Public Law 106–65
106th Congress

An Act

Oct. 5, 1999
[S. 1059]

To authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

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

National Defense Authorization Act for Fiscal Year 2000.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2000".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.
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(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

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

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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means—

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

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

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Sec. 111. Multiyear procurement authority for certain Army programs.
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Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Army as follows:

(1) For aircraft, $1,459,688,000.
(2) For missiles, $1,258,298,000.
(3) For weapons and tracked combat vehicles, $1,571,665,000.
(4) For ammunition, $1,215,216,000.
(5) For other procurement, $3,662,921,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Navy as follows:

(1) For aircraft, $8,798,784,000.
(2) For weapons, including missiles and torpedoes, $1,417,100,000.
(3) For shipbuilding and conversion, $7,016,454,000.
(4) For other procurement, $4,266,891,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Marine Corps in the amount of $1,296,970,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement of ammunition for the Navy and the Marine Corps in the amount of $534,700,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Air Force as follows:

(1) For aircraft, $9,758,886,000.
(2) For missiles, $2,395,608,000.
(3) For ammunition, $467,537,000.
(4) For other procurement, $7,158,527,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2000 for Defense-wide procurement in the amount of $2,345,168,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $10,000,000.
(2) For the Air National Guard, $10,000,000.

(3) For the Army Reserve, $10,000,000.
(4) For the Naval Reserve, $10,000,000.
(5) For the Air Force Reserve, $10,000,000.
(6) For the Marine Corps Reserve, $10,000,000.

SEC. 106. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Inspector General of the Department of Defense in the amount of $2,100,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 2000 the amount of $1,024,000,000 for—

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

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

SEC. 108. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 2000 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 $356,970,000.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR CERTAIN ARMY PROGRAMS.

Beginning with the fiscal year 2000 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into multiyear contracts for procurement of the following:

(1) The Javelin missile system.
(2) M2A3 Bradley fighting vehicles.
(3) AH–64D Apache Longbow attack helicopters.
(4) The M1A2 Abrams main battle tank upgrade program combined with the Heavy Assault Bridge program.

SEC. 112. PROCUREMENT REQUIREMENTS FOR THE FAMILY OF MEDIUM TACTICAL VEHICLES.

(a) REQUIREMENTS.—The Secretary of the Army—

(1) shall use competitive procedures for the award of any contract for procurement of vehicles under the Family of Medium Tactical Vehicles program after completion of the multiyear procurement contract for procurement of vehicles under that program that was awarded on October 14, 1998; and

(2) may not award a contract to establish a second-source contractor for procurement of the vehicles under the Family of Medium Tactical Vehicles program that are covered by the multiyear procurement contract for that program that was awarded on October 14, 1998.

(b) REPEAL.—Section 112 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1937) is repealed.

SEC. 113. ARMY AVIATION MODERNIZATION.

(a) HELICOPTER FORCE MODERNIZATION PLAN.—The Secretary of the Army shall submit to the congressional defense committees a comprehensive plan for the modernization of the Army's helicopter forces.

(b) REQUIRED ELEMENTS.—The helicopter force modernization plan shall include provisions for the following:

(1) For the AH–64D Apache Longbow program—

(A) restoration of the original procurement objective of the program to the procurement of 747 aircraft and at least 227 fire control radars;

(B) qualification and training of reserve component pilots as augmentation crews to ensure 24–hour warfighting capability in deployed attack helicopter units; and

(C) fielding of a sufficient number of aircraft in reserve component aviation units to implement the provisions of the plan required under subparagraph (B).

(2) For AH–1 Cobra helicopters, retirement of all AH–1 Cobra helicopters remaining in the fleet.

(3) For the RAH–66 Comanche program—

(A) review of the total requirements and acquisition objectives for the program;

(B) fielding of Comanche helicopters to the planned aviation force structure; and

(C) support for the plan for the AH–64D Apache program required under paragraph (1).

(4) For the UH–1 Huey helicopter program—

(A) an upgrade program;

(B) revision of total force requirements for that aircraft to reflect the warfighting and support requirements of the theater commanders-in-chief for aircraft used by the Army National Guard; and

(C) a transition plan to a future utility helicopter.

(5) For the UH–60 Blackhawk helicopter program—

(A) identification of the objective requirements for that aircraft;

(B) an acquisition strategy for meeting requirements that in the interim will be addressed by UH–1 Huey helicopters among the warfighting and support requirements of the theater commanders-in-chief for aircraft used by the Army National Guard; and

(C) a modernization program for fielded aircraft.

(6) For the CH–47 Chinook helicopter service life extension program, maintenance of the schedule and funding.

(7) For the OH–58D Kiowa Warrior helicopters, an upgrade program.

(8) A revised assessment of the Army's present and future requirements for helicopters and its present and future helicopter inventory, including the number of aircraft, average age of aircraft, availability of spare parts, flight hour costs, roles and functions assigned to the fleet as a whole and to each type of aircraft, and the mix of active component and reserve component aircraft in the fleet.

(c) LIMITATION.—Not more than 90 percent of the amount appropriated pursuant to the authorization of appropriations in section 101(1) may be obligated before the date that is 30 days

after the date on which the Secretary of the Army submits the plan required by subsection (a) to the congressional defense committees.

SEC. 114. MULTIPLE LAUNCH ROCKET SYSTEM.

The Secretary of the Army may make available, from funds appropriated pursuant to the authorization of appropriations in section 101(2), an amount not to exceed $500,000 to complete the development of reuse and demilitarization tools and technologies for use in the demilitarization of Army Multiple Launch Rocket System rockets.

SEC. 115. EXTENSION OF PILOT PROGRAM ON SALES OF MANUFACTURED ARTICLES AND SERVICES OF CERTAIN ARMY INDUSTRIAL FACILITIES WITHOUT REGARD TO AVAILABILITY FROM DOMESTIC SOURCES.

(a) EXTENSION OF PROGRAM.—Section 141 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 4543 note) is amended—

(1) in subsection (a), by striking "During fiscal years 1998 and 1999" and inserting "During fiscal years 1998 through 2001"; and

(2) in subsection (b), by striking "during fiscal year 1998 or 1999" and inserting "during the period during which the pilot program is being conducted".

(b) UPDATE OF INSPECTOR GENERAL REPORT.—Such section is further amended by adding at the end the following new subsection:

"(d) UPDATE OF REPORT.—Not later than March 1, 2001, the Inspector General of the Department of Defense shall submit to Congress an update of the report required to be submitted under subsection (c) and an assessment of the success of the pilot program.". Deadline.

SEC. 116. EXTENSION OF AUTHORITY TO CARRY OUT ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE.

Section 193(a) of the Armament Retooling and Manufacturing Support Act of 1992 (subtitle H of title I of Public Law 102–484; 10 U.S.C. 2501 note) is amended by striking "During fiscal years 1993 through 1999" and inserting "During fiscal years 1993 through 2001".

Subtitle C—Navy Programs

SEC. 121. F/A–18E/F SUPER HORNET AIRCRAFT PROGRAM.

(a) MULTIYEAR PROCUREMENT AUTHORITY.—Subject to subsection (b), the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract beginning with the fiscal year 2000 program year for procurement of F/A–18E/F aircraft.

(b) LIMITATION.—The Secretary of the Navy may not enter into a multiyear procurement contract authorized by subsection (a), and may not authorize the F/A–18E/F aircraft program to enter into full-rate production, until—

(1) the Secretary of Defense submits to the congressional defense committees a certification described in subsection (c); and Certification.

(2) a period of 30 continuous days of a Congress (as determined under subsection (d)) elapses after the submission of that certification.

(c) REQUIRED CERTIFICATION.—A certification referred to in subsection (b)(1) is a certification by the Secretary of Defense of each of the following:

(1) That the results of the Operational Test and Evaluation program for the F/A–18E/F aircraft indicate—

(A) that the aircraft is operationally effective and operationally suitable; and

(B) that the F/A–18E and the F/A–18F variants of that aircraft both meet their respective key performance parameters as established in the Operational Requirements Document (ORD) for the F/A–18E/F program, as validated and approved by the Chief of Naval Operations on April 1, 1997 (other than for a permissible deviation of not more than 1 percent with respect to the range performance parameter).

(2) That the cost of procurement of the F/A–18E/F aircraft using a multiyear procurement contract as authorized by subsection (a), assuming procurement of 222 aircraft, is at least 7.4 percent less than the cost of procurement of the same number of aircraft through annual contracts.

(d) CONTINUITY OF CONGRESS.—For purposes of subsection (b)(2)—

(1) the continuity of a Congress is broken only by an adjournment of the Congress sine die at the end of the final session of the Congress; and

(2) any day on which either House of Congress is not in session because of an adjournment of more than three days to a day certain, or because of an adjournment sine die at the end of the first session of a Congress, shall be excluded in the computation of such 30-day period.

SEC. 122. ARLEIGH BURKE CLASS DESTROYER PROGRAM.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT OF 6 ADDITIONAL VESSELS.—(1) Subsection (b) of section 122 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2446) is amended in the first sentence—

(A) by striking "12 Arleigh Burke class destroyers" and inserting "18 Arleigh Burke class destroyers"; and

(B) by striking "and 2001" and inserting "2001, 2002, and 2003".

(2) The heading for such subsection is amended by striking "TWELVE" and inserting "18".

(b) FISCAL YEAR 2001 ADVANCE PROCUREMENT.—(1) Subject to paragraphs (2) and (3), the Secretary of the Navy is authorized, in fiscal year 2001, to enter into contracts for advance procurement for the Arleigh Burke class destroyers that are to be constructed under contracts entered into after fiscal year 2001 under section 122(b) of Public Law 104–201, as amended by subsection (a)(1).

(2) The authority to contract for advance procurement under paragraph (1) is subject to the availability of funds authorized and appropriated for fiscal year 2001 for that purpose in Acts enacted after September 30, 1999.

(3) The aggregate amount of the contracts entered into under paragraph (1) may not exceed $371,000,000.

(c) OTHER FUNDS FOR ADVANCE PROCUREMENT.—Notwithstanding any other provision of this Act, of the funds authorized to be appropriated under section 102(a) for procurement programs, projects, and activities of the Navy, up to $190,000,000 may be made available, as the Secretary of the Navy may direct, for advance procurement for the Arleigh Burke class destroyer program. Authority to make transfers under this subsection is in addition to the transfer authority provided in section 1001.

SEC. 123. REPEAL OF REQUIREMENT FOR ANNUAL REPORT FROM SHIPBUILDERS UNDER CERTAIN NUCLEAR ATTACK SUBMARINE PROGRAMS.

(a) REPEAL.—Paragraph (3) of section 121(g) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2444) is repealed.

(b) CONFORMING AMENDMENT.—Paragraph (5) of such section is amended by striking "reports referred to in paragraphs (3) and (4)" and inserting "report referred to in paragraph (4)".

SEC. 124. LHD–8 AMPHIBIOUS ASSAULT SHIP PROGRAM.

(a) AUTHORIZATION OF SHIP.—The Secretary of the Navy is authorized to procure the amphibious assault ship to be designated LHD–8, subject to the availability of appropriations for that purpose.

(b) AMOUNT AUTHORIZED.—Of the amount authorized to be appropriated under section 102(a)(3) for fiscal year 2000, $375,000,000 is available for the advance procurement and advance construction of components for the LHD–8 amphibious assault ship program. The Secretary of the Navy may enter into a contract or contracts with the shipbuilder and other entities for the advance procurement and advance construction of those components.

SEC. 125. D–5 MISSILE PROGRAM.

(a) REPORT.—Not later than October 31, 1999, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the D–5 missile program. Deadline.

(b) REPORT ELEMENTS.—The report under subsection (a) shall include the following:

(1) An inventory management plan for the D–5 missile program covering the projected life of the program, including—

(A) the location of D–5 missiles during the fueling of submarines;

(B) rotation of inventory;

(C) expected attrition rate due to flight testing, loss, damage, or termination of service life; and

(D) consideration of the results of the assessment required in paragraph (4).

(2) The cost of terminating procurement of D–5 missiles for each fiscal year before the current plan.

(3) An assessment of the capability of the Navy of meeting strategic requirements with a total procurement of less than 425 D–5 missiles, including an assessment of the consequences of—

(A) loading Trident submarines with fewer than 24 D–5 missiles; and

(B) reducing the flight test rate for D–5 missiles.

(4) An assessment of the optimal commencement date for the development and deployment of replacement capability for the current land-based and sea-based missile forces.

(5) The Secretary's plan for maintaining D–5 missiles and Trident submarines under the START II Treaty and a proposed START III treaty, and whether requirements for those missiles and submarines would be reduced under such treaties.

Subtitle D—Air Force Programs

SEC. 131. F–22 AIRCRAFT PROGRAM.

(a) CERTIFICATION REQUIRED BEFORE LRIP.—The Secretary of the Air Force may not award a contract for low-rate initial production under the F–22 aircraft program until the Secretary of Defense submits to the congressional defense committees the Secretary's certification of each of the following:

(1) That the test plan in the engineering and manufacturing development phase for that program is adequate for determining the operational effectiveness and suitability of the F–22 aircraft.

(2) That the engineering and manufacturing development phase, and the production phase, for that program can each be executed within the limitation on total cost applicable to that program under subsection (a) or (b), respectively, of section 217 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1660).

(b) LACK OF CERTIFICATION.—If the Secretary of Defense is unable to submit either or both of the certifications under subsection (a), the Secretary shall submit to the congressional defense committees a report which includes—

(1) the reasons the certification or certifications could not be made;

(2) a revised acquisition plan approved by the Secretary of Defense if the Secretary desires to proceed with low-rate initial production; and

(3) a revised cost estimate for the remainder of the engineering and manufacturing development phase and for the production phase of the F–22 program if the Secretary desires to proceed with low-rate initial production.

SEC. 132. REPLACEMENT OPTIONS FOR CONVENTIONAL AIR-LAUNCHED CRUISE MISSILE.

Deadline.

(a) REPORT.—The Secretary of the Air Force shall determine the requirements being met by the conventional air-launched cruise missile (CALCM) as of the date of the enactment of this Act and, not later than January 15, 2000, shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the replacement options for that missile.

(b) MATTERS TO BE INCLUDED.—In the report under subsection (a), the Secretary shall consider the options for continuing to meet the requirements determined by the Secretary under subsection (a) as the inventory of the conventional air-launched cruise missile is depleted. Options considered shall include the following:

(1) Resumption of production of the conventional air-launched cruise missile.

(2) Acquisition of a new type of weapon with lethality characteristics equivalent or superior to the lethality characteristics of the conventional air-launched cruise missile.

(3) Use of existing or planned munitions or such munitions with appropriate upgrades.

SEC. 133. PROCUREMENT OF FIREFIGHTING EQUIPMENT FOR THE AIR NATIONAL GUARD AND THE AIR FORCE RESERVE.

The Secretary of the Air Force may carry out a procurement program, in a total amount not to exceed $16,000,000, to modernize the airborne firefighting capability of the Air National Guard and Air Force Reserve by procurement of equipment for the modular airborne firefighting system. Amounts may be obligated for the program from funds appropriated for that purpose for fiscal year 1999 and subsequent fiscal years.

SEC. 134. F–16 TACTICAL MANNED RECONNAISANCE AIRCRAFT.

The limitation contained in section 216(a) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2454) shall not apply to the obligation or expenditure of amounts made available pursuant to this Act for a purpose stated in paragraphs (1) and (2) of that section.

Subtitle E—Chemical Stockpile Destruction Program

SEC. 141. DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.

50 USC 1521 note.

(a) PROGRAM ASSESSMENT.—(1) The Secretary of Defense shall conduct an assessment of the current program for destruction of the United States' stockpile of chemical agents and munitions, including the Assembled Chemical Weapons Assessment, for the purpose of reducing significantly the cost of such program and ensuring completion of such program in accordance with the obligations of the United States under the Chemical Weapons Convention while maintaining maximum protection of the general public, the personnel involved in the demilitarization program, and the environment.

(2) Based on the results of the assessment conducted under paragraph (1), the Secretary may take those actions identified in the assessment that may be accomplished under existing law to achieve the purposes of such assessment and the chemical agents and munitions stockpile destruction program.

(3) Not later than March 1, 2000, the Secretary shall submit to Congress a report on—

Deadline. Reports.

(A) those actions taken, or planned to be taken, under paragraph (2); and

(B) any recommendations for additional legislation that may be required to achieve the purposes of the assessment conducted under paragraph (1) and of the chemical agents and munitions stockpile destruction program.

(b) CHANGES AND CLARIFICATIONS REGARDING PROGRAM.—Section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 50 U.S.C. 1521) is amended—

(1) in subsection (c)—

(A) by striking paragraph (2) and inserting the following new paragraph:

"(2) Facilities constructed to carry out this section shall, when no longer needed for the purposes for which they were constructed, be disposed of in accordance with applicable laws and regulations and mutual agreements between the Secretary of the Army and the Governor of the State in which the facility is located.";

(B) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(C) by inserting after paragraph (2) (as amended by subparagraph (A)) the following new paragraph:

"(3)(A) Facilities constructed to carry out this section may not be used for a purpose other than the destruction of the stockpile of lethal chemical agents and munitions that exists on November 8, 1985.

"(B) The prohibition in subparagraph (A) shall not apply with respect to items designated by the Secretary of Defense as lethal chemical agents, munitions, or related materials after November 8, 1985, if the State in which a destruction facility is located issues the appropriate permit or permits for the destruction of such items at the facility.";

(2) in subsection (f)(2), by striking "(c)(4)" and inserting "(c)(5)"; and

(3) in subsection (g)(2)(B), by striking "(c)(3)" and inserting "(c)(4)".

Deadline.

(c) COMPTROLLER GENERAL ASSESSMENT AND REPORT.—(1) Not later than March 1, 2000, the Comptroller General of the United States shall review and assess the program for destruction of the United States stockpile of chemical agents and munitions and report the results of the assessment to the congressional defense committees.

(2) The assessment conducted under paragraph (1) shall include a review of the program execution and financial management of each of the elements of the program, including—

(A) the chemical stockpile disposal project;

(B) the nonstockpile chemical materiel project;

(C) the alternative technologies and approaches project;

(D) the chemical stockpile emergency preparedness program; and

(E) the assembled chemical weapons assessment program.

(d) DEFINITIONS.—As used in this section:

(1) The term "Assembled Chemical Weapons Assessment" means the pilot program carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104–208; 110 Stat. 3009–101; 50 U.S.C. 1521 note).

(2) The term "Chemical Weapons Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, ratified by the United States on April 25, 1997, and entered into force on April 29, 1997.

SEC. 142. COMPTROLLER GENERAL REPORT ON ANTICIPATED EFFECTS OF PROPOSED CHANGES IN OPERATION OF STORAGE SITES FOR LETHAL CHEMICAL AGENTS AND MUNITIONS.

(a) REPORT REQUIRED.—Not later than March 31, 2000, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the proposal in the latest quadrennial defense review to reduce the Federal civilian workforce involved in the operation of the eight storage sites for lethal chemical agents and munitions in the continental United States and to convert to contractor operation of the storage sites. The workforce reductions addressed in the report shall include those that are to be effectuated by fiscal year 2002. Deadline.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) For each site, a description of the assigned chemical storage, chemical demilitarization, and industrial missions.

(2) A description of the criteria and reporting systems applied to ensure that the storage sites and the workforce operating the storage sites have—

(A) the capabilities necessary to respond effectively to emergencies involving chemical accidents; and

(B) the industrial capabilities necessary to meet replenishment and surge requirements.

(3) The risks associated with the proposed workforce reductions and contractor performance, particularly regarding chemical accidents, incident response capabilities, community-wide emergency preparedness programs, and current or planned chemical demilitarization programs.

(4) The effects of the proposed workforce reductions and contractor performance on the capability to satisfy permit requirements regarding environmental protection that are applicable to the performance of current and future chemical demilitarization and industrial missions.

(5) The effects of the proposed workforce reductions and contractor performance on the capability to perform assigned industrial missions, particularly the materiel replenishment missions for chemical or biological defense or for chemical munitions.

(6) Recommendations for mitigating the risks and adverse effects identified in the report.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

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

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Collaborative program to evaluate and demonstrate advanced technologies for advanced capability combat vehicles.
Sec. 212. Sense of Congress regarding defense science and technology program.
Sec. 213. Micro-satellite technology development program.
Sec. 214. Space control technology.
Sec. 215. Space maneuver vehicle program.

Sec. 216. Manufacturing technology program.
Sec. 217. Revision to limitations on high altitude endurance unmanned vehicle program.

Subtitle C—Ballistic Missile Defense

Sec. 231. Space Based Infrared System (SBIRS) low program.
Sec. 232. Theater missile defense upper tier acquisition strategy.
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Sec. 234. Space-based laser program.
Sec. 235. Criteria for progression of airborne laser program.
Sec. 236. Sense of Congress regarding ballistic missile defense technology funding.
Sec. 237. Report on national missile defense.

Subtitle D—Research and Development for Long-Term Military Capabilities

Sec. 241. Quadrennial report on emerging operational concepts.
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Sec. 243. Report by Under Secretary of Defense for Acquisition, Technology, and Logistics.
Sec. 244. DARPA program for award of competitive prizes to encourage development of advanced technologies.
Sec. 245. Additional pilot program for revitalizing Department of Defense laboratories.

Subtitle E—Other Matters

Sec. 251. Development of Department of Defense laser master plan and execution of solid state laser program.
Sec. 252. Report on Air Force distributed mission training.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $4,791,243,000.
(2) For the Navy, $8,362,516,000.
(3) For the Air Force, $13,630,073,000.
(4) For Defense-wide activities, $9,482,705,000, of which—
(A) $253,457,000 is authorized for the activities of the Director, Test and Evaluation; and
(B) $24,434,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.

(a) FISCAL YEAR 2000.—Of the amounts authorized to be appropriated by section 201, $4,301,421,000 shall be available for basic research and applied research projects.

(b) BASIC RESEARCH AND APPLIED RESEARCH DEFINED.—For purposes of this section, the term "basic research and applied research" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. COLLABORATIVE PROGRAM TO EVALUATE AND DEMONSTRATE ADVANCED TECHNOLOGIES FOR ADVANCED CAPABILITY COMBAT VEHICLES.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense shall establish and carry out a program to provide for the evaluation and competitive demonstration of concepts for advanced capability combat vehicles for the Army.

(b) COVERED PROGRAM.—The program under subsection (a) shall be carried out collaboratively pursuant to a memorandum of agreement to be entered into between the Secretary of the Army and the Director of the Defense Advanced Research Projects Agency. The program shall include the following activities: Memorandums.

(1) Consideration and evaluation of technologies having the potential to enable the development of advanced capability combat vehicles that are significantly superior to the existing M1 series of tanks in terms of capability for combat, survival, support, and deployment, including but not limited to the following technologies:

(A) Weapon systems using electromagnetic power, directed energy, and kinetic energy.

(B) Propulsion systems using hybrid electric drive.

(C) Mobility systems using active and semi-active suspension and wheeled vehicle suspension.

(D) Protection systems using signature management, lightweight materials, and full-spectrum active protection.

(E) Advanced robotics, displays, man-machine interfaces, and embedded training.

(F) Advanced sensory systems and advanced systems for combat identification, tactical navigation, communication, systems status monitoring, and reconnaissance.

(G) Revolutionary methods of manufacturing combat vehicles.

(2) Incorporation of the most promising such technologies into demonstration models.

(3) Competitive testing and evaluation of such demonstration models.

(4) Identification of the most promising such demonstration models within a period of time to enable preparation of a full development program capable of beginning by fiscal year 2007.

(c) REPORT.—Not later than January 31, 2000, the Secretary of the Army and the Director of the Defense Advanced Research Projects Agency shall submit to the congressional defense committees a joint report on the implementation of the program under subsection (a). The report shall include the following: Deadline.

(1) A description of the memorandum of agreement referred to in subsection (b).

(2) A schedule for the program.

(3) An identification of the funding required for fiscal year 2001 and for the future-years defense program to carry out the program.

(4) A description and assessment of the acquisition strategy for combat vehicles planned by the Secretary of the Army

that would sustain the existing force of M1-series tanks, together with a complete identification of all operation, support, ownership, and other costs required to carry out such strategy through the year 2030.

(5) A description and assessment of one or more acquisition strategies for combat vehicles, alternative to the strategy referred to in paragraph (4), that would develop a force of advanced capability combat vehicles significantly superior to the existing force of M1-series tanks and, for each such alternative acquisition strategy, an estimate of the funding required to carry out such strategy.

(d) FUNDS.—Of the amount authorized to be appropriated for Defense-wide activities by section 201(4) for the Defense Advanced Research Projects Agency, $56,200,000 shall be available only to carry out the program under subsection (a).

10 USC 2501 note.

SEC. 212. SENSE OF CONGRESS REGARDING DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.

(a) FAILURE TO COMPLY WITH FUNDING OBJECTIVE.—It is the sense of Congress that the Secretary of Defense has failed to comply with the funding objective for the Defense Science and Technology Program, especially the Air Force Science and Technology Program, as stated in section 214(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1948), thus jeopardizing the stability of the defense technology base and increasing the risk of failure to maintain technological superiority in future weapon systems.

(b) FUNDING OBJECTIVE.—It is further the sense of Congress that, for each of the fiscal years 2001 through 2009, it should be an objective of the Secretary of Defense to increase the budget for the Defense Science and Technology Program, including the science and technology program within each military department, for the fiscal year over the budget for that program for the preceding fiscal year by a percent that is at least two percent above the rate of inflation as determined by the Office of Management and Budget.

(c) CERTIFICATION.—If the proposed budget for a fiscal year covered by subsection (b) fails to comply with the objective set forth in that subsection—

(1) the Secretary of Defense shall submit to Congress—

(A) the certification of the Secretary that the budget does not jeopardize the stability of the defense technology base or increase the risk of failure to maintain technological superiority in future weapon systems; or

(B) a statement of the Secretary explaining why the Secretary is unable to submit such certification; and

Deadline. Reports.

(2) the Defense Science Board shall, not more than 60 days after the date on which the Secretary submits the certification or statement under paragraph (1), submit to the Secretary and Congress a report assessing the effect such failure to comply is likely to have on defense technology and the national defense.

SEC. 213. MICRO-SATELLITE TECHNOLOGY DEVELOPMENT PROGRAM.

Of the funds authorized to be appropriated under section 201(3), $10,000,000 is available for continued implementation of the micro-satellite technology program established pursuant to section 215

of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1659).

SEC. 214. SPACE CONTROL TECHNOLOGY.

(a) FUNDS AVAILABLE FOR AIR FORCE EXECUTION.—Of the funds authorized to be appropriated under section 201(3), $14,822,000 shall be available for space control technology development pursuant to the Department of Defense Space Control Technology Plan of 1999.

(b) FUNDS AVAILABLE FOR ARMY EXECUTION.—Of the funds authorized to be appropriated under section 201(1), $10,000,000 shall be available for space control technology development. Of the funds made available pursuant to the preceding sentence, the commander of the United States Army Space and Missile Defense Command may use such amounts as are necessary for any or all of the following activities:

(1) Continued development of the kinetic energy anti-satellite technology program.

(2) Technology development associated with the kinetic energy anti-satellite kill vehicle to temporarily disrupt satellite functions.

(3) Cooperative technology development with the Air Force, pursuant to the Department of Defense Space Control Technology Plan of 1999.

SEC. 215. SPACE MANEUVER VEHICLE PROGRAM.

(a) FUNDING.—Of the funds authorized to be appropriated under section 201(3), $25,000,000 is available for the Space Maneuver Vehicle program.

(b) ACQUISITION OF SECOND FLIGHT TEST ARTICLE.—The amount available for the space maneuver vehicle program under subsection (a) shall be used for development and acquisition of an Air Force X–40 flight test article to support the joint Air Force and National Aeronautics and Space Administration X–37 program and to meet unique needs of the Air Force Space Maneuver Vehicle program.

SEC. 216. MANUFACTURING TECHNOLOGY PROGRAM.

(a) OVERALL PURPOSE OF PROGRAM.—Subsection (a) of section 2525 of title 10, United States Code, is amended by inserting after "title" in the first sentence the following: "through the development and application of advanced manufacturing technologies and processes that will reduce the acquisition and supportability costs of defense weapon systems and reduce manufacturing and repair cycle times across the life cycles of such systems".

(b) SUPPORT OF PROJECTS TO MEET ESSENTIAL DEFENSE REQUIREMENTS.—Subsection (b)(4) of such section is amended to read as follows:

"(4) to focus Department of Defense support for the development and application of advanced manufacturing technologies and processes for use to meet manufacturing requirements that are essential to the national defense, as well as for repair and remanufacturing in support of the operations of systems commands, depots, air logistics centers, and shipyards;".

(c) EXECUTION.—Subsection (c) of such section is amended—

(1) by redesignating paragraph (2) as paragraph (5);

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

"(2) In the establishment and review of requirements for an advanced manufacturing technology or process, the Secretary shall ensure the participation of those prospective technology users that are expected to be the users of that technology or process.

"(3) The Secretary shall ensure that each project under the program for the development of an advanced manufacturing technology or process includes an implementation plan for the transition of that technology or process to the prospective technology users that will be the users of that technology or process.

"(4) In the periodic review of a project under the program, the Secretary shall ensure participation by those prospective technology users that are the expected users for the technology or process being developed under the project."; and

(3) by adding after paragraph (5) (as redesignated by paragraph (2)) the following new paragraph:

"(6) In this subsection, the term 'prospective technology users' means the following officials and elements of the Department of Defense:

"(A) Program and project managers for defense weapon systems.

"(B) Systems commands.

"(C) Depots.

"(D) Air logistics centers.

"(E) Shipyards.".

(d) CONSIDERATION OF COST-SHARING PROPOSALS.—Subsection (d) of such section is amended—

(1) by striking paragraphs (2) and (3);

(2) by striking "(A)" after "(1)"; and

(3) by striking "(B) For each" and all that follows through "competitive procedures." and inserting the following: "(2) Under the competitive procedures used, the factors to be considered in the evaluation of each proposed grant, contract, cooperative agreement, or other transaction for a project under the program shall include the extent to which that proposed transaction provides for the proposed recipient to share in the cost of the project.".

(e) REVISIONS TO FIVE-YEAR PLAN.—Subsection (e)(2) of such section is amended—

(1) in subparagraph (A), by inserting ", including a description of all completed projects and status of implementation" before the period at the end; and

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

"(C) Plans for the implementation of the advanced manufacturing technologies and processes being developed under the program.".

SEC. 217. REVISION TO LIMITATIONS ON HIGH ALTITUDE ENDURANCE UNMANNED VEHICLE PROGRAM.

Section 216(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1660) is amended by striking "may not procure any" and inserting "may not procure more than two".

Subtitle C—Ballistic Missile Defense

SEC. 231. SPACE BASED INFRARED SYSTEM (SBIRS) LOW PROGRAM.

(a) PRIMARY MISSION OF SBIRS LOW SYSTEM.—The primary mission of the system designated as of the date of the enactment of this Act as the Space Based Infrared System Low (hereinafter in this section referred to as the "SBIRS Low system") is ballistic missile defense. The Secretary of Defense shall carry out the acquisition program for that system consistent with that primary mission.

(b) OVERSIGHT OF CERTAIN PROGRAM FUNCTIONS.—With respect to the SBIRS Low system, the Secretary of Defense shall require that the Secretary of the Air Force obtain the approval of the Director of the Ballistic Missile Defense Organization before the Secretary—

(1) establishes any system level technical requirement or makes any change to any such requirement;

(2) makes any change to the SBIRS Low baseline schedule; or

(3) makes any change to the budget baseline identified in the fiscal year 2000 future-years defense program.

(c) PRIORITY FOR ANCILLARY MISSIONS.—The Secretary of Defense shall ensure that the Director of the Ballistic Missile Defense Organization, in executing the authorities specified in subsection (b), engages in appropriate coordination with the Secretary of the Air Force and elements of the intelligence community to ensure that ancillary SBIRS Low missions (that is, missions other than the primary mission of ballistic missile defense) receive proper priority to the extent that those ancillary missions do not increase technical or schedule risk.

(d) MANAGEMENT AND FUNDING BUDGET ACTIVITY.—The Secretary of Defense shall transfer the management and budgeting of funds for the SBIRS Low system from the Tactical Intelligence and Related Activities (TIARA) budget aggregation to a nonintelligence budget activity of the Air Force.

(e) DEADLINE FOR DEFINITION OF SYSTEM REQUIREMENTS.—The system level technical requirements for the SBIRS Low system shall be defined not later than July 1, 2000.

(f) DEFINITIONS.—For purposes of this section:

(1) The term "system level technical requirements" means those technical requirements and those functional requirements of a system, expressed in terms of technical performance and mission requirements, including test provisions, that determine the direction and progress of the systems engineering effort and the degree of convergence upon a balanced and complete configuration.

(2) The term "SBIRS Low baseline schedule" means a program schedule that includes—

(A) a Milestone II decision on entry into engineering and manufacturing development to be made during fiscal year 2002;

(B) a critical design review to be conducted during fiscal year 2003; and

(C) a first launch of a SBIRS Low satellite to be made during fiscal year 2006.

SEC. 232. THEATER MISSILE DEFENSE UPPER TIER ACQUISITION STRATEGY.

(a) REVISED UPPER TIER STRATEGY.—The Secretary of Defense shall establish an acquisition strategy for the two upper tier missile defense systems that—

(1) retains funding for both of the upper tier systems in separate, independently managed program elements throughout the future-years defense program;

(2) bases funding decisions and program schedules for each upper tier system on the performance of each system independent of the performance of the other system; and

(3) provides for accelerating the deployment of both of the upper tier systems to the maximum extent practicable.

(b) UPPER TIER SYSTEMS DEFINED.—For purposes of this section, the upper tier missile defense systems are the following:

(1) The Navy Theater Wide system.

(2) The Theater High-Altitude Area Defense (THAAD) system.

SEC. 233. ACQUISITION STRATEGY FOR THEATER HIGH-ALTITUDE AREA DEFENSE (THAAD) SYSTEM.

(a) INDEPENDENT REVIEW OF SYSTEM.—Subsection (a) of section 236 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1953) is amended to read as follows:

"(a) CONTINUED INDEPENDENT REVIEW.—The Secretary of Defense shall take appropriate steps to assure continued independent review, as the Secretary determines is needed, of the Theater High-Altitude Area Defense (THAAD) program.".

(b) COORDINATION OF DEVELOPMENT OF SYSTEM ELEMENTS.—Subsection (c) of such section is amended by striking "may" and inserting "shall".

(c) REVISION TO LIMITATION ON ENTERING MANUFACTURING AND DEVELOPMENT PHASE FOR INTERCEPTOR MISSILE.—Subsection (e) of such section is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

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

"(2) If the Secretary determines, after a second successful test of the interceptor missile of the THAAD system, that the THAAD program has achieved a sufficient level of technical maturity, the Secretary may waive the limitation specified in paragraph (1).

Deadline. Reports.

"(3) If the Secretary grants a waiver under paragraph (2), the Secretary shall, not later than 60 days after the date of the issuance of the waiver, submit to the congressional defense committees a report describing the technical rationale for that action.".

SEC. 234. SPACE-BASED LASER PROGRAM.

(a) STRUCTURE OF PROGRAM.—The Secretary of Defense shall structure the space-based laser program to include—

(1) an integrated flight experiment; and

(2) an ongoing analysis and technology effort to support the development of an objective system design.

Deadline.

(b) INTEGRATED FLIGHT EXPERIMENT PROGRAM BASELINE.—Not later than March 15, 2000, the Secretary of Defense, in consultation with the joint venture contractors for the space-based laser program,

shall establish a program baseline for the integrated flight experiment referred to in subsection (a)(1).

(c) STRUCTURE OF INTEGRATED FLIGHT EXPERIMENT PROGRAM BASELINE.—The program baseline established under subsection (b) shall be structured to—

(1) demonstrate at the earliest date consistent with the requirements of this section the fundamental end-to-end capability to acquire, track, and destroy a boosting ballistic missile with a lethal laser from space; and

(2) establish a balance between the use of mature technology and more advanced technology so that the integrated flight experiment, while providing significant information that can be used in planning and implementing follow-on phases of the space-based laser program, will be launched as soon as practicable.

(d) FUNDS AVAILABLE FOR INTEGRATED FLIGHT EXPERIMENT.—Amounts shall be available for the integrated flight experiment as follows:

(1) From amounts available pursuant to section 201(3), $73,840,000.

(2) From amounts available pursuant to section 201(4), $75,000,000.

(e) LIMITATION ON OBLIGATION OF FUNDS FOR INTEGRATED FLIGHT EXPERIMENT.—No funds made available in subsection (d) for the integrated flight experiment may be obligated until the Secretary of the Air Force—

(1) develops a specific spending plan for such amounts; and

(2) provides such plan to the congressional defense committees.

(f) OBJECTIVE SYSTEM DESIGN.—To support the development of an objective system design for a space-based laser system suited to the operational and technological environment that will exist when such a system can be deployed, the Secretary of Defense shall establish an analysis and technology effort that complements the integrated flight experiment. That effort shall include the following:

(1) Research and development on advanced technologies that will not be demonstrated on the integrated flight experiment but may be necessary for an objective system.

(2) Architecture studies to assess alternative constellation and system performance characteristics.

(3) Planning for the development of a space-based laser prototype that—

(A) uses the lessons learned from the integrated flight experiment; and

(B) is supported by the ongoing research and development under paragraph (1), the architecture studies under paragraph (2), and other relevant advanced technology research and development.

(g) FUNDS AVAILABLE FOR OBJECTIVE SYSTEM DESIGN DURING FISCAL YEAR 2000.—During fiscal year 2000, the Secretary of the Air Force may use amounts made available for the integrated flight experiment under subsection (d) for the purpose of supporting the effort specified in subsection (f) if the Secretary of the Air Force first—

(1) determines that such amounts are needed for that purpose;

(2) develops a specific spending plan for such amounts; and

(3) consults with the congressional defense committees regarding such plan.

Deadline.

(h) ANNUAL REPORT.—For each year in the three-year period beginning with the year 2000, the Secretary of Defense shall, not later than March 15 of that year, submit to the congressional defense committees a report on the space-based laser program. Each such report shall include the following:

(1) The program baseline for the integrated flight experiment.

(2) Any changes in that program baseline.

(3) A description of the activities of the space-based laser program in the preceding year.

(4) A description of the activities of the space-based laser program planned for the next fiscal year.

(5) The funding planned for the space-based laser program throughout the future-years defense program.

SEC. 235. CRITERIA FOR PROGRESSION OF AIRBORNE LASER PROGRAM.

(a) MODIFICATION OF PDRR AIRCRAFT.—No modification of the PDRR aircraft may commence until the Secretary of the Air Force certifies to Congress that the commencement of such modification is justified on the basis of existing test data and analyses involving the following activities:

(1) The North Oscura Peak test program.

(2) Scintillometry data collection and analysis.

(3) The lethality/vulnerability program.

(4) The countermeasures test and analysis effort.

(5) Reduction and analysis of atmospheric data for fiscal years 1997 and 1998.

(b) ACQUISITION OF EMD AIRCRAFT AND FLIGHT TEST OF PDRR AIRCRAFT.—In carrying out the Airborne Laser program, the Secretary of Defense shall ensure that the Authority-to-Proceed-2 decision is not made until the Secretary of Defense—

(1) ensures that the Secretary of the Air Force has developed an appropriate plan for resolving the technical challenges identified in the Airborne Laser Program Assessment;

(2) approves that plan; and

(3) submits that plan to the congressional defense committees.

(c) ENTRY INTO EMD PHASE.—The Secretary of Defense shall ensure that the Milestone II decision is not made until—

(1) the PDRR aircraft undergoes a robust series of flight tests that validates the technical maturity of the Airborne Laser program and provides sufficient information regarding the performance of the Airborne Laser system; and

(2) sufficient technical information is available to determine whether adequate progress is being made in the ongoing effort to address the operational issues identified in the Airborne Laser Program Assessment.

(d) MODIFICATION OF EMD AIRCRAFT.—The Secretary of the Air Force may not commence any modification of the EMD aircraft until the Milestone II decision is made.

(e) DEFINITIONS.—In this section:

(1) The term "PDRR aircraft" means the aircraft relating to the program definition and risk reduction phase of the Airborne Laser program.

(2) The term "EMD aircraft" means the aircraft relating to the engineering and manufacturing development phase of the Airborne Laser program.

(3) The term "Authority-to-Proceed-2 decision" means the decision allowing acquisition of the EMD aircraft and flight testing of the PDRR aircraft.

(4) The term "Milestone II decision" means the decision allowing the entry of the Airborne Laser program into the engineering and manufacturing development phase.

(5) The term "Airborne Laser Program Assessment" means the report titled "Assessment of Technical and Operational Aspects of the Airborne Laser Program", submitted to Congress by the Secretary of Defense on March 9, 1999.

SEC. 236. SENSE OF CONGRESS REGARDING BALLISTIC MISSILE DEFENSE TECHNOLOGY FUNDING.

It is the sense of Congress that—

(1) because technology development provides the basis for future weapon systems, it is important to maintain a healthy balance between funding for the development of technology for ballistic missile defense systems and funding for the acquisition of ballistic missile defense systems;

(2) funding planned within the future-years defense program of the Department of Defense should be sufficient to support the development of technology for future and follow-on ballistic missile defense systems while simultaneously supporting the acquisition of ballistic missile defense systems; and

(3) the Secretary of Defense should seek to ensure that funding in the future-years defense program is adequate both for the development of technology for advanced ballistic missile defense systems and for the major existing programs for the acquisition of ballistic missile defense systems.

SEC. 237. REPORT ON NATIONAL MISSILE DEFENSE. Deadline.

Not later than March 15, 2000, the Secretary of Defense shall submit to Congress the Secretary's assessment of the advantages or disadvantages of a two-site deployment of a ground-based National Missile Defense system, with special reference to considerations of the world-wide ballistic missile threat, defensive coverage, redundancy and survivability, and economies of scale.

Subtitle D—Research and Development for Long-Term Military Capabilities

SEC. 241. QUADRENNIAL REPORT ON EMERGING OPERATIONAL CONCEPTS.

(a) IN GENERAL.—(1) Chapter 23 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 486. Quadrennial report on emerging operational concepts

"(a) QUADRENNIAL REPORT REQUIRED.—Not later than March 1 of each year evenly divisible by four, the Secretary of Defense Deadline.

shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on emerging operational concepts. Each such report shall be prepared by the Secretary in consultation with the Chairman of the Joint Chiefs of Staff.

"(b) CONTENT OF REPORT RELATING TO DOD PROCESSES.—Each such report shall contain a description, for the four years preceding the year in which the report is submitted, of the following:

"(1) The process undertaken in the Department of Defense, and in each of the Army, Navy, Air Force, and Marine Corps, to define and develop doctrine, operational concepts, organizational concepts, and acquisition strategies to address—

"(A) the potential of emerging technologies for significantly improving the operational effectiveness of the armed forces;

"(B) changes in the international order that may necessitate changes in the operational capabilities of the armed forces;

"(C) emerging capabilities of potential adversary states; and

"(D) changes in defense budget projections.

"(2) The manner in which the processes described in paragraph (1) are harmonized to ensure that there is a sufficient consideration of the development of joint doctrine, operational concepts, and acquisition strategies.

"(3) The manner in which the processes described in paragraph (1) are coordinated through the Joint Requirements Oversight Council and reflected in the planning, programming, and budgeting process of the Department of Defense.

"(c) CONTENT OF REPORT RELATING TO IDENTIFICATION OF TECHNOLOGICAL OBJECTIVES FOR RESEARCH AND DEVELOPMENT.—Each report under this section shall set forth the military capabilities that are necessary for meeting national security requirements over the next two to three decades, including—

"(1) the most significant strategic and operational capabilities (including both armed force-specific and joint capabilities) that are necessary for the armed forces to prevail against the most dangerous threats, including asymmetrical threats, that could be posed to the national security interests of the United States by potential adversaries from 20 to 30 years in the future;

"(2) the key characteristics and capabilities of future military systems (including both armed force-specific and joint systems) that will be needed to meet each such threat; and

"(3) the most significant research and development challenges that must be met, and the technological breakthroughs that must be made, to develop and field such systems.".

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

"486. Quadrennial report on emerging operational concepts.".

(b) CONFORMING REPEAL.—Section 1042 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2642; 10 U.S.C. 113 note) is repealed.

SEC. 242. TECHNOLOGY AREA REVIEW AND ASSESSMENT.

Section 270(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2469; 10 U.S.C. 2501 note) is amended to read as follows:

"(b) TECHNOLOGY AREA REVIEW AND ASSESSMENT.—With the submission of the plan under subsection (a) each year, the Secretary shall also submit to the committees referred to in that subsection a summary of each technology area review and assessment conducted by the Department of Defense in support of that plan.".

SEC. 243. REPORT BY UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.

10 USC 2501 note.

(a) REQUIREMENT.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the actions that are necessary to promote the research base and technological development that will be needed for ensuring that the Armed Forces have the military capabilities that are necessary for meeting national security requirements over the next two to three decades.

(b) CONTENT.—The report shall include the actions that have been taken or are planned to be taken within the Department of Defense to ensure that—

(1) the Department of Defense laboratories place an appropriate emphasis on revolutionary changes in military operations and the new technologies that will be necessary to support those operations;

(2) the Department helps sustain a high-quality national research base that includes organizations attuned to the needs of the Department, the fostering and creation of revolutionary technologies useful to the Department, and the capability to identify opportunities for new military capabilities in emerging scientific knowledge;

(3) the Department can identify, provide appropriate funding for, and ensure the coordinated development of joint technologies that will serve the needs of more than one of the Armed Forces;

(4) the Department can identify militarily relevant technologies that are developed in the private sector, rapidly incorporate those technologies into defense systems, and effectively utilize technology transfer processes;

(5) the Department can effectively and efficiently manage the transition of new technologies from the applied research and advanced technological development stage through the product development stage in a manner that ensures that maximum advantage is obtained from advances in technology; and

(6) the Department's educational institutions for the officers of the uniformed services incorporate into their officer education and training programs, as appropriate, materials necessary to ensure that the officers have the familiarity with the processes, advances, and opportunities in technology development that is necessary for making decisions that ensure the superiority of United States defense technology in the future.

SEC. 244. DARPA PROGRAM FOR AWARD OF COMPETITIVE PRIZES TO ENCOURAGE DEVELOPMENT OF ADVANCED TECHNOLOGIES.

(a) AUTHORITY.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2374 the following new section:

"§ 2374a. Prizes for advanced technology achievements

"(a) AUTHORITY.—The Secretary of Defense, acting through the Director of the Defense Advanced Research Projects Agency, may carry out a program to award cash prizes in recognition of outstanding achievements in basic, advanced, and applied research, technology development, and prototype development that have the potential for application to the performance of the military missions of the Department of Defense.

"(b) COMPETITION REQUIREMENTS.—The program under subsection (a) shall use a competitive process for the selection of recipients of cash prizes. The process shall include the widely-advertised solicitation of submissions of research results, technology developments, and prototypes.

"(c) LIMITATIONS.—(1) The total amount made available for award of cash prizes in a fiscal year may not exceed $10,000,000.

"(2) No prize competition may result in the award of more than $1,000,000 in cash prizes without the approval of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(d) RELATIONSHIP TO OTHER AUTHORITY.—The program under subsection (a) may be carried out in conjunction with or in addition to the exercise of any other authority of the Director to acquire, support, or stimulate basic, advanced and applied research, technology development, or prototype projects.

"(e) ANNUAL REPORT.—Promptly after the end of each fiscal year, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the administration of the program for that fiscal year. The report shall include the following:

"(1) The military applications of the research, technology, or prototypes for which prizes were awarded.

"(2) The total amount of the prizes awarded.

"(3) The methods used for solicitation and evaluation of submissions, together with an assessment of the effectiveness of those methods.

Termination date.

"(f) PERIOD OF AUTHORITY.—The authority to award prizes under subsection (a) shall terminate at the end of September 30, 2003.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2374 the following new item:

"2374a. Prizes for advanced technology achievements.".

10 USC 2358 note.

SEC. 245. ADDITIONAL PILOT PROGRAM FOR REVITALIZING DEPARTMENT OF DEFENSE LABORATORIES.

(a) AUTHORITY.—(1) The Secretary of Defense may carry out a pilot program to demonstrate improved efficiency in the performance of research, development, test, and evaluation functions of the Department of Defense. The pilot program under this section is in addition to, but may be carried out in conjunction with, the pilot program authorized by section 246 of the Strom Thurmond

National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1955; 10 U.S.C. 2358 note).

(2) Under the pilot program, the Secretary of Defense shall provide the director of one science and technology laboratory, and the director of one test and evaluation laboratory, of each military department with authority for the following:

(A) To ensure that the laboratories selected can attract a workforce appropriately balanced between permanent and temporary personnel and among workers with an appropriate level of skills and experience and that those laboratories can effectively compete in hiring to obtain the finest scientific talent.

(B) To develop or expand innovative methods of operation that provide more defense research for each dollar of cost, including carrying out initiatives such as focusing on the performance of core functions and adopting more business-like practices.

(C) To waive any restrictions not required by law that apply to the demonstration and implementation of methods for achieving the objectives set forth in subparagraphs (A) and (B).

(3) In selecting the laboratories for participation in the pilot program, the Secretary shall consider laboratories where innovative management techniques have been demonstrated, particularly as documented under sections 1115 through 1119 of title 31, United States Code, relating to Government agency performance and results.

(4) The Secretary may carry out the pilot program at each selected laboratory for a period of three years beginning not later than March 1, 2000.

(b) REPORTS.—(1) Not later than March 1, 2000, the Secretary of Defense shall submit to Congress a report on the implementation of the pilot program. The report shall include the following: Deadline.

(A) Each laboratory selected for the pilot program.

(B) To the extent possible, a description of the innovative concepts that are to be tested at each laboratory.

(C) The criteria to be used for measuring the success of each concept to be tested.

(2) Promptly after the expiration of the period for participation of a laboratory in the pilot program, the Secretary of Defense shall submit to Congress a final report on the participation of that laboratory in the pilot program. The report shall include the following:

(A) A description of the concepts tested.

(B) The results of the testing.

(C) The lessons learned.

(D) Any proposal for legislation that the Secretary recommends on the basis of the experience at that laboratory under the pilot program.

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Subtitle E—Other Matters

SEC. 251. DEVELOPMENT OF DEPARTMENT OF DEFENSE LASER MASTER PLAN AND EXECUTION OF SOLID STATE LASER PROGRAM.

(a) MASTER PLAN REQUIRED.—The Secretary of Defense shall develop a unified plan of the Department of Defense to develop laser technology for potential weapons applications (in this section referred to as the "laser master plan"). In developing the plan, the Secretary shall consult with the Secretary of Energy and the Secretaries of the military departments.

(b) CONTENTS OF LASER MASTER PLAN.—The laser master plan shall include the following:

(1) Identification of potential weapons applications of chemical, solid state, and other lasers.

(2) Identification of critical technologies and manufacturing capabilities required to achieve such weapons applications.

(3) A development path for those critical technologies and manufacturing capabilities.

(4) Identification of the funding required in future fiscal years to carry out the laser master plan.

(5) Identification of unfunded requirements in the laser master plan.

(6) An appropriate management and oversight structure to carry out the laser master plan.

Deadline. (c) REPORT.—Not later than March 15, 2000, the Secretary of Defense shall submit to the congressional defense committees a report containing the laser master plan.

(d) RECOMMENDATIONS FOR EXECUTIVE AGENT FOR SOLID STATE LASER PROGRAMS.—Upon the completion of the laser master plan, the Secretary of Defense shall submit to the congressional defense committees the recommendations of the Secretary as to the establishment of an executive agent to coordinate, implement, and oversee the execution of the elements of the laser master plan that relate to solid state lasers.

(e) DEVELOPMENT AND DEMONSTRATION OF SOLID STATE LASER TECHNOLOGY.—The Secretary of the Army shall—

Deadline. (1) initiate, not later than November 1, 1999, or 30 days after the date of the enactment of this Act, whichever is later, a development program for solid state laser technologies; and

(2) demonstrate solid state laser technology consistent with the objectives of the technical partnership between the United States Army Space and Missile Defense Command and the Lawrence Livermore National Laboratory, Livermore, California, with a goal of achieving a solid state laser of 100 kilowatt average power.

(f) FUNDING.—From amounts available pursuant to section 201(1), $20,000,000 shall be available to carry out the activities specified in subsection (e).

SEC. 252. REPORT ON AIR FORCE DISTRIBUTED MISSION TRAINING.

Deadline. (a) REQUIREMENT.—The Secretary of the Air Force shall submit to Congress, not later than January 31, 2000, a report on the Air Force Distributed Mission Training program.

(b) CONTENT OF REPORT.—The report shall include a discussion of the following:

(1) The progress that the Air Force has made to demonstrate and prove the Air Force Distributed Mission Training concept of linking geographically separated, high-fidelity simulators to provide a mission rehearsal capability for Air Force units, and any units of any of the other Armed Forces as may be necessary, to train together from their home stations.

(2) The actions that have been taken or are planned to be taken within the Department of the Air Force to ensure that—

(A) an independent study of all requirements, technologies, and acquisition strategies essential to the formulation of a sound Distributed Mission Training program is under way; and

(B) all Air Force laboratories and other Air Force facilities necessary to the research, development, testing, and evaluation of the Distributed Mission Training program have been assessed regarding the availability of the necessary resources to demonstrate and prove the Air Force Distributed Mission Training concept.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

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Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
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Sec. 326. Reimbursement for certain costs in connection with Fresno Drum Superfund Site, Fresno, California.
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Subtitle D—Depot-Level Activities

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Sec. 351. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
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Subtitle G—Military Readiness Issues

Sec. 361. Independent study of military readiness reporting system.
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Sec. 371. Discretionary authority to install telecommunication equipment for persons performing voluntary services.
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Subtitle I—Other Matters

Sec. 381. Authority to lend or donate obsolete or condemned rifles for funeral and other ceremonies.
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Sec. 384. Clarification of land conveyance authority, United States Soldiers' and Airmen's Home.
Sec. 385. Treatment of Alaska, Hawaii, and Guam in Defense household goods moving programs.

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $18,922,494,000.
(2) For the Navy, $22,641,515,000.
(3) For the Marine Corps, $2,724,529,000 .
(4) For the Air Force, $20,961,458,000.
(5) For Defense-wide activities, $11,496,633,000.
(6) For the Army Reserve, $1,441,213,000.
(7) For the Naval Reserve, $937,647,000.
(8) For the Marine Corps Reserve, $135,766,000.
(9) For the Air Force Reserve, $1,750,937,000.
(10) For the Army National Guard, $3,113,684,000.
(11) For the Air National Guard, $3,168,518,000.
(12) For the Defense Inspector General, $138,744,000.
(13) For the United States Court of Appeals for the Armed Forces, $7,621,000.
(14) For Environmental Restoration, Army, $378,170,000.
(15) For Environmental Restoration, Navy, $284,000,000.
(16) For Environmental Restoration, Air Force, $376,800,000.
(17) For Environmental Restoration, Defense-wide, $25,370,000.
(18) For Environmental Restoration, Formerly Used Defense Sites, $239,214,000.
(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $55,800,000.
(20) For Drug Interdiction and Counter-drug Activities, Defense-wide, $803,500,000.
(21) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, $15,000,000.
(22) For Defense Health Program, $10,482,687,000.
(23) For Cooperative Threat Reduction programs, $475,500,000.
(24) For Overseas Contingency Operations Transfer Fund, $1,879,600,000.
(25) For quality of life enhancements, $1,845,370,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:
(1) For the Defense Working Capital Funds, $90,344,000.
(2) For the National Defense Sealift Fund, $434,700,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2000 from the Armed Forces Retirement Home Trust Fund the sum of $68,295,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 2000 in amounts as follows:
(1) For the Army, $50,000,000.

(2) For the Navy, $50,000,000.
(3) For the Air Force, $50,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

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

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

SEC. 305. TRANSFER TO DEFENSE WORKING CAPITAL FUNDS TO SUPPORT DEFENSE COMMISSARY AGENCY.

(a) ARMY OPERATION AND MAINTENANCE FUNDS.—The Secretary of the Army shall transfer $346,154,000 of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army to the Defense Working Capital Funds for the purpose of funding operations of the Defense Commissary Agency.

(b) NAVY OPERATION AND MAINTENANCE FUNDS.—The Secretary of the Navy shall transfer $263,070,000 of the amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy to the Defense Working Capital Funds for the purpose of funding operations of the Defense Commissary Agency.

(c) MARINE CORPS OPERATION AND MAINTENANCE FUNDS.—The Secretary of the Navy shall transfer $90,834,000 of the amount authorized to be appropriated by section 301(3) for operation and maintenance for the Marine Corps to the Defense Working Capital Funds for the purpose of funding operations of the Defense Commissary Agency.

(d) AIR FORCE OPERATION AND MAINTENANCE FUNDS.—The Secretary of the Air Force shall transfer $309,061,000 of the amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force to the Defense Working Capital Funds for the purpose of funding operations of the Defense Commissary Agency.

(e) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, other amounts in the Defense Working Capital Funds available for the purpose of funding operations of the Defense Commissary Agency; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(f) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer requirements of this section are in addition to the transfer authority provided in section 1001.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 311. ARMED FORCES EMERGENCY SERVICES.

Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities,

$23,000,000 shall be made available to the American Red Cross to fund the Armed Forces Emergency Services.

SEC. 312. REPLACEMENT OF NONSECURE TACTICAL RADIOS OF THE 82ND AIRBORNE DIVISION.

Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, such funds as may be necessary, but not to exceed $5,500,000, shall be available to the Secretary of the Army for the purpose of replacing nonsecure tactical radios used by the 82nd Airborne Division with radios, such as models AN/PRC–138 and AN/PRC–148, identified as being capable of fulfilling mission requirements.

SEC. 313. LARGE MEDIUM-SPEED ROLL-ON/ROLL-OFF (LMSR) PROGRAM.

(a) AUTHORIZATION OF SHIP.—The Secretary of the Navy is authorized to procure the large medium-speed roll-on/roll-off (LMSR) ship to be designated T–AKR 307 or T–AKR 317, subject to the availability of appropriations for that purpose.

(b) AMOUNT AUTHORIZED.—Of the amount authorized to be appropriated under section 302(2) for fiscal year 2000 that is provided for the National Defense Sealift Fund, $80,000,000 is available for the advance procurement and advance construction of components for the LMSR program referred to in subsection (a). The Secretary of the Navy may enter into a contract or contracts with the shipbuilder and other entities for the advance procurement and advance construction of those components.

SEC. 314. CONTRIBUTIONS FOR SPIRIT OF HOPE ENDOWMENT FUND OF UNITED SERVICE ORGANIZATIONS, INCORPORATED.

(a) GRANTS AUTHORIZED.—Subject to subsection (c), the Secretary of Defense may make grants to the United Service Organizations, Incorporated, a federally chartered corporation under chapter 2201 of title 36, United States Code, to contribute funds for the USO's Spirit of Hope Endowment Fund.

(b) GRANT INCREMENTS.—The amount of the first grant under subsection (a) may not exceed $2,000,000. The amount of the second grant under such subsection may not exceed $3,000,000, and subsequent grants may not exceed $5,000,000.

(c) MATCHING REQUIREMENT.—Each grant under subsection (a) may not be made until after the United Service Organizations, Incorporated, certifies to the Secretary of Defense that sufficient funds have been raised from non-Federal sources for deposit in the Spirit of Hope Endowment Fund to match, on a dollar-for-dollar basis, the amount of that grant. Certification.

(d) FUNDING.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $25,000,000 shall be available to the Secretary of Defense for the purpose of making grants under subsection (a).

Subtitle C—Environmental Provisions

SEC. 321. EXTENSION OF LIMITATION ON PAYMENT OF FINES AND PENALTIES USING FUNDS IN ENVIRONMENTAL RESTORATION ACCOUNTS.

Section 2703(e) of title 10, United States Code, is amended by striking "through 1999," both places it appears and inserting "through 2010,".

SEC. 322. MODIFICATION OF REQUIREMENTS FOR ANNUAL REPORTS ON ENVIRONMENTAL COMPLIANCE ACTIVITIES.

(a) MODIFICATION OF REQUIREMENTS.—Subsection (b) of section 2706 of title 10, United States Code, is amended to read as follows:

Deadline.

"(b) REPORT ON ENVIRONMENTAL QUALITY PROGRAMS AND OTHER ENVIRONMENTAL ACTIVITIES.—(1) The Secretary of Defense shall submit to Congress each year, not later than 45 days after the date on which the President submits to Congress the budget for a fiscal year, a report on the progress made in carrying out activities under the environmental quality programs of the Department of Defense and the military departments.

"(2) Each report shall include the following:

"(A) A description of the environmental quality program of the Department of Defense, and of each of the military departments, during the period consisting of the four fiscal years preceding the fiscal year in which the report is submitted, the fiscal year in which the report is submitted, and the fiscal year following the fiscal year in which the report is submitted.

"(B) For each of the major activities under the environmental quality programs:

"(i) A specification of the amount expended, or proposed to be expended, in each fiscal year of the period covered by the report.

"(ii) An explanation for any significant change in the aggregate amount to be expended in the fiscal year in which the report is submitted, and in the following fiscal year, when compared with the fiscal year preceding each such fiscal year.

"(iii) An assessment of the manner in which the scope of the activities have changed over the course of the period covered by the report.

"(C) A summary of the major achievements of the environmental quality programs and of any major problems with the programs.

"(D) A list of the planned or ongoing projects necessary to support the environmental quality programs during the period covered by the report, the cost of which has exceeded or is anticipated to exceed $1,500,000. The list and accompanying material shall include the following:

"(i) A separate listing of the projects inside the United States and of the projects outside the United States.

"(ii) For each project commenced during the first four fiscal years of the period covered by the report (other than a project that was reported as fully executed in the report for a previous fiscal year), a description of—

"(I) the amount specified in the initial budget request for the project;

"(II) the aggregate amount allocated to the project through the fiscal year preceding the fiscal year for which the report is submitted; and

"(III) the aggregate amount obligated for the project through that fiscal year.

"(iii) For each project commenced or to be commenced in the fiscal year in which the report is submitted, a description of—

"(I) the amount specified for the project in the budget for the fiscal year; and

"(II) the amount allocated to the project in the fiscal year.

"(iv) For each project to be commenced in the last fiscal year of the period, a description of the amount, if any, specified for the project in the budget for the fiscal year.

"(v) If the anticipated aggregate cost of any project covered by the report will exceed by more than 25 percent the amount specified in the initial budget request for such project, a justification for that variance.

"(E) A statement of the fines and penalties imposed or assessed against the Department of Defense and the military departments under Federal, State, or local environmental laws during the fiscal year in which the report is submitted and the four preceding fiscal years, which shall set forth the following:

"(i) Each Federal environmental statute under which a fine or penalty was imposed or assessed during each such fiscal year.

"(ii) With respect to each such Federal statute—

"(I) the aggregate amount of fines and penalties imposed under the statute during each such fiscal year;

"(II) the aggregate amount of fines and penalties paid under the statute during each such fiscal year; and

"(III) the total amount required during such fiscal years for supplemental environmental projects in lieu of the payment of a fine or penalty under the statute and the extent to which the cost of such projects during such fiscal years has exceeded the original amount of the fine or penalty.

"(iii) A trend analysis of fines and penalties imposed or assessed during each such fiscal year for military installations inside and outside the United States.

"(F) A statement of the amounts expended, and anticipated to be expended, during the period covered by the report for any activities overseas relating to the environment, including amounts for activities relating to environmental remediation, compliance, conservation, pollution prevention, and environmental technology and amounts for conferences, meetings, and studies for pilot programs, and for travel related to such activities.".

(b) CONFORMING REPEAL.—Such section is further amended by striking subsection (d).

(c) DEFINITIONS.—Subsection (e) of such section is amended by adding at the end the following new paragraphs:

"(4) The term 'environmental quality program' means a program of activities relating to environmental compliance, conservation, pollution prevention, and such other activities relating to environmental quality as the Secretary concerned may designate for purposes of the program.

"(5) The term 'major activities', with respect to an environmental quality program, means the following activities under the program:

"(A) Environmental compliance activities.

"(B) Conservation activities.

"(C) Pollution prevention activities.".

Public information. 10 USC 2709 note.

SEC. 323. DEFENSE ENVIRONMENTAL TECHNOLOGY PROGRAM AND INVESTMENT CONTROL PROCESS FOR ENVIRONMENTAL TECHNOLOGIES.

(a) PURPOSES.—The purposes of this section are—

(1) to hold the Department of Defense and the military departments accountable for achieving performance-based results in the management of environmental technology by providing a connection between program direction and the achievement of specific performance-based results;

(2) to assure the identification of end-user requirements for environmental technology within the military departments;

(3) to assure results, quality of effort, and appropriate levels of service and support for end-users of environmental technology within the military departments; and

(4) to promote improvement in the performance of environmental technologies by establishing objectives for environmental technology programs, measuring performance against such objectives, and making public reports on the progress made in such performance.

(b) INVESTMENT CONTROL PROCESS.—(1) Chapter 160 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2709. Investment control process for environmental technologies

"(a) INVESTMENT CONTROL PROCESS.—The Secretary of Defense shall ensure that the technology planning process developed to implement section 2501 of this title and section 270(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2469) provides for an investment control process for the selection, prioritization, management, and evaluation of environmental technologies by the Department of Defense, the military departments, and the Defense Agencies.

"(b) PLANNING AND EVALUATION.—The environmental technology investment control process required by subsection (a) shall provide, at a minimum, for the following:

"(1) The active participation by end-users of environmental technology, including the officials responsible for the environmental security programs of the Department of Defense and the military departments, in the selection and prioritization of environmental technologies.

"(2) The development of measurable performance goals and objectives for the management and development of environmental technologies and specific mechanisms for assuring the achievement of the goals and objectives.

"(3) Annual performance reviews to determine whether the goals and objectives have been achieved and to take appropriate action in the event that they are not achieved.".

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

"2709. Investment control process for environmental technologies.".

(c) ANNUAL REPORT.—(1) Section 2706 of such title, as amended by 322(b), is further amended by inserting after subsection (c) the following new subsection:

"(d) REPORT ON ENVIRONMENTAL TECHNOLOGY PROGRAM.—(1) The Secretary of Defense shall submit to Congress each year, not later than 45 days after the date on which the President submits to Congress the budget for a fiscal year, a report on the progress made by the Department of Defense in achieving the objectives and goals of its environmental technology program during the preceding fiscal year and an overall trend analysis for the program covering the previous four fiscal years. Deadline.

"(2) Each such report shall include, with respect to each project under the environmental technology program of the Department of Defense, the following:

"(A) The performance objectives established for the project for the fiscal year and an assessment of the performance achieved with respect to the project in light of performance indicators for the project.

"(B) A description of the extent to which the project met the performance objectives established for the project for the fiscal year.

"(C) If a project did not meet the performance objectives for the project for the fiscal year—

"(i) an explanation for the failure of the project to meet the performance objectives; and

"(ii) a modified schedule for meeting the performance objectives or, if a performance objective is determined to be impracticable or infeasible to meet, a statement of alternative actions to be taken with respect to the project.".

(2) The Secretary of Defense shall include in the first report submitted under section 2706(d) of title 10, United States Code, as added by this subsection, a description of the steps taken by the Secretary to ensure that the environmental technology investment control process for the Department of Defense satisfies the requirements of section 2709 of such title, as added by subsection (b). 10 USC 2706 note.

SEC. 324. MODIFICATION OF MEMBERSHIP OF STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM COUNCIL.

Section 2902(b)(1) of title 10, United States Code, is amended by striking "Director of Defense Research and Engineering" and inserting "Deputy Under Secretary of Defense for Science and Technology".

SEC. 325. EXTENSION OF PILOT PROGRAM FOR SALE OF AIR POLLUTION EMISSION REDUCTION INCENTIVES.

Section 351(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1692; 10 U.S.C. 2701 note) is amended by striking paragraph (2) and inserting the following new paragraph:

"(2) The Secretary may not carry out the pilot program after September 30, 2001.".

SEC. 326. REIMBURSEMENT FOR CERTAIN COSTS IN CONNECTION WITH FRESNO DRUM SUPERFUND SITE, FRESNO, CALIFORNIA.

(a) AUTHORITY.—The Secretary of Defense may pay, using funds described in subsection (b), to the Fresno Drum Special Account within the Hazardous Substance Superfund established by section 9507 of the Internal Revenue Code of 1986 (26 U.S.C. 9507) to reimburse the Environmental Protection Agency for costs incurred by the Agency for actions taken under CERCLA at the Fresno Industrial Supply, Inc., site in Fresno, California, the following amounts:

(1) Not more than $778,425 for past response costs incurred by the Agency.

(2) The amount of the costs identified as "interest" costs pursuant to the agreement known as the "CERCLA Section 122(h)(1) Agreement for Payment of Future Response Costs and Recovery of Past Response Costs In the Matter of: Fresno Industrial Supply Inc. Site, Fresno, California" that was entered into by the Department of Defense and the Environmental Protection Agency on May 22, 1998.

(b) SOURCE OF FUNDS FOR PAYMENT.—(1) Subject to paragraph (2), any payment under subsection (a) shall be made using the following amounts:

(A) Amounts authorized to be appropriated by section 301 to the Environmental Restoration Account, Defense, established by section 2703(a)(1) of title 10, United States Code.

(B) Amounts authorized to be appropriated by section 301 to the Environmental Restoration Account, Army, established by section 2703(a)(2) of such title.

(C) Amounts authorized to be appropriated by section 301 to the Environmental Restoration Account, Navy, established by section 2703(a)(3) of such title.

(D) Amounts authorized to be appropriated by section 301 to the Environmental Restoration Account, Air Force, established by section 2703(a)(4) of such title.

(2) The portion of a payment under paragraph (1) that is derived from any account referred to in such paragraph shall bear the same ratio to the total amount of such payment as the amount of the hazardous substances at the Fresno Industrial Supply, Inc., site that are attributable to the department concerned bears to the total amount of the hazardous substances at that site.

(c) CERCLA DEFINED.—In this section, the term "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

SEC. 327. PAYMENT OF STIPULATED PENALTIES ASSESSED UNDER CERCLA IN CONNECTION WITH F.E. WARREN AIR FORCE BASE, WYOMING.

(a) AUTHORITY.—The Secretary of the Air Force may pay, using funds described in subsection (b), not more than $20,000 as payment of stipulated civil penalties assessed on January 13, 1998, against F.E. Warren Air Force Base, Wyoming, under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(b) SOURCE OF FUNDS FOR PAYMENT.—Any payment under subsection (a) shall be made using amounts authorized to be appropriated by section 301 to the Environmental Restoration Account, Air Force, established by section 2703(a)(4) of title 10, United States Code.

SEC. 328. REMEDIATION OF ASBESTOS AND LEAD-BASED PAINT.

(a) USE OF EXISTING CONTRACT VEHICLES.—The Secretary of Defense shall give appropriate consideration to existing contract vehicles, including Army Corps of Engineers indefinite delivery, indefinite quantity contracts, to provide for the remediation of asbestos and lead-based paint at military installations within the United States.

(b) SELECTION.—The Secretary of Defense shall select the most cost-effective contract vehicle in accordance with all applicable Federal and State laws and Department of Defense regulations.

SEC. 329. RELEASE OF INFORMATION TO FOREIGN COUNTRIES REGARDING ANY ENVIRONMENTAL CONTAMINATION AT FORMER UNITED STATES MILITARY INSTALLATIONS IN THOSE COUNTRIES.

(a) RESPONSE TO REQUEST FOR INFORMATION.—Except as provided in subsection (b), upon request by the government of a foreign country from which United States Armed Forces were withdrawn in 1992, the Secretary of Defense shall—

(1) release to that government available information relevant to the ability of that government to determine the nature and extent of environmental contamination, if any, at a site in that foreign country where the United States operated a military base, installation, or facility before the withdrawal of the United States Armed Forces in 1992; or

(2) report to Congress on the nature of the information requested and the reasons why the information is not being released.

(b) LIMITATION ON RELEASE.—Subsection (a)(1) does not apply to—

(1) any information request described in such subsection that is received by the Secretary of Defense after the end of the one-year period beginning on the date of the enactment of this Act;

(2) any information that the Secretary determines has been previously provided to the foreign government; and

(3) any information that the Secretary of Defense believes could adversely affect United States national security.

(c) LIABILITY OF THE UNITED STATES.—The requirement to provide information under subsection (a)(1) may not be construed to establish on the part of the United States any liability or obligation for the costs of environmental restoration or remediation at any site referred to in such subsection.

SEC. 330. TOUSSAINT RIVER ORDNANCE MITIGATION STUDY.

(a) ORDNANCE MITIGATION STUDY.—(1) The Secretary of Defense shall conduct a study and is authorized to remove ordnance infiltrating the Federal navigation channel and adjacent shorelines of the Toussaint River in Ottawa County, Ohio.

(2) In conducting the study, the Secretary shall take into account any information available from other studies conducted

in connection with the Federal navigation channel described in paragraph (1).

Deadline.

(b) REPORT ON STUDY RESULTS.—(1) Not later than April 1, 2000, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Environment and Public Works of the Senate a report that summarizes the results of the study conducted under subsection (a).

(2) The Secretary shall include in the report recommendations regarding the continuation or termination of any ongoing use of Lake Erie as an ordnance firing range, and explain any recommendation to continue such activities. The Secretary shall conduct the evaluation and assessment in consultation with the government of the State of Ohio and local government entities and with appropriate Federal agencies.

(c) LIMITATION ON EXPENDITURES.—Not more than $800,000 may be expended to conduct the study under subsection (a) and prepare the report under subsection (b). However, nothing in this section is intended to require non-Federal cost-sharing of the costs to perform the study.

(d) AUTHORIZATION.—Consistent with existing laws, and after providing notice to Congress, the Secretary of Defense may work with the other relevant Federal, State, local, or private entities to remove ordnance resulting from infiltration into the Federal navigation channel and adjacent shorelines of the Toussaint River in Ottawa County, Ohio, using funds authorized to be appropriated for that specific purpose in fiscal year 2000.

(e) RELATION TO OTHER LAWS AND AGREEMENTS.—This section is not intended to modify any authorities provided to the Secretary of the Army by the Water Resources Development Act of 1986 (33 U.S.C. 2201 et seq.), nor is it intended to modify any non-Federal cost-sharing responsibilities outlined in any local cooperation agreements.

Subtitle D—Depot-Level Activities

SEC. 331. SALES OF ARTICLES AND SERVICES OF DEFENSE INDUSTRIAL FACILITIES TO PURCHASERS OUTSIDE THE DEPARTMENT OF DEFENSE.

(a) WAIVER OF CERTAIN CONDITIONS.—(1) Section 2208(j) of title 10, United States Code, is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting "(1)" after "(j)"; and

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

"(2) The Secretary of Defense may waive the conditions in paragraph (1) in the case of a particular sale if the Secretary determines that the waiver is necessary for reasons of national security and notifies Congress regarding the reasons for the waiver.".

(2) Section 2553(c) of such title is amended—

(A) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively;

(B) by inserting "(1)" before "A sale"; and

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

"(2) The Secretary of Defense may waive the condition in paragraph (1)(A) and subsection (a)(1) that an article or service must

be not available from a United States commercial source in the case of a particular sale if the Secretary determines that the waiver is necessary for reasons of national security and notifies Congress regarding the reasons for the waiver.".

(b) CLARIFICATION OF COMMERCIAL NONAVAILABILITY.—Section 2553(g) of such title is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

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

"(2) The term 'not available', with respect to an article or service proposed to be sold under this section, means that the article or service is unavailable from a commercial source in the required quantity and quality or within the time required.".

SEC. 332. CONTRACTING AUTHORITY FOR DEFENSE WORKING CAPITAL FUNDED INDUSTRIAL FACILITIES.

Section 2208(j)(1) of title 10, United States Code, as amended by section 331, is further amended—

(1) in the matter preceding subparagraph (A), by striking "or remanufacturing" and inserting ", remanufacturing, and engineering";

(2) in subparagraph (A), by inserting "or a subcontract under a Department of Defense contract" before the semicolon; and

(3) in subparagraph (B), by striking "Department of Defense solicitation for such contract" and inserting "solicitation for the contract or subcontract".

SEC. 333. ANNUAL REPORTS ON EXPENDITURES FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS BY PUBLIC AND PRIVATE SECTORS.

Subsection (e) of section 2466 of title 10, United States Code, is amended to read as follows:

"(e) ANNUAL REPORTS.—(1) Not later than February 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of the funds referred to in subsection (a) that were expended during the preceding two fiscal years for performance of depot-level maintenance and repair workloads by the public and private sectors, as required by this section. Deadlines.

"(2) Not later than April 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of the funds referred to in subsection (a) that are projected to be expended during each of the next five fiscal years for performance of depot-level maintenance and repair workloads by the public and private sectors, as required by this section.

"(3) Not later than 60 days after the date on which the Secretary submits a report under this subsection, the Comptroller General shall submit to Congress the Comptroller General's views on whether—

"(A) in the case of a report under paragraph (1), the Department of Defense has complied with the requirements of subsection (a) for the fiscal years covered by the report; and

"(B) in the case of a report under paragraph (2), the expenditure projections for future fiscal years are reasonable.".

SEC. 334. APPLICABILITY OF COMPETITION REQUIREMENT IN CONTRACTING OUT WORKLOADS PERFORMED BY DEPOT-LEVEL ACTIVITIES OF DEPARTMENT OF DEFENSE.

Section 2469(b) of title 10, United States Code, is amended by inserting "(including the cost of labor and materials)" after "$3,000,000".

SEC. 335. TREATMENT OF PUBLIC SECTOR WINNING BIDDERS FOR CONTRACTS FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS FORMERLY PERFORMED AT CERTAIN MILITARY INSTALLATIONS.

Section 2469a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(i) OVERSIGHT OF CONTRACTS AWARDED PUBLIC ENTITIES.—The Secretary of Defense or the Secretary concerned may not impose on a public sector entity awarded a contract for the performance of any depot-level maintenance and repair workload described in subsection (b) any requirements regarding management systems, reviews, oversight, or reporting that are significantly different from the requirements used in the performance and management of other similar or identical depot-level maintenance and repair workloads by the entity, unless the requirements are specifically provided in the solicitation for the contract or are necessary to ensure compliance with the terms of the contract.".

SEC. 336. ADDITIONAL MATTERS TO BE REPORTED BEFORE PRIME VENDOR CONTRACT FOR DEPOT-LEVEL MAINTENANCE AND REPAIR IS ENTERED INTO.

Section 346(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1979; 10 U.S.C. 2464 note) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting a semicolon; and

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

"(3) contains an analysis of the extent to which the contract conforms to the requirements of section 2466 of title 10, United States Code; and

"(4) describes the measures taken to ensure that the contract does not violate the core logistics policies, requirements, and restrictions set forth in section 2464 of that title.".

Subtitle E—Performance of Functions by Private-Sector Sources

SEC. 341. REDUCED THRESHOLD FOR CONSIDERATION OF EFFECT ON LOCAL COMMUNITY OF CHANGING DEFENSE FUNCTIONS TO PRIVATE SECTOR PERFORMANCE.

Section 2461(b)(3)(B)(ii) of title 10, United States Code, is amended by striking "75 employees" and inserting "50 employees".

SEC. 342. CONGRESSIONAL NOTIFICATION OF A–76 COST COMPARISON WAIVERS.

(a) NOTIFICATION REQUIRED.—Section 2467 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) CONGRESSIONAL NOTIFICATION OF COST COMPARISON WAIVER.—(1) Not later than 10 days after a decision is made to waive the cost comparison study otherwise required under Office of Management and Budget Circular A–76 as part of the process to convert to contractor performance any commercial activity of the Department of Defense, the Secretary of Defense shall submit to Congress a report describing the commercial activity subject to the waiver and the rationale for the waiver. Deadline. Reports.

"(2) The report shall also include the following:

"(A) The total number of civilian employees or military personnel currently performing the function to be converted to contractor performance.

"(B) A description of the competitive procedure used to award a contract for contractor performance of the commercial activity.

"(C) The anticipated savings to result from the waiver and resulting conversion to contractor performance.".

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

"§ 2467. Cost comparisons: inclusion of retirement costs; consultation with employees; waiver of comparison".

(2) The table of sections at the beginning of chapter 146 of such title is amended by striking the item relating to section 2467 and inserting the following new item:

"2467. Cost comparisons: inclusion of retirement costs; consultation with employees; waiver of comparison.".

SEC. 343. REPORT ON USE OF EMPLOYEES OF NON-FEDERAL ENTITIES TO PROVIDE SERVICES TO DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than March 1, 2001, the Secretary of Defense shall submit to Congress a report describing the use during the previous fiscal year of non-Federal entities to provide services to the Department of Defense. Deadline.

(b) CONTENT OF REPORT.—To the extent practicable using information available from existing data collection and reporting systems available to the Department of Defense and the non-Federal entities referred to in subsection (a), the report shall—

(1) specify the number of work year equivalents performed by individuals employed by non-Federal entities in providing services to the Department, including both direct and indirect labor attributable to the provision of the services;

(2) categorize the information by Federal supply class or service code; and

(3) indicate the appropriation from which the services were funded and the major organizational element of the Department procuring the services.

(c) LIMITATION ON REQUIREMENT FOR NON-FEDERAL ENTITIES TO PROVIDE INFORMATION.—For the purposes of meeting the requirements set forth in subsection (b), the Secretary may not require the provision of information beyond the information that

is currently provided to the Department by the non-Federal entities referred to in subsection (a), except for the number of direct and indirect work year equivalents associated with Department of Defense contracts, identified by contract number, to the extent this information is available to the contractor from existing data collection systems.

SEC. 344. EVALUATION OF TOTAL SYSTEM PERFORMANCE RESPONSIBILITY PROGRAM.

Deadline.

(a) REPORT REQUIRED.—Not later than February 1, 2000, the Secretary of the Air Force shall submit to Congress a report identifying all Air Force programs that—

(1) are currently managed under the Total System Performance Responsibility Program or similar programs; or

(2) are presently planned to be managed using the Total System Performance Responsibility Program or a similar program.

(b) EVALUATION.—As part of the report required by subsection (a), the Secretary of the Air Force shall include an evaluation of the following:

(1) The manner in which the Total System Performance Responsibility Program and similar programs support the readiness and warfighting capability of the Armed Forces and complement the support of the logistics depots.

(2) The effect of the Total System Performance Responsibility Program and similar programs on the maintenance of core Government logistics management skills.

(3) The process and criteria used by the Air Force to determine whether Government employees or the private sector should perform sustainment management functions.

Deadline.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 30 days after the date on which the report required by subsection (a) is submitted to Congress, the Comptroller General shall review the report and submit to Congress a briefing evaluating the report.

SEC. 345. SENSE OF CONGRESS REGARDING PROCESS FOR MODERNIZATION OF ARMY COMPUTER SERVICES.

(a) PURPOSE OF MODERNIZATION.—It is the sense of Congress that any modernization of computer services (also known as the Army Wholesale Logistics Modernization Program) of the Army Communications Electronics Command of the Army Materiel Command to replace the systems currently provided by the Logistics Systems Support Center in St. Louis, Missouri, and the Industrial Logistics System Center in Chambersburg, Pennsylvania, should have as a primary goal the sustainment of military readiness.

(b) USE OF STANDARD INDUSTRY INTEGRATION PRACTICES.—It is the sense of Congress that, in order to sustain readiness, any contract for the modernization of the computer services referred to in subsection (a), in addition to containing all of the requirements specified by the Secretary of the Army, should require the use of standard industry integration practices to provide further readiness risk mitigation.

(c) PROPOSED CONTRACTOR PRACTICES.—It is the sense of Congress that the following practices should be employed by any contractor engaged in the modernization of the computer services referred to in subsection (a) to ensure continued readiness:

(1) TESTING PRACTICES.—Before any proposed modernization solution is implemented, the solution should be rigorously

tested to ensure that it meets the performance requirements of the Army and all other functional requirements. At each step in the testing process, confirmation of successful test completion should be required before the contractor begins the next step of the modernization process.

(2) IMPLEMENTATION TEAM.—The Secretary of the Army should establish an implementation team to monitor efficiencies and effectiveness of the modernization solutions.

(d) READINESS SUSTAINMENT.—It is the sense of Congress that the following additional readiness sustainment measures should be undertaken as part of the modernization of the computer services referred to in subsection (a):

(1) GOVERNMENT OVERSIGHT.—It is extremely important that the Army Materiel Command retains sufficient in-house expertise to ensure that readiness is not adversely affected by the modernization efforts and to effectively oversee contractor performance.

(2) USE OF CONTRACT PARTNERING.—The Army Materiel Command should encourage partnerships with the contractor, with the primary goal of providing quality contract deliverables on time and at a reasonable price. Any such partnership agreement should constitute a mutual commitment on how the Army Materiel Command and the contractor will interact during the course of the contract, with the objective of facilitating optimum contract performance through teamwork, enhanced communications, cooperation, and good faith performance.

Subtitle F—Defense Dependents Education

SEC. 351. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) MODIFIED DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2000.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $35,000,000 shall be available only for the purpose of providing educational agencies assistance (as defined in subsection (d)(1)) to local educational agencies.

(b) NOTIFICATION.—Not later than June 30, 2000, the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 2000 of— Deadline.

(1) that agency's eligibility for educational agencies assistance; and

(2) the amount of the educational agencies assistance for which that agency is eligible.

(c) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse funds made available under subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) DEFINITIONS.—In this section:

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

(2) The term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(e) DETERMINATION OF ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Section 386(c)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note) is amended by striking "in that fiscal year are" and inserting "during the preceding school year were".

SEC. 352. UNIFIED SCHOOL BOARDS FOR ALL DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT SCHOOLS IN THE COMMONWEALTH OF PUERTO RICO AND GUAM.

Section 2164(d)(1) of title 10, United States Code, is amended by adding at the end the following new sentence: "The Secretary may provide for the establishment of one school board for all such schools in the Commonwealth of Puerto Rico and one school board for all such schools in Guam instead of one school board for each military installation in those locations.".

SEC. 353. CONTINUATION OF ENROLLMENT AT DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.

Section 2164 of title 10, United States Code, is amended—

(1) in subsection (c), by striking paragraph (3); and

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

"(h) CONTINUATION OF ENROLLMENT DESPITE CHANGE IN STATUS.—(1) The Secretary of Defense shall permit a dependent of a member of the armed forces or a dependent of a Federal employee to continue enrollment in an educational program provided by the Secretary pursuant to subsection (a) for the remainder of a school year notwithstanding a change during such school year in the status of the member or Federal employee that, except for this paragraph, would otherwise terminate the eligibility of the dependent to be enrolled in the program.

"(2) The Secretary may, for good cause, authorize a dependent of a member of the armed forces or a dependent of a Federal employee to continue enrollment in an educational program provided by the Secretary pursuant to subsection (a) notwithstanding a change in the status of the member or employee that, except for this paragraph, would otherwise terminate the eligibility of the dependent to be enrolled in the program. The enrollment may continue for as long as the Secretary considers appropriate.

"(3) Paragraphs (1) and (2) do not limit the authority of the Secretary to remove a dependent from enrollment in an educational program provided by the Secretary pursuant to subsection (a) at any time for good cause determined by the Secretary.".

SEC. 354. TECHNICAL AMENDMENTS TO DEFENSE DEPENDENTS' EDUCATION ACT OF 1978.

The Defense Dependents' Education Act of 1978 (title XIV of Public Law 95–561) is amended as follows:

(1) Section 1402(b)(1) (20 U.S.C. 921(b)(1)) is amended by striking "recieve" and inserting "receive".

(2) Section 1403 (20 U.S.C. 922) is amended—

(A) by striking the matter in that section preceding subsection (b) and inserting the following:

"ADMINISTRATION OF DEFENSE DEPENDENTS' EDUCATION SYSTEM

"SEC. 1403. (a) The defense dependents' education system is operated through the field activity of the Department of Defense known as the Department of Defense Education Activity. That activity is headed by a Director, who is a civilian and is selected by the Secretary of Defense. The Director reports to an Assistant Secretary of Defense designated by the Secretary of Defense for purposes of this title.";

(B) in subsection (b), by striking "this Act" and inserting "this title";

(C) in subsection (c)(1), by inserting "(20 U.S.C. 901 et seq.)" after "Personnel Practices Act";

(D) in subsection (c)(2), by striking the period at the end and inserting a comma;

(E) in subsection (c)(6), by striking "Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics" and inserting "the Assistant Secretary of Defense designated under subsection (a)";

(F) in subsection (d)(1), by striking "for the Office of Dependents' Education";

(G) in subsection (d)(2)—

(i) by striking the first sentence;

(ii) by striking "Whenever the Office of Dependents' Education" and inserting "Whenever the Department of Defense Education Activity";

(iii) by striking "after the submission of the report required under the preceding sentence" and inserting "in a manner that affects the defense dependents' education system"; and

(iv) by striking "an additional report" and inserting "a report"; and

(H) in subsection (d)(3), by striking "the Office of Dependents' Education" and inserting "the Department of Defense Education Activity".

(3) Section 1409 (20 U.S.C. 927) is amended—

(A) in subsection (b), by striking "Department of Health, Education, and Welfare in accordance with section 431 of the General Education Provisions Act" and inserting "Secretary of Education in accordance with section 437 of the General Education Provisions Act (20 U.S.C. 1232)";

(B) in subsection (c)(1), by striking "by academic year 1993–1994"; and

(C) in subsection (c)(3)—

(i) by striking "IMPLEMENTATION TIMELINES.—In carrying out" and all that follows through "a comprehensive" and inserting "IMPLEMENTATION.—In carrying out paragraph (2), the Secretary shall have in effect a comprehensive";

(ii) by striking the semicolon after "such individuals" and inserting a period; and

(iii) by striking subparagraphs (B) and (C).

(4) Section 1411(d) (20 U.S.C. 929(d)) is amended by striking "grade GS–18 in section 5332 of title 5, United States Code" and inserting "level IV of the Executive Schedule under section 5315 of title 5, United States Code".

(5) Section 1412 (20 U.S.C. 930) is amended—

(A) in subsection (a)(1)—

(i) by striking "As soon as" and all that follows through "shall provide for" and inserting "The Director may from time to time, but not more frequently than once a year, provide for"; and

(ii) by striking "system, which" and inserting "system. Any such study";

(B) in subsection (a)(2)—

(i) by striking "The study required by this subsection" and inserting "Any study under paragraph (1)"; and

(ii) by striking "not later than two years after the effective date of this title";

(C) in subsection (b), by striking "the study" and inserting "any study";

(D) in subsection (c)—

(i) by striking "not later than one year after the effective date of this title the report" and inserting "any report"; and

(ii) by striking "the study" and inserting "a study"; and

(E) by striking subsection (d).

(6) Section 1413 (20 U.S.C. 931) is amended by striking "Not later than 180 days after the effective date of this title, the" and inserting "The".

(7) Section 1414 (20 U.S.C. 932) is amended by adding at the end the following new paragraph:

"(6) The term 'Director' means the Director of the Department of Defense Education Activity.".

Subtitle G—Military Readiness Issues

SEC. 361. INDEPENDENT STUDY OF MILITARY READINESS REPORTING SYSTEM.

(a) INDEPENDENT STUDY REQUIRED.—(1) The Secretary of Defense shall provide for an independent study of requirements for a comprehensive readiness reporting system for the Department of Defense, as required by section 117 of title 10, United States Code.

(2) The Secretary shall provide for the study to be conducted by an organization outside the Federal Government that the Secretary considers qualified to conduct the study. The amount of a contract for the study may not exceed $1,000,000.

(3) The Secretary shall require that all components of the Department of Defense cooperate fully with the organization carrying out the study.

(b) MATTERS TO BE INCLUDED IN STUDY.—The Secretary shall require that the organization conducting the study under this section specifically consider the requirements for providing an objective, accurate, and timely readiness reporting system for the Department of Defense that has—

(1) the characteristics and capabilities described in subsections (b) and (c) of section 117 of title 10, United States Code; and

(2) any other characteristics and capabilities that the organization determines appropriate to measure the capability

of the Armed Forces to carry out the strategies and guidance described in subsection (a) of such section.

(c) REPORT.—(1) The Secretary of Defense shall require the organization conducting the study under this section to submit to the Secretary a report on the study not later than March 1, 2000. The organization shall include in the report its findings and conclusions concerning each of the matters specified in subsection (b). Deadline.

(2) The Secretary shall submit the report under paragraph (1), together with the Secretary's comments on the report, to Congress not later than April 1, 2000. Deadline.

(d) REVISIONS TO DOD READINESS REPORTING SYSTEM.—(1) Section 117 of title 10, United States Code, is amended—

(A) in subsection (b)(2), by striking "with any change" and all that follows through "24 hours" and inserting "with (A) any change in the overall readiness status of a unit that is required to be reported as part of the readiness reporting system being reported within 24 hours of the event necessitating the change in readiness status, and (B) any change in the overall readiness status of an element of the training establishment or an element of defense infrastructure that is required to be reported as part of the readiness reporting system being reported within 72 hours"; and

(B) in paragraphs (2), (3), and (5) of subsection (c), by striking "a quarterly" and inserting "an annual".

(2) Subsection (b) of section 373 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1992) is amended by striking "January 15, 2000" and inserting "April 1, 2000". 10 USC 117 note.

(3) Subsection (d) of such section is repealed.

(e) REVISED TIME FOR IMPLEMENTATION OF QUARTERLY READINESS REPORTS.—Section 482(a) of title 10, United States Code, is amended by striking "30 days" and inserting "45 days". 10 USC 482 and notes.

SEC. 362. INDEPENDENT STUDY OF DEPARTMENT OF DEFENSE SECONDARY INVENTORY AND PARTS SHORTAGES.

(a) INDEPENDENT STUDY REQUIRED.—In accordance with this section, the Secretary of Defense shall provide for an independent study of—

(1) current levels of Department of Defense inventories of spare parts and other supplies, known as secondary inventory items, including wholesale and retail inventories; and

(2) reports and evidence of Department of Defense inventory shortages adversely affecting readiness.

(b) PERFORMANCE BY INDEPENDENT ENTITY.—To conduct the study under this section, the Secretary of Defense shall select the General Accounting Office, an entity in the private sector that has experience in parts and secondary inventory management, or another entity outside the Department of Defense that has such experience.

(c) MATTERS TO BE INCLUDED IN STUDY.—The Secretary of Defense shall require the entity conducting the study under this section to specifically evaluate the following:

(1) How much of the secondary inventory retained by the Department of Defense for economic, contingency, and potential reutilization during the five-year period ending December 31, 1998, was actually used during each year of the period.

(2) How much of the retained secondary inventory currently held by the Department could be declared to be excess, determined on the basis of standards that take into account requirements uniquely applicable to the Department of Defense because of its warfighting missions, such as requirements for a war reserve of items.

(3) Alternative methods for the disposal or other disposition of excess inventory and the cost to the Department to dispose of excess inventory under each alternative.

(4) The total cost per year of storing secondary inventory, to be determined using traditional private sector cost calculation models.

(5) The adequacy of the Department's schedule and plan for disposing of excess inventory.

(d) REPORT ON RESULTS OF STUDY.—The Secretary of Defense shall require the entity conducting the study under this section to submit to the Secretary a report containing the results of the study, including the entity's findings and conclusions concerning each of the matters specified in subsection (c). The entity shall submit the report at such time as to permit the Secretary to comply with subsection (e).

Deadline. Reports.

(e) REVIEW AND COMMENTS OF THE SECRETARY OF DEFENSE.—Not later than September 1, 2000, the Secretary of Defense shall submit to Congress a report containing the following:

(1) The report submitted under subsection (d), together with the Secretary's comments and recommendations regarding the report.

(2) A plan to address the issues of excess and excessive inactive inventory and part shortages and a timetable to implement the plan throughout the Department.

10 USC 2458 note.

SEC. 363. REPORT ON INVENTORY AND CONTROL OF MILITARY EQUIPMENT.

Deadline.

(a) REPORT REQUIRED.—Not later than August 31, 2000, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the inventory and control of the military equipment of the Department of Defense as of the end of fiscal year 1999. The report shall address the inventories of each of the Army, Navy, Air Force, and Marine Corps separately.

(b) CONTENT.—The report shall include the following:

(1) For each item of military equipment in the inventory, stated by item nomenclature—

(A) the quantity of the item in the inventory as of the beginning of the fiscal year;

(B) the quantity of acquisitions of the item during the fiscal year;

(C) the quantity of disposals of the item during the fiscal year;

(D) the quantity of losses of the item during the performance of military missions during the fiscal year; and

(E) the quantity of the item in the inventory as of the end of the fiscal year.

(2) A reconciliation of the quantity of each item in the inventory as of the beginning of the fiscal year with the quantity of the item in the inventory as of the end of the fiscal year.

(3) For each item of military equipment that cannot be reconciled—

(A) an explanation of why the quantities cannot be reconciled; and

(B) a discussion of the remedial actions planned to be taken, including target dates for accomplishing the remedial actions.

(4) Supporting schedules identifying the location of each item that are available to Congress or auditors of the Comptroller General upon request.

(c) MILITARY EQUIPMENT DEFINED.—For the purposes of this section, the term "military equipment" means all equipment that is used in support of military missions and is maintained on the visibility systems of the Army, Navy, Air Force, or Marine Corps.

(d) INSPECTOR GENERAL REVIEW.—Not later than November 30, 2000, the Inspector General of the Department of Defense shall review the report submitted to the committees under subsection (a) and shall submit to the committees any comments that the Inspector General considers appropriate. Deadline.

SEC. 364. COMPTROLLER GENERAL STUDY OF ADEQUACY OF DEPARTMENT RESTRUCTURED SUSTAINMENT AND REENGINEERED LOGISTICS PRODUCT SUPPORT PRACTICES.

(a) STUDY REQUIRED.—In accordance with this section, the Comptroller General shall conduct a study of restructured sustainment and reengineered logistics product support practices within the Department of Defense, which are designed to provide spare parts and other supplies to military units and installations as needed during a transition to war fighting rather than relying on large stockpiles of such spare parts and supplies. The purpose of the study is to determine whether restructured sustainment and reengineered logistics product support practices would be able to provide adequate sustainment supplies to military units and installations should it ever be necessary to execute the National Military Strategy prescribed by the Chairman of the Joint Chiefs of Staff.

(b) MATTERS TO BE INCLUDED IN STUDY.—The Comptroller General shall specifically evaluate (and recommend improvements in) the following:

(1) The military assumptions that are used to determine required levels of war reserve and prepositioned stocks.

(2) The adequacy of supplies projected to be available to support the fighting of two, nearly simultaneous, major theater wars, as required by the National Military Strategy.

(3) The expected availability through the national technology and industrial base of spare parts and supplies not readily available in the Department inventories, such as parts for aging equipment that no longer have active vendor support.

(c) REPORT REQUIRED.—Not later than March 1, 2000, the Comptroller General shall submit to Congress a report containing the results of the study. The report shall include the Comptroller General's findings, conclusions, and recommendations concerning each of the matters specified in subsection (b). Deadline.

SEC. 365. COMPTROLLER GENERAL REVIEW OF REAL PROPERTY MAINTENANCE AND ITS EFFECT ON READINESS.

(a) REVIEW REQUIRED.—The Comptroller General shall conduct a review of the impact that the consistent lack of adequate funding

for real property maintenance of military installations during the five-year period ending December 31, 1998, has had on readiness, the quality of life of members of the Armed Forces and their dependents, and the infrastructure on military installations.

(b) FUNDING MATTERS TO BE REVIEWED.—In conducting the review under this section, the Comptroller General shall specifically consider the following for the Army, Navy, Marine Corps, and Air Force:

(1) For each year of the covered five-year period, the extent to which unit training and operating funds were diverted to meet basic base operations and real property maintenance needs.

(2) The types of training delayed, canceled, or curtailed as a result of the diversion of such funds.

(3) The level of funding required to eliminate the real property maintenance backlog at military installations so that facilities meet the standards necessary for optimum utilization during times of mobilization.

(c) COMMAND AND MANAGEMENT MATTERS TO BE REVIEWED.—As part of the review conducted under this section, the Comptroller General shall—

(1) review the method of command and management of military installations for the Army, Navy, Marine Corps, and Air Force; and

(2) develop, based on such review, recommendations for the optimum command structure for military installations, to have major command status, which are designed to enhance the development of installations doctrine, privatization and outsourcing, commercial activities, environmental compliance programs, installation restoration, and military construction.

Deadline.

(d) REPORT REQUIRED.—Not later than March 1, 2000, the Comptroller General shall submit to Congress a report containing the results of the review required under this section and the optimum command structure recommended under subsection (c).

10 USC 113 note.

SEC. 366. ESTABLISHMENT OF LOGISTICS STANDARDS FOR SUSTAINED MILITARY OPERATIONS.

(a) ESTABLISHMENT OF STANDARDS.—The Secretary of each military department shall establish, for deployable units of each of the Armed Forces under the jurisdiction of the Secretary, standards regarding—

(1) the level of spare parts that the units must have on hand; and

(2) similar logistics and sustainment needs of the units.

(b) BASIS FOR STANDARDS.—The standards to be established for a unit under subsection (a) shall be based upon the following:

(1) The unit's wartime mission, as reflected in the war-fighting plans of the relevant combatant commanders.

(2) An assessment of the likely requirement for sustained operations under each such war-fighting plan.

(3) An assessment of the likely requirement for that unit to conduct sustained operations in an austere environment, while drawing exclusively on its own internal logistics capabilities.

(c) SUFFICIENCY CAPABILITIES.—The standards to be established by the Secretary of a military department under subsection (a) shall reflect those spare parts and similar logistics capabilities

that the Secretary considers sufficient for the units of each of the Armed Forces under the Secretary's jurisdiction to successfully execute their missions under the conditions described in subsection (b).

(d) RELATION TO READINESS REPORTING SYSTEM.—The standards established under subsection (a) shall be taken into account in designing the comprehensive readiness reporting system for the Department of Defense required by section 117 of title 10, United States Code, and shall be an element in determining a unit's readiness status.

(e) RELATION TO ANNUAL FUNDING NEEDS.—The Secretary of Defense shall consider the standards established under subsection (a) in establishing the annual funding requirements for the Department of Defense.

(f) REPORTING REQUIREMENT.—The Secretary of Defense shall include in the annual report required by section 113(c) of title 10, United States Code, an analysis of the then current spare parts, logistics, and sustainment standards of the Armed Forces, as described in subsection (a), including any shortfalls and the cost of addressing these shortfalls.

Subtitle H—Information Technology Issues

SEC. 371. DISCRETIONARY AUTHORITY TO INSTALL TELECOMMUNICATION EQUIPMENT FOR PERSONS PERFORMING VOLUNTARY SERVICES.

(a) AUTHORITY.—Section 1588 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) AUTHORITY TO INSTALL EQUIPMENT.—(1) The Secretary concerned may install telephone lines and any necessary telecommunication equipment in the private residences of persons, designated in accordance with the regulations prescribed under paragraph (4), who provide voluntary services accepted under subsection (a)(3).

"(2) In the case of equipment installed under the authority of paragraph (1), the Secretary concerned may pay the charges incurred for the use of the equipment for authorized purposes.

"(3) To carry out this subsection, the Secretary concerned may use appropriated funds (notwithstanding section 1348 of title 31) or nonappropriated funds of the military department under the jurisdiction of the Secretary or, with respect to the Coast Guard, the department in which the Coast Guard is operating.

"(4) The Secretary of Defense and, with respect to the Coast Guard when it is not operating as a service in the Navy, the Secretary of Transportation shall prescribe regulations to carry out this subsection.". Regulations.

(b) REPORT ON IMPLEMENTATION.—Not later than two years after final regulations prescribed under subsection (f)(4) of section 1588 of title 10, United States Code, as added by subsection (a), take effect, the Comptroller General shall review the exercise of authority under such subsection (f) and submit to Congress a report on the findings resulting from the review. Deadline. 10 USC 1588 note.

SEC. 372. AUTHORITY FOR DISBURSING OFFICERS TO SUPPORT USE OF AUTOMATED TELLER MACHINES ON NAVAL VESSELS FOR FINANCIAL TRANSACTIONS.

Section 3342 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(f) With respect to automated teller machines on naval vessels, the authority of a disbursing official of the United States Government under subsection (a) also includes the following:

"(1) The authority to provide operating funds to the automated teller machines.

"(2) The authority to accept, for safekeeping, deposits and transfers of funds made through the automated teller machines.".

10 USC 113 note.

SEC. 373. USE OF SMART CARD TECHNOLOGY IN THE DEPARTMENT OF DEFENSE.

(a) DEPARTMENT OF NAVY AS LEAD AGENCY.—The Department of the Navy shall serve as the lead agency for the development and implementation of a Smart Card program for the Department of Defense.

(b) COOPERATION OF OTHER MILITARY DEPARTMENTS.—The Department of the Army and the Department of the Air Force shall each establish a project office and cooperate with the Department of the Navy to develop implementation plans for exploiting the capability of Smart Card technology as a means for enhancing readiness and improving business processes throughout the military departments.

Deadlines. Establishment.

(c) SENIOR COORDINATING GROUP.—(1) Not later than November 30, 1999, the Secretary of Defense shall establish a senior coordinating group to develop and implement—

(A) Department-wide interoperability standards for use of Smart Card technology; and

(B) a plan to exploit Smart Card technology as a means for enhancing readiness and improving business processes.

(2) The senior coordinating group shall be chaired by a representative of the Secretary of the Navy and shall include senior representatives from each of the Armed Forces and such other persons as the Secretary of Defense considers appropriate.

Reports.

(3) Not later than March 31, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing a detailed discussion of the progress made by the senior coordinating group in carrying out its duties.

(d) ROLE OF DEPARTMENT OF DEFENSE CHIEF INFORMATION OFFICE.—The senior coordinating group established under subsection (c) shall report to and receive guidance from the Department of Defense Chief Information Office.

(e) INCREASED USE TARGETED TO CERTAIN NAVAL REGIONS.—Not later than November 30, 1999, the Secretary of the Navy shall establish a business plan to implement the use of Smart Cards in one major Naval region of the continental United States that is in the area of operations of the United States Atlantic Command and one major Naval region of the continental United States that is in the area of operations of the United States Pacific Command. The regions selected shall include a major fleet concentration area. The implementation of the use of Smart Cards in each region shall cover the Navy and Marine Corps bases and

all non-deployed units in the region. The Secretary of the Navy shall submit the business plan to the congressional defense committees.

(f) FUNDING FOR INCREASED USE OF SMART CARDS.—Of the funds authorized to be appropriated for the Navy by section 102(a)(4) or 301(2), the Secretary of the Navy—

(1) shall allocate such amounts as may be necessary, but not to exceed $30,000,000, to ensure that significant progress is made toward complete implementation of the use of Smart Card technology in the Department of the Navy; and

(2) may allocate additional amounts for the conversion of paper-based records to electronic media for records systems that have been modified to use Smart Card technology.

(g) DEFINITIONS.—In this section:

(1) The term "Smart Card" means a credit card-size device, normally for carrying and use by personnel, that contains one or more integrated circuits and may also employ one or more of the following technologies:

(A) Magnetic stripe.

(B) Bar codes, linear or two-dimensional.

(C) Non-contact and radio frequency transmitters.

(D) Biometric information.

(E) Encryption and authentication.

(F) Photo identification.

(2) The term "Smart Card technology" means a Smart Card together with all of the associated information technology hardware and software that comprise the system for support and operation.

(h) REPEAL OF REQUIREMENT FOR AUTOMATED IDENTIFICATION TECHNOLOGY OFFICE.—Section 344 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1977; 10 U.S.C. 113 note) is amended by striking subsection (b).

SEC. 374. REPORT ON DEFENSE USE OF SMART CARD AS PKI AUTHENTICATION DEVICE CARRIER.

(a) REPORT REQUIRED.—Not later than February 1, 2000, the Secretary of Defense shall submit to Congress a report evaluating the option of the Department of Defense using the Smart Card as a Public-Private Key Infrastructure authentication device carrier. The report shall include the following: Deadline.

(1) An evaluation of the advantages and disadvantages of using the Smart Card as a PKI authentication device carrier for the Department of Defense.

(2) A description of other available devices that could be readily used as a PKI authentication device carrier.

(3) A comparison of the cost of using the Smart Card and other available devices as the PKI authentication device carrier.

(b) DEFINITIONS.—In this section:

(1) The term "Smart Card" means a credit card-size device, normally for carrying and use by personnel, that contains one or more integrated circuits and may also employ one or more of the following technologies:

(A) Magnetic stripe.

(B) Bar codes, linear or two-dimensional.

(C) Non-contact and radio frequency transmitters.

(D) Biometric information.
(E) Encryption and authentication.
(F) Photo identification.

(2) The terms "Public-Private Key Infrastructure authentication device carrier" and "PKI authentication device carrier" mean a device that physically stores, carries, and employs electronic authentication or encryption keys necessary to create a unique digital signature, digital certificate, or other mark on an electronic document or file.

Subtitle I—Other Matters

SEC. 381. AUTHORITY TO LEND OR DONATE OBSOLETE OR CONDEMNED RIFLES FOR FUNERAL AND OTHER CEREMONIES.

(a) AUTHORITY.—Subsection (a) of section 4683 of title 10, United States Code, is amended to read as follows:

Regulations.

"(a) AUTHORITY TO LEND OR DONATE.—(1) The Secretary of the Army, under regulations prescribed by the Secretary, may conditionally lend or donate excess M–1 rifles (not more than 15), slings, and cartridge belts to any eligible organization for use by that organization for funeral ceremonies of a member or former member of the armed forces, and for other ceremonial purposes.

"(2) If the rifles to be loaned or donated under paragraph (1) are to be used by the eligible organization for funeral ceremonies of a member or former member of the armed forces, the Secretary may issue and deliver the rifles, together with the necessary accoutrements and blank ammunition, without charge.".

(b) CONDITIONS AND DEFINITION.—Such section is further amended by adding at the end the following new subsections:

"(c) CONDITIONS ON LOAN OR DONATION.—In lending or donating rifles under subsection (a), the Secretary shall impose such conditions on the use of the rifles as may be necessary to ensure security, safety, and accountability. The Secretary may impose such other conditions as the Secretary considers appropriate.

"(d) ELIGIBLE ORGANIZATION DEFINED.—In this section, the term 'eligible organization' means—

"(1) a unit or other organization of honor guards recognized by the Secretary of the Army as honor guards for a national cemetery;

"(2) a law enforcement agency; or

"(3) a local unit of any organization that, as determined by the Secretary of the Army, is a nationally recognized veterans' organization.".

(c) CONFORMING AMENDMENTS.—Subsection (b) of such section is amended—

(1) by inserting "RELIEF FROM LIABILITY.—" after "(b)";

(2) by striking "a unit" and inserting "an eligible organization"; and

(3) by striking "lent" both places it appears and inserting "lent or donated".

(d) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 4683. Excess M–1 rifles: loan or donation for funeral and other ceremonial purposes".

(2) The item relating to such section in the table of sections at the beginning of chapter 443 of such title is amended to read as follows:

"4683. Excess M–1 rifles: loan or donation for funeral and other ceremonial purposes.".

(e) REPORT ON IMPLEMENTATION.—Not later than two years after the date of the enactment of this Act, the Comptroller General shall review the exercise of authority under section 4683 of title 10, United States Code, as amended by this section, and submit to Congress a report on the findings resulting from the review. Deadline. 10 USC 4683 note.

SEC. 382. EXTENSION OF WARRANTY CLAIMS RECOVERY PILOT PROGRAM.

Section 391 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1716; 10 U.S.C. 2304 note) is amended—

(1) in subsection (f), by striking "September 30, 1999" and inserting "September 30, 2000";

(2) in subsection (g)(1), by striking "January 1, 2000" and inserting "January 1, 2001"; and

(3) in subsection (g)(2), by striking "March 1, 2000" and inserting "March 1, 2001".

SEC. 383. PRESERVATION OF HISTORIC BUILDINGS AND GROUNDS AT UNITED STATES SOLDIERS' AND AIRMEN'S HOME, DISTRICT OF COLUMBIA.

The Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101–510; 24 U.S.C. 401 et seq.) is amended by adding at the end of part A the following new section:

"SEC. 1523. PRESERVATION OF HISTORIC BUILDINGS AND GROUNDS AT UNITED STATES SOLDIERS' AND AIRMEN'S HOME. 24 USC 423.

"(a) HISTORIC NATURE OF FACILITY.—Congress finds the following:

"(1) Four buildings located on six acres of the establishment of the Retirement Home known as the United States Soldiers' and Airmen's Home are included on the National Register of Historic Places maintained by the Secretary of the Interior.

"(2) Amounts in the Armed Forces Retirement Home Trust Fund, which consists primarily of deductions from the pay of members of the Armed Forces, are insufficient to both maintain and operate the Retirement Home for the benefit of the residents of the Retirement Home and adequately maintain, repair, and preserve these historic buildings and grounds.

"(3) Other sources of funding are available to contribute to the maintenance, repair, and preservation of these historic buildings and grounds.

"(b) AUTHORITY TO ACCEPT ASSISTANCE.—The Chairman of the Retirement Home Board and the Director of the United States Soldiers' and Airmen's Home may apply for and accept a direct grant from the Secretary of the Interior under section 101(e)(3) of the National Historic Preservation Act (16 U.S.C. 470a(e)(3)) for the purpose of maintaining, repairing, and preserving the historic buildings and grounds of the United States Soldiers' and Airmen's Home included on the National Register of Historic Places.

"(c) REQUIREMENTS AND LIMITATIONS.—Amounts received as a grant under subsection (b) shall be deposited in the Fund, but shall be kept separate from other amounts in the Fund. The amounts received may only be used for the purpose specified in subsection (b).".

SEC. 384. CLARIFICATION OF LAND CONVEYANCE AUTHORITY, UNITED STATES SOLDIERS' AND AIRMEN'S HOME.

(a) MANNER OF CONVEYANCE.—Subsection (a)(1) of section 1053 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2650) is amended by striking "convey by sale" and inserting "convey, by sale or lease,".

(b) TIME FOR CONVEYANCE.—Subsection (a)(2) of such section is amended to read as follows:

"(2) The Armed Forces Retirement Home Board shall sell or lease the property described in subsection (a) within 12 months after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000.".

(c) MANNER, TERMS, AND CONDITIONS OF CONVEYANCE.—Subsection (b) of such section is amended—

(1) by striking paragraph (1) and inserting the following new paragraph: "(1) The Armed Forces Retirement Home Board shall determine the manner, terms, and conditions for the sale or lease of the real property under subsection (a), except as follows:

"(A) Any lease of the real property under subsection (a) shall include an option to purchase.

"(B) The conveyance may not involve any form of public/private partnership, but shall be limited to fee-simple sale or long-term lease.

"(C) Before conveying the property by sale or lease to any other person or entity, the Board shall provide the Catholic University of America with the opportunity to match or exceed the highest bona fide offer otherwise received for the purchase or lease of the property, as the case may be, and to acquire the property."; and

(2) in paragraph (2), by adding at the end the following new sentence: "In no event shall the sale or lease of the property be for less than the appraised value of the property in its existing condition and on the basis of its highest and best use.".

SEC. 385. TREATMENT OF ALASKA, HAWAII, AND GUAM IN DEFENSE HOUSEHOLD GOODS MOVING PROGRAMS.

(a) LIMITATION ON INCLUSION IN TEST PROGRAMS.—Alaska, Hawaii, and Guam shall not be included as a point of origin in any test or demonstration program of the Department of Defense regarding the moving of household goods of members of the Armed Forces.

(b) SEPARATE REGIONS; DESTINATIONS.—In any Department of Defense household goods moving program that is not subject to the prohibition in subsection (a)—

(1) Alaska, Hawaii, and Guam shall each constitute a separate region; and

(2) Hawaii and Guam shall be considered international destinations.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

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

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Increase in numbers of members in certain grades authorized to be on active duty in support of the Reserves.
Sec. 415. Selected Reserve end strength flexibility.

Subtitle C—Authorization of Appropriations

Sec. 421. Authorization of appropriations for military personnel.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES. 10 USC 115 note.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2000, as follows:

(1) The Army, 480,000.
(2) The Navy, 372,037.
(3) The Marine Corps, 172,518.
(4) The Air Force, 360,877.

SEC. 402. REVISION IN PERMANENT END STRENGTH MINIMUM LEVELS.

