107TH CONGRESS
2D SESSION

S. 2225

To authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2003, and for other purposes.

IN THE SENATE OF THE UNITED STATES
APRIL 23, 2002

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 2003 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2003, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2003”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 106. Defense Health Program.

Subtitle B—Multiyear Contract Authorizations

Sec. 111. Multiyear procurement authority for F/A–18E/F engines.
Sec. 112. Multiyear procurement authority for the C–130J aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Cost limitations applicable to F–22 aircraft program.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.

Subtitle B—Depot Issues

Sec. 311. Repeal of time limitation of exclusion of expenditures on contracting for depot-level maintenance.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Exclusions from limitation of active duty officers in grades above major general.
Sec. 403. Extension of authorities relating to management of general officers.

Subtitle B—Reserve Forces

Sec. 411. End strengths for selected reserve.
Sec. 412. End strengths for reserve on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2003 limitation on number of non-dual status technicians.
Sec. 415. Increase strength and grade ceilings to account for reserve component members on active duty in support of a contingency operation.
TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Establish additional deputy commandant billet.

Subtitle B—Reserve Component Personnel Policy

Sec. 511. Authority for limited extension of medical deferment of mandatory retirement or separation for reserve officers.
Sec. 512. Definition for weapon of mass destruction.
Sec. 513. Collective bargaining exclusion for matters relating to the provision of uniforms to enlisted National Guard technicians.
Sec. 514. Expansion of reserve component delayed training program.

Subtitle C—Military Spouses and Family Members

Sec. 521. Prohibiting payments of retired pay from members on active duty.
Sec. 522. Revocation of “ten-year rule” for direct payment of retired pay.
Sec. 523. Increases for divisions of retired pay expressed as a dollar amount.
Sec. 524. Allowing member to submit application for direct payment.
Sec. 525. Allow member to waive notice and provide court order upon request.

Subtitle D—Military Justice Matters

Sec. 531. Courts-martial for the National Guard when not in Federal service.

Subtitle E—Other Matters

Sec. 541. Vehicle storage in lieu of transportation when member is ordered to non-foreign duty station outside continental United States.
Sec. 542. Administrative support and services for foreign liaison officers.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Increase in basic pay for fiscal year 2003.
Sec. 602. Increase basic allowance for subsistence for members forced to purchase meals outside messing facilities.
Sec. 603. Extension of basic housing allowance for low cost or no cost moves to moves outside the United States.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of authorities relating to payment of other bonuses and special pays.
Sec. 612. Extension of certain bonus and special pay authorities for nurse officer candidates, registered nurses, nurse anesthetists, and dental officers.
Sec. 613. One-year extension of certain bonus and special pay authorities for reserve forces.
Sec. 614. Increase prior service enlistment bonus.

Subtitle C—Travel and Transportation Allowances

Sec. 621. Equitable compensation support for military funeral honors.
Sec. 622. Expansion of overseas tour extension benefits.
Sec. 623. Extension of period for use of leave travel entitlement for consecutive overseas tours.

Subtitle D—Retirement and Survivor Benefit Matters

Sec. 631. Clarification of disability severance pay computation.
Sec. 632. Authority to increase retired pay for enlisted reserve component personnel decorated for extraordinary heroism.
Sec. 633. Survivor benefit plan; multiple beneficiaries.
Sec. 634. Survivor benefit plan; presumptive proportionate share.
Sec. 635. Survivor benefit plan; financial responsibility for survivor benefit plan participation.

Subtitle E—Other Matters

Sec. 641. Repeal of limited exemption from ban on honoraria for personnel at certain Department of Defense schools.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program Improvements

Sec. 701. Improvements in the administration of the TRICARE program.
Sec. 702. Dependent dental care enhancements.

Subtitle B—Senior Health Care

Sec. 711. Improvements regarding the Department of Defense Medicare-Eligible Retiree Health Care Fund.

Subtitle C—Other Matters

Sec. 721. Assistance relating to bioterrorism mass casualties.

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

Subtitle A—Acquisition Policy and Management

Sec. 801. Live-fire waiver authority.
Sec. 802. Repeal of certification of funding for support costs in the future years defense program.
Sec. 803. Authority to waive domestic source or content requirements.
Sec. 804. Purchase of dinitrogen tetroxide, hydrazine, and hydrazine-related products.

Subtitle B—Use of Preferred Sources

Sec. 811. Eligibility of HUBZone small business concerns and small business concerns owned and controlled by service-disabled veterans under the mentor protégé program.

Subtitle C—General Contracting Procedures and Limitations

Sec. 821. Contracting for security guards.
Sec. 822. Demonstration project using multi-year contracts for environmental remediation.
Sec. 823. Micro-purchase exception for ball and roller bearings.
TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Organization

Sec. 901. Certification for Department of Defense professional accounting positions.
Sec. 902. Consequence Management Program Integration Office.

Subtitle B—Financial Management

Sec. 911. Pecuniary liability equalizations.
Sec. 912. Accountable officials in the Department of Defense.
Sec. 913. Failure to participate satisfactorily; penalties.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Repeal of requirement for separate budget request for procurement of reserve equipment.
Sec. 1002. Transfer of funds within acquisition programs; procedures and limitations.
Sec. 1003. Reimbursement for service intelligence support.
Sec. 1004. Authority to waive reimbursement of Asia-Pacific Center for Security Studies charges.
Sec. 1005. Cross-fiscal year cooperative agreements for environmental purposes.

Subtitle B—Repeal and Revision of Various Reporting Requirements

Sec. 1011. Repeal of various reports required of the Department of Defense.
Sec. 1012. Frequency of certain surveys; section 481 of title 10.
Sec. 1013. Quadrennial defense review.

Subtitle C—Other Matters

Sec. 1021. Explosives Safety Board.
Sec. 1022. Authorize Army and Air Force to provide base operating support to Fisher Houses.
Sec. 1023. Eligibility of intelligence senior-level employees for presidential rank awards.
Sec. 1024. Security of Department of Defense transportation operations.
Sec. 1025. Amendment to authority for acceptance by Asia-Pacific Center for Security Studies of foreign gifts and donations.

TITLE XI—MATTERS RELATING TO OTHER NATIONS

Sec. 1101. Expansion of authority to conduct the Arctic Military Environmental Cooperation Program.
Sec. 1102. Use of Warsaw Initiative funds for travel of officials from partner countries.
Sec. 1103. Insurance for vessels in support of NATO, international organizations, or other allied countries.

TITLE XII—READINESS AND RANGE PRESERVATION INITIATIVE

Sec. 2001. Readiness and range preservation initiative.
TITLE I—PROCUREMENT
Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement for the Army as follows:

(1) For aircraft, $2,061,027,000.
(2) For missiles, $1,642,296,000.
(3) For weapons and tracked combat vehicles, $2,248,558,000.
(4) For ammunition, $1,159,426,000.
(5) For other procurement, $5,168,453,000.
(6) For chemical agents and munitions destruction, $1,490,199,000 for—

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

(B) the destruction of chemical warfare material of the United States that is not covered by section 1412 of such Act.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement for the Navy as follows:
(1) For aircraft, $8,203,955,000.

(2) For weapons, including missiles and torpedoes, $1,832,617,000.

(3) For shipbuilding and conversion, $8,191,194,000.

(4) For other procurement, $4,347,024,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement for the Marine Corps in the amount of $1,288,383,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement of ammunition for the Navy and Marine Corps in the amount of $1,015,153,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement for the Air Force as follows:

(1) For aircraft, $12,067,405,000.

(2) For missiles, $3,575,162,000.

(3) For procurement of ammunition, $1,133,864,000.

(4) For other procurement, $10,523,946,000.
SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2003 for defense-wide procurement in the amount of $2,688,515,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement for the Defense Inspector General in the amount of $2,000,000.

SEC. 106. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2003 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $278,742,000.

Subtitle B—Multi-Year Contract Authorizations

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR F/A–18E/F E ENGINES.

Beginning with the fiscal year 2003 program year, the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multi-year contract for procurement of engines for F/A–18E/F aircraft.
SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR C–130J AIRCRAFT.

Beginning with the fiscal year 2003 program year, the Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multi-year contract for procurement of C–130J aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS

Funds are hereby authorized to be appropriated for fiscal year 2003 for the use of the Armed Forces for research, development, test, and evaluation, as follows:

(1) For the Army, $6,918,494,000.

(2) For the Navy, $12,501,630,000.

(3) For the Air Force, $17,601,233,000.

(4) For Defense-wide research, development, test, and evaluation, $16,835,605,000, of which $222,054,000 is authorized for the Director of Operational Test and Evaluation.

(5) For the Defense Health Program, $67,214,000.
Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. COST LIMITATIONS APPLICABLE TO F–22 AIRCRAFT PROGRAM.


(b) 2001 Defense Appropriations Act.—Section 8125 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 692) is repealed; and


TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2003 for the use of the Armed Forces of the United States and other activities and agencies of the De-
partment of Defense, for expenses, not otherwise provided
for, for operation and maintenance, in amounts as follows:

(1) For the Army, $24,581,055,000.
(2) For the Navy, $29,028,813,000.
(3) For the Marine Corps, $3,357,952,000.
(4) For the Air Force, $27,304,623,000.
(5) For the Defense-wide activities, $14,515,304,000.
(6) For the Army Reserve, $1,923,330,000.
(7) For the Naval Reserve, $1,165,961,000.
(8) For the Marine Corps Reserve, $185,532,000.
(9) For the Air Force Reserve, $2,190,817,000.
(10) For the Army National Guard, $4,136,822,000.
(11) For the Air National Guard, $4,150,861,000.
(12) For the Defense Inspector General, $163,440,000.
(13) For the United States Court of Appeals for the Armed Forces, $9,925,000.
(14) For Environmental Restoration, Army, $395,900,000.
(15) For Environmental Restoration, Navy, $256,948,000.
(16) For Environmental Restoration, Air Force, $389,773,000.

(17) For Environmental Restoration, Defense-wide, $23,498,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $212,102,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $58,400,000.

(20) For Drug Interdiction and Counter-drug Activities, Defense-wide, $848,907,000.

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

(22) For the Defense Health Program, $14,360,271,000.

(23) For Cooperative Threat Reduction programs, $416,700,000.

(24) For Overseas Contingency Operations Transfer Fund, $50,000,000.

(25) For Defense Emergency Response Fund, $20,055,000,000.

(26) For Support for International Sporting Competitions, Defense, $19,000,000.
SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2003 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:


(2) For the National Defense Sealift Fund, $934,129,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2003 from the Armed Forces Retirement Home Trust Fund the sum of $69,921,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers’ and Airmen’s Home and the Naval Home.

Subtitle B—Depot Issues

SEC. 311. REPEAL OF TIME LIMITATION ON EXCLUSION OF EXPENDITURES ON CONTRACTING FOR DEPOT-LEVEL MAINTENANCE.

Paragraph (2) of section 2474(f) of title 10, United States Code, is amended by striking “for fiscal years 2002 through 2005”.

S 2225 IS
TITLE IV—MILITARY
PERSONNEL AUTHORIZATIONS
Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.
The Armed Forces are authorized strengths for active
duty personnel as of September 30, 2003, as follows:
(1) The Army, 480,000.
(2) The Navy, 375,700.
(3) The Marine Corps, 175,000.
(4) The Air Force, 359,000.

SEC. 402. EXCLUSION FROM LIMITATION OF ACTIVE DUTY
OFFICERS IN GRADES ABOVE MAJOR GENERAL OR REAR ADMIRAL; SENIOR MILITARY
ASSISTANT TO THE SECRETARY OF DEFENSE.

Section 525(b) of title 10, United States Code, is
amended—
(1) in paragraph (2)(B), by striking “16.2 per-
cent” and inserting “17.5 percent”; 
(2) in paragraph (3)—
(A) by inserting “(A)” after “(3)”; and
(B) by adding at the end the following new
subparagraph:
“(B) An officer while serving as the Senior
Military Assistant to the Secretary of Defense,
if serving in the grade of general or lieutenant
general, or admiral or vice admiral, is in addition to the number that otherwise would be permitted for his armed force for that grade under paragraph (1) or (2).”.

SEC. 403. EXTENSION OF AUTHORITIES RELATING TO MANAGEMENT OF GENERAL OFFICERS.

(a) Senior Joint Officer Provisions.—Section 604(c) of title 10, United States Code, is amended by striking “September 30, 2003” and inserting “December 31, 2004”.

(b) Distribution of Officers on Active Duty in General Officer and Flag Officer Grades.—Section 525(b)(5)(C) of such title is amended by striking “September 30, 2003” and inserting “December 31, 2004”.

(c) Authorized Strength Limitations for General and Flag Officers on Active Duty.—Section 526(b)(3) of such title is amended by striking “October 1, 2002” and inserting “December 31, 2004”.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) In General.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2003, as follows:
(1) The Army National Guard of the United States, 350,000.
(2) The Army Reserve, 205,000.
(3) The Naval Reserve, 87,800.
(4) The Marine Corps Reserve, 39,558.
(5) The Air National Guard of the United States, 106,600.
(6) The Air Force Reserve, 75,600.
(7) The Coast Guard Reserve, 9,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected
Reserve of such reserve component shall be increased pro-
portionately by the total authorized strengths of such
units and by the total number of such individual members.

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

Within the end strengths prescribed in section
411(a), the reserve components of the Armed Forces are
authorized, as of September 30, 2003, the following num-
ber of Reserves to be serving on full-time active duty or,
in the case of members of the National Guard, full-time
National Guard duty for the purpose of organizing, ad-
ministering, recruiting, instructing, or training the reserve
components:

(1) The Army National Guard of the United
States, 23,768.

(2) The Army Reserve, 13,588.

(3) The Naval Reserve, 14,572.

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

(5) The Air National Guard of the United
States, 11,697.

(6) The Air Force Reserve, 1,498.
SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The reserve components of the Army and the Air Force are authorized strengths for military technicians (dual status) as of September 30, 2003, as follows:

1. For the Army Reserve, 6,349.
2. For the Army National Guard of the United States, 23,615.
3. For the Air Force Reserve, 9,911.
4. For the Air National Guard of the United States, 22,495.

SEC. 414. FISCAL YEAR 2003 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

The number of civilian employees who are non-dual status technicians of a reserve component of the Army or Air Force as of September 30, 2003, may not exceed the following:

1. For the Army Reserve, 995.
2. For the Army National Guard of the United States, 1,600.
3. For the Air Force Reserve, 0.
4. For the Air National Guard of the United States, 350.
SEC. 415. INCREASE STRENGTH AND GRADE CEILINGS TO ACCOUNT FOR RESERVE COMPONENT MEMBERS ON ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

(a) Active Duty Strength Accounting.—Section 115(c) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking “and” at the end;

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

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

“(4) increase the end strength authorized pursuant to subsection (a)(1)(A) for a fiscal year for any of the armed forces by a number equal to the number of members of the reserve components on active duty under section 12301(d) of this title in support of a contingency operation as defined in section 101(a)(13) of this title.”.

(b) Increase in Authorized Daily Average For Members in Pay Grades E–8 and E–9 on Active Duty Under Certain Circumstances.—Section 517 of such title is amended by adding at the end the following new paragraph:

“(d) The Secretary of Defense may increase the authorized daily average number of enlisted members on ac-
tive duty in an armed force in pay grades E–8 and
E–9 in a fiscal year pursuant to subsection (a) by the
number of enlisted members of a reserve component in
that armed force in pay grades E–8 and E–9 on active
duty under section 12301(d) of this title in support of a
contingency operation as defined in section 101(a)(13) of
this title.”.

(c) INCREASE IN AUTHORIZED STRENGTHS FOR
COMMISSIONED OFFICERS IN PAY GRADES O–4, O–5 AND
O–6 ON ACTIVE DUTY UNDER CERTAIN CIRCUMSTANCES.—Section 523 of such title is amended—

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

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

“(e) The Secretary of Defense may increase the au-
thorized total number of commissioned officers serving on
active duty at the end of any fiscal year pursuant to sub-
section (a) by the number of commissioned officers of a
reserve component of the Army, Navy, Air Force, or Ma-
rine Corps on active duty under section 12301(d) of this
title in support of a contingency operation as defined in
section 101(a)(13) of this title.”.
(d) **Increase in Authorized Strengths for General and Flag Officers on Active Duty Under Certain Circumstances.**—Section 526(a) of such title is amended—

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

(2) by inserting “(1) Except as provided in paragraph (2), the” after “Limitations.—”;

(3) by redesignating paragraphs (1), (2), (3) and (4) as subparagraphs (A), (B), (C) and (D), respectively; and

(4) by inserting after paragraph (1) the following new paragraph (2):

“(2) The Secretary of Defense may increase the number of general and flag officers on active duty pursuant to paragraph (1) by the number of reserve component general and flag officers on active duty under section 12301(d) of this title in support of a contingency operation as defined in section 101(a)(13) of this title.”.
TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. ESTABLISH ADDITIONAL DEPUTY COMMANDANT BILLET.

Section 5045 of title 10, United States Code, is amended by striking “five” and inserting “six”.

Subtitle B—Reserve Component Personnel Policy

SEC. 511. AUTHORITY FOR LIMITED EXTENSION OF MEDICAL DEFERMENT OF MANDATORY RETIREMENT OR SEPARATION FOR RESERVE OFFICERS.

(a) DEFERMENT OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.—Chapter 1407 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 14519. Deferment of retirement or separation for medical reasons

“(a) If the Secretary of the military department concerned determines that the evaluation of the physical condition of an officer and determination of the officer’s entitlement to retirement or separation for physical disability require hospitalization or medical observation and that
such hospitalization or medical observation cannot be com-
pleted with confidence in a manner consistent with the
member’s well being before the date on which the officer
would otherwise be required to separate, retire, or transfer
to the retired reserve under this title, the Secretary may
defer the separation or retirement or transfer of the officer
under this title.

“(b) A deferral of separation, retirement or transfer
under subsection (a) may not extend for more than 30
days after completion of the evaluation requiring hos-
pitalization or medical observation.”.

(b) CLERICAL AMENDMENT.—The table of sections
at the beginning of such chapter is amended by adding
at the end the following new item:

‘‘14519. Deferment of retirement or separation for medical reasons.’’.

SEC. 512. CHANGE DEFINITION OF WEAPON OF MASS DE-
STROY.

(a) SELECTED RESERVE AND INDIVIDUAL READY
RESERVE SUPPORT FOR RESPONSES TO CERTAIN EMER-
GENCIES.—Section 12304(i)(2) of title 10, United States
Code, is amended by striking ‘‘section 1403 of the Defense
Against Weapons of Mass Destruction Act of 1996 (50
U.S.C. 2302(1))’’ and inserting ‘‘section 2332a(c)(2) of
title 18’’.

