

107TH CONGRESS }
1st Session } HOUSE OF REPRESENTATIVES { REPORT
107-333

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL
YEAR 2002

DECEMBER 12, 2001.—Ordered to be printed

Mr. STUMP, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany S. 1438]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1438), to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Defense Author-
3 ization Act for Fiscal Year 2002”.

4 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE**
5 **OF CONTENTS.**

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

8 (1) Division A—Department of Defense Authoriza-
9 tions.

10 (2) Division B—Military Construction Authorizations.

11 (3) Division C—Department of Energy National Secu-
12 rity Authorizations and Other Authorizations.

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

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE
AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Defense Inspector General.

Sec. 106. Chemical Agents and Munitions Destruction, Defense.

Sec. 107. Defense Health Program.

Subtitle B—Army Programs

Sec. 111. Repeal of limitations on bunker defeat munitions program.

Sec. 112. Extension of pilot program on sales of manufactured articles and
services of certain Army industrial facilities without regard to
availability from domestic sources.

Sec. 113. Limitations on acquisition of interim armored vehicles and de-
ployment of interim brigade combat teams.

Subtitle C—Navy Programs

Sec. 121. Virginia class submarine program.

Sec. 122. Multiyear procurement authority for F/A-18E/F aircraft engines.

Sec. 123. V-22 Osprey aircraft program.

Sec. 124. Report on status of V-22 Osprey aircraft before resumption of
flight testing.

Subtitle D—Air Force Programs

Sec. 131. Multiyear procurement authority for C-17 aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**Subtitle A—Authorization of Appropriations**

Sec. 201. Authorization of appropriations.

Sec. 202. Amount for basic and applied research.

Sec. 203. Supplemental authorization of appropriations for fiscal year 2001 for research, development, test, and evaluation, Defense-wide.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Naval surface fire support assessment.

Sec. 212. Collaborative program for development of advanced radar systems.

Sec. 213. Repeal of limitations on total cost of engineering and manufacturing development for F-22 aircraft program.

Sec. 214. Joint biological defense program.

Sec. 215. Cooperative Department of Defense-Department of Veterans Affairs medical research program.

Sec. 216. C-5 aircraft reliability enhancement and reengining program.

Subtitle C—Ballistic Missile Defense

Sec. 231. Transfer of responsibility for procurement for missile defense programs from Ballistic Missile Defense Organization to military departments.

Sec. 232. Program elements for Ballistic Missile Defense Organization.

Sec. 233. Support of ballistic missile defense activities of the Department of Defense by the national defense laboratories of the Department of Energy.

Sec. 234. Missile defense testing initiative.

Sec. 235. Construction of test bed facilities for missile defense system.

Subtitle D—Air Force Science and Technology for the 21st Century

Sec. 251. Short title.

Sec. 252. Science and technology investment and development planning.

Sec. 253. Study and report on effectiveness of Air Force science and technology program changes.

Subtitle E—Other Matters

Sec. 261. Establishment of unmanned aerial vehicle joint operational test bed system.

Sec. 262. Demonstration project to increase small business and university participation in Office of Naval Research efforts to extend benefits of science and technology research to fleet.

Sec. 263. Communication of safety concerns from operational test and evaluation officials to program managers.

TITLE III—OPERATION AND MAINTENANCE**Subtitle A—Authorization of Appropriations**

Sec. 301. Operation and maintenance funding.

Sec. 302. Working capital funds.

Sec. 303. Armed Forces Retirement Home.

Sec. 304. Transfer from National Defense Stockpile Transaction Fund.

- Sec. 305. Funds for renovation of Department of Veterans Affairs facilities adjacent to Naval Training Center, Great Lakes, Illinois.
- Sec. 306. Defense Language Institute Foreign Language Center expanded Arabic language program.

Subtitle B—Environmental Provisions

- Sec. 311. Inventory of unexploded ordnance, discarded military munitions, and munitions constituents at defense sites (other than operational ranges).
- Sec. 312. Establishment of new program element for remediation of unexploded ordnance, discarded military munitions, and munitions constituents.
- Sec. 313. Assessment of environmental remediation of unexploded ordnance, discarded military munitions, and munitions constituents.
- Sec. 314. Conformity of surety authority under environmental restoration program with surety authority under CERCLA.
- Sec. 315. Elimination of annual report on contractor reimbursement for costs of environmental response actions.
- Sec. 316. Pilot program for sale of air pollution emission reduction incentives.
- Sec. 317. Department of Defense energy efficiency program.
- Sec. 318. Procurement of alternative fueled and hybrid light duty trucks.
- Sec. 319. Reimbursement of Environmental Protection Agency for certain response costs in connection with Hooper Sands Site, South Berwick, Maine.
- Sec. 320. River mitigation studies.

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

- Sec. 331. Commissary benefits for new members of the Ready Reserve.
- Sec. 332. Reimbursement for use of commissary facilities by military departments for purposes other than commissary sales.
- Sec. 333. Public releases of commercially valuable information of commissary stores.
- Sec. 334. Rebate agreements with producers of foods provided under special supplemental food program.
- Sec. 335. Civil recovery for nonappropriated fund instrumentality costs related to shoplifting.

Subtitle D—Workforce and Depot Issues

- Sec. 341. Revision of authority to waive limitation on performance of depot-level maintenance.
- Sec. 342. Exclusion of certain expenditures from limitation on private sector performance of depot-level maintenance.
- Sec. 343. Protections for purchasers of articles and services manufactured or performed by working-capital funded industrial facilities of the Department of Defense.
- Sec. 344. Revision of deadline for annual report on commercial and industrial activities.
- Sec. 345. Pilot manpower reporting system in Department of the Army.
- Sec. 346. Development of Army workload and performance system and Wholesale Logistics Modernization Program.

Subtitle E—Defense Dependents Education

- Sec. 351. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

- Sec. 352. Impact aid for children with severe disabilities.
- Sec. 353. Availability of auxiliary services of defense dependents' education system for dependents who are home school students.
- Sec. 354. Comptroller General study of adequacy of compensation provided for teachers in the Department of Defense overseas dependents' schools.

Subtitle F—Other Matters

- Sec. 361. Availability of excess defense personal property to support Department of Veterans Affairs initiative to assist homeless veterans.
- Sec. 362. Incremental implementation of Navy-Marine Corps Intranet contract.
- Sec. 363. Comptroller General study and report of National Guard Distributive Training Technology Project.
- Sec. 364. Reauthorization of warranty claims recovery pilot program.
- Sec. 365. Evaluation of current demonstration programs to improve quality of personal property shipments of members.
- Sec. 366. Sense of Congress regarding security to be provided at 2002 Winter Olympic Games.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
- Sec. 402. Revision in permanent end strength minimum levels.
- Sec. 403. Increase in senior enlisted active duty grade limit for Navy, Marine Corps, and Air Force.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Fiscal year 2002 limitation on non-dual status technicians.
- Sec. 415. Limitations on numbers of reserve personnel serving on active duty or full-time National Guard duty in certain grades for administration of reserve components.

Subtitle C—Other Matters Relating to Personnel Strengths

- Sec. 421. Administration of end strengths.
- Sec. 422. Active duty end strength exemption for National Guard and reserve personnel performing funeral honors functions.

Subtitle D—Authorization of Appropriations

- Sec. 431. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

- Sec. 501. Enhanced flexibility for management of senior general and flag officer positions.
- Sec. 502. Certifications of satisfactory performance for retirement of officers in grades above major general and rear admiral.
- Sec. 503. Review of actions of selection boards.
- Sec. 504. Temporary reduction of time-in-grade requirement for eligibility for promotion for certain active-duty list officers in grades of first lieutenant and lieutenant (junior grade).

- Sec. 505. Authority for promotion without selection board consideration for all fully qualified officers in grade of first lieutenant or lieutenant (junior grade) in the Navy.
- Sec. 506. Authority to adjust date of rank of certain promotions delayed by reason of unusual circumstances.
- Sec. 507. Authority for limited extension of medical deferment of mandatory retirement or separation.
- Sec. 508. Authority for limited extension on active duty of members subject to mandatory retirement or separation.
- Sec. 509. Exemption from certain administrative limitations for retired officers ordered to active duty as defense or service attachés.
- Sec. 510. Officer in charge of United States Navy Band.

Subtitle B—Reserve Component Personnel Policy

- Sec. 511. Placement on active-duty list of certain Reserve officers on active duty for a period of three years or less.
- Sec. 512. Exception to baccalaureate degree requirement for appointment of Reserve officers to grades above first lieutenant.
- Sec. 513. Improved disability benefits for certain reserve component members.
- Sec. 514. Time-in-grade requirement for reserve component officers retired with a nonservice-connected disability.
- Sec. 515. Equal treatment of Reserves and full-time active duty members for purposes of managing personnel deployments.
- Sec. 516. Modification of physical examination requirements for members of the Individual Ready Reserve.
- Sec. 517. Retirement of Reserve members without requirement for formal application or request.
- Sec. 518. Space-required travel by Reserves on military aircraft.
- Sec. 519. Payment of Federal Employee Health Benefit Program premiums for certain Reservists called to active duty in support of contingency operations.

Subtitle C—Joint Specialty Officers and Joint Professional Military Education

- Sec. 521. Nominations and promotions for joint specialty officers.
- Sec. 522. Joint duty credit.
- Sec. 523. Retroactive joint service credit for duty in certain joint task forces.
- Sec. 524. Revision to annual report on joint officer management.
- Sec. 525. Requirement for selection for joint specialty before promotion to general or flag officer grade.
- Sec. 526. Independent study of joint officer management and joint professional military education reforms.
- Sec. 527. Professional development education.
- Sec. 528. Authority for National Defense University to enroll certain private sector civilians.
- Sec. 529. Continuation of reserve component professional military education test.

Subtitle D—Military Education and Training

- Sec. 531. Defense Language Institute Foreign Language Center.
- Sec. 532. Authority for the Marine Corps University to award degree of master of strategic studies.
- Sec. 533. Foreign students attending the service academies.

- Sec. 534. Increase in maximum age for appointment as a cadet or midshipman in Senior Reserve Officers' Training Corps scholarship programs.
- Sec. 535. Participation of regular enlisted members of the Armed Forces in Senior Reserve Officers' Training Corps program.
- Sec. 536. Authority to modify the service obligation of certain ROTC cadets in military junior colleges receiving financial assistance.
- Sec. 537. Repeal of limitation on number of Junior Reserve Officers' Training Corps units.
- Sec. 538. Modification of nurse officer candidate accession program restriction on students attending educational institutions with senior reserve officers' training programs.
- Sec. 539. Reserve health professionals stipend program expansion.
- Sec. 540. Housing allowance for the chaplain for the Corps of Cadets at the United States Military Academy.

Subtitle E—Recruiting and Accession Programs

- Sec. 541. 18-month enlistment pilot program.
- Sec. 542. Improved benefits under the Army College First program.
- Sec. 543. Correction and extension of certain Army recruiting pilot program authorities.
- Sec. 544. Military recruiter access to secondary school students.
- Sec. 545. Permanent authority for use of military recruiting funds for certain expenses at Department of Defense recruiting functions.
- Sec. 546. Report on health and disability benefits for pre-accession training and education programs.

Subtitle F—Decorations, Awards, and Posthumous Commissions

- Sec. 551. Authority for award of the Medal of Honor to Humbert R. Versace, Jon E. Swanson, and Ben L. Salomon for valor.
- Sec. 552. Review regarding award of Medal of Honor to certain Jewish American and Hispanic American war veterans.
- Sec. 553. Authority to issue duplicate Medals of Honor and to replace stolen military decorations.
- Sec. 554. Retroactive Medal of Honor special pension.
- Sec. 555. Waiver of time limitations for award of certain decorations to certain persons.
- Sec. 556. Sense of Congress on issuance of certain medals.
- Sec. 557. Sense of Congress on development of a more comprehensive, uniform policy for the award of decorations to military and civilian personnel of the Department of Defense.
- Sec. 558. Posthumous Army commission in the grade of captain in the Chaplains Corps to Ella E. Gibson for service as chaplain of the First Wisconsin Heavy Artillery Regiment during the Civil War.

Subtitle G—Funeral Honors Duty

- Sec. 561. Participation of military retirees in funeral honors details.
- Sec. 562. Funeral honors duty performed by Reserve and Guard members to be treated as inactive-duty training for certain purposes.
- Sec. 563. Use of military leave for funeral honors duty by Reserve members and National Guardsmen.
- Sec. 564. Authority to provide appropriate articles of clothing as a civilian uniform for civilians participating in funeral honor details.

Subtitle H—Military Spouses and Family Members

- Sec. 571. Improved financial and other assistance to military spouses for job training and education.
- Sec. 572. Persons authorized to be included in surveys of military families regarding Federal programs.
- Sec. 573. Clarification of treatment of classified information concerning persons in a missing status.
- Sec. 574. Transportation to annual meeting of next-of-kin of persons unaccounted for from conflicts after World War II.
- Sec. 575. Amendments to charter of Defense Task Force on Domestic Violence.

Subtitle I—Military Justice and Legal Assistance Matters

- Sec. 581. Blood alcohol content limit for the offense under the Uniform Code of Military Justice of drunken operation of a vehicle, aircraft, or vessel.
- Sec. 582. Requirement that courts-martial consist of not less than 12 members in capital cases.
- Sec. 583. Acceptance of voluntary legal assistance for the civil affairs of members and former members of the uniformed services and their dependents.

Subtitle J—Other Matters

- Sec. 591. Congressional review period for change in ground combat exclusion policy.
- Sec. 592. Per diem allowance for lengthy or numerous deployments.
- Sec. 593. Clarification of disability severance pay computation.
- Sec. 594. Transportation or storage of privately owned vehicles on change of permanent station.
- Sec. 595. Repeal of requirement for final Comptroller General report relating to Army end strength allocations.
- Sec. 596. Continued Department of Defense administration of National Guard Challenge program and Department of Defense Starbase program.
- Sec. 597. Report on Defense Science Board recommendation on original appointments in regular grades for Academy graduates and certain other new officers.
- Sec. 598. Sense of Congress regarding the selection of officers for recommendation for appointment as Commander, United States Transportation Command.

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

- Sec. 601. Increase in basic pay for fiscal year 2002.
- Sec. 602. Basic pay rate for certain reserve commissioned officers with prior service as an enlisted member or warrant officer.
- Sec. 603. Reserve component compensation for distributed learning activities performed as inactive-duty training.
- Sec. 604. Subsistence allowances.
- Sec. 605. Eligibility for temporary housing allowance while in travel or leave status between permanent duty stations.
- Sec. 606. Uniform allowance for officers.
- Sec. 607. Family separation allowance for members electing unaccompanied tour by reason of health limitations of dependents.

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
- Sec. 612. One-year extension of certain bonus and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.
- Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
- Sec. 614. One-year extension of other bonus and special pay authorities.
- Sec. 615. Hazardous duty pay for members of maritime visit, board, search, and seizure teams.
- Sec. 616. Eligibility for certain career continuation bonuses for early commitment to remain on active duty.
- Sec. 617. Secretarial discretion in prescribing submarine duty incentive pay rates.
- Sec. 618. Conforming accession bonus for dental officers authority with authorities for other special pay and bonuses.
- Sec. 619. Modification of eligibility requirements for Individual Ready Reserve bonus for reenlistment, enlistment, or extension of enlistment.
- Sec. 620. Installment payment authority for 15-year career status bonus.
- Sec. 621. Accession bonus for new officers in critical skills.
- Sec. 622. Education savings plan to encourage reenlistments and extensions of service in critical specialties.
- Sec. 623. Continuation of payment of special and incentive pay at unreduced rates during stop loss periods.
- Sec. 624. Retroactive authorization for imminent danger pay for service in connection with Operation Enduring Freedom.

Subtitle C—Travel and Transportation Allowances

- Sec. 631. Minimum per diem rate for travel and transportation allowance for travel performed upon a change of permanent station and certain other travel.
- Sec. 632. Eligibility for payment of subsistence expenses associated with occupancy of temporary lodging incident to reporting to first permanent duty station.
- Sec. 633. Reimbursement of members for mandatory pet quarantine fees for household pets.
- Sec. 634. Increased weight allowance for transportation of baggage and household effects for junior enlisted members.
- Sec. 635. Eligibility of additional members for dislocation allowance.
- Sec. 636. Partial dislocation allowance authorized for housing moves ordered for Government convenience.
- Sec. 637. Allowances for travel performed in connection with members taking authorized leave between consecutive overseas tours.
- Sec. 638. Travel and transportation allowances for family members to attend burial of a deceased member of the uniformed services.
- Sec. 639. Funded student travel for foreign study under an education program approved by a United States school.

Subtitle D—Retirement and Survivor Benefit Matters

- Sec. 641. Contingent authority for concurrent receipt of military retired pay and veterans' disability compensation and enhancement of special compensation authority.
- Sec. 642. Survivor Benefit Plan annuities for surviving spouses of members who die while on active duty and not eligible for retirement.

Subtitle E—Other Matters

- Sec. 651. Payment for unused leave in excess of 60 days accrued by members of reserve components on active duty for one year or less.
- Sec. 652. Additional authority to provide assistance for families of members of the Armed Forces.
- Sec. 653. Authorization of transitional compensation and commissary and exchange benefits for dependents of commissioned officers of the Public Health Service and the National Oceanic and Atmospheric Administration who are separated for dependent abuse.
- Sec. 654. Transfer of entitlement to educational assistance under Montgomery GI Bill by members of the Armed Forces with critical military skills.

TITLE VII—HEALTH CARE PROVISIONS**Subtitle A—TRICARE Program Improvements**

- Sec. 701. Sub-acute and long-term care program reform.
- Sec. 702. Prosthetics and hearing aids.
- Sec. 703. Durable medical equipment.
- Sec. 704. Rehabilitative therapy.
- Sec. 705. Report on mental health benefits.
- Sec. 706. Clarification of eligibility for reimbursement of travel expenses of adult accompanying patient in travel for specialty care.
- Sec. 707. TRICARE program limitations on payment rates for institutional health care providers and on balance billing by institutional and noninstitutional health care providers.
- Sec. 708. Improvements in administration of the TRICARE program.

Subtitle B—Senior Health Care

- Sec. 711. Clarifications and improvements regarding the Department of Defense Medicare-Eligible Retiree Health Care Fund.

Subtitle C—Studies and Reports

- Sec. 721. Comptroller General study of health care coverage of members of the reserve components of the Armed Forces and the National Guard.
- Sec. 722. Comptroller General study of adequacy and quality of health care provided to women under the defense health program.
- Sec. 723. Repeal of obsolete report requirement.
- Sec. 724. Comptroller General report on requirement to provide screenings, physical examinations, and other care for certain members.

Subtitle D—Other Matters

- Sec. 731. Prohibition against requiring military retirees to receive health care solely through the Department of Defense.
- Sec. 732. Fees for trauma and other medical care provided to civilians.
- Sec. 733. Enhancement of medical product development.
- Sec. 734. Pilot program providing for Department of Veterans Affairs support in the performance of separation physical examinations.
- Sec. 735. Modification of prohibition on requirement of nonavailability statement or preauthorization.
- Sec. 736. Transitional health care for members separated from active duty.
- Sec. 737. Two-year extension of health care management demonstration program.
- Sec. 738. Joint DoD-VA pilot program for providing graduate medical education and training for physicians.

**TITLE VIII—ACQUISITION POLICY, ACQUISITION
MANAGEMENT, AND RELATED MATTERS****Subtitle A—Procurement Management and Administration**

- Sec. 801. Management of procurement of services.
- Sec. 802. Savings goals for procurements of services.
- Sec. 803. Competition requirement for purchase of services pursuant to multiple award contracts.
- Sec. 804. Reports on maturity of technology at initiation of major defense acquisition programs.

Subtitle B—Use of Preferred Sources

- Sec. 811. Applicability of competition requirements to purchases from a required source.
- Sec. 812. Extension of mentor-protégé program.
- Sec. 813. Increase of assistance limitation regarding procurement technical assistance program.

**Subtitle C—Amendments to General Contracting
Authorities, Procedures, and Related Matters**

- Sec. 821. Amendments to conform with administrative changes in acquisition phase and milestone terminology and to make related adjustments in certain requirements applicable at milestone transition points.
- Sec. 822. Follow-on production contracts for products developed pursuant to prototype projects.
- Sec. 823. One-year extension of program applying simplified procedures to certain commercial items.
- Sec. 824. Acquisition workforce qualifications.
- Sec. 825. Report on implementation of recommendations of the acquisition 2005 task force.

Subtitle D—Other Matters

- Sec. 831. Identification of errors made by executive agencies in payments to contractors and recovery of amounts erroneously paid.
- Sec. 832. Codification and modification of provision of law known as the “Berry amendment”.
- Sec. 833. Personal services contracts to be performed by individuals or organizations abroad.
- Sec. 834. Requirements regarding insensitive munitions.
- Sec. 835. Inapplicability of limitation to small purchases of miniature or instrument ball or roller bearings under certain circumstances.
- Sec. 836. Temporary emergency procurement authority to facilitate the defense against terrorism or biological or chemical attack.

**TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION
AND MANAGEMENT****Subtitle A—Duties and Functions of Department of Defense
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- Sec. 901. Deputy Under Secretary of Defense for Personnel and Readiness.
- Sec. 902. Sense of Congress on functions of new Office of Force Transformation in the Office of the Secretary of Defense.
- Sec. 903. Suspension of reorganization of engineering and technical authority policy within the Naval Sea Systems Command pending report to congressional committees.

Subtitle B—Space Activities

- Sec. 911. Joint management of space programs.

- Sec. 912. Requirement to establish in the Air Force an officer career field for space.
- Sec. 913. Secretary of Defense report on space activities.
- Sec. 914. Comptroller General assessment of implementation of recommendations of Space Commission.
- Sec. 915. Sense of Congress regarding officers recommended to be appointed to serve as Commander of United States Space Command.

Subtitle C—Reports

- Sec. 921. Revised requirement for Chairman of the Joint Chiefs of Staff to advise Secretary of Defense on the assignment of roles and missions to the Armed Forces.
- Sec. 922. Revised requirements for content of annual report on joint warfighting experimentation.
- Sec. 923. Repeal of requirement for one of three remaining required reports on activities of Joint Requirements Oversight Council.
- Sec. 924. Revised joint report on establishment of national collaborative information analysis capability.

Subtitle D—Other Matters

- Sec. 931. Conforming amendments relating to change of name of Military Airlift Command to Air Mobility Command.
- Sec. 932. Organizational realignment for Navy Director for Expeditionary Warfare.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

- Sec. 1001. Transfer authority.
- Sec. 1002. Incorporation of classified annex.
- Sec. 1003. Authorization of supplemental appropriations for fiscal year 2001.
- Sec. 1004. United States contribution to NATO common-funded budgets in fiscal year 2002.
- Sec. 1005. Limitation on funds for Bosnia and Kosovo peacekeeping operations for fiscal year 2002.
- Sec. 1006. Maximum amount for National Foreign Intelligence Program.
- Sec. 1007. Clarification of applicability of interest penalties for late payment of interim payments due under contracts for services.
- Sec. 1008. Reliability of Department of Defense financial statements.
- Sec. 1009. Financial Management Modernization Executive Committee and financial feeder systems compliance process.
- Sec. 1010. Authorization of funds for ballistic missile defense programs or combating terrorism programs of the Department of Defense.

Subtitle B—Naval Vessels and Shipyards

- Sec. 1011. Authority to transfer naval vessels to certain foreign countries.
- Sec. 1012. Sale of Glomar Explorer to the lessee.
- Sec. 1013. Leasing of Navy ships for university national oceanographic laboratory system.
- Sec. 1014. Increase in limitations on administrative authority of the Navy to settle admiralty claims.

Subtitle C—Counter-Drug Activities

- Sec. 1021. Extension and restatement of authority to provide Department of Defense support for counter-drug activities of other governmental agencies.

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- Sec. 1022. Extension of reporting requirement regarding Department of Defense expenditures to support foreign counter-drug activities.
- Sec. 1023. Authority to transfer Tracker aircraft currently used by Armed Forces for counter-drug purposes.
- Sec. 1024. Limitation on use of funds for operation of Tethered Aerostat Radar System pending submission of required report.

Subtitle D—Strategic Forces

- Sec. 1031. Repeal of limitation on retirement or dismantlement of strategic nuclear delivery systems.
- Sec. 1032. Air Force bomber force structure.
- Sec. 1033. Additional element for revised nuclear posture review.
- Sec. 1034. Report on options for modernization and enhancement of missile wing helicopter support.

Subtitle E—Other Department of Defense Provisions

- Sec. 1041. Secretary of Defense recommendation on need for Department of Defense review of proposed Federal agency actions to consider possible impact on national defense.
- Sec. 1042. Department of Defense reports to Congress to be accompanied by electronic version upon request.
- Sec. 1043. Department of Defense gift authorities.
- Sec. 1044. Acceleration of research, development, and production of medical countermeasures for defense against biological warfare agents.
- Sec. 1045. Chemical and biological protective equipment for military personnel and civilian employees of the Department of Defense.
- Sec. 1046. Sale of goods and services by Naval Magazine, Indian Island, Alaska.
- Sec. 1047. Report on procedures and guidelines for embarkation of civilian guests on naval vessels for public affairs purposes.
- Sec. 1048. Technical and clerical amendments.
- Sec. 1049. Termination of referendum requirement regarding continuation of military training on island of Vieques, Puerto Rico, and imposition of additional conditions on closure of live-fire training range.

Subtitle F—Other Matters

- Sec. 1061. Assistance for firefighters.
- Sec. 1062. Extension of times for Commission on the Future of the United States Aerospace industry to report and to terminate.
- Sec. 1063. Appropriations to Radiation Exposure Compensation Trust Fund.
- Sec. 1064. Waiver of vehicle weight limits during periods of national emergency.
- Sec. 1065. Repair, restoration, and preservation of Lafayette Escadrille Memorial, Marnes-la-Coquette, France.

TITLE XI—CIVILIAN PERSONNEL MATTERS**Subtitle A—Department of Defense Civilian Personnel**

- Sec. 1101. Personnel pay and qualifications authority for Department of Defense Pentagon Reservation civilian law enforcement and security force.
- Sec. 1102. Pilot program for payment of retraining expenses.
- Sec. 1103. Authority of civilian employees to act as notaries.
- Sec. 1104. Authority to appoint certain health care professionals in the expected service.

Subtitle B—Civilian Personnel Management Generally

- Sec. 1111. Authority to provide hostile fire pay.
- Sec. 1112. Payment of expenses to obtain professional credentials.
- Sec. 1113. Parity in establishment of wage schedules and rates for prevailing rate employees.
- Sec. 1114. Modification of limitation on premium pay.
- Sec. 1115. Participation of personnel in technical standards development activities.
- Sec. 1116. Retention of travel promotional items.
- Sec. 1117. Applicability of certain laws to certain individuals assigned to work in the Federal Government.

Subtitle C—Intelligence Civilian Personnel

- Sec. 1121. Authority to increase maximum number of positions in the Defense Intelligence Senior Executive Service.

Subtitle D—Matters Relating To Retirement

- Sec. 1131. Improved portability of retirement coverage for employees moving between civil service employment and employment by non-appropriated fund instrumentalities.
- Sec. 1132. Federal employment retirement credit for nonappropriated fund instrumentality service.
- Sec. 1133. Modification of limitations on exercise of voluntary separation incentive pay authority and voluntary early retirement authority.

TITLE XII—MATTERS RELATING TO OTHER NATIONS**Subtitle A—Matters Related to Arms Control and Monitoring**

- Sec. 1201. Clarification of authority to furnish nuclear test monitoring equipment to foreign governments.
- Sec. 1202. Limitation on funding for joint Data Exchange Center in Moscow.
- Sec. 1203. Support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities.
- Sec. 1204. Authority for employees of Federal Government contractors to accompany chemical weapons inspection teams at Government-owned facilities.
- Sec. 1205. Plan for securing nuclear weapons, material, and expertise of the states of the former Soviet Union.

Subtitle B—Matters Relating to Allies and Friendly Foreign Nations

- Sec. 1211. Acquisition of logistical support for security forces.
- Sec. 1212. Extension of authority for international cooperative research and development projects.
- Sec. 1213. Cooperative agreements with foreign countries and international organizations for reciprocal use of test facilities.
- Sec. 1214. Sense of Congress on allied defense burdensharing.

Subtitle C—Reports

- Sec. 1221. Report on significant sales and transfers of military hardware, expertise, and technology to the People's Republic of China.
- Sec. 1222. Repeal of requirement for reporting to Congress on military deployments to Haiti.
- Sec. 1223. Report by Comptroller General on provision of defense articles, services, and military education and training to foreign countries and international organizations.

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- Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
- Sec. 1302. Funding allocations.
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- Sec. 1309. Additional matter in annual report on activities and assistance under Cooperative Threat Reduction programs.

TITLE XIV—ARMED FORCES RETIREMENT HOME

- Sec. 1401. Amendment of Armed Forces Retirement Home Act of 1991.
- Sec. 1402. Definitions.
- Sec. 1403. Revision of authority establishing the Armed Forces Retirement Home.
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- Sec. 1407. Directors, Deputy Directors, Associate Directors, and staff of facilities.
- Sec. 1408. Disposition of effects of deceased persons and unclaimed property.
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- Sec. 1501. Definitions.
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- Sec. 1514. Two-year extension of advisory panel to assess domestic response capabilities for terrorism involving weapons of mass destruction.

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- Sec. 2201. Authorized Navy construction and land acquisition projects.
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- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
 Sec. 2402. Energy conservation projects.
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- Sec. 2404. Cancellation of authority to carry out certain fiscal year 2001 projects.
- Sec. 2405. Modification of authority to carry out certain fiscal year 2000 projects.
- Sec. 2406. Modification of authority to carry out certain fiscal year 1999 project.
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- Sec. 2408. Prohibition on expenditures to develop forward operating location on Aruba.

**TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION
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- Sec. 2501. Authorized NATO construction and land acquisition projects.
- Sec. 2502. Authorization of appropriations, NATO.

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- Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2702. Extension of authorizations of certain fiscal year 1999 projects.
- Sec. 2703. Extension of authorizations of certain fiscal year 1998 projects.
- Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

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Family Housing Changes**

- Sec. 2801. Increase in thresholds for certain unspecified minor military construction projects.
- Sec. 2802. Exclusion of unforeseen environmental hazard remediation from limitation on authorized cost variations.
- Sec. 2803. Repeal of annual reporting requirement on military construction and military family housing activities.
- Sec. 2804. Funds for housing allowances of members assigned to military family housing under alternative authority for acquisition and improvement of military housing.
- Sec. 2805. Extension of alternative authority for acquisition and improvement of military housing.
- Sec. 2806. Treatment of financing costs as allowable expenses under contracts for utility services from utility systems conveyed under privatization initiative.

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- Sec. 2811. Use of military installations for certain recreational activities.
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- Sec. 2814. Demonstration program on reduction in long-term facility maintenance costs.
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Sec. 2831. Land conveyance, Whittier-Anchorage Pipeline Tank Farm, Anchorage, Alaska.

Sec. 2832. Lease authority, Fort Derussy, Hawaii.

Sec. 2833. Modification of land exchange, Rock Island Arsenal, Illinois.

Sec. 2834. Land conveyance, Fort Des Moines, Iowa.

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Sec. 2836. Land conveyance, Engineer Proving Ground, Fort Belvoir, Virginia.

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Sec. 2838. Land conveyance, Army Reserve Center, Kewaunee, Wisconsin.

PART II—NAVY CONVEYANCES

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Sec. 2842. Land conveyance, Port of Long Beach, California.

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Sec. 2844. Modification of authority for conveyance of Naval Computer and Telecommunications Station, Cutler, Maine.

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Sec. 2853. Water rights conveyance, Andersen Air Force Base, Guam.

Sec. 2854. Conveyance of segment of Loring petroleum pipeline, Maine, and related easements.

Sec. 2855. Land conveyance, petroleum terminal serving former Loring Air Force Base and Bangor Air National Guard Base, Maine.

Sec. 2856. Land conveyances, certain former Minuteman III ICBM facilities in North Dakota.

Sec. 2857. Land conveyances, Charleston Air Force Base, South Carolina.

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- Sec. 2864. Establishment of memorial to victims of terrorist attack on Pentagon Reservation and authority to accept monetary contributions for memorial and repair of Pentagon.
- Sec. 2865. Repeal of limitation on cost of renovation of Pentagon Reservation.
- Sec. 2866. Development of United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania.
- Sec. 2867. Effect of limitation on construction of roads or highways, Marine Corps Base, Camp Pendleton, California.
- Sec. 2868. Establishment of World War II memorial at additional location on Guam.
- Sec. 2869. Demonstration project for purchase of fire, security, police, public works, and utility services from local government agencies.
- Sec. 2870. Report on future land needs of United States Military Academy, New York, and adjacent community.
- Sec. 2871. Naming of Patricia C. Lamar Army National Guard Readiness Center, Oxford, Mississippi.

**TITLE XXIX—FORT IRWIN MILITARY LAND
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- Sec. 2901. Short title.
- Sec. 2902. Withdrawal and reservation of lands for National Training Center.
- Sec. 2903. Map and legal description.
- Sec. 2904. Management of withdrawn and reserved lands.
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- Sec. 2906. Environmental compliance and environmental response requirements.
- Sec. 2907. West Mojave Coordinated Management Plan.
- Sec. 2908. Release of wilderness study areas.
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- Sec. 2910. Duration of withdrawal and reservation.
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**TITLE XXX—REALIGNMENT AND CLOSURE OF MILITARY
INSTALLATIONS AND PREPARATION OF INFRASTRUC-
TURE PLAN FOR THE NUCLEAR WEAPONS COMPLEX**

- Sec. 3001. Authorization of round of realignments and closures of military installations in 2005.
- Sec. 3002. Selection criteria.
- Sec. 3003. Revised procedures for making recommendations for realignments and closures and commission consideration of recommendations.
- Sec. 3004. Limitations on privatization in place.
- Sec. 3005. Department of Defense Base Closure Account 2005.
- Sec. 3006. Implementation of closure and realignment decisions.
- Sec. 3007. Technical and clarifying amendments.
- Sec. 3008. Preparation of infrastructure plan for the nuclear weapons complex.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

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- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental restoration and waste management.
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- Sec. 3121. Reprogramming.
- Sec. 3122. Limits on minor construction projects.
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- Sec. 3124. Fund transfer authority.
- Sec. 3125. Authority for conceptual and construction design.
- Sec. 3126. Authority for emergency planning, design, and construction activities.
- Sec. 3127. Funds available for all national security programs of the Department of Energy.
- Sec. 3128. Availability of funds.
- Sec. 3129. Transfer of defense environmental management funds.
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Subtitle C—Program Authorizations, Restrictions, and Limitations

- Sec. 3131. Consolidation of Nuclear Cities Initiative program with Initiatives for Proliferation Prevention program.
- Sec. 3132. Nuclear Cities Initiative.
- Sec. 3133. Limitation on availability of funds for weapons activities for facilities and infrastructure.
- Sec. 3134. Limitation on availability of funds for other defense activities for national security programs administrative support.
- Sec. 3135. Termination date of Office of River Protection, Richland, Washington.
- Sec. 3136. Support for public education in the vicinity of Los Alamos National Laboratory, New Mexico.
- Sec. 3137. Reports on achievement of milestones for National Ignition Facility.

Subtitle D—Matters Relating to Management of the National Nuclear Security Administration

- Sec. 3141. Establishment of Principal Deputy Administrator of National Nuclear Security Administration.
- Sec. 3142. Elimination of requirement that national security laboratories and nuclear weapons production facilities report to Deputy Administrator for Defense Programs.
- Sec. 3143. Repeal of duplicative provision relating to dual office holding by personnel of National Nuclear Security Administration.

- Sec. 3144. Report on adequacy of Federal pay and hiring authorities to meet personnel requirements of National Nuclear Security Administration.

Subtitle E—Other Matters

- Sec. 3151. Improvements to Energy Employees Occupational Illness Compensation Program.
- Sec. 3152. Department of Energy counterintelligence polygraph program.
- Sec. 3153. One-year extension of authority of Department of Energy to pay voluntary separation incentive payments.
- Sec. 3154. Annual assessment and report on vulnerability of Department of Energy facilities to terrorist attack.
- Sec. 3155. Disposition of surplus defense plutonium at Savannah River Site, Aiken, South Carolina.
- Sec. 3156. Modification of date of report of panel to assess the reliability, safety, and security of the United States nuclear stockpile.

Subtitle F—Rocky Flats National Wildlife Refuge

- Sec. 3171. Short title.
- Sec. 3172. Findings and purposes.
- Sec. 3173. Definitions.
- Sec. 3174. Future ownership and management.
- Sec. 3175. Transfer of management responsibilities and jurisdiction over Rocky Flats.
- Sec. 3176. Administration of retained property; continuation of cleanup and closure.
- Sec. 3177. Rocky Flats National Wildlife Refuge.
- Sec. 3178. Comprehensive planning process.
- Sec. 3179. Property rights.
- Sec. 3180. Liabilities and other obligations.
- Sec. 3181. Rocky Flats Museum.
- Sec. 3182. Annual report on funding.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

- Sec. 3301. Definitions.
- Sec. 3302. Authorized uses of stockpile funds.
- Sec. 3303. Authority to dispose of certain materials in National Defense Stockpile.
- Sec. 3304. Revision of limitations on required disposals of certain materials in National Defense Stockpile.
- Sec. 3305. Acceleration of required disposal of cobalt in National Defense Stockpile.
- Sec. 3306. Restriction on disposal of manganese ferro.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

- Sec. 3401. Authorization of appropriations.

TITLE XXXV—MARITIME ADMINISTRATION

- Sec. 3501. Authorization of appropriations for fiscal year 2002.
- Sec. 3502. Define “war risks” to vessels to include confiscation, expropriation, nationalization, and deprivation of the vessels.
- Sec. 3503. Holding obligor’s cash as collateral under title XI of Merchant Marine Act, 1936.

1 **SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DE-**
2 **FINED.**

3 For purposes of this Act, the term “congressional defense
4 committees” means—

5 (1) the Committee on Armed Services and the Com-
6 mittee on Appropriations of the Senate; and

7 (2) the Committee on Armed Services and the Com-
8 mittee on Appropriations of the House of Representatives.

1 **DIVISION A—DEPARTMENT OF**
 2 **DEFENSE AUTHORIZATIONS**
 3 **TITLE I—PROCUREMENT**

Subtitle A—Authorization of Appropriations

- Sec. 101. Army.
- Sec. 102. Navy and Marine Corps.
- Sec. 103. Air Force.
- Sec. 104. Defense-wide activities.
- Sec. 105. Defense Inspector General.
- Sec. 106. Chemical Agents and Munitions Destruction, Defense.
- Sec. 107. Defense Health Program.

Subtitle B—Army Programs

- Sec. 111. Repeal of limitations on bunker defeat munitions program.
- Sec. 112. Extension of pilot program on sales of manufactured articles and services of certain Army industrial facilities without regard to availability from domestic sources.
- Sec. 113. Limitations on acquisition of interim armored vehicles and deployment of interim brigade combat teams.

Subtitle C—Navy Programs

- Sec. 121. Virginia class submarine program.
- Sec. 122. Multiyear procurement authority for F/A-18E/F aircraft engines.
- Sec. 123. V-22 Osprey aircraft program.
- Sec. 124. Report on status of V-22 Osprey aircraft before resumption of flight testing.

Subtitle D—Air Force Programs

- Sec. 131. Multiyear procurement authority for C-17 aircraft.

4 **Subtitle A—Authorization of**
 5 **Appropriations**

6 **SEC. 101. ARMY.**

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

- 9 (1) For aircraft, \$2,075,372,000.
- 10 (2) For missiles, \$1,086,954,000.
- 11 (3) For weapons and tracked combat vehicles,
 12 \$2,348,145,000.
- 13 (4) For ammunition, \$1,187,233,000.
- 14 (5) For other procurement, \$4,044,080,000.

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

16 (a) NAVY.—Funds are hereby authorized to be appro-
 17 priated for fiscal year 2002 for procurement for the Navy as
 18 follows:

- 1 (1) For aircraft, \$8,323,147,000.
2 (2) For weapons, including missiles and torpedoes,
3 \$1,484,321,000.
4 (3) For shipbuilding and conversion, \$9,370,972,000.
5 (4) For other procurement, \$4,282,471,000.

6 (b) MARINE CORPS.—Funds are hereby authorized to be
7 appropriated for fiscal year 2002 for procurement for the Ma-
8 rine Corps in the amount of \$1,014,637,000.

9 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds are
10 hereby authorized to be appropriated for fiscal year 2002 for
11 procurement of ammunition for the Navy and the Marine Corps
12 in the amount of \$466,907,000.

13 **SEC. 103. AIR FORCE.**

14 Funds are hereby authorized to be appropriated for fiscal
15 year 2002 for procurement for the Air Force as follows:

- 16 (1) For aircraft, \$10,789,167,000.
17 (2) For missiles, \$3,222,636,000.
18 (3) For ammunition, \$881,844,000.
19 (4) For other procurement, \$8,196,021,000.

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

21 Funds are hereby authorized to be appropriated for fiscal
22 year 2002 for Defense-wide procurement in the amount of
23 \$2,279,482,000.

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

25 Funds are hereby authorized to be appropriated for fiscal
26 year 2002 for procurement for the Inspector General of the De-
27 partment of Defense in the amount of \$2,800,000.

28 **SEC. 106. CHEMICAL AGENTS AND MUNITIONS DE-**
29 **STRUCTION, DEFENSE.**

30 There is hereby authorized to be appropriated for fiscal
31 year 2002 for the Department of Defense for Chemical Agents
32 and Munitions Destruction, Defense, the amount of
33 \$1,153,557,000 for—

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

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

4 **SEC. 107. DEFENSE HEALTH PROGRAM.**

5 Funds are hereby authorized to be appropriated for fiscal
6 year 2002 for the Department of Defense for procurement for
7 carrying out health care programs, projects, and activities of
8 the Department of Defense in the total amount of
9 \$267,915,000.

10 **Subtitle B—Army Programs**

11 **SEC. 111. REPEAL OF LIMITATIONS ON BUNKER DEFEAT**
12 **MUNITIONS PROGRAM.**

13 Section 116 of the National Defense Authorization Act for
14 Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2682) is re-
15 pealed.

16 **SEC. 112. EXTENSION OF PILOT PROGRAM ON SALES OF**
17 **MANUFACTURED ARTICLES AND SERVICES**
18 **OF CERTAIN ARMY INDUSTRIAL FACILITIES**
19 **WITHOUT REGARD TO AVAILABILITY FROM**
20 **DOMESTIC SOURCES.**

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

24 (1) by striking “through 2001” and inserting
25 “through 2002”; and

26 (2) by inserting before the period at the end the fol-
27 lowing: “, except that during fiscal year 2002 the Secretary
28 may only use articles manufactured at, and services pro-
29 vided by, not more than one Army industrial facility”.

30 **SEC. 113. LIMITATIONS ON ACQUISITION OF INTERIM**
31 **ARMORED VEHICLES AND DEPLOYMENT OF**
32 **INTERIM BRIGADE COMBAT TEAMS.**

33 Section 113 of the Floyd D. Spence National Defense Au-
34 thorization Act for Fiscal Year 2001 (as enacted into law by
35 Public Law 106–398; 114 Stat. 1654A–23) is amended—

36 (1) by redesignating subsection (f) as subsection (j);
37 and

1 (2) by inserting after subsection (e) the following new
2 subsections:

3 “(f) WAIVER OF COMPARISON REQUIREMENT.—The Sec-
4 retary of Defense may waive subsections (c) and (e)(1) and
5 submit to the congressional defense committees a certification
6 under subsection (e)(2) without regard to the requirement in
7 that subsection for the completion of a comparison of costs and
8 operational effectiveness if the Secretary includes in the sub-
9 mittal a certification of each of the following:

10 “(1) That the results of executed tests and existing
11 analyses are sufficient for making a meaningful comparison
12 of the costs and operational effectiveness of the interim ar-
13 mored vehicles referred to in subparagraph (A) of sub-
14 section (c)(1) and the medium armored vehicles referred to
15 in subparagraph (B) of such subsection.

16 “(2) That the conduct of a comparative evaluation of
17 those vehicles in a realistic field environment would provide
18 no significant additional data relevant to that comparison.

19 “(3) That the Secretary has evaluated the existing
20 data on cost and operational effectiveness of those vehicles
21 and, taking that data into consideration, approves the obli-
22 gation of funds for the acquisition of additional interim ar-
23 mored vehicles.

24 “(4) That sufficient resources will be requested in the
25 future-years defense program to fully fund the Army’s re-
26 quirements for interim brigade combat teams.

27 “(5) That the force structure resulting from the estab-
28 lishment of the interim brigade combat teams and the sub-
29 sequent achievement of operational capability by those
30 teams will not diminish the combat power of the Army.

31 “(g) EXPERIMENTATION PROGRAM.—The Secretary of the
32 Army shall develop and provide resources for an experimen-
33 tation program that will—

34 “(1) provide information as to the design of the objec-
35 tive force; and

36 “(2) include a formal linkage of the interim brigade
37 combat teams to that experimentation.

1–5

1 “(h) OPERATIONAL EVALUATION.—(1) The Secretary of
2 the Army shall conduct an operational evaluation of the initial
3 interim brigade combat team. The evaluation shall include de-
4 ployment of the team to the evaluation site and team execution
5 of combat missions across the full spectrum of potential threats
6 and operational scenarios.

7 “(2) The operational evaluation under paragraph (1) may
8 not be conducted until the plan for such evaluation is approved
9 by the Director of Operational Test and Evaluation of the De-
10 partment of Defense.

11 “(i) LIMITATION ON PROCUREMENT OF INTERIM AR-
12 MORED VEHICLES AND DEPLOYMENT OF IBCTS.—(1) The ac-
13 tions described in paragraph (2) may not be taken until the
14 date that is 30 days after the date on which the Secretary of
15 Defense—

16 “(A) submits to Congress a report on the operational
17 evaluation carried out under subsection (h); and

18 “(B) certifies to Congress that the results of that
19 operational evaluation indicate that the design for the in-
20 terim brigade combat team is operationally effective and
21 operationally suitable.

22 “(2) The limitation in paragraph (1) applies to the fol-
23 lowing actions:

24 “(A) Procurement of interim armored vehicles in addi-
25 tion to those necessary for equipping the first three interim
26 brigade combat teams.

27 “(B) Deployment of any interim brigade combat team
28 outside the United States.

29 “(3) The Secretary of Defense may waive the applicability
30 of paragraph (1) to a deployment described in paragraph
31 (2)(B) if the Secretary—

32 “(A) determines that the deployment is in the national
33 security interests of the United States; and

34 “(B) submits to Congress, in writing, a notification of
35 the waiver together with a discussion of the reasons for the
36 waiver.”.

Subtitle C—Navy Programs**SEC. 121. VIRGINIA CLASS SUBMARINE PROGRAM.**

Section 123(b)(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–25) is amended—

(1) by striking “five Virginia class submarines” and inserting “seven Virginia class submarines”; and

(2) by striking “2006” and inserting “2007”.

SEC. 122. MULTIYEAR PROCUREMENT AUTHORITY FOR F/A–18E/F AIRCRAFT ENGINES.

(a) MULTIYEAR AUTHORITY.—Beginning with the 2002 program year, the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract for the procurement of engines for F/A–18E/F aircraft.

(b) REQUIRED CERTIFICATIONS.—In the case of a contract authorized by subsection (a) of this section, a certification under subsection (i)(1)(A) of section 2306b of title 10, United States Code, with respect to that contract may only be submitted if the certification includes an additional certification that each of the conditions specified in subsection (a) of that section has been satisfied with respect to that contract.

(c) CONGRESSIONAL NOTICE-AND-WAIT PERIOD.—Upon transmission to Congress of a certification referred to in subsection (b) with respect to a contract authorized by subsection (a), the contract may then be entered into only after a period of 30 days has elapsed after the date of the transmission of such certification.

SEC. 123. V–22 OSPREY AIRCRAFT PROGRAM.

The production rate for V–22 Osprey aircraft may not be increased above the minimum sustaining production rate for which funds are authorized to be appropriated by this Act until the Secretary of Defense certifies to Congress that successful operational testing of the aircraft demonstrates that—

(1) the solutions to the problems regarding the reliability of hydraulic system components and flight control

1 software that were identified by the panel appointed by the
2 Secretary of Defense on January 5, 2001, to review the V-
3 22 aircraft program are adequate to achieve low risk for
4 crews and passengers aboard V-22 aircraft that are oper-
5 ating under operational conditions;

6 (2) the V-22 aircraft can achieve reliability and main-
7 tainability levels that are sufficient for the aircraft to
8 achieve operational availability at the level required for fleet
9 aircraft;

10 (3) the V-22 aircraft will be operationally effective—

11 (A) when employed in operations with other V-22
12 aircraft; and

13 (B) when employed in operations with other types
14 of aircraft; and

15 (4) the V-22 aircraft can be operated effectively, tak-
16 ing into consideration the downwash effects inherent in the
17 operation of the aircraft, when the aircraft—

18 (A) is operated in remote areas with unimproved
19 terrain and facilities;

20 (B) is deploying and recovering personnel—

21 (i) while hovering within the zone of ground
22 effect; and

23 (ii) while hovering outside the zone of ground
24 effect; and

25 (C) is operated with external loads.

26 **SEC. 124. REPORT ON STATUS OF V-22 OSPREY AIR-**
27 **CRAFT BEFORE RESUMPTION OF FLIGHT**
28 **TESTING.**

29 Not later than 30 days before the resumption of flight
30 testing of the V-22 Osprey aircraft, the Secretary of Defense
31 shall submit to Congress a report containing the following:

32 (1) A comprehensive description of the status of the
33 hydraulics system and flight control software of the V-22
34 Osprey aircraft, including—

35 (A) a description and analysis of any deficiencies
36 in the hydraulics system and flight control software of
37 the V-22 Osprey aircraft; and

1 (B) a description and assessment of the actions
2 taken to redress each such deficiency.

3 (2) A description of the current actions, and any pro-
4 posed actions, of the Department of Defense to implement
5 the recommendations of the panel appointed by the Sec-
6 retary of Defense on January 5, 2001, to review the V–22
7 aircraft program.

8 (3) An assessment of the recommendations of the Na-
9 tional Aeronautics and Space Administration on tiltrotor
10 aeromechanics provided in a briefing to the Undersecretary
11 of Defense for Acquisition, Logistics, and Technology on
12 August 14, 2001.

13 (4) Notice of the waiver, if any, of any item capability
14 or any other requirement specified in the Joint Operational
15 Requirements Document for the V–22 Osprey aircraft, in-
16 cluding a justification of each such waiver.

17 **Subtitle D—Air Force Programs**

18 **SEC. 131. MULTIYEAR PROCUREMENT AUTHORITY FOR** 19 **C–17 AIRCRAFT.**

20 (a) MULTIYEAR AUTHORITY.—Beginning with the 2002
21 program year, the Secretary of the Air Force may enter into
22 a multiyear contract for the procurement of up to 60 C–17 air-
23 craft. Such a contract shall be entered into in accordance with
24 section 2306b of title 10, United States Code, except that, not-
25 withstanding subsection (k) of such section, such a contract
26 may be for a period of six program years.

27 (b) REQUIRED CERTIFICATIONS.—In the case of a con-
28 tract authorized by subsection (a) of this section, a certification
29 under subsection (i)(1)(A) of section 2306b of title 10, United
30 States Code, with respect to that contract may only be sub-
31 mitted if the certification includes an additional certification
32 that each of the conditions specified in subsection (a) of that
33 section has been satisfied with respect to that contract.

34 (c) CONGRESSIONAL NOTICE-AND-WAIT PERIOD.—Upon
35 transmission to Congress of a certification referred to in sub-
36 section (b) with respect to a contract authorized by subsection
37 (a), the contract may then be entered into only after a period

1 of 30 days has elapsed after the date of the transmission of
2 such certification.

1 **TITLE II—RESEARCH, DEVELOP-**
2 **MENT, TEST, AND EVALUATION**

Subtitle A—Authorization of Appropriations

- Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic and applied research.
Sec. 203. Supplemental authorization of appropriations for fiscal year 2001 for research, development, test, and evaluation, Defense-wide.

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Naval surface fire support assessment.
Sec. 212. Collaborative program for development of advanced radar systems.
Sec. 213. Repeal of limitations on total cost of engineering and manufacturing development for F-22 aircraft program.
Sec. 214. Joint biological defense program.
Sec. 215. Cooperative Department of Defense-Department of Veterans Affairs medical research program.
Sec. 216. C-5 aircraft reliability enhancement and reengining program.

Subtitle C—Ballistic Missile Defense

- Sec. 231. Transfer of responsibility for procurement for missile defense programs from Ballistic Missile Defense Organization to military departments.
Sec. 232. Program elements for Ballistic Missile Defense Organization.
Sec. 233. Support of ballistic missile defense activities of the Department of Defense by the national defense laboratories of the Department of Energy.
Sec. 234. Missile defense testing initiative.
Sec. 235. Construction of test bed facilities for missile defense system.

Subtitle D—Air Force Science and Technology for the 21st Century

- Sec. 251. Short title.
Sec. 252. Science and technology investment and development planning.
Sec. 253. Study and report on effectiveness of Air Force science and technology program changes.

Subtitle E—Other Matters

- Sec. 261. Establishment of unmanned aerial vehicle joint operational test bed system.
Sec. 262. Demonstration project to increase small business and university participation in Office of Naval Research efforts to extend benefits of science and technology research to fleet.
Sec. 263. Communication of safety concerns from operational test and evaluation officials to program managers.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, \$6,675,325,000.

(2) For the Navy, \$10,784,264,000.

(3) For the Air Force, \$14,407,187,000.

(4) For Defense-wide activities, \$14,593,995,000, of which \$221,355,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.

(a) FISCAL YEAR 2002.—Of the amounts authorized to be appropriated by section 201, \$5,070,605,000 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.

SEC. 203. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001 FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.

In addition to the funds authorized to be appropriated under section 201(4) of Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-32), there is hereby authorized to be appropriated \$1,000,000 for fiscal year 2001 for the use of the Department of Defense for research, development, test, and evaluation, for Defense-wide activities.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. NAVAL SURFACE FIRE SUPPORT ASSESSMENT.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall carry out an assessment of the requirements for naval

1 surface fire support of ground forces operating in the littoral
2 environment, including the role of an advanced fire support
3 missile system for Navy combatant vessels. The matters as-
4 sessed shall include the Secretary of the Navy's program plan,
5 schedule, and funding for meeting such requirements.

6 (b) REPORT.—Not later than March 31, 2002, the Sec-
7 retary of Defense shall submit to the congressional defense
8 committees a report containing the results of the assessment
9 required by subsection (a).

10 **SEC. 212. COLLABORATIVE PROGRAM FOR DEVELOP-**
11 **MENT OF ADVANCED RADAR SYSTEMS.**

12 (a) PROGRAM REQUIRED.—The Secretary of Defense shall
13 carry out a program to develop and demonstrate advanced
14 technologies and concepts leading to advanced radar systems
15 for naval and other applications.

16 (b) DESCRIPTION OF PROGRAM.—The program under sub-
17 section (a) shall be carried out collaboratively by the Director
18 of Defense Research and Engineering, the Secretary of the
19 Navy, the Director of the Defense Advanced Research Projects
20 Agency, and other appropriate elements of the Department of
21 Defense. The program shall include the following activities:

22 (1) Activities needed for development and maturation
23 of the technologies for advanced electronics materials to ex-
24 tend the range and sensitivity of radars.

25 (2) Identification of acquisition systems for use of the
26 new technology.

27 (c) REPORT.—Not later than March 31, 2002, the Direc-
28 tor of Defense Research and Engineering shall submit to the
29 congressional defense committees a report on the implementa-
30 tion of the program under subsection (a). The report shall in-
31 clude the following:

32 (1) A description of the management plan for the pro-
33 gram and any agreements relating to that plan.

34 (2) A schedule for the program.

35 (3) Identification of the funding required for fiscal
36 year 2003 and for the future-years defense program to
37 carry out the program.

1 (4) A list of program capability goals and objectives.

2 **SEC. 213. REPEAL OF LIMITATIONS ON TOTAL COST OF**
3 **ENGINEERING AND MANUFACTURING DE-**
4 **VELOPMENT FOR F-22 AIRCRAFT PROGRAM.**

5 (a) REPEAL.—The following provisions of law are re-
6 pealed:

7 (1) Section 217(a) of the National Defense Authoriza-
8 tion Act for Fiscal Year 1998 (Public Law 105-85; 111
9 Stat. 1660).

10 (2) Section 8125 of the Department of Defense Appro-
11 priations Act, 2001 (Public Law 106-259; 114 Stat. 702).

12 (3) Section 219(b) of the Floyd D. Spence National
13 Defense Authorization Act for Fiscal Year 2001 (as en-
14 acted into law by Public Law 106-398; 114 Stat. 1654A-
15 38).

16 (b) CONFORMING AMENDMENTS.—(1) Section 217 of the
17 National Defense Authorization Act for Fiscal Year 1998 (Pub-
18 lic Law 105-85; 111 Stat. 1660), as amended by subsection
19 (a)(1), is further amended—

20 (A) in subsection (c)—

21 (i) by striking “limitations set forth in subsections
22 (a) and (b)” and inserting “limitation set forth in sub-
23 section (b)”;

24 (ii) by striking paragraph (3); and

25 (B) in subsection (d)(2), by striking subparagraphs
26 (D) and (E).

27 (2) Section 131 of the National Defense Authorization Act
28 for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 536) is
29 amended—

30 (A) in subsection (a)(2), by striking “That the” and
31 all that follows through “respectively,” and inserting “That
32 the production phase for that program can be executed
33 within the limitation on total cost applicable to that pro-
34 gram under subsection (b)”;

35 (B) in subsection (b)(3), by striking “for the remain-
36 der of the engineering and manufacturing development
37 phase and”.

1 **SEC. 214. JOINT BIOLOGICAL DEFENSE PROGRAM.**

2 Section 217(a) of the Floyd D. Spence National Defense
3 Authorization Act for Fiscal Year 2001 (as enacted into law by
4 Public Law 106–398; 114 Stat. 1654A–36) is amended by
5 striking “funds authorized to be appropriated by this Act may
6 not” and inserting “no funds authorized to be appropriated to
7 the Department of Defense for fiscal year 2002 may”.

8 **SEC. 215. COOPERATIVE DEPARTMENT OF DEFENSE-DE-**
9 **PARTMENT OF VETERANS AFFAIRS MEDICAL**
10 **RESEARCH PROGRAM.**

11 Of the funds authorized to be appropriated by section
12 201(4), \$2,500,000 shall be available for the cooperative De-
13 partment of Defense/Department of Veterans Affairs medical
14 research program. The Secretary of Defense shall transfer such
15 amount to the Secretary of Veterans Affairs for such purpose
16 not later than 30 days after the date of the enactment of this
17 Act.

18 **SEC. 216. C-5 AIRCRAFT RELIABILITY ENHANCEMENT**
19 **AND REENGINEING PROGRAM.**

20 (a) KIT DEVELOPMENT.—The Secretary of the Air Force
21 shall ensure that engineering manufacturing and development
22 under the C–5 aircraft reliability enhancement and reengining
23 program includes kit development for at least one C–5A air-
24 craft.

25 (b) AIRCRAFT TO BE USED FOR KIT DEVELOPMENT.—
26 The C–5A aircraft to be used for purposes of the kit develop-
27 ment under subsection (a) shall be an aircraft from among the
28 74 C–5A aircraft of the Air Force.

29 **Subtitle C—Ballistic Missile Defense**

30 **SEC. 231. TRANSFER OF RESPONSIBILITY FOR PRO-**
31 **UREMENT FOR MISSILE DEFENSE PRO-**
32 **GRAMS FROM BALLISTIC MISSILE DEFENSE**
33 **ORGANIZATION TO MILITARY DEPART-**
34 **MENTS.**

35 (a) BUDGETING OF MISSILE DEFENSE PROCUREMENT
36 AUTHORITY.—Section 224 of title 10, United States Code is
37 amended—

1 (1) in subsection (a), by striking “procurement” both
2 places it appears and inserting “research, development,
3 test, and evaluation”; and

4 (2) by striking subsections (b) and (c) and inserting
5 the following:

6 “(b) TRANSFER CRITERIA.—(1) The Secretary of Defense
7 shall establish criteria for the transfer of responsibility for a
8 ballistic missile defense program from the Director of the Bal-
9 listic Missile Defense Organization to the Secretary of a mili-
10 tary department. The criteria established for such a transfer
11 shall, at a minimum, address the following:

12 “(A) The technical maturity of the program.

13 “(B) The availability of facilities for production.

14 “(C) The commitment of the Secretary of the military
15 department concerned to procurement funding for that pro-
16 gram, as shown by funding through the future-years de-
17 fense program and other defense planning documents.

18 “(2) The Secretary shall submit the criteria established,
19 and any modifications to those criteria, to the congressional de-
20 fense committees.

21 “(c) NOTIFICATION OF TRANSFER.—Before responsibility
22 for a ballistic missile defense program is transferred from the
23 Director of the Ballistic Missile Defense Organization to the
24 Secretary of a military department, the Secretary of Defense
25 shall submit to the congressional defense committees notice in
26 writing of the Secretary’s intent to make that transfer. The
27 Secretary shall include with such notice a certification that the
28 program has met the criteria established under subsection (b)
29 for such a transfer. The transfer may then be carried out after
30 the end of the 60-day period beginning on the date of such no-
31 tice.

32 “(d) CONFORMING BUDGET AND PLANNING TRANS-
33 FERS.—When a ballistic missile defense program is transferred
34 from the Ballistic Missile Defense Organization to the Sec-
35 retary of a military department in accordance with this section,
36 the Secretary of Defense shall ensure that all appropriate con-
37 forming changes are made to proposed or projected funding al-

1 locations in the future-years defense program under section
 2 221 of this title and other Department of Defense program,
 3 budget, and planning documents.

4 “(e) FOLLOW-ON RESEARCH, DEVELOPMENT, TEST, AND
 5 EVALUATION.—The Secretary of Defense shall ensure that, be-
 6 fore a ballistic missile defense program is transferred from the
 7 Director of the Ballistic Missile Defense Organization to the
 8 Secretary of a military department, roles and responsibilities
 9 for research, development, test, and evaluation related to sys-
 10 tem improvements for that program are clearly defined.

11 “(f) CONGRESSIONAL DEFENSE COMMITTEES.—In this
 12 section, the term ‘congressional defense committees’ means the
 13 following:

14 “(1) The Committee on Armed Services and the Com-
 15 mittee on Appropriations of the Senate.

16 “(2) The Committee on Armed Services and the Com-
 17 mittee on Appropriations of the House of Representa-
 18 tives.”.

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

21 **“§ 224. Ballistic missile defense programs: display**
 22 **of amounts for research, development,**
 23 **test, and evaluation”.**

24 (2) The item relating to that section in the table of sec-
 25 tions at the beginning of chapter 9 of such title is amended to
 26 read as follows:

“224. Ballistic missile defense programs: display of amounts for research,
 development, test, and evaluation.”.

27 **SEC. 232. PROGRAM ELEMENTS FOR BALLISTIC MISSILE**
 28 **DEFENSE ORGANIZATION.**

29 (a) REVISION IN PROGRAM ELEMENTS.—Subsection (a) of
 30 section 223 of title 10, United States Code, is amended—

31 (1) by striking “in accordance with the following pro-
 32 gram elements:” and inserting “in accordance with pro-
 33 gram elements governing functional areas as follows:”; and

34 (2) by striking paragraphs (1) through (12) and in-
 35 serting the following:

- 1 “(1) Technology.
2 “(2) Ballistic Missile Defense System.
3 “(3) Terminal Defense Segment.
4 “(4) Midcourse Defense Segment.
5 “(5) Boost Defense Segment.
6 “(6) Sensors Segment.”.

7 (b) ADDITIONAL REQUIREMENTS.—Subsection (b) of such
8 section is amended to read as follows:

9 “(b) SEPARATE PROGRAM ELEMENTS FOR PROGRAMS EN-
10 TERING ENGINEERING AND MANUFACTURING DEVELOP-
11 MENT.—(1) The Secretary of Defense shall ensure that each
12 ballistic missile defense program that enters engineering and
13 manufacturing development is assigned a separate, dedicated
14 program element.

15 “(2) In this subsection, the term ‘engineering and manu-
16 facturing development’ means the development phase whose
17 primary objectives are to—

18 “(A) translate the most promising design approach
19 into a stable, interoperable, producible, supportable, and
20 cost-effective design;

21 “(B) validate the manufacturing or production pro-
22 cess; and

23 “(C) demonstrate system capabilities through test-
24 ing.”.

25 (c) REQUIREMENT FOR ANNUAL PROGRAM GOALS.—(1)
26 The Secretary of Defense shall each year establish cost, sched-
27 ule, testing, and performance goals for the ballistic missile de-
28 fense programs of the Department of Defense for the period
29 covered by the future-years defense program that is submitted
30 to Congress that year under section 221 of title 10, United
31 States Code. Not later than February 1 each year, the Sec-
32 retary shall submit to the congressional defense committees a
33 statement of the goals so established.

34 (2) The statement of goals submitted under paragraph (1)
35 for any year after 2002 shall be an update of the statement
36 submitted under that paragraph for the preceding year.

1 (3) Each statement of goals submitted under paragraph
2 (1) shall set forth cost, schedule, testing, and performance
3 goals that pertain to each functional area program element
4 identified in subsection (a), and each program element identi-
5 fied in subsection (b), of section 223 of title 10, United States
6 Code.

7 (d) ANNUAL PROGRAM PLAN.—(1) With the submission of
8 the statement of goals under subsection (c) for any year, the
9 Secretary of Defense shall submit to the congressional defense
10 committees a program of activities planned to be carried out
11 for each missile defense program that enters engineering and
12 manufacturing development (as defined in section 223(b)(2) of
13 title 10, United States Code, as added by subsection (b)).

14 (2) Each program plan under paragraph (1) shall include
15 the following:

16 (A) A funding profile that includes an estimate of—

17 (i) the total expenditures to be made in the fiscal
18 year in which the plan is submitted and the following
19 fiscal year, together with the estimated total life-cycle
20 costs of the program; and

21 (ii) a display of such expenditures (shown for sig-
22 nificant procurement, construction, and research and
23 development) for the fiscal year in which the plan is
24 submitted and the following fiscal year.

25 (B) A program schedule for the fiscal year in which
26 the plan is submitted and the following fiscal year for each
27 of the following:

28 (i) Significant procurement.

29 (ii) Construction.

30 (iii) Research and development.

31 (iv) Flight tests.

32 (v) Other significant testing activities.

33 (3) Information specified in paragraph (2) need not be in-
34 cluded in the plan for any year under paragraph (1) to the ex-
35 tent such information has already been provided, or will be pro-
36 vided in the current fiscal year, in annual budget justification

1 documents of the Department of Defense submitted to Con-
2 gress or in other required reports to Congress.

3 (e) INTERNAL DOD REVIEWS.—(1) The officials and ele-
4 ments of the Department of Defense specified in paragraph (2)
5 shall on an ongoing basis—

6 (A) review the development of goals under subsection
7 (c) and the annual program plan under subsection (d); and

8 (B) provide to the Secretary of Defense and the Direc-
9 tor of the Ballistic Missile Defense Organization any com-
10 ments on such matters as considered appropriate.

11 (2) Paragraph (1) applies with respect to the following:

12 (A) The Under Secretary of Defense for Acquisition,
13 Technology, and Logistics.

14 (B) The Director of Operational Test and Evaluation.

15 (C) The Director of Program Analysis and Evaluation.

16 (D) The Joint Requirements Oversight Council.

17 (E) The Cost Analysis and Improvement Group.

18 (f) DEMONSTRATION OF CRITICAL TECHNOLOGIES.—(1)
19 The Director of the Ballistic Missile Defense Organization shall
20 develop a plan for ensuring that each critical technology for a
21 missile defense program is successfully demonstrated in an ap-
22 propriate environment before that technology enters into oper-
23 ational service as part of a missile defense program.

24 (2) The Director of Operational Test and Evaluation of
25 the Department of Defense shall monitor the development of
26 the plan under paragraph (1) and shall submit to the Director
27 of the Ballistic Missile Defense Organization any comments re-
28 garding that plan that the Director of Operational Test and
29 Evaluation considers appropriate.

30 (g) COMPTROLLER GENERAL ASSESSMENT.—(1) At the
31 conclusion of each of fiscal years 2002 and 2003, the Comp-
32 troller General of the United States shall assess the extent to
33 which the Ballistic Missile Defense Organization achieved the
34 goals established under subsection (c) for such fiscal year.

35 (2) Not later than February 15, 2003, and February 15,
36 2004, the Comptroller General shall submit to the congress-
37 sional defense committees a report on the Comptroller Gen-

1 eral's assessment under paragraph (1) with respect to the pre-
2 ceding fiscal year.

3 (h) ANNUAL OT&E ASSESSMENT OF TEST PROGRAM.—

4 (1) The Director of Operational Test and Evaluation shall each
5 year assess the adequacy and sufficiency of the Ballistic Missile
6 Defense Organization test program during the preceding fiscal
7 year.

8 (2) Not later than February 15 each year the Director
9 shall submit to the congressional defense committees a report
10 on the assessment under paragraph (1) with respect to the pre-
11 ceding fiscal year.

12 **SEC. 233. SUPPORT OF BALLISTIC MISSILE DEFENSE AC-**
13 **TIVITIES OF THE DEPARTMENT OF DEFENSE**
14 **BY THE NATIONAL DEFENSE LABORATORIES**
15 **OF THE DEPARTMENT OF ENERGY.**

16 (a) FUNDS TO CARRY OUT CERTAIN BALLISTIC MISSILE
17 DEFENSE ACTIVITIES.—Of the amounts authorized to be ap-
18 propriated to the Department of Defense pursuant to section
19 201(4), \$25,000,000 shall be available, subject to subsection
20 (b) and at the discretion of the Director of the Ballistic Missile
21 Defense Organization, for research, development, and dem-
22 onstration activities at the national laboratories of the Depart-
23 ment of Energy in support of the missions of the Ballistic Mis-
24 sile Defense Organization, including the following activities:

25 (1) Technology development, concept demonstration,
26 and integrated testing to enhance performance, reduce risk,
27 and improve reliability in hit-to-kill interceptors for ballistic
28 missile defense.

29 (2) Support for science and engineering teams to as-
30 sess critical technical problems and prudent alternative ap-
31 proaches as agreed upon by the Director of the Ballistic
32 Missile Defense Organization and the Administrator for
33 Nuclear Security.

34 (b) REQUIREMENT FOR MATCHING FUNDS FROM
35 NNSA.—Funds shall be available as provided in subsection (a)
36 only if the Administrator for Nuclear Security makes available
37 matching funds for the activities referred to in subsection (a).

1 (c) MEMORANDUM OF UNDERSTANDING.—The activities
2 referred to in subsection (a) shall be carried out under the
3 memorandum of understanding entered into by the Secretary of
4 Energy and the Secretary of Defense for the use of national
5 laboratories for ballistic missile defense programs, as required
6 by section 3131 of the National Defense Authorization Act for
7 Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2034) and
8 modified pursuant to section 3132 of the Floyd D. Spence Na-
9 tional Defense Authorization Act for Fiscal Year 2001 (as en-
10 acted into law by Public Law 106–398; 114 Stat. 1654A–455)
11 to provide for jointly funded projects.

12 **SEC. 234. MISSILE DEFENSE TESTING INITIATIVE.**

13 (a) TESTING INFRASTRUCTURE.—(1) The Secretary of
14 Defense shall ensure that each annual budget request of the
15 Department of Defense—

16 (A) is designed to provide for comprehensive testing of
17 ballistic missile defense programs during early stages of de-
18 velopment; and

19 (B) includes necessary funding to support and improve
20 test infrastructure and provide adequate test assets for the
21 testing of such programs.

22 (2) The Secretary shall ensure that ballistic missile de-
23 fense programs incorporate, to the greatest possible extent,
24 operationally realistic test configurations (referred to as “test
25 bed” configurations) to demonstrate system performance across
26 a broad range of capability and, during final stages of oper-
27 ational testing, to demonstrate reliable performance.

28 (3) The Secretary shall ensure that the test infrastructure
29 for ballistic missile defense programs is capable of supporting
30 continued testing of ballistic missile defense systems after de-
31 ployment.

32 (b) REQUIREMENTS FOR EARLY STAGES OF SYSTEM DE-
33 VELOPMENT.—In order to demonstrate acceptable risk and de-
34 velopmental stability, the Secretary of Defense shall ensure
35 that any ballistic missile defense program incorporates, to the
36 maximum extent practicable, the following elements during the
37 early stages of system development:

2-13

1 (1) Pursuit of parallel conceptual approaches and
2 technological paths for all critical problematic components
3 until effective and reliable solutions can be demonstrated.

4 (2) Comprehensive ground testing in conjunction with
5 flight-testing for key elements of the proposed system that
6 are considered to present high risk, with such ground test-
7 ing to make use of existing facilities and combinations of
8 facilities that support testing at the highest possible levels
9 of integration.

10 (3) Where appropriate, expenditures to enhance the
11 capabilities of existing test facilities, or to construct new
12 test facilities, to support alternative complementary test
13 methodologies.

14 (4) Sufficient funding of test instrumentation to en-
15 sure accurate measurement of all critical test events.

16 (5) Incorporation into the program of sufficient sched-
17 ule flexibility and expendable test assets, including missile
18 interceptors and targets, to ensure that failed or aborted
19 tests can be repeated in a prudent, but expeditious manner.

20 (6) Incorporation into flight-test planning for the pro-
21 gram, where possible, of—

22 (A) methods that make the most cost-effective use
23 of test opportunities;

24 (B) events to demonstrate engagement of multiple
25 targets, “shoot-look-shoot”, and other planned oper-
26 ational concepts; and

27 (C) exploitation of opportunities to facilitate early
28 development and demonstration of “family of systems”
29 concepts.

30 (c) SPECIFIC REQUIREMENTS FOR GROUND-BASED MID-
31 COURSE INTERCEPTOR SYSTEMS.—For ground-based mid-
32 course interceptor systems, the Secretary of Defense shall ini-
33 tiate steps during fiscal year 2002 to establish a flight-test ca-
34 pability of launching not less than three missile defense inter-
35 ceptors and not less than two ballistic missile targets to provide
36 a realistic test infrastructure.

1 **SEC. 235. CONSTRUCTION OF TEST BED FACILITIES FOR**
2 **MISSILE DEFENSE SYSTEM.**

3 (a) AUTHORITY TO ACQUIRE OR CONSTRUCT FACILI-
4 TIES.—(1) The Secretary of Defense, using funds appropriated
5 to the Department of Defense for research, development, test,
6 and evaluation for fiscal years after fiscal year 2001 that are
7 available for programs of the Ballistic Missile Defense Organi-
8 zation, may carry out all construction projects, or portions of
9 construction projects, including projects for the acquisition, im-
10 provement, or construction of facilities, necessary to establish
11 and operate the Missile Defense System Test Bed.

12 (2) The authority provided in subsection (a) may be used
13 to acquire, improve, or construct facilities at a total cost not
14 to exceed \$500,000,000.

15 (b) AUTHORITY TO PROVIDE ASSISTANCE TO LOCAL COM-
16 MUNITIES.—(1) Subject to paragraph (2), the Secretary of De-
17 fense, using funds appropriated to the Department of Defense
18 for research, development, test, and evaluation for fiscal year
19 2002 that are available for programs of the Ballistic Missile
20 Defense Organization, may provide assistance to local commu-
21 nities to meet the need for increased municipal or community
22 services or facilities resulting from the construction, installa-
23 tion, or operation of the Missile Defense System Test Bed Fa-
24 cilities. Such assistance may be provided by grant or otherwise.

25 (2) Assistance may be provided to a community under
26 paragraph (1) only if the Secretary of Defense determines that
27 there is an immediate and substantial increase in the need for
28 municipal or community services or facilities as a direct result
29 of the construction, installation, or operation of the Missile De-
30 fense System Test Bed Facilities.

31 **Subtitle D—Air Force Science and**
32 **Technology for the 21st Century**

33 **SEC. 251. SHORT TITLE.**

34 This subtitle may be cited as the “Air Force Science and
35 Technology for the 21st Century Act”.

1 **SEC. 252. SCIENCE AND TECHNOLOGY INVESTMENT AND**
2 **DEVELOPMENT PLANNING.**

3 (a) SENSE OF CONGRESS.—It is the sense of Congress
4 that the Secretary of the Air Force should carry out each of
5 the following:

6 (1) Continue and improve efforts to ensure that—

7 (A) the Air Force science and technology commu-
8 nity is represented, and the recommendations of that
9 community are considered, at all levels of program
10 planning and budgetary decisionmaking within the Air
11 Force;

12 (B) advocacy for science and technology develop-
13 ment is institutionalized across all levels of Air Force
14 management in a manner that is not dependent on in-
15 dividuals; and

16 (C) the value of Air Force science and technology
17 development is made increasingly apparent to the
18 warfighters, by linking the needs of those warfighters
19 with decisions on science and technology development.

20 (2) Complete and adopt a policy directive that provides
21 for changes in how the Air Force makes budgetary and
22 nonbudgetary decisions with respect to its science and tech-
23 nology development programs and how it carries out those
24 programs.

25 (3) At least once every five years, conduct a review of
26 the long-term challenges and short-term objectives of the
27 Air Force science and technology programs that is con-
28 sistent with the review specified in section 252 of the Floyd
29 D. Spence National Defense Authorization Act for Fiscal
30 Year 2001 (as enacted into law by Public Law 106-398;
31 114 Stat. 1654A-46).

32 (4) Ensure that development and science and tech-
33 nology planning and investment activities are carried out
34 for future space warfighting systems and for future
35 nonspace warfighting systems in an integrated manner.

36 (5) Elevate the position within the Office of the Sec-
37 retary of the Air Force that has primary responsibility for

1 budget and policy decisions for science and technology pro-
2 grams.

3 (b) REINSTATEMENT OF DEVELOPMENT PLANNING.—(1)
4 The Secretary of the Air Force shall reinstate and implement
5 a revised development planning process that provides for each
6 of the following:

7 (A) Coordinating the needs of Air Force warfighters
8 with decisions on science and technology development.

9 (B) Giving input into the establishment of priorities
10 among science and technology programs.

11 (C) Analyzing Air Force capability options for the allo-
12 cation of Air Force resources.

13 (D) Developing concepts for technology, warfighting
14 systems, and operations with which the Air Force can
15 achieve its critical future goals.

16 (E) Evaluating concepts for systems and operations
17 that leverage technology across Air Force organizational
18 boundaries.

19 (F) Ensuring that a “system-of-systems” approach is
20 used in carrying out the various Air Force capability plan-
21 ning exercises.

22 (G) Utilizing existing analysis capabilities within the
23 Air Force product centers in a collaborative and integrated
24 manner.

25 (2) Not later than one year after the date of the enact-
26 ment of this Act, the Secretary of the Air Force shall submit
27 to Congress a report on the implementation of the planning
28 process required by paragraph (1). The report shall include the
29 annual amount that the Secretary considers necessary to carry
30 out paragraph (1).

31 **SEC. 253. STUDY AND REPORT ON EFFECTIVENESS OF**
32 **AIR FORCE SCIENCE AND TECHNOLOGY**
33 **PROGRAM CHANGES.**

34 (a) REQUIREMENT.—The Secretary of the Air Force, in
35 cooperation with the National Research Council of the National
36 Academy of Sciences, shall carry out a study to determine how
37 the changes to the Air Force science and technology program

1 implemented during the past two years affect the future capa-
2 bilities of the Air Force.

3 (b) MATTERS STUDIED.—(1) The study shall review and
4 assess whether such changes as a whole are sufficient to ensure
5 the following:

6 (A) That the concerns about the management of the
7 science and technology program that have been raised by
8 Congress, the Defense Science Board, the Air Force
9 Science Advisory Board, and the Air Force Association
10 have been adequately addressed.

11 (B) That appropriate and sufficient technology is
12 available to ensure the military superiority of the United
13 States and counter future high-risk threats.

14 (C) That the science and technology investments are
15 balanced to meet the near-, mid-, and long-term needs of
16 the Air Force.

17 (D) That technologies are made available that can be
18 used to respond flexibly and quickly to a wide range of fu-
19 ture threats.

20 (E) That the Air Force organizational structure pro-
21 vides for a sufficiently senior level advocate of science and
22 technology to ensure an ongoing, effective presence of the
23 science and technology community during the budget and
24 planning process.

25 (2) In addition, the study shall assess the specific changes
26 to the Air Force science and technology program as follows:

27 (A) Whether the biannual science and technology sum-
28 mits provide sufficient visibility into, and understanding
29 and appreciation of, the value of the science and technology
30 program to the senior level of Air Force budget and policy
31 decisionmakers.

