

107TH CONGRESS
1ST SESSION

S. 1155

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.

IN THE SENATE OF THE UNITED STATES

JUNE 29, 2001

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

A BILL

To authorize appropriations for fiscal 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Au-
5 thorization Act for Fiscal Year 2002”.

6 **SEC. 2. TABLE OF CONTENTS.**

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1 **TITLE I—PROCUREMENT**
2 **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. Defense Health Program.

3 **SEC. 101. ARMY.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2002 for procurement for the Army as follows:

6 (1) For aircraft, \$1,925,491,000.

7 (2) For missiles, \$1,859,634,000.

8 (3) For weapons and tracked combat vehicles,
9 \$2,276,746,000.

10 (4) For ammunition, \$1,193,365,000.

11 (5) For other procurement, \$3,961,737,000.

12 (6) For chemical agents and munitions destruc-
13 tion, \$1,153,557,000 for—

14 (A) the destruction of lethal chemical
15 weapons in accordance with section 1412 of the
16 Department of Defense Authorization Act,
17 1986 (50 U.S.C. 1521) and

18 (B) the destruction of chemical warfare
19 material of the United States that is not cov-
20 ered by section 1412 of such Act.

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

2 (a) NAVY.—Funds are hereby authorized to be ap-
3 propriated for fiscal year 2002 for procurement for the
4 Navy as follows:

5 (1) For aircraft, \$8,252,543,000.

6 (2) For weapons, including missiles and tor-
7 pedoes, \$1,433,475,000.

8 (3) For shipbuilding and conversion,
9 \$9,344,121,000.

10 (4) For other procurement, \$4,097,576,000.

11 (b) MARINE CORPS.—Funds are hereby authorized to
12 be appropriated for fiscal year 2002 for procurement for
13 the Marine Corps in the amount of \$981,724,000.

14 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
15 are hereby authorized to be appropriated for fiscal year
16 2002 for procurement of ammunition for the Navy and
17 Marine Corps in the amount of \$457,099,000.

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

19 Funds are hereby authorized to be appropriated for
20 fiscal year 2002 for procurement for the Air Force as fol-
21 lows:

22 (1) For aircraft, \$10,744,458,000.

23 (2) For missiles, \$3,233,536,000.

24 (3) For procurement of ammunition,
25 \$865,344,000.

26 (4) For other procurement, \$8,158,521,000.

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

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2002 for defense-wide procurement in the
4 amount of \$1,603,927,000.

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

6 Funds are hereby authorized to be appropriated for
7 fiscal year 2002 for procurement for the Defense Inspec-
8 tor General in the amount of \$1,800,000.

9 **SEC. 106. DEFENSE HEALTH PROGRAM.**

10 Funds are hereby authorized to be appropriated for
11 fiscal year 2002 for the Department of Defense for pro-
12 curement for carrying out health care programs, projects,
13 and activities of the Department of Defense in the total
14 amount of \$267,915,000.

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

Sec. 201. Authorization of Appropriations.

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

19 Funds are hereby authorized to be appropriated for
20 fiscal year 2002 for the use of the Armed Forces for re-
21 search, development, test, and evaluation, as follows:

22 (1) For the Army, \$6,693,920,000.

23 (2) For the Navy, \$11,123,389,000.

24 (3) For the Air Force, \$14,343,982,000.

1 (4) For Defense-wide research, development,
2 test, and evaluation, \$15,268,142,000, of which
3 \$217,355,000 is authorized for the Director of Oper-
4 ational Test and Evaluation.

5 (5) For the Defense Health Program,
6 \$65,304,000.

7 **TITLE III—OPERATION AND**
8 **MAINTENANCE**

9 **Subtitle A—Authorization of**
10 **Appropriations**

Sec. 301. Operation and Maintenance Funding.

Sec. 302. Working Capital Funds.

Sec. 303. Armed Forces Retirement Home.

Sec. 304. Acquisition of Logistical Support for Security Forces.

Sec. 305. Contract Authority for Defense Working Capital Funds.

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

12 Funds are hereby authorized to be appropriated for
13 fiscal year 2002 for the use of the Armed Forces of the
14 United States and other activities and agencies of the De-
15 partment of Defense, for expenses, not otherwise provided
16 for, for operation and maintenance, in amounts as follows:

17 (1) For the Army, \$21,191,680,000.

18 (2) For the Navy, \$26,961,382,000.

19 (3) For the Marine Corps, \$2,892,314,000.

20 (4) For the Air Force, \$26,146,770,000.

21 (5) For the Defense-wide activities,
22 \$12,518,631,000.

23 (6) For the Army Reserve, \$1,787,246,000.

- 1 (7) For the Naval Reserve, \$1,003,690,000.
- 2 (8) For the Marine Corps Reserve,
3 \$144,023,000.
- 4 (9) For the Air Force Reserve, \$2,029,866,000.
- 5 (10) For the Army National Guard,
6 \$3,677,359,000.
- 7 (11) For the Air National Guard,
8 \$3,867,361,000.
- 9 (12) For the Defense Inspector General,
10 \$150,221,000.
- 11 (13) For the United States Court of Appeals
12 for the Armed Forces, \$9,096,000.
- 13 (14) For Environmental Restoration, Army,
14 \$389,800,000.
- 15 (15) For Environmental Restoration, Navy,
16 \$257,517,000.
- 17 (16) For Environmental Restoration, Air Force,
18 \$385,437,000.
- 19 (17) For Environmental Restoration, Defense-
20 wide, \$23,492,000.
- 21 (18) For Environmental Restoration, Formerly
22 Used Defense Sites, \$190,255,000.
- 23 (19) For Overseas Humanitarian, Disaster, and
24 Civic Aid programs, \$49,700,000.

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

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

6 (22) For the Defense Health Program,
7 \$17,565,750,000.

8 (23) For Cooperative Threat Reduction pro-
9 grams, \$403,000,000.

10 (24) For Overseas Contingency Operations
11 Transfer Fund, \$2,844,226,000.

12 (25) For Support for International Sporting
13 Competitions, Defense, \$15,800,000.

14 **SEC. 302. WORKING CAPITAL FUNDS.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 2002 for the use of the Armed Forces of the
17 United States and other activities and agencies of the De-
18 partment of Defense for providing capital for working cap-
19 ital and revolving funds in amounts as follows:

20 (1) For the Defense Working Capital Funds,
21 \$1,951,986,000.

22 (2) For the National Defense Sealift Fund,
23 \$506,408,000.

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

2 There is hereby authorized to be appropriated for fis-
3 cal year 2002 from the Armed Forces Retirement Home
4 Trust Fund the sum of \$71,440,000 for the operation of
5 the Armed Forces Retirement Home, including the United
6 States Soldiers' and Airmen's Home and the Naval Home.

7 **SEC. 304. ACQUISITION OF LOGISTICAL SUPPORT FOR SE-**
8 **CURITY FORCES.**

9 Section 5 of the Multinational Force and Observers
10 Participation Resolution (Public Law 97-132; 95 Stat.
11 1695; 22 U.S.C. 3424) is amended by adding at the end
12 the following new subsection:

13 “(d) The United States may use contractors or other
14 means to provide logistical support to the Multinational
15 Force and Observers under this section in lieu of providing
16 such support through a logistical support unit comprised
17 of members of the armed forces. Notwithstanding sub-
18 sections (a) and (b) and section 7(b), support by a con-
19 tractor or other means under this subsection may be pro-
20 vided without reimbursement, whenever the President de-
21 termines that such action enhances or supports the na-
22 tional security interests of the United States.”.

23 **SEC. 305. CONTRACT AUTHORITY FOR DEFENSE WORKING**
24 **CAPITAL FUNDS.**

25 Contract authority in the amount of \$427, 100,000,
26 to remain available until September 30, 2002, is hereby

1 authorized and appropriated to the Defense Working Cap-
 2 ital Fund for the procurement, lease-purchase with sub-
 3 stantial private sector risk, capital or operating multiple-
 4 year lease, of a capital asset, multiple-year time charter
 5 of a commercial craft or vessel and associated services.

6 **Subtitle B—Environmental**
 7 **Provisions**

Sec. 310. Reimburse EPA for Certain Costs in Connection with Hooper
 Sands Site, in South Berwick, Maine.

Sec. 311. Extension of Pilot Program for the Sale of Air Pollution Emission
 Reduction Incentives.

Sec. 312. Elimination of Report on Contractor Reimbursement Costs.

8 **SEC. 310. REIMBURSE EPA FOR CERTAIN COSTS IN CON-**
 9 **NECTION WITH HOOPER SANDS SITE, IN**
 10 **SOUTH BERWICK, MAINE.**

11 (a) **AUTHORITY TO REIMBURSE EPA.**—Using funds
 12 described in subsection (b), the Secretary of the Navy may
 13 pay \$1,005,478.00 to the Hooper Sands Special Account
 14 within the Hazardous Substance Superfund established by
 15 section 9507 of the Internal Revenue Code of 1986 (26
 16 U.S.C. 9507) to reimburse the Environmental Protection
 17 Agency in full for the Remaining Past Response Costs in-
 18 curred by the agency for actions taken pursuant to the
 19 Comprehensive Environmental Response, Compensation
 20 and Liability Act of 1980 (42 U.S.C. 9601, et seq.) at
 21 the Hooper Sands site in South Berwick, Maine, pursuant
 22 to an Interagency Agreement entered into by the Depart-

1 ment of the Navy and the Environmental Protection Agency
2 in January 2001.

3 (b) SOURCE OF FUNDS.—Any payment under sub-
4 section (a) shall be made using the amounts authorized
5 to be appropriated by paragraph (15) of section 301 to
6 the Environmental Restoration, Navy account, established
7 by section 2703(a)(3) of title 10, United States Code.

8 **SEC. 311. EXTENSION OF PILOT PROGRAM FOR THE SALE**
9 **OF AIR POLLUTION EMISSION REDUCTION**
10 **INCENTIVES.**

11 Section 351(a) of the National Defense Authorization
12 Act for Fiscal Year 1998 (Public Law. 105–85; 111 Stat.
13 1629, 1692) is amended to read as follows:

14 “(2) The Secretary may carry out the pilot pro-
15 gram during the period beginning on the date of en-
16 actment of this Act through September 30, 2003.”.

17 **SEC. 312. ELIMINATION OF REPORT ON CONTRACTOR RE-**
18 **IMBURSEMENT COSTS.**

19 Section 2706 of title 10, United States Code, is
20 amended by striking subsection (c) and redesignating sub-
21 sections (d) and (e) as subsections (c) and (d), respec-
22 tively.

1 **Subtitle C—Commissaries and Non-**
 2 **appropriated Fund Instrumen-**
 3 **talities**

Sec. 315. Costs Payable to the Department of Defense and Other Federal Agencies for Services Provided to the Defense Commissary Agency.

Sec. 316. Reimbursement for Non-Commissary Use of Commissary Facilities.

Sec. 317. Commissary Contracts and Other Agencies and Instrumentalities.

Sec. 318. Operation of Commissary Stores.

4 **SEC. 315. COSTS PAYABLE TO THE DEPARTMENT OF DE-**
 5 **FENSE AND OTHER FEDERAL AGENCIES FOR**
 6 **SERVICES PROVIDED TO THE DEFENSE COM-**
 7 **MISSARY AGENCY.**

8 Section 2482(b)(1) of title 10, United States Code,
 9 is amended by striking “However, the Defense Com-
 10 missary Agency may not pay for any such service provided
 11 by the United States Transportation Command any
 12 amount that exceeds the price at which the service could
 13 be procured through full and open competition, as such
 14 term is defined in section 4(6) of the Office of Federal
 15 Procurement Policy Act (41 U.S.C. 403(6)).” and insert-
 16 ing “The Defense Commissary Agency may not pay for
 17 any service provided by a Defense working capital fund
 18 activity which exceeds the price at which the service could
 19 be procured through full and open competition by the De-
 20 fense Commissary Agency, as such term is defined in sec-
 21 tion 4(6) of the Office of Federal Procurement Policy Act
 22 (41 U.S.C. 403(6)). In determining the cost for providing

1 such service the Defense Commissary Agency may pay a
 2 Defense working capital fund activity those administrative
 3 and handling costs it would be required to pay for the
 4 provision of such services had the Defense Commissary
 5 Agency acquired them under full and open competition.
 6 Under no circumstances will any costs associated with mo-
 7 bilization requirements, maintenance of readiness, or es-
 8 tablishment or maintenance of infrastructure to support
 9 such mobilization or readiness requirements, be included
 10 in rates charged the Defense Commissary Agency.”.

11 **SEC. 316. REIMBURSEMENT FOR NON-COMMISSARY USE OF**
 12 **COMMISSARY FACILITIES.**

13 (a) IN GENERAL.—Chapter 147 of title 10, United
 14 States Code, is amended by inserting at the beginning of
 15 the chapter the following new section:

16 **“§ 2481. Reimbursement for non-commissary use of**
 17 **commissary facilities**

18 “If a commissary facility acquired, constructed or im-
 19 proved (in whole or in part) with commissary surcharge
 20 revenues is used for non-commissary purposes, the Sec-
 21 retary of the military department concerned shall reim-
 22 burse the commissary surcharge revenues for the com-
 23 missary’s share of the depreciated value of the facility.”.

24 (b) CLERICAL AMENDMENT.—The table of sections
 25 at the beginning of such chapter 147 is amended by insert-

1 ing before the item relating to section 2482 the following
2 new item:

“2481. Reimbursement for non-commissary use of commissary facilities.”.

3 **SEC. 317. COMMISSARY CONTRACTS AND OTHER AGENCIES**
4 **AND INSTRUMENTALITIES.**

5 Section 2482(b) of title 10, United States Code, is
6 amended—

7 (1) by redesignating paragraph (2) as para-
8 graph (3); and

9 (2) by inserting after paragraph (1) the fol-
10 lowing new paragraph (2):

11 “(2) Where the Secretary of Defense authorizes
12 the Defense Commissary Agency to sell limited ex-
13 change merchandise as commissary store inventory
14 under section 2486(b)(11) of this title, the Defense
15 Commissary Agency shall enter into a contract or
16 other agreement to obtain such merchandise avail-
17 able from the Armed Service Exchanges, provided
18 that such merchandise shall be obtained at a cost of
19 no more than the exchange retail price less the
20 amount of commissary surcharge authorized to be
21 collected by section 2486 of this title. If such mer-
22 chandise is procured by the Defense Commissary
23 Agency from other than the Armed Service Ex-
24 changes, the limitations provided in section 2486(e)
25 of this title apply.”.

1 **SEC. 318. OPERATION OF COMMISSARY STORES.**

2 Section 2482(a) of title 10, United States Code, is
 3 amended by striking “A contract with a private person”
 4 and all that remains to the end of the subsection.

5 **Subtitle D—Other Matters**

Sec. 320. Reimbursement for Reserve Intelligence Support.

Sec. 321. Disposal of Obsolete and Excess Materials Contained in the National
 Defense Stockpile.

6 **SEC. 320. REIMBURSEMENT FOR RESERVE INTELLIGENCE**
 7 **SUPPORT.**

8 (a) Appropriations available to the Department of
 9 Defense for operations and maintenance may be used to
 10 reimburse National Guard and Reserve units or organiza-
 11 tions for the pay, allowances and other expenses which are
 12 incurred by such National Guard and Reserve units or or-
 13 ganizations when members of the National Guard or Re-
 14 serve provide intelligence, including counterintelligence,
 15 support to Combatant Commands, Defense Agencies and
 16 Joint Intelligence Activities, including the activities and
 17 programs included within the National Foreign Intel-
 18 ligence Program, the Joint Military Intelligence Program,
 19 and the Tactical Intelligence and Related Activities aggre-
 20 gate.

21 (b) Nothing in this section authorizes deviation from
 22 established Reserve and National Guard personnel and
 23 training procedures.

1 **SEC. 321. DISPOSAL OF OBSOLETE AND EXCESS MATERIALS**
2 **CONTAINED IN THE NATIONAL DEFENSE**
3 **STOCKPILE.**

4 Subject to the conditions specified in section 10(c)
5 of the Strategic and Critical Materials Stock Piling Act
6 (50 U.S.C. § 98h-1(c)), the President may dispose of the
7 following obsolete and excess materials contained in the
8 National Defense Stockpile in the following quantities:

9 Bauxite, Refractory, 40,000 short tons.

10 Chromium Metal, 3,512 short tons.

11 Iridium, 25,140 troy ounces.

12 Jewel Bearings, 30,273,221 pieces.

13 Manganese, Ferro HC, 209,074 short tons.

14 Palladium, 11 troy ounces.

15 Quartz Crystal, 216,648 pounds.

16 Tantalum Metal Ingot, 120,228 pounds con-
17 tained tantalum.

18 Tantalum Metal Powder, 36,020 pounds con-
19 tained tantalum.

20 Thorium Nitrate, 600,000 pounds.

21 **TITLE IV—MILITARY**
22 **PERSONNEL AUTHORIZATIONS**
23 **Subtitle A—Active Forces**

Sec. 401. End Strengths for Active Forces.

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

2 The Armed Forces are authorized strengths for active
3 duty personnel as of September 30, 2002, as follows:

- 4 (1) The Army, 480,000.
5 (2) The Navy, 376,000.
6 (3) The Marine Corps, 172,600.
7 (4) The Air Force, 358,800.

8 **Subtitle B—Reserve Forces**

Sec. 405. End Strengths for Selected Reserve.

Sec. 406. End Strengths for Reserves on Active Duty in Support of the Re-
serves.

Sec. 407. End Strengths for Military Technicians (Dual Status).

Sec. 408. Fiscal Year 2002 Limitation on Number of Non-Dual Status Techni-
cians.

Sec. 409. Authorized Strengths: Reserve Officers and Senior Enlisted Members
on Active Duty or Full-time National Guard Duty for Adminis-
tration of the Reserves or National Guard.

Sec. 410. Increase in Authorized Strengths for Air Force Officers on Active
Duty in the Grade of Major.

9 **SEC. 405. END STRENGTHS FOR SELECTED RESERVE.**

10 (a) IN GENERAL.—The Armed Forces are authorized
11 strengths for Selected Reserve personnel of the reserve
12 components as of September 30, 2002, as follows:

- 13 (1) The Army National Guard of the United
14 States, 350,000.
15 (2) The Army Reserve, 205,000.
16 (3) The Naval Reserve, 87,000.
17 (4) The Marine Corps Reserve, 39,558.
18 (5) The Air National Guard of the United
19 States, 108,400.
20 (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 com-
4 ponent 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
7 such component which are on active duty (other
8 than for 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
16 released from active duty during any fiscal year, the end
17 strength prescribed for such fiscal year for the Selected
18 Reserve of such reserve component shall be increased pro-
19 portionately by the total authorized strengths of such
20 units and by the total number of such individual members.

21 **SEC. 406. END STRENGTHS FOR RESERVES ON ACTIVE**
22 **DUTY IN SUPPORT OF THE RESERVES.**

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

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

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

8 (2) The Army Reserve, 13,108.

9 (3) The Naval Reserve, 14,811.

10 (4) The Marine Corps Reserve, 2,261.

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

13 (6) The Air Force Reserve, 1,437.

14 **SEC. 407. END STRENGTHS FOR MILITARY TECHNICIANS**
15 **(DUAL STATUS).**

16 The Reserve Components of the Army and the Air
17 Force are authorized strengths for military technicians
18 (dual status) as of September 30, 2002, as follows:

19 (1) For the Army Reserve, 5,999.

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

22 (3) For the Air Force Reserve, 9,818.

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

1 **SEC. 408. FISCAL YEAR 2002 LIMITATION ON NUMBER OF**
 2 **NON-DUAL STATUS TECHNICIANS.**

3 The number of civilian employees who are non-dual
 4 status technicians of a reserve component of the Army or
 5 Air Force as of September 30, 2002, may not exceed the
 6 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, 0.

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

13 **SEC. 409. AUTHORIZED STRENGTHS: RESERVE OFFICERS**
 14 **AND SENIOR ENLISTED MEMBERS ON ACTIVE**
 15 **DUTY OR FULL-TIME NATIONAL GUARD DUTY**
 16 **FOR ADMINISTRATION OF THE RESERVES OR**
 17 **NATIONAL GUARD.**

18 (a) IN GENERAL.—Section 12011 of title 10, United
 19 States Code, is amended by amending the body of the sec-
 20 tion to read as follows:

21 “(a) CEILINGS FOR FULL-TIME RESERVE COMPO-
 22 NENT FIELD GRADE OFFICERS.—The number of reserve
 23 officers of the reserve components of the Army, Navy, Air
 24 Force, and Marine Corps who may be on active duty in
 25 the pay grades of O–4, O–5, O–6 for duty described in
 26 sections 10211, 10302 through 10305, 123 10, or 12402

1 of this title, or full-time National Guard duty (other than
 2 for training) under section 502(f) of title 32, or section
 3 708 of title 32, may not, at the end of any fiscal year,
 4 exceed a number for that grade and reserve component
 5 in accordance with the following tables:

“Army National Guard

AGR Popu- lation	O-4 (MAJ)	O-5 (LTC)	O-6 (COL)
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

“U.S. Army Reserve

AGR Popu- lation	O-4 (MAJ)	O-5 (LTC)	O-6 (COL)
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

“U.S. Naval Reserve

AGR Popu- lation	O-4 (MAJ)	O-5 (LTC)	O-6 (COL)
10,000	807	447	141
11,000	867	467	153
12,000	924	485	163

“U.S. Naval Reserve—Continued

AGR Population	O-4 (MAJ)	O-5 (LTC)	O-6 (COL)
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
20,000	1,334	595	242
21,000	1,364	603	250
22,000	1,384	610	258
23,000	1,400	615	265
24,000	1,410	620	270

“U.S. Marine Corps Reserve

AGR Population	O-4 (MAJ)	O-5 (LTC)	O-6 (COL)
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

“Air National Guard

AGR Population	O-4 (MAJ)	O-5 (LTC)	O-6 (COL)
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

“Air National Guard—Continued

AGR Popu- lation	O-4 (MAJ)	O-5 (LTC)	O-6 (COL)
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

“U.S. Air Force Reserve

AGR Popu- lation	O-4 (MAJ)	O-5 (LTC)	O-6 (COL)
500	83	85	50
1,000	155	165	95
1,500	220	240	135
2,000	285	310	170
2,500	350	369	203
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

1 “(b) GRADE SUBSTITUTIONS FOR LOWER GRADE
2 CEILINGS.—Whenever the number of officers serving in
3 any grade for duty described in subsection (a) is less than
4 the number authorized for that grade under this section,
5 the difference between the two numbers may be applied
6 to increase the number authorized under this section for
7 any lower grade.

8 “(c) DETERMINATION OF AUTHORIZED CEILINGS.—
9 If the total number of members serving in the grades pre-
10 scribed in the above tables is between any two consecutive

1 numbers in the first column of the appropriate table, the
2 corresponding authorized strengths for each of the grades
3 shown in that table, for that component, are determined
4 by mathematical interpolation between the respective
5 numbers of the two strengths. If the total numbers of
6 members serving on AGR duty in the first column are
7 greater or less than the figures listed in the first column
8 of the appropriate table, the Secretary concerned shall fix
9 the corresponding strengths for the grades shown in that
10 table at the same proportion as reflected in the nearest
11 limit shown in the table.