(b) RESERVE AND NATIONAL GUARD DUTIES RE-
LATING TO DEFENSE AGAINST WEAPONS OF MASS DE-
24

1 STRUCTION.—Section 12310(c)(1) of such title is amend-
2 ed by striking “section 1403 of the Defense Against
4 2302(1))” and inserting “section 2332a(c)(2) of title 18”.

5 SEC. 513. COLLECTIVE BARGAINING EXCLUSION FOR MAT-
6 TERS RELATING TO THE PROVISION OF UNI-
7 FORMS TO NATIONAL GUARD TECHNICIANS.
8
9 Paragraph (4) of section 709(b) of title 32, United
10 States Code, is amended to read as follows:
11
12 “(4) Acquire, maintain, and wear the uniform
13 appropriate for the member’s grade and component
14 of the armed force as prescribed by the Secretary
15 concerned. The Secretary concerned shall have the
16 discretion to determine the quantity and kind of
17 clothing furnished, regulatory requirements per-
18 taining to dress and appearance, and the amount of
19 a uniform allowance paid.”.

20 SEC. 514. EXPANSION OF RESERVE COMPONENT DELAYED
21 TRAINING PROGRAM.

22 Section 12103(d) of title 10, United States Code, is
23 amended by striking “270 days” and inserting “one year”.

S 2225 IS
Subtitle C—Military Spouses and Survivor Benefit Plan Matters

SEC. 521. PROHIBITING PAYMENTS OF RETIRED PAY FROM MEMBERS ON ACTIVE DUTY.

Paragraph (3) of section 1408(c) of title 10, United States Code, is amended by adding at the end the following new sentence: “With respect to any divorce, dissolution of marriage, annulment, or legal separation, regardless of when the divorce, dissolution of marriage, annulment, or legal separation took or takes effect, a court shall not order a member on active duty, while the member remains on active duty, to make a payment to a spouse or former spouse when such payment is attributable to the treatment of disposable retired pay as the property of the member and member’s spouse.”.

SEC. 522. REVOCATION OF “TEN-YEAR RULE” FOR DIRECT PAYMENT OF RETIRED PAY.

(a) Revocation of Ten-Year Rule.—Section 1408(d) of title 10, United States Code, is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraphs (3) through (7) as paragraphs (2) through (6), respectively.

(b) Effective Date.—The amendments made by this section shall take effect on the first day of the first month which begins more than 120 days after the date
of enactment of this Act and shall apply only to payments of retired pay for periods beginning on or after the effective date of this section in the case of any former spouse of a member or former member of the uniformed services.

SEC. 523. INCREASES FOR DIVISIONS OF RETIRED PAY EXPRESSED AS A DOLLAR AMOUNT.

(a) MONETARY AMOUNT ADJUSTMENT.—Section 1408(a)(2)(C) of title 10, United States Code, is amended by striking “expressed in dollars” and inserting “expressed as a specific dollar amount, with such amount, if so ordered, being adjusted in the same manner and at the same time as retired pay is adjusted to reflect changes in the Consumer Price Index under section 1401a of this title,”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to court orders that become effective after the end of the 90-day period beginning on the date of enactment of this Act.

SEC. 524. ALLOWING MEMBER TO SUBMIT APPLICATION FOR DIRECT PAYMENT.

(a) PERMIT APPLICATION FOR DIRECT PAYMENT BY MEMBER.—The first sentence of paragraph (1) of section 1408(d) of title 10, United States Code, is amended by inserting “by a member or former member or the spouse
or former spouse of such member’’ after ‘‘the Secretary concerned’’.

(b) CONDITIONS FOR DIRECT PAYMENT.—Section 1408(d) of such title is amended by adding at the end the following new paragraph:

‘‘(8) A former spouse who accepts payment shall be deemed—

‘‘(A) to have consented and agreed to the recovery of any future overpayments, including recovery by involuntary collection from the former spouse or his or her estate; and

‘‘(B) to have agreed to give prompt notice in writing to the Secretary if—

‘‘(i) the operative court order upon which payment is based is vacated, modified, or set aside;

‘‘(ii) the former spouse remarries, if all or a part of the payment is for alimony; or

‘‘(iii) the former spouse is ineligible for child support payments due to the death, emancipation, adoption, or attainment of a child whose support is provided through direct payment to a former spouse from retired pay.’’.
(c) Effective Date.—The amendments made by this section shall apply to applications for direct payment of retired pay submitted to the Secretary concerned after the end of the 90-day period beginning on the date of enactment of this Act.

SEC. 525. ALLOW MEMBER TO WAIVE NOTICE AND PROVIDE COURT ORDER UPON REQUEST.

(a) Allow Member To Waive Notice and Provide Court Order Upon Request.—Section 1408(g) of title 10, United States Code, is amended—

(1) by striking “A person” and inserting “Unless notice is waived by the member, a person”; and

(2) by striking “(together with a copy of such order)” and inserting “and, upon request, a copy of such order”.

(b) Effective Date.—The amendments made by this section shall apply to court orders received by the Secretary concerned after the end of the 90-day period beginning on the date of enactment of this Act.

Subtitle D—Military Justice Matters

SEC. 531. COURTS-MARTIAL FOR THE NATIONAL GUARD WHEN NOT IN FEDERAL SERVICE.

(a) Composition, Jurisdiction, and Procedures.—Section 326 of title 32, United States Code, is
amended by striking the second sentence and inserting the following:

“They may have the jurisdiction, powers, and forms and procedures provided for those courts. Punishments shall be as provided by the laws of the respective states, territories, Puerto Rico, or the District of Columbia.”.

(b) General Courts-Martial of National Guard Not in Federal Service.—Section 327 of title 32, United States Code, is amended by striking subsections (a) and (b) in their entirety and inserting the following:

“In the National Guard not in Federal service, general, special, and summary courts-martial may be convened as provided by the laws of the respective states, territories, Puerto Rico, or the District of Columbia. General courts-martial for the National Guard not in Federal service may also be convened by the President. Special courts-martial for the National Guard not in Federal service may also be convened by the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty, or of a regiment, wing, group, detached battalion, separate squadron, or other detached command. Summary courts-martial for the National Guard not in Federal service may also be convened by the commanding officer of a garrison, fort, post, camp, air
base, auxiliary air base, or other place where troops are on duty, or of a regiment, wing, group, detached battalion, detached squadron, detached company, or other detachment.”.

(c) CONFORMING AMENDMENTS.—

(1) Sections 328, 329, 330, 331, 332, and 333, of title 32, United States Code, are repealed.

(2) The table of sections at the beginning of chapter 3 of such title is amended by striking the items relating to sections 328, 329, 330, 331, 332, and 333.

Subtitle E—Other Matters

SEC. 541. VEHICLE STORAGE IN LIEU OF TRANSPORTATION WHEN MEMBER IS ORDERED TO NON-FOREIGN DUTY STATION OUTSIDE CONTINENTAL UNITED STATES.

Section 2634 of title 10, United States Code, is amended—

(1) in subsection (b)(1)—

(A) by inserting after “to a foreign country” the following: “or to a non-foreign area outside the continental United States”; and

(B) by inserting after “into that country” the following: “or area”; and
(2) in subsection (h), by adding at the end the following new paragraph:

“(3) The term ‘non-foreign area outside the continental United States’ means the States of Alaska and Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands, Guam, and other territories and possessions of the United States.”.

SEC. 542. ADMINISTRATIVE SUPPORT AND SERVICES FOR FOREIGN LIAISON OFFICERS.

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

“§2350l. Administrative services and support for foreign liaison officers

“(a) AUTHORITY.—The Secretary of Defense may provide administrative services and support to foreign liaison officers performing duties while such officers temporarily are assigned to components or commands of the United States Armed Forces. For purposes of this section, the term ‘administrative services and support’ includes base or installation operation support services, office space, utilities, copying services, fire and police protection, and computer support.

“(b) REIMBURSEMENT.—The Secretary of Defense may provide the services and support authorized under
subsection (a) with or without reimbursement as the Sec-
retary of Defense deems appropriate.”.

(b) CLERICAL AMENDMENT.—The table of sections
at the beginning of such subchapter II of chapter 138 is
amended by adding at the end the following new item:

“23501. Administrative services and support for foreign liaison officers.”.

TITLE VI—COMPENSATION
Subtitle A—Pay and Allowances

SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2003.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The
adjustment to become effective during fiscal year 2003 re-
quired by section 1009 of title 37, United States Code,
in the rates of monthly basic pay authorized members of
the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January
1, 2003, the rates of monthly basic pay for members of
the uniformed services within each pay grade are as fol-
lows:
MONTHLY BASIC PAY 1 2 3
COMMISSIONED OFFICERS
Years of service computed under section 205 of title 37, United States Code

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

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

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WARRANT OFFICERS

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1 Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for commissioned officers in pay grades 0–7 through O–10 may not exceed the rate of pay for level III of the Executive Schedule and the actual rate of basic pay for all other officers may not exceed the rate of pay for level V of the Executive Schedule.

2 Subject to the preceding footnote, while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, the rate of basic pay for this grade is $14,155.50, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

3 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, the rate of basic pay for this grade is $5,732.70, regardless of cumulative years of service computed under section 205 of title 37, United States Code, and may not exceed the rate of pay for level V of the Executive Schedule.

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

5 Applies to personnel who have served less than 4 months on active duty.
SEC. 602. INCREASE BASIC ALLOWANCE FOR SUBSISTENCE
FOR MEMBERS FORCED TO PURCHASE
MEALS OUTSIDE MESSING FACILITY.
Section 402(d) of title 37, United States Code, is
amended to read as follows:
“(d) SPECIAL RULE FOR CERTAIN ENLISTED MEM-
BERS.—The Secretary of Defense, and the Secretary of
Transportation with respect to the Coast Guard when it
is not operating as a service in the Navy, may prescribe
a basic allowance for subsistence rate twice the amount
prescribed in paragraph (b)(2) for an enlisted member as-
signed to single Government quarters when—
“(1) the Government messing facility that
serves the single Government quarters to which the
member is assigned is not able to make meals avail-
able to the member, and
“(2) there are no adequate food storage or
preparation facilities in the single Government quar-
ters.”.
SEC. 603. EXTENSION OF BASIC HOUSING ALLOWANCE FOR
LOW COST OR NO COST MOVES TO MOVES
OUTSIDE THE UNITED STATES.
Section 403 of title 37, United States Code, is
amended—
(1) by striking subsection (b)(7);
(2) by redesignating subsections (d) through (n) as subsections (e) through (o), respectively; and
(3) by inserting after subsection (c) the following new subsection (d):

“(d) LOW-COST OR NO-COST MOVES.—In the case of a member who is assigned to duty, the location or the circumstances of which make it necessary that the member be reassigned under the conditions of low-cost or no-cost permanent change of station or permanent change of assignment, the member may be treated as if the member were not reassigned if the Secretary concerned determines that it would be inequitable to base the member’s entitlement to, and amount of, a basic allowance for housing on the cost of housing in the area to which the member is reassigned.”.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.
(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking “December 31, 2002” and inserting “September 30, 2004”.

S 2225 IS
(b) Reenlistment Bonus for Active Members.—Section 308(g) of title 37, United States Code, is amended by striking “December 31, 2002” and inserting “September 30, 2004”.

c) Enlistment Bonus.—Section 309(e) of title 37, United States Code, is amended by striking “December 31, 2002” and inserting “September 30, 2004”.

d) Retention Bonus for Members Qualified in a Critical Military Skill.—Section 323(i) of title 37, United States Code, is amended by striking “December 31, 2002” and inserting “September 30, 2004”.

e) Accession Bonus for New Officers in Critical Skills.—Section 324(g) of title 37, United States Code, is amended by striking “December 31, 2002” and inserting “September 30, 2004”.

(f) Special Pay for Nuclear-Qualified Officers Extending Period of Active Service.—Section 312(e) of title 37, United States Code, is amended by striking “December 31, 2002” and inserting “December 31, 2004”.

(g) Nuclear Career Accession Bonus.—Section 312b(c) of title 37, United States Code, is amended by striking “December 31, 2002” and inserting “December 31, 2004”.
(h) **Nuclear Career Annual Incentive Bonus.**—Section 312e(d) of title 37, United States Code, is amended by striking “December 31, 2002” and inserting “December 31, 2004”.

SEC. 612. **EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, NURSE ANESTHETISTS, AND DENTAL OFFICERS.**

(a) **Nurse Officer Candidate Accession Program.**—Section 2130a(a)(1) of title 10, United States Code, is amended by striking “December 31, 2002” and inserting “September 30, 2004”.

(b) **Accession Bonus for Registered Nurses.**—Section 302d(a)(1) of title 37, United States Code, is amended by striking “December 31, 2002” and inserting “September 30, 2004”.

(c) **Incentive Special Pay for Nurse Anesthetists.**—Section 302e(a)(1) of title 37, United States Code, is amended by striking “December 31, 2002” and inserting “September 30, 2004”.

(d) **Accession Bonus for Dental Officers.**—Section 302h(a)(1) of title 37, United States Code, is amended by striking “December 31, 2002” and inserting “September 30, 2004”.

S 2225 IS
SEC. 613. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) Special Pay for Health Professionals in Critically Short Wartime Specialties.—Section 302g(f) of title 37, United States Code, is amended by striking “December 31, 2002” and inserting “December 31, 2003”.

(b) Selected Reserve Reenlistment Bonus.—Section 308b(f) of title 37, United States Code, is amended by striking “December 31, 2002” and inserting “December 31, 2003”.

(c) Selected Reserve Enlistment Bonus.—Section 308c(e) of title 37, United States Code, is amended by striking “December 31, 2002” and inserting “December 31, 2003”.

(d) Special Pay for Enlisted Members Assigned to Certain High Priority Units.—Section 308d(c) of title 37, United States Code, is amended by striking “December 31, 2002” and inserting “December 31, 2003”.

(e) Selected Reserve Affiliation Bonus.—Section 308e(e) of title 37, United States Code, is amended by striking “December 31, 2002” and inserting “December 31, 2003”.
(f) Ready Reserve Enlistment and Reenlistment Bonus.—Section 308h(g) of title 37, United States Code, is amended by striking “December 31, 2002” and inserting “December 31, 2003”.

(g) Prior Service Reenlistment Bonus.—Section 308i(f) of title 37, United States Code, is amended by striking “December 31, 2002” and inserting “December 31, 2003”.

(h) Repayment of Education Loans for Certain Health Professionals Who Serve in the Selected Reserve.—Section 16302(d) of title 10, United States Code, is amended by striking “January 1, 2003” and inserting “January 1, 2004”.

SEC. 614. INCREASE PRIOR SERVICE ENLISTMENT BONUS.

Section 308i(b)(1) of title 37, United States Code, is amended—

(1) in subparagraph (A), by striking “$5,000” and inserting “$8,000”;

(2) in subparagraph (B), by striking “$2,500” and inserting “$4,000”; and

(3) in subparagraph (C), by striking “$2,000” and inserting “$3,500”.

Subtitle C—Travel and Transportation Allowances

Section 1491 of title 10, United States Code, is amended—

(1) in the first sentence of subsection (b)(2), by striking “(other than members in a retired status)” and inserting “or military retirees”.

(2) in subsection (d)—

(A) by amending paragraph (1) to read as follows: “Transportation, or a flat rate daily stipend established annually by the Secretary of Defense that will encompass costs for transportation and other miscellaneous expenses for a person who participates in the funeral honors detail and is not a member of the armed forces or an employee of the United States.”;

(B) in paragraph (2), by inserting “military retirees,” after “training for”; and

(C) by adding at the end the following new paragraph:

“(4) Notwithstanding any other provision of law, the stipend paid under this subsection to a retired member of the armed forces shall be in addi-
tion to any other compensation authorized to which
the retired member may be entitled.”.

SEC. 622. EXPANSION OF OVERSEAS TOUR EXTENSION BENEFITS.

Section 705(b)(2) of title 10, United States Code, is
amended to read as follows:

“(2) a period of rest and recuperation absence
for not more than 15 days and round-trip transpor-
tation at Government expense from the location of
the extended tour of duty to the nearest port in the
48 contiguous States, or to an alternate location at
a cost not to exceed the cost to the nearest port in
the 48 contiguous States, and return.”.

SEC. 623. EXTENSION OF PERIOD FOR USE OF LEAVE TRAVEL
ENTITLEMENT FOR CONSECUTIVE OVERSEAS TOURS.

Section 411b(a)(2) of title 37, United States Code,
is amended to read as follows:

“(2) Under the regulations referred to in para-
graph (1), a member may defer the travel for which
the member is paid travel and transportation allow-
ances under such paragraph until anytime before the
completion of that consecutive tour of duty at the
same duty station or at another duty station also
outside the 48 contiguous States and the District of Columbia, as the case may be.”

Subtitle D—Retirement and Survivor Benefit Matters

SEC. 631. CLARIFICATION OF DISABILITY SEVERANCE PAY COMPUTATION.

Paragraph (2) of section 1212(a) of title 10, United States Code, is amended—

(1) in subparagraph (C) by striking “for promotion”; and

(2) in subparagraph (D) by striking “for promotion” after “examination”.

SEC. 632. AUTHORITY TO INCREASE RETIRED PAY FOR ENLISTED RESERVE COMPONENT PERSONNEL DECORATED FOR EXTRAORDINARY HEROISM.

Section 12739 of title 10, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(2) by inserting after subsection (a) the following new subsection (b):

“(b) If a member who is retired under section 12731 of this title has been credited by the Secretary concerned with extraordinary heroism in the line of duty, the member’s retired pay shall be increased by 10 percent of the
amount determined under subparagraph (a) (but to not
more than 75 percent of the retired pay base upon which
the computation of such retired pay is based). The Sec-
retary’s determination as to extraordinary heroism is con-
elusive for all purposes.”; and

(3) by amending subsection (c), as redesignated
by paragraph (1), to read as follows:
“(c) The amount computed under subsection (a), to
include the increase authorized in subsection (b) when ap-
propriate, may not exceed 75 percent of the retired pay
base upon which the computation is based.”.

SEC. 633. SURVIVOR BENEFIT PLAN; MULTIPLE BEN-
FICIARIES.

(a) PERMIT SPOUSE AND FORMER SPOUSE COV-
ERAGE.—Section 1448(b)(2) of title 10, United States
Code, related to former spouse coverage upon becoming
a participant in the Plan, is amended—

(1) in subparagraph (B), related to the effect of
former spouse election on spouse or dependent
child—

(A) by striking “prevents payment” and
inserting “reduces the amount,”; and

(B) by striking “including payment” and
inserting “including the amount of an annuity”;

and
(2) in subparagraph (C), related to designation if more than one former spouse, by striking “which former spouse is to be provided the annuity,” and inserting “the base amount applicable in determining the amount of the annuity of each former spouse.”.

(b) Permit Spouse and Former Spouse Annuities.—Section 1450(a)(1) of such title 10, related to payment of annuity to surviving spouse and former spouse, is amended to read as follows:

“(1) Surviving Spouse and Former Spouse(s).—The eligible surviving spouse and every eligible former spouse.”.