32 (B) Whether the applied technology councils are effec-
33 tive in contributing the input of all levels beneath the sen-
34 ior leadership into the coordination, focus, and content of
35 the science and technology program.

36 (C) Whether the designation of the commander of the
37 Air Force Materiel Command as the science and technology

1 budget advocate is effective to ensure that an adequate Air
2 Force science and technology budget is requested.

3 (D) Whether the revised development planning process
4 is effective to aid in the coordination of the needs of the
5 Air Force warfighters with decisions on science and tech-
6 nology investments and the establishment of priorities
7 among different science and technology programs.

8 (E) Whether the implementation of section 252 of the
9 Floyd D. Spence National Defense Authorization Act for
10 Fiscal Year 2001 (as enacted into law by Public Law 106-
11 398; 114 Stat. 1654A-46) is effective to identify the basis
12 for the appropriate science and technology program funding
13 level and investment portfolio.

14 (c) REPORT.—Not later than May 1, 2003, the Secretary
15 of the Air Force shall submit to Congress the results of the
16 study.

17 **Subtitle E—Other Matters**

18 **SEC. 261. ESTABLISHMENT OF UNMANNED AERIAL VEHI-** 19 **CLE JOINT OPERATIONAL TEST BED SYS-** 20 **TEM.**

21 (a) ESTABLISHMENT OF TEST BED SYSTEM.—The com-
22 mander of the United States Joint Forces Command shall es-
23 tablish a government flight activity capability (referred to as a
24 “test bed”) within the facilities and resources of that command
25 to evaluate and ensure joint interoperability of unmanned aerial
26 vehicle systems. That capability shall be independent of the
27 military departments and shall be managed directly by the
28 Joint Forces Command.

29 (b) PRIORITY FOR USE OF PREDATOR ASSETS.—The Sec-
30 retary of the Navy shall ensure that the commander of the
31 United States Joint Forces Command controls the priority for
32 use of the two Predator unmanned aerial vehicles currently un-
33 dergoing operational testing by the Navy, together with associ-
34 ated payloads and antennas and the associated tactical control
35 system (TCS) ground station.

36 (c) USE BY JOINT FORCES COMMAND.—The items speci-
37 fied to in subsection (b) may be used by the commander of the

1 United States Joint Forces Command only through the inde-
2 pendent joint operational test bed system established pursuant
3 to subsection (a) for testing of those items, including further
4 development of the associated tactical control system (TCS)
5 ground station, other aspects of unmanned aerial vehicle inter-
6 operability, and participation in such experiments and exercises
7 as the commander considers appropriate to the mission of that
8 command.

9 **SEC. 262. DEMONSTRATION PROJECT TO INCREASE**
10 **SMALL BUSINESS AND UNIVERSITY PARTICI-**
11 **PATION IN OFFICE OF NAVAL RESEARCH EF-**
12 **FORTS TO EXTEND BENEFITS OF SCIENCE**
13 **AND TECHNOLOGY RESEARCH TO FLEET.**

14 (a) PROJECT REQUIRED.—The Secretary of the Navy, act-
15 ing through the Chief of Naval Research, shall carry out a
16 demonstration project to increase access to Navy facilities of
17 small businesses and universities that are engaged in science
18 and technology research beneficial to the fleet.

19 (b) PROJECT ELEMENTS.—In carrying out the demonstra-
20 tion project, the Secretary shall—

21 (1) establish and operate a Navy Technology Exten-
22 sion Center at a location to be selected by the Secretary;

23 (2) permit participants in the Small Business Innova-
24 tion Research Program (SBIR) and Small Business Tech-
25 nology Transfer Program (STTR) that are awarded con-
26 tracts by the Office of Naval Research to access and use
27 Navy Major Range Test Facilities Base (MRTFB) facilities
28 selected by the Secretary for purposes of carrying out such
29 contracts, and charge such participants for such access and
30 use at the same established rates that Department of De-
31 fense customers are charged; and

32 (3) permit universities, institutions of higher learning,
33 and federally funded research and development centers col-
34 laborating with participants referred to in paragraph (2) to
35 access and use such facilities for such purposes, and charge
36 such entities for such access and use at such rates.

1 (c) PERIOD OF PROJECT.—The demonstration project
2 shall be carried out during the three-year period beginning on
3 the date of the enactment of this Act.

4 (d) REPORT.—Not later than February 1, 2004, the Sec-
5 retary shall submit to Congress a report on the demonstration
6 project. The report shall include a description of the activities
7 carried out under the demonstration project and any rec-
8 ommendations for the improvement or expansion of the dem-
9 onstration project that the Secretary considers appropriate.

10 **SEC. 263. COMMUNICATION OF SAFETY CONCERNS**
11 **FROM OPERATIONAL TEST AND EVALUA-**
12 **TION OFFICIALS TO PROGRAM MANAGERS.**

13 Section 139 of title 10, United States Code, is amended—

14 (1) by redesignating subsections (f) through (i) as sub-
15 sections (g) through (j), respectively; and

16 (2) by inserting after subsection (e) the following new
17 subsection:

18 “(f) The Director shall ensure that safety concerns devel-
19 oped during the operational test and evaluation of a weapon
20 system under a major defense acquisition program are commu-
21 nicated in a timely manner to the program manager for that
22 program for consideration in the acquisition decisionmaking
23 process.”.

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TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

- Sec. 301. Operation and maintenance funding.
- Sec. 302. Working capital funds.
- Sec. 303. Armed Forces Retirement Home.
- Sec. 304. Transfer from National Defense Stockpile Transaction Fund.
- Sec. 305. Funds for renovation of Department of Veterans Affairs facilities adjacent to Naval Training Center, Great Lakes, Illinois.
- Sec. 306. Defense Language Institute Foreign Language Center expanded Arabic language program.

Subtitle B—Environmental Provisions

- Sec. 311. Inventory of unexploded ordnance, discarded military munitions, and munitions constituents at defense sites (other than operational ranges).
- Sec. 312. Establishment of new program element for remediation of unexploded ordnance, discarded military munitions, and munitions constituents.
- Sec. 313. Assessment of environmental remediation of unexploded ordnance, discarded military munitions, and munitions constituents.
- Sec. 314. Conformity of surety authority under environmental restoration program with surety authority under CERCLA.
- Sec. 315. Elimination of annual report on contractor reimbursement for costs of environmental response actions.
- Sec. 316. Pilot program for sale of air pollution emission reduction incentives.
- Sec. 317. Department of Defense energy efficiency program.
- Sec. 318. Procurement of alternative fueled and hybrid light duty trucks.
- Sec. 319. Reimbursement of Environmental Protection Agency for certain response costs in connection with Hooper Sands Site, South Berwick, Maine.
- Sec. 320. River mitigation studies.

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

- Sec. 331. Commissary benefits for new members of the Ready Reserve.
- Sec. 332. Reimbursement for use of commissary facilities by military departments for purposes other than commissary sales.
- Sec. 333. Public releases of commercially valuable information of commissary stores.
- Sec. 334. Rebate agreements with producers of foods provided under special supplemental food program.
- Sec. 335. Civil recovery for nonappropriated fund instrumentality costs related to shoplifting.

Subtitle D—Workforce and Depot Issues

- Sec. 341. Revision of authority to waive limitation on performance of depot-level maintenance.
- Sec. 342. Exclusion of certain expenditures from limitation on private sector performance of depot-level maintenance.
- Sec. 343. Protections for purchasers of articles and services manufactured or performed by working-capital funded industrial facilities of the Department of Defense.

- Sec. 344. Revision of deadline for annual report on commercial and industrial activities.
- Sec. 345. Pilot manpower reporting system in Department of the Army.
- Sec. 346. Development of Army workload and performance system and Wholesale Logistics Modernization Program.

Subtitle E—Defense Dependents Education

- Sec. 351. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 352. Impact aid for children with severe disabilities.
- Sec. 353. Availability of auxiliary services of defense dependents' education system for dependents who are home school students.
- Sec. 354. Comptroller General study of adequacy of compensation provided for teachers in the Department of Defense overseas dependents' schools.

Subtitle F—Other Matters

- Sec. 361. Availability of excess defense personal property to support Department of Veterans Affairs initiative to assist homeless veterans.
- Sec. 362. Incremental implementation of Navy-Marine Corps Intranet contract.
- Sec. 363. Comptroller General study and report of National Guard Distributive Training Technology Project.
- Sec. 364. Reauthorization of warranty claims recovery pilot program.
- Sec. 365. Evaluation of current demonstration programs to improve quality of personal property shipments of members.
- Sec. 366. Sense of Congress regarding security to be provided at 2002 Winter Olympic Games.

1 **Subtitle A—Authorization of**
 2 **Appropriations**

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

4 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds are
 5 hereby authorized to be appropriated for fiscal year 2002 for
 6 the use of the Armed Forces and other activities and agencies
 7 of the Department of Defense for expenses, not otherwise pro-
 8 vided for, for operation and maintenance, in amounts as fol-
 9 lows:

- 10 (1) For the Army, \$20,653,241,000.
- 11 (2) For the Navy, \$26,461,299,000.
- 12 (3) For the Marine Corps, \$2,872,524,000.
- 13 (4) For the Air Force, \$25,598,767,000.
- 14 (5) For Defense-wide activities, \$11,949,586,000.
- 15 (6) For the Army Reserve, \$1,824,146,000.
- 16 (7) For the Naval Reserve, \$1,000,050,000.
- 17 (8) For the Marine Corps Reserve, \$142,853,000.

- 1 (9) For the Air Force Reserve, \$2,029,866,000.
- 2 (10) For the Army National Guard, \$3,696,559,000.
- 3 (11) For the Air National Guard, \$3,967,361,000.
- 4 (12) For the Defense Inspector General,
5 \$149,221,000.
- 6 (13) For the United States Court of Appeals for the
7 Armed Forces, \$9,096,000.
- 8 (14) For Environmental Restoration, Army,
9 \$389,800,000.
- 10 (15) For Environmental Restoration, Navy,
11 \$257,517,000.
- 12 (16) For Environmental Restoration, Air Force,
13 \$385,437,000.
- 14 (17) For Environmental Restoration, Defense-wide,
15 \$23,492,000.
- 16 (18) For Environmental Restoration, Formerly Used
17 Defense Sites, \$230,255,000.
- 18 (19) For Overseas Humanitarian, Disaster, and Civic
19 Aid programs, \$49,700,000.
- 20 (20) For Drug Interdiction and Counter-drug Activi-
21 ties, Defense-wide, \$820,381,000.
- 22 (21) For the Kaho'olawe Island Conveyance, Remedi-
23 ation, and Environmental Restoration Trust Fund,
24 \$40,000,000.
- 25 (22) For Defense Health Program, \$17,570,750,000.
- 26 (23) For Cooperative Threat Reduction programs,
27 \$403,000,000.
- 28 (24) For Overseas Contingency Operations Transfer
29 Fund, \$2,844,226,000.
- 30 (25) For Support for International Sporting Competi-
31 tions, Defense, \$15,800,000.
- 32 (b) ADJUSTMENT.—The total amount authorized to be ap-
33 propriated pursuant to paragraphs (1) through (5) of sub-
34 section (a) is the sum of the amounts authorized to be appro-
35 priated in such paragraphs, reduced by \$125,000,000, which
36 represents savings resulting from reduced energy costs.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds,
\$1,656,396,000.

(2) For the National Defense Sealift Fund,
\$407,708,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

(a) AMOUNT FOR FISCAL YEAR 2002.—There is hereby authorized to be appropriated for fiscal year 2002 from the Armed Forces Retirement Home Trust Fund the sum of \$71,440,000 for the operation of the Armed Forces Retirement Home.

(b) AVAILABILITY OF AMOUNTS PREVIOUSLY APPROPRIATED.—Of amounts appropriated from the Armed Forces Retirement Home Trust Fund for fiscal year 2002 (and previous fiscal years to the extent such amounts remain unobligated), \$22,400,000 shall be available, subject to the review and approval of the Secretary of Defense, for the development and construction of a blended use, multicare facility at the Naval Home and for the acquisition of a parcel of real property adjacent to the Naval Home consisting of approximately 15 acres.

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 2002 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.

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

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

6 (2) may not be expended for an item that has been de-
7 nied authorization of appropriations by Congress.

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

11 **SEC. 305. FUNDS FOR RENOVATION OF DEPARTMENT OF**
12 **VETERANS AFFAIRS FACILITIES ADJACENT**
13 **TO NAVAL TRAINING CENTER, GREAT LAKES,**
14 **ILLINOIS.**

15 (a) AVAILABILITY OF FUNDS FOR RENOVATION.—Subject
16 to subsection (b), of the amount authorized to be appropriated
17 by section 301(a)(2) for operation and maintenance for the
18 Navy, the Secretary of the Navy may make available to the
19 Secretary of Veterans Affairs up to \$2,000,000 for relocation
20 of Department of Veterans Affairs activities and associated
21 renovation of existing facilities at the North Chicago Depart-
22 ment of Veterans Affairs Medical Center, Illinois.

23 (b) LIMITATION.—The Secretary of the Navy may make
24 funds available under subsection (a) only after the Secretary of
25 the Navy and the Secretary of Veterans Affairs enter into an
26 appropriate agreement for the use by the Secretary of the Navy
27 of approximately 48 acres of real property at the North Chi-
28 cago Department of Veterans Affairs property referred to in
29 subsection (a) for expansion of the Naval Training Center,
30 Great Lakes, Illinois.

31 **SEC. 306. DEFENSE LANGUAGE INSTITUTE FOREIGN**
32 **LANGUAGE CENTER EXPANDED ARABIC LAN-**
33 **GUAGE PROGRAM.**

34 Of the amount authorized to be appropriated by section
35 301(a)(1) for operation and maintenance for the Army,
36 \$650,000 may be available for the Defense Language Institute
37 Foreign Language Center for an expanded Arabic language
38 program.

Subtitle B—Environmental Provisions

SEC. 311. INVENTORY OF UNEXPLODED ORDNANCE, DISCARDED MILITARY MUNITIONS, AND MUNITIONS CONSTITUENTS AT DEFENSE SITES (OTHER THAN OPERATIONAL RANGES).

(a) INVENTORY REQUIRED.—(1) Chapter 160 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2710. Inventory of unexploded ordnance, discarded military munitions, and munitions constituents at defense sites (other than operational ranges)

“(a) INVENTORY REQUIRED.—(1) The Secretary of Defense shall develop and maintain an inventory of defense sites that are known or suspected to contain unexploded ordnance, discarded military munitions, or munitions constituents.

“(2) The information in the inventory for each defense site shall include, at a minimum, the following:

“(A) A unique identifier for the defense site.

“(B) An appropriate record showing the location, boundaries, and extent of the defense site, including identification of the State and political subdivisions of the State in which the defense site is located and any Tribal lands encompassed by the defense site.

“(C) Known persons and entities, other than a military department, with any current ownership interest or control of lands encompassed by the defense site.

“(D) Any restrictions or other land use controls currently in place at the defense site that might affect the potential for public and environmental exposure to the unexploded ordnance, discarded military munitions, or munitions constituents.

“(b) SITE PRIORITIZATION.—(1) The Secretary shall develop, in consultation with representatives of the States and Indian Tribes, a proposed protocol for assigning to each defense site a relative priority for response activities related to

1 unexploded ordnance, discarded military munitions, and muni-
2 tions constituents based on the overall conditions at the defense
3 site. After public notice and comment on the proposed protocol,
4 the Secretary shall issue a final protocol and shall apply the
5 protocol to defense sites listed on the inventory. The level of
6 response priority assigned the site shall be included with the in-
7 formation required by subsection (a)(2).

8 “(2) In assigning the response priority for a defense site
9 on the inventory, the Secretary shall primarily consider factors
10 relating to safety and environmental hazard potential, such as
11 the following:

12 “(A) Whether there are known, versus suspected,
13 unexploded ordnance, discarded military munitions, or mu-
14 nitions constituents on all or any portion of the defense site
15 and the types of unexploded ordnance, discarded military
16 munitions, or munitions constituents present or suspected
17 to be present.

18 “(B) Whether public access to the defense site is con-
19 trolled, and the effectiveness of these controls.

20 “(C) The potential for direct human contact with
21 unexploded ordnance, discarded military munitions, or mu-
22 nitions constituents at the defense site and evidence of peo-
23 ple entering the site.

24 “(D) Whether a response action has been or is being
25 undertaken at the defense site under the Formerly Used
26 Defense Sites program or other program.

27 “(E) The planned or mandated dates for transfer of
28 the defense site from military control.

29 “(F) The extent of any documented incidents involving
30 unexploded ordnance, discarded military munitions, or mu-
31 nitions constituents at or from the defense site, including
32 incidents involving explosions, discoveries, injuries, reports,
33 and investigations.

34 “(G) The potential for drinking water contamination
35 or the release of munitions constituents into the air.

36 “(H) The potential for destruction of sensitive eco-
37 systems and damage to natural resources.

1 “(3) The priority assigned to a defense site included on
2 the inventory shall not impair, alter, or diminish any applicable
3 Federal or State authority to establish requirements for the in-
4 vestigation of, and response to, environmental problems at the
5 defense site.

6 “(c) UPDATES AND AVAILABILITY.—(1) The Secretary
7 shall annually update the inventory and site prioritization list
8 to reflect new information that becomes available. The inven-
9 tory shall be available in published and electronic form.

10 “(2) The Secretary shall work with communities adjacent
11 to a defense site to provide information concerning conditions
12 at the site and response activities. At a minimum, the Sec-
13 retary shall provide the site inventory information and site
14 prioritization list to appropriate Federal, State, tribal, and local
15 officials, and, to the extent the Secretary considers appropriate,
16 to civil defense or emergency management agencies and the
17 public.

18 “(d) EXCEPTIONS.—This section does not apply to the fol-
19 lowing:

20 “(1) Any locations outside the United States.

21 “(2) The presence of military munitions resulting from
22 combat operations.

23 “(3) Operating storage and manufacturing facilities.

24 “(4) Operational ranges.

25 “(e) DEFINITIONS.—In this section:

26 “(1) The term ‘defense site’ applies to locations that
27 are or were owned by, leased to, or otherwise possessed or
28 used by the Department of Defense. The term does not in-
29 clude any operational range, operating storage or manufac-
30 turing facility, or facility that is used for or was permitted
31 for the treatment or disposal of military munitions.

32 “(2) The term ‘discarded military munitions’ means
33 military munitions that have been abandoned without prop-
34 er disposal or removed from storage in a military magazine
35 or other storage area for the purpose of disposal. The term
36 does not include unexploded ordnance, military munitions
37 that are being held for future use or planned disposal, or

1 military munitions that have been properly disposed of,
2 consistent with applicable environmental laws and regula-
3 tions.

4 “(3)(A) The term ‘military munitions’ means all am-
5 munition products and components produced for or used by
6 the armed forces for national defense and security, includ-
7 ing ammunition products or components under the control
8 of the Department of Defense, the Coast Guard, the De-
9 partment of Energy, and the National Guard. The term in-
10 cludes confined gaseous, liquid, and solid propellants, explo-
11 sives, pyrotechnics, chemical and riot control agents,
12 smokes, and incendiaries, including bulk explosives and
13 chemical warfare agents, chemical munitions, rockets, guid-
14 ed and ballistic missiles, bombs, warheads, mortar rounds,
15 artillery ammunition, small arms ammunition, grenades,
16 mines, torpedoes, depth charges, cluster munitions and dis-
17 pensers, demolition charges, and devices and components
18 thereof.

19 “(B) The term does not include wholly inert items, im-
20 proved explosive devices, and nuclear weapons, nuclear de-
21 vices, and nuclear components, except that the term does
22 include nonnuclear components of nuclear devices that are
23 managed under the nuclear weapons program of the De-
24 partment of Energy after all required sanitization oper-
25 ations under the Atomic Energy Act of 1954 (42 U.S.C.
26 2011 et seq.) have been completed.

27 “(4) The term ‘munitions constituents’ means any ma-
28 terials originating from unexploded ordnance, discarded
29 military munitions, or other military munitions, including
30 explosive and nonexplosive materials, and emission, deg-
31 radation, or breakdown elements of such ordnance or muni-
32 tions.

33 “(5) The term ‘operational range’ means a military
34 range that is used for range activities, or a military range
35 that is not currently being used, but that is still considered
36 by the Secretary to be a range area, is under the jurisdic-
37 tion, custody, or control of the Department of Defense, and

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1 has not been put to a new use that is incompatible with
2 range activities.

3 “(6) The term ‘possessions’ includes Johnston Atoll,
4 Kingman Reef, Midway Island, Nassau Island, Palmyra Is-
5 land, and Wake Island.

6 “(7) The term ‘Secretary’ means the Secretary of De-
7 fense.

8 “(8) The term ‘State’ means the several States, the
9 District of Columbia, the Commonwealth of Puerto Rico,
10 the Commonwealth of the Northern Mariana Islands, and
11 the territories and possessions.

12 “(9) The term ‘unexploded ordnance’ means military
13 munitions that—

14 “(A) have been primed, fused, armed, or otherwise
15 prepared for action;

16 “(B) have been fired, dropped, launched, pro-
17 jected, or placed in such a manner as to constitute a
18 hazard to operations, installations, personnel, or mate-
19 rial; and

20 “(C) remain unexploded either by malfunction, de-
21 sign, or any other cause.

22 “(10) The term ‘United States’, in a geographic sense,
23 means the States, territories, and possessions and associ-
24 ated navigable waters, contiguous zones, and ocean waters
25 of which the natural resources are under the exclusive man-
26 agement authority of the United States.”.

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

“2710. Inventory of unexploded ordnance, discarded military munitions, and
munitions constituents at defense sites (other than operational
ranges).”.

29 (b) INITIAL INVENTORY.—The requirements of section
30 2710 of title 10, United States Code, as added by subsection
31 (a), shall be implemented as follows:

32 (1) The initial inventory required by subsection (a) of
33 such section shall be completed not later than May 31,
34 2003.

1 (2) The proposed prioritization protocol required by
2 subsection (b) of such section shall be available for public
3 comment not later than November 30, 2002.

4 **SEC. 312. ESTABLISHMENT OF NEW PROGRAM ELEMENT**
5 **FOR REMEDIATION OF UNEXPLODED ORD-**
6 **NANCE, DISCARDED MILITARY MUNITIONS,**
7 **AND MUNITIONS CONSTITUENTS.**

8 Section 2703 of title 10, United States Code, is
9 amended—

10 (1) by redesignating subsections (b) through (f) as
11 subsections (c) through (g), respectively; and

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

14 “(b) PROGRAM ELEMENTS FOR ORDNANCE REMEDI-
15 ATION.—The Secretary of Defense shall establish a program
16 element for remediation of unexploded ordnance, discarded
17 military munitions, and munitions constituents within each en-
18 vironmental restoration account established under subsection
19 (a). The terms ‘unexploded ordnance’, ‘discarded military mu-
20 nitions’, and ‘munitions constituents’ have the meanings given
21 such terms in section 2710 of this title.”.

22 **SEC. 313. ASSESSMENT OF ENVIRONMENTAL REMEDI-**
23 **ATION OF UNEXPLODED ORDNANCE, DIS-**
24 **CARDED MILITARY MUNITIONS, AND MUNI-**
25 **TIONS CONSTITUENTS.**

26 (a) INCLUSION IN 2003 REPORT ON ENVIRONMENTAL
27 RESTORATION ACTIVITIES.—The Secretary of Defense shall in-
28 clude in the report submitted to Congress under section
29 2706(a) of title 10, United States Code, in 2003 a comprehen-
30 sive assessment of unexploded ordnance, discarded military mu-
31 nitions, and munitions constituents located at current and
32 former facilities of the Department of Defense. The assessment
33 shall include, at a minimum, the following:

34 (1) Separate estimates of the aggregate projected costs
35 of the remediation of unexploded ordnance, discarded mili-
36 tary munitions, and munitions constituents at—

37 (A) all operational ranges; and

38 (B) all other defense sites.

1 (2) A comprehensive plan for addressing the remedi-
2 ation of unexploded ordnance, discarded military muni-
3 tions, and munitions constituents at defense sites, including
4 an assessment of the funding required and the period of
5 time over which such funding will be required.

6 (3) An assessment of the technology currently avail-
7 able for the remediation of unexploded ordnance, discarded
8 military munitions, and munitions constituents.

9 (4) An assessment of the impact of improved tech-
10 nology on the cost of such remediation and a plan for the
11 development and use of such improved technology.

12 (b) REQUIREMENTS FOR COST ESTIMATES.—(1) The esti-
13 mates of aggregate projected costs required by subsection
14 (a)(1) shall—

15 (A) be stated as a range of aggregate projected costs,
16 including a low estimate and a high estimate;

17 (B) set forth the differing assumptions underlying
18 each such low estimate and high estimate, including—

19 (i) any public uses for the operational ranges and
20 other defense sites concerned that will be available
21 after the remediation is completed;

22 (ii) the extent of the remediation required to make
23 the operational ranges and other defense sites con-
24 cerned available for such uses; and

25 (iii) the technologies to be applied to achieve such
26 level of remediation; and

27 (C) include, and identify separately, an estimate of the
28 aggregate projected costs of the remediation of any ground
29 water contamination that may be caused by unexploded
30 ordnance, discarded military munitions, or munitions con-
31 stituents at the operational ranges and other defense sites
32 concerned.

33 (2) The high estimate of the aggregate projected costs
34 shall be based on the assumption that all unexploded ordnance,
35 discarded military munitions, and munitions constituents at
36 each operational range and other defense site will be addressed,

1 regardless of whether there are any current plans to close the
2 range or site or discontinue training at the range or site.

3 (3) The estimate of the aggregate projected costs of reme-
4 diation of ground water contamination under paragraph (1)(C)
5 shall be based on a comprehensive assessment of the risk of
6 such contamination and of the actions required to protect the
7 ground water supplies concerned.

8 (4) The standards for the report of liabilities of the De-
9 partment of Defense shall not apply to the cost estimates re-
10 quired by subsection (a)(1).

11 (c) INTERIM ASSESSMENT.—The report submitted to Con-
12 gress under section 2706(a) of title 10, United States Code, in
13 2002 shall include the assessment required by subsection (a) to
14 the extent that the information required to be provided as part
15 of the assessment is available. The Secretary shall include an
16 explanation of any limitations on the information available or
17 qualifications on the information provided.

18 (d) DEFINITIONS.—In this section, the terms “unexploded
19 ordnance”, “discarded military munitions”, “munitions con-
20 stituents”, “operational range”, and “defense site” have the
21 meanings given such terms in section 2710 of title 10, United
22 States Code, as added by section 311.

23 **SEC. 314. CONFORMITY OF SURETY AUTHORITY UNDER**
24 **ENVIRONMENTAL RESTORATION PROGRAM**
25 **WITH SURETY AUTHORITY UNDER CERCLA.**

26 Section 2701(j)(1) of title 10, United States Code, is
27 amended by striking “, or after December 31, 1999”.

28 **SEC. 315. ELIMINATION OF ANNUAL REPORT ON CON-**
29 **TRACTOR REIMBURSEMENT FOR COSTS OF**
30 **ENVIRONMENTAL RESPONSE ACTIONS.**

31 (a) REPORT ELIMINATION.—Section 2706 of title 10,
32 United States Code, is amended—

33 (1) by striking subsection (c); and

34 (2) by redesignating subsections (d) and (e) as sub-
35 sections (c) and (d), respectively.

36 (b) CONFORMING AMENDMENTS.—Subsection (d) of such
37 section, as redesignated by subsection (a) of this section, is
38 amended—

- 1 (1) by striking paragraphs (1) and (3); and
2 (2) by redesignating paragraphs (2), (4), and (5) as
3 paragraphs (1), (2), and (3), respectively.

4 **SEC. 316. PILOT PROGRAM FOR SALE OF AIR POLLU-**
5 **TION EMISSION REDUCTION INCENTIVES.**

6 (a) EXTENSION.—Section 351(a)(2) of the National De-
7 fense Authorization Act for Fiscal Year 1998 (Public Law
8 105-85; 10 U.S.C. 2701 note) is amended by striking “Sep-
9 tember 30, 2001” and inserting “September 30, 2003”.

10 (b) REPORT REQUIRED.—(1) The Secretary of Defense
11 shall prepare a report concerning the operation of the pilot pro-
12 gram for the sale of economic incentives for the reduction of
13 emission of air pollutants attributable to military facilities, as
14 authorized by section 351 of the National Defense Authoriza-
15 tion Act for Fiscal Year 1998 (Public Law 105-85; 10 U.S.C.
16 2701 note). The report shall—

17 (A) detail all transactions that have been completed
18 under the pilot program, the dollar amount of each trans-
19 action, and the number and type of air pollutants involved
20 in each transaction;

21 (B) evaluate the extent to which retention of the pro-
22 ceeds of sales under the pilot program, as required by sub-
23 section (c) of such section, has provided incentives for such
24 sales;

25 (C) evaluate the extent of any loss to the United
26 States Treasury associated with the pilot program; and

27 (D) evaluate the environmental impact of the pilot
28 program.

29 (2) Not later than March 1, 2003, the Secretary shall sub-
30 mit the report required by paragraph (1) to the Committee on
31 Energy and Commerce and the Committee on Armed Services
32 of the House of Representatives and the Committee on Envi-
33 ronment and Public Works and the Committee on Armed Serv-
34 ices of the Senate.

1 **SEC. 317. DEPARTMENT OF DEFENSE ENERGY EFFI-**
2 **CIENCY PROGRAM.**

3 (a) SENSE OF CONGRESS.—It is the sense of Congress
4 that the Secretary of Defense should work to implement fuel
5 efficiency reforms that allow for investment decisions based on
6 the true cost of delivered fuel, strengthen the linkage between
7 warfighting capability and fuel logistics requirements, provide
8 high-level leadership encouraging fuel efficiency, target fuel ef-
9 ficiency improvements through science and technology invest-
10 ment, and include fuel efficiency in requirements and acquisi-
11 tion processes.

12 (b) ENERGY EFFICIENCY PROGRAM.—The Secretary shall
13 carry out a program to significantly improve the energy effi-
14 ciency of facilities of the Department of Defense through 2010.
15 The Secretary shall designate a senior official of the Depart-
16 ment of Defense to be responsible for managing the program
17 for the Department and a senior official of each military de-
18 partment to be responsible for managing the program for such
19 department.

20 (c) ENERGY EFFICIENCY GOALS.—The goal of the energy
21 efficiency program shall be to achieve reductions in energy con-
22 sumption by facilities of the Department of Defense as follows:

23 (1) In the case of industrial and laboratory facilities,
24 reductions in the average energy consumption per square
25 foot of such facilities, per unit of production or other appli-
26 cable unit, relative to energy consumption in 1990—

27 (A) by 20 percent by 2005; and

28 (B) by 25 percent by 2010.

29 (2) In the case of other facilities, reductions in average
30 energy consumption per gross square foot of such facilities,
31 relative to energy consumption per gross square foot in
32 1985—

33 (A) by 30 percent by 2005; and

34 (B) by 35 percent by 2010.

35 (d) STRATEGIES FOR IMPROVING ENERGY EFFICIENCY.—
36 In order to achieve the goals set forth in subsection (c), the
37 Secretary shall, to the maximum extent practicable—

1 (1) purchase energy-efficient products, as so des-
2 ignated by the Environmental Protection Agency and the
3 Department of Energy, and other products that are energy-
4 efficient;

5 (2) utilize energy savings performance contracts, util-
6 ity energy-efficiency service contracts, and other contracts
7 designed to achieve energy conservation;

8 (3) use life-cycle cost analysis, including assessment of
9 life-cycle energy costs, in making decisions about invest-
10 ments in products, services, construction, and other
11 projects;

12 (4) conduct energy efficiency audits for approximately
13 10 percent of all Department of Defense facilities each
14 year;

15 (5) explore opportunities for energy efficiency in in-
16 dustrial facilities for steam systems, boiler operation, air
17 compressor systems, industrial processes, and fuel switch-
18 ing; and

19 (6) retire inefficient equipment on an accelerated basis
20 where replacement results in lower life-cycle costs.

21 (e) REPORTING REQUIREMENTS.—Not later than January
22 1, 2002, and each January 1 thereafter through 2010, the Sec-
23 retary shall submit to the congressional defense committees the
24 report required to be prepared by the Secretary pursuant to
25 section 303 of Executive Order 13123 (64 Fed. Reg. 30851;
26 42 U.S.C. 8251 note) regarding the progress made toward
27 achieving the energy efficiency goals of the Department of De-
28 fense.

29 **SEC. 318. PROCUREMENT OF ALTERNATIVE FUELED**
30 **AND HYBRID LIGHT DUTY TRUCKS.**

31 (a) DEFENSE FLEETS NOT COVERED BY REQUIREMENT
32 IN ENERGY POLICY ACT OF 1992.—(1) The Secretary of De-
33 fense shall coordinate with the Administrator of General Serv-
34 ices to ensure that only hybrid vehicles are procured by the Ad-
35 ministrator for the Department of Defense fleet of light duty
36 trucks that is not in a fleet of vehicles to which section 303
37 of the Energy Policy Act of 1992 (42 U.S.C. 13212) applies.

1 (2) The Secretary, in consultation with the Administrator,
2 may waive the policy regarding the procurement of hybrid vehi-
3 cles in paragraph (1) to the extent that the Secretary deter-
4 mines necessary—

5 (A) in the case of trucks that are exempt from the re-
6 quirements of section 303 of the Energy Policy Act of 1992
7 for national security reasons under subsection (b)(3)(E) of
8 such section, to meet specific requirements of the Depart-
9 ment of Defense for capabilities of light duty trucks;

10 (B) to procure vehicles consistent with the standards
11 applicable to the procurement of fleet vehicles for the Fed-
12 eral Government; or

13 (C) to adjust to limitations on the commercial avail-
14 ability of light duty trucks that are hybrid vehicles.

15 (3) This subsection applies with respect to procurements
16 of light duty trucks in fiscal year 2005 and subsequent fiscal
17 years.

18 (b) REQUIREMENT TO EXCEED REQUIREMENT IN EN-
19 ERGY POLICY ACT OF 1992.—(1) The Secretary of Defense
20 shall coordinate with the Administrator of General Services to
21 ensure that, of the light duty trucks procured in fiscal years
22 after fiscal year 2004 for the fleets of light duty vehicles of the
23 Department of Defense to which section 303 of the Energy
24 Policy Act of 1992 applies—

25 (A) five percent of the total number of such trucks
26 that are procured in each of fiscal years 2005 and 2006
27 are alternative fueled vehicles or hybrid vehicles; and

28 (B) ten percent of the total number of such trucks
29 that are procured in each fiscal year after fiscal year 2006
30 are alternative fueled vehicles or hybrid vehicles.

31 (2) Light duty trucks acquired for the Department of De-
32 fense that are counted to comply with section 303 of the En-
33 ergy Policy Act of 1992 for a fiscal year shall be counted to
34 determine the total number of light duty trucks procured for
35 the Department of Defense for that fiscal year for the purposes
36 of paragraph (1), but shall not be counted to satisfy the re-
37 quirement in that paragraph.

1 (c) REPORT ON PLANS FOR IMPLEMENTATION.—At the
2 same time that the President submits the budget for fiscal year
3 2003 to Congress under section 1105(a) of title 31, United
4 States Code, the Secretary shall submit to Congress a report
5 summarizing the plans for carrying out subsections (a) and (b).

6 (d) DEFINITIONS.—In this section:

7 (1) The term “hybrid vehicle” means a motor vehicle
8 that draws propulsion energy from onboard sources of
9 stored energy that are both—

10 (A) an internal combustion or heat engine using
11 combustible fuel; and

12 (B) a rechargeable energy storage system.

13 (2) The term “alternative fueled vehicle” has the
14 meaning given that term in section 301 of the Energy Pol-
15 icy Act of 1992 (42 U.S.C. 13211).

16 **SEC. 319. REIMBURSEMENT OF ENVIRONMENTAL PRO-**
17 **TECTION AGENCY FOR CERTAIN RESPONSE**
18 **COSTS IN CONNECTION WITH HOOPER**
19 **SANDS SITE, SOUTH BERWICK, MAINE.**

20 (a) AUTHORITY TO REIMBURSE.—Using amounts speci-
21 fied in subsection (c), the Secretary of the Navy may pay
22 \$1,005,478 to the Hooper Sands Special Account within the
23 Hazardous Substance Superfund established by section 9507 of
24 the Internal Revenue Code of 1986 to reimburse the Environ-
25 mental Protection Agency for the response costs incurred by
26 the Environmental Protection Agency for actions taken between
27 May 12, 1992, and July 31, 2000, pursuant to the Comprehen-
28 sive Environmental Response, Compensation, and Liability Act
29 of 1980 (42 U.S.C. 9601 et seq.) at the Hooper Sands site in
30 South Berwick, Maine, in accordance with the interagency
31 agreement entered into by the Department of the Navy and the
32 Environmental Protection Agency in January 2001.

33 (b) TREATMENT OF REIMBURSEMENT.—Payment of the
34 amount authorized by subsection (a) shall be in full satisfaction
35 of amounts due from the Department of the Navy to the Envi-
36 ronmental Protection Agency for the response costs described
37 in that subsection.

1 (c) SOURCE OF FUNDS.—Payment under subsection (a)
2 shall be made using amounts authorized to be appropriated by
3 section 301(a)(15) to the Environmental Restoration Account,
4 Navy, established by section 2703(a)(3) of title 10, United
5 States Code.

6 **SEC. 320. RIVER MITIGATION STUDIES.**

7 (a) PORT OF ORANGE, SABINE RIVER.—The Secretary of
8 Defense may conduct a study regarding protruding structures
9 and submerged objects remaining from the World War II Navy
10 ship building industry located at the former Navy installation
11 in Orange, Texas, which create navigational hazards along the
12 Sabine River and surrounding the Port of Orange.

13 (b) PHILADELPHIA NAVAL SHIPYARD, DELAWARE
14 RIVER.—The Secretary of Defense may conduct a study re-
15 garding floating and partially submerged debris possibly relat-
16 ing to the Philadelphia Naval Shipyard in that portion of the
17 Delaware River from Philadelphia, Pennsylvania, to the mouth
18 of the river which create navigational hazards along the river.

19 (c) USE OF EXISTING INFORMATION.—In conducting a
20 study authorized by this section, the Secretary of Defense shall
21 take into account any information available from other studies
22 conducted in connection with the same navigation channels.

23 (d) CONSULTATION.—The Secretary of Defense shall con-
24 duct the studies authorized by this section in consultation with
25 appropriate State and local government entities and Federal
26 agencies.

27 (e) REPORT ON STUDY RESULTS.—Not later than April
28 30, 2002, the Secretary of Defense shall submit to the Com-
29 mittee on Armed Services of the House of Representatives and
30 the Committee on Armed Services of the Senate a report
31 that—

32 (1) summarizes the results of each study conducted
33 under this section; and

34 (2) contains an evaluation by the Secretary of the ex-
35 tent to which the navigational hazards identified in each
36 study are the result of Department of Defense activities.

1 (f) COST SHARING.—Nothing in this section is intended to
2 require non-Federal cost sharing of the costs incurred by the
3 Secretary of Defense to conduct a study authorized by this sec-
4 tion.

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

11 **Subtitle C—Commissaries and Non-** 12 **appropriated Fund Instrumental-** 13 **ities**

14 **SEC. 331. COMMISSARY BENEFITS FOR NEW MEMBERS** 15 **OF THE READY RESERVE.**

16 (a) ELIGIBILITY.—Section 1063 of title 10, United States
17 Code, is amended—

18 (1) by redesignating subsections (b) and (c) as sub-
19 sections (c) and (d), respectively; and

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

22 “(b) ELIGIBILITY OF NEW MEMBERS.—(1) The Secretary
23 concerned shall authorize a new member of the Ready Reserve
24 to use commissary stores of the Department of Defense for a
25 number of days accruing at the rate of two days for each
26 month in which the member participates satisfactorily in train-
27 ing required under section 10147(a)(1) of this title or section
28 502(a) of title 32, as the case may be.

29 “(2) For the purposes of paragraph (1), a person shall be
30 considered a new member of the Ready Reserve upon becoming
31 a member and continuing without a break in the membership
32 until the earlier of—

33 “(A) the date on which the member becomes eligible
34 to use commissary stores under subsection (a); or

35 “(B) December 31 of the first calendar year in which
36 the membership has been continuous for the entire year.

1 “(3) A new member may not be authorized under this sub-
2 section to use commissary stores for more than 24 days for any
3 calendar year.”.

4 (b) REQUIRED DOCUMENTATION.—Subsection (d) of such
5 section, as redesignated by subsection (a)(1), is amended by
6 adding at the end the following new sentence: “The regulations
7 shall specify the required documentation of satisfactory partici-
8 pation in training for the purposes of subsection (b).”.

9 (c) CONFORMING AMENDMENT.—Subsection (c) of such
10 section, as redesignated by subsection (a)(1), is amended by
11 striking “Subsection (a)” and inserting “Subsections (a) and
12 (b)”.

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

15 **“§ 1063. Use of commissary stores: members of**
16 **Ready Reserve”.**

17 (2) Subsection (a) of such section is amended by striking
18 “OF READY RESERVE” and inserting “WITH 50 OR MORE
19 CREDITABLE POINTS”.

20 (3) The item relating to such section in the table of sec-
21 tions at the beginning of chapter 54 of title 10, United States
22 Code, is amended to read as follows:

“1063. Use of commissary stores: members of Ready Reserve.”.

23 **SEC. 332. REIMBURSEMENT FOR USE OF COMMISSARY**
24 **FACILITIES BY MILITARY DEPARTMENTS**
25 **FOR PURPOSES OTHER THAN COMMISSARY**
26 **SALES.**

27 (a) REQUIREMENT.—Chapter 147 of title 10, United
28 States Code, is amended by inserting after section 2482a the
29 following new section:

30 **“§ 2483. Commissary stores: reimbursement for use**
31 **of commissary facilities by military de-**
32 **partments**

33 “(a) PAYMENT REQUIRED.—The Secretary of a military
34 department shall pay the Defense Commissary Agency the
35 amount determined under subsection (b) for any use of a com-
36 missary facility by the military department for a purpose other

1 than commissary sales or operations in support of commissary
2 sales.

3 “(b) AMOUNT.—The amount payable under subsection (a)
4 for use of a commissary facility by a military department shall
5 be equal to the share of depreciation of the facility that is at-
6 tributable to that use, as determined under regulations pre-
7 scribed by the Secretary of Defense.

8 “(c) COVERED FACILITIES.—This section applies with re-
9 spect to a commissary facility that is acquired, constructed,
10 converted, expanded, installed, or otherwise improved (in whole
11 or in part) with the proceeds of an adjustment or surcharge ap-
12 plied under section 2486(c) of this title.

13 “(d) CREDITING OF PAYMENTS.—The Director of the De-
14 fense Commissary Agency shall credit amounts paid under this
15 section for use of a facility to an appropriate account to which
16 proceeds of an adjustment or surcharge referred to in sub-
17 section (c) are credited.”.

18 (b) CLERICAL AMENDMENT.—The table of sections at the
19 beginning of such chapter is amended by inserting after the
20 item relating to section 2482a the following new item:

“2483. Commissary stores: reimbursement for use of commissary facilities
by military departments.”.

21 **SEC. 333. PUBLIC RELEASES OF COMMERCIALY VALU-**
22 **ABLE INFORMATION OF COMMISSARY**
23 **STORES.**

24 (a) LIMITATIONS AND AUTHORITY.—Section 2487 of title
25 10, United States Code, is amended to read as follows:

26 **“§ 2487. Commissary stores: release of certain com-**
27 **mercially valuable information to the pub-**
28 **lic**

29 “(a) AUTHORITY TO LIMIT RELEASE.—(1) The Secretary
30 of Defense may limit the release to the public of any informa-
31 tion described in paragraph (2) if the Secretary determines
32 that it is in the best interest of the Department of Defense to
33 limit the release of such information. If the Secretary deter-
34 mines to limit the release of any such information, the Sec-

1 retary may provide for limited release of such information in
2 accordance with subsection (b).

3 “(2) Paragraph (1) applies to the following:

4 “(A) Information contained in the computerized busi-
5 ness systems of commissary stores or the Defense Com-
6 missary Agency that is collected through or in connection
7 with the use of electronic scanners in commissary stores,
8 including the following information:

9 “(i) Data relating to sales of goods or services.

10 “(ii) Demographic information on customers.

11 “(iii) Any other information pertaining to com-
12 missary transactions and operations.

13 “(B) Business programs, systems, and applications
14 (including software) relating to commissary operations that
15 were developed with funding derived from commissary sur-
16 charges.

17 “(b) RELEASE AUTHORITY.—(1) The Secretary of Defense
18 may, using competitive procedures, enter into a contract to sell
19 information described in subsection (a)(2).

20 “(2) The Secretary of Defense may release, without
21 charge, information on an item sold in commissary stores to
22 the manufacturer or producer of that item or an agent of the
23 manufacturer or producer.

24 “(3) The Secretary of Defense may, by contract entered
25 into with a business, grant to the business a license to use busi-
26 ness programs referred to in subsection (a)(2)(B), including
27 software used in or comprising any such program. The fee
28 charged for the license shall be based on the costs of similar
29 programs developed and marketed by businesses in the private
30 sector, determined by means of surveys.

31 “(4) Each contract entered into under this subsection shall
32 specify the amount to be paid for information released or a li-
33 cense granted under the contract, as the case may be.

34 “(c) FORM OF RELEASE.—Information described in sub-
35 section (a)(2) may not be released, under subsection (b) or oth-
36 erwise, in a form that identifies any customer or that provides
37 information making it possible to identify any customer.

1 “(d) RECEIPTS.—Amounts received by the Secretary
2 under this section shall be credited to funds derived from com-
3 missary surcharges, shall be merged with those funds, and shall
4 be available for the same purposes as the funds with which
5 merged.

6 “(e) DEFINITION.—In this section, the term ‘commissary
7 surcharge’ means any adjustment or surcharge applied under
8 section 2486(c) of this title.”.

9 (b) CLERICAL AMENDMENT.—The table of sections at the
10 beginning of chapter 147 of title 10, United States Code, is
11 amended by striking the item relating to section 2487 and in-
12 serting the following new item:

“2487. Commissary stores: release of certain commercially valuable informa-
tion to the public.”.

13 **SEC. 334. REBATE AGREEMENTS WITH PRODUCERS OF**
14 **FOODS PROVIDED UNDER SPECIAL SUPPLE-**
15 **MENTAL FOOD PROGRAM.**

16 Section 1060a of title 10, United States Code, is
17 amended—

18 (1) by redesignating subsections (e) and (f) as sub-
19 sections (f) and (g), respectively; and

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

22 “(e) REBATE AGREEMENTS WITH FOOD PRODUCERS.—
23 (1) In the administration of the program under this section,
24 the Secretary of Defense may enter into a contract with a pro-
25 ducer of a particular brand of food that provides for—

26 “(A) the Secretary of Defense to procure that par-
27 ticular brand of food, exclusive of other brands of the same
28 or similar food, for the purpose of providing the food in
29 commissary stores of the Department of Defense as a sup-
30 plemental food under the program; and

31 “(B) the producer to rebate to the Secretary amounts
32 equal to agreed portions of the amounts paid by the Sec-
33 retary for the procurement of that particular brand of food
34 for the program.

1 “(2) The Secretary of Defense shall use competitive proce-
2 dures under chapter 137 of this title to enter into contracts
3 under this subsection.

4 “(3) The period covered by a contract entered into under
5 this subsection may not exceed one year. No such contract may
6 be extended by a modification of the contract, by exercise of
7 an option, or by any other means. Nothing in this paragraph
8 prohibits a contractor under a contract entered into under this
9 subsection for any year from submitting an offer for, and being
10 awarded, a contract that is to be entered into under this sub-
11 section for a successive year.

12 “(4) Amounts rebated under a contract entered into under
13 paragraph (1) shall be credited to the appropriation available
14 for carrying out the program under this section in the fiscal
15 year in which rebated, shall be merged with the other sums in
16 that appropriation, and shall be available for the program for
17 the same period as the other sums in the appropriation.”.

18 **SEC. 335. CIVIL RECOVERY FOR NONAPPROPRIATED**
19 **FUND INSTRUMENTALITY COSTS RELATED**
20 **TO SHOPLIFTING.**

21 Section 3701(b)(1)(B) of title 31, United States Code, is
22 amended by inserting before the comma at the end the fol-
23 lowing: “, including actual and administrative costs related to
24 shoplifting, theft detection, and theft prevention”.

25 **Subtitle D—Workforce and Depot**
26 **Issues**

27 **SEC. 341. REVISION OF AUTHORITY TO WAIVE LIMITA-**
28 **TION ON PERFORMANCE OF DEPOT-LEVEL**
29 **MAINTENANCE.**

30 Section 2466 of title 10, United States Code, is
31 amended—

32 (1) by striking subsection (c); and

33 (2) by inserting after subsection (a) the following new
34 subsections:

35 “(b) WAIVER OF LIMITATION.—The Secretary of Defense
36 may waive the limitation in subsection (a) for a fiscal year if—

1 “(1) the Secretary determines that the waiver is nec-
2 essary for reasons of national security; and

3 “(2) the Secretary submits to Congress a notification
4 of the waiver together with the reasons for the waiver.

5 “(c) PROHIBITION ON DELEGATION OF WAIVER AUTHOR-
6 ITY.—The authority to grant a waiver under subsection (b)
7 may not be delegated.”.

8 **SEC. 342. EXCLUSION OF CERTAIN EXPENDITURES**
9 **FROM LIMITATION ON PRIVATE SECTOR**
10 **PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.**
11

12 Section 2474 of title 10, United States Code, is
13 amended—

14 (1) by redesignating subsection (f) as subsection (g);
15 and

16 (2) by inserting after subsection (e) the following new
17 subsection (f):

18 “(f) EXCLUSION OF CERTAIN EXPENDITURES FROM PER-
19 CENTAGE LIMITATION.—(1) Amounts expended out of funds
20 described in paragraph (2) for the performance of a depot-level
21 maintenance and repair workload by non-Federal Government
22 personnel at a Center of Industrial and Technical Excellence
23 shall not be counted for purposes of applying the percentage
24 limitation in section 2466(a) of this title if the personnel are
25 provided by private industry or other entities outside the De-
26 partment of Defense pursuant to a public-private partnership.

27 “(2) The funds referred to in paragraph (1) are funds
28 available to the military departments and Defense Agencies for
29 depot-level maintenance and repair workloads for fiscal years
30 2002 through 2005.

31 “(3) All funds covered by paragraph (1) shall be included
32 as a separate item in the reports required under paragraphs
33 (1), (2), and (3) of section 2466(e) of this title.”.

1 **SEC. 343. PROTECTIONS FOR PURCHASERS OF ARTI-**
2 **CLES AND SERVICES MANUFACTURED OR**
3 **PERFORMED BY WORKING-CAPITAL FUNDED**
4 **INDUSTRIAL FACILITIES OF THE DEPART-**
5 **MENT OF DEFENSE.**

6 (a) GENERAL RULE.—Section 2563(c) of title 10, United
7 States Code, is amended—

8 (1) in paragraph (1)(B), by striking “in any case of
9 willful misconduct or gross negligence” and inserting “as
10 provided in paragraph (3)”; and

11 (2) by adding at the end the following new paragraph:
12 “(3) Paragraph (1)(B) does not apply in any case of will-
13 ful misconduct or gross negligence or in the case of a claim by
14 a purchaser of articles or services under this section that dam-
15 ages or injury arose from the failure of the Government to
16 comply with quality, schedule, or cost performance require-
17 ments in the contract to provide the articles or services.”.

18 (b) CONFORMING AMENDMENT.—Section 2474(e)(2)(B)(i)
19 of such title is amended by striking “in a case of willful con-
20 duct or gross negligence” and inserting “under the cir-
21 cumstances described in section 2563(c)(3) of this title”.

22 **SEC. 344. REVISION OF DEADLINE FOR ANNUAL REPORT**
23 **ON COMMERCIAL AND INDUSTRIAL ACTIVI-**
24 **TIES.**

25 Section 2461(g) of title 10, United States Code, is amend-
26 ed by striking “February 1” and inserting “June 30”.

27 **SEC. 345. PILOT MANPOWER REPORTING SYSTEM IN DE-**
28 **PARTMENT OF THE ARMY.**

29 (a) ANNUAL REPORTING REQUIREMENT.—Not later than
30 March 1 of each of the fiscal years 2002 through 2004, the
31 Secretary of the Army shall submit to Congress a report de-
32 scribing the use during the previous fiscal year of non-Federal
33 entities to provide services to the Department of the Army.

34 (b) CONTENT OF REPORT.—Using information available
35 from existing data collection and reporting systems available to
36 the Department of the Army and the non-Federal entities re-
37 ferred to in subsection (a), the report shall—

1 (1) specify the number of work year equivalents per-
2 formed by individuals employed by non-Federal entities in
3 providing services to the Department;

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

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

9 (c) LIMITATION ON REQUIREMENT FOR NON-FEDERAL
10 ENTITIES TO PROVIDE INFORMATION.—For the purposes of
11 meeting the requirements set forth in subsection (b), the Sec-
12 retary of the Army may not require the provision of informa-
13 tion beyond the information that is currently provided to the
14 Department of the Army by the non-Federal entities referred
15 to in subsection (a), except for the number of work year equiva-
16 lents associated with Department of the Army contracts, identi-
17 fied by contract number, to the extent this information is avail-
18 able to the contractor from existing data collection systems.

19 (d) REPEAL OF OBSOLETE REPORTING REQUIREMENT.—
20 Section 343 of the National Defense Authorization Act for Fis-
21 cal Year 2000 (Public Law 106–65; 113 Stat. 569) is repealed.

22 **SEC. 346. DEVELOPMENT OF ARMY WORKLOAD AND**
23 **PERFORMANCE SYSTEM AND WHOLESALE**
24 **LOGISTICS MODERNIZATION PROGRAM.**

25 (a) RELATIONSHIP BETWEEN SYSTEMS.—(1) The Army
26 Workload and Performance System, including all applications
27 in the master plan submitted to Congress on June 8, 2001, and
28 any revisions to the master plan, shall be developed in such a
29 manner that its functionality and identity are in compliance
30 with all statutory requirements. The Army Workload and Per-
31 formance System shall continue as a standard Army-wide man-
32 power system under the supervision and management of the
33 Secretary of the Army.

34 (2) The requirement in paragraph (1) is intended to en-
35 courage the sharing of data between the Army Workload and
36 Performance System and the Wholesale Logistics Moderniza-

1 tion Program and the development of the processes necessary
2 to permit or enhance such data sharing.

3 (b) ANNUAL PROGRESS REPORTS.—(1) Not later than
4 February 1 of each year, the Secretary of the Army shall sub-
5 mit to Congress a progress report on the implementation of the
6 master plan for the Army Workload and Performance System
7 during the preceding year. The report shall specifically address
8 any changes made to the master plan since the previous report.

9 (2) The reporting requirement shall terminate when the
10 Secretary certifies to Congress that the Army Workload and
11 Performance System is fully implemented.

12 (c) GAO EVALUATION.—Not later than 60 days after the
13 Secretary of the Army submits to Congress a progress report
14 under subsection (b), the Comptroller General shall submit to
15 Congress an evaluation of the report.

16 (d) ARMY WORKLOAD AND PERFORMANCE SYSTEM DE-
17 FINED.—The term “Army Workload and Performance System”
18 includes all applications in the master plan for the System sub-
19 mitted to Congress on June 8, 2001, and any revision of such
20 master plan.

21 **Subtitle E—Defense Dependents** 22 **Education**

23 **SEC. 351. ASSISTANCE TO LOCAL EDUCATIONAL AGEN-** 24 **CIES THAT BENEFIT DEPENDENTS OF MEM-** 25 **BERS OF THE ARMED FORCES AND DEPART-** 26 **MENT OF DEFENSE CIVILIAN EMPLOYEES.**

27 (a) CONTINUATION OF DEPARTMENT OF DEFENSE PRO-
28 GRAM FOR FISCAL YEAR 2002.—Of the amount authorized to
29 be appropriated pursuant to section 301(a)(5) for operation
30 and maintenance for Defense-wide activities—

31 (1) \$30,000,000 shall be available only for the purpose
32 of providing educational agencies assistance to local edu-
33 cational agencies; and

34 (2) \$1,000,000 shall be available only for the purpose
35 of making payments to local educational agencies to assist
36 such agencies in adjusting to reductions in the number of
37 military dependent students as a result of the closure or re-

1 alignment of military installations, as provided in section
2 386(d) of the National Defense Authorization Act for Fis-
3 cal Year 1993 (Public Law 102–484; 20 U.S.C. 7703
4 note).

5 (b) NOTIFICATION.—Not later than June 30, 2002, the
6 Secretary of Defense shall notify each local educational agency
7 that is eligible for assistance or a payment under subsection (a)
8 for fiscal year 2002 of—

9 (1) that agency’s eligibility for the assistance or pay-
10 ment; and

11 (2) the amount of the assistance or payment for which
12 that agency is eligible.

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

18 (d) DEFINITIONS.—In this section:

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

23 (2) The term “local educational agency” has the
24 meaning given that term in section 8013(9) of the Elemen-
25 tary and Secondary Education Act of 1965 (20 U.S.C.
26 7713(9)).

27 **SEC. 352. IMPACT AID FOR CHILDREN WITH SEVERE**
28 **DISABILITIES.**

29 Of the amount authorized to be appropriated pursuant to
30 section 301(a)(5) for operation and maintenance for Defense-
31 wide activities, \$5,000,000 shall be available for payments
32 under section 363 of the Floyd D. Spence National Defense
33 Authorization Act for Fiscal Year 2001 (as enacted into law by
34 Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

1 **SEC. 353. AVAILABILITY OF AUXILIARY SERVICES OF DE-**
2 **ENSE DEPENDENTS' EDUCATION SYSTEM**
3 **FOR DEPENDENTS WHO ARE HOME SCHOOL**
4 **STUDENTS.**

5 Section 1407 of the Defense Dependents' Education Act
6 of 1978 (20 U.S.C. 926) is amended—

7 (1) by redesignating subsection (d) as subsection (e);

8 and

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

11 “(d) AUXILIARY SERVICES AVAILABLE TO HOME SCHOOL
12 STUDENTS.—(1) A dependent who is educated in a home
13 school setting, but who is eligible to enroll in a school of the
14 defense dependents' education system, shall be permitted to use
15 or receive auxiliary services of that school without being re-
16 quired to either enroll in that school or register for a minimum
17 number of courses offered by that school. The dependent may
18 be required to satisfy other eligibility requirements and comply
19 with standards of conduct applicable to students actually en-
20 rolled in that school who use or receive the same auxiliary serv-
21 ices.

22 “(2) For purposes of paragraph (1), the term ‘auxiliary
23 services’ includes use of academic resources, access to the li-
24 brary of the school, after hours use of school facilities, and par-
25 ticipation in music, sports, and other extracurricular and inter-
26 scholastic activities.”.

27 **SEC. 354. COMPTROLLER GENERAL STUDY OF ADE-**
28 **QUACY OF COMPENSATION PROVIDED FOR**
29 **TEACHERS IN THE DEPARTMENT OF DE-**
30 **FENSE OVERSEAS DEPENDENTS' SCHOOLS.**

31 (a) GAO STUDY REQUIRED.—The Comptroller General
32 shall carry out a study of the adequacy of the pay and other
33 elements of the compensation provided for teachers in the de-
34 fense dependents' education system established under the De-
35 fense Dependents' Education Act of 1978 (20 U.S.C. 921 et
36 seq.).

1 (b) SPECIFIC CONSIDERATIONS.—In carrying out the
2 study, the Comptroller General shall consider the following
3 issues:

4 (1) Whether the compensation is adequate for recruit-
5 ing and retaining high quality teachers.

6 (2) Whether any revision of the Defense Department
7 Overseas Teachers Pay and Personnel Practices Act (20
8 U.S.C. 901 et seq.) or the regulations under that Act is ad-
9 visable to address any problems identified with respect to
10 the recruitment and retention of high quality teachers or
11 for other purposes.

12 (c) REPORT.—Not later than May 1, 2002, the Comp-
13 troller General shall submit to Congress a report containing the
14 results of the study, including—

15 (1) the Comptroller General’s conclusions on the issues
16 considered; and

17 (2) any recommendations for actions that the Comp-
18 troller General considers appropriate.

19 **Subtitle F—Other Matters**

20 **SEC. 361. AVAILABILITY OF EXCESS DEFENSE PER-** 21 **SONAL PROPERTY TO SUPPORT DEPART-** 22 **MENT OF VETERANS AFFAIRS INITIATIVE TO** 23 **ASSIST HOMELESS VETERANS.**

24 (a) TRANSFER AUTHORITY.—Subsection (a) of section
25 2557 of title 10, United States Code, is amended—

26 (1) by striking “The Secretary” and inserting “(1)
27 The Secretary”; and

28 (2) by adding at the end the following new paragraph:
29 “(2) The Secretary of Defense may make excess clothing,
30 shoes, sleeping bags, and related nonlethal excess supplies
31 available to the Secretary of Veterans Affairs for distribution
32 to homeless veterans and programs assisting homeless veterans.
33 The transfer of nonlethal excess supplies to the Secretary of
34 Veterans Affairs under this paragraph shall be without reim-
35 bursement.”.

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

1 **“§ 2557. Excess nonlethal supplies: availability for**
2 **homeless veteran initiatives and humani-**
3 **tarian relief”.**

4 (2) The table of sections at the beginning of chapter 152
5 of such title is amended by striking the item relating to section
6 2557 and inserting the following new item:

“2557. Excess nonlethal supplies: availability for homeless veteran initia-
tives and humanitarian relief.”.

7 **SEC. 362. INCREMENTAL IMPLEMENTATION OF NAVY-**
8 **MARINE CORPS INTRANET CONTRACT.**

9 (a) ADDITIONAL PHASE-IN AUTHORITY.—Section 814 of
10 the Floyd D. Spence National Defense Authorization Act for
11 Fiscal Year 2001 (as enacted into law by Public Law 106–398;
12 114 Stat. 1654A–215) is amended—

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

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

17 “(c) ADDITIONAL PHASE-IN AUTHORITY PENDING SEC-
18 OND JOINT CERTIFICATION.—(1)(A) Notwithstanding sub-
19 section (b)(3), the Secretary of the Navy may order additional
20 work stations under the Navy-Marine Corps Intranet contract
21 in excess of the number provided in the first increment of the
22 contract under subsection (b)(2), but not to exceed an addi-
23 tional 100,000 work stations. The authority of Secretary of the
24 Navy to order additional work stations under this paragraph is
25 subject to approval by both the Under Secretary of Defense for
26 Acquisition, Technology, and Logistics and the Chief Informa-
27 tion Officer of the Department of Defense.

28 “(B) The Under Secretary of Defense for Acquisition,
29 Technology, and Logistics and the Chief Information Officer of
30 the Department of Defense may not grant approval to the Sec-
31 retary of the Navy to order additional work stations under sub-
32 paragraph (A) until a three-phase customer test and evalua-
33 tion, observed by the Department of Defense, is completed for
34 a statistically significant representative sample of the work sta-
35 tions operating on the Navy-Marine Corps Intranet. The test

1 and evaluation shall include end user testing of day-to-day op-
2 erations (including e-mail capability and performance), sce-
3 nario-driven events, and scenario-based interoperability testing.

4 “(2)(A) Notwithstanding subsection (b)(3), the Secretary
5 of the Navy may order additional work stations under the
6 Navy-Marine Corps Intranet contract in excess of the number
7 provided in the first increment of the contract under subsection
8 (b)(2) and the number ordered under the authority of para-
9 graph (1), but not to exceed an additional 150,000 work sta-
10 tions. The authority of Secretary of the Navy to order addi-
11 tional work stations under this paragraph is also subject to ap-
12 proval by both the Under Secretary of Defense for Acquisition,
13 Technology, and Logistics and the Chief Information Officer of
14 the Department of Defense.

15 “(B) The Under Secretary of Defense for Acquisition,
16 Technology, and Logistics and the Chief Information Officer of
17 the Department of Defense may not grant approval to the Sec-
18 retary of the Navy to order additional work stations under sub-
19 paragraph (A) until each of the following occurs:

20 “(i) There has been a full transition of not less than
21 20,000 work stations to the Navy-Marine Corps Intranet.

22 “(ii) The work stations referred to in clause (i) have
23 met applicable service-level agreements specified in the
24 Navy-Marine Corps Intranet contract, as determined by
25 contractor performance measurement under oversight by
26 the Department of the Navy.

27 “(iii) The Chief Information Officer of the Navy cer-
28 tifies to the Secretary of the Navy and the Chief Informa-
29 tion Officer of the Department of Defense that the results
30 of the performance evaluation referred to in clause (ii) are
31 acceptable.

32 “(3) Of the work stations ordered under the authority pro-
33 vided by paragraph (2), not more than 50 percent may reach
34 the major milestone known as ‘assumption of responsibility’
35 until each of the following occurs:

36 “(A) All work stations for the headquarters of the
37 Naval Air Systems Command have met applicable service-

1 level agreements specified in the Navy-Marine Corps
2 Intranet contract, as determined by contractor performance
3 measurement under oversight by the Department of the
4 Navy.

5 “(B) The Chief Information Officer of the Navy cer-
6 tifies to the Secretary of the Navy and the Chief Informa-
7 tion Officer of the Department of Defense that the results
8 of the performance evaluation referred to in subparagraph
9 (B) are acceptable.

10 “(4) For the purposes of this section, when the informa-
11 tion infrastructure and systems of a user of a work station are
12 transferred into Navy-Marine Corps Intranet infrastructure
13 and systems under the Navy-Marine Corps Intranet contract
14 consistent with the applicable service-level agreements specified
15 in the Navy-Marine Corps Intranet contract, the work station
16 shall be considered as having been provided for the Navy-Ma-
17 rine Corps Intranet.

18 “(d) REPORTING AND REVIEW REQUIREMENTS.—(1) If
19 work stations are ordered using the authority provided by para-
20 graph (1) or (2) of subsection (c), the Secretary of the Navy
21 shall submit to Congress a report, current as of the date the
22 determination is made to order the work stations, on the fol-
23 lowing:

24 “(A) The number of work stations operating on the
25 Navy-Marine Corps Intranet, including the number of work
26 stations regarding which assumption of responsibility has
27 occurred.

28 “(B) The status of testing and implementation of the
29 Navy-Marine Corps Intranet program.

30 “(C) The number of work stations to be ordered under
31 paragraph (1) or (2) of subsection (c), whichever applies.

32 “(2) A report containing the information required by para-
33 graph (1) shall also be submitted to Congress when the require-
34 ments of paragraph (3) of subsection (c) are satisfied and addi-
35 tional work stations under the Navy-Marine Corps Intranet
36 contract are authorized to reach assumption of responsibility.

1 “(3) The Comptroller General shall conduct a review of
2 the impact that participation in the Navy-Marine Corps
3 Intranet program has on information technology costs of work-
4 ing capital funded industrial facilities of the Department of the
5 Navy and submit the results of the review to Congress.”.

6 (b) NAVY-MARINE CORPS INTRANET MANAGER.—Such
7 section is further amended by inserting after subsection (d), as
8 added by subsection (a)(2) of this section, the following new
9 subsection:

10 “(e) ASSIGNMENT OF NAVY-MARINE CORPS INTRANET
11 MANAGER.—The Secretary of the Navy shall assign an em-
12 ployee of the Department of the Navy to the Navy-Marine
13 Corps Intranet program whose sole responsibility will be to
14 oversee and direct the program. The employee so assigned may
15 not also be the program executive officer.”.

16 (c) DEFINITIONS.—Subsection (i) of such section, as re-
17 designated by subsection (a)(1) of this section, is amended—

18 (1) by striking “NAVY-MARINE CORPS INTRANET
19 CONTRACT DEFINED.—” and inserting “DEFINITIONS.—
20 (1)”; and

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

22 “(2) In this section, the term ‘assumption of responsi-
23 bility’, with respect to a work station, means the point at
24 which the contractor team under the Navy-Marine Corps
25 Intranet contract assumes operational control of, and re-
26 sponsibility for, the existing information infrastructure and
27 systems of a work station, in order to prepare for ultimate
28 transition of the work station to the Navy-Marine Corps
29 Intranet.”.

30 **SEC. 363. COMPTROLLER GENERAL STUDY AND REPORT**
31 **OF NATIONAL GUARD DISTRIBUTIVE TRAIN-**
32 **ING TECHNOLOGY PROJECT.**

33 (a) STUDY REQUIRED.—The Comptroller General of the
34 United States shall conduct a study of the Distributive Train-
35 ing Technology Project of the National Guard. The study shall
36 examine—

1 (1) current requirements of the National Guard for
2 interconnection of networks of the Distributive Training
3 Technology Project with other networks, including net-
4 works of the Federal Emergency Management Agency and
5 other Federal, State, and local emergency preparedness and
6 response agencies; and

7 (2) future requirements of the National Guard for
8 interconnection of networks of the Project with other net-
9 works, including those Federal and State agencies having
10 disaster response functions.

11 (b) ELEMENTS OF STUDY.—For both the current require-
12 ments identified under subsection (a)(1) and future require-
13 ments identified under subsection (a)(2), the study shall exam-
14 ine the following:

15 (1) Appropriate connections between the Project and
16 other networks.

17 (2) Means of protecting the Project from outside in-
18 trusion.

19 (3) Impediments to interconnectivity, including the ex-
20 tent to which national security concerns affect
21 interconnectivity and the technological capability of the De-
22 partment of Defense to impede interconnectivity, as well as
23 other concerns or limitations that affect interconnectivity.

24 (4) Means of improving interconnectivity.

25 (c) REPORT.—Not later than 270 days after the date of
26 the enactment of this Act, the Comptroller General shall submit
27 to the Committee on Armed Services of the Senate and the
28 Committee on Armed Services of the House of Representatives
29 a report on the study conducted under subsection (a). The re-
30 port shall describe the results of the study and shall include
31 any recommendations that the Comptroller General considers
32 appropriate in light of the study.

33 **SEC. 364. REAUTHORIZATION OF WARRANTY CLAIMS RE-**
34 **COVERY PILOT PROGRAM.**

35 (a) EXTENSION OF AUTHORITY.—Subsection (f) of section
36 391 of the National Defense Authorization Act for Fiscal Year
37 1998 (Public Law 105–85; 10 U.S.C. 2304 note) is amended

1 by striking “September 30, 2000” and inserting “September
2 30, 2003”.

3 (b) REPORTING REQUIREMENTS.—Subsection (g) of such
4 section is amended—

5 (1) in paragraph (1), by striking “January 1, 2001”
6 and inserting “January 1, 2003”; and

7 (2) in paragraph (2), by striking “March 1, 2001”
8 and inserting “March 1, 2003”.

9 **SEC. 365. EVALUATION OF CURRENT DEMONSTRATION**
10 **PROGRAMS TO IMPROVE QUALITY OF PER-**
11 **SONAL PROPERTY SHIPMENTS OF MEMBERS.**

12 (a) COMPLETION OF EVALUATION; REPORT.—Not later
13 than March 31, 2002, the Secretary of Defense shall complete
14 the ongoing evaluation of all test programs regarding the trans-
15 portation of household goods for members of the Armed Forces
16 and submit to Congress a report containing the results of such
17 evaluation.

18 (b) CONTENTS OF REPORT.—The report shall include—

19 (1) the results of each test program evaluated, includ-
20 ing whether the test program satisfied the goals for the
21 movement of such household goods (as contained in the
22 General Accounting Report NSIAD 97-49) and whether
23 current business processes and information technology ca-
24 pabilities require upgrading or other changes to improve
25 the transportation of such household goods; and

26 (2) recommendations for policy improvements for mili-
27 tary household moves worldwide, including an estimate of
28 the cost to implement each recommendation.

29 **SEC. 366. SENSE OF CONGRESS REGARDING SECURITY**
30 **TO BE PROVIDED AT 2002 WINTER OLYMPIC**
31 **GAMES.**

32 It is the sense of Congress that the Secretary of Defense,
33 upon receipt of the certification of the Attorney General re-
34 quired by section 2564(a) of title 10, United States Code,
35 should authorize the provision of assistance in support of essen-
36 tial security and safety at the 2002 Winter Olympic Games to
37 be held in Salt Lake City, Utah, and other locations in the
38 State of Utah.

1 **TITLE IV—MILITARY PERSONNEL**
 2 **AUTHORIZATIONS**

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
 Sec. 402. Revision in permanent end strength minimum levels.
 Sec. 403. Increase in senior enlisted active duty grade limit for Navy, Marine Corps, and Air Force.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
 Sec. 412. End strengths for Reserves on active duty in support of the reserves.
 Sec. 413. End strengths for military technicians (dual status).
 Sec. 414. Fiscal year 2002 limitation on non-dual status technicians.
 Sec. 415. Limitations on numbers of reserve personnel serving on active duty or full-time National Guard duty in certain grades for administration of reserve components.

Subtitle C—Other Matters Relating to Personnel Strengths

- Sec. 421. Administration of end strengths.
 Sec. 422. Active duty end strength exemption for National Guard and reserve personnel performing funeral honors functions.

Subtitle D—Authorization of Appropriations

- Sec. 431. Authorization of appropriations for military personnel.

3 **Subtitle A—Active Forces**

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

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

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

11 **SEC. 402. REVISION IN PERMANENT END STRENGTH**
 12 **MINIMUM LEVELS.**

13 Section 691(b) of title 10, United States Code, is
 14 amended—

- 15 (1) in paragraph (2), by striking “372,000” and in-
 16 serting “376,000”; and
 17 (2) in paragraph (4), by striking “357,000” and in-
 18 serting “358,800”.

1 **SEC. 403. INCREASE IN SENIOR ENLISTED ACTIVE DUTY**
2 **GRADE LIMIT FOR NAVY, MARINE CORPS,**
3 **AND AIR FORCE.**

4 Section 517(a) of title 10, United States Code, is amended
5 by striking “2 percent (or, in the case of the Army, 2.5 per-
6 cent)” and inserting “2.5 percent”.

7 **Subtitle B—Reserve Forces**

8 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

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

12 (1) The Army National Guard of the United States,
13 350,000.

14 (2) The Army Reserve, 205,000.

15 (3) The Naval Reserve, 87,000.

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

17 (5) The Air National Guard of the United States,
18 108,400.

19 (6) The Air Force Reserve, 74,700.

20 (7) The Coast Guard Reserve, 8,000.

21 (b) ADJUSTMENTS.—The end strengths prescribed by sub-
22 section (a) for the Selected Reserve of any reserve component
23 shall be proportionately reduced by—

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

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

33 Whenever such units or such individual members are released
34 from active duty during any fiscal year, the end strength pre-
35 scribed for such fiscal year for the Selected Reserve of such re-
36 serve component shall be proportionately increased by the total

1 authorized strengths of such units and by the total number of
2 such individual members.

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

5 Within the end strengths prescribed in section 411(a), the
6 reserve components of the Armed Forces are authorized, as of
7 September 30, 2002, the following number of Reserves to be
8 serving on full-time active duty or full-time duty, in the case
9 of members of the National Guard, for the purpose of orga-
10 nizing, administering, recruiting, instructing, or training the re-
11 serve components:

12 (1) The Army National Guard of the United States,
13 23,698.

14 (2) The Army Reserve, 13,406.

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

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

17 (5) The Air National Guard of the United States,
18 11,591.

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

20 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
21 **(DUAL STATUS).**

22 The minimum number of military technicians (dual status)
23 as of the last day of fiscal year 2002 for the reserve compo-
24 nents of the Army and the Air Force (notwithstanding section
25 129 of title 10, United States Code) shall be the following:

26 (1) For the Army Reserve, 6,249.

27 (2) For the Army National Guard of the United
28 States, 23,615.

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

30 (4) For the Air National Guard of the United States,
31 22,422.

32 **SEC. 414. FISCAL YEAR 2002 LIMITATION ON NON-DUAL**
33 **STATUS TECHNICIANS.**

34 (a) LIMITATION.—The number of non-dual status techni-
35 cians employed by the reserve components of the Army and the
36 Air Force as of September 30, 2002, may not exceed the fol-
37 lowing:

- 1 (1) For the Army Reserve, 1,095.
- 2 (2) For the Army National Guard of the United
- 3 States, 1,600.
- 4 (3) For the Air Force Reserve, 90.
- 5 (4) For the Air National Guard of the United States,
- 6 350.

7 (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this
 8 section, the term “non-dual status technician” has the meaning
 9 given that term in section 10217(a) of title 10, United States
 10 Code.

11 **SEC. 415. LIMITATIONS ON NUMBERS OF RESERVE PER-**
 12 **SONNEL SERVING ON ACTIVE DUTY OR**
 13 **FULL-TIME NATIONAL GUARD DUTY IN CER-**
 14 **TAIN GRADES FOR ADMINISTRATION OF RE-**
 15 **SERVE COMPONENTS.**

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

18 “(a) LIMITATIONS.—(1) Of the total number of members
 19 of a reserve component who are serving on full-time reserve
 20 component duty at the end of any fiscal year, the number of
 21 those members who may be serving in each of the grades of
 22 major, lieutenant colonel, and colonel may not, as of the end
 23 of that fiscal year, exceed the number determined in accordance
 24 with the following table:

“Total number of members of a reserve component serving on full-time reserve component duty:	Number of officers of that reserve component who may be serving in the grade of:		
	Major	Lieutenant Colonel	Colonel
Army Reserve:			
10,000	1,390	740	230
11,000	1,529	803	242
12,000	1,668	864	252
13,000	1,804	924	262
14,000	1,940	984	272
15,000	2,075	1,044	282
16,000	2,210	1,104	291
17,000	2,345	1,164	300
18,000	2,479	1,223	309
19,000	2,613	1,282	318
20,000	2,747	1,341	327
21,000	2,877	1,400	336
Army National Guard:			
20,000	1,500	850	325
22,000	1,650	930	350
24,000	1,790	1,010	370
26,000	1,930	1,085	385

“Total number of members of a reserve component serving on full-time reserve component duty:	Number of officers of that reserve component who may be serving in the grade of:		
	Major	Lieutenant Colonel	Colonel
28,000	2,070	1,160	400
30,000	2,200	1,235	405
32,000	2,330	1,305	408
34,000	2,450	1,375	411
36,000	2,570	1,445	411
38,000	2,670	1,515	411
40,000	2,770	1,580	411
42,000	2,837	1,644	411
Marine Corps Reserve:			
1,100	106	56	20
1,200	110	60	21
1,300	114	63	22
1,400	118	66	23
1,500	121	69	24
1,600	124	72	25
1,700	127	75	26
1,800	130	78	27
1,900	133	81	28
2,000	136	84	29
2,100	139	87	30
2,200	141	90	31
2,300	143	92	32
2,400	145	94	33
2,500	147	96	34
2,600	149	98	35
Air Force Reserve:			
500	83	85	50
1,000	155	165	95
1,500	220	240	135
2,000	285	310	170
2,500	350	369	203
3,000	413	420	220
3,500	473	464	230
4,000	530	500	240
4,500	585	529	247
5,000	638	550	254
5,500	688	565	261
6,000	735	575	268
7,000	770	595	280
8,000	805	615	290
10,000	835	635	300
Air National Guard:			
5,000	333	335	251
6,000	403	394	260
7,000	472	453	269
8,000	539	512	278
9,000	606	571	287
10,000	673	630	296
11,000	740	688	305
12,000	807	742	314
13,000	873	795	323
14,000	939	848	332
15,000	1,005	898	341
16,000	1,067	948	350
17,000	1,126	998	359
18,000	1,185	1,048	368
19,000	1,235	1,098	377
20,000	1,283	1,148	380

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1 “(2) Of the total number of members of the Naval Reserve
 2 who are serving on full-time reserve component duty at the end
 3 of any fiscal year, the number of those members who may be
 4 serving in each of the grades of lieutenant commander, com-
 5 mander, and captain may not, as of the end of that fiscal year,
 6 exceed the number determined in accordance with the following
 7 table:

“Total number of members of Naval Reserve serving on full-time reserve component duty	Number of officers who may be serving in the grade of:		
	Lieutenant com- mander	Commander	Captain
10,000	807	447	141
11,000	867	467	153
12,000	924	485	163
13,000	980	503	173
14,000	1,035	521	183
15,000	1,088	538	193
16,000	1,142	555	203
17,000	1,195	565	213
18,000	1,246	575	223
19,000	1,291	585	233
20,000	1,334	595	242
21,000	1,364	603	250
22,000	1,384	610	258
23,000	1,400	615	265
24,000	1,410	620	270.

