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IN THE SENATE OF THE UNITED STATES

MAY 22, 2000

Received; read twice and placed on the calendar

AN ACT

To authorize appropriations for fiscal year 2001 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,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the ''Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001''.

(b) FINDINGS.—Congress makes the following findings:

(1) Representative Floyd D. Spence of South Carolina was elected to the House of Representatives in 1970, for service in the 92d Congress, after serving in the South Carolina legislature for 10 years, and he has been reelected to each subsequent Congress.

(2) Representative Spence came to Congress as a distinguished veteran of service in the Armed Forces of the United States.

(3) Upon graduation from college in 1952, Representative Spence was commissioned as an ensign in the United States Naval Reserve. After entering active duty, he served with distinction aboard the USS CARTER HALL and the USS LSM–397 during the Korean War and later served as commanding officer of a Naval Reserve Surface Division and as group commander of all Naval Reserve units in Co-

lumbia, South Carolina. Representative Spence retired from the Naval Reserve in 1988 in the grade of captain, after 41 years of dedicated service.

(4) Upon election to the House of Representatives, Representative Spence became a member of the Committee on Armed Services of that body. During 30 years of service on that committee (4 years of which were served while the committee was known as the Committee on National Security), Representative Spence's contributions to the national defense and security of the United States have been profound and long lasting.

(5) Representative Spence served as chairman of that committee while known as the Committee on National Security during the 104th and 105th Congresses and serves as chairman of that committee for the 106th Congress. In addition, Representative Spence served as the ranking minority member of the Committee on Armed Services during the 103d Congress.

(6) Dozens of awards from active duty and reserve military, veterans service, military retiree, and industry organizations and associations have recognized the distinguished character of Representative Spence's service to the Nation.

(7) Representative Spence has been a leading figure in the debate over many of the most critical military readiness, health care, recruiting, and retention issues currently confronting the Nation's military. His concern for the men and women in uniform has been unwavering, and his accomplishments in promoting and gaining support for those issues that preserve the combat effectiveness, morale, and quality of life of the Nation's military personnel have been unparalleled.

(8) During his tenure as chairman of the Committee on National Security and the Committee on Armed Services of the House of Representatives, Representative Spence has—

(A) led efforts to identify and reverse the effect that declining resources and rising commitments have had on military quality of life for service members and their families, on combat readiness, and on equipment modernization, with a direct result of those diligent efforts and of his willingness to be an outspoken proponent for America's military being that Congress has added nearly $50,000,000,000 to the President's defense budgets over the past 5 years;

(B) been a leading proponent of the need to expeditiously develop and field a national missile defense to protect American citizens and forward deployed military forces from growing ballistic missile threats;

(C) advocated reversing the growing disparity between actual military capability and the requirements associated with the National Military Strategy; and

(D) led efforts in Congress to reform Department of Defense acquisition and management headquarters and infrastructure and business practices.

(9) This Act is the 30th annual authorization bill for the Department of Defense for which Representative Spence has taken a major responsibility as a member of the Committee on Armed Services of the House of Representatives (including 4 years while that committee was known as the Committee on National Security).

(10) In light of the findings in the preceding paragraphs, it is altogether fitting and proper that this Act be named in honor of Representative Floyd D. Spence of South Carolina, as provided in subsection (a).

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.

(2) Division B—Military Construction Authorizations.

(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:

Sec. 1. Short title; findings.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

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Subtitle B—Environmental Provisions

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Sec. 312. Necessity of military low-level flight training to protect national security and enhance military readiness.
Sec. 313. Use of environmental restoration accounts to relocate activities from defense environmental restoration sites.
Sec. 314. Findings and sense of the Congress regarding environmental restoration of former defense manufacturing site, Santa Clarita, California.

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

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Sec. 325. Use of most economical distribution method for distilled spirits.
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Subtitle C—Program Authorizations, Restrictions, and Limitations

Sec. 3131. Funding for termination costs for River Protection Project, Richland, Washington.
Sec. 3132. Enhanced cooperation between National Nuclear Security Administration and Ballistic Missile Defense Organization.
Sec. 3133. Required contents of future-years nuclear security program to be submitted with fiscal year 2002 budget and limitation on the obligation of certain funds pending submission of that program.
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Sec. 3135. Designation of River Protection Project, Richland, Washington.
Sec. 3136. Adjustment of composite theoretical performance levels for post-shipment verification reports on advanced supercomputers sales to certain foreign nations.
Sec. 3137. Employee incentives for employees at closure project facilities.
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TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authorized uses of stockpile funds.
Sec. 3302. Use of excess titanium sponge in the National Defense Stockpile to manufacture Department of Defense equipment.

TITLE XXXIV—MARITIME ADMINISTRATION

Sec. 3401. Authorization of appropriations for fiscal year 2001.
Sec. 3402. Extension of period for disposal of obsolete vessels in the National Defense Reserve Fleet.

Sec. 3403. Authority to convey National Defense Reserve Fleet vessel, GLACIER.
Sec. 3404. Authority to convey offshore drill rig OCEAN STAR.

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

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Army as follows:

(1) For aircraft, $1,542,762,000.

(2) For missiles, $1,367,681,000.

(3) For weapons and tracked combat vehicles, $2,167,938,000.

(4) For ammunition, $1,199,323,000.

(5) For other procurement, $4,095,270,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Navy as follows:

(1) For aircraft, $8,205,758,000.

(2) For weapons, including missiles and torpedoes, $1,562,250,000.

(3) For shipbuilding and conversion, $11,981,968,000.

(4) For other procurement, $3,432,011,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Marine Corps in the amount of $1,254,735,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement of ammunition for the Navy and the Marine Corps in the amount of $481,349,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Air Force as follows:

(1) For aircraft, $10,267,153,000.

(2) For missiles, $3,046,715,000.

(3) For ammunition, $638,808,000.

(4) For other procurement, $7,869,903,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

(a) AMOUNT AUTHORIZED.—Funds are hereby authorized to be appropriated for fiscal year 2001 for Defense-wide procurement in the amount of $2,309,074,000.

(b) AMOUNT FOR NATIONAL MISSILE DEFENSE.—Of the funds authorized to be appropriated in subsection (a), $74,500,000 shall be available for the National Missile Defense program.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Inspector General of the Department of Defense in the amount of $3,300,000.

SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 2001 the amount of $877,100,000 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. 107. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 2001 for the Department of Defense for pro-

curement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $290,006,000.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY.

(a) M2A3 BRADLEY FIGHTING VEHICLE.—(1) Beginning with the fiscal year 2001 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into one or more multiyear contracts for procurement of M2A3 Bradley fighting vehicles.

(2) The Secretary of the Army may execute a contract authorized by paragraph (1) only after—

(A) there is a successful completion of a M2A3 Bradley initial operational test and evaluation (IOT&E); and

(B) the Secretary certifies in writing to the congressional defense committees that the vehicle met all required test parameters.

(b) UTILITY HELICOPTERS.—Beginning with the fiscal year 2002 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into one or more multiyear contracts for procurement of UH–60 Blackhawk utility helicopters

and, acting as executive agent for the Department of the Navy, CH–60 Knighthawk utility helicopters.

SEC. 112. INCREASE IN LIMITATION ON NUMBER OF BUNKER DEFEAT MUNITIONS THAT MAY BE ACQUIRED.

Section 116(2) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2862) is amended by striking ''6,000'' and inserting ''8,500''.

SEC. 113. ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE.

(a) EXPANSION OF AUTHORITY.—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—

(1) in section 193—

(A) in subsection (a), by striking ''2001'' and inserting ''2002''; and

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

''(d) INCLUSION OF MANUFACTURING ARSENALS.—For purposes of this Act, a manufacturing arsenal of the Department of the Army shall be treated as a Government-owned, contractor-operated manufacturing facility of the Department of the Army.''; and

(2) in section 194—

(A) by striking subsection (a)(1) and inserting the following:

''(1) to use the facility for any period of time that the Secretary determines is appropriate for the accomplishment of, and consistent with, the needs of the Department of the Army and the purposes of the ARMS Initiative; and''; and

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

''(c) AUTHORITY TO ACCEPT NON-MONETARY CONSIDERATION FOR USE OF FACILITIES.—The Secretary may accept non-monetary consideration in lieu of rental payments for use of a facility under a contract entered into under this section.''.

(b) REPORT.—Not later than July 1, 2001, the Secretary of the Army shall submit to the congressional defense committees a report on the progress of the implementation of the ARMS Initiative at manufacturing arsenals of the Department of the Army under the Armament Retooling and Manufacturing Support Act of 1992 (as amended by subsection (a)). The report shall contain a comprehensive review of contracting at the manufacturing arsenals of the Department of the Army and such recommendations as the Secretary considers appropriate.

Subtitle C—Navy Programs

SEC. 121. SUBMARINE FORCE STRUCTURE.

(a) LIMITATION ON RETIREMENT OF SUBMARINES.—The Secretary of Defense may not retire from the active force structure of the Navy any Los Angeles class nuclear-powered attack submarine (SSN) which has less than 30 years of active service.

(b) REPORT.—Not later than April 15, 2001, the President shall submit to Congress a report on the required force structure for nuclear-powered submarines, including attack submarines (SSNs), ballistic missile submarines (SSBNs), and cruise missile submarines (SSGNs), to support the national military strategy through 2020. The report shall include a detailed discussion of the acquisition strategy and fleet maintenance requirements to achieve and maintain that force structure through—

(1) the procurement of new construction submarines;

(2) the refueling of Los Angeles class attack submarines (SSNs) to achieve the maximum amount of operational useful service; and

(3) the conversion of Ohio class submarines that are no longer required for the strategic deterrence mission from their current ballistic missile

(SSBN) configuration to a cruise-missile (SSGN) configuration.

SEC. 122. VIRGINIA CLASS SUBMARINE PROGRAM.

(a) CONTRACT AUTHORITY.—The Secretary of the Navy is authorized to enter into a contract or contracts for the procurement of five Virginia class submarines during fiscal years 2003 through 2006. Any such contract shall provide that any obligation of the United States to make payments under the contract is subject to the availability of funds provided in advance in appropriations Acts. The submarines authorized to be procured under this subsection are in addition to the submarines authorized under section 121(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1648).

(b) SHIPBUILDER TEAMING.—Paragraphs (2)(A), (3), and (4) of section 121(b) of National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1648) apply to the procurement of submarines under this section.

(c) LIMITATION OF LIABILITY.—If a contract entered into under this section is terminated, the United States shall not be liable for termination costs in excess of the total amount appropriated for the Virginia class submarine program.

SEC. 123. RETENTION OF CONFIGURATION OF CERTAIN NAVAL RESERVE FRIGATES.

For each FFG–7 class frigate produced in Flight I or Flight II of that class that is commissioned in active service, the Secretary of the Navy shall, for so long as the vessel remains commissioned in active service—

(1) provide for the vessel to be configured and equipped with the complete organic weapons system capability for that vessel, as specified in the Navy's Operational Requirements Document; and

(2) retain those operational assets that are integral to the FFG–7 weapons system in their current (as of the enactment of this Act) locations in order to avoid disruption of established training and operational cycles.

SEC. 124. EXTENSION OF MULTIYEAR PROCUREMENT AUTHORITY FOR ARLEIGH BURKE CLASS DESTROYERS.

(a) AUTHORITY FOR ADDITIONAL MULTIYEAR PROCUREMENT.—Section 122(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2446), as amended by section 122(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 534), is amended—

(1) in the first sentence, by striking ''18 Arleigh Burke class destroyers'' and all that follows

through ''2003'' and inserting ''Arleigh Burke class destroyers''; and

(2) by inserting after the first sentence the following new sentence: ''Vessels authorized under this subsection shall be acquired at a procurement rate of three ships per year in each of fiscal years 1998 through 2001 and up to three ships per year in each of fiscal years 2002 through 2005.''.

(b) CLERICAL AMENDMENT.—The heading for such subsection is amended by striking ''OF 18 VESSELS''.

SEC. 125. ECONOMIC ANALYSIS OF CERTAIN SHIPBUILDING PROGRAMS.

(a) ECONOMIC ANALYSIS.—The Secretary of Defense, in consultation with the Secretary of the Navy, shall conduct an economic analysis on the potential benefits and costs associated with full funding, and with alternative funding mechanisms, for the procurement of large aviation-capable naval vessels beginning in fiscal year 2002.

(b) COVERED VESSEL CLASSES.—For purposes of this section, the term ''large aviation-capable naval vessel'' means the following classes of vessel:

(1) The CVN(X) class aircraft carrier.

(2) The LHD and LHA replacement class amphibious assault ships.

(c) REPORT.—The Secretary shall submit to the congressional defense committees a report detailing the results of the economic analysis under subsection (a). The report shall be submitted concurrently with the submission of the President's Budget for fiscal year 2002, but in no event later than February 5, 2001. The report shall include the following:

(1) A detailed description of the funding mechanisms considered.

(2) The potential savings or costs associated with each such funding mechanism.

(3) The year-to-year effect of each such funding mechanism on production stability of other shipbuilding programs funded within the Shipbuilding and Conversion, Navy, account, given the current acquisition plan of the Navy for the large aviation-capable ships and other shipbuilding programs through fiscal year 2010.

(4) A description and discussion of any statutory or regulatory restrictions that would preclude the use of any of the funding mechanisms considered.

Subtitle D—Air Force Programs

SEC. 131. ANNUAL REPORT ON OPERATIONAL STATUS OF B–2 BOMBER.

(a) IN GENERAL.—(1) Chapter 136 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2282. B–2 bomber: annual report on operational status

''Not later than March 1 of each year, 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 the operational status of the B–2 bomber. Each such report shall include the following:

''(1) An assessment as to whether the B–2 aircraft has a high probability of being able to perform its intended missions.

''(2) Identification of all planned or ongoing development of technologies to enhance B–2 aircraft capabilities for which funds are programmed in the future years defense program and an assessment as to whether those technologies—

''(A) are consistent with the Air Force bomber roadmap in effect at the time of the report;

"(B) are consistent with the recommendations of the report of the Long-Range Air Power panel established by section 8131 of the Department of Defense Appropriations Act, 1998 (Public Law 105–56); and

"(C) will be sufficient to assure that the B–2 aircraft will have a high probability of being able to perform its intended missions in the future.

"(3) Definition of any additional technology development required to assure that the B–2 aircraft will retain a high probability of being able to perform its intended missions and an estimate of the funding required to develop those additional technologies.

"(4) An assessment as to whether the technologies identified pursuant to paragraph (2) are adequately funded in the budget request for the next fiscal year and whether funds have been identified throughout the future years defense program to continue those technology developments at an adequate level.".

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

"2282. B–2 bomber: annual report on operational status.".

(b) REPEAL OF SUPERSEDED REPORTING REQUIREMENT.—Section 112 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189) is repealed.

SEC. 132. KC–135E REENGINING KITS.

Of the amount provided in section 103(1) for procurement of aircraft for the Air Force, the amount of $52,000,000 provided for two reengining kits for KC–135E modifications shall be available for the Air Force Reserve Command.

Subtitle E—Joint Programs

SEC. 141. STUDY OF PRODUCTION ALTERNATIVES FOR THE JOINT STRIKE FIGHTER PROGRAM.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report providing the results of a study of production alternatives for the Joint Strike Fighter aircraft program and the effects on the tactical fighter aircraft industrial base of each alternative considered.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall include the following:

(1) Examination of alternative production strategies for the program, including—

(A) production of all aircraft under the program at one location;

(B) production at dual locations; and

(C) production at multiple locations using facilities of the existing bomber and fighter aircraft production base.

(2) Identification of each major Government or industry facility that is a potential location for production of such aircraft.

(3) Identification of the anticipated costs of production of that aircraft at each facility identified pursuant to paragraph (2) under each of the alternative production strategies examined pursuant to paragraph (1), based upon a reasonable profile for the annual procurement of that aircraft once it enters production.

(4) A comparison, for each such production strategy, of the anticipated costs of carrying out production of that aircraft at each such location with the costs of carrying out such production at each of the other such locations.

(c) COST COMPARISON.—In identifying costs under subsection (b)(3) and carrying out the cost comparisons required by subsection (b)(4), the Secretary shall include consideration of each of the following factors:

(1) State tax credits.

(2) State and local incentives.

(3) Skilled resident workforce.

(4) Supplier and technical support bases.

(5) Available stealth production facilities.

(6) Environmental standards.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2001 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $5,500,246,000.

(2) For the Navy, $8,834,477,000.

(3) For the Air Force, $13,677,108,000.

(4) For Defense-wide activities, $11,297,323,000, of which $219,560,000 is authorized for Operational Test and Evaluation, Defense.

SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.

(a) FISCAL YEAR 2001.—Of the amounts authorized to be appropriated by section 201, $4,435,354,000 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. HIGH ENERGY LASER PROGRAMS.

(a) FUNDING FOR FISCAL YEAR 2001.—(1) Of the amount authorized to be appropriated by section 201(4), $30,000,000 is authorized for high energy laser development.

(2) Funds available under this section are available to supplement the high energy laser programs of the military departments and Defense Agencies, as determined by the official designated under subsection (b).

(b) DESIGNATION OF OFFICIAL FOR HIGH ENERGY LASER PROGRAMS.—(1) The Secretary of Defense shall designate a senior civilian official in the Office of the Secretary of Defense (in this section referred to as the ''designated official'') to carry out responsibilities for the programs for which funds are provided under this section.

The designated official shall report directly to the Under Secretary of Defense for Acquisition, Technology, and Logistics for matters concerning the responsibilities specified in paragraph (2).

(2) The primary responsibilities of the designated official shall include the following:

(A) Establishment of priorities for the high energy laser programs of the military departments and the Defense Agencies.

(B) Coordination of high energy laser programs among the military departments and the Defense Agencies.

(C) Identification of promising high energy laser technologies for which funding should be a high priority for the Department of Defense and establishment of priority for funding among those technologies.

(D) Preparation, in coordination with the Secretaries of the military departments and the Directors of the Defense Agencies, of a detailed technology plan to develop and mature high energy laser technologies.

(E) Planning and programming appropriate to rapid evolution of high energy laser technology.

(F) Ensuring that high energy laser programs of each military department and the Defense Agencies are initiated and managed effectively and are complementary with programs managed by the other military departments and Defense Agencies and by the Office of the Secretary of Defense.

(G) Ensuring that the high energy laser programs of the military department and the Defense Agencies comply with the requirements specified in subsection (c).

(c) COORDINATION AND FUNDING BALANCE.—In carrying out the responsibilities specified in subsection (b)(2), the designated official shall ensure that—

(1) high energy laser programs of each military department and of the Defense Agencies are consistent with the priorities identified in the designated official's planning and programming activities;

(2) funding provided by the Office of the Secretary of Defense for high energy laser research and development complements high energy laser programs for which funds are provided by the military departments and the Defense Agencies;

(3) beginning with fiscal year 2002, funding from the Office of the Secretary of Defense in applied research and advanced technology development

program elements is not applied to technology efforts in support of high energy laser programs that are not funded by a military department or the Defense Agencies; and

(4) funding from the Office of the Secretary of Defense to complement an applied research or advanced technology development high energy laser program for which funds are provided by one of the military departments or the Defense Agencies do not exceed the amount provided by the military department or the Defense Agencies for that program.

(d) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the Department of Defense should establish funding for high energy laser programs within the science and technology programs of each of the military departments and the Ballistic Missile Defense Organization; and

(2) the Secretary of Defense should establish a goal that basic, applied, and advanced research in high energy laser technology should constitute at least 4.5 percent of the total science and technology budget of the Department of Defense by fiscal year 2004.

(e) INTERAGENCY MEMORANDUM OF AGREEMENT.—(1) The Secretary of Defense and the Administrator for Nuclear Security of the Department of Energy shall enter into a memorandum of agreement to conduct joint research and development on military applications of high energy lasers.

(2) The projects pursued under the memorandum of agreement—

(A) shall be of mutual benefit to the national security programs of the Department of Defense and the National Nuclear Security Administration of the Department of Energy;

(B) shall be prioritized jointly by officials designated to do so by the Secretary of Defense and the Administrator; and

(C) shall be consistent with the technology plan prepared pursuant to subsection (b)(2) and the requirements identified in subsection (c).

(3) Costs of each project pursued under the memorandum of agreement shall be shared equally by the Department of Defense and the National Nuclear Security Administration.

(4) The memorandum of agreement shall provide for appropriate peer review of projects pursued under the memorandum of agreement.

(f) TECHNOLOGY PLAN.—The designated official shall submit to the congressional defense committees by February 15 of each fiscal year the technology plan prepared pursuant to subsection (b)(2). The report shall be submitted in unclassified and, if necessary, classified form.

(g) ANNUAL REPORT.—Not later than February 15 of 2001, 2002, and 2003, the Secretary of Defense shall submit to the congressional defense committees a report on high energy laser programs of the Department of Defense. Each report shall include an assessment of the following:

(1) The adequacy of the management structure of the Department of Defense for high energy laser programs.

(2) The funding available for high energy laser programs.

(3) The technical progress achieved for high energy laser programs.

(4) The extent to which goals and objectives of the high energy laser technology plan have been met.

(h) DEFINITION.—For purposes of this section, the term ''high energy laser'' means a laser that has average power in excess of one kilowatt and that has potential weapons applications.

SEC. 212. MANAGEMENT OF SPACE-BASED INFRARED SYSTEM—LOW.

The Secretary of Defense shall direct that the Director of the Ballistic Missile Defense Organization shall have authority for program management for the ballistic missile defense program known on the date of the enactment of this Act as the Space-Based Infrared System—Low.

SEC. 213. JOINT STRIKE FIGHTER.

The Joint Strike Fighter program may not be approved for entry into the Engineering and Manufacturing Development (EMD) stage of the acquisition process until the Secretary of Defense certifies to the congressional defense committees that the technological maturity of key technologies for the program is sufficient to warrant entry of the program into the Engineering and Manufacturing Development stage.

Subtitle C—Ballistic Missile Defense

SEC. 231. FUNDING FOR FISCAL YEAR 2001.

Of the funds authorized to be appropriated in section 201(4), $2,066,200,000 shall be available for the National Missile Defense program.

SEC. 232. SENSE OF THE CONGRESS CONCERNING COMMITMENT TO DEPLOYMENT OF NATIONAL MISSILE DEFENSE SYSTEM.

(a) STATEMENT OF POLICY.—Congress reaffirms the policy of the United States declared in the National Missile Defense Act of 1999 (Public Law 106–38, signed into law by the President on July 22, 1999).

(b) FINDINGS.—Congress makes the following findings:

(1) An effective National Missile Defense system is technologically feasible.

(2) Hostile ''rogue'' nations are capable of posing missile threats the United States which justify deployment of a National Missile Defense system.

(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that the action of the President in signing the National Missile Defense Act of 1999 entails a commitment by the President to execute the policy declared in that Act.

SEC. 233. REPORTS ON BALLISTIC MISSILE THREAT POSED BY NORTH KOREA.

(a) REPORT ON BALLISTIC MISSILE THREAT.—Not later than 2 weeks after the next flight test by North Korea of a long-range ballistic missile, or 60 days after the date of the enactment of this Act, whichever is sooner, the President shall submit to Congress, in classified and

unclassified form, a report on the North Korean ballistic missile threat to the United States. The report shall include the following:

(1) An assessment of the current North Korean missile threat to the United States.

(2) An assessment of whether the United States is capable of defeating the North Korean long-range missile threat to the United States as of the date of the report.

(3) An assessment of when the United States will be capable of defeating the North Korean missile threat to the United States.

(4) An assessment of the potential for proliferation of North Korean missile technologies to other states and whether such proliferation will accelerate the development of additional long-range ballistic missile threats to the United States.

(b) REPORT ON REDUCING VULNERABILITY.—Not later than 2 weeks after the next flight test by North Korea of a long-range ballistic missile, the President shall submit to Congress a report providing the following:

(1) Any additional steps the President intends to take to reduce the period of time during which the Nation is vulnerable to the North Korean long-range ballistic missile threat.

(2) The technical and programmatic viability of testing any other missile defense systems against targets with flight characteristics similar to the North Korean long-range missile threat, and plans to do so if such tests are considered to be a viable alternative.

(c) DEFINITION.—For purposes of this section, the term ''United States'', when used in a geographic sense, means the 50 States, the District of Columbia, and any Commonwealth, territory, or possession of the United States.

SEC. 234. PLAN TO MODIFY BALLISTIC MISSILE DEFENSE ARCHITECTURE TO COVER INTERMEDIATE-RANGE BALLISTIC MISSILE THREATS.

(a) PLAN.—The Director of the Ballistic Missile Defense Organization shall develop a plan to adapt ballistic missile defense systems and architectures to counter potential threats to the United States, United States forces deployed outside the United States, and other United States national security interests that are posed by ballistic missiles with ranges of 1,500 to 2,500 miles.

(b) USE OF SPACE-BASED SENSORS INCLUDED.—The plan shall include—

(1) potential use of space-based sensors, including the SBIRS Low and SBIRS High systems, Navy

theater missile defense assets, upgrades of land-based theater missile defenses, the airborne laser, and other assets available in the European theater; and

(2) a schedule for ground and flight testing against the identified threats.

(c) REPORT.—The Secretary of Defense shall assess the plan and, not later than February 15, 2001, shall submit to the congressional defense committees a report on the results of the assessment.

SEC. 235. DESIGNATION OF AIRBORNE LASER PROGRAM AS A PROGRAM ELEMENT OF BALLISTIC MISSILE DEFENSE PROGRAM.

Section 223(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(13) Airborne Laser program.''.

Subtitle D—Other Matters

SEC. 241. RECOGNITION OF THOSE INDIVIDUALS INSTRUMENTAL TO NAVAL RESEARCH EFFORTS DURING THE PERIOD FROM BEFORE WORLD WAR II THROUGH THE END OF THE COLD WAR.

(a) FINDINGS.—Congress makes the following findings:

(1) The contributions of the Nation's scientific community and of science research to the victory of the United States and its allies in World War II resulted in the understanding that science and technology are of critical importance to the future security of the Nation.

(2) Academic institutions and oceanographers provided vital support to the Navy and the Marine Corps during World War II.

(3) Congress created the Office of Naval Research in the Department of the Navy in 1946 to ensure the availability of resources for research in oceanography and other fields related to the missions of the Navy and Marine Corps.

(4) The Office of Naval Research of the Department of the Navy, in addition to its support of naval research within the Federal Government, has also supported the conduct of oceanographic and scientific research through partnerships with educational and scientific institutions throughout the Nation.

(5) These partnerships have long been recognized as among the most innovative and productive research partnerships ever established by the Federal Government and have resulted in a vast im-

provement in understanding of basic ocean processes and the development of new technologies critical to the security and defense of the Nation.

(b) CONGRESSIONAL RECOGNITION AND APPRECIATION.—Congress—

(1) applauds the commitment and dedication of the officers, scientists, researchers, students, and administrators who were instrumental to the program of partnerships for oceanographic and scientific research between the Federal Government and academic institutions, including those individuals who helped forge that program before World War II, implement it during World War II, and improve it throughout the Cold War;

(2) recognizes that the Nation, in ultimately prevailing in the Cold War, relied to a significant extent on research supported by, and technologies developed through, those partnerships and, in particular, on the superior understanding of the ocean environment generated through that research;

(3) supports efforts by the Secretary of the Navy and the Chief of Naval Research to honor those individuals, who contributed so greatly and unselfishly to the naval mission and the national defense, through those partnerships during the period

beginning before World War II and continuing through the end of the Cold War; and

(4) expresses appreciation for the ongoing efforts of the Office of Naval Research to support oceanographic and scientific research and the development of researchers in those fields, to ensure that such partnerships will continue to make important contributions to the defense and the general welfare of the Nation.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2001 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, $19,492,617,000.

(2) For the Navy, $23,321,809,000.

(3) For the Marine Corps, $2,851,678,000.

(4) For the Air Force, $22,351,164,000.

(5) For Defense-wide activities, $11,673,852,000.

(6) For the Army Reserve, $1,565,918,000.

(7) For the Naval Reserve, $967,646,000.

(8) For the Marine Corps Reserve, $150,469,000.

(9) For the Air Force Reserve, $1,890,859,000.

(10) For the Army National Guard, $3,236,835,000.

(11) For the Air National Guard, $3,461,875,000.

(12) For the Defense Inspector General, $144,245,000.

(13) For the United States Court of Appeals for the Armed Forces, $8,574,000.

(14) For Environmental Restoration, Army, $389,932,000.

(15) For Environmental Restoration, Navy, $294,038,000.

(16) For Environmental Restoration, Air Force, $376,300,000.

(17) For Environmental Restoration, Defense-wide, $23,412,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $186,499,000.

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

(20) For Drug Interdiction and Counter-drug Activities, Defense-wide, $841,500,000.

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

(22) For Defense Health Program, $11,571,523,000.

(23) For Cooperative Threat Reduction programs, $433,400,000.

(24) For Overseas Contingency Operations Transfer Fund, $4,100,577,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2001 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, $916,276,000.

(2) For the National Defense Sealift Fund, $737,109,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2001 from the Armed Forces Retirement Home Trust Fund the sum of $69,832,000 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 2001 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.

Subtitle B—Environmental Provisions

SEC. 311. PAYMENT OF FINES AND PENALTIES IMPOSED FOR ENVIRONMENTAL VIOLATIONS.

(a) ARMY VIOLATIONS.—Using amounts authorized to be appropriated by section 301(1) for operation and maintenance for the Army, the Secretary of the Army may pay the following amounts in connection with environmental violations at the following locations:

(1) $993,000 for Walter Reed Army Medical Center, Washington, D.C., in satisfaction of a fine imposed by Region 3 of the Environmental Protection Agency for a supplemental environmental project.

(2) $377,250 for Fort Campbell, Kentucky, in satisfaction of a fine imposed by Region 4 of the Environmental Protection Agency for a supplemental environmental project.

(3) $20,701 for Fort Gordon, Georgia, in satisfaction of a fine imposed by the State of Georgia for a supplemental environmental project.

(4) $78,500 for Pueblo Chemical Depot, Colorado, in satisfaction of a fine imposed by the State of Colorado for supplemental environmental projects.

(5) $20,000 for Deseret Chemical Depot, Utah, in satisfaction of a fine imposed by the State of Utah for a supplemental environmental project.

(b) NAVY VIOLATIONS.—Using amounts authorized to be appropriated by section 301(2) for operation and maintenance for the Navy, the Secretary of the Navy may pay not more than the following amounts in connection with environmental violations at the following military installations:

(1) $108,800 for Allegany Ballistics Laboratory, West Virginia, in satisfaction of a penalty imposed by the West Virginia Division of Environmental Protection.

(2) $5,000 for Naval Air Station, Corpus Christi, Texas, in satisfaction of a penalty imposed by Region 6 of the Environmental Protection Agency.

(c) REDUCTION IN PAYMENT AMOUNTS.—An amount specified in subsection (a) or (b) as the authorized payment for an environmental violation shall be reduced to reflect any amounts previously paid by the Secretary concerned in connection with that violation.

SEC. 312. NECESSITY OF MILITARY LOW-LEVEL FLIGHT TRAINING TO PROTECT NATIONAL SECURITY AND ENHANCE MILITARY READINESS.

(a) NECESSITY OF CURRENT TRAINING ROUTES AND AREAS.—The environmental impact statements completed as of the date of the enactment of this Act for each special use airspace designated by a military department for the performance of low-level training flights, including each military training route, slow speed route, military operations area, restricted area, or low altitude tactical navigation area, are deemed to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and regulations implementing such law for such special use airspace and the use of such special use airspace established in such environmental impact statements.

(b) PROTECTING FUTURE FLEXIBILITY FOR LOW-LEVEL FLIGHT TRAINING.—On and after the date of the enactment of this Act, a proposal by a military department to establish or to expand or otherwise modify a special use airspace for low-level training flights shall be considered separately to determine whether the proposal is a major Federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969.

SEC. 313. USE OF ENVIRONMENTAL RESTORATION ACCOUNTS TO RELOCATE ACTIVITIES FROM DEFENSE ENVIRONMENTAL RESTORATION SITES.

Subsection (b) of section 2703 of title 10, United States Code, is amended to read as follows:

''(b) OBLIGATION OF AUTHORIZED AMOUNTS.—(1) Funds authorized for deposit in an account under subsection (a) may be obligated or expended from the account only—

''(A) to carry out the environmental restoration functions of the Secretary of Defense and the Secretaries of the military departments under this chapter and under any other provision of law; and

''(B) to relocate activities from defense sites, including sites formerly used by the Department of Defense that are released from Federal Government control, at which the Secretary is responsible for environmental restoration functions.

''(2) The authority provided by paragraph (1)(B) expires September 30, 2003. Not more than 5 percent of the funds deposited in an account under subsection (a) for a fiscal year may be used for activities under paragraph (1)(B).

''(3) If relocation assistance under paragraph (1)(B) is to be provided with respect to a site formerly used by

the Department of Defense, but now released from Federal Government control, the Secretary of Defense or the Secretary of the military department concerned may use only fund transfer mechanisms otherwise available to the Secretary. The Secretary may not provide assistance under such paragraph for permanent relocation from the affected site unless the Secretary determines that permanent relocation is the most cost effective method of dealing with the activities located at the affected site and notifies the Congress of the determination before providing the assistance.

''(4) Funds authorized for deposit in an account under subsection (a) shall remain available until expended.''.

SEC. 314. FINDINGS AND SENSE OF THE CONGRESS REGARDING ENVIRONMENTAL RESTORATION OF FORMER DEFENSE MANUFACTURING SITE, SANTA CLARITA, CALIFORNIA.

(a) FINDINGS.—The Congress finds the following:

(1) A former private sector munitions plant may have demonstratively impacted the environment of a 1,000-acre site in Santa Clarita, California.

(2) Munitions and rocket propellant manufactured at this site for over 60 years may have contributed to various contaminants including, but not

limited to, perchlorates and various volatile organic compounds.

(3) The munitions plant used materials and production methods in support of purchase orders from the Department of Defense to meet the national security interests of the United States at the time.

(4) The Santa Clarita site serves a unique role in the future of the community and is the cornerstone to many public benefits, including reduction in transportation congestion, access to much-needed schools, future local government centers, assurance of quality drinking water, more than 400 acres of public space, and affordable housing.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) every effort should be made to apply all known public and private sector innovative technologies to restore the Santa Clarita site to productive use; and

(2) the experience gained from this site by the private and public sector partnerships has the potential to pay dividends many times over.

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

SEC. 321. USE OF APPROPRIATED FUNDS TO COVER OPERATING EXPENSES OF COMMISSARY STORES.

(a) IN GENERAL.—(1) Section 2484 of title 10, United States Code, is amended to read as follows:

"§ 2484. Commissary stores: use of appropriated funds to cover operating expenses

"(a) OPERATION OF AGENCY AND SYSTEM.—Except as otherwise provided in this title, the operation of the Defense Commissary Agency and the defense commissary system may be funded using such amounts as are appropriated for such purpose.

"(b) OPERATING EXPENSES OF COMMISSARY STORES.—Appropriated funds may be used to cover the expenses of operating commissary stores and central product processing facilities of the defense commissary system. For purposes of this subsection, operating expenses include the following:

"(1) Salaries of employees of the United States, host nations, and contractors supporting commissary store operations.

"(2) Utilities.

"(3) Communications.

"(4) Operating supplies and services.

"(5) Second destination transportation costs within or outside the United States.

"(6) Any cost associated with above-store level management or other indirect support of a commissary store or a central product processing facility, including equipment maintenance and information technology costs.".

(2) The table of sections at the beginning of chapter 147 of such title is amended by striking the item relating to section 2484 and inserting the following new item:

"2484. Commissary stores: use of appropriated funds to cover operating expenses.".

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

SEC. 322. ADJUSTMENT OF SALES PRICES OF COMMISSARY STORE GOODS AND SERVICES TO COVER CERTAIN EXPENSES.

(a) ADJUSTMENT REQUIRED.—Section 2486 of title 10, United States Code, is amended—

(1) in subsection (c), by striking "section 2484(b) or" and inserting "subsection (d) or section"; and

(2) in subsection (d)—

(A) in paragraph (1), by striking "sections 2484 and" and inserting "section"; and

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

"(3) The sales price of merchandise and services sold in, at, or by commissary stores shall be adjusted to cover the following:

"(A) The cost of first destination commercial transportation of the merchandise in the United States to the place of sale.

"(B) The actual or estimated cost of shrinkage, spoilage, and pilferage of merchandise under the control of commissary stores.".

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

SEC. 323. USE OF SURCHARGES FOR CONSTRUCTION AND IMPROVEMENT OF COMMISSARY STORES.

(a) EXPANSION OF AUTHORIZED USES.—Subsection (b) of section 2685 of title 10, United States Code, is amended to read as follows:

"(b) USE FOR CONSTRUCTION, REPAIR, IMPROVEMENT, AND MAINTENANCE.—(1) The Secretary of Defense may use the proceeds from the adjustments or surcharges authorized by subsection (a) only—

"(A) to acquire (including acquisition by lease), construct, convert, expand, improve, repair, maintain, and equip the physical infrastructure of com-

missary stores and central product processing facilities of the defense commissary system; and

"(B) to cover environmental evaluation and construction costs, including surveys, administration, overhead, planning, and design, related to activities described in paragraph (1).

"(2) In paragraph (1), the term 'physical infrastructure' includes real property, utilities, and equipment (installed and free standing and including computer equipment), necessary to provide a complete and usable commissary store or central product processing facility.".

(b) AUTHORITY OF SECRETARY OF DEFENSE.—Such section is further amended—

(1) in subsection (a), by striking "Secretary of a military department, under regulations established by him and approved by the Secretary of Defense," and inserting "Secretary of Defense";

(2) in subsection (c)—

(A) by striking "Secretary of a military department, with the approval of the Secretary of Defense and" and inserting "Secretary of Defense, with the approval of"; and

(B) by striking "Secretary of the military department determines" and inserting "Secretary determines"; and

(3) in subsection (d), by striking ''Secretary of a military department'' and inserting ''Secretary of Defense''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2001.

SEC. 324. INCLUSION OF MAGAZINES AND OTHER PERIODICALS AS AN AUTHORIZED COMMISSARY MERCHANDISE CATEGORY.

(a) ADDITIONAL AUTHORIZED CATEGORY.—Subsection (b) of section 2486 of title 10, United States Code, is amended—

(1) by redesignating paragraph (11) as paragraph (12); and

(2) by inserting after paragraph (10) the following new paragraph:

''(11) Magazines and other periodicals.''.

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

(1) by striking ''(1)'' before ''Notwithstanding'';

(2) by striking ''items in the merchandise categories specified in paragraph (2)'' and inserting ''tobacco products''; and

(3) by striking paragraph (2).

SEC. 325. USE OF MOST ECONOMICAL DISTRIBUTION METHOD FOR DISTILLED SPIRITS.

Section 2488(c) of title 10, United States Code, is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 326. REPORT ON EFFECTS OF AVAILABILITY OF SLOT MACHINES ON UNITED STATES MILITARY INSTALLATIONS OVERSEAS.

(a) REPORT REQUIRED.—Not later than March 31, 2001, the Secretary of Defense shall submit to Congress a report evaluating the effect that the ready availability of slot machines as a morale, welfare, and recreation activity on United States military installations outside of the United States has on members of the Armed Forces, their dependents, and other persons who use such slot machines, the morale of military communities overseas, and the personal financial stability of members of the Armed Forces.

(b) MATTERS TO BE INCLUDED.—The Secretary shall include in the report—

(1) an estimate of the number of persons who used such slot machines during the preceding 2 years and, of such persons, the percentage who were enlisted members (shown both in the aggregate and

by pay grade), officers (shown both in the aggregate and by pay grade), Department of Defense civilians, other United States persons, and foreign nationals;

(2) to the extent feasible, information with respect to military personnel referred to in paragraph (1) showing the number (as a percentage and by pay grade) who have—

(A) sought financial services counseling at least partially due to the use of such slot machines;

(B) qualified for Government financial assistance at least partially due to the use of such slot machines; or

(C) had a personal check returned for insufficient funds or received any other nonpayment notification from a creditor at least partially due to the use of such slot machines; and

(3) to the extent feasible, information with respect to the average amount expended by each category of persons referred to in paragraph (1) in using such slot machines per visit, to be shown by pay grade in the case of military personnel.

Subtitle D—Performance of Functions by Private-Sector Sources

SEC. 331. INCLUSION OF ADDITIONAL INFORMATION IN REPORTS TO CONGRESS REQUIRED BEFORE CONVERSION OF COMMERCIAL OR INDUSTRIAL TYPE FUNCTIONS TO CONTRACTOR PERFORMANCE.

(a) INFORMATION REQUIRED BEFORE COMMENCEMENT OF CONVERSION ANALYSIS.—Subsection (b)(1)(D) of section 2461 of title 10, United States Code, is amended by inserting before the period the following: ", and a certification that funds are specifically budgeted to pay for the cost of the analysis".

(b) INFORMATION REQUIRED IN NOTIFICATION OF DECISION.—Subsection (c)(1) of such section is amended—

(1) by redesignating subparagraphs (A), (B), (C), (D), and (E) as subparagraphs (B), (C), (D), (F), and (G), respectively;

(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph:

"(A) The date when the analysis of that commercial or industrial type function for possible change to performance by the private sector was commenced."; and

(3) by inserting after subparagraph (D), as so redesignated, the following new subparagraph:

''(E) The number of Department of Defense civilian employees who were performing the function when the analysis was commenced and the number of such employees whose employment was terminated or otherwise adversely affected in implementing the most efficient organization of the function or whose employment will be terminated or otherwise adversely affected by the change to performance of the function by the private sector.''.

SEC. 332. LIMITATION ON USE OF FUNDS FOR NAVY MARINE CORPS INTRANET CONTRACT.

(a) IN GENERAL.—None of the funds authorized to be appropriated for fiscal year 2001 for the Department of the Navy may be obligated or expended to carry out a Navy Marine Corps Intranet contract until the date that is 60 days after the date that the Secretary submits to Congress the following information:

(1) Outcome-oriented performance measures regarding such contract.

(2) A description of the alternatives considered to such contract, and the factors relied on in determining not to pursue such alternatives.

(3) A description of the baseline of current costs to the Department of the Navy for performing information technology services that would be carried out under such contract and current mission capability regarding such services.

(4) An analysis of how civilian and military personnel who currently perform information technology functions would be impacted by such contract, including a description of—

(A) the number such personnel currently performing such functions at the Echelon I level;

(B) the number of such personnel who would no longer perform such functions as a result of the Navy Marine Corps Intranet contract, and what functions such personnel would perform after the implementation of such contract; and

(C) whether a reduction in force would be necessary as a result of such contract.

(5) A complete funding profile with respect to such contract, including a description of—

(A) the amount of funds obligated or expended in fiscal years 1999 and 2000 for information technology at the Echelon I level, and

from what accounts such funds were obligated or expended; and

(B) the accounts from which funds would be used for the purpose of carrying out a Navy Marine Corps Intranet contract in fiscal year 2001 and throughout the period of the future-years defense plan of the Department of Defense.

(6) A risk assessment which—

(A) describes the probability of achieving cost, schedule, and performance goals with respect to such contract;

(B) categorizes all identified risks in terms of the likelihood of occurrence and potential impact of such risks; and

(C) establishes a plan for mitigation of each risk that is identified as of high importance.

(7) A certification that, beginning in fiscal year 2002, the Department of the Navy will comply with the requirements in OMB Circular A–11.

(b) GAO REPORT.—In any case in which the Secretary of the Navy submits to Congress the information described in subsection (a), not later than 60 days after the date that the Secretary submits such information the

Comptroller General shall review and submit a report on the information to the congressional defense committees.

(c) NAVY MARINE CORPS INTRANET CONTRACT DEFINED.—In this section, the term ''Navy Marine Corps Intranet contract'' means a long-term arrangement with the commercial sector that transfers the responsibility and risk for providing and managing the vast majority of desktop, server, infrastructure, and communication assets and services of the Department of the Navy.

Subtitle E—Defense Dependents Education

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

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2001.—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, 2001, the Secretary of Defense shall notify each local edu-

cational agency that is eligible for educational agencies assistance for fiscal year 2001 of—

(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)).

SEC. 342. ELIGIBILITY FOR ATTENDANCE AT DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.

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

(1) in the subsection heading, by inserting ''AND OTHER PERSONS'' after ''EMPLOYEES''; and

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

''(3)(A) The Secretary may authorize the dependent of an American Red Cross employee described in subparagraph (B) to enroll in an education program provided by the Secretary pursuant to subsection (a) if the American Red Cross agrees to reimburse the Secretary for the educational services so provided.

''(B) An employee referred to in subparagraph (A) is an American Red Cross employee who—

''(i) resides in Puerto Rico; and

''(ii) performs, on a full-time basis, emergency services on behalf of members of the armed forces.

''(C) Amounts received under this paragraph as reimbursement for educational services shall be treated in the same manner as amounts received under subsection (g).''.

Subtitle F—Military Readiness Issues

SEC. 351. ADDITIONAL CAPABILITIES OF, AND REPORTING REQUIREMENTS FOR, THE READINESS REPORTING SYSTEM.

(a) MEASURING CANNIBALIZATION OF PARTS, SUPPLIES, AND EQUIPMENT.—Subsection (c) of section 117 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(7) Measure, on a quarterly basis, the extent to which units of the armed forces remove serviceable parts, supplies, or equipment from one vehicle, vessel, or aircraft in order to render a different vehicle, vessel, or aircraft operational.".

(b) FUNDING TO ADDRESS DEFICIENCIES.—Subsection (e) of such section is amended—

(1) by inserting "(1)" before "The Secretary";

(2) by striking "Each such report" and inserting the following:

"(3) Each report under this subsection"; and

(3) by inserting after the first sentence the following new paragraph:

"(2) The monthly report submitted under paragraph (1) that covers the first quarter of the then current fiscal year shall also include a description of the funding pro-

posed in the President's budget for the next fiscal year, and for the subsequent fiscal years covered by the most recent future-years defense program submitted under section 221 of this title, to address each deficiency in readiness identified during the joint readiness review conducted for the first quarter of the current fiscal year.''.

SEC. 352. REPORTING REQUIREMENTS REGARDING TRANSFERS FROM HIGH-PRIORITY READINESS APPROPRIATIONS.

(a) CONTINUATION OF REPORTING REQUIREMENTS.—Section 483 of title 10, United States Code, is amended by striking subsection (e).

(b) LEVEL OF DETAIL.—Subsection (c)(2) of such section is amended by inserting before the period the following: '', including identification of the sources from which funds were transferred into that activity and identification of the recipients of the funds transferred out of that activity''.

(c) ADDITIONAL COVERED BUDGET ACTIVITIES.—Subsection (d)(5) of such section is amended by adding at the end the following new subparagraphs:

''(G) Combat Enforcement Forces.

''(H) Combat Communications.''.

SEC. 353. DEPARTMENT OF DEFENSE STRATEGIC PLAN TO REDUCE BACKLOG IN MAINTENANCE AND REPAIR OF DEFENSE FACILITIES.

(a) PLAN REQUIRED.—Section 2661 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) PLAN TO ADDRESS MAINTENANCE AND REPAIR BACKLOG.—(1) The Secretary of Defense shall develop, and update annually thereafter, a strategic plan to reduce the backlog in maintenance and repair needs of facilities and infrastructure under the jurisdiction of the Department of Defense or a military department. At a minimum, the plan shall include or address the following:

''(A) A comprehensive strategy for the repair and revitalization of facilities and infrastructure, or for the demolition and replacement of unusable facilities, carried as backlog by the Secretary concerned.

''(B) Measurable goals, over specified time frames, for achieving the objectives of the strategy.

''(C) Expected funding for each military department and Defense Agency to carry out the strategy during the period covered by the most recent future-years defense program submitted to Congress pursuant to section 221 of this title.

"(D) The cost of the current backlog in maintenance and repair for each military department and Defense Agency, which shall be determined using the standard costs to standard facility categories in the Department of Defense Facilities Cost Factors Handbook, shown both in the aggregate and individually for each major military installation.

"(E) The total number of square feet of building space of each military department and Defense Agency to be demolished or proposed for demolition under the plan, shown both in the aggregate and individually for each major military installation.

"(F) The initiatives underway to identify facility and infrastructure requirements at military installation to accommodate new and developing weapons systems and to prepare installations to accommodate these systems.

"(2) Not later than March 15, 2001, the Secretary shall submit the strategic plan to Congress. The annual updates shall be submitted 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.".

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "AVAILABILITY OF OPERATION AND MAINTENANCE FUNDS.—" after "(a)"; and

(2) in subsection (b), by inserting "GENERAL LEASING AUTHORITY; MAINTENANCE OF DEFENSE ACCESS ROADS.—" after "(b)".

Subtitle G—Other Matters

SEC. 361. AUTHORITY TO ENSURE DEMILITARIZATION OF SIGNIFICANT MILITARY EQUIPMENT FORMERLY OWNED BY THE DEPARTMENT OF DEFENSE.

(a) AUTHORITY TO REQUIRE DEMILITARIZATION AFTER DISPOSAL.—Chapter 153 of title 10, United States Code, is amended by inserting after section 2572 the following new section:

"§ 2573. Significant military equipment: continued authority to require demilitarization after disposal

"(a) AUTHORITY TO REQUIRE DEMILITARIZATION.—The Secretary of Defense may require any person in possession of significant military equipment formerly owned by the Department of Defense—

"(1) to demilitarize the equipment;

"(2) to have the equipment demilitarized by a third party; or

"(3) to return the equipment to the Government for demilitarization.

"(b) COST AND VALIDATION OF DEMILITARIZATION.—When the demilitarization of significant military equipment is carried out by the person in possession of the equipment pursuant to paragraph (1) or (2) of subsection (a), the person shall be solely responsible for all demilitarization costs, and the United States shall have the right to validate that the equipment has been demilitarized.

"(c) RETURN OF EQUIPMENT TO GOVERNMENT.—When the Secretary of Defense requires the return of significant military equipment for demilitarization by the Government, the Secretary shall bear all costs to transport and demilitarize the equipment. If the person in possession of the significant military equipment obtained the property in the manner authorized by law or regulation and the Secretary determines that the cost to demilitarize and return the property to the person is prohibitive, the Secretary shall reimburse the person for the purchase cost of the property and for the reasonable transportation costs incurred by the person to purchase the equipment.

"(d) ESTABLISHMENT OF DEMILITARIZATION STANDARDS.—The Secretary of Defense shall prescribe by

regulation what constitutes demilitarization for each type of significant military equipment.

"(e) EXCEPTION FOR GOVERNMENT CONTRACTS.—This section does not apply when a person is in possession of significant military equipment formerly owned by the Department of Defense for the purpose of demilitarizing the equipment pursuant to a Government contract.

"(f) DEFINITION OF SIGNIFICANT MILITARY EQUIPMENT.—In this section, the term 'significant military equipment' means—

"(1) an article for which special export controls are warranted under the Arms Export Control Act (22 U.S.C. 2751 et seq.) because of its capacity for substantial military utility or capability, as identified on the United States Munitions List maintained under section 121.1 of title 22, Code of Federal Regulations; and

"(2) any other article designated by the Department of Defense as requiring demilitarization before its disposal.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2572 the following new item:

"2573. Significant military equipment: continued authority to require demilitarization after disposal.".

SEC. 362. ANNUAL REPORT ON PUBLIC SALE OF CERTAIN MILITARY EQUIPMENT IDENTIFIED ON UNITED STATES MUNITIONS LIST.

(a) ANNUAL REPORT REQUIRED.—Chapter 153 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2582. Military equipment identified on United States munitions list: annual report of public sales

''(a) REPORT REQUIRED.—The Secretary of Defense shall prepare an annual report identifying each public sale conducted by a military department or Defense Agency of military items that are—

''(1) identified on the United States Munitions List maintained under section 121.1 of title 22, Code of Federal Regulations; and

''(2) assigned a demilitarization code of 'B' or its equivalent.

''(b) ELEMENTS OF REPORT.—(1) A report under this section shall cover all public sales described in subsection (a) that were conducted during the preceding fiscal year.