12 “(d) SECRETARIAL WAIVER.—Upon determination
13 by the Secretary of Defense that such action is in the na-
14 tional interest, the Secretary may increase the number of
15 reserve officers that may be on active duty or full-time
16 National Guard duty in a controlled grade authorized pur-
17 suant to subsection (a) for the current fiscal year for any
18 of the Reserve components by a number equal to not more
19 than 5 percent of the authorized strength in that con-
20 trolled grade.”.

21 (b) IN GENERAL.—Section 12012 of title 10, United
22 States Code, is amended by amending the body of the sec-
23 tion to read as follows:

24 “(a) CEILINGS FOR FULL-TIME RESERVE COMPO-
25 NENT SENIOR ENLISTED MEMBERS.—The number of en-

1 listed members in pay grades of E-8 and E-9 for who
 2 may be on active duty under section 10211 or 12310, or
 3 on full-time National Guard duty under the authority of
 4 section 502(f) of title 32 (other than for training) in con-
 5 nection with organizing, administering, recruiting, in-
 6 structing, or training the reserve components or the Na-
 7 tional Guard may not, at the end of any fiscal year, exceed
 8 a number determined in accordance with the following ta-
 9 bles:

“Army National Guard

AGR Population	E-8 (MSG)	E-9 (SGM)
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
36,000	1,945	738
38,000	1,945	741
40,000	1,945	743
42,000	1,945	743

“U.S. Army Reserve

AGR Population	E-8 (MSG)	E-9 (SGM)
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

“U.S. Naval Reserve

AGR Population	E-8 (SCPO)	E-9 (MCPO)
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

“U.S. Marine Corps Reserve

AGR Population	E-8 (IST SGT)	E-9 (SGTMAJ)
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

“Air National Guard

AGR Population	E-8 (SMSGT)	E-9 (CMSGT)
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
10,000	1,270	530
11,000	1,320	550
12,000	1,370	570
13,000	1,420	589
14,000	1,470	608

“Air National Guard—Continued

AGR Population	E-8 (SMSGT)	E-9 (CMSGT)
15,000	1,520	626
16,000	1,570	644
17,000	1,620	661
18,000	1,670	678
19,000	1,720	695
20,000	1,770	712

“U.S. Air Force Reserve

AGR Population	E-8 (SMSGT)	F-9 (CMSGT)
500	75	40
1,000	145	75
1,500	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
05,500	565	270
6,000	600	290
7,000	670	330
8,000	740	370
10,000	800	400

1 “(b) GRADE SUBSTITUTION FOR LOWER GRADE
2 CEILINGS.—Whenever the number of members serving in
3 pay grade E-9 for duty described in subsection (a) is less
4 than the number authorized for that grade under this sec-
5 tion, the difference between the two numbers may be ap-
6 plied to increase the number authorized under this section
7 for pay grade E-8.

8 “(c) DETERMINATION OF AUTHORIZED CEILINGS.—
9 If the total number of members serving in the grades pre-
10 scribed in the above tables is between, any two consecutive

1 numbers in the first column of the appropriate table, the
2 corresponding authorized strengths for each of the grades
3 shown in that table, for that component, are determined
4 by mathematical interpolation between the respective
5 numbers of the two strengths. If the total numbers of
6 members serving on AGR duty in the first column are
7 greater or less than the figures listed in the first column
8 of the appropriate table, the Secretary concerned shall fix
9 the corresponding strengths for the grades shown in that
10 table at the same proportion as reflected in the nearest
11 limit shown in the table.

12 “(d) SECRETARIAL WAIVER.—Upon determination
13 by the Secretary of Defense that such action is in the na-
14 tional interest, the Secretary may increase the number of
15 senior reserve enlisted members that may be on active
16 duty or full-time National Guard duty in a controlled
17 grade authorized pursuant to subsection (a) for the cur-
18 rent fiscal year for any of the Reserve components by a
19 number equal to not more than 5 percent of the authorized
20 strength in that controlled grade.”.

21 **SEC. 410. INCREASE IN AUTHORIZED STRENGTHS FOR AIR**
22 **FORCE OFFICERS ON ACTIVE DUTY IN THE**
23 **GRADE OF MAJOR.**

24 The table in section 523(a)(1) of title 10, United
25 States Code, is amended by striking the figures under the

1 heading “Major” relating to the Air Force and inserting
 2 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.”.

3 **TITLE V—MILITARY PERSONNEL**
 4 **POLICY**
 5 **Subtitle A—Officer Personnel**
 6 **Policy**

Sec. 501. Elimination of Certain Medical and Dental Requirements for Army
 Early-Deployers.
 Sec. 502. Medical Deferment of Mandatory Retirement or Separation.
 Sec. 503. Officer in Charge; United States Navy Band.
 Sec. 504. Removal of Requirement for Certification for Certain Flag Officers
 to Retire in Their Highest Grade.
 Sec. 505. Three-Year Extension of Certain Force Drawdown Transition Au-
 thorities Relating to Personnel Management and Benefits.
 Sec. 506. Judicial Review of Selection Boards.

7 **SEC. 501. ELIMINATION OF CERTAIN MEDICAL AND DENTAL**
 8 **REQUIREMENTS FOR ARMY EARLY-**
 9 **DEPLOYERS.**

10 Section 1074a of title 10, United States Code, is
 11 amended—

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

1 (2) by redesignating subsection (e) as sub-
2 section (d).

3 **SEC. 502. MEDICAL DEFERMENT OF MANDATORY RETIRE-**
4 **MENT OR SEPARATION.**

5 Section 640 of title 10, United States Code, is
6 amended—

7 (1) by inserting “(a)” at the beginning of the
8 paragraph;

9 (2) by striking “cannot” and inserting “may
10 not”; and

11 (3) by adding at the end the following new sub-
12 paragraph (b):

13 “(b) An officer whose mandatory retirement or sepa-
14 ration under this chapter or chapter 63 of this title is sub-
15 ject to deferral under this section, may be extended for
16 a period not to exceed 30 days following completion of the
17 evaluation requiring hospitalization or medical observa-
18 tion.”.

19 **SEC. 503. OFFICER IN CHARGE; UNITED STATES NAVY**
20 **BAND.**

21 (a) **DETAIL AND GRADE.**—Chapter 565 of title 10,
22 United States Code, is amended by inserting after section
23 6221 the following new section:

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

2 “An officer serving in a grade not below lieutenant
3 commander may be detailed as Officer in Charge of the
4 United States Navy Band. While so serving, an officer who
5 holds a grade lower than captain shall hold the grade of
6 captain if he is appointed to that grade by the President,
7 by and with the advice and consent of the Senate. Such
8 appointment may occur notwithstanding the limitation of
9 subsection 5596(d) of this title.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of such chapter 565 is amended by insert-
12 ing after the item referring to section 6221 the following
13 new item:

“6221a. United States Navy Band: officer in charge.”.

14 **SEC. 504. REMOVAL OF REQUIREMENT FOR CERTIFI-**
15 **CATION FOR CERTAIN FLAG OFFICERS TO**
16 **RETIRE IN THEIR HIGHEST GRADE.**

17 Section 1370(c)(1) of title 10, United States Code,
18 is amended—

19 (1) by striking “certifies in writing to the Presi-
20 dent and Congress” and inserting “determines in
21 writing”; and

22 (2) by adding at the end of the paragraph the
23 following new sentence: “The Secretary of Defense
24 shall issue regulations to implement this para-
25 graph.”.

1 **SEC. 505. THREE-YEAR EXTENSION OF CERTAIN FORCE**
2 **DRAWDOWN TRANSITION AUTHORITIES RE-**
3 **LATING TO PERSONNEL MANAGEMENT AND**
4 **BENEFITS.**

5 (a) **EXTENSION OF EARLY RETIREMENT AUTHORITY**
6 **FOR ACTIVE DUTY MEMBERS.**—Section 4403(i) of the
7 National Defense Authorization Act for Fiscal Year 1993
8 (10 U.S.C. 1293 note) is amended by striking “October
9 1, 2001” and inserting “October 1, 2004”.

10 (b) **EXTENSION OF AUTHORITY FOR SPECIAL SEPA-**
11 **RATION BENEFIT AND VOLUNTARY EARLY SEPARATION**
12 **INCENTIVE.**—(1) Section 1174a(h)(1) of title 10, United
13 States Code, is amended by striking “December 31, 2001”
14 and inserting “September 30, 2004”.

15 (2) Section 1175(d)(3) of such title is amended by
16 striking “December 31, 2001” and inserting “September
17 30, 2004”.

18 (c) **EXTENSION OF AUTHORITY FOR SELECTIVE**
19 **EARLY RETIREMENT BOARDS.**—Section 63 8a(a) of such
20 title is amended by striking “December 31, 2001” and in-
21 serting “September 30, 2004”.

22 (d) **TIME-IN-GRADE REQUIREMENT FOR RETENTION**
23 **OF GRADE UPON VOLUNTARY RETIREMENT.**—(1) Section
24 1370(a)(2)(A) of such title is amended by striking “De-
25 cember 31, 2001” and inserting “September 30, 2004”.

1 (2) Section 1370(d)(5) of such title is amended by
2 striking “December 31, 2001” and inserting “September
3 30, 2004”.

4 (e) MINIMUM COMMISSIONED SERVICE FOR VOL-
5 UNTARY RETIREMENT AS AN OFFICER.—

6 (1) ARMY.—Section 3911(b) of such title is
7 amended by striking “December 31, 2001” and in-
8 serting “September 30, 2004”.

9 (2) NAVY.—Section 6323(a)(2) of such title is
10 amended by striking “December 31, 2001” and in-
11 serting “September 30, 2004”.

12 (3) AIR FORCE.—Section 8911(b) of such title
13 is amended by striking “December 31, 2001” and
14 inserting “September 30, 2004”.

15 (f) TRAVEL, TRANSPORTATION, AND STORAGE BEN-
16 EFITS.—(1) Section 404(c)(1)(C) of title 37, United
17 States Code, is amended by striking “December 31, 2001”
18 and inserting “September 30, 2004”.

19 (2) Section 404(f)(2)(B)(v) of such title is amended
20 by striking “December 31, 2001” and inserting “Sep-
21 tember 30, 2004”.

22 (3) Section 406(a)(2)(B)(v) of such title is amended
23 by striking “December 31, 2001” and inserting “Sep-
24 tember 30, 2004”.

1 (4) Section 406(g)(1)(C) of such title is amended by
2 striking “December 31, 2001” and inserting “September
3 30, 2004”.

4 (5) Section 503(e)(1) of the National Defense Au-
5 thorization Act for Fiscal Year 1991 (37 U.S.C. 406 note)
6 is amended by striking “December 31, 2001 “and insert-
7 ing “September 30, 2004”.

8 (g) EDUCATIONAL LEAVE FOR PUBLIC AND COMMU-
9 NITY SERVICE.—Section 4463(f) of the National Defense
10 Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143a
11 note) is amended by striking “December 31, 2001” and
12 inserting “September 30, 2004”.

13 (h) TRANSITIONAL HEALTH BENEFITS.—Section
14 1145 of title 10, United States Code, is amended—

15 (1) in subsection (a)(i), by striking “December
16 31, 2001” and inserting “September 30, 2004”.

17 (2) in subsection (c)(1), by striking “December
18 31, 2001” and inserting “September 30, 2004”.

19 (3) in subsection (e), by striking “December 31,
20 2001” and inserting “September 30, 2004”.

21 (i) TRANSITIONAL COMMISSARY AND EXCHANGE
22 BENEFITS.—Section 1146 of such title is amended by
23 striking “December 31, 2001” both places it appears and
24 inserting “September 30, 2004”.

1 (j) TRANSITIONAL USE OF MILITARY HOUSING.—

2 Section 1147(a) of such title is amended—

3 (1) in paragraph (1), by striking “December
4 31, 2001” and inserting “September 30, 2004”.

5 (2) in paragraph (2), by striking “December
6 31, 2001” and inserting “September 30, 2004”.

7 (k) CONTINUED ENROLLMENT OF DEPENDENTS IN
8 DEFENSE DEPENDENTS EDUCATION SYSTEM.—Section
9 1407(c)(1) of the Defense Dependents’ Education Act of
10 1978 (20 U.S.C. 926(c)(1)) is amended by striking “De-
11 cember 31, 2001” and inserting “September 30, 2004”.

12 (l) FORCE REDUCTION TRANSITION PERIOD DEFINI-
13 TION.—Section 4411 of the National Defense Authoriza-
14 tion Act for Fiscal Year 1993 (10 U.S.C. 12681 note) is
15 amended by striking “December 31, 2001” and inserting
16 “September 30, 2004”.

17 (m) TEMPORARY SPECIAL AUTHORITY FOR FORCE
18 REDUCTION PERIOD RETIREMENTS.—Section 4416(b)(1)
19 of the National Defense Authorization Act for Fiscal Year
20 1993 (10 U.S.C. 12681 note) is amended by striking “Oc-
21 tober 1, 2001” and inserting “October 1, 2004”.

22 (n) RETIRED PAY FOR NON-REGULAR SERVICE.—
23 (1) Section 12731(f) of title 10, United States Code, is
24 amended by striking “December 31, 2001” and inserting
25 “September 30, 2004”.

1 (2) Section 12731a of such title is amended—

2 (A) in subsection (a)(1)(B), by striking “the
3 end of the period described in subsection (b)” and
4 inserting “October 1, 2004”.

5 (B) in subsection (b), by striking “December
6 31, 2001” and inserting “October 1, 2004”.

7 (o) AFFILIATION WITH GUARD AND RESERVE
8 UNITS; WAIVER OF CERTAIN LIMITATIONS.—Section
9 1150(a) of such title is amended by striking “December
10 31, 2001” and inserting “September 30, 2004”.

11 (p) RESERVE MONTGOMERY GI BILL.—Section
12 16133(b)(1)(B) of such title is amended by striking “De-
13 cember 31, 2001” and inserting “September 30, 2004”.

14 **SEC. 506. REVIEW OF ACTIONS OF SELECTION BOARDS.**

15 (a) IN GENERAL.—Chapter 79 of title 10, United
16 States Code, is amended by adding at the end the fol-
17 lowing:

18 **“§ 1558. Exclusive remedies in cases involving selec-
19 tion boards**

20 “(a) CORRECTION OF MILITARY RECORDS.—The
21 Secretary concerned may correct a person’s military
22 records in accordance with a recommendation made by a
23 special board. Any such correction shall be effective, retro-
24 actively, as of the effective date of the action taken on

1 a report of a previous selection board that resulted in the
2 action corrected in the person's military records.

3 “(b) RELIEF ASSOCIATED WITH CORRECTIONS OF
4 CERTAIN ACTIONS.—(1) The Secretary concerned shall
5 ensure that a person receives relief under paragraph (2)
6 or (3), as the person may elect, if the person—

7 “(A) was separated or retired from an armed
8 force, or transferred to the retired reserve or to inac-
9 tive status in a reserve component, as a result of a
10 recommendation of a selection board; and

11 “(B) becomes entitled to retention on or res-
12 toration to active duty or active status in a reserve
13 component as a result of a correction of the person's
14 military records under subsection (a).

15 “(2)(A) With the consent of a person referred to in
16 paragraph (1), the person shall be retroactively and pro-
17 spectively restored to the same status, rights, and entitle-
18 ments (less appropriate offsets against back pay and al-
19 lowances) in the person's armed force as the person would
20 have had if the person had not been selected to be sepa-
21 rated, retired, or transferred to the retired reserve or to
22 inactive status in a reserve component, as the case may
23 be, as a result of an action corrected under subsection (a).
24 An action under this subparagraph is subject to subpara-
25 graph (B).

1 “(B) Nothing in subparagraph (A) shall be construed
2 to permit a person to be on active duty or in an active
3 status in a reserve component after the date on which the
4 person would have been separated, retired, or transferred
5 to the retired reserve or to inactive status in a reserve
6 component if the person had not been selected to be sepa-
7 rated, retired, or transferred to the retired reserve or to
8 inactive status in a reserve component, as the case may
9 be, in an action of a selection board that is corrected under
10 subsection (a).

11 “(3) If the person does not consent to a restoration
12 of status, rights, and entitlements under paragraph (2),
13 the person shall receive back pay and allowances (less ap-
14 propriate offsets) and service credit for the period begin-
15 ning on the date of the person’s separation, retirement,
16 or transfer to the retired reserve or to inactive status in
17 a reserve component, as the case may be, and ending on
18 the earlier of—

19 “(A) the date on which the person would have
20 been so restored under paragraph (2), as determined
21 by the Secretary concerned; or

22 “(B) the date on which the person would other-
23 wise have been separated, retired, or transferred to
24 the retired reserve or to inactive status in a reserve
25 component, as the case may be.

1 “(c) FINALITY OF UNFAVORABLE ACTION.—If a spe-
2 cial board makes a recommendation not to correct the
3 military records of a person regarding action taken in the
4 case of that person on the basis of a previous report of
5 a selection board, the action previously taken on that re-
6 port shall be considered as final as of the date of the ac-
7 tion taken on that report.

8 “(d) REGULATIONS.—(1) The Secretary concerned
9 may prescribe regulations to carry out this section (other
10 than subsection (e)) with respect to the armed force or
11 armed forces under the jurisdiction of the Secretary.

12 “(2) The Secretary may prescribe in the regulations
13 the circumstances under which consideration by a special
14 board may be provided for under this section, including
15 the following:

16 “(A) The circumstances under which consider-
17 ation of a person’s case by a special board is contin-
18 gent upon application by or for that person.

19 “(B) Any time limits applicable to the filing of
20 an application for consideration.

21 “(3) Regulations prescribed by the Secretary of a
22 military department under this subsection shall be subject
23 to the approval of the Secretary of Defense.

24 “(e) JUDICIAL REVIEW.—(1) A person challenging
25 for any reason the action or recommendation of a selection

1 board, or the action taken by the Secretary concerned on
2 the report of a selection board, is not entitled to relief in
3 any judicial proceeding unless the person has first been
4 considered by a special board under this section or the
5 Secretary concerned has denied such consideration.

6 “(2) A court of the United States may review a deter-
7 mination by the Secretary concerned under this section
8 not to convene a special board. A court may set aside such
9 determination only if it finds the determination to be arbi-
10 trary or capricious, not based on substantial evidence, or
11 otherwise contrary to law. If a court sets aside a deter-
12 mination not to convene a special board, it shall remand
13 the case to the Secretary concerned, who shall provide for
14 consideration of the person by a special board under this
15 section.

16 “(3) A court of the United States may review the rec-
17 ommendation of a special board convened under this sec-
18 tion and any action taken by the Secretary concerned on
19 the report of such special board. A court may set aside
20 such recommendation or action, as the case may be, only
21 if it finds that the recommendation or action was contrary
22 to law or involved a material error of fact or a material
23 administrative error. If a court sets aside the rec-
24 ommendation of a special board, it shall remand the case
25 to the Secretary concerned, who shall provide for reconsid-

1 eration of the person by another special board. If a court
2 sets aside the action of the Secretary concerned on the
3 report of a special board, it shall remand the case to the
4 Secretary concerned for a new action on the report of the
5 special board.

6 “(f) EXCLUSIVITY OF REMEDIES.—Notwithstanding
7 any other provision of law, but subject to subsection (g),
8 the remedies provided under this section are the only rem-
9 edies available to a person for correcting an action or rec-
10 ommendation of a selection board regarding that person
11 or an action taken on the report of a selection board re-
12 garding that person.

13 “(g) EXISTING JURISDICTION.—(1) Nothing in this
14 section limits the jurisdiction of any court of the United
15 States under any provision of law to determine the validity
16 of any statute, regulation, or policy relating to selection
17 boards, except that, in the event that any such statute,
18 regulation, or policy is held invalid, the remedies pre-
19 scribed in this section shall be the sole and exclusive rem-
20 edies available to any person challenging the recommenda-
21 tion of a special board on the basis of the invalidity.

22 “(2) Nothing in this section limits authority to cor-
23 rect a military record under section 1552 of this title.

24 “(h) TIMELINESS OF ACTION.—(1) For the purposes
25 of subsection (e)—

1 “(A) If, not later than six months after receipt
2 of a complete application for consideration by a spe-
3 cial board, the Secretary concerned shall have nei-
4 ther convened a special board nor denied consider-
5 ation by a special board, the Secretary shall be
6 deemed to have been denied such consideration.

7 “(B) If, not later than one year after the con-
8 vening of a special board, the Secretary concerned
9 shall not have taken final action on the report of
10 such board, the Secretary shall be deemed to have
11 denied relief to the person applying for consideration
12 by the board.

13 “(2) Under regulations prescribed in accordance with
14 subsection (d), the Secretary concerned may exclude an
15 individual application from the time limits prescribed in
16 this subsection if the Secretary determines that the appli-
17 cation warrants a longer period of consideration. The au-
18 thority of the Secretary of a military department under
19 this paragraph may not be delegated.

20 “(i) INAPPLICABILITY TO COAST GUARD.—This sec-
21 tion does not apply to the Coast Guard when it is not
22 operating as a service in the Navy.

23 “(j) DEFINITIONS.—In this section:

24 “(1) The term ‘special board’—

1 “(A) means a board that the Secretary
2 concerned convenes under any authority to con-
3 sider whether to recommend a person for ap-
4 pointment, enlistment, reenlistment, assign-
5 ment, promotion, retention, separation, retire-
6 ment, or transfer to inactive status in a reserve
7 component instead of referring the records of
8 that person for consideration by a previously
9 convened selection board which considered or
10 should have considered that person;

11 “(B) includes a board for the correction of
12 military or naval records convened under sec-
13 tion 1552 of this title, if designated as a special
14 board by the Secretary concerned; and

15 “(C) does not include a promotion special
16 selection board convened under section 628 or
17 14502 of this title.

18 “(2) The term ‘selection board’—

19 “(A) means a selection board convened
20 under section 573(c), 580, 580a, 581, 611(b),
21 637, 638, 638a, 14101(b), 14701, 14704, or
22 14705 of this title, and any other board con-
23 vened by the Secretary concerned under any au-
24 thority to recommend persons for appointment,
25 enlistment, reenlistment, assignment, pro-

1 motion, or retention in the armed forces or for
 2 separation, retirement, or transfer to inactive
 3 status in a reserve component for the purpose
 4 of reducing the number of persons serving in
 5 the armed forces; and

6 “(B) does not include—

7 “(i) a promotion board convened
 8 under section 573(a), 611(a), or 14101(a)
 9 of this title;

10 “(ii) a special board;

11 “(iii) a special selection board con-
 12 vened under section 628 of this title; or

13 “(iv) a board for the correction of
 14 military records convened under section
 15 1552 of this title.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
 17 at the beginning of such chapter 79 is amended by adding
 18 at the end the following:

“1558. Exclusive remedies in cases involving selection boards.”.

19 (c) SPECIAL SELECTION BOARDS.—Section 628 of
 20 such title is amended—

21 (1) by redesignating subsection (g) as sub-
 22 section (j); and

23 (2) by inserting after subsection (f) the fol-
 24 lowing new subsections:

1 “(g) LIMITATIONS OF OTHER JURISDICTION.—No
2 official or court of the United States may—

3 “(1) consider any claim based to any extent on
4 the failure of an officer or former officer of the
5 armed forces to be selected for promotion by a pro-
6 motion board until—

7 “(A) the claim has been referred by the
8 Secretary concerned to a special selection board
9 convened under this section and acted upon by
10 that board and the report of the board has been
11 approved by the President; or

12 “(B) the claim has been rejected by the
13 Secretary concerned without consideration by a
14 special selection board; or

15 “(2) except as provided in subsection (h), grant
16 any relief on such a claim unless the officer or
17 former officer has been selected for promotion by a
18 special selection board convened under this section
19 to consider the officer’s claim and the report of the
20 board has been approved by the President.

