *egy referred to in subsection (a)(1).*

23                  *(2) COST EFFECTIVE ALLOCATION OF BOMBER*  
24                  *FORCE STRUCTURE.—The term “cost effective alloca-*  
25                  *tion of bomber force structure” means the lowest cost*

1       *for stationing, maintaining, and operating the bomb-*  
2       *er fleet fully consistent with the requirements of the*  
3       *National Security Strategy referred to in subsection*  
4       *(a)(1).*

5       **SEC. 1047. TECHNICAL AND CLERICAL AMENDMENTS.**

6       *(a) TITLE 10, UNITED STATES CODE.—Title 10,*  
7       *United States Code, is amended as follows:*

8               *(1) The tables of chapters at the beginning of*  
9               *subtitle A, and at the beginning of part II of subtitle*  
10              *A, are each amended by striking the period after*  
11              *“1111” in the item relating to chapter 56.*

12              *(2) Section 119(g)(2) is amended by striking*  
13              *“National Security Subcommittee” and inserting*  
14              *“Subcommittee on Defense”.*

15              *(3) Section 130c(b)(3)(C) is amended by striking*  
16              *“subsection (f)” and inserting “subsection (g)”.*

17              *(4) Section 176(a)(3) is amended by striking*  
18              *“Chief Medical Director” and inserting “Under Sec-*  
19              *retary for Health”.*

20              *(5)(A) Section 503(c) is amended in paragraph*  
21              *(6)(A)(i) by striking “14101(18)” and “8801(18)”*  
22              *and inserting “14101” and “8801”, respectively.*

23              *(B) The amendment made by subparagraph (A)*  
24              *shall take effect on July 1, 2002, immediately after*  
25              *the amendment to such section effective that date by*



1 *section 563(a) of the Floyd D. Spence National De-*  
2 *fense Authorization Act for Fiscal Year 2001 (as en-*  
3 *acted by Public Law 106–398; 114 Stat. 131).*

4 *(6) Section 663(e) is amended—*

5 *(A) by striking “Armed Forces Staff Col-*  
6 *lege” in paragraph (1) and inserting “Joint*  
7 *Forces Staff College”; and*

8 *(B) by striking “ARMED FORCES STAFF*  
9 *COLLEGE” and inserting “JOINT FORCES STAFF*  
10 *COLLEGE”.*

11 *(7) Section 667(17) is amended by striking*  
12 *“Armed Forces Staff College” both places it appears*  
13 *and inserting “Joint Forces Staff College”.*

14 *(8) Section 874(a) is amended by inserting after*  
15 *“a sentence of confinement for life without eligibility*  
16 *for parole” the following: “that is adjudged for an of-*  
17 *fense committed after October 29, 2000”.*

18 *(9) Section 1056(c)(2) is amended by striking “,*  
19 *not later than September 30, 1991,”.*

20 *(10) The table of sections at the beginning of*  
21 *chapter 55 is amended by transferring the item relat-*  
22 *ing to section 1074i, as inserted by section 758(b) of*  
23 *the Floyd D. Spence National Defense Authorization*  
24 *Act for Fiscal Year 2001 (as enacted by Public Law*

1       106–398; 114 Stat. 1654A–200), so as to appear after  
2       the item relating to section 1074h.

3           (11) Section 1097a(e) is amended by striking  
4       “section 1072” and inserting “section 1072(2)”.

5           (12) Sections 1111(a) and 1114(a)(1) are each  
6       amended by striking “hereafter” and inserting “here-  
7       inafter”.

8           (13) Section 1116 is amended—

9               (A) in subsection (a)(2)(B), by inserting an  
10       open parenthesis before “other than for train-  
11       ing”; and

12               (B) in subsection (b)(2)(D), by striking  
13       “section 111(c)(4)” and inserting “section  
14       1115(c)(4)”.

15           (14) The heading for subchapter II of chapter 75  
16       is transferred within that chapter so as to appear be-  
17       fore the table of sections at the beginning of that sub-  
18       chapter (as if the amendment made by section  
19       721(c)(1) of the National Defense Authorization Act  
20       for Fiscal Year 2000 (Public Law 106–65; 113 Stat.  
21       694) had inserted that heading following section 1471  
22       instead of before section 1475).

23           (15) Section 1611(d) is amended by striking  
24       “with”.

1           (16) *Section 2166(e)(9) is amended by striking*  
2           *“App. 2” and inserting “App.”.*

3           (17) *Section 2323(a)(1)(C) is amended—*

4                 (A) *by striking “section 1046(3)” and in-*  
5                 *serting “section 365(3)”;*

6                 (B) *by striking “20 U.S.C. 1135d–5(3)”*  
7                 *and inserting “20 U.S.C. 1067k”; and*

8                 (C) *by striking “, which, for the purposes of*  
9                 *this section” and all that follows through the pe-*  
10                 *riod at the end and inserting a period.*

11           (18) *Section 2375(b) is amended by inserting*  
12           *“(41 U.S.C. 430)” after “section 34 of the Office of*  
13           *Federal Procurement Policy Act”.*

14           (19) *Section 2376(1) is amended by inserting*  
15           *“(41 U.S.C. 403)” after “section 4 of the Office of*  
16           *Federal Procurement Policy Act”.*

17           (20) *Section 2410f(a) is amended by inserting*  
18           *after “inscription” the following: “, or another in-*  
19           *scription with the same meaning.”.*

20           (21) *Section 2461a(a)(2) is amended by striking*  
21           *“efficiency” and inserting “efficiency”.*

22           (22) *Section 2467 is amended—*

23                 (A) *in subsection (a)(2)—*

24                     (i) *by striking “, United States Code”*  
25                     *in subparagraph (A); and*

1                   (ii) by striking “such” in subpara-  
2                   graphs (B) and (C); and

3                   (B) in subsection (b)(2)(A), by striking  
4                   “United States Code,”.

5                   (23) Section 2535 is amended—

6                   (A) in subsection (a)—

7                   (i) by striking “intent of Congress”  
8                   and inserting “intent of Congress—”;

9                   (ii) by realigning clauses (1), (2), (3),  
10                  and (4) so that each such clause appears as  
11                  a separate paragraph indented two ems  
12                  from the left margin; and

13                  (iii) in paragraph (1), as so realigned,  
14                  by striking “Armed Forces” and inserting  
15                  “armed forces”;

16                  (B) in subsection (b)(1)—

17                  (i) by striking “in this section, the Sec-  
18                  retary is authorized and directed to—” and  
19                  inserting “in subsection (a), the Secretary  
20                  of Defense shall—”; and

21                  (ii) by striking “defense industrial re-  
22                  serve” in subparagraph (A) and inserting  
23                  “Defense Industrial Reserve”; and

24                  (C) in subsection (c)—

25                  (i) by striking paragraph (1);

1                   (ii) by redesignating paragraph (2) as  
2                   paragraph (1) and in that paragraph—

3                   (I) by striking “means” and in-  
4                   serting “means—”;

5                   (II) by realigning clauses (A),  
6                   (B), and (C) so that each such clause  
7                   appears as a separate subparagraph  
8                   indented four ems from the left margin;  
9                   and

10                  (III) by inserting “and” at the  
11                  end of subparagraph (B), as so re-  
12                  aligned; and

13                  (iii) by redesignating paragraph (3) as  
14                  paragraph (2).

15                  (24) Section 2541c is amended by striking “sub-  
16                  title” both places it appears in the matter preceding  
17                  paragraph (1) and inserting “subchapter”.

18                  (25) The second section 2555, added by section  
19                  1203(a) of the Floyd D. Spence National Defense Au-  
20                  thorization Act for Fiscal Year 2001 (as enacted by  
21                  Public Law 106–398; 114 Stat. 1654A–324), is reded-  
22                  signed as section 2565, and the item relating to that  
23                  section in the table of sections at the beginning of  
24                  chapter 152 is revised to conform to such redesigna-  
25                  tion.

1           (26) *The second section 2582, added by section*  
2           *1(a) of Public Law 106–446 (114 Stat. 1932), is re-*  
3           *designated as section 2583, and the item relating to*  
4           *that section in the table of sections at the beginning*  
5           *of chapter 153 is revised to conform to such redesign-*  
6           *ation.*

7           (27)(A) *Section 2693(a) is amended—*

8                   (i) *in the matter preceding paragraph (1),*  
9                   *by inserting “of Defense” after “Secretary”; and*

10                   (ii) *in paragraph (3)—*

11                           (I) *by inserting “to the Secretary of*  
12                           *Defense” after “certifies”;*

13                           (II) *by inserting “(42 U.S.C. 3762a)”*  
14                           *after “of 1968”; and*

15                           (III) *by striking “to the public agen-*  
16                           *cies referred to in section 515(a)(1) or*  
17                           *515(a)(3) of title I of such Act” and insert-*  
18                           *ing “to a public agency referred to in para-*  
19                           *graph (1) or (3) of subsection (a) of such*  
20                           *section”.*

21           (B)(i) *The heading of such section is amended to*  
22           *read as follows:*

1 **“§2693. Conveyance of certain property: Department**  
2 **of Justice correctional options program”.**

3 (ii) *The item relating to such section in the table*  
4 *of sections at the beginning of chapter 159 is amended*  
5 *to read as follows:*

*“2693. Conveyance of certain property: Department of Justice correctional options program.”.*

6 (28) *Section 3014(f)(3) is amended by striking*  
7 *“the number equal to” and all that follows and insert-*  
8 *ing “67.”.*

9 (29) *Section 5014(f)(3) is amended by striking*  
10 *“the number equal to” and all that follows and insert-*  
11 *ing “74.”.*

12 (30) *Section 8014(f)(3) is amended by striking*  
13 *“the number equal to” and all that follows and insert-*  
14 *ing “60.”.*

15 (31) *Section 9783(e)(1) is amended by striking*  
16 *“40101(a)(2)” and inserting “40102(a)(2)”.*

17 (32) *Section 12741(a)(2) is amended by striking*  
18 *“received” and inserting “receive”.*

19 (b) *AMENDMENTS RELATING TO CHANGE IN TITLE OF*  
20 *UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECH-*  
21 *NOLOGY, AND LOGISTICS.—Title 10, United States Code, is*  
22 *further amended as follows:*

23 (1) *Section 133a(b) is amended by striking*  
24 *“shall assist the Under Secretary of Defense for Ac-*

1        *quisition and Technology” and inserting “shall assist*  
 2        *the Under Secretary of Defense for Acquisition, Tech-*  
 3        *nology, and Logistics”.*

4            (2) *The following provisions are each amended*  
 5        *by striking “Under Secretary of Defense for Acquisi-*  
 6        *tion and Technology” and inserting “Under Secretary*  
 7        *of Defense for Acquisition, Technology, and Logis-*  
 8        *tics”:* sections 139(c), 139(f), 171(a)(3), 179(a)(1),  
 9        1702, 1703, 1707(a), 1722(a), 1722(b)(2)(B),  
 10        1735(c)(1), 1737(c)(1), 1737(c)(2)(B), 1741(b),  
 11        1746(a), 1761(b)(4), 1763, 2302c(a)(2),  
 12        2304(f)(1)(B)(iii), 2304(f)(6)(B), 2311(c)(1),  
 13        2311(c)(2)(B), 2350a(b)(2), 2350a(e)(1)(A),  
 14        2350a(e)(2)(B), 2350a(f)(1), 2399(b)(3), 2435(b),  
 15        2435(d)(2), 2521(a), and 2534(i)(3).

16            (3)(A) *The heading for section 1702 is amended*  
 17        *to read as follows:*

18        **“§1702. Under Secretary of Defense for Acquisition,**  
 19                            **Technology, and Logistics: authorities**  
 20                            **and responsibilities”.**

21            (B) *The item relating to section 1702 in the*  
 22        *table of sections at the beginning of subchapter I of*  
 23        *chapter 87 is amended to read as follows:*

*“1702. Under Secretary of Defense for Acquisition, Technology, and Logistics: au-*  
*thorities and responsibilities.”.*



1           (4) *Section 2503(b) is amended by striking*  
2           *“Under Secretary of Defense for Acquisition” and in-*  
3           *serting “Under Secretary of Defense for Acquisition,*  
4           *Technology, and Logistics”.*

5           (c) *AMENDMENTS TO SUBSTITUTE CALENDAR DATES*  
6           *FOR DATE-OF-ENACTMENT REFERENCES.—Title 10, United*  
7           *States Code, is further amended as follows:*

8           (1) *Section 130c(d)(1) is amended by striking*  
9           *“the date of the enactment of the Floyd D. Spence Na-*  
10           *tional Defense Authorization Act for Fiscal Year*  
11           *2001” and inserting “October 30, 2000,”.*

12           (2) *Section 184(a) is amended by striking “the*  
13           *date of the enactment of this section,” and inserting*  
14           *“October 30, 2000,”.*

15           (3) *Section 986(a) is amended by striking “the*  
16           *date of the enactment of this section,” and inserting*  
17           *“October 30, 2000,”.*

18           (4) *Section 1074g(a)(8) is amended by striking*  
19           *“the date of the enactment of this section” and insert-*  
20           *ing “October 5, 1999,”.*

21           (5) *Section 1079(h)(2) is amended by striking*  
22           *“the date of the enactment of this paragraph” and in-*  
23           *serting “February 10, 1996,”.*

24           (6) *Section 1206(5) is amended by striking “the*  
25           *date of the enactment of the National Defense Author-*

1        *ization Act for Fiscal Year 2000,” and inserting “Oc-*  
2        *tober 5, 1999,”.*

3            (7) *Section 1405(c)(1) is amended by striking*  
4        *“the date of the enactment of the National Defense*  
5        *Authorization Act for Fiscal Year 1995,” and insert-*  
6        *ing “October 5, 1994,”.*

7            (8) *Section 1407(f)(2) is amended by striking*  
8        *“the date of the enactment of this subsection—” and*  
9        *inserting “October 30, 2000—”.*

10          (9) *Section 1408(d)(6) is amended by striking*  
11        *“the date of the enactment of this paragraph” and in-*  
12        *serting “August 22, 1996,”.*

13          (10) *Section 1511(b) is amended by striking “the*  
14        *date of the enactment of this chapter.” and inserting*  
15        *“February 10, 1996.”.*

16          (11) *Section 2461a(b)(1) is amended by striking*  
17        *“the date of the enactment of this section,” and insert-*  
18        *ing “October 30, 2000,”.*

19          (12) *Section 4021(c)(1) is amended by striking*  
20        *“the date of the enactment of this section.” and insert-*  
21        *ing “November 29, 1989.”.*

22          (13) *Section 6328(a) is amended by striking “the*  
23        *date of the enactment of this section” and inserting*  
24        *“February 10, 1996,”.*

25          (14) *Section 7439 is amended—*

1           (A) in subsection (a)(2), by striking “one  
2 year after the date of the enactment of this sec-  
3 tion,” and inserting “November 18, 1998,”;

4           (B) in subsection (b)(1), by striking “the  
5 date of the enactment of this section,” and in-  
6 serting “November 18, 1997,”;

7           (C) in subsection (b)(2), by striking “the  
8 end of the one-year period beginning on the date  
9 of the enactment of this section.” and inserting  
10 “November 18, 1998.”; and

11           (D) in subsection (f)(2), by striking “the  
12 date of the enactment of this section” and insert-  
13 ing “November 18, 1997,”.

14       (15) Section 12533 is amended—

15           (A) in each of subsections (b) and (c)(1), by  
16 striking “the date of the enactment of this sec-  
17 tion.” and inserting “November 18, 1997.”; and

18           (B) in each of subsections (c)(2) and (d), by  
19 striking “the date of the enactment of this sec-  
20 tion” and inserting “November 18, 1997,”.

21       (16) Section 12733(3) is amended—

22           (A) in subparagraph (B), by striking “the  
23 date of the enactment of the Floyd D. Spence Na-  
24 tional Defense Authorization Act for Fiscal Year  
25 2001;” and inserting “October 30, 2000;” and

1                   (B) in subparagraph (C), by striking “the  
2                   date of the enactment of the Floyd D. Spence Na-  
3                   tional Defense Authorization Act for Fiscal Year  
4                   2001” and inserting “October 30, 2000,”.

5                   (d) AMENDMENTS RELATING TO CHANGE IN TITLE OF  
6                   MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.—The fol-  
7                   lowing provisions are each amended by striking “Stewart  
8                   B. McKinney Homeless Assistance Act” and inserting  
9                   “McKinney-Vento Homeless Assistance Act”:

10                   (1) Sections 2814(j)(2), 2854a(d)(2), and  
11                   2878(d)(4) of title 10, United States Code.

12                   (2) Sections 2905(b)(6)(A) and 2910(11) of the  
13                   Defense Base Closure and Realignment Act of 1990  
14                   (part A of title XXIX of Public Law 101–510; 10  
15                   U.S.C. 2687 note).

16                   (3) Section 204(b)(6)(A) of the Defense Author-  
17                   ization Amendments and Base Closure and Realign-  
18                   ment Act (Public Law 100–526; 10 U.S.C. 2687  
19                   note).

20                   (4) Section 2915(c)(10) of the National Defense  
21                   Authorization Act for Fiscal Year 1994 (10 U.S.C.  
22                   2687 note).

23                   (5) Section 2(e)(4)(A) of the Base Closure Com-  
24                   munity Redevelopment and Homeless Assistance Act  
25                   of 1994 (Public Law 103–421; 10 U.S.C. 2687 note).

1           (6) *Section 1053(a) of the National Defense Au-*  
2           *thorization Act for Fiscal Year 1997 (110 Stat. 2650).*

3           (e) *AMENDMENTS TO REPEAL OBSOLETE PROVI-*  
4           *SIONS.—Title 10, United States Code, is further amended*  
5           *as follows:*

6           (1) *Section 1144 is amended—*

7                   (A) *in subsection (a)(3), by striking the sec-*  
8                   *ond sentence; and*

9                   (B) *by striking subsection (e).*

10          (2) *Section 1581(b) is amended—*

11                   (A) *by striking “(1)” and all that follows*  
12                   *through “The Secretary of Defense shall deposit”*  
13                   *and inserting “The Secretary of Defense shall de-*  
14                   *posit”; and*

15                   (B) *by striking “on or after December 5,*  
16                   *1991,”.*

17          (3) *Subsection (e) of section 1722 is repealed.*

18          (4) *Subsection 1732(a) is amended by striking*  
19           *the second sentence.*

20          (5) *Section 1734 is amended—*

21                   (A) *in subsection (b)(1)(B), by striking “on*  
22                   *and after October 1, 1991,”; and*

23                   (B) *in subsection (e)(2), by striking the last*  
24                   *sentence.*

25          (6)(A) *Section 1736 is repealed.*

1           (B) *The table of sections at the beginning of sub-*  
2 *chapter III of chapter 87 is amended by striking the*  
3 *item relating to section 1736.*

4           (7)(A) *Sections 1762 and 1764 are repealed.*

5           (B) *The table of sections at the beginning of sub-*  
6 *chapter V of chapter 87 is amended by striking the*  
7 *items relating to sections 1762 and 1764.*

8           (8) *Section 2112(a) is amended by striking “,*  
9 *with the first class graduating not later than Sep-*  
10 *tember 21, 1982”.*

11           (9) *Section 2218(d)(1) is amended by striking*  
12 *“for fiscal years after fiscal year 1993”.*

13           (10)(A) *Section 2468 is repealed.*

14           (B) *The table of sections at the beginning of*  
15 *chapter 146 is amended by striking the item relating*  
16 *to section 2468.*

17           (11) *Section 2832 is amended—*

18                 (A) *by striking “(a)” before “The Secretary*  
19 *of Defense”;* and

20                 (B) *by striking subsection (b).*

21           (12) *Section 7430(b)(2) is amended—*

22                 (A) *by striking “at a price less than” and*  
23 *all that follows through “the current sales price”*  
24 *and inserting “at a price less than the current*  
25 *sales price”;*

1                   (B) by striking “; or” and inserting a pe-  
2                   riod; and

3                   (C) by striking subparagraph (B).

4           (f) PUBLIC LAW 106–398.—Effective as of October 30,  
5 2000, and as if included therein as enacted, the Floyd D.  
6 Spence National Defense Authorization Act for Fiscal Year  
7 2001 (as enacted into law by Public Law 106–398) is  
8 amended as follows:

9                   (1) Section 525(b)(1) (114 Stat. 1654A–109) is  
10                   amended by striking “subsection (c)” and inserting  
11                   “subsections (a) and (b)”.

12                   (2) Section 1152(c)(2) (114 Stat. 1654A–323) is  
13                   amended by inserting “inserting” after “and”.

14           (g) PUBLIC LAW 106–65.—Effective as of October 5,  
15 1999, and as if included therein as enacted, the National  
16 Defense Authorization Act for Fiscal Year 2000 (Public  
17 Law 106–65) is amended as follows:

18                   (1) Section 531(b)(2)(A) (113 Stat. 602) is  
19                   amended by inserting “in subsection (a),” after  
20                   “(A)”.

21                   (2) Section 549(a)(2) (113 Stat. 611) is amended  
22                   by striking “such chapter” and inserting “chapter 49  
23                   of title 10, United States Code,”.

24                   (3) Section 576(a)(3) (10 U.S.C. 1501 note; 113  
25                   Stat. 625) is amended by adding a period at the end.

1           (4) *Section 577(a)(2) (113 Stat. 625) is amended*  
2 *by striking “bad conduct” in the first quoted matter*  
3 *and inserting “bad-conduct”.*

4           (5) *Section 811(d)(3)(B)(v) (10 U.S.C. 2302*  
5 *note; 113 Stat. 709) is amended by striking “Mentor-*  
6 *Protegee” and inserting “Mentor-Protege”.*

7           (6) *Section 1052(b)(1) (113 Stat. 764) is amend-*  
8 *ed by striking “The Department” and inserting “the*  
9 *Department”.*

10          (7) *Section 1053(a)(5) (10 U.S.C. 113 note; 113*  
11 *Stat. 764) is amended by inserting “and” before “Ma-*  
12 *rines”.*

13          (8) *Section 1402(f)(2)(A) (22 U.S.C. 2778 note;*  
14 *113 Stat. 799) is amended by striking “3201 note”*  
15 *and inserting “6305(4)”.*

16          (9) *Section 2902(d) (10 U.S.C. 111 note; 113*  
17 *Stat. 882) is amended by striking “section 2871(b)”*  
18 *and inserting “section 2881(b)”.*

19          (h) *PUBLIC LAW 102–484.—The National Defense Au-*  
20 *thorization Act for Fiscal Year 1993 (Public Law 102–484)*  
21 *is amended as follows:*

22           (1) *Section 3161(c)(6)(C) (42 U.S.C.*  
23 *7274h(c)(6)(C)) is amended by striking “title IX of*  
24 *the Public Works and Economic Development Act of*  
25 *1965 (42 U.S.C. 3241 et seq.)” and inserting “title II*



1 *of the Public Works and Economic Development Act*  
2 *of 1965 (42 U.S.C. 3141 et seq.)”.*

3 (2) *Section 4416(b)(1) (10 U.S.C. 12681 note) is*  
4 *amended by striking “force reduction period” and in-*  
5 *serting “force reduction transition period”.*

6 (3) *Section 4461(5) (10 U.S.C. 1143 note) is*  
7 *amended by adding a period at the end.*

8 (i) *OTHER LAWS.—*

9 (1) *Section 1083(c) of the National Defense Au-*  
10 *thorization Act for Fiscal Year 1998 (Public Law*  
11 *105–85; 10 U.S.C. 113 note) is amended by striking*  
12 *“NAMES” and inserting “NAME”.*

13 (2) *Section 845(d)(1)(B)(ii) of the National De-*  
14 *fense Authorization Act for Fiscal Year 1994 (Public*  
15 *Law 103–160; 10 U.S.C. 2371 note) is amended by*  
16 *inserting a closed parenthesis after “41 U.S.C.*  
17 *414(3)”.*

18 (3) *Section 1123(b) of the National Defense Au-*  
19 *thorization Act for Fiscal Years 1990 and 1991 (Pub-*  
20 *lic Law 101–189; 103 Stat. 1556) is amended by*  
21 *striking “Armed Forces Staff College” each place it*  
22 *appears and inserting “Joint Forces Staff College”.*

23 (4) *Section 1412(g)(2)(C)(vii) of the Department*  
24 *of Defense Authorization Act, 1986 (50 U.S.C.*

1       1521(g)(2)(C)(vii) is amended by striking “(c)(3)”  
2       and inserting “(c)(4)”.

3               (5) Section 8336 of title 5, United States Code,  
4       is amended—

5                       (A) in subsection (d)(2), by striking “sub-  
6                       section (o)” and inserting “subsection (p)”; and

7                       (B) by redesignating the second subsection  
8                       (o), added by section 1152(a)(2) of the Floyd D.  
9                       Spence National Defense Authorization Act for  
10                      Fiscal Year 2001 (as enacted by Public Law  
11                      106–398; 114 Stat. 1654A–320), as subsection  
12                      (p).

13               (6) Section 9001(3) of title 5, United States  
14       Code, is amended by striking “and” at the end of sub-  
15       paragraph (A) and inserting “or”.

16               (7) Section 318(h)(3) of title 37, United States  
17       Code, is amended by striking “subsection (a)” and in-  
18       serting “subsection (b)”.

19               (8) Section 3695(a)(5) of title 38, United States  
20       Code, is amended by striking “1610” and inserting  
21       “1611”.

22               (9) Section 13(b) of the Peace Corps Act (22  
23       U.S.C. 2512(b)) is amended by striking “, subject to  
24       section 5532 of title 5, United States Code”.

1           (10) *Section 127(g)(6) of the Trade Deficit Re-*  
2 *view Commission Act (19 U.S.C. 2213 note), as*  
3 *amended by section 311(b) of the Legislative Branch*  
4 *Appropriations Act, 2000 (Public Law 106–57; 113*  
5 *Stat. 428), is amended—*

6                   (A) *by striking “AUTHORITIES.—” and all*  
7 *that follows through “An individual” and insert-*  
8 *ing “AUTHORITIES.—An individual”; and*

9                   (B) *by striking subparagraph (B).*

10           (11) *Section 28 of the Atomic Energy Act of*  
11 *1954 (42 U.S.C. 2038) is amended in the last sen-*  
12 *tence by striking “, subject to” and all that follows*  
13 *through the period at the end and inserting a period.*

14           (12) *Section 3212 of the National Nuclear Secu-*  
15 *rity Administration Act (50 U.S.C. 2402) is amended*  
16 *by redesignating the second subsection (e), added by*  
17 *section 3159(a) of the Floyd D. Spence National De-*  
18 *fense Authorization Act for Fiscal Year 2001 (as en-*  
19 *acted by Public Law 106–398; 114 Stat. 1654A–469),*  
20 *as subsection (f).*

1 **TITLE XI—CIVILIAN PERSONNEL**

2 **SEC. 1101. UNDERGRADUATE TRAINING PROGRAM FOR EM-**  
3 **PLOYEES OF THE NATIONAL IMAGERY AND**  
4 **MAPPING AGENCY.**

5       (a) *AUTHORITY TO CARRY OUT TRAINING PRO-*  
6 *GRAM.—Subchapter III of chapter 22 of title 10, United*  
7 *States Code, is amended by adding at the end the following*  
8 *new section:*

9 **“§ 462. Undergraduate training program**

10       “(a) *AUTHORITY TO CARRY OUT PROGRAM.—The Sec-*  
11 *retary of Defense may authorize the Director of the National*  
12 *Imagery and Mapping Agency to establish an under-*  
13 *graduate training program under which civilian employees*  
14 *of the National Imagery and Mapping Agency may be as-*  
15 *signed as students at accredited professional, technical, and*  
16 *other institutions of higher learning for training at the un-*  
17 *dergraduate level in skills critical to effective performance*  
18 *of the mission of the National Imagery and Mapping Agen-*  
19 *cy. Such training may lead to the award of a baccalaureate*  
20 *degree.*

21       “(b) *PURPOSE.—The purpose of the program author-*  
22 *ized by subsection (a) is to facilitate the recruitment of in-*  
23 *dividuals, particularly minority high school students, with*  
24 *a demonstrated capability to develop skills critical to the*  
25 *mission of the National Imagery and Mapping Agency, in-*

1 *cluding skills in mathematics, computer science, engineer-*  
2 *ing, and foreign languages.*

3       “(c) *REQUIREMENTS.—(1) To be eligible for assign-*  
4 *ment under subsection (a), an employee of the National Im-*  
5 *agery and Mapping Agency must agree in writing—*

6               “(A) *to continue in the service of the National*  
7 *Imagery and Mapping Agency for the period of the*  
8 *assignment and to complete the educational course of*  
9 *training for which the employee is assigned;*

10              “(B) *to continue in the service of the National*  
11 *Imagery and Mapping Agency following completion*  
12 *of the assignment for a period of one-and-a-half years*  
13 *for each year of the assignment or part thereof;*

14              “(C) *to reimburse the United States for the total*  
15 *cost of education (excluding the employee’s pay and*  
16 *allowances) provided under this section to the em-*  
17 *ployee if, before the employee’s completing the edu-*  
18 *cational course of training for which the employee is*  
19 *assigned, the assignment or the employee’s employ-*  
20 *ment with the National Imagery and Mapping Agen-*  
21 *cy is terminated either by the National Imagery and*  
22 *Mapping Agency due to misconduct by the employee*  
23 *or by the employee voluntarily; and*

24              “(D) *to reimburse the United States if, after*  
25 *completing the educational course of training for*

1       *which the employee is assigned, the employee's em-*  
2       *ployment with the National Imagery and Mapping*  
3       *Agency is terminated either by the National Imagery*  
4       *and Mapping Agency due to misconduct by the em-*  
5       *ployee or by the employee voluntarily, before the em-*  
6       *ployee's completion of the service obligation period de-*  
7       *scribed in subparagraph (B), in an amount that*  
8       *bears the same ratio to the total cost of the education*  
9       *(excluding the employee's pay and allowances) pro-*  
10      *vided to the employee as the unserved portion of the*  
11      *service obligation period described in subparagraph*  
12      *(B) bears to the total period of the service obligation*  
13      *described in subparagraph (B).*

14      “(2) Subject to paragraph (3), the obligation to reim-

15      *burse the United States under an agreement described in*  
16      *paragraph (1), including interest due on such obligation,*  
17      *is for all purposes a debt owing the United States.*

18      “(3)(A) A discharge in bankruptcy under title 11,  
19      *United States Code, shall not release a person from an obli-*  
20      *gation to reimburse the United States required under an*  
21      *agreement described in paragraph (1) if the final decree of*  
22      *the discharge in bankruptcy is issued within five years after*  
23      *the last day of the combined period of service obligation*  
24      *described in subparagraphs (A) and (B) of paragraph (1).*

1           “(B) *The Secretary of Defense may release a person,*  
2 *in whole or in part, from the obligation to reimburse the*  
3 *United States under an agreement described in paragraph*  
4 *(1) when, in his discretion, the Secretary determines that*  
5 *equity or the interests of the United States so require.*

6           “(C) *The Secretary of Defense shall permit an em-*  
7 *ployee assigned under this section who, before commencing*  
8 *a second academic year of such assignment, voluntarily ter-*  
9 *minates the assignment or the employee’s employment with*  
10 *the National Imagery and Mapping Agency, to satisfy his*  
11 *obligation under an agreement described in paragraph (1)*  
12 *by reimbursing the United States according to a schedule*  
13 *of monthly payments which results in completion of reim-*  
14 *bursement by a date five years after the date of termination*  
15 *of the assignment or employment or earlier at the option*  
16 *of the employee.*

17           “(d) *DISCLOSURE REQUIRED.—(1) When an employee*  
18 *is assigned under this section to an institution, the Sec-*  
19 *retary shall disclose to the institution to which the employee*  
20 *is assigned that the National Imagery and Mapping Agency*  
21 *employs the employee and that the National Imagery and*  
22 *Mapping Agency funds the employee’s education.*

23           “(2) *Efforts by the Secretary to recruit individuals at*  
24 *educational institutions for participation in the under-*  
25 *graduate training program established by this section shall*

1 *be made openly and according to the common practices of*  
 2 *universities and employers recruiting at such institutions.*

3       “(e) *APPROPRIATION OF FUNDS REQUIRED.*—*The Sec-*  
 4 *retary may pay, directly or by reimbursement to employees,*  
 5 *expenses incident to assignments under subsection (a), in*  
 6 *any fiscal year only to the extent that appropriated funds*  
 7 *are available for such purpose.*

8       “(f) *INAPPLICABILITY OF CERTAIN LAWS.*—*Chapter 41*  
 9 *of title 5 and subsections (a) and (b) of section 3324 of title*  
 10 *31 shall not apply with respect to this section.*

11       “(g) *REGULATIONS.*—*The Secretary of Defense may*  
 12 *prescribe such regulations as may be necessary to imple-*  
 13 *ment this section.”.*

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

      “462. *Undergraduate training program.”.*

17 **SEC. 1102. PILOT PROGRAM FOR PAYMENT OF RETRAINING**  
 18 **EXPENSES.**

19       “(a) *AUTHORITY TO CARRY OUT PILOT PROGRAM.*—  
 20 (1) *The Secretary of Defense may establish a pilot program*  
 21 *to facilitate the reemployment of eligible employees of the*  
 22 *Department of Defense who are involuntarily separated due*  
 23 *to a reduction in force, relocation as a result of a transfer*  
 24 *of function, realignment, or change of duty station. Under*  
 25 *the pilot program, the Secretary may pay retraining incen-*



1 *tives to encourage non-Federal employers to hire and retain*  
2 *such eligible employees.*

3 (2) *Under the pilot program, the Secretary may enter*  
4 *into an agreement with a non-Federal employer under*  
5 *which the employer agrees—*

6 (A) *to employ an eligible employee for at least*  
7 *12 months at a salary that is mutually agreeable to*  
8 *the employer and the eligible employee; and*

9 (B) *to certify to the Secretary the amount of*  
10 *costs incurred by the employer for any necessary*  
11 *training (as defined by the Secretary) provided to*  
12 *such eligible employee in connection with the employ-*  
13 *ment.*

14 (3) *The Secretary may pay a retraining incentive to*  
15 *the non-Federal employer upon the employee's completion*  
16 *of 12 months of continuous employment with that employer.*  
17 *The Secretary shall determine the amount of the incentive,*  
18 *except that in no event may such amount exceed the amount*  
19 *certified with respect to such eligible employee under para-*  
20 *graph (2)(A), or \$10,000, whichever is greater.*

21 (4) *In a case in which an eligible employee does not*  
22 *remain employed by the non-Federal employer for at least*  
23 *12 months, the Secretary may pay to the employer a pro-*  
24 *rated amount of what would have been the full retraining*

1 *incentive if the eligible employee had remained employed*  
2 *for such 12-month period.*

3       (b) *ELIGIBLE EMPLOYEES.*—*For purposes of this sec-*  
4 *tion, an eligible employee is an employee of the Department*  
5 *of Defense, serving under an appointment without time lim-*  
6 *itation, who has been employed by the Department for a*  
7 *continuous period of at least 12 months and who has been*  
8 *given notice of separation pursuant to a reduction in force,*  
9 *relocation as a result of a transfer of function, realignment,*  
10 *or change of duty station, except that such term does not*  
11 *include—*

12           (1) *a reemployed annuitant under the retirement*  
13 *systems described in subchapter III of chapter 83 of*  
14 *title 5, United States Code, or chapter 84 of such title,*  
15 *or another retirement system for employees of the Fed-*  
16 *eral Government;*

17           (2) *an employee who, upon separation from Fed-*  
18 *eral service, is eligible for an immediate annuity*  
19 *under subchapter III of chapter 83 of such title, or*  
20 *subchapter II of chapter 84 of such title; or*

21           (3) *an employee who is eligible for disability re-*  
22 *irement under any of the retirement systems referred*  
23 *to in paragraph (1).*

1       (c) *DURATION*.—No incentive may be paid under the  
2 pilot program for training commenced after September 30,  
3 2005.