8 “(b) DETERMINATIONS BY INTERPOLATION.—If the total
 9 number of members of a reserve component serving on full-time
 10 reserve component duty is between any two consecutive num-
 11 bers in the first column of the appropriate table in paragraph
 12 (1) or (2) of subsection (a), the corresponding authorized
 13 strengths for each of the grades shown in that table for that
 14 component are determined by mathematical interpolation be-
 15 tween the respective numbers of the two strengths. If the total
 16 number of members of a reserve component serving on full-time
 17 reserve component duty is more or less than the highest or low-
 18 est number, respectively, set forth in the first column of the ap-
 19 propriate table in paragraph (1) or (2) of subsection (a), the
 20 Secretary concerned shall fix the corresponding strengths for
 21 the grades shown in that table at the same proportion as is re-
 22 flected in the nearest limit shown in the table.

23 “(c) REALLOCATIONS TO LOWER GRADES.—Whenever the
 24 number of officers serving in any grade for duty described in
 25 subsection (a) is less than the number authorized for that

1 grade under this section, the difference between the two num-
2 bers may be applied to increase the number authorized under
3 this section for any lower grade.

4 “(d) SECRETARIAL WAIVER.—(1) Upon determining that
5 it is in the national interest to do so, the Secretary of Defense
6 may increase for a particular fiscal year the number of reserve
7 officers that may be on full-time reserve component duty for a
8 reserve component in a grade referred to in a table in sub-
9 section (a) by a number that does not exceed the number equal
10 to 5 percent of the maximum number specified for the grade
11 in that table.

12 “(2) Whenever the Secretary exercises the authority pro-
13 vided in paragraph (1), the Secretary shall submit to the Com-
14 mittee on Armed Services of the Senate and the Committee on
15 Armed Services of the House of Representatives notice in writ-
16 ing of the adjustment made.

17 “(e) FULL-TIME RESERVE COMPONENT DUTY DE-
18 FINED.—In this section, the term ‘full-time reserve component
19 duty’ means the following duty:

20 “(1) Active duty described in sections 10211, 10302,
21 10303, 10304, 10305, 12310, or 12402 of this title.

22 “(2) Full-time National Guard duty (other than for
23 training) under section 502(f) of title 32.

24 “(3) Active duty described in section 708 of title 32.”.

25 (b) SENIOR ENLISTED MEMBERS.—The text of section
26 12012 of title 10, United States Code, is amended to read as
27 follows:

28 “(a) LIMITATIONS.—Of the total number of members of a
29 reserve component who are serving on full-time reserve compo-
30 nent duty at the end of any fiscal year, the number of those
31 members in each of pay grades of E-8 and E-9 who may be
32 serving on active duty under section 10211 or 12310, or on
33 full-time National Guard duty under the authority of section
34 502(f) of title 32 (other than for training) in connection with
35 organizing, administering, recruiting, instructing, or training
36 the reserve components or the National Guard may not, as of

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- 1 the end of that fiscal year, exceed the number determined in
- 2 accordance with the following table:

“Total number of members of a reserve component serving on full-time reserve component duty:	Number of members of that reserve component who may be serving in the grade of:	
	E-8	E-9
Army Reserve:		
10,000	1,052	154
11,000	1,126	168
12,000	1,195	180
13,000	1,261	191
14,000	1,327	202
15,000	1,391	213
16,000	1,455	224
17,000	1,519	235
18,000	1,583	246
19,000	1,647	257
20,000	1,711	268
21,000	1,775	278
Army National Guard:		
20,000	1,650	550
22,000	1,775	615
24,000	1,900	645
26,000	1,945	675
28,000	1,945	705
30,000	1,945	725
32,000	1,945	730
34,000	1,945	735
36,000	1,945	738
38,000	1,945	741
40,000	1,945	743
42,000	1,945	743
Naval Reserve:		
10,000	340	143
11,000	364	156
12,000	386	169
13,000	407	182
14,000	423	195
15,000	435	208
16,000	447	221
17,000	459	234
18,000	471	247
19,000	483	260
20,000	495	273
21,000	507	286
22,000	519	299
23,000	531	312
24,000	540	325
Marine Corps Reserve:		
1,100	50	11
1,200	55	12
1,300	60	13
1,400	65	14
1,500	70	15
1,600	75	16
1,700	80	17
1,800	85	18
1,900	89	19
2,000	93	20
2,100	96	21
2,200	99	22

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“Total number of members of a reserve component serving on full-time reserve component duty:	Number of members of that reserve component who may be serving in the grade of:	
	E-8	E-9
2,300	101	23
2,400	103	24
2,500	105	25
2,600	107	26
Air Force Reserve:		
500	75	40
1,000	145	75
1,500	208	105
2,000	270	130
2,500	325	150
3,000	375	170
3,500	420	190
4,000	460	210
4,500	495	230
5,000	530	250
5,500	565	270
6,000	600	290
7,000	670	330
8,000	740	370
10,000	800	400
Air National Guard		
5,000	1,020	405
6,000	1,070	435
7,000	1,120	465
8,000	1,170	490
9,000	1,220	510
10,000	1,270	530
11,000	1,320	550
12,000	1,370	570
13,000	1,420	589
14,000	1,470	608
15,000	1,520	626
16,000	1,570	644
17,000	1,620	661
18,000	1,670	678
19,000	1,720	695
20,000	1,770	712.

1 “(b) DETERMINATIONS BY INTERPOLATION.—If the total
2 number of members of a reserve component serving on full-time
3 reserve component duty is between any two consecutive num-
4 bers in the first column of the table in subsection (a), the cor-
5 responding authorized strengths for each of the grades shown
6 in that table for that component are determined by mathe-
7 matical interpolation between the respective numbers of the two
8 strengths. If the total number of members of a reserve compo-
9 nent serving on full-time reserve component duty is more or
10 less than the highest or lowest number, respectively, set forth
11 in the first column of the table in subsection (a), the Secretary
12 concerned shall fix the corresponding strengths for the grades

1 shown in the table at the same proportion as is reflected in the
2 nearest limit shown in the table.

3 “(c) REALLOCATIONS TO LOWER GRADE.—Whenever the
4 number of members serving in pay grade E-9 for duty de-
5 scribed in subsection (a) is less than the number authorized for
6 that grade under this section, the difference between the two
7 numbers may be applied to increase the number authorized
8 under this section for pay grade E-8.

9 “(d) SECRETARIAL WAIVER.—(1) Upon determining that
10 it is in the national interest to do so, the Secretary of Defense
11 may increase for a particular fiscal year the number of reserve
12 enlisted members that may be on active duty or full-time Na-
13 tional Guard duty as described in subsection (a) for a reserve
14 component in a pay grade referred to in a table in subsection
15 (a) by a number that does not exceed the number equal to 5
16 percent of the maximum number specified for that grade and
17 reserve component in the table.

18 “(2) Whenever the Secretary exercises the authority pro-
19 vided in paragraph (1), the Secretary shall submit to the Com-
20 mittee on Armed Services of the Senate and the Committee on
21 Armed Services of the House of Representatives notice in writ-
22 ing of the adjustment made.

23 “(e) FULL-TIME RESERVE COMPONENT DUTY DE-
24 FINED.—In this section, the term ‘full-time reserve component
25 duty’ has the meaning given the term in section 12011(e) of
26 this title.”.

27 **Subtitle C—Other Matters Relating to** 28 **Personnel Strengths**

29 **SEC. 421. ADMINISTRATION OF END STRENGTHS.**

30 (a) INCREASE IN PERCENTAGE BY WHICH ACTIVE COM-
31 PONENT END STRENGTHS MAY BE INCREASED.—Section
32 115(c)(1) of title 10, United States Code, is amended by strik-
33 ing “1 percent” and inserting “2 percent”.

34 (b) WAIVER OF END STRENGTHS DURING NATIONAL
35 EMERGENCY.—The text of section 123a of such title is amend-
36 ed to read as follows:

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1 “(a) DURING WAR OR NATIONAL EMERGENCY.—If at the
2 end of any fiscal year there is in effect a war or national emer-
3 gency, the President may waive any statutory end strength
4 with respect to that fiscal year. Any such waiver may be issued
5 only for a statutory end strength that is prescribed by law be-
6 fore the waiver is issued.

7 “(b) UPON TERMINATION OF WAR OR NATIONAL EMER-
8 GENCY.—Upon the termination of a war or national emergency
9 with respect to which the President has exercised the authority
10 provided by subsection (a), the President may defer the effec-
11 tiveness of any statutory end strength with respect to the fiscal
12 year during which the termination occurs. Any such deferral
13 may not extend beyond the last day of the sixth month begin-
14 ning after the date of such termination.

15 “(c) STATUTORY END STRENGTH.—In this section, the
16 term ‘statutory end strength’ means any end-strength limita-
17 tion with respect to a fiscal year that is prescribed by law for
18 any military or civilian component of the armed forces or of the
19 Department of Defense.”.

20 **SEC. 422. ACTIVE DUTY END STRENGTH EXEMPTION**
21 **FOR NATIONAL GUARD AND RESERVE PER-**
22 **SONNEL PERFORMING FUNERAL HONORS**
23 **FUNCTIONS.**

24 Section 115(d) of title 10, United States Code, is amended
25 by adding at the end the following new paragraphs:

26 “(10) Members of reserve components on active duty
27 to prepare for and to perform funeral honors functions for
28 funerals of veterans in accordance with section 1491 of this
29 title.

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

1 **Subtitle D—Authorization of**
2 **Appropriations**

3 **SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR**
4 **MILITARY PERSONNEL.**

5 There is hereby authorized to be appropriated to the De-
6 partment of Defense for military personnel for fiscal year 2002
7 a total of \$82,307,281,000. The authorization in the preceding
8 sentence supersedes any other authorization of appropriations
9 (definite or indefinite) for such purpose for fiscal year 2002.

1 **TITLE V—MILITARY PERSONNEL**
2 **POLICY**

Subtitle A—Officer Personnel Policy

- Sec. 501. Enhanced flexibility for management of senior general and flag officer positions.
- Sec. 502. Certifications of satisfactory performance for retirement of officers in grades above major general and rear admiral.
- Sec. 503. Review of actions of selection boards.
- Sec. 504. Temporary reduction of time-in-grade requirement for eligibility for promotion for certain active-duty list officers in grades of first lieutenant and lieutenant (junior grade).
- Sec. 505. Authority for promotion without selection board consideration for all fully qualified officers in grade of first lieutenant or lieutenant (junior grade) in the Navy.
- Sec. 506. Authority to adjust date of rank of certain promotions delayed by reason of unusual circumstances.
- Sec. 507. Authority for limited extension of medical deferment of mandatory retirement or separation.
- Sec. 508. Authority for limited extension on active duty of members subject to mandatory retirement or separation.
- Sec. 509. Exemption from certain administrative limitations for retired officers ordered to active duty as defense or service attachés.
- Sec. 510. Officer in charge of United States Navy Band.

Subtitle B—Reserve Component Personnel Policy

- Sec. 511. Placement on active-duty list of certain Reserve officers on active duty for a period of three years or less.
- Sec. 512. Exception to baccalaureate degree requirement for appointment of Reserve officers to grades above first lieutenant.
- Sec. 513. Improved disability benefits for certain reserve component members.
- Sec. 514. Time-in-grade requirement for reserve component officers retired with a nonservice-connected disability.
- Sec. 515. Equal treatment of Reserves and full-time active duty members for purposes of managing personnel deployments.
- Sec. 516. Modification of physical examination requirements for members of the Individual Ready Reserve.
- Sec. 517. Retirement of Reserve members without requirement for formal application or request.
- Sec. 518. Space-required travel by Reserves on military aircraft.
- Sec. 519. Payment of Federal Employee Health Benefit Program premiums for certain Reservists called to active duty in support of contingency operations.

Subtitle C—Joint Specialty Officers and Joint Professional Military Education

- Sec. 521. Nominations and promotions for joint specialty officers.
- Sec. 522. Joint duty credit.
- Sec. 523. Retroactive joint service credit for duty in certain joint task forces.
- Sec. 524. Revision to annual report on joint officer management.
- Sec. 525. Requirement for selection for joint specialty before promotion to general or flag officer grade.

- Sec. 526. Independent study of joint officer management and joint professional military education reforms.
- Sec. 527. Professional development education.
- Sec. 528. Authority for National Defense University to enroll certain private sector civilians.
- Sec. 529. Continuation of reserve component professional military education test.

Subtitle D—Military Education and Training

- Sec. 531. Defense Language Institute Foreign Language Center.
- Sec. 532. Authority for the Marine Corps University to award degree of master of strategic studies.
- Sec. 533. Foreign students attending the service academies.
- Sec. 534. Increase in maximum age for appointment as a cadet or midshipman in Senior Reserve Officers' Training Corps scholarship programs.
- Sec. 535. Participation of regular enlisted members of the Armed Forces in Senior Reserve Officers' Training Corps program.
- Sec. 536. Authority to modify the service obligation of certain ROTC cadets in military junior colleges receiving financial assistance.
- Sec. 537. Repeal of limitation on number of Junior Reserve Officers' Training Corps units.
- Sec. 538. Modification of nurse officer candidate accession program restriction on students attending educational institutions with senior reserve officers' training programs.
- Sec. 539. Reserve health professionals stipend program expansion.
- Sec. 540. Housing allowance for the chaplain for the Corps of Cadets at the United States Military Academy.

Subtitle E—Recruiting and Accession Programs

- Sec. 541. 18-month enlistment pilot program.
- Sec. 542. Improved benefits under the Army College First program.
- Sec. 543. Correction and extension of certain Army recruiting pilot program authorities.
- Sec. 544. Military recruiter access to secondary school students.
- Sec. 545. Permanent authority for use of military recruiting funds for certain expenses at Department of Defense recruiting functions.
- Sec. 546. Report on health and disability benefits for pre-accession training and education programs.

Subtitle F—Decorations, Awards, and Posthumous Commissions

- Sec. 551. Authority for award of the Medal of Honor to Humbert R. Versace, Jon E. Swanson, and Ben L. Salomon for valor.
- Sec. 552. Review regarding award of Medal of Honor to certain Jewish American and Hispanic American war veterans.
- Sec. 553. Authority to issue duplicate Medals of Honor and to replace stolen military decorations.
- Sec. 554. Retroactive Medal of Honor special pension.
- Sec. 555. Waiver of time limitations for award of certain decorations to certain persons.
- Sec. 556. Sense of Congress on issuance of certain medals.
- Sec. 557. Sense of Congress on development of a more comprehensive, uniform policy for the award of decorations to military and civilian personnel of the Department of Defense.

- Sec. 558. Posthumous Army commission in the grade of captain in the Chaplains Corps to Ella E. Gibson for service as chaplain of the First Wisconsin Heavy Artillery Regiment during the Civil War.

Subtitle G—Funeral Honors Duty

- Sec. 561. Participation of military retirees in funeral honors details.
- Sec. 562. Funeral honors duty performed by Reserve and Guard members to be treated as inactive-duty training for certain purposes.
- Sec. 563. Use of military leave for funeral honors duty by Reserve members and National Guardsmen.
- Sec. 564. Authority to provide appropriate articles of clothing as a civilian uniform for civilians participating in funeral honor details.

Subtitle H—Military Spouses and Family Members

- Sec. 571. Improved financial and other assistance to military spouses for job training and education.
- Sec. 572. Persons authorized to be included in surveys of military families regarding Federal programs.
- Sec. 573. Clarification of treatment of classified information concerning persons in a missing status.
- Sec. 574. Transportation to annual meeting of next-of-kin of persons unaccounted for from conflicts after World War II.
- Sec. 575. Amendments to charter of Defense Task Force on Domestic Violence.

Subtitle I—Military Justice and Legal Assistance Matters

- Sec. 581. Blood alcohol content limit for the offense under the Uniform Code of Military Justice of drunken operation of a vehicle, aircraft, or vessel.
- Sec. 582. Requirement that courts-martial consist of not less than 12 members in capital cases.
- Sec. 583. Acceptance of voluntary legal assistance for the civil affairs of members and former members of the uniformed services and their dependents.

Subtitle J—Other Matters

- Sec. 591. Congressional review period for change in ground combat exclusion policy.
- Sec. 592. Per diem allowance for lengthy or numerous deployments.
- Sec. 593. Clarification of disability severance pay computation.
- Sec. 594. Transportation or storage of privately owned vehicles on change of permanent station.
- Sec. 595. Repeal of requirement for final Comptroller General report relating to Army end strength allocations.
- Sec. 596. Continued Department of Defense administration of National Guard Challenge program and Department of Defense Starbase program.
- Sec. 597. Report on Defense Science Board recommendation on original appointments in regular grades for Academy graduates and certain other new officers.
- Sec. 598. Sense of Congress regarding the selection of officers for recommendation for appointment as Commander, United States Transportation Command.

Subtitle A—Officer Personnel Policy**SEC. 501. ENHANCED FLEXIBILITY FOR MANAGEMENT OF SENIOR GENERAL AND FLAG OFFICER POSITIONS.**

(a) REPEAL OF LIMIT ON NUMBER OF OFFICERS ON ACTIVE DUTY IN GRADES OF GENERAL AND ADMIRAL.—Section 528 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 32 of such title is amended by striking the item relating to section 528.

SEC. 502. CERTIFICATIONS OF SATISFACTORY PERFORMANCE FOR RETIREMENT OF OFFICERS IN GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.

Section 1370(e) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) The Secretary of Defense may delegate authority to make a certification with respect to an officer under paragraph (1) only to the Under Secretary of Defense for Personnel and Readiness or the Deputy Under Secretary of Defense for Personnel and Readiness.

“(B) If authority is delegated under subparagraph (A) and, in the course of consideration of an officer for a certification under paragraph (1), the Under Secretary or (if such authority is delegated to both the Under and Deputy Under Secretary) the Deputy Under Secretary makes a determination described in subparagraph (C) with respect to that officer, the Under Secretary or Deputy Under Secretary, as the case may be, may not exercise the delegated authority in that case, but shall refer the matter to the Secretary of Defense, who shall personally determine whether to issue a certification under paragraph (1) with respect to that officer.

“(C) A determination referred to in subparagraph (B) is a determination that there is potentially adverse information concerning an officer and that such information has not previously been submitted to the Senate in connection with the consideration by the Senate of a nomination of that officer for

1 an appointment for which the advice and consent of the Senate
2 is required.”.

3 **SEC. 503. REVIEW OF ACTIONS OF SELECTION BOARDS.**

4 (a) IN GENERAL.—(1) Chapter 79 of title 10, United
5 States Code, is amended by adding at the end the following
6 new section:

7 **“§ 1558. Review of actions of selection boards: cor-
8 rection of military records by special
9 boards; judicial review**

10 “(a) CORRECTION OF MILITARY RECORDS.—The Sec-
11 retary of a military department may correct a person’s military
12 records in accordance with a recommendation made by a spe-
13 cial board. Any such correction may be made effective as of the
14 effective date of the action taken on a report of a previous se-
15 lection board that resulted in the action corrected in the per-
16 son’s military records.

17 “(b) DEFINITIONS.—In this section:

18 “(1) SPECIAL BOARD.—(A) The term ‘special board’
19 means a board that the Secretary of a military department
20 convenes under any authority to consider whether to rec-
21 ommend a person for appointment, enlistment, reenlist-
22 ment, assignment, promotion, retention, separation, retire-
23 ment, or transfer to inactive status in a reserve component
24 instead of referring the records of that person for consider-
25 ation by a previously convened selection board which con-
26 sidered or should have considered that person.

27 “(B) Such term includes a board for the correction of
28 military records convened under section 1552 of this title,
29 if designated as a special board by the Secretary concerned.

30 “(C) Such term does not include a promotion special
31 selection board convened under section 628 or 14502 of
32 this title.

33 “(2) SELECTION BOARD.—(A) The term ‘selection
34 board’ means a selection board convened under section
35 573(c), 580, 580a, 581, 611(b), 637, 638, 638a, 14101(b),
36 14701, 14704, or 14705 of this title, and any other board
37 convened by the Secretary of a military department under

1 any authority to recommend persons for appointment, en-
2 listment, reenlistment, assignment, promotion, or retention
3 in the armed forces or for separation, retirement, or trans-
4 fer to inactive status in a reserve component for the pur-
5 pose of reducing the number of persons serving in the
6 armed forces.

7 “(B) Such term does not include any of the following:

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

10 “(ii) A special board.

11 “(iii) A special selection board convened under sec-
12 tion 628 of this title.

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

15 “(3) INVOLUNTARILY BOARD-SEPARATED.—The term
16 ‘involuntarily board-separated’ means separated or retired
17 from an armed force, or transferred to the Retired Reserve
18 or to inactive status in a reserve component, as a result of
19 a recommendation of a selection board.

20 “(c) RELIEF ASSOCIATED WITH CORRECTION OF CERTAIN
21 ACTIONS.—(1) The Secretary of the military department con-
22 cerned shall ensure that an involuntarily board-separated per-
23 son receives relief under paragraph (2) or under paragraph (3)
24 if the person, as a result of a correction of the person’s military
25 records under subsection (a), becomes entitled to retention on
26 or restoration to active duty or to active status in a reserve
27 component.

28 “(2)(A) A person referred to in paragraph (1) shall, with
29 that person’s consent, be restored to the same status, rights,
30 and entitlements (less appropriate offsets against back pay and
31 allowances) in that person’s armed force as the person would
32 have had if the person had not been selected to be involuntarily
33 board-separated as a result of an action the record of which is
34 corrected under subsection (a). An action under this subpara-
35 graph is subject to subparagraph (B).

36 “(B) Nothing in subparagraph (A) may be construed to
37 permit a person to be on active duty or in an active status in

1 a reserve component after the date on which the person would
2 have been separated, retired, or transferred to the Retired Re-
3 serve or to inactive status in a reserve component if the person
4 had not been selected to be involuntarily board-separated in an
5 action of a selection board the record of which is corrected
6 under subsection (a).

7 “(3) If an involuntarily board-separated person referred to
8 in paragraph (1) does not consent to a restoration of status,
9 rights, and entitlements under paragraph (2), the Secretary
10 concerned shall pay that person back pay and allowances (less
11 appropriate offsets), and shall provide that person service cred-
12 it, for the period—

13 “(A) beginning on the date of the person’s separation,
14 retirement, or transfer to the Retired Reserve or to inactive
15 status in a reserve component, as the case may be; and

16 “(B) ending on the earlier of—

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

20 “(ii) the date on which the person would otherwise
21 have been separated, retired, or transferred to the Re-
22 tired Reserve or to inactive status in a reserve compo-
23 nent, as the case may be.

24 “(d) FINALITY OF UNFAVORABLE ACTION.—If a special
25 board makes a recommendation not to correct the military
26 records of a person regarding action taken in the case of that
27 person on the basis of a previous report of a selection board,
28 the action previously taken on that report shall be considered
29 as final as of the date of the action taken on that report.

30 “(e) REGULATIONS.—(1) The Secretary of each military
31 department shall prescribe regulations to carry out this section.
32 Regulations under this subsection may not apply to subsection
33 (f), other than to paragraph (4)(C) of that subsection.

34 “(2) The Secretary may prescribe in the regulations under
35 paragraph (1) the circumstances under which consideration by
36 a special board may be provided for under this section, includ-
37 ing the following:

1 “(A) The circumstances under which consideration of
2 a person’s case by a special board is contingent upon appli-
3 cation by or for that person.

4 “(B) Any time limits applicable to the filing of an ap-
5 plication for such consideration.

6 “(3) Regulations prescribed by the Secretary of a military
7 department under this subsection may not take effect until ap-
8 proved by the Secretary of Defense.

9 “(f) JUDICIAL REVIEW.—(1) A person seeking to chal-
10 lenge an action or recommendation of a selection board, or an
11 action taken by the Secretary of the military department con-
12 cerned on the report of a selection board, is not entitled to re-
13 lief in any judicial proceeding unless the action or recommenda-
14 tion has first been considered by a special board under this sec-
15 tion or the Secretary concerned has denied the convening of
16 such a board for such consideration.

17 “(2)(A) A court of the United States may review a deter-
18 mination by the Secretary of a military department not to con-
19 vene a special board in the case of any person. In any such
20 case, the court may set aside the Secretary’s determination
21 only if the court finds the determination to be—

22 “(i) arbitrary or capricious;

23 “(ii) not based on substantial evidence;

24 “(iii) a result of material error of fact or material ad-
25 ministrative error; or

26 “(iv) otherwise contrary to law.

27 “(B) If a court sets aside a determination by the Secretary
28 of a military department not to convene a special board, it shall
29 remand the case to the Secretary concerned, who shall provide
30 for consideration by a special board.

31 “(3) A court of the United States may review a rec-
32 ommendation of a special board or an action of the Secretary
33 of the military department concerned on the report of a special
34 board. In any such case, a court may set aside the action only
35 if the court finds that the recommendation or action was—

36 “(A) arbitrary or capricious;

37 “(B) not based on substantial evidence;

1 “(C) a result of material error of fact or material ad-
2 ministrative error; or

3 “(D) otherwise contrary to law.

4 “(4)(A) If, six months after receiving a complete applica-
5 tion for consideration by a special board in any case, the Sec-
6 retary concerned has not convened a special board and has not
7 denied consideration by a special board in that case, the Sec-
8 retary shall be deemed for the purposes of this subsection to
9 have denied consideration of the case by a special board.

10 “(B) If, six months after the convening of a special board
11 in any case, the Secretary concerned has not taken final action
12 on the report of the special board, the Secretary shall be
13 deemed for the purposes of this subsection to have denied relief
14 in such case.

15 “(C) Under regulations prescribed under subsection (e),
16 the Secretary of a military department may waive the applica-
17 bility of subparagraph (A) or (B) in a case if the Secretary de-
18 termines that a longer period for consideration of the case is
19 warranted. Such a waiver may be for an additional period of
20 not more than six months. The Secretary concerned may not
21 delegate authority to make a determination under this subpara-
22 graph.

23 “(g) EXISTING JURISDICTION.—Nothing in this section
24 limits—

25 “(1) the jurisdiction of any court of the United States
26 under any provision of law to determine the validity of any
27 law, regulation, or policy relating to selection boards; or

28 “(2) the authority of the Secretary of a military de-
29 partment to correct a military record under section 1552
30 of this title.”.

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

 “1558. Review of actions of selection boards: correction of military records
 by special boards; judicial review.”.

33 (b) SPECIAL SELECTION BOARDS.—Section 628 of such
34 title is amended—

1 (1) by redesignating subsection (g) as subsection (k);
2 and
3 (2) by inserting after subsection (f) the following new
4 subsections:

5 “(g) JUDICIAL REVIEW.—(1)(A) A court of the United
6 States may review a determination by the Secretary of a mili-
7 tary department under subsection (a)(1) or (b)(1) not to con-
8 vene a special selection board in the case of any person. In any
9 such case, the court may set aside the Secretary’s determina-
10 tion only if the court finds the determination to be—

- 11 “(i) arbitrary or capricious;
12 “(ii) not based on substantial evidence;
13 “(iii) a result of material error of fact or material ad-
14 ministrative error; or
15 “(iv) otherwise contrary to law.

16 “(B) If a court sets aside a determination by the Secretary
17 of a military department not to convene a special selection
18 board under this section, it shall remand the case to the Sec-
19 retary concerned, who shall provide for consideration by such
20 a board.

21 “(2) A court of the United States may review the action
22 of a special selection board convened under this section or an
23 action of the Secretary of the military department concerned on
24 the report of such a board. In any such case, a court may set
25 aside the action only if the court finds that the action was—

- 26 “(A) arbitrary or capricious;
27 “(B) not based on substantial evidence;
28 “(C) a result of material error of fact or material ad-
29 ministrative error; or
30 “(D) otherwise contrary to law.

31 “(3)(A) If, six months after receiving a complete applica-
32 tion for consideration by a special selection board under this
33 section in any case, the Secretary concerned has not convened
34 such a board and has not denied consideration by such a board
35 in that case, the Secretary shall be deemed for the purposes of
36 this subsection to have denied the consideration of the case by
37 such a board.

1 “(B) If, six months after the convening of a special selec-
2 tion board under this section in any case, the Secretary con-
3 cerned has not taken final action on the report of the board,
4 the Secretary shall be deemed for the purposes of this sub-
5 section to have denied relief in such case.

6 “(C) Under regulations prescribed under subsection (j),
7 the Secretary of a military department may waive the applica-
8 bility of subparagraph (A) or (B) in a case if the Secretary de-
9 termines that a longer period for consideration of the case is
10 warranted. Such a waiver may be for an additional period of
11 not more than six months. The Secretary concerned may not
12 delegate authority to make a determination under this subpara-
13 graph.

14 “(h) LIMITATIONS OF OTHER JURISDICTION.—No official
15 or court of the United States may, with respect to a claim
16 based to any extent on the failure of a person to be selected
17 for promotion by a promotion board—

18 “(1) consider the claim unless the person has first
19 been referred by the Secretary concerned to a special selec-
20 tion board convened under this section and acted upon by
21 that board and the report of the board has been approved
22 by the President; or

23 “(2) except as provided in subsection (g), grant any
24 relief on the claim unless the person has been selected for
25 promotion by a special selection board convened under this
26 section to consider the person for recommendation for pro-
27 motion and the report of the board has been approved by
28 the President.

29 “(i) EXISTING JURISDICTION.—Nothing in this section
30 limits—

31 “(1) the jurisdiction of any court of the United States
32 under any provision of law to determine the validity of any
33 law, regulation, or policy relating to selection boards; or

34 “(2) the authority of the Secretary of a military de-
35 partment to correct a military record under section 1552
36 of this title.

1 “(j) REGULATIONS.—(1) The Secretary of each military
2 department shall prescribe regulations to carry out this section.
3 Regulations under this subsection may not apply to subsection
4 (g), other than to paragraph (3)(C) of that subsection.

5 “(2) The Secretary may prescribe in the regulations under
6 paragraph (1) the circumstances under which consideration by
7 a special selection board may be provided for under this sec-
8 tion, including the following:

9 “(A) The circumstances under which consideration of
10 a person’s case by a special selection board is contingent
11 upon application by or for that person.

12 “(B) Any time limits applicable to the filing of an ap-
13 plication for such consideration.

14 “(3) Regulations prescribed by the Secretary of a military
15 department under this subsection may not take effect until ap-
16 proved by the Secretary of Defense.”.

17 (c) EFFECTIVE DATE.—(1) Except as provided in para-
18 graph (2), the amendments made by this section shall apply
19 with respect to any proceeding pending on or after the date of
20 the enactment of this Act without regard to whether a chal-
21 lenge to an action of a selection board of any of the Armed
22 Forces being considered in the proceeding was initiated before,
23 on, or after that date.

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

27 **SEC. 504. TEMPORARY REDUCTION OF TIME-IN-GRADE**
28 **REQUIREMENT FOR ELIGIBILITY FOR PRO-**
29 **MOTION FOR CERTAIN ACTIVE-DUTY LIST**
30 **OFFICERS IN GRADES OF FIRST LIEUTEN-**
31 **ANT AND LIEUTENANT (JUNIOR GRADE).**

32 (a) AUTHORITY.—Subsection (a)(1)(B) of section 619 of
33 title 10, United States Code, is amended by inserting before
34 the period at the end the following: “, except that the minimum
35 period of service in effect under this subparagraph before Octo-
36 ber 1, 2005, shall be eighteen months”.

37 (b) STYLISTIC AMENDMENTS.—Such section is further
38 amended as follows:

1 (1) Subsection (a) is amended by striking “(a)(1)”
2 and inserting “(a) TIME-IN-GRADE REQUIREMENTS.—(1)”.

3 (2) Subsection (b) is amended by striking “(b)(1)”
4 and inserting “(b) CONTINUED ELIGIBILITY FOR CONSID-
5 ERATION FOR PROMOTION OF OFFICERS WHO HAVE PRE-
6 VIOUSLY FAILED OF SELECTION.—(1)”.

7 (3) Subsection (c) is amended by striking “(c)(1)” and
8 inserting “(c) OFFICERS TO BE CONSIDERED BY PRO-
9 MOTION BOARDS.—(1)”.

10 (4) Subsection (d) is amended by inserting “CERTAIN
11 OFFICERS NOT TO BE CONSIDERED.—” after “(d)”.

12 (c) TECHNICAL AMENDMENT.—Subsection (a)(4) of such
13 section is amended by striking “clause (A)” and inserting “sub-
14 paragraph (A)”.

15 **SEC. 505. AUTHORITY FOR PROMOTION WITHOUT SE-**
16 **LECTION BOARD CONSIDERATION FOR ALL**
17 **FULLY QUALIFIED OFFICERS IN GRADE OF**
18 **FIRST LIEUTENANT OR LIEUTENANT (JUN-**
19 **IOR GRADE) IN THE NAVY.**

20 (a) ACTIVE-DUTY LIST PROMOTIONS.—(1) Section 624(a)
21 of title 10, United States Code, is amended by adding at the
22 end the following new paragraph:

23 “(3)(A) Except as provided in subsection (d), officers on
24 the active-duty list in the grade of first lieutenant or, in the
25 case of the Navy, lieutenant (junior grade) who are on an ap-
26 proved all-fully-qualified-officers list shall be promoted to the
27 next higher grade in accordance with regulations prescribed by
28 the Secretary concerned.

29 “(B) An all-fully-qualified-officers list shall be considered
30 to be approved for purposes of subparagraph (A) when the list
31 is approved by the President. When so approved, such a list
32 shall be treated in the same manner as a promotion list under
33 this chapter.

34 “(C) The Secretary of a military department may make a
35 recommendation to the President for approval of an all-fully-
36 qualified-officers list only when the Secretary determines that
37 all officers on the list are needed in the next higher grade to
38 accomplish mission objectives.

1 “(D) For purposes of this paragraph, an all-fully-qualified-
2 officers list is a list of all officers on the active-duty list in a
3 grade who the Secretary of the military department concerned
4 determines—

5 “(i) are fully qualified for promotion to the next high-
6 er grade; and

7 “(ii) would be eligible for consideration for promotion
8 to the next higher grade by a selection board convened
9 under section 611(a) of this title upon the convening of
10 such a board.”.

11 (2) Section 631 of such title is amended by adding at the
12 end the following new subsection:

13 “(d) For the purposes of this chapter, an officer of the
14 Army, Air Force, or Marine Corps who holds the grade of first
15 lieutenant, and an officer of the Navy who holds the grade of
16 lieutenant (junior grade), shall be treated as having failed of
17 selection for promotion if the Secretary of the military depart-
18 ment concerned determines that the officer would be eligible for
19 consideration for promotion to the next higher grade by a selec-
20 tion board convened under section 611(a) of this title if such
21 a board were convened but is not fully qualified for promotion
22 when recommending for promotion under section 624(a)(3) of
23 this title all fully qualified officers of the officer’s armed force
24 in such grade who would be eligible for such consideration.”.

25 (3) Section 611 of such title is amended—

26 (A) in subsection (a)—

27 (i) by striking “Under” and all that follows
28 through “require,” and inserting “Whenever the needs
29 of the service require, the Secretary of the military de-
30 partment concerned”; and

31 (ii) by adding at the end the following new sen-
32 tence: “The preceding sentence does not require the
33 convening of a selection board in the case of officers in
34 the permanent grade of first lieutenant or, in the case
35 of the Navy, lieutenant (junior grade) when the Sec-
36 retary concerned recommends for promotion to the next
37 higher grade under section 624(a)(3) of this title all

1 such officers whom the Secretary finds to be fully
2 qualified for promotion.”;

3 (B) in subsection (b), by striking “Under” and all that
4 follows through “require,” and inserting “Whenever the
5 needs of the service require, the Secretary of the military
6 department concerned”; and

7 (C) by adding at the end the following new subsection:
8 “(c) The convening of selection boards under subsections
9 (a) and (b) shall be under regulations prescribed by the Sec-
10 retary of Defense.”.

11 (b) RESERVE ACTIVE-STATUS LIST PROMOTIONS.—(1)
12 Section 14308(b) of title 10, United States Code, is amended
13 by adding at the end the following new paragraph:

14 “(4)(A) Officers in the permanent grade of first lieutenant
15 or, in the case of the Navy, lieutenant (junior grade) who are
16 on an approved all-fully-qualified-officers list shall be promoted
17 to the next higher grade in accordance with regulations pre-
18 scribed by the Secretary concerned. Such promotions shall be
19 in the manner specified in section 12203 of this title.

20 “(B) An all-fully-qualified-officers list shall be considered
21 to be approved for purposes of subparagraph (A) when the list
22 is approved by the President. When so approved, such a list
23 shall be treated in the same manner as a promotion list under
24 this chapter and chapter 1403 of this title.

25 “(C) The Secretary of a military department may make a
26 recommendation to the President for approval of an all-fully-
27 qualified-officers list only when the Secretary determines that
28 all officers on the list are needed in the next higher grade to
29 accomplish mission objectives.

30 “(D) For purposes of this paragraph, an all-fully-qualified-
31 officers list is a list of all officers on the reserve active-status
32 list in a grade who the Secretary of the military department
33 concerned determines—

34 “(i) are fully qualified for promotion to the next high-
35 er grade; and

36 “(ii) would be eligible for consideration for promotion
37 to the next higher grade by a selection board convened

1 under section 14101(a) of this title upon the convening of
2 such a board.”.

3 (2) Section 14504 of such title is amended by adding at
4 the end the following new subsection:

5 “(c) OFFICERS IN GRADE OF FIRST LIEUTENANT OR
6 LIEUTENANT (JUNIOR GRADE) FOUND NOT FULLY QUALIFIED
7 FOR PROMOTION.—For the purposes of this chapter, an officer
8 of the Army, Air Force, or Marine Corps on a reserve active-
9 status list who holds the grade of first lieutenant, and an offi-
10 cer of the Navy on a reserve active-status list who holds the
11 grade of lieutenant (junior grade), shall be treated as having
12 failed of selection for promotion if the Secretary of the military
13 department concerned determines that the officer would be eli-
14 gible for consideration for promotion to the next higher grade
15 by a selection board convened under section 14101(a) of this
16 title if such a board were convened but is not fully qualified
17 for promotion when recommending for promotion under section
18 14308(b)(4) of this title all fully qualified officers of the offi-
19 cer’s armed force in such grade who would be eligible for such
20 consideration.”.

21 (3) Section 14101(a) of such title is amended by adding
22 at the end the following new paragraph:

23 “(3) Paragraph (1) does not require the convening of a se-
24 lection board in the case of officers in the permanent grade of
25 first lieutenant or, in the case of the Navy, lieutenant (junior
26 grade) when the Secretary concerned recommends for pro-
27 motion to the next higher grade under section 14308(b)(4) of
28 this title all such officers whom the Secretary finds to be fully
29 qualified for promotion.”.

30 (c) CONFORMING AMENDMENTS.—Title 10, United States
31 Code, is amended as follows:

32 (1)(A) Section 619(d) is amended by adding at the
33 end the following new paragraph:

34 “(4) An officer in the grade of first lieutenant or, in
35 the case of the Navy, lieutenant (junior grade) who is on
36 an approved all-fully-qualified-officers list under section
37 624(a)(3) of this title.”.

1 (B) Section 14301(c) is amended by adding at the end
2 the following new paragraph:

3 “(5) An officer in the grade of first lieutenant or, in
4 the case of the Navy, lieutenant (junior grade) who is on
5 an approved all-fully-qualified-officers list under section
6 14308(b)(4) of this title.”.

7 (2)(A) Section 624(d) is amended—

8 (i) in the second sentence of paragraph (1), by in-
9 serting after “on the promotion list” the following:
10 “(including an approved all-fully-qualified-officers list,
11 if applicable)”;

12 (ii) in the second sentence of paragraph (2), by in-
13 serting after “to such grade, the officer” the following:
14 “shall be retained on the promotion list (including an
15 approved all-fully-qualified-officers list, if applicable)
16 and”.

17 (B) Section 14311 is amended—

18 (i) in subsection (a)(2), by inserting after “on the
19 promotion list” the following: “(including an approved
20 all-fully-qualified-officers list, if applicable)”;

21 (ii) in subsection (b), by inserting in the second
22 sentence after “on the promotion list” the following:
23 “(including an approved all-fully-qualified-officers list,
24 if applicable)”.

25 (3)(A) Section 628(a)(1) is amended by inserting after
26 “not so considered,” the following: “or the name of a per-
27 son that should have been placed on an all-fully-qualified-
28 officers list under section 624(a)(3) of this title was not so
29 placed,”.

30 (B) Section 14502(a)(1) is amended by inserting after
31 “because of administrative error,” the following: “or whose
32 name was not placed on an all-fully-qualified-officers list
33 under section 14308(b)(4) of this title because of adminis-
34 trative error,”.

35 (4) Section 1211(e) is amended by inserting after “a
36 promotion list,” the following: “an approved all-fully-quali-
37 fied-officers list,”.

1 (d) TECHNICAL AMENDMENTS TO STRIKE CERTAIN
2 DOPMA REFERENCES TO REGULAR OFFICERS.—Chapter 36
3 of such title is amended as follows:

4 (1) Section 624(c) is amended—

5 (A) by inserting “, in the case of officers of the
6 Army, Air Force, or Marine Corps,” after “captain”;
7 and

8 (B) by inserting “, in the case of officers of the
9 Navy,” after “or lieutenant” the second place it ap-
10 pears.

11 (2) Section 630 is amended by striking “regular” both
12 places it appears.

13 (3) Sections 631(a) and 632(a) are each amended—

14 (A) by striking “Regular Army, Regular Air
15 Force, or Regular Marine Corps” and inserting “Army,
16 Air Force, or Marine Corps on the active-duty list”;

17 (B) by striking “Regular Navy” and inserting
18 “Navy on the active-duty list”; and

19 (C) by striking “regular” each place it appears.

20 (4)(A) The heading of section 630 and the item relat-
21 ing to that section in the table of sections at the beginning
22 of subchapter III are each amended by striking the third
23 word.

24 (B) The heading of section 631 and the item relating
25 to that section in the table of sections at the beginning of
26 subchapter III are each amended by striking the eighth
27 word.

28 (C) The heading of section 632 and the item relating
29 to that section in the table of sections at the beginning of
30 subchapter III are each amended by striking the eighth and
31 twenty-first words.

32 **SEC. 506. AUTHORITY TO ADJUST DATE OF RANK OF**
33 **CERTAIN PROMOTIONS DELAYED BY REA-**
34 **SON OF UNUSUAL CIRCUMSTANCES.**

35 (a) ACTIVE DUTY OFFICERS.—Subsection 741(d) of title
36 10, United States Code, is amended by adding at the end the
37 following new paragraph:

1 “(4)(A) The Secretary concerned may adjust the date of
2 rank of an officer appointed under section 624(a) of this title
3 to a higher grade that is not a general officer or flag officer
4 grade if the appointment of that officer to that grade is delayed
5 from the date on which (as determined by the Secretary) it
6 would otherwise have been made by reason of unusual cir-
7 cumstances (as determined by the Secretary) that cause an un-
8 intended delay in—

9 “(i) the processing or approval of the report of the se-
10 lection board recommending the appointment of that officer
11 to that grade; or

12 “(ii) the processing or approval of the promotion list
13 established on the basis of that report.

14 “(B) The adjusted date of rank applicable to the grade of
15 an officer under subparagraph (A) shall be consistent—

16 “(i) with the officer’s position on the promotion list for
17 that grade and competitive category when additional offi-
18 cers in that grade and competitive category were needed;
19 and

20 “(ii) with compliance with the applicable authorized
21 strengths for officers in that grade and competitive cat-
22 egory.

23 “(C) The adjusted date of rank applicable to the grade of
24 an officer under subparagraph (A) shall be the effective date
25 for—

26 “(i) the officer’s pay and allowances for that grade;
27 and

28 “(ii) the officer’s position on the active-duty list.

29 “(D) When under subparagraph (A) the Secretary con-
30 cerned adjusts the date of rank of an officer in a grade to
31 which the officer was appointed by and with the advice and
32 consent of the Senate and the adjustment is to a date before
33 the date of the advice and consent of the Senate to that ap-
34 pointment, the Secretary shall promptly transmit to the Com-
35 mittee on Armed Services of the Senate a notification of that
36 adjustment. Any such notification shall include the name of the

1 officer and a discussion of the reasons for the adjustment of
2 date of rank.

3 “(E) Any adjustment in date of rank under this paragraph
4 shall be made under regulations prescribed by the Secretary of
5 Defense, which shall apply uniformly among the Army, Navy,
6 Air Force, and Marine Corps.”.

7 (b) RESERVE OFFICERS.—(1) Section 14308(c) of such
8 title is amended—

9 (A) by redesignating paragraph (2) as paragraph (3);
10 and

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

13 “(2) The date of rank of an officer appointed to a higher
14 grade under this section may be adjusted in the same manner
15 as an adjustment may be made under section 741(d)(4) of this
16 title in the date of rank of an officer appointed to a higher
17 grade under section 624(a) of this title. In any use of the au-
18 thority under the preceding sentence, subparagraph (C)(ii) of
19 such section shall be applied by substituting ‘reserve active-sta-
20 tus list’ for ‘active-duty list’.”.

21 (2) Paragraph (3) of such section, as redesignated by
22 paragraph (1)(A), is amended by inserting “provided in para-
23 graph (2) or as otherwise” after “Except as”.

24 (c) EFFECTIVE DATE.—(1) Paragraph (4) of section
25 741(d) of title 10, United States Code, as added by subsection
26 (a), and paragraph (2) of section 14308(c) of such title, as
27 added by subsection (b), shall apply with respect to any report
28 of a selection board recommending officers for promotion to the
29 next higher grade that is submitted to the Secretary of the
30 military department concerned on or after the date of the en-
31 actment of this Act.

32 (2) The Secretary of the military department concerned
33 may apply the applicable paragraph referred to in paragraph
34 (1) in the case of an appointment of an officer to a higher
35 grade resulting from a report of a selection board submitted to
36 the Secretary before the date of the enactment of this Act if
37 the Secretary determines that such appointment would have

1 been made on an earlier date that is on or after October 1,
2 2001, and was delayed under the circumstances specified in
3 paragraph (4) of section 741(d) of title 10, United States Code,
4 as added by subsection (a).

5 **SEC. 507. AUTHORITY FOR LIMITED EXTENSION OF**
6 **MEDICAL DEFERMENT OF MANDATORY RE-**
7 **TIREMENT OR SEPARATION.**

8 The text of section 640 of title 10, United States Code,
9 is amended to read as follows:

10 “(a) If the Secretary of the military department concerned
11 determines that the evaluation of the physical condition of an
12 officer and determination of the officer’s entitlement to retire-
13 ment or separation for physical disability require hospitaliza-
14 tion or medical observation and that such hospitalization or
15 medical observation cannot be completed with confidence in a
16 manner consistent with the member’s well being before the date
17 on which the officer would otherwise be required to retire or
18 be separated under this title, the Secretary may defer the re-
19 tirement or separation of the officer under this title.

20 “(b) A deferral of retirement or separation under sub-
21 section (a) may not extend for more than 30 days after comple-
22 tion of the evaluation requiring hospitalization or medical ob-
23 servation.”.

24 **SEC. 508. AUTHORITY FOR LIMITED EXTENSION ON AC-**
25 **TIVE DUTY OF MEMBERS SUBJECT TO MAN-**
26 **DATORY RETIREMENT OR SEPARATION.**

27 (a) SECTION 12305 STOP-LOSS AUTHORITY.—Section
28 12305 of title 10, United States Code, is amended by adding
29 at the end the following new subsection:

30 “(e) Upon the termination of a suspension made under the
31 authority of subsection (a) of a provision of law otherwise re-
32 quiring the separation or retirement of officers on active duty
33 because of age, length of service or length of service in grade,
34 or failure of selection for promotion, the Secretary concerned
35 shall extend by up to 90 days the otherwise required separation
36 or retirement date of any officer covered by the suspended pro-
37 vision whose separation or retirement date, but for the suspen-
38 sion, would have been before the date of the termination of the

1 suspension or within 90 days after the date of such termi-
2 nation.”.

3 (b) SECTION 123 STOP-LOSS AUTHORITY.—Section 123 of
4 such title is amended by adding at the end the following new
5 subsection:

6 “(d) Upon the termination of a suspension made under
7 the authority of subsection (a) of a provision of law otherwise
8 requiring the separation or retirement of officers on active duty
9 because of age, length of service or length of service in grade,
10 or failure of selection for promotion, the Secretary concerned
11 shall extend by up to 90 days the otherwise required separation
12 or retirement date of any officer covered by the suspended pro-
13 vision whose separation or retirement date, but for the suspen-
14 sion, would have been before the date of the termination of the
15 suspension or within 90 days after the date of such termi-
16 nation.”.

17 **SEC. 509. EXEMPTION FROM CERTAIN ADMINISTRATIVE**
18 **LIMITATIONS FOR RETIRED OFFICERS OR-**
19 **DERED TO ACTIVE DUTY AS DEFENSE OR**
20 **SERVICE ATTACHÉS.**

21 (a) LIMITATION OF PERIOD OF RECALLED SERVICE.—
22 Section 688(e)(2) of title 10, United States Code, is amended
23 by adding at the end the following new subparagraph:

24 “(D) An officer who is assigned to duty as a defense
25 attaché or service attaché for the period of active duty to
26 which ordered.”.

27 (b) LIMITATION ON NUMBER OF RECALLED OFFICERS ON
28 ACTIVE DUTY.—Section 690(b)(2) of such title is amended by
29 adding at the end the following new subparagraph:

30 “(E) An officer who is assigned to duty as a defense
31 attaché or service attaché for the period of active duty to
32 which ordered.”.

33 (c) APPLICABILITY.—The amendments made by sub-
34 sections (a) and (b) shall apply with respect to officers serving
35 on active duty as a defense attaché or service attaché on or
36 after the date of the enactment of this Act.

1 **SEC. 510. OFFICER IN CHARGE OF UNITED STATES NAVY**
 2 **BAND.**

3 (a) DETAIL AND GRADE.—Section 6221 of title 10,
 4 United States Code, is amended to read as follows:

5 **§ 6221. United States Navy Band; officer in charge**

6 “(a) There is a Navy band known as the United States
 7 Navy Band.

8 “(b)(1) An officer of the Navy designated for limited duty
 9 under section 5589 or 5596 of this title who is serving in a
 10 grade above lieutenant may be detailed by the Secretary of the
 11 Navy as Officer in Charge of the United States Navy Band.

12 “(2) While serving as Officer in Charge of the United
 13 States Navy Band, an officer shall hold the grade of captain
 14 if appointed to that grade by the President, by and with the
 15 advice and consent of the Senate. Such an appointment may
 16 be made notwithstanding section 5596(d) of this title.”.

17 (b) CLERICAL AMENDMENT.—The item relating to such
 18 section in the table of sections at the beginning of chapter 565
 19 of such title is amended to read as follows:

“6221. United States Navy Band; officer in charge.”.

20 **Subtitle B—Reserve Component**
 21 **Personnel Policy**

22 **SEC. 511. PLACEMENT ON ACTIVE-DUTY LIST OF CER-**
 23 **TAIN RESERVE OFFICERS ON ACTIVE DUTY**
 24 **FOR A PERIOD OF THREE YEARS OR LESS.**

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

27 “(D) on active duty under section 12301(d) of this
 28 title, other than as provided under subparagraph (C),
 29 if the call or order to active duty, under regulations
 30 prescribed by the Secretary concerned, specifies a pe-
 31 riod of three years or less and continued placement on
 32 the reserve active-status list;”.

33 (b) RETROACTIVE APPLICATION.—(1) The Secretary of
 34 the military department concerned may provide that an officer
 35 who was excluded from the active-duty list under section
 36 641(1)(D) of title 10, United States Code, as amended by sec-

1 tion 521 of the Floyd D. Spence National Defense Authoriza-
2 tion Act for Fiscal Year 2001 (as enacted into law by Public
3 Law 106–398; 114 Stat. 1654A–108), shall be considered to
4 have been on the active-duty list during the period beginning
5 on the date on which the officer was so excluded and ending
6 on the date of the enactment of this Act.

7 (2) The Secretary of the military department concerned
8 may provide that a Reserve officer who was placed on the ac-
9 tive-duty list on or after October 30, 1997, shall be placed on
10 the reserve active-status list if the officer otherwise meets the
11 conditions specified in section 641(1)(D) of title 10, United
12 States Code, as amended by subsection (a).

13 **SEC. 512. EXCEPTION TO BACCALAUREATE DEGREE RE-**
14 **QUIREMENT FOR APPOINTMENT OF RE-**
15 **SERVE OFFICERS TO GRADES ABOVE FIRST**
16 **LIEUTENANT.**

17 (a) REAUTHORIZATION OF WAIVER AUTHORITY FOR ARMY
18 OCS GRADUATES AND INCLUSION OF CERTAIN MARINE OFFI-
19 CERS.—Section 12205 of title 10, United States Code, is
20 amended by adding at the end the following new subsection:

21 “(d) WAIVER AUTHORITY FOR ARMY OCS GRADUATES
22 AND CERTAIN MARINE CORPS OFFICERS.—(1) The Secretary
23 of the Army may waive the applicability of subsection (a) to
24 any officer whose original appointment in the Army as a Re-
25 serve officer is through the Army Officer Candidate School pro-
26 gram.

27 “(2) The Secretary of the Navy may waive the applica-
28 bility of subsection (a) to any officer whose original appoint-
29 ment in the Marine Corps as a Reserve officer is through the
30 Marine Corps meritorious commissioning program.

31 “(3) Any such waiver shall be made on a case-by-case
32 basis, considering the individual circumstances of the officer in-
33 volved, and may continue in effect for no more than two years
34 after the waiver is granted. The Secretary concerned may pro-
35 vide for such a waiver to be effective before the date of the
36 waiver, as appropriate in an individual case.”.

1 (b) EFFECTIVE DATE.—Subsection (d) of section 12205
2 of title 10, United States Code, as added by subsection (a),
3 shall apply with respect to officers appointed before, on, or
4 after the date of the enactment of this Act.

5 **SEC. 513. IMPROVED DISABILITY BENEFITS FOR CER-**
6 **TAIN RESERVE COMPONENT MEMBERS.**

7 (a) MEDICAL AND DENTAL CARE.—Sections 1074a(a)(3)
8 and 1076(a)(2)(C) of title 10, United States Code, are each
9 amended by striking “, if the” and all that follows through
10 “member’s residence”.

11 (b) ELIGIBILITY FOR DISABILITY RETIREMENT OR SEPA-
12 RATION.—Sections 1204(2)(B)(iii) and 1206(2)(B)(iii) of title
13 10, United States Code, are each amended by striking “, if
14 the” and all that follows through “member’s residence”.

15 (c) RECOVERY, CARE, AND DISPOSITION OF REMAINS.—
16 Section 1481(a)(2)(D) of title 10, United States Code, is
17 amended by striking “, if the site is outside reasonable com-
18 muting distance from the member’s residence”.

19 (d) ENTITLEMENT TO BASIC PAY.—Subsections (g)(1)(D)
20 and (h)(1)(D) of section 204 of title 37, United States Code,
21 are amended by striking “, if the site is outside reasonable
22 commuting distance from the member’s residence”.

23 (e) COMPENSATION FOR INACTIVE-DUTY TRAINING.—Sec-
24 tion 206(a)(3)(C) of title 37, United States Code, is amended
25 by striking “, if the site is outside reasonable commuting dis-
26 tance from the member’s residence”.

27 **SEC. 514. TIME-IN-GRADE REQUIREMENT FOR RESERVE**
28 **COMPONENT OFFICERS RETIRED WITH A**
29 **NONSERVICE CONNECTED DISABILITY.**

30 Section 1370(d)(3)(B) of title 10, United States Code, is
31 amended to read as follows:

32 “(B) A person covered by subparagraph (A) who has com-
33 pleted at least six months of satisfactory service in grade may
34 be credited with satisfactory service in the grade in which serv-
35 ing at the time of transfer or discharge, notwithstanding failure
36 of the person to complete three years of service in that grade,

1 if that person is transferred from an active status or dis-
2 charged as a reserve commissioned officer—

3 “(i) solely due to the requirements of a nondis-
4 cretionary provision of law requiring that transfer or dis-
5 charge due to the person’s age or years of service; or

6 “(ii) because the person no longer meets the qualifica-
7 tions for membership in the Ready Reserve solely because
8 of a physical disability, as determined, at a minimum, by
9 a medical evaluation board and at the time of such transfer
10 or discharge such person (pursuant to section 12731b of
11 this title or otherwise) meets the service requirements es-
12 tablished by section 12731(a) of this title for eligibility for
13 retired pay under chapter 1223 of this title, unless the dis-
14 ability is described in section 12731b of this title.”.

15 **SEC. 515. EQUAL TREATMENT OF RESERVES AND FULL-**
16 **TIME ACTIVE DUTY MEMBERS FOR PUR-**
17 **POSES OF MANAGING PERSONNEL DEPLOY-**
18 **MENTS.**

19 (a) RESIDENCE OF RESERVES AT HOME STATION.—Para-
20 graph (2) of section 991(b) of title 10, United States Code, is
21 amended to read as follows:

22 “(2) In the case of a member of a reserve component who
23 is performing active service pursuant to orders that do not es-
24 tablish a permanent change of station, the housing referred to
25 in paragraph (1) is any housing (which may include the mem-
26 ber’s residence) that the member usually occupies for use dur-
27 ing off-duty time when on garrison duty at the member’s per-
28 manent duty station or homeport, as the case may be.”.

29 (b) EFFECTIVE DATE.—The amendment made by this sec-
30 tion shall apply with respect to duty performed on or after Oc-
31 tober 1, 2001.

32 **SEC. 516. MODIFICATION OF PHYSICAL EXAMINATION**
33 **REQUIREMENTS FOR MEMBERS OF THE IN-**
34 **DIVIDUAL READY RESERVE.**

35 (a) IRR REQUIREMENT.—Section 10206 of title 10,
36 United States Code, is amended—

1 (1) in the matter in subsection (a) preceding para-
2 graph (1), by striking “Ready Reserve” and inserting “Se-
3 lected Reserve”;

4 (2) by designating the second sentence of subsection
5 (a) as subsection (c);

6 (3) by redesignating subsection (b) as subsection (d);
7 and

8 (4) by inserting after subsection (a) the following new
9 subsection (b):

10 “(b) A member of the Individual Ready Reserve or inac-
11 tive National Guard shall be examined for physical fitness as
12 necessary to determine the member’s physical fitness for—

13 “(1) military duty or promotion;

14 “(2) attendance at a school of the armed forces; or

15 “(3) other action related to career progression.”.

16 (b) TECHNICAL AMENDMENT.—Subsection (a)(1) of such
17 section is amended by striking “his” and inserting “the mem-
18 ber’s”.

19 **SEC. 517. RETIREMENT OF RESERVE MEMBERS WITH-**
20 **OUT REQUIREMENT FOR FORMAL APPLICA-**
21 **TION OR REQUEST.**

22 (a) RETIRED RESERVE.—Section 10154(2) of title 10,
23 United States Code, is amended by striking “upon their re-
24 quest”.

25 (b) RETIREMENT FOR FAILURE OF SELECTION OF PRO-
26 MOTION.—(1) Paragraph (2) of section 14513 of such title is
27 amended by striking “, if the officer is qualified and applies for
28 such transfer” and inserting “if the officer is qualified for such
29 transfer and does not request (in accordance with regulations
30 prescribed by the Secretary concerned) not to be transferred to
31 the Retired Reserve”.

32 (2)(A) The heading for such section is amended to read
33 as follows:

1 **“§ 14513. Failure of selection for promotion: trans-**
2 **fer, retirement, or discharge”.**

3 (B) The item relating to such section in the table of sec-
4 tions at the beginning of chapter 1407 of such title is amended
5 to read as follows:

“14513. Failure of selection for promotion: transfer, retirement, or dis-
charge.”.

6 (c) RETIREMENT FOR YEARS OF SERVICE OR AFTER SE-
7 LECTION FOR EARLY REMOVAL.—Section 14514 of such title
8 is amended—

9 (1) in paragraph (1), by striking “, if the officer is
10 qualified and applies for such transfer” and inserting “if
11 the officer is qualified for such transfer and does not re-
12 quest (in accordance with regulations prescribed by the
13 Secretary concerned) not to be transferred to the Retired
14 Reserve”; and

15 (2) by striking paragraph (2) and inserting the fol-
16 lowing:

17 “(2) be discharged from the officer’s reserve appoint-
18 ment if the officer is not qualified for transfer to the Re-
19 tired Reserve or has requested (in accordance with regula-
20 tions prescribed by the Secretary concerned) not to be so
21 transferred.”.

22 (d) RETIREMENT FOR AGE.—Section 14515 of such title
23 is amended—

24 (1) in paragraph (1), by striking “, if the officer is
25 qualified and applies for such transfer” and inserting “if
26 the officer is qualified for such transfer and does not re-
27 quest (in accordance with regulations prescribed by the
28 Secretary concerned) not to be transferred to the Retired
29 Reserve”; and

30 (2) by striking paragraph (2) and inserting the fol-
31 lowing:

32 “(2) be discharged from the officer’s reserve appoint-
33 ment if the officer is not qualified for transfer to the Re-
34 tired Reserve or has requested (in accordance with regula-

1 tions prescribed by the Secretary concerned) not to be so
2 transferred.”.

3 (e) DISCHARGE OR RETIREMENT OF WARRANT OFFICERS
4 FOR YEARS OF SERVICE OR AGE.—(1) Chapter 1207 of such
5 title is amended by adding at the end the following new section:
6 **“§ 12244. Warrant officers: discharge or retirement
7 for years of service or for age**

8 “Each reserve warrant officer of the Army, Navy, Air
9 Force, or Marine Corps who is in an active status and has
10 reached the maximum years of service or age prescribed by the
11 Secretary concerned shall—

12 “(1) be transferred to the Retired Reserve if the war-
13 rant officer is qualified for such transfer and does not re-
14 quest (in accordance with regulations prescribed by the
15 Secretary concerned) not to be transferred to the Retired
16 Reserve; or

17 “(2) be discharged if the warrant officer is not quali-
18 fied for transfer to the Retired Reserve or has requested
19 (in accordance with regulations prescribed by the Secretary
20 concerned) not to be so transferred.”.

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

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

23 (f) DISCHARGE OR RETIREMENT OF ENLISTED MEMBERS
24 FOR YEARS OF SERVICE OR AGE.—(1) Chapter 1203 of such
25 title is amended by adding at the end the following new section:
26 **“§ 12108. Enlisted members: discharge or retire-
27 ment for years of service or for age**

28 “Each reserve enlisted member of the Army, Navy, Air
29 Force, or Marine Corps who is in an active status and has
30 reached the maximum years of service or age prescribed by the
31 Secretary concerned shall—

32 “(1) be transferred to the Retired Reserve if the mem-
33 ber is qualified for such transfer and does not request (in
34 accordance with regulations prescribed by the Secretary
35 concerned) not to be transferred to the Retired Reserve; or

1 “(2) be discharged if the member is not qualified for
2 transfer to the Retired Reserve or has requested (in accord-
3 ance with regulations prescribed by the Secretary con-
4 cerned) not to be so transferred.”.

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

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

7 (g) EFFECTIVE DATE.—The amendments made by this
8 section shall take effect on the first day of the first month that
9 begins more than 180 days after the date of the enactment of
10 this Act.

11 **SEC. 518. SPACE-REQUIRED TRAVEL BY RESERVES ON**
12 **MILITARY AIRCRAFT.**

13 (a) CORRECTION OF IMPAIRMENT TO AUTHORIZED TRAV-
14 EL WITH ALLOWANCES.—Subsection (a) of section 18505 of
15 title 10, United States Code, is amended by striking “annual
16 training duty or” each place it appears.

17 (b) CONFORMING AMENDMENTS.—The heading for such
18 section, and the item relating to such section in the table of
19 sections at the beginning of chapter 1805 of such title, are each
20 amended by striking the fourth, fifth, sixth, and seventh words.

21 **SEC. 519. PAYMENT OF FEDERAL EMPLOYEE HEALTH**
22 **BENEFIT PROGRAM PREMIUMS FOR CER-**
23 **TAIN RESERVISTS CALLED TO ACTIVE DUTY**
24 **IN SUPPORT OF CONTINGENCY OPER-**
25 **ATIONS.**

26 (a) IN GENERAL.—Subsection (e) of section 8906 of title
27 5, United States Code, is amended by adding at the end the
28 following new paragraph:

29 “(3)(A) An employing agency may pay both the employee
30 and Government contributions, and any additional administra-
31 tive expenses otherwise chargeable to the employee, with re-
32 spect to health care coverage for an employee described in sub-
33 paragraph (B) and the family of such employee.

34 “(B) An employee referred to in subparagraph (A) is an
35 employee who—

1 “(i) is enrolled in a health benefits plan under this
2 chapter;

3 “(ii) is a member of a reserve component of the armed
4 forces;

5 “(iii) is called or ordered to active duty in support of
6 a contingency operation (as defined in section 101(a)(13)
7 of title 10);

8 “(iv) is placed on leave without pay or separated from
9 service to perform active duty; and

10 “(v) serves on active duty for a period of more than
11 30 consecutive days.

12 “(C) Notwithstanding the one-year limitation on coverage
13 described in paragraph (1)(A), payment may be made under
14 this paragraph for a period not to exceed 18 months.”.

15 (b) CONFORMING AMENDMENT.—The matter preceding
16 paragraph (1) in subsection (f) of such section is amended to
17 read as follows:

18 “(f) The Government contribution, and any additional pay-
19 ments under subsection (e)(3)(A), for health benefits for an
20 employee shall be paid—”.

21 (c) APPLICABILITY.—The amendments made by this sec-
22 tion apply with respect to employees called to active duty on
23 or after December 8, 1995, and an agency may make retro-
24 active payments to such employees for premiums paid on or
25 after such date.

26 **Subtitle C—Joint Specialty Officers** 27 **and Joint Professional Military** 28 **Education**

29 **SEC. 521. NOMINATIONS AND PROMOTIONS FOR JOINT** 30 **SPECIALTY OFFICERS.**

31 (a) SELECTION OF OFFICERS FOR THE JOINT SPE-
32 CIALITY.—Paragraph (2) of section 661(b) of title 10, United
33 States Code, is amended by striking “The Secretaries” and all
34 that follows through “officers—” and inserting “Each officer
35 on the active-duty list on the date of the enactment of the Na-
36 tional Defense Authorization Act for Fiscal Year 2002 who has

1 not before that date been nominated for the joint specialty by
2 the Secretary of a military department, and each officer who
3 is placed on the active-duty list after such date, who meets the
4 requirements of subsection (c) shall automatically be considered
5 to have been nominated for the joint specialty. From among
6 those officers considered to be nominated for the joint spe-
7 cialty, the Secretary may select for the joint specialty only offi-
8 cers—”.

9 (b) PROMOTION RATE FOR OFFICERS WITH THE JOINT
10 SPECIALTY.—Paragraph (2) of section 662(a) of such title is
11 amended by striking “promoted at a rate” and inserting
12 “promoted—

13 “(A) during the three-year period beginning on the
14 date of the enactment of the National Defense Author-
15 ization Act for Fiscal Year 2002, at a rate not less
16 than the rate for officers of the same armed force in
17 the same grade and competitive category; and

18 “(B) after the end of the period specified in sub-
19 paragraph (A), at a rate”.

20 **SEC. 522. JOINT DUTY CREDIT.**

21 Paragraph (4) of section 664(i) of title 10, United States
22 Code, is amended—

23 (1) in subparagraph (E), by striking “The” and in-
24 serting “Except as provided in subparagraph (F), the”;
25 and

26 (2) by adding at the end the following new subpara-
27 graph:

28 “(F) Service in a temporary joint task force assign-
29 ment not involved in combat or combat-related operations
30 may not be credited for the purposes of joint duty, unless,
31 and only if—

32 “(i) the service of the officer and the nature of the
33 joint task force not only meet all criteria of this sec-
34 tion, except subparagraph (E), but also any additional
35 criteria the Secretary may establish;

36 “(ii) the Secretary has specifically approved the
37 operation conducted by the joint task force as one that

1 qualifies for joint service credit, and notifies Congress
2 upon each approval, providing the criteria that led to
3 that approval; and

4 “(iii) the operation is conducted by the joint task
5 force in an environment where an extremely fragile
6 state of peace and high potential for hostilities coex-
7 ist.”.

8 **SEC. 523. RETROACTIVE JOINT SERVICE CREDIT FOR**
9 **DUTY IN CERTAIN JOINT TASK FORCES.**

10 (a) **AUTHORITY.**—In accordance with section 664(i) of
11 title 10, United States Code, as amended by section 522, the
12 Secretary of Defense may award joint service credit to any offi-
13 cer who served on the staff of a United States joint task force
14 headquarters in an operation and during the period set forth
15 in subsection (b) and who meets the criteria specified in such
16 section. To determine which officers qualify for such retroactive
17 credit, the Secretary shall undertake a case-by-case review of
18 the records of officers.

19 (b) **ELIGIBLE OPERATIONS.**—Service in the following op-
20 erations, during the specified periods, may be counted for cred-
21 it under subsection (a):

22 (1) Operation Northern Watch, during the period be-
23 ginning on August 1, 1992, and ending on a date to be de-
24 termined.

25 (2) Operation Southern Watch, during the period be-
26 ginning on August 27, 1992, and ending on a date to be
27 determined.

28 (3) Operation Able Sentry, during the period begin-
29 ning on June 26, 1993, and ending on February 28, 1999.

30 (4) Operation Joint Endeavor, during the period be-
31 ginning on December 25, 1995, and ending on December
32 19, 1996.

33 (5) Operation Joint Guard, during the period begin-
34 ning on December 20, 1996, and ending on June 20, 1998.

35 (6) Operation Desert Thunder, beginning on January
36 24, 1998, and ending on December 15, 1998.

1 (7) Operation Joint Forge, beginning on June 20,
2 1998, and ending on June 10, 1999.

3 (8) Operation Noble Anvil, beginning on March 24,
4 1999, and ending on July 20, 1999.

5 (9) Operation Joint Guardian, beginning on June 11,
6 1999, and ending on a date to be determined.

7 (c) REPORT.—Not later than one year after the date of
8 the enactment of this Act, the Secretary of Defense shall sub-
9 mit to Congress a report of the numbers, by service, grade, and
10 operation, of the officers given joint service credit in accordance
11 with this section.

12 **SEC. 524. REVISION TO ANNUAL REPORT ON JOINT OF-**
13 **FICER MANAGEMENT.**

14 Section 667 of title 10, United States Code, is amended—

15 (1) in paragraph (1)—

16 (A) by inserting “(A)” after “(1)”; and

17 (B) by adding at the end the following new sub-
18 paragraph:

19 “(B) The number of officers who meet the criteria for
20 selection for the joint specialty but were not selected, to-
21 gether with the reasons why.”;

22 (2) by amending paragraph (2) to read as follows:

23 “(2) The number of officers with the joint specialty,
24 shown by grade and branch or specialty and by edu-
25 cation.”;

26 (3) in paragraph (3)—

27 (A) in subparagraph (A) and (B), by striking
28 “nominated” and inserting “selected”;

29 (B) by inserting “and” at the end of subparagraph
30 (D);

31 (C) by striking subparagraph (E); and

32 (D) by redesignating subparagraph (F) as sub-
33 paragraph (E);

34 (4) in paragraph (4)(A), by striking “nominated” and
35 inserting “selected”;

36 (5) in paragraph (14)—

37 (A) by inserting “(A)” after “(14)”; and

1 (B) by adding at the end the following new sub-
2 paragraph:

3 “(B) An assessment of the extent to which the Sec-
4 retary of each military department is assigning personnel
5 to joint duty assignments in accordance with this chapter
6 and the policies, procedures, and practices established by
7 the Secretary of Defense under section 661(a) of this
8 title.”; and

9 (6) in paragraph (16), by striking “section 664(i)” in
10 the matter preceding subparagraph (A) and in subpara-
11 graph (B) and inserting “subparagraphs (E) and (F) of
12 section 664(i)(4)”.

13 **SEC. 525. REQUIREMENT FOR SELECTION FOR JOINT**
14 **SPECIALTY BEFORE PROMOTION TO GEN-**
15 **ERAL OR FLAG OFFICER GRADE.**

16 (a) REQUIREMENT.—Subsection (a) of section 619a of
17 title 10, United States Code, is amended by striking “unless”
18 and all that follows and inserting “unless—

19 “(1) the officer has completed a full tour of duty in
20 a joint duty assignment (as described in section 664(f) of
21 this title); and

22 “(2) for appointments after September 30, 2007, the
23 officer has been selected for the joint specialty in accord-
24 ance with section 661 of this title.”.

25 (b) WAIVER AUTHORITY.—Subsection (b) of that section
26 is amended by striking “may waive subsection (a) in the fol-
27 lowing circumstances:” and inserting “may waive paragraph
28 (1) or paragraph (2) of subsection (a), or both paragraphs (1)
29 and (2) of subsection (a), in the following circumstances:”.

30 (c) PROPOSED LEGISLATIVE CHANGES.—Not later than
31 December 1, 2002, the Secretary of Defense shall submit to
32 Congress a draft proposal for such legislative changes as the
33 Secretary considers needed to implement the amendment made
34 by subsections (a) and (b).

1 **SEC. 526. INDEPENDENT STUDY OF JOINT OFFICER**
2 **MANAGEMENT AND JOINT PROFESSIONAL**
3 **MILITARY EDUCATION REFORMS.**

4 (a) STUDY.—The Secretary of Defense shall provide for an
5 independent study of the joint officer management system and
6 the joint professional military education system. The Secretary
7 shall ensure that the entity conducting the study is provided
8 such information and support as required. The Secretary shall
9 include in the contract for the study a requirement that the en-
10 tity conducting the study submit a report to Congress on the
11 study not later than one year after the date of the enactment
12 of this Act.

13 (b) MATTERS TO BE INCLUDED WITH RESPECT TO
14 JOINT OFFICER MANAGEMENT.—With respect to the joint offi-
15 cer management system, the entity conducting the independent
16 study shall provide for the following:

17 (1) Assessment of implications for joint officer edu-
18 cation, development, and management that would result
19 from proposed joint organizational operational concepts
20 (such as standing joint task forces) and from emerging of-
21 ficer management and personnel reforms (such as longer
22 careers and more stabilization), that are under consider-
23 ation by the Secretary of Defense.

24 (2) Assessment of the effectiveness of the current joint
25 officer management system to develop and use joint spe-
26 cialty qualified officers in meeting both current and future
27 requirements for joint specialty officers.

28 (3) Recommendations, based on empirical and other
29 data, to improve the effectiveness of the joint officer man-
30 agement system, especially with regard to the following:

31 (A) The proper mix and sequencing of education
32 assignments and experience assignments (to include,
33 with respect to both types of assignments, consider-
34 ation of the type and quality, and the length, of such
35 assignments) to qualify an officer as a joint specialty
36 officer, as well as the implications of adopting a vari-
37 able joint duty tour length and the advisability and im-

1 plications of a system of qualifying officers as joint spe-
2 cialty officers that uses multiple shorter qualification
3 tracks to selection as a joint specialty officer than are
4 now codified.

5 (B) The system of using joint specialty officers,
6 including the continued utility of such measures as—

7 (i) the required fill of positions on the joint
8 duty assignment list, as specified in paragraphs (1)
9 and (4) of section 661(d) of title 10, United States
10 Code;

11 (ii) the fill by such officers of a required num-
12 ber of critical billets, as prescribed by section
13 661(d)(2) of such title;

14 (iii) the mandated fill by general and flag offi-
15 cers of a minimum number of critical billets, as
16 prescribed by section 661(d)(3) of such title; and

17 (iv) current promotion policy objectives for of-
18 ficers with the joint specialty, officers serving on
19 the Joint Staff, and officers serving in joint duty
20 assignment list positions, as prescribed by section
21 662 of such title.

22 (C) Changes in policy and law required to provide
23 officers the required joint specialty qualification before
24 promotion to general or flag officer grade.

25 (D) A determination of the number of reserve
26 component officers who would be qualified for designa-
27 tion as a joint specialty officer by reason of experience
28 or education if the standards of existing law, including
29 waiver authorities, were applied to them, and rec-
30 ommendations for a process for qualifying and employ-
31 ing future reserve component officers as joint specialty
32 officers.

33 (c) MATTERS TO BE INCLUDED WITH RESPECT TO JOINT
34 PROFESSIONAL MILITARY EDUCATION.—With respect to the
35 joint professional military education system, the entity con-
36 ducting the independent study shall provide for the following:

1 (1) The number of officers who under the current sys-
2 tem (A) qualified as joint specialty officers by attending
3 joint professional military education programs before their
4 first joint duty assignment, (B) qualified as joint specialty
5 officers after arriving at their first joint duty assignment
6 but before completing that assignment, and (C) qualified as
7 joint specialty officers without any joint professional mili-
8 tary education.

9 (2) Recommended initiatives (include changes in offi-
10 cer personnel management law, if necessary) to provide in-
11 centives and otherwise facilitate attendance at joint profes-
12 sional military education programs before an officer's first
13 joint duty assignment.

14 (3) Recommended goals for attendance at the Joint
15 Forces Staff College en route to a first joint duty assign-
16 ment.

17 (4) An assessment of the continuing utility of statu-
18 tory requirements for use of officers following joint profes-
19 sional military education, as prescribed by section 662(d)
20 of title 10, United States Code.

21 (5) Determination of whether joint professional mili-
22 tary education programs should remain principally an in-
23 resident, multi-service experience and what role non-resi-
24 dent or distributive learning can or should play in future
25 joint professional military education programs.

26 (6) Examination of options for the length of and in-
27 creased capacity at Joint Forces Staff College, and whether
28 other in-resident joint professional military education
29 sources should be opened, and if opened, how they might
30 be properly accredited and overseen to provide instruction
31 at the level of the program designated as “joint profes-
32 sional military education”.

33 (d) CHAIRMAN OF JOINT CHIEFS OF STAFF.—With re-
34 spect to the roles of the Secretary of Defense and the Chair-
35 man of the Joint Chiefs of Staff, the entity conducting the
36 independent study shall—

1 (1) provide for an evaluation of the current roles of
2 the Secretary of Defense, the Chairman of the Joint Chiefs
3 of Staff, and joint staff in law, policy, and implementation
4 with regard to establishing and maintaining oversight of
5 joint officer management, career guidelines, and joint pro-
6 fessional military education; and

7 (2) make recommendations to improve and strengthen
8 those roles.

9 (e) REQUIREMENTS FOR STUDY ENTITY.—In providing
10 for the independent study required by subsection (a), the Sec-
11 retary of Defense shall ensure that the entity conducting the
12 study—

13 (1) is not a Department of Defense organization; and

14 (2) shall, at a minimum, involve in the study, in an
15 integral way, the following persons:

16 (A) The Chairman of the Joint Chiefs of Staff and
17 available former Chairmen of the Joint Chiefs of Staff.

18 (B) Members and former members of the Joint
19 Staff, the Armed Forces, the Congress, and congress-
20 sional staff who are or who have been significantly in-
21 volved in the development, implementation, or modifica-
22 tion of joint officer management and joint professional
23 military education.

24 (C) Experts in joint officer management and edu-
25 cation from civilian academic and research centers.

26 **SEC. 527. PROFESSIONAL DEVELOPMENT EDUCATION.**

27 (a) EXECUTIVE AGENT FOR FUNDING.—(1) Effective be-
28 ginning with fiscal year 2003, the Secretary of Defense shall
29 be the executive agent for funding professional development
30 education operations of all components of the National Defense
31 University, including the Joint Forces Staff College. The Sec-
32 retary may not delegate the Secretary's functions and respon-
33 sibilities under the preceding sentence to the Secretary of a
34 military department.

35 (2) Nothing in this subsection affects policies in effect on
36 the date of the enactment of this Act with respect to—

1 (A) the reporting of the President of the National De-
2 fense University to the Chairman of the Joint Chiefs of
3 Staff; or

4 (B) provision of logistical and base operations support
5 for components of the National Defense University by the
6 military departments.

7 (b) PREPARATION OF BUDGET REQUESTS.—Section
8 2162(b) of title 10, United States Code, is amended—

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

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

13 “(2) As executive agent for funding professional develop-
14 ment education at the National Defense University, including
15 the Joint Forces Staff College, the Secretary of Defense, with
16 the advice of the Chairman of the Joint Chiefs of Staff, shall
17 prepare the annual budget for professional development edu-
18 cation operations at the National Defense University and set
19 forth that request as a separate budget request in the materials
20 submitted to Congress in support of the budget request for the
21 Department of Defense. Nothing in the preceding sentence af-
22 fects policies in effect on the date of the enactment of this
23 paragraph with respect to budgeting for the funding of
24 logistical and base operations support for components of the
25 National Defense University through the military depart-
26 ments.”.