21 “(h) JUDICIAL REVIEW.—(1) A court of the United
22 States may review a determination by the Secretary con-
23 cerned under subsection (a)(1) or (b)(1) not to convene
24 a special selection board. If a court finds the determina-
25 tion to be arbitrary or capricious, not based on substantial

1 evidence, or otherwise contrary to law, it shall remand the
2 case to the Secretary concerned, who shall provide for con-
3 sideration of the officer or former officer by a special selec-
4 tion board under this section.

5 “(2) A court of the United States may review the ac-
6 tion of a special selection board convened under this sec-
7 tion on a claim of an officer or former officer and any
8 action taken by the President on the report of the board.
9 If a court finds that the action was contrary to law or
10 involved a material error of fact or a material administra-
11 tive error, it shall remand the case to the Secretary con-
12 cerned, who shall provide for reconsideration of the officer
13 or former officer by another special selection board.

14 “(i) EXISTING JURISDICTION.—(1) Nothing in this
15 section limits the jurisdiction of any court of the United
16 States under any provision of law to determine the validity
17 of any statute, regulation, or policy relating to selection
18 boards, except that, in the event that any such statute,
19 regulation, or policy is held invalid, the remedies pre-
20 scribed in this section shall be the sole and exclusive rem-
21 edies available to any person challenging the recommenda-
22 tion of a selection board on the basis of the invalidity.

23 “(2) Nothing in this section limits the authority of
24 the Secretary of a military department to correct a mili-
25 tary record under section 1552 of this title.”.

1 (c) EFFECTIVE DATE AND APPLICABILITY.—(1) The
 2 amendments made by this section shall take effect on the
 3 date of the enactment of this Act and, except as provided
 4 in paragraph (2), shall apply with respect to any pro-
 5 ceeding pending on or after that date without regard to
 6 whether a challenge to an action of a selection board of
 7 any of the Armed Forces being considered in such pro-
 8 ceeding was initiated before, on, or after that date.

9 (2) The amendments made by this section shall not
 10 apply with respect to any action commenced in a court
 11 of the United States before the date of the enactment of
 12 this Act.

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

- Sec. 511. Retirement of Reserve Personnel.
- Sec. 512. Amendment to Reserve PERSTEMPO Definition.
- Sec. 513. Individual Ready Reserve Physical Examination Requirement.
- Sec. 514. Benefits and Protections for Members in a Funeral Honors Duty Status.
- Sec. 515. Funeral Honors Duty Performed by Members of the National Guard.
- Sec. 516. Strength and Grade Ceiling Accounting for Reserve Component Members on Active Duty in Support of a Contingency Operation.
- Sec. 517. Reserve Health Professionals Stipend Program Expansion.
- Sec. 518. Reserve Officers on Active Duty for a Period of Three Years or Less.
- Sec. 519. Active Duty End Strength Exemption for National Guard and Reserve Personnel Performing Funeral Honors Functions.
- Sec. 520. Clarification of Functions That May Be Assigned to Active Guard and Reserve Personnel on Full-Time National Guard Duty.
- Sec. 521. Authority for Temporary Waiver of the Requirement for a Baccalaureate Degree for Promotion of Certain Reserve Officers of the Army.
- Sec. 522. Authority of the President to Suspend Certain Laws Relating to Promotion, Retirement and Separation; Duties.

1 **SEC. 511. RETIREMENT OF RESERVE PERSONNEL.**

2 (a) **RETIRED RESERVE.**—Section 10154(2) of title
3 10, United States Code, is amended by striking “upon
4 their request”.

5 (b) **RETIREMENT FOR FAILURE OF SELECTION OF**
6 **PROMOTION.**—(1) Section 14513 of such title 10 is
7 amended—

8 (A) in the heading, by inserting “or retirement”
9 after “Separation”; and

10 (B) in paragraph (2), by striking “and applies”
11 and inserting “unless the officer requests not to be
12 transferred to the Retired Reserve” before the semi-
13 colon.

14 (2) The table of sections at the beginning of chapter
15 1407 of such title 10 is amended by striking the item re-
16 lating to section 14513 and inserting the following new
17 item:

“14513. Separation or retirement for failure of selection for promotion.”.

18 (c) **RETIREMENT FOR YEARS OF SERVICE OR AFTER**
19 **SELECTION FOR EARLY REMOVAL.**—Section 14514 of
20 such title 10 is amended—

21 (1) in paragraph (1), by striking “and applies”
22 and inserting “ unless the officer requests not to be
23 transferred to the Retired Reserve” before the semi-
24 colon; and

1 (2) in paragraph (2), by striking “does not
2 apply for such transfer” and inserting “has re-
3 quested not to be transferred to the Retired Re-
4 serve” after “is not qualified or”.

5 (d) RETIREMENT FOR AGE.—Section 14515 of such
6 title 10 is amended—

7 (1) in paragraph (1), by striking “and applies”
8 and inserting “unless the officer requests not to be
9 transferred to the Retired Reserve” before the semi-
10 colon; and

11 (2) in paragraph (2), by striking “does not
12 apply for transfer” and inserting “has requested not
13 to be transferred” following “is riot qualified or”.

14 (e) DISCHARGE OR RETIREMENT OF WARRANT OFFI-
15 CERS FOR YEARS OF SERVICE OR AGE.—(1) Chapter
16 1207 of such title 10 is amended by adding at the end
17 the following new section:

18 **“12244. Warrant officers: discharge or retirement for**
19 **years of service or for age**

20 “Each reserve warrant officer of the Army, Navy, Air
21 Force, or Marine Corps who is in an active status and
22 has reached the maximum years of service or age pre-
23 scribed by the Secretary concerned shall—

24 “(1) be transferred to the Retired Reserve, if
25 the warrant officer is so qualified for such transfer,

1 unless the warrant officer requests not to be trans-
 2 ferred to the Retired Reserve; or

3 “(2) if the warrant officer is not qualified for
 4 such transfer or requests not to be 42 transferred to
 5 the Retired Reserve, be discharged.”.

6 (2) The table of sections at the beginning of such
 7 chapter 1207 of title 10 is amended by adding at the end
 8 the following new item:

“12244. Warrant officers: discharge or retirement for years of service or for
 age.”.

9 (f) DISCHARGE, OR RETIREMENT OF ENLISTED
 10 MEMBERS FOR YEARS OF SERVICE OR AGE.—(1) Chapter
 11 1203 of such title 10 is amended by addinc, at the end
 12 the following new section:

13 **“12108. Enlisted members: discharge or retirement**
 14 **for years of service or for age**

15 “Each reserve enlisted member of the Army, Navy,
 16 Air Force, or Marine Corps who is in an active status and
 17 has reached the maximum years of service or age pre-
 18 scribed by the Secretary concerned shall—

19 “(1) be transferred to the Retired Reserve, if
 20 the member is so qualified for such transfer, unless
 21 the member requests not to be transferred to the
 22 Retired Reserve; or

1 “(2) if the member is not qualified for such
2 transfer or requests not to be transferred to the Re-
3 tired Reserve, be discharged.”.

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

“12108. Enlisted members: discharge or retirement for years of service or for
age.”.

7 **SEC. 512. AMENDMENT TO RESERVE PERSTEMPO DEFINI-**
8 **TION.**

9 Section 991(b) of title 10, United States Code, is
10 amended—

11 (1) in paragraph (1), by inserting “active” be-
12 fore “service” and adding at the end the following
13 new sentence: “For the purpose of this definition,
14 the housing in which a member of a reserve compo-
15 nent resides is either the housing the member nor-
16 mally occupies when on garrison duty or the mem-
17 ber’s permanent civilian residence.”;

18 (2) by striking paragraph (2);

19 (3) by redesignating paragraphs (3) and (4) as
20 paragraphs (2) and (3) respectively; and

21 (4) in paragraph (3) (as redesignated), by strik-
22 ing “in paragraphs (1) and (2).” and inserting “in
23 paragraph (1).”.

1 **SEC. 513. INDIVIDUAL READY RESERVE PHYSICAL EXAM-**
 2 **INATION REQUIREMENT.**

3 Section 10206 of title 10, United States Code, is
 4 amended—

5 (1) in subsection (a), by striking “Ready Re-
 6 serve” and inserting “Selected Reserve”;

7 (2) by redesignating subsection (b) as sub-
 8 section (c); and

9 (3) by inserting after subsection (a) the fol-
 10 lowing new subsection:

11 “(b) As determined by the Secretary concerned, each
 12 member of the Individual Ready Reserve or Inactive Na-
 13 tional Guard shall be provided a physical examination, if
 14 required—

15 “(1) to determine the member’s fitness for mili-
 16 tary duty; or

17 “(2) for promotion, attendance at a military
 18 school or other career progression requirements.”.

19 **SEC. 514. BENEFITS AND PROTECTIONS FOR MEMBERS IN A**
 20 **FUNERAL HONORS DUTY STATUS.**

21 (a) PERSONS SUBJECT TO THE UNIFORMED CODE
 22 OF MILITARY JUSTICE.—Section 802 of title 10, United
 23 States Code, is amended—

24 (1) in subsection (a)(3), by inserting “or in a
 25 funeral honors duty status” after “on inactive-duty
 26 training”; and

1 (2) in subsection (d)(2)(B), by inserting “or in
2 a funeral honors duty status” after “on inactive-
3 duty training”.

4 (b) BENEFITS FOR DEPENDENTS OF A DECEASED
5 RESERVE COMPONENT MEMBER.—Section 1061 of such
6 title 10 is amended—

7 (1) in subsection (b)(1), by striking “or” the
8 first time it appears and inserting “, or funeral hon-
9 ors duty” before the semicolon; and

10 (2) in subsection (b)(2), by striking “or” the
11 first time it appears and inserting “, or funeral hon-
12 ors duty” before the period.

13 (c) PAYMENT OF A DEATH GRATUITY.—(1) Section
14 1475(a) of such title 10 is amended—

15 (A) by redesignating paragraphs (3), (4) and
16 (5) as paragraphs (4), (5) and (6), respectively;

17 (B) by inserting after paragraph (2) the fol-
18 lowing new paragraph:

19 “(3) a Reserve of an armed force who dies
20 while performing funeral honors duty;”; and

21 (C) in paragraph (4) (as redesignated in sub-
22 section (c)(1)) by—

23 (i) striking “or” both time it appears;

24 (ii) inserting “or funeral honors duty”
25 after “Public Health Service),”;

1 (iii) inserting a comma before and after
2 “inactive duty training” the second time it ap-
3 pears in the sentence; and

4 (iv) inserting “or funeral honors duty” be-
5 fore the semicolon.

6 (2) Section 1476(a) of such title 10 is amended—

7 (A) in paragraph (1)(A), by striking “or”;

8 (B) in paragraph (1)(B), by striking the period
9 and inserting “; or”;

10 (C) by adding at the end of paragraph (1) the
11 following new subparagraph:

12 “(C) funeral honors duty.”; and

13 (D) in paragraph (2)(A), by striking “or” the
14 first time it appears and inserting “, or funeral hon-
15 ors duty” after “inactive-duty training”.

16 (d) MILITARY AUTHORITY FOR MEMBERS OF THE
17 COAST GUARD RESERVE.—Section 704 of title 14, United
18 States Code, is amended by—

19 (1) striking “or” the first time it appears in the
20 second sentence; and

21 (2) inserting “, or funeral honors duty” after
22 “inactive-duty training”.

23 (e) BENEFITS FOR MEMBERS OF THE COAST GUARD
24 RESERVE.—Section 705(a) of such title 14 is amended by

1 inserting “on funeral honors duty,” after “on inactive-
2 duty training,”.

3 (f) DEFINITIONS.—Section 101 of title 38, United
4 States Code, is amended—(1) in paragraph (24), by strik-
5 ing “and” following “aggravated in the line of duty,” and
6 inserting “, and any period of funeral honors duty during
7 which the individual concerned was disabled or died from
8 an injury incurred or aggravated in line of duty” before
9 the period; and

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

11 “(34) The term “Funeral Honors Duty”
12 means—

13 “(A) duty prescribed for Reserves by the
14 Secretary concerned under section 12503 of
15 title 10 to prepare for or perform funeral hon-
16 ors functions at the funeral of a veteran;

17 “(B) in the case of members of the Army
18 National Guard or Air National Guard of any
19 State, duty under section 115 of title 32 to pre-
20 pare for or perform funeral honors functions at
21 the funeral of a veteran; and

22 “(C) Authorized travel to and from such
23 duty.”.

1 **SEC. 515. FUNERAL HONORS DUTY PERFORMED BY MEM-**
2 **BERS OF THE NATIONAL GUARD.**

3 Section 1491 (b) of title 10, United States Code, is
4 amended by inserting after paragraph (2) the following
5 new paragraph:

6 “(3) A member of the Army National Guard of the
7 United States or Air National Guard of the United States
8 who serves as a member of a funeral honors detail while
9 serving in a duty status authorized under state law shall
10 be considered to be a member of the armed forces for the
11 purpose of fulfilling the two member funeral honors detail
12 requirement in paragraph (2).”.

13 **SEC. 516. STRENGTH AND GRADE CEILING ACCOUNTING**
14 **FOR RESERVE COMPONENT MEMBERS ON AC-**
15 **TIVE DUTY IN SUPPORT OF A CONTINGENCY**
16 **OPERATION.**

17 (a) ACTIVE DUTY STRENGTH ACCOUNTING—Section
18 11 5(c) of title 10, United States Code is amended—

19 (1) in subparagraph (1), by striking “and” at
20 the end of the subparagraph;

21 (2) in subparagraph (2), by striking the period
22 and adding “; and” at the end of the subparagraph;
23 and

24 (3) by adding the following new subparagraph:

25 “(3) increase the end strength authorized pur-
26 suant to subsection (a)(1)(A) for a fiscal year for

1 any of the armed forces by a number equal to the
2 number of members of the reserve components on
3 active duty under section 12301(d) of this title in
4 support of a contingency operation as defined in sec-
5 tion 101(a)(13) of this title.”.

6 (b) INCREASE IN AUTHORIZED DAILY AVERAGE FOR
7 MEMBERS IN PAY GRADES E-8 AND E-9 ON ACTIVE
8 DUTY UNDER CERTAIN CIRCUMSTANCES.—Section 517
9 of such title 10 is amended at the end by adding the fol-
10 lowing new paragraph:

11 “(d) The Secretary of Defense may increase the au-
12 thorized daily average number of enlisted members on ac-
13 tive duty in an armed force in pay grades E-8 and E-
14 9 in a fiscal year pursuant to subsection (a) by the number
15 of enlisted members of a reserve component in that armed
16 force in the pay grades of E-8 and E-9 on active duty
17 under section 12301(d) of this title in support of a contin-
18 gency operation as defined in section 101(a)(13) of this
19 title.”.

20 (c) INCREASE IN AUTHORIZED STRENGTHS FOR
21 COMMISSIONED OFFICERS IN PAY GRADES O-4, O-5 AND
22 O-6 ON ACTIVE DUTY UNDER CERTAIN CIR-
23 CUMSTANCES.—Section 523 of such title 10 is amended—

1 (1) in paragraphs (a)(1) and (a)(2), by striking
2 “subsection (c)” and inserting “subsections (c) and
3 (e)”; and

4 (2) by adding at the end the following new sub-
5 section:

6 “(e) The Secretary of Defense may increase the au-
7 thorized total number of commissioned officers serving on
8 active duty at the end of any fiscal year pursuant to sub-
9 section (a) by the number of commissioned officers of a
10 reserve component of the Army, Navy, Air Force, or Ma-
11 rine Corps on active duty under section 12301(d) of this
12 title in support of a contingency operation as defined in
13 section 101(a)(13) of this title.”.

14 (d) INCREASE, IN AUTHORIZED STRENGTHS FOR
15 GENERAL AND FLAG OFFICERS ON ACTIVE DUTY UNDER
16 CERTAIN CIRCUMSTANCES.—Section 526(a) of such title
17 10 is amended by—

18 (1) striking “the” the first time it appears;

19 (2) inserting “(1) Except as provided in para-
20 graph (2), the” following “Limitations.—”;

21 (3) redesignating paragraphs (1), (2), (3) and
22 (4) as subparagraphs (A), (B), (C) and (D), respec-
23 tively; and

1 (4) inserting after subparagraph (D) (as redese-
2 gnated by section (d)(3)) the following new para-
3 graph:

4 “(2) The Secretary of Defense may increase the
5 number of general and flag officers on active duty
6 pursuant to paragraph (1) by the number of reserve
7 component general and flag officers on active duty
8 under section 12301(d) of this title in support of a
9 contingency operation as defined in section
10 101(a)(13) of this title.”.

11 **SEC. 517. RESERVE HEALTH PROFESSIONALS STIPEND**
12 **PROGRAM EXPANSION.**

13 (a) PURPOSE OF PROGRAM.—Section 16201(a) of
14 title 10, United States Code, is amended to read as fol-
15 lows:

16 “(a) ESTABLISHMENT OF PROGRAM.—For the pur-
17 poses of obtaining adequate numbers of commissioned offi-
18 cers in the reserve components who are qualified in health
19 professions, the Secretary of each military department
20 may establish and maintain a program to provide financial
21 assistance under this chapter to persons engaged in train-
22 ing that leads to a degree in medicine or dentistry, and
23 to a health professions specialty critically needed in war-
24 time. Under such a program, the Secretary concerned may
25 agree to pay a financial stipend to persons engaged in

1 health care education and training in return for a commit-
2 ment to subsequent service in the Ready Reserve.”.

3 (b) MEDICAL AND DENTAL STUDENT STIPEND.—

4 Section 16201 of such title 10 is amended by—

5 (1) redesignating subsections (b), (c), (d) and
6 (e) as subsections (c), (d), (e) and (f);

7 (2) inserting the following new subsection:

8 “(b) MEDICAL AND DENTAL SCHOOL STUDENTS.—

9 (1) Under the stipend program under this chapter, the
10 Secretary of the military department concerned may enter
11 into an agreement with a person who—

12 “(A) is eligible to be appointed as an officer in
13 a Reserve component;

14 “(B) is enrolled or has been accepted for enroll-
15 ment in an institution in a course of study that re-
16 sults in a degree in medicine or dentistry;

17 “(C) signs an agreement that, unless sooner
18 separated, the person will—

19 “(i) complete the educational phase of the
20 program;

21 “(ii) accept a reappointment or redesigna-
22 tion within his reserve component, if tendered,
23 based upon his health profession, following sat-
24 isfactory completion of the educational and in-
25 tern programs; and

1 “(iii) participate in a residency program;

2 and

3 “(D) if required by regulations prescribed by
4 the Secretary of Defense, agrees to apply for, if eli-
5 gible, and accept, if offered, residency training in a
6 health profession skill which has been designated by
7 the Secretary of Defense as a critically needed war-
8 time skill.

9 “(2) Under the agreement—

10 “(A) the Secretary of the military department
11 concerned shall agree to pay the participant a sti-
12 pend, in the amount determined under subsection
13 (f), for the period or the remainder of the period the
14 student is satisfactorily progressing toward a degree
15 in medicine or dentistry while enrolled in an accred-
16 ited medical or dental school;

17 “(B) the participant shall not be eligible to re-
18 ceive such stipend before appointment, designation,
19 or assignment as an officer for service in the Ready
20 Reserve;

21 “(C) the participant shall be subject to such ac-
22 tive duty requirements as may be specified in the
23 agreement and to active duty in time of war or na-
24 tional emergency as provided by law for members of
25 the Ready Reserve; and

1 “(D) the participant shall agree to serve, upon
2 successful completion of the program, one year in
3 the Selected Reserve for each six months, or part
4 thereof, for which the stipend is provided. In the
5 case of a participant who enters into a subsequent
6 agreement under subsection (c) and successfully
7 completes residency training in a specialty des-
8 ignated by the Secretary of Defense as a specialty
9 critically needed by the military department in war-
10 time, the requirement to serve in the Selected Re-
11 serve may be reduced to one year for each year, or
12 part thereof, for which the stipend was provided
13 while enrolled in medical or dental school.”.

14 (c) WARTIME CRITICAL SKILLS.—Section 16201(c),
15 (as redesignated by section (b)), is 51 amended—

16 (1) by inserting “WARTIME” following
17 “CRITICAL” in the heading; and

18 (2) in paragraph (1)(B) by inserting “or has
19 been appointed as a medical or dental officer in the
20 Reserve of the armed force concerned” before the
21 semicolon at the end of the paragraph.

22 (d) SERVICE OBLIGATION REQUIREMENT.—Subpara-
23 graph (2)(D) of subsection (c), (as redesignated by section
24 (b)), and subparagraph (2)(D) of subsection (d), (as re-
25 designated by section (b)), are amended by striking “two

1 years in the Ready Reserve for each year,” and inserting
2 “one year in the Ready Reserve for each six months,”.

3 (e) CLERICAL AMENDMENTS.—Subparagraphs
4 (2)(A) of subsection (c), (as redesignated by section (b)),
5 and subparagraph (2)(A) of subsection (d), (as redesignig-
6 nated by section (b)), are amended by striking “subsection
7 (e)” and inserting “subsection (f)”.

8 **SEC. 518. RESERVE OFFICERS ON ACTIVE DUTY FOR A PE-**
9 **RIOD OF THREE YEARS OR LESS.**

10 (a) CLARIFICATION OF EXEMPTION.—Section
11 641(1)(D) of title 10, United States Code, is amended to
12 read as follows:

13 “(D) on active duty under section 12301(d) of
14 this title, other than as provided under subpara-
15 graph (C), provided the call or order to active duty,
16 as prescribed in regulations of the Secretary con-
17 cerned, specifies a period of three years or less and
18 continued placement on the reserve active-status
19 list;”.

20 (b) RETROACTIVE APPLICATION.—(1) Officers who
21 were placed on the reserve active status list under section
22 641(1)(D), as amended by section 521 of the Floyd D.
23 Spence National Defense Authorization Act for Fiscal
24 Year 2001 (Public Law 106–398; 114 Stat. 1654A–108),
25 may be considered, as determined by the Secretary con-

1 cerned, to have been on the active-duty list during the pe-
 2 riod beginning on the date of enactment of Public Law
 3 106–398 through the date of enactment of this Act.

4 “(2) Officers who were placed on the active duty list
 5 on or after October 30, 1997, may, at the discretion of
 6 the Secretary concerned, be placed on the reserve active-
 7 status list upon enactment of this Act, provided they oth-
 8 erwise meet the conditions specified in section 641(1)(D)
 9 as amended by this Act.