4       (d) *DEFINITIONS*.—In this section:

5           (1) The term “non-Federal employer” means an  
6 employer that is not an Executive agency, as defined  
7 in section 105 of title 5, United States Code, or an  
8 entity in the legislative or judicial branch of the Fed-  
9 eral Government.

10          (2) The term “reduction in force” has the mean-  
11 ing of that term as used in chapter 35 of such title  
12 5.

13          (3) The term “realignment” has the meaning  
14 given that term in section 2910 of the Defense Base  
15 Closure and Realignment Act of 1990 (title XXIX of  
16 Public Law 101–510; 10 U.S.C. 2687 note).

17 **SEC. 1103. PAYMENT OF EXPENSES TO OBTAIN PROFES-**  
18 **SIONAL CREDENTIALS.**

19       (a) *IN GENERAL*.—Chapter 57 of title 5, United States  
20 Code, is amended by adding at the end the following new  
21 section:

22 **“§5757. Payment of expenses to obtain professional**  
23 **credentials**

24       “(a) An agency may use appropriated funds or funds  
25 otherwise available to the agency to pay for—

1           “(1) expenses for employees to obtain profes-  
2           sional credentials, including expenses for professional  
3           accreditation, State-imposed and professional licenses,  
4           and professional certification; and

5           “(2) examinations to obtain such credentials.

6           “(b) The authority under subsection (a) may not be  
7           exercised on behalf of any employee occupying or seeking  
8           to qualify for appointment to any position that is excepted  
9           from the competitive service because of the confidential, pol-  
10          icy-determining, policy-making, or policy-advocating char-  
11          acter of the position.”.

12          (b) **CLERICAL AMENDMENT.**—*The table of sections at*  
13 *the beginning of such chapter is amended by adding at the*  
14 *end the following new item:*

*“5757. Payment of expenses to obtain professional credentials.”.*

15 **SEC. 1104. RETIREMENT PORTABILITY ELECTIONS FOR CER-**  
16 **TAIN DEPARTMENT OF DEFENSE AND COAST**  
17 **GUARD EMPLOYEES.**

18          (a) **CIVIL SERVICE RETIREMENT SYSTEM.**—*Section*  
19 *8347(q) of title 5, United States Code, is amended—*

20           (1) *in paragraph (1)(B), by striking “has 5 or*  
21 *more years of civilian service creditable under” and*  
22 *inserting “is employed subject to”; and*

23           (2) *in paragraph (2)(B)—*

24           (A) *by striking “vested”; and*

1                   (B) by striking “, as the term ‘vested partic-  
2                   ipant’ is defined by such system”.

3           (b) *FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.*—

4   Section 8461(n) of such title is amended—

5                   (1) in paragraph (1)(B), by striking “has 5 or  
6                   more years of civilian service creditable under” and  
7                   inserting “is employed subject to”; and

8                   (2) in paragraph (2)(B)—

9                               (A) by striking “vested”; and

10                              (B) by striking “, as the term ‘vested partic-  
11                   ipant’ is defined by such system”.

12 **SEC. 1105. REMOVAL OF REQUIREMENT THAT GRANTING**  
13 **CIVIL SERVICE COMPENSATORY TIME BE**  
14 **BASED ON AMOUNT OF IRREGULAR OR OCCA-**  
15 **SIONAL OVERTIME WORK.**

16       Section 5543 of title 5, United States Code, is amended  
17 by striking “irregular or occasional” in each place such  
18 words appear.

19 **SEC. 1106. APPLICABILITY OF CERTAIN LAWS TO CERTAIN**  
20 **INDIVIDUALS ASSIGNED TO WORK IN THE**  
21 **FEDERAL GOVERNMENT.**

22       Section 3374(c)(2) of title 5, United States Code, is  
23 amended by inserting “the Ethics in Government Act of  
24 1978, section 1043 of the Internal Revenue Code of 1986,

1 *section 27 of the Office of Federal Procurement Policy Act,”*  
2 *after “chapter 73 of this title.”*

3 **SEC. 1107. LIMITATION ON PREMIUM PAY.**

4 *Section 5547 of title 5, United States Code, is*  
5 *amended—*

6 *(1) by striking subsections (a) and (b) and in-*  
7 *serting the following new subsections:*

8 *“(a) An employee may be paid premium pay under*  
9 *sections 5542, 5545 (a), (b), and (c), 5545a, and 5546 (a)*  
10 *and (b) of this title only to the extent that the aggregate*  
11 *of such employee’s basic pay and premium pay under those*  
12 *provisions would, in any calendar year, exceed the max-*  
13 *imum rate payable for GS–15 in effect at the end of such*  
14 *calendar year.*

15 *“(b) Subsection (a) shall not apply to any employee*  
16 *of the Federal Aviation Administration or the Department*  
17 *of Defense who is paid premium pay under section 5546a*  
18 *of this title.”; and*

19 *(2) in subsection (c)—*

20 *(A) in paragraph (1), by striking “Sub-*  
21 *sections (a) and (b)” and inserting “Subsection*  
22 *(a)”;* and

23 *(B) in paragraph (2), by striking “pay pe-*  
24 *riod” and inserting “calendar year”.*

1 **SEC. 1108. USE OF COMMON OCCUPATIONAL AND HEALTH**  
2 **STANDARDS AS A BASIS FOR DIFFERENTIAL**  
3 **PAYMENTS MADE AS A CONSEQUENCE OF EX-**  
4 **POSURE TO ASBESTOS.**

5 (a) *PREVAILING RATE SYSTEMS.*—Section 5343(c)(4)  
6 of title 5, United States Code, is amended by inserting be-  
7 fore the semicolon the following: “(and for any hardship  
8 or hazard related to asbestos, such differentials shall be de-  
9 termined by applying occupational safety and health stand-  
10 ards consistent with the permissible exposure limit promul-  
11 gated by the Secretary of Labor under the Occupational  
12 Safety and Health Act of 1970)”.

13 (b) *GENERAL SCHEDULE PAY RATES.*—The first sen-  
14 tence of section 5545(d) of such title is amended by inserting  
15 before the period the following: “(and for any hardship or  
16 hazard related to asbestos, such differentials shall be deter-  
17 mined by applying occupational safety and health stand-  
18 ards consistent with the permissible exposure limit promul-  
19 gated by the Secretary of Labor under the Occupational  
20 Safety and Health Act of 1970)”.

21 (c) *APPLICABILITY.*—Any administrative or judicial  
22 determination made after the date of enactment of this Act  
23 concerning differential back payments related to asbestos  
24 under section 5343(c)(4) or 5545(d) of such title shall be  
25 based on the occupational safety and health standards de-  
26 scribed in such section, respectively.

1 **SEC. 1109. AUTHORITY FOR DESIGNATED CIVILIAN EMPLOY-**  
2 **EES ABROAD TO ACT AS A NOTARY.**

3 (a) *IN GENERAL.*—Paragraph (4) of section 1044a(b)  
4 of title 10, United States Code, is amended—

5 (1) by inserting “and, when outside the United  
6 States, all civilian employees of the Department of  
7 Defense,” after “duty status,”; and

8 (2) by inserting “or the Department of Defense”  
9 before “or by statute”.

10 (b) *CLARIFICATION OF STATUS OF CIVILIAN ATTOR-*  
11 *NEYS ACTING AS A NOTARY.*—Paragraph (2) of such section  
12 is amended by striking “legal assistance officers” and in-  
13 serting “legal assistance attorneys”.

14 **SEC. 1110. “MONRONEY AMENDMENT” RESTORED TO ITS**  
15 **PRIOR FORM.**

16 Paragraph (2) of section 5343(d) of title 5, United  
17 States Code, is amended to read as such paragraph last  
18 read before the enactment of section 1242 of the Department  
19 of Defense Authorization Act, 1986 (Public Law 99–145;  
20 99 Stat. 735).



1 **TITLE XII—MATTERS RELATING**  
2 **TO FOREIGN NATIONS**

3 **SEC. 1201. CLARIFICATION OF AUTHORITY TO FURNISH NU-**  
4 **CLEAR TEST MONITORING EQUIPMENT TO**  
5 **FOREIGN GOVERNMENTS.**

6 *Section 2565 of title 10, United States Code, as redес-*  
7 *ignated by section 1047(a)(25), is amended—*

8 *(1) in subsection (a)—*

9 *(A) by striking “CONVEY OR” in the sub-*  
10 *section heading and inserting “TRANSFER TITLE*  
11 *TO OR OTHERWISE”;*

12 *(B) in paragraph (1)—*

13 *(i) by striking “convey” and inserting*  
14 *“transfer title”; and*

15 *(ii) by striking “and” after “equip-*  
16 *ment;”;*

17 *(C) by striking the period at the end of*  
18 *paragraph (2) and inserting “; and”; and*

19 *(D) by adding at the end the following new*  
20 *paragraph:*

21 *“(3) inspect, test, maintain, repair, or replace*  
22 *any such equipment.”; and*

23 *(2) in subsection (b)—*

1           (A) by striking “conveyed or otherwise pro-  
2           vided” and inserting “provided to a foreign gov-  
3           ernment”;

4           (B) by inserting “and” at the end of para-  
5           graph (1);

6           (C) by striking “; and” at the end of para-  
7           graph (2) and inserting a period; and

8           (D) by striking paragraph (3).

9   **SEC. 1202. ACQUISITION OF LOGISTICAL SUPPORT FOR SE-**  
10                                   **CURITY FORCES.**

11           Section 5 of the Multinational Force and Observers  
12   Participation Resolution (22 U.S.C. 3424) is amended by  
13   adding at the end the following new subsection:

14           “(d)(1) The United States may use contractors to pro-  
15   vide logistical support to the Multinational Force and Ob-  
16   servers under this section in lieu of providing such support  
17   through a logistical support unit comprised of members of  
18   the United States Armed Forces.

19           “(2) Notwithstanding subsections (a) and (b) and sec-  
20   tion 7(b), support by a contractor under this subsection  
21   may be provided without reimbursement, whenever the  
22   President determines that such action enhances or supports  
23   the national security interests of the United States.”.

1 **SEC. 1203. REPORT ON THE SALE AND TRANSFER OF MILI-**  
2 **TARY HARDWARE, EXPERTISE, AND TECH-**  
3 **NOLOGY FROM STATES OF THE FORMER SO-**  
4 **VIET UNION TO THE PEOPLE'S REPUBLIC OF**  
5 **CHINA.**

6 *Section 1202 of the National Defense Authorization*  
7 *Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat.*  
8 *781; 10 U.S.C. 113 note) is amended by adding at the end*  
9 *the following new subsection:*

10 *“(d) REPORT ON SALES AND TRANSFERS FROM*  
11 *STATES OF THE FORMER SOVIET UNION TO CHINA.—(1)*  
12 *The report to be submitted under this section not later than*  
13 *March 1, 2002, shall include in a separate section a report*  
14 *describing the sales and transfer of military hardware, ex-*  
15 *pertise, and technology from states of the former Soviet*  
16 *Union to the People’s Republic of China. The report shall*  
17 *set forth the history of such sales and transfers since 1990,*  
18 *forecast possible future sales and transfers, and address the*  
19 *implications of those sales and transfers for the security of*  
20 *the United States and its friends and allies in Asia.*

21 *“(2) The report shall include analysis and forecasts of*  
22 *the following matters related to military cooperation be-*  
23 *tween states of the former Soviet Union and the People’s*  
24 *Republic of China:*

1           “(A) *The policy of each of those states with re-*  
2           *spect to arms sales to, and military cooperation with,*  
3           *the People’s Republic of China.*

4           “(B) *Any laws or regulations of those states that*  
5           *could prohibit or limit such sales or cooperation.*

6           “(C) *The extent in each of those states of govern-*  
7           *ment knowledge, cooperation, or condoning of sales or*  
8           *transfers of military hardware, expertise, or tech-*  
9           *nology to the People’s Republic of China.*

10          “(D) *An itemization of sales or transfers of mili-*  
11          *tary hardware, expertise, or technology from any of*  
12          *those states to the People’s Republic of China that*  
13          *have taken place since 1990, with a particular focus*  
14          *on command, control, communications, and intel-*  
15          *ligence systems.*

16          “(E) *A description of any sale or transfer of*  
17          *military hardware, expertise, or technology from any*  
18          *of those states to the People’s Republic of China that*  
19          *is currently under negotiation or contemplation*  
20          *through the end of 2005.*

21          “(F) *Identification of Chinese defense industries*  
22          *in which technicians from states of the former Soviet*  
23          *Union are working and of defense industries of those*  
24          *states in which Chinese technicians are working and*

1       *a description in each case of the extent and the nature*  
2       *of the work performed by such technicians.*

3               “(G) *The extent of assistance by any of those*  
4       *states to key research and development programs of*  
5       *China, including programs for development of weap-*  
6       *ons of mass destruction and delivery vehicles for such*  
7       *weapons, programs for development of advanced con-*  
8       *ventional weapons, and programs for development of*  
9       *unconventional weapons.*

10              “(H) *The extent of assistance by any of those*  
11       *states to information warfare or electronic warfare*  
12       *programs of China.*

13              “(I) *The extent of assistance by any of those*  
14       *states to manned and unmanned space operations of*  
15       *China.*

16              “(J) *The extent to which arms sales by any of*  
17       *those states to the People’s Republic of China are a*  
18       *source of funds for military research and development*  
19       *or procurement programs in the selling state.*

20              “(3) *The report under paragraph (1) shall include,*  
21       *with respect to each area of analysis and forecasts specified*  
22       *in paragraph (2)—*

23              “(A) *an assessment of the military effects of such*  
24       *sales or transfers to entities in the People’s Republic*  
25       *of China;*

1           “(B) an assessment of the ability of the People’s  
2           Liberation Army to assimilate such sales or transfers,  
3           mass produce new equipment, or develop doctrine for  
4           use; and

5           “(C) the potential threat of developments related  
6           to such effects on the security interests of the United  
7           States and its friends and allies in Asia.”.

8   **SEC. 1204. LIMITATION ON FUNDING FOR JOINT DATA EX-**  
9                           **CHANGE CENTER.**

10           (a) *LIMITATION.*—Funds made available to the De-  
11           partment of Defense for fiscal year 2002 may not be obli-  
12           gated or expended for any activity associated with the Joint  
13           Data Exchange Center in Moscow, Russia, until—

14                   (1) the United States and the Russian Federa-  
15           tion enter into a cost-sharing agreement as described  
16           in subsection (d) of section 1231 of the Floyd D.  
17           Spence National Defense Authorization Act for Fiscal  
18           Year 2001, as enacted into law by Public Law 106-  
19           398 (114 Stat. 1654A–329);

20                   (2) the United States and the Russian Federa-  
21           tion enter into an agreement or agreements exempting  
22           the United States and any United States person from  
23           Russian taxes, and from liability under Russian  
24           laws, with respect to activities associated with the  
25           Joint Data Exchange Center;

1           (3) *the Secretary of Defense submits to the Com-*  
2           *mittee on Armed Services of the Senate and the Com-*  
3           *mittee on Armed Services of the House of Representa-*  
4           *tives a copy of each agreement referred to in para-*  
5           *graphs (1) and (2); and*

6           (4) *a period of 30 days has expired after the date*  
7           *of the final submission under paragraph (3).*

8           (b) *JOINT DATA EXCHANGE CENTER.*—*For purposes*  
9           *of this section, the term “Joint Data Exchange Center”*  
10           *means the United States-Russian Federation joint center*  
11           *for the exchange of data to provide early warning of*  
12           *launches of ballistic missiles and for notification of such*  
13           *launches that is provided for in a joint United States-Rus-*  
14           *sian Federation memorandum of agreement signed in Mos-*  
15           *cow in June 2000.*

16   **SEC. 1205. EXTENSION OF AUTHORITY TO PROVIDE ASSIST-**  
17                            **ANCE UNDER WEAPONS OF MASS DESTRUC-**  
18                            **TION ACT FOR SUPPORT OF UNITED NA-**  
19                            **TIONS-SPONSORED EFFORTS TO INSPECT**  
20                            **AND MONITOR IRAQI WEAPONS ACTIVITIES.**

21           (a) *LIMITATION ON AMOUNT OF ASSISTANCE IN FIS-*  
22           *CAL YEAR 2002.*—*The total amount of the assistance for*  
23           *fiscal year 2002 that is provided by the Secretary of Defense*  
24           *under section 1505 of the Weapons of Mass Destruction*  
25           *Control Act of 1992 (22 U.S.C. 5859a) as activities of the*

1 *Department of Defense in support of activities under that*  
2 *Act may not exceed \$15,000,000. Such assistance may be*  
3 *provided for fiscal year 2002 only to support activities of*  
4 *an organization established for the purpose of (or otherwise*  
5 *given the mission of providing) a comprehensive accounting*  
6 *for all items, facilities, and capabilities in Iraq related to*  
7 *weapons of mass destruction.*

8       **(b) EXTENSION OF AUTHORITY TO PROVIDE ASSIST-**  
9 *ANCE.—Subsection (f) of section 1505 of the Weapons of*  
10 *Mass Destruction Control Act of 1992 (22 U.S.C. 5859a)*  
11 *is amended by striking “2001” and inserting “2002”.*

12       **(c) CHANGE OF QUARTERLY REPORT REQUIREMENT**  
13 *TO ANNUAL REPORT.—(1) Subsection (e)(1) of such section*  
14 *is amended—*

15           **(A) by striking “quarter of a” in the first sen-**  
16 *tence; and*

17           **(B) by striking “(for the preceding quarter and**  
18 *cumulatively)” and inserting “for the preceding fiscal*  
19 *year”.*

20       **(2) The amendments made by subsection (a) shall take**  
21 *effect on November 1, 2001, or the date of the enactment*  
22 *of this Act, whichever is later.*



1 **SEC. 1206. REPEAL OF REQUIREMENT FOR REPORTING TO**  
2 **CONGRESS ON MILITARY DEPLOYMENTS TO**  
3 **HAITI.**

4 *Section 1232(b) of the National Defense Authorization*  
5 *Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat.*  
6 *788) is repealed.*

7 **SEC. 1207. REPORT BY COMPTROLLER GENERAL ON PROVI-**  
8 **SION OF DEFENSE ARTICLES, SERVICES, AND**  
9 **MILITARY EDUCATION AND TRAINING TO**  
10 **FOREIGN COUNTRIES AND INTERNATIONAL**  
11 **ORGANIZATIONS.**

12 *(a) STUDY.—The Comptroller General shall conduct a*  
13 *study of the following:*

14 *(1) The benefits derived by each foreign country*  
15 *or international organization from the receipt of de-*  
16 *fense articles, defense services, or military education*  
17 *and training provided after December 31, 1989, pur-*  
18 *suant to the drawdown of such articles, services, or*  
19 *education and training from the stocks of the Depart-*  
20 *ment of Defense under section 506, 516, or 552 of the*  
21 *Foreign Assistance Act of 1961 (22 U.S.C. 2318,*  
22 *2321j, or 2348a) or any other provision of law.*

23 *(2) Any benefits derived by the United States*  
24 *from the provision of defense articles, defense services,*  
25 *and military education and training described in*  
26 *paragraph (1).*





1 *tion Act for Fiscal Year 1997 (Public Law 104–201; 110*  
2 *Stat. 2731; 50 U.S.C. 2362 note).*

3 (b) *FISCAL YEAR 2002 COOPERATIVE THREAT REDUC-*  
4 *TION FUNDS DEFINED.—As used in this title, the term “fis-*  
5 *cal year 2002 Cooperative Threat Reduction funds” means*  
6 *the funds appropriated pursuant to the authorization of ap-*  
7 *propriations in section 301 for Cooperative Threat Reduc-*  
8 *tion programs.*

9 (c) *AVAILABILITY OF FUNDS.—Funds appropriated*  
10 *pursuant to the authorization of appropriations in section*  
11 *301 for Cooperative Threat Reduction programs shall be*  
12 *available for obligation for three fiscal years.*

13 **SEC. 1302. FUNDING ALLOCATIONS.**

14 (a) *FUNDING FOR SPECIFIC PURPOSES.—Of the*  
15 *\$403,000,000 authorized to be appropriated to the Depart-*  
16 *ment of Defense for fiscal year 2002 in section 301(23) for*  
17 *Cooperative Threat Reduction programs, not more than the*  
18 *following amounts may be obligated for the purposes speci-*  
19 *fied:*

20 (1) *For strategic offensive arms elimination in*  
21 *Russia, \$133,400,000.*

22 (2) *For strategic nuclear arms elimination in*  
23 *Ukraine, \$51,500,000.*

24 (3) *For nuclear weapons transportation security*  
25 *in Russia, \$9,500,000.*

1           (4) *For nuclear weapons storage security in Rus-*  
2           *sia, \$56,000,000.*

3           (5) *For biological weapons proliferation preven-*  
4           *tion activities in the former Soviet Union,*  
5           *\$17,000,000.*

6           (6) *For activities designated as Other Assess-*  
7           *ments/Administrative Support, \$13,200,000.*

8           (7) *For defense and military contacts,*  
9           *\$18,700,000.*

10          (8) *For activities related to the construction of a*  
11          *chemical weapons destruction facility in Russia,*  
12          *\$35,000,000.*

13          (9) *For elimination of chemical weapons produc-*  
14          *tion facilities in Russia, \$15,000,000.*

15          (10) *For weapons of mass destruction infrastruc-*  
16          *ture elimination activities in Kazakhstan, \$6,000,000.*

17          (11) *For weapons of mass destruction infrastruc-*  
18          *ture elimination activities in Ukraine, \$6,000,000.*

19          (12) *For activities to assist Russia in the elimi-*  
20          *nation of plutonium production reactors, \$41,700,000.*

21          (b) *REPORT ON OBLIGATION OR EXPENDITURE OF*  
22          *FUNDS FOR OTHER PURPOSES.—No fiscal year 2002 Coop-*  
23          *erative Threat Reduction funds may be obligated or ex-*  
24          *pende for a purpose other than a purpose listed in para-*  
25          *graphs (1) through (12) of subsection (a) until 30 days after*

1 *the date that the Secretary of Defense submits to Congress*  
2 *a report on the purpose for which the funds will be obligated*  
3 *or expended and the amount of funds to be obligated or ex-*  
4 *pended. Nothing in the preceding sentence shall be construed*  
5 *as authorizing the obligation or expenditure of fiscal year*  
6 *2002 Cooperative Threat Reduction funds for a purpose for*  
7 *which the obligation or expenditure of such funds is specifi-*  
8 *cally prohibited under this title or any other provision of*  
9 *law.*

10 *(c) LIMITED AUTHORITY TO VARY INDIVIDUAL*  
11 *AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any*  
12 *case in which the Secretary of Defense determines that it*  
13 *is necessary to do so in the national interest, the Secretary*  
14 *may obligate amounts appropriated for fiscal year 2002 for*  
15 *a purpose listed in any of the paragraphs in subsection (a)*  
16 *in excess of the amount specifically authorized for such pur-*  
17 *pose.*

18 *(2) An obligation of funds for a purpose stated in any*  
19 *of the paragraphs in subsection (a) in excess of the specific*  
20 *amount authorized for such purpose may be made using*  
21 *the authority provided in paragraph (1) only after—*

22 *(A) the Secretary submits to Congress notifica-*  
23 *tion of the intent to do so together with a complete*  
24 *discussion of the justification for doing so; and*

1           (B) 15 days have elapsed following the date of  
2           the notification.

3           (3) The Secretary may not, under the authority pro-  
4           vided in paragraph (1), obligate amounts for the purposes  
5           stated in subsection (a)(3) or any of paragraphs (5) through  
6           (12) of subsection (a) in excess of 115 percent of the amount  
7           specifically authorized for such purposes.

8           **SEC. 1303. PROHIBITION AGAINST USE OF FUNDS UNTIL**  
9                                   **SUBMISSION OF REPORTS.**

10          No fiscal year 2002 Cooperative Threat Reduction  
11          funds may be obligated or expended until 30 days after the  
12          date of the submission of—

13                 (1) the report required to be submitted in fiscal  
14                 year 2001 under section 1308(a) of the Floyd D.  
15                 Spence National Defense Authorization Act for Fiscal  
16                 Year 2001 (as enacted in Public Law 106–398; 114  
17                 Stat. 1654A–341); and

18                 (2) the multiyear plan required to be submitted  
19                 for fiscal year 2001 under section 1308(h) of such Act.

20          **SEC. 1304. REPORT ON USE OF REVENUE GENERATED BY**  
21                                   **ACTIVITIES CARRIED OUT UNDER COOPERA-**  
22                                   **TIVE THREAT REDUCTION PROGRAMS.**

23          Not later than 60 days after the date of the enactment  
24          of this Act, the Secretary of Defense shall submit to Congress  
25          a report describing how the Secretary plans to monitor the

1 *use of revenue generated by activities carried out under Co-*  
2 *operative Threat Reduction programs in Russia and*  
3 *Ukraine.*

4 **SEC. 1305. PROHIBITION AGAINST USE OF FUNDS FOR SEC-**  
5 **OND WING OF FISSILE MATERIAL STORAGE**  
6 **FACILITY.**

7 (a) *PROHIBITION.*—No funds authorized to be appro-  
8 priated for Cooperative Threat Reduction programs for any  
9 fiscal year may be used for the design, planning, or con-  
10 struction of a second wing for a storage facility for Russian  
11 fissile material.

12 (b) *CONFORMING AMENDMENT.*—Section 1304 of the  
13 *Floyd D. Spence National Defense Authorization Act for*  
14 *Fiscal Year 2001 (as enacted in Public Law 106–398; 114*  
15 *Stat. 1654A–341) is amended to read as follows:*

16 **“SEC. 1304. LIMITATION ON USE OF FUNDS FOR FISSILE MA-**  
17 **TERIAL STORAGE FACILITY.**

18 *Out of funds authorized to be appropriated for Cooper-*  
19 *ative Threat Reduction programs for fiscal year 2001 or*  
20 *any other fiscal year, not more than \$412,600,000 may be*  
21 *used for planning, design, or construction of the first wing*  
22 *for the storage facility for Russian fissile material referred*  
23 *to in section 1302(a)(5).”*



1 **SEC. 1306. PROHIBITION AGAINST USE OF FUNDS FOR CON-**  
2 **STRUCTION OR REFURBISHMENT OF CER-**  
3 **TAIN FOSSIL FUEL ENERGY PLANTS.**

4 *Section 1307 of the Floyd D. Spence National Defense*  
5 *Authorization Act for Fiscal Year 2001 (as enacted in Pub-*  
6 *lic Law 106–398; 114 Stat. 1654A–341) is amended—*

7 *(1) by striking the heading and inserting the fol-*  
8 *lowing new heading:*

9 **“SEC. 1307. PROHIBITION AGAINST USE OF FUNDS FOR**  
10 **CONSTRUCTION OR REFURBISHMENT OF**  
11 **FOSSIL FUEL ENERGY PLANTS; REPORT.”; and**

12 *(2) by striking subsection (a) and inserting the*  
13 *following new subsection:*

14 *“(a) PROHIBITION.—No funds appropriated for Coop-*  
15 *erative Threat Reduction programs for any fiscal year may*  
16 *be used for the construction or refurbishment of a fossil fuel*  
17 *energy plant intended to provide power to local commu-*  
18 *nities that receive power from nuclear energy plants that*  
19 *produce plutonium.”.*

20 **SEC. 1307. REPORTS ON ACTIVITIES AND ASSISTANCE**  
21 **UNDER COOPERATIVE THREAT REDUCTION**  
22 **PROGRAMS.**

23 *Section 1308(c)(4) of the Floyd D. Spence National*  
24 *Defense Authorization Act for Fiscal Year 2001 (as enacted*  
25 *in Public Law 106–398; 114 Stat. 1654A–342) is*  
26 *amended—*

1 (1) *in the matter preceding subparagraph (A)—*

2 (A) *by striking “audits” and all that fol-*  
3 *lows through “conducted” and inserting “means*  
4 *(including program management, audits, exami-*  
5 *nations, and other means) used”; and*

6 (B) *by striking “and that such assistance is*  
7 *being used for its intended purpose” and insert-*  
8 *ing “, that such assistance is being used for its*  
9 *intended purpose, and that such assistance is*  
10 *being used efficiently and effectively”;*

11 (2) *in subparagraph (C), by inserting “and an*  
12 *assessment of whether the assistance being provided is*  
13 *being used effectively and efficiently” before the semi-*  
14 *colon; and*

15 (3) *in subparagraph (D), by striking “audits, ex-*  
16 *aminations, and other”.*

17 **SEC. 1308. REPORT ON RESPONSIBILITY FOR CARRYING**  
18 **OUT COOPERATIVE THREAT REDUCTION PRO-**  
19 **GRAMS.**

20 *Not later than March 15, 2002, the Secretary of De-*  
21 *fense shall submit to Congress a report describing—*

22 (1) *the rationale for executing Cooperative*  
23 *Threat Reduction programs under the auspices of the*  
24 *Department of Defense and the justification for main-*  
25 *taining responsibility for any particular project car-*

1        *ried out through Cooperative Threat Reduction pro-*  
2        *grams with the Department of Defense;*

3            *(2) options for transferring responsibility for*  
4        *carrying out Cooperative Threat Reduction programs*  
5        *to an executive agency (or agencies) other than the*  
6        *Department of Defense, if appropriate; and*

7            *(3) how such a transfer might be carried out.*

8        **SEC. 1309. CHEMICAL WEAPONS DESTRUCTION.**

9        *Section 1305 of the National Defense Authorization*  
10       *Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.*  
11       *794) is amended by inserting before the period at the end*  
12       *the following: “until the Secretary of Defense submits to*  
13       *Congress a certification that there has been—*

14            *“(1) full and accurate disclosure by Russia of the*  
15        *size of its existing chemical weapons stockpile;*

16            *“(2) a demonstrated annual commitment by*  
17        *Russia to allocate at least \$25,000,000 to chemical*  
18        *weapons elimination;*

19            *“(3) development by Russia of a practical plan*  
20        *for destroying its stockpile of nerve agents;*

21            *“(4) enactment of a law by Russia that provides*  
22        *for the elimination of all nerve agents at a single site;*  
23        *and*

1           “(5) an agreement by Russia to destroy its chem-  
2           ical weapons production facilities at Volgograd and  
3           Novocheboksark”.