''(2) The report shall specify the following for each sale:

''(A) The date of the sale.

"(B) The military department or Defense Agency conducting the sale.

"(C) The manner in which the sale was conducted.

"(D) The military items described in subsection (a) that were sold or offered for sale.

"(E) The purchaser of each item.

"(F) The stated end-use of each item sold.

"(c) SUBMISSION OF REPORT.—Not later than March 31 of each year, 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 the report required by this section for the preceding fiscal year.".

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

"2582. Military equipment identified on United States munitions list: annual report of public sales.".

SEC. 363. REGISTRATION OF CERTAIN INFORMATION TECHNOLOGY SYSTEMS WITH CHIEF INFORMATION OFFICER.

(a) REGISTRATION REQUIRED.—During fiscal years 2001, 2002, and 2003, no funds available to the Department of Defense may be used for a mission critical or mission essential information technology system (including a

system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense.

(b) MANNER OF REGISTRATION.—A system shall be considered to be registered with the Chief Information Officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe.

(c) QUARTERLY UPDATES.—In the case of each information technology system registered pursuant to this section, the information required under subsection (b) to be submitted as part of the registration shall be updated on not less than a quarterly basis.

(d) COVERED INFORMATION TECHNOLOGY SYSTEMS.—An information technology system shall be considered to be a mission critical or mission essential information technology system for purposes of this section as defined by the Secretary of Defense.

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

(1) The term ''Chief Information Officer'' means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term ''information technology system'' has the meaning given the term ''information tech-

nology'' in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

SEC. 364. STUDIES AND REPORTS REQUIRED AS PRECONDITION TO CERTAIN MANPOWER REDUCTIONS.

(a) REQUIRED STUDIES AND REPORTS.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2475. Consolidation of functions or activities and reengineering or restructuring of organizations, functions, or activities: required studies and reports before manpower reductions

''(a) REPORTING AND ANALYSIS REQUIREMENTS AS PRECONDITION TO MANPOWER REDUCTIONS.—The Secretary of Defense may not initiate manpower reductions at organizations or activities, or within functions, that are commercial, commercial exempt from competition, military essential, or inherently governmental until the Secretary fully complies with the reporting and analysis requirements specified in subsections (b) and (c).

''(b) NOTIFICATION AND ELEMENTS OF ANALYSIS.—Before commencing to analyze any commercial, commercial exempt from competition, military essential, or inherently governmental organization, function, or activity for

the consolidation, restructuring, or reengineering of military personnel or Department of Defense civilian employees, the Secretary of Defense shall submit to Congress a report containing the following:

"(1) The organization, function, or activity to be analyzed for possible consolidation, restructuring, or reengineering.

"(2) The location or locations at which military personnel or Department of Defense civilian employees would be affected.

"(3) The number of military personnel or Department of Defense civilian employee positions potentially affected.

"(4) A description of the organization, function, or activity to be analyzed for possible consolidation, restructuring, or reengineering, including a description of all missions, duties, or military requirements that might be affected.

"(5) An examination of the cost incurred by the Department of Defense to perform the function or to operate the organization or activity that will be analyzed.

"(6) A certification that a proposed consolidation, restructuring, or reengineering of a commercial, commercial exempt from competition, military

essential, or inherently governmental organization, function, or activity is not a result of a decision by an official of a military department or Defense Agency to impose predetermined constraints or limitations on the number of military personnel or Department of Defense civilian employees.

''(c) NOTIFICATION OF DECISION.—If, as a result of the completion of an analysis carried out consistent with the requirements of subsection (b), a decision is made to consolidate, restructure, or reengineer an organization, function, or activity, 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 describing that decision. The report shall contain the following:

''(1) The Secretary's certification that the consolidation, restructuring, or reengineering that was analyzed will yield savings to the Department of Defense.

''(2) A projection of the savings that will be realized as a result of the consolidation, restructuring, or reengineering, compared with the cost incurred by the Department of Defense to perform the function or to operate the organization or activity prior to

such proposed consolidation, restructuring, or reengineering.

"(3) A description of all missions, duties, or military requirements that will be affected as a result of the decision to consolidate, restructure, or reengineer the organization, function, or activity that was analyzed.

"(4) The Secretary's certification that the consolidation, restructuring or reengineering will not result in any diminution of military readiness.

"(5) A schedule for performing the consolidation, restructuring or reengineering.

"(6) The Secretary's certification that the entire analysis is available for examination.

"(d) DELEGATION.—The responsibility to prepare reports under subsections (b) and (c) may be delegated only to the Deputy Under Secretary of Defense for Installations.

"(e) COMMENCEMENT; WAIVER FOR SMALL FUNCTIONS.—(1) The consolidation, restructuring, or reengineering of an organization, function, or activity for which a report is required under subsection (c) shall not begin until at least 45 days after the submission of the report to the Committee on Armed Services of the House

of Representatives and the Committee on Armed Services of the Senate.

"(2) Subsection (c) shall not apply to a consolidation, restructuring, or reengineering that will result in the elimination of 10 or fewer military or Department of Defense civilian employee positions.

"(f) COMPTROLLER GENERAL REVIEW.—Not later than March 1 of each year, the Comptroller General shall submit to Congress a report reviewing decisions taken by the Secretary of Defense to consolidate, restructure, or reengineer organizations, functions, or activities during the previous year and assessing the Secretary's compliance with this section. The report shall include a detailed assessment by the Comptroller General of whether the savings projected by the Secretary to result from such decisions are likely to be realized, and whether any decision taken by the Secretary is likely to result in a diminution of military readiness. The report shall also include detailed audits of selected analyses performed by the Secretary or to an official in the Office of the Secretary of Defense senior to that Deputy Under Secretary.

"(g) RELATION TO OTHER LAW.—Nothing in this section shall be construed to obviate the requirements set forth in section 1597 of this title.".

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

"2475. Consolidation of functions or activities and reengineering or restructuring of organizations, functions, or activities: required studies and reports before manpower reductions.".

SEC. 365. NATIONAL GUARD ASSISTANCE FOR CERTAIN YOUTH AND CHARITABLE ORGANIZATIONS.

Section 508 of title 32, United States Code, is amended—

(1) in subsection (b)(2), by inserting "or any other youth or charitable organization designated by the Secretary of Defense" after "Special Olympics"; and

(2) in subsection (d)(1)—

(A) by redesignating paragraph (14) as paragraph (15); and

(B) by inserting after paragraph (13) the following new paragraph (14):

"(14) Reach For Tomorrow.".

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2001, as follows:

(1) The Army, 480,000.

(2) The Navy, 372,642.

(3) The Marine Corps, 172,600.

(4) The Air Force, 357,000.

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 ''371,781'' and inserting ''372,000'';

(2) in paragraph (3), by striking ''172,148'' and inserting ''172,600''; and

(3) in paragraph (4), by striking ''360,877'' and inserting ''357,000''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2000.

SEC. 403. ADJUSTMENT TO END STRENGTH FLEXIBILITY AUTHORITY.

Section 691(e) of title 10, United States Code, is amended by inserting ''or greater than'' after ''identical to''.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2001, as follows:

(1) The Army National Guard of the United States, 350,706.

(2) The Army Reserve, 205,300.

(3) The Naval Reserve, 88,900.

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

(5) The Air National Guard of the United States, 108,000.

(6) The Air Force Reserve, 74,358.

(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.

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, 2001, 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, 23,154.

(2) The Army Reserve, 13,106.

(3) The Naval Reserve, 14,649.

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

(5) The Air National Guard of the United States, 11,148.

(6) The Air Force Reserve, 1,336.

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 2001 for the reserve components of the Army and the Air Force (notwith-

standing section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 5,921.

(2) For the Army National Guard of the United States, 23,392.

(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	3,405	1,071	998	140
Lieutenant Colonel or Commander	1,830	520	859	90
Colonel or Navy Captain	547	188	317	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	866	202	502	20
E–8	2,966	429	1,131	94".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.

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 2001 a total of $75,801,666,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2001.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—General Personnel Management Authorities

SEC. 501. AUTHORITY FOR SECRETARY OF DEFENSE TO SUSPEND CERTAIN PERSONNEL STRENGTH LIMITATIONS DURING WAR OR NATIONAL EMERGENCY.

(a) SENIOR ENLISTED MEMBERS ON ACTIVE DUTY.—Section 517 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) Whenever under section 527 of this title the President may suspend the operation of any provision of section 523, 525, or 526 of this title, the Secretary of De-

fense may suspend the operation of any provision of this section. Any such suspension shall, if not sooner ended, end in the manner specified in section 527 for a suspension under that section.''.

(b) FIELD GRADE RESERVE COMPONENT OFFICERS.—Section 12011 of such title is amended by adding at the end the following new subsection:

''(c) Whenever under section 527 of this title the President may suspend the operation of any provision of section 523, 525, or 526 of this title, the Secretary of Defense may suspend the operation of any provision of this section. Any such suspension shall, if not sooner ended, end in the manner specified in section 527 for a suspension under that section.''.

(c) SENIOR ENLISTED MEMBER IN RESERVE COMPONENTS.—Section 12012 of such title is amended by adding at the end the following new subsection:

''(c) Whenever under section 527 of this title the President may suspend the operation of any provision of section 523, 525, or 526 of this title, the Secretary of Defense may suspend the operation of any provision of this section. Any such suspension shall, if not sooner ended, end in the manner specified in section 527 for a suspension under that section.''.

SEC. 502. AUTHORITY TO ISSUE POSTHUMOUS COMMISSIONS IN THE CASE OF MEMBERS DYING BEFORE OFFICIAL RECOMMENDATION FOR APPOINTMENT OR PROMOTION IS APPROVED BY SECRETARY CONCERNED.

(a) REPEAL OF LIMITATION TO DEATHS OCCURRING AFTER SECRETARIAL APPROVAL.—Subsection (a)(3) of section 1521 of title 10, United States Code, is amended by striking ''and the recommendation for whose appointment or promotion was approved by the Secretary concerned''.

(b) EFFECTIVE DATE OF COMMISSION.—Subsection (b) of such section is amended by striking ''approval'' both places it appears and inserting ''official recommendation''.

SEC. 503. TECHNICAL CORRECTION TO RETIRED GRADE RULE FOR ARMY AND AIR FORCE OFFICERS.

(a) ARMY.—Section 3961(a) of title 10, United States Code, is amended by striking ''or for nonregular service under chapter 1223 of this title''.

(b) AIR FORCE.—Section 8961(a) of such title is amended by striking ''or for nonregular service under chapter 1223 of this title''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to Reserve officers who are promoted to a higher grade as a result of selection for promotion under chapter 36 or chapter 1405 of title

10, United States Code, or having been found qualified for Federal recognition in a higher grade under chapter 3 of title 32, United States Code, after October 5, 1994.

SEC. 504. EXTENSION TO END OF CALENDAR YEAR OF EXPIRATION DATE FOR CERTAIN FORCE DRAWDOWN TRANSITION AUTHORITIES.

(a) EARLY RETIREMENT AUTHORITY FOR ACTIVE FORCE MEMBERS.—Section 4403(i) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293 note) is amended by striking ''October 1, 2001'' and inserting ''December 31, 2001''.

(b) SSB AND VSI.—Sections 1174a(h) and 1175(d)(3) of title 10, United States Code, are amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(c) SELECTIVE EARLY RETIREMENT BOARDS.—Section 638a(a) of such title is amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(d) TIME-IN-GRADE REQUIREMENT FOR RETENTION OF GRADE UPON VOLUNTARY RETIREMENT.—Section 1370(a)(2)(A) of such title is amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(e) MINIMUM COMMISSIONED SERVICE FOR VOLUNTARY RETIREMENT AS AN OFFICER.—Sections 3911(b), 6323(a)(2), and 8911(b) of such title are amend-

ed by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(f) TRAVEL, TRANSPORTATION, AND STORAGE BENEFITS.—Sections 404(c)(1)(C), 404(f)(2)(B)(v), 406(a)(2)(B)(v), and 406(g)(1)(C) of title 37, United States Code, and section 503(c) of the National Defense Authorization Act for Fiscal Year 1991 (37 U.S.C. 406 note) are amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(g) EDUCATIONAL LEAVE FOR PUBLIC AND COMMUNITY SERVICE.—Section 4463(f) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143a note) is amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(h) TRANSITIONAL HEALTH BENEFITS.—Subsections (a)(1), (c)(1), and (e) of section 1145 of title 10, United States Code, are amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(i) TRANSITIONAL COMMISSARY AND EXCHANGE BENEFITS.—Section 1146 of such title is amended by striking ''September 30, 2001'' both places it appears and inserting ''December 31, 2001''.

(j) TRANSITIONAL USE OF MILITARY HOUSING.—Paragraphs (1) and (2) of section 1147(a) of such title

are amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(k) CONTINUED ENROLLMENT OF DEPENDENTS IN DEFENSE DEPENDENTS' EDUCATION SYSTEM.—Section 1407(c)(1) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926(c)(1)) is amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(l) FORCE REDUCTION TRANSITION PERIOD DEFINITION.—Section 4411 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 12681 note) is amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(m) TEMPORARY SPECIAL AUTHORITY FOR FORCE REDUCTION PERIOD RETIREMENTS.—Section 4416(b)(1) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 12681 note) is amended by striking ''October 1, 2001'' and inserting ''December 31, 2001''.

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

(2) Section 12731a of such title is amended in subsections (a)(1)(B) and (b) by striking ''October 1, 2001'' and inserting ''December 31, 2001''.

(o) REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR RETENTION OF GRADE UPON VOLUNTARY RETIREMENT.—Section 1370(d)(5) of such title is amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(p) AFFILIATION WITH GUARD AND RESERVE UNITS; WAIVER OF CERTAIN LIMITATIONS.—Section 1150(a) of such title is amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(q) RESERVE MONTGOMERY GI BILL.—Section 16133(b)(1)(B) of such title is amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

SEC. 505. CLARIFICATION OF REQUIREMENTS FOR COMPOSITION OF ACTIVE-DUTY LIST SELECTION BOARDS WHEN RESERVE OFFICERS ARE UNDER CONSIDERATION.

(a) CLARIFICATION.—Section 612(a) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''who are on the active-duty list'' in the second sentence; and

(B) by inserting after the second sentence the following new sentence: ''Each member of a selection board (except as provided in para-

graphs (2), (3), and (4)) shall be an officer on the active-duty list.''; and

(2) in paragraph (3)—

(A) by striking ''of that armed force, with the exact number of reserve officers to be'' and inserting ''of that armed force on active duty (whether or not on the active-duty list). The actual number of reserve officers shall be''; and

(B) by striking ''his discretion, except that'' and inserting ''the Secretary's discretion. Notwithstanding the first sentence of this paragraph,''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any selection board convened under section 611(a) of title 10, United States Code, on or after August 1, 1981.

SEC. 506. VOLUNTARY SEPARATION INCENTIVE.

(a) AUTHORITY FOR TERMINATION UPON ENTITLEMENT TO RETIRED PAY.—Section 1175(e)(3) of title 10, United States Code, is amended—

(1) inserting ''(A)'' after ''(3)''; and

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

''(B) If a member is receiving simultaneous voluntary separation incentive payments and retired or retainer pay,

the member may elect to terminate the receipt of voluntary separation incentive payments. Any such election is permanent and irrevocable. The rate of monthly recoupment from retired or retainer pay of voluntary separation incentive payments received after such an election shall be reduced by a percentage that is equal to a fraction with a denominator equal to the number of months that the voluntary separation incentive payments were scheduled to be paid and a numerator equal to the number of months that would not be paid as a result of the member's decision to terminate the voluntary separation incentive.''.

(b) EFFECTIVE DATE.—Subparagraph (B) of section 1175(e)(3) of title 10, United States Code, as added by subsection (a), shall apply with respect to decisions by members to terminate voluntary separation incentive payments under section 1175 of title 10, United States Code, to be effective after September 30, 2000.

SEC. 507. CONGRESSIONAL REVIEW PERIOD FOR ASSIGNMENT OF WOMEN TO DUTY ON SUBMARINES AND FOR ANY PROPOSED RECONFIGURATION OR DESIGN OF SUBMARINES TO ACCOMMODATE FEMALE CREW MEMBERS.

(a) IN GENERAL.—(1) Chapter 555 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 6035. Female members: congressional review period for assignment to duty on submarines or for reconfiguration of submarines

''(a) No change in the Department of the Navy policy limiting service on submarines to males, as in effect on May 10, 2000, may take effect until—

''(1) the Secretary of Defense submits to Congress written notice of the proposed change; and

''(2) a period of 120 days of continuous session of Congress expires following the date on which the notice is received.

''(b) No funds available to the Department of the Navy may be expended to reconfigure any existing submarine, or to design any new submarine, to accommodate female crew members until—

''(1) the Secretary of Defense submits to Congress written notice of the proposed reconfiguration or design; and

''(2) a period of 120 days of continuous session of Congress expires following the date on which the notice is received.

''(c) For purposes of this section—

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

"(2) the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of such 120-day period.".

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

"6035. Female members: congressional review period for assignment to duty on submarines or for reconfiguration of submarines.".

(b) CONFORMING AMENDMENT.—Section 542(a)(1) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 113 note) is amended by inserting "or by section 6035 of title 10, United States Code" after "Except in a case covered by subsection (b)".

Subtitle B—Reserve Component Personnel Policy

SEC. 511. EXEMPTION FROM ACTIVE-DUTY LIST FOR RESERVE OFFICERS ON ACTIVE DUTY FOR A PERIOD OF THREE YEARS OR LESS.

Section 641(1) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively; and

(2) by inserting after subparagraph (C) the following new subparagraph:

"(D) on the reserve active-status list who are on active duty under section 12301(d) of this title, other than as provided in subparagraph (C), under a call or order to active duty specifying a period of 3 years or less;".

SEC. 512. EXEMPTION OF RESERVE COMPONENT MEDICAL AND DENTAL OFFICERS FROM COUNTING IN GRADE STRENGTHS.

Section 12005(a)(1) of title 10, United States Code, is amended by adding at the end the following new sentence: "Medical officers and dental officers shall be excluded in computing and determining the authorized strengths under this subsection.".

SEC. 513. CONTINUATION OF OFFICERS ON THE RESERVE ACTIVE STATUS LIST WITHOUT REQUIREMENT FOR APPLICATION.

Section 14701(a) of title 10, United States Code, is amended by striking "Upon application, a reserve officer" and inserting "A reserve officer".

SEC. 514. AUTHORITY TO RETAIN RESERVE COMPONENT CHAPLAINS AND OFFICERS IN MEDICAL SPECIALTIES UNTIL SPECIFIED AGE.

Section 14703(a)(3) of title 10, United States Code, is amended by striking "veterinary officers" and all that follows through the period and inserting "Air Force nurse,

Medical Service Corps officer, biomedical sciences officer, or chaplain.''.

SEC. 515. AUTHORITY FOR TEMPORARY INCREASE IN NUMBER OF RESERVE COMPONENT PERSONNEL SERVING ON ACTIVE DUTY OR FULL-TIME NATIONAL GUARD DUTY IN CERTAIN GRADES.

(a) FIELD GRADE OFFICERS.—Section 12011 of title 10, United States Code, as amended by section 501(b), is amended by adding at the end the following new subsection:

''(d) Upon a determination by the Secretary of Defense that such action is in the national interest, the Secretary may increase the number of officers serving in any grade for a fiscal year pursuant to subsection (a) by not more than the percent authorized by the Secretary under section 115(c)(2) of this title.''.

(b) SENIOR ENLISTED MEMBERS.—Section 12012 of such title, as amended by section 501(c), is amended by adding at the end the following new subsection:

''(d) Upon a determination by the Secretary of Defense that such action is in the national interest, the Secretary may increase the number of enlisted members serving in any grade for a fiscal year pursuant to subsection (a) by not more than the percent authorized by the Secretary under section 115(c)(2) of this title.''.

SEC. 516. AUTHORITY FOR PROVISION OF LEGAL SERVICES TO RESERVE COMPONENT MEMBERS FOLLOWING RELEASE FROM ACTIVE DUTY.

(a) LEGAL SERVICES.—Section 1044(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

''(4) Members of a reserve component not covered by paragraph (1) or (2), but only during a period, following a release from active duty under a call or order to active duty for more than 29 days under a mobilization authority (as determined by the Secretary of Defense), that is not in excess of twice the length of time served on active duty.''.

(b) DEPENDENTS.—Paragraph (5) of such section 1044(a) (as redesignated by subsection (a)) is amended by striking ''and (3)'' and inserting ''(3), and (4)''.

(c) IMPLEMENTING REGULATIONS.—Regulations to implement the amendments made by subsections (a) and (b) shall be prescribed not later than 180 days after the date of the enactment of this Act.

SEC. 517. ENTITLEMENT TO SEPARATION PAY FOR RESERVE OFFICERS RELEASED FROM ACTIVE DUTY UPON DECLINING SELECTIVE CONTINUATION ON ACTIVE DUTY AFTER SECOND FAILURE OF SELECTION FOR PROMOTION.

(a) DISCHARGE OR RELEASE TO BE CONSIDERED INVOLUNTARY.—Section 1174(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) The discharge or release from active duty of an officer under a law or regulation requiring that an officer who has failed of selection for promotion to the next higher grade for the second time, or who declines continuation on active duty after such a failure, be discharged or released from active duty shall be considered to be involuntary for purposes of paragraph (1)(A).''.

(b) EFFECTIVE DATE.—Paragraph (4) of section 1174(c) of title 10, United States Code, as added by subsection (a), shall apply with respect to an offer for selective continuation on active duty that is declined on or after the date of the enactment of this Act.

SEC. 518. EXTENSION OF INVOLUNTARY CIVIL SERVICE RETIREMENT DATE FOR CERTAIN RESERVE TECHNICIANS.

(a) MANDATORY RETIREMENT NOT APPLICABLE UNTIL AGE 60.—Section 10218 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting ''and is age 60 or older at that time'' after ''unreduced annuity'' in paragraph (2);

(B) by inserting ''or is under age 60 at that time'' after ''unreduced annuity'' in paragraph (3)(A); and

(C) by inserting ''and becoming 60 years of age'' after ''unreduced annuity'' in paragraph (3)(B)(ii)(I); and

(2) in subsection (b)—

(A) by inserting ''and is age 60 or older'' after ''unreduced annuity'' in paragraph (1);

(B) by inserting ''or is under age 60'' after ''unreduced annuity'' in paragraph (2)(A); and

(C) by inserting ''and becoming 60 years of age'' after ''unreduced annuity'' in paragraph (2)(B)(ii)(I).

(b) TRANSITION PROVISION.—(1) An individual who before the date of the enactment of this Act was involun-

tarily separated or retired from employment as an Army Reserve or Air Force Reserve technician under section 10218 of title 10, United States Code, and who would not have been so separated if the provisions of subsection (c) of that section, as amended by subsection (a), had been in effect at the time of such separation may, with the approval of the Secretary concerned, be reinstated to the technician status held by that individual immediately before that separation.

(2) The authority under paragraph (1) applies only to reinstatement for which an application is received by the Secretary concerned before the end of the 1-year period beginning on the date of the enactment of this Act.

Subtitle C—Education and Training

SEC. 521. COLLEGE TUITION ASSISTANCE PROGRAM FOR PURSUIT OF DEGREES BY MEMBERS OF THE MARINE CORPS PLATOON LEADERS CLASS PROGRAM.

(a) IN GENERAL.—Section 16401 of title 10, United States Code, is amended as follows:

(1) The section heading is amended to read as follows:

"§ 16401. Marine Corps Platoon Leaders Class program: college tuition assistance program".

(2) Subsection (a) is amended—

(A) by striking ''FINANCIAL'' in the subsection heading and inserting ''COLLEGE TUITION'';

(B) by striking ''an eligible enlisted'' in the matter preceding paragraph (1) and inserting ''a''; and

(C) in paragraph (2), by striking ''three'' and inserting ''four''.

(3) Subsection (b)(1) is amended—

(A) by striking ''an enlisted'' and inserting ''a'';

(B) in subparagraph (A), by striking ''an officer candidate in'' and inserting ''a member of'';

(C) by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(D) in subparagraph (C) (as so redesignated), by striking ''(3)'' and inserting ''(2)''.

(4) Subsection (b) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(5) Subsection (f)(1) is amended by striking ''A member'' and inserting ''An enlisted member''.

(b) COMPUTATION OF CREDITABLE SERVICE.—Section 205(f) of title 37, United States Code, is amended—

(1) by striking ''section 12209'' and inserting ''section 12203''; and

(2) by striking ''a member'' and inserting ''an enlisted member''.

(c) CLERICAL AMENDMENT.—The item relating to section 16401 in the table of sections at the beginning of chapter 1611 of such title is amended to read as follows:

''16401. Marine Corps Platoon Leaders Class program: college tuition assistance program.''.

SEC. 522. REVIEW OF ALLOCATION OF JUNIOR RESERVE OFFICERS TRAINING CORPS UNITS AMONG THE SERVICES.

(a) REALLOCATION OF JROTC UNITS.—Not later than March 31, 2001, the Secretary of Defense shall—

(1) review the allocation among the military departments of the statutory maximum number of Junior Reserve Officers' Training Corps (JROTC) units; and

(2) redistribute the allocation of those units planned (as of the date of the enactment of this Act) for fiscal years 2001 through 2006 so as to increase the number of units for a military department that

proposes to more quickly eliminate the current waiting list for such units and to commit the necessary resources for that purpose.

(b) PROPOSAL FOR INCREASE IN STATUTORY MAXIMUM.—If, based on the review under subsection (a) and the redistribution of the allocation of JROTC units under that subsection, the Secretary determines that an increase in the statutory maximum number of such units is warranted, the Secretary shall include a proposal for such an increase in the budget proposal of the Department of Defense for fiscal year 2002.

SEC. 523. AUTHORITY FOR NAVAL POSTGRADUATE SCHOOL TO ENROLL CERTAIN DEFENSE INDUSTRY CIVILIANS IN SPECIFIED PROGRAMS RELATING TO DEFENSE PRODUCT DEVELOPMENT.

(a) IN GENERAL.—(1) Chapter 605 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7049. Defense industry civilians: admission to defense product development program

"(a) AUTHORITY FOR ADMISSION.—The Secretary of the Navy may permit eligible defense industry employees to receive instruction at the Naval Postgraduate School in accordance with this section. Any such defense industry employee may only be enrolled in, and may only be pro-

vided instruction in, a program leading to a masters's degree in a curriculum related to defense product development. No more than 10 such defense industry employees may be enrolled at any one time. Upon successful completion of the course of instruction in which enrolled, any such defense industry employee may be awarded an appropriate degree under section 7048 of this title.

''(b) ELIGIBLE DEFENSE INDUSTRY EMPLOYEES.—For purposes of this section, an eligible defense industry employee is an individual employed by a private firm that is engaged in providing to the Department of Defense significant and substantial defense-related systems, products, or services. A defense industry employee admitted for instruction at the school remains eligible for such instruction only so long at that person remains employed by the same firm.

''(c) ANNUAL CERTIFICATION BY THE SECRETARY OF THE NAVY.—Defense industry employees may receive instruction at the school during any academic year only if, before the start of that academic year, the Secretary of the Navy determines, and certifies to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, that providing instruction to defense industry employees under this section during that year—

"(1) will further the military mission of the school;

"(2) will enhance the ability of the Department of Defense and defense-oriented private sector contractors engaged in the design and development of defense systems to reduce the product and project lead times required to bring such systems to initial operational capability; and

"(3) will be done on a space-available basis and not require an increase in the size of the faculty of the school, an increase in the course offerings of the school, or an increase in the laboratory facilities or other infrastructure of the school.

"(d) PROGRAM REQUIREMENTS.—The Secretary of the Navy shall ensure that—

"(1) the curriculum for the defense product development program in which defense industry employees may be enrolled under this section is not readily available through other schools and concentrates on defense product development functions that are conducted by military organizations and defense contractors working in close cooperation; and

"(2) the course offerings at the school continue to be determined solely by the needs of the Department of Defense.

"(e) TUITION.—The Superintendent of the school shall charge tuition for students enrolled under this section at a rate not less than the rate charged for employees of the United States outside the Department of the Navy.

"(f) STANDARDS OF CONDUCT.—While receiving instruction at the school, students enrolled under this section, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the school.

"(g) USE OF FUNDS.—Amounts received by the school for instruction of students enrolled under this section shall be retained by the school to defray the costs of such instruction. The source, and the disposition, of such funds shall be specifically identified in records of the school.".

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

"7049. Defense industry civilians: admission to defense product development program.".

(b) PROGRAM EVALUATION AND REPORT.—(1) Before the start of the fourth year of instruction, but no earlier than the start of the third year of instruction, of defense industry employees at the Naval Postgraduate School under section 7049 of title 10, United States Code,

as added by subsection (a), the Secretary of the Navy shall conduct an evaluation of the admission of such students under that section. The evaluation shall include the following:

(A) An assessment of whether the authority for instruction of nongovernment civilians at the school has resulted in a discernible benefit for the Government.

(B) Determination of whether the receipt and disposition of funds received by the school as tuition for instruction of such civilians at the school have been properly identified in records of the school.

(C) An assessment of the disposition of those funds.

(D) An assessment of whether instruction of such civilians at the school is in the best interests of the Government.

(2) Not later than 30 days after completing the evaluation referred to in paragraph (1), the Secretary of the Navy shall submit to the Secretary of Defense a report on the program under such section. The report shall include—

(A) the results of the evaluation under paragraph (1);

(B) the Secretary's conclusions and recommendation with respect to continuing to allow nongovernment civilians to receive instruction and the Naval Postgraduate School as part of a program related to defense product development; and

(C) any proposals for legislative changes recommended by the Secretary.

(3) Not later than 60 days after receiving the report of the Secretary of the Navy under paragraph (2), the Secretary of Defense shall submit the report, together with any comments that the Secretary considers appropriate, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

Subtitle D—Decorations, Awards, and Commendations

SEC. 531. AUTHORITY FOR AWARD OF THE MEDAL OF HONOR TO ANDREW J. SMITH FOR VALOR DURING THE CIVIL WAR.

(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 military service, the President may award the medal of honor, posthumously, under section

3741 of that title to Andrew J. Smith of Clinton, Illinois, for the acts of valor during the Civil War described in subsection (b).

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Andrew J. Smith during the Civil War on November 30, 1864, while serving as an infantry corporal in the 55th Massachusetts Voluntary Infantry during the Battle of Honey Hill in South Carolina.

SEC. 532. AUTHORITY FOR AWARD OF THE MEDAL OF HONOR TO ED W. FREEMAN 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 military service, the President may award the Medal of Honor, posthumously, under section 3741 of that title to Ed W. Freeman of Boise, Idaho, for the acts of valor during the Vietnam Conflict described in subsection (b).

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Ed W. Freeman on November 14, 1965, as a flight leader and second in command of a 16-helicopter lift unit, serving in the grade

of captain at Landing Zone X-Ray in the battle of the IaDrang Valley, Republic of Vietnam, with Alpha Company, 229th Assault Helicopter Battalion, 101st Cavalry Division (Airmobile).

SEC. 533. CONSIDERATION OF PROPOSALS FOR POSTHUMOUS OR HONORARY PROMOTIONS OR APPOINTMENTS OF MEMBERS OR FORMER MEMBERS OF THE ARMED FORCES AND OTHER QUALIFIED PERSONS.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1563. Consideration of proposals for posthumous and honorary promotions and appointments: procedures for review and recommendation

''(a) REVIEW BY SECRETARY CONCERNED.—Upon request of a Member of Congress, the Secretary concerned shall review a proposal for the posthumous or honorary promotion or appointment of a member or former member of the armed forces, or any other person considered qualified, that is not otherwise authorized by law. Based upon such review, the Secretary shall make a determination as to the merits of approving the posthumous or honorary

promotion or appointment and the other determinations necessary to comply with subsection (b).

"(b) NOTICE OF RESULTS OF REVIEW.—Upon making a determination under subsection (a) as to the merits of approving the posthumous or honorary promotion or appointment, the Secretary concerned shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives and to the requesting Member of Congress notice in writing of one of the following:

"(1) The posthumous or honorary promotion or appointment does not warrant approval on the merits.

"(2) The posthumous or honorary promotion or appointment warrants approval and authorization by law for the promotion or appointment is recommended.

"(3) The posthumous or honorary promotion or appointment warrants approval on the merits and has been recommended to the President as an exception to policy.

"(4) The posthumous or honorary promotion or appointment warrants approval on the merits and authorization by law for the promotion or appointment is required but is not recommended.

A notice under paragraph (1) or (4) shall be accompanied by a statement of the reasons for the decision of the Secretary.

"(c) DEFINITION.—In this section, the term 'Member of Congress' means—

"(1) a Senator; or

"(2) a Representative in, or a Delegate or Resident Commissioner to, Congress.".

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

"1563. Consideration of proposals for posthumous and honorary promotions and appointments: procedures for review and recommendation.".

SEC. 534. WAIVER OF TIME LIMITATIONS FOR AWARD OF NAVY DISTINGUISHED FLYING CROSS 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.

(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 5, 1999, 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.

SEC. 535. ADDITION OF CERTAIN INFORMATION TO MARKERS ON GRAVES CONTAINING REMAINS OF CERTAIN UNKNOWNS FROM THE U.S.S. ARIZONA WHO DIED IN THE JAPANESE ATTACK ON PEARL HARBOR ON DECEMBER 7, 1941.

(a) INFORMATION TO BE PROVIDED SECRETARY OF VETERANS AFFAIRS.—The Secretary of the Army shall provide to the Secretary of Veterans Affairs certain information, as specified in subsection (b), pertaining to the remains of certain unknown persons that are interred in the National Memorial Cemetery of the Pacific, Honolulu,

Hawaii. The Secretary of Veterans Affairs shall add to the inscriptions on the markers on the graves containing those remains the information provided.

(b) INFORMATION TO BE ADDED—The information to be added to grave markers under subsection (a)—

(1) shall be determined by the Secretary of the Army, based on a review of the information that, as of the date of the enactment of this Act, has been authenticated by the director of the Navy Historical Center, Washington, D.C., pertaining to the interment of remains of certain unknown casualties from the U.S.S. ARIZONA who died as a result of the Japanese attack on Pearl Harbor on December 7, 1941; and

(2) shall, at a minimum, indicate that the interred remains are from the U.S.S. ARIZONA.

(c) LIMITATION OF SCOPE OF SECTION.—This section does not impose any requirement on the Secretary of the Army to undertake a review of any information pertaining to the interred remains of any unknown person other than as provided in subsection (b).

SEC. 536. SENSE OF THE CONGRESS REGARDING FINAL CREW OF U.S.S. INDIANAPOLIS.

(a) FINDINGS.—Congress finds the following:

(1) Shortly after midnight on the night of July 30, 1945, during the closing days of World War II, the United States Navy heavy cruiser U.S.S. INDIANAPOLIS (CA–35) was torpedoed and sunk by a Japanese submarine.

(2) Of the 1,196 crew members, only 316 survived the attack and subsequent 5-day ordeal adrift at sea, the rest dying from battle wounds, drowning, shark attacks, exposure, or lack of food and water, making the sinking of the INDIANAPOLIS the worst sea disaster in United States naval history.

(3) Following the rescue of the surviving crew members, the commanding officer of the INDIANAPOLIS, Captain Charles Butler McVay III, who survived the sinking and the ordeal at sea, was charged with ''suffering a vessel to be hazarded through negligence'' and was convicted by a court-martial of that charge, notwithstanding a great many extenuating circumstances, some of which were not presented at the court-martial trial.

(4) Captain McVay had an excellent record throughout his naval career before the sinking of the INDIANAPOLIS, beginning with his graduation from the United States Naval Academy in 1919 and including an excellent combat record that included

participation in the landings in North Africa and award of the Silver Star for courage under fire earned during the Solomon Islands campaign.

(5) After assuming command of the INDIANAPOLIS on November 18, 1944, Captain McVay led the ship during her participation in the assaults on Iwo Jima and Okinawa.

(6) During the latter assault, the INDIANAPOLIS suffered a damaging kamikaze attack which penetrated the ship's hull, but the ship was made seaworthy and skillfully returned by Captain McVay and her crew to San Francisco for repairs.

(7) Following completion of those repairs, the INDIANAPOLIS was given the mission of transporting to the island of Tinian vital parts of the atomic bomb which was dropped on Hiroshima, a mission which was completed successfully on July 26, 1945, at a record average speed of 29 knots.

(8) Following the accomplishment of that mission, the INDIANAPOLIS sailed from Tinian to Guam and from there embarked for Leyte Gulf in the Philippines to join training with the fleet assembling for the final assault on the Japanese mainland.

(9) As the INDIANAPOLIS began its trip across the Philippine Sea on July 28, 1945, the war

was virtually over in that area of the south Pacific, with hostilities having moved 1,000 miles to the north, the Japanese navy's surface fleet was nonexistent, and United States naval intelligence reported only four operational Japanese submarines in the entire Pacific theater of war, all of which resulted in the state of alert among shore-based personnel routing and tracking the INDIANAPOLIS across the Philippine Sea being affected accordingly.

(10) Before departure from Guam Captain McVay requested a destroyer escort because his ship was not equipped with antisubmarine detection devices, but, despite the fact that no capital ship such as the INDIANAPOLIS had made the transit between Guam and the Philippines without escort during World War II, that request was denied, and a 1996 report by the Navy's Judge Advocate General's office concedes that ''Captain McVay and the routing officer did not discuss the availability of an escort after the operations officer for COMMARIANNAS confirmed that an escort was not necessary''.

(11) Although Captain McVay was informed of ''submarine sightings'' in the Philippine Sea, such sightings were commonplace, and none of those re-

ported to Captain McVay had been confirmed, and at the same time there was a failure to inform him that a submarine within range of his path had sunk the U.S.S. UNDERHILL 4 days before his departure from Guam.

(12) United States military intelligence activities, through a code-breaking system called ULTRA, had learned that the Japanese submarine I–58 was operating in the Philippine Sea area, but Captain McVay was not told of this intelligence, which remained classified as Top Secret until the early 1990's, and this intelligence (and the fact that it was withheld from Captain McVay when he sailed from Guam) was not brought to light at his court-martial.

(13) The INDIANAPOLIS was sunk by this same submarine.

(14) the commander of that submarine, Mochitsura Hashimoto, testified at the court-martial that once he had detected the ship, he would have been able to make a successful torpedo attack whether or not the ship was zigzagging.

(15) With visibility severely limited by a heavy overcast at approximately 11 p.m. on the night of July 29, 1945, Captain McVay gave the order to

cease zigzagging and retired to his cabin and shortly after midnight the INDIANAPOLIS was struck by two torpedoes and sunk within 12 minutes.

(16) The formal charge upon which Captain McVay was convicted for ''suffering a vessel to be hazarded through negligence'' contained the phrase ''in good visibility'' in reference to the weather conditions on that night, which is contrary to the recollection of all survivors, who recall that the visibility was very poor.

(17) After the INDIANAPOLIS was sunk, various Navy shore offices compounded the previous errors which had led to the ship being placed in jeopardy by failing to report the ship's overdue arrival, thus leaving the approximately 950 members of the crew who survived the sinking of the ship adrift for 4 days and five nights until by chance the survivors were spotted by a routine air patrol.

(18) A court of inquiry to investigate the sinking was convened in Guam on August 13, 1945, just 2 weeks after the sinking and 9 days after the survivors were rescued (a date so soon after the sinking that Captain William Hillbert, the Navy judge advocate for the inquiry, admitted that the inquiry was so rushed that they were ''* * * starting the pro-

ceedings without having available all the necessary data'') and recommended that Captain McVay be issued a Letter of Reprimand and that he be court-martialed.

(19) The headquarters staff of CINCPAC (commanded by Fleet Admiral Chester Nimitz) disagreed with the recommendation of the court of inquiry, stating that in not maintaining a zigzag course Captain McVay at worst was guilty only of an error in judgment and not gross negligence and concluded that the rule requiring zigzagging would not have applied in any event since Captain McVay's orders gave him discretion on that matter and took precedence over all other orders (a point that was never made by Captain McVay's attorney during the court-martial).

(20) The Department of the Navy delayed the announcement of the sinking of the INDIANAPOLIS for almost 2 weeks to coincide with the announcement of the surrender of Japan, thus diverting attention from the magnitude of the disaster and lessening its public impact, and then, despite opposition by Admiral Nimitz and Admiral Raymond Spruance (for whom the INDIANAPOLIS had served as flagship), it brought court-martial charges

against Captain McVay in a rare instance when a commanding officer's recommendations are contravened.

(21) Captain McVay thus became the first United States Navy commanding officer brought to trial for losing his ship in combat during World War II, despite the fact that over 700 ships were lost during World War II, including some under questionable circumstances.

(22) Captain McVay was convicted on February 23, 1946, on the charge of ''suffering a vessel to be hazarded through negligence'', thus permanently damaging his career as a naval officer, although when Admiral Nimitz was advanced to the position of Chief of Naval Operations later that same year, he remitted Captain McVay's sentence and restored him to active duty.

(23) Following his court-martial conviction, Captain McVay remained on active duty until retiring in 1949 upon completion of 30 years of active naval service, with a final promotion, in accordance with then-applicable law, to the grade of rear admiral, effective upon the date of his retirement.

(24) Rear Admiral Charles Butler McVay III (retired), died on November 6, 1968, without having

been exonerated from responsibility for the loss of his ship and the lives of 880 members of her crew.

(25) The survivors of the INDIANAPOLIS still living have remained steadfast in their support of the exoneration of Captain McVay.

(26) In 1993, Congress, in section 1165 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1765; 16 U.S.C. 431 note), recognized the memorial to the U.S.S. INDIANAPOLIS (CA–35) in Indianapolis, Indiana, as the national memorial to that historic warship and to her final crew.

(27) In 1994, Congress, in section 1052 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2844), stating that it was acting on behalf of the grateful people of the United States—

(A) recognized the invaluable contributions of the U.S.S. INDIANAPOLIS to the ending of World War II; and

(B) on the occasion of the 50th anniversary of her tragic sinking, and the dedication of the national memorial in Indianapolis on July 30, 1995, commended that ship and her crew

for selfless and heroic service to the United States.

(b) COURT-MARTIAL CONVICTION OF CHARLES BUTLER MCVAY, III.—It is the sense of the Congress that—

(1) the court-martial charges against then-Captain Charles Butler McVay III, United States Navy, arising from the sinking of the U.S.S. INDIANAPOLIS (CA–35) on July 30, 1945, while under his command were not morally sustainable;

(2) Captain McVay's conviction was a miscarriage of justice that led to his unjust humiliation and damage to his naval career; and

(3) the American people should now recognize Captain McVay's lack of culpability for the tragic loss of the U.S.S. INDIANAPOLIS and the lives of the men who died as a result of her sinking.

(c) PRESIDENTIAL UNIT CITATION.—(1) It is the sense of the Congress that the President should award a Presidential Unit Citation to the final crew of the U.S.S. INDIANAPOLIS (CA–35) in recognition of the courage and fortitude displayed by the members of that crew in the face of tremendous hardship and adversity after their ship was torpedoed and sunk on July 30, 1945.

(2) A citation described in paragraph (1) may be awarded without regard to any provision of law or regula-

tion prescribing a time limitation that is otherwise applicable with respect to recommendation for, or the award of, such a citation.

SEC. 537. POSTHUMOUS ADVANCEMENT OF REAR ADMIRAL (RETIRED) HUSBAND E. KIMMEL AND MAJOR GENERAL (RETIRED) WALTER C. SHORT ON RETIRED LISTS.

(a) FINDINGS.—Congress makes the following findings:

(1) The late Rear Admiral (retired) Husband E. Kimmel, formerly serving in the grade of admiral as the Commander in Chief of the United States Fleet and the Commander in Chief, United States Pacific Fleet, had an excellent and unassailable record throughout his career in the United States Navy prior to the December 7, 1941, attack on Pearl Harbor.

(2) The late Major General (retired) Walter C. Short, formerly serving in the grade of lieutenant general as the Commander of the United States Army Hawaiian Department, had an excellent and unassailable record throughout his career in the United States Army prior to the December 7, 1941, attack on Pearl Harbor.

(3) Numerous investigations following the attack on Pearl Harbor have documented that then Admiral Kimmel and then Lieutenant General Short were not provided necessary and critical intelligence that was available, that foretold of war with Japan, that warned of imminent attack, and that would have alerted them to prepare for the attack, including such essential communiques as the Japanese Pearl Harbor Bomb Plot message of September 24, 1941, and the message sent from the Imperial Japanese Foreign Ministry to the Japanese Ambassador in the United States from December 6–7, 1941, known as the Fourteen-Part Message.

(4) On December 16, 1941, Admiral Kimmel and Lieutenant General Short were relieved of their commands and returned to their permanent ranks of rear admiral and major general.

(5) Admiral William Harrison Standley, who served as a member of the investigating commission known as the Roberts Commission that accused Admiral Kimmel and Lieutenant General Short of ''dereliction of duty'' only 6 weeks after the attack on Pearl Harbor, later disavowed the report maintaining that ''these two officers were martyred'' and

"if they had been brought to trial, both would have been cleared of the charge".

(6) On October 19, 1944, a Naval Court of Inquiry—

(A) exonerated Admiral Kimmel on the grounds that his military decisions and the disposition of his forces at the time of the December 7, 1941, attack on Pearl Harbor were proper "by virtue of the information that Admiral Kimmel had at hand which indicated neither the probability nor the imminence of an air attack on Pearl Harbor";

(B) criticized the higher command for not sharing with Admiral Kimmel "during the very critical period of 26 November to 7 December 1941, important information * * * regarding the Japanese situation"; and

(C) concluded that the Japanese attack and its outcome was attributable to no serious fault on the part of anyone in the naval service.

(7) On June 15, 1944, an investigation conducted by Admiral T. C. Hart at the direction of the Secretary of the Navy produced evidence, subsequently confirmed, that essential intelligence concerning Japanese intentions and war plans was

available in Washington but was not shared with Admiral Kimmel.

(8) On October 20, 1944, the Army Pearl Harbor Board of Investigation determined that—

(A) Lieutenant General Short had not been kept ''fully advised of the growing tenseness of the Japanese situation which indicated an increasing necessity for better preparation for war'';

(B) detailed information and intelligence about Japanese intentions and war plans were available in ''abundance'', but were not shared with Lieutenant General Short's Hawaii command; and

(C) Lieutenant General Short was not provided ''on the evening of December 6th and the early morning of December 7th, the critical information indicating an almost immediate break with Japan, though there was ample time to have accomplished this''.

(9) The reports by both the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation were kept secret, and Rear Admiral (retired) Kimmel and Major General (retired) Short

were denied their requests to defend themselves through trial by court-martial.

(10) The joint committee of Congress that was established to investigate the conduct of Admiral Kimmel and Lieutenant General Short completed, on May 31, 1946, a 1,075-page report which included the conclusions of the committee that the two officers had not been guilty of dereliction of duty.

(11) The Officer Personnel Act of 1947, in establishing a promotion system for the Navy and the Army, provided a legal basis for the President to honor any officer of the Armed Forces of the United States who served his country as a senior commander during World War II with a placement of that officer, with the advice and consent of the Senate, on the retired list with the highest grade held while on the active duty list.

(12) On April 27, 1954, the then Chief of Naval Personnel, Admiral J. L. Holloway, Jr., recommended that Rear Admiral Kimmel be advanced in rank in accordance with the provisions of the Officer Personnel Act of 1947.

(13) On November 13, 1991, a majority of the members of the Board for the Correction of Military Records of the Department of the Army found that

the late Major General (retired) Short ''was unjustly held responsible for the Pearl Harbor disaster'' and that ''it would be equitable and just'' to advance him to the rank of lieutenant general on the retired list''.

(14) In October 1994, the then Chief of Naval Operations, Admiral Carlisle Trost, withdrew his 1988 recommendation against the advancement of Rear Admiral (retired) Kimmel (by then deceased) and recommended that the case of Rear Admiral Kimmel be reopened.

(15) Although the Dorn Report, a report on the results of a Department of Defense study that was issued on December 15, 1995, did not provide support for an advancement of the late Rear Admiral (retired) Kimmel or the late Major General (retired) Short in grade, it did set forth as a conclusion of the study that ''responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and Lieutenant General Short, it should be broadly shared''.

(16) The Dorn Report found—

(A) that ''Army and Navy officials in Washington were privy to intercepted Japanese diplomatic communications * * * which pro-

vided crucial confirmation of the imminence of war'';

(B) that ''the evidence of the handling of these messages in Washington reveals some ineptitude, some unwarranted assumptions and misestimations, limited coordination, ambiguous language, and lack of clarification and follow-up at higher levels''; and

(C) that ''together, these characteristics resulted in failure * * * to appreciate fully and to convey to the commanders in Hawaii the sense of focus and urgency that these intercepts should have engendered''.

(17) On July 21, 1997, Vice Admiral David C. Richardson (United States Navy, retired) responded to the Dorn Report with his own study which confirmed findings of the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation and established, among other facts, that the war effort in 1941 was undermined by a restrictive intelligence distribution policy, and the degree to which the commanders of the United States forces in Hawaii were not alerted about the impending attack on Hawaii was directly attributable to the withholding of intel-

ligence from then Admiral Kimmel and Lieutenant General Short.

(18) Rear Admiral (retired) Kimmel and Major General (retired) Short are the only two officers eligible for advancement under the Officer Personnel Act of 1947 as senior World War II commanders who were excluded from the list of retired officers presented for advancement on the retired lists to their highest wartime ranks under that Act.

(19) This singular exclusion from advancement of Rear Admiral (retired) Kimmel and Major General (retired) Short from the Navy retired list and the Army retired list, respectively, serves only to perpetuate the myth that the senior commanders in Hawaii were derelict in their duty and responsible for the success of the attack on Pearl Harbor, and is a distinct and unacceptable expression of dishonor toward two of the finest officers who have served in the Armed Forces of the United States.

(20) Major General (retired) Walter Short died on September 23, 1949, and Rear Admiral (retired) Husband Kimmel died on May 14, 1968, without having been accorded the honor of being returned to their wartime ranks as were their fellow veterans of World War II.

(21) The Veterans of Foreign Wars, the Pearl Harbor Survivors Association, the Admiral Nimitz Foundation, the Naval Academy Alumni Association, the Retired Officers Association, the Pearl Harbor Commemorative Committee, and other associations and numerous retired military officers have called for the rehabilitation of the reputations and honor of the late Rear Admiral (retired) Kimmel and the late Major General (retired) Short through their posthumous advancement on the retired lists to their highest wartime grades.

(b) REQUEST FOR ADVANCEMENT ON RETIRED LISTS.—(1) The President is requested—

(A) to advance the late Rear Admiral (retired) Husband E. Kimmel to the grade of admiral on the retired list of the Navy; and

(B) to advance the late Major General (retired) Walter C. Short to the grade of lieutenant general on the retired list of the Army.

(2) Any advancement in grade on a retired list requested under paragraph (1) shall not increase or otherwise modify the compensation or benefits from the United States to which any person is now or may in the future be entitled based upon the military service of the officer advanced.

(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the late Rear Admiral (retired) Husband E. Kimmel performed his duties as Commander in Chief, United States Pacific Fleet, competently and professionally, and, therefore, the losses incurred by the United States in the attacks on the naval base at Pearl Harbor, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Admiral Kimmel; and

(2) the late Major General (retired) Walter C. Short performed his duties as Commanding General, Hawaiian Department, competently and professionally, and, therefore, the losses incurred by the United States in the attacks on Hickam Army Air Field and Schofield Barracks, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Lieutenant General Short.

SEC. 538. COMMENDATION OF CITIZENS OF REMY, FRANCE, FOR WORLD WAR II ACTIONS.

(a) FINDINGS.—The Congress finds the following:

(1) On August 2, 1944, a squadron of P–51s from the United States 364th Fighter Group strafed a German munitions train in Remy, France.

(2) The resulting explosion killed Lieutenant Houston Braly, one of the attacking pilots, and destroyed much of the village of Remy, including seven stained glass windows in the 13th Century church.