10 **SEC. 519. ACTIVE DUTY END STRENGTH EXEMPTION FOR**
 11 **NATIONAL GUARD AND RESERVE PER-**
 12 **SONNEL PERFORMING FUNERAL HONORS**
 13 **FUNCTIONS.**

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

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

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

1 **SEC. 520. CLARIFICATION OF FUNCTIONS THAT MAY BE AS-**
2 **SIGNED TO ACTIVE GUARD AND RESERVE**
3 **PERSONNEL ON FULL-TIME NATIONAL**
4 **GUARD DUTY.**

5 Section 12310(b) of title 10, United States Code, is
6 amended by inserting “, or a Reserve who is a member
7 of the National Guard serving on full-time National Guard
8 duty under section 502(f) of title 32 in connection with
9 functions referred to in subsection (a),” after “on active
10 duty as described in subsection (a)”.

11 **SEC. 521. AUTHORITY FOR TEMPORARY WAIVER OF THE**
12 **REQUIREMENT FOR A BACCALAUREATE DE-**
13 **GREE FOR PROMOTION OF CERTAIN RE-**
14 **SERVE OFFICERS OF THE ARMY.**

15 Section 516 of the Strom Thurmond National De-
16 fense Authorization Act for Fiscal Year 1999 (Public Law
17 105–261; 112 Stat. 1920, 2008) is amended—

18 (1) in subsection (a), by striking “(a) WAIVER
19 AUTHORITY FOR ARMY OCS GRADUATES.—” and
20 “before the date of the enactment of this Act”; and

21 (2) in subsection (b), by striking “2000” and
22 inserting “2003”.

1 **SEC. 522. AUTHORITY OF THE PRESIDENT TO SUSPEND**
 2 **CERTAIN LAWS RELATING TO PROMOTION,**
 3 **RETIREMENT AND SEPARATION; DUTIES.**

4 Section 12305 of title 10, United States Code, is
 5 amended by adding at the end the following new sub-
 6 section (c):

7 “(c) Active duty members whose mandatory separa-
 8 tions or retirements incident to section 1251 or sections
 9 632–637 of this title are delayed pursuant to invocation
 10 of this section, will be afforded up to 90 days following
 11 termination of the suspension before being separated of
 12 retired.”.

13 **Subtitle C—Education and**
 14 **Training**

Sec. 531. Authority for the Marine Corps University to Award the Degree of
 Master of Strategic Studies.

Sec. 532. Reserve Component Distributed Learning.

Sec. 533. Repeal of Limitation on Number of Junior Reserve Officers’ Training
 Corps (JROTC) Units.

Sec. 534. Modification of the Nurse Officer Candidate Accession Program Re-
 striction on Students Attending Civilian Educational Institu-
 tions with Senior Reserve Officers’ Training Programs.

Sec. 535. Defense Language Institute Foreign Language Center.

15 **SEC. 531. AUTHORITY FOR THE MARINE CORPS UNIVER-**
 16 **SITY TO AWARD THE DEGREE OF MASTER OF**
 17 **STRATEGIC STUDIES.**

18 (a) **AUTHORITY TO CONFER DEGREE.**—Upon the
 19 recommendation of the Director and faculty of the Marine
 20 Corps War College of the Marine Corps University, the
 21 President of the Marine Corps University may confer the

1 degree of master of strategic studies upon graduates of
2 the college who fulfill the requirements for the degree.

3 (b) REGULATION.—The Secretary of the Navy shall
4 promulgate regulations under which the Director of the
5 faculty of the Marine Corps War College of the Marine
6 Corps University shall administer the authority in sub-
7 section (a).

8 (e) EFFECTIVE DATE.—The authority to award de-
9 grees provided by subsection (a) shall become effective on
10 the date on which the Secretary of Education determines
11 that the requirements established by the Marine Corps
12 War College of the Marine Corps University for the degree
13 of master of strategic studies are in accordance with gen-
14 erally applicable requirements for a degree of master of
15 arts.

16 **SEC. 532. RESERVE COMPONENT DISTRIBUTED LEARNING.**

17 (a) COMPENSATION FOR DISTRIBUTED LEARNING.—
18 Section 206(d) of title 37, United States Code, is amended
19 to read as follows:

20 “(d) A member of a Reserve Component may be paid
21 compensation under this section for the successful comple-
22 tion of courses of instruction undertaken by electronic,
23 paper-based, or other distributed learning. Distributed
24 Learning is structured learning that takes place without
25 55 requiring the physical presence of an instructor. To

1 be compensable, the instruction must be required by law,
 2 Department of Defense policy, or service regulation and
 3 may be accomplished either independently or as part of
 4 a group.”.

5 (b) DEFINITION OF INACTIVE-DUTY TRAINING.—
 6 Section 101(22) of title 37, United States Code, is amend-
 7 ed by striking “, but does not include work or study in
 8 connection with a correspondence course of a uniformed
 9 service”.

10 **SEC. 533. REPEAL OF LIMITATION ON NUMBER OF JUNIOR**
 11 **RESERVE OFFICERS’ TRAINING CORPS**
 12 **(JROTC) UNITS.**

13 Section 2031(a)(1) of title 10, United States Code,
 14 is amended by striking the second sentence.

15 **SEC. 534. MODIFICATION OF THE NURSE OFFICER CAN-**
 16 **DIDATE ACCESSION PROGRAM RESTRICTION**
 17 **ON STUDENTS ATTENDING CIVILIAN EDU-**
 18 **CATIONAL INSTITUTIONS WITH SENIOR RE-**
 19 **SERVE OFFICERS’ TRAINING PROGRAMS.**

20 Section 2130a of title 10, United States Code, is
 21 amended—

22 (1) in paragraph (a)(2), by striking “that does
 23 not have a Senior Reserve Officers” Training Pro-
 24 gram established under section 2102 of this title;”
 25 and

1 (2) in paragraph (b)(1), by adding at the end
 2 “or that has a Senior Reserve Officers” Training
 3 Program for which the student is ineligible.”.

4 **SEC. 535. DEFENSE LANGUAGE INSTITUTE FOREIGN LAN-**
 5 **GUAGE CENTER.**

6 (a) Subject to subsection (b), the Commandant of the
 7 Defense Language Institute Foreign Language Center
 8 (Institute) may confer an Associate of Arts degree in For-
 9 eign Language upon graduates of the Institute who fulfill
 10 the requirements for the degree.

11 (b) No degree may be conferred upon any student
 12 under this section unless the Provost certifies to the Com-
 13 mandant of the Institute that the student has satisfied
 14 all the requirements prescribed for such degree.

15 (c) The authority provided by subsection (a) shall be
 16 exercised under regulations prescribed by the Secretary of
 17 Defense.

18 **Subtitle D—Decorations, Awards,**
 19 **and Commendations**

Sec. 541. Authority for Award of the Medal of Honor to Humbert R. Versace
 for Valor During the Vietnam War.

Sec. 542. Issuance of Duplicate Medal of Honor.

Sec. 543. Repeal of Limitation on Award of Bronze Star to Members in Receipt
 of Special Pay.

1 **SEC. 541. AUTHORITY FOR AWARD OF THE MEDAL OF**
2 **HONOR TO HUMBERT R. VERSACE FOR**
3 **VALOR DURING THE VIETNAM WAR.**

4 (a) **WAIVER OF TIME LIMITATIONS.**—Notwith-
5 standing the time limitations specified in section 3744 of
6 title 10, United States Code, or any other time limitation
7 with respect to the awarding of certain medals to persons
8 who served in the military service, the President may
9 award the Medal of Honor under section 3741 of that title
10 to Humbert R. Versace for the acts of valor referred to
11 in subsection (b).

12 (b) **ACTION DESCRIBED.**—The acts of valor referred
13 to in subsection (a) are the actions of Humbert R. Versace
14 between October 29, 1963, and September 26, 1965, while
15 interned as a prisoner of war by the Vietnamese Com-
16 munist National Liberation Front (Viet Cong) in the Re-
17 public of Vietnam.

18 **SEC. 542. ISSUANCE OF DUPLICATE MEDAL OF HONOR.**

19 (a) Section 3747 of title 10, United States
20 Code, is amended—

21 (1) in the section heading, by adding at the end
22 **“; issuance of duplicate medal of honor”**;

23 (2) by striking “Any medal of honor” and in-
24 serting **“(a) REPLACEMENT OF MEDALS.—Any**
25 **medal of honor”**;

1 (3) by inserting “stolen,” before “lost or de-
2 stroyed,”; and

3 (4) by adding at the end the following new sub-
4 section:

5 “(b) ISSUANCE OF DUPLICATE MEDAL OF HONOR.—
6 Upon written application by a person to whom a medal
7 of honor has been awarded under this chapter, the Sec-
8 retary of the Army may issue such person, without charge,
9 one duplicate medal of honor, with ribbons and appur-
10 tenances. Such duplicate shall be marked, in a manner the
11 Secretary may determine, as a duplicate or for display
12 purposes only. The issuance of a duplicate medal of honor
13 under the authority of this subsection shall not constitute
14 the award of more than one medal of honor within the
15 meaning of section 3744(a) of this title.”.

16 (b) Section 6253 of such title is amended—

17 (1) in the section heading, by adding at the end
18 “; **issuance of duplicate medal of honor**”;

19 (2) by striking “The Secretary of the Navy may
20 replace” and inserting “(a) REPLACEMENT OF MED-
21 ALS.—The Secretary of the Navy may replace”;

22 (3) by inserting “stolen,” before “lost or de-
23 stroyed,”; and

24 (4) by adding at the end the following new sub-
25 section:

1 “(b) ISSUANCE OF DUPLICATE MEDAL OF HONOR.—
2 Upon written application by a person to whom a medal
3 of honor has been awarded under this chapter, the Sec-
4 retary of the Navy may issue such person, without charge,
5 one duplicate medal of honor, with ribbons and appur-
6 tenances. Such duplicate shall be marked, in a manner the
7 Secretary may determine, as a duplicate or for display
8 purposes only. The issuance of a duplicate medal of honor
9 under the authority of this subsection shall not constitute
10 the award of more than one medal of honor within the
11 meaning of section 6247 of this title.”.

12 (c) Section 8747 of such title is amended—

13 (1) in the section heading, by adding at the end
14 **“; issuance of duplicate medal of honor”**;

15 (2) by striking “Any medal of honor” and in-
16 serting “(a) REPLACEMENT OF MEDALS.—Any
17 medal of honor”;

18 (3) by inserting “stolen,” before “lost or de-
19 stroyed,”; and

20 (4) by adding at the end the following new sub-
21 section:

22 “(b) ISSUANCE OF DUPLICATE MEDAL OF HONOR.—
23 Upon written application by a person to whom a medal
24 of honor has been awarded under this chapter, the Sec-
25 retary of the Air Force may issue such person, without

1 charge, one duplicate medal of honor, with ribbons and
 2 appurtenances. Such duplicate shall be marked, in a man-
 3 ner the Secretary may determine, as a duplicate or for
 4 display purposes only. The issuance of a duplicate medal
 5 of honor under the authority of this subsection shall not
 6 constitute the award of more than one medal of honor
 7 within the meaning of section 8744(a) of this title.”.

8 (d) CLERICAL AMENDMENTS.—(1) The item relating
 9 to section 3747 of such title in the table of sections at
 10 the beginning of chapter 357 of such title is amended to
 11 read as follows:

“3747. Medal of honor; distinguished-service cross; distinguished-service medal;
 silver star: replacement; issuance of duplicate medal of honor.”;

12 (2) The item relating to section 6253 of such title
 13 in the table of sections at the beginning of chapter 567
 14 of such title is amended to read as follows:

“6253. Replacement; issuance of duplicate medal of honor.”; and

15 (3) The item relating to section 8747 of such title
 16 in the table of sections at the beginning of chapter 857
 17 of such title is amended to read as follows:

“8747. Medal of honor; Air Force cross; distinguished-service cross; distin-
 guished-service medal; silver star: replacement; issuance of du-
 plicate medal of honor.”.

18 **SEC. 543. REPEAL OF LIMITATION ON AWARD OF BRONZE**
 19 **STAR TO MEMBERS IN RECEIPT OF SPECIAL**
 20 **PAY.**

21 Section 1133 of title 10, United States Code, is re-
 22 pealed.

1 **Subtitle E—Uniform Code of**
 2 **Military Justice**

Sec. 551. Revision of Punitive UCMJ Article Regarding Drunken Operation of Vehicle, Aircraft, or Vessel.

3 **SEC. 551. REVISION OF PUNITIVE UCMJ ARTICLE REGARD-**
 4 **ING DRUNKEN OPERATION OF VEHICLE, AIR-**
 5 **CRAFT, OR VESSEL.**

6 (a) STANDARD FOR DRUNKEN OPERATION OF VEHI-
 7 CLE, AIRCRAFT, OR VESSEL.—Paragraph (2) of section
 8 911 of title 10, United States Code (article III of the Uni-
 9 form Code of Military Justice), is amended by striking
 10 “0.10 grams or more of alcohol” and inserting “0.08
 11 grams or more of alcohol” both places such term appears.

12 (b) EFFECTIVE DATE.—The amendments made by
 13 subsection (a) shall take effect on the date of the enact-
 14 ment of this Act and shall apply to offenses committed
 15 on or after that date.

16 **TITLE VI—COMPENSATION AND**
 17 **OTHER PERSONNEL BENEFITS**
 18 **Subtitle A—Pay and Allowances**

Sec. 601. Increase in Basic Pay for Fiscal Year 2002.

Sec. 602. Partial Dislocation Allowance Authorized Under Certain Circumstances.

Sec. 603. Funeral Honors Duty, Allowance for Retirees.

Sec. 604. Basic Pay Rate for Certain Reserve Commissioned Officers with Prior Service as an Enlisted Member or Warrant Officer.

Sec. 605. Family Separation Allowance.

Sec. 606. Housing Allowance for the Chaplain for the Corps of Cadets, United States Military Academy.

Sec. 607. Clarify Amendment that Space-Required Travel for Annual Training Reserve Duty Does Not Obviate Transportation Allowances.

1 **SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2002.**

2 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—The
 3 adjustment to become effective during fiscal year 2002 re-
 4 quired by section 1009 of title 37, United States Code,
 5 in the rates of monthly basic pay authorized members of
 6 the uniformed services shall not be made.

7 (b) INCREASE IN BASIC PAY.—Effective on January
 8 1, 2002, the rates of monthly basic pay for members of
 9 the uniformed services shall be as follows:

MONTHLY BASIC PAY*, **, ***

Pay grade	Years of service (computed under 37 U.S.C. 205)						
	<2	2	3	4	6	8	10
COMMISSIONED OFFICERS							
0-10	0	0	0	0	0	0	0
0-9	0	0	0	0	0	0	0
0-8	7180.20	7415.40	7571.10	7614.90	7809.30	8135.10	8210.70
0-7	5966.40	6371.70	6371.70	6418.20	6657.90	6840.30	7051.20
0-6	4422.00	4857.90	5176.80	5176.80	5196.60	5418.90	5448.60
0-5	3537.00	4152.60	4440.30	4494.30	4673.10	4673.10	4813.50
0-4	3023.70	3681.90	3927.60	3982.50	4210.50	4395.90	4696.20
0-3	2796.60	3170.40	3421.80	3698.70	3875.70	4070.10	4232.40
0-2	2416.20	2751.90	3169.50	3276.30	3344.10	3344.10	3344.10
0-1	2097.60	2183.10	2638.50	2638.50	2638.50	2638.50	2638.50
12	14	16	18	20	22	24	26
0	0	0	0	11601.90	11659.20	11901.30	12324.00
0	0	0	0	10147.50	10293.60	10504.80	10873.80
8519.70	8608.50	8874.30	9259.50	9614.70	9852.00	9852.00	9852.00
7261.80	7472.70	8135.10	8694.90	8694.90	8694.90	8694.90	8738.70
5448.60	5628.60	6305.70	6627.00	6948.30	7131.00	7316.10	7675.20
5073.30	5413.50	5755.80	5919.00	6079.80	6262.80	6262.80	6262.80
4930.20	5092.50	5255.70	5310.60	5310.60	5310.60	5310.60	5310.60
4441.20	4549.50	4549.50	4549.50	4549.50	4549.50	4549.50	4549.50
3344.10	3344.10	3344.10	3344.10	3344.10	3344.10	3344.10	3344.10
2638.50	2638.50	2638.50	2638.50	2638.50	2638.50	2638.50	2638.50

COMMISSIONED OFFICERS WITH OVER 4 YEARS ACTIVE DUTY SERVICE

	<2	2	3	4	6	8	10
AS AN ENLISTED MEMBER OR WARRANT OFFICER							
0-3E	0.00	0.00	0.00	3698.70	3875.70	4070.10	4232.40
0-2E	0.00	0.00	0.00	3276.30	3344.10	3450.30	3630.00
0-1E	0.00	0.00	0.00	2638.50	2818.20	2922.30	3028.50
12	14	16	18	20	22	24	26

**COMMISSIONED OFFICERS WITH OVER 4 YEARS ACTIVE
DUTY SERVICE—Continued**

	<2	2	3	4	6	8	10
AS AN ENLISTED MEMBER OR WARRANT OFFICER							
4441.20	4617.00	4717.50	4855.20	4855.20	4855.20	4855.20	4855.20
3768.90	3872.40	3872.40	3872.40	3872.40	3872.40	3872.40	3872.40
3133.20	3276.30	3276.30	3276.30	3276.30	3276.30	3276.30	3276.30

WARRANT OFFICERS							
	<2	2	3	4	6	8	10
W-5	0.00	0.00	0.00	0.00	0.00	0.00	0.00
W-4	2889.60	3108.60	3198.00	3285.90	3437.10	3586.50	3737.70
W-3	2638.80	2862.00	2862.00	2898.90	3017.40	3152.40	3330.90
W-2	2321.40	2454.00	2569.80	2654.10	2726.40	2875.20	2984.40
W-1	2049.90	2217.60	2330.10	2402.70	2511.90	2624.70	2737.80
12	14	16	18	20	22	24	26
0.00	0.00	0.00	0.00	4965.60	5136.00	5307.00	5478.60
3885.30	4038.00	4184.40	4334.40	4480.80	4632.60	4782.00	4935.30
3439.50	3558.30	3693.90	3828.60	3963.60	4098.30	4233.30	4368.90
3093.90	3200.40	3318.00	3438.90	3559.80	3680.10	3801.30	3801.30
2850.00	2963.70	3077.10	3189.90	3275.10	3275.10	3275.10	3275.10

ENLISTED MEMBERS							
	<2	2	3	4	6	8	10
E-9	0.00	0.00	0.00	0.00	0.00	0.00	3423.90
E-8	0.00	0.00	0.00	0.00	0.00	2858.10	2940.60
E-7	1986.90	2169.00	2251.50	2332.50	2417.40	2562.90	2645.10
E-6	1701.00	1870.80	1953.60	2033.70	2117.40	2254.50	2337.30
E-5	1561.50	1665.30	1745.70	1828.50	1912.80	2030.10	2110.20
E-4	1443.60	1517.70	1599.60	1680.30	1752.30	1752.30	1752.30
E-3	1303.50	1385.40	1468.50	1468.50	1468.50	1468.50	1468.50
E-2	1239.30	1239.30	1239.30	1239.30	1239.30	1239.30	1239.30
E-1 >4+	1105.50	1105.50	1105.50	1105.50	1105.50	1105.50	1105.50
E-1 <4++ ..	1022.70	0.00	0.00	0.00	0.00	0.00	0.00
12	14	16	18	20	22	24	26
3501.30	3599.40	3714.60	3830.40	3944.10	4098.30	4251.30	4467.00
3017.70	3110.10	3210.30	3314.70	3420.30	3573.00	3724.80	3937.80
2726.40	2808.00	2892.60	2975.10	3057.30	3200.40	3292.80	3526.80
2417.40	2499.30	2558.10	2602.80	2602.80	2602.80	2602.80	2602.80
2193.30	2193.30	2193.30	2193.30	2193.30	2193.30	2193.30	2193.30
1752.30	1752.30	1752.30	1752.30	1752.30	1752.30	1752.30	1752.30
1468.50	1468.50	1468.50	1468.50	1468.50	1468.50	1468.50	1468.50
1239.30	1239.30	1239.30	1239.30	1239.30	1239.30	1239.30	1239.30
1105.50	1105.50	1105.50	1105.50	1105.50	1105.50	1105.50	1105.50
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

* Basic pay for 0-7 to 0-10 is limited to the rate of basic pay for level III of the Executive Schedule. Basic pay for 0-6 and below is limited to level V of the Executive Schedule.

** While serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, basic pay for this grade is \$13,598.10, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

*** While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is \$5,382.90, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

+Applies to personnel who have served 4 months or more on active duty.

++Applies to personnel who have served less than 4 months on active duty.

1 **SEC. 602. PARTIAL DISLOCATION ALLOWANCE AUTHOR-**
2 **IZED UNDER CERTAIN CIRCUMSTANCES.**

3 (a) AUTHORIZATION OF PARTIAL DISLOCATION AL-
4 LOWANCE.—Section 407 of title 37, United States Code
5 is amended—

6 (1) by redesignating subsections (c) through (g)
7 as subsections (d) through (h), respectively;

8 (2) in subsections (a)(1) and (b)(1), by striking
9 “subsection (c)” and inserting “subsection (d)”;

10 (3) by inserting after subsection (b) the fol-
11 lowing new subsection:

12 “(c) PARTIAL DISLOCATION ALLOWANCE.—(1)
13 Under regulations prescribed by the Secretary concerned,
14 a member ordered to occupy or to vacate Government fam-
15 ily housing for the convenience of the Government (includ-
16 ing pursuant to the privatization or renovation of hous-
17 ing), and not pursuant to a permanent change of station,
18 may be paid a partial dislocation allowance of \$500.

19 “(2) Effective on the same date that the monthly
20 rates of basic pay for members are increased for a subse-
21 quent calendar year, the Secretary of Defense shall adjust
22 the rate for the partial dislocation allowance for that cal-
23 endar year by the percentage equal to the percentage in-
24 crease in the rate of basic pay for that calendar year.

1 “(3) Payments made under this subsection are not
2 subject to the fiscal year limitations in subsection (e).”;
3 and

4 (4) in subsection (d)(1) as redesignated by
5 paragraph (1), by striking at the beginning “The
6 amount” and inserting “Except as provided in sub-
7 section (c), the amount”.

8 (b) EFFECTIVE DATE.—The amendments made by
9 this section shall take effect on October 1, 2001.

10 **SEC. 603. FUNERAL HONORS DUTY ALLOWANCE FOR RETIR-**

11 **EES.**

12 Section 435 of title 37, United States Code, is
13 amended—

14 (1) in subsection (a), by inserting before the pe-
15 riod at the end “or a retired member of the armed
16 forces who performs at least two hours of duty pre-
17 paring for or performing honors at the funeral of a
18 veteran”; and

19 (2) by adding at the end the following new sub-
20 section:

21 “(d) CONCURRENT PAYMENT.—Notwithstanding any
22 other provision of law, the allowance paid to a retired
23 member of the armed forces under subsection (a) shall be
24 in addition to any other compensation authorized under

1 title 10, title 37, and title 38 to which the retired member
2 may be entitled.”.

3 **SEC. 604. BASIC PAY RATE FOR CERTAIN RESERVE COM-**
4 **MISSIONED OFFICERS WITH PRIOR SERVICE**
5 **AS AN ENLISTED MEMBER OR WARRANT OF-**
6 **FICER.**

7 Section 203(d) of title 37, United States Code, is
8 amended by inserting “, or who earns a total of more than
9 1,460 points credited under section 12732(a)(2) of title
10 10 while serving as a warrant officer or as a warrant offi-
11 cer and enlisted member” following “or as a warrant offi-
12 cer and enlisted member”.