(c) Permit Reductions in Retired Pay in the Case of Multiple Beneficiaries.—Section 1452 of such title 10, related to reduction in retired pay, is amended by adding at the end thereof the following new subsection (k) as follows:

“(k) Reductions in Retired Pay in the Case of Multiple Beneficiaries.—When a participant in the Plan has elected to provide an annuity to a spouse and to one or more former spouses, reductions in retired pay required by subsection (a) shall be made for each annuity elected, in an amount based on the base amount applicable to each annuity. In the case of a reduction in retired pay
to provide an annuity to a former spouse to whom pay-
ment of a portion of a member’s retired pay is being made
pursuant to a court order under section 1408 of this title,
such reduction in retired pay shall be deducted from the
amounts paid to such member, to such former spouse, or
both, as provided by court order or by agreement of the
parties.”.

(d) EFFECTIVE DATE.—The amendments made by
subsections (a), (b), and (c) apply with respect to elections
made on or after the date of enactment of this Act. Any
election to provide an annuity to a spouse or former
spouse who was prevented from being a beneficiary under
the laws in effect before the date of enactment of this Act
shall be made within 180 days following the date of enact-
ment of this Act.

(e) COVERAGE FOR SURVIVORS OF RETIREMENT-
ELIGIBLE MEMBERS WHO DIE ON ACTIVE DUTY.—(1)
Section 1448(d)(3) of such title 10, related to mandatory
former spouse annuity for survivor of retirement-eligible
members who die on active duty, is amended by striking
the dash following “the Secretary” and “(A) may not pay
an annuity under paragraph (1) or (2); but (B)”.

(2) Section 1448(d)(5) of such title 10, related to the
computation of the amount of an annuity for survivors of
retirement-eligible members who die on active duty, is amended to read as follows:

“(5) COMPUTATION.—(A) The amount of an annuity payable to a former spouse pursuant to paragraph (3) shall be computed on the basis of a base amount equal to the amount of retired pay that, under the authority of section 1408(e) of this title, is treated under a court order or spousal agreement as the property of such former spouse.

“(B) The amount of an annuity payable under paragraph (1) or paragraph (2) shall be computed under section 1451(c) of this title, however, the retired pay otherwise applicable with respect to such computation shall be reduced by an amount equal to the base amount that provides the basis for computing the amount of an annuity payable to a former spouse under paragraph (3) this subsection.”.

(3) EFFECTIVE DATE.—The amendments made by subsection (e) shall apply with respect to survivors of retirement-eligible members who die on active duty on or after the date of enactment of this Act.

(f) COVERAGE FOR SURVIVORS OF PERSONS DYING WHEN ELIGIBLE TO ELECT RESERVE-COMPONENT ANNUITY.—(1) Section 1448(f)(3) of such title 10, related
to mandatory former spouse annuity for survivor of persons dying when eligible to elect reserve-component annuity, is amended by striking the dash following “the Secretary” and “(A) may not pay an annuity under paragraph (1) or (2); but (B)”.

(2) Section 1448(f)(4) of such title 10, related to the computation of the amount of an annuity for survivors of persons dying when eligible to elect reserve-component annuity, is amended to read as follows:

“(4) COMPUTATION.—(A) The amount of an annuity payable to a former spouse pursuant to paragraph (3) shall be computed on the basis of a base amount equal to the amount of retired pay that, under the authority of section 1408(e) of this title, is treated under a court order or spousal agreement as the property of such former spouse.

“(B) The amount of an annuity payable under paragraph (1) or paragraph (2) shall be computed under section 1451(c) of this title, however, the retired pay otherwise applicable with respect to such computation shall be reduced by an amount equal to the base amount that provides the basis for computing the amount of an annuity payable to a former spouse under paragraph (3) of this subsection.”.
(3) **Effective Date.**—The amendments made by subsection (f) shall apply with respect to survivors of persons eligible to elect reserve-component annuity retirement-eligible members who die on or after the date of enactment of this Act.

**SEC. 634. SURVIVOR BENEFIT PLAN; PRESumptive Proportionate Share.**

(a) **Presumptive Base Amount for Former Spouse.**—Section 1447(6) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(D) Presumptive proportionate amount for former spouse.—In the case of an annuity provided under the Plan for a former spouse, unless otherwise agreed to by the member and former spouse or ordered by a court, such term means any amount of monthly retired pay, which is not less than $300, payable to such former spouse as a result of a court treating disposable retired pay of a member as the property of the member and his spouse under the authority of section 1408(c).”.

(b) **Effective Date.**—The amendments made by this section shall apply with respect to divorces, dissolutions, annulments, and legal separations that become ef-
effective after the end of the 90-day period beginning on
the date of enactment of this Act.

SEC. 635. SURVIVOR BENEFIT PLAN; FINANCIAL RESPONSIBILITY FOR SURVIVOR BENEFIT PLAN PARTICIPATION.

(a) Change to Disposable Retired Pay.—Section 1452(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting “paragraph 6 of this subsection or” before “subsection b”; and

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

“(6) If a court order requires the former spouse to pay all or a part of the costs associated with providing an annuity to the former spouse, the participant’s retired pay shall not be reduced by the portion that the former spouse is required to pay.”.

(b) Effective Date.—The amendment made by this section shall apply with respect to divorces, dissolutions, annulments, or legal separations that become effective after the end of the 90-day period beginning on the date of enactment of this Act and with respect to court orders issued after the date of enactment of this Act modifying court orders issued before the date of enactment of this Act.
Subtitle E—Other Matters

SEC. 641. REPEAL OF LIMITED EXEMPTION FROM BAN ON HONORARIA FOR PERSONNEL AT CERTAIN DEPARTMENT OF DEFENSE SCHOOLS.

Section 542 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2413) is repealed.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program Improvements

SEC. 701. IMPROVEMENT IN THE ADMINISTRATION OF THE TRICARE PROGRAM.

Section 1072(7) of title 10, United States Code, is amended by striking “the competitive selection of contractors to financially underwrite the delivery of health care services” and inserting “the competitive selection of contractors to support most effectively the delivery of health care services”.

SEC. 702. DEPENDENT DENTAL CARE ENHANCEMENTS.

(a) Enable Dependents of Members Who Die While on Active Duty for More Than 30 Days To Enroll in TRICARE Dental Program.—Section 1076a(k)(2) of title 10, United States Code, is amended by inserting “(or, if not enrolled, if the member discon-
continued participation under subsection (f))” after “subsection (a)”.

(b) Authority To Provide Limited Dental Care to Dependents Enrolled in a Dental Care Plan.—Section 1077(c) of such title is amended—

(1) by striking “and” following “the United States”; and

(2) by inserting before the period at the end of the following: “, and other dental care in special circumstances as determined under regulations issued by the Secretary of Defense”.

Subtitle B—Senior Health Care

SEC. 711. IMPROVEMENTS REGARDING THE DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND.

(a) Source of Funds for Monthly Accrual Payments Into the Fund.—Section 116(c) of title 10, United States Code, is amended to read as follows:

“(c) Amounts paid into the Fund under subsection (a) shall be paid from funds available for the pay of members of the participating uniformed services under the jurisdiction of the respective administering Secretaries.”.

(b) Mandatory Participation of Other Uniformed Services.—Section 1111(c) of such title is amended—
(1) in the first sentence, by striking “may enter into an agreement with any other administering Secretary” and inserting “shall enter into an agreement with each other administering Secretary”; and

(2) in the second sentence, by striking “Any” and inserting “Each”.

(e) EXCLUSION OF CADETS AND MIDSHIPMEN.—Section 1111(b) of such title is amended by adding at the end the following new paragraph:

“(5) The term ‘members of the uniformed services on active duty’ does not include a cadet at the United States Military Academy, the United States Air Force Academy, or the Coast Guard Academy, or a midshipman at the United States Naval Academy.”.

Subtitle C—Other Matters

SEC. 721. ASSISTANCE RELATING TO BIOTERRORISM MASS CASUALTIES.

Section 361 of the Public Health Service Act (42 U.S.C. 264) is amended by adding at the end the following new subsection:

“(e) When the President determines that the public health so requires, the President may authorize the Secretary of Defense to employ the United States armed forces in support of the Secretary of Health and Human
Services in the execution of this section, and sections 362
and 364 of this Act.”.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS
Subtitle A—Acquisition Policy and Management

SEC. 801. LIVE-FIRE WAIVER AUTHORITY.
Paragraph (1) of section 2366(c) of title 10, United
States Code, is amended by inserting “or at the beginning
of remaining system development and demonstration or
production and deployment when that phase is the first
phase of the program as a major defense acquisition pro-
gram as defined in section 2399(a)(2) of this title,” after
“program enters system development and demonstra-
tion,”.

SEC. 802. REPEAL OF CERTIFICATION OF FUNDING FOR SUPPORT COSTS IN THE FUTURE YEARS DEFENSE PROGRAM.
Section 2306b(i)(1) of title 10, United States Code, is amended—
(1) by striking “each of the following conditions
is satisfied:’’;
(2) by striking subparagraph (A); and
(3) by striking “(B) The” and inserting “the”.

SEC. 803. AUTHORITY TO WAIVE DOMESTIC SOURCE OR CONTENT REQUIREMENTS.

(a) IN GENERAL.—Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2539c. Waiver of domestic source or content requirements

“(a) AUTHORITY.—Subject to subsections (c) and (d), and except as provided in subsection (e), the Secretary of Defense may waive the application of any domestic source requirement or domestic content requirement referred to in subsection (b) and thereby authorize the procurement of items that are grown, reprocessed, reused, produced, or manufactured—

“(1) in a foreign country that has a reciprocal defense procurement memorandum of understanding or agreement with the United States;

“(2) in a foreign country that has a reciprocal defense procurement memorandum of understanding or agreement with the United States substantially from components and materials grown, reprocessed, reused, produced or manufactured in the United States or any foreign country that has a reciprocal
defense procurement memorandum of understanding or agreement with the United States; or

“(3) in the United States substantially from components and materials grown, reprocessed, reused, produced, or manufactured in the United States or any foreign country that has a reciprocal defense procurement memorandum of understanding or agreement with the United States.

“(b) COVERED REQUIREMENTS.—For purposes of this section:

“(1) A domestic source requirement is any requirement under law that the Department of Defense must satisfy its needs for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States or by a manufacturer that is a part of the national technology and industrial base (as defined in section 2500(1) of this title).

“(2) A domestic content requirement is any requirement under law that the Department of Defense must satisfy its needs for an item by procuring an item produced or manufactured partly or wholly from components and materials grown, reprocessed, reused, produced, or manufactured in the United States.
“(c) APPLICABILITY.—The authority to the Secretary
to waive the application of the domestic source or content
requirements under subsection (a) applies to the procure-
ment of items for which the Secretary of Defense
determines—

“(1) that application of the requirement would
impede the reciprocal procurement of defense items
under a memorandum of understanding providing
for reciprocal procurement of defense items between
a foreign country and the United States in accord-
ance with section 2531 of this title, and

“(2) that country does not discriminate against
defense items produced in the United States to a
greater degree than the United States discriminates
against defense items produced in that country.

“(d) IMPLEMENTATION.—The authority to the Sec-
retary to waive the application of the domestic source or
content requirements under subsection (a) may not be del-
egated below the Under Secretary of Defense for Acquisi-
tion, Technology and Logistics. Any such waiver may be
granted only after consultation with the United States
Trade Representative, the Secretary of Commerce, and the
Secretary of State.

“(e) LAWS NOT WAIVABLE.—The Secretary of De-

to waive any domestic source or content requirement contained in the following laws:


“(3) Sections 7309 and 7310 of this title.

“(4) Section 2533a of this title.

“(f) Relationship to Other Waiver Authority.—The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement.

“(g) Application to Future Laws.—This section applies to domestic source requirements and domestic content requirements enacted before, on, or after the effective date of this section.”.

(b) Clerical Amendment.—The table of sections at the beginning of such subchapter V is amended by insert after the item relating to section 2539b the following new item:

“2539c. Waiver of domestic source or content requirements.”.
SEC. 804. PURCHASE OF DINITROGEN TETROXIDE, HYDRAZINE, AND HYDRAZINE-RELATED PRODUCTS.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2410m. the following new section:

“§2410n. Purchase of dinitrogen tetroxide, hydrazine and hydrazine-related products

“The Secretary of Defense may enter into contracts, for a period of up to ten years, for the purchase of dinitrogen tetroxide, hydrazine, and hydrazine-related products for contracts in support of either United States national security programs or Federal space programs. Contracts awarded under this provision may include renewal options covering a total period of not more than ten additional years.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of Chapter 141 by adding at the end the following item:

“2410n. Purchase of dinitrogen tetroxide, hydrazine and hydrazine-related products.”.
Subtitle B—Use of Preferred Sources

SEC. 811. ELIGIBILITY OF HUBZONE SMALL BUSINESS CONCERNS AND SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS UNDER THE MENTOR PROTÉGÉ PROGRAM.

Section 831(m)(2) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note), is amended—

(1) by striking “or” at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting a semi-colon; and

(3) by adding at the end the following new subparagraphs:

“(F) a qualified HUBZone small business concern, as defined in section 3(p)(5)(A) of the Small Business Act (15 U.S.C. 632(p)(5)(A)); or

“(G) a small business concern owned and controlled by Service-disabled veterans, as defined in section 3(q)(2) of the Small Business Act (15 U.S.C. 637(q)(2)).”.

S 2225 IS
Subtitle C—General Contracting

Procedures and Limitations

SEC. 821. CONTRACTING FOR SECURITY GUARDS.

Section 2465 of title 10, United States Code, is amended—

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

(2) by inserting at the end the following new subsection (c):

“(c) Funds appropriated to the Department of Defense may be obligated and expended for the purpose of entering into a contract for the performance of security guard functions provided that the Secretary of Defense determines that such contract is necessary because the provision of such services by government personnel is not cost effective or practical.”.

SEC. 822. DEMONSTRATION PROJECT USING MULTI-YEAR CONTRACTS FOR ENVIRONMENTAL REMEDIATION.

(a) AUTHORITY.—The Secretary of a military department may conduct a demonstration project to test the feasibility of using fixed-price multi-year contracts with incremental funding to obtain environmental remediation services. To the extent that funds are otherwise available for obligation, each such Secretary may enter into not more
than four contracts. Payments under the contracts may be made with funds appropriated for the fiscal year during which the services or facilities will be provided.

(b) LOCATION OF REMEDIATION.—Any contract entered into under the authority provided in subsection (a) shall be limited to environmental remediation services or facilities for an active military installation, an installation being closed or realigned under base realignment, and closure procedures of a formerly-used defense site. Each demonstration project shall be limited to not more than for installations or defense sites with varied size and contaminant complexity.

(c) TIME LIMITATION.—A multi-year contract entered into pursuant to subsection (a) may not exceed a period of five years. All such contracts, to the extent practicable, shall be awarded within a year after the enactment of this Act.

(d) CONTRACT CANCELLATIONS.—A contract under this section may include cancellation provisions to the extent that such provisions are necessary and in the best interests of the United States. The cancellation provisions may include consideration of both recurring and non-recurring costs of the contractor associated with the provision of services or facilities under a contract entered into pursuant to this section.
(e) Cancellation or Termination for Insufficient Funding.—In the event funds are not available for the continuation into a subsequent fiscal year of a contract entered into pursuant to this section, the contract shall be canceled or terminated. The costs of such cancellation or termination may be paid from—

(1) appropriations originally available for the performance of the contract concerned, if available; 

(2) appropriations currently available for the procurement of environmental remediation services or facilities, and not otherwise obligated; or 

(3) funds appropriated for those payments.

SEC. 823. MICRO-PURCHASE EXCEPTION FOR BALL AND ROLLER BEARINGS.

(a) In General.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2410m the following new section:

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§2410n. Micro-purchase exception for ball and roller bearings.

The Secretary of Defense may purchase ball and roller bearings from any source if the purchase is at or below the micro-purchase threshold as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428). The authority for the Secretary to purchase ball and roller bearings from any source is exclusive of
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any other provision of law relating to public contracts or
the procurement of goods other than United States
goods.’’.

(b) CLERICAL AMENDMENT.—The table of sections
at the beginning of chapter 141 of title 10, United States
Code, is amended by inserting after the item relating to
section 2410m the following new item:

‘‘2410n. Micro-purchase exception for ball and roller bearings.’’

TITLE IX—DEPARTMENT OF DE-
FENSE ORGANIZATION AND
MANAGEMENT

Subtitle A—Department of Defense
Organization

SEC. 901. CERTIFICATION FOR DEPARTMENT OF DEFENSE
PROFESSIONAL ACCOUNTING POSITIONS.

(a) IN GENERAL.—Chapter 81 of title 10, United
States Code, is amended by adding at the end the fol-
lowing new section:

‘‘§1599d. Department of Defense’s professional ac-
counting positions

(a) PROFESSIONAL CERTIFICATION.—Notwith-
standing any other provision of law or regulation, the Sec-
retary of Defense, or an appointed designee, has sole and
exclusive discretion to establish professional certification
and credential standards, and waive such standards, for
the Department of Defense’s professional accounting posi-
tions as deemed appropriate by the Secretary.

“(b) DEFINITION.—For purposes of this section, the
term ‘professional accounting position’ means a position
or group of positions within the Department of Defense
in the GS–510, GS–511, and GS–505 series that involve
professional accounting work.

“(c) EFFECTIVE DATE.—Standards established pur-
suant to this section may take effect no sooner than 120
days after the effective date of this Act.”.

(b) CLERICAL AMENDMENT.—The table of sections
at the beginning of such chapter is amended by inserting
after the item relating to section 1599c the following new
item:

“1599d. Certification for the Department of Defense’s professional accounting
positions.”.

SEC. 902. CONSEQUENCE MANAGEMENT PROGRAM INTE-
GRATION OFFICE.

Paragraph (3) of section 12310(c) of title 10, United
States Code, is amended by striking “only—

(A) while assigned to the Department of
Defense Consequence Management Program In-
tegration Office; or

(B) while assigned” and inserting “only
while assigned”.

S 2225 IS
Subtitle B—Financial Management

SEC. 911. PECUNIARY LIABILITY EQUALIZATION.

(a) Extension of Report of Survey Procedures to Members of the Navy, Marine Corps, and All Civilian Employees of the Department of Defense.—Chapter 165 of title 10, United States Code, is amended by inserting after section 2786 the following new section:

“§ 2787. Reports of survey

“(a) Regulations.—Under such regulations as the Secretary of Defense may prescribe, any military officer or any civilian employee of the Department of Defense designated in accordance with the provisions of such regulations may act upon reports of surveys and vouchers pertaining to the loss, spoilage, unserviceability, unsuitability, or destruction of, or damage to, property of the United States under the control of the Department of Defense.