4           **TITLE XIV—DEFENSE SPACE**  
5           **REORGANIZATION**

6           **SEC. 1401. SHORT TITLE.**

7           *This title may be cited as the “Defense Space Reorga-*  
8           *nization Act of 2001”.*

9           **SEC. 1402. AUTHORITY TO ESTABLISH POSITION OF UNDER**  
10           **SECRETARY OF DEFENSE FOR SPACE, INTEL-**  
11           **LIGENCE, AND INFORMATION.**

12           *(a) AUTHORITY TO ESTABLISH POSITION.—The Presi-*  
13           *dent may establish in the Department of Defense the posi-*  
14           *tion of Under Secretary of Defense for Space, Intelligence,*  
15           *and Information. If that position is so established, the*  
16           *Under Secretary of Defense for Space, Intelligence, and In-*  
17           *formation shall perform duties and exercise powers as set*  
18           *forth in section 137 of title 10, United States Code, as added*  
19           *by subsection (e).*

20           *(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The*  
21           *authority provided in subsection (a) may not be exercised*  
22           *after December 31, 2003.*

23           *(c) NOTICE OF EXERCISE OF AUTHORITY.—(1) If the*  
24           *authority provided in subsection (a) is exercised, the Presi-*  
25           *dent shall immediately submit to Congress notification in*

1 *writing of the establishment of the position of Under Sec-*  
2 *retary of Defense for Space, Intelligence, and Information,*  
3 *together with the date as of which the position is established.*  
4 *If the President declines to exercise the authority provided*  
5 *in subsection (a), the President shall, before the date speci-*  
6 *fied in subsection (b), submit to Congress a report on how*  
7 *the President has implemented the recommendations of the*  
8 *report of the Space Commission with respect to the Depart-*  
9 *ment of Defense.*

10       (2) *For purposes of paragraph (1), the term “report*  
11 *of the Space Commission” means the report of the Commis-*  
12 *sion To Assess United States National Security Space Man-*  
13 *agement and Organization, dated January 11, 2001, and*  
14 *submitted to Congress under section 1623 of the National*  
15 *Defense Authorization Act for Fiscal Year 2000 (Public*  
16 *Law 106–65; 113 Stat. 815).*

17       (d) *CONTINGENT ENACTMENT OF U.S. CODE AMEND-*  
18 *MENTS.—If the position of Under Secretary of Defense for*  
19 *Space, Intelligence, and Information is established under*  
20 *the authority provided in subsection (a), then the amend-*  
21 *ments set forth in subsections (e) and (f) shall be executed,*  
22 *effective as of the date specified in the notice submitted*  
23 *under the first sentence of subsection (c)(1). Otherwise, those*  
24 *amendments shall not be executed.*

1       (e) *APPOINTMENT, DUTIES, ETC., OF UNDER SEC-*  
2 *RETARY.—(1) Subject to subsection (d), chapter 4 of title*  
3 *10, United States Code, is amended—*

4           (A) *by redesignating section 137 as section 139a*  
5 *and transferring such section (as so redesignated)*  
6 *within such chapter so as to appear after section 139;*  
7 *and*

8           (B) *by inserting after section 136 the following*  
9 *new section 137:*

10 **“§137. Under Secretary of Defense for Space, Intel-**  
11 **ligence, and Information**

12       “(a) *There is an Under Secretary of Defense for Space,*  
13 *Intelligence, and Information, appointed from civilian life*  
14 *by the President, by and with the advice and consent of*  
15 *the Senate.*

16       “(b) *Subject to the authority, direction, and control of*  
17 *the Secretary of Defense, the Under Secretary of Defense*  
18 *for Space, Intelligence, and Information shall perform such*  
19 *duties and exercise such powers relating to the space, intel-*  
20 *ligence, and information programs and activities of the De-*  
21 *partment of Defense as the Secretary of Defense may pre-*  
22 *scribe.*

23       “(c) *The Secretary of Defense shall designate the Under*  
24 *Secretary of Defense for Space, Intelligence, and Informa-*

1 *tion as the Chief Information Officer of the Department of*  
2 *Defense under section 3506(a)(2)(B) of title 44.*

3       “(d) *The Under Secretary of Defense for Space, Intel-*  
4 *ligence, and Information takes precedence in the Depart-*  
5 *ment of Defense after the Under Secretary of Defense for*  
6 *Personnel and Readiness.*”.

7       (2) *Subject to subsection (d), section 131(b) of that title*  
8 *is amended—*

9           (A) *by redesignating paragraphs (6) through*  
10 *(11) as paragraphs (7) through (12), respectively; and*

11           (B) *by inserting after paragraph (5) the fol-*  
12 *lowing new paragraph (6):*

13           “(6) *The Under Secretary of Defense for Space,*  
14 *Intelligence, and Information.*”.

15       (3) *Subject to subsection (d), the table of sections at*  
16 *the beginning of chapter 4 of such title is amended—*

17           (A) *by striking the item relating to section 137*  
18 *and inserting the following new item:*

“137. *Under Secretary of Defense for Space, Intelligence, and Information.*”;

19       *and*

20           (B) *by inserting after the item relating to section*  
21 *139 the following new item:*

“139a. *Director of Defense Research and Engineering.*”.

22       (f) *ASSISTANT SECRETARIES OF DEFENSE.—Subject*  
23 *to subsection (d), section 138 of such title is amended—*

1           (1) *in subsection (a), by striking “nine” and in-*  
2           *serting “eleven”; and*

3           (2) *in subsection (b), by inserting after para-*  
4           *graph (2) the following new paragraph:*

5           “(3) *Not more than three of the Assistant Secretaries*  
6           *may be assigned duties under the authority of the Under*  
7           *Secretary of Defense for Space, Intelligence, and Informa-*  
8           *tion and shall report to that Under Secretary.”.*

9           (g) *REPORT.—Not later than 30 days before exercising*  
10          *the authority provided in subsection (a), the President shall*  
11          *submit to Congress a report on the proposed organization*  
12          *of the office of the Under Secretary of Defense for Space,*  
13          *Intelligence, and Information. If such a report has not been*  
14          *submitted as of April 15, 2002, the President shall submit*  
15          *to Congress a report, not later than that date, setting forth*  
16          *the President’s view as of that date of the desirability of*  
17          *establishing the position of Under Secretary of Defense for*  
18          *Space, Intelligence, and Information in the Department of*  
19          *Defense.*



1 **SEC. 1403. AUTHORITY TO DESIGNATE UNDER SECRETARY**  
2 **OF THE AIR FORCE AS ACQUISITION EXECU-**  
3 **TIVE FOR SPACE OF THE DEPARTMENT OF**  
4 **DEFENSE.**

5 (a) *EXECUTIVE AGENT.*—Part IV of subtitle A of title  
6 10, United States Code, is amended by inserting after chap-  
7 ter 134 the following new chapter:

8 **“CHAPTER 135—SPACE PROGRAMS**

“Sec.  
“2271. Executive agent.

9 **“§ 2271. Executive agent**

10 “(a) *SECRETARY OF THE AIR FORCE.*—The Secretary  
11 of the Air Force may be designated as the executive agent  
12 of the Department of Defense—

13 “(1) for the planning of the acquisition pro-  
14 grams, projects, and activities of the Department that  
15 relate to space; and

16 “(2) for the execution of those programs, projects,  
17 and activities.

18 “(b) *ACQUISITION EXECUTIVE.*—The Secretary may  
19 designate the Under Secretary of the Air Force as the acqui-  
20 sition executive of the Air Force for the programs, projects,  
21 and activities referred to in subsection (a).”

22 (b) *CLERICAL AMENDMENT.*—The tables of chapters at  
23 the beginning of such subtitle and the beginning of part IV

1 of such subtitle are amended by inserting after the item re-  
 2 lating to chapter 134 the following new item:

“135. **Space Programs** ..... 2271”.

3 **SEC. 1404. MAJOR FORCE PROGRAM CATEGORY FOR SPACE**  
 4 **PROGRAMS.**

5 (a) *REQUIREMENT.*—The Secretary of Defense may  
 6 create a major force program category for space programs  
 7 for purposes of the future-years defense program under sec-  
 8 tion 221 of title 10, United States Code.

9 (b) *COMMENCEMENT.*—If the category under subsection  
 10 (a) is created, such category shall be included in each fu-  
 11 ture-years defense program submitted to Congress under  
 12 section 221 of title 10, United States Code, in fiscal years  
 13 after fiscal year 2002.

14 **SEC. 1405. COMPTROLLER GENERAL ASSESSMENT OF IM-**  
 15 **PLEMENTATION OF RECOMMENDATIONS OF**  
 16 **SPACE COMMISSION.**

17 (a) *ASSESSMENT.*—(1) The Comptroller General shall  
 18 carry out an assessment through February 15, 2003, of the  
 19 actions taken by the Secretary of Defense in implementing  
 20 the recommendations in the report of the Space Commission  
 21 that are applicable to the Department of Defense.

22 (2) For purposes of paragraph (1), the term “report  
 23 of the Space Commission” means the report of the Commis-  
 24 sion To Assess United States National Security Space Man-  
 25 agement and Organization, dated January 11, 2001, and

1 *submitted to Congress under section 1623 of the National*  
2 *Defense Authorization Act for Fiscal Year 2000 (Public*  
3 *Law 106–65; 113 Stat. 815).*

4 (b) *REPORTS.*—*Not later than February 15 of each of*  
5 *2002 and 2003, the Comptroller General shall submit to the*  
6 *Committee on Armed Services of the Senate and the Com-*  
7 *mittee on Armed Services of the House of Representatives*  
8 *a report on the assessment carried out under subsection (a).*  
9 *Each report shall set forth the results of the assessment as*  
10 *of the date of such report.*

11 **SEC. 1406. COMMANDER OF AIR FORCE SPACE COMMAND.**

12 (a) *IN GENERAL.*—*Chapter 845 of title 10, United*  
13 *States Code, is amended by adding at the end the following*  
14 *new section:*

15 **“§8584. Commander of Air Force Space Command**

16 *“The Secretary of Defense may require that the officer*  
17 *serving as commander of the Air Force Space Command*  
18 *not serve simultaneously as commander of the United States*  
19 *Space Command (or any successor combatant command*  
20 *with responsibility for space) or as commander of the*  
21 *United States element of the North American Air Defense*  
22 *Command.”.*

23 (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
24 *the beginning of such chapter is amended by adding at the*  
25 *end the following new item:*

*“8584. Commander of Air Force Space Command.”.*

1 **SEC. 1407. AUTHORITY TO ESTABLISH SEPARATE CAREER**  
 2 **FIELD IN THE AIR FORCE FOR SPACE.**

3 *The Secretary of the Air Force, acting through the*  
 4 *Under Secretary of the Air Force, may establish and imple-*  
 5 *ment policies and procedures to develop a cadre of tech-*  
 6 *nically competent officers with the capability to develop*  
 7 *space doctrine, concepts of space operations, and manage-*  
 8 *ment of space systems for the Air Force.*

9 **DIVISION B—MILITARY CON-**  
 10 **STRUCTION AUTHORIZA-**  
 11 **TIONS**

12 **SEC. 2001. SHORT TITLE; DEFINITION.**

13 (a) *SHORT TITLE.*—*This division may be cited as the*  
 14 *“Military Construction Authorization Act for Fiscal Year*  
 15 *2002”.*

16 (b) *DEFINITION OF FISCAL YEAR 2001 DEFENSE AU-*  
 17 *THORIZATION ACT.*—*In this division, the term “Spence*  
 18 *Act” means the Floyd D. Spence National Defense Author-*  
 19 *ization Act for Fiscal Year 2001, as enacted into law by*  
 20 *Public Law 106–398 (114 Stat. 1654).*

21 **TITLE XXI—ARMY**

22 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**  
 23 **ACQUISITION PROJECTS.**

24 (a) *INSIDE THE UNITED STATES.*—*Using amounts ap-*  
 25 *propriated pursuant to the authorization of appropriations*  
 26 *in section 2104(a)(1), the Secretary of the Army may ac-*

- 1 *quire real property and carry out military construction*  
 2 *projects for the installations and locations inside the United*  
 3 *States, and in the amounts, set forth in the following table:*

**Army: Inside the United States**

<b>State</b>	<b>Installation or location</b>	<b>Amount</b>
<i>Alabama</i> .....	<i>Anniston Army Depot</i> .....	\$5,150,000
	<i>Fort Rucker</i> .....	\$11,400,000
	<i>Redstone Arsenal</i> .....	\$7,200,000
<i>Alaska</i> .....	<i>Fort Richardson</i> .....	\$97,000,000
	<i>Fort Wainwright</i> .....	\$27,200,000
<i>Arizona</i> .....	<i>Fort Huachuca</i> .....	\$6,100,000
	<i>Yuma Proving Ground</i> .....	\$3,100,000
<i>California</i> .....	<i>Defense Language Institute</i> .....	\$5,900,000
	<i>Fort Irwin</i> .....	\$23,000,000
<i>Colorado</i> .....	<i>Fort Carson</i> .....	\$66,000,000
<i>District of Columbia</i> .....	<i>Fort McNair</i> .....	\$11,600,000
<i>Georgia</i> .....	<i>Fort Benning</i> .....	\$23,900,000
	<i>Fort Gillem</i> .....	\$43,600,000
	<i>Fort Gordon</i> .....	\$34,000,000
	<i>Fort Stewart/Hunter Army Air Field</i> .....	\$39,800,000
<i>Hawaii</i> .....	<i>Navy Public Works Center, Pearl Harbor</i> .....	\$11,800,000
	<i>Pohakuloa Training Facility</i> .....	\$5,100,000
	<i>Wheeler Army Air Field</i> .....	\$50,000,000
	<i>Fort Riley</i> .....	\$10,900,000
<i>Kansas</i> .....	<i>Fort Campbell</i> .....	\$88,900,000
<i>Kentucky</i> .....	<i>Fort Polk</i> .....	\$21,200,000
<i>Louisiana</i> .....	<i>Aberdeen Proving Ground</i> .....	\$58,300,000
	<i>Fort Meade</i> .....	\$5,800,000
	<i>Fort Leonard Wood</i> .....	\$12,250,000
<i>Maryland</i> .....	<i>Fort Monmouth</i> .....	\$20,000,000
	<i>Picatinny Arsenal</i> .....	\$10,200,000
<i>New Jersey</i> .....	<i>White Sands Missile Range</i> .....	\$7,600,000
<i>New Mexico</i> .....	<i>Fort Drum</i> .....	\$59,350,000
<i>New York</i> .....	<i>Fort Bragg</i> .....	\$21,300,000
	<i>Sunny Point Military Ocean Terminal</i> .....	\$11,400,000
	<i>Fort Sill</i> .....	\$5,100,000
<i>Oklahoma</i> .....	<i>Fort Jackson</i> .....	\$3,650,000
<i>South Carolina</i> .....	<i>Corpus Christi Army Depot</i> .....	\$10,400,000
	<i>Fort Sam Houston</i> .....	\$9,650,000
	<i>Fort Bliss</i> .....	\$5,000,000
	<i>Fort Hood</i> .....	\$104,200,000
<i>Virginia</i> .....	<i>Fort Belvoir</i> .....	\$35,950,000
	<i>Fort Eustis</i> .....	\$24,750,000
	<i>Fort Lee</i> .....	\$23,900,000
<i>Washington</i> .....	<i>Fort Lewis</i> .....	\$238,200,000
	<i>Total:</i> .....	\$1,300,710,000

- 4 (b) *OUTSIDE THE UNITED STATES.—Using amounts*  
 5 *appropriated pursuant to the authorization of appropri-*  
 6 *tions in section 2104(a)(2), the Secretary of the Army may*  
 7 *acquire real property and carry out military construction*

1 projects for the locations outside the United States, and in  
 2 the amounts, set forth in the following table:

**Army: Outside the United States**

<b>Country</b>	<b>Installation or location</b>	<b>Amount</b>
<i>Germany</i> .....	<i>Area Support Group, Bamberg</i> .....	\$36,000,000
	<i>Area Support Group, Darmstadt</i> .....	\$13,500,000
	<i>Baumholder</i> .....	\$9,000,000
	<i>Hanau</i> .....	\$7,200,000
	<i>Heidelberg</i> .....	\$15,300,000
	<i>Mannheim</i> .....	\$16,000,000
	<i>Wiesbaden Air Base</i> .....	\$26,300,000
<i>Korea</i> .....	<i>Camp Carroll</i> .....	\$16,593,000
	<i>Camp Casey</i> .....	\$8,500,000
	<i>Camp Hovey</i> .....	\$35,750,000
	<i>Camp Humphreys</i> .....	\$14,500,000
	<i>Camp Jackson</i> .....	\$6,100,000
	<i>Camp Stanley</i> .....	\$28,000,000
<i>Kwajalein</i> .....	<i>Kwajalein Atoll</i> .....	\$11,000,000
	<i>Total:</i> .....	\$243,743,000

3 (c) *UNSPECIFIED WORLDWIDE.*—Using amounts ap-  
 4 propriated pursuant to the authorization of appropriations  
 5 in section 2104(a)(3), the Secretary of the Army may ac-  
 6 quire real property and carry out military construction  
 7 projects for the installation and location, and in the amount  
 8 set forth in the following table:

**Army: Unspecified Worldwide**

<b>Location</b>	<b>Installation</b>	<b>Amount</b>
<i>Unspecified Worldwide</i> .....	<i>Classified Location</i> .....	\$4,000,000

9 **SEC. 2102. FAMILY HOUSING.**

10 (a) *CONSTRUCTION AND ACQUISITION.*—Using  
 11 amounts appropriated pursuant to the authorization of ap-  
 12 propriations in section 2104(a)(6)(A), the Secretary of the  
 13 Army may construct or acquire family housing units (in-  
 14 cluding land acquisition) at the installations, for the pur-  
 15 poses, and in the amounts, set forth in the following table:



1           (1) *For military construction projects inside the*  
2 *United States authorized by section 2101(a),*  
3 *\$1,089,416,000.*

4           (2) *For military construction projects outside the*  
5 *United States authorized by section 2101(b),*  
6 *\$243,743,000.*

7           (3) *For a military construction project at an un-*  
8 *specified worldwide location authorized by section*  
9 *2101(c), \$4,000,000.*

10          (4) *For unspecified minor construction projects*  
11 *authorized by section 2805 of title 10, United States*  
12 *Code, \$18,000,000.*

13          (5) *For architectural and engineering services*  
14 *and construction design under section 2807 of title*  
15 *10, United States Code, \$163,676,000.*

16          (6) *For military family housing functions:*

17                (A) *For construction and acquisition, plan-*  
18 *ning and design, and improvement of military*  
19 *family housing and facilities, \$294,576,000.*

20                (B) *For support of military family housing*  
21 *(including the functions described in section*  
22 *2833 of title 10, United States Code),*  
23 *\$1,102,732,000.*

24          (7) *For the construction of a cadet development*  
25 *center at the United States Military Academy, West*



1 *Point, New York, authorized by section 2101(a) of the*  
2 *Military Construction Authorization Act for Fiscal*  
3 *Year 1999 (division B of Public Law 105–261, 112*  
4 *Stat. 2182), \$37,900,000.*

5 (8) *For the construction of phase 2C of a bar-*  
6 *racks complex, Tagaytay Street, at Fort Bragg, North*  
7 *Carolina, authorized by section 2101(a) of the Mili-*  
8 *tary Construction Authorization Act for Fiscal Year*  
9 *2000 (division B of Public Law 106–65; 113 Stat.*  
10 *825), \$17,500,000.*

11 (9) *For the construction of phase 1C of a bar-*  
12 *racks complex, Wilson Street, at Schofield Barracks,*  
13 *Hawaii, authorized by section 2101(a) of the Military*  
14 *Construction Authorization Act for Fiscal Year 2000*  
15 *(division B of Public Law 106–65, 113 Stat. 825),*  
16 *\$23,000,000.*

17 (10) *For construction of phase 2 of a basic com-*  
18 *bat training complex at Fort Leonard Wood, Mis-*  
19 *souri, authorized by section 2101(a) of the Military*  
20 *Construction Authorization Act for Fiscal Year 2001*  
21 *(division B of the Spence Act; 114 Stat. 1654A–389),*  
22 *as amended by section 2105 of this Act, \$27,000,000.*

23 (11) *For the construction of phase 2 of a battle*  
24 *simulation center at Fort Drum, New York, author-*  
25 *ized by section 2101(a) of the Military Construction*

1 *Authorization Act for Fiscal Year 2001 (division B of*  
2 *the Spence Act; 114 Stat. 1654A–389), as amended by*  
3 *section 2105 of this Act, \$9,000,000.*

4 (12) *For the construction of phase 1 of a bar-*  
5 *racks complex, Butner Road, at Fort Bragg, North*  
6 *Carolina, authorized by section 2101(a) of the Mili-*  
7 *tary Construction Authorization Act for Fiscal Year*  
8 *2001 (division B of the Spence Act; 114 Stat. 1654A–*  
9 *389), \$49,000,000.*

10 (13) *For the construction of phase 1 of a bar-*  
11 *racks complex, Longstreet Road, at Fort Bragg, North*  
12 *Carolina, authorized by section 2101(a) of the Mili-*  
13 *tary Construction Authorization Act for Fiscal Year*  
14 *2001 (division B of the Spence Act; 114 Stat. 1654A–*  
15 *389), \$27,000,000.*

16 (14) *For the construction of a multipurpose dig-*  
17 *ital training range at Fort Hood, Texas, authorized*  
18 *by section 2101(a) of the Military Construction Au-*  
19 *thorization Act for Fiscal Year 2001 (division B of*  
20 *the Spence Act; 114 Stat. 1654A–389), as amended by*  
21 *section 2105 of this Act, \$13,000,000.*

22 (15) *For the homeowners assistance program, as*  
23 *authorized by section 2832(a) of title 10, United*  
24 *States Code, \$10,119,000, to remain available until*  
25 *expended.*

1       (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*  
2 *PROJECTS.*—*Notwithstanding the cost variations author-*  
3 *ized by section 2853 of title 10, United States Code, and*  
4 *any other cost variation authorized by law, the total cost*  
5 *of all projects carried out under section 2101 of this Act*  
6 *may not exceed—*

7           (1) *The total amount authorized to be appro-*  
8 *priated under paragraphs (1), (2), (3) of subsection*  
9 *(a);*

10           (2) *\$52,000,000 (the balance of the amount au-*  
11 *thorized under section 2201 (a) for construction of a*  
12 *barracks complex, D Street, at Fort Richardson, Alas-*  
13 *ka);*

14           (3) *\$41,000,000 (the balance of the amount au-*  
15 *thorized under section 2201 (a) for construction of*  
16 *phase 1 of a barracks complex, Nelson Blvd, at Fort*  
17 *Carson, Colorado);*

18           (4) *\$36,000,000 (the balance of the amount au-*  
19 *thorized under section 2201 (a) for construction of*  
20 *phase 1 of a basic combat training complex at Fort*  
21 *Jackson, South Carolina); and*

22           (5) *\$102,000,000 (the balance of the amount au-*  
23 *thorized under section 2201 (a) for construction of a*  
24 *barracks complex, 17th & B Streets, at Fort Lewis,*  
25 *Washington).*

1       (c) *ADJUSTMENT.*—*The total amount authorized to be*  
2 *appropriated pursuant to paragraphs (1) through (15) of*  
3 *subsection (a) is the sum of the amounts authorized to be*  
4 *appropriated in such paragraphs, reduced by—*

5           (1) *\$36,168,000, which represents the combina-*  
6 *tion of savings resulting from adjustments to foreign*  
7 *currency exchange rates for military construction out-*  
8 *side the United States; and*

9           (2) *\$75,417,000, which represents the combina-*  
10 *tion of savings resulting from adjustments to foreign*  
11 *currency exchange rates for military family housing*  
12 *construction and military family housing support*  
13 *outside the United States.*

14 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**  
15 **CERTAIN FISCAL YEAR 2001 PROJECTS.**

16       (a) *MODIFICATION.*—*The table in section 2101(a) of*  
17 *the Military Construction Authorization Act for Fiscal Year*  
18 *2001 (division B of the Spence Act; 114 Stat. 1654A–389)*  
19 *is amended—*

20           (1) *in the item relating to Fort Leonard Wood,*  
21 *Missouri, by striking “\$65,400,000” in the amount*  
22 *column and inserting “\$69,400,000”;*

23           (2) *in the item relating to Fort Drum, New*  
24 *York, by striking “\$18,000,000” in the amount col-*  
25 *umn and inserting “\$21,000,000”;*



**Navy: Inside the United States**

<b>State</b>	<b>Installation or location</b>	<b>Amount</b>
Arizona .....	Marine Corps Air Station, Yuma .....	\$22,570,000
California .....	Marine Air-Ground Task Force Training Center, Twentynine Palms .....	\$75,125,000
	Marine Corps Air Station, Camp Pendleton .....	\$4,470,000
	Marine Corps Air Station, Miramar .....	\$3,680,000
	Marine Corps Base, Camp Pendleton .....	\$96,490,000
	Naval Air Facility, El Centro .....	\$23,520,000
	Naval Air Station, Lemoore .....	\$10,010,000
	Naval Air Warfare Center, China Lake .....	\$30,200,000
	Naval Air Warfare Center, Point Mugu, San Nicholas Island .....	\$13,730,000
	Naval Amphibious Base, Coronado .....	\$8,610,000
	Naval Construction Battalion Center, Port Hueneme .....	\$12,400,000
	Naval Construction Training Center, Port Hueneme .....	\$3,780,000
	Naval Station, San Diego .....	\$47,240,000
District of Columbia .....	Naval Air Facility, Washington .....	\$9,810,000
Florida .....	Naval Air Station, Key West .....	\$11,400,000
	Naval Air Station, Whiting Field, Milton .....	\$2,140,000
	Naval Station, Mayport .....	\$16,420,000
	Naval Station, Pensacola .....	\$3,700,000
Hawaii .....	Marine Corps Base, Kaneohe .....	\$24,920,000
	Naval Magazine Lualualei .....	\$6,000,000
	Naval Shipyard, Pearl Harbor .....	\$20,000,000
	Naval Station, Pearl Harbor .....	\$40,600,000
	Navy Public Works Center, Pearl Harbor .....	\$16,900,000
Illinois .....	Naval Training Center, Great Lakes .....	\$82,260,000
Indiana .....	Naval Surface Warfare Center, Crane .....	\$14,930,000
Maine .....	Naval Air Station, Brunswick .....	\$67,395,000
Maryland .....	Naval Air Warfare Center, Patuxent River .....	\$2,260,000
	Naval Air Warfare Center, St. Inigoes .....	\$5,100,000
	Naval Explosive Ordnance Disposal Technology Center, Indian Head .....	\$1,250,000
Mississippi .....	Naval Construction Battalion Center, Gulfport .....	\$21,660,000
	Naval Air Station, Meridian .....	\$3,400,000
Missouri .....	Marine Corps Support Activity, Kansas City .....	\$9,010,000
North Carolina .....	Marine Corps Air Station, New River .....	\$4,050,000
	Marine Corps Base, Camp Lejeune .....	\$67,070,000
Pennsylvania .....	Naval Foundry and Propeller Center, Philadelphia .....	\$14,800,000
Rhode Island .....	Naval Station, Newport .....	\$15,290,000
South Carolina .....	Marine Corps Air Station, Beaufort .....	\$8,020,000
	Marine Corps Recruit Depot, Parris Island .....	\$5,430,000
	Naval Hospital, Beaufort .....	\$7,600,000
Tennessee .....	Naval Support Activity, Millington .....	\$3,900,000
Texas .....	Naval Air Station, Joint Reserve Base, Ft. Worth .....	\$9,060,000
Virginia .....	Marine Corps Air Facility, Quantico .....	\$3,790,000
	Marine Corps Combat Dev Com .....	\$9,390,000
	Naval Amphibious Base, Little Creek .....	\$9,090,000
	Naval Station, Norfolk .....	\$139,270,000
Washington .....	Naval Air Station, Whidbey Island .....	\$3,470,000
	Naval Shipyard, Bremerton .....	\$14,000,000
	Naval Station, Everett .....	\$6,820,000
	Strategic Weapons Facility, Bangor .....	\$3,900,000
	<b>Total: .....</b>	<b>\$1,038,920,000</b>

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 in  
 6 the amounts, set forth in the following table:

**Navy: Outside the United States**

<b>Country</b>	<b>Installation or location</b>	<b>Amount</b>
<i>Greece</i> .....	<i>Naval Support Activity Joint Head- quarters Command, Larissa</i> .....	\$12,240,000
	<i>Naval Support Activity, Souda Bay</i> .....	\$3,210,000
<i>Guam</i> .....	<i>Naval Station, Guam</i> .....	\$9,300,000
	<i>Navy Public Works Center, Guam</i> .....	\$14,800,000
<i>Iceland</i> .....	<i>Naval Air Station, Keflavik</i> .....	\$2,820,000
<i>Italy</i> .....	<i>Naval Air Station, Sigonella</i> .....	\$3,060,000
<i>Spain</i> .....	<i>Naval Station, Rota</i> .....	\$2,240,000
	<i>Total:</i> .....	\$47,670,000

7 **SEC. 2202. FAMILY HOUSING.**

8           (a) *CONSTRUCTION AND ACQUISITION.*—Using  
 9 amounts appropriated pursuant to the authorization of ap-  
 10 propriations in section 2204(a)(5)(A), the Secretary of the  
 11 Navy may construct or acquire family housing units (in-  
 12 cluding land acquisition) at the installations, for the pur-  
 13 poses, and in the amounts set forth in the following table:

**Navy: Family Housing**

<b>State</b>	<b>Installation or location</b>	<b>Purpose</b>	<b>Amount</b>
<i>Arizona</i> .....	<i>Marine Corps Air Station, Yuma</i> .....	51 Units .....	\$9,017,000
<i>California</i> .....	<i>Marine Air-Ground Task Force Training Center, Twentynine Palms</i> .....	74 Units .....	\$16,250,000
<i>Hawaii</i> .....	<i>Marine Corps Base, Kaneohe</i> .....	172 Units .....	\$46,996,000
	<i>Naval Station, Pearl Har- bor</i> .....	70 Units .....	\$16,827,000
<i>Mississippi</i> .....	<i>Naval Construction Bat- talion Center, Gulfport</i> ....	160 Units .....	\$23,354,000
<i>Virginia</i> .....	<i>Marine Corps Combat De- velopment Command, Quantico</i> .....	81 Units .....	\$10,000,000

*Navy: Family Housing—Continued*

<i>State</i>	<i>Installation or location</i>	<i>Purpose</i>	<i>Amount</i>
<i>Italy</i> .....	<i>Naval Air Station, Sigonella</i> .....	<i>10 Units</i> .....	\$2,403,000
		<i>Total: ...</i>	\$124,847,000

1           **(b) PLANNING AND DESIGN.**—Using amounts appro-  
2    *priated pursuant to the authorization of appropriations in*  
3    *section 2204(a)(5)(A), the Secretary of the Navy may carry*  
4    *out architectural and engineering services and construction*  
5    *design activities with respect to the construction or im-*  
6    *provement of military family housing units in an amount*  
7    *not to exceed \$6,499,000.*

8    **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
9                                    **UNITS.**

10           *Subject to section 2825 of title 10, United States Code,*  
11    *and using amounts appropriated pursuant to the author-*  
12    *ization of appropriations in section 2204(a)(5)(A), the Sec-*  
13    *retary of the Navy may improve existing military family*  
14    *housing units in an amount not to exceed \$201,834,000.*

15    **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

16           **(a) IN GENERAL.**—Funds are hereby authorized to be  
17    *appropriated for fiscal years beginning after September 30,*  
18    *2001, for military construction, land acquisition, and mili-*  
19    *tary family housing functions of the Department of the*  
20    *Navy in the total amount of \$2,389,605,000, as follows:*



1           (1) *For military construction projects inside the*  
2 *United States authorized by section 2201(a),*  
3 *\$980,018,000.*

4           (2) *For military construction projects outside the*  
5 *United States authorized by section 2201(b),*  
6 *\$47,670,000.*

7           (3) *For unspecified minor construction projects*  
8 *authorized by section 2805 of title 10, United States*  
9 *Code, \$10,546,000.*

10          (4) *For architectural and engineering services*  
11 *and construction design under section 2807 of title*  
12 *10, United States Code, \$35,392,000.*

13          (5) *For military family housing functions:*

14               (A) *For construction and acquisition, plan-*  
15 *ning and design, and improvement of military*  
16 *family housing and facilities, \$332,352,000.*

17               (B) *For support of military housing (in-*  
18 *cluding functions described in section 2833 of*  
19 *title 10, United States Code), \$913,823,000.*

20          (6) *For construction of phase 6 of a large*  
21 *anechoic chamber facility at the Patuxent River*  
22 *Naval Air Warfare Center, Maryland, authorized by*  
23 *section 2201(a) of the Military Construction Author-*  
24 *ization Act for Fiscal Year 1993 (division B of Public*  
25 *Law 102-484; 106 Stat. 2590), \$10,770,000.*

1           (7) *For construction of the Commander-in-Chief*  
2           *Headquarters, Pacific Command, Camp H.M. Smith,*  
3           *Hawaii, authorized by section 2201(a) of the Military*  
4           *Construction Authorization Act for Fiscal Year 2000*  
5           *(division B of Public Law 106–65; 113 Stat. 828), as*  
6           *amended by section 2205, \$37,580,000.*

7           (8) *For repair of a pier at Naval Station, San*  
8           *Diego, California, authorized by section 2201(a) of*  
9           *the Military Construction Authorization Act for Fis-*  
10          *cal Year 2001 (division B of the Spence Act; 114*  
11          *Stat. 1654A–396), \$17,500,000.*

12          (9) *For replacement of a pier at Naval Ship-*  
13          *yard, Bremerton, Washington, authorized by section*  
14          *2201(a) of the Military Construction Authorization*  
15          *Act for Fiscal Year 2001 (division B of the Spence*  
16          *Act; 114 Stat. 1654A–396), \$24,460,000.*

17          (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*  
18          *PROJECTS.—Notwithstanding the cost variations author-*  
19          *ized by section 2853 of title 10, United States Code, and*  
20          *any other cost variation authorized by law, the total cost*  
21          *of all projects carried out under section 2201 of this Act*  
22          *may not exceed—*

23                 (1) *the total amount authorized to be appro-*  
24                 *priated under paragraphs (1) and (2) of subsection*  
25                 (i);



1 2000 (division B of Public Law 106–65; 113 Stat. 828) is  
2 amended—

3 (1) in the item relating to Camp H.M. Smith,  
4 Hawaii, by striking “\$86,050,000” in the amount col-  
5 umn and inserting “\$89,050,000”; and

6 (2) by striking the amount identified as the total  
7 in the amount column and inserting “\$820,230,000”.