13 **SEC. 605. FAMILY SEPARATION ALLOWANCE.**

14 Section 427(e) of title 37, United States Code, is
15 amended by amending the first sentence to read as follows:

16 “A member who elects to serve an unaccompanied
17 tour of duty because dependent movement to the perma-
18 nent station is denied for certified medical reasons is enti-
19 tled to an allowance under subsection (a)(1)(A). In all
20 other cases, a member who elects to serve a tour unaccom-
21 panied by his dependents at a permanent station to which
22 movement of his dependents is authorized at the expense
23 of the United States under section 406 of this title is not
24 entitled to an allowance under subsection (a)(1)(A).”.

1 **SEC. 606. HOUSING ALLOWANCE FOR THE CHAPLAIN FOR**
 2 **THE CORPS OF CADETS, UNITED STATES**
 3 **MILITARY ACADEMY.**

4 Section 4337 of title 10, United States Code, is
 5 amended by striking the second sentence and inserting
 6 “Notwithstanding any other provision of law, the chaplain
 7 is entitled to the same basic allowance for housing allowed
 8 to a lieutenant colonel, and to fuel and light for quarters
 9 in kind.”.

10 **SEC. 607. CLARIFYING AMENDMENT THAT SPACE-RE-**
 11 **QUIRED TRAVEL FOR ANNUAL TRAINING RE-**
 12 **SERVE DUTY DOES NOT OBVIATE TRANSPOR-**
 13 **TATION ALLOWANCES.**

14 Section 18505(a) of title 10, United States Code, is
 15 amended by striking “annual training duty or” each time
 16 such term appears.

17 **Subtitle B—Bonuses and Special**
 18 **and Incentive Pays**

- Sec. 611. Authorize the Secretary of the Navy to Prescribe Submarine Duty Incentive Pay Rates.
- Sec. 612. Extension of Authorities Relating to Payment of Other Bonuses and Special Pays.
- Sec. 613. Extension of Certain Bonuses and Special Pay Authorities for Nurse Officer Candidates, Registered Nurses, Nurse Anesthetists, and Dental Officers.
- Sec. 614. Extension of Authorities Relating to Nuclear Officer Special Pays.
- Sec. 615. Extension of Special and Incentive Pays.
- Sec. 616. Accession Bonus for Officers in Critical Skills.
- Sec. 617. Critical Wartime Skill Requirement for Eligibility for the Individual Ready Reserve Bonus.
- Sec. 618. Hazardous Duty Incentive Pay: Maritime Board and Search.

1 **SEC. 611. AUTHORIZE THE SECRETARY OF THE NAVY TO**
2 **PRESCRIBE SUBMARINE DUTY INCENTIVE**
3 **PAY RATES.**

4 (a) IN GENERAL.—Section 301c of title 37, United
5 States Code, is amended by striking subsection (b) and
6 inserting the following:

7 “(b) A member who meets the requirements pre-
8 scribed in subsection (a) is entitled to monthly submarine
9 duty incentive pay in an amount prescribed by the Sec-
10 retary of the Navy, but not more than \$1,000 per
11 month.”.

12 (b) EFFECTIVE DATE.—The amendment made by
13 subsection (a) shall take effect on October 1, 2002.

14 **SEC. 612. EXTENSION OF AUTHORITIES RELATING TO PAY-**
15 **MENT OF OTHER BONUSES AND SPECIAL**
16 **PAYS.**

17 (a) AVIATION OFFICER RETENTION BONUS.—Sec-
18 tion 301b(a) of title 37, United States Code, is amended
19 by striking “December 31, 2001” and inserting “Sep-
20 tember 30, 2003”.

21 (b) REENLISTMENT BONUS FOR ACTIVE MEM-
22 BERS.—Section 308(g) of such title 37 is amended by
23 striking “December 31, 2001” and inserting “September
24 30, 2003”.

1 (c) ENLISTMENT BONUS.—Section 309(e) of such
2 title 37 is amended by striking “December 31, 2001” and
3 inserting “September 30, 2003”.

4 (d) RETENTION BONUS FOR MEMBERS QUALIFIED
5 IN A CRITICAL MILITARY SKILL.—Section 323(i) of such
6 title 37 is amended by striking “December 31, 2001” and
7 inserting “September 30, 2003”.

8 **SEC. 613. EXTENSION OF CERTAIN BONUSES AND SPECIAL**
9 **PAY AUTHORITIES FOR NURSE OFFICER CAN-**
10 **DIDATES, REGISTERED NURSES, NURSE AN-**
11 **ESTHETISTS, AND DENTAL OFFICERS.**

12 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-
13 GRAM.—Section 2130a(a)(1) of title 10, United States
14 Code, is amended by striking “December 31, 2001” and
15 inserting “September 30, 2003”.

16 (b) ACCESSION BONUS FOR REGISTERED NURSES.—
17 Section 302d(a)(1) of title 37, United States Code, is
18 amended by striking “December 31, 2001” and inserting
19 “September 30, 2003”.

20 (c) INCENTIVE SPECIAL PAY FOR NURSE ANES-
21 THETISTS.—Section 302e(a)(1) of such title 37 is amend-
22 ed by striking “December 31, 2001” and inserting “Sep-
23 tember 30, 2003”.

24 (d) ACCESSION BONUS FOR DENTAL OFFICERS.—
25 Section 302h(a)(1) of such title 37 is amended by striking

1 “September 30, 2002” and inserting “September 30,
2 2003”.

3 **SEC. 614. EXTENSION OF AUTHORITIES RELATING TO NU-**
4 **CLEAR OFFICER SPECIAL PAYS.**

5 (a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-
6 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section
7 312(e) of title 37, United States Code, is amended by
8 striking “December 31, 2001” and inserting “December
9 31, 2003”.

10 (b) NUCLEAR CAREER ACCESSION BONUS.—Section
11 312b(c) of such title 37 is amended by striking “December
12 31, 2001” and inserting “December 31, 2003”.

13 (c) NUCLEAR CAREER ANNUAL INCENTIVE
14 BONUS.—Section 312c(d) of such title 37 is amended by
15 striking “December 31, 2001” and inserting “December
16 31, 2003”.

17 **SEC. 615. EXTENSION OF SPECIAL AND INCENTIVE PAYS.**

18 (a) SPECIAL PAY FOR RESERVE HEALTH PROFES-
19 SIONALS IN CRITICALLY SHORT WARTIME SPECIAL-
20 TIES.—Section 302g(f) of title 37, United States Code,
21 is amended by striking “December 31, 2001” and insert-
22 ing “December 31, 2002”.

23 (b) SELECTED RESERVE REENLISTMENT BONUS.—
24 Section 308b(f) of such title is amended by striking “De-
25 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 “Decem-
3 ber 31, 2001” and inserting “December 31, 2002”.

4 (d) SPECIAL PAY FOR ENLISTED MEMBERS AS-
5 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section
6 308d(e) of such title is amended by striking “December
7 31, 2001” and inserting “December 31, 2002”.

8 (e) SELECTED RESERVE AFFILIATION BONUS.—Sec-
9 tion 308e(e) of such title is amended by striking “Decem-
10 ber 31, 2001” and inserting “December 31, 2002”.

11 (f) READY RESERVE ENLISTMENT AND REENLIST-
12 MENT BONUS.—Section of 308h(g) of such title is amend-
13 ed by striking “December 31, 2001” and inserting “De-
14 cember 31, 2002”.

15 (g) PRIOR SERVICE ENLISTMENT BONUS.—Section
16 308i(f) of such title is amended by striking “December
17 31, 2001” and inserting “December 31, 2002”.

18 (h) REPAYMENT OF EDUCATION LOANS FOR CER-
19 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-
20 LECTED RESERVE.—Section 16302(d) of title 10, United
21 States Code, is amended by striking “January 1, 2002”
22 and inserting “January 1, 2003”.

1 **SEC. 616. ACCESSION BONUS FOR OFFICERS IN CRITICAL**
2 **SKILLS.**

3 (a) IN GENERAL.—Chapter 5 of title 37, United
4 States Code, is amended by inserting after section 323 the
5 following new section:

6 **“§ 324. Special Pay: officer critical skills accession**
7 **bonus**

8 “(a) ACCESSION BONUS AUTHORIZED.—Under regu-
9 lations prescribed by the Secretary of Defense and the
10 Secretary of Transportation with respect to the Coast
11 Guard when it is not operated as a service in the Navy,
12 and subject to the limitations in subsection (b), an indi-
13 vidual who executes a written agreement to accept a com-
14 mission as an officer of an armed force and serve on active
15 duty in an officer critical skill for the period specified in
16 the agreement may be paid an accession bonus not to ex-
17 ceed \$20,000 upon acceptance of the written agreement
18 by the Secretary concerned.

19 “(b) LIMITATION ON ELIGIBILITY FOR BONUS.—An
20 individual may not be paid a bonus under subsection (a)
21 if the individual has received, or is receiving, an accession
22 bonus for the same period of service under subsections
23 302d, 302h, or 312b.

24 “(c) PRORATION.—The term of an agreement and
25 the amount of the payment under subsection (a) may be
26 prorated.

1 “(d) PAYMENT METHOD.—Upon acceptance of the
2 written agreement by the Secretary concerned, the total
3 amount payable pursuant to the agreement under sub-
4 section (a) becomes fixed and may be paid by the Sec-
5 retary in either a lump sum or installments.

6 “(e) REPAYMENT.—(1) If an individual who has en-
7 tered into an agreement under subsection (a) has received
8 all or part of a bonus under this section fails to accept
9 an appointment or to commence or complete the total pe-
10 riod of active duty in the designated critical skill specified
11 in the agreement, the Secretary concerned may require the
12 individual to repay the United States, on a pro rata basis
13 and to the extent that the Secretary determines conditions
14 and circumstances warrant, any or all sums paid to the
15 individual under this section.

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

19 “(3) A discharge in bankruptcy under title II that
20 is entered less than five years after the termination of a
21 written agreement entered into. under subsection (a) does
22 not discharge the individual signing the agreement from
23 a debt arising under such agreement or under paragraph
24 (1).

1 “(f) DEFINITION.—In this section, the term “officer
2 critical skill” means a skill designated as critical with re-
3 spect to accession of officers to the skill by the Secretary
4 of Defense, or by the Secretary of Transportation with re-
5 spect to the Coast Guard when it is not operating as a
6 service in the Navy.

7 “(g) TERMINATION OF BONUS AUTHORITY.—No
8 bonus may be paid under this section with respect to any
9 agreement to continue on active duty in the armed forces
10 entered into after September 30, 2003, and no agreement
11 under this section may be entered into after that date.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of chapter 5 of such title 37 is amended
14 by inserting after the item relating to section 323 the fol-
15 lowing new item:

“324. Special Pay: officer critical skills accession bonus.”

16 **SEC. 617. CRITICAL WARTIME SKILL REQUIREMENT FOR**
17 **ELIGIBILITY FOR THE INDIVIDUAL READY**
18 **RESERVE BONUS.**

19 Section 308h(a)(1) of title 37, United States Code,
20 is amended—

21 (1) by striking “a combat or combat support
22 skill of”; and

23 (2) by inserting “is qualified in a skill or spe-
24 cialty designated by the Secretary concerned as criti-

1 cally short to meet wartime requirements and” after
 2 “and who”.

3 **SEC. 618. HAZARDOUS DUTY INCENTIVE PAY: MARITIME**
 4 **BOARD AND SEARCH.**

5 Section 301(a) of title 37, United States Code, is
 6 amended by inserting after paragraph (11) the following
 7 new paragraph:

8 “(12) involving regular participation as a mem-
 9 ber of a team conducting visit, board, search, and
 10 seizure operations as defined by the Secretary con-
 11 cerned, aboard vessels in support of maritime inter-
 12 diction operations as designated by such Secretary.

13 **Subtitle C—Travel and**
 14 **Transportation Allowances**

Sec. 621. Funded Student Travel: Exchange Programs.

Sec. 622. Payment of Vehicle Storage Costs in Advance.

Sec. 623. Travel and Transportation Allowances for Family Members to Attend
 the Burial of a Deceased Member of the Armed Forces.

Sec. 624. Shipment of Privately Owned Vehicles When Executing CONUS Per-
 manent Change of Station Moves.

15 **SEC. 621. FUNDED STUDENT TRAVEL: EXCHANGE PRO-**
 16 **GRAMS.**

17 Section 430 of title 37, United States Code, is
 18 amended—

19 (1) in subsection (a)(3), by inserting “(or a
 20 school outside the United States if the dependent is
 21 attending that school for less than one year under
 22 a program approved by the school in the continental

1 United States at which the dependent is enrolled)”
2 after “United States”; and

3 (2) in subsection (b)—

4 (A) in paragraph (1), by inserting “(or a
5 school outside the United States if the depend-
6 ent is attending that school for less than one
7 year under a program approved by the school in
8 the continental United States at which the de-
9 pendent is enrolled)” after “United States” the
10 first place it appears; and

11 (B) by adding at the end the following new
12 subparagraph:

13 “(3) The transportation allowance under para-
14 graph (1) for a dependent child who is attending a
15 school outside the United States for less than one
16 year under a program approved by the school in the
17 continental United States at which the dependent is
18 enrolled shall not exceed the allowance the member
19 would be paid for a trip between the school in the
20 continental United States and the member’s duty
21 station outside the continental United States and re-
22 turn.”.

1 **SEC. 622. PAYMENT OF VEHICLE STORAGE COSTS IN AD-**
 2 **VANCE.**

3 Section 2634(b) of title 10, United States Code, is
 4 amended by adding at the end the following new para-
 5 graph:

6 “(4) Storage costs payable under this sub-
 7 section may be paid in advance.”.

8 **SEC. 623. TRAVEL AND TRANSPORTATION ALLOWANCES**
 9 **FOR FAMILY MEMBERS TO ATTEND THE BUR-**
 10 **IAL OF A DECEASED MEMBER OF THE ARMED**
 11 **FORCES.**

12 (a) CONSOLIDATION OF AUTHORITIES.—Section 411f
 13 of title 37, United States Code, is amended—

14 (1) in subsection (a)—

15 (A) by inserting “ALLOWANCES AUTHOR-
 16 IZED.—(1)” after “(a)”; and

17 (B) by inserting at the end following new
 18 paragraph:

19 “(2) If a dependent of a deceased member who
 20 is authorized travel and transportation allowances
 21 under this section is unable to travel unattended to
 22 the burial ceremonies of the deceased member—

23 “(A) because of—

24 “(i) age;

25 “(ii) physical condition; or

1 “(iii) other justifiable reason, as de-
2 termined under uniform regulations pre-
3 scribed by the Secretaries concerned; and

4 “(B) there is no other dependent qualified
5 for travel and transportation allowances under
6 this section available and qualified to serve as
7 an attendant for the dependent while traveling
8 to and attending the burial ceremonies, an at-
9 tendant may be paid roundtrip travel and
10 transportation allowances under this section.”;

11 (2) in subsection (b)(1)—

12 (A) by striking “(b)(1) Except as provided
13 in paragraph (2)” and inserting

14 “(b) LIMITATION ON ALLOWANCES.—(1) Except as
15 provided in paragraphs (2) and (3)”;

16 (B) by inserting before the period at the
17 end, the following: “and the time necessary for
18 such travel”; and

19 (3) in subsection (b)(2), by striking “be ex-
20 tended to accommodate” and inserting “not exceed
21 the rates for 2 days and”;

22 (4) by adding at the end of subsection (b) the
23 following new paragraph:

24 “(3) If a deceased member is interred in a cem-
25 etry maintained by the American Battle Monu-

1 ments Commission, the allowances authorized under
2 this section may be provided to and from such ceme-
3 tery and may not exceed the rates for 2 days and
4 time necessary for such travel.”; and

5 (5) by amending subsection (c) to read as fol-
6 lows:

7 “(c) DEFINITIONS.—(1) In this section, the term
8 “dependents” means—

9 “(A) the surviving spouse (including a remar-
10 ried surviving spouse) of the deceased member and
11 any child of the deceased member as defined in sec-
12 tion 401(a)(2);

13 “(B) if no person described in subparagraph
14 (A) is paid travel and transportation allowances
15 under this section, the parents (as defined in section
16 401(b)(2)) of the deceased member; or

17 “(C) if no person described in subparagraphs
18 (A) or (B) is paid travel and transportation allow-
19 ances under this section, then—

20 “(i) the person who directs the disposition
21 of the remains of the deceased member under
22 section 1482(c) of 74 title 10, United States
23 Code, and two additional persons selected by
24 that person who are closely related to the de-
25 ceased member; or

1 “(ii) in the case of a deceased member
2 whose remains are commingled and buried in a
3 common grave in a national cemetery, the per-
4 son who would have been designated under sec-
5 tion 1482(c) of such title to direct the disposi-
6 tion of the remains if individual identification
7 had been made and two additional persons se-
8 lected by that person who are closely related to
9 the deceased member.

10 “(2) In this section, the term “burial ceremonies”
11 includes—

12 “(A) an interment of casketed or cremated re-
13 mains;

14 “(B) a placement of cremated remains in a col-
15 umbarium:

16 “(C) a memorial service for which reimburse-
17 ment is authorized under section 1482(e)(2) of title
18 10; and

19 “(D) a burial of commingled remains that can-
20 not be individually identified in a common grave in
21 a national cemetery.”.

22 (b) CONFORMING AMENDMENTS.—(1) Section 1482
23 of title 10, United States Code, is amended by striking
24 subsection (d) and redesignating subsections (e), (f), and
25 (g) as subsections (d), (e), and (f), respectively.

1 (2) The Funeral Transportation and Living Expense
 2 Benefits Act of 1974 (37 U.S.C. 406 note; Public Law
 3 93–257) is repealed.

4 **SEC. 624. SHIPMENT OF PRIVATELY OWNED VEHICLES**
 5 **WHEN EXECUTING CONUS PERMANENT**
 6 **CHANGE OF STATION MOVES.**

7 Section 2634(h)(1) of title 10, United States Code,
 8 is amended by inserting before the period at the end “,
 9 or when the Secretary concerned determines that the
 10 transport of a vehicle upon transfer is advantageous and
 11 cost-effective to the government”.

12 **Subtitle D—Other**

Sec. 631. Montgomery GI Bill-Selected Reserve Eligibility Period.

Sec. 632. Improved Disability Benefits for Certain Reserve Component Mem-
 bers.

Sec. 633. Acceptance of Scholarships by Officers Participating in the Funded
 Legal Education Program.

13 **SEC. 631. MONTGOMERY GI BILL—SELECTED RESERVE ELI-**
 14 **GIBILITY PERIOD.**

15 Section 16133(a) of title 10, United States Code, is
 16 amended by striking “10-year” and inserting “14-year”.

17 **SEC. 632. IMPROVED DISABILITY BENEFITS FOR CERTAIN**
 18 **RESERVE COMPONENT MEMBERS.**

19 (a) **MEDICAL AND DENTAL CARE FOR MEMBERS.—**

20 Section 1074a(a)(3) of title 10, United States Code, is
 21 amended by inserting before the period: “, or if otherwise
 22 authorized under applicable regulations”.

1 (b) MEDICAL AND DENTAL CARE FOR DEPEND-
2 ENTS.—Section 1076(a)(2)(C) of such title 10 is amended
3 by inserting before the period: “, or if otherwise authorized
4 under applicable regulations”.

5 (c) ELIGILITY FOR DISABILITY RETIREMENT OR
6 SEPARATION.—(1) Section 1204(2)(B)(iii) of such title 10
7 is amended by inserting before the semicolon: “, or if oth-
8 erwise authorized under applicable regulations”.

9 (2) Section 1206(2)(C) of such title 10 is amended
10 by inserting before the semicolon: “, or if otherwise au-
11 thorized under applicable regulations”.

12 (d) RECOVERY, CARE, AND DISPOSITION OF RE-
13 MAINS.—Section 1481(a)(2)(D) of such title 10 is amend-
14 ed by inserting before the semicolon: “, or if otherwise au-
15 thorized under applicable regulations”.

16 (e) ENTITLEMENT TO BASIC PAY.—(1) Section
17 204(g)(1)(D) of title 37, United States Code, is amended
18 by inserting before the period: “, or if otherwise authorized
19 under applicable regulations”.

20 (2) Section 204(h)(1)(D) of title such 37 is amended
21 by inserting before the period: “, or if otherwise authorized
22 under applicable regulations”.

23 (f) COMPENSATION FOR INACTIVE-DUTY TRAIN-
24 ING.—Section 206(a)(3)(C) of such title 37 is amended

1 by inserting before the period: “, or if otherwise authorized
2 under applicable regulations”.

3 **SEC. 633. ACCEPTANCE OF SCHOLARSHIPS BY OFFICERS**
4 **PARTICIPATING IN THE FUNDED LEGAL EDU-**
5 **CATION PROGRAM.**

6 (a) ACCEPTANCE OF SCHOLARSHIP.—Section 2004
7 of title 10, United States Code, is amended by adding at
8 the end the following new subsection:

9 “(g) An officer detailed at a law school under this
10 section also may accept a fellowship, scholarship, or grant
11 under section 2603 of this title. Any service obligation in-
12 curred under section 2603 shall be served consecutively
13 with the service obligation incurred under subsection
14 (b)(2)(C).”.

15 (b) CONFORMING AMENDMENT.—Section 2603 of
16 such title 10 is amended by adding at the end the fol-
17 lowing new subsection:

18 “(c) A member who accepts a fellowship, scholarship,
19 or grant in accordance with subsection (a) also may be
20 detailed at a law school under section 2004 of this title.
21 Any service obligation incurred under section 2004 shall
22 be served consecutively with the service obligation incurred
23 under subsection (b).”.

1 **TITLE VII—ACQUISITION POLICY**
 2 **AND ACQUISITION MANAGE-**
 3 **MENT**
 4 **Subtitle A—Acquisition Policy**

Sec. 701. Acquisition Milestone Changes.

Sec. 702. Clarification of Inapplicability of the Requirement for Core Logistics Capabilities Standards to the Nuclear Refueling of an Aircraft Carrier.

Sec. 703. Depot Maintenance Utilization Waiver.

5 **SEC. 701. ACQUISITION MILESTONE CHANGES.**

6 (a) SYSTEM DEVELOPMENT AND DEMONSTRATION.—Section 2366(e) of title 10, United States Code,
 7 TION.—Section 2366(e) of title 10, United States Code,
 8 is amended—

9 (1) in paragraph (1) by striking “engineering
 10 and manufacturing development” and inserting “sys-
 11 tem development and demonstration”; and

12 (2) in paragraph (2) by striking “engineering
 13 and manufacturing development” and inserting “sys-
 14 tem development and demonstration”.

15 (b) MILESTONE B.—Section 2400 of title 10, United
 16 States Code, is amended—

17 (1) in subsections (a)(1)(A), (a)(2), (a)(4) and
 18 (a)(5), by striking “milestone II” each place it ap-
 19 pears and inserting “milestone B.”.

20 (2) in subsection (a)(2), by striking “engineer-
 21 ing and manufacturing development” and inserting
 22 “system development and demonstration.”.