(3) Despite threats of reprisals from the occupying German authorities, the citizens of Remy recovered Lieutenant Braly's body from the wreckage, buried his body with dignity and honor in the church's cemetery, and decorated the grave site daily with fresh flowers.

(4) On Armistice Day, 1995, the village of Remy renamed the crossroads near the site of Lieutenant Braly's death in his honor.

(5) The surviving members of the 364th Fighter Group desire to express their gratitude to the brave citizens of Remy.

(6) To express their gratitude, the surviving members of the 364th Fighter Group have organized a nonprofit corporation to raise funds, through its project "Windows for Remy", to restore the church's stained glass windows.

(b) COMMENDATION AND RECOGNITION.—The Congress commends the bravery and honor of the citizens of Remy, France, for their actions with respect to the American fighter pilot Lieutenant Houston Braly during and after August 1944, and recognizes the efforts of the surviving members of the United States 364th Fighter Group to raise funds to restore the stained glass windows of Remy's 13th Century church.

Subtitle E—Military Justice Matters

SEC. 541. RECOGNITION BY STATES OF MILITARY TESTAMENTARY INSTRUMENTS.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1044c the following new section:

"§ 1044d. Military testamentary instruments: requirement for recognition by States

"(a) TESTAMENTARY INSTRUMENTS TO BE GIVEN LEGAL EFFECT.—A military testamentary instrument—

"(1) is exempt from any requirement of form, formality, or recording before probate that is provided for testamentary instruments under the laws of a State; and

"(2) has the same legal effect as a testamentary instrument prepared and executed in ac-

cordance with the laws of the State in which it is presented for probate.

"(b) MILITARY TESTAMENTARY INSTRUMENTS.—For purposes of this section, a military testamentary instrument is an instrument that is prepared with testamentary intent in accordance with regulations prescribed under this section and that—

"(1) is executed in accordance with subsection (c) by (or on behalf of) a person, as a testator, who is eligible for military legal assistance;

"(2) makes a disposition of property of the testator; and

"(3) takes effect upon the death of the testator.

"(c) REQUIREMENTS FOR EXECUTION OF MILITARY TESTAMENTARY INSTRUMENTS.—An instrument is valid as a military testamentary instrument only if—

"(1) the instrument is executed by the testator (or, if the testator is unable to execute the instrument personally, the instrument is executed in the presence of, by the direction of, and on behalf of the testator);

"(2) the instrument is executed in the presence of a military legal assistance counsel acting as presiding attorney;

"(3) the instrument is executed in the presence of at least two disinterested witnesses (in addition to the presiding attorney), each of whom attests to witnessing the testator's execution of the instrument by signing it; and

"(4) the instrument is executed in accordance with such additional requirements as may be provided in regulations prescribed under this section.

"(d) SELF-PROVING MILITARY TESTAMENTARY INSTRUMENTS.—(1) If the document setting forth a military testamentary instrument meets the requirements of paragraph (2), then the signature of a person on the document as the testator, an attesting witness, a notary, or the presiding attorney, together with a written representation of the person's status as such and the person's military grade (if any) or other title, is prima facie evidence of the following:

"(A) That the signature is genuine.

"(B) That the signatory had the represented status and title at the time of the execution of the will.

"(C) That the signature was executed in compliance with the procedures required under the regulations prescribed under subsection (f).

"(2) A document setting forth a military testamentary instrument meets the requirements of this paragraph if it includes (or has attached to it), in a form and content required under the regulations prescribed under subsection (f), each of the following:

"(A) A certificate, executed by the testator, that includes the testator's acknowledgment of the testamentary instrument.

"(B) An affidavit, executed by each witness signing the testamentary instrument, that attests to the circumstances under which the testamentary instrument was executed.

"(C) A notarization, including a certificate of any administration of an oath required under the regulations, that is signed by the notary or other official administering the oath.

"(e) STATEMENT TO BE INCLUDED.—(1) Under regulations prescribed under this section, each military testamentary instrument shall contain a statement that sets forth the provisions of subsection (a).

"(2) Paragraph (1) shall not be construed to make inapplicable the provisions of subsection (a) to a testamentary instrument that does not include a statement described in that paragraph.

"(f) REGULATIONS.—Regulations for the purposes of this section shall be prescribed jointly by the Secretary of Defense and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Department of the Navy.

"(g) DEFINITIONS.—In this section:

"(1) The term 'person eligible for military legal assistance' means a person who is eligible for legal assistance under section 1044 of this title.

"(2) The term 'military legal assistance counsel' means—

"(A) a judge advocate (as defined in section 801(13) of this title); or

"(B) a civilian attorney serving as a legal assistance officer under the provisions of section 1044 of this title.

"(3) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and each possession of the United States.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1044c the following new item:

"1044d. Military testamentary instruments: requirement for recognition by States.".

SEC. 542. PROBABLE CAUSE REQUIRED FOR ENTRY OF NAMES OF SUBJECTS INTO OFFICIAL CRIMINAL INVESTIGATIVE REPORTS.

(a) IN GENERAL.—(1) Chapter 80 of title 10, United States Code, is amended by adding after section 1563, as added by section 533(a), the following new section:

"§ 1564. Military criminal investigations: probable cause required for entry of names of subjects into official investigative reports

"(a) PROBABLE CAUSE REQUIRED FOR 'TITLING'.—The Secretary of Defense shall require that an employee of a military criminal investigative organization or a member of the armed forces assigned to a military criminal investigative organization, in connection with the investigation of a reported crime, may not designate any person, by name or by any other identifying information, as a suspect in the case in any official investigative report, or in a central index for potential retrieval and analysis by law enforcement organizations, unless there is probable cause to believe that that person committed the crime.

"(b) STANDARD FOR REMOVAL OF 'TITLING' INFORMATION FROM RECORDS.—The Secretary of Defense shall establish a uniform standard applicable throughout the Department of Defense for removal from an official investigative report of a reported crime, and from any applicable central index, of the name of a person (and any other

identifying information about that person) that was entered in the report or index to designate that person as a suspect in the case when it is subsequently determined that there is not probable cause to believe that that person committed the crime.

"(c) CRIMINAL INVESTIGATIVE ORGANIZATION DEFINED.—In this section, the term 'criminal investigative organization' means any of the following:

"(1) The Defense Criminal Investigative Service (or any successor to that service).

"(2) The Army Criminal Investigation Command (or any successor to that command).

"(3) The Naval Criminal Investigative Service (or any successor to that service).

"(4) The Air Force Office of Special Investigations (or any successor to that office).".

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1563, as added by section 533(b), the following new item:

"1564. Military criminal investigations: probable cause required for entry of names of subjects into official investigative reports.".

(b) EFFECTIVE DATE.—Section 1564 of title 10, United States Code, as added by subsection (a), shall take effect at the end of the 180-day period beginning on the date of the enactment of this Act.

SEC. 543. COLLECTION AND USE OF DNA IDENTIFICATION INFORMATION FROM VIOLENT AND SEXUAL OFFENDERS IN THE ARMED FORCES.

(a) IN GENERAL.—(1) Chapter 80 of title 10, United States Code, is amended by adding after section 1564, as added by section 542(a)(1), the end the following new section:

"§ 1565. DNA identification information: collection from violent and sexual offenders; use

''(a) COLLECTION OF DNA SAMPLES.—The Secretary concerned shall collect a DNA sample from each member of the armed forces under the Secretary's jurisdiction who is, or has been, convicted of a qualifying military offense (as determined under subsection (e)).

''(b) ANALYSIS OF SAMPLES.—The Secretary concerned shall furnish each DNA sample collected under subsection (a) to the Secretary of Defense. The Secretary of Defense shall carry out a DNA analysis on each such DNA sample.

''(c) DEFINITIONS.—In this section:

''(1) The term 'DNA sample' means a tissue, fluid, or other bodily sample of an individual on which a DNA analysis can be carried out.

''(2) The term 'DNA analysis' means analysis of the deoxyribonucleic acid (DNA) identification information in a bodily sample.

"(d) USE IN CODIS.—(1) The Secretary of Defense shall furnish the results of each DNA analysis carried out under subsection (b) to the Director of the Federal Bureau of Investigation for use in the Combined DNA Index System (in this section referred to as 'CODIS') of the Federal Bureau of Investigation.

"(2) The Secretary of Defense, in consultation with the Director of the Federal Bureau of Investigation, shall establish procedures providing that if a DNA sample has been collected from a person pursuant to subsection (a), and the Secretary receives notice that each conviction of that person of a qualifying military offense has been overturned, the Secretary shall promptly transmit a notice of that fact to the Director in accordance with section 210304(d) of the Violent Crime Control and Law Enforcement Act of 1994.

"(e) QUALIFYING MILITARY OFFENSES.—(1) Subject to paragraph (2), the Secretary of Defense, in consultation with the Attorney General, shall determine those violent or sexual offenses under the Uniform Code of Military Justice that shall be considered for purposes of this section as qualifying military offenses.

"(2) An offense under the Uniform Code of Military Justice that is equivalent to a serious violent felony (as that term is defined in section 3559(c)(2)(F) of title 18),

as determined by the Secretary in consultation with the Attorney General, shall be considered for purposes of this section as a qualifying military offense.

"(f) WAIVER.—The Secretary of Defense may waive the requirement of subsection (a) for a member if CODIS contains a DNA analysis with respect to that member.

"(g) REGULATIONS.—This section shall be carried out under regulations prescribed by the Secretary of Defense, in consultation with the Secretary of Transportation and the Attorney General. Those regulations shall apply, to the extent practicable, uniformly throughout the armed forces.".

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1564, as added by section 542(a)(2), the following new item:

"1565. DNA identification information: collection from violent and sexual offenders; use.".

(b) INITIAL DETERMINATION OF QUALIFYING MILITARY OFFENSES.—The initial determination of qualifying military offenses under section 1565(e) of title 10, United States Code, as added by subsection (a)(1), shall be made not later than 120 days after the date of the enactment of this Act.

(c) EXPANSION OF DNA IDENTIFICATION INDEX.—Section 811(a) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 531 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 ''; and''; and

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

''(3) the Director of the Federal Bureau of Investigation shall expand the combined DNA Identification System (CODIS) to include analyses of DNA samples collected from members of the Armed Forces convicted of a qualifying military offense in accordance with section 1565 of title 10, United States Code.''.

(d) INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.—Section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)—

(A) by striking ''and'' at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(C) by inserting after paragraph (4) the following new paragraph:

''(5) analyses of DNA samples collected from members of the Armed Forces convicted of a qualifying military offense in accordance with section 1565 of title 10, United States Code.'';

(2) in subsection (b)(2), by striking '', at regular intervals of not to exceed 180 days,'' and inserting ''semiannual''; and

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

''(d) EXPUNGEMENT OF RECORDS OF MILITARY OFFENDERS.—If the Director of the Federal Bureau of Investigation receives a notice transmitted under section 1565(d)(2) of title 10, United States Code, the Director shall promptly expunge from the index described in subsection (a) any DNA analysis furnished under section 1565(d)(1) of such title with respect to the person described in the notice.''.

SEC. 544. CLARIFICATION AND REAFFIRMATION OF THE INTENT OF CONGRESS REGARDING THE COURT-MARTIAL SENTENCE OF CONFINEMENT FOR LIFE WITHOUT ELIGIBILITY FOR PAROLE.

(a) CLARIFICATION OF EFFECT OF SENTENCE.—(1) Section 856a(b) of title 10, United States Code (article 56a of the Uniform Code of Military Justice), is amended—

(1) by striking ''unless—'' and inserting ''unless the sentence (or a portion of the sentence including that part of the sentence providing for confinement for life without eligibility for parole)—'';

(2) by striking paragraph (1) and inserting the following:

''(1) is set aside or otherwise modified as a result of—

''(A) action taken under section 860 of this title (article 60) by the convening authority or another person authorized to act under that section; or

''(B) any other action taken during post-trial procedure and review under any other provision of subchapter IX;

(3) in paragraph (2), by striking ''the sentence''; and

(4) by striking paragraph (3) and inserting the following:

''(3) a reprieve or pardon by the President.''.

(b) OFFICERS SENTENCED TO DISMISSAL.—Subsection (b) of section 871 of such title (article 71) is amended by inserting after the second sentence the following new sentence: ''However, if the sentence extends to confinement for life without eligibility for parole, that part of the sentence providing for confinement for life without eligibility for parole may not be commuted, remitted, or suspended.''.

(c) ACTION BY CONVENING AUTHORITY AFTER SENTENCE ORDERED EXECUTED.—Subsection (d) of that section is amended by adding at the end the following new sentence: ''In the case of a sentence that extends to confinement for life without eligibility for parole, that part of the sentence extending to confinement for life without eligibility for parole may not be suspended after it is ordered executed.''.

(d) SECRETARIAL AUTHORITY TO REMIT OR SUSPEND SENTENCE.—Section 874(a) of such title (article 74(a)) is amended by inserting before the period at the end the following: ''or, in the case of a sentence that extends to confinement for life without eligibility for parole,

that part of the sentence that extends to confinement for life without eligibility for parole''.

(e) PAROLE.—Section 952 of that title is amended by adding at the end the following new subsection:

''(e) Parole may not be granted for an offender serving a sentence of confinement for life without eligibility for parole.''.

(f) REMISSION OR SUSPENSION OF SENTENCE.—Section 953 of such title is amended by inserting in paragraph (1) after ''selected offenders'' the following: ''other than offenders serving a sentence of confinement for life without eligibility for parole''.

SEC. 545. AUTHORITY FOR CIVILIAN SPECIAL AGENTS OF MILITARY DEPARTMENT CRIMINAL INVESTIGATIVE ORGANIZATIONS TO EXECUTE WARRANTS AND MAKE ARRESTS.

(a) DEPARTMENT OF THE ARMY.—(1) Chapter 373 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 4027. Civilian special agents of the Criminal Investigation Command: authority to execute warrants and make arrests

''(a) AUTHORITY.—The Secretary of the Army may authorize any Department of the Army civilian employee described in subsection (b) to have the same authority to

execute and serve warrants and other processes issued under the authority of the United States and to make arrests without a warrant as may be authorized under section 1585a of this title for special agents of the Defense Criminal Investigative Service.

''(b) AGENTS TO HAVE AUTHORITY.—Subsection (a) applies to any employee of the Department of the Army who is a special agent of the Army Criminal Investigation Command (or a successor to that command) whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of the Army.

''(c) GUIDELINES FOR EXERCISE OF AUTHORITY.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Secretary of the Army and approved by the Secretary of Defense and the Attorney General and any other applicable guidelines prescribed by the Secretary of the Army, the Secretary of Defense, or the Attorney General.''.

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

''4027. Civilian special agents of the Criminal Investigation Command: authority to execute warrants and make arrests.''.

(b) DEPARTMENT OF THE NAVY.—(1) Chapter 643 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7451. Special agents of the Naval Criminal Investigative Service: authority to execute warrants and make arrests

''(a) AUTHORITY.—The Secretary of the Navy may authorize any Department of the Navy civilian employee described in subsection (b) to have the same authority to execute and serve warrants and other processes issued under the authority of the United States and to make arrests without a warrant as may be authorized under section 1585a of this title for special agents of the Defense Criminal Investigative Service.

''(b) AGENTS TO HAVE AUTHORITY.—Subsection (a) applies to any employee of the Department of the Navy who is a special agent of the Naval Criminal Investigative Service (or any successor to that service) whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of the Navy.

''(c) GUIDELINES FOR EXERCISE OF AUTHORITY.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Secretary of the Navy and approved by the Secretary of De-

fense and the Attorney General and any other applicable guidelines prescribed by the Secretary of the Navy, the Secretary of Defense, or the Attorney General.''.

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

''7451. Special agents of the Naval Criminal Investigative Service: authority to execute warrants and make arrests.''.

(c) DEPARTMENT OF THE AIR FORCE.—(1) Chapter 873 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 9027. Civilian special agents of the Office of Special Investigations: authority to execute warrants and make arrests

''(a) AUTHORITY.—The Secretary of the Air Force may authorize any Department of the Air Force civilian employee described in subsection (b) to have the same authority to execute and serve warrants and other processes issued under the authority of the United States and to make arrests without a warrant as may be authorized under section 1585a of this title for special agents of the Defense Criminal Investigative Service.

''(b) AGENTS TO HAVE AUTHORITY.—Subsection (a) applies to any employee of the Department of the Air Force who is a special agent of the Air Force Office of Special Investigations (or a successor to that office) whose

duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of the Air Force.

"(c) GUIDELINES FOR EXERCISE OF AUTHORITY.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Secretary of the Air Force and approved by the Secretary of Defense and the Attorney General and any other applicable guidelines prescribed by the Secretary of the Air Force, the Secretary of Defense, or the Attorney General.".

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

"9027. Civilian special agents of the Office of Special Investigations: authority to execute warrants and make arrests.".

Subtitle F—Other Matters

SEC. 551. FUNERAL HONORS DUTY COMPENSATION.

(a) COMPENSATION OF MEMBERS OF THE NATIONAL GUARD.—Section 115(b)(2) of title 32, United States Code, is amended by inserting before the period at the end the following: "or compensation at the rate prescribed in section 206 of title 37".

(b) COMPENSATION OF MEMBERS OF A RESERVE COMPONENT.—Section 12503(b)(2) of title 10, United States Code, is amended by inserting before the period at

the end the following: ''or compensation at the rate prescribed in section 206 of title 37''.

(c) CONFORMING AMENDMENT.—Section 435(c) of title 37, United States Code, is repealed.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to funeral honors duty performed on or after October 1, 2000.

SEC. 552. TEST OF ABILITY OF RESERVE COMPONENT INTELLIGENCE UNITS AND PERSONNEL TO MEET CURRENT AND EMERGING DEFENSE INTELLIGENCE NEEDS.

(a) TEST PROGRAM REQUIRED.—(1) Beginning not later than June 1, 2001, the Secretary of Defense shall conduct a 3-year test program of reserve component intelligence units and personnel. The purpose of the test program shall be—

(A) to determine the most effective peacetime structure and operational employment of reserve component intelligence assets for meeting current and future Department of Defense peacetime operational intelligence requirements; and

(B) to establish a means to coordinate and transition that peacetime intelligence operational support network into use for meeting wartime requirements.

(2) The test program shall be carried out using the Joint Reserve Intelligence Program and appropriate reserve component intelligence units and personnel.

(3) In conducting the test program, the Secretary of Defense shall expand the current Joint Reserve Intelligence Program as needed to meet the objectives of the test program.

(b) OVERSIGHT PANEL.—The Secretary shall establish an oversight panel to structure the test program so as to achieve the objectives of the test program, ensure proper funding for the test program, and oversee the conduct and evaluation of the test program. The panel members shall include—

(1) the Assistant Secretary of Defense for Command, Control, Communications and Intelligence;

(2) the Assistant Secretary of Defense for Reserve Affairs; and

(3) representatives from the Defense Intelligence Agency, the Army, Navy, Air Force, and Marine Corps, the Joint Staff, and the combatant commands.

(c) TEST PROGRAM OBJECTIVES.—The test program shall have the following objectives:

(1) To identify the range of peacetime roles and missions that are appropriate for reserve component

intelligence units and personnel, including the following missions: counterdrug, counterintelligence, counterterrorism, information operations, information warfare, and other emerging threats.

(2) To recommend a process for justifying and validating reserve component intelligence force structure and manpower to support the peacetime roles and missions identified under paragraph (1) and to establish a means to coordinate and transition that peacetime operational support network and structure into wartime requirements.

(3) To provide, pursuant to paragraphs (1) and (2), the basis for new or revised intelligence and reserve component policy guidelines for the peacetime use, organization, management, infrastructure ,and funding of reserve component intelligence units and personnel.

(4) To determine the most effective structure, organization, manning, and management of Joint Reserve Intelligence Centers to enable them to be both reserve training facilities and virtual collaborative production facilities in support of Department of Defense peacetime operational intelligence requirements.

(5) To determine the most effective uses of technology for virtual collaborative intelligence operational support during peacetime and wartime.

(6) To determine personnel and career management initiatives or modifications that are required to improve the recruiting and retention of personnel in the reserve component intelligence specialties and occupational skills.

(7) To identify and make recommendations for the elimination of statutory prohibitions and barriers to using reserve component intelligence units and individuals to carry out peacetime operational requirements.

(d) REPORTS.—The Secretary of Defense shall submit to Congress—

(1) interim reports on the status of the test program not later than July 1, 2002, and July 1, 2003; and

(2) a final report, with such recommendations for changes as the Secretary considers necessary, not later than December 1, 2004.

SEC. 553. NATIONAL GUARD CHALLENGE PROGRAM.

(a) EXPENDITURE LIMITATIONS.—Subsection (b) of section 509 of title 32, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Secretary of Defense'';

(2) by striking '', except that Federal expenditures under the program may not exceed $62,500,000 for any fiscal year''; and

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

''(2) The Secretary shall carry out the National Guard Challenge Program using funds appropriated directly to the Secretary for the program and nondefense Federal funds made available or transferred to the Secretary by other Federal agencies to support the program. However, the amount of funds appropriated directly to the Secretary of Defense and expended for the program in a fiscal year may not exceed $62,500,000.''.

(b) REGULATIONS.—Such section is further amended by adding at the end the following new subsection:

''(m) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out the National Guard Challenge Program. The regulations shall address at a minimum the following:

''(1) The terms to be included in the program agreements required by subsection (d).

''(2) The qualifications for persons to participate in the program, as required by subsection (e).

"(3) The benefits authorized for program participants, as required by subsection (f).

"(4) The status of National Guard personnel assigned to duty in support of the program.

"(5) The conditions for the use of National Guard facilities and equipment to carry out the program, as required by subsection (h).

"(6) The status of program participants, as described in subsection (i).

"(7) The procedures to be used by the Secretary when communicating with States about the program.".

(c) CONFORMING AMENDMENT.—Section 2033 of title 10, United States Code, is amended by striking "appropriated for" and inserting "appropriated directly to the Secretary of Defense for".

SEC. 554. STUDY OF USE OF CIVILIAN CONTRACTOR PILOTS FOR OPERATIONAL SUPPORT MISSIONS.

(a) STUDY.—The Secretary of Defense shall conduct a study to determine the feasibility and cost, as well as the advantages and disadvantages, of using civilian contractor personnal as pilots and other air crew members to fly nonmilitary Government aircraft (referred to as "operational support aircraft") to perform non-combat personnel transportation missions worldwide. In carrying

out the study, the Secretary shall consider the views and recommendations of the Chairman of the Joint Chiefs and the other members of the Joint Chiefs of Staff.

(b) MATTERS TO BE INCLUDED.—The study shall, as a minimum—

(1) determine whether use of civilian contractor personnel as pilots and other air crew members for such operational support missions would be a cost effective means of freeing for duty in units with combat and combat support missions those military pilots and other personnel who now perform such operational support missions; and

(2) the effect on retention of military pilots and other personnel if they are no longer required to fly operational support missions.

(c) SUBMISSION OF REPORT.—The Secretary shall submit a report containing the results of the study to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives not later than 6 months after the date of the enactment of this Act.

SEC. 555. PILOT PROGRAM TO ENHANCE MILITARY RECRUITING BY IMPROVING MILITARY AWARENESS OF SCHOOL COUNSELORS AND EDUCATORS.

(a) IN GENERAL.—The Secretary of Defense shall conduct a pilot program to determine if cooperation with military recruiters by local educational agencies and by institutions of higher education could be enhanced by improving the understanding of school counselors and educators about military recruiting and military career opportunities. The pilot program shall be conducted during a 3-year period beginning not later than 180 days after the date of the enactment of this Act.

(b) CONDUCT OF PILOT PROGRAM THROUGH PARTICIPATION IN INTERACTIVE INTERNET SITE.—(1) The pilot program shall be conducted by means of participation by the Department of Defense in a qualifying interactive Internet site.

(2) For purposes of this section, a qualifying interactive Internet site is an Internet site in existence as of the date of the enactment of this Act that is designed to provide to employees of local educational agencies and institutions of higher education participating in the Internet site—

(A) systems for communicating;

(B) resources for individual professional development;

(C) resources to enhance individual on-the-job effectiveness; and

(D) resources to improve organizational effectiveness.

(3) Participation in an Internet site by the Department of Defense for purposes of this section shall include—

(A) funding;

(B) assistance; and

(C) access by other Internet site participants to Department of Defense aptitude testing programs, career development information, and other resources, in addition to information on military recruiting and career opportunities.

(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 providing the Secretary's findings and conclusions on the pilot program not later than 180 days after the end of the 3-year program period.

SEC. 556. REIMBURSEMENT FOR EXPENSES INCURRED BY MEMBERS IN CONNECTION WITH CANCELLATION OF LEAVE ON SHORT NOTICE.

(a) IN GENERAL.—(1) Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2647. Reimbursement for expenses incurred in connection with leave canceled due to contingency operations

''(a) AUTHORIZATION TO REIMBURSE.—The Secretary concerned may reimburse a member of the armed forces under the jurisdiction of the Secretary for travel and related expenses (to the extent not otherwise reimbursable under law) incurred by the member as a result of the cancellation of previously approved leave when the leave is canceled in connection with the member's participation in a contingency operation and the cancellation occurs within 48 hours of the time the leave would have commenced.

''(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations to establish the criteria for the applicability of subsection (a).

''(c) CONCLUSIVENESS OF SETTLEMENT.—The settlement of an application for reimbursement under subsection (a) is final and conclusive.''.

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

"2647. Reimbursement for expenses incurred in connection with leave canceled due to contingency operations.".

(b) EFFECTIVE DATE.—Section 2647 of title 10, United States Code, as added by subsection (a) shall apply with respect to any travel and related expenses incurred by a member in connection with leave canceled after the date of the enactment of this Act.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2001.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2001 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) INCREASE IN BASIC PAY.—Effective on January 1, 2001, the rates of monthly basic pay for members of the uniformed services are increased by 3.7 percent.

SEC. 602. REVISED METHOD FOR CALCULATION OF BASIC ALLOWANCE FOR SUBSISTENCE.

(a) ANNUAL REVISION OF RATE.—Section 402(b)(1) of title 37, United States Code, is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) The monthly rate of basic allowance for subsistence to be in effect for an enlisted member for a year (beginning on January 1 of that year) shall be equal to the sum of—

''(A) the monthly rate of basic allowance for subsistence that was in effect for an enlisted member for the preceding year; plus

''(B) the product of the monthly rate under subparagraph (A) and the percentage increase in the monthly cost of a liberal food plan for a male in the United States who is between 20 and 50 years of age over the preceding fiscal year, as determined by the Secretary of Agriculture each October 1.''.

(b) EARLY TERMINATION OF BAS TRANSITIONAL AUTHORITY.—Subsections (c) through (f) of section 602 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 37 U.S.C. 402 note) are repealed.

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

SEC. 603. FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE FOR LOW-INCOME MEMBERS OF THE ARMED FORCES.

(a) SUPPLEMENTAL ALLOWANCE AUTHORIZED.—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 402 the following new section:

"§ 402a. Supplemental subsistence allowance for low-income members with dependents

''(a) SUPPLEMENTAL ALLOWANCE AUTHORIZED.—(1) The Secretary concerned may increase the basic allowance for subsistence to which a member of the armed forces described in subsection (b) is otherwise entitled under section 402 of this title by an amount (in this section referred to as the 'supplemental subsistence allowance') designed to remove the member's household from eligibility for benefits under the food stamp program.

''(2) The supplemental subsistence allowance may not exceed $500 per month. In establishing the amount of the supplemental subsistence allowance to be paid an eligible member under this paragraph, the Secretary shall take into consideration the amount of the basic allowance for housing that the member receives under section 403 of this title or would otherwise receive under such section, in the case of a member who is not entitled to that allowance as a result of assignment to quarters of the United

States or a housing facility under the jurisdiction of a uniformed service.

"(3) In the case of a member described in subsection (b) who establishes to the satisfaction of the Secretary concerned that the allotment of the member's household under the food stamp program, calculated in the absence of the supplemental subsistence allowance, would exceed the amount established by the Secretary concerned under paragraph (2), the amount of the supplemental subsistence allowance for the member shall be equal to the lesser of the following:

"(A) The value of that allotment.

"(B) $500.

"(b) ELIGIBLE MEMBERS.—(1) Subject to subsection (d), a member of the armed forces is eligible to receive the supplemental subsistence allowance if the Secretary concerned determines that the member's income, together with the income of the rest of the member's household (if any), is within the highest income standard of eligibility, as then in effect under section 5(c) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)) and without regard to paragraph (1) of such section, for participation in the food stamp program.

"(2) In determining whether a member meets the eligibility criteria under paragraph (1), the Secretary—

"(A) shall not take into consideration the amount of the supplemental subsistence allowance payable under this section; but

"(B) shall take into consideration the amount of the basic allowance for housing that the member receives under section 403 of this title or would otherwise receive under such section, in the case of a member who is not entitled to that allowance as a result of assignment to quarters of the United States or a housing facility under the jurisdiction of a uniformed service.

"(c) APPLICATION FOR ALLOWANCE.—To request the supplemental subsistence allowance, a member shall submit an application to the Secretary concerned in such form and containing such information as the Secretary concerned may prescribe. A member applying for the supplemental subsistence allowance shall furnish such evidence regarding the member's satisfaction of the eligibility criteria under subsection (b) as the Secretary concerned may require.

"(d) EFFECTIVE PERIOD.—The eligibility of a member to receive the supplemental subsistence allowance terminates upon the occurrence of any of the following events, even though the member continues to meet the eligibility criteria described in subsection (b):

"(1) Payment of the supplemental subsistence allowance for 12 consecutive months.

"(2) Promotion of the member to a higher grade.

"(3) Transfer of the member in a permanent change of station.

"(e) REAPPLICATION.—Upon the termination of the effective period of the supplemental subsistence allowance for a member, or in anticipation of the imminent termination of the allowance, a member may reapply for the allowance under subsection (c) if the member continues to meet, or once again meets, the eligibility criteria described in subsection (b).

"(f) REPORTING REQUIREMENT.—Not later than March 1 of each year after 2001, the Secretary of Defense shall submit to Congress a report specifying the number of members of the armed forces who received, at any time during the preceding year, the supplemental subsistence allowance. In preparing the report, the Secretary of Defense shall consult with the Secretary of Transportation. No report is required under this subsection after March 1, 2006.

"(g) DEFINITIONS.—In this section:

"(1) The term 'Secretary concerned' means the Secretary of Defense, and the Secretary of Trans-

portation, with respect to the Coast Guard when it is not operating as a service in the Navy.

"(2) The terms 'allotment' and 'household' have the meanings given those terms in section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012).

"(3) The term 'food stamp program' means the program established pursuant to section 4 of the Food Stamp Act of 1977 (7 U.S.C. 2013).

"(h) TERMINATION OF AUTHORITY.—No supplemental subsistence allowance may be made under this section after September 30, 2006.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 402 the following:

"402a. Supplemental subsistence allowance for low-income members with dependents.".

(b) EFFECTIVE DATE.—Section 402a of title 37, United States Code, as added by subsection (a), shall take effect on the first day of the first month that begins not less than 180 days after the date of the enactment of this Act.

SEC. 604. CALCULATION OF BASIC ALLOWANCE FOR HOUSING FOR INSIDE THE UNITED STATES.

(a) SECRETARY OF DEFENSE TO PRESCRIBE RATES.—Paragraph (2) of section 403(b) of title 37, United States Code, is amended to read as follows:

"(2) The Secretary of Defense shall prescribe the monthly amount of the basic allowance for housing for a member of a uniformed service who is entitled to the allowance in a military housing area in the United States at a rate based upon the costs of adequate housing in the area determined under paragraph (1).".

(b) MINIMUM ANNUAL AMOUNT AVAILABLE FOR HOUSING ALLOWANCES.—Paragraph (3) of such section is amended to read as follows:

"(3) The total amount that may be paid for a fiscal year for the basic allowance for housing under this subsection may not be less than the product of—

"(A) the total amount authorized to be paid for such allowance for the preceding fiscal year; and

"(B) a fraction—

"(i) the numerator of which is the index of the national average monthly cost of housing for June of the preceding fiscal year; and

"(ii) the denominator of which is the index of the national average monthly cost of housing for June of the second preceding fiscal year.".

(c) REPEAL OF REQUIRED ADJUSTMENT.—Paragraph (5) of such section is repealed.

(d) BASIS FOR REDUCTION IN MEMBER'S ALLOWANCE.—Paragraph (6) of such section is amended by

striking ‘‘, changes in the national average monthly cost of housing,’’.

(e) EXTENSION OF TRANSITION PERIOD.—Section 603(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 37 U.S.C. 403 note) is amended by striking ‘‘six years’’ and inserting ‘‘eight years’’.

(f) READJUSTMENT OF ALLOWANCE FOR CERTAIN PERIOD.—A member of the uniformed services who was entitled to the basic allowance for housing for a military housing area in the United States during the period that began on January 1, 2000, and ended on March 1, 2000, shall be paid the allowance at a monthly rate not less than the rate in effect on December 31, 1999, in that area for members serving in the same pay grade and with the same dependency status as the member.

SEC. 605. EQUITABLE TREATMENT OF JUNIOR ENLISTED MEMBERS IN COMPUTATION OF BASIC ALLOWANCE FOR HOUSING.

(a) DETERMINATION OF COSTS OF ADEQUATE HOUSING.—Subsection (b)(1) of section 403 of title 37, United States Code, is amended by adding at the end the following new sentence: ‘‘In determining what constitutes adequate housing for members, the Secretary may not dif-

ferentiate between members with dependents in pay grades E–1 through E–4.''.

(b) SINGLE RATE; MINIMUM.—Subsection (b) of such section, as amended by section 604(c) of this Act, is further amended by inserting after paragraph (4) the following new paragraph:

''(5) The Secretary shall establish a single monthly rate for members of the uniformed services with dependents in pay grades E–1 through E–4 in the same military housing area. The rate shall be consistent with the rates paid to members in pay grades other than pay grades E–1 through E–4 and shall be based on the following:

''(A) The average cost of a two-bedroom apartment in that military housing area.

''(B) One-half of the difference between the average cost of a two-bedroom townhouse in that area and the amount determined in subparagraph (A).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2001.

SEC. 606. BASIC ALLOWANCE FOR HOUSING AUTHORIZED FOR ADDITIONAL MEMBERS WITHOUT DEPENDENTS WHO ARE ON SEA DUTY.

(a) PAYMENT AUTHORIZED.—Subsection (f)(2)(B) of section 403 of title 37, United States Code, is amended

by striking ''E–5'' both places it appears and inserting ''E–4 or E–5''.

(b) CONFORMING AMENDMENT.—Subsection (m)(1)(B) of such section is amended by striking ''E–4'' and inserting ''E–3''.

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

SEC. 607. PERSONAL MONEY ALLOWANCE FOR SENIOR ENLISTED MEMBERS OF THE ARMED FORCES.

(a) AUTHORITY.—Section 414 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(c) ALLOWANCE FOR SENIOR ENLISTED MEMBERS.—In addition to other pay or allowances authorized by this title, a noncommissioned officer is entitled to a personal money allowance of $2,000 a year while serving as the Sergeant Major of the Army, the Master Chief Petty Officer of the Navy, the Chief Master Sergeant of the Air Force, the Sergeant Major of the Marine Corps, or the Master Chief Petty Officer of the Coast Guard.''.

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ''ALLOWANCE FOR OFFICERS SERVING IN CERTAIN RANKS OR POSITIONS.—'' after ''(a)''; and

(2) in subsection (b), by inserting ''ALLOWANCE FOR CERTAIN NAVAL OFFICERS.—'' after ''(b)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.

SEC. 608. ALLOWANCE FOR OFFICERS FOR PURCHASE OF REQUIRED UNIFORMS AND EQUIPMENT.

(a) INITIAL ALLOWANCE FOR OFFICERS.—Section 415(a) of title 37, United States Code, is amended by striking ''$200'' and inserting ''$400''.

(b) ADDITIONAL ALLOWANCE.—Section 416(a) of such title is amended by striking ''$100'' and inserting ''$200''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.

SEC. 609. INCREASE IN MONTHLY SUBSISTENCE ALLOWANCE FOR MEMBERS OF PRECOMMISSIONING PROGRAMS.

(a) MINIMUM AND MAXIMUM RATES.—Subsection (a) of section 209 of title 37, United States Code, is amended—

(1) by inserting ''(1)'' before ''Except'';

(2) by striking ''subsistence allowance of $200 a month'' and inserting ''monthly subsistence allowance at a rate prescribed under paragraph (2)'';

(3) by striking ''Subsistence'' and inserting the following:

''(3) A subsistence''; and

(4) by inserting after the first sentence the following:

''(2) The Secretary of Defense shall prescribe by regulation the monthly rates for subsistence allowances provided under this section. The rate may not be less than $250 per month, but may not exceed $600 per month.''.

(b) CONFORMING AMENDMENTS.—(1) Subsection (b) of such section is amended by striking ''in the amount provided in subsection (a)'' and inserting ''at a rate prescribed under subsection (a)(2)''.

(2) Subsection (d) of such section is amended by striking ''the same rate as that prescribed by subsection (a),'' and inserting ''the monthly rate prescribed under subsection (a)(2)''.

(c) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ''SENIOR ROTC MEMBERS IN ADVANCED TRAINING.—'' after ''(a)'';

(2) in subsection (b), by inserting ''SENIOR ROTC MEMBERS APPOINTED IN RESERVES.—'' after ''(b)'';

(3) in subsection (c), by inserting ''PAY WHILE ATTENDING TRAINING OR PRACTICE CRUISE.—'' after ''(c)'' the first place it appears; and

(4) in subsection (d), by inserting ''MEMBERS OF MARINE CORPS OFFICER CANDIDATE PROGRAM.—'' after ''(d)''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect October 1, 2001.

SEC. 610. ADDITIONAL AMOUNT AVAILABLE FOR FISCAL YEAR 2001 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 (as amended by section 604(b)), to be the total amount to be paid during fiscal year 2001 for the basic allowance for housing for military housing areas inside the United States, $30,000,000 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, 2000'' and inserting ''December 31, 2001''.

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of such title is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of such title is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of such title is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of such title is amended

by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of such title is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(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, 2001'' and inserting ''January 1, 2002''.

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, 2000'' and inserting ''December 31, 2001''.

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States

Code, is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

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, 2000,'' and inserting ''December 31, 2001,''.

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(c) ENLISTMENT BONUS FOR PERSONS WITH CRITICAL SKILLS.—Section 308a(d) of such title is amended by striking ''December 31, 2000'' and inserting ''September 30, 2001''.

(d) ARMY ENLISTMENT BONUS.—Section 308f(c) of such title is amended by striking ''December 31, 2000'' and inserting ''September 30, 2001''.

(e) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of such title is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(f) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(g) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

SEC. 614. CONSISTENCY OF AUTHORITIES FOR SPECIAL PAY FOR RESERVE MEDICAL AND DENTAL OFFICERS.

(a) CONSISTENT DESCRIPTIONS OF ACTIVE DUTY.—Section 302(h)(1) of title 37, United States Code, is amended by inserting before the period at the end the following: '', including active duty in the form of annual training, active duty for training, and active duty for special work''.

(b) RELATION TO OTHER SPECIAL PAY AUTHORITIES.—Subsection (d) of section 302f of such title is amended to read as follows:

''(d) EXCEPTION.—While a reserve medical or dental officer receives a special pay under section 302 or 302b of this title by reason of subsection (a), the officer shall not be entitled to special pay under section 302(h) or 302b(h) of this title.''.

SEC. 615. SPECIAL PAY FOR COAST GUARD PHYSICIAN ASSISTANTS.

Section 302c(d)(1) of title 37, United States Code, is amended by inserting ''an officer in the Coast Guard or Coast Guard Reserve designated as a physician assistant,'' after ''nurse,''.

SEC. 616. SPECIAL DUTY ASSIGNMENT PAY FOR ENLISTED MEMBERS.

(a) INCREASE IN MONTHLY RATE.—Subsection (a) of section 307 of title 37, United States Code, is amended by striking ''$275'' and inserting ''$600''.

(b) ELIMINATION OF SEPARATE RATE FOR RECRUITERS.—Such subsection is further amended by striking the last sentence.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001, and shall apply with respect to months beginning on or after that date.

SEC. 617. REVISION OF CAREER SEA PAY.

(a) IN GENERAL.—Section 305a of title 37, United States Code, is amended by striking subsections (a), (b), and (c) and inserting the following new subsections:

''(a) AVAILABILITY OF SPECIAL PAY.—A member of a uniformed service who is entitled to basic pay is also entitled, while on sea duty, to career sea pay at a monthly

rate prescribed by the Secretary concerned, but not to exceed $750 per month.

"(b) ELIGIBILITY FOR PREMIUM.—A member of a uniformed service entitled to career sea pay under subsection (a) who has served 36 consecutive months of sea duty is also entitled to a career sea pay premium for the 37th consecutive month and each subsequent consecutive month of sea duty served by the member. The monthly amount of the premium shall be prescribed by the Secretary concerned, but may not exceed $350 per month.

"(c) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.".

(b) STYLISTIC AMENDMENT.—Subsection (d) of such section is amended by striking "(d)" and inserting "(d) DEFINITION OF SEA DUTY.—".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2001, and shall apply with respect to months beginning on or after that date.

SEC. 618. REVISION OF ENLISTMENT BONUS AUTHORITY.

(a) BONUS AUTHORIZED.—(1) Title 37, United States Code, is amended by inserting after section 308i the following new section:

"§ 309. Special pay: enlistment bonus

''(a) BONUS AUTHORIZED; BONUS AMOUNT.—A person who enlists in an armed force for a period of at least 2 years may be paid a bonus in an amount not to exceed $20,000. The bonus may be paid in a single lump sum or in periodic installments.

''(b) REPAYMENT OF BONUS.—(1) A member of the armed forces who voluntarily, or because of the member's misconduct, does not complete the term of enlistment for which a bonus was paid under this section, or a member who is not technically qualified in the skill for which the bonus was paid, if any (other than a member who is not qualified because of injury, illness, or other impairment not the result of the member's misconduct), shall refund to the United States that percentage of the bonus that the unexpired part of member's enlistment is of the total enlistment period for which the bonus was paid.

''(2) An obligation to reimburse 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 5 years after the termination of an enlistment for which a bonus was paid under this section does not discharge the person receiving the bonus from the debt arising under paragraph (1).

"(c) RELATION TO PROHIBITION ON BOUNTIES.—The enlistment bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10.

"(d) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under the jurisdiction of the Secretary of Defense and by the Secretary of Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

"(e) DURATION OF AUTHORITY.—No bonus shall be paid under this section with respect to any enlistment in the armed forces made before October 1, 2001, or after December 31, 2001.".

(2) The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 308i the following new item:

"309. Special pay: enlistment bonus.".

(b) REPEAL OF SUPERSEDED ENLISTMENT BONUS AUTHORITIES.—(1) Sections 308a and 308f of title 37, United States Code, are repealed.

(2) The table of sections at the beginning of chapter 5 of such title is amended by striking the items relating to sections 308a and 308f.

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect on October 1, 2001.

SEC. 619. AUTHORIZATION OF RETENTION BONUS FOR MEMBERS OF THE ARMED FORCES QUALIFIED IN A CRITICAL MILITARY SKILL.

(a) BONUS AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 323. Special pay: retention incentives for members qualified in a critical military skill

''(a) RETENTION BONUS AUTHORIZED.—An officer or enlisted member of the armed forces who is serving on active duty and is qualified in a designated critical military skill may be paid a retention bonus as provided in this section if—

''(1) in the case of an officer, the member executes a written agreement to remain on active duty for at least 1 year; or

''(2) in the case of an enlisted member, the member reenlists or voluntarily extends the member's enlistment for a period of at least 1 year.

''(b) DESIGNATION OF CRITICAL SKILLS.—(1) A designated critical military skill referred to in subsection (a) is a military skill designated as critical by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

"(2) The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall notify Congress, in advance, of each military skill to be designated by the Secretary as critical for purposes of this section. The notice shall be submitted at least 90 days before any bonus with regard to that critical skill is offered under subsection (a) and shall include a discussion of the necessity for the bonus, the amount and method of payment of the bonus, and the retention results that the bonus is expected to achieve.

"(c) PAYMENT METHODS.—A bonus under this section may be paid in a single lump sum or in periodic installments.

"(d) MAXIMUM BONUS AMOUNT.—A member may enter into an agreement under this section, or reenlist or voluntarily extend the member's enlistment, more than once to receive a bonus under this section. However, a member may not receive a total of more than $200,000 in payments under this section.

"(e) CERTAIN MEMBERS INELIGIBLE.—A retention bonus may not be provided under subsection (a) to a member of the armed forces who—

"(1) has completed more than 25 years of active duty; or

"(2) will complete the member's twenty-fifth year of active duty before the end of the period of active duty for which the bonus is being offered.

"(f) RELATIONSHIP TO OTHER INCENTIVES.—A retention bonus paid under this section is in addition to any other pay and allowances to which a member is entitled.

"(g) REPAYMENT OF BONUS.—(1) If an officer who has entered into a written agreement under subsection (a) fails to complete the total period of active duty specified in the agreement, or an enlisted member who voluntarily or because of misconduct does not complete the term of enlistment for which a bonus was paid under this section, the Secretary of Defense, and the Secretary of Transportation with respect to members of the Coast Guard when it is not operating as a service in the Navy, may require the member 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 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 5 years after the termination of a written agreement entered into under subsection (a) does not

discharge the member from a debt arising under paragraph (2).

"(h) ANNUAL REPORT.—Not later than February 15 of each year, the Secretary of Defense and the Secretary of Transportation shall submit to Congress a report—

"(1) analyzing the effect, during the preceding fiscal year, of the provision of bonuses under this section on the retention of members qualified in the critical military skills for which the bonuses were offered; and

"(2) describing the intentions of the Secretary regarding the continued use of the bonus authority during the current and next fiscal years.

"(i) TERMINATION OF BONUS AUTHORITY.—No bonus may be paid under this section with respect to any reenlistment, or voluntary extension of an enlistment, in the armed forces entered into after December 31, 2001, and no agreement under this section may be entered into after that date.".

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

"323. Special pay: retention incentives for members qualified in critical military skill.".

(b) EFFECTIVE DATE.—Section 323 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2000.

SEC. 620. ELIMINATION OF REQUIRED CONGRESSIONAL NOTIFICATION BEFORE IMPLEMENTATION OF CERTAIN SPECIAL PAY AUTHORITY.

(a) RETENTION SPECIAL PAY FOR OPTOMETRISTS.—(1) Section 302a(b)(1) of title 37, United States Code, is amended by striking ''an officer described in paragraph (2) may be paid'' and inserting ''the Secretary concerned may pay an officer described in paragraph (2) a''.

(2) Section 617 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1578) is amended by striking subsection (b).

(b) SPECIAL PAY FOR OFFICERS IN NURSING SPECIALTIES.—(1) Section 302e(b)(2)(A) of title 37, United States Code, is amended by striking ''the Secretary'' and inserting ''the Secretary of the military department concerned''.

(2) Section 614 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1577) is amended by striking subsection (c).

Subtitle C—Travel and Transportation Allowances

SEC. 631. ADVANCE PAYMENTS FOR TEMPORARY LODGING OF MEMBERS AND DEPENDENTS.

(a) SUBSISTENCE EXPENSES.— Section 404a of title 37, United States Code, is amended—

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

(2) by striking subsection (a) and inserting the following:

''(a) PAYMENT OR REIMBURSEMENT OF SUBSISTENCE EXPENSES.—(1) Under regulations prescribed by the Secretaries concerned, a member of a uniformed service who is ordered to make a change of permanent station described in paragraph (2) shall be paid or reimbursed for subsistence expenses of the member and the member's dependents for the period (subject to subsection (c)) for which the member and dependents occupy temporary quarters incident to that change of permanent station.

''(2) Paragraph (1) applies to the following:

''(A) A permanent change of station from any duty station to a duty station in the United States (other than Hawaii or Alaska).

''(B) A permanent change of station from a duty station in the United States (other than Hawaii

or Alaska) to a duty station outside the United States or in Hawaii or Alaska.

"(C) In the case of an enlisted member who is reporting to the member's first permanent duty station, the change from the member's home of record or initial technical school to that first permanent duty station.

"(b) PAYMENT IN ADVANCE.—The Secretary concerned may make any payment for subsistence expenses to a member under this section in advance of the member actually incurring the expenses. The amount of an advance payment made to a member shall be computed on the basis of the Secretary's determination of the average number of days that members and their dependents occupy temporary quarters under the circumstances applicable to the member and the member's dependents.

"(c) MAXIMUM PAYMENT PERIOD.—(1) In the case of a change of permanent station described in subparagraph (A) or (C) of subsection (a)(2), the period for which subsistence expenses are to be paid or reimbursed under this section may not exceed 10 days.

"(2) In the case of a change of permanent station described in subsection (a)(2)(B)—

"(A) the period for which such expenses are to be paid or reimbursed under this section may not exceed 5 days; and

"(B) such payment or reimbursement may be provided only for expenses incurred before leaving the United States (other than Hawaii or Alaska).".

(b) PER DIEM.—Section 405 of such title is amended to read as follows:

"§ 405. Travel and transportation allowances: per diem while on duty outside the United States or in Hawaii or Alaska

"(a) PER DIEM AUTHORIZED.—Without regard to the monetary limitation of this title, the Secretary concerned may pay a per diem to a member of the uniformed services who is on duty outside of the United States or in Hawaii or Alaska, whether or not the member is in a travel status. The Secretary may pay the per diem in advance of the accrual of the per diem.

"(b) DETERMINATION OF PER DIEM.—In determining the per diem to be paid under this section, the Secretary concerned shall consider all elements of the cost of living to members of the uniformed services under the Secretary's jurisdiction and their dependents, including the cost of quarters, subsistence, and other necessary incidental expenses. However, dependents may not be consid-

ered in determining the per diem allowance for a member in a travel status.

"(c) TREATMENT OF HOUSING COST AND ALLOWANCE.—Housing cost and allowance may be disregarded in prescribing a station cost of living allowance under this section.".

(c) STYLISTIC AMENDMENTS.—Section 404a of such title is further amended—

(1) in subsection (d), as redesignated by subsection (a), by striking "(d)" and inserting "(d) DAILY SUBSISTENCE RATES.—"; and

(2) in subsection (e), as redesignated by subsection (a), by striking "(e)" and inserting "(e) MAXIMUM DAILY PAYMENT.—".

SEC. 632. ADDITIONAL TRANSPORTATION ALLOWANCE REGARDING BAGGAGE AND HOUSEHOLD EFFECTS.

(a) PET QUARANTINE FEES.—Section 406(a)(1) of title 37, United States Code, is amended by adding at the end the following new sentence: "The Secretary concerned may also reimburse the member for mandatory pet quarantine fees for household pets, but not to exceed $275 per change of station, when the member incurs the fees incident to such change of station.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2000.

SEC. 633. EQUITABLE DISLOCATION ALLOWANCES FOR JUNIOR ENLISTED MEMBERS.

Section 407(c)(1) of title 37, United States Code, is amended by inserting before the period the following: ", except that the Secretary concerned may not differentiate between members with dependents in pay grades E–1 through E–5".

SEC. 634. AUTHORITY TO REIMBURSE MILITARY RECRUITERS, SENIOR ROTC CADRE, AND MILITARY ENTRANCE PROCESSING PERSONNEL FOR CERTAIN PARKING EXPENSES.

(a) REIMBURSEMENT AUTHORITY.—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 411h the following new section:

"§ 411i. Travel and transportation allowances: parking expenses

"(a) REIMBURSEMENT AUTHORITY.—The Secretary of Defense may reimburse a member of the Army, Navy, Air Force, or Marine Corps described in subsection (b) for expenses incurred by the member in parking a privately owned vehicle being used by the member to commute to the member's place of duty.

"(b) ELIGIBLE MEMBERS.—A member referred to in subsection (a) is a member who is—

"(1) assigned to duty as a recruiter for any of the armed forces;

"(2) assigned to duty with a military entrance processing facility of the armed forces; or

"(3) detailed for instructional and administrative duties at any institution where a unit of the Senior Reserve Officers' Training Corps is maintained.