“(b) Finality of Action.—Action taken under subsection (a) is final, except that action holding a person pecuniarily liable for loss, spoilage, destruction, or damage is not final until approved in accordance with the provisions of the regulations prescribed under subsection (a).”.

(b) Extension of Provision Pertaining to Damage or Repair of Arms and Equipment to Members of the Navy and Marine Corps.—Section 1007(e) of
title 37, United States Code, is amended by striking
“Army or the Air Force” and inserting “Army, Navy, Air
Force or Marine Corps”.

(c) Clerical Amendment.—The table of sections
at the beginning of chapter 165 of title 10, United States
Code, is amended by inserting after the item relating to
section 2786 the following new item:

“2787. Reports of survey.”.

(d) Repeal of Superseded Provisions.—(1) Sec-
tions 4835 and 9835 of such title 10 are repealed.
(2) The table of sections at the beginning of chapters
453 and 953 of such title 10 are amended by striking the
items relating to sections 4835 and 9835, respectively.

SEC. 912. ACCOUNTABLE OFFICIALS IN THE DEPARTMENT
of Defense.

(a) Additional Accountable Officials Within
the Department of Defense.—Chapter 165 of title
10, United States Code, is amended by inserting after sec-
tion 2773 the following new section:

§2773a. Departmental accountable officials

“(a) Designation.—The Secretary of Defense may
designate, in writing, a civilian employee or a member of
the armed forces under the Secretary's jurisdiction, who
is not otherwise accountable under subtitle III of title 31
or other law, as a departmental accountable official. The
Secretary may so designate those employees or members
who, in the performance of their duties, are responsible for providing to certifying officials of the Department of Defense information, data, or services directly relied upon by the certifying officials in the certification of vouchers for payment.

“(b) PECUNIARY LIABILITY.—The Secretary of Defense may, in a designation under subsection (a), impose pecuniary liability on a departmental accountable official to the extent that an illegal, improper, or incorrect payment results from the information, data, or services which that official provided to a certifying official and upon which the certifying official directly relied in certifying the voucher supporting that payment. The pecuniary liability under this subsection of a departmental accountable official for an illegal, improper, or incorrect payment is joint and several with that of other officials who are pecuniarily liable for such payment.

“(c) RELIEF FROM PECUNIARY LIABILITY.—The Secretary of Defense shall relieve a departmental accountable official from pecuniary liability under subsection (b) if the Secretary determines that the illegal, improper, or incorrect payment was not the result of fault or negligence by that official.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter 165 of title 10 is amend-
ed by inserting after the item relating to section 2773 the following new item:

“2773a. Departmental accountable officials.”.

SEC. 913. FAILURE TO PARTICIPATE SATISFACTORILY; PENALTIES.

Section 16135 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c)(1) Subject to paragraph (a)(2), an obligation to pay a refund to the United States under subparagraph (a)(1)(B) in an amount determined under subsection (b) is, for all purposes, a debt owed to the United States.

“(2) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an enlistment or other agreement under this section does not discharge the person signing such enlistment or other agreement from a debt arising under the enlistment or agreement, respectively, of this subsection.”.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. REPEAL OF REQUIREMENT FOR SEPARATE BUDGET REQUEST FOR PROCUREMENT OF RESERVE EQUIPMENT.

Section 114(e) of title 10, United States Code, is repealed.
SEC. 1002. TRANSFER OF FUNDS WITHIN ACQUISITION PROGRAMS; PROCEDURES AND LIMITATIONS.

Section 2214 of title 10, United States Code, is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) LIMITED TRANSFER AUTHORITY.—The Secretary of Defense may transfer amounts provided in appropriation Acts for procurement to amounts in appropriation Acts for research, development, test, and evaluation within individual acquisition category I and II programs not to exceed $250 million per year and $20 million per acquisition program. A transfer for the purpose of initiating research, development, testing, or evaluation of a new program or system is prohibited. The transfer authority provided in this subsection is in addition to any other transfer authority available to the Secretary of Defense.”.

SEC. 1003. REIMBURSEMENT FOR RESERVE INTELLIGENCE SUPPORT.

(a) IN GENERAL.—Chapter 1003 of title 10, United States Code, is amended by adding at the end the following new section:
§ 10115. Reimbursement for reserve intelligence support

“The Secretary of Defense or the Secretary concerned may reimburse a Reserve or National Guard unit or organization for the pay, allowances, or other expenses incurred by the Reserve or National Guard unit or organization when a member of the Reserve or National Guard unit or organization provides intelligence support, counterintelligence support, or intelligence and counterintelligence support to Combatant Commands, Defense Agencies, and Joint Intelligence Activities, including but not limited to the activities and programs within the National Foreign Intelligence Program, the Joint Military Intelligence Program, and the Tactical Intelligence and Related Activities. Reimbursement shall be paid out of funds available for operations and maintenance of the military departments, combatant commands, or Defense Agencies.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“10115. Reimbursement for reserve intelligence support.”.

SEC. 1004. AUTHORITY TO WAIVE REIMBURSEMENT OF ASIA-PACIFIC CENTER FOR SECURITY STUDIES CHARGES.

(a) WAIVER OF CHARGES.—The Secretary of Defense may waive reimbursement of the costs of conferences, sem-
inmars, courses of instruction, or similar educational activi-
ties of the Asia-Pacific Center for Security Studies for
military officers and civilian officials of foreign nations of
the Asia-Pacific region if the Secretary determines that
attendance by such personnel, without reimbursement, is
in the national security interest of the United States.

(b) FUNDING.—Costs for which reimbursement is
waived pursuant to paragraph (1) shall be paid from ap-
propriations available for the Asia-Pacific Center for Secu-
riety Studies.

SEC. 1005. CROSS-FISCAL YEAR COOPERATIVE AGRE-
MENTS FOR ENVIRONMENTAL PURPOSES.

(a) Cross-Fiscal Year Environmental Cooperative Agree-
ments.—Section 2410a of title 10, United
States Code, is amended—

(1) in subsection (a)—

(A) by striking “contract for procurement”
and inserting “contract, or a cooperative agree-
ment entered into under section 2701(d) of this
title, for procurement”;;

(B) by striking “the next” and inserting
“another”;;

(C) by striking “period of the contract”
and inserting “period of the contract or the co-
operative agreement”; and
(D) by striking “contract period does not exceed one year” and inserting “contract period does not exceed one year and the cooperative agreement period does not exceed two years”; and

(2) in subsection (2), by striking the period and inserting “or of a cooperative agreement entered into under section 2701(d) of this title.”.

(b) USE OF FUNDS FROM ENVIRONMENTAL ACCOUNTS.—Section 2703(b)(1) of such title 10 is amended—

(1) in subparagraph (A), by striking “and” following the semicolon; and

(2) in subparagraph (B) by—

(A) striking the period and inserting “; and”; and

(B) adding at the end thereof the following new subparagraph:

“(C) to reimburse, for services provided under cooperative agreements entered into under section 2701(d) of this title, any department, agency, instrumentality or entity of—

“(i) the United States;

“(ii) any State, District, commonwealth, territory or possession of the
United States, or political subdivision thereof; or

“(iii) Indian tribe.”.

(c) CONFORMING AMENDMENTS.—(1) The section heading for section 2410a of such title 10 is amended by inserting “and environmental cooperative agreements” after “contracts”.

(2) The table of sections for chapter 141 of such title 10 is amended by amending the item relating to section 2410a to read as follows:

“2410a. Severable service contracts and environmental cooperative agreements crossing fiscal years.”.

Subtitle B—Repeal and Revision of Various Reporting Requirements

SEC. 1011. REPEAL OF VARIOUS REPORTS REQUIRED OF THE DEPARTMENT OF DEFENSE.

(a) Provisions of Title 10.—Title 10, United States Code, is amended—

(1) in section 117—

(A) by striking subsection (e); and

(B) by redesignating subsection (f) as subsection (e);

(2) in section 129, by striking subsection (f);

(3) in chapter 7—

(A) section 183 is repealed; and
(B) the table of sections for such chapter 7 is amended by striking the item relating to section 183;

(4) in chapter 9—

(A) section 226 is repealed;

(B) section 230 is repealed; and

(C) the table of sections for such chapter 9 is amended by striking the items relating to sections 226 and 230;

(5) in chapter 23—

(A) sections 482, 483, 484, and 487 are repealed; and

(B) the table of sections for such chapter 23 is amended by striking the items relating to sections 482, 483, 484, and 487;

(6) in section 526—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c);

(7) in section 721(d)—

(A) by striking paragraph (2); and

(B) by striking the designator “(1)” preceding the remaining matter;

(8) in section 986, by striking subsection (e);

(9) in section 1095(g)—
(A) by striking paragraph (2); and

(B) by striking the designator “(1)” preceding the remaining matter;

(10) in section 1557—

(A) by striking subsection (e); and

(B) by redesignating subsection (f) as subsection (e);

(11) in chapter 80—

(A) section 1563 is repealed; and

(B) the table of sections for such chapter 80 is amended by striking the item relating to section 1563;

(12) in section 1597, by striking subsections (c) through (e);

(13) in section 1798, by striking subsection (d);

(14) in section 1799, by striking subsection (d);

(15) in section 2010—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(16) in section 2011, by striking subsection (e);

(17) in section 2208(j)(2), by striking “and no-
tifies Congress regarding the reasons for the waiv-
er”; 

(18) in section 2220—
(A) by striking subsections (b) and (c); and

(B) by striking “(a) Establishment of Goals.—”;

(19) in section 2255(b)—

(A) by striking paragraph (2); and

(B) by striking the designator “(1)” after the catchline;

(20) in chapter 136—

(A) section 2282 is repealed; and

(B) the table of sections for such chapter 136 is amended by striking the item relating to section 2282;

(21) in section 2327(c)(1)—

(A) in subparagraph (A), by striking “after the date on which such head of an agency submits to Congress a report on the contract” and inserting “if in the best interests of the government”;

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B);

(22) in section 2350a—

(A) in subsection (f)—

(i) by striking paragraph (1);
(ii) by amending the catchline to read

“REPORT TO CONGRESS.—”; and

(iii) by striking the designator “(2)”

that precedes the remaining matter; and

(B) in subsection (g), by striking para-

graph (4);

(23) in section 2350f—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as sub-

section (c);

(24) in section 2350k, by striking subsection

(d);

(25) in section 2367(d)—

(A) by striking paragraph (1); and

(B) by striking the designator “(2)” that

precedes the remaining matter after the catch-

line;

(26) in section 2391—

(A) by striking subsection (c); and

(B) by redesignating subsections (d) and

(e) as subsections (c) and (d), respectively;

(27) in section 2399—

(A) by striking subsection (g); and

(B) by redesignating subsection (h) as sub-

section (g);
(28) in section 2401—
(A) by striking subsection (b);
(B) by designating subsections (c) through (f) as subsections (b) through (e), respectively;
and
(C) in subsection (a), by striking “only as provided in subsection (b)” both times such phrase appears in the subsection;
(29) in section 2410i(e), by striking the last sentence;
(30) in section 2457—
(A) by striking subsection (d); and
(B) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively;
(31) in section 2464(b), by striking paragraph (3);
(32) in section 2486(b)(12), by striking all after “the Secretary of Defense may prescribe” and inserting a period;
(33) in section 2492, by striking subsection (e);
(34) in section 2493, by striking subsection (g);
(35) in chapter 148—
(A) section 2504 is repealed;
(B) the table of sections for such chapter 148 is amended by striking the item relating to section 2504;

(36) in section 2537—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b);

(37) in section 2563(c)(2), by striking "and notifies Congress regarding the reasons for the waiver";

(38) in section 2611—

(A) by striking subsection (e); and

(B) by redesignating subsection (f) as subsection (e);

(39) in section 2631(b)(3), by striking the last sentence;

(40) in section 2662—

(A) by striking subsection (e);

(B) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively; and

(C) in subsection (f), as redesignated by subparagraph (B), by striking ",", and the reporting requirement set forth in subsection (e) must not apply with respect to a real property
transaction otherwise covered by that sub-
section,”;

(41) in section 2667—
(A) by striking paragraph (3); and
(B) by redesignating paragraphs (4) and
(5) as paragraphs (3) and (4), respectively:
(42) in section 2676(d), by striking all after “is
approved by the Secretary concerned” and inserting
a period;
(43) in section 2688—
(A) by striking subsection (e);
(B) by redesignating subsections (f) through (i) as subsections (e) through (h), re-
spectively; and
(C) in subsection (f), as redesignated by
subparagraph (B), by striking the last sentence;
(44) in section 2696—
(A) by striking subsections (e) and (d);
and
(B) by redesignating subsection (e) as sub-
section (e);
(45) in section 2805(b)—
(A) by striking paragraph (2); and
(B) by striking the designator “(1)” that
precedes the remaining matter;
(46) in section 2807—

   (A) by striking subsection (b); and

   (B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(47) in section 2809, by striking subsection (f);

(48) in section 2812(c)—

   (A) by striking paragraph (1);

   (B) by striking the designator “(2)” that precedes the remaining matter;

(49) in section 2813, by striking subsection (c);

(50) in section 2827—

   (A) by striking subsection (b); and

   (B) by striking “(a) Subject to subsection (b), the Secretary” and inserting “The Secretary”;

(51) in section 2828—

   (A) by striking subsection (f); and

   (B) by redesignating subsection (g) as subsection (f);

(52) in section 2835—

   (A) by striking subsection (b);

   (B) by redesignating subsections (e) through (h) as subsections (b) through (g), respectively; and
(C) in subsection (a), by striking “Subject to subsection (b), the Secretary” and inserting “The Secretary”; 

(53) in section 2836—

(A) by striking subsection (b); 

(B) by redesignating subsections (c) through (g) as subsections (b) through (f), respectively; and 

(C) in subsection (a), by striking “Subject to subsection (b), the Secretary” and inserting “The Secretary”; 

(54) in section 2837—

(A) in subsection (c)—

(i) by striking paragraph (2); and 

(ii) by striking the designator “(1)” after the catchline and preceding the remaining matter; 

(B) by striking subsection (f); and 

(C) by redesignating subsections (g) and (h) as subsections (f) and (g); 

(55) in section 2867, by striking subsection (c); 

(56) in section 4416, by striking subsection (f); 

(57) in section 5721(f)—

(A) by striking paragraph (2); and
(B) by striking the designator “(1)” after
the catchline and preceding the remaining mat-
ter;

(58) in section 9356—
(A) by striking subsection (c);
(B) by redesignating subsections (d) and
(e) as subsections (c) and (d), respectively; and
(C) in subsection (a), by striking “Subject
to subsection (c), the Secretary” and inserting
“The Secretary”; and

(59) in section 12302—
(A) in subsection (b), by striking the last
sentence; and
(B) by striking subsection (d).

(b) Defense Acquisition Improvement Act of
1986.—Section 908 of the Defense Acquisition Improve-
ment Act of 1986 (10 U.S.C. 2326 note) is amended by
striking subsection (b).

(c) National Defense Authorization Act for
Fiscal Year 1994.—Section 542 of the National Defense
Authorization Act for Fiscal Year 1994 (Public Law 103–
160; 107 Stat. 1659; 10 U.S.C. 113 note) is repealed.

(d) National Defense Authorization Act for
Fiscal Year 1995.—Section 553(b) of the National De-
fense Authorization Act for Fiscal Year 1995 (Public Law
103–337; 108 Stat. 2772; 10 U.S.C. 6951 note) is amend-
ed by striking the last sentence.

(e) Ballistic Missile Defense Act of 1995.—
Section 234 of the Ballistic Missile Defense Act of 1995
(Public Law 104–106; 110 Stat. 229, 231; 10 U.S.C.
2431 note) is amended by striking subsection (f).

(f) Floyd D. Spence National Defense Au-
thorization Act for Fiscal Year 2001.—Section
1006 of the Floyd D. Spence National Defense Authoriza-
tion Act for Fiscal Year 2001 (Public Law 106–398 Ap-
pendix; 114 Stat. 1654A–247; 10 U.S.C. 2226 note) is
amended by striking subsection (c).

(g) Department of Defense Appropriations
Act, 2001.—Section 8019 of the Department of Defense
678; 10 U.S.C. 2687 note) is amended by striking the last
sentence.

(h) Military Construction Appropriations Act,
2001.—Section 125 of the Military Construction Approp-
riations Act, 2001 (Division A of Public Law 106–246;
114 Stat. 517; 10 U.S.C. 2782 note) is repealed.

SEC. 1012. FREQUENCY OF CERTAIN SURVEYS; SECTION 481
OF TITLE 10.

(a) In General.—Section 481 of title 10, United
States Code, is amended—
(1) in subsection (a), by striking “an annual survey” and inserting “a survey not less than once every four years”; 

(2) in subsection (b)—

(A) by striking “annual”; 

(B) by striking “the entity” and inserting “an entity”; and 

(C) by inserting a period after “Department of Defense” and striking the remainder of the sentence; 

(3) in subsection (c), by striking “annual”; and 

(4) in the catchline for the section by striking “annual”. 

(b) CLERICAL AMENDMENT.—In the table of sections for chapter 23 of such title 10, in the item relating to section 481, by striking “annual”. 

SEC. 1013. QUADRENNIAL DEFENSE REVIEW. 

Section 118(a) of title 10, United States Code, is amended by striking “during a year” and inserting “during the second year”. 

Subtitle C—Other Matters 

SEC. 1021. EXPLOSIVES SAFETY BOARD. 

(a) CLARIFICATION OF AUTHORITY.—Section 172 of title 10, United States Code, is amended—
(1) in the title by striking “Ammunition storage” and inserting “Explosives safety”;

(2) by amending subsection (a) to read as follows:

“(a)(1) The Secretary of Defense is responsible for ensuring the explosives safety of those military munitions under his control.

“(2) The Secretary may address such safety, as directed in paragraph (1), through a joint explosives safety board.”; and

(3) in subsection (b), by striking “Secretaries of the military departments in carrying out the recommendations in House Document No. 199 of the Seventieth Congress” and inserting “Secretary of Defense and other Department of Defense components in implementing explosives safety standards”.

(b) CLERICAL AMENDMENT.—The table of sections is amended by striking the item that refers to section 272 and inserting:

“272. Explosives safety board.”.

SEC. 1022. AUTHORIZE ARMY AND AIR FORCE TO PROVIDE BASE OPERATING SUPPORT TO FISHER HOUSES.

Section 2493(f) of title 10, United States Code, is amended to read as follows:
“(f) Base Operating Support.—The Secretary of a military department may provide base operating support for Fisher Houses associated with the military department.”.

SEC. 1023. ELIGIBILITY OF INTELLIGENCE SENIOR-LEVEL EMPLOYEES FOR PRESIDENTIAL RANK AWARDS.