1 (c) SYSTEM DEVELOPMENT AND DEMONSTRATION.—Section 2432 of title 10, United States Code, is
2 TION.—Section 2432 of title 10, United States Code, is
3 amended in subsections (b)(3)(A), (c)(3)(A) and (h)(1),
4 by striking “engineering and manufacturing development”
5 each place it appears and inserting “system development
6 and demonstration.”.

7 (d) Section 2434 of title 10, United States Code, is
8 amended in subsection (a), by striking “engineering and
9 manufacturing development” and inserting “system devel-
10 opment and demonstration.”.

11 (e) SYSTEM DEVELOPMENT AND DEMONSTRATION
12 AND FULL RATE PRODUCTION.—Section 2435 of title 10,
13 United States Code, is amended—

14 (1) in subsection (b) by striking “engineering
15 and manufacturing development” and inserting “sys-
16 tem development and demonstration.”

17 (2) in subsection (c)(1), by striking “dem-
18 onstration and validation” and inserting “system de-
19 velopment and demonstration.”

20 (3) in subsection (c)(2) by striking “engineering
21 and manufacturing development” and inserting
22 “production and deployment.”

23 (4) in subsection (c)(3) by striking “production
24 and deployment” and inserting “full rate produc-
25 tion.”.

1 (f) MILESTONE DESIGNATORS.—Section 8102(b) of
2 Public Law 106–259 is amended—

3 (1) by striking “milestone I” and inserting
4 “milestone B.”

5 (2) by striking “milestone II” and inserting
6 “milestone C.”

7 (3) by striking “milestone III” and inserting
8 “full rate production.”

9 (g) MILESTONE DESIGNATORS.—Section 811(c) of
10 Public Law 106–398, is amended—

11 (1) by striking “Milestone I” and inserting
12 “Milestone B.”

13 (2) by striking “Milestone II” and inserting
14 “Milestone C.”

15 (3) by striking “Milestone III” and inserting
16 “full rate production”.

17 **SEC. 702. CLARIFICATION OF INAPPLICABILITY OF THE RE-**
18 **QUIREMENT FOR CORE LOGISTICS CAPABILI-**
19 **TIES STANDARDS TO THE NUCLEAR REFUEL-**
20 **ING OF AN AIRCRAFT CARRIER.**

21 Section 2464(a)(3) of title 10, United States Code,
22 is amended—

23 (1) by striking “nuclear aircraft carriers,”; and

24 (2) by adding at the end the following new sen-
25 tence: “Core logistics capabilities identified under

1 paragraphs (1) and (2) shall not include nuclear re-
 2 fueling of an aircraft carrier.”.

3 **SEC. 703. DEPOT MAINTENANCE UTILIZATION WAIVER.**

4 Section 2466(c) of title 10, United States Code, is
 5 amended by striking “the waiver is” and inserting “a
 6 depot is fully utilized within existing resources and, where
 7 multiple depots are capable of performing the same main-
 8 tenance activities that the utilization of another such
 9 depot is uneconomical, or that the waiver is otherwise”.

10 **Subtitle B—Acquisition Workforce**

Sec. 705. Acquisition Workforce Qualifications.

Sec. 706. Tenure Requirement for Critical Acquisition Positions.

11 **SEC. 705. ACQUISITION WORKFORCE QUALIFICATIONS.**

12 (a) AMENDMENTS TO AUTHORITY.—Section 1724 of
 13 title 10, United States Code, is Amnended—

14 (1) in subsection (a)—

15 (A) by striking “(a) CONTRACTING OFFI-
 16 CERS.—The Secretary of Defense shall require
 17 that in order to qualify to serve in an acquisi-
 18 tion position as a contracting officer with au-
 19 thority to award or administer contracts for
 20 amounts above the simplified acquisition thresh-
 21 old referred to in section 2304(g) of this title,
 22 a person must (except as provided in sub-
 23 sections (e) and (d))—” and inserting “(a)
 24 CONTRACTING OFFICERS.—The Secretary of

1 Defense shall require that, with the exception
2 of the Contingency Contracting Force identified
3 in paragraph (c), in order to qualify to serve
4 in an acquisition position as a contracting offi-
5 cer with authority to award or administer con-
6 tracts for amounts above the simplified acquisi-
7 tion threshold referred to in section 2304(g) of
8 this title, a person must (except as provided in
9 subsections (e) and (f))—”; and

10 (B) in paragraph (3)(A), by inserting a
11 comma between “business” and “finance”;

12 (2) by striking subsections (c) and (d); and

13 (3) by inserting after subsection (b) the fol-
14 lowing new subsections:

15 “(c) CONTINGENCY CONTRACTING FORCE.—(1) Not-
16 withstanding subsections (a) and (b), the Secretary of De-
17 fense may establish a Contingency Contracting Force con-
18 sisting of employees and members of the armed forces
19 whose mission, as determined by the Secretary, is to de-
20 ploy in support of contingency operations and other De-
21 partment of Defense operations.

22 “(2) The Secretary of Defense shall establish quali-
23 fication requirements for such Contingency Contracting
24 Force, to include—

1 “(A) completion of at least 24 semester credit
2 hours (or the equivalent) of study from an accred-
3 ited institution of higher education, or similar edu-
4 cational institution as determined by the Secretary,
5 in any of the following disciplines: accounting, busi-
6 ness finance, law, contracts, purchasing, economics,
7 industrial management, marketing, quantitative
8 methods, and organization and management;

9 “(B) passing an examination considered by the
10 Secretary of Defense to demonstrate skills, knowl-
11 edge, or abilities comparable to that of an individual
12 who has completed at least 24 semester credit hours
13 (or the equivalent) of study in any of the disciplines
14 listed in subparagraph (A); or

15 “(C) any combination of (A) and (B) equaling
16 24 semester hours or the equivalent as determined
17 by the Secretary; and

18 “(D) such additional education and experience
19 requirements as the Secretary may prescribe.

20 “(d) DEVELOPMENTAL OPPORTUNITIES.—Not with-
21 standing other provisions of law, the Secretary of Defense
22 may establish one or more programs for the purpose of
23 recruiting, selecting, appointing, educating, qualifying, and
24 developing the careers of personnel to meet the require-
25 ments in subparagraphs (A) and (B) of subsection (a)(3)

1 above for contracting positions in the Department of De-
2 fense covered by this section; may appoint individuals to
3 developmental positions in those programs; and may sepa-
4 rate from the civil service any person appointed under this
5 subsection who, as determined by the Secretary, fails to
6 complete satisfactorily any program developed pursuant to
7 this subsection. To qualify for any developmental program
8 under this subsection, an individual must have met one
9 of the following requirements:

10 “(1) Been awarded a baccalaureate degree from
11 an accredited educational institution authorized to
12 grant baccalaureate degrees.

13 “(2) Completed at least 24 semester credit
14 hours (or the equivalent) of study from an accred-
15 ited institution of higher education in any of the dis-
16 ciplines of accounting, business finance, law, con-
17 tracts, purchasing, economics, industrial manage-
18 ment, marketing, quantitative methods, and organi-
19 zation and management.

20 “(e) EXCEPTION.—(1) The requirements imposed
21 under subsection (a) or (b) shall not apply to an employee
22 or member who—

23 “(A) served as a contracting officer with au-
24 thority to award or administer contracts in excess of

1 the simplified acquisition threshold in the Executive
2 agency on or before September 30, 2000;

3 “(B) served, on or before September 30, 2000,
4 in a position in an Executive agency either as an
5 employee in the GS–1102 series or as a member of
6 the armed force in similar occupational specialty; or

7 “(C) is determined by the Secretary of Defense
8 to be a member of the Contingency Contracting
9 Force.

10 “(2) The requirements imposed under subsection (a)
11 or (b) of this section shall not apply to an employee for
12 purposes of qualifying to serve in the position in which
13 the employee was serving on October 1, 1993, or any other
14 position in the same or lower grade and involving the same
15 or lower level of responsibilities as the position in which
16 the employee was serving on such date.

17 “(3) To qualify for the exceptions in subparagraphs
18 (A) or (B) of paragraph (1) of this subsection, a civilian
19 employee must have met one of the following require-
20 ments, or have been granted a waiver under subsection
21 (f), on or before September 30, 2000—

22 “(A) received a baccalaureate degree from an
23 accredited educational institution authorized to
24 grant baccalaureate degrees;

1 “(B) completed at least 24 semester credit
2 hours. (or the equivalent) of study from an accred-
3 ited institution of higher education in any of the fol-
4 lowing disciplines: accounting, business finance, law,
5 contracts, purchasing, economics, industrial manage-
6 ment, marketing, quantitative methods, and organi-
7 zation and management;

8 “(C) passed an examination considered by the
9 Secretary of Defense to demonstrate skills, knowl-
10 edge, or abilities comparable to that of an individual
11 who has completed at least 24 semester credit hours
12 (or the equivalent) of study in any of the disciplines
13 listed in subparagraph (B); or

14 “(D) on October 1, 1991, had at least 10 years
15 of experience in acquisition positions, in comparable
16 positions in other government agencies or the private
17 sector, or in similar positions in which an individual
18 obtains experience directly relevant to the field of
19 contracting.

20 “(f) WAIVER.—The acquisition career program board
21 concerned may waive any or all of the requirements of sub-
22 sections (a) and (b) with respect to an individual if the
23 board certifies that the individual possesses significant po-
24 tential for advancement to levels of greater responsibility
25 and authority, based on demonstrated job performance

1 and qualifying experience. With respect to each waiver
2 granted under this subsection, the board shall set forth
3 in a written document the rationale for its decision to
4 waive such requirements. The document shall be sub-
5 mitted to and retained by the Director of Acquisition Edu-
6 cation, Training, and Career Development.”.

7 (b) CLERICAL AMENDMENT.—Section 1732(c)(2) of
8 such title 10 is amended by inserting a comma between
9 “business” and “finance”.

10 **SEC. 706. TENURE REQUIREMENT FOR CRITICAL ACQUISITION POSITIONS.**
11

12 Section 1734 of title 10, United States Code, is
13 amended—

14 (1) in paragraph (a)(1), by inserting “as a pro-
15 gram manager, deputy program manager, or senior
16 contracting official of a major system, as that term
17 is defined in section 23 02(5) of this title, and any
18 person assigned to such other critical acquisition po-
19 sition as the Secretary of Defense may prescribe by
20 regulation,” after “critical acquisition position”.

21 (2) in paragraph (a)(2), by inserting “as a pro-
22 gram manager, deputy program manager, or senior
23 contracting official of a major system, as that term
24 is defined in section 2302(5) of this title, and any
25 person assigned to such other critical acquisition po-

1 sition as the Secretary of Defense may prescribe by
 2 regulation,” after “critical acquisition position”.

3 **Subtitle C—General Contracting**
 4 **Procedures and Limitations**

Sec. 710. Amendment of Law Applicable to Contracts for Architectural and
 Engineering Services and Construction Design.

Sec. 711. Streamlining Procedures for the Purchase of Certain Goods.

Sec. 712. Repeat of the Requirement for the Limitations on the Use of Air
 Force Civil Engineering Supply Function Contracts.

Sec. 713. One-Year Extension of Commercial Items Test Program.

Sec. 714. Modification of Limitation on Retirement or Dismantlement of Stra-
 tegic Nuclear Delivery Systems.

5 **SEC. 710. AMENDMENT OF LAW APPLICABLE TO CON-**
 6 **TRACTS FOR ARCHITECTURAL AND ENGI-**
 7 **NEERING SERVICES AND CONSTRUCTION DE-**
 8 **SIGN.**

9 Section 2855 of title 10, United States Code, is
 10 amended—

11 (1) in subsection (a) by striking the subsection
 12 designator “(a)”; and

13 (2) by striking subsection (b).

14 **SEC. 711. STREAMLINING PROCEDURES FOR THE PUR-**
 15 **CHASE OF CERTAIN GOODS.**

16 Section 2534(g)(2) of title 10, United States Code,
 17 is amended by inserting before the period at the end: “un-
 18 less the head of a contracting activity determines—

19 “(A) that the amount of the purchase is
 20 \$25,000 or less;

1 “(B) the precision level of the ball or roller
2 bearings is rated lower than Annual Bearing
3 Engineering Committee (ABEC) 5 or Roller
4 Bearing Engineering Committee (RBEC) 5, or
5 their equivalent;

6 “(C) at least two manufacturers in the na-
7 tional technology and industrial base capable of
8 producing the ball or roller bearings decline to
9 respond to a request for quotation for the re-
10 quired items; and

11 “(D) the bearings are neither miniature
12 nor instrument ball bearings, i.e. rolling contact
13 ball bearings with a basic outside diameter (ex-
14 clusive of flange diameters) of 30 millimeters or
15 less.”.

16 **SEC. 712. REPEAL OF THE REQUIREMENT FOR LIMITA-**
17 **TIONS ON THE USE OF AIR FORCE CIVIL EN-**
18 **GINEERING SUPPLY FUNCTION CONTRACTS.**

19 Section 345 of the National Defense Authorization
20 Act for Fiscal Year 1999 (Public Law 105–261, 112 Stat.
21 1978) is repealed.

22 **SEC. 713. ONE-YEAR EXTENSION OF COMMERCIAL ITEMS**
23 **TEST PROGRAM.**

24 Section 4202(e) of the National Defense Authoriza-
25 tion Act for Fiscal Year 1996 (Public Law 104–106; 110

1 Stat. 184, 652 is amended by striking “January 1, 2002”
 2 and inserting “January 1, 2003.”.

3 **SEC. 714. MODIFICATION OF LIMITATION ON RETIREMENT**
 4 **OR DISMANTLEMENT OF STRATEGIC NU-**
 5 **CLEAR DELIVERY SYSTEMS.**

6 Section 1302(a) of the National Defense Authoriza-
 7 tion Act for Fiscal Year 1998 (Public Law 105–85; 111
 8 Stat. 1948), as amended by section 1501 (a) of the Na-
 9 tional Defense Authorization Act for Fiscal Year 2000
 10 (Public Law 106–65; 113 Stat. 806), is further amended
 11 by striking paragraph (1)(D).

12 **Subtitle D—Military Construction**
 13 **General Provisions**

Sec. 715. Exclusion of Unforeseen Environmental Hazard Remediation from
 the Limitation on Cost Increases for Military Construction and
 Family Housing Construction Projects.

Sec. 716. Increase of Overseas Minor Construction Threshold Using Operations
 and Maintenance Funds.

Sec. 717. Leasebacks of Base Closure Property.

Sec. 718. Alternative Authority For Acquisition and Improvement of Military
 Housing.

Sec. 719. Annual Report to Congress on Design And Construction.

14 **SEC. 715. EXCLUSION OF UNFORESEEN ENVIRONMENTAL**
 15 **HAZARD REMEDIATION FROM THE LIMITA-**
 16 **TION ON COST INCREASES FOR MILITARY**
 17 **CONSTRUCTION AND FAMILY HOUSING CON-**
 18 **STRUCTION PROJECTS.**

19 Subsection 2853(d) of title 10, United States Code,
 20 is amended—

1 (1) by inserting “(1)” immediately following
2 “apply to”; and

3 (2) by inserting immediately before the period
4 at the end “; or (2) the costs associated with envi-
5 ronmental hazard remediation such as asbestos re-
6 moval, radon abatement, lead-based paint removal or
7 abatement, and any other legally required environ-
8 mental hazard remediation, provided that such reme-
9 diation requirements could not be reasonably antici-
10 pated at the time of budget submission”.

11 **SEC. 716. INCREASE OF OVERSEAS MINOR CONSTRUCTION**
12 **THRESHOLD USING OPERATIONS AND MAIN-**
13 **TENANCE FUNDS.**

14 Section 2805 of title 10, United States Code,
15 amended—

16 (1) in subsection (b)(1), by striking “\$500,000”
17 and inserting “\$750,000”;

18 (2) in subsection (c)(1)(A), by striking
19 “\$1,000,000” and inserting “\$1,500,000”; and

20 (3) in subsection (c)(1)(B), by striking
21 “\$500,000” and inserting “\$750,000”.

22 **SEC. 717. LEASEBACKS OF BASE CLOSURE PROPERTY.**

23 (a) 1990 LAW.—Section 2905(b)(4)(E) of the De-
24 fense Base Closure and Realignment Act of 1990 (part

1 A of title XXIX of Public Law 101–510; 10 U.S.C. 2687
2 note) is amended as follows:

3 (1) in clause (iii), by striking “A” and inserting
4 “Except as provided in clause (v) below, a”

5 (2) by adding at the end the following new
6 clause (v):

7 “(v) Notwithstanding clause (iii) or
8 chapter 137 of title 10, United States
9 Code, where the department or agency con-
10 cerned leases a substantial portion of the
11 installation, the department or agency may
12 obtain, at a rate no higher than that
13 charged to non-Federal tenants, facility
14 services for the leased property and com-
15 mon area maintenance from the redevelop-
16 ment authority or the redevelopment
17 authority’s assignee as a provision of a
18 lease under clause (i). Facility services and
19 common area maintenance shall not in-
20 clude municipal services that the state or
21 local government is required by law to pro-
22 vide to all landowners in its jurisdiction
23 without direct charge, or firefighting or se-
24 curity-guard functions.”.

1 (b) 1988 LAW.—Section 204(b)(4) of the Defense
2 Authorization Amendments and Base Closure and Re-
3 alignment Act of (Public Law 100–526; 10 U.S.C. 2687
4 note) is amended by adding at the end the following new
5 subparagraph (J):

6 “(J)(i) The Secretary may transfer real
7 property at an installation approved for closure
8 or realignment under this title (including prop-
9 erty at an installation approved for realignment
10 which will be retained by the Department of
11 Defense or another Federal agency after re-
12 alignment) to the redevelopment authority for
13 the installation if the redevelopment authority
14 agrees to lease, directly upon transfer, one or
15 more portions of the property transferred under
16 this subparagraph to the Secretary or to the
17 head of another department or agency of the
18 Federal Government. Subparagraph (B) shall
19 apply to a transfer under this subparagraph.

20 “(ii) A lease under clause (i) shall be for
21 a term of not to exceed 50 years, but may pro-
22 vide for options for renewal or extension of the
23 term by the department or agency concerned.

1 “(iii) Except as provided in clause (v)
2 below, a lease under clause (i) may not require
3 rental payments by the United States.

4 “(iv) A lease under clause (i) shall include
5 a provision specifying that if the department or
6 agency concerned ceases requiring the use of
7 the leased property before the expiration of the
8 term of the lease, the remainder of the lease
9 term may be satisfied by the same or another
10 department or agency of the Federal Govern-
11 ment using the property for a use similar to the
12 use under the lease. Exercise of the authority
13 provided by this clause shall be made in con-
14 sultation with the redevelopment authority con-
15 cerned.

16 “(v) Notwithstanding clause (iii) or chap-
17 ter 137 of title 10, United States Code, where
18 the department or agency concerned leases a
19 substantial portion of the installation, the de-
20 partment or agency may obtain, at a rate no
21 higher than that charged to non-Federal ten-
22 ants, facility services for the leased property
23 and common area maintenance from the rede-
24 velopment authority or the redevelopment
25 authority’s assignee as a provision of a lease

1 under clause (i). Facility services and common
 2 area maintenance shall not include municipal
 3 services that the state or local government is re-
 4 quired by law to provide to all landowners in its
 5 jurisdiction without direct charge, or fire-
 6 fighting or security-guard functions.”.

7 **SEC. 718. ALTERNATIVE AUTHORITY FOR ACQUISITION**
 8 **AND IMPROVEMENT OF MILITARY HOUSING.**

9 (a) IN GENERAL.—Subchapter IV of Chapter 169 of
 10 title 10, United States Code, is amended by adding at the
 11 end the following new section:

12 **“§ 2886. Reimbursement of funds related to the exe-**
 13 **cution of military family housing privat-**
 14 **ization projects**

15 “The Secretary of Defense may, during the first year
 16 of an initiative under this Subchapter, transfer funds from
 17 appropriations available for the operation and mainte-
 18 nance of family housing to appropriations available for the
 19 pay of military personnel in such amounts as are nec-
 20 essary to offset additional housing allowance costs in-
 21 curred as a result of such initiative.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
 23 at the beginning of such subchapter IV of chapter 169
 24 of title 10 is amended by inserting after the item relating
 25 to section 2885 the following:

“2886. Reimbursement of funds related to the execution of military family housing privatization projects.”.

1 **SEC. 719. ANNUAL REPORT TO CONGRESS ON DESIGN AND**
 2 **CONSTRUCTION.**

3 (a) IN GENERAL.—Section 2861 of title 10, United
 4 States Code is repealed.

5 (b) CLERICAL AMENDMENT.—The table of sections
 6 at the beginning of subchapter III of chapter 169 of such
 7 title 10 is amended by striking the item referring to sec-
 8 tion 2861.

9 **TITLE VIII—DEPARTMENT OF**
 10 **DEFENSE ORGANIZATION**
 11 **AND POSITIONS**

12 **Subtitle A—Department of Defense**
 13 **Organizations and Positions**

Sec. 801. Organizational Alignment Change for Director for Expeditionary Warfare.

Sec. 802. Consolidation of Authorities Relating to Department of Defense Regional Centers for Security Studies.

Sec. 803. Change of Name for Air Mobility Command.

Sec. 804. Transfer of intelligence Positions in Support of the National Imagery and Mapping Agency.

14 **SEC. 801. ORGANIZATIONAL ALIGNMENT CHANGE FOR DI-**
 15 **RECTOR FOR EXPEDITIONARY WARFARE.**

16 Section 5038(a) of title 10, United States Code, is
 17 amended by striking “Office of the Deputy Chief of Naval
 18 Operations for Resources, Warfare Requirements, and As-
 19 sessments” and inserting “Office of the Deputy Chief of

1 Naval Operations for Warfare Requirements and Pro-
2 grams”.

3 **SEC. 802. CONSOLIDATION OF AUTHORITIES RELATING TO**
4 **DEPARTMENT OF DEFENSE REGIONAL CEN-**
5 **TERS FOR SECURITY STUDIES.**

6 (a) IN GENERAL.—Chapter 6 of title 10, United
7 States Code, is amended, by adding at the end the fol-
8 lowing new section:

9 **“§ 169. Regional centers for security studies**

10 “(a) AUTHORITY TO ESTABLISH, OPERATE, AND
11 TERMINATE REGIONAL CENTERS.—The Secretary of De-
12 fense may establish, operate, and terminate regional cen-
13 ters for security studies to serve as forums for bilateral
14 and multilateral communication and military and civilian
15 exchanges. Such regional centers shall use professional
16 military education, civilian defense education, and related
17 academic and other activities, as the Secretary deems ap-
18 propriate, to pursue such communication and exchanges.
19 The Secretary of Defense annually, in writing, shall evalu-
20 ate the performance and value to the United States of
21 each such regional center and determine whether to con-
22 tinue to operate such regional center.

23 “(b) ACCEPTANCE OF GIFTS AND CONTRIBUTIONS.—
24 The Secretary may accept, hold, administer, and use gifts
25 and contributions of money, personal property (including

1 loans of property), and services for the purpose of defray-
2 ing the costs or enhancing the operations of one or more
3 of the Regional Centers, and may pay all reasonable ex-
4 penses in connection with the conveyance or transfer of
5 any such gifts. Contributions of money and proceeds from
6 the sale of property accepted by the Secretary under this
7 subsection shall be credited to funds available for the oper-
8 ation or support of the Center or Centers intended to ben-
9 efit from such contribution and shall remain available
10 until expended. No gift or contribution may be accepted
11 under this subsection from a foreign state, or instrumen-
12 tality or national thereof, or organization domiciled there-
13 in, nor anyone acting on behalf of any of them.