"(c) INCLUSION OF CERTAIN CIVILIAN EMPLOYEES.—The Secretary of Defense may extend the reimbursement authority provided by subsection (a) to civilian employees of the Department of Defense whose employment responsibilities include performing activities related to the duties specified in subsection (b).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 411h the following new item:

"411i. Travel and transportation allowances: parking expenses.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.

SEC. 635. EXPANSION OF FUNDED STUDENT TRAVEL FOR DEPENDENTS.

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

(1) in subsections (a)(3) and (b)(1), by striking ''for the purpose of obtaining a secondary or undergraduate college education'' and inserting ''for the purpose of obtaining a formal education''; and

(2) in subsection (f)—

(A) by striking ''In this section, the term'' and inserting the following:

''In this section:

''(1) The term''; and

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

''(2) The term 'formal education' means the following:

''(A) A secondary education.

''(B) An undergraduate college education.

''(C) A graduate education pursued on a full-time basis at an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

''(D) Vocational education pursued on a full-time basis at a post-secondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c))).''.

Subtitle D—Retirement and Survivor Benefit Matters

SEC. 641. INCREASE IN MAXIMUM NUMBER OF RESERVE RETIREMENT POINTS THAT MAY BE CREDITED IN ANY YEAR.

Section 12733(3) of title 10, United States Code, is amended by striking ''but not more than'' and all that follows and inserting ''but not more than—

''(A) 60 days in any 1 year of service before the year of service that includes September 23, 1996;

''(B) 75 days in the year of service that includes September 23, 1996, and in any subsequent year of service before the year of service that includes the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001; and

''(C) 90 days in the year of service that includes the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001 and in any subsequent year of service.''.

SEC. 642. RESERVE COMPONENT SURVIVOR BENEFIT PLAN SPOUSAL CONSENT REQUIREMENT.

(a) ELIGIBLE PARTICIPANTS.—Subsection (a)(2)(B) of section 1448 of title 10, United States Code, is amended to read as follows:

"(B) RESERVE-COMPONENT ANNUITY PARTICIPANTS.—A person who (i) is eligible to participate in the Plan under paragraph (1)(B), and (ii) is married or has a dependent child when he is notified under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay, unless the person elects (with his spouse's concurrence, if required under paragraph (3)) not to participate in the Plan before the end of the 90-day period beginning on the date on which he receives that notification.".

(b) SUBSEQUENT ELECTION TO PARTICIPATE.—Subsection (a)(3)(B) of such section is amended—

(1) by striking "who elects to provide" and inserting "who is eligible to provide";

(2) by redesignating clauses (i) and (ii) as clauses (iii) and (iv), respectively; and

(3) by inserting before clause (iii) (as so redesignated) the following new clauses:

"(i) not to participate in the Plan;

"(ii) to designate under subsection (e)(2) the effective date for commencement of annuity payments under the Plan in the event that the member dies before becoming 60 years of age to be the sixtieth anniversary of the member's birth (rather than the day after the date of the member's death);".

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a)(2), by striking "described in clauses (i) and (ii)" in the sentence following subparagraph (B) (as amended by subsection (a)) and all that follows through "that clause" and inserting "who elects under subparagraph (B) not to participate in the Plan";

(2) in subsection (a)(4)—

(A) by striking "not to participate in the Plan" in subparagraph (A); and

(B) by striking "to participate in the Plan" in subparagraph (B); and

(3) in subsection (e), by striking "making such election".

(d) EFFECTIVE DATE.—The amendments made by this section apply only with respect to a notification under section 12731(d) of title 10, United States Code, made after January 1, 2001, that a member of a reserve component has completed the years of service required for eligibility for reserve-component retired pay.

SEC. 643. EFFECTIVE DATE OF DISABILITY RETIREMENT FOR MEMBERS DYING IN CIVILIAN MEDICAL FACILITIES.

(a) IN GENERAL.—(1) Chapter 61 of title 10, United States Code, is amended by inserting after section 1219 the following new section:

"§ 1220. Members dying in civilian medical facilities: authority for determination of later time of death to allow disability retirement

''(a) AUTHORITY FOR LATER TIME-OF-DEATH DETERMINATION TO ALLOW DISABILITY RETIREMENT.—In the case of a member of the armed forces who dies in a civilian medical facility in a State, the Secretary concerned may, solely for the purpose of allowing retirement of the member under section 1201 or 1204 of this title and subject to subsection (b), specify a date and time of death of the member later than the date and time of death determined by the attending physician in that civilian medical facility.

"(b) LIMITATIONS.—A date and time of death may be determined by the Secretary concerned under subsection (a) only if that date and time—

"(1) are consistent with the date and time of death that reasonably could have been determined by an attending physician in a military medical facility if the member had died in a military medical facility in the same State as the civilian medical facility; and

"(2) are not more than 48 hours later than the date and time of death determined by the attending physician in the civilian medical facility.

"(c) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia and any Commonwealth or possession of the United States.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1219 the following new item:

"1220. Members dying in civilian medical facilities: authority for determination of later time of death to allow disability retirement.".

(b) EFFECTIVE DATE.—(1) Section 1220 of title 10, United States Code, as added by subsection (a), shall apply with respect to any member of the Armed Forces dying in a civilian medical facility on or after January 1, 1998.

(2) In the case of any such member dying on or after such date and before the date of the enactment of this

Act, any specification by the Secretary concerned under such section with respect to the date and time of death of such member shall be made not later than 180 days after the date of the enactment of this Act.

Subtitle E—Other Matters

SEC. 651. PARTICIPATION IN THRIFT SAVINGS PLAN.

For purposes of subtitle F of title VI of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 670), both of the conditions under section 663(b)(1) of such Act shall be considered met on July 15, 2001 (unless earlier met).

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

SEC. 701. TWO-YEAR EXTENSION OF AUTHORITY FOR USE OF CONTRACT PHYSICIANS AT MILITARY ENTRANCE PROCESSING STATIONS AND ELSEWHERE OUTSIDE MEDICAL TREATMENT FACILITIES.

Section 1091(a)(2) of title 10, United States Code, is amended by striking ''December 31, 2000'' in the second sentence and inserting ''December 31, 2002''.

SEC. 702. MEDICAL AND DENTAL CARE FOR MEDAL OF HONOR RECIPIENTS.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074g the following new section:

"§ 1074h. Medical and dental care: medal of honor recipients; dependents

''(a) MEDAL OF HONOR RECIPIENTS.—A former member of the armed forces who is a Medal of Honor recipient and who is not otherwise entitled to medical and dental benefits under this chapter may, upon request, be given medical and dental care provided by the administering Secretaries in the same manner as if entitled to retired pay.

''(b) DEPENDENTS.—A person who is a dependent of a Medal of Honor recipient and who is not otherwise entitled to medical and dental benefits under this chapter may, upon request, be given medical and dental care provided by the administering Secretaries in the same manner as if the Medal of Honor recipient were, or (if deceased) was at the time of death, entitled to retired pay.

''(c) DEFINITIONS—In this section:

''(1) The term 'Medal of Honor recipient' means a member or former member of the armed forces who has been awarded a medal of honor

under section 3741, 6241, or 8741 of this title or section 491 of title 14.

"(2) The term 'dependent' has the meaning given that term in subparagraphs (A), (B), (C), and (D) of section 1072(2) of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074g the following new item:

"1074h. Medical and dental care: medal of honor recipients; dependents.".

(b) EFFECTIVE DATE.—Section 1074h of title 10, United States Code, shall apply with respect to medical and dental care provided on or after the date of the enactment of this Act.

SEC. 703. PROVISION OF DOMICILIARY AND CUSTODIAL CARE FOR CHAMPUS BENEFICIARIES AND CERTAIN FORMER CHAMPUS BENEFICIARIES.

(a) IN GENERAL.—Section 703(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 682; 10 U.S.C. 1077 note) is amended by adding at the end the following:

"(4) The Secretary may provide payment for domiciliary or custodial care services provided to an eligible beneficiary for which payment was discontinued by reason of section 1086(d) of title 10, United States Code, and subsequently reestablished under other legal authority. Such payment is authorized for the period beginning on

the date of discontinuation of payment for domiciliary or custodial care services and ending on the date of reestablishment of payment for such services.''.

(b) COST LIMITATION FOR INDIVIDUAL CASE MANAGEMENT PROGRAM.—(1) Section 1079(a)(17) of title 10, United States Code, is amended—

(A) by inserting ''(A)'' after ''(17)''; and

(B) by adding at the end the following:

''(B) The total amount expended under subparagraph (A) for a fiscal year may not exceed $100,000,000.''.

(2) Section 703 of the National Defense Authorization Act for Fiscal Year 2000 is amended by adding at the end the following:

''(e) COST LIMITATION.—The total amount paid for services for eligible beneficiaries under subsection (a) for a fiscal year (together with the costs of administering the authority under that subsection) shall be included in the expenditures limited by section 1079(a)(17)(B) of title 10, United States Code.''.

(3) The amendments made by paragraphs (1) and (2) shall apply to fiscal years after fiscal year 1999.

SEC. 704. DEMONSTRATION PROJECT FOR EXPANDED ACCESS TO MENTAL HEALTH COUNSELORS.

(a) REQUIREMENT TO CONDUCT DEMONSTRATION PROJECT.—The Secretary of Defense shall conduct a demonstration project under which licensed and certified professional mental health counselors who meet eligibility requirements for participation as providers under the Civilian Health and Medical Program of the Uniformed Services (hereafter in this section referred to as ''CHAMPUS'') or the TRICARE program may provide services to covered beneficiaries under chapter 55 of title 10, United States Code, without referral by physicians or adherence to supervision requirements.

(b) DURATION AND LOCATION OF PROJECT.—The Secretary shall conduct the demonstration project required by subsection (a)—

(1) during the 2-year period beginning October 1, 2001; and

(2) in one established TRICARE region.

(c) REGULATIONS.—The Secretary shall prescribe regulations regarding participation in the demonstration project required by subsection (a).

(d) PLAN FOR PROJECT.—Not later than March 31, 2001, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to carry out the demonstration project. The

plan shall include, but not be limited to, a description of the following:

(1) The TRICARE region in which the project will be conducted.

(2) The estimated funds required to carry out the demonstration project.

(3) The criteria for determining which professional mental health counselors will be authorized to participate under the demonstration project.

(4) The plan of action, including critical milestone dates, for carrying out the demonstration project.

(e) REPORT.—Not later than February 1, 2003, the Secretary shall submit to Congress a report on the demonstration project carried out under this section. The report shall include the following:

(1) A description of the extent to which expenditures for reimbursement of licensed or certified professional mental health counselors change as a result of allowing the independent practice of such counselors.

(2) Data on utilization and reimbursement regarding non-physician mental health professionals other than licensed or certified professional mental

1 health counselors under CHAMPUS and the
2 TRICARE program.
3 (3) Data on utilization and reimbursement re-
4 garding physicians who make referrals to, and su-
5 pervise, mental health counselors.
6 (4) A description of the administrative costs in-
7 curred as a result of the requirement for documenta-
8 tion of referral to mental health counselors and su-
9 pervision activities for such counselors.
10 (5) For each of the categories described in
11 paragraphs (1) through (4), a comparison of data
12 for a 1-year period for the area in which the dem-
13 onstration project is being implemented with cor-
14 responding data for a similar area in which the dem-
15 onstration project is not being implemented.
16 (6) A description of the ways in which allowing
17 for independent reimbursement of licensed or cer-
18 tified professional mental health counselors affects
19 the confidentiality of mental health and substance
20 abuse services for covered beneficiaries under
21 CHAMPUS and the TRICARE program.
22 (7) A description of the effect, if any, of chang-
23 ing reimbursement policies on the health and treat-
24 ment of covered beneficiaries under CHAMPUS and
25 the TRICARE program, including a comparison of

the treatment outcomes of covered beneficiaries who receive mental health services from licensed or certified professional mental health counselors acting under physician referral and supervision, other non-physician mental health providers recognized under the program, and physicians, with treatment outcomes under the demonstration project allowing independent practice of professional counselors on the same basis as other non-physician mental health providers.

(8) The effect of policies of the Department of Defense on the willingness of licensed or certified professional mental health counselors to participate as health care providers in CHAMPUS and the TRICARE program.

(9) Any policy requests or recommendations regarding mental health counselors made by health care plans and managed care organizations participating in CHAMPUS or the TRICARE program.

SEC. 705. TELERADIOLOGY DEMONSTRATION PROJECT.

(a) REQUIREMENT TO CONDUCT PROJECT.—(1) The Secretary of Defense shall conduct a demonstration project for the purpose of increasing efficiency of operations with respect to teleradiology at a military medical treatment facility and supporting remote clinics and in-

creasing coordination with respect to teleradiology between such facility and clinics. Under the project, a military medical treatment facility and each clinic supported by such facility shall be linked by a digital radiology network through which digital radiology X-rays may be sent electronically from clinics to the military medical treatment facility.

(2) The demonstration project shall be conducted at a multi-specialty tertiary-care military medical treatment facility affiliated with a university medical school, that is supported by at least five geographically dispersed remote clinics of the Departments of the Army, Navy, and Air Force, and clinics of the Department of Veterans Affairs and the Coast Guard.

(b) DURATION OF PROJECT.—The Secretary shall conduct the project during the 2-year period beginning on the date of the enactment of this Act.

Subtitle B—TRICARE Program

SEC. 711. ADDITIONAL BENEFICIARIES UNDER TRICARE PRIME REMOTE PROGRAM IN THE CONTINENTAL UNITED STATES.

(a) COVERAGE OF OTHER UNIFORMED SERVICES.—(1) Section 1074(c) of title 10, United States Code, is amended—

(A) by striking ''armed forces'' each place it appears, except in paragraph (3)(A), and inserting ''uniformed services'';

(B) in paragraph (1), by inserting after ''military department'' in the first sentence the following: '', the Department of Transportation (with respect to the Coast Guard when it is not operating as a service in the Navy), or the Department of Health and Human Services (with respect to the National Oceanic and Atmospheric Administration and the Public Health Service)'';

(C) in paragraph (2), by adding at the end the following:

''(C) The Secretary of Defense shall consult with the other administering Secretaries in the administration of this paragraph.''; and

(D) in paragraph (3)(A), by striking ''The Secretary of Defense may not require a member of the armed forces described in subparagraph (B)'' and inserting ''A member of the uniformed services described in subparagraph (B) may not be required''.

(2)(A) Subsections (b), (c), and (d)(3) of section 731 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1811; 10 U.S.C.

1074 note) are amended by striking ''Armed Forces'' and inserting ''uniformed services''.

(B) Subsection (b) of such section is further amended by adding at the end the following:

''(4) The Secretary of Defense shall consult with the other administering Secretaries in the administration of this subsection.''.

(C) Subsection (f) of such section is amended by adding at the end the following:

''(3) The terms 'uniformed services' and 'administering Secretaries' have the meanings given those terms in section 1072 of title 10, United States Code.''.

(3) Section 706(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 684) is amended by striking ''Armed Forces'' and inserting ''uniformed services (as defined in section 1072(1) of title 10, United States Code)''.

(b) COVERAGE OF IMMEDIATE FAMILY.—(1) Section 1079 of title 10, United States Code, is amended by adding at the end the following:

''(p)(1) Subject to such exceptions as the Secretary of Defense considers necessary, coverage for medical care under this section for the dependents referred to in subsection (a) of a member of the uniformed services referred

to in section 1074(c)(3) of this title who are residing with the member, and standards with respect to timely access to such care, shall be comparable to coverage for medical care and standards for timely access to such care under the managed care option of the TRICARE program known as TRICARE Prime.

''(2) The Secretary of Defense shall enter into arrangements with contractors under the TRICARE program or with other appropriate contractors for the timely and efficient processing of claims under this subsection.

''(3) The Secretary of Defense shall consult with the other administering Secretaries in the administration of this subsection.''.

(2) Section 731(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1811; 10 U.S.C. 1074 note) is amended—

(A) in paragraph (1), by adding at the end the following: ''A dependent of the member, as described in subparagraph (A), (D), or (I) of section 1072(2) of title 10, United States Code, who is residing with the member shall have the same entitlement to care and to waiver of charges as the member.''; and

(B) in paragraph (2), by inserting ''or dependent of the member, as the case may be,'' after ''(2) A member''.

(c) EFFECTIVE DATE.—(1) The amendments made by subsection (a)(2), with respect to members of the uniformed services, and the amendments made by subsection (b)(2), with respect to dependents of members, shall take effect on the date of the enactment of this Act and shall expire with respect to a member or the dependents of a member, respectively, on the later of the following:

(A) The date that is 1 year after the date of the enactment of this Act.

(B) The date on which the amendments made by subsection (a)(1) or (b)(1) apply with respect to the coverage of medical care for and provision of such care to the member or dependents, respectively.

(2) Section 731(b)(3) of Public Law 105–85 does not apply to a member of the Coast Guard, the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the Public Health Service, or to a dependent of a member of a uniformed service.

SEC. 712. ELIMINATION OF COPAYMENTS FOR IMMEDIATE FAMILY.

(a) NO COPAYMENT FOR IMMEDIATE FAMILY.—Section 1097a of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) NO COPAYMENT FOR IMMEDIATE FAMILY.—No copayment shall be charged a member for care provided under TRICARE Prime to a dependent of a member of the uniformed services described in subparagraph (A), (D), or (I) of section 1072(2) of this title.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2000, and shall apply with respect to care provided on or after that date.

SEC. 713. MODERNIZATION OF TRICARE BUSINESS PRACTICES AND INCREASE OF USE OF MILITARY TREATMENT FACILITIES.

(a) REQUIREMENT TO IMPLEMENT INTERNET-BASED SYSTEM.—Not later than October 1, 2001, the Secretary of Defense shall implement a system to simplify and make accessible through the use of the Internet, through commercially available systems and products, critical administrative processes within the military health care system and the TRICARE program. The purpose of the system shall be to enhance efficiency, improve service, and achieve commercially recognized standards of performance.

(b) REQUIREMENTS OF SYSTEM.—The system required by subsection (a)—

(1) shall comply with patient confidentiality and security requirements, and incorporate data requirements, that are currently widely used by insurers under Medicare and commercial insurers;

(2) shall be designed to achieve improvements with respect to—

(A) the availability and scheduling of appointments;

(B) the filing, processing, and payment of claims;

(C) marketing and information initiatives;

(D) the continuation of enrollments without expiration; and

(E) the portability of enrollments nationwide; and

(3) may be implemented through a contractor under TRICARE Prime.

(c) AREAS OF IMPLEMENTATION.—The Secretary shall implement the system required by subsection (a) in at least one region under the TRICARE program.

(d) PLAN FOR IMPROVED PORTABILITY OF BENEFITS.—Not later than March 15, 2001, the Secretary of Defense shall submit to the Committees on Armed Serv-

ices of the Senate and the House of Representatives a plan to provide portability and reciprocity of benefits for all enrollees under the TRICARE program throughout all TRICARE regions.

(e) INCREASE OF USE OF MILITARY MEDICAL TREATMENT FACILITIES.—The Secretary shall initiate a program to maximize the use of military medical treatment facilities by improving the efficiency of health care operations in such facilities.

(f) DEFINITION.—In this section the term ''TRICARE program'' shall have the meaning given such term in section 1072 of title 10, United States Code.

SEC. 714. CLAIMS PROCESSING IMPROVEMENTS.

Beginning on the date of the enactment of this Act, the Secretary of Defense shall take all necessary actions to implement the following improvements with respect to processing of claims under the TRICARE program:

(1) Use of the TRICARE encounter data information system rather than the health care service record in maintaining information on covered beneficiaries under chapter 55 of title 10, United States Code.

(2) Elimination of all delays in payment of claims to health care providers that may result from

the development of the health care service record or TRICARE encounter data information.

(3) Require all health care providers under the TRICARE program that the Secretary determines are high-volume providers to submit claims electronically.

(4) Process 50 percent of all claims by health care providers and institutions under the TRICARE program by electronic means.

(5) Authorize managed care support contractors under the TRICARE program to require providers to access information on the status of claims through the use of telephone automated voice response units.

SEC. 715. PROHIBITION AGAINST REQUIREMENT FOR PRIOR AUTHORIZATION FOR CERTAIN REFERRALS; REPORT ON NONAVAILABILITY-OF-HEALTH-CARE STATEMENTS.

(a) PROHIBITION REGARDING PRIOR AUTHORIZATION FOR REFERRALS.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1095e the following new section:

"§ 1095f. TRICARE program: referrals for specialty health care

''The Secretary of Defense shall provide that no contract for managed care support under the TRICARE program shall require a managed care support contractor to require a primary care provider or specialty care provider to obtain prior authorization before referring a patient to a specialty care provider that is part of the network of health care providers or institutions of the contractor.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1095e the following new item:

''1095f. TRICARE program: referrals for specialty health care.''.

(b) REPORT.—Not later than February 1, 2001, the Comptroller General shall submit to Congress a report on the financial and management implications of eliminating the requirement to obtain nonavailability-of-health-care statements under section 1080 of title 10, United States Code.

(c) EFFECTIVE DATE.—Section 1095f of title 10, United States Code, as added by subsection (a), shall apply with respect to a managed care support contract entered into by the Department of Defense after the date of the enactment of this Act.

SEC. 716. AUTHORITY TO ESTABLISH SPECIAL LOCALITY-BASED REIMBURSEMENT RATES; REPORTS.

(a) IN GENERAL.—Section 1079(h) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5) To assure access to care for all covered beneficiaries, the Secretary of Defense, in consultation with the other administering Secretaries, shall designate specific rates for reimbursement for services in certain localities if the Secretary determines that without payment of such rates access to health care services would be severely impaired. Such a determination shall be based on consideration of the number of providers in a locality who provide the services, the number of such providers who are CHAMPUS participating providers, the number of covered beneficiaries under CHAMPUS in the locality, the availability of military providers in the location or a nearby location, and any other factors determined to be relevant by the Secretary.''.

(b) REPORTS.—(1) Not later than March 31, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate and the General Accounting Office a report on actions taken to carry out section 1079(h)(5) of title 10, United States Code (as added by subsection (a)) and section 1097b of such title.

(2) Not later than May 1, 2001, the Comptroller General shall submit to Congress a report analyzing the utility of—

(A) increased reimbursement authorities with respect to ensuring the availability of network providers and nonnetwork providers under the TRICARE Program to covered beneficiaries under chapter 55 of such title; and

(B) requiring a reimbursement limitation of 70 percent of usual and customary rates rather than 115 percent of maximum allowable charges under the Civilian Health and Medical Program of the Uniformed Services.

SEC. 717. REIMBURSEMENT FOR CERTAIN TRAVEL EXPENSES.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074h (as added by section 702) the following new section:

"§ 1074i. Reimbursement for certain travel expenses

''In any case in which a covered beneficiary is referred by a primary care physician to a specialty care provider who provides services more than 100 miles from the location in which the primary care provider provides services to the covered beneficiary, the Secretary shall provide

reimbursement for reasonable travel expenses for the covered beneficiary.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074h the following new item:

''1074i. Reimbursement for certain travel expenses.''.

SEC. 718. REDUCTION OF CATASTROPHIC CAP.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended in section 1095d by adding at the end the following new subsection:

''(c) REDUCTION OF CATASTROPHIC CAP.—The Secretary shall reduce the catastrophic cap for covered beneficiaries under TRICARE Standard and TRICARE Extra to $3,000.''.

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

''§ 1095d. TRICARE program: waiver of certain deductibles; reduction of catastrophic cap''.

(2) The item relating to section 1095d in the table of sections at the beginning of such chapter 55 is amended to read as follows:

''1095d. TRICARE program: waiver of certain deductibles; reduction of catastrophic cap.''.

SEC. 719. REPORT ON PROTECTIONS AGAINST HEALTH CARE PROVIDERS SEEKING DIRECT REIMBURSEMENT FROM MEMBERS OF THE UNIFORMED SERVICES.

Not later than January 31, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report recommending practices to discourage or prohibit health care providers under the TRICARE Program from inappropriately seeking direct reimbursement from members of the uniformed services or their dependents for health care received by such members or dependents.

SEC. 720. DISENROLLMENT PROCESS FOR TRICARE RETIREE DENTAL PROGRAM.

Section 1076c of title 10, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

''(i) DISENROLLMENT PROCESS FOR TRICARE RETIREE DENTAL PROGRAM.—With respect to the provision of dental care to a retired member of the uniformed services or the dependent of such a member under the TRICARE program, the Secretary of Defense—

"(A) shall require that any TRICARE dental insurance contract allow for a period of up to 30 days, beginning on the date of the submission of an application for enrollment by the member or dependent, during which the member or dependent may disenroll;

"(B) shall provide for limited circumstances under which disenrollment shall be permitted during the 24-month initial enrollment period, without jeopardizing the fiscal integrity of the dental program.

"(2) The circumstances described in paragraph (1)(B) shall include—

"(A) a case in which a retired member or dependent who is also a Federal employee is assigned to a location overseas which prevents utilization of dental benefits in the United States;

"(B) a case in which such a member or dependent provides medical documentation with regard to a diagnosis of a serious or terminal illness which precludes the member or dependent from obtaining dental care;

"(C) a case in which severe financial hardship would result; and

"(D) any other instances which the Secretary considers appropriate.

"(3) A retired member or dependent described in paragraph (1)—

"(A) shall make any initial requests for disenrollment under this subsection to the TRICARE dental insurance contractor; and

"(B) may appeal a decision by the contractor, or policies with respect to the provision of dental care to retirees and their dependents under the TRICARE program, to the TRICARE Management Activity.

"(4) In a case of an appeal described in paragraph (3)(B) the contractor shall refer all relevant information collected by the contractor to the TRICARE Management Activity.".

Subtitle C—Health Care Programs for Medicare-Eligible Department of Defense Beneficiaries

SEC. 721. IMPLEMENTATION OF TRICARE SENIOR PHARMACY PROGRAM.

Section 723 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2068; 10 U.S.C. 1073 note) is amended—

(1) in subsection (a)—

(A) by striking ''October 1, 1999'' and inserting ''April 1, 2001''; and

(B) by striking ''who reside in an area selected under subsection (f)'';

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

''(b) PROGRAM REQUIREMENTS.—The same coverage for pharmacy services and the same procedures for cost sharing and reimbursement as are applicable under section 1086 of title 10, United States Code, shall apply with respect to the program required by subsection (a).'';

(3) in subsection (d)—

(A) by striking ''December 31, 2000'' and inserting ''December 31, 2001''; and

(B) by striking ''December 31, 2002'' and inserting ''December 31, 2003'';

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting ''and'' after the semicolon;

(ii) in subparagraph (C), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (D); and

(B) in paragraph (2), by striking ''at the time'' and all that follows through ''facility'' and inserting ''before April 1, 2001, has attained the age of 65 and did not enroll in the program described in such paragraph''; and

(5) by striking subsection (f).

SEC. 722. STUDY ON HEALTH CARE OPTIONS FOR MEDICARE-ELIGIBLE MILITARY RETIREES.

(a) REQUIREMENT TO CONDUCT STUDY.—The Secretary of Defense shall enter into an agreement with a federally funded research and development center for the purpose of having such center conduct an independent study on alternatives for providing continued health care benefits for Medicare-eligible military retirees.

(b) MATTERS TO BE INCLUDED.—(1) The study shall consider the possibility of providing health care to such retirees through at least the following alternatives, either individually or in combination, and shall include an analysis of the mandatory and discretionary funding requirements for implementation of each alternative for each year of a 10-year period:

(A) The use of mandatory enrollments in any health care option.

(B) The creation, integration, and coordination of a Department of Defense-Medicare supplemental plan that—

(i) includes benefits similar to those covered under a standard Medicare supplemental health insurance policy; and

(ii) requires participation in, and coordination with, available Medicare prescription drug benefits.

(C) Space-available health care in military medical treatment facilities and participation in the standard prescription drug plan under the TRICARE program.

(D) Increased participation in, and coordination with, managed care programs of the Veterans Health Administration.

(2) The study shall consider—

(A) the findings and recommendations in all reports prepared by the Comptroller General on demonstration programs of the Department of Defense involving Medicare-eligible military retirees; and

(B) the existence of multiple overlapping benefits for such retirees, including benefits available through the Veterans Health Administration, Medicare, and private insurance.

(c) INDEPENDENT ADVISORY COMMITTEE.—(1) The Secretary shall establish an independent advisory committee to assist the federally funded research and development center described in subsection (a) in conducting the study required by this section. The Secretary shall appoint the members of the committee from among individuals who—

(A) are not members of the uniformed services or civilian employees of the Department of Defense;

(B) possess expertise in health insurance matters, including matters regarding medigap plans and TRICARE supplemental insurance policies;

(C) are representative of nongovernmental organizations and associations that represent the views and interests of covered beneficiaries under chapter 55 of title 10, United States Code;

(D) are knowledgeable regarding the Medicare system, the military health care system, and the Veterans' Health Administration; and

(E) represent associations of major health care providers and institutions.

(2) Members of the committee shall be appointed for the life of the committee.

(3)(A) Each member of the committee who is not an employee of the Government shall be paid at a rate equal

to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the committee.

(B) Members of the committee may travel on aircraft, vehicles, or other conveyances of the Armed Forces when travel is necessary in the performance of a duty of the committee except when the cost of commercial transportation is less expensive.

(C) The members of the committee may 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 committee.

(D)(i) A member of the committee who is an annuitant otherwise covered by section 8344 or 8468 of title 5, United States Code, by reason of membership on the committee shall not be subject to the provisions of such section with respect to such membership.

(ii) A member of the committee who is a member or former member of a uniformed service shall not be subject to the provisions of subsections (b) and (c) of section 5532 of such title with respect to membership on the committee.

(4) The committee shall terminate 60 days after the date on which the final report is submitted under subsection (d).

(d)(1) DEADLINE FOR COMPLETION.—Not later than September 30, 2002, the federally funded research and development center described in subsection (a) shall submit to the Secretary a report on the study, including its findings and conclusions concerning each of the matters described in subsection (b).

(2) Not later than December 31, 2002, the Secretary shall submit the report, together and any comments of the Secretary, to Congress, the Secretary of Veterans Affairs, and the Secretary of Health and Human Services.

(e) COOPERATION BY DEPARTMENT OF DEFENSE.—The Secretary shall require that all components of the Department of Defense cooperate fully with the federally funded research and development center carrying out the study.

SEC. 723. EXTENDED COVERAGE UNDER FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.

(a) EXPANSION OF COVERAGE FOR RETIREES OVER AGE 65.—Section 1108 of title 10, United States Code, is amended by adding at the end the following:

"(m) EXPANSION OF COVERAGE FOR RETIREES OVER AGE 65.—(1) Eligible beneficiaries referred to in

subsection (b)(1) shall be permitted to enroll, or to extend a previous enrollment entered into under subsection (d)(2), during a period of open enrollment for the year 2003 (conducted in the fall of 2002).

''(2) Subject to paragraphs (2) and (3) of subsection (f), the period of enrollment, or extension of enrollment, of an eligible beneficiary under paragraph (1) shall be 1 year unless the beneficiary disenrolls before the termination of the demonstration project.''.

(b) EXTENSION OF PROJECT PERIOD.—(1) Subsection (d) of such section is amended—

(A) in paragraph (1), by striking ''three contract years'' and inserting ''four contract years''; and

(B) in paragraph (2), by striking ''December 31, 2002'' in the second sentence and inserting ''December 31, 2003''.

(2) Subsection (f)(1) of such section is amended by striking ''three'' and inserting ''four''.

(3) Subsection (k) of such section is amended by striking ''December 31, 2002'' and inserting ''December 31, 2003''.

(4) Subsection (l)(2) of such section is amended by striking ''36 months'' and inserting ''48 months''.

(c) ADDITIONAL AREAS OF COVERAGE.—Subsection (c) of such section is amended—

(1) by striking ", but not more than ten,"; and

(2) by striking the third sentence and inserting the following: "In establishing the areas, the Secretary and the Director of the Office of Personnel Management shall include an area that includes the catchment area of one or more military medical treatment facilities, an area that is not located in the catchment area of a military medical treatment facility, an area in which there is a Medicare Subvention Demonstration project area under section 1896 of title XVIII of the Social Security Act (42 U.S.C. 1395ggg), and one area for each TRICARE region.".

SEC. 724. EXTENSION OF TRICARE SENIOR SUPPLEMENT PROGRAM.

Section 722(a)(2) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2065; 10 U.S.C. 1073 note) is amended by striking "December 31, 2002" and inserting "December 31, 2003".

SEC. 725. MEDICARE SUBVENTION PROJECT FOR MILITARY RETIREES AND DEPENDENTS.

(a) FUTURE REPEAL OF LIMITATION ON NUMBER OF SITES.—Effective January 1, 2001, paragraph (2) of section 1896(b) of the Social Security Act (42 U.S.C. 1395ggg(b)) is amended to read as follows:

"(2) LOCATION OF SITES; FACILITIES.—Subject to annual appropriations, the program shall be conducted in any site that provides a full range of comprehensive health care and that is designated jointly by the administering Secretaries. The program shall be conducted nationwide by January 1, 2006.".

(b) AUTHORITY TO MODIFY AGREEMENT.—Such section is further amended in paragraph (1)(A) by inserting ", which may be modified if necessary" before the closing parenthesis.

(c) MAKING PROJECT PERMANENT; CHANGES IN PROJECT REFERENCES.—

(1) ELIMINATION OF TIME LIMITATION.—Paragraph (4) of section 1896(b) of such Act is repealed.

(2) TREATMENT OF CAPS.—Subsection (i)(4) of section 1896 of such Act is amended by adding at the end the following:

"This paragraph shall not apply after calendar year 2001.".

(3) CONFORMING CHANGES OF REFERENCES TO DEMONSTRATION PROJECT.—Section 1896 of such Act is further amended—

(A) in the heading, by striking ''DEMONSTRATION PROJECT'' and inserting ''PROGRAM'';

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

''(2) PROGRAM.—The term 'program' means the program carried out under this section.'';

(C) in the heading to subsection (b), by striking ''DEMONSTRATION PROJECT'' and inserting ''PROGRAM'';

(D) by striking ''demonstration project'' or ''project'' each place either appears and inserting ''program'';

(E) in subsection (k)(2)—

(i) by striking ''EXTENSION AND EXPANSION OF DEMONSTRATION PROJECT'' and inserting ''PROGRAM''; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

''(A) whether there is a cost to the health care program under this title in conducting the program under this section; and

"(B) whether the terms and conditions of the program should be modified.".

(4) REPORTS.—Subsection (k)(1) of such section 1896 is amended in the second sentence—

(A) by striking "the demonstration project" and inserting "the program";

(B) by striking ", and the" and all that follows through "date";

(C) by redesignating subparagraph (O) as subparagraph (S); and

(D) by inserting after subparagraph (N) the following new subparagraphs:

"(O) Patient satisfaction with the program.

"(P) The ability of the Department of Defense to operate an effective and efficient managed care system for Medicare beneficiaries.

"(Q) The ability of the Department of Defense to meet the managed care access and quality of care standards under Medicare.

"(R) The adequacy of the data systems of the Department of Defense for providing timely, necessary, and accurate information required to properly manage the program.".

(5) ADDITIONAL CONFORMING AMENDMENTS.—Section 1896(b) of such Act is further amended—

(A) by redesignating paragraph (5) as paragraph (4); and

(B) in such paragraph, by striking ''At least 60 days'' and all that follows through ''agreement'' and inserting ''The administering Secretaries shall also submit on an annual basis the most current agreement''.

(6) CONTINUATION OF PROVISION OF CARE.—Section 1896(b) of such Act is further amended by adding at the end the following new paragraph:

''(5) CONTINUATION OF PROVISION OF CARE.—With respect to any individual who receives health care benefits under this section before the date of the enactment of this paragraph, the administering Secretaries shall not terminate such benefits unless the individual ceases to fall within the definition of the term 'Medicare-eligible military retiree or dependent' (as defined in subsection (a)).''.

(d) PAYMENTS.—

(1) PERMITTING PAYMENTS ON A FEE-FOR-SERVICE BASIS.—Section 1896 of such Act is further amended by adding at the end the following new subsection:

"(l) PAYMENT ON A FEE-FOR-SERVICE BASIS.—Instead of the payment method described in subsection (i)(1) and in the case of individuals who are not enrolled in the program in the manner described in subsection (d)(1), the Secretary may reimburse the Secretary of Defense for services provided under the program at a rate that does not exceed the rate of payment that would otherwise be made under this title for such services if sections 1814(c) and 1835(d), and paragraphs (2) and (3) of section 1862(a), did not apply.".

(2) PAYMENTS TO MILITARY TREATMENT FACILITIES.—Such section is further amended by adding at the end the following new subsection:

"(m) PAYMENTS TO MILITARY TREATMENT FACILITIES.—The Secretary of Defense shall reimburse military treatment facilities for the provision of health care under this section.".

(3) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsections (b)(1)(B)(v) and (b)(1)(B)(viii)(I), by inserting "or subsection (l)" after "subsection (i)";

(B) in subsection (b)(2), by adding at the end the following: "If feasible, at least one of the sites shall be conducted using the fee-for-

service reimbursement method described in subsection (l).'';

(C) in subsection (d)(1)(A), by inserting ''(insofar as it provides for the enrollment of individuals and payment on the basis described in subsection (i))'' before ''shall meet'';

(D) in subsection (d)(1)(A), by inserting ''and the program (insofar as it provides for payment for facility services on the basis described in subsection (l)) shall meet all requirements for such facilities under this title'' after ''medicare payments'';

(E) in subsection (d)(2), by inserting '', insofar as it provides for the enrollment of individuals and payment on the basis described in subsection (i),'' before ''shall comply'';

(F) in subsection (g)(1), by inserting '', insofar as it provides for the enrollment of individuals and payment on the basis described in subsection (i),'' before ''the Secretary of Defense'';

(G) in subsection (i)(1), by inserting ''and subsection (l)'' after ''of this subsection''; and

(H) in subsection (j)(2)(B)(ii), by inserting ''or subsection (l)'' after ''subsection (i)(1)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection take effect on January 1, 2001, and apply to services furnished on or after such date.

(e) ELIMINATION OF RESTRICTION ON ELIGIBILITY.—Section 1896(b)(1) of such Act is amended by adding at the end the following new subparagraph:

"(C) ELIMINATION OF RESTRICTIVE POLICY.—If the enrollment capacity in the program has been reached at a particular site designated under paragraph (2) and the Secretary therefore limits enrollment at the site to Medicare-eligible military retirees and dependents who are enrolled in TRICARE Prime (as defined for purposes of chapter 55 of title 10, United States Code) at the site immediately before attaining 65 years of age, participation in the program by a retiree or dependent at such site shall not be restricted based on whether the retiree or dependent has a civilian primary care manager instead of a military primary care manager.".

(f) MEDIGAP PROTECTION FOR ENROLLEES.—Section 1896 of such Act is further amended by adding at the end the following new subsection:

"(m) MEDIGAP PROTECTION FOR ENROLLEES.—(1) Subject to paragraph (2), effective January 1, 2001, the provisions of section 1882(s)(3) (other than clauses (i) through (iv) of subparagraph (B)) and 1882(s)(4) of the Social Security Act shall apply to any enrollment (and termination of enrollment) in the program (for which payment is made on the basis described in subsection (i)) in the same manner as they apply to enrollment (and termination of enrollment) with a Medicare+Choice organization in a Medicare+Choice plan.

"(2) In applying paragraph (1)—

"(A) in the case of enrollments occurring before January 1, 2001, any reference in clause (v)(III) or (vi) of section 1882(s)(3)(B) of such Act to 'within the first 12 months of such enrollment' or 'by not later than 12 months after the effective date of such enrollment' is deemed a reference to during calendar year 2001; and

"(B) the notification required under section 1882(s)(3)(D) of such Act shall be provided in a manner specified by the Secretary of Defense in consultation with the Secretary of Health and Human Services.".

(g) IMPLEMENTATION OF UTILIZATION REVIEW PROCEDURES.—Subsection (b) of such section is further amended by adding at the end the following:

"(6) UTILIZATION REVIEW PROCEDURES.—The Secretary of Defense shall develop and implement procedures to review utilization of health care services by Medicare-eligible military retirees and dependents under this section in order to enable the Secretary of Defense to more effectively manage the use of military medical treatment facilities by such retirees and dependents.".

Subtitle D—Other Matters

SEC. 731. TRAINING IN HEALTH CARE MANAGEMENT AND ADMINISTRATION.

(a) EXPANSION OF PROGRAM.—Section 715(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat 375; 10 U.S.C. 1073 note) is amended—

(1) in paragraph (1)—

(A) by inserting ", deputy commander, and managed care coordinator" after "commander"; and

(B) by inserting "and any other person" after "Defense";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection:

"(b) LIMITATION ON ASSIGNMENT UNTIL COMPLETION OF TRAINING.—No person may be assigned as the commander, deputy commander, or managed care coordinator of a military medical treatment facility or as a TRICARE lead agent or senior member of the staff of a TRICARE lead agent office until the Secretary of the military department concerned submits a certification to the Secretary of Defense that such person has completed the training described in subsection (a).".

(b) REPORT REQUIREMENT.—(1) 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 progress in meeting the requirements in such section regarding implementation of a professional educational program to provide appropriate training in health care management and administration.

(2) The report required by paragraph (1) shall include, but shall not be limited to, the following:

(A) A survey of professional civilian certifications and credentials which demonstrate achievement of the requirements of such section.

(B) A description of the continuing education activities required to obtain initial certification and periodic required recertification.

(C) A description of the prominence of such credentials or certifications among senior civilian health care executives.

SEC. 732. STUDY OF ACCRUAL FINANCING FOR HEALTH CARE FOR MILITARY RETIREES.

(a) STUDY REQUIRED.—The Secretary of Defense shall carry out a study to assess the feasibility and desirability of financing the military health care program for retirees of the uniformed services on an accrual basis. The study shall be conducted by one or more Department of Defense organizations designated by the Secretary.

(b) REPORT.—Not later than February 8, 2001, the Secretary shall submit to Congress a report on the study, including any comments on the matters studied that the Secretary considers appropriate.

SEC. 733. TRACKING PATIENT SAFETY IN MILITARY MEDICAL TREATMENT FACILITIES.

(a) CENTRALIZED TRACKING PROCESS.—The Secretary of Defense shall implement a centralized process for the reporting, compiling, and analysis of errors in the provision of health care in military medical treatment fa-

cilities that endanger patients beyond the normal risks associated with the care and treatment of the patients.

(b) SAFETY INDICATORS, STANDARDS, AND PROTOCOLS.—The process shall include such indicators, standards, and protocols as the Secretary of Defense considers necessary for the establishment and administration of an effective process.

SEC. 734. PHARMACEUTICAL IDENTIFICATION TECHNOLOGY.

(a) BAR CODE IDENTIFICATION TECHNOLOGY.—The Secretary of Defense shall develop a system for the use of bar codes for the identification of pharmaceuticals in order to provide for the safest use possible of such pharmaceuticals.

(b) USE IN NATIONAL MAIL ORDER PHARMACEUTICALS DEMONSTRATION PROJECT.—The Secretary shall implement the use of bar code identification of pharmaceuticals in the administration of the mail order pharmaceutical demonstration project being carried out under section 702 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2431; 10 U.S.C. 1079 note).

SEC. 735. MANAGEMENT OF VACCINE IMMUNIZATION PROGRAM.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1110. Policies and procedures for immunization program

"(a) SYSTEM AND PROCEDURES FOR TRACKING SEPARATIONS.—(1) The Secretary of each military department shall establish a system for tracking, recording, and reporting separations of members of the armed forces that result from procedures initiated as a result of a refusal to participate in the anthrax vaccine immunization program.

"(2) The Secretary of Defense shall consolidate the information recorded under the system described in paragraph (1) and shall submit to the Committees on Armed Services of the House of Representatives and the Senate on an annual basis a report on such information. Such reports shall include a description of—

"(A) the number of personnel separated, categorized by military department, rank, and active-duty or reserve status; and

"(B) any other information determined appropriate by the Secretary.

"(b) EMERGENCY ESSENTIAL CIVILIAN PERSONNEL.—The Secretary of Defense shall—

"(1) prescribe regulations for the purpose of ensuring that any civilian employee of the Department of Defense who is determined to be an emergency essential employee and who is required to participate in the anthrax vaccination program is notified of the requirement to participate in the program and the consequences of a decision not to participate; and

"(2) ensure that any individual who is being considered for a position as such an employee is notified of the obligation to participate in the program before being offered employment in such position.

"(c) PROCEDURES FOR MEDICAL AND ADMINISTRATIVE EXEMPTIONS.—(1) The Secretary of Defense shall establish uniform procedures under which members of the armed forces may be exempted from participating in the anthrax vaccination program for either administrative or medical reasons.

"(2) The Secretaries of the military departments shall provide for notification of all members of the armed forces of the procedures described in paragraph (1).

"(d) SYSTEM FOR MONITORING ADVERSE REACTIONS.—(1) The Secretary of Defense shall establish a system for monitoring adverse reactions of members of the

armed forces to the anthrax vaccine which shall include the following:

"(A) Independent review of Vaccine Adverse Event Reporting System reports.

"(B) Periodic surveys of personnel to whom the vaccine is administered.

"(C) A continuing longitudinal study of a pre-identified group of members of the armed forces (including men and women and members from all services).

"(D) Active surveillance of a sample of members to whom the anthrax vaccine has been administered that is sufficient to identify, at the earliest opportunity, any patterns of adverse reactions, the discovery of which might be delayed by reliance solely on the Vaccine Adverse Event Reporting System.

"(2) The Secretary may extend or expand any ongoing or planned study or analysis of trends in adverse reactions of members of the armed forces to the anthrax vaccine in order to meet any of the requirements in paragraph (1).

"(3) The Secretary shall establish guidelines under which members of the armed forces who are determined by an independent expert panel to be experiencing unexplained adverse reactions may obtain access to a Depart-

ment of Defense Center of Excellence treatment facility for expedited treatment and follow up.

''(e) VACCINE DEVELOPMENT AND PROCUREMENT.—(1) The Secretary of Defense shall develop a plan, including milestones, for modernizing all vaccines used or anticipated to be used as part of the protection strategy for members of the armed forces.

''(2) The Secretary—

''(A) shall, to the maximum extent possible, be the sole purchaser of a vaccine to immunize members of the armed forces and employees of all Federal agencies;

''(B) shall, to the maximum extent possible, procure such a vaccine from more than one manufacturer; and

''(C) in any case in which the Secretary determines that sole source procurement of such a vaccine is necessary, may not enter into a contract to purchase such vaccine until 30 days after providing notification to the Committees on Armed Services of the House of Representatives and the Senate that the Secretary intends to enter into a sole source contract for the vaccine.''.

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

"1110. Policies and procedures for immunization program.".

(b) COMPTROLLER GENERAL REPORTS.—(1)(A) Not later than April 1, 2002, the Comptroller General shall submit to the Committees on Armed Service of the House of Representatives and the Senate a report on the impact of the anthrax vaccination program on the recruitment and retention of active duty and reserve military personnel and civilian personnel of the Armed Forces. The study shall cover the period beginning on the date of the enactment of this Act and ending on December 31, 2001.

(B) The Comptroller General shall include in the report required by paragraph (1) a description of any personnel actions (including transfer, termination, or reassignment of any personnel) taken as a result of the refusal of any civilian employee of the Department of Defense to participate in the anthrax vaccination program.

(2) Not later than March 1 of each of years 2001 through 2004, the Comptroller General shall review and submit to the Committees on Armed Service of the House of Representatives and the Senate a report on the financial operations of the manufacturer of the anthrax vaccine administered through the anthrax vaccine immunization

program of the Department of Defense. Under such review, the Comptroller General shall—

(A) consider the findings and observations of any other Federal or State reports relating to such financial operations;

(B) examine the compliance of the Department of Defense and its contractors with the Federal Acquisition Regulation; and

(C) make recommendations for improving the financial stability of the manufacturer.

(c) DOD REPORTS ON MANAGEMENT OF ANTHRAX VACCINE IMMUNIZATION PROGRAM.—(1) Not later than April 1 of each of years 2001 through 2004, the Secretary of Defense shall submit to the Committees on Armed Service of the House of Representatives and the Senate a report describing, with respect to each contract relating to the anthrax vaccination program, the costs incurred by, and payments made to, each contractor or other entity engaged in the production, storage, distribution, or marketing of the anthrax vaccine administered by the Department of Defense.

(B) The first report submitted under subparagraph (A) shall include the following:

(i) An estimate of the life-cycle cost for the anthrax vaccination program.

(ii) A description of the acquisition strategy for the program, including the applicable acquisition category.

(iii) An assessment of the Governmentwide requirements with respect to the anthrax vaccine and the financial and manufacturing ability of the manufacturer of the anthrax vaccine to meet such requirements.

(iv) A description of the status of supplements to the anthrax vaccine licenses of the contractors and whether the Food and Drug Administration has approved or is anticipated to approve all anthrax vaccine doses manufactured.

(v) A summary of all audits by the Defense Contract Audit Agency or the Inspector General of the Department of Defense of anthrax vaccine contracts of the Department of Defense and a description of any actions taken or planned to be taken in response to recommendations regarding such audits.

(vi) A review of all actions taken by the Department of Defense to coordinate with other Federal agencies to ensure the facility of a manufacturer of the anthrax vaccine is compliant with all Federal requirements.

SEC. 736. STUDY ON FEASIBILITY OF SHARING BIOMEDICAL RESEARCH FACILITY.

(a) STUDY REQUIRED.—The Secretary of the Army shall conduct a study on the feasibility of the Tripler Army Medical Center, Hawaii, sharing a biomedical research facility with the Department of Veterans Affairs and the School of Medicine at the University of Hawaii for the purpose of making more efficient use of funding for biomedical research. Such facility would include a clinical research center and facilities for educational, academic, and laboratory research.

(b) REPORT.—Not later than March 1, 2001, the Secretary of the Army shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the study conducted under this section.

SEC. 737. CHIROPRACTIC HEALTH CARE FOR MEMBERS ON ACTIVE DUTY.

(a) PLAN REQUIRED.—(1) Not later than March 31, 2001, the Secretary of Defense shall complete development of a plan to provide chiropractic health care services and benefits, as a permanent part of the Defense Health Program (including the TRICARE program), for all members of the uniformed services who are entitled to care under section 1074(a) of title 10, United States Code.

(2) The plan shall provide for the following:

(A) Direct access, at designated military medical treatment facilities, to the scope of chiropractic services as determined by the Secretary, which includes, at a minimum, care for neuro-musculoskeletal conditions typical among military personnel on active duty.

(B) A detailed analysis of the projected costs of fully integrating chiropractic health care services into the military health care system.

(C) An examination of the proposed military medical treatment facilities at which such services would be provided.

(D) An examination of the military readiness requirements for chiropractors who would provide such services.

(E) An examination of any other relevant factors that the Secretary considers appropriate.

(F) Phased-in implementation of the plan over a 5-year period, beginning on October 1, 2001.

(b) CONSULTATION REQUIREMENTS.—The Secretary of Defense shall consult with the other administering Secretaries described in section 1073 of title 10, United States Code, and the oversight advisory committee established under section 731 of the National Defense Author-

ization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1092 note) regarding the following:

(1) The development and implementation of the plan required under subsection (a).

(2) Each report that the Secretary is required to submit to Congress regarding the plan.

(3) The selection of the military medical treatment facilities at which the chiropractic services described in subsection (a)(2)(A) are to be provided.

(c) CONTINUATION OF CURRENT SERVICES.—Until the plan required under subsection (a) is implemented, the Secretary shall continue to furnish the same level of chiropractic health care services and benefits under the Defense Health Program that is provided during fiscal year 2000 at military medical treatment facilities that provide such services and benefits.

(d) REPORT REQUIRED.—Not later than January 31, 2001, the Secretary of Defense shall submit a report on the plan required under subsection (a), together with appropriate appendices and attachments, to the Committees on Armed Services of the Senate and the House of Representatives.