Section 1607 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) Award of Rank to Intelligence Senior Level Employees.—The President, based on the recommendations of the Secretary of Defense, may award a rank referred to in section 4507a of title 5 to Intelligence Senior Level employees. The award of such rank shall be made in a manner consistent with the provisions of that section.”.

SEC. 1024. SECURITY OF DEPARTMENT OF DEFENSE TRANSPORTATION OPERATIONS.

(a) Title 10 Authority.—

(1) Chapter 157 of title 10, United States Code, is amended by inserting after section 2646 the following new section:
§ 2647. Security of arms, ammunition, and explosives shipments within the United States, its territories, and possessions

(a) Secretary of Defense Responsibility.—The Secretary of Defense has primary responsibility for the protection of shipments by the Department of Defense, and its contractors, of arms, ammunition, and explosives within the United States, its territories, and possessions.

(b) Use of Armed Escorts.—The Secretary of Defense may use armed escorts, as appropriate, to include shipments by air, water, rail, road, or similar such modes of transportation, for the protection of arms, ammunition, and explosives shipments by the Department of Defense, and its contractors, within the United States, its territories, and possessions. In addition to existing authority, such escorts may be conducted by employees of the Department of Defense and contractors or subcontractors of the Department of Defense.

(c) Inapplicability of State and Local Laws.—Armed escorts providing security for Department of Defense arms, ammunition, and explosives shipments are not subject to State and local laws relating to the possession, use, and licensing of weapons employed while performing armed escort functions. Such escorts, while on duty, are authorized to carry firearms, to arrest individuals committing Federal crimes in their presence, and to
exercise limited law enforcement powers as necessary to fulfill this responsibility.

“(d) REGULATIONS.—The authority provided for in this section may be exercised only pursuant to regulations prescribed by the Secretary of Defense and approved by the Attorney General. The regulations shall include procedures for the selection, training, use, and oversight of armed escorts.”.

(2) The table of sections at the beginning of such chapter 157 is amended by inserting after the item relating to section 2646 the following new item:

“2647. Security of arms and munitions shipments within the United States, its territories, and possessions.”.

(b) THE AVIATION AND TRANSPORTATION SECURITY ACT.—Section 132 of the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 635) is amended—

(1) by amending the title to read as follows:

“SEC. 132. GENERAL AVIATION, AIR CHARTERS, AND ARMED FORCES ACTIVITIES.”;

and

(2) by inserting after subsection (b) the following new subsection:

“(c) EXEMPTION FOR AIRCRAFT CHARTERED OR UNDER CONTRACT TO PROVIDE TRANSPORTATION TO THE ARMED FORCES.—The provisions of this Act shall
not apply to the operation of, or to the passengers and
property carried by aircraft when employed to provide
charter transportation to the armed forces, except for an
operation to or from an airport described in section
44903(b) of title 49, United States Code. For an operation
to or from an airport described in section 44903(c) of such
title 49, the screening and passenger manifest provisions
of this Act shall not apply to passengers and property
loaded onto such aircraft. The Secretary of Defense, in
consultation with the Secretary of Transportation, shall
establish security procedures relating to the operation of
such aircraft to or from an airport described in section
44903(c) of such title 49.”.

**SEC. 1025. AMENDMENT TO AUTHORITY FOR ACCEPTANCE**

**BY ASIA-PACIFIC CENTER FOR SECURITY**

**STUDIES OF FOREIGN GIFTS AND DONA-
TIONS.**

(a) In General.—Section 2611 of title 10, United
States Code, is amended—

(1) in the section heading, by striking “for-
eign”;  

(2) in subsection (a)—  

(A) in the catchline, by striking “FOR-
eign”;  

(B) in paragraph (1)—
(i) by striking “foreign”; and

(ii) by adding at the end the following

new sentence:

“Such donations may be accepted from any agency
of the Federal Government, any State or local gov-
ernment, any foreign government, any foundation or
other charitable organization (including any that is
organized or operates under the laws of a foreign
country), or any other private source in the United
States or a foreign country.”;

(3) in subsection (c), by striking “foreign”; and

(4) by striking subsection (f).

(b) Clerical Amendment.—The table of sections
for chapter 155 of such title 10 is amended with regard
to the item that refers to section 2611 by striking “for-
eign”.

TITLE XI—MATTERS RELATING
TO OTHER NATIONS

SEC. 1101. EXPANSION OF AUTHORITY TO CONDUCT THE
ARCTIC MILITARY ENVIRONMENTAL CO-
OPERATION PROGRAM.

(a) In General.—Subchapter II of chapter 138 of
title 10, United States Code, is amended by adding at the
end the following new section:
§ 23501. Arctic and Western Pacific military environmental cooperation program

(a) COOPERATIVE ENVIRONMENTAL PROGRAM.—Subject to subsection (b), the Secretary of Defense, with the concurrence of the Secretary of State, may conduct an Arctic and Western Pacific military environmental cooperation program.

(b) ACTIVITIES UNDER PROGRAM.—(1) Subject to paragraph (2), activities under an Arctic and Western Pacific military environmental cooperation program as authorized in subsection (a) shall include cooperative and assistance activities on environmental matters in the Arctic and Western Pacific regions with the military departments and agencies of other countries, including the Russian Federation.

(2) Activities under the Arctic and Western Pacific Military Environmental Cooperation Program may not include any activities related to—

(A) conducting any peacekeeping exercise or other peacekeeping-related activity with Russia;

(B) the provision of housing;

(C) the provision of assistance to promote an environmental restoration; or

(D) the provision of assistance to promote job retraining.”.
(b) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 138 of such title 10 is amended by inserting after the item relating to section 2350k, the following new item:

“23501. Arctic and Western Pacific military environmental cooperation program.”.

(c) CONFORMING AMENDMENT.—Section 327 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law No. 105–261; 112 Stat. 1965), is repealed.

SEC. 1102. USE OF WARSAW INITIATIVE FUNDS FOR TRAVEL OF OFFICIALS FROM PARTNER COUNTRIES.

Section 1051 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 1103. INSURANCE FOR VESSELS IN SUPPORT OF NATO, INTERNATIONAL ORGANIZATIONS, OR OTHER ALLIED COUNTRIES.

(a) IN GENERAL.—Section 1205 of the Merchant Marine Act of 1936, (46 U.S.C. App. 1285) is amended by adding at the end the following new subsections:

“(c) INSURANCE OF VESSELS IN SUPPORT OF NATO, INTERNATIONAL ORGANIZATIONS, OR OTHER ALLIED COUNTRIES.—The Secretary of Transportation may pro-
vide insurance for vessels, regardless of registration or
ownership, supporting operations of an organization estab-
lished by a mutual defense treaty to which the United
States is a party, a state-party to such a treaty, an inter-
national organization of which the United States is a
member by treaty or otherwise, or a country with respect
to which the President determines cooperation under this
subsection is important to the national security of the
United States. Such vessels do not have to be under con-
tract with a department or agency of the United States.

If the request is made pursuant to an international agree-
ment providing for the sharing of risks involved in mutual
or joint operations, the Secretary of Transportation, with
the concurrence of the Secretary of State, may agree to
the sharing of risk agreement or any lesser obligation on
the part of the United States.

“(d) Receipt of Contributions.—Notwith-
standing the provisions of section 3302(b) of title 31,
United States Code, if the international agreements ref-
ereenced in subsection (e) of this section provide for the
sharing of risks involved in mutual or joint operations,
contributions for losses incurred by the fund or financed
pursuant to subsection (e) below, that are received from
foreign entities may be deposited in the fund. Any associ-
ated obligation for indemnification from the requesting de-
partment, agency, or instrumentality of the United States Government is extinguished to the extent of any contribu-
tions received.

“(e) Funding of International Indemnity Obliga-
tions With Borrowing Authority.—If at any time the moneys in the insurance fund are insufficient to pay an amount the Secretary is required to pay pursuant to this title, the Secretary may borrow money from the Treasury of the United States in such amounts as may be necessary to meet such obligations authorized under this title, but not to exceed $500,000,000. Such amounts borrowed from the Treasury shall have such maturities, terms, and conditions as may be agreed upon by the Sec-
retary of Transportation and the Secretary of the Treas-
ury, but the maturities may not be in excess of forty years, and such amounts borrowed from the Treasury may be redeemable at the option of the Secretary of Transpor-
tation before maturity. Such amounts borrowed from the Treasury shall bear interest at a rate determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding marketable obliga-
tions of the United States of comparable maturities during the month preceding the issuance of the obligations of the Secretary. The interest payments on such obligations may be deferred with the approval of the Secretary of the
Treasury but any interest payment so deferred shall bear interest. Said obligations shall be issued in amounts and at prices approved by the Secretary of the Treasury. The authority of the Secretary of Transportation to issue obligations hereunder shall remain available without fiscal year limitation. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Secretary of Transportation to be issued under this paragraph and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction of the United States the proceeds from the sale of any securities issued under chapter 31 of title 31, and the purposes for which securities may be issued under chapter 31 of title 31 are extended to include any fulfillment of the obligations of the Secretary of Transportation under this section.”.

(b) CLERICAL AMENDMENT.—The section heading for section 1205 of the Merchant Marine Act of 1936, (46 U.S.C. App. 1285) is amended to read as follows:

“1205. Insurance of property of government departments, agencies, and International Organizations.”.
TITLE XII—READINESS AND RANGE PRESERVATION INITIATIVE

SEC. 1201. READINESS AND RANGE PRESERVATION INITIATIVE.

(a) In General.—Title 10, United States Code, is amended by inserting after chapter 101 the following new chapter:

“CHAPTER 101A—READINESS AND RANGE PRESERVATION

§ 2015. Purpose of this chapter

“The purpose of this chapter is to—

“(1) protect the lives and well-being of citizens of the United States and preserve their freedoms, economic prosperity, and environmental heritage by ensuring military readiness;

“(2) ensure military readiness by addressing problems created by encroachment on military readiness activities and lands, marine areas, and airspace...
reserved, withdrawn, or designated for a military use;

“(3) reaffirm the principle that such lands, marine areas, and airspace exist to ensure military preparedness;

“(4) shield military readiness activities and lands, marine areas, and airspace reserved, withdrawn, or designated for a military use, including land, sea, and air training and operating areas, from encroachment, while ensuring that the Department of Defense fulfills its environmental stewardship responsibilities;

“(5) manage such lands, marine areas, and airspace for other purposes to the extent the non-military purpose does not reduce capability to support military readiness activities;

“(6) re-establish the appropriate balance between military readiness and environmental stewardship; and

“(7) establish a framework to ensure long-term sustainability of military ranges.


“For purposes of this chapter:

“(1) The term ‘military readiness activities’ included all training and operations that relate to com-
bat, and the adequate and realistic testing of mili-
tary equipment, vehicles, weapons, and sensors for
proper operation and suitability for combat use. The
term does not include the routine operation of instal-
lation operating support functions, such as adminis-
trative offices, military exchanges, commissaries,
water treatment facilities, storage, schools, housing,
motor pools, laundries, morale, welfare and recre-
ation activities, shops, and mess halls, nor the oper-
ation of industrial activities, or the construction or
demolition of such facilities.

“(2) The terms ‘combat’ or ‘combat use’ in-
clude all forms of armed conflict and operational em-
ployment as well as those support functions nec-
essary for armed conflict and operational employ-
ment, including transportation of personnel, weap-
on, supplies, ammunition and other military mate-
rial to the vicinity of actual or potential armed con-
flict; intelligence gathering in support of actual or
potential armed conflict; command of and commu-
nications between military units; and similar activi-
ties necessary for the successful prosecution of
armed conflict, whether or not conducted at the
scene of actual conflict.
“(3) The term ‘the Department’ means the Department of Defense as defined in section 101(a)(6) of this title and the Coast Guard when it is not operating as a service in the Department of the Navy.

§ 2017. Military readiness and the conservation of protected species

“(a) CRITICAL HABITAT FOR THREATENED AND ENDANGERED SPECIES.—

“(1) The completion of an Integrated Natural Resources Management Plan, pursuant to the Sikes Act Improvement Act (16 U.S.C. 670a), for lands or other geographical areas owned or controlled by the Department, or designated for its use, that addresses endangered or threatened species and their habitat, provides the ‘special management considerations or protection’ required under the Endangered Species Act (16 U.S.C. 1532(5)(A)) and precludes designation of critical habitat for any such land or geographical areas under section 4 of the Endangered Species Act (16 U.S.C. 1533).

“(2) This subsection does not remove the requirement for agency consultation under section 7(a)(2) of the Endangered Species Act (16 U.S.C. 1536(a)(2)).
“(b) MIGRATORY BIRDS.—Recognizing the critical importance of military readiness activities to the United States and the efforts taken by the Department to avoid adverse impacts on migratory birds, military readiness activities of the Department are hereby authorized under the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) without further action by the Secretary of the Interior; provided, the Department shall minimize taking of migratory birds to the extent practical and necessary to further the purposes of the Act without diminishment of military training or other capabilities, as determined by the Department.

“(c) MARINE MAMMALS.—For purposes of the Marine Mammals Protection Act of 1972 (16 U.S.C. 1361 et seq.) harassment from military readiness activities occurs only when those activities—

“(1) injure or have the significant potential to injure a marine mammal or marine mammal stock in the wild;

“(2) disturb or are likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavior patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering to a point
where such behavioral patterns are abandoned or significantly altered; or

“(3) are directed toward a specific individual, group, or stock of marine mammals in the wild that is likely to disturb the specific individual, group, or stock of marine mammals by disrupting behavior, including but not limited to migration, surfacing, nursing, breeding, feeding or sheltering.

“§ 2018. Conformity with State Implementation Plans for air quality

“(a) Conformity With Clean Air Act.—In all cases in which the requirements of section 176(c) of the Clean Air Act would have applied to proposed military readiness activities, the Department shall not be prohibited from engaging in such military readiness activities, but shall—

“(1) estimate for all criteria pollutants for which the area is designated ‘nonattainment’ or ‘maintenance’ the quantity of emissions that are caused by the military readiness activities;

“(2) notify the State air quality planning agency for the affected area of such emission estimates prior to engaging in proposed military readiness activities; and
“(3) ensure that military readiness activities conform with the requirements of section 176(e) within three years of the date new activities begin.

“(b) EPA APPROVAL.—Notwithstanding any other provisions of law, an implementation plan or plan revision required under the Clean Air Act shall be approved the Administrator of the Environmental Protection Agency if—

“(1) such plan or revision meets all the requirements applicable to it under the Clean Air Act other than a requirement that such plan or revision demonstrate attainment and maintenance of the relevant national ambient air quality standards by the attainment date specified under the applicable provision of the Act, or in a regulation promulgated under such provision; and

“(2) the submitting State established to the satisfaction of the Administrator that the implementation plan of such State would be adequate to attain and maintain the relevant national ambient air quality standards by the attainment date specified under the applicable provision of the Act, or in a regulation promulgated under such provision, but for emissions emanating from military readiness activi-
ties not otherwise meeting section 176(c) of the Act pursuant to paragraph (a) of this section.

“(c) Effect on State Compliance With Ozone Standards.—Notwithstanding any other provisions of law, any state that establishes to the satisfaction of the Administrator that, with respect to an ozone nonattainment area in such State, such State would have attained the national ambient air quality standard for ozone by the applicable attainment date, but for emissions emanating from military readiness activities not otherwise meeting section 176(c) of the Act pursuant to paragraph (a) of this section, shall not be subject to the provisions of section 182(a)(2) or (5) or section 185 of the Act.

“(d) Effect on State Compliance With Carbon Monoxide Standards.—Notwithstanding any other provision of law, any State that establishes to the satisfaction of the Administrator, with respect to a carbon monoxide nonattainment area in such State, that such State has attained the national ambient air quality standard for carbon monoxide by the applicable attainment date, but for emissions emanating from military readiness activities not otherwise meeting section 176(c) of the Act pursuant to paragraph (a) of this section, shall not be subject to the provisions of section 186(b)(2) of the Act.
“(e) Effect on State Compliance With PM–10 Standards.—Notwithstanding any other provisions of law, any State that establishes to the satisfaction of the Administrator that, with respect to a PM–10 nonattainment area in such State, such State would have attained the national ambient air quality standard for PM–10 by the applicable attainment date, but for emission emanating from military readiness activities not otherwise meeting section 176(c) of the Act pursuant to paragraph (a) of this section shall not be subject to the provisions of section 188(b)(2) of the Act.

§ 2019. Range management and restoration

“(a) Definition of Solid Waste.—

(1)(A) The term ‘solid waste,’ as used in the Solid Waste Disposal Act, as amended (42 U.S.C. 6901 et seq.), includes explosives, unexploded ordnance, munitions, munition fragments, or constituents thereof that—

“(i) are or have been deposited, incident to their normal and expected use, on an operational range, and—

“(I) are removed from the operational range for reclamation, treatment, disposal, treatment prior to disposal, or storage prior to or in lieu of reclamation, treat-
ment, disposal, or treatment prior to dis-
posal;

“(II) are recovered, collected, and
then disposed of by burial or landfilling; or

“(III) migrate off an operational
range and are not addressed under the
Comprehensive Environmental Response,
Compensation, and Liability Act of 1980,
as amended (42 U.S.C. 9601 et seq.); or

“(ii) are deposited, incident to their normal
and expected use, off an operational range, and
are not promptly rendered safe or retrieved.

“(B) The explosives, unexploded ordnance, mu-
nitions, munitions fragments, or constituents thereof
defined as solid waste in subsection (a)(1)(A) shall
be subject to the provisions of the Solid Waste Dis-
posal Act, as amended, including but not limited to
sections 7002 and 7003, where applicable.

“(2) Except as set out in subsection (1), the
term ‘solid waste,’ as used in the Solid Waste Dis-
posal Act, as amended, does not include explosives,
unexploded ordnance, munitions, munitions frag-
ments, or constituents thereof that—

“(A) are used in training military per-
sonnel or explosives and munitions emergency
response specialists (including training in proper destruction of unused propellant or other munitions);

“(B) are used in research, development, testing, and evaluation of military munitions, weapons, or weapon systems;

“(C) are or have been deposited, incident to their normal and expected use, on an operational range, except as provided in subsection (a)(1)(A);

“(D) are deposited, incident to their normal and expected use, off an operational range, and are promptly rendered safe or retrieved; or

“(E) are recovered, collected, and destroyed on-range during range clearance activities at operational ranges, but not including the on-range burial of unexploded ordnance and contaminants when the burial is not a result of product use.

“(b) DEFINITION OF RELEASE.—

(1) The term ‘release,’ as used in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.), includes the deposit off an operational range, or the migration off an operational range, of
any explosives, unexploded ordnance, munitions, munitions fragments, or constituents thereof.

“(2) The term ‘release,’ as used in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.), does not include the deposit or presence on an operational range of any explosives, unexploded ordnance, munitions, munitions fragments, or constituents thereof that are or have been deposited thereon incident to their normal and expected use.