8 (b) CONFORMING AMENDMENTS.—Section 2204 of that  
9 Act (113 Stat. 830) is amended—

10 (1) in subsection (a), in the matter preceding  
11 paragraph (1), by striking “\$2,108,087,000” and in-  
12 serting “\$2,111,087,000”; and

13 (2) in subsection (b)(3), by striking  
14 “\$70,180,000” and inserting “\$73,180,000”.

## 15 **TITLE XXIII—AIR FORCE**

### 16 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 17 **LAND ACQUISITION PROJECTS.**

18 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-  
19 propriated pursuant to the authorization of appropriations  
20 in section 2304(a)(1), the Secretary of the Air Force may  
21 acquire real property and carry out military construction  
22 projects for the installations and locations inside the United  
23 States, and in the amounts, set forth in the following table:

***Air Force: Inside the United States***

<i>State</i>	<i>Installation or location</i>	<i>Amount</i>
<i>Alabama</i> .....	<i>Maxwell Air Force Base</i> .....	<i>\$34,400,000</i>
<i>Alaska</i> .....	<i>Eareckson Air Force Base</i> .....	<i>\$4,600,000</i>
	<i>Elmendorf Air Force Base</i> .....	<i>\$32,200,000</i>

*Air Force: Inside the United States—Continued*

<i>State</i>	<i>Installation or location</i>	<i>Amount</i>
<i>Arizona</i> .....	<i>Davis-Monthan Air Force Base</i> .....	\$23,500,000
	<i>Luke Air Force Base</i> .....	\$4,500,000
<i>Arkansas</i> .....	<i>Little Rock Air Force Base</i> .....	\$10,600,000
<i>California</i> .....	<i>Beale Air Force Base</i> .....	\$7,900,000
	<i>Edwards Air Force Base</i> .....	\$21,300,000
	<i>Los Angeles Air Force Base</i> .....	\$23,000,000
	<i>Travis Air Force Base</i> .....	\$10,100,000
	<i>Vandenberg Air Force Base</i> .....	\$11,800,000
	<i>Colorado</i> .....	<i>Buckley Air Force Base</i> .....
<i>District of Columbia</i> .....	<i>Schriever Air Force Base</i> .....	\$30,400,000
	<i>United States Air Force Academy</i> .....	\$25,500,000
	<i>Bolling Air Force Base</i> .....	\$2,900,000
<i>Florida</i> .....	<i>Cape Canaveral Air Force Station</i> .....	\$7,800,000
	<i>Eglin Air Force Base</i> .....	\$11,400,000
	<i>Hurlburt Field</i> .....	\$10,400,000
	<i>MacDill Air Force Base</i> .....	\$10,000,000
	<i>Tyndall Air Force Base</i> .....	\$20,350,000
<i>Georgia</i> .....	<i>Moody Air Force Base</i> .....	\$4,900,000
	<i>Robins Air Force Base</i> .....	\$14,650,000
<i>Hawaii</i> .....	<i>Hickman Air Force Base</i> .....	\$6,300,000
<i>Idaho</i> .....	<i>Mountain Home Air Force Base</i> .....	\$14,600,000
<i>Kansas</i> .....	<i>McConnell Air Force Base</i> .....	\$5,100,000
<i>Maryland</i> .....	<i>Andrews Air Force Base</i> .....	\$19,420,000
<i>Massachusetts</i> .....	<i>Hanscom Air Force Base</i> .....	\$9,400,000
<i>Mississippi</i> .....	<i>Keesler Air Force Base</i> .....	\$28,600,000
<i>Nevada</i> .....	<i>Nellis Air Force Base</i> .....	\$12,600,000
<i>New Jersey</i> .....	<i>McGuire Air Force Base</i> .....	\$36,550,000
<i>New Mexico</i> .....	<i>Cannon Air Force Base</i> .....	\$9,400,000
	<i>Kirtland Air Force Base</i> .....	\$19,800,000
	<i>Pope Air Force Base</i> .....	\$17,800,000
<i>North Carolina</i> .....	<i>Grand Forks Air Force Base</i> .....	\$7,800,000
<i>Ohio</i> .....	<i>Wright-Patterson Air Force Base</i> .....	\$5,800,000
<i>Oklahoma</i> .....	<i>Altus Air Force Base</i> .....	\$20,200,000
	<i>Tinker Air Force Base</i> .....	\$17,700,000
	<i>Shaw Air Force Base</i> .....	\$24,400,000
<i>South Carolina</i> .....	<i>Arnold Air Force Base</i> .....	\$24,400,000
<i>Texas</i> .....	<i>Lackland Air Force Base</i> .....	\$12,800,000
	<i>Laughlin Air Force Base</i> .....	\$15,600,000
	<i>Sheppard Air Force Base</i> .....	\$45,200,000
<i>Utah</i> .....	<i>Hill Air Force Base</i> .....	\$44,000,000
<i>Virginia</i> .....	<i>Langley Air Force Base</i> .....	\$47,300,000
<i>Washington</i> .....	<i>Fairchild Air Force Base</i> .....	\$2,800,000
	<i>McChord Air Force Base</i> .....	\$20,700,000
	<i>F E Warren Air Force Base</i> .....	\$10,200,000
<i>Wyoming</i> .....		
	<i>Total:</i> .....	\$822,320,000

1           (b) *OUTSIDE THE UNITED STATES.*—Using amounts  
2   appropriated pursuant to the authorization of appropria-  
3   tions in section 2304(a)(2), the Secretary of the Air Force  
4   may acquire real property and carry out military construc-  
5   tion projects for the installations and locations outside the

1 *United States, and in the amounts, set forth in the following*  
 2 *table:*

**Air Force: Outside the United States**

<b>Country</b>	<b>Installation or location</b>	<b>Amount</b>
<i>Germany</i> .....	<i>Ramstein Air Force Base</i> .....	\$42,900,000
	<i>Spangdahlem Air Base</i> .....	\$8,700,000
<i>Greenland</i> .....	<i>Thule</i> .....	\$19,000,000
<i>Guam</i> .....	<i>Andersen Air Force Base</i> .....	\$10,150,000
<i>Italy</i> .....	<i>Aviano Air Base</i> .....	\$11,800,000
<i>Korea</i> .....	<i>Kunsan Air Base</i> .....	\$12,000,000
	<i>Osan Air Base</i> .....	\$101,142,000
<i>Turkey</i> .....	<i>Eskisehir</i> .....	\$4,000,000
<i>United Kingdom</i> .....	<i>Royal Air Force, Lakenheath</i> .....	\$11,300,000
	<i>Royal Air Force, Mildenhall</i> .....	\$22,400,000
<i>Wake Island</i> .....	<i>Wake Island</i> .....	\$25,000,000
	<i>Total:</i> .....	\$268,392,000

3 (c) *UNSPECIFIED WORLDWIDE.*—Using the amounts  
 4 appropriated pursuant to the authorization of appropria-  
 5 tions in section 2304(a)(3), the Secretary of the Air Force  
 6 may acquire real property and carry out military construc-  
 7 tion projects for the installation and location and in the  
 8 amounts, set forth in the following table:

**Air Force: Unspecified Worldwide**

<b>Location</b>	<b>Installation</b>	<b>Amount</b>
<i>Unspecified Worldwide</i> .....	<i>Classified Location</i> .....	\$4,458,000

9 **SEC. 2302. FAMILY HOUSING.**

10 (a) *CONSTRUCTION AND ACQUISITION.*—Using  
 11 amounts appropriated pursuant to the authorization of ap-  
 12 propriations in section 2304(a)(7)(A), the Secretary of the  
 13 Air Force may construct or acquire family housing units  
 14 (including land acquisition) at the installations, for the  
 15 purposes, and in the amounts, set forth in the following  
 16 table:



1 *tary family housing functions of the Department of the Air*  
2 *Force in the total amount of \$2,526,034,000 as follows:*

3 *(1) For military construction projects inside the*  
4 *United States authorized by section 2301(a),*  
5 *\$806,020,000.*

6 *(2) For military construction projects outside the*  
7 *United States authorized by section 2301(b),*  
8 *\$268,392,000.*

9 *(3) For the military construction projects at un-*  
10 *specified worldwide locations authorized by section*  
11 *2301(c), \$4,458,000.*

12 *(4) For unspecified minor construction projects*  
13 *authorized by section 2805 of title 10, United States*  
14 *Code, \$11,250,000.*

15 *(5) For architectural and engineering services*  
16 *and construction design under section 2807 of title*  
17 *10, United States Code, \$84,630,000.*

18 *(6) For military housing functions:*

19 *(A) For construction and acquisition, plan-*  
20 *ning and design, and improvement of military*  
21 *family housing and facilities, \$536,237,000.*

22 *(B) For support of military family housing*  
23 *(including functions described in section 2833 of*  
24 *title 10, United States Code), \$866,171,000.*



1           (7) \$12,600,000 for construction of an air freight  
2           terminal and base supply complex at McGuire Air  
3           Force Base, New Jersey, authorized by section  
4           2301(a) of the Military Construction Authorization  
5           Act for Fiscal Year 2001 (division B of the Spence  
6           Act; 114 Stat. 1654A–399), as amended by section  
7           2305.

8           (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*  
9           *PROJECTS.*—Notwithstanding the cost variations author-  
10          ized by section 2853 of title 10, United States Code, and  
11          any other cost variation authorized by law, the total cost  
12          of all projects carried out under section 2301 of this Act  
13          may not exceed—

14                 (1) the total amount authorized to be appro-  
15                 priated under paragraphs (1), (2), and (3) of sub-  
16                 section (a); and

17                 (2) \$12,000,000 (the balance of the amount au-  
18                 thorized under section 2301(a) for a maintenance  
19                 depot hanger at Hill Air Force Base, Utah).

20           (c) *ADJUSTMENT.*—The total amount authorized to be  
21          appropriated pursuant to paragraphs (1) through (7) of  
22          subsection (a) is the sum of the amounts authorized to be  
23          appropriated in such paragraphs, reduced by—

24                 (1) \$15,846,000, which represents the combina-  
25                 tion of savings resulting from adjustments to foreign

1 *currency exchange rates for military construction out-*  
2 *side the United States; and*

3 (2) *\$47,878,000, which represents the combina-*  
4 *tion of savings resulting from adjustments to foreign*  
5 *currency exchange rates for military family housing*  
6 *construction and military family housing support*  
7 *outside the United States.*

8 **SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT**  
9 **CERTAIN FISCAL YEAR 2001 PROJECT.**

10 (a) *MODIFICATION.*—*The table in section 2301(a) of*  
11 *the Military Construction Authorization Act for Fiscal Year*  
12 *2001 (division B of the Spence Act; 114 Stat. 1654A–399)*  
13 *is amended—*

14 (1) *in the item relating to McGuire Air Force*  
15 *Base, New Jersey, by striking “\$29,772,000” in the*  
16 *amount column and inserting “\$32,972,000”; and*

17 (2) *by striking the amount identified as the total*  
18 *in the amount column and inserting “\$748,955,000”.*

19 (b) *CONFORMING AMENDMENTS.*—*Section 2304(b)(2)*  
20 *of that Act (114 Stat. 1654A–402) is amended by striking*  
21 *“\$9,400,000” and inserting “\$12,600,000”.*

**TITLE XXIV—DEFENSE  
AGENCIES**

**SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

***Defense Agencies: Inside the United States***

<b>Agency</b>	<b>Installation or location</b>	<b>Amount</b>
<i>Chemical Demilitarization</i> .....	<i>Blue Grass Army Depot, Kentucky</i> ....	\$47,220,000
<i>Defense Education Activity</i> .....	<i>Laurel Bay, South Carolina</i> .....	\$12,850,000
	<i>Marine Corps Base, Camp LeJeune, North Carolina</i> .....	\$8,857,000
<i>Defense Logistics Agency</i> .....	<i>Defense Distribution Depot Tracy, California</i> .....	\$30,000,000
	<i>Defense Distribution New Cumberland, Pennsylvania</i> .....	\$19,900,000
	<i>Eielson Air Force Base, Alaska</i> .....	\$8,800,000
	<i>Fort Belvoir, Virginia</i> .....	\$900,000
	<i>Grand Forks Air Force Base, North Dakota</i> .....	\$9,110,000
	<i>Hickam Air Force Base, Hawaii</i> .....	\$29,200,000
	<i>McGuire Air Force Base, New Jersey</i> .....	\$4,400,000
	<i>Minot Air Force Base, North Dakota</i> .....	\$14,000,000
	<i>Philadelphia, Pennsylvania</i> .....	\$2,429,000
	<i>Pope Air Force Base, North Carolina</i> .....	\$3,400,000
<i>Special Operations Command</i>	<i>Aberdeen Proving Ground, Maryland</i> .....	\$3,200,000
	<i>Fort Benning, Georgia</i> .....	\$5,100,000
	<i>Fort Bragg, North Carolina</i> .....	\$35,962,000
	<i>Fort Lewis, Washington</i> .....	\$6,900,000
	<i>Hurlburt Field, Florida</i> .....	\$13,400,000
	<i>MacDill Air Force Base, Florida</i> .....	\$12,000,000
	<i>Naval Station, San Diego, California</i> .....	\$13,650,000
<i>TRICARE Management Activity</i> .....	<i>Andrews Air Force Base, Maryland</i> ...	\$10,250,000
	<i>Dyess Air Force Base, Texas</i> .....	\$3,300,000
	<i>F. E. Warren Air Force Base, Wyoming</i> .....	\$2,700,000
	<i>Fort Hood, Texas</i> .....	\$12,200,000
	<i>Fort Stewart/Hunter Army Air Field, Georgia</i> .....	\$11,000,000
	<i>Holloman Air Force Base, New Mexico</i> .....	\$5,700,000
	<i>Hurlburt Field, Florida</i> .....	\$8,800,000
	<i>Marine Corps Base, Camp Pendleton, California</i> .....	\$1,150,000

**Defense Agencies: Inside the United States—Continued**

<b>Agency</b>	<b>Installation or location</b>	<b>Amount</b>
Washington Headquarters Services .....	Marine Corps Logistics Base, Albany, Georgia .....	\$5,800,000
	Naval Air Station, Whidbey Island, Washington .....	\$1,900,000
	Naval Hospital, Twentynine Palms, California .....	\$1,600,000
	Naval Station, Mayport, Florida .....	\$24,000,000
	Naval Station, Norfolk, Virginia .....	\$21,000,000
	Schriever Air Force Base, Colorado ....	\$4,000,000
	Pentagon Reservation, Virginia .....	\$25,000,000
	<b>Total:</b> .....	<b>\$325,228,000</b>

1           (b) *OUTSIDE THE UNITED STATES.*—Using amounts  
2 appropriated pursuant to the authorization of appropri-  
3 ations in section 2403(a)(2), the Secretary of Defense may  
4 acquire real property and carry out military construction  
5 projects for the installations and locations outside the  
6 United States, and in the amounts, set forth in the following  
7 table:

**Defense Agencies: Outside the United States**

<b>Agency</b>	<b>Installation or location</b>	<b>Amount</b>	
Defense Education Activity .....	Aviano Air Base, Italy .....	\$3,647,000	
	Geilenkirchen AB, Germany .....	\$1,733,000	
	Heidelberg, Germany .....	\$3,312,000	
	Kaiserslautern, Germany .....	\$1,439,000	
	Kitzingen, Germany .....	\$1,394,000	
	Landstuhl, Germany .....	\$1,444,000	
	Ramstein Air Force Base, Germany ..	\$2,814,000	
	Royal Air Force, Feltwell, United Kingdom .....	\$22,132,000	
	Vogelweh Annex, Germany .....	\$1,558,000	
	Wiesbaden Air Base, Germany .....	\$1,378,000	
Defense Logistics Agency .....	Wuerzburg, Germany .....	\$2,684,000	
	Anderson Air Force Base, Guam .....	\$20,000,000	
	Camp Casey, Korea .....	\$5,500,000	
	Naval Station, Rota, Spain .....	\$3,000,000	
Office Secretary of Defense .....	Yokota Air Base, Japan .....	\$13,000,000	
	Comalapa Air Base, El Salvador .....	\$12,577,000	
	TRICARE Management Activity .....	Heidelberg, Germany .....	\$28,000,000
		Lajes Field, Azores, Portugal .....	\$3,750,000
		Thule, Greenland .....	\$10,800,000
<b>Total:</b> .....	<b>\$140,162,000</b>		

1 **SEC. 2402. ENERGY CONSERVATION PROJECTS.**

2 *Using amounts appropriated pursuant to the author-*  
3 *ization of appropriations in section 2403(a)(6), the Sec-*  
4 *retary of Defense may carry out energy conservation*  
5 *projects under section 2865 of title 10, United States Code,*  
6 *in the amount of \$35,600,000.*

7 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE**  
8 **AGENCIES.**

9 *(a) IN GENERAL.—Funds are hereby authorized to be*  
10 *appropriated for fiscal years beginning after September 30,*  
11 *2001, for military construction, land acquisition, and mili-*  
12 *tary family housing functions of the Department of Defense*  
13 *(other than the military departments), in the total amount*  
14 *of \$1,421,319,000 as follows:*

15 *(1) For military construction projects inside the*  
16 *United States authorized by section 2401(a),*  
17 *\$370,164,000.*

18 *(2) For military construction projects outside the*  
19 *United States authorized by section 2401(b),*  
20 *\$140,162,000.*

21 *(3) For unspecified minor construction projects*  
22 *under section 2805 of title 10, United States Code,*  
23 *\$24,492,000.*

24 *(4) For contingency construction projects of the*  
25 *Secretary of Defense under section 2804 of title 10,*  
26 *United States Code, \$10,000,000.*

1           (5) *For architectural and engineering services*  
2 *and construction design under section 2807 of title*  
3 *10, United States Code, \$74,496,000.*

4           (6) *For energy conservation projects authorized*  
5 *by section 2402 of this Act, \$35,600,000.*

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 Public*  
9 *Law 101–510; 10 U.S.C. 2687 note), \$532,200,000.*

10          (8) *For military family housing functions:*

11           (A) *For improvement of military family*  
12 *housing and facilities, \$250,000.*

13           (B) *For support of military family housing*  
14 *(including functions described in section 2833 of*  
15 *title 10, United States Code), \$43,762,000, of*  
16 *which not more than \$37,298,000 may be obli-*  
17 *gated or expended for the leasing of military*  
18 *family housing units worldwide.*

19           (C) *For credit to the Department of Defense*  
20 *Family Housing Improvement Fund established*  
21 *by section 2883(a)(1) of title 10, United States*  
22 *Code, \$2,000,000.*

23          (9) *For the construction of phase 6 of an ammu-*  
24 *nition demilitarization facility at Pine Bluff Arsenal,*  
25 *Arkansas, authorized by section 2401(a) of the Mili-*

1 *tary Construction Authorization Act for Fiscal Year*  
2 *1995 (division B of Public Law 103–337; 108 Stat.*  
3 *3040), as amended by section 2407 of the Military*  
4 *Construction Authorization Act for Fiscal Year 1996*  
5 *(division B of Public Law 104–106; 110 Stat. 539),*  
6 *section 2408 of the Military Construction Authoriza-*  
7 *tion Act for Fiscal Year 1998 (division B of Public*  
8 *Law 105–85; 111 Stat. 1982), section 2406 of the*  
9 *Military Construction Authorization Act for Fiscal*  
10 *Year 1999 (division B of Public Law 105–261; 112*  
11 *Stat. 2197), and section 2407 of this Act,*  
12 *\$26,000,000.*

13 *(10) For the construction of phase 3 of an am-*  
14 *munition demilitarization facility at Pueblo Army*  
15 *Depot, Colorado, authorized by section 2401(a) of the*  
16 *Military Construction Authorization Act for Fiscal*  
17 *Year 1997 (division B of Public Law 104–201; 110*  
18 *Stat. 2775), as amended by section 2406 of the Mili-*  
19 *tary Construction Authorization Act for Fiscal Year*  
20 *2000 (division B of Public Law 106–65; 113 Stat.*  
21 *839), \$11,000,000.*

22 *(11) For construction of phase 4 of an ammuni-*  
23 *tion demilitarization facility at Newport Army*  
24 *Depot, Indiana, authorized by section 2401(a) of the*  
25 *Military Construction Authorization Act for Fiscal*

1        *Year 1999 (division B of Public Law 105–261; 112*  
2        *Stat. 2193), \$66,000,000.*

3            *(12) For construction of phase 4 of an ammuni-*  
4        *tion demilitarization facility at Aberdeen Proving*  
5        *Ground, Maryland, authorized by section 2401(a) of*  
6        *the Military Construction Authorization Act for Fis-*  
7        *cal Year 1999 (division B of Public Law 105–261;*  
8        *112 Stat. 2193), as amended by section 2406 of this*  
9        *Act, \$66,500,000.*

10           *(13) For construction of a hospital at Fort*  
11        *Wainwright, Alaska, authorized by section 2201(a) of*  
12        *the Military Construction Authorization Act for Fis-*  
13        *cal Year 2000 (division B of Public Law 106–65; 113*  
14        *Stat. 836), \$18,500,000.*

15           *(14) For construction of an aircrew water sur-*  
16        *vival training facility at Naval Air Station, Whidbey*  
17        *Island, Washington, authorized by section 2401(a) of*  
18        *the Military Construction Authorization Act for Fis-*  
19        *cal Year 2000 (division B of Public Law 106–65; 113*  
20        *Stat. 836), as amended by section 2405 of this Act,*  
21        *\$6,600,000.*

22           *(15) For the construction of phase 2 of an am-*  
23        *munition demilitarization facility at Blue Grass*  
24        *Army Depot, Kentucky, authorized by section 2401(a)*  
25        *of the Military Construction Authorization Act for*



1 *Fiscal Year 2000 (division B of Public Law 106–65,*  
2 *113 Stat. 836), as amended by section 2405,*  
3 *\$3,000,000.*

4 (16) *For construction of FHOTC Support Fa-*  
5 *ilities at Camp Pendleton, California, authorized by*  
6 *section 2401(a) of the Military Construction Author-*  
7 *ization Act for Fiscal Year 2001 (division B of the*  
8 *Spence Act; 114 Stat.1654A–402), as amended by sec-*  
9 *tion 2404 of this Act, \$3,150,000.*

10 (17) *For replacement of a Medical/Dental Clinic,*  
11 *Las Flores, at Camp Pendleton, California, author-*  
12 *ized by section 2401(a) of the Military Construction*  
13 *Authorization Act for Fiscal Year 2001 (division B of*  
14 *the Spence Act; 114 Stat.1654A–402), as amended by*  
15 *section 2404 of this Act, \$3,800,000.*

16 (18) *For replacement of a Medical/Dental Clinic,*  
17 *Las Pulgas, at Camp Pendleton, California, author-*  
18 *ized by section 2401(a) of the Military Construction*  
19 *Authorization Act for Fiscal Year 2001 (division B of*  
20 *the Spence Act; 114 Stat.1654A–402), as amended by*  
21 *section 2404 of this Act, \$4,050,000.*

22 (19) *For replacement of a Medical/Dental Clinic,*  
23 *Horno, at Camp Pendleton, California, authorized by*  
24 *section 2401(a) of the Military Construction Author-*  
25 *ization Act for Fiscal Year 2001 (division B of the*

1       *Spence Act; 114 Stat.1654A–402), as amended by sec-*  
2       *tion 2404 of this Act, \$4,300,000.*

3       **(b) LIMITATION ON TOTAL COST OF CONSTRUCTION**  
4       **PROJECTS.**—*Notwithstanding the cost variations author-*  
5       *ized by section 2853 of title 10, United States Code, and*  
6       *any other cost variation authorized by law, the total cost*  
7       *of all projects carried out under section 2401 of this Act*  
8       *may not exceed the total amount authorized to be appro-*  
9       *priated under paragraphs (1) and (2) of subsection (a).*

10       **(c) ADJUSTMENTS.**—*The total amount authorized to be*  
11       *appropriated pursuant to paragraphs (1) through (19) of*  
12       *subsection (a) is the sum of the amounts authorized to be*  
13       *appropriated in such paragraphs, reduced by—*

14                (1) *\$17,857,000, which represents the combina-*  
15                *tion of savings resulting from adjustments to foreign*  
16                *currency exchange rates for military construction out-*  
17                *side the United States; and*

18                (2) *\$10,250,000, which represents the combina-*  
19                *tion of project savings in military construction result-*  
20                *ing from favorable bids, reduced overhead charges,*  
21                *and cancellations due to force structure changes.*

1 **SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT**  
2 **CERTAIN FISCAL YEAR 2001 PROJECT.**

3 *The table in section 2401(a) of the Military Construc-*  
4 *tion Authorization Act for Fiscal Year 2001 (division B*  
5 *of the Spence Act; 114 Stat. 1654A–402) is amended—*

6 (1) *under the agency heading relating to*  
7 *TRICARE Management Activity, in the item relating*  
8 *to Marine Corps Base, Camp Pendleton, California,*  
9 *by striking “\$14,150,000” and inserting*  
10 *“\$15,300,000”; and*

11 (2) *by striking the amount identified as the total*  
12 *in the amount column and inserting “\$258,056,000”.*

13 **SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT**  
14 **CERTAIN FISCAL YEAR 2000 PROJECTS.**

15 (a) *MODIFICATION.—The table in section 2401(a) of*  
16 *the Military Construction Authorization Act for Fiscal Year*  
17 *2000 (division B of Public Law 106–65; 113 Stat. 836) is*  
18 *amended—*

19 (1) *under the agency heading relating to*  
20 *TRICARE Management Activity, in the item relating*  
21 *to Naval Air Station, Whidbey Island, Washington,*  
22 *by striking “\$4,700,000” inserting “\$6,600,000”;*

23 (2) *under the agency heading relating to Chem-*  
24 *ical Demilitarization, in the item relating to Blue*  
25 *Grass Army Depot, Kentucky, by striking*

1       “\$206,800,000” in the amount column and inserting  
2       “\$254,030,000”; and

3           (3) by striking the amount identified as the total  
4       in the amount column and inserting “\$636,550,000”.

5       (b) *CONFORMING AMENDMENT.*—Section 2405(b)(3) of  
6       that Act (113 Stat. 839) is amended by striking  
7       “\$184,000,000” and inserting “\$231,230,000”.

8       **SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT**  
9                               **CERTAIN FISCAL YEAR 1999 PROJECT.**

10       The table in section 2401(a) of the Military Construc-  
11       tion Authorization Act for Fiscal Year 1999 (division B  
12       of Public Law 105–261; 112 Stat. 2193) is amended—

13           (1) under the agency heading relating to Chem-  
14       ical Demilitarization, in the item relating to Aber-  
15       deen Proving Ground, Maryland, by striking  
16       “\$186,350,000” in the amount column and inserting  
17       “\$223,950,000”; and

18           (2) by striking the amount identified as the total  
19       in the amount column and inserting “\$727,616,000”.

20       (b) *CONFORMING AMENDMENTS.*—Section 2404(b)(3)  
21       of that Act (112 Stat. 2196) is amended by striking  
22       “\$158,000,000” and inserting “\$195,600,000”.

1 **SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT**  
2 **CERTAIN FISCAL YEAR 1995 PROJECT.**

3 *The table in section 2401 of the Military Construction*  
4 *Authorization Act for Fiscal Year 1995 (division B of Pub-*  
5 *lic Law 103–337; 108 Stat. 3040), as amended by section*  
6 *2407 of the Military Construction Authorization Act for*  
7 *Fiscal Year 1996 (division B of Public Law 104–106; 110*  
8 *Stat. 539), section 2408 of the Military Construction Au-*  
9 *thorization Act for Fiscal Year 1998 (division B of Public*  
10 *Law 105–85; 111 Stat. 1982), and section 2406 of the Mili-*  
11 *tary Construction Authorization Act for Fiscal Year 1999*  
12 *(division B of Public Law 105–261; 112 Stat. 2197), is*  
13 *amended under the agency heading relating to Chemical*  
14 *Agents and Munitions Destruction, in the item relating to*  
15 *Pine Bluff Arsenal, Arkansas, by striking “\$154,400,000”*  
16 *in the amount column and inserting “\$177,400,000”.*

17 **SEC. 2408. PROHIBITION ON EXPENDITURES TO DEVELOP**  
18 **FORWARD OPERATING LOCATION ON ARUBA**  
19 **FOR UNITED STATES SOUTHERN COMMAND**  
20 **COUNTER-DRUG DETECTION AND MONI-**  
21 **TORING FLIGHTS.**

22 *None of the funds appropriated under the heading*  
23 *“MILITARY CONSTRUCTION, DEFENSE-WIDE” in chapter 3 of*  
24 *title III of the Emergency Supplemental Act, 2000 (Public*  
25 *Law 106–246; 114 Stat. 579), may be used by the Secretary*  
26 *of Defense to develop any forward operating location on the*

1 *island of Aruba to serve as a location from which the United*  
2 *States Southern Command could conduct counter-drug de-*  
3 *tection and monitoring flights.*

4 **TITLE XXV—NORTH ATLANTIC**  
5 **TREATY ORGANIZATION SE-**  
6 **CURITY INVESTMENT PRO-**  
7 **GRAM**

8 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**  
9 **ACQUISITION PROJECTS.**

10 *The Secretary of Defense may make contributions for*  
11 *the North Atlantic Treaty Organization Security Invest-*  
12 *ment Program as provided in section 2806 of title 10,*  
13 *United States Code, in an amount not to exceed the sum*  
14 *of the amount authorized to be appropriated for this pur-*  
15 *pose in section 2502 and the amount collected from the*  
16 *North Atlantic Treaty Organization as a result of construc-*  
17 *tion previously financed by the United States.*

18 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

19 *Funds are hereby authorized to be appropriated for fis-*  
20 *cal years beginning after September 30, 2001, for contribu-*  
21 *tions by the Secretary of Defense under section 2806 of title*  
22 *10, United States Code, for the share of the United States*  
23 *of the cost of projects for the North Atlantic Treaty Organi-*  
24 *zation Security Investment Program authorized by section*  
25 *2501, in the amount of \$162,600,000.*

1                   **TITLE XXVI—GUARD AND**  
2                   **RESERVE FACILITIES**

3   **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**  
4                   **TION AND LAND ACQUISITION PROJECTS.**

5           (a) *IN GENERAL.*—*There are authorized to be appro-*  
6   *priated for fiscal years beginning after September 30, 2001,*  
7   *for the costs of acquisition, architectural and engineering*  
8   *services, and construction of facilities for the Guard and*  
9   *Reserve Forces, and for contributions therefor, under chap-*  
10   *ter 1803 of title 10, United States Code (including the cost*  
11   *of acquisition of land for those facilities), the following*  
12   *amounts:*

13           (1) *For the Department of the Army—*

14                   (A) *for the Army National Guard of the*  
15                   *United States, \$304,915,000; and*

16                   (B) *for the Army Reserve, \$173,017,000.*

17           (2) *For the Department of the Navy, for the*  
18           *Naval and Marine Corps Reserve, \$53,291,000.*

19           (3) *For the Department of the Air Force—*

20                   (A) *for the Air National Guard of the*  
21                   *United States, \$197,472,000; and*

22                   (B) *for the Air Force Reserve, \$79,132,000.*

1           **TITLE XXVII—EXPIRATION**  
2                   **AND EXTENSION OF**  
3                   **AUTHORIZATIONS**

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 expire*  
14   *on the later of—*

15                   (1) *October 1, 2004; or*

16                   (2) *the date of the enactment of an Act author-*  
17   *izing funds for military construction for fiscal year*  
18   *2005.*

19           (b) *EXCEPTION.*—*Subsection (a) shall not apply to au-*  
20   *thorizations for military construction projects, land acqui-*  
21   *sition, family housing projects and facilities, and contribu-*  
22   *tions to the North Atlantic Treaty Organization Security*  
23   *Investment program (and authorizations of appropriations*  
24   *therefor) for which appropriated funds have been obligated*  
25   *before the later of—*



1 (1) *October 1, 2004; or*

2 (2) *the date of the enactment of an Act author-*  
 3 *izing funds for fiscal year 2005 for military construc-*  
 4 *tion projects, land acquisition, family housing*  
 5 *projects and facilities, or contributions to the North*  
 6 *Atlantic Treaty Organization Security Investment*  
 7 *program.*

8 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 9 **FISCAL YEAR 1999 PROJECTS.**

10 (a) *EXCEPTION.*—*Notwithstanding section 2701 of the*  
 11 *Military Construction Authorization Act for Fiscal Year*  
 12 *1999 (division B of Public Law 105–261; 112 Stat. 2199),*  
 13 *authorizations set forth in the tables in subsection (b), as*  
 14 *provided in section 2302 or 2601 of that Act, shall remain*  
 15 *in effect until October 1, 2002, or the date of the enactment*  
 16 *of an Act authorizing funds for military construction for*  
 17 *fiscal year 2003, whichever is later.*