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

(1) in paragraph (2), by striking "372,696" and inserting "371,781";

(2) in paragraph (3), by striking "172,200" and inserting "172,148"; and

(3) in paragraph (4), by striking "370,802" and inserting "360,877".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999. 10 USC 691 note.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE. 10 USC 12001 note.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2000, as follows:

(1) The Army National Guard of the United States, 350,000.
(2) The Army Reserve, 205,000.
(3) The Naval Reserve, 90,288.
(4) The Marine Corps Reserve, 39,624.
(5) The Air National Guard of the United States, 106,678.
(6) The Air Force Reserve, 73,708.
(7) The Coast Guard Reserve, 8,000.

(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 proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

10 USC 12001 note.

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, 2000, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 22,430.
(2) The Army Reserve, 12,804.
(3) The Naval Reserve, 15,010.
(4) The Marine Corps Reserve, 2,272.
(5) The Air National Guard of the United States, 11,157.
(6) The Air Force Reserve, 1,134.

10 USC 115 note.

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

The minimum number of military technicians (dual status) as of the last day of fiscal year 2000 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 6,474.
(2) For the Army National Guard of the United States, 23,125.
(3) For the Air Force Reserve, 9,785.
(4) For the Air National Guard of the United States, 22,247.

SEC. 414. INCREASE IN NUMBERS OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

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

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,227	1,071	860	140
Lieutenant Colonel or Commander	1,611	520	777	90
Colonel or Navy Captain	471	188	297	30".

(b) SENIOR ENLISTED MEMBERS.—The table in section 12012(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E–9	645	202	405	20
E–8	2,593	429	1,041	94".

SEC. 415. SELECTED RESERVE END STRENGTH FLEXIBILITY.

Section 115(c) of title 10, United States Code, is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

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

"(3) vary the end strength authorized pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of any of the reserve components by a number equal to not more than 2 percent of that end strength.".

Subtitle C—Authorization of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2000 a total of $71,884,867,000, and in addition funds in the total amount of $1,838,426,000 are authorized to be appropriated to the Department of Defense as emergency appropriations for fiscal year 2000 for military personnel, as appropriated in section 2012 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31; 113 Stat. 83). The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2000.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Temporary authority for recall of retired aviators.
Sec. 502. Increase in maximum number of officers authorized to be on active-duty list in frocked grades of brigadier general and rear admiral (lower half).
Sec. 503. Reserve officers requesting or otherwise causing nonselection for promotion.
Sec. 504. Minimum grade of officers eligible to serve on boards of inquiry.
Sec. 505. Minimum selection of warrant officers for promotion from below the promotion zone.
Sec. 506. Increase in threshold period of active duty for applicability of restriction on holding of civil office by retired regular officers and reserve officers.
Sec. 507. Exemption of retiree council members from recalled retiree limits.
Sec. 508. Technical amendments relating to joint duty assignments.
Sec. 509. Three-year extension of requirement for competition for joint 4-star officer positions.

Subtitle B—Reserve Component Personnel Policy

Sec. 511. Continuation of officers on reserve active-status list to complete disciplinary action.
Sec. 512. Authority to order reserve component members to active duty to complete a medical evaluation.
Sec. 513. Exclusion of reserve officers on educational delay from eligibility for consideration for promotion.

Sec. 514. Extension of period for retention of reserve component majors and lieutenant commanders who twice fail of selection for promotion.
Sec. 515. Computation of years of service exclusion.
Sec. 516. Retention of reserve component chaplains until age 67.
Sec. 517. Expansion and codification of authority for space-required travel on military aircraft for reserves performing inactive-duty training outside the continental United States.

Subtitle C—Military Technicians

Sec. 521. Revision to military technician (dual status) law.
Sec. 522. Civil service retirement of technicians.
Sec. 523. Revision to non-dual status technicians statute.
Sec. 524. Revision to authorities relating to National Guard technicians.
Sec. 525. Effective date.
Sec. 526. Secretary of Defense review of Army technician costing process.
Sec. 527. Fiscal year 2000 limitation on number of non-dual status technicians.

Subtitle D—Service Academies

Sec. 531. Strength limitations at the service academies.
Sec. 532. Superintendents of the service academies.
Sec. 533. Dean of Academic Board, United States Military Academy and Dean of the Faculty, United States Air Force Academy.
Sec. 534. Waiver of reimbursement of expenses for instruction at service academies of persons from foreign countries.
Sec. 535. Expansion of foreign exchange programs of the service academies.

Subtitle E—Education and Training

Sec. 541. Establishment of a Department of Defense international student program at the senior military colleges.
Sec. 542. Authority for Army War College to award degree of master of strategic studies.
Sec. 543. Authority for Air University to confer graduate-level degrees.
Sec. 544. Reserve credit for participation in health professions scholarship and financial assistance program.
Sec. 545. Permanent authority for ROTC scholarships for graduate students.
Sec. 546. Increase in monthly subsistence allowance for Senior ROTC cadets selected for advanced training.
Sec. 547. Contingent funding increase for Junior ROTC program.
Sec. 548. Change from annual to biennial reporting under the reserve component Montgomery GI bill.
Sec. 549. Recodification and consolidation of statutes denying Federal grants and contracts by certain departments and agencies to institutions of higher education that prohibit Senior ROTC units or military recruiting on campus.
Sec. 550. Accrual funding for Coast Guard Montgomery GI bill liabilities.

Subtitle F—Reserve Component Management

Sec. 551. Financial assistance program for pursuit of degrees by officer candidates in Marine Corps Platoon Leaders Class program.
Sec. 552. Options to improve recruiting for the Army Reserve.
Sec. 553. Joint duty assignments for reserve component general and flag officers.
Sec. 554. Grade of chiefs of reserve components and additional general officers at the National Guard Bureau.
Sec. 555. Duties of Reserves on active duty in support of the Reserves.
Sec. 556. Repeal of limitation on number of Reserves on full-time active duty in support of preparedness for responses to emergencies involving weapons of mass destruction.
Sec. 557. Establishment of Office of the Coast Guard Reserve.
Sec. 558. Report on use of National Guard facilities and infrastructure for support of provision of services to veterans.

Subtitle G—Decorations, Awards, and Commendations

Sec. 561. Waiver of time limitations for award of certain decorations to certain persons.
Sec. 562. Authority for award of Medal of Honor to Alfred Rascon for valor during the Vietnam conflict.
Sec. 563. Elimination of current backlog of requests for replacement of military decorations.
Sec. 564. Retroactive award of Navy Combat Action Ribbon.
Sec. 565. Sense of Congress concerning Presidential unit citation for crew of the U.S.S. Indianapolis.

Subtitle H—Matters Relating to Recruiting

Sec. 571. Access to secondary school students for military recruiting purposes.
Sec. 572. Increased authority to extend delayed entry period for enlistments of persons with no prior military service.
Sec. 573. Army College First pilot program.
Sec. 574. Use of recruiting materials for public relations purposes.

Subtitle I—Matters Relating to Missing Persons

Sec. 575. Nondisclosure of debriefing information on certain missing persons previously returned to United States control.
Sec. 576. Recovery and identification of remains of certain World War II servicemen lost in Pacific Theater of Operations.

Subtitle J—Other Matters

Sec. 577. Authority for special courts-martial to impose sentences to confinement and forfeitures of pay of up to one year.
Sec. 578. Funeral honors details for funerals of veterans.
Sec. 579. Purpose and funding limitations for National Guard Challenge program.
Sec. 580. Department of Defense Starbase program.
Sec. 581. Survey of members leaving military service on attitudes toward military service.
Sec. 582. Service review agencies covered by professional staffing requirement.
Sec. 583. Participation of members in management of organizations abroad that promote international understanding.
Sec. 584. Support for expanded child care services and youth program services for dependents.
Sec. 585. Report and regulations on Department of Defense policies on protecting the confidentiality of communications with professionals providing therapeutic or related services regarding sexual or domestic abuse.
Sec. 586. Members under burdensome personnel tempo.

Subtitle K—Domestic Violence

Sec. 591. Defense task force on domestic violence.
Sec. 592. Incentive program for improving responses to domestic violence involving members of the Armed Forces and military family members.
Sec. 593. Uniform Department of Defense policies for responses to domestic violence.
Sec. 594. Central Department of Defense database on domestic violence incidents.

Subtitle A—Officer Personnel Policy

SEC. 501. TEMPORARY AUTHORITY FOR RECALL OF RETIRED AVIATORS.

(a) AUTHORITY.—During the retired aviator recall period, the Secretary of a military department may recall to active duty any retired officer having expertise as an aviator to fill staff positions normally filled by active duty aviators. Any such recall may only be made with the consent of the officer recalled.

(b) LIMITATION.—No more than a total of 500 officers may be on active duty at any time under subsection (a).

(c) TERMINATION.—Each officer recalled to active duty under subsection (a) during the retired aviator recall period shall be released from active duty not later than one year after the end of such period.

(d) WAIVERS.—Officers recalled to active duty under subsection (a) shall not be counted for purposes of section 668 or 690 of title 10, United States Code.

(e) RETIRED AVIATOR RECALL PERIOD.—For purposes of this section, the retired aviator recall period is the period beginning on October 1, 1999, and ending on September 30, 2002.

(f) REPORT.—Not later than March 31, 2002, the Secretary of Defense submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Deadline.

Representatives a report on the use of the authority under this section, together with the Secretary's recommendation for extension of that authority.

SEC. 502. INCREASE IN MAXIMUM NUMBER OF OFFICERS AUTHORIZED TO BE ON ACTIVE-DUTY LIST IN FROCKED GRADES OF BRIGADIER GENERAL AND REAR ADMIRAL (LOWER HALF).

Section 777(d)(1) of title 10, United States Code, is amended by striking "the following:" and all that follows and inserting "55.".

SEC. 503. RESERVE OFFICERS REQUESTING OR OTHERWISE CAUSING NONSELECTION FOR PROMOTION.

(a) REPORTING REQUIREMENT.—Section 617(c) of title 10, United States Code, is amended by striking "regular".

Applicability.
10 USC 617 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to boards convened under section 611(a) of title 10, United States Code, on or after the date of the enactment of this Act.

SEC. 504. MINIMUM GRADE OF OFFICERS ELIGIBLE TO SERVE ON BOARDS OF INQUIRY.

(a) RETENTION BOARDS FOR REGULAR OFFICERS.—The text of section 1187 of title 10, United States Code, is amended to read as follows:

"(a) ACTIVE DUTY OFFICERS.—Except as provided in subsection (b), each board convened under this chapter shall consist of officers appointed as follows:

"(1) Each member of the board shall be an officer of the same armed force as the officer being required to show cause for retention on active duty.

"(2) Each member of the board shall be on the active-duty list.

"(3) Each member of the board shall be in a grade above major or lieutenant commander, except that at least one member of the board shall be in a grade above lieutenant colonel or commander.

"(4) Each member of the board shall be senior in grade to any officer to be considered by the board.

"(b) RETIRED OFFICERS.—If qualified officers on active duty are not available in sufficient numbers to comprise a board convened under this chapter, the Secretary of the military department concerned shall complete the membership of the board by appointing to the board retired officers of the same armed force. A retired officer may be appointed to such a board only if the retired grade of that officer—

"(1) is above major or lieutenant commander or, in the case of an officer to be the senior officer of the board, above lieutenant colonel or commander; and

"(2) is senior to the grade of any officer to be considered by the board.

"(c) INELIGIBILITY BY REASON OF PREVIOUS CONSIDERATION OF SAME OFFICER.—No person may be a member of more than one board convened under this chapter to consider the same officer.

"(d) EXCLUSION FROM STRENGTH LIMITATION.—A retired general or flag officer who is on active duty for the purpose of serving on a board convened under this chapter shall not, while so serving,

be counted against any limitation on the number of general and flag officers who may be on active duty.".

(b) RETENTION BOARDS FOR RESERVE OFFICERS.—Subsection (a) of section 14906 of such title is amended to read as follows:

"(a) COMPOSITION OF BOARDS.—Each board convened under this chapter shall consist of officers appointed as follows:

"(1) Each member of the board shall be an officer of the same armed force as the officer being required to show cause for retention in an active status.

"(2) Each member of the board shall hold a grade above major or lieutenant commander, except that at least one member of the board shall hold a grade above lieutenant colonel or commander.

"(3) Each member of the board shall be senior in grade to any officer to be considered by the board.".

SEC. 505. MINIMUM SELECTION OF WARRANT OFFICERS FOR PROMOTION FROM BELOW THE PROMOTION ZONE.

Section 575(b)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: "If the number determined under this subsection with respect to a promotion zone within a grade (or grade and competitive category) is less than one, the board may recommend one such officer for promotion from below the zone within that grade (or grade and competitive category).".

SEC. 506. INCREASE IN THRESHOLD PERIOD OF ACTIVE DUTY FOR APPLICABILITY OF RESTRICTION ON HOLDING OF CIVIL OFFICE BY RETIRED REGULAR OFFICERS AND RESERVE OFFICERS.

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

(1) in subparagraph (B), by striking "180 days" and inserting "270 days"; and

(2) in subparagraph (C), by striking "180 days" and inserting "270 days".

SEC. 507. EXEMPTION OF RETIREE COUNCIL MEMBERS FROM RECALLED RETIREE LIMITS.

Section 690(b)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(D) Any member of the Retiree Council of the Army, Navy, or Air Force for the period on active duty to attend the annual meeting of the Retiree Council.".

SEC. 508. TECHNICAL AMENDMENTS RELATING TO JOINT DUTY ASSIGNMENTS.

(a) JOINT DUTY ASSIGNMENTS FOR GENERAL AND FLAG OFFICERS.—Subsection (g) of section 619a of title 10, United States Code, is amended to read as follows:

"(g) LIMITATION FOR GENERAL AND FLAG OFFICERS PREVIOUSLY RECEIVING JOINT DUTY ASSIGNMENT WAIVER.—A general officer or flag officer who before January 1, 1999, received a waiver of subsection (a) under the authority of this subsection (as in effect before that date) may not be appointed to the grade of lieutenant general or vice admiral until the officer completes a full tour of duty in a joint duty assignment.".

(b) NUCLEAR PROPULSION OFFICERS.—Subsection (h) of that section is amended—

(1) by striking "(1) Until January 1, 1997, an" and inserting "An";

(2) by striking "may be" and inserting "who before January 1, 1997, is";

(3) by striking ". An officer so appointed"; and

(4) by striking paragraph (2).

SEC. 509. THREE-YEAR EXTENSION OF REQUIREMENT FOR COMPETITION FOR JOINT 4-STAR OFFICER POSITIONS.

(a) EXTENSION OF REQUIREMENT.—Section 604(c) of title 10, United States Code, is amended by striking "September 30, 2000" and inserting "September 30, 2003".

(b) GRADE RELIEF.—Section 525(b)(5)(C) of such title is amended by striking "September 30, 2000" and inserting "September 30, 2003".

(c) CLARIFICATION OF CERTAIN LIMITATIONS ON NUMBER OF ACTIVE-DUTY GENERALS AND ADMIRALS.—Paragraph (5) of section 525(b) of such title is amended by adding at the end of subparagraph (A) the following new sentence: "Any increase by reason of the preceding sentence in the number of officers of an armed force serving on active duty in grades above major general or rear admiral may only be realized by an increase in the number of lieutenant generals or vice admirals, as the case may be, serving on active duty, and any such increase may not be construed as authorizing an increase in the limitation on the total number of general or flag officers for that armed force under section 526(a) of this title or in the number of general and flag officers that may be designated under section 526(b) of this title.".

Subtitle B—Reserve Component Personnel Policy

SEC. 511. CONTINUATION OF OFFICERS ON RESERVE ACTIVE-STATUS LIST TO COMPLETE DISCIPLINARY ACTION.

(a) IN GENERAL.—Chapter 1407 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 14518. Continuation of officers to complete disciplinary action

"The Secretary concerned may delay the separation or retirement under this chapter of an officer against whom an action has been commenced with a view to trying the officer by court-martial. Any such delay may continue until the completion of the disciplinary action against the officer.".

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

"14518. Continuation of officers to complete disciplinary action.".

SEC. 512. AUTHORITY TO ORDER RESERVE COMPONENT MEMBERS TO ACTIVE DUTY TO COMPLETE A MEDICAL EVALUATION.

Section 12301 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h)(1) When authorized by the Secretary of Defense, the Secretary of a military department may, with the consent of the member, order a member of a reserve component to active duty—

"(A) to receive authorized medical care;

"(B) to be medically evaluated for disability or other purposes; or

"(C) to complete a required Department of Defense health care study, which may include an associated medical evaluation of the member.

"(2) A member ordered to active duty under this subsection may, with the member's consent, be retained on active duty, if the Secretary concerned considers it appropriate, for medical treatment for a condition associated with the study or evaluation, if that treatment of the member is otherwise authorized by law.

"(3) A member of the Army National Guard of the United States or the Air National Guard of the United States may be ordered to active duty under this subsection only with the consent of the Governor or other appropriate authority of the State concerned.".

SEC. 513. EXCLUSION OF RESERVE OFFICERS ON EDUCATIONAL DELAY FROM ELIGIBILITY FOR CONSIDERATION FOR PROMOTION.

(a) EXCLUSION.—Section 14301 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h) OFFICERS ON EDUCATIONAL DELAY.—An officer on the reserve active-status list is ineligible for consideration for promotion, but shall remain on the reserve active-status list, while the officer—

"(1) is pursuing a program of graduate level education in an educational delay status approved by the Secretary concerned; and

"(2) is receiving from the Secretary financial assistance in connection with the pursuit of that program of education while in that status.".

(b) RETROACTIVE EFFECT.—(1) Subsection (h) of section 14301 of title 10, United States Code (as added by subsection (a)), shall apply with respect to boards convened under section 14101(a) of such title before, on, or after the date of the enactment of this Act. 10 USC 14301 note.

(2) The Secretary of the military department concerned, upon receipt of request submitted in a form and manner prescribed by the Secretary, shall expunge from the military records of an officer any indication of a failure of selection of the officer for promotion by a board referred to in paragraph (1) while the officer was ineligible for consideration by that board by reason of section 14301(h) of title 10, United States Code. Records.

SEC. 514. EXTENSION OF PERIOD FOR RETENTION OF RESERVE COMPONENT MAJORS AND LIEUTENANT COMMANDERS WHO TWICE FAIL OF SELECTION FOR PROMOTION.

(a) PARITY WITH OFFICERS IN PAY GRADES O–2 AND O–3.—Section 14506 of title 10, United States Code, is amended—

(1) by inserting "the later of (1)" after "in accordance with section 14513 of this title on"; and

(2) by inserting before the period at the end the following: ", or (2) the first day of the seventh month after the month in which the President approves the report of the board which considered the officer for the second time".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to removals of reserve officers from Applicability. 10 USC 14506 note.

reserve active-status lists under section 14506 of title 10, United States Code, on or after the date of the enactment of this Act.

SEC. 515. COMPUTATION OF YEARS OF SERVICE EXCLUSION.

The text of section 14706 of title 10, United States Code, is amended to read as follows:

"(a) For the purpose of this chapter and chapter 1407 of this title, a Reserve officer's years of service include all service of the officer as a commissioned officer of a uniformed service other than the following:

"(1) Service as a warrant officer.

"(2) Constructive service.

"(3) Service after appointment as a commissioned officer of a reserve component while in a program of advanced education to obtain the first professional degree required for appointment, designation, or assignment to a professional specialty, but only if that service occurs before the officer commences initial service on active duty or initial service in the Ready Reserve in the specialty that results from such a degree.

"(b) The exclusion under subsection (a)(3) does not apply to service performed by an officer who previously served on active duty or participated as a member of the Ready Reserve in other than a student status for the period of service preceding the member's service in a student status.

"(c) For purposes of subsection (a)(3), an officer shall be considered to be in a professional specialty if the officer is appointed or assigned to the Medical Corps, the Dental Corps, the Veterinary Corps, the Medical Service Corps, the Nurse Corps, or the Army Medical Specialists Corps or is designated as a chaplain or judge advocate.".

SEC. 516. RETENTION OF RESERVE COMPONENT CHAPLAINS UNTIL AGE 67.

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

SEC. 517. EXPANSION AND CODIFICATION OF AUTHORITY FOR SPACE-REQUIRED TRAVEL ON MILITARY AIRCRAFT FOR RESERVES PERFORMING INACTIVE-DUTY TRAINING OUTSIDE THE CONTINENTAL UNITED STATES.

(a) AUTHORITY.—(1) Chapter 1805 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 18505. Reserves traveling to inactive-duty training OCONUS: authority for space-required travel

"(a) In the case of a member of a reserve component whose place of inactive-duty training is outside the contiguous States (including a place other than the place of the member's unit training assembly if the member is performing the inactive-duty training in another location), the member may travel in a space-required status on aircraft of the armed forces between the member's home and the place of such training if there is no transportation between those locations by means of road or railroad (or a combination of road and railroad).

"(b) A member traveling in a space-required status on any such aircraft under subsection (a) is not authorized to receive travel,

transportation, or per diem allowances in connection with that travel.".

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

"18505. Reserves traveling to inactive-duty training OCONUS: authority for space-required travel.".

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 8023 of Public Law 105–262 (112 Stat. 2302) is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to travel commencing on or after the date of the enactment of this Act.

Applicability. 10 USC 18505 note.

Subtitle C—Military Technicians

SEC. 521. REVISION TO MILITARY TECHNICIAN (DUAL STATUS) LAW.

(a) DEFINITION.—Subsection (a)(1) of section 10216 of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking "section 709" and inserting "section 709(b)"; and

(2) in subparagraph (C), by inserting "civilian" after "is assigned to a".

(b) DUAL STATUS REQUIREMENT.—Subsection (e) of such section is amended—

(1) in paragraph (1), by inserting "(dual status)" after "military technician" the second place it appears; and

(2) in paragraph (2)—

(A) by striking "The Secretary" and inserting "Except as otherwise provided by law, the Secretary"; and

(B) by striking "not to exceed six months" and inserting "up to 12 months".

SEC. 522. CIVIL SERVICE RETIREMENT OF TECHNICIANS.

(a) IN GENERAL.—(1) Chapter 1007 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 10218. Army and Air Force Reserve technicians: conditions for retention; mandatory retirement under civil service laws

"(a) SEPARATION AND RETIREMENT OF MILITARY TECHNICIANS (DUAL STATUS).—(1) An individual employed by the Army Reserve or the Air Force Reserve as a military technician (dual status) who after the date of the enactment of this section loses dual status is subject to paragraph (2) or (3), as the case may be.

"(2) If a technician described in paragraph (1) is eligible at the time dual status is lost for an unreduced annuity, the technician shall be separated not later than 30 days after the date on which dual status is lost.

"(3)(A) If a technician described in paragraph (1) is not eligible at the time dual status is lost for an unreduced annuity, the technician shall be offered the opportunity to—

"(i) reapply for, and if qualified be appointed to, a position as a military technician (dual status); or

"(ii) apply for a civil service position that is not a technician position.

"(B) If such a technician continues employment with the Army Reserve or the Air Force Reserve as a non-dual status technician, the technician—

"(i) shall not be permitted, after the end of the one-year period beginning on the date of the enactment of this subsection, to apply for any voluntary personnel action; and

"(ii) shall be separated or retired—

"(I) in the case of a technician first hired as a military technician (dual status) on or before February 10, 1996, not later than 30 days after becoming eligible for an unreduced annuity; and

"(II) in the case of a technician first hired as a military technician (dual status) after February 10, 1996, not later than one year after the date on which dual status is lost.

"(4) For purposes of this subsection, a military technician is considered to lose dual status upon—

"(A) being separated from the Selected Reserve; or

"(B) ceasing to hold the military grade specified by the Secretary concerned for the position held by the technician.

"(b) NON-DUAL STATUS TECHNICIANS.—(1) An individual who on the date of the enactment of this section is employed by the Army Reserve or the Air Force Reserve as a non-dual status technician and who on that date is eligible for an unreduced annuity shall be separated not later than six months after the date of the enactment of this section.

"(2)(A) An individual who on the date of the enactment of this section is employed by the Army Reserve or the Air Force Reserve as a non-dual status technician and who on that date is not eligible for an unreduced annuity shall be offered the opportunity to—

"(i) reapply for, and if qualified be appointed to, a position as a military technician (dual status); or

"(ii) apply for a civil service position that is not a technician position.

"(B) If such a technician continues employment with the Army Reserve or the Air Force Reserve as a non-dual status technician, the technician—

"(i) shall not be permitted, after the end of the one-year period beginning on the date of the enactment of this subsection, to apply for any voluntary personnel action; and

"(ii) shall be separated or retired—

"(I) in the case of a technician first hired as a technician on or before February 10, 1996, and who on the date of the enactment of this section is a non-dual status technician, not later than 30 days after becoming eligible for an unreduced annuity; and

"(II) in the case of a technician first hired as a technician after February 10, 1996, and who on the date of the enactment of this section is a non-dual status technician, not later than one year after the date on which dual status is lost.

"(3) An individual employed by the Army Reserve or the Air Force Reserve as a non-dual status technician who is ineligible for appointment to a military technician (dual status) position, or who decides not to apply for appointment to such a position, or who, within six months of the date of the enactment of this section is not appointed to such a position, shall for reduction-

in-force purposes be in a separate competitive category from employees who are military technicians (dual status).

"(c) UNREDUCED ANNUITY DEFINED.—For purposes of this section, a technician shall be considered to be eligible for an unreduced annuity if the technician is eligible for an annuity under section 8336, 8412, or 8414 of title 5 that is not subject to a reduction by reason of the age or years of service of the technician.

"(d) VOLUNTARY PERSONNEL ACTION DEFINED.—In this section, the term 'voluntary personnel action', with respect to a non-dual status technician, means any of the following:

"(1) The hiring, entry, appointment, reassignment, promotion, or transfer of the technician into a position for which the Secretary concerned has established a requirement that the person occupying the position be a military technician (dual status).

"(2) Promotion to a higher grade if the technician is in a position for which the Secretary concerned has established a requirement that the person occupying the position be a military technician (dual status).".

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

"10218. Army and Air Force Reserve technicians: conditions for retention; mandatory retirement under civil service laws.".

(3) During the six-month period beginning on the date of the enactment of this Act, the provisions of subsections (a)(3)(B)(ii)(I) and (b)(2)(B)(ii)(I) of section 10218 of title 10, United States Code, as added by paragraph (1), shall be applied by substituting "six months" for "30 days". Effective date. Applicability. 10 USC 10218 note.

(b) EARLY RETIREMENT.—Section 8414(c) of title 5, United States Code, is amended to read as follows:

"(c)(1) An employee who was hired as a military reserve technician on or before February 10, 1996 (under the provisions of this title in effect before that date), and who is separated from technician service, after becoming 50 years of age and completing 25 years of service, by reason of being separated from the Selected Reserve of the employee's reserve component or ceasing to hold the military grade specified by the Secretary concerned for the position held by the employee is entitled to an annuity.

"(2) An employee who is initially hired as a military technician (dual status) after February 10, 1996, and who is separated from the Selected Reserve or ceases to hold the military grade specified by the Secretary concerned for the position held by the technician—

"(A) after completing 25 years of service as a military technician (dual status), or

"(B) after becoming 50 years of age and completing 20 years of service as a military technician (dual status),

is entitled to an annuity.".

(c) CONFORMING AMENDMENTS.—Chapter 84 of title 5, United States Code, is amended as follows:

(1) Section 8415(g)(2) is amended by striking "military reserve technician" and inserting "military technician (dual status)".

(2) Section 8401(30) is amended to read as follows:

"(30) the term 'military technician (dual status)' means an employee described in section 10216 of title 10;".

(d) DISABILITY RETIREMENT.—Section 8337(h) of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting "or section 10216 of title 10" after "title 32";

(B) by striking "such title" and all that follows through the period and inserting "title 32 or section 10216 of title 10, respectively, to be a member of the Selected Reserve.";

(2) in paragraph (2)(A)(i)—

(A) by inserting "or section 10216 of title 10" after "title 32"; and

(B) by striking "National Guard or from holding the military grade required for such employment" and inserting "Selected Reserve"; and

(3) in paragraph (3)(C), by inserting "or section 10216 of title 10" after "title 32".

SEC. 523. REVISION TO NON-DUAL STATUS TECHNICIANS STATUTE.

(a) REVISION.—Section 10217 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "military" after "non-dual status" in the matter preceding paragraph (1); and

(B) by striking paragraphs (1) and (2) and inserting the following:

"(1) was hired as a technician before November 18, 1997, under any of the authorities specified in subsection (b) and as of that date is not a member of the Selected Reserve or after such date has ceased to be a member of the Selected Reserve; or

"(2) is employed under section 709 of title 32 in a position designated under subsection (c) of that section and when hired was not required to maintain membership in the Selected Reserve."; and

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

Effective dates.

"(c) PERMANENT LIMITATIONS ON NUMBER.—(1) Effective October 1, 2007, the total number of non-dual status technicians employed by the Army Reserve and Air Force Reserve may not exceed 175. If at any time after the preceding sentence takes effect the number of non-dual status technicians employed by the Army Reserve and Air Force Reserve exceeds the number specified in the limitation in the preceding sentence, the Secretary of Defense shall require that the Secretary of the Army or the Secretary of the Air Force, or both, take immediate steps to reduce the number of such technicians in order to comply with such limitation.

"(2) Effective October 1, 2001, the total number of non-dual status technicians employed by the National Guard may not exceed 1,950. If at any time after the preceding sentence takes effect the number of non-dual status technicians employed by the National Guard exceeds the number specified in the limitation in the preceding sentence, the Secretary of Defense shall require that the Secretary of the Army or the Secretary of the Air Force, or both, take immediate steps to reduce the number of such technicians in order to comply with such limitation.".

(b) CONFORMING AMENDMENTS.—The heading of such section and the item relating to such section in the table of sections at the beginning of chapter 1007 of such title are each amended by striking the penultimate word.

SEC. 524. REVISION TO AUTHORITIES RELATING TO NATIONAL GUARD TECHNICIANS.

Section 709 of title 32, United States Code, is amended to read as follows:

"§ 709. Technicians: employment, use, status

"(a) Under regulations prescribed by the Secretary of the Army or the Secretary of the Air Force, as the case may be, and subject to subsections (b) and (c), persons may be employed as technicians in— Regulations.

"(1) the administration and training of the National Guard; and

"(2) the maintenance and repair of supplies issued to the National Guard or the armed forces.

"(b) Except as authorized in subsection (c), a person employed under subsection (a) must meet each of the following requirements:

"(1) Be a military technician (dual status) as defined in section 10216(a) of title 10.

"(2) Be a member of the National Guard.

"(3) Hold the military grade specified by the Secretary concerned for that position.

"(4) While performing duties as a military technician (dual status), wear the uniform appropriate for the member's grade and component of the armed forces.

"(c)(1) A person may be employed under subsection (a) as a non-dual status technician (as defined by section 10217 of title 10) if the technician position occupied by the person has been designated by the Secretary concerned to be filled only by a non-dual status technician.

"(2) The total number of non-dual status technicians in the National Guard is specified in section 10217(c)(2) of title 10.

"(d) The Secretary concerned shall designate the adjutants general referred to in section 314 of this title to employ and administer the technicians authorized by this section.

"(e) A technician employed under subsection (a) is an employee of the Department of the Army or the Department of the Air Force, as the case may be, and an employee of the United States. However, a position authorized by this section is outside the competitive service if the technician employed in that position is required under subsection (b) to be a member of the National Guard.

"(f) Notwithstanding any other provision of law and under regulations prescribed by the Secretary concerned—

"(1) a person employed under subsection (a) who is a military technician (dual status) and otherwise subject to the requirements of subsection (b) who—

"(A) is separated from the National Guard or ceases to hold the military grade specified by the Secretary concerned for that position shall be promptly separated from military technician (dual status) employment by the adjutant general of the jurisdiction concerned; and

"(B) fails to meet the military security standards established by the Secretary concerned for a member of a reserve component under his jurisdiction may be separated from employment as a military technician (dual status) and concurrently discharged from the National Guard by the adjutant general of the jurisdiction concerned;

"(2) a technician may, at any time, be separated from his technician employment for cause by the adjutant general of the jurisdiction concerned;

"(3) a reduction in force, removal, or an adverse action involving discharge from technician employment, suspension, furlough without pay, or reduction in rank or compensation shall be accomplished by the adjutant general of the jurisdiction concerned;

"(4) a right of appeal which may exist with respect to paragraph (1), (2), or (3) shall not extend beyond the adjutant general of the jurisdiction concerned; and

"(5) a technician shall be notified in writing of the termination of his employment as a technician and, unless the technician is serving under a temporary appointment, is serving in a trial or probationary period, or has voluntarily ceased to be a member of the National Guard when such membership is a condition of employment, such notification shall be given at least 30 days before the termination date of such employment.

"(g) Sections 2108, 3502, 7511, and 7512 of title 5 do not apply to a person employed under this section.

"(h) Notwithstanding sections 5544(a) and 6101(a) of title 5 or any other provision of law, the Secretary concerned may prescribe the hours of duty for technicians. Notwithstanding sections 5542 and 5543 of title 5 or any other provision of law, such technicians shall be granted an amount of compensatory time off from their scheduled tour of duty equal to the amount of any time spent by them in irregular or overtime work, and shall not be entitled to compensation for such work.

"(i) The Secretary concerned may not prescribe for purposes of eligibility for Federal recognition under section 301 of this title a qualification applicable to technicians employed under subsection (a) that is not applicable pursuant to that section to the other members of the National Guard in the same grade, branch, position, and type of unit or organization involved.".

10 USC 10217 note.

SEC. 525. EFFECTIVE DATE.

The amendments made by sections 523 and 524 shall take effect 180 days after the date of the receipt by Congress of the plan required by section 523(d) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1737) or a report by the Secretary of Defense providing an alternative proposal to the plan required by that section.

10 USC 113 note.

SEC. 526. SECRETARY OF DEFENSE REVIEW OF ARMY TECHNICIAN COSTING PROCESS.

(a) REVIEW.—The Secretary of Defense shall review the process used by the Army, including use of the Civilian Manpower Obligation Resources (CMOR) model, to develop estimates of the annual authorizations and appropriations required for civilian personnel of the Department of the Army generally and for National Guard and Army Reserve technicians in particular. Based upon the review, the Secretary shall direct that any appropriate revisions to that process be implemented.

(b) PURPOSE OF REVIEW.—The purpose of the review shall be to ensure that the process referred to in subsection (a) does the following:

(1) Accurately and fully incorporates all the actual cost factors for such personnel, including particularly those factors necessary to recruit, train, and sustain a qualified technician workforce.

(2) Provides estimates of required annual appropriations required to fully fund all the technicians (both dual status and non-dual status) requested in the President's budget.

(3) Eliminates inaccuracies in the process that compel both the Army Reserve and the Army National Guard either (A) to reduce the number of military technicians (dual status) below the statutory floors without corresponding force structure reductions, or (B) to transfer funds from other appropriations simply to provide the required funding for military technicians (dual status).

(c) REPORT.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the review undertaken under this section, together with a description of corrective actions taken and proposed, not later than March 31, 2000. Deadline.

SEC. 527. FISCAL YEAR 2000 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, 2000, may not exceed the following:

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

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

(3) For the Air Force Reserve, 0.

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

Subtitle D—Service Academies

SEC. 531. STRENGTH LIMITATIONS AT THE SERVICE ACADEMIES. 10 USC 4342 note.

(a) UNITED STATES MILITARY ACADEMY.—(1) The Secretary of the Army shall take such action as necessary to ensure that the United States Military Academy is in compliance with the USMA cadet strength limit not later than the day before the last day of the 2001–2002 academic year. Deadline.

(2) The Secretary of the Army may provide for a variance to the USMA cadet strength limit—

(A) as of the day before the last day of the 1999–2000 academic year of not more than 5 percent; and

(B) as of the day before the last day of the 2000–2001 academic year of not more than 2½ percent.

(3) For purposes of this subsection—

(A) the USMA cadet strength limit is the maximum of 4,000 cadets established for the Corps of Cadets at the United States Military Academy by section 511 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 4342 note), reenacted in section 4342(a) of title 10, United States Code, by the amendment made by subsection (b)(1); and

(B) the last day of an academic year is graduation day.

(b) REENACTMENT OF LIMITATION; AUTHORIZED VARIANCE.—(1) Section 4342 of title 10, United States Code, is amended—

(A) in subsection (a), by striking "is as follows:" in the matter preceding paragraph (1) and inserting "(determined for any year as of the day before the last day of the academic year) is 4,000. Subject to that limitation, cadets are selected as follows:"; and

(B) by adding at the end the following new subsection:

"(i) For purposes of the limitation in subsection (a) establishing the aggregate authorized strength of the Corps of Cadets, the Secretary of the Army may for any year (beginning with the 2001–2002 academic year) permit a variance in that limitation by not more than one percent. In applying that limitation, and any such variance, the last day of an academic year shall be considered to be graduation day.".

(2) Section 6954 of such title is amended—

(A) by striking the matter preceding paragraph (1) and inserting the following:

"(a) The authorized strength of the Brigade of Midshipmen (determined for any year as of the day before the last day of the academic year) is 4,000. Subject to that limitation, midshipmen are selected as follows:"; and

(B) by adding at the end the following new subsection:

"(g) For purposes of the limitation in subsection (a) establishing the aggregate authorized strength of the Brigade of Midshipmen, the Secretary of the Navy may for any year permit a variance in that limitation by not more than one percent. In applying that limitation, and any such variance, the last day of an academic year shall be considered to be graduation day.".

(3) Section 9342 of such title is amended—

(A) in subsection (a), by striking "is as follows:" in the matter preceding paragraph (1) and inserting "(determined for any year as of the day before the last day of the academic year) is 4,000. Subject to that limitation, Air Force Cadets are selected as follows:"; and

(B) by adding at the end the following new subsection:

"(i) For purposes of the limitation in subsection (a) establishing the aggregate authorized strength of Air Force Cadets, the Secretary of the Air Force may for any year permit a variance in that limitation by not more than one percent. In applying that limitation, and any such variance, the last day of an academic year shall be considered to be graduation day.".

(4) Section 511 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 4342 note) is repealed.

SEC. 532. SUPERINTENDENTS OF THE SERVICE ACADEMIES.

(a) POSITION OF SUPERINTENDENT REQUIRED TO BE TERMINAL POSITION.—(1)(A) Chapter 367 of title 10, United States Code, is amended by inserting after section 3920 the following new section:

"§ 3921. Mandatory retirement: Superintendent of the United States Military Academy

"Upon the termination of the detail of an officer to the position of Superintendent of the United States Military Academy, the Secretary of the Army shall retire the officer under any provision of this chapter under which that officer is eligible to retire.".

(B) Chapter 403 of such title is amended by inserting after section 4333 the following new section:

"§ 4333a. Superintendent: condition for detail to position

"As a condition for detail to the position of Superintendent of the Academy, an officer shall acknowledge that upon termination of that detail the officer shall be retired.".

(2)(A) Chapter 573 of such title is amended by inserting after the table of sections at the beginning of such chapter the following new section:

"§ 6371. Mandatory retirement: Superintendent of the United States Naval Academy

"Upon the termination of the detail of an officer to the position of Superintendent of the United States Naval Academy, the Secretary of the Navy shall retire the officer under any provision of chapter 571 of this title under which the officer is eligible to retire.".

(B) Chapter 603 of such title is amended by inserting after section 6951 the following new section:

"§ 6951a. Superintendent

Establishment.

"(a) There is a Superintendent of the United States Naval Academy. The immediate governance of the Naval Academy is under the Superintendent.

"(b) The Superintendent shall be detailed to that position by the President. As a condition for detail to that position, an officer shall acknowledge that upon termination of that detail the officer shall be retired.".

President.

(3)(A) Chapter 867 of such title is amended by inserting after section 8920 the following new section:

"§ 8921. Mandatory retirement: Superintendent of the United States Air Force Academy

"Upon the termination of the detail of an officer to the position of Superintendent of the United States Air Force Academy, the Secretary of the Air Force shall retire the officer under any provision of this chapter under which the officer is eligible to retire.".

(B) Chapter 903 of such title is amended by inserting after section 9333 the following new section:

"§ 9333a. Superintendent: condition for detail to position

"As a condition for detail to the position of Superintendent of the Academy, an officer shall acknowledge that upon termination of that detail the officer shall be retired.".

(4)(A) The table of sections at the beginning of chapter 367 of title 10, United States Code, is amended by inserting after the item relating to section 3920 the following new item:

"3921. Mandatory retirement: Superintendent of the United States Military Academy.".

(B) The table of sections at the beginning of chapter 403 of such title is amended by inserting after the item relating to section 4333 the following new item:

"4333a. Superintendent: condition for detail to position.".

(C) The table of sections at the beginning of chapter 573 of such title is amended by inserting before the item relating to section 6383 the following new item:

"6371. Mandatory retirement: Superintendent of the United States Naval Academy.".

(D) The table of sections at the beginning of chapter 603 of such title is amended by inserting after the item relating to section 6951 the following new item:

"6951a. Superintendent.".

(E) The table of sections at the beginning of chapter 867 of such title is amended by inserting after the item relating to section 8920 the following new item:

"8921. Mandatory retirement: Superintendent of the United States Air Force Academy.".

(F) The table of sections at the beginning of chapter 903 of such title is amended by inserting after the item relating to section 9333 the following new item:

"9333a. Superintendent: condition for detail to position.".

10 USC 3921 note.

(5) The amendments made by this subsection shall not apply to an officer serving on the date of the enactment of this Act in the position of Superintendent of the United States Military Academy, Superintendent of the United States Naval Academy, or Superintendent of the United States Air Force Academy for so long as that officer continues on and after that date to serve in that position without a break in service.

(b) EXCLUSION FROM CERTAIN GENERAL AND FLAG OFFICER GRADE STRENGTH LIMITATIONS.—Section 525(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(7) An officer of the Army while serving as Superintendent of the United States Military Academy, if serving in the grade of lieutenant general, is in addition to the number that would otherwise be permitted for the Army for officers serving on active duty in grades above major general under paragraph (1). An officer of the Navy or Marine Corps while serving as Superintendent of the United States Naval Academy, if serving in the grade of vice admiral or lieutenant general, is in addition to the number that would otherwise be permitted for the Navy or Marine Corps, respectively, for officers serving on active duty in grades above major general or rear admiral under paragraph (1) or (2). An officer while serving as Superintendent of the United States Air Force Academy, if serving in the grade of lieutenant general, is in addition to the number that would otherwise be permitted for the Air Force for officers serving on active duty in grades above major general under paragraph (1).".

SEC. 533. DEAN OF ACADEMIC BOARD, UNITED STATES MILITARY ACADEMY AND DEAN OF THE FACULTY, UNITED STATES AIR FORCE ACADEMY.

(a) DEAN OF THE ACADEMIC BOARD, USMA.—Section 4335 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) While serving as Dean of the Academic Board, an officer of the Army who holds a grade lower than brigadier general shall hold the grade of brigadier general, if appointed to that grade

by the President, by and with the advice and consent of the Senate. The retirement age of an officer so appointed is that of a permanent professor of the Academy. An officer so appointed is counted for purposes of the limitation in section 526(a) of this title on general officers of the Army on active duty.".

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

(1) by inserting "(a)" at the beginning of the text of the section; and

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

"(b) While serving as Dean of the Faculty, an officer of the Air Force who holds a grade lower than brigadier general shall hold the grade of brigadier general, if appointed to that grade by the President, by and with the advice and consent of the Senate. The retirement age of an officer so appointed is that of a permanent professor of the Academy. An officer so appointed is counted for purposes of the limitation in section 526(a) of this title on general officers of the Air Force on active duty.".

SEC. 534. WAIVER OF REIMBURSEMENT OF EXPENSES FOR INSTRUCTION AT SERVICE ACADEMIES OF PERSONS FROM FOREIGN COUNTRIES.

(a) UNITED STATES MILITARY ACADEMY.—Section 4344(b)(3) of title 10, United States Code, is amended—

(1) by striking "35 percent" and inserting "50 percent"; and

(2) by striking "five persons" and inserting "20 persons".

(b) NAVAL ACADEMY.—Section 6957(b)(3) of such title is amended—

(1) by striking "35 percent" and inserting "50 percent"; and

(2) by striking "five persons" and inserting "20 persons".

(c) AIR FORCE ACADEMY.—Section 9344(b)(3) of such title is amended—

(1) by striking "35 percent" and inserting "50 percent"; and

(2) by striking "five persons" and inserting "20 persons".

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

Applicability. 10 USC 4344 note.

(e) CONFORMING REPEAL.—Section 301 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31; 113 Stat. 66) is repealed.

Ante, p. 66.

SEC. 535. EXPANSION OF FOREIGN EXCHANGE PROGRAMS OF THE SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—Section 4345 of title 10, United States Code, is amended—

(1) in subsection (b), by striking "10 cadets" and inserting "24 cadets"; and

(2) in subsection (c)(3), by striking "$50,000" and inserting "$120,000".

(b) UNITED STATES NAVAL ACADEMY.—Section 6957a of such title is amended—

(1) in subsection (b), by striking "10 midshipmen" and inserting "24 midshipmen"; and

(2) in subsection (c)(3), by striking "$50,000" and inserting "$120,000".

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9345 of such title is amended—

(1) in subsection (b), by striking "10 Air Force cadets" and inserting "24 Air Force cadets"; and

(2) in subsection (c)(3), by striking "$50,000" and inserting "$120,000".

Subtitle E—Education and Training

SEC. 541. ESTABLISHMENT OF A DEPARTMENT OF DEFENSE INTERNATIONAL STUDENT PROGRAM AT THE SENIOR MILITARY COLLEGES.

(a) IN GENERAL.—(1) Chapter 103 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2111b. Senior military colleges: Department of Defense international student program

"(a) PROGRAM REQUIREMENT.—The Secretary of Defense shall establish a program to facilitate the enrollment and instruction of persons from foreign countries as international students at the senior military colleges.

"(b) PURPOSES.—The purposes of the program shall be—

"(1) to provide a high-quality, cost-effective military-based educational experience for international students in furtherance of the military-to-military program objectives of the Department of Defense; and

"(2) to enhance the educational experience and preparation of future United States military leaders through increased, extended interaction with highly qualified potential foreign military leaders.

"(c) COORDINATION WITH THE SENIOR MILITARY COLLEGES.—Guidelines for implementation of the program shall be developed in coordination with the senior military colleges.

"(d) RECOMMENDATIONS FOR ADMISSION OF STUDENTS UNDER THE PROGRAM.—The Secretary of Defense shall annually identify to the senior military colleges the international students who, based on criteria established by the Secretary, the Secretary recommends be considered for admission under the program. The Secretary shall identify the recommended international students to the senior military colleges as early as possible each year to enable those colleges to consider them in a timely manner in their respective admissions processes.

"(e) DOD FINANCIAL SUPPORT.—An international student who is admitted to a senior military college under the program under this section is responsible for the cost of instruction at that college. The Secretary of Defense may, from funds available to the Department of Defense other than funds available for financial assistance under section 2107a of this title, provide some or all of the costs of instruction for any such student.".

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

"2111b. Senior military colleges: Department of Defense international student program.".

(b) EFFECTIVE DATE.—The Secretary of Defense shall implement the program under section 2111b of title 10, United States Code, as added by subsection (a), with students entering the senior military colleges after May 1, 2000. 10 USC 2111b note.

(c) REPEAL OF OBSOLETE PROVISION.—Section 2111a(e)(1) of title 10, United States Code, is amended by striking the second sentence.

(d) FISCAL YEAR 2000 FUNDING.—Of the amounts made available to the Department of Defense for fiscal year 2000 pursuant to section 301, $2,000,000 shall be available for financial support for international students under section 2111b of title 10, United States Code, as added by subsection (a).

SEC. 542. AUTHORITY FOR ARMY WAR COLLEGE TO AWARD DEGREE OF MASTER OF STRATEGIC STUDIES.

(a) AUTHORITY.—Chapter 401 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4321. United States Army War College: master of strategic studies degree Regulations.

"Under regulations prescribed by the Secretary of the Army, the Commandant of the United States Army War College, upon the recommendation of the faculty and dean of the college, may confer the degree of master of strategic studies upon graduates of the college who have fulfilled the requirements for that degree.".

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

"4321. United States Army War College: master of strategic studies degree.".

SEC. 543. AUTHORITY FOR AIR UNIVERSITY TO CONFER GRADUATE-LEVEL DEGREES.

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

"(a) AUTHORITY.—Upon the recommendation of the faculty of the appropriate school of the Air University, the commander of the Air University may confer—

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

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

"(3) the degree of master of airpower art and science upon graduates of the School of Advanced Airpower Studies who fulfill the requirements for that degree.".

(b) CLERICAL AMENDMENTS.—(1) The heading for that section is amended to read:

"§ 9317. Air University: graduate-level degrees".

(2) The item relating to that section in the table of sections at the beginning of chapter 901 of such title is amended to read as follows:

"9317. Air University: graduate-level degrees.".

SEC. 544. RESERVE CREDIT FOR PARTICIPATION IN HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

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

(1) by striking paragraphs (2) and (3) and inserting the following:

"(2) Service credited under paragraph (1) counts only for the award of retirement points for computation of years of service under section 12732 of this title and for computation of retired pay under section 12733 of this title.

"(3) The number of points credited to a member under paragraph (1) for a year of participation in a course of study is 50. The points shall be credited to the member for one of the years of that participation at the end of each year after the completion of the course of study that the member serves in the Selected Reserve and is credited under section 12732(a)(2) of this title with at least 50 points. The points credited for the participation shall be recorded in the member's records as having been earned in the year of the participation in the course of study.";

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following new paragraph (5):

"(5) A member of the Selected Reserve may be considered to be in an active status while pursuing a course of study under this subchapter only for purposes of sections 12732(a) and 12733(3) of this title.".

SEC. 545. PERMANENT AUTHORITY FOR ROTC SCHOLARSHIPS FOR GRADUATE STUDENTS.

Section 2107(c)(2) of title 10, United States Code, is amended to read as follows:

"(2) The Secretary of the military department concerned may provide financial assistance, as described in paragraph (1), to a student enrolled in an advanced education program beyond the baccalaureate degree level if the student also is a cadet or midshipman in an advanced training program. Not more than 15 percent of the total number of scholarships awarded under this section in any year may be awarded under this paragraph.".

SEC. 546. INCREASE IN MONTHLY SUBSISTENCE ALLOWANCE FOR SENIOR ROTC CADETS SELECTED FOR ADVANCED TRAINING.

(a) INCREASE.—Section 209(a) of title 37, United States Code, is amended by striking "$150 a month" and inserting "$200 a month".

37 USC 209 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999.

SEC. 547. CONTINGENT FUNDING INCREASE FOR JUNIOR ROTC PROGRAM.

(a) IN GENERAL.—(1) Chapter 102 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2033. Contingent funding increase

"If for any fiscal year the amount appropriated for the National Guard Challenge Program under section 509 of title 32 is in excess of $62,500,000, the Secretary of Defense shall (notwithstanding any other provision of law) make the amount in excess of

$62,500,000 available for the Junior Reserve Officers' Training Corps program under section 2031 of this title, and such excess amount may not be used for any other purpose.".

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

"2033. Contingent funding increase.".

(b) EFFECTIVE DATE.—Section 2033 of title 10, United States Code, as added by subsection (a), shall apply only with respect to funds appropriated for fiscal years after fiscal year 1999. Applicability. 10 USC 2033 note.

SEC. 548. CHANGE FROM ANNUAL TO BIENNIAL REPORTING UNDER THE RESERVE COMPONENT MONTGOMERY GI BILL.

(a) IN GENERAL.—Section 16137 of title 10, United States Code, is amended to read as follows:

"§ 16137. Biennial report to Congress

"The Secretary of Defense shall submit to Congress a report not later than March 1 of each odd-numbered year concerning the operation of the educational assistance program established by this chapter during the preceding two fiscal years. Each such report shall include the number of members of the Selected Reserve of the Ready Reserve of each armed force receiving, and the number entitled to receive, educational assistance under this chapter during those fiscal years. The Secretary may submit the report more frequently and adjust the period covered by the report accordingly.". Deadline.

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 1606 of such title is amended to read as follows:

"16137. Biennial report to Congress.".

SEC. 549. RECODIFICATION AND CONSOLIDATION OF STATUTES DENYING FEDERAL GRANTS AND CONTRACTS BY CERTAIN DEPARTMENTS AND AGENCIES TO INSTITUTIONS OF HIGHER EDUCATION THAT PROHIBIT SENIOR ROTC UNITS OR MILITARY RECRUITING ON CAMPUS.

(a) RECODIFICATION AND CONSOLIDATION FOR LIMITATIONS ON FEDERAL GRANTS AND CONTRACTS.—(1) Section 983 of title 10, United States Code, is amended to read as follows:

"§ 983. Institutions of higher education that prevent ROTC access or military recruiting on campus: denial of grants and contracts from Department of Defense, Department of Education, and certain other departments and agencies

"(a) DENIAL OF FUNDS FOR PREVENTING ROTC ACCESS TO CAMPUS.—No funds described in subsection (d)(1) may be provided by contract or by grant (including a grant of funds to be available for student aid) to an institution of higher education (including any subelement of such institution) if the Secretary of Defense determines that that institution (or any subelement of that institution) has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents—

"(1) the Secretary of a military department from maintaining, establishing, or operating a unit of the Senior Reserve Officer Training Corps (in accordance with section 654 of this title and other applicable Federal laws) at that institution (or any subelement of that institution); or

"(2) a student at that institution (or any subelement of that institution) from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

"(b) DENIAL OF FUNDS FOR PREVENTING MILITARY RECRUITING ON CAMPUS.—No funds described in subsection (d)(2) may be provided by contract or by grant (including a grant of funds to be available for student aid) to an institution of higher education (including any subelement of such institution) if the Secretary of Defense determines that that institution (or any subelement of that institution) has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents—

"(1) the Secretary of a military department or Secretary of Transportation from gaining entry to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of military recruiting; or

"(2) access by military recruiters for purposes of military recruiting to the following information pertaining to students (who are 17 years of age or older) enrolled at that institution (or any subelement of that institution):

"(A) Names, addresses, and telephone listings.

"(B) Date and place of birth, levels of education, academic majors, degrees received, and the most recent educational institution enrolled in by the student.

"(c) EXCEPTIONS.—The limitation established in subsection (a) or (b) shall not apply to an institution of higher education (or any subelement of that institution) if the Secretary of Defense determines that—

"(1) the institution (and each subelement of that institution) has ceased the policy or practice described in that subsection; or

"(2) the institution of higher education involved has a longstanding policy of pacifism based on historical religious affiliation.

"(d) COVERED FUNDS.—(1) The limitation established in subsection (a) applies to the following:

"(A) Any funds made available for the Department of Defense.

"(B) Any funds made available in a Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

"(2) The limitation established in subsection (b) applies to the following:

"(A) Funds described in paragraph (1).

"(B) Any funds made available for the Department of Transportation.

"(e) NOTICE OF DETERMINATIONS.—Whenever the Secretary of Defense makes a determination under subsection (a), (b), or (c), the Secretary—

"(1) shall transmit a notice of the determination to the Secretary of Education and to Congress; and

Federal Register, publication.

"(2) shall publish in the Federal Register a notice of the determination and the effect of the determination on the eligibility of the institution of higher education (and any subelement of that institution) for contracts and grants.

Records.

"(f) SEMIANNUAL NOTICE IN FEDERAL REGISTER.—The Secretary of Defense shall publish in the Federal Register once every six

months a list of each institution of higher education that is currently ineligible for contracts and grants by reason of a determination of the Secretary under subsection (a) or (b).".

(2) The item relating to section 983 in the table of sections at the beginning of such chapter is amended to read as follows:

"983. Institutions of higher education that prevent ROTC access or military recruiting on campus: denial of grants and contracts from Department of Defense, Department of Education, and certain other departments and agencies.".

(b) REPEAL OF CODIFIED PROVISIONS.—The following provisions of law are repealed:

(1) Section 558 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 503 note).

(2) Section 514 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997 (as contained in section 101(e) of division A of Public Law 104–208; 110 Stat. 3009–270; 10 U.S.C. 503 note).

SEC. 550. ACCRUAL FUNDING FOR COAST GUARD MONTGOMERY GI BILL LIABILITIES.

Section 2006 of title 10, United States Code, is amended as follows:

(1) Subsection (a) is amended by striking "Department of Defense education liabilities" and inserting "armed forces education liabilities".

(2) Paragraph (1) of subsection (b) is amended to read as follows:

"(1) The term 'armed forces education liabilities' means liabilities of the armed forces for benefits under chapter 30 of title 38 and for Department of Defense benefits under chapter 1606 of this title.".

(3) Subsection (b)(2)(C) is amended—

(A) by inserting "Department of Defense" after "future"; and

(B) by striking "chapter 106" and inserting "chapter 1606".

(4) Subsection (c)(1) is amended by inserting "and the Secretary of the Department in which the Coast Guard is operating" after "Defense".

(5) Subsection (d) is amended—

(A) by striking "Department of Defense" and inserting "armed forces"; and

(B) by inserting "the Secretary of the Department in which the Coast Guard is operating," after "Secretary of Defense,".

(6) Subsection (f)(5) is amended by inserting "and the Department in which the Coast Guard is operating" after "Department of Defense".

(7) Subsection (g) is amended—

(A) by inserting "and the Secretary of the Department in which the Coast Guard is operating" in paragraphs (1) and (2) after "The Secretary of Defense"; and

(B) by striking "of a military department" in paragraph (3) and inserting "concerned".

Subtitle F—Reserve Component Management

SEC. 551. FINANCIAL ASSISTANCE PROGRAM FOR PURSUIT OF DEGREES BY OFFICER CANDIDATES IN MARINE CORPS PLATOON LEADERS CLASS PROGRAM.

(a) IN GENERAL.—(1) Part IV of subtitle E of title 10, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 1611—OTHER EDUCATIONAL ASSISTANCE PROGRAMS

"Sec.

"16401. Marine Corps Platoon Leaders Class program: officer candidates pursuing degrees.

"§ 16401. Marine Corps Platoon Leaders Class program: officer candidates pursuing degrees

"(a) AUTHORITY FOR FINANCIAL ASSISTANCE PROGRAM.—The Secretary of the Navy may provide financial assistance to an eligible enlisted member of the Marine Corps Reserve for expenses of the member while the member is pursuing on a full-time basis at an institution of higher education a program of education approved by the Secretary that leads to—

"(1) a baccalaureate degree in less than five academic years; or

"(2) a doctor of jurisprudence or bachelor of laws degree in not more than three academic years.

"(b) ELIGIBILITY.—(1) To be eligible for financial assistance under this section, an enlisted member of the Marine Corps Reserve must—

"(A) be an officer candidate in the Marine Corps Platoon Leaders Class program and have successfully completed one six-week (or longer) increment of military training required under that program;

"(B) meet the applicable age requirement specified in paragraph (2);

"(C) be enrolled on a full-time basis in a program of education referred to in subsection (a) at any institution of higher education; and

"(D) enter into a written agreement with the Secretary described in paragraph (3).

"(2)(A) In the case of a member pursuing a baccalaureate degree, the member meets the age requirements of this paragraph if the member will be under 27 years of age on June 30 of the calendar year in which the member is projected to be eligible for appointment as a commissioned officer in the Marine Corps through the Marine Corps Platoon Leaders Class program, except that if the member has served on active duty, the member may, on such date, be any age under 30 years that exceeds 27 years by a number of months that is not more than the number of months that the member served on active duty.

"(B) In the case of a member pursuing a doctor of jurisprudence or bachelor of laws degree, the member meets the age requirements of this paragraph if the member will be under 31 years of age

on June 30 of the calendar year in which the member is projected to be eligible for appointment as a commissioned officer in the Marine Corps through the Marine Corps Platoon Leaders Class program, except that if the member has served on active duty, the member may, on such date, be any age under 35 years that exceeds 31 years by a number of months that is not more than the number of months that the member served on active duty.

"(3) A written agreement referred to in paragraph (1)(D) is an agreement between the member and the Secretary in which the member agrees—

"(A) to accept an appointment as a commissioned officer in the Marine Corps, if tendered by the President;

"(B) to serve on active duty for at least five years; and

"(C) under such terms and conditions as shall be prescribed by the Secretary, to serve in the Marine Corps Reserve until the eighth anniversary of the date of the appointment.

"(c) COVERED EXPENSES.—Expenses for which financial assistance may be provided under this section are—

"(1) tuition and fees charged by the institution of higher education involved;

"(2) the cost of books; and

"(3) in the case of a program of education leading to a baccalaureate degree, laboratory expenses.

"(d) AMOUNT.—The amount of financial assistance provided to a member under this section shall be prescribed by the Secretary, but may not exceed $5,200 for any academic year.

"(e) LIMITATIONS.—(1) Financial assistance may be provided to a member under this section only for three consecutive academic years.

"(2) Not more than 1,200 members may participate in the financial assistance program under this section in any academic year.

"(f) FAILURE TO COMPLETE PROGRAM.—(1) A member who receives financial assistance under this section may be ordered to active duty in the Marine Corps by the Secretary to serve in an appropriate enlisted grade for such period as the Secretary prescribes, but not for more than four years, if the member—

"(A) completes the military and academic requirements of the Marine Corps Platoon Leaders Class program and refuses to accept an appointment as a commissioned officer in the Marine Corps when offered;

"(B) fails to complete the military or academic requirements of the Marine Corps Platoon Leaders Class program; or

"(C) is disenrolled from the Marine Corps Platoon Leaders Class program for failure to maintain eligibility for an original appointment as a commissioned officer under section 532 of this title.

"(2) The Secretary of the Navy may waive the obligated service under paragraph (1) of a person who is not physically qualified for appointment under section 532 of this title and later is determined by the Secretary of the Navy under section 505 of this title to be unqualified for service as an enlisted member of the Marine Corps due to a physical or medical condition that was not the result of misconduct or grossly negligent conduct.

"(g) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term 'institution of higher education' has the meaning

given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).".

(2) The tables of chapters at the beginning of subtitle E of such title and at the beginning of part IV of such subtitle are amended by adding after the item relating to chapter 1609 the following new item:

"1611. Other Educational Assistance Programs ..... 16401".

(b) CONFORMING AMENDMENT.—Section 3695(a)(5) of title 38, United States Code, is amended by striking "Chapters 106 and 107" and inserting "Chapters 107, 1606, and 1610".

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

"(f) Notwithstanding subsection (a), the periods of service of a commissioned officer appointed under section 12209 of title 10 after receiving financial assistance under section 16401 of such title that are counted under this section may not include a period of service after January 1, 2000, that the officer performed concurrently as a member of the Marine Corps Platoon Leaders Class program and the Marine Corps Reserve, except that service after that date that the officer performed before commissioning (concurrently with the period of service as a member of the Marine Corps Platoon Leaders Class program) as an enlisted member on active duty or as a member of the Selected Reserve may be so counted.".

10 USC 16401 note.

(d) TRANSITION PROVISION.—(1) An enlisted member of the Marine Corps Reserve selected for training as an officer candidate under section 12209 of title 10, United States Code, before implementation of a financial assistance program under section 16401 of such title (as added by subsection (a)) may, upon application, participate in the financial assistance program established under section 16401 of such title (as added by subsection (a)) if the member—

(A) is eligible for financial assistance under such section 16401;

Deadline.

(B) submits a request for the financial assistance to the Secretary of the Navy not later than 180 days after the date on which the Secretary establishes the financial assistance program; and

(C) enters into a written agreement described in subsection (b)(3) of such section.

(2) Section 205(f) of title 37, United States Code, as added by subsection (c), applies to a member referred to in paragraph (1).

SEC. 552. OPTIONS TO IMPROVE RECRUITING FOR THE ARMY RESERVE.

(a) REVIEW.—The Secretary of the Army shall conduct a review of the manner, process, and organization used by the Army to recruit new members for the Army Reserve. The review shall seek to determine the reasons for the continuing inability of the Army to meet recruiting objectives for the Army Reserve and to identify measures the Secretary could take to correct that inability.

(b) REORGANIZATION TO BE CONSIDERED.—Among the possible corrective measures to be examined by the Secretary of the Army as part of the review shall be a transfer of the recruiting function for the Army Reserve from the Army Recruiting Command to a

new, fully resourced recruiting organization under the command and control of the Chief, Army Reserve.

(c) REPORT.—Not later than July 1, 2000, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth the results of the review under this section. The report shall include a description of any corrective measures the Secretary intends to implement. Deadline.

SEC. 553. JOINT DUTY ASSIGNMENTS FOR RESERVE COMPONENT GENERAL AND FLAG OFFICERS.

Subsection (b) of section 526 of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

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

"(2)(A) The Chairman of the Joint Chiefs of Staff may designate up to 10 general and flag officer positions on the staffs of the commanders of the unified and specified combatant commands as positions to be held only by reserve component officers who are in a general or flag officer grade below lieutenant general or vice admiral. Each position so designated shall be considered to be a joint duty assignment position for purposes of chapter 38 of this title.

"(B) A reserve component officer serving in a position designated under subparagraph (A) while on active duty under a call or order to active duty that does not specify a period of 180 days or less shall not be counted for the purposes of the limitations under subsection (a) and under section 525 of this title if the officer was selected for service in that position in accordance with the procedures specified in subparagraph (C).

"(C) Whenever a vacancy occurs, or is anticipated to occur, in a position designated under subparagraph (A)—

"(i) the Secretary of Defense shall require the Secretary of the Army to submit the name of at least one Army reserve component officer, the Secretary of the Navy to submit the name of at least one Naval Reserve officer and the name of at least one Marine Corps Reserve officer, and the Secretary of the Air Force to submit the name of at least one Air Force reserve component officer for consideration by the Secretary for assignment to that position; and

"(ii) the Chairman of the Joint Chiefs of Staff may submit to the Secretary of Defense the name of one or more officers (in addition to the officers whose names are submitted pursuant to clause (i)) for consideration by the Secretary for assignment to that position.

"(D) Whenever the Secretaries of the military departments are required to submit the names of officers under subparagraph (C)(i), the Chairman of the Joint Chiefs of Staff shall submit to the Secretary of Defense the Chairman's evaluation of the performance of each officer whose name is submitted under that subparagraph (and of any officer whose name the Chairman submits to the Secretary under subparagraph (C)(ii) for consideration for the same vacancy).

"(E) Subparagraph (B) does not apply in the case of an officer serving in a position designated under subparagraph (A) if the Secretary of Defense, when considering officers for assignment to

fill the vacancy in that position which was filled by that officer, did not have a recommendation for that assignment from each Secretary of a military department who (pursuant to subparagraph (C)) was required to make such a recommendation.".

SEC. 554. GRADE OF CHIEFS OF RESERVE COMPONENTS AND ADDITIONAL GENERAL OFFICERS AT THE NATIONAL GUARD BUREAU.

(a) PROCEDURES FOR APPOINTING RESERVE CHIEFS IN HIGHER GRADE.—(1) Chapter 1213 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 12505. Selection of officers for certain senior reserve component positions

"(a) COVERED POSITIONS.—(1) This section applies to the positions specified in sections 3038, 5143, 5144, and 8038 and the positions of Director, Army National Guard, and Director, Air National Guard, specified in subparagraphs (A) and (B) of section 10506(a)(1) of this title.

"(2) An officer may be assigned to one of the positions specified in paragraph (1) for service in the grade of lieutenant general or vice admiral if appointed to that grade for service in that position by the President, by and with the advice and consent of the Senate. An officer may be recommended to the President for such an appointment if selected for appointment to that position in accordance with this section.

"(b) ELIGIBILITY FOR HIGHER GRADE.—An officer shall be considered to have been selected for appointment to a position specified in subsection (a) in accordance with this section if—

"(1) the officer is recommended for that appointment by the Secretary of the military department concerned;

"(2) the officer is determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint duty experience; and

"(3) the officer is recommended by the Secretary of Defense to the President for appointment in accordance with this section.

"(c) COUNTING FOR PURPOSES OF GRADE LIMITATIONS.—An officer on active duty for service in a position specified in subsection (a) who is serving in that position (by reason of selection in accordance with this section) in the grade of lieutenant general or vice admiral shall be counted for purposes of the grade limitations under sections 525 and 526 of this title. This subsection does not affect the counting for those purposes of officers serving in those positions under any other provision of law.

Termination date.

"(d) TRANSITION WAIVER AUTHORITY.—Until October 1, 2002, the Secretary of Defense may waive paragraph (2) of subsection (b) with respect to the appointment of an officer to a position specified in subsection (a) if in the judgment of the Secretary—

"(1) the officer is qualified for service in the position; and

"(2) the waiver is necessary for the good of the service.

Any such waiver shall be made on a case-by-case basis.".

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

"12505. Selection of officers for certain senior reserve component positions.".

(b) CHIEF OF ARMY RESERVE.—Section 3038(c) of title 10, United States Code, is amended by adding at the end the following new sentence: "However, if selected in accordance with section 12505 of this title, he may be appointed in the grade of lieutenant general.".

(c) CHIEF OF NAVAL RESERVE.—Section 5143(c)(2) of such title is amended—

(1) by striking "above rear admiral (lower half)" and inserting "rear admiral"; and

(2) by adding at the end the following new sentence: "However, if selected in accordance with section 12505 of this title, he may be appointed in the grade of vice admiral.".

(d) COMMANDER, MARINE FORCES RESERVE.—Section 5144(c)(2) of such title is amended—

(1) by striking "above brigadier general" and inserting "major general"; and

(2) by adding at the end the following new sentence: "However, if selected in accordance with section 12505 of this title, he may be appointed in the grade of lieutenant general.".

(e) CHIEF OF AIR FORCE RESERVE.—Section 8038(c) of such title is amended by adding at the end the following new sentence: "However, if selected in accordance with section 12505 of this title, he may be appointed in the grade of lieutenant general.".

(f) GENERAL OFFICERS FOR THE NATIONAL GUARD BUREAU.—Subparagraphs (A) and (B) of section 10506(a)(1) of such title are each amended by inserting "or, if appointed to that position in accordance with section 12505(a)(2) of this title, the grade of lieutenant general," after "major general". 10 USC 12505 note.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of the enactment of this Act. 10 USC 12505 note.

(h) APPLICABILITY TO INCUMBENTS.—(1) If an officer who is a covered position incumbent is appointed under the amendments made by this section to the grade of lieutenant general or vice admiral, the term of service of that officer in that covered position shall not be extended by reason of such appointment.

(2) For purposes of this subsection:

(A) The term "covered position incumbent" means a reserve component officer who on the effective date specified in subsection (g) is serving in a covered position.

(B) The term "covered position" means a position specified in section 12505 of title 10, United States Code, as added by subsection (a).

SEC. 555. DUTIES OF RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) DUTIES.—Section 12310 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (d) and transferring that subsection, as so redesignated, to the end of the section; and

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

"(b) DUTIES.—A Reserve on active duty as described in subsection (a) may be assigned only duties in connection with the functions described in that subsection, which may include the following:

"(1) Supporting operations or missions assigned in whole or in part to reserve components.

"(2) Supporting operations or missions performed or to be performed by—

"(A) a unit composed of elements from more than one component of the same armed force; or

"(B) a joint forces unit that includes—

"(i) one or more reserve component units; or

"(ii) a member of a reserve component whose reserve component assignment is in a position in an element of the joint forces unit.

"(3) Advising the Secretary of Defense, the Secretaries of the military departments, the Joint Chiefs of Staff, and the commanders of the unified combatant command regarding reserve component matters.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "GRADE WHEN ORDERED TO ACTIVE DUTY.—" after "(a)";

(2) in subsection (c)(1), by striking "(c)(1) A Reserve" and inserting "(c) DUTIES RELATING TO DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION.—(1) Notwithstanding subsection (b), a Reserve"; and

(3) in subsection (d), as redesignated and transferred by subsection (a)(1), by inserting "TRAINING.—" before "A Reserve".

(c) REPORT ON THE USE OF RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.—(1) The Secretary of Defense shall review how the Reserves on active duty in support of the reserves are or will be used in relation to the duties set forth under subsection (b) of section 12310 of title 10, United States Code, as added by subsection (a)(2).

Deadline.

(2) Not later than March 1, 2000, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the review under paragraph (1). The report shall include the following:

(A) An itemization and description, shown by operation or mission referred to in subsection (b) of section 12310 of title 10, United States Code, as added by subsection (a)(2), of the numbers of Reserves on active duty involved in each of those operations and missions.

(B) An assessment and recommendation as to whether the Reserves on active duty in support of the reserves should be managed as a separate personnel category in which they compete only among themselves for promotion, retention, school selection, command, and other centrally selected personnel actions.

(C) An assessment and recommendation as to whether those Reserves should be considered as being part of their respective active component for purposes of management of end strengths and whether funds for those Reserves should be provided from appropriations for active component military personnel (rather than reserve component personnel).

(D) An assessment and recommendations for changes in the existing officer and enlisted personnel systems required as a result of the amendments to section 12310 of title 10, United States Code, made by subsection (a), with such assessment to take a comprehensive life-cycle approach to the careers

of those Reserves and how those careers should be managed, with special attention to issues related to accession, promotion, professional development, retention, separation and retirement.

SEC. 556. REPEAL OF LIMITATION ON NUMBER OF RESERVES ON FULL-TIME ACTIVE DUTY IN SUPPORT OF PREPAREDNESS FOR RESPONSES TO EMERGENCIES INVOLVING WEAPONS OF MASS DESTRUCTION.

(a) REPEAL.—Paragraph (4) of section 12310(c) of title 10, United States Code, is amended by striking the first sentence.

(b) CONFORMING AMENDMENTS.—Paragraph (6) of such section is amended—

(1) by striking "or to increase the number of personnel authorized by paragraph (4)" in the matter preceding subparagraph (A); and

(2) in subparagraph (A), by striking "or for the requested additional personnel" and all that follows through "Federal levels".

SEC. 557. ESTABLISHMENT OF OFFICE OF THE COAST GUARD RESERVE.

(a) ESTABLISHMENT.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 53. Office of the Coast Guard Reserve; Director

"(a) ESTABLISHMENT OF OFFICE; DIRECTOR.—There is in the executive part of the Coast Guard an Office of the Coast Guard Reserve. The head of the Office is the Director of the Coast Guard Reserve. The Director of the Coast Guard Reserve is the principal adviser to the Commandant on Coast Guard Reserve matters and may have such additional functions as the Commandant may direct.

"(b) APPOINTMENT.—The President, by and with the advice and consent of the Senate, shall appoint the Director of the Coast Guard Reserve, from officers of the Coast Guard who— President. Congress.

"(1) have had at least 10 years of commissioned service;

"(2) are in a grade above captain; and

"(3) have been recommended by the Secretary of Transportation.

"(c) TERM.—(1) The Director of the Coast Guard Reserve holds office for a term determined by the President, normally two years, but not more than four years. An officer may be removed from the position of Director for cause at any time.

"(2) The Director of the Coast Guard Reserve, while so serving, holds a grade above Captain, without vacating the officer's permanent grade.

"(d) BUDGET.—The Director of the Coast Guard Reserve is the official within the executive part of the Coast Guard who, subject to the authority, direction, and control of the Secretary of Transportation and the Commandant, is responsible for preparation, justification, and execution of the personnel, operation and maintenance, and construction budgets for the Coast Guard Reserve. As such, the Director of the Coast Guard Reserve is the director and functional manager of appropriations made for the Coast Guard Reserve in those areas.

"(e) ANNUAL REPORT.—The Director of the Coast Guard Reserve shall submit to the Secretary of Transportation and the Secretary of Defense an annual report on the state of the Coast Guard Reserve and the ability of the Coast Guard Reserve to meet its

missions. The report shall be prepared in conjunction with the Commandant and may be submitted in classified and unclassified versions.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 52 the following new item:

"53. Office of the Coast Guard Reserve; Director.".

SEC. 558. REPORT ON USE OF NATIONAL GUARD FACILITIES AND INFRASTRUCTURE FOR SUPPORT OF PROVISION OF SERVICES TO VETERANS.

(a) REPORT.—The Chief of the National Guard Bureau shall submit to the Secretary of Defense a report, to be prepared in consultation with the Secretary of Veterans Affairs, assessing the feasibility and desirability of using the facilities and electronic infrastructure of the National Guard for support of the provision of services to veterans by the Secretary of Veterans Affairs. The report shall include an assessment of any costs and benefits associated with the use of those facilities and that infrastructure for that purpose.

(b) TRANSMITTAL TO CONGRESS.—The Secretary of Defense shall, not later than April 1, 2000, transmit to Congress the report submitted to the Secretary under subsection (a), together with any comments on the report consistent with the requirements of section 18235 of title 10, United States Code, that the Secretary considers appropriate.

Subtitle G—Decorations, Awards, and Commendations

SEC. 561. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO CERTAIN PERSONS.

(a) WAIVER.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply to awards of decorations described in this section, the award of each such decoration having been determined by the Secretary concerned to be warranted in accordance with section 1130 of title 10, United States Code.

Applicability.

(b) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to the award of the Distinguished Flying Cross for service during World War II or Korea (including multiple awards to the same individual) in the case of each individual concerning whom the Secretary of the Navy (or an officer of the Navy acting on behalf of the Secretary) submitted to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, during the period beginning on October 17, 1998, and ending on the day before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.

Applicability.

(c) COAST GUARD COMMENDATION MEDAL.—Subsection (a) applies to the award of the Coast Guard Commendation Medal to Mark H. Freeman, of Seattle, Washington for heroic achievement

performed in a manner above that normally to be expected during rescue operations for the S.S. Seagate, in September 1956, while serving as a member of the Coast Guard at Gray Harbor Lifeboat Station, Westport, Washington.

SEC. 562. AUTHORITY FOR AWARD OF MEDAL OF HONOR TO ALFRED RASCON FOR VALOR DURING THE VIETNAM CONFLICT.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Army, the President may award the Medal of Honor under section 3741 of that title to Alfred Rascon, of Laurel, Maryland, for the acts of valor described in subsection (b).

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Alfred Rascon on March 16, 1966, as an Army medic, serving in the grade of Specialist Four in the Republic of Vietnam with the Reconnaissance Platoon, Headquarters Company, 1st Battalion, 503rd Infantry, 173rd Airborne Brigade (Separate), during a combat operation known as Silver City.

SEC. 563. ELIMINATION OF CURRENT BACKLOG OF REQUESTS FOR REPLACEMENT OF MILITARY DECORATIONS.

(a) ELIMINATION OF CURRENT BACKLOG.—The Secretary of Defense shall eliminate the backlog (as of the date of the enactment of this Act) of requests made to the Department of Defense for the issuance or replacement of military decorations for members or former members of the Armed Forces.

(b) CONDITION.—The Secretary shall allocate funds and other resources in order to carry out subsection (a) in a manner that does not detract from the performance of other personnel service and personnel support activities within the Department of Defense.

(c) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the status of the elimination of the backlog described in subsection (a). The report shall include a plan for preventing accumulation of backlogs in the future. Deadline.

(d) DECORATION DEFINED.—For the purposes of this section, the term "decoration" means a medal or other decoration that a member or former member of the Armed Forces was awarded by the United States with respect to service in the Armed Forces.

SEC. 564. RETROACTIVE AWARD OF NAVY COMBAT ACTION RIBBON.

The Secretary of the Navy may award the Navy Combat Action Ribbon (established by Secretary of the Navy Notice 1650, dated February 17, 1969) to a member of the Navy or Marine Corps for participation in ground or surface combat during any period on or after December 7, 1941, and before March 1, 1961 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the member has not been previously recognized in an appropriate manner for such participation.

SEC. 565. SENSE OF CONGRESS CONCERNING PRESIDENTIAL UNIT CITATION FOR CREW OF THE U.S.S. INDIANAPOLIS.

(a) FINDINGS.—Congress reaffirms the findings made in section 1052(a) of the National Defense Authorization Act for Fiscal Year

1995 (Public Law 103–337; 108 Stat. 2844) that the heavy cruiser U.S.S. INDIANAPOLIS (CA–35)—

(1) served the people of the United States with valor and distinction throughout World War II in action against enemy forces in the Pacific Theater of Operations from December 7, 1941 to July 29, 1945;

(2) with her courageous and capable crew, compiled an impressive combat record during the war in the Pacific, receiving in the process 10 battle stars in actions from the Aleutians to Okinawa;

Raymond Spruance. William F. Halsey.

(3) rendered invaluable service in anti-shipping, shore bombardment, anti-air, and invasion support roles and serving as flagship for the Fifth Fleet under Admiral Raymond Spruance and flagship for the Third Fleet under Admiral William F. Halsey; and

(4) transported the world's first operational atomic bomb from the United States to the Island of Tinian, accomplishing that mission at a record average speed of 29 knots.

(b) FURTHER FINDINGS.—Congress further finds that—

(1) from participation in the earliest offensive actions in the Pacific during World War II to her pivotal role in delivering the weapon that brought the war to an end, the U.S.S. INDIANAPOLIS and her crew left an indelible imprint on the Nation's struggle to eventual victory in the war in the Pacific; and

(2) the selfless, courageous, and outstanding performance of duty by that ship and her crew throughout the war in the Pacific reflects great credit upon the ship and her crew, thus upholding the very highest traditions of the United States Navy.

(c) SENSE OF CONGRESS.—(1) It is the sense of Congress that the President should award a Presidential Unit Citation to the crew of the U.S.S. INDIANAPOLIS (CA–35) in recognition of the courage and skill displayed by the members of the crew of that vessel throughout World War II.

(2) A citation described in paragraph (1) may be awarded without regard to any provision of law or regulation prescribing a time limitation that is otherwise applicable with respect to recommendation for, or the award of, such a citation.

Subtitle H—Matters Related to Recruiting

SEC. 571. ACCESS TO SECONDARY SCHOOL STUDENTS FOR MILITARY RECRUITING PURPOSES.

Section 503 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) Each local educational agency is requested to provide to the Department of Defense, upon a request made for military recruiting purposes, the same access to secondary school students, and to directory information concerning such students, as is provided generally to post-secondary educational institutions or to prospective employers of those students.".

SEC. 572. INCREASED AUTHORITY TO EXTEND DELAYED ENTRY PERIOD FOR ENLISTMENTS OF PERSONS WITH NO PRIOR MILITARY SERVICE.

(a) MAXIMUM PERIOD OF EXTENSION.—Section 513(b)(1) of title 10, United States Code, is amended by striking "180 days" in the second sentence and inserting "365 days".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to enlistments entered into, on or after that date.

Applicability.
10 USC 513 note.

SEC. 573. ARMY COLLEGE FIRST PILOT PROGRAM.

10 USC 513 note.

(a) PROGRAM REQUIRED.—The Secretary of the Army shall establish a pilot program (to be known as the "Army College First" program) to assess whether the Army could increase the number of, and the level of the qualifications of, persons entering the Army as enlisted members by encouraging recruits to pursue higher education or vocational or technical training before entry into active service in the Army.

(b) DELAYED ENTRY WITH ALLOWANCE FOR HIGHER EDUCATION.—Under the pilot program, the Secretary may exercise the authority under section 513 of title 10, United States Code—

(1) to accept the enlistment of a person as a Reserve for service in the Selected Reserve or Individual Ready Reserve of the Army Reserve or, notwithstanding the scope of the authority under subsection (a) of that section, in the Army National Guard of the United States;

(2) to authorize, notwithstanding the period limitation in subsection (b) of that section, a delay of the enlistment of any such person in a regular component under that subsection for the period during which the person is enrolled in, and pursuing a program of education at, an institution of higher education, or a program of vocational or technical training, on a full-time basis that is to be completed within two years after the date of such enlistment as a Reserve under paragraph (1); and

(3) in the case of a person enlisted in a reserve component for service in the Individual Ready Reserve, pay an allowance to the person for each month of that period.

(c) MAXIMUM PERIOD OF DELAY.—The period of delay authorized a person under paragraph (2) of subsection (b) may not exceed the two-year period beginning on the date of the person's enlistment accepted under paragraph (1) of such subsection.

(d) AMOUNT OF ALLOWANCE.—(1) The monthly allowance paid under subsection (b)(3) is $150. The allowance may not be paid for more than 24 months.

(2) An allowance under this section is in addition to any other pay or allowance to which a member of a reserve component is entitled by reason of participation in the Ready Reserve of that component.

(e) COMPARISON GROUP.—To perform the assessment under subsection (a), the Secretary may define and study any group not including persons receiving a benefit under subsection (b) and compare that group with any group or groups of persons who receive such benefits under the pilot program.

(f) DURATION OF PILOT PROGRAM.—The pilot program shall be in effect during the period beginning on October 1, 1999, and ending on September 30, 2004.

Deadline.

(g) REPORT.—Not later than February 1, 2004, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program. The report shall include the following:

(1) The assessment of the Secretary regarding the value of the authority under this section for achieving the objectives of increasing the number of, and the level of the qualifications of, persons entering the Army as enlisted members.

(2) Any recommendation for legislation or other action that the Secretary considers appropriate to achieve those objectives through grants of entry delays and financial benefits for advanced education and training of recruits.

SEC. 574. USE OF RECRUITING MATERIALS FOR PUBLIC RELATIONS PURPOSES.

(a) AUTHORITY.—Subchapter II of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2257. Use of recruiting materials for public relations

"The Secretary of Defense may use for public relations purposes of the Department of Defense any advertising materials developed for use for recruitment and retention of personnel for the armed forces. Any such use shall be under such conditions and subject to such restrictions as the Secretary of Defense shall prescribe.".

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

"2257. Use of recruiting materials for public relations.".

Subtitle I—Matters Relating to Missing Persons

SEC. 575. NONDISCLOSURE OF DEBRIEFING INFORMATION ON CERTAIN MISSING PERSONS PREVIOUSLY RETURNED TO UNITED STATES CONTROL.

Section 1506 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) NONDISCLOSURE OF CERTAIN INFORMATION.—A record of the content of a debriefing of a missing person returned to United States control during the period beginning on July 8, 1959, and ending on February 10, 1996, that was conducted by an official of the United States authorized to conduct the debriefing is privileged information and, notwithstanding sections 552 and 552a of title 5, may not be disclosed, in whole or in part, under either such section. However, this subsection does not limit the responsibility of the Secretary concerned under paragraphs (2) and (3) of subsection (d) to place extracts of non-derogatory information, or a notice of the existence of such information, in the personnel file of a missing person.".

10 USC 1501 note.

SEC. 576. RECOVERY AND IDENTIFICATION OF REMAINS OF CERTAIN WORLD WAR II SERVICEMEN LOST IN PACIFIC THEATER OF OPERATIONS.

(a) RECOVERY OF REMAINS.—(1) The Secretary of Defense shall make every reasonable effort to search for, recover, and identify

the remains of United States servicemen lost in the Pacific theater of operations during World War II (including in New Guinea) while engaged in flight operations.

(2) In order to provide high priority to carrying out paragraph (1), the Secretary of Defense shall consider increasing the number of personnel assigned to the Central Identification Laboratory, Hawaii.

(3) Not later than September 30, 2000, the Secretary shall submit to Congress a report setting forth the efforts made to accomplish the objectives specified in paragraph (1). The Secretary shall include in the report a statement of the backlog of cases at the Central Identification Laboratory, Hawaii, shown by conflict, and the status of the joint manning plan required by section 566(c) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2029) Deadline. Reports.

(b) DIPLOMATIC INTERVENTION IF REQUIRED.—The Secretary of State, upon request by the Secretary of Defense, shall work with officials of governments of nations in the area that was covered by the Pacific theater of operations of World War II to seek to overcome any diplomatic obstacles that may impede the Secretary of Defense from carrying out the objectives specified in subsection (a)(1).

Subtitle J—Other Matters

SEC. 577. AUTHORITY FOR SPECIAL COURTS-MARTIAL TO IMPOSE SENTENCES TO CONFINEMENT AND FORFEITURES OF PAY OF UP TO ONE YEAR.

(a) MAXIMUM PUNISHMENTS THAT MAY BE ADJUDGED BY A SPECIAL COURT-MARTIAL.—Section 819 of title 10, United States Code (article 19 of the Uniform Code of Military Justice), is amended—

(1) in the second sentence, by striking "six months" both places it appears and inserting "one year"; and

(2) in the third sentence, by inserting after "A bad conduct discharge" the following: ", confinement for more than six months, or forfeiture of pay for more than six months".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the sixth month beginning after the date of the enactment of this Act and shall apply with respect to charges referred on or after that effective date to trial by special courts-martial. Applicability. 10 USC 819 note.

SEC. 578. FUNERAL HONORS DETAILS FOR FUNERALS OF VETERANS.

(a) RESPONSIBILITY OF SECRETARY OF DEFENSE.—(1) Subsection (a) of section 1491 of title 10, United States Code, is amended to read as follows:

"(a) AVAILABILITY OF FUNERAL HONORS DETAIL ENSURED.—The Secretary of Defense shall ensure that, upon request, a funeral honors detail is provided for the funeral of any veteran.".

(2) Section 1491(a) of title 10, United States Code, as amended by paragraph (1), shall apply with respect to funerals that occur after December 31, 1999. Applicability. Effective date. 10 USC 1491 note.

(b) COMPOSITION OF FUNERAL HONORS DETAILS.—(1) Subsection (b) of such section is amended—

(A) by striking "HONOR GUARD DETAILS.—" and inserting "FUNERAL HONORS DETAILS.—(1)";

(B) by striking "an honor guard detail" and inserting "a funeral honors detail"; and

(C) by striking "not less than three persons" and all that follows and inserting "two or more persons.".

(2) Subsection (c) of such section is amended—

(A) by striking "(c) PERSONS FORMING HONOR GUARDS.—An honor guard detail" and inserting "(2) At least two members of the funeral honors detail for a veteran's funeral shall be members of the armed forces, at least one of whom shall be a member of the armed force of which the veteran was a member. The remainder of the detail"; and

(B) by striking the second sentence and inserting the following: "Each member of the armed forces in the detail shall wear the uniform of the member's armed force while serving in the detail.".

(c) CEREMONY, SUPPORT, AND WAIVER.—Such section is further amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (f), (g), and (h), respectively; and

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

"(c) CEREMONY.—A funeral honors detail shall, at a minimum, perform at the funeral a ceremony that includes the folding of a United States flag and presentation of the flag to the veteran's family and the playing of Taps. Unless a bugler is a member of the detail, the funeral honors detail shall play a recorded version of Taps using audio equipment which the detail shall provide if adequate audio equipment is not otherwise available for use at the funeral.

"(d) SUPPORT.—To provide a funeral honors detail under this section, the Secretary of a military department may provide the following:

"(1) Transportation, or reimbursement for transportation, and 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.

"(2) Materiel, equipment, and training for members of a veterans organization or other organization referred to in subsection (b)(2).

"(e) WAIVER AUTHORITY.—(1) The Secretary of Defense may waive any requirement provided in or pursuant to this section when the Secretary considers it necessary to do so to meet the requirements of war, national emergency, or a contingency operation or other military requirements. The authority to make such a waiver may not be delegated to an official of a military department other than the Secretary of the military department and may not be delegated within the Office of the Secretary of Defense to an official at a level below Under Secretary of Defense.

Notification.

"(2) Before or promptly after granting a waiver under paragraph (1), the Secretary shall transmit a notification of the waiver to the Committees on Armed Services of the Senate and House of Representatives.".

(d) REGULATIONS.—Subsection (f) of such section, as redesignated by subsection (d)(1), is amended to read as follows:

"(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. Those regulations shall include the following:

"(1) A system for selection of units of the armed forces and other organizations to provide funeral honors details.

"(2) Procedures for responding and coordinating responses to requests for funeral honors details.

"(3) Procedures for establishing standards and protocol.

"(4) Procedures for providing training and ensuring quality of performance.".

(e) INCLUSION OF CERTAIN MEMBERS OF THE SELECTED RESERVE IN PERSONS ELIGIBLE FOR FUNERAL HONORS.—Subsection (h) of such section, as redesignated by subsection (d)(1), is amended to read as follows:

"(h) VETERAN DEFINED.—In this section, the term 'veteran' means a decedent who—

"(1) served in the active military, naval, or air service (as defined in section 101(24) of title 38) and who was discharged or released therefrom under conditions other than dishonorable; or

"(2) was a member or former member of the Selected Reserve described in section 2301(f) of title 38.".

(f) AUTHORITY TO ACCEPT VOLUNTARY SERVICES.—Section 1588(a) of such title is amended by adding at the end the following new paragraph:

"(4) Voluntary services as a member of a funeral honors detail under section 1491 of this title.".

(g) DUTY STATUS OF RESERVES IN FUNERAL HONORS DETAILS.—(1) Section 114 of title 32, United States Code, is amended—

(A) by striking "honor guard functions" both places it appears and inserting "funeral honors functions"; and

(B) by striking "drill or training otherwise required" and inserting "drill or training, but may be performed as funeral honors duty under section 115 of this title".

(2) Chapter 1 of such title is amended by adding at the end the following new section:

"§ 115. Funeral honors duty performed as a Federal function

"(a) ORDER TO DUTY.—A member of the Army National Guard of the United States or the Air National Guard of the United States may be ordered to funeral honors duty, with the consent of the member, to prepare for or perform funeral honors functions at the funeral of a veteran under section 1491 of title 10. However, a member of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to perform funeral honors functions under this section without the consent of the Governor or other appropriate authority of the State concerned.

"(b) SERVICE CREDIT.—A member ordered to funeral honors duty under this section shall be required to perform a minimum of two hours of such duty in order to receive—

"(1) service credit under section 12732(a)(2)(E) of title 10; and

"(2) if authorized by the Secretary concerned, the allowance under section 435 of title 37.

"(c) REIMBURSABLE EXPENSES.—A member who performs funeral honors duty under this section may be reimbursed for

travel and transportation expenses incurred in conjunction with such duty as authorized under chapter 7 of title 37 if such duty is performed at a location 50 miles or more from the member's residence.

"(d) REGULATIONS.—The exercise of authority under subsection (a) is subject to regulations prescribed by the Secretary of Defense.".

(3) Chapter 1213 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 12503. Ready Reserve: funeral honors duty

"(a) ORDER TO DUTY.—A member of the Ready Reserve may be ordered to funeral honors duty, with the consent of the member, in preparation for or to perform funeral honors functions at the funeral of a veteran as defined in section 1491 of this title.

"(b) SERVICE CREDIT.—A member ordered to funeral honors duty under this section shall be required to perform a minimum of two hours of such duty in order to receive—

"(1) service credit under section 12732(a)(2)(E) of this title; and

"(2) if authorized by the Secretary concerned, the allowance under section 435 of title 37.

"(c) REIMBURSABLE EXPENSES.—A member who performs funeral honors duty under this section may be reimbursed for travel and transportation expenses incurred in conjunction with such duty as authorized under chapter 7 of title 37 if such duty is performed at a location 50 miles or more from the member's residence.

"(d) REGULATIONS.—The exercise of authority under subsection (a) is subject to regulations prescribed by the Secretary of Defense.

"(e) MEMBERS OF THE NATIONAL GUARD.—This section does not apply to members of the Army National Guard of the United States or the Air National Guard of the United States. The performance of funeral honors duty by those members is provided for in section 115 of title 32.".

(4) Section 12552 of title 10, United States Code, is amended to read as follows:

"§ 12552. Funeral honors functions at funerals for veterans

"Performance by a Reserve of funeral honors functions at the funeral of a veteran (as defined in section 1491(h) of this title) may not be considered to be a period of drill or training, but may be performed as funeral honors duty under section 12503 of this title".

(h) CREDITING FOR RESERVE RETIREMENT PURPOSES.—(1) Section 12732(a)(2) of such title is amended—

(A) by inserting after subparagraph (D) the following new subparagraph:

"(E) One point for each day on which funeral honors duty is performed for at least two hours under section 12503 of this title or section 115 of title 32, unless the duty is performed while in a status for which credit is provided under another subparagraph of this paragraph."; and

(B) by striking ", and (D)" in the last sentence and inserting ", (D), and (E)".

(2) Section 12733 of such title is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

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

"(4) One day for each point credited to the person under subparagraph (E) of section 12732(a)(2) of this title.".

(i) BENEFITS FOR MEMBERS IN FUNERAL HONORS DUTY STATUS.—(1) Section 1074a(a) of such title is amended—

(A) in each of paragraphs (1) and (2)—

(i) by striking "or" at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting "; or"; and

(iii) by adding at the end the following:

"(C) service on funeral honors duty under section 12503 of this title or section 115 of title 32."; and

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

"(4) Each member of the armed forces who incurs or aggravates an injury, illness, or disease in the line of duty while remaining overnight immediately before serving on funeral honors duty under section 12503 of this title or section 115 of title 32 at or in the vicinity of the place at which the member was to so serve, if the place is outside reasonable commuting distance from the member's residence.".

(2) Section 1076(a)(2) of such title is amended by adding at the end the following new subparagraph:

"(E) A member who died from an injury, illness, or disease incurred or aggravated while the member—

"(i) was serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

"(ii) was traveling to or from the place at which the member was to so serve; or

"(iii) remained overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence.".

(3) Section 1204(2) of such title is amended—

(A) by striking "or" at the end of subparagraph (A);

(B) by inserting "or" after the semicolon at the end of subparagraph (B); and

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

"(C) is a result of an injury, illness, or disease incurred or aggravated in line of duty—

"(i) while the member was serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

"(ii) while the member was traveling to or from the place at which the member was to so serve; or

"(iii) while the member remained overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence;".

(4) Paragraph (2) of section 1206 of such title is amended to read as follows:

"(2) the disability is a result of an injury, illness, or disease incurred or aggravated in line of duty—

"(A) while—

"(i) performing active duty or inactive-duty training;

"(ii) traveling directly to or from the place at which such duty is performed; or

"(iii) remaining overnight immediately before the commencement of inactive-duty training, or while remaining overnight between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance of the member's residence; or

"(B) while the member—

"(i) was serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

"(ii) was traveling to or from the place at which the member was to so serve; or

"(iii) remained overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence;".

(5) Section 1481(a)(2) of such title is amended—

(A) by striking "or" at the end of subparagraph (D);

(B) by striking the period at the end of subparagraph (E) and inserting "; or"; and

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

"(F) either—

"(i) serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

"(ii) traveling directly to or from the place at which the member is to so serve; or

"(iii) remaining overnight at or in the vicinity of that place before so serving, if the place is outside reasonable commuting distance from the member's residence.".

(j) FUNERAL HONORS DUTY ALLOWANCE.—Chapter 4 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 435. Funeral honors duty: allowance

"(a) ALLOWANCE AUTHORIZED.—The Secretary concerned may authorize payment of an allowance to a member of the Ready Reserve for any day on which the member performs at least two hours of funeral honors duty pursuant to section 12503 of title 10 or section 115 of title 32.

"(b) AMOUNT.—The daily rate of an allowance under this section is $50.

"(c) FULL COMPENSATION.—Except for expenses reimbursed under subsection (c) of section 12503 of title 10 or subsection (c) of section 115 of title 32, the allowance paid under this section is the only monetary compensation authorized to be paid a member for the performance of funeral honors duty pursuant to such section, regardless of the grade in which the member is serving, and shall constitute payment in full to the member.".

(k) CLERICAL AMENDMENTS.—(1) The heading for section 1491 of title 10, United States Code, is amended to read as follows:

"§ 1491. Funeral honors functions at funerals for veterans".

(2)(A) The item relating to section 1491 in the table of sections at the beginning of chapter 75 of title 10, United States Code, is amended to read as follows:

"1491. Funeral honors functions at funerals for veterans.".

(B) The table of sections at the beginning of chapter 1213 of such title is amended by adding at the end the following new item:

"12503. Ready Reserve: funeral honors duty.".

(C) The item relating to section 12552 in the table of sections at the beginning of chapter 1215 of such title is amended to read as follows:

"12552. Funeral honors functions at funerals for veterans.".

(3)(A) The heading for section 114 of title 32, United States Code, is amended to read as follows:

"§ 114. Funeral honors functions at funerals for veterans".

(B) The table of sections at the beginning of chapter 1 of such title is amended by striking the item relating to section 114 and inserting the following new items:

"114. Funeral honors functions at funerals for veterans.
"115. Funeral honors duty performed as a Federal function.".

(4) The table of sections at the beginning of chapter 4 of title 37, United States Code, is amended by adding at the end the following new item:

"435. Funeral honors duty: allowance.".

SEC. 579. PURPOSE AND FUNDING LIMITATIONS FOR NATIONAL GUARD CHALLENGE PROGRAM.

(a) PROGRAM AUTHORITY AND PURPOSE.—Subsection (a) of section 509 of title 32, United States Code, is amended to read as follows:

"(a) PROGRAM AUTHORITY AND PURPOSE.—The Secretary of Defense, acting through the Chief of the National Guard Bureau, may use the National Guard to conduct a civilian youth opportunities program, to be known as the 'National Guard Challenge Program', which shall consist of at least a 22-week residential program and a 12-month post-residential mentoring period. The National Guard Challenge Program shall seek to improve life skills and employment potential of participants by providing military-based training and supervised work experience, together with the core program components of assisting participants to receive a high school diploma or its equivalent, leadership development, promoting fellowship and community service, developing life coping skills and job skills, and improving physical fitness and health and hygiene.".

(b) ANNUAL FUNDING LIMITATION.—Subsection (b) of such section is amended by striking "$50,000,000" and inserting "$62,500,000".

SEC. 580. DEPARTMENT OF DEFENSE STARBASE PROGRAM.

(a) PROGRAM AUTHORITY.—Chapter 111 of title 10, United States Code, is amended by inserting after section 2193 the following new section:

"§ 2193b. Improvement of education in technical fields: program for support of elementary and secondary education in science, mathematics, and technology

"(a) AUTHORITY FOR PROGRAM.—The Secretary of Defense may conduct a science, mathematics, and technology education improvement program known as the 'Department of Defense STARBASE Program'. The Secretary shall carry out the program in coordination with the Secretaries of the military departments.

"(b) PURPOSE.—The purpose of the program is to improve knowledge and skills of students in kindergarten through twelfth grade in mathematics, science, and technology.

"(c) STARBASE ACADEMIES.—(1) The Secretary shall provide for the establishment of at least 25 academies under the program.

"(2) The Secretary of Defense shall establish guidelines, criteria, and a process for the establishment of STARBASE programs in addition to those in operation on the date of the enactment of this section.

"(3) The Secretary may support the establishment and operation of any academy in excess of two academies in a State only if the Secretary has first authorized in writing the establishment of the academy and the costs of the establishment and operation of the academy are paid out of funds provided by sources other than the Department of Defense. Any such costs that are paid out of appropriated funds shall be considered as paid out of funds provided by such other sources if such sources fully reimburse the United States for the costs.

Standards.

"(d) PERSONS ELIGIBLE TO PARTICIPATE IN PROGRAM.—The Secretary shall prescribe standards and procedures for selection of persons for participation in the program.

"(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing the conduct of the program.

"(f) AUTHORITY TO ACCEPT FINANCIAL AND OTHER SUPPORT.—The Secretary of Defense and the Secretaries of the military departments may accept financial and other support for the program from other departments and agencies of the Federal Government, State governments, local governments, and not-for-profit and other organizations in the private sector.

Deadline.

"(g) ANNUAL REPORT.—Not later than 90 days after the end of each fiscal year, the Secretary of Defense shall submit to Congress a report on the program under this section. The report shall contain a discussion of the design and conduct of the program and an evaluation of the effectiveness of the program.

"(h) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.".

10 USC 2193b note.

(b) EXISTING STARBASE ACADEMIES.—While continuing in operation, the academies existing on the date of the enactment of this Act under the Department of Defense STARBASE Program, as such program is in effect on such date, shall be counted for the purpose of meeting the requirement under section 2193b(c)(1) of title 10, United States Code (as added by subsection (a)), relating to the minimum number of STARBASE academies.

(c) REORGANIZATION OF CHAPTER.—Chapter 111 of title 10, United States Code, as amended by subsection (a), is further amended—

(1) by inserting after section 2193 and before the section 2193b added by subsection (a) the following:

"§ 2193a. Improvement of education in technical fields: general authority for support of elementary and secondary education in science and mathematics";

(2) by transferring subsection (b) of section 2193 to section 2193a (as added by paragraph (1)), inserting such subsection after the heading for section 2193a, and striking out "(b)"; and

(3) by redesignating subsection (c) of section 2193 as subsection (b).

(d) CLERICAL AMENDMENTS.—(1) The heading for section 2192 of such title is amended to read as follows:

"§ 2192. Improvement of education in technical fields: general authority regarding education in science, mathematics, and engineering".

(2) The heading for section 2193 is amended to read as follows:

"§ 2193. Improvement of education in technical fields: grants for higher education in science and mathematics".

(3) The table of sections at the beginning of such chapter is amended by striking the items relating to sections 2192 and 2193 and inserting the following:

"2192. Improvement of education in technical fields: general authority regarding education in science, mathematics, and engineering.

"2193. Improvement of education in technical fields: grants for higher education in science and mathematics.

"2193a. Improvement of education in technical fields: general authority for support of elementary and secondary education in science and mathematics.

"2193b. Improvement of education in technical fields: program for support of elementary and secondary education in science, mathematics, and technology.".

SEC. 581. SURVEY OF MEMBERS LEAVING MILITARY SERVICE ON ATTITUDES TOWARD MILITARY SERVICE. 10 USC 113 note.

(a) EXIT SURVEY.—The Secretary of Defense shall develop and implement, as part of outprocessing activities, a survey on attitudes toward military service to be completed by all members of the Armed Forces who during the period beginning on January 1, 2000, and ending on June 30, 2000, are voluntarily discharged or separated from the Armed Forces or transfer from a regular component to a reserve component.

(b) MATTERS TO BE COVERED.—The survey shall, at a minimum, cover the following subjects:

(1) Reasons for leaving military service.

(2) Command climate.

(3) Attitude toward leadership.

(4) Attitude toward pay and benefits.

(5) Job satisfaction during service as a member of the Armed Forces.

(6) Plans for activities after separation (such as enrollment in school, use of Montgomery GI Bill benefits, and work).

(7) Affiliation with a reserve component, together with the reasons for affiliating or not affiliating, as the case may be.

(8) Such other matters as the Secretary determines appropriate to the survey concerning reasons why military personnel are leaving military service.

Deadline.

(c) REPORT TO CONGRESS.—Not later than October 1, 2000, the Secretary shall submit to Congress a report containing the results of the survey under subsection (a). The Secretary shall compile the information in the report so as to assist in assessing reasons why military personnel are leaving military service.

SEC. 582. SERVICE REVIEW AGENCIES COVERED BY PROFESSIONAL STAFFING REQUIREMENT.

Section 1555(c)(2) of title 10, United States Code, is amended by inserting "the Navy Council of Personnel Boards and" after "Department of the Navy,".

SEC. 583. PARTICIPATION OF MEMBERS IN MANAGEMENT OF ORGANIZATIONS ABROAD THAT PROMOTE INTERNATIONAL UNDERSTANDING.

Section 1033(b)(3) of title 10, United States Code, is amended by inserting after subparagraph (D) the following new subparagraph:

"(E) An entity that, operating in a foreign nation where United States military personnel are serving at United States military activities, promotes understanding and tolerance between such personnel (and their families) and the citizens of that host foreign nation through programs that foster social relations between those persons.".

SEC. 584. SUPPORT FOR EXPANDED CHILD CARE SERVICES AND YOUTH PROGRAM SERVICES FOR DEPENDENTS.

(a) AUTHORITY.—(1) Subchapter II of chapter 88 of title 10, United States Code, is amended—

(A) by redesignating section 1798 as section 1800; and

(B) by inserting after section 1797 the following new sections:

"§ 1798. Child care services and youth program services for dependents: financial assistance for providers

"(a) AUTHORITY.—The Secretary of Defense may provide financial assistance to an eligible civilian provider of child care services or youth program services that furnishes such services for members of the armed forces and employees of the United States if the Secretary determines that providing such financial assistance—

"(1) is in the best interest of the Department of Defense;

"(2) enables supplementation or expansion of furnishing of child care services or youth program services for military installations, while not supplanting or replacing such services; and

"(3) ensures that the eligible provider is able to comply, and does comply, with the regulations, policies, and standards of the Department of Defense that are applicable to the furnishing of such services.

"(b) ELIGIBLE PROVIDERS.—A provider of child care services or youth program services is eligible for financial assistance under this section if the provider—

"(1) is licensed to provide those services under applicable State and local law;

"(2) has previously provided such services for members of the armed forces or employees of the United States; and

"(3) either—

"(A) is a family home day care provider; or

"(B) is a provider of family child care services that—

"(i) otherwise provides federally funded or sponsored child development services;

"(ii) provides the services in a child development center owned and operated by a private, not-for-profit organization;

"(iii) provides before-school or after-school child care program in a public school facility;

"(iv) conducts an otherwise federally funded or federally sponsored school age child care or youth services program;

"(v) conducts a school age child care or youth services program that is owned and operated by a not-for-profit organization; or

"(vi) is a provider of another category of child care services or youth services determined by the Secretary of Defense as appropriate for meeting the needs of members of the armed forces or employees of the Department of Defense.

"(c) FUNDING.—To provide financial assistance under this subsection, the Secretary of Defense may use any funds appropriated to the Department of Defense for operation and maintenance.

"(d) BIENNIAL REPORT.—(1) Every two years the Secretary of Defense shall submit to Congress a report on the exercise of authority under this section. The report shall include an evaluation of the effectiveness of that authority for meeting the needs of members of the armed forces or employees of the Department of Defense for child care services and youth program services. The report may include any recommendations for legislation that the Secretary considers appropriate to enhance the capability of the Department of Defense to meet those needs.

"(2) A biennial report under this subsection may be combined with the biennial report under section 1799(d) of this title into a single report for submission to Congress.

"§ 1799. Child care services and youth program services for dependents: participation by children and youth otherwise ineligible

"(a) AUTHORITY.—The Secretary of Defense may authorize participation in child care or youth programs of the Department of Defense, to the extent of the availability of space and services, by children and youth under the age of 19 who are not dependents of members of the armed forces or of employees of the Department of Defense and are not otherwise eligible for participation in those programs.

"(b) LIMITATION.—Authorization of participation in a program under subsection (a) shall be limited to situations in which that participation promotes the attainment of the objectives set forth in subsection (c), as determined by the Secretary.

"(c) OBJECTIVES.—The objectives for authorizing participation in a program under subsection (a) are as follows:

"(1) To support the integration of children and youth of military families into civilian communities.

"(2) To make more efficient use of Department of Defense facilities and resources.

"(3) To establish or support a partnership or consortium arrangement with schools and other youth services organizations serving children of members of the armed forces.

"(d) BIENNIAL REPORT.—(1) Every two years the Secretary of Defense shall submit to Congress a report on the exercise of authority under this section. The report shall include an evaluation of the effectiveness of that authority for achieving the objectives set out under subsection (c). The report may include any recommendations for legislation that the Secretary considers appropriate to enhance the capability of the Department of Defense to attain those objectives.

"(2) A biennial report under this subsection may be combined with the biennial report under section 1798(d) of this title into a single report for submission to Congress.".

(2) The table of sections at the beginning of such subchapter is amended by striking the item relating to section 1798 and inserting the following new items:

"1798. Child care services and youth program services for dependents: financial assistance for providers.
"1799. Child care services and youth program services for dependents: participation by children and youth otherwise ineligible.
"1800. Definitions.".

Deadline.
10 USC 1798 note.

(b) FIRST BIENNIAL REPORTS.—The first biennial reports under sections 1798(d) and 1799(d) of title 10, United States Code (as added by subsection (a)), shall be submitted not later than March 31, 2002, and shall cover fiscal years 2000 and 2001.

10 USC 1071 note.

SEC. 585. REPORT AND REGULATIONS ON DEPARTMENT OF DEFENSE POLICIES ON PROTECTING THE CONFIDENTIALITY OF COMMUNICATIONS WITH PROFESSIONALS PROVIDING THERAPEUTIC OR RELATED SERVICES REGARDING SEXUAL OR DOMESTIC ABUSE.

(a) STUDY AND REPORT.—(1) The Comptroller General of the United States shall study the policies, procedures, and practices of the military departments for protecting the confidentiality of communications between—

(A) a dependent (as defined in section 1072(2) of title 10, United States Code, with respect to a member of the Armed Forces) of a member of the Armed Forces who—

(i) is a victim of sexual harassment, sexual assault, or intrafamily abuse; or

(ii) has engaged in such misconduct; and

(B) a therapist, counselor, advocate, or other professional from whom the dependent seeks professional services in connection with effects of such misconduct.

Deadline.

(2) Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall conclude the study and submit a report on the results of the study to Congress and the Secretary of Defense.

(b) REGULATIONS.—The Secretary of Defense shall prescribe in regulations the policies and procedures that the Secretary considers appropriate to provide the maximum protections for the confidentiality of communications described in subsection (a) relating to misconduct described in that subsection, taking into consideration—

(1) the findings of the Comptroller General;

(2) the standards of confidentiality and ethical standards issued by relevant professional organizations;

(3) applicable requirements of Federal and State law;

(4) the best interest of victims of sexual harassment, sexual assault, or intrafamily abuse;

(5) military necessity; and

(6) such other factors as the Secretary, in consultation with the Attorney General, may consider appropriate.

(c) REPORT BY SECRETARY OF DEFENSE.—Not later than January 21, 2000, the Secretary of Defense shall submit to Congress a report on the actions taken under subsection (b) and any other actions taken by the Secretary to provide the maximum possible protections for confidentiality described in that subsection. Deadline.

SEC. 586. MEMBERS UNDER BURDENSOME PERSONNEL TEMPO.

(a) MANAGEMENT OF DEPLOYMENTS OF INDIVIDUAL MEMBERS.—Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter 49 the following new chapter:

"CHAPTER 50—MISCELLANEOUS COMMAND RESPONSIBILITIES

"Sec.
"991. Management of deployments of members.

"§ 991. Management of deployments of members

"(a) GENERAL OR FLAG OFFICER RESPONSIBILITIES.—(1) The deployment (or potential deployment) of a member of the armed forces shall be managed, during any period when the member is a high-deployment days member, by the officer in the chain of command of that member who is the lowest-ranking general or flag officer in that chain of command. That officer shall ensure that the member is not deployed, or continued in a deployment, on any day on which the total number of days on which the member has been deployed out of the preceding 365 days would exceed 220 unless an officer in the grade of general or admiral in the member's chain of command approves the deployment, or continued deployment, of the member.

"(2) In this section, the term 'high-deployment days member' means a member who has been deployed 182 days or more out of the preceding 365 days.

"(b) DEPLOYMENT DEFINED.—(1) For the purposes of this section, a member of the armed forces shall be considered to be deployed or in a deployment on any day on which, pursuant to orders, the member is performing service in a training exercise or operation at a location or under circumstances that make it impossible or infeasible for the member to spend off-duty time in the housing in which the member resides when on garrison duty at the member's permanent duty station.

"(2) For the purposes of this section, a member is not deployed or in a deployment when the member is—

"(A) performing service as a student or trainee at a school (including any Government school); or

"(B) performing administrative, guard, or detail duties in garrison at the member's permanent duty station.

"(3) The Secretary of Defense may prescribe a definition of deployment for the purposes of this section other than the definition

specified in paragraphs (1) and (2). Any such definition may not take effect until 90 days after the date on which the Secretary notifies the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of the revised standard definition of deployment.

"(c) RECORDKEEPING.—The Secretary of each military department shall establish a system for tracking and recording the number of days that each member of the armed forces under the jurisdiction of the Secretary is deployed.

"(d) NATIONAL SECURITY WAIVER AUTHORITY.—The Secretary of the military department concerned may suspend the applicability of this section to a member or any group of members under the Secretary's jurisdiction when the Secretary determines that such a waiver is necessary in the national security interests of the United States.

"(e) INAPPLICABILITY TO COAST GUARD.—This section does not apply to a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy.".

(b) PER DIEM ALLOWANCE FOR LENGTHY OR NUMEROUS DEPLOYMENTS.—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 435. Per diem allowance for lengthy or numerous deployments

"(a) PER DIEM REQUIRED.—The Secretary of the military department concerned shall pay a high-deployment per diem allowance to a member of the armed forces under the Secretary's jurisdiction for each day on which the member (1) is deployed, and (2) has, as of that day, been deployed 251 days or more out of the preceding 365 days.

"(b) DEFINITION OF DEPLOYED.—In this section, the term 'deployed', with respect to a member, means that the member is deployed or in a deployment within the meaning of section 991(b) of title 10 (including any definition of 'deployment' prescribed under paragraph (3) of that section).

"(c) AMOUNT OF PER DIEM.—The amount of the high-deployment per diem payable to a member under this section is $100.

"(d) PAYMENT OF CLAIMS.—A claim of a member for payment of the high-deployment per diem allowance that is not fully substantiated by the recordkeeping system applicable to the member under section 991(c) of title 10 shall be paid if the member furnishes the Secretary concerned with other evidence determined by the Secretary as being sufficient to substantiate the claim.