“(3)(A) Notwithstanding the provisions of paragraph (2), nothing in this section affects the authority of the President under section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9606(a)) to address an imminent and substantial endangerment to the public health or welfare or the environment, including orders to test and monitor.

“(B) Nothing in this section affects the ability of a State or other person to request that the President exercise such authority under section 106(a) of such Act to address an imminent and substantial
endangerment to the public health or welfare or the environment.

“(4) Nothing in this section affects the authority of the Department to protect the environment, safety, and health on operational ranges.

“§ 2020. Agreements with private organizations to address encroachment and other constraints on military training, testing, and operations

“(a) AGREEMENTS.—The Secretary of a military department is authorized to enter into agreements with any private organization that has the conservation, restoration, or preservation of land and natural resources, or a similar objective, as its state principal organizational purpose or goal. The purpose of any agreement under this section shall be to address the use or development of real property in the vicinity of military installations in order either—

“(1) to limit incompatible development or use of such property, or

“(2) to preserve habitat so as to eliminate or relieve existing or projected environmental restrictions, that otherwise may have the potential to restrict, impede, or otherwise interfere with, directly or indirectly, current or future military training, test-
ing, or operations. Chapter 63 of title 31 shall not apply to agreements entered into under this section.

“(b) Acquisition and Acceptance of Real Property.—An agreement under this section—

“(1) may provide for the private organization to acquire, on a cost-shared basis, all right title, and interest in real property, or any lesser estate or interest; as shall be required to effectuate the purposes of this section; and

“(2) with respect to any real property estate or interest so acquired, shall provide, upon request at any time, for the private organization to transfer to the United States an estate or interest in such real property. Such interest shall be limited to that interest necessary to permit the United States to ensure that the property is used and managed in a manner that meets the purposes of this section. The Secretary concerned shall determine what estate or interest is necessary. Notwithstanding any other provision of law, the military department is authorized to accept such estate or interest in real property on behalf of the United States.

“(c) Funding.—Fund appropriated for the operations and maintenance of the Department of Defense or of any military department, including funds appropriated
to support the Legacy Resources Management Program, may be made available to execute any agreements entered into under this section. For installations or facilities operated primarily with funds appropriated for research, development, testing, and evaluation, those funds may be used in lieu of funds appropriated for operations and maintenance.

“(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in the agreements authorized by this section as the Secretary considers appropriate to protect the interests of the United States. Real property may not be acquired under this subsection unless the owner of the property consents to the acquisition. The Secretary may accept appraisals or title documents prepared or adopted by a non-Federal entity as satisfying the applicable requirements of section 213 of the Uniform Relocation Act Amendments of 1987 (42 U.S.C. 4651) or the Act of September 1, 1970 (84 Stat. 835; 40 U.S.C. 255) where the Secretary finds the appraisals or title documents substantially comply with Federal standards.

“§ 2021. Conveyance of surplus real property for natural resource conservation purposes

“(a) AUTHORITY TO CONVEY.—The Secretary of a military department, in his sole discretion, may convey
surplus real property under its jurisdiction that is suitable
and desirable for conservation purposes to any state or
local government, or instrumentality thereof, or nonprofit
organization that exists for the primary purpose of con-
servation of natural resources on real property. This au-
thority shall only apply to surplus real property that the
disposing agency has certified has been made available for
public benefit transfer, has been available for a sufficient
time to potential claimants and for which there is no pend-
ing request for transfer to another federal agency or for
conveyance to any other qualified recipient for public ben-
efit transfer, under the real property disposal processes
and authorities established pursuant to the Federal Prop-
erty and Administrative Services Act of 1949 (40 U.S.C.
471, et seq.). The consideration for such conveyance shall
be determined by the Secretary pursuant to subsection (e).

“(b) **DEED REQUIREMENTS.**—The deed of convey-
ance of any surplus real property disposed of under this
subsection—

“(1) shall provide that all such property shall
be used and maintained for the conservation of nat-
ural resources in perpetuity, and that in the event
that such property ceases to be used or maintained
for such purpose during such period, all or any por-
tion of such property shall in its then existing condi-
tion, at the option of the United States, revert to the
United States;

“(2) may permit the grantee to convey the
property to another eligible entity; provided the Sec-
retary of the military department approves the con-
veyance in writing and the property shall be subject
to the same covenants and terms and conditions as
provided in the deed from the United States;

“(3) may permit incidental revenue-producing
activities that are compatible with the use of the
property for conservation purposes;

“(4) may contain such additional terms, res-
ervation, restrictions and conditions as may be de-
determined by the Secretary to safeguard the interests
of the United States.

“(c) RELEASE OF COVENANTS.—The Secretary, with
the concurrence of the Secretary of Interior, may grant
a release from the covenant described in subsection (b)
on the condition that the grantee pay the fair market
value, as determined by the Secretary, of the property at
the time of the release of the covenant. The Secretary may
reduce the amount owed for release of such covenant tak-
ing into account the value of the natural resource con-
servation benefit that has accrued during the period of the

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conveyance and which benefit was not previously taken into account in (a).

“(d) LIMITATIONS.—Such conveyance shall not be used in settlement of any litigation, dispute, or claim against the United States, nor as a condition of allowing any defense activity under any Federal, State, or local permitting or review process. The Secretary may use such conveyances, with the restrictions set forth in subsection (b), to establish mitigation banks outside the context of being a condition imposed by any Federal, State, or local regulatory body for granting a permit, completion of review, or otherwise granting permission for a proposed military action other than establishment of a mitigation bank.

“(e) CONSIDERATION.—In fixing the consideration for the property or in determining the amount of any reduction of the fair market value owed for the release of the covenant under subsection (c), the Secretary of the military department shall take into consideration any benefit that has accrued or may accrue to the United States from the use of such property for the conservation of natural resources.

“(f) REAL PROPERTY DECLARED SURPLUS AS A RESULT OF A BASE CLOSURE LAW.—The Secretary concerned may not dispose of any real property declared surplus as a result of a base closure law under this section
in a manner inconsistent with the requirements and preferences established under a base closure law.

“(g) DEFINITIONS.—For purposes of this section:

“(1) The term ‘States’ includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas and the territories and possessions of the United States.


(b) CONFORMING AMENDMENTS.—

(1) AGREEMENTS WITH NONPROFIT CONSERVATION NATURAL RESOURCE ORGANIZATIONS.—Section 2701(d) of such title 10 is amended—

(A) in paragraph (1), by inserting “or nonprofit conservation organization” after “any Indian tribe”; and

(B) in paragraph (3), by adding at the end the following sentence:

“The term ‘conservation organization’ as used in this section means non-governmental nonprofit orga-
nizations that exist for the primary purpose of conserving open space or natural resources.”.

(2) ACCEPTANCE OF FUNDS TO COVER ADMINISTRATIVE EXPENSES.—Section 2695(b) of such title 10 is amended by adding at the end the following new paragraph:

“(4) The conveyance of real property under section 2669a of this title.”.

(e) CLERICAL AMENDMENT.—The table of chapters at the beginning of such title 10 is amended by inserting after the item relating to chapter 101 the following new item:

“101a. Readiness and Range Preservation .............................................. 2015”.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS


TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification to carry out certain fiscal year 2002 projects.
Sec. 2106. Modification to carry out certain fiscal year 2000 project.
Sec. 2107. Modification to carry out certain fiscal year 1999 project.
Sec. 2108. Modification to carry out certain fiscal year 1997 project.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification to carry out certain fiscal year 2002 project.
TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Improvements to military family housing units.
Sec. 2403. Energy conservation projects.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES.

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

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 2000 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1999 projects.
Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction and Military Family Housing

Sec. 2801. Alternative Authority for Acquisition and Improvement of Military Housing.
Sec. 2802. Repeal of Source Requirements for Overseas Family Housing Construction.

Subtitle B—Real Property and Facilities Administration

Sec. 2803. Conveyance of Surplus Real Property for Natural Resource Conservation Purposes.
Sec. 2804. Relief from McKinney-Vento Act Screening Requirements.
Sec. 2805. Leasing of Military Family Housing in Korea.
Sec. 2806. Program on Reduction in Long-term Facility Maintenance Costs.
Sec. 2807. Boundary Channel Drive Site Land Acquisition, Arlington, Virginia.
Sec. 2808. Agreements With Private Organizations to Address Encroachment and Other Constraints on Military Training, Testing, and Operations.
Sec. 2809. Authority to Convey Certain Lands in Alaska No Longer Needed for National Guard Purposes.
SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2003”.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification to carry out certain fiscal year 2002 projects.
Sec. 2106. Modification to carry out certain fiscal year 2000 project.
Sec. 2107. Modification to carry out certain fiscal year 1999 project.
Sec. 2108. Modification to carry out certain fiscal year 1997 project.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Anniston Army Depot</td>
<td>$1,900,000</td>
</tr>
<tr>
<td>Alaska</td>
<td>Fort Wainwright</td>
<td>$110,100,000</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Pine Bluff Arsenal</td>
<td>$18,937,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$1,100,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>$66,250,000</td>
</tr>
<tr>
<td></td>
<td>Fort Stewart/Hunter Army Air Field</td>
<td>$26,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Schofield Barracks</td>
<td>$191,000,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Fort Riley</td>
<td>$41,000,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Blue Grass Army Depot</td>
<td>$5,500,000</td>
</tr>
<tr>
<td></td>
<td>Fort Campbell</td>
<td>$99,000,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Fort Polk</td>
<td>$31,000,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Fort Detrick</td>
<td>$19,700,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Fort Leonard Wood</td>
<td>$15,500,000</td>
</tr>
</tbody>
</table>
Army: Inside the United States—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York</td>
<td>Fort Drum</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$67,500,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Letterkenny Army Depot</td>
<td>$1,550,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Hood</td>
<td>$45,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fort Lewis</td>
<td>$53,800,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$796,337,000</strong></td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>SHAPE</td>
<td>$13,600,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Area Support Group, Bamberg</td>
<td>$17,200,000</td>
</tr>
<tr>
<td></td>
<td>Darmstadt</td>
<td>$3,500,000</td>
</tr>
<tr>
<td></td>
<td>Grafenwoehr</td>
<td>$69,866,000</td>
</tr>
<tr>
<td></td>
<td>Mannheim</td>
<td>$42,000,000</td>
</tr>
<tr>
<td></td>
<td>Schweinfurt</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Vicenza</td>
<td>$34,700,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Camp Carroll</td>
<td>$20,000,000</td>
</tr>
<tr>
<td></td>
<td>Camp Castle</td>
<td>$6,800,000</td>
</tr>
<tr>
<td></td>
<td>Camp Hovey</td>
<td>$25,000,000</td>
</tr>
<tr>
<td></td>
<td>Camp Humphreys</td>
<td>$36,000,000</td>
</tr>
<tr>
<td></td>
<td>Camp Henry</td>
<td>$10,000,000</td>
</tr>
<tr>
<td></td>
<td>K16 Airfield</td>
<td>$40,000,000</td>
</tr>
<tr>
<td></td>
<td>Qatar</td>
<td>$8,800,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$329,466,000</strong></td>
</tr>
</tbody>
</table>

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(3), the Secretary of the Army may acquire real property and carry out military construction projects for the installation and location, and in the amount, set forth in the following table:
Army: Unspecified Worldwide

<table>
<thead>
<tr>
<th>Location</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Worldwide Unspecified</td>
<td>Unspecified</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>Worldwide Unspecified</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$4,000,000</td>
</tr>
</tbody>
</table>

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

<table>
<thead>
<tr>
<th>State or Country</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Fort Wainwright</td>
<td>38 Units</td>
<td>$17,752,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Yuma Proving Ground</td>
<td>33 Units</td>
<td>$6,100,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Stuttgart</td>
<td>1 Unit</td>
<td>$990,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Yongsan</td>
<td>10 Units</td>
<td>$3,100,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$27,942,000</td>
</tr>
</tbody>
</table>

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $15,653,000.
SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $239,751,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) In General.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2002, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,282,141,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $628,337,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $329,466,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2101(c), $4,000,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $20,500,000.
(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $143,524,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $283,346,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,122,274,000.

(7) For the construction of phase 2 of barracks complex, D Street, at Fort Richardson, Alaska, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal year 2002 (division B of Public Law 107–107; 115 Stat. 1281), $21,000,000.

(8) For the construction of phase 2 of a barracks complex, Nelson Boulevard, at Fort Carson, Colorado, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1281), as amended by section 2105 of this Act, $42,000,000.

(10) For the construction of phase 5 of an ammunition demilitarization facility at Newport Army Depot, Indiana, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), $61,494,000.

107; 115 Stat. 1298), and section 2106 of this Act, $10,300,000.

(12) For the construction of phase 3 of an ammunition demilitarization support facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 836), $8,300,000.


(14) For the construction of phase 3 of a barracks complex, Butner Road, at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–389), $50,000,000.

(15) For the construction of phase 2 of a basic combat trainee complex at Fort Jackson, South
Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1281), as amended by section 2105 of this Act, $39,000,000.


(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a);

(2) $18,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex, Main Post, at Fort Benning, Georgia;
(3) $100,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex, Capron Avenue, at Schofield Barracks, Hawaii); and

(4) $50,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex, Range Road, at Fort Campbell, Kentucky).

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2002 PROJECTS.

(a) MODIFICATION.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1281) is amended—

(1) in the item relating to Fort Carson, Colorado, by striking “$66,000,000” in the amount column and inserting “$67,000,000”; and

(2) in the item relating to Fort Jackson, South Carolina, by striking “$65,650,000” in the amount column and inserting “$68,650,000”.

(b) CONFORMING AMENDMENTS.—Section 2104(b) of that Act (115 Stat. 1284) is amended—

(1) in paragraph (3), by striking “$41,000,000” and inserting “$42,000,000”; and
SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT.

(a) MODIFICATION.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835) is amended—

(1) under the agency heading relating to Chemical Demilitarization, in the item relating to Blue Grass Army Depot, Kentucky, by striking “$254,030,000” in the amount column and inserting “$290,325,000”; and

(2) by striking the amount identified as the total in the amount column and inserting “$748,245,000”.

(b) CONFORMING AMENDMENTS.—Section 2405(b) of that Act (113 Stat. 839) is amended in paragraph (3), by striking “$231,230,000” and inserting “$267,525,000”.

SEC. 2107. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1999 PROJECT.

2193) is amended under the agency heading relating to Chemical Demilitarization, in the item relating to Newport Army Depot, Indiana, by striking “$191,550,000” in the amount column and inserting “$293,853,000”; and (2) by striking the amount identified as the total in the amount column and inserting “$829,919,000”.

(b) CONFORMING AMENDMENT.—Section 2404(b)(2) of that Act (112 Stat. 2196) is amended by striking “$162,050,000” and inserting “$264,353,000”.

SEC. 2108. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.

(a) MODIFICATION.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775) is amended—

(1) in the item relating to Pueblo Chemical Activity, Colorado, under the agency heading relating to Chemical Demilitarization Program, by striking “$203,500,000” in the amount column and inserting “$261,000,000”; and

(2) by striking the amount identified as the total in the amount column and inserting “$607,454,000”.

S 2225 IS
(b) **Conforming Amendment.**—Section 2406(b)(2) of that Act (110 Stat. 2779) is amended by striking “$203,500,000” and inserting “$261,000,000”.

**TITLE XXII—NAVY**

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification to carry out certain fiscal year 2002 project.

**SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **Inside the United States.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Marine Corps Air Station, Yuma</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>California</td>
<td>Auxiliary Landing Field, San Diego (San Clemente Island)</td>
<td>$6,150,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, Camp Pendleton</td>
<td>$11,930,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, Miramar</td>
<td>$8,700,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air-Ground Combat Center, Twentynine Palms</td>
<td>$25,770,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Camp Pendleton</td>
<td>$64,040,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Lemoore</td>
<td>$16,520,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Warfare Center, Point Mugu, San Nicholas Island</td>
<td>$6,760,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, San Diego</td>
<td>$3,530,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Marine Corps Barracks</td>
<td>$3,700,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Naval Air Station, Pensacola</td>
<td>$990,000</td>
</tr>
<tr>
<td></td>
<td>Naval School Explosive Ordnance Detachment, Eglin</td>
<td>$6,350,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Naval Station, Pearl Harbor</td>
<td>$10,490,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Naval Training Center, Great Lakes</td>
<td>$85,100,000</td>
</tr>
<tr>
<td>Maine</td>
<td>Naval Shipyard, Kittery-Portsmouth</td>
<td>$11,600,000</td>
</tr>
</tbody>
</table>
Navy: Inside the United States—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maryland</td>
<td>Naval Air Facility, Andrews Air Force Base.</td>
<td>$9,680,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Naval Construction Battalion, Gulfport.</td>
<td>$5,460,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Marine Corps Air Station, Cherry Point</td>
<td>$6,040,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, New River</td>
<td>$6,920,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Camp Lejeune</td>
<td>$5,370,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Marine Corps Air Station, Beaufort</td>
<td>$13,700,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Recruit Depot, Parris Island</td>
<td>$10,490,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Naval Air Station, Kingsville</td>
<td>$6,210,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Marine Corps Combat Development Command, Quantico.</td>
<td>$19,554,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Oceana</td>
<td>$2,000,000</td>
</tr>
<tr>
<td></td>
<td>Naval Shipyard, Norfolk, Portsmouth</td>
<td>$19,660,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Norfolk</td>
<td>$158,640,000</td>
</tr>
<tr>
<td></td>
<td>Naval Surface Warfare Center, Dahlgren</td>
<td>$9,230,000</td>
</tr>
<tr>
<td></td>
<td>Naval Weapons Station, Yorktown</td>
<td>$15,020,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Naval Air Station, Whidbey Island</td>
<td>$9,180,000</td>
</tr>
<tr>
<td></td>
<td>Naval Magazine, Indian Island</td>
<td>$4,030,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Bremerton</td>
<td>$43,670,000</td>
</tr>
<tr>
<td></td>
<td>Naval Submarine Base, Bangor</td>
<td>$5,900,000</td>
</tr>
<tr>
<td></td>
<td>Puget Sound Naval Shipyard, Bremerton</td>
<td>$54,132,000</td>
</tr>
<tr>
<td></td>
<td>Strategic Weapons Facility, Bangor</td>
<td>$7,340,000</td>
</tr>
<tr>
<td>Various Locations</td>
<td>Host Nation Infrastructure</td>
<td>$1,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$682,016,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bahrain</td>
<td>Naval Support Activity, Bahrain</td>
<td>$25,970,000</td>
</tr>
<tr>
<td>Diego Garcia</td>
<td>Diego Garcia, Naval Support Facility</td>
<td>$11,090,000</td>
</tr>
<tr>
<td>Greece</td>
<td>Naval Support Activity, Joint Headquarters Command, Larissa.</td>
<td>$14,800,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Commander, U.S. Naval Forces, Guam</td>
<td>$13,400,000</td>
</tr>
<tr>
<td>Iceland</td>
<td>Naval Air Station, Keflavik</td>
<td>$14,920,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Naval Air Station, Sigonella</td>
<td>$55,660,000</td>
</tr>
<tr>
<td>Spain</td>
<td>Joint Headquarters Command, Madrid</td>
<td>$2,890,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$138,730,000</td>
</tr>
</tbody>
</table>

S 2225 IS
SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, for the purposes, and in the amounts set forth in the following table:

<table>
<thead>
<tr>
<th>State or Country</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Naval Air Station, Lemoore.</td>
<td>178 Units</td>
<td>$40,981,000</td>
</tr>
<tr>
<td></td>
<td>Twentynine Palms</td>
<td>76 Units</td>
<td>$19,425,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Naval Submarine Base, New London.</td>
<td>100 Units</td>
<td>$24,415,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Naval Station, Mayport</td>
<td>1 Unit</td>
<td>$329,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Marine Corps Base, Kaneohe Bay.</td>
<td>65 Units</td>
<td>$24,797,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Naval Air Station, Meridian.</td>
<td>56 Units</td>
<td>$9,755,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Marine Corps Base, Camp Lejeune.</td>
<td>317 Units</td>
<td>$43,650,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Marine Corps Base, Quantico.</td>
<td>290 Units</td>
<td>$41,843,000</td>
</tr>
<tr>
<td>Greece</td>
<td>Naval Support Activity Joint Headquarters Command, Larissa.</td>
<td>2 Units</td>
<td>$1,232,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Joint Maritime Facility, St. Mawgan.</td>
<td>62 Units</td>
<td>$18,524,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td>$224,951,000</td>
</tr>
</tbody>
</table>

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriation in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $11,281,000.
SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $139,468,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) In General.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2002, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,138,619,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $633,616,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $136,160,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $23,262,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $68,573,000.
(5) For military family housing functions:
   (A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $375,700,000.
   (B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $867,788,000.