(e) GAO REPORTS.—The Comptroller General shall monitor the development and implementation of the plan required under subsection (a), including the administra-

tion of services and benefits under the plan, and periodically submit to the committees referred to in subsection (d) written reports on such development and implementation.

(f) FUNDING.—The Secretary of Defense shall transfer $3,000,000 from the Foreign Currency Fluctuations, Defense account to the Defense Health Program account, which amount shall only be available for purposes of carrying out this section.

SEC. 738. VA-DOD SHARING AGREEMENTS FOR HEALTH SERVICES.

(a) PRIMACY OF SHARING AGREEMENTS.—The Secretary of Defense shall—

(1) give full force and effect to any agreement into which the Secretary or the Secretary of a military department entered under section 8111 of title 38, United States Code, or under section 1535 of title 31, United States Code, which was in effect on September 30, 1999; and

(2) ensure that the Secretary of the military department concerned directly reimburses the Secretary of Veterans Affairs for any services or resources provided under such agreement in accordance with the terms of such an agreement, including

terms providing for reimbursement from funds available for that military department.

(b) MODIFICATION OR TERMINATION.—Any agreement described in subsection (a) shall remain in effect in accordance with such subsection unless, during the 12-month period following the date of the enactment of this Act, such agreement is modified or terminated in accordance with the terms of such agreement.

SEC. 739. IMPROVEMENT OF ACCESS TO HEALTH CARE UNDER THE TRICARE PROGRAM.

(a) WAIVER OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.—In the case of a covered beneficiary under chapter 55 of title 10, United States Code, who is enrolled in TRICARE Standard, the Secretary of Defense may not require with regard to authorized health care services (other than mental health services) under any new contract for the provision of health care services under such chapter that the beneficiary—

(1) obtain a nonavailability statement or preauthorization from a military medical treatment facility in order to receive the services from a civilian provider; or

(2) obtain a nonavailability statement for care in specialized treatment facilities outside the 200-mile radius of a military medical treatment facility.

(b) NOTICE.—The Secretary may require that the covered beneficiary inform the primary care manager of the beneficiary of any health care received from a civilian provider or in a specialized treatment facility.

(c) EXCEPTIONS.—Subsection (a) shall not apply if—

(1) the Secretary demonstrates significant cost avoidance for specific procedures at the affected military medical treatment facilities;

(2) the Secretary determines that a specific procedure must be maintained at the affected military medical treatment facility to ensure the proficiency levels of the practitioners at the facility; or

(3) the lack of nonavailability statement data would significantly interfere with TRICARE contract administration.

(d) EFFECTIVE DATE—This section shall take effect on October 1, 2001.

SEC. 740. STUDY ON COMPARABILITY OF COVERAGE FOR PHYSICAL, SPEECH, AND OCCUPATIONAL THERAPIES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study comparing coverage and reimbursement for covered beneficiaries under chapter 55 of title 10, United States Code, for physical, speech, and occupational therapies under the TRICARE program and the Ci-

vilian Health and Medical Program of the Uniformed Services to coverage and reimbursement for such therapies by insurers under Medicare and the Federal Employees Health Benefits Program. The study shall examine the following:

(1) Types of services covered.

(2) Whether prior authorization is required to receive such services.

(3) Reimbursement limits for services covered.

(4) Whether services are covered on both an inpatient and outpatient basis.

(b) REPORT.—Not later than March 31, 2001, the Secretary shall submit a report on the findings of the study conducted under this section to the Committees on Armed Services of the Senate and the House of Representatives.

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

SEC. 801. EXTENSION OF AUTHORITY FOR DEPARTMENT OF DEFENSE ACQUISITION PILOT PROGRAMS; REPORTS REQUIRED.

(a) IN GENERAL.—Notwithstanding section 5064(d) of the Federal Acquisition Streamlining Act of 1994 (Pub-

lic Law 103–355; 10 U.S.C. 2430 note), the special authorities provided under section 5064(c) of such Act shall continue to apply with respect to programs designated under section 5064(a) of such Act through September 30, 2005.

(b) JDAM PILOT PROGRAM.—The Secretary of Defense may award Joint Direct Attack Munition contracts and modifications on the same terms and conditions as contained in the Joint Direct Attack Munition contract F08626–94–C–0003.

(c) REPORTS REQUIRED.—(1) Not later than January 1, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the acquisition pilot programs of the Department of Defense. Such report shall include a description of the following with respect to each acquisition program participating in the pilot program:

(A) Each quantitative measure and goal established for each item described in paragraph (2), which of such goals have been achieved, and the extent to which the use of the authorities in section 809 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2430 note) and section 5064 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–

355; 10 U.S.C. 2430 note) were a factor in achieving each of such goals.

(B) Each of the regulations and statutes waived, as authorized under such sections, in order to achieve such goals.

(C) Recommended revisions to statutes or the Federal Acquisition Regulation as a result of participation in the pilot program.

(D) Any other acquisition programs which could benefit from participation in the pilot program, and the reasons why such programs could benefit from such participation.

(E) Any innovative business practices developed as a result of participation in the pilot program, whether such business practices could be applied to other acquisition programs, and any impediments to application of such practices to other programs.

(F) Technological changes to the program, and to what extent those changes affected the items in paragraph (2).

(G) Any other information determined appropriate by the Secretary.

(2) The items under this paragraph are, with respect to defense acquisition programs, the following:

(A) The acquisition management costs.

(B) The unit cost of the items procured.

(C) The acquisition cycle.

(D) The total cost of carrying out the contract.

(E) Staffing necessary to carry out the program.

SEC. 802. TECHNICAL DATA RIGHTS FOR ITEMS DEVELOPED EXCLUSIVELY AT PRIVATE EXPENSE.

(a) AMENDMENTS TO TITLE 10.—Section 2320(a)(2) of title 10, United States Code, is amended—

(1) in subparagraph (C)—

(A) by amending clause (iii) to read as follows:

"(iii) is necessary for normal operation (other than detailed manufacturing or processing data), maintenance, installation, or training when such services are to be provided by an entity other than the contractor or its subcontractor;";

(B) by redesignating clause (iv) as (v); and

(C) by inserting after clause (iii) the following new clause (iv):

"(iv) is necessary for critical operation, maintenance, installation of deployed equipment, or training, when such services are to be

provided by an entity other than the contractor or its subcontractor; or'';

(2) in subparagraph (F)(i)—

(A) in subclause (I)—

(i) by inserting ''clause (i), (ii), (iv), or (v) of'' before ''subparagraph (C)''; and

(ii) by striking ''or'' at the end; and

(B) by adding at the end the following new subclause:

''(III) under the conditions described in subsection (a)(2)(C)(iii), reaching agreement in negotiations concerning provision of the rights involved may not be required as a condition of being responsive to a solicitation, but may be a condition for the award of a contract; or''; and

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

''(H) In a case described in subparagraph (C)(iii), the provision of the rights involved shall be subject to negotiations between the Government and the contractor or contractors involved.

''(I) A description of the difference between 'normal operation' and 'critical operation', as such terms are used in subparagraph (C).''.

(b) DEADLINE FOR PROPOSAL OF CERTAIN REGULATIONS.—The Secretary of Defense shall propose, before initiating notice and opportunity for public comment, initial regulations regarding section 2320(a)(2)(I) of title 10, United States Code (as added by subsection (a)(3)), not later than 60 days after the date of the enactment of this Act.

SEC. 803. MANAGEMENT OF ACQUISITION OF MISSION-ESSENTIAL SOFTWARE FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) DESIGNATION OF DIRECTOR OF MISSION-ESSENTIAL SOFTWARE MANAGEMENT.—Chapter 4 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 144. Director of Mission-Essential Software Management

''(a) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall designate within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics a Director of Mission-Essential Software Management.

''(b) The Director of Mission-Essential Software Management shall provide effective oversight of, and shall seek to improve mechanisms for, the management, development, and maintenance of mission-essential software for

major defense acquisition programs described in subsection (c).

"(c) For purposes of this section, mission-essential software for major defense acquisition programs is software—

"(1) that is an integral part of software-intensive major defense acquisition programs; and

"(2) that is physically part of, dedicated to, or essential to the mission performance of a weapons system.

"(d) The Director of Mission-Essential Software Management shall be responsible for—

"(1) reviewing the policies and practices of the military departments and Defense Agencies for developing software described in subsection (c);

"(2) reviewing planning and progress in the management of such software; and

"(3) recommending goals and plans to improve management with respect to such software.".

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

"144. Director of Mission-Essential Software Management.".

SEC. 804. EXTENSION OF WAIVER PERIOD FOR LIVE-FIRE SURVIVABILITY TESTING FOR MH–47E AND MH–60K HELICOPTER MODIFICATION PROGRAMS.

(a) EXISTING WAIVER PERIOD NOT APPLICABLE.—Section 2366(c)(1) of title 10, United States Code, shall not apply with respect to survivability and lethality tests for the MH–47E and MH–60K helicopter modification programs. Except as provided in the previous sentence, the provisions and requirements in section 2366(c) of such title shall apply with respect to such programs, and the certification required by subsection (b) shall comply with the requirements in paragraph (3) of such section.

(b) EXTENDED PERIOD FOR WAIVER.—With respect to the MH–47E and MH–60K helicopter modification programs, the Secretary of Defense may waive the application of the survivability and lethality tests described in section 2366(a) of title 10, United States Code, if the Secretary, before full materiel release of the MH–47E and MH–60K helicopters for operational use, certifies to Congress that live-fire testing of the programs would be unreasonably expensive and impracticable.

(c) CONFORMING AMENDMENT.—Section 142(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2338) is amended

by striking ''and survivability testing'' in paragraphs (1) and (2).

SEC. 805. THREE-YEAR EXTENSION OF AUTHORITY OF DEFENSE ADVANCED RESEARCH PROJECTS AGENCY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

Section 845(c) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2004''.

SEC. 806. CERTIFICATION OF MAJOR AUTOMATED INFORMATION SYSTEMS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.

(a) MILESTONE APPROVAL.—(1) During fiscal years 2001, 2002, and 2003, a major automated information system may not receive Milestone I approval, Milestone II approval, or Milestone III approval within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees notification of each cer-

tification under paragraph (1). Each such notification shall be submitted not later than 10 days after the date of the Milestone approval to which the certification relates and shall include, at a minimum, the funding baseline and milestone schedule for the system covered by the certification and confirmation that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance (C^4ISR) Architecture Framework.

(b) NOTICE OF DESIGNATION OF SYSTEMS AS SPECIAL INTEREST MAJOR TECHNOLOGY INITIATIVES.—(1) Whenever during fiscal year 2001, 2002, or 2003 the Chief Information Officer designates a major automated information system of the Department of Defense as a ''special interest major technology initiative'', the Chief Information Officer shall notify the congressional defense committees of such designation. Such notice shall be pro-

vided not later than 30 days after the date of the designation. Any such notice shall include the rationale for the decision to make the designation and a description of the program management oversight that will be implemented for the system so designated.

(2) Not later than 60 days after the date of the enactment of this Act, the Chief Information Officer shall submit to the congressional defense committees a report specifying each information system of the Department of Defense currently designated as a ''special interest major technology initiative''. The report shall include for each such system the information specified in the third sentence of paragraph (1).

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

(1) The term ''Chief Information Officer'' means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term ''major automated information system'' has the meaning given that term in Department of Defense Directive 5000.1.

SEC. 807. LIMITATIONS ON PROCUREMENT OF CERTAIN ITEMS.

Section 2534 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(6) POLYACRYLONITRILE CARBON FIBER.—Polyacrylonitrile carbon fiber in accordance with subpart 225.71 of part 225 of the Defense Federal Acquisition Regulation Supplement, as in effect on April 1, 2000."; and

(2) in subsection (c)—

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

"(C)(i) Subsection (a)(4)(B), subparagraph (B), and this clause shall cease to be effective on October 1, 1996.

"(ii) Subsection (a)(4)(A), subparagraph (A), and this clause shall cease to be effective on October 1, 2003.";

(B) by striking paragraph (3);

(C) by redesignating paragraph (4) as paragraph (3); and

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

"(4) POLYACRYLONITRILE CARBON FIBER.—Subsection (a)(6) and this paragraph shall cease to be effective on October 1, 2003.".

SEC. 808. MULTIYEAR SERVICES CONTRACTS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended—

(1) in section 2306(g), by striking paragraph (3) and inserting the following:

''(3) Additional provisions regarding mulityear contracts for the purchase of services are provided in section 2306b of this title.'';

(2) in section 2306b—

(A) in the heading, by inserting ''**or services**'' after ''**property**'';

(B) in subsection (a)—

(i) in the matter following the subsection heading, by striking ''for the purchase of property'';

(ii) in paragraph (2), by inserting ''or services'' after ''property''; and

(iii) in paragraph (4)—

(I) by striking ''That'' and inserting ''In the case of a contract for the purchase of property, that''; and

(II) by inserting ''or services'' after ''property'' the last place such term appears; and

(C) in subsection (f)(2), by inserting ''or services'' after ''property''; and

(3) by amending the item relating to section 2306b in the table of sections at the beginning of such chapter to read as follows:

"2306b. Multiyear contracts: acquisition of property or services.".

(b) APPLICABILITY.—The amendments made by this section shall apply with respect to a contract entered into after the date the enactment of this Act.

SEC. 809. STUDY ON IMPACT OF FOREIGN SOURCING OF SYSTEMS ON LONG-TERM MILITARY READINESS AND RELATED INDUSTRIAL INFRASTRUCTURE.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study analyzing in detail—

(1) the amount and source of parts, components, and materials of the systems described in subsection (b) that are obtained—

(A) from domestic sources; and

(B) from foreign sources;

(2) the impact of obtaining such parts, components, and materials from foreign sources on the long-term readiness of the Armed Forces and on the economic viability of the industrial infrastructure of the United States that supports defense needs;

(3) the impact on military readiness that would result from the loss of the ability to obtain parts,

components, and materials identified pursuant to paragraph (1) from foreign sources; and

(4) the availability of domestic sources for parts, components, and materials identified as being obtained from foreign sources pursuant to paragraph (1).

(b) SYSTEMS.—The systems referred to in subsection (a) are the following:

(1) AH–64D Apache helicopter.

(2) F/A–18 E/F aircraft.

(3) M1A2 Abrams tank.

(4) AIM–120 AMRAAM missile.

(5) Patriot missile ground station.

(6) Hellfire missile.

(7) M–16 A3 rifle.

(8) AN/VPS–2 radar.

(c) SOURCE OF INFORMATION.—The Secretary shall collect information to be analyzed under the study from prime contractors and first and second tier subcontractors.

(d) REQUIREMENT TO CREATE DATABASE.—The Secretary shall create an interactive database for the purpose of compiling, analyzing, and updating data gathered for the study required by this section.

(e) REPORT REQUIRED.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study required by this section.

(f) FOREIGN SOURCE DEFINED.—In this section, the term ''foreign source'' means a country other than the United States.

SEC. 810. PROHIBITION AGAINST USE OF DEPARTMENT OF DEFENSE FUNDS TO GIVE OR WITHHOLD A PREFERENCE TO A MARKETER OR VENDOR OF FIREARMS OR AMMUNITION.

(a) IN GENERAL.—No funds authorized to be appropriated for the Department of Defense may be used to give or withhold a preference to a marketer or vendor of firearms or ammunition based on whether the manufacturer or vendor is a party to a covered agreement.

(b) COVERED AGREEMENT DEFINED.—For purposes of this section, the term ''covered agreement'' means any agreement requiring a person engaged in a business licensed under chapter 44 of title 18, United States Code, to abide by a designated code of conduct, operating practice, or product design respecting importing, manufacturing, or dealing in firearms or ammunition.

SEC. 811. STUDY AND REPORT ON PRACTICE OF CONTRACT BUNDLING IN MILITARY CONSTRUCTION CONTRACTS.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study regarding the use of the practice known as ''contract bundling'' with respect to military construction contracts.

(b) REPORT.—Not later than February 1, 2001, the Comptroller General shall submit to the congressional defense committees a report on the results of the study conducted under subsection (a).

SEC. 812. REQUIREMENT TO CONDUCT STUDY ON CONTRACT BUNDLING.

(a) IN GENERAL.—The Secretary of Defense shall conduct a comprehensive study on the practice known as ''contract bundling'' by the Department of Defense, and the effects of such practice on small business concerns, economically and socially disadvantaged small business concerns, and small business concerns owned and controlled by women (as such terms are used in the Small Business Act (15 U.S.C. 632 et seq.)).

(b) DEADLINE.—The Secretary shall submit the results of the study to the Committees on Armed Services and Small Business of the Senate and the House of Representatives before submission of the budget request of the Department of Defense for fiscal year 2002.

(c) DATABASE.—For purposes of conducting the study required by this section, the Secretary shall develop, in consultation with the General Accounting Office, and maintain a database on all contracts of the Department of Defense (excluding contracts for the procurement of weapons systems) for which requirements have been bundled.

SEC. 813. COMPLIANCE WITH BUY AMERICAN ACT.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds authorized by this Act may be expended by an entity of the Department of Defense unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a et seq.).

(b) SENSE OF THE CONGRESS REGARDING PURCHASE OF AMERICAN–MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that any entity of the Department of Defense, in expending funds authorized by this Act for the purchase of equipment or products, should purchase only American-made equipment and products.

(c) 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.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. CHANGE OF TITLE OF CERTAIN POSITIONS IN THE HEADQUARTERS, MARINE CORPS.

(a) INSTITUTION OF POSITIONS AS DEPUTY COMMANDANTS.—Section 5041(b) of title 10, United States Code, is amended—

(1) by striking paragraphs (3) through (5) and inserting the following:

''(3) The Deputy Commandants.''; and

(2) by redesignating paragraphs (6) and (7) as paragraphs (4) and (5), respectively.

(b) DESIGNATION OF DEPUTY COMMANDANTS.—(1) Section 5045 of such title is amended to read as follows:

''§ 5045. Deputy Commandants

''There are in the Headquarters Marine Corps, not more than five Deputy Commandants, detailed by the Sec-

retary of the Navy from officers on the active-duty list of the Marine Corps.''.

(2) The item relating to section 5045 in the table of sections at the beginning of chapter 506 of such title is amended to read as follows:

''5045. Deputy Commandants.''.

(c) CONFORMING AMENDMENT.—Section 1502(7)(D) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 401) is amended to read as follows:

''(D) the Deputy Commandant of the Marine Corps with responsibility for personnel matters.''.

SEC. 902. FURTHER REDUCTIONS IN DEFENSE ACQUISITION AND SUPPORT WORKFORCE.

(a) REDUCTION OF DEFENSE ACQUISITION AND SUPPORT WORKFORCE.—The Secretary of Defense shall accomplish reductions in defense acquisition and support personnel positions during fiscal year 2001 so that the total number of such personnel as of October 1, 2001, is less than the total number of such personnel as of October 1, 2000, by at least 13,000.

(b) IMPLEMENTATION PLAN.—(1) The Secretary of Defense shall develop an implementation plan for reshaping, recruiting, and sustaining the defense acquisition and support workforce in the future.

(2) Not later than May 1, 2001, 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 plan developed under paragraph (1). The Secretary shall include in the report a proposal for any recommended changes in law that are necessary to implement the plan.

(c) 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. 903. CLARIFICATION OF SCOPE OF INSPECTOR GENERAL AUTHORITIES UNDER MILITARY WHISTLEBLOWER LAW.

(a) CLARIFICATION OF RESPONSIBILITIES.—Subsection (c)(3)(A) of section 1034 of title 10, United States Code, is amended by inserting '', in accordance with regulations prescribed under subsection (h),'' after ''shall expeditiously determine''.

(b) REDEFINITION OF INSPECTOR GENERAL.—Subsection (i)(2) of such section is amended—

(1) by inserting ''any of'' in the matter preceding subparagraph (A) after ''means'';

(2) by striking subparagraphs (C), (D), (E), (F) and (G); and

(3) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) Any officer of the armed forces or employee of the Department of Defense who is assigned or detailed to serve as an Inspector General at any level in the Department of Defense.''.

SEC. 904. REPORT ON NUMBER OF PERSONNEL ASSIGNED TO LEGISLATIVE LIAISON FUNCTIONS.

(a) REPORT.—Not later than December 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 setting forth the number of personnel of the Department of Defense performing legislative liaison functions as of April 1, 2000.

(b) MATTERS TO BE INCLUDED.—The report shall include the following:

(1) The number of military and civilian personnel of the Department of Defense assigned to full-time legislative liaison functions, shown by organizational entity and by pay grade.

(2) The number of military and civilian personnel of the Department not covered by paragraph

(1) (other than personnel described in subsection (d)) who perform legislative liaison functions as part of their assigned duties, shown by organizational entity and by pay grade.

(c) LEGISLATIVE LIAISON FUNCTIONS.—For purposes of this section, a legislative liaison function is a function (regardless of how characterized within the Department of Defense) that has been established or designated to principally provide advice, information, and assistance to the legislative branch on Department of Defense policies, plans, and programs.

(d) ORGANIZATIONAL ENTITIES.—The display of information under subsection (b) by organizational entity shall be for the Department of Defense and for each military department as a whole and separately for each organization at the level of major command or Defense Agency or higher.

(e) PERSONNEL NOT COVERED.—Subsection (b)(2) does not apply to civilian officers appointed by the President, by and with the advice and consent of the Senate, or to general or flag officers.

SEC. 905. JOINT REPORT ON ESTABLISHMENT OF NATIONAL COLLABORATIVE INFORMATION ANALYSIS CAPABILITY.

(a) REPORT.—The Secretary of Defense and the Director of Central Intelligence shall submit to the congressional defense committees and the congressional intelligence committees a joint report assessing alternatives for the establishment of a national collaborative information analysis capability. The report shall include the following:

(1) An assessment of alternative architectures to establish a national collaborative information analysis capability to conduct data mining and profiling of information from a wide array of electronic data sources.

(2) Identification, from among the various architectures assessed under paragraph (1), of the preferred architecture and a detailed description of that architecture and of a program to acquire and implement the capability that would be provided through that architecture.

(b) COMPLETION AND USE OF ARMY LAND INFORMATION WARFARE ACTIVITY.—The Secretary of Defense—

(1) shall ensure that the data mining, profiling, and analysis capability of the Army's Land Informa-

tion Warfare Activity is completed and is fully operational as soon as possible; and

(2) shall make maximum use of that capability to provide intelligence support to the Department of Defense, the military services, the Intelligence Community, and other agencies of the Government until a national collaborative information analysis capability is operational.

(c) FUNDING RESTRICTION FOR A NATIONAL COLLABORATIVE INFORMATION ANALYSIS CAPABILITY.—No funds available to the Department of Defense may be expended to establish, support, or implement a program to establish a national, multi-agency data mining and analysis capability until such a program is specifically authorized by law.

SEC. 906. ORGANIZATION AND MANAGEMENT OF CIVIL AIR PATROL.

(a) IN GENERAL.—Chapter 909 of title 10, United States Code, is amended to read as follows:

"CHAPTER 909—CIVIL AIR PATROL

"Sec.
"9441. Status as federally chartered corporation; purposes.
"9442. Status as volunteer civilian auxiliary of the Air Force.
"9443. Activities not performed as auxiliary of the Air Force.
"9444. Activities performed as auxiliary of the Air Force.
"9445. Funds appropriated for the Civil Air Patrol.
"9446. Miscellaneous personnel authorities.
"9447. Board of Governors.
"9448. Regulations.

"§ 9441. Status as federally chartered corporation; purposes

''(a) STATUS.—(1) The Civil Air Patrol is a nonprofit corporation that is federally chartered under section 40301 of title 36.

''(2) Except as provided in section 9442(b)(2) of this title, the Civil Air Patrol is not an instrumentality of the Federal Government for any purpose.

''(b) PURPOSES.—The purposes of the Civil Air Patrol are set forth in section 40302 of title 36.

"§ 9442. Status as volunteer civilian auxiliary of the Air Force

''(a) VOLUNTEER CIVILIAN AUXILIARY.—The Civil Air Patrol is a volunteer civilian auxiliary of the Air Force when the services of the Civil Air Patrol are used by any department or agency in any branch of the Federal Government.

''(b) USE BY AIR FORCE.—(1) The Secretary of the Air Force may use the services of the Civil Air Patrol to fulfill the noncombat programs and missions of the Department of the Air Force.

''(2) The Civil Air Patrol shall be deemed to be an instrumentality of the United States with respect to any act or omission of the Civil Air Patrol, including any member of the Civil Air Patrol, in carrying out a mission assigned by the Secretary of the Air Force.

"§ 9443. Activities not performed as auxiliary of the Air Force

''(a) SUPPORT FOR STATE AND LOCAL AUTHORITIES.—The Civil Air Patrol may, in its status as a federally chartered nonprofit corporation and not as an auxiliary of the Air Force, provide assistance requested by State or local governmental authorities to perform disaster relief missions and activities, other emergency missions and activities, and nonemergency missions and activities. Missions and activities carried out under this section shall be consistent with the purposes of the Civil Air Patrol.

''(b) USE OF FEDERALLY PROVIDED RESOURCES.—(1) To perform any mission or activity authorized under subsection (a), the Civil Air Patrol may use any equipment, supplies, and other resources provided to it by the Air Force or by any other department or agency of the Federal Government or acquired by or for the Civil Air Patrol with appropriated funds, without regard to whether the Civil Air Patrol has reimbursed the Federal Government source for the equipment, supplies, other resources, or funds, as the case may be.

''(2) The use of equipment, supplies, or other resources under paragraph (1) is subject to—

''(A) the terms and conditions of the applicable agreement entered into under chapter 63 of title 31; and

"(B) the laws and regulations that govern the use by nonprofit corporations of federally provided assets or of assets purchased with appropriated funds, as the case may be.

"(c) AUTHORITY NOT CONTINGENT ON REIMBURSEMENT.—The authority for the Civil Air Patrol to provide assistance under subsections (a) and (b) is not contingent on the Civil Air Patrol being reimbursed for the cost of providing the assistance. If the Civil Air Patrol requires reimbursement for the provision of assistance under such subsections, the Civil Air Patrol may establish the reimbursement rate at a rate less than the rates charged by private sector sources for equivalent services.

"(d) LIABILITY INSURANCE.—The Secretary of the Air Force may provide the Civil Air Patrol with funds for paying the cost of liability insurance for missions and activities carried out under this section.

"§ 9444. Activities performed as auxiliary of the Air Force

"(a) AIR FORCE SUPPORT FOR ACTIVITIES.—The Secretary of the Air Force may furnish to the Civil Air Patrol in accordance with this section any equipment, supplies, and other resources that the Secretary determines necessary to enable the Civil Air Patrol to fulfill the mis-

sions assigned by the Secretary to the Civil Air Patrol as an auxiliary of the Air Force.

"(b) FORMS OF AIR FORCE SUPPORT.—The Secretary of the Air Force may, under subsection (a)—

"(1) give, lend, or sell to the Civil Air Patrol without regard to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)—

"(A) major items of equipment (including aircraft, motor vehicles, computers, and communications equipment) that are excess to the military departments; and

"(B) necessary related supplies and training aids that are excess to the military departments;

"(2) permit the use, with or without charge, of services and facilities of the Air Force;

"(3) furnish supplies (including fuel, lubricants, and other items required for vehicle and aircraft operations) or provide funds for the acquisition of supplies;

"(4) establish, maintain, and supply liaison officers of the Air Force at the national, regional, State, and territorial headquarters of the Civil Air Patrol;

"(5) detail or assign any member of the Air Force or any officer, employee, or contractor of the Department of the Air Force to any liaison office at the national, regional, State, or territorial headquarters of the Civil Air Patrol;

"(6) detail any member of the Air Force or any officer, employee, or contractor of the Department of the Air Force to any unit or installation of the Civil Air Patrol to assist in the training programs of the Civil Air Patrol;

"(7) authorize the payment of travel expenses and allowances, at rates not to exceed those paid to employees of the United States under subchapter I of chapter 57 of title 5, to members of the Civil Air Patrol while the members are carrying out programs or missions specifically assigned by the Air Force;

"(8) provide funds for the national headquarters of the Civil Air Patrol, including—

"(A) funds for the payment of staff compensation and benefits, administrative expenses, travel, per diem and allowances, rent, utilities, other operational expenses of the national headquarters; and

"(B) to the extent considered necessary by the Secretary of the Air Force to fulfill Air

Force requirements, funds for the payment of compensation and benefits for key staff at regional, State, or territorial headquarters;

''(9) authorize the payment of expenses of placing into serviceable condition, improving, and maintaining equipment (including aircraft, motor vehicles, computers, and communications equipment) owned or leased by the Civil Air Patrol;

''(10) provide funds for the lease or purchase of items of equipment that the Secretary determines necessary for the Civil Air Patrol;

''(11) support the Civil Air Patrol cadet program by furnishing—

''(A) articles of the Air Force uniform to cadets without cost; and

''(B) any other support that the Secretary of the Air Force determines is consistent with Air Force missions and objectives; and

''(12) provide support, including appropriated funds, for the Civil Air Patrol aerospace education program to the extent that the Secretary of the Air Force determines appropriate for furthering the fulfillment of Air Force missions and objectives.

''(c) ASSISTANCE BY OTHER AGENCIES.—(1) The Secretary of the Air Force may arrange for the use by

the Civil Air Patrol of such facilities and services under the jurisdiction of the Secretary of the Army, the Secretary of the Navy, or the head of any other department or agency of the United States as the Secretary of the Air Force considers to be needed by the Civil Air Patrol to carry out its mission.

''(2) An arrangement for use of facilities or services of a military department or other department or agency under this subsection shall be subject to the agreement of the Secretary of the military department or head of the other department or agency, as the case may be.

''(3) Each arrangement under this subsection shall be made in accordance with regulations prescribed under section 9448 of this title.

''§ 9445. Funds appropriated for the Civil Air Patrol

''Funds appropriated for the Civil Air Patrol shall be available only for the exclusive use of the Civil Air Patrol.

''§ 9446. Miscellaneous personnel authorities

''(a) USE OF RETIRED AIR FORCE PERSONNEL.—(1) Upon the request of a person retired from service in the Air Force, the Secretary of the Air Force may enter into a personal services contract with that person providing for the person to serve as an administrator or liaison officer for the Civil Air Patrol. The qualifications of a person to provide the services shall be determined and

approved in accordance with regulations prescribed under section 9448 of this title.

"(2) To the extent provided in a contract under paragraph (1), a person providing services under the contract may accept services on behalf of the Air Force and commit and obligate appropriated funds as necessary to perform the services.

"(3) A person, while providing services under a contract authorized under paragraph (1), may receive the person's retired pay and an additional amount for such services that is not less than the amount equal to the excess of—

"(A) the pay and allowances that the person would be entitled to receive if ordered to active duty in the grade in which the person retired from service in the Air Force, over

"(B) the amount of the person's retired pay.

"(4) A person, while providing services under a contract authorized under paragraph (1), may not be considered to be on active duty or inactive-duty training for any purpose.

"(b) USE OF CIVIL AIR PATROL CHAPLAINS.—The Secretary of the Air Force may use the services of Civil Air Patrol chaplains in support of the Air Force active

duty and reserve component forces to the extent and under conditions that the Secretary determines appropriate.

"§ 9447. Board of Governors

"(a) GOVERNING BODY.—The Board of Governors of the Civil Air Patrol is the governing body of the Civil Air Patrol.

"(b) COMPOSITION.—The Board of Governors is composed of 11 members as follows:

"(1) Four members appointed by the Secretary of the Air Force, who may be active or retired officers of the Air Force (including reserve components of the Air Force), employees of the United States, or private citizens.

"(2) Four members of the Civil Air Patrol, elected from among the members of the Civil Air Patrol in the manner provided in regulations prescribed under section 9448 of this title.

"(3) Three members appointed or selected as provided in subsection (c) from among personnel of any Federal Government agencies, public corporations, nonprofit associations, and other organizations that have an interest and expertise in civil aviation and the Civil Air Patrol mission.

"(c) APPOINTMENTS FROM INTERESTED ORGANIZATIONS.—(1) Subject to paragraph (2), the members of the

Board of Governors referred to in subsection (b)(3) shall be appointed jointly by the Secretary of the Air Force and the National Commander of the Civil Air Patrol.

''(2) Any vacancy in the position of a member referred to in paragraph (1) that is not filled under that paragraph within 90 days shall be filled by majority vote of the other members of the Board.

''(d) CHAIRPERSON.—(1) The Chairperson of the Board of Governors shall be chosen by the members of the Board of Governors from among the members of the Board eligible for selection under paragraph (2) and shall serve for a term of 2 years.

''(2) The position of Chairperson shall be held on a rotating basis, first by a member of the Board selected from among those appointed by the Secretary of the Air Force under paragraph (1) of subsection (b) and then by a member of the Board selected from among the members elected by the Civil Air Patrol under paragraph (2) of that subsection. Upon the expiration of the term of a Chairperson selected from among the members referred to in one of those paragraphs, the selection of a successor to that position shall be made from among the members who are referred to in the other paragraph.

"(e) POWERS.—(1) The Board of Governors shall, subject to paragraphs (2) and (3), exercise the powers granted under section 40304 of title 36.

"(2) Any exercise by the Board of the power to amend the constitution or bylaws of the Civil Air Patrol or to adopt a new constitution or bylaws shall be subject to approval by a majority of the members of the Board.

"(3) Neither the Board of Governors nor any other component of the Civil Air Patrol may modify or terminate any requirement or authority set forth in this section.

"(f) PERSONAL LIABILITY FOR BREACH OF A FIDUCIARY DUTY.—(1) The Board of Governors shall, subject to paragraph (2), take such action as is necessary to eliminate or limit the personal liability of a member of the Board of Governors to the Civil Air Patrol or to any of its members for monetary damages for a breach of fiduciary duty while serving as a member of the Board.

"(2) The Board may not eliminate or limit the liability of a member of the Board of Governors to the Civil Air Patrol or to any of its members for monetary damages for any of the following:

"(A) A breach of the member's duty of loyalty to the Civil Air Patrol or its members.

"(B) Any act or omission that is not in good faith or that involves intentional misconduct or a knowing violation of law.

"(C) Participation in any transaction from which the member directly or indirectly derives an improper personal benefit.

"(3) Nothing in this subsection shall be construed as rendering section 207 or 208 of title 18 inapplicable in any respect to a member of the Board of Governors who is a member of the Air Force on active duty, an officer on a retired list of the Air Force, or an employee of the United States.

"(g) PERSONAL LIABILITY FOR BREACH OF A FIDUCIARY DUTY.—(1) Except as provided in paragraph (2), no member of the Board of Governors or officer of the Civil Air Patrol shall be personally liable for damages for any injury or death or loss or damage of property resulting from a tortious act or omission of an employee or member of the Civil Air Patrol.

"(2) Paragraph (1) does not apply to a member of the Board of Governors or officer of the Civil Air Patrol for a tortious act or omission in which the member or officer, as the case may be, was personally involved, whether in breach of a civil duty or in commission of a criminal offense.

"(3) Nothing in this subsection shall be construed to restrict the applicability of common law protections and rights that a member of the Board of Governors or officer of the Civil Air Patrol may have.

"(4) The protections provided under this subsection are in addition to the protections provided under subsection (f).

"§ 9448. Regulations

"(a) AUTHORITY.—The Secretary of the Air Force shall prescribe regulations for the administration of this chapter.

"(b) REQUIRED REGULATIONS.—The regulations shall include the following:

"(1) Regulations governing the conduct of the activities of the Civil Air Patrol when it is performing its duties as a volunteer civilian auxiliary of the Air Force under section 9442 of this title.

"(2) Regulations for providing support by the Air Force and for arranging assistance by other agencies under section 9444 of this title.

"(3) Regulations governing the qualifications of retired Air Force personnel to serve as an administrator or liaison officer for the Civil Air Patrol under a personal services contract entered into under section 9446(a) of this title.

"(4) Procedures and requirements for the election of members of the Board of Governors under section 9447(b)(2) of this title.

"(c) APPROVAL BY SECRETARY OF DEFENSE.—The regulations required by subsection (b)(2) shall be subject to the approval of the Secretary of Defense.".

(b) CONFORMING AMENDMENTS.—(1) Section 40302 of title 36, United States Code, is amended—

(A) by striking "to—" in the matter preceding paragraph (1) and inserting "as follows:";

(B) by inserting "To" after the paragraph designation in each of paragraphs (1), (2), (3), and (4);

(C) by striking the semicolon at the end of paragraphs (1)(B) and (2) and inserting a period;

(D) by striking "; and" at the end of paragraph (3) and inserting a period; and

(E) by adding at the end the following:

"(5) To assist the Department of the Air Force in fulfilling its noncombat programs and missions.".

(2)(A) Section 40303 of such title is amended—

(i) by inserting "(a) MEMBERSHIP.—" before "Eligibility"; and

(ii) by adding at the end the following:

"(b) GOVERNING BODY.—The Civil Air Patrol has a Board of Governors. The composition and responsibilities

of the Board of Governors are set forth in section 9447 of title 10.''.

(B) The heading for such section is amended to read as follows:

''§ 40303. Membership and governing body''.

(C) The item relating to such section in the table of sections at the beginning of chapter 403 of title 36, United States Code, is amended to read as follows:

''40303. Membership and governing body.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 907. REPORT ON NETWORK CENTRIC WARFARE.

(a) REPORT REQUIRED.—Not later than October 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report describing the Department's views on Network Centric Warfare (NCW) and the role of Network Centric Warfare in the strategy of the Department of Defense for military transformation. The Secretary of Defense shall prepare the report in consultation with the Chairman of the Joint Chiefs of Staff.

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

(1) A definition of Network Centric Warfare.

(2) A discussion of the theory, nature, and principles of Network Centric Warfare and how they relate to the revolution in military affairs.

(3) A discussion of the conceptual, doctrinal, and operational concepts related to Network Centric Warfare.

(4) A discussion of how the concept of Network Centric Warfare is related to the strategy of the Department of Defense for military transformation as outlined in the document entitled ''Joint Vision 2010'' and other key strategy documents.

(5) The current and planned acquisition programs of the Department of Defense that relate to Network Centric Warfare and the extent to which those programs are interoperable with each other.

(6) The experimentation activities inside the joint experimentation program and the service experimentation programs, if any, which are designed to explore and evaluate the emerging concepts of Network Centric Warfare.

SEC. 908. DEFENSE INSTITUTE FOR HEMISPHERIC SECURITY COOPERATION.

(a) AUTHORITY FOR INSTITUTE.—(1) Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2166. Defense Institute for Hemispheric Security Cooperation

''(a) AUTHORITY.—The Secretary of Defense may operate an education and training facility known as the 'Defense Institute for Hemispheric Security Cooperation'. The Secretary of Defense may designate the Secretary of the Army as the Department of Defense executive agent for carrying out the responsibilities of the Secretary of Defense under this section.

''(b) PURPOSE.—(1) The Institute shall be operated for the purpose of providing education and training to military, law enforcement, and civilian personnel of nations of the Western Hemisphere in defense and security matters.

''(2) For purposes of paragraph (1), defense and security matters include—

''(A) professional military education;

''(B) leadership development;

''(C) counter-drug operations;

''(D) peace support operations; and

''(E) disaster relief.

''(c) CURRICULUM.—The education and training programs provided by the Institute shall include (for each person attending the Institute under subsection (b)) instruction totaling not less than 8 hours relating to each of the following subjects:

"(1) Human rights.

"(2) The rule of law.

"(3) Due process.

"(4) Civilian control of the military.

"(5) The role of the military in a democratic society.

"(d) BOARD OF VISITORS.—(1) There is a Board of Visitors for the Institute. The Board shall be composed of members appointed by the Secretary of Defense (or the Secretary of the Army as the Secretary's designee). In selecting members of the Board, the Secretary shall consider recommendations by—

"(A) the Speaker and the minority leader of the House of Representatives;

"(B) the majority leader and the minority leader of the Senate;

"(C) the Secretary of State;

"(D) the commander of the unified command with geographic responsibility for Latin America; and

"(E) representatives from academic institutions, religious institutions, and human rights organizations.

"(2) Members shall serve for 2 years and shall meet at least annually.

"(3)(A) The Board shall inquire into—

"(i) the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Institute that the Board decides to consider; and

"(ii) any other matters relating to the Institute that the Secretary considers appropriate.

"(B) The Board shall review the curriculum of the Institute to ensure that the curriculum—

"(i) complies with applicable United States law and regulations;

"(ii) is consistent with United States policy goals toward Latin America and the Caribbean; and

"(iii) adheres to current United States doctrine.

"(4)(A) Not later than 60 days after its annual meeting, the Board shall submit to the Secretary a written report of its action and of its views and recommendations pertaining to the Institute.

"(B) Within 30 days of receipt of the Board's report for any year, the Secretary shall transmit the report, with the Secretary's comments, to Congress.

"(5) While performing duties as a member of or adviser to the Board, each member of the Board and each adviser shall be reimbursed for travel expenses under Gov-

ernment travel regulations. Board members shall not be compensated by reason of service on the Board.

"(e) SOURCE OF FUNDS.—The fixed costs of operating and maintaining the Institute may be paid from funds available for operation and maintenance.

"(f) TUITION.—Tuition fees charged for persons who attend the Institute may not include the fixed costs of operating and maintaining the Institute.".

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

"2166. Defense Institute for Hemispheric Security Cooperation.".

(b) TRANSITION FROM UNITED STATES ARMY SCHOOL OF THE AMERICAS.—(1) The Secretary of Defense shall take such steps as necessary to ensure that the Secretary of the Army provides for the transition of the United States Army School of the Americas located at Fort Benning, Georgia, into the Defense Institute for Hemispheric Security Cooperation established pursuant to section 2166 of title 10, United States Code, as added by subsection (a).

(2)(A) Section 4415 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 407 of such title is amended by striking the item relating to section 4415.

SEC. 909. DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

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

"§ 184. Regional Centers for Security Studies

''(a) IN GENERAL.—(1) Subject to paragraph (2), the Secretary of Defense may operate in the Department of Defense regional centers for security studies, each of which is established for a specified geographic region of the world. Any such regional center shall serve as a forum for bilateral and multilateral communication and military and civilian exchanges with nations in the region for which the center is established. A regional center may, as the Secretary considers appropriate, use professional military education, civilian defense education, and related academic and other activities to pursue such communication and exchanges.

''(2) After the date of the enactment of this section, a regional center for security studies as described in paragraph (1) may not be established in the Department of Defense until at least 90 days after the date on which the Secretary of Defense submits to Congress a notification of the intent of the Secretary to establish the center. The notification shall contain a description of the mission

and functions of the proposed center and a justification for the proposed center.

"(b) EMPLOYMENT AND COMPENSATION OF FACULTY.—Section 1595 of this title provides authority for the Secretary of Defense to employ certain civilian personnel at certain Department of Defense regional center for security studies without regard to certain provisions of title 5.

"(c) ACCEPTANCE OF FOREIGN GIFTS AND DONATIONS.—Section 2611 of this title provides authority for the Secretary of Defense to accept foreign gifts and donations in order to defray the costs of, or enhance the operations of, certain Department of Defense regional centers for security studies.

"(d) ANNUAL REPORT TO CONGRESSIONAL COMMITTEES.—The Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an annual report on the status, objectives, and operations of the Department of Defense regional centers for security studies. Each such report shall include information on international participation in the programs of the centers and on foreign gifts and donations accepted under section 2611 of this title.

"(e) PROVISIONS RELATING SPECIFICALLY TO MARSHALL CENTER.—(1) The Secretary of Defense may waive reimbursement of the costs of conferences, seminars, courses of instruction, or similar educational activities of the George C. Marshall European Center for Security Studies for military officers and civilian officials of cooperation partner states of the North Atlantic Cooperation Council or the Partnership for Peace if the Secretary determines that attendance by such personnel without reimbursement is in the national security interest of the United States. Costs for which reimbursement is waived pursuant to this paragraph shall be paid from appropriations available for the Center.

"(2)(A) Notwithstanding any other provision of law, the Secretary of Defense may authorize participation by a European or Eurasian nation in Marshall Center programs if the Secretary determines, after consultation with the Secretary of State, that such participation is in the national interest of the United States.

"(B) Not later than January 31 of each year, the Secretary shall submit to Congress a report setting forth the names of the foreign nations permitted to participate in programs of the Marshall Center during the preceding year under paragraph (1). Each such report shall be pre-

pared by the Secretary with the assistance of the Director of the Marshall Center.

"(f) PROVISIONS RELATING SPECIFICALLY TO ASIA-PACIFIC CENTER.—The Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel without reimbursement is in the national security interest of the United States. Costs for which reimbursement is waived pursuant to this subsection shall be paid from appropriations available for the Asia-Pacific Center.".

(b) ACCEPTANCE OF FOREIGN GIFTS AND DONATIONS.—(1) Subsection (a) of section 2611 of such title is amended to read as follows:

"(a) AUTHORITY TO ACCEPT FOREIGN GIFTS AND DONATIONS.—(1) Subject to subsection (b), the Secretary of Defense may accept foreign gifts or donations in order to defray the costs of, or enhance the operation of, one of the specified defense regional centers for security studies.

"(2) For purposes of this section, a specified defense regional center for security studies is any of the following:

"(A) The Asia-Pacific Center for Security Studies.

"(B) The George C. Marshall European Center for Security Studies.".

(2) Subsection (d) of such section is amended—

(A) in the first sentence, by striking "the Asia-Pacific Center" and inserting "the regional center intended to benefit from the gift or donation of such funds"; and

(B) in the second sentence, by striking "the Asia-Pacific Center" and inserting "such regional center".

(3) Subsection (e) of such section is amended by inserting "with respect to a defense regional center for security studies" after "in any fiscal year".

(c) REPEAL OF CODIFIED PROVISIONS RELATING TO THE MARSHALL CENTER.—(1) Section 1306 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2892) is repealed.

(2) Section 1065 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2653) is amended—

(A) by striking subsections (a) and (b) and inserting the following:

"(a) DEFINITION.—In this section, the term 'Marshall Center Board of Visitors' means the Board of Visitors of the George C. Marshall European Center for Security Studies"; and

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

(d) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 7 of such title is amended by adding at the end the following new item:

"184. Regional Centers for Security Studies.".

(2)(A) The heading of section 2611 of such title is amended to read as follows:

"§ 2611. Regional centers for security studies: acceptance of foreign gifts and donations".

(B) The item relating to section 2611 in the table of sections at the beginning of chapter 155 of such title is amended to read as follows: .

"2611. Regional centers for security studies: acceptance of foreign gifts and donations.".

SEC. 910. CHANGE IN NAME OF ARMED FORCES STAFF COLLEGE TO JOINT FORCES STAFF COLLEGE.

(a) CHANGE IN NAME.—The Armed Forces Staff College of the Department of Defense is hereby renamed the "Joint Forces Staff College".

(b) CONFORMING AMENDMENT.—Section 2165(b)(3) of title 10, United States Code, is amended by striking

"Armed Forces Staff College" and inserting "Joint Forces Staff College".

(c) REFERENCES.—Any reference to the Armed Forces Staff College in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Joint Forces Staff College.

TITLE X—GENERAL PROVISIONS

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 2001 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).

SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on Armed Services of the House of Representatives to accompany its report on the bill H.R. 4205 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 2000.

(a) ADJUSTMENT OF FISCAL YEAR 2000 AUTHORIZATIONS TO REFLECT SUPPLEMENTAL APPROPRIATIONS.—Subject to subsections (b) and (c), amounts authorized to be appropriated to the Department of Defense for fiscal year 2000 in the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such au-

thorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in the 2000 Emergency Supplemental Appropriations Act.

(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 2000 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 2000 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.

(c) EXCEPTION.—No adjustment may be made under subsection (a) by reason of any appropriation under the provisions contained in sections 2207 through 2211 of the 2000 Emergency Supplemental Appropriations Act, as passed the House of Representatives on March 30, 2000.

SEC. 1004. CONTINGENT REPEAL OF CERTAIN PROVISIONS SHIFTING CERTAIN OUTLAYS FROM ONE FISCAL YEAR TO ANOTHER.

(a) CONTINGENT REPEAL.—Subject to subsection (b)—

(1) sections 305 and 306 of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106–113, are repealed;

(2) section 1001(a) of Public Law 106–113 is amended, effective immediately after the enactment of such Public Law, by striking ''paragraph 4 of subsection 1000(a)'' and inserting ''paragraph (5) of section 1000(a), and the provisions of titles V, VI, and VII of the legislation enacted in this division by reference in such paragraph (5),''; and

(3) sections 8175 and 8176 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79), as amended by sections 214 and 215, respectively, of H.R. 3425 of the 106th Congress (113 Stat. 1501A–297), as enacted into law by section 1000(a)(5) of Public Law 106–113, are repealed.

(b) CONTINGENCY.—The provisions of subsection (a) shall be effective only to the extent provided in an appropriations Act that is enacted after this Act.

SEC. 1005. LIMITATION ON FUNDS FOR BOSNIA AND KOSOVO PEACEKEEPING OPERATIONS FOR FISCAL YEAR 2001.

(a) LIMITATION.—Of the amounts authorized to be appropriated by section 301(24) for the Overseas Contingency Operations Transfer Fund—

(1) no more than $1,387,800,000 may be obligated for incremental costs of the Armed Forces for Bosnia peacekeeping operations; and

(2) no more than $1,650,400,000 may be obligated for incremental costs of the Armed Forces for Kosovo peacekeeping operations.

(a) PRESIDENTIAL WAIVER.—The President may waive the limitation in subsection (a)(1), or the limitation in subsection (a)(2), after submitting to Congress the following:

(1) The President's written certification that the waiver is necessary in the national security interests of the United States.

(2) The President's written certification that exercising the waiver will not adversely affect the readiness of United States military forces.

(3) A report setting forth the following:

(A) The reasons that the waiver is necessary in the national security interests of the United States.

(B) The specific reasons that additional funding is required for the continued presence of United States military forces participating in, or supporting, Bosnia peacekeeping operations, or Kosovo peacekeeping operations, as the case may be, for fiscal year 2001.

(C) 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, or Kosovo peacekeeping operations, as the case may be.

(4) A supplemental appropriations request for the Department of Defense for such amounts as are necessary for the additional fiscal year 2001 costs associated with United States military forces participating in, or supporting, Bosnia or Kosovo peacekeeping operations peacekeeping operations.

(c) PEACEKEEPING OPERATIONS DEFINED.—For the purposes of this section:

(1) 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).

(2) The term ''Kosovo peacekeeping operations''—

(A) means the operation designated as Operation Joint Guardian and any other operation involving the participation of any of the Armed Forces in peacekeeping or peace enforcement activities in and around Kosovo; and

(B) includes, with respect to Operation Joint Guardian or any such other operation, each activity that is directly related to the support of the operation.

SEC. 1006. REQUIREMENT FOR PLAN TO ENSURE COMPLIANCE WITH FINANCIAL MANAGEMENT REQUIREMENTS.

(a) IN GENERAL.—(1) The Secretary of Defense shall develop a comprehensive plan to ensure compliance by the Department of Defense, not later than October l, 2001, with all statutory and regulatory financial management requirements applicable to the Department. In developing such plan, the Secretary shall give the same priority to achieving compliance with statutory and regulatory financial management requirements as the priority given to ensuring that the computer systems of the Department would be fully functional in the year 2000.

(2) Not later than January 1, 2001, the Secretary shall submit the plan required by this subsection to the Committees on Armed Services, the Committees on the Budget, and the Committees on Appropriations of the Senate and the House of Representatives, and the Comptroller General.

(b) COMPTROLLER GENERAL REPORT.—Not later than March 1, 2001, the Comptroller General shall submit

to the Committees on Armed Services and the Committees on the Budget of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives, a report on the adequacy of the plan developed under subsection (a).

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. NATIONAL DEFENSE FEATURES PROGRAM.

Section 2218(k) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new sentence: ''As consideration for a contract with the Secretary of Defense or the Secretary of a military department under this subsection, the company entering into the contract shall agree with the Secretary to make any vessel covered by the contract available to the Secretary, fully crewed and ready for sea, at any time at any port determined by the Secretary, and for whatever duration the Secretary determines necessary.''; and

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

''(E) Payments of such sums as the Government would otherwise expend, if the vessel were

placed in the Ready Reserve Fleet, for maintaining the vessel in the status designated as 'ROS–4 status' in the Ready Reserve Fleet for 25 years.''.