18 (b) *TABLES.*—*The tables referred to in subsection (a)*  
 19 *are as follows:*

***Air Force: Extension of 1999 Project Authorizations***

<b><i>State</i></b>	<b><i>Installation or loca- tion</i></b>	<b><i>Project</i></b>	<b><i>Amount</i></b>
<i>Delaware .....</i>	<i>Dover Air Force Base ....</i>	<i>Family Housing Replacement (55 Units) ....</i>	<i>\$8,998,000</i>
<i>Florida .....</i>	<i>Patrick Air Force Base</i>	<i>Family Housing Replacement (46 Units) ....</i>	<i>\$9,692,000</i>
<i>New Mexico .....</i>	<i>Kirtland Air Force Base</i>	<i>Family Housing Replacement (37 Units) ....</i>	<i>\$6,400,000</i>

***Air Force: Extension of 1999 Project Authorizations—Continued***

<b><i>State</i></b>	<b><i>Installation or location</i></b>	<b><i>Project</i></b>	<b><i>Amount</i></b>
<i>Ohio</i> .....	<i>Wright-Patterson Air Force Base</i> .....	<i>Family Housing Replacement (40 Units) ....</i>	\$5,600,000

***Army National Guard: Extension of 1999 Project Authorizations***

<b><i>State</i></b>	<b><i>Installation or location</i></b>	<b><i>Project</i></b>	<b><i>Amount</i></b>
<i>Massachusetts</i> .....	<i>Westfield</i> .....	<i>Army Aviation Support Facility</i> .....	\$9,274,000
<i>South Carolina</i> .....	<i>Spartanburg</i> .....	<i>Readiness Center.</i>	\$5,260,000

1 **SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
2 **FISCAL YEAR 1998 PROJECTS.**

3 (a) *EXTENSION.*—Notwithstanding section 2701 of the  
4 *Military Construction Authorization Act for Fiscal Year*  
5 *1998 (division B of Public Law 105–85; 111 Stat. 1984),*  
6 *authorizations set forth in the tables in subsection (b), as*  
7 *provided in section 2102, 2202, or 2302 of that Act and*  
8 *extended by section 2702 of the Military Construction Au-*  
9 *thorization Act for Fiscal Year 2001 (division B of the*  
10 *Spence Act; 114 Stat. 1654A–408), shall remain in effect*  
11 *until October 1, 2002, or the date of the enactment of an*  
12 *Act authorizing funds for military construction for fiscal*  
13 *year 2003, whichever is later.*

14 (b) *TABLES.*—The tables referred to in subsection (a)  
15 *are as follows:*

**Army: Extension of 1998 Project Authorization**

<b>State</b>	<b>Installation or location</b>	<b>Project</b>	<b>Amount</b>
Maryland .....	Fort Meade .....	Family Housing Construction (56 units) .....	\$7,900,000

**Navy: Extension of 1998 Project Authorizations**

<b>State</b>	<b>Installation or location</b>	<b>Project</b>	<b>Amount</b>
California .....	Naval Complex, San Diego .....	Family Housing Replacement (94 units) .....	\$13,500,000
California .....	Marine Corps Air Station, Miramar .....	Family Housing Construction (166 units) ...	\$28,881,000
Louisiana .....	Naval Complex, New Orleans .....	Family Housing Replacement (100 units) ...	\$11,930,000
Texas .....	Naval Air Station, Corpus Christi .....	Family Housing Construction (212 units) ...	\$22,250,000

**Air Force: Extension of 1998 Project Authorization**

<b>State</b>	<b>Installation or location</b>	<b>Project</b>	<b>Amount</b>
New Mexico .....	Kirtland Air Force Base	Family Housing Replacement (180 units) ...	\$20,900,000

**1 SEC. 2704. EFFECTIVE DATE.**

2           *Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall*

3 *take effect on the later of—*

4                     (1) *October 1, 2001; or*

5                     (2) *the date of the enactment of this Act.*

1                   **TITLE XXVIII—GENERAL**  
2                   **PROVISIONS**  
3       **Subtitle A—Military Construction**  
4       **Program and Military Family**  
5       **Housing Changes**

6       **SEC. 2801. INCREASE IN CERTAIN UNSPECIFIED MINOR**  
7                   **MILITARY CONSTRUCTION PROJECT THRESH-**  
8                   **OLDS.**

9           *Section 2805 of title 10, United States Code, is*  
10 *amended—*

11                   (1) *in subsection (b)(1), by striking “\$500,000”*  
12                   *and inserting “\$750,000”;*

13                   (2) *in subsection (c)(1)(A), by striking*  
14                   *“\$1,000,000” and inserting “\$1,500,000”; and*

15                   (3) *in subsection (c)(1)(B), by striking*  
16                   *“\$500,000” and inserting “\$750,000”.*

17       **SEC. 2802. EXCLUSION OF UNFORESEEN ENVIRONMENTAL**  
18                   **HAZARD REMEDIATION FROM LIMITATION ON**  
19                   **AUTHORIZED COST VARIATIONS.**

20           *Subsection (d) of section 2853 of title 10, United States*  
21 *Code, is amended to read as follows:*

22                   “(d) *The limitation on cost increases in subsection (a)*  
23 *does not apply—*

24                           “(1) *to the settlement of a contractor claim*  
25                           *under a contract; or*

1           “(2) to the costs associated with the required re-  
2           mediation of an environmental hazard in connection  
3           with a military construction project or military fam-  
4           ily housing project, such as asbestos removal, radon  
5           abatement, lead-based paint removal or abatement, or  
6           any other legally required environmental hazard re-  
7           mediation, if the required remediation could not have  
8           reasonably been anticipated at the time the project  
9           was approved originally by Congress.”.

10 **SEC. 2803. REPEAL OF ANNUAL REPORTING REQUIREMENT**

11                           **ON MILITARY CONSTRUCTION AND MILITARY**

12                           **FAMILY HOUSING ACTIVITIES.**

13           (a) *REPEAL.*—Section 2861 of title 10, United States  
14           Code, is repealed.

15           (b) *CLERICAL AMENDMENT.*—The table of sections at  
16           the beginning of subchapter III of chapter 169 of such title  
17           is amended by striking the item relating to section 2861.

18 **SEC. 2804. PERMANENT AUTHORIZATION FOR ALTER-**

19                           **NATIVE AUTHORITY FOR ACQUISITION AND**

20                           **IMPROVEMENT OF MILITARY HOUSING.**

21           (a) *REPEAL OF TERMINATION PROVISION.*—Section  
22           2885 of title 10, United States Code, is repealed.

23           (b) *CLERICAL AMENDMENT.*—The table of sections at  
24           the beginning of subchapter IV of chapter 169 of such title  
25           is amended by striking the item relating to section 2885.

1           ***Subtitle B—Real Property and***  
2           ***Facilities Administration***

3   ***SEC. 2811. USE OF MILITARY INSTALLATIONS FOR CERTAIN***  
4           ***RECREATIONAL ACTIVITIES.***

5           *Section 2671 of title 10, United States Code, is*  
6   *amended—*

7           (1) *by transferring subsection (b) to the end of*  
8           *the section and redesignating such subsection, as so*  
9           *transferred, as subsection (e); and*

10          (2) *by inserting after subsection (a) the following*  
11          *new subsection (b):*

12          “(b) *Subsection (a) shall not apply with respect to all*  
13          *or certain specified hunting, fishing, or trapping at a mili-*  
14          *tary installation or facility if the Secretary of Defense de-*  
15          *termines that the application of the State or Territory fish*  
16          *and game laws to such hunting, fishing, or trapping with-*  
17          *out modification could result in undesirable consequences*  
18          *for public safety or adverse effects on morale, welfare, or*  
19          *recreation activities at the installation or facility. The Sec-*  
20          *retary may not waive or modify the requirements under*  
21          *subsection (a)(2) regarding a license for such hunting, fish-*  
22          *ing, or trapping or any fee imposed by a State or Territory*  
23          *to obtain such a license.”.*

1 **SEC. 2812. BASE EFFICIENCY PROJECT AT BROOKS AIR**  
2 **FORCE BASE, TEXAS.**

3 (a) *INDEMNIFICATION OF TRANSFEREES.*—Section 136  
4 of the Military Construction Appropriations Act, 2001 (di-  
5 vision A of Public Law 106–246; 114 Stat. 520), is  
6 amended—

7 (1) by striking subsection (n);

8 (2) by redesignating subsection (m) as subsection  
9 (n); and

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

12 “(m) *INDEMNIFICATION OF TRANSFEREES.*—(1) With  
13 respect to the disposal of real property under subsection (e)  
14 at the Base as part of the Project, the Secretary shall hold  
15 harmless, defend, and indemnify in full the Community  
16 and other persons and entities described in paragraph (2)  
17 from and against any suit, claim, demand or action, liabil-  
18 ity, judgment, cost or other fee arising out of any claim  
19 for personal injury or property damage (including death,  
20 illness, or loss of or damage to property or economic loss)  
21 that results from, or is in any manner predicated upon,  
22 the release or threatened release of any hazardous substance,  
23 pollutant or contaminant, or petroleum or petroleum deriv-  
24 ative as a result of Department of Defense activities at the  
25 Base.

1       “(2) *The persons and entities referred to in paragraph*  
2 *(1) are the following:*

3           “(A) *The Community (including any officer,*  
4 *agent, or employee of the Community) that acquires*  
5 *ownership or control of any real property at the Base*  
6 *as described in paragraph (1).*

7           “(B) *The State of Texas or any political subdivi-*  
8 *sion of the State (including any officer, agent, or em-*  
9 *ployee of the State or political subdivision) that ac-*  
10 *quires such ownership or control.*

11          “(C) *Any other person or entity that acquires*  
12 *such ownership or control.*

13          “(D) *Any successor, assignee, transferee, lender,*  
14 *or lessee of a person or entity described in subpara-*  
15 *graphs (A) through (C).*

16       “(3) *To the extent the persons and entities described*  
17 *in paragraph (2) contributed to any such release or threat-*  
18 *ened release, paragraph (1) shall not apply.*

19       “(4) *No indemnification may be afforded under this*  
20 *subsection unless the person or entity making a claim for*  
21 *indemnification—*

22           “(A) *notifies the Department of Defense in writ-*  
23 *ing within two years after such claim accrues or be-*  
24 *gins action within six months after the date of mail-*



1        *ing, by certified or registered mail, of notice of final*  
2        *denial of the claim by the Department of Defense;*

3            *“(B) furnishes to the Department of Defense cop-*  
4        *ies of pertinent papers the entity receives;*

5            *“(C) furnishes evidence or proof of any claim,*  
6        *loss, or damage covered by this subsection; and*

7            *“(D) provides, upon request by the Department*  
8        *of Defense, access to the records and personnel of the*  
9        *entity for purposes of defending or settling the claim*  
10       *or action.*

11        *“(5) In any case in which the Secretary determines*  
12       *that the Department of Defense may be required to make*  
13       *indemnification payments to a person under this subsection*  
14       *for any suit, claim, demand or action, liability, judgment,*  
15       *cost or other fee arising out of any claim for personal injury*  
16       *or property damage referred to in paragraph (1), the Sec-*  
17       *retary may settle or defend, on behalf of that person, the*  
18       *claim for personal injury or property damage. If the person*  
19       *to whom the Department of Defense may be required to*  
20       *make indemnification payments does not allow the Sec-*  
21       *retary to settle or defend the claim, the person may not be*  
22       *afforded indemnification with respect to that claim under*  
23       *this subsection.*

24        *“(6) For purposes of paragraph (4)(A), the date on*  
25       *which a claim accrues is the date on which the plaintiff*

1 *knew (or reasonably should have known) that the personal*  
2 *injury or property damage referred to in paragraph (1) was*  
3 *caused or contributed to by the release or threatened release*  
4 *of a hazardous substance, pollutant or contaminant, or pe-*  
5 *troleum or petroleum derivative as a result of Department*  
6 *of Defense activities at the Base.*

7       “(7) *Nothing in this subsection shall be construed as*  
8 *affecting or modifying in any way section 120(h) of the*  
9 *Comprehensive Environmental Response, Compensation,*  
10 *and Liability Act of 1980 (42 U.S.C. 9620(h)).*

11       “(8) *In this subsection, the terms ‘facility’, ‘hazardous*  
12 *substance’, ‘release’, and ‘pollutant or contaminant’ have*  
13 *the meanings given such terms in section 101 of the Com-*  
14 *prehensive Environmental Response, Compensation, and*  
15 *Liability Act of 1980, respectively (42 U.S.C. 9601).”.*

16       **(b) DEFINITIONS.**—*Paragraph (9) of subsection (n) of*  
17 *such section, as redesignated by subsection (a)(2), is amend-*  
18 *ed by striking “, who shall be a civilian official of the De-*  
19 *partment appointed by the President with the advice and*  
20 *consent of the Senate”.*

## 21       ***Subtitle C—Defense Base Closure*** 22       ***and Realignment***

### 23       ***SEC. 2821. LEASE BACK OF BASE CLOSURE PROPERTY.***

24       **(a) 1988 LAW.**—*Section 204(b)(4) of the Defense Au-*  
25 *thorization Amendments and Base Closure and Realign-*

1 *ment Act (Public Law 100–526; 10 U.S.C. 2687 note) is*  
2 *amended—*

3           (1) *by redesignating subparagraphs (E), (F),*  
4           *(G), (H), and (I) as subparagraphs (F), (G), (H), (I),*  
5           *and (J), respectively; and*

6           (2) *by inserting after subparagraph (D) the fol-*  
7           *lowing new subparagraph (E):*

8           “(E)(i) *The Secretary may transfer real property at*  
9           *an installation approved for closure or realignment under*  
10           *this title (including property at an installation approved*  
11           *for realignment which will be retained by the Department*  
12           *of Defense or another Federal agency after realignment) to*  
13           *the redevelopment authority for the installation if the rede-*  
14           *velopment authority agrees to lease, directly upon transfer,*  
15           *one or more portions of the property transferred under this*  
16           *subparagraph to the Secretary or to the head of another*  
17           *department or agency of the Federal Government. Subpara-*  
18           *graph (B) shall apply to a transfer under this subpara-*  
19           *graph.*

20           “(ii) *A lease under clause (i) shall be for a term of*  
21           *not to exceed 50 years, but may provide for options for re-*  
22           *newal or extension of the term by the department or agency*  
23           *concerned.*

24           “(iii) *A lease under clause (i) may not require rental*  
25           *payments by the United States.*

1           “(iv) A lease under clause (i) shall include a provision  
2 specifying that if the department or agency concerned ceases  
3 requiring the use of the leased property before the expiration  
4 of the term of the lease, the remainder of the lease term  
5 may be satisfied by the same or another department or  
6 agency of the Federal Government using the property for  
7 a use similar to the use under the lease. Exercise of the  
8 authority provided by this clause shall be made in consulta-  
9 tion with the redevelopment authority concerned.

10           “(v) Notwithstanding clause (iii) or chapter 137 of  
11 title 10, United States Code, if a lease under clause (i) in-  
12 volves a substantial portion of the installation, the depart-  
13 ment or agency concerned may obtain facility services for  
14 the leased property and common area maintenance from  
15 the redevelopment authority or the redevelopment  
16 authority’s assignee as a provision of the lease. The facility  
17 services and common area maintenance shall be provided  
18 at a rate no higher than the rate charged to non-Federal  
19 tenants of the transferred property. Facility services and  
20 common area maintenance covered by the lease shall not  
21 include—

22                   “(I) municipal services that a State or local gov-  
23 ernment is required by law to provide to all land-  
24 owners in its jurisdiction without direct charge; or

25                   “(II) firefighting or security-guard functions.”.

1       (b) 1990 LAW.—Section 2905(b)(4)(E) of the Defense  
2 *Base Closure and Realignment Act of 1990 (part A of title*  
3 *XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is*  
4 *amended by adding at the end the following new clause:*

5       “(v) Notwithstanding clause (iii) or chapter 137 of  
6 *title 10, United States Code, if a lease under clause (i) in-*  
7 *volves a substantial portion of the installation, the depart-*  
8 *ment or agency concerned may obtain facility services for*  
9 *the leased property and common area maintenance from*  
10 *the redevelopment authority or the redevelopment*  
11 *authority’s assignee as a provision of the lease. The facility*  
12 *services and common area maintenance shall be provided*  
13 *at a rate no higher than the rate charged to non-Federal*  
14 *tenants of the transferred property. Facility services and*  
15 *common area maintenance covered by the lease shall not*  
16 *include—*

17               “(I) *municipal services that a State or local gov-*  
18               *ernment is required by law to provide to all land-*  
19               *owners in its jurisdiction without direct charge; or*

20               “(II) *firefighting or security-guard functions.*”.

1           ***Subtitle D—Land Conveyances***

2                           ***PART I—ARMY CONVEYANCES***

3   ***SEC. 2831. MODIFICATION OF LAND EXCHANGE, ROCK IS-***  
4                           ***LAND ARSENAL, ILLINOIS.***

5           (a) *ADDITIONAL CONVEYANCE AUTHORIZED.*—Sub-  
6   *section (a) of section 2832 of the Military Construction Au-*  
7   *thorization Act for Fiscal Year 2000 (division B of Public*  
8   *Law 106–65; 113 Stat. 857) is amended—*

9                   (1) *by inserting “(1)” before “The Secretary”;*  
10           *and*

11                   (2) *by adding at the end the following new para-*  
12   *graph:*

13           “(2) *The Secretary may convey to the City all right,*  
14   *title, and interest of the United States in and to an addi-*  
15   *tional parcel of real property, including improvements*  
16   *thereon, at the Rock Island Arsenal consisting of approxi-*  
17   *mately .513 acres.”.*

18           (b) *CONSIDERATION.*—*Subsection (b) of such section is*  
19   *amended—*

20                   (1) *by inserting “(1)” before “As consideration”;*

21                   (2) *by striking “subsection (a)” both places it*  
22   *appears and inserting “subsection (a)(1)”;* *and*

23                   (3) *by adding at the end the following new para-*  
24   *graph:*

1       “(2) *As consideration for the conveyance under sub-*  
2 *section (a)(2), the City shall convey to the Secretary all*  
3 *right, title, and interest of the City in and to a parcel of*  
4 *real property consisting of approximately .063 acres and*  
5 *construct on the parcel, at the City’s expense, a new access*  
6 *ramp to the Rock Island Arsenal.”.*

7 **SEC. 2832. MODIFICATION OF LAND CONVEYANCES, FORT**  
8 **DIX, NEW JERSEY.**

9       *Section 2835(c) of the Military Construction Author-*  
10 *ization Act for Fiscal Year 1998 (division B of Public Law*  
11 *105–85; 111 Stat. 2004) is amended by adding at the end*  
12 *the following new paragraph:*

13       “(3) *Notwithstanding paragraphs (1) or (2), the Bor-*  
14 *ough and Board may exchange between each other, without*  
15 *the consent of the Secretary, all or any portion of the prop-*  
16 *erty conveyed under subsection (a) so long as the property*  
17 *continues to be used by the grantees for economic develop-*  
18 *ment or educational purposes.”.*

19 **SEC. 2833. LEASE AUTHORITY, FORT DERUSSY, HAWAII.**

20       *Notwithstanding section 809 of the Military Construc-*  
21 *tion Authorization Act, 1968 (Public Law 90–110; 81 Stat.*  
22 *309) and section 2814(b) of the Military Construction Au-*  
23 *thorization Act, 1989 (Public Law 100–456; 102 Stat.*  
24 *2117), the Secretary of the Army may enter into a lease*  
25 *with the City of Honolulu, Hawaii, for the purpose of mak-*

1 *ing available to the City a parcel of real property at Fort*  
2 *DeRussy, Hawaii, for the construction of a parking facility.*

3 **SEC. 2834. LAND EXCHANGE AND CONSOLIDATION, FORT**  
4 **LEWIS, WASHINGTON.**

5 *(a) EXCHANGE AUTHORIZED.—(1) The Secretary of*  
6 *the Army may convey to the Nisqually Tribe, a federally*  
7 *recognized Indian tribe whose tribal lands are located with-*  
8 *in the State of Washington, all right, title, and interest of*  
9 *the United States in and to two parcels of real property,*  
10 *including any improvements thereon, consisting of approxi-*  
11 *mately 138 acres at Fort Lewis, Washington, in exchange*  
12 *for the real property described in subsection (b).*

13 *(2) The property authorized for conveyance under*  
14 *paragraph (1) does not include Bonneville Power Adminis-*  
15 *tration transmission facilities or the right of way described*  
16 *in subsection (c).*

17 *(b) CONSIDERATION.—As consideration for the convey-*  
18 *ance under subsection (a), the Nisqually Tribe shall—*

19 *(1) acquire from Thurston County, Washington,*  
20 *several parcels of real property consisting of approxi-*  
21 *mately 416 acres that are owned by the county, are*  
22 *within the boundaries of Fort Lewis, and are cur-*  
23 *rently leased by the Army, and*

24 *(2) convey fee title over the acquired property to*  
25 *the Secretary.*



1           (c) *RIGHT-OF-WAY FOR BONNEVILLE POWER ADMINIS-*  
2 *TRATION.*—*The Secretary may use the authority provided*  
3 *in section 2668 of title 10, United States Code, to convey*  
4 *to the Bonneville Power Administration a right-of-way that*  
5 *authorizes the Bonneville Power Administration to use real*  
6 *property at Fort Lewis as a route for the Grand Coulee-*  
7 *Olympia and Olympia-White River electric transmission*  
8 *lines and appurtenances to facilitate the removal of such*  
9 *transmission lines from tribal lands of the Nisqually Tribe.*

10           (d) *DESCRIPTION OF PROPERTY.*—*The exact acreage*  
11 *and legal description of the real property to be conveyed*  
12 *under subsection (a) and acquired under subsection (b)*  
13 *shall be determined by a survey satisfactory to the Secretary*  
14 *and the Nisqually Tribe. The cost of the survey shall be*  
15 *borne by the recipient of the property.*

16           (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*  
17 *retary may require such additional terms and conditions*  
18 *in connection with the conveyances under this section as*  
19 *the Secretary considers appropriate to protect the interests*  
20 *of the United States.*

21 **SEC. 2835. LAND CONVEYANCE, WHITTIER-ANCHORAGE**  
22 **PIPELINE TANK FARM, ANCHORAGE, ALASKA.**

23           (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*  
24 *Army may convey, without consideration, to the Port of An-*  
25 *chorage, an entity of the Municipality of Anchorage, Alas-*

1 *ka, all right, title, and interest of the United States in and*  
2 *to two adjoining parcels of real property, including any*  
3 *improvements thereon, consisting of approximately 48 acres*  
4 *in Anchorage, Alaska, which are known as of the Whittier-*  
5 *Anchorage Pipeline Tank Farm, for the purpose of permit-*  
6 *ting the Port of Anchorage to use the parcels for economic*  
7 *development.*

8       **(b) DESCRIPTION OF PROPERTY.**—*The exact acreage*  
9 *and legal description of the real property to be conveyed*  
10 *under subsection (a) shall be determined by a survey satis-*  
11 *factory to the Secretary. The cost of the survey shall be borne*  
12 *by the recipient of the real property.*

13       **(c) ADDITIONAL TERMS AND CONDITIONS.**—*The Sec-*  
14 *retary may require such additional terms and conditions*  
15 *in connection with the conveyance under this section (a)*  
16 *as the Secretary considers appropriate to protect the inter-*  
17 *ests of the United States.*

18                   **PART II—NAVY CONVEYANCES**

19 **SEC. 2841. TRANSFER OF JURISDICTION, CENTERVILLE**  
20                   **BEACH NAVAL STATION, HUMBOLDT COUNTY,**  
21                   **CALIFORNIA.**

22       **(a) TRANSFER AUTHORIZED.**—*The Secretary of the*  
23 *Navy may transfer, without reimbursement, to the adminis-*  
24 *trative jurisdiction of the Secretary of the Interior the real*  
25 *property, including any improvements thereon, consisting*

1 *of the closed Centerville Beach Naval Station in Humboldt*  
2 *County, California, for the purpose of permitting the Sec-*  
3 *retary of the Interior to manage the real property as open*  
4 *space or for other public purposes.*

5 (b) *LEGAL DESCRIPTION.—The exact acreage and legal*  
6 *description of the real property to be transferred under this*  
7 *section shall be determined by a survey satisfactory to the*  
8 *Secretary of the Navy. The cost of the survey shall be borne*  
9 *by the Secretary of the Interior.*

10 (c) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*  
11 *retary of the Navy may require such additional terms and*  
12 *conditions in connection with the transfer under this section*  
13 *as the Secretary of the Navy considers appropriate to pro-*  
14 *tect the interests of the United States.*

15 **SEC. 2842. LAND CONVEYANCE, NAVAL WEAPONS INDUS-**  
16 **TRIAL RESERVE PLANT, TOLEDO, OHIO.**

17 (a) *CONVEYANCE AUTHORIZED.—(1) The Secretary of*  
18 *the Navy may convey, without consideration, to the Toledo-*  
19 *Lucas County Port Authority, Ohio (in this section referred*  
20 *to as the “Port Authority”), all right, title, and interest*  
21 *of the United States in and to a parcel of real property*  
22 *consisting of approximately 29 acres, including any im-*  
23 *provements thereon, and comprising the Naval Weapons In-*  
24 *dustrial Reserve Plant, Toledo, Ohio.*

1       (2) *The Secretary may include in the conveyance*  
2 *under paragraph (1) such facilities, equipment, fixtures,*  
3 *and other personal property located or based on the parcel*  
4 *conveyed under that paragraph, or used in connection with*  
5 *the parcel, as the Secretary determines to be not required*  
6 *by the Navy for other purposes.*

7       (b) *LEASE AUTHORITY.*—*Until such time as the real*  
8 *property described in subsection (a)(1) is conveyed by deed,*  
9 *the Secretary may lease the real property, together with any*  
10 *improvements, facilities, equipment, fixtures, and other per-*  
11 *sonal property thereon, to the Port Authority in exchange*  
12 *for security services, fire protection services, and mainte-*  
13 *nance services provided by the Port Authority for the real*  
14 *property.*

15       (c) *CONDITIONS OF CONVEYANCE.*—(1) *The conveyance*  
16 *under subsection (a), and any lease under subsection (b),*  
17 *shall be subject to the conditions that the Port Authority—*

18           (A) *accept the parcel, and any improvements, fa-*  
19 *cilities, equipment, fixtures, and other personal prop-*  
20 *erty thereon, in their condition at the time of the con-*  
21 *veyance or lease, as the case may be; and*

22           (B) *except as provided in paragraph (2), use the*  
23 *parcel, and any improvements, facilities, equipment,*  
24 *fixtures, and other personal property thereon, whether*  
25 *directly or through an agreement with a public or*

1        *private entity, for economic development, redevelop-*  
2        *ment, or retention purposes, including the creation or*  
3        *preservation of jobs and employment opportunities, or*  
4        *such other public purposes as the Port Authority de-*  
5        *termines appropriate.*

6        *(2) The Port Authority may at any time convey, lease,*  
7        *or sublease, as the case may be, the parcel, and any im-*  
8        *provements, facilities, equipment, fixtures, and other per-*  
9        *sonal property thereon, to a public or private entity for*  
10       *purposes described in paragraph (1)(B).*

11       *(d) INSPECTION.—The Secretary may permit the Port*  
12       *Authority to review and inspect the improvements, facili-*  
13       *ties, equipment, fixtures, and other personal property lo-*  
14       *cated on the parcel described in subsection (a)(1) for pur-*  
15       *poses of the conveyance authorized by that subsection and*  
16       *the lease authorized by subsection (b).*

17       *(e) DESCRIPTION OF PROPERTY.—The exact acreage*  
18       *and legal description of the real property to be conveyed*  
19       *under subsection (a)(1), and of any facilities, equipment*  
20       *fixtures, or other personal property to be conveyed under*  
21       *subsection (a)(2), shall be determined by a survey and other*  
22       *means satisfactory to the Secretary. The cost of any activi-*  
23       *ties under the preceding sentence shall be borne by the Port*  
24       *Authority.*

1           (f) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*  
 2 *retary may require such additional terms and conditions*  
 3 *in connection with the conveyance under subsection (a)(1),*  
 4 *and any lease under subsection (b), as the Secretary con-*  
 5 *siders appropriate to protect the interests of the United*  
 6 *States.*

7 **SEC. 2843. MODIFICATION OF AUTHORITY FOR CONVEY-**  
 8 **ANCE OF NAVAL COMPUTER AND TELE-**  
 9 **COMMUNICATIONS STATION, CUTLER, MAINE.**

10           *Section 2853(a) of the Military Construction Author-*  
 11 *ization Act for Fiscal Year 2001 (division B of the Spence*  
 12 *Act; 114 Stat. 1654A–430) is amended by inserting “any*  
 13 *or” before “all right”.*

14 **SEC. 2844. MODIFICATION OF LAND CONVEYANCE, FORMER**  
 15 **UNITED STATES MARINE CORPS AIR STATION,**  
 16 **EAGLE MOUNTAIN LAKE, TEXAS.**

17           *Section 5 of Public Law 85–258 (71 Stat. 583) is*  
 18 *amended by inserting before the period at the end the fol-*  
 19 *lowing: “or for the protection, maintenance, and operation*  
 20 *of other Texas National Guard facilities”.*

21 **SEC. 2845. LAND TRANSFER AND CONVEYANCE, NAVAL SE-**  
 22 **CURITY GROUP ACTIVITY, WINTER HARBOR,**  
 23 **MAINE.**

24           (a) *TRANSFER OF JURISDICTION OF SCHOODIC POINT*  
 25 *PROPERTY AUTHORIZED.*—(1) *The Secretary of the Navy*

1 *may transfer, without consideration, to the Secretary of the*  
2 *Interior administrative jurisdiction of a parcel of real*  
3 *property, including any improvements thereon and appur-*  
4 *tenances thereto, consisting of approximately 26 acres as*  
5 *generally depicted as Tract 15–116 on the map entitled*  
6 *“Acadia National Park Schoodic Point Area”, numbered*  
7 *123/80,418 and dated May 2001. The map shall be on file*  
8 *and available for inspection in the appropriate offices of*  
9 *the National Park Service.*

10       (2) *The transfer authorized by this subsection shall*  
11 *occur, if at all, concurrently with the reversion of adminis-*  
12 *trative jurisdiction of a parcel of real property consisting*  
13 *of approximately 71 acres, as depicted as Tract 15–115 on*  
14 *the map referred to in paragraph (1), from the Secretary*  
15 *of the Navy to the Secretary of the Interior as authorized*  
16 *by Public Law 80–260 (61 Stat. 519) and to be executed*  
17 *on or about June 30, 2002.*

18       (b) *CONVEYANCE OF COREA AND WINTER HARBOR*  
19 *PROPERTIES AUTHORIZED.—The Secretary of the Navy*  
20 *may convey, without consideration, to the State of Maine,*  
21 *any political subdivision of the State of Maine, or any tax-*  
22 *supported agency in the State of Maine, all right, title, and*  
23 *interest of the United States in and to any of the parcels*  
24 *of real property, including any improvements thereon and*  
25 *appurtenances thereto, consisting of approximately 485*

1 *acres and comprising the former facilities of the Naval Se-*  
2 *curity Group Activity, Winter Harbor, Maine, located in*  
3 *Hancock County, Maine, except for the real property de-*  
4 *scribed in subsection (a)(1).*

5       *(c) TRANSFER OF PERSONAL PROPERTY.—The Sec-*  
6 *retary of the Navy shall transfer, without consideration, to*  
7 *the Secretary of the Interior in the case of the real property*  
8 *transferred under subsection (a), or to any recipient of such*  
9 *real property in the case of real property conveyed under*  
10 *subsection (b), any or all personal property associated with*  
11 *such real property so transferred or conveyed, including—*

12           *(1) the ambulances and any fire trucks or other*  
13 *firefighting equipment; and*

14           *(2) any personal property required to continue*  
15 *the maintenance of the infrastructure of such real*  
16 *property, including the generators and an uninter-*  
17 *rupted power supply in building 154 at the Corea*  
18 *site.*

19       *(d) MAINTENANCE OF PROPERTY PENDING CONVEY-*  
20 *ANCE.—The Secretary of the Navy shall maintain any real*  
21 *property, including any improvements thereon, appur-*  
22 *tenances thereto, and supporting infrastructure, to be con-*  
23 *veyed under subsection (b) until the earlier of—*

24           *(1) the date of the conveyance of such real prop-*  
25 *erty under subsection (b); or*



1           (2) *September 30, 2003.*

2           (e) *INTERIM LEASE.—(1) Until such time as any par-*  
3 *cel of real property to be conveyed under subsection (b) is*  
4 *conveyed by deed under that subsection, the Secretary of*  
5 *the Navy may lease such parcel to any person or entity*  
6 *determined by the Secretary to be an appropriate lessee of*  
7 *such parcel.*

8           (2) *The amount of rent for a lease under paragraph*  
9 *(1) shall be the amount determined by the Secretary to be*  
10 *appropriate, and may be an amount less than the fair mar-*  
11 *ket value of the lease.*

12          (f) *REIMBURSEMENT FOR ENVIRONMENTAL AND*  
13 *OTHER ASSESSMENTS.—(1) The Secretary of the Navy may*  
14 *require each recipient of real property conveyed under sub-*  
15 *section (b) to reimburse the Secretary for the costs incurred*  
16 *by the Secretary for any environmental assessment, study,*  
17 *or analysis carried out by the Secretary with respect to such*  
18 *property before completing the conveyance under that sub-*  
19 *section.*