27 (c) FUNDING SOURCE.—(1) Section 2165 of title 10,
28 United States Code, is amended by adding at the end the fol-
29 lowing new subsection:

30 “(d) SOURCE OF FUNDS FOR PROFESSIONAL DEVELOP-
31 MENT EDUCATION OPERATIONS.—Funding for the professional
32 development education operations of the National Defense Uni-
33 versity shall be provided from funds made available to the Sec-
34 retary of Defense from the annual appropriation ‘Operation
35 and Maintenance, Defense-wide’.”.

1 Services of the Senate and the Committee on Armed Services
2 of the House of Representatives, that providing instruction to
3 private sector employees under this section during that year
4 will further national security interests of the United States.

5 “(d) PROGRAM REQUIREMENTS.—The Secretary of De-
6 fense shall ensure that—

7 “(1) the curriculum for the professional military edu-
8 cation program in which private sector employees may be
9 enrolled under this section is not readily available through
10 other schools and concentrates on national security relevant
11 issues; and

12 “(2) the course offerings at the National Defense Uni-
13 versity continue to be determined solely by the needs of the
14 Department of Defense.

15 “(e) TUITION.—The President of the National Defense
16 University shall charge students enrolled under this section a
17 rate—

18 “(1) that is at least the rate charged for employees of
19 the United States outside the Department of Defense, less
20 infrastructure costs, and

21 “(2) that considers the value to the school and course
22 of the private sector student.

23 “(f) STANDARDS OF CONDUCT.—While receiving instruc-
24 tion at the National Defense University, students enrolled
25 under this section, to the extent practicable, are subject to the
26 same regulations governing academic performance, attendance,
27 norms of behavior, and enrollment as apply to Government ci-
28 vilian employees receiving instruction at the university.

29 “(g) USE OF FUNDS.—Amounts received by the National
30 Defense University for instruction of students enrolled under
31 this section shall be retained by the university to defray the
32 costs of such instruction. The source, and the disposition, of
33 such funds shall be specifically identified in records of the uni-
34 versity.”.

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

“2167. National Defense University: admission of private sector civilians to professional military education program.”.

1 (b) EFFECTIVE DATE.—Section 2167 of title 10, United
2 States Code, as added by subsection (a), shall take effect on
3 January 1, 2002.

4 **SEC. 529. CONTINUATION OF RESERVE COMPONENT**
5 **PROFESSIONAL MILITARY EDUCATION TEST.**

6 (a) CONTINUATION OF CONCEPT VALIDATION TEST.—
7 During fiscal year 2002, the Secretary of Defense shall con-
8 tinue the concept validation test of Reserve component joint
9 professional military education that was begun in fiscal year
10 2001 at the National Defense University.

11 (b) PILOT PROGRAM.—If the Secretary of Defense deter-
12 mines that the results of the concept validation test referred to
13 in subsection (a) warrant conducting a pilot program of the
14 concept that was the subject of the test, the Secretary shall
15 conduct such a pilot program during fiscal year 2003.

16 (c) FUNDING.—The Secretary shall provide funds for the
17 concept validation test under subsection (a) and for any pilot
18 program under subsection (b) from funds appropriated to the
19 Secretary of Defense in addition those appropriated for oper-
20 ations of the National Defense University.

21 **Subtitle D—Military Education and**
22 **Training**

23 **SEC. 531. DEFENSE LANGUAGE INSTITUTE FOREIGN**
24 **LANGUAGE CENTER.**

25 (a) AUTHORITY TO CONFER ASSOCIATE OF ARTS DE-
26 GREE.—Chapter 108 of title 10, United States Code, is amend-
27 ed by adding after section 2167, as added by section 528(a)(1),
28 the following new section:

29 **“§ 2168. Defense Language Institute Foreign Lan-**
30 **guage Center: degree of Associate of Arts**
31 **in foreign language**

32 “(a) Subject to subsection (b), the Commandant of the
33 Defense Language Institute may confer an Associate of Arts
34 degree in a foreign language upon any graduate of the Foreign

1 Language Center of the Institute who fulfills the requirements
2 for that degree.

3 “(b) A degree may be conferred upon a student under this
4 section only if the Provost of the Center certifies to the Com-
5 mandant that the student has satisfied all the requirements
6 prescribed for the degree.

7 “(c) The authority provided by subsection (a) shall be ex-
8 ercised under regulations prescribed by the Secretary of De-
9 fense.”.

10 (b) CLERICAL AMENDMENT.—The table of sections at the
11 beginning of such chapter is amended by adding after the item
12 relating to section 2167, as added by section 528(a)(2), the fol-
13 lowing new item:

“2168. Defense Language Institute Foreign Language Center: degree of As-
sociate of Arts in foreign language.”.

14 **SEC. 532. AUTHORITY FOR THE MARINE CORPS UNIVER-**
15 **SITY TO AWARD DEGREE OF MASTER OF**
16 **STRATEGIC STUDIES.**

17 (a) MARINE CORPS WAR COLLEGE DEGREE.—Section
18 7102 of title 10, United States Code, is amended—

19 (1) by redesignating subsection (b) as subsection (c);
20 and

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

23 “(b) MARINE CORPS WAR COLLEGE.—Upon the rec-
24 ommendation of the Director and faculty of the Marine Corps
25 War College of the Marine Corps University, the President of
26 the Marine Corps University may confer the degree of master
27 of strategic studies upon graduates of the Marine Corps War
28 College who fulfill the requirements for that degree.”.

29 (b) CONFORMING AMENDMENTS.—(1) Subsection (a) of
30 such section is amended by striking “upon graduates” and all
31 that follows and inserting “upon graduates of the Command
32 and Staff College who fulfill the requirements for that degree.”.

33 (2) Subsection (c) of such section, as redesignated by sub-
34 section (a)(1), is amended by striking “subsection (a)” and in-
35 serting “subsections (a) and (b)”.

1 (3)(A) The heading of such section is amended to read as
2 follows:

3 **“§ 7102. Marine Corps University: masters degrees;
4 board of advisors”.**

5 (B) The item relating to such section in the table of sec-
6 tions at the beginning of chapter 609 of such title is amended
7 to read as follows:

“7102. Marine Corps University: masters degrees; board of advisors.”.

8 (c) CODIFICATION OF REQUIREMENT FOR BOARD OF AD-
9 VISORS.—(1) Section 7102 of title 10, United States Code, as
10 amended by subsections (a) and (b), is further amended by
11 adding at the end the following new subsection:

12 “(d) BOARD OF ADVISORS.—The Secretary of the Navy
13 shall establish a board of advisors for the Marine Corps Univer-
14 sity. The Secretary shall ensure that the board is established
15 so as to meet all requirements of the appropriate regional ac-
16 crediting association.”.

17 (2) Section 912 of the National Defense Authorization Act
18 for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 7102
19 note) is repealed.

20 (d) EFFECTIVE DATE.—The authority to confer the de-
21 gree of master of strategic studies under section 7102(b) of
22 title 10, United States Code (as added by subsection (a)) may
23 not be exercised until the Secretary of Education determines,
24 and certifies to the President of the Marine Corps University,
25 that the requirements established by the Marine Corps War
26 College of the Marine Corps University for that degree are in
27 accordance with generally applicable requirements for a degree
28 of master of arts. Upon receipt of such a certification, the
29 President of the University shall promptly transmit a copy of
30 the certification to the Committee on Armed Services of the
31 Senate and Committee on Armed Services of the House of Rep-
32 resentatives.

33 **SEC. 533. FOREIGN STUDENTS ATTENDING THE SERV-
34 ICE ACADEMIES.**

35 (a) UNITED STATES MILITARY ACADEMY.—(1) Subsection
36 (a)(1) of section 4344 of title 10, United States Code, is

1 amended by striking “not more than 40 persons” and inserting
2 “not more than 60 persons”.

3 (2) Subsection (b) of such section is amended—

4 (A) in paragraph (2), by striking “unless a written
5 waiver of reimbursement is granted by the Secretary of De-
6 fense” in the first sentence; and

7 (B) by striking paragraph (3) and inserting the fol-
8 lowing:

9 “(3) The Secretary of Defense may waive, in whole or in
10 part, the requirement for reimbursement of the cost of instruc-
11 tion for a cadet under paragraph (2). In the case of a partial
12 waiver, the Secretary shall establish the amount waived.”.

13 (3) The amendments made by paragraph (2) shall not
14 apply with respect to any person who entered the United States
15 Military Academy to receive instruction under section 4344 of
16 title 10, United States Code, before the date of the enactment
17 of this Act.

18 (b) UNITED STATES NAVAL ACADEMY.—(1) Subsection
19 (a)(1) of section 6957 of such title is amended by striking “not
20 more than 40 persons” and inserting “not more than 60 per-
21 sons”.

22 (2) Subsection (b) of such section is amended—

23 (A) in paragraph (2), by striking “unless a written
24 waiver of reimbursement is granted by the Secretary of De-
25 fense” in the first sentence; and

26 (B) by striking paragraph (3) and inserting the fol-
27 lowing:

28 “(3) The Secretary of Defense may waive, in whole or in
29 part, the requirement for reimbursement of the cost of instruc-
30 tion for a midshipman under paragraph (2). In the case of a
31 partial waiver, the Secretary shall establish the amount
32 waived.”.

33 (3) The amendments made by paragraph (2) shall not
34 apply with respect to any person who entered the United States
35 Naval Academy to receive instruction under section 6957 of
36 title 10, United States Code, before the date of the enactment
37 of this Act.

1 (c) UNITED STATES AIR FORCE ACADEMY.—(1) Sub-
2 section (a)(1) of section 9344 of such title is amended by strik-
3 ing “not more than 40 persons” and inserting “not more than
4 60 persons”.

5 (2) Subsection (b) of such section is amended—

6 (A) in paragraph (2), by striking “unless a written
7 waiver of reimbursement is granted by the Secretary of De-
8 fense” in the first sentence; and

9 (B) by striking paragraph (3) and inserting the fol-
10 lowing:

11 “(3) The Secretary of Defense may waive, in whole or in
12 part, the requirement for reimbursement of the cost of instruc-
13 tion for a cadet under paragraph (2). In the case of a partial
14 waiver, the Secretary shall establish the amount waived.”.

15 (3) The amendments made by paragraph (2) shall not
16 apply with respect to any person who entered the United States
17 Air Force Academy to receive instruction under section 9344
18 of title 10, United States Code, before the date of the enact-
19 ment of this Act.

20 (d) EFFECTIVE DATE.—The amendments made by this
21 section shall not apply with respect to any academic year that
22 began before the date of the enactment of this Act.

23 **SEC. 534. INCREASE IN MAXIMUM AGE FOR APPOINT-**
24 **MENT AS A CADET OR MIDSHIPMAN IN SEN-**
25 **IOR RESERVE OFFICERS’ TRAINING CORPS**
26 **SCHOLARSHIP PROGRAMS.**

27 (a) GENERAL ROTC SCHOLARSHIP PROGRAM.—Section
28 2107(a) of title 10, United States Code, is amended—

29 (1) by striking “27 years of age on June 30” and in-
30 serting “31 years of age on December 31”; and

31 (2) by striking “, except that” and all that follows
32 through “on such date” the second place it appears.

33 (b) ARMY RESERVE AND ARMY NATIONAL GUARD ROTC
34 SCHOLARSHIP PROGRAM.—Section 2107a(a)(1) of such title is
35 amended—

36 (1) by striking “27 years of age on June 30” and in-
37 serting “31 years of age on December 31”; and

1 (2) by striking “, except that” and all that follows
2 through “on such date” the second place it appears.

3 **SEC. 535. PARTICIPATION OF REGULAR ENLISTED MEM-**
4 **BERS OF THE ARMED FORCES IN SENIOR RE-**
5 **SERVE OFFICERS’ TRAINING CORPS PRO-**
6 **GRAM.**

7 (a) ELIGIBILITY.—Section 2104(b)(3) of title 10, United
8 States Code, is amended by striking “a reserve component of”.

9 (b) PAY RATE WHILE ON FIELD TRAINING OR PRACTICE
10 CRUISE.—Section 209(c) of title 37, United States Code, is
11 amended by inserting before the period at the end the fol-
12 lowing: “, except that the rate for a cadet or midshipmen who
13 is a member of the regular component of an armed force shall
14 be the rate of basic pay applicable to the member under section
15 203 of this title”.

16 **SEC. 536. AUTHORITY TO MODIFY THE SERVICE OBLIGA-**
17 **TION OF CERTAIN ROTC CADETS IN MILI-**
18 **TARY JUNIOR COLLEGES RECEIVING FINAN-**
19 **CIAL ASSISTANCE.**

20 (a) AUTHORITY TO MODIFY AGREEMENTS.—Subsection
21 (b) of section 2107a of title 10, United States Code, is
22 amended—

23 (1) by inserting “(1)” after “(b)”;

24 (2) by redesignating paragraphs (1), (2), (3), (4), (5),
25 and (6) as subparagraphs (A), (B), (C), (D), (E), and (F),
26 respectively;

27 (3) by designating the sentence following subpara-
28 graph (F), as so redesignated, as paragraph (2); and

29 (4) by adding at the end the following new paragraph:

30 “(3) In the case of a cadet under this section at a military
31 junior college, the Secretary may, at any time and with the
32 consent of the cadet concerned, modify an agreement described
33 in paragraph (1)(F) submitted by the cadet to reduce or elimi-
34 nate the troop program unit service obligation specified in the
35 agreement and to establish, in lieu of that obligation, an active
36 duty service obligation. Such a modification may be made only
37 if the Secretary determines that it is in the best interests of
38 the United States to do so.”.

1 (b) RETROACTIVE APPLICATION.—The authority of the
2 Secretary of Defense under paragraph (3) of section 2107a(b)
3 of title 10, United States Code, as added by subsection (a),
4 may be exercised with regard to any agreement described in
5 paragraph (1)(F) of such section (including agreements related
6 to participation in the Advanced Course of the Army Reserve
7 Officers’ Training Corps at a military college or civilian institu-
8 tion) that was entered into during the period beginning on Jan-
9 uary 1, 1991, and ending on July 12, 2000 (in addition to any
10 agreement described in that paragraph that is entered into on
11 or after the date of the enactment of this Act).

12 (c) TECHNICAL AMENDMENT.—Subsection (h) of such sec-
13 tion is amended by striking “military college” in the second
14 sentence and inserting “military junior college”.

15 **SEC. 537. REPEAL OF LIMITATION ON NUMBER OF JUN-**
16 **IOR RESERVE OFFICERS’ TRAINING CORPS**
17 **UNITS.**

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

20 **SEC. 538. MODIFICATION OF NURSE OFFICER CAN-**
21 **DIDATE ACCESSION PROGRAM RESTRICTION**
22 **ON STUDENTS ATTENDING EDUCATIONAL**
23 **INSTITUTIONS WITH SENIOR RESERVE OFFI-**
24 **CERS’ TRAINING PROGRAMS.**

25 Section 2130a of title 10, United States Code, is
26 amended—

27 (1) in subsection (a)(2), by striking “that does not
28 have a Senior Reserve Officers’ Training Program estab-
29 lished under section 2102 of this title”; and

30 (2) in subsection (b)(1), by inserting before the semi-
31 colon at the end “or that has a Senior Reserve Officers’
32 Training Program for which the student is ineligible”.

33 **SEC. 539. RESERVE HEALTH PROFESSIONALS STIPEND**
34 **PROGRAM EXPANSION.**

35 (a) PURPOSE OF PROGRAM.—Subsection (a) of section
36 16201 of title 10, United States Code, is amended—

37 (1) by striking “specialties critically needed in war-
38 time”;

1 (2) by striking “training in such specialties” and in-
2 serting “training that leads to a degree in medicine or den-
3 tistry or training in a health professions specialty that is
4 critically needed in wartime”; and

5 (3) by striking “training in certain health care special-
6 ties” and inserting “health care education and training”.

7 (b) MEDICAL AND DENTAL STUDENT STIPEND.—Such
8 section is further amended—

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

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

13 “(b) MEDICAL AND DENTAL SCHOOL STUDENTS.—(1)
14 Under the stipend program under this chapter, the Secretary
15 of the military department concerned may enter into an agree-
16 ment with a person who—

17 “(A) is eligible to be appointed as an officer in a re-
18 serve component;

19 “(B) is enrolled or has been accepted for enrollment
20 in an institution in a course of study that results in a de-
21 gree in medicine or dentistry;

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

24 “(i) complete the educational phase of the pro-
25 gram;

26 “(ii) accept a reappointment or redesignation with-
27 in the person’s reserve component, if tendered, based
28 upon the person’s health profession, following satisfac-
29 tory completion of the educational and intern pro-
30 grams; and

31 “(iii) participate in a residency program; and

32 “(D) if required by regulations prescribed by the Sec-
33 retary of Defense, agrees to apply for, if eligible, and ac-
34 cept, if offered, residency training in a health profession
35 skill which has been designated by the Secretary of Defense
36 as a critically needed wartime skill.

37 “(2) Under the agreement—

1 “(A) the Secretary of the military department con-
2 cerned shall agree to pay the participant a stipend, in the
3 amount determined under subsection (f), for the period or
4 the remainder of the period that the student is satisfac-
5 torily progressing toward a degree in medicine or dentistry
6 while enrolled in an accredited medical or dental school;

7 “(B) the participant shall not be eligible to receive
8 such stipend before appointment, designation, or assign-
9 ment as an officer for service in the Ready Reserve;

10 “(C) the participant shall be subject to such active
11 duty requirements as may be specified in the agreement
12 and to active duty in time of war or national emergency as
13 provided by law for members of the Ready Reserve; and

14 “(D) the participant shall agree to serve in the Se-
15 lected Reserve, upon successful completion of the program,
16 for the period of service applicable under paragraph (3).

17 “(3)(A) Subject to subparagraph (B), the period for which
18 a participant is required to serve in the Selected Reserve under
19 the agreement pursuant to paragraph (2)(D) shall be one year
20 for each period of six months, or part thereof, for which the
21 participant is provided a stipend pursuant to the agreement.

22 “(B) In the case of a participant who enters into a subse-
23 quent agreement under subsection (c) and successfully com-
24 pletes residency training in a specialty designated by the Sec-
25 retary of Defense as a specialty critically needed by the military
26 department in wartime, the requirement to serve in the Se-
27 lected Reserve may be reduced to one year for each year, or
28 part thereof, for which the stipend was provided while enrolled
29 in medical or dental school.”.

30 (c) WARTIME CRITICAL SKILLS.—Subsection (c) of such
31 section (as redesignated by subsection (b)(1)) is amended—

32 (1) by inserting “WARTIME” after “CRITICAL” in the
33 heading; and

34 (2) by inserting “or has been appointed as a medical
35 or dental officer in the Reserve of the armed force con-
36 cerned” in paragraph (1)(B) before the semicolon at the
37 end.

1 (d) SERVICE OBLIGATION REQUIREMENT.—Paragraph
2 (2)(D) of subsection (c) of such section (as redesignated by
3 subsection (b)(1)) and paragraph (2)(D) of subsection (d) of
4 such section (as so redesignated) are amended by striking “two
5 years in the Ready Reserve for each year,” and inserting “one
6 year in the Ready Reserve for each six months.”

7 (e) CROSS-REFERENCE.—Paragraph (2)(A) of subsection
8 (c) of such section (as redesignated by subsection (b)(1)) and
9 paragraph (2)(A) of subsection (d) of such section (as so redesi-
10 gnated) are amended by striking “subsection (e)” and insert-
11 ing “subsection (f)”.

12 **SEC. 540. HOUSING ALLOWANCE FOR THE CHAPLAIN**
13 **FOR THE CORPS OF CADETS AT THE UNITED**
14 **STATES MILITARY ACADEMY.**

15 (a) AUTHORITY.—The second sentence of section 4337 of
16 title 10, United States Code, is amended by striking “the same
17 allowances” and all that follows through “captain” and insert-
18 ing “a monthly housing allowance in the same amount as the
19 basic allowance for housing allowed to a lieutenant colonel”.

20 (b) EFFECTIVE DATE.—The amendment made by sub-
21 section (a) shall take effect on the first day of the first month
22 beginning on or after the date of the enactment of this Act.

23 **Subtitle E—Recruiting and Accession**
24 **Programs**

25 **SEC. 541. 18-MONTH ENLISTMENT PILOT PROGRAM.**

26 (a) IN GENERAL.—(1) Chapter 333 of title 10, United
27 States Code, is amended by adding at the end the following
28 new section:

29 **“§ 3264. 18-month enlistment pilot program**

30 “(a) During the pilot program period, the Secretary of the
31 Army shall carry out a pilot program with the objective of in-
32 creasing participation of prior service persons in the Selected
33 Reserve and providing assistance in building the pool of partici-
34 pants in the Individual Ready Reserve.

35 “(b) Under the program, the Secretary may, notwith-
36 standing section 505(e) of this title, accept persons for original
37 enlistment in the Army for a term of enlistment consisting of

1 18 months service on active duty, to be followed by three years
2 of service in the Selected Reserve and then service in the Indi-
3 vidual Ready Reserve to complete the military service obliga-
4 tion.

5 “(c) Under regulations and conditions established by the
6 Secretary of the Army, a member enlisting under this section
7 may, at the end of the 18-month period of service on active
8 duty under that enlistment, be permitted to reenlist for contin-
9 ued service on active duty in lieu of the service in the Selected
10 Reserve and the Individual Ready Reserve otherwise required
11 under the terms of the member’s enlistment.

12 “(d) No more than 10,000 persons may be accepted for
13 enlistment in the Army through the program under this sec-
14 tion.

15 “(e) A person enlisting in the Army through the program
16 under this section is eligible for an enlistment bonus under sec-
17 tion 309 of title 37, notwithstanding the enlistment time period
18 specified in subsection (a) of that section.

19 “(f) For purposes of this section, the pilot program period
20 is the period beginning on the date selected by the Secretary
21 of the Army for the commencement of the pilot program, which
22 date shall be not later than October 1, 2003, and ending on
23 December 31, 2007.

24 “(g) Not later than December 31, 2007, and December
25 31, 2012, the Secretary of the Army shall submit to the Com-
26 mittee on Armed Services of the Senate and the Committee on
27 Armed Services of the House of Representatives a report on the
28 program under this section. In each such report, the Secretary
29 shall set forth the views of the Secretary on the success of the
30 program in meeting the objectives stated in subsection (a) and
31 whether the program should be continued and, if so, whether
32 it should be modified or expanded.”.

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

“3264. 18-month enlistment pilot program.”.

1 (b) IMPLEMENTATION REPORT.—The Secretary of the
2 Army shall submit to the Committee on Armed Services of the
3 Senate and the Committee on Armed Services of the House of
4 Representatives a report on the Secretary’s plan for implemen-
5 tation of section 3264 of title 10, United States Code, as added
6 by subsection (a). Such report shall be submitted not later than
7 March 1, 2002.

8 **SEC. 542. IMPROVED BENEFITS UNDER THE ARMY COL-**
9 **LEGE FIRST PROGRAM.**

10 (a) INCREASED MAXIMUM PERIOD OF DELAYED
11 ENTRY.—Section 573 of the National Defense Authorization
12 Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 623;
13 10 U.S.C. 513 note) is amended—

14 (1) in subsection (b)—

15 (A) by striking the matter preceding paragraph

16 (1) and inserting the following:

17 “(b) DELAYED ENTRY WITH ALLOWANCE FOR HIGHER
18 EDUCATION.—Under the pilot program, the Secretary may—

19 “(1) exercise the authority under section 513 of title
20 10, United States Code—”;

21 (B) by redesignating paragraphs (1) and (2) as
22 subparagraphs (A) and (B), respectively, and realigning
23 those subparagraphs four ems from the left margin;

24 (C) at the end of subparagraph (A), as so redesign-
25 ated, by inserting “and” after the semicolon; and

26 (D) in subparagraph (B), as so redesignated, by
27 striking “two years after the date of such enlistment as
28 a Reserve under paragraph (1)” and inserting “the
29 maximum period of delay determined for that person
30 under subsection (c)”;

31 (2) in subsection (c)—

32 (A) by striking “paragraph (2)” and inserting
33 “paragraph (1)(B)”;

34 (B) by striking “two-year period” and inserting
35 “30-month period”; and

36 (C) by striking “paragraph (1)” and inserting
37 “paragraph (1)(A)”.

1 (b) ALLOWANCE ELIGIBILITY AND AMOUNT.—(1) Such
2 section is further amended—

3 (A) in subsection (b), by striking paragraph (3) and
4 inserting the following:

5 “(2) subject to paragraph (2) of subsection (d) and ex-
6 cept as provided in paragraph (3) of that subsection, pay
7 an allowance to a person accepted for enlistment under
8 paragraph (1)(A) for each month of the period during
9 which that person is enrolled in and pursuing a program
10 described in paragraph (1)(B)”;

11 (B) in subsection (d)—

12 (i) by redesignating paragraph (2) as paragraph
13 (4);

14 (ii) by striking paragraph (1) and inserting the
15 following new paragraphs:

16 “(1) The monthly allowance paid under subsection (b)(2)
17 shall be equal to the amount of the subsistence allowance pro-
18 vided for certain members of the Senior Reserve Officers’
19 Training Corps with the corresponding number of years of par-
20 ticipation under section 209(a) of title 37, United States Code.

21 “(2) An allowance may not be paid to a person under this
22 section for more than 24 months.

23 “(3) A member of the Selected Reserve of a reserve com-
24 ponent may be paid an allowance under this section only for
25 months during which the member performs satisfactorily as a
26 member of a unit of the reserve component that trains as pre-
27 scribed in section 10147(a)(1) of title 10, United States Code,
28 or section 502(a) of title 32, United States Code. Satisfactory
29 performance shall be determined under regulations prescribed
30 by the Secretary.”.

31 (2) The heading for such subsection is amended by strik-
32 ing “AMOUNT OF”.

33 (c) INELIGIBILITY FOR LOAN REPAYMENTS;
34 RECOUPMENT.—Such section is further amended—

35 (1) by redesignating subsections (e), (f), and (g) as
36 subsections (g), (h), and (i), respectively; and

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

3 “(e) INELIGIBILITY FOR LOAN REPAYMENTS.—A person
4 who has received an allowance under this section is not eligible
5 for any benefits under chapter 109 of title 10, United States
6 Code.

7 “(f) RECOUPMENT OF ALLOWANCE.—(1) A person who,
8 after receiving an allowance under this section, fails to com-
9 plete the total period of service required of that person in con-
10 nection with delayed entry authorized for the person under sec-
11 tion 513 of title 10, United States Code, shall repay the United
12 States the amount which bears the same ratio to the total
13 amount of that allowance paid to the person as the unserved
14 part of the total required period of service bears to the total
15 period.

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

19 “(3) A discharge of a person in bankruptcy under title 11,
20 United States Code, that is entered less than five years after
21 the date on which the person was, or was to be, enlisted in the
22 regular Army pursuant to the delayed entry authority under
23 section 513 of title 10, United States Code, does not discharge
24 that person from a debt arising under paragraph (1).

25 “(4) The Secretary of the Army may waive, in whole or
26 in part, a debt arising under paragraph (1) in any case for
27 which the Secretary determines that recovery would be against
28 equity and good conscience or would be contrary to the best in-
29 terests of the United States.”.

30 (d) EFFECTIVE DATE.—The amendments made by this
31 section shall apply with respect to persons who, on or after the
32 date of the enactment of this Act, are enlisted as described in
33 subsection (a) of section 513 of title 10, United States Code,
34 with delayed entry authorized under that section.

1 **SEC. 543. CORRECTION AND EXTENSION OF CERTAIN**
2 **ARMY RECRUITING PILOT PROGRAM AU-**
3 **THORITIES.**

4 (a) CONTRACT RECRUITING INITIATIVES.—Subsection
5 (d)(2) of section 561 of the Floyd D. Spence National Defense
6 Authorization Act for Fiscal Year 2001 (as enacted into law by
7 Public Law 106–398; 114 Stat. 1654A–130) is amended—

8 (1) in subparagraphs (A) and (D), by inserting “and
9 Army Reserve” after “Regular Army”; and

10 (2) in subparagraph (B), by striking “and chain of
11 command”.

12 (b) EXTENSION OF AUTHORITY.—Subsection (e) of such
13 section is amended by striking “December 31, 2005” and in-
14 serting “September 30, 2007”.

15 (c) EXTENSION OF TIME FOR REPORTS.—Subsection (g)
16 of such section is amended by striking “February 1, 2006” and
17 inserting “February 1, 2008”.

18 **SEC. 544. MILITARY RECRUITER ACCESS TO SECONDARY**
19 **SCHOOL STUDENTS.**

20 (a) ACCESS TO SECONDARY SCHOOLS.—Paragraph (1) of
21 section 503(c) of title 10, United States Code, is amended to
22 read as follows:

23 “(e) ACCESS TO SECONDARY SCHOOLS.—(1)(A) Each
24 local educational agency receiving assistance under the Elemen-
25 tary and Secondary Education Act of 1965—

26 “(i) shall provide to military recruiters the same ac-
27 cess to secondary school students as is provided generally
28 to postsecondary educational institutions or to prospective
29 employers of those students; and

30 “(ii) shall, upon a request made by military recruiters
31 for military recruiting purposes, provide access to sec-
32 ondary school student names, addresses, and telephone list-
33 ings, notwithstanding section 444(a)(5)(B) of the General
34 Education Provisions Act (20 U.S.C. 1232g(a)(5)(B)).

35 “(B) A local educational agency may not release a stu-
36 dent’s name, address, and telephone listing under subparagraph
37 (A)(ii) without the prior written consent of a parent of the stu-

1 dent if the student, or a parent of the student, has submitted
2 a request to the local educational agency that the student’s in-
3 formation not be released for a purpose covered by that sub-
4 paragraph without prior written parental consent. Each local
5 education agency shall notify parents of the rights provided
6 under the preceding sentence.”.

7 (b) EFFECTIVE DATE.—The amendment made by sub-
8 sections (a) shall take effect on July 1, 2002, immediately after
9 the amendment to section 503(c) of title 10, United States
10 Code, made, effective that date, by section 563(a) of the Floyd
11 D. Spence National Defense Authorization Act for Fiscal Year
12 2001 (as enacted into law by Public Law 106–398; 114 Stat.
13 1654A–131).

14 (c) NOTIFICATION.—The Secretary of Education shall pro-
15 vide to local educational agencies notice of the provisions of
16 subsection (c) of section 503 of title 10, United States Code,
17 as in effect upon the amendments made by subsection (a).
18 Such notice shall be provided not later than 120 days after the
19 date of the enactment of this Act and shall be provided in con-
20 sultation with the Secretary of Defense.

21 **SEC. 545. PERMANENT AUTHORITY FOR USE OF MILI-**
22 **TARY RECRUITING FUNDS FOR CERTAIN EX-**
23 **PENSES AT DEPARTMENT OF DEFENSE RE-**
24 **CRUITING FUNCTIONS.**

25 (a) REPEAL OF TERMINATION PROVISION.—Section 520c
26 of title 10, United States Code, is amended by striking sub-
27 section (c).

28 (b) TECHNICAL AMENDMENTS.—Subsection (a) of such
29 section is amended—

30 (1) in paragraph (4), by striking “recruiting events”
31 and inserting “recruiting functions”; and

32 (2) in paragraph (5), by striking “recruiting efforts”
33 the first place it appears and inserting “recruiting func-
34 tions”.

1 **SEC. 546. REPORT ON HEALTH AND DISABILITY BENE-**
2 **FITS FOR PRE-ACCESSION TRAINING AND**
3 **EDUCATION PROGRAMS.**

4 (a) STUDY.—The Secretary of Defense shall conduct a re-
5 view of the health and disability benefit programs available to
6 recruits and officer candidates engaged in training, education,
7 or other types of programs while not yet on active duty and
8 to cadets and midshipmen attending the service academies. The
9 review shall be conducted with the participation of the Secre-
10 taries of the military departments.

11 (b) REPORT.—Not later than March 1, 2002, the Sec-
12 retary shall submit to the Committee on Armed Services of the
13 Senate and the Committee on Armed Services of the House of
14 Representatives a report on the findings of the review. The re-
15 port shall include the following with respect to persons de-
16 scribed in subsection (a):

17 (1) A statement of the process and detailed procedures
18 followed by each of the Armed Forces under the jurisdic-
19 tion of the Secretary of a military department to provide
20 health care and disability benefits to all such persons in-
21 jured in training, education, or other types of programs
22 conducted by the Secretary of a military department.

23 (2) Information on the total number of cases of such
24 persons requiring health care and disability benefits and
25 the total number of cases and average value of health care
26 and disability benefits provided under the authority for
27 each source of benefits available to those persons.

28 (3) A discussion of the issues regarding health and
29 disability benefits for such persons that are encountered by
30 the Secretary during the review, to include discussions with
31 individuals who have received those benefits.

32 (4) A statement of the processes and detailed proce-
33 dures followed by each of the Armed Forces under the ju-
34 risdiction of the Secretary of a military department to pro-
35 vide recruits and officer candidates with succinct informa-
36 tion on the eligibility requirements (including information
37 on when they become eligible) for health care benefits

1 under the Defense health care program, and the nature and
2 availability of the benefits under the program.

3 (5) A discussion of the necessity for legislative changes
4 and specific legislative proposals needed to improve the
5 benefits provided those persons.

6 (6) An analysis of health and disability benefits under
7 laws administered by the Department of Veterans Affairs
8 and the Department of Labor for which those persons be-
9 come eligible upon being injured in training or education
10 and a discussion of how those benefits compare to the bene-
11 fits those persons would received if retired for physical dis-
12 ability by the Department of Defense.

13 **Subtitle F—Decorations, Awards, and** 14 **Posthumous Commissions**

15 **SEC. 551. AUTHORITY FOR AWARD OF THE MEDAL OF** 16 **HONOR TO HUMBERT R. VERSACE, JON E.** 17 **SWANSON, AND BEN L. SALOMON FOR** 18 **VALOR.**

19 (a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the
20 time limitations specified in section 3744 of title 10, United
21 States Code, or any other time limitation with respect to the
22 awarding of certain medals to persons who served in the mili-
23 tary service, the President may award the Medal of Honor
24 under section 3741 of that title to any of the persons named
25 in subsections (b), (c), and (d) for the acts of valor referred
26 to in those respective subsections.

27 (b) HUMBERT R. VERSACE.—Subsection (a) applies with
28 respect to Humbert R. Versace, for conspicuous acts of gal-
29 lantry and intrepidity at the risk of his life and beyond the call
30 of duty between October 29, 1963, and September 26, 1965,
31 while interned as a prisoner of war by the Vietnamese Com-
32 munist National Liberation Front (Viet Cong) in the Republic
33 of Vietnam.

34 (c) JON E. SWANSON.—Subsection (a) applies with respect
35 to Jon E. Swanson, for conspicuous acts of gallantry and intre-
36 pidity at the risk of his life and beyond the call of duty on Feb-
37 ruary 26, 1971, while piloting a Scout helicopter on a close-

1 support reconnaissance mission in support of the Army of the
2 Republic of Vietnam Task Force 333 in the Kingdom of Cam-
3 bodia.

4 (d) BEN L. SALOMON.—Subsection (a) applies with re-
5 spect to Ben L. Salomon, for conspicuous acts of gallantry and
6 intrepidity at the risk of his life and beyond the call of duty
7 on July 7, 1944, while defending the soldiers under his care
8 as the Surgeon, 2d Battalion, 105th Infantry Regiment, 27th
9 Infantry Division against an overwhelming enemy force at
10 Saipan, Marianas Islands.

11 **SEC. 552. REVIEW REGARDING AWARD OF MEDAL OF**
12 **HONOR TO CERTAIN JEWISH AMERICAN AND**
13 **HISPANIC AMERICAN WAR VETERANS.**

14 (a) REVIEW REQUIRED.—The Secretary of each military
15 department shall review the service records of each Jewish
16 American war veteran or Hispanic American war veteran de-
17 scribed in subsection (b) to determine whether that veteran
18 should be awarded the Medal of Honor.

19 (b) COVERED JEWISH AMERICAN WAR VETERANS AND
20 HISPANIC AMERICAN WAR VETERANS.—The Jewish American
21 war veterans and Hispanic American war veterans whose serv-
22 ice records are to be reviewed under subsection (a) are the fol-
23 lowing:

24 (1) Any Jewish American war veteran or Hispanic
25 American war veteran who was awarded the Distinguished
26 Service Cross, the Navy Cross, or the Air Force Cross be-
27 fore the date of the enactment of this Act.

28 (2) Any other Jewish American war veteran or His-
29 panic American war veteran whose name is submitted to
30 the Secretary concerned for such purpose before the end of
31 the one-year period beginning on the date of the enactment
32 of this Act.

33 (c) CONSULTATIONS.—In carrying out the review under
34 subsection (a), the Secretary of each military department shall
35 consult with the Jewish War Veterans of the United States of
36 America and with such other veterans service organizations as
37 the Secretary considers appropriate.

1 (d) RECOMMENDATION BASED ON REVIEW.—If the Sec-
2 retary concerned determines, based upon the review under sub-
3 section (a) of the service records of any Jewish American war
4 veteran or Hispanic American war veteran, that the award of
5 the Medal of Honor to that veteran is warranted, the Secretary
6 shall submit to the President a recommendation that the Presi-
7 dent award the Medal of Honor to that veteran.

8 (e) AUTHORITY TO AWARD MEDAL OF HONOR.—A Medal
9 of Honor may be awarded to a Jewish American war veteran
10 or Hispanic American war veteran in accordance with a rec-
11 ommendation of the Secretary concerned under subsection (d).

12 (f) WAIVER OF TIME LIMITATIONS.—An award of the
13 Medal of Honor may be made under subsection (e) without re-
14 gard to—

15 (1) section 3744, 6248, or 8744 of title 10, United
16 States Code, as applicable; and

17 (2) any regulation or other administrative restriction
18 on—

19 (A) the time for awarding the Medal of Honor; or

20 (B) the awarding of the Medal of Honor for serv-
21 ice for which a Distinguished Service Cross, Navy
22 Cross, or Air Force Cross has been awarded.

23 (g) DEFINITION.—For purposes of this section, the term
24 “Jewish American war veteran” means any person who served
25 in the Armed Forces during World War II or a later period of
26 war and who identified himself or herself as Jewish on his or
27 her military personnel records.

28 **SEC. 553. AUTHORITY TO ISSUE DUPLICATE MEDALS OF**
29 **HONOR AND TO REPLACE STOLEN MILITARY**
30 **DECORATIONS.**

31 (a) ARMY.—(1)(A) Chapter 357 of title 10, United States
32 Code, is amended by adding at the end the following new sec-
33 tion:

34 **“§ 3754. Medal of honor: duplicate medal**

35 “A person awarded a medal of honor shall, upon written
36 application of that person, be issued, without charge, one dupli-
37 cate medal of honor with ribbons and appurtenances. Such du-

1 duplicate medal of honor shall be marked, in such manner as the
2 Secretary of the Army may determine, as a duplicate or for dis-
3 play purposes only.”.

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

“3754. Medal of honor: duplicate medal.”.

6 (2) Section 3747 of such title is amended by striking
7 “lost” and inserting “stolen, lost,”.

8 (b) NAVY AND MARINE CORPS.—(1)(A) Chapter 567 of
9 title 10, United States Code, is amended by adding at the end
10 the following new section:

11 **“§ 6256. Medal of honor: duplicate medal**

12 “A person awarded a medal of honor shall, upon written
13 application of that person, be issued, without charge, one dupli-
14 cate medal of honor with ribbons and appurtenances. Such du-
15 plicate medal of honor shall be marked, in such manner as the
16 Secretary of the Navy may determine, as a duplicate or for dis-
17 play purposes only.”.

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

“6256. Medal of honor: duplicate medal.”.

20 (2) Section 6253 of such title is amended by striking
21 “lost” and inserting “stolen, lost,”.

22 (c) AIR FORCE.—(1)(A) Chapter 857 of title 10, United
23 States Code, is amended by adding at the end the following
24 new section:

25 **“§ 8754. Medal of honor: duplicate medal**

26 “A person awarded a medal of honor shall, upon written
27 application of that person, be issued, without charge, one dupli-
28 cate medal of honor with ribbons and appurtenances. Such du-
29 plicate medal of honor shall be marked, in such manner as the
30 Secretary of the Air Force may determine, as a duplicate or
31 for display purposes only.”.

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

“8754. Medal of honor: duplicate medal.”.

1 (2) Section 8747 of such title is amended by striking
2 “lost” and inserting “stolen, lost,”.

3 (d) COAST GUARD.—(1)(A) Chapter 13 of title 14, United
4 States Code, is amended by inserting after section 503 the fol-
5 lowing new section:

6 **“§ 504. Medal of honor: duplicate medal**

7 “A person awarded a medal of honor shall, upon written
8 application of that person, be issued, without charge, one dupli-
9 cate medal of honor with ribbons and appurtenances. Such du-
10 plicate medal of honor shall be marked, in such manner as the
11 Secretary may determine, as a duplicate or for display purposes
12 only.”.

13 (B) The table of sections at the beginning of such chapter
14 is amended by inserting after the item relating to section 503
15 the following new item:

“504. Medal of honor: duplicate medal.”.

16 (2) Section 501 of such title is amended by inserting “sto-
17 len,” before “lost,”.

18 (e) DEFINITION OF MEDAL OF HONOR FOR PURPOSES OF
19 FEDERAL UNAUTHORIZED-USE CRIME.—Section 704(b)(2)(B)
20 of title 18, United States Code, is amended to read as follows:

21 “(B) As used in this subsection, ‘Congressional Medal
22 of Honor’ means—

23 “(i) a medal of honor awarded under section 3741,
24 6241, or 8741 of title 10 or section 491 of title 14;

25 “(ii) a duplicate medal of honor issued under sec-
26 tion 3754, 6256, or 8754 of title 10 or section 504 of
27 title 14; or

28 “(iii) a replacement of a medal of honor provided
29 under section 3747, 6253, or 8747 of title 10 or sec-
30 tion 501 of title 14.”.

31 **SEC. 554. RETROACTIVE MEDAL OF HONOR SPECIAL**
32 **PENSION.**

33 (a) ENTITLEMENT.—Notwithstanding any other provision
34 of law, Robert R. Ingram of Jacksonville, Florida, who was
35 awarded the Medal of Honor pursuant to Public Law 105–103
36 (111 Stat. 2218), shall be entitled to the special pension pro-

1 vided for under section 1562 of title 38, United States Code
2 (and antecedent provisions of law), for months that begin after
3 March 1966.

4 (b) AMOUNT.—The amount of special pension payable
5 under subsection (a) for a month beginning before the date of
6 the enactment of this Act shall be the amount of special pen-
7 sion provided for by law for that month for persons entered
8 and recorded in the Army, Navy, Air Force, and Coast Guard
9 Medal of Honor Roll (or antecedent Medal of Honor Roll re-
10 quired by law).

11 **SEC. 555. WAIVER OF TIME LIMITATIONS FOR AWARD OF**
12 **CERTAIN DECORATIONS TO CERTAIN PER-**
13 **SONS.**

14 (a) WAIVER.—Any limitation established by law or policy
15 for the time within which a recommendation for the award of
16 a military decoration or award must be submitted shall not
17 apply to awards of decorations described in this section, the
18 award of each such decoration having been determined by the
19 Secretary concerned to be warranted in accordance with section
20 1130 of title 10, United States Code.

21 (b) SILVER STAR.—Subsection (a) applies to the award of
22 the Silver Star to Wayne T. Alderson, of Glassport, Pennsyl-
23 vania, for gallantry in action from March 15 to March 18,
24 1945, while serving as a member of the Army.

25 (c) DISTINGUISHED FLYING CROSS.—Subsection (a) ap-
26 plies to the award of the Distinguished Flying Cross for service
27 during World War II (including multiple awards to the same
28 individual) in the case of each individual concerning whom the
29 Secretary of the Navy (or an officer of the Navy acting on be-
30 half of the Secretary) submitted to the Committee on Armed
31 Services of the House of Representatives and the Committee on
32 Armed Services of the Senate, during the period beginning on
33 October 30, 2000, and ending on the day before the date of
34 the enactment of this Act, a notice as provided in section
35 1130(b) of title 10, United States Code, that the award of the
36 Distinguished Flying Cross to that individual is warranted and

1 that a waiver of time restrictions prescribed by law for rec-
2 ommendation for such award is recommended.

3 **SEC. 556. SENSE OF CONGRESS ON ISSUANCE OF CER-**
4 **TAIN MEDALS.**

5 It is the sense of Congress that the Secretary of Defense
6 should consider authorizing—

7 (1) the issuance of a campaign medal, to be known as
8 the Korea Defense Service Medal, to each person who while
9 a member of the Armed Forces served in the Republic of
10 Korea, or the waters adjacent thereto, during the period
11 beginning on July 28, 1954, and ending on such date
12 thereafter as the Secretary considers appropriate;

13 (2) the issuance of a campaign medal, to be known as
14 the Cold War Service Medal, to each person who while a
15 member of the Armed Forces served satisfactorily on active
16 duty during the Cold War; and

17 (3) the award of the Vietnam Service Medal to any
18 member or former member of the Armed Forces who was
19 awarded the Armed Forces Expeditionary Medal for par-
20 ticipation in military operations designated as Operation
21 Frequent Wind arising from the evacuation of Vietnam on
22 April 29 and 30, 1975.

23 **SEC. 557. SENSE OF CONGRESS ON DEVELOPMENT OF A**
24 **MORE COMPREHENSIVE, UNIFORM POLICY**
25 **FOR THE AWARD OF DECORATIONS TO MILI-**
26 **TARY AND CIVILIAN PERSONNEL OF THE DE-**
27 **PARTMENT OF DEFENSE.**

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

29 (1) The role and importance of civilian nationals of
30 the United States as Federal employees and contractors in
31 support of operations of the Armed Forces worldwide has
32 continued to expand.

33 (2) The expanded role performed by those civilians,
34 both in the United States and overseas, has greatly in-
35 creased the risk to those civilians of injury and death from
36 hostile actions taken against United States Armed Forces,
37 as demonstrated by the terrorist attack on the Pentagon on
38 September 11, 2001, in which scores of Department of De-

1 fense civilian and contractor personnel were killed or
2 wounded.

3 (3) On September 20, 2001, the Deputy Secretary of
4 Defense approved the creation of a new award, a medal for
5 the defense of freedom, to be awarded to civilians employed
6 by the Department of Defense who are killed or wounded
7 as a result of hostile action and at the same time directed
8 that a comprehensive review be conducted to develop a
9 more uniform approach to the award of decorations to mili-
10 tary and civilian personnel of the Department of Defense.

11 (b) COMMENDATION OF CREATION OF NEW AWARD.—
12 Congress commends the decision announced by the Deputy Sec-
13 retary of Defense on September 20, 2001, to approve the cre-
14 ation of a new award, a medal for the defense of freedom, to
15 be awarded to civilians employed by the Department of Defense
16 who are killed or wounded as a result of hostile action.

17 (c) SENSE OF CONGRESS.—It is the sense of Congress
18 that the Secretary of Defense should act expeditiously to de-
19 velop a more comprehensive, uniform policy for the award of
20 decorations to military and civilian personnel of the Depart-
21 ment of Defense.

22 **SEC. 558. POSTHUMOUS ARMY COMMISSION IN THE**
23 **GRADE OF CAPTAIN IN THE CHAPLAINS**
24 **CORPS TO ELLA E. GIBSON FOR SERVICE AS**
25 **CHAPLAIN OF THE FIRST WISCONSIN HEAVY**
26 **ARTILLERY REGIMENT DURING THE CIVIL**
27 **WAR.**

28 The President is authorized and requested to post-
29 humously appoint Ella E. Gibson to the grade of captain in the
30 Chaplains Corps of the Army, the commission to issue as of the
31 date of her appointment as chaplain to the First Wisconsin
32 Heavy Artillery regiment during the Civil War and to be con-
33 sidered to have been in effect during the time during which she
34 faithfully performed the services of a chaplain to that regiment
35 and for which Congress by law (Private Resolution 31 of the
36 40th Congress, approved March 3, 1869) previously provided
37 for her to be paid the full pay and emoluments of a chaplain

1 in the United States Army as if she had been regularly com-
2 missioned and mustered into service.

3 **Subtitle G—Funeral Honors Duty**

4 **SEC. 561. PARTICIPATION OF MILITARY RETIREES IN** 5 **FUNERAL HONORS DETAILS.**

6 (a) **AUTHORITY.**—Subsection (b)(2) of section 1491 of
7 title 10, United States Code, is amended—

8 (1) in the first sentence, by inserting “(other than
9 members in a retired status)” after “members of the armed
10 forces”; and

11 (2) in the second sentence, by inserting “(including
12 members in a retired status),” after “members of the
13 armed forces”.

14 (b) **FUNERAL HONORS DUTY ALLOWANCE.**—Section
15 435(a) of title 37, United States Code, is amended—

16 (1) by inserting “(1)” after “(a) **ALLOWANCE AU-**
17 **THORIZED.**—”; and

18 (2) by adding at the end the following new paragraph:
19 “(2) The Secretary concerned may also authorize payment
20 of that allowance to a member of the armed forces in a retired
21 status for any day on which the member serves in a funeral
22 honors detail under section 1491 of title 10, if the time re-
23 quired for service in such detail (including time for prepara-
24 tion) is not less than two hours. The amount of an allowance
25 paid to a member under this paragraph shall be in addition to
26 any other compensation to which the member may be entitled
27 under this title or title 10 or 38.”.

28 **SEC. 562. FUNERAL HONORS DUTY PERFORMED BY RE-** 29 **SERVE AND GUARD MEMBERS TO BE TREAT-** 30 **ED AS INACTIVE-DUTY TRAINING FOR CER-** 31 **TAIN PURPOSES.**

32 (a) **RESERVE MEMBERS.**—Section 12503(a) of title 10,
33 United States Code, is amended by adding at the end the fol-
34 lowing new sentence: “Performance of funeral honors duty by
35 a Reserve not on active duty shall be treated as inactive-duty
36 training (including with respect to travel to and from such

1 duty) for purposes of any provision of law other than sections
2 206 and 435 of title 37.”.

3 (b) NATIONAL GUARD MEMBERS.—Section 115(a) of title
4 32, United States Code, is amended by adding at the end the
5 following new sentence: “Performance of funeral honors duty
6 by such a member not on active duty or full-time National
7 Guard duty shall be treated as inactive-duty training (including
8 with respect to travel to and from such duty) for purposes of
9 any provision of law other than sections 206 and 435 of title
10 37.”.

11 (c) EFFECTIVE DATE.—The amendments made by this
12 section shall apply to funeral honors duty performed on or after
13 October 30, 2000.

14 **SEC. 563. USE OF MILITARY LEAVE FOR FUNERAL HON-**
15 **ORS DUTY BY RESERVE MEMBERS AND NA-**
16 **TIONAL GUARDSMEN.**

17 Section 6323(a)(1) of title 5, United States Code, is
18 amended by inserting “funeral honors duty (as described in
19 section 12503 of title 10 and section 115 of title 32),” after
20 “(as defined in section 101 of title 37),”.

21 **SEC. 564. AUTHORITY TO PROVIDE APPROPRIATE ARTI-**
22 **CLES OF CLOTHING AS A CIVILIAN UNIFORM**
23 **FOR CIVILIANS PARTICIPATING IN FUNERAL**
24 **HONOR DETAILS.**

25 Section 1491(d) of title 10, United States Code, is amend-
26 ed by adding at the end the following new paragraph:

27 “(3) Articles of clothing for members of a veterans or-
28 ganization or other organization referred to in subsection
29 (b)(2) that, as determined by the Secretary concerned, are
30 appropriate as a civilian uniform for persons participating
31 in a funeral honors detail.”.

32 **Subtitle H—Military Spouses and**
33 **Family Members**

34 **SEC. 571. IMPROVED FINANCIAL AND OTHER ASSIST-**
35 **ANCE TO MILITARY SPOUSES FOR JOB**
36 **TRAINING AND EDUCATION.**

37 (a) EXAMINATION OF EXISTING EMPLOYMENT ASSIST-
38 ANCE PROGRAMS.—(1) The Secretary of Defense shall examine

1 existing Department of Defense and other Federal, State, and
2 nongovernmental programs with the objective of improving re-
3 tention of military personnel by increasing the employability of
4 military spouses and assisting those spouses in gaining access
5 to financial and other assistance for job training and education.

6 (2) In conducting the examination, the Secretary shall give
7 priority to facilitating and increasing access of military spouses
8 to existing Department of Defense, Federal, State, and non-
9 governmental sources for the types of financial assistance set
10 forth in paragraph (3), but shall also specifically assess wheth-
11 er the Department of Defense should begin a program for di-
12 rect financial assistance to military spouses for some or all of
13 those types of assistance and whether such a program of direct
14 financial assistance would enhance retention.

15 (3) In conducting the examination pursuant to paragraph
16 (1), the Secretary should focus on financial assistance for mili-
17 tary spouses for one or more of the following purposes:

18 (A) Career-related education.

19 (B) Certification and license fees for employment-re-
20 lated purposes.

21 (C) Apprenticeships and internships.

22 (D) Technical training.

23 (E) Training to improve job skills.

24 (F) Career counseling.

25 (G) Skills assessment.

26 (H) Job-search skills.

27 (I) Job-related transportation.

28 (J) Child care.

29 (K) Any additional employment-related purpose speci-
30 fied by the Secretary for the purposes of the examination
31 under paragraph (1).

32 (4) Not later than March 30, 2002, the Secretary of De-
33 fense shall submit to the Committee on Armed Services of the
34 Senate and the Committee on Armed Services of the House of
35 Representatives a report on the results of the examination
36 under paragraph (1).

1 (b) REVIEW OF DEPARTMENT OF DEFENSE POLICIES.—

2 (1) The Secretary of Defense shall review Department of De-
3 fense policies that affect employment and education opportuni-
4 ties for military spouses in the Department of Defense in order
5 to further expand those opportunities. The review shall include
6 the consideration of providing, to the extent authorized by law,
7 separate spouse preferences for employment by appropriated
8 and nonappropriated fund operations.

9 (2) Not later than March 30, 2002, the Secretary of De-
10 fense shall submit to the Committee on Armed Services of the
11 Senate and the Committee on Armed Services of the House of
12 Representatives a report on the results of the review under
13 paragraph (1).

14 (c) SPOUSE EMPLOYMENT ASSISTANCE.—Section 1784 of
15 title 10, United States Code, is amended by adding at the end
16 the following new subsections:

17 “(d) SPACE-AVAILABLE USE OF FACILITIES FOR SPOUSE
18 TRAINING PURPOSES.—Under regulations prescribed by the
19 Secretary of Defense, the Secretary of a military department
20 may make available to a non-Department of Defense entity
21 space in non-excess facilities controlled by that Secretary for
22 the purpose of the non-Department of Defense entity providing
23 employment-related training for military spouses.

24 “(e) EMPLOYMENT BY OTHER FEDERAL AGENCIES.—The
25 Secretary of Defense shall work with the Director of the Office
26 of Personnel Management and the heads of other Federal de-
27 partments and agencies to expand and facilitate the use of ex-
28 isting Federal programs and resources in support of military
29 spouse employment.

30 “(f) PRIVATE-SECTOR EMPLOYMENT.—The Secretary of
31 Defense—

32 “(1) shall seek to develop partnerships with firms in
33 the private sector to enhance employment opportunities for
34 spouses of members of the armed forces and to provide for
35 improved job portability for such spouses, especially in the
36 case of the spouse of a member of the armed forces accom-

1 panying the member to a new geographical area because of
2 a change of permanent duty station of the member; and

3 “(2) shall work with the United States Chamber of
4 Commerce and other appropriate private-sector entities to
5 facilitate the formation of such partnerships.

6 “(g) EMPLOYMENT WITH DOD CONTRACTORS.—The Sec-
7 retary of Defense shall examine and seek ways for incor-
8 porating hiring preferences for qualified spouses of members of
9 the armed forces into contracts between the Department of De-
10 fense and private-sector entities.”.

11 **SEC. 572. PERSONS AUTHORIZED TO BE INCLUDED IN**
12 **SURVEYS OF MILITARY FAMILIES REGARD-**
13 **ING FEDERAL PROGRAMS.**

14 (a) EXTENSION OF SURVEY AUTHORITY.—Subsection (a)
15 of section 1782 of title 10, United States Code, is amended to
16 read as follows:

17 “(a) AUTHORITY.—The Secretary of Defense, in order to
18 determine the effectiveness of Federal programs relating to
19 military families and the need for new programs, may conduct
20 surveys of—

21 “(1) members of the armed forces who are on active
22 duty, in an active status, or retired;

23 “(2) family members of such members; and

24 “(3) survivors of deceased retired members and of
25 members who died while on active duty.”.

26 (b) FEDERAL RECORDKEEPING REQUIREMENTS.—Sub-
27 section (c) of such section is amended to read as follows:

28 “(c) FEDERAL RECORDKEEPING REQUIREMENTS.—With
29 respect to a survey authorized under subsection (a) that in-
30 cludes a person referred to in that subsection who is not an
31 employee of the United States or is not otherwise considered
32 an employee of the United States for the purposes of section
33 3502(3)(A)(i) of title 44, the person shall be considered as
34 being an employee of the United States for the purposes of that
35 section.”.

1 **SEC. 573. CLARIFICATION OF TREATMENT OF CLASSI-**
2 **FIED INFORMATION CONCERNING PERSONS**
3 **IN A MISSING STATUS.**

4 Section 1506(b)(2) of title 10, United States Code, is
5 amended—

6 (1) by inserting “(A)” after “(2)”;

7 (2) by striking the period at the end and inserting “of
8 all missing persons from the conflict or period of war to
9 which the classified information pertains.”; and

10 (3) by adding at the end the following new subpara-
11 graph:

12 “(B) For purposes of subparagraph (A), information shall
13 be considered to be made reasonably accessible if placed in a
14 separate and distinct file that is available for review by persons
15 specified in subparagraph (A) upon the request of any such
16 person either to review the separate file or to review the per-
17 sonnel file of the missing person concerned.”.

18 **SEC. 574. TRANSPORTATION TO ANNUAL MEETING OF**
19 **NEXT-OF-KIN OF PERSONS UNACCOUNTED**
20 **FOR FROM CONFLICTS AFTER WORLD WAR**
21 **II.**

22 (a) **AUTHORITY FOR DEPARTMENT OF DEFENSE TO PRO-**
23 **VIDE TRANSPORTATION.**—Chapter 157 of title 10, United
24 States Code, is amended by adding at the end the following
25 new section:

26 **“§ 2647. Next-of-kin of persons unaccounted for**
27 **from conflicts after World War II: trans-**
28 **portation to annual meetings**

29 “The Secretary of Defense may provide transportation for
30 the next-of-kin of persons who are unaccounted for from the
31 Korean conflict, the Cold War, Vietnam War era, or the Per-
32 sian Gulf War to and from an annual meeting in the United
33 States. Such transportation shall be provided under such regu-
34 lations as the Secretary of Defense may prescribe.”.

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

“2647. Next-of-kin of persons unaccounted for from conflicts after World War II: transportation to annual meetings.”.

1 **SEC. 575. AMENDMENTS TO CHARTER OF DEFENSE**
 2 **TASK FORCE ON DOMESTIC VIOLENCE.**

3 (a) MEMBERS APPOINTED FROM PRIVATE SECTOR.—Sub-
 4 section (h)(1) of section 591 of the National Defense Author-
 5 ization Act for Fiscal Year 2000 (Public Law 106–65; 113
 6 Stat. 639; 10 U.S.C. 1562 note) is amended—

7 (1) by inserting “who is a member of the Armed
 8 Forces or civilian officer or employee of the United States”
 9 after “Each member of the task force”;

10 (2) by striking “, but shall” and all that follows and
 11 inserting a period; and

12 (3) by adding at the end the following new sentence:
 13 “Other members of the task force shall be appointed in ac-
 14 cordance with, and subject to, section 3161 of title 5,
 15 United States Code.”.

16 (b) EXTENSION OF TERMINATION DATE.—Subsection (j)
 17 of such section is amended by striking “three years after the
 18 date of the enactment of this Act” and inserting “on April 24,
 19 2003”.

20 **Subtitle I—Military Justice and Legal**
 21 **Assistance Matters**

22 **SEC. 581. BLOOD ALCOHOL CONTENT LIMIT FOR THE**
 23 **OFFENSE UNDER THE UNIFORM CODE OF**
 24 **MILITARY JUSTICE OF DRUNKEN OPER-**
 25 **ATION OF A VEHICLE, AIRCRAFT, OR VESSEL.**

26 Section 911 of title 10, United States Code (article 111
 27 of the Uniform Code of Military Justice), is amended—

28 (1) by inserting “(a)” before “ Any person”;

29 (2) by striking “0.10 grams” the first place it appears
 30 and all that follows through “chemical analysis” and insert-
 31 ing “in excess of the applicable limit under subsection (b)”;
 32 and

33 (3) by adding at the end the following:

34 “(b)(1) For purposes of subsection (a), the applicable limit
 35 on the alcohol concentration in a person’s blood or breath is
 36 as follows:

1 “(A) In the case of the operation or control of a vehi-
2 cle, aircraft, or vessel in the United States, such limit is
3 the blood alcohol content limit under the law of the State
4 in which the conduct occurred, except as may be provided
5 under paragraph (2) for conduct on a military installation
6 that is in more than one State and subject to the maximum
7 blood alcohol content limit specified in paragraph (3).

8 “(B) In the case of the operation or control of a vehi-
9 cle, aircraft, or vessel outside the United States, the appli-
10 cable blood alcohol content limit is the maximum blood al-
11 cohol content limit specified in paragraph (3) or such lower
12 limit as the Secretary of Defense may by regulation pre-
13 scribe.

14 “(2) In the case of a military installation that is in more
15 than one State, if those States have different blood alcohol con-
16 tent limits under their respective State laws, the Secretary may
17 select one such blood alcohol content limit to apply uniformly
18 on that installation.

19 “(3) For purposes of paragraph (1), the maximum blood
20 alcohol content limit with respect to alcohol concentration in a
21 person’s blood is 0.10 grams of alcohol per 100 milliliters of
22 blood and with respect to alcohol concentration in a person’s
23 breath is 0.10 grams of alcohol per 210 liters of breath, as
24 shown by chemical analysis.

25 “(4) In this subsection:

26 “(A) The term ‘blood alcohol content limit’ means the
27 maximum permissible alcohol concentration in a person’s
28 blood or breath for purposes of operation or control of a
29 vehicle, aircraft, or vessel.

30 “(B) The term ‘United States’ includes the District of
31 Columbia, the Commonwealth of Puerto Rico, the Virgin
32 Islands, Guam, and American Samoa and the term ‘State’
33 includes each of those jurisdictions.”.

1 **SEC. 582. REQUIREMENT THAT COURTS-MARTIAL CON-**
2 **SIST OF NOT LESS THAN 12 MEMBERS IN**
3 **CAPITAL CASES.**

4 (a) CLASSIFICATION OF GENERAL COURT-MARTIAL IN
5 CAPITAL CASES.—Section 816(1)(A) of title 10, United States
6 Code (article 16(1)(A) of the Uniform Code of Military Justice)
7 is amended by inserting after “five members” the following:
8 “or, in a case in which the accused may be sentenced to a pen-
9 alty of death, the number of members determined under section
10 825a of this title (article 25a)”.

11 (b) NUMBER OF MEMBERS REQUIRED.—(1) Chapter 47 of
12 title 10, United States Code (the Uniform Code of Military
13 Justice), is amended by inserting after section 825 (article 25)
14 the following new section:

15 **“§ 825a. Art. 25a. Number of members in capital**
16 **cases**

17 “In a case in which the accused may be sentenced to a
18 penalty of death, the number of members shall be not less than
19 12, unless 12 members are not reasonably available because of
20 physical conditions or military exigencies, in which case the
21 convening authority shall specify a lesser number of members
22 not less than five, and the court may be assembled and the
23 trial held with not less than the number of members so speci-
24 fied. In such a case, the convening authority shall make a de-
25 tailed written statement, to be appended to the record, stating
26 why a greater number of members were not reasonably avail-
27 able.”.

28 (2) The table of sections at the beginning of subchapter
29 V of such chapter is amended by inserting after the item relat-
30 ing to section 825 (article 25) the following new item:

“825a. 25a. Number of members in capital cases.”.

31 (c) ABSENT AND ADDITIONAL MEMBERS.—Section 829(b)
32 of such title (article 29 of the Uniform Code of Military Jus-
33 tice) is amended—

34 (1) by inserting “(1)” after “(b)”;

1 (2) by striking “five members” both places it appears
2 and inserting “the applicable minimum number of mem-
3 bers”; and

4 (3) by adding at the end the following new paragraph:
5 “(2) In this section, the term ‘applicable minimum number
6 of members’ means five members or, in a case in which the
7 death penalty may be adjudged, the number of members deter-
8 mined under section 825a of this title (article 25a).”.

9 (d) EFFECTIVE DATE.—The amendments made by this
10 section shall apply with respect to offenses committed after De-
11 cember 31, 2002.

12 **SEC. 583. ACCEPTANCE OF VOLUNTARY LEGAL ASSIST-**
13 **ANCE FOR THE CIVIL AFFAIRS OF MEMBERS**
14 **AND FORMER MEMBERS OF THE UNI-**
15 **FORMED SERVICES AND THEIR DEPEND-**
16 **ENTS.**

17 (a) AUTHORITY.—Subsection (a) of section 1588 of title
18 10, United States Code, is amended by adding at the end the
19 following new paragraph:

20 “(5) Legal services voluntarily provided as legal assist-
21 ance under section 1044 of this title.”.

22 (b) DEFENSE OF LEGAL MALPRACTICE.—Subsection
23 (d)(1) of that section is amended by adding at the end the fol-
24 lowing new subparagraph:

25 “(E) Section 1054 of this title (relating to legal mal-
26 practice), for a person voluntarily providing legal services
27 accepted under subsection (a)(5), as if the person were pro-
28 viding the services as an attorney of a legal staff within the
29 Department of Defense.”.

30 **Subtitle J—Other Matters**

31 **SEC. 591. CONGRESSIONAL REVIEW PERIOD FOR**
32 **CHANGE IN GROUND COMBAT EXCLUSION**
33 **POLICY.**

34 Section 542(b) of the National Defense Authorization Act
35 for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 113
36 note) is amended—

37 (1) in paragraph (1)—

38 (A) by striking “not less than 90 days”; and

1 (B) by adding at the end the following new sen-
2 tence: “Such a change may then be implemented only
3 after the end of a period of 30 days of continuous ses-
4 sion of Congress (excluding any day on which either
5 House of Congress is not in session) following the date
6 on which the report is received.”; and

7 (2) by adding at the end the following new paragraph:
8 “(5) For purposes of this subsection, the continuity of a
9 session of Congress is broken only by an adjournment of the
10 Congress sine die.”.

11 **SEC. 592. PER DIEM ALLOWANCE FOR LENGTHY OR NU-**
12 **MEROUS DEPLOYMENTS.**

13 (a) FUNDING SOURCE FOR ALLOWANCE.—Section 436(a)
14 of title 37, United States Code, is amended by adding at the
15 end the following new sentence: “The Secretary shall pay the
16 allowance from appropriations available for operation and
17 maintenance for the armed force in which the member serves.”.

18 (b) EXPANDED REPORT REGARDING MANAGEMENT OF
19 INDIVIDUAL MEMBER DEPLOYMENTS.—Section 574(d) of the
20 Floyd D. Spence National Defense Authorization Act for Fiscal
21 Year 2001 (as enacted into law by Public Law 106–398; 114
22 Stat. 1654A–138) is amended in the second sentence by strik-
23 ing paragraphs (1) and (2) and inserting the following new
24 paragraphs:

25 “(1) a discussion of the experience in tracking and re-
26 cording the deployments of members of the Armed Forces
27 and the payment of the per diem allowance for lengthy or
28 numerous deployments in accordance with section 436 of
29 title 37, United States Code;

30 “(2) specific comments regarding the effect of section
31 991 of title 10, United States Code, and section 436 of title
32 37, United States Code, on the readiness of the Navy and
33 Marine Corps given the deployment intensive mission of
34 these services; and

35 “(3) any recommendations for revision of section 991
36 of title 10, United States Code, or section 436 of title 37,

1 United States Code, that the Secretary considers appro-
2 priate.”.

3 **SEC. 593. CLARIFICATION OF DISABILITY SEVERANCE**
4 **PAY COMPUTATION.**

5 (a) CLARIFICATION.—Section 1212(a)(2) of title 10,
6 United States Code, is amended by striking “for promotion” in
7 subparagraph (C) and the first place it appears in subpara-
8 graph (D).

9 (b) EFFECTIVE DATE.—The amendments made by sub-
10 section (a) shall apply with respect to members separated
11 under section 1203 or 1206 of title 10, United States Code, on
12 or after date of the enactment of this Act.

13 **SEC. 594. TRANSPORTATION OR STORAGE OF PRI-**
14 **VATELY OWNED VEHICLES ON CHANGE OF**
15 **PERMANENT STATION.**

16 (a) ADVANCE PAYMENT OF STORAGE COSTS.—Subsection
17 (b) of section 2634 of title 10, United States Code, is amended
18 by adding at the end the following new paragraph:

19 “(4) Storage costs payable under this subsection may be
20 paid in advance.”.

21 (b) SHIPMENT ON PERMANENT CHANGE OF STATION
22 WITHIN CONUS.—Subsection (h)(1) of such section is amend-
23 ed by striking “includes” in the second sentence and all that
24 follows and inserting “includes the following:

25 “(A) An authorized change in home port of a ves-
26 sel.

27 “(B) A transfer or assignment between two per-
28 manent stations in the continental United States
29 when—

30 “(i) the member cannot, because of injury or
31 the conditions of the order, drive the motor vehicle
32 between the permanent duty stations; or

33 “(ii) the Secretary concerned determines that
34 it is advantageous and cost-effective to the United
35 States for one motor vehicle of the member to be
36 transported between the permanent duty stations.”.

1 (c) EFFECTIVE DATE.—The amendments made by this
2 section apply to orders to make a change of permanent station
3 that are issued on or after the date of the enactment of this
4 Act.

5 **SEC. 595. REPEAL OF REQUIREMENT FOR FINAL COMP-**
6 **TROLLER GENERAL REPORT RELATING TO**
7 **ARMY END STRENGTH ALLOCATIONS.**

8 Section 552 of the National Defense Authorization Act for
9 Fiscal Year 1996 (Public Law 104–106; 110 Stat. 319; 10
10 U.S.C. 115 note) is repealed.

11 **SEC. 596. CONTINUED DEPARTMENT OF DEFENSE AD-**
12 **MINISTRATION OF NATIONAL GUARD CHAL-**
13 **LENGE PROGRAM AND DEPARTMENT OF DE-**
14 **FENSE STARBASE PROGRAM.**

15 (a) NATIONAL GUARD CHALLENGE PROGRAM.—Section
16 509(b) of title 32, United States Code, is amended—

17 (1) in paragraph (2)(A), by striking “in a fiscal year”
18 and inserting “in fiscal year 2001 or 2002”; and

19 (2) by adding at the end the following new paragraph:
20 “(4) The Secretary of Defense shall remain the executive
21 agent to carry out the National Guard Challenge Program re-
22 gardless of the source of funds for the program or any transfer
23 of jurisdiction over the program within the executive branch. As
24 provided in subsection (a), the Secretary may use the National
25 Guard to conduct the program.”.

26 (b) STARBASE PROGRAM.—Section 2193b(f) of title 10,
27 United States Code, is amended—

28 (1) by inserting “(1)” before “The Secretary”; and

29 (2) by adding at the end the following new paragraph:
30 “(2) The Secretary of Defense shall remain the executive
31 agent to carry out the program regardless of the source of
32 funds for the program or any transfer of jurisdiction over the
33 program within the executive branch.”.

34 (c) REPEAL OF CONTINGENT FUNDING FOR JROTC.—(1)
35 Section 2033 of title 10, United States Code, is repealed.

36 (2) The table of sections at the beginning of chapter 102
37 of such title is amended by striking the item relating to section
38 2033.

1 (3) The amendments made by this subsection shall take
2 effect on October 1, 2002.

3 **SEC. 597. REPORT ON DEFENSE SCIENCE BOARD REC-**
4 **COMMENDATION ON ORIGINAL APPOINT-**
5 **MENTS IN REGULAR GRADES FOR ACADEMY**
6 **GRADUATES AND CERTAIN OTHER NEW OF-**
7 **FICERS.**

8 The Secretary of Defense shall submit to the Committee
9 on Armed Services of the Senate and the Committee on Armed
10 Services of the House of Representatives a report on the legis-
11 lative and policy changes required to implement the rec-
12 ommendation of the Defense Science Board (made in its report
13 entitled “Final Report on Human Resources Strategy” and
14 dated February 28, 2000) that all officers be given initial reg-
15 ular commissions. The Secretary shall include in that report a
16 description of the measures necessary to transition the current
17 active-duty officer corps to an all-regular status, if the Board’s
18 recommendation were adopted, and shall provide the Sec-
19 retary’s position with regard to implementing that rec-
20 ommendation. The report shall be submitted not later than six
21 months after the date of the enactment of this Act.

22 **SEC. 598. SENSE OF CONGRESS REGARDING THE SELEC-**
23 **TION OF OFFICERS FOR RECOMMENDATION**
24 **FOR APPOINTMENT AS COMMANDER,**
25 **UNITED STATES TRANSPORTATION COM-**
26 **MAND.**

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

28 (1) The Goldwater-Nichols Department of Defense Re-
29 organization Act of 1986 (Public Law 99–433) envisioned
30 that officers would be selected for recommendation to the
31 President for appointment as the commander of a combat-
32 ant command under chapter 6 of title 10, United States
33 Code (as added by that Act), on the basis of being the best
34 qualified officer for that position, rather than the best
35 qualified officer of the armed force that had historically
36 supplied officers to serve in that position.

37 (2) In order to provide for greater competition among
38 the Armed Forces for selection of officers for assignment

1 as the commanders of the combatant commands and as-
2 signment to certain other joint positions in the grade of
3 general or admiral, Congress provided temporary relief
4 from the limitation on the number of officers serving on ac-
5 tive duty in the grade of general or admiral in section 405
6 of the National Defense Authorization Act for Fiscal Year
7 1995 and thereafter extended that relief until September
8 30, 2003, but has also required that the Secretary of De-
9 fense be furnished the name of at least one officer from
10 each of the Armed Forces for consideration for appoint-
11 ment to each such position.

12 (3) Most of the positions of commanders of the com-
13 batant commands have been filled successively by officers
14 of more than one of the Armed Forces since the enactment
15 of the Goldwater-Nichols Department of Defense Reorga-
16 nization Act of 1986.

17 (4) However, general officers of the Air Force with
18 only limited experience in the transportation services have
19 usually filled the position of commander of the United
20 States Transportation Command.

21 (5) The United States Transportation Command could
22 benefit from the appointment of future commanders se-
23 lected from the Army, Navy and Marine Corps, in addition
24 to the Air Force.

25 (b) SENSE OF CONGRESS.—It is the sense of Congress
26 that the Secretary of Defense, when considering officers for
27 recommendation to the President for appointment as com-
28 mander of the United States Transportation Command, should
29 not rely upon officers of one service which has traditionally pro-
30 vided officers to fill that position but should select for such rec-
31 ommendation the best qualified officer of the Army, Navy, Air
32 Force, or Marine Corps.

1 **TITLE VI—COMPENSATION AND**
2 **OTHER PERSONNEL BENEFITS**

Subtitle A—Pay and Allowances

- Sec. 601. Increase in basic pay for fiscal year 2002.
- Sec. 602. Basic pay rate for certain reserve commissioned officers with prior service as an enlisted member or warrant officer.
- Sec. 603. Reserve component compensation for distributed learning activities performed as inactive-duty training.
- Sec. 604. Subsistence allowances.
- Sec. 605. Eligibility for temporary housing allowance while in travel or leave status between permanent duty stations.
- Sec. 606. Uniform allowance for officers.
- Sec. 607. Family separation allowance for members electing unaccompanied tour by reason of health limitations of dependents.

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
- Sec. 612. One-year extension of certain bonus and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.
- Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
- Sec. 614. One-year extension of other bonus and special pay authorities.
- Sec. 615. Hazardous duty pay for members of maritime visit, board, search, and seizure teams.
- Sec. 616. Eligibility for certain career continuation bonuses for early commitment to remain on active duty.
- Sec. 617. Secretarial discretion in prescribing submarine duty incentive pay rates.
- Sec. 618. Conforming accession bonus for dental officers authority with authorities for other special pay and bonuses.
- Sec. 619. Modification of eligibility requirements for Individual Ready Reserve bonus for reenlistment, enlistment, or extension of enlistment.
- Sec. 620. Installment payment authority for 15-year career status bonus.
- Sec. 621. Accession bonus for new officers in critical skills.
- Sec. 622. Education savings plan to encourage reenlistments and extensions of service in critical specialties.
- Sec. 623. Continuation of payment of special and incentive pay at unreduced rates during stop loss periods.
- Sec. 624. Retroactive authorization for imminent danger pay for service in connection with Operation Enduring Freedom.

Subtitle C—Travel and Transportation Allowances

- Sec. 631. Minimum per diem rate for travel and transportation allowance for travel performed upon a change of permanent station and certain other travel.
- Sec. 632. Eligibility for payment of subsistence expenses associated with occupancy of temporary lodging incident to reporting to first permanent duty station.
- Sec. 633. Reimbursement of members for mandatory pet quarantine fees for household pets.

- Sec. 634. Increased weight allowance for transportation of baggage and household effects for junior enlisted members.
- Sec. 635. Eligibility of additional members for dislocation allowance.
- Sec. 636. Partial dislocation allowance authorized for housing moves ordered for Government convenience.
- Sec. 637. Allowances for travel performed in connection with members taking authorized leave between consecutive overseas tours.
- Sec. 638. Travel and transportation allowances for family members to attend burial of a deceased member of the uniformed services.
- Sec. 639. Funded student travel for foreign study under an education program approved by a United States school.

Subtitle D—Retirement and Survivor Benefit Matters

- Sec. 641. Contingent authority for concurrent receipt of military retired pay and veterans' disability compensation and enhancement of special compensation authority.
- Sec. 642. Survivor Benefit Plan annuities for surviving spouses of members who die while on active duty and not eligible for retirement.

Subtitle E—Other Matters

- Sec. 651. Payment for unused leave in excess of 60 days accrued by members of reserve components on active duty for one year or less.
- Sec. 652. Additional authority to provide assistance for families of members of the Armed Forces.
- Sec. 653. Authorization of transitional compensation and commissary and exchange benefits for dependents of commissioned officers of the Public Health Service and the National Oceanic and Atmospheric Administration who are separated for dependent abuse.
- Sec. 654. Transfer of entitlement to educational assistance under Montgomery GI Bill by members of the Armed Forces with critical military skills.

Subtitle A—Pay and Allowances

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

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

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2002, the rates of monthly basic pay for members of the uniformed services within each pay grade are as follows:

COMMISSIONED OFFICERS¹

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 ...	7,180.20	7,415.40	7,571.10	7,614.90	7,809.30

COMMISSIONED OFFICERS¹—Continued

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-7 ...	5,966.40	6,371.70	6,371.70	6,418.20	6,657.90
O-6 ...	4,422.00	4,857.90	5,176.80	5,176.80	5,196.60
O-5 ...	3,537.00	4,152.60	4,440.30	4,494.30	4,673.10
O-4 ...	3,023.70	3,681.90	3,927.60	3,982.50	4,210.50
O-3 ³	2,796.60	3,170.40	3,421.80	3,698.70	3,875.70
O-2 ³	2,416.20	2,751.90	3,169.50	3,276.30	3,344.10
O-1 ³	2,097.60	2,183.10	2,638.50	2,638.50	2,638.50
	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 ...	8,135.10	8,210.70	8,519.70	8,608.50	8,874.30
O-7 ...	6,840.30	7,051.20	7,261.80	7,472.70	8,135.10
O-6 ...	5,418.90	5,448.60	5,448.60	5,628.60	6,305.70
O-5 ...	4,673.10	4,813.50	5,073.30	5,413.50	5,755.80
O-4 ...	4,395.90	4,696.20	4,930.20	5,092.50	5,255.70
O-3 ³	4,070.10	4,232.40	4,441.20	4,549.50	4,549.50
O-2 ³	3,344.10	3,344.10	3,344.10	3,344.10	3,344.10
O-1 ³	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50
	Over 18	Over 20	Over 22	Over 24	Over 26
O-10 ²	\$0.00	11,601.90	11,659.20	11,901.30	12,324.00
O-9 ...	0.00	10,147.50	10,293.60	10,504.80	10,873.80
O-8 ...	9,259.50	9,614.70	9,852.00	9,852.00	9,852.00
O-7 ...	8,694.90	8,694.90	8,694.90	8,694.90	8,738.70
O-6 ...	6,627.00	6,948.30	7,131.00	7,316.10	7,675.20
O-5 ...	5,919.00	6,079.80	6,262.80	6,262.80	6,262.80
O-4 ...	5,310.60	5,310.60	5,310.60	5,310.60	5,310.60
O-3 ³	4,549.50	4,549.50	4,549.50	4,549.50	4,549.50
O-2 ³	3,344.10	3,344.10	3,344.10	3,344.10	3,344.10
O-1 ³	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50

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

²Subject to the preceding footnote, while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, the rate of basic pay for this grade is \$13,598.10, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

³This table does not apply to commissioned officers in pay grade O-1, O-2, or O-3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

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

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

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-3E	\$0.00	\$0.00	\$0.00	3,698.70	3,875.70
O-2E	0.00	0.00	0.00	3,276.30	3,344.10
O-1E	0.00	0.00	0.00	2,638.50	2,818.20
	Over 8	Over 10	Over 12	Over 14	Over 16
O-3E	4,070.10	4,232.40	4,441.20	4,617.00	4,717.50
O-2E	3,450.30	3,630.00	3,768.90	3,872.40	3,872.40
O-1E	2,922.30	3,028.50	3,133.20	3,276.30	3,276.30

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

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

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
	Over 18	Over 20	Over 22	Over 24	Over 26
O-3E	4,855.20	4,855.20	4,855.20	4,855.20	4,855.20
O-2E	3,872.40	3,872.40	3,872.40	3,872.40	3,872.40
O-1E	3,276.30	3,276.30	3,276.30	3,276.30	3,276.30

WARRANT 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
W-5 ..	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W-4 ..	2,889.60	3,108.60	3,198.00	3,285.90	3,437.10
W-3 ..	2,638.80	2,862.00	2,862.00	2,898.90	3,017.40
W-2 ..	2,321.40	2,454.00	2,569.80	2,654.10	2,726.40
W-1 ..	2,049.90	2,217.60	2,330.10	2,402.70	2,511.90
	Over 8	Over 10	Over 12	Over 14	Over 16
W-5 ..	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W-4 ..	3,586.50	3,737.70	3,885.30	4,038.00	4,184.40
W-3 ..	3,152.40	3,330.90	3,439.50	3,558.30	3,693.90
W-2 ..	2,875.20	2,984.40	3,093.90	3,200.40	3,318.00
W-1 ..	2,624.70	2,737.80	2,850.00	2,963.70	3,077.10
	Over 18	Over 20	Over 22	Over 24	Over 26
W-5 ..	\$0.00	4,965.60	5,136.00	5,307.00	5,478.60
W-4 ..	4,334.40	4,480.80	4,632.60	4,782.00	4,935.30
W-3 ..	3,828.60	3,963.60	4,098.30	4,233.30	4,368.90
W-2 ..	3,438.90	3,559.80	3,680.10	3,801.30	3,801.30
W-1 ..	3,189.90	3,275.10	3,275.10	3,275.10	3,275.10

¹ Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for warrant officers may not exceed the rate of pay for level V of the Executive Schedule.

ENLISTED MEMBERS ¹

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

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-9 ²	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
E-8 ...	0.00	0.00	0.00	0.00	0.00
E-7 ...	1,986.90	2,169.00	2,251.50	2,332.50	2,417.40
E-6 ...	1,701.00	1,870.80	1,953.60	2,033.70	2,117.40
E-5 ...	1,561.50	1,665.30	1,745.70	1,828.50	1,912.80
E-4 ...	1,443.60	1,517.70	1,599.60	1,680.30	1,752.30
E-3 ...	1,303.50	1,385.40	1,468.50	1,468.50	1,468.50
E-2 ...	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30
E-1 ...	³ 1,105.50	1,105.50	1,105.50	1,105.50	1,105.50
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9 ²	\$0.00	\$3,423.90	3,501.30	3,599.40	3,714.60
E-8 ...	2,858.10	2,940.60	3,017.70	3,110.10	3,210.30
E-7 ...	2,562.90	2,645.10	2,726.40	2,808.00	2,892.60
E-6 ...	2,254.50	2,337.30	2,417.40	2,499.30	2,558.10
E-5 ...	2,030.10	2,110.20	2,193.30	2,193.30	2,193.30

ENLISTED MEMBERS¹—Continued

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-4 ...	1,752.30	1,752.30	1,752.30	1,752.30	1,752.30
E-3 ...	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50
E-2 ...	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30
E-1 ...	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50
	Over 18	Over 20	Over 22	Over 24	Over 26
E-9 ²	\$3,830.40	3,944.10	4,098.30	4,251.30	4,467.00
E-8 ...	3,314.70	3,420.30	3,573.00	3,724.80	3,937.80
E-7 ...	2,975.10	3,057.30	3,200.40	3,292.80	3,526.80
E-6 ...	2,602.80	2,602.80	2,602.80	2,602.80	2,602.80
E-5 ...	2,193.30	2,193.30	2,193.30	2,193.30	2,193.30
E-4 ...	1,752.30	1,752.30	1,752.30	1,752.30	1,752.30
E-3 ...	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50
E-2 ...	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30
E-1 ...	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50

¹Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

²Subject to the preceding footnote, while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, basic pay for this grade is \$5,382.90, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

³In the case of members in pay grade E-1 who have served less than 4 months on active duty, the rate of basic pay is \$1,022.70.

1 **SEC. 602. BASIC PAY RATE FOR CERTAIN RESERVE COM-**
 2 **MISSIONED OFFICERS WITH PRIOR SERVICE**
 3 **AS AN ENLISTED MEMBER OR WARRANT OF-**
 4 **FICER.**

5 (a) SERVICE CREDIT.—Section 203(d) of title 37, United
 6 States Code, is amended—

7 (1) by inserting “(1)” after “(d)”;

8 (2) by striking “active service as a warrant officer or
 9 as a warrant officer and an enlisted member” and inserting
 10 “service described in paragraph (2)”;

11 (3) by adding at the end the following new paragraph:
 12 “(2) Service to be taken into account for purposes of com-
 13 puting basic pay under paragraph (1) is as follows:

14 “(A) Active service as a warrant officer or as a war-
 15 rant officer and an enlisted member, in the case of—

16 “(i) a commissioned officer on active duty who is
 17 paid from funds appropriated for active-duty personnel;
 18 or

19 “(ii) a commissioned officer on active Guard and
 20 Reserve duty.

1 “(B) In the case of a commissioned officer (not re-
2 ferred to in subparagraph (A)(ii)) who is paid from funds
3 appropriated for reserve personnel, service as a warrant of-
4 ficer, or as a warrant officer and enlisted member, for
5 which at least 1,460 points have been credited to the officer
6 for the purposes of section 12732(a)(2) of title 10.”.

7 (b) APPLICATION OF AMENDMENTS.—The amendments
8 made by subsection (a) shall apply with respect to months be-
9 ginning on or after the date of the enactment of this Act.

10 **SEC. 603. RESERVE COMPONENT COMPENSATION FOR**
11 **DISTRIBUTED LEARNING ACTIVITIES PER-**
12 **FORMED AS INACTIVE-DUTY TRAINING.**

13 (a) COMPENSATION AUTHORIZED.—Section 206(d) of title
14 37, United States Code, is amended—

15 (1) by striking “This section” and inserting “(1) Ex-
16 cept as provided in paragraph (2), this section”;

17 (2) by striking “an armed force” and inserting “a uni-
18 formed service”; and

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

20 “(2) A member of the Selected Reserve of the Ready Re-
21 serve may be paid compensation under this section at a rate
22 and under terms determined by the Secretary of Defense, but
23 not to exceed the rate otherwise applicable to the member
24 under subsection (a), upon the member’s successful completion
25 of a course of instruction undertaken by the member using
26 electronic-based distributed learning methodologies to accom-
27 plish training requirements related to unit readiness or mobili-
28 zation, as directed for the member by the Secretary concerned.
29 The compensation may be paid regardless of whether the
30 course of instruction was under the direct control of the Sec-
31 retary concerned or included the presence of an instructor.”.

32 (b) DEFINITION OF INACTIVE-DUTY TRAINING.—Section
33 101(22) of such title is amended by inserting after “but” the
34 following: “(except as provided in section 206(d)(2) of this
35 title)”.

1 **SEC. 604. SUBSISTENCE ALLOWANCES.**

2 (a) BASELINE AMOUNT FOR CALCULATING ALLOWANCE
3 FOR ENLISTED MEMBERS.—Section 402(b) of title 37, United
4 States Code, is amended by adding at the end the following
5 new paragraph:

6 “(4) For purposes of implementing paragraph (2), the
7 monthly rate of basic allowance for subsistence that was in ef-
8 fect for an enlisted member for calendar year 2001 is deemed
9 to be \$233.”.

10 (b) RATE FOR ENLISTED MEMBERS WHEN MESSING FA-
11 CILITIES NOT AVAILABLE.—(1) Notwithstanding section 402
12 of title 37, United States Code, the Secretary of Defense, and
13 the Secretary of Transportation with respect to the Coast
14 Guard when it is not operating as a service in the Navy, may
15 prescribe a rate of basic allowance for subsistence to apply to
16 enlisted members of the uniformed services when messing facili-
17 ties of the United States are not available. The rate may be
18 higher than the rate of basic allowance for subsistence that
19 would otherwise be applicable to the members under that sec-
20 tion, but may not be higher than the highest rate that was in
21 effect for enlisted members of the uniformed services under
22 those circumstances before the date of the enactment of this
23 Act.

24 (2) Paragraph (1) shall cease to be effective on the first
25 day of the first month for which the basic allowance for sub-
26 sistence calculated for enlisted members of the uniformed serv-
27 ices under section 402 of title 37, United States Code, exceeds
28 the rate of the basic allowance for subsistence prescribed under
29 paragraph (1).

30 (c) CONTINUATION OF BAS TRANSITIONAL AUTHORITY.—
31 Notwithstanding the repeal of subsections (c) through (f) of
32 section 602 of the National Defense Authorization Act for Fis-
33 cal Year 1998 (Public Law 105-85; 37 U.S.C. 402 note) by
34 section 603(c) of the Floyd D. Spence National Defense Au-
35 thorization Act for Fiscal Year 2001 (as enacted into law by
36 Public Law 106-398; 114 Stat. 1654A-145), the basic allow-

1 ance for subsistence shall be paid in accordance with such sub-
2 sections for October, November, and December of 2001.

3 (d) ELIGIBILITY FOR SUPPLEMENTAL SUBSISTENCE AL-
4 LOWANCE.—Section 402a(b)(1) of title 37, United States Code,
5 is amended by inserting “with dependents” after “a member of
6 the armed forces”.

7 **SEC. 605. ELIGIBILITY FOR TEMPORARY HOUSING AL-**
8 **LOWANCE WHILE IN TRAVEL OR LEAVE STA-**
9 **TUS BETWEEN PERMANENT DUTY STATIONS.**

10 (a) REPEAL OF PAY GRADE LIMITATION.—Section 403(i)
11 of title 37, United States Code, is amended by striking “who
12 is in a pay grade E–4 (4 or more years of service) or above”.

13 (b) EFFECTIVE DATE; APPLICATION.—The amendment
14 made by this section shall take effect on January 1, 2003, and
15 apply to members of the uniformed services in a travel or leave
16 status between permanent duty stations on or after that date.

17 **SEC. 606. UNIFORM ALLOWANCE FOR OFFICERS.**

18 (a) RELATION TO INITIAL UNIFORM ALLOWANCE.—Sec-
19 tion 416(b)(1) of title 37, United States Code, is amended by
20 striking “\$200” and inserting “\$400”.

21 (b) EFFECTIVE DATE.—The amendment made by this sec-
22 tion shall take effect as of October 1, 2000.

23 **SEC. 607. FAMILY SEPARATION ALLOWANCE FOR MEM-**
24 **BERS ELECTING UNACCOMPANIED TOUR BY**
25 **REASON OF HEALTH LIMITATIONS OF DE-**
26 **PENDENTS.**

27 (a) ENTITLEMENT TO ALLOWANCE.—Section 427(c) of
28 title 37, United States Code, is amended—

29 (1) by striking “A member” in the first sentence and
30 inserting “(1) Except as provided in paragraph (2) or (3),
31 a member”;

32 (2) in the second sentence, by striking “The Secretary
33 concerned may waive the preceding sentence” and inserting
34 the following:

35 “(3) The Secretary concerned may waive paragraph (1)”;

36 and

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

1 “(2) The prohibition in the first sentence of paragraph (1)
2 does not apply to a member who elects to serve an unaccom-
3 panied tour of duty because a dependent cannot accompany the
4 member to or at that permanent station for certified medical
5 reasons.”.

6 (b) APPLICATION OF AMENDMENT.—Paragraph (2) of sec-
7 tion 427(e) of title 37, United States Code, as added by sub-
8 section (a)(3), shall apply with respect to pay periods beginning
9 on or after January 1, 2002, for a member of the uniformed
10 services covered by such paragraph regardless of the date on
11 which the member first made the election to serve an unaccom-
12 panied tour of duty.

13 **Subtitle B—Bonuses and Special and** 14 **Incentive Pays**

15 **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS** 16 **AND SPECIAL PAY AUTHORITIES FOR RE-** 17 **SERVE FORCES.**

18 (a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITI-
19 CALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of
20 title 37, United States Code, is amended by striking “Decem-
21 ber 31, 2001” and inserting “December 31, 2002”.

22 (b) SELECTED RESERVE REENLISTMENT BONUS.—Sec-
23 tion 308b(f) of such title is amended by striking “December
24 31, 2001” and inserting “December 31, 2002”.

25 (c) SELECTED RESERVE ENLISTMENT BONUS.—Section
26 308c(e) of such title is amended by striking “December 31,
27 2001” and inserting “December 31, 2002”.

28 (d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO
29 CERTAIN HIGH PRIORITY UNITS.—Section 308d(e) of such
30 title is amended by striking “December 31, 2001” and insert-
31 ing “December 31, 2002”.

32 (e) SELECTED RESERVE AFFILIATION BONUS.—Section
33 308e(e) of such title is amended by striking “December 31,
34 2001” and inserting “December 31, 2002”.

35 (f) READY RESERVE ENLISTMENT AND REENLISTMENT
36 BONUS.—Section 308h(g) of such title is amended by striking
37 “December 31, 2001” and inserting “December 31, 2002”.

6–10

1 (g) PRIOR SERVICE ENLISTMENT BONUS.—Section
2 308i(f) of such title is amended by striking “December 31,
3 2001” and inserting “December 31, 2002”.

4 (h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN
5 HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RE-
6 SERVE.—Section 16302(d) of title 10, United States Code, is
7 amended by striking “January 1, 2002” and inserting “Janu-
8 ary 1, 2003”.

9 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS**
10 **AND SPECIAL PAY AUTHORITIES FOR NURSE**
11 **OFFICER CANDIDATES, REGISTERED**
12 **NURSES, AND NURSE ANESTHETISTS.**

13 (a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—
14 Section 2130a(a)(1) of title 10, United States Code, is amend-
15 ed by striking “December 31, 2001” and inserting “December
16 31, 2002”.

17 (b) ACCESSION BONUS FOR REGISTERED NURSES.—Sec-
18 tion 302d(a)(1) of title 37, United States Code, is amended by
19 striking “December 31, 2001” and inserting “December 31,
20 2002”.

21 (c) INCENTIVE SPECIAL PAY FOR NURSE ANES-
22 THETISTS.—Section 302e(a)(1) of title 37, United States Code,
23 is amended by striking “December 31, 2001” and inserting
24 “December 31, 2002”.

25 **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND**
26 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**
27 **CERS.**

28 (a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS
29 EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of
30 such title is amended by striking “December 31, 2001” and in-
31 serting “December 31, 2002”.

32 (b) NUCLEAR CAREER ACCESSION BONUS.—Section
33 312b(e) of such title is amended by striking “December 31,
34 2001” and inserting “December 31, 2002”.

35 (c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Sec-
36 tion 312c(d) of such title is amended by striking “December
37 31, 2001” and inserting “December 31, 2002”.

1 **SEC. 614. ONE-YEAR EXTENSION OF OTHER BONUS AND**
2 **SPECIAL PAY AUTHORITIES.**

3 (a) AVIATION OFFICER RETENTION BONUS.—Section
4 301b(a) of title 37, United States Code, is amended by striking
5 “December 31, 2001” and inserting “December 31, 2002”.

6 (b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Sec-
7 tion 308(g) of such title is amended by striking “December 31,
8 2001” and inserting “December 31, 2002”.

9 (c) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section
10 309(e) of such title is amended by striking “December 31,
11 2001” and inserting “December 31, 2002”.

12 (d) RETENTION BONUS FOR MEMBERS WITH CRITICAL
13 MILITARY SKILLS.—Section 323(i) of such title is amended by
14 striking “December 31, 2001” and inserting “December 31,
15 2002”.

16 **SEC. 615. HAZARDOUS DUTY PAY FOR MEMBERS OF**
17 **MARITIME VISIT, BOARD, SEARCH, AND SEI-**
18 **ZURE TEAMS.**

19 (a) ADDITIONAL TYPE OF DUTY ELIGIBLE FOR PAY.—
20 Section 301(a) of title 37, United States Code, is amended—

21 (1) in paragraph (10), by striking “or” at the end;

22 (2) by redesignating paragraph (11) as paragraph
23 (12); and

24 (3) by inserting after paragraph (10) the following
25 new paragraph:

26 “(11) involving regular participation as a member of
27 a team conducting visit, board, search, and seizure oper-
28 ations aboard vessels in support of maritime interdiction
29 operations; or”.

30 (b) MONTHLY AMOUNT.—Subsection (c) of such section is
31 amended—

32 (1) in paragraph (1), by striking “(10)” and inserting
33 “(11)”; and

34 (2) in paragraph (2)(A), by striking “(11)” and in-
35 serting “(12)”.

36 (c) APPLICATION OF AMENDMENT.—Paragraph (11) of
37 section 301(a) of title 37, United States Code, as added by

1 subsection (a)(3), shall apply to duty described in such para-
2 graph that is performed on or after January 1, 2002.

3 **SEC. 616. ELIGIBILITY FOR CERTAIN CAREER CONTINU-**
4 **ATION BONUSES FOR EARLY COMMITMENT**
5 **TO REMAIN ON ACTIVE DUTY.**

6 (a) AVIATION OFFICERS.—Section 301b(b)(4) of title 37,
7 United States Code, is amended by inserting before the period
8 at the end the following: “or is within one year of completing
9 such commitment”.

10 (b) SURFACE WARFARE OFFICERS.—Section 319(a)(3) of
11 such title is amended by inserting before the period at the end
12 the following: “or is within one year of completing such com-
13 mitment”.

14 **SEC. 617. SECRETARIAL DISCRETION IN PRESCRIBING**
15 **SUBMARINE DUTY INCENTIVE PAY RATES.**

16 (a) AUTHORITY OF SECRETARY OF THE NAVY; MAXIMUM
17 RATE.—Subsection (b) of section 301c of title 37, United
18 States Code, is amended to read as follows:

19 “(b) MONTHLY RATES.—The Secretary of the Navy shall
20 prescribe the monthly rates of submarine duty incentive pay,
21 except that the maximum monthly rate may not exceed
22 \$1,000.”.

23 (b) CONFORMING AND CLERICAL AMENDMENTS.—Such
24 section is further amended—

25 (1) in subsection (a)—

26 (A) by inserting “ELIGIBILITY REQUIREMENTS.—
27 ” after “(a)”; and

28 (B) by striking “set forth in” each place it ap-
29 pears and inserting “prescribed pursuant to”;

30 (2) in subsection (c), by inserting “EXCEPTIONS.—”
31 after “(c)”; and

32 (3) in subsection (d)—

33 (A) by inserting “APPLICABILITY TO CERTAIN
34 NAVAL RESERVE DUTY.—” after “(d)”; and

35 (B) by striking “authorized by” and inserting
36 “prescribed pursuant to”.

1 (c) TRANSITION.—The tables set forth in subsection (b) of
2 section 301c of title 37, United States Code, as in effect on the
3 day before the date of the enactment of this Act, shall continue
4 to apply until the later of the following:

5 (1) January 1, 2002.

6 (2) The date on which the Secretary of the Navy pre-
7 scribes new submarine duty incentive pay rates as author-
8 ized by the amendment made by subsection (a).

9 **SEC. 618. CONFORMING ACCESSION BONUS FOR DEN-**
10 **TAL OFFICERS AUTHORITY WITH AUTHORI-**
11 **TIES FOR OTHER SPECIAL PAY AND BO-**
12 **NUSES.**

13 Section 302h(a)(1) of title 37, United States Code, is
14 amended by striking “the date of the enactment of this section,
15 and ending on September 30, 2002” and inserting “September
16 23, 1996, and ending on December 31, 2002”.

17 **SEC. 619. MODIFICATION OF ELIGIBILITY REQUIRE-**
18 **MENTS FOR INDIVIDUAL READY RESERVE**
19 **BONUS FOR REENLISTMENT, ENLISTMENT,**
20 **OR EXTENSION OF ENLISTMENT.**

21 (a) ELIGIBILITY BASED ON QUALIFICATIONS IN CRITI-
22 CALLY SHORT WARTIME SKILLS OR SPECIALTIES.—Subsection
23 (a) of section 308h of title 37, United States Code, is amended
24 to read as follows:

25 “(a) AUTHORITY AND ELIGIBILITY REQUIREMENTS.—(1)
26 The Secretary concerned may pay a bonus as provided in sub-
27 section (b) to an eligible person who reenlists, enlists, or volun-
28 tarily extends an enlistment in a reserve component of an
29 armed force for assignment to an element (other than the Se-
30 lected Reserve) of the Ready Reserve of that armed force if the
31 reenlistment, enlistment, or extension is for a period of three
32 years, or for a period of six years, beyond any other period the
33 person is obligated to serve.

34 “(2) A person is eligible for a bonus under this section if
35 the person—

36 “(A) is or has been a member of an armed force;

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1 “(B) is qualified in a skill or specialty designated by
2 the Secretary concerned as a critically short wartime skill
3 or critically short wartime specialty; and

4 “(C) has not failed to complete satisfactorily any origi-
5 nal term of enlistment in the armed forces.

6 “(3) For the purposes of this section, the Secretary con-
7 cerned may designate a skill or specialty as a critically short
8 wartime skill or critically short wartime specialty for an armed
9 force under the jurisdiction of the Secretary if the Secretary
10 determines that—

11 “(A) the skill or specialty is critical to meet wartime
12 requirements of the armed force; and

13 “(B) there is a critical shortage of personnel in that
14 armed force who are qualified in that skill or specialty.”.

15 (b) CLERICAL AMENDMENTS.—Such section is further
16 amended—

17 (1) in subsection (b), by inserting “BONUS AMOUNTS;
18 PAYMENT.—” after “(b)”;

19 (2) in subsection (c), by inserting “REPAYMENT OF
20 BONUS.—” after “(c)”;

21 (3) in subsection (d), by inserting “TREATMENT OF
22 REIMBURSEMENT OBLIGATION.—” after “(d)”;

23 (4) in subsection (e), by inserting “EFFECT OF BANK-
24 RUPTCY.—” after “(e)”;

25 (5) in subsection (f), by inserting “REGULATIONS.—”
26 after “(f)”;

27 (6) in subsection (g), by inserting “TERMINATION OF
28 AUTHORITY.—” after “(g)”.

29 (c) REGULATIONS.—Not later than 180 days after the
30 date of the enactment of this Act, the Secretaries of the mili-
31 tary departments shall prescribe such regulations as may be
32 necessary for administering subsection (a) of section 308h of
33 title 37, United States Code, as amended by this section.

34 (d) APPLICATION OF AMENDMENT.—Subsection (a) of sec-
35 tion 308h of title 37, United States Code, as amended by this
36 section, shall apply with respect to reserve component reenlist-
37 ments, enlistments, and extensions of enlistments that are exe-

1 cuted on or after the first day of the first month that begins
2 more than 180 days after the date of the enactment of this
3 Act. Subsection (a) of such section 308h, as in effect on the
4 day before the date of the enactment of this Act, shall continue
5 to apply with respect to reserve component reenlistments, en-
6 listments, and extensions of enlistments that are executed be-
7 fore the first day of that first month.

8 **SEC. 620. INSTALLMENT PAYMENT AUTHORITY FOR 15-**
9 **YEAR CAREER STATUS BONUS.**

10 (a) MEMBER ELECTION.—Section 322(d) of title 37,
11 United States Code, is amended—

12 (1) in paragraph (1), by striking “paid in a single
13 lump sum of” and inserting “equal to”;

14 (2) by redesignating paragraph (2) as paragraph (4),
15 and in such paragraph, by striking “The bonus” and in-
16 serting “The lump sum payment of the bonus, and the first
17 installment payment in the case of members who elect to
18 receive the bonus in installments,”; and

19 (3) by inserting after paragraph (1) the following new
20 paragraphs:

21 “(2) A member electing to receive the bonus under this
22 section shall elect one of the following payment options:

23 “(A) A single lump sum of \$30,000.

24 “(B) Two installments of \$15,000 each.

25 “(C) Three installments of \$10,000 each.

26 “(D) Four installments of \$7,500 each.

27 “(E) Five installments of \$6,000 each.

28 “(3) If a member elects installment payments under para-
29 graph (2), the second installment (and subsequent installments,
30 as applicable) shall be paid on the earlier of the following dates:

31 “(A) The annual anniversary date of the payment of
32 the first installment.

33 “(B) January 15 of each succeeding calendar year.”.

34 (b) APPLICATION TO EXISTING AGREEMENTS.—The Sec-
35 retary concerned (as defined in section 101(5) of title 37,
36 United States Code) shall extend to each member of the uni-
37 formed services who has executed the written agreement re-

1 quired by subsection (a)(2) of section 322 of such title before
2 the date of the enactment of this Act, but who has not received
3 the lump sum payment by that date, an opportunity to make
4 the election authorized by subsection (d) of such section, as
5 amended by this section.

6 **SEC. 621. ACCESSION BONUS FOR NEW OFFICERS IN**
7 **CRITICAL SKILLS.**

8 (a) BONUS AUTHORIZED.—Chapter 5 of title 37, United
9 States Code, is amended by adding at the end the following
10 new section:

11 **“§ 324. Special pay: accession bonus for new offi-**
12 **cers in critical skills**

13 “(a) ACCESSION BONUS AUTHORIZED.—Under regulations
14 prescribed by the Secretary concerned, a person who executes
15 a written agreement to accept a commission as an officer of the
16 armed forces and serve on active duty in a designated critical
17 officer skill for the period specified in the agreement may, upon
18 acceptance of the agreement by the Secretary concerned, be
19 paid an accession bonus in an amount determined by the Sec-
20 retary concerned.

21 “(b) DESIGNATION OF CRITICAL OFFICER SKILLS.—(1)
22 The Secretary concerned shall designate the critical officer
23 skills for the purposes of this section. A skill may be designated
24 as a critical officer skill for an armed force under this sub-
25 section if—

26 “(1) in order to meet requirements of the armed force,
27 it is critical for the armed force to have a sufficient number
28 of officers who are qualified in that skill; and

29 “(2) in order to mitigate a current or projected signifi-
30 cant shortage of personnel in the armed force who are
31 qualified in that skill, it is critical to access into that armed
32 force in sufficient numbers persons who are qualified in
33 that skill or are to be trained in that skill.

34 “(c) LIMITATION ON AMOUNT OF BONUS.—The amount of
35 an accession bonus under subsection (a) may not exceed
36 \$60,000.

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1 “(d) PAYMENT METHOD.—Upon acceptance of a written
2 agreement under subsection (a) by the Secretary concerned, the
3 total amount of the accession bonus payable under the agree-
4 ment becomes fixed. The agreement shall specify whether the
5 accession bonus will be paid by the Secretary in a lump sum
6 or installments.

7 “(e) RELATION TO OTHER ACCESSION BONUS AUTHOR-
8 ITY.—An individual may not receive an accession bonus under
9 this section and section 302d, 302h, 302j, or 312b of this title
10 for the same period of service.

11 “(f) REPAYMENT FOR FAILURE TO COMMENCE OR COM-
12 PLETE OBLIGATED SERVICE.—(1) An individual who, after
13 having received all or part of the accession bonus under an
14 agreement referred to in subsection (a), fails to accept a com-
15 mission as an officer or to commence or complete the total pe-
16 riod of active duty service specified in the agreement shall
17 repay to the United States the amount that bears the same
18 ratio to the total amount of the bonus authorized for such per-
19 son as the unserved part of the period of agreed active duty
20 service bears to the total period of the agreed active duty ser-
21 vice. However, the amount required to be repaid by the indi-
22 vidual may not exceed the amount of the accession bonus that
23 was paid to the individual.

24 “(2) Subject to paragraph (3), an obligation to repay the
25 United States imposed under paragraph (1) is for all purposes
26 a debt owed to the United States. A discharge in bankruptcy
27 under title 11 that is entered less than five years after the ter-
28 mination of an agreement entered into under subsection (a)
29 does not discharge the individual signing the agreement from
30 a debt arising under such agreement or under paragraph (1).

31 “(3) The Secretary concerned may waive, in whole or in
32 part, the repayment requirement under paragraph (1) on a
33 case-by-case basis if the Secretary concerned determines that
34 repayment would be against equity and good conscience or
35 would be contrary to the best interests of the United States.

36 “(g) TERMINATION OF AUTHORITY.—No agreement under
37 this section may be entered into after December 31, 2002.”.

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

“324. Special pay: accession bonus for new officers in critical skills.”.

4 **SEC. 622. EDUCATION SAVINGS PLAN TO ENCOURAGE**
5 **REENLISTMENTS AND EXTENSIONS OF SERV-**
6 **ICE IN CRITICAL SPECIALTIES.**

7 (a) ESTABLISHMENT OF SAVINGS PLAN.—(1) Chapter 5
8 of title 37, United States Code, is amended by inserting after
9 section 324, as added by section 621, the following new section:

10 **“§ 325. Incentive bonus: savings plan for edu-**
11 **cation expenses and other contingencies**

12 “(a) BENEFIT AND ELIGIBILITY.—The Secretary con-
13 cerned may purchase United States savings bonds under this
14 section for a member of the armed forces who is eligible as fol-
15 lows:

16 “(1) A member who, before completing three years of
17 service on active duty, enters into a commitment to perform
18 qualifying service.

19 “(2) A member who, after completing three years of
20 service on active duty, but not more than nine years of
21 service on active duty, enters into a commitment to perform
22 qualifying service.

23 “(3) A member who, after completing nine years of
24 service on active duty, enters into a commitment to perform
25 qualifying service.

26 “(b) QUALIFYING SERVICE.—For the purposes of this sec-
27 tion, qualifying service is service on active duty in a specialty
28 designated by the Secretary concerned as critical to meet re-
29 quirements (whether or not such specialty is designated as crit-
30 ical to meet wartime or peacetime requirements) for a period
31 that—

32 “(1) is not less than six years; and

33 “(2) does not include any part of a period for which
34 the member is obligated to serve on active duty under an
35 enlistment or other agreement for which a benefit has pre-
36 viously been paid under this section.

1 “(c) FORMS OF COMMITMENT TO ADDITIONAL SERVICE.—

2 For the purposes of this section, a commitment means—

3 “(1) in the case of an enlisted member, a reenlistment;
4 and

5 “(2) in the case of a commissioned officer, an agree-
6 ment entered into with the Secretary concerned.

7 “(d) AMOUNTS OF BONDS.—The total of the face amounts
8 of the United States savings bonds authorized to be purchased
9 for a member under this section for a commitment shall be as
10 follows:

11 “(1) In the case of a purchase for a member under
12 paragraph (1) of subsection (a), \$5,000.

13 “(2) In the case of a purchase for a member under
14 paragraph (2) of subsection (a), the amount equal to the
15 excess of \$15,000 over the total of the face amounts of any
16 United States savings bonds previously purchased for the
17 member under this section.

18 “(3) In the case of a purchase for a member under
19 paragraph (3) of subsection (a), the amount equal to the
20 excess of \$30,000 over the total of the face amounts of any
21 United States savings bonds previously purchased for the
22 member under this section.

23 “(e) TOTAL AMOUNT OF BENEFIT.—The total amount of
24 the benefit authorized for a member when United States sav-
25 ings bonds are purchased for the member under this section by
26 reason of a commitment by that member shall be the sum of—

27 “(1) the purchase price of the United States savings
28 bonds; and

29 “(2) the amounts that would be deducted and withheld
30 for the payment of individual income taxes if the total
31 amount computed under this subsection for that commit-
32 ment were paid to the member as a bonus.

33 “(f) AMOUNT WITHHELD FOR TAXES.—The total amount
34 payable for a member under subsection (e)(2) for a commit-
35 ment by that member shall be withheld, credited, and otherwise
36 treated in the same manner as amounts deducted and withheld
37 from the basic pay of the member.

1 “(g) REPAYMENT FOR FAILURE TO COMPLETE OBLI-
2 GATED SERVICE.—(1) If a person fails to complete the quali-
3 fying service for which the person is obligated under a commit-
4 ment for which a benefit has been paid under this section, the
5 person shall refund to the United States the amount that bears
6 the same ratio to the total amount paid for the person (as com-
7 puted under subsection (e)) for that particular commitment as
8 the uncompleted part of the period of qualifying service bears
9 to the total period of the qualifying service for which obligated.

10 “(2) Subject to paragraph (3), an obligation to reimburse
11 the United States imposed under paragraph (1) is for all pur-
12 poses a debt owed to the United States.

13 “(3) The Secretary concerned may waive, in whole or in
14 part, a refund required under paragraph (1) if the Secretary
15 concerned determines that recovery would be against equity
16 and good conscience or would be contrary to the best interests
17 of the United States.

18 “(4) A discharge in bankruptcy under title 11 that is en-
19 tered less than five years after the termination of an enlistment
20 or other agreement under this section does not discharge the
21 person signing such enlistment or other agreement from a debt
22 arising under the enlistment or agreement, respectively, or this
23 subsection.

24 “(h) RELATIONSHIP TO OTHER SPECIAL PAYS.—The ben-
25 efit authorized under this section is in addition to any other
26 bonus or incentive or special pay that is paid or payable to a
27 member under any other provision of this chapter for any por-
28 tion of the same qualifying service.

29 “(i) REGULATIONS.—This section shall be administered
30 under regulations prescribed by the Secretary of Defense for
31 the armed forces under his jurisdiction and by the Secretary
32 of Transportation for the Coast Guard when the Coast Guard
33 is not operating as a service in the Navy.”.

34 (2) The table of sections at the beginning of such chapter
35 is amended by inserting after the item relating to section 324,
36 as added by section 621(b), the following new item:

“325. Incentive bonus: savings plan for education expenses and other contingencies.”.

1 (b) APPLICATION OF AMENDMENT.—Section 325 of title
2 37, United States Code, as added by subsection (a), shall apply
3 with respect to reenlistments and other agreements for quali-
4 fying service, as described in that section, that are entered into
5 on or after October 1, 2001.

6 (c) FUNDING FOR FISCAL YEAR 2002.—Of the amount
7 authorized to be appropriated to the Department of Defense for
8 military personnel for fiscal year 2002 by section 421,
9 \$20,000,000 may be available in that fiscal year for the pur-
10 chase of United States savings bonds under section 325 of title
11 37, United States Code, as added by subsection (a).

12 **SEC. 623. CONTINUATION OF PAYMENT OF SPECIAL AND**
13 **INCENTIVE PAY AT UNREDUCED RATES DUR-**
14 **ING STOP LOSS PERIODS.**

15 (a) AUTHORITY TO CONTINUE.—(1) Chapter 17 of title
16 37, United States Code, is amended by adding at the end the
17 following new section:

18 **“§ 909. Special and incentive pay: payment at un-**
19 **reduced rates during suspension of per-**
20 **sonnel laws**

21 “(a) AUTHORITY TO CONTINUE PAYMENT AT UNREDUCED
22 RATES.—To ensure fairness and recognize the contributions of
23 members of the armed forces to military essential missions, the
24 Secretary of the military department concerned may authorize
25 members who are involuntarily retained on active duty under
26 section 123 or 12305 of title 10 or any other provision of law
27 and who, immediately before retention on active duty, were en-
28 titled or eligible for special pay or incentive pay under chapter
29 5 of this title, to receive that special pay or incentive pay for
30 qualifying service performed during the retention period, with-
31 out a reduction in the payment rate below the rate the mem-
32 bers received immediately before retention on active duty, not-
33 withstanding any requirement otherwise applicable to that spe-
34 cial pay or incentive pay that would reduce the payment rate
35 by reason of the years of service of the members.

1 “(b) SUSPENSION DURING TIME OF WAR.—Subsection (a)
2 does not apply with respect to a special pay or incentive pay
3 under chapter 5 of this title, whenever the authority to provide
4 that special pay or incentive pay is suspended by the President
5 or the Secretary of Defense during a time of war.

6 “(c) QUALIFYING SERVICE DEFINED.—In this section, the
7 term ‘qualifying service’ means service for which a particular
8 special pay or incentive pay is payable under the authority of
9 a provision of chapter 5 of this title.”

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

“909. Special and incentive pay: payment at unreduced rates during suspen-
sion of personnel laws.”

12 (b) APPLICATION OF AMENDMENTS.—Section 909 of title
13 37, United States Code, as added by subsection (a)(1), shall
14 apply with respect to pay periods beginning after September
15 11, 2001.

16 **SEC. 624. RETROACTIVE AUTHORIZATION FOR IMMI-**
17 **NENT DANGER PAY FOR SERVICE IN CON-**
18 **NECTION WITH OPERATION ENDURING**
19 **FREEDOM.**

20 (a) RETROACTIVE AUTHORIZATION.—The Secretary of
21 Defense may provide for the payment of imminent danger pay
22 under section 310 of title 37, United States Code, to members
23 of the Armed Forces assigned to duty in the areas specified in
24 subsection (b) in connection with the contingency operation
25 known as Operation Enduring Freedom with respect to periods
26 of duty served in those areas during the period beginning on
27 September 19, 2001, and ending October 31, 2001.

28 (b) SPECIFIED AREAS.—The areas referred to in sub-
29 section (a) are the following:

30 (1) The land areas of Kyrgyzstan, Oman, the United
31 Arab Emirates, and Uzbekistan.

32 (2) The Red Sea, the Gulf of Aden, the Gulf of Oman,
33 and the Arabian Sea (that portion north of 10° north lati-
34 tude and west of 68° east longitude).

SEC. 633. REIMBURSEMENT OF MEMBERS FOR MANDATORY PET QUARANTINE FEES FOR HOUSEHOLD PETS.

(a) INCREASE IN MAXIMUM REIMBURSEMENT AMOUNT.—Section 406(a)(1) of title 37, United States Code, is amended in the last sentence by striking “\$275” and inserting “\$550”.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to the reimbursement of members of the uniformed services for mandatory pet quarantine fees incurred in connection with the mandatory quarantine of a household pet underway on the date of the enactment of this Act or beginning on or after that date.

SEC. 634. INCREASED WEIGHT ALLOWANCE FOR TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR JUNIOR ENLISTED MEMBERS.

(a) INCREASED WEIGHT ALLOWANCES.—The table in section 406(b)(1)(C) of title 37, United States Code, is amended—

- (1) by striking the two footnotes; and
- (2) by striking the items relating to pay grade E-1 through E-4 and inserting the following new items:

“E-4	7,000	8,000
“E-3	5,000	8,000
“E-2	5,000	8,000
“E-1	5,000	8,000”.

(b) EFFECTIVE DATE; APPLICATION.—The amendments made by this section shall take effect on January 1, 2003, and apply with respect to an order in connection with a change of temporary or permanent station issued on or after that date.

SEC. 635. ELIGIBILITY OF ADDITIONAL MEMBERS FOR DISLOCATION ALLOWANCE.

(a) ELIGIBILITY FOR PRIMARY DISLOCATION ALLOWANCE.—Subsection (a) of section 407 of title 37, United States Code, is amended—

- (1) in paragraph (2), by adding at the end the following new subparagraphs:
- “(F) A member whose dependents actually move from the member’s place of residence in connection with the per-

1 performance of orders for the member to report to the mem-
2 ber’s first permanent duty station if the move—

3 “(i) is to the permanent duty station or a des-
4 ignated location; and

5 “(ii) is an authorized move.

6 “(G) Each of two members married to each other
7 who—

8 “(i) is without dependents;

9 “(ii) actually moves with the member’s spouse to
10 a new permanent duty station; and

11 “(iii) is assigned to family quarters of the United
12 States at or in the vicinity of the new duty station.”;
13 and

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

15 “(4) If a primary dislocation allowance is payable to two
16 members described in paragraph (2)(G) who are married to
17 each other, the amount of the allowance payable to such mem-
18 bers shall be the amount otherwise payable under this sub-
19 section to the member in the higher pay grade, or to either
20 member if both members are in the same pay grade. The allow-
21 ance shall be paid jointly to both members.”.

22 (b) CONFORMING AMENDMENT.—Subsection (e) of such
23 section is amended by inserting “(except as provided in sub-
24 section (a)(2)(F))” after “first duty station”.

25 (c) APPLICATION OF AMENDMENTS.—The amendments
26 made by this section shall apply with respect to an order issued
27 on or after January 1, 2002, in connection with a change of
28 permanent station or for a member of the uniformed services
29 to report to the member’s first permanent duty station.

30 **SEC. 636. PARTIAL DISLOCATION ALLOWANCE AUTHOR-**
31 **IZED FOR HOUSING MOVES ORDERED FOR**
32 **GOVERNMENT CONVENIENCE.**

33 (a) AUTHORIZATION OF PARTIAL DISLOCATION ALLOW-
34 ANCE.—Section 407 of title 37, United States Code is
35 amended—

36 (1) by redesignating subsections (f) and (g) as sub-
37 sections (g) and (h), respectively; and

1 (2) by inserting after subsection (e) the following new
2 subsection:

3 “(f) PARTIAL DISLOCATION ALLOWANCE.—(1) Under reg-
4 ulations prescribed by the Secretary concerned, a member or-
5 dered to occupy or vacate family housing provided by the
6 United States to permit the privatization or renovation of hous-
7 ing or for any other reason (other than pursuant to a perma-
8 nent change of station) may be paid a partial dislocation allow-
9 ance of \$500.

10 “(2) Effective on the same date that the monthly rates of
11 basic pay for all members are increased under section 1009 of
12 this title or another provision of law, the Secretary of Defense
13 shall adjust the rate of the partial dislocation allowance author-
14 ized by this subsection by the percentage equal to the average
15 percentage increase in the rates of basic pay.

16 “(3) Subsections (c) and (d) do not apply to the partial
17 dislocation allowance authorized by this subsection.”.

18 (b) APPLICATION OF AMENDMENT.—Subsection (f) of title
19 37, United States Code, as added by subsection (a)(2), shall
20 apply with respect to an order to move for a member of a uni-
21 formed service that is issued on or after the date of the enact-
22 ment of this Act.

23 **SEC. 637. ALLOWANCES FOR TRAVEL PERFORMED IN**
24 **CONNECTION WITH MEMBERS TAKING AU-**
25 **THORIZED LEAVE BETWEEN CONSECUTIVE**
26 **OVERSEAS TOURS.**

27 Section 411b(a)(1) of title 37, United States Code, is
28 amended by striking “, or his designee, or to a place no farther
29 distant than his home of record”.

30 **SEC. 638. TRAVEL AND TRANSPORTATION ALLOWANCES**
31 **FOR FAMILY MEMBERS TO ATTEND BURIAL**
32 **OF A DECEASED MEMBER OF THE UNI-**
33 **FORMED SERVICES.**

34 (a) CONSOLIDATION OF AUTHORITIES.—Section 411f of
35 title 37, United States Code, is amended to read as follows:

1 **“§ 411f. Travel and transportation allowances:**
2 **transportation for survivors of deceased**
3 **member to attend the member’s burial**
4 **ceremonies**

5 “(a) ALLOWANCES AUTHORIZED.—(1) The Secretary con-
6 cerned may provide round trip travel and transportation allow-
7 ances to eligible relatives of a member of the uniformed services
8 who dies while on active duty or inactive duty in order that the
9 eligible relatives may attend the burial ceremony of the de-
10 ceased member.

11 “(2) The Secretary concerned may also provide round trip
12 travel and transportation allowances to an attendant who ac-
13 companies an eligible relative provided travel and transpor-
14 tation allowances under paragraph (1) for travel to the burial
15 ceremony if the Secretary concerned determines that—

16 “(A) the accompanied eligible relative is unable to
17 travel unattended because of age, physical condition, or
18 other justifiable reason; and

19 “(B) there is no other eligible relative of the deceased
20 member traveling to the burial ceremony who is eligible for
21 travel and transportation allowances under paragraph (1)
22 and is qualified to serve as the attendant.

23 “(b) LIMITATIONS.—(1) Except as provided in paragraphs
24 (2) and (3), allowances under subsection (a) are limited to
25 travel and transportation to a location in the United States,
26 Puerto Rico, and the possessions of the United States and may
27 not exceed the rates for two days and the time necessary for
28 such travel.

29 “(2) If a deceased member was ordered or called to active
30 duty from a place outside the United States, Puerto Rico, or
31 the possessions of the United States, the allowances authorized
32 under subsection (a) may be provided to and from such place
33 and may not exceed the rates for two days and the time nec-
34 essary for such travel.

35 “(3) If a deceased member is interred in a cemetery main-
36 tained by the American Battle Monuments Commission, the
37 travel and transportation allowances authorized under sub-

1 section (a) may be provided to and from such cemetery and
2 may not exceed the rates for two days and the time necessary
3 for such travel.

4 “(c) ELIGIBLE RELATIVES.—(1) The following members
5 of the family of a deceased member of the uniformed services
6 are eligible for the travel and transportation allowances under
7 subsection (a)(1):

8 “(A) The surviving spouse (including a remarried sur-
9 viving spouse) of the deceased member.

10 “(B) The unmarried child or children of the deceased
11 member referred to in section 401(a)(2) of this title.

12 “(C) If no person described in subparagraph (A) or
13 (B) is provided travel and transportation allowances under
14 subsection (a)(1), the parent or parents of the deceased
15 member (as defined in section 401(b)(2) of this title).

16 “(2) If no person described in paragraph (1) is provided
17 travel and transportation allowances under subsection (a)(1),
18 the travel and transportation allowances may be provided to—

19 “(A) the person who directs the disposition of the re-
20 mains of the deceased member under section 1482(c) of
21 title 10, or, in the case of a deceased member whose re-
22 mains are commingled and buried in a common grave in a
23 national cemetery, the person who would have been des-
24 ignated under such section to direct the disposition of the
25 remains if individual identification had been made; and

26 “(B) up to two additional persons closely related to
27 the deceased member who are selected by the person re-
28 ferred to in subparagraph (A).

29 “(d) EXPANDED ALLOWANCES RELATED TO RECOVERY
30 OF REMAINS FROM VIETNAM CONFLICT.—(1) The Secretary of
31 Defense may provide round trip travel and transportation al-
32 lowances for the family of a deceased member of the armed
33 forces who died while classified as a prisoner of war or as miss-
34 ing in action during the Vietnam conflict and whose remains
35 are returned to the United States in order that the family
36 members may attend the burial ceremony of the deceased mem-
37 ber.

1 “(2) The allowances under paragraph (1) shall include
2 round trip transportation from the places of residence of such
3 family members to the burial ceremony and such living ex-
4 penses and other allowances as the Secretary of Defense con-
5 siders appropriate.

6 “(3) For purposes of paragraph (1), eligible family mem-
7 bers of the deceased member of the armed forces include the
8 following:

9 “(A) The surviving spouse (including a remarried sur-
10 viving spouse) of the deceased member.

11 “(B) The child or children, including children de-
12 scribed in section 401(b)(1) of this title, of the deceased
13 member.

14 “(C) The parent or parents of the deceased member
15 (as defined in section 401(b)(2) of this title).

16 “(D) If no person described in subparagraph (A), (B),
17 or (C) is provided travel and transportation allowances
18 under paragraph (1), any brothers, sisters, halfbrothers,
19 halvesisters, stepbrothers, and stepsisters of the deceased
20 member.

21 “(e) BURIAL CEREMONY DEFINED.—In this section, the
22 term ‘burial ceremony’ includes the following:

23 “(1) An interment of casketed or cremated remains.

24 “(2) A placement of cremated remains in a columba-
25 rium.

26 “(3) A memorial service for which reimbursement is
27 authorized under section 1482(d)(2) of title 10.

28 “(4) A burial of commingled remains that cannot be
29 individually identified in a common grave in a national
30 cemetery.

31 “(f) REGULATIONS.—The Secretaries concerned shall pre-
32 scribe uniform regulations to carry out this section.”.

33 (b) REPEAL OF SUPERSEDED LAWS; CONFORMING
34 AMENDMENT.—(1) Section 1482 of title 10, United States
35 Code, is amended by striking subsection (d) and redesignating
36 subsections (e), (f), and (g) as subsections (d), (e), and (f), re-
37 spectively.

1 (2) Section 1481(a)(9) of such title is amended by striking
2 “section 1482(g)” and inserting “section 1482(f)”.

3 (3) The Funeral Transportation and Living Expense Ben-
4 efits Act of 1974 (Public Law 93–257; 37 U.S.C. 406 note) is
5 repealed.

6 (c) APPLICATION OF AMENDMENT.—Section 411f of title
7 37, United States Code, as amended by subsection (a), shall
8 apply with respect to burial ceremonies of deceased members of
9 the uniformed services that occur on or after the date of the
10 enactment of this Act.

11 **SEC. 639. FUNDED STUDENT TRAVEL FOR FOREIGN**
12 **STUDY UNDER AN EDUCATION PROGRAM AP-**
13 **PROVED BY A UNITED STATES SCHOOL.**

14 (a) AVAILABILITY OF ALLOWANCE.—Subsection (a) of sec-
15 tion 430 of title 37, United States Code, is amended to read
16 as follows:

17 “(a) AVAILABILITY OF ALLOWANCE.—(1) Under regula-
18 tions prescribed by the Secretary of Defense, a member of a
19 uniformed service may be paid the allowance set forth in sub-
20 section (b) if the member—

21 “(A) is assigned to a permanent duty station outside
22 the continental United States;

23 “(B) is accompanied by the member’s dependents at
24 or near that duty station (unless the member’s only de-
25 pendants are in the category of dependent described in
26 paragraph (2)); and

27 “(C) has an eligible dependent child described in para-
28 graph (2).

29 “(2) A eligible dependent child of a member referred to in
30 paragraph (1)(C) is a child who—

31 “(A) is under 23 years of age and unmarried;

32 “(B) is enrolled in a school in the continental United
33 States for the purpose of obtaining a formal education; and

34 “(C) is attending that school or is participating in a
35 foreign study program approved by that school and, pursu-
36 ant to that foreign study program, is attending a school

1 outside the United States for a period of not more than one
2 year.”.

3 (b) TYPE OF ALLOWANCE AUTHORIZED.—Subsection (b)
4 of such section is amended—

5 (1) by inserting “ALLOWANCE AUTHORIZED.—” after
6 “(b)”;

7 (2) in the first sentence of paragraph (1), by striking
8 “each unmarried dependent child,” and all that follows
9 through “the school being attended” and inserting “each
10 eligible dependent child of the member of one annual trip
11 between the school being attended by that child”; and

12 (3) by adding at the end the following new paragraph:
13 “(3) The transportation allowance paid under paragraph
14 (1) for an annual trip of an eligible dependent child who is at-
15 tending a school outside the United States may not exceed the
16 transportation allowance that would be paid under this section
17 for the annual trip of that child between the child’s school in
18 the continental United States and the member’s duty station
19 outside the continental United States and return.”.

20 (c) CLERICAL AND CONFORMING AMENDMENTS.—Such
21 section is further amended—

22 (1) in subsection (c), by inserting “USE OF AIRLIFT
23 AND SEALIFT COMMAND.—” after “(c)”;

24 (2) in subsection (d)—

25 (A) by inserting “ATTENDANCE AT SCHOOL IN
26 ALASKA OR HAWAII.—” after “(d)”;

27 (B) by striking “subsection (a)(3)” and inserting
28 “subsection (a)(2)”;

29 (3) in subsection (e), by inserting “EXCEPTION.—”
30 after “(e)”;

31 (4) in subsection (f), by inserting “DEFINITIONS.—”
32 after “(f)”.

33 (d) APPLICATION OF AMENDMENTS.—The amendments
34 made by this section shall apply with respect to travel described
35 in subsection (b) of section 430 of title 37, United States Code,
36 as amended by this section, that commences on or after the
37 date of the enactment of this Act.

1 **Subtitle D—Retirement and Survivor**
2 **Benefit Matters**

3 **SEC. 641. CONTINGENT AUTHORITY FOR CONCURRENT**
4 **RECEIPT OF MILITARY RETIRED PAY AND**
5 **VETERANS' DISABILITY COMPENSATION AND**
6 **ENHANCEMENT OF SPECIAL COMPENSATION**
7 **AUTHORITY.**

8 (a) RESTORATION OF RETIRED PAY BENEFITS.—Chapter
9 71 of title 10, United States Code, is amended by adding at
10 the end the following new section:

11 **“§ 1414. Members eligible for retired pay who have**
12 **service-connected disabilities: payment of**
13 **retired pay and veterans' disability com-**
14 **pensations; contingent authority**

15 “(a) PAYMENT OF BOTH RETIRED PAY AND COMPENSA-
16 TION.—Subject to subsection (b), a member or former member
17 of the uniformed services who is entitled to retired pay (other
18 than as specified in subsection (c)) and who is also entitled to
19 veterans' disability compensation is entitled to be paid both
20 without regard to sections 5304 and 5305 of title 38, subject
21 to the enactment of qualifying offsetting legislation as specified
22 in subsection (f).

23 “(b) SPECIAL RULE FOR CHAPTER 61 CAREER RETIR-
24 EES.—The retired pay of a member retired under chapter 61
25 of this title with 20 years or more of service otherwise cred-
26 itable under section 1405 of this title at the time of the mem-
27 ber's retirement is subject to reduction under sections 5304
28 and 5305 of title 38, but only to the extent that the amount
29 of the member's retired pay under chapter 61 of this title ex-
30 ceeds the amount of retired pay to which the member would
31 have been entitled under any other provision of law based upon
32 the member's service in the uniformed services if the member
33 had not been retired under chapter 61 of this title.

34 “(c) EXCEPTION.—Subsection (a) does not apply to a
35 member retired under chapter 61 of this title with less than 20
36 years of service otherwise creditable under section 1405 of this
37 title at the time of the member's retirement.

1 “(d) DEFINITIONS.—In this section:

2 “(1) The term ‘retired pay’ includes retainer pay,
3 emergency officers’ retirement pay, and naval pension.

4 “(2) The term ‘veterans’ disability compensation’ has
5 the meaning given the term ‘compensation’ in section
6 101(12) of title 38.

7 “(e) EFFECTIVE DATE.—If qualifying offsetting legislation
8 (as defined in subsection (f)) is enacted, the provisions of sub-
9 section (a) shall take effect on—

10 “(1) the first day of the first month beginning after
11 the date of the enactment of such qualifying offsetting leg-
12 islation; or

13 “(2) the first day of the fiscal year that begins in the
14 calendar year in which such legislation is enacted, if that
15 date is later than the date specified in paragraph (1).

16 “(f) EFFECTIVENESS CONTINGENT ON ENACTMENT OF
17 OFFSETTING LEGISLATION.—(1) The provisions of subsection
18 (a) shall be effective only if—

19 “(A) the President, in the budget for any fiscal year,
20 proposes the enactment of legislation that, if enacted,
21 would be qualifying offsetting legislation; and

22 “(B) after that budget is submitted to Congress, there
23 is enacted qualifying offsetting legislation.

24 “(2) In this subsection:

25 “(A) The term ‘qualifying offsetting legislation’ means
26 legislation (other than an appropriations Act) that includes
27 provisions that—

28 “(i) offset fully the increased outlays to be made
29 by reason of the provisions of subsection (a) for each
30 of the first 10 fiscal years beginning after the date of
31 the enactment of such legislation;

32 “(ii) expressly state that they are enacted for the
33 purpose of the offset described in clause (i); and

34 “(iii) are included in full on the PayGo scorecard.

35 “(B) The term ‘PayGo scorecard’ means the estimates
36 that are made by the Director of the Congressional Budget
37 Office and the Director of the Office of Management and

1 Budget under section 252(d) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d))
3 with respect to the ten fiscal years following the date of the
4 enactment of the legislation that is qualifying offsetting
5 legislation for purposes of this section.”.

6 (b) CONFORMING TERMINATION OF SPECIAL COMPENSA-
7 TION PROGRAM.—Section 1413(a) of such title is amended by
8 adding at the end the following new sentence: “If the provisions
9 of subsection (a) of section 1414 of this title become effective
10 in accordance with subsection (f) of that section, payments
11 under this section shall be terminated effective as of the month
12 beginning on the effective date specified in subsection (e) of
13 that section.”.

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

“1414. Members eligible for retired pay who have service-connected disabili-
ties: payment of retired pay and veterans’ disability compensa-
tion; contingent authority.”.

17 (d) PROHIBITION OF RETROACTIVE BENEFITS.—If the
18 provisions of subsection (a) of section 1414 of title 10, United
19 States Code, becomes effective in accordance with subsection
20 (f) of that section, no benefit may be paid to any person by
21 reason of those provisions for any period before the effective
22 date specified in subsection (e) of that section.

23 (e) ENHANCEMENT OF SPECIAL COMPENSATION AUTHOR-
24 ITY.—(1) Subsection (b) of section 1413 of title 10, United
25 States Code, is amended by striking paragraphs (1), (2), and
26 (3) and inserting the following:

27 “(1) For payments for months beginning with Feb-
28 ruary 2002 and ending with December 2002, the following:

29 “(A) For any month for which the retiree has a
30 qualifying service-connected disability rated as total,
31 \$300.

32 “(B) For any month for which the retiree has a
33 qualifying service-connected disability rated as 90 per-
34 cent, \$200.

1 “(C) For any month for which the retiree has a
2 qualifying service-connected disability rated as 80 per-
3 cent or 70 percent, \$100.

4 “(D) For any month for which the retiree has a
5 qualifying service-connected disability rated as 60 per-
6 cent, \$50.

7 “(2) For payments for months beginning with January
8 2003 and ending with September 2004, the following:

9 “(A) For any month for which the retiree has a
10 qualifying service-connected disability rated as total,
11 \$325.

12 “(B) For any month for which the retiree has a
13 qualifying service-connected disability rated as 90 per-
14 cent, \$225.

15 “(C) For any month for which the retiree has a
16 qualifying service-connected disability rated as 80 per-
17 cent, \$125.

18 “(D) For any month for which the retiree has a
19 qualifying service-connected disability rated as 70 per-
20 cent, \$100.

21 “(E) For any month for which the retiree has a
22 qualifying service-connected disability rated as 60 per-
23 cent, \$50.

24 “(3) For payments for months after September 2004,
25 the following:

26 “(A) For any month for which the retiree has a
27 qualifying service-connected disability rated as total,
28 \$350.

29 “(B) For any month for which the retiree has a
30 qualifying service-connected disability rated as 90 per-
31 cent, \$250.

32 “(C) For any month for which the retiree has a
33 qualifying service-connected disability rated as 80 per-
34 cent, \$150.

35 “(D) For any month for which the retiree has a
36 qualifying service-connected disability rated as 70 per-
37 cent, \$125.

1 “(E) For any month for which the retiree has a
2 qualifying service-connected disability rated as 60 per-
3 cent, \$50.”

4 (2) Subsection (d)(2) of such section is amended by strik-
5 ing “70 percent” and inserting “60 percent”.

6 (3) The amendments made by this subsection shall take
7 effect on February 1, 2002.

8 **SEC. 642. SURVIVOR BENEFIT PLAN ANNUITIES FOR**
9 **SURVIVING SPOUSES OF MEMBERS WHO DIE**
10 **WHILE ON ACTIVE DUTY AND NOT ELIGIBLE**
11 **FOR RETIREMENT.**

12 (a) SURVIVING SPOUSE ANNUITY.—Paragraph (1) of sec-
13 tion 1448(d) of title 10, United States Code, is amended to
14 read as follows:

15 “(1) SURVIVING SPOUSE ANNUITY.—The Secretary
16 concerned shall pay an annuity under this subchapter to
17 the surviving spouse of—

18 “(A) a member who dies while on active duty
19 after—

20 “(i) becoming eligible to receive retired pay;

21 “(ii) qualifying for retired pay except that the
22 member has not applied for or been granted that
23 pay; or

24 “(iii) completing 20 years of active service but
25 before the member is eligible to retire as a commis-
26 sioned officer because the member has not com-
27 pleted 10 years of active commissioned service; or

28 “(B) a member not described in subparagraph (A)
29 who dies in line of duty while on active duty.”

30 (b) COMPUTATION OF ANNUITY.—Section 1451(c)(1) of
31 such title is amended—

32 (1) in subparagraph (A)—

33 (A) by striking “based upon his years of active
34 service when he died.” and inserting “when he died de-
35 termined as follows:

36 “(i) In the case of an annuity provided under
37 section 1448(d) of this title (other than in a case

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1 covered by clause (ii)), such retired pay shall be
2 computed as if the member had been retired under
3 section 1201 of this title on the date of the mem-
4 ber’s death with a disability rated as total.

5 “(ii) In the case of an annuity provided under
6 section 1448(d)(1)(A) of this title by reason of the
7 death of a member not in line of duty, such retired
8 pay shall be computed based upon the member’s
9 years of active service when he died.

10 “(iii) In the case of an annuity provided under
11 section 1448(f) of this title, such retired pay shall
12 be computed based upon the member or former
13 member’s years of active service when he died com-
14 puted under section 12733 of this title.”; and

15 (2) in subparagraph (B)(i), by striking “if the member
16 or former member” and all that follows and inserting “as
17 determined under subparagraph (A).”.

18 (c) CONFORMING AMENDMENTS.—(1) The heading for
19 subsection (d) of section 1448 of such title is amended by strik-
20 ing “RETIREMENT-ELIGIBLE”.

21 (2) Subsection (c)(3) of section 1451 of such title is
22 amended by striking “1448(d)(1)(B) or 1448(d)(1)(C)” and in-
23 serting “clause (ii) or (iii) of section 1448(d)(1)(A)”.

24 (d) EFFECTIVE DATE.—The amendments made by this
25 section shall take effect as of September 10, 2001, and shall
26 apply with respect to deaths of members of the Armed Forces
27 occurring on or after that date.

28 Subtitle E—Other Matters

29 SEC. 651. PAYMENT FOR UNUSED LEAVE IN EXCESS OF 30 60 DAYS ACCRUED BY MEMBERS OF RE- 31 SERVE COMPONENTS ON ACTIVE DUTY FOR 32 ONE YEAR OR LESS.

33 (a) ELIGIBILITY.—Section 501(b)(5) of title 37, United
34 States Code, is amended by—

35 (1) striking “or” at the end of subparagraph (B);

36 (2) striking the period at the end of subparagraph (C)
37 and inserting “; or”; and

1 (3) adding at the end the following new subparagraph:

2 “(D) by a member of a reserve component while serv-
3 ing on active duty, full-time National Guard duty, or active
4 duty for training for a period of more than 30 days but
5 not in excess of 365 days.”.

6 (b) APPLICATION OF AMENDMENT.—Subparagraph (D) of
7 section 501(b)(5) of title 37, United States Code, as added by
8 subsection (a)(3), shall apply with respect to periods of active
9 duty beginning on or after October 1, 2001.

10 **SEC. 652. ADDITIONAL AUTHORITY TO PROVIDE ASSIST-**
11 **ANCE FOR FAMILIES OF MEMBERS OF THE**
12 **ARMED FORCES.**

13 (a) AUTHORITY.—During fiscal year 2002, the Secretary
14 of Defense may provide assistance for families of members of
15 the Armed Forces serving on active duty in order to ensure
16 that the children of such members obtain needed child care,
17 education, and other youth services.

18 (b) PRIMARY PURPOSE OF ASSISTANCE.—The assistance
19 authorized by this section should be directed primarily toward
20 providing needed family support, including child care, edu-
21 cation, and other youth services, for children of members of the
22 Armed Forces who are deployed, assigned to duty, or ordered
23 to active duty in connection with the contingency operation
24 known as Operation Enduring Freedom.

25 **SEC. 653. AUTHORIZATION OF TRANSITIONAL COM-**
26 **PENSATION AND COMMISSARY AND EX-**
27 **CHANGE BENEFITS FOR DEPENDENTS OF**
28 **COMMISSIONED OFFICERS OF THE PUBLIC**
29 **HEALTH SERVICE AND THE NATIONAL OCE-**
30 **ANIC AND ATMOSPHERIC ADMINISTRATION**
31 **WHO ARE SEPARATED FOR DEPENDENT**
32 **ABUSE.**

33 (a) COMMISSIONED OFFICERS OF THE PUBLIC HEALTH
34 SERVICE.—Section 221(a) of the Public Health Service Act (42
35 U.S.C. 213a(a)) is amended by adding at the end the following
36 new paragraph:

37 “(17) Section 1059, Transitional compensation and
38 commissary and exchange benefits for dependents of mem-
39 bers separated for dependent abuse.”.

1 (b) COMMISSIONED OFFICERS OF THE NATIONAL OCE-
2 ANIC AND ATMOSPHERIC ADMINISTRATION.—Section 3(a) of
3 the Act entitled “An Act to revise, codify, and enact into law,
4 title 10 of the United States Code, entitled ‘Armed Forces’,
5 and title 32 of the United States Code, entitled ‘National
6 Guard’”, approved August 10, 1956 (33 U.S.C. 857a(a)), is
7 amended by adding at the end the following new paragraph:

8 “(17) Section 1059, Transitional compensation and
9 commissary and exchange benefits for dependents of mem-
10 bers separated for dependent abuse.”.

11 **SEC. 654. TRANSFER OF ENTITLEMENT TO EDU-**
12 **CATIONAL ASSISTANCE UNDER MONT-**
13 **GOMERY GI BILL BY MEMBERS OF THE**
14 **ARMED FORCES WITH CRITICAL MILITARY**
15 **SKILLS.**

16 (a) AUTHORITY TO TRANSFER TO FAMILY MEMBERS.—
17 (1) Subchapter II of chapter 30 of title 38, United States
18 Code, is amended by adding at the end the following new sec-
19 tion:

20 **“§ 3020. Transfer of entitlement to basic edu-**
21 **cational assistance: members of the**
22 **Armed Forces with critical military skills**

23 “(a) IN GENERAL.—Subject to the provisions of this sec-
24 tion, each Secretary concerned may, for the purpose of enhanc-
25 ing recruitment and retention of members of the Armed Forces
26 with critical military skills and at such Secretary’s sole discre-
27 tion, permit an individual described in subsection (b) who is en-
28 titled to basic educational assistance under this subchapter to
29 elect to transfer to one or more of the dependents specified in
30 subsection (c) a portion of such individual’s entitlement to such
31 assistance, subject to the limitation under subsection (d).

32 “(b) ELIGIBLE INDIVIDUALS.—An individual referred to in
33 subsection (a) is any member of the Armed Forces who, at the
34 time of the approval by the Secretary concerned of the mem-
35 ber’s request to transfer entitlement to basic educational assist-
36 ance under this section—

37 “(1) has completed six years of service in the Armed
38 Forces;

1 “(2) either—

2 “(A) has a critical military skill designated by the
3 Secretary concerned for purposes of this section; or

4 “(B) is in a military specialty designated by the
5 Secretary concerned for purposes of this section as re-
6 quiring critical military skills; and

7 “(3) enters into an agreement to serve at least four
8 more years as a member of the Armed Forces.

9 “(c) ELIGIBLE DEPENDENTS.—An individual approved to
10 transfer an entitlement to basic educational assistance under
11 this section may transfer the individual’s entitlement as follows:

12 “(1) To the individual’s spouse.

13 “(2) To one or more of the individual’s children.

14 “(3) To a combination of the individuals referred to in
15 paragraphs (1) and (2).

16 “(d) LIMITATION ON MONTHS OF TRANSFER.—The total
17 number of months of entitlement transferred by an individual
18 under this section may not exceed 18 months.

19 “(e) DESIGNATION OF TRANSFEREE.—An individual
20 transferring an entitlement to basic educational assistance
21 under this section shall—

22 “(1) designate the dependent or dependents to whom
23 such entitlement is being transferred;

24 “(2) designate the number of months of such entitle-
25 ment to be transferred to each such dependent; and

26 “(3) specify the period for which the transfer shall be
27 effective for each dependent designated under paragraph
28 (1).

29 “(f) TIME FOR TRANSFER; REVOCATION AND MODIFICA-
30 TION.—(1) Subject to the time limitation for use of entitlement
31 under section 3031 of this title, an individual approved to
32 transfer entitlement to basic educational assistance under this
33 section may transfer such entitlement at any time after the ap-
34 proval of the individual’s request to transfer such entitlement
35 without regard to whether the individual is a member of the
36 Armed Forces when the transfer is executed.

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1 “(2)(A) An individual transferring entitlement under this
2 section may modify or revoke at any time the transfer of any
3 unused portion of the entitlement so transferred.

4 “(B) The modification or revocation of the transfer of en-
5 titlement under this paragraph shall be made by the submittal
6 of written notice of the action to both the Secretary concerned
7 and the Secretary of Veterans Affairs.

8 “(g) COMMENCEMENT OF USE.—A dependent to whom
9 entitlement to basic educational assistance is transferred under
10 this section may not commence the use of the transferred enti-
11 tlement until—

12 “(1) in the case of entitlement transferred to a spouse,
13 the completion by the individual making the transfer of six
14 years of service in the Armed Forces; or

15 “(2) in the case of entitlement transferred to a child,
16 both—

17 “(A) the completion by the individual making the
18 transfer of 10 years of service in the Armed Forces;
19 and

20 “(B) either—

21 “(i) the completion by the child of the require-
22 ments of a secondary school diploma (or equiva-
23 lency certificate); or

24 “(ii) the attainment by the child of 18 years
25 of age.

26 “(h) ADDITIONAL ADMINISTRATIVE MATTERS.—(1) The
27 use of any entitlement to basic educational assistance trans-
28 ferred under this section shall be charged against the entitle-
29 ment of the individual making the transfer at the rate of one
30 month for each month of transferred entitlement that is used.

31 “(2) Except as provided under subsection (e)(2) and sub-
32 ject to paragraphs (4) and (5), a dependent to whom entitle-
33 ment is transferred under this section is entitled to basic edu-
34 cational assistance under this subchapter in the same manner
35 and at the same rate as the individual from whom the entitle-
36 ment was transferred.

1 “(3) The death of an individual transferring an entitle-
2 ment under this section shall not affect the use of the entitle-
3 ment by the dependent to whom the entitlement is transferred.

4 “(4) Notwithstanding section 3031 of this title, a child to
5 whom entitlement is transferred under this section may not use
6 any entitlement so transferred after attaining the age of 26
7 years.

8 “(5) The administrative provisions of this chapter (includ-
9 ing the provisions set forth in section 3034(a)(1) of this title)
10 shall apply to the use of entitlement transferred under this sec-
11 tion, except that the dependent to whom the entitlement is
12 transferred shall be treated as the eligible veteran for purposes
13 of such provisions.

14 “(6) The purposes for which a dependent to whom entitle-
15 ment is transferred under this section may use such entitle-
16 ment shall include the pursuit and completion of the require-
17 ments of a secondary school diploma (or equivalency certifi-
18 cate).

19 “(i) OVERPAYMENT.—(1) In the event of an overpayment
20 of basic educational assistance with respect to a dependent to
21 whom entitlement is transferred under this section, the depend-
22 ent and the individual making the transfer shall be jointly and
23 severally liable to the United States for the amount of the over-
24 payment for purposes of section 3685 of this title.

25 “(2) Except as provided in paragraph (3), if an individual
26 transferring entitlement under this section fails to complete the
27 service agreed to by the individual under subsection (b)(3) in
28 accordance with the terms of the agreement of the individual
29 under that subsection, the amount of any transferred entitle-
30 ment under this section that is used by a dependent of the indi-
31 vidual as of the date of such failure shall be treated as an over-
32 payment of basic educational assistance under paragraph (1).

33 “(3) Paragraph (2) shall not apply in the case of an indi-
34 vidual who fails to complete service agreed to by the
35 individual—

36 “(A) by reason of the death of the individual; or

1 “(B) for a reason referred to in section
2 3011(a)(1)(A)(ii)(I) of this title.

3 “(j) APPROVALS OF TRANSFER SUBJECT TO AVAIL-
4 ABILITY OF APPROPRIATIONS.—The Secretary concerned may
5 approve transfers of entitlement to basic educational assistance
6 under this section in a fiscal year only to the extent that appro-
7 priations for military personnel are available in that fiscal year
8 for purposes of making deposits in the Department of Defense
9 Education Benefits Fund under section 2006 of title 10 in that
10 fiscal year to cover the present value of future benefits payable
11 from the Fund for the Department of Defense portion of pay-
12 ments of basic educational assistance attributable to increased
13 usage of benefits as a result of such transfers of entitlement
14 in that fiscal year.

15 “(k) REGULATIONS.—The Secretary of Defense shall pre-
16 scribe regulations for purposes of this section. Such regulations
17 shall specify the manner and effect of an election to modify or
18 revoke a transfer of entitlement under subsection (f)(2) and
19 shall specify the manner of the applicability of the administra-
20 tive provisions referred to in subsection (h)(5) to a dependent
21 to whom entitlement is transferred under this section.

22 “(l) ANNUAL REPORT.—(1) Not later than January 31
23 each year (beginning in 2003), the Secretary of Defense shall
24 submit to the Committees on Armed Services and the Commit-
25 tees on Veterans’ Affairs of the Senate and House of Rep-
26 resentatives a report on the transfers of entitlement to basic
27 educational assistance under this section that were approved by
28 each Secretary concerned during the preceding fiscal year.

29 “(2) Each report shall set forth—

30 “(A) the number of transfers of entitlement under this
31 section that were approved by such Secretary during the
32 preceding fiscal year; or

33 “(B) if no transfers of entitlement under this section
34 were approved by such Secretary during that fiscal year, a
35 justification for such Secretary’s decision not to approve
36 any such transfers of entitlement during that fiscal year.

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1 “(m) SECRETARY CONCERNED DEFINED.—Notwith-
2 standing section 101(25) of this title, in this section, the term
3 ‘Secretary concerned’ means—

4 “(1) the Secretary of the Army with respect to mat-
5 ters concerning the Army;

6 “(2) the Secretary of the Navy with respect to matters
7 concerning the Navy or the Marine Corps;

8 “(3) the Secretary of the Air Force with respect to
9 matters concerning the Air Force; and

10 “(4) the Secretary of the Defense with respect to mat-
11 ters concerning the Coast Guard, or the Secretary of
12 Transportation when it is not operating as a service in the
13 Navy.”.

14 (2) The table of sections at the beginning of such chapter
15 is amended by inserting after the item relating to section 3019
16 the following new item:

“3020. Transfer of entitlement to basic educational assistance: members of
the Armed Forces with critical military skills.”.

17 (b) TREATMENT UNDER DEPARTMENT OF DEFENSE
18 EDUCATION BENEFITS FUND.—Section 2006(b)(2) of title 10,
19 United States Code, is amended by adding at the end the fol-
20 lowing new subparagraph:

21 “(D) The present value of future benefits payable
22 from the Fund for the Department of Defense portion
23 of payments of educational assistance under subchapter
24 II of chapter 30 of title 38 attributable to increased
25 usage of benefits as a result of transfers of entitlement
26 to basic educational assistance under section 3020 of
27 that title during such period.”.

28 (c) PLAN FOR IMPLEMENTATION.—Not later than June
29 30, 2002, the Secretary of Defense shall submit to Congress
30 a report describing the manner in which the Secretaries of the
31 military departments and the Secretary of Transportation pro-
32 pose to exercise the authority granted by section 3020 of title
33 38, United States Code, as added by subsection (a). The report
34 shall include the regulations prescribed under subsection (k) of
35 that section for purposes of the exercise of the authority.

1 (d) FUNDING FOR FISCAL YEAR 2002.—Of the amount
2 authorized to be appropriated to the Department of Defense for
3 military personnel for fiscal year 2002 by section 421,
4 \$30,000,000 may be available in fiscal year 2002 for deposit
5 into the Department of Defense Education Benefits Fund
6 under section 2006 of title 10, United States Code, for pur-
7 poses of covering payments of amounts under subparagraph
8 (D) of section 2006(b)(2) of such title (as added by subsection
9 (b)), as a result of transfers of entitlement to basic educational
10 assistance under section 3020 of title 38, United States Code
11 (as added by subsection (a)).

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TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program Improvements

- Sec. 701. Sub-acute and long-term care program reform.
- Sec. 702. Prosthetics and hearing aids.
- Sec. 703. Durable medical equipment.
- Sec. 704. Rehabilitative therapy.
- Sec. 705. Report on mental health benefits.
- Sec. 706. Clarification of eligibility for reimbursement of travel expenses of adult accompanying patient in travel for specialty care.
- Sec. 707. TRICARE program limitations on payment rates for institutional health care providers and on balance billing by institutional and noninstitutional health care providers.
- Sec. 708. Improvements in administration of the TRICARE program.

Subtitle B—Senior Health Care

- Sec. 711. Clarifications and improvements regarding the Department of Defense Medicare-Eligible Retiree Health Care Fund.

Subtitle C—Studies and Reports

- Sec. 721. Comptroller General study of health care coverage of members of the reserve components of the Armed Forces and the National Guard.
- Sec. 722. Comptroller General study of adequacy and quality of health care provided to women under the defense health program.
- Sec. 723. Repeal of obsolete report requirement.
- Sec. 724. Comptroller General report on requirement to provide screenings, physical examinations, and other care for certain members.

Subtitle D—Other Matters

- Sec. 731. Prohibition against requiring military retirees to receive health care solely through the Department of Defense.
- Sec. 732. Fees for trauma and other medical care provided to civilians.
- Sec. 733. Enhancement of medical product development.
- Sec. 734. Pilot program providing for Department of Veterans Affairs support in the performance of separation physical examinations.
- Sec. 735. Modification of prohibition on requirement of nonavailability statement or preauthorization.
- Sec. 736. Transitional health care for members separated from active duty.
- Sec. 737. Two-year extension of health care management demonstration program.
- Sec. 738. Joint DoD-VA pilot program for providing graduate medical education and training for physicians.

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Subtitle A—TRICARE Program Improvements

SEC. 701. SUB-ACUTE AND LONG-TERM CARE PROGRAM REFORM.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074i the following new section:

“§ 1074j. Sub-acute care program

“(a) ESTABLISHMENT.—The Secretary of Defense shall establish an effective, efficient, and integrated sub-acute care benefits program under this chapter (hereinafter referred to in this section as the ‘program’). Except as otherwise provided in this section, the types of health care authorized under the program shall be the same as those provided under section 1079 of this title. The Secretary, after consultation with the other administering Secretaries, shall promulgate regulations to carry out this section.

“(b) BENEFITS.—(1) The program shall include a uniform skilled nursing facility benefit that shall be provided in the manner and under the conditions described in section 1861(h) and (i) of the Social Security Act (42 U.S.C. 1395x(h) and (i)), except that the limitation on the number of days of coverage under section 1812(a) and (b) of such Act (42 U.S.C. 1395d(a) and (b)) shall not be applicable under the program. Skilled nursing facility care for each spell of illness shall continue to be provided for as long as medically necessary and appropriate.

“(2) In this subsection:

“(A) The term ‘skilled nursing facility’ has the meaning given such term in section 1819(a) of the Social Security Act (42 U.S.C. 1395i-3(a)).

“(B) The term ‘spell of illness’ has the meaning given such term in section 1861(a) of such Act (42 U.S.C. 1395x(a)).

“(3) The program shall include a comprehensive, part-time or intermittent home health care benefit that shall be provided in the manner and under the conditions described in section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)).”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074i the following new item:

“1074j. Sub-acute care program.”.

(b) EXTENDED BENEFITS FOR DISABLED BENEFICIARIES.—Section 1079 of title 10, United States Code, is

1 amended by striking subsections (d), (e), and (f) and inserting
2 the following new subsections:

3 “(d)(1) The Secretary of Defense shall establish a pro-
4 gram to provide extended benefits for eligible dependents,
5 which may include the provision of comprehensive health care
6 services, including case management services, to assist in the
7 reduction of the disabling effects of a qualifying condition of
8 an eligible dependent. Registration shall be required to receive
9 the extended benefits.

10 “(2) The Secretary of Defense, after consultation with the
11 other administering Secretaries, shall promulgate regulations to
12 carry out this subsection.

13 “(3) In this subsection:

14 “(A) The term ‘eligible dependent’ means a dependent
15 of a member of the uniformed services on active duty for
16 a period of more than 30 days, as described in subpara-
17 graph (A), (D), or (I) of section 1072(2) of this title, who
18 has a qualifying condition.

19 “(B) The term ‘qualifying condition’ means the condi-
20 tion of a dependent who is moderately or severely mentally
21 retarded, has a serious physical disability, or has an ex-
22 traordinary physical or psychological condition.

23 “(e) Extended benefits for eligible dependents under sub-
24 section (d) may include comprehensive health care services (in-
25 cluding services necessary to maintain, or minimize or prevent
26 deterioration of, function of the patient) and case management
27 services with respect to the qualifying condition of such a de-
28 pendent, and include, to the extent such benefits are not pro-
29 vided under provisions of this chapter other than under this
30 section, the following:

31 “(1) Diagnosis.

32 “(2) Inpatient, outpatient, and comprehensive home
33 health care supplies and services which may include cost ef-
34 fective and medically appropriate services other than part-
35 time or intermittent services (within the meaning of such
36 terms as used in the second sentence of section 1861(m)
37 of the Social Security Act).

1 “(3) Training, rehabilitation, special education, and
2 assistive technology devices.

3 “(4) Institutional care in private nonprofit, public, and
4 State institutions and facilities and, if appropriate, trans-
5 portation to and from such institutions and facilities.

6 “(5) Custodial care, notwithstanding the prohibition in
7 section 1077(b)(1) of this title.

8 “(6) Respite care for the primary caregiver of the eli-
9 gible dependent.

10 “(7) Such other services and supplies as determined
11 appropriate by the Secretary, notwithstanding the limita-
12 tions in subsection (a)(13).

13 “(f)(1) Members shall be required to share in the cost of
14 any benefits provided to their dependents under subsection (d)
15 as follows:

16 “(A) Members in the lowest enlisted pay grade shall
17 be required to pay the first \$25 incurred each month, and
18 members in the highest commissioned pay grade shall be
19 required to pay the first \$250 incurred each month. The
20 amounts to be paid by members in all other pay grades
21 shall be determined under regulations to be prescribed by
22 the Secretary of Defense in consultation with the admin-
23 istering Secretaries.

24 “(B) A member who has more than one dependent in-
25 ccurring expenses in a given month under a plan covered by
26 subsection (d) shall not be required to pay an amount
27 greater than would be required if the member had only one
28 such dependent.

29 “(2) In the case of extended benefits provided under para-
30 graph (3) or (4) of subsection (e) to a dependent of a member
31 of the uniformed services—

32 “(A) the Government’s share of the total cost of pro-
33 viding such benefits in any month shall not exceed \$2,500,
34 except for costs that a member is exempt from paying
35 under paragraph (3); and

36 “(B) the member shall pay (in addition to any amount
37 payable under paragraph (1)) the amount, if any, by which

1 the amount of such total cost for the month exceeds the
2 Government's maximum share under subparagraph (A).

3 “(3) A member of the uniformed services who incurs ex-
4 penses under paragraph (2) for a month for more than one de-
5 pendent shall not be required to pay for the month under sub-
6 paragraph (B) of that paragraph an amount greater than the
7 amount the member would otherwise be required to pay under
8 that subparagraph for the month if the member were incurring
9 expenses under that subparagraph for only one dependent.

10 “(4) To qualify for extended benefits under paragraph (3)
11 or (4) of subsection (e), a dependent of a member of the uni-
12 formed services shall be required to use public facilities to the
13 extent such facilities are available and adequate, as determined
14 under joint regulations of the administering Secretaries.

15 “(5) The Secretary of Defense, in consultation with the
16 other administering Secretaries, shall prescribe regulations to
17 carry out this subsection.”.

18 (c) DEFINITIONS OF CUSTODIAL CARE AND DOMICILIARY
19 CARE.—Section 1072 of title 10, United States Code, is
20 amended by adding at the end the following new paragraphs:

21 “(8) The term ‘custodial care’ means treatment or
22 services, regardless of who recommends such treatment or
23 services or where such treatment or services are provided,
24 that—

25 “(A) can be rendered safely and reasonably by a
26 person who is not medically skilled; or

27 “(B) is or are designed mainly to help the patient
28 with the activities of daily living.

29 “(9) The term ‘domiciliary care’ means care provided
30 to a patient in an institution or homelike environment
31 because—

32 “(A) providing support for the activities of daily
33 living in the home is not available or is unsuitable; or

34 “(B) members of the patient's family are unwilling
35 to provide the care.”.

36 (d) CONTINUATION OF INDIVIDUAL CASE MANAGEMENT
37 SERVICES FOR CERTAIN ELIGIBLE BENEFICIARIES.—(1) Not-

1 withstanding the termination of the Individual Case Manage-
2 ment Program by subsection (g), the Secretary of Defense
3 shall, in any case in which the Secretary makes the determina-
4 tion described in paragraph (2), continue to provide payment
5 as if such program were in effect for home health care or cus-
6 todial care services provided to an eligible beneficiary that
7 would otherwise be excluded from coverage under regulations
8 implementing chapter 55 of title 10, United States Code.

9 (2) The determination referred to in paragraph (1) is a
10 determination that discontinuation of payment for services not
11 otherwise provided under such chapter would result in the pro-
12 vision of services inadequate to meet the needs of the eligible
13 beneficiary and would be unjust to such beneficiary.

14 (3) For purposes of this subsection, “eligible beneficiary”
15 means a covered beneficiary (as that term is defined in section
16 1072 of title 10, United States Code) who, before the effective
17 date of this section, was provided custodial care services under
18 the Individual Case Management Program for which the Sec-
19 retary provided payment.

20 (e) REPORT ON INITIATIVES REGARDING LONG-TERM
21 CARE.—The Secretary of Defense shall, not later than April 1,
22 2002, submit to Congress a report on the feasibility and desir-
23 ability of establishing new initiatives, taking into account chap-
24 ter 90 of title 5, United States Code, to improve the availability
25 of long-term care for members and retired members of the uni-
26 formed services and their families.

27 (f) REFERENCE IN TITLE 10 TO LONG-TERM CARE PRO-
28 GRAM IN TITLE 5.—(1) Chapter 55 of title 10, United States
29 Code, is amended by inserting after section 1074j (as added by
30 subsection (a)) the following new section:

31 **“§ 1074k. Long-term care insurance**

32 “Provisions regarding long-term care insurance for mem-
33 bers and certain former members of the uniformed services and
34 their families are set forth in chapter 90 of title 5.”

1 (2) The table of sections at the beginning of such chapter
2 is amended by inserting after the item relating to section 1074j
3 (as added by subsection (a)) the following new item:

“1074k. Long-term care insurance.”.

4 (g) CONFORMING AMENDMENTS.—(1) The following provi-
5 sions of law are repealed:

6 (A) Section 703 of the National Defense Authorization
7 Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.
8 682; 10 U.S.C. 1077 note).

9 (B) Section 8118 of the Department of Defense Ap-
10 propriations Act, 2000 (Public Law 106–79; 113 Stat.
11 1260).

12 (C) Section 8100 of the Department of Defense Ap-
13 propriations Act, 2001 (Public Law 106–259; 114 Stat.
14 696).

15 (2) Section 1079 of title 10, United States Code, is
16 amended in subsection (a) by striking paragraph (17).

17 **SEC. 702. PROSTHETICS AND HEARING AIDS.**

18 Section 1077 of title 10 United States Code, is amended—

19 (1) in subsection (a), by adding at the end the fol-
20 lowing:

21 “(16) A hearing aid, but only for a dependent of a
22 member of the uniformed services on active duty and only
23 if the dependent has a profound hearing loss, as deter-
24 mined under standards prescribed in regulations by the
25 Secretary of Defense in consultation with the administering
26 Secretaries.”;

27 (2) in subsection (b)(2), by striking “Hearing aids, or-
28 thopedic footwear,” and inserting “Orthopedic footwear”;
29 and

30 (3) by adding at the end the following new subsection:

31 “(e)(1) Authority to provide a prosthetic device under sub-
32 section (a)(15) includes authority to provide the following:

33 “(A) Any accessory or item of supply that is used in
34 conjunction with the device for the purpose of achieving
35 therapeutic benefit and proper functioning.

1 “(B) Services necessary to train the recipient of the
2 device in the use of the device.

3 “(C) Repair of the device for normal wear and tear or
4 damage.

5 “(D) Replacement of the device if the device is lost or
6 irreparably damaged or the cost of repair would exceed 60
7 percent of the cost of replacement.

8 “(2) An augmentative communication device may be pro-
9 vided as a voice prosthesis under subsection (a)(15).

10 “(3) A prosthetic device customized for a patient may be
11 provided under this section only by a prosthetic practitioner
12 who is qualified to customize the device, as determined under
13 regulations prescribed by the Secretary of Defense in consulta-
14 tion with the administering Secretaries.”.

15 **SEC. 703. DURABLE MEDICAL EQUIPMENT.**

16 (a) ITEMS AUTHORIZED.—Section 1077 of title 10, United
17 States Code, as amended by section 702, is further amended—

18 (1) in subsection (a)(12), by striking “such as wheel-
19 chairs, iron lungs, and hospital beds” and inserting
20 “which”; and

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

22 “(f)(1) Items that may be provided to a patient under sub-
23 section (a)(12) include the following:

24 “(A) Any durable medical equipment that can im-
25 prove, restore, or maintain the function of a malformed,
26 diseased, or injured body part, or can otherwise minimize
27 or prevent the deterioration of the patient’s function or
28 condition.

29 “(B) Any durable medical equipment that can maxi-
30 mize the patient’s function consistent with the patient’s
31 physiological or medical needs.

32 “(C) Wheelchairs.

33 “(D) Iron lungs.

34 “(E) Hospital beds.

35 “(2) In addition to the authority to provide durable med-
36 ical equipment under subsection (a)(12), any customization of
37 equipment owned by the patient that is durable medical equip-

1 ment authorized to be provided to the patient under this sec-
2 tion or section 1079(a)(5) of this title, and any accessory or
3 item of supply for any such equipment, may be provided to the
4 patient if the customization, accessory, or item of supply is es-
5 sential for—

6 “(A) achieving therapeutic benefit for the patient;

7 “(B) making the equipment serviceable; or

8 “(C) otherwise assuring the proper functioning of the
9 equipment.”.

10 (b) PROVISION OF ITEMS ON RENTAL BASIS.—Paragraph
11 (5) of section 1079(a) of such title is amended to read as fol-
12 lows:

13 “(5) Durable equipment provided under this section
14 may be provided on a rental basis.”.

15 **SEC. 704. REHABILITATIVE THERAPY.**

16 Section 1077(a) of title 10, United States Code, as amend-
17 ed by sections 702 and 703, is further amended by inserting
18 after paragraph (16) the following new paragraph:

19 “(17) Any rehabilitative therapy to improve, restore,
20 or maintain function, or to minimize or prevent deteriora-
21 tion of function, of a patient when prescribed by a physi-
22 cian.”.

23 **SEC. 705. REPORT ON MENTAL HEALTH BENEFITS.**

24 (a) REQUIREMENT FOR STUDY.—The Secretary of De-
25 fense shall carry out a study to determine the adequacy of the
26 scope and availability of outpatient mental health benefits pro-
27 vided for members of the Armed Forces and covered bene-
28 ficiaries under the TRICARE program.

29 (b) REPORT.—Not later than March 31, 2002, the Sec-
30 retary shall submit to the Committees on Armed Services of the
31 Senate and the House of Representatives a report on the study,
32 including the conclusions and any recommendations for legisla-
33 tion that the Secretary considers appropriate.

1 **SEC. 706. CLARIFICATION OF ELIGIBILITY FOR REIM-**
2 **BURSEMENT OF TRAVEL EXPENSES OF**
3 **ADULT ACCOMPANYING PATIENT IN TRAVEL**
4 **FOR SPECIALTY CARE.**

5 Section 1074i of title 10, United States Code, is amended
6 by inserting before the period at the end the following: “and,
7 when accompaniment by an adult is necessary, for a parent or
8 guardian of the covered beneficiary or another member of the
9 covered beneficiary’s family who is at least 21 years of age”.

10 **SEC. 707. TRICARE PROGRAM LIMITATIONS ON PAY-**
11 **MENT RATES FOR INSTITUTIONAL HEALTH**
12 **CARE PROVIDERS AND ON BALANCE BILL-**
13 **ING BY INSTITUTIONAL AND NONINSTITU-**
14 **TIONAL HEALTH CARE PROVIDERS.**

15 (a) INSTITUTIONAL PROVIDERS.—Section 1079(j) of title
16 10, United States Code, is amended—

17 (1) in paragraph (2)(A)—

18 (A) by striking “(A)”; and

19 (B) by striking “may be determined under joint
20 regulations” and inserting “shall be determined under
21 joint regulations”;

22 (2) by redesignating subparagraph (B) of paragraph
23 (2) as paragraph (4), and, in such paragraph, as so redesi-
24 gnated, by striking “subparagraph (A),” and inserting
25 “this subsection,”; and

26 (3) by inserting before paragraph (4), as redesignated
27 by paragraph (2), the following new paragraph (3):

28 “(3) A contract for a plan covered by this section shall in-
29 clude a clause that prohibits each provider of services under the
30 plan from billing any person covered by the plan for any bal-
31 ance of charges for services in excess of the amount paid for
32 those services under the joint regulations referred to in para-
33 graph (2), except for any unpaid amounts of deductibles or co-
34 payments that are payable directly to the provider by the per-
35 son.”.

36 (b) NONINSTITUTIONAL PROVIDERS.—Section 1079(h)(4)
37 of such title is amended—

38 (1) by inserting “(A)” after “(4)”; and

1 (2) by adding at the end the following new subpara-
2 graph:

3 “(B) The regulations shall include a restriction that pro-
4 hibits an individual health care professional (or other non-
5 institutional health care provider) from billing a beneficiary for
6 services for more than the amount that is equal to—

7 “(i) the excess of the limiting charge (as defined in
8 section 1848(g)(2) of the Social Security Act (42 U.S.C.
9 1395w–4(g)(2))) that would be applicable if the services
10 had been provided by the professional (or other provider)
11 as an individual health care professional (or other non-
12 institutional health care provider) on a nonassignment-re-
13 lated basis under part B of title XVIII of such Act over
14 the amount that is payable by the United States for those
15 services under this subsection, plus

16 “(ii) any unpaid amounts of deductibles or copayments
17 that are payable directly to the professional (or other pro-
18 vider) by the beneficiary.”.

19 (c) EFFECTIVE DATE.—The amendments made by this
20 section shall take effect on the date that is 90 days after the
21 date of the enactment of this Act.

22 **SEC. 708. IMPROVEMENTS IN ADMINISTRATION OF THE**
23 **TRICARE PROGRAM.**

24 (a) FLEXIBILITY IN CONTRACTING.—(1) During the one-
25 year period following the date of the enactment of this Act, sec-
26 tion 1072(7) of title 10, United States Code, shall be deemed
27 to be amended by striking “the competitive selection of contrac-
28 tors to financially underwrite”.

29 (2) The terms and conditions of any contract to provide
30 health care services under the TRICARE program entered into
31 during the period described in paragraph (1) shall not be con-
32 sidered to be modified or terminated as a result of the termi-
33 nation of such period.

34 (b) REDUCTION OF CONTRACT START-UP TIME.—Section
35 1095c(b) of such title is amended—

36 (1) in paragraph (1)—

1 (A) by striking “The” and inserting “Except as
2 provided in paragraph (3), the”; and

3 (B) by striking “contract.” and all that follows
4 through “as soon as practicable after the award of
5 the”; and

6 (2) by adding at the end the following new paragraph:
7 “(3) The Secretary may reduce the nine-month start-up
8 period required under paragraph (1) if—

9 “(A) the Secretary—

10 “(i) determines that a shorter period is sufficient
11 to ensure effective implementation of all contract re-
12 quirements; and

13 “(ii) submits notification to the Committees on
14 Armed Services of the House of Representatives and
15 the Senate of the Secretary’s intent to reduce the nine-
16 month start-up period; and

17 “(B) 60 days have elapsed since the date of such noti-
18 fication.”.

19 **Subtitle B—Senior Health Care**

20 **SEC. 711. CLARIFICATIONS AND IMPROVEMENTS RE-** 21 **GARDING THE DEPARTMENT OF DEFENSE** 22 **MEDICARE-ELIGIBLE RETIREE HEALTH** 23 **CARE FUND.**

24 (a) CLARIFICATION REGARDING COVERAGE.—Subsection
25 (b) of section 1111 of title 10, United States Code, is amended
26 to read as follows:

27 “(b) In this chapter:

28 “(1) The term ‘uniformed services retiree health care
29 programs’ means the provisions of this title or any other
30 provision of law creating an entitlement to or eligibility for
31 health care for a member or former member of a partici-
32 pating uniformed service who is entitled to retired or re-
33 tainer pay, and an eligible dependent under such program.

34 “(2) The term ‘eligible dependent’ means a dependent
35 described in section 1076(a)(2) (other than a dependent of
36 a member on active duty), 1076(b), 1086(c)(2), or
37 1086(c)(3) of this title.

1 “(3) The term ‘medicare-eligible’, with respect to any
2 person, means entitled to benefits under part A of title
3 XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).

4 “(4) The term ‘participating uniformed service’ means
5 the Army, Navy, Air Force, and Marine Corps, and any
6 other uniformed service that is covered by an agreement
7 entered into under subsection (c).”.

8 (b) PARTICIPATION OF OTHER UNIFORMED SERVICES.—

9 (1) Section 1111 of such title is further amended by adding at
10 the end the following new subsection:

11 “(c) The Secretary of Defense may enter into an agree-
12 ment with any other administering Secretary (as defined in sec-
13 tion 1072(3) of this title) for participation in the Fund by a
14 uniformed service under the jurisdiction of that Secretary. Any
15 such agreement shall require that Secretary to determine con-
16 tributions to the Fund on behalf of the members of the uni-
17 formed service under the jurisdiction of that Secretary in a
18 manner comparable to the determination with respect to con-
19 tributions to the Fund made by the Secretary of Defense under
20 section 1116 of this title, and such administering Secretary
21 may make such contributions.”.

22 (2) Section 1112 of such title is amended by adding at the
23 end the following new paragraph:

24 “(4) Amounts paid into the Fund pursuant to section
25 1111(c) of this title.”.

26 (3) Section 1115 of such title is amended—

27 (A) in subsection (a), by inserting “participating” be-
28 fore “uniformed services”;

29 (B) in subparagraphs (A)(ii) and (B)(ii) of subsection
30 (b)(1), by inserting “under the jurisdiction of the Secretary
31 of Defense” after “uniformed services”;

32 (C) in subsection (b)(2), by inserting “(or to the other
33 executive department having jurisdiction over the partici-
34 pating uniformed service)” after “Department of Defense”;
35 and

1 (D) in subparagraphs (A) and (B) of subsection
2 (c)(1), by inserting “participating” before “uniformed serv-
3 ices”.

4 (4) Section 1116(a) of such title is amended in paragraphs
5 (1)(B) and (2)(B) by inserting “under the jurisdiction of the
6 Secretary of Defense” after “uniformed services”.

7 (c) CLARIFICATION OF PAYMENTS FROM THE FUND.—(1)
8 Subsection (a) of section 1113 of such title is amended to read
9 as follows:

10 “(a) There shall be paid from the Fund amounts payable
11 for the costs of all uniformed service retiree health care pro-
12 grams for the benefit of members or former members of a par-
13 ticipating uniformed service who are entitled to retired or re-
14 tainer pay and are medicare eligible, and eligible dependents
15 who are medicare eligible.”.

16 (2) Such section is further amended by adding at the end
17 the following new subsections:

18 “(c)(1) In carrying out subsection (a), the Secretary of
19 Defense may transfer periodically from the Fund to applicable
20 appropriations of the Department of Defense, or to applicable
21 appropriations of other departments or agencies, such amounts
22 as the Secretary determines necessary to cover the costs
23 chargeable to those appropriations for uniformed service retiree
24 health care programs for beneficiaries under those programs
25 who are medicare-eligible. Such transfers may include amounts
26 necessary for the administration of such programs. Amounts so
27 transferred shall be merged with and be available for the same
28 purposes and for the same time period as the appropriation to
29 which transferred. Upon a determination that all or part of the
30 funds transferred from the Fund are not necessary for the pur-
31 poses for which transferred, such amounts may be transferred
32 back to the Fund. This transfer authority is in addition to any
33 other transfer authority that may be available to the Secretary.

34 “(2) A transfer from the Fund under paragraph (1) may
35 not be made to an appropriation after the end of the second
36 fiscal year after the fiscal year that the appropriation is avail-
37 able for obligation. A transfer back to the Fund under para-

1 graph (1) may not be made after the end of the second fiscal
2 year after the fiscal year for which the appropriation to which
3 the funds were originally transferred is available for obligation.

4 “(d) The Secretary of Defense shall by regulation establish
5 the method or methods for calculating amounts to be trans-
6 ferred under subsection (c). Such method or methods may be
7 based (in whole or in part) on a proportionate share of the vol-
8 ume (measured as the Secretary determines appropriate) of
9 health care services provided or paid for under uniformed serv-
10 ice retiree health care programs for beneficiaries under those
11 programs who are medicare-eligible in relation to the total vol-
12 ume of health care services provided or paid for under Depart-
13 ment of Defense health care programs.

14 “(e) The regulations prescribed by the Secretary under
15 subsection (d) shall be provided to the Comptroller General not
16 less than 60 days before such regulations become effective. The
17 Comptroller General shall, not later than 30 days after receiv-
18 ing such regulations, report to the Secretary of Defense and
19 Congress on the adequacy and appropriateness of the regula-
20 tions.

21 “(f) If the Secretary of Defense enters into an agreement
22 with another administering Secretary pursuant to section
23 1111(c), the Secretary of Defense may take the actions de-
24 scribed in subsections (c), (d), and (e) on behalf of the bene-
25 ficiaries and programs of the other participating uniformed
26 service.”.

27 (d) SOURCE OF FUNDS FOR MONTHLY ACCRUAL PAY-
28 MENTS INTO THE FUND.—Section 1116 of such title is further
29 amended—

30 (1) in subsection (a)(2)(B) (as amended by subsection
31 (b)(4)), by striking the sentence beginning “Amounts paid
32 into”; and

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

34 “(c) Amounts paid into the Fund under subsection (a)
35 shall be paid from funds available for the health care programs
36 of the participating uniformed services under the jurisdiction of
37 the respective administering Secretaries.”.

7–16

1 (e) TECHNICAL AMENDMENTS.—(1) Sections 1111(a),
 2 1115(c)(2), 1116(a)(1)(A), and 1116(a)(2)(A) of such title are
 3 amended by striking “Department of Defense retiree health
 4 care programs” and inserting “uniformed services retiree
 5 health care programs”.

6 (2) The heading for section 1111 of such title is amended
 7 to read as follows:

8 **“§ 1111. Establishment and purpose of Fund; defi-**
 9 **nitions; authority to enter into agree-**
 10 **ments”.**

11 (3) The item relating to section 1111 in the table of sec-
 12 tions at the beginning of chapter 56 of such title is amended
 13 to read as follows:

“1111. Establishment and purpose of Fund; definitions; authority to enter
 into agreements.”.

14 (f) EFFECTIVE DATE.—The amendments made by this
 15 section shall take effect as if included in the enactment of
 16 chapter 56 of title 10, United States Code, by section
 17 713(a)(1) of the Floyd D. Spence National Defense Authoriza-
 18 tion Act for Fiscal Year 2001 (as enacted into law by Public
 19 Law 106–398; 114 Stat. 1654A–179).

20 (g) FIRST YEAR CONTRIBUTIONS.—With respect to con-
 21 tributions under section 1116(a) of title 10, United States
 22 Code, for the first year that the Department of Defense Medi-
 23 care-Eligible Retiree Health Care Fund is established under
 24 chapter 56 of such title, if the Board of Actuaries is unable to
 25 execute its responsibilities with respect to such section, the Sec-
 26 retary of Defense may make contributions under such section
 27 using methods and assumptions developed by the Secretary.

28 Subtitle C—Studies and Reports

29 SEC. 721. COMPTROLLER GENERAL STUDY OF HEALTH 30 CARE COVERAGE OF MEMBERS OF THE RE- 31 SERVE COMPONENTS OF THE ARMED 32 FORCES AND THE NATIONAL GUARD.

33 (a) REQUIREMENT FOR STUDY.—The Comptroller General
 34 shall carry out a study of the needs of members of the reserve
 35 components of the Armed Forces and the National Guard and

1 their families for health care benefits. The study shall include
2 the following:

3 (1) An analysis of how members of the reserve compo-
4 nents of the Armed Forces and the National Guard cur-
5 rently obtain coverage for health care benefits when not on
6 active duty, together with statistics on enrollments in
7 health care benefits plans, including—

8 (A) the percentage of such members who are not
9 covered by an employer health benefits plan;

10 (B) the percentage of such members who are not
11 covered by an individual health benefits plan; and

12 (C) the percentage of such members who are not
13 covered by any health insurance or other health bene-
14 fits plan.

15 (2) An assessment of the disruptions in health benefits
16 coverage that a mobilization of members of the reserve
17 components of the Armed Forces and the National Guard
18 causes for the members and their families.

19 (3) An assessment of the cost and effectiveness of var-
20 ious options for preventing or reducing disruptions de-
21 scribed in paragraph (2), including—

22 (A) providing health care benefits to all members
23 of the reserve components of the Armed Forces and the
24 National Guard and their families through the
25 TRICARE program, the Federal Employees Health
26 Benefits Program, or otherwise;

27 (B) revising and extending the program of transi-
28 tional medical and dental care that is provided under
29 section 1074b of title 10, United States Code, for mem-
30 bers of the Armed Forces upon release from active duty
31 served in support of a contingency operation;

32 (C) requiring the health benefits plans of such
33 members, including individual health benefits plans and
34 group health benefits plans, to permit such members to
35 elect to resume coverage under such health benefits
36 plans upon release from active duty in support of a
37 contingency operation;

1 (D) allowing members of the reserve components
2 of the Armed Forces and the National Guard to par-
3 ticipate in TRICARE Standard using various cost-
4 sharing arrangements;

5 (E) providing employers of members of the reserve
6 components of the Armed Forces and the National
7 Guard with the option of paying the costs of partici-
8 pation in the TRICARE program for such members and
9 their families using various cost-sharing arrangements;

10 (F) providing financial assistance for paying pre-
11 miums or other subscription charges for continuation of
12 coverage by private sector health insurance or other
13 health benefits plans; and

14 (G) any other options that the Comptroller Gen-
15 eral determines advisable to consider.

16 (b) REPORT.—Not later than May 1, 2002, the Comp-
17 troller General shall submit to Congress a report describing the
18 findings of the study conducted under subsection (a).

19 **SEC. 722. COMPTROLLER GENERAL STUDY OF ADE-**
20 **QUACY AND QUALITY OF HEALTH CARE PRO-**
21 **VIDED TO WOMEN UNDER THE DEFENSE**
22 **HEALTH PROGRAM.**

23 (a) REQUIREMENT FOR STUDY.—The Comptroller General
24 shall carry out a study of the adequacy and quality of the
25 health care provided to women under chapter 55 of title 10,
26 United States Code.

27 (b) SPECIFIC CONSIDERATION.—The study shall include
28 an intensive review of the availability and quality of reproduc-
29 tive health care services.

30 (c) REPORT.—The Comptroller General shall submit a re-
31 port on the results of the study to Congress not later than May
32 1, 2002.

33 **SEC. 723. REPEAL OF OBSOLETE REPORT REQUIRE-**
34 **MENT.**

35 Section 701 of the National Defense Authorization Act for
36 Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 1074g note)
37 is amended by striking subsection (d).

1 **SEC. 724. COMPTROLLER GENERAL REPORT ON RE-**
2 **QUIREMENT TO PROVIDE SCREENINGS,**
3 **PHYSICAL EXAMINATIONS, AND OTHER**
4 **CARE FOR CERTAIN MEMBERS.**

5 (a) REPORT REQUIRED.—The Comptroller General shall
6 prepare a report on the advisability, need, and cost effective-
7 ness of the requirements under section 1074a(d) of title 10,
8 United States Code, that the Secretary of the Army provide
9 medical and dental screenings, physical examinations, and cer-
10 tain dental care for early deploying members of the Selected
11 Reserve. The report shall include any recommendations for
12 changes to such requirements based on the most current infor-
13 mation available on the value of periodic physical examinations
14 and any role such examinations play in monitoring force and
15 individual member pre-deployment and post-deployment health
16 status.

17 (b) DEADLINE FOR SUBMISSION.—The report required by
18 subsection (a) shall be provided to the Committees on Armed
19 Services of the Senate and the House of Representatives not
20 later than June 1, 2002.

21 **Subtitle D—Other Matters**

22 **SEC. 731. PROHIBITION AGAINST REQUIRING MILITARY**
23 **RETIREES TO RECEIVE HEALTH CARE SOLE-**
24 **LY THROUGH THE DEPARTMENT OF DE-**
25 **FENSE.**

26 (a) PROHIBITION.—Chapter 55 of title 10, United States
27 Code, is amended by inserting after section 1086a the following
28 new section:

29 **“§ 1086b. Prohibition against requiring retired**
30 **members to receive health care solely**
31 **through the Department of Defense**

32 “The Secretary of Defense may not take any action that
33 would require, or have the effect of requiring, a member or
34 former member of the armed forces who is entitled to retired
35 or retainer pay to enroll to receive health care from the Federal
36 Government only through the Department of Defense.”.

1 (b) CLERICAL AMENDMENT.—The table of sections at the
 2 beginning of such chapter is amended by inserting after the
 3 item relating to section 1086a the following new item:

“1086b. Prohibition against requiring retired members to receive health
 care solely through the Department of Defense.”.

4 **SEC. 732. FEES FOR TRAUMA AND OTHER MEDICAL**
 5 **CARE PROVIDED TO CIVILIANS.**

6 (a) REQUIREMENT TO IMPLEMENT PROCEDURES.—(1)
 7 Chapter 55 of title 10, United States Code, is amended by in-
 8 serting after section 1079a the following new section:

9 **“§ 1079b. Procedures for charging fees for care**
 10 **provided to civilians; retention and use of**
 11 **fees collected**

12 “(a) REQUIREMENT TO IMPLEMENT PROCEDURES.—The
 13 Secretary of Defense shall implement procedures under which
 14 a military medical treatment facility may charge civilians who
 15 are not covered beneficiaries (or their insurers) fees rep-
 16 resenting the costs, as determined by the Secretary, of trauma
 17 and other medical care provided to such civilians.

18 “(b) USE OF FEES COLLECTED.—A military medical
 19 treatment facility may retain and use the amounts collected
 20 under subsection (a) for—

21 “(1) trauma consortium activities;

22 “(2) administrative, operating, and equipment costs;

23 and

24 “(3) readiness training.”.

25 (2) The table of sections at the beginning of such chapter
 26 is amended by inserting after the item relating to section
 27 1079a the following new item:

“1079b. Procedures for charging fees for care provided to civilians; reten-
 tion and use of fees collected.”.

28 (b) DEADLINE FOR IMPLEMENTATION.—The Secretary of
 29 Defense shall begin to implement the procedures required by
 30 section 1079b(a) of title 10, United States Code (as added by
 31 subsection (a)), not later than one year after the date of the
 32 enactment of this Act.

1 **SEC. 733. ENHANCEMENT OF MEDICAL PRODUCT DE-**
2 **VELOPMENT.**

3 Section 980 of title 10, United States Code, is amended—

4 (1) by inserting “(a)” before “Funds”; and

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

6 “(b) The Secretary of Defense may waive the prohibition
7 in this section with respect to a specific research project to ad-
8 vance the development of a medical product necessary to the
9 armed forces if the research project may directly benefit the
10 subject and is carried out in accordance with all other applica-
11 ble laws.”.

12 **SEC. 734. PILOT PROGRAM PROVIDING FOR DEPART-**
13 **MENT OF VETERANS AFFAIRS SUPPORT IN**
14 **THE PERFORMANCE OF SEPARATION PHYS-**
15 **ICAL EXAMINATIONS.**

16 (a) **AUTHORITY.**—The Secretary of Defense and the Sec-
17 retary of Veterans Affairs may jointly carry out a pilot pro-
18 gram under which the Secretary of Veterans Affairs may per-
19 form the physical examinations required for members of the
20 uniformed services separating from the uniformed services who
21 are in one or more geographic areas designated for the pilot
22 program by the Secretaries.

23 (b) **REIMBURSEMENT.**—The Secretary of Defense shall re-
24 imburse the Secretary of Veterans Affairs for the cost incurred
25 by the Secretary of Veterans Affairs in performing, under the
26 pilot program, the elements of physical examination that are
27 required by the Secretary concerned in connection with the sep-
28 aration of a member of a uniformed service. Reimbursements
29 shall be paid out of funds available for the performance of sep-
30 aration physical examinations of members of that uniformed
31 service in facilities of the uniformed services.

32 (c) **AGREEMENT.**—(1) If the Secretary of Defense and the
33 Secretary of Veterans Affairs carry out the pilot program au-
34 thorized by this section, the Secretaries shall enter into an
35 agreement specifying the geographic areas in which the pilot
36 program is carried out and the means for making reimburse-
37 ment payments under subsection (b).

1 (2) The other administering Secretaries shall also enter
2 into the agreement to the extent that the Secretary of Defense
3 determines necessary to apply the pilot program, including the
4 requirement for reimbursement, to the uniformed services not
5 under the jurisdiction of the Secretary of a military depart-
6 ment.

7 (d) CONSULTATION REQUIREMENT.—In developing and
8 carrying out the pilot program, the Secretary of Defense shall
9 consult with the other administering Secretaries.

10 (e) PERIOD OF PROGRAM.—The Secretary of Defense and
11 the Secretary of Veterans Affairs may carry out the pilot pro-
12 gram under this section beginning not later than July 1, 2002,
13 and terminating on December 31, 2005.

14 (f) REPORTS.—(1) If the Secretary of Defense and the
15 Secretary of Veterans Affairs carry out the pilot program au-
16 thorized by this section—

17 (A) not later than January 31, 2004, the Secretaries
18 shall jointly submit to Congress an interim report on the
19 conduct of the pilot program; and

20 (B) not later than March 1, 2005, the Secretaries
21 shall jointly submit to Congress a final report on the con-
22 duct of the pilot program.

23 (2) Reports under this subsection shall include the Secre-
24 taries' assessment, as of the date of the report, of the efficacy
25 of the performance of separation physical examinations as pro-
26 vided for under the pilot program.

27 (g) DEFINITIONS.—In this section:

28 (1) The term “administering Secretaries” has the
29 meaning given that term in section 1072(3) of title 10,
30 United States Code.

31 (2) The term “Secretary concerned” has the meaning
32 given that term in section 101(5) of title 37, United States
33 Code.

1 **SEC. 735. MODIFICATION OF PROHIBITION ON REQUIRE-**
2 **MENT OF NONAVAILABILITY STATEMENT OR**
3 **PREAUTHORIZATION.**

4 (a) CLARIFICATION OF COVERED BENEFICIARIES.—Sub-
5 section (a) of section 721 of the Floyd D. Spence National De-
6 fense Authorization Act for Fiscal Year 2001 (as enacted into
7 law by Public Law 106–398; 114 Stat. 1654A–184) is amend-
8 ed by striking “covered beneficiary under chapter 55 of title
9 10, United States Code, who is enrolled in TRICARE Stand-
10 ard,” and inserting “covered beneficiary under TRICARE
11 Standard pursuant to chapter 55 of title 10, United States
12 Code,”.

13 (b) REPEAL OF REQUIREMENT FOR NOTIFICATION RE-
14 GARDING HEALTH CARE RECEIVED FROM ANOTHER
15 SOURCE.—Subsection (b) of such section is repealed.

16 (c) WAIVER AUTHORITY.—Such section, as so amended, is
17 further amended by striking subsection (c) and inserting the
18 following new subsections:

19 “(b) WAIVER AUTHORITY.—The Secretary may waive the
20 prohibition in subsection (a) if—

21 “(1) the Secretary—

22 “(A) demonstrates that significant costs would be
23 avoided by performing specific procedures at the af-
24 fected military medical treatment facility or facilities;

25 “(B) determines that a specific procedure must be
26 provided at the affected military medical treatment fa-
27 cility or facilities to ensure the proficiency levels of the
28 practitioners at the facility or facilities; or

29 “(C) determines that the lack of nonavailability
30 statement data would significantly interfere with
31 TRICARE contract administration;

32 “(2) the Secretary provides notification of the Sec-
33 retary’s intent to grant a waiver under this subsection to
34 covered beneficiaries who receive care at the military med-
35 ical treatment facility or facilities that will be affected by
36 the decision to grant a waiver under this subsection;

1 “(3) the Secretary notifies the Committees on Armed
2 Services of the House of Representatives and the Senate of
3 the Secretary’s intent to grant a waiver under this sub-
4 section, the reason for the waiver, and the date that a non-
5 availability statement will be required; and

6 “(4) 60 days have elapsed since the date of the notifi-
7 cation described in paragraph (3).

8 “(c) WAIVER EXCEPTION FOR MATERNITY CARE.—Sub-
9 section (b) shall not apply with respect to maternity care.”.

10 (d) EFFECTIVE DATE.—(1) Subsection (a) of such section
11 is amended by striking “under any new contract for the provi-
12 sion of health care services”.

13 (2) Subsection (d) of such section is amended by striking
14 “take effect on October 1, 2001.” and inserting “take effect on
15 the earlier of the following:

16 “(1) The date that a new contract entered into by the
17 Secretary to provide health care services under TRICARE
18 Standard takes effect.

19 “(2) The date that is two years after the date of the
20 enactment of the National Defense Authorization Act for
21 Fiscal Year 2002.”.

22 (e) REPORT.—Not later than March 1, 2002, the Sec-
23 retary of Defense shall submit to the Committees on Armed
24 Services of the House of Representatives and the Senate a re-
25 port on the Secretary’s plans for implementing section 721 of
26 the Floyd D. Spence National Defense Authorization Act for
27 Fiscal Year 2001, as amended by this section.

28 **SEC. 736. TRANSITIONAL HEALTH CARE FOR MEMBERS**
29 **SEPARATED FROM ACTIVE DUTY.**

30 (a) PERMANENT AUTHORITY FOR INVOLUNTARILY SEPA-
31 RATED MEMBERS AND MOBILIZED RESERVES.—Subsection (a)
32 of section 1145 of title 10, United States Code, is amended—

33 (1) in paragraph (1), by striking “paragraph (2), a
34 member” and all that follows through “of the member),”
35 and inserting “paragraph (3), a member of the armed
36 forces who is separated from active duty as described in
37 paragraph (2)”;

1 (2) by redesignating paragraph (2) as paragraph (3);
2 (3) by inserting after paragraph (1) the following new
3 paragraph (2):

4 “(2) This subsection applies to the following members of
5 the armed forces:

6 “(A) A member who is involuntarily separated from
7 active duty.

8 “(B) A member of a reserve component who is sepa-
9 rated from active duty to which called or ordered in sup-
10 port of a contingency operation if the active duty is active
11 duty for a period of more than 30 days.

12 “(C) A member who is separated from active duty for
13 which the member is involuntarily retained under section
14 12305 of this title in support of a contingency operation.

15 “(D) A member who is separated from active duty
16 served pursuant to a voluntary agreement of the member
17 to remain on active duty for a period of less than one year
18 in support of a contingency operation.”; and

19 (4) in paragraph (3), as redesignated by paragraph
20 (2), by striking “involuntarily” each place it appears.

21 (b) CONFORMING AMENDMENTS.—Such section 1145 is
22 further amended—

23 (1) in subsection (c)(1), by striking “during the period
24 beginning on October 1, 1990, and ending on December
25 31, 2001”; and

26 (2) in subsection (e), by striking the first sentence.

27 (c) REPEAL OF SUPERSEDED AUTHORITY.—(1) Section
28 1074b of title 10, United States Code, is repealed.

29 (2) The table of sections at the beginning of chapter 55
30 of such title is amended by striking the item relating to section
31 1074b.

32 (d) TRANSITION PROVISION.—Notwithstanding the repeal
33 of section 1074b of title 10, United States Code, by subsection
34 (c), the provisions of that section, as in effect before the date
35 of the enactment of this Act, shall continue to apply to a mem-
36 ber of the Armed Forces who is released from active duty in
37 support of a contingency operation before that date.

1 **SEC. 737. TWO-YEAR EXTENSION OF HEALTH CARE MAN-**
2 **AGEMENT DEMONSTRATION PROGRAM.**

3 (a) EXTENSION.—Subsection (d) of section 733 of the
4 Floyd D. Spence National Defense Authorization Act for Fiscal
5 Year 2001 (as enacted by Public Law 106–398; 114 Stat.
6 1654A–191) is amended by striking “December 31, 2001” and
7 inserting “December 31, 2003”.

8 (b) REPORT.—Subsection (e) of that section is amended—

9 (1) by striking “REPORTS.—” and inserting “RE-
10 PORT.—”; and

11 (2) by striking “March 15, 2002” and inserting
12 “March 15, 2004”.

13 **SEC. 738. JOINT DOD-VA PILOT PROGRAM FOR PRO-**
14 **VIDING GRADUATE MEDICAL EDUCATION**
15 **AND TRAINING FOR PHYSICIANS.**

16 (a) IN GENERAL.—The Secretary of Defense and the Sec-
17 retary of Veterans Affairs may jointly carry out a pilot pro-
18 gram under which graduate medical education and training is
19 provided to military physicians and physician employees of the
20 Department of Defense and the Department of Veterans Af-
21 fairs through one or more programs carried out in military
22 medical treatment facilities of the Department of Defense and
23 medical centers of the Department of Veterans Affairs.

24 (b) COST-SHARING AGREEMENT.—If the Secretary of De-
25 fense and the Secretary of Veterans Affairs carry out a pilot
26 program under subsection (a), the Secretaries shall enter into
27 an agreement for carrying out the pilot program under which
28 means are established for each respective Secretary to assist in
29 paying the costs, with respect to individuals under the jurisdic-
30 tion of such Secretary, incurred by the other Secretary in pro-
31 viding medical education and training under the pilot program.

32 (c) USE OF EXISTING AUTHORITIES.—To carry out the
33 pilot program, the Secretary of Defense and the Secretary of
34 Veterans Affairs shall exercise authorities provided to the Sec-
35 retaries, respectively, under other laws relating to the fur-
36 nishing or support of medical education and the cooperative use
37 of facilities.

1 (d) PERIOD OF PROGRAM.—If the Secretary of Defense
2 and the Secretary of Veterans Affairs carry out a pilot program
3 under subsection (a), such pilot program shall begin not later
4 than August 1, 2002, and shall terminate on July 31, 2007.

5 (e) REPORTS.—If the Secretary of Defense and the Sec-
6 retary of Veterans Affairs carry out a pilot program under sub-
7 section (a), not later than January 31, 2003, and January 31
8 of each year thereafter through 2008, the Secretaries shall
9 jointly submit to Congress a report on the pilot program. The
10 report shall cover the preceding year and shall include each
11 Secretary's assessment of the efficacy of providing education
12 and training under the program.

1 **TITLE VIII—ACQUISITION POLICY,**
 2 **ACQUISITION MANAGEMENT, AND**
 3 **RELATED MATTERS**

Subtitle A—Procurement Management and Administration

- Sec. 801. Management of procurement of services.
 Sec. 802. Savings goals for procurements of services.
 Sec. 803. Competition requirement for purchase of services pursuant to multiple award contracts.
 Sec. 804. Reports on maturity of technology at initiation of major defense acquisition programs.

Subtitle B—Use of Preferred Sources

- Sec. 811. Applicability of competition requirements to purchases from a required source.
 Sec. 812. Extension of mentor-protégé program.
 Sec. 813. Increase of assistance limitation regarding procurement technical assistance program.

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Related Matters

- Sec. 821. Amendments to conform with administrative changes in acquisition phase and milestone terminology and to make related adjustments in certain requirements applicable at milestone transition points.
 Sec. 822. Follow-on production contracts for products developed pursuant to prototype projects.
 Sec. 823. One-year extension of program applying simplified procedures to certain commercial items.
 Sec. 824. Acquisition workforce qualifications.
 Sec. 825. Report on implementation of recommendations of the acquisition 2005 task force.

Subtitle D—Other Matters

- Sec. 831. Identification of errors made by executive agencies in payments to contractors and recovery of amounts erroneously paid.
 Sec. 832. Codification and modification of provision of law known as the “Berry amendment”.
 Sec. 833. Personal services contracts to be performed by individuals or organizations abroad.
 Sec. 834. Requirements regarding insensitive munitions.
 Sec. 835. Inapplicability of limitation to small purchases of miniature or instrument ball or roller bearings under certain circumstances.
 Sec. 836. Temporary emergency procurement authority to facilitate the defense against terrorism or biological or chemical attack.

4 **Subtitle A—Procurement**
 5 **Management and Administration**

6 **SEC. 801. MANAGEMENT OF PROCUREMENT OF SERV-**
 7 **ICES.**

8 (a) RESPONSIBILITY OF UNDER SECRETARY OF DEFENSE
 9 FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—Section

1 133(b)(2) of title 10, United States Code, is amended by in-
2 sserting “of goods and services” after “procurement”.

3 (b) REQUIREMENT FOR MANAGEMENT STRUCTURE.—(1)
4 Chapter 137 of such title is amended by inserting after section
5 2328 the following new section:

6 **“§ 2330. Procurement of services: management**
7 **structure**

8 “(a) REQUIREMENT FOR MANAGEMENT STRUCTURE.—(1)
9 The Secretary of Defense shall establish and implement a man-
10 agement structure for the procurement of services for the De-
11 partment of Defense. The management structure shall be com-
12 parable to the management structure that applies to the pro-
13 curement of products by the Department.

14 “(2) The management structure required by paragraph (1)
15 shall—

16 “(A) provide for a designated official in each military
17 department to exercise responsibility for the management
18 of the procurement of services for such department;

19 “(B) provide for a designated official for Defense
20 Agencies and other defense components outside the military
21 departments to exercise responsibility for the management
22 of the procurement of services for such Defense Agencies
23 and components;

24 “(C) include a means by which employees of the de-
25 partments, Defense Agencies, and components are account-
26 able to such designated officials for carrying out the re-
27 quirements of subsection (b); and

28 “(D) establish specific dollar thresholds and other cri-
29 teria for advance approvals of purchases under subsection
30 (b)(1)(C) and delegations of activity under subsection
31 (b)(2).

32 “(b) CONTRACTING RESPONSIBILITIES OF DESIGNATED
33 OFFICIALS.—(1) The responsibilities of an official designated
34 under subsection (a) shall include, with respect to the procure-
35 ment of services for the military department or Defense Agen-
36 cies and components by that official, the following:

1 “(A) Ensuring that the services are procured by
2 means of contracts or task orders that are in the best in-
3 terests of the Department of Defense and are entered into
4 or issued and managed in compliance with applicable stat-
5 utes, regulations, directives, and other requirements, re-
6 gardless of whether the services are procured through a
7 contract or task order of the Department of Defense or
8 through a contract entered into or task order issued by an
9 official of the United States outside the Department of De-
10 fense.

11 “(B) Analyzing data collected under section 2330a of
12 this title on contracts that are entered into for the procure-
13 ment of services.

14 “(C) Approving, in advance, any procurement of serv-
15 ices above the thresholds established pursuant to subsection
16 (a)(2)(D) that is to be made through the use of—

17 “(i) a contract or task order that is not a perform-
18 ance-based contract or task order; or

19 “(ii) a contract entered into, or a task order
20 issued, by an official of the United States outside the
21 Department of Defense.

22 “(2) The responsibilities of a designated official may be
23 delegated to other employees of the Department of Defense in
24 accordance with the criteria established by the Secretary of De-
25 fense.

26 “(c) DEFINITION.—In this section, the term ‘performance-
27 based’, with respect to a contract or a task order means that
28 the contract or task order, respectively, includes the use of per-
29 formance work statements that set forth requirements in clear,
30 specific, and objective terms with measurable outcomes.”.

31 (2) Not later than 180 days after the date of the enact-
32 ment of this Act—

33 (A) the Secretary of Defense shall establish and imple-
34 ment the management structure required under section
35 2330 of title 10, United States Code (as added by para-
36 graph (1)); and

1 (B) the Under Secretary of Defense for Acquisition,
2 Technology, and Logistics shall issue guidance for officials
3 in the management structure established under such sec-
4 tion 2330 regarding how to carry out their responsibilities
5 under that section.

6 (c) TRACKING OF PROCUREMENT OF SERVICES.—Chapter
7 137 of title 10, United States Code, as amended by subsection
8 (b), is further amended by inserting after section 2330 the fol-
9 lowing new section:

10 **“§ 2330a. Procurement of services: tracking of pur-**
11 **chases**

12 “(a) DATA COLLECTION REQUIRED.—The Secretary of
13 Defense shall establish a data collection system to provide man-
14 agement information with regard to each purchase of services
15 by a military department or Defense Agency in excess of the
16 simplified acquisition threshold, regardless of whether such a
17 purchase is made in the form of a contract, task order, delivery
18 order, military interdepartmental purchase request, or any
19 other form of interagency agreement.

20 “(b) DATA TO BE COLLECTED.—The data required to be
21 collected under subsection (a) includes the following:

22 “(1) The services purchased.

23 “(2) The total dollar amount of the purchase.

24 “(3) The form of contracting action used to make the
25 purchase.

26 “(4) Whether the purchase was made through—

27 “(A) a performance-based contract, performance-
28 based task order, or other performance-based arrange-
29 ment that contains firm fixed prices for the specific
30 tasks to be performed;

31 “(B) any other performance-based contract, per-
32 formance-based task order, or performance-based ar-
33 rangement; or

34 “(C) any contract, task order, or other arrange-
35 ment that is not performance based.

1 “(5) In the case of a purchase made through an agen-
2 cy other than the Department of Defense, the agency
3 through which the purchase is made.

4 “(6) The extent of competition provided in making the
5 purchase and whether there was more than one offer.

6 “(7) Whether the purchase was made from—

7 “(A) a small business concern;

8 “(B) a small business concern owned and con-
9 trolled by socially and economically disadvantaged indi-
10 viduals; or

11 “(C) a small business concern owned and con-
12 trolled by women.

13 “(e) COMPATIBILITY WITH DATA COLLECTION SYSTEM
14 FOR INFORMATION TECHNOLOGY PURCHASES.—To the max-
15 imum extent practicable, a single data collection system shall
16 be used to collect data under this section and information
17 under section 2225 of this title.

18 “(d) DEFINITIONS.—In this section:

19 “(1) The term ‘performance-based’, with respect to a
20 contract, task order, or arrangement, means that the con-
21 tract, task order, or arrangement, respectively, includes the
22 use of performance work statements that set forth contract
23 requirements in clear, specific, and objective terms with
24 measurable outcomes.

25 “(2) The definitions set forth in section 2225(f) of this
26 title for the terms ‘simplified acquisition threshold’, ‘small
27 business concern’, ‘small business concern owned and con-
28 trolled by socially and economically disadvantaged individ-
29 uals’, and ‘small business concern owned and controlled by
30 women’ shall apply.”.

31 “(d) REQUIREMENT FOR PROGRAM REVIEW STRUCTURE.—

32 (1) Not later than 180 days after the date of the enactment
33 of this Act, the Secretary of Defense shall issue and implement
34 a policy that applies to the procurement of services by the De-
35 partment of Defense a program review structure that is similar
36 to the one developed for and applied to the procurement of
37 weapon systems by the Department of Defense.

1 (2) The program review structure for the procurement of
2 services shall, at a minimum, include the following:

3 (A) Standards for determining which procurements
4 should be subject to review by either the senior procure-
5 ment executive of a military department or the senior pro-
6 curement executive of the Department of Defense under
7 such section, including criteria based on dollar thresholds,
8 program criticality, or other appropriate measures.

9 (B) Appropriate key decision points at which those re-
10 views should take place.

11 (C) A description of the specific matters that should
12 be reviewed.

13 (e) **COMPTROLLER GENERAL REVIEW.**—Not later than 90
14 days after the date on which the Secretary issues the policy re-
15 quired by subsection (d) and the Under Secretary of Defense
16 for Acquisition, Technology, and Logistics issues the guidance
17 required by subsection (b)(2), the Comptroller General shall
18 submit to the Committees on Armed Services of the Senate and
19 the House of Representatives an assessment of the compliance
20 with the requirements of this section and the amendments
21 made by this section.

22 (f) **DEFINITIONS.**—In this section:

23 (1) The term “senior procurement executive” means
24 the official designated as the senior procurement executive
25 under section 16(3) of the Office of Federal Procurement
26 Policy Act (41 U.S.C. 414(3)).

27 (2) The term “performance-based”, with respect to a
28 contract or a task order means that the contract or task
29 order, respectively, includes the use of performance work
30 statements that set forth contract requirements in clear,
31 specific, and objective terms with measurable outcomes.

32 (g) **CLERICAL AMENDMENTS.**—(1) The heading for section
33 2331 of title 10, United States Code, is amended to read as
34 follows:

1 **“§ 2331. Procurement of services: contracts for**
2 **professional and technical services”.**

3 (2) The table of sections at the beginning of chapter 137
4 of such title is amended by striking the item relating to section
5 2331 and inserting the following new items:

“2330. Procurement of services: management structure.

“2330a. Procurement of services: tracking of purchases.

“2331. Procurement of services: contracts for professional and technical
services.”.

6 **SEC. 802. SAVINGS GOALS FOR PROCUREMENTS OF**
7 **SERVICES.**

8 (a) GOALS.—(1) It shall be an objective of the Depart-
9 ment of Defense to achieve savings in expenditures for procure-
10 ments of services through the use of—

11 (A) performance-based services contracting;

12 (B) appropriate competition for task orders under
13 services contracts; and

14 (C) program review, spending analyses, and improved
15 management of services contracts.

16 (2) In furtherance of such objective, the Department of
17 Defense shall have goals to use improved management practices
18 to achieve, over 10 fiscal years, reductions in the total amount
19 that would otherwise be expended by the Department for the
20 procurement of services (other than military construction) in a
21 fiscal year by the amount equal to 10 percent of the total
22 amount of the expenditures of the Department for fiscal year
23 2000 for procurement of services (other than military construc-
24 tion), as follows:

25 (A) By fiscal year 2002, a three percent reduction.

26 (B) By fiscal year 2003, a four percent reduction.

27 (C) By fiscal year 2004, a five percent reduction.

28 (D) By fiscal year 2011, a ten percent reduction.

29 (b) ANNUAL REPORT.—Not later than March 1, 2002,
30 and annually thereafter through March 1, 2006, the Secretary
31 of Defense shall submit to the congressional defense commit-
32 tees a report on the progress made toward meeting the objec-
33 tive and goals established in subsection (a). Each report shall
34 include, at a minimum, the following information:

1 (1) A summary of the steps taken or planned to be
2 taken in the fiscal year of the report to improve the man-
3 agement of procurements of services.

4 (2) A summary of the steps planned to be taken in the
5 following fiscal year to improve the management of pro-
6 curements of services.

7 (3) An estimate of the amount that will be expended
8 by the Department of Defense for procurements of services
9 in the fiscal year of the report.

10 (4) An estimate of the amount that will be expended
11 by the Department of Defense for procurements of services
12 in the following fiscal year.

13 (5) An estimate of the amount of savings that, as a
14 result of improvement of the management practices used by
15 the Department of Defense, will be achieved for the pro-
16 curement of services by the Department in the fiscal year
17 of the report and in the following fiscal year.

18 **SEC. 803. COMPETITION REQUIREMENT FOR PURCHASE**
19 **OF SERVICES PURSUANT TO MULTIPLE**
20 **AWARD CONTRACTS.**

21 (a) REGULATIONS REQUIRED.—Not later than 180 days
22 after the date of the enactment of this Act, the Secretary of
23 Defense shall promulgate in the Department of Defense Sup-
24 plement to the Federal Acquisition Regulation regulations re-
25 quiring competition in the purchase of services by the Depart-
26 ment of Defense pursuant to multiple award contracts.

27 (b) CONTENT OF REGULATIONS.—(1) The regulations re-
28 quired by subsection (a) shall provide, at a minimum, that each
29 individual purchase of services in excess of \$100,000 that is
30 made under a multiple award contract shall be made on a com-
31 petitive basis unless a contracting officer of the Department of
32 Defense—

33 (A) waives the requirement on the basis of a deter-
34 mination that—

35 (i) one of the circumstances described in para-
36 graphs (1) through (4) of section 2304c(b) of title 10,

1 United States Code, applies to such individual purchase;
2 or

3 (ii) a statute expressly authorizes or requires that
4 the purchase be made from a specified source; and

5 (B) justifies the determination in writing.

6 (2) For purposes of this subsection, an individual purchase
7 of services is made on a competitive basis only if it is made
8 pursuant to procedures that—

9 (A) require fair notice of the intent to make that purchase
10 (including a description of the work to be performed
11 and the basis on which the selection will be made) to be
12 provided to all contractors offering such services under the
13 multiple award contract; and

14 (B) afford all contractors responding to the notice a
15 fair opportunity to make an offer and have that offer fairly
16 considered by the official making the purchase.

17 (3) Notwithstanding paragraph (2), notice may be provided
18 to fewer than all contractors offering such services under
19 a multiple award contract described in subsection (c)(2)(A) if
20 notice is provided to as many contractors as practicable.

21 (4) A purchase may not be made pursuant to a notice that
22 is provided to fewer than all contractors under paragraph (3)
23 unless—

24 (A) offers were received from at least three qualified
25 contractors; or

26 (B) a contracting officer of the Department of Defense
27 determines in writing that no additional qualified contractors
28 were able to be identified despite reasonable efforts to
29 do so.

30 (c) DEFINITIONS.—In this section:

31 (1) The term “individual purchase” means a task
32 order, delivery order, or other purchase.

33 (2) The term “multiple award contract” means—

34 (A) a contract that is entered into by the Administrator
35 of General Services under the multiple award
36 schedule program referred to in section 2302(2)(C) of
37 title 10, United States Code;

1 (B) a multiple award task order contract that is
2 entered into under the authority of sections 2304a
3 through 2304d of title 10, United States Code, or sec-
4 tions 303H through 303K of the Federal Property and
5 Administrative Services Act of 1949 (41 U.S.C. 253h
6 through 253k); and

7 (C) any other indefinite delivery, indefinite quan-
8 tity contract that is entered into by the head of a Fed-
9 eral agency with two or more sources pursuant to the
10 same solicitation.

11 (3) The term “Defense Agency” has the meaning
12 given that term in section 101(a)(11) of title 10, United
13 States Code.

14 (d) APPLICABILITY.—The regulations promulgated by the
15 Secretary pursuant to subsection (a) shall take effect not later
16 than 180 days after the date of the enactment of this Act and
17 shall apply to all individual purchases of services that are made
18 under multiple award contracts on or after the effective date,
19 without regard to whether the multiple award contracts were
20 entered into before, on, or after such effective date.

21 **SEC. 804. REPORTS ON MATURITY OF TECHNOLOGY AT**
22 **INITIATION OF MAJOR DEFENSE ACQUI-**
23 **SION PROGRAMS.**

24 (a) REPORTS REQUIRED.—Not later than March 1 of each
25 of years 2003 through 2006, the Secretary of Defense shall
26 submit to the Committees on Armed Services of the Senate and
27 the House of Representatives a report on the implementation
28 of the requirement in paragraph 4.7.3.2.2.2 of Department of
29 Defense Instruction 5000.2, as in effect on the date of enact-
30 ment of this Act, that technology must have been demonstrated
31 in a relevant environment (or, preferably, in an operational en-
32 vironment) to be considered mature enough to use for product
33 development in systems integration.

34 (b) CONTENTS OF REPORTS.—Each report required by
35 subsection (a) shall—

36 (1) identify each case in which a major defense acqui-
37 sition program entered system development and demonstra-

1 tion during the preceding calendar year and into which key
2 technology has been incorporated that does not meet the
3 technological maturity requirement described in subsection
4 (a), and provide a justification for why such key technology
5 was incorporated; and

6 (2) identify any determination of technological matu-
7 rity with which the Deputy Under Secretary of Defense for
8 Science and Technology did not concur and explain how the
9 issue has been or will be resolved.

10 (c) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—
11 In this section, the term “major defense acquisition program”
12 has the meaning given that term in section 139(a)(2) of title
13 10, United States Code.

14 **Subtitle B—Use of Preferred Sources**

15 **SEC. 811. APPLICABILITY OF COMPETITION REQUIRE-** 16 **MENTS TO PURCHASES FROM A REQUIRED** 17 **SOURCE.**

18 (a) CONDITIONS FOR COMPETITION.—(1) Chapter 141 of
19 title 10, United States Code, is amended by adding at the end
20 the following:

21 **“§ 2410n. Products of Federal Prison Industries:** 22 **procedural requirements**

23 “(a) MARKET RESEARCH BEFORE PURCHASE.—Before
24 purchasing a product listed in the latest edition of the Federal
25 Prison Industries catalog under section 4124(d) of title 18, the
26 Secretary of Defense shall conduct market research to deter-
27 mine whether the Federal Prison Industries product is com-
28 parable in price, quality, and time of delivery to products avail-
29 able from the private sector.

30 “(b) LIMITED COMPETITION REQUIREMENT.—If the Sec-
31 retary determines that a Federal Prison Industries product is
32 not comparable in price, quality, and time of delivery to prod-
33 ucts available from the private sector, the Secretary shall use
34 competitive procedures for the procurement of the product. In
35 conducting such a competition, the Secretary shall consider a
36 timely offer from Federal Prison Industries for award in ac-

1 cordance with the specifications and evaluation factors specified
2 in the solicitation.”.

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

“2410n. Products of Federal Prison Industries: procedural requirements.”.

5 (b) APPLICABILITY.—Section 2410n of title 10, United
6 States Code (as added by subsection (a)), shall apply to pur-
7 chases initiated on or after October 1, 2001.

8 **SEC. 812. EXTENSION OF MENTOR-PROTEGE PROGRAM.**

9 Section 831 of the National Defense Authorization Act for
10 Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note)
11 is amended—

12 (1) in subsection (j)—

13 (A) in paragraph (1), by striking “September 30,
14 2002” and inserting “September 30, 2005”; and

15 (B) in paragraph (2), by striking “September 30,
16 2005” and inserting “September 30, 2008”; and

17 (2) in subsection (l)(3), by striking “2004” and insert-
18 ing “2007”.

19 **SEC. 813. INCREASE OF ASSISTANCE LIMITATION RE-**
20 **GARDING PROCUREMENT TECHNICAL AS-**
21 **SISTANCE PROGRAM.**

22 Section 2414(a)(1) of title 10, United States Code, is
23 amended by striking “\$300,000” and inserting “\$600,000”.

24 **Subtitle C—Amendments to General**
25 **Contracting Authorities, Proce-**
26 **dures, and Related Matters**

27 **SEC. 821. AMENDMENTS TO CONFORM WITH ADMINIS-**
28 **TRATIVE CHANGES IN ACQUISITION PHASE**
29 **AND MILESTONE TERMINOLOGY AND TO**
30 **MAKE RELATED ADJUSTMENTS IN CERTAIN**
31 **REQUIREMENTS APPLICABLE AT MILE-**
32 **STONE TRANSITION POINTS.**

33 (a) ACQUISITION PHASE TERMINOLOGY.—The following
34 provisions of title 10, United States Code, are amended by
35 striking “engineering and manufacturing development” each
36 place it appears and inserting “system development and dem-

1 onstration”: sections 2366(c) and 2434(a), and subsections
2 (b)(3)(A)(i), (c)(3)(A), and (h)(1) of section 2432.

3 (b) MILESTONE TRANSITION POINTS.—(1) Section 811(c)
4 of the Floyd D. Spence National Defense Authorization Act for
5 Fiscal Year 2001 (as enacted into law by Public Law 106–398;
6 114 Stat. 1654A–211), is amended by striking “Milestone I ap-
7 proval, Milestone II approval, or Milestone III approval (or the
8 equivalent) of a major automated information system” and in-
9 serting “approval of a major automated information system at
10 Milestone B or C or for full rate production, or an equivalent
11 approval,”.

12 (2) Department of Defense Directive 5000.1, as revised in
13 accordance with subsection (b) of section 811 of such Act, shall
14 be further revised as necessary to comply with subsection (c)
15 of such section, as amended by paragraph (1), within 60 days
16 after the date of the enactment of this Act.

17 (c) ADJUSTMENTS TO REQUIREMENT FOR DETERMINA-
18 TION OF QUANTITY FOR LOW-RATE INITIAL PRODUCTION.—
19 Section 2400(a) of title 10, United States Code, is amended—

20 (1) by striking “milestone II” each place it appears in
21 paragraphs (1)(A), (2), (4) and (5) and inserting “mile-
22 stone B”; and

23 (2) in paragraph (2), by striking “engineering and
24 manufacturing development” and inserting “system devel-
25 opment and demonstration”.

26 (d) ADJUSTMENTS TO REQUIREMENTS FOR BASELINE
27 DESCRIPTION AND THE RELATED LIMITATION.—Section 2435
28 of title 10, United States Code, is amended—

29 (1) in subsection (b), by striking “engineering and
30 manufacturing development” and inserting “system devel-
31 opment and demonstration”; and

32 (2) in subsection (c)—

33 (A) in paragraph (1), by striking “demonstration
34 and validation” and inserting “system development and
35 demonstration”;

1 (B) in paragraph (2), by striking “engineering and
2 manufacturing development” and inserting “production
3 and deployment”; and

4 (C) in paragraph (3), by striking “production and
5 deployment” and inserting “full rate production”.

6 **SEC. 822. FOLLOW-ON PRODUCTION CONTRACTS FOR**
7 **PRODUCTS DEVELOPED PURSUANT TO PRO-**
8 **TOTYPE PROJECTS.**

9 Section 845 of the National Defense Authorization Act for
10 Fiscal Year 1994 (10 U.S.C. 2371 note) is amended—

11 (1) by redesignating subsection (f) as subsection (g);

12 and

13 (2) by inserting after subsection (e) the following new
14 subsection (f):

15 “(f) FOLLOW-ON PRODUCTION CONTRACTS.—(1) A trans-
16 action entered into under this section for a prototype project
17 that satisfies the conditions set forth in subsection (d)(1)(B)(i)
18 may provide for the award of a follow-on production contract
19 to the participants in the transaction for a specific number of
20 units at specific target prices. The number of units specified
21 in the transaction shall be determined on the basis of a bal-
22 ancing of the level of the investment made in the project by the
23 participants other than the Federal Government with the inter-
24 est of the Federal Government in having competition among
25 sources in the acquisition of the product or products prototyped
26 under the project.

27 “(2) A follow-on production contract provided for in a
28 transaction under paragraph (1) may be awarded to the par-
29 ticipants in the transaction without the use of competitive pro-
30 cedures, notwithstanding the requirements of section 2304 of
31 title 10, United States Code, if—

32 “(A) competitive procedures were used for the selec-
33 tion of parties for participation in the transaction;

34 “(B) the participants in the transaction successfully
35 completed the prototype project provided for in the trans-
36 action;

1 “(C) the number of units provided for in the follow-
2 on production contract does not exceed the number of units
3 specified in the transaction for such a follow-on production
4 contract; and

5 “(D) the prices established in the follow-on production
6 contract do not exceed the target prices specified in the
7 transaction for such a follow-on production contract.”.

8 **SEC. 823. ONE-YEAR EXTENSION OF PROGRAM APPLY-**
9 **ING SIMPLIFIED PROCEDURES TO CERTAIN**
10 **COMMERCIAL ITEMS.**

11 Section 4202 of the Clinger-Cohen Act of 1996 (divisions
12 D and E of Public Law 104–106; 110 Stat. 652; 10 U.S.C.
13 2304 note) is amended in subsection (e) by striking “January
14 1, 2002” and inserting “January 1, 2003”.

15 **SEC. 824. ACQUISITION WORKFORCE QUALIFICATIONS.**

16 (a) QUALIFICATIONS.—Section 1724 of title 10, United
17 States Code, is amended—

18 (1) in subsection (a)—

19 (A) by striking the matter preceding paragraph

20 (1) and inserting the following:

21 “(a) CONTRACTING OFFICERS.—The Secretary of Defense
22 shall require that, in order to qualify to serve in an acquisition
23 position as a contracting officer with authority to award or ad-
24 minister contracts for amounts above the simplified acquisition
25 threshold referred to in section 2304(g) of this title, an em-
26 ployee of the Department of Defense or member of the armed
27 forces (other than the Coast Guard) must, except as provided
28 in subsections (c) and (d)—”;

29 (B) in paragraph (1)—

30 (i) by striking “mandatory”; and

31 (ii) by striking “at the grade level” and all
32 that follows and inserting “(A) in the case of an
33 employee, serving in the position within the grade
34 of the General Schedule in which the employee is
35 serving, and (B) in the case of a member of the
36 armed forces, in the member’s grade;”; and

1 (C) in paragraph (3)(A), by inserting a comma
2 after “business”;

3 (2) by striking subsection (b) and inserting the fol-
4 lowing new subsection:

5 “(b) GS-1102 SERIES POSITIONS AND SIMILAR MILITARY
6 POSITIONS.—(1) The Secretary of Defense shall require that in
7 order to qualify to serve in a position in the Department of De-
8 fense that is in the GS-1102 occupational series an employee
9 or potential employee of the Department of Defense meet the
10 requirements set forth in paragraph (3) of subsection (a). The
11 Secretary may not require that in order to serve in such a posi-
12 tion an employee or potential employee meet any of the require-
13 ments of paragraphs (1) and (2) of that subsection.

14 “(2) The Secretary of Defense shall require that in order
15 for a member of the armed forces to be selected for an occupa-
16 tional specialty within the armed forces that (as determined by
17 the Secretary) is similar to the GS-1102 occupational series a
18 member of the armed forces meet the requirements set forth
19 in paragraph (3) of subsection (a). The Secretary may not re-
20 quire that in order to be selected for such an occupational spe-
21 cialty a member meet any of the requirements of paragraphs
22 (1) and (2) of that subsection.”; and

23 (3) by striking subsections (c) and (d) inserting the
24 following new subsections:

25 “(c) EXCEPTIONS.—The qualification requirements im-
26 posed by the Secretary of Defense pursuant to subsections (a)
27 and (b) shall not apply to an employee of the Department of
28 Defense or member of the armed forces who—

29 “(1) served as a contracting officer with authority to
30 award or administer contracts in excess of the simplified
31 acquisition threshold on or before September 30, 2000;

32 “(2) served, on or before September 30, 2000, in a po-
33 sition either as an employee in the GS-1102 series or as
34 a member of the armed forces in a similar occupational
35 specialty;

36 “(3) is in the contingency contracting force; or

37 “(4) is described in subsection (e)(1)(B).

1 “(d) WAIVER.—The acquisition career program board con-
2 cerned may waive any or all of the requirements of subsections
3 (a) and (b) with respect to an employee of the Department of
4 Defense or member of the armed forces if the board certifies
5 that the individual possesses significant potential for advance-
6 ment to levels of greater responsibility and authority, based on
7 demonstrated job performance and qualifying experience. With
8 respect to each waiver granted under this subsection, the board
9 shall set forth in a written document the rationale for its deci-
10 sion to waive such requirements. Such document shall be sub-
11 mitted to and retained by the Director of Acquisition Edu-
12 cation, Training, and Career Development.

13 “(e) DEVELOPMENTAL OPPORTUNITIES.—(1) The Sec-
14 retary of Defense may—

15 “(A) establish or continue one or more programs for
16 the purpose of recruiting, selecting, appointing, educating,
17 qualifying, and developing the careers of individuals to
18 meet the requirements in subparagraphs (A) and (B) of
19 subsection (a)(3);

20 “(B) appoint individuals to developmental positions in
21 those programs; and

22 “(C) separate from the civil service after a three-year
23 probationary period any individual appointed under this
24 subsection who fails to meet the requirements described in
25 subsection (a)(3).

26 “(2) To qualify for any developmental program described
27 in paragraph (1)(B), an individual shall have—

28 “(A) been awarded a baccalaureate degree, with a
29 grade point average of at least 3.0 (or the equivalent), from
30 an accredited institution of higher education authorized to
31 grant baccalaureate degrees; or

32 “(B) completed at least 24 semester credit hours or
33 the equivalent of study from an accredited institution of
34 higher education in any of the disciplines of accounting,
35 business, finance, law, contracts, purchasing, economics, in-
36 dustrial management, marketing, quantitative methods, or
37 organization and management.

1 “(f) CONTINGENCY CONTRACTING FORCE.—The Secretary
2 shall establish qualification requirements for the contingency
3 contracting force consisting of members of the armed forces
4 whose mission is to deploy in support of contingency operations
5 and other operations of the Department of Defense,
6 including—

7 “(1) completion of at least 24 semester credit hours
8 or the equivalent of study from an accredited institution of
9 higher education or similar educational institution in any of
10 the disciplines of accounting, business, finance, law, con-
11 tracts, purchasing, economics, industrial management, mar-
12 keting, quantitative methods, or organization and manage-
13 ment; or

14 “(2) passing an examination that demonstrates skills,
15 knowledge, or abilities comparable to that of an individual
16 who has completed at least 24 semester credit hours or the
17 equivalent of study in any of the disciplines described in
18 paragraph (1).”.

19 (b) CLERICAL AMENDMENT.—Section 1732(c)(2) of such
20 title is amended by inserting a comma after “business”.

21 **SEC. 825. REPORT ON IMPLEMENTATION OF REC-**
22 **COMMENDATIONS OF THE ACQUISITION 2005**
23 **TASK FORCE.**

24 (a) REQUIREMENT FOR REPORT.—Not later than March
25 1, 2002, the Secretary of Defense shall submit to the Commit-
26 tees on Armed Services of the Senate and the House of Rep-
27 resentatives a report on the extent of the implementation of the
28 recommendations set forth in the final report of the Depart-
29 ment of Defense Acquisition 2005 Task Force, entitled “Shap-
30 ing the Civilian Acquisition Workforce of the Future”.

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

33 (1) For each recommendation in the final report that
34 is being implemented or that the Secretary plans to
35 implement—

36 (A) a summary of all actions that have been taken
37 to implement the recommendation; and

1 (B) a schedule, with specific milestones, for com-
2 pleting the implementation of the recommendation.

3 (2) For each recommendation in the final report that
4 the Secretary does not plan to implement—

5 (A) the reasons for the decision not to implement
6 the recommendation; and

7 (B) a summary of any alternative actions the Sec-
8 retary plans to take to address the purposes underlying
9 the recommendation.

10 (3) A summary of any additional actions the Secretary
11 plans to take to address concerns raised in the final report
12 about the size and structure of the acquisition workforce of
13 the Department of Defense.

14 (c) COMPTROLLER GENERAL REVIEW.—Not later than 60
15 days after the date on which the Secretary submits the report
16 required by subsection (a), the Comptroller General shall—

17 (1) review the report; and

18 (2) submit to the committees referred to in subsection
19 (a) the Comptroller General’s assessment of the extent to
20 which the report—

21 (A) complies with the requirements of this section;
22 and

23 (B) addresses the concerns raised in the final re-
24 port about the size and structure of the acquisition
25 workforce of the Department of Defense.

26 **Subtitle D—Other Matters**

27 **SEC. 831. IDENTIFICATION OF ERRORS MADE BY EXECU-** 28 **TIVE AGENCIES IN PAYMENTS TO CONTRAC-** 29 **TORS AND RECOVERY OF AMOUNTS ERRO-** 30 **NEOUSLY PAID.**

31 (a) PROGRAM REQUIRED.—(1) Chapter 35 of title 31,
32 United States Code, is amended by adding at the end the fol-
33 lowing new subchapter:

1 “SUBCHAPTER VI—RECOVERY AUDITS

2 **“§ 3561. Identification of errors made by executive**
3 **agencies in payments to contractors and**
4 **recovery of amounts erroneously paid**

5 “(a) PROGRAM REQUIRED.—The head of each executive
6 agency that enters into contracts with a total value in excess
7 of \$500,000,000 in a fiscal year shall carry out a cost-effective
8 program for identifying any errors made in paying the contrac-
9 tors and for recovering any amounts erroneously paid to the
10 contractors.

11 “(b) RECOVERY AUDITS AND ACTIVITIES.—A program of
12 an executive agency under subsection (a) shall include recovery
13 audits and recovery activities. The head of the executive agency
14 shall determine, in accordance with guidance provided under
15 subsection (c), the classes of contracts to which recovery audits
16 and recovery activities are appropriately applied.

17 “(c) OMB GUIDANCE.—The Director of the Office of
18 Management and Budget shall issue guidance for the conduct
19 of programs under subsection (a). The guidance shall include
20 the following:

21 “(1) Definitions of the terms ‘recovery audit’ and ‘re-
22 covery activity’ for the purposes of the programs.

23 “(2) The classes of contracts to which recovery audits
24 and recovery activities are appropriately applied under the
25 programs.

26 “(3) Protections for the confidentiality of—

27 “(A) sensitive financial information that has not
28 been released for use by the general public; and

29 “(B) information that could be used to identify a
30 person.

31 “(4) Policies and procedures for ensuring that the im-
32 plementation of the programs does not result in duplicative
33 audits of contractor records.

34 “(5) Policies regarding the types of contracts executive
35 agencies may use for the procurement of recovery services,
36 including guidance for use, in appropriate circumstances, of
37 a contingency contract pursuant to which the head of an

1 executive agency may pay a contractor an amount equal to
2 a percentage of the total amount collected for the United
3 States pursuant to that contract.

4 “(6) Protections for a contractor’s records and facili-
5 ties through restrictions on the authority of a contractor
6 under a contract for the procurement of recovery services
7 for an executive agency—

8 “(A) to require the production of any record or in-
9 formation by any person other than an officer, em-
10 ployee, or agent of the executive agency;

11 “(B) to establish, or otherwise have, a physical
12 presence on the property or premises of any private
13 sector entity for the purposes of performing the con-
14 tract; or

15 “(C) to act as agents for the Government in the
16 recovery of funds erroneously paid to contractors.

17 “(7) Policies for the appropriate types of management
18 improvement programs authorized by section 3564 of this
19 title that executive agencies may carry out to address over-
20 payment problems and the recovery of overpayments.

21 **“§ 3562. Disposition of recovered funds**

22 “(a) AVAILABILITY OF FUNDS FOR RECOVERY AUDITS
23 AND ACTIVITIES PROGRAM.—Funds collected under a program
24 carried out by an executive agency under section 3561 of this
25 title shall be available to the executive agency for the following
26 purposes:

27 “(1) To reimburse the actual expenses incurred by the
28 executive agency in the administration of the program.

29 “(2) To pay contractors for services under the pro-
30 gram in accordance with the guidance issued under section
31 3561(c)(5) of this title.

32 “(b) FUNDS NOT USED FOR PROGRAM.—Any amounts er-
33 roneously paid by an executive agency that are recovered under
34 such a program of an executive agency and are not used to re-
35 imburse expenses or pay contractors under subsection (a)—

36 “(1) shall be credited to the appropriations from which
37 the erroneous payments were made, shall be merged with

1 other amounts in those appropriations, and shall be avail-
2 able for the purposes and period for which such appropria-
3 tions are available; or

4 “(2) if no such appropriation remains available, shall
5 be deposited in the Treasury as miscellaneous receipts.

6 “(c) PRIORITY OF OTHER AUTHORIZED DISPOSITIONS.—
7 Notwithstanding subsection (b), the authority under such sub-
8 section may not be exercised to use, credit, or deposit funds
9 collected under such a program as provided in that subsection
10 to the extent that any other provision of law requires or au-
11 thORIZES the crediting of such funds to a nonappropriated fund
12 instrumentality, revolving fund, working-capital fund, trust
13 fund, or other fund or account.

14 **“§ 3563. Sources of recovery services**

15 “(a) CONSIDERATION OF AVAILABLE RECOVERY RE-
16 SOURCES.—(1) In carrying out a program under section 3561
17 of this title, the head of an executive agency shall consider all
18 resources available to that official to carry out the program.

19 “(2) The resources considered by the head of an executive
20 agency for carrying out the program shall include the resources
21 available to the executive agency for such purpose from the fol-
22 lowing sources:

23 “(A) The executive agency.

24 “(B) Other departments and agencies of the United
25 States.

26 “(C) Private sector sources.

27 “(b) COMPLIANCE WITH APPLICABLE LAW AND REGULA-
28 TIONS.—Before entering into a contract with a private sector
29 source for the performance of services under a program of the
30 executive agency carried out under section 3561 of this title,
31 the head of an executive agency shall comply with—

32 “(1) any otherwise applicable provisions of Office of
33 Management and Budget Circular A–76; and

34 “(2) any other applicable provision of law or regula-
35 tion with respect to the selection between employees of the
36 United States and private sector sources for the perform-
37 ance of services.

“§ 3564. Management improvement programs

“In accordance with guidance provided by the Director of the Office of Management and Budget under section 3561 of this title, the head of an executive agency required to carry out a program under such section 3561 may carry out a program for improving management processes within the executive agency—

“(1) to address problems that contribute directly to the occurrence of errors in the paying of contractors of the executive agency; or

“(2) to improve the recovery of overpayments due to the agency.

“§ 3565. Relationship to authority of inspectors general

“Nothing in this subchapter shall be construed as impairing the authority of an Inspector General under the Inspector General Act of 1978 or any other provision of law.

“§ 3566. Privacy protections

“Any nongovernmental entity that, in the course of recovery auditing or recovery activity under this subchapter, obtains information that identifies an individual or with respect to which there is a reasonable basis to believe that the information can be used to identify an individual, may not disclose the information for any purpose other than such recovery auditing or recovery activity and governmental oversight of such activity, unless disclosure for that other purpose is authorized by the individual to the executive agency that contracted for the performance of the recovery auditing or recovery activity.

“§ 3567. Definition of executive agency

“Notwithstanding section 102 of this title, in this subchapter, the term ‘executive agency’ has the meaning given that term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).”.

(2) The table of sections at the beginning of chapter 35 of such title is amended by adding at the end the following:

“SUBCHAPTER VI—RECOVERY AUDITS

- “3561. Identification of errors made by executive agencies in payments to contractors and recovery of amounts erroneously paid.
- “3562. Disposition of recovered funds.
- “3563. Sources of recovery services.
- “3564. Management improvement programs.
- “3565. Relationship to authority of inspectors general.
- “3566. Privacy protections.
- “3567. Definition of executive agency.”.

1 (b) REPORTS.—(1) Not later than 30 months after the
2 date of the enactment of this Act, and annually for each of the
3 first two years following the year of the first report, the Direc-
4 tor of the Office of Management and Budget shall submit to
5 the Committee on Government Reform of the House of Rep-
6 resentatives and the Committee on Governmental Affairs of the
7 Senate, a report on the implementation of subchapter VI of
8 chapter 35 of title 31, United States Code (as added by sub-
9 section (a)).

10 (2) Each report shall include—

11 (A) a general description and evaluation of the steps
12 taken by the heads of executive agencies to carry out the
13 programs under such subchapter, including any manage-
14 ment improvement programs carried out under section
15 3564 of such title 31;

16 (B) the costs incurred by executive agencies to carry
17 out the programs under such subchapter; and

18 (C) the amounts recovered under the programs under
19 such subchapter.

20 (c) CONFORMING AMENDMENT.—Section 3501 of such
21 title is amended by inserting “and subchapter VI” after “sec-
22 tion 3513”.

23 **SEC. 832. CODIFICATION AND MODIFICATION OF PROVI-**
24 **SION OF LAW KNOWN AS THE “BERRY**
25 **AMENDMENT”.**

26 (a) BUY AMERICAN REQUIREMENTS.—(1) Chapter 148 of
27 title 10, United States Code, is amended by inserting after sec-
28 tion 2533 the following new section:

1 **“§ 2533a. Requirement to buy certain articles from**
2 **American sources; exceptions**

3 “(a) REQUIREMENT.—Except as provided in subsections
4 (c) through (h), funds appropriated or otherwise available to
5 the Department of Defense may not be used for the procure-
6 ment of an item described in subsection (b) if the item is not
7 grown, reprocessed, reused, or produced in the United States.

8 “(b) COVERED ITEMS.—An item referred to in subsection
9 (a) is any of the following:

10 “(1) An article or item of—

11 “(A) food;

12 “(B) clothing;

13 “(C) tents, tarpaulins, or covers;

14 “(D) cotton and other natural fiber products,
15 woven silk or woven silk blends, spun silk yarn for car-
16 tridge cloth, synthetic fabric or coated synthetic fabric
17 (including all textile fibers and yarns that are for use
18 in such fabrics), canvas products, or wool (whether in
19 the form of fiber or yarn or contained in fabrics, mate-
20 rials, or manufactured articles); or

21 “(E) any item of individual equipment manufac-
22 tured from or containing such fibers, yarns, fabrics, or
23 materials.

24 “(2) Specialty metals, including stainless steel flat-
25 ware.

26 “(3) Hand or measuring tools.

27 “(c) AVAILABILITY EXCEPTION.—Subsection (a) does not
28 apply to the extent that the Secretary of Defense or the Sec-
29 retary of the military department concerned determines that
30 satisfactory quality and sufficient quantity of any such article
31 or item described in subsection (b)(1) or specialty metals (in-
32 cluding stainless steel flatware) grown, reprocessed, reused, or
33 produced in the United States cannot be procured as and when
34 needed at United States market prices.

35 “(d) EXCEPTION FOR CERTAIN PROCUREMENTS OUTSIDE
36 THE UNITED STATES.—Subsection (a) does not apply to the
37 following:

1 “(1) Procurements outside the United States in sup-
2 port of combat operations.

3 “(2) Procurements by vessels in foreign waters.

4 “(3) Emergency procurements or procurements of per-
5 ishable foods by an establishment located outside the
6 United States for the personnel attached to such establish-
7 ment.

8 “(e) EXCEPTION FOR SPECIALTY METALS AND CHEMICAL
9 WARFARE PROTECTIVE CLOTHING.—Subsection (a) does not
10 preclude the procurement of specialty metals or chemical war-
11 fare protective clothing produced outside the United States if—

12 “(1) such procurement is necessary—

13 “(A) to comply with agreements with foreign gov-
14 ernments requiring the United States to purchase sup-
15 plies from foreign sources for the purposes of offsetting
16 sales made by the United States Government or United
17 States firms under approved programs serving defense
18 requirements; or

19 “(B) in furtherance of agreements with foreign
20 governments in which both such governments agree to
21 remove barriers to purchases of supplies produced in
22 the other country or services performed by sources of
23 the other country; and

24 “(2) any such agreement with a foreign government
25 complies, where applicable, with the requirements of section
26 36 of the Arms Export Control Act (22 U.S.C. 2776) and
27 with section 2457 of this title.

28 “(f) EXCEPTION FOR CERTAIN FOODS.—Subsection (a)
29 does not preclude the procurement of foods manufactured or
30 processed in the United States.

31 “(g) EXCEPTION FOR COMMISSARIES, EXCHANGES, AND
32 OTHER NONAPPROPRIATED FUND INSTRUMENTALITIES.—Sub-
33 section (a) does not apply to items purchased for resale pur-
34 poses in commissaries, exchanges, or nonappropriated fund in-
35 strumentalities operated by the Department of Defense.

36 “(h) EXCEPTION FOR SMALL PURCHASES.—Subsection
37 (a) does not apply to purchases for amounts not greater than

1 the simplified acquisition threshold referred to in section
2 2304(g) of this title.

3 “(i) APPLICABILITY TO CONTRACTS AND SUBCONTRACTS
4 FOR PROCUREMENT OF COMMERCIAL ITEMS.—This section is
5 applicable to contracts and subcontracts for the procurement of
6 commercial items notwithstanding section 34 of the Office of
7 Federal Procurement Policy Act (41 U.S.C. 430).

8 “(j) GEOGRAPHIC COVERAGE.—In this section, the term
9 ‘United States’ includes the possessions of the United States.”.

10 (2) The table of sections at the beginning of subchapter
11 V of such chapter is amended by inserting after the item relat-
12 ing to section 2533 the following new item:

“2533a. Requirement to buy certain articles from American sources; excep-
tions.”.

13 (b) REPEAL OF SOURCE PROVISIONS.—The following pro-
14 visions of law are repealed:

15 (1) Section 9005 of the Department of Defense Appro-
16 priations Act, 1993 (Public Law 102-396; 10 U.S.C. 2241
17 note).

18 (2) Section 8109 of the Department of Defense Appro-
19 priations Act, 1997 (as contained in section 101(b) of Pub-
20 lic Law 104-208; 110 Stat. 3009–111; 10 U.S.C. 2241
21 note).

22 **SEC. 833. PERSONAL SERVICES CONTRACTS TO BE PER-**
23 **FORMED BY INDIVIDUALS OR ORGANIZA-**
24 **TIONS ABROAD.**

25 Section 2 of the State Department Basic Authorities Act
26 of 1956 (22 U.S.C. 2669) is amended by adding at the end the
27 following:

28 “(n) exercise the authority provided in subsection (c),
29 upon the request of the Secretary of Defense or the head
30 of any other department or agency of the United States,
31 to enter into personal service contracts with individuals to
32 perform services in support of the Department of Defense
33 or such other department or agency, as the case may be.”.

1 **SEC. 834. REQUIREMENTS REGARDING INSENSITIVE MU-**
2 **NITIONS.**

3 (a) REQUIREMENT TO ENSURE SAFETY.—(1) Chapter
4 141 of title 10, United States Code, is amended by inserting
5 after section 2388 the following new section:

6 **“§ 2389. Ensuring safety regarding insensitive mu-**
7 **nitions**

8 “The Secretary of Defense shall ensure, to the extent
9 practicable, that insensitive munitions under development or
10 procurement are safe throughout development and fielding
11 when subject to unplanned stimuli.”.

12 (2) The table of sections at the beginning of such chapter
13 is amended by inserting after the item relating to section 2388
14 the following new item:

“2389. Ensuring safety regarding insensitive munitions.”.

15 (b) REPORT REQUIREMENT.—At the same time that the
16 budgets for fiscal years 2003 through 2005 are submitted to
17 Congress under section 1105(a) of title 31, United States Code,
18 the Secretary of Defense shall submit to the Committees on
19 Armed Services of the Senate and the House of Representatives
20 a report on insensitive munitions. The reports shall include the
21 following:

22 (1) The number of waivers granted pursuant to De-
23 partment of Defense Regulation 5000.2–R (June 2001)
24 during the preceding fiscal year, together with a discussion
25 of the justifications for the waivers.

26 (2) Identification of the funding proposed for insensi-
27 tive munitions in the budget with which the report is sub-
28 mitted, together with an explanation of the proposed fund-
29 ing.

30 **SEC. 835. INAPPLICABILITY OF LIMITATION TO SMALL**
31 **PURCHASES OF MINIATURE OR INSTRU-**
32 **MENT BALL OR ROLLER BEARINGS UNDER**
33 **CERTAIN CIRCUMSTANCES.**

34 (a) IN GENERAL.—Section 2534 of title 10, United States
35 Code, is amended by adding at the end the following new sub-
36 section:

1 “(j) INAPPLICABILITY TO CERTAIN CONTRACTS TO PUR-
2 CHASE BALL BEARINGS OR ROLLER BEARINGS.—(1) This sec-
3 tion does not apply with respect to a contract or subcontract
4 to purchase items described in subsection (a)(5) (relating to
5 ball bearings and roller bearings) for which—

6 “(A) the amount of the purchase does not exceed
7 \$2,500;

8 “(B) the precision level of the ball or roller bearings
9 to be procured under the contract or subcontract is rated
10 lower than the rating known as Annual Bearing Engineer-
11 ing Committee (ABEC) 5 or Roller Bearing Engineering
12 Committee (RBEC) 5, or an equivalent of such rating;

13 “(C) at least two manufacturers in the national tech-
14 nology and industrial base that are capable of producing
15 the ball or roller bearings have not responded to a request
16 for quotation issued by the contracting activity for that
17 contract or subcontract; and

18 “(D) no bearing to be procured under the contract or
19 subcontract has a basic outside diameter (exclusive of
20 flange diameters) in excess of 30 millimeters.

21 “(2) Paragraph (1) does not apply to a purchase if such
22 purchase would result in the total amount of purchases of ball
23 bearings and roller bearings to satisfy requirements under De-
24 partment of Defense contracts, using the authority provided in
25 such paragraph, to exceed \$200,000 during the fiscal year of
26 such purchase.”.

27 (b) APPLICABILITY.—Subsection (j) of such section 2534
28 (as added by subsection (a)) shall apply with respect to a con-
29 tract or subcontract to purchase ball bearings or roller bearings
30 entered into after the date of the enactment of this Act.

31 **SEC. 836. TEMPORARY EMERGENCY PROCUREMENT AU-**
32 **THORITY TO FACILITATE THE DEFENSE**
33 **AGAINST TERRORISM OR BIOLOGICAL OR**
34 **CHEMICAL ATTACK.**

35 (a) INCREASED FLEXIBILITY FOR USE OF STREAMLINED
36 PROCEDURES.—The following special authorities apply to pro-
37 curements of property and services by or for the Department

1 of Defense for which funds are obligated during fiscal year
2 2002 and 2003:

3 (1) MICROPURCHASE AND SIMPLIFIED ACQUISITION
4 THRESHOLDS.—For any procurement of property or serv-
5 ices for use (as determined by the Secretary of Defense) to
6 facilitate the defense against terrorism or biological or
7 chemical attack against the United States—

8 (A) the amount specified in subsections (c), (d),
9 and (f) of section 32 of the Office of Federal Procure-
10 ment Policy Act (41 U.S.C. 428) shall be deemed to be
11 \$15,000 in the administration of that section with re-
12 spect to such procurement; and

13 (B) the term “simplified acquisition threshold”
14 means, in the case of any contract to be awarded and
15 performed, or purchase to be made—

16 (i) inside the United States in support of a
17 contingency operation, \$250,000; or

18 (ii) outside the United States in support of a
19 contingency operation, \$500,000.

20 (2) COMMERCIAL ITEM TREATMENT FOR PROCURE-
21 MENTS OF BIOTECHNOLOGY.—For any procurement of bio-
22 technology property or biotechnology services for use (as
23 determined by the Secretary of Defense) to facilitate the
24 defense against terrorism or biological attack against the
25 United States, the procurement shall be treated as being a
26 procurement of commercial items.

27 (b) RECOMMENDATIONS FOR ADDITIONAL EMERGENCY
28 PROCUREMENT AUTHORITY TO SUPPORT ANTI-TERRORISM
29 OPERATIONS.—Not later than March 1, 2002, the Secretary of
30 Defense shall submit to the Committees on Armed Services of
31 the Senate and the House of Representatives a report con-
32 taining the Secretary’s recommendations for additional emer-
33 gency procurement authority that the Secretary (subject to the
34 direction of the President) determines necessary to support op-
35 erations carried out to combat terrorism.

1 (c) TERMINATION OF AUTHORITY.—No contract may be
2 entered into pursuant to the authority provided in subsection
3 (a) after September 30, 2003.

1 **TITLE IX—DEPARTMENT OF DE-**
2 **FENSE ORGANIZATION AND MAN-**
3 **AGEMENT**

Subtitle A—Duties and Functions of Department of Defense Officers

- Sec. 901. Deputy Under Secretary of Defense for Personnel and Readiness.
- Sec. 902. Sense of Congress on functions of new Office of Force Transformation in the Office of the Secretary of Defense.
- Sec. 903. Suspension of reorganization of engineering and technical authority policy within the Naval Sea Systems Command pending report to congressional committees.

Subtitle B—Space Activities

- Sec. 911. Joint management of space programs.
- Sec. 912. Requirement to establish in the Air Force an officer career field for space.
- Sec. 913. Secretary of Defense report on space activities.
- Sec. 914. Comptroller General assessment of implementation of recommendations of Space Commission.
- Sec. 915. Sense of Congress regarding officers recommended to be appointed to serve as Commander of United States Space Command.

Subtitle C—Reports

- Sec. 921. Revised requirement for Chairman of the Joint Chiefs of Staff to advise Secretary of Defense on the assignment of roles and missions to the Armed Forces.
- Sec. 922. Revised requirements for content of annual report on joint warfighting experimentation.
- Sec. 923. Repeal of requirement for one of three remaining required reports on activities of Joint Requirements Oversight Council.
- Sec. 924. Revised joint report on establishment of national collaborative information analysis capability.

Subtitle D—Other Matters

- Sec. 931. Conforming amendments relating to change of name of Military Airlift Command to Air Mobility Command.
- Sec. 932. Organizational realignment for Navy Director for Expeditionary Warfare.

4 **Subtitle A—Duties and Functions of Department**
5 **of Defense Officers**

6 **SEC. 901. DEPUTY UNDER SECRETARY OF DEFENSE FOR**
7 **PERSONNEL AND READINESS.**

8 (a) ESTABLISHMENT OF POSITION.—(1) Chapter 4 of title
9 10, United States Code, is amended by inserting after section
10 136 the following new section:

1 **“§ 136a. Deputy Under Secretary of Defense for**
 2 **Personnel and Readiness**

3 “(a) There is a Deputy Under Secretary of Defense for
 4 Personnel and Readiness, appointed from civilian life by the
 5 President, by and with the advice and consent of the Senate.

6 “(b) The Deputy Under Secretary of Defense for Per-
 7 sonnel and Readiness shall assist the Under Secretary of De-
 8 fense for Personnel and Readiness in the performance of the
 9 duties of that position. The Deputy Under Secretary of Defense
 10 for Personnel and Readiness shall act for, and exercise the
 11 powers of, the Under Secretary when the Under Secretary is
 12 absent or disabled.”.

13 (2) The table of sections at the beginning of such chapter
 14 is amended by inserting after the item relating to section 136
 15 the following new item:

“136a. Deputy Under Secretary of Defense for Personnel and Readiness.”.

16 (b) EXECUTIVE LEVEL IV.—Section 5315 of title 5,
 17 United States Code, is amended by inserting after “Deputy
 18 Under Secretary of Defense for Policy.” the following:

19 “Deputy Under Secretary of Defense for Personnel
 20 and Readiness.”.

21 (c) REDUCTION IN NUMBER OF ASSISTANT SECRETARIES
 22 OF DEFENSE.—(1) Section 138(a) of title 10, United States
 23 Code, is amended by striking “nine” and inserting “eight”.

24 (2) Section 5315 of title 5, United States Code, is amend-
 25 ed by striking “(9)” after “Assistant Secretaries of Defense”
 26 and inserting “(8)”.

27 (d) EFFECTIVE DATE.—The amendments made by sub-
 28 section (c) shall take effect on the date on which a person is
 29 first appointed as Deputy Under Secretary of Defense for Per-
 30 sonnel and Readiness.

31 **SEC. 902. SENSE OF CONGRESS ON FUNCTIONS OF NEW**
 32 **OFFICE OF FORCE TRANSFORMATION IN**
 33 **THE OFFICE OF THE SECRETARY OF DE-**
 34 **FENSE.**

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

1 (1) The Armed Forces should give careful consider-
2 ation to implementing transformation to meet operational
3 challenges and exploit opportunities resulting from changes
4 in the threat environment and the emergence of new tech-
5 nologies.

6 (2) The Department of Defense 2001 Quadrennial De-
7 fense Review Report, issued by the Secretary of Defense on
8 September 30, 2001, states that ‘The purpose of trans-
9 formation is to maintain or improve U.S. military pre-
10 eminence in the face of potential disproportionate dis-
11 continuous changes in the strategic environment. Trans-
12 formation must therefore be focused on emerging strategic
13 and operational challenges and the opportunities created by
14 these challenges.’.

15 (3) That report further states that ‘‘To support the
16 transformation effort, and to foster innovation and experi-
17 mentation, the Department will establish a new office re-
18 porting directly to the Secretary and Deputy Secretary of
19 Defense.’’.

20 (b) SENSE OF CONGRESS ON FUNCTIONS OF OFFICE OF
21 FORCE TRANSFORMATION.—It is the sense of Congress that
22 the Director of the Office of Force Transformation within the
23 Office of the Secretary of Defense should advise the Secretary
24 on—

25 (1) development of force transformation strategies to
26 ensure that the military of the future is prepared to dis-
27 suade potential military competitors and, if that fails, to
28 fight and win decisively across the spectrum of future con-
29 flict;

30 (2) ensuring a continuous and broadly focused trans-
31 formation process;

32 (3) service and joint acquisition and experimentation
33 efforts, funding for experimentation efforts, promising
34 operational concepts and technologies, and other trans-
35 formation activities, as appropriate; and

1 (4) development of service and joint operational con-
 2 cepts, transformation implementation strategies, and risk
 3 management strategies.

4 (c) SENSE OF CONGRESS ON FUNDING.—It is the sense
 5 of Congress that the Secretary of Defense should consider pro-
 6 viding funding adequate for sponsoring selective prototyping ef-
 7 forts, war games, and studies and analyses and for appropriate
 8 staffing, as recommended by the Director of the Office of Force
 9 Transformation referred to in subsection (b).

10 **SEC. 903. SUSPENSION OF REORGANIZATION OF ENGI-**
 11 **NEERING AND TECHNICAL AUTHORITY POL-**
 12 **ICY WITHIN THE NAVAL SEA SYSTEMS COM-**
 13 **MAND PENDING REPORT TO CONGRES-**
 14 **SIONAL COMMITTEES.**

15 (a) SUSPENSION OF REORGANIZATION.—During the pe-
 16 riod specified in subsection (b), the Secretary of the Navy may
 17 not grant final approval for any reorganization in engineering
 18 or technical authority policy for the Naval Sea Systems Com-
 19 mand or any of the subsidiary activities of that command.

20 (b) REPORT.—Subsection (a) applies during the period be-
 21 ginning on the date of the enactment of this Act and ending
 22 45 days after the date on which the Secretary submits to the
 23 congressional defense committees a report that sets forth in de-
 24 tail the Navy's plans and justification for the reorganization of
 25 engineering and technical authority policy within the Naval Sea
 26 Systems Command.

27 **Subtitle B—Space Activities**

28 **SEC. 911. JOINT MANAGEMENT OF SPACE PROGRAMS.**

29 (a) IN GENERAL.—Part IV of subtitle A of title 10,
 30 United States Code, is amended by inserting after chapter 134
 31 the following new chapter:

32 **“CHAPTER 135—SPACE PROGRAMS**

“Sec.

“2271. Management of space programs: joint program offices and officer
 management programs.

1 **“§ 2271. Management of space programs: joint pro-**
2 **gram offices and officer management pro-**
3 **grams**

4 “(a) JOINT PROGRAM OFFICES.—The Secretary of De-
5 fense shall take appropriate actions to ensure, to the maximum
6 extent practicable, that space development and acquisition pro-
7 grams of the Department of Defense are carried out through
8 joint program offices.

9 “(b) OFFICER MANGEMENT PROGRAMS.—(1) The Sec-
10 retary of Defense shall take appropriate actions to ensure, to
11 the maximum extent practicable, that—

12 “(A) Army, Navy, and Marine Corps officers, as well
13 as Air Force officers, are assigned to the space develop-
14 ment and acquisition programs of the Department of De-
15 fense; and

16 “(B) Army, Navy, and Marine Corps officers, as well
17 as Air Force officers, are eligible, on the basis of qualifica-
18 tion, to hold leadership positions within the joint program
19 offices referred to in subsection (a).

20 “(2) The Secretary of Defense shall designate those posi-
21 tions in the Office of the National Security Space Architect of
22 the Department of Defense (or any successor office) that qual-
23 ify as joint duty assignment positions for purposes of chapter
24 38 of this title.”.

25 (b) CLERICAL AMENDMENT.—The tables of chapters at
26 the beginning of such subtitle and the beginning of part IV of
27 such subtitle are amended by inserting after the item relating
28 to chapter 134 the following new item:

“135. Space Programs 2271”.
29 **SEC. 912. REQUIREMENT TO ESTABLISH IN THE AIR**
30 **FORCE AN OFFICER CAREER FIELD FOR**
31 **SPACE.**

32 (a) IN GENERAL.—Chapter 807 of title 10, United States
33 Code, is amended by adding at the end the following new sec-
34 tion:

1 **“§ 8084. Officer career field for space**

2 “The Secretary of the Air Force shall establish and imple-
3 ment policies and procedures to develop a career field for offi-
4 cers in the Air Force with technical competence in space-re-
5 lated matters to have the capability to—

6 “(1) develop space doctrine and concepts of space op-
7 erations;

8 “(2) develop space systems; and

9 “(3) operate space systems.”

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

“8084. Officer career field for space.”

13 **SEC. 913. SECRETARY OF DEFENSE REPORT ON SPACE**
14 **ACTIVITIES.**

15 (a) REPORT.—(1) Not later than March 15, 2002, the
16 Secretary of Defense shall submit to the Committee on Armed
17 Services of the Senate and the Committee on Armed Services
18 of the House of Representatives a report on problems in the
19 management and organization of the Department of Defense
20 for space activities that were identified in the report of the
21 Space Commission, including a description of the actions taken
22 by the Secretary to address those problems.

23 (2) For purposes of paragraph (1), the term “report of the
24 Space Commission” means the report of the Commission To
25 Assess United States National Security Space Management and
26 Organization, dated January 11, 2001, and submitted to Con-
27 gress under section 1623 of the National Defense Authorization
28 Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 815).

29 (b) MATTERS TO BE INCLUDED.—The report of the Sec-
30 retary of Defense under subsection (a) shall include a descrip-
31 tion of, and rationale for, each of the following:

32 (1) Actions taken by the Secretary of Defense to re-
33 align management authorities and responsibilities for space
34 programs of the Department of Defense.

35 (2) Steps taken to—

1 (A) establish a career field for officers in the Air
2 Force with technical competence in space-related mat-
3 ters, in accordance with section 8084 of title 10,
4 United States Code, as added by section 912;

5 (B) ensure that officers in that career field are
6 treated fairly and objectively within the overall Air
7 Force officer personnel system; and

8 (C) ensure that the primary responsibility for
9 management of that career field is assigned appro-
10 priately.

11 (3) Other steps taken within the Air Force to ensure
12 proper priority for development of space systems.

13 (4) Steps taken to ensure that the interests of the
14 Army, the Navy, and the Marine Corps in development and
15 acquisition of space systems, and in the operations of space
16 systems, are protected.

17 (5) Steps taken by the Office of the Secretary of De-
18 fense and the military departments to ensure that the
19 Army, Navy, and Marine Corps continue to develop mili-
20 tary and civilian personnel with the required expertise in
21 space system development, acquisition, management, and
22 operation.

23 (6) Steps taken to ensure adequate oversight by the
24 Office of the Secretary of Defense of the actions of the
25 Under Secretary of the Air Force as the acquisition execu-
26 tive for Department of Defense space programs.

27 (7) Steps taken to improve oversight of the level of
28 funding provided for space programs and the level of per-
29 sonnel resources provided for space programs.

30 **SEC. 914. COMPTROLLER GENERAL ASSESSMENT OF IM-**
31 **PLEMENTATION OF RECOMMENDATIONS OF**
32 **SPACE COMMISSION.**

33 (a) ASSESSMENT.—(1) The Comptroller General shall
34 carry out an assessment through February 15, 2003, of the ac-
35 tions taken by the Secretary of Defense in implementing the
36 recommendations in the report of the Space Commission that
37 are applicable to the Department of Defense.

1 (2) For purposes of paragraph (1), the term “report of the
2 Space Commission” means the report of the Commission To
3 Assess United States National Security Space Management and
4 Organization, dated January 11, 2001, and submitted to Con-
5 gress under section 1623 of the National Defense Authorization
6 Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 815).

7 (b) REPORTS.—Not later than February 15 of each of
8 2002 and 2003, the Comptroller General shall submit to the
9 Committee on Armed Services of the Senate and the Committee
10 on Armed Services of the House of Representatives a report on
11 the assessment carried out under subsection (a). Each report
12 shall set forth the results of the assessment as of the date of
13 such report.

14 **SEC. 915. SENSE OF CONGRESS REGARDING OFFICERS**
15 **RECOMMENDED TO BE APPOINTED TO**
16 **SERVE AS COMMANDER OF UNITED STATES**
17 **SPACE COMMAND.**

18 It is the sense of Congress that the position of commander
19 of the United States Space Command, a position of importance
20 and responsibility designated by the President under section
21 601 of title 10, United States Code, to carry the grade of gen-
22 eral or admiral and covered by section 604 of that title, relat-
23 ing to recommendations by the Secretary of Defense for ap-
24 pointment of officers to certain four-star joint officer positions,
25 should be filled by the best qualified officer of the Army, Navy,
26 Air Force, or Marine Corps, rather than by officers from the
27 same armed force that has traditionally provided officers for
28 that position.

29 **Subtitle C—Reports**

30 **SEC. 921. REVISED REQUIREMENT FOR CHAIRMAN OF**
31 **THE JOINT CHIEFS OF STAFF TO ADVISE**
32 **SECRETARY OF DEFENSE ON THE ASSIGN-**
33 **MENT OF ROLES AND MISSIONS TO THE**
34 **ARMED FORCES.**

35 (a) ASSESSMENT DURING QUADRENNIAL DEFENSE RE-
36 VIEW.—Section 118(e) of title 10, United States Code, is
37 amended—

38 (1) by inserting “(1)” after “(e) CJCS REVIEW.—”;

1 (2) by designating the second and third sentences as
2 paragraph (3); and

3 (3) by inserting after paragraph (1), as designated by
4 paragraph (1) of this subsection, the following new para-
5 graph:

6 “(2) The Chairman shall include as part of that assess-
7 ment the Chairman’s assessment of the assignment of functions
8 (or roles and missions) to the armed forces, together with any
9 recommendations for changes in assignment that the Chairman
10 considers necessary to achieve maximum efficiency of the
11 armed forces. In preparing the assessment under this para-
12 graph, the Chairman shall consider (among other matters) the
13 following:

14 “(A) Unnecessary duplication of effort among the
15 armed forces.

16 “(B) Changes in technology that can be applied effec-
17 tively to warfare.”.

18 (b) REPEAL OF REQUIREMENT FOR TRIENNIAL REPORT
19 ON ASSIGNMENT OF ROLES AND MISSIONS.—Section 153 of
20 such title is amended—

21 (1) by striking “(a) PLANNING; ADVICE; POLICY FOR-
22 MULATION.—”; and

23 (2) by striking subsection (b).

24 (c) ASSESSMENT WITH RESPECT TO 2001 QDR.—With
25 respect to the 2001 Quadrennial Defense Review, the Chairman
26 of the Joint Chiefs of Staff shall submit to Congress a separate
27 assessment of functions (or roles and missions) of the Armed
28 Forces in accordance with paragraph (2) of section 118(e) of
29 title 10, United States Code, as added by subsection (a)(3).
30 Such assessment shall be based on the findings in the 2001
31 Quadrennial Defense Review, issued by the Secretary of De-
32 fense on September 30, 2001, and shall be submitted to Con-
33 gress not later than one year after the date of the enactment
34 of this Act.

1 **SEC. 922. REVISED REQUIREMENTS FOR CONTENT OF**
2 **ANNUAL REPORT ON JOINT WARFIGHTING**
3 **EXPERIMENTATION.**

4 Section 485(b) of title 10, United States Code, is
5 amended—

6 (1) in paragraph (4)(E)—

7 (A) by inserting “(by lease or by purchase)” after
8 “acquire”; and

9 (B) by inserting “(including any prototype)” after
10 “or equipment”; and

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

12 “(6) A specific assessment of whether there is a need
13 for a major force program for funding—

14 “(A) joint warfighting experimentation; and

15 “(B) the development and acquisition of any tech-
16 nology the value of which has been empirically dem-
17 onstrated through such experimentation.”.

18 **SEC. 923. REPEAL OF REQUIREMENT FOR ONE OF**
19 **THREE REMAINING REQUIRED REPORTS ON**
20 **ACTIVITIES OF JOINT REQUIREMENTS OVER-**
21 **SIGHT COUNCIL.**

22 Section 916 of the Floyd D. Spence National Defense Au-
23 thorization Act for Fiscal Year 2001 (as enacted into law by
24 Public Law 106–398; 114 Stat. 1654A–231) is amended—

25 (1) in the section heading, by striking “**SEMIANNUAL**
26 **REPORT**” and inserting “**REPORTS**”;

27 (2) in subsection (a)—

28 (A) by striking “SEMIANNUAL REPORT” in the
29 subsection heading and inserting “REPORTS RE-
30 QUIRED”; and

31 (B) by striking “five semiannual”; and

32 (3) in subsection (b)—

33 (A) by striking “September 1, 2002,”; and

34 (B) by striking the period at the end of the last
35 sentence and inserting “, except that the last report
36 shall cover all of the preceding fiscal year.”.

1 **SEC. 924. REVISED JOINT REPORT ON ESTABLISHMENT**
2 **OF NATIONAL COLLABORATIVE INFORMA-**
3 **TION ANALYSIS CAPABILITY.**

4 (a) REVISED REPORT.—At the same time as the submis-
5 sion of the budget for fiscal year 2003 under section 1105 of
6 title 31, United States Code, the Secretary of Defense and the
7 Director of Central Intelligence shall submit to the congress-
8 sional defense committees and the congressional intelligence
9 committees a revised report assessing alternatives for the estab-
10 lishment of a national collaborative information analysis capa-
11 bility.

12 (b) MATTERS INCLUDED.—The revised report shall cover
13 the same matters required to be included in the DOD/CIA re-
14 port, except that the alternative architectures assessed in the
15 revised report shall be limited to architectures that include the
16 participation of all Federal agencies involved in the collection
17 of intelligence. The revised report shall also identify any issues
18 that would require legislative or regulatory changes in order to
19 implement the preferred architecture identified in the revised
20 report.

21 (c) OFFICIALS TO BE CONSULTED.—The revised report
22 shall be prepared after consultation with all appropriate Fed-
23 eral officials, including the following:

- 24 (1) The Secretary of the Treasury.
25 (2) The Secretary of Commerce.
26 (3) The Secretary of State.
27 (4) The Attorney General.
28 (5) The Director of the Federal Bureau of Investiga-
29 tion.
30 (6) The Administrator of the Drug Enforcement Ad-
31 ministration.

32 (d) DEFINITIONS.—In this section:

- 33 (1) DOD/CIA REPORT.—The term “DOD/CIA report”
34 means the joint report required by section 933 of the Floyd
35 D. Spence National Defense Authorization Act for Fiscal
36 Year 2001 (as enacted into law by Public Law 106–398;
37 114 Stat. 1654A–237).

1 (2) CONGRESSIONAL INTELLIGENCE COMMITTEES.—
2 The term “congressional intelligence committees” means
3 the Select Committee on Intelligence of the Senate and the
4 Permanent Select Committee on Intelligence of the House
5 of Representatives.

6 **Subtitle D—Other Matters**

7 **SEC. 931. CONFORMING AMENDMENTS RELATING TO** 8 **CHANGE OF NAME OF MILITARY AIRLIFT** 9 **COMMAND TO AIR MOBILITY COMMAND.**

10 (a) CURRENT REFERENCES IN TITLE 10, UNITED STATES
11 CODE.—Section 2554(d) of title 10, United States Code, and
12 section 2555(a) of such title (relating to transportation services
13 for international Girl Scout events) are amended by striking
14 “Military Airlift Command” and inserting “Air Mobility Com-
15 mand”.

16 (b) REPEAL OF OBSOLETE PROVISION.—Section 8074 of
17 such title is amended by striking subsection (c).

18 (c) REFERENCES IN TITLE 37, UNITED STATES CODE.—
19 Sections 430(c) and 432(b) of title 37, United States Code, are
20 amended by striking “Military Airlift Command” and inserting
21 “Air Mobility Command”.

22 **SEC. 932. ORGANIZATIONAL REALIGNMENT FOR NAVY** 23 **DIRECTOR FOR EXPEDITIONARY WARFARE.**

24 Section 5038(a) of title 10, United States Code, is amend-
25 ed by striking “Office of the Deputy Chief of Naval Operations
26 for Resources, Warfare Requirements, and Assessments” and
27 inserting “office of the Deputy Chief of Naval Operations with
28 responsibility for warfare requirements and programs”.

1 TITLE X—GENERAL PROVISIONS**Subtitle A—Department of Defense Civilian Personnel**

- Sec. 1001. Transfer authority.
- Sec. 1002. Incorporation of classified annex.
- Sec. 1003. Authorization of supplemental appropriations for fiscal year 2001.
- Sec. 1004. United States contribution to NATO common-funded budgets in fiscal year 2002.
- Sec. 1005. Limitation on funds for Bosnia and Kosovo peacekeeping operations for fiscal year 2002.
- Sec. 1006. Maximum amount for National Foreign Intelligence Program.
- Sec. 1007. Clarification of applicability of interest penalties for late payment of interim payments due under contracts for services.
- Sec. 1008. Reliability of Department of Defense financial statements.
- Sec. 1009. Financial Management Modernization Executive Committee and financial feeder systems compliance process.
- Sec. 1010. Authorization of funds for ballistic missile defense programs or combating terrorism programs of the Department of Defense.

Subtitle B—Naval Vessels and Shipyards

- Sec. 1011. Authority to transfer naval vessels to certain foreign countries.
- Sec. 1012. Sale of Glomar Explorer to the lessee.
- Sec. 1013. Leasing of Navy ships for university national oceanographic laboratory system.
- Sec. 1014. Increase in limitations on administrative authority of the Navy to settle admiralty claims.

Subtitle C—Counter-Drug Activities

- Sec. 1021. Extension and restatement of authority to provide Department of Defense support for counter-drug activities of other governmental agencies.
- Sec. 1022. Extension of reporting requirement regarding Department of Defense expenditures to support foreign counter-drug activities.
- Sec. 1023. Authority to transfer Tracker aircraft currently used by Armed Forces for counter-drug purposes.
- Sec. 1024. Limitation on use of funds for operation of Tethered Aerostat Radar System pending submission of required report.

Subtitle D—Strategic Forces

- Sec. 1031. Repeal of limitation on retirement or dismantlement of strategic nuclear delivery systems.
- Sec. 1032. Air Force bomber force structure.
- Sec. 1033. Additional element for revised nuclear posture review.
- Sec. 1034. Report on options for modernization and enhancement of missile wing helicopter support.

Subtitle E—Other Department of Defense Provisions

- Sec. 1041. Secretary of Defense recommendation on need for Department of Defense review of proposed Federal agency actions to consider possible impact on national defense.
- Sec. 1042. Department of Defense reports to Congress to be accompanied by electronic version upon request.
- Sec. 1043. Department of Defense gift authorities.
- Sec. 1044. Acceleration of research, development, and production of medical countermeasures for defense against biological warfare agents.

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- Sec. 1045. Chemical and biological protective equipment for military personnel and civilian employees of the Department of Defense.
- Sec. 1046. Sale of goods and services by Naval Magazine, Indian Island, Alaska.
- Sec. 1047. Report on procedures and guidelines for embarkation of civilian guests on naval vessels for public affairs purposes.
- Sec. 1048. Technical and clerical amendments.
- Sec. 1049. Termination of referendum requirement regarding continuation of military training on island of Vieques, Puerto Rico, and imposition of additional conditions on closure of live-fire training range.

Subtitle F—Other Matters

- Sec. 1061. Assistance for firefighters.
- Sec. 1062. Extension of times for Commission on the Future of the United States Aerospace industry to report and to terminate.
- Sec. 1063. Appropriations to Radiation Exposure Compensation Trust Fund.
- Sec. 1064. Waiver of vehicle weight limits during periods of national emergency.
- Sec. 1065. Repair, restoration, and preservation of Lafayette Escadrille Memorial, Marnes-la-Coquette, France.

Subtitle A—Financial Matters**SEC. 1001. TRANSFER AUTHORITY.****(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1)**

Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2002 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

1 section shall be deemed to increase the amount authorized for
2 the account to which the amount is transferred by an amount
3 equal to the amount transferred.

4 (d) NOTICE TO CONGRESS.—The Secretary shall promptly
5 notify Congress of each transfer made under subsection (a).

6 **SEC. 1002. [H1002]. INCORPORATION OF CLASSIFIED**
7 **ANNEX.**

8 (a) STATUS OF CLASSIFIED ANNEX.—The Classified
9 Annex prepared by the committee of conference to accompany
10 the conference report on the bill S. 1438 of the One Hundred
11 Seventh Congress and transmitted to the President is hereby
12 incorporated into this Act.

13 (b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—
14 The amounts specified in the Classified Annex are not in addi-
15 tion to amounts authorized to be appropriated by other provi-
16 sions of this Act.

17 (c) LIMITATION ON USE OF FUNDS.—Funds appropriated
18 pursuant to an authorization contained in this Act that are
19 made available for a program, project, or activity referred to
20 in the Classified Annex may only be expended for such pro-
21 gram, project, or activity in accordance with such terms, condi-
22 tions, limitations, restrictions, and requirements as are set out
23 for that program, project, or activity in the Classified Annex.

24 (d) DISTRIBUTION OF CLASSIFIED ANNEX.—The Presi-
25 dent shall provide for appropriate distribution of the Classified
26 Annex, or of appropriate portions of the annex, within the exec-
27 utive branch of the Government.

28 **SEC. 1003. AUTHORIZATION OF SUPPLEMENTAL APPRO-**
29 **PRIATIONS FOR FISCAL YEAR 2001.**

30 Amounts authorized to be appropriated to the Department
31 of Defense for fiscal year 2001 in the Floyd D. Spence Na-
32 tional Defense Authorization Act for Fiscal Year 2001 (as en-
33 acted into law by Public Law 106–398) are hereby adjusted,
34 with respect to any such authorized amount, by the amount by
35 which appropriations pursuant to such authorization were in-
36 creased (by a supplemental appropriation) or decreased (by a

1 rescission), or both, in title I of the Supplemental Appropria-
2 tions Act, 2001 (Public Law 107–20).

3 **SEC. 1004. UNITED STATES CONTRIBUTION TO NATO**
4 **COMMON-FUNDED BUDGETS IN FISCAL YEAR**
5 **2002.**

6 (a) FISCAL YEAR 2002 LIMITATION.—The total amount
7 contributed by the Secretary of Defense in fiscal year 2002 for
8 the common-funded budgets of NATO may be any amount up
9 to, but not in excess of, the amount specified in subsection (b)
10 (rather than the maximum amount that would otherwise be ap-
11 plicable to those contributions under the fiscal year 1998 base-
12 line limitation).

13 (b) TOTAL AMOUNT.—The amount of the limitation appli-
14 cable under subsection (a) is the sum of the following:

15 (1) The amounts of unexpended balances, as of the
16 end of fiscal year 2001, of funds appropriated for fiscal
17 years before fiscal year 2002 for payments for those budg-
18 ets.

19 (2) The amount specified in subsection (c)(1).

20 (3) The amount specified in subsection (c)(2).

21 (4) The total amount of the contributions authorized
22 to be made under section 2501.

23 (c) AUTHORIZED AMOUNTS.—Amounts authorized to be
24 appropriated by titles II and III of this Act are available for
25 contributions for the common-funded budgets of NATO as fol-
26 lows:

27 (1) Of the amount provided in section 201(1),
28 \$708,000 for the Civil Budget.

29 (2) Of the amount provided in section 301(a)(1),
30 \$175,849,000 for the Military Budget.

31 (d) DEFINITIONS.—For purposes of this section:

32 (1) COMMON-FUNDED BUDGETS OF NATO.—The term
33 “common-funded budgets of NATO” means the Military
34 Budget, the Security Investment Program, and the Civil
35 Budget of the North Atlantic Treaty Organization (and any
36 successor or additional account or program of NATO).

1 (2) FISCAL YEAR 1998 BASELINE LIMITATION.—The
2 term “fiscal year 1998 baseline limitation” means the max-
3 imum annual amount of Department of Defense contribu-
4 tions for common-funded budgets of NATO that is set
5 forth as the annual limitation in section 3(2)(C)(ii) of the
6 resolution of the Senate giving the advice and consent of
7 the Senate to the ratification of the Protocols to the North
8 Atlantic Treaty of 1949 on the Accession of Poland, Hun-
9 gary, and the Czech Republic (as defined in section 4(7)
10 of that resolution), approved by the Senate on April 30,
11 1998.

12 **SEC. 1005. LIMITATION ON FUNDS FOR BOSNIA AND**
13 **KOSOVO PEACEKEEPING OPERATIONS FOR**
14 **FISCAL YEAR 2002.**

15 (a) LIMITATION.—Of the amounts authorized to be appro-
16 priated by section 301(a)(24) for the Overseas Contingency Op-
17 erations Transfer Fund—

18 (1) no more than \$1,315,600,000 may be obligated for
19 incremental costs of the Armed Forces for Bosnia peace-
20 keeping operations; and

21 (2) no more than \$1,528,600,000 may be obligated for
22 incremental costs of the Armed Forces for Kosovo peace-
23 keeping operations.

24 (b) PRESIDENTIAL WAIVER.—The President may waive
25 the limitation in subsection (a)(1), or the limitation in sub-
26 section (a)(2), after submitting to Congress the following:

27 (1) The President’s written certification that the waiv-
28 er is necessary in the national security interests of the
29 United States.

30 (2) The President’s written certification that exer-
31 cising the waiver will not adversely affect the readiness of
32 United States military forces.

33 (3) A report setting forth the following:

34 (A) The reasons that the waiver is necessary in
35 the national security interests of the United States.

36 (B) The specific reasons that additional funding is
37 required for the continued presence of United States

1 military forces participating in, or supporting, Bosnia
2 peacekeeping operations, or Kosovo peacekeeping oper-
3 ations, as the case may be, for fiscal year 2002.

4 (C) A discussion of the impact on the military
5 readiness of United States Armed Forces of the con-
6 tinuing deployment of United States military forces
7 participating in, or supporting, Bosnia peacekeeping
8 operations, or Kosovo peacekeeping operations, as the
9 case may be.

10 (4) A supplemental appropriations request for the De-
11 partment of Defense for such amounts as are necessary for
12 the additional fiscal year 2002 costs associated with United
13 States military forces participating in, or supporting, Bos-
14 nia or Kosovo peacekeeping operations.

15 (c) PEACEKEEPING OPERATIONS DEFINED.—For the pur-
16 poses of this section:

17 (1) The term “Bosnia peacekeeping operations” has
18 the meaning given such term in section 1004(e) of the
19 Strom Thurmond National Defense Authorization Act for
20 Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2112).

21 (2) The term “Kosovo peacekeeping operations”—

22 (A) means the operation designated as Operation
23 Joint Guardian and any other operation involving the
24 participation of any of the Armed Forces in peace-
25 keeping or peace enforcement activities in and around
26 Kosovo; and

27 (B) includes, with respect to Operation Joint
28 Guardian or any such other operation, each activity
29 that is directly related to the support of the operation.

30 **SEC. 1006. MAXIMUM AMOUNT FOR NATIONAL FOREIGN**
31 **INTELLIGENCE PROGRAM.**

32 The total amount authorized to be appropriated for the
33 National Foreign Intelligence Program for fiscal year 2002 is
34 the sum of the following:

35 (1) The total amount set forth for the National For-
36 eign Intelligence Program for fiscal year 2002 in the mes-
37 sage of the President to Congress transmitted by the Presi-

1 dent on June 27, 2001, and printed as House Document
2 107–92, captioned “Communication of the President of the
3 United States Transmitting Requests for Fiscal Year 2002
4 Budget Amendments for the Department of Defense”.

5 (2) The total amount, if any, appropriated for the Na-
6 tional Foreign Intelligence Program for fiscal year 2002
7 pursuant to the 2001 Emergency Supplemental Appropria-
8 tions Act for Recovery from and Response to Terrorist At-
9 tacks on the United States (Public Law 107–38; 115 Stat.
10 220-221).

11 (3) The total amount, if any, appropriated for the Na-
12 tional Foreign Intelligence Program for fiscal year 2002 in
13 any law making supplemental appropriations for fiscal year
14 2002 that is enacted during the second session of the
15 107th Congress.

16 **SEC. 1007. CLARIFICATION OF APPLICABILITY OF IN-**
17 **TEREST PENALTIES FOR LATE PAYMENT OF**
18 **INTERIM PAYMENTS DUE UNDER CON-**
19 **TRACTS FOR SERVICES.**

20 Section 1010(d) of the Floyd D. Spence National Defense
21 Authorization Act for Fiscal Year 2001 (as enacted into law by
22 Public Law 106–398; 114 Stat. 1654A–251) is amended by in-
23 serting before the period at the end of the first sentence the
24 following: “, and shall apply with respect to interim payments
25 that are due on or after such date under contracts entered into
26 before, on, or after that date”.

27 **SEC. 1008. RELIABILITY OF DEPARTMENT OF DEFENSE**
28 **FINANCIAL STATEMENTS.**

29 (a) ANNUAL REPORT ON RELIABILITY.—(1) Not later
30 than September 30 of each year but subject to subsection (f),
31 the Secretary of Defense shall submit to the recipients specified
32 in paragraph (3) a report on the reliability of the Department
33 of Defense financial statements, including the financial state-
34 ments of each component of the Department that is required
35 to prepare a financial statement under section 3515(c) of title
36 31, United States Code.

37 (2) The annual report shall contain the following:

1 (A) A conclusion regarding whether the policies and
2 procedures of the Department of Defense, and the systems
3 used within the Department of Defense, for the preparation
4 of financial statements allow the achievement of reliability
5 in those financial statements.

6 (B) For each of the financial statements prepared for
7 the Department of Defense for the fiscal year in which the
8 report is submitted, a conclusion regarding the expected re-
9 liability of the financial statement (evaluated on the basis
10 of Office of Management and Budget guidance on financial
11 statements), together with a discussion of the major defi-
12 ciencies to be expected in the statement.

13 (C) A summary of the specific sections of the annual
14 Financial Management Improvement Plan of the Depart-
15 ment of Defense, current as of the date of the report,
16 that—

17 (i) detail the priorities, milestones, and measures
18 of success that apply to the preparation of the financial
19 statements;

20 (ii) detail the planned improvements in the process
21 for the preparation of financial statements that are to
22 be implemented within 12 months after the date on
23 which the plan is issued; and

24 (iii) provide an estimate of when each financial
25 statement will convey reliable information.

26 (3) The annual report shall be submitted to the following:

27 (A) The Committee on Armed Services and the Com-
28 mittee on Governmental Affairs of the Senate.

29 (B) The Committee on Armed Services and the Com-
30 mittee on Government Reform of the House of Representa-
31 tives.

32 (C) The Director of the Office of Management and
33 Budget.

34 (D) The Secretary of the Treasury.

35 (E) The Comptroller General of the United States.

1 (4) The Secretary of Defense shall make a copy of the an-
2 nual report available to the Inspector General of the Depart-
3 ment of Defense.

4 (b) MINIMIZATION OF USE OF RESOURCES FOR UNRELI-
5 ABLE FINANCIAL STATEMENTS.—(1) With respect to each fi-
6 nancial statement for a fiscal year that the Secretary of De-
7 fense assesses as being expected to be unreliable in the annual
8 report under subsection (a), the Under Secretary of Defense
9 (Comptroller) shall take appropriate actions to minimize, con-
10 sistent with the benefits to be derived, the resources (including
11 contractor support) that are used to develop, compile, and re-
12 port the financial statement.

13 (2) With the annual budget justifications for the Depart-
14 ment of Defense submitted to Congress each year, the Under
15 Secretary of Defense (Comptroller) shall submit, with respect
16 to the fiscal year in which submitted, the preceding fiscal year,
17 and the following fiscal year, the following information:

18 (A) An estimate of the resources that the Department
19 of Defense is saving or expects to save as a result of ac-
20 tions taken and to be taken under paragraph (1) with re-
21 spect to the preparation of financial statements.

22 (B) A discussion of how the resources saved as esti-
23 mated under subparagraph (A) have been redirected or are
24 to be redirected from the preparation of financial state-
25 ments to the improvement of systems underlying financial
26 management within the Department of Defense and to the
27 improvement of financial management policies, procedures,
28 and internal controls within the Department of Defense.

29 (c) INFORMATION TO AUDITORS.—Not later than October
30 31 of each year, the Under Secretary of Defense (Comptroller)
31 and the Assistant Secretary of each military department with
32 responsibility for financial management and comptroller func-
33 tions shall each provide to the auditors of the financial state-
34 ment of that official's department for the fiscal year ending
35 during the preceding month that official's preliminary manage-
36 ment representation, in writing, regarding the expected reli-
37 ability of the financial statement. The representation shall be

1 consistent with guidance issued by the Director of the Office
2 of Management and Budget and shall include the basis for the
3 reliability assessment stated in the representation.

4 (d) LIMITATION ON INSPECTOR GENERAL AUDITS.—(1)

5 On each financial statement that an official asserts is unreli-
6 able under subsection (b) or (c), the Inspector General of the
7 Department of Defense shall only perform the audit procedures
8 required by generally accepted government auditing standards
9 consistent with any representation made by management.

10 (2) With the annual budget justifications for the Depart-
11 ment of Defense submitted to Congress each year, the Under
12 Secretary of Defense (Comptroller) shall submit, with respect
13 to the fiscal year in which submitted, the preceding fiscal year,
14 and the following fiscal year, information which the Inspector
15 General shall report to the Under Secretary, as follows:

16 (A) An estimate of the resources that the Inspector
17 General is saving or expects to save as a result of actions
18 taken and to be taken under paragraph (1) with respect to
19 the auditing of financial statements.

20 (B) A discussion of how the resources saved as esti-
21 mated under subparagraph (A) have been redirected or are
22 to be redirected from the auditing of financial statements
23 to the oversight and improvement of systems underlying fi-
24 nancial management within the Department of Defense and
25 to the oversight and improvement of financial management
26 policies, procedures, and internal controls within the De-
27 partment of Defense.

28 (e) EFFECTIVE DATE.—The requirements of this section
29 shall apply with respect to financial statements for fiscal years
30 after fiscal year 2001 and to the auditing of those financial
31 statements.

32 (f) TERMINATION OF APPLICABILITY.—If the Secretary of
33 Defense certifies to the Inspector General of the Department
34 of Defense that the financial statement for the Department of
35 Defense, or a financial statement for a component of the De-
36 partment of Defense, for a fiscal year is reliable, this section
37 shall not apply with respect to that financial statement or to

1 any successive financial statement for the Department of De-
2 fense, or for that component, as the case may be, for any later
3 fiscal year.

4 **SEC. 1009. FINANCIAL MANAGEMENT MODERNIZATION**
5 **EXECUTIVE COMMITTEE AND FINANCIAL**
6 **FEEDER SYSTEMS COMPLIANCE PROCESS.**

7 (a) EXECUTIVE COMMITTEE.—(1) Chapter 7 of title 10,
8 United States Code, is amended by adding at the end the fol-
9 lowing new section:

10 **“§ 185. Financial Management Modernization Ex-**
11 **ecutive Committee**

12 “(a) ESTABLISHMENT OF FINANCIAL MANAGEMENT MOD-
13 ERNIZATION EXECUTIVE COMMITTEE.—(1) The Secretary of
14 Defense shall establish a Financial Management Modernization
15 Executive Committee.

16 “(2) The Committee shall be composed of the following:

17 “(A) The Under Secretary of Defense (Comptroller),
18 who shall be the chairman of the committee.

19 “(B) The Under Secretary of Defense for Acquisition,
20 Technology, and Logistics.

21 “(C) The Under Secretary of Defense for Personnel
22 and Readiness.

23 “(D) The Chief Information Officer of the Department
24 of Defense.

25 “(E) Such additional personnel of the Department of
26 Defense (including appropriate personnel of the military
27 departments and Defense Agencies) as are designated by
28 the Secretary.

29 “(3) The Committee shall be accountable to the Senior
30 Executive Council (composed of the Secretary of Defense, the
31 Deputy Secretary of Defense, the Under Secretary of Defense
32 for Acquisition, Technology, and Logistics, the Secretary of the
33 Army, the Secretary of the Navy, and the Secretary of the Air
34 Force).

35 “(b) DUTIES.—In addition to other matters assigned to it
36 by the Secretary of Defense, the Committee shall have the fol-
37 lowing duties:

10–12

1 “(1) To establish a process that ensures that each
2 critical accounting system, financial management system,
3 and data feeder system of the Department of Defense is
4 compliant with applicable Federal financial management
5 and reporting requirements.

6 “(2) To develop a management plan for the implemen-
7 tation of the financial and data feeder systems compliance
8 process established pursuant to paragraph (1).

9 “(3) To supervise and monitor the actions that are
10 necessary to implement the management plan developed
11 pursuant to paragraph (2), as approved by the Secretary
12 of Defense.

13 “(4) To ensure that a Department of Defense finan-
14 cial management enterprise architecture is developed and
15 maintained in accordance with—

16 “(A) the overall business process transformation
17 strategy of the Department; and

18 “(B) the architecture framework of the Depart-
19 ment for command, control, communications, com-
20 puters, intelligence, surveillance, and reconnaissance
21 functions.

22 “(5) To ensure that investments in existing or pro-
23 posed financial management systems for the Department
24 comply with the overall business practice transformation
25 strategy of the Department and the financial management
26 enterprise architecture developed under paragraph (4).

27 “(6) To provide an annual accounting of each financial
28 and data feeder system investment technology project to
29 ensure that each such project is being implemented at ac-
30 ceptable cost and within a reasonable schedule and is con-
31 tributing to tangible, observable improvements in mission
32 performance.

33 “(c) MANAGEMENT PLAN FOR IMPLEMENTATION OF FI-
34 NANCIAL DATA FEEDER SYSTEMS COMPLIANCE PROCESS.—
35 The management plan developed under subsection (b)(2) shall
36 include among its principal elements at least the following ele-
37 ments:

10–13

1 “(1) A requirement for the establishment and mainte-
2 nance of a complete inventory of all budgetary, accounting,
3 finance, and data feeder systems that support the trans-
4 formed business processes of the Department and produce
5 financial statements.

6 “(2) A phased process (consisting of the successive
7 phases of Awareness, Evaluation, Renovation, Validation,
8 and Compliance) for improving systems referred to in para-
9 graph (1) that provides for mapping financial data flow
10 from the cognizant Department business function source
11 (as part of the overall business process transformation
12 strategy of the Department) to Department financial state-
13 ments.

14 “(3) Periodic submittal to the Secretary of Defense,
15 the Deputy Secretary of Defense, and the Senior Executive
16 Council (or any combination thereof) of reports on the
17 progress being made in achieving financial management
18 transformation goals and milestones included in the annual
19 financial management improvement plan in 2002.

20 “(4) Documentation of the completion of each phase
21 specified in paragraph (2) of improvements made to each
22 accounting, finance, and data feeder system of the Depart-
23 ment.

24 “(5) Independent audit by the Inspector General of
25 the Department, the audit agencies of the military depart-
26 ments, and private sector firms contracted to conduct vali-
27 dation audits (or any combination thereof) at the validation
28 phase for each accounting, finance, and data feeder system.

29 “(d) DATA FEEDER SYSTEMS.—In this section, the term
30 ‘data feeder system’ has the meaning given that term in section
31 2222(c)(2) of this title.”.

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

“185. Financial Management Modernization Executive Committee.”.

10–14

1 (b) ANNUAL FINANCIAL MANAGEMENT IMPROVEMENT
2 PLAN.—(1) Subsection (a) of section 2222 of title 10, United
3 States Code, is amended—

4 (A) by striking “BIENNIAL” in the subsection heading
5 and inserting “ANNUAL”;

6 (B) by striking “a biennial” in the first sentence and
7 inserting “an annual”; and

8 (C) by striking “even-numbered” in the second sen-
9 tence.

10 (2) Subsection (c) of such section is amended—

11 (A) by redesignating paragraph (2) as paragraph (3);
12 and

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

15 “(2) In each such plan, the Secretary shall include the fol-
16 lowing:

17 “(A) A description of the actions to be taken in the
18 fiscal year beginning in the year in which the plan is sub-
19 mitted to implement the annual performance goals, and the
20 performance milestones, included in the financial manage-
21 ment improvement plan submitted in 2002 pursuant to
22 paragraphs (1) and (2), respectively, of section 1009(c) of
23 the National Defense Authorization Act for Fiscal Year
24 2002.

25 “(B) An estimate of the amount expended in the fiscal
26 year ending in the year in which the plan is submitted to
27 implement the financial management improvement plan in
28 such preceding calendar year, set forth by system.

29 “(C) If an element of the financial management im-
30 provement plan submitted in the fiscal year ending in the
31 year in which the plan is submitted was not implemented,
32 a justification for the lack of implementation of such ele-
33 ment.”.

34 (3)(A) The heading of such section is amended to read as
35 follows:

1 **“§ 2222. Annual financial management improve-**
2 **ment plan”.**

3 (B) The item relating to section 2222 in the table of sec-
4 tions at the beginning of chapter 131 of such title is amended
5 to read as follows:

“2222. Annual financial management improvement plan.”.

6 (c) ADDITIONAL ELEMENTS FOR FINANCIAL MANAGE-
7 MENT IMPROVEMENT PLAN IN 2002.—In the annual financial
8 management improvement plan submitted under section 2222
9 of title 10, United States Code, in 2002, the Secretary of De-
10 fense shall include the following:

11 (1) Measurable annual performance goals for improve-
12 ment of the financial management of the Department of
13 Defense.

14 (2) Performance milestones for initiatives under that
15 plan for transforming the financial management operations
16 of the Department of Defense and for implementing a fi-
17 nancial management architecture for the Department.

18 (3) An assessment of the anticipated annual cost of
19 any plans for transforming the financial management oper-
20 ations of the Department of Defense and for implementing
21 a financial management architecture for the Department.

22 (4) A discussion of the following:

23 (A) The roles and responsibilities of appropriate
24 Department officials to ensure the supervision and
25 monitoring of the compliance of each accounting, fi-
26 nance, and data feeder system of the Department
27 with—

28 (i) the business practice transformation strat-
29 egy of the Department;

30 (ii) the financial management architecture of
31 the Department; and

32 (iii) applicable Federal financial management
33 systems and reporting requirements.

10–16

1 (B) A summary of the actions taken by the Finan-
2 cial Management Modernization Executive Committee
3 to ensure that such systems comply with—

4 (i) the business practice transformation strat-
5 egy of the Department;

6 (ii) the financial management architecture of
7 the Department; and

8 (iii) applicable Federal financial management
9 systems and reporting requirements.

10 (d) EFFECTIVE DATE.—Paragraph (2) of section 2222(c)
11 of title 10, United States Code, as added by subsection (b)(2),
12 shall not apply with respect to the annual financial manage-
13 ment improvement plan submitted under section 2222 of title
14 10, United States Code, in 2002.

15 **SEC. 1010. AUTHORIZATION OF FUNDS FOR BALLISTIC**
16 **MISSILE DEFENSE PROGRAMS OR COM-**
17 **BATING TERRORISM PROGRAMS OF THE DE-**
18 **PARTMENT OF DEFENSE.**

19 (a) AUTHORIZATION.—There is hereby authorized to be
20 appropriated for fiscal year 2002 for the military functions of
21 the Department of Defense, in addition to amounts authorized
22 to be appropriated in titles I, II, and III, the amount of
23 \$1,300,000,000, to be available, in accordance with subsection
24 (b), for the following purposes:

25 (1) Research, development, test, and evaluation for
26 ballistic missile defense programs of the Ballistic Missile
27 Defense Organization.

28 (2) Activities of the Department of Defense for com-
29 bating terrorism.

30 (b) ALLOCATION BY PRESIDENT.—(1) The amount au-
31 thORIZED to be appropriated by subsection (a) shall be allocated
32 between the purposes stated in paragraphs (1) and (2) of that
33 subsection in such manner as may be determined by the Presi-
34 dent based upon the national security interests of the United
35 States. The amount authorized in subsection (a) shall not be
36 available for any other purpose.

1 (2) Upon an allocation of such amount by the President,
2 the amount so allocated shall be transferred to the appropriate
3 regular authorization account under this division in the same
4 manner as provided in section 1001. Transfers under this para-
5 graph shall not be counted for the purposes of section
6 1001(a)(2).

7 (3) Not later than 15 days after an allocation is made
8 under this subsection, the Secretary of Defense shall submit to
9 the congressional defense committees a report describing the al-
10 location and the Secretary's plan for the use by the Depart-
11 ment of Defense of the funds made available pursuant to such
12 allocation.

13 **Subtitle B—Naval Vessels and** 14 **Shipyards**

15 **SEC. 1011. AUTHORITY TO TRANSFER NAVAL VESSELS** 16 **TO CERTAIN FOREIGN COUNTRIES.**

17 (a) TRANSFERS BY GRANT.—The President is authorized
18 to transfer vessels to foreign countries on a grant basis under
19 section 516 of the Foreign Assistance Act of 1961 (22 U.S.C.
20 2321j) as follows:

21 (1) POLAND.—To the Government of Poland, the
22 OLIVER HAZARD PERRY class guided missile frigate
23 WADSWORTH (FFG 9).

24 (2) TURKEY.—To the Government of Turkey, the
25 KNOX class frigates CAPODANNO (FF 1093), THOMAS
26 C. HART (FF 1092), DONALD B. BEARY (FF 1085),
27 McCANDLESS (FF 1084), REASONER (FF 1063), and
28 BOWEN (FF 1079).

29 (b) TRANSFERS BY SALE.—The President is authorized to
30 transfer vessels to foreign governments and foreign govern-
31 mental entities on a sale basis under section 21 of the Arms
32 Export Control Act (22 U.S.C. 2761) as follows:

33 (1) TAIWAN.—To the Taipei Economic and Cultural
34 Representative Office in the United States (which is the
35 Taiwan instrumentality designated pursuant to section
36 10(a) of the Taiwan Relations Act), the KIDD class guided
37 missile destroyers KIDD (DDG 993), CALLAGHAN

1 (DDG 994), SCOTT (DDG 995), and CHANDLER (DDG
2 996).

3 (2) TURKEY.—To the Government of Turkey, the
4 OLIVER HAZARD PERRY class guided missile frigates
5 ESTOCIN (FFG 15) and SAMUEL ELIOT MORISON
6 (FFG 13).

7 (c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANS-
8 FERRED EXCESS DEFENSE ARTICLES.—The value of a vessel
9 transferred to another country on a grant basis under section
10 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j)
11 pursuant to authority provided by subsection (a) shall not be
12 counted for the purposes of subsection (g) of that section in the
13 aggregate value of excess defense articles transferred to coun-
14 tries under that section in any fiscal year.

15 (d) COSTS OF TRANSFERS ON GRANT BASIS.—Any ex-
16 pense incurred by the United States in connection with a trans-
17 fer authorized by this section shall be charged to the recipient
18 (notwithstanding section 516(e)(1) of the Foreign Assistance
19 Act of 1961 (22 U.S.C. 2321j(e)(1))) in the case of a transfer
20 authorized to be made on a grant basis under subsection (a).

21 (e) WAIVER AUTHORITY.—For a vessel transferred on a
22 grant basis pursuant to authority provided by subsection
23 (a)(2), the President may waive reimbursement of charges for
24 the lease of that vessel under section 61(a) of the Arms Export
25 Control Act (22 U.S.C. 2796(a)) for a period of one year before
26 the date of the transfer of that vessel.

27 (f) REPAIR AND REFURBISHMENT IN UNITED STATES
28 SHIPYARDS.—To the maximum extent practicable, the Presi-
29 dent shall require, as a condition of the transfer of a vessel
30 under this section, that the country to which the vessel is
31 transferred have such repair or refurbishment of the vessel as
32 is needed, before the vessel joins the naval forces of that coun-
33 try, performed at a shipyard located in the United States, in-
34 cluding a United States Navy shipyard.

35 (g) EXPIRATION OF AUTHORITY.—The authority to trans-
36 fer a vessel under this section shall expire at the end of the

1 two-year period beginning on the date of the enactment of this
2 Act.

3 **SEC. 1012. SALE OF GLOMAR EXPLORER TO THE LESSEE.**

4 (a) **AUTHORITY.**—The Secretary of the Navy may convey
5 by sale all right, title, and interest of the United States in and
6 to the vessel GLOMAR EXPLORER (AG 193) to the person
7 who, on the date of the enactment of this Act, is the lessee of
8 the vessel.

9 (b) **CONSIDERATION.**—The price for which the vessel is
10 sold under subsection (a) shall be a fair and reasonable amount
11 determined by the Secretary of the Navy.

12 (c) **ADDITIONAL TERMS.**—The Secretary may require such
13 additional terms in connection with the conveyance authorized
14 by this section as the Secretary considers appropriate.

15 (d) **PROCEEDS OF SALE.**—Amounts received by the Sec-
16 retary from the sale under this section may, to the extent pro-
17 vided in an appropriations Act, be credited to the appropriation
18 available for providing salvage facilities under section 7361 of
19 title 10, United States Code, and are authorized to remain
20 available until expended for that purpose.

21 **SEC. 1013. LEASING OF NAVY SHIPS FOR UNIVERSITY**
22 **NATIONAL OCEANOGRAPHIC LABORATORY**
23 **SYSTEM.**

24 Subsection (g) of section 2667 of title 10, United States
25 Code, is amended by adding at the end the following new para-
26 graph:

27 “(3) Paragraph (1) does not apply to a renewal or exten-
28 sion of a lease by the Secretary of the Navy with a selected
29 institution for operation of a ship within the University Na-
30 tional Oceanographic Laboratory System if, under the lease,
31 each of the following applies:

32 “(A) Use of the ship is restricted to federally sup-
33 ported research programs and to non-Federal uses under
34 specific conditions with approval by the Secretary of the
35 Navy.

36 “(B) Because of the anticipated value to the Navy of
37 the oceanographic research and training that will result

1 from the ship’s operation, no monetary lease payments are
2 required from the lessee under the initial lease or under
3 any renewal or extension.

4 “(C) The lessee is required to maintain the ship in a
5 good state of repair, readiness, and efficient operating con-
6 dition, conform to all applicable regulatory requirements,
7 and assume full responsibility for the safety of the ship, its
8 crew, and scientific personnel aboard.”.

9 **SEC. 1014. INCREASE IN LIMITATIONS ON ADMINISTRA-**
10 **TIVE AUTHORITY OF THE NAVY TO SETTLE**
11 **ADMIRALTY CLAIMS.**

12 (a) ADMIRALTY CLAIMS AGAINST THE UNITED STATES.—
13 Section 7622 of title 10, United States Code, is amended—

14 (1) in subsections (a) and (b), by striking
15 “\$1,000,000” and inserting “\$15,000,000”; and

16 (2) in subsection (c), by striking “\$100,000” and in-
17 serting “\$1,000,000”.

18 (b) ADMIRALTY CLAIMS BY THE UNITED STATES.—Sec-
19 tion 7623 of such title is amended—

20 (1) in subsection (a)(2), by striking “\$1,000,000” and
21 inserting “\$15,000,000”; and

22 (2) in subsection (c), by striking “\$100,000” and in-
23 serting “\$1,000,000”.

24 (c) EFFECTIVE DATE.—The amendments made by this
25 section shall apply with respect to any claim accruing on or
26 after February 1, 2001.

27 **Subtitle C—Counter-Drug Activities**

28 **SEC. 1021. EXTENSION AND RESTATEMENT OF AUTHOR-**
29 **ITY TO PROVIDE DEPARTMENT OF DEFENSE**
30 **SUPPORT FOR COUNTER-DRUG ACTIVITIES**
31 **OF OTHER GOVERNMENTAL AGENCIES.**

32 Section 1004 of the National Defense Authorization Act
33 for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 374
34 note) is amended to read as follows:

35 **“SEC. 1004. ADDITIONAL SUPPORT FOR COUNTER-DRUG**
36 **ACTIVITIES**

37 “(a) SUPPORT TO OTHER AGENCIES.—During fiscal years
38 2002 through 2006, the Secretary of Defense may provide sup-

1 port for the counter-drug activities of any other department or
2 agency of the Federal Government or of any State, local, or
3 foreign law enforcement agency for any of the purposes set
4 forth in subsection (b) if such support is requested—

5 “(1) by the official who has responsibility for the
6 counter-drug activities of the department or agency of the
7 Federal Government, in the case of support for other de-
8 partments or agencies of the Federal Government;

9 “(2) by the appropriate official of a State or local gov-
10 ernment, in the case of support for State or local law en-
11 forcement agencies; or

12 “(3) by an appropriate official of a department or
13 agency of the Federal Government that has counter-drug
14 responsibilities, in the case of support for foreign law en-
15 forcement agencies.

16 “(b) TYPES OF SUPPORT.—The purposes for which the
17 Secretary of Defense may provide support under subsection (a)
18 are the following:

19 “(1) The maintenance and repair of equipment that
20 has been made available to any department or agency of
21 the Federal Government or to any State or local govern-
22 ment by the Department of Defense for the purposes of—

23 “(A) preserving the potential future utility of such
24 equipment for the Department of Defense; and

25 “(B) upgrading such equipment to ensure compat-
26 ibility of that equipment with other equipment used by
27 the Department of Defense.

28 “(2) The maintenance, repair, or upgrading of equip-
29 ment (including computer software), other than equipment
30 referred to in paragraph (1) for the purpose of—

31 “(A) ensuring that the equipment being main-
32 tained or repaired is compatible with equipment used
33 by the Department of Defense; and

34 “(B) upgrading such equipment to ensure the
35 compatibility of that equipment with equipment used by
36 the Department of Defense.

1 “(3) The transportation of personnel of the United
2 States and foreign countries (including per diem expenses
3 associated with such transportation), and the transpor-
4 tation of supplies and equipment, for the purpose of facili-
5 tating counter-drug activities within or outside the United
6 States.

7 “(4) The establishment (including an unspecified
8 minor military construction project) and operation of bases
9 of operations or training facilities for the purpose of facili-
10 tating counter-drug activities of the Department of Defense
11 or any Federal, State, or local law enforcement agency
12 within or outside the United States or counter-drug activi-
13 ties of a foreign law enforcement agency outside the United
14 States.

15 “(5) Counter-drug related training of law enforcement
16 personnel of the Federal Government, of State and local
17 governments, and of foreign countries, including associated
18 support expenses for trainees and the provision of materials
19 necessary to carry out such training.

20 “(6) The detection, monitoring, and communication of
21 the movement of—

22 “(A) air and sea traffic within 25 miles of and
23 outside the geographic boundaries of the United States;
24 and

25 “(B) surface traffic outside the geographic bound-
26 ary of the United States and within the United States
27 not to exceed 25 miles of the boundary if the initial de-
28 tection occurred outside of the boundary.

29 “(7) Construction of roads and fences and installation
30 of lighting to block drug smuggling corridors across inter-
31 national boundaries of the United States.

32 “(8) Establishment of command, control, communica-
33 tions, and computer networks for improved integration of
34 law enforcement, active military, and National Guard ac-
35 tivities.

36 “(9) The provision of linguist and intelligence analysis
37 services.

10–23

1 “(10) Aerial and ground reconnaissance.

2 “(c) LIMITATION ON COUNTER-DRUG REQUIREMENTS.—
3 The Secretary of Defense may not limit the requirements for
4 which support may be provided under subsection (a) only to
5 critical, emergent, or unanticipated requirements.

6 “(d) CONTRACT AUTHORITY.—In carrying out subsection
7 (a), the Secretary of Defense may acquire services or equip-
8 ment by contract for support provided under that subsection if
9 the Department of Defense would normally acquire such serv-
10 ices or equipment by contract for the purpose of conducting a
11 similar activity for the Department of Defense.

12 “(e) LIMITED WAIVER OF PROHIBITION.—Notwith-
13 standing section 376 of title 10, United States Code, the Sec-
14 retary of Defense may provide support pursuant to subsection
15 (a) in any case in which the Secretary determines that the pro-
16 vision of such support would adversely affect the military pre-
17 paredness of the United States in the short term if the Sec-
18 retary determines that the importance of providing such sup-
19 port outweighs such short-term adverse effect.

20 “(f) CONDUCT OF TRAINING OR OPERATION TO AID CI-
21 VILIAN AGENCIES.—In providing support pursuant to sub-
22 section (a), the Secretary of Defense may plan and execute oth-
23 erwise valid military training or operations (including training
24 exercises undertaken pursuant to section 1206(a) of the Na-
25 tional Defense Authorization Act for Fiscal Years 1990 and
26 1991 (Public Law 101–189; 103 Stat. 1564)) for the purpose
27 of aiding civilian law enforcement agencies.

28 “(g) RELATIONSHIP TO OTHER LAWS.—(1) The authority
29 provided in this section for the support of counter-drug activi-
30 ties by the Department of Defense is in addition to, and except
31 as provided in paragraph (2), not subject to the requirements
32 of chapter 18 of title 10, United States Code.

33 “(2) Support under this section shall be subject to the
34 provisions of section 375 and, except as provided in subsection
35 (e), section 376 of title 10, United States Code.

36 “(h) CONGRESSIONAL NOTIFICATION OF FACILITIES
37 PROJECTS.—(1) When a decision is made to carry out a mili-

1 tary construction project described in paragraph (2), the Sec-
2 retary of Defense shall submit to the congressional defense
3 committees written notice of the decision, including the jus-
4 tification for the project and the estimated cost of the project.
5 The project may be commenced only after the end of the 21-
6 day period beginning on the date on which the written notice
7 is received by Congress.

8 “(2) Paragraph (1) applies to an unspecified minor mili-
9 tary construction project that—

10 “(A) is intended for the modification or repair of a
11 Department of Defense facility for the purpose set forth in
12 subsection (b)(4); and

13 “(B) has an estimated cost of more than \$500,000.”.

14 **SEC. 1022. EXTENSION OF REPORTING REQUIREMENT**
15 **REGARDING DEPARTMENT OF DEFENSE EX-**
16 **PENDITURES TO SUPPORT FOREIGN**
17 **COUNTER-DRUG ACTIVITIES.**

18 Section 1022 of the Floyd D. Spence National Defense
19 Authorization Act for Fiscal Year 2001 (as enacted into law by
20 Public Law 106–398; 114 Stat. 1654A–255) is amended—

21 (1) by inserting “and April 15, 2002,” after “January
22 1, 2001,”; and

23 (2) by striking “fiscal year 2000” and inserting “the
24 preceding fiscal year”.

25 **SEC. 1023. AUTHORITY TO TRANSFER TRACKER AIR-**
26 **CRAFT CURRENTLY USED BY ARMED**
27 **FORCES FOR COUNTER-DRUG PURPOSES.**

28 (a) **TRANSFER AUTHORITY.**—The Secretary of Defense
29 may transfer to the administrative jurisdiction and operational
30 control of another Federal agency all Tracker aircraft in the
31 inventory of the Department of Defense.

32 (b) **EFFECT OF FAILURE TO TRANSFER.**—If the transfer
33 authority provided by subsection (a) is not exercised by the
34 Secretary of Defense by September 30, 2002, any Tracker air-
35 craft remaining in the inventory of the Department of Defense
36 may not be used by the Armed Forces for counter-drug pur-
37 poses after that date.

1 **SEC. 1024. LIMITATION ON USE OF FUNDS FOR OPER-**
2 **ATION OF TETHERED AEROSTAT RADAR SYS-**
3 **TEM PENDING SUBMISSION OF REQUIRED**
4 **REPORT.**

5 Not more than 50 percent of the funds appropriated or
6 otherwise made available for fiscal year 2002 for operation of
7 the Tethered Aerostat Radar System, which is used by the
8 Armed Forces in maritime, air, and land counter-drug detec-
9 tion and monitoring, may be obligated or expended until such
10 time as the Secretary of Defense submits to Congress the re-
11 port on the status of the Tethered Aerostat Radar System re-
12 quired by section 1025 of the Floyd D. Spence National De-
13 fense Authorization Act for Fiscal Year 2001 (as enacted into
14 law by Public Law 106–398; 114 Stat. 1654A–256).

15 **Subtitle D—Strategic Forces**

16 **SEC. 1031. REPEAL OF LIMITATION ON RETIREMENT OR**
17 **DISMANTLEMENT OF STRATEGIC NUCLEAR**
18 **DELIVERY SYSTEMS.**

19 Section 1302 of the National Defense Authorization Act
20 for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1948) is
21 repealed.

22 **SEC. 1032. AIR FORCE BOMBER FORCE STRUCTURE.**

23 (a) **LIMITATION.**—None of the funds available to the De-
24 partment of Defense for fiscal year 2002 may be obligated or
25 expended for retiring or dismantling any of the 93 B–1B Lanc-
26 er bombers in service as of June 1, 2001, or for transferring
27 or reassigning any of those aircraft from the unit or facility to
28 which assigned as of that date, until 15 days after the Sec-
29 retary of the Air Force submits to the Committee on Armed
30 Services of the Senate and the Committee on Armed Services
31 of the House of Representatives a report on the Air Force
32 bomber force structure.

33 (b) **MATTERS TO BE INCLUDED.**—The report under sub-
34 section (a) shall set forth the following:

- 35 (1) The Air Force plan for the modernization of the
36 B1–B aircraft fleet, including a transition plan for imple-
37 mentation of that modernization plan and a description of
38 the basing options for the aircraft in that fleet.

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1 (2) The amount and type of bomber force structure in
2 the Air Force appropriate to meet the requirements of the
3 national security strategy of the United States.

4 (3) Specifications of new missions to be assigned to
5 the National Guard units that currently fly B–1 aircraft
6 and the transition of those units and their facilities from
7 the current B–1 mission to their future missions.

8 (4) A description of the potential effect of the pro-
9 posed consolidation and reduction of the B–1 fleet on other
10 National Guard units in the affected States.

11 (5) A justification of the cost and projected savings of
12 consolidating and reducing the B–1 fleet.