Subtitle C—Counter-Drug Activities

SEC. 1021. REPORT ON DEPARTMENT OF DEFENSE EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

Not later than January 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report detailing the expenditure of funds by the Secretary during fiscal year 2000 in direct or indirect support of the counter-drug activities of foreign governments. The report shall include the following for each foreign government:

(1) The total amount of assistance provided to, or expended on behalf of, the foreign government.

(2) A description of the types of counter-drug activities conducted using the assistance.

(3) An explanation of the legal authority under which the assistance was provided.

SEC. 1022. REPORT ON TETHERED AEROSTAT RADAR SYSTEM.

(a) REPORT REQUIRED.—Not later than May 1, 2001, The Secretary of Defense shall submit to Congress

a report on the status of the Tethered Aerostat Radar System used to conduct counter-drug detection and monitoring and border security and air sovereignty operations. The report shall include the following:

(1) The status and operational availability of each of the existing sites of the Tethered Aerostat Radar System.

(2) A discussion of any plans to close, during the next 5 years, currently operational sites, including a review of the justification for each proposed closure.

(3) A review of the requirements of other agencies, especially the United States Customs Service, for data derived from the Tethered Aerostat Radar System.

(4) An assessment of the value of the Tethered Aerostat Radar System in the conduct of counter-drug detection and monitoring and border security and air sovereignty operations.

(5) The costs associated with the planned standardization of the Tethered Aerostat Radar System and the Secretary's analysis of that standardization.

(b) CONSULTATION.—The Secretary of Defense shall prepare the report in consultation with the Commissioner of Customs.

Subtitle D—Other Matters

SEC. 1031. FUNDS FOR ADMINISTRATIVE EXPENSES UNDER DEFENSE EXPORT LOAN GUARANTEE PROGRAM.

(a) AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS ON AN INTERIM BASIS.—Section 2540c(d) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''FEES.—''; and

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

''(2)(A) If for any fiscal year amounts in the special account established under paragraph (1) are not available (or are not anticipated to be available) in a sufficient amount for administrative expenses of the Department of Defense for that fiscal year that are directly attributable to the administration of the program under this subchapter, the Secretary may use amounts currently available for operations and maintenance for Defense-wide activities, not to exceed $500,000 in any fiscal year, for those expenses.

''(B) The Secretary shall, from funds in the special account established under paragraph (1), replenish oper-

ations and maintenance accounts for amounts expended under subparagraph (A) as soon as the Secretary determines practicable.''.

(b) EFFECTIVE DATE.—Paragraph (2) of section 2540c(d) of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2000.

SEC. 1032. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 628(c)(2) is amended by striking ''section'' in the second sentence after ''the provisions of'' and inserting ''sections''.

(2) Section 702(b)(2) is amended by striking ''section 230(c)'' and inserting ''section 203(c)''.

(3) Section 706(c) is amended—

(A) by striking ''(1)'' after ''(c)''; and

(B) by striking paragraph (2).

(4) Section 1074g is amended—

(A) in subsection (a)(6), by striking ''as part of the regulations established'' and inserting ''in the regulations prescribed'';

(B) in subsection (a)(7), by striking ''not included on the uniform formulary, but,'' and inserting ''that are not included on the uniform formulary but that are'';

(C) in subsection (b)(1), by striking ''required by'' in the last sentence and inserting ''prescribed under'';

(D) in subsection (d)(2), by striking ''Not later than'' and all that follows through ''utilize'' and inserting ''Effective not later than April 5, 2000, the Secretary shall use'';

(E) in subsection (e)—

(i) by striking ''Not later than April 1, 2000, the'' and inserting ''The''; and

(ii) by inserting ''in'' before ''the TRICARE'' and before ''the national'';

(F) in subsection (f)—

(i) by striking ''As used in this section—'' and inserting ''In this section:'';

(ii) by striking ''the'' at the beginning of paragraphs (1) and (2) and inserting ''The''; and

(iii) by striking ''; and'' at the end of paragraph (1) and inserting a period; and

(G) in subsection (g), by striking ''promulgate'' and inserting ''prescribe''.

(5) Section 1109(b) is amended by striking ''(1)'' before ''The Secretaries''.

(6) Section 1448(b)(3)(E)(ii) is amended by striking the second comma after ''October 16, 1998''.

(7) Section 2401(b)(1)(B) is amended by striking ''Committees on Appropriations'' and inserting ''Committee on Appropriations''.

(8) Section 5143(c)(2) is amended by striking ''has a grade'' and inserting ''has the grade of''.

(9) Section 5144(c)(2) is amended by striking ''has a grade'' and inserting ''has the grade of''.

(10) Section 10218 is amended—

(A) in subsections (a)(1), (b)(1), (b)(2)(A), and (b)(2)(B)(ii), by striking ''the date of the enactment of this section'' each place it appears and inserting ''October 5, 1999,'';

(B) in subsections (a)(3)(B)(i) and (b)(2)(B)(i), by striking ''the end of the one-year period beginning on the date of the enactment of this subsection'' and inserting ''October 5, 2000'';

(C) in subsection (b)(1), by striking ''six months after the date of the enactment of this section'' and inserting ''April 5, 2000''; and

(D) in subsection (b)(3), by striking ''within six months of the date of the enactment of

this section'' and inserting ''during the period beginning on October 5, 1999, and ending on April 5, 2000,''.

(11) Section 12552 is amended by inserting a period at the end.

(b) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended as follows:

(1) Section 301b(j)(2) is amended by striking ''section 301a(a)(6)(A)'' and inserting ''section 301a(a)(6)(B)''.

(2) Section 404(b)(2) is amended by striking ''section 402(e)'' and inserting ''section 403(f)(3)''.

(3) The table of sections at the beginning of chapter 7 is amended by inserting after the item relating to section 434 the following new item:

''435. Funeral honors duty: allowance.''.

(4) The section 435 added by section 586(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 638) is redesignated as section 436, and the item relating to that section in the table of sections at the beginning of chapter 7 is revised to conform to such redesignation.

(5) Section 1012 is amended by striking ''section 402(b)(3)'' and inserting ''section 402(e)''.

(c) PUBLIC LAW 106–65.—Effective as of October 5, 1999, and as if included therein as enacted, section 601(c) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 645) is amended—

(1) in the first table, relating to commissioned officers, by striking ''$12,441.00'' in footnote 2 and inserting ''$12,488.70''; and

(2) in the fourth table, relating to enlisted members, by striking ''$4,701.00'' in footnote 2 and inserting ''$4,719.00''.

(d) 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:

(1) Section 503(b)(1) (112 Stat. 2003) is amended by inserting ''its'' after ''record of'' in the first quoted matter therein.

(2) Section 645(b) (112 Stat. 2050) is amended by striking ''a member'' and inserting ''member'' in the quoted matter therein.

(3) Section 701 (112 Stat. 2056) is amended—

(A) in subsection (a), by inserting ''(1)'' before ''Section 1076a(b)(2)''; and

(B) in subsection (b), by inserting ''of such title'' after ''1076a''.

(4) Section 802(b) (112 Stat. 2081) is amended by striking ''Administrative'' in the first quoted matter therein and inserting ''Administration''.

(5) Section 1101(e)(2)(C) (112 Stat. 2140; 5 U.S.C. 3104 note) is amended by striking ''subsection (c)(1)'' and inserting ''subsection (c)(2)''.

(e) PUBLIC LAW 105–85.—The National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) is amended as follows:

(1) Section 602(d)(1)(A) (111 Stat. 1773; 37 U.S.C. 402 note) is amended by striking ''of'' the first place it appears in the matter preceding clause (ii).

(2) Section 1221(a)(3) (22 U.S.C. 1928 note), as amended by section 1233(a)(2)(A) of Public Law 105–261 (112 Stat. 2156), is amended by striking the second close parenthesis after ''relief efforts''.

(f) OTHER LAWS.—

(1) Section 834(e) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (15 U.S.C. 637 note) is amended by striking the second period after ''2000''.

(2) 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 by transferring subparagraph (G) so as to appear immediately before subparagraph (H), as added by section 2821(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 853).

(3) Section 686(b) of title 14, United States Code, is amended—

(A) in paragraph (1), by striking ''section 403(b)'' and inserting ''section 403(e)''; and

(B) in paragraph (2), by striking ''a basic allowance for quarters under section 403 of title 37, and, if in a high housing cost area, a variable housing allowance under section 403a of that title'' and inserting ''a basic allowance for housing under section 403 of title 37''.

(4) Section 405(f)(6)(B) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1999 (as contained in section 101(f) of division A of Public Law 105–277; 112 Stat. 2681–430), is amended by striking ''Act of title'' in the first quoted matter therein and inserting ''Act or title''.

(5) Section 1403(c)(6) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 922(c)(6)) is amended by striking ''the'' before ''Assistant Secretary of Defense''.

(6) Effective as of October 5, 1999, section 224 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2274(b)) is amended by striking ''$500,000'' and inserting ''$50,000''.

SEC. 1033. TRANSFER OF VIETNAM ERA TA–4 AIRCRAFT TO NONPROFIT FOUNDATION.

(a) AUTHORITY TO CONVEY.—The Secretary of the Navy may convey, without consideration, to the nonprofit Collings Foundation of Stow, Massachusetts (in this section referred to as the ''foundation''), all right, title, and interest of the United States in and to one surplus TA–4 aircraft that is flyable or that can be readily restored to flyable condition. The conveyance shall be made by means of a conditional deed of gift.

(b) CONDITION OF AIRCRAFT.—The Secretary may not convey ownership of an aircraft under subsection (a) until the Secretary determines that the foundation has altered the aircraft in such manner as the Secretary determines necessary to ensure that the aircraft does not have any capability for use as a platform for launching or releasing munitions or any other combat capability that it

was designed to have. The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) REVERTER UPON BREACH OF CONDITIONS.—The Secretary shall include in the instrument of conveyance of the aircraft—

(1) a condition that the foundation not convey any ownership interest in, or transfer possession of, the aircraft to any other party without the prior approval of the Secretary;

(2) a condition that the foundation operate and maintain the aircraft in compliance with all applicable limitations and maintenance requirements imposed by the Administrator of the Federal Aviation Administration; and

(3) a condition that if the Secretary determines at any time that the foundation has conveyed an ownership interest in, or transferred possession of, the aircraft to any other party without the prior approval of the Secretary, or has failed to comply with the condition set forth in paragraph (2), all right, title, and interest in and to the aircraft, including any repair or alteration of the aircraft, shall revert to the United States, and the United States shall

have the right of immediate possession of the aircraft.

(d) CONVEYANCE AT NO COST TO THE UNITED STATES.—The conveyance of the aircraft under subsection (a) shall be made at no cost to the United States. Any costs associated with the conveyance, costs of determining compliance with subsection (b), and costs of operation and maintenance of the aircraft conveyed shall be borne by the foundation.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(f) CLARIFICATION OF LIABILITY.—Notwithstanding any other provision of law, upon the conveyance of ownership of a TA–4 aircraft to the foundation under subsection (a), the United States shall not be liable for any death, injury, loss, or damage that results from any use of that aircraft by any person other than the United States.

SEC. 1034. TRANSFER OF 19TH CENTURY CANNON TO MUSEUM.

(a) DONATION REQUIRED.—The Secretary of the Army shall convey, without consideration, to the Cannonball House Museum located in Macon, Georgia (in this

section referred to as the ''recipient''), all right, title, and interest of the United States in and to a 12-pounder Napoleon cannon bearing the following markings:

(1) On the top ''CS''.

(2) On the face of the muzzle: ''Macon Arsenal, 1864/No.41/1164 ET''.

(3) On the right trunnion: ''Macon Arsenal GEO/1864/No.41/WT.1164/E.T.''.

(b) CONDITIONS ON CONVEYANCE.—The Secretary shall include in the instrument of conveyance of the cannon under subsection (a)—

(1) a condition that the recipient not convey any ownership interest in, or transfer possession of, the cannon to any other party without the prior approval of the Secretary; and

(2) a condition that if the Secretary determines at any time that the recipient has conveyed an ownership interest in, or transferred possession of, the cannon to any other party without the prior approval of the Secretary, all right, title, and interest in and to the cannon shall revert to the United States, and the United States shall have the right of immediate possession of the cannon.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and condi-

tions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(d) ACQUISITION OF REPLACEMENT MACON CANNON.—The Secretary shall seek to acquire, by donation or purchase with funds made available for this purpose, one or more cannons documented as having been manufactured in Macon, Georgia, during the Civil War in order to replace in the Army's inventory the cannon conveyed under subsection (a).

SEC. 1035. EXPENDITURES FOR DECLASSIFICATION ACTIVITIES.

(a) IDENTIFICATION IN BUDGET MATERIALS OF AMOUNTS FOR DECLASSIFICATION ACTIVITIES.—Section 230 of title 10, United States Code, is amended—

(1) by striking '', as a budgetary line item''; and

(2) by adding at the end the following new sentence: ''Identification of such amounts in such budget justification materials shall be in a single display that shows the total amount for the Department of Defense and the amount for each military department and Defense Agency.''.

(b) LIMITATION ON EXPENDITURES.—The total amount expended by the Department of Defense during

fiscal year 2001 to carry out declassification activities under the provisions of sections 3.4, 3.5, and 3.6 of Executive Order 12958 (50 U.S.C. 435 note) and for special searches (including costs for document search, copying, and review and imagery analysis) may not exceed $30,000,000.

(c) COMPILATION AND ORGANIZATION OF RECORDS.—The Department of Defense may not be required, when conducting a special search, to compile or organize records that have already been declassified and placed into the public domain.

(d) SPECIAL SEARCHES.—For the purpose of this section, the term ''special search'' means the response of the Department of Defense to any of the following:

(1) A statutory requirement to conduct a declassification review on a specified set of agency records.

(2) An Executive order to conduct a declassification review on a specified set of agency records.

(3) An order from the President or an official with delegated authority from the President to conduct a declassification review on a specified set of agency records.

SEC. 1036. AUTHORITY TO PROVIDE LOAN GUARANTEES TO IMPROVE DOMESTIC PREPAREDNESS TO COMBAT CYBERTERRORISM.

(a) AUTHORITY.—Subject to subsection (b), the Secretary of Defense may guarantee the repayment of any loan made to a qualified commercial firm to fund, in whole or in part, any of the following activities:

(1) The improvement of the protection of the critical infrastructure of that commercial firm.

(2) The refinancing of improvements previously made to the protection of the critical infrastructure of that commercial firm.

(b) SUBJECT TO APPROPRIATIONS OF BUDGET AUTHORITY.—Loan guarantees under this section may not be committed except to the extent that appropriations of budget authority to cover their costs are made in advance, as required by section 504 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c).

(c) LOAN LIMITS.—The maximum amount of loan principal guaranteed during a fiscal year under this section may not exceed $10,000,000, with respect to all borrowers.

(d) QUALIFIED COMMERCIAL FIRMS.—For purposes of this section, a qualified commercial firm is a company or other business entity (including a consortium of such

companies or other business entities, as determined by the Secretary) that the Secretary determines—

(1) conducts a significant level of its research, development, engineering, and manufacturing activities in the United States;

(2) is a company or other business entity the majority ownership or control of which is by United States citizens or is a company or other business of a parent company that is incorporated in a country the government of which—

(A) encourages the participation of firms so owned or controlled in research and development consortia to which the government of that country provides funding directly or provides funding indirectly through international organizations or agreements; and

(B) affords adequate and effective protection for the intellectual property rights of companies incorporated in the United States;

(3) provides technology products or services critical to the operations of the Department of Defense; and

(4) meets standards of prevention of cyberterrorism applicable to the Department of Defense.

(e) GOALS AND STANDARDS.—The Secretary shall prescribe regulations setting forth goals for the use of the loan guarantees provided under this section and standards for evaluating whether those goals are met by each entity receiving such loan guarantees.

(f) FEES.—(1) The Secretary shall prescribe regulations to assess a fee for providing a loan guarantee under this section. The amount of such fee shall be not less than 75 percent of the amount incurred by the Secretary to provide the loan guarantee. Such fees shall be credited to a special account in the Treasury. Amounts in the special account shall be available, to the extent and in amounts provided in appropriations Acts, for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under this section.

(2)(A) If for any fiscal year amounts in the special account established under paragraph (1) are not available (or are not anticipated to be available) in a sufficient amount for administrative expenses of the Department of Defense for that fiscal year that are directly attributable to the administration of the program under this section, the Secretary may use amounts currently available for operations and maintenance for Defense-wide activities, not to exceed $500,000 in any fiscal year, for those expenses.

(B) The Secretary shall, from funds in the special account established under paragraph (1), replenish operations and maintenance accounts for amounts expended under subparagraph (A) as soon as the Secretary determines practicable.

(g) ADMINISTRATION.—(1) The Secretary shall enter into one or more agreements, each with an appropriate Federal or private entity, under which such entity shall, under this section—

(A) process applications for loan guarantees;

(B) guarantee repayment of loans; and

(C) provide any other services to the Secretary to administer this section.

(2) The cost of such agreements shall be considered, for purposes of the special account established under subsection (f)(1), to be costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under this section.

(h) REPORTS.—

(1) BY RECIPIENTS.—The Secretary shall require each recipient of a loan guarantee under this section, as a condition of receiving that loan guarantee, to submit to the Secretary a report on the results of the improvements carried out pursuant to the loan guarantee.

(2) BY SECRETARY.—Not later than March 1 of each year in which a guarantee issued under this section is in effect, the Secretary shall submit to Congress a report specifying the amounts of loans guaranteed under this section during the preceding calendar year. The report shall include an evaluation of the success of the loan guarantees, an assessment of the program as it relates to the support of the Department's Critical Infrastructure Protection Program, and any other information that the Secretary considers appropriate.

(i) DEFINITIONS.— In this section:

(1) The term ''critical infrastructure'' means telecommunications systems, information systems, and facilities, the loss of which would have a debilitating effect on the ability of the commercial firm to deliver technology products or services to the Department of Defense.

(2) The term ''cyberterrorism'' means the commission of any of the following acts with respect to protected computers (as defined in section 1030(e)(2) of title 18, United States Code):

(A) Knowing transmission of a program, information, code, or command, that as a result

of such conduct, intentionally causes damage without authorization, to a protected computer.

(B) Intentional access of a protected computer without authorization, that as a result of such conduct, recklessly causes damage.

(C) Intentional access of a protected computer without authorization, that as a result of such conduct, causes damage.

(j) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated for Defense-wide activities by section 201(4), $500,000 shall be available only for the purpose of providing loan guarantees under this section.

SEC. 1037. V–22 COCKPIT AIRCRAFT VOICE AND FLIGHT DATA RECORDERS.

The Secretary of Defense shall require that all V–22 Osprey aircraft be equipped with a state-of-the-art cockpit voice recorder and a state-of-the-art flight data recorder each of which meets, at a minimum, the standards for such devices recommended by the National Transportation Safety Board.

SEC. 1038. ADDITIONAL WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.

During fiscal year 2001, the Secretary of Defense may establish up to five additional teams designated as

Weapons of Mass Destruction Civil Support Teams (for a total of 32 such teams), to the extent that sources of funding for such additional teams are identified.

SEC. 1039. COMMISSION ON THE FUTURE OF THE UNITED STATES AEROSPACE INDUSTRY.

(a) ESTABLISHMENT.—Not later than March 1, 2001, the President shall establish a commission to be known as the ''Commission on the Future of the United States Aerospace Industry'' (in this section referred to as the ''Commission'').

(b) DUTIES.—The Commission shall have the following duties:

(1) To study the issues relevant to the future of the United States aerospace industry with respect to the economic and national security of the United States.

(2) To assess the future importance of the United States aerospace industry to the economic and national security of the United States.

(3) To evaluate the effect on the United States aerospace industry of the laws, regulations, policies, and procedures of the Federal Government with respect to—

(A) the budget;

(B) research and development;

(C) acquisition, including financing and payment of contracts;

(D) operation and maintenance;

(E) international trade and export of technology;

(F) taxation; and

(G) science and engineering education.

(4) To study in particular detail the adequacy of projected budgets of Federal agencies for—

(A) aerospace research and development and procurement;

(B) maintaining the national space launch infrastructure; and

(C) supporting aerospace science and engineering efforts at institutions of higher education.

(5) To consider and recommend feasible actions by the Federal Government to support the ability of the United States aerospace industry to remain robust into the future.

(c) COMPOSITION.—(1) The Commission shall be composed of not less than 10 and not more than 17 members appointed by the President.

(2) Each member shall be an individual with extensive experience and a national reputation with respect to one or more of the following:

(A) Aerospace manufacturing.

(B) Labor organizations associated with aerospace manufacturing.

(C) Economics or finance.

(D) National security.

(E) International trade or foreign policy.

(3) Members shall serve without pay by reason of their work on the Commission.

(4) Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(5) The Chairperson of the Commission shall be designated by the President at the time of the appointment.

(d) POWERS.—(1) A number not less than 50 percent of the total number of members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(2) The Commission shall meet at the call of the Chairperson.

(3) The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and

places, take testimony, and receive evidence as the Commission considers appropriate.

(4) Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(5) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(6) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(7) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(e) DIRECTOR AND STAFF.—(1) The Chairperson shall appoint and fix the pay of a Director.

(2) The Chairperson may appoint and fix the pay of additional personnel as the Chairperson considers appropriate.

(3) The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(4) With the approval of the Commission, the Chairperson may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(5) Upon request of the Chairperson, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(f) REPORT.—Not later than March 1, 2002, the Commission shall transmit a report to the Congress. The report shall contain a detailed statement of the findings and conclusions of the Commission, the recommendations of the Commission for legislation or administrative action, and such other information as the Commission considers appropriate.

(g) TERMINATION.—The Commission shall terminate 30 days after submitting its report pursuant to subsection (f).

(h) 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. Upon receipt of a written certification from the Chairperson 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. 1040. SENSE OF THE CONGRESS REGARDING INFORMATION TECHNOLOGY SYSTEMS.

It is the sense of the Congress that—

(1) the Department of Defense must focus on upgrading information technology systems to allow seamless and interoperable communications; and

(2) each Secretary of a military department must demonstrate an unwavering commitment to achieving this goal and must ensure that communications systems within the active, reserve, and National Guard component of that military department receive equal attention and funding for information technology.

SEC. 1041. ASSIGNMENT OF MEMBERS TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE AND CUSTOMS SERVICE.

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

"§ 374a. Assignment of members to assist border patrol and control

''(a) ASSIGNMENT AUTHORIZED.—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist—

''(1) the Immigration and Naturalization Service in preventing the entry of terrorists and drug traffickers into the United States; and

''(2) the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

''(b) REQUEST FOR ASSIGNMENT.—The assignment of members under subsection (a) may occur only if—

''(1) the assignment is at the request of the Attorney General, in the case of an assignment to the

Immigration and Naturalization Service, or the Secretary of the Treasury, in the case of an assignment to the United States Customs Service; and

"(2) the request of the Attorney General or the Secretary of the Treasury (as the case may be) is accompanied by a certification by the President that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

"(c) TRAINING PROGRAM REQUIRED.—The Attorney General or the Secretary of the Treasury (as the case may be), together with the Secretary of Defense, shall establish a training program to ensure that members receive general instruction regarding issues affecting law enforcement in the border areas in which the members may perform duties under an assignment under subsection (a). A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

"(d) CONDITIONS ON USE.—(1) Whenever a member who is assigned under subsection (a) to assist the Immigration and Naturalization Service or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement of-

ficer from the agency concerned shall accompany the member.

"(2) Nothing in this section shall be construed to—

"(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

"(B) supersede section 1385 of title 18 (popularly known as the 'Posse Comitatus Act').

"(e) NOTIFICATION REQUIREMENTS.—The Attorney General or the Secretary of the Treasury (as the case may be) shall notify the Governor of the State in which members are to be deployed pursuant to an assignment under subsection (a), and local governments in the deployment area, of the deployment of the members to assist the Immigration and Naturalization Service or the United States Customs Service (as the case may be) and the types of tasks to be performed by the members.

"(f) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members assigned under subsection (a).

"(g) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2002.".

(b) COMMENCEMENT OF TRAINING PROGRAM.—The training program required by subsection (b) of section 374a of title 10, United States Code, shall be established as soon as practicable after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

"374a. Assignment of members to assist border patrol and control.".

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

SEC. 1101. EMPLOYMENT AND COMPENSATION PROVISIONS FOR EMPLOYEES OF TEMPORARY ORGANIZATIONS ESTABLISHED BY LAW OR EXECUTIVE ORDER.

(a) IN GENERAL.—Chapter 31 of title 5, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER IV—EMPLOYMENT AND COMPENSATION FOR EMPLOYEES OF TEMPORARY ORGANIZATIONS IN THE EXECUTIVE BRANCH ESTABLISHED BY LAW OR EXECUTIVE ORDER

"§ 3161. Temporary organizations established by law or Executive order

"(a) DEFINITION OF TEMPORARY ORGANIZATION.—For the purposes of this subchapter, the term 'temporary organization' means an organization such as a commission, committee, or board that is established by law in the legislative or executive branches, or by Executive order in the executive branch, for a specific period, which shall not exceed 5 years, for the purpose of performing specific projects or studies.

"(b) HIRING AUTHORITY.—Notwithstanding the provisions of chapter 51, the head of a temporary organization may employ such numbers and types of employees as required to perform the functions required of the temporary organization. Employees may be appointed for a period of 5 years or the life of the temporary organization, whichever is less.

"(c) STATUS OF POSITIONS AND APPOINTMENTS.—Positions of employment in a temporary organization are excepted from the competitive service.

"(d) COMPENSATION.—(1) The basic pay of an employee of a temporary organization may be set without regard to the provisions of chapter 51 or subchapter III of chapter 53, except that—

"(A) basic pay for an executive level position (such as a chairperson, member, or executive or staff director), and, in exceptional cases, for senior staff shall be capped at the maximum rate of basic pay established for the Senior Executive Service under subchapter VIII of chapter 53; and

"(B) basic pay for other staff may not exceed the maximum rate of basic pay for GS–15 of the General Schedule.

"(2) An employee whose rate of basic pay is set under paragraph (1) shall be entitled to locality-based comparability payments, as provided under section 5304.

"(e) TRAVEL EXPENSES.—An employee of a temporary organization, whether employed on a full-time or part-time basis, may be entitled to travel and transportation allowances, including per diem allowances, authorized for employees under subchapter I of chapter 57, while traveling away from the regular place of business of the employee in the performance of services for the temporary organization.

"(f) RETURN RIGHTS.—An employee serving under a career or career-conditional appointment, or the equivalent, who transfers to or converts to an appointment in a temporary organization with the consent of the head of the agency (or the designee of the agency head) in which the employee was serving is entitled to be returned to a position of like seniority, status, and pay (without grade or pay retention) as the former position in the agency from which employed immediately preceding employment with the temporary organization if—

"(1) the employee is being separated from the temporary organization for reasons other than misconduct, neglect of duty, or malfeasance; and

"(2) the employee applies for return rights not later than 30 days before the end of the employment in the temporary organization, or the termination of the temporary organization, whichever is earlier.

"(g) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The head of the temporary organization may procure temporary and intermittent services under section 3109(b).

"(h) ACCEPTANCE OF VOLUNTEER SERVICES.—(1) The head of a temporary organization may accept volunteer services relating to the duties of the temporary organization without regard to section 1342 of title 31, includ-

ing service as advisers, experts, members, or in other capacities determined appropriate by the head of the temporary organization. The head of the temporary organization—

"(A) shall assure that all persons accepted as volunteers are notified of the scope of the voluntary services accepted;

"(B) shall supervise volunteers to the same extent as employees receiving compensation for similar services; and

"(C) shall ensure that volunteers have appropriate credentials or are otherwise qualified to perform in the capacities for which they are accepted.

"(2) A person providing volunteer services under this subsection shall be considered an employee of the Federal Government for the purposes of chapters 73 and 81, chapter 171 of title 28, chapter 11 of title 18, and part 2635 of title 5 of the Code of Federal regulations.

"(i) DETAILEES.—Upon request of the head of the temporary organization, the head of any department or agency of the United States may detail, on a nonreimbursable basis, any personnel of the department or agency to the temporary organization to assist in carrying out its duties.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the items relating to subchapter III the following:

"SUBCHAPTER IV—EMPLOYMENT AND COMPENSATION FOR EMPLOYEES OF TEMPORARY ORGANIZATIONS ESTABLISHED BY LAW OR EXECUTIVE ORDER

"3161. Temporary organizations established by law or Executive order.".

SEC. 1102. RESTRUCTURING THE RESTRICTION ON DEGREE TRAINING.

Section 4107 of title 5, United States Code, is amended—

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

(2) in subsection (b)(1), by striking "subsection (a)" and inserting "subsections (a) or (c)"; and

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

"(c) With respect to an employee of the Department of Defense—

"(1) this chapter does not authorize, except as provided in subsection (b) of this section, the selection and assignment of the employee for training, or the payment or reimbursement of the costs of training, for—

"(A) the purpose of providing an opportunity to the employee to obtain an academic degree in order to qualify for appointment to a

particular position for which the academic degree is a basic requirement; or

"(B) the sole purpose of providing an opportunity to the employee to obtain one or more academic degrees, unless such opportunity is part of a planned, systematic, and coordinated program of professional development endorsed by the Department of Defense; and

"(2) any course of post-secondary education delivered through classroom, electronic, or other means shall be administered or conducted by an institution recognized under standards implemented by a national or regional accrediting body, except in a case in which such standards do not exist or would not be appropriate.".

SEC. 1103. CONTINUATION OF TUITION REIMBURSEMENT AND TRAINING FOR CERTAIN ACQUISITION PERSONNEL.

Section 1745(a)(2) of title 10, United States Code, is amended by striking "September 30, 2001" and inserting "September 30, 2005".

SEC. 1104. EXTENSION OF AUTHORITY FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE TO PARTICIPATE VOLUNTARILY IN REDUCTIONS IN FORCE.

Section 3502(f)(5) of title 5, United States Code, is amended by striking ''September 30, 2001'' and inserting ''September 30, 2005''.

SEC. 1105. EXPANSION OF DEFENSE CIVILIAN INTELLIGENCE PERSONNEL SYSTEM POSITIONS.

(a) AUTHORITY FOR SENIOR DOD INTELLIGENCE POSITIONS THROUGHOUT DEPARTMENT OF DEFENSE.—Section 1601(a)(1) of title 10, United States Code, is amended—

(1) by striking ''in the intelligence components of the Department of Defense and the military departments'' and inserting ''in the Department of Defense''; and

(2) by striking ''of those components and departments'' and inserting ''of the Department''.

(b) CONFORMING AMENDMENT FOR PERSONS ELIGIBLE FOR POSTEMPLOYMENT ASSISTANCE.—Section 1611 of such title is amended—

(1) in subsection (a)(1), by striking ''intelligence component of the Department of Defense'' and inserting ''defense intelligence position'';

(2) in subsection (b)—

(A) by striking ''sensitive position in an intelligence component of the Department of Defense'' in the matter preceding paragraph (1) and inserting ''sensitive defense intelligence position''; and

(B) by striking ''with the intelligence component'' in paragraphs (1) and (2) and inserting ''in a defense intelligence position'';

(3) in subsection (d), by striking ''an intelligence component of the Department of Defense'' and inserting ''in a defense intelligence position''; and

(4) by striking subsection (f).

(c) CONFORMING AMENDMENT FOR DEFINITION OF DEFENSE INTELLIGENCE POSITION.—Section 1614(1) of such title is amended by striking ''of an intelligence component of the Department of Defense or of a military department'' and inserting ''of the Department of Defense''.

SEC. 1106. PILOT PROGRAM FOR REENGINEERING THE EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCESS.

(a) PILOT PROGRAM.—(1) The Secretary of the Navy may carry out a pilot program to improve processes for the resolution of equal employment opportunity complaints by civilian employees of the Department of the

Navy. Complaints processed under the pilot program shall be subject to the procedural requirements established for the pilot program and shall not be subject to the procedural requirements of 29 CFR part 1614 or other regulations or directives of the Equal Employment Opportunity Commission.

(2) The pilot program shall include procedures to reduce processing time and eliminate redundancy with respect to processes for the resolution of equal employment opportunity complaints, reinforce local management and chain-of-command accountability, and provide the parties involved with early opportunity for resolution.

(3) The Secretary may waive any regulatory restrictions prescribed by the Equal Employment Opportunity Commission in carrying out the pilot program.

(4) The Secretary may carry out the pilot program for a period of 5 years, beginning on January 1, 2001.

(5) Participation in the pilot program shall be voluntary on the part of the complainant. Complainants who participate in the pilot program shall retain the right to appeal a final agency decision to the Equal Employment Opportunity Commission and to file suit in district court. The Equal Employment Opportunity Commission shall not reverse a final agency decision on the grounds that the agency did not comply with the regulatory require-

ments promulgated by the Commission. This paragraph applies to all cases currently pending before the Equal Employment Opportunity Commission or hereinafter filed with the Commission.

(b) REPORT.—Not later than 90 days following the end of the second and fourth full or partial fiscal years during which the pilot program is implemented, the Comptroller General shall submit to Congress a report on the pilot program. Such reports shall contain the following:

(1) A description of the processes tested by the pilot program.

(2) The results of such testing.

(3) Recommendations for changes to the processes for the resolution of equal employment opportunity complaints as a result of such pilot program.

(4) A comparison of the processes used under the pilot program to traditional and alternative dispute resolution processes used in the government or private industry.

SEC. 1107. TEMPORARY AUTHORITY REGARDING VOLUNTARY SEPARATION INCENTIVES AND EARLY RETIREMENT FOR EMPLOYEES OF THE DEPARTMENT OF THE AIR FORCE.

(a) SEPARATION PAY.—Section 5597 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(i)(1) In this subsection:

''(A) the term 'agency' means the Department of the Air Force;

''(B) the term 'employee' means an employee (as defined by section 2105) who is employed by the agency, is serving under an appointment without time limitation, and has been currently employed for a continuous period of at least 3 years, but does not include—

''(i) a reemployed annuitant under subchapter III of chapter 83 or chapter 84, or another retirement system for employees of the agency;

''(ii) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under subchapter III of chapter 83 or chapter 84, or another retirement system for employees of the agency;

"(iii) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

"(iv) an employee who has previously received any voluntary separation incentive payment by the Federal Government under this section or any other authority and has not repaid such payment;

"(v) an employee covered by statutory reemployment rights who is on transfer to another organization; or

"(vi) any employee who, during the 24-month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 or who, within the 12-month period preceding the date of separation, received a retention allowance under section 5754.

"(2)(A) A voluntary separation incentive payment may be paid under this section by the agency to any employee to maintain continuity of skills among the agency's employees or to adapt the skills of the agency's workforce to the emerging technologies critical to the agency's needs and goals.

"(B) A voluntary separation incentive payment under this subsection—

"(i) shall be paid in a lump sum after the employee's separation;

"(ii) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

"(iii) shall be equal to the lesser of—

"(I) an amount equal to the amount the employee would be entitled to receive under section 5595(c); or

"(II) an amount determined by the agency head not to exceed $25,000;

"(iv) may not be made except in the case of any qualifying employee who voluntarily separates (whether by retirement or resignation) before December 31, 2003;

"(v) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

"(vi) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 based on any other separation.

"(3)(A) The head of the agency, prior to obligating any resources for voluntary separation incentive payments under this subsection, shall submit to the House and Senate Committees on Armed Services and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

"(B) The agency's plan shall include—

"(i) any positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level;

"(ii) the number and amounts of voluntary separation incentive payments to be offered;

"(iii) the steps to be taken to maintain continuity of skills among the agency's employees or to adapt the skills of the agency's workforce to the emerging technologies critical to the agency's needs and goals; and

"(iv) a description of how the agency will operate without the eliminated positions and functions.

"(4) In addition to any other payments which it is required to make under subchapter III of chapter 83 the

agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to be determined in accordance with paragraph (5).

"(5)(A) The amount remitted to the Treasury shall be the sum determined as follows. First, apply the following percentages to the final basic pay of each employee who is covered under subchapter III of chapter 83 or chapter 84 to whom a voluntary separation incentive has been paid under this section and who retires on an early retirement or an immediate annuity:

"(i) 19 percent in the case of an employee covered under subchapter III of chapter 83 who takes an early retirement; or

"(ii) 58 percent in the case of an employee covered under subchapter III of chapter 83 who takes an immediate annuity.

"(B) Second, the sum of the amounts determined under clauses (i) and (ii) of subparagraph (A) shall be reduced, but not below zero, by the sum determined by applying the following percentages to the final basic pay of each employee who is covered under chapter 84 to whom a voluntary separation incentive has been paid under this section and who resigns or retires on an early

retirement or immediate annuity, or an employee covered under subchapter III of chapter 83 to whom a voluntary separation incentive has been paid under this section and who resigns:

"(i) 419 percent in the case of an employee covered under subchapter III of chapter 83 who resigns;

"(ii) 17 percent in the case of an employee covered under chapter 84 who takes an early retirement;

"(iii) 8 percent in the case of an employee covered under chapter 84 who retires on an immediate annuity; and

"(iv) 211 percent in the case of an employee covered under chapter 84 who resigns.

"(6) Under regulations prescribed by the Office of Personnel Management, the agency may elect to make the remittances required under paragraph (4) in installments over a period not to exceed 3 years. In such case, the percentages to be applied under paragraph (5) shall be those determined by the Office as are necessary to equalize the net present value of retirement benefits payable to employees who retire or resign with a separation incentive under this subsection and the net present value of retirement benefits those employees would have received if they had

continued to work and then retired or resigned at the standard rates observed for the workforce.''.

(b) RETIREMENT UNDER CIVIL SERVICE RETIREMENT SYSTEM.—Section 8336 of such title is amended by adding at the end the following new subsection:

''(o)(1) An employee of the Department of the Air Force who is separated from the service voluntarily as a result of a determination described in paragraph (2) after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an annuity.

''(2) A determination under this paragraph is a determination by the Secretary of the Air Force that the separation described in paragraph (1) is necessary for the purpose of maintaining continuity of skills among employees of the Department of the Air Force and adapting the skills of the workforce of the Department to emerging technologies critical to the needs and goals of the Department.''.

(c) RETIREMENT UNDER FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8414 of such title is amended by adding at the end the following new subsection:

''(d)(1) An employee of the Department of the Air Force who is separated from the service voluntarily as a result of a determination described in paragraph (2) after

completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an annuity.

"(2) A determination under this paragraph is a determination by the Secretary of the Air Force that the separation described in paragraph (1) is necessary for the purpose of maintaining continuity of skills among employees of the Department of the Air Force and adapting the skills of the workforce of the Department to emerging technologies critical to the needs and goals of the Department.".

(d) Reports.—The Secretary of the Air Force shall submit annual reports to the House and Senate Committees on Armed Services and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives describing the use of the authority provided in the amendments made by this section and the bases for using such authority with respect to the employees chosen.

(e) LIMITATION OF APPLICABILITY.—The authority to provide separation pay and retirement benefits under the amendments made by this section—

(1) may be exercised with respect to not more than 1000 civilian employees of the Department of the Air Force during each calendar year; and

(2) shall expire on December 31, 2003.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

SEC. 1201. SUPPORT OF UNITED NATIONS-SPONSORED EFFORTS TO INSPECT AND MONITOR IRAQI WEAPONS ACTIVITIES.

(a) LIMITATION ON AMOUNT OF ASSISTANCE IN FISCAL YEAR 2001—The total amount of the assistance for fiscal year 2001 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 ''2000'' and inserting ''2001''.

SEC. 1202. ANNUAL REPORT ASSESSING EFFECT OF CONTINUED OPERATIONS IN THE BALKANS REGION ON READINESS TO EXECUTE THE NATIONAL MILITARY STRATEGY.

Section 1035 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 753) is amended—

(1) in subsection (a), by striking ''Not later than 180 days after the date of the enactment of this Act'' and inserting ''Not later than April 1 each year'';

(2) in subsection (b), by striking ''The report'' in the matter preceding paragraph (1) and inserting ''Each report''; and

(3) in subsection (d), by striking ''the report'' and inserting ''a report''.

SEC. 1203. SITUATION IN THE BALKANS.

(a) ESTABLISHMENT OF NATO BENCHMARKS FOR WITHDRAWAL OF FORCES FROM KOSOVO.—The President shall develop, not later than May 31, 2001, militarily significant benchmarks for conditions that would achieve a sustainable peace in Kosovo and ultimately allow for the withdrawal of the United States military presence in Kosovo. Congress urges the President to seek concurrence among member nations of the North Atlantic Treaty Organization in the development of those benchmarks.

(b) COMPREHENSIVE POLITICAL-MILITARY STRATEGY.—The President shall develop a comprehensive political-military strategy for addressing the political, economic, humanitarian, and military issues in the Balkans and shall establish near-term, mid-term, and long-term objectives in the region. In developing such strategy and

such objectives, the President shall take into consideration the benchmarks relating to Kosovo developed as described in subsection (a) and the benchmarks relating to Bosnia that were detailed in the report accompanying the certification by the President to Congress on March 3, 1998 (printed as House Document 105–223), with respect to the continued presence of United States Armed Forces, after June 30, 1998, in Bosnia and Herzegovina, submitted to Congress pursuant to section 7 of Public Law 105–74. Such strategy and objectives shall be developed in consultation with appropriate regional and international entities.

(c) SEMIANNUAL REPORT ON COMPREHENSIVE STRATEGY.—Not later than June 30, 2001, and 6 months thereafter so long as United States forces are in the Balkans, the President shall submit to Congress a report on the progress being made in developing and implementing a comprehensive political-military strategy as described in subsection (b).

(d) SEMIANNUAL REPORT ON BENCHMARKS.—Not later than June 30, 2001, and every 6 months thereafter, the President shall submit to Congress a report on the progress made in achieving the conditions established by those benchmarks.

SEC. 1204. LIMITATION ON NUMBER OF MILITARY PERSONNEL IN COLOMBIA.

(a) LIMITATION.—None of the funds available to the Department of Defense may be used to support or maintain more than 500 members of the Armed Forces on duty in the Republic of Colombia at any time.

(b) EXCEPTIONS.—There shall be excluded from counting for the purposes of the limitation in subsection (a) the following:

(1) A member of the Armed Forces in the Republic of Colombia for the purpose of rescuing or retrieving United States military or civilian Government personnel, except that the period for which such a member may be so excluded may not exceed 30 days unless expressly authorized by law.

(2) A member of the Armed Forces assigned to the United States Embassy in Colombia as an attaché, as a member of the security assistance office, or as a member of the Marine Corps security contingent.

(3) A member of the Armed Forces in Colombia to participate in relief efforts in responding to a natural disaster.

(4) Nonoperational transient military personnel.

SEC. 1205. ACTIVITIES IN KOSOVO.

(a) CONTINGENT REQUIRED WITHDRAWAL OF FORCES FROM KOSOVO.—If the President does not submit to Congress a certification under subsection (c) and a report under subsection (d) before April 1, 2001, then, effective on April 1, 2001, funds appropriated or otherwise made available to the Department of Defense may not be obligated or expended for the continued deployment of United States ground combat forces in Kosovo. Such funds shall be available with respect to Kosovo only for the purpose of conducting a safe, orderly, and phased withdrawal of United States ground combat forces from Kosovo, and no other amounts appropriated for the Department of Defense in this Act or any other Act may be obligated to continue the deployment of United States ground combat forces in Kosovo. In that case, the President shall submit to Congress, not later than April 30, 2001, a report on the plan for the withdrawal.

(b) WAIVER AUTHORITY.—(1) The President may waive the provisions of subsection (a) for a period or periods of up to 90 days each in the event that—

(A) United States Armed Forces are involved in hostilities in Kosovo or imminent involvement by United States Armed forces in hostilities in Kosovo is clearly indicated by the circumstances; or

(B) the North Atlantic Treaty Organization, acting through the Supreme Allied Commander, Europe, requests emergency introduction of United States ground forces into Kosovo to assist other NATO or non-NATO military forces involved in hostilities or facing imminent involvement in hostilities.

(2) The authority in paragraph (1) may not be exercised more than twice unless Congress by law specifically authorizes the additional exercise of that authority.

(c) CERTIFICATION.—Whenever the President determines that the Kosovo burdensharing goals set forth in paragraph (2) have been achieved, the President shall certify in writing to Congress that those goals have been achieved.

(2) The Kosovo burdensharing goals referred to in paragraph (1) are that the European Commission, the member nations of the European Union, and the European member nations of the North Atlantic Treaty Organization have, in the aggregate—

(A) obligated or contracted for at least 50 percent of the amount of the assistance that those organizations and nations committed to provide for 1999 and 2000 for reconstruction in Kosovo;

(B) obligated or contracted for at least 85 percent of the amount of the assistance that those orga-

nizations and nations committed for 1999 and 2000 for humanitarian assistance in Kosovo;

(C) provided at least 85 percent of the amount of the assistance that those organizations and nations committed for 1999 and 2000 for the Kosovo Consolidated Budget; and

(D) deployed at least 90 percent of the number of police, including special police, that those organizations and nations pledged for the United Nations international police force for Kosovo.

(d) REPORT ON COMMITMENTS AND PLEDGES BY OTHER NATIONS AND ORGANIZATIONS.—The President shall submit to Congress a report containing detailed information on—

(1) the commitments and pledges made by the European Commission, each of the member nations of the European Union, and each of the European member nations of the North Atlantic Treaty Organization for reconstruction assistance in Kosovo, humanitarian assistance in Kosovo, the Kosovo Consolidated Budget, and police (including special police) for the United Nations international police force for Kosovo;

(2) the amount of assistance that has been provided in each category, and the number of police

that have been deployed to Kosovo, by each such organization or nation; and

(3) the full range of commitments and responsibilities that have been undertaken for Kosovo by the United Nations, the European Union, and the Organization for Security and Cooperation in Europe (OSCE), the progress made by those organizations in fulfilling those commitments and responsibilities, an assessment of the tasks that remain to be accomplished, and an anticipated schedule for completing those tasks.

(e) CONSTRUCTION OF SECTION.—Nothing in this section shall be deemed to restrict the authority of the President under the Constitution to protect the lives of United States citizens.

SEC. 1206. NATO FAIR BURDENSHARING.

(a) REPORT ON COSTS OF OPERATION ALLIED FORCE.—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 the costs to the United States of the 78-day air campaign known as Operation Allied Force conducted against the Federal Republic of Yugoslavia during the period from March 24 through June 9, 1999. The report shall include the following:

(1) The costs of ordnance expended, fuel consumed, and personnel.

(2) The estimated cost of the reduced service life of United States aircraft and other systems participating in the operation.

(3) Whether and how the United States is being compensated by other North Atlantic Treaty Organization member nations for the costs of Operation Allied Force, including a detailed accounting of the estimated monetary value of peacekeeping and reconstruction activities undertaken by those member nations to partially or wholly compensate the United States for the costs of such operation.

(b) REPORT ON COST SHARING OF FUTURE NATO OPERATIONS.—Whenever the North Atlantic Treaty Organization undertakes a military operation with the participation of the United States, 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 describing—

(1) how the costs of that operation are to be equitably distributed among the North Atlantic Treaty Organization member nations; or

(2) if the costs of the operation are not equitably distributed, but are to be borne disproportion-

ately by the United States, how the United States is to be compensated by other North Atlantic Treaty Organization member nations.

(c) TIME FOR SUBMISSION OF REPORT.—A report under subsection (b) shall be submitted not later than 30 days after the beginning of the military operation, except that the Secretary of Defense may submit the report at a later time if the Secretary determines that such a delay is necessary to avoid an undue burden to ongoing operations.

(d) APPLICABILITY.—Subsection (b) shall apply only with respect to military operations begun after the date of the enactment of this Act.

SEC. 1207. GAO STUDY ON VALUE OF UNITED STATES MILITARY ENGAGEMENT IN EUROPE.

(a) COMPTROLLER GENERAL STUDY.—The Comptroller General shall conduct a study assessing the value to the United States and its national security interests gained from the engagement of United States forces in Europe and from military strategies used to shape the international security environment in Europe.

(b) MATTERS TO BE INCLUDED.—The study shall include an assessment of the following matters:

(1) The value to United States security interests from having forces stationed in Europe and as-

signed to areas of regional conflict such as Bosnia and Kosovo.

(2) The value in sharing the risks, responsibilities, and costs of deploying United States forces with the forces of European allies.

(3) The costs associated with stationing United States forces in Europe and with assigning them to areas of regional conflict.

(4) The value of the following kinds of contributions made by European allies:

(A) Financial contributions.

(B) Contributions of military personnel and units.

(C) Contributions of nonmilitary personnel, such as medical personnel, police officers, judicial officers, and other civic officials.

(D) Contributions in kind that may be used for infrastructure building or activities that contribute to regional stability, whether in lieu of or in addition to military-related contributions.

(5) The value of a forward United States military presence in compensating for existing shortfalls of air and sea lift capability in the event of further regional conflict in Europe or the Middle East.

(6) The value of humanitarian and reconstruction assistance provided by European countries and by the United States in maintaining or improving regional stability.

(c) REPORT.—The Comptroller General shall submit a report on the results of the study to the Committees on Armed Services of the Senate and House of Representatives not later than March 1, 2001.

SEC. 1208. SENSE OF THE CONGRESS REGARDING NONCOMPLIANCE WITH LAW REGARDING OVERSIGHT OF COMMUNIST CHINESE MILITARY COMPANIES OPERATING IN THE UNITED STATES.

It is the sense of the Congress that the Secretary of Defense has not complied with the requirements of section 1237(b) of the Strom Thurmond National Defense Authorization for Fiscal Year 1999 (50 U.S.C. 1701 note) to publish and update a list of Communist Chinese military companies operating in the United States. Congress expects that the Secretary, working with such other executive branch officials as necessary to comply fully with such section, will immediately comply with the provisions of that section. Furthermore, Congress notes that any requirement to assess information within the purview of other Federal departments and agencies in order to com-

ply with that section was expressly anticipated by the requirement for interagency consultation provided in paragraph (3) of that section and that such consultation process ought to have been completed well before the mid-January 1999 deadline specified for the initial publication under that section.

SEC. 1209. ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS OF HIGH PERFORMANCE COMPUTERS.

(a) LAYOVER PERIOD FOR NEW PERFORMANCE LEVELS.—Section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended—

(1) in the second sentence of subsection (d), by striking ''180'' and inserting ''60''; and

(2) by adding at the end the following:

''(g) CALCULATION OF 60-DAY PERIOD.—The 60-day period referred to in subsection (d) shall be calculated by excluding the days on which either House of Congress is not in session because of an adjournment of the Congress sine die.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any new composite theoretical performance level established for purposes of section 1211(a) of the National Defense Authorization Act for

Fiscal Year 1998 that is submitted by the President pursuant to section 1211(d) of that Act on or after the date of the enactment of this Act.

SEC. 1210. PROHIBITION ON ASSUMPTION BY UNITED STATES GOVERNMENT OF LIABILITY FOR NUCLEAR ACCIDENTS IN NORTH KOREA.

Neither the President nor any department, agency, or instrumentality of the United States Government may use the authority of Public Law 85–804 (50 U.S.C. 1431) or any other provision of law to enter into any contract or other arrangement, or into any amendment or modification of a contract or other arrangement, the purpose or effect of which would be to impose liability on the United States Government, or otherwise require an indemnity by the United States Government, for nuclear accidents occurring in North Korea.

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

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(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).

(b) FISCAL YEAR 2001 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2001 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 3 fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $433,400,000 authorized to be appropriated to the Department of Defense for fiscal year 2001 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, $162,800,000.

(2) For strategic nuclear arms elimination in Ukraine, $34,100,000.

(3) For activities to support warhead dismantlement processing in Russia, $9,300,000.

(4) For weapons transportation security in Russia, $14,000,000.

(5) For planning, design, and construction of a storage facility for Russian fissile material, $57,400,000.

(6) For weapons storage security in Russia, $89,700,000.

(7) For development of a cooperative program with the Government of Russia to eliminate the production of weapons grade plutonium at Russian reactors, $32,100,000.