20          (2) *The amount of any reimbursement required under*  
21 *paragraph (1) shall be determined by the Secretary, but*  
22 *may not exceed the cost of the assessment, study, or analysis*  
23 *for which reimbursement is required.*

1       (3) *Section 2695(c) of title 10, United States Code,*  
2 *shall apply to any amount received by the Secretary under*  
3 *this subsection.*

4       (g) *DESCRIPTION OF PROPERTY.—The exact acreage*  
5 *and legal description of the real property transferred under*  
6 *subsection (a), and each parcel of real property conveyed*  
7 *under subsection (b), shall be determined by a survey satis-*  
8 *factory to the Secretary of the Navy. The cost of any survey*  
9 *under the preceding sentence for real property conveyed*  
10 *under subsection (b) shall be borne by the recipient of the*  
11 *real property.*

12       (h) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*  
13 *retary of the Navy may require such additional terms and*  
14 *conditions in connection with any conveyance under sub-*  
15 *section (b), and any lease under subsection (e), as the Sec-*  
16 *retary considers appropriate to protect the interests of the*  
17 *United States.*

18                   **PART III—AIR FORCE CONVEYANCES**

19       **SEC. 2851. WATER RIGHTS CONVEYANCE, ANDERSEN AIR**  
20                   **FORCE BASE, GUAM.**

21       (a) *AUTHORITY TO CONVEY.—In conjunction with the*  
22 *conveyance of the water supply system for Anderson Air*  
23 *Force Base, Guam, under the authority of section 2688 of*  
24 *title 10, United States Code, and in accordance with all*  
25 *the requirements of that section, the Secretary of the Air*

1 *Force may convey all right, title, and interest of the United*  
2 *States, or such lesser estate as the Secretary considers ap-*  
3 *propriate to serve the interests of the United States, in the*  
4 *water rights related to the following Air Force properties*  
5 *located on Guam:*

6           (1) *Andy South, also known as the Andersen Ad-*  
7 *ministrative Annex.*

8           (2) *Marianas Bonins Base Command.*

9           (3) *Andersen Water Supply Annex, also known*  
10 *as the Tumon Water Well or the Tumon Maui Well.*

11       (b) *ADDITIONAL REQUIREMENTS.—The Secretary may*  
12 *exercise the authority contained in subsection (a) only if—*

13           (1) *the Secretary determines that adequate sup-*  
14 *plies of potable groundwater exist under the main*  
15 *base and northwest field portions of Andersen Air*  
16 *Force Base to meet the current and long-term require-*  
17 *ments of the installation for water;*

18           (2) *the Secretary determines that such supplies*  
19 *of groundwater are economically obtainable; and*

20           (3) *the Secretary requires the conveyee of the*  
21 *water rights under subsection (a) to provide a water*  
22 *system capable of meeting the water supply needs of*  
23 *the main base and northwest field portions of Ander-*  
24 *son Air Force Base, as determined by the Secretary.*

1           (c) *INTERIM WATER SUPPLIES.*—*If the Secretary de-*  
2 *termines that it is in the best interests of the United States*  
3 *to transfer title to the water rights and utility systems at*  
4 *Andy South and Andersen Water Supply Annex before*  
5 *placing into service a replacement water system and well*  
6 *field on Andersen Air Force Base, the Secretary may re-*  
7 *quire that the United States have the primary right to all*  
8 *water produced from Andy South and Andersen Water Sup-*  
9 *ply Annex until the replacement water system and well field*  
10 *is placed into service and operates to the satisfaction of the*  
11 *Secretary. In exercising the authority provided by this sub-*  
12 *section, the Secretary may retain a reversionary interest*  
13 *in the water rights and utility systems at Andy South and*  
14 *Andersen Water Supply Annex until such time as the new*  
15 *replacement water system and well field is placed into serv-*  
16 *ice and operates to the satisfaction of the Secretary.*

17           (d) *SALE OF EXCESS WATER AUTHORIZED.*—(1) *As*  
18 *part of the conveyance of water rights under subsection (a),*  
19 *the Secretary may authorize the conveyee of the water sys-*  
20 *tem to sell to public or private entities such water from*  
21 *Andersen Air Force Base as the Secretary determines to be*  
22 *excess to the needs of the United States. In the event the*  
23 *Secretary authorizes the conveyee to resell water, the Sec-*  
24 *retary shall negotiate a reasonable return to the United*  
25 *States of the value of such excess water sold by the conveyee,*

1 *which return the Secretary may receive in the form of re-*  
2 *duced charges for utility services provided by the conveyee.*

3       (2) *If the Secretary cannot meet the requirements of*  
4 *subsection (b), and the Secretary determines to proceed with*  
5 *a water utility system conveyance under section 2688 of*  
6 *title 10, United States Code, without the conveyance of*  
7 *water rights, the Secretary may provide in any such con-*  
8 *veyance that the conveyee of the water system may sell to*  
9 *public or private entities such water from Andy South and*  
10 *Andersen Water Supply Annex as the Secretary determines*  
11 *to be excess to the needs of the United States. The Secretary*  
12 *shall negotiate a reasonable return to the United States of*  
13 *the value of such excess water sold by the conveyee, which*  
14 *return the Secretary may receive in the form of reduced*  
15 *charges for utility services provided by the conveyee.*

16       (e) *TREATMENT OF WATER RIGHTS.—For purposes of*  
17 *section 2688 of title 10, United States Code, the water rights*  
18 *referred to in subsection (a) shall be considered as part of*  
19 *a utility system (as that term is defined in subsection (h)(2)*  
20 *of such section).*

21 **SEC. 2852. REEXAMINATION OF LAND CONVEYANCE, LOWRY**

22 **AIR FORCE BASE, COLORADO.**

23       *The Secretary of the Air Force shall reevaluate the*  
24 *terms and conditions of the pending negotiated sale agree-*  
25 *ment with the Lowry Redevelopment Authority for certain*

1 *real property at Lowry Air Force Base, Colorado, in light*  
2 *of changed circumstances regarding the property, including*  
3 *changes in the flood plain designations affecting some of*  
4 *the property, to determine whether the changed cir-*  
5 *cumstances warrant a reduction in the amount of consider-*  
6 *ation otherwise required under the agreement or other modi-*  
7 *fications to the agreement.*

8 ***Subtitle E—Other Matters***

9 ***SEC. 2861. TRANSFER OF JURISDICTION FOR DEVELOP-***  
10 ***MENT OF ARMED FORCES RECREATION FA-***  
11 ***CILITY, PARK CITY, UTAH.***

12 *(a) TRANSFER REQUIRED.—(1) The Secretary of the*  
13 *Interior shall transfer, without reimbursement, to the ad-*  
14 *ministrative jurisdiction of the Secretary of the Air Force*  
15 *a parcel of real property in Park City, Utah, including any*  
16 *improvements thereon, that consists of approximately 35*  
17 *acres, is located in township 2 south, range 4 east, Salt*  
18 *Lake meridian, and is designated as parcel 3 by the Bureau*  
19 *of Land Management.*

20 *(2) The transfer shall be subject to existing rights, ex-*  
21 *cept that the Secretary of the Interior shall terminate any*  
22 *lease with respect to the parcel issued under the Act of June*  
23 *14, 1926 (commonly known as the Recreation and Public*  
24 *Purposes Act; 43 U.S.C. 689 et seq.), and still in effect as*  
25 *of the date of the enactment of this Act.*

1       (3) *The transfer required by this subsection shall be*  
2 *completed not later than one year after the date of the enact-*  
3 *ment of this Act.*

4       **(b) USE OF TRANSFERRED LAND.**—(1) *The Secretary*  
5 *of the Air Force may use the real property transferred*  
6 *under subsection (a) as the location for an armed forces*  
7 *recreation facility to be developed using nonappropriated*  
8 *funds.*

9       (2) *The Secretary of the Air Force may return the*  
10 *transferred property (or property acquired in exchange for*  
11 *the transferred property under subsection (c)) to the admin-*  
12 *istrative jurisdiction of the Secretary of the Interior at any*  
13 *time upon certifying that development of the armed forces*  
14 *recreation facility would not be in the best interests of the*  
15 *Government.*

16       **(c) SUBSEQUENT CONVEYANCE AUTHORITY.**—(1) *In*  
17 *lieu of developing the armed forces recreation facility on*  
18 *the real property transferred under subsection (a), the Sec-*  
19 *retary of the Air Force may convey or lease the property*  
20 *to the State of Utah, a local government, or a private entity*  
21 *in exchange for other property to be used as the site of the*  
22 *facility.*

23       (2) *The values of the properties exchanged by the Sec-*  
24 *retary under this subsection either shall be equal, or if they*  
25 *are not equal, the values shall be equalized by the payment*

1 of money to the grantor or to the Secretary as the cir-  
2 cumstances require. The conveyance or lease shall be on such  
3 other terms as the Secretary of the Air Force considers to  
4 be advantageous to the development of the facility.

5 (d) *ALTERNATIVE DEVELOPMENT AUTHORITY.*—The  
6 Secretary of the Air Force may lease the real property  
7 transferred under subsection (a), or any property acquired  
8 pursuant to subsection (c), to another party and may enter  
9 into a contract with the party for the design, construction,  
10 and operation of the armed forces recreation facility. The  
11 Secretary of the Air Force may authorize the contractor to  
12 operate the facility as both a military and a commercial  
13 operation if the Secretary determines that such an author-  
14 ization is a necessary incentive for the contractor to agree  
15 to design, construct, and operate the facility.

16 (e) *LEGAL DESCRIPTION.*—The exact acreage and legal  
17 description of the real property to be transferred under sub-  
18 section (a) shall be determined by a survey. The cost of the  
19 survey shall be borne by the Secretary of the Air Force.

20 **SEC. 2862. SELECTION OF SITE FOR UNITED STATES AIR**  
21 **FORCE MEMORIAL AND RELATED LAND**  
22 **TRANSFERS FOR THE IMPROVEMENT OF AR-**  
23 **LINGTON NATIONAL CEMETERY, VIRGINIA.**

24 (a) *DEFINITIONS.*—In this section:



1           (1) *The term “Arlington Naval Annex” means*  
2 *the parcel of Federal land located in Arlington Coun-*  
3 *ty, Virginia, that is subject to transfer to the admin-*  
4 *istrative jurisdiction of the Secretary of the Army*  
5 *under section 2881 of the Military Construction Au-*  
6 *thorization Act for Fiscal Year 2000 (division B of*  
7 *Public Law 106–65; 113 Stat. 879).*

8           (2) *The term “Foundation” means the Air Force*  
9 *Memorial Foundation, which was authorized in Pub-*  
10 *lic Law 103–163 (107 Stat. 1973; 40 U.S.C. 1003*  
11 *note) to establish a memorial in the District of Co-*  
12 *lumbia or its environs to honor the men and women*  
13 *who have served in the United States Air Force and*  
14 *its predecessors.*

15           (3) *The term “Air Force Memorial” means the*  
16 *United States Air Force Memorial to be established by*  
17 *the Foundation.*

18           (4) *The term “Arlington Ridge tract” means the*  
19 *parcel of Federal land in Arlington County, Virginia,*  
20 *known as the Nevius Tract and transferred to the De-*  
21 *partment of the Interior in 1953, that is bounded gen-*  
22 *erally by—*

23                   (A) *Arlington Boulevard (United States*  
24 *Route 50) to the north;*

1           (B) *Jefferson Davis Highway (Virginia*  
2           *Route 110) to the east;*

3           (C) *Marshall Drive to the south; and*

4           (D) *North Meade Street to the west.*

5           (5) *The term “Section 29” means a parcel of*  
6           *Federal land in Arlington County, Virginia, that is*  
7           *currently administered by the Secretary of the Inte-*  
8           *rior within the boundaries of Arlington National*  
9           *Cemetery and is identified as “Section 29”.*

10          (b) *OFFER OF PORTION OF ARLINGTON NAVAL ANNEX*  
11 *AS SITE FOR AIR FORCE MEMORIAL.—Within 60 days after*  
12 *the date of the enactment of this Act, the Secretary of De-*  
13 *fense shall offer to the Foundation an option to use, without*  
14 *reimbursement, up to three acres of the Arlington Naval*  
15 *Annex as the site within which the Foundation will con-*  
16 *struct the Air Force Memorial. The offered acreage shall in-*  
17 *clude the promontory adjacent to, and the land underlying,*  
18 *Wing 8 of Federal Office Building #2 in the northeast*  
19 *quadrant of the Arlington Naval Annex.*

20          (c) *ACCEPTANCE OR REJECTION OF OFFER.—*

21           (1) *DEADLINE.—Within 90 days after the date*  
22 *on which the Secretary of Defense makes the offer re-*  
23 *quired by subsection (b), the Foundation shall provide*  
24 *written notice to the Secretary of the decision of the*  
25 *Foundation to accept or decline the offer.*

1           (2) *EFFECT OF ACCEPTANCE.*—*Subject to sub-*  
2           *section (d), if the Foundation accepts the offer of the*  
3           *Secretary of Defense, the Foundation shall relinquish*  
4           *all claims to the previously approved location for the*  
5           *Air Force Memorial. No other commemorative work*  
6           *may thereafter be established on the Arlington Naval*  
7           *Annex property.*

8           (3) *EFFECT OF REJECTION.*—*If the Foundation*  
9           *declines the offer of the Secretary of Defense, the*  
10          *Foundation may resume its efforts to construct the*  
11          *Air Force Memorial on the Arlington Ridge tract*  
12          *from the farthest point of progress. Any administra-*  
13          *tive record compiled during previous proceedings re-*  
14          *lated to the siting of the memorial on the Arlington*  
15          *Ridge tract pursuant to Public Law 103–163 (40*  
16          *U.S.C. 1003 note), shall be preserved, and all dead-*  
17          *lines tolled, while the Foundation is considering the*  
18          *offer of a site for the memorial within the Arlington*  
19          *Naval Annex.*

20          (d) *PREPARATION FOR AND CONSTRUCTION OF AIR*  
21          *FORCE MEMORIAL.*—

22               (1) *PREPARATION FOR CONSTRUCTION.*—*Not*  
23               *later than two years after the date on which the*  
24               *Foundation accepts the offer made under subsection*  
25               *(b) and has available sufficient funds to construct the*

1 *Air Force Memorial, the Secretary of Defense, in co-*  
2 *ordination with the Foundation, shall remove all*  
3 *structures and prepare the Arlington Naval Annex*  
4 *site for use as may be necessary to permit construc-*  
5 *tion of the memorial and appropriate access.*

6 (2) *CONSTRUCTION OF MEMORIAL.*—*Upon the re-*  
7 *moval of structures and preparation of the property*  
8 *for use as required by paragraph (1), the Secretary*  
9 *of Defense shall permit the Foundation to commence*  
10 *construction of the Air Force Memorial on the Arling-*  
11 *ton Naval Annex site.*

12 (3) *RELATION TO OTHER TRANSFER AUTHOR-*  
13 *ITY.*—*Nothing in this section alters the deadline for*  
14 *transfer of the Arlington Naval Annex to the Sec-*  
15 *retary of the Army and remediation of the transferred*  
16 *land for use as part of Arlington National Cemetery,*  
17 *as required by section 2881 of the Military Construc-*  
18 *tion Authorization Act for Fiscal Year 2000.*

19 (4) *OVERSIGHT.*—*The Secretary of Defense shall*  
20 *have exclusive authority in all matters relating to ap-*  
21 *proval of the siting and design of the Air Force Me-*  
22 *memorial on the Arlington Naval Annex site, and the*  
23 *siting, design, and construction of the memorial on*  
24 *such site shall not be subject to the requirements of the*  
25 *Commemorative Works Act (40 U.S.C. 1001 et seq.).*

1       (e) *ACCESS AND MANAGEMENT OF RESULTING AIR*  
2 *FORCE MEMORIAL.*—*The Secretary of the Army may enter*  
3 *into a cooperative agreement with the Foundation to pro-*  
4 *vide for management of the Air Force Memorial constructed*  
5 *on the Arlington Naval Annex site and to guarantee public*  
6 *access to the memorial.*

7       (f) *LAND TRANSFER, ARLINGTON RIDGE TRACT.*—

8           (1) *TRANSFER REQUIRED.*—*Within 30 days after*  
9 *the date of the enactment of this Act, the Secretary of*  
10 *the Interior shall transfer, without reimbursement, to*  
11 *the Secretary of the Army administrative jurisdiction*  
12 *over the Arlington Ridge tract.*

13           (2) *USE OF LAND.*—*The Secretary of the Army*  
14 *shall incorporate the Arlington Ridge tract into Ar-*  
15 *lington National Cemetery and may designate and*  
16 *use up to 15 acres of that portion of the tract east of*  
17 *the Netherlands Carillon and Marine Corps Memorial*  
18 *as new in-ground burial sites, for both full casket and*  
19 *cremated remains, for the burial of eligible individ-*  
20 *uals in Arlington National Cemetery. Burial sites*  
21 *shall not be developed within 50 feet of the pathway,*  
22 *in existence as of the date of the enactment of this*  
23 *Act, that connects the Netherlands Carillon and the*  
24 *Marine Corps Memorial or the existing roadway that*

1       *circles the Marine Corps Memorial. No other struc-*  
2       *tures shall be permitted on the Arlington Ridge tract.*

3               (3) *ACCESS AND MANAGEMENT OF EXISTING ME-*  
4       *MORIALS.—The Secretary of the Army and the Sec-*  
5       *retary of the Interior shall enter into a cooperative*  
6       *agreement to continue National Park Service manage-*  
7       *ment of the Netherlands Carillon and the Marine*  
8       *Corps Memorial and to guarantee public access to*  
9       *these locations.*

10       (g) *LAND TRANSFER, SECTION 29.—*

11               (1) *TRANSFER REQUIRED.—Within 30 days after*  
12       *the date of the enactment of this Act, the Secretary of*  
13       *the Interior shall transfer, without reimbursement, to*  
14       *the Secretary of the Army administrative jurisdiction*  
15       *over that portion of Section 29 located more than 50*  
16       *feet from Sherman Drive and located between Ord*  
17       *and Weitzel Drive and the southern boundary of Sec-*  
18       *tion 29.*

19               (2) *USE OF LAND.—The Secretary of the Army*  
20       *shall use the transferred property only for the develop-*  
21       *ment of in-ground burial sites and columbarium*  
22       *which are designed to meet the contours of Section 29.*  
23       *The Secretary of the Army shall preserve the natural*  
24       *setting of the parcel and the mature trees on the par-*

1        *cel to the greatest extent practicable while providing*  
 2        *for its efficient use as burial space.*

3            (3) *MANAGEMENT OF REMAINDER.*—*The Sec-*  
 4        *retary of the Army and the Secretary of the Interior*  
 5        *shall enter into a cooperative agreement to continue*  
 6        *National Park Service management of that portion of*  
 7        *Section 29 that is not transferred under this sub-*  
 8        *section to provide a natural setting and visual buffer*  
 9        *for Arlington House, the Robert E. Lee Memorial.*

10        (h) *REMOVAL OF ARLINGTON NAVAL ANNEX AS POS-*  
 11        *SIBLE NATIONAL MILITARY MUSEUM SITE.*—

12            (1) *EXISTING NAVY ANNEX TRANSFER.*—*Section*  
 13        *2881 of the Military Construction Authorization Act*  
 14        *for Fiscal Year 2000 (division B of Public Law 106-*  
 15        *65; 113 Stat. 879) is amended—*

16            (A) *in subsection (b)—*

17            (i) *by striking “(1) Subject to para-*  
 18        *graph (2), the” and inserting “The”; and*

19            (ii) *by striking paragraph (2);*

20            (B) *by striking subsections (d), (e), and (f);*

21        *and*

22            (C) *by redesignating subsections (g) and (h)*  
 23        *as subsections (d) and (e), respectively.*

24            (2) *COMMISSION ON NATIONAL MILITARY MU-*  
 25        *SEUM.*—*Section 2902 of the Military Construction*

1        *Authorization Act for Fiscal Year 2000 (division B of*  
2        *Public Law 106–65; 113 Stat. 881; 10 U.S.C. 111*  
3        *note) is amended by striking subsection (d) and in-*  
4        *serting the following new subsection:*

5        *“(d) PROHIBITION ON CONSIDERATION OF ARLINGTON*  
6        *NAVAL ANNEX.—The Commission may not consider any*  
7        *portion of the Navy Annex property described in section*  
8        *2881 as a possible site for a national military museum.”.*

9        **SEC. 2863. MANAGEMENT OF THE PRESIDIO OF SAN FRAN-**  
10        **CISCO.**

11        *(a) AUTHORITY TO LEASE CERTAIN HOUSING UNITS*  
12        *FOR USE AS ARMY HOUSING.—Title I of division I of the*  
13        *Omnibus Parks and Public Lands Management Act of 1996*  
14        *(Public Law 104–333; 16 U.S.C. 460bb note) is amended*  
15        *by adding at the end the following new section:*

16        **“SEC. 107. AUTHORITY TO LEASE CERTAIN HOUSING UNITS**  
17        **WITHIN THE PRESIDIO.**

18        *“(a) AVAILABILITY OF HOUSING UNITS FOR ARMY*  
19        *LEASE.—The Trust shall make available for lease, to those*  
20        *persons designated by the Secretary of the Army, housing*  
21        *units specified in subsection (b).*

22        *“(b) HOUSING UNITS.—The housing units referred to*  
23        *in this section are identified as follows:*

24                *“(1) Liggett 715 A&B, 716 A&B, 717 A&B, 718*  
25        *A&B, 719 A&B, and 720 A&B.*



1           “(2) *West Washington 1401 A&B, 1403 A&B,*  
2           *and 1405 B.*

3           “(3) *Infantry Terrace 340, 341, 342, and 343.*

4           “(4) *Wright Loop 1332.*

5           “(c) *REPLACEMENT OF DAMAGED OR DESTROYED*  
6 *HOUSING UNITS.—In the event of significant damage to or*  
7 *destruction of a housing unit specified in subsection (b),*  
8 *the Trust shall provide a substitute housing unit of equal*  
9 *size and accommodation.*

10          “(d) *LEASE AMOUNT.—The monthly amount charged*  
11 *by the Trust for the lease of a housing unit, including utili-*  
12 *ties and municipal services, under this section shall not ex-*  
13 *ceed the monthly rate of the basic allowance for housing*  
14 *that the occupant of the housing unit is entitled to receive*  
15 *under section 403 of title 37, United States Code. The De-*  
16 *partment of the Army shall have no other fiscal obligations*  
17 *with regard to the housing units specified in subsection (b)*  
18 *or housing units replaced pursuant to subsection (c).*

19          “(e) *RELATIONS TO TRUST FUNDING LIMITATIONS.—*  
20 *The Trust shall comply with this section without regard to*  
21 *the requirement of section 105(b) that the Trust achieve fi-*  
22 *nancial self-sufficiency.”.*

23          “(b) *INCREASED BORROWING AUTHORITY.—Section*  
24 *104(d)(3) of title I of division I of the Omnibus Parks and*  
25 *Public Lands Management Act of 1996, as redesignated by*

1 *section 101(13)(G) of the Omnibus Parks Technical Correc-*  
2 *tions Act of 2000 (Public Law 106–176; 114 Stat. 25), is*  
3 *amended—*

4           (1) *by striking “\$50,000,000” and inserting*  
5 *“\$150,000,000”; and*

6           (2) *by striking “paragraph (3) of”.*

7 **SEC. 2864. EFFECT OF LIMITATION ON CONSTRUCTION OF**  
8 **ROADS OR HIGHWAYS, MARINE CORPS BASE,**  
9 **CAMP PENDLETON, CALIFORNIA.**

10 *Section 2851 of the Military Construction Authoriza-*  
11 *tion Act for Fiscal Year 1999 (division B of Public Law*  
12 *105–261; 112 Stat. 2219), as amended by section 2881 of*  
13 *the Spence Act (114 Stat. 1654A–438), is amended by add-*  
14 *ing at the end the following new subsection:*

15           “(g) **LIMITATION ON CONSTRUCTION OF ROADS OR**  
16 **HIGHWAYS.**—*If a State law enacted after January 1, 2001,*  
17 *directly or indirectly prohibits or restricts the construction*  
18 *or approval of a road or highway within the easement*  
19 *granted under this section, the State law shall not be effec-*  
20 *tive with respect to such construction or approval.”.*

21 **SEC. 2865. ESTABLISHMENT OF WORLD WAR II MEMORIAL**  
22 **AT ADDITIONAL LOCATION ON GUAM.**

23 *Section 2886 of the Military Construction Authoriza-*  
24 *tion Act for Fiscal Year 2001 (division B of the Spence*  
25 *Act; 114 Stat. 1654A–441) is amended—*

1           (1) *in subsection (a), by inserting “, and on Fed-*  
2 *eral lands near Yigo,” after “Fena Caves”;*

3           (2) *in the heading of subsection (b), by striking*  
4 *“MEMORIAL” and inserting “MEMORIALS”; and*

5           (3) *in subsections (b) and (c), by striking “me-*  
6 *memorial” each place it appears and inserting “memo-*  
7 *rials”.*

8           **TITLE XXIX—FORT IRWIN**  
9           **MILITARY LAND WITHDRAWAL**

10 **SEC. 2901. SHORT TITLE.**

11           *This title may be cited as the “Fort Irwin Military*  
12 *Land Withdrawal Act of 2001”.*

13 **SEC. 2902. WITHDRAWAL AND RESERVATION OF LANDS FOR**  
14 **NATIONAL TRAINING CENTER.**

15           (a) *WITHDRAWAL.*—*Subject to valid existing rights*  
16 *and except as otherwise provided in this title, all public*  
17 *lands and interests in lands described in subsection (c) are*  
18 *hereby withdrawn from all forms of appropriation under*  
19 *the general land laws, including the mining laws and min-*  
20 *eral and geothermal leasing laws, and jurisdiction over such*  
21 *lands and interests in lands withdrawn and reserved by this*  
22 *title is hereby transferred to the Secretary of the Army.*

23           (b) *RESERVATION.*—*The lands withdrawn under sub-*  
24 *section (a) are reserved for use by the Secretary of the Army*  
25 *for the following purposes:*

1           (1) *The conduct of combined arms military*  
2           *training at the National Training Center.*

3           (2) *The development and testing of military*  
4           *equipment at the National Training Center.*

5           (3) *Other defense-related purposes consistent*  
6           *with the purposes specified in paragraphs (1) and*  
7           *(2).*

8           (4) *Conservation and related research purposes.*

9           (c) *LAND DESCRIPTION.—The public lands and inter-*  
10          *ests in lands withdrawn and reserved by this section com-*  
11          *prise approximately 110,000 acres in San Bernardino*  
12          *County, California, as generally depicted as “Proposed*  
13          *Withdrawal Land” on the map entitled “National Training*  
14          *Center—Proposed Withdrawal of Public Lands for Train-*  
15          *ing Purposes,” dated September 21, 2000, and filed in ac-*  
16          *cordance with section 2903.*

17          (d) *CHANGES IN USE.—The Secretary of the Army*  
18          *shall consult with the Secretary of the Interior before using*  
19          *the lands withdrawn and reserved by this section for any*  
20          *purpose other than those purposes identified in subsection*  
21          *(b).*

22          (e) *INDIAN TRIBES.—Nothing in this title shall be con-*  
23          *strued as altering any rights reserved for tribal use by trea-*  
24          *ty or Federal law. The Secretary of the Army shall consult*  
25          *with federally recognized Indian tribes in the vicinity of*

1 *the lands withdrawn under subsection (a) before taking ac-*  
2 *tion affecting rights or cultural resources protected by trea-*  
3 *ty or Federal law.*

4 **SEC. 2903. MAP AND LEGAL DESCRIPTION.**

5 (a) *PREPARATION OF MAP AND LEGAL DESCRIP-*  
6 *TION.—As soon as practicable after the date of the enact-*  
7 *ment of this Act, the Secretary of the Interior shall—*

8 (1) *publish in the Federal Register a notice con-*  
9 *taining the legal description of the lands withdrawn*  
10 *and reserved by this title; and*

11 (2) *file a map and legal description of the lands*  
12 *withdrawn and reserved by this title with the Com-*  
13 *mittee on Energy and Natural Resources of the Sen-*  
14 *ate and the Committee on Resources of the House of*  
15 *Representatives.*

16 (b) *LEGAL EFFECT.—The map and legal description*  
17 *shall have the same force and effect as if included in this*  
18 *title, except that the Secretary of the Interior may correct*  
19 *clerical and typographical errors in the map and legal de-*  
20 *scription.*

21 (c) *AVAILABILITY.—Copies of the map and the legal*  
22 *description shall be available for public inspection in the*  
23 *following offices:*

24 (1) *The offices of the California State Director,*  
25 *California Desert District Office, and Riverside and*

1        *Barstow Field Offices of the Bureau of Land Manage-*  
2        *ment.*

3            (2) *The Office of the Commander, National*  
4        *Training Center and Fort Irwin.*

5        (d) *COSTS.*—*The Secretary of the Army shall reim-*  
6        *burse the Secretary of the Interior for the costs incurred*  
7        *by the Secretary of the Interior in implementing this sec-*  
8        *tion.*

9        **SEC. 2904. MANAGEMENT OF WITHDRAWN AND RESERVED**  
10            **LANDS.**

11        (a) *GENERAL MANAGEMENT AUTHORITY.*—*During the*  
12        *period of the withdrawal and reservation made by this title,*  
13        *the Secretary of the Army shall manage the lands with-*  
14        *drawn and reserved by this title for the purposes specified*  
15        *in section 2902.*

16        (b) *TEMPORARY PROHIBITION ON CERTAIN USE.*—  
17        *Military use of the lands withdrawn and reserved by this*  
18        *title that result in ground disturbance, as determined by*  
19        *the Secretary of the Army and the Secretary of the Interior,*  
20        *are prohibited until the Secretary of the Army and the Sec-*  
21        *retary of the Interior certify to Congress that there has been*  
22        *full compliance with respect to such lands with the appro-*  
23        *priate provisions of this title, the Endangered Species Act*  
24        *of 1973 (16 U.S.C. 1531 et seq.), the National Environ-*

1 *mental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and*  
2 *other applicable laws.*

3 (c) *ACCESS RESTRICTIONS.*—

4 (1) *IN GENERAL.*—*If the Secretary of the Army*  
5 *determines that military operations, public safety, or*  
6 *national security require the closure to the public of*  
7 *any road, trail, or other portion of the lands with-*  
8 *drawn and reserved by this title, the Secretary may*  
9 *take such action as the Secretary determines nec-*  
10 *essary or desirable to effect and maintain such clo-*  
11 *sure.*

12 (2) *LIMITATION.*—*Any closure under paragraph*  
13 *(1) shall be limited to the minimum areas and peri-*  
14 *ods that the Secretary of the Army determines are re-*  
15 *quired for the purposes specified in such paragraph.*

16 (3) *NOTICE.*—*Immediately preceding and during*  
17 *any closure under paragraph (1), the Secretary of the*  
18 *Army shall post appropriate warning notices and*  
19 *take other steps, as necessary, to notify the public of*  
20 *the closure.*

21 (d) *INTEGRATED NATURAL RESOURCES MANAGEMENT*  
22 *PLAN.*—*The Secretary of the Army shall prepare and im-*  
23 *plement, in accordance with title I of the Sikes Act (16*  
24 *U.S.C. 670 et seq.), an integrated natural resources man-*  
25 *agement plan for the lands withdrawn and reserved by this*

1 *title. In addition to the elements required under the Sikes*  
2 *Act, the integrated natural resources management plan*  
3 *shall include the following:*

4           (1) *A requirement that any hunting, fishing, and*  
5 *trapping on the lands withdrawn and reserved by this*  
6 *title be conducted in accordance with section 2671 of*  
7 *title 10, United States Code.*

8           (2) *A requirement that the Secretary of the*  
9 *Army take necessary actions to prevent, suppress, and*  
10 *manage brush and range fires occurring within the*  
11 *boundaries of Fort Irwin and brush and range fires*  
12 *occurring outside the boundaries of Fort Irwin that*  
13 *result from military activities at Fort Irwin.*

14           (e) *FIREFIGHTING.*—*Notwithstanding section 2465 of*  
15 *title 10, United States Code, the Secretary of the Army may*  
16 *obligate funds appropriated or otherwise available to the*  
17 *Secretary of the Army to enter into a memorandum of un-*  
18 *derstanding, cooperative agreement, or contract for fire*  
19 *fighting services to carry out the requirements of subsection*  
20 *(d)(2). The Secretary of the Army shall reimburse the Sec-*  
21 *retary of the Interior for costs incurred by the Secretary*  
22 *of the Interior to assist in carrying out the requirements*  
23 *of such subsection.*

24           (f) *CONSULTATION WITH NATIONAL AERONAUTICS*  
25 *AND SPACE ADMINISTRATION.*—*In preparing and imple-*



1 *menting any plan, report, assessment, survey, opinion, or*  
2 *impact statement regarding the lands withdrawn and re-*  
3 *served by this title, the Secretary of the Army shall consult*  
4 *with the Administrator of the National Aeronautics and*  
5 *Space Administration whenever proposed Army actions*  
6 *have the potential to affect the operations or the environ-*  
7 *mental management of the Goldstone Deep Space Commu-*  
8 *nications Complex. The requirement for consultation shall*  
9 *apply, at a minimum, to the following:*

10           (1) *Plans for military training, military equip-*  
11 *ment testing, or related activities that have the poten-*  
12 *tial of impacting communications between Goldstone*  
13 *Deep Space Communications Complex and space*  
14 *flight missions or other transmission or receipt of sig-*  
15 *nals from outer space by the Goldstone Deep Space*  
16 *Communications Complex.*

17           (2) *The integrated natural resources manage-*  
18 *ment plan required by subsection (d).*

19           (3) *The West Mojave Coordinated Management*  
20 *Plan referred to in section 2907.*

21           (4) *Any document prepared in compliance with*  
22 *the Endangered Species Act of 1973, the National En-*  
23 *vironmental Policy Act of 1969, and other laws appli-*  
24 *cable to the lands withdrawn and reserved by this*  
25 *title.*

1           (g) *USE OF MINERAL MATERIALS.*—Notwithstanding  
2 any other provision of this title or the Act of July 31, 1947  
3 (commonly known as the Materials Act of 1947, 30 U.S.C.  
4 601 et seq.), the Secretary of the Army may use sand, grav-  
5 el, or similar mineral material resources of the type subject  
6 to disposition under such Act from the lands withdrawn  
7 and reserved by this title if the use of such resources is re-  
8 quired for construction needs of the National Training Cen-  
9 ter.