"(e) RELATIONSHIP TO OTHER ALLOWANCES.—A high-deployment per diem payable to a member under this section is in addition to any other pay or allowance payable to the member under any other provision of law.

"(f) NATIONAL SECURITY WAIVER.—No per diem may be paid under this section to a member for any day on which the applicability of section 991 of title 10 to the member is suspended under subsection (d) of that section.".

(c) CLERICAL AMENDMENTS.—(1) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and the beginning of part II of such subtitle are amended by inserting after the item relating to chapter 49 the following new item:

"50. Miscellaneous Command Responsibilities ..... 991".

(2) The table of sections at the beginning of chapter 7 of title 37, United States Code, is amended by inserting after the item relating to section 434 the following new item:

"435. Per diem allowance for lengthy or numerous deployments.".

(d) EFFECTIVE DATE.—(1) Section 991 of title 10, United States Code (as added by subsection (a)), shall take effect on October 1, 2000. No day on which a member of the Armed Forces is deployed (as defined in subsection (b) of that section) before that date may be counted in determining the number of days on which a member has been deployed for purposes of that section. 10 USC 991 note.

(2) Section 435 of title 37, United States Code (as added by subsection (b)), shall take effect on October 1, 2001. 37 USC 435 note.

(e) IMPLEMENTING REGULATIONS.—Not later than June 1, 2000, the Secretary of each military department shall prescribe in regulations the policies and procedures for implementing such provisions of law for that military department. Deadline. 10 USC 991 note.

Subtitle K—Domestic Violence

SEC. 591. DEFENSE TASK FORCE ON DOMESTIC VIOLENCE. 10 USC 1562 note.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Department of Defense task force to be known as the Defense Task Force on Domestic Violence.

(b) STRATEGIC PLAN.—Not later than 12 months after the date on which all members of the task force have been appointed, the task force shall submit to the Secretary of Defense a long-term plan (referred to as a "strategic plan") for means by which the Department of Defense may address matters relating to domestic violence within the military more effectively. The plan shall include an assessment of, and recommendations for measures to improve, the following: Deadline.

(1) Ongoing victims' safety programs.

(2) Offender accountability.

(3) The climate for effective prevention of domestic violence.

(4) Coordination and collaboration among all military organizations with responsibility or jurisdiction with respect to domestic violence.

(5) Coordination between military and civilian communities with respect to domestic violence.

(6) Research priorities.

(7) Data collection and case management and tracking.

(8) Curricula and training for military commanders.

(9) Prevention and responses to domestic violence at overseas military installations.

(10) Other issues identified by the task force relating to domestic violence within the military.

(c) REVIEW OF VICTIMS' SAFETY PROGRAM.—The task force shall review the efforts of the Secretary of Defense to establish a program for improving responses to domestic violence under section 592 and shall include in its report under subsection (e) a description of that program, including best practices identified on installations, lessons learned, and resulting policy recommendations.

(d) OTHER TASK FORCE REVIEWS.—The task force shall review and make recommendations regarding the following:

(1) Standard guidelines to be used by the Secretaries of the military departments in negotiating agreements with

civilian law enforcement authorities relating to acts of domestic violence involving members of the Armed Forces.

(2) A requirement (A) that when a commanding officer issues to a member of the Armed Forces under that officer's command an order that the member not have contact with a specified person that a written copy of that order be provided within 24 hours after the issuance of the order to the person with whom the member is ordered not to have contact, and (B) that there be a system of recording and tracking such orders.

(3) Standard guidelines on the factors for commanders to consider when seeking to substantiate allegations of domestic violence by a person subject to the Uniform Code of Military Justice and when determining appropriate action for such allegations that are so substantiated.

(4) A standard training program for all commanding officers in the Armed Forces, including a standard curriculum, on the handling of domestic violence cases.

(e) ANNUAL REPORT.—(1) The task force shall submit to the Secretary an annual report on its activities and on the activities of the military departments to respond to domestic violence in the military.

(2) The first such report shall be submitted not later than the date specified in subsection (b) and shall be submitted with the strategic plan submitted under that subsection. The task force shall include in that report the following:

(A) Analysis and oversight of the efforts of the military departments to respond to domestic violence in the military and a description of barriers to implementation of improvements in those efforts.

(B) A description of the activities and achievements of the task force.

(C) A description of successful and unsuccessful programs.

(D) A description of pending, completed, and recommended Department of Defense research relating to domestic violence.

(E) Such recommendations for policy and statutory changes as the task force considers appropriate.

(3) Each subsequent annual report shall include the following:

(A) A detailed discussion of the achievements in responses to domestic violence in the Armed Forces.

(B) Pending research on domestic violence.

(C) Any recommendations for actions to improve the responses of the Armed Forces to domestic violence in the Armed Forces that the task force considers appropriate.

Deadline.

(4) Within 90 days of receipt of a report under paragraph (2) or (3), the Secretary shall submit the report and the Secretary's evaluation of the report to the Committees on Armed Services of the Senate and House of Representatives. The Secretary shall include with the report the information collected pursuant to section 1562(b) of title 10, United States Code, as added by section 594.

(f) MEMBERSHIP.—(1) The task force shall consist of not more than 24 members, to be appointed by the Secretary of Defense. Members shall be appointed from each of the Army, Navy, Air Force, and Marine Corps and shall include an equal number of Department of Defense personnel (military or civilian) and persons from outside the Department of Defense. Members appointed from outside the Department of Defense may be appointed from other

Federal departments and agencies, from State and local agencies, or from the private sector.

(2) The Secretary shall ensure that the membership of the task force includes a judge advocate representative from each of the Army, Navy, Air Force, and Marine Corps.

(3)(A) In consultation with the Attorney General, the Secretary shall appoint to the task force a representative or representatives from the Office of Justice Programs of the Department of Justice.

(B) In consultation with the Secretary of Health and Human Services, the Secretary shall appoint to the task force a representative from the Family Violence Prevention and Services office of the Department of Health and Human Services.

(4) Each member of the task force appointed from outside the Department of Defense shall be an individual who has demonstrated expertise in the area of domestic violence or shall be appointed from one of the following:

(A) A national domestic violence resource center established under section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10407).

(B) A national sexual assault and domestic violence policy and advocacy organization.

(C) A State domestic violence and sexual assault coalition.

(D) A civilian law enforcement agency.

(E) A national judicial policy organization.

(F) A State judicial authority.

(G) A national crime victim policy organization.

(5) The members of the task force shall be appointed not later than 90 days after the date of the enactment of this Act. Deadline.

(g) CO-CHAIRS OF THE TASK FORCE.—There shall be two co-chairs of the task force. One of the co-chairs shall be designated by the Secretary of Defense at the time of appointment from among the Department of Defense personnel on the task force. The other co-chair shall be selected from among the members appointed from outside the Department of Defense by those members.

(h) ADMINISTRATIVE SUPPORT.—(1) Each member of the task force shall serve without compensation (other than the compensation to which entitled as a member of the Armed Forces or an officer or employee of the United States, as the case may be), but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the member's home or regular places of business in the performance of services for the task force.

(2) The Assistant Secretary of Defense for Force Management Policy, under the direction of the Under Secretary of Defense for Personnel and Readiness, shall provide oversight of the task force. The Washington Headquarters Service shall provide the task force with the personnel, facilities, and other administrative support that is necessary for the performance of the task force's duties.

(3) The Assistant Secretary shall coordinate with the Secretaries of the military departments to provide visits of the task force to military installations.

(i) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App) shall not apply to the task force.

(j) TERMINATION.—The task force shall terminate three years after the date of the enactment of this Act.

10 USC 1562 note.

SEC. 592. INCENTIVE PROGRAM FOR IMPROVING RESPONSES TO DOMESTIC VIOLENCE INVOLVING MEMBERS OF THE ARMED FORCES AND MILITARY FAMILY MEMBERS.

(a) PURPOSE.—The purpose of this section is to provide a program for the establishment on military installations of collaborative projects involving appropriate elements of the Armed Forces and the civilian community to improve, strengthen, or coordinate prevention and response efforts to domestic violence involving members of the Armed Forces, military family members, and others.

(b) PROGRAM.—The Secretary of Defense shall establish a program to provide funds and other incentives to commanders of military installations for the following purposes:

(1) To improve coordination between military and civilian law enforcement authorities in policies, training, and responses to, and tracking of, cases involving military domestic violence.

(2) To develop, implement, and coordinate with appropriate civilian authorities tracking systems (A) for protective orders issued to or on behalf of members of the Armed Forces by civilian courts, and (B) for orders issued by military commanders to members of the Armed Forces ordering them not to have contact with a dependent.

(3) To strengthen the capacity of attorneys and other legal advocates to respond appropriately to victims of military domestic violence.

(4) To assist in educating judges, prosecutors, and legal offices in improved handling of military domestic violence cases.

(5) To develop and implement more effective policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to domestic violence.

(6) To develop, enlarge, or strengthen victims' services programs, including sexual assault and domestic violence programs, developing or improving delivery of victims' services, and providing confidential access to specialized victims' advocates.

(7) To develop and implement primary prevention programs.

(8) To improve the response of health care providers to incidents of domestic violence, including the development and implementation of screening protocols.

(c) PRIORITY.—The Secretary shall give priority in providing funds and other incentives under the program to installations at which the local program will emphasize building or strengthening partnerships and collaboration among military organizations such as family advocacy program, military police or provost marshal organizations, judge advocate organizations, legal offices, health affairs offices, and other installation-level military commands between those organizations and appropriate civilian organizations, including civilian law enforcement, domestic violence advocacy organizations, and domestic violence shelters.

Guidelines.

(d) APPLICATIONS.—The Secretary shall establish guidelines for applications for an award of funds under the program to carry out the program at an installation.

(e) AWARDS.—The Secretary shall determine the award of funds and incentives under this section. In making a determination of the installations to which funds or other incentives are to be provided under the program, the Secretary shall consult with an award review committee consisting of representatives from the Armed

Forces, the Department of Justice, the Department of Health and Human Services, and organizations with a demonstrated expertise in the areas of domestic violence and victims' safety.

SEC. 593. UNIFORM DEPARTMENT OF DEFENSE POLICIES FOR RESPONSES TO DOMESTIC VIOLENCE. 10 USC 1562 note.

(a) REQUIREMENT.—The Secretary of Defense shall prescribe the following:

(1) Standard guidelines to be used by the Secretaries of the military departments for negotiating agreements with civilian law enforcement authorities relating to acts of domestic violence involving members of the Armed Forces.

(2) A requirement (A) that when a commanding officer issues to a member of the Armed Forces under that officer's command an order that the member not have contact with a specified person that a written copy of that order be provided within 24 hours after the issuance of the order to the person with whom the member is ordered not to have contact, and (B) that there be a system of recording and tracking such orders.

(3) Standard guidelines on the factors for commanders to consider when seeking to substantiate allegations of domestic violence by a person subject to the Uniform Code of Military Justice and when determining appropriate action for such allegations that are so substantiated.

(4) A standard training program for all commanding officers in the Armed Forces, including a standard curriculum, on the handling of domestic violence cases.

(b) DEADLINE.—The Secretary of Defense shall carry out subsection (a) not later than six months after the date on which the Secretary receives the first report of the Defense Task Force on Domestic Violence under section 591(e).

SEC. 594. CENTRAL DEPARTMENT OF DEFENSE DATABASE ON DOMESTIC VIOLENCE INCIDENTS.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1562. Database on domestic violence incidents

"(a) DATABASE ON DOMESTIC VIOLENCE INCIDENT.—The Secretary of Defense shall establish a central database of information on the incidents of domestic violence involving members of the armed forces. Establishment.

"(b) REPORTING OF INFORMATION FOR THE DATABASE.—The Secretary shall require that the Secretaries of the military departments maintain and report annually to the administrator of the database established under subsection (a) any information received on the following matters:

"(1) Each domestic violence incident reported to a commander, a law enforcement authority of the armed forces, or a family advocacy program of the Department of Defense.

"(2) The number of those incidents that involve evidence determined sufficient for supporting disciplinary action and, for each such incident, a description of the substantiated allegation and the action taken by command authorities in the incident.

"(3) The number of those incidents that involve evidence determined insufficient for supporting disciplinary action and for each such case, a description of the allegation.".

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

"1562. Database on domestic violence incidents.".

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 602. Pay increases for fiscal years 2001 through 2006.
Sec. 603. Additional amount available for fiscal year 2000 increase in basic allowance for housing inside the United States.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonuses and special pay authorities for reserve forces.
Sec. 612. Extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.
Sec. 613. Extension of authorities relating to payment of other bonuses and special pays.
Sec. 614. Amount of aviation career incentive pay for air battle managers.
Sec. 615. Expansion of authority to provide special pay to aviation career officers extending period of active duty.
Sec. 616. Additional special pay for board certified veterinarians in the Armed Forces and Public Health Service.
Sec. 617. Diving duty special pay.
Sec. 618. Reenlistment bonus.
Sec. 619. Enlistment bonus.
Sec. 620. Selected Reserve enlistment bonus.
Sec. 621. Special pay for members of the Coast Guard Reserve assigned to high priority units of the Selected Reserve.
Sec. 622. Reduced minimum period of enlistment in Army in critical skill for eligibility for enlistment bonus.
Sec. 623. Eligibility for reserve component prior service enlistment bonus upon attaining a critical skill.
Sec. 624. Increase in special pay and bonuses for nuclear-qualified officers.
Sec. 625. Increase in maximum monthly rate authorized for foreign language proficiency pay.
Sec. 626. Authorization of retention bonus for special warfare officers extending periods of active duty.
Sec. 627. Authorization of surface warfare officer continuation pay.
Sec. 628. Authorization of career enlisted flyer incentive pay.
Sec. 629. Authorization of judge advocate continuation pay.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Provision of lodging in kind for Reservists performing training duty and not otherwise entitled to travel and transportation allowances.
Sec. 632. Payment of temporary lodging expenses for members making their first permanent change of station.
Sec. 633. Destination airport for emergency leave travel to continental United States.

Subtitle D—Retired Pay Reform

Sec. 641. Redux retired pay system applicable only to members electing new 15-year career status bonus.
Sec. 642. Authorization of 15-year career status bonus.
Sec. 643. Conforming amendments.
Sec. 644. Effective date.

Subtitle E—Other Matters Relating to Military Retirees and Survivors

Sec. 651. Repeal of reduction in retired pay for military retirees employed in civilian positions.

Sec. 652. Presentation of United States flag to retiring members of the uniformed services not previously covered.
Sec. 653. Disability retirement or separation for certain members with pre-existing conditions.
Sec. 654. Credit toward paid-up SBP coverage for months covered by make-up premium paid by persons electing SBP coverage during special open enrollment period.
Sec. 655. Paid-up coverage under Retired Serviceman's Family Protection Plan.
Sec. 656. Extension of authority for payment of annuities to certain military surviving spouses.
Sec. 657. Effectuation of intended SBP annuity for former spouse when not elected by reason of untimely death of retiree.
Sec. 658. Special compensation for severely disabled uniformed services retirees.

Subtitle F—Eligibility To Participate in the Thrift Savings Plan

Sec. 661. Participation in Thrift Savings Plan.
Sec. 662. Special retention initiative.
Sec. 663. Effective date.

Subtitle G—Other Matters

Sec. 671. Payment for unused leave in conjunction with a reenlistment.
Sec. 672. Clarification of per diem eligibility for military technicians (dual status) serving on active duty without pay outside the United States.
Sec. 673. Annual report on effects of initiatives on recruitment and retention.
Sec. 674. Overseas special supplemental food program.
Sec. 675. Tuition assistance for members deployed in a contingency operation.
Sec. 676. Administration of Selected Reserve education loan repayment program for Coast Guard Reserve.
Sec. 677. Sense of Congress regarding treatment under Internal Revenue Code of members receiving hostile fire or imminent danger special pay during contingency operations.

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2000 INCREASE IN MILITARY BASIC PAY AND REFORM OF BASIC PAY RATES.

Effective dates. 37 USC 1009 note.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2000 required 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) JANUARY 1, 2000, INCREASE IN BASIC PAY.—Effective on January 1, 2000, the rates of monthly basic pay for members of the uniformed services are increased by 4.8 percent.

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

COMMISSIONED OFFICERS [1]

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

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O–10 [2]	$0.00	$0.00	$0.00	$0.00	$0.00
O–9	0.00	0.00	0.00	0.00	0.00
O–8	6,594.30	6,810.30	6,953.10	6,993.30	7,171.80
O–7	5,479.50	5,851.80	5,851.80	5,894.40	6,114.60
O–6	4,061.10	4,461.60	4,754.40	4,754.40	4,772.40
O–5	3,248.40	3,813.90	4,077.90	4,127.70	4,291.80
O–4	2,737.80	3,333.90	3,556.20	3,606.00	3,812.40
O–3 [3]	2,544.00	2,884.20	3,112.80	3,364.80	3,525.90
O–2 [3]	2,218.80	2,527.20	2,910.90	3,009.00	3,071.10
O–1 [3]	1,926.30	2,004.90	2,423.10	2,423.10	2,423.10
	Over 8	Over 10	Over 12	Over 14	Over 16
O–10 [2]	$0.00	$0.00	$0.00	$0.00	$0.00
O–9	0.00	0.00	0.00	0.00	0.00
O–8	7,471.50	7,540.80	7,824.60	7,906.20	8,150.10
O–7	6,282.00	6,475.80	6,669.00	6,863.10	7,471.50
O–6	4,976.70	5,004.00	5,004.00	5,169.30	5,791.20
O–5	4,291.80	4,420.80	4,659.30	4,971.90	5,286.00
O–4	3,980.40	4,252.50	4,464.00	4,611.00	4,758.90
O–3 [3]	3,702.60	3,850.20	4,040.40	4,139.10	4,139.10
O–2 [3]	3,071.10	3,071.10	3,071.10	3,071.10	3,071.10
O–1 [3]	2,423.10	2,423.10	2,423.10	2,423.10	2,423.10
	Over 18	Over 20	Over 22	Over 24	Over 26
O–10 [2]	$0.00	$10,655.10	$10,707.60	$10,930.20	$11,318.40
O–9	0.00	9,319.50	9,453.60	9,647.70	9,986.40
O–8	8,503.80	8,830.20	9,048.00	9,048.00	9,048.00
O–7	7,985.40	7,985.40	7,985.40	7,985.40	8,025.60
O–6	6,086.10	6,381.30	6,549.00	6,719.10	7,049.10
O–5	5,436.00	5,583.60	5,751.90	5,751.90	5,751.90
O–4	4,808.70	4,808.70	4,808.70	4,808.70	4,808.70
O–3 [3]	4,139.10	4,139.10	4,139.10	4,139.10	4,139.10
O–2 [3]	3,071.10	3,071.10	3,071.10	3,071.10	3,071.10
O–1 [3]	2,423.10	2,423.10	2,423.10	2,423.10	2,423.10

[1] Notwithstanding the pay rates specified in this table, the actual basic pay for commissioned officers in grades O–7 through O–10 may not exceed the rate of pay for level III of the Executive Schedule and the actual basic pay for all other officers, including warrant 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, basic pay for this grade is calculated to be $12,441.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] This table does not apply to commissioned officers in the grade O–1, O–2, or O–3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

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

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

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

WARRANT OFFICERS

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

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W–5 ...	$0.00	$0.00	$0.00	$0.00	$0.00
W–4 ...	2,592.00	2,788.50	2,868.60	2,947.50	3,083.40
W–3 ...	2,355.90	2,555.40	2,555.40	2,588.40	2,694.30
W–2 ...	2,063.40	2,232.60	2,232.60	2,305.80	2,423.10
W–1 ...	1,719.00	1,971.00	1,971.00	2,135.70	2,232.60
	Over 8	Over 10	Over 12	Over 14	Over 16
W–5 ...	$0.00	$0.00	$0.00	$0.00	$0.00
W–4 ...	3,217.20	3,352.80	3,485.10	3,622.20	3,753.60
W–3 ...	2,814.90	2,974.20	3,071.10	3,177.00	3,298.20
W–2 ...	2,555.40	2,652.60	2,749.80	2,844.30	2,949.00
W–1 ...	2,332.80	2,433.30	2,533.20	2,634.00	2,734.80
	Over 18	Over 20	Over 22	Over 24	Over 26
W–5 ...	$0.00	$4,475.10	$4,628.70	$4,782.90	$4,937.40
W–4 ...	3,888.00	4,019.40	4,155.60	4,289.70	4,427.10
W–3 ...	3,418.50	3,539.10	3,659.40	3,780.00	3,900.90
W–2 ...	3,056.40	3,163.80	3,270.90	3,378.30	3,378.30
W–1 ...	2,835.00	2,910.90	2,910.90	2,910.90	2,910.90

ENLISTED MEMBERS [1]

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

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E–9 [2] ..	$0.00	$0.00	$0.00	$0.00	$0.00
E–8	0.00	0.00	0.00	0.00	0.00
E–7	1,765.80	1,927.80	2,001.00	2,073.00	2,147.70
E–6	1,518.90	1,678.20	1,752.60	1,824.30	1,899.30
E–5	1,332.60	1,494.00	1,566.00	1,640.40	1,714.50
E–4	1,242.90	1,373.10	1,447.20	1,520.10	1,593.90
E–3	1,171.50	1,260.60	1,334.10	1,335.90	1,335.90
E–2	1,127.40	1,127.40	1,127.40	1,127.40	1,127.40
E–1	[3] 1,005.60	1,005.60	1,005.60	1,005.60	1,005.60
	Over 8	Over 10	Over 12	Over 14	Over 16
E–9 [2] ..	$0.00	$3,015.30	$3,083.40	$3,169.80	$3,271.50
E–8	2,528.40	2,601.60	2,669.70	2,751.60	2,840.10
E–7	2,220.90	2,294.10	2,367.30	2,439.30	2,514.00
E–6	1,973.10	2,047.20	2,118.60	2,191.50	2,244.60
E–5	1,789.50	1,861.50	1,936.20	1,936.20	1,936.20
E–4	1,593.90	1,593.90	1,593.90	1,593.90	1,593.90
E–3	1,335.90	1,335.90	1,335.90	1,335.90	1,335.90
E–2	1,127.40	1,127.40	1,127.40	1,127.40	1,127.40
E–1	1,005.60	1,005.60	1,005.60	1,005.60	1,005.60
	Over 18	Over 20	Over 22	Over 24	Over 26
E–9 [2] ..	$3,373.20	$3,473.40	$3,609.30	$3,744.00	$3,915.90
E–8	2,932.50	3,026.10	3,161.10	3,295.50	3,483.60
E–7	2,588.10	2,660.40	2,787.60	2,926.20	3,134.40
E–6	2,283.30	2,283.30	2,285.70	2,285.70	2,285.70
E–5	1,936.20	1,936.20	1,936.20	1,936.20	1,936.20
E–4	1,593.90	1,593.90	1,593.90	1,593.90	1,593.90
E–3	1,335.90	1,335.90	1,335.90	1,335.90	1,335.90
E–2	1,127.40	1,127.40	1,127.40	1,123.20	1,127.40
E–1	1,005.60	1,005.60	1,005.60	1,005.60	1,005.60

[1] Notwithstanding the pay rates specified in this table, the actual basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, basic pay for this grade is $4,701.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] In the case of members in the grade E–1 who have served less than 4 months on active duty, basic pay is $930.30.

(d) LIMITATION ON PAY ADJUSTMENTS.—Effective January 1, 2000, section 203(a) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

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

"(2) Notwithstanding the rates of basic pay in effect at any time as provided by law, the rates of basic pay payable for commissioned officers in pay grades O–7 through O–10 may not exceed the monthly equivalent of the rate of pay for level III of the Executive Schedule, and the rates of basic pay payable for all other officers and for enlisted members may not exceed the monthly equivalent of the rate of pay for level V of the Executive Schedule.".

10 USC 1401 note.

(e) RECOMPUTATION OF RETIRED PAY FOR CERTAIN RECENTLY RETIRED OFFICERS.—In the case of a commissioned officer of the uniformed services who retired during the period beginning on April 30, 1999, through December 31, 1999, and who, at the time

of retirement, was in pay grade O–7, O–8, O–9, or O–10, the retired pay of that officer shall be recomputed, effective as of January 1, 2000, using the rate of basic pay that would have been applicable to the computation of that officer's retired pay if the provisions of paragraph (2) of section 203(a) of title 37, United States Code, as added by subsection (d), had taken effect on April 30, 1999.

SEC. 602. PAY INCREASES FOR FISCAL YEARS 2001 THROUGH 2006.

(a) ECI+0.5 PERCENT INCREASE FOR ALL MEMBERS.—Section 1009(c) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(c) EQUAL PERCENTAGE INCREASE FOR ALL MEMBERS.—"; and

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

"(2) Notwithstanding paragraph (1), but subject to subsection (d), an adjustment taking effect under this section during each of fiscal years 2001 through 2006 shall provide all eligible members with an increase in the monthly basic pay by the percentage equal to the sum of—

"(A) one percent; plus

"(B) the percentage calculated as provided under section 5303(a) of title 5 for that fiscal year, without regard to whether rates of pay under the statutory pay systems are actually increased during that fiscal year under that section by the percentage so calculated.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2000. 37 USC 1009 note.

SEC. 603. ADDITIONAL AMOUNT AVAILABLE FOR FISCAL YEAR 2000 INCREASE IN BASIC ALLOWANCE FOR HOUSING INSIDE THE UNITED STATES.

In addition to the amount determined by the Secretary of Defense under section 403(b)(3) of title 37, United States Code, to be the total amount that may be paid during fiscal year 2000 for the basic allowance for housing for military housing areas inside the United States, $225,000,000 of the amount authorized to be appropriated by section 421 for military personnel shall be used by the Secretary to further increase the total amount available for the basic allowance for housing for military housing areas inside the United States.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUSES 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, 1999" and inserting "December 31, 2000".

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(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, 2000" and inserting "January 1, 2001".

SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2000".

SEC. 613. 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, 1999," and inserting "December 31, 2000,".

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(c) ENLISTMENT BONUS FOR PERSONS WITH CRITICAL SKILLS.—Section 308a(d) of such title, as redesignated by section 619(b), is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(d) ARMY ENLISTMENT BONUS.—Section 308f(c) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(e) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(f) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking "December 31, 1999" and inserting "December 31, 2000".

(g) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking "October 1, 1998," and all that follows through the period at the end and inserting "December 31, 2000.".

SEC. 614. AMOUNT OF AVIATION CAREER INCENTIVE PAY FOR AIR BATTLE MANAGERS.

(a) APPLICABLE INCENTIVE PAY RATE.—Section 301a(b) of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(4) An officer serving as an air battle manager who is entitled to aviation career incentive pay under this section and who, before becoming entitled to aviation career incentive pay, was entitled to incentive pay under section 301(a)(11) of this title, shall be paid the monthly incentive pay at the higher of the following rates:

"(A) The rate otherwise applicable to the member under this subsection.

"(B) The rate at which the member was receiving incentive pay under section 301(c)(2)(A) of this title immediately before the member's entitlement to aviation career incentive pay under this section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to months beginning on or after that date.

Applicability. 37 USC 301a note.

SEC. 615. EXPANSION OF AUTHORITY TO PROVIDE SPECIAL PAY TO AVIATION CAREER OFFICERS EXTENDING PERIOD OF ACTIVE DUTY.

(a) ELIGIBILITY CRITERIA.—Subsection (b) of section 301b of title 37, United States Code, is amended—

(1) by striking paragraphs (2) and (5);

(2) in paragraph (3), by striking "grade O–6" and inserting "grade O–7";

(3) by inserting "and" at the end of paragraph (4); and

(4) by redesignating paragraphs (3), (4), and (6) as paragraphs (2), (3), and (4), respectively.

(b) AMOUNT OF BONUS.—Subsection (c) of such section is amended by striking "than—" and all that follows through the period at the end and inserting "than $25,000 for each year covered by the written agreement to remain on active duty.".

(c) PRORATION AUTHORITY FOR COVERAGE OF INCREASED PERIOD OF ELIGIBILITY.—Subsection (d) of such section is amended by striking "14 years of commissioned service" and inserting "25 years of aviation service".

(d) REPEAL OF CONTENT REQUIREMENTS FOR ANNUAL REPORT.—Subsection (i)(1) of such section is amended by striking the second sentence.

(e) DEFINITIONS REGARDING AVIATION SPECIALTY.—Subsection (j) of such section is amended—

(1) by striking paragraphs (2) and (3); and

(2) by redesignating paragraph (4) as paragraph (2).

(f) TECHNICAL AMENDMENT.—Subsection (g)(3) of such section is amended by striking the second sentence.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999, and shall apply with respect to months beginning on or after that date.

Applicability. 37 USC 301b note.

SEC. 616. ADDITIONAL SPECIAL PAY FOR BOARD CERTIFIED VETERINARIANS IN THE ARMED FORCES AND PUBLIC HEALTH SERVICE.

(a) AUTHORITY.—Section 303 of title 37, United States Code, is amended—

(1) by inserting "(a) MONTHLY SPECIAL PAY.—" before "Each"; and

(2) by adding at the end the following:

"(b) ADDITIONAL SPECIAL PAY FOR BOARD CERTIFICATION.—A commissioned officer entitled to special pay under subsection (a) who has been certified as a Diplomate in a specialty recognized by the American Veterinarian Medical Association is entitled to special pay (in addition to the special pay under subsection (a)) at the same rate as is provided under section 302c(b) of this title for an officer referred to in that section who has the same number of years of creditable service as the commissioned officer.".

Applicability.
37 USC 303 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to months beginning on and after that date.

SEC. 617. DIVING DUTY SPECIAL PAY.

(a) INCREASE IN RATE.—Subsection (b) of section 304 of title 37, United States Code, is amended—

(1) by striking "$200" and inserting "$240"; and

(2) by striking "$300" and inserting "$340".

(b) RELATION TO HAZARDOUS DUTY INCENTIVE PAY.—Subsection (c) of such section is amended to read as follows:

"(c) If, in addition to diving duty, a member is assigned by orders to one or more hazardous duties described in section 301 of this title, the member may be paid, for the same period of service, special pay under this section and incentive pay under such section 301 for each hazardous duty for which the member is qualified.".

Applicability.
37 USC 304 note.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 1999, and shall apply with respect to special pay paid under such section for months beginning on or after that date.

SEC. 618. REENLISTMENT BONUS.

(a) MINIMUM MONTHS OF ACTIVE DUTY.—Subsection (a)(1)(A) of section 308 of title 37, United States Code, is amended by striking "twenty-one months" and inserting "17 months".

(b) INCREASE IN MAXIMUM AMOUNT OF BONUS.—Subsection (a)(2) of such section is amended—

(1) in subparagraph (A)(i), by striking "ten" and inserting "15"; and

(2) in subparagraph (B), by striking "$45,000" and inserting "$60,000".

Applicability.
37 USC 308 note.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 1999, and shall apply with respect to reenlistments and extensions of enlistments taking effect on or after that date.

SEC. 619. ENLISTMENT BONUS.

(a) INCREASE IN MAXIMUM BONUS AMOUNT.—Subsection (a) of section 308a of title 37, United States Code, is amended by striking "$12,000" and inserting "$20,000".

(b) PAYMENT METHODS.—Such section is further amended—

(1) in subsection (a), by striking the second sentence;

(2) by redesignating subsections (b) and (c) as subsections (c) and (d); and

(3) by inserting after subsection (a) the following new subsection:

"(b) PAYMENT METHODS.—A bonus under this section may be paid in a single lump sum, or in periodic installments, to provide an extra incentive for a member to successfully complete the training necessary for the member to be technically qualified in the skill for which the bonus is paid.".

(c) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "BONUS AUTHORIZED; BONUS AMOUNT.—" after "(a)";

(2) in subsection (c), as redesignated by subsection (b)(2) of this section, by inserting "REPAYMENT OF BONUS.—" after "(c)"; and

(3) in subsection (d), as redesignated by subsection (b)(2) of this section, by inserting "TERMINATION OF AUTHORITY.—" after "(d)".

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to enlistments and extensions of enlistments taking effect on or after that date.

Applicability. 37 USC 308a note.

SEC. 620. SELECTED RESERVE ENLISTMENT BONUS.

(a) ELIMINATION OF REQUIREMENT FOR MINIMUM PERIOD OF ENLISTMENT.—Subsection (a) of section 308c of title 37, United States Code, is amended by striking "for a term of enlistment of not less than six years".

(b) INCREASED MAXIMUM AMOUNT.—Subsection (b) of such section is amended by striking "$5,000" and inserting "$8,000".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 1999, and shall apply with respect to enlistments entered into on or after that date.

Applicability. 37 USC 308c note.

SEC. 621. SPECIAL PAY FOR MEMBERS OF THE COAST GUARD RESERVE ASSIGNED TO HIGH PRIORITY UNITS OF THE SELECTED RESERVE.

Section 308d(a) of title 37, United States Code, is amended by inserting "or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, " after "Secretary of Defense,".

SEC. 622. REDUCED MINIMUM PERIOD OF ENLISTMENT IN ARMY IN CRITICAL SKILL FOR ELIGIBILITY FOR ENLISTMENT BONUS.

(a) REDUCED REQUIREMENT.—Paragraph (3) of section 308f(a) of title 37, United States Code, is amended by striking "3 years" and inserting "2 years".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to enlistments entered into on or after that date.

Applicability. 37 USC 308f note.

SEC. 623. ELIGIBILITY FOR RESERVE COMPONENT PRIOR SERVICE ENLISTMENT BONUS UPON ATTAINING A CRITICAL SKILL.

(a) REVISED ELIGIBILITY REQUIREMENTS FOR BONUS.—Section 308i(a) of title 37, United States Code, is amended by striking paragraph (2) and inserting the following new paragraph:

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

"(A) The person has completed a military service obligation, but has less than 14 years of total military service, and received an honorable discharge at the conclusion of that military service obligation.

"(B) The person was not released, or is not being released, from active service for the purpose of enlistment in a reserve component.

"(C) The person is projected to occupy, or is occupying, a position as a member of the Selected Reserve in a specialty in which the person—

"(i) successfully served while a member on active duty and attained a level of qualification while on active duty commensurate with the grade and years of service of the member; or

"(ii) has completed training or retraining in the specialty skill that is designated as critically short and attained a level of qualification in the specialty skill that is commensurate with the grade and years of service of the member.

"(D) The person has not previously been paid a bonus (except under this section) for enlistment, reenlistment, or extension of enlistment in a reserve component.".

Applicability. 37 USC 308i note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply to enlistments beginning on or after that date.

SEC. 624. INCREASE IN SPECIAL PAY AND BONUSES FOR NUCLEAR-QUALIFIED OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(a) of title 37, United States Code, is amended by striking "$15,000" and inserting "$25,000".

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(a)(1) of such title is amended by striking "$10,000" and inserting "$20,000".

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUSES.—Section 312c of such title is amended—

(1) in subsection (a)(1), by striking "$12,000" and inserting "$22,000"; and

(2) in subsection (b)(1), by striking "$5,500" and inserting "$10,000".

Applicability. 37 USC 312 note.

(d) EFFECTIVE DATE.—(1) The amendments made by subsections (a) and (b) shall take effect on October 1, 1999, and shall apply to agreements under section 312 or 312b of such title entered into on or after that date.

37 USC 312c note.

(2) The amendments made by subsection (c) shall take effect on October 1, 1999, and shall apply with respect to nuclear service years beginning on or after that date.

SEC. 625. INCREASE IN MAXIMUM MONTHLY RATE AUTHORIZED FOR FOREIGN LANGUAGE PROFICIENCY PAY.

(a) INCREASE.—Section 316(b) of title 37, United States Code, is amended by striking "$100" and inserting "$300".

Applicability. 37 USC 316 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect

to foreign language proficiency pay paid under section 316 of such title for months beginning on or after that date.

SEC. 626. AUTHORIZATION OF RETENTION BONUS FOR SPECIAL WARFARE OFFICERS EXTENDING PERIODS OF ACTIVE DUTY.

(a) BONUS AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 318. Special pay: special warfare officers extending period of active duty

"(a) SPECIAL WARFARE OFFICER DEFINED.—In this section, the term 'special warfare officer' means an officer of a uniformed service who—

"(1) is qualified for a military occupational specialty or designator identified by the Secretary concerned as a special warfare military occupational specialty or designator; and

"(2) is serving in a position for which that specialty or designator is authorized.

"(b) RETENTION BONUS AUTHORIZED.—A special warfare officer who meets the eligibility requirements specified in subsection (c) and who executes a written agreement to remain on active duty in special warfare service for at least one year may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

"(c) ELIGIBILITY REQUIREMENTS.—A special warfare officer may apply to enter into an agreement referred to in subsection (b) if the officer—

"(1) is in pay grade O–3, or is in pay grade O–4 and is not on a list of officers recommended for promotion, at the time the officer applies to enter into the agreement;

"(2) has completed at least 6, but not more than 14, years of active commissioned service; and

"(3) has completed any service commitment incurred to be commissioned as an officer.

"(d) AMOUNT OF BONUS.—The amount of a retention bonus paid under this section may not be more than $15,000 for each year covered by the agreement.

"(e) PRORATION.—The term of an agreement under subsection (b) and the amount of the retention bonus payable under subsection (d) may be prorated as long as the agreement does not extend beyond the date on which the officer executing the agreement would complete 14 years of active commissioned service.

"(f) PAYMENT METHODS.—(1) Upon acceptance of an agreement under subsection (b) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed.

"(2) The amount of the retention bonus may be paid as follows:

"(A) At the time the agreement is accepted by the Secretary concerned, the Secretary may make a lump sum payment equal to half the total amount payable under the agreement. The balance of the bonus amount shall be paid in equal annual installments on the anniversary of the acceptance of the agreement.

"(B) The Secretary concerned may make graduated annual payments under regulations prescribed by the Secretary, with the first payment being payable at the time the agreement is accepted by the Secretary and subsequent payments being payable on the anniversary of the acceptance of the agreement.

"(g) ADDITIONAL PAY.—A retention bonus paid under this section is in addition to any other pay and allowances to which an officer is entitled.

"(h) REPAYMENT.—(1) If an officer who has entered into an agreement under subsection (b) and has received all or part of a retention bonus under this section fails to complete the total period of active duty in special warfare service as specified in the agreement, the Secretary concerned may require the officer to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid the officer under this section.

"(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

"(i) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section, including the definition of the term 'special warfare service' for purposes of this section. Regulations prescribed by the Secretary of a military department under this section shall be subject to the approval of the Secretary of Defense.".

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by adding at the end the following new item:

"318. Special pay: special warfare officers extending period of active duty.".

37 USC 318 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

SEC. 627. AUTHORIZATION OF SURFACE WARFARE OFFICER CONTINUATION PAY.

(a) INCENTIVE PAY AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 318, as added by section 626, the following new section:

"§ 319. Special pay: surface warfare officer continuation pay

"(a) ELIGIBLE SURFACE WARFARE OFFICER DEFINED.—In this section, the term 'eligible surface warfare officer' means an officer of the Regular Navy or Naval Reserve on active duty who—

"(1) is qualified and serving as a surface warfare officer;

"(2) has been selected for assignment as a department head on a surface vessel; and

"(3) has completed any service commitment incurred through the officer's original commissioning program.

"(b) SPECIAL PAY AUTHORIZED.—An eligible surface warfare officer who executes a written agreement to remain on active duty to complete one or more tours of duty to which the officer may be ordered as a department head on a surface vessel may, upon the acceptance of the agreement by the Secretary of the Navy, be paid an amount not to exceed $50,000.

"(c) PRORATION.—The term of the written agreement under subsection (b) and the amount payable under the agreement may be prorated.

"(d) PAYMENT METHODS.—Upon acceptance of the written agreement under subsection (b) by the Secretary of the Navy, the total

amount payable pursuant to the agreement becomes fixed. The Secretary shall prepare an implementation plan specifying the amount of each installment payment under the agreement and the times for payment of the installments.

"(e) ADDITIONAL PAY.—Any amount paid under this section is in addition to any other pay and allowances to which an officer is entitled.

"(f) REPAYMENT.—(1) If an officer who has entered into a written agreement under subsection (b) and has received all or part of the amount payable under the agreement fails to complete the total period of active duty as a department head on a surface vessel specified in the agreement, the Secretary of the Navy may require the officer to repay the United States, to the extent that the Secretary of the Navy determines conditions and circumstances warrant, any or all sums paid under this section.

"(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement entered into under subsection (b) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

"(g) REGULATIONS.—The Secretary of the Navy shall prescribe regulations to carry out this section.".

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 318 the following new item:

"319. Special pay: surface warfare officer continuation pay.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999. 37 USC 319 note.

SEC. 628. AUTHORIZATION OF CAREER ENLISTED FLYER INCENTIVE PAY.

(a) INCENTIVE PAY AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 319, as added by section 627, the following new section:

"§ 320. Incentive pay: career enlisted flyers

"(a) ELIGIBLE CAREER ENLISTED FLYER DEFINED.—In this section, the term 'eligible career enlisted flyer' means an enlisted member of the armed forces who—

"(1) is entitled to basic pay under section 204 of this title, or is entitled to pay under section 206 of this title as described in subsection (e) of this section;

"(2) holds an enlisted military occupational specialty or enlisted military rating designated as a career enlisted flyer specialty or rating by the Secretary concerned, performs duty as a dropsonde system operator, or is in training leading to qualification and designation of such a specialty or rating or the performance of such duty;

"(3) is qualified for aviation service under regulations prescribed by the Secretary concerned; and

"(4) satisfies the operational flying duty requirements applicable under subsection (c).

"(b) INCENTIVE PAY AUTHORIZED.—(1) The Secretary concerned may pay monthly incentive pay to an eligible career enlisted flyer

in an amount not to exceed the monthly maximum amounts specified in subsection (d). The incentive pay may be paid as continuous monthly incentive pay or on a month-to-month basis, dependent upon the operational flying duty performed by the eligible career enlisted flyer as prescribed in subsection (c).

"(2) Continuous monthly incentive pay may not be paid to an eligible career enlisted flyer after the member completes 25 years of aviation service. Thereafter, an eligible career enlisted flyer may still receive incentive pay on a month-to-month basis under subsection (c)(4) for the frequent and regular performance of operational flying duty.

"(c) OPERATIONAL FLYING DUTY REQUIREMENTS.—(1) An eligible career enlisted flyer must perform operational flying duties for 6 of the first 10, 9 of the first 15, and 14 of the first 20 years of aviation service, to be eligible for continuous monthly incentive pay under this section.

"(2) Upon completion of 10, 15, or 20 years of aviation service, an enlisted member who has not performed the minimum required operational flying duties specified in paragraph (1) during the prescribed period, although otherwise meeting the definition in subsection (a), may no longer be paid continuous monthly incentive pay except as provided in paragraph (3). Payment of continuous monthly incentive pay may be resumed if the member meets the minimum operational flying duty requirement upon completion of the next established period of aviation service.

"(3) For the needs of the service, the Secretary concerned may permit, on a case-by-case basis, a member to continue to receive continuous monthly incentive pay despite the member's failure to perform the operational flying duty required during the first 10, 15, or 20 years of aviation service, but only if the member otherwise meets the definition in subsection (a) and has performed at least 5 years of operational flying duties during the first 10 years of aviation service, 8 years of operational flying duties during the first 15 years of aviation service, or 12 years of operational flying duty during the first 20 years of aviation service. The authority of the Secretary concerned under this paragraph may not be delegated below the level of the Service Personnel Chief.

"(4) If the eligibility of an eligible career enlisted flyer to continuous monthly incentive pay ceases under subsection (b)(2) or paragraph (2), the member may still receive month-to-month incentive pay for subsequent frequent and regular performance of operational flying duty. The rate payable is the same rate authorized by the Secretary concerned under subsection (d) for a member of corresponding years of aviation service.

"(d) MONTHLY MAXIMUM RATES.—The monthly rate of any career enlisted flyer incentive pay paid under this section to a member on active duty shall be prescribed by the Secretary concerned, but may not exceed the following:

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

Regulations.

"(e) ELIGIBILITY OF RESERVE COMPONENT MEMBERS WHEN PERFORMING INACTIVE DUTY TRAINING.—Under regulations prescribed by the Secretary concerned, when a member of a reserve component or the National Guard, who is entitled to compensation under

section 206 of this title, meets the definition of eligible career enlisted flyer, the Secretary concerned may increase the member's compensation by an amount equal to 1/30 of the monthly incentive pay authorized by the Secretary concerned under subsection (d) for a member of corresponding years of aviation service who is entitled to basic pay under section 204 of this title. The reserve component member may receive the increase for as long as the member is qualified for it, for each regular period of instruction or period of appropriate duty, at which the member is engaged for at least two hours, or for the performance of such other equivalent training, instruction, duty or appropriate duties, as the Secretary may prescribe under section 206(a) of this title.

"(f) RELATION TO HAZARDOUS DUTY INCENTIVE PAY OR DIVING DUTY SPECIAL PAY.—A member receiving incentive pay under section 301(a) of this title or special pay under section 304 of this title may not be paid special pay under this section for the same period of service.

"(g) SAVE PAY PROVISION.—If, immediately before a member receives incentive pay under this section, the member was entitled to incentive pay under section 301(a) of this title, the rate at which the member is paid incentive pay under this section shall be equal to the higher of the monthly amount applicable under subsection (d) or the rate of incentive pay the member was receiving under subsection (b) or (c)(2)(A) of section 301 of this title.

"(h) SPECIALTY CODE OF DROPSONDE SYSTEM OPERATORS.—Within the Air Force, the Secretary of the Air Force shall assign to members who are dropsonde system operators a specialty code that identifies such members as serving in a weather specialty.

"(i) DEFINITIONS.—In this section:

"(1) The term 'aviation service' means participation in aerial flight performed, under regulations prescribed by the Secretary concerned, by an eligible career enlisted flyer.

"(2) The term 'operational flying duty' means flying performed under competent orders while serving in assignments, including an assignment as a dropsonde system operator, in which basic flying skills normally are maintained in the performance of assigned duties as determined by the Secretary concerned, and flying duty performed by members in training that leads to the award of an enlisted aviation rating or military occupational specialty designated as a career enlisted flyer rating or specialty by the Secretary concerned.".

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 319 the following new item:

"320. Incentive pay: career enlisted flyers.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999. 37 USC 320 note.

SEC. 629. AUTHORIZATION OF JUDGE ADVOCATE CONTINUATION PAY.

(a) INCENTIVE PAY AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 320, as added by section 628, the following new section:

"§ 321. Special pay: judge advocate continuation pay

"(a) ELIGIBLE JUDGE ADVOCATE DEFINED.—In this section, the term 'eligible judge advocate' means an officer of the armed forces on full-time active duty who—

"(1) is qualified and serving as a judge advocate, as defined in section 801 of title 10; and

"(2) has completed—

"(A) the active duty service obligation incurred through the officer's original commissioning program; or

"(B) in the case of an officer detailed under section 2004 of title 10 or section 470 of title 14, the active duty service obligation incurred as part of that detail.

"(b) SPECIAL PAY AUTHORIZED.—An eligible judge advocate who executes a written agreement to remain on active duty for a period of obligated service specified in the agreement may, upon the acceptance of the agreement by the Secretary concerned, be paid continuation pay under this section. The total amount paid to an officer under one or more agreements under this section may not exceed $60,000.

"(c) PRORATION.—The term of an agreement under subsection (b) and the amount payable under the agreement may be prorated.

"(d) PAYMENT METHODS.—Upon acceptance of an agreement under subsection (b) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed. The Secretary shall prepare an implementation plan specifying the amount of each installment payment under the agreement and the times for payment of the installments.

"(e) ADDITIONAL PAY.—Any amount paid to an officer under this section is in addition to any other pay and allowances to which the officer is entitled.

"(f) REPAYMENT.—(1) If an officer who has entered into a written agreement under subsection (b) and has received all or part of the amount payable under the agreement fails to complete the total period of active duty specified in the agreement, the Secretary concerned may require the officer to repay the United States, to the extent that the Secretary determines conditions and circumstances warrant, any or all sums paid under this section.

"(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement entered into under subsection (b) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

"(g) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section.".

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 320 the following new item:

"321. Special pay: judge advocate continuation pay.".

(b) STUDY AND REPORT ON ADDITIONAL RECRUITMENT AND RETENTION INITIATIVES.—(1) The Secretary of Defense shall conduct a study regarding the need for additional incentives to improve the recruitment and retention of judge advocates for the Armed Forces. At a minimum, the Secretary shall consider as possible incentives constructive service credit for basic pay, educational loan repayment, and Federal student loan relief.

Deadline.

(2) Not later than March 31, 2000, the Secretary shall submit to Congress a report containing the findings and recommendations resulting from the study.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999. 37 USC 321 note.

Subtitle C—Travel and Transportation Allowances

SEC. 631. PROVISION OF LODGING IN KIND FOR RESERVISTS PERFORMING TRAINING DUTY AND NOT OTHERWISE ENTITLED TO TRAVEL AND TRANSPORTATION ALLOWANCES.

(a) PROVISION.—Paragraph (1) of subsection (i) of section 404 of title 37, United States Code, is amended by adding at the end the following new sentence: "If transient government housing is unavailable or inadequate, the Secretary concerned may provide the member with lodging in kind in the same manner as members entitled to such allowances under subsection (a).".

(b) PAYMENT METHODS.—Paragraph (3) of such subsection is amended—

(1) by inserting after "paragraph (1)" the following: "and expenses of providing lodging in kind under such paragraph"; and

(2) by adding at the end the following new sentence: "Use of Government charge cards is authorized for payment of these expenses.".

(c) DECISIONMAKING.—Such subsection is further amended by adding at the end the following new paragraph:

"(4) Decisions regarding the availability or adequacy of government housing at a military installation under paragraph (1) shall be made by the installation commander.".

SEC. 632. PAYMENT OF TEMPORARY LODGING EXPENSES FOR MEMBERS MAKING THEIR FIRST PERMANENT CHANGE OF STATION.

(a) AUTHORITY TO PAY OR REIMBURSE.—Section 404a(a) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking "or" at the end;

(2) in paragraph (2), by inserting "or" after the semicolon; and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) in the case of an enlisted member who is reporting to the member's first permanent duty station, from the member's home of record or initial technical school to that first permanent duty station;".

(b) DURATION.—Such section is further amended—

(1) in the second sentence, by striking "clause (1)" and inserting "paragraph (1) or (3)"; and

(2) in the third sentence, by striking "clause (2)" and inserting "paragraph (2)".

SEC. 633. DESTINATION AIRPORT FOR EMERGENCY LEAVE TRAVEL TO CONTINENTAL UNITED STATES.

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

(1) in subparagraph (A), by striking "or" at the end;

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

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) to any airport in the continental United States to which travel can be arranged at the same or a lower cost as travel obtained under subparagraph (A); or".

Subtitle D—Retired Pay Reform

SEC. 641. REDUX RETIRED PAY SYSTEM APPLICABLE ONLY TO MEMBERS ELECTING NEW 15-YEAR CAREER STATUS BONUS.

(a) RETIRED PAY MULTIPLIER.—Paragraph (2) of section 1409(b) of title 10, United States Code, is amended by inserting after "July 31, 1986," the following: "has elected to receive a bonus under section 322 of title 37,".

(b) COST-OF-LIVING ADJUSTMENTS.—(1) Paragraph (2) of section 1401a(b) of such title is amended by striking "The Secretary shall increase the retired pay of each member and former member who first became a member of a uniformed service before August 1, 1986," and inserting "Except as otherwise provided in this subsection, the Secretary shall increase the retired pay of each member and former member".

(2) Paragraph (3) of such section is amended by inserting after "August 1, 1986," the following: "and has elected to receive a bonus under section 322 of title 37,".

(c) RECOMPUTATION OF RETIRED PAY AT AGE 62.—Section 1410 of such title is amended by inserting after "August 1, 1986," the following: "who has elected to receive a bonus under section 322 of title 37,".

SEC. 642. AUTHORIZATION OF 15-YEAR CAREER STATUS BONUS.

(a) CAREER SERVICE BONUS.—Chapter 5 of title 37, United States Code, is amended by inserting after section 321, as added by section 629, the following new section:

"§ 322. Special pay: 15-year career status bonus for members entering service on or after August 1, 1986

"(a) AVAILABILITY OF BONUS.—The Secretary concerned shall pay a bonus under this section to an eligible career bonus member if the member—

"(1) elects to receive the bonus under this section; and

"(2) executes a written agreement (prescribed by the Secretary concerned) to remain continuously on active duty until the member has completed 20 years of active-duty service creditable under section 1405 of title 10.

"(b) ELIGIBLE CAREER BONUS MEMBER DEFINED.—In this section, the term 'eligible career bonus member' means a member of a uniformed service serving on active duty who—

"(1) first became a member on or after August 1, 1986; and

"(2) has completed 15 years of active duty in the uniformed services (or has received notification under subsection (e) that the member is about to complete that duty).

"(c) ELECTION METHOD.—An election under subsection (a)(1) shall be made in such form and within such period as the Secretary concerned may prescribe. An election under that subsection is irrevocable.

"(d) AMOUNT OF BONUS; PAYMENT.—(1) A bonus under this section shall be paid in a single lump sum of $30,000.

"(2) The bonus shall be paid to an eligible career bonus member not later than the first month that begins on or after the date that is 60 days after the date on which the Secretary concerned receives from the member the election required under subsection (a)(1) and the written agreement required under subsection (a)(2), if applicable. Deadline.

"(e) NOTIFICATION OF ELIGIBILITY.—(1) The Secretary concerned shall transmit to each member who meets the definition of eligible career bonus member a written notification of the opportunity of the member to elect to receive a bonus under this section. The Secretary shall provide the notification not later than 180 days before the date on which the member will complete 15 years of active duty. Notification. Deadline.

"(2) The notification shall include the following:

"(A) The procedures for electing to receive the bonus.

"(B) An explanation of the effects under sections 1401a, 1409, and 1410 of title 10 that such an election has on the computation of any retired or retainer pay that the member may become eligible to receive.

"(f) REPAYMENT OF BONUS.—(1) If a person paid a bonus under this section fails to complete a period of active duty beginning on the date on which the election of the person under subsection (a)(1) is received and ending on the date on which the person completes 20 years of active-duty service as described in subsection (a)(2), the person shall refund to the United States the amount that bears the same ratio to the amount of the bonus payment as the uncompleted part of that period of active-duty service bears to the total period of such service.

"(2) Subject to paragraph (3), an obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

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

"(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the member signing such agreement from a debt arising under the agreement or this subsection.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 321 the following new item:

"322. Special pay: 15-year career status bonus for members entering service on or after August 1, 1986.".

SEC. 643. CONFORMING AMENDMENTS.

(a) CONFORMING AMENDMENT TO SURVIVOR BENEFIT PLAN PROVISION.—(1) Section 1451(h)(3) of title 10, United States Code, is amended by inserting "OF CERTAIN MEMBERS" after "RETIREMENT".

(2) Section 1452(i) of such title is amended by striking "When the retired pay" and inserting "Whenever the retired pay".

(b) RELATED TECHNICAL AMENDMENTS.—Chapter 71 of such title is amended as follows:

(1) Section 1401a(b) is amended—

(A) by striking the heading for paragraph (1) and inserting "INCREASE REQUIRED.—";

(B) by striking the heading for paragraph (2) and inserting "PERCENTAGE INCREASE.—"; and

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

(2) Section 1409(b)(2) is amended by inserting "CERTAIN" in the paragraph heading after "REDUCTION APPLICABLE TO".

(3)(A) The heading of section 1410 is amended by inserting "**certain**" before "**members**".

(B) The item relating to such section in the table of sections at the beginning of such chapter is amended by inserting "certain" before "members".

10 USC 1401a note.

SEC. 644. EFFECTIVE DATE.

The amendments made by sections 641, 642, and 643 shall take effect on October 1, 1999.

Subtitle E—Other Matters Relating to Military Retirees and Survivors

SEC. 651. REPEAL OF REDUCTION IN RETIRED PAY FOR MILITARY RETIREES EMPLOYED IN CIVILIAN POSITIONS.

(a) REPEAL.—(1) Section 5532 of title 5, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 55 of such title is amended by striking the item relating to section 5532.

(b) CONTRIBUTIONS TO DEPARTMENT OF DEFENSE MILITARY RETIREMENT FUND.—Section 1466 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) The Secretary of Defense shall pay into the Fund at the beginning of each fiscal year such amount as may be necessary to pay the cost to the Fund for that fiscal year resulting from the repeal, as of October 1, 1999, of section 5532 of title 5, including any actuarial loss to the Fund resulting from increased benefits paid from the Fund that are not fully covered by the payments made to the Fund for that fiscal year under subsections (a) and (b).

"(2) Amounts paid into the Fund under this subsection shall be paid from funds available for the pay of members of the armed forces under the jurisdiction of the Secretary of a military department.

"(3) The Department of Defense Retirement Board of Actuaries shall determine, for each armed force, the amount required under paragraph (1) to be deposited in the Fund each fiscal year.".

10 USC 1466 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

SEC. 652. PRESENTATION OF UNITED STATES FLAG TO RETIRING MEMBERS OF THE UNIFORMED SERVICES NOT PREVIOUSLY COVERED.

(a) NONREGULAR SERVICE MILITARY RETIREES.—(1) Chapter 1217 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 12605. Presentation of United States flag: members transferred from an active status or discharged after completion of eligibility for retired pay

"(a) PRESENTATION OF FLAG.—Upon the transfer from an active status or discharge of a Reserve who has completed the years of service required for eligibility for retired pay under chapter 1223 of this title, the Secretary concerned shall present a United States flag to the member.

"(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—A member is not eligible for presentation of a flag under subsection (a) if the member has previously been presented a flag under this section or any provision of law providing for the presentation of a United States flag incident to release from active service for retirement.

"(c) NO COST TO RECIPIENT.—The presentation of a flag under this section shall be at no cost to the recipient.".

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

"12605. Presentation of United States flag: members transferred from an active status or discharged after completion of eligibility for retired pay.".

(b) PUBLIC HEALTH SERVICE.—Title II of the Public Health Service Act is amended by inserting after section 212 (42 U.S.C. 213) the following new section:

"PRESENTATION OF UNITED STATES FLAG UPON RETIREMENT

"SEC. 213. (a) PRESENTATION OF FLAG.—Upon the release of an officer of the commissioned corps of the Service from active commissioned service for retirement, the Secretary of Health and Human Services shall present a United States flag to the officer. 42 USC 214.

"(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—An officer is not eligible for presentation of a flag under subsection (a) if the officer has previously been presented a flag under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.

"(c) NO COST TO RECIPIENT.—The presentation of a flag under this section shall be at no cost to the recipient.".

(c) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—The Coast and Geodetic Survey Commissioned Officers' Act of 1948 is amended by inserting after section 24 (33 U.S.C. 853u) the following new section:

"SEC. 25. (a) PRESENTATION OF FLAG UPON RETIREMENT.—Upon the release of a commissioned officer from active commissioned service for retirement, the Secretary of Commerce shall present a United States flag to the officer. 33 USC 853v.

"(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—An officer is not eligible for presentation of a flag under subsection (a) if the officer has previously been presented a flag under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.

"(c) NO COST TO RECIPIENT.—The presentation of a flag under this section shall be at no cost to the recipient.".

(d) EFFECTIVE DATE.—Section 12605 of title 10, United States Code (as added by subsection (a)), section 213 of the Public Health Service Act (as added by subsection (b)), and section 25 of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 Applicability. 10 USC 12605 note.

(as added by subsection (c)) shall apply with respect to releases from service described in those sections on or after October 1, 1999.

(e) CONFORMING AMENDMENTS TO PRIOR LAW.—Sections 3681(b), 6141(b), and 8681(b) of title 10, United States Code, and section 516(b) of title 14, United States Code, are each amended by striking "under this section" and all that follows through the period and inserting "under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.".

SEC. 653. DISABILITY RETIREMENT OR SEPARATION FOR CERTAIN MEMBERS WITH PRE-EXISTING CONDITIONS.

(a) DISABILITY RETIREMENT.—(1) Chapter 61 of title 10, United States Code, is amended by inserting after section 1207 the following new section:

"§ 1207a. Members with over eight years of active service: eligibility for disability retirement for pre-existing conditions

"(a) In the case of a member described in subsection (b) who would be covered by section 1201, 1202, or 1203 of this title but for the fact that the member's disability is determined to have been incurred before the member became entitled to basic pay in the member's current period of active duty, the disability shall be deemed to have been incurred while the member was entitled to basic pay and shall be so considered for purposes of determining whether the disability was incurred in the line of duty.

"(b) A member described in subsection (a) is a member with at least eight years of active service.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1207 the following new item:

"1207a. Members with over eight years of active service: eligibility for disability retirement for pre-existing conditions.".

(b) NONREGULAR SERVICE RETIREMENT.—(1) Chapter 1223 of such title is amended by inserting after section 12731a the following new section:

"§ 12731b. Special rule for members with physical disabilities not incurred in line of duty

"(a) In the case of a member of the Selected Reserve of a reserve component who no longer meets the qualifications for membership in the Selected Reserve solely because the member is unfit because of physical disability, the Secretary concerned may, for purposes of section 12731 of this title, determine to treat the member as having met the service requirements of subsection (a)(2) of that section and provide the member with the notification required by subsection (d) of that section if the member has completed at least 15, and less than 20, years of service computed under section 12732 of this title.

"(b) Notification under subsection (a) may not be made if—

"(1) the disability was the result of the member's intentional misconduct, willful neglect, or willful failure to comply with standards and qualifications for retention established by the Secretary concerned; or

"(2) the disability was incurred during a period of unauthorized absence.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 12731a the following new item:

"12731b. Special rule for members with physical disabilities not incurred in line of duty.".

(c) SEPARATION.—Section 1206(5) of such title is amended by inserting ", in the case of a disability incurred before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000," after "determination, and".

SEC. 654. CREDIT TOWARD PAID-UP SBP COVERAGE FOR MONTHS COVERED BY MAKE-UP PREMIUM PAID BY PERSONS ELECTING SBP COVERAGE DURING SPECIAL OPEN ENROLLMENT PERIOD.

Section 642 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2045; 10 U.S.C. 1448 note) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h) CREDIT TOWARD PAID-UP COVERAGE.—Upon payment of the total amount of the premiums charged a person under subsection (g), the retired pay of a person participating in the Survivor Benefit Plan pursuant to an election under this section shall be treated, for the purposes of subsection (j) of section 1452 of title 10, United States Code, as having been reduced under such section 1452 for the months in the period for which the person's retired pay would have been reduced if the person had elected to participate in the Survivor Benefit Plan at the first opportunity that was afforded the person to participate.".

SEC. 655. PAID-UP COVERAGE UNDER RETIRED SERVICEMAN'S FAMILY PROTECTION PLAN.

(a) CONDITIONS.—Subchapter I of chapter 73 of title 10, United States Code, is amended by inserting after section 1436 the following new section:

"§ 1436a. Coverage paid up at 30 years and age 70

"Effective October 1, 2008, a reduction under this subchapter in the retired or retainer pay of a person electing an annuity under this subchapter may not be made for any month after the later of— Effective date.

"(1) the month that is the 360th month for which that person's retired or retainer pay is reduced pursuant to such an election; and

"(2) the month during which that person attains 70 years of age.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1436 the following new item:

"1436a. Coverage paid up at 30 years and age 70.".

SEC. 656. EXTENSION OF AUTHORITY FOR PAYMENT OF ANNUITIES TO CERTAIN MILITARY SURVIVING SPOUSES.

(a) COVERAGE OF SURVIVING SPOUSES OF ALL "GRAY-AREA" RETIREES.—Subsection (a)(1)(B) of section 644 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1800; 10 U.S.C. 1448 note) is amended by striking "during the period beginning on September 21, 1972, and ending on" and inserting "before".

(b) PERMANENT AUTHORITY FOR PAYMENT OF ANNUITIES.—Subsection (f) of such section is repealed.

10 USC 1448 note.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to annuities payable for months beginning after September 30, 1999.

10 USC 1450 note.

SEC. 657. EFFECTUATION OF INTENDED SBP ANNUITY FOR FORMER SPOUSE WHEN NOT ELECTED BY REASON OF UNTIMELY DEATH OF RETIREE.

(a) CASES NOT COVERED BY EXISTING AUTHORITY.—Paragraph (3) of section 1450(f) of title 10, United States Code, as in effect on the date of the enactment of this Act, shall apply in the case of a former spouse of any person referred to in that paragraph who—

(1) incident to a proceeding of divorce, dissolution, or annulment—

(A) entered into a written agreement on or after August 21, 1983, to make an election under section 1448(b) of such title to provide an annuity to the former spouse (the agreement thereafter having been incorporated in or ratified or approved by a court order or filed with the court of appropriate jurisdiction in accordance with applicable State law); or

(B) was required by a court order dated on or after such date to make such an election for the former spouse; and

(2) before making the election, died within 21 days after the date of the agreement referred to in paragraph (1)(A) or the court order referred to in paragraph (1)(B), as the case may be.

(b) ADJUSTED TIME LIMIT FOR REQUEST BY FORMER SPOUSE.—For the purposes of paragraph (3)(C) of section 1450(f) of title 10, United States Code, a court order or filing referred to in subsection (a)(1) of this section that is dated before October 19, 1984, shall be deemed to be dated on the date of the enactment of this Act.

SEC. 658. SPECIAL COMPENSATION FOR SEVERELY DISABLED UNIFORMED SERVICES RETIREES.

(a) AUTHORITY.—(1) Chapter 71 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1413. Special compensation for certain severely disabled uniformed services retirees

"(a) AUTHORITY.—The Secretary concerned shall pay to each eligible disabled uniformed services retiree a monthly amount determined under subsection (b).

"(b) AMOUNT.—The amount to be paid to an eligible disabled uniformed services retiree in accordance with subsection (a) is the following:

"(1) For any month for which the retiree has a qualifying service-connected disability rated as total, $300.

"(2) For any month for which the retiree has a qualifying service-connected disability rated as 90 percent, $200.

"(3) For any month for which the retiree has a qualifying service-connected disability rated as 80 percent or 70 percent, $100.

"(c) ELIGIBLE MEMBERS.—An eligible disabled uniformed services retiree referred to in subsection (a) is a member of the uniformed services in a retired status (other than a member who is retired under chapter 61 of this title) who—

"(1) completed at least 20 years of service in the uniformed services that are creditable for purposes of computing the amount of retired pay to which the member is entitled; and

"(2) has a qualifying service-connected disability.

"(d) QUALIFYING SERVICE-CONNECTED DISABILITY DEFINED.—In this section, the term 'qualifying service-connected disability' means a service-connected disability that—

"(1) was incurred or aggravated in the performance of duty as a member of a uniformed service, as determined by the Secretary concerned; and

"(2) is rated as not less than 70 percent disabling—

"(A) by the Secretary concerned as of the date on which the member is retired from the uniformed services; or

"(B) by the Secretary of Veterans Affairs within four years following the date on which the member is retired from the uniformed services.

"(e) STATUS OF PAYMENTS.—Payments under this section are not retired pay.

"(f) SOURCE OF FUNDS.—Payments under this section for any fiscal year shall be paid out of funds appropriated for pay and allowances payable by the Secretary concerned for that fiscal year.

"(g) OTHER DEFINITIONS.—In this section:

"(1) The term 'service-connected' has the meaning given that term in section 101 of title 38.

"(2) The term 'disability rated as total' means—

"(A) a disability that is rated as total under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; or

"(B) a disability for which the scheduled rating is less than total but for which a rating of total is assigned by reason of inability of the disabled person concerned to secure or follow a substantially gainful occupation as a result of service-connected disabilities.

"(3) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.".

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

"1413. Special compensation for certain severely disabled uniformed services retirees.".

(b) EFFECTIVE DATE.—Section 1413 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1999, and shall apply to months that begin on or after that

Applicability. 10 USC 1413 note.

date. No benefit may be paid to any person by reason of that section for any period before that date.

Subtitle F—Eligibility to Participate in the Thrift Savings Plan

SEC. 661. PARTICIPATION IN THRIFT SAVINGS PLAN.

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

"§ 211. Participation in Thrift Savings Plan

"(a) DEFINITION.—In this section, the term 'member' means—

"(1) a member of the uniformed services serving on active duty; and

"(2) a member of the Ready Reserve in any pay status.

"(b) AUTHORITY.—Any member may participate in the Thrift Savings Plan in accordance with section 8440e of title 5.

"(c) RULE OF CONSTRUCTION REGARDING SEPARATION.—For purposes of subchapters III and VII of chapter 84 of title 5, each of the following actions shall, in the case of a member participating in the Thrift Savings Plan in accordance with section 8440e of such title, be considered a separation from Government employment:

"(1) Release of the member from active duty, not followed, before the end of the 31-day period beginning on the day following the effective date of the release, by—

"(A) a resumption of active duty; or

"(B) an appointment to a position covered by chapter 83 or 84 of title 5 or an equivalent retirement system, as identified by the Executive Director (appointed by the Federal Retirement Thrift Investment Board) in regulations.

"(2) Transfer of the member to inactive status, or to a retired list pursuant to any provision of title 10.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"211. Participation in Thrift Savings Plan.".

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

"§ 8440e. Members of the uniformed services

"(a) For purposes of this section—

"(1) the term 'member' has the meaning given such term by section 211 of title 37; and

"(2) the term 'basic pay' means basic pay payable under section 204 of title 37.

"(b)(1) Any member eligible to participate in the Thrift Savings Plan by virtue of section 211(b) of title 37 may contribute to the Thrift Savings Fund.

"(2)(A) Except as provided in subparagraph (B), an election to contribute to the Thrift Savings Fund under this section may be made only during a period provided under section 8432(b), subject to the same conditions as prescribed under paragraph (2) (A)–(D) thereof.

"(B)(i) Notwithstanding subparagraph (A), any individual who is a member as of the effective date described in paragraph (1) of section 663(a) of the National Defense Authorization Act for Fiscal Year 2000 (or, if applicable, paragraph (2) thereof) may make the first such election during the 60-day period beginning on such effective date.

"(ii) An election made under this subparagraph shall take effect on the first day of the first applicable pay period beginning after the close of the 60-day period referred to in clause (i).

"(c) Except as otherwise provided in this section, the provisions of this subchapter and subchapter VII shall apply with respect to members making contributions to the Thrift Savings Fund, and such members shall, for purposes of this subchapter and subchapter VII, be considered employees within the meaning of section 8401(11).

"(d)(1)(A) The amount contributed by a member described in section 211(a)(1) of title 37 for any pay period out of basic pay may not exceed 5 percent of such member's basic pay for such pay period.

"(B) The amount contributed by a member described in section 211(a)(2) of title 37 for any pay period out of any compensation received under section 206 of title 37 may not exceed 5 percent of such compensation, payable to such member for such pay period.

"(2) A member making contributions to the Thrift Savings Fund out of basic pay, or out of compensation under section 206 of title 37, may also contribute (by direct transfer to the Fund) any part of any special or incentive pay that such member receives under chapter 5 of title 37.

"(3) Nothing in this section or section 211 of title 37 shall be considered to waive any dollar limitation under the Internal Revenue Code of 1986 which otherwise applies with respect to the Thrift Savings Fund.

"(e) Except as provided in section 211(d) of title 37, no contribution under section 8432(c) of this title may be made for the benefit of a member making contributions to the Thrift Savings Fund under this section.".

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

"8440e. Members of the uniformed services.".

(3)(A) Section 8432b(b)(2)(B) of title 5, United States Code, is amended by inserting "or 8440e" after "section 8432(a)".

(B)(i) Section 8351(b) of title 5, United States Code, is amended by redesignating paragraph (11) as paragraph (8).

(ii) Subparagraph (A) of section 8351(b)(8) of such title 5 (as so redesignated by clause (i)) is amended by striking the semicolon and inserting the following: ", except that the reference in section 8432b(b)(2)(B) to employee contributions under section 8432(a) shall be considered a reference to employee contributions under this subchapter and section 8440e;".

(C) Subsection (c) of section 8432b of such title 5 is amended by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, by striking "(c)" and inserting "(c)(1)", and by adding at the end the following:

"(2) An employee to whom this section applies is entitled to have contributed to the Thrift Savings Fund on such employee's behalf an amount equal to—

"(A) the total contributions to which that individual would have been entitled under section 8432(c)(2), based on the amounts contributed by such individual under section 8440e (other than under subsection (d)(2) thereof) with respect to the period referred to in subsection (b)(2)(B), if those amounts had been contributed by such individual under section 8432(a); reduced by

"(B) any contributions actually made on such employee's behalf under section 8432(c)(2) (including pursuant to an agreement under section 211(d) of title 37) with respect to the period referred to in subsection (b)(2)(B).".

(4) Subsections (g)(1) and (h)(3) of section 8433 of title 5, United States Code, are each amended by striking "under section 8432(a) of this title".

(5) Section 8439(a) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking "under section 8432(c)(1) of this title" and "under section 8351 of this title";

(B) in paragraph (2)(A)(i), by striking all after "individual" and inserting a semicolon; and

(C) in paragraph (2)(A)(ii), by striking all after "individual" and inserting "; and".

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

(A) in subsection (a), by striking "14 members" and inserting "15 members"; and

(B) in subsection (b)—

(i) by striking "14 members" and inserting "15 members";

(ii) by striking "and" at the end of paragraph (8);

(iii) by striking the period at the end of paragraph (9) and inserting "; and"; and

(iv) by adding at the end the following:

"(10) 1 shall be appointed to represent participants (under section 8440e) who are members of the uniformed services.".

Deadline.
5 USC 8440e note.

(b) REGULATIONS.—Not later than the date on which qualifying offsetting legislation (as defined in section 663(b)) is enacted or 180 days after the date of the enactment of this Act, whichever is later, the Executive Director (appointed by the Federal Retirement Thrift Investment Board) shall issue regulations to implement the amendments made by this subtitle.

SEC. 662. SPECIAL RETENTION INITIATIVE.

Section 211 of title 37, United States Code, as added by section 661, is amended by adding at the end the following:

"(d) AGENCY CONTRIBUTIONS FOR RETENTION IN CRITICAL SPECIALTIES.—(1) The Secretary concerned may enter into an agreement with a member to make contributions to the Thrift Savings Fund for the benefit of the member if the member—

"(A) is in a specialty designated by the Secretary as critical to meet requirements (whether such specialty is designated as critical to meet wartime or peacetime requirements); and

"(B) commits in such agreement to continue to serve on active duty in that specialty for a period of 6 years.

"(2) Under any agreement entered into with a member under paragraph (1), the Secretary shall make contributions to the Fund

for the benefit of the member for each pay period of the 6-year period of the agreement for which the member makes a contribution to the Fund under section 8440e of title 5 (other than under subsection (d)(2) thereof). Paragraph (2) of section 8432(c) of title 5 applies to the Secretary's obligation to make contributions under this paragraph, except that the reference in such paragraph (2) to contributions under paragraph (1) of such section 8432(c) does not apply.".

SEC. 663. EFFECTIVE DATE. 5 USC 8440 note.

(a) APPLICABILITY.—(1) Except as provided in paragraph (2), the authority of members to participate in the Thrift Savings Plan under section 211 of title 37, United States Code (as amended by this subtitle) shall take effect on the date on which qualifying offsetting legislation (as defined in subsection (b)) is enacted or 1 year after the date of the enactment of this Act, whichever is later. As used in the preceding sentence, the term "member" has the meaning given such term by section 211 of such title 37 (as so amended).

(2)(A) The Secretary of Defense may postpone the authority of members of the Ready Reserve to so participate in the Thrift Savings Plan until 180 days after the date that would otherwise apply under paragraph (1) if the Secretary, after consultation with the Executive Director (appointed by the Federal Retirement Thrift Investment Board), determines that permitting such members to participate in the Thrift Savings Plan beginning on the date that would otherwise apply under paragraph (1) would place an excessive burden on the administrative capacity of the Board to accommodate participants in the Thrift Savings Plan.

(B) The Secretary shall notify the congressional defense committees, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate of any determination made under subparagraph (A). Notification.

(b) EFFECTIVENESS CONTINGENT ON OFFSETTING LEGISLATION.—(1) The amendments made by this subtitle shall be effective only if—

(A) the President, in the budget of the President for fiscal year 2001, proposes legislation which, if enacted, would be qualifying offsetting legislation; and

(B) there is enacted during the second session of the One Hundred Sixth Congress qualifying offsetting legislation.

The preceding sentence shall not apply with respect to the amendment made by section 661(a)(3)(B)(i).

(2) For purposes of this subtitle:

(A) The term "qualifying offsetting legislation" means legislation (other than an appropriations Act) that includes provisions that—

(i) offset fully the decreased revenues for each of fiscal years 2000 through 2009 to be made by reason of the amendments made by this subtitle;

(ii) expressly state that they are enacted for the purpose of the offset described in clause (i); and

(iii) are included in full on the PayGo scorecard.

(B) The term "PayGo scorecard" means the estimates that are made with respect to fiscal years through fiscal year 2009 by the Director of the Congressional Budget Office and the Director of the Office of Management and Budget under section

252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Subtitle G—Other Matters

SEC. 671. PAYMENT FOR UNUSED LEAVE IN CONJUNCTION WITH A REENLISTMENT.

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

(1) in subsection (a)(1), by inserting ", termination of an enlistment in conjunction with the commencement of a successive enlistment (without regard to the date of the expiration of the term of the enlistment being terminated)," after "honorable conditions"; and

(2) in subsection (b)(2), by striking ", or entering into an enlistment,".

SEC. 672. CLARIFICATION OF PER DIEM ELIGIBILITY FOR MILITARY TECHNICIANS (DUAL STATUS) SERVING ON ACTIVE DUTY WITHOUT PAY OUTSIDE THE UNITED STATES.

(a) AUTHORITY TO PROVIDE PER DIEM ALLOWANCE.—Section 1002(b) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

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

"(2) If a military technician (dual status), as described in section 10216 of title 10, is performing active duty without pay while on leave from technician employment, as authorized by section 6323(d) of title 5, the Secretary concerned may authorize the payment of a per diem allowance to the military technician in lieu of commutation for subsistence and quarters under paragraph (1).".

(b) TYPES OF OVERSEAS OPERATIONS.—Section 6323(d)(1) of title 5, United States Code, is amended by striking "noncombat".

37 USC 1002 note.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as of February 10, 1996, as if included in section 1039 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 432).

SEC. 673. ANNUAL REPORT ON EFFECTS OF INITIATIVES ON RECRUITMENT AND RETENTION.

(a) REPORT REQUIRED.—(1) Chapter 19 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 1015. Annual report on effects of recruitment and retention initiatives

Deadline.

"Not later than December 1 of each year, the Secretary of Defense shall submit to Congress a report that sets forth the Secretary's assessment of the effects that the improvements to compensation and other personnel benefits made by title VI of the National Defense Authorization Act for Fiscal Year 2000 are having on the recruitment of persons to join the armed forces and the retention of members of the armed forces.".

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

"1015. Annual report on effects of recruitment and retention initiatives.".

Deadline. 37 USC 1015 note.

(b) FIRST REPORT.—The first report under section 1015 of title 37, United States Code, as added by subsection (a), shall be submitted not later than December 1, 2000.

SEC. 674. OVERSEAS SPECIAL SUPPLEMENTAL FOOD PROGRAM.

(a) PROGRAM AND BENEFITS.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking "AUTHORITY.—The Secretary of Defense may carry out a program to provide special supplemental food benefits" and inserting "PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program to provide supplemental foods and nutrition education".

(b) FUNDING SOURCE.—Subsection (b) of such section is amended to read as follows:

"(b) FUNDING MECHANISM.—The Secretary of Defense shall use funds available for the Department of Defense to carry out the program under subsection (a).".

(c) PROGRAM ADMINISTRATION.—Subsection (c) of such section is amended—

(1) in paragraph (1)(A), by adding at the end the following new sentence: "In determining eligibility for benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under such section 17 shall be considered eligible for the duration of the certification period under that special supplemental nutrition program.";

(2) by striking paragraph (1)(B) and inserting the following:

"(B) In determining eligibility for families of individuals participating in the program under this section, the Secretary of Defense shall, to the extent practicable, use the criterion described in subparagraph (A), including nutritional risk standards. The Secretary shall also consider the value of housing in kind provided to the individual when determining program eligibility.";

(3) in paragraph (2), by adding before the period at the end the following: ", particularly with respect to nutrition education"; and

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

"(3) The Secretary of Agriculture shall provide technical assistance to the Secretary of Defense, if so requested by the Secretary of Defense, for the purpose of carrying out the program under subsection (a).".

(d) DEFINITIONS.—Subsection (f) of such section is amended by adding at the end the following new paragraph:

"(4) The terms 'nutrition education' and 'supplemental foods' have the meanings given the terms in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).".

(e) CONFORMING AMENDMENT.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by adding at the end the following new subsection:

"(q) The Secretary of Agriculture shall provide technical assistance to the Secretary of Defense, if so requested by the Secretary of Defense, for the purpose of carrying out the overseas special supplemental food program established under section 1060a(a) of title 10, United States Code.".

SEC. 675. TUITION ASSISTANCE FOR MEMBERS DEPLOYED IN A CONTINGENCY OPERATION.

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

(1) in paragraph (2), by striking "and";

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

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

"(4) in the case of a member serving in a contingency operation or similar operational mission (other than for training) designated by the Secretary concerned, all of the charges may be paid.".

SEC. 676. ADMINISTRATION OF SELECTED RESERVE EDUCATION LOAN REPAYMENT PROGRAM FOR COAST GUARD RESERVE.

Section 16301 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) The Secretary of Transportation may repay loans described in subsection (a)(1) and otherwise administer this section in the case of members of the Selected Reserve of the Coast Guard Reserve when the Coast Guard is not operating as a service in the Navy.".

26 USC 112 note.

SEC. 677. SENSE OF CONGRESS REGARDING TREATMENT UNDER INTERNAL REVENUE CODE OF MEMBERS RECEIVING HOSTILE FIRE OR IMMINENT DANGER SPECIAL PAY DURING CONTINGENCY OPERATIONS.

It is the sense of Congress that a member of the Armed Forces who is receiving special pay under section 310 of title 37, United States Code, while assigned to duty in support of a contingency operation should be treated under the Internal Revenue Code of 1986 in the same manner as a member of the Armed Forces serving in a combat zone (as defined in section 112 of the Internal Revenue Code of 1986).

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

Sec. 701. Pharmacy benefits program.
Sec. 702. Provision of chiropractic health care.
Sec. 703. Provision of domiciliary and custodial care for certain CHAMPUS beneficiaries.
Sec. 704. Enhancement of dental benefits for retirees.
Sec. 705. Medical and dental care for certain members incurring injuries on inactive-duty training.
Sec. 706. Health care at former uniformed services treatment facilities for active duty members stationed at certain remote locations.
Sec. 707. Open enrollment demonstration program.

Subtitle B—TRICARE Program

Sec. 711. Expansion and revision of authority for dental programs for dependents and reserves.
Sec. 712. Improvement of access to health care under the TRICARE program.
Sec. 713. Improvements to claims processing under the TRICARE program.
Sec. 714. Authority to waive certain TRICARE deductibles.
Sec. 715. TRICARE beneficiary counseling and assistance coordinators.
Sec. 716. Improvement of TRICARE management; improvements to third-party payer collection program.
Sec. 717. Comparative report on health care coverage under the TRICARE program.

Subtitle C—Other Matters

Sec. 721. Forensic pathology investigations by Armed Forces Medical Examiner.
Sec. 722. Best value contracting.
Sec. 723. Health care quality information and technology enhancement.
Sec. 724. Joint telemedicine and telepharmacy demonstration projects by the Department of Defense and Department of Veterans Affairs.
Sec. 725. Program-year stability in health care benefits.
Sec. 726. Study on joint operations for the Defense Health Program.
Sec. 727. Trauma training center.
Sec. 728. Sense of Congress regarding automatic enrollment of medicare-eligible beneficiaries in the TRICARE Senior Prime demonstration project.

Subtitle A—Health Care Services

SEC. 701. PHARMACY BENEFITS PROGRAM.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074f the following new section:

"§ 1074g. Pharmacy benefits program

"(a) PHARMACY BENEFITS.—(1) The Secretary of Defense, after consulting with the other administering Secretaries, shall establish an effective, efficient, integrated pharmacy benefits program under this chapter (hereinafter in this section referred to as the 'pharmacy benefits program').

"(2)(A) The pharmacy benefits program shall include a uniform formulary of pharmaceutical agents, which shall assure the availability of pharmaceutical agents in the complete range of therapeutic classes. The selection for inclusion on the uniform formulary of particular pharmaceutical agents in each therapeutic class shall be based on the relative clinical and cost effectiveness of the agents in such class.

"(B) In considering the relative clinical effectiveness of agents under subparagraph (A), the Secretary shall presume inclusion in a therapeutic class of a pharmaceutical agent, unless the Pharmacy and Therapeutics Committee established under subsection (b) finds that a pharmaceutical agent does not have a significant, clinically meaningful therapeutic advantage in terms of safety, effectiveness, or clinical outcome over the other drugs included on the uniform formulary.

"(C) In considering the relative cost effectiveness of agents under subparagraph (A), the Secretary shall rely on the evaluation by the Pharmacy and Therapeutics Committee of the costs of agents in a therapeutic class in relation to the safety, effectiveness, and clinical outcomes of such agents.

"(D) The Secretary shall establish procedures for the selection of particular pharmaceutical agents for the uniform formulary. Such procedures shall be established so as best to accomplish, in the judgment of the Secretary, the objectives set forth in paragraph (1). No pharmaceutical agent may be excluded from the uniform formulary except upon the recommendation of the Pharmacy and Therapeutics Committee. The Secretary shall begin to implement the uniform formulary not later than October 1, 2000. Procedures. Deadline.

"(E) Pharmaceutical agents included on the uniform formulary shall be available to eligible covered beneficiaries through—

"(i) facilities of the uniformed services, consistent with the scope of health care services offered in such facilities;

"(ii) retail pharmacies designated or eligible under the TRICARE program or the Civilian Health and Medical Program of the Uniformed Services to provide pharmaceutical agents to covered beneficiaries; or

"(iii) the national mail-order pharmacy program.

"(3) The pharmacy benefits program shall assure the availability of clinically appropriate pharmaceutical agents to members of the armed forces, including, where appropriate, agents not included on the uniform formulary described in paragraph (2).

"(4) The pharmacy benefits program may provide that prior authorization be required for certain pharmaceutical agents to assure that the use of such agents is clinically appropriate.

"(5) The pharmacy benefits program shall assure the availability to eligible covered beneficiaries of pharmaceutical agents not included on the uniform formulary. Such pharmaceutical agents shall be available through at least one of the means described in paragraph (2)(E) under terms and conditions that may include cost sharing by the eligible covered beneficiary in addition to any such cost sharing applicable to agents on the uniform formulary.

"(6) The Secretary, as part of the regulations established under subsection (g), may establish cost sharing requirements (which may be established as a percentage or fixed dollar amount) under the pharmacy benefits program for generic, formulary, and nonformulary agents. For nonformulary agents, cost sharing shall be consistent with common industry practice and not in excess of amounts generally comparable to 20 percent for beneficiaries covered by section 1079 of this title or 25 percent for beneficiaries covered by section 1086 of this title.

Procedures.

"(7) The Secretary shall establish procedures for eligible covered beneficiaries to receive pharmaceutical agents not included on the uniform formulary, but, considered to be clinically necessary. Such procedures shall include peer review procedures under which the Secretary may determine that there is a clinical justification for the use of a pharmaceutical agent that is not on the uniform formulary, in which case the pharmaceutical agent shall be provided under the same terms and conditions as an agent on the uniform formulary. Such procedures shall also include an expeditious appeals process for an eligible covered beneficiary, or a network or uniformed provider on behalf of the beneficiary, to establish clinical justification for the use of a pharmaceutical agent that is not on the uniform formulary.

"(8) In carrying out this subsection, the Secretary shall ensure that an eligible covered beneficiary may continue to receive coverage for any maintenance pharmaceutical that is not on the uniform formulary and that was prescribed for the beneficiary before the date of the enactment of this section and stabilized the medical condition of the beneficiary.

"(b) ESTABLISHMENT OF COMMITTEE.—(1) The Secretary of Defense shall, in consultation with the Secretaries of the military departments, establish a Pharmacy and Therapeutics Committee for the purpose of developing the uniform formulary of pharmaceutical agents required by subsection (a), reviewing such formulary on a periodic basis, and making additional recommendations regarding the formulary as the committee determines necessary and appropriate. The committee shall include representatives of pharmacies of the uniformed services facilities, contractors responsible for the TRICARE retail pharmacy program, contractors responsible for the national mail-order pharmacy program, providers in facilities of the uniformed services, and TRICARE network providers. Committee members shall have expertise in treating the medical needs of the populations served through such entities and in the range of pharmaceutical and biological medicines available for treating such populations. The committee shall function under procedures established by the Secretary under the regulations required by subsection (g).

Procedures.

"(2) Not later than 90 days after the establishment of the Pharmacy and Therapeutics Committee by the Secretary, the committee shall convene to design a proposed uniform formulary for submission to the Secretary. After such 90-day period, the committee shall meet at least quarterly and shall, during meetings, consider for inclusion on the uniform formulary under the standards established in subsection (a) any drugs newly approved by the Food and Drug Administration. Deadline.

"(c) ADVISORY PANEL.—(1) Concurrent with the establishment of the Pharmacy and Therapeutics Committee under subsection (b), the Secretary shall establish a Uniform Formulary Beneficiary Advisory Panel to review and comment on the development of the uniform formulary. The Secretary shall consider the comments of the panel before implementing the uniform formulary or implementing changes to the uniform formulary. Establishment.

"(2) The Secretary shall determine the size and membership of the panel established under paragraph (1), which shall include members that represent nongovernmental organizations and associations that represent the views and interests of a large number of eligible covered beneficiaries.

"(d) PROCEDURES.—(1) In the operation of the pharmacy benefits program under subsection (a), the Secretary of Defense shall assure through management and new contractual arrangements that financial resources are aligned such that the cost of prescriptions is borne by the organization that is financially responsible for the health care of the eligible covered beneficiary.

"(2) Not later than 6 months after the date of the enactment of this section, the Secretary shall utilize a modification to the bid price adjustment methodology in the current managed care support contracts to ensure equitable and timely reimbursement to the TRICARE managed care support contractors for pharmaceutical products delivered in the nonmilitary environments. The methodology shall take into account the "at-risk" nature of the contracts as well as managed care support contractor pharmacy costs attributable to changes to pharmacy service or formulary management at military medical treatment facilities, and other military activities and policies that affect costs of pharmacy benefits provided through the Civilian Health and Medical Program of the Uniformed Services. The methodology shall also account for military treatment facility costs attributable to the delivery of pharmaceutical products in the military facility environment which were prescribed by a network provider. Deadline.

"(e) PHARMACY DATA TRANSACTION SERVICE.—Not later than April 1, 2000, the Secretary of Defense shall implement the use of the Pharmacy Data Transaction Service in all fixed facilities of the uniformed services under the jurisdiction of the Secretary, the TRICARE retail pharmacy program, and the national mail-order pharmacy program. Deadline.

"(f) DEFINITIONS.—As used in this section—

"(1) the term 'eligible covered beneficiary' means a covered beneficiary for whom eligibility to receive pharmacy benefits through the means described in subsection (a)(2)(E) is established under this chapter or another provision of law; and

"(2) the term 'pharmaceutical agent' means drugs, biological products, and medical devices under the regulatory authority of the Food and Drug Administration.

"(g) REGULATIONS.—The Secretary of Defense shall, after consultation with the other administering Secretaries, promulgate regulations to carry out this section.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074f the following new item:

"1074g. Pharmacy benefits program.".

10 USC 1074g note.

(b) DEADLINE FOR ESTABLISHMENT OF COMMITTEE.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall establish the Pharmacy and Therapeutics Committee required by section 1074g(b) of title 10, United States Code.

Deadline.
10 USC 1074g note.

(c) REPORTS REQUIRED.—Not later than April 1 and October 1 of fiscal years 2000 and 2001, the Secretary of Defense shall submit to Congress a report on—

(1) implementation of the uniform formulary required under subsection (a) of section 1074g of title 10, United States Code (as added by subsection (a));

(2) the results of a confidential survey conducted by the Secretary of prescribers for military medical treatment facilities and TRICARE contractors to determine—

(A) during the most recent fiscal year, how often prescribers attempted to prescribe non-formulary or non-preferred prescription drugs, how often such prescribers were able to do so, and whether covered beneficiaries were able to fill such prescriptions without undue delay;

(B) the understanding by prescribers of the reasons that military medical treatment facilities or civilian contractors preferred certain pharmaceuticals to others; and

(C) the impact of any restrictions on access to non-formulary prescriptions on the clinical decisions of the prescribers and the aggregate cost, quality, and accessibility of health care provided to covered beneficiaries;

(3) the operation of the Pharmacy Data Transaction Service required by subsection (e) of such section 1074g; and

(4) any other actions taken by the Secretary to improve management of the pharmacy benefits program under such section.

10 USC 1074g note.
Deadline.

(d) STUDY FOR DESIGN OF PHARMACY BENEFIT FOR CERTAIN COVERED BENEFICIARIES.—(1) Not later than April 15, 2001, the Secretary of Defense shall prepare and submit to Congress—

(A) a study on a design for a comprehensive pharmacy benefit for covered beneficiaries under chapter 55 of title 10, United States Code, who are entitled to benefits under part A, and enrolled under part B, of title XVIII of the Social Security Act; and

(B) an estimate of the costs of implementing and operating such design.

(2) The design described in paragraph (1)(A) shall incorporate the elements of the pharmacy benefits program required to be established under section 1074g of title 10, United States Code (as added by subsection (a)).

SEC. 702. PROVISION OF CHIROPRACTIC HEALTH CARE.

(a) IN GENERAL.—Section 731 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1092 note) is amended—

(1) in the heading, by striking "**DEMONSTRATION PROGRAM**";

(2) in subsection (a), by adding at the end the following new paragraph:

"(4) During fiscal year 2000, the Secretary shall continue to furnish the same chiropractic care in the military medical treatment facilities designated pursuant to paragraph (2)(A) as the chiropractic care furnished during the demonstration program.";

(3) in subsection (c)—

(A) in paragraph (3), by striking "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives" and inserting "Committees on Armed Services of the Senate and the House of Representatives"; and

(B) in paragraph (5), by striking "May 1, 2000" and inserting "January 31, 2000";

(4) in subsection (d)—

(A) in paragraph (3)—

(i) by striking "; and" at the end of subparagraph (C) and inserting a semicolon;

(ii) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(iii) by adding at the end the following new subparagraph:

"(E) if the Secretary submits an implementation plan pursuant to subsection (e), the preparation of such plan."; and

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

"(5) The Secretary shall—

"(A) make full use of the oversight advisory committee in preparing—

"(i) the final report on the demonstration program conducted under this section; and

"(ii) the implementation plan described in subsection (e); and

"(B) provide opportunities for members of the committee to provide views as part of such final report and plan.";

(5) by redesignating subsection (e) as subsection (f); and

(6) by inserting after subsection (d) the following new subsection:

"(e) IMPLEMENTATION PLAN.—If the Secretary of Defense recommends in the final report submitted under subsection (c) that chiropractic health care services should be offered in medical care facilities of the Armed Forces or as a health care service covered under the TRICARE program, the Secretary shall, not later than March 31, 2000, submit to the Committees on Armed Services of the House of Representatives and the Senate an implementation plan for the full integration of chiropractic health care services into the military health care system of the Department of Defense, including the TRICARE program. Such implementation plan shall include— Deadline.

"(1) a detailed analysis of the projected costs of fully integrating chiropractic health care services into the military health care system;

"(2) the proposed scope of practice for chiropractors who would provide services to covered beneficiaries under chapter 55 of title 10, United States Code;

"(3) the proposed military medical treatment facilities at which such services would be provided;

"(4) the military readiness requirements for chiropractors who would provide services to such covered beneficiaries; and

"(5) any other relevant factors that the Secretary considers appropriate.".

(b) CONFORMING AMENDMENT.—The item relating to section 731 in the table of contents at the beginning of such Act is amended to read as follows:

"731. Chiropractic health care.".

10 USC 1077 note.

SEC. 703. PROVISION OF DOMICILIARY AND CUSTODIAL CARE FOR CERTAIN CHAMPUS BENEFICIARIES.

(a) CONTINUATION OF CARE.—(1) The Secretary of Defense may, in any case in which the Secretary makes the determination described in paragraph (2), continue to provide payment under the Civilian Health and Medical Program of the Uniformed Services (as defined in section 1072 of title 10, United States Code), for domiciliary or custodial care services provided to an eligible beneficiary that would otherwise be excluded from coverage under regulations implementing section 1077(b)(1) of such title.

(2) A determination under this paragraph is a determination that discontinuation of payment for domiciliary or custodial care services or transition to provision of care under the individual case management program authorized by section 1079(a)(17) of such title would be—

(A) inadequate to meet the needs of the eligible beneficiary; and

(B) unjust to such beneficiary.

(3) As used in this section, the term "eligible beneficiary" means a covered beneficiary (as that term is defined in section 1072 of title 10, United States Code) who, before the effective date of final regulations to implement the individual case management program authorized by section 1079(a)(17) of such title, were provided domiciliary or custodial care services for which the Secretary provided payment.

(b) PROHIBITION ON ESTABLISHMENT OF LIMITED TRANSITION PERIOD.—The Secretary of Defense shall not place a time limit on the period during which the custodial care exclusions of the Department of Defense may be waived as part of the case management program of the Department.

(c) SURVEY OF CASE MANAGEMENT AND CUSTODIAL CARE POLICIES.—The Secretary of Defense shall conduct a survey of federally funded and State funded programs for the medical care and management of persons whose care is considered to be custodial in nature. The survey shall examine, but shall not be limited to—

(1) a comparison of the case management program of the Department of Defense with similar Federal and State programs; and

(2) a comparison between the case management program of the Department of Defense and the case management and custodial care coverage offered by at least 10 of the most subscribed private health insurance plans in the Federal Employees Health Benefits Program (at least 5 of which shall be managed care organizations), as determined in consultation with the Office of Personnel Management.

(d) REPORT ON SURVEY OF CASE MANAGEMENT AND CUSTODIAL CARE POLICIES.—Not later than March 31, 2000, the Secretary shall submit a report on the survey required by subsection (c) to Congress. The Secretary shall include in the report any recommendations for legislative changes that the Secretary determines necessary to facilitate the case management of the Department of Defense, and a plan for any regulatory changes determined necessary by the Secretary. Such plan shall include any regulatory provisions that the Secretary determines necessary to address equitably the unique needs of the family members of active duty military personnel and to ensure the full integration of the case management program of the Department of Defense with other available family support services activities. Deadline.

SEC. 704. ENHANCEMENT OF DENTAL BENEFITS FOR RETIREES.

Subsection (d) of section 1076c of title 10, United States Code, is amended to read as follows:

"(d) BENEFITS AVAILABLE UNDER THE PLAN.—The dental insurance plan established under subsection (a) shall provide benefits for dental care and treatment which may be comparable to the benefits authorized under section 1076a of this title for plans established under that section and shall include diagnostic services, preventative services, endodontics and other basic restorative services, surgical services, and emergency services.".

SEC. 705. MEDICAL AND DENTAL CARE FOR CERTAIN MEMBERS INCURRING INJURIES ON INACTIVE-DUTY TRAINING.

(a) ORDER TO ACTIVE DUTY AUTHORIZED.—(1) Chapter 1209 of title 10, United States Code, is amended by adding at the end the following:

"§ 12322. Active duty for health care

"A member of a uniformed service described in paragraph (1)(B) or (2)(B) of section 1074a(a) of this title may be ordered to active duty, and a member of a uniformed service described in paragraph (1)(A) or (2)(A) of such section may be continued on active duty, for a period of more than 30 days while the member is being treated for (or recovering from) an injury, illness, or disease incurred or aggravated in the line of duty as described in any of such paragraphs.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"12322. Active duty for health care.".

(b) MEDICAL AND DENTAL CARE FOR MEMBERS.—Subsection (e) of section 1074a of such title is amended to read as follows:

"(e)(1) A member of a uniformed service on active duty for health care or recuperation reasons, as described in paragraph (2), is entitled to medical and dental care on the same basis and to the same extent as members covered by section 1074(a) of this title while the member remains on active duty.

"(2) Paragraph (1) applies to a member described in paragraph (1) or (2) of subsection (a) who, while being treated for (or recovering from) an injury, illness, or disease incurred or aggravated in the line of duty, is continued on active duty pursuant to a modification or extension of orders, or is ordered to active duty, so as to result in active duty for a period of more than 30 days.". Applicability.

(c) MEDICAL AND DENTAL CARE FOR DEPENDENTS.—Subparagraph (D) of section 1076(a)(2) of such title is amended to read as follows:

"(D) A member on active duty who is entitled to benefits under subsection (e) of section 1074a of this title by reason of paragraph (1), (2), or (3) of subsection (a) of such section.".

SEC. 706. HEALTH CARE AT FORMER UNIFORMED SERVICES TREATMENT FACILITIES FOR ACTIVE DUTY MEMBERS STATIONED AT CERTAIN REMOTE LOCATIONS.

(a) AUTHORITY.—Health care may be furnished by a designated provider pursuant to any contract entered into by the designated provider under section 722(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) to eligible members who reside within the service area of the designated provider.

(b) ELIGIBILITY.—A member of the Armed Forces is eligible for health care under subsection (a) if the member is a member described in section 731(c) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1811; 10 U.S.C. 1074 note).

(c) APPLICABLE POLICIES.—In furnishing health care to an eligible member under subsection (a), a designated provider shall adhere to the Department of Defense policies applicable to the furnishing of care under the TRICARE Prime Remote program, including coordinating with uniformed services medical authorities for hospitalizations and all referrals for specialty care.

(d) REIMBURSEMENT RATES.—The Secretary of Defense, in consultation with the designated providers, shall prescribe reimbursement rates for care furnished to eligible members under subsection (a). The rates prescribed for health care may not exceed the amounts allowable under the TRICARE Standard plan for the same care.

SEC. 707. OPEN ENROLLMENT DEMONSTRATION PROGRAM.

Section 724 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended by adding at the end the following:

"(g) OPEN ENROLLMENT DEMONSTRATION PROGRAM.—(1) The Secretary of Defense shall conduct a demonstration program under which covered beneficiaries shall be permitted to enroll at any time in a managed care plan offered by a designated provider consistent with the enrollment requirements for the TRICARE Prime option under the TRICARE program, but without regard to the limitation in subsection (b). The demonstration program under this subsection shall cover designated providers, selected by the Secretary of Defense, and the service areas of the designated providers.

Effective date. Termination date.

"(2) The demonstration program carried out under this section shall commence on October 1, 1999, and end on September 30, 2001.

Deadline. Reports.

"(3) Not later than March 15, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the demonstration program carried out under this subsection. The report shall include, at a minimum, an evaluation of the benefits of the open enrollment opportunity to covered beneficiaries and a recommendation on whether to authorize open enrollments in the managed care plans of designated providers permanently.".

Subtitle B—TRICARE Program

SEC. 711. EXPANSION AND REVISION OF AUTHORITY FOR DENTAL PROGRAMS FOR DEPENDENTS AND RESERVES.

(a) AUTHORITY.—Chapter 55 of title 10, United States Code, is amended by striking sections 1076a and 1076b and inserting the following:

"§ 1076a. TRICARE dental program

"(a) ESTABLISHMENT OF DENTAL PLANS.—The Secretary of Defense may establish, and in the case of the dental plan described in paragraph (1) shall establish, the following voluntary enrollment dental plans:

"(1) PLAN FOR SELECTED RESERVE AND INDIVIDUAL READY RESERVE.—A dental insurance plan for members of the Selected Reserve of the Ready Reserve and for members of the Individual Ready Reserve described in subsection 10144(b) of this title.

"(2) PLAN FOR OTHER RESERVES.—A dental insurance plan for members of the Individual Ready Reserve not eligible to enroll in the plan established under paragraph (1).

"(3) PLAN FOR ACTIVE DUTY DEPENDENTS.—Dental benefits plans for eligible dependents of members of the uniformed services who are on active duty for a period of more than 30 days.

"(4) PLAN FOR READY RESERVE DEPENDENTS.—A dental benefits plan for eligible dependents of members of the Ready Reserve of the reserve components who are not on active duty for more than 30 days.

"(b) ADMINISTRATION OF PLANS.—The plans established under this section shall be administered under regulations prescribed by the Secretary of Defense in consultation with the other administering Secretaries.

"(c) CARE AVAILABLE UNDER PLANS.—Dental plans established under subsection (a) may provide for the following dental care:

"(1) Diagnostic, oral examination, and preventive services and palliative emergency care.

"(2) Basic restorative services of amalgam and composite restorations, stainless steel crowns for primary teeth, and dental appliance repairs.

"(3) Orthodontic services, crowns, gold fillings, bridges, complete or partial dentures, and such other services as the Secretary of Defense considers to be appropriate.

"(d) PREMIUMS.—

"(1) PREMIUM SHARING PLANS.—(A) The dental insurance plan established under subsection (a)(1) and the dental benefits plans established under subsection (a)(3) are premium sharing plans.

"(B) Members enrolled in a premium sharing plan for themselves or for their dependents shall be required to pay a share of the premium charged for the benefits provided under the plan. The member's share of the premium charge may not exceed $20 per month for the enrollment.

"(C) Effective as of January 1 of each year, the amount of the premium required under subparagraph (A) shall be increased by the percent equal to the lesser of— Effective date.

"(i) the percent by which the rates of basic pay of members of the uniformed services are increased on such date; or

"(ii) the sum of one-half percent and the percent computed under section 5303(a) of title 5 for the increase in rates of basic pay for statutory pay systems for pay periods beginning on or after such date.

"(D) The Secretary of Defense may reduce the monthly premium required to be paid under paragraph (1) in the case of enlisted members in pay grade E–1, E–2, E–3, or E–4 if the Secretary determines that such a reduction is appropriate to assist such members to participate in a dental plan referred to in subparagraph (A).

"(2) FULL PREMIUM PLANS.—(A) The dental insurance plan established under subsection (a)(2) and the dental benefits plan established under subsection (a)(4) are full premium plans.

"(B) Members enrolled in a full premium plan for themselves or for their dependents shall be required to pay the entire premium charged for the benefits provided under the plan.

"(3) PAYMENT PROCEDURES.—A member's share of the premium for a plan established under subsection (a) may be paid by deductions from the basic pay of the member and from compensation paid under section 206 of title 37, as the case may be. The regulations prescribed under subsection (b) shall specify the procedures for payment of the premiums by enrollees who do not receive such pay.

"(e) COPAYMENTS UNDER PREMIUM SHARING PLANS.—A member or dependent who receives dental care under a premium sharing plan referred to in subsection (d)(1) shall—

"(1) in the case of care described in subsection (c)(1), pay no charge for the care;

"(2) in the case of care described in subsection (c)(2), pay 20 percent of the charges for the care; and

"(3) in the case of care described in subsection (c)(3), pay a percentage of the charges for the care that is determined appropriate by the Secretary of Defense, after consultation with the other administering Secretaries.

"(f) TRANSFER OF MEMBERS.—If a member whose dependents are enrolled in the plan established under subsection (a)(3) is transferred to a duty station where dental care is provided to the member's eligible dependents under a program other than that plan, the member may discontinue participation under the plan. If the member is later transferred to a duty station where dental care is not provided to such member's eligible dependents except under the plan established under subsection (a)(3), the member may reenroll the dependents in that plan.

"(g) CARE OUTSIDE THE UNITED STATES.—The Secretary of Defense may exercise the authority provided under subsection (a) to establish dental insurance plans and dental benefits plans for dental benefits provided outside the United States for the eligible members and dependents of members of the uniformed services. In the case of such an overseas dental plan, the Secretary may waive or reduce any copayments required by subsection (e) to the extent the Secretary determines appropriate for the effective and efficient operation of the plan.

"(h) WAIVER OF REQUIREMENTS FOR SURVIVING DEPENDENTS.—The Secretary of Defense may waive (in whole or in part) any requirements of a dental plan established under this section as the Secretary determines necessary for the effective administration of the plan for a dependent who is an eligible dependent described in subsection (k)(2).

"(i) AUTHORITY SUBJECT TO APPROPRIATIONS.—The authority of the Secretary of Defense to enter into a contract under this section for any fiscal year is subject to the availability of appropriations for that purpose.

"(j) LIMITATION ON REDUCTION OF BENEFITS.—The Secretary of Defense may not reduce benefits provided under a plan established under this section until—

"(1) the Secretary provides notice of the Secretary's intent to reduce such benefits to the Committees on Armed Services of the Senate and the House of Representatives; and Notice.

"(2) one year has elapsed following the date of such notice.

"(k) ELIGIBLE DEPENDENT DEFINED.—In this section, the term 'eligible dependent'—

"(1) means a dependent described in subparagraph (A), (D), or (I) of section 1072(2) of this title; and

"(2) includes any such dependent of a member who dies while on active duty for a period of more than 30 days or a member of the Ready Reserve if the dependent is enrolled on the date of the death of the member in a dental benefits plan established under subsection (a), except that the term does not include the dependent after the end of the one-year period beginning on the date of the member's death.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by striking out the items relating to sections 1076a and 1076b and inserting the following:

"1076a. TRICARE dental program.".

SEC. 712. IMPROVEMENT OF ACCESS TO HEALTH CARE UNDER THE TRICARE PROGRAM.

(a) ACCESS.—The Secretary of Defense shall, to the maximum extent practicable, minimize the authorization and certification requirements imposed on covered beneficiaries under the TRICARE program as a condition of access to benefits under that program. 10 USC 1073 note.

(b) REPORT ON INITIATIVES TO IMPROVE ACCESS.—Not later than March 31, 2000, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on specific actions taken to— Deadline. 10 USC 1073 note.

(1) reduce the requirements for preauthorization for care under the TRICARE program;

(2) reduce the requirements for beneficiaries to obtain preventive services, such as obstetric or gynecologic examinations, mammograms for females over 35 years of age, and urological examinations for males over the age of 60 without preauthorization; and

(3) reduce the requirements for statements of nonavailability of services.

(c) REQUIREMENT TO PROVIDE STATEMENT.—Section 1080(b) of title 10, United States Code, is amended by adding at the end the following new sentence: "Notwithstanding any other provision

of law, with respect to obstetrics and gynecological care for beneficiaries not enrolled in a managed care plan offered pursuant to any contract or agreement under this chapter, a nonavailability-of-health-care statement shall be required for receipt of health care services related to outpatient prenatal, outpatient or inpatient delivery, and outpatient post-partum care subsequent to the visit which confirms the pregnancy.".

SEC. 713. IMPROVEMENTS TO CLAIMS PROCESSING UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1095b the following new section:

"§ 1095c. TRICARE program: facilitation of processing of claims

"(a) REDUCTION OF PROCESSING TIME.—(1) With respect to claims for payment for medical care provided under the TRICARE program, the Secretary of Defense shall implement a system for processing of claims under which—

"(A) 95 percent of all clean claims must be processed not later than 30 days after the date that such claims are submitted to the claims processor; and

"(B) 100 percent of all clean claims must be processed not later than 100 days after the date that such claims are submitted to the claims processor.

"(2) The Secretary may, under the system required by paragraph (1) and consistent with the provisions in chapter 39 of title 31 (commonly referred to as the 'Prompt Payment Act'), require that interest be paid on clean claims that are not processed within 30 days.

"(3) For purposes of this subsection, the term 'clean claim' means a claim that has no defect, impropriety (including a lack of any required substantiating documentation), or particular circumstance requiring special treatment that prevents timely payment on the claim under this section.

"(b) REQUIREMENT TO PROVIDE START-UP TIME FOR CERTAIN CONTRACTORS.—(1) The Secretary of Defense shall not require that a contractor described in paragraph (2) begin to provide managed care support pursuant to a contract to provide such support under the TRICARE program until at least nine months after the date of the award of the contract. In such case the contractor may begin to provide managed care support pursuant to the contract as soon as practicable after the award of the contract, but in no case later than one year after the date of such award.

"(2) A contractor under this paragraph is a contractor who is awarded a contract to provide managed care support under the TRICARE program—

"(A) who has not previously been awarded such a contract by the Department of Defense; or

"(B) who has previously been awarded such a contract by the Department of Defense but for whom the subcontractors have not previously been awarded the subcontracts for such a contract.

"(c) INCENTIVES FOR ELECTRONIC PROCESSING.—The Secretary of Defense shall require that new contracts for managed care support under the TRICARE program provide that the contractor be

permitted to provide financial incentives to health care providers who file claims for payment electronically.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1095b the following new item:

"1095c. TRICARE program: facilitation of processing of claims.".

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on— Deadline.

(1) the status of claims processing backlogs in each TRICARE region;

(2) the estimated time frame for resolution of such backlogs;

(3) efforts to reduce the number of change orders with respect to contracts to provide managed care support under the TRICARE program and to make such change orders in groups on a quarterly basis rather than one at a time;

(4) the extent of success in simplifying claims processing procedures through reduction of reliance of the Department of Defense on, and the complexity of, the health care service record;

(5) application of best industry practices with respect to claims processing, including electronic claims processing; and

(6) any other initiatives of the Department of Defense to improve claims processing procedures.

(c) DEADLINE FOR IMPLEMENTATION.—The system for processing claims required under section 1095c(a) of title 10, United States Code (as added by subsection (a)), shall be implemented not later than 6 months after the date of the enactment of this Act. 10 USC 1095c note.

(d) APPLICABILITY.—Section 1095c(b) of title 10, United States Code (as added by subsection (a)), shall apply with respect to any contract to provide managed care support under the TRICARE program negotiated after the date of the enactment of this Act. 10 USC 1095c note.

SEC. 714. AUTHORITY TO WAIVE CERTAIN TRICARE DEDUCTIBLES.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1095c (as added by section 713) the following new section:

"§ 1095d. TRICARE program: waiver of certain deductibles

"(a) WAIVER AUTHORIZED.—The Secretary of Defense may waive the deductible payable for medical care provided under the TRICARE program to an eligible dependent of—

"(1) a member of a reserve component on active duty pursuant to a call or order to active duty for a period of less than one year; or

"(2) a member of the National Guard on full-time National Guard duty pursuant to a call or order to full-time National Guard duty for a period of less than one year.

"(b) ELIGIBLE DEPENDENT.—As used in this section, the term 'eligible dependent' means a dependent described in subparagraphs (A), (D), or (I) of section 1072(2) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1095c the following new item:

"1095d. TRICARE program: waiver of certain deductibles.".

SEC. 715. TRICARE BENEFICIARY COUNSELING AND ASSISTANCE COORDINATORS.

(a) ESTABLISHMENT OF POSITIONS.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1095d (as added by section 714) the following new section:

"§ 1095e. TRICARE program: beneficiary counseling and assistance coordinators

Regulations.

"(a) ESTABLISHMENT OF POSITIONS.—The Secretary of Defense shall require in regulations that—

"(1) each lead agent under the TRICARE program—

"(A) designate a person to serve full-time as a beneficiary counseling and assistance coordinator for beneficiaries under the TRICARE program; and

"(B) provide for toll-free telephone communication between such beneficiaries and the beneficiary counseling and assistance coordinator; and

"(2) the commander of each military medical treatment facility under this chapter designate a person to serve, as a primary or collateral duty, as beneficiary counseling and assistance coordinator for beneficiaries under the TRICARE program served at that facility.

"(b) DUTIES.—The Secretary shall prescribe the duties of the position of beneficiary counseling and assistance coordinator in the regulations required by subsection (a).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1095d the following new item:

"1095e. TRICARE program: beneficiary counseling and assistance coordinators.".

10 USC 1095e note.

(b) DEADLINE FOR INITIAL DESIGNATIONS.—Each beneficiary counseling and assistance coordinator required under the regulations described in section 1095e(a) of title 10, United States Code (as added by subsection (a)), shall be designated not later than January 15, 2000.

SEC. 716. IMPROVEMENT OF TRICARE MANAGEMENT; IMPROVEMENTS TO THIRD-PARTY PAYER COLLECTION PROGRAM.

(a) IMPROVEMENT OF TRICARE PROGRAM.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1097a the following new section:

"§ 1097b. TRICARE program: financial management

"(a) REIMBURSEMENT OF PROVIDERS.—(1) Subject to paragraph (2), the Secretary of Defense may reimburse health care providers under the TRICARE program at rates higher than the reimbursement rates otherwise authorized for the providers under that program if the Secretary determines that application of the higher rates is necessary in order to ensure the availability of an adequate number of qualified health care providers under that program.