(6) For replacement of a pier at Naval Station Norfolk, Virginia, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1287), as amended by section 2205 of this Act, $33,520,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—
   (1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a):
      (2) $48,120,000 (the balance of the amount authorized under section 2201(b) for a BEQ shipboard ashore, NS Norfolk, Virginia); and
(3) $2,570,000 (the balance of the amount authorized under section 2201(a) for a QOL support facility, NAS Sigonella, Italy).

SEC. 2205. MODIFICATION TO CARRY OUT CERTAIN FISCAL YEAR 2002 PROJECT.

(a) MODIFICATION.—The table in section 2201 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1286) is amended—

(1) in the item relating to Naval Station, Norfolk, Virginia, by striking “$139,270,000” in the amount column and inserting “$139,550,000”, and

(2) by striking the amount identified as the total in the amount column and inserting “$1,059,030,000”.

(b) CONFORMING AMENDMENTS.—Section 2204 of that Act (115 Stat. 1289) is amended in subsection (b)(1) in paragraph (2), by striking “$33,240,000” and inserting “$33,520,000”.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Clear Air Station</td>
<td>$14,400,000</td>
</tr>
<tr>
<td></td>
<td>Eielson Air Force Base</td>
<td>$21,600,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Davis-Monthan Air Force Base</td>
<td>$19,270,000</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Little Rock Air Force Base</td>
<td>$25,600,000</td>
</tr>
<tr>
<td>California</td>
<td>Beale Air Force Base</td>
<td>$11,740,000</td>
</tr>
<tr>
<td></td>
<td>Vandenberg Air Force Base</td>
<td>$10,500,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Buckley Air National Guard Base</td>
<td>$17,700,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Hurlburt Field</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Barksdale Air Force Base</td>
<td>$10,900,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Hanscom Air Force Base</td>
<td>$7,700,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Keesler Air Force Base</td>
<td>$22,000,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Nellis Air Force Base</td>
<td>$30,450,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>McGuire Air Force Base</td>
<td>$24,631,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Pope Air Force Base</td>
<td>$9,700,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright-Patterson Air Force Base</td>
<td>$10,400,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Lackland Air Force Base</td>
<td>$18,500,000</td>
</tr>
<tr>
<td></td>
<td>Sheppard Air Force Base</td>
<td>$16,000,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Langley Air Force Base</td>
<td>$47,940,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$328,031,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:
**Air Force: Outside the United States**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diego Garcia</td>
<td>Diego Garcia</td>
<td>$17,100,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Ramstein Air Force Base</td>
<td>$70,183,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Andersen Air Force Base</td>
<td>$16,000,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Osan Air Base</td>
<td>$15,100,000</td>
</tr>
<tr>
<td>Spain</td>
<td>Naval Station, Rota</td>
<td>$31,818,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force, Fairford</td>
<td>$19,000,000</td>
</tr>
<tr>
<td>Wake Island</td>
<td>Wake Island</td>
<td>$24,900,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$207,501,000</strong></td>
</tr>
</tbody>
</table>

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installation and location and in the amount set forth in the following table:

**Air Force: Unspecified Worldwide**

<table>
<thead>
<tr>
<th>Location</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Worldwide</td>
<td>Worldwide Unspecified Classified</td>
<td>$55,562,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$55,562,000</strong></td>
</tr>
</tbody>
</table>

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, for the purposes, and in the amounts set forth in the following table:

**Air Force: Family Housing**

<table>
<thead>
<tr>
<th>State or Country</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Luke Air Force Base</td>
<td>140 Units</td>
<td>$18,954,000</td>
</tr>
<tr>
<td>California</td>
<td>Travis Air Force Base</td>
<td>110 Units</td>
<td>$24,320,000</td>
</tr>
</tbody>
</table>
## Air Force: Family Housing—Continued

<table>
<thead>
<tr>
<th>State or Country</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colorado</td>
<td>Peterson Air Force Base</td>
<td>2 Units</td>
<td>$959,000</td>
</tr>
<tr>
<td></td>
<td>United States Air Force Academy</td>
<td>71 Units</td>
<td>$12,424,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>Dover Air Force Base</td>
<td>112 Units</td>
<td>$19,615,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Eglin Air Force Base</td>
<td>Housing Office</td>
<td>$597,000</td>
</tr>
<tr>
<td></td>
<td>Eglin Air Force Base</td>
<td>134 Units</td>
<td>$15,906,000</td>
</tr>
<tr>
<td></td>
<td>MacDill Air Force Base</td>
<td>96 Units</td>
<td>$18,086,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Hickam Air Force Base</td>
<td>96 Units</td>
<td>$29,050,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Mountain Home Air Force Base</td>
<td>95 Units</td>
<td>$24,392,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>McConnell Air Force Base</td>
<td>Housing Maintenance Facility</td>
<td>$1,514,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Andrews Air Force Base</td>
<td>53 Units</td>
<td>$9,838,000</td>
</tr>
<tr>
<td></td>
<td>Andrews Air Force Base</td>
<td>52 Units</td>
<td>$8,807,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Columbus Air Force Base</td>
<td>Housing Office</td>
<td>$412,000</td>
</tr>
<tr>
<td></td>
<td>Keesler Air Force Base</td>
<td>117 Units</td>
<td>$16,505,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Whiteman Air Force Base</td>
<td>22 Units</td>
<td>$3,977,000</td>
</tr>
<tr>
<td>Montana</td>
<td>Malmstrom Air Force Base</td>
<td>18 Units</td>
<td>$4,717,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Holloman Air Force Base</td>
<td>101 Units</td>
<td>$20,161,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Pope Air Force Base</td>
<td>Housing Maintenance Facility</td>
<td>$991,000</td>
</tr>
<tr>
<td></td>
<td>Seymour Johnson Air Force Base</td>
<td>126 Units</td>
<td>$18,615,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Grand Forks Air Force Base</td>
<td>150 Units</td>
<td>$30,140,000</td>
</tr>
<tr>
<td></td>
<td>Minot Air Force Base</td>
<td>112 Units</td>
<td>$21,428,000</td>
</tr>
<tr>
<td></td>
<td>Minot Air Force Base</td>
<td>102 Units</td>
<td>$20,315,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Vance Air Force Base</td>
<td>59 Units</td>
<td>$11,423,000</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Ellsworth Air Force Base</td>
<td>Housing Maintenance Facility</td>
<td>$447,000</td>
</tr>
<tr>
<td></td>
<td>Ellsworth Air Force Base</td>
<td>22 Units</td>
<td>$4,794,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Dyess Air Force Base</td>
<td>85 Units</td>
<td>$14,824,000</td>
</tr>
<tr>
<td></td>
<td>Randolph Air Force Base</td>
<td>Housing Maintenance Facility</td>
<td>$447,000</td>
</tr>
<tr>
<td></td>
<td>Randolph Air Force Base</td>
<td>112 Units</td>
<td>$14,311,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Langley Air Force Base</td>
<td>Housing Office</td>
<td>$1,193,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Ramstein Air Force Base</td>
<td>19 Units</td>
<td>$8,534,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Osan Air Base</td>
<td>113 Units</td>
<td>$35,705,000</td>
</tr>
<tr>
<td></td>
<td>Osan Air Base</td>
<td>Housing Supply Warehouse</td>
<td>$834,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force Lakenheath</td>
<td>Housing Office and Maintenance Facility</td>
<td>$2,203,000</td>
</tr>
</tbody>
</table>
Air Force: Family Housing—Continued

<table>
<thead>
<tr>
<th>State or Country</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Total</td>
<td>$416,438,000</td>
</tr>
</tbody>
</table>

(b) Planning and Design.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $34,188,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $226,068,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) In General.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2002, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,165,203,000, as follows:

S 2225 IS
(1) For military construction projects inside the United States authorized by section 2301(a), $328,031,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $207,501,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $55,562,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $11,500,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $41,496,000.

(6) For military housing functions:

   (A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $676,694,000.

   (B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $844,419,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and
any other cost variation authorized by law, the total cost
of all projects carried out under section 2301 of this Act
may not exceed the total amount authorized to be appro-
priated under paragraphs (1), (2) and (3) of subsection
(a).

**TITLE XXIV—DEFENSE AGENCIES**

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Improvements to military family housing units.

Sec. 2403. Energy conservation projects.


**SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Missile Defense Agency .......</td>
<td>Kauai, Hawaii ........................ $23,400,000</td>
<td></td>
</tr>
<tr>
<td>Defense Intelligence Agency</td>
<td>Bolling Air Force Base, District of Columbia. $121,958,000</td>
<td></td>
</tr>
<tr>
<td>Defense Logistics Agency .....</td>
<td>Columbus, Ohio ....................... $5,021,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Defense Distribution Depot—DDNV, Virginia ....................... $5,500,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, New Orleans, Louisiana ....................... $9,500,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Travis Air Force Base, California .... $16,000,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fort Belvoir, Virginia .............. $76,388,000</td>
<td></td>
</tr>
<tr>
<td>Defense Threat Reduction Agency.</td>
<td>Fort Bragg, North Carolina .......... $1,825,000</td>
<td></td>
</tr>
<tr>
<td>Department of Defense Dependents Schools.</td>
<td>Fort Jackson, South Carolina .......... $2,247,000</td>
<td></td>
</tr>
</tbody>
</table>
Defense Agencies: Inside the United States—Continued

<table>
<thead>
<tr>
<th>Agency</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Security Agency</td>
<td>Marine Corps Base, Camp Lejeune, North Carolina</td>
<td>$10,884,000</td>
</tr>
<tr>
<td>Special Operations Command</td>
<td>Marine Corps Base, Quantico, Virginia</td>
<td>$1,272,000</td>
</tr>
<tr>
<td></td>
<td>United States Military Academy, West Point, New York</td>
<td>$3,898,000</td>
</tr>
<tr>
<td></td>
<td>Fort Meade, Maryland</td>
<td>$4,484,000</td>
</tr>
<tr>
<td></td>
<td>Fort Bragg, North Carolina</td>
<td>$30,800,000</td>
</tr>
<tr>
<td></td>
<td>Hurlburt Field, Florida</td>
<td>$11,100,000</td>
</tr>
<tr>
<td>Tri-Care Management Activity</td>
<td>Naval Amphibious Base, Little Creek, Virginia</td>
<td>$14,300,000</td>
</tr>
<tr>
<td></td>
<td>Elmendorf Air Force Base, Alaska</td>
<td>$10,400,000</td>
</tr>
<tr>
<td></td>
<td>Hickam Air Force Base, Hawaii</td>
<td>$2,700,000</td>
</tr>
<tr>
<td>Washington Headquarters Services</td>
<td>Arlington, Virginia</td>
<td>$18,000,000</td>
</tr>
<tr>
<td></td>
<td>Washington Headquarters Services, District of Columbia</td>
<td>$2,500,000</td>
</tr>
</tbody>
</table>

Total $372,177,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

<table>
<thead>
<tr>
<th>Agency</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defense Logistics Agency</td>
<td>Andersen Air Force Base, Guam</td>
<td>$17,586,000</td>
</tr>
<tr>
<td></td>
<td>Lajes Field, Azores, Portugal</td>
<td>$19,000,000</td>
</tr>
<tr>
<td></td>
<td>Naval Forces Marianas Islands, Guam</td>
<td>$6,000,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Rota, Spain</td>
<td>$23,400,000</td>
</tr>
<tr>
<td></td>
<td>Royal Air Force, Fairford, United Kingdom</td>
<td>$17,000,000</td>
</tr>
<tr>
<td></td>
<td>Yokota Air Base, Japan</td>
<td>$23,000,000</td>
</tr>
<tr>
<td></td>
<td>Kaiserslautern, Germany</td>
<td>$858,000</td>
</tr>
<tr>
<td></td>
<td>Lajes Field, Azores, Portugal</td>
<td>$1,069,000</td>
</tr>
<tr>
<td></td>
<td>Seoul, Korea</td>
<td>$28,400,000</td>
</tr>
<tr>
<td>Department of Defense Dependents Schools</td>
<td>Supreme Headquarters, Allied Powers Europe, Belgium</td>
<td>$1,410,000</td>
</tr>
<tr>
<td></td>
<td>Spangdahlem Air Base, Germany</td>
<td>$894,000</td>
</tr>
<tr>
<td></td>
<td>Vicenza, Italy</td>
<td>$1,898,000</td>
</tr>
<tr>
<td></td>
<td>Naval Support Activity, Naples, Italy</td>
<td>$41,449,000</td>
</tr>
<tr>
<td></td>
<td>Spangdahlem Air Base, Germany</td>
<td>$39,629,000</td>
</tr>
</tbody>
</table>
Defense Agencies: Outside the United States—Continued

<table>
<thead>
<tr>
<th>Agency</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>$221,602,000</td>
</tr>
</tbody>
</table>

SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(5)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $5,530,000.

SEC. 2403. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $49,531,000.

SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) In General.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2002, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,282,585,000, as follows:
(1) For military construction projects inside the United States authorized by section 2401(a), $335,577,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $221,602,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $16,293,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $44,132,000.

(6) For Energy Conservation projects authorized by section 2403 of this Act, $49,531,000.


(8) For military family housing functions:

(A) For improvement of military family housing and facilities, $5,480,000.
(B) For support of military family housing
(including functions described in section 2833
of title 10, United States Code), $42,432,000.

(C) For credit to the Department of De-
fense Family Housing Improvement Fund es-
established by section 2883(a)(1) of title 10,
United States Code, $2,000,000.

(9) For payment of a claim against the Hos-
pital Replacement project at Elmendorf Air Force
Base, Alaska, $10,400,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION
PROJECTS.—Notwithstanding the cost variations author-
ized by section 2853 of title 10, United States Code, and
any other cost variation authorized by law, the total cost
of all projects carried out under section 2401 of this Act
may not exceed—

(1) the total amount authorized to be appro-
priated under paragraphs (1) and (2) of subsection
(a); and

(2) $26,200,000 (the balance of the amount au-
thorized under section 2401(a) for the construction
of the Defense Threat Reduction Center, Fort
Belvoir, Virginia).
TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2002, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $168,200,000.
148

TITLE XXVI—GUARD AND
RESERVE FORCES FACILITIES

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

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) IN GENERAL.—There are authorized to be appropriated for fiscal years beginning after September 30, 2002, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

   (A) for the Army National Guard of the United States, $101,595,000; and

   (B) for the Army Reserve, $58,779,000.

(2) For the Department of the Navy—

   (A) for the Naval and Marine Corps Reserve, $51,554,000.

(3) For the Department of the Air Force—

   (A) for the Air National Guard of the United States, $53,473,000; and

   (B) for the Air Force Reserve, $31,900,000.
TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 2000 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1999 projects.
Sec. 2704. Effective date.

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) Expiration of Authorizations After Three Years.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2005; or
(2) the date for the enactment of an Act authorizing funds for military construction for fiscal year 2006.

(b) Exception.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Se-
security Investment Program (and authorizations of appropriations therefor) for which appropriated funds have been obligated before the later of—

(1) October 1, 2005; or

(2) the date of the enactment of an Act authorized funds for fiscal year 2006 for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2000 PROJECTS.

(a) Extension.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 841), authorizations set forth in the tables in subsection (b), as provided in section 2104 or 2302 of that Act, shall remain in effect until October 1, 2003, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2004, whichever is later.

(b) Tables.—The tables referred to in subsection (a) are as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>National Guard Fort Pickett.</td>
<td>Multipurpose Range Complex—Heavy.</td>
<td>$13,500,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oklahoma</td>
<td>Tinker Air Force Base</td>
<td>Replace Family Housing (41 Units)</td>
<td>$6,000,000</td>
</tr>
</tbody>
</table>

(c) EXTENSION.—Notwithstanding the Department of Defense Appropriations Act for Fiscal Year 2000 (Public Law 106–79; 113 Stat. 1274), authorizations set forth in the tables in subsection (d), as provided in section 8160 of that Act, shall remain in effect until October 1, 2003, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2004, whichever is later.

(d) TABLE.—The table referred to in subsection (c) is as follows:

Army: Extension of 2000 Project Authorization

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pennsylvania</td>
<td>National Guard—Connelsville.</td>
<td>Readiness Center.</td>
<td>$1,700,000</td>
</tr>
</tbody>
</table>

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1999 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2199), authorizations set forth in the tables in subsection (b), as provided in section 2302 of that Act, shall remain in effect until October 1, 2003, or the date of the enact-
ment of an Act authorizing funds for military construction for fiscal year 2004, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

**Air Force: Extension of 1999 Project Authorizations**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delaware</td>
<td>Dover Air Force Base</td>
<td>Replace Family Housing (55 Units)</td>
<td>$8,998,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Patrick Air Force Base</td>
<td>Replace Family Housing (46 Units)</td>
<td>$9,692,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Kirtland Air Force Base</td>
<td>Replace Family Housing (37 Units)</td>
<td>$6,400,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright-Patterson Air Force Base</td>
<td>Replace Family Housing (40 Units)</td>
<td>$5,600,000</td>
</tr>
</tbody>
</table>

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, and XXVII of this Act shall take effect on the later of—

(1) October 1, 2002; or

(2) the date of the enactment of this Act.