14 “(c) LIMITATION.—The Secretary may not accept a
15 gift or donation under subsection (b) if the acceptance of
16 the gift or donation would compromise or appear to
17 compromise—

18 “(1) the ability of the Department of Defense,
19 any employee of the Department or members of the
20 armed forces to carry out the responsibility or duty
21 of the Department in a fair and objective manner;
22 or

23 “(2) the integrity of any program of the De-
24 partment of Defense or any person involved in such
25 a program.

1 “(d) ADMINISTRATION.—The Secretary may take the
2 following actions in furtherance of the mission of Regional
3 Centers operated under this section:

4 “(1) EMPLOYMENT AND COMPENSATION OF
5 FACULTY AND STAFF.—Notwithstanding the provi-
6 sions of title 5, United States Code, regarding ap-
7 pointment, pay and classification, the Secretary may
8 employ such civilian directors, faculty and staff
9 members for Regional Centers operated under this
10 section as the Secretary determines necessary.

11 “(2) WAIVER OF COSTS.—The Secretary may
12 waive reimbursement of the cost of conferences, sem-
13 inars, courses of instruction or similar educational
14 activities of such Regional Centers for foreign par-
15 ticipants if the Secretary determines that attendance
16 of such personnel without reimbursement is in the
17 national security interests of the United States.

18 “(3) PAYMENT OF EXPENSES.—In addition to
19 waiver of reimbursement of costs described in para-
20 graph (2), the Secretary of Defense may pay the
21 travel, subsistence, and similar personal expenses of
22 foreign participants in connection with the attend-
23 ance of such personnel at conferences, seminars,
24 courses of instruction, or similar educational activi-
25 ties of such Regional Centers if the Secretary deter-

1 mines that payment of such expenses is in the na-
2 tional security interest of the United States.

3 “(e) REPORT TO CONGRESS.—The Secretary shall re-
4 port annually to the appropriate committees of Congress
5 on the status, objectives, operations and foreign participa-
6 tion of the Regional Centers.

7 “(f) DEFINITIONS.—In this section:

8 “(1) The term ‘Appropriate committees of Con-
9 gress’ means the Committees on Armed Services of
10 the Senate and of the House of Representatives.

11 “(2) The term ‘Contribution’ means a contribu-
12 tion, gift or donation of funds, materials (including
13 research materials), property or services (including
14 lecture services and faculty services), but does not
15 include a contribution made pursuant to chapter 138
16 of this title.”.

17 (b) CONFORMING AMENDMENTS.—(1) Section 1306
18 of the National Defense Authorization Act for Fiscal Year
19 1995, (Public Law 103–337; 108 Stat. 2892) is repealed.

20 (2) Section 1065 of the National Defense Authoriza-
21 tion Act for Fiscal Year 1997, (Public Law 104–201; 110
22 Stat. 2653) is amended as follows—

23 (A) by striking subsections (a) and (b); and

24 (B) by striking the subsection designator “(c)”.

1 (3) Section 1595 of title 10, United States Code, is
2 amended as follows—

3 (A) in subsection (c), by striking paragraphs
4 (3) and (5);

5 (B) by redesignating subparagraph (c)(4) as
6 subparagraph (c)(3); and

7 (C) by striking subsection (e).

8 (4) Section 2611 of title 10, United States Code, is
9 repealed.

10 (c) CLERICAL AMENDMENTS.—(1) The table of sec-
11 tions at the beginning of chapter 155 of such title 10 is
12 amended by striking the item relating to section 2611; and

13 (2) The table of sections at the beginning of chapter
14 6 of such title 10 is amended, by adding at the end the
15 following new item:

“169. Regional Centers for Security Studies.”.

16 **SEC. 803. CHANGE OF NAME FOR AIR MOBILITY COMMAND.**

17 (a) Section 2544(d) of title 10, United States Code,
18 is amended by striking “Military Airlift Command” and
19 inserting “Air Mobility Command”.

20 (b) Section 2545(a) of such title 10 is amended by
21 striking “Military Airlift Command” and inserting “Air
22 Mobility Command”.

23 (c) Section 8074 of such title 10 is amended by strik-
24 ing subsection (c).

1 (d) Section 430(c) of title 37, United States Code,
 2 is amended by striking “Military Airlift Command” and
 3 inserting “Air Mobility Command”.

4 (e) Section 432(b) of such title 37 is amended by
 5 striking “Military Airlift Command” and inserting “Air
 6 Mobility Command”.

7 **SEC. 804. TRANSFER OF INTELLIGENCE POSITIONS IN SUP-**
 8 **PORT OF THE NATIONAL IMAGERY AND MAP-**
 9 **PING AGENCY.**

10 Section 1606 of title 10, United States Code, is
 11 amended by striking “517” and inserting “544”.

12 **Subtitle B—Reports**

Sec. 811. Amendment to National Guard and Reserve Component Equipment:
 Annual Report to Congress.

Sec. 812. Elimination of Triennial Report on the Roles and Missions of the
 Armed Forces.

Sec. 813. Change in Due Date of Commercial Activities Report.

13 **SEC. 811. AMENDMENT TO NATIONAL GUARD AND RESERVE**
 14 **COMPONENT EQUIPMENT: ANNUAL REPORT**
 15 **TO CONGRESS.**

16 Section 10541 of title 10, United States Code, is
 17 amended to read as follows:

18 “(a) The Secretary of Defense shall submit to the
 19 Congress each year, not later than March 1, a written re-
 20 port concerning the equipment of the National Guard and
 21 the Reserve components of the armed forces, to include
 22 the U.S. Coast Guard Reserve. This report shall cover the
 23 current fiscal year and three succeeding years. The focus

1 should be on major items of equipment which address
2 large dollar-value requirements, critical Reserve compo-
3 nent shortages and major procurement items. Specific
4 major items of equipment shall include ships, aircraft,
5 combat vehicles and key combat support equipment.

6 “(b) Each annual report under this section should in-
7 clude the following:

8 “(1) Major items of equipment required and on-
9 hand in the inventories of each Reserve component.

10 “(2) Major items of equipment which are ex-
11 pected to be procured from commercial sources or
12 transferred from the Active component to the Re-
13 serve components of each Service.

14 “(3) Major items of equipment in the inven-
15 tories of each Reserve component which are sub-
16 stitutes for a required major item of equipment.

17 “(4) A narrative explanation of the plan of the
18 Secretary concerned to equip each Reserve compo-
19 nent, including an explanation of the plan to equip
20 units of the Reserve components that are short
21 major items of equipment at the outset of war or a
22 contingency operation.

23 “(5) A narrative discussing the current status
24 of the compatibility and interoperability of equip-
25 ment between the Reserve components and the ac-

1 tive forces, the effect of that level of compatibility or
2 interoperability on combat effectiveness, and a plan
3 to achieve full equipment compatibility and inter-
4 operability.

5 “(6) A narrative discussing modernization
6 shortfalls and maintenance backlogs within the Re-
7 serve components and the effect of those shortfalls
8 on combat effectiveness.

9 “(7) A narrative discussing the overall age and
10 condition of equipment currently in the inventory of
11 each Reserve component.

12 “(c) Each report under this section shall be expressed
13 in the same format and with the same level of detail as
14 the information presented in the Future Years Defense
15 Program Procurement Annex prepared by the Department
16 of Defense.”.

17 **SEC. 812. ELIMINATION OF TRIENNIAL REPORT ON THE**
18 **ROLES AND MISSIONS OF THE ARMED**
19 **FORCES.**

20 (a) REPEAL OF REQUIREMENT FOR REPORT ON AS-
21 SIGNMENT OF ROLES AND MISSIONS.—Section 153 of
22 title 10, United States Code, is amended—

23 (1) in subsection (a), by striking the catchline
24 and section designator “(a) PLANNING; ADVICE;
25 POLICY FORMULATION.—”; and

1 (2) by striking subsection (b).

2 (b) ROLES AND MISSIONS AS PART OF DEFENSE
 3 QUADRENNIAL REVIEW.—Subsection 118(e) of such title
 4 10 is amended by inserting after the first sentence the
 5 following two new sentences: “The Chairman shall also in-
 6 clude his assessment of the assignment of functions (or
 7 roles and missions) to the Armed Forces and recommenda-
 8 tions for change the Chairman considers necessary to
 9 achieve the maximum efficiency of the Armed Forces. This
 10 roles and missions assessment should consider the unnece-
 11 ssary duplication of effort among the armed forces and
 12 changes in technology that can be applied effectively to
 13 warfare.”.

14 **SEC. 813. CHANGE IN DUE DATE OF COMMERCIAL ACTIVI-**
 15 **TIES REPORT.**

16 Section 2461(g), title 10, United States Code is
 17 amended by striking “February 1” and inserting “June
 18 30”.

19 **Subtitle C—Other Matters**

Sec. 821. Documents, Historical Artifacts, and Obsolete or Surplus Materiel:
 Loan, Donation, or Exchange.

Sec. 822. Charter Air Transportation of Members of the Armed Forces.

20 **SEC. 821. DOCUMENTS, HISTORICAL ARTIFACTS, AND OBSO-**
 21 **LETE OR SURPLUS MATERIEL: LOAN, DONA-**
 22 **TION, OR EXCHANGE.**

23 (a) IN GENERAL.—Section 2572 of title 10, United
 24 States Code, is amended—

1 (1) in subsection (a), by striking “subsection
2 (c)” and inserting “subsection (c)(1)”;

3 (2) in subsection (b), by striking “subsection
4 (c)” and inserting “subsection (c)(2)”; and

5 (3) in subsection (c)—

6 (A) by striking “(c) This section” and in-
7 serting “(c)(1) Subsection (a)”;

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

10 “(2) Subsection (b) applies to the following
11 types of property held by a military department or
12 the Coast Guard: books, manuscripts, works of art,
13 historical artifacts, drawings, plans, models, and ob-
14 solete or surplus materiel.”.

15 (b) CONFORMING AMENDMENT.—The heading of
16 such section is amended by striking “condemned or obso-
17 lete combat” and inserting “obsolete or surplus”.

18 **SEC. 822. CHARTER AIR TRANSPORTATION OF MEMEBERS**
19 **OF THE ARMED FORCES.**

20 Section 2640 of title 10, United States Code, is
21 amended—

22 (1) in subsection (a)(1)(A), by striking “an”
23 after “contract with” and inserting “a domestic or
24 foreign”;

1 (2) in subsection (b)(5), by striking “check-
 2 rides” and inserting “cockpit safety observations”;

3 (3) in subsection (e), by striking “Military Air-
 4 lift Command” and inserting “Air Mobility Com-
 5 mand”;

6 (4) in subsection (g), by striking “in an emer-
 7 gency”; and

8 (5) in subsection (j)(1), by striking “air car-
 9 rier,”

10 **TITLE IX—GENERAL**
 11 **PROVISIONS**
 12 **Subtitle A—Matters Relating to**
 13 **Other Nations**

Sec. 901. Test and Evaluation Initiatives.

Sec. 902. Cooperative Research and Development Projects: Allied Countries.

Sec. 903. Recognition of Assistance from Foreign Nationals.

Sec. 904. Personal Service Contracts in Foreign Areas.

14 **SEC. 901. TESTS AND EVALUATION INITIATIVES.**

15 (a) AUTHORITY TO ENGAGE IN COOPERATIVE TESTS
 16 AND EVALUATION AT U.S. AND FOREIGN RANGES AND
 17 OTHER FACILITIES WHERE TESTING MAY BE CON-
 18 DUCTED.—Chapter 138 of title 10, United States Code,
 19 is amended by adding at the end the following new section:

1 **“§ 23501. Agreements for the cooperative use of**
2 **ranges and other facilities where testing**
3 **may be conducted**

4 “(a) AUTHORITY TO ENTER INTO INTERNATIONAL
5 AGREEMENTS.—The Secretary of Defense, with the con-
6 currence of the Secretary of State, may enter into a
7 memorandum of understanding (or other formal agree-
8 ment) with an eligible country or international organiza-
9 tion for the purpose of reciprocal use of ranges and other
10 facilities where testing of defense equipment may be con-
11 ducted.

12 “(b) GENERAL NATURE OF AGREEMENT.—Formal
13 agreements reached under subsection (a) shall require re-
14 ciprocal use of test ranges and other facilities where test-
15 ing may be conducted in the United States and at such
16 ranges and facilities operated by an eligible country or
17 international organization.

18 “(c) PAYMENT OF COSTS.—Any agreement for the
19 reciprocal use of ranges and other facilities where testing
20 may be conducted shall contain the following pricing prin-
21 ciples for reciprocal application:

22 “(1) The price charged a recipient country for
23 test and evaluation services furnished by the officers,
24 employees, or governmental agencies of the sup-
25 plying country or international organization, shall be
26 the direct costs to the supplying country or inter-

1 national organization that are incurred as a result of
2 the test and evaluation services acquired by the re-
3 cipient country or international organization.

4 “(2) The recipient country or international or-
5 ganization may be charged for indirect costs related
6 to the use of the range or other facility where test-
7 ing may be conducted only as specified in the memo-
8 randum of understanding or other formal agree-
9 ment.

10 “(d) RETENTION OF FUNDS COLLECTED FROM ELI-
11 GIBLE COUNTRIES AND INTERNATIONAL ORGANIZA-
12 TIONS.—Amounts collected under subsection (c) from an
13 eligible country or international organization shall be cred-
14 ited to the appropriation accounts under which such costs
15 were incurred.

16 “(e) DEFINITIONS.—In this section:

17 “(1) Direct cost means any item of cost that is
18 easily and readily identified to a specific unit of
19 work or output within the range or facility where
20 such testing and evaluation occurred, that would not
21 have been incurred if such testing and evaluation
22 had not taken place. Direct cost may include labor,
23 materials, facilities, utilities, equipment, supplies,
24 and any other resources of the range or facility
25 where such test and evaluation occurred, that is con-

1 sumed or damaged during such test and evaluation,
2 or maintained for the recipient country or inter-
3 national organization.

4 “(2) Indirect costs means any item of cost that
5 cannot readily, or directly, be identified to a specific
6 unit of work or output. Indirect cost may include
7 general and administrative expenses for the sup-
8 porting base operations, manufacturing expenses, su-
9 pervision, office supplies, utility, costs, etc. Such
10 costs are accumulated in a cost pool and allocated
11 to customers appropriately.

12 “(f) DELEGATION OF AUTHORITY.—The Secretary
13 may delegate to the Deputy Secretary of Defense and to
14 the head of one designated office of his choosing the au-
15 thority to determine the appropriateness of the amount
16 of indirect costs included in such charges.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of such chapter is amended by adding
19 at the end the following new item:

 “23501. Agreements for the cooperative use of ranges and other facilities where
 testing may be conducted.”.

20 (c) AUTHORITY TO USE MAJOR RANGE AND TEST
21 FACILITY INSTALLATIONS OF THE MILITARY DEPART-
22 MENTS UNDER THE DEPARTMENT OF DEFENSE CON-
23 TRACT.—Section 2681(c) of title 10, United States Code,
24 is amended—

1 (1) by inserting “(1)” after “(c)”; and

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

4 “(2) Notwithstanding the requirement for reim-
5 bursement of all direct costs under subparagraph
6 (1), a contractor, using a Major Range and Test Fa-
7 cility Base installation in support of a Department
8 of Defense requirement, may be provided access to
9 and use of the Major Range and Test Facility Base
10 Installations and charged for services for purposes of
11 the contract utilizing the same criteria as would be
12 applied to use of a Major Range and Test Facility
13 Base Installation by an activity or agency of the De-
14 partment of Defense. A contractor of a Department
15 or agency of the Federal Government other than the
16 Department of Defense shall be provided access to
17 and use of a Major Range and Test Facility Base
18 Installation and services in support of such contract
19 at the discretion of the Secretary of Defense, and
20 may be charged for access, use and services on the
21 same basis as the Federal government Department
22 or agency funding the contract.”.

1 **SEC. ____ . COOPERATIVE RESEARCH AND DEVELOPMENT**
2 **PROJECTS: ALLIED COUNTRIES.**

3 Section 2350a of title 10, United States Code, is
4 amended as follows:

5 (1) In the title for Section 2350a—by striking
6 out “allied” and inserting “NATO ally, major non-
7 NATO ally, other friendly foreign country, or NATO
8 organization”.

9 (2) Paragraph (a) is amended by striking “one
10 or more major allies of the United States or NATO
11 organizations” and inserting “the North Atlantic
12 Treaty Organization (NATO) or with one or more
13 member countries of that Organization, or with any
14 major non-NATO ally or other friendly foreign coun-
15 try or NATO organization”.

16 (3) Paragraph (b)(1) is amended—

17 (A) by striking “(1)”;

18 (B) by striking “the North Atlantic Treaty
19 Organization (NATO)” and inserting “NATO”;

20 (C) by striking “its major non-NATO al-
21 lies.” and inserting “a NATO ally, a major
22 non-NATO ally or other friendly foreign coun-
23 try or NATO organization.”.

24 (4) Paragraph (b)(2) is amended by striking
25 “The authority of the Secretary to make a deter-
26 mination under paragraph (1) may only be delegated

1 to the Deputy Secretary of Defense or the Under
2 Secretary of Defense for Acquisition and Tech-
3 nology.” and inserting “The authority of the Sec-
4 retary to make a determination under paragraph (1)
5 may be delegated only to the Deputy Secretary of
6 Defense and to one other official the Secretary so
7 determines.”.

8 (5) Paragraph (d)(1) is amended by striking
9 “the major allies of the United States” and inserting
10 “a NATO ally, a major non-NATO ally or other
11 friendly foreign country or NATO organization”.

12 (6) Paragraph (d)(2) is amended by striking
13 “major ally of the United States” and inserting “a
14 NATO ally, a major non-NATO ally or other friendly
15 foreign country or NATO organization”.

16 (7) Paragraph (e)(1)(B)(2)(A) is amended by
17 striking “one or more of the major allies of the
18 United States.” and inserting “a NATO ally, a
19 major non-NATO ally or other friendly foreign coun-
20 try or NATO organization.”.

21 (8) Paragraph (e)(1)(B)(2)(B) is amended by
22 striking “one or more major allies of the United
23 States or NATO organizations” and inserting “a
24 NATO ally, a major non-NATO ally or other friend-
25 ly foreign country or NATO organization”.

1 (9) Paragraph (e)(1)(B)(2)(C) is amended by
2 striking “one or more major allies of the United
3 States” and inserting “a NATO ally, a major non-
4 NATO ally or other friendly foreign country or
5 NATO organization”.

6 (10) Paragraph (e)(1)(B)(2)(D) is amended by
7 striking “one or more major allies of the United
8 States” and inserting “a NATO ally, a major non-
9 NATO ally or other friendly foreign country or
10 NATO organization”.

11 (11) Paragraph (f)(B)(1) is amended by strik-
12 ing “(1)”.

13 (12) Paragraph (f)(B)(2) is amended by strik-
14 ing “The Secretary of Defense and the Secretary of
15 State, whenever they consider such action to be war-
16 ranted, shall jointly submit to the Committee on
17 Armed Services and the Committee on Foreign Rela-
18 tions of the Senate and the Committee on National
19 Security and the Committee on International Rela-
20 tions of the House of Representatives a report—(A)
21 enumerating those countries to be added to or de-
22 leted from the existing designation of countries des-
23 igned as major non-NATO allies for purposes of
24 this section; and (B) specifying the criteria used in
25 determining the eligibility of a country to be des-

1 ignated as a major non-NATO ally for purposes of
2 this section.”.

3 (13) Paragraph (g)(1)(A) is amended by strik-
4 ing “major allies of the United States and other
5 friendly foreign countries.” and inserting “a NATO
6 ally, a major non-NATO ally or other friendly for-
7 eign country or NATO organization”.

8 (14) Paragraph (i) is amended by striking “(2)
9 The term “major ally of the United States”
10 means—(A) a member nation of the North Atlantic
11 Treaty Organization (other than the United States);
12 or (B) a major non-NATO ally.”.

13 (15) Paragraph (i)(1) is amended by striking
14 “one or more major allies of the United States or
15 NATO organizations” and inserting “a NATO ally,
16 a major non-NATO ally or other friendly foreign
17 country or NATO organization”.

18 **SEC. 903. RECOGNITION OF ASSISTANCE FROM FOREIGN**

19 **NATIONALS.**

20 (a) **IN GENERAL.**—Chapter 57 of title 10, United
21 States Code, is amended by inserting after section 1133
22 the following:

1 **“§ 1134. Recognition of assistance from foreign na-**
2 **tionals**

3 “The Secretary of Defense may issue regulations,
4 with the concurrence of the Secretary of State, authorizing
5 members of the armed forces or civilian officers or employ-
6 ees of the Department of Defense to present to foreign
7 nationals plaques, trophies, non-currency coins, certifi-
8 cates, and other suitable commemorative items or memen-
9 tos to recognize achievements or performance, not involv-
10 ing combat, that assists the armed forces of the United
11 States.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of such chapter is amended by inserting
14 after the item relating to section 1133 the following new
15 item:

“1134. Recognition of assistance from foreign nationals.”.

16 **SEC. 904. PERSONAL SERVICE CONTRACTS IN FOREIGN**
17 **AREAS.**

18 Under such regulations as the Secretary of State,
19 with the concurrence of the Secretary of Defense, may pre-
20 scribe, the Department of State shall use authority avail-
21 able to the Department of State to enter into personal
22 services contracts with individuals to perform services in
23 support of the Department of Defense in foreign coun-
24 tries.

1 **Subtitle B—Department of Defense**
 2 **Civilian Personnel**

Sec. 911. Removal of Limits on the Use of Voluntary Early Retirement Authority and Voluntary Separation Incentive Pay for Fiscal Years 2002 and 2003.

Sec. 912. Authority for Designated Civilian Employees Abroad to Act as a Notary.

Sec. 913. Inapplicability of Requirement for Studies and Reports When All Directly Affected Department of Defense Civilian Employees Are Reassigned to Comparable Federal Positions.

Sec. 914. Preservation of Civil Service Rights for Employees of the Former Defense Mapping Agency.

Sec. 915. Financial Assistance to Certain Employees in Acquisition of Critical Skills.

Sec. 916. Pilot Program for Payment of Retraining Expenses.

3 **SEC. 911. REMOVAL OF LIMITS ON THE USE OF VOLUNTARY**
 4 **EARLY RETIREMENT AUTHORITY AND VOL-**
 5 **UNTARY SEPARATION INCENTIVE PAY FOR**
 6 **FISCAL YEARS 2002 AND 2003.**

7 Section 1153(b) of the Floyd D. Spence National De-
 8 fense Authorization Act for Fiscal Year 2001 (Public Law
 9 106–398, 114 Stat. 1654A–323) is amended—

10 (1) in paragraph (1), by striking “(1) Subject
 11 to paragraph (2), the” and inserting “The”;

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

13 (3) by redesignating subparagraphs (A) and
 14 (B) as paragraphs (1) and (2).