"(2) The amount of reimbursement provided under paragraph (1) with respect to a health care service may not exceed the lesser of the following:

"(A) The amount equal to the local fee for service charge for the service in the service area in which the service is provided as determined by the Secretary based on one or more of the following payment rates:

"(i) Usual, customary, and reasonable.

"(ii) The Health Care Finance Administration's Resource Based Relative Value Scale.

"(iii) Negotiated fee schedules.

"(iv) Global fees.

"(v) Sliding scale individual fee allowances.

"(B) The amount equal to 115 percent of the CHAMPUS maximum allowable charge for the service.

"(b) THIRD-PARTY COLLECTIONS.—(1) A medical treatment facility of the uniformed services under the TRICARE program has the same right as the United States under section 1095 of this title to collect from a third-party payer the reasonable charges for health care services described in paragraph (2) that are incurred by the facility on behalf of a covered beneficiary under that program.

"(2) The Secretary of Defense shall prescribe regulations for the administration of this subsection. The regulations shall set forth the method to be used for the computation of the reasonable charges for inpatient, outpatient, and other health care services. The method of computation may be— Regulations.

"(A) a method that is based on—

"(i) per diem rates;

"(ii) all-inclusive rates for each visit;

"(iii) diagnosis-related groups; or

"(iv) rates prescribed under the regulations implementing sections 1079 and 1086 of this title; or

"(B) any other method considered appropriate.

"(c) CONSULTATION REQUIREMENT.—The Secretary of Defense shall carry out the responsibilities under this section after consultation with the other administering Secretaries.".

(2) The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1097a the following new item:

"1097b. TRICARE program: financial management.".

(b) REPORT ON IMPLEMENTATION.—(1) Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense, in consultation with the other administering Secretaries, shall submit to Congress a report assessing the effects of the implementation of the requirements and authorities set forth in sections 1097b of title 10, United States Code (as added by subsection (a)). Deadline. 10 USC 1097b note.

(2) The report shall include the following:

(A) An assessment of the cost of the implementation of such requirements and authorities.

(B) An assessment of whether the implementation of any such requirements and authorities will result in the utilization by the TRICARE program of the best industry practices with respect to the matters covered by such requirements and authorities.

(3) In this subsection, the term "administering Secretaries" has the meaning given that term in section 1072(3) of title 10, United States Code.

(c) IMPROVEMENT TO THIRD-PARTY COLLECTION PROGRAM.—(1) Section 1095 of title 10, United States Code, is amended—

(A) in subsection (a)(1)—

(i) by striking "the reasonable costs of" and inserting "reasonable charges for";

(ii) by striking "such costs" and inserting "such charges"; and

(iii) by striking "the reasonable cost of" and inserting "a reasonable charge for";

(B) in subsection (g), by striking "the costs of"; and

(C) in subsection (h)(1), by striking the first sentence and inserting "The term 'third-party payer' means an entity that provides an insurance, medical service, or health plan by contract or agreement, including an automobile liability insurance or no fault insurance carrier, and any other plan or program that is designed to provide compensation or coverage for expenses incurred by a beneficiary for health care services or products.".

(2) Section 1095b(b) of title 10, United States Code, is amended by striking the first and second sentences after the heading and inserting the following: "The United States shall have the same right to collect charges related to claims described in subsection (a) as charges for claims under section 1095 of this title.".

10 USC 1097b note.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect one year after the date of the enactment of this Act.

SEC. 717. COMPARATIVE REPORT ON HEALTH CARE COVERAGE UNDER THE TRICARE PROGRAM.

Deadline.

Not later than March 31, 2000, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report including a comparison of health care coverage available through the TRICARE program with the coverage available under similar health benefits plans offered under the Federal Employees Health Benefits program established under chapter 89 of title 5, United States Code. Such comparison shall include, but not be limited to, a comparison of cost sharing requirements, overall costs to beneficiaries, covered benefits, and exclusions from coverage.

Subtitle C—Other Matters

SEC. 721. FORENSIC PATHOLOGY INVESTIGATIONS BY ARMED FORCES MEDICAL EXAMINER.

(a) INVESTIGATION AUTHORITY.—Chapter 75 of title 10, United States Code, is amended by striking the heading for the chapter and inserting the following:

"CHAPTER 75—DECEASED PERSONNEL

"Subchapter Sec.
"I. Death Investigations 1471
"II. Death Benefits 1475

"SUBCHAPTER I—DEATH INVESTIGATIONS

"Sec.
"1471. Forensic pathology investigations.

"§ 1471. Forensic pathology investigations

Regulations.

"(a) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Armed Forces Medical Examiner may conduct a forensic pathology investigation to determine the cause or manner of death of a deceased person if such an investigation is determined

to be justified under circumstances described in subsection (b). The investigation may include an autopsy of the decedent's remains.

"(b) BASIS FOR INVESTIGATION.—(1) A forensic pathology investigation of a death under this section is justified if at least one of the circumstances in paragraph (2) and one of the circumstances in paragraph (3) exist.

"(2) A circumstance under this paragraph is a circumstance under which—

"(A) it appears that the decedent was killed or that, whatever the cause of the decedent's death, the cause was unnatural;

"(B) the cause or manner of death is unknown;

"(C) there is reasonable suspicion that the death was by unlawful means;

"(D) it appears that the death resulted from an infectious disease or from the effects of a hazardous material that may have an adverse effect on the military installation or community involved; or

"(E) the identity of the decedent is unknown.

"(3) A circumstance under this paragraph is a circumstance under which—

"(A) the decedent—

"(i) was found dead or died at an installation garrisoned by units of the armed forces that is under the exclusive jurisdiction of the United States;

"(ii) was a member of the armed forces on active duty or inactive duty for training;

"(iii) was recently retired under chapter 61 of this title as a result of an injury or illness incurred while a member on active duty or inactive duty for training; or

"(iv) was a civilian dependent of a member of the armed forces and was found dead or died outside the United States;

"(B) in any other authorized Department of Defense investigation of matters which involves the death, a factual determination of the cause or manner of the death is necessary; or

"(C) in any other authorized investigation being conducted by the Federal Bureau of Investigation, the National Transportation Safety Board, or any other Federal agency, an authorized official of such agency with authority to direct a forensic pathology investigation requests that the Armed Forces Medical Examiner conduct such an investigation.

"(c) DETERMINATION OF JUSTIFICATION.—(1) Subject to paragraph (2), the determination that a circumstance exists under paragraph (2) of subsection (b) shall be made by the Armed Forces Medical Examiner.

"(2) A commander may make the determination that a circumstance exists under paragraph (2) of subsection (b) and require a forensic pathology investigation under this section without regard to a determination made by the Armed Forces Medical Examiner if—

"(A) in a case involving circumstances described in paragraph (3)(A)(i) of that subsection, the commander is the commander of the installation where the decedent was found dead or died; or

"(B) in a case involving circumstances described in paragraph (3)(A)(ii) of that subsection, the commander is the commander of the decedent's unit at a level in the chain of command designated for such purpose in the regulations prescribed by the Secretary of Defense.

"(d) LIMITATION IN CONCURRENT JURISDICTION CASES.—(1) The exercise of authority under this section is subject to the exercise of primary jurisdiction for the investigation of a death—

"(A) in the case of a death in a State, by the State or a local government of the State; or

"(B) in the case of a death in a foreign country, by that foreign country under any applicable treaty, status of forces agreement, or other international agreement between the United States and that foreign country.

"(2) Paragraph (1) does not limit the authority of the Armed Forces Medical Examiner to conduct a forensic pathology investigation of a death that is subject to the exercise of primary jurisdiction by another sovereign if the investigation by the other sovereign is concluded without a forensic pathology investigation that the Armed Forces Medical Examiner considers complete. For the purposes of the preceding sentence a forensic pathology investigation is incomplete if the investigation does not include an autopsy of the decedent.

"(e) PROCEDURES.—For a forensic pathology investigation under this section, the Armed Forces Medical Examiner shall—

"(1) designate one or more qualified pathologists to conduct the investigation;

"(2) to the extent practicable and consistent with responsibilities under this section, give due regard to any applicable law protecting religious beliefs;

"(3) as soon as practicable, notify the decedent's family, if known, that the forensic pathology investigation is being conducted;

"(4) as soon as practicable after the completion of the investigation, authorize release of the decedent's remains to the family, if known; and

"(5) promptly report the results of the forensic pathology investigation to the official responsible for the overall investigation of the death.

"(f) DEFINITION OF STATE.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and Guam.".

(b) REPEAL OF AUTHORITY FOR EXISTING INQUEST PROCEDURES.—Sections 4711 and 9711 of title 10, United States Code, are repealed.

(c) TECHNICAL AND CLERICAL AMENDMENTS.—(1) Chapter 75 of such title, as amended by subsection (a), is further amended by inserting before section 1475 the following:

"SUBCHAPTER II—DEATH BENEFITS".

(2) The item relating to chapter 75 in the tables of chapters at the beginning of subtitle A of such title and at the beginning of part II of such subtitle is amended to read as follows:

"75. Deceased Personnel ..... 1471".

(3) The table of sections at the beginning of chapter 445 of such title is amended by striking the item relating to section 4711.

(4) The table of sections at the beginning of chapter 945 of such title is amended by striking the item relating to section 9711.

(5) The heading for chapter 445 of such title is amended to read as follows:

"CHAPTER 445—DISPOSITION OF EFFECTS OF DECEASED PERSONS; CAPTURED FLAGS".

(6) The heading for chapter 945 of such title is amended to read as follows:

"CHAPTER 945—DISPOSITION OF EFFECTS OF DECEASED PERSONS".

(7) The item relating to chapter 445 in the tables of chapters at the beginning of subtitle B of such title and at the beginning of part IV of such subtitle is amended to read as follows:

"445. Disposition of Effects of Deceased Persons; Captured Flags ..... 4712".

(8) The item relating to chapter 945 in the tables of chapters at the beginning of subtitle D of such title and at the beginning of part IV of such subtitle is amended to read as follows:

"945. Disposition of Effects of Deceased Persons ..... 9712".

SEC. 722. BEST VALUE CONTRACTING.

(a) AUTHORITY.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1073 the following:

"§ 1073a. Contracts for health care: best value contracting

"(a) AUTHORITY.—Under regulations prescribed by the administering Secretaries, health care contracts shall be awarded in the administration of this chapter to the offeror or offerors that will provide the best value to the United States to the maximum extent consistent with furnishing high-quality health care in a manner that protects the fiscal and other interests of the United States. Regulations.

"(b) FACTORS CONSIDERED.—In the determination of best value under subsection (a)—

"(1) consideration shall be given to the factors specified in the regulations; and

"(2) greater weight shall be accorded to technical and performance-related factors than to cost and price-related factors.

"(c) APPLICABILITY.—The authority under the regulations prescribed under subsection (a) shall apply to any contract in excess of $5,000,000.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1073 the following:

"1073a. Contracts for health care: best value contracting.".

SEC. 723. HEALTH CARE QUALITY INFORMATION AND TECHNOLOGY ENHANCEMENT. 10 USC 1071 note.

(a) PURPOSE.—The purpose of this section is to ensure that the Department of Defense addresses issues of medical quality surveillance and implements solutions for those issues in a timely manner that is consistent with national policy and industry standards.

(b) DEPARTMENT OF DEFENSE PROGRAM FOR MEDICAL INFORMATICS AND DATA.—The Secretary of Defense shall establish a Department of Defense program, the purposes of which shall be the following:

(1) To develop parameters for assessing the quality of health care information.

(2) To develop the defense digital patient record.

(3) To develop a repository for data on quality of health care.

(4) To develop capability for conducting research on quality of health care.

(5) To conduct research on matters of quality of health care.

(6) To develop decision support tools for health care providers.

(7) To refine medical performance report cards.

(8) To conduct educational programs on medical informatics to meet identified needs.

(c) AUTOMATION AND CAPTURE OF CLINICAL DATA.—(1) Through the program established under subsection (b), the Secretary of Defense shall accelerate the efforts of the Department of Defense to automate, capture, and exchange controlled clinical data and present providers with clinical guidance using a personal information carrier, clinical lexicon, or digital patient record.

(2) The program shall serve as a primary resource for the Department of Defense for matters concerning the capture, processing, and dissemination of data on health care quality.

Establishment.

(d) MEDICAL INFORMATICS ADVISORY COMMITTEE.—(1) The Secretary of Defense shall establish a Medical Informatics Advisory Committee (hereinafter referred to as the "Committee"), the members of which shall be the following:

(A) The Assistant Secretary of Defense for Health Affairs.

(B) The Director of the TRICARE Management Activity of the Department of Defense.

(C) The Surgeon General of the Army.

(D) The Surgeon General of the Navy.

(E) The Surgeon General of the Air Force.

(F) Representatives of the Department of Veterans Affairs, designated by the Secretary of Veterans Affairs.

(G) Representatives of the Department of Health and Human Services, designated by the Secretary of Health and Human Services.

(H) Any additional members appointed by the Secretary of Defense to represent health care insurers and managed care organizations, academic health institutions, health care providers (including representatives of physicians and representatives of hospitals), and accreditors of health care plans and organizations.

(2) The primary mission of the Committee shall be to advise the Secretary on the development, deployment, and maintenance of health care informatics systems that allow for the collection, exchange, and processing of health care quality information for the Department of Defense in coordination with other Federal departments and agencies and with the private sector.

(3) Specific areas of responsibility of the Committee shall include advising the Secretary on the following:

(A) The ability of the medical informatics systems at the Department of Defense and Department of Veterans Affairs to monitor, evaluate, and improve the quality of care provided to beneficiaries.

(B) The coordination of key components of medical informatics systems, including digital patient records, both within the Federal Government and between the Federal Government and the private sector.

(C) The development of operational capabilities for executive information systems and clinical decision support systems within the Department of Defense and Department of Veterans Affairs.

(D) Standardization of processes used to collect, evaluate, and disseminate health care quality information.

(E) Refinement of methodologies by which the quality of health care provided within the Department of Defense and Department of Veterans Affairs is evaluated.

(F) Protecting the confidentiality of personal health information.

(4) The Assistant Secretary of Defense for Health Affairs shall consult with the Committee on the issues described in paragraph (3).

(5) The Secretary of Defense shall submit to Congress an annual report on the activities of the Committee and on the coordination of development, deployment, and maintenance of health care informatics systems within the Federal Government, and between the Federal Government and the private sector.

(6) Members of the Committee shall not be paid by reason of their service on the Committee.

(7) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

(e) ANNUAL REPORT.—The Assistant Secretary of Defense for Health Affairs shall submit to Congress on an annual basis a report on the quality of health care furnished under the health care programs of the Department of Defense. The report shall cover the most recent fiscal year ending before the date the report is submitted and shall contain a discussion of the quality of the health care measured on the basis of each statistical and customer satisfaction factor that the Assistant Secretary determines appropriate, including, at a minimum, a discussion of the following:

(1) Health outcomes.

(2) The extent of use of health report cards.

(3) The extent of use of standard clinical pathways.

(4) The extent of use of innovative processes for surveillance.

SEC. 724. JOINT TELEMEDICINE AND TELEPHARMACY DEMONSTRATION PROJECTS BY THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

10 USC 1092 note.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs may carry out joint demonstration projects for purposes of evaluating the feasibility and practicability of using telecommunications to provide health care services and pharmacy services.

(b) SERVICES TO BE PROVIDED.—The services provided under the demonstration projects may include the following:

(1) Radiology and imaging services.

(2) Diagnostic services.
(3) Referral services.
(4) Clinical pharmacy services.
(5) Any other health care services or pharmacy services designated by the Secretaries.

(c) SELECTION OF LOCATIONS.—(1) The Secretaries may carry out the demonstration projects described in subsection (a) at not more than five locations selected by the Secretaries from locations in which are located both a uniformed services treatment facility and a Department of Veterans Affairs medical center that are affiliated with academic institutions having a demonstrated expertise in the provision of health care services or pharmacy services by means of telecommunications.

(2) Representatives of a facility and medical center selected under paragraph (1) shall, to the maximum extent practicable, carry out the demonstration project in consultation with representatives of the academic institution or institutions with which affiliated.

(d) PERIOD OF DEMONSTRATION PROJECTS.—The Secretaries may carry out the demonstration projects during the three-year period beginning on October 1, 1999.

Deadline.

(e) REPORT.—Not later than December 31, 2002, the Secretaries shall jointly submit to Congress a report on the demonstration projects. The report shall include—

(1) a description of each demonstration project; and
(2) an evaluation, based on the demonstration projects, of the feasibility and practicability of using telecommunications to provide health care services and pharmacy services, including the provision of such services to field hospitals of the Armed Forces and to Department of Veterans Affairs outpatient health care clinics.

SEC. 725. PROGRAM-YEAR STABILITY IN HEALTH CARE BENEFITS.

Section 1073 of title 10, United States Code, is amended—
(1) by inserting "(a) RESPONSIBLE OFFICIALS.—" at the beginning of the text of the section; and
(2) by adding at the end the following:

"(b) STABILITY IN PROGRAM OF BENEFITS.—The Secretary of Defense shall, to the maximum extent practicable, provide a stable program of benefits under this chapter throughout each fiscal year. To achieve the stability in the case of managed care support contracts entered into under this chapter, the contracts shall be administered so as to implement all changes in benefits and administration on a quarterly basis. However, the Secretary of Defense may implement any such change prior to the next fiscal quarter if the Secretary determines that the change would significantly improve the provision of care to eligible beneficiaries under this chapter.".

SEC. 726. STUDY ON JOINT OPERATIONS FOR THE DEFENSE HEALTH PROGRAM.

Deadline.

Not later than October 1, 2000, the Secretary of Defense shall prepare and submit to Congress a study identifying areas with respect to the Defense Health Program for which joint operations might be increased, including organization, training, patient care, hospital management, and budgeting. The study shall include a discussion of the merits and feasibility of—

(1) establishing a joint command for the Defense Health Program as a military counterpart to the Assistant Secretary of Defense for Health Affairs;

(2) establishing a joint training curriculum for the Defense Health Program; and

(3) creating a unified chain of command and budgeting authority for the Defense Health Program.

SEC. 727. TRAUMA TRAINING CENTER.

Section 742 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2074) is amended to read as follows:

"SEC. 742. AUTHORIZATION TO ESTABLISH A TRAUMA TRAINING CENTER.

"The Secretary of the Army is hereby authorized to establish a Trauma Training Center in order to provide the Army with a trauma center capable of training forward surgical teams.".

SEC. 728. SENSE OF CONGRESS REGARDING AUTOMATIC ENROLLMENT OF MEDICARE-ELIGIBLE BENEFICIARIES IN THE TRICARE SENIOR PRIME DEMONSTRATION PROJECT.

It is the sense of Congress that—

(1) any person who is enrolled in a managed health care program of the Department of Defense at a location at which the medicare subvention demonstration project for military retirees conducted under section 1896 of the Social Security Act (42 U.S.C. 1395ggg) is implemented, and who attains eligibility for medicare, should be automatically authorized to enroll in such demonstration project; and

(2) the Secretary of Defense, in coordination with the other administering Secretaries described in section 1072(3) of title 10, United States Code, should modify existing policies and procedures for such demonstration project as necessary to permit such automatic enrollment.

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

Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 801. Authority to carry out certain prototype projects.
Sec. 802. Streamlined applicability of cost accounting standards.
Sec. 803. Sale, exchange, and waiver authority for coal and coke.
Sec. 804. Guidance on use of task order and delivery order contracts.
Sec. 805. Clarification of definition of commercial items with respect to associated services.
Sec. 806. Use of special simplified procedures for purchases of commercial items in excess of the simplified acquisition threshold.
Sec. 807. Repeal of termination of provision of credit towards subcontracting goals for purchases benefiting severely handicapped persons.
Sec. 808. Contract goal for small disadvantaged businesses and certain institutions of higher education.
Sec. 809. Required reports for certain multiyear contracts.

Subtitle B—Other Matters

Sec. 811. Mentor-Protege Program improvements.
Sec. 812. Program to increase business innovation in defense acquisition programs.

Sec. 813. Incentives to produce innovative new technologies.
Sec. 814. Pilot program for commercial services.
Sec. 815. Expansion of applicability of requirement to make certain procurements from small arms production industrial base.
Sec. 816. Compliance with existing law regarding purchases of equipment and products.
Sec. 817. Extension of test program for negotiation of comprehensive small business subcontracting plans.
Sec. 818. Extension of interim reporting rule for certain procurements less than $100,000.
Sec. 819. Inspector General review of compliance with Buy American Act in purchases of strength training equipment.
Sec. 820. Report on options for accelerated acquisition of precision munitions.
Sec. 821. Technical amendment to prohibition on release of contractor proposals under the Freedom of Information Act.

Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 801. AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

Section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1721; 10 U.S.C. 2371 note) is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

Contracts.

"(c) COMPTROLLER GENERAL REVIEW.—(1) Each agreement entered into by an official referred to in subsection (a) to carry out a project under that subsection that provides for payments in a total amount in excess of $5,000,000 shall include a clause that provides for the Comptroller General, in the discretion of the Comptroller General, to examine the records of any party to the agreement or any entity that participates in the performance of the agreement.

"(2) The requirement in paragraph (1) shall not apply with respect to a party or entity, or a subordinate element of a party or entity, that has not entered into any other agreement that provides for audit access by a Government entity in the year prior to the date of the agreement.

"(3) The head of the contracting activity that is carrying out the agreement may waive the applicability of the requirement in paragraph (1) to the agreement if the head of the contracting activity determines that it would not be in the public interest to apply the requirement to the agreement. The waiver shall be effective with respect to the agreement only if the head of the contracting activity transmits a notification of the waiver to Congress and the Comptroller General before entering into the agreement. The notification shall include the rationale for the determination.

"(4) The Comptroller General may not examine records pursuant to a clause included in an agreement under paragraph (1) more than three years after the final payment is made by the United States under the agreement.".

SEC. 802. STREAMLINED APPLICABILITY OF COST ACCOUNTING STANDARDS.

(a) APPLICABILITY.—Paragraph (2)(B) of section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)(2)(B)) is amended by adding at the end the following new clauses:

"(iii) Firm, fixed-price contracts or subcontracts awarded on the basis of adequate price competition without submission of certified cost or pricing data.

"(iv) A contract or subcontract with a value of less than $7,500,000 if, at the time the contract or subcontract is entered into, the segment of the contractor or subcontractor that will perform the work has not been awarded at least one contract or subcontract with a value of more than $7,500,000 that is covered by the cost accounting standards.".

(b) WAIVER.—Section 26(f) of that Act is further amended by adding at the end the following:

"(5)(A) The head of an executive agency may waive the applicability of the cost accounting standards for a contract or subcontract with a value less than $15,000,000 if that official determines in writing that the segment of the contractor or subcontractor that will perform the work—

"(i) is primarily engaged in the sale of commercial items; and

"(ii) would not otherwise be subject to the cost accounting standards under this section, as in effect on or after the effective date of this paragraph.

"(B) The head of an executive agency may also waive the applicability of the cost accounting standards for a contract or subcontract under exceptional circumstances when necessary to meet the needs of the agency. A determination to waive the applicability of the cost accounting standards under this subparagraph shall be set forth in writing and shall include a statement of the circumstances justifying the waiver.

"(C) The head of an executive agency may not delegate the authority under subparagraph (A) or (B) to any official in the executive agency below the senior policymaking level in the executive agency.

"(D) The Federal Acquisition Regulation shall include the following:

"(i) Criteria for selecting an official to be delegated authority to grant waivers under subparagraph (A) or (B).

"(ii) The specific circumstances under which such a waiver may be granted.

"(E) The head of each executive agency shall report the waivers granted under subparagraphs (A) and (B) for that agency to the Board on an annual basis.".

(c) REGULATION ON TYPES OF CAS COVERAGE.—(1) The Administrator for Federal Procurement Policy shall revise the rules and procedures prescribed pursuant to section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)) to the extent necessary to increase the thresholds established in section 9903.201–2 of title 48 of the Code of Federal Regulations from $25,000,000 to $50,000,000. 41 USC 422 note.

(2) Paragraph (1) requires only a change of the statement of a threshold condition in the regulation referred to by section number in that paragraph, and shall not be construed as—

(A) a ratification or expression of approval of—

(i) any aspect of the regulation; or

(ii) the manner in which section 26 of the Office of Federal Procurement Policy Act is administered through the regulation; or

(B) a requirement to apply the regulation.

41 USC 422 note.

(d) IMPLEMENTATION.—The Administrator for Federal Procurement Policy shall ensure that this section and the amendments made by this section are implemented in a manner that ensures that the Federal Government can recover costs, as appropriate, in a case in which noncompliance with cost accounting standards, or a change in the cost accounting system of a contractor segment or subcontractor segment that is not determined to be desirable by the Federal Government, results in a shift of costs from contracts that are not covered by the cost accounting standards to contracts that are covered by the cost accounting standards.

41 USC 422 note.

(e) IMPLEMENTATION OF REQUIREMENTS FOR REVISION OF REGULATIONS.—(1) Final regulations required by subsection (c) shall be issued not later than 180 days after the date of the enactment of this Act.

(2) Subsection (c) shall cease to be effective one year after the date on which final regulations issued in accordance with that subsection take effect.

(f) STUDY OF TYPES OF CAS COVERAGE.—The Administrator for Federal Procurement Policy shall review the various categories of coverage of contracts for applying cost accounting standards and, not later than the date on which the President submits to Congress the budget for fiscal year 2001 under section 1105(a) of title 31, United States Code, submit to Congress a report on the results of the review. The report shall include an analysis of the matters reviewed and any recommendations that the Administrator considers appropriate regarding such matters.

41 USC 422 note.

(g) INAPPLICABILITY OF STANDARDS TO CERTAIN CONTRACTS.—The cost accounting standards issued pursuant to section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)), as amended by this section, shall not apply during fiscal year 2000 with respect to a contract entered into under the authority provided in chapter 89 of title 5, United States Code (relating to health benefits for Federal employees).

41 USC 422 note.

(h) CONSTRUCTION REGARDING CERTAIN NOT-FOR-PROFIT ENTITIES.—The amendments made by subsections (a) and (b) shall not be construed as modifying or superseding, nor as intended to impair or restrict, the applicability of the cost accounting standards described in section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)) to—

(1) any educational institution or federally funded research and development center that is associated with an educational institution in accordance with Office of Management and Budget Circular A–21, as in effect on January 1, 1999; or

(2) any contract with a nonprofit entity that provides research and development and related products or services to the Department of Defense.

41 USC 422 note.

(i) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect 180 days after the date of enactment of this Act, and shall apply with respect to—

(1) contracts that are entered into on or after such effective date; and

(2) determinations made on or after such effective date regarding whether a segment of a contractor or subcontractor is subject to the cost accounting standards under section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)), regardless of whether the contracts on which such determinations are made were entered into before, on, or after such date.

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

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

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "petroleum or natural gas" and inserting "a defined fuel source";

(B) in paragraph (1)—

(i) by striking "petroleum market conditions or natural gas market conditions, as the case may be," and inserting "market conditions for the defined fuel source"; and

(ii) by striking "acquisition of petroleum or acquisition of natural gas, respectively," and inserting "acquisition of that defined fuel source"; and

(C) in paragraph (2), by striking "petroleum or natural gas, as the case may be," and inserting "that defined fuel source";

(2) in subsection (b), by striking "petroleum or natural gas" in the second sentence and inserting "a defined fuel source";

(3) in subsection (c), by striking "petroleum" and all that follows through the period and inserting "a defined fuel source or services related to a defined fuel source by exchange of a defined fuel source or services related to a defined fuel source.";

(4) in subsection (d)—

(A) by striking "petroleum or natural gas" in the first sentence and inserting "a defined fuel source"; and

(B) by striking "petroleum" in the second sentence and all that follows through the period and inserting "a defined fuel source or services related to a defined fuel source."; and

(5) by adding at the end the following new subsection:

"(f) DEFINED FUEL SOURCES.—In this section, the term 'defined fuel source' means any of the following:

"(1) Petroleum.

"(2) Natural gas.

"(3) Coal.

"(4) Coke.".

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

"§ 2404. Acquisition of certain fuel sources: authority to waive contract procedures; acquisition by exchange; sales authority".

(2) The item relating to such section in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

"2404. Acquisition of certain fuel sources: authority to waive contract procedures; acquisition by exchange; sales authority.".

41 USC 253h note.

SEC. 804. GUIDANCE ON USE OF TASK ORDER AND DELIVERY ORDER CONTRACTS.

(a) GUIDANCE IN THE FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421) shall be revised to provide guidance to agencies on the appropriate use of task order and delivery order contracts in accordance with sections 2304a through 2304d of title 10, United States Code, and sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k).

Regulations.

(b) CONTENT OF GUIDANCE.—The regulations issued pursuant to subsection (a) shall, at a minimum, provide the following:

(1) Specific guidance on the appropriate use of government-wide and other multiagency contracts entered into in accordance with the provisions of law referred to in that subsection.

(2) Specific guidance on steps that agencies should take in entering into and administering multiple award task order and delivery order contracts to ensure compliance with—

(A) the requirement in section 5122 of the Clinger-Cohen Act (40 U.S.C. 1422) for capital planning and investment control in purchases of information technology products and services;

(B) the requirement in section 2304c(b) of title 10, United States Code, and section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)) to ensure that all contractors are afforded a fair opportunity to be considered for the award of task orders and delivery orders; and

(C) the requirement in section 2304c(c) of title 10, United States Code, and section 303J(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(c)) for a statement of work in each task order or delivery order issued that clearly specifies all tasks to be performed or property to be delivered under the order.

(c) GSA FEDERAL SUPPLY SCHEDULES PROGRAM.—The Administrator for Federal Procurement Policy shall consult with the Administrator of General Services to assess the effectiveness of the multiple awards schedule program of the General Services Administration referred to in section 309(b)(3) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(b)(3)) that is administered as the Federal Supply Schedules program. The assessment shall include examination of the following:

(1) The administration of the program by the Administrator of General Services.

(2) The ordering and program practices followed by Federal customer agencies in using schedules established under the program.

(d) GAO REPORT.—Not later than one year after the date on which the regulations required by subsection (a) are published in the Federal Register, the Comptroller General shall submit to Congress an evaluation of— Federal Register, publication.

(1) executive agency compliance with the regulations; and

(2) conformance of the regulations with existing law, together with any recommendations that the Comptroller General considers appropriate.

SEC. 805. CLARIFICATION OF DEFINITION OF COMMERCIAL ITEMS WITH RESPECT TO ASSOCIATED SERVICES.

Section 4(12)(E) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(E)) is amended to read as follows:

"(E) Installation services, maintenance services, repair services, training services, and other services if—

"(i) the services are procured for support of an item referred to in subparagraph (A), (B), (C), or (D), regardless of whether such services are provided by the same source or at the same time as the item; and

"(ii) the source of the services provides similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government.".

SEC. 806. USE OF SPECIAL SIMPLIFIED PROCEDURES FOR PURCHASES OF COMMERCIAL ITEMS IN EXCESS OF THE SIMPLIFIED ACQUISITION THRESHOLD.

(a) EXTENSION OF AUTHORITY.—Section 4202(e) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 110 Stat. 654; 10 U.S.C. 2304 note) is amended by striking "three years after the date on which such amendments take effect pursuant to section 4401(b)" and inserting "January 1, 2002".

(b) GAO REPORT.—Not later than March 1, 2001, the Comptroller General shall submit to Congress an evaluation of the test program authorized by the provisions in section 4202 of the Clinger-Cohen Act of 1996, together with any recommendations that the Comptroller General considers appropriate regarding the test program or the use of special simplified procedures for purchases of commercial items in excess of the simplified acquisition threshold. Deadline. 10 USC 2304 note.

SEC. 807. REPEAL OF TERMINATION OF PROVISION OF CREDIT TOWARDS SUBCONTRACTING GOALS FOR PURCHASES BENEFITING SEVERELY HANDICAPPED PERSONS.

Section 2410d(c) of title 10, United States Code, is repealed.

SEC. 808. CONTRACT GOAL FOR SMALL DISADVANTAGED BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

Subsection (k) of section 2323 of title 10, United States Code, is amended by striking "2000" both places it appears and inserting "2003".

SEC. 809. REQUIRED REPORTS FOR CERTAIN MULTIYEAR CONTRACTS.

Section 2306b(l) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively;

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) The head of an agency may not enter into a multiyear contract (or extend an existing multiyear contract) until the Secretary of Defense submits to the congressional defense committees a report with respect to that contract (or contract extension) that provides the following information, shown for each year in the current future-years defense program and in the aggregate over the period of the current future-years defense program:

"(A) The amount of total obligational authority under the contract (or contract extension) and the percentage that such amount represents of—

"(i) the applicable procurement account; and

"(ii) the agency procurement total.

"(B) The amount of total obligational authority under all multiyear procurements of the agency concerned (determined without regard to the amount of the multiyear contract (or contract extension)) under multiyear contracts in effect immediately before the contract (or contract extension) is entered into and the percentage that such amount represents of—

"(i) the applicable procurement account; and

"(ii) the agency procurement total.

"(C) The amount equal to the sum of the amounts under subparagraphs (A) and (B), and the percentage that such amount represents of—

"(i) the applicable procurement account; and

"(ii) the agency procurement total.

"(D) The amount of total obligational authority under all Department of Defense multiyear procurements (determined without regard to the amount of the multiyear contract (or contract extension)), including any multiyear contract (or contract extension) that has been authorized by the Congress but not yet entered into, and the percentage that such amount represents of the procurement accounts of the Department of Defense treated in the aggregate."; and

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

"(9) In this subsection:

"(A) The term 'applicable procurement account' means, with respect to a multiyear procurement contract (or contract extension), the appropriation account from which payments to execute the contract will be made.

"(B) The term 'agency procurement total' means the procurement accounts of the agency entering into a multiyear procurement contract (or contract extension) treated in the aggregate.".

Subtitle B—Other Matters

SEC. 811. MENTOR-PROTEGE PROGRAM IMPROVEMENTS.

(a) PROGRAM PARTICIPATION TERM.—Subsection (e)(2) of section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note) is amended to read as follows:

"(2) A program participation term for any period of not more than three years, except that the term may be a period of up to five years if the Secretary of Defense determines in writing that unusual circumstances justify a program participation term in excess of three years.".

(b) INCENTIVES AUTHORIZED FOR MENTOR FIRMS.—Subsection (g) of such section is amended—

(1) in paragraph (1), by striking "shall" and inserting "may";

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "shall" and inserting "may";

(ii) by striking "subsection (f)" and all that follows through "(i) as a line item" and inserting "subsection (f) as provided for in a line item";

(iii) by striking the semicolon preceding clause (ii) and inserting ", except that this sentence does not apply in a case in which the Secretary of Defense determines in writing that unusual circumstances justify reimbursement using a separate contract."; and

(iv) by striking clauses (ii), (iii), and (iv); and

(B) by striking subparagraph (B) and inserting the following:

"(B) The determinations made in annual performance reviews of a mentor firm's mentor-protege agreement under subsection (l)(2) shall be a major factor in the determinations of amounts of reimbursement, if any, that the mentor firm is eligible to receive in the remaining years of the program participation term under the agreement.

"(C) The total amount reimbursed under this paragraph to a mentor firm for costs of assistance furnished in a fiscal year to a protege firm may not exceed $1,000,000, except in a case in which the Secretary of Defense determines in writing that unusual circumstances justify a reimbursement of a higher amount."; and

(3) in paragraph (3)(A), by striking "either subparagraph (A) or (C) of paragraph (2) or are reimbursed pursuant to subparagraph (B) of such paragraph" and inserting "paragraph (2)".

(c) THREE-YEAR EXTENSION OF AUTHORITY.—Subsection (j) of such section is amended to read as follows:

"(j) EXPIRATION OF AUTHORITY.—(1) No mentor-protege agreement may be entered into under subsection (e) after September 30, 2002.

"(2) No reimbursement may be paid, and no credit toward the attainment of a subcontracting goal may be granted, under subsection (g) for any cost incurred after September 30, 2005.".

(d) REPORTS AND REVIEWS.—(1) Subsection (l) of such section is amended to read as follows:

"(l) REPORTS AND REVIEWS.—(1) The mentor firm and protege firm under a mentor-protege agreement shall submit to the Secretary of Defense an annual report on the progress made by the protege firm in employment, revenues, and participation in Department of Defense contracts during the fiscal year covered by the report. The requirement for submission of an annual report applies with respect to each fiscal year covered by the program participation term under the agreement and each of the two fiscal years following

the expiration of the program participation term. The Secretary shall prescribe the timing and form of the annual report.

"(2)(A) The Secretary shall conduct an annual performance review of each mentor-protege agreement that provides for reimbursement of costs. The Secretary shall determine on the basis of the review whether—

"(i) all costs reimbursed to the mentor firm under the agreement were reasonably incurred to furnish assistance to the protege firm in accordance with the requirements of this section and applicable regulations; and

"(ii) the mentor firm and protege firm accurately reported progress made by the protege firm in employment, revenues, and participation in Department of Defense contracts during the program participation term covered by the mentor-protege agreement and the two fiscal years following the expiration of the program participation term.

"(B) The Secretary shall act through the Commander of the Defense Contract Management Command in carrying out the reviews and making the determinations under subparagraph (A).

"(3) Not later than 6 months after the end of each of fiscal years 2000 through 2004, the Secretary of Defense shall submit to Congress an annual report on the Mentor-Protege Program for that fiscal year.

"(4) The annual report for a fiscal year shall include, at a minimum, the following:

"(A) The number of mentor-protege agreements that were entered into during the fiscal year.

"(B) The number of mentor-protege agreements that were in effect during the fiscal year.

"(C) The total amount reimbursed to mentor firms pursuant to subsection (g) during the fiscal year.

"(D) Each mentor-protege agreement, if any, that was approved during the fiscal year in accordance with subsection (e)(2) to provide a program participation term in excess of 3 years, together with the justification for the approval.

"(E) Each reimbursement of a mentor firm in excess of the limitation in subsection (g)(2)(C) that was made during the fiscal year pursuant to an approval granted in accordance with that subsection, together with the justification for the approval.

"(F) Trends in the progress made in employment, revenues, and participation in Department of Defense contracts by the protege firms participating in the program during the fiscal year and the protege firms that completed or otherwise terminated participation in the program during the preceding two fiscal years.".

10 USC 2302 note.

(2)(A) The Secretary of Defense shall conduct a review of the Mentor-Protege Program established in section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note) to assess the feasibility of transitioning such program to operation without a specific appropriation or authority to provide reimbursement to a mentor firm as provided in subsection (g) of such section (as amended by subsection (b)).

(B) In conducting the review under subparagraph (A), the Secretary shall assess possible additional incentives that may be extended to mentor firms to ensure adequate support and participation in the Mentor-Protege Program, including increasing the level

of credit in lieu of subcontract awards presently extended to mentor firms for purposes of determining whether mentor firms attain subcontracting participation goals applicable under Department of Defense contracts.

(C) Not later than September 30, 2000, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives— Deadline.

(i) a report on the results of the review conducted under this paragraph; and

(ii) any recommendations of the Secretary for legislative action.

(3)(A) The Comptroller General shall conduct a study on the implementation of the Mentor-Protege Program established in section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note) and the extent to which the program is achieving the purposes established in that section in a cost-effective manner. 10 USC 2302 note.

(B) The study shall include the following:

(i) A review of the manner in which funds for the Mentor-Protege Program have been obligated.

(ii) An identification and assessment of the average amount spent by the Department of Defense on individual mentor-protege agreements, and the correlation between levels of funding and business development of protege firms.

(iii) An evaluation of the effectiveness of the incentives provided to mentor firms to participate in the Mentor-Protege Program and whether reimbursements remain a cost-effective and viable incentive.

(iv) An assessment of the success of the Mentor-Protege Program in enhancing the business competitiveness and financial independence of protege firms.

(v) A review of the relationship between the results of the Mentor-Protegee Program and the objectives established in section 2323 of title 10, United States Code.

(C) Not later than January 1, 2002, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of the study. Reports. Deadline.

(e) REPEAL OF LIMITATION ON AVAILABILITY OF FUNDING.—Subsection (n) of section 831 of such Act is repealed. 10 USC 2302 note.

(f) EFFECTIVE DATE AND SAVINGS PROVISION.—(1) The amendments made by this section shall take effect on October 1, 1999, and shall apply with respect to mentor-protege agreements that are entered into under section 831(e) of the National Defense Authorization Act for Fiscal Year 1991 on or after that date. 10 USC 2302 note.

(2) Section 831 of the National Defense Authorization Act for Fiscal Year 1991, as in effect on September 30, 1999, shall continue to apply with respect to mentor-protege agreements entered into before October 1, 1999.

SEC. 812. PROGRAM TO INCREASE BUSINESS INNOVATION IN DEFENSE ACQUISITION PROGRAMS. Deadlines.

(a) REQUIREMENT TO DEVELOP PLAN.—Not later than March 1, 2000, the Secretary of Defense shall publish in the Federal Register for public comment a plan to provide for increased innovative technology for acquisition programs of the Department of Defense from commercial private sector entities, including small-business concerns. Federal Register, publication. 10 USC 2302 note.

10 USC 2302 note.

(b) IMPLEMENTATION OF PLAN.—Not later than March 1, 2001, the Secretary of Defense shall implement the plan required by subsection (a), subject to any modifications the Secretary may choose to make in response to comments received.

10 USC 2302 note.

(c) ELEMENTS OF PLAN.—The plan required by subsection (a) shall include, at a minimum, the following elements:

(1) Procedures through which commercial private sector entities, including small-business concerns, may submit proposals recommending cost-saving and innovative ideas to acquisition program managers.

(2) A review process designed to make recommendations on the merit and viability of the proposals submitted under paragraph (1) at appropriate times during the acquisition cycle.

(3) Measures to limit potential disruptions to existing contracts and programs from proposals accepted and incorporated into acquisition programs of the Department of Defense.

(4) Measures to ensure that research and development efforts of small-business concerns are considered as early as possible in a program's acquisition planning process to accommodate potential technology insertion without disruption to existing contracts and programs.

(d) REQUIREMENT FOR REPORT.—Not later than March 1, 2000, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the Small Business Innovation Research program rapid transition plan required by section 818 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2089). The report shall include the following:

(1) The status of the implementation of each of the provisions of the plan.

(2) For any provision of the plan that has not been fully implemented as of the date of the report—

(A) the reasons that the provision has not been fully implemented; and

(B) a schedule, including specific milestones, for the implementation of the provision.

10 USC 2302 note.

(e) SMALL-BUSINESS CONCERN DEFINED.—In this section, the term "small-business concern" has the same meaning as the meaning of such term as used in the Small Business Act (15 U.S.C. 631 et seq.).

SEC. 813. INCENTIVES TO PRODUCE INNOVATIVE NEW TECHNOLOGIES.

(a) REVIEW OF GUIDELINES.—The Secretary of Defense shall review the profit guidelines established in the Department of Defense Supplement to the Federal Acquisition Regulation to consider whether appropriate modifications, such as placing increased emphasis on technical risk as a factor for determining appropriate profit margins, would provide an increased profit incentive for contractors to develop and produce complex and innovative new technologies.

Deadline.

(b) CHANGES TO GUIDELINES; REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall—

(1) make any changes to the profit guidelines that the Secretary determines to be necessary; and

(2) report to Congress on the results of the review conducted under subsection (a) and on any changes to the profit guidelines

that the Secretary determines to be necessary pursuant to paragraph (1).

SEC. 814. PILOT PROGRAM FOR COMMERCIAL SERVICES.

10 USC 2461 note.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to treat procurements of commercial services as procurements of commercial items.

(b) DESIGNATION OF PILOT PROGRAM CATEGORIES.—The Secretary of Defense may designate the following categories of services as commercial services covered by the pilot program:

(1) Utilities and housekeeping services.

(2) Education and training services.

(3) Medical services.

(c) TREATMENT AS COMMERCIAL ITEMS.—A Department of Defense contract for the procurement of commercial services designated by the Secretary for the pilot program shall be treated as a contract for the procurement of commercial items, as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)), if the source of the services provides similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government.

(d) GUIDANCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall issue guidance to procurement officials on contracting for commercial services under the pilot program. The guidance shall place particular emphasis on ensuring that negotiated prices for designated services, including prices negotiated without competition, are fair and reasonable.

Deadline.

(e) UNIFIED MANAGEMENT OF PROCUREMENTS.—The Secretary of Defense shall develop and implement procedures to ensure that, whenever appropriate, a single item manager or contracting officer is responsible for entering into all contracts from a single contractor for commercial services under the pilot program.

(f) DURATION OF PILOT PROGRAM.—(1) The pilot program shall begin on the date that the Secretary issues the guidance required by subsection (d) and may continue for a period, not in excess of five years, that the Secretary shall establish.

(2) The pilot program shall cover Department of Defense contracts for the procurement of commercial services designated by the Secretary under subsection (b) that are awarded or modified during the period of the pilot program, regardless of whether the contracts are performed during the period.

(g) REPORT TO CONGRESS.—(1) The Secretary shall submit to Congress a report on the impact of the pilot program on—

(A) prices paid by the Federal Government under contracts for commercial services covered by the pilot program;

(B) the quality and timeliness of the services provided under such contracts; and

(C) the extent of competition for such contracts.

(2) The Secretary shall submit the report—

(A) not later than 90 days after the end of the third full fiscal year for which the pilot program is in effect; or

Deadline.

(B) if the period established for the pilot program under subsection (f)(1) does not cover three full fiscal years, not later than 90 days after the end of the designated period.

(h) PRICE TREND ANALYSIS.—The Secretary of Defense shall apply the procedures developed pursuant to section 803(c) of the Strom Thurmond National Defense Authorization Act for Fiscal

Year 1999 (Public Law 105–261; 112 Stat. 2081; 10 U.S.C. 2306a note) to collect and analyze information on price trends for all services covered by the pilot program and for the services in such categories of services not covered by the pilot program to which the Secretary considers it appropriate to apply those procedures.

SEC. 815. EXPANSION OF APPLICABILITY OF REQUIREMENT TO MAKE CERTAIN PROCUREMENTS FROM SMALL ARMS PRODUCTION INDUSTRIAL BASE.

10 USC 2473 note.

(a) M–2 AND M–60 MACHINE GUNS.—In fulfilling the requirement under subsection (e) of section 809 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2086; 10 U.S.C. 2473 note), if the Secretary of the Army determines that it is necessary to protect the small arms production industrial base, the Secretary shall exercise the authority under subsection (f) of such section with regard to M–2 and M–60 machine guns.

(b) COVERED PROPERTY AND SERVICES.—Section 2473(b) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "Repair" and inserting "Critical repair";

(B) by striking "including repair parts"; and

(C) by inserting "only" after "consisting"; and

(2) in paragraph (2), by adding "such" after "Modifications of".

SEC. 816. COMPLIANCE WITH EXISTING LAW REGARDING PURCHASES OF EQUIPMENT AND PRODUCTS.

(a) SENSE OF CONGRESS REGARDING PURCHASE BY THE DEPARTMENT OF DEFENSE OF EQUIPMENT AND PRODUCTS.—It is the sense of Congress that any entity of the Department of Defense, in expending funds authorized by this Act for the purchase of equipment or products, should fully comply with the Buy American Act (41 U.S.C. 10a et seq.) and section 2533 of title 10, United States Code.

10 USC 2410f note.

(b) DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription, or another inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

SEC. 817. EXTENSION OF TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS.

Section 834(e) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 15 U.S.C. 637 note) is amended by striking "September 30, 2000" and inserting "September 30, 2005".

SEC. 818. EXTENSION OF INTERIM REPORTING RULE FOR CERTAIN PROCUREMENTS LESS THAN $100,000.

Section 31(e) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(e)) is amended by striking "October 1, 1999" and inserting "October 1, 2004".

SEC. 819. INSPECTOR GENERAL REVIEW OF COMPLIANCE WITH BUY AMERICAN ACT IN PURCHASES OF STRENGTH TRAINING EQUIPMENT.

(a) REVIEW REQUIRED.—The Inspector General of the Department of Defense shall conduct a review to determine the extent to which the purchases described in subsection (b) are being made in compliance with the Buy American Act (41 U.S.C. 10a et seq.).

(b) PURCHASES COVERED.—The review shall cover purchases, made during the review period, of free weights and other exercise equipment for use in strength training by members of the Armed Forces stationed at defense installations located in the United States (including its territories and possessions). For purposes of the preceding sentence, the review period is the period beginning on April 1, 1998, and ending on March 31, 2000. Purchases not in excess of the micro-purchase threshold shall be excluded from the review.

(c) REPORT.—Not later than December 31, 2000, the Secretary of Defense shall submit to Congress a report on the results of the review. Deadline.

(d) DEFINITIONS.—In this section:

(1) The term "free weights" means dumbbells or solid metallic disks balanced on crossbars, designed to be lifted for strength training or athletic competition.

(2) The term "micro-purchase threshold" means the amount specified in section 32(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 428(f)).

SEC. 820. REPORT ON OPTIONS FOR ACCELERATED ACQUISITION OF PRECISION MUNITIONS.

(a) FINDINGS.—Congress finds the following:

(1) Current Department of Defense inventories of many types of precision munitions do not meet the requirements for such munitions under the National Military Strategy that the Department of Defense have the capability to conduct two nearly simultaneous Major Theater Wars, and with respect to some types of precision munitions, those requirements will not be met even after planned acquisitions are complete.

(2) Production lines for certain types of critical precision munitions have been shut down, and the start-up production of replacement precision munitions leaves a critical gap in acquisition of follow-on precision munitions.

(3) Shortages of conventional air-launched cruise missiles during Operation Allied Force (conducted against the Federal Republic of Yugoslavia in the spring of 1999) and the necessity to replenish inventories of land-attack Tomahawk cruise missiles following that operation indicate the critical need to maintain sufficient inventories of precision munitions.

(b) REPORT.—Not later than February 15, 2000, the Secretary of Defense shall submit to the congressional defense committees a report on the requirements of the Department of Defense for precision munitions under the National Military Strategy that the Department of Defense have the capability to conduct two nearly simultaneous Major Theater Wars. The report shall include the following: Deadline.

(1) The effect of recent conflicts on the shift to precision munitions of targets previously allocated to nonprecision munitions in the inventory requirements process.

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(2) The required inventories of precision munitions, by type, including existing or planned munitions or such munitions with appropriate upgrades, to meet the requirement that the Department of Defense have the capability to conduct two nearly simultaneous Major Theater Wars.

(3) Current inventories of those precision munitions.

(4) The year when required inventories for each of those types of precision munitions will be achieved within the acquisition plans set forth in the budget of the President for fiscal year 2001.

(5) The year those inventories would be achieved within existing or planned production capacity if produced at—

(A) the minimum sustained production rate;

(B) the most economic production rate; and

(C) the maximum production rate.

(6) The required level of funding to support production for each of those types of munitions at each of the production rates specified in paragraph (5), compared to the funding programmed for each type of munition in the future-years defense program using the acquisition plans specified in paragraph (4).

(7) With respect to each existing or planned munitions for which the inventory is not expected to meet the two Major Theater War requirement by October 1, 2005, the Secretary's assessment of the risk associated with not having met such requirement by that date.

SEC. 821. TECHNICAL AMENDMENT TO PROHIBITION ON RELEASE OF CONTRACTOR PROPOSALS UNDER THE FREEDOM OF INFORMATION ACT.

Section 2305(g) of title 10, United States Code, is amended in paragraph (1) by striking "the Department of Defense" and inserting "an agency named in section 2303 of this title".

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Strategic Planning

Sec. 901. Permanent requirement for Quadrennial Defense Review.
Sec. 902. Minimum interval for updating and revising Department of Defense strategic plan.

Subtitle B—Department of Defense Organization

Sec. 911. Responsibility for logistics and sustainment functions of the Department of Defense.
Sec. 912. Enhancement of technology security program of Department of Defense.
Sec. 913. Efficient utilization of defense laboratories.
Sec. 914. Center for the Study of Chinese Military Affairs.
Sec. 915. Authority for acceptance by Asia-Pacific Center for Security Studies of foreign gifts and donations.

Subtitle C—Personnel Management

Sec. 921. Revisions to limitations on number of personnel assigned to major Department of Defense headquarters activities.
Sec. 922. Defense acquisition workforce reductions.
Sec. 923. Monitoring and reporting requirements regarding operations tempo and personnel tempo.
Sec. 924. Administration of defense reform initiative enterprise program for military manpower and personnel information.
Sec. 925. Payment of tuition for education and training of members in defense acquisition workforce.

Subtitle D—Other Matters

Sec. 931. Additional matters for annual reports on joint warfighting experimentation.
Sec. 932. Oversight of Department of Defense activities to combat terrorism.
Sec. 933. Responsibilities and accountability for certain financial management functions.
Sec. 934. Management of Civil Air Patrol.

Subtitle A—Department of Defense Strategic Planning

SEC. 901. PERMANENT REQUIREMENT FOR QUADRENNIAL DEFENSE REVIEW.

(a) REVIEW REQUIRED.—(1) Chapter 2 of title 10, United States Code, is amended by inserting after section 117 the following new section:

"§ 118. Quadrennial defense review

"(a) REVIEW REQUIRED.—The Secretary of Defense shall every four years, during a year following a year evenly divisible by four, conduct a comprehensive examination (to be known as a 'quadrennial defense review') of the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with a view toward determining and expressing the defense strategy of the United States and establishing a defense program for the next 20 years. Each such quadrennial defense review shall be conducted in consultation with the Chairman of the Joint Chiefs of Staff.

"(b) CONDUCT OF REVIEW.—Each quadrennial defense review shall be conducted so as—

"(1) to delineate a national defense strategy consistent with the most recent National Security Strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a);

"(2) to define sufficient force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program of the United States associated with that national defense strategy that would be required to execute successfully the full range of missions called for in that national defense strategy; and

"(3) to identify (A) the budget plan that would be required to provide sufficient resources to execute successfully the full range of missions called for in that national defense strategy at a low-to-moderate level of risk, and (B) any additional resources (beyond those programmed in the current future-years defense program) required to achieve such a level of risk.

"(c) ASSESSMENT OF RISK.—The assessment of risk for the purposes of subsection (b) shall be undertaken by the Secretary of Defense in consultation with the Chairman of the Joint Chiefs of Staff. That assessment shall define the nature and magnitude of the political, strategic, and military risks associated with executing the missions called for under the national defense strategy.

"(d) SUBMISSION OF QDR TO CONGRESSIONAL COMMITTEES.—The Secretary shall submit a report on each quadrennial defense review to the Committees on Armed Services of the Senate and

Deadline.

the House of Representatives. The report shall be submitted not later than September 30 of the year in which the review is conducted. The report shall include the following:

"(1) The results of the review, including a comprehensive discussion of the national defense strategy of the United States and the force structure best suited to implement that strategy at a low-to-moderate level of risk.

"(2) The assumed or defined national security interests of the United States that inform the national defense strategy defined in the review.

"(3) The threats to the assumed or defined national security interests of the United States that were examined for the purposes of the review and the scenarios developed in the examination of those threats.

"(4) The assumptions used in the review, including assumptions relating to—

"(A) the status of readiness of United States forces;

"(B) the cooperation of allies, mission-sharing and additional benefits to and burdens on United States forces resulting from coalition operations;

"(C) warning times;

"(D) levels of engagement in operations other than war and smaller-scale contingencies and withdrawal from such operations and contingencies; and

"(E) the intensity, duration, and military and political end-states of conflicts and smaller-scale contingencies.

"(5) The effect on the force structure and on readiness for high-intensity combat of preparations for and participation in operations other than war and smaller-scale contingencies.

"(6) The manpower and sustainment policies required under the national defense strategy to support engagement in conflicts lasting longer than 120 days.

"(7) The anticipated roles and missions of the reserve components in the national defense strategy and the strength, capabilities, and equipment necessary to assure that the reserve components can capably discharge those roles and missions.

"(8) The appropriate ratio of combat forces to support forces (commonly referred to as the 'tooth-to-tail' ratio) under the national defense strategy, including, in particular, the appropriate number and size of headquarters units and Defense Agencies for that purpose.

"(9) The strategic and tactical air-lift, sea-lift, and ground transportation capabilities required to support the national defense strategy.

"(10) The forward presence, pre-positioning, and other anticipatory deployments necessary under the national defense strategy for conflict deterrence and adequate military response to anticipated conflicts.

"(11) The extent to which resources must be shifted among two or more theaters under the national defense strategy in the event of conflict in such theaters.

"(12) The advisability of revisions to the Unified Command Plan as a result of the national defense strategy.

"(13) The effect on force structure of the use by the armed forces of technologies anticipated to be available for the ensuing 20 years.

"(14) Any other matter the Secretary considers appropriate.

"(e) CJCS REVIEW.—Upon the completion of each review under subsection (a), the Chairman of the Joint Chiefs of Staff shall prepare and submit to the Secretary of Defense the Chairman's assessment of the review, including the Chairman's assessment of risk. The Chairman's assessment shall be submitted to the Secretary in time for the inclusion of the assessment in the report. The Secretary shall include the Chairman's assessment, together with the Secretary's comments, in the report in its entirety.".

(2) The table of sections at the beginning of chapter 2 of such title is amended by inserting after the item relating to section 117 the following new item:

"118. Quadrennial defense review.".

(b) DATE FOR SUBMISSION OF NATIONAL SECURITY STRATEGY.—Section 108(a) of the National Security Act of 1947 (50 U.S.C. 404a(a)) is amended by adding at the end the following new paragraph:

"(3) Not later than 150 days after the date on which a new President takes office, the President shall transmit to Congress a national security strategy report under this section. That report shall be in addition to the report for that year transmitted at the time specified in paragraph (2).". Deadline.

(c) SPECIFIED MATTER FOR NEXT QDR.—In the first quadrennial defense review conducted under section 118 of title 10, United States Code, as added by subsection (a), the Secretary shall include in the technologies considered for the purposes of paragraph (13) of subsection (d) of that section the following: precision guided munitions, stealth, night vision, digitization, and communications. 10 USC 118 note.

SEC. 902. MINIMUM INTERVAL FOR UPDATING AND REVISING DEPARTMENT OF DEFENSE STRATEGIC PLAN.

Section 306(b) of title 5, United States Code, is amended by striking ", and shall be updated and revised at least every three years." and inserting a period and the following: "The strategic plan shall be updated and revised at least every three years, except that the strategic plan for the Department of Defense shall be updated and revised at least every four years.".

Subtitle B—Department of Defense Organization

SEC. 911. RESPONSIBILITY FOR LOGISTICS AND SUSTAINMENT FUNCTIONS OF THE DEPARTMENT OF DEFENSE.

(a) UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY.—(1) The position of Under Secretary of Defense for Acquisition and Technology in the Department of Defense is hereby redesignated as the Under Secretary of Defense for Acquisition, Technology, and Logistics. Any reference in any law, regulation, document, or other record of the United States to the Under Secretary of Defense for Acquisition and Technology shall be treated as referring to the Under Secretary of Defense for Acquisition, Technology, and Logistics. 10 USC 133 note.

(2) Section 133 of title 10, United States Code, is amended—

(A) in subsections (a), (b), and (e)(1), by striking "Under Secretary of Defense for Acquisition and Technology" and

inserting "Under Secretary of Defense for Acquisition, Technology, and Logistics"; and

(B) in subsection (b)—

(i) by striking "logistics," in paragraph (2);

(ii) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(iii) by inserting after paragraph (2) the following new paragraph (3):

"(3) establishing policies for logistics, maintenance, and sustainment support for all elements of the Department of Defense;".

(b) NEW DEPUTY UNDER SECRETARY FOR LOGISTICS AND MATERIEL READINESS.—(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 133a the following new section:

"§ 133b. Deputy Under Secretary of Defense for Logistics and Materiel Readiness

"(a) There is a Deputy Under Secretary of Defense for Logistics and Materiel Readiness, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Deputy Under Secretary shall be appointed from among persons with an extensive background in the sustainment of major weapon systems and combat support equipment.

"(b) The Deputy Under Secretary is the principal adviser to the Secretary and the Under Secretary of Defense for Acquisition, Technology, and Logistics on logistics and materiel readiness in the Department of Defense and is the principal logistics official within the senior management of the Department of Defense.

"(c) The Deputy Under Secretary shall perform such duties relating to logistics and materiel readiness as the Under Secretary of Defense for Acquisition, Technology, and Logistics may assign, including—

"(1) prescribing, by authority of the Secretary of Defense, policies and procedures for the conduct of logistics, maintenance, materiel readiness, and sustainment support in the Department of Defense;

"(2) advising and assisting the Secretary of Defense, the Deputy Secretary of Defense, and the Under Secretary of Defense for Acquisition, Technology, and Logistics providing guidance to and consulting with the Secretaries of the military departments, with respect to logistics, maintenance, materiel readiness, and sustainment support in the Department of Defense; and

"(3) monitoring and reviewing all logistics, maintenance, materiel readiness, and sustainment support programs in the Department of Defense.".

(2) Section 5314 of title 5, United States Code, is amended by inserting after the paragraph relating to the Deputy Under Secretary of Defense for Acquisition and Technology the following new paragraph:

"Deputy Under Secretary of Defense for Logistics and Materiel Readiness.".

(c) REVISIONS TO LAW PROVIDING FOR DEPUTY UNDER SECRETARY FOR ACQUISITION AND TECHNOLOGY.—Section 133a(b) of title 10, United States Code, is amended—

(1) by striking "his duties" in the first sentence and inserting "the Under Secretary's duties relating to acquisition and technology"; and

(2) by striking the second sentence.

(d) CONFORMING AMENDMENTS TO CHAPTER 4.—Chapter 4 of such title is further amended as follows:

(1) Sections 131(b)(2), 134(c), 137(b), and 139(b) are amended by striking "Under Secretary of Defense for Acquisition and Technology" each place it appears and inserting "Under Secretary of Defense for Acquisition, Technology, and Logistics".

(2) The heading of section 133 is amended to read as follows:

"§ 133. Under Secretary of Defense for Acquisition, Technology, and Logistics".

(3) The table of sections at the beginning of the chapter is amended—

(A) by striking the item relating to section 133 and inserting the following:

"133. Under Secretary of Defense for Acquisition, Technology, and Logistics.";

and

(B) by inserting after the item relating to section 133a the following new item:

"133b. Deputy Under Secretary of Defense for Logistics and Materiel Readiness.".

(e) ADDITIONAL CONFORMING AMENDMENTS.—Section 5313 of title 5, United States Code, is amended by striking "Under Secretary of Defense for Acquisition and Technology" and inserting "Under Secretary of Defense for Acquisition, Technology, and Logistics".

SEC. 912. ENHANCEMENT OF TECHNOLOGY SECURITY PROGRAM OF DEPARTMENT OF DEFENSE.

(a) SPECIFICATION OF TECHNOLOGY SECURITY DIRECTORATE.—For purposes of this section, a reference to the Technology Security Directorate is a reference to the element within the Defense Threat Reduction Agency of the Department of Defense having responsibility for technology security matters (known as of the date of the enactment of this Act as the Technology Security Directorate).

(b) FUNCTIONS.—The head of the Technology Security Directorate shall have authority to advise the Secretary of Defense and the Deputy Secretary of Defense, through the Under Secretary of Defense for Policy, on policy issues related to the transfer of strategically sensitive technology, including issues relating to the following:

(1) Strategic trade.
(2) Defense cooperative programs.
(3) Science and technology agreements and exchanges.
(4) Export of munitions items.
(5) International memorandums of understanding.
(6) Foreign acquisitions.

(c) RESOURCES FOR TECHNOLOGY SECURITY DIRECTORATE.—The Secretary of Defense shall ensure that the head of the Technology Security Directorate has appropriate personnel and fiscal resources available, and receives all necessary support, to carry out the missions of the Directorate efficiently and effectively.

(d) APPROVAL AUTHORITY OF UNDER SECRETARY FOR POLICY.—Staff and resources of the Technology Security Directorate may not be used to fulfill any requirement or activity of the Defense Threat Reduction Agency that does not directly relate to the technology security and export control missions of the Technology Security Directorate except with the prior approval of the Under Secretary of Defense for Policy.

Deadline.

(e) REPORT ON EXPORT CONTROL RESOURCES.—Not later than March 1, 2000, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the personnel and budget resources of the Technology Security Directorate as of October 1, 1998, and as of September 30, 1999, as well as any planned increases in those resources for fiscal years 2000 and 2001. The report shall include the following:

(1) Numbers of personnel, measured in full-time equivalents.

(2) Number of license applications reviewed.

(3) The budget of the Technology Security Directorate.

(4) The number of personnel during the preceding fiscal year assigned to the Technology Security Directorate who were assigned during that year to assist in activities of the Defense Threat Reduction Agency unrelated to technology security or export control issues, together with an explanation of the effect of any such assignment on the Directorate's ability to fulfill its mission.

SEC. 913. EFFICIENT UTILIZATION OF DEFENSE LABORATORIES.

Deadlines.

(a) ANALYSIS BY INDEPENDENT PANEL.—(1) Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall convene a panel of independent experts under the auspices of the Defense Science Board to conduct an analysis of the resources and capabilities of all of the laboratories and test and evaluation facilities of the Department of Defense, including those of the military departments. In conducting the analysis, the panel shall identify opportunities to achieve efficiency and reduce duplication of efforts by consolidating responsibilities by area or function or by designating lead agencies or executive agents in cases considered appropriate. The panel shall report its findings to the Secretary of Defense and to Congress not later than August 1, 2000.

(2) The analysis required by paragraph (1) shall, at a minimum, address the capabilities of the laboratories and test and evaluation facilities in the areas of air vehicles, armaments, command, control, communications, and intelligence, space, directed energy, electronic warfare, medicine, corporate laboratories, civil engineering, geophysics, and the environment.

Deadline.
10 USC 2364 note.

(b) PERFORMANCE REVIEW PROCESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop an appropriate performance review process for rating the quality and relevance of work performed by the Department of Defense laboratories. The process shall include customer evaluation and peer review by Department of Defense personnel and appropriate experts from outside the Department of Defense. The process shall provide for rating all laboratories of the Army, Navy, and Air Force on a consistent basis.

SEC. 914. CENTER FOR THE STUDY OF CHINESE MILITARY AFFAIRS. 10 USC 2165 note.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Center for the Study of Chinese Military Affairs as part of the National Defense University. The Center shall be organized under the Institute for National Strategic Studies of the University.

(b) QUALIFICATIONS OF DIRECTOR.—The Director of the Center shall be an individual who is a distinguished scholar of proven academic, management, and leadership credentials with a superior record of achievement and publication regarding Chinese political, strategic, and military affairs.

(c) MISSION.—The mission of the Center is to study and inform policymakers in the Department of Defense, Congress, and throughout the Government regarding the national goals and strategic posture of the People's Republic of China and the ability of that nation to develop, field, and deploy an effective military instrument in support of its national strategic objectives. The Center shall accomplish that mission by a variety of means intended to widely disseminate the research findings of the Center.

(d) STARTUP OF CENTER.—The Secretary of Defense shall establish the Center for the Study of Chinese Military Affairs not later than March 1, 2000. The first Director of the Center shall be appointed not later than June 1, 2000. The Center should be fully operational not later than June 1, 2001. Deadlines.

(e) IMPLEMENTATION REPORT.—(1) Not later than January 1, 2001, the President of the National Defense University shall submit to the Secretary of Defense a report setting forth the President's organizational plan for the Center for the Study of Chinese Military Affairs, the proposed budget for the Center, and the timetable for initial and full operations of the Center. The President of the National Defense University shall prepare that report in consultation with the Director of the Center and the Director of the Institute for National Strategic Studies of the University. Deadlines.

(2) The Secretary of Defense shall transmit the report under paragraph (1), together with whatever comments the Secretary considers appropriate, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives not later than February 1, 2001.

SEC. 915. AUTHORITY FOR ACCEPTANCE BY ASIA-PACIFIC CENTER FOR SECURITY STUDIES OF FOREIGN GIFTS AND DONATIONS.

(a) IN GENERAL.—Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2611. Asia-Pacific Center for Security Studies: acceptance of foreign gifts and donations

"(a) AUTHORITY TO ACCEPT FOREIGN GIFTS AND DONATIONS.—(1) Subject to subsection (b), the Secretary of Defense may accept, on behalf of the Asia-Pacific Center, foreign gifts or donations in order to defray the costs of, or enhance the operation of, the Asia-Pacific Center.

"(2) In this section, the term 'Asia-Pacific Center' means the Department of Defense organization within the United States Pacific Command known as the Asia-Pacific Center for Security Studies.

"(b) LIMITATION.—The Secretary may not accept a gift or donation under subsection (a) if the acceptance of the gift or donation would compromise or appear to compromise—

"(1) the ability of the Department of Defense, any employee of the Department, or members of the armed forces to carry out any responsibility or duty of the Department in a fair and objective manner; or

"(2) the integrity of any program of the Department of Defense or of any person involved in such a program.

"(c) CRITERIA FOR ACCEPTANCE.—The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether the acceptance of a foreign gift or donation would have a result described in subsection (b).

"(d) CREDITING OF FUNDS.—Funds accepted by the Secretary under subsection (a) shall be credited to appropriations available to the Department of Defense for the Asia-Pacific Center. Funds so credited shall be merged with the appropriations to which credited and shall be available to the Asia-Pacific Center for the same purposes and same period as the appropriations with which merged.

"(e) NOTICE TO CONGRESS.—If the total amount of funds accepted under subsection (a) in any fiscal year exceeds $2,000,000, the Secretary shall notify Congress of the amount of those donations for that fiscal year. Any such notice shall list each of the contributors of such amounts and the amount of each contribution in that fiscal year.

"(f) FOREIGN GIFT OR DONATION DEFINED.—For purposes of this section, a foreign gift or donation is a gift or donation of funds, materials (including research materials), property, or services (including lecture services and faculty services) from a foreign government, a foundation or other charitable organization in a foreign country, or an individual in a foreign country.".

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

"2611. Asia-Pacific Center for Security Studies: acceptance of foreign gifts and donations.".

Subtitle C—Personnel Management

SEC. 921. REVISIONS TO LIMITATIONS ON NUMBER OF PERSONNEL ASSIGNED TO MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES.

(a) REVISED LIMITATION.—(1) Section 130a of title 10, United States Code, is amended to read as follows:

"§ 130a. Major Department of Defense headquarters activities personnel: limitation

Deadline.

"(a) LIMITATION.—Effective October 1, 2002, the number of major headquarters activities personnel in the Department of Defense may not exceed 85 percent of the baseline number.

"(b) PHASED REDUCTION.—The number of major headquarters activities personnel in the Department of Defense—

"(1) as of October 1, 2000, may not exceed 95 percent of the baseline number; and

"(2) as of October 1, 2001, may not exceed 90 percent of the baseline number.

"(c) BASELINE NUMBER.—In this section, the term 'baseline number' means the number of major headquarters activities personnel in the Department of Defense as of October 1, 1999.

"(d) MAJOR HEADQUARTERS ACTIVITIES.—(1) For purposes of this section, major headquarters activities are those headquarters (and the direct support integral to their operation) the primary mission of which is to manage or command the programs and operations of the Department of Defense, the Department of Defense components, and their major military units, organizations, or agencies. Such term includes management headquarters, combatant headquarters, and direct support.

"(2) The specific elements of the Department of Defense that are major headquarters activities for the purposes of this section are those elements identified as Major DoD Headquarters Activities in accordance with Department of Defense Directive 5100.73, entitled 'Major Department of Defense Headquarters Activities', issued on May 13, 1999. The provisions of that directive applicable to identification of any activity as a 'Major DoD Headquarters Activity' may not be changed except as provided by law.

"(e) MAJOR HEADQUARTERS ACTIVITIES PERSONNEL.—In this section, the term 'major headquarters activities personnel' means military and civilian personnel of the Department of Defense who are assigned to, or employed in, functions in major headquarters activities.

"(f) LIMITATION ON REASSIGNMENT OF FUNCTIONS.—In carrying out reductions in the number of personnel assigned to, or employed in, major headquarters activities in order to comply with this section, the Secretary of Defense and the Secretaries of the military departments may not reassign functions in order to evade the requirements of this section.".

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

"130a. Major Department of Defense headquarters activities personnel: limitation.".

(b) REPORT.—Not later than October 1, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report providing— Deadline.

(1) the Secretary's assessment of the manner in which major headquarters activities are specified in subsection (d) of section 130a of title 10, United States Code, as amended by subsection (a);

(2) the baseline number in effect for purposes of that section; and

(3) the effect (if any) of the reductions required by that section on the Department's various headquarters activities.

(c) TECHNICAL AMENDMENTS TO UPDATE LIMITATION ON OSD PERSONNEL.—Effective October 1, 1999, section 143 of title 10, United States Code, is amended— Effective date.

(1) in subsection (a)—

(A) by striking "Effective October 1, 1999, the" and inserting "The"; and

(B) by striking "75 percent of the baseline number" and inserting "3,767".

(2) by striking subsections (b), (c), and (f); and

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

SEC. 922. DEFENSE ACQUISITION WORKFORCE REDUCTIONS.

(a) REDUCTION.—The Secretary of Defense shall implement reductions during fiscal year 2000 in the defense acquisition and support workforce in a number not less than the number by which that workforce is programmed to be reduced during that fiscal year in the President's budget for that fiscal year.

(b) ADMINISTRATIVE FLEXIBILITY.—If the Secretary determines and certifies to Congress that changed circumstances require, in the national security interest of the United States, that the reduction under subsection (a) be in a number less than the number applicable under that subsection, the Secretary may specify a lower number for that reduction, which may not be less than 10 percent less than the number applicable under subsection (a).

Deadline.

(c) REPORT.—Not later than May 1, 2000, the Secretary shall submit to Congress a report on the defense acquisition and support workforce. The Secretary shall include in that report—

(1) the total number of personnel the Secretary expects to reduce from the defense acquisition and support workforce during fiscal year 2000 pursuant to subsection (a); and

(2) the total number by which that workforce is programmed to be reduced for fiscal year 2001 in the President's budget for that fiscal year.

(d) DEFENSE ACQUISITION WORKFORCE DEFINED.—For purposes of this section, the term "defense acquisition and support workforce" has the meaning given that term in section 931(d) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2106).

SEC. 923. MONITORING AND REPORTING REQUIREMENTS REGARDING OPERATIONS TEMPO AND PERSONNEL TEMPO.

(a) RESPONSIBILITY OVER MONITORING AND STANDARDS.—Section 136 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) The Under Secretary of Defense for Personnel and Readiness is responsible, subject to the authority, direction, and control of the Secretary of Defense, for the monitoring of the operations tempo and personnel tempo of the armed forces. The Under Secretary shall establish, to the extent practicable, uniform standards within the Department of Defense for terminology and policies relating to deployment of units and personnel away from their assigned duty stations (including the length of time units or personnel may be away for such a deployment) and shall establish uniform reporting systems for tracking deployments.".

(b) ANNUAL REPORTING REQUIREMENTS.—(1) Chapter 23 of such title is amended by adding after section 486, as added by section 241(a), the following new section:

"§ 487. Unit operations tempo and personnel tempo: annual report

"(a) INCLUSION IN ANNUAL REPORT.—The Secretary of Defense shall include in the annual report required by section 113(c) of this title a description of the operations tempo and personnel tempo of the armed forces.

"(b) SPECIFIC REQUIREMENTS.—(1) Until such time as the Secretary of Defense develops a common method to measure operations

tempo and personnel tempo for the armed forces, the description required under subsection (a) shall include the methods by which each of the armed forces measures operations tempo and personnel tempo.

"(2) The description shall include the personnel tempo policies of each of the armed forces and any changes to these policies since the preceding report.

"(3) The description shall include a table depicting the active duty end strength for each of the armed forces for each of the preceding five years and also depicting the number of members of each of the armed forces deployed over the same period, as determined by the Secretary concerned.

"(4) The description shall identify the active and reserve component units of the armed forces participating at the battalion, squadron, or an equivalent level (or a higher level) in contingency operations, major training events, and other exercises and contingencies of such a scale that the exercises and contingencies receive an official designation, that were conducted during the period covered by the report and the duration of their participation.

"(5) For each of the armed forces, the description shall indicate the average number of days a member of that armed force was deployed away from the member's home station during the period covered by the report as compared to recent previous years for which such information is available.

"(6) For each of the armed forces, the description shall indicate the number of days that high demand, low density units (as defined by the Chairman of the Joint Chiefs of Staff) were deployed during the period covered by the report, and whether these units met the force goals for limiting deployments, as described in the personnel tempo policies applicable to that armed force.

"(c) OPERATIONS TEMPO AND PERSONNEL TEMPO DEFINED.—Until such time as the Secretary of Defense establishes definitions of operations tempo and personnel tempo applicable to all of the armed forces, the following definitions shall apply for purposes of the preparation of the description required under subsection (a):

"(1) The term 'operations tempo' means the rate at which units of the armed forces are involved in all military activities, including contingency operations, exercises, and training deployments.

"(2) The term 'personnel tempo' means the amount of time members of the armed forces are engaged in their official duties, including official duties at a location or under circumstances that make it infeasible for a member to spend off-duty time in the housing in which the member resides when on garrison duty at the member's permanent duty station.

"(d) OTHER DEFINITIONS.—In this section, the term 'armed forces' does not include the Coast Guard when it is not operating as a service in the Department of the Navy.".

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 486, as added by section 241(a), the following new item:

"487. Unit operations tempo and personnel tempo: annual report.".

10 USC 113 note.

SEC. 924. ADMINISTRATION OF DEFENSE REFORM INITIATIVE ENTERPRISE PROGRAM FOR MILITARY MANPOWER AND PERSONNEL INFORMATION.

(a) EXECUTIVE AGENT.—The Secretary of Defense may designate the Secretary of the Navy as the Department of Defense executive agent for carrying out the pilot program described in subsection (c).

(b) IMPLEMENTING OFFICE.—If the Secretary of Defense makes the designation referred to in subsection (a), the Secretary of the Navy, in carrying out that pilot program, shall act through the head of the Systems Executive Office for Manpower and Personnel of the Department of the Navy, who shall act in coordination with the Under Secretary of Defense for Personnel and Readiness and the Chief Information Officer of the Department of Defense.

(c) PILOT PROGRAM.—The pilot program referred to in subsection (a) is the defense reform initiative enterprise pilot program for military manpower and personnel information established pursuant to section 8147 of the Department of Defense Appropriations Act, 1999 (Public Law 105–262; 112 Stat. 2341; 10 U.S.C. 113 note).

SEC. 925. PAYMENT OF TUITION FOR EDUCATION AND TRAINING OF MEMBERS IN DEFENSE ACQUISITION WORKFORCE.

(a) AUTHORITY TO EXCEED 75 PERCENT LIMITATION.—Subsection (a) of section 1745 of title 10, United States Code, is amended to read as follows:

"(a) TUITION REIMBURSEMENT AND TRAINING.—(1) The Secretary of Defense shall provide for tuition reimbursement and training (including a full-time course of study leading to a degree) for acquisition personnel in the Department of Defense.

"(2) For civilian personnel, the reimbursement and training shall be provided under section 4107(b) of title 5 for the purposes described in that section. For purposes of such section 4107(b), there is deemed to be, until September 30, 2001, a shortage of qualified personnel to serve in acquisition positions in the Department of Defense.

"(3) In the case of members of the armed forces, the limitation in section 2007(a) of this title shall not apply to tuition reimbursement and training provided for under this subsection.".

10 USC 1745 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to charges for tuition or expenses incurred after the date of the enactment of this Act.

Subtitle D—Other Matters

SEC. 931. ADDITIONAL MATTERS FOR ANNUAL REPORTS ON JOINT WARFIGHTING EXPERIMENTATION.

Section 485(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) With respect to improving the effectiveness of joint warfighting, any recommendations that the commander considers appropriate, based on the results of joint warfighting experimentation, regarding—

"(A) the development, procurement, or fielding of advanced technologies, systems, or weapons or systems

platforms or other changes in doctrine, operational concepts, organization, training, materiel, leadership, personnel, or the allocation of resources;

"(B) the reduction or elimination of redundant equipment and forces, including guidance regarding the synchronization of the fielding of advanced technologies among the armed forces to enable the development and execution of joint operational concepts;

"(C) recommendations for mission needs statements, operational requirements, and relative priorities for acquisition programs to meet joint requirements; and

"(D) a description of any actions taken by the Secretary of Defense to implement the recommendations of the commander.".

SEC. 932. OVERSIGHT OF DEPARTMENT OF DEFENSE ACTIVITIES TO COMBAT TERRORISM.

(a) REPORT REQUIREMENT.—Not later than December 31, 1999, the Secretary of Defense shall submit to the congressional defense committees a report, in classified and unclassified form, identifying all programs and activities of the Department of Defense combating terrorism program. The report shall include— Deadline.

(1) the definitions used by the Department of Defense for all terms relating to combating terrorism, including "counterterrorism", "anti-terrorism", and "consequence management"; and

(2) the various initiatives and projects being conducted by the Department that fall under each of the categories referred to in paragraph (1).

(b) ANNUAL BUDGET INFORMATION.—(1) Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 229. Programs for combating terrorism: display of budget information

"(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS.—The Secretary of Defense shall submit to Congress, as a part of the documentation that supports the President's annual budget for the Department of Defense, a consolidated budget justification display, in classified and unclassified form, that includes all programs and activities of the Department of Defense combating terrorism program.

"(b) REQUIREMENTS FOR BUDGET DISPLAY.—The budget display under subsection (a) shall include—

"(1) the amount requested, by appropriation and functional area, for each of the program elements, projects, and initiatives that support the Department of Defense combating terrorism program, with supporting narrative descriptions and rationale for the funding levels requested; and

"(2) a summary, to the program element and project level of detail, of estimated expenditures for the current year, funds requested for the budget year, and budget estimates through the completion of the current future-years defense plan for the Department of Defense combating terrorism program.

"(c) EXPLANATION OF INCONSISTENCIES.—As part of the budget display under subsection (a) for any fiscal year, the Secretary shall identify and explain—

"(1) any inconsistencies between (A) the information submitted under subsection (b) for that fiscal year, and (B) the information provided to the Director of the Office of Management and Budget in support of the annual report of the President to Congress on funding for executive branch counterterrorism and antiterrorism programs and activities for that fiscal year in accordance with section 1051(b) of the National Defense Authorization Act for Fiscal Year 1998 (31 U.S.C. 1113 note); and

"(2) any inconsistencies between (A) the execution, during the previous fiscal year and the current fiscal year, of programs and activities of the Department of Defense combating terrorism program, and (B) the funding and specification for such programs and activities for those fiscal years in the manner provided by Congress (both in statutes and in relevant legislative history).

"(d) SEMIANNUAL REPORTS ON OBLIGATIONS AND EXPENDITURES.—The Secretary shall submit to the congressional defense committees a semiannual report on the obligation and expenditure of funds for the Department of Defense combating terrorism program. Such reports shall be submitted not later than April 15 each year, with respect to the first half of a fiscal year, and not later than November 15 each year, with respect to the second half of a fiscal year. Each such report shall compare the amounts of those obligations and expenditures to the amounts authorized and appropriated for the Department of Defense combating terrorism program for that fiscal year, by budget activity, sub-budget activity, and program element or line item. The second report for a fiscal year shall show such information for the second half of the fiscal year and cumulatively for the whole fiscal year. The report shall be submitted in unclassified form, but may have a classified annex.

"(e) DEPARTMENT OF DEFENSE COMBATING TERRORISM PROGRAM.—In this section, the term 'Department of Defense combating terrorism program' means the programs, projects, and activities of the Department of Defense related to combating terrorism inside and outside the United States.

"(f) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this section, the term 'congressional defense committees' means—

"(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

"(B) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.".

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

"229. Programs for combating terrorism: display of budget information.".

SEC. 933. RESPONSIBILITIES AND ACCOUNTABILITY FOR CERTAIN FINANCIAL MANAGEMENT FUNCTIONS.

(a) IN GENERAL.—(1) Chapter 165 of title 10, United States Code, is amended by adding at the end the following new sections:

"§ 2784. Management of credit cards

Regulations.

"(a) MANAGEMENT OF CREDIT CARDS.—The Secretary of Defense, acting through the Under Secretary of Defense (Comptroller), shall prescribe regulations governing the use and control

of all credit cards and convenience checks that are issued to Department of Defense personnel for official use. Those regulations shall be consistent with regulations that apply Government-wide regarding use of credit cards by Government personnel for official purposes.

"(b) REQUIRED SAFEGUARDS AND INTERNAL CONTROLS.—Regulations under subsection (a) shall include safeguards and internal controls to ensure the following:

"(1) That there is a record in the Department of Defense of each holder of a credit card issued by the Department of Defense for official use, annotated with the limitations on amounts that are applicable to the use of each such card by that credit card holder.

"(2) That the holder of a credit card and each official with authority to authorize expenditures charged to the credit card are responsible for—

"(A) reconciling the charges appearing on each statement of account for that credit card with receipts and other supporting documentation; and

"(B) forwarding that statement after being so reconciled to the designated disbursing office in a timely manner.

"(3) That any disputed credit card charge, and any discrepancy between a receipt and other supporting documentation and the credit card statement of account, is resolved in the manner prescribed in the applicable Government-wide credit card contract entered into by the Administrator of General Services.

"(4) That payments on credit card accounts are made promptly within prescribed deadlines to avoid interest penalties.

"(5) That rebates and refunds based on prompt payment on credit card accounts are properly recorded.

"(6) That records of each credit card transaction (including records on associated contracts, reports, accounts, and invoices) are retained in accordance with standard Government policies on the disposition of records.

"§ 2785. Remittance addresses: regulation of alterations

"The Secretary of Defense, acting through the Under Secretary of Defense (Comptroller), shall prescribe regulations setting forth controls on alteration of remittance addresses. Those regulations shall ensure that—

"(1) a remittance address for a disbursement that is provided by an officer or employee of the Department of Defense authorizing or requesting the disbursement is not altered by any officer or employee of the department authorized to prepare the disbursement; and

"(2) a remittance address for a disbursement is altered only if the alteration—

"(A) is requested by the person to whom the disbursement is authorized to be remitted; and

"(B) is made by an officer or employee authorized to do so who is not an officer or employee referred to in paragraph (1).".

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

"2784. Management of credit cards.
"2785. Remittance addresses: regulation of alterations.".

10 USC 2784 note.

(b) EFFECTIVE DATE.—(1) Regulations under section 2784 of title 10, United States Code, as added by subsection (a), shall be prescribed not later than 180 days after the date of the enactment of this Act.

10 USC 2785 note.

(2) Regulations under section 2785 of title 10, United States Code, as added by subsection (a), shall be prescribed not later than 180 days after the date of the enactment of this Act.

SEC. 934. MANAGEMENT OF CIVIL AIR PATROL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that no major change to the governance structure of the Civil Air Patrol should be mandated by Congress until a review of potential improvements in the management and oversight of Civil Air Patrol operations is conducted.

(b) GAO STUDY.—The Comptroller General shall conduct a study of potential improvements to Civil Air Patrol operations, including Civil Air Patrol financial management, Air Force and Civil Air Patrol oversight, and the Civil Air Patrol safety program.

Deadline.

Not later than February 15, 2000, the Comptroller General shall submit a report on the results of the study to the congressional defense committees.

(c) INSPECTOR GENERAL REVIEW.—(1) The Inspector General of the Department of Defense shall review the financial and management operations of the Civil Air Patrol. The review shall include an audit.

Deadline.

(2) Not later than February 15, 2000, the Inspector General shall submit to the congressional defense committees a report on the review, including, specifically, the results of the audit. The report shall include any recommendations that the Inspector General considers appropriate regarding actions necessary to ensure the proper oversight of the financial and management operations of the Civil Air Patrol.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. Incorporation of classified annex.
Sec. 1003. Authorization of emergency supplemental appropriations for fiscal year 1999.
Sec. 1004. Supplemental appropriations request for operations in Yugoslavia.
Sec. 1005. United States contribution to NATO common-funded budgets in fiscal year 2000.
Sec. 1006. Limitation on funds for Bosnia peacekeeping operations for fiscal year 2000.
Sec. 1007. Second biennial financial management improvement plan.
Sec. 1008. Waiver authority for requirement that electronic transfer of funds be used for Department of Defense payments.
Sec. 1009. Single payment date for invoice for various subsistence items.
Sec. 1010. Payment of foreign licensing fees out of proceeds of sale of maps, charts, and navigational books.

Subtitle B—Naval Vessels and Shipyards

Sec. 1011. Revision to congressional notice-and-wait period required before transfer of a vessel stricken from the Naval Vessel Register.
Sec. 1012. Authority to consent to retransfer of former naval vessel.

Sec. 1013. Report on naval vessel force structure requirements.
Sec. 1014. Auxiliary vessels acquisition program for the Department of Defense.
Sec. 1015. National Defense Features program.
Sec. 1016. Sales of naval shipyard articles and services to nuclear ship contractors.
Sec. 1017. Transfer of naval vessel to foreign country.
Sec. 1018. Authority to transfer naval vessels to certain foreign countries.

Subtitle C—Support for Civilian Law Enforcement and Counter Drug Activities

Sec. 1021. Modification of limitation on funding assistance for procurement of equipment for the National Guard for drug interdiction and counter-drug activities.
Sec. 1022. Temporary extension to certain naval aircraft of Coast Guard authority for drug interdiction activities.
Sec. 1023. Military assistance to civil authorities to respond to act or threat of terrorism.
Sec. 1024. Condition on development of forward operating locations for United States Southern Command counter-drug detection and monitoring flights.
Sec. 1025. Annual report on United States military activities in Colombia.
Sec. 1026. Report on use of radar systems for counter-drug detection and monitoring.
Sec. 1027. Plan regarding assignment of military personnel to assist Immigration and Naturalization Service and Customs Service.

Subtitle D—Miscellaneous Report Requirements and Repeals

Sec. 1031. Preservation of certain defense reporting requirements.
Sec. 1032. Repeal of certain reporting requirements not preserved.
Sec. 1033. Reports on risks under National Military Strategy and combatant command requirements.
Sec. 1034. Report on lift and prepositioned support requirements to support National Military Strategy.
Sec. 1035. Report on assessments of readiness to execute the National Military Strategy.
Sec. 1036. Report on Rapid Assessment and Initial Detection teams.
Sec. 1037. Report on unit readiness of units considered to be assets of Consequence Management Program Integration Office.
Sec. 1038. Analysis of relationship between threats and budget submission for fiscal year 2001.
Sec. 1039. Report on NATO Defense Capabilities Initiative.
Sec. 1040. Report on motor vehicle violations by operators of official Army vehicles.

Subtitle E—Information Security

Sec. 1041. Identification in budget materials of amounts for declassification activities and limitation on expenditures for such activities.
Sec. 1042. Notice to congressional committees of certain security and counterintelligence failures within defense programs.
Sec. 1043. Information Assurance Initiative.
Sec. 1044. Nondisclosure of information on personnel of overseas, sensitive, or routinely deployable units.
Sec. 1045. Nondisclosure of certain operational files of the National Imagery and Mapping Agency.

Subtitle F—Memorial Objects and Commemorations

Sec. 1051. Moratorium on the return of veterans memorial objects to foreign nations without specific authorization in law.
Sec. 1052. Program to commemorate 50th anniversary of the Korean War.
Sec. 1053. Commemoration of the victory of freedom in the Cold War.

Subtitle G—Other Matters

Sec. 1061. Defense Science Board task force on use of television and radio as a propaganda instrument in time of military conflict.
Sec. 1062. Assessment of electromagnetic spectrum reallocation.
Sec. 1063. Extension and reauthorization of Defense Production Act of 1950.
Sec. 1064. Performance of threat and risk assessments.
Sec. 1065. Chemical agents used for defensive training.
Sec. 1066. Technical and clerical amendments.
Sec. 1067. Amendments to reflect name change of Committee on National Security of the House of Representatives to Committee on Armed Services.

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2000 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

10 USC 114 note.

SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the committee of conference to accompany the conference report on the bill S. 1059 of the One Hundred Sixth Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1003. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1999.

(a) ADJUSTMENT OF FISCAL YEAR 1999 AUTHORIZATIONS TO REFLECT SUPPLEMENTAL APPROPRIATIONS.—Subject to subsection (b), amounts authorized to be appropriated to the Department of Defense for fiscal year 1999 in the Strom Thurmond National

Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31).

(b) LIMITATION.—(1) In the case of a pending defense contingent emergency supplemental appropriation, an adjustment may be made under subsection (a) in the amount of an authorization of appropriations by reason of that supplemental appropriation only if, and to the extent that, the President transmits to Congress an official amended budget request for that appropriation that designates the entire amount requested as an emergency requirement for the specific purpose identified in the 1999 Emergency Supplemental Appropriations Act as the purpose for which the supplemental appropriation was made.

(2) For purposes of this subsection, the term "pending defense contingent emergency supplemental appropriation" means a contingent emergency supplemental appropriation for the Department of Defense contained in the 1999 Emergency Supplemental Appropriations Act for which an official budget request that includes designation of the entire amount of the request as an emergency requirement has not been transmitted to Congress as of the date of the enactment of this Act.

(3) For purposes of this subsection, the term "contingent emergency supplemental appropriation" means a supplemental appropriation that—

(A) is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985; and

(B) by law is available only to the extent that the President transmits to the Congress an official budget request for that appropriation that includes designation of the entire amount of the request as an emergency requirement.

SEC. 1004. SUPPLEMENTAL APPROPRIATIONS REQUEST FOR OPERATIONS IN YUGOSLAVIA.

If the President determines that it is in the national security interest of the United States to conduct combat or peacekeeping operations in the Federal Republic of Yugoslavia during fiscal year 2000, the President shall transmit to the Congress a supplemental appropriations request for the Department of Defense for such amounts as are necessary for the costs of any such operation.

SEC. 1005. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2000.

(a) FISCAL YEAR 2000 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2000 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 1999, of funds appropriated for fiscal years before fiscal year 2000 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $750,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $216,400,000 for the Military Budget.

(d) DEFINITIONS.—For purposes of this section:

(1) COMMON-FUNDED BUDGETS OF NATO.—The term "common-funded budgets of NATO" means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term "fiscal year 1998 baseline limitation" means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

SEC. 1006. LIMITATION ON FUNDS FOR BOSNIA PEACEKEEPING OPERATIONS FOR FISCAL YEAR 2000.

(a) LIMITATION.—(1) Of the amounts authorized to be appropriated by section 301(24) of this Act for the Overseas Contingency Operations Transfer Fund, no more than $1,824,400,000 may be obligated for incremental costs of the Armed Forces for Bosnia peacekeeping operations.

(2) The President may waive the limitation in paragraph (1) after submitting to Congress the following:

(A) The President's written certification that the waiver is necessary in the national security interests of the United States.

(B) The President's written certification that exercising the waiver will not adversely affect the readiness of United States military forces.

(C) A report setting forth the following:

(i) The reasons that the waiver is necessary in the national security interests of the United States.

(ii) The specific reasons that additional funding is required for the continued presence of United States military forces participating in, or supporting, Bosnia peacekeeping operations for fiscal year 2000.

(iii) A discussion of the impact on the military readiness of United States Armed Forces of the continuing deployment of United States military forces participating in, or supporting, Bosnia peacekeeping operations.

(D) A supplemental appropriations request for the Department of Defense for such amounts as are necessary for the additional fiscal year 2000 costs associated with United States

military forces participating in, or supporting, Bosnia peacekeeping operations.

(b) BOSNIA PEACEKEEPING OPERATIONS DEFINED.—For the purposes of this section, the term "Bosnia peacekeeping operations" has the meaning given such term in section 1004(e) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2112).

SEC. 1007. SECOND BIENNIAL FINANCIAL MANAGEMENT IMPROVEMENT PLAN.

10 USC 2222 note.

(a) ADDITIONAL MATTERS REQUIRED.—The Secretary of Defense shall include in the second biennial financial management improvement plan submitted to Congress under section 2222 of title 10, United States Code (required to be submitted not later than September 30, 2000), the matters specified in subsections (b) through (f), in addition to the matters otherwise required under that section.

(b) SYSTEMS INVENTORY.—The plan referred to in subsection (a) shall include an inventory of the finance systems, accounting systems, and data feeder systems of the Department of Defense referred to in section 2222(c) of title 10, United States Code, and, for each of those systems, the following:

(1) A statement regarding whether the system complies with the requirements applicable to that system under sections 3512, 3515, and 3521 of title 31, United States Code.

(2) A statement regarding whether the system is to be retained, consolidated, or eliminated.

(3) A detailed plan of the actions that are being taken or are to be taken within the Department of Defense (including provisions for schedule, performance objectives, interim milestones, and necessary resources)—

(A) to ensure easy and reliable interfacing of the system (or a consolidated or successor system) with the Department's core finance and accounting systems and with other data feeder systems; and

(B) to institute appropriate internal controls that, among other benefits, ensure the integrity of the data in the system (or a consolidated or successor system).

(4) For each system that is to be consolidated or eliminated, a detailed plan of the actions that are being taken or are to be taken (including provisions for schedule and interim milestones) in carrying out the consolidation or elimination, including a discussion of both the interim or migratory systems and any further consolidation that may be involved.

(5) A list of the officials in the Department of Defense who are responsible for ensuring that actions referred to in paragraphs (3) and (4) are taken in a timely manner.

(c) MAJOR PROCUREMENT ACTIONS.—The plan referred to in subsection (a) shall include a description of each major procurement action that is being taken within the Department of Defense to replace or improve a finance and accounting system or a data feeder system shown in the inventory under subsection (a) and, for each such procurement action, the measures that are being taken or are to be taken to ensure that the new or enhanced system—

(1) provides easy and reliable interfacing of the system with the core finance and accounting systems of the department and with other data feeder systems; and

(2) includes appropriate internal controls that, among other benefits, ensure the integrity of the data in the system.

(d) FINANCIAL MANAGEMENT COMPETENCY PLAN.—The plan referred to in subsection (a) shall include a financial management competency plan that includes performance objectives, milestones (including interim objectives), responsible officials, and the necessary resources to accomplish the performance objectives, together with the following:

(1) A description of the actions necessary to ensure that the person in each comptroller position (or comparable position) in the Department of Defense (whether a member of the Armed Forces or a civilian employee) has the education, technical competence, and experience to perform in accordance with the core competencies necessary for financial management.

(2) A description of the education that is necessary for a financial manager in a senior grade to be knowledgeable in—

(A) applicable laws and administrative and regulatory requirements, including the requirements and procedures relating to Government performance and results under sections 1105(a)(28), 1115, 1116, 1117, 1118, and 1119 of title 31, United States Code;

(B) the strategic planning process and how the process relates to resource management;

(C) budget operations and analysis systems;

(D) management analysis functions and evaluation; and

(E) the principles, methods, techniques, and systems of financial management.

(3) The advantages and disadvantages of establishing and operating a consolidated Department of Defense school that instructs in the principles referred to in paragraph (2)(E).

(4) The applicable requirements for formal civilian education.

(e) IMPROVEMENTS TO DFAS, ETC.—The plan referred to in subsection (a) shall include a detailed plan (including performance objectives and milestones and standards for measuring progress toward attainment of the objectives) for the following:

(1) Improving the internal controls and internal review processes of the Defense Finance and Accounting Service to provide reasonable assurances that—

(A) obligations and costs are in compliance with applicable laws;

(B) funds, property, and other assets are safeguarded against waste, loss, unauthorized use, and misappropriation;

(C) revenues and expenditures applicable to agency operations are properly recorded and accounted for so as to permit the preparation of accounts and reliable financial and statistical reports and to maintain accountability over assets;

(D) obligations and expenditures are recorded contemporaneously with each transaction;

(E) organizational and functional duties are performed separately at each step in the cycles of transactions (including, in the case of a contract, the specification of

requirements, the formation of the contract, the certification of contract performance, receiving and warehousing, accounting, and disbursing); and

(F) use of progress payment allocation systems results in posting of payments to appropriation accounts consistent with section 1301 of title 31, United States Code.

(2) Ensuring that the Defense Finance and Accounting Service has—

(A) a single standard transaction general ledger that, at a minimum, uses double-entry bookkeeping and complies with the United States Government Standard General Ledger at the transaction level as required under section 803(a) of the Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note);

(B) an integrated data base for finance and accounting functions; and

(C) automated cost, performance, and other output measures.

(3) Providing a single, consistent set of policies and procedures for financial transactions throughout the Department of Defense.

(4) Ensuring compliance with applicable policies and procedures for financial transactions throughout the Department of Defense.

(5) Reviewing safeguards for preservation of assets and verifying the existence of assets.

(f) INTERNAL CONTROLS CHECKLIST.—The plan referred to in subsection (a) shall include an internal controls checklist, to be prescribed by the Under Secretary of Defense (Comptroller), which shall provide standards for use throughout the Department of Defense, together with a statement of the Department of Defense policy on use of the checklist throughout the Department.

(g) SAFEGUARDING SENSITIVE INFORMATION.—To the extent necessary to protect sensitive information, the Secretary of Defense may provide information required by subsections (b) and (c) in an annex that is available to Congress, but need not be made public.

SEC. 1008. WAIVER AUTHORITY FOR REQUIREMENT THAT ELECTRONIC TRANSFER OF FUNDS BE USED FOR DEPARTMENT OF DEFENSE PAYMENTS.

(a) AUTHORITY.—(1) Chapter 165 of title 10, United States Code, is amended by adding after section 2785, as added by section 933(a), the following new section:

"§ 2786. Department of Defense payments by electronic transfers of funds: exercise of authority for waivers

"With respect to any Federal payment of funds covered by section 3332(f) of title 31 (relating to electronic funds transfers) for which payment is made or authorized by the Department of Defense, the waiver authority provided in paragraph (2)(A)(i) of that section shall be exercised by the Secretary of Defense. The Secretary of Defense shall carry out the authority provided under the preceding sentence in consultation with the Secretary of the Treasury.".

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2785, as added by section 933(a), the following new item:

"2786. Department of Defense payments by electronic transfers of funds: exercise of authority for waivers.".

10 USC 2786 note.

(3) Any waiver in effect on the date of the enactment of this Act under paragraph (2)(A)(i) of section 3332(f) of title 31, United States Code, shall remain in effect until otherwise provided by the Secretary of Defense under section 2786 of title 10, United States Code, as added by paragraph (1).

(b) STUDY AND REPORT ON DOD ELECTRONIC FUNDS TRANSFERS.—(1) The Secretary of Defense shall conduct a study to determine the following:

(A) Whether it would be feasibile for all electronic payments made by the Department of Defense to be routed through the Regional Finance Centers of the Department of the Treasury for verification and reconciliation.

(B) Whether it would be feasibile for all electronic payments made by the Department of Defense to be subjected to the same level of reconciliation as United States Treasury checks, including the matching of each payment issued with each corresponding deposit at financial institutions.

(C) Whether the appropriate computer security controls are in place in order to ensure the integrity of electronic payments made by the Department of Defense.

(D) The estimated costs of implementing—

(i) the routing of electronic payments as described in subparagraph (A);

(ii) the reconciliation of electronic payments as described in subparagraph (B); and

(iii) security controls as described in subparagraph (C).

(E) The period that would be required to implement each of the matters referred to in subparagraph (D).

Deadline.

(2) Not later than March 1, 2000, the Secretary of Defense shall submit to Congress a report containing the results of the study required by paragraph (1).

(3) In this subsection, the term "electronic payment" has the meaning given the term "electronic funds transfer" in section 3332(j)(1) of title 31, United States Code.

SEC. 1009. SINGLE PAYMENT DATE FOR INVOICE FOR VARIOUS SUBSISTENCE ITEMS.

Section 3903 of title 31, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

"(c) A contract for the procurement of subsistence items that is entered into under the prime vendor program of the Defense Logistics Agency may specify for the purposes of section 3902 of this title a single required payment date that is to be applicable to an invoice for subsistence items furnished under the contract when more than one payment due date would otherwise be applicable to the invoice under the regulations prescribed under paragraphs (2), (3), and (4) of subsection (a) or under any other provisions of law. The required payment date specified in the contract shall be consistent with prevailing industry practices for the

subsistence items, but may not be more than 10 days after the date of receipt of the invoice or the certified date of receipt of the items. The Director of the Office of Management and Budget shall provide in the regulations under subsection (a) that when a required payment date is so specified for an invoice, no other payment due date applies to the invoice.".

SEC. 1010. PAYMENT OF FOREIGN LICENSING FEES OUT OF PROCEEDS OF SALE OF MAPS, CHARTS, AND NAVIGATIONAL BOOKS.

(a) IN GENERAL.—Section 453 of title 10, United States Code, is amended to read as follows:

"§ 453. Sale of maps, charts, and navigational publications: prices; use of proceeds

"(a) PRICES.—All maps, charts, and other publications offered for sale by the National Imagery and Mapping Agency shall be sold at prices and under regulations that may be prescribed by the Secretary of Defense.

"(b) USE OF PROCEEDS TO PAY FOREIGN LICENSING FEES.—(1) The Secretary of Defense may pay any NIMA foreign data acquisition fee out of the proceeds of the sale of maps, charts, and other publications of the Agency, and those proceeds are hereby made available for that purpose.

"(2) In this subsection, the term 'NIMA foreign data acquisition fee' means any licensing or other fee imposed by a foreign country or international organization for the acquisition or use of data or products by the National Imagery and Mapping Agency.".

(b) CLERICAL AMENDMENT.—The item relating to section 453 in the table of sections at the beginning of subchapter II of chapter 22 of such title is amended to read as follows:

"453. Sale of maps, charts, and navigational publications: prices; use of proceeds.".

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. REVISION TO CONGRESSIONAL NOTICE-AND-WAIT PERIOD REQUIRED BEFORE TRANSFER OF A VESSEL STRICKEN FROM THE NAVAL VESSEL REGISTER.

Section 7306(d) of title 10, United States Code, is amended to read as follows:

"(d) CONGRESSIONAL NOTICE-AND-WAIT PERIOD.—(1) A transfer under this section may not take effect until—

"(A) the Secretary submits to Congress notice of the proposed transfer; and

"(B) 30 days of a session of Congress have expired following the date on which the notice is sent to Congress.

"(2) For purposes of paragraph (1)(B)—

"(A) the period of a session of Congress is broken only by an adjournment of Congress sine die at the end of the final session of a Congress; and

"(B) any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain, or because of an adjournment sine die at the end of the first session of a Congress, shall be excluded in the computation of such 30-day period.".

SEC. 1012. AUTHORITY TO CONSENT TO RETRANSFER OF FORMER NAVAL VESSEL.

President.

(a) IN GENERAL.—Subject to subsection (b), the President may consent to the retransfer by the Government of Greece of HS Rodos (ex-USS BOWMAN COUNTY (LST 391)) to the USS LST Ship Memorial, Inc., a not-for-profit organization operating under the laws of the State of Pennsylvania.

(b) CONDITIONS FOR CONSENT.—The President should not exercise the authority under subsection (a) unless the USS LST Memorial, Inc. agrees—

(1) to use the vessel for public, nonprofit, museum-related purposes;

(2) to comply with applicable law with respect to the vessel, including those requirements related to facilitating monitoring by the United States of, and mitigating potential environmental hazards associated with, aging vessels, and has a demonstrated financial capability to so comply; and

(3) to hold the United States harmless for any claims arising from exposure to hazardous material, including asbestos and polychlorinated biphenyls, after the retransfer of the vessel to the recipient, except for claims arising before the date of the transfer of the vessel to the Government of Greece or from use of the vessel by the United States after the date of the retransfer to the recipient.

SEC. 1013. REPORT ON NAVAL VESSEL FORCE STRUCTURE REQUIREMENTS.

Deadline.

(a) REQUIREMENT.—Not later than February 1, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on naval vessel force structure requirements.

(b) MATTERS TO BE INCLUDED.—The report shall include the following:

(1) A statement of the naval vessel force structure required to carry out the National Military Strategy, including that structure required to meet joint and combined warfighting requirements and missions relating to crisis response, overseas presence, and support to contingency operations.

(2) A statement of the naval vessel force structure that is supported and funded in the President's budget for fiscal year 2001 and in the current future-years defense program.

(3) A detailed long-range shipbuilding plan for the Department, through fiscal year 2030, that includes annual quantities of each type of vessel to be procured.

(4) A statement of the annual funding necessary to procure eight to ten vessels, of the appropriate types, each year beginning in fiscal year 2001 and extending through 2020 to maintain the naval vessel force structure required by the national military strategy.

(5) A detailed discussion of the risks associated with any deviation from the long-range shipbuilding plan required in paragraph (3), to include the implications of such a deviation for the following areas:

(A) Warfighting requirements.

(B) Crisis response and overseas presence missions.

(C) Contingency operations.
(D) Domestic shipbuilding industrial base.

SEC. 1014. AUXILIARY VESSELS ACQUISITION PROGRAM FOR THE DEPARTMENT OF DEFENSE.

(a) PROGRAM AUTHORIZATION.—(1) Chapter 631 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7233. Auxiliary vessels: extended lease authority

"(a) AUTHORIZED CONTRACTS.—Subject to subsection (b), the Secretary of the Navy may enter into contracts with private United States shipyards for the construction of new surface vessels to be acquired on a long-term lease basis by the United States from the shipyard or other private person for any of the following:

"(1) The combat logistics force of the Navy.
"(2) The strategic sealift force of the Navy.
"(3) Other auxiliary support vessels for the Department of Defense.

"(b) CONTRACTS REQUIRED TO BE AUTHORIZED BY LAW.—A contract may be entered into under subsection (a) with respect to a specific vessel only if the Secretary is specifically authorized by law to enter into such a contract with respect to that vessel. As part of a request to Congress for enactment of any such authorization by law, the Secretary of the Navy shall provide to Congress the Secretary's findings under subsection (g).

"(c) TERM OF CONTRACT.—In this section, the term 'long-term lease' means a lease, bareboat charter, or conditional sale agreement with respect to a vessel the term of which (including any option period) is for a period of 20 years or more.

"(d) OPTION TO BUY.—A contract entered into under subsection (a) may include options for the United States to purchase one or more of the vessels covered by the contract at any time during, or at the end of, the contract period (including any option period) upon payment of an amount equal to the lesser of (1) the unamortized portion of the cost of the vessel plus amounts incurred in connection with the termination of the financing arrangements associated with the vessel, or (2) the fair market value of the vessel.

"(e) DOMESTIC CONSTRUCTION.—The Secretary shall require in any contract entered into under this section that each vessel to which the contract applies—

"(1) shall have been constructed in a shipyard within the United States; and
"(2) upon delivery, shall be documented under the laws of the United States.

"(f) VESSEL OPERATION.—(1) The Secretary may operate a vessel held by the Secretary under a long-term lease under this section through a contract with a United States corporation with experience in the operation of vessels for the United States. Any such contract shall be for a term as determined by the Secretary.

"(2) The Secretary may provide a crew for any such vessel using civil service mariners only after an evaluation taking into account—

"(A) the fully burdened cost of a civil service crew over the expected useful life of the vessel;
"(B) the effect on the private sector manpower pool; and

"(C) the operational requirements of the Department of the Navy.

"(g) CONTINGENT WAIVER OF OTHER PROVISIONS OF LAW.—(1) The Secretary may waive the applicability of subsections (e)(2) and (f) of section 2401 of this title to a contract authorized by law as provided in subsection (b) if the Secretary makes the following findings with respect to that contract:

"(A) The need for the vessels or services to be provided under the contract is expected to remain substantially unchanged during the contemplated contract or option period.

"(B) There is a reasonable expectation that throughout the contemplated contract or option period the Secretary of the Navy (or, if the contract is for services to be provided to, and funded by, another military department, the Secretary of that military department) will request funding for the contract at the level required to avoid contract cancellation.

"(C) The timeliness of consideration of the contract by Congress is such that such a waiver is in the interest of the United States.

Notice. "(2) The Secretary shall submit a notice of any waiver under paragraph (1) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

"(h) SOURCE OF FUNDS FOR TERMINATION LIABILITY.—If a contract entered into under this section is terminated, the costs of such termination may be paid from—

"(1) amounts originally made available for performance of the contract;

"(2) amounts currently available for operation and maintenance of the type of vessels or services concerned and not otherwise obligated; or

"(3) funds appropriated for those costs.".

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

"7233. Auxiliary vessels: extended lease authority.".

(b) DEFINITION OF DEPARTMENT OF DEFENSE SEALIFT VESSEL.—Section 2218(k)(2) of title 10, United States Code, is amended—

(1) by striking "that is—" in the matter preceding subparagraph (A) and inserting "that is any of the following:";

(2) by striking "a" at the beginning of subparagraphs (A), (B), and (E) and inserting "A";

(3) by striking "an" at the beginning of subparagraphs (C) and (D) and inserting "An";

(4) by striking the semicolon at the end of subparagraphs (A), (B), and (C) and inserting a period;

(5) by striking "; or" at the end of subparagraph (D) and inserting a period; and

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

"(F) A strategic sealift ship.

"(G) A combat logistics force ship.

"(H) A maritime prepositioned ship.

"(I) Any other auxiliary support vessel.".

10 USC 7233 note. (c) EFFECTIVE DATE.—Section 7233 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1999.

SEC. 1015. NATIONAL DEFENSE FEATURES PROGRAM.

(a) AUTHORITY FOR NATIONAL DEFENSE FEATURES PROGRAM.—Section 2218 of title 10, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection (k):

"(k) CONTRACTS FOR INCORPORATION OF DEFENSE FEATURES IN COMMERCIAL VESSELS.—(1) The head of an agency may enter into a contract with a company submitting an offer for that company to install and maintain defense features for national defense purposes in one or more commercial vessels owned or controlled by that company in accordance with the purpose for which funds in the National Defense Sealift Fund are available under subsection (c)(1)(C). The head of the agency may enter into such a contract only after the head of the agency makes a determination of the economic soundness of the offer.

"(2) The head of an agency may make advance payments to the contractor under a contract under paragraph (1) in a lump sum, in annual payments, or in a combination thereof for costs associated with the installation and maintenance of the defense features on a vessel covered by the contract, as follows:

"(A) The costs to build, procure, and install a defense feature in the vessel.

"(B) The costs to periodically maintain and test any defense feature on the vessel.

"(C) Any increased costs of operation or any loss of revenue attributable to the installation or maintenance of any defense feature on the vessel.

"(D) Any additional costs associated with the terms and conditions of the contract.

"(3) For any contract under paragraph (1) under which the United States makes advance payments under paragraph (2) for the costs associated with installation or maintenance of any defense feature on a commercial vessel, the contractor shall provide to the United States such security interests in the vessel, by way of a preferred mortgage under section 31322 of title 46 or otherwise, as the head of the agency may prescribe in order to adequately protect the United States against loss for the total amount of those costs.

"(4) Each contract entered into under this subsection shall—

"(A) set forth terms and conditions under which, so long as a vessel covered by the contract is owned or controlled by the contractor, the contractor is to operate the vessel for the Department of Defense notwithstanding any other contract or commitment of that contractor; and

"(B) provide that the contractor operating the vessel for the Department of Defense shall be paid for that operation at fair and reasonable rates.

"(5) The head of an agency may not delegate authority under this subsection to any officer or employee in a position below the level of head of a procuring activity.".

(b) DEFINITION.—Subsection (l) of such section, as redesignated by subsection (a)(1), is amended by adding at the end the following new paragraph:

"(5) The term 'head of an agency' has the meaning given that term in section 2302(1) of this title.".

SEC. 1016. SALES OF NAVAL SHIPYARD ARTICLES AND SERVICES TO NUCLEAR SHIP CONTRACTORS.

(a) WAIVER OF REQUIRED CONDITIONS.—Chapter 633 of title 10, United States Code, is amended by inserting after section 7299a the following new section:

"§ 7300. Contracts for nuclear ships: sales of naval shipyard articles and services to private shipyards

"The conditions set forth in section 2208(j)(1)(B) of this title and subsections (a)(1) and (c)(1)(A) of section 2553 of this title shall not apply to a sale by a naval shipyard of articles or services to a private shipyard that is made at the request of the private shipyard in order to facilitate the private shipyard's fulfillment of a Department of Defense contract with respect to a nuclear ship. This section does not authorize a naval shipyard to construct a nuclear ship for the private shipyard, to perform a majority of the work called for in a contract with a private entity, or to provide articles or services not requested by the private shipyard.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7299a the following new item:

"7300. Contracts for nuclear ships: sales of naval shipyard articles and services to private shipyards.".

SEC. 1017. TRANSFER OF NAVAL VESSEL TO FOREIGN COUNTRY.

(a) TRANSFER TO THAILAND.—The Secretary of the Navy is authorized to transfer to the Government of Thailand the CYCLONE class coastal patrol craft CYCLONE (PC1) or a craft with a similar hull. The transfer shall be made on a sale, lease, lease/buy, or grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) COSTS.—Any expense incurred by the United States in connection with the transfer authorized by subsection (a) shall be charged to the Government of Thailand.