10 **SEC. 2905. WATER RIGHTS.**

11           (a) *NO RESERVED WATER RIGHT ESTABLISHED.*—  
12 Nothing in this title shall be construed—

13                   (1) to establish a reservation in favor of the  
14 United States with respect to any water or water  
15 right on the lands withdrawn and reserved by this  
16 title; or

17                   (2) to authorize the appropriation of water on  
18 such lands by the United States after the date of the  
19 enactment of this Act, except in accordance with ap-  
20 plicable State law.

21           (b) *EFFECT ON PREVIOUSLY ACQUIRED OR RESERVED*  
22 *WATER RIGHTS.*—This section shall not be construed to af-  
23 fect any water rights acquired or reserved by the United  
24 States before the date of the enactment of this Act, and the

1 *Secretary of the Army may exercise any such previously*  
2 *acquired or reserved water rights.*

3 **SEC. 2906. ENVIRONMENTAL COMPLIANCE AND ENVIRON-**  
4 **MENTAL RESPONSE REQUIREMENTS.**

5 (a) *AGREEMENT CONCERNING ENVIRONMENT AND*  
6 *PUBLIC HEALTH.*—*The Secretary of the Army and the Sec-*  
7 *retary of the Interior may enter into such agreements con-*  
8 *cerning the environment and public health as are necessary,*  
9 *appropriate, and in the public interest to carry out the pur-*  
10 *poses of this title.*

11 (b) *RELATION TO OTHER ENVIRONMENTAL LAWS.*—  
12 *Nothing in this section shall be construed to alter the rights,*  
13 *responsibilities, and obligations of the Secretary of the*  
14 *Army or the Secretary of the Interior under the Comprehen-*  
15 *sive Environmental Response, Compensation and Liability*  
16 *Act of 1980 (42 U.S.C. 9601 et seq.) or other environmental*  
17 *laws applicable to the lands withdrawn and reserved by this*  
18 *title.*

19 **SEC. 2907. WEST MOJAVE COORDINATED MANAGEMENT**  
20 **PLAN.**

21 (a) *COMPLETION.*—*The Secretary of the Interior shall*  
22 *make every effort to complete the West Mojave Coordinated*  
23 *Management Plan not later than two years after the date*  
24 *of the enactment of this Act.*

1           (b) *CONSIDERATION OF WITHDRAWAL AND RESERVA-*  
2 *TION IMPACTS.*—*The Secretary of the Interior shall ensure*  
3 *that the West Mojave Coordinated Management Plan con-*  
4 *siders the impacts of the availability or nonavailability of*  
5 *the lands withdrawn and reserved by this title on the plan*  
6 *as a whole.*

7           (c) *CONSULTATION.*—*The Secretary of the Interior*  
8 *shall consult with the Secretary of the Army and the Ad-*  
9 *ministrator of the National Aeronautics and Space Admin-*  
10 *istration in the development of the West Mojave Coordi-*  
11 *nated Management Plan.*

12 **SEC. 2908. RELEASE OF WILDERNESS STUDY AREAS.**

13           *Congress hereby finds and directs that lands with-*  
14 *drawn and reserved by this title have been adequately stud-*  
15 *ied for wilderness designation pursuant to section 603(c)*  
16 *of the Federal Land Policy and Management Act of 1976*  
17 *(43 U.S.C. 1782(c)), and are no longer subject to the re-*  
18 *quirement of such section pertaining to the management of*  
19 *wilderness study areas in a manner that does not impair*  
20 *the suitability of such areas for preservation as wilderness.*

21 **SEC. 2909. TRAINING ACTIVITY SEPARATION FROM UTILITY**  
22 **CORRIDORS.**

23           (a) *REQUIRED SEPARATION.*—*All military ground ac-*  
24 *tivity training on the lands withdrawn and reserved by this*  
25 *title shall remain at least 500 meters from any utility sys-*

1 *tem, in existence as of the date of the enactment of this Act,*  
2 *in Utility Planning Corridor D, as described in the Cali-*  
3 *fornia Desert Conservation Area Plan, dated 1980 and sub-*  
4 *sequently amended.*

5 (b) *EXCEPTION.*—*Subsection (a) does not modify the*  
6 *use of any lands used, as of the date of the enactment of*  
7 *this Act, by the National Training Center for training or*  
8 *alter any right of access granted by interagency agreement.*

9 **SEC. 2910. DURATION OF WITHDRAWAL AND RESERVATION.**

10 (a) *TERMINATION DATE.*—*Unless extended pursuant*  
11 *to section 2911, unless relinquishment is postponed by the*  
12 *Secretary of the Interior pursuant to section 2912(b), and*  
13 *except as provided in section 2912(d), the withdrawal and*  
14 *reservation made by this title shall terminate 25 years after*  
15 *the date of the enactment of this Act.*

16 (b) *LIMITATION ON SUBSEQUENT AVAILABILITY FOR*  
17 *APPROPRIATION.*—*At the time of termination of the with-*  
18 *drawal and reservation made by this title, the previously*  
19 *withdrawn lands shall not be open to any forms of appro-*  
20 *priation under the general land laws, including the mining*  
21 *laws and the mineral and geothermal leasing laws, until*  
22 *the Secretary of the Interior publishes in the Federal Reg-*  
23 *ister an appropriate order that shall state the date upon*  
24 *which such lands shall be restored to the public domain and*  
25 *opened.*

1 **SEC. 2911. EXTENSION OF INITIAL WITHDRAWAL AND RES-**  
2 **ERVATION.**

3 (a) *NOTIFICATION REQUIREMENT.*—Not later than  
4 three years before the termination date specified in section  
5 2910(a), the Secretary of the Army shall notify Congress  
6 and the Secretary of the Interior concerning whether the  
7 Army will have a continuing military need, beyond the ter-  
8 mination date, for all or any portion of the lands with-  
9 drawn and reserved by this title.

10 (b) *PROCESS FOR EXTENSION OF WITHDRAWAL AND*  
11 *RESERVATION.*—

12 (1) *CONSULTATION AND APPLICATION.*—If the  
13 Secretary of the Army determines that there will be  
14 a continuing military need after the termination date  
15 for any of the lands withdrawn and reserved by this  
16 title, the Secretary of the Army shall—

17 (A) *consult with the Secretary of the Inte-*  
18 *rior concerning any adjustments to be made to*  
19 *the extent of, or to the allocation of management*  
20 *responsibility for, such needed lands; and*

21 (B) *file with the Secretary of the Interior,*  
22 *within one year after the notice required by sub-*  
23 *section (a), an application for extension of the*  
24 *withdrawal and reservation of such needed lands.*

25 (2) *APPLICATION REQUIREMENTS.*—Notwith-  
26 *standing any general procedure of the Department of*

1        *the Interior for processing Federal land withdrawals,*  
2        *an application for extension of the land withdrawal*  
3        *and reservation made by this title shall be considered*  
4        *to be complete if the application includes the informa-*  
5        *tion required by section 3 of Public Law 85–337*  
6        *(commonly known as the Engle Act; 43 U.S.C. 157),*  
7        *except that no information shall be required con-*  
8        *cerning the use or development of mineral, timber, or*  
9        *grazing resources unless, and only to the extent, the*  
10       *Secretary of the Army proposes to use or develop such*  
11       *resources during the period of extension.*

12       *(c) SUBMISSION OF PROPOSED EXTENSION TO CON-*  
13 *GRESS.—The Secretary of the Interior and the Secretary*  
14 *of the Army may submit to Congress a legislative proposal*  
15 *for the extension of the withdrawal and reservation made*  
16 *by this title. The legislative proposal shall be accompanied*  
17 *by an appropriate analysis of environmental impacts asso-*  
18 *ciated with the proposal, as required by section 102(2)(C)*  
19 *of the National Environmental Policy Act of 1969 (42*  
20 *U.S.C. 4332(2)(C)).*

21       **SEC. 2912. TERMINATION AND RELINQUISHMENT.**

22       *(a) NOTICE OF TERMINATION.—During the first 22*  
23 *years of the withdrawal and reservation made by this title,*  
24 *if the Secretary of the Army determines that there is no*  
25 *continuing military need for the lands withdrawn and re-*

1 served by this title, or any portion of such lands, the Sec-  
2 retary of the Army shall submit to the Secretary of the Inte-  
3 rior a notice of intent to relinquish jurisdiction over such  
4 lands. The notice shall specify the proposed date of relin-  
5 quishment.

6 (b) ACCEPTANCE OF JURISDICTION.—The Secretary of  
7 the Interior may accept jurisdiction over any lands covered  
8 by a notice under subsection (a) if the Secretary of the Inte-  
9 rior determines that the Secretary of the Army has taken  
10 or will take all environmental response and restoration ac-  
11 tivities required under applicable laws and regulations.

12 (c) NOTICE OF ACCEPTANCE.—If the Secretary of the  
13 Interior decides to accept jurisdiction over lands covered by  
14 a notice under subsection (a) before the termination date  
15 of the withdrawal and reservation, the Secretary shall pub-  
16 lish in the Federal Register an appropriate order that  
17 shall—

18 (1) terminate the withdrawal and reservation of  
19 such lands under this title;

20 (2) constitute official acceptance of administra-  
21 tive jurisdiction over the lands by the Secretary of the  
22 Interior; and

23 (3) state the date upon which such lands shall be  
24 opened to the operation of the general land laws, in-



1       cluding the mining laws and the mineral and geo-  
2       thermal leasing laws, if appropriate.

3       (d) *RETAINED ARMY JURISDICTION.*—Notwith-  
4       standing the termination date specified in section 2910, un-  
5       less and until the Secretary of the Interior accepts jurisdic-  
6       tion of land proposed for relinquishment pursuant to this  
7       section, such land shall remain withdrawn and reserved for  
8       the Secretary of the Army for the limited purposes of envi-  
9       ronmental response and restoration actions under section  
10      2906 and continued land management responsibilities pur-  
11      suant to the integrated natural resources management plan  
12      required under section 2904, until such environmental re-  
13      sponse and restoration activities on those lands are com-  
14      pleted.

15      (e) *SEVERABILITY OF FUNCTIONS.*—All functions de-  
16      scribed under this section, including transfers,  
17      relinquishments, extensions, and other determinations, may  
18      be made on a parcel-by-parcel basis.

19      **SEC. 2913. DELEGATION OF AUTHORITY.**

20      (a) *SECRETARY OF THE ARMY.*—The Secretary of the  
21      Army may delegate to officials in the Department of the  
22      Army such functions as the Secretary of the Army may de-  
23      termine appropriate to carry out this title.

24      (b) *SECRETARY OF THE INTERIOR.*—The functions of  
25      the Secretary of the Interior under this title may be dele-

1 *gated, except that the order described in section 2912(c)*  
2 *may be approved and signed only by the Secretary of the*  
3 *Interior, the Deputy Secretary of the Interior, or an Assist-*  
4 *ant Secretary of the Department of the Interior.*

5 ***DIVISION C—DEPARTMENT OF***  
6 ***ENERGY NATIONAL SECURITY***  
7 ***AUTHORIZATIONS AND***  
8 ***OTHER AUTHORIZATIONS***  
9 ***TITLE XXXI—DEPARTMENT OF***  
10 ***ENERGY NATIONAL SECURITY***  
11 ***PROGRAMS***

12 ***Subtitle A—National Security***  
13 ***Programs Authorizations***

14 ***SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-***  
15 ***TION.***

16 *Funds are hereby authorized to be appropriated to the*  
17 *Department of Energy for fiscal year 2002 for the activities*  
18 *of the National Nuclear Security Administration in car-*  
19 *rying out programs necessary for national security in the*  
20 *amount of \$6,859,895,000, to be allocated as follows:*

21 *(1) WEAPONS ACTIVITIES.—For weapons activi-*  
22 *ties, \$5,369,488,000, to be allocated as follows:*

23 *(A) For stewardship operation and mainte-*  
24 *nance, \$4,527,192,000, to be allocated as follows:*

1                   (i) *For directed stockpile work,*  
2                   \$1,043,791,000.

3                   (ii) *For campaigns, \$2,036,413,000, to*  
4                   *be allocated as follows:*

5                   (I) *For operation and mainte-*  
6                   *nance, \$1,653,441,000.*

7                   (II)       *For construction,*  
8                   *\$382,972,000, to be allocated as fol-*  
9                   *lows:*

10                   *Project 01-D-101, distrib-*  
11                   *uted information systems labora-*  
12                   *tory, Sandia National Labora-*  
13                   *tories, Livermore, California,*  
14                   *\$5,400,000.*

15                   *Project 00-D-103, terascale*  
16                   *simulation facility, Lawrence*  
17                   *Livermore National Laboratory,*  
18                   *Livermore, California,*  
19                   *\$20,000,000.*

20                   *Project 00-D-105, strategic*  
21                   *computing complex, Los Alamos*  
22                   *National Laboratory, Los Alamos,*  
23                   *New Mexico, \$11,070,000.*

24                   *Project 00-D-107, joint com-*  
25                   *putational engineering laboratory,*

1                    *Sandia National Laboratories, Al-*  
2                    *buquerque,            New            Mexico,*  
3                    *\$5,377,000.*

4                    *Project 98-D-125, tritium*  
5                    *extraction facility, Savannah*  
6                    *River Plant, Aiken, South Caro-*  
7                    *lina, \$81,125,000.*

8                    *Project 98-D-126, accel-*  
9                    *erator production of tritium*  
10                   *(APT),            various            locations,*  
11                   *\$15,000,000.*

12                   *Project 96-D-111, national*  
13                   *ignition facility (NIF), Lawrence*  
14                   *Livermore National Laboratory,*  
15                   *Livermore,                    California,*  
16                   *\$245,000,000.*

17                   *(iii) For readiness in technical base*  
18                   *and facilities, \$1,446,988,000, to be allo-*  
19                   *cated as follows:*

20                   *(I) For operation and mainte-*  
21                   *nance, \$1,292,324,000.*

22                   *(II) For plant projects (including*  
23                   *maintenance, restoration, planning,*  
24                   *construction, acquisition, modification*  
25                   *of facilities, and the continuation of*

1 *projects authorized in prior years, and*  
2 *land acquisition related thereto),*  
3 *\$154,664,000, to be allocated as fol-*  
4 *lows:*

5 *Project 02–D–101, micro-*  
6 *systems and engineering sciences*  
7 *applications (MESA), Sandia Na-*  
8 *tional Laboratories, Albuquerque,*  
9 *New Mexico, \$2,000,000.*

10 *Project 02–D–103, project*  
11 *engineering and design (PED),*  
12 *various locations, \$9,180,000.*

13 *Project 02–D–107, electrical*  
14 *power systems safety communica-*  
15 *tions and bus upgrades, Nevada*  
16 *Test Site, Nevada, \$3,507,000.*

17 *Project 01–D–103, prelimi-*  
18 *nary project design and engineer-*  
19 *ing, various locations,*  
20 *\$45,379,000.*

21 *Project 01–D–124, highly en-*  
22 *riched uranium (HEU) materials*  
23 *storage facility, Y–12 Plant, Oak*  
24 *Ridge, Tennessee, \$9,500,000.*

1            *Project 01–D–126, weapons*  
2            *evaluation test laboratory, Pantex*  
3            *Plant, Amarillo, Texas,*  
4            *\$7,700,000.*

5            *Project 01–D–800, sensitive*  
6            *compartmented information facil-*  
7            *ity, Lawrence Livermore National*  
8            *Laboratory, Livermore, Cali-*  
9            *ifornia, \$12,993,000.*

10           *Project 99–D–103, isotope*  
11           *sciences facilities, Lawrence*  
12           *Livermore National Laboratory,*  
13           *Livermore, California, \$4,400,000.*

14           *Project 99–D–104, protection*  
15           *of real property (roof reconstruc-*  
16           *tion, phase II), Lawrence Liver-*  
17           *more National Laboratory, Liver-*  
18           *more, California, \$2,800,000.*

19           *Project 99–D–106, model val-*  
20           *idation and system certification*  
21           *center, Sandia National Labora-*  
22           *tories, Albuquerque, New Mexico,*  
23           *\$4,955,000.*

24           *Project 99–D–125, replace*  
25           *boilers and controls, Kansas City*

1 *Plant, Kansas City, Missouri,*  
2 *\$300,000.*

3 *Project 99–D–127, stockpile*  
4 *management restructuring initia-*  
5 *tive, Kansas City plant, Kansas*  
6 *City, Missouri, \$22,200,000.*

7 *Project 99–D–128, stockpile*  
8 *management restructuring initia-*  
9 *tive, Pantex Plant, Amarillo,*  
10 *Texas, \$3,300,000.*

11 *Project 98–D–123, stockpile*  
12 *management restructuring initia-*  
13 *tive, tritium facility moderniza-*  
14 *tion and consolidation, Savannah*  
15 *River Plant, Aiken, South Caro-*  
16 *lina, \$13,700,000.*

17 *Project 98–D–124, stockpile*  
18 *management restructuring initia-*  
19 *tive, Y–12 consolidation, Oak*  
20 *Ridge, Tennessee, \$6,850,000.*

21 *Project 97–D–123, structural*  
22 *upgrades, Kansas City Plant,*  
23 *Kansas City, Missouri,*  
24 *\$3,000,000.*

1                    *Project 96–D–102, stockpile*  
2                    *stewardship facilities revitaliza-*  
3                    *tion, Phase VI, various locations,*  
4                    *\$2,900,000.*

5                    *(B) For facilities and infrastructure,*  
6                    *\$50,600,000.*

7                    *(C) For secure transportation asset,*  
8                    *\$121,800,000, to be allocated as follows:*

9                    *(i) For operation and maintenance,*  
10                    *\$77,571,000.*

11                    *(ii) For program direction,*  
12                    *\$44,229,000.*

13                    *(D) For safeguards and security,*  
14                    *\$448,881,000, to be allocated as follows:*

15                    *(i) For operations and maintenance,*  
16                    *\$439,281,000.*

17                    *(ii) For plant projects (including*  
18                    *maintenance, restoration, planning, con-*  
19                    *struction, acquisition, modification of fa-*  
20                    *cilities, and the continuation of projects au-*  
21                    *thorized in prior years, and land acquisi-*  
22                    *tion related thereto), \$9,600,000, to be allo-*  
23                    *cated as follows:*

24                    *Project 99–D–132, stockpile man-*  
25                    *agement restructuring initiative, nu-*



1                   *clear material safeguards and security*  
2                   *upgrades project, Los Alamos National*  
3                   *Laboratory, Los Alamos, New Mexico,*  
4                   *\$9,600,000.*

5                   *(E) For program direction, \$250,000,000.*

6                   *(F) The total amount authorized by this*  
7                   *paragraph is the sum of the amounts authorized*  
8                   *to be appropriated by subparagraphs (A)*  
9                   *through (E), reduced by \$28,985,000, to be de-*  
10                   *duced from a security charge for reimbursable*  
11                   *work.*

12                   (2) *DEFENSE NUCLEAR NONPROLIFERATION.—*  
13                   *For other nuclear security activities, \$773,700,000, to*  
14                   *be allocated as follows:*

15                   *(A) For nonproliferation and verification*  
16                   *research and development, \$206,102,000, to be*  
17                   *allocated as follows:*

18                   *(i) For operation and maintenance,*  
19                   *\$170,296,000.*

20                   *(ii) For plant projects (including*  
21                   *maintenance, restoration, planning, con-*  
22                   *struction, acquisition, modification of fa-*  
23                   *ilities, and the continuation of projects au-*  
24                   *thorized in prior years, and land acquisi-*

1           tion related thereto), \$35,806,000, to be allo-  
2           cated as follows:

3                    Project 00-D-192, nonprolifera-  
4                    tion and international security center  
5                    (NISC), Los Alamos National Labora-  
6                    tory, Los Alamos, New Mexico,  
7                    \$35,806,000.

8           (B) For arms control, \$101,500,000.

9           (C) For international materials protection,  
10          control, and accounting, \$138,800,000.

11          (D) For highly enriched uranium trans-  
12          parency implementation, \$13,950,000.

13          (E) For international nuclear safety,  
14          \$10,800,000.

15          (F) For fissile materials control and dis-  
16          position, \$293,089,000, to be allocated as follows:

17                   (i) For United States surplus fissile  
18                   materials disposition, \$236,089,000, to be  
19                   allocated as follows:

20                           (I) For operation and mainte-  
21                           nance, \$130,089,000.

22                           (II) For plant projects (including  
23                           maintenance, restoration, planning,  
24                           construction, acquisition, modification  
25                           of facilities, and the continuation of

1 *projects authorized in prior years, and*  
2 *land acquisition related thereto),*  
3 *\$106,000,000, to be allocated as fol-*  
4 *lows:*

5 *Project 01–D–407, highly en-*  
6 *riched uranium blend-down, Sa-*  
7 *vannah River Site, Aiken, South*  
8 *Carolina, \$24,000,000.*

9 *Project 99–D–141, pit dis-*  
10 *assembly and conversion facility,*  
11 *Savannah River Site, Aiken,*  
12 *South Carolina, \$16,000,000.*

13 *Project 99–D–143, mixed*  
14 *oxide fuel fabrication facility, Sa-*  
15 *vannah River Site, Aiken, South*  
16 *Carolina, \$63,000,000.*

17 *Project 99–D–142, immo-*  
18 *bilization and associated proc-*  
19 *essing facility, Savannah River*  
20 *Site, Aiken, South Carolina,*  
21 *\$3,000,000.*

22 *(ii) For Russian surplus fissile mate-*  
23 *rials disposition, \$57,000,000, to be allo-*  
24 *cated as follows:*

1                   (I) *For Russian plutonium dis-*  
2                   *position, and support and oversight in*  
3                   *the United States, \$56,000,000.*

4                   (II) *For advanced reactor tech-*  
5                   *nology, \$1,000,000.*

6                   (G) *For program direction, \$51,459,000.*

7                   (H) *The total amount authorized by this*  
8                   *paragraph is the sum of the amounts authorized*  
9                   *to be appropriated by subparagraphs (A)*  
10                  *through (G), reduced by \$42,000,000, to be de-*  
11                  *rived from offsets and use of prior year balances.*

12                  (3) *NAVAL REACTORS.—For naval reactors,*  
13                  *\$688,045,000, to be allocated as follows:*

14                   (A) *For naval reactors development,*  
15                   *\$665,445,000, to be allocated as follows:*

16                   (i) *For operation and maintenance,*  
17                   *\$652,245,000.*

18                   (ii) *For plant projects (including*  
19                   *maintenance, restoration, planning, con-*  
20                   *struction, acquisition, modification of fa-*  
21                   *ilities, and the continuation of projects au-*  
22                   *thorized in prior years, and land acquisi-*  
23                   *tion related thereto), \$13,200,000, to be allo-*  
24                   *cated as follows:*

1                    *Project 01–D–200, major office re-*  
2                    *placement building, Schenectady, New*  
3                    *York, \$9,000,000.*

4                    *Project 90–N–102, expended core*  
5                    *facility dry cell project, Naval Reactors*  
6                    *Facility, Idaho, \$4,200,000.*

7                    *(B) For program direction, \$22,600,000.*

8                    (4) *DEFENSE NUCLEAR COUNTERINTEL-*  
9                    *LIGENCE.—For defense nuclear counterintelligence,*  
10                    *\$13,662,000.*

11                    (5) *OFFICE OF ADMINISTRATOR FOR NUCLEAR*  
12                    *SECURITY.—For the Office of the Administrator for*  
13                    *Nuclear Security, for program direction, \$15,000,000.*

14 **SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND**  
15 **WASTE MANAGEMENT.**

16                    (a) *IN GENERAL.—Funds are hereby authorized to be*  
17                    *appropriated to the Department of Energy for fiscal year*  
18                    *2002 for environmental restoration and waste management*  
19                    *activities in carrying out programs necessary for national*  
20                    *security in the amount of \$4,646,427,000, to be allocated*  
21                    *as follows:*

22                    (1) *CLOSURE PROJECTS.—For closure projects*  
23                    *carried out in accordance with section 3143 of the*  
24                    *National Defense Authorization Act for Fiscal Year*

1       1997 (Public Law 104–201; 110 Stat. 2836; 42  
2       U.S.C. 7277n), \$1,050,538,000.

3               (2) *SITE/PROJECT COMPLETION.*—For site com-  
4       pletion and project completion in carrying out envi-  
5       ronmental management activities necessary for na-  
6       tional security programs, \$920,196,000, to be allo-  
7       cated as follows:

8               (A) For operation and maintenance,  
9       \$872,030,000.

10              (B) For plant projects (including mainte-  
11       nance, restoration, planning, construction, ac-  
12       quisition, modification of facilities, and the con-  
13       tinuation of projects authorized in prior years,  
14       and land acquisition related thereto),  
15       \$48,166,000, to be allocated as follows:

16              Project 02–D–420, FB line plutonium  
17       stabilization and packaging, Savannah  
18       River Site, Aiken, South Carolina,  
19       \$20,000,000.

20              Project 01–D–402, Intec cathodic pro-  
21       tection system expansion, Idaho National  
22       Engineering and Environmental Labora-  
23       tory, Idaho Falls, Idaho, \$3,256,000.

1                    *Project 01–D–414, preliminary project,*  
2                    *engineering and design (PE&D), various lo-*  
3                    *cations, \$10,254,000.*

4                    *Project 99–D–402, tank farm support*  
5                    *services, F&H areas, Savannah River Site,*  
6                    *Aiken, South Carolina, \$5,040,000.*

7                    *Project 99–D–404, health physics in-*  
8                    *strumentation laboratory, Idaho National*  
9                    *Engineering and Environmental Labora-*  
10                   *tory, Idaho Falls, Idaho, \$2,700,000.*

11                   *Project 98–D–453, plutonium sta-*  
12                   *bilization and handling system for pluto-*  
13                   *onium finishing plant, Richland, Wash-*  
14                   *ington, \$1,910,000.*

15                   *Project 96–D–471, chlorofluorocarbon*  
16                   *heating, ventilation, and air conditioning*  
17                   *and chiller retrofit, Savannah River Site,*  
18                   *Aiken, South Carolina, \$4,244,000.*

19                   *Project 86–D–103, decontamination*  
20                   *and waste treatment facility, Lawrence*  
21                   *Livermore National Laboratory, Livermore,*  
22                   *California, \$762,000.*

23                   *(3) POST-2006 COMPLETION.—For post-2006 com-*  
24                   *pletion in carrying out environmental restoration*  
25                   *and waste management activities necessary for na-*

1        *tional security programs, \$3,021,201,000, to be allo-*  
2        *cated as follows:*

3                *(A) For operation and maintenance,*  
4                *\$1,761,979,000.*

5                *(B) For plant projects (including mainte-*  
6                *nance, restoration, planning, construction, ac-*  
7                *quisition, modification of facilities, and the con-*  
8                *tinuation of projects authorized in prior years,*  
9                *and land acquisition related thereto), \$6,754,000,*  
10              *to be allocated as follows:*

11                      *Project 93–D–187, high-level waste re-*  
12                      *moval from filled waste tanks, Savannah*  
13                      *River Site, Aiken, South Carolina,*  
14                      *\$6,754,000.*

15                *(C) For the Office of River Protection in*  
16                *carrying out environmental restoration and*  
17                *waste management activities necessary for na-*  
18                *tional security programs, \$832,468,000, to be al-*  
19                *located as follows:*

20                      *(i) For operation and maintenance,*  
21                      *\$272,151,000.*

22                      *(ii) For plant projects (including*  
23                      *maintenance, restoration, planning, con-*  
24                      *struction, acquisition, modification of fa-*  
25                      *cilities, and the continuation of projects au-*



1            *thorized in prior years, and land acquisi-*  
2            *tion related thereto), \$560,317,000, to be al-*  
3            *located as follows:*

4                    *Project 01-D-416, waste treat-*  
5                    *ment and immobilization plant, Rich-*  
6                    *land, Washington, \$520,000,000.*

7                    *Project 97-D-402, tank farm res-*  
8                    *toration and safe operations, Richland,*  
9                    *Washington, \$33,473,000.*

10                   *Project 94-D-407, initial tank re-*  
11                   *trieval systems, Richland, Washington,*  
12                   *\$6,844,000.*

13                   *(4) SCIENCE AND TECHNOLOGY DEVELOPMENT.—*

14                   *For science and technology development in carrying*  
15                   *out environmental restoration and waste management*  
16                   *activities necessary for national security programs,*  
17                   *\$196,000,000.*

18                   *(5) EXCESS FACILITIES.—For excess facilities in*

19                   *carrying out environmental restoration and waste*  
20                   *management activities necessary for national security*  
21                   *programs, \$1,300,000.*

22                   *(6) SAFEGUARDS AND SECURITY.—For safe-*

23                   *guards and security in carrying out environmental*  
24                   *restoration and waste management activities nec-*  
25                   *essary for national security programs, \$205,621,000.*

1           (7) *PROGRAM DIRECTION.*—*For program direc-*  
2           *tion in carrying out environmental restoration and*  
3           *waste management activities necessary for national*  
4           *security programs, \$355,761,000.*

5           (b) *ADJUSTMENT.*—*The total amount authorized to be*  
6           *appropriated by subsection (a) is the sum of the amounts*  
7           *authorized to be appropriated by paragraphs (1) through*  
8           *(7) of that subsection, reduced by \$53,652,000, to be derived*  
9           *from offsets and use of prior year balances.*

10 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

11           (a) *IN GENERAL.*—*Funds are hereby authorized to be*  
12           *appropriated to the Department of Energy for fiscal year*  
13           *2002 for other defense activities in carrying out programs*  
14           *necessary for national security in the amount of*  
15           *\$502,099,000, to be allocated as follows:*

16           (1)        *INTELLIGENCE.*—*For intelligence,*  
17            *\$40,844,000.*

18           (2)        *COUNTERINTELLIGENCE.*—*For counterintel-*  
19            *ligence, \$32,727,000.*

20           (3)        *SECURITY AND EMERGENCY OPERATIONS.*—  
21            *For security and emergency operations, \$269,250,000,*  
22            *to be allocated as follows:*

23                    (A) *For nuclear safeguards and security,*  
24                    *\$121,188,000.*

1           (B) For security investigations,  
2           \$44,927,000.

3           (C) For corporate management information  
4           programs, \$20,000,000.

5           (D) For program direction, \$83,135,000.

6           (4) INDEPENDENT OVERSIGHT AND PERFORM-  
7           ANCE ASSURANCE.—For independent oversight and  
8           performance assurance, \$14,904,000.

9           (5) ENVIRONMENT, SAFETY, AND HEALTH.—For  
10          the Office of Environment, Safety, and Health,  
11          \$105,293,000, to be allocated as follows:

12           (A) For environment, safety, and health  
13           (defense), \$84,500,000.

14           (B) For program direction, \$20,793,000.

15           (6) WORKER AND COMMUNITY TRANSITION AS-  
16           SISTANCE.—For worker and community transition  
17           assistance, \$21,900,000, to be allocated as follows:

18           (A) For worker and community transition,  
19           \$19,000,000.

20           (B) For program direction, \$2,900,000.

21           (7) OFFICE OF HEARINGS AND APPEALS.—For  
22           the Office of Hearings and Appeals, \$2,893,000.

23           (8) NATIONAL SECURITY PROGRAMS ADMINISTRA-  
24           TIVE SUPPORT.—For national security programs ad-  
25           ministrative support, \$25,000,000.