15 **SEC. 912. AUTHORITY FOR DESIGNATED CIVILIAN EMPLOY-**
 16 **EES ABROAD TO ACT AS A NOTARY.**

17 (a) CLARIFICATION OF STATUS OF CIVILIAN ATTOR-
 18 NEYS ACTING AS A NOTARY.—Section 1044a(b)(2) of title
 19 10, United States Code, is amended by striking “legal as-

1 sistance officers” and inserting “legal assistance attor-
2 neys”.

3 (b) AUTHORITY FOR DESIGNATED CIVILIAN EM-
4 PLOYEES ABROAD TO ACT AS A NOTARY.—Subsection
5 (b)(4) of such section 1044a is amended by inserting
6 “and, when outside the United States, all civilian employ-
7 ees of the armed forces of suitable training,” after “duty
8 status”.

9 **SEC. 913. INAPPLICABILITY OF REQUIREMENT FOR STUD-**
10 **IES AND REPORTS WHEN ALL DIRECTLY AF-**
11 **FECTED DEPARTMENT OF DEFENSE CIVILIAN**
12 **EMPLOYEES ARE REASSIGNED TO COM-**
13 **PARABLE FEDERAL POSITIONS.**

14 Section 2461 of title 10, United States Code, is
15 amended by adding at the end the following new sub-
16 section:

17 “(i) INAPPLICABILITY WHEN ALL DIRECTLY AF-
18 FECTED DEPARTMENT OF DEFENSE CIVILIAN EMPLOY-
19 EES ARE REASSIGNED TO COMPARABLE FEDERAL POSI-
20 TIONS.—The provisions of this section shall not apply
21 when all directly affected Department of Defense civilian
22 employees serving on permanent appointments are reas-
23 signed to comparable Federal positions for which they are
24 qualified.”.

1 **SEC. 914. PRESERVATION OF CIVIL SERVICE RIGHTS FOR**
2 **EMPLOYEES OF THE FORMER DEFENSE MAP-**
3 **PING AGENCY.**

4 Notwithstanding section 1612 of title 10, United
5 States Code, the provisions of subchapters II and IV (sec-
6 tions 7511 through 7514 and sections 7531 through 7533,
7 respectively) of chapter 75 of title 5, United States Code,
8 continue to apply, for as long as the employee continues
9 to serve as a Department of Defense employee in the Na-
10 tional Imagery and Mapping Agency without a break in
11 service, to each of those former Defense Mapping Agency
12 employees who occupied positions established under title
13 5, United States Code, and who on October 1, 1996, be-
14 came employees of the National Imagery and Mapping
15 Agency under paragraph 1601 (a)(1) of title 10, United
16 States Code pursuant to Title XI of the National Defense
17 Authorization Act for Fiscal Year 1997 (Public Law 104-
18 20 1; 110 Stat. 2675, et seq.) and for whom the provisions
19 of chapter 75 of title 5, United States Code, applied before
20 October 1, 1996. Each such employee, at any time, may
21 elect in writing to waive the provisions of this section, in
22 which case such waiver shall be permanent as to that em-
23 ployee.

1 **SEC. 915. FINANCIAL ASSISTANCE TO CERTAIN EMPLOYEES**
2 **IN ACQUISITION OF CRITICAL SKILLS.**

3 The Secretary of Defense may provide the Director,
4 National Imagery and Mapping Agency, the authority to
5 establish an undergraduate training program with respect
6 to civilian employees of the National Imagery and Map-
7 ping Agency that is similar in purpose, conditions, con-
8 tent, and administration to the program which the Sec-
9 retary of Defense is authorized to establish for civilian em-
10 ployees of the National Security Agency under section 16
11 of the National Security Agency Act of 1959 (50 U.S.C.
12 402 note).

13 **SEC. 916. PILOT PROGRAM FOR PAYMENT OF RETRAINING**
14 **EXPENSES.**

15 (a) IN GENERAL.—Chapter 141 of title 10, United
16 States Code, is amended by adding at the end the fol-
17 lowing new section:

18 **“§ 2410o. Pilot program for payment of retraining ex-**
19 **penses**

20 “(a) AUTHORITY.—The Secretary of Defense may es-
21 tablish a pilot program for the payment of retraining ex-
22 penses in accordance with this section to facilitate the re-
23 employment of eligible employees of the Department of
24 Defense who are being involuntarily separated due to a
25 reduction-in-force or due to relocation resulting from
26 transfer of function, realignment, or change of duty sta-

1 tion. Under the pilot program, the Secretary may pay re-
2 training incentives to encourage non-Federal employers to
3 hire and retain such employees.

4 “(b) ELIGIBLE EMPLOYEES.—For purposes of this
5 section, an eligible employee is an employee of the Depart-
6 ment of Defense, serving under an appointment without
7 time limitation, who has been employed by the Depart-
8 ment of Defense for a continuous period of at least 12
9 months and who has been given notice of separation pur-
10 suant to a reduction in force, except that such term does
11 not include—

12 “(1) a re-employed annuitant under subchapter
13 III of chapter 83 of title 5, United States Code,
14 chapter 84 of such title, or another retirement sys-
15 tem for employees of the Government;

16 “(2) an employee who, upon separation from
17 Federal service, is eligible for an immediate annuity
18 under subchapter III of chapter 83 of title 5, United
19 States Code, or subchapter II of chapter 84 of such
20 title; or

21 “(3) an employee who is eligible for disability
22 retirement under any of the retirement systems re-
23 ferred to in paragraph (1).

24 “(c) RETRAINING INCENTIVE.—(1) Under the pilot
25 program, the Secretary may enter into an agreement with

1 a non-Federal employer under which the non-Federal em-
2 ployer agees—

3 “(A) to employ an eligible person referred to in
4 subsection (a) for at least 12 months for a salary
5 that is mutually agreeable to the employer and such
6 person; and

7 “(B) to certify to the Secretary the cost in-
8 curred by the employer for any necessary training,
9 as defined by the Secretary, provided to such eligible
10 employee in connection with the employment by that
11 employer.

12 “(2) The Secretary may pay a retraining incentive
13 to the non-Federal employer upon the employee’s comple-
14 tion of 12 months of continuous employment with that em-
15 ployer. Subject to this section, the Secretary shall pre-
16 scribe the amount of the incentive.

17 “(3) The Secretary may pay a prorated amount of
18 the full retraining incentive to the non-Federal employer
19 for an employee who does not remain employed by the
20 nonFederal employer for at least 12 months.

21 “(4) In no event may the amount of retraining incen-
22 tive paid for the training of any one person under the pilot
23 program exceed the amount certified for that person under
24 paragraph (1) or \$10,000, whichever is greater.

1 “(d) DURATION.—No incentive may be paid under
2 the pilot program for training commenced after September
3 30, 2005.

4 “(e) DEFINITIONS.—The following definitions apply
5 in this section:

6 “(1) The term “non-Federal employer” means
7 an employer that is not an Executive Agency, as de-
8 fined in section 105 of title 5, United States Code,
9 or the legislative or judicial branch of the Federal
10 Government.

11 “(2) “Reduction-in-force” and “transfer of
12 function” shall have the same meaning as in chapter
13 35 of title 5, United States Code.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of such Chapter 141 is amended by add-
16 ing at the end the following new item:

“2410o. Pilot program for payment of retraining expenses.”.

17 **Subtitle C—Other Matters**

Sec. 921. Authority to Ensure Demilitarization of Significant Military Equip-
ment Formerly Owned by the Department of Defense.

Sec. 922. Motor Vehicles: Documentary Requirements for Transportation for
Military Personnel and Federal Employees on Change of Per-
manent Station.

Sec. 923. Department of Defense Gift Initiatives.

Sec. 924. Repeal of the Joint Requirements Oversight Council Semi-Annual Re-
port.

Sec. 925. Access to Sensitive Unclassified Information.

Sec. 926. Water Rights Conveyance, Andersen Air Force Base, Guam.

Sec. 927. Repeal of Requirement For Separate Budget Request For Procure-
ment of Reserve Equipment.

Sec. 928. Repeal of Requirement for Two-year Budget Cycle for the Depart-
ment of Defense.

1 **SEC. 921. AUTHORITY TO ENSURE DEMILITARIZATION OF**
2 **SIGNIFICANT MILITARY EQUIPMENT FOR-**
3 **MERLY OWNED BY THE DEPARTMENT OF DE-**
4 **FENSE.**

5 (a) IN GENERAL.—Chapter 153 of title 10, United
6 States Code, is amended by inserting after section 2572
7 the following new section:

8 **“§ 2573. Continued authority to require demilitariza-**
9 **tion of significant military equipment**
10 **after disposal**

11 “(a) AUTHORITY TO REQUIRE DEMILITARIZA-
12 TION.—The Secretary of Defense may require any person
13 in possession of significant military equipment formerly
14 owned by the Department of Defense—

15 “(1) to demilitarize the equipment:

16 “(2) to have the equipment demilitarized by a
17 third party; or

18 “(3) to return the equipment to the Govern-
19 ment for demilitarization.

20 “(b) COST AND VALIDATION OF DEMILITARIZA-
21 TION.—When the demilitarization of significant military
22 equipment is carried out by the person in possession of
23 the equipment pursuant to paragraph (1) or (2) of sub-
24 section (a), the person shall be solely responsible for all
25 demilitarization costs, and the United States shall have

1 the right to validate that the equipment has been demili-
2 tarized.

3 “(c) RETURN OF EQUIPMENT TO GOVERNMENT.—
4 When the Secretary of Defense requires the return of sig-
5 nificant military equipment for demilitarization by the
6 Government, the Secretary shall bear all costs to transport
7 and demilitarize the equipment. If the person in possession
8 of the significant military equipment obtained the property
9 in the manner authorized by law or regulation and the
10 Secretary determines that the cost to demilitarize and re-
11 turn the property to the person is prohibitive, the Sec-
12 retary shall reimburse the person for the purchase cost
13 of the property and for the reasonable transportation costs
14 incurred by the person to purchase the equipment.

15 “(d) ESTABLISHMENT OF DEMILITARIZATION
16 STANDARDS.—The Secretary shall issue regulations to
17 prescribe what constitutes demilitarization for each type
18 of significant military equipment, with the objective of en-
19 suring that the equipment does not pose a significant risk
20 to public safety and does not provide a significant weapon
21 capability or military-unique capability and ensure that
22 any person from whom private property is taken for public
23 use under this section receives just compensation.

24 “(e) EXCEPTIONS.—This section does not apply—

1 “(1) when a person is in possession of signifi-
2 cant military equipment formerly owned by the De-
3 partment of Defense for the purpose of demili-
4 tarizing the equipment pursuant to a Government
5 contract.

6 “(2) to small arms weapons issued under the De-
7 fense Civilian Marksmanship Program established in Title
8 36, United States Code.

9 “(3) to issues by the Department of Defense to
10 museums where modified demilitarization has been per-
11 formed in accordance with the Department of Defense De-
12 militarization Manual, DoD 4160.21–M–1; or

13 “(4) to other issues and un-demilitarized sig-
14 nificant military equipment under the provisions of
15 the provisions of the Department of Defense Demili-
16 tarization Manual, DoD 4160.21–M–1.

17 “(f) DEFINITION OF SIGNIFICANT MILITARY EQUIP-
18 MENT.—In this section, the term “significant military
19 equipment” means—

20 “(1) an article for which special export controls
21 are warranted under the Arms Export Control Act
22 (22 U.S.C. 2751 et seq.) because of its capacity for
23 substantial military utility or capability, as identified
24 on the United States Munitions List maintained

1 under section 121.1 of title 22, Code of Federal
2 Regulations; and 46

3 (2) any other article designated by the Depart-
4 ment of Defense as requiring demilitarization before
5 its disposal.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of such chapter is amended by inserting
8 after the item relating to section 2572 the following new
9 item:

“2573. Continued authority to require demilitarization of significant military
equipment after disposal.”.

10 **SEC. 922. MOTOR VEHICLES: DOCUMENTARY REQUIRE-**
11 **MENTS FOR TRANSPORTATION FOR MILI-**
12 **TARY PERSONNEL AND FEDERAL EMPLOY-**
13 **EES ON CHANGE OF PERMANENT STATION.**

14 (a) MILITARY PERSONNEL.—Section 2634 of title
15 10, United States Code, is amended as follows:

16 (1) by redesignating subsections (f), (g) and (h)
17 as subsections (g), (h), and (i) respectively; and

18 (2) by inserting after subsection (e) the fol-
19 lowing new subsection;

20 “(f) Motor vehicles transported under this section are
21 not subject to the provisions of the Anti Car Theft Act
22 of 1992, as amended, or any implementing regulations.
23 The Secretary of Defense (and the Secretary of Transpor-
24 tation with respect to the Coast Guard when it is not oper-

1 ating as a Service in the Navy) will prescribe regulations
2 designed to ensure members do not present for shipment
3 stolen vehicles.”.

4 (b) CIVILIAN EMPLOYEES.—Section 5727 of title 5,
5 United States Code, is amended as follows:

6 (1) by redesignating subsection (f) as sub-
7 section (g); and

8 (2) by inserting after subsection (e) the fol-
9 lowing new subsection:

10 “(f) Motor vehicles transported under this section are
11 not subject to the provisions of the Anti Car Theft Act
12 of 1992, as amended, or any implementing regulations.
13 Regulations prescribed under section 5738 of this title will
14 include provisions designed to ensure employees do not
15 present for shipment stolen motor vehicles under sub-
16 section (b) of this section.”.

17 **SEC. 923. DEPARTMENT OF DEFENSE GIFT INITIATIVES.**

18 (a) LOAN OR GIFT OF OBSOLETE MATERIAL AND
19 ARTICLES OF HISTORICAL INTEREST.—Section 7545 of
20 title 10, United States Code, is amended—

21 (1) in subsection (a)—

22 (A) by inserting the following catchline
23 after the subsection designator: “ADDITIONAL
24 ITEMS TO BE DONATED BY THE SECRETARY
25 OF THE NAVY.”;

1 (B) by striking “books, manuscripts, works
2 of art, drawings,” and all that follows to the
3 dash and inserting “obsolete combat or ship-
4 board material not needed by the Department
5 of the Navy, to”;

6 (C) in paragraph (5), by striking “World
7 War I or World War 11” and inserting “a for-
8 eign war.”;

9 (D) in paragraph (6), by striking “sol-
10 diers” and inserting “servicemen’s”; and

11 (E) in paragraph (8), by inserting “or me-
12 morial” after “a museum”; and

13 (2) in subsection (b), by inserting the following
14 catchline after the subsection designator: “MAINTEN-
15 NANCE OF THE RECORDS OF THE GOVERN-
16 MENT.—”;

17 (3) in subsection (c), by inserting the following
18 catchline after the subsection designator: “SECRE-
19 TARIAL AUTHORITY TO MAKE GIFTS OR LOANS.—
20 ”; and

21 (4) by adding at the end the following new sub-
22 section:

23 “(d) AUTHORITY TO TRANSFER A PORTION OF A
24 VESSEL.—The Secretary may lend, give or otherwise
25 transfer any portion of the hull or superstructure of a ves-

1 sel stricken from the Naval Vessel Register and designated
 2 for scrapping to a qualified organization listed under sub-
 3 section (a). The terms and conditions of any agreement
 4 for the transfer of a portion of a vessel under this section
 5 shall include a requirement that the transferee will main-
 6 tain the material conveyed in a condition that will not di-
 7 minish the historical value of the material or bring dis-
 8 credit upon the Navy.”.

9 (b) LOAN, GIFT, OR EXCHANGE OF DOCUMENTS,
 10 HISTORICAL ARTIFACTS, AND CONDEMNED OR OBSO-
 11 LETE, COMBAT MATERIAL.—Section 2572(a)(1) of such
 12 title 10 is amended by striking the period after “A munic-
 13 ipal corporation” and inserting county or other political
 14 subdivision of a state.”.

15 **SEC. 924. REPEAL OF THE JOINT REQUIREMENTS OVER-**
 16 **SIGHT COUNCIL SEMI-ANNUAL REPORT.**

17 Section 916 of the Floyd D. Spence National Defense
 18 Authorization Act for Fiscal Year 2001 (Public Law 106–
 19 398; 114 Stat. 1654) is repealed.

20 **SEC. 925. ACCESS TO SENSITIVE UNCLASSIFIED INFORMA-**
 21 **TION.**

22 (a) IN GENERAL.—Chapter 137 of title 10, United
 23 States Code, is amended by adding at the end the fol-
 24 lowing new section:

1 § **“2332. Limited access to sensitive unclassified infor-**
2 **mation by administrative support con-**
3 **tractors**

4 “(a) AUTHORITY.—Notwithstanding sections 552a
5 of title 5, 2320 of title 10, and 1905 of title 18, United
6 States Code, the Secretary of Defense may provide admin-
7 istrative support contractors with limited access to, and
8 use of, sensitive unclassified information, provided that—

9 “(1) such disclosure is not otherwise prohibited
10 by law;

11 “(2) access shall be limited to sensitive unclas-
12 sified information that is necessary for the adminis-
13 trative support contractor to perform contractual
14 duties;

15 “(3) administrative support contractors shall be
16 subject to the same restrictions on using, reproduc-
17 ing, modifying, performing, displaying, releasing or
18 disclosing such sensitive unclassified information as
19 are applicable to employees of the United States;
20 and

21 “(4) administrative support contractors shall be
22 subject to the same civil and criminal penalties for
23 unauthorized disclosure or use of such sensitive un-
24 classified information as are applicable to employees
25 of the United States.

1 “(b) DEFINITIONS.—The following definitions apply
2 to this section:

3 “(1) The term “sensitive unclassified informa-
4 tion” means all unclassified information for which
5 disclosure to an administrative support contractor is
6 prohibited by the Privacy Act (5 U.S.C. § 552a); sec-
7 tion 2320 of this title; or the Trade Secrets Act (18
8 U.S.C. § 1905).

9 “(2) The term “administrative support con-
10 tractor” means any officer or employee of a con-
11 tractor or subcontractor who performs any of the
12 following for or on behalf of the Department of De-
13 fense: secretarial or clerical support; provisioning or
14 logistics support; data entry; document reproduction,
15 scanning, or imaging; operation, management, or
16 maintenance of paper-based or electronic mail
17 rooms, file rooms, or libraries; installation, oper-
18 ation, management, or maintenance of internet or
19 intranet systems, networks, or computer systems;
20 and facilities or information security.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of such chapter 137 is amended by add-
23 ing at the end the following new item:

“2332. Limited access to sensitive unclassified information by administrative support contractors.”.

1 **SEC. 926. WATER RIGHTS CONVEYANCE, ANDERSEN AIR**
2 **FORCE BASE, GUAM.**

3 (a) **AUTHORITY TO CONVEY.**—In conjunction with
4 the conveyance of a utility system under the authority of
5 section 2688 of title 10, United States Code, and in ac-
6 cordance with all the requirements of that section, the Sec-
7 retary of the Air Force may convey all right, title, and
8 interest of the United States, or such lesser estate as the
9 Secretary considers appropriate to serve the interests of
10 the United States, in the water rights related to Andy
11 South (also known as the Andersen Administrative Annex,
12 MARBO (Marianas Bonins Base Command), and the An-
13 dersen Water Supply Annex (also known as the Tumon
14 Water Well or the Tumon Maui Well), Air Force prop-
15 erties located on Guam.

16 (b) **ADDITIONAL REQUIREMENTS.**—The Secretary
17 may exercise the authority contained in subsection (a) only
18 if—

19 (1) the Secretary has determined that there ex-
20 ists adequate supplies of potable groundwater under
21 Andersen Air Force Base that are sufficient to meet
22 the current and long-term requirements of the in-
23 stallation for water;

24 (2) the Secretary has determined that such sup-
25 plies of groundwater are economically obtainable;
26 and,

1 (3) the Secretary requires the conveyee to pro-
2 vide a water system capable of meeting the water
3 supply needs of Anderson Air Force Base, as deter-
4 mined by the Secretary.

5 (c) INTERIM WATER SUPPLIES.—If the Secretary de-
6 termines that it is in the best interests of the United
7 States to transfer title to the water rights and utility sys-
8 tems at Andy South and Andersen Water Supply Annex
9 prior to placing into service a new replacement water sys-
10 tem and well field on Andersen Air Force Base, the Sec-
11 retary may require that the United States have the pri-
12 mary right to all water produced from Andy South and
13 Andersen Water Supply Annex until such new replacement
14 water system and well field is placed into service and oper-
15 ates to the satisfaction of the Secretary. In exercising the
16 authority of this subsection, the Secretary may retain a
17 reversionary interest in the water rights and utility sys-
18 tems at Andy South and Andersen Water Supply Annex
19 until such time as the new replacement water system and
20 well field is placed into service and operates to the satis-
21 faction of the Secretary.

22 (d) SALE OF EXCESS WATER AUTHORIZED.—(1) If
23 the Secretary exercises the authority contained in sub-
24 section (a), he may provide in any such conveyance that
25 the conveyee of the water system may sell to public or

1 private entities such water from Andersen Air Force Base
2 as the Secretary determines to be excess to the needs of
3 the United States. In the event the Secretary authorizes
4 the conveyee to resell water, the Secretary shall negotiate
5 a reasonable return to the United States of the value of
6 such excess water sold by the conveyee, which return the
7 Secretary may receive in the form of reduced charges for
8 utility services provided by the conveyee.

9 (2) If the Secretary cannot meet the requirements of
10 subsection (c), and the Secretary determines to proceed
11 with a water utility system conveyance under section 2688
12 of title 10, United States Code, without the conveyance
13 of water rights, the Secretary may provide in any such
14 conveyance that the conveyee of the water system may sell
15 to public or private entities such water from Andy South
16 and Andersen Water Supply Annex as the Secretary deter-
17 mines to be excess to the needs of the United States. The
18 Secretary will negotiate a reasonable return to the United
19 States of the value of such excess water sold by the
20 conveyee, which return the Secretary may receive in the
21 form of reduced charges for utility services provided by
22 the conveyee.

23 (e) DEFINITIONS.—(1) For purposes of this section,
24 “Andersen Air Force Base” means the Main Base and
25 Northwest Field.

1 (2) The water rights referred to in subsection (a)
 2 shall be considered as part of a “utility system” as that
 3 term is defined in section 2688(g)(2) of title 10, United
 4 States Code.

5 (f) APPLICATION OF THE OTHER LAND DISPOSAL
 6 ACTS.—The water rights related to Andy South and An-
 7 dersen Water Supply Annex shall not be considered as real
 8 property for purposes of the Act of November 13, 2000,
 9 to amend the Organic Act of Guam, and for other pur-
 10 poses (Public Law 106–504; 114 Stat. 2309) and the Fed-
 11 eral Property and Administrative Services Act of 1949 (40
 12 U.S.C. 471, et seq.).

13 **SEC. 927. REPEAL OF REQUIREMENT FOR SEPARATE BUDG-**
 14 **ET REQUEST FOR PROCUREMENT OF RE-**
 15 **SERVE EQUIPMENT.**

16 Section 114(e) of title 10, United States Code, is re-
 17 pealed.

18 **SEC. 928. REPEAL OF REQUIREMENT FOR TWO-YEAR BUDG-**
 19 **ET CYCLE FOR THE DEPARTMENT OF DE-**
 20 **FENSE.**

21 Section 1405 of the Department of Defense Author-
 22 ization Act, 1986 (31 U.S.C. 1105 note) is repealed.

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