(c) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARD.—To the maximum extent practicable, the Secretary of the Navy shall require, as a condition of the transfer of the vessel to the Government of Thailand under this section, that the Government of Thailand have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a United States naval shipyard or other shipyard located in the United States.

(d) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under subsection (a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

SEC. 1018. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) AUTHORITY TO TRANSFER.—

(1) DOMINICAN REPUBLIC.—The Secretary of the Navy is authorized to transfer to the Government of the Dominican Republic the medium auxiliary floating dry dock AFDM 2. Such transfer shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(2) ECUADOR.—The Secretary of the Navy is authorized to transfer to the Government of Ecuador the "OAK RIDGE" class medium auxiliary repair dry dock ALAMOGORDO (ARDM

2). Such transfer shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(3) EGYPT.—The Secretary of the Navy is authorized to transfer to the Government of Egypt the "NEWPORT" class tank landing ships BARBOUR COUNTY (LST 1195) and PEORIA (LST 1183). Such transfers shall be on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(4) GREECE.—The Secretary of the Navy is authorized to transfer to the Government of Greece the "KNOX" class frigate CONNOLE (FF 1056). Such transfer shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(5) MEXICO.—The Secretary of the Navy is authorized to transfer to the Government of Mexico the "NEWPORT" class tank landing ship NEWPORT (LST 1179) and the "KNOX" class frigate WHIPPLE (FF 1062). Such transfers shall be on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(6) POLAND.—The Secretary of the Navy is authorized to transfer to the Government of Poland the "OLIVER HAZARD PERRY" class guided missile frigate CLARK (FFG 11). Such transfer shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(7) TAIWAN.—The Secretary of the Navy is authorized to transfer to the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) the "NEWPORT" class tank landing ship SCHENECTADY (LST 1185). Such transfer shall be on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(8) THAILAND.—The Secretary of the Navy is authorized to transfer to the Government of Thailand the "KNOX" class frigate TRUETT (FF 1095). Such transfer shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(9) TURKEY.—The Secretary of the Navy is authorized to transfer to the Government of Turkey the "OLIVER HAZARD PERRY" class guided missile frigates FLATLEY (FFG 21) and JOHN A. MOORE (FFG 19). Such transfers shall be on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(b) INAPPLICABILITY OF AGGREGATE ANNUAL LIMITATION ON VALUE OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of naval vessels authorized by subsection (a) to be transferred on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) shall not be included in the aggregate annual value of transferred excess defense articles which is subject to the aggregate annual limitation set forth in subsection (g) of that section.

(c) COSTS OF TRANSFERS.—Any expense of the United States in connection with a transfer authorized by subsection (a) shall be charged to the recipient.

(d) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the Secretary of the Navy shall require, as a condition of the transfer of a vessel under

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subsection (a), that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(e) EXPIRATION OF AUTHORITY.—The authority granted by subsection (a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

Subtitle C—Support for Civilian Law Enforcement and Counter Drug Activities

SEC. 1021. MODIFICATION OF LIMITATION ON FUNDING ASSISTANCE FOR PROCUREMENT OF EQUIPMENT FOR THE NATIONAL GUARD FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

Section 112(a)(3) of title 32, United States Code, is amended by striking "per purchase order" in the second sentence and inserting "per item".

SEC. 1022. TEMPORARY EXTENSION TO CERTAIN NAVAL AIRCRAFT OF COAST GUARD AUTHORITY FOR DRUG INTERDICTION ACTIVITIES.

(a) INCLUSION AS AUTHORIZED AIRCRAFT.—Subsection (c) of section 637 of title 14, United States Code, is amended—

(1) by striking "or" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; or"; and

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

"(3) subject to subsection (d), it is a naval aircraft that has one or more members of the Coast Guard on board and is operating from a surface naval vessel described in paragraph (2).".

(b) DURATION OF INCLUSION.—Such section is further amended by adding at the end the following new subsection:

"(d)(1) The inclusion of naval aircraft as an authorized aircraft for purposes of this section shall be effective only after the end of the 30-day period beginning on the date the report required by paragraph (2) is submitted through September 30, 2001.

Deadline.

"(2) Not later than August 1, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report containing—

"(A) an analysis of the benefits and risks associated with using naval aircraft to perform the law enforcement activities authorized by subsection (a);

"(B) an estimate of the extent to which the Secretary expects to implement the authority provided by this section; and

"(C) an analysis of the effectiveness and applicability to the Department of Defense of the Coast Guard program known as the 'New Frontiers' program.".

SEC. 1023. MILITARY ASSISTANCE TO CIVIL AUTHORITIES TO RESPOND TO ACT OR THREAT OF TERRORISM. 10 USC 382 note.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—The Secretary of Defense, upon the request of the Attorney General, may provide assistance to civil authorities in responding to an act of terrorism or threat of an act of terrorism, including an act of terrorism or threat of an act of terrorism that involves a weapon of mass destruction, within the United States, if the Secretary determines that—

(1) special capabilities and expertise of the Department of Defense are necessary and critical to respond to the act of terrorism or the threat of an act of terrorism; and

(2) the provision of such assistance will not adversely affect the military preparedness of the Armed Forces.

(b) NATURE OF ASSISTANCE.—Assistance provided under subsection (a) may include the deployment of Department of Defense personnel and the use of any Department of Defense resources to the extent and for such period as the Secretary of Defense determines necessary to prepare for, prevent, or respond to an act or threat of an act of terrorism described in that subsection. Actions taken to provide the assistance may include the prepositioning of Department of Defense personnel, equipment, and supplies.

(c) REIMBURSEMENT.—(1) Except as provided in paragraph (2), assistance provided under this section shall be provided on a reimbursable basis. Notwithstanding any other provision of law, the amounts of reimbursement shall be limited to the amounts of the incremental costs incurred by the Department of Defense to provide the assistance.

(2) In extraordinary circumstances, the Secretary of Defense may waive the requirement for reimbursement if the Secretary determines that such a waiver is in the national security interests of the United States and submits to Congress a notification of the determination.

(3) If funds are appropriated for the Department of Justice to cover the costs of responding to an act or threat of an act of terrorism for which assistance is provided under subsection (a), the Attorney General shall reimburse the Department of Defense out of such funds for the costs incurred by the Department in providing the assistance, without regard to whether the assistance was provided on a nonreimbursable basis pursuant to a waiver under paragraph (2).

(d) ANNUAL LIMITATION ON FUNDING.—Not more than $10,000,000 may be obligated to provide assistance under subsection (a) during any fiscal year.

(e) PERSONNEL RESTRICTIONS.—In providing assistance under this section, a member of the Army, Navy, Air Force, or Marine Corps may not, unless otherwise authorized by law—

(1) directly participate in a search, seizure, arrest, or other similar activity; or

(2) collect intelligence for law enforcement purposes.

(f) NONDELEGABILITY OF AUTHORITY.—(1) The Secretary of Defense may not delegate to any other official the authority to make determinations and to authorize assistance under this section.

(2) The Attorney General may not delegate to any other official authority to make a request for assistance under subsection (a).

(g) RELATIONSHIP TO OTHER AUTHORITY.—The authority provided in this section is in addition to any other authority available to the Secretary of Defense, and nothing in this section shall be construed to restrict any authority regarding use of members of the Armed Forces or equipment of the Department of Defense that was in effect before the date of the enactment of this Act.

(h) DEFINITIONS.—In this section:

(1) THREAT OF AN ACT OF TERRORISM.—The term "threat of an act of terrorism" includes any circumstance providing a basis for reasonably anticipating an act of terrorism, as determined by the Secretary of Defense in consultation with the Attorney General and the Secretary of the Treasury.

(2) WEAPON OF MASS DESTRUCTION.—The term "weapon of mass destruction" has the meaning given the term in section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1)).

(i) DURATION OF AUTHORITY.—The authority provided by this section applies during the period beginning on October 1, 1999, and ending on September 30, 2004.

10 USC 124 note.

SEC. 1024. CONDITION ON DEVELOPMENT OF FORWARD OPERATING LOCATIONS FOR UNITED STATES SOUTHERN COMMAND COUNTER-DRUG DETECTION AND MONITORING FLIGHTS.

(a) CONDITION.—Except as provided in subsection (b), none of the funds appropriated or otherwise made available to the Department of Defense for any fiscal year may be obligated or expended for the purpose of improving the physical infrastructure at any proposed forward operating location outside the United States from which the United States Southern Command may conduct counter-drug detection and monitoring flights until a formal agreement regarding the extent and use of, and host nation support for, the forward operating location is executed by both the host nation and the United States.

(b) EXCEPTION.—The limitation in subsection (a) does not apply to an unspecified minor military construction project authorized by section 2805 of title 10, United States Code.

10 USC 113 note.

SEC. 1025. ANNUAL REPORT ON UNITED STATES MILITARY ACTIVITIES IN COLOMBIA.

Deadline.

Not later than January 1 of each year, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on International Relations of the House of Representatives a report detailing the number of members of the United States Armed Forces deployed or otherwise assigned to duty in Colombia at any time during the preceding year, the length and purpose of the deployment or assignment, and the costs and force protection risks associated with such deployments and assignments.

SEC. 1026. REPORT ON USE OF RADAR SYSTEMS FOR COUNTER-DRUG DETECTION AND MONITORING.

Deadline.

Not later than May 1, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report containing an evaluation of the effectiveness of the Wide Aperture Radar Facility, Tethered Aerostat Radar System, Ground

Mobile Radar, and Relocatable Over-The-Horizon Radar in maritime, air, and land counter-drug detection and monitoring.

SEC. 1027. PLAN REGARDING ASSIGNMENT OF MILITARY PERSONNEL TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE AND CUSTOMS SERVICE.

(a) PREPARATION OF PLAN.—(1) The Secretary of Defense shall prepare a plan to assign members of the Army, Navy, Air Force, or Marine Corps to assist the Immigration and Naturalization Service or the United States Customs Service should the President determine, and the Attorney General or the Secretary of the Treasury, as the case may be, certify, that military personnel are required to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

(2) The Secretary shall ensure that activities proposed to be performed by military personnel under the plan are consistent with section 1385 of title 18, United States Code (popularly known as the Posse Comitatus Act), and shall include in the plan a training program for military personnel who would be assigned to assist Federal law enforcement agencies—

(A) in preventing the entry of terrorists and drug traffickers into the United States; and

(B) in the inspection of cargo, vehicles, and aircraft at points of entry into the United States for weapons of mass destruction, prohibited narcotics, or other terrorist or drug trafficking items.

(b) REPORT ON USE OF MILITARY PERSONNEL TO SUPPORT CIVILIAN LAW ENFORCEMENT.—Not later than May 1, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report containing— Deadline.

(1) the plan required by subsection (a);

(2) a discussion of the risks and benefits associated with using military personnel to provide the law enforcement support described in subsection (a)(2);

(3) recommendations regarding the functions outlined in the plan most appropriate to be performed by military personnel; and

(4) the total number of active and reserve members, and members of the National Guard whose activities were supported using funds provided under section 112 of title 32, United States Code, who participated in drug interdiction activities or otherwise provided support for civilian law enforcement during fiscal year 1999.

Subtitle D—Miscellaneous Report Requirements and Repeals

SEC. 1031. PRESERVATION OF CERTAIN DEFENSE REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) The following sections of title 10, United States Code: sections 113, 115a, 116, 139(f), 221, 226, 401(d), 662(b), 946,

1464(c), 2006(e)(3), 2010, 2011(e), 2391(c), 2431(a), 2432, 2457(d), 2461(g), 2537, 2662(b), 2706, 2859, 2861, 2902(g)(2), 4542(g)(2), 7424(b), 7425(b), 7431(c), 10541, 12302(d), and 16137.

(2) Section 1121(f) of the National Defense Authorization Act for Fiscal Year 1988 and 1989 (Public Law 100–180; 10 U.S.C. 113 note).

(3) Section 1405 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 924).

(4) Section 1411(b) of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4710(b)).

(5) Section 1097 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (22 U.S.C. 2751 note).

(6) Section 30A(d) of the Arms Export Control Act (22 U.S.C. 2770a(d)).

(7) Sections 1516(f) and 1518(c) of the Armed Forces Retirement Home Act of 1991 (Public Law 101–510; 24 U.S.C. 416(f), 418(c)).

(8) Sections 3554(e)(2) and 9503(a) of title 31, United States Code.

(9) Section 300110(b) of title 36, United States Code.

(10) Sections 301a(f) and 1008 of title 37, United States Code.

(11) Section 8111(f) of title 38, United States Code.

(12) Section 205(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486(b)).

(13) Section 3732 of the Revised Statutes, popularly known as the "Food and Forage Act" (41 U.S.C. 11).

(14) Section 101(b)(6) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(6)).

(15) Section 1436(e) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 42 U.S.C. 2121 note).

(16) Section 165 of the Energy Policy and Conservation Act (42 U.S.C. 6245).

(17) Section 603(e) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(e)).

(18) Section 822(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 6687(b)).

(19) Section 208 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1979 (42 U.S.C. 7271).

(20) Section 3134 of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 7274c).

(21) Section 3135 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 7274g).

(22) Section 12 of the Act of March 9, 1920 (popularly known as the "Suits in Admiralty Act") (46 App. U.S.C. 752).

(23) Sections 208, 901(b)(2), and 1211 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1118, 1241(b)(2), 1291).

(24) Sections 11 and 14 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–2, 98h–5).

(25) Section 108 of the National Security Act of 1947 (50 U.S.C. 404a).

(26) Section 4 of the Act entitled "An Act to authorize the making, amending, and modification of contracts to facilitate the national defense", approved August 28, 1958 (50 U.S.C. 1434).

(27) Section 1412(g) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(g)).

(28) Section 3 of the Authorization for Use of Military Force Against Iraq Resolution (50 U.S.C. 1541 note).

(29) Sections 202(d) and 401(c) of the National Emergencies Act (50 U.S.C. 1622(d), 1641(c)).

(30) Section 10(g) of the Military Selective Service Act (50 U.S.C. App. 460(g)).

(31) Section 708 of the Defense Production Act of 1950 (50 U.S.C. App. 2158).

(32) Section 703(g) of the Military Construction Authorization Act, 1982 (Public Law 97–99; 95 Stat. 1376).

(33) Section 704 of the Military Construction Authorization Act, 1982 (Public Law 97–99; 95 Stat. 1377).

(34) Section 113(b) of the National Defense Authorization Act for Fiscal Year 1990 and 1991 (Public Law 101–189; 103 Stat. 1373).

SEC. 1032. REPEAL OF CERTAIN REPORTING REQUIREMENTS NOT PRESERVED.

(a) REPEAL OF PROVISIONS OF TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 2201(d) is amended—

(A) by striking paragraph (2);

(B) by striking "; and" at the end of paragraph (1) and inserting a period; and

(C) by striking "Defense—" and all that follows through "(1) shall" and inserting "Defense shall".

(2) Section 2313(b) is amended by striking paragraph (4).

(3) Section 2350g is amended—

(A) by striking subsection (b); and

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

(b) REPEAL OF OTHER PROVISIONS OF LAW.—The following provisions of law are repealed:

(1) Section 224 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 10 U.S.C. 2431 note).

(2) Section 3059(c) of the Anti-Drug Abuse Act of 1986 (Public Law 99–570; 10 U.S.C. 9441 note).

(3) Section 7606 of the Anti-Drug Abuse Act of 1988 (Public Law 100–690; 10 U.S.C. 9441 note).

(4) Section 1002(d) of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 22 U.S.C. 1928 note).

SEC. 1033. REPORTS ON RISKS UNDER NATIONAL MILITARY STRATEGY AND COMBATANT COMMAND REQUIREMENTS.

Section 153 of title 10, United States Code, is amended by adding at the end the following new subsections:

"(c) RISKS UNDER NATIONAL MILITARY STRATEGY.—(1) Not later than January 1 each year, the Chairman shall submit to the Secretary of Defense a report providing the Chairman's assessment of the nature and magnitude of the strategic and military risks Deadline.

associated with executing the missions called for under the current National Military Strategy.

"(2) The Secretary shall forward the report received under paragraph (1) in any year, with the Secretary's comments thereon (if any), to Congress with the Secretary's next transmission to Congress of the annual Department of Defense budget justification materials in support of the Department of Defense component of the budget of the President submitted under section 1105 of title 31 for the next fiscal year. If the Chairman's assessment in such report in any year is that risk associated with executing the missions called for under the National Military Strategy is significant, the Secretary shall include with the report as submitted to Congress the Secretary's plan for mitigating that risk.

Deadline. "(d) ANNUAL REPORT ON COMBATANT COMMAND REQUIREMENTS.—(1) Not later than August 15 of each year, the Chairman shall submit to the committees of Congress named in paragraph (2) a report on the requirements of the combatant commands established under section 161 of this title. The report shall contain the following:

"(A) A consolidation of the integrated priority lists of requirements of the combatant commands.

"(B) The Chairman's views on the consolidated lists.

"(2) The committees of Congress referred to in paragraph (1) are the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.".

SEC. 1034. REPORT ON LIFT AND PREPOSITIONED SUPPORT REQUIREMENTS TO SUPPORT NATIONAL MILITARY STRATEGY.

Deadline. (a) REPORT REQUIRED.—Not later than February 15, 2000, the Secretary of Defense shall submit to Congress a report, in both classified and unclassified form, describing the strategic, theater, operational, and tactical requirements for airlift, sealift, surface transportation, and prepositioned war material necessary to carry out the full range of missions included in the National Military Strategy prescribed by the Chairman of the Joint Chiefs of Staff under the postures of force engagement anticipated through 2005.

(b) CONTENT OF REPORT.—The report shall address the following:

(1) A review of the study conducted by the Air Force during 1999 on oversize/outsize airlift cargo requirements, including a risk assessment and an evaluation of alternatives.

(2) A review of the study of the Chairman of the Joint Chiefs of Staff conducted during 1999 designated as the "Joint Chiefs of Staff Mobility Requirements Study 05", including a risk assessment, an evaluation of alternatives, and a validation of the analyses done by the Joint Staff for that study concerning each of the following:

(A) The identity, size, structure, and capabilities of the airlift and sealift requirements for the full range of shaping, preparing, and responding missions called for under the National Military Strategy.

(B) The required support and infrastructure required to successfully execute the full range of missions required under the National Military Strategy on the deployment schedules outlined in the plans of the relevant commanders-in-chief from expected and increasingly dispersed postures of engagement.

(C) The anticipated effect of enemy use of weapons of mass destruction, other asymmetrical attacks, expected rates of peacekeeping, and other contingency missions and other similar factors on the mobility force and its required infrastructure and on mobility requirements.

(D) The effect on mobility requirements of new service force structures such as the Air Force's Air Expeditionary Force, the Army's Strike Force, the Marine Corps' operational maneuver-from-the-sea concept and supporting concepts including Ship-to-Objective Maneuver, Maritime Prepositioning Forces 2010, and Seabased Logistics, and any foreseeable force structure modifications through 2005.

(E) The need to deploy forces strategically and employ them tactically using the same lift platform.

(F) The anticipated role of host nation, foreign, and coalition airlift and sealift support, and the anticipated requirements for United States lift assets to support coalition forces, through 2005.

(G) Alternatives to the current mobility program or required modifications to the 1998 Air Mobility Master Plan update.

(3) A review of the Army, Air Force, and Marine Corps maritime prepositioned ship requirements and modernization plan.

(c) INTRA-THEATER REQUIREMENTS REPORT.—Not later than December 1, 2000, the Secretary of Defense shall submit to Congress a report, in both classified and unclassified form, describing the intra-theater requirements for airlift, small-craft lift, and surface transportation necessary to carry out the full range of missions included in the National Military Strategy prescribed by the Chairman of the Joint Chiefs of Staff under the postures of force engagement anticipated through 2005. Deadline.

SEC. 1035. REPORT ON ASSESSMENTS OF READINESS TO EXECUTE THE NATIONAL MILITARY STRATEGY.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report in unclassified form assessing the effect of continued operations in the Balkans region on— Deadline.

(1) the ability of the Armed Forces to successfully meet other regional contingencies; and

(2) the readiness of the Armed Forces to execute the National Military Strategy.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall include the following:

(1) All models used by the Chairman of the Joint Chiefs of Staff to assess the capability of the United States to execute the full range of missions under the National Military Strategy and all other models used by the Armed Forces to assess that capability.

(2) Separate assessments that would result from the use of those models if it were necessary to execute the full range of missions called for under the National Military Strategy under each of the scenarios set forth in subsection (c), including the levels of casualties the United States would be projected to incur.

(3) Assumptions made about the readiness levels of major units included in each such assessment, including equipment, personnel, and training readiness and sustainment ability.

(4) The increasing levels of casualties that would be projected under each such scenario over a range of risks of prosecuting two Major Theater Wars that proceeds from low-moderate risk to moderate-high risk.

(5) An estimate of—

(A) the total resources needed to attain a moderate-high risk under those scenarios;

(B) the total resources needed to attain a low-moderate risk under those scenarios; and

(C) the incremental resources needed to decrease the level of risk from moderate-high to low-moderate.

(c) SCENARIOS TO BE USED.—The scenarios to be used for purposes of paragraphs (1), (2), and (3) of subsection (b) are the following:

(1) That while the Armed Forces are engaged in operations at the level of the operations ongoing as of the date of the enactment of this Act, international armed conflict begins—

(A) on the Korean peninsula; and

(B) first on the Korean peninsula and then 45 days later in Southwest Asia.

(2) That while the Armed Forces are engaged in operations at the peak level reached during Operation Allied Force against the Federal Republic of Yugoslavia, international armed conflict begins—

(A) on the Korean peninsula; and

(B) first on the Korean peninsula and then 45 days later in Southwest Asia.

(d) CONSULTATION.—In preparing the report under this section, the Secretary of Defense shall consult with the Chairman of the Joint Chiefs of Staff, the commanders of the unified commands, the Secretaries of the military departments, and the heads of the combat support agencies and other such entities within the Department of Defense as the Secretary considers necessary.

SEC. 1036. REPORT ON RAPID ASSESSMENT AND INITIAL DETECTION TEAMS.

Deadline.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the Department's plans for establishing and deploying Rapid Assessment and Initial Detection (RAID) teams for responses to incidents involving a weapon of mass destruction. The report shall include the following:

(1) A description of the capabilities of a RAID team and a comparison of those capabilities to the capabilities of other Federal, State, and local WMD responders.

(2) An assessment of the manner in which a RAID team complements the mission, functions, and capabilities of other Federal, State, and local WMD responders.

(3) The Department's plan for conducting realistic exercises involving RAID teams, including exercises with other Federal, State, and local WMD responders.

(4) A description of the command and control relationships between the RAID teams and Federal, State, and local WMD responders.

(5) An assessment of the degree to which States have integrated, or are planning to integrate, RAID teams into other-than-weapon-of-mass-destruction missions of State or local WMD responders.

(6) A specific description and analysis of the procedures that have been established or agreed to by States for the use in one State of a RAID team that is based in another State.

(7) An identification of those States where the deployment of out-of-State RAID teams is not governed by existing interstate compacts.

(8) An assessment of the Department's progress in developing an appropriate national level compact for interstate sharing of resources that would facilitate consistent and effective procedures for the use of out-of-State RAID teams.

(9) An assessment of the measures that will be taken to recruit, train, maintain the proficiency of, and retain members of the RAID teams, to include those measures to provide for their career progression.

(b) DEFINITIONS.—In this section:

(1) The term "Rapid Assessment and Initial Detection team" or "RAID team" refers to a military unit comprised of Active Guard and Reserve personnel organized, trained, and equipped to conduct domestic missions in the United States in response to the use of, or threatened use of, a weapon of mass destruction.

(2) The term "WMD responder" means an organization responsible for responding to an incident involving a weapon of mass destruction.

(3) The term "weapon of mass destruction" has the meaning given that term in section 1403(1) of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1)).

SEC. 1037. REPORT ON UNIT READINESS OF UNITS CONSIDERED TO BE ASSETS OF CONSEQUENCE MANAGEMENT PROGRAM INTEGRATION OFFICE.

(a) JOINT READINESS REVIEW.—(1) The Secretary of Defense shall include in the quarterly readiness report submitted to Congress under section 482 of title 10, United States Code, for the first quarter beginning after the date of the enactment of this Act an assessment of the readiness, training status, and future funding requirements of all active and reserve component units that (as of the date of the enactment of this Act) are considered assets of the Consequence Management Program Integration Office of the Department of Defense.

(2) The Secretary shall set forth the assessment under paragraph (1) as an annex to the quarterly report referred to in that paragraph. The Secretary shall include in that annex a detailed description of how the active and reserve component units referred to in that paragraph are integrated with the Rapid Assessment and Initial Detection Teams in the overall Consequence Management Program Integration Office of the Department of Defense.

(b) DECONTAMINATION READINESS PLAN.—The Secretary of Defense shall prepare a decontamination readiness plan for the Consequence Management Program Integration Office of the Department of Defense. The plan shall include the following:

(1) The actions necessary to ensure that the units of the Armed Forces designated to carry out decontamination missions are at the level of readiness necessary to carry out those missions.

(2) The funding necessary for attaining and maintaining the level of readiness referred to in paragraph (1).

(3) Procedures for ensuring that each decontamination unit is available to respond to an incident in the United States that involves a weapon of mass destruction within 12 hours after being notified of the incident.

SEC. 1038. ANALYSIS OF RELATIONSHIP BETWEEN THREATS AND BUDGET SUBMISSION FOR FISCAL YEAR 2001.

(a) REQUIREMENT FOR REPORT.—The Secretary of Defense shall submit to the congressional defense committees, on the date that the President submits the budget for fiscal year 2001 to Congress under section 1105(a) of title 31, United States Code, a report on the relationship between the budget proposed for budget function 050 (National Defense) for that fiscal year and the then-current and emerging threats to the national security interests of the United States identified in the annual national security strategy report required under section 108 of the National Security Act of 1947 (50 U.S.C. 404a). The report shall be prepared in coordination with the Chairman of the Joint Chiefs of Staff and the Director of Central Intelligence.

(b) CONTENT.—The report shall contain the following:

(1) A detailed description of the threats referred to in subsection (a).

(2) An analysis of those threats in terms of the probability that an attack or other threat event will actually occur, the military challenge posed by those threats, and the potential damage that those threats could have to the national security interests of the United States.

(3) An analysis of the allocation of funds in the fiscal year 2001 budget and the future-years defense program that addresses each of those threats.

(4) A justification for each major defense acquisition program (as defined in section 2430 of title 10, United States Code) that is provided for in the budget in light of the description and analyses set forth in the report pursuant to this subsection.

(c) FORM OF REPORT.—The report shall be submitted in unclassified form, but may also be submitted in classified form if necessary.

10 USC 113 note.

SEC. 1039. REPORT ON NATO DEFENSE CAPABILITIES INITIATIVE.

(a) FINDINGS.—Congress makes the following findings:

(1) At the meeting of the North Atlantic Council held in Washington, DC, in April 1999, the NATO Heads of State and Governments launched a Defense Capabilities Initiative.

(2) The Defense Capabilities Initiative is designed to improve the defense capabilities of the individual nations of the NATO Alliance to ensure the effectiveness of future operations across the full spectrum of Alliance missions in the present and foreseeable security environment.

(3) Under the Defense Capabilities Initiative, special focus will be given to improving interoperability among Alliance

forces and to increasing defense capabilities through improvements in the deployability and mobility of Alliance forces, the sustainability and logistics of those forces, the survivability and effective engagement capability of those forces, and command and control and information systems.

(4) The successful implementation of the Defense Capabilities Initiative will serve to enable all members of the Alliance to make a more equitable contribution to the full spectrum of Alliance missions, thereby increasing burdensharing within the Alliance and enhancing the ability of European members of the Alliance to undertake operations pursuant to the European Security and Defense Identity within the Alliance.

(b) ANNUAL REPORT.—(1) Not later than January 31 of each year, the Secretary of Defense shall submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives a report, to be prepared in consultation with the Secretary of State, on implementation of the Defense Capabilities Initiative by the nations of the NATO Alliance. The report shall include the following: Deadline.

(A) A discussion of the work of the temporary High-Level Steering Group, or any successor group, established to oversee the implementation of the Defense Capabilities Initiative and to meet the requirement of coordination and harmonization among relevant planning disciplines.

(B) A description of the actions taken, including implementation of the Multinational Logistics Center concept and development of the C3 system architecture, by the Alliance as a whole to further the Defense Capabilities Initiative.

(C) A description of the actions taken by each member of the Alliance other than the United States to improve the capabilities of its forces in each of the following areas:

(i) Interoperability with forces of other Alliance members.

(ii) Deployability and mobility.

(iii) Sustainability and logistics.

(iv) Survivability and effective engagement capability.

(v) Command and control and information systems.

(2) The report shall be submitted in unclassified form, but may also be submitted in classified form if necessary.

SEC. 1040. REPORT ON MOTOR VEHICLE VIOLATIONS BY OPERATORS OF OFFICIAL ARMY VEHICLES.

(a) REVIEW REQUIRED.—The Secretary of the Army shall review the incidence during fiscal year 1999 of the violation of motor vehicle laws by operators of official Army motor vehicles. To the extent practicable, the review shall include all such violations for which citations were issued (including infractions relating to parking), other than violations occurring on a military installation, regardless of whether or not a fine was paid for the violation.

(b) REPORT.—Not later than March 31, 2000, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the review under subsection (a). The report shall include the following: Deadline.

(1) The number of the citations described in subsection (a), shown separately by principal jurisdiction.

(2) An estimate of the total amount of the fines that are associated with those citations, shown separately by principal jurisdiction.

(3) Any actions taken by the Secretary or recommendations that the Secretary considers appropriate to reduce the prevalence of such violations.

(c) MOTOR VEHICLE LAWS.—For purposes of this section, the term "motor vehicle law" means a law (including a regulation, ordinance, or other measure) that regulates the operation or parking of a motor vehicle within the jurisdiction of the governmental entity establishing the law.

(d) PRINCIPAL JURISDICTION.—For purposes of this section, the term "principal jurisdiction" means a State, territory, or Commonwealth, the District of Columbia, or a foreign nation.

Subtitle E—Information Security

SEC. 1041. IDENTIFICATION IN BUDGET MATERIALS OF AMOUNTS FOR DECLASSIFICATION ACTIVITIES AND LIMITATION ON EXPENDITURES FOR SUCH ACTIVITIES.

(a) IN GENERAL.—(1) Chapter 9 of title 10, United States Code, is amended by adding after section 229, as added by section 932(b), the following new section:

"§ 230. Amounts for declassification of records

"The Secretary of Defense shall include in the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) specific identification, as a budgetary line item, of the amounts required to carry out programmed activities during that fiscal year to declassify records pursuant to Executive Order No. 12958 (50 U.S.C. 435 note) or any successor Executive order or to comply with any statutory requirement, or any request, to declassify Government records.".

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 229, as added by section 932(b), the following new item:

"230. Amounts for declassification of records.".

(b) LIMITATION ON EXPENDITURES.—The total amount expended by the Department of Defense during fiscal year 2000 to carry out declassification activities under the provisions of section 3.4 of Executive Order No. 12958 (50 U.S.C. 435 note) may not exceed the Department's planned expenditure level of $51,000,000.

50 USC 435 note.

(c) CERTIFICATION REQUIRED WITH RESPECT TO AUTOMATIC DECLASSIFICATION OF RECORDS.—No records of the Department of Defense that have not been reviewed for declassification shall be subject to automatic declassification unless the Secretary of Defense certifies to Congress that such declassification would not harm the national security.

50 USC 435 note. Deadline.

(d) REPORT ON AUTOMATIC DECLASSIFICATION OF DEPARTMENT OF DEFENSE RECORDS.—Not later than February 1, 2001, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report on the efforts of the Department

of Defense relating to the declassification of classified records under the control of the Department of Defense. Such report shall include the following:

(1) An assessment of whether the Department will be able to review all relevant records for declassification before any date established for automatic declassification.

(2) An estimate of the cost of reviewing records to meet any requirement to review all relevant records for declassification by a date established for automatic declassification.

(3) An estimate of the number of records, if any, that the Department will be unable to review for declassification before any such date and the affect on national security of the automatic declassification of those records.

(4) An estimate of the length of time by which any such date would need to be extended to avoid the automatic declassification of records that have not yet been reviewed as of such date.

SEC. 1042. NOTICE TO CONGRESSIONAL COMMITTEES OF CERTAIN SECURITY AND COUNTERINTELLIGENCE FAILURES WITHIN DEFENSE PROGRAMS.

(a) IN GENERAL.—Chapter 161 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2723. Notice to congressional committees of certain security and counterintelligence failures within defense programs

"(a) REQUIRED NOTIFICATION.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a notification of each security or counterintelligence failure or compromise of classified information relating to any defense operation, system, or technology of the United States that the Secretary considers likely to cause significant harm or damage to the national security interests of the United States. The Secretary shall consult with the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, as appropriate, before submitting any such notification.

"(b) MANNER OF NOTIFICATION.—Notification of a failure or compromise of classified information under subsection (a) shall be provided, in accordance with the procedures established pursuant to subsection (c), not later than 30 days after the date on which the Department of Defense determines that the failure or compromise has taken place.

"(c) PROCEDURES.—The Secretary of Defense and the Committees on Armed Services of the Senate and House of Representatives shall each establish such procedures as may be necessary to protect from unauthorized disclosure classified information, information relating to intelligence sources and methods, and sensitive law enforcement information that is submitted to those committees pursuant to this section and that are otherwise necessary to carry out the provisions of this section.

"(d) STATUTORY CONSTRUCTION.—(1) Nothing in this section shall be construed as authority to withhold any information from the Committees on Armed Services of the Senate and House of Representatives on the grounds that providing the information to those committees would constitute the unauthorized disclosure of

classified information, information relating to intelligence sources and methods, or sensitive law enforcement information.

"(2) Nothing in this section shall be construed to modify or supersede any other requirement to report information on intelligence activities to the Congress, including the requirement under section 501 of the National Security Act of 1947 (50 U.S.C. 413).".

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

"2723. Notice to congressional committees of certain security and counterintelligence failures within defense programs.".

SEC. 1043. INFORMATION ASSURANCE INITIATIVE.

(a) IN GENERAL.—Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2224. Defense Information Assurance Program

"(a) DEFENSE INFORMATION ASSURANCE PROGRAM.—The Secretary of Defense shall carry out a program, to be known as the 'Defense Information Assurance Program', to protect and defend Department of Defense information, information systems, and information networks that are critical to the Department and the armed forces during day-to-day operations and operations in times of crisis.

"(b) OBJECTIVES OF THE PROGRAM.—The objectives of the program shall be to provide continuously for the availability, integrity, authentication, confidentiality, nonrepudiation, and rapid restitution of information and information systems that are essential elements of the Defense Information Infrastructure.

"(c) PROGRAM STRATEGY.—In carrying out the program, the Secretary shall develop a program strategy that encompasses those actions necessary to assure the readiness, reliability, continuity, and integrity of Defense information systems, networks, and infrastructure. The program strategy shall include the following:

"(1) A vulnerability and threat assessment of elements of the defense and supporting nondefense information infrastructures that are essential to the operations of the Department and the armed forces.

"(2) Development of essential information assurances technologies and programs.

"(3) Organization of the Department, the armed forces, and supporting activities to defend against information warfare.

"(4) Joint activities of the Department with other departments and agencies of the Government, State and local agencies, and elements of the national information infrastructure.

"(5) The conduct of exercises, war games, simulations, experiments, and other activities designed to prepare the Department to respond to information warfare threats.

"(6) Development of proposed legislation that the Secretary considers necessary for implementing the program or for otherwise responding to the information warfare threat.

"(d) COORDINATION.—In carrying out the program, the Secretary shall coordinate, as appropriate, with the head of any relevant Federal agency and with representatives of those national critical information infrastructure systems that are essential to the operations of the Department and the armed forces on information assurance measures necessary to the protection of these systems.

"(e) ANNUAL REPORT.—Each year, at or about the time the President submits the annual budget for the next fiscal year pursuant to section 1105 of title 31, the Secretary shall submit to Congress a report on the Defense Information Assurance Program. Each report shall include the following:

"(1) Progress in achieving the objectives of the program.

"(2) A summary of the program strategy and any changes in that strategy.

"(3) A description of the information assurance activities of the Office of the Secretary of Defense, Joint Staff, unified and specified commands, Defense Agencies, military departments, and other supporting activities of the Department of Defense.

"(4) Program and budget requirements for the program for the past fiscal year, current fiscal year, budget year, and each succeeding fiscal year in the remainder of the current future-years defense program.

"(5) An identification of critical deficiencies and shortfalls in the program.

"(6) Legislative proposals that would enhance the capability of the Department to execute the program.

"(f) INFORMATION ASSURANCE TEST BED.—The Secretary shall develop an information assurance test bed within the Department of Defense to provide—

"(1) an integrated organization structure to plan and facilitate the conduct of simulations, war games, exercises, experiments, and other activities to prepare and inform the Department regarding information warfare threats; and

"(2) organization and planning means for the conduct by the Department of the integrated or joint exercises and experiments with elements of the national information systems infrastructure and other non-Department of Defense organizations that are responsible for the oversight and management of critical information systems and infrastructures on which the Department, the armed forces, and supporting activities depend for the conduct of daily operations and operations during crisis.".

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

"2224. Defense Information Assurance Program.".

SEC. 1044. NONDISCLOSURE OF INFORMATION ON PERSONNEL OF OVERSEAS, SENSITIVE, OR ROUTINELY DEPLOYABLE UNITS.

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

"§ 130b. Personnel in overseas, sensitive, or routinely deployable units: nondisclosure of personally identifying information

"(a) EXEMPTION FROM DISCLOSURE.—The Secretary of Defense and, with respect to the Coast Guard when it is not operating as a service in the Navy, the Secretary of Transportation may, notwithstanding section 552 of title 5, authorize to be withheld from disclosure to the public personally identifying information regarding—

"(1) any member of the armed forces assigned to an overseas unit, a sensitive unit, or a routinely deployable unit; and

"(2) any employee of the Department of Defense or of the Coast Guard whose duty station is with any such unit.

"(b) EXCEPTIONS.—(1) The authority in subsection (a) is subject to such exceptions as the President may direct.

"(2) Subsection (a) does not authorize any official to withhold, or to authorize the withholding of, information from Congress.

"(c) DEFINITIONS.—In this section:

"(1) The term 'personally identifying information', with respect to any person, means the person's name, rank, duty address, and official title and information regarding the person's pay.

"(2) The term 'unit' means a military organization of the armed forces designated as a unit by competent authority.

"(3) The term 'overseas unit' means a unit that is located outside the United States and its territories.

"(4) The term 'sensitive unit' means a unit that is primarily involved in training for the conduct of, or conducting, special activities or classified missions, including—

"(A) a unit involved in collecting, handling, disposing, or storing of classified information and materials;

"(B) a unit engaged in training—

"(i) special operations units;

"(ii) security group commands weapons stations; or

"(iii) communications stations; and

"(C) any other unit that is designated as a sensitive unit by the Secretary of Defense or, in the case of the Coast Guard when it is not operating as a service in the Navy, by the Secretary of Transportation.

"(5) The term 'routinely deployable unit' means a unit that normally deploys from its permanent home station on a periodic or rotating basis to meet peacetime operational requirements that, or to participate in scheduled training exercises that, routinely require deployments outside the United States and its territories. Such term includes a unit that is alerted for deployment outside the United States and its territories during an actual execution of a contingency plan or in support of a crisis operation.".

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

"130b. Personnel in overseas, sensitive, or routinely deployable units: nondisclosure of personally identifying information.".

SEC. 1045. NONDISCLOSURE OF CERTAIN OPERATIONAL FILES OF THE NATIONAL IMAGERY AND MAPPING AGENCY.

(a) AUTHORITY TO WITHHOLD.—Subchapter II of chapter 22 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 457. Operational files previously maintained by or concerning activities of National Photographic Interpretation Center: authority to withhold from public disclosure

"(a) AUTHORITY.—The Secretary of Defense may withhold from public disclosure operational files described in subsection (b) to the same extent that operational files may be withheld under section 701 of the National Security Act of 1947 (50 U.S.C. 431).

"(b) COVERED OPERATIONAL FILES.—The authority under subsection (a) applies to operational files in the possession of the National Imagery and Mapping Agency that—

"(1) as of September 22, 1996, were maintained by the National Photographic Interpretation Center; or

"(2) concern the activities of the Agency that, as of such date, were performed by the National Photographic Interpretation Center.

"(c) OPERATIONAL FILES DEFINED.—In this section, the term 'operational files' has the meaning given that term in section 701(b) of the National Security Act of 1947 (50 U.S.C. 431(b)).".

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

"457. Operational files previously maintained by or concerning activities of National Photographic Interpretation Center: authority to withhold from public disclosure.".

Subtitle F—Memorial Objects and Commemorations

SEC. 1051. MORATORIUM ON THE RETURN OF VETERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

10 USC 2572 note.

(a) PROHIBITION.—Notwithstanding section 2572 of title 10, United States Code, and any other provision of law, during the moratorium period specified in subsection (c) the President may not transfer a veterans memorial object to a foreign country or an entity controlled by a foreign government, or otherwise transfer or convey such an object to any person or entity for purposes of the ultimate transfer or conveyance of the object to a foreign country or entity controlled by a foreign government, unless such transfer is specifically authorized by law.

(b) DEFINITIONS.—In this section:

(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term "entity controlled by a foreign government" has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) VETERANS MEMORIAL OBJECT.—The term "veterans memorial object" means any object, including a physical structure or portion thereof, that—

(A) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad.

(c) PERIOD OF MORATORIUM.—The moratorium period for the purposes of this section is the period beginning on the date of the enactment of this Act and ending on September 30, 2001.

SEC. 1052. PROGRAM TO COMMEMORATE 50TH ANNIVERSARY OF THE KOREAN WAR.

(a) PERIOD OF PROGRAM.—Subsection (a) of section 1083 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1918; 10 U.S.C. 113 note) is amended by striking "The Secretary of Defense" and inserting "During fiscal years 2000 through 2004, the Secretary of Defense".

(b) CHANGE OF NAME.—(1) Subsection (c) of such section, as amended by section 1067 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2134), is amended by striking "'The Department of Defense Korean War Commemoration'" and inserting "'The United States of America Korean War Commemoration'".

10 USC 113 note.

(2) The amendment made by paragraph (1) may not be construed to supersede rights that are established or vested before the date of the enactment of this Act.

(3) Any reference to the Department of Defense Korean War Commemoration in any law, regulation, document, record, or other paper of the United States shall be considered to be a reference to the United States of America Korean War Commemoration.

10 USC 113 note.

(c) FUNDING.—Subsection (f) of such section is amended to read as follows:

"(f) USE OF FUNDS.—(1) Funds appropriated for the Army for fiscal years 2000 through 2004 for operation and maintenance shall be available for the commemorative program authorized under subsection (a).

"(2) The total amount expended by the Department of Defense through the Department of Defense 50th Anniversary of the Korean War Commemoration Committee, an entity within the Department of the Army, to carry out the commemorative program authorized under subsection (a) for fiscal years 2000 through 2004 may not exceed $7,000,000.".

10 USC 113 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

10 USC 113 note.

SEC. 1053. COMMEMORATION OF THE VICTORY OF FREEDOM IN THE COLD WAR.

(a) FINDINGS.—Congress makes the following findings:

(1) The Cold War between the United States and its allies and the former Union of Soviet Socialist Republics and its allies was the longest and most costly struggle for democracy and freedom in the history of mankind.

(2) Whether millions of people all over the world would live in freedom hinged on the outcome of the Cold War.

(3) Democratic countries bore the burden of the struggle and paid the costs in order to preserve and promote democracy and freedom.

(4) The Armed Forces and the taxpayers of the United States bore the greatest portion of that burden and struggle in order to protect those principles.

(5) Tens of thousands of United States soldiers, sailors, airmen, Marines paid the ultimate price during the Cold War

in order to preserve the freedoms and liberties enjoyed in democratic countries.

(6) The Berlin Wall erected in Berlin, Germany, epitomized the totalitarianism that the United States struggled to eradicate during the Cold War.

(7) The fall of the Berlin Wall on November 9, 1989, was a major event of the Cold War.

(8) The Soviet Union collapsed on December 25, 1991.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should issue a proclamation calling on the people of the United States to observe the victory in the Cold War with appropriate ceremonies and activities.

(c) PARTICIPATION OF ARMED FORCES IN CELEBRATION OF END OF COLD WAR.—(1) Subject to paragraphs (2), (3), and (4), amounts authorized to be appropriated by section 301 may be available for costs of the Armed Forces in participating in a celebration of the end of the Cold War to be held in Washington, District of Columbia.

(2) The total amount of funds available under paragraph (1) for the purpose set forth in that paragraph shall not exceed $5,000,000.

(3) The Secretary of Defense may accept contributions from the private sector for the purpose of reducing the costs of the Armed Forces described in paragraph (1). The amount of funds available under paragraph (1) for the purpose set forth in that paragraph shall be reduced by an amount equal to the amount of contributions accepted by the Secretary under the preceding sentence.

(4) The funding authorized in paragraph (1) shall not be available until 30 days after the date upon which the plan required by subsection (d) is submitted.

(d) REPORT.—(1) The President shall transmit to Congress—

(A) a report on the content of the proclamation referred to in subsection (b); and

(B) a plan for appropriate ceremonies and activities.

(2) The plan submitted under paragraph (1) shall include the following:

(A) A discussion of the content, location, date, and time of each ceremony and activity included in the plan.

(B) The funding allocated to support those ceremonies and activities.

(C) The organizations and individuals consulted while developing the plan for those ceremonies and activities.

(D) A list of private sector organizations and individuals that are expected to participate in each ceremony and activity.

(E) A list of local, State, and Federal agencies that are expected to participate in each ceremony and activity.

(e) COMMISSION ON VICTORY IN THE COLD WAR.—(1) There is hereby established a commission to be known as the "Commission on Victory in the Cold War".

(2) The Commission shall be composed of twelve members, as follows:

(A) Two shall be appointed by the President.

(B) Three shall be appointed by the Speaker of the House of Representatives.

(C) Two shall be appointed by the minority leader of the House of Representatives.

(D) Three shall be appointed by the majority leader of the Senate.

(E) Two shall be appointed by the minority leader of the Senate.

(3) The Commission shall review and make recommendations regarding the celebration of the victory in the Cold War, to include the date of the celebration, usage of facilities, participation of the Armed Forces, and expenditure of funds.

(4) The Secretary shall—

(A) consult with the Commission on matters relating to the celebration of the victory in the Cold War;

(B) reimburse Commission members for expenses relating to participation of Commission members in Commission activities from funds made available under subsection (c); and

(C) provide the Commission with administrative support.

(5) The Commission shall be co-chaired by two members as follows:

(A) One selected by and from among those appointed pursuant to subparagraphs (A), (C), and (E) of paragraph (2).

(B) One selected by and from among those appointed pursuant to subparagraphs (B) and (D) of paragraph (2).

Subtitle G—Other Matters

SEC. 1061. DEFENSE SCIENCE BOARD TASK FORCE ON USE OF TELEVISION AND RADIO AS A PROPAGANDA INSTRUMENT IN TIME OF MILITARY CONFLICT.

(a) ESTABLISHMENT OF TASK FORCE.—The Secretary of Defense shall establish a task force of the Defense Science Board to examine—

(1) the use of radio and television broadcasting as a propaganda instrument in time of military conflict; and

(2) the adequacy of the capabilities of the Armed Forces to make such uses of radio and television during conflicts such as the conflict in the Federal Republic of Yugoslavia in the spring of 1999.

(b) DUTIES OF TASK FORCE.—The task force shall assess and develop recommendations as to the appropriate capabilities, if any, that the Armed Forces should have to broadcast radio and television into a region in time of military conflict so as to ensure that the general public in that region is exposed to the facts of the conflict. In making that assessment and developing those recommendations, the task force shall review the following:

(1) The capabilities of the Armed Forces to develop programming and to make broadcasts that can reach a large segment of the general public in a country such as the Federal Republic of Yugoslavia.

(2) The potential of various Department of Defense airborne or land-based mechanisms to have capabilities described in paragraph (1), including improvements to the EC–130 Commando Solo aircraft and the use of other airborne platforms, unmanned aerial vehicles, and land-based transmitters in conjunction with satellites.

(3) Other issues relating to the use of television and radio as a propaganda instrument in time of conflict.

(c) REPORT.—The task force shall submit to the Secretary of Defense a report containing its assessments and recommendations under subsection (b) not later than February 1, 2000. The Secretary shall submit the report, together with the comments and recommendations of the Secretary, to the congressional defense committees not later than March 1, 2000. Deadlines.

SEC. 1062. ASSESSMENT OF ELECTROMAGNETIC SPECTRUM REALLOCATION.

(a) ASSESSMENT REQUIRED.—Part C of the National Telecommunications and Information Administration Organization Act is amended by adding after section 155 the following new section:

"SEC. 156. ASSESSMENT OF ELECTROMAGNETIC SPECTRUM REALLOCATION. 47 USC 921 note.

"(a) REVIEW AND ASSESSMENT OF ELECTROMAGNETIC SPECTRUM REALLOCATION.—

"(1) REVIEW AND ASSESSMENT REQUIRED.—The Secretary of Commerce, acting through the Assistant Secretary and in coordination with the Chairman of the Federal Communications Commission, shall convene an interagency review and assessment of—

"(A) the progress made in implementation of national spectrum planning;

"(B) the reallocation of Federal Government spectrum to non-Federal use, in accordance with the amendments made by title VI of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 107 Stat. 379) and title III of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 258); and

"(C) the implications for such reallocations to the affected Federal executive agencies.

"(2) COORDINATION.—The assessment shall be conducted in coordination with affected Federal executive agencies through the Interdepartmental Radio Advisory Committee.

"(3) COOPERATION AND ASSISTANCE.—Affected Federal executive agencies shall cooperate with the Assistant Secretary in the conduct of the review and assessment and furnish the Assistant Secretary with such information, support, and assistance, not inconsistent with law, as the Assistant Secretary may consider necessary in the performance of the review and assessment.

"(4) ATTENTION TO PARTICULAR SUBJECTS REQUIRED.—In the conduct of the review and assessment, particular attention shall be given to—

"(A) the effect on critical military and intelligence capabilities, civil space programs, and other Federal Government systems used to protect public safety of the reallocated spectrum described in paragraph (1)(B) of this subsection;

"(B) the anticipated impact on critical military and intelligence capabilities, future military and intelligence operational requirements, national defense modernization programs, and civil space programs, and other Federal Government systems used to protect public safety, of future potential reallocations to non-Federal use of bands of the electromagnetic spectrum that are currently allocated for use by the Federal Government; and

"(C) future spectrum requirements of agencies in the Federal Government.

Deadline. "(b) SUBMISSION OF REPORT.—The Secretary of Commerce, in coordination with the heads of the affected Federal executive agencies, and the Chairman of the Federal Communications Commission shall submit to the President, the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Armed Services, the Committee on Commerce, and the Committee on Science of the House of Representatives, not later than October 1, 2000, a report providing the results of the assessment required by subsection (a).".

47 USC 921 note. (b) SURRENDER OF DEPARTMENT OF DEFENSE SPECTRUM.—

(1) IN GENERAL.—If, in order to make available for other use a band of frequencies of which it is a primary user, the Department of Defense is required to surrender use of such band of frequencies, the Department shall not surrender use of such band of frequencies until—

(A) the National Telecommunications and Information Administration, in consultation with the Federal Communications Commission, identifies and makes available to the Department for its primary use, if necessary, an alternative band or bands of frequencies as a replacement for the band to be so surrendered; and

(B) the Secretary of Commerce, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff jointly certify to the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Armed Services and the Committee on Commerce of the House of Representatives, that such alternative band or bands provides comparable technical characteristics to restore essential military capability that will be lost as a result of the band of frequencies to be so surrendered.

(2) EXCEPTION.—Paragraph (1) shall not apply to a band of frequencies that has been identified for reallocation in accordance with title VI of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 107 Stat. 379) and title III of the Balanced Budget Act of 1997 (Public Law 105–33, 111 Stat. 258), other than a band of frequencies that is reclaimed pursuant to subsection (c).

47 USC 921 note. (c) REASSIGNMENT TO FEDERAL GOVERNMENT FOR USE BY DEPARTMENT OF DEFENSE OF CERTAIN FREQUENCY SPECTRUM RECOMMENDED FOR REALLOCATION.—(1) Notwithstanding any provision of the National Telecommunications and Information Administration Organization Act or the Balanced Budget Act of 1997, the President shall reclaim for exclusive Federal Government use on a primary basis by the Department of Defense—

(A) the bands of frequencies aggregating 3 megahertz located between 138 and 144 megahertz that were recommended for reallocation in the second reallocation report under section 113(a) of that Act; and

(B) the band of frequency aggregating 5 megahertz located between 1385 megahertz and 1390 megahertz, inclusive, that was so recommended for reallocation.

(2) Section 113(b)(3)(A) of the National Telecommunications and Information Administration Organization Act (47 U.S.C.

923(b)(3)(A)) is amended by striking "20 megahertz" and inserting "12 megahertz".

SEC. 1063. EXTENSION AND REAUTHORIZATION OF DEFENSE PRODUCTION ACT OF 1950.

(a) EXTENSION OF TERMINATION DATE.—Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking "September 30, 1999" and inserting "September 30, 2000".

(b) EXTENSION OF AUTHORIZATION.—Section 711(b) of such Act (50 U.S.C. App. 2161(b)) is amended by striking "the fiscal years 1996, 1997, 1998, and 1999" and inserting "fiscal years 1996 through 2000".

SEC. 1064. PERFORMANCE OF THREAT AND RISK ASSESSMENTS.

Section 1404 of the Defense Against Weapons of Mass Destruction Act of 1998 (title XIV of Public Law 105–261; 50 U.S.C. 2301 note) is amended to read as follows:

"SEC. 1404. THREAT AND RISK ASSESSMENTS.

"(a) THREAT AND RISK ASSESSMENTS.—Assistance to Federal, State, and local agencies provided under the program under section 1402 shall include the performance of assessments of the threat and risk of terrorist employment of weapons of mass destruction against cities and other local areas. Such assessments shall be used by Federal, State, and local agencies to determine the training and equipment requirements under this program and shall be performed as a collaborative effort with State and local agencies.

"(b) CONDUCT OF ASSESSMENTS.—The Department of Justice, as lead Federal agency for domestic crisis management in response to terrorism involving weapons of mass destruction, shall—

"(1) conduct any threat and risk assessment performed under subsection (a) in coordination with appropriate Federal, State, and local agencies; and

"(2) develop procedures and guidance for conduct of the threat and risk assessment in consultation with officials from the intelligence community.".

SEC. 1065. CHEMICAL AGENTS USED FOR DEFENSIVE TRAINING.

(a) AUTHORITY TO TRANSFER AGENTS.—(1) The Secretary of Defense may transfer to the Attorney General, in accordance with the Chemical Weapons Convention, quantities of lethal chemical agents required to support training at the Center for Domestic Preparedness in Fort McClellan, Alabama. The quantity of lethal chemical agents transferred under this section may not exceed that required to support training for emergency first-response personnel in addressing the health, safety, and law enforcement concerns associated with potential terrorist incidents that might involve the use of lethal chemical weapons or agents, or other training designated by the Attorney General.

(2) The Secretary of Defense, in coordination with the Attorney General, shall determine the amount of lethal chemical agents that shall be transferred under this section. Such amount shall be transferred from quantities of lethal chemical agents that are produced, acquired, or retained by the Department of Defense.

(3) The Secretary of Defense may not transfer lethal chemical agents under this section until—

(A) the Center referred to in paragraph (1) is transferred from the Department of Defense to the Department of Justice; and

(B) the Secretary determines that the Attorney General is prepared to receive such agents.

(4) To carry out the training described in paragraph (1) and other defensive training not prohibited by the Chemical Weapons Convention, the Secretary of Defense may transport lethal chemical agents from a Department of Defense facility in one State to a Department of Justice or Department of Defense facility in another State.

(5) Quantities of lethal chemical agents transferred under this section shall meet all applicable requirements for transportation, storage, treatment, and disposal of such agents and for any resulting hazardous waste products.

(b) ANNUAL REPORT.—The Secretary of Defense, in consultation with the Attorney General, shall report annually to Congress regarding the disposition of lethal chemical agents transferred under this section.

(c) NON-INTERFERENCE WITH TREATY OBLIGATIONS.—Nothing in this section may be construed as interfering with United States treaty obligations under the Chemical Weapons Convention.

(d) CHEMICAL WEAPONS CONVENTION DEFINED.—In this section, the term "Chemical Weapons Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

SEC. 1066. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 136(a) is amended by inserting "advice and" after "by and with the".

(2) Section 180(d) is amended by striking "grade GS–18 of the General Schedule under section 5332 of title 5" and inserting "Executive Schedule Level IV under section 5376 of title 5".

(3) Section 192(d) is amended by striking "the date of the enactment of this subsection" and inserting "October 17, 1998".

(4) Section 374(b) is amended—

(A) in paragraph (1), by aligning subparagraphs (C) and (D) with subparagraphs (A) and (B); and

(B) in paragraph (2)(F), by striking the second semicolon at the end of clause (i).

(5) Section 664(i)(2)(A) is amended by striking "the date of the enactment of this subsection" and inserting "February 10, 1996".

(6) Section 977(d)(2) is amended by striking "the lesser of" and all that follows through "(B)".

(7) Section 1073 is amended by inserting "(42 U.S.C. 14401 et seq.)" before the period at the end of the second sentence.

(8) Section 1076a(j)(2) is amended by striking "1 year" and inserting "one year".

(9) Section 1370(d) is amended—

(A) in paragraph (1), by striking "chapter 1225" and inserting "chapter 1223"; and

(B) in paragraph (5), by striking "the date of the enactment of this paragraph" and inserting "October 17, 1998,".

(10) Section 1401a(b)(2) is amended—

(A) by striking "MEMBERS" and all that follows through "The Secretary shall" and inserting "MEMBERS.—The Secretary shall";

(B) by striking subparagraphs (B) and (C); and

(C) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B) and realigning those subparagraphs, as so redesignated, so as to be indented four ems from the left margin.

(11) Section 1406(i)(2) is amended by striking "on or after the date of the enactment of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999" and inserting "after October 16, 1998".

(12) Section 1448(b)(3)(E)(ii) is amended by striking "on or after the date of the enactment of the subparagraph" and inserting "after October 16, 1998,".

(13) Section 1501(d) is amended by striking "prescribed" in the first sentence and inserting "described".

(14) Section 1509(a)(2) is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998" in subparagraphs (A) and (B) and inserting "November 18, 1997,".

(15) Section 1513(1) is amended by striking ", under the circumstances specified in the last sentence of section 1509(a) of this title" and inserting "who is required by section 1509(a)(1) of this title to be considered a missing person".

(16) Section 2208(l)(2)(A) is amended by inserting "of" after "during a period".

(17) Section 2212(f) is amended—

(A) in paragraphs (2) and (3), by striking "after the date of the enactment of this section" and inserting "after October 17, 1998,"; and

(B) in paragraphs (2), (3), and (4), by striking "as of the date of the enactment of this section" and inserting "as of October 17, 1998".

(18) Section 2302c(b) is amended by striking "section 2303" and inserting "section 2303(a)".

(19) Section 2325(a)(1) is amended by inserting "that occurs after November 18, 1997," after "of the contractor" in the matter that precedes subparagraph (A).

(20) Section 2469a(c)(3) is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998" and inserting "November 18, 1997".

(21) Section 2486(c) is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998," in the second sentence and inserting "November 18, 1997,".

(22) Section 2492(b) is amended by striking "the date of the enactment of this section" and inserting "October 17, 1998".

(23) Section 2539b(a) is amended by striking "secretaries of the military departments" and inserting "Secretaries of the military departments".

(24) Section 2641a is amended—

(A) by striking ", United States Code," in subsection (b)(2); and

(B) by striking subsection (d).

(25) Section 2692(b) is amended—

(A) by striking "apply to—" in the matter preceding paragraph (1) and inserting "apply to the following:";

(B) by striking "the" at the beginning of each of paragraphs (1) through (11) and inserting "The";

(C) by striking the semicolon at the end of each of paragraphs (1) through (9) and inserting a period; and

(D) by striking "; and" at the end of paragraph (10) and inserting a period.

(26) Section 2696 is amended—

(A) in subsection (a), by inserting "enacted after December 31, 1997," after "any provision of law";

(B) in subsection (b)(1), by striking "required by paragraph (1)" and inserting "referred to in subsection (a)"; and

(C) in subsection (e)(4), by striking "the date of enactment of the National Defense Authorization Act for Fiscal Year 1998" and inserting "November 18, 1997".

(27) Section 2703(c) is amended by striking "United States Code,".

(28) Section 2837(d)(2) is amended—

(A) by inserting "and" at the end of subparagraph (A);

(B) by striking "; and" at the end of subparagraph (B) and inserting a period; and

(C) by striking subparagraph (C).

(29) Section 7315(d)(2) is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998" and inserting "November 18, 1997,".

(30) Section 7902(e)(5) is amended by striking ", United States Code,".

(31) The item relating to section 12003 in the table of sections at the beginning of chapter 1201 is amended by inserting "in an" after "officers".

(32) Section 14301(g) is amended by striking "1 year" both places it appears and inserting "one year".

(33) Section 16131(b)(1) is amended by inserting "in" after "Except as provided".

Effective date.

(b) PUBLIC LAW 105–261.—Effective as of October 17, 1998, and as if included therein as enacted, the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1920 et seq.) is amended as follows:

10 USC 691.

(1) Section 402(b) (112 Stat. 1996) is amended by striking the third comma in the first quoted matter and inserting a period.

(2) Section 511(b)(2) (112 Stat. 2007) is amended by striking "section 1411" and inserting "section 1402".

10 USC 1370.

(3) Section 513(a) (112 Stat. 2007) is amended by striking "section 511" and inserting "section 512(a)".

10 USC 2012 note.

(4) Section 525(b) (112 Stat. 2014) is amended by striking "subsection (i)" and inserting "subsection (j)".

46 USC app. 1295b.

(5) Section 568 (112 Stat. 2031) is amended by striking "1295(c)" in the matter preceding paragraph (1) and inserting "1295b(c)".

(6) Section 722(c) (112 Stat. 2067) is amended— 10 USC 1073 note.

(A) by striking "(1)" before "An individual is eligible";

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

(C) in paragraph (4), as so redesignated, by striking "subsection (c)" and inserting "subsection (d)".

(c) PUBLIC LAW 105–85.—The National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) is amended as follows:

(1) Section 557(b) (111 Stat. 1750) is amended by inserting "to" after "with respect". 10 USC 4318 note.

(2) Section 563(b) (111 Stat. 1754) is amended by striking "title" and inserting "subtitle". 10 USC 113 note.

(3) Section 644(d)(2) (111 Stat. 1801) is amended by striking "paragraphs (3) and (4)" and inserting "paragraphs (7) and (8)". 10 USC 1448 note.

(4) Section 934(b) (111 Stat. 1866) is amended by striking "of" after "matters concerning". 10 USC 1501 note.

(d) OTHER LAWS.—

(1) Effective as of April 1, 1996, section 647(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 370) is amended by inserting "of such title" after "Section 1968(a)". Effective date. 38 USC 1968.

(2) Section 414 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 12001 note) is amended—

(A) by striking "pilot" in subsection (a), "PILOT" in the heading of subsection (a), and "**PILOT**" in the section heading; and

(B) in subsection (c)(1)—

(i) by striking "2,000" in the first sentence and inserting "5,000"; and

(ii) by striking the second sentence.

(3) Sections 8334(c) and 8422(a)(3) of title 5, United States Code, are each amended in the item for nuclear materials couriers—

(A) by striking "to the day before the date of the enactment of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999" and inserting "to October 16, 1998"; and

(B) by striking "The date of the enactment of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999" and inserting "October 17, 1998".

(4) Section 113(b)(2) of title 32, United States Code, is amended by striking "the date of the enactment of this subsection" and inserting "October 17, 1998".

(5) Section 1007(b) of title 37, United States Code, is amended by striking the second sentence.

(6) Section 845(b)(1) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2371 note) is amended by striking "(e)(2) and (e)(3) of such section 2371" and inserting "(e)(1)(B) and (e)(2) of such section 2371".

(e) COORDINATION WITH OTHER AMENDMENTS.—For purposes of applying amendments made by provisions of this Act other than provisions of this section, this section shall be treated as having been enacted immediately before the other provisions of this Act. 10 USC 101 note.

SEC. 1067. AMENDMENTS TO REFLECT NAME CHANGE OF COMMITTEE ON NATIONAL SECURITY OF THE HOUSE OF REPRESENTATIVES TO COMMITTEE ON ARMED SERVICES.

The following provisions of law are amended by striking "Committee on National Security" each place it appears and inserting "Committee on Armed Services":

10 USC 113 *et seq.*

(1) Title 10, United States Code.

(2) Sections 301b(i)(2) and 431(d)(2) of title 37, United States Code.

(3) The following provisions of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261): section 3, section 344(c)(3) (10 U.S.C. 113 note), section 571(f) (10 U.S.C. 520 note), section 722(b)(3)(A) (10 U.S.C. 1073 note), section 723(d) (10 U.S.C. 1073 note), section 724 (10 U.S.C. 1108 note), section 733(b)(3) (10 U.S.C. 1091 note), section 741(c) (10 U.S.C. 1109 note), section 745(h) (10 U.S.C. 1071 note), 803(c)(4) (10 U.S.C. 2306a note), section 914, section 1007(f)(1), section 1101(g)(1) (5 U.S.C. 3104 note), section 1223(a) (22 U.S.C. 1928 note), section 1502(a) (22 U.S.C. 2593a note), section 3124(d), section 3158(c) (42 U.S.C. 2121 note), section 3159(d) (42 U.S.C. 2121 note), and section 3161(d)(2) (50 U.S.C. 435 note).

(4) The following provisions of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85): section 3, section 349(g) (10 U.S.C. 2702 note), section 849(b) (10 U.S.C. 1731 note), section 1033(f)(4), section 1078(d) (50 U.S.C. 1520a), section 1215(2), section 3124(d), and section 3140(a).

112 Stat. 1935.

50 USC app. 2404 note.

(5) The following provisions of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201): section 3, section 121(e)(1), section 270(a) (10 U.S.C. 2501 note), section 326(c), section 333(c), section 552(a), section 1042(a) (10 U.S.C. 113 note), section 1053(d), section 2827(b)(3), and section 3124(c).

110 Stat 2439.

33 USC 2406 note.

(6) The following provisions of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106): section 3, section 131, section 234(f), section 279(b), section 373(a), section 807(c) (10 U.S.C. 2401a note), section 822(e) (10 U.S.C. 2302 note), section 1011(d)(2), section 1205(a)(2) (22 U.S.C. 5955 note), section 3124(c), and section 3411 (10 U.S.C. 7420 note).

110 Stat. 204; 10 USC 2431 note.

(7) Section 2922(b) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2687 note).

(8) Sections 326(a)(5) (10 U.S.C. 2302 note) and 1505(e)(2)(B) (22 U.S.C. 5859a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484).

(9) Section 1097(a)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 22 U.S.C. 2751 note).

(10) The following provisions of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510): section 1403(d)(2) (50 U.S.C. 404b(d)(2)), section 1457(d)(2) (50 U.S.C. 404c(d)(2)), section 2910(2) (10 U.S.C. 2687 note), and subsections (e)(3)(A) and (f)(2) of section 2921 (10 U.S.C. 2687 note).

(11) Subsections (b)(4) and (k)(2) of section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 50 U.S.C. 1521).

(12) Section 1002(d) of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 22 U.S.C. 1928 note).

(13) Sections 6(d)(1) and 7(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(d)(1), 98f(b)).

(14) Section 8125(g)(2) of the Department of Defense Appropriations Act, 1989 (Public Law 100–463; 10 U.S.C. 113 note).

(15) Section 7606(b) of the Anti-Drug Abuse Act of 1988 (Public Law 100–690; 10 U.S.C. 9441 note).

(16) Sections 104(d)(5) and 109(c)(2) of the National Security Act of 1947 (50 U.S.C. 403–4(d)(5), 404d(c)(2)).

(17) Sections 8(b)(3) and 8(f)(1) of the Inspector General Act of 1978 (5 U.S.C. App.).

(18) Section 204(h)(3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(3)).

(19) Section 101(f)(3)(A) of the Sikes Act (16 U.S.C. 670a(f)(3)(A)).

(20) Section 103(c) of the High-Performance Computing Act of 1991 (15 U.S.C. 5513(c)).

(21) Section 205(b)(1) of the Commercial Space Act of 1998 (Public Law 105–303; 42 U.S.C. 14734(b)(1)).

(22) Section 506(c) of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104–93; 109 Stat. 974).

(23) Section 2(f) of the Wildfire Suppression Aircraft Transfer Act of 1996 (Public Law 104–307; 10 U.S.C. 2576 note).

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

Sec. 1101. Accelerated implementation of voluntary early retirement authority.
Sec. 1102. Increase of pay cap for nonappropriated fund senior executive employees.
Sec. 1103. Restoration of leave of emergency essential employees serving in a combat zone.
Sec. 1104. Extension of certain temporary authorities to provide benefits for employees in connection with defense workforce reductions and restructuring.
Sec. 1105. Leave without loss of benefits for military reserve technicians on active duty in support of combat operations.
Sec. 1106. Expansion of Guard-and-Reserve purposes for which leave under section 6323 of title 5, United States Code, may be used.
Sec. 1107. Work schedules and premium pay of service academy faculty.
Sec. 1108. Salary schedules and related benefits for faculty and staff of the Uniformed Services University of the Health Sciences.
Sec. 1109. Exemption of defense laboratory employees from certain workforce management restrictions.

SEC. 1101. ACCELERATED IMPLEMENTATION OF VOLUNTARY EARLY RETIREMENT AUTHORITY.

Section 1109(d)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2145; 5 U.S.C. 8336 note) is amended by striking "October 1, 2000" and inserting "October 1, 1999".

SEC. 1102. INCREASE OF PAY CAP FOR NONAPPROPRIATED FUND SENIOR EXECUTIVE EMPLOYEES.

Section 5373 of title 5, United States Code, is amended—

(1) in the first sentence, by striking "Except as provided" and inserting "(a) Except as provided in subsection (b) and"; and

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

"(b) Subsection (a) shall not affect the authority of the Secretary of Defense or the Secretary of a military department to fix the pay of a civilian employee paid from nonappropriated funds, except that the annual rate of basic pay (including any portion of such pay attributable to comparability with private-sector pay in a locality) of such an employee may not be fixed at a rate greater than the rate for level III of the Executive Schedule.".

SEC. 1103. RESTORATION OF LEAVE OF EMERGENCY ESSENTIAL EMPLOYEES SERVING IN A COMBAT ZONE.

(a) SERVICE IN A COMBAT ZONE AS EXIGENCY OF THE PUBLIC BUSINESS.—Section 6304(d) of title 5, United States Code, is amended by adding at the end the following:

"(4)(A) For the purpose of this subsection, service of a Department of Defense emergency essential employee in a combat zone is an exigency of the public business for that employee. Any leave that, by reason of such service, is lost by the employee by operation of this section (regardless of whether such leave was scheduled) shall be restored to the employee and shall be credited and available in accordance with paragraph (2).

"(B) As used in subparagraph (A)—

"(i) the term 'Department of Defense emergency essential employee' means an employee of the Department of Defense who is designated under section 1580 of title 10 as an emergency essential employee; and

"(ii) the term 'combat zone' has the meaning given such term in section 112(c)(2) of the Internal Revenue Code of 1986.".

(b) DESIGNATION OF EMERGENCY ESSENTIAL EMPLOYEES.—(1) Chapter 81 of title 10, United States Code, is amended by inserting after the table of sections at the beginning of such chapter the following new section 1580:

"§ 1580. Emergency essential employees: designation

"(a) CRITERIA FOR DESIGNATION.—The Secretary of Defense or the Secretary of the military department concerned may designate as an emergency essential employee any employee of the Department of Defense, whether permanent or temporary, the duties of whose position meet all of the following criteria:

"(1) It is the duty of the employee to provide immediate and continuing support for combat operations or to support maintenance and repair of combat essential systems of the armed forces.

"(2) It is necessary for the employee to perform that duty in a combat zone after the evacuation of nonessential personnel, including any dependents of members of the armed forces, from the zone in connection with a war, a national emergency declared by Congress or the President, or the commencement of combat operations of the armed forces in the zone.

"(3) It is impracticable to convert the employee's position to a position authorized to be filled by a member of the armed

forces because of a necessity for that duty to be performed without interruption.

"(b) ELIGIBILITY OF EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES.—A nonappropriated fund instrumentality employee is eligible for designation as an emergency essential employee under subsection (a).

"(c) DEFINITIONS.—In this section:

"(1) The term 'combat zone' has the meaning given that term in section 112(c)(2) of the Internal Revenue Code of 1986.

"(2) The term 'nonappropriated fund instrumentality employee' has the meaning given that term in section 1587(a)(1) of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 1581 the following:

"1580. Emergency essential employees: designation.".

SEC. 1104. EXTENSION OF CERTAIN TEMPORARY AUTHORITIES TO PROVIDE BENEFITS FOR EMPLOYEES IN CONNECTION WITH DEFENSE WORKFORCE REDUCTIONS AND RESTRUCTURING.

(a) LUMP-SUM PAYMENT OF SEVERANCE PAY.—Section 5595(i)(4) of title 5, United States Code, is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 and before October 1, 1999" and inserting "February 10, 1996, and before October 1, 2003".

(b) VOLUNTARY SEPARATION INCENTIVE.—Section 5597(e) of such title is amended by striking "September 30, 2001" and inserting "September 30, 2003".

(c) CONTINUATION OF FEHBP ELIGIBILITY.—Section 8905a(d)(4)(B) of such title is amended by striking clauses (i) and (ii) and inserting the following:

"(i) October 1, 2003; or

"(ii) February 1, 2004, if specific notice of such separation was given to such individual before October 1, 2003.".

SEC. 1105. LEAVE WITHOUT LOSS OF BENEFITS FOR MILITARY RESERVE TECHNICIANS ON ACTIVE DUTY IN SUPPORT OF COMBAT OPERATIONS.

(a) ELIMINATION OF RESTRICTION TO SITUATIONS INVOLVING NONCOMBAT OPERATIONS.—Section 6323(d)(1) of title 5, United States Code, is amended by striking "noncombat".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to days of leave under section 6323(d)(1) of title 5, United States Code, on or after that date. 5 USC 6323 note.

SEC. 1106. EXPANSION OF GUARD-AND-RESERVE PURPOSES FOR WHICH LEAVE UNDER SECTION 6323 OF TITLE 5, UNITED STATES CODE, MAY BE USED.

(a) IN GENERAL.—Section 6323(a)(1) of title 5, United States Code, is amended in the first sentence by inserting ", inactive-duty training (as defined in section 101 of title 37)," after "active duty".

(b) APPLICABILITY.—The amendment made by subsection (a) shall not apply with respect to any inactive-duty training (as defined in such amendment) occurring before the date of the enactment of this Act. 5 USC 6323 note.

SEC. 1107. WORK SCHEDULES AND PREMIUM PAY OF SERVICE ACADEMY FACULTY.

(a) UNITED STATES MILITARY ACADEMY.—Section 4338 of title 10, United States Code, is amended by adding at the end the following new subsection (c):

"(c) The Secretary of the Army may, notwithstanding the provisions of subchapter V of chapter 55 of title 5 or section 6101 of such title, prescribe for persons employed under this section the following:

"(1) The work schedule, including hours of work and tours of duty, set forth with such specificity and other characteristics as the Secretary determines appropriate.

"(2) Any premium pay or compensatory time off for hours of work or tours of duty in excess of the regularly scheduled hours or tours of duty.".

(b) UNITED STATES NAVAL ACADEMY.—Section 6952 of title 10, United States Code, is amended by—

(1) redesignating subsection (c) as subsection (d); and

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

"(c) The Secretary of the Navy may, notwithstanding the provisions of subchapter V of chapter 55 of title 5 or section 6101 of such title, prescribe for persons employed under this section the following:

"(1) The work schedule, including hours of work and tours of duty, set forth with such specificity and other characteristics as the Secretary determines appropriate.

"(2) Any premium pay or compensatory time off for hours of work or tours of duty in excess of the regularly scheduled hours or tours of duty.".

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9338 of title 10, United States Code, is amended by adding at the end the following new subsection (c):

"(c) The Secretary of the Air Force may, notwithstanding the provisions of subchapter V of chapter 55 of title 5 or section 6101 of such title, prescribe for persons employed under this section the following:

"(1) The work schedule, including hours of work and tours of duty, set forth with such specificity and other characteristics as the Secretary determines appropriate.

"(2) Any premium pay or compensatory time off for hours of work or tours of duty in excess of the regularly scheduled hours or tours of duty.".

SEC. 1108. SALARY SCHEDULES AND RELATED BENEFITS FOR FACULTY AND STAFF OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

Section 2113(f) of title 10, United States Code, is amended by adding at the end the following:

"(3) The limitations in section 5373 of title 5 do not apply to the authority of the Secretary under paragraph (1) to prescribe salary schedules and other related benefits.".

SEC. 1109. EXEMPTION OF DEFENSE LABORATORY EMPLOYEES FROM CERTAIN WORKFORCE MANAGEMENT RESTRICTIONS.

Section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721) is amended by adding at the end the following new paragraph:

"(4) The employees of a laboratory covered by a personnel demonstration project carried out under this section shall be exempt from, and may not be counted for the purposes of, any constraint or limitation in a statute or regulation in terms of supervisory ratios or maximum number of employees in any specific category or categories of employment that may otherwise be applicable to the employees. The employees shall be managed by the director of the laboratory subject to the supervision of the Under Secretary of Defense for Acquisition, Technology, and Logistics.".

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Subtitle A—Matters Relating to the People's Republic of China

Sec. 1201. Limitation on military-to-military exchanges and contacts with Chinese People's Liberation Army.
Sec. 1202. Annual report on military power of the People's Republic of China.

Subtitle B—Matters Relating to the Balkans

Sec. 1211. Department of Defense report on the conduct of Operation Allied Force and associated relief operations.
Sec. 1212. Sense of Congress regarding the need for vigorous prosecution of war crimes, genocide, and crimes against humanity in the former Republic of Yugoslavia.

Subtitle C—Matters Relating to NATO and Other Allies

Sec. 1221. Legal effect of the new strategic concept of NATO.
Sec. 1222. Report on allied capabilities to contribute to major theater wars.
Sec. 1223. Attendance at professional military education schools by military personnel of the new member nations of NATO.

Subtitle D—Other Matters

Sec. 1231. Multinational economic embargoes against governments in armed conflict with the United States.
Sec. 1232. Limitation on deployment of Armed Forces in Haiti during fiscal year 2000 and congressional notice of deployments to Haiti.
Sec. 1233. Report on the security situation on the Korean peninsula.
Sec. 1234. Sense of Congress regarding the continuation of sanctions against Libya.
Sec. 1235. Sense of Congress and report on disengaging from noncritical overseas missions involving United States combat forces.

Subtitle A—Matters Relating to the People's Republic of China

SEC. 1201. LIMITATION ON MILITARY-TO-MILITARY EXCHANGES AND CONTACTS WITH CHINESE PEOPLE'S LIBERATION ARMY. 10 USC 168 note.

(a) LIMITATION.—The Secretary of Defense may not authorize any military-to-military exchange or contact described in subsection (b) to be conducted by the armed forces with representatives of the People's Liberation Army of the People's Republic of China if that exchange or contact would create a national security risk due to an inappropriate exposure specified in subsection (b).

(b) COVERED EXCHANGES AND CONTACTS.—Subsection (a) applies to any military-to-military exchange or contact that includes inappropriate exposure to any of the following:

(1) Force projection operations.
(2) Nuclear operations.
(3) Advanced combined-arms and joint combat operations.
(4) Advanced logistical operations.
(5) Chemical and biological defense and other capabilities related to weapons of mass destruction.
(6) Surveillance and reconnaissance operations.
(7) Joint warfighting experiments and other activities related to a transformation in warfare.
(8) Military space operations.
(9) Other advanced capabilities of the Armed Forces.
(10) Arms sales or military-related technology transfers.
(11) Release of classified or restricted information.
(12) Access to a Department of Defense laboratory.

(c) EXCEPTIONS.—Subsection (a) does not apply to any search-and-rescue or humanitarian operation or exercise.

Deadline. (d) ANNUAL CERTIFICATION BY SECRETARY.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, not later than December 31 each year, a certification in writing as to whether or not any military-to-military exchange or contact during that calendar year was conducted in violation of subsection (a).

Deadline. (e) ANNUAL REPORT.—Not later than March 31 each year beginning in 2001, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report providing the Secretary's assessment of the current state of military-to-military exchanges and contacts with the People's Liberation Army. The report shall include the following:

(1) A summary of all such military-to-military contacts during the period since the last such report, including a summary of topics discussed and questions asked by the Chinese participants in those contacts.
(2) A description of the military-to-military exchanges and contacts scheduled for the next 12-month period and a plan for future contacts and exchanges.
(3) The Secretary's assessment of the benefits the Chinese expect to gain from those military-to-military exchanges and contacts.
(4) The Secretary's assessment of the benefits the Department of Defense expects to gain from those military-to-military exchanges and contacts.
(5) The Secretary's assessment of how military-to-military exchanges and contacts with the People's Liberation Army fit into the larger security relationship between the United States and the People's Republic of China.

Deadline. (f) REPORT OF PAST MILITARY-TO-MILITARY EXCHANGES AND CONTACTS WITH THE PRC.—Not later than March 31, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on past military-to-military exchanges and contacts between the United States and the People's Republic of China. The report shall be unclassified, but may contain a classified annex, and shall include the following:

(1) A list of the general and flag grade officers of the People's Liberation Army who have visited United States military installations since January 1, 1993.

(2) The itinerary of the visits referred to in paragraph (2), including the installations visited, the duration of the visits, and the activities conducted during the visits.

(3) The involvement, if any, of the general and flag officers referred to in paragraph (1) in the Tiananmen Square massacre of June 1989.

(4) A list of the facilities in the People's Republic of China that United States military officers have visited as a result of any military-to-military exchange or contact program between the United States and the People's Republic of China since January 1, 1993.

(5) A list of facilities in the People's Republic of China that have been the subject of a requested visit by the Department of Defense that has been denied by People's Republic of China authorities.

(6) A list of facilities in the United States that have been the subject of a requested visit by the People's Liberation Army that has been denied by the United States.

(7) Any official documentation (such as memoranda for the record, after-action reports, and final itineraries) and all receipts for expenses over $1,000, concerning military-to-military exchanges or contacts between the United States and the People's Republic of China in 1999.

(8) A description of military-to-military exchanges or contacts between the United States and the People's Republic of China scheduled for 2000.

(9) An assessment regarding whether or not any People's Republic of China military officials have been shown classified material as a result of military-to-military exchanges or contacts between the United States and the People's Republic of China.

SEC. 1202. ANNUAL REPORT ON MILITARY POWER OF THE PEOPLE'S REPUBLIC OF CHINA. 10 USC 113 note.

(a) ANNUAL REPORT.—Not later than March 1 each year, the Secretary of Defense shall submit to the specified congressional committees a report, in both classified and unclassified form, on the current and future military strategy of the People's Republic of China. The report shall address the current and probable future course of military-technological development on the People's Liberation Army and the tenets and probable development of Chinese grand strategy, security strategy, and military strategy, and of military organizations and operational concepts, through the next 20 years. Deadline.

(b) MATTERS TO BE INCLUDED.—Each report under this section shall include analyses and forecasts of the following:

(1) The goals of Chinese grand strategy, security strategy, and military strategy.

(2) Trends in Chinese strategy that would be designed to establish the People's Republic of China as the leading political power in the Asia-Pacific region and as a political and military presence in other regions of the world.

(3) The security situation in the Taiwan Strait.

(4) Chinese strategy regarding Taiwan.

(5) The size, location, and capabilities of Chinese strategic, land, sea, and air forces, including detailed analysis of those forces facing Taiwan.

(6) Developments in Chinese military doctrine, focusing on (but not limited to) efforts to exploit a transformation in military affairs or to conduct preemptive strikes.

(7) Efforts, including technology transfers and espionage, by the People's Republic of China to develop, acquire, or gain access to information, communication, space and other advanced technologies that would enhance military capabilities.

(8) An assessment of any challenges during the preceding year to the deterrent forces of the Republic of China on Taiwan, consistent with the commitments made by the United States in the Taiwan Relations Act (Public Law 96–8).

(c) SPECIFIED CONGRESSIONAL COMMITTEES.—For purposes of this section, the term "specified congressional committees" means the following:

(1) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(2) The Committee on Armed Services and the Committee on International Relations of the House of Representatives.

Subtitle B—Matters Relating to the Balkans

SEC. 1211. DEPARTMENT OF DEFENSE REPORT ON THE CONDUCT OF OPERATION ALLIED FORCE AND ASSOCIATED RELIEF OPERATIONS.

Deadline.

(a) REPORT REQUIRED.—(1) Not later than January 31, 2000, the Secretary of Defense shall submit to the congressional defense committees a report on the conduct of military operations conducted as part of Operation Allied Force and relief operations associated with that operation. The Secretary shall submit to those committees a preliminary report on the conduct of those operations not later than October 15, 1999. The report (including the preliminary report) shall be prepared in consultation with the Chairman of the Joint Chiefs of Staff and the Commander in Chief, United States European Command.

(2) In this section, the term "Operation Allied Force" means operations of the North Atlantic Treaty Organization (NATO) conducted against the Federal Republic of Yugoslavia (Serbia and Montenegro) during the period beginning on March 24, 1999, and ending with the suspension of bombing operations on June 10, 1999, to resolve the conflict with respect to Kosovo.

(b) DISCUSSION OF ACCOMPLISHMENTS AND SHORTCOMINGS.—The report (and the preliminary report, to the extent feasible) shall contain a discussion, with a particular emphasis on accomplishments and shortcomings, of the following matters:

(1) The national security interests of the United States that were threatened by the deteriorating political and military situation in the Province of Kosovo, Republic of Serbia, in the country of the Federal Republic of Yugoslavia (Serbia and Montenegro).

(2) The factors leading to the decision by the United States and NATO to issue an ultimatum in October 1998 that force would be used against the Federal Republic of Yugoslavia

unless certain conditions were met, and the planning of a military operation to execute that ultimatum.

(3) The political and military objectives of the United States and NATO in the conflict with the Federal Republic of Yugoslavia.

(4) The military strategy of the United States and NATO to achieve those political and military objectives.

(5) An analysis of the decisionmaking process of NATO and the effect of that decisionmaking process on the conduct of military operations.

(6) An analysis of the decision not to include a ground component in Operation Allied Force (to include a detailed explanation of the political and military factors involved in that decision) and the effect of that decision on the conduct of military operations.

(7) The deployment of United States forces and the transportation of supplies to the theater of operations, including an assessment of airlift and sealift, with a specific assessment of the deployment of Task Force Hawk.

(8) The conduct of military operations, including a specific assessment of each of the following:

(A) The effects of the graduated, incremental pace of the military operations.

(B) The process for identifying, nominating, selecting and verifying targets to be attacked during Operation Allied Force, including an analysis of the factors leading to the bombing of the Embassy of the People's Republic of China in Belgrade.

(C) The loss of aircraft and the accuracy of bombing operations.

(D) The decoy and deception operations and counterintelligence techniques used by the Yugoslav military.

(E) The use of high-demand, low-density assets in Operation Allied Force in terms of inventory, capabilities, deficiencies, and ability to provide logistical support.

(F) A comparison of the military capabilities of the United States and of the allied participants in Operation Allied Force.

(G) Communications and operational security of NATO forces.

(H) The effect of adverse weather on the performance of weapons and supporting systems.

(I) The decision not to use in the air campaign the Apache attack helicopters deployed as part of Task Force Hawk.

(9) The conduct of relief operations by United States and allied military forces and the effect of those relief operations on military operations.

(10) The ability of the United States during Operation Allied Force to conduct other operations required by the national defense strategy, including an analysis of the transfer of operational assets from other United States unified commands to the European Command for participation in Operation Allied Force and the effect of those transfers on the readiness, warfighting capability, and deterrence posture of those commands.

(11) The use of special operations forces, including operational and intelligence activities classified under special access procedures.

(12) The effectiveness of intelligence, surveillance, and reconnaissance support to operational forces, including an assessment of battle damage assessment of fixed and mobile targets prosecuted during the air campaign, estimates of Yugoslav forces and equipment in Kosovo, and information related to Kosovar refugees and internally displaced persons.

(13) The use and performance of United States and NATO military equipment, weapon systems, and munitions (including items classified under special access procedures) and an analysis of—

(A) any equipment or capabilities that were in research and development and if available could have been used in the theater of operations;

(B) any equipment or capabilities that were available and could have been used but were not introduced into the theater of operations; and

(C) the compatibility of command, control, and communications equipment and the ability of United States aircraft to operate with aircraft of other nations without degradation of capabilities or protection of United States forces.

(14) The scope of logistics support, including support from other nations, with particular emphasis on the availability and adequacy of foreign air bases.

(15) The role of contractors to provide support and maintenance in the theater of operations.

(16) The acquisition policy actions taken to support the forces in the theater of operations.

(17) The personnel management actions taken to support the forces in the theater of operations.

(18) The effectiveness of reserve component forces, including their use and performance in the theater of operations.

(19) A legal analysis, including (A) the legal basis for the decision by NATO to use force, and (B) the role of the law of armed conflict in the planning and execution of military operations by the United States and the other NATO member nations.

(20) The cost to the Department of Defense of Operation Allied Force and associated relief operations, together with the Secretary's plan to refurbish or replace ordnance and other military equipment expended or destroyed during the operations.

(21) A description of the most critical lessons learned that could lead to long-term doctrinal, organizational, and technological changes.

(c) CLASSIFICATION OF REPORT.—The Secretary of Defense shall submit both the report and the preliminary report in a classified form and an unclassified form.

SEC. 1212. SENSE OF CONGRESS REGARDING THE NEED FOR VIGOROUS PROSECUTION OF WAR CRIMES, GENOCIDE, AND CRIMES AGAINST HUMANITY IN THE FORMER REPUBLIC OF YUGOSLAVIA.

(a) FINDINGS.—Congress makes the following findings:

(1) The United Nations Security Council created the International Criminal Tribunal for the former Yugoslavia (in this section referred to as the "ICTY") by resolution on May 25, 1993.

(2) Although the ICTY has indicted 89 people since its creation, those indictments have only resulted in the trial and conviction of 8 criminals.

(3) The ICTY has jurisdiction to investigate grave breaches of the 1949 Geneva Conventions (Article 2), violations of the laws or customs of war (Article 3), genocide (Article 4), and crimes against humanity (Article 5).

(4) The Chief Prosecutor of the ICTY, Justice Louise Arbour, stated on July 7, 1998, to the Contact Group for the former Yugoslavia, that "[t]he Prosecutor believes that the nature and scale of the fighting indicate that an 'armed conflict', within the meaning of international law, exists in Kosovo. As a consequence, she intends to bring charges for crimes against humanity or war crimes, if evidence of such crimes is established".

(5) Reports from Kosovar Albanian refugees provide detailed accounts of systematic efforts to displace the entire Muslim population of Kosovo.

(6) In furtherance of this plan, Serbian troops, police, and paramilitary forces have engaged in detention and summary execution of men of all ages, wanton destruction of civilian housing, forcible expulsions, mass executions in at least 60 villages and towns, as well as widespread rape of women and young girls.

(7) These reports of atrocities provide prima facie evidence of war crimes and crimes against humanity, as well as possible genocide.

(8) Any criminal investigation is best served by the depositions and interviews of witnesses as soon after the commission of the crime as possible.

(9) The indictment, arrest, and trial of war criminals would provide a significant deterrent to further atrocities.

(10) The ICTY has issued 14 international warrants for war crimes suspects that have yet to be served, despite knowledge of the suspects' whereabouts.

(11) Vigorous prosecution of war crimes after the conflict in Bosnia may have prevented the ongoing atrocities in Kosovo.

(12) Investigative reporters have identified specific documentary evidence implicating the Serbian leadership in the commission of war crimes.

(13) NATO forces and forensic teams deployed in Kosovo have uncovered physical evidence of war crimes, including mass graves.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States, in coordination with other United Nations member states, should provide sufficient resources for an expeditious and thorough investigation of allegations of the atrocities and war crimes committed in Kosovo;

(2) the United States, through its intelligence services, should provide all possible cooperation in the gathering of evidence of sufficient specificity and credibility to secure the indictment of those responsible for the commission of war crimes,

crimes against humanity, and genocide in the former Yugoslavia;

(3) where evidence warrants, indictments for war crimes, crimes against humanity, and genocide should be issued against suspects regardless of their position within the Serbian leadership;

(4) the United States and all nations have an obligation to honor arrest warrants issued by the ICTY and should use all appropriate means to apprehend and bring to justice through the ICTY individuals who are already under indictment;

(5) any final settlement regarding Kosovo should not bar the indictment, apprehension, or prosecution of persons accused of war crimes, crimes against humanity, or genocide committed during operations in Kosovo; and

(6) President Slobodan Milosevic should be held accountable for his actions while President of the Federal Republic of Yugoslavia or President of the Republic of Serbia in initiating four armed conflicts and taking actions leading to the deaths of tens of thousands of people and responsibility for murder, rape, terrorism, destruction, and ethnic cleansing.

Subtitle C—Matters Relating to NATO and Other Allies

SEC. 1221. LEGAL EFFECT OF THE NEW STRATEGIC CONCEPT OF NATO.

President. Deadline.

(a) CERTIFICATION REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the President shall determine and certify to the Congress whether or not the new Strategic Concept of NATO imposes any new commitment or obligation on the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, if the President certifies under subsection (a) that the new Strategic Concept of NATO imposes any new commitment or obligation on the United States, the President should submit the new Strategic Concept of NATO to the Senate as a treaty for the Senate's advice and consent to ratification under article II, section 2, clause 2 of the Constitution.

(c) REPORT.—Together with the certification made under subsection (a), the President shall submit to the Congress a report containing an analysis of the potential threats facing the North Atlantic Treaty Organization in the first decade of the next millennium, with particular reference to those threats facing a member nation, or several member nations, where the commitment of NATO forces will be "out of area" or beyond the borders of NATO member nations.

(d) DEFINITION.—For the purposes of this section, the term "new Strategic Concept of NATO" means the document approved by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington, DC, on April 23 and 24, 1999.

SEC. 1222. REPORT ON ALLIED CAPABILITIES TO CONTRIBUTE TO MAJOR THEATER WARS.

(a) REPORT.—The Secretary of Defense shall prepare a report, in both classified and unclassified form, on the current military

capabilities of allied nations to contribute to the successful conduct of the major theater wars as anticipated in the Quadrennial Defense Review of 1997.

(b) MATTERS TO BE INCLUDED.—The report shall set forth the following:

(1) The identity, size, structure, and capabilities of the armed forces of the allies expected to participate in the major theater wars anticipated in the Quadrennial Defense Review.

(2) The priority accorded in the national military strategies and defense programs of the anticipated allies to contributing forces to United States-led coalitions in such major theater wars.

(3) The missions currently being conducted by the armed forces of the anticipated allies and the ability of the allied armed forces to conduct simultaneously their current missions and those anticipated in the event of major theater war.

(4) Any Department of Defense assumptions about the ability of allied armed forces to deploy or redeploy from their current missions in the event of a major theater war, including any role United States Armed Forces would play in assisting and sustaining such a deployment or redeployment.

(5) Any Department of Defense assumptions about the combat missions to be executed by such allied forces in the event of major theater war.

(6) The readiness of allied armed forces to execute any such missions.

(7) Any risks to the successful execution of the military missions called for under the National Military Strategy of the United States related to the capabilities of allied armed forces.

(c) SUBMISSION OF REPORT.—The report shall be submitted to Congress not later than June 1, 2000. Deadline.

SEC. 1223. ATTENDANCE AT PROFESSIONAL MILITARY EDUCATION SCHOOLS BY MILITARY PERSONNEL OF THE NEW MEMBER NATIONS OF NATO. 10 USC note prec. 2161.

(a) FINDING.—Congress finds that it is in the national interest of the United States to fully integrate Poland, Hungary, and the Czech Republic (the new member nations of the North Atlantic Treaty Organization) into the NATO alliance as quickly as possible.

(b) MILITARY EDUCATION AND TRAINING PROGRAMS.—The Secretary of each military department shall give due consideration to according a high priority to the attendance of military personnel of Poland, Hungary, and the Czech Republic at professional military education schools and training programs in the United States, including the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the National Defense University, the war colleges of the Armed Forces, the command and general staff officer courses of the Armed Forces, and other schools and training programs of the Armed Forces that admit personnel of foreign armed forces.

Subtitle D—Other Matters

50 USC 1707.

SEC. 1231. MULTINATIONAL ECONOMIC EMBARGOES AGAINST GOVERNMENTS IN ARMED CONFLICT WITH THE UNITED STATES.

(a) POLICY ON THE ESTABLISHMENT OF EMBARGOES.—It is the policy of the United States, that upon the use of the Armed Forces of the United States to engage in hostilities against any foreign country, the President shall, as appropriate—

(1) seek the establishment of a multinational economic embargo against such country; and

(2) seek the seizure of its foreign financial assets.

President. Deadline.

(b) REPORTS TO CONGRESS.—Not later than 20 days after the first day of the engagement of the United States in hostilities described in subsection (a), the President shall, if the armed conflict has continued for 14 days, submit to Congress a report setting forth—

(1) the specific steps the United States has taken and will continue to take to establish a multinational economic embargo and to initiate financial asset seizure pursuant to subsection (a); and

(2) any foreign sources of trade or revenue that directly or indirectly support the ability of the adversarial government to sustain a military conflict against the United States.

50 USC 1541 note.

SEC. 1232. LIMITATION ON DEPLOYMENT OF ARMED FORCES IN HAITI DURING FISCAL YEAR 2000 AND CONGRESSIONAL NOTICE OF DEPLOYMENTS TO HAITI.

(a) LIMITATION ON DEPLOYMENT.—No funds available to the Department of Defense during fiscal year 2000 may be expended after May 31, 2000, for the continuous deployment of United States Armed Forces in Haiti pursuant to the Department of Defense operation designated as Operation Uphold Democracy.

(b) REPORT.—Whenever there is a deployment of United States Armed Forces to Haiti after May 31, 2000, the President shall, not later than 96 hours after such deployment begins, transmit to Congress a written report regarding the deployment. In any such report, the President shall specify (1) the purpose of the deployment, and (2) the date on which the deployment is expected to end.

Deadline.

SEC. 1233. REPORT ON THE SECURITY SITUATION ON THE KOREAN PENINSULA.

(a) REPORT.—Not later than April 1, 2000, the Secretary of Defense shall submit to the appropriate congressional committees a report on the security situation on the Korean peninsula. The report shall be submitted in both classified and unclassified form.

(b) MATTERS TO BE INCLUDED.—The Secretary shall include in the report under subsection (a) the following:

(1) A net assessment analysis of the warfighting capabilities of the Combined Forces Command (CFC) of the United States and the Republic of Korea compared with the armed forces of North Korea.

(2) An assessment of challenges posed by the armed forces of North Korea to the defense of the Republic of Korea and to United States forces deployed to the region.

(3) An assessment of the current status and the future direction of weapons of mass destruction programs and ballistic missile programs of North Korea, including a determination as to whether or not North Korea—

(A) is continuing to pursue a nuclear weapons program;

(B) is seeking equipment and technology with which to enrich uranium; and

(C) is pursuing an offensive biological weapons program.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on International Relations and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

SEC. 1234. SENSE OF CONGRESS REGARDING THE CONTINUATION OF SANCTIONS AGAINST LIBYA.

(a) FINDINGS.—Congress makes the following findings:

(1) On December 21, 1988, 270 people, including 189 United States citizens, were killed in a terrorist bombing on Pan American Flight 103 over Lockerbie, Scotland. Pan American Flight 103.

(2) The United Kingdom and the United States indicted two Libyan intelligence agents, Abd al-Baset Ali al-Megrahi and Al-Amin Khalifah Fhimah, in 1991 and sought their extradition from Libya to the United States or the United Kingdom to stand trial for this heinous terrorist act. Abd al-Baset Ali al-Megrahi. Al-Amin Khalifah Fhimah.

(3) The United Nations Security Council called for the extradition of those suspects in Security Council Resolution 731 and imposed sanctions on Libya in Security Council Resolutions 748 and 883 because Libyan leader Colonel Muammar Qadhafi refused to transfer the suspects to either the United States or the United Kingdom to stand trial. Muammar Qadhafi.

(4) United Nations Security Council Resolutions 731, 748, and 883 demand that Libya cease all support for terrorism, turn over the two suspects, cooperate with the investigation and the trial, and address the issue of appropriate compensation.

(5) The sanctions in United Nations Security Council Resolutions 748 and 883 include—

(A) a worldwide ban on Libya's national airline;

(B) a ban on flights into and out of Libya by other nations' airlines; and

(C) a prohibition on supplying arms, airplane parts, and certain oil equipment to Libya, and a blocking of Libyan Government funds in other countries.

(6) Colonel Muammar Qadhafi for many years refused to extradite the suspects to either the United States or the United Kingdom and had insisted that he would only transfer the suspects to a third and neutral country to stand trial.

(7) On August 24, 1998, the United States and the United Kingdom agreed to the proposal that Colonel Qadhafi transfer the suspects to The Netherlands, where they would stand trial under a Scottish court, under Scottish law, and with a panel of Scottish judges.

(8) The United Nations Security Council endorsed the United States-United Kingdom proposal on August 27, 1998 in United Nations Security Council Resolution 1192.

(9) The United States, consistent with United Nations Security Council resolutions, called on Libya to ensure the production of evidence, including the presence of witnesses before the court, and to comply fully with all the requirements of the United Nations Security Council resolutions.

(10) After years of intensive diplomacy, Colonel Qadhafi finally transferred the two Libyan suspects to The Netherlands on April 5, 1999, and the United Nations Security Council, in turn, suspended its sanctions against Libya that same day.

(11) Libya has only fulfilled one of four conditions (the transfer of the two suspects accused in the Lockerbie bombing) set forth in United Nations Security Council Resolutions 731, 748, and 883 that would justify the lifting of United Nations Security Council sanctions against Libya.

(12) Libya has not fulfilled the other three conditions (cooperation with the Lockerbie investigation and trial, renunciation of and ending support for terrorism, and payment of appropriate compensation) necessary to lift the United Nations Security Council sanctions.

(13) The United Nations Secretary General issued a report to the Security Council on June 30, 1999, on the issue of Libya's compliance with the remaining conditions.

(14) Any member of the United Nations Security Council has the right to introduce a resolution to lift the sanctions against Libya now that the United Nations Secretary General's report has been issued.

(15) The United States Government considers Libya a state sponsor of terrorism and the State Department Report, "Patterns of Global Terrorism; 1998", stated that Colonel Qadhafi "continued publicly and privately to support Palestinian terrorist groups, including the PIJ and the PFLP–GC".

(16) United States Government sanctions (other than sanctions on food or medicine) should be maintained on Libya, and in accordance with United States law, the Secretary of State should keep Libya on the list of countries the governments of which have repeatedly provided support for acts of international terrorism under section 6(j) of the Export Administration Act of 1979 in light of Libya's ongoing support for terrorist groups.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should use all diplomatic means necessary, including the use of the United States veto at the United Nations Security Council, to prevent the Security Council from lifting sanctions against Libya until Libya fulfills all of the conditions set forth in United Nations Security Council Resolutions 731, 748, and 883.

SEC. 1235. SENSE OF CONGRESS AND REPORT ON DISENGAGING FROM NONCRITICAL OVERSEAS MISSIONS INVOLVING UNITED STATES COMBAT FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) It is the National Security Strategy of the United States to "deter and defeat large-scale, cross-border aggression in two distant theaters in overlapping time frames".

(2) The deterrence of Iraq and Iran in Southwest Asia and the deterrence of North Korea in Northeast Asia represent two such potential large-scale, cross-border theater requirements.

(3) The United States has 120,000 military personnel permanently assigned to the Southwest Asia and Northeast Asia theaters.

(4) The United States has an additional 70,000 military personnel assigned to non-NATO/non-Pacific threat foreign countries.

(5) The United States has more than 6,000 military personnel in Bosnia-Herzegovina on indefinite assignment.

(6) The United States has diverted permanently assigned resources from other theaters to support operations in the Balkans.

(7) The United States provides military forces to seven active United Nations peacekeeping operations, including some missions that have continued for decades.

(8) Between 1986 and 1998, the number of United States military deployments per year has nearly tripled at the same time the Department of Defense budget has been reduced in real terms by 38 percent.

(9) The Army has 10 active-duty divisions today, down from 18 in 1991, while on an average day in fiscal year 1998, 28,000 United States Army soldiers were deployed to more than 70 countries for over 300 separate missions.

(10) The number of fighter wings in the active component of the Air Force has gone from 22 to 13 since 1991, while 70 percent of air sorties in Operation Allied Force over the Balkans were United States-flown and the Air Force continues to enforce northern and southern no-fly zones in Iraq. In response, the Air Force has initiated a "stop loss" program to block normal retirements and separations.

(11) The Navy has been reduced in size to 339 ships, its lowest level since 1938, necessitating the redeployment of the only overseas homeported aircraft carrier from the western Pacific to the Mediterranean to support Operation Allied Force.

(12) In 1998, just 10 percent of eligible carrier naval aviators (27 out of 261) accepted continuation bonuses and remained in the service.

(13) In 1998, 48 percent of Air Force pilots eligible for continuation chose to leave the service.

(14) The Army could fall 6,000 below congressionally authorized strength levels by the end of 1999.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the readiness of United States military forces to execute the National Security Strategy of the United States referred to in subsection (a)(1) is being eroded by a combination of declining defense budgets and expanded missions; and

(2) there may be missions to which the United States is contributing Armed Forces from which the United States can begin disengaging.

(c) REPORT REQUIREMENT.—Not later than March 1, 2000, the President shall submit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives a report prioritizing the ongoing global

President. Deadline.

missions to which the United States is contributing forces. The President shall include in the report a feasibility analysis of how the United States can—

(1) shift resources from low priority missions in support of higher priority missions;

(2) consolidate or reduce United States troop commitments worldwide; and

(3) end low priority missions.

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

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Prohibition on use of funds for specified purposes.
Sec. 1304. Limitations on use of funds for fissile material storage facility.
Sec. 1305. Limitation on use of funds for chemical weapons destruction.
Sec. 1306. Limitation on use of funds until submission of report.
Sec. 1307. Limitation on use of funds until submission of multiyear plan.
Sec. 1308. Requirement to submit report.
Sec. 1309. Report on Expanded Threat Reduction Initiative.
Sec. 1310. Limitation on use of funds until submission of certification.
Sec. 1311. Period covered by annual report on accounting for United States assistance under Cooperative Threat Reduction programs.
Sec. 1312. Russian nonstrategic nuclear arms.

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

22 USC 5952 note.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

22 USC 5952 note.

(b) FISCAL YEAR 2000 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term "fiscal year 2000 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $475,500,000 authorized to be appropriated to the Department of Defense for fiscal year 2000 in section 301(23) for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $177,300,000.

(2) For strategic nuclear arms elimination in Ukraine, $41,800,000.

(3) For activities to support warhead dismantlement processing in Russia, $9,300,000.

(4) For security enhancements at chemical weapons storage sites in Russia, $20,000,000.

(5) For weapons transportation security in Russia, $15,200,000.

(6) For planning, design, and construction of a storage facility for Russian fissile material, $64,500,000.

(7) For weapons storage security in Russia, $99,000,000.

(8) For development of a cooperative program with the Government of Russia to eliminate the production of weapons grade plutonium at Russian reactors, $32,300,000.

(9) For biological weapons proliferation prevention activities in Russia, $12,000,000.

(10) For activities designated as Other Assessments/Administrative Support, $1,800,000.

(11) For defense and military contacts, $2,300,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2000 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (11) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2000 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2000 for a purpose listed in any of the paragraphs in subsection (a) in excess of the amount specifically authorized for such purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and Notification.

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for the purposes stated in any of paragraphs (4) through (6), (8), (10), or (11) of subsection (a) in excess of 115 percent of the amount specifically authorized for such purposes.

SEC. 1303. PROHIBITION ON USE OF FUNDS FOR SPECIFIED PURPOSES. 22 USC 5952 note.

(a) IN GENERAL.—No fiscal year 2000 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs after the date of the enactment of this Act, may be obligated or expended for any of the following purposes:

(1) Conducting with Russia any peacekeeping exercise or other peacekeeping-related activity.

(2) Provision of housing.

(3) Provision of assistance to promote environmental restoration.

(4) Provision of assistance to promote job retraining.

(b) LIMITATION WITH RESPECT TO DEFENSE CONVERSION ASSISTANCE.—None of the funds appropriated pursuant to the authorization of appropriations in section 301 of this Act, and no funds appropriated to the Department of Defense in any other Act enacted after the date of the enactment of this Act, may be obligated or expended for the provision of assistance to Russia or any other state of the former Soviet Union to promote defense conversion.

(c) LIMITATION WITH RESPECT TO CONVENTIONAL WEAPONS.—No fiscal year 2000 Cooperative Threat Reduction funds may be obligated or expended for elimination of conventional weapons or the delivery vehicles primarily intended to deliver such weapons.

22 USC 5952 note.

SEC. 1304. LIMITATIONS ON USE OF FUNDS FOR FISSILE MATERIAL STORAGE FACILITY.

(a) LIMITATIONS ON USE OF FISCAL YEAR 2000 FUNDS.—No fiscal year 2000 Cooperative Threat Reduction funds may be used—

(1) for construction of a second wing for the storage facility for Russian fissile material referred to in section 1302(a)(6); or

(2) for design or planning with respect to such facility until 15 days after the date that the Secretary of Defense submits to Congress notification that Russia and the United States have signed a verifiable written transparency agreement that ensures that material stored at the facility is of weapons origin.

(b) LIMITATION ON CONSTRUCTION.—No funds authorized to be appropriated for Cooperative Threat Reduction programs may be used for construction of the storage facility referred to in subsection (a) until the Secretary of Defense submits to Congress the following:

(1) A certification that additional capacity is necessary at such facility for storage of Russian weapons-origin fissile material.

(2) A detailed cost estimate for a second wing for the facility.

(3) A certification that Russia and the United States have signed a verifiable written transparency agreement that ensures that material stored at the facility is of weapons origin.

22 USC 5952 note.

SEC. 1305. LIMITATION ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION.

No fiscal year 2000 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs after the date of the enactment of this Act, may be obligated or expended for planning, design, or construction of a chemical weapons destruction facility in Russia.

SEC. 1306. LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF REPORT.

Not more than 50 percent of the fiscal year 2000 Cooperative Threat Reduction funds may be obligated or expended until the Secretary of Defense submits to Congress a report describing—

(1) with respect to each purpose listed in section 1302, whether the Department of Defense is the appropriate executive

agency to carry out Cooperative Threat Reduction programs for such purpose, and if so, why; and

(2) for any purpose that the Secretary determines is not appropriately carried out by the Department of Defense, a plan for migrating responsibility for carrying out such purpose to the appropriate agency.

SEC. 1307. LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF MULTIYEAR PLAN.

Not more than ten percent of fiscal year 2000 Cooperative Threat Reduction funds may be obligated or expended until the Secretary of Defense submits to Congress an updated version of the multiyear plan for fiscal year 2000 required to be submitted under section 1205 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 22 U.S.C. 5952 note).

SEC. 1308. REQUIREMENT TO SUBMIT REPORT.

Not later than December 31, 1999, the Secretary of Defense shall submit to Congress a report including— Deadline.

(1) an explanation of the strategy of the Department of Defense for encouraging States of the former Soviet Union that receive funds through Cooperative Threat Reduction programs to contribute financially to the threat reduction effort;

(2) a prioritization of the projects carried out by the Department of Defense under Cooperative Threat Reduction programs;

(3) an identification of any limitations that the United States has imposed or will seek to impose, either unilaterally or through negotiations with recipient States, on the level of assistance provided by the United States for each of such projects; and

(4) an identification of the amount of international financial assistance provided for Cooperative Threat Reduction programs by other States.

SEC. 1309. REPORT ON EXPANDED THREAT REDUCTION INITIATIVE. President. Deadline.

Not later than March 31, 2000, the President shall submit to Congress a report on the Expanded Threat Reduction Initiative. Such report shall include a description of the plans for ensuring effective coordination between executive agencies in carrying out the Expanded Threat Reduction Initiative to minimize duplication of efforts.

SEC. 1310. LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF CERTIFICATION.

No funds appropriated for fiscal year 1999 for Cooperative Threat Reduction programs and remaining available for obligation or expenditure may be obligated or expended for assistance for any country under a Cooperative Threat Reduction Program until the President resubmits to Congress an updated certification under section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(d)), section 1412(d) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102–484; 22 U.S.C. 5902(d)), and section 502 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511; 22 U.S.C. 5852).

SEC. 1311. PERIOD COVERED BY ANNUAL REPORT ON ACCOUNTING FOR UNITED STATES ASSISTANCE UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.

Section 1206(a)(2) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 471; 22 U.S.C. 5955 note) is amended to read as follows:

Deadline.

"(2) The report shall be submitted under this section not later than January 31 of each year and shall cover the fiscal year ending in the preceding calendar year. No report is required under this section after the completion of the Cooperative Threat Reduction programs.".

22 USC 5955 note.

SEC. 1312. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the interest of Russia to fully implement the Presidential Nuclear Initiatives announced in 1991 and 1992 by then-President of the Soviet Union Gorbachev and then-President of Russia Yeltsin;

(2) the President of the United States should call on Russia to match the unilateral reductions in the United States inventory of tactical nuclear weapons, which have reduced the inventory by nearly 90 percent; and

(3) if the re-certification under section 1310 is made, the President should emphasize the continued interest of the United States in working cooperatively with Russia to reduce the dangers associated with Russia's tactical nuclear arsenal.

(b) ANNUAL REPORTING REQUIREMENT.—(1) Each annual report on accounting for United States assistance under Cooperative Threat Reduction programs that is submitted to Congress under section 1206 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 471; 22 U.S.C. 5955 note) after fiscal year 1999 shall include, regarding Russia's arsenal of tactical nuclear warheads, the following:

(A) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.

(B) An assessment of the strategic relevance of the warheads.

(C) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.

(D) A summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

(2) The Secretary of Defense shall include in the annual report described in paragraph (1) the views on the report provided under subsection (c).

(c) VIEWS OF THE DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of Central Intelligence shall submit to the Secretary of Defense, for inclusion as an appendix in the annual report described in subsection (b), the Director's views on the matters described in paragraph (1) of that subsection regarding Russia's tactical nuclear weapons.

TITLE XIV—PROLIFERATION AND EXPORT CONTROLS

Sec. 1401. Adherence of People's Republic of China to Missile Technology Control Regime.
Sec. 1402. Annual report on transfers of militarily sensitive technology to countries and entities of concern.
Sec. 1403. Resources for export license functions.
Sec. 1404. Security in connection with satellite export licensing.
Sec. 1405. Reporting of technology transmitted to People's Republic of China and of foreign launch security violations.
Sec. 1406. Report on national security implications of exporting high-performance computers to the People's Republic of China.
Sec. 1407. End-use verification for use by People's Republic of China of high-performance computers.
Sec. 1408. Enhanced multilateral export controls.
Sec. 1409. Enhancement of activities of Defense Threat Reduction Agency.
Sec. 1410. Timely notification of licensing decisions by the Department of State.
Sec. 1411. Enhanced intelligence consultation on satellite license applications.
Sec. 1412. Investigations of violations of export controls by United States satellite manufacturers.

SEC. 1401. ADHERENCE OF PEOPLE'S REPUBLIC OF CHINA TO MISSILE TECHNOLOGY CONTROL REGIME.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should take all actions appropriate to obtain a bilateral agreement with the People's Republic of China to adhere to the Missile Technology Control Regime (MTCR) and the MTCR Annex; and

(2) the People's Republic of China should not be permitted to join the Missile Technology Control Regime as a member without having—

(A) agreed to the Missile Technology Control Regime and the specific provisions of the MTCR Annex;

(B) demonstrated a sustained and verified record of performance with respect to the nonproliferation of missiles and missile technology; and

(C) adopted an effective export control system for implementing guidelines under the Missile Technology Control Regime and the MTCR Annex.

(b) REPORT REQUIRED.—Not later than January 31, 2000, the President shall transmit to Congress a report explaining— President. Deadline.