1           (b) *ADJUSTMENT.*—*The amount authorized to be ap-*  
2 *propriated pursuant to subsection (a) is the total of the*  
3 *amounts authorized to be appropriated by paragraphs (1)*  
4 *through (8) of that subsection, reduced by \$10,712,000, of*  
5 *which \$10,000,000 is to reflect an offset provided by use*  
6 *of prior year balances and \$712,000 is to reflect an offset*  
7 *provided by user organizations for security investigations.*

8   **SEC. 3104. DEFENSE ENVIRONMENTAL MANAGEMENT PRI-**  
9                                   **VATIZATION.**

10           *Funds are hereby authorized to be appropriated to the*  
11 *Department of Energy for fiscal year 2002 for privatization*  
12 *initiatives in carrying out environmental restoration and*  
13 *waste management activities necessary for national security*  
14 *programs in the amount of \$126,208,000, to be allocated*  
15 *as follows:*

16                   *Project 98–PVT–2, spent nuclear fuel dry stor-*  
17 *age, Idaho Falls, Idaho, \$49,332,000.*

18                   *Project 97–PVT–2, advanced mixed waste treat-*  
19 *ment project Idaho Falls, Idaho, \$40,000,000.*

20                   *Project 97–PVT–3, transuranic waste treatment,*  
21 *Oak Ridge, Tennessee, \$10,826,000.*

22                   *Project 98–PVT–5, environmental management/*  
23 *waste management disposal, Oak Ridge, Tennessee,*  
24 *\$26,050,000.*

1 **SEC. 3105. DEFENSE NUCLEAR WASTE DISPOSAL.**

2 *Funds are hereby authorized to be appropriated to the*  
3 *Department of Energy for fiscal year 2002 for payment to*  
4 *the Nuclear Waste Fund established in section 302(c) of the*  
5 *Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in*  
6 *the amount of \$310,000,000.*

7 ***Subtitle B—Recurring General***  
8 ***Provisions***

9 **SEC. 3121. REPROGRAMMING.**

10 *(a) IN GENERAL.—Until the Secretary of Energy sub-*  
11 *mits to the congressional defense committees the report re-*  
12 *ferred to in subsection (b) and a period of 30 days has*  
13 *elapsed after the date on which such committees receive the*  
14 *report, the Secretary may not use amounts appropriated*  
15 *pursuant to this title for any program—*

16 *(1) in amounts that exceed, in a fiscal year, the*  
17 *amount authorized for that program by this title; or*

18 *(2) which has not been presented to, or requested*  
19 *of, Congress.*

20 *(b) REPORT.—(1) The report referred to in subsection*  
21 *(a) is a report containing a full and complete statement*  
22 *of the action proposed to be taken and the facts and cir-*  
23 *cumstances relied upon in support of the proposed action.*

24 *(2) In the computation of the 30-day period under sub-*  
25 *section (a), there shall be excluded any day on which either*

1 *House of Congress is not in session because of an adjourn-*  
2 *ment of more than 3 days to a day certain.*

3 (c) *LIMITATIONS.—(1) In no event may the total*  
4 *amount of funds obligated pursuant to this title exceed the*  
5 *total amount authorized to be appropriated by this title.*

6 (2) *Funds appropriated pursuant to this title may not*  
7 *be used for an item for which Congress has specifically de-*  
8 *nied funds.*

9 **SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.**

10 (a) *IN GENERAL.—The Secretary of Energy may carry*  
11 *out any construction project under the general plant*  
12 *projects authorized by this title if the total estimated cost*  
13 *of the construction project does not exceed \$5,000,000.*

14 (b) *REPORT TO CONGRESS.—If, at any time during*  
15 *the construction of any general plant project authorized by*  
16 *this title, the estimated cost of the project is revised because*  
17 *of unforeseen cost variations and the revised cost of the*  
18 *project exceeds \$5,000,000, the Secretary shall immediately*  
19 *furnish a report to the congressional defense committees ex-*  
20 *plaining the reasons for the cost variation.*

21 **SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

22 (a) *IN GENERAL.—(1) Except as provided in para-*  
23 *graph (2), construction on a construction project may not*  
24 *be started or additional obligations incurred in connection*  
25 *with the project above the total estimated cost, whenever the*

1 *current estimated cost of the construction project, author-*  
2 *ized by 3101, 3102, or 3103, or which is in support of na-*  
3 *tional security programs of the Department of Energy and*  
4 *was authorized by any previous Act, exceeds by more than*  
5 *25 percent the higher of—*

6           (A) *the amount authorized for the project; or*

7           (B) *the amount of the total estimated cost for the*  
8 *project as shown in the most recent budget justifica-*  
9 *tion data submitted to Congress.*

10       (2) *An action described in paragraph (1) may be taken*  
11 *if—*

12           (A) *the Secretary of Energy has submitted to the*  
13 *congressional defense committees a report on the ac-*  
14 *tions and the circumstances making such action nec-*  
15 *essary; and*

16           (B) *a period of 30 days has elapsed after the*  
17 *date on which the report is received by the commit-*  
18 *tees.*

19       (3) *In the computation of the 30-day period under*  
20 *paragraph (2), there shall be excluded any day on which*  
21 *either House of Congress is not in session because of an*  
22 *adjournment of more than 3 days to a day certain.*

23       (b) *EXCEPTION.—Subsection (a) does not apply to a*  
24 *construction project with a current estimated cost of less*  
25 *than \$5,000,000.*

1 **SEC. 3124. FUND TRANSFER AUTHORITY.**

2       (a) *TRANSFER TO OTHER FEDERAL AGENCIES.*—The  
3 Secretary of Energy may transfer funds authorized to be  
4 appropriated to the Department of Energy pursuant to this  
5 title to other Federal agencies for the performance of work  
6 for which the funds were authorized. Funds so transferred  
7 may be merged with and be available for the same purposes  
8 and for the same time period as the authorizations of the  
9 Federal agency to which the amounts are transferred.

10       (b) *TRANSFER WITHIN DEPARTMENT OF ENERGY.*—

11       (1) Subject to paragraph (2), the Secretary of Energy may  
12 transfer funds authorized to be appropriated to the Depart-  
13 ment of Energy pursuant to this title between any such au-  
14 thorizations. Amounts of authorizations so transferred may  
15 be merged with and be available for the same purposes and  
16 for the same period as the authorization to which the  
17 amounts are transferred.

18       (2) Not more than 5 percent of any such authorization  
19 may be transferred between authorizations under para-  
20 graph (1). No such authorization may be increased or de-  
21 creased by more than 5 percent by a transfer under such  
22 paragraph.

23       (c) *LIMITATIONS.*—The authority provided by this sec-  
24 tion to transfer authorizations—

25               (1) may be used only to provide funds for items  
26 relating to activities necessary for national security







1 *expeditiously in order to protect public health and safety,*  
2 *to meet the needs of national defense, or to protect property.*

3 (b) *LIMITATION.*—*The Secretary may not exercise the*  
4 *authority under subsection (a) in the case of any construc-*  
5 *tion project until the Secretary has submitted to the con-*  
6 *gressional defense committees a report on the activities that*  
7 *the Secretary intends to carry out under this section and*  
8 *the circumstances making those activities necessary.*

9 (c) *SPECIFIC AUTHORITY.*—*The requirement of section*  
10 *3125(b)(2) does not apply to emergency planning, design,*  
11 *and construction activities conducted under this section.*

12 **SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECU-**  
13 **RITY PROGRAMS OF THE DEPARTMENT OF**  
14 **ENERGY.**

15 *Subject to the provisions of appropriation Acts and*  
16 *section 3121, amounts appropriated pursuant to this title*  
17 *for management and support activities and for general*  
18 *plant projects are available for use, when necessary, in con-*  
19 *nection with all national security programs of the Depart-*  
20 *ment of Energy.*

21 **SEC. 3128. AVAILABILITY OF FUNDS.**

22 (a) *IN GENERAL.*—*Except as provided in subsection*  
23 *(b), when so specified in an appropriations Act, amounts*  
24 *appropriated for operation and maintenance or for plant*  
25 *projects may remain available until expended.*

1           (b) *EXCEPTION FOR PROGRAM DIRECTION FUNDS.*—  
2 *Amounts appropriated for program direction pursuant to*  
3 *an authorization of appropriations in subtitle A shall re-*  
4 *main available to be expended only until the end of fiscal*  
5 *year 2003.*

6 **SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL MAN-**  
7 **AGEMENT FUNDS AT FIELD OFFICES OF THE**  
8 **DEPARTMENT OF ENERGY.**

9           (a) *TRANSFER AUTHORITY FOR DEFENSE ENVIRON-*  
10 *MENTAL MANAGEMENT FUNDS.*—*The Secretary of Energy*  
11 *shall provide the manager of each field office of the Depart-*  
12 *ment of Energy with the authority to transfer defense envi-*  
13 *ronmental management funds from a program or project*  
14 *under the jurisdiction of the office to another such program*  
15 *or project.*

16           (b) *LIMITATIONS.*—(1) *Only one transfer may be made*  
17 *to or from any program or project under subsection (a) in*  
18 *a fiscal year.*

19           (2) *The amount transferred to or from a program or*  
20 *project under subsection (a) may not exceed \$5,000,000 in*  
21 *a fiscal year.*

22           (3) *A transfer may not be carried out by a manager*  
23 *of a field office under subsection (a) unless the manager*  
24 *determines that the transfer is necessary to address a risk*  
25 *to health, safety, or the environment or to assure the most*

1 *efficient use of defense environmental management funds at*  
2 *the field office.*

3       (4) *Funds transferred pursuant to subsection (a) may*  
4 *not be used for an item for which Congress has specifically*  
5 *denied funds or for a new program or project that has not*  
6 *been authorized by Congress.*

7       (c) *EXEMPTION FROM REPROGRAMMING REQUIRE-*  
8 *MENTS.—The requirements of section 3121 shall not apply*  
9 *to transfers of funds pursuant to subsection (a).*

10       (d) *NOTIFICATION.—The Secretary, acting through the*  
11 *Assistant Secretary of Energy for Environmental Manage-*  
12 *ment, shall notify Congress of any transfer of funds pursu-*  
13 *ant to subsection (a) not later than 30 days after such*  
14 *transfer occurs.*

15       (e) *DEFINITIONS.—In this section:*

16               (1) *The term “program or project” means, with*  
17 *respect to a field office of the Department of Energy,*  
18 *any of the following:*

19                       (A) *A program referred to or a project listed*  
20 *in paragraph (2) or (3) of section 3102.*

21                       (B) *A program or project not described in*  
22 *subparagraph (A) that is for environmental res-*  
23 *toration or waste management activities nec-*  
24 *essary for national security programs of the De-*  
25 *partment, that is being carried out by the office,*

1           *and for which defense environmental manage-*  
2           *ment funds have been authorized and appro-*  
3           *priated before the date of the enactment of this*  
4           *Act.*

5           (2) *The term “defense environmental manage-*  
6           *ment funds” means funds appropriated to the Depart-*  
7           *ment of Energy pursuant to an authorization for car-*  
8           *rying out environmental restoration and waste man-*  
9           *agement activities necessary for national security pro-*  
10          *grams.*

11          (f) *DURATION OF AUTHORITY.—The managers of the*  
12          *field offices of the Department may exercise the authority*  
13          *provided under subsection (a) during fiscal year 2002.*

14          **SEC. 3130. TRANSFERS OF WEAPONS ACTIVITIES FUNDS AT**  
15                                **NATIONAL SECURITY LABORATORIES AND**  
16                                **NUCLEAR WEAPONS PRODUCTION FACILI-**  
17                                **TIES.**

18          (a) *TRANSFER AUTHORITY.—The Secretary of Energy,*  
19          *acting through the Administrator for Nuclear Security,*  
20          *shall provide the head of each national security laboratory*  
21          *and nuclear weapons production facility with the authority*  
22          *to transfer weapons activities funds from a program under*  
23          *the jurisdiction of such laboratory or facility to another*  
24          *such program.*

1           (b) *LIMITATIONS.*—(1) *The amount transferred under*  
2 *subsection (a) by a laboratory or facility in a fiscal year*  
3 *may not exceed the lesser of—*

4                   (A) *\$5,000,000; and*

5                   (B) *10 percent of the total weapons activities*  
6 *funds available to that laboratory or facility in that*  
7 *fiscal year for programs under the jurisdiction of such*  
8 *laboratory or facility.*

9           (2) *A transfer may not be carried out under subsection*  
10 *(a) unless the head of the laboratory or facility determines*  
11 *that the transfer will result in cost savings and efficiencies.*

12           (3) *A transfer may not be carried out under subsection*  
13 *(a) to cover a cost overrun or scheduling delay for any pro-*  
14 *gram.*

15           (4) *Funds transferred pursuant to subsection (a) may*  
16 *not be used for an item for which Congress has specifically*  
17 *denied, limited, or increased funds or for a new program*  
18 *that has not been authorized by Congress.*

19           (c) *EXEMPTION FROM REPROGRAMMING REQUIRE-*  
20 *MENTS.*—*The requirements of section 3121 shall not apply*  
21 *to transfers of funds pursuant to subsection (a).*

22           (d) *NOTIFICATION.*—*The Secretary, acting through the*  
23 *Administrator for Nuclear Security, shall notify Congress*  
24 *of any transfer of funds pursuant to subsection (a) not later*  
25 *than 30 days after such transfer occurs.*

1       (e) *DEFINITIONS.*—*In this section:*

2           (1) *The term “program” means, with respect to*  
3 *a national security laboratory or nuclear weapons*  
4 *production facility, any of the following:*

5                   (A) *A program referred to or listed in para-*  
6 *graph (1) of section 3101.*

7                   (B) *A program not described in subpara-*  
8 *graph (A) that is for weapons production or*  
9 *weapons component production of the National*  
10 *Nuclear Security Administration that is being*  
11 *carried out by the laboratory or facility, and for*  
12 *which weapons activities funds have been author-*  
13 *ized and appropriated before the date of the en-*  
14 *actment of this Act.*

15           (2) *The term “weapons activities funds” means*  
16 *funds appropriated to the Department of Energy pur-*  
17 *suant to an authorization for weapons activities of*  
18 *the National Nuclear Security Administration in car-*  
19 *rying out programs necessary for national security.*

20           (3) *The terms “national security laboratory”*  
21 *and “nuclear weapons production facility” have the*  
22 *meanings given such terms in section 3281 of the Na-*  
23 *tional Nuclear Security Administration Act (title*  
24 *XXXII of Public Law 106–65; 113 Stat. 968; 50*  
25 *U.S.C. 2471).*



1           (f) *DURATION OF AUTHORITY.*—*The heads of the na-*  
 2 *tional security laboratories and nuclear weapons produc-*  
 3 *tion facilities may exercise the authority provided under*  
 4 *subsection (a) during fiscal year 2002.*

5       ***Subtitle C—Program Authoriza-***  
 6       ***tions, Restrictions, and Limita-***  
 7       ***tions***

8       ***SEC. 3131. TERMINATION DATE OF OFFICE OF RIVER PRO-***  
 9                               ***TECTION, RICHLAND, WASHINGTON.***

10           *Subsection (f) of section 3139 of the Strom Thurmond*  
 11 *National Defense Authorization Act for Fiscal Year 1999*  
 12 *(Public Law 105–261; 112 Stat. 2250), as amended by sec-*  
 13 *tion 3141 of the Floyd D. Spence National Defense Author-*  
 14 *ization Act for Fiscal Year 2001 (as enacted into law by*  
 15 *Public Law 106–398; 114 Stat. 1654A–462), is amended*  
 16 *to read as follows:*

17           “(f) *TERMINATION.*—(1) *The Office shall terminate on*  
 18 *the later to occur of the following dates:*

19                       “(A) *September 30, 2010.*

20                       “(B) *The date on which the Assistant Secretary*  
 21 *of Energy for Environmental Management deter-*  
 22 *mines, in consultation with the head of the Office,*  
 23 *that continuation of the Office is no longer necessary*  
 24 *to carry out the responsibilities of the Department of*  
 25 *Energy under the Tri-Party Agreement.*

1       “(2) *The Assistant Secretary shall notify, in writing,*  
2 *the committees referred to in subsection (d) of a determina-*  
3 *tion under paragraph (1).*

4       “(3) *In this subsection, the term ‘Tri-Party Agreement’*  
5 *means the Hanford Federal Facility Agreement and Con-*  
6 *sent Order entered into among the Department of Energy,*  
7 *the Environmental Protection Agency, and the State of*  
8 *Washington Department of Ecology.’.*

9       **SEC. 3132. ORGANIZATIONAL MODIFICATIONS FOR NA-**  
10                               **TIONAL NUCLEAR SECURITY ADMINISTRA-**  
11                               **TION.**

12       (a) *ESTABLISHMENT OF PRINCIPAL DEPUTY ADMINIS-*  
13 *TRATOR.—(1) Subtitle A of the National Nuclear Security*  
14 *Administration Act is amended by inserting after section*  
15 *3213 (50 U.S.C. 2403) the following new section:*

16       **“SEC. 3213A. PRINCIPAL DEPUTY ADMINISTRATOR.**

17       “(a) *IN GENERAL.—(1) There is in the Administration*  
18 *a Principal Deputy Administrator, who is appointed by the*  
19 *President, by and with the advice and consent of the Senate.*

20       “(2) *The Principal Deputy Administrator shall be ap-*  
21 *pointed from among persons who—*

22               “(A) *have extensive background in national secu-*  
23 *urity, organizational management, and appropriate*  
24 *technical fields; and*

1           “(B) are well qualified to manage the nuclear  
2           weapons, nonproliferation, and materials disposition  
3           programs of the Administration in a manner that ad-  
4           vances and protects the national security of the  
5           United States.

6           “(b) DUTIES.—Subject to the authority, direction, and  
7           control of the Administrator, the Principal Deputy Admin-  
8           istrator shall perform such duties and exercise such powers  
9           as the Administrator may prescribe, including the coordi-  
10          nation of activities among the elements of the Administra-  
11          tion. The Principal Deputy Administrator shall act for,  
12          and exercise the powers of, the Administrator when the Ad-  
13          ministrators is disabled or the position of Administrator is  
14          vacant.”.

15          (2) The table of contents preceding section 3201 of such  
16          Act is amended by inserting after the item relating to sec-  
17          tion 3213 the following new item:

          “Sec. 3213A. Principal Deputy Administrator.”

18          (3) Section 5315 of title 5, United States Code, is  
19          amended—

20                 (A) by inserting before the item relating to Dep-  
21                 uty Administrators of the National Nuclear Security  
22                 Administration the following new item:

23                         “Principal Deputy Administrator, National Nu-  
24                         clear Security Administration.”; and



1 *Carolina regarding any decisions or plans of the Secretary*  
2 *related to the disposition of surplus defense plutonium lo-*  
3 *cated at the Savannah River Site, Aiken, South Carolina,*  
4 *including the plan required by subsection (b).*

5       **(b) PLAN FOR DISPOSITION.**—*Not later than February*  
6 *1, 2002, the Secretary shall submit to Congress a plan for*  
7 *disposal of the surplus defense plutonium currently located*  
8 *at the Savannah River Site and for disposal of defense plu-*  
9 *tonium and defense plutonium materials to be shipped to*  
10 *the Savannah River Site in the future. The plan shall re-*  
11 *view each option considered for such disposal, identify the*  
12 *preferred option, and state the cost of construction and op-*  
13 *eration of the facilities required by the Department of Ener-*  
14 *gy's Record of Decision for the Storage and Disposition of*  
15 *Weapons-Usable Fissile Materials Final Programmatic En-*  
16 *vironmental Impact Statement dated January 14, 1997.*  
17 *The plan shall also specify a schedule for the expeditious*  
18 *construction of such facilities, including milestones, and a*  
19 *firm schedule for funding the cost of such facilities. The*  
20 *plan shall specify, in addition, the means by which all such*  
21 *plutonium will be removed in a timely manner from the*  
22 *Savannah River Site for storage or disposal elsewhere.*

23       **(c) REQUIREMENT FOR ALTERNATIVE DISPOSITION.**—  
24 *If the Secretary determines that proceeding with construc-*  
25 *tion of the Plutonium Immobilization Plant at the Savan-*

1 *nah River Site is not feasible, the Department shall modify*  
2 *the design of the Mixed Oxide Fuel Fabrication facility at*  
3 *the Savannah River Site so that it includes an immobiliza-*  
4 *tion capability. If the Secretary determines that proceeding*  
5 *with the Mixed Oxide Fuel Fabrication facility is not fea-*  
6 *sible, the Department shall proceed with construction of the*  
7 *Plutonium Immobilization Plant.*

8       *(d) LIMITATION ON PLUTONIUM SHIPMENTS.—If the*  
9 *plan required in subsection (b) is not submitted to Congress*  
10 *by February 1, 2002, the Secretary shall be prohibited from*  
11 *shipping defense plutonium or defense plutonium materials*  
12 *to the Savannah River Site during the period beginning*  
13 *on February 1, 2002, and ending on the date on which such*  
14 *plan is submitted to Congress.*

15 **SEC. 3135. SUPPORT FOR PUBLIC EDUCATION IN THE VICIN-**  
16 **ITY OF LOS ALAMOS NATIONAL LABORATORY,**  
17 **NEW MEXICO.**

18       *(a) SUPPORT FOR FISCAL 2002.—From amounts ap-*  
19 *propriated or otherwise made available to the Secretary of*  
20 *Energy by this title—*

21           *(1) \$5,000,000 shall be available for payment by*  
22 *the Secretary for fiscal year 2002 to the not-for-profit*  
23 *Los Alamos National Laboratory Foundation, as*  
24 *chartered in accordance with section 3167(a) of the*

1 *National Defense Authorization Act for Fiscal Year*  
2 *1998 (Public Law 105–85; 111 Stat. 2052); and*

3 (2) \$8,000,000 shall be available for extension of  
4 the contract between the Department of Energy and  
5 the Los Alamos Public Schools through fiscal year  
6 2002.

7 (b) *SUPPORT FOR FISCAL 2003.*—Subject to the avail-  
8 ability of appropriations, the Secretary is authorized to—

9 (1) make payment for fiscal year 2003 similar  
10 to the payment referred to in subsection (a)(1); and

11 (2) provide for a contract extension through fis-  
12 cal 2003 similar to the contract extension referred to  
13 in subsection (a)(2).

14 (c) *USE OF FUNDS.*—The foundation referred to in  
15 subsection (a)(1) shall—

16 (1) utilize funds provided under this section as  
17 a contribution to the endowment fund for the founda-  
18 tion; and

19 (2) use the income generated from investments in  
20 the endowment fund that are attributable to payments  
21 made under this section to fund programs to support  
22 the educational needs of children in public schools in  
23 the vicinity of Los Alamos National Laboratory.

1       (d) *REPORT.*—Not later than March 1, 2002, the Sec-  
 2       retary shall submit to the congressional defense committees  
 3       a report setting forth the following:

4               (1) *An evaluation of the requirements for contin-*  
 5       *ued payments beyond fiscal year 2003 into the en-*  
 6       *dowment fund of the foundation referred to in sub-*  
 7       *section (a) to enable the foundation to meet the goals*  
 8       *of the Department to support the recruitment and re-*  
 9       *retention of staff at the Los Alamos National Labora-*  
 10       *tory.*

11              (2) *The Secretary's recommendations for any*  
 12       *further support beyond fiscal year 2003 directly to the*  
 13       *Los Alamos Public Schools.*

14       **TITLE       XXXII—DEFENSE       NU-**  
 15       **CLEAR       FACILITIES       SAFETY**  
 16       **BOARD**

17       **SEC. 3201. AUTHORIZATION.**

18       *There are authorized to be appropriated for fiscal year*  
 19       *2002, \$18,500,000 for the operation of the Defense Nuclear*  
 20       *Facilities Safety Board under chapter 21 of the Atomic En-*  
 21       *ergy Act of 1954 (42 U.S.C. 2286 et seq.).*

22               **TITLE XXXIII—NATIONAL**  
 23               **DEFENSE STOCKPILE**

24       **SEC. 3301. DEFINITIONS.**

25       *In this title:*



1           (1) *The term “National Defense Stockpile”*  
2           *means the stockpile provided for in section 4 of the*  
3           *Strategic and Critical Materials Stock Piling Act (50*  
4           *U.S.C. 98c).*

5           (2) *The term “National Defense Stockpile Trans-*  
6           *action Fund” means the fund established under sec-*  
7           *tion 9(a) of the Strategic and Critical Materials*  
8           *Stock Piling Act (50 U.S.C. 98h(a)).*

9           (3) *The term “Market Impact Committee” means*  
10          *the Market Impact Committee appointed under sec-*  
11          *tion 10(c) of the Strategic and Critical Materials*  
12          *Stock Piling Act (50 U.S.C. 98h–1(c)).*

13 **SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.**

14          (a) *OBLIGATION OF STOCKPILE FUNDS.—During fis-*  
15          *cal year 2002, the National Defense Stockpile Manager may*  
16          *obligate up to \$65,200,000 of the funds in the National De-*  
17          *fense Stockpile Transaction Fund for the authorized uses*  
18          *of such funds under section 9(b)(2) of the Strategic and*  
19          *Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)),*  
20          *including the disposal of hazardous materials that are envi-*  
21          *ronmentally sensitive.*

22          (b) *ADDITIONAL OBLIGATIONS.—The National Defense*  
23          *Stockpile Manager may obligate amounts in excess of the*  
24          *amount specified in subsection (a) if the National Defense*  
25          *Stockpile Manager notifies Congress that extraordinary or*

1 *emergency conditions necessitate the additional obligations.*  
 2 *The National Defense Stockpile Manager may make the ad-*  
 3 *ditional obligations described in the notification after the*  
 4 *end of the 45-day period beginning on the date on which*  
 5 *Congress receives the notification.*

6 (c) *LIMITATIONS.—The authorities provided by this*  
 7 *section shall be subject to such limitations as may be pro-*  
 8 *vided in appropriations Acts.*

9 **SEC. 3303. DISPOSAL OF OBSOLETE AND EXCESS MATE-**  
 10 **RIALS CONTAINED IN NATIONAL DEFENSE**  
 11 **STOCKPILE.**

12 (a) *DISPOSAL AUTHORIZED.—Subject to subsection*  
 13 *(b), the President may dispose of certain materials con-*  
 14 *tained in the National Defense Stockpile that are obsolete*  
 15 *or excess to stockpile requirements, in the quantities speci-*  
 16 *fied in the following table:*

**Authorized Stockpile Disposals**

<b>Material for disposal</b>	<b>Quantity</b>
<i>Bauxite, Refractory .....</i>	<i>40,000 short tons</i>
<i>Chromium Metal .....</i>	<i>3,512 short tons</i>
<i>Iridium .....</i>	<i>25,140 troy ounces</i>
<i>Jewel Bearings .....</i>	<i>30,273,221 pieces</i>
<i>Manganese, Ferro HC .....</i>	<i>209,074 short tons</i>
<i>Palladium .....</i>	<i>11 troy ounces</i>
<i>Quartz Crystal .....</i>	<i>216,648 pounds</i>
<i>Tantalum Metal Ingot .....</i>	<i>120,228 pounds of contained Tantalum</i>
<i>Tantalum Metal Powder .....</i>	<i>36,020 pounds of contained Tantalum</i>
<i>Thorium Nitrate .....</i>	<i>600,000 pounds</i>

17 (b) *CONSULTATION WITH MARKET IMPACT COM-*  
 18 *MITTEE.—In disposing of materials under subsection (a),*  
 19 *the President shall consult with the Market Impact Com-*

1 *mittee to ensure that the disposal of the materials does not*  
2 *disrupt the usual markets of producers, processors, and con-*  
3 *sumers of the materials.*

4 *(c) RELATIONSHIP TO OTHER DISPOSAL AUTHOR-*  
5 *ITY.—The disposal authority provided in subsection (a) is*  
6 *new disposal authority and is in addition to, and shall not*  
7 *affect, any other disposal authority provided by law regard-*  
8 *ing the materials specified in the table in such subsection.*

9 **SEC. 3304. EXPEDITED IMPLEMENTATION OF AUTHORITY**  
10 **TO DISPOSE OF COBALT FROM NATIONAL DE-**  
11 **FENSE STOCKPILE.**

12 *Section 3305(a)(1) of the National Defense Authoriza-*  
13 *tion Act for Fiscal Year 1998 (Public Law 105–85; 50*  
14 *U.S.C. 98d note) is amended by striking “fiscal year 2003”*  
15 *and inserting “the two-fiscal year period ending September*  
16 *30, 2003”.*

17 **TITLE XXXIV—NAVAL**  
18 **PETROLEUM RESERVES**

19 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

20 *(a) AMOUNT.—There are hereby authorized to be ap-*  
21 *propriated to the Secretary of Energy \$17,371,000 for fiscal*  
22 *year 2002 for the purpose of carrying out activities under*  
23 *chapter 641 of title 10, United States Code, relating to the*  
24 *naval petroleum reserves.*

1       (b) *PERIOD OF AVAILABILITY.*—Funds appropriated  
2 pursuant to the authorization of appropriations in sub-  
3 section (a) shall remain available until expended.

4                   **TITLE XXXV—MARITIME**  
5                   **ADMINISTRATION**

6 **SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**  
7                   **CAL YEAR 2002.**

8       Funds are hereby authorized to be appropriated for fis-  
9 cal year 2002, to be available without fiscal year limitation  
10 if so provided in appropriations Acts, for the use of the De-  
11 partment of Transportation for the Maritime Administra-  
12 tion as follows:

13               (1) *For expenses necessary for operations and*  
14 *training activities, \$89,054,000.*

15               (2) *For expenses under the loan guarantee pro-*  
16 *gram authorized by title XI of the Merchant Marine*  
17 *Act, 1936 (46 App. U.S.C. 1271 et seq.),*  
18 *\$103,978,000, of which—*

19                   (A) *\$100,000,000 is for the cost (as defined*  
20 *in section 502(5) of the Federal Credit Reform*  
21 *Act of 1990 (2 U.S.C. 661a(5))) of loan guaran-*  
22 *tees under the program; and*

23                   (B) *\$3,978,000 is for administrative ex-*  
24 *penses related to loan guarantee commitments*  
25 *under the program.*

1           (3) *For expenses to dispose of obsolete vessels in*  
2           *the National Defense Reserve Fleet, \$10,000,000.*

3 **SEC. 3502. DEFINE “WAR RISKS” TO VESSELS TO INCLUDE**  
4                           **CONFISCATION, EXPROPRIATION, NATIONAL-**  
5                           **IZATION, AND DEPRIVATION OF THE VES-**  
6                           **SELS.**

7           *Section 1201(c) of the Merchant Marine Act, 1936 (46*  
8 *App. U.S.C. 1281(c)) is amended to read as follows:*

9           “(c) *The term ‘war risks’ includes to such extent as*  
10 *the Secretary may determine—*

11                   “(1) *all or any part of any loss that is excluded*  
12 *from marine insurance coverage under a ‘free of cap-*  
13 *ture or seizure’ clause, or under analogous clauses;*  
14 *and*

15                   “(2) *other losses from hostile acts, including con-*  
16 *fiscation, expropriation, nationalization, or depriva-*  
17 *tion.”.*

18 **SEC. 3503. HOLDING OBLIGOR’S CASH AS COLLATERAL**  
19                           **UNDER TITLE XI OF MERCHANT MARINE ACT,**  
20                           **1936.**

21           *Title XI of the Merchant Marine Act, 1936 (46 App.*  
22 *U.S.C. 1271 et seq.) is amended by inserting after section*  
23 *1108 the following:*

1 **“SEC. 1109. DEPOSIT FUND.**

2       “(a) *ESTABLISHMENT OF DEPOSIT FUND.*—*There is*  
3 *established in the Treasury a deposit fund for purposes of*  
4 *this section. The Secretary may, in accordance with an*  
5 *agreement under subsection (b), deposit into and hold in*  
6 *the deposit fund cash belonging to an obligor to serve as*  
7 *collateral for a guarantee under this title made with respect*  
8 *to the obligor.*

9       “(b) *AGREEMENT.*—

10           “(1) *IN GENERAL.*—*The Secretary and an obli-*  
11 *gor shall enter into a reserve fund or other collateral*  
12 *account agreement to govern the deposit, withdrawal,*  
13 *retention, use, and reinvestment of cash of the obligor*  
14 *held in the deposit fund established by subsection (a).*

15           “(2) *TERMS.*—*The agreement shall contain such*  
16 *terms and conditions as are required under this sec-*  
17 *tion and such additional terms as are considered by*  
18 *the Secretary to be necessary to protect fully the inter-*  
19 *ests of the United States.*

20           “(3) *SECURITY INTEREST OF UNITED STATES.*—  
21 *The agreement shall include terms that grant to the*  
22 *United States a security interest in all amounts de-*  
23 *posited into the deposit fund.*

24       “(c) *INVESTMENT.*—*The Secretary may invest and re-*  
25 *invest any part of the amounts in the deposit fund estab-*  
26 *lished by subsection (a) in obligations of the United States*

1 *with such maturities as ensure that amounts in the deposit*  
2 *fund will be available as required for purposes of agree-*  
3 *ments under subsection (b). Cash balances of the deposit*  
4 *fund in excess of current requirements shall be maintained*  
5 *in a form of uninvested funds and the Secretary of the*  
6 *Treasury shall pay interest on these funds.*

7       “(d) *WITHDRAWALS.—*

8               “(1) *IN GENERAL.—The cash deposited into the*  
9 *deposit fund established by subsection (a) may not be*  
10 *withdrawn without the consent of the Secretary.*

11               “(2) *USE OF INCOME.—Subject to paragraph (3),*  
12 *the Secretary may pay any income earned on cash of*  
13 *an obligor deposited into the deposit fund in accord-*  
14 *ance with the terms of the agreement with the obligor*  
15 *under subsection (b).*

16               “(3) *RETENTION AGAINST DEFAULT.—The Sec-*  
17 *retary may retain and offset any or all of the cash*  
18 *of an obligor in the deposit fund, and any income re-*  
19 *alized thereon, as part of the Secretary’s recovery*  
20 *against the obligor in case of a default by the obligor*  
21 *on an obligation.”.*

Amend the title so as to read: “A bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.”.

**Union Calendar No. 113**

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 2586**

**[Report No. 107-194]**

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**A BILL**

To authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2002, and for other purposes.

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SEPTEMBER 4, 2001

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed