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106TH CONGRESS
1ST SESSION

# S. 1060

# AN ACT

To authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, 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.**

This Act may be cited as the ''Department of Defense Authorization Act for Fiscal Year 2000''.

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

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

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

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

# TITLE I—PROCUREMENT

## Subtitle A—Authorization of Appropriations

**SEC. 101. ARMY.**

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

(1) For aircraft, $1,498,188,000.

(2) For missiles, $1,411,104,000.

(3) For weapons and tracked combat vehicles, $1,678,865,000.

(4) For ammunition, $1,209,816,000.

(5) For other procurement, $3,647,370,000.

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

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

(1) For aircraft, $8,927,255,000.

(2) For weapons, including missiles and torpedoes, $1,392,100,000.

(3) For shipbuilding and conversion, $7,016,454,000.

(4) For other procurement, $4,197,791,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Marine Corps in the amount of $1,295,570,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for procurement of ammunition for the Navy and the Marine Corps in the amount of $542,700,000.

**SEC. 103. AIR FORCE.**

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

(1) For aircraft, $9,704,866,000.

(2) For missiles, $2,389,208,000.

(3) For ammunition, $411,837,000.

(4) For other procurement, $7,142,177,000.

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

Funds are hereby authorized to be appropriated for fiscal year 2000 for Defense-wide procurement in the amount of $2,293,417,000.

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

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

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

There is hereby authorized to be appropriated for fiscal year 2000 the amount of $1,164,500,000 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 material 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 2000 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $356,970,000.

# Subtitle B—Army Programs

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

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

(1) The M270A1 launcher.

(2) The Family of Medium Tactical Vehicles, except that the period of a multiyear contract may not exceed three years.

(3) The Command Launch Unit for the Javelin Advanced Anti-tank Weapon System-Medium.

(4) The missile for the Javelin Advanced Anti-tank Weapon System-Medium, except that the period of a multiyear contract may not exceed four years.

(5) The AH–64D Longbow Apache aircraft.

(6) The Wolverine heavy assault bridge.

(7) The system enhancement program for the M1A2 Abrams tank assembly.

(8) The Second Generation Forward Looking Infrared system for the M1A2 Abrams tank.

(9) The C2V Command and Control Vehicle, except that the period of a multiyear contract may not exceed four years.

(10) The Second Generation Forward Looking Infrared system for the Bradley A3 fighting vehicle, except that the period of a multiyear contract may not exceed four years.

(11) The improved Bradley acquisition system for the Bradley A3 fighting vehicle, except that the period of a multiyear contract may not exceed four years.

(12) The Bradley A3 fighting vehicle, except that the period of a multiyear contract may not exceed four years.

**SEC. 112. CLOSE COMBAT TACTICAL TRAINER PROGRAM.**

None of the funds authorized to be appropriated under section 101(5) may be used for the procurement of the close combat tactical trainers configured to mobile or fixed sites for tanks or to mobile or fixed sites for the Bradley A3 fighting vehicle under the Close Combat Tactical Trainer program of the Army until—

(1) the Secretary of the Army has submitted to the congressional defense committees a report containing—

(A) a discussion of the actions taken to correct the deficiencies in such trainers that have been identified by the Director of Operations Test and Evaluation of the Department of Defense before the date of the report; and

(B) the Secretary's certification that the close combat tactical trainers satisfy the reliability requirements established for the trainers under the program; and

(2) thirty days have elapsed since the date of the submittal of the report.

**SEC. 113. ARMY AVIATION MODERNIZATION.**

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

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

(A) Restoration of the original procurement objective of the program to the procurement of 747 aircraft and 227 fire control radars.

(B) Qualification and training of reserve component pilots as augmentation crews to en-

sure 24-hour warfighting capability in deployed attack helicopter units.

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

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

(3) For the RAH–66 Comanche program:

(A) Review of the total requirements and acquisition objectives for the program.

(B) Fielding of Comanche helicopters to the existing aviation force structure.

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

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

(A) A UH–1 modernization program.

(B) Revision of total force requirements for the aircraft to reflect the warfighting support requirements and State mission requirements for aircraft utilized by the Army National Guard.

(5) For the UH–60 helicopter program:

(A) Identification of the requirements for the aircraft.

(B) An acquisition strategy for meeting requirements that cannot be met by UH–1 Huey helicopters among the warfighting support requirements and State mission requirements for aircraft utilized by the Army National Guard.

(C) An upgrade program for fielded aircraft.

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

(7) For the OH-58D Kiowa Warrior helicopters, a modernization program.

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

(b) LIMITATION.—Not more than 90 percent of the amount authorized to be appropriated under section 101(2) may be obligated before the date that is 30 days after the date on which the Secretary of the Army submits

the plan required under subsection (a) to the congressional defense committees.

**SEC. 114. MULTIPLE LAUNCH ROCKET SYSTEM.**

Of the funds authorized to be appropriated under section 101(2), $500,000 may be made available to complete the development of reuse and demilitarization tools and technologies for use in the disposition of Army MLRS inventory.

# Subtitle C—Navy Programs

**SEC. 121. LHD–8 AMPHIBIOUS DOCK SHIP PROGRAM.**

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

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

**SEC. 122. ARLEIGH BURKE CLASS DESTROYER PROGRAM.**

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT OF 6 ADDITIONAL VESSELS.—(1) Subsection (b) of sec-

tion 122 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2446) is amended in the first sentence—

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

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

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

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

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

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

(c) OTHER FUNDS FOR ADVANCE PROCUREMENT.—Notwithstanding any other provision of this Act, of the

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

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

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

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

**SEC. 124. COOPERATIVE ENGAGEMENT CAPABILITY PROGRAM.**

(a) LIMITATION.—Cooperative engagement equipment procured under the Cooperative Engagement Capability program of the Navy may not be installed into a commissioned vessel until the completion of operational test and evaluation of the shipboard cooperative engagement capability.

(b) CONSTRUCTION.—Subsection (a) shall not be construed to limit the installation of cooperative engagement equipment in new construction ships.

**SEC. 125. F/A–18E/F AIRCRAFT PROGRAM.**

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

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) to enter into a multiyear contract for the procurement of F/A–18E/F aircraft or authorize entry of the F/A–18E/F aircraft program into full-rate production until—

(1) the Secretary of Defense certifies to the Committees on Armed Services of the Senate and House of Representatives the results of operational test and evaluation of the F/A–18E/F aircraft.

(2) the Secretary of Defense determines that the results of operational test and evaluation demonstrate that the version of the aircraft to be procured under the multiyear contract in the higher quantity than the other version satisfies all key performance parameters appropriate to that version of aircraft in the operational requirements document

for the F/A–18E/F program, as submitted on April 1, 1997, except that with respect to the range performance parameter a deviation of 1 percent shall be permitted.

# Subtitle D—Air Force Programs

**SEC. 131. F–22 AIRCRAFT PROGRAM.**

Before awarding the contract for low-rate initial production under the F–22 aircraft program, the Secretary of Defense shall certify to the congressional defense committees that—

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

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

# Subtitle E—Other Matters

**SEC. 141. EXTENSION OF AUTHORITY TO CARRY OUT ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE.**

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

**SEC. 142. EXTENSION OF PILOT PROGRAM ON SALES OF MANUFACTURED ARTICLES AND SERVICES OF CERTAIN ARMY INDUSTRIAL FACILITIES WITHOUT REGARD TO AVAILABILITY FROM DOMESTIC SOURCES.**

(a) EXTENSION OF PROGRAM.—Section 141 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1652; 10 U.S.C. 4543 note) is amended—

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

(2) in subsection (b), by striking ''during fiscal year 1998 or 1999'' and inserting ''during a fiscal year covered by the pilot program''.

(b) EXTENSION OF DEADLINE FOR INSPECTOR GENERAL REPORT.—Subsection (c) of such section is amended by striking ''July 1, 1999'' and inserting ''July 1, 2000''.

**SEC. 143. D-5 MISSILE PROGRAM.**

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

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

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

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

(B) rotation of inventory; and

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

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

(3) An assessment of the capability of the Navy of meeting strategic requirements with a total pro-

curement of less than 425 D–5 missiles, including an assessment of the consequences of—

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

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

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

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

# 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 2000 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $4,695,894,000.

(2) For the Navy, $8,207,616,000.

(3) For the Air Force, $13,573,308,000.

(4) For Defense-wide activities, $9,389,081,000, of which—

(A) $253,457,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $24,434,000 is authorized for the Director of Operational Test and Evaluation.

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

(a) FISCAL YEAR 2000.—Of the amounts authorized to be appropriated by section 201, $4,156,812,000 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. NATO COMMON-FUNDED CIVIL BUDGET.**

Of the amount authorized to be appropriated by section 201(1), $750,000 shall be available for contributions for the common-funded Civil Budget of NATO.

**SEC. 212. MICRO-SATELLITE TECHNOLOGY DEVELOPMENT PROGRAM.**

(a) FUNDING.—Of the funds authorized to be appropriated under section 201(3), $25,000,000 is available for continued implementation of the micro-satellite technology program established pursuant to section 215 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1659).

(b) MICRO-SATELLITE TECHNOLOGY DEVELOPMENT PLAN.—The Secretary of Defense shall develop a micro-satellite technology development plan to guide technology investment decisions and prioritize technology demonstration activities.

(c) REPORT.—Not later than April 15, 1999, the Secretary shall submit to the congressional defense committees a report regarding the plan developed under subsection (b).

**SEC. 213. SPACE CONTROL TECHNOLOGY.**

(a) FUNDS AVAILABLE FOR AIR FORCE EXECUTION.—Of the funds authorized to be appropriated under section 201(3), $19,822,000 shall be available for space control technology development pursuant to the Department of Defense Space Control Technology Plan of 1999.

(b) FUNDS AVAILABLE FOR ARMY EXECUTION.—Of the funds authorized to be appropriated under section 201(1), $41,000,000 shall be available for space control technology development. Of the funds made available pursuant to the preceding sentence, the Commanding General of the United States Army Space and Missile Defense Command may utilize such amounts as are necessary for any or all of the following activities:

(1) Continued development of the kinetic energy anti-satellite technology program necessary to retain an option of conducting a flight test within two years of any decision to do so.

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

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

**SEC. 214. SPACE MANEUVER VEHICLE.**

(a) FUNDING.—Of the funds authorized to be appropriated under section 201(3), $35,000,000 is available for the space maneuver vehicle program.

(b) ACQUISITION OF SECOND FLIGHT TEST ARTICLE.—The amount available for the space maneuver vehicle program under subsection (a) may be used only to acquire a second flight test article for the joint Air Force and National Aeronautics and Space Administration X–37 program in support of the Air Force Space Maneuver Vehicle program.

**SEC. 215. MANUFACTURING TECHNOLOGY PROGRAM.**

(a) SUPPORT OF HIGH-RISK PROJECTS TO MEET ESSENTIAL REQUIREMENTS.—Subsection (b) of section 2525 of title 10, United States Code, is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4) respectively; and

(3) by inserting after ''program—'' the following new paragraph (1):

''(1) to focus Department of Defense support for advanced manufacturing technologies on high-risk projects for the development and application of technologies for use to satisfy manufacturing requirements essential to the national defense, as well as for use for repair and remanufacturing in support

of the operations of systems commands, depots, air logistics centers, and shipyards;''.

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

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

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

''(2) The Secretary shall require that manufacturing technology projects proposed to be carried out under the program be selected principally on the basis of the extent to which the projects satisfy the purpose set forth in subsection (b)(1), as determined by a panel established to review the proposed projects and to make the selections.

''(3) A manufacturing technology project selected for the program may be carried out only if the head of the program office of a systems command, depot, air logistics center, or shipyard serves as a sponsor for the project by certifying that funds available to the program office will be used to pay the costs of implementing a manufacturing technology developed and applied under the project to the successful satisfaction of requirements described in subsection (b)(1).''.

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

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

(2) by striking ''(A)'' following ''(d) COMPETITION AND COST SHARING.—(1)''; and

(3) by striking ''(B) For each'' and all that follows through ''competitive procedures.'' and inserting the following: ''(2) The competitive procedures shall include among the factors to be considered in the evaluation of a proposal for a grant, contract, cooperative agreement, or other transaction for a project the extent to which the proposal provides for the prospective recipient to share in defraying the costs of the project.''.

**SEC. 216. TESTING OF AIRBLAST AND IMPROVISED EXPLOSIVES.**

Of the amount authorized to be appropriated under section 201(4)—

(1) $4,000,000 is available for testing of airblast and improvised explosives (in PE 63122D); and

(2) the amount provided for sensor and guidance technology (in PE 63762E) is reduced by $4,000,000.

# Subtitle C—Ballistic Missile Defense

**SEC. 221. THEATER MISSILE DEFENSE UPPER TIER ACQUISITION STRATEGY.**

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

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

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

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

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

(1) The Navy Theater Wide system.

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

**SEC. 222. REPEAL OF REQUIREMENT TO IMPLEMENT TECHNICAL AND PRICE COMPETITION FOR THEATER HIGH ALTITUDE AREA DEFENSE SYSTEM.**

Subsection (a) of section 236 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1953) is repealed.

**SEC. 223. SPACE-BASED LASER PROGRAM.**

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

(1) a near-term integrated flight experiment; and

(2) an ongoing activity for developing an objective system design, including developing, testing, and operating a prototype system.

(b) INTEGRATED FLIGHT EXPERIMENT.—The Secretary shall structure the integrated flight experiment to provide for the following:

(1) Establishment of an objective to carry out an early demonstration of the fundamental end-to-end capability to detect, track, and destroy a boosting ballistic missile with a lethal laser from space.

(2) Utilization, to the maximum extent possible, of technology that has been demonstrated in prin-

ciple or can be developed in the near-term with a low degree of risk.

(3) A goal of launching the experiment by 2006.

(c) DEVELOPMENT OF OBJECTIVE SYSTEM DESIGN.—In order to develop an objective system design suited to the operational and technological environment that will exist when such a system can be deployed, the Secretary shall structure the space-based laser program schedule to include the following:

(1) Robust research and development on advanced technologies in parallel with the development of the integrated flight experiment.

(2) Architecture studies to assess alternative space-based laser constellation and system performance characteristics.

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

(A) utilizes the lessons learned from the integrated flight experiment;

(B) is supported by ongoing architecture and advanced technology research and development efforts; and

(C) is scheduled to be launched approximately two years before the date by which the

objective space-based laser system configuration is to be completed.

(d) SENSE OF CONGRESS.—It is the sense of Congress that the structure required by this section for the space-based laser program is consistent with the joint venture contracting approach and overall objective that the Department of Defense has established for the space-based laser program.

(e) REVISED PROGRAM BASELINE.—The Secretary, in consultation with the space-based laser joint venture team, shall promptly revise the space-based laser program baseline to reflect the requirements of this section.

(f) FUNDS AVAILABLE FOR BALLISTIC MISSILE DEFENSE ORGANIZATION EXECUTION.—Of the amounts authorized to be appropriated under section 201(4), $75,000,000 shall be available for the space-based laser program. Amounts made available under this subsection may be transferred to the Air Force for execution in support of the space-based laser program.

(g) FUNDS AVAILABLE FOR AIR FORCE EXECUTION.—Of the amounts authorized to be appropriated under section 201(3), $88,840,000 shall be available for the space-based laser program.

**SEC. 224. AIRBORNE LASER PROGRAM.**

(a) MODIFICATION OF PROGRAM DEFINITION AND RISK REDUCTION AIRCRAFT.—The Secretary of the Air Force may not commence any modification of the program definition and risk reduction aircraft for the Airborne Laser program until the Secretary of Defense certifies to Congress that he has determined that the commencement of the aircraft modification according to the existing schedule is justified on the basis of the results of test and analysis involving the following activities:

(1) The North Oscura Peak dynamic test program.

(2) Scintillometry data collection and analysis.

(3) The lethality/vulnerability program.

(4) The countermeasures test and analysis effort.

(5) Reduction and analysis of other existing data.

(b) AUTHORITY-TO-PROCEED-2.—Before the Authority-to-Proceed-2 may be approved for the Airborne Laser program, the Secretary of Defense shall—

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

(2) approve the plan; and

(3) submit a report on the plan to the congressional defense committees.

(c) MILESTONE II EXIT CRITERIA.—The Secretary of Defense shall restructure the Airborne Laser program schedule and Milestone II exit criteria to ensure that, prior to the making of a Milestone II decision approving entry of the program into engineering and manufacturing development—

(1) no modification of the engineering and manufacturing development aircraft is begun;

(2) the program definition and risk reduction aircraft is utilized in a robust series of flight tests that validates the technical maturity of the Airborne Laser program and provides sufficient information regarding the performance of the system across the full range of its validated operational requirements; and

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

(d) AIRBORNE LASER PROGRAM ASSESSMENT DEFINED.—In this section, the term ''Airborne Laser Program Assessment'' means the Assessment of Technical

and Operational Aspects of the Airborne Laser Program that was submitted to Congress by the Secretary of Defense on March 9, 1999.

**SEC. 225. SENSE OF CONGRESS REGARDING BALLISTIC MISSILE DEFENSE TECHNOLOGY FUNDING.**

It is the sense of Congress that—

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

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

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

(4) the Secretary should submit a report to the congressional defense committees by March 15,

2000, on the Secretary's plan for dealing with the matters identified in this section.

**SEC. 226. REPORT ON NATIONAL MISSILE DEFENSE.**

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

**SEC. 227. OPTIONS FOR AIR FORCE CRUISE MISSILES.**

(a) STUDY.—(1) The Secretary of the Air Force shall conduct a study of the options for meeting the requirements being met as of the date of the enactment of this Act by the conventional air launched cruise missile (CALCM) once the inventory of that missile has been depleted. In conducting the study, the Secretary shall consider the following options:

(A) Restarting of production of the conventional air launched cruise missile.

(B) Acquisition of a new type of weapon with the same lethality characteristics as those of the conventional air launched cruise missile or improved lethality characteristics.

(C) Utilization of current or planned munitions, with upgrades as necessary.

(2) The Secretary shall submit the results of this study to the Armed Services Committees of the House and Senate by January 15, 2000, so that the results might be—

(A) reflected in the budget for fiscal year 2001 submitted to Congress under section 1105 of title 31, United States Code; and

(B) reported to Congress as required under subsection (b).

(b) REPORT.—The report shall include a statement of how the Secretary intends to meet the requirements referred to in subsection (a)(1) in a timely manner as described in that subsection.

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

### SEC. 231. ANNUAL REPORT ON EMERGING OPERATIONAL CONCEPTS.

(a) EXTENSION OF REPORTING REQUIREMENT.—Subsection (a) of section 1042 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2642; 10 U.S.C. 113 note) is amended by striking ''2000'' and inserting ''2002''.

(b) IDENTIFICATION OF TECHNOLOGICAL OBJECTIVES FOR RESEARCH AND DEVELOPMENT.—That section is further amended by adding at the end the following new subsection:

''(c) ADDITIONAL MATTERS TO BE INCLUDED IN REPORTS AFTER 1999.—Each report under this section after 1999 shall set forth the military capabilities that are necessary for meeting national security requirements over the next two to three decades, including—

''(1) the most significant strategic and operational capabilities (including both armed force-specific and joint capabilities) that are necessary for the Armed Forces to prevail against the most dangerous threats, including asymmetrical threats, that could be posed to the national security interests of the United States by potential adversaries from 2020 to 2030;

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

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

**SEC. 232. TECHNOLOGY AREA REVIEW AND ASSESSMENT.**

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

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

**SEC. 233. REPORT BY UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY.**

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

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

(1) the Department of Defense laboratories place an appropriate emphasis on revolutionary changes in military operations and the new tech-

nologies that will be necessary to support those operations;

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

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

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

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

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

**SEC. 234. INCENTIVES TO PRODUCE INNOVATIVE NEW TECHNOLOGIES.**

(a) TECHNICAL RISK AND PROFIT INCENTIVE.—The Department of Defense profit guidelines established in subpart 215.9 of the Department of Defense Supplement to the Federal Acquisition Regulation shall be modified to place increased emphasis on technical risk as a factor for determining appropriate profit margins and otherwise to provide an increased profit incentive for contractors to develop and produce complex and innovative new technologies, rather than to produce mature technologies with low technical risk.

(b) EXPIRATION OF AUTHORITY.—This section shall cease to be effective one year after the date on which the Secretary of Defense publishes in the Federal Register

final regulations modifying the guidelines in accordance with subsection (a).

**SEC. 235. DARPA COMPETITIVE PRIZES AWARD PROGRAM FOR ENCOURAGING DEVELOPMENT OF ADVANCED TECHNOLOGIES.**

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

**"§ 2374a. Prizes for advanced technology**

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

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

''(c) FORM OF PRIZE.—A prize awarded under this section shall be a monetary award together with a trophy, plaque, or medal or other emblem.

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

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

"(e) RELATIONSHIP TO OTHER AUTHORITY.—The Director may exercise the authority under this section in conjunction with or in addition to the exercise of any other authority of the Director to acquire, support, or stimulate basic, advanced and applied research, technology development, or prototype projects.

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

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

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

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

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

"2374a. Prizes for advanced technology.".

**SEC. 236. ADDITIONAL PILOT PROGRAM FOR REVITALIZING DEPARTMENT OF DEFENSE LABORATORIES.**

(a) AUTHORITY.—(1) The Secretary of Defense may carry out a pilot program to demonstrate improved cooperative relationships with universities and other private sector entities for the performance of research and development functions. The pilot program under this section is in addition to the pilot program carried out under section 246 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1955: 10 U.S.C. 2358 note)

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

(A) To ensure that the defense laboratories can attract a balanced workforce of permanent and tem-

porary personnel with an appropriate level of skills and experience, and can effectively compete in hiring processes to obtain the finest scientific talent.

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

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

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

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

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

(A) Each laboratory selected for the pilot program.

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

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

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

(A) A description of the concepts tested.

(B) The results of the testing.

(C) The lessons learned.

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

**SEC. 237. EXEMPTION OF DEFENSE LABORATORY EMPLOYEES FROM CERTAIN WORKFORCE MANAGEMENT RESTRICTIONS.**

(a) STRENGTH MANAGEMENT.—Section 342 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721) is amended by adding at the end the following new paragraph:

"(4) The employees of a laboratory covered by a personnel demonstration project carried out under this section shall be exempt from, and may not be counted for the purposes of, any constraint or limitation in a statute or regulation in terms of man years, end strength, full time equivalent positions, supervisory ratios, or maximum number of employees in any category or categories of employment that may otherwise be applicable to the employees. The employees shall be managed by the director of the laboratory subject to the supervision of the Under Secretary of Defense for Acquisition and Technology.".

(b) REDUCTIONS IN FORCE.—Notwithstanding any provision of law that requires a reduction in the size of the defense acquisition workforce—

(1) the employees of a Department of Defense laboratory shall not be considered as being included in that workforce for the purpose of that provision of law; and

(2) the Secretary of Defense, in carrying out the reduction under that provision of law, shall consider the size of the required reduction as being lowered by—

(A) the percent determined by dividing (on the basis of the equivalent of full-time employees) the total number of employees in the de-

fense acquisition workforce as of the beginning of the reduction in force into the number of laboratory employees that, except for paragraph (1), would otherwise have been considered as being in the workforce to be reduced under that provision of law; or

(B) any other factor that the Secretary determines as being a more appropriate measure for the adjustment.

**SEC. 238. USE OF WORKING-CAPITAL FUNDS FOR FINANCING RESEARCH AND DEVELOPMENT OF THE MILITARY DEPARTMENTS.**

(a) AUTHORITY.—Section 2208 of title 10, United States Code, is amended by adding at the end the following:

''(r) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—(1) Working-capital funds shall be used for financing all research, development, test, and evaluation activities and programs of the military departments.

''(2) The following transactions are authorized for the use of working-capital funds for activities and programs described in paragraph (1):

''(A) Acceptance of reimbursable orders from authorized customers.

"(B) Crediting of working-capital funds, out of funds available for a military department for research, development, test, and evaluation or any other appropriate source of funds, for goods and services provided to that military department.

"(3) The policies, procedures, and regulations of the Department of Defense that are applicable to the use and management of Department of Defense revolving funds shall be applied uniformly to all uses of working-capital funds for financing the activities and programs described in paragraph (1).".

(b) IMPLEMENTATION.—(1) The Secretary of Defense shall amend the Department of Defense Financial Management Regulation to ensure that subsection (r)(3) of section 2208 of title 10, United States Code (as added by subsection (a)), is fully implemented.

(2) Not later than April 1, 2000, and August 1, 2000, the Under Secretary of Defense (Comptroller) shall submit to the Committees on Armed Services of the Senate and the House of Representatives written status reports on the progress made in implementing subsection (r) of section 2208 of title 10, United States Code, as added by subsection (a). Each status report shall, at a minimum, include the following:

(A) The schedule for completing the key actions necessary for implementation.

(B) The progress made in the implementation by the military departments and the other agencies of the Department of Defense through the date of the report.

(C) Each delay and obstacle encountered in the implementation, together with an explanation of the actions taken in each such case to ensure timely implementation.

**SEC. 239. EFFICIENT UTILIZATION OF DEFENSE LABORATORIES.**

(a) ANALYSIS BY INDEPENDENT PANEL.—(1) Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall convene a panel of independent experts under the auspices of the Defense Science Board to conduct an analysis of the resources and capabilities of all of the laboratories and test and evaluation facilities of the Department of Defense, including those of the military departments. In conducting the analysis, the panel shall identify opportunities to achieve efficiency and reduce duplication of efforts by consolidating responsibilities by area or function or by designating lead agencies or executive agents in cases considered appro-

priate. The panel shall report its findings to the Secretary of Defense and to Congress not later than August 1, 2000.

(2) The analysis required by paragraph (1) shall, at a minimum, address the capabilities of the laboratories and test and evaluation facilities in the areas of air vehicles, armaments, command, control, communications, and intelligence, space, directed energy, electronic warfare, medicine, corporate laboratories, civil engineering, geophysics, and the environment.

(b) PERFORMANCE REVIEW PROCESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop an appropriate performance review process for rating the quality and relevance of work performed by the Department of Defense laboratories. The process shall include customer evaluation and peer review by Department of Defense personnel and appropriate experts from outside the Department of Defense. The process shall provide for rating all laboratories of the Army, Navy, and Air Force on a consistent basis.

# Subtitle E—Other Matters

## SEC. 251. REPORT ON AIR FORCE DISTRIBUTED MISSION TRAINING.

(a) REQUIREMENT.—The Secretary of the Air Force shall submit to Congress, not later than January 31,

2000, a report on the Air Force Distributed Mission Training program.

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

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

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

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

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

essary resources to demonstrate and prove the Air Force Distributed Mission Training concept.

# TITLE III—OPERATION AND MAINTENANCE

## Subtitle A—Authorization of Appropriations

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

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

(1) For the Army, $18,340,094,000.

(2) For the Navy, $22,182,615,000.

(3) For the Marine Corps, $2,612,529,000.

(4) For the Air Force, $20,342,403,000.

(5) For Defense-wide activities, $10,963,033,000.

(6) For the Army Reserve, $1,376,813,000.

(7) For the Naval Reserve, $927,347,000.

(8) For the Marine Corps Reserve, $125,766,000.

(9) For the Air Force Reserve, $1,726,837,000.

(10) For the Army National Guard, $2,912,249,000.

(11) For the Air National Guard, $3,119,518,000.

(12) For the Defense Inspector General, $138,244,000.

(13) For the United States Court of Appeals for the Armed Forces, $7,621,000.

(14) For Environmental Restoration, Army, $378,170,000.

(15) For Environmental Restoration, Navy, $284,000,000.

(16) For Environmental Restoration, Air Force, $376,800,000.

(17) For Environmental Restoration, Defense-wide, $25,370,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $239,214,000.

(19) For Overseas Humanitarian, Demining, and CINC Initiatives, $55,800,000.

(20) For Drug Interdiction and Counter-drug Activities, Defense-wide, $745,265,000.

(21) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, $15,000,000.

(22) For Medical Programs, Defense, $10,453,487,000.

(23) For Cooperative Threat Reduction programs, $475,500,000.

(24) For Overseas Contingency Operations Transfer Fund, $2,387,600,000.

(25) For Combating Terrorism Activities Transfer Fund, $1,954,430,000.

(26) For quality of life enhancements, $1,845,370,000.

(27) For defense transfer programs, $31,000,000.

(b) GENERAL LIMITATION.—Notwithstanding paragraphs (1) through (27) of subsection (a), the total amount authorized to be appropriated for fiscal year 2000 under those paragraphs is $104,042,075,000.

**SEC. 302. WORKING-CAPITAL FUNDS.**

Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working-capital and revolving funds in amounts as follows:

(1) For the Army Working-Capital Fund, $62,344,000.

(2) For the Defense Working-Capital Fund, Air Force, $28,000,000.

(3) For the National Defense Sealift Fund, $394,700,000.

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

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

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

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

(1) For the Army, $50,000,000.

(2) For the Navy, $50,000,000.

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

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

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

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

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

**SEC. 305. OPERATIONAL METEOROLOGY AND OCEANOGRAPHY AND UNOLS.**

Of the funds authorized to be appropriated in section 301(a), an additional $10,000,000 may be expended for Operational Meteorology and Oceanography and UNOLS.

**SEC. 306. ARMED FORCES EMERGENCY SERVICES.**

Of the funds in section 301(a)(5), $23,000,000 shall be made available to the American Red Cross to fund the Armed Forces Emergency Services.

# Subtitle B—Program Requirements, Restrictions, and Limitations

**SEC. 311. NATO COMMON-FUNDED MILITARY BUDGET.**

Of the amount authorized to be appropriated pursuant to section 301(a)(1) for operation and maintenance for the Army, $216,400,000 shall be available for contributions for the common-funded Military Budget of the North Atlantic Treaty Organization.

**SEC. 312. USE OF HUMANITARIAN AND CIVIC ASSISTANCE FUNDING FOR PAY AND ALLOWANCES OF SPECIAL OPERATIONS COMMAND RESERVES FURNISHING DEMINING TRAINING AND RELATED ASSISTANCE AS HUMANITARIAN ASSISTANCE.**

Section 401(c) of title 10, United States Code, is amended by adding at the end the following:

''(5) Up to 5 percent of the funds available in any fiscal year for humanitarian and civic assistance described in subsection (e)(5) may be expended for the pay and allowances of reserve component personnel of the Special Operations Command for periods of duty for which the personnel, for a humanitarian purpose, furnish education and training on the detection and clearance of landmines or furnish related technical assistance.''.

**SEC. 313. NATIONAL DEFENSE FEATURES PROGRAM.**

Section 2218 of title 10, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l);

(2) by inserting after subsection (j) the following new subsection (k):

''(k) CONTRACTS FOR INCORPORATION OF DEFENSE FEATURES IN COMMERCIAL VESSELS.—(1) The head of any agency, after making a determination of the economic

soundness of an offer to do so, may enter into a contract with the offeror for the offeror to install and maintain defense features for national defense purposes in one or more commercial vessels owned or controlled by the offeror in accordance with the purpose for which funds in the National Defense Sealift Fund are available under subsection (c)(1)(C).

''(2) The head of an agency may make advance payments to the contractor under the contract in one lump sum, annual payments, or any combination thereof for costs associated with the installation and maintenance of the defense features on one or more commercial vessels, as follows:

''(A) The costs to build, procure, and install any defense feature in a vessel.

''(B) The costs to maintain and test any defense feature on a vessel periodically.

''(C) Any increased costs of operation or any loss of revenue attributable to the installation or maintenance of any defense feature on a vessel.

''(D) Any additional costs associated with the terms and conditions of the contract.

''(3) For any contract under which the United States provides advance payments for the costs associated with installation or maintenance of any defense feature on a

commercial vessel, the contractor shall provide to the United States any security interest in the vessel, by way of a preferred mortgage under section 31322 of title 46 or otherwise, that the head of the agency prescribes in order adequately to protect the United States against loss for the total amount of those costs.

''(4) Each contract entered into under this subsection shall—

''(A) set forth terms and conditions under which, so long as a vessel covered by the contract is owned or controlled by the contractor, the contractor is to operate the vessel for the Department of Defense notwithstanding any other contract or commitment of that contractor; and

''(B) provide that the contractor operating the vessel for the Department of Defense shall be paid for that operation at fair and reasonable rates.

''(5) The head of an agency may not delegate authority under this subsection to any person in a position below the level of head of a procuring activity.''; and

(3) by adding at the end of subsection (l), as redesignated by paragraph (1), the following:

''(5) The term 'head of an agency' has the meaning given the term in section 2302(1) of this title.''.

**SEC. 314. ADDITIONAL AMOUNTS FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.**

(a) AUTHORIZATION OF ADDITIONAL AMOUNT.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 301(a)(20) is hereby increased by $59,200,000.

(b) USE OF ADDITIONAL AMOUNTS.—Of the amounts authorized to be appropriated by section 301(a)(20), as increased by subsection (a) of this section, funds shall be available in the following amounts for the following purposes:

(1) $6,000,000 shall be available for Operation Caper Focus.

(2) $17,500,000 shall be available for a Relocatable Over the Horizon (ROTHR) capability for the Eastern Pacific based in the continental United States.

(3) $2,700,000 shall be available for forward looking infrared radars for P–3 aircraft.

(4) $8,000,000 shall be available for enhanced intelligence capabilities.

(5) $5,000,000 shall be used for Mothership Operations.

(6) $20,000,000 shall be used for National Guard State plans.

# Subtitle C—Environmental Provisions

**SEC. 321. ENVIRONMENTAL TECHNOLOGY MANAGEMENT.**

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

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

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

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

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

(b) ENVIRONMENTAL TECHNOLOGY MANAGEMENT.—Chapter 139 of title 10, United States Code, is

amended by inserting after section 2358 the following new section:

**"§ 2358a. Research and development: environmental technology**

"(a) MANAGEMENT OF RESEARCH AND DEVELOPMENT.—The Secretary of Defense shall provide in accordance with this section for the management of projects engaged in under section 2358 of this title for the research, development, and evaluation of environmental technologies for the Department of Defense and the military departments.

"(b) RESPONSIBILITIES OF SECRETARY OF DEFENSE.—The Secretary of Defense shall—

"(1) establish guidelines for the development by the Department of Defense and the military departments of an investment control process for the selection, management, and evaluation of environmental technologies within the Department of Defense;

"(2) develop a strategic plan for the development of environmental technologies within the Department of Defense which shall specify goals and objectives for the development of environmental technologies within the Department and provide specific mechanisms for assuring the achievement of such goals and objectives;

"(3) establish guidelines for use by the officials concerned in preparing the annual performance plans and performance reports required by this section;

"(4) determine the feasibility of permitting such officials to develop quantifiable and measurable performance objectives for particular environmental technology projects; and

"(5) if the Secretary determines that the development of performance objectives for particular technology projects by the officials referred to in that paragraph is not feasible, establish a schedule for meeting the performance plan requirements set forth in subsection (c).

"(c) RESPONSIBILITIES WITHIN DEPARTMENT OF DEFENSE.—(1) Each official concerned shall—

"(A) develop and implement an investment control process for the selection, management, and evaluation of environmental technologies by the department or agencies; and

"(B) establish at the beginning of each fiscal year a performance plan for the environmental technology program of the department or agencies.

"(2) An investment control process under paragraph (1)(A) shall include, for the department or agency concerned, mechanisms—

"(A) to ensure the identification of end-user requirements for environmental technologies;

"(B) to prioritize such requirements within the context of funding constraints and the overall environmental technology requirements of the Department of Defense;

"(C) to avoid duplication and overlap in the research and development of environmental technologies both within the Department of Defense and between the Department of Defense and other public and private entities and persons;

"(D) to provide for the conduct of performance-based reviews of environmental technologies that take into account end-user evaluations of such technologies and permit a measurement of return on investments in such technologies;

"(E) to ensure that the environmental technology effort responds in an appropriate manner to end-user requirements, program and funding priorities and constraints, and the reviews conducted pursuant to subparagraph (D); and

"(F) to ensure appropriate protection of United States interests in any intellectual property rights associated with environmental technologies developed by or with the assistance of the department or agencies concerned.

"(3) A performance plan under paragraph (1)(B) for the environmental technology program of a department or agency for a fiscal year shall—

"(A) unless the Secretary of Defense determines that it is not feasible under subsection (b)(5), establish performance objectives for each environmental technology project under the program for the fiscal year based on end-user requirements and program priorities under the program, and express such objectives in a quantifiable and measurable form;

"(B) provide a basis for comparing the actual results of each project at the end of the fiscal year with the performance objectives for the project for the fiscal year;

"(C) establish means to validate the achievement of performance objectives for each project or to specify the extent to which such validation is not possible;

"(D) establish performance indicators for purposes of measuring or assessing relevant outputs

and outcomes for each project for the fiscal year; and

"(E) establish mechanisms for determining the operational processes, skills and technology, human capital, information, or other resources necessary to meet the performance objectives for each project for the fiscal year.

"(d) ANNUAL REPORT.—(1) Not later than March 31 each year, the Secretary of Defense shall submit to Congress, at the same time as the Secretary submits the report required by section 2706(b) of this title, a report on the environmental technology program of the Department of Defense during the preceding fiscal year.

"(2) Each report under paragraph (1) shall, with respect to each project under the environmental technology program of the Department—

"(A) set forth the performance objectives established for the project for the fiscal year under subsection (c)(3) and assess the performance achieved with respect to the project in light of performance indicators for the project;

"(B) describe the extent to which the project met the performance objectives established for the project for the fiscal year;

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

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

"(ii) either—

"(I) a modified schedule for meeting the performance objectives; or

"(II) in the case of any performance objective determined to be impracticable or infeasible to meet, a statement of alternative actions to be taken with respect to the project; and

"(D) set forth the level of effort, including the funds obligated and expended, in the fiscal year for the achievement of each performance objective for the project.

"(e) OFFICIAL CONCERNED DEFINED.—In this section, the term 'official concerned' means the following:

"(1) The Deputy Under Secretary of Defense (Environmental Security), with respect to the environmental technology program of the Defense Agencies.

"(2) The Deputy Assistant Secretary of the Army for Environment, Safety, and Occupational

Health, with respect to the environmental technology program of the Army or any environmental program technology for which the Army is the executive agent.

"(3) The Deputy Assistant Secretary of the Navy (Environment and Safety), with respect to the environmental technology program of the Navy or any environmental technology program for which the Navy is the executive agent.

"(4) The Deputy Assistant Secretary of the Air Force (Environment, Safety, and Occupational Health), with respect to the environmental technology program of the Air Force or any environmental technology program for which the Air Force is the executive agent.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by inserting after the item relating to section 2358 the following new item:

"2358a. Research and development: environmental technology.".

**SEC. 322. ESTABLISHMENT OF ENVIRONMENTAL RESTORATION ACCOUNTS FOR INSTALLATIONS CLOSED OR REALIGNED UNDER THE BASE CLOSURE LAWS AND FOR FORMERLY USED DEFENSE SITES.**

(a) ACCOUNT FOR FORMERLY USED DEFENSE SITES.—Subsection (a) of section 2703 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) An account to be known as the 'Environmental Restoration Account, Army, Formerly Used Defense Sites'.".

(b) ACCOUNT FOR DEFENSE BASE CLOSURE AND REALIGNMENT.—That subsection is further amended by adding at the end the following new paragraph:

"(6) An account to be known as the 'Environmental Restoration Account, Defense Base Closure and Realignment'.".

(c) USE OF FUNDS IN BASE CLOSURE AND REALIGNMENT ACCOUNT.—(1) Subsection (b) of that section is amended—

(A) by striking "Funds authorized" and inserting "(1) Except as provided in paragraph (2), funds authorized"; and

(B) by adding at the end the following:

"(2)(A) Funds authorized for deposit in the Environmental Restoration Account, Defense Base Closure and Realignment established under subsection (a)(6) may be obligated and expended from the account only for carrying out environmental restoration required as the result of the closure or realignment of military installations pursuant to a base closure law. Such funds shall be the exclusive source of funds for such environmental restoration.

"(B) For purposes of this paragraph, the term 'base closure law' means the following:

"(i) Section 2687 of this title.

"(ii) 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).

"(iii) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).".

(2) Section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking subsection (e).

(d) TRANSFER OF BRAC ENVIRONMENTAL RESTORATION FUNDS.—The Secretary of Defense shall transfer from the Department of Defense Base Closure Account 1990 established by section 2906(a) 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) to the Environmental Restoration Account, Defense Base Closure and Realignment established by section 2703(a)(6) of title 10, United States Code (as amended by subsection (b)), such portion of the unobligated balance in the Department of Defense Base Closure Account 1990 as of October 1, 2000, as the Secretary determines necessary to carry out environmental restoration in accordance with section 2703(b)(2) of title 10, United States Code (as amended by subsection (c)(1)).

(e) FUNDING OF ADMINISTRATIVE EXPENSES AND TECHNICAL ASSISTANCE.—Section 2705(g) of title 10, United States Code, is amended to read as follows:

"(g) FUNDING.—(1) Except as provided in paragraph (2), funds in the accounts established by section 2703(a) of this title shall be available for administrative expenses and technical assistance under this section.

"(2) Funds in the account established by section 2703(a)(6) of this title shall be available for administrative expenses and technical assistance under this section with respect to an installation approved for closure or realignment under a base closure law only to the extent that the base closure law under which the installation is being closed or realigned provides for the funding of environ-

mental restoration at the installation from an account established for purposes of carrying out the closure or realignment of installations.''.

(f) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by subsections (b) and (c) shall take effect on October 1, 2000.

**SEC. 323. EXTENSION OF LIMITATION ON PAYMENT OF FINES AND PENALTIES USING FUNDS IN ENVIRONMENTAL RESTORATION ACCOUNTS.**

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

**SEC. 324. MODIFICATION OF REQUIREMENTS FOR ANNUAL REPORTS ON ENVIRONMENTAL COMPLIANCE ACTIVITIES.**

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

''(b) REPORT ON ENVIRONMENTAL QUALITY PROGRAMS AND OTHER ENVIRONMENTAL ACTIVITIES.—(1) The Secretary of Defense shall submit to Congress each year, not later than 45 days after the date on which the

President submits to Congress the budget for a fiscal year, a report on the progress made in carrying out activities under the environmental quality programs of the Department of Defense and the military departments.

"(2) Each report shall include the following:

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

"(i) for each of the major activities under the program—

"(I) the amount expended, or proposed to be expended, in each fiscal year of the period;

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

"(III) an assessment of the manner in which the scope of the activities have changed over the course of the period; and

"(ii) a summary of the major achievements of the program and of any major problems with the program.

"(B) A list of the planned or ongoing projects necessary to support the environmental quality program of the Department of Defense, and of each of the military departments, during the period described in subparagraph (A) the cost of which has exceeded or is anticipated to exceed $1,500,000, including—

"(i) a separate list of the projects inside the United States and of the projects outside the United States;

"(ii) for each project commenced during the first four fiscal years of the period—

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

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

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

"(iii) for each project commenced or to be commenced in the fiscal year in which the report is submitted—

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

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

"(iv) for each project to be commenced in the last fiscal year of the period, the amount, if any, specified for the project in the budget for the fiscal year; and

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

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

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

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

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

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

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

"(iii) the amount of fines and penalties imposed or assessed during each such fiscal year with respect to each military installation inside and outside the United States.

"(D) A statement of the amounts expended, and anticipated to be expended, during the period

described in subparagraph (A) for any activities overseas relating to the environment, including amounts for activities relating to environmental remediation, compliance, conservation, pollution prevention, and environmental technology and amounts for conferences, meetings, and studies for pilot programs, and for travel related to such activities.''.

(b) CONFORMING REPEAL.—That section is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

(c) DEFINITIONS.—Subsection (d) of that section, as redesignated by subsection (b)(2) of this section, is amended by adding at the end the following:

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

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

"(A) Environmental compliance activities.

"(B) Conservation activities.

"(C) Pollution prevention activities.

"(D) Activities relating to environmental technology.".

**SEC. 325. MODIFICATION OF MEMBERSHIP OF STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM COUNCIL.**

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

**SEC. 326. EXTENSION OF PILOT PROGRAM FOR SALE OF AIR POLLUTION EMISSION REDUCTION INCENTIVES.**

Section 351(a)(2) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1692; 10 U.S.C. 2701 note) is amended by striking "beginning on the date of the enactment of this Act and ending two years after such date" and inserting "beginning on November 18, 1997, and ending on September 30, 2001".

**SEC. 327. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH FRESNO DRUM SUPERFUND SITE, FRESNO, CALIFORNIA.**

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

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

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

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

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

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

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

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

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

utable to the department concerned bears to the total amount of the hazardous substances at that site.

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

**SEC. 328. PAYMENT OF STIPULATED PENALTIES ASSESSED UNDER CERCLA IN CONNECTION WITH F.E. WARREN AIR FORCE BASE, WYOMING.**

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

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

**SEC. 329. PROVISION OF INFORMATION AND GUIDANCE TO THE PUBLIC REGARDING ENVIRONMENTAL CONTAMINATION AT UNITED STATES MILITARY INSTALLATIONS FORMERLY OPERATED BY THE UNITED STATES THAT HAVE BEEN CLOSED.**

(a) DISCLOSURE.—

(1) REQUIREMENT TO PROVIDE INFORMATION AND GUIDANCE.—The Secretary of Defense shall publicly disclose existing, available information relevant to a foreign nation's determination of the nature and extent of environmental contamination, if any, at a site in that foreign nation where the United States operated a military base, installation, and facility that has been closed as of the date of enactment of this Act.

(2) CONGRESSIONAL LIST.—Not later than September 30, 2000, the Secretary of Defense shall provide Congress a list of information made public pursuant to paragraph (1).

(b) LIMITATION.—The requirement to provide information and guidance under subsection (a) may not be construed to establish on the part of the United States any liability or obligation for the costs of environmental restoration or remediation at any site referred to in subsection (a).

(c) NATIONAL SECURITY.—Information the Secretary of Defense believes could adversely affect United States National Security shall not be released pursuant to this provision.

**SEC. 330. ORDNANCE MITIGATION STUDY.**

(a) The Secretary of Defense is directed to undertake a study and is authorized to remove ordnance infiltrating the Federal navigation channel and adjacent shorelines of the Toussaint River.

(b) The Secretary shall report to the congressional defense committees and the Senate Committee on Environment and Public Works on long-term solutions and costs related to the removal of ordnance in the Toussaint River, Ohio. The Secretary shall also evaluate any ongoing use of Lake Erie as an ordnance firing range and justify the need to continue such activities by the Department of Defense or its contractors. The Secretary shall report not later than April 1, 2000.

(c) This provision shall not modify any responsibilities and authorities provided in the Water Resources Development Act of 1986, as amended (Public Law 99–662).

(d) The Secretary is authorized to use any funds available to the Secretary to carry out the authority provided in subsection (a).

# Subtitle D—Other Matters

**SEC. 341. EXTENSION OF WARRANTY CLAIMS RECOVERY PILOT PROGRAM.**

Section 391(f) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 104–85; 111 Stat. 1716; 10 U.S.C. 2304 note) is amended by striking ''September 30, 1999'' and inserting ''September 30, 2000''.

**SEC. 342. ADDITIONAL MATTERS TO BE REPORTED BEFORE PRIME VENDOR CONTRACT FOR DEPOT-LEVEL MAINTENANCE AND REPAIR IS ENTERED INTO.**

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

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

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

(3) by adding at the end the following:

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

''(4) describes the measures taken to ensure that the contract does not violate the core logistics

policies, requirements, and restrictions set forth in section 2464 of that title.''.

**SEC. 343. IMPLEMENTATION OF JOINTLY APPROVED CHANGES IN DEFENSE RETAIL SYSTEMS.**

(a) RECOMMENDATIONS OF JOINT EXCHANGE DUE DILIGENCE STUDY.—Subsection (c) of section 367 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1987; 10 U.S.C. 2482 note) is amended by striking ''may not be implemented unless implementation of the recommendation'' and inserting ''may be implemented only if implementation of the recommendation is approved by all of the Secretaries of the military departments or''.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by striking ''The operation'' and inserting ''Except as provided in subsection (c), the operation''.

**SEC. 344. WAIVER OF REQUIRED CONDITION FOR SALES OF ARTICLES AND SERVICES OF INDUSTRIAL FACILITIES TO PURCHASERS OUTSIDE THE DEPARTMENT OF DEFENSE**

(a) SALES TO DEFENSE CONTRACTORS.—Section 2208(j) of title 10, United States Code, is amended—

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

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

(3) by adding at the end the following:

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

(b) SALES TO PURCHASERS GENERALLY.—Section 2553 of title 10, United States Code, is amended—

(1) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) WAIVER AUTHORITY.—The Secretary of Defense may waive the requirement for the condition in subsections (a)(1) and (c)(1) in the case of a particular sale if the Secretary determines that the waiver is necessary for reasons of national security and notifies Congress regarding the reasons for the waiver.".

**SEC. 345. ELIGIBILITY TO RECEIVE FINANCIAL ASSISTANCE AVAILABLE FOR LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF DEPARTMENT OF DEFENSE PERSONNEL.**

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

**SEC. 346. USE OF SMART CARD TECHNOLOGY IN THE DEPARTMENT OF DEFENSE.**

(a) LEADERSHIP, PLANNING, AND EXECUTION OF SMART CARD PROGRAM.—(1) Not later than October 1, 1999, the Secretary of Defense shall designate the Department of the Navy to be the lead agency for the development and implementation of a Smart Card program for the Department of Defense effective as of the date of the designation.

(2) The Secretary of Defense shall direct the Secretary of the Army and the Secretary of the Air Force to establish Smart Card project offices for the Department of the Army and the Department of the Air Force, respectively, not later than November 30, 1999. The designated offices shall coordinate closely with the lead agency to develop implementation plans for exploiting the capability of Smart Card technology as a means for enhancing readi-

ness and improving business processes throughout the military departments.

(3) Not later than November 30, 1999, the Secretary of Defense shall establish a senior coordinating group chaired by a representative of the Secretary of the Navy. The group shall include senior representatives from each of the Armed Forces. The senior coordinating group shall develop and implement Department-wide interoperability standards for use of Smart Card technology and a plan to exploit Smart Card technology as a means for enhancing readiness and improving business processes.

(4) The Secretary of the Army and the Secretary of the Air Force, in coordination with the Secretary of the Navy, shall each develop and implement a program to demonstrate the benefits of Smart Card technology in the Army and the Air Force, respectively.

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

concentration area. The implementation of the use of Smart Cards in each region shall cover the Navy and Marine Corps bases and all non-deployed units in the region. The Secretary of the Navy shall submit the business plan to the congressional defense committees.

(c) FUNDING FOR INCREASED USE OF SMART CARDS.—(1) Of the funds authorized to be appropriated for the Navy for fiscal year 2000 under section 102(a)(4) or 301(a)(2), the Secretary of the Navy—

(A) shall allocate sufficient amounts, up to $30,000,000, for ensuring that significant progress is made toward complete implementation of the use of Smart Card technology in the Department of the Navy; and

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

(2) Of the funds authorized to be appropriated under section 301(a)(1), up to $5,000,000 shall be available for Army demonstration programs under subsection (a)(4). Of the funds authorized to be appropriated under section 301(a)(4), up to $5,000,000 shall be available for Air Force demonstration programs under subsection (a)(4).

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

(e) DEFINITIONS.—In this section:

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

(A) Magnetic stripe.

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

(C) Non-contact and radio frequency transmitters.

(D) Biometric information.

(E) Encryption and authentication.

(F) Photo identification.

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

(f) REPEAL OF REQUIREMENT FOR AUTOMATED IDENTIFICATION TECHNOLOGY OFFICE.—Section 344(b)

of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1977; 10 U.S.C. 113 note) is repealed.

**SEC. 347. STUDY ON USE OF SMART CARD AS PKI AUTHENTICATION DEVICE CARRIER FOR THE DEPARTMENT OF DEFENSE.**

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study to determine the potential benefits of Department of Defense use of the Smart Card for addressing the need of the Department of Defense for a Public-Private Key Infrastructure (PKI) authentication device carrier.

(b) REPORT.—Not later than January 31, 2000, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study. The report shall include the Secretary's findings and any recommendations that the Secretary considers appropriate regarding Department of Defense use of the Smart Card for addressing the need identified in subsection (a).

(c) DEFINITIONS.—In this section:

(1) The term ''Smart Card'' means a credit card-size device, normally for carrying and use by personnel, that contains one or more integrated cir-

cuits and may also employ one or more of the following technologies:

(A) Magnetic stripe.

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

(C) Non-contact and radio frequency transmitters.

(D) Biometric information.

(E) Encryption and authentication.

(F) Photo identification.

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

**SEC. 348. REVISION OF AUTHORITY TO DONATE CERTAIN ARMY MATERIEL FOR FUNERAL CEREMONIES.**

(a) AUTHORITY.—Section 4683 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking ''lend obsolete or condemned rifles (not more than 10)'' and insert-

ing "conditionally lend or donate excess M1 rifles (not more than 15)"; and

(B) by striking "any local unit of any national veterans' organization recognized by the Department of Veterans Affairs, for use by that unit" and inserting "a unit or other organization of honor guards recognized by the Secretary of the Army as honor guards for a national cemetery, a law enforcement agency, or a local unit of any organization that, as determined by the Secretary of the Army, is a nationally recognized veterans' organization, for use by that unit, organization, or agency"; and

(2) by adding at the end the following:

"(c) CONDITIONS ON DONATIONS.—In lending or donating rifles under subsection (a), the Secretary of the Army may impose any condition on the use of the rifles that the Secretary considers appropriate.".

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

(1) in subsection (a), by inserting "AUTHORITY.—" after "(a)"; and

(2) in subsection (b), by inserting "RELIEF FROM LIABILITY.—" after "(b)".

**SEC. 349. MODIFICATION OF LIMITATION ON FUNDING ASSISTANCE FOR PROCUREMENT OF EQUIPMENT FOR THE NATIONAL GUARD FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.**

Section 112(a)(3) of title 32, United States Code, is amended by striking ''per purchase order'' in the second sentence and inserting ''per item''.

**SEC. 350. AUTHORITY FOR PAYMENT OF SETTLEMENT CLAIMS.**

(a) AUTHORITY TO MAKE PAYMENTS.—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence.

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary shall make the decision to exercise the authority in subsection (a) not later than 90 days after the date of enactment of this Act.

(c) SOURCE OF PAYMENTS.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of Navy for operation and maintenance for fiscal year 2000 or other un-

expended balances from prior years, the Secretary shall make available $40,000,000 only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence described in subsection (a).

(d) AMOUNT OF PAYMENT.—The amount of the payment under this section in settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed $2,000,000.

(e) TREATMENT OF PAYMENTS.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) CONSTRUCTION.—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

(g) RESOLUTION OF OTHER CLAIMS.—No payments under this section or any other provision of law for the settlement of claims arising from the accident described in subsection (a) shall be made to citizens of Germany until the Government of Germany provides a comparable settlement of the claims arising from the deaths of the United States servicemen caused by the collision between a United States Air Force C–141 Starlifter aircraft and a German Luftwaffe Tupelov TU–154M aircraft off the coast of Namibia, on September 13, 1997.

**SEC. 351. SENSE OF SENATE REGARDING SETTLEMENT OF CLAIMS OF AMERICAN SERVICEMEN'S FAMILIES REGARDING DEATHS RESULTING FROM THE ACCIDENT OFF THE COAST OF NAMIBIA ON SEPTEMBER 13, 1997.**

(a) FINDINGS.—The Senate makes the following findings:

(1) On September 13, 1997, a German Luftwaffe Tupelov TU–154M aircraft collided with a United States Air Force C–141 Starlifter aircraft off the coast of Namibia.

(2) As a result of that collision nine members of the United States Air Force were killed, namely Staff Sergeant Stacey D. Bryant, 32, loadmaster, Providence, Rhode Island; Staff Sergeant Gary A.

Bucknam, 25, flight engineer, Oakland, Maine; Captain Gregory M. Cindrich, 28, pilot, Byrans Road, Maryland; Airman 1st Class Justin R. Drager, 19, loadmaster, Colorado Springs, Colorado; Staff Sergeant Robert K. Evans, 31, flight engineer, Garrison, Kentucky; Captain Jason S. Ramsey, 27, pilot, South Boston, Virginia; Staff Sergeant Scott N. Roberts, 27, flight engineer, Library, Pennsylvania; Captain Peter C. Vallejo, 34, aircraft commander, Crestwood, New York; and Senior Airman Frankie L. Walker, 23, crew chief, Windber, Pennsylvania.

(3) The Final Report of the Ministry of Defense of the Defense Committee of the German Bundestag states unequivocally that, following an investigation, the Directorate of Flight Safety of the German Federal Armed Forces assigned responsibility for the collision to the Aircraft Commander/Commandant of the Luftwaffe Tupelov TU–154M aircraft for flying at a flight level that did not conform to international flight rules.

(4) The United States Air Force accident investigation report concluded that the primary cause of the collision was the Luftwaffe Tupelov TU–154M aircraft flying at an incorrect cruise altitude.

(5) Procedures for filing claims under the Status of Forces Agreement are unavailable to the families of the members of the United States Air Force killed in the collision.

(6) The families of the members of the United States Air Force killed in the collision have filed claims against the Government of Germany.

(7) The Senate has adopted an amendment authorizing the payment to citizens of Germany of a supplemental settlement of claims arising from the deaths caused by the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Government of Germany should promptly settle with the families of the members of the United States Air Force killed in a collision between a United States Air Force C–141 Starlifter aircraft and a German Luftwaffe Tupelov TU–154M aircraft off the coast of Namibia on September 13, 1997; and

(2) the United States should not make any payment to citizens of Germany as settlement of such citizens' claims for deaths arising from the accident

involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy, until a comparable settlement is reached between the Government of Germany and the families described in paragraph (1) with respect to the collision described in that paragraph.

# 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, 2000, as follows:

(1) The Army, 480,000.

(2) The Navy, 371,781.

(3) The Marine Corps, 172,240.

(4) The Air Force, 360,877.

**SEC. 402. REVISION IN PERMANENT END STRENGTH LEVELS.**

(a) REVISED END STRENGTH FLOORS.—Subsection (b) of section 691 of title 10, United States Code, is amended—

(1) in paragraph (2), by striking out ''372,696'' and inserting in lieu thereof ''371,781'';

(2) in paragraph (3), by striking out ''172,200'' and inserting in lieu thereof ''172,148''; and

(3) in paragraph (4), by striking out ''370,802'' and inserting in lieu thereof ''360,877''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

**SEC. 403. REDUCTION OF END STRENGTHS BELOW LEVELS FOR TWO MAJOR REGIONAL CONTINGENCIES.**

Section 691(d) of title 10, United States Code, is amended by striking ''unless'' and all that follows and inserting ''unless the Secretary of Defense first submits to Congress a written notification of the proposed lower end strength together with the justification for the lower end strength. The Secretary may submit the notification and justification with the budget for the department for the fiscal year.''.

# 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, 2000, as follows:

(1) The Army National Guard of the United States, 350,623.

(2) The Army Reserve, 205,000.

(3) The Naval Reserve, 90,288.

(4) The Marine Corps Reserve, 39,624.

(5) The Air National Guard of the United States, 106,744.

(6) The Air Force Reserve, 73,764.

(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.

(c) PERMANENT WAIVER AUTHORITY.—Section 115(c) of title 10, United States Code, is amended—

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

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

(3) by adding at the end the following:

''(3) increase the end strength authorized pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of a reserve component of any of the armed forces by a number equal to not more than 2 percent of that end strength.''.

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

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2000, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 22,430.

(2) The Army Reserve, 12,804.

(3) The Naval Reserve, 15,010.

(4) The Marine Corps Reserve, 2,272.

(5) The Air National Guard of the United States, 11,157.

(6) The Air Force Reserve, 1,134.

**SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS.**

(a) DUAL STATUS TECHNICIANS.—The minimum number of military technicians (dual status) as of September 30, 2000, for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 5,179.

(2) For the Army National Guard of the United States, 22,396.

(3) For the Air Force Reserve, 9,785.

(4) For the Air National Guard of the United States, 22,247.

(b) NON-DUAL STATUS TECHNICIANS.—The reserve components of the Army and Air Force are (notwithstanding section 129 of title 10, United States Code) authorized strengths for military technicians (non-dual status) as of September 30, 2000, as follows:

(1) For the Army Reserve, 1,295.

(2) For the Army National Guard of the United States, 1,800.

(3) For the Air Force Reserve, 342.

(4) For the Air National Guard of the United States, 342.

**SEC. 414. INCREASE IN NUMBERS OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.**

(a) OFFICERS.—The table in section 12011(a) of title 10, United States Code, is amended to read as follows:

| "Grade | Army | Navy | Air Force | Marine Corps |
|---|---|---|---|---|
| Major or Lieutenant Commander | 3,227 | 1,071 | 860 | 140 |
| Lieutenant Colonel or Commander | 1,611 | 520 | 777 | 90 |
| Colonel or Navy Captain | 471 | 188 | 297 | 30". |

(b) SENIOR ENLISTED MEMBERS.—The table in section 12012(a) of title 10, United States Code, is amended to read as follows:

| "Grade | Army | Navy | Air Force | Marine Corps |
|---|---|---|---|---|
| E–9 | 645 | 202 | 405 | 20 |
| E–8 | 2,593 | 429 | 1,041 | 94". |

# Subtitle C—Authorization of Appropriations

**SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.**

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2000 a total of $71,693,093,000, and in addition funds in the total amount of $1,838,426,000 are authorized to be appropriated as emergency appropriations to the Department of Defense for fiscal year 2000 for military

personnel, as appropriated in section 2012 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31). The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2000.

# TITLE V—MILITARY PERSONNEL POLICY

## Subtitle A—Officer Personnel Policy

### SEC. 501. EXTENSION OF REQUIREMENT FOR COMPETITION FOR JOINT 4-STAR OFFICER POSITIONS.

(a) EXTENSION OF REQUIREMENT.—Section 604(c) of title 10, United States Code, is amended by striking ''September 30, 2000'' and inserting ''September 30, 2003''.

(b) GRADE RELIEF.—Section 525(b)(5)(C) of such title is amended by striking ''September 30, 2000'' and inserting ''September 30, 2003''.

### SEC. 502. ADDITIONAL THREE-STAR OFFICER POSITIONS FOR SUPERINTENDENTS OF SERVICE ACADEMIES.

(a) EXCLUSION OF SUPERINTENDENTS FROM GRADE LIMITATION.—Section 525(b) of title 10, United States Code, is amended by adding at the end the following:

"(7) An officer while serving in the position of Superintendent of the United States Military Academy, Superintendent of the United States Naval Academy, or Superintendent of the United States Air Force Academy, if serving in the grade of lieutenant general or vice admiral, is in addition to the number that would otherwise be permitted for that officer's armed force for that grade under subsection (a) or paragraph (1) or (2) of this subsection.".

(b) RETIREMENT OF SUPERINTENDENTS.—(1)(A) Chapter 367 of title 10, United States Code, is amended by inserting after section 3920 the following:

**"§ 3921. Mandatory retirement: Superintendent of the United States Military Academy**

"Upon the termination of a detail of an officer to the position of Superintendent of the United States Military Academy, the Secretary of the Army shall retire the officer under any provision of this chapter under which the officer is eligible to retire.".

(B) Chapter 403 of such title is amended by inserting after section 4333 the following:

**"§ 4333a. Superintendent: condition for detail to position**

"To be eligible for detail to the position of Superintendent of the Academy, an officer shall enter into an

agreement with the Secretary of the Army to accept retirement upon termination of the detail.''.

(2)(A) Chapter 573 of such title is amended by inserting after the table of sections at the beginning of the chapter the following:

**''§ 6371. Mandatory retirement: Superintendent of the United States Naval Academy**

''Upon the termination of a detail of an officer to the position of Superintendent of the United States Naval Academy, the Secretary of the Navy shall retire the officer under any provision of chapter 571 of this title under which the officer is eligible to retire.''.

(B) Chapter 603 of such title is amended by inserting after section 6951 the following:

**''§ 6951a. Superintendent**

''(a) There is a Superintendent of the United States Naval Academy. The immediate governance of the Naval Academy is under the Superintendent.

''(b) The Superintendent shall be detailed to the position by the President. To be eligible for detail to the position, an officer shall enter into an agreement with the Secretary of the Navy to accept retirement upon termination of the detail.''.

(3)(A) Chapter 867 of such title is amended by inserting after section 8920 the following:

**"§ 8921. Mandatory retirement: Superintendent of the United States Air Force Academy**

''Upon the termination of a detail of an officer to the position of Superintendent of the United States Air Force Academy, the Secretary of the Air Force shall retire the officer under any provision of this chapter under which the officer is eligible to retire.''.

(B) Chapter 903 of such title is amended by inserting after section 9333 the following:

**"§ 9333a. Superintendent: condition for detail to position**

''To be eligible for detail to the position of Superintendent of the Academy, an officer shall enter into an agreement with the Secretary of the Air Force to accept retirement upon termination of the detail.''.

(c) CLERICAL AMENDMENTS.—(1)(A) The table of sections at the beginning of chapter 367 of title 10, United States Code, is amended by inserting after the item relating to section 3920 the following:

''3921. Mandatory retirement: Superintendent of the United States Military Academy.''.

(B) The table of sections at the beginning of chapter 403 of such title is amended by inserting after the item relating to section 4333 the following:

''4333a. Superintendent: condition for detail to position.''.

(2)(A) The table of sections at the beginning of chapter 573 of such title is amended by inserting before the item relating to section 6383 the following:

"6371. Mandatory retirement: Superintendent of the United States Naval Academy.".

(B) The table of sections at the beginning of chapter 603 of such title is amended by inserting after the item relating to section 6951 the following:

"6951a. Superintendent.".

(3)(A) The table of sections at the beginning of chapter 867 of such title is amended by inserting after the item relating to section 8920 the following:

"8921. Mandatory retirement: Superintendent of the United States Air Force Academy.".

(B) The table of sections at the beginning of chapter 903 of such title is amended by inserting after the item relating to section 9333 the following:

"9333a. Superintendent: condition for detail to position.".

(d) SAVINGS PROVISION.—The amendments made by this section shall not apply to an officer serving on the date of the enactment of this Act in the position of Superintendent of the United States Military Academy, Superintendent of the United States Naval Academy, or Superintendent of the United States Air Force Academy for so long as the officer continues on and after that date to serve in the position without a break in the service in the position.

**SEC. 503. INCREASE IN MAXIMUM NUMBER OF OFFICERS AUTHORIZED TO BE ON ACTIVE-DUTY LIST IN FROCKED GRADE OF BRIGADIER GENERAL OR REAR ADMIRAL.**

Section 777(d)(1) of title 10, United States Code, is amended by striking ''the following:'' and all that follows and inserting ''55.''.

**SEC. 504. RESERVE OFFICERS REQUESTING OR OTHERWISE CAUSING NONSELECTION FOR PROMOTION.**

(a) REPORTING REQUIREMENT.—Section 617(c) of title 10, United States Code, is amended by striking ''regular''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to boards convened under section 611(a) of title 10, United States Code, on or after that date.

**SEC. 505. MINIMUM GRADE OF OFFICERS ELIGIBLE TO SERVE ON BOARDS OF INQUIRY.**

(a) RETENTION BOARDS FOR REGULAR OFFICERS.—Section 1187 of title 10, United States Code, is amended to read as follows:

''(a) ACTIVE DUTY OFFICERS.—Each officer who serves on a board convened under this chapter shall—

"(1) be an officer of the same armed force as the officer being required to show cause for retention on active duty;

"(2) be serving on active duty in a grade that—

"(A) in the case of the President of the board, is above lieutenant colonel or commander; or

"(B) in the case of any other member of the board, is above major or lieutenant commander; and

"(3) be senior in grade and rank to any officer considered by that board.

"(b) RETIRED OFFICERS.—If qualified officers on active duty are not available in sufficient numbers to comprise a board convened under this chapter, the Secretary of the military department concerned shall complete the membership of the board by appointing retired officers of the same armed force whose retired grade—

"(1) is—

"(A) in the case of the President of the board, above lieutenant colonel or commander; or

"(B) in the case of any other member of the board, above major or lieutenant commander; and

"(2) is senior to the grade of any officer considered by the board.

"(c) INELIGIBILITY BY REASON OF PREVIOUS CONSIDERATION OF CASE.—No person may be a member of more than one board convened under this chapter to consider the same officer.

"(d) EXCLUSION FROM STRENGTH LIMITATION.—A retired general or flag officer who is on active duty for the purpose of serving on a board convened under this chapter shall not, while so serving, be counted against any limitation on the number of general and flag officers who may be on active duty.".

(b) RETENTION BOARDS FOR RESERVE OFFICERS.—Subsection (a) of section 14906 of such title is amended to read as follows:

"(a) ACTIVE STATUS OFFICERS.—Each officer who serves on a board convened under this chapter shall—

"(1) be an officer of the same armed force as the officer being required to show cause for retention in an active status;

"(2) hold a grade that—

"(A) in the case of the President of the board, is above lieutenant colonel or commander; or

"(B) in the case of any other member of the board, is above major or lieutenant commander; and

"(3) be senior in grade and rank to any officer considered by that board.".

**SEC. 506. MINIMUM SELECTION OF WARRANT OFFICERS FOR PROMOTION FROM BELOW THE PROMOTION ZONE.**

Section 575(b)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: "If the number determined under this subsection with respect to a promotion zone within a grade (or grade and competitive category) is less than one, the board may recommend one such officer for promotion from below the zone within that grade (or grade and competitive category).".

**SEC. 507. INCREASE IN THRESHOLD PERIOD OF ACTIVE DUTY FOR APPLICABILITY OF RESTRICTION ON HOLDING OF CIVIL OFFICE BY RETIRED REGULAR OFFICERS AND RESERVE OFFICERS.**

Section 973(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking "180 days" and inserting "270 days"; and

(2) in subparagraph (C), by striking ''180 days'' and inserting ''270 days''.

**SEC. 508. EXEMPTION OF RETIREE COUNCIL MEMBERS FROM RECALLED RETIREE LIMITS.**

Section 690(b)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph (D):

''(D) Any member of the Retiree Council of the Army, Navy, or Air Force for the period on active duty to attend the annual meeting of the Retiree Council.''.

# Subtitle B—Reserve Component Matters

**SEC. 511. ADDITIONAL EXCEPTIONS FOR RESERVE COMPONENT GENERAL AND FLAG OFFICERS FROM LIMITATION ON AUTHORIZED STRENGTH OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.**

Section 526(d) of title 10, United States Code, is amended to read as follows:

''(d) EXCLUSION OF CERTAIN RESERVE COMPONENT OFFICERS.—(1) The limitations of this section do not apply to the following reserve component general or flag officers:

''(A) An officer on active duty for training.

"(B) An officer on active duty under a call or order specifying a period of less than 180 days.

"(2) Up to 25 reserve component general and flag officers serving on active duty at any one time under calls or orders specifying periods of 180 days or more may be excluded from the limitations of this section. Officers excluded under the preceding sentence are in addition to any other reserve component general or flag officers on active duty under calls or orders specifying periods of 180 days or more who are excluded from the limitations of this section under authority other than this paragraph.".

**SEC. 512. DUTIES OF RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.**

(a) DUTIES.—Section 12310 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (d) and transferring such subsection, as so redesignated, to the end of the section; and

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

"(b) DUTIES.—A Reserve on active duty as described in subsection (a) may be assigned only duties in connection with the functions described in that subsection, which may include the following:

"(1) Supporting operations or missions assigned in whole or in part to reserve components.

"(2) Supporting operations or missions performed or to be performed by—

"(A) a unit composed of elements from more than one component of the same armed force; or

"(B) a joint forces unit that includes—

"(i) one or more reserve component units; or

"(ii) if no reserve component unit, any member of a reserve component whose reserve component assignment is in a position in an element of the joint forces unit.

"(3) Advising the Secretary of Defense, the Secretary of a military department, the Joint Chiefs of Staff, or the commander of a unified combatant command regarding reserve component matters.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 12310 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting "GRADE.—" after "(a)";

(2) in subsection (c)(1), by striking "(c)(1) A Reserve" and inserting "(c) DUTIES RELATING TO

1 DEFENSE AGAINST WEAPONS OF MASS DESTRUC-
2 TION.—(1) Notwithstanding subsection (b), a Re-
3 serve''; and
4 (3) in subsection (d), as redesignated and
5 transferred by subsection (a)(1), by inserting
6 ''TRAINING.—'' after ''(d)''.
7 (c) REVIEW OF USE OF RESERVES ON ACTIVE DUTY
8 IN SUPPORT OF THE RESERVES.—(1) The Secretary of
9 Defense shall review how the Reserves on active duty in
10 support of the reserves are used in relation to the duties
11 set forth under subsection (b) of section 12310 of title
12 10, United States Code, as added by subsection (a)(2).
13 (2) Not later than March 1, 2000, the Secretary shall
14 submit a report on the results of the review to the Com-
15 mittees on Armed Services of the Senate and the House
16 of Representatives. The report shall address, at a min-
17 imum, the following issues:
18 (1) Whether the Reserves on active duty in sup-
19 port of the reserve should be considered as a sepa-
20 rate category of Reserves on active duty.
21 (2) Whether those Reserves should be counted
22 within the active component end strengths and fund-
23 ed by the appropriations for active component mili-
24 tary personnel.

**SEC. 513. REPEAL OF LIMITATION ON NUMBER OF RESERVES ON FULL-TIME ACTIVE DUTY IN SUPPORT OF PREPAREDNESS FOR RESPONSES TO EMERGENCIES INVOLVING WEAPONS OF MASS DESTRUCTION.**

(a) REPEAL.—Paragraph (4) of section 12310(c) of title 10, United States Code, is amended by striking the first sentence.

(b) CONFORMING AMENDMENTS.—Paragraph (6) of such section is amended—

(1) by striking ''or to increase the number of personnel authorized by paragraph (4)'' in the matter preceding subparagraph (A); and

(2) in subparagraph (A), by striking ''or for the requested additional personnel'' and all that follows through ''Federal levels''.

**SEC. 514. EXTENSION OF PERIOD FOR RETENTION OF RESERVE COMPONENT MAJORS AND LIEUTENANT COMMANDERS WHO TWICE FAIL OF SELECTION FOR PROMOTION.**

(a) PARITY WITH OFFICERS IN GRADES O–2 AND O–3.—Section 14506 of title 10, United States Code, is amended—

(1) by inserting ''the later of (1)'' after ''in accordance with section 14513 of this title on''; and

(2) by inserting before the period at the end the following: ", or (2) the first day of the seventh month after the month in which the President approves the report of the board which considered the officer for the second time".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to removals of reserve officers from reserve active-status lists under section 14506 of title 10, United States Code, on or after that date.

**SEC. 515. CONTINUATION OF OFFICER ON RESERVE ACTIVE-STATUS LIST FOR DISCIPLINARY ACTION.**

(a) AUTHORITY.—Chapter 1407 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 14518. Continuation on reserve active-status list to complete disciplinary action**

"When any action has been commenced against an officer on a reserve active-status list with a view to trying the officer by court-martial, the Secretary concerned may delay the separation or retirement of the officer under the provisions of this chapter until the completion of the action.".

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

"14518. Continuation on reserve active-status list to complete disciplinary action.".

**SEC. 516. RETENTION OF RESERVE COMPONENT CHAPLAINS UNTIL AGE 67.**

Section 14703(b) of title 10, United States Code, is amended by striking "(or, in the case of a reserve officer of the Army in the Chaplains or a reserve officer of the Air Force designated as a chaplain, 60 years of age)".

**SEC. 517. RESERVE CREDIT FOR PARTICIPATION IN HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.**

Section 2126(b) of title 10, United States Code, is amended—

(1) by striking paragraphs (2) and (3) and inserting the following:

"(2) Service credited under paragraph (1) counts only for the award of retirement points for computation of years of service under section 12732 of this title and for computation of retired pay under section 12733 of this title.

"(3) The number of points credited to a member under paragraph (1) for a year of participation in a course of study is 50. The points shall be credited to the member

for one of the years of that participation at the end of each year after the completion of the course of study that the member serves in the Selected Reserve and is credited under section 12732(a)(2) of this title with at least 50 points. The points credited for the participation shall be recorded in the member's records as having been earned in the year of the participation in the course of study.'';

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following new paragraph (5):

''(5) A member of the Selected Reserve may be considered to be in an active status while pursuing a course of study under this subchapter only for purposes of sections 12732(a) and 12733(3) of this title.''.

**SEC. 518. EXCLUSION OF RESERVE OFFICERS ON EDUCATIONAL DELAY FROM ELIGIBILITY FOR CONSIDERATION FOR PROMOTION.**

(a) EXCLUSION.—Section 14301 of title 10, United States Code is amended by adding at the end the following:

''(h) OFFICERS ON EDUCATIONAL DELAY.—An officer on a reserve active-status list is ineligible for consideration for promotion, but shall remain on the reserve active-status list, while the officer is—

"(1) pursuing a program of graduate level education in an educational delay status approved by the Secretary concerned; and

"(2) receiving from the Secretary financial assistance in connection with the pursuit of the program in that status.".

(b) RETROACTIVE EFFECT.—(1) Subsection (h) of section 14301 of title 10, United States Code (as added by subsection (a)), shall take effect on the date of the enactment of this Act and shall apply with respect to boards convened under section 14101(a) of such title before, on, or after that date.

(2) The Secretary of the military department concerned, upon receipt of request in a form and manner prescribed by the Secretary, shall expunge from the military records of an officer any indication of a failure of selection of the officer for promotion by a board referred to in paragraph (1) while the officer was ineligible for consideration by the board by reason of section 14301(h) of title 10, United States Code.

**SEC. 519. EXCLUSION OF PERIOD OF PURSUIT OF PROFESSIONAL EDUCATION FROM COMPUTATION OF YEARS OF SERVICE FOR RESERVE OFFICERS.**

(a) EXCLUSION.—The text of section 14706 of title 10, United States Code, is amended to read as follows:

"(a) IN GENERAL.—For the purpose of this chapter and chapter 1407 of this title, a reserve officer's years of service include all service of the officer as a commissioned officer of any uniformed service other than the following:

"(1) Service as a warrant officer.

"(2) Constructive service.

"(3) Except as provided in subsection (b), service as a commissioned officer of a reserve component while pursuing a program of advanced education leading to the first professional degree required for appointment, designation, or assignment as an officer in the Medical Corps, the Dental Corps, the Veterinary Corps, the Medical Service Corps, the Nurse Corps, the Army Medical Specialists Corps, or as a chaplain or judge advocate if the service—

"(A) follows appointment as a commissioned officer of a reserve component; and

"(B) precedes the officer's initial service on active duty or initial service in the Ready Reserve in the professional specialty for which the degree if required.

"(b) PRIOR SERVICE PROFESSIONAL PERSONNEL.—The exclusion in subsection (a)(3) does not apply to serv-

ice described in that subsection that is performed by an officer who, prior to the described service—

"(1) served on active duty; or

"(2) participated as a member of the Ready Reserve other than in a student status.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to service as a commissioned officer on or after that date.

**SEC. 520. CORRECTION OF REFERENCE RELATING TO CREDITING OF SATISFACTORY SERVICE BY RESERVE OFFICERS IN HIGHEST GRADE HELD.**

Section 1370(d)(1) of title 10, United States Code, is amended by striking "chapter 1225" and inserting "chapter 1223".

**SEC. 521. ESTABLISHMENT OF OFFICE OF THE COAST GUARD RESERVE.**

(a) ESTABLISHMENT.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following:

**"§ 53. Office of the Coast Guard Reserve; Director**

"(a) ESTABLISHMENT OF OFFICE; DIRECTOR.—There is in the executive part of the Coast Guard an Office of the Coast Guard Reserve. The head of the Office is

the Director of the Coast Guard Reserve. The Director of the Coast Guard Reserve is the principal adviser to the Commandant on Coast Guard Reserve matters and may have such additional functions as the Commandant may direct.

"(b) APPOINTMENT.—The President, by and with the advice and consent of the Senate, shall appoint the Director of the Coast Guard Reserve, from officers of the Coast Guard not on active duty, or on active duty under section 10211 of title 10, who—

"(1) have had at least 10 years of commissioned service;

"(2) are in a grade above captain; and

"(3) have been recommended by the Secretary of Transportation.

"(c) TERM.—(1) The Director of the Coast Guard Reserve holds office for a term determined by the President, normally two years, but not more than four years. An officer may be removed from the position of Director for cause at any time.

"(2) The Director of the Coast Guard Reserve, while so serving, holds a grade above Captain, without vacating the officer's permanent grade.

"(d) BUDGET.—The Director of the Coast Guard Reserve is the official within the executive part of the Coast

Guard who, subject to the authority, direction, and control of the Secretary of Transportation and the Commandant, is responsible for preparation, justification, and execution of the personnel, operation and maintenance, and construction budgets for the Coast Guard Reserve. As such, the Director of the Coast Guard Reserve is the director and functional manager of appropriations made for the Coast Guard Reserve in those areas.

''(e) ANNUAL REPORT.—The Director of the Coast Guard Reserve shall submit to the Secretary of Transportation and the Secretary of Defense an annual report on the state of the Coast Guard Reserve and the ability of the Coast Guard Reserve to meet its missions. The report shall be prepared in conjunction with the Commandant and may be submitted in classified and unclassified versions.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 52 the following:

''53. Office of the Coast Guard Reserve; Director.''.

**SEC. 522. CHIEFS OF RESERVE COMPONENTS AND THE ADDITIONAL GENERAL OFFICERS AT THE NATIONAL GUARD BUREAU.**

(a) GRADE OF CHIEF OF ARMY RESERVE.—Section 3038(c) of title 10, United States Code, is amended by

striking ''major general'' and inserting ''lieutenant general''.

(b) GRADE OF CHIEF OF NAVAL RESERVE.—Section 5143(c)(2) of such title is amended by striking ''rear admiral (lower half)'' and inserting ''rear admiral''.

(c) GRADE OF COMMANDER, MARINE FORCES RESERVE.—Section 5144(c)(2) of such title is amended by striking ''brigadier general'' and inserting ''major general''.

(d) GRADE OF CHIEF OF AIR FORCE RESERVE.—Section 8038(c) of such title is amended by striking ''major general'' and inserting ''lieutenant general''.

(e) THE ADDITIONAL GENERAL OFFICERS FOR THE NATIONAL GUARD BUREAU.—Subparagraphs (A) and (B) of section 10506(a)(1) of such title are each amended by striking ''major general'' and inserting ''lieutenant general''.

(f) EXCLUSION FROM LIMITATION ON GENERAL AND FLAG OFFICERS.—Section 526(d) of such title is amended to read as follows:

''(d) EXCLUSION OF CERTAIN RESERVE COMPONENT OFFICERS.—The limitations of this section do not apply to the following reserve component general or flag officers:

''(1) An officer on active duty for training.

"(2) An officer on active duty under a call or order specifying a period of less than 180 days.

"(3) The Chief of Army Reserve, the Chief of Naval Reserve, the Chief of Air Force Reserve, the Commander, Marine Forces Reserve, and the additional general officers assigned to the National Guard Bureau under section 10506(a)(1) of this title.".

(g) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 60 days after the date of the enactment of this Act.

# Subtitle C—Military Education and Training

## SEC. 531. AUTHORITY TO EXCEED TEMPORARILY A STRENGTH LIMITATION FOR THE SERVICE ACADEMIES.

Section 511(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1359; 10 U.S.C. 4342 note) is amended—

(1) by inserting "(1)" after "(a) REDUCTION IN AUTHORIZED STRENGTHS.—"; and

(2) by adding at the end the following:

"(2) The Secretary of the military department concerned may authorize the strength for an academy for any class year to exceed the strength limitation set forth in

paragraph (1) by not more than 5 percent. Before granting that authority, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a written notification of the determination to authorize the excessive strength for that year. The notification shall include a discussion of the justification for exceeding the strength limitation and the actions that the Secretary plans to take to reduce the strength to a level within the strength limitation.''.

**SEC. 532. REPEAL OF LIMITATION ON AMOUNT OF REIMBURSEMENT AUTHORIZED TO BE WAIVED FOR FOREIGN STUDENTS AT THE SERVICE ACADEMIES.**

(a) REPEAL.—Sections 4344(b)(3), 6957(b)(3), and 9344(b)(3) of title 10, United States Code, are repealed.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to the academic year that includes that date and academic years that begin after that date.

**SEC. 533. EXPANSION OF FOREIGN EXCHANGE PROGRAMS OF THE SERVICE ACADEMIES.**

(a) UNITED STATES MILITARY ACADEMY.—Section 4345 of title 10, United States Code, is amended—

(1) in subsection (b), by striking ''10 cadets'' and inserting ''24 cadets''; and

(2) in subsection (c)(3), by striking ''$50,000'' and inserting ''$120,000''.

(b) UNITED STATES NAVAL ACADEMY.—Section 6957a of such title is amended—

(1) in subsection (b), by striking ''10 midshipmen'' and inserting ''24 midshipmen''; and

(2) in subsection (c)(3), by striking ''$50,000'' and inserting ''$120,000''.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9345 of such title is amended—

(1) in subsection (b), by striking ''10 Air Force cadets'' and inserting ''24 Air Force cadets''; and

(2) in subsection (c)(3), by striking ''$50,000'' and inserting ''$120,000''.

**SEC. 534. PERMANENT AUTHORITY FOR ROTC SCHOLARSHIPS FOR GRADUATE STUDENTS.**

Section 2107(c)(2) of title 10, United States Code, is amended to read as follows:

''(2) The Secretary of the military department concerned may provide financial assistance, as described in paragraph (1), to a student enrolled in an advanced education program beyond the baccalaureate degree level if the student also is a cadet or midshipman in an advanced

training program. Not more than 15 percent of the total number of scholarships awarded under this section in any year may be awarded under this paragraph.''.

**SEC. 535. AUTHORITY FOR AWARD OF MASTER OF STRATEGIC STUDIES DEGREE BY THE UNITED STATES ARMY WAR COLLEGE.**

(a) AUTHORITY FOR DEGREE.—Chapter 401 of title 10, United States Code, is amended by adding at the end the following:

**''§ 4321. United States Army War College: master of strategic studies degree**

''Under regulations prescribed by the Secretary of the Army, the Commandant of the United States Army War College, upon the recommendation of the faculty and Dean of the College, may confer the degree of master of strategic studies upon graduates of the college who have fulfilled the requirements for the degree.''.

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

''4321. United States Army War College: master of strategic studies degree.''.

**SEC. 536. MINIMUM EDUCATIONAL REQUIREMENTS FOR FACULTY OF THE COMMUNITY COLLEGE OF THE AIR FORCE.**

Section 9315 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) EDUCATIONAL QUALIFICATIONS OF FACULTY.—Notwithstanding section 3308 of title 5 or any other provision of law, the commander of the Air Education and Training Command may prescribe the minimum educational qualifications required for the professors and instructors of the college. The required qualifications shall equal or exceed the qualifications necessary to satisfy accreditation standards applicable to the college.''.

**SEC. 537. CONFERRAL OF GRADUATE-LEVEL DEGREES BY AIR UNIVERSITY.**

(a) AUTHORITY.—Section 9317(a) of title 10, United States Code, is amended to read as follows:

''(a) AUTHORITY.—Upon the recommendation of the faculty of a school of the Air University, the Commander of the Air University may confer a degree upon graduates of that school who fulfill the requirements for the degree, as follows:

''(1) The degree of master of strategic studies, for the Air War College.

"(2) The degree of master of military operational art and science, for the Air Command and Staff College.

"(3) The degree of master of airpower art and science, for the School of Advanced Airpower Studies.".

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

**"§ 9317. Air University: graduate-level degrees".**

(2) The item relating to such section in the table of sections at the beginning of chapter 901 of title 10, United States Code, is amended to read as follows:

"9317. Air University: graduate-level degrees.".

**SEC. 538. PAYMENT OF TUITION FOR EDUCATION AND TRAINING OF MEMBERS IN THE DEFENSE ACQUISITION WORKFORCE.**

Section 1745(a) of title 10, United States Code, is amended to read as follows:

"(a) TUITION REIMBURSEMENT AND TRAINING.—(1) The Secretary of Defense shall provide for tuition reimbursement and training (including a full-time course of study leading to a degree) for acquisition personnel in the Department of Defense.

"(2) For civilian personnel, the reimbursement and training shall be provided under section 4107(b) of title 5 for the purposes described in that section. For purposes

of such section 4107(b), there is deemed to be, until September 30, 2001, a shortage of qualified personnel to serve in acquisition positions in the Department of Defense.

''(3) In the case of members of the armed forces, the limitation in section 2007(a) of this title shall not apply to tuition reimbursement and training provided for under this subsection.''.

**SEC. 539. FINANCIAL ASSISTANCE PROGRAM FOR PURSUIT OF DEGREES BY OFFICER CANDIDATES IN MARINE CORPS PLATOON LEADERS CLASS PROGRAM.**

(a) IN GENERAL.—(1) Part IV of subtitle E of title 10, United States Code, is amended by adding at the end the following:

## ''CHAPTER 1610—OTHER EDUCATIONAL ASSISTANCE PROGRAMS

''Sec.
''16401. Marine Corps Platoon Leaders Class Program: officer candidates pursuing degrees.

### ''§ 16401. Marine Corps Platoon Leader's Class Program: officer candidates pursuing degrees

''(a) AUTHORITY.—The Secretary of the Navy may provide financial assistance to an eligible enlisted member of the Marine Corps Reserve for expenses of the member while the member is pursuing on a full-time basis at an

institution of higher education a program of education approved by the Secretary that leads to—

"(1) a baccalaureate degree in less than five academic years; or

"(2) a doctor of jurisprudence or bachelor of laws degree in not more than three academic years.

"(b) ELIGIBILITY.—(1) To be eligible for receipt of financial assistance under this section, an enlisted member of the Marine Corps Reserve shall—

"(A) be an officer candidate in the Marine Corps Platoon Leaders Class Program and have successfully completed one six-week (or longer) increment of military training required under the program;

"(B) satisfy the applicable age requirement of paragraph (2);

"(C) be enrolled on a full-time basis in a program of education referred to in subsection (a) at any institution of higher education;

"(D) enter into a written agreement with the Secretary—

"(i) to accept an appointment as a commissioned officer in the Marine Corps, if tendered by the President;

"(ii) to serve on active duty for at least five years; and

"(iii) under such terms and conditions as shall be prescribed by the Secretary, to serve in the Marine Corps Reserve until the eighth anniversary of the date of the appointment.

"(2)(A) To meet the age requirements of this paragraph, a member pursuing a baccalaureate degree may not be over 26 years of age on June 30 of the calendar year in which the member is projected to be eligible for appointment as a commissioned officer in the Marine Corps through the Marine Corps Platoon Leaders Class Program, except that any such member who has served on active duty in the armed forces may, on such date, be any age under 30 years that exceeds 26 years by a number of months that is not more than the number of months that the member served on active duty.

"(B) To meet the age requirements of this paragraph, a member pursuing a doctor of jurisprudence or bachelor of laws degree may not be over 30 years of age on June 30 of the calendar year in which the member is projected to be eligible for appointment as a commissioned officer in the Marine Corps through the Marine Corps Platoon Leaders Class Program, except that any such member who has served on active duty in the armed forces

may, on such date, be any age under 35 years that exceeds 30 years by a number of months that is not more than the number of months that the member served on active duty.

"(c) COVERED EXPENSES.—Expenses for which financial assistance may be provided under this section are tuition and fees charged by the institution of higher education involved, the cost of books, and, in the case of a program of education leading to a baccalaureate degree, laboratory expenses.

"(d) AMOUNT.—The amount of financial assistance provided to a member under this section shall be prescribed by the Secretary, but may not exceed $5,200 for any academic year.

"(e) LIMITATIONS.—(1) Financial assistance may be provided to a member under this section only for three consecutive academic years.

"(2) Not more than 1,200 members may participate in the financial assistance program under this section in any academic year.

"(f) FAILURE TO COMPLETE PROGRAM.—A member in receipt of financial assistance under this section may be ordered to active duty in the Marine Corps by the Secretary to serve in an appropriate enlisted grade for such

period as the Secretary prescribes, but not for more than four years, if the member—

"(1) completes the military and academic requirements of the Marine Corps Platoon Leaders Class Program and refuses to accept a commission when offered;

"(2) fails to complete the military or academic requirements of the Marine Corps Platoon Leaders Class Program; or

"(3) is disenrolled from the Marine Corps Platoon Leaders Class Program for failure to maintain eligibility for an original appointment as a commissioned officer under section 532 of this title.

"(g) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).".

(2) The tables of chapters at the beginning of subtitle E of such title and at the beginning of part IV of such subtitle are amended by adding at the end the following:

**"1610. Other Educational Assistance Programs .....16401".**

(b) CONFORMING AMENDMENT.—Section 3695(a)(5) of title 38, United States Code, is amended by striking "Chapters 106 and 107" and inserting "Chapters 107, 1606, and 1610".

(c) COMPUTATION OF CREDITABLE SERVICE.—Section 205 of title 37, United States Code, is amended by adding at the end the following:

''(f) Notwithstanding subsection (a), the years of service of a commissioned officer appointed under section 12209 of title 10 after receiving financial assistance under section 16401 of such title may not include a period of service after the date of the establishment of the program of financial assistance by the Secretary that the officer performed concurrently as a member of the Marine Corps Platoon Leaders Class Program and the Marine Corps Reserve, except for any period of service that the officer performed (concurrently with the period of service as a member of the Marine Corps Platoon Leaders Class Program) as an enlisted member on active duty or as a member of the Selected Reserve.''.

(d) TRANSITION PROVISION.—(1) An enlisted member of the Marine Corps Reserve selected for training as an officer candidate under section 12209 of title 10, United States Code, before implementation of a financial assistance program under section 12216 of such title (as added by subsection (a)) may, upon application, participate in the financial assistance program established under section 12216 of such title (as added by subsection (a)) if the member—

(A) is eligible for financial assistance under such section 12216;

(B) submits a request for the financial assistance to the Secretary of the Navy not later than 180 days after the date on which the Secretary establishes the financial assistance program; and

(C) enters in a written agreement described in subsection (b)(4) of such section 12216.

(2) Section 205(f) of title 37, United States Code, as added by subsection (c), applies to a member referred to in paragraph (1).

# Subtitle D—Decorations, Awards, and Commendations

## SEC. 551. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO CERTAIN PERSONS.

(a) WAIVER.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply to award of the decoration as described in subsection (b), the award of such decoration having been determined by the Secretary of Transportation to be warranted in accordance with section 1130 of title 10, United States Code.

(b) COAST GUARD COMMENDATION MEDAL.—Subsection (a) applies to the award of the Coast Guard Commendation Medal to Mark H. Freeman, of Seattle, Washington for heroic achievement performed in a manner above that normally to be expected during rescue operations for the S.S. Seagate, in September 1956, while serving as a member of the Coast Guard at Gray Harbor Lifeboat Station, Westport, Washington.

**SEC. 552. AUTHORITY FOR AWARD OF MEDAL OF HONOR TO ALFRED RASCON FOR VALOR DURING THE VIETNAM CONFLICT.**

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Army, the President may award the Medal of Honor under section 3741 of that title to Alfred Rascon, of Laurel, Maryland, for the acts of valor described in subsection (b).

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Alfred Rascon on March 16, 1966, as an Army medic, serving in the grade of Specialist Four in the Republic of Vietnam with the Reconnaissance Platoon, Headquarters Company, 1st

Battalion, 503rd Infantry, 173rd Airborne Brigade (Separate), during a combat operation known as Silver City.

**SEC. 553. ELIMINATION OF BACKLOG IN REQUESTS FOR REPLACEMENT OF MILITARY MEDALS AND OTHER DECORATIONS.**

(a) SUFFICIENT RESOURCING REQUIRED.—The Secretary of Defense shall make available funds and other resources at the levels that are necessary for ensuring the elimination of the backlog of the unsatisfied requests made to the Department of Defense for the issuance or replacement of military decorations for former members of the Armed Forces. The organizations to which the necessary funds and other resources are to be made available for that purpose are as follows:

(1) The Army Reserve Personnel Command.

(2) The Bureau of Naval Personnel.

(3) The Air Force Personnel Center.

(4) The National Archives and Records Administration

(b) CONDITION.—The Secretary shall allocate funds and other resources under subsection (a) in a manner that does not detract from the performance of other personnel service and personnel support activities within the Department of Defense.

(c) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of the backlog described in subsection (a). The report shall include a plan for eliminating the backlog.

(d) REPLACEMENT DECORATION DEFINED.—For the purposes of this section, the term ''decoration'' means a medal or other decoration that a former member of the Armed Forces was awarded by the United States for military service of the United States.

**SEC. 554. RETROACTIVE AWARD OF NAVY COMBAT ACTION RIBBON.**

The Secretary of the Navy may award the Navy Combat Action Ribbon (established by Secretary of the Navy Notice 1650, dated February 17, 1969) to a member of the Navy and Marine Corps for participation in ground or surface combat during any period after December 6, 1941, and before March 1, 1961 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the member has not been previously recognized in appropriate manner for such participation.

# Subtitle E—Amendments to Uniform Code of Military Justice

**SEC. 561. INCREASE IN SENTENCING JURISDICTION OF SPECIAL COURTS-MARTIAL AUTHORIZED TO ADJUDGE A BAD CONDUCT DISCHARGE.**

(a) INCREASE IN JURISDICTION.—Section 819 of title 10, United States Code (article 19 of the Uniform Code of Military Justice), is amended—

(1) in the second sentence, by striking ''six months'' both places it appears and inserting ''one year''; and

(2) in the third sentence, by inserting after ''A bad conduct discharge'' the following: '', confinement for more than six months, or forfeiture of pay for more than six months''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the sixth month following the month in which this Act is enacted, and shall apply with respect to charges referred to trial by special courts-martial on or after that effective date.

**SEC. 562. REDUCED MINIMUM BLOOD AND BREATH ALCOHOL LEVELS FOR OFFENSE OF DRUNKEN OPERATION OR CONTROL OF A VEHICLE, AIRCRAFT, OR VESSEL.**

(a) STANDARD.—Section 911(2) of title 10, United States Code (article 111(2) of the Uniform Code of Military Justice), is amended by striking ''0.10 grams'' both places it appears and inserting ''0.08 grams''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act and shall apply with respect to acts committed on or after that date.

# Subtitle F—Other Matters

**SEC. 571. FUNERAL HONORS DETAILS AT FUNERALS OF VETERANS.**

(a) RESPONSIBILITY OF SECRETARY OF DEFENSE.—Subsection (a) of section 1491 of title 10, United States Code, is amended to read as follows:

''(a) RESPONSIBILITY.—The Secretary of Defense shall ensure that, upon request, a funeral honors detail is provided for the funeral of any veteran that occurs after December 31, 1999.''.

(b) ELIGIBILITY FOR HONORS.—Subsection (f) of such section is amended to read as follows:

''(h) VETERAN DEFINED.—In this section, the term 'veteran' means the following:

"(1) A decedent who was a veteran, as defined in section 101(2) of title 38.

"(2) A decedent who, by reason of having been a member of the Selected Reserve, is eligible for a flag to drape the casket under section 2301(f) of title 38.".

(c) COMPOSITION OF FUNERAL HONORS DETAILS.—(1) Subsection (b) of such section is amended—

(A) by striking "HONOR GUARD DETAILS.—" and inserting "FUNERAL HONORS DETAILS.—(1)" ;

(B) by striking "honor guard detail" and inserting "funeral honors detail"; and

(C) by striking "not less than three persons" and all that follows and inserting the following: "two or more persons.".

(2) Subsection (c) of such section is amended—

(A) by striking "(c) PERSONS FORMING HONOR GUARDS.—An honor guard detail" and inserting "(2) At least two members of the funeral honors detail for the veteran's funeral shall be members of the armed forces. At least one of those members shall be a member of the armed force of which the veteran was a member. The remainder of the detail"; and

(B) by striking the second sentence and inserting the following: "Each member of the armed

forces in the detail shall wear the appropriate uniform of the member's armed force while serving in the detail.''.

(d) CEREMONY, SUPPORT, AND WAIVER.—Such section is further amended—

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

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

''(c) CEREMONY.—A funeral honors detail shall, at a minimum, perform at the funeral a ceremony that includes the folding and presentation of the flag of the United States to the veteran's family and the playing of Taps. Unless a bugler is a member of the detail, the detail shall play a recorded version of Taps using audio equipment which the detail shall provide if adequate audio equipment is not otherwise available for use at the funeral.

''(d) SUPPORT.—To provide a funeral honors detail under this section, the Secretary of a military department may provide the following:

''(1) Transportation, or reimbursement for transportation, and expenses for a person who participates in the funeral honors detail under this section and is not a member of the armed forces or an employee of the United States.

"(2) Materiel, equipment, and training for members of a veterans organization or other organization referred to in subsection (b)(2).

"(e) WAIVER AUTHORITY.—(1) The Secretary of Defense may waive any requirement provided in or pursuant to this section when the Secretary considers it necessary to do so to meet the requirements of war, national emergency, or a contingency operation, or other military requirements.

"(2) Before or promptly after granting a waiver under paragraph (1), the Secretary shall transmit a notification of the waiver to the Committees on Armed Services of the Senate and House of Representatives.".

(e) REGULATIONS.—The text of subsection (f) of such section, as redesignated by subsection (d)(1), is amended to read as follows:

"The Secretary of Defense shall prescribe regulations to carry out this section. The regulations shall include the following:

"(1) A system for selection of units of the armed forces and other organizations to provide funeral honors details.

"(2) Procedures for responding and coordinating responses to requests for funeral honors details.

"(3) Procedures for establishing standards and protocol.

"(4) Procedures for providing training and ensuring quality of performance.".

(f) ACCEPTANCE OF VOLUNTARY SERVICES.—Section 1588(a) of title 10, United States Code, is amended by adding at the end the following:

"(4) Voluntary services as a member of a funeral honors detail under section 1491 of this title.".

(g) DUTY STATUS OF RESERVES IN FUNERAL HONORS DETAILS.—(1) Chapter 1 of title 32, United States Code, is amended—

(A) in section 114—

(i) by striking "honor guard functions" both places that it appears and inserting "funeral honors functions"; and

(ii) by striking "drill or training otherwise required" and inserting "drill or training, but may be performed as funeral honors duty under section 115 of this title"; and

(B) by adding at the end the following:

**"§ 115. Funeral honors duty performed as a Federal function**

"(a) ORDER TO DUTY.—A member of the Army National Guard of the United States or the Air National

Guard of the United States may be ordered to funeral honors duty, with the consent of the member, to prepare for or perform funeral honors functions at the funeral of a veteran under section 1491 of title 10. However, a member of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to perform funeral honors functions under this section without the consent of the Governor or other appropriate authority of the State concerned.

"(b) SERVICE CREDIT.—A member ordered to funeral honors duty under this section shall be required to perform a minimum of two hours of such duty in order to receive—

"(1) service credit under section 12732(a)(2)(E) of title 10; and

"(2) if authorized by the Secretary concerned, the allowance under section 435 of title 37.

"(c) REIMBURSABLE EXPENSES.—A member who performs funeral honors duty under this section may be paid reimbursement for travel and transportation expenses incurred in conjunction with such duty as authorized under chapter 7 of title 37 if such duty is performed at a location 100 miles or more from the member's residence.

"(d) REGULATIONS.—The exercise of authority under subsection (a) is subject to regulations prescribed by the Secretary of Defense.".

(2) Chapter 1213 of title 10, United States Code, is amended by adding at the end the following:

**"§ 12503. Ready Reserve: funeral honors duty**

"(a) ORDER TO DUTY.—A member of the Ready Reserve may be ordered to funeral honors duty, with the consent of the member, in preparation for or to perform funeral honors functions at the funeral of a veteran as defined in section 1491 of this title.

"(b) SERVICE CREDIT.—A member ordered to funeral honors duty under this section shall be required to perform a minimum of two hours of such duty in order to receive—

"(1) service credit under section 12732(a)(2)(E) of this title; and

"(2) if authorized by the Secretary concerned, the allowance under section 435 of title 37.

"(c) REIMBURSABLE EXPENSES.—A member who performs funeral honors duty under this section may be paid reimbursement for travel and transportation expenses incurred in conjunction with such duty as authorized under chapter 7 of title 37 if such duty is performed at a location 100 miles or more from the member's residence.

"(d) REGULATIONS.—The exercise of authority under subsection (a) is subject to regulations prescribed by the Secretary of Defense.

"(e) MEMBERS OF THE NATIONAL GUARD.—This section does not apply to members of the Army National Guard of the United States or the Air National Guard of the United States. The performance of funeral honors duty by such members is provided for in section 115 of title 32.".

(3) Section 12552 of title 10, United States Code, is amended—

(A) by striking "honor guard functions" and inserting "funeral honors functions"; and

(B) by striking "drill or training otherwise required" and inserting "drill or training, but may be performed as funeral honors duty under section 12503 of this title".

(h) CREDITING OF ONE POINT FOR RESERVE SERVING ON DETAIL.—Section 12732(a)(2) of such title is amended—

(1) by inserting after subparagraph (D) the following:

"(E) One point for each day on which funeral honors duty is performed for at least two hours under section 12503 of this title or sec-

tion 115 of title 32, unless the duty is performed while in a status for which credit is provided under another subparagraph of this paragraph.''; and

(2) by striking '', and (D)'' in the second sentence and inserting '', (D), and (E)''.

(i) BENEFITS FOR MEMBERS IN FUNERAL HONORS DUTY STATUS.—(1) Section 1074a(a) of such title is amended—

(A) in each of paragraphs (1) and (2)—

(i) by striking ''or'' at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting ''; or''; and

(iii) by adding at the end the following:

''(C) service on funeral honors duty under section 12503 of this title or section 115 of title 32.''; and

(B) by adding at the end the following:

''(4) Each member of the armed forces who incurs or aggravates an injury, illness, or disease in the line of duty while remaining overnight immediately before serving on funeral honors duty under section 12503 of this title or section 115 of title 32 at or in the vicinity of the place at which the mem-

ber was to so serve, if the place is outside reasonable commuting distance from the member's residence.''.

(2) Section 1076(a)(2) of such title is amended by adding at the end the following:

''(E) A member who died from an injury, illness, or disease incurred or aggravated while the member—

''(i) was serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

''(ii) was traveling to or from the place at which the member was to so serve; or

''(iii) remained overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence.''.

(3) Section 1204(2) of such title is amended—

(A) by striking ''or'' at the end of subparagraph (A);

(B) by inserting ''or'' after the semicolon at the end of subparagraph (B); and

(C) by adding at the end the following:

''(C) is a result of an injury, illness, or disease incurred or aggravated in line of duty—

"(i) while the member was serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

"(ii) while the member was traveling to or from the place at which the member was to so serve; or

"(iii) while the member remained overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence;".

(4) Section 1206(2) is amended to read as follows:

"(2) the disability is a result of an injury, illness, or disease incurred or aggravated in line of duty—

"(A) while—

"(i) performing active duty or inactive-duty training;

"(ii) traveling directly to or from the place at which such duty is performed; or

"(iii) remaining overnight immediately before the commencement of inactive-duty training, or while remaining overnight between successive periods of inactive-duty training, at or in the vicinity of the site of

the inactive-duty training, if the site is outside reasonable commuting distance of the member's residence; or

"(B) while the member—

"(i) was serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

"(ii) was traveling to or from the place at which the member was to so serve; or

"(iii) remained overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence;".

(5) Section 1481(a)(2) of such title is amended—

(A) by striking "or" at the end of subparagraph (D);

(B) by striking the period at the end of subparagraph (E) and inserting "; or"; and

(C) by adding at the end the following:

"(F) either—

"(i) serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

"(ii) traveling directly to or from the place at which to so serve; or

"(iii) remaining overnight at or in the vicinity of that place before so serving, if the place is outside reasonable commuting distance from the member's residence.".

(j) FUNERAL HONORS DUTY ALLOWANCE.—Chapter 4 of title 37, United States Code, is amended by adding at the end the following:

**"§ 435. Allowance for funeral honors duty**

"(a) AUTHORITY.—The Secretary concerned may authorize payment of an allowance to a member of the Ready Reserve for each day on which the member performs at least two hours of funeral honors duty pursuant to section 12503 of title 10 or section 115 of title 32.

"(b) AMOUNT.—The daily rate of an allowance paid under this section is $50.

"(c) FULL COMPENSATION.—Except for expenses reimbursed under subsection (c) of section 12503 of title 10 or subsection (c) of section 115 of title 32, the allowance paid under this section is the only monetary compensation authorized to be paid a member for the performance of funeral honors duty pursuant to such section, regardless of the grade in which serving, and shall constitute payment in full to the member.".

(k) CLERICAL AMENDMENTS.—(1)(A) The heading for section 1491 of title 10, United States Code, is amended to read as follows:

**"§ 1491. Funeral honors functions at funerals for veterans".**

(B) The heading for section 12552 of title 10, United States Code, is amended to read as follows:

**"§ 12552. Funeral honors functions at funerals for veterans".**

(2)(A) The item relating to section 1491 in the table of sections at the beginning of chapter 75 of title 10, United States Code, is amended to read as follows:

"1491. Funeral honors functions at funerals for veterans.".

(B) The table of sections at the beginning of chapter 1213 of title 10, United States Code, is amended by adding at the end the following:

"12503. Ready Reserve: funeral honors duty.".

(C) The item relating to section 12552 table of sections at the beginning of chapter 1215 of title 10, United States Code, is amended to read as follows:

"12552. Funeral honors functions at funerals for veterans.".

(3)(A) The heading for section 114 of title 32, United States Code, is amended to read as follows:

**"§ 114. Funeral honors functions at funerals for veterans".**

(B) The table of sections at the beginning of chapter 1 of title 32, United States Code, is amended by striking the item relating to section 114 and inserting the following:

"114. Funeral honors functions at funerals for veterans.
"115. Funeral honors duty performed as a Federal function.".

(4) The table of sections at the beginning of chapter 4 of title 37, United States Code, is amended by adding at the end the following:

"435. Allowance for funeral honors duty.".

**SEC. 572. INCREASED AUTHORITY TO EXTEND DELAYED ENTRY PERIOD FOR ENLISTMENTS OF PERSONS WITH NO PRIOR MILITARY SERVICE.**

(a) MAXIMUM PERIOD OF EXTENSION.—Section 513(b)(1) of title 10, United States Code, is amended by striking "180 days" in the second sentence and inserting "365 days".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to enlistments entered into on or after that date.

**SEC. 573. ARMY COLLEGE FIRST PILOT PROGRAM.**

(a) PROGRAM REQUIRED.—The Secretary of the Army shall establish a pilot program to assess whether

the Army could increase the number of, and the level of the qualifications of, persons accessed into the Army by encouraging recruits to pursue higher education or vocational or technical training before entry into active service in the Army.

(b) DELAYED ENTRY WITH ALLOWANCE FOR HIGHER EDUCATION.—Under the pilot program, the Secretary may exercise the authority under section 513 of title 10, United States Code—

(1) to accept the enlistment of a person as a Reserve for service in the Selected Reserve or Individual Ready Reserve of the Army Reserve or, notwithstanding the scope of the authority under subsection (a) of that section, in the Army National Guard of the United States;

(2) to authorize, notwithstanding the period limitation in subsection (b) of such section, a delay of the enlistment of that person in a regular component under that subsection for the period during which the person is enrolled in and pursuing a program of education at an institution of higher education, or a program of vocational or technical training, on a full-time basis that is to be completed within two years after the date of the enlistment as a Reserve; and

(3) in the case of a person enlisted in a reserve component for service in the Individual Ready Reserve, pay an allowance to the person for each month of that period.

(c) MAXIMUM PERIOD OF DELAY.—The period of delay authorized a person under paragraph (2) of subsection (b) may not exceed the two-year period beginning on the date of the person's enlistment accepted under paragraph (1) of such subsection.

(d) AMOUNT OF ALLOWANCE.—(1) The monthly allowance paid under subsection (b)(3) is $150. The allowance may not be paid for more than 24 months.

(2) An allowance under this section is in addition to any other pay and allowances to which a member of a reserve component is entitled by reason of participation in the Ready Reserve of that component.

(e) COMPARISON GROUP.—To perform the assessment under subsection (a), the Secretary may define and study any group not including persons receiving a benefit under subsection (b) and compare that group with any group or groups of persons who receive such benefits under the pilot program.

(f) DURATION OF PILOT PROGRAM.—The pilot program shall be in effect during the period beginning on October 1, 1999, and ending on September 30, 2004.

(g) REPORT.—Not later than February 1, 2004, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program. The report shall include the following:

(1) The assessment of the Secretary regarding the value of the authority under this section for achieving the objectives of increasing the number of, and the level of the qualifications of, persons accessed into the Army.

(2) Any recommendation for legislation or other actions that the Secretary considers appropriate to achieve such objectives through grants of entry delays and financial benefits for advanced education and training of recruits.

**SEC. 574. REDUCTION IN REQUIRED FREQUENCY OF REPORTING ON THE SELECTED RESERVE EDUCATIONAL ASSISTANCE PROGRAM UNDER THE MONTGOMERY GI BILL.**

The text of section 16137 of title 10, United States Code, is amended to read as follows:

''The Secretary of Defense shall submit to Congress a report not later than March 1 of every other year concerning the operation of the educational assistance program established by this chapter. The report shall cover

the two fiscal years preceding the fiscal year in which the report is submitted and shall include the number of members of the Selected Reserve of the Ready Reserve of each armed force receiving, and the number entitled to receive, educational assistance under this chapter during the period covered by the report. The Secretary may submit the report more frequently and adjust the period covered by the report accordingly.''.

**SEC. 575. PARTICIPATION OF MEMBERS IN MANAGEMENT OF ORGANIZATIONS ABROAD THAT PROMOTE INTERNATIONAL UNDERSTANDING.**

Section 1033(b)(3) of title 10, United States Code, is amended by inserting after subparagraph (D) the following:

''(E) An entity that, operating in a foreign nation where United States personnel are serving at United States military activities, promotes understanding and tolerance between such personnel (and their families) and the people of that host foreign nation through programs that foster social relations between those persons.''.

**SEC. 576. FORENSIC PATHOLOGY INVESTIGATIONS BY ARMED FORCES MEDICAL EXAMINER.**

(a) INVESTIGATION AUTHORITY.—Chapter 75 of title 10, United States Code, is amended by striking the heading for the chapter and inserting the following:

# "CHAPTER 75—DECEASED PERSONNEL


| "Subchapter | Sec. |
|---|---|
| "I. Death Investigations | 1471 |
| "II. Death Benefits | 1475 |


## "SUBCHAPTER I—DEATH INVESTIGATIONS


"Sec.
"1471. Forensic pathology investigations.


### "§ 1471. Forensic pathology investigations

"(a) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Armed Forces Medical Examiner may conduct a forensic pathology investigation to determine the cause or manner of death of a deceased person under circumstances described in subsection (b). The investigation may include an autopsy of the decedent's remains.

"(b) BASIS FOR INVESTIGATION.—A forensic pathology investigation of a death under this section is justified if—

"(1) either—

"(A) it appears that the decedent was killed or that, whatever the cause of the decedent's death, the cause was unnatural;

"(B) the cause or manner of death is unknown;

"(C) there is reasonable suspicion that the death was by unlawful means;

"(D) it appears that the death resulted from an infectious disease or from the effects of a hazardous material that may have an adverse effect on the military installation or community involved; or

"(E) the identity of the decedent is unknown; and

"(2) either—

"(A) the decedent—

"(i) was found dead or died at an installation garrisoned by units of the armed forces that is under the exclusive jurisdiction of the United States;

"(ii) was a member of the armed forces on active duty or inactive duty for training;

"(iii) was a former member recently retired under chapter 61 of this title as a result of an injury or illness incurred while a member on active duty or inactive duty for training; or

"(iv) was a civilian dependent of a member of the armed forces and was found dead or died outside the United States;

"(B) in any other authorized Department of Defense investigation of matters which involves the death, a factual determination of the cause or manner of the death is necessary; or

"(C) in any other authorized investigation being conducted by the Federal Bureau of Investigation, the National Transportation Safety Board, or any other Federal agency, an authorized official of such agency with authority to direct a forensic pathology investigation requests that the Armed Forces Medical Examiner conduct such an investigation.

"(c) DETERMINATION OF JUSTIFICATION.—(1) Subject to paragraph (2), the determination under paragraph (1) of subsection (b) shall be made by the Armed Forces Medical Examiner.

"(2) A commander may make the determination under paragraph (1) of subsection (b) and require a forensic pathology investigation under this section without regard to a determination made by the Armed Forces Medical Examiner if—

"(A) in a case involving circumstances described in paragraph (2)(A)(i) of that subsection, the commander is the commander of the installation where the decedent was found dead or died; or

"(B) in a case involving circumstances described in paragraph (2)(A)(ii) of that subsection, the commander is the commander of the decedent's unit at a level in the chain of command designated for such purpose in the regulations prescribed by the Secretary of Defense.

"(d) LIMITATION IN CONCURRENT JURISDICTION CASES.—(1) The exercise of authority under this section is subject to the exercise of primary jurisdiction for the investigation of a death—

"(A) in the case of a death in a State, by the State or a local government of the State; or

"(B) in the case of a death in a foreign country, by that foreign country under any applicable treaty, status of forces agreement, or other international agreement between the United States and that foreign country.

"(2) Paragraph (1) does not limit the authority of the Armed Forces Medical Examiner to conduct a forensic pathology investigation of a death that is subject to the exercise of primary jurisdiction by another sovereing if the

1 investigation by the other sovereing is concluded without
2 a forensic pathology investigation that the Armed Forces
3 Medical Examiner considers complete. For the purposes
4 of the preceding sentence a forensic pathology investiga-
5 tion is incomplete if the investigation does not include an
6 autopsy of the decedent.

7 ''(e) PROCEDURES.—For a forensic pathology inves-
8 tigation under this section, the Armed Forces Medical Ex-
9 aminer shall—

10 ''(1) designate one or more qualified patholo-
11 gists to conduct the investigation;

12 ''(2) to the extent practicable and consistent
13 with responsibilities under this section, give due re-
14 gard to any applicable law protecting religious be-
15 liefs;

16 ''(3) as soon as practicable, notify the dece-
17 dent's family, if known, that the forensic pathology
18 investigation is being conducted;

19 ''(4) as soon as practicable after the completion
20 of the investigation, authorize release of the dece-
21 dent's remains to the family, if known; and

22 ''(5) promptly report the results of the forensic
23 pathology investigation to the official responsible for
24 the overall investigation of the death.

"(f) DEFINITION OF STATE.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and Guam.".

(b) REPEAL OF AUTHORITY FOR EXISTING INQUEST PROCEDURES.—Sections 4711 and 9711 of title 10, United States Code, are repealed.

(c) TECHNICAL AND CLERICAL AMENDMENTS.—(1) Chapter 75 of such title, as amended by subsection (a), is further amended by inserting before section 1475 the following:

"SUBCHAPTER II—DEATH BENEFITS".

(2) The item relating to chapter 75 in the tables of chapters at the beginning subtitle A of such title and at the beginning of part II of such subtitle is amended to read as follows

**"75. Deceased Personnel ..... 1471".**

(3) The table of sections at the beginning chapter 445 of such title is amended by striking the item relating to section 4711.

(4) The table of sections at the beginning chapter 945 of such title is amended by striking the item relating to section 9711.

**SEC. 577. NONDISCLOSURE OF INFORMATION ON MISSING PERSONS RETURNED TO UNITED STATES CONTROL.**

Section 1506 of title 10, United States Code, is amended by adding at the end the following:

''(f) NONDISCLOSURE OF CERTAIN INFORMATION.—A record of the content of a debriefing of a missing person returned to United States control during the period beginning July 8, 1959, and ending February 10, 1996, that was conducted by an official of the United States authorized to conduct the debriefing is privileged information and, notwithstanding sections 552 and 552a of title 5, may not be disclosed, in whole or in part, under either such section.''.

**SEC. 578. USE OF RECRUITING MATERIALS FOR PUBLIC RELATIONS PURPOSES.**

(a) AUTHORITY.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following:

**''§ 2249c. Use of recruiting materials for public relations**

''Advertising materials developed for use for recruitment and retention of personnel for the armed forces may be used for public relations purposes of the Department of Defense under such conditions and subject to such restrictions as the Secretary of Defense shall prescribe.''.

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

"2249c. Use of recruiting materials for public relations.".

**SEC. 579. IMPROVEMENT AND TRANSFER OF JURISDICTION OF TROOPS-TO-TEACHERS PROGRAM.**

(a) RECODIFICATION, IMPROVEMENT, AND TRANSFER OF PROGRAM.—(1) Section 1151 of title 10, United States Code, is amended to read as follows:

**"§ 1151. Assistance to certain separated or retired members to obtain certification and employment as teachers**

"(a) PROGRAM AUTHORIZED.—The administering Secretary may carry out a program—

"(1) to assist eligible members of the armed forces after their discharge or release, or retirement, from active duty to obtain certification or licensure as elementary or secondary school teachers or as vocational or technical teachers; and

"(2) to facilitate the employment of such members by local educational agencies identified under subsection (b)(1).

"(b) IDENTIFICATION OF LOCAL EDUCATIONAL AGENCIES AND STATES.—(1)(A) In carrying out the program, the administering Secretary shall periodically identify local educational agencies that—

1 "(i) are receiving grants under title I of the El-
2 ementary and Secondary Education Act of 1965 (20
3 U.S.C. 6301 et seq.) as a result of having within
4 their jurisdictions concentrations of children from
5 low-income families; or
6 "(ii) are experiencing a shortage of qualified
7 teachers, in particular a shortage of science, mathe-
8 matics, special education, or vocational or technical
9 teachers.
10 "(B) The administering Secretary may identify local
11 educational agencies under subparagraph (A) through sur-
12 veys conducted for that purpose or by utilizing information
13 on local educational agencies that is available to the Sec-
14 retary of Education from other sources.
15 "(2) In carrying out the program, the administering
16 Secretary shall also conduct a survey of States to identify
17 those States that have alternative certification or licensure
18 requirements for teachers, including those States that
19 grant credit for service in the armed forces toward satis-
20 fying certification or licensure requirements for teachers.
21 "(c) ELIGIBLE MEMBERS.—(1) Subject to paragraph
22 (2), the following members shall be eligible for selection
23 to participate in the program:
24 "(A) Any member who—

"(i) during the period beginning on October 1, 1990, and ending on September 30, 1999, was involuntarily discharged or released from active duty for purposes of a reduction of force after six or more years of continuous active duty immediately before the discharge or release; and

"(ii) satisfies such other criteria for eligibility as the administering Secretary may prescribe.

"(B) Any member—

"(i) who, on or after October 1, 1999—

"(I) is retired for length of service with at least 20 years of active service computed under section 3925, 3926, 8925, or 8926 of this title or for purposes of chapter 571 of this title; or

"(II) is retired under section 1201 or 1204 of this title;

"(ii) who—

"(I) in the case of a member applying for assistance for placement as an elementary or secondary school teacher, has received a baccalaureate or advanced degree

from an accredited institution of higher education; or

"(II) in the case of a member applying for assistance for placement as a vocational or technical teacher—

"(aa) has received the equivalent of one year of college from an accredited institution of higher education and has 10 or more years of military experience in a vocational or technical field; or

"(bb) otherwise meets the certification or licensure requirements for a vocational or technical teacher in the State in which such member seeks assistance for placement under the program; and

"(iii) who satisfies any criteria prescribed under subparagraph (A)(ii).

"(2) A member described in paragraph (1) shall be eligible to participate in the program only if the member's last period of service in the armed forces was characterized as honorable by the Secretary concerned.

"(d) INFORMATION REGARDING PROGRAM.—(1) The administering Secretary shall provide information regard-

ing the program, and make applications for the program available, to members as part of preseparation counseling provided under section 1142 of this title.

"(2) The information provided to members shall—

"(A) indicate the local educational agencies identified under subsection (b)(1); and

"(B) identify those States surveyed under subsection (b)(2) that have alternative certification or licensure requirements for teachers, including those States that grant credit for service in the armed forces toward satisfying such requirements.

"(e) SELECTION OF PARTICIPANTS.—(1)(A) Selection of members to participate in the program shall be made on the basis of applications submitted to the administering Secretary on a timely basis. An application shall be in such form and contain such information as that Secretary may require.

"(B) An application shall be considered to be submitted on a timely basis if the application is submitted as follows:

"(i) In the case of an applicant who is eligible under subsection (c)(1)(A), not later than September 30, 2003.

"(ii) In the case of an applicant who is eligible under subsection (c)(1)(B), not later than four years

after the date of the retirement of the applicant from active duty.

"(2) In selecting participants to receive assistance for placement as elementary or secondary school teachers or vocational or technical teachers, the administering Secretary shall give priority to members who—

"(A) have educational or military experience in science, mathematics, special education, or vocational or technical subjects and agree to seek employment as science, mathematics, or special education teachers in elementary or secondary schools or in other schools under the jurisdiction of a local educational agency; or

"(B) have educational or military experience in another subject area identified by that Secretary, in consultation with the National Governors Association, as important for national educational objectives and agree to seek employment in that subject area in elementary or secondary schools.

"(3) The administering Secretary may not select a member to participate in the program unless that Secretary has sufficient appropriations for the program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (g) with respect to that member.

"(f) AGREEMENT.—A member selected to participate in the program shall be required to enter into an agreement with the administering Secretary in which the member agrees—

"(1) to obtain, within such time as that Secretary may require, certification or licensure as an elementary or secondary school teacher or vocational or technical teacher; and

"(2) to accept an offer of full-time employment as an elementary or secondary school teacher or vocational or technical teacher for not less than four school years with a local educational agency identified under subparagraph (A) or (B) of subsection (b)(1), to begin the school year after obtaining that certification or licensure.

"(g) STIPEND AND BONUS FOR PARTICIPANTS.—(1)(A) Subject to subparagraph (B), the administering Secretary shall pay to each participant in the program a stipend in an amount equal to $5,000.

"(B) The total number of stipends that may be paid under this paragraph in any fiscal year may not exceed 3,000.

"(2)(A) Subject to subparagraph (B), the administering Secretary may, in lieu of paying a stipend under paragraph (1), pay a bonus of $10,000 to each participant

in the program who agrees under subsection (f) to accept full-time employment as an elementary or secondary school teacher or vocational or technical teacher for not less than four years in a high need school.

"(B) The total number of bonuses that may be paid under this paragraph in any fiscal year may not exceed 1,000.

"(C) In this paragraph, the term 'high need school' means an elementary school or secondary school that meets one or more of the following criteria:

"(i) A drop out rate that exceeds the national average school drop out rate.

"(ii) A large percentage of students (as determined by the Secretary of Education in consultation with the National Assessment Governing Board) who speak English as a second language.

"(iii) A large percentage of students (as so determined) who are at risk of educational failure by reason of limited proficiency in English, poverty, race, geographic location, or economic circumstances.

"(iv) A population of students at least one-half of which are from families with an income below the poverty line (as that term is defined by the Office of Management and Budget and revised annually in

accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

"(v) A large percentage of students (as so determined) who qualify for assistance under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(vi) Any other criteria established by the administering Secretary in consultation with the National Assessment Governing Board.

"(3) Stipends and bonuses paid under this subsection shall be taken into account in determining the eligibility of the participant concerned for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

"(h) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—(1) If a participant in the program fails to obtain teacher certification or licensure or employment as an elementary or secondary school teacher or vocational or technical teacher as required under the agreement or voluntarily leaves, or is terminated for cause, from the employment during the four years of required service, the participant shall be required to reimburse the administering Secretary for any stipend paid to the participant under subsection (g)(1) in an amount that bears the same

ratio to the amount of the stipend as the unserved portion of required service bears to the four years of required service.

"(2) If a participant in the program who is paid a bonus under subsection (g)(2) fails to obtain employment for which the bonus was paid, or voluntarily leaves or is terminated for cause from the employment during the four years of required service, the participant shall be required to reimburse the administering Secretary for the bonus in an amount that bears the same ratio to the amount of the bonus as the unserved portion of required service bears to the four years of required service.

"(3)(A) The obligation to reimburse the administering Secretary under this subsection is, for all purposes, a debt owing the United States.

"(B) A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the administering Secretary under this subsection.

"(C) Any amount owed by a participant under paragraph (1) or (2) shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of ninety days or less and shall accrue from the day on which the participant is first notified of the amount due.

"(i) EXCEPTIONS TO REIMBURSEMENT PROVISIONS.—(1) A participant in the program shall not be considered to be in violation of an agreement entered into under subsection (f) during any period in which the participant—

"(A) is pursuing a full-time course of study related to the field of teaching at an eligible institution;

"(B) is serving on active duty as a member of the armed forces;

"(C) is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician;

"(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

"(E) is seeking and unable to find full-time employment as a teacher in an elementary or secondary school or as a vocational or technical teacher for a single period not to exceed 27 months; or

"(F) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the administering Secretary.

"(2) A participant shall be excused from reimbursement under subsection (h) if the participant becomes per-

1 manently totally disabled as established by sworn affidavit
2 of a qualified physician. The administering Secretary may
3 also waive reimbursement in cases of extreme hardship to
4 the participant, as determined by that Secretary.

5 ''(j) RELATIONSHIP TO EDUCATIONAL ASSISTANCE
6 UNDER MONTGOMERY GI BILL.—The receipt by a partic-
7 ipant in the program of any assistance under the program
8 shall not reduce or otherwise affect the entitlement of the
9 participant to any benefits under chapter 30 of title 38
10 or chapter 1606 of this title.

11 ''(k) DISCHARGE OF STATE ACTIVITIES THROUGH
12 CONSORTIA OF STATES.—The administering Secretary
13 may permit States participating in the program to carry
14 out activities authorized for such States under this section
15 through one or more consortia of such States.

16 ''(l) ASSISTANCE TO STATES IN ACTIVITIES UNDER
17 PROGRAM.—(1) Subject to paragraph (2), the admin-
18 istering Secretary may make grants to States partici-
19 pating in the program, or to consortia of such States, in
20 order to permit such States or consortia of States to oper-
21 ate offices for purposes of recruiting eligible members for
22 participation in the program and facilitating the employ-
23 ment of participants in the program in schools in such
24 States or consortia of States.

"(2) The total amount of grants under paragraph (1) in any fiscal year may not exceed $4,000,000.

"(m) LIMITATION ON USE OF FUNDS FOR MANAGEMENT INFRASTRUCTURE.—The administering Secretary may utilize not more than five percent of the funds available to carry out the program for a fiscal year for purposes of establishing and maintaining the management infrastructure necessary to support the program.

"(n) DEFINITIONS.—In this section:

"(1) The term 'administering Secretary', with respect to the program authorized by this section, means the following:

"(A) The Secretary of Defense with respect to the armed forces (other than the Coast Guard) for the period beginning on October 23, 1992, and ending on the date of the completion of the transfer of responsibility for the program to the Secretary of Education under section 579(c) of the National Defense Authorization Act for Fiscal Year 2000.

"(B) The Secretary of Transportation with respect to the Coast Guard for the period referred to in subparagraph (A).

"(C) The Secretary of Education for any period after the period referred to in subparagraph (A).

"(2) The term 'State' includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the Republic of Palau, and the United States Virgin Islands.

"(3) The term 'alternative certification or licensure requirements' means State or local teacher certification or licensure requirements that permit a demonstrated competence in appropriate subject areas gained in careers outside of education to be substituted for traditional teacher training course work.".

(2) The table of sections at the beginning of chapter 58 of such title is amended by striking the item relating to section 1151 and inserting the following new item:

"1151. Assistance to certain separated or retired members to obtain certification and employment as teachers.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

(c) TRANSFER OF JURISDICTION OVER CURRENT PROGRAM.—(1) The Secretary of Defense, Secretary of

Transportation, and Secretary of Education shall provide for the transfer to the Secretary of Education of any ongoing functions and responsibilities of the Secretary of Defense and the Secretary of Transportation with respect to the program authorized by section 1151 of title 10, United States Code, for the period beginning on October 23, 1992, and ending on September 30, 2001.

(2) The Secretaries shall complete the transfer under paragraph (1) not later than October 1, 2001.

(3) After completion of the transfer, the Secretary of Education shall discharge that Secretary's functions and responsibilities with respect to the program in consultation with the Secretary of Defense and the Secretary of Transportation with respect to the Coast Guard.

(d) REPORTS.—(1) Not later than March 31, 2002, the Secretary of Education (in consultation with the Secretary of Defense and the Secretary of Transportation) and the Comptroller General shall each submit to Congress a report on the effectiveness of the program authorized by section 1151 of title 10, United States Code (as amended by subsection (a)), in the recruitment and retention of qualified personnel by local educational agencies identified under subsection (b)(1) of such section 1151.

(2) The report under paragraph (1) shall include information on the following:

(A) The number of participants in the program.

(B) The schools in which such participants are employed.

(C) The grade levels at which such participants teach.

(D) The subject matters taught by such participants.

(E) The effectiveness of the teaching of such participants, as indicated by any relevant test scores of the students of such participants.

(F) The extent of any academic improvement in the schools in which such participants teach by reason of their teaching.

(G) The rates of retention of such participants by the local educational agencies employing such participants.

(H) The effect of any stipends or bonuses under subsection (g) of such section 1151 in enhancing participation in the program or in enhancing recruitment or retention of participants in the program by the local educational agencies employing such participants.

(I) Such other matters as the Secretary of Education or the Comptroller General, as the case may be, considers appropriate.

(3) The report of the Comptroller General under paragraph (1) shall also include any recommendations of the Comptroller General as to means of improving the program, including means of enhancing the recruitment and retention of participants in the program.

**SEC. 580. SUPPORT FOR EXPANDED CHILD CARE SERVICES AND YOUTH PROGRAM SERVICES FOR DEPENDENTS.**

(a) AUTHORITY.—(1) Subchapter II of chapter 88 of title 10, United States Code, is amended—

(A) by redesignating section 1798 as section 1800; and

(B) by inserting after section 1797 the following:

**"§ 1798. Child care services and youth program services for dependents: financial assistance for providers**

''(a) AUTHORITY.—The Secretary of Defense may provide financial assistance to an eligible civilian provider of child care services or youth program services that furnishes such services for members of the armed forces and employees of the Federal Government if the Secretary determines that providing the assistance—

''(1) is in the best interest of the Department of Defense;

"(2) enables supplementation or expansion of furnishing of the services for military installations; and

"(3) ensures that the eligible provider is able to comply, and does comply, with the regulations, policies, and standards of the Department of Defense that are applicable to the furnishing of such services.

"(b) ELIGIBLE PROVIDER.—A provider of child care services or youth program services is eligible for financial assistance under paragraph (1) if the provider—

"(1) is licensed to provide the services under applicable State and local law;

"(2) has previously provided such services for members of the armed forces or employees of the Federal Government; and

"(3) either—

"(A) is a provider of otherwise federally funded or sponsored child development services;

"(B) provides the services in a child development center owned and operated by a private, not-for-profit organization;

"(C) is a provider of family child care services;

"(D) conducts a before-school or after-school child care program in a public school facility;

"(E) conducts an otherwise federally funded or federally sponsored school age child care or youth services program;

"(F) conducts a school age child care or youth services program that is owned and operated by a not-for-profit organization; or

"(G) is a provider of another category of child care services or youth services determined by the Secretary of Defense as appropriate for meeting the needs of members of the armed forces or employees of the Department of Defense.

"(c) FUNDING.—To provide financial assistance under this subsection, the Secretary of Defense may use any funds available for the Department of Defense.

"(d) BIENNIAL REPORT.—(1) Every two years the Secretary of Defense shall submit to Congress a report on the exercise of authority under this section. The report shall include an evaluation of the effectiveness of the authority for meeting the needs of members of the armed forces or employees of the Department of Defense for child care services and youth program services. The report may

include any recommendations for legislation that the Secretary considers appropriate to enhance the capability of the Department of Defense to meet those needs.

"(2) A biennial report under this subsection may be combined with the biennial report under section 1799(d) of this title into one report for submission to Congress.

**"§ 1799. Child care services and youth program services for dependents: participation by children and youth otherwise ineligible**

"(a) AUTHORITY.—The Secretary may authorize participation in child care or youth programs of the Department of Defense, to the extent of the availability of space and services, by children and youth under the age of 19 who are not dependents of members of the armed forces or of employees of the Department of Defense and are not otherwise eligible for participation in the programs.

"(b) LIMITATION.—Authorization of participation in a program under subsection (a) shall be limited to situations in which the participation promotes the attainment of the objectives set forth in subsection (c), as determined by the Secretary.

"(c) OBJECTIVES.—The objectives for authorizing participation in a program under subsection (a) are as follows:

"(1) To support the integration of children and youth of military families into civilian communities.

"(2) To make more efficient use of Department of Defense facilities and resources.

"(3) To establish or support a partnership or consortium arrangement with schools and other youth services organizations serving children of the armed forces.

"(d) BIENNIAL REPORT.—(1) Every two years the Secretary of Defense shall submit to Congress a report on the exercise of authority under this section. The report shall include an evaluation of the effectiveness of the authority for achieving the objectives set out under subsection (c). The report may include any recommendations for legislation that the Secretary considers appropriate to enhance the capability of the Department of Defense to attain those objectives.

"(2) A biennial report under this subsection may be combined with the biennial report under section 1798(d) of this title into one report for submission to Congress.".

(2) The table of sections at the beginning of such subchapter is amended by striking the item relating to section 1798 and inserting the following:

"1798. Child care services and youth program services for dependents: financial assistance for providers.".

"1799. Child care services and youth program services for dependents: participation by children and youth otherwise ineligible.

"1800. Definitions.".

(b) FIRST BIENNIAL REPORTS.—The first biennial reports under sections 1798(d) and 1799(d) of title 10, United States Code (as added by subsection (a)), shall be submitted not later than March 31, 2002, and shall cover fiscal years 2000 and 2001.

**SEC. 581. RESPONSES TO DOMESTIC VIOLENCE IN THE ARMED FORCES.**

(a) MILITARY-CIVILIAN TASK FORCE ON DOMESTIC VIOLENCE.—(1) The Secretary of Defense shall establish a Military-Civilian Task Force on Domestic Violence. The Secretary shall appoint the members of the task force in accordance with this section not later than six months after the date of the enactment of this Act.

(2)(A) Not later than six months after the date on which all members of the task force are appointed, the task force shall submit to the Secretary of Defense recommendations on the matters set out under subsection (b). The task force shall, thereafter, submit to the Secretary of Defense from time to time any analyses and recommendations for policies regarding how the Armed Forces can effectively respond, and improve responses, to cases of domestic violence that the task force considers appropriate.

(B) The task force shall submit to Congress an annual report containing a detailed discussion of the achieve-

1 ments in responses to domestic violence in the Armed
2 Forces, pending research on domestic violence, and any
3 recommendations for actions to improve the responses of
4 the Armed Forces to domestic violence in the Armed
5 Forces that the task force considers appropriate.

6 (C) The task force shall—

7 (i) meet in plenary session at least once annu-
8 ally; and

9 (ii) visit military installations overseas annually
10 and military installations within the United States
11 semiannually.

12 (3) The Secretary shall appoint the members of the
13 task force. The task force shall include the following:

14 (A) Representatives of Department of Defense
15 family advocacy programs.

16 (B) Medical personnel.

17 (C) Judge advocates.

18 (D) Military police or other law enforcement
19 personnel of the Armed Forces.

20 (E) Commanders.

21 (F) Personnel who plan, execute, and evaluate
22 training of the Armed Forces.

23 (G) Civilian personnel who are experts on do-
24 mestic violence, family advocates, providers of serv-
25 ices specifically for victims of domestic violence, and

researchers in domestic violence including, but not limited to, the following:

(i) At least two representatives from the national domestic violence resource center and the special issue resource centers referred to in section 308 of the Family Violence Prevention and Services Act (42 U.S.C. Sec. 10407).

(ii) At least two representatives from national domestic violence and sexual assault policy organizations.

(iii) At least two representatives from selected States' domestic violence and sexual assault coalitions.

(iv) At least two local domestic violence and sexual assault service providers in communities located near military installations.

(H) Civilian law enforcement personnel (appointed in consultation with the Attorney General).

(I) Representatives of the Department of Justice (appointed in consultation with the Attorney General) from the following offices:

(i) The Office on Violence Against Women.

(ii) The Violence Against Women Grants Office.

(J) Representatives of the Department of Health and Human Services (appointed in consultation with the Secretary of Health and Human Services) from the Family Violence Prevention and Services Office.

(4) The Secretary shall ensure that the task force includes the following:

(A) Representatives of the Office of the Secretary of Defense.

(B) General and flag officers.

(C) Noncommissioned officers.

(D) Other enlisted personnel.

(5) The Secretary of Defense shall annually designate to chair the task force one member of the task force from among the members on a list of nominees submitted to the Secretary for that purpose by the task force.

(6) Each member of the task force shall serve without compensation (other than the compensation to which entitled as a member of the Armed Forces or an officer or employee of the United States, as the case may be), but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the member's home or reg-

ular places of business in the performance of services for the task force.

(7) The Assistant Secretary of Defense for Force Management Policy, under the direction of the Under Secretary of Defense for Personnel and Readiness, shall provide oversight of the task force and shall provide the task force with the personnel, facilities, and other administrative support that is necessary for the performance of the task force's duties. The Assistant Secretary shall provide for the Secretaries of the military department to provide support described in paragraph (8)(B) for the task force on a rotating basis.

(8) The Secretary of the military department concerned shall—

(A) coordinate visits of the task force to military installations; and

(B) as designated by the Assistant Secretary of Defense and in coordination with Assistant Secretary, provide administrative, logistical, and other support for the meetings of the task force.

(9) The task force shall terminate three years after the date on which all members of the task force are appointed.

(b) UNIFORM RESPONSES.—Not later than six months after receiving the report of the task force under

subsection (a)(2)(A), the Secretary of Defense shall, in consultation with the task force, prescribe the following:

(1) Standard formats for memorandums of agreement or understanding to be used by the Secretaries of the military departments for entering into agreements with civilian law enforcement authorities relating to acts of domestic violence involving members of the Armed Forces.

(2) A requirement for a commanding officer of a member of the Armed Forces ordered by a superior not to have contact with a person to give a written copy of the order to each person protected by the order within 24 hours after the issuance of the order.

(3) Standard guidance on the factors for commanders to consider when determining appropriate action for substantiated allegations of domestic violence by a person subject to that Code.

(4) A standard training program for all commanding officers in the Armed Forces, including a standard curriculum, on the handling of domestic violence cases.

(c) REPORTING REQUIREMENTS.—(1) The Secretary shall establish a central database of information on the

cases of domestic violence involving members of the Armed Forces.

(2) The Secretary shall require the administrator of each family advocacy program of the Armed Forces to maintain and report annually to the administrator of the database established under paragraph (1), the information received or developed under the program on the following matters:

(A) Each domestic violence case reported to a commander, any law enforcement authority of the Armed Forces, or a family advocacy program of the Department of Defense.

(B) The number of the cases that involve evidence determined sufficient for supporting disciplinary action and, for each such case, a description of the substantiated allegation and the action taken by command authorities in the case.

(C) The number of the cases that involve evidence determined insufficient for supporting disciplinary action and, for each such case, a description of the allegation.

(3) The Secretary shall submit to Congress an annual report on the data submitted to the central database established under paragraph (1).

**SEC. 582. 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 six 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 dis-

position 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 tense-

ness 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 provided 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 intelligence 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 post-

humous 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 CONGRESS.—It is the sense of 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. 583. EXIT SURVEY FOR SEPARATING MEMBERS.**

(a) REQUIREMENT.—The Secretary of Defense shall develop and carry out a survey on attitudes toward military service to be completed by members of the Armed Forces who voluntarily separate from the Armed Forces or transfer from a regular component to a reserve component during the period beginning on January 1, 2000, and ending on June 30, 2000, or such later date as the Secretary determines necessary in order to obtain enough survey responses to provide a sufficient basis for meaningful analysis of survey results. Completion of the survey shall be required of such personnel as part of outprocessing activities. The Secretary of each military department shall

suspend exit surveys and interviews of that department during the period described in the first sentence.

(b) SURVEY CONTENT.—The survey shall, at a minimum, cover the following subjects:

(1) Reasons for leaving military service.

(2) Plans for activities after separation (such as enrollment in school, use of Montgomery GI Bill benefits, and work).

(3) Affiliation with a Reserve component, together with the reasons for affiliating or not affiliating, as the case may be.

(4) Attitude toward pay and benefits for service in the Armed Forces.

(5) Extent of job satisfaction during service as a member of the Armed Forces.

(6) Such other matters as the Secretary determines appropriate to the survey concerning reasons for choosing to separate from the Armed Forces.

(c) REPORT.—Not later than February 1, 2001, the Secretary shall submit to Congress a report containing the results of the surveys. The report shall include an analysis of the reasons why military personnel voluntarily separate from the Armed Forces and the post-separation plans of those personnel. The Secretary shall utilize the report's

findings in crafting future responses to declining retention and recruitment.

**SEC. 584. ADMINISTRATION OF DEFENSE REFORM INITIATIVE ENTERPRISE PROGRAM FOR MILITARY MANPOWER AND PERSONNEL INFORMATION.**

(a) EXECUTIVE AGENT.—The Secretary of Defense shall designate the Secretary of the Navy as the executive agent for carrying out the defense reform initiative enterprise pilot program for military manpower and personnel information established under section 8147 of the Department of Defense Appropriations Act, 1999 (Public Law 105–262; 112 Stat. 2341; 10 U.S.C. 113 note).

(b) ACTION OFFICIALS.—In carrying out the pilot program, the Secretary of the Navy shall act through the head of the Systems Executive Office for Manpower and Personnel, who shall act in coordination with the Under Secretary of Defense for Personnel and Readiness and the Chief Information Officer of the Department of Defense.

# TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

## Subtitle A—Pay and Allowances

**SEC. 601. FISCAL YEAR 2000 INCREASE AND RESTRUCTURING OF BASIC PAY.**

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United

1 States Code, in the rates of monthly basic pay authorized
2 members of the uniformed services by section 203(a) of
3 such title to become effective during fiscal year 2000 shall
4 not be made.

5 (b) JANUARY 1, 2000, INCREASE IN BASIC PAY.—
6 Effective on January 1, 2000, the rates of monthly basic
7 pay for members of the uniformed services shall be in-
8 creased by 4.8 percent.

9 (c) BASIC PAY REFORM.—Effective on July 1, 2000,
10 the rates of monthly basic pay for members of the uni-
11 formed services within each pay grade are as follows:

COMMISSIONED OFFICERS [1]

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

| Pay Grade | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 |
|---|---|---|---|---|---|
| O–10 [2] | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| O–9 ... | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| O–8 ... | 6,594.30 | 6,810.30 | 6,953.10 | 6,993.30 | 7,171.80 |
| O–7 ... | 5,479.50 | 5,851.80 | 5,851.50 | 5,894.40 | 6,114.60 |
| O–6 ... | 4,061.10 | 4,461.60 | 4,754.40 | 4,754.40 | 4,772.40 |
| O–5 ... | 3,248.40 | 3,813.90 | 4,077.90 | 4,127.70 | 4,291.80 |
| O–4 ... | 2,737.80 | 3,333.90 | 3,556.20 | 3,606.04 | 3,812.40 |
| O–3 [3] | 2,544.00 | 2,884.20 | 3,112.80 | 3,364.80 | 3,525.90 |
| O–2 [3] | 2,218.80 | 2,527.20 | 2,910.90 | 3,000.00 | 3,071.10 |
| O–1 [3] | 1,926.30 | 2,004.90 | 2,423.10 | 2,423.10 | 2,423.10 |
| | Over 8 | Over 10 | Over 12 | Over 14 | Over 16 |
| O–10 [2] | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| O–9 ... | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| O–8 ... | 7,471.50 | 7,540.80 | 7,824.60 | 7,906.20 | 8,150.10 |
| O–7 ... | 6,282.00 | 6,475.80 | 6,669.00 | 6,863.10 | 7,471.50 |
| O–6 ... | 4,976.70 | 5,004.00 | 5,004.00 | 5,169.30 | 5,791.20 |
| O–5 ... | 4,291.80 | 4,420.80 | 4,659.30 | 4,971.90 | 5,286.00 |
| O–4 ... | 3,980.40 | 4,251.50 | 4,464.00 | 4,611.00 | 4,758.90 |
| O–3 [3] | 3,702.60 | 3,850.20 | 4,040.40 | 4,139.10 | 4,139.10 |
| O–2 [3] | 3,071.10 | 3,071.10 | 3,071.10 | 3,071.10 | 3,071.10 |
| O–1 [3] | 2,423.10 | 2,423.10 | 2,423.10 | 2,423.10 | 2,423.10 |
| | Over 18 | Over 20 | Over 22 | Over 24 | Over 26 |
| O–10 [2] | $0.00 | $10,655.10 | $10,707.60 | $10,930.20 | $11,318.40 |
| O–9 ... | 0.00 | 9,319.50 | 9,453.60 | 9,647.70 | 9,986.40 |
| O–8 ... | 8,503.80 | 8,830.20 | 9,048.00 | 9,048.00 | 9,048.00 |
| O–7 ... | 7,985.40 | 7,985.40 | 7,985.40 | 7,985.40 | 8,025.60 |
| O–6 ... | 6,086.10 | 6,381.30 | 6,549.00 | 6,719.10 | 7,049.10 |
| O–5 ... | 5,436.00 | 5,583.60 | 5,751.90 | 5,751.90 | 5,751.90 |

COMMISSIONED OFFICERS [1]

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

| Pay Grade | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 |
|---|---|---|---|---|---|
| O–4 ... | 4,808.70 | 4,808.70 | 4,808.70 | 4,808.70 | 4,808.70 |
| O–3 [3] | 4,139.10 | 4,139.10 | 4,139.10 | 4,139.10 | 4,139.10 |
| O–2 [3] | 3,071.10 | 3,071.10 | 3,071.10 | 3,071.10 | 3,071.10 |
| O–1 [3] | 2,423.10 | 2,423.10 | 2,423.10 | 2,423.10 | 2,423.10 |

[1] Basic pay for these officers is limited to the rate of basic pay for level V of the Executive Schedule.

[2] While serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, basic pay for this grade is calculated to be $12,441.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code. Nevertheless, basic pay for these officers is limited to the rate of basic pay for level V of the Executive Schedule.

[3] Does not apply to commissioned officers who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

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

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

| Pay Grade | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 |
|---|---|---|---|---|---|
| O–3E | $0.00 | $0.00 | $0.00 | $3,364.80 | $3,525.90 |
| O–2E | 0.00 | 0.00 | 0.00 | 3,009.00 | 3,071.10 |
| O–1E | 0.00 | 0.00 | 0.00 | 2,423.10 | 2,588.40 |
| | Over 8 | Over 10 | Over 12 | Over 14 | Over 16 |
| O–3E | $3,702.60 | $3,850.20 | $4,040.40 | $4,200.30 | $4,291.80 |
| O–2E | 3,168.60 | 3,333.90 | 3,461.40 | 3,556.20 | 3,556.20 |
| O–1E | 2,683.80 | 2,781.30 | 2,877.60 | 3,009.00 | 3,009.00 |
| | Over 18 | Over 20 | Over 22 | Over 24 | Over 26 |
| O–3E | $4,416.90 | $4,416.90 | $4,416.90 | $4,416.90 | $4,416.90 |
| O–2E | 3,556.20 | 3,556.20 | 3,556.20 | 3,556.20 | 3,556.20 |
| O–1E | 3,009.00 | 3,009.00 | 3,009.00 | 3,009.00 | 3,009.00 |

WARRANT OFFICERS

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

| Pay Grade | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 |
|---|---|---|---|---|---|
| W–5 .. | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| W–4 .. | 2,592.00 | 2,788.50 | 2,868.60 | 2,947.50 | 3,083.40 |
| W–3 .. | 2,355.90 | 2,555.40 | 2,555.40 | 2,588.40 | 2,694.30 |
| W–2 .. | 2,063.40 | 2,232.60 | 2,232.60 | 2,305.80 | 2,423.10 |
| W–1 .. | 1,719.00 | 1,971.00 | 1,971.00 | 2,135.70 | 2,232.60 |
| | Over 8 | Over 10 | Over 12 | Over 14 | Over 16 |
| W–5 .. | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| W–4 .. | 3,217.20 | 3,352.80 | 3,485.10 | 3,622.20 | 3,753.60 |
| W–3 .. | 2,814.90 | 2,974.20 | 3,071.10 | 3,177.00 | 3,298.20 |
| W–2 .. | 2,555.40 | 2,852.60 | 2,749.80 | 2,844.30 | 2,949.00 |
| W–1 .. | 2,332.80 | 2,433.30 | 2,533.20 | 2,634.00 | 2,734.80 |
| | Over 18 | Over 20 | Over 22 | Over 24 | Over 26 |
| W–5 .. | $0.00 | $4,475.10 | $4,628.70 | $4,782.90 | $4,937.40 |
| W–4 .. | 3,888.00 | 4,019.00 | 4,155.60 | 4,289.70 | 4,427.10 |
| W–3 .. | 3,418.50 | 3,539.10 | 3,659.40 | 3,780.00 | 3,900.90 |

WARRANT OFFICERS

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

| Pay Grade | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 |
|---|---|---|---|---|---|
| W–2 .. | 3,058.40 | 3,163.80 | 3,270.90 | 3,378.30 | 3,378.30 |
| W–1 .. | 2,835.00 | 2,910.90 | 2,910.90 | 2,910.90 | 2,910.90 |

ENLISTED MEMBERS

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

| Pay Grade | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 |
|---|---|---|---|---|---|
| E–9 [4] | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| E–8 ... | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| E–7 ... | 1,765.80 | 1,927.80 | 2,001.00 | 2,073.00 | 2,147.70 |
| E–6 ... | 1,518.90 | 1,678.20 | 1,752.60 | 1,824.30 | 1,899.30 |
| E–5 ... | 1,332.60 | 1,494.00 | 1,566.00 | 1,640.40 | 1,714.50 |
| E–4 ... | 1,242.90 | 1,373.10 | 1,447.20 | 1,520.10 | 1,593.90 |
| E–3 ... | 1,171.50 | 1,260.60 | 1,334.10 | 1,335.90 | 1,335.90 |
| E–2 ... | 1,127.40 | 1,127.40 | 1,127.40 | 1,127.40 | 1,127.40 |
| E–1 ... | [5] 1,005.60 | 1,005.60 | 1,005.60 | 1,005.60 | 1,005.60 |
| | Over 8 | Over 10 | Over 12 | Over 14 | Over 16 |
| E–9 [4] | $0.00 | $3,015.30 | $3,083.40 | $3,169.80 | $3,271.50 |
| E–8 ... | 2,528.40 | 2,601.60 | 2,669.70 | 2,751.60 | 2,840.10 |
| E–7 ... | 2,220.90 | 2,294.10 | 2,367.30 | 2,439.30 | 2,514.00 |
| E–6 ... | 1,973.10 | 2,047.20 | 2,118.60 | 2,191.50 | 2,244.60 |
| E–5 ... | 1,789.50 | 1,861.50 | 1,936.20 | 1,936.20 | 1,936.20 |
| E–4 ... | 1,593.90 | 1,593.90 | 1,593.90 | 1,593.90 | 1,593.90 |
| E–3 ... | 1,335.90 | 1,335.90 | 1,335.90 | 1,335.90 | 1,335.90 |
| E–2 ... | 1,127.40 | 1,127.40 | 1,127.40 | 1,127.40 | 1,127.40 |
| E–1 ... | 1,005.60 | 1,005.60 | 1,005.60 | 1,005.60 | 1,005.60 |
| | Over 18 | Over 20 | Over 22 | Over 24 | Over 26 |
| E–9 [4] | $3,373.20 | $3,473.40 | $3,609.30 | $3,744.00 | $3,915.80 |
| E–8 ... | 2,932.50 | 3,026.10 | 3,161.10 | 3,295.50 | 3,483.60 |
| E–7 ... | 2,588.10 | 2,660.40 | 2,787.60 | 2,926.20 | 3,134.40 |
| E–6 ... | 2,283.30 | 2,283.30 | 2,285.70 | 2,285.70 | 2,285.70 |
| E–5 ... | 1,936.20 | 1,936.20 | 1,936.20 | 1,936.20 | 1,936.20 |
| E–4 ... | 1,593.90 | 1,593.90 | 1,593.90 | 1,593.90 | 1,593.90 |
| E–3 ... | 1,335.90 | 1,335.90 | 1,335.90 | 1,335.90 | 1,335.90 |
| E–2 ... | 1,127.40 | 1,127.40 | 1,127.40 | 1,123.20 | 1,127.40 |
| E–1 ... | 1,005.60 | 1,005.60 | 1,005.60 | 1,005.60 | 1,005.60 |

[4] While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, basic pay for this grade is $4,701.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[5] In the case of members in the grade E–1 who have served less than 4 months on active duty, basic pay is $930.30.

**SEC. 602. PAY INCREASES FOR FISCAL YEARS 2001 THROUGH 2006.**

(a) ECI+0.5 PERCENT INCREASE FOR ALL MEMBERS.—Section 1009(c) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(c) EQUAL PERCENTAGE INCREASE FOR ALL MEMBERS.—"; and

(2) by adding at the end the following:

"(2) Notwithstanding paragraph (1), but subject to subsection (d), an adjustment taking effect under this section during each of fiscal years 2001 through 2006 shall provide all eligible members with an increase in the monthly basic pay by the percentage equal to the sum of one percent plus the percentage calculated as provided under section 5303(a) of title 5 for such fiscal year (without regard to whether rates of pay under the statutory pay systems are actually increased during such fiscal year under that section by the percentage so calculated).".

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

**SEC. 603. SPECIAL SUBSISTENCE ALLOWANCE FOR FOOD STAMP ELIGIBLE MEMBERS.**

(a) ALLOWANCE.—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 402 the following new section:

**"§ 402a. Special subsistence allowance: members eligible for food stamps**

"(a) ENTITLEMENT.—Upon the application of an eligible member of a uniformed service described in subsection (b)(1), the Secretary concerned shall pay the mem-

ber a special subsistence allowance for each month for which the member is eligible to receive food stamp assistance, as determined by the Secretary.

"(b) COVERED MEMBERS.—(1) A member referred to subsection (a) is an enlisted member in pay grade E–5 or below.

"(2) For the purposes of this section, a member shall be considered as being eligible to receive food stamp assistance if the household of the member meets the income standards of eligibility established under section 5(c)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)(2)), not taking into account the special subsistence allowance that may be payable to the member under this section and any allowance that is payable to the member under section 403 or 404a of this title.

"(c) TERMINATION OF ENTITLEMENT.—The entitlement of a member to receive payment of a special subsistence allowance terminates upon the occurrence of any of the following events:

"(1) Termination of eligibility for food stamp assistance.

"(2) Payment of the special subsistence allowance for 12 consecutive months.

"(3) Promotion of the member to a higher grade.

"(4) Transfer of the member in a permanent change of station.

"(d) REESTABLISHED ENTITLEMENT.—(1) After a termination of a member's entitlement to the special subsistence allowance under subsection (c), the Secretary concerned shall resume payment of the special subsistence allowance to the member if the Secretary determines, upon further application of the member, that the member is eligible to receive food stamps.

"(2) Payments resumed under this subsection shall terminate under subsection (c) upon the occurrence of an event described in that subsection after the resumption of the payments.

"(3) The number of times that payments are resumed under this subsection is unlimited.

"(e) DOCUMENTATION OF ELIGIBILITY.—A member of the uniformed services applying for the special subsistence allowance under this section shall furnish the Secretary concerned with such evidence of the member's eligibility for food stamp assistance as the Secretary may require in connection with the application.

"(f) AMOUNT OF ALLOWANCE.—The monthly amount of the special subsistence allowance under this section is $180.

"(g) RELATIONSHIP TO BASIC ALLOWANCE FOR SUBSISTENCE.—The special subsistence allowance under this section is in addition to the basic allowance for subsistence under section 402 of this title.

"(h) FOOD STAMP ASSISTANCE DEFINED.—In this section, the term 'food stamp assistance' means assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

"(i) TERMINATION OF AUTHORITY.—No special subsistence allowance may be made under this section for any month beginning after September 30, 2004.".

(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. Special subsistence allowance: members eligible for food stamps.".

(b) EFFECTIVE DATE.—Section 402a of title 37, United States Code, 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.

(c) ANNUAL REPORT.—(1) Not later than March 1 of each year after 1999, the Secretary of Defense shall submit to Congress a report setting forth the number of members of the uniformed services who are eligible for assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

(2) In preparing the report, the Secretary shall consult with the Secretary of Transportation (with respect to the Coast Guard), who shall provide the Secretary of Defense with any information that the Secretary determines necessary to prepare the report.

(3) No report is required under this section after March 1, 2004.

**SEC. 604. PAYMENT FOR UNUSED LEAVE IN CONJUNCTION WITH A REENLISTMENT.**

Section 501 of title 37, United States Code, is amended—

(1) in subsection (a)(1), by inserting ", termination of an enlistment in conjunction with the commencement of a successive enlistment (without regard to the date of the expiration of the term of the enlistment being terminated)," after "honorable conditions"; and

(2) in subsection (b)(2), by striking ", or entering into an enlistment,".

**SEC. 605. CONTINUANCE OF PAY AND ALLOWANCES WHILE IN DUTY STATUS (WHEREABOUTS UNKNOWN).**

(a) CONTINUANCE OF PAY AND ALLOWANCES.—(1) Chapter 10 of title 37, United States Code, is amended by inserting after section 552 the following:

**"§ 552a. Pay and allowances: continuation while in a duty status (whereabouts unknown); limitations**

''For any period that a member of a uniformed service on active duty or performing inactive-duty training is in a duty status (whereabouts unknown), section 552 of this title, except for subsections (d) and (e), shall apply to the member as if the member were in a missing status for that period.''.

(2) The table of sections at the beginning of chapter 10 of such title is amended by inserting after the item relating to section 552 the following:

''552a. Pay and allowances: continuation while in a duty status (whereabouts unknown); limitations.''.

(b) DEFINITION OF DUTY STATUS (WHEREABOUTS UNKNOWN).—Section 551 of such title is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

''(3) The term 'duty status (whereabouts unknown)' means a transitory casualty status designated for a member of uniformed service by a commander responsible for accounting for the member when the commander suspects that the member is a casualty whose absence is involuntary and does not

consider the available relevant evidence sufficient for making a definite determination that the member is missing, has deserted, is absent without leave, or is dead.''.

**SEC. 606. EQUITABLE TREATMENT OF CLASS OF 1987 OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.**

(a) YEARS OF SERVICE CREDIT.—An officer of the uniformed services who entered the Uniformed Services University of the Health Sciences as a student in 1983 and who successfully completed the course of instruction at the University in 1987 shall be treated for purposes of determining pay and years of service in the same manner as a student at the University who graduated in 1986, notwithstanding the enactment of the Defense Officer Personnel Management Act (Public Law 96–513; 94 Stat. 2835).

(b) PROSPECTIVE APPLICABILITY.—This section shall take effect on October 1, 1999. No entitlement to increased pay or allowances accrues for periods before such date, and no eligibility accrues for consideration for selection for promotions by boards convened before such date.

# Subtitle B—Bonuses and Special and Incentive Pays

**SEC. 611. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF CERTAIN BONUSES AND SPECIAL PAYS.**

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 1999,'' and inserting ''December 31, 2000,''.

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(c) ENLISTMENT BONUSES FOR MEMBERS WITH CRITICAL SKILLS.—Sections 308a(c) and 308f(c) of title 37, United States Code, are each amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(d) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(e) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of title 37, United States Code, is amended by

striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(f) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of title 37, United States Code, is amended by striking ''any fiscal year beginning before October 1, 1998, and the 15-month period beginning on that date and ending on December 31, 1999'' and inserting ''the 15-month period beginning on October 1, 1998, and ending on December 31, 1999, and any year beginning after December 31, 1999, and ending before January 1, 2001''.

**SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.**

(a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of title 37, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of title 37, United States Code, is amended

by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of title 37, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of title 37, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of title 37, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking ''January 1, 2000'' and inserting in lieu thereof ''January 1, 2001''.

**SEC. 613. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.**

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking ''December 31, 1999'' and inserting in lieu thereof ''December 31, 2000''.

**SEC. 614. AMOUNT OF AVIATION CAREER INCENTIVE PAY FOR AIR BATTLE MANAGERS FORMERLY ELIGIBLE FOR HAZARDOUS DUTY PAY.**

(a) SAVE PAY PROVISION.—Section 301a(b) of title 37, United States Code, is amended by adding at the end the following:

''(4) The amount of the monthly incentive pay payable under this section to an air battle manager who was receiving incentive pay under section 301(c)(2)(A) of this

title immediately before becoming eligible for incentive pay under this section shall be the higher of—

"(A) the monthly rate of incentive pay that the member was receiving under section 301(c)(2)(A) of this title; or

"(B) the rate applicable to the member under paragraph (1), (2), or (3).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to months beginning on or after that date.

**SEC. 615. AVIATION CAREER OFFICER SPECIAL PAY.**

(a) PERIOD OF AUTHORITY.—Subsection (a) of section 301b of title 37, United States Code, is amended—

(1) by inserting "(1)" after "AUTHORIZED.—";

(2) by striking "during the period beginning on January 1, 1989, and ending on December 31, 1999," and inserting "during the period described in paragraph (2),"; and

(3) adding at the end the following:

"(2) Paragraph (1) applies with respect to agreements executed during the period beginning on the first day of the first month that begins on or after the date of the enactment of the National Defense Authorization

Act for Fiscal Year 2000 and ending on December 31, 2004.''.

(b) REPEAL OF LIMITATION TO CERTAIN YEARS OF CAREER AVIATION SERVICE.—Subsection (b) of such section is amended—

(1) by striking paragraph (5);

(2) by inserting ''and'' at the end of paragraph (4); and

(3) by redesignating paragraph (6) as paragraph (5).

(c) REPEAL OF LOWER ALTERNATIVE AMOUNT FOR AGREEMENT TO SERVE FOR 3 OR FEWER YEARS.—Subsection (c) of such section is amended by striking ''than—'' and all that follows and inserting ''than $25,000 for each year covered by the written agreement to remain on active duty.''.

(d) PRORATION AUTHORITY FOR COVERAGE OF INCREASED PERIOD OF ELIGIBILITY.—Subsection (d) of such section is amended by striking ''14 years of commissioned service'' and inserting ''25 years of aviation service''.

(e) TERMINOLOGY.—Such section is further amended—

(1) in subsection (f), by striking ''A retention bonus'' and inserting ''Any amount''; and

(2) in subsection (i)(1), by striking ''retention bonuses'' in the first sentence and inserting ''special pay under this section''.

(f) REPEAL OF CONTENT REQUIREMENTS FOR ANNUAL REPORT.—Subsection (i)(1) of such section is further amended by striking the second sentence.

(g) TECHNICAL AMENDMENT.—Subsection (g)(3) of such section if amended by striking the second sentence.

(h) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

**SEC. 616. CAREER ENLISTED FLYER INCENTIVE PAY.**

(a) INCENTIVE PAY AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 301e the following new section 301f:

**''§ 301f. Incentive pay: career enlisted flyers**

''(a) PAY AUTHORIZED.—An enlisted member described in subsection (b) may be paid career enlisted flyer incentive pay as provided in this section.

''(b) ELIGIBLE MEMBERS.—An enlisted member referred to in subsection (a) is an enlisted member of the armed forces who—

"(1) is entitled to basic pay under section 204 of this title or is entitled to compensation under paragraph (1) or (2) of section 206(a) of this title;

"(2) holds a military occupational specialty or military rating designated as a career enlisted flyer specialty or rating by the Secretary concerned in regulations prescribed under subsection (f) and continues to be proficient in the skills required for that specialty or rating, or is in training leading to the award of such a specialty or rating; and

"(3) is qualified for aviation service.

"(c) MONTHLY PAYMENT.—(1) Career enlisted flyer incentive pay may be paid a member referred to in subsection (b) for each month in which the member performs aviation service that involves frequent and regular performance of operational flying duty by the member.

"(2)(A) Career enlisted flyer incentive pay may be paid a member referred to in subsection (b) for each month in which the member performs service, without regard to whether or the extent to which the member performs operational flying duty during the month, as follows:

"(i) In the case of a member who has performed at least 6, and not more than 15, years of aviation service, the member may be so paid after

the member has frequently and regularly performed operational flying duty in each of 72 months if the member so performed in at least that number of months before completing the member's first 10 years of performance of aviation service.

"(ii) In the case of a member who has performed more than 15, and not more than 20, years of aviation service, the member may be so paid after the member has frequently and regularly performed operational flying duty in each of 108 months if the member so performed in at least that number of months before completing the member's first 15 years of performance of aviation service.

"(iii) In the case of a member who has performed more than 20, and not more than 25, years of aviation service, the member may be so paid after the member has frequently and regularly performed operational flying duty in each of 168 months if the member so performed in at least that number of months before completing the member's first 20 years of performance of aviation service.

"(B) The Secretary concerned, or a designee of the Secretary concerned not below the level of personnel chief of the armed force concerned, may reduce the minimum number of months of frequent and regular performance

of operational flying duty applicable in the case of a particular member under—

"(i) subparagraph (A)(i) to 60 months;

"(ii) subparagraph (A)(ii) to 96 months; or

"(iii) subparagraph (A)(iii) to 144 months.

"(C) A member may not be paid career enlisted flyer incentive pay in the manner provided under subparagraph (A) after the member has completed 25 years of aviation service.

"(d) MONTHLY RATES.—(1) The monthly rate of any career enlisted flyer incentive pay paid under this section to a member on active duty shall be prescribed by the Secretary concerned, but may not exceed the following:

| "Years of aviation service | Monthly rate |
|---|---|
| 4 or less | $150 |
| Over 4 | $225 |
| Over 8 | $350 |
| Over 14 | $400. |

"(2) The monthly rate of any career enlisted flyer incentive pay paid under this section to a member of a reserve component for each period of inactive-duty training during which aviation service is performed shall be equal to 1/30 of the monthly rate of career enlisted flyer incentive pay provided under paragraph (1) for a member on active duty with the same number of years of aviation service.

"(e) NONAPPLICABILITY TO MEMBERS RECEIVING HAZARDOUS DUTY INCENTIVE PAY OR SPECIAL PAY FOR DIVING DUTY.—A member receiving incentive pay under

section 301(a) of this title or special pay under section 304 of this title may not be paid special pay under this section for the same period of service.

"(f) REGULATIONS.—The Secretary concerned shall prescribe regulations for the administration of this section. The regulations shall include the following:

"(1) Definitions of the terms 'aviation service' and 'frequently and regularly performed operational flying duty' for purposes of this section.

"(2) The military occupational specialties or military rating, as the case may be, that are designated as career enlisted flyer specialties or ratings, respectively, for purposes of this section.

"(g) DEFINITION.—In this section, the term 'operational flying duty' means—

"(1) flying performed under competent orders while serving in assignments in which basic flying skills normally are maintained in the performance of assigned duties as determined by the Secretary concerned; and

"(2) flying performed by members in training that leads to the award of a military occupational specialty or rating referred to in subsection (b)(2).".

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting

after the item relating to section 301e the following new item:

"301f. Incentive pay; career enlisted flyers.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

(c) SAVE PAY PROVISION.—In the case of an enlisted member of a uniformed service who is a designated career enlisted flyer entitled to receive hazardous duty incentive pay under section 301(b) or 301(c)(2)(A) of title 37, United States Code, as of October 1, 1999, the member shall be entitled from that date to payment of incentive pay at the monthly rate that is the higher of—

(1) the monthly rate of incentive pay authorized by such section 301(b) or 301(c)(2)(A) as of September 30, 1999; or

(2) the monthly rate of incentive pay authorized by section 301f of title 37, United States Code, as added by subsection (a).

**SEC. 617. RETENTION BONUS FOR SPECIAL WARFARE OFFICERS EXTENDING PERIODS OF ACTIVE DUTY.**

(a) BONUS AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 301f, as added by section 616 of this Act, the following new section:

**"§ 301g. Special pay: special warfare officers extending period of active duty**

''(a) BONUS AUTHORIZED.—A special warfare officer described in subsection (b) who executes a written agreement to remain on active duty in special warfare service for at least one year may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

''(b) COVERED OFFICERS.—A special warfare officer referred to in subsection (a) is an officer of a uniformed service who—

''(1) is qualified for a military occupational specialty or designator identified by the Secretary concerned as a special warfare military occupational specialty or designator and is serving in a position for which that specialty or designator is authorized;

''(2) is in pay grade O–3, or is in pay grade O–4 and is not on a list of officers recommended for promotion, at the time the officer applies for an agreement under this section;

''(3) has completed at least 6, but not more than 14, years of active commissioned service; and

''(4) has completed any service commitment incurred to be commissioned as an officer.

"(c) AMOUNT OF BONUS.—The amount of a retention bonus paid under this section may not be more than $15,000 for each year covered by the written agreement.

"(d) PRORATION.—The term of an agreement under subsection (a) and the amount of the bonus payable under subsection (c) may be prorated as long as such agreement does not extend beyond the date on which the officer making such agreement would complete 14 years of active commissioned service.

"(e) PAYMENT.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed and may be paid—

"(1) in a lump sum equal to the amount of half the total amount payable under the agreement at the time the agreement is accepted by the Secretary concerned followed by payments of equal annual installments on the anniversary of the acceptance of the agreement until the payment in full of the balance of the amount that remains payable under the agreement after the payment of the lump sum amount under this paragraph; or

"(2) in graduated annual payments under regulations prescribed by the Secretary concerned with the first payment being payable at the time the

agreement is accepted by the Secretary concerned and subsequent payments being payable on the anniversaries of the acceptance of the agreement.

"(f) ADDITIONAL PAY.—A retention bonus paid under this section is in addition to any other pay and allowances to which an officer is entitled.

"(g) REPAYMENT.—(1) If an officer who has entered into a written agreement under subsection (a) and has received all or part of a retention bonus under this section fails to complete the total period of active duty in special warfare service as specified in the agreement, the Secretary concerned may require the officer to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid the officer under this section.

"(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

"(h) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section, including the definition of the term 'special warfare service' for purposes of this section. Regulations prescribed by the Secretary of a military department under this section shall be subject to the approval of the Secretary of Defense.".

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, as amended by section 110(a) of this Act, is amended by inserting after the item relating to section 301f the following new item:

"301g. Special pay: special warfare officers extending period of active duty.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

**SEC. 618. RETENTION BONUS FOR SURFACE WARFARE OFFICERS EXTENDING PERIODS OF ACTIVE DUTY.**

(a) BONUS AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 301g, as added by section 617 of this Act, the following new section:

**"§ 301h. Special pay: surface warfare officers extending period of active duty**

"(a) SPECIAL PAY AUTHORIZED.—(1) A surface warfare officer described in subsection (b) who executes a written agreement described in paragraph (2) may, upon the acceptance of the agreement by the Secretary of the

Navy, be paid a retention bonus as provided in this section.

"(2) An agreement referred to in paragraph (1) is an agreement in which the officer concerned agrees—

"(A) to remain on active duty for at least two years and through the tenth year of active commissioned service; and

"(B) to complete tours of duty to which the officer may be ordered during the period covered by subparagraph (A) as a department head afloat.

"(b) COVERED OFFICERS.—A surface warfare officer referred to in subsection (a) is an officer of the Regular Navy or Naval Reserve on active duty who—

"(1) is designated and serving as a surface warfare officer;

"(2) is in pay grade O–3 at the time the officer applies for an agreement under this section;

"(3) has been selected for assignment as a department head on a surface ship;

"(4) has completed at least four, but not more than eight, years of active commissioned service; and

"(5) has completed any service commitment incurred to be commissioned as an officer.

"(c) AMOUNT OF BONUS.—The amount of a retention bonus paid under this section may not be more than $15,000 for each year covered by the written agreement.

"(d) PRORATION.—The term of an agreement under subsection (a) and the amount of the bonus payable under subsection (c) may be prorated as long as such agreement does not extend beyond the date on which the officer making such agreement would complete 10 years of active commissioned service.

"(e) PAYMENT.—Upon acceptance of a written agreement under subsection (a) by the Secretary of the Navy, the total amount payable pursuant to the agreement becomes fixed and may be paid—

"(1) in a lump sum equal to the amount of half the total amount payable under the agreement at the time the agreement is accepted by the Secretary followed by payments of equal annual installments on the anniversary of the acceptance of the agreement until the payment in full of the balance of the amount that remains payable under the agreement after the payment of the lump sum amount under this paragraph; or

"(2) in equal annual payments with the first payment being payable at the time the agreement is accepted by the Secretary and subsequent payments

being payable on the anniversaries of the acceptance of the agreement.

''(f) ADDITIONAL PAY.—A retention bonus paid under this section is in addition to any other pay and allowances to which an officer is entitled.

''(g) REPAYMENT.—(1) If an officer who has entered into a written agreement under subsection (a) and has received all or part of a retention bonus under this section fails to complete the total period of active duty specified in the agreement, the Secretary of the Navy may require the officer to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid under this section.

''(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owned to the United States.

''(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

''(h) REGULATIONS.—The Secretary of the Navy shall prescribe regulations to carry out this section.''.

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 301g, as added by section 111(a) of this Act, the following new item:

"301h. Special pay: surface warfare officers extending period of active duty.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

**SEC. 619. ADDITIONAL SPECIAL PAY FOR BOARD CERTIFIED VETERINARIANS IN THE ARMED FORCES AND PUBLIC HEALTH SERVICE.**

(a) AUTHORITY.—Section 303 of title 37, United States Code, is amended—

(1) by inserting "(a) MONTHLY SPECIAL PAY.—" before "Each"; and

(2) by adding at the end the following:

"(b) ADDITIONAL SPECIAL PAY FOR BOARD CERTIFICATION.—A commissioned officer entitled to special pay under subsection (a) who has been awarded a diploma as a Diplomate in a specialty recognized by the American Veterinarian Medical Association is entitled to special pay (in addition to the special pay under that subsection) at the same rate as is provided under section 302c(b) of this title for an officer referred to in that section who has the same number of years of creditable service as the commissioned officer.".

(b) EFFECTIVE DATE.—Section 303(b) of title 37, United States Code, as added by subsection (a), shall apply with respect to months beginning after September 30, 1999.

**SEC. 620. INCREASE IN RATE OF DIVING DUTY SPECIAL PAY.**

(a) INCREASE.—Section 304(b) of title 37, United States Code, is amended—

(1) by striking ''$200'' and inserting ''$240''; and

(2) by striking ''$300'' and inserting ''$340''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to special pay paid under section 304 of title 37, United States Code, for months beginning on or after that date.

**SEC. 621. INCREASE IN MAXIMUM AMOUNT AUTHORIZED FOR REENLISTMENT BONUS FOR ACTIVE MEMBERS.**

(a) INCREASE IN MAXIMUM AMOUNT.—Section 308(a)(2) of title 37, United States Code, is amended—

(1) subparagraph (A)(i), by striking ''ten'' and inserting ''15''; and

(2) in subparagraph (B), by striking ''$45,000'' and inserting ''$60,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to reenlistments and extensions of enlistments taking effect on or after that date.

**SEC. 622. CRITICAL SKILLS ENLISTMENT BONUS.**

(a) INCREASE.—Section 308a(a) of title 37, United States Code, is amended in the first sentence by striking ''$12,000'' and inserting ''$20,000''.

(b) LUMP-SUM PAYMENT OF CRITICAL SKILLS ENLISTMENT BONUS.—Section 308a(a) of title 37, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by striking all after ''may be paid a bonus'' and inserting a period; and

(3) by adding at the end the following:

''(2) The appropriate Secretary shall prescribe in regulations the following:

''(A) The amount of the bonus, but not more than $12,000.

''(B) Provisions for payment of the bonus in a single lump sum or periodic installments in relation to the attainment of one or more specified career milestones appropriate to ensure that the terms of the enlistment or extension are satisfied.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect enlistments and extensions of enlistments taking effect on or after that date.

**SEC. 623. SELECTED RESERVE ENLISTMENT BONUS.**

(a) ELIMINATION OF REQUIREMENT FOR MINIMUM PERIOD OF ENLISTMENT.—Subsection (a) of section 308c of title 37, United States Code, is amended by striking ''for a term of enlistment of not less than six years''.

(b) INCREASED MAXIMUM AMOUNT.—Subsection (b) of such section is amended by striking ''$5,000'' and inserting ''$8,000''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 1999, and shall apply with respect to enlistments entered into on or after that date.

**SEC. 624. SPECIAL PAY FOR MEMBERS OF THE COAST GUARD RESERVE ASSIGNED TO HIGH PRIORITY UNITS OF THE SELECTED RESERVE.**

Section 308d(a) of title 37, United States Code, is amended by inserting '', or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, '' after ''Secretary of Defense''.

**SEC. 625. REDUCED MINIMUM PERIOD OF ENLISTMENT IN ARMY IN CRITICAL SKILL FOR ELIGIBILITY FOR ENLISTMENT BONUS.**

(a) REDUCED REQUIREMENT.—Paragraph (3) of section 308f(a) of title 37, United States Code, is amended by striking ''3 years'' and inserting ''2 years''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to enlistments entered into on or after that date.

**SEC. 626. ELIGIBILITY FOR RESERVE COMPONENT PRIOR SERVICE ENLISTMENT BONUS UPON ATTAINING A CRITICAL SKILL.**

(a) NEWLY ATTAINED CRITICAL SKILL.—Section 308i(a) of title 37, United States Code, is amended by striking paragraph (2) and inserting the following:

''(2) A bonus may only be paid under this section to a person who meets each of the following requirements:

''(A) The person has completed that person's military service obligation but has less than 14 years of total military service.

''(B) The person has received an honorable discharge at the conclusion of military service.

''(C) The person is not being released from active service for the purpose of enlistment in a reserve component.

"(D) The person is position eligible under paragraph (3).

"(E) The person has not previously been paid a bonus (except under this section) for enlistment, reenlistment, or extension of enlistment in a reserve component.

"(3) A person is position eligible for the purposes of paragraph (2)(D) if the person—

"(A) is projected to occupy a position as a member of the Selected Reserve in a specialty in which the person—

"(i) successfully served while a member on active duty; and

"(ii) attained a level of qualification while a member on active duty commensurate with the grade and years of service of the member; or

"(B) is occupying a position as a member of the Selected Reserve in a specialty in which the person—

"(i) has completed training or retraining in the specialty skill that is designated as critically short; and

"(ii) has attained a level of qualification in the designated critically short specialty skill

that is commensurate with the member's grade and years of service.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to enlistments beginning on or after that date.

**SEC. 627. INCREASE IN SPECIAL PAY AND BONUSES FOR NUCLEAR-QUALIFIED OFFICERS.**

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(a) of title 37, United States Code, is amended by striking ''$15,000'' and inserting ''$25,000''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(a)(1) of title 37, United States Code, is amended by striking ''$10,000'' and inserting ''$20,000''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUSES.—Section 312c of title 37, United States Code, is amended—

(1) in subsection (a)(1), by striking ''$12,000'' and inserting ''$22,000''; and

(2) in subsection (b)(1), by striking ''$5,500'' and inserting ''$10,000''.

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on October 1, 1999.

(2) The amendments made by subsections (a) and (b) shall apply with respect to agreements accepted under section 312(a) and 312b(a), respectively, of title 37, United States Code, on or after October 1, 1999.

(3) The amendments made by subsection (c) shall apply with respect to nuclear service years beginning on or after October 1, 1999.

**SEC. 628. INCREASE IN MAXIMUM MONTHLY RATE AUTHORIZED FOR FOREIGN LANGUAGE PROFICIENCY PAY.**

(a) INCREASE IN MAXIMUM MONTHLY RATE.—Section 316(b) of title 37, United States Code, is amended by striking ''$100'' and inserting ''$300''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to foreign language proficiency pay paid under section 316 of title 37, United States Code, for months beginning on or after that date.

**SEC. 629. SENSE OF THE SENATE REGARDING TAX TREATMENT OF MEMBERS RECEIVING SPECIAL PAY.**

It is the sense of the Senate that members of the Armed Forces who receive special pay for duty subject to hostile fire or imminent danger (37 U.S.C. 310) should

receive the same tax treatment as members serving in combat zones.

# Subtitle C—Travel and Transportation Allowances

**SEC. 641. PAYMENT OF TEMPORARY LODGING EXPENSES TO ENLISTED MEMBERS MAKING FIRST PERMANENT CHANGE OF STATION.**

Section 404a(a) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking ''or'' at the end of the paragraph;

(2) in paragraph (2), by inserting ''or'' after the semicolon; and

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

''(3) in the case of an enlisted member, to the member's first permanent duty station from the member's home of record or initial technical training school;''.

**SEC. 642. DESTINATION AIRPORT FOR EMERGENCY LEAVE TRAVEL TO THE CONTINENTAL UNITED STATES.**

Section 411d(b)(1)(A) of title 37, United States Code, is amended to read as follows:

''(A) to either—

"(i) the international airport in the continental United States closest to the location from which the member and the member's dependents departed; or

"(ii) any other airport in the continental United States that is closer to the destination than is that international airport if the cost of the transportation to the other airport is less expensive than the cost of the transportation to that international airport; or".

**SEC. 643. CLARIFICATION OF PER DIEM ELIGIBILITY OF CERTAIN MILITARY TECHNICIANS (DUAL STATUS) SERVING ON ACTIVE DUTY WITHOUT PAY OUTSIDE THE UNITED STATES.**

(a) CLARIFICATION.—Section 1002(b) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2) If the Secretary concerned determines that a military technician (dual status) on leave from technician employment under section 6323(d) of title 5 is performing active duty without pay outside the United States without having been afforded an adequate opportunity to satisfy administrative requirements for a commutation of subsistence and quarters under paragraph (1), the Secretary con-

cerned may authorize payment of a per diem allowance to the technician under chapter 4 of this title instead of the commutation while the technician is performing that duty.''.

(b) DEFINITION.—Section 101 of such title is amended by adding at the end the following:

''(27) The term 'military technician (dual status)' has the meaning given the term in section 10216(a) of title 10.''.

(c) RETROACTIVE EFFECTIVE DATE.—The amendments made by this section shall be effective as of February 10, 1996.

**SEC. 644. EXPANSION AND CODIFICATION OF AUTHORITY FOR SPACE REQUIRED TRAVEL ON MILITARY AIRCRAFT FOR RESERVES PERFORMING INACTIVE-DUTY TRAINING OUTSIDE THE CONTINENTAL UNITED STATES.**

(a) AUTHORITY.—(1) Chapter 1209 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 12322. Reserves traveling to inactive-duty training OCONUS: space required travel**

''A member of a reserve component is authorized to travel in a space required status on aircraft of the armed forces between the member's home and place of inactive-

duty training outside the continental United States (including a place other than the place of the member's unit training assembly if the member is performing the inactive-duty training in another location) when there is no transportation between those locations by means of road, railroad, or a combination of road and railroad. A member traveling in that status on any such aircraft under the authority of this section is not authorized to receive travel, transportation, or per diem allowances in connection with the travel.''.

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

''12322. Reserves traveling to inactive-duty training OCONUS: space required travel.''.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 8023 of Public Law 105–262 (112 Stat. 2302) is repealed.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to travel commencing on or after that date.

**SEC. 645. REIMBURSEMENT OF TRAVEL EXPENSES INCURRED BY MEMBERS OF THE ARMED FORCES IN CONNECTION WITH LEAVE CANCELED FOR INVOLVEMENT IN KOSOVO-RELATED ACTIVITIES.**

(a) AUTHORITY.—The Secretary of the military department concerned may reimburse a member of the Armed Forces under the jurisdiction of the Secretary for expenses of travel (to the extent not otherwise reimbursable under law) that have been incurred by the member in connection with approved leave canceled to meet an exigency in connection with United States participation in Operation Allied Force.

(b) ADMINISTRATIVE PROVISIONS.—The Secretary of Defense shall prescribe the procedures and documentation required for application for, and payment of, reimbursements to members of the Armed Forces under subsection (a).

# Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

**SEC. 651. RETIRED PAY OPTIONS FOR PERSONNEL ENTERING UNIFORMED SERVICES ON OR AFTER AUGUST 1, 1986.**

(a) REDUCED RETIRED PAY ONLY FOR MEMBERS ELECTING 15-YEAR SERVICE BONUS.—(1) Paragraph (2) of section 1409(b) of title 10, United States Code, is

amended by inserting after ''July 31, 1986,'' the following: ''has elected to receive a bonus under section 318 of title 37,''.

(2)(A) Paragraph (2)(A) of section 1401a(b) of title 10, United States Code, is amended by striking ''The Secretary shall increase the retired pay of each member and former member who first became a member of a uniformed service before August 1, 1986,'' and inserting ''Except as otherwise provided in this subsection, the Secretary shall increase the retired pay of each member and former member''.

(B) Paragraph (3) of such section 1401a(b) is amended by inserting after ''August 1, 1986,'' the following: ''and has elected to receive a bonus under section 318 of title 37,''.

(3) Section 1410 of title 10, United States Code, is amended by inserting after ''August 1, 1986,'' the following: ''who has elected to receive a bonus under section 318 of title 37,''.

(b) OPTIONAL LUMP-SUM BONUS AT 15 YEARS OF SERVICE.—(1) Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

**"§ 318. Special pay: 15-year service bonus elected by members entering on or after August 1, 1986**

''(a) PAYMENT OF BONUS.—The Secretary concerned shall pay a bonus to a member of a uniformed service who is eligible and elects to receive the bonus under this section.

''(b) ELIGIBILITY FOR BONUS.—A member of a uniformed service serving on active duty is eligible to receive a bonus under this section if the member—

''(1) first became a member of a uniformed service on or after August 1, 1986;

''(2) has completed 15 years of active duty in the uniformed services; and

''(3) if not already obligated to remain on active duty for a period that would result in at least 20 years of active-duty service, executes a written agreement (prescribed by the Secretary concerned) to remain continuously on active duty for five years after the date of the completion of 15 years of active-duty service.

''(c) ELECTION.—(1) A member eligible to receive a bonus under this section may elect to receive the bonus. The election shall be made in such form and within such period as the Secretary concerned requires.

"(2) An election made under this subsection is irrevocable.

"(d) NOTIFICATION OF ELIGIBILITY.—The Secretary concerned shall transmit a written notification of the opportunity to elect to receive a bonus under this section to each member who is eligible (or upon execution of an agreement described in subsection (b)(3), would be eligible) to receive the bonus. The Secretary shall complete the notification within 180 days after the date on which the member completes 15 years of active duty. The notification shall include the procedures for electing to receive the bonus and an explanation of the effects under sections 1401a, 1409, and 1410 of title 10 that such an election has on the computation of any retired or retainer pay which the member may become eligible to receive.

"(e) FORM AND AMOUNT OF BONUS.—A bonus under this section shall be paid in one lump sum of $30,000.

"(f) TIME FOR PAYMENT.—Payment of a bonus to a member electing to receive the bonus under this section shall be made not later than the first month that begins on or after the date that is 60 days after the Secretary concerned receives from the member an election that satisfies the requirements imposed under subsection (c).

"(g) REPAYMENT OF BONUS.—(1) If a person paid a bonus under this section fails to complete the total period of active duty specified in the agreement entered into under subsection (b)(3), the person shall refund to the United States the amount that bears the same ratio to the amount of the bonus payment as the unserved part of that total period bears to the total period.

"(2) Subject to paragraph (3), an obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) The Secretary concerned may waive, in whole or in part, a refund required under paragraph (1) if the Secretary concerned determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

"(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the member signing such agreement from a debt arising under the agreement or this subsection.".

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

"318. Special pay: 15-year service bonus elected by members entering on or after August 1, 1986.".

(c) CONFORMING AMENDMENTS TO SURVIVOR BENEFIT PLAN PROVISIONS.—(1) Section 1451(h)(3) of title 10, United States Code, is amended by inserting ''OF CERTAIN MEMBERS'' after ''RETIREMENT''.

(2) Section 1452(i) of such title is amended by striking ''When the retired pay'' and inserting ''Whenever the retired pay''.

(d) RELATED TECHNICAL AMENDMENTS.—(1) Section 1401a(b) of title 10, United States Code, is amended—

(A) by striking the heading for paragraph (1) and inserting ''INCREASE REQUIRED.—'';

(B) by striking the heading for paragraph (2) and inserting ''PERCENTAGE INCREASE.—''; and

(C) by striking the heading for paragraph (3) and inserting ''REDUCED PERCENTAGE FOR CERTAIN POST-AUGUST 1, 1986 MEMBERS.—''.

(2) Section 1409(b)(2) of title 10, United States Code, is amended by inserting ''CERTAIN'' after ''REDUCTION APPLICABLE TO'' in the paragraph heading.

(3)(A) The heading of section 1410 of such title is amended by inserting ''**certain**'' before ''**members**''.

(B) The item relating to such section in the table of sections at the beginning of chapter 71 of title 10, United

States Code, is amended by inserting ''certain'' before ''members''.

**SEC. 652. PARTICIPATION IN THRIFT SAVINGS PLAN.**

(a) PARTICIPATION AUTHORITY.—(1)(A) Chapter 3 of title 37, United States Code, is amended by adding at the end the following:

**''§ 211. Participation in Thrift Savings Plan**

''(a) AUTHORITY.—A member of the uniformed services serving on active duty and a member of the Ready Reserve in any pay status may participate in the Thrift Savings Plan in accordance with section 8440e of title 5.

''(b) RULE OF CONSTRUCTION REGARDING SEPARATION.—For the purposes of section 8440e of title 5, the following actions shall be considered separation of a member of the uniformed services from Government employment:

''(1) Release of the member from active-duty service (not followed by a resumption of active-duty service within 30 days after the effective date of the release).

''(2) Transfer of the member by the Secretary concerned to a retired list maintained by the Secretary.''.

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

''211. Participation in Thrift Savings Plan.''.

(2)(A) Subchapter III of chapter 84 of title 5, United States Code, is amended by adding at the end the following:

**"§ 8440e. Members of the uniformed services on active duty**

''(a) PARTICIPATION AUTHORIZED.—(1) A member of the uniformed services authorized to participate in the Thrift Savings Plan under section 211(a) of title 37 may contribute to the Thrift Savings Fund.

''(2) An election to contribute to the Thrift Savings Fund under paragraph (1) may be made only during a period provided under section 8432(b) for individuals subject to this chapter.

''(b) APPLICABILITY OF THRIFT SAVINGS PLAN PROVISIONS.—Except as otherwise provided in this section, the provisions of this subchapter and subchapter VII of this chapter shall apply with respect to members of the uniformed services making contributions to the Thrift Savings Fund as if such members were employees within the meaning of section 8401(11).

''(c) MAXIMUM CONTRIBUTION FROM PAY OR COMPENSATION.—(1) The amount contributed by a member of the uniformed services for any pay period out of basic pay may not exceed 5 percent of such member's basic pay for such pay period.

"(2) The amount contributed by a member of the Ready Reserve for any pay period for any compensation received under section 206 of title 37 may not exceed 5 percent of such member's compensation for such pay period, to the extent allowable under the Internal Revenue Code of 1986.

"(d) OTHER MEMBER CONTRIBUTIONS.—A member of the uniformed services making contributions to the Thrift Savings Fund out of basic pay, or out of compensation under section 206 of title 37, may also contribute (by direct transfer to the Fund) any part of any special or incentive pay that the member receives under section 308, 308a through 308h, or 318 of title 37, to the extent allowable under the Internal Revenue Code of 1986.

"(e) AGENCY CONTRIBUTIONS GENERALLY PROHIBITED.—Except as provided in section 211(c) of title 37, no contribution under section 8432(c) of this title may be made for the benefit of a member of the uniformed services making contributions to the Thrift Savings Fund under subsection (a).

"(f) BENEFITS AND ELECTIONS OF BENEFITS.—In applying section 8433 to a member of the uniformed services who has an account balance in the Thrift Savings Fund—

"(1) any reference in such section to separation from Government employment shall be construed to refer to an action described in section 211(b) of title 37; and

"(2) the reference in section 8433(g)(1) to contributions made under section 8432(a) shall be treated as being a reference to contributions made to the Fund by the member, whether made under section 8351, 8432(a), or this section.

"(g) BASIC PAY DEFINED.—For purposes of this section, the term 'basic pay' means basic pay that is payable under section 204 of title 37.".

(B) The table of sections at the beginning of chapter 84 of title 5, United States Code, is amended by adding after the item relating to section 8440d the following:

"8440e. Members of the uniformed services on active duty.".

(3) Section 8432b(b) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking "Each employee" and inserting "Except as provided in paragraph (4), each employee";

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

(C) by inserting after paragraph (3) the following new paragraph (4):

"(4) No contribution may be made under this section for a period for which an employee made a contribution under section 8440e.".

(4) Section 8473 of title 5, United States Code, is amended—

(A) in subsection (a), by striking "14 members" and inserting "15 members"; and

(B) in subsection (b)—

(i) by striking "14 members" and inserting "15 members";

(ii) by striking "and" at the end of paragraph (8);

(iii) by striking the period at the end of paragraph (9) and inserting "; and"; and

(iv) by adding at the end the following:

"(10) 1 shall be appointed to represent participants (under section 8440e) who are members of the uniformed services.".

(5) Paragraph (11) of section 8351(b) of title 5, United States Code, is redesignated as paragraph (8).

(b) APPLICABILITY.—(1) Except as provided in paragraph (2), the authority of members of the uniformed services to participate in the Thrift Savings Plan under section 211 of title 37, United States Code (as added by subsection (a)(1)), shall take effect on July 1, 2000.

(2)(A) The Secretary of Defense may postpone the authority of members of the Ready Reserve to so participate in the Thrift Savings Plan until 180 days after the date specified in paragraph (1) if the Secretary, after consultation with the Executive Director appointed by the Federal Thrift Retirement Investment Board, determines that permitting such members to participate in the Thrift Savings Plan on that date would place an excessive burden on the administrative capacity of the Board to accommodate participants in the Thrift Savings Plan.

(B) The Secretary shall notify the congressional defense committees of any determination made under subparagraph (A).

(c) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Executive Director appointed by the Federal Thrift Retirement Investment Board shall issue regulations to implement section 8440e of title 5, United States Code (as added by subsection (a)(2)) and section 211 of title 37, United States Code (as added by subsection (a)(1)).

**SEC. 653. SPECIAL RETENTION INITIATIVE.**

Section 211 of title 37, United States Code, as added by section 652, is amended by adding at the end the following:

"(c) AGENCY CONTRIBUTIONS FOR RETENTION IN CRITICAL SPECIALTIES.—(1) The Secretary concerned may enter into an agreement with a member to make contributions to the Thrift Savings Fund for the benefit of the member if the member—

"(A) is in a specialty designated by the Secretary as critical to meet requirements (whether such specialty is designated as critical to meet wartime or peacetime requirements); and

"(B) commits in such agreement to continue to serve on active duty in that specialty for a period of six years.

"(2) Under any agreement entered into with a member under paragraph (1), the Secretary shall make contributions to the Fund for the benefit of the member for each pay period of the 6-year period of the agreement for which the member makes a contribution out of basic pay to the Fund under this section. Paragraph (2) of section 8432(c) applies to the Secretary's obligation to make contributions under this paragraph, except that the reference in such paragraph to contributions under paragraph (1) of such section does not apply.".

**SEC. 654. REPEAL OF REDUCTION IN RETIRED PAY FOR CIVILIAN EMPLOYEES.**

(a) REPEAL.—(1) Section 5532 of title 5, United States Code, is repealed.

(2) The chapter analysis at the beginning of chapter 55 of such title is amended by striking the item relating to section 5532.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month that begins after the date of the enactment of this Act.

**SEC. 655. CREDIT TOWARD PAID-UP SBP COVERAGE FOR MONTHS COVERED BY MAKE-UP PREMIUM PAID BY PERSONS ELECTING SBP COVERAGE DURING SPECIAL OPEN ENROLLMENT PERIOD.**

Section 642 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2045; 10 U.S.C. 1448 note) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h) CREDIT TOWARD PAID-UP COVERAGE.—Upon payment of the total amount of the premiums charged a

person under subsection (g), the retired pay of a person participating in the Survivor Benefit Plan pursuant to an election under this section shall be treated, for the purposes of subsection (j) of section 1452 of title 10, United States Code, as having been reduced under such section 1452 for the months in the period for which the person's retired pay would have been reduced if the person had elected to participate in the Survivor Benefit Plan at the first opportunity that was afforded the person to participate.''.

**SEC. 656. PAID-UP COVERAGE UNDER RETIRED SERVICEMAN'S FAMILY PROTECTION PLAN.**

(a) CONDITIONS.—Subchapter I of chapter 73 of title 10, United States Code, is amended by inserting after section 1436 the following:

**"§ 1436a. Coverage paid up at 30 years and age 70**

''Effective October 1, 2008, no reduction may be made in a person's retired pay or retainer pay pursuant to an election under section 1431(b) or 1432 of this title for any month after the later of—

''(1) the 360th month for which the person retired pay or retainer pay is reduced pursuant to such an election; and

''(2) the month during which the person attains 70 years of age.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1436 the following: "1436a. Coverage paid up at 30 years and age 70.".

**SEC. 657. PERMANENT AUTHORITY FOR PAYMENT OF ANNUITIES TO CERTAIN MILITARY SURVIVING SPOUSES.**

Subsection (f) of section 644 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1801; 10 U.S.C. 1448 note) is repealed.

**SEC. 658. EFFECTUATION OF INTENDED SBP ANNUITY FOR FORMER SPOUSE WHEN NOT ELECTED BY REASON OF UNTIMELY DEATH OF RETIREE.**

(a) CASES NOT COVERED BY EXISTING AUTHORITY.—Paragraph (3) of section 1450(f) of title 10, United States Code, as in effect on the date of the enactment of this Act, shall apply in the case of a former spouse of any person referred to in that paragraph who—

(1) incident to a proceeding of divorce, dissolution, or annulment—

(A) entered into a written agreement on or after August 21, 1983, to make an election under section 1448(b) of such title to provide an annuity to the former spouse (the agreement thereafter having been incorporated in or ratified or approved by a court order or filed with

the court of appropriate jurisdiction in accordance with applicable State law); or

(B) was required by a court order dated on or after such date to make such an election for the former spouse; and

(2) before making the election, died within 21 days after the date of the agreement referred to in paragraph (1)(A) or the court order referred to in paragraph (1)(B), as the case may be.

(b) ADJUSTED TIME LIMIT FOR REQUEST BY FORMER SPOUSE.—For the purposes of paragraph (3)(C) of section 1450(f) of title 10, United States Code, a court order or filing referred to in subsection (a)(1) of this section that is dated before October 19, 1984, shall be deemed to be dated on the date of the enactment of this Act.

**SEC. 659. SPECIAL COMPENSATION FOR SEVERELY DISABLED UNIFORMED SERVICES RETIREES.**

(a) AUTHORITY.—(1) Chapter 71 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 1413. Special compensation for certain severely disabled uniformed services retirees**

''(a) AUTHORITY.—The Secretary concerned shall, subject to the availability of appropriations for such pur-

pose, pay to each eligible disabled uniformed services retiree a monthly amount determined under subsection (b).

"(b) AMOUNT.—The amount to be paid to an eligible disabled uniformed services retiree in accordance with subsection (a) is the following:

"(1) For any month for which the retiree has a qualifying service-connected disability rated as total, $300.

"(2) For any month for which the retiree has a qualifying service-connected disability rated as 90 percent, $200.

"(3) For any month for which the retiree has a qualifying service-connected disability rated as 80 percent or 70 percent, $100.

"(c) ELIGIBLE MEMBERS.—An eligible disabled uniformed services retiree referred to in subsection (a) is a member of the uniformed services in a retired status (other than a member who is retired under chapter 61 of this title) who—

"(1) completed at least 20 years of service in the uniformed services that are creditable for purposes of computing the amount of retired pay to which the member is entitled; and

"(2) has a qualifying service-connected disability.

"(d) QUALIFYING SERVICE-CONNECTED DISABILITY DEFINED.—In this section, the term 'qualifying service-connected disability' means a service-connected disability that—

"(1) was incurred or aggravated in the performance of duty as a member of a uniformed service, as determined by the Secretary concerned; and

"(2) is rated as not less than 70 percent disabling—

"(A) by the Secretary concerned as of the date on which the member is retired from the uniformed services; or

"(B) by the Secretary of Veterans Affairs within four years following the date on which the member is retired from the uniformed services.

"(e) STATUS OF PAYMENTS.—Payments under this section are not retired pay.

"(f) SOURCE OF FUNDS.—Payments under this section for any fiscal year shall be paid out of funds appropriated for pay and allowances payable by the Secretary concerned for that fiscal year.

"(g) OTHER DEFINITIONS.—In this section:

"(1) The term 'service-connected' has the meaning give that term in section 101 of title 38.

"(2) The term 'disability rated as total' means—

"(A) a disability that is rated as total under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; or

"(B) a disability for which the scheduled rating is less than total but for which a rating of total is assigned by reason of inability of the disabled person concerned to secure or follow a substantially gainful occupation as a result of service-connected disabilities.

"(3) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.".

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

"1413. Special compensation for certain severely disabled uniformed services retirees.".

(b) EFFECTIVE DATE.—Section 1413 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1999, and shall apply to months that begin on or after that date. No benefit may be paid to any person by reason of that section for any period before that date.

**SEC. 660. COMPUTATION OF SURVIVOR BENEFITS.**

(a) INCREASED BASIC ANNUITY.—(1) Subsection (a)(1)(B)(i) of section 1451 of title 10, United States Code, is amended by striking ''35 percent of the base amount.'' and inserting ''the product of the base amount and the percent applicable for the month. The percent applicable for a month is 35 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000, 40 percent for months beginning after such date and before October 2004, and 45 percent for months beginning after September 2004.''.

(2) Subsection (a)(2)(B)(i)(I) of such section is amended by striking ''35 percent'' and inserting ''the percent specified under subsection (a)(1)(B)(i) as being applicable for the month''.

(3) Subsection (c)(1)(B)(i) of such section is amended—

(A) by striking ''35 percent'' and inserting ''the applicable percent''; and

(B) by adding at the end the following: ''The percent applicable for a month under the preceding sentence is the percent specified under subsection (a)(1)(B)(i) as being applicable for the month.''.

(4) The heading for subsection (d)(2)(A) of such section is amended to read as follows: ''COMPUTATION OF ANNUITY.—''.

(b) ADJUSTED SUPPLEMENTAL ANNUITY.—Section 1457(b) of title 10, United States Code, is amended—

(1) by striking ''5, 10, 15, or 20 percent'' and inserting ''the applicable percent''; and

(2) by inserting after the first sentence the following: ''The percent used for the computation shall be an even multiple of 5 percent and, whatever the percent specified in the election, may not exceed 20 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000, 15 percent for months beginning after that date and before October 2004, and 10 percent for months beginning after September 2004.''.

(c) RECOMPUTATION OF ANNUITIES.—(1) Effective on the first day of each month referred to in paragraph (2)—

(A) each annuity under section 1450 of title 10, United States Code, that commenced before that month, is computed under a provision of section 1451 of that title amended by subsection (a), and is payable for that month shall be recomputed so as to

be equal to the amount that would be in effect if the percent applicable for that month under that provision, as so amended, had been used for the initial computation of the annuity; and

(B) each supplemental survivor annuity under section 1457 of such title that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

(2) The requirements for recomputation of annuities under paragraph (1) apply with respect to the following months:

(A) The first month that begins after the date of the enactment of this Act.

(B) October 2004.

(d) RECOMPUTATION OF RETIRED PAY REDUCTIONS FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—The Secretary of Defense shall take such actions as are necessitated by the amendments made by subsection (b) and the requirements of subsection (c)(1)(B) to ensure that the reductions in retired pay under section 1460 of title

10, United States Code, are adjusted to achieve the objectives set forth in subsection (b) of that section.

# Subtitle E—Montgomery GI Bill Benefits and Other Education Benefits

## PART I—MONTGOMERY GI BILL BENEFITS

### SEC. 671. INCREASE IN RATES OF EDUCATIONAL ASSISTANCE FOR FULL-TIME EDUCATION.

(a) INCREASE.—Section 3015 of title 38, United States Code, is amended—

(1) in subsection (a)(1), by striking ''$528'' and inserting ''$600''; and

(2) in subsection (b)(1), by striking ''$429'' and inserting ''$488''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to educational assistance allowances paid for months after September 1999. However, no adjustment in rates of educational assistance shall be made under subsection (g) of section 3015 of title 38, United States Code, for fiscal year 2000.

### SEC. 672. TERMINATION OF REDUCTIONS OF BASIC PAY.

(a) REPEALS.—(1) Section 3011 of title 38, United States Code, is amended by striking subsection (b).

(2) Section 3012 of such title is amended by striking subsection (c).

(3) The amendments made by paragraphs (1) and (2) shall take effect on the date of the enactment of this Act and shall apply to individuals whose initial obligated period of active duty under section 3011 or 3012 of title 38, United States Code, as the case may be, begins on or after such date.

(b) TERMINATION OF REDUCTIONS IN PROGRESS.—Any reduction in the basic pay of an individual referred to in section 3011(b) of title 38, United States Code, by reason of such section 3011(b), or of any individual referred to in section 3012(c) of such title by reason of such section 3012(c), as of the date of the enactment of this Act shall cease commencing with the first month beginning after such date, and any obligation of such individual under such section 3011(b) or 3012(c), as the case may be, as of the day before such date shall be deemed to be fully satisfied as of such date.

(c) CONFORMING AMENDMENT.—Section 3034(e)(1) of title 38, United States Code, is amended in the second sentence by striking ''as soon as practicable'' and all that follows through ''such additional times'' and inserting ''at such times''.

**SEC. 673. ACCELERATED PAYMENTS OF EDUCATIONAL ASSISTANCE.**

Section 3014 of title 38, United States Code, is amended—

(1) by inserting ''(a)'' before ''The Secretary shall pay''; and

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

''(b)(1) Whenever the Secretary determines it appropriate under the regulations prescribed pursuant to paragraph (6), the Secretary may make payments of basic educational assistance under this subchapter on an accelerated basis.

''(2) The Secretary may pay basic educational assistance on an accelerated basis only to an individual entitled to payment of such assistance under this subchapter who has made a request for payment of such assistance on an accelerated basis.

''(3) If an adjustment under section 3015(g) of this title in the monthly rate of basic educational assistance will occur during a period for which a payment of such assistance is made on an accelerated basis under this subsection, the Secretary shall—

''(A) pay on an accelerated basis the amount such assistance otherwise payable under this sub-

chapter for the period without regard to the adjustment under that section; and

"(B) pay on the date of the adjustment any additional amount of such assistance that is payable for the period as a result of the adjustment.

"(4) The entitlement to basic educational assistance under this subchapter of an individual who is paid such assistance on an accelerated basis under this subsection shall be charged at a rate equal to one month for each month of the period covered by the accelerated payment of such assistance.

"(5) Basic educational assistance shall be paid on an accelerated basis under this subsection as follows:

"(A) In the case of assistance for a course leading to a standard college degree, at the beginning of the quarter, semester, or term of the course in a lump-sum amount equivalent to the aggregate amount of monthly assistance otherwise payable under this subchapter for the quarter, semester, or term, as the case may be, of the course.

"(B) In the case of assistance for a course other than a course referred to in subparagraph (A)—

"(i) at the later of (I) the beginning of the course, or (II) a reasonable time after the re-

quest for payment by the individual concerned; and

"(ii) in any amount requested by the individual concerned up to the aggregate amount of monthly assistance otherwise payable under this subchapter for the period of the course.

"(6) The Secretary shall prescribe regulations for purposes of making payments of basic educational assistance on an accelerated basis under this subsection. Such regulations shall specify the circumstances under which accelerated payments may be made and include requirements relating to the request for, making and delivery of, and receipt and use of such payments.".

**SEC. 674. TRANSFER OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE BY CERTAIN MEMBERS OF THE ARMED FORCES.**

(a) AUTHORITY TO TRANSFER TO FAMILY MEMBERS.—Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following new section:

**"§ 3020. Transfer of entitlement to basic educational assistance: members of the Armed Forces**

"(a)(1) Subject to the provisions of this section, the Secretary concerned may, for the purpose of enhancing recruiting and retention and at that Secretary's sole discre-

tion, permit an individual described in paragraph (2) who is entitled to basic educational assistance under this subchapter to elect to transfer such individual's entitlement to such assistance, in whole or in part, to the dependents specified in subsection (b).

"(2) An individual referred to in paragraph (1) is any individual who is a member of the Armed Forces at the time of the approval by the Secretary concerned of the individual's request to transfer entitlement to educational assistance under this section.

"(3) Subject to the time limitation for use of entitlement under section 3031 of this title, an individual approved to transfer entitlement to educational assistance under this section may transfer such entitlement at any time after the approval of individual's request to transfer such entitlement without regard to whether the individual is a member of the Armed Forces when the transfer is executed.

"(b) An individual approved to transfer an entitlement to basic educational assistance under this section may transfer the individual's entitlement to such assistance as follows:

"(1) To the individual's spouse.

"(2) To one or more of the individual's children.

"(3) To a combination of the individuals referred to in paragraphs (1) and (2).

"(c)(1) An individual transferring an entitlement to basic educational assistance under this section shall—

"(A) designate the dependent or dependents to whom such entitlement is being transferred and the percentage of such entitlement to be transferred to each such dependent; and

"(B) specify the period for which the transfer shall be effective for each dependent designated under subparagraph (A).

"(2) The aggregate amount of the entitlement transferable by an individual under this section may not exceed the aggregate amount of the entitlement of such individual to basic educational assistance under this subchapter.

"(3) An individual transferring an entitlement under this section may modify or revoke the transfer at any time before the use of the transferred entitlement begins. An individual shall make the modification or revocation by submitting written notice of the action to the Secretary concerned.

"(d)(1) The use of any entitlement transferred under this section shall be charged against the entitlement of the individual making the transfer at the rate of one month for each month of transferred entitlement that is used.

"(2) Except as provided in under subsection (c)(1)(B) and subject to paragraphs (3) and (4), a dependent to whom entitlement is transferred under this section is entitled to basic educational assistance under this subchapter in the same manner and at the same rate as the individual from whom the entitlement was transferred.

"(3) Notwithstanding section 3031 of this title, a child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

"(4) The administrative provisions of this chapter (including the provisions set forth in section 3034(a)(1) of this title) shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible veteran for purposes of such provisions.

"(e) In the event of an overpayment of basic educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the individual making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of this title.

"(f) The Secretary of Defense shall prescribe regulations for purposes of this section. Such regulations shall

specify the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (c)(3) and shall specify the manner of the applicability of the administrative provisions referred to in subsection (d)(4) to a dependent to whom entitlement is transferred under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3019 the following new item:

''3020. Transfer of entitlement to basic educational assistance: members of the Armed Forces.''.

**SEC. 675. AVAILABILITY OF EDUCATIONAL ASSISTANCE BENEFITS FOR PREPARATORY COURSES FOR COLLEGE AND GRADUATE SCHOOL ENTRANCE EXAMS.**

Section 3002(3) of title 38, United States Code, is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(3) by adding at the end the following:

''(C) includes—

"(i) a preparatory course for a test that is required or utilized for admission to an institution of higher education; and

"(ii) a preparatory course for test that is required or utilized for admission to a graduate school.".

## PART II—OTHER EDUCATIONAL BENEFITS

### SEC. 681. ACCELERATED PAYMENTS OF CERTAIN EDUCATIONAL ASSISTANCE FOR MEMBERS OF SELECTED RESERVE.

Section 16131 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(j)(1) Whenever a person entitled to an educational assistance allowance under this chapter so requests and the Secretary concerned, in consultation with the Chief of the reserve component concerned, determines it appropriate, the Secretary may make payments of the educational assistance allowance to the person on an accelerated basis.

"(2) An educational assistance allowance shall be paid to a person on an accelerated basis under this subsection as follows:

"(A) In the case of an allowance for a course leading to a standard college degree, at the begin-

ning of the quarter, semester, or term of the course in a lump-sum amount equivalent to the aggregate amount of monthly allowance otherwise payable under this chapter for the quarter, semester, or term, as the case may be, of the course.

"(B) In the case of an allowance for a course other than a course referred to in subparagraph (A)—

"(i) at the later of (I) the beginning of the course, or (II) a reasonable time after the Secretary concerned receives the person's request for payment on an accelerated basis; and

"(ii) in any amount requested by the person up to the aggregate amount of monthly allowance otherwise payable under this chapter for the period of the course.

"(3) If an adjustment in the monthly rate of educational assistance allowances will be made under subsection (b)(2) during a period for which a payment of the allowance is made to a person on an accelerated basis, the Secretary concerned shall—

"(A) pay on an accelerated basis the amount of the allowance otherwise payable for the period without regard to the adjustment under that subsection; and

"(B) pay on the date of the adjustment any additional amount of the allowance that is payable for the period as a result of the adjustment.

"(4) A person's entitlement to an educational assistance allowance under this chapter shall be charged at a rate equal to one month for each month of the period covered by an accelerated payment of the allowance to the person under this subsection.

"(5) The regulations prescribed by the Secretary of Defense and the Secretary of Transportation under subsection (a) shall provide for the payment of an educational assistance allowance on an accelerated basis under this subsection. The regulations shall specify the circumstances under which accelerated payments may be made and the manner of the delivery, receipt, and use of the allowance so paid.

"(6) In this subsection, the term 'Chief of the reserve component concerned' means the following:

"(A) The Chief of Army Reserve, with respect to members of the Army Reserve.

"(B) the Chief of Naval Reserve, with respect to members of the Naval Reserve.

"(C) The Chief of Air Force Reserve, with respect to members of the Air Force Reserve.

"(D) The Commander, Marine Reserve Forces, with respect to members of the Marine Corps Reserve.

"(E) The Chief of the National Guard Bureau, with respect to members of the Army National Guard and the Air National Guard.

"(F) The Commandant of the Coast Guard, with respect to members of the Coast Guard Reserve.".

**SEC. 682. MODIFICATION OF TIME FOR USE BY CERTAIN MEMBERS OF SELECTED RESERVE OF ENTITLEMENT TO CERTAIN EDUCATIONAL ASSISTANCE.**

Section 16133(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5)(A) In the case of a person who continues to serve as member of the Selected Reserve as of the end of the 10-year period applicable to the person under subsection (a), as extended, if at all, under paragraph (4), the period during which the person may use the person's entitlement shall expire at the end of the 5-year period beginning on the date the person is separated from the Selected Reserve.

"(B) The provisions of paragraph (4) shall apply with respect to any period of active duty of a person referred to in subparagraph (A) during the 5-year period referred to in that subparagraph.".

## PART III—REPORT

### SEC. 685. REPORT ON EFFECT OF EDUCATIONAL BENEFITS IMPROVEMENTS ON RECRUITMENT AND RETENTION OF MEMBERS OF THE ARMED FORCES.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the effects of the provisions of this subtitle, and the amendments made by such provisions, on the recruitment and retention of the members of the Armed Forces. The report shall include such recommendations (including recommendations for legislative action) as the Secretary considers appropriate.

# Subtitle F—Other Matters

### SEC. 691. ANNUAL REPORT ON EFFECTS OF INITIATIVES ON RECRUITMENT AND RETENTION.

(a) REQUIREMENT FOR REPORT.—On December 1 of each year, the Secretary of Defense shall submit to Congress a report that sets forth the Secretary's assessment of the effects that the improved pay and other benefits

under this title and under the amendments made by this title are having on recruitment and retention of personnel for the Armed Forces.

(b) FIRST REPORT.—The first report under this section shall be submitted not later than December 1, 2000.

**SEC. 692. MEMBERS UNDER BURDENSOME PERSTEMPO.**

(a) MANAGEMENT OF DEPLOYMENTS OF INDIVIDUALS.—Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter 49 the following:

## "CHAPTER 50—MISCELLANEOUS COMMAND RESPONSIBILITIES

"Sec.
"991. Management of deployments of members.

### "§ 991. Management of deployments of members

"(a) GENERAL OR FLAG OFFICER RESPONSIBILITIES.—The first general officer or flag officer in the chain of command of a member of the armed forces shall manage a deployment of the member when the total number of the days on which the member has been deployed out of 365 consecutive days is in excess of 180 days. That officer shall ensure that the member is not deployed or continued in a deployment on any day on which the total number of the days on which the member has been deployed would exceed 200 out of 365 consecutive days unless a general or flag officer in the grade of general or

admiral in the member's chain of command approves the deployment or continued deployment of the member.

"(b) DEPLOYMENT DEFINED.—(1) For the purposes of this section, a member of the armed forces is deployed or in a deployment on any day on which, pursuant to orders, the member is performing service in a training exercise or operation at a location or under circumstances that make it infeasible for the member to spend off-duty time in the housing in which the member resides when on garrison duty at the member's permanent duty station.

"(2) For the purposes of this section, a member is not deployed or in a deployment when performing service as a student or trainee at a school (including any Federal Government school) or performing administrative, guard, or detail duties in garrison at the member's permanent duty station.

"(c) RECORDKEEPING.—The Secretary of each military department shall establish a system for tracking and recording the number of days that each member of an armed force under the jurisdiction of the Secretary is deployed.

"(d) NATIONAL SECURITY WAIVER AUTHORITY.—The Secretary of Defense may suspend the applicability of this section to a member or any group of members when

the Secretary determines that it is necessary to do so in the national security interests of the United States.

"(e) INAPPLICABILITY TO COAST GUARD.—This section does not apply to a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy.".

(b) PER DIEM ALLOWANCE FOR LENGTHY OR NUMEROUS DEPLOYMENTS.—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

**"§ 435. Per diem allowance for lengthy or numerous deployments**

"(a) PER DIEM REQUIRED.—The Secretary of the military department concerned shall pay a per diem allowance to a member of an armed force for each day that the member is deployed in excess of 220 days out of 365 consecutive days.

"(b) DEFINITION OF DEPLOYED.—In this section, the term 'deployed', with respect to a member, means that the member is deployed or in a deployment within the meaning of section 991(b) of title 10.

"(c) AMOUNT OF PER DIEM.—The amount of the per diem payable to a member under this section is $100.

"(d) PAYMENT OF CLAIMS.—A claim of a member for payment of the per diem allowance that is not fully

substantiated by the applicable recordkeeping system applicable to the member under section 991(c) of title 10 shall be paid if the member furnishes the Secretary concerned with other evidence determined by the Secretary as being sufficient to substantiate the claim.

''(e) RELATIONSHIP TO OTHER ALLOWANCES.—Any per diem payable to a member under this section is in addition to any other per diem, allowance, special pay, or incentive that is payable to the member under any other provision of law.

''(f) NATIONAL SECURITY WAIVER.—No per diem may be paid under this section to a member of an armed force for any day on which the applicability of section 991 of title 10 to the member is suspended under subsection (d) of such section.

''(g) INAPPLICABILITY TO COAST GUARD.—This section does not apply to a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy.''.

(c) CLERICAL AMENDMENTS.—(1) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and the beginning of part II of such subtitle are amended by inserting after the item relating to chapter 49 the following:

**''50. Miscellaneous Command Responsibilities ..... 991''.**

(2) The table of sections at the beginning of chapter 7 of title 37, United States Code, is amended by inserting after the item relating to section 434 the following:

"435. Per diem allowance for lengthy or numerous deployments.".

(d) APPLICABILITY AND IMPLEMENTATION.—(1) Section 991 of title 10, United States Code (as added by subsection (a)), and section 435 of title 37, United States Code (as added by subsection (b)), shall apply with respect to service performed after September 30, 2000.

(2) Not later than June 1, 2000, the Secretary of each military department shall prescribe in regulations the policies and procedures for implementing such provisions of law for that military department.

**SEC. 693. INCREASED TUITION ASSISTANCE FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION OR SIMILAR OPERATION.**

(a) INAPPLICABILITY OF LIMITATION ON AMOUNT.—Section 2007(a) of title 10, United States Code, is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by adding at the end the following:

"(4) in the case of a member deployed outside the United States in support of a contingency operation or similar operation, all of the charges may be paid while the member is so deployed.".

(b) INCREASED AUTHORITY SUBJECT TO APPROPRIATIONS.—The authority to pay additional tuition assistance under paragraph (4) of section 2007(a) of title 10, United States Code, as added by subsection (a), may be exercised only to the extent provided for in appropriations Acts.

**SEC. 694. ADMINISTRATION OF SELECTED RESERVE EDUCATION LOAN REPAYMENT PROGRAM FOR COAST GUARD RESERVE.**

Subsection (a)(1) of section 16301 of title 10, United States Code, is amended by inserting after "the Secretary of Defense" the following: ", or the Secretary of Transportation in the case of a member of the Selected Reserve of the Coast Guard Reserve when the Coast Guard is not operating as a service in the Navy,".

**SEC. 695. EXTENSION TO ALL UNIFORMED SERVICES OF AUTHORITY FOR PRESENTATION OF UNITED STATES FLAG TO MEMBERS UPON RETIREMENT.**

(a) PUBLIC HEALTH SERVICE.—Section 221 of the Public Health Service Act (42 U.S.C. 213a) is amended—

(1) by adding at the end of subsection (a) the following:

"(17) Section 6141, Presentation of United States flag upon retirement."; and

(2) in subsection (b), by inserting "the Secretary of a military department," after "'the Secretary concerned',".

(b) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Section 3 of the Act entitled "An Act to revise, codify, and enact into law, title 10 of the United States Code, entitled 'Armed Forces', and title 32 of the United States Code, entitled 'National Guard'", approved August 10, 1956 (33 U.S.C. 857a), is amended—

(1) by adding at the end of subsection (a) the following:

"(17) Section 6141, Presentation of United States flag upon retirement."; and

(2) in subsection (b), by inserting "the Secretary of a military department," after "'the Secretary concerned',".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect as of October 1, 1998, and shall apply with respect to releases from active duty for retirement on or after that date from service in the commissioned Regular Corps of the Public Health

Service or for service as a commissioned officer of the National Oceanic and Atmospheric Administration on the active list, as the case may be.

**SEC. 696. PARTICIPATION OF ADDITIONAL MEMBERS OF THE ARMED FORCES IN MONTGOMERY GI BILL PROGRAM.**

(a) PARTICIPATION AUTHORIZED.—(1) Subchapter II of chapter 30 of title 38, United States Code, is amended by inserting after section 3018C the following new section:

**"§ 3018D. Opportunity to enroll: certain VEAP participants; active duty personnel not previously enrolled**

''(a) Notwithstanding any other provision of law, an individual who—

''(1) either—

''(A)(i) is a participant on the date of the enactment of this section in the educational benefits program provided by chapter 32 of this title; or

''(ii) disenrolled from participation in that program before that date; or

''(B) has made an election under section 3011(c)(1) or 3012(d)(1) of this title not to receive educational assistance under this chapter

and has not withdrawn that election under section 3018(a) of this title as of the date of the enactment of this section;

''(2) is serving on active duty (excluding periods referred to in section 3202(1)(C) of this title in the case of an individual described in paragraph (1)(A)) on the date of the enactment of this section;

''(3) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

''(4) if discharged or released from active duty before the date on which the individual makes an election described in paragraph (5), is discharged with an honorable discharge or released with service characterized as honorable by the Secretary concerned; and

''(5) during the one-year period beginning on the date of the enactment of this section, makes an irrevocable election to receive benefits under this section in lieu of benefits under chapter 32 of this title or withdraws the election made under section 3011(c)(1) or 3012(d)(1) of this title, as the case

may be, pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy;

is entitled to basic educational assistance under this chapter.

''(b)(1) Except as provided in paragraphs (2) and (3), in the case of an individual who makes an election under subsection (a)(5) to become entitled to basic educational assistance under this chapter—

''(A) the basic pay of the individual shall be reduced (in a manner determined by the Secretary of Defense) until the total amount by which such basic pay is reduced is—

''(i) $1,200, in the case of an individual described in subsection (a)(1)(A); or

''(ii) $1,500, in the case of an individual described in subsection (a)(1)(B); or

''(B) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty as specified in subsection (a)(4),

the Secretary shall collect from the individual an amount equal to the difference between the amount specified for the individual under subparagraph (A) and the total amount of reductions with respect to the individual under that subparagraph, which shall be paid into the Treasury of the United States as miscellaneous receipts.

''(2) In the case of an individual previously enrolled in the educational benefits program provided by chapter 32 of this title, the Secretary shall reduce the total amount of the reduction in basic pay otherwise required by paragraph (1) by an amount equal to so much of the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account under section 3222(a) of this title as do not exceed $1,200.

''(3) An individual may at any time pay the Secretary an amount equal to the difference between the total of the reductions otherwise required with respect to the individual under this subsection and the total amount of the reductions with respect to the individual under this subsection at the time of the payment. Amounts paid under this paragraph shall be paid into the Treasury of the United States as miscellaneous receipts.

''(c)(1) Except as provided in paragraph (3), an individual who is enrolled in the educational benefits program

provided by chapter 32 of this title and who makes the election described in subsection (a)(5) shall be disenrolled from the program as of the date of such election.

"(2) For each individual who is disenrolled from such program, the Secretary shall refund—

"(A) to the individual in the manner provided in section 3223(b) of this title so much of the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account as are not used to reduce the amount of the reduction in the individual's basic pay under subsection (b)(2); and

"(B) to the Secretary of Defense the unused contributions (other than contributions made under section 3222(c) of this title) made by such Secretary to the Account on behalf of such individual.

"(3) Any contribution made by the Secretary of Defense to the Post-Vietnam Era Veterans Education Account pursuant to section 3222(c) of this title on behalf of an individual referred to in paragraph (1) shall remain in such account to make payments of benefits to the individual under section 3015(f) of this title.

"(d)(1) The requirements of sections 3011(a)(3) and 3012(a)(3) of this title shall apply to an individual who makes an election described in subsection (a)(5), except

that the completion of service referred to in such section shall be the completion of the period of active duty being served by the individual on the date of the enactment of this section.

"(2) The procedures provided in regulations referred to in subsection (a) shall provide for notice of the requirements of subparagraphs (B), (C), and (D) of section 3011(a)(3) of this title and of subparagraphs (B), (C), and (D) of section 3012(a)(3) of this title. Receipt of such notice shall be acknowledged in writing.".

(2) The table of sections at the beginning of chapter 30 of that title is amended by inserting after the item relating to section 3018C the following new item:

"3018D. Opportunity to enroll: certain VEAP participants; active duty personnel not previously enrolled.".

(b) CONFORMING AMENDMENT.—Section 3015(f) of that title is amended by striking "or 3018C" and inserting "3018C, or 3018D".

(c) SENSE OF CONGRESS.—It is the sense of Congress that any law enacted after the date of the enactment of this Act which includes provisions terminating or reducing the contributions of members of the Armed Forces for basic educational assistance under subchapter II of chapter 30 of title 38, United States Code, should terminate or reduce by an identical amount the contributions of members of the Armed Forces for such assistance under

section of section 3018D of that title, as added by subsection (a).

**SEC. 697. REVISION OF EDUCATIONAL ASSISTANCE INTERVAL PAYMENT REQUIREMENTS.**

(a) IN GENERAL.—Clause (C) of the third sentence of section 3680(a) of title 38, United States Code, is amended to read as follows:

"(C) during periods between school terms where the educational institution certifies the enrollment of the eligible veteran or eligible person on an individual term basis if (i) the period between such terms does not exceed eight weeks, and (ii) both the term preceding and the term following the period are not shorter in length than the period.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to payments of educational assistance under title 38, United States Code, for months beginning on or after the date of the enactment of this Act.

**SEC. 698. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.**

(a) CLARIFICATION OF BENEFITS RESPONSIBILITY.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking "may carry out a program to provide special supplemental food bene-

fits'' and inserting ''shall carry out a program to provide supplemental foods and nutrition education''.

(b) FUNDING.—Subsection (b) of such section is amended to read as follows:

''(b) FEDERAL PAYMENTS.—The Secretary of Defense shall use funds available for the Department of Defense to provide supplemental foods and nutrition education and to pay for costs for nutrition services and administration under the program required under subsection (a).''.

(c) PROGRAM ADMINISTRATION.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: ''In the determining of eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1996 (42 U.S.C. 1786) shall be considered eligible for the duration of the certification period under that program.''.

(d) NUTRITIONAL RISK STANDARDS.—Subsection (c)(1)(B) of such section is amended by inserting ''and nutritional risk standards'' after ''income eligibility standards''.

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

"(4) The terms 'costs for nutrition services and administration', 'nutrition education' and 'supplemental foods' have the meanings given the terms in paragraphs (4), (7), and (14), respectively, of section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).".

# TITLE VII—HEALTH CARE

## Subtitle A—TRICARE Program

### SEC. 701. IMPROVEMENT OF TRICARE BENEFITS AND MANAGEMENT.

(a) IMPROVEMENT OF TRICARE PROGRAM.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1097a the following:

**"§ 1097b. TRICARE: benefits and services**

"(a) COMPARABILITY TO FEHBP BENEFITS.—The Secretary of Defense shall, to the maximum extent practicable, ensure that the health care coverage available through the TRICARE program is substantially similar to the health care coverage available under similar health benefits plans offered under the Federal Employees Health Benefits program established under chapter 89 of title 5.

"(b) PORTABILITY.—The Secretary of Defense shall provide that any covered beneficiary enrolled in the TRICARE program may receive benefits under that pro-

1 gram at facilities that provide benefits under that program
2 throughout the various regions of that program.

3 "(c) ACCESS.—(1) The Secretary of Defense shall, to
4 the maximum extent practicable, minimize the authoriza-
5 tion or certification requirements imposed upon covered
6 beneficiaries under the TRICARE program as a condition
7 of access to benefits under that program.

8 "(2) The Secretary of Defense shall, to the maximum
9 extent practicable, utilize practices for processing claims
10 under the TRICARE program that are similar to the best
11 industry practices for processing claims for health care
12 services in a simplified and expedited manner. To the max-
13 imum extent practicable, such practices shall include elec-
14 tronic processing of claims.

15 "(d) CONSULTATION REQUIREMENT.—The Secretary
16 of Defense shall carry out the responsibilities under this
17 section after consultation with the other administering
18 Secretaries.

19 **"§ 1097c. TRICARE: financial management**

20 "(a) REIMBURSEMENT OF PROVIDERS.—(1) Subject
21 to paragraph (2), the Secretary of Defense may reimburse
22 health care providers under the TRICARE program at
23 rates higher than the reimbursement rates otherwise au-
24 thorized for the providers under that program if the Sec-
25 retary determines that application of the higher rates is

1 necessary in order to ensure the availability of an adequate
2 number of qualified health care providers under that pro-
3 gram.

4 "(2) The amount of reimbursement provided under
5 paragraph (1) with respect to a health care service may
6 not exceed the lesser of—

7 "(A) the amount equal to the local usual and
8 customary charge for the service in the service area
9 (as determined by the Secretary) in which the serv-
10 ice is provided; or

11 "(B) the amount equal to 115 per cent of the
12 CHAMPUS maximum allowable charge for the serv-
13 ice.

14 "(b) THIRD-PARTY COLLECTIONS.—(1) A medical
15 treatment facility of the uniformed services under the
16 TRICARE program has the same right as the United
17 States under section 1095 of this title to collect from a
18 third-party payer the reasonable costs of health care serv-
19 ices described in paragraph (2) that are incurred by the
20 facility on behalf of a covered beneficiary under that pro-
21 gram.

22 "(2) The Secretary of Defense shall prescribe regula-
23 tions for the administration of this subsection. The regula-
24 tions shall set forth the method to be used for the com-
25 putation of the reasonable costs of inpatient, outpatient,

and other health care services. The method of computation may be—

"(A) a method that is based on—

"(i) per diem rates;

"(ii) all-inclusive rates for each visit;

"(iii) diagnosis-related groups; or

"(iv) rates prescribed under the regulations implementing sections 1079 and 1086 of this title; or

"(B) any other method considered appropriate.

"(c) CONSULTATION REQUIREMENT.—The Secretary of Defense shall carry out the responsibilities under this section after consultation with the other administering Secretaries.".

(2) The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1097a the following new item:

"1097b. TRICARE: benefits and services.
"1097c. TRICARE: financial management.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect one year after the date of the enactment of this Act.

(c) REPORT ON IMPLEMENTATION.—(1) Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense, in consultation with the other administering Secretaries, shall submit to Congress a re-

port assessing the effects of the implementation of the requirements and authorities set forth in sections 1097b and 1097c of title 10, United States Code (as added by subsection (a)).

(2) The report shall include the following:

(A) An assessment of the cost of the implementation of such requirements and authorities.

(B) An assessment of whether the implementation of any such requirements and authorities will result in the utilization by the TRICARE program of the best industry practices with respect to the matters covered by such requirements and authorities.

(3) In this subsection, the term ''administering Secretaries'' has the meaning given that term in section 1072(3) of title 10, United States Code.

**SEC. 702. EXPANSION AND REVISION OF AUTHORITY FOR DENTAL PROGRAMS FOR DEPENDENTS AND RESERVES.**

(a) AUTHORITY.—Chapter 55 of title 10, United States Code, is amended by striking sections 1076a and 1076b and inserting the following:

**"§ 1076a. TRICARE dental program**

''(a) ESTABLISHMENT OF DENTAL PLANS.—The Secretary of Defense may establish, and in the case of the

dental plan described in paragraph (1) shall establish, the following voluntary enrollment dental plans:

"(1) PLAN FOR SELECTED RESERVE AND INDIVIDUAL READY RESERVE.—A dental insurance plan for members of the Selected Reserve of the Ready Reserve and for members of the Individual Ready Reserve described in subsection 10144(b) of this title.

"(2) PLAN FOR OTHER RESERVES.—A dental insurance plan for members of the Individual Ready Reserve not eligible to enroll in the plan established under paragraph (1).

"(3) PLAN FOR ACTIVE DUTY DEPENDENTS.—Dental benefits plans for eligible dependents of members of the uniformed services who are on active duty for a period of more than 30 days.

"(4) PLAN FOR READY RESERVE DEPENDENTS.—A dental benefits plan for eligible dependents of members of the Ready Reserve of the reserve components who are not on active duty for more than 30 days.

"(b) ADMINISTRATION OF PLANS.—The plans established under this section shall be administered under regulations prescribed by the Secretary of Defense in consultation with the other administering Secretaries.

1 "(c) CARE AVAILABLE UNDER PLANS.—Dental plans
2 established under subsection (a) may provide for the fol-
3 lowing dental care:
4 "(1) Diagnostic, oral examination, and preven-
5 tive services and palliative emergency care.
6 "(2) Basic restorative services of amalgam and
7 composite restorations, stainless steel crowns for pri-
8 mary teeth, and dental appliance repairs.
9 "(3) Orthodontic services, crowns, gold fillings,
10 bridges, complete or partial dentures, and such other
11 services as the Secretary of Defense considers to be
12 appropriate.
13 "(d) PREMIUMS.—
14 "(1) PREMIUM SHARING PLANS.—(A) The den-
15 tal insurance plan established under subsection
16 (a)(1) and the dental benefits plans established
17 under subsection (a)(3) are premium sharing plans.
18 "(B) Members enrolled in a premium sharing
19 plan for themselves or for their dependents shall be
20 required to pay a share of the premium charged for
21 the benefits provided under the plan. The member's
22 share of the premium charge may not exceed $20
23 per month for the enrollment.
24 "(C) Effective as of January 1 of each year, the
25 amount of the premium required under subpara-

graph (A) shall be increased by the percent equal to the lesser of—

"(i) the percent by which the rates of basic pay of members of the uniformed services are increased on such date; or

"(ii) the sum of one-half percent and the percent computed under section 5303(a) of title 5 for the increase in rates of basic pay for statutory pay systems for pay periods beginning on or after such date.

"(D) The Secretary of Defense may reduce the monthly premium required to be paid under paragraph (1) in the case of enlisted members in pay grade E–1, E–2, E–3, or E–4 if the Secretary determines that such a reduction is appropriate to assist such members to participate in a dental plan referred to in subparagraph (A).

"(2) FULL PREMIUM PLANS.—(A) The dental insurance plan established under subsection (a)(2) and the dental benefits plan established under subsection (a)(4) are full premium plans.

"(B) Members enrolled in a full premium plan for themselves or for their dependents shall be required to pay the entire premium charged for the benefits provided under the plan.

"(3) PAYMENT PROCEDURES.—A member's share of the premium for a plan established under subsection (a) may be paid by deductions from the basic pay of the member and from compensation paid under section 206 of title 37, as the case may be. The regulations prescribed under subsection (b) shall specify the procedures for payment of the premiums by enrollees who do not receive such pay.

"(e) COPAYMENTS UNDER PREMIUM SHARING PLANS.—A member or dependent who receives dental care under a premium sharing plan referred to in subsection (d)(1) shall—

"(1) in the case of care described in subsection (c)(1), pay no charge for the care;

"(2) in the case of care described in subsection (c)(2), pay 20 percent of the charges for the care; and

"(3) in the case of care described in subsection (c)(3), pay a percentage of the charges for the care that is determined appropriate by the Secretary of Defense, after consultation with the other administering Secretaries.

"(f) TRANSFER OF MEMBERS.—If a member whose dependents are enrolled in the plan established under subsection (a)(3) is transferred to a duty station where dental

care is provided to the member's eligible dependents under a program other than that plan, the member may discontinue participation under the plan. If the member is later transferred to a duty station where dental care is not provided to such member's eligible dependents except under the plan established under subsection (a)(3), the member may re-enroll the dependents in that plan.

"(g) CARE OUTSIDE THE UNITED STATES.—The Secretary of Defense may exercise the authority provided under subsection (a) to establish dental insurance plans and dental benefits plans for dental benefits provided outside the United States for the eligible members and dependents of members of the uniformed services. In the case of such an overseas dental plan, the Secretary may waive or reduce any copayments required by subsection (e) to the extent the Secretary determines appropriate for the effective and efficient operation of the plan.

"(h) WAIVER OF REQUIREMENTS FOR SURVIVING DEPENDENTS.—The Secretary of Defense may waive (in whole or in part) any requirements of a dental plan established under this section as the Secretary determines necessary for the effective administration of the plan for a dependent who is an eligible dependent described in subsection (k)(2).

"(i) AUTHORITY SUBJECT TO APPROPRIATIONS.—The authority of the Secretary of Defense to enter into a contract under this section for any fiscal year is subject to the availability of appropriations for that purpose.

"(j) LIMITATION ON REDUCTION OF BENEFITS.—The Secretary of Defense may not reduce benefits provided under a plan established under this section until—

"(1) the Secretary provides notice of the Secretary's intent to reduce such benefits to the Committees on Armed Services of the Senate and the House of Representatives; and

"(2) one year has elapsed following the date of such notice.

"(k) ELIGIBLE DEPENDENT DEFINED.—In this section, the term 'eligible dependent'—

"(1) means a dependent described in subparagraph (A), (D), or (I) of section 1072(2) of this title; and

"(2) includes any such dependent of a member who dies while on active duty for a period of more than 30 days or a member of the Ready Reserve if the dependent is enrolled on the date of the death of the member in a dental benefits plan established under subsection (a), except that the term does not include the dependent after the end of the one-year

period beginning on the date of the member's death.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by striking out the items relating to sections 1076a and 1076b and inserting the following:

''1076a. TRICARE dental program.''.

**SEC. 703. SENSE OF CONGRESS REGARDING AUTOMATIC ENROLLMENT OF MEDICARE-ELIGIBLE BENEFICIARIES IN THE TRICARE SENIOR PRIME DEMONSTRATION PROGRAM.**

It is the sense of Congress that—

(1) any person who is enrolled in a managed health care program of the Department of Defense where the TRICARE Senior Prime demonstration program is implemented and who attains eligibility for medicare should be automatically authorized to enroll in the TRICARE Senior Prime demonstration program; and

(2) the Secretary of Defense, in coordination with the other administering Secretaries referred to in section 1072(3) of title 10, United States Code, should modify existing policies and procedures for the TRICARE Senior Prime demonstration program as necessary to permit the automatic enrollment.

**SEC. 704. TRICARE BENEFICIARY ADVOCATES.**

(a) ESTABLISHMENT OF POSITIONS.—The Secretary of Defense shall require in regulations that—

(1) each lead agent under the TRICARE program—

(A) designate a person to serve full-time as a beneficiary advocate for TRICARE beneficiaries; and

(B) provide for toll-free telephone communication between TRICARE beneficiaries and the beneficiary advocate; and

(2) the commander of each medical care facility under chapter 55 of title 10, United States Code, designate a person to serve, as a primary or collateral duty, as beneficiary advocate for TRICARE beneficiaries served at that facility.

(b) DUTIES.—The Secretary shall prescribe the duties of the position of beneficiary advocate in the regulations.

(c) INITIAL DESIGNATIONS.—Each beneficiary advocate required under the regulations shall be designated not later than January 15, 2000.

**SEC. 705. OPEN ENROLLMENT DEMONSTRATION PROGRAM.**

Section 724 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended by adding at the end the following:

1 "(g) OPEN ENROLLMENT DEMONSTRATION PRO-
2 GRAM.—(1) The Secretary of Defense shall conduct a
3 demonstration program under which covered beneficiaries
4 shall be permitted to enroll at any time in a managed care
5 plan offered by a designated provider consistent with the
6 enrollment requirements for the TRICARE Prime option
7 under the TRICARE program but without regard to the
8 limitation in subsection (b). Any demonstration program
9 under this subsection shall cover designated providers, se-
10 lected by the Department of Defense, and the service areas
11 of the designated providers.

12 "(2) Any demonstration program carried out under
13 this section shall commence on October 1, 1999, and end
14 on September 30, 2001.

15 "(3) Not later than March 15, 2001, the Secretary
16 of Defense shall submit to the Committees on Armed Serv-
17 ices of the Senate and the House of Representatives a re-
18 port on any demonstration program carried out under this
19 subsection. The report shall include, at a minimum, an
20 evaluation of the benefits of the open enrollment oppor-
21 tunity to covered beneficiaries and a recommendation con-
22 cerning whether to authorize open enrollments in the man-
23 aged care plans of designated providers permanently.".

# Subtitle B—Other Matters

**SEC. 711. CARE AT FORMER UNIFORMED SERVICES TREATMENT FACILITIES FOR ACTIVE DUTY MEMBERS STATIONED AT CERTAIN REMOTE LOCATIONS.**

(a) AUTHORITY.—Care may be furnished by a designated provider pursuant to any contract entered into by the designated provider under section 722(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) to eligible members who reside within the service area of the designated provider.

(b) ELIGIBILITY.—A member of the Armed Forces is eligible for care under subsection (a) if the member is a member described in section 731(c) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1811; 10 U.S.C. 1074 note).

(c) APPLICABLE POLICIES.—In furnishing care to an eligible member under subsection (a), a designated provider shall adhere to the Department of Defense policies applicable to the furnishing of care under the TRICARE Prime Remote program, including coordinating with uniformed services medical authorities for hospitalizations and all referrals for specialty care.

(d) REIMBURSEMENT RATES.—The Secretary of Defense, in consultation with the designated providers, shall prescribe reimbursement rates for care furnished to eligible members under subsection (a). The rates prescribed for care may not exceed the amounts allowable under the TRICARE Standard plan for the same care.

**SEC. 712. ONE-YEAR EXTENSION OF CHIROPRACTIC HEALTH CARE DEMONSTRATION PROGRAM.**

Section 731(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1092 note) is amended by striking ''1999'' and inserting ''2000''.

**SEC. 713. PROGRAM YEAR STABILITY IN HEALTH CARE BENEFITS.**

Section 1073 of title 10, United States Code, is amended—

(1) by inserting ''(a) RESPONSIBLE OFFICIALS.—'' at the beginning of the text of the section; and

(2) by adding at the end the following:

''(b) STABILITY IN PROGRAM OF BENEFITS.—The Secretary of Defense shall, to the maximum extent practicable, provide a stable program of benefits under this chapter throughout each fiscal year. To achieve the stability in the case of contracts entered into under this chap-

ter, the contracts shall be administered so as to implement at the beginning of a fiscal year all changes in benefits and administration that are to be made for that fiscal year. However, the Secretary of Defense may implement any such change after the fiscal year begins if the Secretary determines that the change would significantly improve the provision of care to eligible beneficiaries under this chapter or that the later implementation of the change would, for other reasons, result in a more effective provision of care to eligible beneficiaries.''.

**SEC. 714. BEST VALUE CONTRACTING.**

(a) AUTHORITY.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1073 the following:

**"§ 1073a. Contracts for health care: best value contracting**

''(a) AUTHORITY.—Under regulations prescribed by the administering Secretaries, health care contracts shall be awarded in the administration of this chapter to the offeror or offerors that will provide the best value to the United States to the maximum extent consistent with furnishing high-quality health care in a manner that protects the fiscal and other interests of the United States.

''(b) FACTORS CONSIDERED.—In the determination of best value—

"(1) consideration shall be given to the factors specified in the regulations; and

"(2) greater weight shall be accorded to technical and performance-related factors than to cost and price-related factors.

"(c) APPLICABILITY.—The authority under the regulations shall apply to any contract in excess of $5,000,000.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1073 the following:

"1073a. Contracts for health care: best value contracting.".

**SEC. 715. AUTHORITY TO ORDER RESERVE COMPONENT MEMBERS TO ACTIVE DUTY FOR HEALTH SURVEILLANCE STUDIES.**

Section 12301 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h) When authorized by the Secretary of Defense, the Secretary concerned may order a member of a reserve component to active duty, with the consent of that member, for a Department of Defense health surveillance study required under other authority, including any associated medical evaluation of the member. The Secretary concerned may, with the member's consent, retain the member on active duty for medical treatment authorized by law

for a condition associated with the study or evaluation. A member of the Army National Guard of the United States or of the Air National Guard of the United States may not be ordered to active duty under this subsection without the consent of the governor or other appropriate authority of the State concerned.''.

**SEC. 716. CONTINUATION OF PREVIOUSLY PROVIDED CUSTODIAL CARE BENEFITS FOR CERTAIN CHAMPUS BENEFICIARIES.**

(a) CONTINUATION OF COVERAGE.—Subject to subsection (c), the Secretary of Defense may continue payment under the Civilian Health and Medical Program of the Uniformed Services (as defined in section 1072 of title 10, United States Code) for domiciliary or custodial care services, otherwise excluded by regulations implementing section 1077(b)(1) of such title, on behalf of beneficiaries described in subsection (b).

(b) COVERED BENEFICIARIES.—Beneficiaries referred to in subsection (a) are covered beneficiaries (as defined in section 1072 of such title) who, prior to the effective date of final regulations to implement the individual case management program authorized by section 1079(a)(17) of such title, were provided domiciliary or custodial care services for which the Secretary provided payment.

(c) SECRETARIAL AUTHORITY.—The authority provided by subsection (a) is subject to a case-by-case determination by the Secretary that discontinuation of payment for domiciliary or custodial care services or transition under the case management program authorized by such section 1079(a)(17) to alternative programs and services would be inadequate to meet the needs of, and unjust to, the beneficiary.

**SEC. 717. ENHANCEMENT OF DENTAL BENEFITS FOR RETIREES.**

Subsection (d) of section 1076c of title 10, United States Code, is amended to read as follows:

''(d) BENEFITS AVAILABLE UNDER THE PLAN.—The dental insurance plan established under subsection (a) shall provide benefits for dental care and treatment which may be comparable to the benefits authorized under section 1076a of this title for plans established under that section and shall include diagnostic services, preventative services, endodontics and other basic restorative services, surgical services, and emergency services.''.

**SEC. 718. MEDICAL AND DENTAL CARE FOR CERTAIN MEMBERS INCURRING INJURIES ON INACTIVE-DUTY TRAINING.**

(a) ORDER TO ACTIVE DUTY AUTHORIZED.—(1) Chapter 1209 of title 10, United States Code, is amended by adding at the end the following:

**"§ 12322. Active duty for health care**

''A member of a uniformed service described in paragraph (1)(B) or (2)(B) of section 1074a(a) of this title may be ordered to active duty, and a member of a uniformed service described in paragraph (1)(A) or (2)(A) of such section may be continued on active duty, for a period of more than 30 days while the member is being treated for (or recovering from) an injury, illness, or disease incurred or aggravated in the line of duty as described in such paragraph.''.

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

''12322. Active duty for health care.''.

(b) MEDICAL AND DENTAL CARE FOR MEMBERS.—Subsection (e) of section 1074a of such title is amended to read as follows:

''(e)(1) A member of a uniformed service on active duty for health care or recuperation reasons, as described in paragraph (2), is entitled to medical and dental care on the same basis and to the same extent as members

1 covered by section 1074(a) of this title while the member
2 remains on active duty.

3 ''(2) Paragraph (1) applies to a member described in
4 paragraph (1) or (2) of subsection (a) who, while being
5 treated for (or recovering from) an injury, illness, or dis-
6 ease incurred or aggravated in the line of duty, is contin-
7 ued on active duty pursuant to a modification or extension
8 of orders, or is ordered to active duty, so as to result in
9 active duty for a period of more than 30 days.''.

10 (c) MEDICAL AND DENTAL CARE FOR DEPEND-
11 ENTS.—Subparagraph (D) of section 1076(a)(2) of such
12 title is amended to read as follows:

13 ''(D) A member on active duty who is entitled
14 to benefits under subsection (e) of section 1074a of
15 this title by reason of paragraph (1), (2), or (3) of
16 subsection (a) of such section.''.

17 **SEC. 719. HEALTH CARE QUALITY INFORMATION AND**
18 **TECHNOLOGY ENHANCEMENT.**

19 (a) PURPOSE.—It is the purpose of this section to
20 ensure that the Department of Defense addresses issues
21 of medical quality surveillance and implements solutions
22 for those issues in a timely manner that is consistent with
23 national policy and industry standards.

24 (b) DEPARTMENT OF DEFENSE CENTER FOR MED-
25 ICAL INFORMATICS AND DATA.—(1) The Secretary of De-

fense shall establish a Department of Defense Center for Medical Informatics to carry out a program to support the Assistant Secretary of Defense for Health Affairs in efforts—

(A) to develop parameters for assessing the quality of health care information;

(B) to develop the defense digital patient record;

(C) to develop a repository for data on quality of health care;

(D) to develop a capability for conducting research on quality of health care;

(E) to conduct research on matters of quality of health care;

(F) to develop decision support tools for health care providers;

(G) to refine medical performance report cards; and

(H) to conduct educational programs on medical informatics to meet identified needs.

(2) The Center shall serve as a primary resource for the Department of Defense for matters concerning the capture, processing, and dissemination of data on health care quality.

(c) AUTOMATION AND CAPTURE OF CLINICAL DATA.—The Secretary of Defense shall accelerate the efforts of the Department of Defense to automate, capture, and exchange controlled clinical data and present providers with clinical guidance using a personal information carrier, clinical lexicon, or digital patient record.

(d) ENHANCEMENT THROUGH DOD-DVA MEDICAL INFORMATICS COUNCIL.—(1) The Secretary of Defense shall establish a Medical Informatics Council consisting of the following:

(A) The Assistant Secretary of Defense for Health Affairs

(B) The Director of the TRICARE Management Activity of the Department of Defense.

(C) The Surgeon General of the Army.

(D) The Surgeon General of the Navy.

(E) The Surgeon General of the Air Force.

(F) Representatives of the Department of Veterans Affairs, whom the Secretary of Veterans Affairs shall designate.

(G) Representatives of the Department of Health and Human Services, whom the Secretary of Health and Human Services shall designate.

(H) Any additional members that the Secretary of Defense may appoint to represent health care in-

1 surers and managed care organizations, academic
2 health institutions, health care providers (including
3 representatives of physicians and representatives of
4 hospitals), and accreditors of health care plans and
5 organizations.

6 (2) The primary mission of the Medical Informatics
7 Council shall be to coordinate the development, deploy-
8 ment, and maintenance of health care informatics systems
9 that allow for the collection, exchange, and processing of
10 health care quality information for the Department of De-
11 fense in coordination with other departments and agencies
12 of the Federal Government and with the private sector.
13 Specific areas of responsibility shall include:

14 (A) Evaluation of the ability of the medical
15 informatics systems at the Department of Defense
16 and Veterans Affairs to monitor, evaluate, and im-
17 prove the quality of care provided to beneficiaries.

18 (B) Coordination of key components of medical
19 informatics systems including digital patient records
20 both within the Federal Government, and between
21 the Federal Government and the private sector.

22 (C) Coordination of the development of oper-
23 ational capabilities for executive information systems
24 and clinical decision support systems within the De-
25 partments of Defense and Veterans Affairs.

(D) Standardization of processes used to collect, evaluate, and disseminate health care quality information.

(E) Refinement of methodologies by which the quality of health care provided within the Departments of Defense and Veterans Administration is evaluated.

(F) Protecting the confidentiality of personal health information.

(3) The Council shall submit to Congress an annual report on the activities of the Council and on the coordination of development, deployment, and maintenance of health care informatics systems within the Federal Government and between the Federal Government and the private sector.

(4) The Assistant Secretary of Defense for Health Affairs shall consult with the Council on the issues described in paragraph (2).

(5) A member of the Council is not, by reason of service on the Council, an officer or employee of the United States.

(6) No compensation shall be paid to members of the Council for service on the Council. In the case of a member of the Council who is an officer or employee of the Federal Government, the preceding sentence does not

1 apply to compensation paid to the member as an officer
2 or employee of the Federal Government.
3 (7) The Federal Advisory Committee Act (5 U.S.C.
4 App. 2) shall not apply to the Council.
5 (e) ANNUAL REPORT.—The Assistant Secretary of
6 Defense for Health Affairs shall submit to Congress each
7 year a report on the quality of health care furnished under
8 the health care programs of the Department of Defense.
9 The report shall cover the most recent fiscal year ending
10 before the date of the report and shall contain a discussion
11 of the quality of the health care measured on the basis
12 of each statistical and customer satisfaction factor that
13 the Assistant Secretary determines appropriate, including,
14 at a minimum, the following:
15 (1) Health outcomes.
16 (2) Extent of use of health report cards.
17 (3) Extent of use of standard clinical pathways.
18 (4) Extent of use of innovative processes for
19 surveillance.
20 (f) AUTHORIZATION OF APPROPRIATIONS.—In addi-
21 tion to other amounts authorized to be appropriated for
22 the Department of Defense for fiscal year 2000 by other
23 provisions of this Act, that are available to carry out sub-
24 section (b), there is authorized to be appropriated for the

Department of Defense for such fiscal year for carrying out this subsection the sum of $2,000,000.

**SEC. 720. JOINT TELEMEDICINE AND TELEPHARMACY DEMONSTRATION PROJECTS BY THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—The Secretary of Defense and Secretary of Veterans Affairs shall carry out joint demonstration projects for purposes of evaluating the feasibility and practicability of providing health care services and pharmacy services by means of telecommunications.

(b) SERVICES TO BE PROVIDED.—The services provided under the demonstration projects shall include the following:

(1) Radiology and imaging services.

(2) Diagnostic services.

(3) Referral services.

(4) Clinical pharmacy services.

(5) Any other health care services or pharmacy services designated by the Secretaries.

(c) SELECTION OF LOCATIONS.—(1) The Secretaries shall carry out the demonstration projects at not more than five locations selected by the Secretaries from locations in which are located both a uniformed services treatment facility and a Department of Veterans Affairs med-

ical center that are affiliated with academic institutions having a demonstrated expertise in the provision of health care services or pharmacy services by means of telecommunications.

(2) Representatives of a facility and medical center selected under paragraph (1) shall, to the maximum extent practicable, carry out the demonstration project in consultation with representatives of the academic institution or institutions with which affiliated.

(d) PERIOD OF DEMONSTRATION PROJECTS.—The Secretaries shall carry out the demonstration projects during the three-year period beginning on October 1, 1999.

(e) REPORT.—Not later than December 31, 2002, the Secretaries shall jointly submit to Congress a report on the demonstration projects. The report shall include—

(1) a description of each demonstration project; and

(2) an evaluation, based on the demonstration projects, of the feasibility and practicability of providing health care services and pharmacy services, including the provision of such services to field hospitals of the Armed Forces and to Department of Veterans Affairs outpatient health care clinics, by means of telecommunications.

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

## SEC. 801. EXTENSION OF TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS.

Section 834(e) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 15 U.S.C. 637 note) is amended by striking ''September 30, 2000'' and inserting ''September 30, 2005''.

## SEC. 802. MENTOR-PROTEGE PROGRAM IMPROVEMENTS.

(a) PROGRAM PARTICIPATION TERM.—Subsection (e)(2) of section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amended to read as follows:

> ''(2) A program participation term for any period of not more than three years, except that the term may be a period of up to five years if the Secretary of Defense determines in writing that unusual circumstances justify a program participation term in excess of three years.''.

(b) INCENTIVES AUTHORIZED FOR MENTOR FIRMS.—Subsection (g) of such section is amended—

(1) in paragraph (1), by striking ''shall'' and inserting ''may'';

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking ''shall'' and inserting ''may'';

(ii) by striking ''subsection (f)'' and all that follows through ''(i) as a line item'' and inserting ''subsection (f) as provided for in a line item'';

(iii) by striking the semicolon preceding clause (ii) and inserting '', except that this clause does not apply in a case in which the Secretary of Defense determines in writing that unusual circumstances justify reimbursement using a separate contract.''; and

(iv) by striking clauses (ii), (iii), and (iv); and

(B) by striking subparagraph (B) and inserting the following:

''(B) The determinations made in annual performance reviews of a mentor firm's mentor-protege agreement under subsection (l)(2) shall be a major factor in the determinations of amounts of reimbursement, if any, that

the mentor firm is eligible to receive in the remaining years of the program participation term under the agreement.

''(C) The total amount reimbursed under this paragraph to a mentor firm for costs of assistance furnished in a fiscal year to a protege firm may not exceed $1,000,000, except in a case in which the Secretary of Defense determines in writing that unusual circumstances justify a reimbursement of a higher amount.''; and

(3) in paragraph (3)(A), by striking ''either subparagraph (A) or (C) of paragraph (2) or are reimbursed pursuant to subparagraph (B) of such paragraph'' and inserting ''paragraph (2)''.

(c) FIVE-YEAR EXTENSION OF AUTHORITY.—Subsection (j) of such section is amended to read as follows:

''(j) EXPIRATION OF AUTHORITY.—(1) No mentor-protege agreement may be entered into under subsection (e) after September 30, 2004.

''(2) No reimbursement may be paid, and no credit toward the attainment of a subcontracting goal may be granted, under subsection (g) for any cost incurred after September 30, 2005.''.

(d) REPORTS AND REVIEWS.—Subsection (l) of such section is amended to read as follows:

"(l) REPORTS AND REVIEWS.—(1) The mentor firm and protege firm under a mentor-protege agreement shall submit to the Secretary of Defense an annual report on the progress made by the protege firm in employment, revenues, and participation in Department of Defense contracts during the fiscal year covered by the report. The requirement for submission of an annual report applies with respect to each fiscal year covered by the program participation term under the agreement and each of the two fiscal years following the expiration of the program participation term. The Secretary shall prescribe the timing and form of the annual report.

"(2)(A) The Secretary shall conduct an annual performance review of each mentor-protege agreement that provides for reimbursement of costs. The Secretary shall determine on the basis of the review whether—

"(i) all costs reimbursed to the mentor firm under the agreement were reasonably incurred to furnish assistance to the protege firm in accordance with the requirements of this section and applicable regulations; and

"(ii) the mentor firm and protege firm accurately reported progress made by the protege firm in employment, revenues, and participation in Department of Defense contracts during the program par-

ticipation term covered by the mentor-protege agreement and the two fiscal years following the expiration of the program participation term.

''(B) The Secretary shall act through the Commander of the Defense Contract Management Command in carrying out the reviews and making the determinations under subparagraph (A).

''(3) Not later than 6 months after the end of each of fiscal years 2000 through 2004, the Secretary of Defense shall submit to Congress an annual report on the mentor-protege program for that fiscal year.

''(2) The annual report for a fiscal year shall include, at a minimum, the following:

''(A) The number of mentor-protege agreements that were entered into during the fiscal year.

''(B) The number of mentor-protege agreements that were in effect during the fiscal year.

''(C) The total amount reimbursed to mentor firms pursuant to subsection (g) during the fiscal year.

''(D) Each mentor-protege agreement, if any, that was approved during the fiscal year in accordance with subsection (e)(2) to provide a program participation term in excess of 3 years, together with the justification for the approval.

"(E) Each reimbursement of a mentor firm in excess of the limitation in subsection (g)(2)(C) that was made during the fiscal year pursuant to an approval granted in accordance with that subsection, together with the justification for the approval.

"(F) Trends in the progress made in employment, revenues, and participation in Department of Defense contracts by the protege firms participating in the program during the fiscal year and the protege firms that completed or otherwise terminated participation in the program during the preceding two fiscal years.".

(e) REPEAL OF LIMITATION ON AVAILABILITY OF FUNDING.—Subsection (n) of such section is repealed.

(f) EFFECTIVE DATE AND SAVINGS PROVISION.—(1) The amendments made by this section shall take effect on October 1, 1999, and shall apply with respect to mentor-protege agreements that are entered into under section 831(e) of the National Defense Authorization Act for Fiscal Year 1991 on or after that date.

(2) Section 831 of the National Defense Authorization Act for Fiscal Year 1991, as in effect on September 30, 1999, shall continue to apply with respect to mentor-protege agreements entered into before October 1, 1999.

**SEC. 803. REPORT ON TRANSITION OF SMALL BUSINESS INNOVATION RESEARCH PROGRAM ACTIVITIES INTO DEFENSE ACQUISITION PROGRAMS.**

(a) REQUIREMENT FOR REPORT.—Not later than March 1, 2000, the Secretary of Defense shall submit to Congress a report on the status of the implementation of the Small Business Innovation Research program transition plan that was developed pursuant to section 818 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2089).

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

(1) The status of the implementation of each of the provisions in the transition plan.

(2) For any provision of the plan that has not been fully implemented as of the date of the report—

(A) the reasons for the provision not having been fully implemented; and

(B) a schedule, with specific milestones, for the implementation of the provision.

**SEC. 804. AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.**

(a) GAO EXAMINATION OF RECORDS.—Section 845 of the National Defense Authorization Act for Fiscal Year

1994 (Public Law 103–160; 107 Stat. 1721; 10 U.S.C. 2371 note) is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

''(c) COMPTROLLER GENERAL REVIEW.—(1) Each agreement entered into by an official referred to in subsection (a) to carry out a project under that subsection that provides for payments in a total amount in excess of $5,000,000 shall include a clause that provides for the Comptroller General, in the discretion of the Comptroller General, to examine the records of any party to the agreement or any entity that participates in the performance of the agreement.

''(2) The official referred to in subsection (a) who is entering into an agreement described in paragraph (1) may waive the applicability of the requirement in that paragraph to the agreement if the official determines that it would not be in the public interest to apply the requirement to the agreement. The waiver shall be effective with respect to the agreement only if the official transmits a notification of the waiver to Congress and the Comptroller General before entering into the agreement. The notification shall include the rationale for the determination.

"(3) The Comptroller General may not examine records pursuant to a clause included in an agreement under paragraph (1) more than three years after the final payment is made by the United States under the agreement.".

(b) TECHNICAL CORRECTION.—Subsection (b)(1) of such section is amended by striking "(e)(2) and (e)(3) of such section 2371" and inserting "(e)(1)(B) and (e)(2) of such section 2371".

**SEC. 805. PILOT PROGRAM FOR COMMERCIAL SERVICES.**

(a) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to treat procurements of commercial services as procurements of commercial items.

(b) DESIGNATION OF PILOT PROGRAM CATEGORIES.—The Secretary of Defense may designate the following categories of services as commercial services covered by the pilot program:

(1) Utilities and housekeeping services.

(2) Education and training services.

(3) Transportation, travel and relocation services.

(c) TREATMENT AS COMMERCIAL ITEMS.—A Department of Defense contract for the procurement of commercial services designated by the Secretary for the pilot pro-

gram shall be treated as a contract for the procurement of commercial items, as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)), if the source of the services provides similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government. These items shall not be considered commercial items for purposes of section 4202(e) of the Clinger-Cohen Act (10 U.S.C. 2304 note).

(d) GUIDANCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall issue guidance to procurement officials on contracting for commercial services under the pilot program. The guidance shall place particular emphasis on ensuring that negotiated prices for designated services, including prices negotiated without competition, are fair and reasonable.

(e) DURATION OF PILOT PROGRAM.—(1) The pilot program shall begin on the date that the Secretary issues the guidance required by subsection (d) and may continue for a period, not in excess of five years, that the Secretary shall establish.

(2) The pilot program shall cover Department of Defense contracts for the procurement of commercial services designated by the Secretary under subsection (b) that are awarded or modified during the period of the pilot pro-

gram, regardless of whether the contracts are performed during the period.

(f) REPORT TO CONGRESS.—(1) The Secretary shall submit to Congress a report on the impact of the pilot program on—

(A) prices paid by the Federal Government under contracts for commercial services covered by the pilot program;

(B) the quality and timeliness of the services provided under such contracts;

(C) the number of Federal Government personnel that are necessary to enter into and administer such contracts; and

(D) the impact of the program on levels of contracting with small business concerns, HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women.

(2) The Secretary shall submit the report—

(A) not later than 90 days after the end of the third full fiscal year for which the pilot program is in effect; or

(B) if the period established for the pilot program under subsection (e)(1) does not cover three

full fiscal years, not later than 90 days after the end of the designated period.

(g) PRICE TREND ANALYSIS.—The Secretary of Defense shall apply the procedures developed pursuant to section 803(c) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2081; 10 U.S.C. 2306a note) to collect and analyze information on price trends for all services covered by the pilot program and for the services in such categories of services not covered by the pilot program to which the Secretary considers it appropriate to apply those procedures.

(h) RELATIONSHIP TO PREFERENCE ON TRANSPORTATION OF SUPPLIES.—Nothing in this section shall be construed as modifying, superseding, impairing, or restricting requirements, authorities, or responsibilities under section 2631 of title 10, United States Code.

(i) DEFINITIONS.—In this section:

(1) The term ''small business concern'' means a business concern that meets the applicable size standards prescribed pursuant to section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(2) The term ''small business concern owned and controlled by socially and economically disadvantaged individuals'' has the meaning given the term

in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

(3) The term ''small business concern owned and controlled by women'' has the meaning given the term in section 8(d)(3)(D) of the Small Business Act (15 U.S.C. 637(d)(3)(D)).

(4) The term ''HUBZone small business concern'' has the meaning given the term in section 3(p)(3) of the Small Business Act (15 U.S.C. 632(p)(3)).

**SEC. 806. STREAMLINED APPLICABILITY OF COST ACCOUNTING STANDARDS.**

(a) APPLICABILITY.—Paragraph (2) of section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D);

(2) by striking subparagraph (B) and inserting the following:

''(B) The cost accounting standards shall not apply to a contractor or subcontractor for a fiscal year (or other one-year period used for cost accounting by the contractor or subcontractor) if the total value of all of the contracts and subcontracts covered by the cost accounting standards that were entered into by the contractor or subcontractor,

respectively, in the previous or current fiscal year (or other one-year cost accounting period) was less than $50,000,000.

"(C) Subparagraph (A) does not apply to the following contracts or subcontracts for the purpose of determining whether the contractor or subcontractor is subject to the cost accounting standards:

"(i) Contracts or subcontracts for the acquisition of commercial items.

"(ii) Contracts or subcontracts where the price negotiated is based on prices set by law or regulation.

"(iii) Firm, fixed-price contracts or subcontracts awarded on the basis of adequate price competition without submission of certified cost or pricing data.

"(iv) Contracts or subcontracts with a value that is less than $5,000,000.".

(b) WAIVER.—Such section is further amended by adding at the end the following:

"(5)(A) The head of an executive agency may waive the applicability of cost accounting standards for a contract or subcontract with a value less than $10,000,000 if that official determines in writing that—

1 ''(i) the contractor or subcontractor is primarily
2 engaged in the sale of commercial items; and
3 ''(ii) the contractor or subcontractor would not
4 otherwise be subject to the cost accounting stand-
5 ards.
6 ''(B) The head of an executive agency may also waive
7 the applicability of cost accounting standards for a con-
8 tract or subcontract under extraordinary circumstances
9 when necessary to meet the needs of the agency. A deter-
10 mination to waive the applicability of cost accounting
11 standards under this subparagraph shall be set forth in
12 writing and shall include a statement of the circumstances
13 justifying the waiver.
14 ''(C) The head of an executive agency may not dele-
15 gate the authority under subparagraph (A) or (B) to any
16 official in the executive agency below the senior policy-
17 making level in the executive agency.
18 ''(D) The Federal Acquisition Regulation shall in-
19 clude the following:
20 ''(i) Criteria for selecting an official to be dele-
21 gated authority to grant waivers under subpara-
22 graph (A) or (B).
23 ''(ii) The specific circumstances under which
24 such a waiver may be granted.

"(E) The head of each executive agency shall report the waivers granted under subparagraphs (A) and (B) for that agency to the Board on an annual basis.".

(c) CONSTRUCTION REGARDING CERTAIN NOT-FOR-PROFIT ENTITIES.—The amendments made by this section shall not be construed as modifying or superseding, nor as intended to impair or restrict, the applicability of the cost accounting standards to—

(1) any educational institution or federally funded research and development center that is associated with an educational institution in accordance with Office of Management and Budget Circular A–21, as in effect on January 1, 1999; or

(2) any contract with a nonprofit entity that provides research and development and related products or services to the Department of Defense.

**SEC. 807. GUIDANCE ON USE OF TASK ORDER AND DELIVERY ORDER CONTRACTS.**

(a) GUIDANCE IN THE FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act shall be revised to provide guidance to agencies on the appropriate use of task order and delivery order contracts in accordance with sec-

tions 2304a through 2304d of title 10, United States Code, and sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k).

(b) CONTENT OF GUIDANCE.—The regulations issued pursuant to subsection (a) shall, at a minimum, provide the following:

(1) Specific guidance on the appropriate use of government-wide and other multiagency contracts entered in accordance with the provisions of law referred to in that subsection.

(2) Specific guidance on steps that agencies should take in entering and administering multiple award task order and delivery order contracts to ensure compliance with—

(A) the requirement in section 5122 of the Clinger-Cohen Act (40 U.S.C. 1422) for capital planning and investment control in purchases of information technology products and services;

(B) the requirement in section 2304c(b) of title 10, United States Code, and section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)) to ensure that all contractors are afforded a fair opportunity to be considered for

the award of task orders and delivery orders; and

(C) the requirement in section 2304c(c) of title 10, United States Code, and section 303J(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(c)) for a statement of work in each task order or delivery order issued that clearly specifies all tasks to be performed or property to be delivery under the order.

(c) GSA FEDERAL SUPPLY SCHEDULES PROGRAM.—The Administrator for Federal Procurement Policy shall consult with the Administrator of General Services to assess the effectiveness of the multiple awards schedule program of the General Services Administration referred to in section 309(b)(3) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(b)(3)) that is administered as the Federal Supply Schedules program. The assessment shall include examination of the following:

(1) The administration of the program by the Administrator of General Services.

(2) The ordering and program practices followed by Federal customer agencies in using schedules established under the program.

(d) GAO REPORT.—Not later than one year after the date on which the regulations required by subsection (a) are published in the Federal Register, the Comptroller General shall submit to Congress an evaluation of executive agency compliance with the regulations, together with any recommendations that the Comptroller General considers appropriate.

**SEC. 808. CLARIFICATION OF DEFINITION OF COMMERCIAL ITEMS WITH RESPECT TO ASSOCIATED SERVICES.**

Section 4(12) (E) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(E)) is amended to read as follows:

"(E) Installation services, maintenance services, repair services, training services, and other services if—

"(i) the services are procured for support of an item referred to in subparagraph (A), (B), (C), or (D), regardless of whether such services are provided by the same source or at the same time as the item; and

"(ii) the source of the services provides similar services contemporaneously to the general public under terms and condi-

tions similar to those offered to the Federal Government.''.

**SEC. 809. USE OF SPECIAL SIMPLIFIED PROCEDURES FOR PURCHASES OF COMMERCIAL ITEMS IN EXCESS OF THE SIMPLIFIED ACQUISITION THRESHOLD.**

(a) EXTENSION OF AUTHORITY.—Section 4202(e) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 110 Stat. 654; 10 U.S.C. 2304 note) is amended by striking ''three years after the date on which such amendments take effect pursuant to section 4401(b)'' and inserting ''January 1, 2002''.

(b) GAO REPORT.—Not later than March 1, 2001, the Comptroller General shall submit to Congress an evaluation of the test program authorized by section 4204 of the Clinger-Cohen Act of 1996, together with any recommendations that the Comptroller General considers appropriate regarding the test program or the use of special simplified procedures for purchases of commercial items in excess of the simplified acquisition threshold.

**SEC. 810. EXTENSION OF INTERIM REPORTING RULE FOR CERTAIN PROCUREMENTS LESS THAN $100,000.**

Section 31(e) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(e)) is amended by striking ''October 1, 1999'' and inserting ''October 1, 2004''.

**SEC. 811. CONTRACT GOAL FOR SMALL DISADVANTAGED BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.**

Subsection (k) of section 2323 of title 10, United States Code, is amended by striking ''2000'' both places it appears and inserting ''2003''.

# TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

## Subtitle A—General

**SEC. 901. NUMBER OF MANAGEMENT HEADQUARTERS AND HEADQUARTERS SUPPORT ACTIVITIES PERSONNEL.**

(a) REVISED LIMITATION.—Section 130a of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''75 percent'' and inserting ''65 percent''; and

(2) in subsection (c), by striking ''October 1, 1997'' and inserting ''October 1, 1989''.

(b) REPEAL OF PHASED REDUCTION REQUIREMENT.—Subsection (b) of such section is repealed.

(c) CONFORMING REPEAL.—Subsection (g) of such section is repealed.

(d) TECHNICAL AMENDMENT.—Subsections (c), (d), (e), and (f) are redesignated as subsections (b), (c), (d), and (e), respectively.

**SEC. 902. ADDITIONAL MATTERS FOR ANNUAL REPORTS ON JOINT WARFIGHTING EXPERIMENTATION.**

Section 485(b) of title 10, United States Code, is amended by adding at the end the following:

"(5) Any recommendations that the commander considers appropriate regarding—

"(A) the development or procurement of advanced technologies, systems, or weapons or systems platforms, or other changes in doctrine, organization, training, materiel, leadership, personnel, or the allocation of resources, as a result of joint warfighting experimentation activities;

"(B) the elimination of unnecessary equipment and redundancies in capabilities and forces across the armed forces; and

"(C) the fielding of advanced technologies across the armed forces for purposes of the de-

velopment of joint operational concepts or the conduct of joint warfighting experiments.

''(6) A description of any actions taken by the Secretary of Defense to implement the recommendations of the commander.''.

**SEC. 903. ACCEPTANCE OF GUARANTEES IN CONNECTION WITH GIFTS TO THE UNITED STATES MILITARY ACADEMY.**

(a) AUTHORITY.—Chapter 403 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 4359. Acceptance of guarantees with gifts for major projects**

''(a) ACCEPTANCE AUTHORITY.—The Secretary of the Army may, subject to subsection (c), accept from a donor a qualified guarantee for the completion of a major project for the benefit of the Academy.

''(b) OBLIGATION AUTHORITY.—Funds available for a project for which a guarantee has been accepted under this section may be obligated and expended for the project without regard to whether the total amount of the funds and other resources available for the project (not taking into account the amount of the guarantee) is sufficient to pay for completion of the project.

''(c) DEFINITIONS.—In this section:

"(1) MAJOR PROJECT.—The term 'major project' means a project for the purchase or other procurement of real or personal property, or for the construction of any improvement to real property, the total cost of which is, or is estimated to be, at least $1,000,000.

"(2) QUALIFIED GUARANTEE.—The term 'qualified guarantee', with respect to a major project, means a guarantee that—

"(A) is made by a person in connection with the person's donation, specifically for the project, of a total amount in cash or securities that, as determined by the Secretary of the Army, is sufficient to defray a substantial portion of the total cost of the project;

"(B) is made to facilitate or expedite the completion of the project in reasonable anticipation that other donors will contribute sufficient funds or other resources in amounts sufficient to pay for completion of the project;

"(C) is set forth as a written agreement that provides for the donor to furnish in cash or securities, in addition to the donor's other gift or gifts for the project, any additional amount that may become necessary for paying

the cost of completing the project by reason of a failure to obtain from other donors or sources funds or other resources in amounts sufficient to pay the cost of completing the project; and

"(D) is accompanied by—

"(i) an unconditional letter of credit for the benefit of the Academy that is in the amount of the guarantee and is issued by a major United States commercial bank; or

"(ii) a qualified account control agreement.

"(3) QUALIFIED ACCOUNT CONTROL AGREEMENT.—The term 'qualified account control agreement', with respect to a guarantee of a donor, means an agreement among the donor, the Secretary of the Army, and a major United States investment management firm that—

"(A) ensures the availability of sufficient funds or other financial resources to pay the amount guaranteed during the period of the guarantee;

"(B) provides for the perfection of a security interest in the assets of the account for the United States for the benefit of the Academy

with the highest priority available for liens and security interests under applicable law;

"(C) requires the donor to maintain in an account with the investment management firm assets having a total value that is not less than 130 percent of the amount guaranteed; and

"(D) requires the investment management firm, at any time that the value of the account is less than the value required to be maintained under subparagraph (C), to liquidate any noncash assets in the account and reinvest the proceeds in Treasury bills issued under section 3104 of title 31.

"(4) MAJOR UNITED STATES COMMERCIAL BANK.—The term 'major United States commercial bank' means a commercial bank that—

"(A) is headquartered in the United States; and

"(B) has net assets in a total amount considered by the Secretary of the Army to qualify the bank as a major bank.

"(5) MAJOR UNITED STATES INVESTMENT MANAGEMENT FIRM.—The term 'major United States investment management firm' means an investment

company (as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3)) that—

"(A) is headquartered in the United States; and

"(B) manages for others the investment of assets in a total amount considered by the Secretary of the Army to qualify the firm as a major investment management firm.".

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

"4359. Acceptance of guarantees with gifts for major projects.".

**SEC. 904. MANAGEMENT OF THE CIVIL AIR PATROL.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that no major change to the governance structure of the Civil Air Patrol should be mandated by Congress until a review of potential improvements in the management and oversight of Civil Air Patrol operations is conducted.

(b) GAO STUDY.—The Comptroller General shall conduct a study of potential improvements to Civil Air Patrol operations, including Civil Air Patrol financial management, Air Force and Civil Air Patrol oversight, and the Civil Air Patrol safety program. Not later than February 15, 2000, the Inspector General shall submit a re-

port on the results of the study to the congressional defense committees.

(c) INSPECTOR GENERAL REVIEW.—(1) The Inspector General of the Department of Defense shall review the financial and management operations of the Civil Air Patrol. The review shall include an audit.

(2) Not later than February 15, 2000, the Inspector General shall submit to the congressional defense committees a report on the review, including, specifically, the results of the audit. The report shall include any recommendations that the Inspector General considers appropriate regarding actions necessary to ensure the proper oversight of the financial and management operations of the Civil Air Patrol.

**SEC. 905. MINIMUM INTERVAL FOR UPDATING AND REVISING DEPARTMENT OF DEFENSE STRATEGIC PLAN.**

Section 306(b) of title 5, United States Code, is amended by striking ", and shall be updated and revised at least every three years." and inserting a period and the following: "The strategic plan shall be updated and revised at least every three years, except that the strategic plan for the Department of Defense shall be updated and revised at least every four years.".

**SEC. 906. PERMANENT REQUIREMENT FOR QUADRENNIAL DEFENSE REVIEW.**

(a) REVIEW REQUIRED.—Chapter 2 of title 10, United States Code, is amended by inserting after section 117 the following:

**"§ 118. Quadrennial defense review**

''(a) REVIEW REQUIRED.—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall conduct in each year in which a President is inaugurated a comprehensive examination of the defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies with a view toward determining and expressing the defense strategy of the United States and establishing a revised defense plan for the ensuing 10 years and a revised defense plan for the ensuing 20 years.

''(b) CONSIDERATION OF REPORTS OF NATIONAL DEFENSE PANEL.—In conducting the review, the Secretary shall take into consideration the reports of the National Defense Panel submitted under section 184(d) of this title.

''(c) REPORT TO CONGRESS.—The Secretary shall submit a report on each review to the Committees on Armed Services of the Senate and the House of Representatives not later than September 30 of the year in which

the review is conducted. The report shall include the following:

"(1) The results of the review, including a comprehensive discussion of the defense strategy of the United States and the force structure best suited to implement that strategy, expressed in terms of size, characteristics, and organization, or in other terms suitable for characterizing the force structure.

"(2) The size, characteristics, and organization of an alternative force structure that is suited for implementing the strategy but is significantly larger than the force structure discussed under paragraph (1), together with the benefits and risks associated with the larger force structure.

"(3) The size, characteristics, and organization of an alternative force structure that is suited for implementing the strategy but is significantly smaller than the force structure discussed under paragraph (1), together with the benefits and risks associated with the smaller force structure.

"(4) The threats examined for purposes of the review and the scenarios developed in the examination of such threats.

"(5) The assumptions used in the review, including assumptions relating to the cooperation of

allies and mission-sharing, levels of acceptable risk, warning times, and intensity and duration of conflict.

''(6) The effect on the force structure of preparations for and participation in peace operations and military operations other than war.

''(7) The effect on the force structure of the utilization by the armed forces of technologies anticipated to be available for the ensuing 10 years and technologies anticipated to be available for the ensuing 20 years, including precision guided munitions, stealth, night vision, digitization, and communications, and the changes in organization, doctrine, and operational concepts that would result from the utilization of such technologies.

''(8) The manpower and sustainment policies required under the defense strategy to support engagement in conflicts lasting more than 120 days.

''(9) The anticipated roles and missions of the reserve components in the defense strategy and the strength, capabilities, and equipment necessary to assure that the reserve components can capably discharge those roles and missions.

''(10) The appropriate ratio of combat forces to support forces (commonly referred to as the ''tooth-

to-tail'' ratio) under the defense strategy, including, in particular, the appropriate number and size of headquarters units and Defense Agencies for that purpose.

''(11) The air-lift and sea-lift capabilities required to support the defense strategy.

''(12) The forward presence, pre-positioning, and other anticipatory deployments necessary under the defense strategy for conflict deterrence and adequate military response to anticipated conflicts.

''(13) The extent to which resources must be shifted among two or more theaters under the defense strategy in the event of conflict in such theaters.

''(14) The advisability of revisions to the Unified Command Plan as a result of the defense strategy.

''(15) Any other matter the Secretary considers appropriate.''.

(b) NATIONAL DEFENSE PANEL.—Chapter 7 of such title is amended by adding at the end the following:

**''§ 184. National Defense Panel**

''(a) ESTABLISHMENT.—Not later than January 1 of each year immediately preceding a year in which a President is to be inaugurated, the Secretary of Defense shall

establish a nonpartisan, independent panel to be known as the National Defense Panel. The Panel shall have the duties set forth in this section.

"(b) MEMBERSHIP AND CHAIRMAN.—(1) The Panel shall be composed of nine members appointed from among persons in the private sector who are recognized experts in matters relating to the national security of the United States, as follows:

"(A) Three members appointed by the Secretary of Defense.

"(B) Three members appointed by the Chairman of the Committee on Armed Services of the Senate, in consultation with the ranking member of the committee.

"(C) Three members appointed by the Chairman of the Committee on Armed Services of the House of Representatives, in consultation with the ranking member of the committee.

"(2) The Secretary of Defense, in consultation with the chairmen and ranking members of the Committees on Armed Services of the Senate and the House of Representatives, shall designate one of the members to serve as the chairman of the Panel

"(c) DUTIES.—(1) The Panel shall—

"(A) assess the matters referred to in paragraph (2);

"(B) assess the current and projected strategic environment, together with the progress made by the armed forces in transforming to meet the environment;

"(C) identify the most dangerous threats to the national security interests of the United States that are to be countered by the United States in the ensuing 10 years and those that are to be encountered in the ensuing 20 years;

"(D) identify the strategic and operational challenges for the armed forces to address in order to prepare to counter the threats identified under subparagraph (C);

"(E) develop—

"(i) a recommendation on the priority that should be accorded to each of the strategic and operational challenges identified under subparagraph (D); and

"(ii) a recommendation on the priority that should be accorded to the development of each joint capability needed to meet each such challenge; and

"(F) identify the issues that the Panel recommends for assessment during the next quadrennial review to be conducted under section 118 of this title.

"(2) The matters to be assessed under paragraph (1)(A) are the defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies established since the previous quadrennial defense review under section 118 of this title.

"(3) The Panel shall conduct the assessments under paragraph (1) with a view toward recommending—

"(A) the most critical changes that should be made to the defense strategy of the United States for the ensuing 10 years and the most critical changes that should be made to the defense strategy of the United States for the ensuing 20 years; and

"(B) any changes considered appropriate by the Panel regarding the major weapon systems programmed for the force, including any alternatives to those weapon systems.

"(d) REPORT.—(1) The Panel, in the year that it is conducting an assessment under subsection (c), shall submit to the Secretary of Defense and to the Committees on Armed Services of the Senate and the House of Rep-

resentatives two reports on the assessment, including a discussion of the Panel's activities, the findings and recommendations of the Panel, and any recommendations for legislation that the Panel considers appropriate, as follows:

"(A) A status report and an outline of current activities not later than July 1 of the year.

"(B) A final report not later than December 1 of the year.

"(2) Not later than December 15 of the year in which the Secretary receives a final report under paragraph (1)(B), the Secretary shall submit to the committees referred to in subsection (b) a copy of the report together with the Secretary's comments on the report.

"(e) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from the Department of Defense and any of its components and from any other Federal department and agency such information as the Panel considers necessary to carry out its duties under this section. The head of the department or agency concerned shall ensure that information requested by the Panel under this subsection is promptly provided.

"(f) PERSONNEL MATTERS.—(1) Each member of the Panel shall be compensated 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 for each day (including travel time) during which the member is engaged in the performance of the duties of the Panel.

''(2) The members of the Panel 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 while away from their homes or regular places of business in the performance of services for the Panel.

''(3)(A) The chairman of the Panel may, without regard to the civil service laws and regulations, appoint and terminate an executive director and a staff if the Panel determines that an executive director and staff are necessary in order for the Panel to perform its duties effectively. The employment of an executive director shall be subject to confirmation by the Panel.

''(B) The chairman may fix the compensation of the executive director without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

"(4) Any Federal Government employee may be detailed to the Panel without reimbursement of the employee's agency, and such detail shall be without interruption or loss of civil service status or privilege. The Secretary shall ensure that sufficient personnel are detailed to the Panel to enable the Panel to carry out its duties effectively.

"(5) To the maximum extent practicable, the members and employees of the Panel shall travel on military aircraft, military ships, military vehicles, or other military conveyances when travel is necessary in the performance of a duty of the Panel, except that no such aircraft, ship, vehicle, or other conveyance may be scheduled primarily for the transportation of any such member or employee when the cost of commercial transportation is less expensive.

"(g) ADMINISTRATIVE PROVISIONS.—(1) The Panel 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.

"(2) The Secretary shall furnish the Panel any administrative and support services requested by the Panel.

"(3) The Panel may accept, use, and dispose of gifts or donations of services or property.

"(h) PAYMENT OF PANEL EXPENSES.—The compensation, travel expenses, and per diem allowances of members and employees of the Panel shall be paid out of funds available to the Department of Defense for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department. The other expenses of the Panel shall be paid out of funds available to the Department for the payment of similar expenses incurred by the Department.

"(i) TERMINATION.—The Panel shall terminate at the end of the year following the year in which the Panel submits its final report under subsection (d)(1)(B). For the period that begins 90 days after the date of submittal of the report, the activities and staff of the panel shall be reduced to a level that the Secretary of Defense considers sufficient to continue the availability of the panel for consultation with the Secretary of Defense and with the Committees on Armed Services of the Senate and the House of Representatives.".

(c) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 2 of title 10, United States Code, is amended by inserting after the item relating to section 117 the following:

"118. Quadrennial defense review.".

(2) The table of sections at the beginning of chapter 7 of such title is amended by adding at the end the following:

"184. National Defense Panel.".

# Subtitle B—Commission To Assess United States National Security Space Management and Organization

**SEC. 911. ESTABLISHMENT OF COMMISSION.**

(a) ESTABLISHMENT.—There is hereby established a commission known as the "Commission To Assess United States National Security Space Management and Organization" (hereafter in this subtitle referred to as the "Commission").

(b) COMPOSITION.—The Commission shall be composed of nine members appointed by the Secretary of Defense. In selecting individuals for appointment to the Commission, the Secretary should consult with—

(1) the Speaker of the House of Representatives concerning the appointment of three of the members of the Commission;

(2) the majority leader of the Senate concerning the appointment of three of the members of the Commission; and

(3) the minority leader of the House of Representatives and the minority leader of the Senate

concerning the appointment of three of the members of the Commission.

(c) QUALIFICATIONS.—Members of the Commission shall be appointed from among private citizens of the United States who have knowledge and expertise in the areas of national security space policy, programs, organizations, and future national security concepts.

(d) CHAIRMAN.—The Speaker of the House of Representatives, after consultation with the majority leader of the Senate and the minority leaders of the House of Representatives and the Senate, shall designate one of the members of the Commission to serve as chairman of the Commission.

(e) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(f) SECURITY CLEARANCES.—All members of the Commission shall hold appropriate security clearances.

(g) INITIAL ORGANIZATION REQUIREMENTS.—(1) All appointments to the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting not later than 60 days after the date as of which all mem-

bers of the Commission have been appointed, but not earlier than October 15, 1999.

**SEC. 912. DUTIES OF COMMISSION.**

(a) REVIEW OF UNITED STATES NATIONAL SECURITY SPACE MANAGEMENT AND ORGANIZATION.—The Commission shall, with a focus on changes to be implemented over the near-term, medium-term, and long-term that would strengthen United States national security, review the following:

(1) The relationship between the intelligence and nonintelligence aspects of national security space (so-called ''white space'' and ''black space''), and the potential benefits of a partial or complete merger of the programs, projects, or activities that are differentiated by the two aspects.

(2) The benefits of establishing any of the following:

(A) An independent military department and service dedicated to the national security space mission.

(B) A corps within the Air Force dedicated to the national security space mission.

(C) A position of Assistant Secretary of Defense for Space within the Office of the Secretary of Defense.

(D) Any other change to the existing organizational structure of the Department of Defense for national security space management and organization.

(3) The benefits of establishing a new major force program, or other budget mechanism, for managing national security space funding within the Department of Defense.

(b) COOPERATION FROM GOVERNMENT OFFICIALS.—In carrying out its duties, the Commission should receive the full and timely cooperation of the Secretary of Defense, the Director of Central Intelligence, and any other United States Government official responsible for providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

**SEC. 913. REPORT.**

The Commission shall, not later than six months after the date of its first meeting, submit to Congress a report on its findings and conclusions.

**SEC. 914. POWERS.**

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this subtitle, hold hearings, sit and act at times and places, take testimony,

receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION.—The Commission may secure directly from the Department of Defense, the other departments and agencies of the intelligence community, and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this subtitle.

**SEC. 915. 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 member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this subtitle.

**SEC. 916. 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 chap-

ter 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. 917. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.**

(a) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under

the same conditions as other departments and agencies of the Federal Government.

(b) MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.—The Secretary of Defense shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

**SEC. 918. FUNDING.**

Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities for fiscal year 2000. Upon receipt of a written certification from the Chairman of the Commission specifying the funds required for the activities of the Commission, the Secretary of Defense shall promptly disburse to the Commission, from such amounts, the funds required by the Commission as stated in such certification.

**SEC. 919. TERMINATION OF THE COMMISSION.**

The Commission shall terminate 60 days after the date of the submission of its report under section 913.

# 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 Sec-

retary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2000 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

**SEC. 1002. SECOND BIENNIAL FINANCIAL MANAGEMENT IMPROVEMENT PLAN.**

The second biennial financial management improvement plan submitted to Congress under section 2222 of title 10, United States Code, shall include the following matters:

(1) An inventory of the finance and accounting systems and data feeder systems of the Department of Defense and, for each such system—

(A) a statement regarding whether the system complies with the requirements applicable to the system under sections 3512, 3515, and 3521 of title 31, United States Code;

(B) a statement regarding whether the system is to be retained, consolidated, or eliminated;

(C) a detailed plan of the actions that are being taken or are to be taken within the Department of Defense (including provisions for schedule, performance objectives, interim milestones, and necessary resources)—

(i) to ensure easy and reliable interfacing of the system (or a consolidated or successor system) with the department's core finance and accounting systems and with other data feeder systems; and

(ii) to institute appropriate internal controls that, among other benefits, ensure the integrity of the data in the system (or a consolidated or successor system);

(D) for each system that is to be consolidated or eliminated, a detailed plan of the actions that are being taken or are to be taken (including provisions for schedule and interim milestones) in carrying out the consolidation or elimination, including a discussion of both the interim or migratory systems and any further consolidation that may be involved; and

(E) a list of the officials in the Department of Defense who are responsible for ensuring that actions referred to in subparagraphs (C) and (D) are taken in a timely manner.

(2) A description of each major procurement action that is being taken within the Department of Defense to replace or improve a finance and accounting system or a data feeder system listed in the

inventory under paragraph (1) and, for each such procurement action, the measures that are being taken or are to be taken to ensure that the new or enhanced system—

(A) provides easy and reliable interfacing of the system with the core finance and accounting systems of the department and with other data feeder systems; and

(B) includes appropriate internal controls that, among other benefits, ensure the integrity of the data in the system.

(3) A financial management competency plan that includes performance objectives, milestones (including interim objectives), responsible officials, and the necessary resources to accomplish the performance objectives, together with the following:

(A) A description of the actions necessary to ensure that the person in each comptroller position (or comparable position) in the Department of Defense, whether a member of the Armed Forces or a civilian employee, has the education, technical competence, and experience to perform in accordance with the core competencies necessary for financial management.

(B) A description of the education that is necessary for a financial manager in a senior grade to be knowledgeable in—

(i) applicable laws and administrative and regulatory requirements, including the requirements and procedures relating to Government performance and results under sections 1105(a)(28), 1115, 1116, 1117, 1118, and 1119 of title 31, United States Code;

(ii) the strategic planning process and how the process relates to resource management;

(iii) budget operations and analysis systems;

(iv) management analysis functions and evaluation; and

(v) the principles, methods, techniques, and systems of financial management.

(C) The advantages and disadvantages of establishing and operating a consolidated Department of Defense school that instructs in the principles referred to in subparagraph (B)(v).

(D) The applicable requirements for formal civilian education.

(4) A detailed plan (including performance objectives and milestones and standards for measuring progress toward attainment of the objectives) for—

(A) improving the internal controls and internal review processes of the Defense Finance and Accounting Service to provide reasonable assurances that—

(i) obligations and costs are in compliance with the applicable laws;

(ii) funds, property, and other assets are safeguarded against waste, loss, unauthorized use, and misappropriation;

(iii) revenues and expenditures applicable to agency operations are properly recorded and accounted for so as to permit the preparation of accounts and reliable financial and statistical reports and to maintain accountability over assets;

(iv) obligations and expenditures are recorded contemporaneously with each transaction;

(v) organizational and functional duties are performed separately at each step

in the cycles of transactions (including, in the case of a contract, the specification of requirements, the formation of the contract, the certification of contract performance, receiving and warehousing, accounting, and disbursing); and

(vi) use of progress payment allocation systems results in posting of payments to appropriation accounts consistent with section 1301 of title 31, United States Code.

(B) ensuring that the Defense Finance and Accounting Service has—

(i) a single standard transaction general ledger that, at a minimum, uses double-entry bookkeeping and complies with the United States Government Standard General Ledger at the transaction level as required under section 803(a) of the Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note);

(ii) an integrated data base for finance and accounting functions; and

(iii) automated cost, performance, and other output measures;

(C) providing a single, consistent set of policies and procedures for financial transactions throughout the Department of Defense;

(D) ensuring compliance with applicable policies and procedures for financial transactions throughout the Department of Defense; and

(E) reviewing safeguards for preservation of assets and verifying the existence of assets.

(5) An internal controls checklist which, consistent with the authority in sections 3511 and 3512 of title 31, United States Code, the Comptroller General shall prescribe as the standards for use throughout the Department of Defense, together with a statement of the Department of Defense policy on use of the checklist throughout the department.

**SEC. 1003. SINGLE PAYMENT DATE FOR INVOICE FOR VARIOUS SUBSISTENCE ITEMS.**

Section 3903 of title 31, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

"(c) A contract for the procurement of subsistence items that is entered into under the prime vendor program of the Defense Logistics Agency may specify for the purposes of section 3902 of this title a single required payment date that is to be applicable to an invoice for subsistence items furnished under the contract when more than one payment due date would otherwise be applicable to the invoice under the regulations prescribed under paragraphs (2), (3), and (4) of subsection (a) or under any other provisions of law. The required payment date specified in the contract shall be consistent with prevailing industry practices for the subsistence items, but may not be more than 10 days after the date of receipt of the invoice or the certified date of receipt of the items. The Director of the Office of Management and Budget shall provide in the regulations under subsection (a) that when a required payment date is so specified for an invoice, no other payment due date applies to the invoice.".

**SEC. 1004. AUTHORITY TO REQUIRE USE OF ELECTRONIC TRANSFER OF FUNDS FOR DEPARTMENT OF DEFENSE PERSONNEL PAYMENTS.**

(a) AUTHORITY.—Chapter 165 of title 10, United States Code, is amended by adding at the end the following:

**"§ 2784. Payments to personnel: electronic transfers of funds**

''(a) AUTHORITY.—The Secretary of Defense may require that pay, allowances, retired or retainer pay, and any other payments out of funds available to the Department of Defense to or for members of the armed forces, former members of the armed forces, employees or former employees of the Department of Defense, or dependents of such personnel be made by electronic transfer of funds. For any such requirement, the Secretary of Defense may prescribe in regulations any exceptions that the Secretary considers appropriate.

''(b) RELATIONSHIP TO OTHER LAW.—The authority under subsection (a) is independent of the authority provided under section 3332 of title 31 and may be exercised without regard to any exception provided under that section.''.

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

''2784. Payments to personnel: electronic transfers of funds.''.

(c) STUDY AND REPORT ON DEPARTMENT OF DEFENSE ELECTRONIC FUND TRANSFERS.—(1) Subject to paragraph (3), the Secretary of Defense shall conduct a feasibility study to determine—

(A) whether all electronic payments issued by the Department of Defense should be routed through the Regional Finance Centers of the Department of the Treasury for verification and reconciliation;

(B) whether all electronic payments made by the Department of Defense should be subjected to the same level of reconciliation as United States Treasury checks, including matching each payment issued with each corresponding deposit at financial institutions;

(C) whether the appropriate computer security controls are in place in order to ensure the integrity of electronic payments;

(D) the estimated costs of implementing the processes and controls described in subparagraphs (A), (B), (C); and

(E) the period that would be required to implement the processes and controls.

(2) Not later than March 1, 2000, the Secretary of Defense shall submit a report to Congress containing the results of the study required by paragraph (1).

(3) In this subsection, the term ''electronic payment'' means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument,

which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a debit or credit to a financial account.

**SEC. 1005. PAYMENT OF FOREIGN LICENSING FEES OUT OF PROCEEDS OF SALES OF MAPS, CHARTS, AND NAVIGATIONAL BOOKS.**

(a) IN GENERAL.—Subchapter II of chapter 22 of title 10, United States Code, is amended—

(1) by redesignating section 456 as section 457; and

(2) by inserting after section 455 the following new section 456:

**"§ 456. Maps, charts, and navigational publications: use of proceeds of sale for foreign licensing and other fees**

"(a) AUTHORITY TO PAY FOREIGN LICENSING FEES.—The Secretary of Defense may pay, out of the proceeds of sales of maps, charts, and other publications of the National Imagery and Mapping Agency (which are hereby made available for the purpose), any licensing or other fees imposed by foreign countries or international organizations for the acquisition or use of data or products by the Agency.

"(b) DISPOSITION OF OTHER PROCEEDS.—Any proceeds of sales not paid under the authority in subsection (a) shall be deposited by the Secretary of Defense in the Treasury as miscellaneous receipts.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that subchapter is amended by striking the item relating to section 456 and inserting the following new items:

"456. Maps, charts, and navigational publications: use of proceeds of sale for foreign licensing and other fees.
"457. Civil actions barred.".

**SEC. 1006. AUTHORITY FOR DISBURSING OFFICERS TO SUPPORT USE OF AUTOMATED TELLER MACHINES ON NAVAL VESSELS FOR FINANCIAL TRANSACTIONS.**

Section 3342(a) of title 31, United States Code, is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3)(B) and inserting "; and"; and

(3) by adding at the end the following new paragraph (4):

"(4) with respect to automated teller machines on naval vessels—

"(A) provide operating funds to the automated teller machines; and

"(B) accept, for safekeeping, deposits and transfers of funds made through the automated teller machines.".

**SEC. 1007. CENTRAL TRANSFER ACCOUNT FOR COMBATING TERRORISM.**

(a) AMOUNT FOR FISCAL YEAR 2000.—(1) Of the amounts authorized to be appropriated under this Act for the Department of Defense for fiscal year 2000, $1,954,430,000 shall be available from the sources and in the amounts specified in paragraph (2) for the missions of the Department of Defense related to combating terrorism inside and outside the United States.

(2) The amounts and sources referred to in paragraph (1) are as follows:

(A) $229,820,000 of the total amount authorized to be appropriated pursuant to title I for fiscal year 2000.

(B) $212,510,000 of the total amount authorized to be appropriated pursuant to title II for fiscal year 2000.

(C) $1,512,100,000 of the total amount authorized to be appropriated pursuant to title III for fiscal year 2000 (except for the amount authorized to be appropriated under section 301(a)(25)).

(b) TRANSFER.—(1) The amounts made available under subsection (a) from the authorizations of appropriations referred to in that subsection shall be transferred to the amount authorized to be appropriated under section 301(a)(25).

(2) The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

(c) BUDGET PROPOSALS FOR FISCAL YEARS AFTER FISCAL YEAR 2000.—The budget of the United States Government submitted to Congress under section 1105 of title 31, United States Code, for each fiscal year after fiscal year 2000 shall set forth separately for a single account the amount requested for the missions of the Department of Defense related to combating terrorism inside and outside the United States.

**SEC. 1008. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2000.**

(a) FISCAL YEAR 2000 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2000 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 1999, of funds appropriated for fiscal years before fiscal year 2000 for payments for those budgets.

(2) The amount authorized to be appropriated under section 301(a)(1) that is available for contributions for the NATO common-funded military budget under section 311.

(3) The amount authorized to be appropriated under section 201 that is available for contribution for the NATO common-funded civil budget under section 211.

(4) The total amount of the contributions authorized to be made under section 2501.

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

(1) COMMON-FUNDED BUDGETS OF NATO.—The term ''common-funded budgets of NATO'' means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term ''fiscal year 1998 baseline limitation''

means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

**SEC. 1009. RESPONSIBILITIES AND ACCOUNTABILITY FOR FINANCIAL MANAGEMENT.**

(a) UNDER SECRETARY OF DEFENSE (COMPTROLLER).—(1) Section 135 of title 10, United States Code, is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following:

''(d)(1) The Under Secretary is responsible for ensuring that the financial statements of the Department of Defense are in a condition to receive an unqualified audit opinion and that such an opinion is obtained for the statements.

"(2) If the Under Secretary delegates the authority to perform a duty, including any duty relating to disbursement or accounting, to another officer, employee, or entity of the United States, the Under Secretary continues after the delegation to be responsible and accountable for the activity, operation, or performance of a system covered by the delegated authority.".

(2) Subsection (c)(1) of such section is amended by inserting "and to ensure accountability to the citizens of the United States, Congress, the President, and managers within the Department of Defense" before the semicolon at the end.

(b) MANAGEMENT OF CREDIT CARDS.—(1) The Under Secretary of Defense (Comptroller) shall prescribe regulations governing the use and control of all credit cards and convenience checks that are issued to Department of Defense personnel for official use. The regulations shall be consistent with regulations that apply government-wide regarding use of credit cards by Federal Government personnel for official purposes.

(2) The regulations shall include safeguards and internal controls to ensure the following:

(A) There is a record of all credited card holders that is annotated with the limitations on

amounts that are applicable to the use of each card by each credit card holder.

(B) The credit card holders and authorizing officials are responsible for reconciling the charges appearing on each statement of account with receipts and other supporting documentation and for forwarding reconciled statements to the designated disbursing office in a timely manner.

(C) Disputes and discrepancies are resolved in the manner prescribed in the applicable Government-wide credit card contracts entered into by the Administrator of General Services.

(D) Credit card payments are made promptly within prescribed deadlines to avoid interest penalties.

(E) Rebates and refunds based on prompt payment on credit card accounts are properly recorded in the books of account.

(F) Records of a credit card transaction (including records on associated contracts, reports, accounts, and invoices) are retained in accordance with standard Federal Government policies on the disposition of records.

(c) REMITTANCE ADDRESSES.—The Under Secretary of Defense (Comptroller) shall prescribe regulations set-

ting forth controls on alteration of remittance addresses. The regulations shall ensure that—

(1) a remittance address for a disbursement that is provided by an officer or employee of the Department of Defense authorizing or requesting the disbursement is not altered by any officer or employee of the department authorized to prepare the disbursement; and

(2) a remittance address for a disbursement is altered only if the alteration is—

(A) requested by the person to whom the disbursement is authorized to be remitted; and

(B) made by an officer or employee authorized to do so who is not an officer or employee referred to in paragraph (1).

**SEC. 1010. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1999.**

Amounts authorized to be appropriated to the Department of Defense for fiscal year 1999 in the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation)

or decreased (by a rescission), or both, in the 1999 Emergency Supplemental Appropriations Act.

# Subtitle B—Naval Vessels and Shipyards

**SEC. 1011. SALES OF NAVAL SHIPYARD ARTICLES AND SERVICES TO NUCLEAR SHIP CONTRACTORS.**

(a) WAIVER OF REQUIRED CONDITIONS.—Chapter 633 of title 10, United States Code, is amended by inserting after section 7299a the following:

**"§ 7300. Contracts for nuclear ships: sales of naval shipyard articles and services to contractors**

''The conditions set forth in section 2208(j)(2) of this title and subsections (a)(1) and (c)(1) of section 2553 of this title shall not apply to a sale of articles or services of a naval shipyard that is made to a contractor under a Department of Defense contract for a nuclear ship in order to facilitate the contractor's fulfillment of that contract.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7299a the following:

''7300. Contracts for nuclear ships: sales of naval shipyard articles and services to contractors.''.

**SEC. 1012. PERIOD OF DELAY AFTER NOTICE OF PROPOSED TRANSFER OF VESSEL STRICKEN FROM NAVAL VESSEL REGISTER.**

Section 7306(d) of title 10, United States Code, is amended—

(1) by striking ''(1)'';

(2) by striking ''(A)'' and inserting ''(1)''; and

(3) by striking ''(B)'' and all that follows and inserting the following:

''(2) following the date on which such notice is sent to Congress, there has elapsed 60 days on which at least one of the Houses of Congress has been in session.''.

**SEC. 1013. TRANSFER OF NAVAL VESSEL TO FOREIGN COUNTRY.**

(a) THAILAND.—The Secretary of the Navy is authorized to transfer to the Government of Thailand the CYCLONE class coastal patrol craft CYCLONE (PC1) or a craft with a similar hull. The transfer shall be made on a sale, lease, lease/buy, or grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) COSTS.—Any expense incurred by the United States in connection with the transfer authorized under subsection (a) shall be charged to the Government of Thailand.

(c) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the Secretary of the Navy shall require, as a condition of the transfer of the vessel to the Government of Thailand under this section, that the Government of Thailand have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a United States Naval shipyard or other shipyard located in the United States.

(d) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under subsection (a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

# Subtitle C—Miscellaneous Report Requirements and Repeals

## SEC. 1021. PRESERVATION OF CERTAIN DEFENSE REPORTING REQUIREMENTS.

(a) PRESERVATION.—Any provision of law specified in subsections (b) through (i) that requires the submittal to Congress (or any committee of the Congress) of any annual, semiannual, or other regular periodic report shall remain in effect with respect to that requirement (notwithstanding any other provision of law) in accordance with the terms of the specified provision of law.

(b) TITLE 10.—Subsection (a) applies with respect to the following provisions of title 10, United States Code, listed in the Clerk's Report (defined in subsection (j)):

(1) Sections 113(c) and 113(j), listed on page 57 of the Clerk's Report.

(2) Section 115a(a), listed on page 57 of the Clerk's Report as 10 U.S.C. 115(b)(3)(A).

(3) Section 139(f), listed on page 62 of the Clerk's Report as 10 U.S.C. 138(g)(1).

(4) Section 221, listed on page 64 of the Clerk's Report as 10 U.S.C. 114.

(5) Section 226, specified on page 149 of the Clerk's Report as section 1002 of Public Law 102–190.

(6) Section 662(b), listed on page 58 of the Clerk's Report.

(7) Section 1464(c), listed on page 60 of the Clerk's Report.

(8) Section 2006(e)(3), listed on page 76 of the Clerk's Report.

(9) Section 2010, listed on page 57 of the Clerk's Report.

(10) Section 2011(e), listed on page 56 of the Clerk's Report as Pub. L. 102–190, Sec. 1052(a).

(11) Section 2208(q), listed on page 64 of the Clerk's Report as 10 U.S.C. 2208(i).

(12) Section 2391(c), listed on page 62 of the Clerk's Report.

(13) Section 2431(a), listed on page 63 of the Clerk's Report.

(14) Section 2432, listed on page 63 of the Clerk's Report.

(15) Section 2433, listed on page 63 of the Clerk's Report as 10 U.S.C. 2433(e)(1) and 2433(e)(2)(A).

(16) Section 2461(g), listed on page 62 of the Clerk's Report as 10 U.S.C. 2304 note.

(17) Section 2662(b), listed on pages 69, 74, and 76 of the Clerk's Report.

(18) Section 2687(b), listed on page 62 of the Clerk's Report.

(19) Section 2706, listed on page 60 of the Clerk's Report.

(20) Section 2859, listed on page 58 of the Clerk's Report.

(21) Section 2902(g)(2), specified on page 148 of the Clerk's Report as section 1804(a) of Public Law 101–510.

(22) Section 10541(a), listed on page 57 of the Clerk's Report as 10 U.S.C. 115(a).

(23) Section 12302(d), listed on page 14 of the Clerk's Report as 10 U.S.C. 673(d).

(24) Section 16137, listed on page 59 of the Clerk's Report as 10 U.S.C. 2137.

(c) TITLE 37.—Subsection (a) applies with respect to sections 1008(a) and 1008(b) of title 37, United States Code, listed on page 14 of the Clerk's Report (defined in subsection (j)).

(d) NATIONAL DEFENSE AND MILITARY CONSTRUCTION AUTHORIZATION ACTS.—Subsection (a) applies with respect to provisions of law listed in the Clerk's Report (defined in subsection (j)), as follows:

(1) FISCAL YEAR 1982.—The following provisions of the Military Construction Authorization Act, 1982 (Public Law 97–99):

(A) Section 703(g) (95 Stat. 1376), listed on page 62 of the Clerk's Report.

(B) Section 704 (95 Stat. 1377), listed on pages 68, 73, and 75 of the Clerk's Report.

(2) FISCAL YEARS 1988 AND 1989.—Section 1121(f) of the National Defense Authorization Act for Fiscal Year 1988 and 1989 (Public Law 100–

180; 101 Stat. 1148; 10 U.S.C. 113 note) (listed on page 61 of the Clerk's Report).

(3) FISCAL YEARS 1990 AND 1991.—Section 113(b) of the National Defense Authorization Act for Fiscal Year 1990 and 1991 (Public Law 101–189; 103 Stat. 1373) (listed on page 2 of the Clerk's Report).

(4) FISCAL YEARS 1992 AND 1993.—The following provisions of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190):

(A) Section 822(b) (42 U.S.C. 6687(b)), listed on page 36 of the Clerk's Report.

(B) Section 1097 (22 U.S.C. 2751 note), listed on page 15 of the Clerk's Report.

(e) OTHER NATIONAL SECURITY LAWS.—Subsection (a) applies with respect to provisions of law listed in the Clerk's Report (defined in subsection (j)), as follows:

(1) STRATEGIC AND CRITICAL MATERIALS STOCK PILING ACT.—Any provision of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.), referred to on page 169 of the Clerk's Report.

(2) NATIONAL SECURITY ACT OF 1947.—Section 108 of the National Security Act of 1947 (50 U.S.C.

404a), listed on page 33 of the Clerk's Report as Pub. L. 99–433, Sec. 603(a)).

(3) IRAQ RESOLUTION.—Section 3 of the Authorization for Use of Military Force Against Iraq Resolution (50 U.S.C. 1541 note), listed on page 14 of the Clerk's Report as Pub. L. 102–1, Sec. 3).

(4) MILITARY SELECTIVE SERVICE ACT.—Section 10(g) of the Military Selective Service Act (50 U.S.C. App. 460(g)) (listed on page 191 of the Clerk's Report).

(5) NATIONAL EMERGENCIES ACT.—The following provisions of the National Emergencies Act:

(A) Section 202(d) (50 U.S.C. 1622(d)), listed on page 33 of the Clerk's Report.

(B) Section 401(c) (50 U.S.C. 1641(c)), listed on page 33 of the Clerk's Report.

(6) FOOD AND FORAGE ACT.—Section 3732 of the Revised Statutes, popularly known as the ''Food and Forage Act'' (listed on page 64 of the Clerk's Report as 41 U.S.C. 11).

(7) SPECIAL NATIONAL DEFENSE CONTRACTING AUTHORITY.—Section 4 of the Act entitled ''An Act to authorize the making, amending, and modification of contracts to facilitate the national defense'', approved August 28, 1958 (listed on several pages of

the Clerk's Report, including pages 9, 48, 51, 64, 69, 74, 76, 134, 142, 174, 179, and 186, as 50 U.S.C. 1434).

(f) OTHER LAWS ADMINISTERED BY THE DEPARTMENT OF DEFENSE.—Subsection (a) applies with respect to the following provisions of law listed in the Clerk's Report (defined in subsection (j)):

(1) DEFENSE DEPENDENTS' EDUCATION ACT OF 1978.—Section 1405 of the Defense Dependents' Education Act of 1978 (title XIV of Public Law 95–561; 20 U.S.C. 924) (listed on page 77 of the Clerk's Report).

(2) ARMED FORCES RETIREMENT HOME ACT OF 1991.—Section 1516(f) of the Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101–510; 104 Stat. 1728; 24 U.S.C. 416) (listed on page 56 of the Clerk's Report).

(g) PROVISIONS OF LAW REQUIRING DEPARTMENT OF ENERGY REPORTS.—Subsection (a) applies with respect to provisions of law listed in part IV–A–5 of the Clerk's Report (defined in subsection (j)), relating to reports to be submitted by the Secretary of Energy (or any other official of the Department of Energy), as follows:

(1) NATIONAL DEFENSE AUTHORIZATION ACTS.—The following provisions of provisions law:

(A) Section 1436(e) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 42 U.S.C. 2121 note) (listed on page 83 of the Clerk's Report).

(B) Section 3141(c) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 42 U.S.C. 7274a(c)) (listed on page 87 of the Clerk's Report).

(C) Section 3134 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 42 U.S.C. 7274c) (listed on page 87 of the Clerk's Report).

(2) TITLE 10, UNITED STATES CODE.—Sections 7424(b), 7425(b), and 7431(c) of title 10, United States Code (listed on page 89 of the Clerk's Report).

(3) ENERGY POLICY AND CONSERVATION ACT.—Section 165(b) of the Energy Policy and Conservation Act (Public Law 94–163; 42 U.S.C. 6245(b)) (listed on page 89 of the Clerk's Report).

(h) OTHER TITLES OF THE UNITED STATES CODE.—Subsection (a) applies with respect to provisions of the United States Code listed in the Clerk's Report (defined in subsection (j)), as follows:

(1) TITLE 31.—The following provisions of title 31:

(A) Section 3554(e)(2) of title 31, United States Code (listed on page 8 of the Clerk's Report as 31 U.S.C. 3554(e)(2)).

(B) Section 9503(a) (listed on page 151 of the Clerk's Report as 31 U.S.C. 9503(a)(1)(B)).

(2) TITLE 36.—Section 300110(b) of title 36, listed on page 65 of the Clerk's Report as 36 U.S.C. 6.

(i) OTHER LAWS.—Subsection (a) applies with respect to the following provisions of law listed in the Clerk's Report (defined in subsection (j)):

(1) SUPPLEMENTAL APPROPRIATIONS ACT, 1982.—Section 503(f) of the Supplemental Appropriations Act, 1987 (Public Law 100–71; 101 Stat. 471; 5 U.S.C. 7301 note) (listed on page 151 of the Clerk's Report), insofar as the report under that section relates to activities of the Department of Defense.

(2) BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION ACT.—Section 1411(b) of the Barry Goldwater Scholarship and Excellence in Education Act (title XIV of Public Law 99–661 (20

U.S.C. 4710(b)) (listed on page 174 of the Clerk's Report).

(3) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—Section 205(b) of the Federal Property and Administrative Services Act of 1949 (listed on page 8 of the Clerk's Report as 40 U.S.C. 486(b)).

(4) UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.—Section 101(b)(6) of the Uniformed and Overseas Citizens Absentee Voting Act (listed on page 151 of the Clerk's Report as 42 U.S.C. 1973ff(b)(6)).

(5) NATIONAL SCIENCE AND TECHNOLOGY POLICY, ORGANIZATION, AND PRIORITIES ACT OF 1976.—Section 603(e) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(e)) (specified on page 36 of the Clerk's Report as section 841(a) of Public Law 101–189).

(6) LAWS REQUIRING MARITIME ADMINISTRATION REPORTS.—Provisions of law listed under the heading ''Maritime Administration'' in Part IV–A–12 in the Clerk's Report, relating to reports to be submitted by the Secretary of Transportation (or

any other official of the Department of Transportation), listed on page 139.

(j) CLERK'S REPORT DEFINED.—For the purposes of this section, the term ''Clerk's Report'' means the document submitted by the Clerk of House of Representatives to the Speaker of the House of Representatives on January 5, 1993 (designated as House Document No. 103–7) for the first session of the 103d Congress pursuant to clause 2 of Rule III of the Rules of the House of Representatives, requiring the Clerk to prepare, at the commencement of every regular session of Congress, a list of reports which it is the duty of any officer or department to make to Congress.

**SEC. 1022. ANNUAL REPORT ON COMBATANT COMMAND REQUIREMENTS.**

Section 153 of title 10, United States Code, is amended by adding at the end the following:

''(c) ANNUAL REPORT ON COMBATANT COMMAND REQUIREMENTS.—(1) Not later than August 15 of each year, the Chairman shall submit to the committees of Congress named in paragraph (2) a report on the requirements of the combatant commands established under section 161 of this title. The report shall contain the following:

"(A) A consolidation of the integrated priority lists of requirements of the combatant commands.

"(B) The Chairman's views on the consolidated lists.

"(2) The committees of Congress referred to in paragraph (1) are the Committees on Armed Services and on Appropriations of the Senate and House of Representatives.".

**SEC. 1023. REPORT ON ASSESSMENTS OF READINESS TO EXECUTE THE NATIONAL MILITARY STRATEGY.**

(a) REQUIREMENT FOR REPORT.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives in unclassified form a report on assessments of the readiness of the United States to execute the National Military Strategy. The report shall contain the following:

(A) All models used by the Joint Chiefs of Staff to assess the capability of the United States to execute the strategy and all other models used by the Armed Forces to assess the capability.

(B) The assessments that would result from the use of those models if it were necessary to execute the National Military Strategy under the scenario set forth in paragraph (2), including the levels of the

casualties that the United States would be projected to incur.

(C) The increasing levels of the casualties that would be projected under that scenario over a range of risks of prosecuting two major theater wars that proceeds from low-moderate risk to moderate-high risk.

(D) An estimate of—

(i) the total resources needed to attain a moderate-high risk under the scenario;

(ii) the total resources needed to attain a low-moderate risk under the scenario; and

(iii) the incremental resources needed to decrease the level of risk from moderate-high to low-moderate.

(2) The scenario to be used for purposes of subparagraphs (B), (C), and (D) of paragraph (1) assumes that—

(A) while the Armed Forces are engaged in operations at the level of the operations ongoing as of the date of the enactment of this Act, international armed conflict begins in Southwest Asia and on the Korean peninsula; and

(B) the Armed Forces are equipped, supplied, manned, and trained at levels current as of such date.

(b) LIMITATION ON USE OF FUNDS PENDING SUBMITTAL OF REPORT.—Of the funds authorized to be appropriated under section 301(a)(5) for the Office of the Secretary of Defense and the Joint Chiefs of Staff, not more than 75 percent of such funds may be expended until the report required in subsection (a) is submitted.

**SEC. 1024. REPORT ON INVENTORY AND CONTROL OF MILITARY EQUIPMENT.**

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) MILITARY EQUIPMENT DEFINED.—For the purposes of this section, the term ''military equipment'' means all equipment that is used in support of military

missions and is maintained on the visibility systems of the Army, Navy, Air Force, or Marine Corps.

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

**SEC. 1025. SPACE TECHNOLOGY GUIDE.**

(a) REQUIREMENT.—The Secretary of Defense shall develop a detailed guide for investment in space science and technology, demonstrations of space technology, and planning and development for space technology systems. In the development of the guide, the goal shall be to identify the technologies and technology demonstrations needed for the United States to take full advantage of use of space for national security purposes.

(b) RELATIONSHIP TO FUTURE-YEARS DEFENSE PROGRAM.—The space technology guide shall include two alternative technology paths. One shall be consistent with the applicable funding limitations associated with the future-years defense program. The other shall reflect the assumption that it is not constrained by funding limitations.

(c) RELATIONSHIP TO ACTIVITIES OUTSIDE THE DEPARTMENT OF DEFENSE.—The Secretary shall include in

the guide a discussion of the potential for cooperative investment and technology development with other departments and agencies of the United States and with private sector entities.

(d) UTILIZATION OF PREVIOUS STUDIES AND REPORTS.—The Secretary shall take into consideration previously completed studies and reports that may be relevant to the development of the guide, including the United States Space Command's Long Range Plan of March 1998 and the Air Force Space Command's Strategic Master Plan of December 1997.

(e) REPORT.—Not later than April 15, 2000, the Secretary shall submit a report on the space technology guide to the congressional defense committees.

**SEC. 1026. REPORT AND REGULATIONS ON DEPARTMENT OF DEFENSE POLICIES ON PROTECTING THE CONFIDENTIALITY OF COMMUNICATIONS WITH PROFESSIONALS PROVIDING THERAPEUTIC OR RELATED SERVICES REGARDING SEXUAL OR DOMESTIC ABUSE.**

(a) STUDY AND REPORT.—(1) The Comptroller General shall study the policies, procedures, and practices of the military departments for protecting the confidentiality of communications between—

(A) a dependent of a member of the Armed Forces who—

(i) is a victim of sexual harassment, sexual assault, or intrafamily abuse; or

(ii) has engaged in such misconduct; and

(B) a therapist, counselor, advocate, or other professional from whom the dependent seeks professional services in connection with effects of such misconduct.

(2) Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall conclude the study and submit a report on the results of the study to Congress and the Secretary of Defense.

(b) REGULATIONS.—The Secretary of Defense shall prescribe in regulations the policies and procedures that the Secretary considers appropriate to provide the maximum protections for the confidentiality of communications described in subsection (a) relating to misconduct described in that subsection, consistent with—

(1) the findings of the Comptroller General;

(2) the standards of confidentiality and ethical standards issued by relevant professional organizations;

(3) applicable requirements of Federal and State law;

(4) the best interest of victims of sexual harassment, sexual assault, or intrafamily abuse;

(5) military necessity; and

(6) such other factors as the Secretary, in consultation with the Attorney General, may consider appropriate.

(c) REPORT BY SECRETARY OF DEFENSE.—Not later than January 21, 2000, the Secretary of Defense shall submit to Congress a report on the actions taken under subsection (b) and any other actions taken by the Secretary to provide the maximum possible protections for confidentiality described in that subsection.

**SEC. 1027. COMPTROLLER GENERAL REPORT ON ANTICIPATED EFFECTS OF PROPOSED CHANGES IN OPERATION OF STORAGE SITES FOR LETHAL CHEMICAL AGENTS AND MUNITIONS.**

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

1 dressed in the report shall include those that are to be
2 effectuated by fiscal year 2002.
3 (b) CONTENT OF REPORT.—The report shall include
4 the following:
5 (1) For each site, a description of the assigned
6 chemical storage, chemical demilitarization, and in-
7 dustrial missions.
8 (2) A description of the criteria and reporting
9 systems applied to ensure that the storage sites and
10 the workforce operating the storage sites have—
11 (A) the capabilities necessary to respond
12 effectively to emergencies involving chemical ac-
13 cidents; and
14 (B) the industrial capabilities necessary to
15 meet replenishment and surge requirements.
16 (3) The risks associated with the proposed
17 workforce reductions and contractor performance,
18 particularly regarding chemical accidents, incident
19 response capabilities, community-wide emergency
20 preparedness programs, and current or planned
21 chemical demilitarization programs.
22 (4) The effects of the proposed workforce re-
23 ductions and contractor performance on the capa-
24 bility to satisfy permit requirements regarding envi-
25 ronmental protection that are applicable to the per-

formance of current and future chemical demilitarization and industrial missions.

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

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

**SEC. 1028. REPORT ON DEPLOYMENTS OF RAPID ASSESSMENT AND INITIAL DETECTION TEAMS ACROSS STATE BOUNDARIES.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on out-of-State use of Rapid Assessment and Initial Detection Teams for responses to incidents involving a weapon of mass destruction. The report shall include a specific description and analysis of the procedures that have been established or agreed to by States for the use in one State of a team that is based in another State.

**SEC. 1029. REPORT ON CONSEQUENCE MANAGEMENT PROGRAM INTEGRATION OFFICE UNIT READINESS.**

(a) JOINT READINESS REVIEW.—(1) The Secretary of Defense shall include in the quarterly report submitted to Congress under section 482 of title 10, United States Code, for the first quarter beginning after the date of the enactment of this Act an assessment of the readiness, training status, and future funding requirements of all active and reserve component units that are considered assets of the Consequence Management Program Integration Office of the Department of Defense.

(2) The Secretary of Defense shall set forth the assessment in an annex to the quarterly report. The Secretary shall include in the annex a detailed description of how the active and reserve component units are integrated with the Rapid Assessment and Initial Detection Teams in the overall Consequence Management Program Integration Office of the Department of Defense.

(b) DECONTAMINATION READINESS PLAN.—The Secretary of Defense shall prepare a decontamination readiness plan for the Consequence Management Program Integration Office. The plan shall include the following:

(1) The actions necessary to ensure that the units designated to carry out decontamination mis-

sions under the program are at the highest level of readiness for carrying out the missions.

(2) The funding necessary for attaining and maintaining that level of readiness.

(3) Procedures for ensuring that each decontamination unit is available to respond to an incident in the United States that involves a weapon of mass destruction within 12 hours after being notified of the incident by a Rapid Assessment and Initial Detection Team.

**SEC. 1030. ANALYSIS OF RELATIONSHIP BETWEEN THREATS AND BUDGET SUBMISSION FOR FISCAL YEAR 2001.**

(a) REQUIREMENT FOR REPORT.—The Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff and the Director of Central Intelligence, shall submit to the congressional defense committees, on the date that the President submits the budget for fiscal year 2001 to Congress under section 1105(a) of title 31, United States Code, a report on the relationship between the budget proposed for budget function 050 (National Defense) for that fiscal year and the then-current and emerging threats to the national security interests of the United States identified in the annual national security

strategy report required under section 108 of the National Security Act of 1947 (50 U.S.C. 404a).

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

(1) A detailed description of the threats referred to in subsection (a);

(2) An analysis of such threats in terms of the probability that an attack or other threat event will actually occur, the military challenge posed by the threats, and the potential damage that the threats could have to the national security interests of the United States.

(3) An analysis of the allocation of funds in the fiscal year 2001 budget and the future-years defense program that addresses the threats in each category.

(4) A justification for each major defense acquisition program (as defined in section 2430 of title 10, United States Code) that is provided for in the budget in light of the description and analyses set forth in the report.

(c) FORM OF REPORT.—The report shall be submitted in unclassified form, but may also be submitted in classified form if necessary.

**SEC. 1031. REPORT ON NATO'S DEFENSE CAPABILITIES INITIATIVE.**

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

(1) At the Washington Summit meeting of the North Atlantic Council in April 1999, NATO Heads of State and Governments launched a Defense Capabilities Initiative.

(2) The Defense Capabilities Initiative is designed to improve the defense capabilities of the individual nations of the NATO Alliance to ensure the effectiveness of future operations across the full spectrum of Alliance missions in the present and foreseeable security environment.

(3) Under the Defense Capabilities Initiative, special focus will be given to improving interoperability among Alliance forces and to increasing defense capabilities through improvements in the deployability and mobility of Alliance forces, the sustainability and logistics of the forces, the survivability and effective engagement capability of the forces, and command and control and information systems.

(4) The successful implementation of the Defense Capabilities Initiative will serve to enable all NATO allies to make a more equitable contribution

to the full spectrum of Alliance missions, thereby increasing burdensharing within the Alliance and enhancing the ability of European allies to undertake operations pursuant to the European Security and Defense Identity within the Alliance.

(b) ANNUAL REPORT.—(1) Not later than January 31 of each year, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives a report on implementation of the Defense Capabilities Initiative by the nations of the NATO Alliance. The report shall include the following:

(A) A discussion of the work of the temporary High-Level Steering Group, or any successor group, established to oversee the implementation of the Defense Capabilities Initiative and to meet the requirement of coordination and harmonization among relevant planning disciplines.

(B) A description of the actions taken, including implementation of the Multinational Logistics Center concept and development of the C3 system architecture, by the Alliance as a whole to further the Defense Capabilities Initiative.

(C) A description of the actions taken by each of our NATO allies to improve the capabilities of their forces in each of the following areas:

(i) Interoperability with other Alliance forces.

(ii) Deployability and mobility.

(iii) Sustainability and logistics.

(iv) Survivability and effective engagement capability.

(v) Command and control and information systems.

(4) The report shall be submitted in unclassified form, but may also be submitted in classified form if necessary.

**SEC. 1032. REVIEW OF INCIDENCE OF STATE MOTOR VEHICLE VIOLATIONS BY ARMY PERSONNEL.**

(a) REVIEW AND REPORT REQUIRED.—The Secretary of the Army shall review the incidence of violations of State and local motor vehicle laws applicable to the operation and parking of Army motor vehicles by Army personnel during fiscal year 1999, and, not later than March 31, 2000, submit a report on the results of the review to Congress.

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

(1) A quantitative description of the extent of the violations described in subsection (a).

(2) An estimate of the total amount of the fines that are associated with citations issued for the violations.

(3) Any recommendations that the Inspector General considers appropriate to curtail the incidence of the violations.

**SEC. 1033. REPORT ON USE OF NATIONAL GUARD FACILITIES AND INFRASTRUCTURE FOR SUPPORT OF PROVISION OF VETERANS SERVICES.**

(a) REPORT.—(1) The Chief of the National Guard Bureau shall, in consultation with the Secretary of Veterans Affairs, submit to the Secretary of Defense a report assessing the feasibility and desirability of using the facilities and electronic infrastructure of the National Guard for support of the provision of services to veterans by the Secretary. The report shall include an assessment of any costs and benefits associated with the use of such facilities and infrastructure for such support.

(2) The Secretary of Defense shall transmit to Congress the report submitted under paragraph (1), together with any comments on the report that the Secretary considers appropriate.

(b) TRANSMITTAL DATE.—The report shall be transmitted under subsection (a)(2) not later than April 1, 2000.

**SEC. 1034. REPORT ON MILITARY-TO-MILITARY CONTACTS WITH THE PEOPLE'S REPUBLIC OF CHINA.**

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on military-to-military contacts between the United States and the People's Republic of China.

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

(1) A list of the general and flag grade officers of the People's Liberation Army who have visited United States military installations since January 1, 1993.

(2) The itinerary of the visits referred to in paragraph (2), including the installations visited, the duration of the visits, and the activities conducted during the visits.

(3) The involvement, if any, of the general and flag officers referred to in paragraph (2) in the Tiananmen Square massacre of June 1989.

(4) A list of facilities in the People's Republic of China that United States military officers have visited as a result of any military-to-military contact

program between the United States and the People's Republic of China since January 1, 1993.

(5) A list of facilities in the People's Republic of China that have been the subject of a requested visit by the Department of Defense which has been denied by People's Republic of China authorities.

(6) A list of facilities in the United States that have been the subject of a requested visit by the People's Liberation Army which has been denied by the United States.

(7) Any official documentation, such as memoranda for the record, after-action reports and final itineraries, and all receipts for expenses over $1,000, concerning military-to-military contacts or exchanges between the United States and the People's Republic of China in 1999.

(8) An assessment regarding whether or not any People's Republic of China military officials have been shown classified material as a result of military-to-military contacts or exchanges between the United States and the People's Republic of China.

(9) The report shall be submitted no later than March 31, 2000, and shall be unclassified but may contain a classified annex.

# Subtitle D—Other Matters

**SEC. 1041. LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.**

(a) ONE-YEAR EXTENSION.—Subsection (g) of section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1948), as amended by section 1501 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2171), is further amended by striking ''and 1999'' and inserting ''through 2000''.

(b) MINIMUM LEVELS FOR CERTAIN SYSTEMS.—Subsection (a) of such section is amended—

(1) in paragraph (1), by striking ''71'' and inserting ''76''; and

(2) in paragraph (2), by striking ''18'' and inserting ''14''.

**SEC. 1042. LIMITATION ON REDUCTION IN UNITED STATES STRATEGIC NUCLEAR FORCES.**

(a) LIMITATION ON REDUCTION OF UNITED STATES STRATEGIC NUCLEAR FORCES.—None of the funds authorized to be appropriated by this or any other Act for fiscal year 2000 may be used to reduce the number of United States strategic nuclear forces below the maximum number of those forces, for each category of nuclear arms,

permitted the United States under the START II Treaty unless the President submits to Congress a report containing an assessment indicating that such reductions would not impede the capability of the United States to respond militarily to any militarily significant increase in the challenge to United States security or strategic stability posed by nuclear weapon modernization programs of the People's Republic of China or any other nation.

(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize the retirement or dismantlement, or the preparation for retirement or dismantlement, of any strategic nuclear delivery system described in section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) below the level specified for the system in that section, as amended by section 1041.

(c) DEFINITIONS.—In this section:

(1) START II TREATY DEFINED.—The term "START II Treaty" means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, and related protocols and memorandum of understanding, signed at Moscow on January 3, 1993.

(2) UNITED STATES STRATEGIC NUCLEAR FORCES.—The term ''United States strategic nuclear forces'' includes intercontinental ballistic missiles (ICBMs) and ICBM launchers, submarine-launched ballistic missiles (SLBMs) and SLBM launchers, heavy bombers, ICBM warheads, SLBM warheads, and heavy bomber nuclear armaments.

**SEC. 1043. COUNTERPROLIFERATION PROGRAM REVIEW COMMITTEE.**

(a) EXTENSION OF COMMITTEE.—Section 1605(f) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 22 U.S.C. 2751 note) is amended by striking ''September 30, 2000'' and inserting ''September 30, 2004''.

(b) EXECUTIVE SECRETARY OF THE COMMITTEE.—Paragraph (5) of section 1605(a) of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751 note) is amended to read as follows:

''(5) The Assistant Secretary of Defense for Strategy and Threat Reduction shall serve as executive secretary to the committee.''.

(c) EARLIER DEADLINE FOR ANNUAL REPORT ON COUNTERPROLIFERATION ACTIVITIES AND PROGRAMS.—Section 1503(a) of the National Defense Authorization Act for Fiscal Year 1995 (22 U.S.C. 2751 note) is amend-

ed by striking ''May 1 of each year'' and inserting ''February 1 of each year''.

**SEC. 1044. LIMITATION REGARDING COOPERATIVE THREAT REDUCTION PROGRAMS.**

Funds authorized to be appropriated under this Act may not be obligated or expended for assistance for a country under any Cooperative Threat Reduction program specified under section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 50 U.S.C. 2362 note) until the President certifies to Congress that the government of that country is committed to—

(1) complying with all relevant arms control agreements;

(2) facilitating United States verification of weapons destruction;

(3) forgoing any use of fissionable and other components of destroyed nuclear weapons in new nuclear weapons;

(4) forgoing the replacement of destroyed weapons of mass destruction; and

(5) forgoing any military modernization program that exceeds legitimate defense requirements.

**SEC. 1045. PERIOD COVERED BY ANNUAL REPORT ON ACCOUNTING FOR UNITED STATES ASSISTANCE UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.**

Section 1206(a)(2) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106, 110 Stat. 471; 22 U.S.C. 5955 note) is amended to read as follows:

''(2) The report shall be submitted under this section not later than January 31 of each year and shall cover the fiscal year ending in the preceding year. No report is required under this section after the completion of the Cooperative Threat Reduction programs.''.

**SEC. 1046. SUPPORT OF UNITED NATIONS-SPONSORED EFFORTS TO INSPECT AND MONITOR IRAQI WEAPONS ACTIVITIES.**

(a) LIMITATION ON AMOUNT OF ASSISTANCE IN FISCAL YEAR 2000.—The total amount of the assistance for fiscal year 2000 that is provided by the Secretary of Defense under section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) as activities of the Department of Defense in support of activities under that Act may not exceed $15,000,000.

(b) EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE.—Subsection (f) of section 1505 of the Weapons of

Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) is amended by striking ''1999'' and inserting ''2000''.

**SEC. 1047. INFORMATION ASSURANCE INITIATIVE.**

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

(1) The United States is becoming increasingly dependent upon information systems for national security, economic security, and a broad range of other vital national interests.

(2) Presidential Decision Directive 63, dated May 22, 1998, recognizes the importance of information assurance and sets forth policy and organizational recommendations for addressing the information assurance challenges.

(3) The Department of Defense has undertaken significant steps to address threats to the Defense Information Infrastructure, including the establishment of a Defense Information Assurance Program.

(4) Notwithstanding those actions and other important actions taken by the President and the Secretary of Defense to address the challenges of information assurance, the Department of Defense, other Federal departments and agencies, and a broad range of private sector entities continue to

face new challenges and threats to their information systems.

(5) Although the Secretary of Defense can and should play an important role in helping address a broad range of information warfare threats to the United States, the Secretary necessarily focuses primarily on addressing the vulnerabilities of the information systems and other infrastructures, within and outside of the Department of Defense, on which the Department of Defense depends for the conduct of daily operations and the conduct of operations in crises.

(6) It is important for the Secretary of Defense to work closely with the heads of all departments and agencies of the Federal Government concerned to identify areas in which the Department of Defense can contribute to securing critical national infrastructures beyond the areas under the direct oversight and control of the Secretary of Defense.

(b) DEFENSE INFORMATION ASSURANCE PROGRAM.—(1) The Secretary of Defense shall carry out an information assurance program.

(2) The Secretary shall submit to Congress an annual report on the program. The annual report shall include the Department of Defense information assurance guide

1 applicable under subsection (c) as of the date of the re-
2 port. The first report shall be submitted not later than
3 March 15, 1999.

4 (c) DEFENSE INFORMATION ASSURANCE GUIDE.—
5 (1) The Secretary of Defense shall prepare a Department
6 of Defense information assurance guide for the develop-
7 ment of appropriate organizational structures and tech-
8 nologies for information assurance under the program.
9 The Secretary shall modify or replace the guide from time
10 to time to maintain the current relevance of the guide.

11 (2) The Department of Defense information assur-
12 ance guide shall include the following:

13 (A) A plan for developing information assur-
14 ance technologies, including the criteria used to
15 prioritize research, development, and procurement
16 investments in such technologies.

17 (B) A plan for organizing the Department of
18 Defense to defend against information warfare
19 threats, including the organizational changes that
20 are planned or being considered together with a reci-
21 tation of the organizational changes that have been
22 implemented.

23 (C) A plan for joint efforts by the Department
24 of Defense with other departments and agencies of
25 the Federal Government and with State and local

organizations to strengthen the security of the information systems and infrastructures in the United States, with particular emphasis on the systems and elements of the infrastructure on which the Department of Defense depends for the conduct of daily operations and the conduct of operations in crises.

(D) An assessment of the threats to information systems and infrastructures on which the Department of Defense depends for the conduct of daily operations and the conduct of operations in crises, including an assessment of technical or other vulnerabilities in Defense Department information and communications systems.

(E) A plan for conducting exercises, war games, simulations, experiments, and other activities designed to prepare the Department of Defense to respond to information warfare threats.

(F) Any proposal for legislation that the Secretary considers necessary for implementing the Defense information assurance program or for otherwise responding to information warfare threats.

(G) Any other information that the Secretary determines relevant.

(d) INFORMATION ASSURANCE TESTBED.—(1) The Secretary of Defense shall develop an information assur-

ance testbed. In developing the testbed, the Secretary shall consult with the heads of the other departments and agencies of the Federal Government that the Secretary determines as being concerned with defense information assurance.

(2) The information assurance testbed shall be organized to provide the following:

(A) An integrated organizational structure within the Department of Defense to plan and facilitate the conduct of simulations, wargames, exercises, experiments, and other activities designed to prepare and inform the Department of Defense regarding information warfare threats.

(B) Organizational and planning means for the conduct by the Department of Defense of integrated or joint exercises and experiments with the commercial organizations and other non-Department of Defense organizations that are responsible for the oversight and management of critical information systems and infrastructures on which the Department of Defense depends for the conduct of daily operations and the conduct of operations in crises.

(e) FUNDING.—(1) Of the amounts authorized to be appropriated under section 104—

(A) $10,000,000 is available for procurement by the Defense Information Systems Agency of secure terminal equipment for use by the Armed Forces and Defense Agencies; and

(B) $10,000,000 is available for development and procurement of tools for real-time computer intrusion detection, analysis, and warning.

(2) Of the amounts authorized to be appropriated under section 201(4)—

(A) $5,000,000 in program element 65710D8 is available for establishing and operating the information assurance testbed established pursuant to subsection (d); and

(B) $85,000,000 in program element 33140G is available for—

(i) secure wireless communications;

(ii) public key infrastructure;

(iii) tool development by the Information Operations Technology Center;

(iv) critical infrastructure modeling; and

(v) software security research.

(3) Of the amounts authorized to be appropriated under section 301(a)(5), $10,000,000 is available for training, education, and retention of information technology professionals of the Department of Defense.

**SEC. 1048. DEFENSE SCIENCE BOARD TASK FORCE ON TELEVISION AND RADIO AS A PROPAGANDA INSTRUMENT IN TIME OF MILITARY CONFLICT.**

(a) DEFENSE SCIENCE BOARD TASK FORCE ON RADIO AND TELEVISION AS A PROPAGANDA INSTRUMENT IN TIME OF CONFLICT.—The Secretary of Defense shall establish a task force of the Defense Science Board to examine the use of radio and television broadcasting as a propaganda instrument and the adequacy of the capabilities of the United States Armed Forces in this area to deal with situations such as the conflict in the Federal Republic of Yugoslavia.

(b) DUTIES OF THE TASK FORCE.—The task force shall assess and develop recommendations as to the appropriate capabilities, if any, that the United States Armed Forces should have to broadcast radio and television into an area so as to ensure that the general public in that area are exposed to the facts of the conflict. In making the assessment and developing the recommendations, the task force shall review the following:

(1) The capabilities of the United States Armed Forces to develop programming and to broadcast factual information that can reach a large segment of the general public in a country like the Federal Republic of Yugoslavia.

(2) The potential of various airborne or land-based mechanisms to have capabilities described in paragraph (1), including but not limited to desirable improvements to the EC–130 Commando Solo aircraft, and the utilization of other airborne platforms, unmanned aerial vehicles, and land-based transmitters in conjunction with satellites.

(3) Other issues relating to the use of television and radio as a propaganda instrument in time of conflict.

(c) REPORT.—The task force shall submit to the Secretary of Defense a report containing its assessments and recommendations not later than February 1, 2000. The Secretary shall submit the report, together with the comments and recommendations of the Secretary of Defense, to the congressional defense committees not later than March 1, 2000.

(d) FEDERAL REPUBLIC OF YUGOSLAVIA DEFINED.—In this section, the term ''Federal Republic of Yugoslavia'' means the Federal Republic of Yugoslavia (Serbia and Montenegro).

**SEC. 1049. PREVENTION OF INTERFERENCE WITH DEPARTMENT OF DEFENSE USE OF FREQUENCY SPECTRUM.**

(a) COMPATIBILITY WITH DEFENSE SYSTEMS.—A non-Department of Defense entity operating a communication system, device, or apparatus on any portion of the frequency spectrum used by the Department of Defense, whether or not licensed to do so, shall ensure that the system, device, or apparatus is designed not to interfere with and not to receive interference from the communication systems that are operated by or for the Department of Defense on that portion of the frequency spectrum as of the date of the enactment of this Act. The preceding sentence does not apply to the operation, by a non-Department of Defense entity, of a communication system, device, or apparatus on any portion of the frequency spectrum that is reserved for exclusively nongovernment use.

(b) COSTS OF REDESIGN OR REBUILDING OF MILITARY SYSTEMS.—If it is necessary for the Department of Defense to redesign or rebuild a communication system used by the department because of a violation of subsection (a) by a non-Department of Defense entity, that entity shall be liable to the United States for the costs incurred by the United States for the redesign or rebuilding of the Department of Defense system or, if the entity is a department or agency of the United States, shall

transfer to the Department of Defense funds in the amount of such costs.

(c) EFFECTIVE DATE.—This section applies with respect to operation of a communication system, device, or apparatus fielded on or after October 1, 1999.

(d) NONAPPLICABILITY.—This section does not apply to any upgrades, modifications, or system redesign to a Department of Defense communication system made after the date of enactment of this Act where that modification, upgrade or redesign would result in interference with or receiving interference from a non-Department of Defense system.

**SEC. 1050. OFF-SHORE ENTITIES INTERFERING WITH DEPARTMENT OF DEFENSE USE OF THE FREQUENCY SPECTRUM.**

(a) LIMITATION ON USE OF FUNDS.—Funds authorized to be appropriated or otherwise made available by this or any other Act may not be obligated to enter into any contract with, make any payment to, or issue any broadcast or other license or permit to any entity that broadcasts from outside the United States into the United States on any frequency that, as of the date of the enactment of this Act, is reserved to or used by the Department of Defense, unless the broadcasting is authorized under law.

(b) SAVINGS PROVISION.—The provisions of subsection (a) shall not be construed to interfere with the enforcement authority of the Federal Communications Commission under the Communications Act of 1934 or any other law.

**SEC. 1051. REPEAL OF LIMITATION ON AMOUNT OF FEDERAL EXPENDITURES FOR THE NATIONAL GUARD CHALLENGE PROGRAM.**

Section 509(b) of title 32, United States Code, is amended by striking ", except that Federal expenditures under the program may not exceed $50,000,000 for any fiscal year".

**SEC. 1052. NONDISCLOSURE OF INFORMATION ON PERSONNEL OF OVERSEAS, SENSITIVE, OR ROUTINELY DEPLOYABLE UNITS.**

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after section 130a the following:

**"§ 130b. Nondisclosure of information: personnel in overseas, sensitive, or routinely deployable units**

"(a) EXEMPTION FROM DISCLOSURE.—Notwithstanding any other provision of law, the Secretary of Defense and, with respect to the Coast Guard when it is not operating as a service in the Navy, the Secretary of Trans-

portation may authorize to be withheld from disclosure to the public the name, rank, duty address, official title, and information regarding the pay of—

"(1) members of the armed forces assigned to overseas, sensitive, or routinely deployable units; and

"(2) employees of the Department of Defense or of the Coast Guard whose duty stations are with overseas, sensitive, or routinely deployable units.

"(b) EXCEPTIONS.—(1) The authority in subsection (a) is subject to such exceptions as the President may direct.

"(2) Subsection (a) does not authorize any official to withhold, or to authorize the withholding of, information from Congress.

"(c) DEFINITIONS.—In this section:

"(1) The term 'unit' means a military organization of the armed forces designated as a unit by competent authority.

"(2) The term 'overseas unit' means a unit that is located outside the continental United States and its territories.

"(3) The term 'sensitive unit' means a unit that is primarily involved in training for the conduct of, or conducting, special activities or classified missions, including the following:

"(A) A unit involved in collecting, handling, disposing, or storing of classified information and materials.

"(B) A unit engaged in training—

"(i) special operations units;

"(ii) security group commands weapons stations; or

"(iii) communications stations.

"(C) Any other unit that is designated as a sensitive unit by the Secretary of Defense or, in the case of the Coast Guard when it is not operating as a service in the Navy, by the Secretary of Transportation.

"(4) The term 'routinely deployable unit'—

"(A) means a unit that normally deploys from its permanent home station on a periodic or rotating basis to meet peacetime operational requirements that, or to participate in scheduled training exercises that, routinely require deployments outside the United States and its territories; and

"(B) includes a unit that is alerted for deployment outside the United States and its territories during an actual execution of a contingency plan or in support of a crisis operation.".

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

"130b. Nondisclosure of information: personnel in overseas, sensitive, or routinely deployable units.".

**SEC. 1053. NONDISCLOSURE OF OPERATIONAL FILES OF THE NATIONAL IMAGERY AND MAPPING AGENCY.**

(a) AUTHORITY TO WITHHOLD.—Subchapter II of chapter 22 of title 10, United States Code, as amended by section 1005, is further amended by adding at the end the following:

**"§ 458. Withholding of operational files from public disclosure**

"(a) AUTHORITY.—The Secretary of Defense may withhold from public disclosure operational files described in subsection (b) to the same extent that operational files may be withheld under section 701 of the National Security Act of 1947 (50 U.S.C. 431).

"(b) COVERED OPERATIONAL FILES.—The authority under subsection (a) applies to operational files in the possession of the National Imagery and Mapping Agency that—

"(1) as of September 22, 1996, were maintained by the National Photographic Interpretation Center; or

"(2) concern the activities of the Agency that, as of such date, were performed by the National Photographic Interpretation Center.

"(c) OPERATIONAL FILES DEFINED.—In this section, the term 'operational files' has the meaning given the term in section 701(b) of the National Security Act of 1947 (50 U.S.C. 431(b))."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter, as amended by section 1005, is further amended by adding at the end the following:

"458. Withholding of operational files from public disclosure."

**SEC. 1054. NONDISCLOSURE OF INFORMATION OF THE NATIONAL IMAGERY AND MAPPING AGENCY HAVING COMMERCIAL SIGNIFICANCE.**

(a) AUTHORITY TO WITHHOLD.—Subchapter II of chapter 22 of title 10, United States Code, as amended by section 1053, is further amended by adding at the end the following:

**"§ 459. Withholding of certain commercially significant information from public disclosure**

"(a) AUTHORITY.—The Secretary of Defense may withhold from public disclosure information in the possession of the National Imagery and Mapping Agency if the Secretary determines in writing that—

"(1) public disclosure of the information would compete with or otherwise adversely affect commercial operations in any existing or emerging commercial industry or the operation of any existing or emerging commercial market; and

"(2) withholding the information from public disclosure is consistent with the national security interests of the United States.

"(b) RELATIONSHIP TO DCI AUTHORITY.—(1) Nothing in this section shall be construed as superseding, limiting, or otherwise affecting the authority and responsibilities of the Director of Central Intelligence to withhold or require the withholding of imagery and imagery intelligence from public disclosure under the National Security Act of 1947 (50 U.S.C. 401 et seq.), Executive Order No. 12951 or any successor Executive order, or directives of the President.

"(2) In the administration of the authority under subsection (a) with respect to imagery and imagery intelligence, the Secretary of Defense shall be subject to the policies and directives prescribed by the Director of Central Intelligence for the public disclosure of such information.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter, as amended by sec-

tion 1053, is further amended by adding at the end the following:

"459. Withholding of certain commercially significant information from public disclosure.".

**SEC. 1055. CONTINUED ENROLLMENT OF DEPENDENTS IN DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS AFTER LOSS OF ELIGIBILITY.**

Section 2164(c)(3) of title 10, United States Code, is amended to read as follows:

"(3) The Secretary may, for good cause, authorize a dependent of a member of the armed forces or of a Federal employee to continue enrollment in a program under this subsection notwithstanding a change in the status of the member or employee that, except for this paragraph, would otherwise terminate the eligibility of the dependent to be enrolled in the program. The enrollment may continue for as long as the Secretary considers appropriate. The Secretary may remove the dependent from the program at any time that the Secretary determines that there is good cause for the removal.".

**SEC. 1056. UNIFIED SCHOOL BOARDS FOR ALL DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT SCHOOLS IN THE COMMONWEALTH OF PUERTO RICO AND GUAM.**

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

**SEC. 1057. DEPARTMENT OF DEFENSE STARBASE PROGRAM.**

(a) PROGRAM AUTHORITY.—Chapter 111 of title 10, United States Code, is amended by inserting after section 2193 the following:

**''§ 2193b. Improvement of education in technical fields: program for support of elementary and secondary education in science, mathematics, and technology**

''(a) AUTHORITY FOR PROGRAM.—The Secretary of Defense may conduct a science, mathematics, and technology education improvement program known as the 'Department of Defense STARBASE Program'. The Secretary shall carry out the program through the secretaries of the military departments.

"(b) PURPOSE.—The purpose of the program is to improve knowledge and skills of students in kindergarten through twelfth grade in mathematics, science, and technology.

"(c) STARBASE ACADEMIES.—(1) The Secretary shall provide for the establishment of at least 25 academies under the program.

"(2) An academy established under the program shall provide the following:

"(A) For each elementary and secondary grade level, the presentation of a curricula of 20 hours of instruction in science, mathematics, and technology.

"(B) Outreach programs for the support of elementary and secondary level instruction in science, mathematics, and technology at other locations.

"(3) The Secretary may support the establishment and operation of any academy in excess of two academies in a State only if the Secretary has first authorized in writing the establishment of the academy and the costs of the establishment and operation of the academy are paid out of funds provided by sources other than the Department of Defense. Any such costs that are paid out of appropriated funds shall be considered as paid out of funds provided by such other sources if such sources fully reimburse the United States for the costs.

"(d) AUTHORIZED SUPPORT.—The following support may be provided for activities under the program:

"(1) Administrative and instructional personnel.

"(2) Facilities.

"(3) Instructional materials, including textbooks.

"(4) Equipment.

"(5) To the extent considered appropriate by the Secretary of the military department concerned, any additional resources (including transportation and billeting) that may be available.

"(e) PERSONS ELIGIBLE TO PARTICIPATE IN PROGRAM.—The Secretary of Defense shall prescribe the standards and procedures for selecting persons to participate in the program.

"(f) PROGRAM PERSONNEL.—(1) The Secretary of the military department concerned may—

"(1) authorize members of the armed forces to provide command, administrative, training, or supporting services for the program on a full-time basis; and

"(2) employ or procure by contract civilian personnel to provide such services.

"(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing the conduct of the program.

"(g) FUNDING.—(1) The Secretary shall ensure that each academy meeting at least the minimum operating standards established for academies under the program is funded at a level of at least $200,000 for each fiscal year.

"(2) The Secretary of Defense and the Secretaries of the military departments may accept financial and other support for the program from other departments and agencies of the Federal Government, State governments, local governments, and not-for-profit and other organizations in the private sector.

"(h) ANNUAL REPORT.—Within 90 days after the end of each fiscal year, the Secretary of Defense shall submit a report on the program to Congress. The report shall contain a discussion of the design and conduct of the program and an evaluation of the effectiveness of the program.

"(i) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam.".

(b) EXISTING STARBASE ACADEMIES.—While continuing in operation, the academies existing on the date

of the enactment of this Act under the Department of Defense STARBASE Program, as such program is in effect on such date, shall be counted for the purpose of meeting the requirement under section 2193b(c)(1) of title 10, United States Code (as added by subsection (a)), relating to the minimum number of STARBASE academies.

(c) REORGANIZATION OF CHAPTER.—Chapter 111 of title 10, United States Code, as amended by subsection (a), is further amended—

(1) by inserting after section 2193 and before the section 2193b added by subsection (a) the following:

**"§ 2193a. Improvement of education in technical fields: general authority for support of elementary and secondary education in science and mathematics";**

(2) by transferring subsection (b) of section 2193 to section 2193a (as added by paragraph (1)), inserting such subsection after the heading for section 2193a, and striking out ''(b)''; and

(3) by redesignating subsection (c) of section 2193 as subsection (b).

(d) CLERICAL AMENDMENTS.—(1) The heading for section 2192 of such title is amended to read as follows:

**"§ 2192. Improvement of education in technical fields: general authority regarding education in science, mathematics, and engineering".**

(2) The heading for section 2193 is amended to read as follows:

**"§ 2193. Improvement of education in technical fields: grants for higher education in science and mathematics".**

(3) The table of sections at the beginning of such chapter is amended by striking the items relating to sections 2192 and 2193 and inserting the following:

"2192. Improvement of education in technical fields: general authority regarding education in science, mathematics, and engineering.
"2193. Improvement of education in technical fields: grants for higher education in science and mathematics.
"2193a. Improvement of education in technical fields: general authority for support of elementary and secondary education in science and mathematics.
"2193b. Improvement of education in technical fields: program for support of elementary and secondary education in science, mathematics, and technology.".

**SEC. 1058. PROGRAM TO COMMEMORATE THE 50TH ANNIVERSARY OF THE KOREAN WAR.**

(a) PERIOD OF PROGRAM.—Section 1083(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1918; 10 U.S.C. 113 note) is amended by striking "The Secretary of Defense" and inserting "During fiscal years 2000 through 2004, the Secretary of Defense".

(b) CHANGE OF NAME.—(1) Section 1083(c) of such Act is amended by striking " 'The Department of Defense

Korean War Commemoration' '' and inserting in lieu thereof '' 'The United States of America Korean War Commemoration' ''.

(2) The amendment made by paragraph (1) may not be construed to supersede rights that are established or vested before the date of the enactment of this Act.

(c) FUNDING.—Section 1083(f) of such Act is amended to read as follows:

''(f) USE OF FUNDS.—(1) Funds appropriated for the Army for fiscal years 2000 through 2004 for operation and maintenance shall be available for the program authorized under subsection (a).

''(2) The total amount expended by the Department of Defense through the Department of Defense 50th Anniversary of the Korean War Commemoration Committee, an entity within the Department of the Army, to carry out the program authorized under subsection (a) for fiscal years 2000 through 2004 may not exceed $7,000,000.

''(3) The limitation in paragraph (2) shall not apply to expenditures by a unit of the Armed Forces or a similar organization to commemorate the Korean War from funds available to the unit or similar organization for that purpose.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

**SEC. 1059. EXTENSION AND REAUTHORIZATION OF DEFENSE PRODUCTION ACT OF 1950.**

(a) EXTENSION OF TERMINATION DATE.—Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking ''September 30, 1999'' and inserting ''September 30, 2000''.

(b) EXTENSION OF AUTHORIZATION.—Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking ''the fiscal years 1996, 1997, 1998, and 1999'' and inserting ''fiscal years 1996 through 2000''.

**SEC. 1060. EXTENSION TO NAVAL AIRCRAFT OF COAST GUARD AUTHORITY FOR DRUG INTERDICTION ACTIVITIES.**

Section 637(c) of title 14, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; or''; and

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

''(3) it is a naval aircraft on which one or more members of the Coast Guard are assigned.''.

**SEC. 1061. REGARDING THE NEED FOR VIGOROUS PROSECUTION OF WAR CRIMES, GENOCIDE, AND CRIMES AGAINST HUMANITY IN THE FORMER REPUBLIC OF YUGOSLAVIA.**

(a) The Senate finds that—

(1) the United Nations Security Council created the International Criminal Tribunal for the former Yugoslavia (in this section referred to as the ''ICTY'') by resolution on May 25, 1993;

(2) although the ICTY has indicted 84 people since its creation, these indictments have only resulted in the trial and conviction of 8 criminals;

(3) the ICTY has jurisdiction to investigate: Grave breaches of the 1949 Geneva Conventions (Article 2); violations of the laws or customs of war (Article 3); genocide (Article 4); and crimes against humanity (Article 5);

(4) the Chief Prosecutor of the ICTY, Justice Louise Arbour, stated on July 7, 1998, to the Contact Group for the former Yugoslavia that ''[t]he Prosecutor believes that the nature and scale of the fighting indicate that an 'armed conflict', within the meaning of international law, exists in Kosovo. As a consequence, she intends to bring charges for crimes against humanity or war crimes, if evidence of such crimes is established'';

(5) reports from Kosovar Alabanian refugees provide detailed accounts of systematic efforts to displace the entire Muslim population of Kosovo;

(6) in furtherance of this plan, Serbian troops, police, and paramilitary forces have engaged in detention and summary execution of men of all ages, wanton destruction of civilian housing, forcible expulsions, mass executions in at least 60 villages and towns, as well as widespread organized rape of women and young girls;

(7) these reports of atrocities provide prima facie evidence of war crimes, crimes against humanity, as well as genocide;

(8) any criminal investigation is best served by the depositions and interviews of witnesses as soon after the commission of the crime as possible;

(9) the indictment, arrest, and trial of war criminals would provide a significant deterrent to further atrocities;

(10) the ICTY has issued 14 international warrants for war crimes suspects that have yet to be served, despite knowledge of the suspects' whereabouts;

(11) vigorous prosecution of war crimes after the conflict in Bosnia may have prevented the ongoing atrocities in Kosovo; and

(12) investigative reporters have identified specific documentary evidence implicating the Serbian leadership in the commission of war crimes.

(b) It is the sense of Congress that—

(1) the United States, in coordination with other United Nations contributors, should provide sufficient resources for an expeditious and thorough investigation of allegations of the atrocities and war crimes committed in Kosovo;

(2) the United States, through its intelligence services, should provide all possible cooperation in the gathering of evidence of sufficient specificity and credibility to secure the indictment of those responsible for the commission of war crimes, crimes against humanity, and genocide in the former Yugoslavia;

(3) where evidence warrants, indictments for war crimes, crimes against humanity, and genocide should be issued against suspects regardless of their position within the Serbian leadership;

(4) the United States and all nations have an obligation to honor arrest warrants issued by the

ICTY, and the United States should use all appropriate means to apprehend war criminals already under indictment; and

(5) NATO should not accept any diplomatic resolution to the conflict in Kosovo that would bar the indictment, apprehension, or prosecution of war criminals for crimes committed during operations in Kosovo.

**SEC. 1062. EXPANSION OF LIST OF DISEASES PRESUMED TO BE SERVICE-CONNECTED FOR RADIATION-EXPOSED VETERANS.**

Section 1112(c)(2) of title 38, United States Code, is amended by adding at the end the following:

''(P) Lung cancer.

''(Q) Colon cancer.

''(R) Tumors of the brain and central nervous system.''.

**SEC. 1063. LEGAL EFFECT OF THE NEW STRATEGIC CONCEPT OF NATO.**

(a) CERTIFICATION REQUIRED.—Not later than 30 days after the date of enactment of this Act, the President shall determine and certify to the Senate whether or not the new Strategic Concept of NATO imposes any new commitment or obligation on the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, if the President certifies under subsection (a) that the new Strategic Concept of NATO imposes any new commitment or obligation on the United States, the President should submit the new Strategic Concept of NATO to the Senate as a treaty for the Senate's advice and consent to ratification under Article II, Section 2, Clause 2 of the Constitution of the United States.

(c) REPORT.—Together with the certification made under subsection (a), the President shall submit to the Senate a report containing an analysis of the potential threats facing NATO in the first decade of the next millennium, with particular reference to those threats facing a member nation, or several member nations, where the commitment of NATO forces will be ''out of area'' or beyond the borders of NATO member nations.

(d) DEFINITION.—For the purposes of this section, the term ''new Strategic Concept of NATO'' means the document approved by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington, DC, on April 23 and 24, 1999.

**SEC. 1064. MULTINATIONAL ECONOMIC EMBARGOES AGAINST GOVERNMENTS IN ARMED CONFLICT WITH THE UNITED STATES.**

(a) POLICY ON THE ESTABLISHMENT OF EMBARGOES.—

(1) IN GENERAL.—It is the policy of the United States, that upon the use of the Armed Forces of the United States to engage in hostilities against any foreign country, the President shall as appropriate—

(A) seek the establishment of a multinational economic embargo against such country; and

(B) seek the seizure of its foreign financial assets.

(b) REPORTS.—Not later than 20 days, or earlier than 14 days, after the first day of the engagement of the United States in any armed conflict described in subsection (a), the President shall, if the armed conflict continues, submit a report to Congress setting forth—

(1) the specific steps the United States has taken and will continue to take to institute the embargo and financial asset seizures pursuant to subsection (a); and

(2) any foreign sources of trade of revenue that directly or indirectly support the ability of the adver-

sarial government to sustain a military conflict against the Armed Forces of the United States.

**SEC. 1065. CONDITIONS FOR LENDING OBSOLETE OR CONDEMNED RIFLES FOR FUNERAL CEREMONIES.**

Section 4683(a)(2) of title 10, United States Code, is amended to read as follows:

"(2) issue and deliver those rifles, together with blank ammunition, to those units without charge if the rifles and ammunition are to be used for ceremonies and funerals in honor of veterans at national or other cemeteries.".

**SEC. 1066. PROHIBITION ON THE RETURN OF VETERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION IN LAW.**

(a) PROHIBITION.—Notwithstanding section 2572 of title 10, United States Code, or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to any person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) DEFINITIONS.—In this section:

(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term ''entity controlled by a foreign government'' has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) VETERANS MEMORIAL OBJECT.—The term ''veterans memorial object'' means any object, including a physical structure or portion thereof, that—

(A) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad.

**SEC. 1067. MILITARY ASSISTANCE TO CIVIL AUTHORITIES FOR RESPONDING TO TERRORISM.**

(a) AUTHORITY.—During fiscal year 2000, the Secretary of Defense, upon the request of the Attorney General, may provide assistance to civil authorities in responding to an act or threat of an act of terrorism, including an act of terrorism or threat of an act of terrorism that

involves a weapon of mass destruction, within the United States if the Secretary of Defense determines that—

(1) special capabilities and expertise of the Department of Defense are necessary and critical to respond to the act or threat; and

(2) the provision of such assistance will not adversely affect the military preparedness of the armed forces.

(b) NATURE OF ASSISTANCE.—Assistance provided under subsection (a) may include the deployment of Department of Defense personnel and the use of any Department of Defense resources to the extent and for such period as the Secretary of Defense determines necessary to prepare for, prevent, or respond to an act or threat described in that subsection. Actions taken to provide the assistance may include the prepositioning of Department of Defense personnel, equipment, and supplies.

(c) REIMBURSEMENT.—(1) Assistance provided under this section shall normally be provided on a reimbursable basis. Notwithstanding any other provision of law, the amounts of reimbursement shall be limited to the amounts of the incremental costs of providing the assistance. In extraordinary circumstances, the Secretary of Defense may waive reimbursement upon determining that a waiver of the reimbursement is in the national security

interests of the United States and submitting to Congress a notification of the determination.

(2) If funds are appropriated for the Department of Justice to cover the costs of responding to an act or threat for which assistance is provided under subsection (a), the Department of Defense shall be reimbursed out of such funds for the costs incurred by the department in providing the assistance without regard to whether the assistance was provided on a nonreimbursable basis.

(d) LIMITATION ON FUNDING.—Not more than $10,000,000 may be obligated to provide assistance pursuant to subsection (a) in a fiscal year.

(e) PERSONNEL RESTRICTIONS.—In carrying out this section, a member of the Army, Navy, Air Force, or Marine Corps may not, unless authorized by another provision of law—

(1) directly participate in a search, seizure, arrest, or other similar activity; or

(2) collect intelligence for law enforcement purposes.

(f) NONDELEGABILITY OF AUTHORITY.—(1) The Secretary of Defense may not delegate to any other official authority to make determinations and to authorize assistance under this section.

(2) The Attorney General may not delegate to any other official authority to make a request for assistance under subsection (a).

(h) RELATIONSHIP TO OTHER AUTHORITY.—(1) The authority provided in this section is in addition to any other authority available to the Secretary of Defense.

(2) Nothing in this section shall be construed to restrict any authority regarding use of members of the armed forces or equipment of the Department of Defense that was in effect before the date of enactment of this Act.

(i) DEFINITIONS.—In this section:

(1) The term ''threat of an act of terrorism'' includes any circumstance providing a basis for reasonably anticipating an act of terrorism, as determined by the Secretary of Defense in consultation with the Attorney General and the Secretary of the Treasury.

(2) The term ''weapon of mass destruction'' has the meaning given the term in section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1)).

**SEC. 1068. SENSE OF THE CONGRESS REGARDING THE CONTINUATION OF SANCTIONS AGAINST LIBYA.**

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

(1) On December 21, 1988, 270 people, including 189 United States citizens, were killed in a terrorist bombing on Pan Am Flight 103 over Lockerbie, Scotland.

(2) Britain and the United States indicted two Libyan intelligence agents, Abd al-Baset Ali al-Megrahi and Al-Amin Khalifah Fhimah, in 1991 and sought their extradition from Libya to the United States or the United Kingdom to stand trial for this heinous terrorist act.

(3) The United Nations Security Council called for the extradition of the suspects in Security Council Resolution 731 and imposed sanctions on Libya in Security Council Resolutions 748 and 883 because Libyan leader Colonel Muammar Qadhafi refused to transfer the suspects to either the United States or the United Kingdom to stand trial.

(4) The United Nations Security Council Resolutions 731, 748, and 883 demand that Libya cease all support for terrorism, turn over the two suspects, cooperate with the investigation and the trial, and address the issue of appropriate compensation.

(5) The sanctions in United Nations Security Council Resolutions 748 and 883 include—

(A) a worldwide ban on Libya's national airline;

(B) a ban on flights into and out of Libya by other nations' airlines; and

(C) a prohibition on supplying arms, airplane parts, and certain oil equipment to Libya, and a blocking of Libyan Government funds in other countries.

(6) Colonel Muammar Qadhafi for many years refused to extradite the suspects to either the United States or the United Kingdom and had insisted that he would only transfer the suspects to a third and neutral country to stand trial.

(7) On August 24, 1998, the United States and the United Kingdom agreed to the proposal that Colonel Qadhafi transfer the suspects to The Netherlands, where they would stand trial under a Scottish court, under Scottish law, and with a panel of Scottish judges.

(8) The United Nations Security Council endorsed the United States-United Kingdom proposal on August 27, 1998 in United Nations Security Council Resolution 1192.

(9) The United States, consistent with United Nations Security Council resolutions, called on Libya to ensure the production of evidence, including the presence of witnesses before the court, and to comply fully with all the requirements of the United Nations Security Council resolutions.

(10) After years of intensive diplomacy, Colonel Qadhafi finally transferred the two Libyan suspects to The Netherlands on April 5, 1999, and the United Nations Security Council, in turn, suspended its sanctions against Libya that same day.

(11) Libya has only fulfilled one of four conditions (the transfer of the two suspects accused in the Lockerbie bombing) set forth in United Nations Security Council Resolutions 731, 748, and 883 that would justify the lifting of United Nations Security Council sanctions against Libya.

(12) Libya has not fulfilled the other three conditions (cooperation with the Lockerbie investigation and trial; renunciation of and ending support for terrorism; and payment of appropriate compensation) necessary to lift the United Nations Security Council sanctions.

(13) The United Nations Secretary General is expected to issue a report to the Security Council on

or before July 5, 1999, on the issue of Libya's compliance with the remaining conditions.

(14) Any member of the United Nations Security Council has the right to introduce a resolution to lift the sanctions against Libya after the United Nations Secretary General's report has been issued.

(15) The United States Government considers Libya a state sponsor of terrorism and the State Department Report, ''Patterns of Global Terrorism; 1998'', stated that Colonel Qadhafi ''continued publicly and privately to support Palestinian terrorist groups, including the PIJ and the PFLP–GC''.

(16) United States Government sanctions (other than sanctions on food or medicine) should be maintained on Libya, and in accordance with United States law, the Secretary of State should keep Libya on the list of countries the governments of which have repeatedly provided support for acts of international terrorism under section 6(j) of the Export Administration Act of 1979 in light of Libya's ongoing support for terrorist groups.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should use all diplomatic means necessary, including the use of the United States veto at the United Nations Security Council, to prevent the Secu-

rity Council from lifting sanctions against Libya until Libya fulfills all of the conditions set forth in United Nations Security Council Resolutions 731, 748, and 883.

**SEC. 1069. INVESTIGATIONS OF VIOLATIONS OF EXPORT CONTROLS BY UNITED STATES SATELLITE MANUFACTURERS.**

(a) NOTICE TO CONGRESS OF INVESTIGATIONS.—The President shall promptly notify Congress whenever an investigation is undertaken of an alleged violation of United States export control laws in connection with a commercial satellite of United States origin.

(b) NOTICE TO CONGRESS OF CERTAIN EXPORT WAIVERS.—The President shall promptly notify Congress whenever an export waiver is granted on behalf of any United States person or firm that is the subject of an investigation described in subsection (a). The notice shall include a justification for the waiver.

(c) NOTICE IN APPLICATIONS.—It is the sense of Congress that any United States person or firm subject to an investigation described in subsection (a) that submits to the United States an application for the export of a commercial satellite should include in the application a notice of the investigation.

(d) PROTECTION OF CLASSIFIED AND OTHER SENSITIVE INFORMATION.—The Senate and the House of

Representatives shall each establish, by rule or resolution of such House, procedures to protect from unauthorized disclosure classified information, informatioin relating to intelligence sources and methods, and sensitive law enforcement information that is furnished to Congress pursuant to this section.

(e) EXCEPTION.—The requirements of subsections (a) and (b) shall not apply if the President determines that notification of Congress would jeopardize an on-going criminal investigation. If the President makes such a determination he shall provide written notification to the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives and the Minority Leader of the House of Representatives. Such notification shall include a justification for any such determination.

**SEC. 1070. ENHANCEMENT OF ACTIVITIES OF DEFENSE THREAT REDUCTION AGENCY.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations—

(1) to authorize the personnel of the Defense Threat Reduction Agency (DTRA) who monitor satellite launch campaigns overseas to suspend such campaigns at any time if the suspension is required

for purposes of the national security of the United States;

(2) to establish appropriate professional and technical qualifications for such personnel;

(3) to allocate funds and other resources to the Agency at levels sufficient to prevent any shortfalls in the number of such personnel;

(4) to establish mechanisms in accordance with the provisions of section 1514(a)(2)(A) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2175; 22 U.S.C. 2778 note) that provide for—

(A) the allocation to the Agency, in advance of a launch campaign, of an amount equal to the amount estimated to be required by the Agency to monitor the launch campaign; and

(B) the reimbursement of the Department, at the end of a launch campaign, for amounts expended by the Agency in monitoring the launch campaign;

(5) to establish a formal technology training program for personnel of the Agency who monitor satellite launch campaigns overseas, including a

structured framework for providing training in areas of export control laws;

(6) to review and improve guidelines on the scope of permissible discussions with foreign persons regarding technology and technical information, including the technology and technical information that should not be included in such discussions;

(7) to provide, on at least an annual basis, briefings to the officers and employees of United States commercial satellite entities on United States export license standards, guidelines, and restrictions, and encourage such officers and employees to participate in such briefings;

(8) to establish a system for—

(A) the preparation and filing by personnel of the Agency who monitor satellite launch campaigns overseas of detailed reports of all activities observed by such personnel in the course of monitoring such campaigns;

(B) the systematic archiving of reports filed under subparagraph (A); and

(C) the preservation of such reports in accordance with applicable laws; and

(9) to establish a counterintelligence program within the Agency as part of its satellite launch monitoring program.

(b) ANNUAL REPORT ON IMPLEMENTATION OF SATELLITE TECHNOLOGY SAFEGUARDS.—(1) The Secretary of Defense and the Secretary of State shall each submit to Congress each year, as part of the annual report for that year under section 1514(a)(8) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, the following:

(A) A summary of the satellite launch campaigns and related activities monitored by the Defense Threat Reduction Agency during the preceding year.

(B) A description of any license infractions or violations that may have occurred during such campaigns and activities.

(C) A description of the personnel, funds, and other resources dedicated to the satellite launch monitoring program of the Agency during that year.

(D) An assessment of the record of United States satellite makers in cooperating with Agency monitors, and in complying with United States export control laws, during that year.

(2) Each report under paragraph (1) shall be submitted in classified form and unclassified form.

**SEC. 1071. IMPROVEMENT OF LICENSING ACTIVITIES BY THE DEPARTMENT OF STATE.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall prescribe regulations to provide, consistent with the need to protect classified, law enforcement, or other sensitive information, timely notice to the manufacturer of a commercial satellite of United States origin of the reasons for a denial or approval with conditions, as the case may be, of the application for license involving the overseas launch of such satellite.

**SEC. 1072. ENHANCEMENT OF INTELLIGENCE COMMUNITY ACTIVITIES.**

(a) CONSULTATION WITH DCI.—The Secretary of State and Secretary of Defense shall consult with the Director of Central Intelligence throughout the review of an application for a license involving the overseas launch of a commercial satellite of United States origin in order to assure that the launch of the satellite, if the license is approved, will meet any requirements necessary to protect the national security interests of the United States.

(b) ADVISORY GROUP.—The Director of Central Intelligence shall establish within the intelligence community

an advisory group to provide information and analysis to Congress upon request, and to appropriate departments and agencies of the Federal Government, on licenses involving the overseas launch of commercial satellites of United States origin.

(c) ANNUAL REPORTS ON EFFORTS TO ACQUIRE SENSITIVE UNITED STATES TECHNOLOGY AND TECHNICAL INFORMATION.—The Director of Central Intelligence shall submit each year to Congress and appropriate officials of the executive branch a report on the efforts of foreign governments and entities during the preceding year to acquire sensitive United States technology and technical information. The report shall include an analysis of the applications for licenses for export that were submitted to the United States during that year.

(d) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

**SEC. 1073. ADHERENCE OF PEOPLE'S REPUBLIC OF CHINA TO MISSILE TECHNOLOGY CONTROL REGIME.**

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

(1) the President should take all actions appropriate to obtain a bilateral agreement with the Peo-

ple's Republic of China to adhere to the Missile Technology Control Regime (MTCR) and the MTCR Annex; and

(2) the People's Republic of China should not be permitted to join the Missile Technology Control Regime as a member without having—

(A) demonstrated a sustained and verified commitment to the nonproliferation of missiles and missile technology; and

(B) adopted an effective export control system for implementing guidelines under the Missile Technology Control Regime and the MTCR Annex.

(b) DEFINITIONS.—In this section:

(1) The term ''Missile Technology Control Regime'' means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto.

(2) The term ''MTCR Annex'' means the Guidelines and Equipment and Technology Annex of the Missile Technology Control Regime, and any amendments thereto.

**SEC. 1074. UNITED STATES COMMERCIAL SPACE LAUNCH CAPACITY.**

It is the sense of Congress that—

(1) Congress and the President should work together to stimulate and encourage the expansion of a commercial space launch capacity in the United States, including by taking actions to eliminate legal or regulatory barriers to long-term competitiveness in the United States commercial space launch industry; and

(2) Congress and the President should—

(A) reexamine the current United States policy of permitting the export of commercial satellites of United States origin to the People's Republic of China for launch;

(B) review the advantages and disadvantages of phasing out the policy over time, including advantages and disadvantages identified by Congress, the executive branch, the United States satellite industry, the United States space launch industry, the United States telecommunications industry, and other interested persons; and

(C) if the phase out of the policy is adopted, permit launches of commercial satellites of

United States origin by the People's Republic of China only if—

(i) such launches are licensed as of the commencement of the phase out of the policy; and

(ii) additional actions are taken to minimize the transfer of technology to the People's Republic of China during the course of such launches.

**SEC. 1075. ANNUAL REPORTS ON SECURITY IN THE TAIWAN STRAIT.**

(a) IN GENERAL.—Not later than February 1 of each year, beginning in the first calendar year after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report, in both classified and unclassified form, detailing the security situation in the Taiwan Strait.

(b) REPORT ELEMENTS.—Each report shall include—

(1) an analysis of the military forces facing Taiwan from the People's Republic of China;

(2) an evaluation of additions during the preceding year to the offensive military capabilities of the People's Republic of China; and

(3) an assessment of any challenges during the preceding year to the deterrent forces of the Republic of China on Taiwan, consistent with the commitments made by the United States in the Taiwan Relations Act (Public Law 96–8).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on International Relations and the Committee on Armed Services of the House of Representatives.

**SEC. 1076. DECLASSIFICATION OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA.**

Section 3161(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2260; 50 U.S.C. 435 note) is amended by adding at the end the following:

''(9) The actions to be taken to ensure that records subject to Executive Order No. 12958 that have previously been determined to be suitable for release to the public are reviewed on a page by page basis for Restricted Data or Formerly Restricted Data unless such records have been determined to be highly unlikely to contain Restricted Data or Formerly Restricted Data.''.

**SEC. 1077. DISENGAGING FROM NONCRITICAL OVERSEAS MISSIONS INVOLVING UNITED STATES COMBAT FORCES.**

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

(1) It is the National Security Strategy of the United States to "deter and defeat large-scale, cross-border aggression in two distant theaters in overlapping time frames".

(2) The deterrence of Iraq and Iran in Southwest Asia and the deterrence of North Korea in Northeast Asia represent two such potential large-scale, cross-border theater requirements.

(3) The United States has 120,000 troops permanently assigned to those theaters.

(4) The United States has an additional 70,000 forces assigned to non-NATO/non-Pacific threat foreign countries.

(5) The United States has more than 6,000 troops in Bosnia-Herzegovina on indefinite assignment.

(6) The United States has diverted permanently assigned resources from other theaters to support operations in the Balkans.

(7) The United States provides military forces to seven active United Nations peacekeeping oper-

ations, including some missions that have continued for decades.

(8) Between 1986 and 1998, the number of American military deployments per year has nearly tripled at the same time the Department of Defense budget has been reduced in real terms by 38 percent.

(9) The Army has 10 active-duty divisions today, down from 18 in 1991, while on an average day in fiscal year 1998, 28,000 United States Army soldiers were deployed to more than 70 countries for over 300 separate missions.

(10) Active Air Force fighter wings have gone from 22 to 13 since 1991, while 70 percent of air sorties in Operation Allied Force over the Balkans are United States-flown and the Air Force continues to enforce northern and southern no-fly zones in Iraq. In response, the Air Force has initiated a ''stop loss'' program to block normal retirements and separations.

(11) The United States Navy has been reduced in size to 339 ships, its lowest level since 1938, necessitating the redeployment of the only overseas homeported aircraft carrier from the Western Pacific

to the Mediterranean to support Operation Allied Force.

(12) In 1998 just 10 percent of eligible carrier naval aviators—27 out of 261—accepted continuation bonuses and remained in service.

(13) In 1998 48 percent of Air Force pilots eligible for continuation opted to leave the service.

(14) The Army could fall 6,000 below Congressionally authorized troop strength by the end of 1999.

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

(1) The readiness of United States military forces to execute the National Security Strategy of the United States is being eroded from a combination of declining defense budgets and expanded missions.

(2) There may be missions to which the United States is contributing Armed Forces from which the United States can begin disengaging.

(c) REPORT REQUIREMENT.—Not later than March 1, 2000, the President shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives, and to the Committees on Appropriations in both Houses, a re-

port prioritizing the ongoing global missions to which the United States is contributing troops. The President shall include in the report a feasibility analysis of how the United States can—

(1) shift resources from low priority missions in support of higher priority missions;

(2) consolidate or reduce United States troop commitments worldwide;

(3) end low priority missions.

**SEC. 1078. SENSE OF THE SENATE ON NEGOTIATIONS WITH INDICTED WAR CRIMINALS.**

(a) IN GENERAL.—It is the sense of the Senate that the United States, as a member of NATO, should not negotiate with Slobodan Milosevic, an indicted war criminal, or any other indicted war criminal with respect to reaching an end to the conflict in the Federal Republic of Yugoslavia

(b) YUGOSLAVIA DEFINED.—In this section, the term ''Federal Republic of Yugoslavia'' means the Federal Republic of Yugoslavia (Serbia and Montenegro).

**SEC. 1079. COAST GUARD EDUCATION FUNDING.**

Section 2006 of title 10, United States Code, is amended—

(1) by striking ''Department of Defense education liabilities'' in subsection (a) and inserting ''armed forces education liabilities'';

(2) by striking paragraph (1) of subsection (b) and inserting the following:

''(1) The term 'armed forces educational liabilities' means liabilities of the armed forces for benefits under chapter 30 of title 38 and for Department of Defense benefits under chapter 1606 of this title.'';

(3) by inserting ''Department of Defense'' after ''future'' in subsection (b)(2)(C);

(4) by striking ''106'' in subsection (b)(2)(C) and inserting ''1606'';

(5) by inserting ''and the Secretary of the Department in which the Coast Guard is operating'' after ''Defense'' in subsection (c)(1);

(6) by striking ''Department of Defense'' in subsection (d) and inserting ''armed forces'';

(7) by inserting ''the Secretary of the Department in which the Coast Guard is operating'' in subsection (d) after ''Secretary of Defense,'';

(8) by inserting ''and the Department in which the Coast Guard is operating'' after ''Department of Defense'' in subsection (f)(5);

(9) by inserting ''and the Secretary of the Department in which the Coast Guard is operating'' in paragraphs (1) and (2) of subsection (g) after ''The Secretary of Defense''; and

(10) by striking ''of a military department.'' in subsection (g)(3) and inserting ''concerned.''.

**SEC. 1080. TECHNICAL AMENDMENT TO PROHIBITION ON RELEASE OF CONTRACTOR PROPOSALS UNDER THE FREEDOM OF INFORMATION ACT.**

Section 2305(g) of title 10, United States Code, is amended in paragraph (1) by striking ''the Department of Defense'' and inserting ''an agency named in section 2303 of this title''.

**SEC. 1081. ATTENDANCE AT PROFESSIONAL MILITARY EDUCATION SCHOOLS BY MILITARY PERSONNEL OF THE NEW MEMBER NATIONS OF NATO.**

(a) FINDING.—Congress finds that it is in the national interests of the United States to fully integrate Poland, Hungary, and the Czech Republic, the new member nations of the North Atlantic Treaty Organization, into the NATO alliance as quickly as possible.

(b) MILITARY EDUCATION AND TRAINING PROGRAMS.—The Secretary of each military department shall give due consideration to according a high priority to the

attendance of military personnel of Poland, Hungary, and the Czech Republic at professional military education schools and training programs in the United States, including the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the National Defense University, the war colleges of the Armed Forces, the command and general staff officer courses of the Armed Forces, and other schools and training programs of the Armed Forces that admit personnel of foreign armed forces.

**SEC. 1082. SENSE OF CONGRESS REGARDING UNITED STATES-RUSSIAN COOPERATION IN COMMERCIAL SPACE LAUNCH SERVICES.**

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

(1) the United States should agree to increase the quantitative limitations applicable to commercial space launch services provided by Russian space launch service providers if the Government of the Russian Federation demonstrates a sustained commitment to seek out and prevent the illegal transfer from Russia to Iran or any other country of any prohibited ballistic missile equipment or any technology necessary for the acquisition or development by the recipient country of any ballistic missile;

(2) the United States should demand full and complete cooperation from the Government of the Russian Federation on preventing the illegal transfer from Russia to Iran or any other country of any prohibited fissile material or ballistic missile equipment or any technology necessary for the acquisition or development by the recipient country of any nuclear weapon or ballistic missile; and

(3) the United States should take every appropriate measure necessary to encourage the Government of the Russian Federation to seek out and prevent the illegal transfer from Russia to Iran or any other country of any prohibited fissile material or ballistic missile equipment or any technology necessary for the acquisition or development by the recipient country of any nuclear weapon or ballistic missile.

(b) DEFINITIONS.—

(1) IN GENERAL.—The terms ''commercial space launch services'' and ''Russian space launch service providers'' have the same meanings given those terms in Article I of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Regarding International Trade in Commercial Space

Launch Services, signed in Washington, D.C., on September 2, 1993.

(2) QUANTITATIVE LIMITATIONS APPLICABLE TO COMMERCIAL SPACE LAUNCH SERVICES.—The term ''quantitative limitations applicable to commercial space launch services'' means the quantitative limits applicable to commercial space launch services contained in Article IV of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Regarding International Trade in Commercial Space Launch Services, signed in Washington, D.C., on September 2, 1993, as amended by the agreement between the United States and the Russian Federation done at Washington, D.C., on January 30, 1996.

**SEC. 1083. RECOVERY AND IDENTIFICATION OF REMAINS OF CERTAIN WORLD WAR II SERVICEMEN.**

(a) RESPONSIBILITIES OF THE SECRETARY OF THE ARMY.—(1) The Secretary of the Army, in consultation with the Secretary of Defense, shall make every reasonable effort, as a matter of high priority, to search for, recover, and identify the remains of United States servicemen of the United States aircraft lost in the Pacific theater of operations during World War II, including in New Guinea.

(2) The Secretary of the Army shall submit to Congress not later than September 30, 2000, a report detailing the efforts made by the United States Army Central Identification Laboratory to accomplish the objectives described in paragraph (1).

(b) RESPONSIBILITIES OF THE SECRETARY OF STATE.—The Secretary of State, upon request by the Secretary of the Army, shall work with officials of governments of sovereign nations in the Pacific theater of operations of World War II to overcome any political obstacles that have the potential for precluding the Secretary of the Army from accomplishing the objectives described in subsection (a)(1).

**SEC. 1084. CHEMICAL AGENTS USED FOR DEFENSIVE TRAINING.**

(a) AUTHORITY TO TRANSFER AGENTS.—(1) The Secretary of Defense may transfer to the Attorney General, in accordance with the Chemical Weapons Convention, quantities of lethal chemical agents required to support training at the Center for Domestic Preparedness in Fort McClellan, Alabama. The quantity of lethal chemical agents transferred under this section may not exceed that required to support training for emergency first-response personnel in addressing the health, safety, and law enforcement concerns associated with potential terrorist inci-

1 dents that might involve the use of lethal chemical weap-
2 ons or agents, or other training designated by the Attor-
3 ney General.

4 (2) The Secretary of Defense, in coordination with
5 the Attorney General, shall determine the amount of lethal
6 chemical agents that shall be transferred under this sec-
7 tion. Such amount shall be transferred from quantities of
8 lethal chemical agents that are produced, acquired, or re-
9 tained by the Department of Defense.

10 (3) The Secretary of Defense may not transfer lethal
11 chemical agents under this section until—

12 (A) the Center referred to in paragraph (1) is
13 transferred from the Department of Defense to the
14 Department of Justice; and

15 (B) the Secretary determines that the Attorney
16 General is prepared to receive such agents.

17 (4) To carry out the training described in paragraph
18 (1) and other defensive training not prohibited by the
19 Chemical Weapons Convention, the Secretary of Defense
20 may transport lethal chemical agents from a Department
21 of Defense facility in one State to a Department of Justice
22 or Department of Defense facility in another State.

23 (5) Quantities of lethal chemical agents transferred
24 under this section shall meet all applicable requirements
25 for transportation, storage, treatment, and disposal of

such agents and for any resulting hazardous waste products.

(b) ANNUAL REPORT.—The Secretary of Defense, in consultation with Attorney General, shall report annually to Congress regarding the disposition of lethal chemical agents transferred under this section.

(c) NON-INTERFERENCE WITH TREATY OBLIGATIONS.—Nothing in this section may be construed as interfering with United States treaty obligations under the Chemical Weapons Convention.

(d) CHEMICAL WEAPONS CONVENTION DEFINED.—In this section, the term ''Chemical Weapons Convention'' means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

**SEC. 1085. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.**

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

(1) it is in the interest of Russia to fully implement the Presidential Nuclear Initiatives announced in 1991 and 1992 by then-President of the Soviet Union Gorbachev and then-President of Russia Yeltsin;

(2) the President of the United States should call on Russia to match the unilateral reductions in the United States inventory of tactical nuclear weapons, which have reduced the inventory by nearly 90 percent; and

(3) if the certification under section 1044 is made, the President should emphasize the continued interest of the United States in working cooperatively with Russia to reduce the dangers associated with Russia's tactical nuclear arsenal.

(b) ANNUAL REPORTING REQUIREMENT.—(1) Each annual report on accounting for United States assistance under Cooperative Threat Reduction programs that is submitted to Congress under section 1206 of Public Law 104–106 (110 Stat. 471; 22 U.S.C. 5955 note) after fiscal year 1999 shall include, regarding Russia's arsenal of tactical nuclear warheads, the following:

(A) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.

(B) An assessment of the strategic relevance of the warheads.

(C) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.

(D) A summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

(2) The Secretary shall include in the annual report, with the matters included under paragraph (1), the views of the Director of Central Intelligence and the views of the Commander in Chief of the United States Strategic Command regarding those matters.

(c) VIEWS OF THE DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of Central Intelligence shall submit to the Secretary of Defense, for inclusion in the annual report under subsection (b), the Director's views on the matters described in paragraph (1) of that subsection regarding Russia's tactical nuclear weapons.

**SEC. 1086. COMMEMORATION OF THE VICTORY OF FREEDOM IN THE COLD WAR.**

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

(1) The Cold War between the United States and the former Union of Soviet Socialist Republics was the longest and most costly struggle for democracy and freedom in the history of mankind.

(2) Whether millions of people all over the world would live in freedom hinged on the outcome of the Cold War.

(3) Democratic countries bore the burden of the struggle and paid the costs in order to preserve and promote democracy and freedom.

(4) The Armed Forces and the taxpayers of the United States bore the greatest portion of such a burden and struggle in order to protect such principles.

(5) Tens of thousands of United States soldiers, sailors, Marines, and airmen paid the ultimate price during the Cold War in order to preserve the freedoms and liberties enjoyed in democratic countries.

(6) The Berlin Wall erected in Berlin, Germany, epitomized the totalitarianism that the United States struggled to eradicate during the Cold War.

(7) The fall of the Berlin Wall on November 9, 1989, marked the beginning of the end for Soviet totalitarianism, and thus the end of the Cold War.

(8) November 9, 1999, is the 10th anniversary of the fall of the Berlin Wall.

(b) DESIGNATION OF VICTORY IN THE COLD WAR DAY.—Congress hereby—

(1) designates November 9, 1999, as "Victory in the Cold War Day"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe that week with appropriate ceremonies and activities.

(c) COLD WAR MEDAL.—(1) Chapter 57 of title 10, United States Code, is amended by adding at the end the following:

**"§ 1133. Cold War medal: award**

"(a) AWARD.—There is hereby authorized an award of an appropriate decoration, as provided for under subsection (b), to all individuals who served honorably in the United States Armed Forces during the Cold War in order to recognize the contributions of such individuals to United States victory in the Cold War.

"(b) DESIGN.—The Joint Chiefs of Staff shall, under regulations prescribed by the President, design for purposes of this section a decoration called the 'Victory in the Cold War Medal'. The decoration shall be of appropriate design, with ribbons and appurtenances.

"(c) PERIOD OF COLD WAR.—For purposes of subsection (a), the term 'Cold War' shall mean the period beginning on August 14, 1945, and ending on November 9, 1989.".

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

"1133. Cold War medal: award.".

(d) PARTICIPATION OF ARMED FORCES IN CELEBRATION OF ANNIVERSARY OF END OF COLD WAR.—(1) Subject to paragraphs (2) and (3), amounts authorized to be appropriated by section 301(1) shall be available for the purpose of covering the costs of the Armed Forces in participating in a celebration of the 10th anniversary of the end of the Cold War to be held in Washington, District of Columbia, on November 9, 1999.

(2) The total amount of funds available under paragraph (1) for the purpose set forth in that paragraph may not exceed $15,000,000.

(3)(A) The Secretary of Defense may accept contributions from the private sector for the purpose of reducing the costs of the Armed Forces described in paragraph (1).

(B) The amount of funds available under paragraph (1) for the purpose set forth in that paragraph shall be reduced by an amount equal to the amount of contributions accepted by the Secretary under subparagraph (A).

(e) COMMISSION ON VICTORY IN THE COLD WAR.—(1) There is hereby established a commission to be known

as the ''Commission on Victory in the Cold War'' (in this subsection to be referred to as the ''Commission'').

(2) The Commission shall be composed of twelve individuals, as follows:

(A) Two shall be appointed by the President.

(B) Two shall be appointed by the Minority Leader of the Senate.

(C) Two shall be appointed by the Minority Leader of the House of Representatives.

(D) Three shall be appointed by the Majority Leader of the Senate.

(E) Three shall be appointed by the Speaker of the House of Representatives.

(3) The Commission shall have as its duty the review and approval of the expenditure of funds by the Armed Forces under subsection (d) prior to the participation of the Armed Forces in the celebration referred to in paragraph (1) of that subsection, whether such funds are derived from funds of the United States or from amounts contributed by the private sector under paragraph (3)(A) of that subsection.

(4) In addition to the duties provided for under paragraph (3), the Commission shall also have the authority to design and award medals and decorations to current

and former public officials and other individuals whose efforts were vital to United States victory in the Cold War.

(5) The Commission shall be chaired by two individuals as follows:

(A) One selected by and from among those appointed pursuant to subparagraphs (A), (B), and (C) of paragraph (2).

(B) One selected by and from among those appointed pursuant to subparagraphs (D) and (E) of paragraph (2).

# TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

## SEC. 1101. ACCELERATED IMPLEMENTATION OF VOLUNTARY EARLY RETIREMENT AUTHORITY.

Section 1109(d)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2145; 5 U.S.C. 8336 note) is amended by striking ''October 1, 2000'' and inserting ''October 1, 1999''.

## SEC. 1102. DEFERENCE TO EEOC PROCEDURES FOR INVESTIGATION OF COMPLAINTS OF SEXUAL HARASSMENT MADE BY EMPLOYEES.

Section 1561(a) of title 10, United States Code, is amended by striking ''or a civilian employee under the supervision of the officer''.

**SEC. 1103. RESTORATION OF LEAVE OF EMERGENCY ESSENTIAL EMPLOYEES SERVING IN A COMBAT ZONE.**

(a) SERVICE IN A COMBAT ZONE AS EXIGENCY OF THE PUBLIC BUSINESS.—Section 6304(d) of title 5, United States Code, is amended by adding a the end the following:

''(4)(A) For the purpose of this subsection, service of a Department of Defense emergency essential employee in a combat zone is an exigency of the public business for that employee. Any leave that, by reason of such service, is lost by the employee by operation of this section (regardless of whether such leave was scheduled) shall be restored to the employee and shall be credited and available in accordance with paragraph (2).

''(B) As used in subparagraph (A)—

''(i) the term 'Department of Defense emergency essential employee' means an employee of the Department of Defense who is designated under section 1580 of title 10 as an emergency essential employee; and

''(ii) the term 'combat zone' has the meaning given such term in section 112(c)(2) of the Internal Revenue Code of 1986.''.

(b) DESIGNATION OF EMERGENCY ESSENTIAL EMPLOYEES.—(1) Chapter 81 of title 10, United States

Code, is amended by inserting after the table of sections at the beginning of such chapter the following new section 1580:

**"§ 1580. Emergency essential employees: designation**

"(a) CRITERIA FOR DESIGNATION.—The Secretary of Defense or the Secretary of the military department concerned may designate as an emergency essential employee any employee of the Department of Defense, whether permanent or temporary, the duties of whose position meet all of the following criteria:

"(1) It is the duty of the employee to provide immediate and continuing support for combat operations or to support maintenance and repair of combat essential systems of the armed forces.

"(2) It is necessary for the employee to perform that duty in a combat zone after the evacuation of nonessential personnel, including any dependents of members of the armed forces, from the zone in connection with a war, a national emergency declared by Congress or the President, or the commencement of combat operations of the armed forces in the zone.

"(3) It is impracticable to convert the employee's position to a position authorized to be filled by

a member of the armed forces because of a necessity for that duty to be performed without interruption.

"(b) ELIGIBILITY OF EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES.—A nonappropriated fund instrumentality employee is eligible for designation as an emergency essential employee under subsection (a).

"(c) DEFINITIONS.—In this section:

"(1) The term 'combat zone' has the meaning given that term in section 112(c)(2) of the Internal Revenue Code of 1986.

"(2) The term 'nonappropriated fund instrumentality employee' has the meaning given that term in section 1587(a)(1) of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 1581 the following:

"1580. Emergency essential employees: designation.".

**SEC. 1104. LEAVE WITHOUT LOSS OF BENEFITS FOR MILITARY RESERVE TECHNICIANS ON ACTIVE DUTY IN SUPPORT OF COMBAT OPERATIONS.**

(a) ELIMINATION OF RESTRICTION TO SITUATIONS INVOLVING NONCOMBAT OPERATIONS.—Section 6323(d)(1) of title 5, United States Code, is amended by striking "noncombat".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to days of leave under section 6323(d)(1) of title 5, United States Code, on or after that date.

**SEC. 1105. WORK SCHEDULES AND PREMIUM PAY OF SERVICE ACADEMY FACULTY.**

(a) UNITED STATES MILITARY ACADEMY.—Section 4338 of title 10, United States Code, is amended by adding at the end the following new subsection (c):

''(c) The Secretary of the Army may, notwithstanding the provisions of subchapter V of chapter 55 of title 5 or section 6101 of such title, prescribe for persons employed under this section the following:

''(1) The work schedule, including hours of work and tours of duty, set forth with such specificity and other characteristics as the Secretary determines appropriate.

''(2) Any premium pay or compensatory time off for hours of work or tours of duty in excess of the regularly scheduled hours or tours of duty.''.

(b) UNITED STATES NAVAL ACADEMY.—Section 6952 of title 10, United States Code, is amended by—

(1) redesignating subsection (c) as subsection (d); and

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

"(c) The Secretary of the Navy may, notwithstanding the provisions of subchapter V of chapter 55 of title 5 or section 6101 of such title, prescribe for persons employed under this section the following:

"(1) The work schedule, including hours of work and tours of duty, set forth with such specificity and other characteristics as the Secretary determines appropriate.

"(2) Any premium pay or compensatory time off for hours of work or tours of duty in excess of the regularly scheduled hours or tours of duty.".

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9338 of title 10, United States Code, is amended by adding at the end the following new subsection (c):

"(c) The Secretary of the Air Force may, notwithstanding the provisions of subchapter V of chapter 55 of title 5 or section 6101 of such title, prescribe for persons employed under this section the following:

"(1) The work schedule, including hours of work and tours of duty, set forth with such specificity and other characteristics as the Secretary determines appropriate.

"(2) Any premium pay or compensatory time off for hours of work or tours of duty in excess of the regularly scheduled hours or tours of duty.".

**SEC. 1106. SALARY SCHEDULES AND RELATED BENEFITS FOR FACULTY AND STAFF OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.**

Section 2113(f) of title 10, United States Code, is amended by adding at the end the following:

"(3) The limitations in sections 5307 and 5373 of title 5 do not apply to the authority of the Secretary under paragraph (1) to prescribe salary schedules and other related benefits.".

**SEC. 1107. EXTENSION OF CERTAIN TEMPORARY AUTHORITIES TO PROVIDE BENEFITS FOR EMPLOYEES IN CONNECTION WITH DEFENSE WORKFORCE REDUCTIONS AND RESTRUCTURING.**

(a) LUMP-SUM PAYMENT OF SEVERANCE PAY.—Section 5595(i)(4) of title 5, United States Code, is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 and before October 1, 1999" and inserting "February 10, 1996, and before October 1, 2003".

(b) VOLUNTARY SEPARATION INCENTIVE.—Section 5597(e) of such title is amended by striking ''September 30, 2001'' and inserting ''September 30, 2003''.

(c) CONTINUATION OF FEHBP ELIGIBILITY.—Section 8905a(d)(4)(B) of such title is amended by striking clauses (i) and (ii) and inserting the following:

''(i) October 1, 2003; or

''(ii) February 1, 2004, if specific notice of such separation was given to such individual before October 1, 2003.''.

# TITLE XII—NATIONAL MILITARY MUSEUM AND RELATED MATTERS

## Subtitle A—Commission on National Military Museum

**SEC. 1201. ESTABLISHMENT.**

(a) ESTABLISHMENT.—There is hereby established a commission known as the ''Commission on the National Military Museum'' (in this subtitle referred to as the ''Commission'').

(b) COMPOSITION.—(1) The Commission shall be composed of 10 individuals appointed from among individuals who have an expertise in military or museum matters, of whom—

(A) six shall be appointed by the President;

(B) one shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(C) one shall be appointed by the Ranking Member of the Committee on Armed Services of the Senate;

(D) one shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives; and

(E) one shall be appointed by the Ranking Member of the Committee on Armed Services of the House of Representatives.

(2) The following shall be ex officio members of the Commission:

(A) The Secretary of Defense.

(B) The Secretary of the Army.

(C) The Secretary of the Navy.

(D) The Secretary of the Air Force.

(E) The Commandant of the Marine Corps.

(F) The Commandant of the Coast Guard.

(G) The Secretary of the Smithsonian Institution.

(H) The Chairman of the National Capital Planning Commission.

(I) The Chairperson of the Commission of Fine Arts.

(c) ORIGINAL CHAIRPERSON.—The President shall designate one of the individuals first appointed to the Commission under subsection (b)(1) as the chairperson of the Commission.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(e) INITIAL ORGANIZATION REQUIREMENTS.—(1) All appointments to the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting not later than 60 days after the date as of which all members of the Commission have been appointed, but not earlier than October 15, 1999.

**SEC. 1202. DUTIES OF COMMISSION.**

(a) IN GENERAL.—The Commission shall conduct a study in order to make recommendations to Congress regarding an authorization for the construction of a national military museum in the National Capital Area.

(b) STUDY ELEMENTS.—In conducting the study, the Commission shall—

(1) determine whether existing military museums, historic sites, and memorials in the United States are adequate—

(A) to provide in a cost-effective manner for display of, and interaction with, adequately visited and adequately preserved artifacts and representations of the Armed Forces and of the wars in which the United States has been engaged;

(B) to honor the service to the United States of the active and reserve members of the Armed Forces and the veterans of the United States;

(C) to educate current and future generations regarding the Armed Forces and the sacrifices of members of the Armed Forces and the Nation in furtherance of the defense of freedom; and

(D) to foster public pride in the achievements and activities of the Armed Forces;

(2) determine whether adequate inventories of artifacts and representations of the Armed Forces and of the wars in which the United States has been engaged are available, either in current inventories or in private or public collections, for loan or other provision to a national military museum; and

(3) develop preliminary proposals for—

(A) the dimensions and design of a national military museum in the National Capital Area;

(B) the location of the museum in that Area; and

(C) the approximate cost of the final design and construction of the museum and of the costs of operating the museum.

(c) ADDITIONAL DUTIES.—If the Commission determines to recommend that Congress authorize the construction of a national military museum in the National Capital Area, the Commission shall also—

(1) recommend one or more sites for the museum;

(2) propose a schedule for construction of the museum;

(3) assess the potential effects of the museum on the environment, facilities, and roadways in the vicinity of the site or sites where the museum is proposed to be located;

(4) recommend the percentages of funding for the museum to be provided by the Federal Government, State and local governments, and private sources, respectively;

(5) assess the potential for fundraising for the museum during the 20-year period following the authorization of construction of the museum; and

(6) assess and recommend various governing structures for the museum, including a governing structure that places the museum within the Smithsonian Institution.

**SEC. 1203. REPORT.**

The Commission shall, not later than 12 months after the date of its first meeting, submit to Congress a report on its findings and conclusions under this subtitle, including any recommendations under section 1202.

**SEC. 1204. POWERS.**

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this subtitle, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION.—The Commission may secure directly from the Department of Defense and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this subtitle.

**SEC. 1205. 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 member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this subtitle.

**SEC. 1206. 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 non-reimbursable 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. 1207. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.**

(a) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.—The Secretary of Defense shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

**SEC. 1208. FUNDING.**

(a) IN GENERAL.—Funds for activities of the Commission shall be provided from amounts appropriated for

the Department of Defense for operation and maintenance for Defense-wide activities for fiscal year 2000.

(b) REQUEST.—Upon receipt of a written certification from the Chairman of the Commission specifying the funds required for the activities of the Commission, the Secretary of Defense shall promptly disburse to the Commission, from such amounts, the funds required by the Commission as stated in such certification.

(c) AVAILABILITY OF CERTAIN FUNDS.—Of the funds available for activities of the Commission under this section, $2,000,000 shall be available for the activities, if any, of the Commission under section 1202(c).

**SEC. 1209. TERMINATION OF COMMISSION.**

The Commission shall terminate 60 days after the date of the submission of its report under section 1203.

# Subtitle B—Related Matters

**SEC. 1211. FUTURE USE OF NAVY ANNEX PROPERTY, ARLINGTON, VIRGINIA.**

(a) LIMITATION ON FUTURE USE.—No transfer of any real property of the Navy Annex property, or other use of that property not authorized as of the date of the enactment of this Act, may be carried out until 2 years after the later of—

(1) the date of the submittal of the study on the expansion of Arlington Cemetery required by the

Joint Explanatory Statement of the Committee of Conference to accompany the Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261); or

(2) the date of the submittal of the report of the Commission on the National Military Museum under section 1203.

(b) NAVY ANNEX PROPERTY DESCRIBED.—For purposes of subsection (a), the Navy Annex property is the parcels of real property under the jurisdiction of the Federal Government located in Arlington, Virginia, as follows:

(1) A parcel bounded by Columbia Pike to the south and east, the rear property line of the residential properties fronting Oak Street to the west, and the southern limit of Southgate Road to the north.

(2) A parcel bounded by Shirley Memorial Boulevard (Interstate Route 395) to the south, the eastern edge of the Department of Transportation of the Commonwealth of Virginia to the west, Columbia Pike to the north, and the access road to Shirley Memorial Boulevard immediately east of Joyce Street to the east.

# TITLE XIII—MILITARY VOTING RIGHTS ACT OF 1999

**SEC. 1301. SHORT TITLE.**

This title may be cited as the ''Military Voting Rights Act of 1999''.

**SEC. 1302. GUARANTEE OF RESIDENCY.**

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. 700 et seq.) is amended by adding at the end the following:

''SEC. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

''(1) be deemed to have lost a residence or domicile in that State;

''(2) be deemed to have acquired a residence or domicile in any other State; or

''(3) be deemed to have become resident in or a resident of any other State.

''(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.''.

**SEC. 1303. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.**

(a) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting ''(a) ELECTIONS FOR FEDERAL OFFICES.—'' before ''Each State shall—''; and

(2) by adding at the end the following:

''(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

''(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and run-off elections for State and local offices; and

''(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.''.

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking out "**FOR FEDERAL OFFICE**".

Passed the Senate May 27, 1999.

Attest:

*Secretary.*

106TH CONGRESS
1ST SESSION

# S. 1060

# AN ACT

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

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S 1060 ES——3

S 1060 ES——4

S 1060 ES——5

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S 1060 ES——7

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