(1) the policy and commitments that the People's Republic of China has stated on its adherence to the Missile Technology Control Regime and the MTCR Annex;

(2) the degree to which the People's Republic of China is complying with its stated policy and commitments on adhering to the Missile Technology Control Regime and the MTCR Annex; and

(3) actions taken by the United States to encourage the People's Republic of China to adhere to the Missile Technology Control Regime and the MTCR Annex.

(c) DEFINITIONS.—In this section:

(1) MISSILE TECHNOLOGY CONTROL REGIME.—The term "Missile Technology Control Regime" means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto.

(2) MTCR ANNEX.—The term "MTCR Annex" means the Guidelines and Equipment and Technology Annex of the Missile Technology Control Regime, and any amendments thereto.

22 USC 2778 note.

SEC. 1402. ANNUAL REPORT ON TRANSFERS OF MILITARILY SENSITIVE TECHNOLOGY TO COUNTRIES AND ENTITIES OF CONCERN.

President. Deadline.

(a) ANNUAL REPORT.—Not later than March 30 of each year beginning in the year 2000 and ending in the year 2007, the President shall transmit to Congress a report on transfers to countries and entities of concern during the preceding calendar year of the most significant categories of United States technologies and technical information with potential military applications.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall include, at a minimum, the following:

(1) An assessment by the Director of Central Intelligence of efforts by countries and entities of concern to acquire technologies and technical information referred to in subsection (a) during the preceding calendar year.

(2) An assessment by the Secretary of Defense, in consultation with the Joint Chiefs of Staff and the Director of Central Intelligence, of the cumulative impact of licenses granted by the United States for exports of technologies and technical information referred to in subsection (a) to countries and entities of concern during the preceding 5-calendar year period on—

(A) the military capabilities of such countries and entities; and

(B) countermeasures that may be necessary to overcome the use of such technologies and technical information.

(3) An audit by the Inspectors General of the Departments of Defense, State, Commerce, and Energy, in consultation with the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, of the policies and procedures of the United States Government with respect to the export of technologies and technical information referred to in subsection (a) to countries and entities of concern.

(c) ADDITIONAL REQUIREMENT FOR FIRST REPORT.—The first annual report required by subsection (a) shall include an assessment by the Inspectors General of the Departments of State, Defense, Commerce, and the Treasury and the Inspector General of the Central Intelligence Agency of the adequacy of current export controls and counterintelligence measures to protect against the acquisition by countries and entities of concern of United States technology and technical information referred to in subsection (a).

(d) SUPPORT OF OTHER AGENCIES.—Upon the request of the officials responsible for preparing the assessments required by subsection (b), the heads of other departments and agencies shall make available to those officials all information necessary to carry out the requirements of this section.

(e) CLASSIFIED AND UNCLASSIFIED REPORTS.—Each report required by this section shall be submitted in classified form and unclassified form.

(f) DEFINITION.—As used in this section, the term "countries and entities of concern" means—

(1) any country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 or other applicable law, to have repeatedly provided support for acts of international terrorism;

(2) any country that—

(A) has detonated a nuclear explosive device (as defined in section 830(4) of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 3201 note)); and

(B) is not a member of the North Atlantic Treaty Organization; and

(3) any entity that—

(A) is engaged in international terrorism or activities in preparation thereof; or

(B) is directed or controlled by the government of a country described in paragraph (1) or (2).

SEC. 1403. RESOURCES FOR EXPORT LICENSE FUNCTIONS.

22 USC 2778 note.

(a) OFFICE OF DEFENSE TRADE CONTROLS.—

(1) IN GENERAL.—The Secretary of State shall take the necessary steps to ensure that, in any fiscal year, adequate resources are allocated to the functions of the Office of Defense Trade Controls of the Department of State relating to the review and processing of export license applications so as to ensure that those functions are performed in a thorough and timely manner.

(2) AVAILABILITY OF EXISTING APPROPRIATIONS.—The Secretary of State shall take the necessary steps to ensure that those funds made available under the heading "Administration of Foreign Affairs, Diplomatic and Consular Programs" in title IV of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as contained in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277) are made available, upon the enactment of this Act, to the Office of Defense Trade Controls of the Department of State to carry out the purposes of the Office.

(b) DEFENSE THREAT REDUCTION AGENCY.—The Secretary of Defense shall take the necessary steps to ensure that, in any fiscal year, adequate resources are allocated to the functions of the Defense Threat Reduction Agency of the Department of Defense relating to the review of export license applications so as to ensure that those functions are performed in a thorough and timely manner.

(c) UPDATING OF STATE DEPARTMENT REPORT.—Not later than March 1, 2000, the Secretary of State, in consultation with the Secretary of Defense and the Secretary of Commerce, shall transmit to Congress a report updating the information reported to Congress under section 1513(d)(3) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (22 U.S.C. 2778 note).

Deadline.

SEC. 1404. SECURITY IN CONNECTION WITH SATELLITE EXPORT LICENSING.

22 USC 2778 note.

As a condition of the export license for any satellite to be launched in a country subject to section 1514 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (22 U.S.C. 2778 note), the Secretary of State shall require the following:

(1) That the technology transfer control plan required by section 1514(a)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (22 U.S.C. 2778 note) be prepared by the Department of Defense and the licensee, and that the plan set forth enhanced security arrangements for the launch of the satellite, both before and during launch operations.

(2) That each person providing security for the launch of that satellite—

(A) report directly to the launch monitor with regard to issues relevant to the technology transfer control plan;

(B) have received appropriate training in the International Trafficking in Arms Regulations (hereafter in this title referred to as "ITAR").

(C) have significant experience and expertise with satellite launches; and

(D) have been investigated in a manner at least as comprehensive as the investigation required for the issuance of a security clearance at the level designated as "Secret".

(3) That the number of such persons providing security for the launch of the satellite shall be sufficient to maintain 24-hour security of the satellite and related launch vehicle and other sensitive technology.

(4) That the licensee agree to reimburse the Department of Defense for all costs associated with the provision of security for the launch of the satellite.

22 USC 2778 note.

SEC. 1405. REPORTING OF TECHNOLOGY TRANSMITTED TO PEOPLE'S REPUBLIC OF CHINA AND OF FOREIGN LAUNCH SECURITY VIOLATIONS.

(a) MONITORING OF INFORMATION.—The Secretary of Defense shall require that space launch monitors of the Department of Defense assigned to monitor launches in the People's Republic of China maintain records of all information authorized to be transmitted to the People's Republic of China with regard to each space launch that the monitors are responsible for monitoring, including copies of any documents authorized for such transmission, and reports on launch-related activities.

(b) TRANSMISSION TO OTHER AGENCIES.—The Secretary of Defense shall ensure that records under subsection (a) are transmitted on a current basis to appropriate elements of the Department of Defense and to the Department of State, the Department of Commerce, and the Central Intelligence Agency.

(c) RETENTION OF RECORDS.—Records described in subsection (a) shall be retained for at least the period of the statute of limitations for violations of the Arms Export Control Act.

(d) GUIDELINES.—The Secretary of Defense shall prescribe guidelines providing space launch monitors of the Department of Defense with the responsibility and the ability to report serious security violations, problems, or other issues at an overseas launch site directly to the headquarters office of the responsible Department of Defense component.

SEC. 1406. REPORT ON NATIONAL SECURITY IMPLICATIONS OF EXPORTING HIGH-PERFORMANCE COMPUTERS TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) REVIEW.—The President, in consultation with the Secretary of Defense and the Secretary of Energy, shall conduct a comprehensive review of the national security implications of exporting high-performance computers to the People's Republic of China. To the extent that such testing has not already been conducted by the Government, the President, as part of the review, shall conduct empirical testing of the extent to which national security-related operations can be performed using clustered, massively-parallel processing or other combinations of computers. President.

(b) REPORT.—The President shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the review conducted under subsection (a). The report shall be submitted not later than 6 months after the date of the enactment of this Act in classified and unclassified form and shall be updated not later than February 1 of each of the years 2001 through 2004. President. Deadline.

SEC. 1407. END-USE VERIFICATION FOR USE BY PEOPLE'S REPUBLIC OF CHINA OF HIGH-PERFORMANCE COMPUTERS.

(a) REVISED HPC VERIFICATION SYSTEM.—The President shall seek to enter into an agreement with the People's Republic of China to revise the existing verification system with the People's Republic of China with respect to end-use verification for high-performance computers exported or to be exported to the People's Republic of China so as to provide for an open and transparent system providing for effective end-use verification for such computers. The President shall transmit a copy of any such agreement to Congress. President.

(b) DEFINITION.—As used in this section and section 1406, the term "high-performance computer" means a computer which, by virtue of its composite theoretical performance level, would be subject to section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note).

(c) ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS FOR POST-SHIPMENT VERIFICATION.—Section 1213 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended by adding at the end the following new subsection:

"(e) ADJUSTMENT OF PERFORMANCE LEVELS.—Whenever a new composite theoretical performance level is established under section 1211(d), that level shall apply for purposes of subsection (a) of this section in lieu of the level set forth in subsection (a).".

SEC. 1408. ENHANCED MULTILATERAL EXPORT CONTROLS. 22 USC 2778 note.

(a) NEW INTERNATIONAL CONTROLS.—The President shall seek to establish new enhanced international controls on technology transfers that threaten international peace and United States national security. President.

(b) IMPROVED SHARING OF INFORMATION.—The President shall take appropriate actions to improve the sharing of information by nations that are major exporters of technology so that the United States can track movements of technology covered by the Wassenaar President.

Arrangement and enforce technology controls and re-export requirements for such technology.

(c) DEFINITION.—As used in this section, the term "Wassenaar Arrangement" means the multilateral export control regime covering conventional armaments and sensitive dual-use goods and technologies that was agreed to by 33 co-founding countries in July 1996 and began operation in September 1996.

22 USC 2778 note.

SEC. 1409. ENHANCEMENT OF ACTIVITIES OF DEFENSE THREAT REDUCTION AGENCY.

Regulations. Deadline.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to—

(1) authorize the personnel of the Defense Threat Reduction Agency (DTRA) who monitor satellite launch campaigns overseas to suspend such campaigns at any time if the suspension is required for purposes of the national security of the United States;

(2) ensure that persons assigned as space launch campaign monitors are provided sufficient training and have adequate experience in the regulations prescribed by the Secretary of State known as the ITAR and have significant experience and expertise with satellite technology, launch vehicle technology, and launch operations technology;

(3) ensure that adequate numbers of such monitors are assigned to space launch campaigns so that 24-hour, 7-day per week coverage is provided;

(4) take steps to ensure, to the maximum extent possible, the continuity of service by monitors for the entire space launch campaign period (from satellite marketing to launch and, if necessary, completion of a launch failure analysis);

(5) adopt measures designed to make service as a space launch campaign monitor an attractive career opportunity;

(6) allocate funds and other resources to the Agency at levels sufficient to prevent any shortfalls in the number of such personnel;

(7) establish mechanisms in accordance with the provisions of section 1514(a)(2)(A) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2175; 22 U.S.C. 2778 note) that provide for—

(A) the payment to the Department of Defense by the person or entity receiving the launch monitoring services concerned, before the beginning of a fiscal year, of an amount equal to the amount estimated to be required by the Department to monitor the launch campaigns during that fiscal year;

(B) the reimbursement of the Department of Defense, at the end of each fiscal year, for amounts expended by the Department in monitoring the launch campaigns in excess of the amount provided under subparagraph (A); and

(C) the reimbursement of the person or entity receiving the launch monitoring services if the amount provided under subparagraph (A) exceeds the amount actually expended by the Department of Defense in monitoring the launch campaigns;

(8) review and improve guidelines on the scope of permissible discussions with foreign persons regarding technology and technical information, including the technology and technical information that should not be included in such discussions;

(9) provide, in conjunction with other Federal agencies, on at least an annual basis, briefings to the officers and employees of United States commercial satellite entities on United States export license standards, guidelines, and restrictions, and encourage such officers and employees to participate in such briefings;

(10) establish a system for—

(A) the preparation and filing by personnel of the Agency who monitor satellite launch campaigns overseas of detailed reports of all relevant activities observed by such personnel in the course of monitoring such campaigns;

(B) the systematic archiving of reports filed under subparagraph (A); and

(C) the preservation of such reports in accordance with applicable laws; and

(11) establish a counterintelligence program within the Agency as part of its satellite launch monitoring program.

(b) ANNUAL REPORT ON IMPLEMENTATION OF SATELLITE TECHNOLOGY SAFEGUARDS.—(1) The Secretary of Defense and the Secretary of State shall each submit to Congress each year, as part of the annual report for that year under section 1514(a)(8) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, the following:

(A) A summary of the satellite launch campaigns and related activities monitored by the Defense Threat Reduction Agency during the preceding fiscal year.

(B) A description of any license infractions or violations that may have occurred during such campaigns and activities.

(C) A description of the personnel, funds, and other resources dedicated to the satellite launch monitoring program of the Agency during that fiscal year.

(D) An assessment of the record of United States satellite makers in cooperating with Agency monitors, and in complying with United States export control laws, during that fiscal year.

(2) Each report under paragraph (1) shall be submitted in classified form and unclassified form.

SEC. 1410. TIMELY NOTIFICATION OF LICENSING DECISIONS BY THE DEPARTMENT OF STATE.

22 USC 2778 note.

Deadline.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall prescribe regulations to provide timely notice to the manufacturer of a commercial satellite of United States origin of the final determination of the decision on the application for a license involving the overseas launch of such satellite.

SEC. 1411. ENHANCED INTELLIGENCE CONSULTATION ON SATELLITE LICENSE APPLICATIONS.

22 USC 2778 note.

(a) CONSULTATION DURING REVIEW OF APPLICATIONS.—The Secretary of State and Secretary of Defense, as appropriate, shall consult with the Director of Central Intelligence during the review of any application for a license involving the overseas launch of a commercial satellite of United States origin. The purpose of the consultation is to assure that the launch of the satellite, if the

license is approved, will meet the requirements necessary to protect the national security interests of the United States.

(b) ADVISORY GROUP.—(1) The Director of Central Intelligence shall establish within the intelligence community an advisory group to provide information and analysis to Congress, and to appropriate departments and agencies of the Federal Government, on the national security implications of granting licenses involving the overseas launch of commercial satellites of United States origin.

(2) The advisory group shall include technically-qualified representatives of the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, the National Air Intelligence Center, and the Department of State Bureau of Intelligence and Research and representatives of other elements of the intelligence community with appropriate expertise.

(3) In addition to the duties under paragraph (1), the advisory group shall—

(A) review, on a continuing basis, information relating to transfers of satellite, launch vehicle, or other technology or knowledge with respect to the course of the overseas launch of commercial satellites of United States origin; and

(B) analyze the potential impact of such transfers on the space and military systems, programs, or activities of foreign countries.

(4) The Director of the Nonproliferation Center of the Central Intelligence Agency shall serve as chairman of the advisory group.

Reports. (5)(A) The advisory group shall, upon request (but not less often than annually), submit reports on the matters referred to in paragraphs (1) and (3) to the appropriate committees of Congress and to appropriate departments and agencies of the Federal Government.

(B) The first annual report under subparagraph (A) shall be submitted not later than one year after the date of the enactment of this Act.

(c) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term "intelligence community" has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

22 USC 2778 note.

SEC. 1412. INVESTIGATIONS OF VIOLATIONS OF EXPORT CONTROLS BY UNITED STATES SATELLITE MANUFACTURERS.

President. (a) NOTICE TO CONGRESS OF INVESTIGATIONS.—The President shall promptly notify the appropriate committees of Congress whenever an investigation is undertaken by the Department of Justice of—

(1) an alleged violation of United States export control laws in connection with a commercial satellite of United States origin; or

(2) an alleged violation of United States export control laws in connection with an item controlled under section 38 of the Arms Export Control Act (22 U.S.C. 2778) that is likely to cause significant harm or damage to the national security interests of the United States.

President. (b) NOTICE TO CONGRESS OF CERTAIN EXPORT WAIVERS.—The President shall promptly notify the appropriate committees of Congress whenever an export waiver pursuant to section 902 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 2151 note) is granted on behalf of any United States

person that is the subject of an investigation described in subsection (a). The notice shall include a justification for the waiver.

(c) EXCEPTION.—The requirements in subsections (a) and (b) shall not apply if the President determines that notification of the appropriate committees of Congress under such subsections would jeopardize an on-going criminal investigation. If the President makes such a determination, the President shall provide written notification of such determination to the Speaker of the House of Representatives, the majority leader of the Senate, the minority leader of the House of Representatives, and the minority leader of the Senate. The notification shall include a justification for the determination.

(d) IDENTIFICATION OF PERSONS SUBJECT TO INVESTIGATION.—The Secretary of State and the Attorney General shall develop appropriate mechanisms to identify, for the purposes of processing export licenses for commercial satellites, persons who are the subject of an investigation described in subsection (a).

(e) PROTECTION OF CLASSIFIED AND OTHER SENSITIVE INFORMATION.—The appropriate committees of Congress shall ensure that appropriate procedures are in place to protect from unauthorized disclosure classified information, information relating to intelligence sources and methods, and sensitive law enforcement information that is furnished to those committees pursuant to this section.

(f) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to modify or supersede any other requirement to report information on intelligence activities to Congress, including the requirement under section 501 of the National Security Act of 1947 (50 U.S.C. 413).

(g) DEFINITIONS.—As used in this section:

(1) The term "appropriate committees of Congress" means the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "United States person" means any United States resident or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any foreign concern), and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations of the President.

TITLE XV—ARMS CONTROL AND COUNTERPROLIFERATION MATTERS

Sec. 1501. Revision to limitation on retirement or dismantlement of strategic nuclear delivery systems.
Sec. 1502. Sense of Congress on strategic arms reductions.
Sec. 1503. Report on strategic stability under START III.
Sec. 1504. Counterproliferation Program Review Committee.
Sec. 1505. Support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities.

SEC. 1501. REVISION TO LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

(a) REVISED LIMITATION.—Subsections (a) and (b) of section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1948) are amended to read as follows:

"(a) FUNDING LIMITATION.—(1) Except as provided in paragraph (2), funds available to the Department of Defense may not be obligated or expended for retiring or dismantling, or for preparing to retire or dismantle, any of the following strategic nuclear delivery systems below the specified levels:

"(A) 76 B–52H bomber aircraft.

"(B) 18 Trident ballistic missile submarines.

"(C) 500 Minuteman III intercontinental ballistic missiles.

"(D) 50 Peacekeeper intercontinental ballistic missiles.

"(2) The limitation in paragraph (1)(B) shall be modified in accordance with paragraph (3) upon a certification by the President to Congress of the following:

"(A) That the effectiveness of the United States strategic deterrent will not be decreased by reductions in strategic nuclear delivery systems.

"(B) That the requirements of the Single Integrated Operational Plan can be met with a reduced number of strategic nuclear delivery systems.

"(C) That reducing the number of strategic nuclear delivery systems will not, in the judgment of the President, provide a disincentive for Russia to ratify the START II treaty or serve to undermine future arms control negotiations.

"(D) That the United States will retain the ability to increase the delivery capacity of its strategic nuclear delivery systems should threats arise that require more substantial United States strategic forces.

"(3) If the President submits the certification described in paragraph (2), then the applicable number in effect under paragraph (1)(B)—

"(A) shall be 16 during the period beginning on the date on which such certification is transmitted to Congress and ending on the date specified in subparagraph (B); and

"(B) shall be 14 effective as of the date that is 240 days after the date on which such certification is transmitted.

"(b) WAIVER AUTHORITY.—If the START II treaty enters into force, the President may waive the application of the limitation in effect under paragraph (1)(B) or (3) of subsection (a), as the case may be, to the extent that the President determines such a waiver to be necessary in order to implement the treaty.".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (c)(2), by striking "during the strategic delivery systems retirement limitation period" and inserting "during the fiscal year during which the START II Treaty enters into force"; and

(2) by striking subsection (g).

SEC. 1502. SENSE OF CONGRESS ON STRATEGIC ARMS REDUCTIONS.

It is the sense of Congress that, in negotiating a START III Treaty with the Russian Federation, or any other arms control

treaty with the Russian Federation that would require reductions in United States strategic nuclear forces, that—

(1) the strategic nuclear forces and nuclear modernization programs of the People's Republic of China and every other nation possessing nuclear weapons should be taken into full consideration in the negotiation of such treaty; and

(2) the reductions in United States strategic nuclear forces under such a treaty should not be to such an extent as to impede the capability of the United States to respond militarily to any militarily significant increase in the threat to United States security or strategic stability posed by the People's Republic of China and any other nation.

SEC. 1503. REPORT ON STRATEGIC STABILITY UNDER START III.

(a) REPORT.—Not later than September 1, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report, to be prepared in consultation with the Director of Central Intelligence, on the stability of the future strategic nuclear posture of the United States for deterring the Russian Federation and other potential nuclear adversaries. President.

(b) MATTERS TO BE INCLUDED.—The Secretary shall, at a minimum, include in the report the following:

(1) A discussion of the policy defining the deterrence and military-political objectives of the United States against potential nuclear adversaries.

(2) A discussion of the military requirements for United States nuclear forces, the force structure and capabilities necessary to meet those requirements, and how they relate to the achievement of the objectives identified under paragraph (1).

(3) A projection of the strategic nuclear force posture of the United States and the Russian Federation that is anticipated under a further Strategic Arms Reduction Treaty (referred to as "START III"), and an explanation of whether and how United States nuclear forces envisioned under that posture would be capable of meeting the military sufficiency requirements identified under paragraph (2).

(4) The Secretary's assessment of Russia's nuclear force posture under START III compared to its present force, including its size, vulnerability, and capability for launch on tactical warning, and an assessment of whether strategic stability would be enhanced or diminished under START III, including any stabilizing and destabilizing factors and possible incentives or disincentives for Russia to launch a first strike, or otherwise use nuclear weapons, against the United States in a possible future crisis.

(5) The Secretary's assessment of the nuclear weapon capabilities of China and other potential nuclear weapon "rogue" states in the foreseeable future, and an assessment of the effect of these capabilities on strategic stability, including their ability and inclination to use nuclear weapons against the United States in a possible future crisis.

(6) The Secretary's assessment of whether asymmetries between the United States and Russia, including doctrine, nonstrategic nuclear weapons, and active and passive defenses, are likely to erode strategic stability in the foreseeable future.

(7) Any other matters the Secretary believes are important to such a consideration of strategic stability under future nuclear postures.

(c) CLASSIFICATION.—The report shall be submitted in classified form and, to the extent possible, in unclassified form.

SEC. 1504. COUNTERPROLIFERATION PROGRAM REVIEW COMMITTEE.

(a) EXTENSION OF COMMITTEE.—Subsection (f) of section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751 note) is amended by striking "September 30, 2000" and inserting "September 30, 2004".

(b) EXECUTIVE SECRETARY OF THE COMMITTEE.—Paragraph (5) of subsection (a) of that section is amended to read as follows:

"(5) The Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs shall serve as executive secretary to the committee, except that during any period during which that position is vacant the Assistant Secretary of Defense for Strategy and Threat Reduction shall serve as the executive secretary.".

(c) EARLIER DEADLINE FOR ANNUAL REPORT ON COUNTERPROLIFERATION ACTIVITIES AND PROGRAMS.—Section 1503(a) of the National Defense Authorization Act for Fiscal Year 1995 (22 U.S.C. 2751 note) is amended by striking "May 1 of each year" and inserting "February 1 of each year".

SEC. 1505. SUPPORT OF UNITED NATIONS-SPONSORED EFFORTS TO INSPECT AND MONITOR IRAQI WEAPONS ACTIVITIES.

(a) LIMITATION ON AMOUNT OF ASSISTANCE IN FISCAL YEAR 2000.—The total amount of the assistance for fiscal year 2000 that is provided by the Secretary of Defense under section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) as activities of the Department of Defense in support of activities under that Act may not exceed $15,000,000.

(b) EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE.—Subsection (f) of section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) is amended by striking "1999" and inserting "2000".

(c) REFERENCES TO UNITED NATIONS SPECIAL COMMISSION ON IRAQ AND TO FISCAL LIMITATIONS.—(1) Subsection (b)(2) of such section is amended by inserting "(or any successor organization)" after "United Nations Special Commission on Iraq".

(2) Subsection (d)(4) of such section is amended—

(A) in the first sentence of subparagraph (A)—

(i) by inserting "(or any successor organization)" after "United Nations Special Commission on Iraq"; and

(ii) by striking "the amount specified with respect to that year under paragraph (3)," and all that follows and inserting "the amount of any limitation provided by law on the total amount of such assistance for that fiscal year, the Secretary of Defense may provide such assistance with respect to that fiscal year notwithstanding that limitation."; and

(B) in subparagraph (B), by striking "under paragraph (3)".

TITLE XVI—NATIONAL SECURITY SPACE MATTERS

Subtitle A—Space Technology Guide; Reports

Sec. 1601. Space technology guide.
Sec. 1602. Report on vulnerabilities of United States space assets.
Sec. 1603. Report on space launch failures.
Sec. 1604. Report on Air Force space launch facilities.

Subtitle B—Commercial Space Launch Services

Sec. 1611. Sense of Congress regarding United States-Russian cooperation in commercial space launch services.
Sec. 1612. Sense of Congress concerning United States commercial space launch capacity.

Subtitle C—Commission To Assess United States National Security Space Management and Organization

Sec. 1621. Establishment of commission.
Sec. 1622. Duties of commission.
Sec. 1623. Report.
Sec. 1624. Assessment by the Secretary of Defense.
Sec. 1625. Powers.
Sec. 1626. Commission procedures.
Sec. 1627. Personnel matters.
Sec. 1628. Miscellaneous administrative provisions.
Sec. 1629. Funding.
Sec. 1630. Termination of the commission.

Subtitle A—Space Technology Guide; Reports

SEC. 1601. SPACE TECHNOLOGY GUIDE.

(a) REQUIREMENT.—The Secretary of Defense shall develop a detailed guide for investment in space science and technology, demonstrations of space technology, and planning and development for space technology systems. In the development of the guide, the goal shall be to identify the technologies and technology demonstrations needed for the United States to take full advantage of use of space for national security purposes.

(b) RELATIONSHIP TO FUTURE-YEARS DEFENSE PROGRAM.—The space technology guide shall include two alternative technology paths. One shall be consistent with the applicable funding limitations associated with the future-years defense program. The other shall reflect the assumption that it is not constrained by funding limitations.

(c) RELATIONSHIP TO ACTIVITIES OUTSIDE THE DEPARTMENT OF DEFENSE.—The Secretary shall include in the guide a discussion of the potential for cooperative investment and technology development with other departments and agencies of the United States and with private sector entities.

(d) MICRO-SATELLITE TECHNOLOGY DEVELOPMENT PLAN.—The Secretary shall include in the guide a micro-satellite technology development plan to guide investment decisions in micro-satellite technology and to establish priorities for technology demonstration activities.

(e) USE OF PREVIOUS STUDIES AND REPORTS.—In the development of the guide, the Secretary shall take into consideration previously completed studies and reports that may be relevant to the development of the guide, including the following:

(1) The Space Control Technology Plan of 1999 of the Department of Defense.

(2) The Long Range Plan of March 1998 of the United States Space Command.

(3) The Strategic Master Plan of December 1997 of the Air Force Space Command.

Deadline.

(f) REPORT.—Not later than April 15, 2000, the Secretary shall submit a report on the space technology guide to the congressional defense committees.

SEC. 1602. REPORT ON VULNERABILITIES OF UNITED STATES SPACE ASSETS.

Not later than March 1, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report, prepared in consultation with the Director of Central Intelligence, on the current and potential vulnerabilities of United States national security and commercial space assets. The report shall be submitted in classified and unclassified form. The report shall include—

(1) an assessment of the military significance of the vulnerabilities identified in the report;

(2) an assessment of the significance of space debris; and

(3) an assessment of the manner in which the vulnerabilities identified in the report could affect United States space launch policy and spacecraft design.

SEC. 1603. REPORT ON SPACE LAUNCH FAILURES.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the President and the specified congressional committees a report on the factors involved in the three recent failures of the Titan IV space launch vehicle and the systemic and management reforms that the Secretary is implementing to minimize future failures of that vehicle and future launch systems. The report shall be submitted not later than February 15, 2000. The Secretary shall include in the report all information from the reviews of those failures conducted by the Secretary of the Air Force and launch contractors.

(b) MATTERS TO BE INCLUDED.—The report shall include the following information:

(1) An explanation for the failure of a Titan IVA launch vehicle on August 12, 1998, the failure of a Titan IVB launch vehicle on April 9, 1999, and the failure of a Titan IVB launch vehicle on April 30, 1999, as well as any information from civilian launches which may provide information on systemic problems in current Department of Defense launch systems, including, in addition to a detailed technical explanation and summary of financial costs for each such failure, a one-page summary for each such failure indicating any commonality between that failure and other military or civilian launch failures.

(2) A review of management and engineering responsibility for the Titan, Inertial Upper Stage, and Centaur systems, with an explanation of the respective roles of the Government and the private sector in ensuring mission success and identification of the responsible party (Government or private sector) for each major stage in production and launch of the vehicles.

(3) A list of all contractors and subcontractors for each of the Titan, Inertial Upper Stage, and Centaur systems and their responsibilities and five-year records for meeting program requirements.

(4) A comparison of the practices of the Department of Defense, the National Aeronautics and Space Administration, and the commercial launch industry regarding the management and oversight of the procurement and launch of expendable launch vehicles.

(5) An assessment of whether consolidation in the aerospace industry has affected mission success, including whether cost-saving efforts are having an effect on quality and whether experienced workers are being replaced by less experienced workers for cost-saving purposes.

(6) Recommendations on how Government contracts with launch service companies could be improved to protect the taxpayer, together with the Secretary's assessment of whether the withholding of award and incentive fees is a sufficient incentive to hold contractors to the highest possible quality standards and the Secretary's overall evaluation of the award fee system.

(7) A short summary of what went wrong technically and managerially in each launch failure and what specific steps are being taken by the Department of Defense and space launch contractors to ensure that those errors do not reoccur.

(8) An assessment of the role of the Department of Defense in the management and technical oversight of the launches that failed and whether the Department of Defense, in that role, contributed to the failures.

(9) An assessment of the effect of the launch failures on the schedule for Titan launches, on the schedule for development and first launch of the Evolved Expendable Launch Vehicle, and on the ability of industry to meet Department of Defense requirements.

(10) An assessment of the impact of the launch failures on assured access to space by the United States, and a consideration of means by which access to space by the United States can be better assured.

(11) An assessment of any systemic problems that may exist at the eastern launch range, whether these problems contributed to the launch failures, and what means would be most effective in addressing these problems.

(12) An assessment of the potential benefits and detriments of launch insurance and the impact of such insurance on the estimated net cost of space launches.

(13) A review of the responsibilities of the Department of Defense and industry representatives in the launch process, an examination of the incentives of the Department and industry representatives throughout the launch process, and an assessment of whether the incentives are appropriate to maximize the probability that launches will be timely and successful.

(14) Any other observations and recommendations that the Secretary considers relevant.

(c) INTERIM REPORT.—Not later than December 15, 1999, the Secretary shall submit to the specified congressional committees an interim report on the progress in the preparation of the report

Deadline.

required by this section, including progress with respect to each of the matters required to be included in the report under subsection (b).

(d) SPECIFIED CONGRESSIONAL COMMITTEES.—For purposes of this section, the term "specified congressional committees" means the following:

(1) The Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate.

(2) The Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

SEC. 1604. REPORT ON AIR FORCE SPACE LAUNCH FACILITIES.

(a) STUDY OF SPACE LAUNCH RANGES AND REQUIREMENTS.—The Secretary of Defense shall, using the Defense Science Board of the Department of Defense, conduct a study—

(1) to assess anticipated military, civil, and commercial space launch requirements;

(2) to examine the technical shortcomings at the space launch ranges;

(3) to evaluate current and future oversight and range safety arrangements at the space launch ranges; and

(4) to estimate future funding requirements for space launch ranges capable of meeting both national security space launch needs and civil and commercial space launch needs.

Deadline.

(b) REPORT.—Not later than February 15, 2000, the Secretary shall submit to the congressional defense committees a report containing the results of the study.

Subtitle B—Commercial Space Launch Services

SEC. 1611. SENSE OF CONGRESS REGARDING UNITED STATES-RUSSIAN COOPERATION IN COMMERCIAL SPACE LAUNCH SERVICES.

It is the sense of Congress that—

(1) the United States should demand full and complete cooperation from the Government of the Russian Federation on preventing the illegal transfer from Russia to Iran or any other country of any prohibited fissile material or ballistic missile equipment or any technology necessary for the acquisition or development by the recipient country of any nuclear weapon or ballistic missile;

(2) the United States should take every appropriate measure necessary to encourage the Government of the Russian Federation to seek out and prevent the illegal transfer from Russia to Iran or any other country of any prohibited fissile material or ballistic missile equipment or any technology necessary for the acquisition or development by the recipient country of any nuclear weapon or ballistic missile;

(3) the United States Government decision to increase the quantitative limitations applicable to commercial space launch services provided by Russian space launch providers, based upon a serious commitment by the Government of the Russian Federation to seek out and prevent the illegal transfer from

Russia to Iran or any other country of any prohibited ballistic missile equipment or any technology necessary for the acquisition or development by the recipient country of any ballistic missile, should facilitate greater cooperation between the United States and the Russian Federation on nonproliferation matters; and

(4) any possible future consideration of modifying such limitations should be conditioned on a continued serious commitment by the Government of the Russian Federation to preventing such illegal transfers.

SEC. 1612. SENSE OF CONGRESS CONCERNING UNITED STATES COMMERCIAL SPACE LAUNCH CAPACITY.

(a) SENSE OF CONGRESS CONCERNING UNITED STATES COMMERCIAL SPACE LAUNCH CAPACITY.—It is the sense of Congress that Congress and the President should work together to stimulate and encourage the expansion of a commercial space launch capacity in the United States, including by taking actions to eliminate legal or regulatory barriers to long-term competitiveness of the United States commercial space launch industry.

(b) SENSE OF CONGRESS CONCERNING POLICY OF PERMITTING EXPORT OF COMMERCIAL SATELLITES TO PEOPLE'S REPUBLIC OF CHINA FOR LAUNCH.—It is the sense of Congress that Congress and the President should—

(1) reexamine the current United States policy of permitting the export of commercial satellites of United States origin to the People's Republic of China for launch;

(2) review the advantages and disadvantages of phasing out that policy, including in that review advantages and disadvantages identified by Congress, the executive branch, the United States satellite industry, the United States space launch industry, the United States telecommunications industry, and other interested persons; and

(3) if the phase out of that policy is adopted, permit the export of a commercial satellite of United States origin for launch in the People's Republic of China only if—

(A) the launch is licensed as of the commencement of the phase out of that policy; and

(B) additional actions under section 1514 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2175; 22 U.S.C. 2778 note) are taken to minimize the transfer of technology to the People's Republic of China during the course of the launch.

Subtitle C—Commission To Assess United States National Security Space Management and Organization

10 USC 111 note.

SEC. 1621. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission known as the Commission To Assess United States National Security Space Management and Organization (in this subtitle referred to as the "Commission").

(b) COMPOSITION.—The Commission shall be composed of 13 members appointed as follows:

(1) Four members shall be appointed by the chairman of the Committee on Armed Services of the Senate.

(2) Four members shall be appointed by the chairman of the Committee on Armed Services of the House of Representatives.

(3) Three members shall be appointed jointly by the ranking minority member of the Committee on Armed Services of the Senate and the ranking minority member of the Committee on Armed Services of the House of Representatives.

(4) Two members shall be appointed by the Secretary of Defense, in consultation with the Director of Central Intelligence.

(c) QUALIFICATIONS.—Members of the Commission shall be appointed from among private citizens of the United States who have knowledge and expertise in the areas of national security space policy, programs, organizations, and future national security concepts.

(d) CHAIRMAN.—The chairman of the Committee on Armed Services of the Senate, after consultation with the chairman of the Armed Services Committee of the House of Representatives and the ranking minority members of the Committees on Armed Services of the House of Representatives and the Senate, shall designate one of the members of the Commission to serve as chairman of the Commission.

(e) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(f) SECURITY CLEARANCES.—All members of the Commission shall hold appropriate security clearances.

Deadlines.

(g) INITIAL ORGANIZATION REQUIREMENTS.—(1) All appointments to the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting not later than 60 days after the date as of which all members of the Commission have been appointed, but not earlier than October 15, 1999.

SEC. 1622. DUTIES OF COMMISSION.

(a) ASSESSMENT OF UNITED STATES NATIONAL SECURITY SPACE MANAGEMENT AND ORGANIZATION.—The Commission shall, concerning changes to be implemented over the near-term, medium-term, and long-term that would strengthen United States national security, assess the following:

(1) The manner in which military space assets may be exploited to provide support for United States military operations.

(2) The current interagency coordination process regarding the operation of national security space assets, including identification of interoperability and communications issues.

(3) The relationship between the intelligence and nonintelligence aspects of national security space (so-called "white space" and "black space"), and the potential costs and benefits of a partial or complete merger of the programs, projects, or activities that are differentiated by those two aspects.

(4) The manner in which military space issues are addressed by professional military education institutions.

(5) The potential costs and benefits of establishing any of the following:

(A) An independent military department and service dedicated to the national security space mission.

(B) A corps within the Air Force dedicated to the national security space mission.

(C) A position of Assistant Secretary of Defense for Space within the Office of the Secretary of Defense.

(D) A new major force program, or other budget mechanism, for managing national security space funding within the Department of Defense.

(E) Any other change to the existing organizational structure of the Department of Defense for national security space management and organization.

(b) COOPERATION FROM GOVERNMENT OFFICIALS.—In carrying out its duties, the Commission should receive the full and timely cooperation of the Secretary of Defense, the Director of Central Intelligence, and any other United States Government official responsible for providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

SEC. 1623. REPORT.

The Commission shall, not later than six months after the date of its first meeting, submit to Congress and to the Secretary of Defense a report on its findings and conclusions. Deadline.

SEC. 1624. ASSESSMENT BY THE SECRETARY OF DEFENSE.

The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an assessment of the Commission's findings not later than 90 days after the submission of the Commission's report. Deadline.

SEC. 1625. POWERS.

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this subtitle, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION.—The Commission may secure directly from the Department of Defense, the other departments and agencies of the intelligence community, and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this subtitle.

SEC. 1626. COMMISSION PROCEDURES.

(a) MEETINGS.—The Commission shall meet at the call of the chairman.

(b) QUORUM.—(1) Seven members of the Commission shall constitute a quorum other than for the purpose of holding hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) COMMISSION.—The Commission may establish panels composed of less than full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this subtitle.

SEC. 1627. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—Members of the Commission shall serve without pay by reason of their work on the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS–15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

SEC. 1628. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.—The Secretary of Defense shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

(c) NATIONAL SECURITY INFORMATION.—The Secretary of Defense, in consultation with the Director of Central Intelligence, shall assume responsibility for the handling and disposition of national security information received and used by the Commission.

SEC. 1629. FUNDING.

Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities for fiscal year 2000. Upon receipt of a written certification from the chairman of the Commission specifying the funds required for the activities of the Commission, the Secretary of Defense shall promptly disburse to the Commission, from such amounts, the funds required by the Commission as stated in such certification.

SEC. 1630. TERMINATION OF THE COMMISSION.

The Commission shall terminate 60 days after the date of the submission of its report under section 1623.

TITLE XVII—TROOPS-TO-TEACHERS PROGRAM

Troops-to-Teachers Program Act of 1999.

Sec. 1701. Short title; definitions.
Sec. 1702. Authorization of Troops-to-Teachers Program.
Sec. 1703. Eligible members of the Armed Forces.
Sec. 1704. Selection of participants.
Sec. 1705. Stipend and bonus for participants.
Sec. 1706. Participation by States.
Sec. 1707. Termination of original program; transfer of functions.
Sec. 1708. Reporting requirements.
Sec. 1709. Funds for fiscal year 2000.

SEC. 1701. SHORT TITLE; DEFINITIONS.

20 USC 9301.

(a) SHORT TITLE.—This title may be cited as the "Troops-to-Teachers Program Act of 1999".

(b) DEFINITIONS.—In this title:

(1) The term "administering Secretary", with respect to the Troops-to-Teachers Program, means the following:

(A) The Secretary of Defense with respect to the Armed Forces (other than the Coast Guard) for the period beginning on the date of the enactment of this Act, and ending on the date of the completion of the transfer of responsibility for the Troops-to-Teachers Program to the Secretary of Education under section 1707.

(B) The Secretary of Transportation with respect to the Coast Guard for the period referred to in subparagraph (A).

(C) The Secretary of Education for any period after the period referred to in subparagraph (A).

(2) The term "alternative certification or licensure requirements" means State or local teacher certification or licensure requirements that permit a demonstrated competence in appropriate subject areas gained in careers outside of education to be substituted for traditional teacher training course work.

(3) The term "member of the Armed Forces" includes a former member of the Armed Forces.

(4) The term "State" includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam,

the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the Republic of Palau, and the United States Virgin Islands.

20 USC 9302.

SEC. 1702. AUTHORIZATION OF TROOPS-TO-TEACHERS PROGRAM.

(a) PROGRAM AUTHORIZED.—The administering Secretary may carry out a program (to be known as the "Troops-to-Teachers Program")—

(1) to assist eligible members of the Armed Forces after their discharge or release, or retirement, from active duty to obtain certification or licensure as elementary or secondary school teachers or as vocational or technical teachers; and

(2) to facilitate the employment of such members by local educational agencies identified under subsection (b)(1).

(b) IDENTIFICATION OF LOCAL EDUCATIONAL AGENCIES WITH TEACHER SHORTAGES.—(1) In carrying out the Troops-to-Teachers Program, the administering Secretary shall periodically identify local educational agencies that—

(A) are receiving grants under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; or

(B) are experiencing a shortage of qualified teachers, in particular a shortage of science, mathematics, special education, or vocational or technical teachers.

(2) The administering Secretary may identify local educational agencies under paragraph (1) through surveys conducted for that purpose or by using information on local educational agencies that is available to the administering Secretary from other sources.

(c) IDENTIFICATION OF STATES WITH ALTERNATIVE CERTIFICATION REQUIREMENTS.—In carrying out the Troops-to-Teachers Program, the administering Secretary shall also conduct a survey of States to identify those States that have alternative certification or licensure requirements for teachers, including those States that grant credit for service in the Armed Forces toward satisfying certification or licensure requirements for teachers.

(d) LIMITATION ON USE OF FUNDS FOR MANAGEMENT INFRASTRUCTURE.—The administering Secretary may utilize not more than five percent of the funds available to carry out the Troops-to-Teachers Program for a fiscal year for purposes of establishing and maintaining the management infrastructure necessary to support the program.

20 USC 9303.

SEC. 1703. ELIGIBLE MEMBERS OF THE ARMED FORCES.

(a) ELIGIBLE MEMBERS.—Subject to subsection (c), the following members of the Armed Forces shall be eligible for selection to participate in the Troops-to-Teachers Program:

(1) Any member who—

(A) during the period beginning on October 1, 1990, and ending on September 30, 1999, was involuntarily discharged or released from active duty for purposes of a reduction of force after six or more years of continuous active duty immediately before the discharge or release; and

(B) satisfies such other criteria for selection as the administering Secretary may prescribe.

(2) Any member who applied for the teacher placement program administered under section 1151 of title 10, United States Code, as in effect before its repeal by section 1707, and who satisfies the eligibility criteria specified in subsection (c) of such section 1151.

(3) Any member who—

(A) on or after October 1, 1999, becomes entitled to retired or retainer pay in the manner provided in title 10 or title 14, United States Code;

(B) has the educational background required by subsection (b); and

(C) satisfies the criteria prescribed under paragraph (1)(B).

(b) EDUCATIONAL BACKGROUND.—(1) In the case of a member of the Armed Forces described in subsection (a)(3) who is applying for assistance for placement as an elementary or secondary school teacher, the administering Secretary shall require the member to have received a baccalaureate or advanced degree from an accredited institution of higher education.

(2) In the case of a member described in subsection (a)(3) who is applying for assistance for placement as a vocational or technical teacher, the administering Secretary shall require the member—

(A) to have received the equivalent of one year of college from an accredited institution of higher education and have 10 or more years of military experience in a vocational or technical field; or

(B) to otherwise meet the certification or licensure requirements for a vocational or technical teacher in the State in which the member seeks assistance for placement under the program.

(c) INELIGIBLE MEMBERS.—A member of the Armed Forces described in subsection (a) is eligible to participate in the Troops-to-Teachers Program only if the member's last period of service in the Armed Forces was characterized as honorable.

(d) INFORMATION REGARDING PROGRAM.—(1) The administering Secretary shall provide information regarding the Troops-to-Teachers Program, and make applications for the program available, to members of the Armed Forces as part of preseparation counseling provided under section 1142 of title 10, United States Code.

(2) The information provided to members shall—

(A) indicate the local educational agencies identified under section 1702(b); and

(B) identify those States surveyed under section 1702(c) that have alternative certification or licensure requirements for teachers, including those States that grant credit for service in the Armed Forces toward satisfying such requirements.

SEC. 1704. SELECTION OF PARTICIPANTS. 20 USC 9304.

(a) SUBMISSION OF APPLICATIONS.—Selection of eligible members of the Armed Forces to participate in the Troops-to-Teachers Program shall be made on the basis of applications submitted to the administering Secretary on a timely basis. An application shall be in such form and contain such information as the administering Secretary may require.

(b) TIMELY APPLICATIONS.—An application shall be considered to be submitted on a timely basis if the application is submitted as follows:

Deadline. (1) In the case of a member of the Armed Forces who is eligible under section 1703(a)(1) or 1703(a)(2), not later than September 30, 2003.

Deadline. (2) In the case of a member who is eligible under section 1703(a)(3), not later than four years after the date on which the member first receives retired or retainer pay under title 10 or title 14, United States Code.

(c) SELECTION PRIORITIES.—In selecting eligible members of the Armed Forces to receive assistance for placement as elementary or secondary school teachers or vocational or technical teachers, the administering Secretary shall give priority to members who—

(1) have educational or military experience in science, mathematics, special education, or vocational or technical subjects and agree to seek employment as science, mathematics, or special education teachers in elementary or secondary schools or in other schools under the jurisdiction of a local educational agency; or

(2) have educational or military experience in another subject area identified by the administering Secretary, in consultation with the National Governors Association, as important for national educational objectives and agree to seek employment in that subject area in elementary or secondary schools.

(d) SELECTION SUBJECT TO FUNDING.—The administering Secretary may not select a member of the Armed Forces to participate in the Troops-to-Teachers Program unless the administering Secretary has sufficient appropriations for the program available at the time of the selection to satisfy the obligations to be incurred by the United States under section 1705 with respect to that member.

(e) PARTICIPATION AGREEMENT.—A member of the Armed Forces selected to participate in the Troops-to-Teachers Program shall be required to enter into an agreement with the administering Secretary in which the member agrees—

(1) to obtain, within such time as the administering Secretary may require, certification or licensure as an elementary or secondary school teacher or vocational or technical teacher; and

(2) to accept an offer of full-time employment as an elementary or secondary school teacher or vocational or technical teacher for not less than four school years with a local educational agency identified under section 1702, to begin the school year after obtaining that certification or licensure.

(f) EXCEPTIONS TO VIOLATION DETERMINATION.—A participant in the Troops-to-Teachers Program shall not be considered to be in violation of an agreement entered into under subsection (e) during any period in which the participant—

(1) is pursuing a full-time course of study related to the field of teaching at an eligible institution;

(2) is serving on active duty as a member of the Armed Forces;

(3) is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician;

(4) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

(5) is seeking and unable to find full-time employment as a teacher in an elementary or secondary school or as a vocational or technical teacher for a single period not to exceed 27 months; or

(6) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the administering Secretary.

SEC. 1705. STIPEND AND BONUS FOR PARTICIPANTS. 20 USC 9305.

(a) STIPEND AUTHORIZED.—(1) Subject to paragraph (2), the administering Secretary shall pay to each participant in the Troops-to-Teachers Program a stipend in an amount equal to $5,000.

(2) The total number of stipends that may be paid under paragraph (1) in any fiscal year may not exceed 3,000.

(b) BONUS AUTHORIZED.—(1) Subject to paragraph (2), the administering Secretary may, in lieu of paying a stipend under subsection (a), pay a bonus of $10,000 to each participant in the Troops-to-Teachers Program who agrees under section 1704(e) to accept full-time employment as an elementary or secondary school teacher or vocational or technical teacher for not less than four years in a high need school.

(2) The total number of bonuses that may be paid under paragraph (1) in any fiscal year may not exceed 1,000.

(3) In this subsection, the term "high need school" means an elementary school or secondary school that meets one or more of the following criteria:

(A) The school has a drop out rate that exceeds the national average school drop out rate.

(B) The school has a large percentage of students (as determined by the Secretary of Education in consultation with the National Assessment Governing Board) who speak English as a second language.

(C) The school has a large percentage of students (as so determined) who are at risk of educational failure by reason of limited proficiency in English, poverty, race, geographic location, or economic circumstances.

(D) At least one-half of the students of the school are from families with an income below the poverty line (as that term is defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(E) The school has a large percentage of students (as so determined) who qualify for assistance under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(F) The school meets any other criteria established by the administering Secretary in consultation with the National Assessment Governing Board.

(c) TREATMENT OF STIPEND AND BONUS.—Stipends and bonuses paid under this section shall be taken into account in determining the eligibility of the participant concerned for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(d) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—(1) If a participant in the Troops-to-Teachers Program fails to obtain teacher certification or licensure or employment as an elementary or secondary school teacher or vocational or technical teacher as required by the agreement under section 1704(e) or voluntarily leaves, or is terminated for cause, from the employment during the four years of required service in violation of the agreement, the participant shall be required to reimburse the administering Secretary for any stipend paid to the participant under subsection (a) in an amount that bears the same ratio to the amount of the stipend as the unserved portion of required service bears to the four years of required service.

(2) If a participant in the Troops-to-Teachers Program who is paid a bonus under subsection (b) fails to obtain employment for which the bonus was paid as required by the agreement under section 1704(e), or voluntarily leaves or is terminated for cause from the employment during the four years of required service in violation of the agreement, the participant shall be required to reimburse the administering Secretary for any bonus paid to the participant under that subsection in an amount that bears the same ratio to the amount of the bonus as the unserved portion of required service bears to the four years of required service.

(3) The obligation to reimburse the administering Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11, United States Code, shall not release a participant from the obligation to reimburse the administering Secretary.

(4) Any amount owed by a participant under this subsection shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of ninety days or less and shall accrue from the day on which the participant is first notified of the amount due.

(e) EXCEPTIONS TO REIMBURSEMENT REQUIREMENT.—A participant in the Troops-to-Teachers Program shall be excused from reimbursement under subsection (d) if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The administering Secretary may also waive reimbursement in cases of extreme hardship to the participant, as determined by the administering Secretary.

(f) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—The receipt by a participant in the Troops-to-Teachers Program of any assistance under the program shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 of title 38, United States Code, or chapter 1606 of title 10, United States Code.

20 USC 9306.

SEC. 1706. PARTICIPATION BY STATES.

(a) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The administering Secretary may permit States participating in the Troops-to-Teachers Program to carry out activities authorized for such States under the program through one or more consortia of such States.

(b) ASSISTANCE TO STATES.—(1) Subject to paragraph (2), the administering Secretary may make grants to States participating in the Troops-to-Teachers Program, or to consortia of such States, in order to permit such States or consortia of States to operate

offices for purposes of recruiting eligible members of the Armed Forces for participation in the program and facilitating the employment of participants in the program in schools in such States or consortia of States.

(2) The total amount of grants under paragraph (1) in any fiscal year may not exceed $4,000,000.

SEC. 1707. TERMINATION OF ORIGINAL PROGRAM; TRANSFER OF FUNCTIONS. 20 USC 9307.

(a) TERMINATION.—(1) Section 1151 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 58 of such title is amended by striking the item relating to section 1151.

(3) The repeal of such section shall not affect the validity or terms of any agreement entered into before the date of the enactment of this Act under subsection (f) of such section, or to pay assistance, make grants, or obtain reimbursement in connection with such an agreement under subsections (g), (h), and (i) of such section, as in effect before its repeal. 10 USC 1151 note.

(b) TRANSFER OF FUNCTIONS.—(1) The Secretary of Defense, the Secretary of Transportation, and the Secretary of Education shall provide for the transfer to the Secretary of Education of any on-going functions and responsibilities of the Secretary of Defense and the Secretary of Transportation with respect to—

(A) the program authorized by section 1151 of title 10, United States Code, before its repeal by subsection (a)(1); and

(B) the Troops-to-Teachers Program for the period beginning on the date of the enactment of this Act and ending on September 30, 2000.

(2) The Secretaries referred to in paragraph (1) shall complete the transfer under such paragraph not later than October 1, 2000. Deadline.

(3) After completion of the transfer, the Secretary of Education shall discharge that Secretary's functions and responsibilities with respect to the program in consultation with the Secretary of Defense and the Secretary of Transportation with respect to the Coast Guard.

SEC. 1708. REPORTING REQUIREMENTS. 10 USC 9308.

(a) REPORT REQUIRED.—Not later than March 31, 2001, the Secretary of Education (in consultation with the Secretary of Defense and the Secretary of Transportation) and the Comptroller General shall each submit to Congress a report on the effectiveness of the Troops-to-Teachers Program in the recruitment and retention of qualified personnel by local educational agencies identified under section 1702(b). Deadline.

(b) ELEMENTS OF REPORT.—The report under subsection (a) shall include information on the following:

(1) The number of participants in the Troops-to-Teachers Program.

(2) The schools in which such participants are employed.

(3) The grade levels at which such participants teach.

(4) The subject matters taught by such participants.

(5) The effectiveness of the teaching of such participants, as indicated by any relevant test scores of the students of such participants.

(6) The extent of any academic improvement in the schools in which such participants teach by reason of their teaching.

(7) The rates of retention of such participants by the local educational agencies employing such participants.

(8) The effect of any stipends or bonuses under section 1705 in enhancing participation in the program or in enhancing recruitment or retention of participants in the program by the local educational agencies employing such participants.

(9) Such other matters as the Secretary of Education or the Comptroller General, as the case may be, considers appropriate.

(c) RECOMMENDATIONS.—The report of the Comptroller General under this section shall also include any recommendations of the Comptroller General as to means of improving the Troops-to-Teachers Program, including means of enhancing the recruitment and retention of participants in the program.

20 USC 9309.

SEC. 1709. FUNDS FOR FISCAL YEAR 2000.

Of the amount authorized to be appropriated by section 301 for operation and maintenance for fiscal year 2000, $3,000,000 shall be available for purposes of carrying out the Troops-to-Teachers Program.

Military Construction Authorization Act for Fiscal Year 2000.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2000".

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.

SEC. 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:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Redstone Arsenal	$9,800,000
Alaska	Fort Richardson	$14,600,000
	Fort Wainwright	$34,800,000
Arkansas	Pine Bluff Arsenal	$18,000,000
California	Fort Irwin	$32,400,000
	Presidio of Monterey	$7,100,000
Colorado	Fort Carson	$4,400,000
	Peterson Air Force Base	$25,000,000
District of Columbia	Fort McNair	$1,250,000
	Walter Reed Medical Center	$6,800,000
Georgia	Fort Benning	$48,400,000
	Fort Stewart	$71,700,000
Hawaii	Schofield Barracks	$95,000,000
Kansas	Fort Leavenworth	$34,100,000
	Fort Riley	$27,000,000
Kentucky	Blue Grass Army Depot	$6,000,000
	Fort Campbell	$56,900,000
	Fort Knox	$1,300,000
Louisiana	Fort Polk	$6,700,000
Maryland	Fort Meade	$22,450,000
Massachusetts	Westover Air Reserve Base	$4,000,000
Missouri	Fort Leonard Wood	$27,100,000
New York	Fort Drum	$23,000,000
Nevada	Hawthorne Army Depot	$1,700,000
North Carolina	Fort Bragg	$125,400,000
	Sunny Point Military Ocean Terminal	$3,800,000
Oklahoma	Fort Sill	$33,200,000
	McAlester Army Ammunition	$16,600,000
Pennsylvania	Carlisle Barracks	$5,000,000
	Letterkenny Army Depot	$3,650,000
South Carolina	Fort Jackson	$7,400,000
Texas	Fort Bliss	$52,350,000
	Fort Hood	$84,500,000
Virginia	Fort Belvoir	$3,850,000
	Fort Eustis	$43,800,000
	Fort Myer	$2,900,000
	Fort Story	$8,000,000
Washington	Fort Lewis	$23,400,000
CONUS Various	CONUS Various	$36,400,000
	Total	$1,029,750,000

(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 locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Korea	Camp Casey	$31,000,000
	Camp Howze	$3,050,000
	Camp Stanley	$3,650,000
	Total	$37,700,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation or location	Purpose	Amount
Korea	Camp Humphreys	60 Units	$24,000,000
Virginia	Fort Lee	46 Units	$8,000,000
Washington	Fort Lewis	48 Units	$9,000,000
		Total	$41,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(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 $4,300,000.

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 sections 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $35,400,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,353,231,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $930,058,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $37,700,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $9,500,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $91,414,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $80,700,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,089,812,000.

(6) For the construction of the United States Disciplinary Barracks, Fort Leavenworth, Kansas, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1967), $18,800,000.

(7) For the construction of the force XXI soldier development center, Fort Hood, Texas, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1966), $14,000,000.

(8) For the construction of the railhead facility, Fort Hood, Texas, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $14,800,000.

(9) For the construction of the cadet development center, United States Military Academy, West Point, New York, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $28,500,000.

(10) For the construction of the whole barracks complex renewal, Fort Campbell, Kentucky, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $32,000,000.

(11) For the construction of the multi-purpose digital training range, Fort Knox, Kentucky, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $16,000,000.

(12) For the construction of the power plant, Roi Namur Island, Kwajalein Atoll, Kwajalein, authorized in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2183), $35,400,000.

(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) and (2) of subsection (a);

(2) $46,000,000 (the balance of the amount authorized under section 2101(a) for the construction of the whole barracks complex renewal at Schofield Barracks, Hawaii);

(3) $22,000,000 (the balance of the amount authorized under section 2101(a) for the construction of the whole barracks complex renewal at Fort Bragg, North Carolina);

(4) $10,000,000 (the balance of the amount authorized under section 2101(a) for the construction of tank trail erosion mitigation at the Yakima Training Center, Fort Lewis, Washington);

(5) $10,100,000 (the balance of the amount authorized under section 2101(a) for the construction of a tactical equipment shop at Fort Sill, Oklahoma);

(6) $2,592,000 (the balance of the amount authorized under section 2101(a) for the construction of the chemical defense qualification facility at Pine Bluff Arsenal, Arkansas); and

(7) $9,000,000 (the balance of the amount authorized under section 2101(a) for the construction of the whole barracks renovation at Fort Riley, Kansas).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (12) of subsection (a)

is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) $41,953,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes; and

(2) $3,500,000, which represents the combination of savings in military family housing support resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification of authority to carry out fiscal year 1997 project.
Sec. 2206. Authorization to accept electrical substation improvements, Guam.

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:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	$17,020,000
	Navy Detachment, Camp Navajo	$7,560,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	$34,760,000
	Marine Corps Base, Camp Pendleton	$38,460,000
	Marine Corps Logistics Base, Barstow	$4,670,000
	Marine Corps Recruit Depot, San Diego	$3,200,000
	Naval Air Station, Lemoore	$24,020,000
	Naval Air Station, North Island	$54,420,000
	Naval Air Warfare Center, China Lake	$4,000,000
	Naval Air Warfare Center, Corona	$7,070,000
	Naval Hospital, San Diego	$21,590,000
	Naval Hospital, Twentynine Palms	$7,640,000
	Naval Postgraduate School	$5,100,000
Florida	Naval Air Station, Whiting Field, Milton	$5,350,000
	Naval Station, Mayport	$9,560,000
Georgia	Marine Corps Logistics Base, Albany	$6,260,000
Hawaii	Camp H.M. Smith	$86,050,000
	Marine Corps Air Station, Kaneohe Bay	$5,790,000
	Naval Shipyard, Pearl Harbor	$10,610,000
	Naval Station, Pearl Harbor	$18,600,000
	Naval Submarine Base, Pearl Harbor	$29,460,000
Idaho	Naval Surface Warfare Center, Bayview	$10,040,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
Illinois	Naval Training Center, Great Lakes	$57,290,000
Indiana	Naval Surface Warfare Center, Crone	$7,270,000
Maine	Naval Air Station, Brunswick	$16,890,000
Maryland	Naval Air Warfare Center, Patuxent River	$4,560,000
	Naval Surface Warfare Center, Indian Head	$10,070,000
Mississippi	Naval Air Station, Meridian	$7,280,000
	Naval Construction Battalion Center Gulfport	$19,170,000
New Jersey	Naval Air Warfare Center Aircraft Division, Lakehurst	$15,710,000
North Carolina	Marine Corps Air Station, New River	$5,470,000
	Marine Corps Base, Camp Lejeune	$21,380,000
Pennsylvania	Navy Ships Parts Control Center, Mechanicsburg	$2,990,000
	Norfolk Naval Shipyard Detachment, Philadelphia	$13,320,000
South Carolina	Naval Weapons Station, Charleston	$7,640,000
	Marine Corps Air Station, Beaufort	$18,290,000
Texas	Naval Station, Ingleside	$11,780,000
Virginia	Marine Corps Combat Development Command, Quantico	$20,820,000
	Naval Air Station, Oceana	$11,490,000
	Naval Shipyard, Norfolk	$17,630,000
	Naval Station, Norfolk	$69,550,000
	Naval Weapons Station, Yorktown	$25,040,000
	Tactical Training Group Atlantic, Dam Neck	$10,310,000
Washington	Naval Ordnance Center Pacific Division Detachment, Port Hadlock	$3,440,000
	Naval Undersea Warfare Center, Keyport	$6,700,000
	Puget Sound Naval Shipyard, Bremerton	$15,610,000
	Strategic Weapons Facility Pacific, Bremerton	$6,300,000
	Total	$817,230,000

(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

Country	Installation or location	Amount
Bahrain	Administrative Support Unit	$83,090,000
Diego Garcia	Naval Support Facility, Diego Garcia	$8,150,000
	Total	$91,240,000

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) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or location	Purpose	Amount
Arizona	Marine Corps Air Station, Yuma	49 Units	$8,500,000
California	Naval Air Station, Lemoore	116 Units	$20,188,000
Hawaii	Marine Corps Air Station, Kaneohe Bay	100 Units	$26,615,000
	Marine Corps Base, Hawaii	30 Units	$8,000,000
	Naval Base, Pearl Harbor	133 Units	$30,168,000
	Naval Base, Pearl Harbor	96 Units	$19,167,000
North Carolina	Marine Corps Air Station, Cherry Point	180 Units	$22,036,000
		Total	$134,674,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations 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 $17,715,000.

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 $181,882,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,108,087,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $733,390,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $91,240,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,342,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $71,911,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $334,271,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $895,070,000.

(6) For the construction of the berthing wharf, Naval Station Norfolk, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2187), $12,690,000.

(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) $13,660,000 (the balance of the amount authorized under section 2201(a) for the construction of a berthing wharf at Naval Air Station, North Island, California); and

(3) $70,180,000 (the balance of the amount authorized under section 2201(a) for the construction of the Commander-in-Chief Headquarters, Pacific Command, Camp H.M. Smith, Hawaii).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (6) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) $33,227,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes;

(2) $1,000,000, which represents the combination of project savings in military family housing construction resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes; and

(3) $3,600,000, which represents the combination of savings in military family housing support resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1997 PROJECT.

The table in section 2202(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2768) is amended in the item relating to Naval Air Station Brunswick, Maine, by striking "92 Units" in the purpose column and inserting "72 Units".

SEC. 2206. AUTHORIZATION TO ACCEPT ELECTRICAL SUBSTATION IMPROVEMENTS, GUAM.

The Secretary of the Navy may accept from the Guam Power Authority various improvements to electrical transformers at the Agana and Harmon Substations in Guam, which are valued at approximately $610,000 and are to be performed in accordance with plans and specifications acceptable to the Secretary.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.

SEC. 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:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	$10,600,000
Alaska	Eielson Air Force Base	$24,100,000
	Elmendorf Air Force Base	$42,300,000
Arizona	Davis-Monthan Air Force Base	$7,800,000
Arkansas	Little Rock Air Force Base	$7,800,000
California	Beale Air Force Base	$8,900,000
	Edwards Air Force Base	$5,500,000
	Travis Air Force Base	$11,200,000
Colorado	Peterson Air Force Base	$40,000,000
	Schriever Air Force Base	$16,100,000
	U.S. Air Force Academy	$17,500,000
CONUS Classified	Classified Location	$16,870,000
Delaware	Dover Air Force Base	$12,000,000
Florida	Eglin Air Force Base	$18,300,000
	Eglin Auxiliary Field 9	$18,800,000
	MacDill Air Force Base	$5,500,000
	Patrick Air Force Base	$17,800,000
	Tyndall Air Force Base	$10,800,000
Georgia	Fort Benning	$3,900,000
	Moody Air Force Base	$5,950,000
	Robins Air Force Base	$3,350,000
Hawaii	Hickam Air Force Base	$3,300,000
Idaho	Mountain Home Air Force Base	$17,000,000
Kansas	McConnell Air Force Base	$9,600,000
Kentucky	Fort Campbell	$6,300,000
Maryland	Andrews Air Force Base	$9,900,000
Massachusetts	Hanscom Air Force Base	$16,000,000
Mississippi	Columbus Air Force Base	$2,600,000
	Keesler Air Force Base	$35,900,000
Missouri	Whiteman Air Force Base	$24,900,000
Montana	Malmstrom Air Force Base	$11,600,000
Nebraska	Offutt Air Force Base	$8,300,000
Nevada	Nellis Air Force Base	$30,200,000
New Jersey	McGuire Air Force Base	$11,800,000
New Mexico	Cannon Air Force Base	$8,100,000
New York	Rome Research Site	$12,800,000
New Mexico	Kirtland Air Force Base	$14,000,000
North Carolina	Fort Bragg	$4,600,000
	Pope Air Force Base	$7,700,000
North Dakota	Grand Forks Air Force Base	$9,500,000
Ohio	Wright-Patterson Air Force Base	$39,700,000
Oklahoma	Tinker Air Force Base	$34,800,000
	Vance Air Force Base	$12,600,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
South Carolina	Charleston Air Force Base	$18,200,000
South Dakota	Ellsworth Air Force Base	$10,200,000
Tennessee	Arnold Air Force Base	$7,800,000
Texas	Dyess Air Force Base	$5,400,000
	Lackland Air Force Base	$13,400,000
	Laughlin Air Force Base	$3,250,000
	Randolph Air Force Base	$3,600,000
Utah	Hill Air Force Base	$4,600,000
Virginia	Langley Air Force Base	$6,300,000
Washington	Fairchild Air Force Base	$13,600,000
	McChord Air Force Base	$7,900,000
	Total	$730,520,000

(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

Country	Installation or location	Amount
Guam	Andersen Air Force Base	$8,900,000
Korea	Osan Air Base	$19,600,000
United Kingdom	Ascension Island	$2,150,000
	Total	$30,650,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State or country	Installation or location	Purpose	Amount
Arizona	Davis-Monthan Air Force Base	64 Units	$10,000,000
California	Beale Air Force Base	60 Units	$8,500,000
	Edwards Air Force Base	188 Units	$32,790,000
	Vandenberg Air Force Base	91 Units	$16,800,000
District of Columbia	Bolling Air Force Base	72 Units	$9,375,000
Florida	Eglin Air Force Base	130 Units	$14,080,000
	MacDill Air Force Base	54 Units	$9,034,000

Air Force: Family Housing—Continued

State or country	Installation or location	Purpose	Amount
Kansas	McConnell Air Force Base	Safety Improvements	$1,363,000
Mississippi	Columbus Air Force Base	100 Units	$12,290,000
Montana	Malmstrom Air Force Base	34 Units	$7,570,000
Nebraska	Offutt Air Force Base	72 Units	$12,352,000
New Mexico	Hollomon Air Force Base	76 Units	$9,800,000
North Carolina	Seymour Johnson Air Force Base	78 Units	$12,187,000
North Dakota	Grand Forks Air Force Base	42 Units	$10,050,000
	Minot Air Force Base	72 Units	$10,756,000
Oklahoma	Tinker Air Force Base	41 Units	$6,000,000
Texas	Lackland Air Force Base	48 Units	$7,500,000
Portugal	Lajes Field, Azores	75 Units	$12,964,000
		Total	$203,411,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(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 $17,093,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, Uniteds States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $129,952,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,948,052,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $730,520,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $30,650,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $8,741,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $36,104,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $350,456,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $821,892,000.

(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 appropriated under paragraphs (1) and (2) of subsection (a).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) $25,811,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes;

(2) $1,000,000, which represents the combination of project savings in military family housing construction resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes; and

(3) $3,500,000, which represents the combination of savings in military family housing support resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Improvements to military family housing units.
Sec. 2403. Military housing improvement program.
Sec. 2404. Energy conservation projects.
Sec. 2405. Authorization of appropriations, Defense Agencies.
Sec. 2406. Increase in fiscal year 1997 authorization for military construction projects at Pueblo Chemical Activity, Colorado.
Sec. 2407. Condition on obligation of military construction funds for drug interdiction and counter-drug activities.

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 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Chemical Demilitarization	Blue Grass Army Depot, Kentucky	$206,800,000
Defense Education Activity	Laurel Bay, South Carolina	$2,874,000
	Marine Corps Base, Camp LeJeune, North Carolina	$10,570,000
Defense Logistics Agency	Defense Distribution New Cumberland, Pennsylvania	$5,000,000
	Elmendorf Air Force Base, Alaska	$23,500,000
	Eielson Air Force Base, Alaska	$26,000,000
	Fairchild Air Force Base, Washington	$12,400,000
	Various Locations	$1,300,000
Defense Manpower Data Center	Presidio, Monterey, California	$28,000,000
National Security Agency	Fort Meade, Maryland	$2,946,000
Special Operations Command	Fleet Combat Training Center, Dam Neck, Virginia	$4,700,000
	Fort Benning, Georgia	$10,200,000
	Fort Bragg, North Carolina	$20,100,000
	Mississippi Army Ammunition Plant, Mississippi	$9,600,000
	Naval Amphibious Base, Coronado, California	$6,000,000
TRICARE Management Agency	Andrews Air Force Base, Maryland	$3,000,000
	Cheatham Annex, Virginia	$1,650,000
	Davis-Monthan Air Force Base, Arizona	$10,000,000
	Fort Lewis, Washington	$5,500,000
	Fort Riley, Kansas	$6,000,000
	Fort Sam Houston, Texas	$5,800,000
	Fort Wainwright, Alaska	$133,000,000
	Los Angeles Air Force Base, California	$13,600,000
	Marine Corps Air Station, Cherry Point, North Carolina	$3,500,000
	Moody Air Force Base, Georgia	$1,250,000
	Naval Air Station, Jacksonville, Florida	$3,780,000
	Naval Air Station, Norfolk, Virginia	$4,050,000
	Naval Air Station, Patuxent River, Maryland	$4,150,000
	Naval Air Station, Pensacola, Florida	$4,300,000
	Naval Air Station, Whidbey Island, Washington	$4,700,000
	Patrick Air Force Base, Florida	$1,750,000
	Travis Air Force Base, California	$7,500,000
	Wright-Patterson Air Force Base, Ohio	$3,900,000
	Total	$587,420,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(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

Agency	Installation or location	Amount
Drug Interdiction and Counter-Drug Activities	Manta, Ecuador	$32,000,000
Defense Education Activity	Andersen Air Force Base, Guam	$44,170,000
Defense Logistics Agency	Andersen Air Force Base, Guam	$24,300,000
TRICARE Management Agency	Naval Security Group Activity, Sabana Seca, Puerto Rico	$4,000,000
	Yongsan, Korea	$41,120,000
	Total	$145,590,000

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 2405(a)(8)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $50,000.

SEC. 2403. MILITARY HOUSING IMPROVEMENT PROGRAM.

Of the amount authorized to be appropriated by section 2405(a)(8)(C), $2,000,000 shall be available for credit to the Department of Defense Family Housing Fund established by section 2883(a)(1) of title 10, United States Code.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(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 $1,268,000.

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, 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 $1,362,185,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $288,420,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $145,590,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $18,618,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $938,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $54,200,000.

(6) For energy conservation projects authorized by section 2404, $1,268,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $689,711,000.

(8) For military family housing functions:

(A) For improvement of military family housing and facilities, $50,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $41,440,000 of which not more than $35,639,000 may be obligated or expended for the leasing of military family housing units worldwide.

(C) For credit to the Department of Defense Family Housing Improvement Fund as authorized by section 2403 of this Act, $2,000,000.

(9) For the construction of the Ammunition Demilitarization Facility, Anniston Army Depot, Alabama, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1758), section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1992 and 1993 (division B of Public Law 102–190; 105 Stat. 1508), section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2586), and section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337, 108 Stat. 3040), $7,000,000.

(10) For the construction of the Ammunition Demilitarization Facility, Pine Bluff Arsenal, Arkansas, authorized in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the National Defense Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1982), and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2197), $61,800,000.

(11) For the construction of the Ammunition Demilitarization Facility, Umatilla Army Depot, Oregon, authorized in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1982), and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2197), $35,900,000.

(12) For the construction of the Ammunition Demilitarization Facility, Aberdeen Proving Ground, Maryland, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), $66,600,000.

(13) For the construction of the Ammunition Demilitarization Facility at Newport Army Depot, Indiana, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), $61,200,000.

(14) For the construction of the Ammunition Demilitarization Facility, Pueblo Army Depot, Colorado, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of this Act, $11,800,000.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variation authorized by section 2853 of title 10, United States Code, and any other cost variations 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 appropriated under paragraphs (1) and (2) of subsection (a);

(2) $115,000,000 (the balance of the amount authorized under section 2401(a) for the construction of a replacement hospital at Fort Wainwright, Alaska); and

(3) $184,000,000 (the balance of the amount authorized under section 2401(a) for the construction of a chemical demilitarization facility at Blue Grass Army Depot, Kentucky).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (14) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $124,350,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes, and of such total reduction, $93,000,000 represents savings from military construction for chemical demilitarization.

SEC. 2406. INCREASE IN FISCAL YEAR 1997 AUTHORIZATION FOR MILITARY CONSTRUCTION PROJECTS AT PUEBLO CHEMICAL ACTIVITY, COLORADO.

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 "$179,000,000" in the amount column and inserting "$203,500,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$549,954,000".

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of that Act (110 Stat. 2779) is amended by striking "$179,000,000" and inserting "$203,500,000".

SEC. 2407. CONDITION ON OBLIGATION OF MILITARY CONSTRUCTION FUNDS FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

In addition to the conditions specified in section 1024 on the development of forward operating locations for United States Southern Command counter-drug detection and monitoring flights, amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2) for the projects set forth in the table

in section 2401(b) under the heading "Drug Interdiction and Counter-Drug Activities" may not be obligated until after the end of the 30-day period beginning on the date on which the Secretary of Defense submits to Congress a report describing in detail the purposes for which the amounts will be obligated and expended.

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, 1999, 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 $81,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.
Sec. 2602. Modification of authority to carry out fiscal year 1998 project.

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

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years beginning after September 30, 1999, 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, $205,448,000; and

(B) for the Army Reserve, $107,149,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $25,389,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $253,918,000; and

(B) for the Air Force Reserve, $52,784,000.

(b) ADJUSTMENT.—(1) The amounts authorized to be appropriated pursuant to subsection (a) are reduced as follows:

(A) In paragraph (1)(A), by $4,223,000.

(B) In paragraph (1)(B), by $2,891,000.

(C) In paragraph (2), by $674,000.

(D) In paragraph (3)(A), by $5,652,000.

(E) In paragraph (3)(B), by $2,080,000.

(2) The reductions specified in paragraph (1) represent the combination of project savings in military construction resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

SEC. 2602. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1998 PROJECT.

Section 2603 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85), as amended by section 2602 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2198), is amended—

(1) by striking "agreement with the State of Utah under which the State" and inserting "agreement with the State of Utah, the University of Utah, or both, under which the State or the University"; and

(2) by adding at the end the following new sentence: "The Secretary may accept funds paid under such an agreement and use the funds, in such amounts as provided in advance in appropriations Acts, to carry out the project.".

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 1997 projects.

Sec. 2703. Extension of authorizations of certain fiscal year 1996 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, 2002; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2003.

(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 Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2002; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2003 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1997 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2782), authorizations for the projects set forth in the tables in subsection (b), as provided in sections 2201, 2202, 2401, and 2601 of that Act and amended by section 2406 of this Act, shall remain in effect until October 1, 2000, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2001, whichever is later.

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

Navy: Extension of 1997 Project Authorizations

State	Installation or location	Project	Amount
Florida	Naval Station Mayport	Family Housing Construction (100 units)	$10,000,000
Maine	Naval Station Brunswick	Family Housing Construction (72 units)	$10,925,000
North Carolina	Marine Corps Base Camp Lejuene	Family Housing Construction (94 units)	$10,110,000
South Carolina	Marine Corps Air Station Beaufort	Family Housing Construction (140 units)	$14,000,000
Texas	Naval Complex Corpus Christi	Family Housing Construction (104 units)	$11,675,000
	Naval Air Station Kingsville	Family Housing Construction (48 units)	$7,550,000
Virginia	Marine Corps Combat Development Command, Quantico	Sanitary Landfill	$8,900,000
Washington	Naval Station Everett	Family Housing Construction (100 units)	$15,015,000

Defense Agencies: Extension of 1997 Project Authorization

State	Installation or location	Project	Amount
Colorado	Pueblo Chemical Activity	Ammunition Demilitarization Facility	$203,500,000

Army National Guard: Extension of 1997 Project Authorization

State	Installation or location	Project	Amount
Mississippi	Camp Shelby	Multipurpose Range Complex (Phase II)	$5,000,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1996 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 541), authorizations for the projects set forth in the tables in subsection (a), as provided in sections 2202 and 2601 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2199), shall remain in effect until October 1, 2000, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2001, whichever is later.

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

Navy: Extension of 1996 Project Authorization

State	Installation or location	Project	Amount
California	Camp Pendleton	Family Housing Construction (138 units)	$20,000,000

Army National Guard: Extension of 1996 Project Authorizations

State	Installation or location	Project	Amount
Mississippi	Camp Shelby	Multipurpose Range Complex (Phase I)	$5,000,000
Missouri	National Guard Training Site, Jefferson City	Multipurpose Range	$2,236,000

SEC. 2704. EFFECTIVE DATE.

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

(1) October 1, 1999; or

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

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Exemption from notice and wait requirements of military construction projects supported by burdensharing funds undertaken for war or national emergency.
Sec. 2802. Development of Ford Island, Hawaii.
Sec. 2803. Expansion of entities eligible to participate in alternative authority for acquisition and improvement of military housing.
Sec. 2804. Restriction on authority to acquire or construct ancillary supporting facilities for housing units.
Sec. 2805. Planning and design for military construction projects for reserve components.
Sec. 2806. Modification of limitations on reserve component facility projects for certain safety projects.
Sec. 2807. Sense of Congress on use of incremental funding to carry out military construction projects.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Extension of authority for lease of real property for special operations activities.
Sec. 2812. Enhancement of authority relating to utility privatization.
Sec. 2813. Acceptance of funds to cover administrative expenses relating to certain real property transactions.
Sec. 2814. Operations of Naval Academy dairy farm.
Sec. 2815. Study and report on impacts to military readiness of proposed land management changes on public lands in Utah.
Sec. 2816. Designation of missile intelligence building at Redstone Arsenal, Alabama, as the Richard C. Shelby Center for Missile Intelligence.

Subtitle C—Defense Base Closure and Realignment

Sec. 2821. Economic development conveyances of base closure property.
Sec. 2822. Continuation of authority to use Department of Defense Base Closure Account 1990 for activities required to close or realign military installations.

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

Sec. 2831. Transfer of jurisdiction, Fort Sam Houston, Texas.
Sec. 2832. Land exchange, Rock Island Arsenal, Illinois.
Sec. 2833. Land conveyance, Army Reserve Center, Bangor, Maine.
Sec. 2834. Land conveyance, Army Reserve Center, Kankakee, Illinois.
Sec. 2835. Land conveyance, Army Reserve Center, Cannon Falls, Minnesota.
Sec. 2836. Land conveyance, Army Maintenance Support Activity (Marine) Number 84, Marcus Hook, Pennsylvania.
Sec. 2837. Land conveyances, Army docks and related property, Alaska.
Sec. 2838. Land conveyance, Fort Huachuca, Arizona.
Sec. 2839. Land conveyance, Nike Battery 80 family housing site, East Hanover Township, New Jersey.
Sec. 2840. Land conveyances, Twin Cities Army Ammunition Plant, Minnesota.
Sec. 2841. Repair and conveyance of Red Butte Dam and Reservoir, Salt Lake City, Utah.
Sec. 2842. Modification of land conveyance, Joliet Army Ammunition Plant, Illinois.

PART II—NAVY CONVEYANCES

Sec. 2851. Land conveyance, Naval Weapons Industrial Reserve Plant No. 387, Dallas, Texas.
Sec. 2852. Land conveyance, Marine Corps Air Station, Cherry Point, North Carolina.
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Sec. 2854. Land conveyance, Naval Training Center, Orlando, Florida.
Sec. 2855. One-year delay in demolition of radio transmitting facility towers at Naval Station, Annapolis, Maryland, to facilitate conveyance of towers.
Sec. 2856. Clarification of land exchange, Naval Reserve Readiness Center, Portland, Maine.

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Sec. 2858. Land conveyances, Norfolk, Virginia.

PART III—AIR FORCE CONVEYANCES

Sec. 2861. Land conveyance, Newington Defense Fuel Supply Point, New Hampshire.
Sec. 2862. Land conveyance, Tyndall Air Force Base, Florida.
Sec. 2863. Land conveyance, Port of Anchorage, Alaska.
Sec. 2864. Land conveyance, Forestport Test Annex, New York.
Sec. 2865. Land conveyance, McClellan Nuclear Radiation Center, California.

Subtitle E—Other Matters

Sec. 2871. Acceptance of guarantees in connection with gifts to military service academies.
Sec. 2872. Acquisition of State-held inholdings, east range of Fort Huachuca, Arizona.
Sec. 2873. Enhancement of Pentagon renovation activities.

Subtitle F—Expansion of Arlington National Cemetery

Sec. 2881. Transfer from Navy Annex, Arlington, Virginia.
Sec. 2882. Transfer from Fort Myer, Arlington, Virginia.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. EXEMPTION FROM NOTICE AND WAIT REQUIREMENTS OF MILITARY CONSTRUCTION PROJECTS SUPPORTED BY BURDENSHARING FUNDS UNDERTAKEN FOR WAR OR NATIONAL EMERGENCY.

(a) EXEMPTION.—Subsection (e) of section 2350j of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) A military construction project under subsection (d) may be carried out without regard to the requirement in paragraph (1) and the limitation in paragraph (2) if the project is necessary to support the armed forces in the country or region in which the project is carried out by reason of a declaration of war, or a declaration by the President of a national emergency pursuant to the National Emergencies Act (50 U.S.C. 1601 et seq.), that is in force at the time of the commencement of the project.

"(B) When a decision is made to carry out a military construction project under subparagraph (A), the Secretary of Defense shall submit to the congressional committees specified in subsection (g)—

"(i) a notice of the decision; and

"(ii) a statement of the current estimated cost of the project, including the cost of any real property transaction in connection with the project.".

(b) CONFORMING AMENDMENT.—Subsection (g) of such section is amended by striking "subsection (e)(1)" and inserting "subsection (e)".

SEC. 2802. DEVELOPMENT OF FORD ISLAND, HAWAII.

(a) CONDITIONAL AUTHORITY TO DEVELOP.—(1) Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2814. Special authority for development of Ford Island, Hawaii

"(a) IN GENERAL.—(1) Subject to paragraph (2), the Secretary of the Navy may exercise any authority or combination of authorities in this section for the purpose of developing or facilitating the development of Ford Island, Hawaii, to the extent that the Secretary determines the development is compatible with the mission of the Navy.

"(2) The Secretary of the Navy may not exercise any authority under this section until—

"(A) the Secretary submits to the appropriate committees of Congress a master plan for the development of Ford Island, Hawaii; and

"(B) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

"(b) CONVEYANCE AUTHORITY.—(1) The Secretary of the Navy may convey to any public or private person or entity all right, title, and interest of the United States in and to any real property (including any improvements thereon) or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

"(A) is excess to the needs of the Navy and all of the other armed forces; and

"(B) will promote the purpose of this section.

"(2) A conveyance under this subsection may include such terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

"(c) LEASE AUTHORITY.—(1) The Secretary of the Navy may lease to any public or private person or entity any real property or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

"(A) is not needed for current operations of the Navy and all of the other armed forces; and

"(B) will promote the purpose of this section.

"(2) A lease under this subsection shall be subject to section 2667(b)(1) of this title and may include such other terms as the Secretary considers appropriate to protect the interests of the United States.

"(3) A lease of real property under this subsection may provide that, upon termination of the lease term, the lessee shall have the right of first refusal to acquire the real property covered by the lease if the property is then conveyed under subsection (b).

"(4)(A) The Secretary may provide property support services to or for real property leased under this subsection.

"(B) To the extent provided in appropriations Acts, any payment made to the Secretary for services provided under this paragraph shall be credited to the appropriation, account, or fund from which the cost of providing the services was paid.

"(d) ACQUISITION OF LEASEHOLD INTEREST BY SECRETARY.—(1) The Secretary of the Navy may acquire a leasehold interest in any facility constructed under subsection (f) as consideration for a transaction authorized by this section upon such terms as the Secretary considers appropriate to promote the purpose of this section.

"(2) The term of a lease under paragraph (1) may not exceed 10 years, unless the Secretary of Defense approves a term in excess of 10 years for purposes of this section.

"(3) A lease under this subsection may provide that, upon termination of the lease term, the United States shall have the right of first refusal to acquire the facility covered by the lease.

"(e) REQUIREMENT FOR COMPETITION.—The Secretary of the Navy shall use competitive procedures for purposes of selecting the recipient of real or personal property under subsection (b) and the lessee of real or personal property under subsection (c).

"(f) CONSIDERATION.—(1) As consideration for the conveyance of real or personal property under subsection (b), or for the lease of real or personal property under subsection (c), the Secretary of the Navy shall accept cash, real property, personal property, or services, or any combination thereof, in an aggregate amount equal to not less than the fair market value of the real or personal property conveyed or leased.

"(2) Subject to subsection (i), the services accepted by the Secretary under paragraph (1) may include the following:

"(A) The construction or improvement of facilities at Ford Island.

"(B) The restoration or rehabilitation of real property at Ford Island.

"(C) The provision of property support services for property or facilities at Ford Island.

"(g) NOTICE AND WAIT REQUIREMENTS.—The Secretary of the Navy may not carry out a transaction authorized by this section until—

"(1) the Secretary submits to the appropriate committees of Congress a notification of the transaction, including—

"(A) a detailed description of the transaction; and

"(B) a justification for the transaction specifying the manner in which the transaction will meet the purposes of this section; and

"(2) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

"(h) FORD ISLAND IMPROVEMENT ACCOUNT.—(1) There is established on the books of the Treasury an account to be known as the 'Ford Island Improvement Account'.

"(2) There shall be deposited into the account the following amounts:

"(A) Amounts authorized and appropriated to the account.

"(B) Except as provided in subsection (c)(4)(B), the amount of any cash payment received by the Secretary for a transaction under this section.

"(i) USE OF ACCOUNT.—(1) Subject to paragraph (2), to the extent provided in advance in appropriations Acts, funds in the Ford Island Improvement Account may be used as follows:

"(A) To carry out or facilitate the carrying out of a transaction authorized by this section.

"(B) To carry out improvements of property or facilities at Ford Island.

"(C) To obtain property support services for property or facilities at Ford Island.

"(2) To extent that the authorities provided under subchapter IV of this chapter are available to the Secretary of the Navy,

the Secretary may not use the authorities in this section to acquire, construct, or improve family housing units, military unaccompanied housing units, or ancillary supporting facilities related to military housing.

"(3)(A) The Secretary may transfer funds from the Ford Island Improvement Account to the following funds:

"(i) The Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of this title.

"(ii) The Department of Defense Military Unaccompanied Housing Improvement Fund established by section 2883(a)(2) of this title.

"(B) Amounts transferred under subparagraph (A) to a fund referred to in that subparagraph shall be available in accordance with the provisions of section 2883 of this title for activities authorized under subchapter IV of this chapter at Ford Island.

"(j) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—Except as otherwise provided in this section, transactions under this section shall not be subject to the following:

"(1) Sections 2667 and 2696 of this title.

"(2) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

"(3) Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484).

"(k) SCORING.—Nothing in this section shall be construed to waive the applicability to any lease entered into under this section of the budget scorekeeping guidelines used to measure compliance with the Balanced Budget Emergency Deficit Control Act of 1985.

"(l) PROPERTY SUPPORT SERVICE DEFINED.—In this section, the term 'property support service' means the following:

"(1) Any utility service or other service listed in section 2686(a) of this title.

"(2) Any other service determined by the Secretary to be a service that supports the operation and maintenance of real property, personal property, or facilities.".

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

"2814. Special authority for development of Ford Island, Hawaii.".

(b) CONFORMING AMENDMENTS.—Section 2883(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

"(E) 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."; and

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

"(E) 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.".

SEC. 2803. EXPANSION OF ENTITIES ELIGIBLE TO PARTICIPATE IN ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) DEFINITION OF ELIGIBLE ENTITY.—Section 2871 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8) respectively; and

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

"(5) The term 'eligible entity' means any private person, corporation, firm, partnership, company, State or local government, or housing authority of a State or local government.".

(b) GENERAL AUTHORITY.—Section 2872 of such title is amended by striking "private persons" and inserting "eligible entities".

(c) DIRECT LOANS AND LOAN GUARANTEES.—Section 2873 of such title is amended—

(1) in subsection (a)(1)—

(A) by striking "persons in the private sector" and inserting "an eligible entity"; and

(B) by striking "such persons" and inserting "the eligible entity"; and

(2) in subsection (b)(1)—

(A) by striking "any person in the private sector" and inserting "an eligible entity"; and

(B) by striking "the person" and inserting "the eligible entity".

(d) INVESTMENTS.—Section 2875 of such title is amended—

(1) in subsection (a), by striking "nongovernmental entities" and inserting "an eligible entity";

(2) in subsection (c)—

(A) by striking "a nongovernmental entity" both places it appears and inserting "an eligible entity"; and

(B) by striking "the entity" each place it appears and inserting "the eligible entity";

(3) in subsection (d), by striking "nongovernmental" and inserting "eligible"; and

(4) in subsection (e), by striking "a nongovernmental entity" and inserting "an eligible entity".

(e) RENTAL GUARANTEES.—Section 2876 of such title is amended by striking "private persons" and inserting "eligible entities".

(f) DIFFERENTIAL LEASE PAYMENTS.—Section 2877 of such title is amended by striking "private".

(g) CONVEYANCE OR LEASE OF EXISTING PROPERTY AND FACILITIES.—Section 2878(a) of such title is amended by striking "private persons" and inserting "eligible entities".

(h) CLERICAL AMENDMENTS.—(1) The heading of section 2875 of such title is amended to read as follows:

"§ 2875. Investments".

(2) The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the item relating to such section and inserting the following new item:

"2875. Investments.".

SEC. 2804. RESTRICTION ON AUTHORITY TO ACQUIRE OR CONSTRUCT ANCILLARY SUPPORTING FACILITIES FOR HOUSING UNITS.

Section 2881 of title 10, United States Code, is amended—

(1) by inserting "(a) AUTHORITY TO ACQUIRE OR CONSTRUCT.—" before "Any project"; and

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

"(b) RESTRICTION.—A project referred to in subsection (a) may not include the acquisition or construction of an ancillary supporting facility if, as determined by the Secretary concerned, the facility is to be used for providing merchandise or services in direct competition with—

"(1) the Army and Air Force Exchange Service;

"(2) the Navy Exchange Service Command;

"(3) a Marine Corps exchange;

"(4) the Defense Commissary Agency; or

"(5) any nonappropriated fund activity of the Department of Defense for the morale, welfare, and recreation of members of the armed forces.".

SEC. 2805. PLANNING AND DESIGN FOR MILITARY CONSTRUCTION PROJECTS FOR RESERVE COMPONENTS.

Section 18233(f)(1) of title 10, United States Code, is amended by inserting "design," after "planning,".

SEC. 2806. MODIFICATION OF LIMITATIONS ON RESERVE COMPONENT FACILITY PROJECTS FOR CERTAIN SAFETY PROJECTS.

(a) EXEMPTION FROM NOTICE AND WAIT REQUIREMENT.—Subsection (a)(2) of section 18233a of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(C) An unspecified minor military construction project (as defined in section 2805(a) of this title) that is intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening.".

(b) AVAILABILITY OF OPERATION AND MAINTENANCE FUNDS.—Subsection (b) of such section is amended to read as follows:

"(b) Under such regulations as the Secretary of Defense may prescribe, the Secretary may spend, from appropriations available for operation and maintenance, amounts necessary to carry out any project authorized under section 18233(a) of this title costing not more than—

"(1) the amount specified in section 2805(c)(1) of this title, in the case of a project intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening; or

"(2) the amount specified in section 2805(c)(2) of this title, in the case of any other project.".

SEC. 2807. SENSE OF CONGRESS ON USE OF INCREMENTAL FUNDING TO CARRY OUT MILITARY CONSTRUCTION PROJECTS.

It is the sense of Congress that—

(1) in preparing the budget for each fiscal year for military construction for submission to Congress under section 1105 of title 31, United States Code, the President should request an amount of funds for each proposed military construction project that is sufficient to produce a complete and usable facility or a complete and usable improvement to an existing facility;

(2) in limited instances, large military construction projects may be funded in phases consistent with established practices for such projects; and

(3) the President should not request, and Congress should not agree to adopt, a general practice of authorizing or appropriating funds for military construction projects based on historical outlay rates for military construction.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. EXTENSION OF AUTHORITY FOR LEASE OF REAL PROPERTY FOR SPECIAL OPERATIONS ACTIVITIES.

Section 2680(d) of title 10, United States Code, is amended by striking "September 30, 2000" and inserting "September 30, 2005".

SEC. 2812. ENHANCEMENT OF AUTHORITY RELATING TO UTILITY PRIVATIZATION.

(a) EXTENDED CONTRACTS FOR UTILITY SERVICES.—Subsection (c) of section 2688 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) A contract for the receipt of utility services as consideration under paragraph (1), or any other contract for utility services entered into by the Secretary concerned in connection with the conveyance of a utility system under this section, may be for a period not to exceed 50 years.".

(b) DEFINITION OF UTILITY SYSTEM.—Subsection (g)(2)(B) of such section is amended by striking "Easements" and inserting "Real property, easements,".

(c) FUNDS TO FACILITATE PRIVATIZATION.—Such section is further amended—

(1) by redesignating subsections (g) and (h) as subsections (i) and (j), respectively; and

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

"(g) ASSISTANCE FOR CONSTRUCTION, REPAIR, OR REPLACEMENT OF UTILITY SYSTEMS.—In lieu of carrying out a military construction project to construct, repair, or replace a utility system, the Secretary concerned may use funds authorized and appropriated for the project to facilitate the conveyance of the utility system under this section by making a contribution toward the cost of construction, repair, or replacement of the utility system by the entity to which the utility system is being conveyed. The Secretary concerned shall consider any such contribution in the economic analysis required under subsection (e).".

SEC. 2813. ACCEPTANCE OF FUNDS TO COVER ADMINISTRATIVE EXPENSES RELATING TO CERTAIN REAL PROPERTY TRANSACTIONS.

Section 2695(b) of title 10, United States Code, is amended—

(1) by inserting "involving real property under the control of the Secretary of a military department" after "transactions"; and

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

"(4) The disposal of real property of the United States for which the Secretary will be the disposal agent.".

SEC. 2814. OPERATIONS OF NAVAL ACADEMY DAIRY FARM.

Section 6976 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

"(c) LEASE PROCEEDS.—All money received from a lease entered into under subsection (b) shall be retained by the Superintendent of the Naval Academy and shall be available to cover expenses related to the property described in subsection (a), including reimbursing nonappropriated fund instrumentalities of the Naval Academy.".

SEC. 2815. STUDY AND REPORT ON IMPACTS TO MILITARY READINESS OF PROPOSED LAND MANAGEMENT CHANGES ON PUBLIC LANDS IN UTAH.

(a) UTAH NATIONAL DEFENSE LANDS DEFINED.—In this section, the term "Utah national defense lands" means public lands under the jurisdiction of the Bureau of Land Management in the State of Utah that are adjacent to or near the Utah Test and Training Range and Dugway Proving Ground or beneath the Military Operating Areas, Restricted Areas, and airspace that make up the Utah Test and Training Range.

(b) READINESS IMPACT STUDY.—The Secretary of Defense shall conduct a study to evaluate the impact upon military training, testing, and operational readiness of any proposed changes in land designation or management of the Utah national defense lands. In conducting the study, the Secretary of Defense shall consider the following:

(1) The present military requirements for and missions conducted at Utah Test and Training Range, as well as projected requirements for the support of aircraft, unmanned aerial vehicles, missiles, munitions, and other military requirements.

(2) The future requirements for force structure and doctrine changes, such as the Expeditionary Aerospace Force concept, that could require the use of the Utah Test and Training Range.

(3) All other pertinent issues, such as overflight requirements, access to electronic tracking and communications sites, ground access to respond to emergency or accident locations, munitions safety buffers, noise requirements, ground safety and encroachment issues.

(c) COOPERATION AND COORDINATION.—The Secretary of Defense shall conduct the study in cooperation with the Secretary of the Air Force and the Secretary of the Army.

(d) EFFECT OF STUDY.—Until the Secretary of Defense submits to Congress a report containing the results of the study, the Secretary of the Interior may not proceed with the amendment of any individual resource management plan for Utah national defense lands, or any statewide environmental impact statement or statewide resource management plan amendment package for such lands, if the statewide environmental impact statement or statewide resource management plan amendment addresses wilderness characteristics or wilderness management issues affecting such lands.

SEC. 2816. DESIGNATION OF MISSILE INTELLIGENCE BUILDING AT REDSTONE ARSENAL, ALABAMA, AS THE RICHARD C. SHELBY CENTER FOR MISSILE INTELLIGENCE.

(a) DESIGNATION.—The newly-constructed missile intelligence building located at Redstone Arsenal in Huntsville, Alabama, and housing a field agency of the Defense Intelligence Agency shall be known and designated as the "Richard C. Shelby Center for Missile Intelligence".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the missile intelligence building referred to in subsection (a) shall be deemed to be a reference to the "Richard C. Shelby Center for Missile Intelligence".

Subtitle C—Defense Base Closure and Realignment

SEC. 2821. ECONOMIC DEVELOPMENT CONVEYANCES OF BASE CLOSURE PROPERTY.

(a) 1990 LAW.—Section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A)—

(A) by inserting "or realigned" after "closed"; and

(B) by inserting "for purposes of job generation on the installation" before the period at the end;

(2) by redesignating subparagraphs (C), (D), (E), and (F) as subparagraphs (E), (F), (G), and (J), respectively;

(3) by striking subparagraph (B) and inserting the following new subparagraphs:

"(B) The transfer of property of a military installation under subparagraph (A) shall be without consideration if the redevelopment authority with respect to the installation—

"(i) agrees that the proceeds from any sale or lease of the property (or any portion thereof) received by the redevelopment authority during at least the first seven years after the date of the transfer under subparagraph (A) shall be used to support the economic redevelopment of, or related to, the installation; and

"(ii) executes the agreement for transfer of the property and accepts control of the property within a reasonable time after the date of the property disposal record of decision or finding of no significant impact under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(C) For purposes of subparagraph (B), the use of proceeds from a sale or lease described in such subparagraph to pay for, or offset the costs of, public investment on or related to the installation for any of the following purposes shall be considered a use to support the economic redevelopment of, or related to, the installation:

"(i) Road construction.

"(ii) Transportation management facilities.

"(iii) Storm and sanitary sewer construction.

"(iv) Police and fire protection facilities and other public facilities.

"(v) Utility construction.

"(vi) Building rehabilitation.

"(vii) Historic property preservation.

"(viii) Pollution prevention equipment or facilities.

"(ix) Demolition.

"(x) Disposal of hazardous materials generated by demolition.

"(xi) Landscaping, grading, and other site or public improvements.

"(xii) Planning for or the marketing of the development and reuse of the installation.

"(D) The Secretary may recoup from a redevelopment authority such portion of the proceeds from a sale or lease described in subparagraph (B) as the Secretary determines appropriate if the redevelopment authority does not use the proceeds to support economic redevelopment of, or related to, the installation for the period specified in subparagraph (B).";

(4) in subparagraph (F), as redesignated by paragraph (2)—

(A) by striking "(i)"; and

(B) by striking clause (ii); and

(5) by inserting after subparagraph (F), as so redesignated, the following new subparagraphs:

"(H)(i) In the case of an agreement for the transfer of property of a military installation under this paragraph that was entered into before April 21, 1999, the Secretary may modify the agreement, and in so doing compromise, waive, adjust, release, or reduce any right, title, claim, lien, or demand of the United States, if—

"(I) the Secretary determines that as a result of changed economic circumstances, a modification of the agreement is necessary;

"(II) the terms of the modification do not require the return of any payments that have been made to the Secretary;

"(III) the terms of the modification do not compromise, waive, adjust, release, or reduce any right, title, claim, lien, or demand of the United States with respect to in-kind consideration; and

"(IV) the cash consideration to which the United States is entitled under the modified agreement, when combined with the cash consideration to be received by the United States for the disposal of other real property assets on the installation, are as sufficient as they were under the original agreement to fund the reserve account established under section 204(b)(7)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act, with the depreciated value of the investment made with commissary store funds or nonappropriated funds in property disposed of pursuant to the agreement being modified, in accordance with section 2906(d).

"(ii) When exercising the authority granted by clause (i), the Secretary may waive some or all future payments if, and to the extent that, the Secretary determines such waiver is necessary.

"(iii) With the exception of the requirement that the transfer be without consideration, the requirements of subparagraphs (B), (C), and (D) shall be applicable to any agreement modified pursuant to clause (i).

"(I) In the case of an agreement for the transfer of property of a military installation under this paragraph that was entered into during the period beginning on April 21, 1999, and ending on the date of enactment of the National Defense Authorization Act for Fiscal Year 2000, at the request of the redevelopment authority concerned, the Secretary shall modify the agreement to conform to all the requirements of subparagraphs (B), (C), and (D). Such a modification may include the compromise, waiver, adjustment, release, or reduction of any right, title, claim, lien, or demand of the United States under the agreement.".

(b) 1988 LAW.—Section 204(b)(4) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A)—

(A) by inserting "or realigned" after "closed"; and

(B) by inserting "for purposes of job generation on the installation" before the period at the end;

(2) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (E), (F), and (I), respectively;

(3) by striking subparagraph (B) and inserting the following new subparagraphs:

"(B) The transfer of property of a military installation under subparagraph (A) shall be without consideration if the redevelopment authority with respect to the installation—

"(i) agrees that the proceeds from any sale or lease of the property (or any portion thereof) received by the redevelopment authority during at least the first seven years after the date of the transfer under subparagraph (A) shall be used to support the economic redevelopment of, or related to, the installation; and

"(ii) executes the agreement for transfer of the property and accepts control of the property within a reasonable time after the date of the property disposal record of decision or finding of no significant impact under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(C) For purposes of subparagraph (B), the use of proceeds from a sale or lease described in such subparagraph to pay for, or offset the costs of, public investment on or related to the installation for any of the following purposes shall be considered a use to support the economic redevelopment of, or related to, the installation:

"(i) Road construction.

"(ii) Transportation management facilities.

"(iii) Storm and sanitary sewer construction.

"(iv) Police and fire protection facilities and other public facilities.

"(v) Utility construction.

"(vi) Building rehabilitation.

"(vii) Historic property preservation.

"(viii) Pollution prevention equipment or facilities.

"(ix) Demolition.

"(x) Disposal of hazardous materials generated by demolition.

"(xi) Landscaping, grading, and other site or public improvements.

"(xii) Planning for or the marketing of the development and reuse of the installation.

"(D) The Secretary may recoup from a redevelopment authority such portion of the proceeds from a sale or lease described in subparagraph (B) as the Secretary determines appropriate if the redevelopment authority does not use the proceeds to support economic redevelopment of, or related to, the installation for the period specified in subparagraph (B).";

(4) in subparagraph (E), as redesignated by paragraph (2)—

(A) by striking "(i)"; and

(B) by striking clause (ii); and

(5) by inserting after subparagraph (F) the following new subparagraphs:

"(G)(i) In the case of an agreement for the transfer of property of a military installation under this paragraph that was entered into before April 21, 1999, the Secretary may modify the agreement, and in so doing compromise, waive, adjust, release, or reduce any right, title, claim, lien, or demand of the United States, if—

"(I) the Secretary determines that as a result of changed economic circumstances, a modification of the agreement is necessary;

"(II) the terms of the modification do not require the return of any payments that have been made to the Secretary;

"(III) the terms of the modification do not compromise, waive, adjust, release, or reduce any right, title, claim, lien, or demand of the United States with respect to in-kind consideration; and

"(IV) the cash consideration to which the United States is entitled under the modified agreement, when combined with the cash consideration to be received by the United States for the disposal of other real property assets on the installation, are as sufficient as they were under the original agreement to fund the reserve account established under paragraph (7)(C), with the depreciated value of the investment made with commissary store funds or nonappropriated funds in property disposed of pursuant to the agreement being modified, in accordance with section 2906(d) of the Defense Base Closure and Realignment Act of 1990.

"(ii) When exercising the authority granted by clause (i), the Secretary may waive some or all future payments if, and to the extent that, the Secretary determines such waiver is necessary.

"(iii) With the exception of the requirement that the transfer be without consideration, the requirements of subparagraphs (B), (C), and (D) shall be applicable to any agreement modified pursuant to clause (i).

"(H) In the case of an agreement for the transfer of property of a military installation under this paragraph that was entered into during the period beginning on April 21, 1999, and ending on the date of enactment of the National Defense Authorization Act for Fiscal Year 2000, at the request of the redevelopment authority concerned, the Secretary shall modify the agreement to conform to all the requirements of subparagraphs (B), (C), and (D). Such a modification may include the compromise, waiver, adjustment, release, or reduction of any right, title, claim, lien, or demand of the United States under the agreement.".

SEC. 2822. CONTINUATION OF AUTHORITY TO USE DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990 FOR ACTIVITIES REQUIRED TO CLOSE OR REALIGN MILITARY INSTALLATIONS.

(a) DURATION OF ACCOUNT.—Subsection (a) of section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

"(3) The Account shall be closed at the time and in the manner provided for appropriation accounts under section 1555 of title 31, United States Code. Unobligated funds which remain in the Account upon closure shall be held by the Secretary of the Treasury

until transferred by law after the congressional defense committees receive the final report transmitted under subsection (c)(2).".

(b) EFFECT OF CONTINUATION ON USE OF ACCOUNT.—Subsection (b)(1) of such section is amended by adding at the end the following new sentence: "After July 13, 2001, the Account shall be the sole source of Federal funds for environmental restoration, property management, and other caretaker costs associated with any real property at military installations closed or realigned under this part or such title II.".

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (c)—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2) and, in such paragraph, by inserting after "this part" the following: "and no later than 60 days after the closure of the Account under subsection (a)(3)"; and

(2) in subsection (e), by striking "the termination of the authority of the Secretary to carry out a closure or realignment under this part" and inserting "the closure of the Account under subsection (a)(3)".

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

SEC. 2831. TRANSFER OF JURISDICTION, FORT SAM HOUSTON, TEXAS.

(a) TRANSFER OF LAND FOR INCLUSION IN NATIONAL CEMETERY.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property, including any improvements thereon, consisting of approximately 152 acres and comprising a portion of Fort Sam Houston, Texas.

(b) USE OF LAND.—The Secretary of Veterans Affairs shall include the real property transferred under subsection (a) in the Fort Sam Houston National Cemetery and use the conveyed property as a national cemetery under chapter 24 of title 38, United States Code.

(c) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Army. The cost of the survey shall be borne by the Secretary of Veterans Affairs.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 2832. LAND EXCHANGE, ROCK ISLAND ARSENAL, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Moline, Illinois (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately .3 acres at the Rock Island Arsenal for the purpose of permitting the City to construct a new entrance

and exit ramp for the bridge that crosses the southeast end of the island containing the Arsenal.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall convey to the Secretary all right, title, and interest of the City in and to a parcel of real property consisting of approximately .2 acres and located in the vicinity of the parcel to be conveyed under subsection (a).

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2833. LAND CONVEYANCE, ARMY RESERVE CENTER, BANGOR, MAINE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the City of Bangor, Maine (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 5 acres and containing the Army Reserve Center in Bangor, Maine, known as the Harold S. Slager Army Reserve Center, for the purpose of permitting the City to develop the parcel for educational purposes.

(b) ALTERNATIVE CONVEYANCE AUTHORITY.—If at the time of the conveyance authorized by subsection (a) the Secretary has transferred jurisdiction over any of the property to be conveyed to the Administrator of General Services, the Administrator shall make the conveyance of such property under this section.

(c) FEDERAL SCREENING.—(1) If any of the property authorized to be conveyed by subsection (a) is under the jurisdiction of the Administrator as of the date of the enactment of this Act, the Administrator shall conduct with respect to such property the screening for further Federal use otherwise required by subsection (a) of section 2696 of title 10, United States Code.

(2) Subsections (b) through (d) of such section 2696 shall apply to the screening under paragraph (1) as if the screening were a screening conducted under subsection (a) of such section. For purposes of such subsection (b), the date of the enactment of the provision of law authorizing the conveyance of the property authorized to be conveyed by this section shall be the date of the enactment of this Act.

(d) REVERSIONARY INTEREST.—During the five-year period beginning on the date the conveyance authorized by subsection (a) is made, if the official making the conveyance determines that the conveyed property is not being used for the purpose specified in such subsection, all right, title, and interest in and to the property shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination under this subsection shall be made on the record after an opportunity for a hearing.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the official

having jurisdiction over the property at the time of the conveyance. The cost of the survey shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The official having jurisdiction over the property authorized to be conveyed by subsection (a) at the time of the conveyance may require such additional terms and conditions in connection with the conveyance as that official considers appropriate to protect the interests of the United States.

SEC. 2834. LAND CONVEYANCE, ARMY RESERVE CENTER, KANKAKEE, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the City of Kankakee, Illinois (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 1600 Willow Street in Kankakee, Illinois, and contains the vacant Stefaninch Army Reserve Center for the purpose of permitting the City to use the parcel for economic development and other public purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(c) REVERSIONARY INTEREST.—During the five-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a), if the Secretary determines that the conveyed real property is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2835. LAND CONVEYANCE, ARMY RESERVE CENTER, CANNON FALLS, MINNESOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Cannon Falls Area Schools, Minnesota Independent School District Number 252 (in this section referred to as the "District"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 710 State Street East in Cannon Falls, Minnesota, and contains an Army Reserve Center for the purpose of permitting the District to develop the parcel for educational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the District.

(c) REVERSIONARY INTEREST.—During the five-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a), if the Secretary determines that the conveyed real property is not being used in accordance with the purpose of the conveyance specified in such subsection, all right,

title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2836. LAND CONVEYANCE, ARMY MAINTENANCE SUPPORT ACTIVITY (MARINE) NUMBER 84, MARCUS HOOK, PENNSYLVANIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Borough of Marcus Hook, Pennsylvania (in this section referred to as the "Borough"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 5 acres that is located at 7 West Delaware Avenue in Marcus Hook, Pennsylvania, and contains the facility known as the Army Maintenance Support Activity (Marine) Number 84, for the purpose of permitting the Borough to develop the parcel for recreational or economic development purposes.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the Borough—

(1) use the conveyed property, directly or through an agreement with a public or private entity, for recreational or economic purposes; or

(2) convey the property to an appropriate public or private entity for use for such purposes.

(c) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used for recreational or economic development purposes, as required by subsection (b), all right, title, and interest in and to the property conveyed under subsection (a), including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Borough.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2837. LAND CONVEYANCES, ARMY DOCKS AND RELATED PROPERTY, ALASKA.

(a) JUNEAU NATIONAL GUARD DOCK.—The Secretary of the Army may convey, without consideration, to the City of Juneau, Alaska, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, located at 1030 Thane Highway in Juneau, Alaska, and consisting of approximately 0.04 acres and the appurtenant facility known as the Juneau National Guard Dock, for the purpose of permitting the recipient to use the parcel for navigation-related commerce.

(b) WHITTIER DELONG DOCK.—The Secretary may convey, without consideration, to the Alaska Railroad Corporation, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, located in Whittier, Alaska, and consisting of approximately 6.13 acres and the appurtenant facility known as the DeLong Dock, for the purpose of permitting the recipient to use the parcel for economic development.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the recipient of the real property.

(d) REVERSIONARY INTERESTS.—During the five-year period beginning on the date the Secretary makes a conveyance authorized under this section, if the Secretary determines that the real property conveyed by that conveyance is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsections (a) and (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2838. LAND CONVEYANCE, FORT HUACHUCA, ARIZONA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Department of Veterans' Services of the State of Arizona (in this section referred to as the "Department"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 130 acres at Fort Huachuca, Arizona, for the purpose of permitting the Department to establish a State-run cemetery for veterans.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Department.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2839. LAND CONVEYANCE, NIKE BATTERY 80 FAMILY HOUSING SITE, EAST HANOVER TOWNSHIP, NEW JERSEY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Township Council of East Hanover, New Jersey (in this section referred to as the "Township"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 13.88 acres located near the unincorporated area of Hanover Neck in East Hanover, New Jersey, and was a former family housing site for Nike Battery 80, for the purpose of permitting the Township to develop the parcel for affordable housing and for recreational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Township.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2840. LAND CONVEYANCES, TWIN CITIES ARMY AMMUNITION PLANT, MINNESOTA.

(a) CONVEYANCE TO CITY AUTHORIZED.—The Secretary of the Army may convey to the City of Arden Hills, Minnesota (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the City to construct a city hall complex on the parcel.

(b) CONVEYANCE TO COUNTY AUTHORIZED.—The Secretary of the Army may convey to Ramsey County, Minnesota (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 35 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the County to construct a maintenance facility on the parcel.

(c) CONSIDERATION.—As consideration for the conveyances under this section, the City shall make the city hall complex available for use by the Minnesota National Guard for public meetings, and the County shall make the maintenance facility available for use by the Minnesota National Guard, as detailed in agreements entered into between the City, County, and the Commanding General of the Minnesota National Guard. Use of the city hall complex and maintenance facility by the Minnesota National Guard shall be without cost to the Minnesota National Guard.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by surveys satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the real property.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2841. REPAIR AND CONVEYANCE OF RED BUTTE DAM AND RESERVOIR, SALT LAKE CITY, UTAH.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Central Utah Water Conservancy District, Utah (in this section referred to as the "District"), all right, title, and interest of the United States in and to the real property, including the dam, spillway, and any other improvements thereon, comprising the Red Butte Dam and Reservoir, Salt Lake City, Utah. The Secretary shall make the conveyance without regard to the department or agency of the Federal Government having jurisdiction over Red Butte Dam and Reservoir.

(b) FUNDS FOR IMPROVEMENT OF DAM AND RESERVOIR.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary may make funds available to the District for

purposes of the improvement of Red Butte Dam and Reservoir to meet the standards applicable to the dam and reservoir under the laws of the State of Utah. The amount of funds made available may not exceed $6,000,000.

(2) The District shall use funds made available to the District under paragraph (1) solely for purposes of improving Red Butte Dam and Reservoir to meet the standards referred to in such paragraph.

(c) RESPONSIBILITY FOR MAINTENANCE AND OPERATION.—Upon the conveyance of Red Butte Dam and Reservoir under subsection (a), the District shall assume all responsibility for the operation and maintenance of Red Butte Dam and Reservoir for fish, wildlife, and flood control purposes in accordance with the repayment contract or other applicable agreement between the District and the Bureau of Reclamation with respect to Red Butte Dam and Reservoir.

(d) DESCRIPTION OF PROPERTY.—The legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the District.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2842. MODIFICATION OF LAND CONVEYANCE, JOLIET ARMY AMMUNITION PLANT, ILLINOIS.

Section 2922(c) of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 605) is amended— 16 USC 1609 note.