(8) For biological weapons proliferation prevention activities in Russia, $12,000,000.

(9) For activities designated as Other Assessments/Administrative Support, $13,000,000.

(10) For defense and military contacts, $9,000,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2001 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) 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 2001 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(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 2001 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

(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), (5), (7), (9), or (10) of subsection (a) in excess of 115 percent of the amount specifically authorized for such purposes.

SEC. 1303. PROHIBITION ON USE OF FUNDS FOR ELIMINATION OF CONVENTIONAL WEAPONS.

No fiscal year 2001 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs for any other fiscal year, may be obligated or expended for elimination of conventional weapons or the delivery vehicles primarily intended to deliver such weapons.

SEC. 1304. LIMITATIONS ON USE OF FUNDS FOR FISSILE MATERIAL STORAGE FACILITY.

(a) LIMITATIONS.—No fiscal year 2001 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)(5); 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 en-

sures that material stored at the facility is of weapons origin.

(b) ESTABLISHMENT OF FUNDING CAP FOR FIRST WING OF STORAGE FACILITY.—Out of funds authorized to be appropriated for Cooperative Threat Reduction programs for fiscal year 2001 or any other fiscal year, not more than $412,600,000 may be used for planning, design, or construction of the first wing for the storage facility for Russian fissile material referred to in section 1302(a)(5).

SEC. 1305. LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF MULTIYEAR PLAN.

Not more than 10 percent of fiscal year 2001 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 2001 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. 1306. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.

(a) REPORTING REQUIREMENT.—(1) Not later than October 1, 2000, the Secretary of Defense shall submit to Congress a report on the following regarding Russia's arsenal of tactical nuclear warheads:

(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 report described in paragraph (1) the views on the report provided under subsection (b).

(b) 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 report described in subsection (a), the Director's views on the matters described in that subsection regarding Russia's tactical nuclear weapons.

SEC. 1307. LIMITATION ON USE OF FUNDS TO SUPPORT WARHEAD DISMANTLEMENT PROCESSING.

No fiscal year 2001 Cooperative Threat Reduction funds may be used for activities to support warhead dismantlement processing in Russia until 15 days after the date that the Secretary of Defense submits to Congress notification that the United States has reached an agreement with Russia, which shall provide for appropriate transparency measures, regarding assistance by the United States with respect to such processing.

SEC. 1308. AGREEMENT ON NUCLEAR WEAPONS STORAGE SITES.

The Secretary of Defense shall seek to enter into an agreement with Russia regarding procedures to allow the United States appropriate access to nuclear weapons storage sites for which assistance under Cooperative Threat Reduction programs is provided.

SEC. 1309. PROHIBITION ON USE OF FUNDS FOR CONSTRUCTION OF FOSSIL FUEL ENERGY PLANTS.

No fiscal year 2001 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs for any other fiscal year, may be used for the construction of a fossil fuel energy plant.

SEC. 1310. AUDITS OF COOPERATIVE THREAT REDUCTION PROGRAMS.

(a) REPORT ON AUDITS.—Not later than March 31, 2001, the Comptroller General shall submit to Congress a report examining the procedures and mechanisms with respect to audits by the Department of Defense of the use of funds for Cooperative Threat Reduction programs. The report shall examine the following:

(1) Whether the audits being conducted by the Department of Defense are producing necessary information regarding whether assistance under such programs, including equipment provided and services furnished, is being used as intended.

(2) Whether the audit procedures of the Department of Defense are adequate, including whether random samplings are used.

(b) EXTENSION FOR COMPTROLLER GENERAL ASSESSMENT.—Section 1206(c) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 471) is amended by striking ''30 days'' and inserting ''90 days''.

SEC. 1311. LIMITATION ON USE OF FUNDS FOR PREVENTION OF BIOLOGICAL WEAPONS PROLIFERATION IN RUSSIA.

No fiscal year 2001 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat

Reduction programs for any other fiscal year, may be obligated or expended for prevention of proliferation of biological weapons in Russia until the President submits to Congress the report required by section 1309 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 795).

TITLE XIV—COMMISSION TO ASSESS THE THREAT TO THE UNITED STATES FROM ELECTROMAGNETIC PULSE (EMP) ATTACK

SEC. 1401. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the ''Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack'' (hereafter in this title referred to as the ''Commission'').

(b) COMPOSITION.—The Commission shall be composed of nine members. Seven of the members shall be appointed by the Secretary of Defense and two of the members shall be appointed by the Director of the Federal Emergency Management Agency. In selecting individuals for appointment to the Commission, the Secretary of Defense shall consult with the chairmen and ranking minor-

ity members of the Committees on Armed Services of the Senate and House of Representatives.

(c) QUALIFICATIONS.—Members of the Commission shall be appointed from among private United States citizens with knowledge and expertise in the scientific, technical, and military aspects of electromagnetic pulse (hereafter referred to as ''EMP'') effects resulting from the detonation of a nuclear weapon or weapons at high altitude, sometimes referred to as high-altitude electromagnetic pulse effects (HEMP).

(d) CHAIRMAN OF COMMISSION.—The Secretary of Defense 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.

(g) INITIAL ORGANIZATION REQUIREMENTS.—All appointments to the Commission shall be made not later than 45 days after the date of the enactment of this Act. The Commission shall convene its first meeting not later than 30 days after the date as of which all members of the Commission have been appointed.

SEC. 1402. DUTIES OF COMMISSION.

(a) REVIEW OF EMP THREAT.—The Commission shall assess—

(1) the nature and magnitude of potential high-altitude EMP threats to the United States from Russia, China, North Korea, and other potentially hostile states or non-state actors that have or could acquire nuclear weapons and ballistic missiles enabling them to perform a high-altitude EMP attack against the United States within the next 15 years;

(2) the vulnerability of United States military and especially civilian systems to an EMP attack, giving special attention to vulnerability of the civilian infrastructure as a matter of emergency preparedness;

(3) the capability of the United States to repair and recover from damage inflicted on United States military and civilian systems by an EMP attack; and

(4) the feasibility and cost of hardening select military and civilian systems against EMP attack.

(b) RECOMMENDATION.—The Commission shall recommend steps that can be taken by the United States to better protect its military and civilian systems from EMP attack.

(c) 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 the Federal Emergency Management Agency, and any other United States Government official serving in the Department of Defense or Armed Forces in providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

SEC. 1403. REPORT.

The Commission shall, not later than 1 year after the date of its first meeting, submit to Congress, the Secretary of Defense, and the Director of the Federal Emergency Management Agency a report on the Commission's findings and conclusions.

SEC. 1404. 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 title, hold hearings, 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 Central Intelligence Agency, and any other Federal department or agency information that the Commission considers nec-

essary to enable the Commission to carry out its responsibilities under this title.

SEC. 1405. COMMISSION PROCEDURES.

(a) MEETINGS.—The Commission shall meet at the call of the Chairman.

(b) QUORUM.—(1) Five 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 agent or member of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 1406. 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. 1407. 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

he Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

SEC. 1408. 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 2001. 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. 1409. TERMINATION OF THE COMMISSION.

The Commission shall terminate 60 days after the date of the submission of its report under section 1403.

TITLE XV—LAND CONVEYANCE REGARDING VIEQUES ISLAND, PUERTO RICO

SEC. 1501. CONVEYANCE OF NAVAL AMMUNITION SUPPORT DETACHMENT, VIEQUES ISLAND.

(a) CONVEYANCE REQUIRED.—

(1) PROPERTY TO BE CONVEYED.—(1) Subject to subsection (b), the Secretary of the Navy shall convey, without consideration, to the Commonwealth of Puerto Rico all right, title, and interest of the

United States in and to the land constituting the Naval Ammunition Support detachment located on the western end of Vieques Island, Puerto Rico.

(2) TIME FOR CONVEYANCE.—The Secretary of the Navy shall complete the conveyance required by paragraph (1) not later than December 31, 2000.

(3) PURPOSE OF CONVEYANCE.—The conveyance under paragraph (1) is being made for the benefit of the Municipality of Vieques, Puerto Rico, as determined by the Planning Board of the Commonwealth of Puerto Rico.

(b) RESERVED PROPERTY NOT SUBJECT TO CONVEYANCE.—

(1) RADAR AND COMMUNICATIONS FACILITIES.—The conveyance required by subsection (a) shall not include that portion of the Naval Ammunition Support detachment consisting of the following:

(A) Approximately 100 acres on which is located the Relocatable Over-the-Horizon Radar and the Mount Pirata telecommunications facilities.

(B) Such easements, rights-of-way, and other interests retained by the Secretary of the Navy as the Secretary considers necessary—

(i) to provide access to the property retained under subparagraph (A);

(ii) for the provision of utilities and security for the retained property; and

(iii) for the effective maintenance and operation of the retained property.

(2) OTHER SITES.—The United States may retain such other interests in the property conveyed under subsection (a) as—

(A) the Secretary of the Navy considers necessary, in the discharge of responsibilities under subsection (d), to protect human health and the environment; and

(B) the Secretary of the Interior considers necessary to discharge responsibilities under subsection (f), as provided in the co-management agreement referred to in such subsection.

(c) DESCRIPTION OF PROPERTY.—The Secretary of the Navy, in consultation with the Secretary of the Interior on issues relating to natural resource protection under subsection (f), shall determine the exact acreage and legal description of the property required to be conveyed pursuant to subsection (a), including the legal description of any easements, rights of way, and other interests that are retained pursuant to subsection (b).

(d) ENVIRONMENTAL RESTORATION.—

(1) OBJECTIVE OF CONVEYANCE.—An important objective of the conveyance required by this section is to promote timely redevelopment of the conveyed property in a manner that enhances employment opportunities and economic redevelopment, consistent with all applicable environmental requirements and in full consultation with the Governor of Puerto Rico, for the benefit of the residents of Vieques Island.

(2) CONVEYANCE DESPITE RESPONSE NEED.—If the Secretary of the Navy, by December 31, 2000, is unable to provide the covenant required by section 120(h)(3)(A)(ii)(I) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9620(h)(3)(A)(ii)(I)) with respect to the property to be conveyed, the Secretary shall still complete the conveyance by that date, as required by subsection (a)(2). The Secretary shall remain responsible for completing all response actions required under such Act. The completion of the response actions shall not be delayed on account of the conveyance.

(3) CONTINUED NAVY RESPONSIBILITY.—The Secretary of the Navy shall remain responsible for

the environmental condition of the property, and the Commonwealth of Puerto Rico shall not be responsible for any condition existing at the time of the conveyance.

(4) SAVINGS CLAUSE.—All response actions with respect to the property to be conveyed shall take place in compliance with current law.

(e) INDEMNIFICATION.—

(1) ENTITIES AND PERSONS COVERED; EXTENT.—(A) Except as provided in subparagraph (C), and subject to paragraph (2), the Secretary of Defense shall hold harmless, defend, and indemnify in full the persons and entities described in subparagraph (B) from and against any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or economic loss) that results from, or is in any manner predicated upon, the release or threatened release of any hazardous substance or pollutant or contaminant as a result of Department of Defense activities at those parts of the Naval Ammunition Support detachment conveyed pursuant to subsection (a).

(B) The persons and entities described in this paragraph are the following:

(i) The Commonwealth of Puerto Rico (including any officer, agent, or employee of the Commonwealth of Puerto Rico), once Puerto Rico acquires ownership or control of the Naval Ammunition Support Detachment by the conveyance under subsection (a).

(ii) Any political subdivision of the Commonwealth of Puerto Rico (including any officer, agent, or employee of the Commonwealth of Puerto Rico) that acquires such ownership or control.

(iii) Any other person or entity that acquires such ownership or control.

(iv) Any successor, assignee, transferee, lender, or lessee of a person or entity described in clauses (i) through (iii).

(C) To the extent the persons and entities described in subparagraph (B) contributed to any such release or threatened release, subparagraph (A) shall not apply.

(2) CONDITIONS ON INDEMNIFICATION.—No indemnification may be afforded under this subsection

unless the person or entity making a claim for indemnification—

(A) notifies the Secretary of Defense in writing within 2 years after such claim accrues or begins action within 6 months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the Secretary of Defense;

(B) furnishes to the Secretary of Defense copies of pertinent papers the entity receives;

(C) furnishes evidence of proof of any claim, loss, or damage covered by this subsection; and

(D) provides, upon request by the Secretary of Defense, access to the records and personnel of the entity for purposes of defending or settling the claim or action.

(3) RESPONSIBILITIES OF SECRETARY OF DEFENSE.—(A) In any case in which the Secretary of Defense determines that the Department of Defense may be required to make indemnification payments to a person under this subsection for any suit, claim, demand or action, liability, judgment, cost or other fee arising our of any claim for personal injury or property damage referred to in paragraph (1)(A),

the Secretary may settle or defend, on behalf of that person, the claim for personal injury or property damage.

(B) In any case described in subparagraph (A), if the person to whom the Department of Defense may be required to make indemnification payments does not allow the Secretary of Defense to settle or defend the claim, the person may not be afforded indemnification with respect to that claim under this subsection.

(4) ACCRUAL OF ACTION.—For purposes of paragraph (2)(A), the date on which a claim accrues is the date on which the plaintiff knew (or reasonably should have known) that the personal injury or property damage referred to in paragraph (1) was caused or contributed to by the release or threatened release of a hazardous substance or pollutant or contaminant as a result of Department of Defense activities at any part of the Naval Ammunition Support Detachment conveyed pursuant to subsection (a).

(5) RELATIONSHIP TO OTHER LAWS.—Nothing in this subsection shall be construed as affecting or modifying in any way subsection 120(h) of the Com-

prehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(6) DEFINITIONS.—In this subsection, the terms ''hazardous substance'', ''release'', and ''pollutant or contaminant'' have the meanings given such terms under paragraphs (9), (14), (22), and (33) of section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(f) MANAGEMENT.—

(1) CO-MANAGEMENT OF CONSERVATION ZONES.—Those areas on the western end of the Vieques Island designated as Conservation Zones in section IV of the 1983 Memorandum of Understanding between the Commonwealth of Puerto Rico and the Secretary of the Navy shall be subject to a co-management agreement among the Commonwealth of Puerto Rico, the Puerto Rico Conservation Trust and the Secretary of the Interior. Areas adjacent to these Conservation Zones shall also be considered for inclusion under the co-management agreement. Adjacent areas to be included under the co-management agreement shall be mutually agreed to by the Commonwealth of Puerto Rico and the Secretary of the Interior. This determination of in-

clusion of lands shall be incorporated into the co-management agreement process as set forth in paragraph (2). In addition, the Sea Grass Area west of Mosquito Pier, as identified in the 1983 Memorandum of Understanding, shall be included in the co-management plan to be protected under the laws of the Commonwealth of Puerto Rico.

(2) CO-MANAGEMENT PURPOSES.—All lands covered by the co-management agreement shall be managed to protect and preserve the natural resources of these lands in perpetuity. The Commonwealth of Puerto Rico, the Puerto Rico Conservation Trust, and the Secretary of the Interior shall follow all applicable Federal environmental laws during the creation and any subsequent amendment of the co-management agreement, including the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the National Historic Preservation Act. The co-management agreement shall be completed prior to any conveyance of the property under subsection (a), but not later than December 31, 2000. The Commonwealth of Puerto Rico shall implement the terms and conditions of the co-management agreement, which can only be amended by agreement of the Commonwealth of Puerto Rico, the

Puerto Rico Conservation Trust, and the Secretary of the Interior.

(3) ROLE OF NATIONAL FISH AND WILDLIFE FOUNDATION.—Contingent on funds being available specifically for the preservation and protection of natural resources on Vieques Island, amounts necessary to carry out the co-management agreement may be made available to the National Fish and Wildlife Foundation to establish and manage an endowment for the management of lands transferred to the Commonwealth of Puerto Rico and subject to the co-management agreement. The proceeds from investment of the endowment shall be available on an annual basis. The Foundation shall strive to leverage annual proceeds with non-Federal funds to the fullest extent possible.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2001''.

TITLE XXI—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	$28,500,000
	Fort Rucker	$5,600,000
Alaska	Fort Richardson	$3,000,000
Arizona	Fort Huachuca	$8,600,000
Arkansas	Pine Bluff Arsenal	$2,750,000
California	Fort Irwin	$31,000,000
	Presidio, Monterey	$4,600,000
Georgia	Fort Benning	$15,800,000
	Fort Gordon	$2,600,000
Hawaii	Wheeler Army Air Field	$43,800,000
Kansas	Fort Riley	$5,600,000
Maryland	Aberdeen Proving Ground	$8,900,000
Missouri	Fort Leonard Wood	$65,400,000
New Jersey	Picatinny Arsenal	$5,600,000
New Mexico	White Sands Missile Range	$9,000,000
New York	Fort Drum	$18,000,000
North Carolina	Fort Bragg	$222,200,000
	Sunny Point Army Terminal	$2,300,000
Ohio	Columbus	$1,832,000
Pennsylvania	Carlisle Barracks	$10,500,000
	New Cumberland Army Depot	$3,700,000
Texas	Fort Bliss	$26,000,000
	Fort Hood	$36,492,000
	Red River Army Depot	$800,000
	Total:	$562,574,000

(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 construc-

tion 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
Germany	Area Support Group, Bamberg	$11,650,000
	Area Support Group, Darmstadt	$11,300,000
	Kaiserslautern	$3,400,000
	Mannheim	$4,050,000
Korea	Camp Carroll	$10,000,000
	Camp Hovey	$4,200,000
	Camp Humphreys	$14,200,000
	Camp Page	$19,500,000
Kwajalein	Kwajalein Atoll	$18,000,000
	Total:	$96,300,000

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

Army: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide	Classified Location	$11,500,000

SEC. 2102. FAMILY HOUSING.

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

Army: Family Housing

State or County	Installation or location	Purpose	Amount
Arizona	Fort Huachuca	110 Units	$16,224,000
Hawaii	Schofield Barracks	72 Units	$15,500,000
Kentucky	Fort Campbell	102 Units	$15,800,000
Maryland	Fort Detrick	48 Units	$5,600,000
North Carolina	Fort Bragg	160 Units	$22,000,000
South Carolina	Fort Jackson	1 Unit	$250,000
Texas	Fort Bliss	64 Units	$10,200,000
Korea	Camp Humphreys	60 Units	$21,800,000
Virginia	Fort Belvoir	27 Units	$5,500,000
	Fort Lee	52 Units	$8,600,000
	Total:		$121,474,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $6,542,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $72,440,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September

30, 2000, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $1,824,640,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $385,974,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $96,300,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2101(c), $11,500,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $17,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $105,861,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $200,456,000.

(B) For support of military family housing (including the functions described in section

2833 of title 10, United States Code), $971,704,000.

(7) For the construction of phase 1C of a barracks complex, Infantry Drive, Fort Riley, Kansas, authorized by section 2101(a) of the Military Construction Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $10,000,000.

(8) For the construction of a railhead facility, Fort Hood, Texas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (112 Stat. 2182), as amended by section 2105 of this Act, $9,800,000.

(9) For the construction of a chemical defense qualification facility, Pine Bluff Arsenal, Arkansas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 825), $92,000.

(10) For the construction of phase 1B of a barracks complex, Wilson Street, Schofield Barracks, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (113 Stat. 825), $22,400,000.

(11) For the construction of phase 2B of a barracks complex, Tagaytay Street, Fort Bragg, North

Carolina, authorized by section 2101(a) of the Military Construction Act for Fiscal Year 2000 (113 Stat. 825), $3,108,000.

(12) For the construction of phase 2 of a tactical equipment shop, Fort Sill, Oklahoma, authorized by section 2101(a) of the Military Construction Act for Fiscal Year 2000 (113 Stat. 825), $10,991,000.

(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 variations 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) $22,600,000 (the balance of the amount authorized under section 2101(a) for the construction of a Basic Training Complex at Fort Leonard Wood, Missouri);

(3) $10,000,000 (the balance of the amount authorized under section 2101(a) for construction of a Multipurpose Digital Training Range at Fort Hood, Texas);

(4) $34,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex, Longstreet Road Phase I at Fort Bragg, North Carolina);

(5) $104,000,000 (the balance of the amount authorized under section 2101(a) for the construction of a barracks complex, Bunter Road Phase I at Fort Bragg, North Carolina); and

(6) $6,000,000 (the balance of the amount authorized under section 2101(a) for the construction of a battle simulation center at Fort Drum, New York).

(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) $635,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States; and

(2) $19,911,000 which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1999 PROJECT.

(a) MODIFICATION.—The table in section 2101 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182) is amended—

(1) in the item relating to Fort Hood, Texas, by striking ''$32,500,000'' in the amount column and inserting ''$45,300,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$781,581,000''.

(b) CONFORMING AMENDMENTS.—Section 2104(a) of that Act (112 Stat. 2184) is amended—

(1) in the matter preceding paragraph (1), by striking ''$2,098,713,000'' and inserting ''$2,111,513,000''; and

(2) in paragraph (1), by striking ''$609,076,000'' and inserting ''$622,581,000'' .

TITLE XXII—NAVY

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

1 projects for the installations and locations inside the
2 United States, and in the amounts, set forth in the fol-
3 lowing table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	$8,200,000
	Navy Detachment, Camp Navajo	$2,940,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	$23,870,000
	Marine Corps Air Station, Miramar	$13,740,000
	Marine Corps Base, Camp Pendleton	$8,100,000
	Marine Corps Logistics Base, Barstow	$6,600,000
	Naval Air Station, Lemoore	$10,760,000
	Naval Air Warfare Center Weapons Division, Point Mugu	$12,600,000
	Naval Aviation Depot, North Island	$4,340,000
	Naval Facility, San Clemente Island	$8,860,000
	Naval Postgraduate School, Monterey	$5,280,000
	Naval Ship Weapons Systems Engineering Station, Port Hueneme	$10,200,000
	Naval Station, San Diego	$53,200,000
Connecticut	Naval Submarine Base, New London	$3,100,000
CONUS Various	CONUS Various	$11,500,000
District of Columbia	Marine Corps Barracks	$24,597,000
	Naval District, Washington	$2,450,000
	Naval Research Laboratory, Washington	$12,390,000
Florida	Blount Island Command	$3,320,000
	Naval Air Station, Jacksonville	$1,400,000
	Naval Air Station, Whiting Field	$5,130,000
	Naval Surface Warfare Center Wastal Systems Station, Panama City	$1,000,000
	Naval Station, Mayport	$6,830,000
	Naval Surface Warfare Center Detachment, Ft. Lauderdale	$3,570,000
Georgia	Marine Corps Logistics Base, Albany	$1,100,000
	Navy Supply Corps School, Athens	$2,950,000
	Trident Refit Facility, Kings Bay	$5,200,000
Hawaii	Fleet Industrial Supply Center, Pearl Harbor	$12,000,000
	Naval Undersea Weapons Station Detachment, Lualualei	$2,100,000
	Marine Corps Air Station, Kaneohe	$18,400,000
	Naval Station, Pearl Harbor	$30,700,000
Illinois	Naval Training Center, Great Lakes	$124,800,000
Indiana	Naval Surface Warfare Center, Crane	$8,460,000
Maine	Naval Air Station, Brunswick	$2,450,000
	Naval Shipyard, Portsmouth	$4,960,000
Maryland	Naval Explosive Ordinance Disposal Technology Center, Indian Head	$6,430,000
	Naval Air Station, Patuxent River	$8,240,000
Mississippi	Naval Air Station, Meridian	$4,700,000
Nevada	Naval Air Station, Fallon	$6,280,000
New Jersey	Naval Weapons Station, Earle	$2,420,000
North Carolina	Marine Corps Air Station, Cherry Point	$8,480,000
	Marine Corps Air Station, New River	$3,400,000
	Marine Corps Base, Camp Lejeune	$45,870,000
	Naval Aviation Depot, Cherry Point	$7,540,000
Pennsylvania	Naval Surface Warfare Center Shipyard Systems Engineering Station, Philadelphia	$10,680,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
Rhode Island	Naval Undersea Warfare Center Division, Newport	$4,150,000
South Carolina	Marine Corps Air Station, Beaufort	$3,140,000
	Marine Corps Recruit Depot, Parris Island	$2,660,000
Texas	Naval Air Station, Corpus Christi	$4,850,000
	Naval Air Station, Kingsville	$2,670,000
	Naval Station, Ingleside	$2,420,000
Virginia	AEGIS Combat Systems Center, Wallops Island	$3,300,000
	Marine Corps Combat Development Command, Quantico	$8,590,000
	Naval Air Station, Norfolk	$31,450,000
	Naval Air Station, Oceana	$9,440,000
	Naval Amphibious Base, Little Creek	$2,830,000
	Naval Shipyard, Norfolk, Portsmouth	$16,100,000
	Naval Station, Norfolk	$4,700,000
	Naval Surface Warfare Center, Dahlgren	$11,300,000
Washington	Naval Shipyard, Bremerton, Puget Sound.	$100,670,000
	Strategic Weapons Facility Pacific, Bremerton	$1,400,000
	Total:	$770,807,000

(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	$19,400,000
Guam	Naval Activities	$1,000,000
Italy	Naval Air Station, Sigonella	$32,969,000
	Naval Support Activity, Naples	$15,000,000
Various Locations	Host Nation Infrastructure Support	$142,000
	Total:	$68,511,000

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
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	79 Units	$13,923,000
	Naval Air Station, Lemoore	260 Units	$47,871,000
Hawaii	Commander Naval Base, Pearl Harbor	112 Units	$23,654,000
	Commander Naval Base, Pearl Harbor	62 Units	$14,237,000
	Commander Naval Base, Pearl Harbor	98 Units	$22,230,000
	Marine Corps Air Station, Kaneohe Bay	84 Units	$21,910,000
Louisiana	Naval Air Station, New Orleans.	34 Units	$5,000,000
Maine	Naval Air Station, Brunswick	168 Units	$18,722,000
Mississippi	Naval Construction battalion Center, Gulfport.	157 Units	$20,700,000
Washington	Naval Air Station, Whidbey Island	98 Units	$16,873,000
		Total:	$205,120,000

(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 $19,958,000.

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 $192,147,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2000, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,187,673,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $718,627,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $68,511,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,659,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $67,502,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $417,225,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $882,638,000.

(6) For construction of a berthing wharf at Naval Air Station, North Island, California, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 828), $12,800,000.

(7) For construction of the Commander-in-Chief Headquarters, Pacific Command, Camp H.M. Smith, Hawaii, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000, $35,600,000.

(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) $17,500,000 (the balance of the amount authorized under section 2201(a) for repair of a pier at Naval Station, San Diego, California);

(3) $24,460,000 (the balance of the amount authorized under section 2201(a) for replacement of a pier at Naval Ship Yard, Bremerton, Puget Sound, Washington); and

(4) $10,280,000 (the balance of the amount authorized under section 2201(a) for construction of an industrial skills center at Naval Shipyard, Bremerton, Puget Sound, Washington).

(c) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (7) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) $2,889,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States; and

(2) $20,000,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1997 PROJECT AT MARINE CORPS COMBAT DEVELOPMENT COMMAND, QUANTICO, VIRGINIA.

The Secretary of the Navy may carry out a military construction project involving infrastructure development at the Marine Corps Combat Development Command, Quantico, Virginia, in the amount of $8,900,000, using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2769) for a military construction project involving a sanitary landfill at that installation, as authorized by section 2201(a) of that Act (110 Stat. 2767).

TITLE XXIII—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	$3,825,000
Alaska	Cape Romanzof	$3,900,000
	Eielson Air Force Base	$15,990,000
	Elmendorf Air Force Base	$27,520,000
Arizona	Davis-Monthan Air Force Base	$7,900,000
Arkansas	Little Rock Air Force Base	$18,319,000
California	Beale Air Force Base	$10,100,000
	Los Angeles Air Force Base	$6,580,000
	Vandenberg Air Force Base	$4,650,000
Colorado	Buckley Air National Guard Base	$2,750,000
	Peterson Air Force Base	$15,570,000
	Schriever Air Force Base	$8,450,000
	United States Air Force Academy	$18,960,000
CONUS Classified	Classified Location	$1,810,000
District of Columbia	Bolling Air Force Base	$4,520,000
Florida	Eglin Air Force Base	$8,940,000
	Eglin Auxiliary Field 9	$7,960,000
	Patrick Air Force Base	$12,970,000
	Tyndall Air Force Base	$31,495,000
Georgia	Fort Stewart/Hunter Army Air Field	$4,920,000
	Moody Air Force Base	$2,500,000
	Robins Air Force Base	$11,762,000
Hawaii	Hickam Air Force Base	$4,620,000
Idaho	Mountain Home Air Force Base	$10,125,000
Illinois	Scott Air Force Base	$3,830,000
Kansas	McConnell Air Force Base	$9,764,000
Louisiana	Barksdale Air Force Base	$6,390,000
Mississippi	Keesler Air Force Base	$15,040,000
Missouri	Whiteman Air Force Base	$12,050,000
Montana	Malmstrom Air Force Base	$5,300,000
New Jersey	McGuire Air Force Base	$29,772,000
North Carolina	Pope Air Force Base	$24,570,000
	Seymour Johnson Air Force Base	$7,141,000
North Dakota	Minot Air Force Base	$3,151,000
Ohio	Wright-Patterson Air Force Base	$37,508,000
Oklahoma	Altus Air Force Base	$2,939,000
	Tinker Air Force Base	$26,895,000
South Carolina	Charleston Air Force Base	$12,789,000
	Shaw Air Force Base	$8,102,000
Texas	Dyess Air Force Base	$19,523,000
	Lackland Air Force Base	$10,330,000
	Laughlin Air Force Base	$11,973,000
	Sheppard Air Force Base	$6,450,000
Utah	Hill Air Force Base	$28,050,000
Virginia	Langley Air Force Base	$19,650,000
Washington	Fairchild Air Force Base	$7,926,000
	McChord Air Force Base	$10,250,000
Wyoming	F.E. Warren Air Force Base	$25,720,000
	Total:	$591,249,000

(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 construc-

tion 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
Diego Garcia	Diego Garcia	$5,475,000
Italy	Aviano Air Base	$8,000,000
Korea	Kunsan Air Base	$6,400,000
	Osan Air Base	$21,948,000
Spain	Naval Station, Rota	$5,052,000
Turkey	Incirlik Air Base	$1,000,000
	Total:	$47,875,000

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	Installation or location	Purpose	Amount
California	Edwards Air Force Base	57 Units	$9,870,000
	Travis Air Force Base	64 Units	$9,870,000
District of Columbia	Bolling Air Force Base	136 Units	$17,137,000
Nevada	Nellis Air Force Base	26 Units	$5,000,000
North Dakota	Cavalier Air Force Station	2 Units	$443,000
	Minot Air Force Base	134 Units	$19,097,000
		Total:	$61,417,000

(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 $12,760,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $174,046,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2000, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,766,136,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $589,199,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $47,875,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $9,850,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $56,949,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $248,223,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $826,271,000.

(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—

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

(2) $9,400,000 (the balance of the amount authorized under section 2301(c) for the construction of an air freight terminal and base supply complex at McGuire Air Force Base, New Jersey).

(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 $12,231,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

TITLE XXIV—DEFENSE AGENCIES

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

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2402(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
Defense Education Activity ..	Camp Lejeune, North Carolina	$5,914,000
	Laurel Bay, South Carolina	$804,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
Defense Logistics Agency	Defense Distribution Supply Point New Cumberland, Pennsylvania ...	$17,700,000
	Defense Fuel Support Point, Cherry Point, North Carolina	$5,700,000
	Defense Fuel Support Point, MacDill Air Force Base, Florida ..	$16,956,000
	Defense Fuel Support Point, McConnell Air Force Base, Kansas	$11,000,000
	Defense Fuel Support Point, Naval Air Station, Fallon, Nevada	$5,000,000
	Defense Fuel Support Point, North Island, California	$5,900,000
	Defense Fuel Support Point, Oceana Naval Air Station, Virginia	$2,000,000
	Defense Fuel Support Point, Patuxent River, Maryland	$8,300,000
	Defense Fuel Support Point, Twentynine Palms, California	$2,200,000
	Defense Supply Center, Richmond, Virginia	$4,500,000
National Security Agency	Fort Meade, Maryland	$4,228,000
Special Operations Command	Eglin Auxiliary Field 9, Florida	$26,523,000
	Fleet Combat Training Center, Dam Neck, Virginia	$5,500,000
	Fort Bragg, North Carolina	$8,600,000
	Fort Campbell, Kentucky	$16,300,000
	Kodiak, Alaska	$5,000,000
	Naval Air Station, North Island, California	$1,350,000
	Naval Air Station, Oceana, Virginia	$3,400,000
	Naval Amphibious Base, Coronado, California	$4,300,000
	Naval Amphibious Base, Little Creek, Virginia	$5,400,000
	Pearl Harbor, Hawaii	$9,990,000
TRICARE Management Activity	Edwards Air Force Base, California	$17,900,000
	Marine Corps Base, Camp Pendleton, California	$14,150,000
	Eglin Air Force Base, Florida	$37,600,000
	Fort Drum, New York	$1,400,000
	Patrick Air Force Base, Florida	$2,700,000
	Tyndall Air Force Base, Florida	$7,700,000
	Total:	$258,015,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2402(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the

1 United States, and in the amounts, set forth in the fol-
2 lowing table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Education Activity	Hanau, Germany	$1,026,000
	Hohenfels, Germany	$13,774,000
	Royal Air Force, Feltwell, United Kingdom	$1,287,000
	Royal Air Force, Lakenheath, United Kingdom	$3,086,000
	Schweinfurt, Germany	$1,444,000
	Sigonella, Italy	$971,000
	Wuerzburg, Germany	$1,798,000
Defense Finance and Accounting Service	Kleber Kaserne, Germany	$7,500,000
Defense Logistics Agency	Defense Fuel Support Point, Andersen Air Force Base, Guam	$36,000,000
	Defense Fuel Support Point, Marine Corps Air Station, Iwakuni, Japan	$22,400,000
	Defense Fuel Support Point, Misawa Air Base, Japan	$26,400,000
	Defense Fuel Support Point, Royal Air Force, Mildenhall, United Kingdom	$10,000,000
	Defense Fuel Support Point, Sigonella, Italy	$16,300,000
Defense Threat Reduction Agency	Darmstadt, Germany	$2,450,000
Special Operations Command	Roosevelt Roads, Puerto Rico	$1,241,000
	Taegu, Korea	$1,450,000
TRICARE Management Agency	Kitzingen, Germany	$1,400,000
	Wiesbaden Air Base, Germany	$7,187,000
	Total:	$155,714,000

3 (c) UNSPECIFIED WORLDWIDE.—Using amounts ap-
4 propriated pursuant to the authorization of appropriations
5 in section 2402(a)(3), the Secretary of Defense may ac-
6 quire real property and carry out military construction
7 projects for the installations and locations, and in the
8 amounts, set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide	Unspecified Worldwide	$451,135,000

SEC. 2402. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2000, 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 $2,034,759,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $262,415,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $155,714,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2401(c), $85,095,000.

(4) For unspecified minor construction projects under section 2805 of title 10, United States Code, $17,390,000.

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

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $75,705,000.

(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), $1,174,369,000.

(8) For military family housing functions, for support of military housing (including functions described in section 2833 of title 10, United States Code), $44,886,000 of which not more than $38,478,000 may be obligated or expended for the leasing of military family housing units worldwide.

(9) For the construction of an ammunition demilitarization facility, Pine Bluff Arsenal, Arkansas, authorized by section 2401(a) 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), $43,600,000.

(10) For the construction of phase 6 of an ammunition demilitarization facility, Umatilla Army Depot, Oregon, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995, as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996, section 2408 of the Military Construction Authorization Act for Fiscal Year 1998, and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999, $9,400,000.

(11) For the construction of phase 2 of an ammunition demilitarization facility, Pueblo Army Depot, Colorado, authorized by 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 the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), $10,700,000.

(12) For the construction of phase 3 of an ammunition demilitarization facility, Newport Army Depot, Indiana, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), $54,400,000.

(13) For the construction of phase 3 of an ammunition demilitarization facility, Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (112 Stat. 2193), $45,700,000.

(14) For construction of a replacement hospital at Fort Wainwright, Alaska, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 836), $44,000,000.

(15) For the construction of the Ammunition Demilitarization Support Phase 2, Blue Grass Army Depot, Kentucky, authorized in section 2401(a) the Military Construction Act for Fiscal Year 2000 (113 Stat. 836), $8,500,000.

(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); and

(2) $366,040,000 (the balance of the amount authorized under section 2401(c) for construction of National Missile Defense initial deployment facilities, unspecified worldwide locations).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (15) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $7,115,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

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, 2000, 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 $177,500,000.

TITLE XXVI—GUARD AND RESERVE FACILITIES

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

There are authorized to be appropriated for fiscal years beginning after September 30, 2000, 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, $129,139,000; and

(B) for the Army Reserve, $104,854,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $56,574,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $110,885,000; and

(B) for the Air Force Reserve, $41,748,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

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, 2003; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2004.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land ac-

quisition, 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, 2003; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2004 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 1998 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1984), authorizations set forth in the tables in subsection (b), as provided in section 2102, 2202, or 2302 of that Act, shall remain in effect until October 1, 2001, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2002, whichever is later.

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

Army: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
Maryland	Fort Meade	Family Housing Construction (56 units)	$7,900,000
Texas	Fort Hood	Family Housing Construction (130 units)	$18,800,000

Navy: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
California	Naval Complex, San Diego	Replacement Family Housing Construction (94 units)	$13,500,000
California	Marine Corps Air Station, Miramar	Family Housing Construction (166 units)	$28,881,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	Replacement Family Housing Construction (132 units)	$23,891,000
Louisiana	Naval Complex, New Orleans	Replacement Family Housing Construction (100 units)	$11,930,000
Texas	Naval Air Station, Corpus Christi	Family Housing Construction (212 units)	$22,250,000
Washington	Naval Air Station, Whidbey Island	Replacement Family Housing Construction (102 units)	$16,000,000

Air Force: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
Georgia	Robins Air Force Base	Replace Family Housing (60 units)	$6,800,000
Idaho	Mountain Home Air Force Base	Replace Family Housing (60 units)	$11,032,000

Air Force: Extension of 1998 Project Authorizations—Continued

State	Installation or location	Project	Amount
New Mexico	Kirtland Air Force Base	Replace Family Housing (180 units)	$20,900,000
Texas	Dyess Air Force Base	Construct Family Housing (70 units)	$10,503,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1997 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2782), authorizations set forth in the table in subsection (b), as provided in section 2201 or 2202 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 842), shall remain in effect until October 1, 2001, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2002, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 1997 Project Authorizations

State	Installation or location	Project	Amount
Florida	Navy Station, Mayport	Family Housing Construction (100 units)	$10,000,000
North Carolina	Marine Corps Base, Camp Lejuene	Family Housing Construction (94 units)	$10,110,000

Navy: Extension of 1997 Project Authorizations—Continued

State	Installation or location	Project	Amount
South Carolina	Marine Corps Air Station, Beaufort	Family Housing Construction (140 units)	$14,000,000
Texas	Naval Complex, Corpus Christi	Family Housing Replacement (104 units)	$11,675,000
	Naval Air Station, Kingsville	Family Housing Replacement (48 units)	$7,550,000
Virginia	Marine Corps Combat Development Command, Quantico	Infrastructure Development	$8,900,000
Washington	Naval Station, Everett	Family Housing Construction (100 units)	$15,015,000

SEC. 2704. EFFECTIVE DATE.

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

(1) October 1, 2000; 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. REVISION OF LIMITATIONS ON SPACE BY PAY GRADE.

Section 2826 of title 10, United States Code, is amended to read as follows:

"§ 2826. Limitations on space by pay grade

''In the construction, acquisition, and improvement of military family housing units, the Secretary concerned shall ensure that the room patterns and floor areas are generally comparable to the room patterns and floor areas of similar housing units in the locality concerned.''.

SEC. 2802. LEASING OF MILITARY FAMILY HOUSING, UNITED STATES SOUTHERN COMMAND, MIAMI, FLORIDA.

(a) FIVE-YEAR LEASE; PAYMENT SOURCE.—Subsection (b)(4) of section 2828 of title 10, United States Code, is amended—

(1) by striking ''and no lease on any individual housing unit may exceed $60,000 per year'' and inserting ''and the lease payments shall be made out of annual appropriations for that year''; and

(2) by adding at the end the following new sentence: ''A lease under this paragraph may not exceed 5 years.''.

(b) HOUSING ADJUSTMENT.—Such subsection is further amended—

(1) by inserting ''(A)'' after ''(4)''; and

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

''(B) At the beginning of each fiscal year, the Secretary of the Army shall adjust the maximum amount pro-

vided for leases under subparagraph (A) for the previous fiscal year by the percentage (if any) by which the basic allowance for housing under section 403 of title 37 for the Miami metropolitan area during the preceding fiscal year exceeded such basic allowance for housing for the second preceding fiscal year.''.

(c) CONFORMING AMENDMENT.—Subsection (b)(5) of such section is amended by striking ''paragraphs (2), (3), and (4)''and inserting ''paragraphs (2) and (3)''.

SEC. 2803. EXTENSION OF ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

Section 2885 of title 10, United States Code, is amended by striking ''2001'' and inserting ''2006''.

SEC. 2804. EXPANSION OF DEFINITION OF ARMORY TO INCLUDE READINESS CENTERS.

(a) DEFINITION.—Section 18232(3) of title 10, United States Code, is amended by striking ''The term 'armory' means'' and inserting ''The terms 'armory' and 'readiness center' mean''.

(b) CONFORMING AMENDMENTS.—(1) Section 18232(2) of such title is amended by striking ''armory or other structure'' and inserting ''armory, readiness center, or other structure''.

(2) Section 18236(b) of such title by inserting ''or readiness center'' after ''armory''.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. INCREASE IN THRESHOLD FOR NOTICE AND WAIT REQUIREMENTS FOR REAL PROPERTY TRANSACTIONS.

(a) INCREASED THRESHOLD.—Section 2662 of title 10, United States Code, is amended by striking ''$200,000'' each place it appears and inserting thereof ''$500,000''.

(b) REFERENCE TO SIMPLIFIED ACQUISITION THRESHOLD.—Subsection (b) of such section is amended by striking ''under section 2304(g) of this title'' and inserting ''specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)),''.

SEC. 2812. ENHANCEMENT OF AUTHORITY OF MILITARY DEPARTMENTS TO LEASE NON-EXCESS PROPERTY.

(a) PROPERTY AVAILABLE FOR LEASE.—Subsection (a) of section 2667 of title 10, United States Code, is amended—

(1) by inserting ''and'' at the end of paragraph (1);

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) ACCEPTANCE OF IN-KIND CONSIDERATION.—Such section is further amended—

(1) in subsection (b)(5)—

(A) by striking ''improvement, maintenance, protection, repair, or restoration,'' and inserting ''alteration, repair, or improvement,''; and

(B) by striking '', or of the entire unit or installation where a substantial part of it is leased,'';

(2) by transferring subsection (c) to the end of the section and redesignating such subsection, as so transferred, as subsection (i);

(3) by inserting after subsection (b) the following new subsection (c):

''(c)(1) In addition to any in-kind consideration accepted under subsection (b)(5), in-kind consideration accepted with respect to a lease under this section may include the following:

''(A) Maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities under the control of the Secretary concerned.

"(B) Provision of facilities for use by the Secretary concerned.

"(C) Facilities operation support for the Secretary concerned.

"(D) Provision of such other services relating to activities that will occur on the leased property as the Secretary concerned considers appropriate.

"(2) In-kind consideration under paragraph (1) may be accepted at any property or facilities under the control of the Secretary concerned that are selected for that purpose by the Secretary concerned.

"(3) The Secretary concerned may not accept in-kind consideration during a fiscal year with respect to leases under this section until the Comptroller General certifies to the Secretary concerned that the total received by the Secretary concerned as money rentals for that fiscal year under such leases is equal to the total money rentals under such leases received by the Secretary concerned during fiscal year 2000.

"(4) In the case of a lease for which all or part of the consideration proposed to be accepted by the Secretary concerned under this subsection is in-kind consideration with a value in excess of $500,000, the Secretary concerned may not enter into the lease until 30 days after

the date on which a report on the facts of the lease is submitted to the congressional defense committees.''; and

(4) in subsection (f)—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(c) USE OF CASH PROCEEDS AND CONGRESSIONAL NOTIFICATION.—Subsection (d) of such section is amended—

(1) in paragraph (1), by striking subparagraph (B) and inserting the following new subparagraphs:

''(B) Subject to subparagraphs (C) and (D), the amounts deposited in the special account of a military department pursuant to subparagraph (A) shall be available to the Secretary of that military department, in such amounts as provided in appropriation Acts, for the following:

''(i) Maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities.

''(ii) Lease of facilities.

''(iii) Facilities operation support.

''(C) At least 50 percent of the amounts deposited in the special account of a military department under subparagraph (A) by reason of a lease shall be available for

activities described in subparagraph (B) only at the military installation where the leased property is located.

"(D) The Secretary concerned may not expend under subparagraph (B) an amount in excess of $500,000 at a single installation until 30 days after the date on which a report on the facts of the proposed expenditure is submitted to the congressional defense committees."; and

(2) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking "As part" and all that follows through "Secretary of Defense" and inserting "Not later than March 15 each year, the Secretary of Defense shall submit to the congressional defense committees a report which"; and

(B) in subparagraph (A), by striking "request" and inserting "report".

(e) DEFINITIONS.—Subsection (h) of such section is amended to read as follows:

"(h) In this section:

"(1) The term 'congressional defense committees' means:

"(A) The Committee on Armed Services and the Committee on Appropriations of the Senate.

"(B) The Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

"(2) The term 'base closure law' means the following:

"(A) Section 2687 of this title.

"(B) 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).

"(C) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

"(3) The term 'military installation' has the meaning given such term in section 2687(e)(1) of this title.".

SEC. 2813. CONVEYANCE AUTHORITY REGARDING UTILITY SYSTEMS OF MILITARY DEPARTMENTS.

Subsection (b) of section 2688 of title 10, United States Code, is amended to read as follows:

"(b) SELECTION OF CONVEYEE OR AWARDEE.—(1) The Secretary concerned shall comply with the competition requirements of section 2304 of this title in conveying a utility system under this section and in awarding any

utility services contract related to the conveyance of the utility system.

"(2) A conveyance or award may be made under paragraph (1) only if the Secretary concerned determines that the conveyance or award complies with State laws, regulations, rulings, and policies governing the provision of utility services. Such State laws, regulations, rulings, and policies shall apply to the conveyee or awardee notwithstanding the existence of exclusive federal legislative jurisdiction as to any parcels of land served by the utility system.".

Subtitle C—Land Conveyances

PART I—ARMY CONVEYANCES

SEC. 2831. TRANSFER OF JURISDICTION, ROCK ISLAND ARSENAL, ILLINOIS.

(a) TRANSFER AUTHORIZED.—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 23 acres and comprising a portion of the Rock Island Arsenal, Illinois.

(b) USE OF LAND.—The Secretary of Veterans Affairs shall include the real property transferred under subsection (a) in the Rock Island National Cemetery and use

the transferred 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 CONVEYANCE, ARMY RESERVE CENTER, GALESBURG, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Knox County, Illinois (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, in Galesburg, Illinois, consisting of approximately 4.65 acres and containing an Army Reserve Center for the purpose of permitting the County to use the parcel for municipal office space.

(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 County.

(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. 2833. LAND CONVEYANCE, ARMY RESERVE CENTER, WINONA, MINNESOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Winona State University Foundation of Winona, Minnesota (in this section referred to as the ''Foundation''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, in Winona, Minnesota, containing an Army Reserve Center for the purpose of permitting the Foundation to use 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 Foundation.

(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. 2834. LAND CONVEYANCE, FORT POLK, LOUISIANA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Louisiana (in this section referred to as the ''State''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 200 acres at Fort Polk, Louisiana, for the purpose of permitting the State 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 State.

(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. 2835. LAND CONVEYANCE, FORT PICKETT, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, 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 a parcel of real property, including improvements thereon, consisting of approximately 700 acres at Fort Pickett, Virginia, for the purpose of permitting the Commonwealth to develop and operate a public safety training facility.

(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 Commonwealth.

(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. 2836. LAND CONVEYANCE, FORT DIX, NEW JERSEY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Pemberton Township, 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 at Fort

Dix, New Jersey, consisting of approximately 2 acres and containing a parking lot inadvertently constructed on the parcel by the Township.

(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) CONDITIONS ON CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the conditions that—

(1) the Township accept the property as is; and

(2) the Township assume responsibility for any environmental restoration or remediation required with respect to the property under applicable law.

(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. 2837. LAND CONVEYANCE, NIKE SITE 43, ELRAMA, PENNSYLVANIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Board of Supervisors of Union Township, Pennsylvania (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, in Elrama, Pennsylvania, consisting of approximately 160 acres, which is known as Nike Site 43 and was more recently used by the Pennsylvania Army National Guard, for the purpose of permitting the Township to use the parcel for municipal storage 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 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. 2838. LAND EXCHANGE, FORT HOOD, TEXAS.

(a) EXCHANGE AUTHORIZED.—The Secretary of the Army may convey to the City of Copperas Cove, Texas (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 100 acres at Fort Hood, Texas,

in exchange for the City's conveyance to the Secretary of all right, title, and interest of the City in and to one or more parcels of real property that are acceptable to the Secretary and consist of a total of approximately 300 acres.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be exchanged under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the City.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the exchange under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2839. LAND CONVEYANCE, CHARLES MELVIN PRICE SUPPORT CENTER, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Army may convey to the Tri-City Regional Port District of Granite City, Illinois (in this section referred to as the ''Port District''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 752 acres and known as the U.S. Army Charles Melvin Price Support Center, for the purpose of permit-

ting the Port District to use the parcel for development of a port facility and for other public purposes.

(2) The property to be conveyed under paragraph (1) shall include 158 units of military family housing at the Charles Melvin Price Support Center for the purpose of permitting the Port District to use the housing to provide affordable housing, but only if the Port District agrees to provide members of the Armed Forces first priority in leasing the housing at a rental rate not to exceed the member's basic allowance for housing.

(3) The Secretary of the Army may include as part of the conveyance under paragraph (1) personal property of the Army at the Charles Melvin Price Support Center that the Secretary of Transportation recommends is appropriate for the development or operation of the port facility and the Secretary of the Army agrees is excess to the needs of the Army.

(b) INTERIM LEASE.—Until such time as the real property described in subsection (a) is capable of being conveyed by deed, the Secretary of the Army may lease the property to the Port District.

(c) CONSIDERATION.—(1) The conveyance under subsection (a) shall be made without consideration as a public benefit conveyance for port development if the Secretary of the Army determines that the Port District satis-

fies the criteria specified in section 203(q) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(q)) and regulations prescribed to implement such section. If the Secretary determines that the Port District fails to qualify for a public benefit conveyance, but still desires to acquire the property, the Port District shall pay to the United States an amount equal to the fair market value of the property to be conveyed. The fair market value of the property shall be determined by the Secretary of the Army.

(2) The Secretary of the Army may accept as consideration for a lease of the property under subsection (b) an amount that is less than fair market value if the Secretary determines that the public interest will be served as a result of the lease and the fair market value is unobtainable or is not compatible with the public interest.

(d) ARMY RESERVE ACTIVITIES.—(1) Notwithstanding the total acreage of the parcel authorized for conveyance under subsection (a), the Secretary of the Army may retain up to 50 acres of the parcel for use by the Army Reserve. The acreage selected for retention shall be mutually agreeable to the Secretary and the Port District.

(2) At such time as the Secretary of the Army determines that the property retained under this subsection is no longer needed for Army Reserve activities, the Sec-

retary shall convey the property to the Port District. The consideration for the conveyance shall be determined in the manner provided in subsection (c).

(e) NAVY ENCLAVE.—Notwithstanding the total acreage of the parcel authorized for conveyance under subsection (a), the Secretary of the Army may retain an additional portion of the parcel, up to 150 acres, for the development of a Navy enclave to support the existing Federal use of the parcel. The acreage selected for retention shall be mutually agreeable to the Secretary and the Port District.

(2) At such time as the Secretary of the Army determines that the property retained under this subsection is no longer needed, the Secretary shall convey the property to the Port District. The consideration for the conveyance shall be determined in the manner provided in subsection (c).

(f) FLOOD CONTROL EASEMENT.—The Port District shall grant to the Secretary of the Army an easement on the property conveyed under subsection (a) for the purpose of permitting the Secretary to implement and maintain flood control projects. The Secretary of the Army, acting through the Corps of Engineers, shall be responsible for the maintenance of any flood control project built on the property pursuant to the easement.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army and the Port District. The cost of such survey shall be borne by the Port District.

(h) ADDITIONAL TERMS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2840. LAND CONVEYANCE, ARMY RESERVE LOCAL TRAINING CENTER, CHATTANOOGA, TENNESSEE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Medal of Honor Museum, Inc., a nonprofit corporation organized in the State of Tennessee (in this section referred to as the ''Corporation''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 15 acres at the Army Reserve Local Training Center located on Bonnie Oaks Drive, Chattanooga, Tennessee, for the purpose of permitting the Corporation to develop and use the parcel as a museum and for other 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 Corporation.

(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. 2841. LAND CONVEYANCE, FORT RILEY MILITARY RESERVATION, KANSAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Kansas, all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 70 acres at Fort Riley Military Reservation, Fort Riley, Kansas. The preferred site is adjacent to the Fort Riley Military Reservation boundary, along the north side of Huebner Road across from the First Territorial Capitol of Kansas Historical Site Museum.

(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 satis-

factory to the Secretary of the Army and the Director of the Kansas Commission on Veterans Affairs.

(c) EXCEPTION FROM SCREENING REQUIREMENT.—The Secretary may make the conveyance required by subsection (a) 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.).

(d) CONDITIONS OF CONVEYANCE.—The conveyance required by subsection (a) shall be subject to the conditions that—

(1) the State of Kansas use the property conveyed solely for purposes of establishing and maintaining a State-operated veterans cemetery; and

(2) all costs associated with the conveyance, including the cost of relocating water and electric utilities should such relocation be determined necessary based on the survey described in subsection (b), shall be borne by the State of Kansas.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance required by subsection (a) as the Secretary of the Army determines appropriate to protect the interests of the United States.

SEC. 2842. LAND CONVEYANCES, FORT VANCOUVER BARRACKS, VANCOUVER, WASHINGTON.

(a) CONVEYANCE OF WEST BARRACKS.—The Secretary of the Army may convey, without consideration, to the City of Vancouver, Washington (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 encompassing 19 structures at Vancouver Barracks, Washington, which are identified by the Army using numbers between 602 and 676 and are known as the west barracks.

(b) CONVEYANCE OF EAST BARRACKS.—Upon vacation, or agreement to vacate, by the Army Reserve and the Army National Guard of the parcel of real property at Vancouver Barracks encompassing 10 structures, which are identified by the Army using numbers between 704 and 786 and the numbers 987, 989, 991, and 993, and are known as the east barracks, the Secretary may convey, without consideration, to the City all right, title, and interest of the United States in and to the parcel.

(c) MODIFICATION AND CONVEYANCE OF REVERSIONARY INTEREST.—(1) The Secretary may modify the reversionary interest that was retained by the United States when a parcel of real property at Vancouver Barracks was conveyed to the Washington State Department of Transportation to remove the condition that the real property be used only for highway-related purposes.

(2) The Secretary may convey, without consideration, to the City the reversionary interest referred to in paragraph (1), modified as provided by such paragraph. Upon conveyance, the Secretary shall execute and file in the appropriate office an amended deed or other appropriate instrument effectuating the modification and conveyance of the reversionary interest.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property authorized to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary of the Army. The cost of any such survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

PART II—NAVY CONVEYANCES

SEC. 2851. MODIFICATION OF AUTHORITY FOR OXNARD HARBOR DISTRICT, PORT HUENEME, CALIFORNIA, TO USE CERTAIN NAVY PROPERTY.

(a) ADDITIONAL RESTRICTIONS ON JOINT USE.—Subsection (c) of section 2843 of the Military Construction Authorization Act for Fiscal Year 1995 (division B

of Public Law 103–337; 108 Stat. 3067) is amended to read as follows:

"(c) RESTRICTIONS ON USE.—The District's use of the property covered by an agreement under subsection (a) is subject to the following conditions:

"(1) The District shall suspend operations under the agreement upon notification by the commanding officer of the Center that the property is needed to support mission essential naval vessel support requirements or Navy contingency operations, including combat missions, natural disasters, and humanitarian missions.

"(2) The District shall use the property covered by the agreement in a manner consistent with Navy operations at the Center, including cooperating with the Navy for the purpose of assisting the Navy to meet its through-put requirements at the Center for the expeditious movement of military cargo.

"(3) The commanding officer of the Center may require the District to remove any of its personal property at the Center that the commanding officer determines may interfere with military operations at the Center. If the District cannot expeditiously remove the property, the commanding officer may pro-

vide for the removal of the property at District expense.''.

(b) CONSIDERATION.—Subsection (d) of such section is amended to read as follows:

''(d) CONSIDERATION.—(1) As consideration for the use of the property covered by an agreement under subsection (a), the District shall pay to the Navy an amount that is mutually agreeable to the parties to the agreement, taking into account the nature and extent of the District's use of the property.

''(2) The Secretary may accept in-kind consideration under paragraph (1), including consideration in the form of—

''(A) the District's maintenance, preservation, improvement, protection, repair, or restoration of all or any portion of the property covered by the agreement;

''(B) the construction of new facilities, the modification of existing facilities, or the replacement of facilities vacated by the Navy on account of the agreement; and

''(C) covering the cost of relocation of the operations of the Navy from the vacated facilities to the replacement facilities.

"(3) All cash consideration received under paragraph (1) shall be deposited in the special account in the Treasury established for the Navy under section 2667(d) of title 10, United States Code. The amounts deposited in the special account pursuant to this paragraph shall be available, as provided in appropriation Acts, for general supervision, administration, overhead expenses, and Center operations and for the maintenance preservation, improvement, protection, repair, or restoration of property at the Center.".

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

SEC. 2852. MODIFICATION OF LAND CONVEYANCE, MARINE CORPS AIR STATION, EL TORO, CALIFORNIA.

Section 2811(a)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1650) is amended by striking "of additional military family housing units at Marine Corps Air Station, Tustin, California" and inserting "and repair of roads, and the development of Aerial Port of Embarkation facilities, at Marine Corps Air Station, Miramar, California".

SEC. 2853. TRANSFER OF JURISDICTION, MARINE CORPS AIR STATION, MIRAMAR, CALIFORNIA.

(a) TRANSFER AUTHORIZED.—The Secretary of the Navy may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior a parcel of real property, including any improvements thereon, consisting of approximately 250 acres and known as the Teacup Parcel, which comprises a portion of the Marine Corps Air Station, Miramar, California.

(b) USE OF LAND.—The Secretary of the Interior shall include the real property transferred under subsection (a) as a part of the Vernal Pool Unit of the San Diego National Wildlife Refuge and administer the property for the conservation of fish and wildlife. All current and future military aviation and related activities at the Marine Corps Air Station, Miramar, are deemed to be compatible with the refuge purposes for which the property is transferred, and with any secondary uses that may be established on the transferred property.

(c) CONDITION ON TRANSFER.—The transfer authorized under subsection (a) shall be subject to the condition that the Secretary of the Interior make the transferred property available to the Secretary of the Navy for any habitat restoration or preservation project that may be required for mitigation of military activities occurring at the Marine Corps Air Station, Miramar, unless the Secretary

of the Interior determines that the project adversely affect the property's sensitive wildlife and habitat resource values.

(d) 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 Navy. The cost of the survey shall be borne by the Secretary of the Interior.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Navy considers appropriate to protect the interests of the United States.

SEC. 2854. LEASE OF PROPERTY, MARINE CORPS AIR STATION, MIRAMAR, CALIFORNIA.

(a) AUTHORITY TO LEASE.—(1) The Secretary of the Navy may lease, without consideration, to the City of San Diego, California (in this section referred to as the ''City''), a parcel of real property, including any improvements thereon, consisting of approximately 44 acres and known as the Hickman Field, which comprises a portion of the Marine Corps Air Station, Miramar, California.

(2) The lease authorized by paragraph (1) may have a term not to exceed 5 years.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be leased 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) CONDITIONS ON LEASE.—The lease authorized under subsection (a) shall be subject to the conditions that—

(1) the City maintain the property at no cost to the United States;

(2) the City make the property available to the existing tenant at no cost during the term of the lease; and

(3) the property be used only for recreational purposes.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2855. LEASE OF PROPERTY, NAVAL AIR STATION, PENSACOLA, FLORIDA.

(a) AUTHORITY TO LEASE.—The Secretary of the Navy may lease, without consideration, to the Naval Aviation Museum Foundation (in this section referred to as

the "Foundation") real property improvements constructed by the Foundation at the National Museum of Naval Aviation at Naval Air Station, Pensacola, Florida, for the purpose of permitting the Foundation to operate a National Flight Academy to encourage and assist American young people to develop an interest in naval aviation and to preserve and enhance the image and heritage of naval aviation.

(b) CONSTRUCTION.—The Foundation shall be solely responsible for the design and construction of the real property improvements referred to in subsection (a). Upon completion, the improvements shall be donated to and become the property of the United States, subject to the terms of the lease under subsection (a).

(c) TERM OF LEASE.—(1) The lease authorized by subsection (a) may be for a term of up to 50 years, with an option to renew for an additional 50 years.

(2) In the event that the National Flight Academy ceases operation for a period in excess of 1 year during the leasehold period, or any extension thereof, the lease shall immediately terminate without cost or future liability to the United States.

(d) USE BY NAVY.—The Secretary may use all or a portion of the leased property when the National Flight Academy is not in session or whenever the use of the prop-

erty would not conflict with operation of the Academy. The Foundation shall permit such use at no cost to the Navy.

(e) MAINTENANCE AND REPAIR.—The Foundation shall be solely responsible during the leasehold period, and any extension thereof, for the operation, maintenance, and repair or replacement of the real property improvements authorized for lease under this section.

(f) ASSISTANCE.—(1) Subject to subsection (e), the Secretary may assist the Foundation in implementing the National Flight Academy by furnishing facilities, utilities, maintenance, and other services within the boundaries of Naval Air Station, Pensacola. The Secretary may require the Foundation to reimburse the Secretary for the facilities, utilities, maintenance, or other services so provided or may provide the facilities, utilities, maintenance, or other services without reimbursement by the Foundation.

(2) Any assistance provided the Foundation pursuant to paragraph (1) may be terminated by the Secretary without notice, cause, or liability to the United States.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2856. LAND EXCHANGE, MARINE CORPS RECRUIT DEPOT, SAN DIEGO, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the San Diego Unified Port District of San Diego California (in this section referred to as the ''Port District''), all right, title, and interest of the United States in and to three parcels of real property, including improvements thereon, consisting of approximately 44.5 acres and comprising a portion of the Marine Corps Recruit Depot, San Diego, California, in exchange for the Port District's—

(1) conveyance to the Secretary of all right, title, and interest of Port District in and to a parcel of real property that is acceptable to the Secretary and contiguous to the recruit depot; and

(2) construction of suitable replacement facilities and necessary supporting structures on the parcel or other property comprising the recruit depot, as determined necessary by the Secretary.

(b) TIME FOR CONVEYANCE.—The Secretary may not make the conveyance to the Port District authorized by subsection (a) until the Secretary determines that the replacement facilities have been constructed and are ready for occupancy.

(c) ADMINISTRATIVE EXPENSES.—The Port District shall reimburse the Secretary for administrative expenses

incurred by the Secretary in carrying out the exchange under subsection (a), including expenses related to the planning, design, survey, environmental compliance, and supervision and inspection of construction of the replacement facilities. Section 2695(c) of title 10, United States Code, shall apply to the amounts received by the Secretary.

(d) CONSTRUCTION SCHEDULE.—The Port District shall construct the replacement facilitates pursuant to such schedule and in such a manner so as to not interrupt or adversely affect the capability of the Marine Corps Recruit Depot to accomplish its mission.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be exchanged under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Port District.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the exchange under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2857. LAND EXCHANGE, NAVAL AIR RESERVE CENTER, COLUMBUS, OHIO.

(a) EXCHANGE AUTHORIZED.—The Secretary of the Navy may convey to the Rickenbacker Port Authority of Columbus, Ohio (in this section referred to as the ''Authority''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 24 acres comprising the civilian facilities of the Naval Air Reserve at Rickenbacker International Airport in Franklin County, Ohio, in exchange for the Authority's conveyance to the Secretary of all right, title, and interest of the Authority in and to a parcel of real property consisting of approximately 10 to 15 acres acceptable to the Secretary at Rickenbacker International Airport.

(b) USE OF ACQUIRED PROPERTY.—The Secretary shall use the real property acquired from the Authority in the exchange as the site for a replacement facility that will house both the Naval Air Reserve Center at Rickenbacker International Airport and the Naval and Marine Corps Reserve Center currently located in Columbus, Ohio.

(c) TIME FOR CONVEYANCE.—The Secretary may not make the conveyance to the Authority authorized by subsection (a) until the Secretary determines that the replace-

ment facility described in subsection (b) has been constructed and is ready for occupancy.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be exchanged under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Authority.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the exchange under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2858. LAND CONVEYANCE, NAVAL RESERVE CENTER, TAMPA, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the Tampa Port Authority of Tampa, Florida (in this section referred to as the ''Port Authority''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 2.18 acres and comprising the Naval Reserve Center, Tampa, Florida, for the purpose of permitting the Port Authority to use the parcel to facilitate the expansion of the Port of Tampa.

(b) CONDITIONS ON CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the following conditions:

(1) The Port Authority will accept the Naval Reserve Center as is.

(2) The Port Authority will provide a replacement facility for the Naval Reserve Center on a site of comparable size and consisting of comparable improvements on port property or other public land acceptable to the Secretary. In the event that a federally owned site acceptable to the Secretary is not available for the construction of the replacement facility, the Port Authority will provide a site for the replacement facility acceptable to the Secretary and convey it in fee title to the United States.

(3) The Port Authority will procure all necessary funding and the planning and design necessary to construct a replacement facility that is fully operational and satisfies the Base Facilities Requirements plan, as provided by the Naval Reserve.

(4) The Port Authority will bear all reasonable costs that the Navy may incur in the relocating to the replacement facility.

(c) TIME FOR CONVEYANCE.—The Secretary may not make the conveyance authorized under subsection (a) until

all of the conditions specified in subsection (b) have been met to the satisfaction of the Secretary.

(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 Port Authority.

(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.

PART III—AIR FORCE CONVEYANCES

SEC. 2861. LAND CONVEYANCE, WRIGHT PATTERSON AIR FORCE BASE, OHIO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to Greene County, Ohio, (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 92 acres comprising the communications test annex at Wright Patterson Air Force Base, Ohio, for the purpose of permitting the County to use the parcel 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 County.

(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. 2862. LAND CONVEYANCE, POINT ARENA AIR FORCE STATION, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to Mendocino County, California (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 82 acres at the Point Arena Air Force Station, California, for the purpose of permitting the County to use the parcel for municipal 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 satis-

factory to the Secretary. The cost of the survey shall be borne by the County.

(c) EFFECT OF RECONVEYANCE.—If at any time the County conveys all or a portion of the property conveyed under subsection (a), the County shall pay the United States an amount equal to the fair market value of the property conveyed, as determined by an appraisal satisfactory to the Secretary.

(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. 2863. LAND CONVEYANCE, LOS ANGELES AIR FORCE BASE, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, by sale or lease upon such terms as the Secretary considers appropriate, all or any portion of the following parcels of real property, including improvements thereon, at Los Angeles Air Force Base, California:

(1) Approximately 42 acres in El Segundo, California, commonly known as Area A.

(2) Approximately 52 acres in El Segundo, California, commonly known as Area B.

(3) Approximately 13 acres in Hawthorne, California, commonly known as the Lawndale Annex.

(4) Approximately 3.7 acres in Sun Valley, California, commonly known as the Armed Forces Radio and Television Service Broadcast Center.

(b) CONSIDERATION.—As consideration for the conveyance of real property under subsection (a), the recipient of the property shall provide for the design and construction on real property acceptable to the Secretary of one or more facilities to consolidate the mission and support functions at Los Angeles Air Force Base. Any such facility must comply with the seismic and safety design standards for Los Angeles County, California, in effect at the time the Secretary takes possession of the facility.

(c) LEASEBACK AUTHORITY.—If the fair market value of a facility to be provided as consideration for the conveyance of real property under subsection (a) exceeds the fair market value of the conveyed property, the Secretary may enter into a lease for the facility for a period not to exceed 10 years. Rental payments under the lease shall be established at the rate necessary to permit the lessor to recover, by the end of the lease term, the difference between the fair market value of a facility and the fair market value of the conveyed property. At the end

of the lease, all right, title, and interest in the facility shall vest in the United States.

(d) APPRAISAL OF PROPERTY.—The Secretary shall obtain an appraisal of the fair market value of all property and facilities to be sold, leased, or acquired under this section. An appraisal shall be made by a qualified appraiser familiar with the type of property to be appraised. The Secretary shall consider the appraisals in determining whether a proposed conveyance accomplishes the purpose of this section and is in the interest of the United States. Appraisal reports shall not be released outside of the Federal Government, other than the other party to a conveyance.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of real property to be conveyed under subsection (a) or acquired under subsection (b) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the property.

(f) EXEMPTION.—Section 2696 of title 10, United States Code, does not apply to the conveyance authorized by subsection (a).

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under subsection (a)

or a lease under subsection (c) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2864. LAND CONVEYANCE, LOWRY AIR FORCE BASE, COLORADO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, or lease upon such terms as the Secretary considers appropriate, to the Lowry Redevelopment Authority (in this section referred to as the ''Authority'') all right, title, and interest of the United States in and to seven parcels of real property, including improvements thereon, consisting of approximately 23 acres at the former Lowry Air Force Base, Colorado, for the purpose of permitting the Authority to use the property in furtherance of economic development and other public purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of real property to be conveyed or leased under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Authority.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance or lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PART IV—OTHER CONVEYANCES

SEC. 2871. CONVEYANCE OF ARMY AND AIR FORCE EXCHANGE SERVICE PROPERTY, FARMERS BRANCH, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of Defense may authorize the Army and Air Force Exchange Service, which is a nonappropriated fund instrumentality of the United States, to sell all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 2727 LBJ Freeway in Farmers Branch, Texas.

(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 purchaser.

(c) CONSIDERATION.—As consideration for conveyance under subsection (a), the purchaser shall pay, in a single lump sum payment, an amount equal to the fair market value of the real property conveyed, as determined by the Secretary. The payment shall be handled in the manner provided in section 204(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(c)).

(d) CONGRESSIONAL REPORT.—Within 30 days after the sale of the property under subsection (a), the Sec-

retary shall submit to Congress a report detailing the particulars of the sale.

(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.

Subtitle D—Other Matters

SEC. 2881. RELATION OF EASEMENT AUTHORITY TO LEASED PARKLAND, MARINE CORPS BASE, CAMP PENDLETON, CALIFORNIA.

Section 2851 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2219) is amended by adding at the end the following new subsection:

"(f) EXEMPTION FOR CERTAIN LEASED LANDS.—(1) Section 303 of title 49, and section 138 of title 23, United States Code, shall not apply to any approval by the Secretary of Transportation of the use by State Route 241 of parkland within Camp Pendleton that is leased by the State of California, where the lease reserved to the United States the right to establish rights-of-way.

"(2) The Agency shall be responsible for the implementation of any measures required by the Secretary of Transportation to mitigate the impact of the Agency's use

of parkland within Camp Pendleton for State Route 241. With the exception of those mitigation measures directly related to park functions, the measures shall be located outside the boundaries of Camp Pendleton. The required mitigation measures related to park functions shall be implemented in accordance with the terms of the lease referred to in paragraph (1).''.

SEC. 2882. EXTENSION OF DEMONSTRATION PROJECT FOR PURCHASE OF FIRE, SECURITY, POLICE, PUBLIC WORKS, AND UTILITY SERVICES FROM LOCAL GOVERNMENT AGENCIES.

Section 816(c) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2820), as added by section 2873 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2225), is amended by striking ''2000'' and inserting ''2002''.

SEC. 2883. ESTABLISHMENT OF WORLD WAR II MEMORIAL ON GUAM.

(a) ESTABLISHMENT REQUIRED.—The Secretary of Defense shall establish on Federal lands near the Fena Caves in Guam a suitable memorial intended to honor those Guamanian civilians who were killed during the occupation of Guam during World War II and to commemo-

rate the liberation of Guam by the United States Armed Forces in 1944.

(b) MAINTENANCE OF MEMORIAL.—The Secretary of Defense shall be responsible for the maintenance of the memorial established pursuant to subsection (a).

(c) CONSULTATION.—In designing and building the memorial and selecting the specific location for the memorial, the Secretary of Defense shall consult with the American Battle Monuments Commission established under chapter 21 of title 36, United States Code.

SEC. 2884. NAMING OF ARMY MISSILE TESTING RANGE AT KWAJALEIN ATOLL AS THE RONALD REAGAN BALLISTIC MISSILE DEFENSE TEST SITE AT KWAJALEIN ATOLL.

The United States Army missile testing range located at Kwajalein Atoll in the Marshall Islands shall after the date of the enactment of this Act be known and designated as the ''Ronald Reagan Ballistic Missile Defense Test Site at Kwajalein Atoll''. Any reference to that range in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Ronald Reagan Ballistic Missile Defense Test Site at Kwajalein Atoll.

SEC. 2885. DESIGNATION OF BUILDING AT FORT BELVOIR, VIRGINIA, IN HONOR OF ANDREW T. MCNAMARA.

The building at 8725 John J. Kingman Road, Fort Belvoir, Virginia, shall be known and designated as the ''Andrew T. McNamara Building''. Any reference to that building in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Andrew T. McNamara Building.

SEC. 2886. DESIGNATION OF BALBOA NAVAL HOSPITAL, SAN DIEGO, CALIFORNIA, IN HONOR OF BOB WILSON, A FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES.

The Balboa Naval Hospital in San Diego, California, shall be known and designated as the ''Bob Wilson Naval Hospital''. Any reference to the Balboa Naval Hospital in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Bob Wilson Naval Hospital.

SEC. 2887. SENSE OF THE CONGRESS REGARDING IMPORTANCE OF EXPANSION OF NATIONAL TRAINING CENTER, FORT IRWIN, CALIFORNIA.

(a) FINDINGS.—The Congress finds the following:

(1) The National Training Center at Fort Irwin, California, is the Army's premier warfare training center.

(2) The National Training Center was cited by General Norman Schwarzkopf as being instrumental to the success of the allied victory in the Persian Gulf conflict.

(3) The National Training Center gives a military unit the opportunity to use high-tech equipment and confront realistic opposing forces in order to accurately discover the unit's strengths and weaknesses.

(4) The current size of the National Training Center is insufficient in light of the advanced equipment and technology required for modern warfare training.

(5) The expansion of the National Training Center to include additional lands would permit military units and members of the Armed Forces to adequately prepare for future conflicts and various warfare scenarios they may encounter throughout the world.

(6) Additional lands for the expansion of the National Training Center are presently available in the California desert.

(7) The expansion of the National Training Center is a top priority of the Army and the Office of the Secretary of Defense.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the prompt expansion of the National Training Center is vital to the national security interests of the United States.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $6,269,435,000, to be allocated as follows:

(1) WEAPONS ACTIVITIES.—For weapons activities, $4,677,800,000, to be allocated as follows:

(A) For stewardship, $4,280,415,000, to be allocated as follows:

(i) For directed stockpile work, $856,603,000.

(ii) For campaigns, $2,057,014,000, to be allocated as follows:

(I) For operation and maintenance, $1,707,682,000.

(II) For construction, $349,332,000, to be allocated as follows:

Project 01–D–101, distributed information systems laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $2,300,000.

Project 00–D–103, terascale simulation facility, Lawrence Livermore National Laboratory, Livermore, California, $5,000,000.

Project 00–D–105, strategic computing complex, Los Alamos National Laboratory, Los Alamos, New Mexico, $56,000,000.

Project 00–D–107, joint computational engineering laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $6,700,000.

Project 98–D–125, tritium extraction facility, Savannah River Plant, Aiken, South Carolina, $75,000,000.

Project 97–D–102, dual-axis radiographic hydrotest facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $35,232,000.

Project 96–D–111, national ignition facility (NIF), Lawrence Livermore National Laboratory, Livermore, California, $169,100,000.

(iii) For readiness in technical base and facilities, $1,366,798,000.

(B) For secure transportation asset, $115,673,000, to be allocated as follows:

(i) For operation and maintenance, $79,357,000.

(ii) For program direction, $36,316,000.

(C) For program direction, $216,871,000.

(D) 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), $159,841,000, to be allocated as follows:

Project 01–D–103, preliminary project design and engineering, various locations, $14,500,000.

Project 01–D–124, highly enriched uranium (HEU) storage facility, Y–12 Plant, Oak Ridge, Tennessee, $17,800,000.

Project 01–D–126, weapons evaluation test laboratory, Pantex Plant, Amarillo, Texas, $3,000,000.

Project 99–D–103, isotope sciences facilities, Lawrence Livermore National Laboratory, Livermore, California, $5,000,000.

Project 99–D–104, protection of real property (roof reconstruction, phase II), Lawrence Livermore National Laboratory, Livermore, California, $2,800,000.

Project 99–D–106, model validation and system certification center, Sandia National Laboratories, Albuquerque, New Mexico, $5,200,000.

Project 99–D–108, renovate existing roadways, Nevada Test Site, Nevada, $2,000,000.

Project 99–D–125, replace boilers and controls, Kansas City Plant, Kansas City, Missouri, $13,000,000.

Project 99–D–127, stockpile management restructuring initiative, Kansas City plant, Kansas City, Missouri, $23,765,000.

Project 99–D–128, stockpile management restructuring initiative, Pantex Plant, Amarillo, Texas, $4,998,000.

Project 99–D–132, stockpile management restructuring initiative, nuclear material safeguards and security upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $18,043,000.

Project 98–D–123, stockpile management restructuring initiative, tritium facility modernization and consolidation, Savannah River Plant, Aiken, South Carolina, $30,767,000.

Project 97–D–123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $2,918,000.

Project 95–D–102, chemistry and metallurgy research (CMR) upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $13,337,000.

Project 88–D–123, security enhancements, Pantex Plant, Amarillo, Texas, $2,713,000.

(2) DEFENSE NUCLEAR NONPROLIFERATION.—For other nuclear security activities, $914,035,000, to be allocated as follows:

(A) For nonproliferation and verification research and development, $232,990,000, to be allocated as follows:

(i) For operation and maintenance, $225,990,000.

(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), $7,000,000, to be allocated as follows:

Project 00–D–192, nonproliferation and international security center (NISC), Los Alamos National Labora-

tory, Los Alamos, New Mexico, $7,000,000.

(B) For arms control, $272,870,000.

(C) For long-term nonproliferation program for Russia, $100,000,000.

(D) For highly enriched uranium transparency implementation, $15,190,000.

(E) For international nuclear safety, $20,000,000.

(F) For fissile materials control and disposition, $221,517,000, to be allocated as follows:

(i) For operation and maintenance, $175,517,000.

(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), $46,000,000, to be allocated as follows:

Project 00–D–142, immobilization and associated processing facility, various locations, $3,000,000.

Project 99–D–141, pit disassembly and conversion facility, various locations, $20,000,000.

Project 99–D–143, mixed oxide fuel fabrication facility, various locations, $23,000,000.

(G) For program direction, $51,468,000.

(3) NAVAL REACTORS.—For naval reactors, $677,600,000, to be allocated as follows:

(A) For naval reactors development, $656,200,000, to be allocated as follows:

(i) For operation and maintenance, $627,500,000.

(ii) For general plant projects, $11,400,000.

(iii) 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), $17,300,000, to be allocated as follows:

Project 01–D–200, major office replacement building, Schenectady, New York, $1,300,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $16,000,000.

(B) For program direction, $21,400,000.

(b) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraph (1) of subsection (a) is the sum of the amounts authorized to be appropriated in subparagraphs (A) through (D) of such paragraph reduced by $95,000,000.

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 2001 for environmental restoration and waste management in carrying out programs necessary for national security in the amount of $4,591,527,000, to be allocated as follows:

(1) SITE/PROJECT COMPLETION.—For site project and completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,010,951,000, to be allocated as follows:

(A) For operation and maintenance, $941,475,000.

(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), $69,476,000, to be allocated as follows:

Project 01–D–402, Intec cathodic protection system expansion, Idaho National Engineering and Environmental Laboratory, Idaho, $500,000.

Project 01–D–407, Highly Enriched Uranium (HEU) Blend-down, Savannah River Site, Aiken, South Carolina, $27,932,000.

Project 99–D–402, tank farm support services, F&H area, Savannah River Site, Aiken, South Carolina, $7,714,000.

Project 99–D–404, health physics instrumentation laboratory, Idaho National Engineering and Environmental Laboratory, Idaho, $4,300,000.

Project 98–D–453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, $1,690,000.

Project 97–D–470, regulatory monitoring and bioassay laboratory, Savannah River Site, Aiken, South Carolina, $3,949,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $12,512,000.

Project 92–D–140, F and H canyon exhaust upgrades, Savannah River Site, Aiken, South Carolina, $8,879,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $2,000,000.

(2) 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 $3,108,457,000, to be allocated as follows:

(A) For operation and maintenance, $2,588,725,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the con-

tinuation of projects authorized in prior years, and land acquisition related thereto), $99,732,000, to be allocated as follows:

Project 01–D–403, immobilized high level waste interim storage facility, Richland, Washington, $1,300,000.

Project 99–D–403, privatization phase I infrastructure support, Richland, Washington, $7,812,000.

Project 97–D–402, tank farm restoration and safe operations, Richland, Washington, $46,023,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $17,385,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $27,212,000.

(3) 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 $196,548,000.

(4) PROGRAM DIRECTION.—For program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $359,888,000.

(b) ADJUSTMENT.—The total amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated in paragraphs (1) through (4) of that subsection reduced by $84,317,000, to be derived from offsets and use of prior year balances.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for other defense activities in carrying out programs necessary for national security in the amount of $557,122,000, to be allocated as follows:

(1) INTELLIGENCE.—For intelligence, $38,059,000, to be allocated as follows:

(A) For operation and maintenance, $36,059,000.

(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), $2,000,000, to be allocated as follows:

Project 01–D–800, Sensitive compartmented information facility, Lawrence Livermore National Laboratory, Livermore, California, $2,000,000.

(2) COUNTERINTELLIGENCE.—For counterintelligence, $45,200,000.

(3) SECURITY AND EMERGENCY OPERATIONS.—For security and emergency operations, $340,376,000, to be allocated as follows:

(A) For nuclear safeguards and security, $124,409,000.

(B) For security investigations, $33,000,000.

(C) For emergency management, $93,600,000.

(D) For program direction, $89,367,000.

(4) INDEPENDENT OVERSIGHT AND PERFORMANCE ASSURANCE.—For independent oversight and performance assurance, $14,937,000.

(5) ENVIRONMENT, SAFETY, AND HEALTH.—For the Office of Environment, Safety, and Health, $111,050,000, to be allocated as follows:

(A) For environment, safety, and health (defense), $88,446,000.

(B) For program direction, $22,604,000.

(6) WORKER AND COMMUNITY TRANSITION ASSISTANCE.—For worker and community transition assistance, $24,500,000, to be allocated as follows:

(A) For worker and community transition, $21,500,000.

(B) For program direction, $3,000,000.

(7) OFFICE OF HEARINGS AND APPEALS.—For the Office of Hearings and Appeals, $3,000,000.

(b) ADJUSTMENTS.—The amount authorized to be appropriated pursuant to subsection (a)(3)(B) is reduced by $20,000,000 to reflect an offset provided by user organizations for security investigations.

SEC. 3104. DEFENSE FACILITIES CLOSURE PROJECTS.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 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 $1,082,297,000.

SEC. 3105. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for privatization projects at various locations in carrying out environmental restoration and waste man-

agement activities necessary for national security programs in the amount of $284,092,000.

(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 $25,092,000 for use of prior year balances of funds for defense environmental management privatization.

SEC. 3106. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 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.

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 authoriza-

tions 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 5 percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than 5 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 National Security 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 con-

struction 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. AVAILABILITY OF FUNDS.

(a) IN GENERAL.—Except as provided in subsection (b), amounts appropriated for any activities under this title pursuant to an authorization of appropriations in this title shall remain available for obligation only until the later of the following dates:

(1) October 1, 2003.

(2) The date of the enactment of an Act authorizing funds for such activities for fiscal year 2004.

(b) EXCEPTION FOR PROGRAM DIRECTION.—Amounts appropriated for program direction pursuant to an authorization of appropriations in this title shall remain available for obligation only until the later of the following dates:

(1) October 1, 2001.

(2) The date of the enactment of an Act authorizing funds for such program direction for fiscal year 2002.

SEC. 3128. 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 appro-

priated 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, 2000, and ending on September 30, 2001.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. FUNDING FOR TERMINATION COSTS FOR RIVER PROTECTION PROJECT, RICHLAND, WASHINGTON.

The Secretary of Energy may not use appropriated funds to establish a reserve for the payment of any costs of termination of any contract relating to the River Protection Project, Richland, Washington (as designated by section 3135). Such costs may be paid from—

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

(2) appropriations currently available for privatization initiatives in carrying out environmental restoration and waste management activities necessary for national security programs, and not otherwise obligated; or

(3) funds appropriated specifically for the payment of such costs.

SEC. 3132. ENHANCED COOPERATION BETWEEN NATIONAL NUCLEAR SECURITY ADMINISTRATION AND BALLISTIC MISSILE DEFENSE ORGANIZATION.

(a) JOINTLY FUNDED PROJECTS.—The Secretary of Energy and the Secretary of Defense shall modify the memorandum of understanding for the use of national laboratories for ballistic missile defense programs, entered into under section 3131 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2034), to provide for jointly funded projects.

(b) REQUIREMENTS FOR PROJECTS.—The projects referred to in subsection (a) shall—

(1) be carried out by the National Nuclear Security Administration and the Ballistic Missile Defense Organization; and

(2) contribute to sustaining—

(A) the expertise necessary for the viability of such laboratories; and

(B) the capabilities required to sustain the nuclear stockpile.

(c) PARTICIPATION BY NNSA IN CERTAIN BMDO ACTIVITIES.—The Administrator of the National Nuclear Security Administration and the Director of the Ballistic Missile Defense Organization shall implement mechanisms that increase the cooperative relationship between those organizations. Those mechanisms shall include participation by personnel of the National Nuclear Security Administration in the following activities of the Ballistic Missile Defense Organization:

(1) Peer reviews of technical efforts.

(2) Activities of so-called ''red teams''.

SEC. 3133. REQUIRED CONTENTS OF FUTURE-YEARS NUCLEAR SECURITY PROGRAM TO BE SUBMITTED WITH FISCAL YEAR 2002 BUDGET AND LIMITATION ON THE OBLIGATION OF CERTAIN FUNDS PENDING SUBMISSION OF THAT PROGRAM.

(a) FINDINGS.—Congress finds that:

(1) The budget justification materials submitted to Congress in support of the budget for fiscal year 2001 did not comply with the requirement

of section 3251(b) of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 966; 50 U.S.C. 2451) that the amounts requested for the National Nuclear Security Administration be specified in individual, dedicated program elements.

(2) The information submitted to Congress in support of that budget did not comply with the requirement of section 3253(b) of such Act (50 U.S.C. 2453(b)) that a future-years nuclear security program be submitted that contains—

(A) the estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Administration during the 5-fiscal year period covered by the program, expressed in a level of detail comparable to that contained in the budget; and

(B) a description of the anticipated workload requirements for each Administration site during that 5-fiscal year period.

(b) REQUIRED DETAIL FOR FUTURE-YEARS NUCLEAR SECURITY PROGRAM SUBMITTED WITH FISCAL YEAR 2002 BUDGET.—The future-years nuclear security program submitted in connection with the budget for fiscal year 2002 shall, at a minimum, and in addition to the

information required to be contained in such program by section 3253 of such Act (50 U.S.C. 2453), include the following information:

(1) A detailed description of proposed program elements for directed stockpile work, campaigns, readiness in technical base and facilities, nonproliferation and national security, fissile materials disposition, and naval reactors, and for their associated projects, activities, and construction projects, during the 5-fiscal year period covered by such program.

(2) A statement of proposed budget authority, proposed expenditures, and proposed appropriations necessary to support each proposed program element specified in paragraph (1).

(3) A detailed description of how the funds identified for each proposed program element specified in paragraph (1) in the budget of the Administration for each fiscal year during the 5-fiscal year period covered by such program 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).

(c) LIMITATION ON OBLIGATION OF CERTAIN FUNDS.—The Administrator for Nuclear Security may not obligate more than 50 percent of the funds described in subsection (d) until 30 days after the Administrator submits the future-years nuclear security program required to be submitted in connection with the budget for fiscal year 2002.

(d) COVERED FUNDS.—Funds referred to in subsection (c) are funds appropriated or otherwise available to the Administrator for Program Direction within any National Nuclear Security Administration budget account for fiscal year 2001.

SEC. 3134. LIMITATION ON OBLIGATION OF CERTAIN FUNDS.

(a) LIMITATION.—The Secretary of Energy may not obligate any funds appropriated or otherwise made available to the Secretary for fiscal year 2001 for the purpose of infrastructure upgrades or maintenance in an account specified in subsection (b) for any other purpose.

(b) COVERED ACCOUNTS.—An account referred to in subsection (a) is any Construction account or Readiness in Technical Base and Facilities account within any National Nuclear Security Administration budget account.

SEC. 3135. DESIGNATION OF RIVER PROTECTION PROJECT, RICHLAND, WASHINGTON.

The tank waste remediation system environmental project, Richland, Washington, shall be known and designated as the ''River Protection Project''. Any reference to that project in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the River Protection Project.

SEC. 3136. ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS FOR POST-SHIPMENT VERIFICATION REPORTS ON ADVANCED SUPERCOMPUTERS SALES TO CERTAIN FOREIGN NATIONS.

Section 3157 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 the purposes of subsection (a) of this section in lieu of the level set forth in subsection (a).''.

SEC. 3137. EMPLOYEE INCENTIVES FOR EMPLOYEES AT CLOSURE PROJECT FACILITIES.

(a) AUTHORITY TO PROVIDE INCENTIVES.—Notwithstanding any other provision of law, the Secretary of En-

ergy may provide to any eligible employee of the Department of Energy one or more of the incentives described in subsection (d).

(b) ELIGIBLE EMPLOYEES.—An individual is an eligible employee of the Department of Energy for purposes of this section if the individual—

(1) has worked continuously at a closure facility for at least 2 years;

(2) is an employee (as that term is defined in section 2105(a) of title 5, United States Code);

(3) has a fully satisfactory or equivalent performance rating during the most recent performance period and is not subject to an adverse notice regarding conduct; and

(4) meets any other requirement or condition under subsection (d) for the incentive which is provided the employee under this section.

(c) CLOSURE FACILITY DEFINED.—For purposes of this section, the term ''closure facility'' means a Department of Energy facility at which the Secretary is carrying out a closure project selected under section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7274n).

(d) INCENTIVES.—The incentives that the Secretary may provide under this section are the following:

(1) The right to accumulate annual leave provided by section 6303 of title 5, United States Code, for use in succeeding years until it totals not more than 90 days, or not more than 720 hours based on a standard work week, at the beginning of the first full biweekly pay period, or corresponding period for an employee who is not paid on the basis of biweekly pay periods, occurring in a year, except that—

(A) any annual leave that remains unused when an employee transfers to a position in a department or agency of the Federal Government shall be liquidated upon the transfer by payment to the employee of a lump sum for leave in excess of 30 days, or in excess of 240 hours based on a standard work week; and

(B) upon separation from service, annual leave accumulated under this paragraph shall be treated as any other accumulated annual leave is treated.

(2) The right to be paid a retention allowance in a lump sum in compliance with paragraphs (1) and (2) of section 5754(b) of title 5, United States Code, if the employee meets the requirements of section 5754(a) of that title, except that the retention allowance may exceed 25 percent, but may not be

more than 30 percent, of the employee's rate of basic pay.

(e) AGREEMENT.—An eligible employee of the Department of Energy provided an incentive under this section shall enter into an agreement with the Secretary to remain employed at the closure facility at which the employee is employed as of the date of the agreement until a specific date or for a specific period of time.

(f) VIOLATION OF AGREEMENT.—(1) Except as provided under paragraph (3), an eligible employee of the Department of Energy who violates an agreement under subsection (e), or is dismissed for cause, shall forfeit eligibility for any incentives under this section as of the date of the violation or dismissal, as the case may be.

(2) Except as provided under paragraph (3), an eligible employee of the Department of Energy who is paid a retention allowance under subsection (d)(2) and who violates an agreement under subsection (e), or is dismissed for cause, before the end of the period or date of employment agreed upon under such agreement shall refund to the United States an amount that bears the same ratio to the aggregate amount so paid to or received by the employee as the unserved part of such employment bears to the total period of employment agreed upon under such agreement.

(3) The Secretary may waive the applicability of paragraph (1) or (2) to an employee otherwise covered by such paragraph if the Secretary determines that there is good and sufficient reason for the waiver.

(g) REPORT.—The Secretary shall include in each report on a closure project under section 3143(h) of the National Defense Authorization Act for Fiscal Year 1997 a report on the incentives, if any, provided under this section with respect to the project for the period covered by such report.

(h) AUTHORITY WITH RESPECT TO HEALTH COVERAGE.—Section 8905a(d)(5)(A) of title 5, United States Code (as added by section 1106 of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1598)), is amended by inserting after ''readjustment'' the following: '', or a voluntary or involuntary separation from a Department of Energy position at a Department of Energy facility at which the Secretary is carrying out a closure project selected under section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7274n)''.

(i) AUTHORITY WITH RESPECT TO VOLUNTARY SEPARATIONS.—(1) The Secretary of Energy may—

(A) separate from service any employee at a Department of Energy facility at which the Sec-

retary is carrying out a closure project selected under section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7274n) who volunteers to be separated under this subparagraph even though the employee is not otherwise subject to separation due to a reduction in force; and

(B) for each employee voluntarily separated under subparagraph (A), retain an employee in a similar position who would otherwise be separated due to a reduction in force.

(2) The separation of an employee under paragraph (1)(A) shall be treated as an involuntary separation due to a reduction in force.

(3) An employee with critical knowledge and skills (as defined by the Secretary) may not participate in a voluntary separation under paragraph (1)(A) if the Secretary determines that such participation would impair the performance of the mission of the Department of Energy.

SEC. 3138. SENSE OF THE CONGRESS REGARDING COMPENSATION AND HEALTH CARE FOR PERSONNEL OF THE DEPARTMENT OF ENERGY AND ITS CONTRACTORS AND VENDORS WHO HAVE SUSTAINED BERYLLIUM, SILICA, AND RADIATION-RELATED INJURY.

It is the sense of the Congress that—

(1) Since World War II Federal nuclear activities have been explicitly recognized by the United States Government as an a ultra-hazardous activity under Federal law. Nuclear weapons production and testing involved unique dangers, including potential catastrophic nuclear accidents that private insurance carriers would not cover, as well as chronic exposures to radioactive and hazardous substances, such as beryllium and silica, that even in small amounts could cause medical harm.

(2) Since the inception of the nuclear weapons program and for several decades afterwards, large numbers of nuclear weapons workers at Department of Energy and at vendor sites who supplied the Cold War effort were put at risk without their knowledge and consent for reasons that, documents reveal, were driven by fears of adverse publicity, liability, and employee demands for hazardous duty pay.

(3) Numerous previous secret records documented unmonitored radiation, beryllium, silica, heavy metals, and toxic substances' exposures and continuing problems at the Department of Energy and vendor sites across the country, where since World War II the Department of Energy and its predecessors have been self-regulating with respect to nuclear safety and occupational safety and health. No other hazardous Federal activity has been permitted to have such sweeping self-regulatory powers.

(4) The Department of Energy policy to litigate occupational illness claims has deterred workers from filing workers compensation claims and imposed major financial burdens for workers who sought compensation. Department of Energy contractors have been held harmless and the Department of Energy workers were denied workers compensation coverage for occupational disease.

(5) Over the past 20 years more than two dozen scientific findings have emerged that indicate that certain Department of Energy workers are experiencing increased risks of dying from cancer and non-malignant diseases at numerous facilities that provided for the nation's nuclear deterrent. Several of these studies also establish a correlation between

excess diseases and exposure to radiation, beryllium, and silica.

(6) While linking exposure to occupational hazards with the development of occupational disease is sometimes difficult, scientific evidence supports the conclusion that occupational exposure to dust particles or vapor of beryllium, even where there was compliance with the standards in place at the time, can cause beryllium sensitivity and chronic beryllium disease. Furthermore, studies indicate than 98 percent of radiation induced cancers within the Department of Energy complex occur at dose levels below existing maximum safe thresholds. Further, that workers at Department of Energy sites were exposed to silica, heavy metals, and toxic substances at levels that will lead or contribute to illness and diseases.

(7) Existing information indicates that State workers' compensation programs are not a uniform means to provide adequate compensation for the types of occupational illnesses and diseases related to the prosecution of the Cold War effort.

(8) The civilian men and women who performed duties uniquely related to the Department of Energy's nuclear weapons production and testing programs over the last 50 years should have efficient,

uniform, and adequate compensation for beryllium-related health conditions, radiation-related health conditions, and silica-related health conditions in order to assure fairness and equity.

(9) This situation is sufficiently unique to the Department of Energy's nuclear weapons production and testing programs that it is appropriate for Congressional action this year.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2001, $17,000,000 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 XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2001, the National Defense Stockpile Manager may obligate up to $70,500,000 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.

SEC. 3302. USE OF EXCESS TITANIUM SPONGE IN THE NATIONAL DEFENSE STOCKPILE TO MANUFACTURE DEPARTMENT OF DEFENSE EQUIPMENT.

(a) TRANSFER AUTHORIZED.—Upon the request of the Secretary of a military department or the director of a defense agency, the Secretary of Defense may transfer excess titanium sponge in the National Defense Stockpile for use in manufacturing equipment to be used by the Armed Forces. The quantity of titanium sponge trans-

ferred under this section may not exceed 20,000 short tons.

(b) NONREIMBURSABLE.—Any transfer of excess titanium sponge under this section shall be made without reimbursement, except that the recipient of the material shall be responsible for all transportation and related costs incurred in connection with the transfer.

(c) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—Any request by the Secretary of the Army for the transfer of titanium sponge pursuant to section 3305 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 630) takes precedence over any transfer request received under this section.

TITLE XXXIV—MARITIME ADMINISTRATION

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001.

Funds are hereby authorized to be appropriated for fiscal year 2001, 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, $94,160,000.

(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.), $54,179,000, of which—

(A) $50,000,000 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) $4,179,000 is for administrative expenses related to loan guarantee commitments under the program.

SEC. 3402. EXTENSION OF PERIOD FOR DISPOSAL OF OBSOLETE VESSELS IN THE NATIONAL DEFENSE RESERVE FLEET.

(a) EXTENSION.—Section 6(c)(1)(A) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)(A)) is amended by striking ''2001'' and inserting ''2006''.

(b) UTILIZATION OF FOREIGN SCRAPPING.—Section 6(c)(1) of such Act (16 U.S.C. 5405(c)(1)) is amended—

(1) in subparagraph (B) by striking ''and'' after the semicolon;

(2) in subparagraph (C)—

(A) by striking ''in accordance with'' and inserting ''subject to subparagraph (D), in accordance with''; and

(B) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(D) to the maximum extent possible, by scrapping outside of the United States.".

(c) PLAN FOR COMPLETION OF DISPOSAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to the Congress a plan for completing disposal of vessels in the National Defense Reserve Fleet in accordance with section 6(c) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405), as amended by subsection (a), including—

(1) a description of resources required for such completion; and

(2) a determination of the extent to which such vessels will be disposed of by scrapping outside of the United States.

SEC. 3403. AUTHORITY TO CONVEY NATIONAL DEFENSE RESERVE FLEET VESSEL, GLACIER.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation (in this section referred to as "the Secretary") may, subject to subsection (b), convey all right, title, and interest of the United States Government in and to the vessel in the National Defense Reserve Fleet that was formerly the U.S.S. GLACIER (United States official

number AGB–4) to the Glacier Society, Inc., a corporation established under the laws of the State of Connecticut that is located in Bridgeport, Connecticut (in this section referred to as the ''recipient'').

(b) TERMS OF CONVEYANCE.—

(1) REQUIRED CONDITIONS.—The Secretary may not convey a vessel under this section unless the recipient—

(A) agrees to use the vessel for the purpose of a monument to the accomplishments of members of the Armed Forces of the United States, civilians, scientists, and diplomats in exploration of the Arctic and the Antarctic;

(B) agrees that the vessel will not be used for commercial purposes;

(C) agrees to make the vessel available to the Government if the Secretary requires use of the vessel by the Government for war or national emergency;

(D) agrees to hold the Government harmless for any claims arising from exposure to asbestos, polychlorinated biphenyls, or lead paint after the conveyance of the vessel, except for claims arising from use of the vessel by the

Government pursuant to the agreement under subparagraph (C); and

(E) provides sufficient evidence to the Secretary that it has available for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least $100,000.

(2) DELIVERY OF VESSEL.—If the Secretary conveys the vessel under this section, the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of conveyance;

(B) in its condition on that date; and

(C) at no cost to the United States Government.

(3) ADDITIONAL TERMS.—The Secretary may require such additional terms in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(c) OTHER UNNEEDED EQUIPMENT.—If the Secretary conveys the vessel under this section, the Secretary may also convey to the recipient any unneeded equipment from other vessels in the National Defense Reserve Fleet or Government storage facilities for use to restore the ves-

sel to museum quality or to its original configuration (or both).

(d) RETENTION OF VESSEL IN NDRF.—The Secretary shall retain in the National Defense Reserve Fleet the vessel authorized to be conveyed under this section until the earlier of—

(1) 2 years after the date of the enactment of this Act; or

(2) the date of the conveyance of the vessel under this section.

SEC. 3404. AUTHORITY TO CONVEY OFFSHORE DRILL RIG OCEAN STAR.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation (referred to in this section as the ''Secretary'') may, without consideration, convey all right, title, and interest of the United States Government in and to the offshore drill rig OCEAN STAR, to the Offshore Rig Museum, Inc., a nonprofit corporation established under the laws of the State of Texas and doing business as the Offshore Energy Center (in this section referred to as ''the recipient'').

(2) RELEASE OF ASSOCIATED INTERESTS.—As part of the conveyance, the Secretary shall release

any encumbrance and forgive any promissory note or loan held by the United States with respect to the drill rig.

(b) CONDITIONS.—Any conveyance, release, or forgiveness under subsection (a) shall be subject to the following conditions:

(1) The recipient must have at least 3 consecutive years experience in operating a drill rig as a nonprofit museum.

(2) Before the effective date of the conveyance, release, and forgiveness, the recipient must agree—

(A) to continue to use the drill rig as part of a museum to demonstrate to the public the recovery of offshore energy resources;

(B) to make the drill rig available to the Government if the Secretary requires use of the drill rig for a national emergency;

(C) that if the recipient no longer requires the drill rig for use as a museum dedicated to demonstrating to the public the recovery of offshore energy resources, the recipient shall, at the discretion of the Secretary, convey the drill rig to the Government; and

(D) to any other conditions the Secretary considers appropriate.

(3) The drill rig may not be used for commercial transportation or commercial drilling and production of offshore energy resources.

Passed the House of Representatives May 18, 2000.

Attest: JEFF TRANDAHL,

Clerk.

Calendar No. 564

106TH CONGRESS
2D SESSION

H. R. 4205

AN ACT

To authorize appropriations for fiscal year 2001 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.

MAY 22, 2000

Received; read twice and placed on the calendar