**TITLE XXVIII—GENERAL PROVISIONS**

Subtitle A—Military Construction and Military Family Housing

Sec. 2801. Alternative authority for acquisition and improvement of military housing.

Sec. 2802. Repeal of source requirements for overseas family housing construction.

Subtitle B—Real Property and Facilities Administration

Sec. 2803. Conveyance of surplus real property for natural resource conservation purposes.

Sec. 2804. Relief from McKinney-Vento Act screening requirements.

Sec. 2805. Leasing of military family housing in Korea.

Sec. 2806. Program on reduction in long-term facility maintenance costs.

Sec. 2807. Boundary Channel Drive site land acquisition, Arlington, Virginia.
Sec. 2808. Agreements with private organizations to address encroachment and other constraints on military training, testing, and operations.

Sec. 2809. Authority to convey certain lands in Alaska no longer needed for National Guard purposes.

Subtitle C—Other Matters

Sec. 2810. Environmental restoration project.

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

**SEC. 2801. ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.**

(a) **UTILITIES AND SERVICES.**—Section 2872a(b) of title 10, United States Code, is amended by adding the following new paragraphs at the end thereof:

“(11) Fire fighting and Protection.

“(12) Police Protection.”.

(b) **LEASING OF HOUSING.**—

(1) Section 2874(a) of title 10, United States Code, is amended—

(A) by striking “to be constructed” in the heading; and

(B) by striking “military family housing units or military unaccompanied housing units to be constructed under this subchapter.” and inserting “housing units that the Secretary determines are suitable for use as military family housing or military unaccompanied housing.”.

(2) The table of sections for subchapter IV of chapter 169 of title 10, United States Code, is
amended by striking the item relating to section 2874 and inserting the following:

“2874. Leasing of housing.”.

(c) INTERIM LEASES.—(1) Section 2879 of title 10, United States Code, is repealed.

(2) The table of sections for subchapter IV of Chapter 169 of title 10, United States Code, is amended by striking the item relating to section 2879.

(d) UNIT SIZE AND TYPE.—Section 2880(b)(2) of title 10, United States Code, is amended by striking “unless the unit is located on a military installation”.

(e) DEPARTMENT OF DEFENSE HOUSING FUND.—

(1) Section 2883 of title 10, United States Code, is amended—

(A) by striking subsections (a), (b), and (c); and

(B) by inserting at the beginning the following new subsections (a) and (b):

“(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury the Department of Defense Housing Improvement Fund.

“(b) CREDITS TO FUNDS.—There shall be credited to the Department of Defense Housing Improvement Fund the following:

“(1) Amounts authorized for and appropriated to that Fund.
“(2) Subject to subsection (e), any amounts that the Secretary of Defense transfers, in such amounts as provided in appropriation Acts to that Fund from amounts authorized and appropriated to the Department of Defense for the acquisition or construction of military family housing or military unaccompanied housing.

“(3) Proceeds from the conveyance or lease of property or facilities under section 2878 of this title for the purpose of carrying out activities under this subchapter with respect to military family housing or military unaccompanied housing.

“(4) Income derived from any activities under this subchapter with respect to military family housing or military unaccompanied housing, income and gains realized from investments under section 2875 of this title, and any return of capital invested as part of such investments.

“(5) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2814(i)(3) of this title, subject to the restrictions on the use of the transferred amounts specified in that section.”;

(C) by redesignating subsections (d) through (g) as (e) through (f), respectively;
(D) in subsection (e), as redesignated by sub-
paragraph (C),

(i) in paragraph (1), by striking “Family”;
(ii) by striking paragraph (2); and
(iii) by redesignating paragraph (3) as
paragraph (2);

(E) in subsection (e), as redesignated by sub-
paragraph (C), by striking “a Fund under para-
graph (1)(B) or (2)(B) of subsection (e)” and in-
serting “the Fund under paragraph (2) of sub-
section (b)” ; and

(F) in subsection (f), as redesignated by sub-
paragraph (C)—

(i) in paragraph (1), by striking
“$850,000,000” and inserting
“$1,700,000,000”; and
(ii) in paragraph (2), by striking
“$150,000,000” and inserting “$300,000,000”.

(2) Section 2871(6) of such title 10 is amended by
striking “Family Housing Improvement Fund or the De-
partment of Defense Military Unaccompanied Housing
Improvement Fund” and inserting “Housing Improve-
ment Fund”.

(3) Section 2875(e) of such title 10 is amended by
striking “Family Housing Improvement Fund or the De-
department of Defense Military Unaccompanied Housing Improvement Fund” and inserting “Housing Improvement Fund”.

SEC. 2802. REPEAL OF SOURCE REQUIREMENTS FOR OVERSEAS FAMILY HOUSING CONSTRUCTION.


Subtitle B—Real Property and Facilities Administration

SEC. 2803. CONVEYANCE OF SURPLUS REAL PROPERTY FOR NATURAL RESOURCE CONSERVATION PURPOSES.

(a) In General.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2669 the following new section:

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§ 2669a. Conveyance of surplus real property for natural resource conservation purposes
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“(a) Authority To Convey.—The Secretary of a military department, in his sole discretion, may convey surplus real property under its jurisdiction that is suitable and desirable for conservation purposes to any state or local government, or instrumentality thereof, or nonprofit organization that exists for the primary purpose of conservation of natural resources on real property. This au-
authority shall only apply to surplus real property that the disposing agency has certified has been made available for public benefit transfer, has been available for a sufficient time to potential claimants and for which there is no pending request for transfer to another Federal agency or for conveyance to any other qualified recipient for public benefit transfer, under the real property disposal processes and authorities established pursuant to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471, et seq.). The consideration for such conveyance shall be determined by the Secretary pursuant to subsection (e).

“(b) Deed Requirements.—The deed of conveyance of any surplus real property disposed of under this subsection—

“(1) shall provide that all such property shall be used and maintained for the conservation of natural resources in perpetuity, and that in the event that such property ceases to be used or maintained for such purpose during such period, all or any portion of such property shall in its then existing condition, at the option of the United States, revert to the United States;

“(2) may permit the grantee to convey the property to another eligible entity; provided the Secretary of the military department approves the con-
veyance in writing and the property shall be subject
to the same covenants and terms and conditions as
provided in the deed from the United States;

“(3) may permit incidental revenue-producing
activities that are compatible with the use of the
property for conservation purposes;

“(4) may contain such additional terms, res-
ervation, restrictions and conditions as may be de-
determined by the Secretary to safeguard the interests
of the United States.

“(c) RELEASE OF COVENANTS.—The Secretary, with
the concurrence of the Secretary of Interior, may grant
a release from the covenant described in subsection (b)
on the condition that the grantee pay the fair market
value, as determined by the Secretary, of the property at
the time of the release of the covenant. The Secretary may
reduce the amount owed for release of such covenant tak-
ing into account the value of the natural resource con-
servation benefit that has accrued during the period of the
conveyance and which benefit was not previously taken
into account in (a).

“(d) LIMITATIONS.—Such conveyance shall not be
used in settlement of any litigation, dispute, or claim
against the United States, nor as a condition of allowing
any defense activity under any Federal, State, or local per-
mitting or review process. The Secretary may use such
conveyances, with the restrictions set forth in subsection
(b), to establish mitigation banks outside the context of
being a condition imposed by any Federal, State, or local
regulatory body for granting a permit, completion of re-
view, or otherwise granting permission for a proposed mili-
tary action other than establishment of a mitigation bank.

“(e) CONSIDERATION.—In fixing the consideration
for the property or in determining the amount of any re-
duction of the fair market value owed for the release of
the covenant under subsection (e), the Secretary of the
military department shall take into consideration any ben-
efit that has accrued or may accrue to the United States
from the use of such property for the conservation of nat-
ural resources.

“(f) REAL PROPERTY DECLARED SURPLUS AS A RE-
SULT OF A BASE CLOSURE LAW.—The Secretary con-
cerned may not dispose of any real property declared sur-
plus as a result of a base closure law under this section
in a manner inconsistent with the requirements and pref-
erences established under a base closure law.

“(g) DEFINITIONS.—(1) The term ‘States’ as used
in this section includes the District of Columbia, the Com-
monwealth of Puerto Rico, the Commonwealth of the
Northern Marianas and the territories and possessions of
the United States.

“(2) The term ‘base closure law’ means the Defense
Authorization Amendments and Base Closure and Re-
alignment Act of 1988 (Public Law 100–526), the De-
fense Base Closure and Realignment Act of 1990 (Public
Law 101–510), or similar base closure authority.”.

(b) AGREEMENTS WITH NONPROFIT CONSERVATION
NATURAL RESOURCE ORGANIZATIONS.—Section 2701(d)
of such title 10 is amended—

(1) in paragraph (1), by inserting “or nonprofit
conservation organization” after “any Indian tribe”;

(2) in paragraph (3), by adding at the end the
following sentence: “The term ‘conservation organi-
zation’ as used in this section means non-govern-
mental nonprofit organizations that exist for the pri-
mary purpose of conserving open space or natural
resources.”.

(c) ACCEPTANCE OF FUNDS TO COVER ADMINISTRA-
TIVE EXPENSES.—Section 2695(b) of such title 10 is
amended by adding at the end the following new para-
graph:

“(4) The conveyance of real property under sec-
tion 2669a of this title.”.
(d) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter 159 is amended by inserting after the item relating to section 2669 the following new item:

"2669a. Conveyance of surplus real property for natural resource conservation purposes."

SEC. 2804. RELIEF FROM MCKINNEY-VENTO ACT SCREENING REQUIREMENTS.

Section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

"(i) APPLICABILITY TO PROPERTY DURING EMERGENCIES.—The provisions of this section shall not apply to buildings and property that have been requested for support or are being used for direct support of—

"(1) a war or national emergency declared in accordance with the National Emergencies Act (50 U.S.C. 1601 et seq.); or

"(2) an emergency or major disaster declared in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)."

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SEC. 2805. LEASING OF MILITARY FAMILY HOUSING IN KOREA.

Section 2828(e)(3) is amended—

(1) by striking “800” units and inserting “1,175 units”; and

(2) by adding at the end the following new sentence: “Additionally, the Secretary of the Army may lease not more than 2,400 units of family housing in Korea subject to a maximum amount of $35,000.”.

SEC. 2806. PROGRAM ON REDUCTION IN LONG-TERM FACILITY MAINTENANCE COSTS.

(a) DEMONSTRATION PROGRAM.—The Secretary of Defense may conduct a demonstration program to assess the feasibility and desirability of including facilities maintenance requirements in construction contracts for military construction projects. The purpose of the demonstration program is to determine if such requirements facilitate reductions in the long-term maintenance costs of the Military Departments.

(b) CONTRACTS.—The demonstration program authorized in subsection (a) is limited to 12 contracts entered into on or after the date of enactment of this Act.

(c) EFFECTIVE PERIOD OF MAINTENANCE REQUIREMENTS.—A maintenance requirement that is included in
a construction contract under the authority of this section shall not exceed five years.

(d) **Expiration.**—The authority under subsection (a) to include maintenance requirements in construction contracts under the demonstration program shall expire on September 30, 2006.

(e) **Funding.**—Amounts authorized to be appropriated for the Secretary of Defense for a fiscal year for military construction shall be available for the demonstration program under this section in such fiscal year.

**SEC. 2807. BOUNDARY CHANNEL DRIVE SITE LAND ACQUISITION, ARLINGTON, VIRGINIA.**

(a) **Acquisition Authorized.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2401, the Secretary of Defense may acquire all right, title, and interest to a parcel of real property, including any improvements thereon, consisting of approximately 7.2 acres known as the Boundary Channel Drive Site in Arlington County, Virginia. The site is located southeast of Interstate 395 at the end of Boundary Channel Drive and was most recently occupied by the Twin Bridges Marriott.

(b) **Description of Property.**—The exact acreage and legal description of the real property to be acquired under subsection (a) shall be determined by a survey satis-
factory to the Secretary. Upon acquisition, this property shall be included in the Pentagon Reservation as defined in section 2674(f) of title 10, United States Code.

(c) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the acquisition under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2808. AGREEMENTS WITH PRIVATE ORGANIZATIONS TO ADDRESS ENCROACHMENT AND OTHER CONSTRAINTS ON MILITARY TRAINING, TESTING, AND OPERATIONS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by adding the following new section at the end thereof:

“§ 2697. Agreements with private organizations to address encroachment and other constraints on military training, testing, and operations

“(a) AGREEMENTS.—The Secretary of a military department is authorized to enter into agreements with any private organization that has the conservation, restoration, or preservation of land and natural resources, or a similar objective, as its stated principal organizational purpose or goal. The purpose of any agreement under this section shall be to address the use or development of real
property in the vicinity of military installations in order

either (1) to limit incompatible development or use of such
property, or (2) to preserve habitat so as to eliminate or
relieve existing or projected environmental restrictions,
that otherwise may have the potential to restrict, impede,
or otherwise interfere with, directly or indirectly, current
or future military training, testing, or operations. Chapter
63 of title 31 shall not apply to agreements entered into
under this section.

“(b) ACQUISITION AND ACCEPTANCE OF REAL PROP-
ERTY.—An agreement under this section—

(1) may provide for the private organization to
acquire, on a cost-shared basis, all right, title, and
interest in real property, or any lesser estate or in-
terest; as shall be required to effectuate the pur-
poses of this section; and

(2) with respect to any real property estate or
interest so acquired, shall provide, upon request at
any time, for the private organization to transfer to
the United States an estate or interest in such real
property. Such interest shall be limited to that inter-
est necessary to permit the United States to ensure
that the property is used and managed in a manner
that meets the purposes of this section. The Sec-
retary concerned shall determine what estate or in-
terest is necessary. Notwithstanding any other provi-
sion of law, the military department is authorized to
accept such estate or interest in real property on be-
half of the United States.

“(c) FUNDING.—Funds appropriated for the oper-
ations and maintenance of the Department of Defense or
of any military department, including funds appropriated
to support the Legacy Resources Management Program,
may be made available to execute any agreements entered
into under this section. For installations or facilities oper-
ated primarily with funds appropriated for research, devel-
opment, testing, and evaluation, those funds may be used
in lieu of funds appropriated for operations and mainte-
nance.

“(d) ADDITIONAL TERMS AND CONDITIONS.—The
Secretary may require such additional terms and condi-
tions in the agreements authorized by this section as the
Secretary considers appropriate to protect the interests of
the United States. Real property may not be acquired
under this subsection unless the owner of the property
consents to the acquisition. The Secretary may accept ap-
praisals or title documents prepared or adopted by a non-
Federal entity as satisfying the applicable requirements of
section 213 of the Uniform Relocation Act Amendments
of 1987 (42 U.S.C. 4651) or the Act of September 1, 1970
(84 Stat. 835; 40 U.S.C. 255) where the Secretary finds
the appraisals or title documents substantially comply with
Federal standards.”.

(b) Clerical Amendment.—The table of sections
at the beginning of such chapter is amended by inserting
after the item relating to section 2696 the following new
item:

“2697. Agreements with Private Organizations Address Encroachment and
Other Constraints on Military Training, Testing, and Opera-
tions.”.

SEC. 2809. AUTHORITY TO CONVEY CERTAIN LANDS IN
ALASKA NO LONGER NEEDED FOR NATIONAL
GUARD PURPOSES.

(a) Conveyance Authorized.—The Secretary of
the Army may convey to the State of Alaska or to any
governmental entity, Native Corporation, or Indian tribe
within the State of Alaska all right, title, and interest of
the United States in and to any parcel of real property
described in subsection (b), including any improvements
thereon, as the Secretary of the Army determines to be
in the public interest.

(b) Lands Subject to Conveyance.—Subsection
(a) shall apply to any tract of land in the State of Alaska
that—

(1) is under the jurisdiction of the Department
of the Army;
prior to December 2, 1980, was under the jurisdiction of the Department of the Army for use of the Alaska National Guard;

(3) is located in a unit of the National Wildlife Refuge System designated in the Alaska National Interest Lands Conservation Act (94 Stat. 2371; 16 U.S.C. 1301 note);

(4) is determined by the Secretary of the Army to be excess to the needs of the Alaska National Guard and the Department of Defense; and

(5) is identified for conveyance based on a determination by the Secretary of the Army that—

(A) the projected cost of retaining the land to the United States Government exceeds the value of the land; or

(B) the existing condition of the land makes the land unsuitable for retention.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of any real property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary of the Army.

(d) CONSIDERATION.—

(1) The Secretary of the Army may make a conveyance authorized by subsection (a) for no consideration or for consideration in an amount that the
Secretary of the Army determines appropriate under the circumstances.

(2) If consideration is received for property conveyed under subsection (a), the Secretary of the Army may use the amounts received, to the extent provided in appropriations Act, to pay for—

(A) the cost of a survey described in subsection (c);

(B) the cost of carrying out any environmental assessments, studies, analyses, and remediation, that may be required under Federal law or deemed appropriate by the Secretary of the Army in connection with the property being conveyed; and

(C) any other costs incurred by the Department of the Army in conveying the property.

(e) ADDITIONAL TERMS AND CONDITIONS.—In connection with a conveyance under subsection (a), the Secretary of the Army may require such additional terms and conditions as the Secretary of the Army considers appropriate to protect the interests of the United States.

(f) DEFINITIONS.—For purposes of this section:

(1) The term “Native Corporation” has the same meaning given such term in section 3 of the

(2) The term “Indian tribe” has the same meaning given such term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (108 Stat. 4791; 25 U.S.C. 479a).

Subtitle C—Other Matters

SEC. 2810. ENVIRONMENTAL RESTORATION PROJECT.

(a) In General.—Section 2810 of title 10, United States Code, is amended to read as follows:

“§ 2810. Environmental restoration projects

“(a) ENVIRONMENTAL RESTORATION PROJECTS.— Subject to subsection (c), the Secretary concerned may carry out an environmental restoration project if the Secretary concerned determines that the project is necessary to carry out a response action under chapter 160 of this title or under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

“(b) LIMITATION OF FUND SOURCE.—Funds authorized for deposit in an account established under subsection (a) of section 2703 of this title shall be the only source of funds to conduct an environmental restoration project under this section.

“(c) DEFINITIONS.—In this section—
“(1) the term ‘response action’ has the meaning given that term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601);

“(2) the term ‘environmental restoration project’ includes construction, development, conversion, or extension of a structure or installation of equipment in direct support of a response action. When included in an environmental restoration project, such construction, development, conversion, extension, or installation shall not be considered as military construction as that term is defined in section 2801 of this title.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 169 is amended by amending the item related to section 2810 to read as follows:

“2810. Environmental restoration project.”.