(1) by inserting "(1)" before "The conveyance"; and

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

"(2) The landfill established on the real property conveyed under subsection (a) may contain only waste generated in the county in which the landfill is established and waste generated in municipalities located at least in part in that county. The landfill shall be closed and capped after 23 years of operation.".

PART II—NAVY CONVEYANCES

SEC. 2851. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT NO. 387, DALLAS, TEXAS.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey to the City of Dallas, Texas (in this section referred to as the "City"), all right, title, and interest of the United States in and to parcels of real property consisting of approximately 314 acres and comprising the Naval Weapons Industrial Reserve Plant No. 387, Dallas, Texas.

(2)(A) As part of the conveyance authorized by paragraph (1), the Secretary may convey to the City such improvements, equipment, fixtures, and other personal property located on the parcels referred to in that paragraph as the Secretary determines to be not required by the Navy for other purposes.

(B) The Secretary may permit the City to review and inspect the improvements, equipment, fixtures, and other personal property located on the parcels referred to in paragraph (1) for purposes of the conveyance authorized by this paragraph.

(b) AUTHORITY TO CONVEY WITHOUT CONSIDERATION.—The conveyance authorized by subsection (a) may be made without consideration if the Secretary determines that the conveyance on that basis would be in the best interests of the United States.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the City—

(1) use the parcels, directly or through an agreement with a public or private entity, for economic purposes or such other public purposes as the City determines appropriate; or

(2) convey the parcels to an appropriate public entity for use for such purposes.

(d) REVERSION.—If, during the 5-year period beginning on the date the Secretary makes the conveyance authorized by subsection (a), the Secretary determines that the conveyed real property is not being used for a purpose specified in subsection (c), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property.

(e) LIMITATION ON CERTAIN SUBSEQUENT CONVEYANCES.—(1) Subject to paragraph (2), if at any time after the Secretary makes the conveyance authorized by subsection (a) the City conveys any portion of the parcels conveyed under that subsection to a private entity, the City shall pay to the United States an amount equal to the fair market value (as determined by the Secretary) of the portion conveyed at the time of its conveyance under this subsection.

(2) Paragraph (1) applies to a conveyance described in that paragraph only if the Secretary makes the conveyance authorized by subsection (a) without consideration.

(3) The Secretary shall cover over into the General Fund of the Treasury as miscellaneous receipts any amounts paid the Secretary under this subsection.

(f) INTERIM LEASE.—(1) Until such time as the real property described in subsection (a) is conveyed by deed under this section, the Secretary may continue to lease the property, together with improvements thereon, to the tenant occupying the property as of the date of the enactment of this Act (in this section referred to as the "current tenant") under the terms and conditions of the lease for the property in effect on that date (in this section referred to as the "existing lease") or a successor lease.

(2) If good faith negotiations for the conveyance of the property continue under this section beyond the end of the third year of the term of the existing lease for the property, and the current tenant is in compliance with the lease, the Secretary shall continue to lease the property to the current tenant under the terms and conditions applicable to the first three years of the existing lease pursuant to the existing lease for the property.

(3) If the property has not been conveyed by deed under this section within six years after the date of the enactment of this Act, the Secretary may extend or renegotiate the existing lease.

(g) MAINTENANCE OF PROPERTY.—(1) If the existing lease is continued under subsection (f), the current tenant of the real property covered by the lease shall be responsible for maintenance of the property as provided for in the existing lease, any extension thereof, or any successor lease.

(2) To the extent provided in advance in appropriations Acts, the Secretary shall be responsible for maintaining the real property to be conveyed under this section after the date of the termination

of the lease with the current tenant or the date the property is vacated by the current tenant, whichever is later, until such time as the property is conveyed by deed under this section.

(h) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2852. LAND CONVEYANCE, MARINE CORPS AIR STATION, CHERRY POINT, NORTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the State of North Carolina (in this section referred to as the "State"), all right, title, and interest of the United States in and to a parcel of unimproved real property consisting of approximately 20 acres at the Marine Corps Air Station, Cherry Point, North Carolina, for the purpose of permitting the State to develop the parcel for educational purposes.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the State convey to the United States such easements and rights-of-way regarding the parcel as the Secretary considers necessary to ensure use of the parcel by the State is compatible with the use of the Marine Corps Air Station.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the State.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2853. LAND CONVEYANCE, NEWPORT, RHODE ISLAND.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Newport, Rhode Island (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property (together with any improvements thereon) consisting of approximately 15 acres and known as the Connell Manor housing area, which is located on Ranger Road and is bounded to the north by Coddington Highway, to the west and south by city streets, and to the east by private properties.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the Secretary an amount sufficient to cover the cost, as determined by the Secretary—

(1) to carry out any environmental assessments and any other studies, analyses, and assessments that may be required under Federal law in connection with the conveyance; and

(2) to sever and realign utility systems as may be necessary to complete the conveyance.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2854. LAND CONVEYANCE, NAVAL TRAINING CENTER, ORLANDO, FLORIDA.

The Secretary of the Navy shall convey all right, title, and interest of the United States in and to the land comprising the main base portion of the Naval Training Center and the McCoy Annex Areas, Orlando, Florida, to the City of Orlando, Florida, in accordance with the terms and conditions set forth in the Memorandum of Agreement by and between the United States of America and the City of Orlando for the Economic Development Conveyance of Property on the Main Base and McCoy Annex Areas of the Naval Training Center, Orlando, executed by the Parties on December 9, 1997, as amended.

SEC. 2855. ONE-YEAR DELAY IN DEMOLITION OF RADIO TRANSMITTING FACILITY TOWERS AT NAVAL STATION, ANNAPOLIS, MARYLAND, TO FACILITATE CONVEYANCE OF TOWERS.

(a) DEMOLITION DELAY.—During the one-year period beginning on the date of the enactment of this Act, funds authorized to be appropriated by this or any other Act may not obligated or expended by the Secretary of the Navy to demolish the three southeastern most naval radio transmitting towers located at Naval Station, Annapolis, Maryland, that are otherwise scheduled for demolition as of that date.

(b) CONVEYANCE OF TOWERS.—The Secretary may convey, without consideration, to the State of Maryland or the County of Anne Arundel, Maryland, all right, title, and interest (including maintenance responsibility) of the United States in and to the naval radio transmitting towers described in subsection (a) if, during the period specified in such subsection, the recipient agrees to accept the towers in an as is condition.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2856. CLARIFICATION OF LAND EXCHANGE, NAVAL RESERVE READINESS CENTER, PORTLAND, MAINE.

(a) CLARIFICATION ON CONVEYEE.—Subsection (a)(1) of section 2852 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2220) is amended by striking "Gulf of Maine Aquarium Development Corporation, Portland, Maine (in this section referred to as the 'Corporation')" and inserting "Gulf of Maine Aquarium Development Corporation, Portland, Maine, a non-profit education and research institute (in this section referred to as the 'Aquarium')".

(b) CONFORMING AMENDMENTS.—Such section is further amended by striking "the Corporation" each place it appears and inserting "the Aquarium".

SEC. 2857. REVISION TO LEASE AUTHORITY, NAVAL AIR STATION, MERIDIAN, MISSISSIPPI.

Section 2837 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat.

2798), as amended by section 2853 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 2009), is amended—

(1) in subsection (a)(1), by striking "22,000 square feet" and inserting "27,000 square feet"; and

(2) in subsection (b)(2), by striking "20 percent" and inserting "25 percent".

SEC. 2858. LAND CONVEYANCES, NORFOLK, VIRGINIA.

(a) CONVEYANCES AUTHORIZED.—The Secretary of the Navy may convey to the Commonwealth of Virginia (in this section referred to as the "Commonwealth"), all right, title, and interest of the United States in and to such parcels of real property in the Norfolk, Virginia, area as the Secretary and the Commonwealth jointly determine to be required for the projects referred to in subsection (d).

(b) GRANTS OF EASEMENT OR RIGHT-OF-WAY.—The Secretary may grant to the Commonwealth such easements, rights-of-way, or other interests in land under the jurisdiction of the Secretary as the Secretary and the Commonwealth jointly determine to be required for the projects referred to in subsection (d).

(c) CONSIDERATION.—(1) As consideration for the grant of easements and rights-of-way under subsection (b), the Secretary may require the Commonwealth—

(A) to provide in the Virginia Transportation Improvement Plan for improved access for ingress and egress from Interstate Route 564 to the new air terminal at Naval Air Station, Norfolk, Virginia;

(B) to include funding for a project or projects necessary for such access in the Fiscal Year 2000–2001 Six Year Improvement Program of the Commonwealth of Virginia; and

(C) to relocate or replace (at no cost to the Department of the Navy) facilities of the Navy that are affected by the projects referred to in subsection (d).

(2) The consideration to be provided under this subsection for any grants of easement and right-of-way under this section shall be set forth in a memorandum of agreement between the Secretary and the Commonwealth.

(d) COVERED PROJECTS.—The projects referred to in this subsection are projects relating to highway construction, as follows:

(1) Project number 0337–122–F14, PE–101 (Back Gate).

(2) Project number 0337–122–F14, PE–102 (Front Gate).

(3) Project number 0564–122–108, PE–101 (Interstate Route 564 intermodal connector).

(e) SENSE OF CONGRESS REGARDING CONSTRUCTION OF ACCESS TO NAVAL AIR STATION, NORFOLK, VIRGINIA.—It is the sense of Congress that, by reason of the conveyances under subsection (a), the Commonwealth should work with the Secretary for purposes of constructing on Interstate Route 564 an interchange providing improved access to the new air terminal at Naval Air Station, Norfolk, Virginia.

(f) EXEMPTION FROM FEDERAL SCREENING REQUIREMENT.—The conveyances authorized by subsection (a) shall be made without regard to the requirement under section 2696 of title 10, United States Code, that the property be screened for further Federal use in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of any real property conveyed under subsection (a), and of any easements, rights-of-way, or other interests granted under subsection (b), shall be determined by a survey or surveys satisfactory to the Secretary. The cost of the survey or surveys shall be borne by the Commonwealth.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance of any real property under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PART III—AIR FORCE CONVEYANCES

SEC. 2861. LAND CONVEYANCE, NEWINGTON DEFENSE FUEL SUPPLY POINT, NEW HAMPSHIRE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Pease Development Authority, New Hampshire (in this section referred to as the "Authority"), all right, title, and interest of the United States in and to parcels of real property, together with any improvements thereon, consisting of approximately 10.26 acres and located in Newington, New Hampshire, the site of the Newington Defense Fuel Supply Point.

(b) RELATED PIPELINE AND EASEMENT.—As part of the conveyance authorized by subsection (a), the Secretary may convey to the Authority, without consideration, all right, title, and interest of the United States in and to the following:

(1) The pipeline approximately 1.25 miles in length that runs between the property authorized to be conveyed under subsection (a) and former Pease Air Force Base, New Hampshire, and any facilities and equipment related thereto.

(2) An easement consisting of approximately 4.612 acres for purposes of activities relating to the pipeline.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) may only be made if the Authority agrees to make the fuel supply pipeline available for use by the New Hampshire Air National Guard under terms and conditions acceptable to the Secretary.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a), the easement to be conveyed under subsection (b)(2), and the pipeline to be conveyed under subsection (b)(1) shall be determined by surveys and other means satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary under the preceding sentence shall be borne by the Authority.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2862. LAND CONVEYANCE, TYNDALL AIR FORCE BASE, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to Panama City, Florida (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon,

consisting of approximately 33.07 acres in Bay County, Florida, and containing the military family housing project for Tyndall Air Force Base known as Cove Garden.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the real property to be conveyed, as determined by the Secretary.

(c) USE OF PROCEEDS.—In such amounts as are provided in advance in appropriations Acts, the Secretary may use the funds paid by the City under subsection (b) to construct or improve military family housing units at Tyndall Air Force Base and to improve ancillary supporting facilities related to such housing.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2863. LAND CONVEYANCE, PORT OF ANCHORAGE, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force and the Secretary of the Interior may convey, without consideration, to the Port of Anchorage, an entity of the City of Anchorage, Alaska (in this section referred to as the "Port"), all right, title, and interest of the United States in and to two parcels of real property, including improvements thereon, consisting of a total of approximately 14.22 acres located adjacent to the Port of Anchorage Marine Industrial Park in Anchorage, Alaska, and leased by the Port from the Department of the Air Force and the Bureau of Land Management, for the purpose of permitting the Port to use the parcels for economic development.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force and the Secretary of the Interior. The cost of the survey shall be borne by the Port.

(c) REVERSIONARY INTEREST.—During the five-year period beginning on the date the Secretary concerned makes the conveyance authorized under subsection (a), if that Secretary determines that the real property conveyed by that Secretary is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to that property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary concerned under this subsection shall be made on the record after an opportunity for a hearing.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force and the Secretary of the Interior may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretaries considers appropriate to protect the interests of the United States.

SEC. 2864. LAND CONVEYANCE, FORESTPORT TEST ANNEX, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Town of Ohio, New York (in this section referred to as the "Town"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 164 acres in Herkimer County, New York, and approximately 18 acres in Oneida County, New York, and containing the Forestport Test Annex for the purpose of permitting the Town to develop the parcel for economic purposes and to further the provision of municipal services.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Town.

(c) REVERSIONARY INTEREST.—During the five-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a), if the Secretary determines that the conveyed real property is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2865. LAND CONVEYANCE, MCCLELLAN NUCLEAR RADIATION CENTER, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—(1) Consistent with applicable laws, including section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620), the Secretary of the Air Force may convey, without consideration, to the Regents of the University of California, acting on behalf of the University of California, Davis (in this section referred to as the "Regents"), all right, title, and interest of the United States in and to the parcel of real property, including improvements thereon, consisting of the McClellan Nuclear Radiation Center, California.

(2) Pending the completion of all actions necessary to prepare the property described in paragraph (1) for conveyance under such paragraph, the Secretary may lease the property to the Regents.

(b) INSPECTION OF PROPERTY.—At an appropriate time before any conveyance or lease under subsection (a), the Secretary shall permit the Regents access to the property described in such subsection for purposes of such investigation of the McClellan Nuclear Radiation Center and the atomic reactor located at the Center as the Regents consider appropriate.

(c) HOLD HARMLESS.—(1)(A) The Secretary may not make the conveyance or lease authorized by subsection (a) unless the Regents agree to indemnify and hold harmless the United States for and against the following:

(i) Any and all costs associated with the decontamination and decommissioning of the atomic reactor at the McClellan Nuclear Radiation Center under requirements that are imposed by the Nuclear Regulatory Commission or any other appropriate Federal or State regulatory agency.

(ii) Any and all injury, damage, or other liability arising from the operation of the atomic reactor after its conveyance under this section.

(B) The Secretary may pay the Regents an amount not to exceed $17,593,000 as consideration for the agreement under subparagraph (A). Notwithstanding section 2906(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), the Secretary may use amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(7) to make the payment under this subparagraph.

(2) Notwithstanding the agreement under paragraph (1), the Secretary may, as part of the conveyance or lease authorized by subsection (a), enter into an agreement with the Regents under which the United States shall indemnify and hold harmless the University of California for and against any injury, damage, or other liability in connection with the operation of the atomic reactor at the McClellan Nuclear Radiation Center after its conveyance or lease that arises from a defect in the atomic reactor that could not have been discovered in the course of the inspection carried out under subsection (b).

(d) CONTINUING OPERATION OF REACTOR.—Until such time as the property authorized to be conveyed by subsection (a) is conveyed by deed or lease, the Secretary shall take appropriate actions, including the allocation of personnel, funds, and other resources, to ensure the continuing operation of the atomic reactor located at the McClellan Nuclear Radiation Center in accordance with applicable requirements of the Nuclear Regulatory Commission and otherwise in accordance with law.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance or lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle E—Other Matters

SEC. 2871. ACCEPTANCE OF GUARANTEES IN CONNECTION WITH GIFTS TO MILITARY SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—(1) Chapter 403 of title 10, United States Code, is amended by inserting after section 4356 the following new section:

"§ 4357. Acceptance of guarantees with gifts for major projects

"(a) ACCEPTANCE AUTHORITY.—Subject to subsection (c), the Secretary of the Army may accept from a donor or donors a qualified

guarantee for the completion of a major project for the benefit of the Academy.

"(b) OBLIGATION AUTHORITY.—The amount of a qualified guarantee accepted under this section shall be considered as contract authority to provide obligation authority for purposes of Federal fiscal and contractual requirements. Funds available for a project for which such a guarantee has been accepted may be obligated and expended for the project without regard to whether the total amount of the funds and other resources available for the project (not taking into account the amount of the guarantee) is sufficient to pay for completion of the project.

"(c) NOTICE OF PROPOSED ACCEPTANCE.—The Secretary of the Army may not accept a qualified guarantee under this section for the completion of a major project until after the expiration of 30 days following the date upon which a report of the facts concerning the proposed guarantee is submitted to Congress.

"(d) PROHIBITION ON COMMINGLING OF FUNDS.—The Secretary of the Army may not enter into any contract or other transaction involving the use of a qualified guarantee and appropriated funds in the same contract or transaction.

"(e) DEFINITIONS.—In this section:

"(1) MAJOR PROJECT.—The term 'major project' means a project for the purchase or other procurement of real or personal property, or for the construction, renovation, or repair of real or personal property, the total cost of which is, or is estimated to be, at least $1,000,000.

"(2) QUALIFIED GUARANTEE.—The term 'qualified guarantee', with respect to a major project, means a guarantee that—

"(A) is made by one or more persons in connection with a donation, specifically for the project, of a total amount in cash or securities that, as determined by the Secretary of the Army, is sufficient to defray a substantial portion of the total cost of the project;

"(B) is made to facilitate or expedite the completion of the project in reasonable anticipation that other donors will contribute sufficient funds or other resources in amounts sufficient to pay for completion of the project;

"(C) is set forth as a written agreement that provides for the donor to furnish in cash or securities, in addition to the donor's other gift or gifts for the project, any additional amount that may become necessary for paying the cost of completing the project by reason of a failure to obtain from other donors or sources funds or other resources in amounts sufficient to pay the cost of completing the project; and

"(D) is accompanied by—

"(i) an irrevocable and unconditional standby letter of credit for the benefit of the Academy that is in the amount of the guarantee and is issued by a major United States commercial bank; or

"(ii) a qualified account control agreement.

"(3) QUALIFIED ACCOUNT CONTROL AGREEMENT.—The term 'qualified account control agreement', with respect to a guarantee of a donor, means an agreement among the donor, the Secretary of the Army, and a major United States investment management firm that—

"(A) ensures the availability of sufficient funds or other financial resources to pay the amount guaranteed during the period of the guarantee;

"(B) provides for the perfection of a security interest in the assets of the account for the United States for the benefit of the Academy with the highest priority available for liens and security interests under applicable law;

"(C) requires the donor to maintain in an account with the investment management firm assets having a total value that is not less than 130 percent of the amount guaranteed; and

"(D) requires the investment management firm, at any time that the value of the account is less than the value required to be maintained under subparagraph (C), to liquidate any noncash assets in the account and reinvest the proceeds in Treasury bills issued under section 3104 of title 31.

"(4) MAJOR UNITED STATES COMMERCIAL BANK.—The term 'major United States commercial bank' means a commercial bank that—

"(A) is an insured bank (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813));

"(B) is headquartered in the United States; and

"(C) has net assets in a total amount considered by the Secretary of the Army to qualify the bank as a major bank.

"(5) MAJOR UNITED STATES INVESTMENT MANAGEMENT FIRM.—The term 'major United States investment management firm' means any broker, dealer, investment adviser, or provider of investment supervisory services (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) or section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2) or a major United States commercial bank that—

"(A) is headquartered in the United States; and

"(B) holds for the account of others investment assets in a total amount considered by the Secretary of the Army to qualify the firm as a major investment management firm.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4356 the following new item:

"4357. Acceptance of guarantees with gifts for major projects.".

(b) NAVAL ACADEMY.—(1) Chapter 603 of title 10, United States Code, is amended by inserting after section 6974 the following new section:

"§ 6975. Acceptance of guarantees with gifts for major projects

"(a) ACCEPTANCE AUTHORITY.—Subject to subsection (c), the Secretary of the Navy may accept from a donor or donors a qualified guarantee for the completion of a major project for the benefit of the Naval Academy.

"(b) OBLIGATION AUTHORITY.—The amount of a qualified guarantee accepted under this section shall be considered as contract authority to provide obligation authority for purposes of Federal fiscal and contractual requirements. Funds available for a project for which such a guarantee has been accepted may be obligated

and expended for the project without regard to whether the total amount of the funds and other resources available for the project (not taking into account the amount of the guarantee) is sufficient to pay for completion of the project.

"(c) NOTICE OF PROPOSED ACCEPTANCE.—The Secretary of the Navy may not accept a qualified guarantee under this section for the completion of a major project until after the expiration of 30 days following the date upon which a report of the facts concerning the proposed guarantee is submitted to Congress.

"(d) PROHIBITION ON COMMINGLING OF FUNDS.—The Secretary of the Navy may not enter into any contract or other transaction involving the use of a qualified guarantee and appropriated funds in the same contract or transaction.

"(e) DEFINITIONS.—In this section:

"(1) MAJOR PROJECT.—The term 'major project' means a project for the purchase or other procurement of real or personal property, or for the construction, renovation, or repair of real or personal property, the total cost of which is, or is estimated to be, at least $1,000,000.

"(2) QUALIFIED GUARANTEE.—The term 'qualified guarantee', with respect to a major project, means a guarantee that—

"(A) is made by one or more persons in connection with a donation, specifically for the project, of a total amount in cash or securities that, as determined by the Secretary of the Navy, is sufficient to defray a substantial portion of the total cost of the project;

"(B) is made to facilitate or expedite the completion of the project in reasonable anticipation that other donors will contribute sufficient funds or other resources in amounts sufficient to pay for completion of the project;

"(C) is set forth as a written agreement that provides for the donor to furnish in cash or securities, in addition to the donor's other gift or gifts for the project, any additional amount that may become necessary for paying the cost of completing the project by reason of a failure to obtain from other donors or sources funds or other resources in amounts sufficient to pay the cost of completing the project; and

"(D) is accompanied by—

"(i) an irrevocable and unconditional standby letter of credit for the benefit of the Naval Academy that is in the amount of the guarantee and is issued by a major United States commercial bank; or

"(ii) a qualified account control agreement.

"(3) QUALIFIED ACCOUNT CONTROL AGREEMENT.—The term 'qualified account control agreement', with respect to a guarantee of a donor, means an agreement among the donor, the Secretary of the Navy, and a major United States investment management firm that—

"(A) ensures the availability of sufficient funds or other financial resources to pay the amount guaranteed during the period of the guarantee;

"(B) provides for the perfection of a security interest in the assets of the account for the United States for the benefit of the Naval Academy with the highest priority

available for liens and security interests under applicable law;

"(C) requires the donor to maintain in an account with the investment management firm assets having a total value that is not less than 130 percent of the amount guaranteed; and

"(D) requires the investment management firm, at any time that the value of the account is less than the value required to be maintained under subparagraph (C), to liquidate any noncash assets in the account and reinvest the proceeds in Treasury bills issued under section 3104 of title 31.

"(4) MAJOR UNITED STATES COMMERCIAL BANK.—The term 'major United States commercial bank' means a commercial bank that—

"(A) is an insured bank (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813));

"(B) is headquartered in the United States; and

"(C) has net assets in a total amount considered by the Secretary of the Navy to qualify the bank as a major bank.

"(5) MAJOR UNITED STATES INVESTMENT MANAGEMENT FIRM.—The term 'major United States investment management firm' means any broker, dealer, investment adviser, or provider of investment supervisory services (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) or section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2) or a major United States commercial bank that—

"(A) is headquartered in the United States; and

"(B) holds for the account of others investment assets in a total amount considered by the Secretary of the Navy to qualify the firm as a major investment management firm.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6974 the following new item:

"6975. Acceptance of guarantees with gifts for major projects.".

(c) AIR FORCE ACADEMY.—(1) Chapter 903 of title 10, United States Code, is amended by inserting after section 9355 the following new section:

"§ 9356. Acceptance of guarantees with gifts for major projects

"(a) ACCEPTANCE AUTHORITY.—Subject to subsection (c), the Secretary of the Air Force may accept from a donor or donors a qualified guarantee for the completion of a major project for the benefit of the Academy.

"(b) OBLIGATION AUTHORITY.—The amount of a qualified guarantee accepted under this section shall be considered as contract authority to provide obligation authority for purposes of Federal fiscal and contractual requirements. Funds available for a project for which such a guarantee has been accepted may be obligated and expended for the project without regard to whether the total amount of the funds and other resources available for the project (not taking into account the amount of the guarantee) is sufficient to pay for completion of the project.

"(c) NOTICE OF PROPOSED ACCEPTANCE.—The Secretary of the Air Force may not accept a qualified guarantee under this section for the completion of a major project until after the expiration of 30 days following the date upon which a report of the facts concerning the proposed guarantee is submitted to Congress.

"(d) PROHIBITION ON COMMINGLING OF FUNDS.—The Secretary of the Air Force may not enter into any contract or other transaction involving the use of a qualified guarantee and appropriated funds in the same contract or transaction.

"(e) DEFINITIONS.—In this section:

"(1) MAJOR PROJECT.—The term 'major project' means a project for the purchase or other procurement of real or personal property, or for the construction, renovation, or repair of real or personal property, the total cost of which is, or is estimated to be, at least $1,000,000.

"(2) QUALIFIED GUARANTEE.—The term 'qualified guarantee', with respect to a major project, means a guarantee that—

"(A) is made by one or more persons in connection with a donation, specifically for the project, of a total amount in cash or securities that, as determined by the Secretary of the Air Force, is sufficient to defray a substantial portion of the total cost of the project;

"(B) is made to facilitate or expedite the completion of the project in reasonable anticipation that other donors will contribute sufficient funds or other resources in amounts sufficient to pay for completion of the project;

"(C) is set forth as a written agreement that provides for the donor to furnish in cash or securities, in addition to the donor's other gift or gifts for the project, any additional amount that may become necessary for paying the cost of completing the project by reason of a failure to obtain from other donors or sources funds or other resources in amounts sufficient to pay the cost of completing the project; and

"(D) is accompanied by—

"(i) an irrevocable and unconditional standby letter of credit for the benefit of the Academy that is in the amount of the guarantee and is issued by a major United States commercial bank; or

"(ii) a qualified account control agreement.

"(3) QUALIFIED ACCOUNT CONTROL AGREEMENT.—The term 'qualified account control agreement', with respect to a guarantee of a donor, means an agreement among the donor, the Secretary of the Air Force, and a major United States investment management firm that—

"(A) ensures the availability of sufficient funds or other financial resources to pay the amount guaranteed during the period of the guarantee;

"(B) provides for the perfection of a security interest in the assets of the account for the United States for the benefit of the Academy with the highest priority available for liens and security interests under applicable law;

"(C) requires the donor to maintain in an account with the investment management firm assets having a total value that is not less than 130 percent of the amount guaranteed; and

"(D) requires the investment management firm, at any time that the value of the account is less than the value required to be maintained under subparagraph (C), to liquidate any noncash assets in the account and reinvest the proceeds in Treasury bills issued under section 3104 of title 31.

"(4) MAJOR UNITED STATES COMMERCIAL BANK.—The term 'major United States commercial bank' means a commercial bank that—

"(A) is an insured bank (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813));

"(B) is headquartered in the United States; and

"(C) has net assets in a total amount considered by the Secretary of the Air Force to qualify the bank as a major bank.

"(5) MAJOR UNITED STATES INVESTMENT MANAGEMENT FIRM.—The term 'major United States investment management firm' means any broker, dealer, investment adviser, or provider of investment supervisory services (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) or section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2) or a major United States commercial bank that—

"(A) is headquartered in the United States; and

"(B) holds for the account of others investment assets in a total amount considered by the Secretary of the Air Force to qualify the firm as a major investment management firm.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9355 the following new item:

"9356. Acceptance of guarantees with gifts for major projects.".

SEC. 2872. ACQUISITION OF STATE-HELD INHOLDINGS, EAST RANGE OF FORT HUACHUCA, ARIZONA.

(a) ACQUISITION AUTHORIZED.—(1) The Secretary of the Interior may acquire by eminent domain, but with the consent of the State of Arizona, all right, title, and interest (including any mineral rights) of the State of Arizona in and to unimproved Arizona State trust lands consisting of approximately 1,536.47 acres in the Fort Huachuca East Range, Cochise County, Arizona.

(2) The Secretary may also acquire by eminent domain, but with the consent of the State of Arizona, any trust mineral estate of the State of Arizona located beneath the surface estates of the United States in one or more parcels of land consisting of approximately 12,943 acres in the Fort Huachuca East Range, Cochise County, Arizona.

(b) CONSIDERATION.—(1) Subject to subsection (c), as consideration for the acquisition by the United States of Arizona State trust lands and mineral interests under subsection (a), the Secretary, acting through the Bureau of Land Management, may convey to the State of Arizona all right, title, and interest of the United States, or some lesser interest, in one or more parcels of Federal land under the jurisdiction of the Bureau of Land Management in the State of Arizona.

(2) The lands or interests in land to be conveyed under this subsection shall be mutually agreed upon by the Secretary and the State of Arizona, as provided in subsection (c)(1).

(3) The value of the lands conveyed out of Federal ownership under this subsection either shall be equal to the value of the lands and mineral interests received by the United States under subsection (a) or, if not, shall be equalized by a payment made by the Secretary or the State of Arizona, as necessary.

(c) CONDITIONS ON CONVEYANCE TO STATE.—The Secretary may make the conveyance described in subsection (b) only if—

(1) the transfer of the Federal lands to the State of Arizona is acceptable to the State Land Commissioner; and

(2) the conveyance of lands and interests in lands under subsection (b) is accepted by the State of Arizona as full consideration for the land and mineral rights acquired by the United States under subsection (a) and terminates all right, title, and interest of all parties (other than the United States) in and to the acquired lands and mineral rights.

(d) USE OF EMINENT DOMAIN.—The Secretary may acquire the State lands and mineral rights under subsection (a) pursuant to the laws and regulations governing eminent domain.

(e) DETERMINATION OF FAIR MARKET VALUE.—Notwithstanding any other provision of law, the value of lands and interests in lands acquired or conveyed by the United States under this section shall be determined in accordance with the Uniform Appraisal Standards for Federal Land Acquisition, as published by the Department of Justice in 1992. The appraisal shall be subject to the review and acceptance by the Land Department of the State of Arizona and the Bureau of Land Management.

(f) DESCRIPTIONS OF LAND.—The exact acreage and legal descriptions of the lands and interests in lands acquired or conveyed by the United States under this section shall be determined by surveys that are satisfactory to the Secretary of the Interior and the State of Arizona.

(g) WITHDRAWAL OF ACQUIRED LANDS FOR MILITARY PURPOSES.—After acquisition, the lands acquired by the United States under subsection (a) may be withdrawn and reserved, in accordance with all applicable environmental laws, for use by the Secretary of the Army for military training and testing in the same manner as other Federal lands located in the Fort Huachuca East Range that were withdrawn and reserved for Army use through Public Land Order 1471 of 1957.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Interior may require such additional terms and conditions in connection with the conveyance and acquisition of lands and interests in land under this section as the Secretary considers appropriate to protect the interests of the United States and any valid existing rights.

(i) COST REIMBURSEMENT.—All costs associated with the processing of the acquisition of State trust lands and mineral interests under subsection (a) and the conveyance of public lands under subsection (b) shall be borne by the Secretary of the Army.

SEC. 2873. ENHANCEMENT OF PENTAGON RENOVATION ACTIVITIES.

(a) RENOVATION ENHANCEMENTS.—The Secretary of Defense, in conjunction with the Pentagon Renovation Program, may design and construct secure secretarial office and support facilities and make security-related enhancements to the bus and subway station entrance at the Pentagon Reservation.

(b) REPORT REQUIRED.—As part of the report required under section 2674(a) of title 10, United States Code, in 2000, the Secretary of Defense shall include the estimated cost for the planning, design, construction, and installation of equipment for the enhancements authorized by subsection (a) and a revised estimate for the total cost of the renovation of the Pentagon Reservation.

Subtitle F—Expansion of Arlington National Cemetery

SEC. 2881. TRANSFER FROM NAVY ANNEX, ARLINGTON, VIRGINIA.

(a) LAND TRANSFER REQUIRED.—The Secretary of Defense shall provide for the transfer to the Secretary of the Army of administrative jurisdiction over three parcels of real property consisting of approximately 36 acres and known as the Navy Annex (in this section referred to as the "Navy Annex property").

(b) USE OF LAND.—(1) Subject to paragraph (2), the Secretary of the Army shall incorporate the Navy Annex property transferred under subsection (a) into Arlington National Cemetery.

(2) The Secretary of Defense may reserve not to exceed 10 acres of the Navy Annex property (of which not more than six acres may be north of the existing Columbia Pike) as a site for—

(A) a National Military Museum, if such site is recommended for such purpose by the Commission on the National Military Museum established under section 2901; and

(B) such other memorials that the Secretary of Defense considers compatible with Arlington National Cemetery.

(c) REMEDIATION OF LAND FOR CEMETERY USE.—Immediately after the transfer of administrative jurisdiction over the Navy Annex property, the Secretary of Defense shall provide for the removal of any improvements on that property and shall prepare the property for use as a part of Arlington National Cemetery.

(d) ESTABLISHMENT OF MASTER PLAN.—(1) The Secretary of Defense shall establish a master plan for the use of the Navy Annex property transferred under subsection (a).

(2) The master plan shall take into account (A) the report submitted by the Secretary of the Army on the expansion of Arlington National Cemetery required at page 787 of the Joint Explanatory Statement of the Committee of Conference to accompany the bill H.R. 3616 of the One Hundred Fifth Congress (House Report 105–436 of the 105th Congress), and (B) the recommendation (if any) of the Commission on the National Military Museum to use a portion of the Navy Annex property as the site for the National Military Museum.

(3) The master plan shall be established in consultation with the National Capital Planning Commission and only after coordination with appropriate officials of the Commonwealth of Virginia and of the County of Arlington, Virginia, with respect to matters pertaining to real property under the jurisdiction of those officials located in or adjacent to the Navy Annex property, including assessments of the effects on transportation, infrastructure, and utilities in that county by reason of the proposed uses of the Navy Annex property under subsection (b).

(4) Not later than 180 days after the date on which the Commission on the National Military Museum submits to Congress its Deadline.

report under section 2903, the Secretary of Defense shall submit to Congress the master plan established under this subsection.

(e) IMPLEMENTATION OF MASTER PLAN.—The Secretary of Defense may implement the provisions of the master plan at any time after the Secretary submits the master plan to Congress.

(f) LEGAL DESCRIPTION.—In conjunction with the development of the master plan required by subsection (d), the Secretary of Defense shall determine the exact acreage and legal description of the portion of the Navy Annex property reserved under subsection (b)(2) and of the portion transferred under subsection (a) for incorporation into Arlington National Cemetery.

Deadline.

(g) REPORTS.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Secretary of Defense a copy of the report to Congress on the expansion of Arlington National Cemetery required at page 787 of the Joint Explanatory Statement of the Committee of Conference to accompany the bill H.R. 3616 of the One Hundred Fifth Congress (House Report 105–736 of the 105th Congress).

(2) The Secretary of Defense shall include a description of the use of the Navy Annex property transferred under subsection (a) in the annual report to Congress under section 2674(a)(2) of title 10, United States Code, on the state of the renovation of the Pentagon Reservation.

(h) DEADLINE.—The Secretary of Defense shall complete the transfer of administrative jurisdiction required by subsection (a) not later than the earlier of—

(1) January 1, 2010; or

(2) the date when the Navy Annex property is no longer required (as determined by the Secretary) for use as temporary office space due to the renovation of the Pentagon.

SEC. 2882. TRANSFER FROM FORT MYER, ARLINGTON, VIRGINIA.

(a) LAND TRANSFER REQUIRED.—The Secretary of the Army shall modify the boundaries of Arlington National Cemetery and of Fort Myer to include in Arlington National Cemetery the following parcels of real property situated in Fort Myer, Arlington, Virginia:

(1) A parcel comprising approximately five acres bounded by the Fort Myer Post Traditional Chapel to the southwest, McNair Road to the northwest, the Vehicle Maintenance Complex to the northeast, and the masonry wall of Arlington National Cemetery to the southeast.

(2) A parcel comprising approximately three acres bounded by the Vehicle Maintenance Complex to the southwest, Jackson Avenue to the northwest, the water pumping station to the northeast, and the masonry wall of Arlington National Cemetery to the southeast.

(b) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary.

TITLE XXIX—COMMISSION ON NATIONAL MILITARY MUSEUM

Sec. 2901. Establishment.
Sec. 2902. Duties of Commission.

Sec. 2903. Report.
Sec. 2904. Powers.
Sec. 2905. Commission procedures.
Sec. 2906. Personnel matters.
Sec. 2907. Miscellaneous administrative provisions.
Sec. 2908. Funding.
Sec. 2909. Termination of Commission.

SEC. 2901. ESTABLISHMENT. 10 USC 111 note.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "Commission on the National Military Museum" (in this title referred to as the "Commission").

(b) COMPOSITION.—(1) The Commission shall be composed of 11 voting members appointed from among individuals who have an expertise in military or museum matters as follows:

(A) Five shall be appointed by the President.

(B) Two shall be appointed by the Speaker of the House of Representatives, in consultation with the chairman of the Committee on Armed Services of the House of Representatives.

(C) One shall be appointed by the minority leader of the House of Representatives, in consultation with the ranking member of the Committee on Armed Services of the House of Representatives.

(D) Two shall be appointed by the majority leader of the Senate, in consultation with the chairman of the Committee on Armed Services of the Senate.

(E) One shall be appointed by the minority leader of the Senate, in consultation with the ranking member of the Committee on Armed Services of the Senate.

(2) The following shall be nonvoting members of the Commission:

(A) The Secretary of Defense.

(B) The Secretary of the Army.

(C) The Secretary of the Navy.

(D) The Secretary of the Air Force.

(E) The Secretary of Transportation.

(F) The Secretary of the Smithsonian Institution.

(G) The Chairman of the National Capital Planning Commission.

(H) The Chairperson of the Commission of Fine Arts.

(c) CHAIRMAN.—The President shall designate one of the individuals first appointed to the Commission under subsection (b)(1)(A) as the chairman of the Commission. President.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(e) INITIAL ORGANIZATION REQUIREMENTS.—(1) All appointments to the Commission shall be made not later than 90 days after the date of the enactment of this Act. Deadline.

(2) The Commission shall convene its first meeting not later than 60 days after the date as of which all members of the Commission have been appointed.

SEC. 2902. DUTIES OF COMMISSION. 10 USC 111 note.

(a) STUDY OF NATIONAL MILITARY MUSEUM.—The Commission shall conduct a study in order to make recommendations to Congress regarding an authorization for the construction of a national military museum in the National Capital Area.

(b) STUDY ELEMENTS.—In conducting the study, the Commission shall do the following:

(1) Determine whether existing military museums, historic sites, and memorials in the United States are adequate—

(A) to provide in a cost-effective manner for display of, and interaction with, adequately visited and adequately preserved artifacts and representations of the Armed Forces and of the wars in which the United States has been engaged;

(B) to honor the service to the United States of the active and reserve members of the Armed Forces and the veterans of the United States;

(C) to educate current and future generations regarding the Armed Forces and the sacrifices of members of the Armed Forces and the Nation in furtherance of the defense of freedom; and

(D) to foster public pride in the achievements and activities of the Armed Forces.

(2) Determine whether adequate inventories of artifacts and representations of the Armed Forces and of the wars in which the United States has been engaged are available, either in current inventories or in private or public collections, for loan or other provision to a national military museum.

(3) Develop preliminary proposals for—

(A) the dimensions and design of a national military museum in the National Capital Area;

(B) the location of the museum in that Area; and

(C) the approximate cost of the final design and construction of the museum and of the costs of operating the museum.

(c) ADDITIONAL DUTIES.—If the Commission determines to recommend that Congress authorize the construction of a national military museum in the National Capital Area, the Commission shall also, as a part of the study under subsection (a), do the following:

(1) Recommend not fewer than three sites for the museum ranked by preference.

(2) Propose a schedule for construction of the museum.

(3) Assess the potential effects of the museum on the environment, facilities, and roadways in the vicinity of the site or sites where the museum is proposed to be located.

(4) Recommend the percentages of funding for the museum to be provided by the United States, State and local governments, and private sources, respectively.

(5) Assess the potential for fundraising for the museum during the 20-year period following the authorization of construction of the museum.

(6) Assess and recommend various governing structures for the museum, including a governing structure that places the museum within the Smithsonian Institution.

(d) REQUIREMENTS FOR LOCATION ON NAVY ANNEX PROPERTY.—In the case of a recommendation under subsection (c)(1) to authorize construction of a national military museum on the Navy Annex property authorized for reservation for such purpose by section 2871(b), the design of the national military museum on such property shall be subject to the following requirements:

(1) The design shall be prepared in consultation with the Superintendent of Arlington National Cemetery.

(2) The design may not provide for access by vehicles to the national military museum through Arlington National Cemetery.

SEC. 2903. REPORT.

10 USC 111 note. Deadline.

The Commission shall, not later than 12 months after the date of its first meeting, submit to Congress a report on its findings and conclusions under this title, including any recommendations under section 2902.

SEC. 2904. POWERS.

10 USC 111 note.

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION.—The Commission may secure directly from the Department of Defense and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this title.

SEC. 2905. COMMISSION PROCEDURES.

10 USC 111 note.

(a) MEETINGS.—The Commission shall meet at the call of the chairman.

(b) QUORUM.—(1) Six of the members appointed under section 2901(b)(1) shall constitute a quorum other than for the purpose of holding hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) COMMISSION.—The Commission may establish panels composed of less than full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 2906. PERSONNEL MATTERS.

10 USC 111 note.

(a) PAY OF MEMBERS.—Members of the Commission appointed under section 2901(b)(1) shall serve without pay by reason of their work on the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director

and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS–15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

10 USC 111 note.

SEC. 2907. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the United States.

(b) MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.—The Secretary of Defense shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

10 USC 111 note.

SEC. 2908. FUNDING.

(a) IN GENERAL.—Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities for fiscal year 2000.

(b) REQUEST.—Upon receipt of a written certification from the chairman of the Commission specifying the funds required for the activities of the Commission, the Secretary of Defense shall promptly disburse to the Commission, from such amounts, the funds required by the Commission as stated in such certification.

(c) AVAILABILITY OF CERTAIN FUNDS.—Of the funds available for activities of the Commission under this section, $2,000,000 shall be available for the activities, if any, of the Commission under section 2902(c).

10 USC 111 note.

SEC. 2909. TERMINATION OF COMMISSION.

The Commission shall terminate 60 days after the date of the submission of its report under section 2903.

TITLE XXX—MILITARY LAND WITHDRAWALS

Military Lands Withdrawal Act of 1999.

Sec. 3001. Short title.

Subtitle A—Withdrawals Generally

Sec. 3011. Withdrawals.
Sec. 3012. Maps and legal descriptions.
Sec. 3013. Termination of withdrawals in Military Lands Withdrawal Act of 1986.
Sec. 3014. Management of lands.
Sec. 3015. Duration of withdrawal and reservation.
Sec. 3016. Extension of initial withdrawal and reservation.
Sec. 3017. Ongoing decontamination.
Sec. 3018. Delegation.
Sec. 3019. Water rights.
Sec. 3020. Hunting, fishing, and trapping.
Sec. 3021. Mining and mineral leasing.
Sec. 3022. Use of mineral materials.
Sec. 3023. Immunity of United States.

Subtitle B—Withdrawals in Arizona

Sec. 3031. Barry M. Goldwater Range, Arizona.
Sec. 3032. Military use of Cabeza Prieta National Wildlife Refuge and Cabeza Prieta Wilderness.
Sec. 3033. Maps and legal description.
Sec. 3034. Water rights.
Sec. 3035. Hunting, fishing, and trapping.
Sec. 3036. Use of mineral materials.
Sec. 3037. Immunity of United States.

Subtitle C—Authorization of Appropriations

Sec. 3041. Authorization of appropriations.

SEC. 3001. SHORT TITLE.

This title may be cited as the "Military Lands Withdrawal Act of 1999".

Subtitle A—Withdrawals Generally

SEC. 3011. WITHDRAWALS.

(a) NAVAL AIR STATION FALLON RANGES, NEVADA.—

(1) WITHDRAWAL AND RESERVATION.—(A) Subject to valid existing rights and except as otherwise provided in this subtitle, the lands established at the B–16, B–17, B–19, and B–20 Ranges, as referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map referred to in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral leasing and geothermal leasing laws.

(B) The lands and interests in lands within the boundaries established at the Dixie Valley Training Area, as referred to in paragraph (2), are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws and geothermal leasing laws, but not the mineral leasing laws.

(C) The lands withdrawn by subparagraphs (A) and (B) are reserved for use by the Secretary of the Navy for—

(i) testing and training for aerial bombing, missile firing, and tactical maneuvering and air support; and

(ii) other defense-related purposes consistent with the purposes specified in this subparagraph.

(2) LAND DESCRIPTION.—The public lands and interests in lands withdrawn and reserved by this subsection comprise approximately 204,953 acres of land in Churchill County, Nevada, as generally depicted as "Proposed Withdrawal Land" and "Existing Withdrawals" on the map entitled "Naval Air Station Fallon Ranges—Proposed Withdrawal of Public Lands for Range Safety and Training Purposes", dated May 25, 1999, and filed in accordance with section 3012.

(3) RELATIONSHIP TO OTHER RESERVATIONS.—

(A) B–16 RANGE.—To the extent the withdrawal and reservation made by paragraph (1) for the B–16 Range withdraws lands currently withdrawn and reserved for use by the Bureau of Reclamation, the reservation made by that paragraph shall be the primary reservation for public safety management actions only, and the existing Bureau of Reclamation reservation shall be the primary reservation for all other management actions.

(B) SHOAL SITE.—The Secretary of Energy shall remain responsible and liable for the subsurface estate and all its activities at the "Shoal Site" withdrawn and reserved by Public Land Order Number 2771, as amended by Public Land Order Number 2834. The Secretary of the Navy shall be responsible for the management and use of the surface estate at the "Shoal Site" pursuant to the withdrawal and reservation made by paragraph (1).

Effective date.

(4) WATER RIGHTS.— Effective as of the date of the enactment of this Act, the Secretary of the Navy shall ensure that the Navy complies with the portion of the memorandum of understanding between the Department of the Navy and the United States Fish and Wildlife Service dated July 26, 1995, requiring the Navy to limit water rights to the maximum extent practicable, consistent with safety of operations, for Naval Air Station Fallon, Nevada, currently not more than 4,402 acre-feet of water per year.

(b) NELLIS AIR FORCE RANGE, NEVADA.—

(1) DEPARTMENT OF AIR FORCE.—Subject to valid existing rights and except as otherwise provided in this subtitle, the public lands described in paragraph (4) are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral leasing and geothermal leasing laws. Such lands are reserved for use by the Secretary of the Air Force—

(A) as an armament and high hazard testing area;

(B) for training for aerial gunnery, rocketry, electronic warfare, and tactical maneuvering and air support;

(C) for equipment and tactics development and testing; and

(D) for other defense-related purposes consistent with the purposes specified in this paragraph.

(2) DEPARTMENT OF ENERGY.—

(A) REVOCATION.—Public Land Order Number 1662, published in the Federal Register on June 26, 1958, is hereby revoked in its entirety.

(B) WITHDRAWAL.—Subject to valid existing rights, all lands within the boundary of the area labeled "Pahute

Mesa" as generally depicted on the map referred to in paragraph (4) are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral leasing and geothermal leasing laws.

(C) RESERVATION.—The lands withdrawn under subparagraph (B) are reserved for use by the Secretary of Energy as an integral part of the Nevada Test Site. Other provisions of this subtitle do not apply to the land withdrawn and reserved under this paragraph, except as provided in section 3017.

(3) DEPARTMENT OF INTERIOR.—Notwithstanding the Desert National Wildlife Refuge withdrawal and reservation made by Executive Order No. 7373, dated May 20, 1936, as amended by Public Land Order Number 4079, dated August 26, 1966, and Public Land Order Number 7070, dated August 4, 1994, the lands depicted as impact areas on the map referred to in paragraph (4) are, upon completion of the transfers authorized in paragraph (5)(F)(ii), transferred to the primary jurisdiction of the Secretary of the Air Force, who shall manage the lands in accordance with the memorandum of understanding referred to in paragraph (5)(E). The Secretary of the Interior shall retain secondary jurisdiction over the lands for wildlife conservation purposes.

(4) LAND DESCRIPTION.—The public lands and interests in lands withdrawn and reserved by paragraphs (1) and (2) comprise approximately 2,919,890 acres of land in Clark, Lincoln, and Nye Counties, Nevada, as generally depicted on the map entitled "Nevada Test and Training Range, Proposed Withdrawal Extension", dated April 22, 1999, and filed in accordance with section 3012.

(5) DESERT NATIONAL WILDLIFE REFUGE.—

(A) MANAGEMENT.—During the period of withdrawal and reservation of lands by this subtitle, the Secretary of the Interior shall exercise administrative jurisdiction over the Desert National Wildlife Refuge (except for the lands referred to in this subsection) through the United States Fish and Wildlife Service in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), this subtitle, and other laws applicable to the National Wildlife Refuge System.

(B) USE OF MINERAL MATERIALS.—Notwithstanding any other provision of this subtitle or the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601 et seq.), no mineral material resources may be obtained from the parts of the Desert National Wildlife Refuge that are not depicted as impact areas on the map referred to in paragraph (4), except in accordance with the procedures set forth in the memorandum of understanding referred to in subparagraph (E).

(C) ACCESS RESTRICTIONS.—If the Secretary of the Air Force determines that military operations, public safety, or national security require the closure to the public of any road, trail, or other portion of the Desert National Wildlife Refuge that is withdrawn by this subtitle, the Secretary of the Interior shall take action to effect and maintain such closure, including agreeing to amend the

memorandum of understanding referred to in subparagraph (E) to establish new or enhanced surface safety zones.

(D) EFFECT OF SUBTITLE.—Neither the withdrawal under paragraph (1) nor any other provision of this subtitle, except this subsection and subsections (a) and (b) of section 3014, shall be construed to effect the following:

(i) The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) or any other law related to management of the National Wildlife Refuge System.

(ii) Any Executive order or public land order in effect on the date of the enactment of this Act with respect to the Desert National Wildlife Refuge.

(iii) Any memorandum of understanding between the Secretary of the Interior and the Secretary of the Air Force concerning the joint use of lands withdrawn for use by the Air Force within the external boundaries of the Desert National Wildlife Refuge, except to the extent the provisions of such memorandum of understanding are inconsistent with the provisions of this subtitle, in which case such memorandum of understanding shall be reviewed and amended to conform to the provisions of this title not later than 120 days after the date of the enactment of this Act.

(E) MEMORANDUM OF UNDERSTANDING.—(i) The Secretary of the Interior, in coordination with the Secretary of the Air Force, shall manage the portion of the Desert National Wildlife Refuge withdrawn by this subtitle, except for the lands referred to in paragraph (3), for the purposes for which the refuge was established, and to support current and future military aviation training needs consistent with the current memorandum of understanding between the Department of the Air Force and the Department of the Interior, including any extension or other amendment of such memorandum of understanding as provided under this subparagraph.

(ii) As part of the review of the existing memorandum of understanding provided for in this paragraph, the Secretary of the Interior and the Secretary of the Air Force shall extend the memorandum of understanding for a period that coincides with the duration of the withdrawal of the lands constituting Nellis Air Force Range under this subtitle.

(iii) Nothing in this paragraph shall be construed as prohibiting the Secretary of the Interior and the Secretary of the Air Force from revising the memorandum of understanding at any future time should they mutually agree to do so.

Effective date.

(iv) Amendments to the memorandum of understanding shall take effect 90 days after the date on which the Secretary of the Interior submits notice of such amendments to the Committees on Environment and Public Works, Energy and Natural Resources, and Armed Services of the Senate and the Committees on Resources and Armed Services of the House of Representatives.

(F) ACQUISITION OF REPLACEMENT PROPERTY.—(i) In addition to any other amounts authorized to be appropriated by section 3041, there are hereby authorized to be appropriated to the Secretary of the Air Force such sums as may be necessary for the replacement of National Wildlife Refuge System lands in Nevada covered by this subsection.

(ii) The Secretary of the Air Force may, using funds appropriated pursuant to the authorization of appropriations in clause (i) to—

(I) acquire lands, waters, or interests in lands or waters in Nevada pursuant to clause (i) which are acceptable to the Secretary of the Interior, and transfer such lands to the Secretary of the Interior; or

(II) transfer such funds to the Secretary of the Interior for the purpose of acquiring such lands.

(iii) The transfers authorized by clause (ii) shall be deemed complete upon written notification from the Secretary of the Interior to the Secretary of the Air Force that lands, or funds, equal to the amount appropriated pursuant to the authorization of appropriations in clause (i) have been received by the Secretary of the Interior from the Secretary of the Air Force.

(c) FORT GREELY AND FORT WAINWRIGHT TRAINING RANGES, ALASKA.—

(1) WITHDRAWAL AND RESERVATION.—Subject to valid existing rights and except as otherwise provided in this subtitle, all lands and interests in lands within the boundaries established at the Fort Greely East and West Training Ranges and the Yukon Training Range of Fort Wainwright, as referred to in paragraph (2), are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral leasing and geothermal leasing laws. Such lands are reserved for use by the Secretary of the Army for—

(A) military maneuvering, training, and equipment development and testing;

(B) training for aerial gunnery, rocketry, electronic warfare, and tactical maneuvering and air support; and

(C) other defense-related purposes consistent with the purposes specified in this paragraph.

(2) LAND DESCRIPTION.—The public lands and interests in lands withdrawn and reserved by this subsection comprise approximately 869,862 acres of land in the Fairbanks North Star Borough and the Unorganized Borough, Alaska, as generally depicted on the map entitled "Fort Wainwright and Fort Greely Regional Context Map", dated June 3, 1987, and filed in accordance with section 3012.

(d) MCGREGOR RANGE, FORT BLISS, NEW MEXICO.—

(1) WITHDRAWAL AND RESERVATION.—Subject to valid existing rights and except as otherwise provided in this subtitle, all lands and interests in lands within the boundaries established at the McGregor Range of Fort Bliss, as referred to in paragraph (2), are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral leasing and geothermal leasing laws. Such lands are reserved for use by the Secretary of the Army for—

(A) military maneuvering, training, and equipment development and testing;

(B) training for aerial gunnery, rocketry, electronic warfare, and tactical maneuvering and air support associated with the Air Force Tactical Target Complex; and

(C) other defense-related purposes consistent with the purposes specified in this paragraph.

(2) LAND DESCRIPTION.—The public lands and interests in lands withdrawn and reserved by this subsection comprise 608,385 acres of land in Otero County, New Mexico, as generally depicted on the map entitled "McGregor Range Withdrawal", dated June 3, 1999, and filed in accordance with section 3012.

SEC. 3012. MAPS AND LEGAL DESCRIPTIONS.

(a) PUBLICATION AND FILING.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall—

Federal Register, publication.

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this subtitle; and

(2) file maps and the legal descriptions of the lands withdrawn and reserved by this subtitle with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(b) TECHNICAL CORRECTIONS.—Such maps and legal descriptions shall have the same force and effect as if included in this subtitle, except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of such maps and legal descriptions shall be available for public inspection in the offices of the Director and appropriate State Directors and field office managers of the Bureau of Land Management, the office of the commander, Naval Air Station Fallon, Nevada, the offices of the Director and appropriate Regional Directors of the United States Fish and Wildlife Service, the office of the commander, Nellis Air Force Base, Nevada, the office of the commander, Fort Bliss, Texas, the office of the commander, Fort Greely, Alaska, the office of the commander, Fort Wainwright, Alaska, and the Office of the Secretary of Defense.

(d) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior in implementing this section.

SEC. 3013. TERMINATION OF WITHDRAWALS IN MILITARY LANDS WITHDRAWAL ACT OF 1986.

Except as otherwise provided in this title, the withdrawals made by the Military Lands Withdrawal Act of 1986 (Public Law 99–606) shall terminate after November 6, 2001.

SEC. 3014. MANAGEMENT OF LANDS.

(a) MANAGEMENT BY SECRETARY OF INTERIOR.—

(1) APPLICABLE LAW.—During the period of the withdrawal of lands under this subtitle, the Secretary of the Interior shall manage the lands withdrawn by section 3011 pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), other applicable law, and this subtitle. The Secretary shall manage the lands within the Desert National Wildlife Refuge in accordance with the National Wildlife Refuge

System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and other applicable law. No provision of this subtitle, except sections 3011(b)(5)(D), 3020, and 3021, shall apply to the management of the Desert National Wildlife Refuge.

(2) ACTIVITIES AUTHORIZED.—To the extent consistent with applicable law and Executive orders, the lands withdrawn by section 3011 may be managed in a manner permitting—

(A) the continuation of grazing where permitted on the date of the enactment of this Act;

(B) the protection of wildlife and wildlife habitat;

(C) the control of predatory and other animals;

(D) recreation; and

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities.

(3) NONMILITARY USES.—

(A) IN GENERAL.—All nonmilitary use of the lands referred to in paragraph (2), other than the uses described in that paragraph, shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this subtitle.

(B) LEASES, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary of the Interior may issue a lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of lands referred to in paragraph (2) only with the concurrence of the Secretary of the military department concerned.

(b) CLOSURE TO PUBLIC.—

(1) IN GENERAL.—If the Secretary of the military department concerned determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of lands withdrawn by this subtitle, that Secretary may take such action as that Secretary determines necessary or desirable to effect and maintain such closure.

(2) LIMITATIONS.—Any closure under paragraph (1) shall be limited to the minimum areas and periods which the Secretary of the military department concerned determines are required to carry out this subsection.

(3) NOTICE.—Before and during any closure under this subsection, the Secretary of the military department concerned shall—

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closure.

(c) MANAGEMENT PLAN.—The Secretary of the Interior, after consultation with the Secretary of the military department concerned, shall develop a plan for the management of each area withdrawn by section 3011 during the period of withdrawal under this subtitle. Each plan shall—

(1) be consistent with applicable law;

(2) be subject to the conditions and restrictions specified in subsection (a)(3);

(3) include such provisions as may be necessary for proper management and protection of the resources and values of such area; and

(4) be developed not later than two years after the date of the enactment of this Act.

(d) BRUSH AND RANGE FIRES.—

(1) IN GENERAL.—The Secretary of the military department concerned shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside lands withdrawn by section 3011 as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires.

(2) ASSISTANCE.—Each memorandum of understanding required by subsection (e) shall—

(A) require the Bureau of Land Management to provide assistance in the suppression of fires under paragraph (1) upon the request of the Secretary of the military department concerned; and

(B) provide for a transfer of funds from the military department concerned to the Bureau of Land Management as compensation for any assistance so provided.

(e) MEMORANDUM OF UNDERSTANDING.—

(1) REQUIREMENT.—The Secretary of the Interior and the Secretary of the military department concerned shall, with respect to each lands withdrawn by section 3011, enter into a memorandum of understanding to implement the management plan for such lands under subsection (c).

(2) DURATION.—The duration of any memorandum of understanding for lands withdrawn by section 3011 shall be the same as the period of the withdrawal of such lands under this subtitle.

(f) ADDITIONAL MILITARY USES.—

(1) IN GENERAL.—Lands withdrawn by section 3011 (except lands within the Desert National Wildlife Refuge) may be used for defense-related purposes other than those specified in the applicable provisions of such section.

(2) NOTICE.—The Secretary of Defense shall promptly notify the Secretary of the Interior in the event that lands withdrawn by this subtitle will be used for defense-related purposes other than those specified in the applicable provisions of section 3011.

(3) CONTENTS OF NOTICE.—A notice under paragraph (2) shall indicate the additional use or uses involved, the proposed duration of such use or uses, and the extent to which such use or uses will require that additional or more stringent conditions or restrictions be imposed on otherwise permitted nonmilitary uses of the lands concerned, or portions thereof.

SEC. 3015. DURATION OF WITHDRAWAL AND RESERVATION.

(a) GENERAL TERMINATION DATE.—The withdrawal and reservation of lands by section 3011 shall terminate 25 years after November 6, 2001, except as otherwise provided in this subtitle and except for the withdrawals provided for under subsections (a) and (b) of section 3011 which shall terminate 20 years after November 6, 2001.

(b) COMMENCEMENT DATE FOR CERTAIN LANDS.—As to the lands withdrawn for military purposes by section 3011, but not withdrawn for military purposes by section 1 of the Military Lands Withdrawal Act of 1986 (Public Law 99–606), the withdrawal of such lands shall become effective on the date of the enactment of this Act.

(c) OPENING DATE.—On the date of the termination of the withdrawal and reservation of lands under this subtitle, such lands shall not be open to any form of appropriation under the public land laws, including the mineral laws and the mineral leasing and geothermal leasing laws, until the Secretary of the Interior publishes in the Federal Register an appropriate order stating the date upon which such lands shall be restored to the public domain and opened. Federal Register, publication.

SEC. 3016. EXTENSION OF INITIAL WITHDRAWAL AND RESERVATION.

(a) IN GENERAL.—Not later than three years before the termination date of the initial withdrawal and reservation of lands under this subtitle, the Secretary of the military department concerned shall notify Congress and the Secretary of the Interior concerning whether the military department will have a continuing military need after such termination date for all or any portion of such lands.

(b) DUTIES REGARDING CONTINUING MILITARY NEED.—

(1) IN GENERAL.—If the Secretary of the military department concerned determines that there will be a continuing military need for any lands withdrawn by this subtitle, the Secretary of the military department concerned shall—

(A) consult with the Secretary of the Interior concerning any adjustments to be made to the extent of, or to the allocation of management responsibility for, such lands; and

(B) file with the Secretary of the Interior, within one year after the notice required by subsection (a), an application for extension of the withdrawal and reservation of such lands.

(2) APPLICATION FOR EXTENSION.—Notwithstanding any general procedure of the Department of the Interior for processing Federal land withdrawals, an application for extension under paragraph (1) shall be considered complete if the application includes the following:

(A) The information required by section 3 of the Engle Act (43 U.S.C. 157), except that no information shall be required concerning the use or development of mineral, timber, or grazing resources unless, and to the extent, the Secretary of the military department concerned proposes to use or develop such resources during the period of extension.

(B) A copy of the most recent report prepared in accordance with the Sikes Act (16 U.S.C. 670 et seq.).

(c) LEGISLATIVE PROPOSALS.—The Secretary of the Interior and the Secretary of the military department concerned shall ensure that any legislative proposal for the extension of the withdrawal and reservation of lands under this subtitle is submitted to Congress not later than May 1 of the year preceding the year in which the withdrawal and reservation of such lands would otherwise terminate under this subtitle.

(d) NOTICE OF INTENT REGARDING RELINQUISHMENT.—If during the period of the withdrawal and reservation of lands under this subtitle, the Secretary of the military department concerned decides to relinquish all or any of the lands withdrawn and reserved by section 3011, such Secretary shall transmit a notice of intent to relinquish such lands to the Secretary of the Interior.

SEC. 3017. ONGOING DECONTAMINATION.

(a) PROGRAM.—Throughout the duration of the withdrawal of lands under this subtitle, the Secretary of the military department concerned shall, to the extent funds are available for such purpose, maintain a program of decontamination of such lands consistent with applicable Federal and State law.

(b) REPORTS.—

Deadline.

(1) REQUIREMENT.—Not later than 45 days after the date on which the President transmits to Congress the President's proposed budget for any fiscal year beginning after the date of the enactment of this Act, the Secretary of each military department shall transmit to the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the Senate and the Committees on Appropriations, Armed Services, and Resources of the House of Representatives a description of the decontamination efforts undertaken on lands under this subtitle under the jurisdiction of such Secretary during the previous fiscal year and the decontamination activities proposed to be undertaken on such lands during the next fiscal year.

(2) REPORT ELEMENTS.—Each report shall specify the following:

(A) Amounts appropriated and obligated or expended for decontamination of such lands.

(B) The methods used to decontaminate such lands.

(C) The amounts and types of decontaminants removed from such lands.

(D) The estimated types and amounts of residual contamination on such lands.

(E) An estimate of the costs for full decontamination of such lands and the estimate of the time to complete such decontamination.

(c) DECONTAMINATION BEFORE RELINQUISHMENT.—

(1) DUTIES BEFORE NOTICE OF INTENT TO RELINQUISH.—Before transmitting a notice of intent to relinquish lands under section 3016(d), the Secretary of Defense, acting through the Secretary of the military department concerned, shall prepare a written determination concerning whether and to what extent such lands are contaminated with explosive, toxic, or other hazardous materials.

(2) DETERMINATION ACCOMPANIES NOTICE.—A copy of any determination prepared with respect to lands under paragraph (1) shall be transmitted together with the notice of intent to relinquish such lands under section 3016(d).

Federal Register, publication.

(3) PUBLICATION OF NOTICE AND DETERMINATION.—The Secretary of the Interior shall publish in the Federal Register a copy of any notice of intent to relinquish and determination concerning the contaminated state of the lands that is transmitted under this subsection.

(d) ALTERNATIVES TO DECONTAMINATION BEFORE RELINQUISHMENT.—If the Secretary of the Interior, after consultation with the Secretary of the military department concerned, determines that decontamination of any land which is the subject of a notice of intent to relinquish under section 3016(d) is not practicable or economically feasible, or that such land cannot be decontaminated sufficiently to be opened to the operation of some or all of the public land laws, or if Congress does not appropriate sufficient

funds for the decontamination of such land, the Secretary of the Interior shall not be required to accept such land for relinquishment.

(e) STATUS OF CONTAMINATED LANDS.—If because of their contaminated state the Secretary of the Interior declines to accept jurisdiction over lands withdrawn by this subtitle which have been proposed for relinquishment, or if at the expiration of the withdrawal of such lands by this subtitle the Secretary of the Interior determines that some of such lands are contaminated to an extent which prevents opening such lands to operation of the public land laws—

(1) the Secretary of the military department concerned shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal of such lands under this subtitle, the Secretary of the military department concerned shall undertake no activities on such lands except in connection with decontamination of such lands; and

(3) the Secretary of the military department concerned shall submit to the Secretary of the Interior and Congress a report on the status of such lands and all actions taken under this subsection.

(f) REVOCATION AUTHORITY.—

(1) AUTHORITY.—Notwithstanding any other provision of law, the Secretary of the Interior, upon deciding that it is in the public interest to accept jurisdiction over lands proposed for relinquishment under section 3016(d), may revoke the withdrawal and reservation of lands under this subtitle as it applies to such lands.

(2) ORDER.—Should a decision be made to revoke the withdrawal and reservation of lands under paragraph (1), the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall— Federal Register, publication.

(A) terminate the withdrawal and reservation of such lands under this subtitle;

(B) constitute official acceptance of full jurisdiction over such lands by the Secretary of the Interior; and

(C) state the date on which such lands will be opened to the operation of some or all of the public lands laws, including the mining laws.

SEC. 3018. DELEGATION.

(a) MILITARY DEPARTMENTS.—The functions of the Secretary of Defense, or of the Secretary of a military department, under this subtitle may be delegated.

(b) DEPARTMENT OF INTERIOR.—The functions of the Secretary of the Interior under this subtitle may be delegated, except that an order described in section 3017(f)(2) may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Interior.

SEC. 3019. WATER RIGHTS.

Nothing in this subtitle shall be construed to establish a reservation to the United States with respect to any water or water right on lands covered by section 3011. No provision of this subtitle shall be construed as authorizing the appropriation of water on lands covered by section 3011 by the United States after the date of the enactment of this Act, except in accordance with the law

of the State in which such lands are located. This section shall not be construed to affect water rights acquired by the United States before the date of the enactment of this Act.

SEC. 3020. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on lands withdrawn by this subtitle shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code, except that hunting, fishing, and trapping within the Desert National Wildlife Refuge shall be conducted in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), the Recreation Use of Wildlife Areas Act of 1969 (16 U.S.C. 460k et seq.), and other laws applicable to the National Wildlife Refuge System.

SEC. 3021. MINING AND MINERAL LEASING.

(a) DETERMINATION OF LANDS SUITABLE FOR OPENING.—

(1) DETERMINATION.—As soon as practicable after the date of the enactment of this Act and at least every five years thereafter, the Secretary of the Interior shall determine, with the concurrence of the Secretary of the military department concerned, which public and acquired lands covered by section 3011 the Secretary of the Interior considers suitable for opening to the operation of the Mining Law of 1872, the Mineral Lands Leasing Act of 1920, the Mineral Leasing Act for Acquired Lands of 1947, the Geothermal Steam Act of 1970, or any one or more of such Acts.

(2) EXCEPTIONS.—The Secretary of the Interior may not make any determination otherwise required under paragraph (1) with respect to lands contained within the Desert National Wildlife Refuge in Nevada.

Federal Register, publication.

(3) NOTICE.—The Secretary of the Interior shall publish a notice in the Federal Register listing the lands determined suitable for opening under this subsection and specifying the opening date for such lands.

Federal Register, publication.

(b) OPENING LANDS.—On the date specified by the Secretary of the Interior in a notice published in the Federal Register under subsection (a), the land identified under that subsection as suitable for opening to the operation of one or more of the laws specified in that subsection shall automatically be open to the operation of such laws without the necessity for further action by the Secretary or Congress.

(c) EXCEPTION FOR COMMON VARIETIES.—No deposit of minerals or materials of the types identified by section 3 of the Act of July 23, 1955 (69 Stat. 367), whether or not included in the term "common varieties" in that Act, shall be subject to location under the Mining Law of 1872 on lands covered by section 3011.

(d) REGULATIONS.—The Secretary of the Interior, with the advice and concurrence of the Secretary of the military department concerned, shall prescribe such regulations to carry out this section as may be necessary to assure safe, uninterrupted, and unimpeded use of the lands covered by section 3011 for military purposes. Such regulations shall also contain guidelines to assist mining claimants in determining how much, if any, of the surface of any lands opened pursuant to this section may be used for purposes incident to mining.

(e) CLOSURE OF MINING LANDS.—In the event of a national emergency or for purposes of national defense or security, the

Secretary of the Interior, at the request of the Secretary of the military department concerned, shall close any lands that have been opened to mining or to mineral or geothermal leasing pursuant to this section.

(f) LAWS GOVERNING MINING ON WITHDRAWN LANDS.—

(1) IN GENERAL.—Except as otherwise provided in this subtitle, mining claims located pursuant to this subtitle shall be subject to the provisions of the mining laws. In the event of a conflict between such laws and this subtitle, this subtitle shall prevail.

(2) REGULATION UNDER FLPMA.—Any mining claim located under this subtitle shall be subject to the provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(g) PATENTS.—

(1) IN GENERAL.—Patents issued pursuant to this subtitle for locatable minerals shall convey title to locatable minerals only, together with the right to use so much of the surface as may be necessary for purposes incident to mining under the guidelines for such use established by the Secretary of the Interior by regulation.

(2) RESERVATION.—All patents referred to in paragraph (1) shall contain a reservation to the United States of the surface of all lands patented and of all nonlocatable minerals on such lands.

(3) LOCATABLE MINERALS.—For purposes of this subsection, all minerals subject to location under the Mining Law of 1872 are referred to as "locatable minerals".

SEC. 3022. USE OF MINERAL MATERIALS.

Notwithstanding any other provision of this subtitle (except as provided in section 3011(b)(5)(B)), or the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601 et seq.), the Secretary of the military department concerned may use sand, gravel, or similar mineral material resources of the type subject to disposition under that Act from lands withdrawn and reserved by this subtitle if use of such resources is required for construction needs on such lands.

SEC. 3023. IMMUNITY OF UNITED STATES.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injuries or damages to persons or property suffered in the course of any mining or mineral or geothermal leasing activity conducted on lands covered by section 3011.

Subtitle B—Withdrawals in Arizona

SEC. 3031. BARRY M. GOLDWATER RANGE, ARIZONA.

(a) WITHDRAWAL AND RESERVATION.—

(1) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this title, all lands and interests in lands within the boundaries established at the Barry M. Goldwater Range, referred to in paragraph (3), are hereby withdrawn from all forms of appropriation under the general land laws, including the mining laws and the mineral leasing and geothermal leasing laws, and jurisdiction over such lands

and interests in lands is hereby transferred to the Secretary of the Navy and the Secretary of the Air Force.

(2) RESERVATION.—The lands withdrawn by paragraph (1) for the Barry M. Goldwater Range—East are reserved for use by the Secretary of the Air Force, and for the Barry M. Goldwater Range—West are reserved for use by the Secretary of the Navy, for—

(A) an armament and high-hazard testing area;

(B) training for aerial gunnery, rocketry, electronic warfare, and tactical maneuvering and air support;

(C) equipment and tactics development and testing; and

(D) other defense-related purposes consistent with the purposes specified in this paragraph.

(3) LAND DESCRIPTION.—The public lands and interests in lands withdrawn and reserved by this subsection comprise approximately 1,650,200 acres of land in Maricopa, Pima, and Yuma Counties, Arizona, as generally depicted on the map entitled "Barry M. Goldwater Range Land Withdrawal", dated June 17, 1999, and filed in accordance with section 3033.

(4) TERMINATION OF CURRENT WITHDRAWAL.—Except as otherwise provided in section 3032, as to the lands withdrawn by section 1(c) of the Military Lands Withdrawal Act of 1986 (Public Law 99–606), but not withdrawn for military purposes by this section, the withdrawal of such lands under that Act shall not terminate until after November 6, 2001, or until the relinquishment by the Secretary of the Air Force of such lands is accepted by the Secretary of the Interior. The withdrawal under that Act with respect to the Cabeza Prieta National Wildlife Refuge shall terminate on the date of the enactment of this Act.

(5) CHANGES IN USE.—The Secretary of the Navy and the Secretary of the Air Force shall consult with the Secretary of the Interior before using the lands withdrawn and reserved by this section for any purpose other than the purposes specified in paragraph (2).

(6) INDIAN TRIBES.—Nothing in this section shall be construed as altering any rights reserved for Indians by treaty or Federal law.

(7) STUDY.—(A) The Secretary of the Interior, in coordination with the Secretary of Defense, shall conduct a study of the lands referred to in subparagraph (C) that have important aboriginal, cultural, environmental, or archaeological significance in order to determine the appropriate method to manage and protect such lands following relinquishment of such lands by the Secretary of the Air Force. The study shall consider whether such lands can be better managed by the Federal Government or through conveyance of such lands to another appropriate entity.

(B) In carrying out the study required by subparagraph (A), the Secretary of the Interior shall work with the affected tribes and other Federal and State agencies having experience and knowledge of the matters covered by the study, including all applicable laws relating to the management of the resources referred to in subparagraph (A) on the lands referred to in that subparagraph.

(C) The lands referred to in subparagraph (A) are four tracts of land currently included within the military land withdrawal for the Barry M. Goldwater Air Force Range in the State of Arizona, but that have been identified by the Air Force as unnecessary for military purposes in the Air Force's Draft Legislative Environmental Impact Statement, dated September 1998, and are depicted in figure 2–1 at page 2–7 of such statement, as amended by figure A at page 177 of volume 2 of the Air Force's Final Legislative Environmental Impact Statement, dated March 1999, as the following:

(i) Area 1 (the Sand Tank Mountains) containing approximately 83,554 acres.

(ii) Area 9 (the Sentinel Plain) containing approximately 24,756 acres.

(iii) Area 13 (lands surrounding the Ajo Airport) containing approximately 2,779 acres.

(iv) Interstate 8 Vicinity Non-renewal Area containing approximately 1,090 acres.

(D) Not later than one year after the date of the enactment of this Act, the Secretary of the Interior shall submit to Congress a report containing the results of the study required by subparagraph (A). Deadline.

(b) MANAGEMENT OF WITHDRAWN AND RESERVED LANDS.—

(1) GENERAL MANAGEMENT AUTHORITY.—(A) During the period of the withdrawal and reservation of lands by this section, the Secretary of the Navy and the Secretary of the Air Force shall manage the lands withdrawn and reserved by this section for the military purposes specified in this section, and in accordance with the integrated natural resource management plan prepared pursuant to paragraph (3).

(B) Responsibility for the natural and cultural resources management of the lands referred to in subparagraph (A), and the enforcement of Federal laws related thereto, shall not transfer under that subparagraph before the earlier of—

(i) the date on which the integrated natural resources management plan required by paragraph (3) is completed; or

(ii) November 6, 2001.

(C) The Secretary of the Interior may, if appropriate, transfer responsibility for the natural and cultural resources of the lands referred to in subparagraph (A) to the Department of the Interior pursuant to paragraph (7).

(2) ACCESS RESTRICTIONS.—(A) If the Secretary of the Navy or the Secretary of the Air Force determines that military operations, public safety, or national security require the closure to the public of any road, trail, or other portion of lands withdrawn and reserved by this section, the Secretary of the Navy or the Secretary of the Air Force may take such action as the Secretary of the Navy or the Secretary of the Air Force determines necessary or desirable to effect and maintain such closure.

(B) Any closure under this paragraph shall be limited to the minimum areas and periods that the Secretary of the Navy or the Secretary of the Air Force determines are required for the purposes specified in subparagraph (A).

(C) Before any nonemergency closure under this paragraph not specified in the integrated natural resources management

plan required by paragraph (3), the Secretary of the Navy or the Secretary of the Air Force shall consult with the Secretary of the Interior and, where such closure may affect tribal lands, treaty rights, or sacred sites, the Secretary of the Navy or the Secretary of the Air Force shall consult, at the earliest practicable time, with affected Indian tribes.

(D) Immediately before and during any closure under this paragraph, the Secretary of the Navy or the Secretary of the Air Force shall post appropriate warning notices and take other steps, as necessary, to notify the public of such closure.

(3) INTEGRATED NATURAL RESOURCES MANAGEMENT PLAN.—

Deadline.

(A) Not later than two years after the date of the enactment of this Act, the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Interior shall jointly prepare an integrated natural resources management plan for the lands withdrawn and reserved by this section.

(B) The Secretary of the Navy and the Secretary of the Interior may jointly prepare a separate plan pursuant to this paragraph.

(C) Any disagreement concerning the contents of a plan under this paragraph, or any subsequent amendments to the plan, shall be resolved by the Secretary of the Navy for the West Range and the Secretary of the Air Force for the East Range, after consultation with the Secretary of the Interior through the State Director, Bureau of Land Management and, as appropriate, the Regional Director, United States Fish and Wildlife Service. This authority may be delegated to the installation commanders.

(D) Any plan under this paragraph shall be prepared and implemented in accordance with the Sikes Act (16 U.S.C. 670 et seq.) and the requirements of this section.

(E) A plan under this paragraph for lands withdrawn and reserved by this section shall—

(i) include provisions for proper management and protection of the natural and cultural resources of such lands, and for sustainable use by the public of such resources to the extent consistent with the military purposes for which such lands are withdrawn and reserved by this section;

(ii) be developed in consultation with affected Indian tribes and include provisions that address how the Secretary of the Navy and the Secretary of the Air Force intend to—

(I) meet the trust responsibilities of the United States with respect to Indian tribes, lands, and rights reserved by treaty or Federal law affected by the withdrawal and reservation;

(II) allow access to and ceremonial use of sacred sites to the extent consistent with the military purposes for which such lands are withdrawn and reserved; and

(III) provide for timely consultation with affected Indian tribes;

(iii) provide that any hunting, fishing, and trapping on such lands be conducted in accordance with the provisions of section 2671 of title 10, United States Code;

(iv) provide for continued livestock grazing and agricultural out-leasing where it currently exists in accordance with the provisions of section 2667 of title 10, United States Code, and at the discretion of the Secretary of the Navy or the Secretary of the Air Force, as the case may be;

(v) identify current test and target impact areas and related buffer or safety zones;

(vi) provide that the Secretary of the Navy and the Secretary of the Air Force—

(I) shall take necessary actions to prevent, suppress, and manage brush and range fires occurring within the boundaries of the Barry M. Goldwater Range, as well as brush and range fires occurring outside the boundaries of the Barry M. Goldwater Range resulting from military activities; and

(II) may obligate funds appropriated or otherwise available to the Secretaries to enter into memoranda of understanding, and cooperative agreements that shall reimburse the Secretary of the Interior for costs incurred under this clause;

(vii) provide that all gates, fences, and barriers constructed on such lands after the date of the enactment of this Act be designed and erected to allow wildlife access, to the extent practicable and consistent with military security, safety, and sound wildlife management use;

(viii) incorporate any existing management plans pertaining to such lands, to the extent that the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Interior, upon reviewing such plans, mutually determine that incorporation of such plans into a plan under this paragraph is appropriate;

(ix) include procedures to ensure that the periodic reviews of the plan under the Sikes Act are conducted jointly by the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Interior, and that affected States and Indian tribes, and the public, are provided a meaningful opportunity to comment upon any substantial revisions to the plan that may be proposed; and

(x) provide procedures to amend the plan as necessary.

(4) MEMORANDA OF UNDERSTANDING AND COOPERATIVE AGREEMENTS.—(A) The Secretary of the Navy and the Secretary of the Air Force may enter into memoranda of understanding or cooperative agreements with the Secretary of the Interior or other appropriate Federal, State, or local agencies, Indian tribes, or other public or private organizations or institutions for purposes of implementing an integrated natural resources management plan prepared under paragraph (3).

(B) Any memorandum of understanding or cooperative agreement under subparagraph (A) affecting integrated natural resources management may be combined, where appropriate, with any other memorandum of understanding or cooperative agreement entered into under this subtitle, and shall not be subject to the provisions of chapter 63 of title 31, United States Code.

(5) PUBLIC REPORTS.—(A)(i) Concurrent with each review of the integrated natural resources management plan under paragraph (3) pursuant to subparagraph (E)(ix) of that paragraph, the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Interior shall jointly prepare and issue a report describing changes in the condition of the lands withdrawn and reserved by this section from the later of the date of any previous report under this paragraph or the date of the environmental impact statement prepared to support this section.

(ii) Any report under clause (i) shall include a summary of current military use of the lands referred to in that clause, any changes in military use of the lands since the previous report, and efforts related to the management of natural and cultural resources and environmental remediation of the lands during the previous five years.

(iii) Any report under this subparagraph may be combined with any report required by the Sikes Act.

(iv) Any disagreements concerning the contents of a report under this subparagraph shall be resolved by the Secretary of the Navy and the Secretary of the Air Force. This authority may be delegated to the installation commanders.

(B)(i) Before the finalization of any report under this paragraph, the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Interior shall invite interested members of the public to review and comment on the report, and shall hold at least one public meeting concerning the report in a location or locations reasonably accessible to persons who may be affected by management of the lands addressed by the report.

Federal Register, publication.

(ii) Each public meeting under clause (i) shall be announced not less than 15 days before the date of the meeting by advertisements in local newspapers of general circulation, publication of an announcement in the Federal Register, and any other means considered necessary.

(C) The final version of any report under this paragraph shall be made available to the public and submitted to appropriate committees of Congress.

Deadline.

(6) INTERGOVERNMENTAL EXECUTIVE COMMITTEE.—(A) Not later than two years after the date of the enactment of this Act, the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Interior shall, by memorandum of understanding, establish an intergovernmental executive committee comprised of selected representatives from interested Federal agencies, as well as at least one elected officer (or other authorized representative) from State government and at least one elected officer (or other authorized representative) from each local and tribal government as may be designated at the discretion of the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Interior.

(B) The intergovernmental executive committee shall be established solely for the purpose of exchanging views, information, and advice relating to the management of the natural and cultural resources of the lands withdrawn and reserved by this section.

(C) The intergovernmental executive committee shall operate in accordance with the terms set forth in the memorandum of understanding under subparagraph (A), which shall specify the Federal agencies and elected officers or representatives of State, local, and tribal governments to be invited to participate.

(D) The memorandum of understanding under subparagraph (A) shall establish procedures for creating a forum for exchanging views, information, and advice relating to the management of natural and cultural resources on the lands concerned, procedures for rotating the chair of the intergovernmental executive committee, and procedures for scheduling regular meetings.

(E) The Secretary of the Navy and the Secretary of the Air Force shall, in consultation with the Secretary of the Interior, appoint an individual to serve as coordinator of the intergovernmental executive committee. The duties of the coordinator shall be included in the memorandum of understanding under subparagraph (A). The coordinator shall not be a member of the committee.

(7) TRANSFER OF MANAGEMENT RESPONSIBILITY.—(A)(i) If the Secretary of the Interior determines that the Secretary of the Navy or the Secretary of the Air Force has failed to manage lands withdrawn and reserved by this section for military purposes in accordance with the integrated natural resource management plan for such lands under paragraph (3), and that failure to do so is resulting in significant and verifiable degradation of the natural or cultural resources of such lands, the Secretary of the Interior shall give the Secretary of the Navy or the Secretary of the Air Force, as the case may be, written notice of such determination, a description of the deficiencies in management practices by the Secretary of the Navy or the Secretary of the Air Force, as the case may be, and an explanation of the methodology employed in reaching the determination.

(ii) Not later than 60 days after the date a notification under clause (i) is received, the Secretary of the Navy or the Secretary of the Air Force, as the case may be, shall submit a response to the Secretary of the Interior, which response may include a plan of action for addressing any deficiencies identified in the notice in the conduct of management responsibility and for preventing further significant degradation of the natural or cultural resources of the lands concerned. Deadline.

(iii) If, not earlier than three months after the date a notification under clause (i) is received, the Secretary of the Interior determines that deficiencies identified in the notice are not being corrected, and that significant and verifiable degradation of the natural or cultural resources of the lands concerned is continuing, the Secretary of the Interior may, not earlier than 90 days after the date on which the Secretary of the Interior submits to the committees referred to in section 3032(d)(3) notice and a report on the determination, transfer management responsibility for the natural and cultural resources of such lands from the Secretary of the Navy or the Secretary of the Air Force, as the case may be, to the Secretary of the Interior in accordance with a schedule for such transfer established by the Secretary of the Interior.

(B) After a transfer of management responsibility pursuant to subparagraph (A), the Secretary of the Interior may transfer management responsibility back to the Secretary of the Navy or the Secretary of the Air Force if the Secretary of the Interior determines that adequate procedures and plans have been established to ensure that the lands concerned will be adequately managed by the Secretary of the Navy or the Secretary of the Air Force, as the case may be, in accordance with the integrated natural resources management plan for such lands under paragraph (3).

(C) For any period during which the Secretary of the Interior has management responsibility under this paragraph for lands withdrawn and reserved by this section, the integrated natural resources management plan for such lands under paragraph (3), including any amendments to the plan, shall remain in effect, pending the development of a management plan prepared pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), in cooperation with the Secretary of the Navy or the Secretary of the Air Force.

(D) Assumption by the Secretary of the Interior pursuant to this paragraph of management responsibility for the natural and cultural resources of lands shall not affect the use of such lands for military purposes, and the Secretary of the Navy or the Secretary of the Air Force, as the case may be, shall continue to direct military activities on such lands.

(8) PAYMENT FOR SERVICES.—The Secretary of the Navy and the Secretary of the Air Force shall assume all costs for implementation of an integrated natural resources management plan under paragraph (3), including payment to the Secretary of the Interior under section 1535 of title 31, United States Code, for any costs the Secretary of the Interior incurs in providing goods or services to assist the Secretary of the Navy or the Secretary of the Air Force, as the case may be, in the implementation of the integrated natural resources management plan.

(9) DEFINITIONS.—In this subsection:

(A) The term "Indian tribe" means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479 et seq.).

(B) The term "sacred site" means any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or its designee, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion, but only to the extent that the tribe or its designee, has informed the Secretary of the Navy or the Secretary of the Air Force of the existence of such site. Neither the Secretary of the Department of Defense, the Secretary of the Navy, the Secretary of the Air Force, nor the Secretary of the Interior shall be required under section 552 of title 5, United States Code, to make available to the public any information concerning the location, character, or use of any traditional Indian religious or sacred site located on lands withdrawn and reserved by this subsection.

(c) ENVIRONMENTAL REQUIREMENTS.—

(1) DURING WITHDRAWAL AND RESERVATION.—Throughout the duration of the withdrawal and reservation of lands by this section, including the duration of any renewal or extension, and with respect both to the activities undertaken by the Secretary of the Navy and the Secretary of the Air Force on such lands and to all activities occurring on such lands during such times as the Secretary of the Navy and the Secretary of the Air Force may exercise management jurisdiction over such lands, the Secretary of the Navy and the Secretary of the Air Force shall—

(A) be responsible for and pay all costs related to the compliance of the Department of the Navy or the Department of the Air Force, as the case may be, with applicable Federal, State, and local environmental laws, regulations, rules, and standards;

(B) carry out and maintain in accordance with the requirements of all regulations, rules, and standards issued by the Department of Defense pursuant to chapter 160 of title 10, United States Code, relating to the Defense Environmental Restoration Program, the joint board on ammunition storage established under section 172 of that title, and Executive Order No. 12580, a program to address—

(i) any release or substantial threat of release attributable to military munitions (including unexploded ordnance) and other constituents; and

(ii) any release or substantial threat of release, regardless of its source, occurring on or emanating from such lands during the period of withdrawal and reservation; and

(C) provide to the Secretary of the Interior a copy of any report prepared by the Secretary of the Navy or the Secretary of the Air Force, as the case may be, pursuant to any Federal, State, or local environmental law, regulation, rule, or standard.

(2) BEFORE RELINQUISHMENT OR TERMINATION.—

(A) ENVIRONMENTAL REVIEW.—(i) Upon notifying the Secretary of the Interior that the Secretary of the Navy or the Secretary of the Air Force intends, pursuant to subsection (f), to relinquish jurisdiction over lands withdrawn and reserved by this section, the Secretary of the Navy or the Secretary of the Air Force shall provide to the Secretary of the Interior an environmental baseline survey, military range assessment, or other environmental review characterizing the environmental condition of the land, air, and water resources affected by the activities undertaken by the Secretary of the Navy or the Secretary of the Air Force, as the case may be, on and over such lands.

(ii) If hazardous substances were stored for one year or more, known to have been released or disposed of, or if a substantial threat of release exists, on lands referred to in clause (i), any environmental review under that clause shall include notice of the type and quantity of such hazardous substances and notice of the time during which such storage, release, substantial threat of release, or disposal took place.

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(B) MEMORANDUM OF UNDERSTANDING.—(i) In addition to any other requirements under this section, the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Interior may enter into a memorandum of understanding to implement the environmental remediation requirements of this section.

(ii) The memorandum of understanding under clause (i) may include appropriate, technically feasible, and mutually acceptable cleanup standards that the concerned Secretaries believe environmental remediation activities shall achieve and a schedule for completing cleanup activities to meet such standards.

(iii) Cleanup standards under clause (ii) shall be consistent with any legally applicable or relevant and appropriate standard, requirement, criteria, or limitation otherwise required by law.

(C) ENVIRONMENTAL REMEDIATION.—With respect to lands to be relinquished pursuant to subsection (f), the Secretary of the Navy or the Secretary of the Air Force shall take all actions necessary to address any release or substantial threat of release, regardless of its source, occurring on or emanating from such lands during the period of withdrawal and reservation under this section. To the extent practicable, all such response actions shall be taken before the termination of the withdrawal and reservation of such lands under this section.

(D) CONSULTATION.—If the Secretary of the Interior accepts the relinquishment of jurisdiction over any lands withdrawn and reserved by this section before all necessary response actions under this section have been completed, the Secretary of the Interior shall consult with the Secretary of the Navy or the Secretary of the Air Force, as the case may be, before undertaking or authorizing any activities on such lands that may affect existing releases, interfere with the installation, maintenance, or operation of any response action, or expose any person to a safety or health risk associated with either the releases or the response action being undertaken.

(3) RESPONSIBILITY AND LIABILITY.—(A) The Secretary of the Navy and the Secretary of the Air Force, and not the Secretary of the Interior, shall be responsible for and conduct the necessary remediation of all releases or substantial threats of release, whether located on or emanating from lands withdrawn and reserved by this section, and whether known at the time of relinquishment or termination or subsequently discovered, attributable to management of the lands withdrawn and reserved by this section by the Secretary of the Navy or the Secretary of the Air Force, as the case may be, or the use, management, storage, release, treatment, or disposal of hazardous materials, hazardous substances, hazardous wastes, pollutants, contaminants, petroleum products and their derivatives, military munitions, or other constituents on such lands by the Secretary of the Navy or the Secretary of the Air Force, as the case may be.

(B) Responsibility under subparagraph (A) shall include liability for any costs or claims asserted against the United States for activities referred to in that subparagraph.

(C) Nothing in this paragraph is intended to prevent the United States from bringing a cost recovery, contribution, or other action against third persons or parties the Secretary of the Navy or the Secretary of the Air Force reasonably believes may have contributed to a release or substantial threat of release.

(4) OTHER FEDERAL AGENCIES.—If the Secretary of the Navy or the Secretary of the Air Force delegates responsibility or jurisdiction to another Federal agency over, or permits another Federal agency to operate on, lands withdrawn and reserved by this section, the agency shall assume all responsibility and liability described in paragraph (3) for their activities with respect to such lands.

(5) DEFINITIONS.—In this subsection:

(A)(i) The term "military munitions"—

(I) means all ammunition products and components produced or used by or for the Department of Defense or the Armed Services for national defense and security, including military munitions under the control of the Department of Defense, the Coast Guard, the Department of Energy, and National Guard personnel;

(II) includes confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by and for Department of Defense components, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components thereof; and

(III) includes nonnuclear components of nuclear devices managed under the nuclear weapons program of the Department of Energy after all required sanitization operations under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) have been completed.

(ii) The term does not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components thereof.

(B) The term "unexploded ordnance" means military munitions that have been primed, fused, armed, or otherwise prepared for action, and have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard or potential hazard, to operations, installation, personnel, or material, and remain unexploded either by malfunction, design, or other cause.

(C) The term "other constituents" means potentially hazardous compounds, mixtures, or elements that are released from military munitions or unexploded ordnance or result from other activities on military ranges.

(d) DURATION OF WITHDRAWAL AND RESERVATIONS.—

(1) IN GENERAL.—Unless extended pursuant to subsection (e), the withdrawal and reservation of lands by this section shall terminate 25 years after the date of the enactment of this Act, except as otherwise provided in subsection (f)(4).

(2) OPENING.—On the date of the termination of the withdrawal and reservation of lands by this section, such lands shall not be open to any form of appropriation under the general land laws, including the mining laws and the mineral leasing and geothermal leasing laws, until the Secretary of the Interior publishes in the Federal Register an appropriate order stating the date upon which such lands shall be restored to the public domain and opened.

(e) EXTENSION OF INITIAL WITHDRAWAL AND RESERVATION.—

(1) IN GENERAL.—Not later than three years before the termination date of the initial withdrawal and reservation of lands by this section, the Secretary of the Navy and the Secretary of the Air Force shall notify Congress and the Secretary of the Interior concerning whether the Navy or Air Force, as the case may be, will have a continuing military need, after such termination date, for all or any portion of such lands.

(2) DUTIES REGARDING CONTINUING MILITARY NEED.—(A) If the Secretary of the Navy or the Secretary of the Air Force determines that there will be a continuing military need for any lands withdrawn by this section, the Secretary of the Navy or the Secretary of the Air Force, as the case may be, shall—

(i) consult with the Secretary of the Interior concerning any adjustments to be made to the extent of, or to the allocation of management responsibility for, such lands; and

(ii) file with the Secretary of the Interior, not later than one year after the notice required by paragraph (1), an application for extension of the withdrawal and reservation of such lands.

(B) The general procedures of the Department of the Interior for processing Federal Land withdrawals notwithstanding, any application for extension under this paragraph shall be considered complete if it includes the following:

(i) The information required by section 3 of the Engle Act (43 U.S.C. 157), except that no information shall be required concerning the use or development of mineral, timber, or grazing resources unless, and to the extent, the Secretary of the Navy or the Secretary of the Air Force proposes to use or develop such resources during the period of extension.

(ii) A copy of the most recent public report prepared in accordance with subsection (b)(5).

Deadline.

(3) LEGISLATIVE PROPOSALS.—The Secretary of the Interior, the Secretary of the Navy, and the Secretary of the Air Force shall ensure that any legislative proposal for the extension of the withdrawal and reservation of lands under this section is submitted to Congress not later than May 1 of the year preceding the year in which the existing withdrawal and reservation would otherwise terminate under this section.

(f) TERMINATION AND RELINQUISHMENT.—

Deadline.

(1) NOTICE OF INTENT TO RELINQUISH.—At any time during the withdrawal and reservation of lands under this section, but not later than three years before the termination of the withdrawal and reservation, if the Secretary of the Navy or the Secretary of the Air Force determines that there is no

continuing military need for lands withdrawn and reserved by this section, or any portion of such lands, the Secretary of the Navy or the Secretary of the Air Force, as the case may be, shall notify the Secretary of the Interior of an intent to relinquish jurisdiction over such lands, which notice shall specify the proposed date of relinquishment.

(2) AUTHORITY TO ACCEPT RELINQUISHMENT.—The Secretary of the Interior may accept jurisdiction over any lands covered by a notice of intent to relinquish jurisdiction under this subsection if the Secretary of the Interior determines that the Secretary of the Navy or the Secretary of the Air Force has taken the environmental response actions required under this section.

(3) ORDER.—If the Secretary of the Interior accepts jurisdiction over lands covered by a notice of intent to relinquish jurisdiction under this subsection before the termination date of the withdrawal and reservation of such lands under this section, the Secretary of the Interior shall publish in the Federal Register an appropriate order that shall— Federal Register, publication.

(A) terminate the withdrawal and reservation of such lands under this section;

(B) constitute official acceptance of administrative jurisdiction over such lands by the Secretary of the Interior; and

(C) state the date upon which such lands shall be opened to the operation of the general land laws, including the mining laws and the mineral leasing and geothermal leasing laws, if appropriate.

(4) JURISDICTION PENDING RELINQUISHMENT.—(A) Notwithstanding the termination date, unless and until the Secretary of the Interior accepts jurisdiction of land proposed for relinquishment under this subsection, or until the Administrator of General Services accepts jurisdiction of such lands under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 251 et seq.), such lands shall remain under the jurisdiction of the Secretary of the Navy or the Secretary of the Air Force, as the case may be, for the limited purposes of—

(i) environmental response actions under this section; and

(ii) continued land management responsibilities pursuant to the integrated natural resources management plan for such lands under subsection (b)(3).

(B) For any land that the Secretary of the Interior determines to be suitable for return to the public domain, but does not agree with the Secretary of the Navy or the Secretary of the Air Force that all necessary environmental response actions under this section have been taken, the Secretary of the Navy or the Secretary of the Air Force, as the case may be, and the Secretary of the Interior shall resolve the dispute in accordance with any applicable dispute resolution process.

(C) For any land that the Secretary of the Interior determines to be unsuitable for return to the public domain, the Secretary of the Interior shall immediately notify the Administrator of General Services.

(5) SCOPE OF FUNCTIONS.—All functions described under this subsection, including transfers, relinquishes, extensions,

and other determinations, may be made on a parcel-by-parcel basis.

(g) DELEGATIONS OF FUNCTIONS.—The functions of the Secretary of the Interior under this section may be delegated, except that the following determinations and decisions may be approved and signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, an Assistant Secretary of the Interior, or the Director, Bureau of Land Management:

(1) Decisions to accept transfer, relinquishment, or jurisdiction of lands under this section and to open such lands to operation of the public land laws.

(2) Decisions to transfer management responsibility from or to a military department pursuant to subsection (b)(7).

SEC. 3032. MILITARY USE OF CABEZA PRIETA NATIONAL WILDLIFE REFUGE AND CABEZA PRIETA WILDERNESS.

(a) FINDINGS.—Congress makes the following findings:

(1) The historic use of the areas designated as the Cabeza Prieta National Wildlife Refuge and the Cabeza Prieta Wilderness by the Marine Corps and the Air Force has been integral to the effective operation of the Barry M. Goldwater Air Force Range.

(2) Continued use of the Cabeza Prieta National Wildlife Refuge and Cabeza Prieta Wilderness by the Marine Corps and the Air Force to support military aviation training will remain necessary to ensure the readiness of the Armed Forces.

(3) The historic use of the Cabeza Prieta National Wildlife Refuge and Cabeza Prieta Wilderness by the Marine Corps and the Air Force has coexisted for many years with the wildlife conservation and wilderness purposes for which the refuge and wilderness were established.

(4) The designation of the Cabeza Prieta National Wildlife Refuge and the Cabeza Prieta Wilderness recognizes the area as one of our nation's most ecologically and culturally valuable areas.

(b) MANAGEMENT AND USE OF REFUGE AND WILDERNESS.—

(1) IN GENERAL.—The Secretary of the Interior, in coordination with the Secretary of the Navy and the Secretary of the Air Force, shall manage the Cabeza Prieta National Wildlife Refuge and Cabeza Prieta Wilderness—

(A) for the purposes for which the refuge and wilderness were established; and

(B) to support current and future military aviation training needs consistent with the November 21, 1994, memorandum of understanding among the Department of the Interior, the Department of the Navy, and the Department of the Air Force, including any extension or other amendment of such memorandum of understanding under this section.

(2) CONSTRUCTION.—Except as otherwise provided in this section, nothing in this subtitle shall be construed to effect the following:

(A) The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) or any other law related to management of the National Wildlife Refuge System.

(B) Any Executive order or public land order in effect on the date of the enactment of this Act with respect to the Cabeza Prieta National Wildlife Refuge.

(c) EXTENSION OF MEMORANDUM OF UNDERSTANDING.—The Secretary of the Interior, the Secretary of the Navy, and the Secretary of the Air Force shall extend the memorandum of understanding referred to in subsection (b)(1)(B). The memorandum of understanding shall be extended for a period that coincides with the duration of the withdrawal and reservation of the Barry M. Goldwater Air Force Range made by section 3031.

(d) OTHER AMENDMENTS OF MEMORANDUM OF UNDERSTANDING.—

(1) AMENDMENTS TO MEET MILITARY AVIATION TRAINING NEEDS.—(A) When determined by the Secretary of the Navy or the Secretary of the Air Force to be essential to support military aviation training, the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Interior shall negotiate amendments to the memorandum of understanding referred to in subsection (b)(1)(B) in order—

(i) to revise existing or establish new low-level training routes or to otherwise accommodate low-level overflight;

(ii) to establish new or enlarged areas closed to public use as surface safety zones; or

(iii) to accommodate the maintenance, upgrade, replacement, or installation of existing or new associated ground instrumentation.

(B) Any amendment of the memorandum of understanding shall be consistent with the responsibilities under law of the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Interior, respectively.

(C) As provided by the existing provisions of the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105–57) and the Arizona Desert Wilderness Act of 1990 (Public Law 101–628), amendments to the memorandum of understanding to revise existing or establish new low-level training routes or to otherwise accommodate low-level overflight are not subject to compatibility determinations nor precluded by the designation of lands within the Cabeza Prieta National Wildlife Refuge as wilderness.

(D) Amendments to the memorandum of understanding with respect to the upgrade or replacement of existing associated ground instrumentation or the installation of new associated ground instrumentation shall not be precluded by the existing designation of lands within the Cabeza Prieta National Wildlife Refuge as wilderness to the extent that the Secretary of the Interior, after consultation with the Secretary of the Navy and the Secretary of the Air Force, determines that such actions, considered both individually and cumulatively, create similar or less impact than the existing ground instrumentation permitted by the Arizona Desert Wilderness Act of 1990.

(2) OTHER AMENDMENTS.—The Secretary of the Interior, the Secretary of the Navy, or the Secretary of the Air Force may initiate renegotiation of the memorandum of understanding at any time to address other needed changes, and the memorandum of understanding may be amended to

accommodate such changes by the mutual consent of the parties consistent with their respective responsibilities under law.

(3) EFFECTIVE DATE OF AMENDMENTS.—Amendments to the memorandum of understanding shall take effect 90 days after the date on which the Secretary of the Interior submits notice of such amendments to the Committees on Environment and Public Works, Energy and Natural Resources, and Armed Services of the Senate and the Committees on Resources and Armed Services of the House of Representatives.

(e) ACCESS RESTRICTIONS.—If the Secretary of the Navy or the Secretary of the Air Force determines that military operations, public safety, or national security require the closure to the public of any road, trail, or other portion of the Cabeza Prieta National Wildlife Refuge or the Cabeza Prieta Wilderness, the Secretary of the Interior shall take such action as is determined necessary or desirable to effect and maintain such closure, including agreeing to amend the memorandum of understanding to establish new or enhanced surface safety zones.

(f) STATUS OF CONTAMINATED LANDS.—

(1) DECONTAMINATION.—Throughout the duration of the withdrawal of the Barry M. Goldwater Range under section 3031, the Secretary of the Navy and the Secretary of the Air Force shall, to the extent that funds are made available for such purpose, carry out a program of decontamination of the portion of the Cabeza Prieta National Wildlife Refuge and the Cabeza Prieta Wilderness used for military training purposes that maintains a level of cleanup of such lands equivalent to the level of cleanup of such lands as of the date of the enactment of this Act. Any environmental contamination of the Cabeza Prieta National Wildlife Refuge or the Cabeza Prieta Wilderness caused or contributed to by the Department of the Navy or the Department of the Air Force shall be the responsibility of the Department of the Navy or the Department of the Air Force, respectively, and not the responsibility of the Department of the Interior.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed as constituting or effecting a relinquishment within the meaning of section 8 of the Military Lands Withdrawal Act of 1986 (Public Law 99–606).

SEC. 3033. MAPS AND LEGAL DESCRIPTION.

(a) PUBLICATION AND FILING.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall—

Federal Register, publication.

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this subtitle; and

(2) file maps and the legal description of the lands withdrawn and reserved by this subtitle with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(b) TECHNICAL CORRECTIONS.—Such maps and legal description shall have the same force and effect as if included in this subtitle, except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal description.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of such maps and legal descriptions shall be available for public inspection in

the offices of the Director and appropriate State Directors and field office managers of the Bureau of Land Management, the office of the commander, Luke Air Force Base, Arizona, the office of the commander, Marine Corps Air Station, Yuma, Arizona, and the Office of the Secretary of Defense.

(d) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior in implementing this section.

(e) DELEGATIONS.—

(1) MILITARY DEPARTMENTS.—The functions of the Secretary of Defense, or of the Secretary of a military department, under this section may be delegated.

(2) DEPARTMENT OF INTERIOR.—The functions of the Secretary of the Interior under this section may be delegated.

SEC. 3034. WATER RIGHTS.

Nothing in this subtitle shall be construed to establish a reservation to the United States with respect to any water or water right on lands covered by section 3031 or 3032. No provision of this subtitle shall be construed as authorizing the appropriation of water on lands covered by section 3031 or 3032 by the United States after the date of the enactment of this Act, except in accordance with the law of the State in which such lands are located. This section shall not be construed to affect water rights acquired by the United States before the date of the enactment of this Act.

SEC. 3035. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on lands withdrawn by this subtitle shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code, except that hunting, fishing, and trapping within the Cabeza Prieta National Wildlife Refuge shall be conducted in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), the Recreation Use of Wildlife Areas Act of 1969 (16 U.S.C. 460k et seq.), and other laws applicable to the National Wildlife Refuge System.

SEC. 3036. USE OF MINERAL MATERIALS.

Notwithstanding any other provision of this subtitle or the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601 et seq.), the Secretary of the military department concerned may use sand, gravel, or similar mineral material resources of the type subject to disposition under that Act from lands withdrawn and reserved by this subtitle if use of such resources is required for construction needs on such lands.

SEC. 3037. IMMUNITY OF UNITED STATES.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injuries or damages to persons or property suffered in the course of any mining or mineral or geothermal leasing activity conducted on lands covered by section 3031.

Subtitle C—Authorization of Appropriations

SEC. 3041. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. Weapons activities.
Sec. 3102. Defense environmental restoration and waste management.
Sec. 3103. Other defense activities.
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Subtitle B—Recurring General Provisions

Sec. 3121. Reprogramming.
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Sec. 3127. Funds available for all national security programs of the Department of Energy.
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Subtitle C—Program Authorizations, Restrictions, and Limitations

Sec. 3131. Prohibition on use of funds for certain activities under formerly utilized site remedial action program.
Sec. 3132. Continuation of processing, treatment, and disposition of legacy nuclear materials.
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Sec. 3135. Independent cost estimate of accelerator production of tritium.
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Subtitle D—Matters Relating to Safeguards, Security, and Counterintelligence

Sec. 3141. Short title.
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Subtitle E—Matters Relating to Personnel

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Subtitle F—Other Matters

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Sec. 3172. Integrated fissile materials management plan.
Sec. 3173. Identification in budget materials of amounts for declassification activities and limitation on expenditures for such activities.
Sec. 3174. Sense of Congress regarding technology transfer coordination for Department of Energy national laboratories.
Sec. 3175. Pilot program for project management oversight regarding Department of Energy construction projects.
Sec. 3176. Pilot program of Department of Energy to authorize use of prior year unobligated balances for accelerated site cleanup at Rocky Flats Environmental Technology Site, Colorado.
Sec. 3177. Proposed schedule for shipments of waste from Rocky Flats Environmental Technology Site, Colorado, to Waste Isolation Pilot Plant, New Mexico.
Sec. 3178. Comptroller General report on closure of Rocky Flats Environmental Technology Site, Colorado.
Sec. 3179. Extension of review of Waste Isolation Pilot Plant, New Mexico.

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for weapons activities in carrying out programs necessary for national security in the amount of $4,489,995,000, to be allocated as follows:

(1) STOCKPILE STEWARDSHIP.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of $2,252,300,000, to be allocated as follows:

(A) For core stockpile stewardship, $1,743,500,000, to be allocated as follows:

(i) For operation and maintenance, $1,610,355,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $133,145,000, to be allocated as follows:

Project 00–D–103, terascale simulation facility, Lawrence Livermore National Laboratory, Livermore, California, $8,000,000.

Project 00–D–105, strategic computing complex, Los Alamos National Laboratory, Los Alamos, New Mexico, $26,000,000.

Project 00–D–107, joint computational engineering laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $1,800,000.

Project 99–D–102, rehabilitation of maintenance facility, Lawrence Livermore National Laboratory, Livermore, California, $3,900,000.

Project 99–D–103, isotope sciences facilities, Lawrence Livermore National Laboratory, Livermore, California, $2,000,000.

Project 99–D–104, protection of real property (roof reconstruction, Phase II), Lawrence Livermore National Laboratory, Livermore, California, $2,400,000.

Project 99–D–105, central health physics calibration facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 99–D–106, model validation and system certification test center, Sandia National Laboratories, Albuquerque, New Mexico, $6,500,000.

Project 99–D–108, renovate existing roadways, Nevada Test Site, Nevada, $7,005,000.

Project 97–D–102, dual-axis radiographic hydrotest facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $61,000,000.

Project 96–D–102, stockpile stewardship facilities revitalization, Phase VI, various locations, $2,640,000.

Project 96–D–104, processing and environmental technology laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $10,900,000.

(B) For inertial fusion, $475,700,000, to be allocated as follows:

(i) For operation and maintenance, $227,600,000.

(ii) For the following plant project (including maintenance, restoration, planning, construction, acquisition, and modification of facilities, and land acquisition related thereto), $248,100,000, to be allocated as follows:

Project 96–D–111, national ignition facility, Lawrence Livermore National Laboratory, Livermore, California, $248,100,000.

(C) For technology partnership and education, $33,100,000, of which $14,500,000 shall be allocated for technology partnership and $18,600,000 shall be allocated for education.

(2) STOCKPILE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of $2,023,300,000, to be allocated as follows:

(A) For operation and maintenance, $1,864,621,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $158,679,000, to be allocated as follows:

Project 99–D–122, rapid reactivation, various locations, $11,700,000.

Project 99–D–127, stockpile management restructuring initiative, Kansas City Plant, Kansas City, Missouri, $17,000,000.

Project 99–D–128, stockpile management restructuring initiative, Pantex Plant consolidation, Amarillo, Texas, $3,429,000.

Project 99–D–132, stockpile management restructuring initiative, nuclear material safeguards and security upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $11,300,000.

Project 98–D–123, stockpile management restructuring initiative, tritium facility modernization and consolidation, Savannah River Plant, Aiken, South Carolina, $21,800,000.

Project 98–D–124, stockpile management restructuring initiative, Y–12 Plant consolidation, Oak Ridge, Tennessee, $3,150,000.

Project 98–D–125, tritium extraction facility, Savannah River Plant, Aiken, South Carolina, $33,000,000.

Project 98–D–126, accelerator production of tritium, various locations, $31,000,000.

Project 97–D–123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $4,800,000.

Project 95–D–102, chemistry and metallurgy research upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $18,000,000.

Project 88–D–123, security enhancements, Pantex Plant, Amarillo, Texas, $3,500,000.

(3) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for program direction in carrying out weapons activities necessary for national security programs in the amount of $241,500,000.

(b) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to subsection (a) is the sum of the amounts authorized to be appropriated in paragraphs (1) through (3) of that subsection, reduced by $27,105,000.

SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for environmental restoration and waste management in carrying out programs necessary for national security in the amount of $5,495,868,000, to be allocated as follows:

(1) CLOSURE PROJECTS.—For closure projects carried out in accordance with section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201;

110 Stat. 2836; 42 U.S.C. 7274n) in the amount of $1,069,492,000.

(2) SITE PROJECT AND COMPLETION.—For site project and completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $980,919,000, to be allocated as follows:

(A) For operation and maintenance, $892,629,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $88,290,000, to be allocated as follows:

Project 99–D–402, tank farm support services, F&H areas, Savannah River Site, Aiken, South Carolina, $3,100,000.

Project 99–D–404, health physics instrumentation laboratory, Idaho National Engineering and Environmental Laboratory, Idaho, $7,200,000.

Project 98–D–401, H-tank farm storm water systems upgrade, Savannah River Site, Aiken, South Carolina, $2,977,000.

Project 98–D–453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, $16,860,000.

Project 98–D–700, road rehabilitation, Idaho National Engineering and Environmental Laboratory, Idaho, $2,590,000.

Project 97–D–450, Actinide packaging and storage facility, Savannah River Site, Aiken, South Carolina, $4,000,000.

Project 97–D–470, regulatory monitoring and bioassay laboratory, Savannah River Site, Aiken, South Carolina, $12,220,000.

Project 96–D–406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, $24,441,000.

Project 96–D–464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering and Environmental Laboratory, Idaho, $11,971,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $931,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $2,000,000.

(3) POST-2006 COMPLETION.—For post-2006 project completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $2,919,948,000, to be allocated as follows:

(A) For operation and maintenance, $2,873,697,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $46,251,000, to be allocated as follows:

Project 00–D–401, spent nuclear fuel treatment and storage facility, title I and II, Savannah River Site, Aiken, South Carolina, $7,000,000.

Project 99–D–403, privatization phase I infrastructure support, Richland, Washington, $13,988,000.

Project 97–D–402, tank farm restoration and safe operations, Richland, Washington, $20,516,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $4,060,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $8,987,000.

(4) SCIENCE AND TECHNOLOGY.—For science and technology in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $230,500,000.

(5) PROGRAM DIRECTION.—For program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $339,409,000.

(b) ADJUSTMENTS.—(1) The total amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated in paragraphs (1) through (5) of that subsection reduced by $44,400,000, to be derived from environmental restoration and waste management, environment, safety, and health programs.

(2) The amount authorized to be appropriated pursuant to subsection (a)(3)(B) is reduced by $8,300,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for other defense activities in carrying out programs necessary for national security in the amount of $1,805,959,000, to be allocated as follows:

(1) NONPROLIFERATION AND NATIONAL SECURITY.—For nonproliferation and national security, $732,100,000, to be allocated as follows:

(A) For verification and control technology, $497,000,000, to be allocated as follows:

(i) For nonproliferation and verification research and development, $221,000,000, to be allocated as follows:

(I) For operation and maintenance, $215,000,000.

(II) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $6,000,000, to be allocated as follows:

Project 00–D–192, nonproliferation and international security center, Los Alamos National Laboratory, Los Alamos, New Mexico, $6,000,000.

(ii) For arms control, $276,000,000.

(B) For nuclear safeguards and security, $59,100,000.

(C) For international nuclear safety, $24,700,000.

(D) For security investigations, $44,100,000.

(E) For emergency management, $21,000,000.

(F) For highly enriched uranium transparency implementation, $15,750,000.

(G) For program direction, $90,450,000.

(2) INTELLIGENCE.—For intelligence, $36,059,000.

(3) COUNTERINTELLIGENCE.—For counterintelligence, $39,200,000.

(4) WORKER AND COMMUNITY TRANSITION ASSISTANCE.—For worker and community transition assistance, $30,000,000, to be allocated as follows:

(A) For worker and community transition, $26,500,000.

(B) For program direction, $3,500,000.

(5) FISSILE MATERIALS CONTROL AND DISPOSITION.—For fissile materials control and disposition, $200,000,000, to be allocated as follows:

(A) For operation and maintenance, $129,766,000.

(B) For program direction, $7,343,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $62,891,000, to be allocated as follows:

Project 00–D–142, immobilization and associated processing facility, various locations, $21,765,000.

Project 99–D–141, pit disassembly and conversion facility, various locations, $28,751,000.

Project 99–D–143, mixed oxide fuel fabrication facility, various locations, $12,375,000.

(6) ENVIRONMENT, SAFETY, AND HEALTH.—For environment, safety, and health, defense, $98,000,000, to be allocated as follows:

(A) For the Office of Environment, Safety, and Health (Defense), $73,231,000.

(B) For program direction, $24,769,000.

(7) OFFICE OF HEARINGS AND APPEALS.—For the Office of Hearings and Appeals, $3,000,000.

(8) NAVAL REACTORS.—For naval reactors, $677,600,000, to be allocated as follows:

(A) For naval reactors development, $657,000,000, to be allocated as follows:

(i) For operation and maintenance, $633,000,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $24,000,000, to be allocated as follows:

GPN–101 general plant projects, various locations, $9,000,000.

Project 98–D–200, site laboratory/facility upgrade, various locations, $3,000,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $12,000,000.

(B) For program direction, $20,600,000.

(b) ADJUSTMENTS.—(1) The total amount authorized to be appropriated pursuant to subsection (a) is the sum of the amounts

authorized to be appropriated in paragraphs (1) through (8) of that subsection, reduced by $10,000,000.

(2) The amount authorized to be appropriated pursuant to subsection (a)(1)(D) is reduced by $20,000,000 to reflect an offset provided by user organizations for security investigations.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

(a) DEFENSE NUCLEAR WASTE DISPOSAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $112,000,000.

(b) ADJUSTMENT.—The amount authorized to be appropriated pursuant to subsection (a) is reduced by $39,000,000.

SEC. 3105. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for privatization initiatives in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $228,000,000, to be allocated as follows:

Project 98–PVT–2, spent nuclear fuel dry storage, Idaho Falls, Idaho, $5,000,000.

Project 98–PVT–5, environmental management and waste disposal, Oak Ridge, Tennessee, $20,000,000.

Project 97–PVT–1, tank waste remediation system phase I, Hanford, Washington, $106,000,000.

Project 97–PVT–2, advanced mixed waste treatment facility, Idaho Falls, Idaho, $110,000,000.

Project 97–PVT–3, transuranic waste treatment, Oak Ridge, Tennessee, $12,000,000.

(b) EXPLANATION OF ADJUSTMENT.—The amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated for the projects in that subsection reduced by $25,000,000 for use of prior year balances of funds for defense environmental management privatization.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 45 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) $1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action

proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 45-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $5,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $5,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were

authorized. Funds so transferred may be merged with and be available for the same purposes and for the same period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(c) LIMITATION.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(2) may not be used to provide funds for an item for which Congress has specifically denied funds.

(d) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriations Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

(a) IN GENERAL.—Except as provided in subsection (b), when so specified in an appropriations Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

(b) EXCEPTION FOR PROGRAM DIRECTION FUNDS.—Amounts appropriated for program direction pursuant to an authorization of appropriations in subtitle A shall remain available to be expended only until the end of fiscal year 2001.

SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(a) TRANSFER AUTHORITY FOR DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of the office to another such program or project.

(b) LIMITATIONS.—(1) Only one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

(2) The amount transferred to or from a program or project under subsection (a) may not exceed $5,000,000 in a fiscal year.

(3) A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary to address a risk to health, safety, or the environment or to assure the most efficient use of defense environmental management funds at the field office.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds

or for a new program or project that has not been authorized by Congress.

(c) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) NOTIFICATION.—The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) DEFINITIONS.—In this section:

(1) The term "program or project" means, with respect to a field office of the Department of Energy, any of the following:

(A) A program referred to or a project listed in paragraph (2) or (3) of section 3102.

(B) A program or project not described in subparagraph (A) that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by the office, and for which defense environmental management funds have been authorized and appropriated before the date of the enactment of this Act.

(2) The term "defense environmental management funds" means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

(f) DURATION OF AUTHORITY.—The managers of the field offices of the Department may exercise the authority provided under subsection (a) during the period beginning on October 1, 1999, and ending on September 30, 2000.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. PROHIBITION ON USE OF FUNDS FOR CERTAIN ACTIVITIES UNDER FORMERLY UTILIZED SITE REMEDIAL ACTION PROGRAM.

10 USC 2701 note.

Notwithstanding any other provision of law, no funds authorized to be appropriated or otherwise made available by this Act, or by any Act authorizing appropriations for the military activities of the Department of Defense or the defense activities of the Department of Energy for a fiscal year after fiscal year 2000, may be obligated or expended to conduct treatment, storage, or disposal activities at any site designated as a site under the Formerly Utilized Site Remedial Action Program as of the date of the enactment of this Act.

SEC. 3132. CONTINUATION OF PROCESSING, TREATMENT, AND DISPOSITION OF LEGACY NUCLEAR MATERIALS.

The Secretary of Energy shall continue operations and maintain a high state of readiness at the F-canyon and H-canyon facilities at the Savannah River Site, Aiken, South Carolina, and shall provide the technical staff necessary to operate and so maintain such facilities.

42 USC 2121 note.

SEC. 3133. NUCLEAR WEAPONS STOCKPILE LIFE EXTENSION PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Energy shall, in consultation with the Secretary of Defense, carry out a program to provide for the extension of the effective life of the weapons in the nuclear weapons stockpile.

(b) ADMINISTRATIVE RESPONSIBILITY FOR PROGRAM.—(1) The program under subsection (a) shall be carried out through the element of the Department of Energy with responsibility for defense programs.

(2) For each budget submitted by the President to Congress under section 1105 of title 31, United States Code, the amounts requested for the program shall be clearly identified in the budget justification materials submitted to Congress in support of that budget.

(c) PROGRAM PLAN.—As part of the program under subsection (a), the Secretary shall develop a long-term plan for the extension of the effective life of the weapons in the nuclear weapons stockpile. The plan shall include the following:

(1) Mechanisms to provide for the remanufacture, refurbishment, and modernization of each weapon design designated by the Secretary for inclusion in the enduring nuclear weapons stockpile as of the date of the enactment of this Act.

(2) Mechanisms to expedite the collection of information necessary for carrying out the program, including information relating to the aging of materials and components, new manufacturing techniques, and the replacement or substitution of materials.

(3) Mechanisms to ensure the appropriate assignment of roles and missions for each nuclear weapons laboratory and production plant of the Department, including mechanisms for allocation of workload, mechanisms to ensure the carrying out of appropriate modernization activities, and mechanisms to ensure the retention of skilled personnel.

(4) Mechanisms for allocating funds for activities under the program, including allocations of funds by weapon type and facility.

(5) An identification of the funds needed, in the current fiscal year and in each of the next five fiscal years, to carry out the program.

Deadline.

(d) ANNUAL SUBMITTAL OF PLAN.—(1) The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives the plan developed under subsection (c) not later than January 1, 2000. The plan shall contain the maximum level of detail practicable.

(2) The Secretary shall submit to the committees referred to in paragraph (1) each year after 2000, at the same time as the submission of the budget for the fiscal year beginning in such year under section 1105 of title 31, United States Code, an update of the plan submitted under paragraph (1). Each update shall contain the same level of detail as the plan submitted under paragraph (1).

Deadline.

(e) GAO ASSESSMENT.—Not later than 30 days after the submission of the plan under subsection (d)(1) or any update of the plan under subsection (d)(2), the Comptroller General shall submit to the committees referred to in subsection (d)(1) an assessment of

whether the program can be carried out under the plan or the update (as applicable)—

(1) in the current fiscal year, given the budget for that fiscal year; and

(2) in future fiscal years.

(f) SENSE OF CONGRESS REGARDING FUNDING OF PROGRAM.—It is the sense of Congress that the President should include in each budget for a fiscal year submitted to Congress under section 1105 of title 31, United States Code, sufficient funds to carry out in the fiscal year covered by such budget the activities under the program under subsection (a) that are specified in the most current version of the plan for the program under this section.

SEC. 3134. PROCEDURES FOR MEETING TRITIUM PRODUCTION REQUIREMENTS.

(a) PRODUCTION OF NEW TRITIUM.—The Secretary of Energy shall produce new tritium to meet the requirements of the Nuclear Weapons Stockpile Memorandum at the Tennessee Valley Authority Watts Bar or Sequoyah nuclear power plants consistent with the Secretary's December 22, 1998, decision document designating the Secretary's preferred tritium production technology.

(b) SUPPORT.—To support the method of tritium production set forth in subsection (a), the Secretary shall design and construct a new tritium extraction facility in the H-Area of the Savannah River Site, Aiken, South Carolina.

(c) DESIGN AND ENGINEERING DEVELOPMENT.—The Secretary shall—

(1) complete preliminary design and engineering development of the Accelerator Production of Tritium technology design as a backup source of tritium to the source set forth in subsection (a) and consistent with the Secretary's December 22, 1998, decision document; and

(2) make available those funds necessary to complete engineering development and demonstration, preliminary design, and detailed design of key elements of the system consistent with the Secretary's decision document of December 22, 1998.

SEC. 3135. INDEPENDENT COST ESTIMATE OF ACCELERATOR PRODUCTION OF TRITIUM.

(a) INDEPENDENT COST ESTIMATE.—(1) The Secretary of Energy shall obtain an independent cost estimate of the accelerator production of tritium.

(2) The estimate shall be obtained from an entity not within the Department of Energy.

(3) The estimate shall be conducted at the highest possible level of detail, but in no event at a level of detail below that currently defined by the Secretary as Type III, "parametric estimate".

(b) REPORT.—Not later than April 1, 2000, the Secretary shall submit to the congressional defense committees a report on the independent cost estimate obtained pursuant to subsection (a). Deadline.

SEC. 3136. NONPROLIFERATION INITIATIVES AND ACTIVITIES.

(a) INITIATIVE FOR PROLIFERATION PREVENTION PROGRAM.—(1) Not more than 35 percent of the funds available in any fiscal year after fiscal year 1999 for the Initiatives for Proliferation Prevention program (IPP) may be obligated or expended by the

Department of Energy national laboratories to carry out or provide oversight of any activities under that program.

(2)(A) None of the funds available in any fiscal year after fiscal year 1999 for the Initiatives for Proliferation Prevention program may be used to increase or otherwise supplement the pay or benefits of a scientist or engineer if the scientist or engineer—

(i) is currently engaged in activities directly related to the design, development, production, or testing of chemical or biological weapons or a missile system to deliver such weapons; or

(ii) was not formerly engaged in activities directly related to the design, development, production, or testing of weapons of mass destruction or a missile system to deliver such weapons.

(B) None of the funds available in any fiscal year after fiscal year 1999 for the Initiatives for Proliferation Prevention program may be made available to an institute if the institute—

(i) is currently involved in activities described in subparagraph (A)(i); or

(ii) was not formerly involved in activities described in subparagraph (A)(ii).

(3)(A) No funds available for the Initiatives for Proliferation Prevention program may be provided to an institute or scientist under the program if the Secretary of Energy determines that the institute or scientist has made a scientific or business contact in any way associated with or related to weapons of mass destruction with a representative of a country of proliferation concern.

(B) For purposes of this paragraph, the term "country of proliferation concern" means any country so designated by the Director of Central Intelligence for purposes of the Initiatives for Proliferation Prevention program.

(4)(A) The Secretary of Energy shall prescribe procedures for the review of projects under the Initiatives for Proliferation Prevention program. The purpose of the review shall be to ensure the following:

(i) That the military applications of such projects, and any information relating to such applications, is not inadvertently transferred or utilized for military purposes.

(ii) That activities under the projects are not redirected toward work relating to weapons of mass destruction.

(iii) That the national security interests of the United States are otherwise fully considered before the commencement of the projects.

Reports. Deadline.

(B) Not later than 30 days after the date on which the Secretary prescribes the procedures required by subparagraph (A), the Secretary shall submit to Congress a report on the procedures. The report shall set forth a schedule for the implementation of the procedures.

(5)(A) The Secretary shall evaluate the projects carried out under the Initiatives for Proliferation Prevention program for commercial purposes to determine whether or not such projects are likely to achieve their intended commercial objectives.

(B) If the Secretary determines as a result of the evaluation that a project is not likely to achieve its intended commercial objective, the Secretary shall terminate the project.

(6) Funds appropriated for the Initiatives for Proliferation Prevention program may not be used to pay any tax or customs duty levied by the government of the Russian Federation. In the

event payment of such a tax or customs duty with such funds is unavoidable, the Secretary of Energy shall—

(A) after such payment, submit a report to the congressional defense committees explaining the particular circumstances making such payment under the Initiatives for Proliferation Prevention program with such funds unavoidable; and

(B) ensure that sufficient additional funds are provided to the Initiatives for Proliferation Prevention Program to offset the amount of such payment.

(b) NUCLEAR CITIES INITIATIVE.—(1) No amounts authorized to be appropriated by this title for the Nuclear Cities Initiative may be obligated or expended for purposes of the initiative until the Secretary of Energy certifies to Congress that Russia has agreed to close some of its facilities engaged in work on weapons of mass destruction.

(2) Notwithstanding a certification under paragraph (1), amounts authorized to be appropriated by this title for the Nuclear Cities Initiative may not be obligated or expended for purposes of providing assistance under the initiative to more than three nuclear cities, and more than two serial production facilities, in Russia in fiscal year 2000.

(3)(A) The Secretary shall conduct a study of the potential economic effects of each commercial program proposed under the Nuclear Cities Initiative before providing assistance for the conduct of the program. The study shall include an assessment regarding whether or not the mechanisms for job creation under each program are likely to lead to the creation of the jobs intended to be created by that program.

(B) If the Secretary determines as a result of the study that the intended commercial benefits of a program are not likely to be achieved, the Secretary may not provide assistance for the conduct of that program.

(4) Not later than January 1, 2000, the Secretary shall submit to Congress a report describing the participation in or contribution to the Nuclear Cities Initiative of each department and agency of the United States Government that participates in or contributes to the initiative. The report shall describe separately any interagency participation in or contribution to the initiative. Reports. Deadline.

(c) REPORT.—(1) Not later than January 1, 2000, the Secretary of Energy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the Initiatives for Proliferation Prevention program and the Nuclear Cities Initiative. Deadline.

(2) The report shall include the following:

(A) A strategic plan for the Initiatives for Proliferation Prevention program and for the Nuclear Cities Initiative, which shall establish objectives for the program or initiative, as the case may be, and means for measuring the achievement of such objectives.

(B) A list of the most successful projects under the Initiatives for Proliferation Prevention program, including for each such project the name of the institute and scientists who are participating or have participated in the project, the number of jobs created through the project, and the manner in which the project has met the nonproliferation objectives of the United States.

(C) A list of the institutes and scientists associated with weapons of mass destruction programs or other defense-related programs in the states of the former Soviet Union that the Department seeks to engage in commercial work under the Initiatives for Proliferation Prevention program or the Nuclear Cities Initiative, including—

(i) a description of the work performed by such institutes and scientists under such weapons of mass destruction programs or other defense-related programs; and

(ii) a description of any work proposed to be performed by such institutes and scientists under the Initiatives for Proliferation Prevention program or the Nuclear Cities Initiative.

(d) NUCLEAR CITIES INITIATIVE DEFINED.—For purposes of this section, the term "Nuclear Cities Initiative" means the initiative arising pursuant to the March 1998 discussions between the Vice President of the United States and the Prime Minister of the Russian Federation and between the Secretary of Energy of the United States and the Minister of Atomic Energy of the Russian Federation.

SEC. 3137. SUPPORT OF THEATER BALLISTIC MISSILE DEFENSE ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) FUNDS TO CARRY OUT CERTAIN BALLISTIC MISSILE DEFENSE ACTIVITIES.—Of the amounts authorized to be appropriated to the Department of Energy pursuant to section 3101, $25,000,000 shall be available for research, development, and demonstration activities to support the mission of the Ballistic Missile Defense Organization of the Department of Defense, including the following activities:

(1) Technology development, concept demonstration, and integrated testing to improve reliability and reduce risk in hit-to-kill interceptors for theater ballistic missile defense.

(2) Support for science and engineering teams to address technical problems identified by the Director of the Ballistic Missile Defense Organization as critical to acquisition of a theater ballistic missile defense capability.

(b) MEMORANDUM OF UNDERSTANDING.—The activities referred to in subsection (a) shall be carried out under the memorandum of understanding entered into by the Secretary of Energy and the Secretary of Defense for the use of national laboratories for ballistic missile defense programs, as required by section 3131 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2034).

(c) METHOD OF FUNDING.—Funds for activities referred to in subsection (a) may be provided—

(1) by direct payment from funds available pursuant to subsection (a); or

(2) in the case of such an activity carried out by a national laboratory but paid for by the Ballistic Missile Defense Organization, through a method under which the Secretary of Energy waives any requirement for the Department of Defense to pay any indirect expenses (including overhead and federal administrative charges) of the Department of Energy or its contractors.

Subtitle D—Matters Relating to Safeguards, Security, and Counterintelligence

Department of Energy Facilities Safeguards, Security, and Counterintelligence Enhancement Act of 1999. 42 USC 7383 note.

SEC. 3141. SHORT TITLE.

This subtitle may be cited as the "Department of Energy Facilities Safeguards, Security, and Counterintelligence Enhancement Act of 1999".

SEC. 3142. COMMISSION ON SAFEGUARDS, SECURITY, AND COUNTERINTELLIGENCE AT DEPARTMENT OF ENERGY FACILITIES. 42 USC 7383.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the Commission on Safeguards, Security, and Counterintelligence at Department of Energy Facilities (in this section referred to as the "Commission").

(b) MEMBERSHIP AND ORGANIZATION.—(1) The Commission shall be composed of nine members appointed from among individuals in the public and private sectors who have significant experience in matters related to the security of nuclear weapons and materials, the classification of information, or counterintelligence matters, as follows:

(A) Two shall be appointed by the chairman of the Committee on Armed Services of the Senate, in consultation with the ranking member of that Committee.

(B) One shall be appointed by the ranking member of the Committee on Armed Services of the Senate, in consultation with the chairman of that Committee.

(C) Two shall be appointed by the chairman of the Committee on Armed Services of the House of Representatives, in consultation with the ranking member of that Committee.

(D) One shall be appointed by the ranking member of the Committee on Armed Services of the House of Representatives, in consultation with the chairman of that Committee.

(E) One shall be appointed by the Secretary of Defense.

(F) One shall be appointed by the Director of the Federal Bureau of Investigation.

(G) One shall be appointed by the Director of Central Intelligence.

(2) Members of the Commission shall be appointed for four year terms, except as follows:

(A) One member initially appointed under paragraph (1)(A) shall serve a term of two years, to be designated at the time of appointment.

(B) One member initially appointed under paragraph (1)(C) shall serve a term of two years, to be designated at the time of appointment.

(C) The member initially appointed under paragraph (1)(E) shall serve a term of two years.

(3) Any vacancy in the Commission shall be filled in the same manner as the original appointment and shall not affect the powers of the Commission.

(4)(A) After five members of the Commission have been appointed under paragraph (1), the chairman of the Committee on Armed Services of the Senate, in consultation with the chairman

of the Committee on Armed Services of the House of Representatives, shall designate the chairman of the Commission from among the members appointed under paragraph (1)(A).

(B) The chairman of the Commission may be designated once five members of the Commission have been appointed under paragraph (1).

(5) The initial members of the Commission shall be appointed not later than 60 days after the date of the enactment of this Act.

(6) The members of the Commission shall establish procedures for the activities of the Commission, including procedures for calling meetings, requirements for quorums, and the manner of taking votes.

(7) The Commission shall meet not less often than once every three months.

(8) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under paragraph (4).

(c) DUTIES.—(1) The Commission shall, in accordance with this section, review the safeguards, security, and counterintelligence activities (including activities relating to information management, computer security, and personnel security) at Department of Energy facilities to—

(A) determine the adequacy of those activities to ensure the security of sensitive information, processes, and activities under the jurisdiction of the Department against threats to the disclosure of such information, processes, and activities; and

(B) make recommendations for actions the Commission determines as being necessary to ensure that such security is achieved and maintained.

(2) The activities of the Commission under paragraph (1) shall include the following:

(A) An analysis of the sufficiency of the Design Threat Basis documents as a basis for the allocation of resources for safeguards, security, and counterintelligence activities at the Department facilities in light of applicable guidance with respect to such activities, including applicable laws, Department of Energy orders, Presidential Decision Directives, and Executive orders.

(B) Visits to Department facilities to assess the adequacy of the safeguards, security, and counterintelligence activities at such facilities.

(C) Evaluations of specific concerns set forth in Department reports regarding the status of safeguards, security, or counterintelligence activities at particular Department facilities or at facilities throughout the Department.

(D) Reviews of relevant laws, Department orders, and other requirements relating to safeguards, security, and counterintelligence activities at Department facilities.

(E) Any other activities relating to safeguards, security, and counterintelligence activities at Department facilities that the Secretary of Energy considers appropriate.

Deadline.

(d) REPORT.—(1) Not later than February 15 each year, the Commission shall submit to the Secretary of Energy and to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on

the activities of the Commission during the preceding year. The report shall be submitted in unclassified form, but may include a classified annex.

(2) Each report—

(A) shall describe the activities of the Commission during the year covered by the report;

(B) shall set forth proposals for any changes in safeguards, security, or counterintelligence activities at Department of Energy facilities that the Commission considers appropriate in light of such activities; and

(C) may include any other recommendations for legislation or administrative action that the Commission considers appropriate.

(e) PERSONNEL MATTERS.—(1)(A) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(B) All members of the Commission who are officers or employees of the United States shall serve without compensation by reason of their service on the Commission.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3)(A) The Commission may, without regard to the civil service laws and regulations, appoint and terminate such personnel as may be necessary to enable the Commission to perform its duties.

(B) The Commission may fix the compensation of the personnel of the Commission without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(4) Any officer or employee of the United States may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) The members and employees of the Commission shall hold security clearances appropriate for the matters considered by the Commission in the discharge of its duties under this section.

(f) APPLICABILITY OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Commission.

(g) FUNDING.—(1) From amounts authorized to be appropriated by sections 3101 and 3103, the Secretary of Energy shall make available to the Commission not more than $1,000,000 for the activities of the Commission under this section.

(2) Amounts made available to the Commission under this subsection shall remain available until expended.

(h) TERMINATION OF DEPARTMENT OF ENERGY SECURITY MANAGEMENT BOARD.—(1) Section 3161 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2048; 42 U.S.C. 7251 note) is repealed.

(2) Section 3162 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2049; 42 U.S.C. 7274 note) is amended—

42 USC 7274m note.

(A) by striking "(a) IN GENERAL.—"; and

(B) by striking subsection (b).

SEC. 3143. BACKGROUND INVESTIGATIONS OF CERTAIN PERSONNEL AT DEPARTMENT OF ENERGY FACILITIES.

(a) IN GENERAL.—The Secretary of Energy shall ensure that an investigation meeting the requirements of section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165) is made for each Department of Energy employee, or contractor employee, at a national laboratory or nuclear weapons production facility who—

(1) carries out duties or responsibilities in or around a location where Restricted Data is present; or

(2) has or may have regular access to a location where Restricted Data is present.

(b) COMPLIANCE.—The Secretary shall have 15 months from the date of the enactment of this Act to meet the requirement in subsection (a).

SEC. 3144. CONDUCT OF SECURITY CLEARANCES.

(a) RESPONSIBILITY OF FEDERAL BUREAU OF INVESTIGATION.—Subsection e. of section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165) is amended—

(1) by inserting "(1)" before "If"; and

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

"(2) In the case of an individual employed in a program known as a Special Access Program or a Personnel Security and Assurance Program, any investigation required by subsections a., b., and c. of this section shall be made by the Federal Bureau of Investigation.".

42 USC 2165 note.

(b) COMPLIANCE.—The Director of the Federal Bureau of Investigation shall have 18 months from the date of the enactment of this Act to meet the responsibilities of the Bureau under subsection e.(2) of section 145 of the Atomic Energy Act of 1954, as added by subsection (a).

Deadline.

(c) REPORT.—(1) Not later than six months after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the committees specified in paragraph (2) a report on the implementation of the responsibilities of the Bureau under subsection e.(2) of that section. That report shall include the following:

(A) An assessment of the capability of the Bureau to execute the additional clearance requirements, to include additional post-initial investigations.

(B) An estimate of the additional resources required, to include funding, to support the expanded use of the Bureau to conduct the additional investigations.

(C) The extent to which contractor personnel are and would be used in the clearance process.

(2) The committees referred to in paragraph (1) are the following:

(A) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 3145. PROTECTION OF CLASSIFIED INFORMATION DURING LABORATORY-TO-LABORATORY EXCHANGES. 42 USC 7383b.

(a) PROVISION OF TRAINING.—The Secretary of Energy shall ensure that all Department of Energy employees and Department of Energy contractor employees participating in laboratory-to-laboratory cooperative exchange activities are fully trained in matters relating to the protection of classified information and to potential espionage and counterintelligence threats.

(b) COUNTERING OF ESPIONAGE AND INTELLIGENCE-GATHERING ABROAD.—(1) The Secretary shall establish a pool of Department employees and Department contractor employees who are specially trained to counter threats of espionage and intelligence-gathering by foreign nationals against Department employees and Department contractor employees who travel abroad for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

(2) The Director of Counterintelligence of the Department of Energy may assign at least one employee from the pool established under paragraph (1) to accompany a group of Department employees or Department contractor employees who travel to any nation designated to be a sensitive country for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

SEC. 3146. RESTRICTIONS ON ACCESS TO NATIONAL LABORATORIES BY FOREIGN VISITORS FROM SENSITIVE COUNTRIES. 42 USC 7383c.

(a) BACKGROUND REVIEW REQUIRED.—The Secretary of Energy may not admit to any facility of a national laboratory other than areas accessible to the general public any individual who is a citizen or agent of a nation that is named on the current sensitive countries list unless the Secretary first completes a background review with respect to that individual.

(b) MORATORIUM PENDING CERTIFICATION.—(1) During the period described in paragraph (2), the Secretary may not admit to any facility of a national laboratory other than areas accessible to the general public any individual who is a citizen or agent of a nation that is named on the current sensitive countries list.

(2) The period referred to in paragraph (1) is the period beginning 30 days after the date of the enactment of this Act and ending on the later of the following: Deadlines.

(A) The date that is 90 days after the date of the enactment of this Act.

(B) The date that is 45 days after the date on which the Secretary submits to Congress the certifications described in paragraph (3).

(3) The certifications referred to in paragraph (2) are one certification each by the Director of Counterintelligence of the Department of Energy, the Director of the Federal Bureau of Investigation, and the Director of Central Intelligence, of each of the following:

(A) That the foreign visitors program at that facility complies with applicable orders, regulations, and policies of the Department of Energy relating to the safeguarding and security of sensitive information and fulfills any counterintelligence requirements arising under such orders, regulations, and policies.

(B) That the foreign visitors program at that facility complies with Presidential Decision Directives and similar requirements relating to the safeguarding and security of sensitive information and fulfills any counterintelligence requirements arising under such Directives or requirements.

(C) That the foreign visitors program at that facility includes adequate protections against the inadvertent release of Restricted Data, information important to the national security of the United States, and any other sensitive information the disclosure of which might harm the interests of the United States.

(D) That the foreign visitors program at that facility does not pose an undue risk to the national security interests of the United States.

(c) WAIVER OF MORATORIUM.—(1) The Secretary of Energy may waive the prohibition in subsection (b) on a case-by-case basis with respect to any specific individual or any specific delegation of individuals whose admission to a national laboratory is determined by the Secretary to be in the interest of the national security of the United States.

(2) Not later than the seventh day of the month following a month in which a waiver is made, the Secretary shall submit a report in writing providing notice of each waiver made in that month to the following:

(A) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) Each such report shall be in classified form and shall contain the identity of each individual or delegation for whom such a waiver was made and, with respect to each such individual or delegation, the following information:

(A) A detailed justification for the waiver.

(B) For each individual with respect to whom a background review was conducted, whether the background review determined that negative information exists with respect to that individual.

(C) The Secretary's certification that the admission of that individual or delegation to a national laboratory is in the interest of the national security of the United States.

(4) The authority of the Secretary under paragraph (1) may be delegated only to the Director of Counterintelligence of the Department of Energy.

(d) EXCEPTION TO MORATORIUM FOR CERTAIN INDIVIDUALS.—The moratorium under subsection (b) shall not apply to any person who—

(1) is, on the date of the enactment of this Act, an employee or assignee of the Department of Energy, or of a contractor of the Department; and

(2) has undergone a background review in accordance with subsection (a).

(e) EXCEPTION TO MORATORIUM FOR CERTAIN PROGRAMS.—The moratorium under subsection (b) shall not apply—

(1) to activities relating to cooperative threat reduction with states of the former Soviet Union; or

(2) to the materials protection control and accounting program of the Department.

(f) SENSE OF CONGRESS REGARDING BACKGROUND REVIEWS.—It is the sense of Congress that the Secretary of Energy, the Director of the Federal Bureau of Investigation, and the Director of Central Intelligence should ensure that background reviews carried out under this section are completed in not more than 15 days.

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

(1) The term "background review", commonly known as an indices check, means a review of information provided by the Director of Central Intelligence and the Director of the Federal Bureau of Investigation regarding personal background, including information relating to any history of criminal activity or to any evidence of espionage.

(2) The term "sensitive countries list" means the list prescribed by the Secretary of Energy known as the Department of Energy List of Sensitive Countries as in effect on January 1, 1999.

SEC. 3147. DEPARTMENT OF ENERGY REGULATIONS RELATING TO THE SAFEGUARDING AND SECURITY OF RESTRICTED DATA.

(a) IN GENERAL.—Chapter 18 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2271 et seq.) is amended by inserting after section 234A the following new section:

"SEC. 234B. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF DEPARTMENT OF ENERGY REGULATIONS REGARDING SECURITY OF CLASSIFIED OR SENSITIVE INFORMATION OR DATA.— 42 USC 2282b.

"a. Any person who has entered into a contract or agreement with the Department of Energy, or a subcontract or subagreement thereto, and who violates (or whose employee violates) any applicable rule, regulation, or order prescribed or otherwise issued by the Secretary pursuant to this Act relating to the safeguarding or security of Restricted Data or other classified or sensitive information shall be subject to a civil penalty of not to exceed $100,000 for each such violation.

"b. The Secretary shall include in each contract with a contractor of the Department provisions which provide an appropriate reduction in the fees or amounts paid to the contractor under the contract in the event of a violation by the contractor or contractor employee of any rule, regulation, or order relating to the safeguarding or security of Restricted Data or other classified or sensitive information. The provisions shall specify various degrees of violations and the amount of the reduction attributable to each degree of violation.

"c. The powers and limitations applicable to the assessment of civil penalties under section 234A, except for subsection d. of that section, shall apply to the assessment of civil penalties under this section.

"d. In the case of an entity specified in subsection d. of section 234A—

"(1) the assessment of any civil penalty under subsection a. against that entity may not be made until the entity enters into a new contract with the Department of Energy or an extension of a current contract with the Department; and

"(2) the total amount of civil penalties under subsection a. in a fiscal year may not exceed the total amount of fees

paid by the Department of Energy to that entity in that fiscal year.".

42 USC 2282b.

(b) APPLICABILITY.—Subsection a. of section 234B of the Atomic Energy Act of 1954, as added by subsection (a), applies to any violation after the date of the enactment of this Act.

(c) CLARIFYING AMENDMENT.—The section heading of section 234A of such Act (42 U.S.C. 2282a) is amended by inserting "SAFETY" before "REGULATIONS".

(d) CLERICAL AMENDMENT.—The table of sections for that Act is amended by inserting after the item relating to section 234 the following new items:

"Sec. 234A. Civil Monetary Penalties for Violations of Department of Energy Safety Regulations.

"Sec. 234B. Civil Monetary Penalties for Violations of Department of Energy Regulations Regarding Security of Classified or Sensitive Information or Data.".

SEC. 3148. INCREASED PENALTIES FOR MISUSE OF RESTRICTED DATA.

(a) COMMUNICATION OF RESTRICTED DATA.—Section 224 of the Atomic Energy Act of 1954 (42 U.S.C. 2274) is amended—

(1) in clause a., by striking "$20,000" and inserting "$100,000"; and

(2) in clause b., by striking "$10,000" and inserting "$500,000".

(b) RECEIPT OF RESTRICTED DATA.—Section 225 of such Act (42 U.S.C. 2275) is amended by striking "$20,000" and inserting "$100,000".

(c) DISCLOSURE OF RESTRICTED DATA.—Section 227 of such Act (42 U.S.C. 2277) is amended by striking "$2,500" and inserting "$12,500".

50 USC 435 note.

SEC. 3149. SUPPLEMENT TO PLAN FOR DECLASSIFICATION OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA.

(a) SUPPLEMENT TO PLAN.—The Secretary of Energy and the Archivist of the United States shall, after consultation with the members of the National Security Council and in consultation with the Secretary of Defense and the heads of other appropriate Federal agencies, develop a supplement to the plan required under subsection (a) of section 3161 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2260; 50 U.S.C. 435 note).

(b) CONTENTS OF SUPPLEMENT.—The supplement shall provide for the application of that plan (including in particular the element of the plan required by section 3161(b)(1) of that Act) to all records subject to Executive Order No. 12958 that were determined before the date of the enactment of that Act to be suitable for declassification.

(c) LIMITATION ON DECLASSIFICATION OF RECORDS.—All records referred to in subsection (b) shall be treated, for purposes of section 3161(c) of that Act, in the same manner as records referred to in section 3161(a) of that Act.

(d) SUBMISSION OF SUPPLEMENT.—The Secretary of Energy shall submit the supplement required under subsection (a) to the recipients of the plan referred to in section 3161(d) of that Act.

SEC. 3150. NOTICE TO CONGRESSIONAL COMMITTEES OF CERTAIN SECURITY AND COUNTERINTELLIGENCE FAILURES WITHIN NUCLEAR ENERGY DEFENSE PROGRAMS. 42 USC 7383d.

(a) REQUIRED NOTIFICATION.—The Secretary of Energy shall submit to the Committees on Armed Services of the Senate and House of Representatives a notification of each significant nuclear defense intelligence loss. Any such notification shall be provided only after consultation with the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, as appropriate.

(b) SIGNIFICANT NUCLEAR DEFENSE INTELLIGENCE LOSSES.—In this section, the term "significant nuclear defense intelligence loss" means any national security or counterintelligence failure or compromise of classified information at a facility of the Department of Energy or operated by a contractor of the Department that the Secretary considers likely to cause significant harm or damage to the national security interests of the United States.

(c) MANNER OF NOTIFICATION.—Notification of a significant nuclear defense intelligence loss under subsection (a) shall be provided, in accordance with the procedures established pursuant to subsection (d), not later than 30 days after the date on which the Department of Energy determines that the loss has taken place. Deadline.

(d) PROCEDURES.—The Secretary of Energy and the Committees on Armed Services of the Senate and House of Representatives shall each establish such procedures as may be necessary to protect from unauthorized disclosure classified information, information relating to intelligence sources and methods, and sensitive law enforcement information that is submitted to those committees pursuant to this section and that are otherwise necessary to carry out the provisions of this section.

(e) STATUTORY CONSTRUCTION.—(1) Nothing in this section shall be construed as authority to withhold any information from the Committees on Armed Services of the Senate and House of Representatives on the grounds that providing the information to those committees would constitute the unauthorized disclosure of classified information, information relating to intelligence sources and methods, or sensitive law enforcement information.

(2) Nothing in this section shall be construed to modify or supersede any other requirement to report information on intelligence activities to the Congress, including the requirement under section 501 of the National Security Act of 1947 (50 U.S.C. 413) for the President to ensure that the congressional intelligence committees are kept fully informed of the intelligence activities of the United States and for those committees to notify promptly other congressional committees of any matter relating to intelligence activities requiring the attention of those committees.

SEC. 3151. ANNUAL REPORT BY THE PRESIDENT ON ESPIONAGE BY THE PEOPLE'S REPUBLIC OF CHINA. 42 USC 7383e.

(a) ANNUAL REPORT REQUIRED.—The President shall transmit to Congress an annual report on the steps being taken by the Department of Energy, the Department of Defense, the Federal Bureau of Investigation, the Central Intelligence Agency, and all other relevant executive departments and agencies to respond to espionage and other intelligence activities by the People's Republic of China, particularly with respect to—

(1) the theft of sophisticated United States nuclear weapons design information; and

(2) the targeting by the People's Republic of China of United States nuclear weapons codes and other national security information of strategic concern.

Deadline. (b) INITIAL REPORT.—The first report under this section shall be transmitted not later than March 1, 2000.

42 USC 7383f.

SEC. 3152. REPORT ON COUNTERINTELLIGENCE AND SECURITY PRACTICES AT NATIONAL LABORATORIES.

Deadline. (a) IN GENERAL.—Not later than March 1 of each year, the Secretary of Energy shall submit to the Congress a report for the preceding year on counterintelligence and security practices at the facilities of the national laboratories (whether or not classified activities are carried out at the facility).

(b) CONTENT OF REPORT.—The report shall include, with respect to each national laboratory, the following:

(1) The number of employees, including full-time counterintelligence and security professionals and contractor employees.

(2) A description of the counterintelligence and security training courses conducted and, for each such course, any requirement that employees successfully complete that course.

(3) A description of each contract awarded that provides an incentive for the effective performance of counterintelligence or security activities.

(4) A description of the requirement that an employee report the travel to sensitive countries of that employee (whether or not the travel was for official business).

(5) The number of trips by individuals who traveled to sensitive countries, with identification of the sensitive countries visited.

42 USC 7383g.

SEC. 3153. REPORT ON SECURITY VULNERABILITIES OF NATIONAL LABORATORY COMPUTERS.

Deadline. (a) REPORT REQUIRED.—Not later than March 1 of each year, the National Counterintelligence Policy Board shall prepare a report on the security vulnerabilities of the computers of the national laboratories.

(b) PREPARATION OF REPORT.—In preparing the report, the National Counterintelligence Policy Board shall establish a so-called "red team" of individuals to perform an operational evaluation of the security vulnerabilities of the computers of one or more national laboratories, including by direct experimentation. Such individuals shall be selected by the National Counterintelligence Policy Board from among employees of the Department of Defense, the National Security Agency, the Central Intelligence Agency, the Federal Bureau of Investigation, and of other agencies, and may be detailed to the National Counterintelligence Policy Board from such agencies without reimbursement and without interruption or loss of civil service status or privilege.

Deadline. (c) SUBMISSION OF REPORT TO SECRETARY OF ENERGY AND TO FBI DIRECTOR.—Not later than March 1 of each year, the report shall be submitted in classified and unclassified form to the Secretary of Energy and the Director of the Federal Bureau of Investigation.

Deadline. (d) FORWARDING TO CONGRESSIONAL COMMITTEES.—Not later than 30 days after the report is submitted, the Secretary and

the Director shall each separately forward that report, with the recommendations in classified and unclassified form of the Secretary or the Director, as applicable, in response to the findings of that report, to the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(e) FIRST REPORT.—The first report under this section shall be the report for the year 2000. That report shall cover each of the national laboratories.

SEC. 3154. COUNTERINTELLIGENCE POLYGRAPH PROGRAM. 42 USC 7383h.

(a) PROGRAM REQUIRED.—The Secretary of Energy, acting through the Director of Counterintelligence, shall carry out a counterintelligence polygraph program for the defense-related activities of the Department. The counterintelligence polygraph program shall consist of the administration of counterintelligence polygraph examinations to each covered person who has access to high-risk programs.

(b) COVERED PERSONS.—For purposes of this section, a covered person is one of the following:

(1) An officer or employee of the Department.

(2) An expert or consultant under contract to the Department.

(3) An officer or employee of a contractor of the Department.

(c) HIGH-RISK PROGRAMS.—For purposes of this section, high-risk programs are the programs known as—

(1) Special Access Programs; and

(2) Personnel Security and Assurance Programs.

(d) INITIAL TESTING AND CONSENT.—The Secretary may not permit a covered person to have initial access to any high-risk program unless that person first undergoes a counterintelligence polygraph examination and consents in a signed writing to the counterintelligence polygraph examinations required by this section.

(e) ADDITIONAL TESTING.—The Secretary may not permit a covered person to have continued access to any high-risk program unless that person undergoes a counterintelligence polygraph examination within five years after that person has initial access, and thereafter—

(1) not less frequently than every five years; and

(2) at any time at the direction of the Director of Counterintelligence.

(f) COUNTERINTELLIGENCE POLYGRAPH EXAMINATION.—For purposes of this section, the term "counterintelligence polygraph examination" means a polygraph examination using questions reasonably calculated to obtain counterintelligence information, including questions relating to espionage, sabotage, unauthorized disclosure of classified information, and unauthorized contact with foreign nationals.

(g) REGULATIONS.—The Secretary shall prescribe any regulations necessary to carry out this section. Those regulations shall include procedures, to be developed in consultation with the Federal Bureau of Investigation, for—

(1) identifying and addressing "false positive" results of polygraph examinations; and

(2) ensuring that adverse personnel actions not be taken against an individual solely by reason of that individual's physiological reaction to a question in a polygraph examination, unless reasonable efforts are first made to independently determine through alternative means the veracity of that individual's response to that question.

(h) PLAN FOR EXTENSION OF PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a plan on extending the program required by this section. The plan shall provide for the administration of counterintelligence polygraph examinations in accordance with the program to each covered person who has access to—

(1) the programs known as Personnel Assurance Programs; and

(2) the information identified as Sensitive Compartmented Information.

42 USC 7383i.

SEC. 3155. DEFINITIONS OF NATIONAL LABORATORY AND NUCLEAR WEAPONS PRODUCTION FACILITY.

For purposes of this subtitle:

(1) The term "national laboratory" means any of the following:

(A) The Lawrence Livermore National Laboratory, Livermore, California.

(B) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(C) The Sandia National Laboratories, Albuquerque, New Mexico and Livermore, California.

(2) The term "nuclear weapons production facility" means any of the following:

(A) The Kansas City Plant, Kansas City, Missouri.

(B) The Pantex Plant, Amarillo, Texas.

(C) The Y–12 Plant, Oak Ridge, Tennessee.

(D) The tritium operations at the Savannah River Site, Aiken, South Carolina.

(E) The Nevada Test Site, Nevada.

42 USC 7383j.

SEC. 3156. DEFINITION OF RESTRICTED DATA.

In this subtitle, the term "Restricted Data" has the meaning given that term in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

Subtitle E—Matters Relating to Personnel

5 USC 5597 note.

SEC. 3161. EXTENSION OF AUTHORITY OF DEPARTMENT OF ENERGY TO PAY VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) EXTENSION.—Notwithstanding subsection (c)(2)(D) of section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (as contained in section 101(f) of division A of Public Law 104–208; 110 Stat. 3009–383; 5 U.S.C. 5597 note), the Department of Energy may pay voluntary separation incentive payments under such section 663 to qualifying employees who voluntarily separate (whether by retirement or resignation) before January 1, 2003.

(b) REPORT.—(1) Not later than March 15, 2000, the Secretary of Energy shall submit to the Director of the Office of Personnel Management and the specified congressional committees a report describing how the Department has, by reason of the provisions of subsection (a), paid voluntary separation payments under such section 663. Deadline.

(2) The report under paragraph (1) shall—

(A) include the occupations and grade levels of each employee with respect to whom the Department has, by reason of the provisions of subsection (a), paid voluntary separation payments under such section 663; and

(B) describe how the paying of such payments by reason of the provisions of subsection (a) relates to the restructuring plans of the Department.

(3) For purposes of this subsection, the term "specified congressional committees" means the following:

(A) The Committee on Armed Services, the Committee on Government Reform, and the Committee on Commerce of the House of Representatives.

(B) The Committee on Armed Services and the Committee on Governmental Affairs of the Senate.

SEC. 3162. FELLOWSHIP PROGRAM FOR DEVELOPMENT OF SKILLS CRITICAL TO THE DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.

(a) IN GENERAL.—Subsection (a) of section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 621; 42 U.S.C. 2121 note) is amended—

(1) by striking "the Secretary" in the second sentence and all that follows through "provide educational assistance" and inserting "the Secretary shall provide educational assistance";

(2) by striking the semicolon after "complex" in the second sentence and inserting a period; and

(3) by striking paragraphs (2) and (3).

(b) ELIGIBLE INDIVIDUALS.—Subsection (b) of such section is amended by inserting "are United States citizens who" in the matter preceding paragraph (1) after "program".

(c) COVERED FACILITIES.—Subsection (c) of such section is amended by adding at the end the following new paragraphs:

"(5) The Lawrence Livermore National Laboratory, Livermore, California.

"(6) The Los Alamos National Laboratory, Los Alamos, New Mexico.

"(7) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.".

(d) AGREEMENT REQUIRED.—Subsection (f) of such section is amended to read as follows:

"(f) AGREEMENT.—(1) The Secretary may allow an individual to participate in the program only if the individual signs an agreement described in paragraph (2).

"(2) An agreement referred to in paragraph (1) shall be in writing, shall be signed by the participant, and shall include the participant's agreement to serve, after completion of the course of study for which the assistance was provided, as a full-time employee in a position in the Department of Energy for a period of time to be established by the Secretary of Energy of not less than one year, if such a position is offered to the participant.".

Deadline.

(e) PLAN.—(1) Not later than January 1, 2000, the Secretary of Energy shall submit to the congressional defense committees a plan for the administration of the fellowship program under section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 42 U.S.C. 2121 note), as amended by this section.

(2) The plan shall include the criteria for the selection of individuals for participation in such fellowship program and a description of the provisions to be included in the agreement required by subsection (f) of such section (as amended by this section), including the period of time established by the Secretary for the participants to serve as employees.

(f) FUNDING.—Of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, $5,000,000 shall be available only to conduct the fellowship program under section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 42 U.S.C. 2121 note), as amended by this section.

SEC. 3163. MAINTENANCE OF NUCLEAR WEAPONS EXPERTISE IN THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.

(a) ADMINISTRATION OF JOINT NUCLEAR WEAPONS COUNCIL.—(1) Subsection (b) of section 179 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) The Council shall meet not less often than once every three months.".

(2) Subsection (c) of that section is amended by adding at the end the following new paragraph:

"(3)(A) Whenever the position of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs has been vacant a period of more than 6 months, the Secretary of Energy shall designate a qualified individual to serve as acting staff director of the Council until the position of that Assistant to the Secretary is filled.

"(B) An individual appointed under subparagraph (A) shall possess substantial technical and policy experience relevant to the management and oversight of nuclear weapons programs.".

Deadline.

(b) REVITALIZATION OF JOINT NUCLEAR WEAPONS COUNCIL.—(1) The Secretary of Defense and the Secretary of Energy shall jointly prepare, and not later than March 15, 2000, submit to the committees specified in subsection (g), a plan to revitalize the Joint Nuclear Weapons Council established by section 179 of title 10, United States Code.

(2) The plan shall include any proposed modification to the membership or responsibilities of the Council that the Secretaries jointly determine advisable to enhance the capability of the Council to ensure the integration of Department of Defense requirements for nuclear weapons into the programs and budget processes of the Department of Energy.

(c) ANNUAL REPORT ON COUNCIL ACTIVITIES.—Section 179(f) of title 10, United States Code, is amended by adding at the end the following:

"(3) A description of the activities of the Council during the 12-month period ending on the date of the report together with any assessments or studies conducted by the Council during that period.

"(4) A description of the highest priority requirements of the Department of Defense with respect to the Department of Energy stockpile stewardship and management program as of that date.

"(5) An assessment of the extent to which the requirements referred to in paragraph (4) are being addressed by the Department of Energy as of that date.".

(d) NUCLEAR MISSION MANAGEMENT PLAN.—(1) The Secretary of Defense shall develop and implement a plan to ensure the continued reliability of the capability of the Department of Defense to carry out its nuclear deterrent mission. 10 USC 113 note.

(2) The plan shall do the following:

(A) Articulate the current policy of the United States on the role of nuclear weapons and nuclear deterrence in the conduct of defense and foreign relations matters.

(B) Establish stockpile viability and capability requirements with respect to that mission, including the number and variety of warheads required.

(C) Establish requirements relating to the contractor industrial base, support infrastructure, and surveillance, testing, assessment, and certification of nuclear weapons necessary to support that mission.

(3) The plan shall take into account the following:

(A) Requirements for the critical skills, readiness, training, exercise, and testing of personnel necessary to meet that mission.

(B) The relevant programs and plans of the military departments and the Defense Agencies with respect to readiness, sustainment (including research and development), and modernization of the strategic deterrent forces.

(e) NUCLEAR EXPERTISE RETENTION MEASURES.—(1) Not later than March 15, 2000, the Secretary of Energy and Secretary of Defense shall submit to the committees specified in subsection (g) a joint plan setting forth the actions that the Secretaries consider necessary to retain core scientific, engineering, and technical skills and capabilities within the Department of Energy, the Department of Defense, and the contractors of those departments in order to maintain the United States nuclear deterrent force indefinitely. Deadline.

(2) The plan shall include the following elements:

(A) A baseline of current skills and capabilities by location.

(B) A statement of the skills or capabilities that are at risk of being lost within the next ten years.

(C) A statement of measures that will be taken to retain such skills and capabilities.

(D) A proposal for recruitment measures to address the loss of such skills or capabilities.

(E) A proposal for the training and evaluation of personnel with core scientific, engineering, and technical skills and capabilities.

(F) A statement of the additional advanced manufacturing programs and process engineering programs that are required to maintain the nuclear deterrent force indefinitely.

(G) An assessment of the desirability of establishing a nuclear weapons workforce reserve to ensure the availability of the skills and capabilities of present and former employees of the Department of Energy, the Department of Defense, and

the contractors of those departments in the event of an urgent future need for such skills and capabilities.

(f) REPORTS ON CRITICAL DIFFICULTIES AT NUCLEAR WEAPONS LABORATORIES.—Section 3159 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2842; 42 U.S.C. 7274o) is amended—

(1) by redesignating subsection (d) as subsection (e); and

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

"(d) INCLUSION OF REPORTS IN ANNUAL STOCKPILE CERTIFICATION.—Any report submitted pursuant to subsection (a) shall also be included with the decision documents that accompany the annual certification of the safety and reliability of the United States nuclear weapons stockpile which is provided to the President for the year in which such report is submitted.".

(g) SPECIFIED COMMITTEES.—The committees specified in this subsection are the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

42 USC 7239.

SEC. 3164. WHISTLEBLOWER PROTECTION PROGRAM.

Establishment.

(a) PROGRAM REQUIRED.—The Secretary of Energy shall establish a program to ensure that covered individuals may not be discharged, demoted, or otherwise discriminated against as a reprisal for making protected disclosures.

(b) COVERED INDIVIDUALS.—For purposes of this section, a covered individual is an individual who is an employee of the Department of Energy, or of a contractor of the Department, who is engaged in the defense activities of the Department.

(c) PROTECTED DISCLOSURES.—For purposes of this section, a protected disclosure is a disclosure—

(1) made by a covered individual who takes appropriate steps to protect the security of the information in accordance with guidance provided under this section;

(2) made to a person or entity specified in subsection (d); and

(3) of classified or other information that the covered individual reasonably believes to provide direct and specific evidence of any of the following:

(A) A violation of law or Federal regulation.

(B) Gross mismanagement, a gross waste of funds, or abuse of authority.

(C) A false statement to Congress on an issue of material fact.

(d) PERSONS AND ENTITIES TO WHICH DISCLOSURES MAY BE MADE.—A person or entity specified in this subsection is any of the following:

(1) A member of a committee of Congress having primary responsibility for oversight of the department, agency, or element of the Government to which the disclosed information relates.

(2) An employee of Congress who is a staff member of such a committee and has an appropriate security clearance for access to information of the type disclosed.

(3) The Inspector General of the Department of Energy.

(4) The Federal Bureau of Investigation.

(5) Any other element of the Government designated by the Secretary as authorized to receive information of the type disclosed.

(e) OFFICIAL CAPACITY OF PERSONS TO WHOM INFORMATION IS DISCLOSED.—A member of, or an employee of Congress who is a staff member of, a committee of Congress specified in subsection (d) who receives a protected disclosure under this section does so in that member or employee's official capacity as such a member or employee.

(f) ASSISTANCE AND GUIDANCE.—The Secretary, acting through the Inspector General of the Department of Energy, shall provide assistance and guidance to each covered individual who seeks to make a protected disclosure under this section. Such assistance and guidance shall include the following:

(1) Identifying the persons or entities under subsection (d) to which that disclosure may be made.

(2) Advising that individual regarding the steps to be taken to protect the security of the information to be disclosed.

(3) Taking appropriate actions to protect the identity of that individual throughout that disclosure.

(4) Taking appropriate actions to coordinate that disclosure with any other Federal agency or agencies that originated the information.

(g) REGULATIONS.—The Secretary shall prescribe regulations to ensure the security of any information disclosed under this section.

(h) NOTIFICATION TO COVERED INDIVIDUALS.—The Secretary shall notify each covered individual of the following:

(1) The rights of that individual under this section.

(2) The assistance and guidance provided under this section.

(3) That the individual has a responsibility to obtain that assistance and guidance before seeking to make a protected disclosure.

(i) COMPLAINT BY COVERED INDIVIDUALS.—If a covered individual believes that that individual has been discharged, demoted, or otherwise discriminated against as a reprisal for making a protected disclosure under this section, the individual may submit a complaint relating to such matter to the Director of the Office of Hearings and Appeals of the Department of Energy.

(j) INVESTIGATION BY OFFICE OF HEARINGS AND APPEALS.—(1) For each complaint submitted under subsection (i), the Director of the Office of Hearings and Appeals shall—

(A) determine whether or not the complaint is frivolous; and

(B) if the Director determines the complaint is not frivolous, conduct an investigation of the complaint.

(2) The Director shall submit a report on each investigation undertaken under paragraph (1)(B) to— Reports.

(A) the individual who submitted the complaint on which the investigation is based;

(B) the contractor concerned, if any; and

(C) the Secretary of Energy.

(k) REMEDIAL ACTION.—(1) Whenever the Secretary determines that a covered individual has been discharged, demoted, or otherwise discriminated against as a reprisal for making a protected disclosure under this section, the Secretary shall—

(A) in the case of a Department employee, take appropriate actions to abate the action; or

(B) in the case of a contractor employee, order the contractor concerned to take appropriate actions to abate the action.

(2)(A) If a contractor fails to comply with an order issued under paragraph (1)(B), the Secretary may file an action for enforcement of the order in the appropriate United States district court.

(B) In any action brought under subparagraph (A), the court may grant appropriate relief, including injunctive relief and compensatory and exemplary damages.

(l) RELATIONSHIP TO OTHER LAWS.—The protections provided by this section are independent of, and not subject to any limitations that may be provided in, the Whistleblower Protection Act of 1989 (Public Law 101–512) or any other law that may provide protection for disclosures of information by employees of the Department of Energy or of a contractor of the Department.

Deadline.

(m) ANNUAL REPORT.—(1) Not later than 30 days after the commencement of each fiscal year, the Director shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the investigations undertaken under subsection (j)(1)(B) during the preceding fiscal year, including a summary of the results of each such investigation.

(2) A report under paragraph (1) may not identify or otherwise provide any information about an individual submitting a complaint under this section without the consent of the individual.

(n) IMPLEMENTATION REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the implementation of the program required by this section.

Subtitle F—Other Matters

SEC. 3171. REQUIREMENT FOR PLAN TO IMPROVE REPROGRAMMING PROCESSES.

Deadline.

Not later than November 15, 1999, the Secretary of Energy shall submit to the congressional defense committees a report on improving the reprogramming processes relating to the defense activities of the Department of Energy. The report shall include a plan to ensure that the reprogramming requests of the Department relating to those activities are submitted in a timely and disciplined manner.

SEC. 3172. INTEGRATED FISSILE MATERIALS MANAGEMENT PLAN.

(a) PLAN.—The Secretary of Energy shall develop a long-term plan for the integrated management of fissile materials by the Department of Energy. The plan shall—

(1) identify means of coordinating or integrating the responsibilities of the Office of Environmental Management, the Office of Fissile Materials Disposition, the Office of Nuclear Energy, and the Office of Defense Programs for the treatment, storage and disposition of fissile materials, and for the waste streams

containing fissile materials, in order to achieve budgetary and other efficiencies in the discharge of those responsibilities; and

(2) identify any expenditures necessary at the sites that are anticipated to have an enduring mission for plutonium management in order to achieve the integrated management of fissile materials by the Department.

(b) SUBMITTAL TO CONGRESS.—The Secretary shall submit the plan required by subsection (a) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives not later than March 31, 2000. Deadline.

SEC. 3173. IDENTIFICATION IN BUDGET MATERIALS OF AMOUNTS FOR DECLASSIFICATION ACTIVITIES AND LIMITATION ON EXPENDITURES FOR SUCH ACTIVITIES. 50 USC 435 note.

(a) AMOUNTS FOR DECLASSIFICATION OF RECORDS.—The Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) specific identification, as a budgetary line item, of the amounts required to carry out programmed activities during that fiscal year to declassify records pursuant to Executive Order No. 12958 (50 U.S.C. 435 note), or any successor Executive order, or to comply with any statutory requirement to declassify Government records.

(b) CERTIFICATION REQUIRED WITH RESPECT TO AUTOMATIC DECLASSIFICATION OF RECORDS.—No records of the Department of Energy that have not as of the date of the enactment of this Act been reviewed for declassification shall be subject to automatic declassification unless the Secretary of Energy certifies to Congress that such declassification would not harm the national security.

(c) REPORT ON AUTOMATIC DECLASSIFICATION OF DEPARTMENT OF ENERGY RECORDS.—Not later than February 1, 2001, the Secretary of Energy shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report on the efforts of the Department of Energy relating to the declassification of classified records under the control of the Department of Energy. Such report shall include the following: Deadline.

(1) An assessment of whether the Department will be able to review all relevant records for declassification before any date established for automatic declassification.

(2) An estimate of the number of records, if any, that the Department will be unable to review for declassification before any such date and the effect on national security of the automatic declassification of those records.

(3) An estimate of the length of time by which any such date would need to be extended to avoid the automatic declassification of records that have not yet been reviewed as of such date.

SEC. 3174. SENSE OF CONGRESS REGARDING TECHNOLOGY TRANSFER COORDINATION FOR DEPARTMENT OF ENERGY NATIONAL LABORATORIES.

(a) TECHNOLOGY TRANSFER COORDINATION.—It is the sense of Congress that, within 90 days after the date of the enactment of this Act, the Secretary of Energy should ensure, for each national laboratory, the following: Deadline.

(1) Consistency of technology transfer policies and procedures with respect to patenting, licensing, and commercialization.

(2) Training to ensure that laboratory personnel responsible for patenting, licensing, and commercialization activities are knowledgeable of the appropriate legal, procedural, and ethical standards.

(b) DEFINITION OF NATIONAL LABORATORY.—As used in this section, the term "national laboratory" means any of the following laboratories:

(1) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(2) The Lawrence Livermore National Laboratory, Livermore, California.

(3) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

42 USC 7257 note.

SEC. 3175. PILOT PROGRAM FOR PROJECT MANAGEMENT OVERSIGHT REGARDING DEPARTMENT OF ENERGY CONSTRUCTION PROJECTS.

(a) REQUIREMENT.—(1) The Secretary of Energy shall carry out a pilot program on use of project management oversight services (in this section referred to as "PMO services") for construction projects of the Department of Energy.

(2) The purpose of the pilot program shall be to provide a basis for determining whether or not the use of competitively procured, external PMO services for those construction projects would permit the Department to control excessive costs and schedule delays associated with those construction projects that have large capital costs.

(b) PROJECTS COVERED BY PROGRAM.—(1) Subject to paragraph (2), the Secretary shall carry out the pilot program at construction projects selected by the Secretary. The projects shall include one or more construction projects authorized pursuant to section 3101 and one construction project authorized pursuant to section 3102.

(2) Each project selected by the Secretary shall be a project having capital construction costs anticipated to be not less than $25,000,000.

(c) SERVICES UNDER PROGRAM.—The PMO services used under the pilot program shall include the following services:

(1) Monitoring the overall progress of a project.

(2) Determining whether or not a project is on schedule.

(3) Determining whether or not a project is within budget.

(4) Determining whether or not a project conforms with plans and specifications approved by the Department.

(5) Determining whether or not a project is being carried out efficiently and effectively.

(6) Any other management oversight services that the Secretary considers appropriate for purposes of the pilot program.

(d) PROCUREMENT OF SERVICES UNDER PROGRAM.—Any PMO services procured under the pilot program shall be acquired—

(1) on a competitive basis; and

(2) from among commercial entities that—

(A) do not currently manage or operate facilities at a location where the pilot program is being conducted; and

(B) have an expertise in the management of large construction projects.

(e) REPORT.—Not later than February 1, 2000, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program. The report shall include the assessment of the Secretary as to the feasibility and desirability of using PMO services for construction projects of the Department. Deadline.

SEC. 3176. PILOT PROGRAM OF DEPARTMENT OF ENERGY TO AUTHORIZE USE OF PRIOR YEAR UNOBLIGATED BALANCES FOR ACCELERATED SITE CLEANUP AT ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.

(a) AUTHORITY TO USE AMOUNTS.—The Secretary of Energy shall carry out a pilot program under which the Secretary may use prior year unobligated balances in the defense environment management account for the closure project of the Department of Energy at the Rocky Flats Environmental Technology Site, Colorado, for purposes of meeting accelerated cleanup schedule milestones with respect to that closure project. The amount of prior year unobligated balances that are obligated under the pilot program in any fiscal year may not exceed $15,000,000.

(b) NOTICE OF INTENT TO USE AUTHORITY.—Not less than 30 days before any obligation of funds under the pilot program under subsection (a), the Secretary shall notify the congressional defense committees of the intent of the Secretary to make such obligation. Deadline.

(c) REPORT ON PILOT PROGRAM.—Not later than July 31, 2002, the Secretary shall submit to the congressional defense committees and the Committee on Commerce of the House of Representatives a report on the implementation of the pilot program carried out under subsection (a). The report shall include the following: Deadline.

(1) Any use of the authority under that pilot program.

(2) The recommendations of the Secretary as to whether—

(A) the termination date in subsection (d) should be extended; and

(B) the authority under that pilot program should be applied to additional closure projects of the Department.

(d) TERMINATION.—The authority to obligate funds under the pilot program shall cease to be in effect at the close of September 30, 2002.

SEC. 3177. PROPOSED SCHEDULE FOR SHIPMENTS OF WASTE FROM ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO, TO WASTE ISOLATION PILOT PLANT, NEW MEXICO.

(a) SUBMITTAL OF PROPOSED SCHEDULE.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services and the Committee on Commerce of the House of Representatives a proposed schedule for shipment of mixed and unmixed transuranic waste from the Rocky Flats Environmental Technology Site, Colorado, to the Waste Isolation Pilot Plant, New Mexico. The proposed schedule shall identify a schedule for certifying, producing, and delivering appropriate shipping containers.

(b) REQUIREMENTS REGARDING SCHEDULE.—In preparing the schedule required under subsection (a), the Secretary shall assume the following:

(1) That the Rocky Flats Environmental Technology Site will have a closure date that is in 2006.

(2) That all waste that is transferable from the Rocky Flats Environmental Technology Site to the Waste Isolation Pilot Plant will be removed from the Rocky Flats Environmental Technology Site by that closure date as specified in the current 2006 Rocky Flats Environmental Technology Site Closure Plan.

(3) That, to the maximum extent practicable, shipments of waste from the Rocky Flats Environmental Technology Site to the Waste Isolation Pilot Plant will be carried out on an expedited schedule, but not interfere with other shipments of waste to the Waste Isolation Pilot Plant that are planned as of the date of the enactment of this Act.

SEC. 3178. COMPTROLLER GENERAL REPORT ON CLOSURE OF ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.

Deadline.

(a) REPORT.—Not later than December 31, 2000, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report assessing the progress in the closure of the Rocky Flats Environmental Technology Site, Colorado.

(b) REPORT ELEMENTS.—The report shall address and make recommendations on the following:

(1) How decisions with respect to the future use of the Rocky Flats Environmental Technology Site affect ongoing cleanup at the site.

(2) How failure to make decisions with respect to the future use of the Rocky Flats site affect ongoing cleanup at that site.

(3) Whether the Secretary of Energy could provide additional flexibility to the contractor at the Rocky Flats site in order to accelerate the cleanup of that site.

(4) Whether the Secretary could take additional actions throughout the nuclear weapons complex of the Department of Energy in order to accelerate the closure of the Rocky Flats site.

(5) The developments, if any, since the April 1999 report of the Comptroller General that could alter the pace of the closure of the Rocky Flats site.

(6) The possibility of closure of the Rocky Flats site by 2006.

(7) The actions that should be taken by the Secretary or Congress to ensure that the Rocky Flats site will be closed by 2006.

(8) The impact of the schedule to transport mixed and unmixed transuranic waste on the ability of the Secretary to close the Rocky Flats site by 2006.

SEC. 3179. EXTENSION OF REVIEW OF WASTE ISOLATION PILOT PLANT, NEW MEXICO.

Section 1433(a) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2073) is amended in the second sentence by striking "nine additional one-year periods" and inserting "fourteen additional one-year periods".

TITLE XXXII—NATIONAL NUCLEAR SECURITY ADMINISTRATION

National Nuclear Security Administration Act.

Sec. 3201. Short title.
Sec. 3202. Under Secretary for Nuclear Security of Department of Energy.
Sec. 3203. Establishment of policy for National Nuclear Security Administration.
Sec. 3204. Organization of Department of Energy counterintelligence and intelligence programs and activities.

Subtitle A—Establishment and Organization

Sec. 3211. Establishment and mission.
Sec. 3212. Administrator for Nuclear Security.
Sec. 3213. Status of Administration and contractor personnel within Department of Energy.
Sec. 3214. Deputy Administrator for Defense Programs.
Sec. 3215. Deputy Administrator for Defense Nuclear Nonproliferation.
Sec. 3216. Deputy Administrator for Naval Reactors.
Sec. 3217. General Counsel.
Sec. 3218. Staff of Administration.

Subtitle B—Matters Relating to Security

Sec. 3231. Protection of national security information.
Sec. 3232. Office of Defense Nuclear Counterintelligence and Office of Defense Nuclear Security.
Sec. 3233. Counterintelligence programs.
Sec. 3234. Procedures relating to access by individuals to classified areas and information of Administration.
Sec. 3235. Government access to information on Administration computers.
Sec. 3236. Congressional oversight of special access programs.

Subtitle C—Matters Relating to Personnel

Sec. 3241. Authority to establish certain scientific, engineering, and technical positions.
Sec. 3242. Voluntary early retirement authority.
Sec. 3243. Severance pay.
Sec. 3244. Continued coverage of health care benefits.

Subtitle D—Budget and Financial Management

Sec. 3251. Separate treatment in budget.
Sec. 3252. Planning, programming, and budgeting process.
Sec. 3253. Future-years nuclear security program.

Subtitle E—Miscellaneous Provisions

Sec. 3261. Environmental protection, safety, and health requirements.
Sec. 3262. Compliance with Federal Acquisition Regulation.
Sec. 3263. Sharing of technology with Department of Defense.
Sec. 3264. Use of capabilities of national security laboratories by entities outside the Administration.

Subtitle F—Definitions

Sec. 3281. Definitions.

Subtitle G—Amendatory Provisions, Transition Provisions, and Effective Dates

Sec. 3291. Functions transferred.
Sec. 3292. Transfer of funds and employees.
Sec. 3293. Pay levels.
Sec. 3294. Conforming amendments.
Sec. 3295. Transition provisions.
Sec. 3296. Applicability of preexisting laws and regulations.
Sec. 3297. Report containing implementation plan of Secretary of Energy.
Sec. 3298. Classification in United States Code.
Sec. 3299. Effective dates.

SEC. 3201. SHORT TITLE.

50 USC 2401 note.

This title may be cited as the "National Nuclear Security Administration Act".

SEC. 3202. UNDER SECRETARY FOR NUCLEAR SECURITY OF DEPARTMENT OF ENERGY.

Section 202 of the Department of Energy Organization Act (42 U.S.C. 7132) is amended by adding at the end the following new subsection:

"(c)(1) There shall be in the Department an Under Secretary for Nuclear Security, who shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary shall be compensated at the rate provided for at level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(2) The Under Secretary for Nuclear Security shall be appointed from among persons who—

"(A) have extensive background in national security, organizational management, and appropriate technical fields; and

"(B) are well qualified to manage the nuclear weapons, nonproliferation, and materials disposition programs of the National Nuclear Security Administration in a manner that advances and protects the national security of the United States.

"(3) The Under Secretary for Nuclear Security shall serve as the Administrator for Nuclear Security under section 3212 of the National Nuclear Security Administration Act. In carrying out the functions of the Administrator, the Under Secretary shall be subject to the authority, direction, and control of the Secretary. Such authority, direction, and control may be delegated only to the Deputy Secretary of Energy, without redelegation.".

SEC. 3203. ESTABLISHMENT OF POLICY FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) ESTABLISHMENT OF POLICY FOR ADMINISTRATION.—The Department of Energy Organization Act is amended by adding at the end of title II (42 U.S.C. 7131 et seq.) the following new section:

"ESTABLISHMENT OF POLICY FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION

42 USC 7144.

"SEC. 213. (a) The Secretary shall be responsible for establishing policy for the National Nuclear Security Administration.

"(b) The Secretary may direct officials of the Department who are not within the National Nuclear Security Administration to review the programs and activities of the Administration and to make recommendations to the Secretary regarding administration of those programs and activities, including consistency with other similar programs and activities of the Department.

"(c) The Secretary shall have adequate staff to support the Secretary in carrying out the Secretary's responsibilities under this section.".

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Department of Energy Organization Act is amended by inserting after the item relating to section 212 the following new item:

"213. Establishment of policy for National Nuclear Security Administration.".

SEC. 3204. ORGANIZATION OF DEPARTMENT OF ENERGY COUNTERINTELLIGENCE AND INTELLIGENCE PROGRAMS AND ACTIVITIES.

(a) ESTABLISHMENT OF OFFICES.—The Department of Energy Organization Act (42 U.S.C. 7101 et seq.) is amended by inserting after section 213, as added by section 3203(a), the following new sections:

"ESTABLISHMENT OF SECURITY, COUNTERINTELLIGENCE, AND INTELLIGENCE POLICIES

"SEC. 214. The Secretary shall be responsible for developing and promulgating the security, counterintelligence, and intelligence policies of the Department. The Secretary may use the immediate staff of the Secretary to assist in developing and promulgating those policies. 42 USC 7144a.

"OFFICE OF COUNTERINTELLIGENCE

"SEC. 215. (a) There is within the Department an Office of Counterintelligence. 42 USC 7144b.

"(b)(1) The head of the Office shall be the Director of the Office of Counterintelligence, which shall be a position in the Senior Executive Service. The Director of the Office shall report directly to the Secretary.

"(2) The Secretary shall select the Director of the Office from among individuals who have substantial expertise in matters relating to counterintelligence.

"(3) The Director of the Federal Bureau of Investigation may detail, on a reimbursable basis, any employee of the Bureau to the Department for service as Director of the Office. The service of an employee of the Bureau as Director of the Office shall not result in any loss of status, right, or privilege by the employee within the Bureau.

"(c)(1) The Director of the Office shall be responsible for establishing policy for counterintelligence programs and activities at Department facilities in order to reduce the threat of disclosure or loss of classified and other sensitive information at such facilities.

"(2) The Director of the Office shall be responsible for establishing policy for the personnel assurance programs of the Department.

"(3) The Director shall inform the Secretary, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation on a regular basis, and upon specific request by any such official, regarding the status and effectiveness of the counterintelligence programs and activities at Department facilities.

"(d)(1) Not later than March 1 each year, the Director of the Office shall submit a report on the status and effectiveness of the counterintelligence programs and activities at each Department facility during the preceding year. Each such report shall be submitted to the following: Reports. Deadline.

"(A) The Secretary.

"(B) The Director of Central Intelligence.

"(C) The Director of the Federal Bureau of Investigation.

"(D) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

"(E) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

"(2) Each such report shall include for the year covered by the report the following:

"(A) A description of the status and effectiveness of the counterintelligence programs and activities at Department facilities.

"(B) A description of any violation of law or other requirement relating to intelligence, counterintelligence, or security at such facilities, including—

"(i) the number of violations that were investigated; and

"(ii) the number of violations that remain unresolved.

"(C) A description of the number of foreign visitors to Department facilities, including the locations of the visits of such visitors.

"(D) The adequacy of the Department's procedures and policies for protecting national security information, making such recommendations to Congress as may be appropriate.

"(E) A determination of whether each Department of Energy national laboratory is in full compliance with all departmental security requirements and, in the case of any such laboratory that is not, what measures are being taken to bring that laboratory into compliance.

Deadline. "(3) Not less than 30 days before the date that the report required by paragraph (1) is submitted, the director of each Department of Energy national laboratory shall certify in writing to the Director of the Office whether that laboratory is in full compliance with all departmental security requirements and, if not, what measures are being taken to bring that laboratory into compliance and a schedule for implementing those measures.

"(4) Each report under this subsection as submitted to the committees referred to in subparagraphs (D) and (E) of paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

"OFFICE OF INTELLIGENCE

42 USC 7144c. "SEC. 216. (a) There is within the Department an Office of Intelligence.

"(b)(1) The head of the Office shall be the Director of the Office of Intelligence, which shall be a position in the Senior Executive Service. The Director of the Office shall report directly to the Secretary.

"(2) The Secretary shall select the Director of the Office from among individuals who have substantial expertise in matters relating to foreign intelligence.

"(c) Subject to the authority, direction, and control of the Secretary, the Director of the Office shall perform such duties and exercise such powers as the Secretary may prescribe.".

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Department of Energy Organization Act is amended by inserting after the item relating to section 213, as added by section 3203(b), the following new items:

"214. Establishment of security, counterintelligence, and intelligence policies.
"215. Office of Counterintelligence.
"216. Office of Intelligence.".

Subtitle A—Establishment and Organization

SEC. 3211. ESTABLISHMENT AND MISSION. 50 USC 2401.

(a) ESTABLISHMENT.—There is established within the Department of Energy a separately organized agency to be known as the National Nuclear Security Administration (in this title referred to as the "Administration").

(b) MISSION.—The mission of the Administration shall be the following:

(1) To enhance United States national security through the military application of nuclear energy.

(2) To maintain and enhance the safety, reliability, and performance of the United States nuclear weapons stockpile, including the ability to design, produce, and test, in order to meet national security requirements.

(3) To provide the United States Navy with safe, militarily effective nuclear propulsion plants and to ensure the safe and reliable operation of those plants.

(4) To promote international nuclear safety and nonproliferation.

(5) To reduce global danger from weapons of mass destruction.

(6) To support United States leadership in science and technology.

(c) OPERATIONS AND ACTIVITIES TO BE CARRIED OUT CONSISTENT WITH CERTAIN PRINCIPLES.—In carrying out the mission of the Administration, the Administrator shall ensure that all operations and activities of the Administration are consistent with the principles of protecting the environment and safeguarding the safety and health of the public and of the workforce of the Administration.

SEC. 3212. ADMINISTRATOR FOR NUCLEAR SECURITY. 50 USC 2402.

(a) IN GENERAL.—(1) There is at the head of the Administration an Administrator for Nuclear Security (in this title referred to as the "Administrator").

(2) Pursuant to subsection (c) of section 202 of the Department of Energy Organization Act (42 U.S.C. 7132), as added by section 3202 of this Act, the Under Secretary for Nuclear Security of the Department of Energy serves as the Administrator.

(b) FUNCTIONS.—The Administrator has authority over, and is responsible for, all programs and activities of the Administration (except for the functions of the Deputy Administrator for Naval Reactors specified in the Executive order referred to in section 3216(b)), including the following:

(1) Strategic management.

(2) Policy development and guidance.

(3) Budget formulation, guidance, and execution, and other financial matters.

(4) Resource requirements determination and allocation.

(5) Program management and direction.

(6) Safeguards and security.

(7) Emergency management.

(8) Integrated safety management.

(9) Environment, safety, and health operations.

(10) Administration of contracts, including the management and operations of the nuclear weapons production facilities and the national security laboratories.

(11) Intelligence.

(12) Counterintelligence.

(13) Personnel, including the selection, appointment, distribution, supervision, establishing of compensation, and separation of personnel in accordance with subtitle C of this title.

(14) Procurement of services of experts and consultants in accordance with section 3109 of title 5, United States Code.

(15) Legal matters.

(16) Legislative affairs.

(17) Public affairs.

(18) Liaison with other elements of the Department of Energy and with other Federal agencies, State, tribal, and local governments, and the public.

(c) PROCUREMENT AUTHORITY.—The Administrator is the senior procurement executive for the Administration for the purposes of section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).

(d) POLICY AUTHORITY.—The Administrator may establish Administration-specific policies, unless disapproved by the Secretary of Energy.

50 USC 2403.

SEC. 3213. STATUS OF ADMINISTRATION AND CONTRACTOR PERSONNEL WITHIN DEPARTMENT OF ENERGY.

(a) STATUS OF ADMINISTRATION PERSONNEL.—Each officer or employee of the Administration, in carrying out any function of the Administration—

(1) shall be responsible to and subject to the authority, direction, and control of—

(A) the Secretary acting through the Administrator and consistent with section 202(c)(3) of the Department of Energy Organization Act;

(B) the Administrator; or

(C) the Administrator's designee within the Administration; and

(2) shall not be responsible to, or subject to the authority, direction, or control of, any other officer, employee, or agent of the Department of Energy.

(b) STATUS OF CONTRACTOR PERSONNEL.—Each officer or employee of a contractor of the Administration, in carrying out any function of the Administration, shall not be responsible to, or subject to the authority, direction, or control of, any officer, employee, or agent of the Department of Energy who is not an employee of the Administration, except for the Secretary of Energy consistent with section 202(c)(3) of the Department of Energy Organization Act.

(c) CONSTRUCTION OF SECTION.—Subsections (a) and (b) may not be interpreted to in any way preclude or interfere with the communication of technical findings derived from, and in accord with, duly authorized activities between (1) the head, or any contractor employee, of a national security laboratory or of a nuclear weapons production facility, and (2) the Department of Energy, the President, or Congress.

SEC. 3214. DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS. 50 USC 2404.

(a) IN GENERAL.—There is in the Administration a Deputy Administrator for Defense Programs, who is appointed by the President, by and with the advice and consent of the Senate.

(b) DUTIES.—Subject to the authority, direction, and control of the Administrator, the Deputy Administrator for Defense Programs shall perform such duties and exercise such powers as the Administrator may prescribe, including the following:

(1) Maintaining and enhancing the safety, reliability, and performance of the United States nuclear weapons stockpile, including the ability to design, produce, and test, in order to meet national security requirements.

(2) Directing, managing, and overseeing the nuclear weapons production facilities and the national security laboratories.

(3) Directing, managing, and overseeing assets to respond to incidents involving nuclear weapons and materials.

(c) RELATIONSHIP TO LABORATORIES AND FACILITIES.—The head of each national security laboratory and nuclear weapons production facility shall, consistent with applicable contractual obligations, report to the Deputy Administrator for Defense Programs.

SEC. 3215. DEPUTY ADMINISTRATOR FOR DEFENSE NUCLEAR NONPROLIFERATION. 50 USC 2405.

(a) IN GENERAL.—There is in the Administration a Deputy Administrator for Defense Nuclear Nonproliferation, who is appointed by the President, by and with the advice and consent of the Senate.

(b) DUTIES.—Subject to the authority, direction, and control of the Administrator, the Deputy Administrator for Defense Nuclear Nonproliferation shall perform such duties and exercise such powers as the Administrator may prescribe, including the following:

(1) Preventing the spread of materials, technology, and expertise relating to weapons of mass destruction.

(2) Detecting the proliferation of weapons of mass destruction worldwide.

(3) Eliminating inventories of surplus fissile materials usable for nuclear weapons.

(4) Providing for international nuclear safety.

SEC. 3216. DEPUTY ADMINISTRATOR FOR NAVAL REACTORS. 50 USC 2406.

(a) IN GENERAL.—(1) There is in the Administration a Deputy Administrator for Naval Reactors. The director of the Naval Nuclear Propulsion Program provided for under the Naval Nuclear Propulsion Executive Order shall serve as the Deputy Administrator for Naval Reactors.

(2) Within the Department of Energy, the Deputy Administrator shall report to the Secretary of Energy through the Administrator and shall have direct access to the Secretary and other senior officials in the Department.

(b) DUTIES.—The Deputy Administrator shall be assigned the responsibilities, authorities, and accountability for all functions of the Office of Naval Reactors under the Naval Nuclear Propulsion Executive Order.

(c) EFFECT ON EXECUTIVE ORDER.—Except as otherwise specified in this section and notwithstanding any other provision of

this title, the provisions of the Naval Nuclear Propulsion Executive Order remain in full force and effect until changed by law.

(d) NAVAL NUCLEAR PROPULSION EXECUTIVE ORDER.—As used in this section, the Naval Nuclear Propulsion Executive Order is Executive Order No. 12344, dated February 1, 1982 (42 U.S.C. 7158 note) (as in force pursuant to section 1634 of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 42 U.S.C. 7158 note)).

50 USC 2407.

SEC. 3217. GENERAL COUNSEL.

There is a General Counsel of the Administration. The General Counsel is the chief legal officer of the Administration.

50 USC 2408.

SEC. 3218. STAFF OF ADMINISTRATION.

(a) IN GENERAL.—The Administrator shall maintain within the Administration sufficient staff to assist the Administrator in carrying out the duties and responsibilities of the Administrator.

(b) RESPONSIBILITIES.—The staff of the Administration shall perform, in accordance with applicable law, such of the functions of the Administrator as the Administrator shall prescribe. The Administrator shall assign to the staff responsibility for the following functions:

(1) Personnel.

(2) Legislative affairs.

(3) Public affairs.

(4) Liaison with other elements of the Department of Energy and with other Federal agencies, State, tribal, and local governments, and the public.

Subtitle B—Matters Relating to Security

50 USC 2421.

SEC. 3231. PROTECTION OF NATIONAL SECURITY INFORMATION.

(a) POLICIES AND PROCEDURES REQUIRED.—The Administrator shall establish procedures to ensure the maximum protection of classified information in the possession of the Administration.

(b) PROMPT REPORTING.—The Administrator shall establish procedures to ensure prompt reporting to the Administrator of any significant problem, abuse, violation of law or Executive order, or deficiency relating to the management of classified information by personnel of the Administration.

50 USC 2422.

SEC. 3232. OFFICE OF DEFENSE NUCLEAR COUNTERINTELLIGENCE AND OFFICE OF DEFENSE NUCLEAR SECURITY.

(a) ESTABLISHMENT.—(1) There are within the Administration—

(A) an Office of Defense Nuclear Counterintelligence; and

(B) an Office of Defense Nuclear Security.

(2) Each office established under paragraph (1) shall be headed by a Chief appointed by the Secretary of Energy. The Administrator shall recommend to the Secretary suitable candidates for each such position.

(b) CHIEF OF DEFENSE NUCLEAR COUNTERINTELLIGENCE.—(1) The head of the Office of Defense Nuclear Counterintelligence is the Chief of Defense Nuclear Counterintelligence, who shall report to the Administrator and shall implement the counterintelligence policies directed by the Secretary and Administrator.

(2) The Secretary shall appoint the Chief, in consultation with the Director of the Federal Bureau of Investigation, from among

individuals who have special expertise in counterintelligence. If an individual to serve as the Chief of Defense Nuclear Counterintelligence is a Federal employee of an entity other than the Administration, the service of that employee as Chief shall not result in any loss of employment status, right, or privilege by that employee.

(3) The Chief shall have direct access to the Secretary and all other officials of the Department and the contractors of the Department concerning counterintelligence matters.

(4) The Chief shall be responsible for—

(A) the development and implementation of the counterintelligence programs of the Administration to prevent the disclosure or loss of classified or other sensitive information; and

(B) the development and administration of personnel assurance programs within the Administration.

(c) CHIEF OF DEFENSE NUCLEAR SECURITY.—(1) The head of the Office of Defense Nuclear Security is the Chief of Defense Nuclear Security, who shall report to the Administrator and shall implement the security policies directed by the Secretary and Administrator.

(2) The Chief shall have direct access to the Secretary and all other officials of the Department and the contractors of the Department concerning security matters.

(3) The Chief shall be responsible for the development and implementation of security programs for the Administration, including the protection, control and accounting of materials, and for the physical and cyber security for all facilities of the Administration.

SEC. 3233. COUNTERINTELLIGENCE PROGRAMS. 50 USC 2423.

(a) NATIONAL SECURITY LABORATORIES AND NUCLEAR WEAPONS PRODUCTION FACILITIES.—The Administrator shall, at each national security laboratory and nuclear weapons production facility, establish and maintain a counterintelligence program adequate to protect national security information at that laboratory or production facility.

(b) OTHER FACILITIES.—The Administrator shall, at each Administration facility not described in subsection (a) at which Restricted Data is located, assign an employee of the Office of Defense Nuclear Counterintelligence who shall be responsible for and assess counterintelligence matters at that facility.

SEC. 3234. PROCEDURES RELATING TO ACCESS BY INDIVIDUALS TO CLASSIFIED AREAS AND INFORMATION OF ADMINISTRATION. 50 USC 2424.

The Administrator shall establish appropriate procedures to ensure that any individual is not permitted unescorted access to any classified area, or access to classified information, of the Administration until that individual has been verified to hold the appropriate security clearances.

SEC. 3235. GOVERNMENT ACCESS TO INFORMATION ON ADMINISTRATION COMPUTERS. 50 USC 2425.

(a) PROCEDURES REQUIRED.—The Administrator shall establish procedures to govern access to information on Administration computers. Those procedures shall, at a minimum, provide that any individual who has access to information on an Administration

computer shall be required as a condition of such access to provide to the Administrator written consent which permits access by an authorized investigative agency to any Administration computer used in the performance of the duties of such employee during the period of that individual's access to information on an Administration computer and for a period of three years thereafter.

(b) EXPECTATION OF PRIVACY IN ADMINISTRATION COMPUTERS.—Notwithstanding any other provision of law (including any provision of law enacted by the Electronic Communications Privacy Act of 1986), no user of an Administration computer shall have any expectation of privacy in the use of that computer.

(c) DEFINITION.—For purposes of this section, the term "authorized investigative agency" means an agency authorized by law or regulation to conduct a counterintelligence investigation or investigations of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information.

50 USC 2426.

SEC. 3236. CONGRESSIONAL OVERSIGHT OF SPECIAL ACCESS PROGRAMS.

(a) ANNUAL REPORT ON SPECIAL ACCESS PROGRAMS.—(1) Not later than February 1 of each year, the Administrator shall submit to the congressional defense committees a report on special access programs of the Administration.

(2) Each such report shall set forth—

(A) the total amount requested for such programs in the President's budget for the next fiscal year submitted under section 1105 of title 31, United States Code; and

(B) for each such program in that budget, the following:

(i) A brief description of the program.

(ii) A brief discussion of the major milestones established for the program.

(iii) The actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted.

(iv) The estimated total cost of the program and the estimated cost of the program for (I) the current fiscal year, (II) the fiscal year for which the budget is submitted, and (III) each of the four succeeding fiscal years during which the program is expected to be conducted.

(b) ANNUAL REPORT ON NEW SPECIAL ACCESS PROGRAMS.—

Deadline.

(1) Not later than February 1 of each year, the Administrator shall submit to the congressional defense committees a report that, with respect to each new special access program, provides—

(A) notice of the designation of the program as a special access program; and

(B) justification for such designation.

(2) A report under paragraph (1) with respect to a program shall include—

(A) the current estimate of the total program cost for the program; and

(B) an identification of existing programs or technologies that are similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the notice.

(3) In this subsection, the term "new special access program" means a special access program that has not previously been covered in a notice and justification under this subsection.

(c) REPORTS ON CHANGES IN CLASSIFICATION OF SPECIAL ACCESS PROGRAMS.—(1) Whenever a change in the classification of a special access program of the Administration is planned to be made or whenever classified information concerning a special access program of the Administration is to be declassified and made public, the Administrator shall submit to the congressional defense committees a report containing a description of the proposed change, the reasons for the proposed change, and notice of any public announcement planned to be made with respect to the proposed change.

(2) Except as provided in paragraph (3), any report referred to in paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change or public announcement is to occur. Deadline.

(3) If the Administrator determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change or public announcement concerning a special access program of the Administration, the Administrator may submit the report required by paragraph (1) regarding the proposed change or public announcement at any time before the proposed change or public announcement is made and shall include in the report an explanation of the exceptional circumstances.

(d) NOTICE OF CHANGE IN SAP DESIGNATION CRITERIA.—Whenever there is a modification or termination of the policy and criteria used for designating a program of the Administration as a special access program, the Administrator shall promptly notify the congressional defense committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

(e) WAIVER AUTHORITY.—(1) The Administrator may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the Administrator determines that inclusion of that information in the report would adversely affect the national security. The Administrator may waive the report-and-wait requirement in subsection (f) if the Administrator determines that compliance with such requirement would adversely affect the national security. Any waiver under this paragraph shall be made on a case-by-case basis.

(2) If the Administrator exercises the authority provided under paragraph (1), the Administrator shall provide the information described in that subsection with respect to the special access program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the congressional defense committees.

(f) REPORT AND WAIT FOR INITIATING NEW PROGRAMS.—A special access program may not be initiated until—

(1) the congressional defense committees are notified of the program; and

(2) a period of 30 days elapses after such notification is received.

Subtitle C—Matters Relating to Personnel

50 USC 2441.

SEC. 3241. AUTHORITY TO ESTABLISH CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL POSITIONS.

The Administrator may, for the purposes of carrying out the responsibilities of the Administrator under this title, establish not more than 300 scientific, engineering, and technical positions in the Administration, appoint individuals to such positions, and fix the compensation of such individuals. Subject to the limitations in the preceding sentence, the authority of the Administrator to make appointments and fix compensation with respect to positions in the Administration under this section shall be equivalent to, and subject to the limitations of, the authority under section 161 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(d)) to make appointments and fix compensation with respect to officers and employees described in such section.

50 USC 2442.

SEC. 3242. VOLUNTARY EARLY RETIREMENT AUTHORITY.

(a) AUTHORITY.—An employee of the Department of Energy who is separated from the service under conditions described in subsection (b) after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an annuity in accordance with the provisions in chapter 83 or 84 of title 5, United States Code, as applicable.

(b) CONDITIONS OF SEPARATION.—Subsection (a) applies to an employee who—

(1) has been employed continuously by the Department of Energy for more than 30 days before the date on which the Secretary of Energy makes the determination required under paragraph (4)(A);

(2) is serving under an appointment that is not limited by time;

(3) has not received a decision notice of involuntary separation for misconduct or unacceptable performance that is pending decision; and

(4) is separated from the service voluntarily during a period with respect to which—

(A) the Secretary of Energy determines that the Department of Energy is undergoing a major reorganization as a result of the establishment of the National Nuclear Security Administration; and

(B) the employee is within the scope of an offer of voluntary early retirement (as defined by organizational unit, occupational series or level, geographical location, any other similar factor that the Office of Personnel Management determines appropriate, or any combination of such definitions of scope), as determined by the Secretary under regulations prescribed by the Office.

(c) TREATMENT OF EMPLOYEES.—For purposes of chapters 83 and 84 of title 5, United States Code (including for purposes of computation of an annuity under such chapters), an employee entitled to an annuity under this section shall be treated as an employee entitled to an annuity under section 8336(d) or 8414(b) of such title, as applicable.

(d) DEFINITIONS.—As used in this section, the terms "employee" and "annuity"—

(1) with respect to individuals covered by the Civil Service Retirement System established in subchapter III of chapter 83 of title 5, United States Code, have the meaning of such terms as used in such chapter; and

(2) with respect to individuals covered by the Federal Employees Retirement System established in chapter 84 of such title, have the meaning of such terms as used in such chapter.

(e) LIMITATION AND TERMINATION OF AUTHORITY.—The authority provided in subsection (a)—

(1) may be applied with respect to a total of not more than 600 employees of the Department of Energy; and

(2) shall expire on September 30, 2003.

SEC. 3243. SEVERANCE PAY.

Section 5595 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(j)(1) In the case of an employee of the Department of Energy who is entitled to severance pay under this section as a result of the establishment of the National Nuclear Security Administration, the Secretary of Energy may, upon application by the employee, pay the total amount of the severance pay to the employee in one lump sum.

"(2)(A) If an employee paid severance pay in a lump sum under this subsection is reemployed by the Government of the United States or the government of the District of Columbia at such time that, had the employee been paid severance pay in regular pay periods under subsection (b), the payments of such pay would have been discontinued under subsection (d) upon such reemployment, the employee shall repay to the Department of Energy an amount equal to the amount of severance pay to which the employee was entitled under this section that would not have been paid to the employee under subsection (d) by reason of such reemployment.

"(B) The period of service represented by an amount of severance pay repaid by an employee under subparagraph (A) shall be considered service for which severance pay has not been received by the employee under this section.

"(C) Amounts repaid to the Department of Energy under this paragraph shall be credited to the appropriation available for the pay of employees of the agency for the fiscal year in which received. Amounts so credited shall be merged with, and shall be available for the same purposes and the same period as, the other funds in that appropriation.

"(3) If an employee fails to repay to the Department of Energy an amount required to be repaid under paragraph (2)(A), that amount is recoverable from the employee as a debt due the United States.".

SEC. 3244. CONTINUED COVERAGE OF HEALTH CARE BENEFITS.

Section 8905a(d)(4)(A) of title 5, United States Code, is amended by inserting ", or the Department of Energy due to a reduction in force resulting from the establishment of the National Nuclear Security Administration" after "reduction in force".

Subtitle D—Budget and Financial Management

50 USC 2451.

SEC. 3251. SEPARATE TREATMENT IN BUDGET.

(a) PRESIDENT'S BUDGET.—In each budget submitted by the President to the Congress under section 1105 of title 31, United States Code, amounts requested for the Administration shall be set forth separately within the other amounts requested for the Department of Energy.

(b) BUDGET JUSTIFICATION MATERIALS.—In the budget justification materials submitted to Congress in support of each such budget, the amounts requested for the Administration shall be specified in individual, dedicated program elements.

50 USC 2452.

SEC. 3252. PLANNING, PROGRAMMING, AND BUDGETING PROCESS.

The Administrator shall establish procedures to ensure that the planning, programming, budgeting, and financial activities of the Administration comport with sound financial and fiscal management principles. Those procedures shall, at a minimum, provide for the planning, programming, and budgeting of activities of the Administration using funds that are available for obligation for a limited number of years.

50 USC 2453.

SEC. 3253. FUTURE-YEARS NUCLEAR SECURITY PROGRAM.

(a) SUBMISSION TO CONGRESS.—The Administrator shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years nuclear security program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years nuclear security program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

(b) ELEMENTS.—Each future-years nuclear security program shall contain the following:

(1) The estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Administration during the five-fiscal year period covered by the program, expressed in a level of detail comparable to that contained in the budget submitted by the President to Congress under section 1105 of title 31, United States Code.

(2) A description of the anticipated workload requirements for each Administration site during that five-fiscal year period.

(c) EFFECT OF BUDGET ON STOCKPILE.—The Administrator shall include in the materials the Administrator submits to Congress in support of the budget for any fiscal year that is submitted by the President pursuant to section 1105 of title 31, United States Code, a description of how the funds identified for each program element in the weapons activities budget of the Administration for such fiscal year will help ensure that the nuclear weapons stockpile is safe and reliable as determined in accordance with the criteria established under section 3158 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2257; 42 U.S.C. 2121 note).

(d) CONSISTENCY IN BUDGETING.—(1) The Administrator shall ensure that amounts described in subparagraph (A) of paragraph

(2) for any fiscal year are consistent with amounts described in subparagraph (B) of paragraph (2) for that fiscal year.

(2) Amounts referred to in paragraph (1) are the following:

(A) The amounts specified in program and budget information submitted to Congress by the Administrator in support of expenditure estimates and proposed appropriations in the budget submitted to Congress by the President under section 1105(a) of title 31, United States Code, for any fiscal year, as shown in the future-years nuclear security program submitted pursuant to subsection (a).

(B) The total amounts of estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Administration included pursuant to paragraph (5) of section 1105(a) of such title in the budget submitted to Congress under that section for any fiscal year.

(e) TREATMENT OF MANAGEMENT CONTINGENCIES.—Nothing in this section shall be construed to prohibit the inclusion in the future-years nuclear security program of amounts for management contingencies, subject to the requirements of subsection (d).

Subtitle E—Miscellaneous Provisions

SEC. 3261. ENVIRONMENTAL PROTECTION, SAFETY, AND HEALTH REQUIREMENTS. 50 USC 2461.

(a) COMPLIANCE REQUIRED.—The Administrator shall ensure that the Administration complies with all applicable environmental, safety, and health statutes and substantive requirements.

(b) PROCEDURES REQUIRED.—The Administrator shall develop procedures for meeting such requirements.

(c) RULE OF CONSTRUCTION.—Nothing in this title shall diminish the authority of the Secretary of Energy to ascertain and ensure that such compliance occurs.

SEC. 3262. COMPLIANCE WITH FEDERAL ACQUISITION REGULATION. 50 USC 2462.

The Administrator shall establish procedures to ensure that the mission and programs of the Administration are executed in full compliance with all applicable provisions of the Federal Acquisition Regulation issued pursuant to the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.).

SEC. 3263. SHARING OF TECHNOLOGY WITH DEPARTMENT OF DEFENSE. 50 USC 2463.

The Administrator shall, in cooperation with the Secretary of Defense, establish procedures and programs to provide for the sharing of technology, technical capability, and expertise between the Administration and the Department of Defense to further national security objectives.

SEC. 3264. USE OF CAPABILITIES OF NATIONAL SECURITY LABORATORIES BY ENTITIES OUTSIDE THE ADMINISTRATION. 50 USC 2464.

The Secretary, in consultation with the Administrator, shall establish appropriate procedures to provide for the use, in a manner consistent with the national security mission of the Administration under section 3211(b), of the capabilities of the national security laboratories by elements of the Department of Energy not within the Administration, other Federal agencies, and other appropriate

entities, including the use of those capabilities to support efforts to defend against weapons of mass destruction.

Subtitle F—Definitions

50 USC 2471.

SEC. 3281. DEFINITIONS.

For purposes of this title:

(1) The term "national security laboratory" means any of the following:

(A) Los Alamos National Laboratory, Los Alamos, New Mexico.

(B) Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

(C) Lawrence Livermore National Laboratory, Livermore, California.

(2) The term "nuclear weapons production facility" means any of the following:

(A) The Kansas City Plant, Kansas City, Missouri.

(B) The Pantex Plant, Amarillo, Texas.

(C) The Y–12 Plant, Oak Ridge, Tennessee.

(D) The tritium operations facilities at the Savannah River Site, Aiken, South Carolina.

(E) The Nevada Test Site, Nevada.

(F) Any facility of the Department of Energy that the Secretary of Energy, in consultation with the Administrator and the Congress, determines to be consistent with the mission of the Administration.

(3) The term "classified information" means any information that has been determined pursuant to Executive Order No. 12333 of December 4, 1981 (50 U.S.C. 401 note), Executive Order No. 12958 of April 17, 1995 (50 U.S.C. 435 note), or successor orders, to require protection against unauthorized disclosure and that is so designated.

(4) The term "Restricted Data" has the meaning given such term in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

(5) The term "congressional defense committees" means—

(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

Subtitle G—Amendatory Provisions, Transition Provisions, and Effective Dates

50 USC 2481.

SEC. 3291. FUNCTIONS TRANSFERRED.

(a) TRANSFERS.—There are hereby transferred to the Administrator all national security functions and activities performed immediately before the date of the enactment of this Act by the following elements of the Department of Energy:

(1) The Office of Defense Programs.

(2) The Office of Nonproliferation and National Security.

(3) The Office of Fissile Materials Disposition.

(4) The nuclear weapons production facilities.

(5) The national security laboratories.
(6) The Office of Naval Reactors.

(b) AUTHORITY TO TRANSFER ADDITIONAL FUNCTIONS.—The Secretary of Energy may transfer to the Administrator any other facility, mission, or function that the Secretary, in consultation with the Administrator and Congress, determines to be consistent with the mission of the Administration.

(c) ENVIRONMENTAL REMEDIATION AND WASTE MANAGEMENT ACTIVITIES.—In the case of any environmental remediation and waste management activity of any element specified in subsection (a), the Secretary of Energy may determine to transfer responsibility for that activity to another element of the Department.

SEC. 3292. TRANSFER OF FUNDS AND EMPLOYEES. 50 USC 2482.

(a) TRANSFER OF FUNDS.—(1) Any balance of appropriations that the Secretary of Energy determines is available and needed to finance or discharge a function, power, or duty or an activity that is transferred to the Administration shall be transferred to the Administration and used for any purpose for which those appropriations were originally available. Balances of appropriations so transferred shall—

(A) be credited to any applicable appropriation account of the Administration; or

(B) be credited to a new account that may be established on the books of the Department of the Treasury;

and shall be merged with the funds already credited to that account and accounted for as one fund.

(2) Balances of appropriations credited to an account under paragraph (1)(A) are subject only to such limitations as are specifically applicable to that account. Balances of appropriations credited to an account under paragraph (1)(B) are subject only to such limitations as are applicable to the appropriations from which they are transferred.

(b) PERSONNEL.—(1) With respect to any function, power, or duty or activity of the Department of Energy that is transferred to the Administration, those employees of the element of the Department of Energy from which the transfer is made that the Secretary of Energy determines are needed to perform that function, power, or duty, or for that activity, as the case may be, shall be transferred to the Administration.

(2) The authorized strength in civilian employees of any element of the Department of Energy from which employees are transferred under this section is reduced by the number of employees so transferred.

SEC. 3293. PAY LEVELS.

(a) UNDER SECRETARY FOR NUCLEAR SECURITY.—Section 5314 of title 5, United States Code, is amended by striking "Under Secretary, Department of Energy" and inserting "Under Secretaries of Energy (2)".

(b) DEPUTY ADMINISTRATORS.—Section 5315 of such title is amended by adding at the end the following new item:

"Deputy Administrators of the National Nuclear Security Administration (3), but if the Deputy Administrator for Naval Reactors is an officer of the Navy on active duty, (2).".

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SEC. 3294. CONFORMING AMENDMENTS.

(a) REDUCTION IN NUMBER OF ASSISTANT SECRETARIES OF ENERGY.—(1) Section 5315 of title 5, United States Code, is amended by striking "(8)" after "Assistant Secretaries of Energy" and inserting "(6)".

(2) Subsection (a) of section 203 of the Department of Energy Organization Act (42 U.S.C. 7133) is amended in the first sentence by striking "eight" and inserting "six".

(b) FUNCTIONS REQUIRED TO BE ASSIGNED TO ASSISTANT SECRETARIES OF ENERGY.—Subsection (a) of section 203 of the Department of Energy Organization Act (42 U.S.C. 7133) is amended by striking paragraph (5).

(c) OFFICE OF NAVAL REACTORS.—Section 309 of the Department of Energy Organization Act (42 U.S.C. 7158) is amended—

(1) by striking subsection (b);

(2) by striking "(a)"; and

(3) by striking "Assistant Secretary to whom the Secretary has assigned the function listed in section 203(a)(2)(E)" and inserting "Under Secretary for Nuclear Security".

(d) OFFICE OF FISSILE MATERIALS DISPOSITION.—(1) Section 212 of the Department of Energy Organization Act (42 U.S.C. 7143) is repealed.

(2) The table of contents at the beginning of such Act is amended by striking the item relating to section 212.

(e) REPEAL OF RESTATED PROVISION RELATING TO DOE SPECIAL ACCESS PROGRAMS; CONFORMING AMENDMENT.—(1)(A) Section 93 of the Atomic Energy Act of 1954 (42 U.S.C. 2122a) is repealed.

(B) The table of contents at the beginning of such Act is amended by striking the item relating to section 93.

(2) Clause (ii) of section 1152(g)(1)(B) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 50 U.S.C. 435 note) is amended to read as follows:

"(ii) the National Nuclear Security Administration (which is required to submit reports on special access programs under section 3236 of the National Nuclear Security Administration Act); or".

(f) REPEAL OF FIVE-YEAR BUDGET REQUIREMENT FOR DOE NATIONAL SECURITY PROGRAMS.—Section 3155 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2841; 42 U.S.C. 7271b) is repealed.

50 USC 2483.

SEC. 3295. TRANSITION PROVISIONS.

Deadlines.

(a) COMPLIANCE WITH FINANCIAL PRINCIPLES.—(1) The Under Secretary of Energy for Nuclear Security shall ensure that the compliance with sound financial and fiscal management principles specified in section 3252 is achieved not later than October 1, 2000.

(2) In carrying out paragraph (1), the Under Secretary of Energy for Nuclear Security shall conduct a review and develop a plan to bring applicable activities of the Administration into full compliance with those principles not later than such date.

(3) Not later than January 1, 2000, the Under Secretary of Energy for Nuclear Security shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of that review and a description of that plan.

(b) INITIAL REPORT FOR FUTURE-YEARS NUCLEAR SECURITY PROGRAM.—The first report under section 3253 shall be submitted in conjunction with the budget submitted for fiscal year 2001.

(c) PROCEDURES FOR COMPUTER ACCESS.—The regulations to implement the procedures under section 3235 shall be prescribed not later than 90 days after the effective date of this title. Regulations. Deadline.

(d) COMPLIANCE WITH FAR.—(1) The Under Secretary of Energy for Nuclear Security shall ensure that the compliance with the Federal Acquisition Regulation specified in section 3262 is achieved not later than October 1, 2000. Deadlines.

(2) In carrying out paragraph (1), the Under Secretary of Energy for Nuclear Security shall conduct a review and develop a plan to bring applicable activities of the Administration into full compliance with the Federal Acquisition Regulation not later than such date.

(3) Not later than January 1, 2000, the Under Secretary of Energy for Nuclear Security shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of that review and a description of that plan.

SEC. 3296. APPLICABILITY OF PREEXISTING LAWS AND REGULATIONS. 50 USC 2484.

Unless otherwise provided in this title, all provisions of law and regulations in effect immediately before the effective date of this title that are applicable to functions of the Department of Energy specified in section 3291 shall continue to apply to the corresponding functions of the Administration.

SEC. 3297. REPORT CONTAINING IMPLEMENTATION PLAN OF SECRETARY OF ENERGY. 50 USC 2401 note.

Not later than January 1, 2000, the Secretary of Energy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the Secretary's plan for the implementation of the provisions of this title. Deadline.

SEC. 3298. CLASSIFICATION IN UNITED STATES CODE. 50 USC 2401 note.

Subtitles A through F of this title (other than provisions of those subtitles amending existing provisions of law) shall be classified to the United States Code as a new chapter of title 50, United States Code.

SEC. 3299. EFFECTIVE DATES. 50 USC 2401 note.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of this title shall take effect on March 1, 2000.

(b) EXCEPTIONS.—(1) Sections 3202, 3204, 3251, 3295, and 3297 shall take effect on the date of the enactment of this Act.

(2) Sections 3234 and 3235 shall take effect on the date of the enactment of this Act. During the period beginning on the date of the enactment of this Act and ending on the effective date of this title, the Secretary of Energy shall carry out those sections and any reference in those sections to the Administrator and the Administration shall be treated as references to the Secretary and the Department of Energy, respectively.

TITLE XXXIII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3301. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2000, $17,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIV—NATIONAL DEFENSE STOCKPILE

Sec. 3401. Authorized uses of stockpile funds.
Sec. 3402. Disposal of certain materials in National Defense Stockpile.
Sec. 3403. Limitations on previous authority for disposal of stockpile materials.

SEC. 3401. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2000, the National Defense Stockpile Manager may obligate up to $78,700,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

50 USC 98d note.

SEC. 3402. DISPOSAL OF CERTAIN MATERIALS IN NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL REQUIRED.—Subject to subsection (c), the President shall make disposals from the National Defense Stockpile of materials in quantities as follows:

(1) Beryllium metal, 250 short tons.
(2) Chromium ferro alloy, 496,204 short tons.
(3) Chromium metal, 5,000 short tons.
(4) Palladium, 497,271 troy ounces.

(b) MANAGEMENT OF DISPOSAL TO ACHIEVE OBJECTIVES FOR RECEIPTS.—The President shall manage the disposal of materials under subsection (a) so as to result in receipts to the United States in amounts equal to—

(1) $10,000,000 during fiscal year 2000;
(2) $100,000,000 during the 5-fiscal year period ending September 30, 2004; and
(3) $300,000,000 during the 10-fiscal year period ending September 30, 2009.

(c) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of the material under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or

(2) avoidable loss to the United States.

(d) DISPOSITION OF RECEIPTS.—Notwithstanding section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h), funds received as a result of the disposal of materials under subsection (a) shall be deposited into the general fund of the Treasury.

(e) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in such subsection.

(f) INCREASED RECEIPTS UNDER PRIOR DISPOSAL AUTHORITY.—(1) Section 3303(a)(2) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat 2855; 50 U.S.C. 98d note) is amended by striking "$612,000,000" and inserting "$720,000,000".

(2) Section 3305(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat 2057; 50 U.S.C. 98d note) is amended—

(A) in paragraph (2), by striking "$30,000,000" and inserting "$50,000,000";

(B) in paragraph (3), by striking "$34,000,000" and inserting "$64,000,000"; and

(C) in paragraph (4), by striking "$34,000,000" and inserting "$67,000,000".

(g) ELIMINATION OF DISPOSAL RESTRICTIONS ON EARLIER DISPOSAL AUTHORITY.—Section 3303 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 629) is repealed.

SEC. 3403. LIMITATIONS ON PREVIOUS AUTHORITY FOR DISPOSAL OF STOCKPILE MATERIALS.

(a) PUBLIC LAW 105–261 AUTHORITY.—Section 3303(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2263; 50 U.S.C. 98d note) is amended—

(1) by striking "(b) LIMITATION ON DISPOSAL QUANTITY.—" and inserting "(b) LIMITATIONS ON DISPOSAL AUTHORITY.—(1)"; and

(2) by adding at the end the following:

"(2) The President may not dispose of materials under this section in excess of the disposals necessary to result in receipts in the amounts specified in subsection (a).".

(b) PUBLIC LAW 105–85 AUTHORITY.—Section 3305(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2058; 50 U.S.C. 98d note) is amended—

(1) by striking "(b) LIMITATION ON DISPOSAL QUANTITY.—" and inserting "(b) LIMITATIONS ON DISPOSAL AUTHORITY.—(1)"; and

(2) by adding at the end the following:

"(2) The President may not dispose of cobalt under this section in excess of the disposals necessary to result in receipts in the amounts specified in subsection (a).".

(c) PUBLIC LAW 104–201 AUTHORITY.—Section 3303(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2855; 50 U.S.C. 98d note) is amended—

(1) by striking "(b) LIMITATION ON DISPOSAL QUANTITY.—" and inserting "(b) LIMITATIONS ON DISPOSAL AUTHORITY.—(1)"; and

(2) by adding at the end the following:

"(2) The President may not dispose of materials under this section in excess of the disposals necessary to result in receipts in the amounts specified in subsection (a).".

Panama Canal Commission Authorization Act for Fiscal Year 2000.

TITLE XXXV—PANAMA CANAL COMMISSION

Sec. 3501. Short title.
Sec. 3502. Authorization of expenditures.
Sec. 3503. Purchase of vehicles.
Sec. 3504. Office of Transition Administration.
Sec. 3505. Expenditures only in accordance with treaties.

22 USC 3601 note.

SEC. 3501. SHORT TITLE.

This title may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 2000".

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to use amounts in the Panama Canal Revolving Fund to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, improvement, and administration of the Panama Canal for the period October 1, 1999, through noon on December 31, 1999.

(b) LIMITATIONS.—For the period described in subsection (a), the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $75,000 for official reception and representation expenses, of which—

(1) not more than $21,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) not more than $10,500 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) not more than $43,500 may be used for official reception and representation expenses of the Administrator of the Commission.

SEC. 3503. PURCHASE OF VEHICLES.

Notwithstanding any other provision of law, the funds available to the Panama Canal Commission shall be available for the purchase and transportation to the Republic of Panama of replacement passenger motor vehicles, the purchase price of which shall not exceed $26,000 per vehicle.

SEC. 3504. OFFICE OF TRANSITION ADMINISTRATION.

(a) EXPENDITURES FROM PANAMA CANAL COMMISSION DISSOLUTION FUND.—Section 1305(c)(5) of the Panama Canal Act of 1979 (22 U.S.C. 3714a(c)(5)) is amended by inserting "(A)" after "(5)" and by adding at the end the following:

"(B) The office established by subsection (b) is authorized to expend or obligate funds from the Fund for the purposes enumerated in clauses (i) and (ii) of paragraph (2)(A) until October 1, 2004.".

(b) OPERATION OF THE OFFICE OF TRANSITION ADMINISTRATION.— 22 USC 3714a note.

(1) IN GENERAL.—The Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) shall continue to govern the Office of Transition Administration until October 1, 2004.

(2) PROCUREMENT.—For purposes of exercising authority under the procurement laws of the United States, the director of the Office of Transition Administration shall have the status of the head of an agency.

(3) OFFICES.—The Office of Transition Administration shall have offices in the Republic of Panama and in the District of Columbia. Section 1110(b)(1) of the Panama Canal Act of 1973 (22 U.S.C. 3620(b)(1)) does not apply to such office in the Republic of Panama.

(4) OFFICE OF TRANSITION ADMINISTRATION DEFINED.—In this subsection the term "Office of Transition Administration" means the office established under section 1305 of the Panama Canal Act of 1979 (22 U.S.C. 3714a) to close out the affairs of the Panama Canal Commission.

(5) EFFECTIVE DATE.—This subsection shall be effective on and after the termination of the Panama Canal Treaty of 1977.

(c) OVERSIGHT OF CLOSE-OUT ACTIVITIES.—The Panama Canal Commission shall enter into an agreement with the head of a department or agency of the Federal Government to supervise the close out of the affairs of the Commission under section 1305 of the Panama Canal Act of 1979 and to certify the completion of that function. 22 USC 3714a note.

SEC. 3505. EXPENDITURES ONLY IN ACCORDANCE WITH TREATIES.

Expenditures authorized under this title may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

TITLE XXXVI—MARITIME ADMINISTRATION

Maritime Administration Authorization Act for Fiscal Year 2000.

Sec. 3601. Short title.
Sec. 3602. Authorization of appropriations for fiscal year 2000.
Sec. 3603. Extension of war risk insurance authority.
Sec. 3604. Ownership of the JEREMIAH O'BRIEN.

SEC. 3601. SHORT TITLE. 46 USC app. 1245 note.

This title may be cited as the "Maritime Administration Authorization Act for Fiscal Year 2000".

SEC. 3602. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2000.

Funds are hereby authorized to be appropriated, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $79,764,000 for fiscal year 2000.

(2) For expenses under the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), $14,893,000 for fiscal year 2000, of which—

(A) $11,000,000 is for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) $3,893,000 is for administrative expenses related to loan guarantee commitments under the program.

SEC. 3603. EXTENSION OF WAR RISK INSURANCE AUTHORITY.

Section 1214 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1294) is amended by striking "June 30, 2000" and inserting "June 30, 2005".

SEC. 3604. OWNERSHIP OF THE JEREMIAH O'BRIEN.

Section 3302(l)(1)(C) of title 46, United States Code, is amended by striking "owned by the United States Maritime Administration" and inserting "owned by the National Liberty Ship Memorial, Inc.".

Approved October 5, 1999.

LEGISLATIVE HISTORY—S. 1059 (H.R. 1401):

HOUSE REPORTS: Nos. 106–162 accompanying H.R. 1401 (Comm. on Armed Services) and 106–301 (Comm. of Conference).
SENATE REPORTS: No. 106–50 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 145 (1999):
May 24–27, considered and passed Senate.
June 14, considered and passed House, amended, in lieu of H.R. 1401.
Sept. 15, House agreed to conference report.
Sept. 21, 22, Senate considered and agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):
Oct. 5, Presidential remarks and statement.