13 (c) AMOUNT AND TYPE OF BOMBER FORCE STRUCTURE
14 DEFINED.—In this section, the term “amount and type of
15 bomber force structure” means the number of B–2 aircraft, B–
16 52 aircraft, and B–1 aircraft that are required to carry out the
17 current national security strategy.

18 **SEC. 1033. ADDITIONAL ELEMENT FOR REVISED NU-**
19 **CLEAR POSTURE REVIEW.**

20 Section 1041(b) of the Floyd D. Spence National Defense
21 Authorization Act for Fiscal Year 2001 (as enacted into law by
22 Public Law 106–398; 114 Stat. 1654A–262) is amended by
23 adding at the end the following new paragraph:

24 “(7) The possibility of deactivating or dealerting nu-
25 clear warheads or delivery systems immediately, or imme-
26 diately after a decision to retire any specific warhead, class
27 of warheads, or delivery system.”.

28 **SEC. 1034. REPORT ON OPTIONS FOR MODERNIZATION**
29 **AND ENHANCEMENT OF MISSILE WING HELI-**
30 **COPTER SUPPORT.**

31 (a) REPORT REQUIRED.—The Secretary of Defense shall
32 prepare a report regarding the options for providing the heli-
33 copter support missions for the Air Force intercontinental bal-
34 listic missile wings at Minot Air Force Base, North Dakota,
35 Malmstrom Air Force Base, Montana, and F.E. Warren Air
36 Force Base, Wyoming, for as long as these missions are re-

1 quired. The report shall include the Secretary’s recommenda-
2 tions on a preferred option.

3 (b) **OPTIONS.**—Options to be reviewed under subsection
4 (a) include the following:

5 (1) The current plan of the Air Force for replacement
6 or modernization of UH–1N helicopters currently flown by
7 the Air Force at the missile wings.

8 (2) Replacement of the UH–1N helicopters currently
9 flown by the Air Force with UH–60 Black Hawk heli-
10 copters, the UH–1Y helicopter, or another platform.

11 (3) Replacement of the UH–1N helicopters with UH–
12 60 helicopters and transition of the mission to the Army
13 National Guard, as detailed in the Air Force Space Com-
14 mand/Army National Guard plan entitled “ARNG Heli-
15 copter Support to Air Force Space Command” and dated
16 November 2000.

17 (4) Replacement of the UH–1N helicopters with UH–
18 60 helicopters or another platform, and establishment of
19 composite units combining active duty Air Force and Army
20 National Guard personnel.

21 (5) Such other options as the Secretary of Defense
22 considers appropriate.

23 (c) **FACTORS.**—Factors to be considered in preparing the
24 report under subsection (a) include the following:

25 (1) Any implications of transferring the helicopter sup-
26 port missions on the command and control of, and respon-
27 sibility for, missile field force protection.

28 (2) Current and future operational requirements, and
29 the capabilities of the UH–1N or UH–60 helicopter or
30 other aircraft to meet such requirements.

31 (3) Cost, with particular attention to opportunities to
32 realize efficiencies over the long run.

33 (4) Implications for personnel training and retention.

34 (5) Evaluation of the assumptions used in the plan
35 specified in subsection (b)(3).

36 (d) **CONSIDERATION.**—In preparing the report under sub-
37 section (a), the Secretary of Defense shall consider carefully

1 the views of the Secretary of the Army, the Secretary of the
2 Air Force, the commander of the United States Strategic Com-
3 mand, and the Chief of the National Guard Bureau.

4 (e) SUBMISSION OF REPORT.—The report required by sub-
5 section (a) shall be submitted to the congressional defense com-
6 mittees not later than the date on which the President submits
7 to Congress the budget under section 1105 of title 31, United
8 States Code, for fiscal year 2003.

9 **Subtitle E—Other Department of** 10 **Defense Provisions**

11 **SEC. 1041. SECRETARY OF DEFENSE RECOMMENDATION** 12 **ON NEED FOR DEPARTMENT OF DEFENSE** 13 **REVIEW OF PROPOSED FEDERAL AGENCY** 14 **ACTIONS TO CONSIDER POSSIBLE IMPACT** 15 **ON NATIONAL DEFENSE.**

16 (a) RECOMMENDATION ON NEED FOR DEFENSE IMPACT
17 REVIEW PROCESS.—The Secretary of Defense shall submit to
18 the President the Secretary’s recommendation as to whether
19 there should be established within the executive branch a de-
20 fense impact review process. The Secretary shall submit a copy
21 of such recommendation to Congress.

22 (b) DEFENSE IMPACT REVIEW PROCESS.—(1) For pur-
23 poses of this section, the term “defense impact review process”
24 means a formal process within the executive branch—

25 (A) to provide for review by the Department of De-
26 fense of certain proposed actions of other Federal depart-
27 ments and agencies to identify any reasonably foreseeable
28 significant adverse impact of such a proposed action on na-
29 tional defense; and

30 (B) when such a review indicates that a proposed
31 agency action may have such an adverse impact—

32 (i) to afford the Secretary of Defense a timely op-
33 portunity to make recommendations for means to elimi-
34 nate or mitigate any such adverse impact; and

35 (ii) to afford an opportunity for those rec-
36 ommendations to be given reasonable and timely con-
37 sideration by the agency to which provided.

1 (2) For purposes of such a review process, the proposed
2 agency actions subject to review would be those for which a sig-
3 nificant adverse impact on national defense is reasonably fore-
4 seeable and that meet such additional criteria as may be speci-
5 fied by the Secretary of Defense.

6 (c) TIME FOR SUBMISSION OF RECOMMENDATION.—The
7 Secretary shall submit the Secretary’s recommendation under
8 subsection (a) not later than 180 days after the date of the en-
9 actment of this Act.

10 **SEC. 1042. DEPARTMENT OF DEFENSE REPORTS TO**
11 **CONGRESS TO BE ACCOMPANIED BY ELEC-**
12 **TRONIC VERSION UPON REQUEST.**

13 (a) IN GENERAL.—Chapter 23 of title 10, United States
14 Code, is amended by inserting after the table of sections the
15 following new section:

16 **“§ 480. Reports to Congress: submission in elec-**
17 **tronic form**

18 “(a) REQUIREMENT.—Whenever the Secretary of Defense
19 or any other official of the Department of Defense submits to
20 Congress (or any committee of either House of Congress) a re-
21 port that the Secretary (or other official) is required by law to
22 submit, the Secretary (or other official) shall, upon request by
23 any committee of Congress to which the report is submitted or
24 referred, provide to Congress (or each such committee) a copy
25 of the report in an electronic medium.

26 “(b) EXCEPTION.—Subsection (a) does not apply to a re-
27 port submitted in classified form.

28 “(c) DEFINITION.—In this section, the term ‘report’ in-
29 cludes any certification, notification, or other communication in
30 writing.”.

31 (b) CLERICAL AMENDMENT.—The table of sections at the
32 beginning of such chapter is amended by inserting before the
33 item relating to section 481 the following new item:

“480. Reports to Congress: submission in electronic form.”.

1 **SEC. 1043. DEPARTMENT OF DEFENSE GIFT AUTHORI-**
2 **TIES.**

3 (a) **AUTHORITY TO MAKE LOANS AND GIFTS.**—(1) Sub-
4 section (a) of section 7545 of title 10, United States Code, is
5 amended by striking “(a) Subject to” and all that follows
6 through “to—” and inserting the following:

7 “(a) **AUTHORITY TO MAKE LOANS AND GIFTS.**—The Sec-
8 retary of the Navy may lend or give, without expense to the
9 United States, items described in subsection (b) that are not
10 needed by the Department of the Navy to any of the fol-
11 lowing:”.

12 (2) Such subsection is further amended—

13 (A) by capitalizing the first letter after the paragraph
14 designation in each of paragraphs (1) through (12);

15 (B) by striking the semicolon at the end of paragraphs
16 (1) through (10) and inserting a period;

17 (C) by striking “; or” at the end of paragraph (11)
18 and inserting a period;

19 (D) in paragraph (5), by striking “World War I or
20 World War II” and inserting “a foreign war”;

21 (E) in paragraph (6), by striking “soldiers’ monu-
22 ment” and inserting “servicemen’s monument”; and

23 (F) in paragraph (8), by inserting “or memorial” after
24 “museum”.

25 (b) **ADDITIONAL ITEMS AUTHORIZED TO BE DONATED BY**
26 **SECRETARY OF THE NAVY.**—Such section is further
27 amended—

28 (1) by redesignating subsections (b) and (c) as sub-
29 sections (d) and (e), respectively;

30 (2) by inserting after subsection (a) the following new
31 subsections:

32 “(b) **ITEMS ELIGIBLE FOR DISPOSAL.**—This section ap-
33 plies to the following types of property held by the Department
34 of the Navy:

35 “(1) Captured, condemned, or obsolete ordnance mate-
36 rial.

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1 “(2) Captured, condemned, or obsolete combat or ship-
2 board material.

3 “(c) REGULATIONS.—A loan or gift made under this sec-
4 tion shall be subject to regulations prescribed by the Secretary
5 and to regulations under section 205 of the Federal Property
6 and Administrative Services Act of 1949 (40 U.S.C. 486).”;
7 and

8 (3) by adding at the end the following new subsection:

9 “(f) AUTHORITY TO TRANSFER A PORTION OF A VES-
10 SEL.—The Secretary may lend, give, or otherwise transfer any
11 portion of the hull or superstructure of a vessel stricken from
12 the Naval Vessel Register and designated for scrapping to a
13 qualified organization specified in subsection (a). The terms
14 and conditions of an agreement for the transfer of a portion
15 of a vessel under this section shall include a requirement that
16 the transferee will maintain the material conveyed in a condi-
17 tion that will not diminish the historical value of the material
18 or bring discredit upon the Navy.”.

19 (c) CLERICAL AMENDMENTS.—Such section is further
20 amended—

21 (1) in subsection (d) (as redesignated by subsection
22 (b)(1)), by inserting “MAINTENANCE OF THE RECORDS OF
23 THE GOVERNMENT.—” after the subsection designation;
24 and

25 (2) in subsection (e) (as redesignated by subsection
26 (b)(1)), by inserting “ALTERNATIVE AUTHORITIES TO
27 MAKE GIFTS OR LOANS.—” after the subsection designa-
28 tion.

29 (d) CONFORMING AMENDMENTS.—Section 2572(a) of such
30 title is amended—

31 (1) in paragraph (1), by inserting “, county, or other
32 political subdivision of a State” before the period at the
33 end;

34 (2) in paragraph (2), by striking “soldiers’ monu-
35 ment” and inserting “servicemen’s monument”; and

36 (3) in paragraph (4), by inserting “or memorial” after
37 “An incorporated museum”.

1 **SEC. 1044. ACCELERATION OF RESEARCH, DEVELOP-**
2 **MENT, AND PRODUCTION OF MEDICAL**
3 **COUNTERMEASURES FOR DEFENSE AGAINST**
4 **BIOLOGICAL WARFARE AGENTS.**

5 (a) **AGGRESSIVE PROGRAM REQUIRED.**—(1) The Secretary
6 of Defense shall carry out a program to aggressively accelerate
7 the research, development, testing, and licensure of new med-
8 ical countermeasures for defense against the biological warfare
9 agents that are the highest threat.

10 (2) The program shall include the following activities:

11 (A) As the program’s first priority, investment in mul-
12 tiple new technologies for medical countermeasures for de-
13 fense against the biological warfare agents that are the
14 highest threat, including for the prevention and treatment
15 of anthrax.

16 (B) Leveraging of ideas and technologies from the bio-
17 logical technology industry.

18 (b) **STUDY REQUIRED.**—(1) The Secretary of Defense
19 shall enter into a contract with the Institute of Medicine and
20 the National Research Council under which the Institute and
21 Council, in consultation with the Secretary, shall carry out a
22 study of the review and approval process for new medical coun-
23 termeasures for biological warfare agents. The purpose of the
24 study shall be to identify—

25 (A) new approaches to accelerating such process; and

26 (B) definitive and reasonable methods for assuring the
27 agencies responsible for regulating such countermeasures
28 that such countermeasures will be effective in preventing
29 disease in humans or in providing safe and effective ther-
30 apy against such agents.

31 (2) Not later than June 1, 2002, the Institute and Council
32 shall jointly submit to Congress a report on the results of the
33 study.

34 (c) **FACILITY FOR PRODUCTION OF VACCINES.**—(1) Sub-
35 ject to paragraph (2) and to the availability of funds for such
36 purposes appropriated pursuant to an authorization of appro-
37 priations, the Secretary of Defense may—

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1 (A) design and construct a facility on a Department
2 of Defense installation for the production of vaccines to
3 meet the requirements of the Department of Defense to
4 prevent or mitigate the physiological effects of exposure to
5 biological warfare agents;

6 (B) operate that facility;

7 (C) qualify and validate that facility for the production
8 of vaccines in accordance with the requirements of the
9 Food and Drug Administration; and

10 (D) contract with a private-sector source for the pro-
11 duction of vaccines in that facility.

12 (2) The authority under paragraph (1)(A) to construct a
13 facility may be exercised only to the extent that a project for
14 such construction is authorized by law in accordance with sec-
15 tion 2802 of title 10, United States Code.

16 (3) The Secretary shall use competitive procedures under
17 chapter 137 of title 10, United States Code, to enter into con-
18 tracts to carry out subparagraphs (A), (B), and (D) of para-
19 graph (1).

20 (d) PLAN REQUIRED.—(1) The Secretary shall develop a
21 long-range plan to provide for the production and acquisition
22 of vaccines to meet the requirements of the Department of De-
23 fense to prevent or mitigate the physiological effects of expo-
24 sure to biological warfare agents.

25 (2) The plan shall include the following:

26 (A) An evaluation of the need for one or more vaccine
27 production facilities that are specifically dedicated to meet-
28 ing the requirements of the Department of Defense and
29 other national interests.

30 (B) An evaluation of the options for the means of pro-
31 duction of such vaccines, including—

32 (i) use of public facilities, private facilities, or a
33 combination of public and private facilities; and

34 (ii) management and operation of the facilities by
35 the Federal Government, one or more private persons,
36 or a combination of the Federal Government and one
37 or more private persons.

1 (C) A specification of the means that the Secretary de-
2 termines is most appropriate for the production of such
3 vaccines.

4 (3) The Secretary shall ensure that the plan is consistent
5 with the requirement for safe and effective vaccines approved
6 by the Food and Drug Administration.

7 (4) In preparing the plan, the Secretary shall—

8 (A) consider and, as the Secretary determines appro-
9 priate, include the information compiled and the analyses
10 developed in preparing the reports required by sections 217
11 and 218 of the Floyd D. Spence National Defense Author-
12 ization Act for Fiscal Year 2001 (as enacted into law by
13 Public Law 106–398; 114 Stat. 1654A–36, 1654A–37);
14 and

15 (B) consult with the heads of other appropriate de-
16 partments and agencies of the Federal Government.

17 (e) REPORT.—Not later than February 1, 2002, the Sec-
18 retary shall submit to the congressional defense committees a
19 report on the plan required by subsection (d). The report shall
20 include, at a minimum, the contents of the plan and the fol-
21 lowing matters:

22 (1) A description of the policies and requirements of
23 the Department of Defense regarding acquisition and use
24 of such vaccines.

25 (2) The estimated schedule for the acquisition of such
26 vaccines in accordance with the plan.

27 (3) A discussion of the options considered under sub-
28 section (d)(2)(B) for the means of production of such vac-
29 cines.

30 (4) The Secretary’s recommendations for the most ap-
31 propriate course of action to meet the requirements speci-
32 fied in subsection (d)(1), together with the justification for
33 such recommendations and the long-term cost of imple-
34 menting such recommendations.

35 (f) FUNDING.—Of the amount authorized to be appro-
36 priated under section 201(4) for research, development, test,
37 and evaluation, Defense-wide, \$5,000,000 may be available in

1 Program Element 62384BP, and \$5,000,000 may be available
2 in Program Element 63384BP, for the program required by
3 subsection (a).

4 **SEC. 1045. CHEMICAL AND BIOLOGICAL PROTECTIVE**
5 **EQUIPMENT FOR MILITARY PERSONNEL**
6 **AND CIVILIAN EMPLOYEES OF THE DEPART-**
7 **MENT OF DEFENSE.**

8 Not later than 120 days after the date of the enactment
9 of this Act, the Secretary of Defense shall submit to Congress
10 a report on the requirements of the Department of Defense, in-
11 cluding the reserve components, regarding chemical and biologi-
12 cal protective equipment. The report shall set forth the fol-
13 lowing:

14 (1) A description of any current shortfalls with respect
15 to requirements regarding chemical and biological protec-
16 tive equipment for military personnel, whether for individ-
17 uals or units.

18 (2) An assessment of what should be the appropriate
19 level of protection for civilian employees of the Department
20 of Defense against chemical and biological attack.

21 (3) A plan for providing required chemical and biologi-
22 cal protective equipment for military personnel and civilian
23 employees of the Department of Defense.

24 (4) An assessment of the costs associated with car-
25 rying out the plan described in paragraph (3).

26 **SEC. 1046. SALE OF GOODS AND SERVICES BY NAVAL**
27 **MAGAZINE, INDIAN ISLAND, ALASKA.**

28 (a) SALE AUTHORIZED.—Subject to subsections (c) and
29 (d) of section 2563 of title 10, United States Code, the Sec-
30 retary of the Navy may sell to a person outside the Department
31 of Defense any article or service provided by the Naval Maga-
32 zine, Indian Island, Alaska, that is not available from a United
33 States commercial source.

34 (b) CREDITING OF PROCEEDS.—The proceeds from the
35 sale of any article or service under this section shall be credited
36 to the appropriation supporting the maintenance and operation
37 of the Naval Magazine, Indian Island, for the fiscal year in
38 which the proceeds are received.

1 **SEC. 1047. REPORT ON PROCEDURES AND GUIDELINES**
2 **FOR EMBARKATION OF CIVILIAN GUESTS ON**
3 **NAVAL VESSELS FOR PUBLIC AFFAIRS PUR-**
4 **POSES.**

5 Not later than February 1, 2002, the Secretary of the
6 Navy shall submit to the Committee on Armed Services of the
7 Senate and the Committee on Armed Services of the House of
8 Representatives a report setting forth in detail the procedures
9 and guidelines of the Navy for the embarkation of civilian
10 guests on naval vessels for public affairs purposes. The report
11 shall include the following:

12 (1) Procedures for nominating and approving civilian
13 guests for embarkation on naval vessels.

14 (2) Procedures for ensuring that civilian guest embar-
15 kations are conducted only as part of regularly scheduled
16 operations.

17 (3) Guidelines regarding the operation of equipment
18 by civilian guests on naval vessels.

19 (4) Any other procedures or guidelines the Secretary
20 considers necessary or appropriate to ensure that oper-
21 ational readiness and safety are not hindered by activities
22 related to the embarkation of civilian guests on naval ves-
23 sels.

24 **SEC. 1048. TECHNICAL AND CLERICAL AMENDMENTS.**

25 (a) TITLE 10, UNITED STATES CODE.—Title 10, United
26 States Code, is amended as follows:

27 (1) The tables of chapters at the beginning of subtitle
28 A, and at the beginning of part II of subtitle A, are each
29 amended by striking the period after “1111” in the item
30 relating to chapter 56.

31 (2) Section 119(g)(2) is amended by striking “Na-
32 tional Security Subcommittee” and inserting “Sub-
33 committee on Defense”.

34 (3) Section 130e(b)(3)(C) is amended by striking
35 “subsection (f)” and inserting “subsection (g)”.

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1 (4) Section 176(a)(3) is amended by striking “Chief
2 Medical Director” and inserting “Under Secretary for
3 Health”.

4 (5)(A) Section 503(c) is amended in paragraph
5 (6)(A)(i) by striking “14101(18)” and “8801(18)” and in-
6 serting “14101” and “8801”, respectively.

7 (B) The amendment made by subparagraph (A) shall
8 take effect on July 1, 2002, immediately after the amend-
9 ment to such section effective that date by section 563(a)
10 of the Floyd D. Spence National Defense Authorization Act
11 for Fiscal Year 2001 (as enacted into law by Public Law
12 106–398; 114 Stat. 1654A–131).

13 (6) Section 663(e) is amended—

14 (A) by striking “Armed Forces Staff College” in
15 paragraph (1) and inserting “Joint Forces Staff Col-
16 lege”; and

17 (B) by striking “ARMED FORCES STAFF COL-
18 LEGE” and inserting “JOINT FORCES STAFF COL-
19 LEGE”.

20 (7) Section 667(17) is amended by striking “Armed
21 Forces Staff College” both places it appears and inserting
22 “Joint Forces Staff College”.

23 (8) Section 874(a) is amended by inserting after “a
24 sentence of confinement for life without eligibility for pa-
25 role” the following: “that is adjudged for an offense com-
26 mitted after October 29, 2000”.

27 (9) Section 1056(c)(2) is amended by striking “, not
28 later than September 30, 1991,”.

29 (10) The table of sections at the beginning of chapter
30 55 is amended by transferring the item relating to section
31 1074i, as inserted by section 758(b) of the Floyd D.
32 Spence National Defense Authorization Act for Fiscal Year
33 2001 (as enacted by Public Law 106–398; 114 Stat.
34 1654A–200), so as to appear after the item relating to sec-
35 tion 1074h.

36 (11) Section 1097a(e) is amended by striking “section
37 1072” and inserting “section 1072(2)”.

10–38

1 (12) Sections 1111(a) and 1114(a)(1) are each
2 amended by striking “hereafter” and inserting “herein-
3 after”.

4 (13) Section 1116 is amended—

5 (A) in subsection (a)(2)(B), by inserting an open
6 parenthesis before “other than for training”; and

7 (B) in subsection (b)(2)(D), by striking “section
8 111(c)(4)” and inserting “section 1115(c)(4)”.

9 (14) The heading for subchapter II of chapter 75 is
10 transferred within that chapter so as to appear before the
11 table of sections at the beginning of that subchapter (as if
12 the amendment made by section 721(c)(1) of the National
13 Defense Authorization Act for Fiscal Year 2000 (Public
14 Law 106–65; 113 Stat. 694) had inserted that heading fol-
15 lowing section 1471 instead of before section 1475).

16 (15) Section 1611(d) is amended by striking “with”.

17 (16) Section 2166(e)(9) is amended by striking “App.
18 2” and inserting “App.”.

19 (17) Section 2323(a)(1)(C) is amended—

20 (A) by striking “section 1046(3)” and inserting
21 “section 365(3)”;

22 (B) by striking “20 U.S.C. 1135d–5(3)” and in-
23 serting “20 U.S.C. 1067k”; and

24 (C) by striking “, which, for the purposes of this
25 section” and all that follows through the period at the
26 end and inserting a period.

27 (18) Section 2375(b) is amended by inserting “(41
28 U.S.C. 430)” after “section 34 of the Office of Federal
29 Procurement Policy Act”.

30 (19) Section 2376(1) is amended by inserting “(41
31 U.S.C. 403)” after “section 4 of the Office of Federal Pro-
32 curement Policy Act”.

33 (20) Section 2410f(a) is amended by inserting after
34 “inscription” the following: “, or another inscription with
35 the same meaning,”.

36 (21) Section 2461a(a)(2) is amended by striking
37 “effeciency” and inserting “efficiency”.

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- 1 (22) Section 2467 is amended—
2 (A) in subsection (a)(2)—
3 (i) by striking “, United States Code” in sub-
4 paragraph (A); and
5 (ii) by striking “such” in subparagraphs (B)
6 and (C); and
7 (B) in subsection (b)(2)(A), by striking “United
8 States Code,”.
- 9 (23) Section 2535 is amended—
10 (A) in subsection (a)—
11 (i) by striking “intent of Congress” and in-
12 serting “intent of Congress—”;
13 (ii) by realigning clauses (1), (2), (3), and (4)
14 so that each such clause appears as a separate
15 paragraph indented two ems from the left margin;
16 and
17 (iii) in paragraph (1), as so realigned, by
18 striking “Armed Forces” and inserting “armed
19 forces”;
- 20 (B) in subsection (b)(1)—
21 (i) by striking “in this section, the Secretary
22 is authorized and directed to—” and inserting “in
23 subsection (a), the Secretary of Defense shall—”;
24 and
25 (ii) by striking “defense industrial reserve” in
26 subparagraph (A) and inserting “Defense Indus-
27 trial Reserve”; and
28 (C) in subsection (c)—
29 (i) by striking paragraph (1);
30 (ii) by redesignating paragraph (2) as para-
31 graph (1) and in that paragraph—
32 (I) by striking “means” and inserting
33 “means—”;
34 (II) by realigning clauses (A), (B), and
35 (C) so that each such clause appears as a sepa-
36 rate subparagraph indented four ems from the
37 left margin; and

1 (III) by inserting “and” at the end of sub-
 2 paragraph (B), as so realigned; and

3 (iii) by redesignating paragraph (3) as para-
 4 graph (2).

5 (24) Section 2541c is amended by striking “subtitle”
 6 both places it appears in the matter preceding paragraph
 7 (1) and inserting “subchapter”.

8 (25) The second section 2582, added by section 1(a)
 9 of Public Law 106–446 (114 Stat. 1932), is redesignated
 10 as section 2583, and the item relating to that section in the
 11 table of sections at the beginning of chapter 153 is revised
 12 to conform to such redesignation.

13 (26)(A) Section 2693(a) is amended—

14 (i) in the matter preceding paragraph (1), by in-
 15 serting “of Defense” after “Secretary”; and

16 (ii) in paragraph (3)—

17 (I) by inserting “to the Secretary of Defense”
 18 after “certifies”;

19 (II) by inserting “(42 U.S.C. 3762a)” after
 20 “of 1968”; and

21 (III) by striking “to the public agencies re-
 22 ferred to in section 515(a)(1) or 515(a)(3) of title
 23 I of such Act” and inserting “to a public agency
 24 referred to in paragraph (1) or (3) of subsection
 25 (a) of such section”.

26 (B)(i) The heading of such section is amended to read
 27 as follows:

28 **“§ 2693. Conveyance of certain property: Depart-**
 29 **ment of Justice correctional options pro-**
 30 **gram”.**

31 (ii) The item relating to such section in the table of
 32 sections at the beginning of chapter 159 is amended to
 33 read as follows:

“2693. Conveyance of certain property: Department of Justice correctional
 options program.”.

34 (27) Section 3014(f)(3) is amended by striking “the
 35 number equal to” and all that follows and inserting “67.”.

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1 (28) Section 5014(f)(3) is amended by striking “the
2 number equal to” and all that follows and inserting “74.”.

3 (29) Section 8014(f)(3) is amended by striking “the
4 number equal to” and all that follows and inserting “60.”.

5 (30) Section 9783(e)(1) is amended by striking
6 “40101(a)(2)” and inserting “40102(a)(2)”.

7 (31) Section 12741(a)(2) is amended by striking “re-
8 ceived” and inserting “receive”.

9 (b) AMENDMENTS RELATING TO CHANGE IN TITLE OF
10 UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECH-
11 NOLOGY, AND LOGISTICS.—Title 10, United States Code, is
12 further amended as follows:

13 (1) Section 133a(b) is amended by striking “shall as-
14 sist the Under Secretary of Defense for Acquisition and
15 Technology” and inserting “shall assist the Under Sec-
16 retary of Defense for Acquisition, Technology, and Logis-
17 tics”.

18 (2) The following provisions are each amended by
19 striking “Under Secretary of Defense for Acquisition and
20 Technology” and inserting “Under Secretary of Defense for
21 Acquisition, Technology, and Logistics”: sections 139(c),
22 139(g) (as redesignated by section 263), 171(a)(3),
23 179(a)(1), 1702, 1703, 1707(a), 1722(a), 1722(b)(2)(B),
24 1735(c)(1), 1737(c)(1), 1737(c)(2)(B), 1741(b), 1746(a),
25 1761(b)(4), 1763, 2302c(a)(2), 2304(f)(1)(B)(iii),
26 2304(f)(6)(B), 2311(c)(1), 2311(c)(2)(B), 2350a(e)(1)(A),
27 2350a(e)(2)(B), 2350a(f)(1), 2399(b)(3), 2435(b),
28 2435(d)(2), 2521(a), and 2534(i)(3).

29 (3)(A) The heading for section 1702 is amended to
30 read as follows:

31 **“§ 1702. Under Secretary of Defense for Acquisi-
32 tion, Technology, and Logistics: authori-
33 ties and responsibilities”.**

34 (B) The item relating to section 1702 in the table of
35 sections at the beginning of subchapter I of chapter 87 is
36 amended to read as follows:

“1702. Under Secretary of Defense for Acquisition, Technology, and Logistics: authorities and responsibilities.”.

1 (4) Section 2503(b) is amended by striking “Under
2 Secretary of Defense for Acquisition” and inserting “Under
3 Secretary of Defense for Acquisition, Technology, and Lo-
4 gistics”.

5 (c) AMENDMENTS TO SUBSTITUTE CALENDAR DATES FOR
6 DATE-OF-ENACTMENT REFERENCES.—Title 10, United States
7 Code, is further amended as follows:

8 (1) Section 130c(d)(1) is amended by striking “the
9 date of the enactment of the Floyd D. Spence National De-
10 fense Authorization Act for Fiscal Year 2001” and insert-
11 ing “October 30, 2000,”.

12 (2) Section 184(a) is amended by striking “the date
13 of the enactment of this section,” and inserting “October
14 30, 2000,”.

15 (3) Section 986(a) is amended by striking “the date
16 of the enactment of this section,” and inserting “October
17 30, 2000,”.

18 (4) Section 1074g(a)(8) is amended by striking “the
19 date of the enactment of this section” and inserting “Octo-
20 ber 5, 1999,”.

21 (5) Section 1079(h)(2) is amended by striking “the
22 date of the enactment of this paragraph” and inserting
23 “February 10, 1996,”.

24 (6) Section 1206(5) is amended by striking “the date
25 of the enactment of the National Defense Authorization
26 Act for Fiscal Year 2000,” and inserting “October 5,
27 1999,”.

28 (7) Section 1405(c)(1) is amended by striking “the
29 date of the enactment of the National Defense Authoriza-
30 tion Act for Fiscal Year 1995,” and inserting “October 5,
31 1994,”.

32 (8) Section 1407(f)(2) is amended by striking “the
33 date of the enactment of this subsection—” and inserting
34 “October 30, 2000—”.

1 (9) Section 1408(d)(6) is amended by striking “the
2 date of the enactment of this paragraph” and inserting
3 “August 22, 1996.”

4 (10) Section 1511(b) is amended by striking “the date
5 of the enactment of this chapter.” and inserting “February
6 10, 1996.”

7 (11) Section 2461a(b)(1) is amended by striking “the
8 date of the enactment of this section,” and inserting “Octo-
9 ber 30, 2000.”

10 (12) Section 4021(c)(1) is amended by striking “the
11 date of the enactment of this section.” and inserting “No-
12 vember 29, 1989.”

13 (13) Section 6328(a) is amended by striking “the date
14 of the enactment of this section” and inserting “February
15 10, 1996.”

16 (14) Section 7439 is amended—

17 (A) in subsection (a)(2), by striking “one year
18 after the date of the enactment of this section,” and in-
19 serting “November 18, 1998.”;

20 (B) in subsection (b)(1), by striking “the date of
21 the enactment of this section,” and inserting “Novem-
22 ber 18, 1997.”;

23 (C) in subsection (b)(2), by striking “the end of
24 the one-year period beginning on the date of the enact-
25 ment of this section.” and inserting “November 18,
26 1998.”; and

27 (D) in subsection (f)(2), by striking “the date of
28 the enactment of this section” and inserting “Novem-
29 ber 18, 1997.”

30 (15) Section 12533 is amended—

31 (A) in each of subsections (b) and (c)(1), by strik-
32 ing “the date of the enactment of this section.” and in-
33 serting “November 18, 1997.”; and

34 (B) in each of subsections (c)(2) and (d), by strik-
35 ing “the date of the enactment of this section” and in-
36 serting “November 18, 1997.”

37 (16) Section 12733(3) is amended—

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1 (A) in subparagraph (B), by striking “the date of
2 the enactment of the Floyd D. Spence National De-
3 fense Authorization Act for Fiscal Year 2001;” and in-
4 sserting “October 30, 2000;”; and

5 (B) in subparagraph (C), by striking “the date of
6 the enactment of the Floyd D. Spence National De-
7 fense Authorization Act for Fiscal Year 2001” and in-
8 sserting “October 30, 2000.”

9 (d) AMENDMENTS RELATING TO CHANGE IN TITLE OF
10 MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.—The fol-
11 lowing provisions are each amended by striking “Stewart B.
12 McKinney Homeless Assistance Act” and inserting “McKinney-
13 Vento Homeless Assistance Act”:

14 (1) Sections 2814(j)(2), 2854a(d)(2), and 2878(d)(4)
15 of title 10, United States Code.

16 (2) Sections 2905(b)(6)(A) and 2910(11) of the De-
17 fense Base Closure and Realignment Act of 1990 (part A
18 of title XXIX of Public Law 101–510; 10 U.S.C. 2687
19 note).

20 (3) Section 204(b)(6)(A) of the Defense Authorization
21 Amendments and Base Closure and Realignment Act (Pub-
22 lic Law 100–526; 10 U.S.C. 2687 note).

23 (4) Section 2915(c)(10) of the National Defense Au-
24 thorization Act for Fiscal Year 1994 (10 U.S.C. 2687
25 note).

26 (5) Section 2(e)(4)(A) of the Base Closure Community
27 Redevelopment and Homeless Assistance Act of 1994 (Pub-
28 lic Law 103–421; 10 U.S.C. 2687 note).

29 (6) Section 1053(a) of the National Defense Author-
30 ization Act for Fiscal Year 1997 (110 Stat. 2650).

31 (e) AMENDMENTS TO REPEAL OBSOLETE PROVISIONS.—
32 Title 10, United States Code, is further amended as follows:

33 (1) Section 1144 is amended—

34 (A) in subsection (a)(3), by striking the second
35 sentence; and

36 (B) by striking subsection (e).

37 (2) Section 1581(b) is amended—

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1 (A) by striking “(1)” and all that follows through
2 “The Secretary of Defense shall deposit” and inserting
3 “The Secretary of Defense shall deposit”; and

4 (B) by striking “on or after December 5, 1991,”.

5 (3) Subsection (e) of section 1722 is repealed.

6 (4) Subsection 1732(a) is amended by striking the sec-
7 ond sentence.

8 (5) Section 1734 is amended—

9 (A) in subsection (b)(1)(B), by striking “on and
10 after October 1, 1991,”; and

11 (B) in subsection (e)(2), by striking the last sen-
12 tence.

13 (6)(A) Section 1736 is repealed.

14 (B) The table of sections at the beginning of sub-
15 chapter III of chapter 87 is amended by striking the item
16 relating to section 1736.

17 (7)(A) Sections 1762 and 1764 are repealed.

18 (B) The table of sections at the beginning of sub-
19 chapter V of chapter 87 is amended by striking the items
20 relating to sections 1762 and 1764.

21 (8) Section 2112(a) is amended by striking “, with the
22 first class graduating not later than September 21, 1982”.

23 (9) Section 2218(d)(1) is amended by striking “for fis-
24 cal years after fiscal year 1993”.

25 (10)(A) Section 2468 is repealed.

26 (B) The table of sections at the beginning of chapter
27 146 is amended by striking the item relating to section
28 2468.

29 (11) Section 2832 is amended—

30 (A) by striking “(a)” before “The Secretary of De-
31 fense”; and

32 (B) by striking subsection (b).

33 (12) Section 7430(b)(2) is amended—

34 (A) by striking “at a price less than” and all that
35 follows through “the current sales price” and inserting
36 “at a price less than the current sales price”;

37 (B) by striking “; or” and inserting a period; and

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1 (C) by striking subparagraph (B).

2 (f) PUBLIC LAW 106–398.—Effective as of October 30,
3 2000, and as if included therein as enacted, the Floyd D.
4 Spence National Defense Authorization Act for Fiscal Year
5 2001 (as enacted into law by Public Law 106–398) is amended
6 as follows:

7 (1) Section 525(b)(1) (114 Stat. 1654A–109) is
8 amended by striking “subsection (c)” and inserting “sub-
9 sections (a) and (b)”.

10 (2) Section 1152(c)(2) (114 Stat. 1654A–323) is
11 amended by inserting “inserting” after “and”.

12 (g) PUBLIC LAW 106–65.—Effective as of October 5,
13 1999, and as if included therein as enacted, the National De-
14 fense Authorization Act for Fiscal Year 2000 (Public Law
15 106–65) is amended as follows:

16 (1) Section 531(b)(2)(A) (113 Stat. 602) is amended
17 by inserting “in subsection (a),” after “(A)”.

18 (2) Section 549(a)(2) (113 Stat. 611) is amended by
19 striking “such chapter” and inserting “chapter 49 of title
20 10, United States Code,”.

21 (3) Section 576(a)(3) (10 U.S.C. 1501 note; 113 Stat.
22 625) is amended by adding a period at the end.

23 (4) Section 577(a)(2) (113 Stat. 625) is amended by
24 striking “bad conduct” in the first quoted matter and in-
25 serting “bad-conduct”.

26 (5) Section 811(d)(3)(B)(v) (10 U.S.C. 2302 note;
27 113 Stat. 709) is amended by striking “Mentor-Protegee”
28 and inserting “Mentor-Protegee”.

29 (6) Section 1052(b)(1) (113 Stat. 764) is amended by
30 striking “The Department” and inserting “the ‘Depart-
31 ment”’.

32 (7) Section 1053(a)(5) (10 U.S.C. 113 note; 113 Stat.
33 764) is amended by inserting “and” before “Marines”.

34 (8) Section 1402(f)(2)(A) (22 U.S.C. 2778 note; 113
35 Stat. 799) is amended by striking “3201 note” and insert-
36 ing “6305(4)”.

1 (9) Section 2902(d) (10 U.S.C. 111 note; 113 Stat.
2 882) is amended by striking “section 2871(b)” and insert-
3 ing “section 2881(b)”.

4 (h) PUBLIC LAW 102–484.—The National Defense Au-
5 thorization Act for Fiscal Year 1993 (Public Law 102–484) is
6 amended as follows:

7 (1) Section 3161(c)(6)(C) (42 U.S.C. 7274h(c)(6)(C))
8 is amended by striking “title IX of the Public Works and
9 Economic Development Act of 1965 (42 U.S.C. 3241 et
10 seq.)” and inserting “title II of the Public Works and Eco-
11 nomic Development Act of 1965 (42 U.S.C. 3141 et seq.)”.

12 (2) Section 4416(b)(1) (10 U.S.C. 12681 note) is
13 amended by striking “force reduction period” and inserting
14 “force reduction transition period”.

15 (3) Section 4461(5) (10 U.S.C. 1143 note) is amended
16 by adding a period at the end.

17 (i) OTHER LAWS.—

18 (1) Section 1083(c) of the National Defense Author-
19 ization Act for Fiscal Year 1998 (Public Law 105–85; 10
20 U.S.C. 113 note) is amended by striking “NAMES” and in-
21 serting “NAME”.

22 (2) Section 845(d)(1)(B)(ii) of the National Defense
23 Authorization Act for Fiscal Year 1994 (Public Law 103–
24 160; 10 U.S.C. 2371 note) is amended by inserting a
25 closed parenthesis after “41 U.S.C. 414(3)”.

26 (3) Section 1123(b) of the National Defense Author-
27 ization Act for Fiscal Years 1990 and 1991 (Public Law
28 101–189; 103 Stat. 1556) is amended by striking “Armed
29 Forces Staff College” each place it appears and inserting
30 “Joint Forces Staff College”.

31 (4) Section 1412(g)(2)(C)(vii) of the Department of
32 Defense Authorization Act, 1986 (50 U.S.C.
33 1521(g)(2)(C)(vii)) is amended by striking “(c)(3)” and in-
34 serting “(c)(4)”.

35 (5) Section 8336 of title 5, United States Code, is
36 amended—

1 (A) in subsection (d)(2), by striking “subsection
2 (o)” and inserting “subsection (p)”; and

3 (B) by redesignating the second subsection (o),
4 added by section 1152(a)(2) of the Floyd D. Spence
5 National Defense Authorization Act for Fiscal Year
6 2001 (as enacted by Public Law 106–398; 114 Stat.
7 1654A–320), as subsection (p).

8 (6) Section 9001(3) of title 5, United States Code, is
9 amended by striking “and” at the end of subparagraph (A)
10 and inserting “or”.

11 (7) Section 318(h)(3) of title 37, United States Code,
12 is amended by striking “subsection (a)” and inserting
13 “subsection (b)”.

14 (8) Section 3695(a)(5) of title 38, United States Code,
15 is amended by striking “1610” and inserting “1611”.

16 (9) Section 13(b) of the Peace Corps Act (22 U.S.C.
17 2512(b)) is amended by striking “, subject to section 5532
18 of title 5, United States Code”.

19 (10) Section 127(g)(6) of the Trade Deficit Review
20 Commission Act (19 U.S.C. 2213 note), as amended by
21 section 311(b) of the Legislative Branch Appropriations
22 Act, 2000 (Public Law 106–57; 113 Stat. 428), is
23 amended—

24 (A) by striking “AUTHORITIES.—” and all that
25 follows through “An individual” and inserting “AU-
26 THORITIES.—An individual”; and

27 (B) by striking subparagraph (B).

28 (11) Section 28 of the Atomic Energy Act of 1954 (42
29 U.S.C. 2038) is amended in the last sentence by striking
30 “, subject to” and all that follows through the period at the
31 end and inserting a period.

32 (12) Section 3212 of the National Nuclear Security
33 Administration Act (50 U.S.C. 2402) is amended by redesi-
34 gnating the second subsection (e), added by section
35 3159(a) of the Floyd D. Spence National Defense Author-
36 ization Act for Fiscal Year 2001 (as enacted by Public Law
37 106–398; 114 Stat. 1654A–469), as subsection (f).

1 (j) COORDINATION WITH OTHER AMENDMENTS.—For
2 purposes of applying amendments made by provisions of this
3 Act other than provisions of this section, this section shall be
4 treated as having been enacted immediately before the other
5 provisions of this Act.

6 **SEC. 1049. TERMINATION OF REFERENDUM REQUIRE-**
7 **MENT REGARDING CONTINUATION OF MILI-**
8 **TARY TRAINING ON ISLAND OF VIEQUES,**
9 **PUERTO RICO, AND IMPOSITION OF ADDI-**
10 **TIONAL CONDITIONS ON CLOSURE OF**
11 **TRAINING RANGE.**

12 (a) IN GENERAL.—Title XV of the Floyd D. Spence Na-
13 tional Defense Authorization Act for Fiscal Year 2001 (as en-
14 acted into law by Public Law 106–398; 114 Stat. 1654A–348)
15 is amended by striking sections 1503, 1504, and 1505 and in-
16 serting the following new sections:

17 **“SEC. 1503. CONDITIONS ON CLOSURE OF VIEQUES**
18 **NAVAL TRAINING RANGE.**

19 “(a) CONDITIONAL AUTHORITY TO CLOSE.—The Sec-
20 retary of the Navy may close the Vieques Naval Training
21 Range on the island of Vieques, Puerto Rico, and discontinue
22 training at that range only if the Secretary certifies to the
23 President and Congress that both of the following conditions
24 are satisfied:

25 “(1) One or more alternative training facilities exist
26 that, individually or collectively, provide an equivalent or
27 superior level of training for units of the Navy and the Ma-
28 rine Corps stationed or deployed in the eastern United
29 States.

30 “(2) The alternative facility or facilities are available
31 and fully capable of supporting such Navy and Marine
32 Corps training immediately upon cessation of training on
33 Vieques.

34 “(b) CONSULTATION REQUIRED.—In determining whether
35 the conditions specified in paragraphs (1) and (2) of subsection
36 (a) are satisfied, the Secretary of the Navy shall take into ac-
37 count the written views and recommendations of the Chief of
38 Naval Operations and the Commandant of the Marine Corps.

1 The Secretary shall submit these written views and rec-
2 ommendations to Congress with the certification submitted
3 under subsection (a).

4 **“SEC. 1504. CLOSURE OF VIEQUES NAVAL TRAINING**
5 **RANGE AND DISPOSAL OF CLOSED RANGE.**

6 “(a) TERMINATION OF TRAINING AND RELATED CLO-
7 SURES.—If the conditions specified in section 1503(a) are sat-
8 isfied and the Secretary of the Navy makes a determination to
9 close the Vieques Naval Training Range and discontinue live-
10 fire training at that range the Secretary of the Navy shall—

11 “(1) terminate all Navy and Marine Corps training op-
12 erations on the island of Vieques;

13 “(2) terminate all Navy and Marine Corps operations
14 at Naval Station Roosevelt Roads, Puerto Rico, that are re-
15 lated exclusively to the use of the training range on the is-
16 land of Vieques by the Navy and the Marine Corps; and

17 “(3) close the Navy installations and facilities on the
18 island of Vieques, other than properties exempt from con-
19 veyance and transfer under section 1506.

20 “(b) TRANSFER TO SECRETARY OF THE INTERIOR.—Upon
21 termination of Navy and Marine Corps training operations on
22 the island of Vieques, the Secretary of the Navy shall transfer,
23 without reimbursement, to the administrative jurisdiction of the
24 Secretary of the Interior—

25 “(1) the Live Impact Area on the island of Vieques;

26 “(2) all Department of Defense real properties on the
27 eastern side of the island that are identified as conservation
28 zones; and

29 “(3) all other Department of Defense real properties
30 on the eastern side of the island.

31 “(c) ADMINISTRATION BY SECRETARY OF THE INTE-
32 RIOR.—

33 “(1) RETENTION AND ADMINISTRATION.—The Sec-
34 retary of the Interior shall retain, and may not dispose of
35 any of, the properties transferred under paragraphs (2)
36 and (3) of subsection (b) and shall administer such prop-
37 erties as wildlife refuges under the National Wildlife Ref-

1 uge System Administration Act of 1966 (16 U.S.C. 668dd
2 et seq.) pending the enactment of a law that addresses the
3 disposition of such properties.

4 “(2) LIVE IMPACT AREA.—The Secretary of the Inte-
5 rior shall assume responsibility for the administration of
6 the Live Impact Area upon transfer under paragraph (1)
7 of subsection (b), administer that area as a wilderness area
8 under the Wilderness Act (16 U.S.C. 1131 et seq.), and
9 deny public access to the area.

10 “(d) LIVE IMPACT AREA DEFINED.—In this section, the
11 term ‘Live Impact Area’ means the parcel of real property, con-
12 sisting of approximately 900 acres (more or less), on the island
13 of Vieques that is designated by the Secretary of the Navy for
14 targeting by live ordnance in the training of forces of the Navy
15 and Marine Corps.”.

16 (b) CONFORMING AMENDMENT.—Section 1507(c) of such
17 Act (114 Stat. 1654A–355) is amended by striking “the
18 issuance of a proclamation described in section 1504(a) or”.

19 **Subtitle F—Other Matters**

20 **SEC. 1061. ASSISTANCE FOR FIREFIGHTERS.**

21 (a) AUTHORIZATION OF APPROPRIATIONS.—Subsection (e)
22 of section 33 of the Federal Fire Prevention and Control Act
23 of 1974 (15 U.S.C. 2229) is amended to read as follows:

24 “(e) AUTHORIZATION OF APPROPRIATIONS.—

25 “(1) IN GENERAL.—There are authorized to be appro-
26 priated \$900,000,000 for each of the fiscal years 2002
27 through 2004 for the purposes of this section.

28 “(2) ADMINISTRATIVE EXPENSES.—Of the funds ap-
29 propriated pursuant to paragraph (1) for a fiscal year, the
30 Director may use not more than three percent of the funds
31 to cover salaries and expenses and other administrative
32 costs incurred by the Director to operate the office estab-
33 lished under subsection (b)(2) and make grants and provide
34 assistance under this section.”.

1 (b) RESPONSE TO TERRORISM OR USE OF WEAPONS OF
 2 MASS DESTRUCTION.—Subsection (b)(3) of such section is
 3 amended—

4 (1) in subparagraph (B), by inserting “(including re-
 5 sponse to a terrorism incident or use of a weapon of mass
 6 destruction)” after “response”;

7 (2) in subparagraph (H), by striking “and moni-
 8 toring” and inserting “, monitoring, and response to a ter-
 9 rorism incident or use of a weapon of mass destruction”;
 10 and

11 (3) in subparagraph (I), by inserting “, including pro-
 12 tective equipment to respond to a terrorism incident or the
 13 use of a weapon of mass destruction” after “personnel” the
 14 second place it appears.

15 (c) TECHNICAL AMENDMENTS.—Subsection (b)(3) of such
 16 section is further amended—

17 (1) by striking “the grant funds—” in the matter pre-
 18 ceding subparagraph (A) and inserting “the grant funds
 19 for one or more of the following purposes:”;

20 (2) by capitalizing the initial letter of the first word
 21 of each of subparagraphs (A) through (N);

22 (3) by striking the semicolon at the end of each of
 23 subparagraphs (A) through (L) and inserting a period; and

24 (4) by striking “; or” at the end of subparagraph (M)
 25 and inserting a period.

26 **SEC. 1062. EXTENSION OF TIMES FOR COMMISSION ON**
 27 **THE FUTURE OF THE UNITED STATES AERO-**
 28 **SPACE INDUSTRY TO REPORT AND TO TER-**
 29 **MINATE.**

30 (a) DEADLINE FOR REPORT.—Subsection (d)(1) of section
 31 1092 of the Floyd D. Spence National Defense Authorization
 32 Act for Fiscal Year 2001 (as enacted into law by Public Law
 33 106–398; 114 Stat. 1654A–302) is amended by striking
 34 “March 1, 2002” and inserting “one year after the date of the
 35 first official meeting of the Commission”.

1 (b) TERMINATION OF COMMISSION.—Subsection (g) of
 2 such section is amended by striking “30 days” and inserting
 3 “60 days”.

4 **SEC. 1063. APPROPRIATIONS TO RADIATION EXPOSURE**
 5 **COMPENSATION TRUST FUND.**

6 Section 3(e) of the Radiation Exposure Compensation Act
 7 (42 U.S.C. 2210 note) is amended to read as follows:

8 “(e) APPROPRIATION.—

9 “(1) IN GENERAL.—There are appropriated to the
 10 Fund, out of any money in the Treasury not otherwise ap-
 11 propriated, for fiscal year 2002 and each fiscal year there-
 12 after through fiscal year 2011, such sums as may be nec-
 13 essary, not to exceed the applicable maximum amount spec-
 14 ified in paragraph (2), to carry out the purposes of the
 15 Fund.

16 “(2) LIMITATION.—Appropriation of amounts to the
 17 Fund pursuant to paragraph (1) is subject to the following
 18 maximum amounts:

19 “(A) For fiscal year 2002, \$172,000,000.

20 “(B) For fiscal year 2003, \$143,000,000.

21 “(C) For fiscal year 2004, \$107,000,000.

22 “(D) For fiscal year 2005, \$65,000,000.

23 “(E) For fiscal year 2006, \$47,000,000.

24 “(F) For fiscal year 2007, \$29,000,000.

25 “(G) For fiscal year 2008, \$29,000,000.

26 “(H) For fiscal year 2009, \$23,000,000.

27 “(I) For fiscal year 2010, \$23,000,000.

28 “(J) For fiscal year 2011, \$17,000,000.”

29 **SEC. 1064. WAIVER OF VEHICLE WEIGHT LIMITS DURING**
 30 **PERIODS OF NATIONAL EMERGENCY.**

31 Section 127 of title 23, United States Code, is amended
 32 by adding at the end the following new subsection:

33 “(h) WAIVER FOR A ROUTE IN STATE OF MAINE DURING
 34 PERIODS OF NATIONAL EMERGENCY.—

35 “(1) IN GENERAL.—Notwithstanding any other provi-
 36 sion of this section, the Secretary, in consultation with the
 37 Secretary of Defense, may waive or limit the application of

1 any vehicle weight limit established under this section with
2 respect to the portion of Interstate Route 95 in the State
3 of Maine between Augusta and Bangor for the purpose of
4 making bulk shipments of jet fuel to the Air National
5 Guard Base at Bangor International Airport during a pe-
6 riod of national emergency in order to respond to the ef-
7 fects of the national emergency.

8 “(2) APPLICABILITY.—Emergency limits established
9 under paragraph (1) shall preempt any inconsistent State
10 vehicle weight limits.”.

11 **SEC. 1065. REPAIR, RESTORATION, AND PRESERVATION**
12 **OF LAFAYETTE ESCADRILLE MEMORIAL,**
13 **MARNES-LA-COQUETTE, FRANCE.**

14 (a) AUTHORITY TO MAKE GRANT.—(1) Subject to sub-
15 sections (b) and (c), the Secretary of the Air Force may make
16 a grant to the Lafayette Escadrille Memorial Foundation, Inc.,
17 to be used solely for the purpose of repairing, restoring, and
18 preserving the structure, plaza, and surrounding grounds of the
19 Lafayette Escadrille Memorial in Marnes la-Coquette, France.

20 (2) The amount of the grant may not exceed \$2,000,000.

21 (b) CONTRIBUTION OF FUNDS BY FRANCE.—The Sec-
22 retary of the Air Force may not make the grant authorized by
23 subsection (a) until 30 days after the Secretary submits to
24 Congress a report indicating that the government of France
25 has also contributed funds toward the repair, restoration, and
26 preservation of the memorial. The report shall specify the
27 amount of the funds contributed by the government of France
28 and describe the purpose for which the funds are to be used.

29 (c) CONDITIONS ON RECEIPT OF GRANT.—(1) The grant
30 under subsection (a) shall be subject to the following condi-
31 tions:

32 (A) That the Lafayette Escadrille Memorial Founda-
33 tion submit to the Secretary of the Air Force an annual re-
34 port, until the grant funds are fully expended, containing
35 an itemized accounting of expenditures of grant funds and
36 describing the progress made to repair, restore, and pre-
37 serve the memorial.

1 (B) That the Secretary and the Comptroller General
2 of the United States, or any of their duly authorized rep-
3 resentatives, be given access for the purpose of audit and
4 examination to any books, documents, papers, and records
5 of the Lafayette Escadrille Memorial Foundation.

6 (C) That none of the grant funds be used for remu-
7 neration of any entity or individual associated with fund-
8 raising for any project in connection with the repair, res-
9 toration, and preservation of the memorial.

10 (2) The Secretary shall transmit to Congress a copy of
11 each report received under paragraph (1)(A).

12 (d) REPORT ON ARCHITECTURAL AND ENGINEERING
13 COSTS.—Not later than one year after the date of the enact-
14 ment of this Act, the Secretary of the Air Force shall submit
15 to Congress a report containing an estimate of the architectural
16 and engineering costs to be incurred to fully repair, restore,
17 and preserve the memorial and ensure the long-term structural
18 integrity of the memorial. The estimate shall be prepared by a
19 private United States entity, under contract with the Secretary.
20 Funds for the contract shall also be derived from the amount
21 specified in subsection (e).

22 (e) FUNDS FOR GRANT.—Funds for the grant under sub-
23 section (a) shall be derived only from amounts authorized to be
24 appropriated under section 301(a)(4) for operation and mainte-
25 nance for the Air Force.

1 **TITLE XI—CIVILIAN PERSONNEL**
 2 **MATTERS**

Subtitle A—Department of Defense Civilian Personnel

- Sec. 1101. Personnel pay and qualifications authority for Department of Defense Pentagon Reservation civilian law enforcement and security force.
- Sec. 1102. Pilot program for payment of retraining expenses.
- Sec. 1103. Authority of civilian employees to act as notaries.
- Sec. 1104. Authority to appoint certain health care professionals in the excepted service.

Subtitle B—Civilian Personnel Management Generally

- Sec. 1111. Authority to provide hostile fire pay.
- Sec. 1112. Payment of expenses to obtain professional credentials.
- Sec. 1113. Parity in establishment of wage schedules and rates for prevailing rate employees.
- Sec. 1114. Modification of limitation on premium pay.
- Sec. 1115. Participation of personnel in technical standards development activities.
- Sec. 1116. Retention of travel promotional items.
- Sec. 1117. Applicability of certain laws to certain individuals assigned to work in the Federal Government.

Subtitle C—Intelligence Civilian Personnel

- Sec. 1121. Authority to increase maximum number of positions in the Defense Intelligence Senior Executive Service.

Subtitle D—Matters Relating To Retirement

- Sec. 1131. Improved portability of retirement coverage for employees moving between civil service employment and employment by non-appropriated fund instrumentalities.
- Sec. 1132. Federal employment retirement credit for nonappropriated fund instrumentality service.
- Sec. 1133. Modification of limitations on exercise of voluntary separation incentive pay authority and voluntary early retirement authority.

3 **Subtitle A—Department of Defense**
 4 **Civilian Personnel**

5 **SEC. 1101. PERSONNEL PAY AND QUALIFICATIONS AU-**
 6 **THORITY FOR DEPARTMENT OF DEFENSE**
 7 **PENTAGON RESERVATION CIVILIAN LAW EN-**
 8 **FORCEMENT AND SECURITY FORCE.**

9 Section 2674(b) of title 10, United States Code, is
 10 amended—

11 (1) by inserting “(1)” before the text in the first para-
 12 graph of that subsection;

13 (2) by redesignating paragraphs (1) and (2) as sub-
 14 paragraphs (A) and (B), respectively; and

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

1 “(2) For positions for which the permanent duty station
2 is the Pentagon Reservation, the Secretary, in his sole and ex-
3 clusive discretion, may without regard to the pay provisions of
4 title 5, fix the rates of basic pay for such positions occupied
5 by civilian law enforcement and security personnel appointed
6 under the authority of this section so as to place such per-
7 sonnel on a comparable basis with personnel of other similar
8 Federal law enforcement and security organizations within the
9 vicinity of the Pentagon Reservation, not to exceed the basic
10 pay for personnel performing similar duties in the United
11 States Secret Service Uniformed Division or the United States
12 Park Police.”.

13 **SEC. 1102. PILOT PROGRAM FOR PAYMENT OF RETRAIN-**
14 **ING EXPENSES.**

15 (a) **AUTHORITY TO CARRY OUT PILOT PROGRAM.**—(1)
16 The Secretary of Defense may establish a pilot program to fa-
17 cilitate the reemployment of eligible employees of the Depart-
18 ment of Defense who are involuntarily separated due to a re-
19 duction in force, relocation as a result of a transfer of function,
20 realignment, or change of duty station. Under the pilot pro-
21 gram, the Secretary may pay retraining incentives to encourage
22 non-Federal employers to hire and retain such eligible employ-
23 ees.

24 (2) Under the pilot program, the Secretary may enter into
25 an agreement with a non-Federal employer under which the
26 employer agrees—

27 (A) to employ an eligible employee for at least 12
28 months at a salary that is mutually agreeable to the em-
29 ployer and the eligible employee; and

30 (B) to certify to the Secretary the amount of costs in-
31 curred by the employer for any necessary training (as de-
32 fined by the Secretary) provided to such eligible employee
33 in connection with the employment.

34 (3) The Secretary may pay a retraining incentive to the
35 non-Federal employer upon the employee’s completion of 12
36 months of continuous employment with that employer. The Sec-
37 retary shall determine the amount of the incentive, except that

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1 in no event may such amount exceed the lesser of the amount
2 certified with respect to such eligible employee under paragraph
3 (2)(B), or \$10,000.

4 (4) In a case in which an eligible employee does not re-
5 main employed by the non-Federal employer for at least 12
6 months, the Secretary may pay to the employer a prorated
7 amount of what would have been the full retraining incentive
8 if the eligible employee had remained employed for such 12-
9 month period.

10 (b) ELIGIBLE EMPLOYEES.—For purposes of this section,
11 an eligible employee is an employee of the Department of De-
12 fense, serving under an appointment without time limitation,
13 who has been employed by the Department for a continuous pe-
14 riod of at least 12 months and who has been given notice of
15 separation pursuant to a reduction in force, relocation as a re-
16 sult of a transfer of function, realignment, or change of duty
17 station, except that such term does not include—

18 (1) a reemployed annuitant under the retirement sys-
19 tems described in subchapter III of chapter 83 of title 5,
20 United States Code, or chapter 84 of such title, or another
21 retirement system for employees of the Federal Govern-
22 ment;

23 (2) an employee who, upon separation from Federal
24 service, is eligible for an immediate annuity under sub-
25 chapter III of chapter 83 of such title, or subchapter II of
26 chapter 84 of such title; or

27 (3) an employee who is eligible for disability retire-
28 ment under any of the retirement systems referred to in
29 paragraph (1).

30 (c) DURATION.—No incentive may be paid under the pilot
31 program for training commenced after September 30, 2005.

32 (d) DEFINITIONS.—In this section:

33 (1) The term “non-Federal employer” means an em-
34 ployer that is not an Executive agency, as defined in sec-
35 tion 105 of title 5, United States Code, or an entity in the
36 legislative or judicial branch of the Federal Government.

1 (2) The term “reduction in force” has the meaning of
2 that term as used in chapter 35 of such title 5.

3 (3) The term “realignment” has the meaning given
4 that term in section 2910 of the Defense Base Closure and
5 Realignment Act of 1990 (title XXIX of Public Law 101–
6 510; 10 U.S.C. 2687 note).

7 **SEC. 1103. AUTHORITY OF CIVILIAN EMPLOYEES TO ACT**
8 **AS NOTARIES.**

9 (a) CLARIFICATION OF STATUS OF CIVILIAN ATTORNEYS
10 ELIGIBLE TO ACT AS NOTARIES.—Subsection (b) of section
11 1044a of title 10, United States Code, is amended by striking
12 “legal assistance officers” in paragraph (2) and inserting “legal
13 assistance attorneys”.

14 (b) OTHER CIVILIAN EMPLOYEES DESIGNATED TO ACT
15 AS NOTARIES ABROAD.—Such subsection is further amended
16 by adding at the end the following new paragraph:

17 “(5) For the performance of notarial acts at locations
18 outside the United States, all employees of a military de-
19 partment or the Coast Guard who are designated by regu-
20 lations of the Secretary concerned or by statute to have
21 those powers for exercise outside the United States.”.

22 **SEC. 1104. AUTHORITY TO APPOINT CERTAIN HEALTH**
23 **CARE PROFESSIONALS IN THE EXCEPTED**
24 **SERVICE.**

25 (a) AUTHORITY.—Chapter 81 of title 10, United States
26 Code, is amended by adding at the end the following new sec-
27 tion:

28 **“§ 1599c. Appointment in excepted service of cer-**
29 **tain health care professionals**

30 “(a) AUTHORITY.—The Secretary of Defense may appoint
31 in the excepted service without regard to the provisions of sub-
32 chapter I of chapter 33 of title 5 (except as provided in section
33 3328 of such title and in subsection (c) of this section) an indi-
34 vidual who has—

35 “(1) a recognized degree or certificate from an accred-
36 ited institution in a covered health care profession or occu-
37 pation; and

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1 “(2) successfully completed a clinical education pro-
2 gram affiliated with the Department of Defense or the De-
3 partment of Veterans Affairs.

4 “(b) COVERED HEALTH CARE PROFESSION OR OCCUPA-
5 TION.—For purposes of subsection (a), a covered health care
6 profession or occupation is any of the following:

7 “(1) Physician.

8 “(2) Dentist.

9 “(3) Podiatrist.

10 “(4) Optometrist.

11 “(5) Nurse.

12 “(6) Physician assistant.

13 “(7) Expanded-function dental auxiliary.

14 “(c) PREFERENCES IN HIRING.—In using the authority
15 provided by this section, the Secretary shall apply the principles
16 of preference for the hiring of veterans and other individuals
17 established in subchapter I of chapter 33 of title 5.

18 “(d) PROBATIONARY PERIOD.—There shall be an initial
19 probationary period of two years for appointments made under
20 the authority of this section.

21 “(e) PROMOTIONS AND ADVANCEMENT.—(1) Promotions
22 of individuals appointed under the authority of this section
23 shall be made only after an examination performed in accord-
24 ance with regulations prescribed by the Secretary.

25 “(2) Advancement of such individuals within a pay grade
26 may be made in increments of the minimum rate of basic pay
27 of the grade in accordance with regulations prescribed by the
28 Secretary.

29 “(f) REVIEW OF RECORDS BY BOARD.—The record of
30 each individual appointed under the authority of this section in
31 the medical, dental, and nursing services shall be reviewed peri-
32 odically by a board, which shall be appointed in accordance
33 with regulations prescribed by the Secretary. If such board
34 finds that such individual is not fully qualified and satisfactory,
35 such individual shall be separated from service.

36 “(g) ADJUSTMENT OF PAY.—In accordance with regula-
37 tions prescribed by the Secretary, the grade and annual rate

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1 of basic pay of an individual appointed under this section whose
2 level of assignment is changed from a level of assignment in
3 which the grade level is based on both the nature of the assign-
4 ment and qualifications may be adjusted to the grade and an-
5 nual rate of basic pay otherwise appropriate.

6 “(h) APPOINTMENT TO ADDITIONAL POSITIONS.—(1) The
7 Secretary may use the authority of this subsection (subject to
8 paragraph (2)) to establish the qualifications for, and appoint
9 and advance an individual in the Department of Defense as—

10 “(A) a clinical or counseling psychologist (if such psy-
11 chologist holds a diploma as a diplomate in psychology
12 from an accrediting authority approved by the Secretary);

13 “(B) a certified or registered respiratory therapist;

14 “(C) a licensed physical therapist;

15 “(D) a licensed practical or vocational nurse;

16 “(E) a pharmacist; or

17 “(F) an occupational therapist.

18 “(2) Notwithstanding any other provision of this title or
19 any other law, all matters relating to adverse actions, discipli-
20 nary actions, and grievance procedures involving an individual
21 appointed to a position described in paragraph (1) (including
22 such actions and procedures involving an employee in a proba-
23 tionary status) shall be resolved under the provisions of title 5
24 as though such individual had been appointed under such title.

25 “(i) REINSTATEMENT.—In determining eligibility for rein-
26 statement in the civil service of individuals appointed to posi-
27 tions in the Department of Defense under this section who at
28 the time of appointment have a civil service status and whose
29 employment in the Department of Defense is terminated, the
30 period of service performed in the Department shall be included
31 in computing the period of service under applicable civil service
32 regulations.”.

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

“1599c. Appointment in excepted service of certain health care profes-
sionals.”.

1 **Subtitle B—Civilian Personnel**
2 **Management Generally**

3 **SEC. 1111. AUTHORITY TO PROVIDE HOSTILE FIRE PAY.**

4 (a) IN GENERAL.—Subchapter IV of chapter 59 of title 5,
5 United States Code, is amended by adding at the end the fol-
6 lowing new section:

7 **“§ 5949. Hostile fire pay**

8 “(a) The head of an Executive agency may pay an em-
9 ployee hostile fire pay at the rate of \$150 for any month in
10 which the employee was—

11 “(1) subject to hostile fire or explosion of hostile
12 mines;

13 “(2) on duty in an area in which the employee was in
14 imminent danger of being exposed to hostile fire or explo-
15 sion of hostile mines and in which, during the period on
16 duty in that area, other employees were subject to hostile
17 fire or explosion of hostile mines; or

18 “(3) killed, injured, or wounded by hostile fire, explo-
19 sion of a hostile mine, or any other hostile action.

20 “(b) An employee covered by subsection (a)(3) who is hos-
21 pitalized for the treatment of his or her injury or wound may
22 be paid hostile fire pay under this section for not more than
23 three additional months during which the employee is so hos-
24 pitalized.

25 “(c) An employee may be paid hostile fire pay under this
26 section in addition to other pay and allowances to which enti-
27 tled, except that an employee may not be paid hostile fire pay
28 under this section for periods of time during which the em-
29 ployee receives payment under section 5925 of this title because
30 of exposure to political violence or payment under section 5928
31 of this title.”.

32 (b) TECHNICAL AMENDMENT.—The table of sections at
33 the beginning of chapter 59 of such title is amended by insert-
34 ing at the end the following new item:

“5949. Hostile fire pay.”.

1 (c) EFFECTIVE DATE.—This provision is effective as if en-
 2 acted into law on September 11, 2001, and may be applied
 3 with respect to any hostile action that took place on or after
 4 that date.

5 **SEC. 1112. PAYMENT OF EXPENSES TO OBTAIN PROFES-**
 6 **SIONAL CREDENTIALS.**

7 (a) IN GENERAL.—Chapter 57 of title 5, United States
 8 Code, is amended by adding at the end the following new sec-
 9 tion:

10 **“§ 5757. Payment of expenses to obtain profes-**
 11 **sional credentials**

12 “(a) An agency may use appropriated funds or funds oth-
 13 erwise available to the agency to pay for—

14 “(1) expenses for employees to obtain professional cre-
 15 dentials, including expenses for professional accreditation,
 16 State-imposed and professional licenses, and professional
 17 certification; and

18 “(2) examinations to obtain such credentials.

19 “(b) The authority under subsection (a) may not be exer-
 20 cised on behalf of any employee occupying or seeking to qualify
 21 for appointment to any position that is excepted from the com-
 22 petitive service because of the confidential, policy-determining,
 23 policy-making, or policy-advocating character of the position.”.

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

“5757. Payment of expenses to obtain professional credentials.”.

27 **SEC. 1113. PARITY IN ESTABLISHMENT OF WAGE SCHED-**
 28 **ULES AND RATES FOR PREVAILING RATE**
 29 **EMPLOYEES.**

30 (a) IN GENERAL.—Paragraph (2) of section 5343(d) of
 31 title 5, United States Code, is amended to read as follows:

32 “(2) When the lead agency determines that there is a
 33 number of comparable positions in private industry insufficient
 34 to establish the wage schedules and rates, such agency shall es-
 35 tablish the wage schedules and rates on the basis of—

36 “(A) local private industry rates; and

1 “(B) rates paid for comparable positions in private in-
2 dustry in the nearest wage area that such agency deter-
3 mines is most similar in the nature of its population, em-
4 ployment, manpower, and industry to the local wage area
5 for which the wage survey is being made.”.

6 (b) EFFECTIVE DATE.—Wage adjustments made pursuant
7 to the amendment made by this section shall take effect in each
8 applicable wage area on the first normal effective date of the
9 applicable wage survey adjustment that occurs after the date
10 of the enactment of this Act.

11 **SEC. 1114. MODIFICATION OF LIMITATION ON PREMIUM**
12 **PAY.**

13 (a) IN GENERAL.—Section 5547 of title 5, United States
14 Code, is amended to read as follows:

15 **“§ 5547. Limitation on premium pay**

16 “(a) An employee may be paid premium pay under sec-
17 tions 5542, 5545(a), (b), and (c), 5545a, and 5546(a) and (b)
18 only to the extent that the payment does not cause the aggre-
19 gate of basic pay and such premium pay for any pay period
20 for such employee to exceed the greater of—

21 “(1) the maximum rate of basic pay payable for GS-
22 15 (including any applicable locality-based comparability
23 payment under section 5304 or similar provision of law and
24 any applicable special rate of pay under section 5305 or
25 similar provision of law); or

26 “(2) the rate payable for level V of the Executive
27 Schedule.

28 “(b)(1) Subject to regulations prescribed by the Office of
29 Personnel Management, subsection (a) shall not apply to an
30 employee who is paid premium pay by reason of work in con-
31 nection with an emergency (including a wildfire emergency)
32 that involves a direct threat to life or property, including work
33 performed in the aftermath of such an emergency.

34 “(2) Notwithstanding paragraph (1), no employee referred
35 to in such paragraph may be paid premium pay under the pro-
36 visions of law cited in subsection (a) if, or to the extent that,
37 the aggregate of the basic pay and premium pay under those

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1 provisions for such employee would, in any calendar year, ex-
2 ceed the greater of—

3 “(A) the maximum rate of basic pay payable for GS–
4 15 in effect at the end of such calendar year (including any
5 applicable locality-based comparability payment under sec-
6 tion 5304 or similar provision of law and any applicable
7 special rate of pay under section 5305 or similar provision
8 of law); or

9 “(B) the rate payable for level V of the Executive
10 Schedule in effect at the end of such calendar year.

11 “(3) Subject to regulations prescribed by the Office of
12 Personnel Management, the head of an agency may determine
13 that subsection (a) shall not apply to an employee who is paid
14 premium pay to perform work that is critical to the mission of
15 the agency. Such employees may be paid premium pay under
16 the provisions of law cited in subsection (a) if, or to the extent
17 that, the aggregate of the basic pay and premium pay under
18 those provisions for such employee would not, in any calendar
19 year, exceed the greater of—

20 “(A) the maximum rate of basic pay payable for GS–
21 15 in effect at the end of such calendar year (including any
22 applicable locality-based comparability payment under sec-
23 tion 5304 or similar provision of law and any applicable
24 special rate of pay under section 5305 or similar provision
25 of law); or

26 “(B) the rate payable for level V of the Executive
27 Schedule in effect at the end of such calendar year.

28 “(c) The Office of Personnel Management shall prescribe
29 regulations governing the methods of applying subsection (b)(2)
30 and (b)(3) to employees who receive premium pay under section
31 5545(c) or 5545a, or to firefighters covered by section 5545b
32 who receive overtime pay for hours in their regular tour of
33 duty, and the method of payment to such employees. Such reg-
34 ulations may limit the payment of such premium pay on a bi-
35 weekly basis.

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1 “(d) This section shall not apply to any employee of the
2 Federal Aviation Administration or the Department of Defense
3 who is paid premium pay under section 5546a.”

4 (b) CONFORMING AMENDMENT.—Section 118 of the
5 Treasury and General Government Appropriations Act, 2001
6 (as enacted into law by section 1(3) of Public Law 106–554;
7 114 Stat. 2763A–134) is amended by striking “limitation on
8 the rate of pay payable during a pay period contained in sec-
9 tion 5547(c)(2)” and inserting “restrictions contained in sec-
10 tion 5547”.

11 (c) EFFECTIVE DATE.—The amendments made by sub-
12 sections (a) and (b) shall take effect on the first day of the
13 first pay period beginning on or after the date that is 120 days
14 following the date of enactment of this Act.

15 **SEC. 1115. PARTICIPATION OF PERSONNEL IN TECH-**
16 **NICAL STANDARDS DEVELOPMENT ACTIVI-**
17 **TIES.**

18 Subsection (d) of section 12 of the National Technology
19 Transfer and Advancement Act of 1995 (Pub. Law 104–113;
20 15 U.S.C. 272 note) is amended—

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

23 (2) by inserting after paragraph (3) the following new
24 paragraph (4):

25 “(4) EXPENSES OF GOVERNMENT PERSONNEL.—Sec-
26 tion 5946 of title 5, United States Code, shall not apply
27 with respect to any activity of an employee of a Federal
28 agency or department that is determined by the head of
29 that agency or department as being an activity undertaken
30 in carrying out this subsection.”

31 **SEC. 1116. RETENTION OF TRAVEL PROMOTIONAL**
32 **ITEMS.**

33 (a) DEFINITION.—In this section, the term “agency” has
34 the meaning given that term under section 5701 of title 5,
35 United States Code.

36 (b) RETENTION OF TRAVEL PROMOTIONAL ITEMS.—To
37 the extent provided under subsection (c), a Federal employee,

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1 member of the Foreign Service, member of a uniformed service,
2 any family member or dependent of such an employee or mem-
3 ber, or other individual who receives a promotional item (in-
4 cluding frequent flyer miles, upgrade, or access to carrier clubs
5 or facilities) as a result of using travel or transportation serv-
6 ices obtained at Federal Government expense or accepted under
7 section 1353 of title 31, United States Code, may retain the
8 promotional item for personal use if the promotional item is ob-
9 tained under the same terms as those offered to the general
10 public and at no additional cost to the Federal Government.

11 (c) LIMITATION.—Subsection (b)—

12 (1) applies only to travel that—

13 (A) is at the expense of an agency; or

14 (B) is accepted by an agency under section 1353
15 of title 31, United States Code; and

16 (2) does not apply to travel by any officer, employee,
17 or other official of the Government who is not in or under
18 any agency.

19 (d) REGULATORY AUTHORITY.—Any agency with author-
20 ity to prescribe regulations governing the acquisition, accept-
21 ance, use, or disposal of any travel or transportation services
22 obtained at Government expense or accepted under section
23 1353 of title 31, United States Code, may prescribe regulations
24 to carry out subsection (b) with respect to those travel or
25 transportation services.

26 (e) REPEAL OF SUPERSEDED LAW.—Section 6008 of the
27 Federal Acquisition Streamlining Act of 1994 (5 U.S.C. 5702
28 note; Public Law 103–355) is repealed.

29 (f) APPLICABILITY.—This section shall apply with respect
30 to promotional items received before, on, or after the date of
31 enactment of this Act.

32 **SEC. 1117. APPLICABILITY OF CERTAIN LAWS TO CER-**
33 **TAIN INDIVIDUALS ASSIGNED TO WORK IN**
34 **THE FEDERAL GOVERNMENT.**

35 Section 3374(c)(2) of title 5, United States Code, is
36 amended by inserting “the Ethics in Government Act of 1978,

1 section 27 of the Office of Federal Procurement Policy Act,”
2 after “chapter 73 of this title,”.

3 **Subtitle C—Intelligence Civilian** 4 **Personnel**

5 **SEC. 1121. AUTHORITY TO INCREASE MAXIMUM NUM-** 6 **BER OF POSITIONS IN THE DEFENSE INTEL-** 7 **LIGENCE SENIOR EXECUTIVE SERVICE.**

8 Section 1606(a) of title 10, United States Code, is amend-
9 ed by striking “517” and inserting “544”.

10 **Subtitle D—Matters Relating To** 11 **Retirement**

12 **SEC. 1131. IMPROVED PORTABILITY OF RETIREMENT** 13 **COVERAGE FOR EMPLOYEES MOVING BE-** 14 **TWEEN CIVIL SERVICE EMPLOYMENT AND** 15 **EMPLOYMENT BY NONAPPROPRIATED FUND** 16 **INSTRUMENTALITIES.**

17 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section
18 8347(q) of title 5, United States Code, is amended—

19 (1) in paragraph (1)—

20 (A) by inserting “and” at the end of subparagraph

21 (A);

22 (B) by striking subparagraph (B); and

23 (C) by redesignating subparagraph (C) as sub-
24 paragraph (B); and

25 (2) in paragraph (2)(B)—

26 (A) by striking “vested”; and

27 (B) by striking “, as the term” and all that fol-
28 lows through “such system”.

29 (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—Sec-
30 tion 8461(n) of such title is amended—

31 (1) in paragraph (1)—

32 (A) by inserting “and” at the end of subparagraph

33 (A);

34 (B) by striking subparagraph (B); and

35 (C) by redesignating subparagraph (C) as sub-
36 paragraph (B); and

37 (2) in paragraph (2)(B)—

- 1 (A) by striking “vested”; and
2 (B) by striking “, as the term” and all that fol-
3 lows through “such system”.

4 **SEC. 1132. FEDERAL EMPLOYMENT RETIREMENT CRED-**
5 **IT FOR NONAPPROPRIATED FUND INSTRU-**
6 **MENTALITY SERVICE.**

7 (a) CIVIL SERVICE RETIREMENT SYSTEM.—(1) Section
8 8332(b) of title 5, United States Code, is amended—

- 9 (A) by striking “and” at the end of paragraph (15);
10 (B) by striking the period at the end of paragraph
11 (16) and inserting “; and”;

12 (C) by inserting after paragraph (16) the following
13 new paragraph:

14 “(17) service performed by any individual as an em-
15 ployee paid from nonappropriated funds of an instrumen-
16 tality of the Department of Defense or the Coast Guard de-
17 scribed in section 2105(c) that is not covered by paragraph
18 (16) and that is not otherwise creditable, if the individual
19 elects (in accordance with regulations prescribed by the Of-
20 fice) to have such service credited under this paragraph.”;

21 (D) in the last sentence, by inserting “or (17)” after
22 “service of the type described in paragraph (16)”; and

23 (E) by inserting after the last sentence the following:
24 “Service credited under paragraph (17) may not also be
25 credited under any other retirement system provided for
26 employees paid from nonappropriated funds of a non-
27 appropriated fund instrumentality.”.

28 (2) Section 8334 of such title is amended by adding at the
29 end the following new subsection:

30 “(n) Notwithstanding subsection (e), no deposit may be
31 made with respect to service credited under section
32 8332(b)(17).”.

33 (3) Section 8339 of such title is amended by adding at the
34 end the following new subsection:

35 “(u) The annuity of an employee retiring under this sub-
36 chapter with service credited under section 8332(b)(17) shall be
37 reduced by the amount necessary to ensure that the present

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1 value of the annuity payable to the employee is actuarially
2 equivalent to the present value of the annuity that would be
3 payable to the employee under this subchapter if it were
4 computed—

5 “(1) on the basis of service that does not include serv-
6 ice credited under section 8332(b)(17); and

7 “(2) assuming the employee separated from service on
8 the actual date of the separation of the employee.

9 “The amount of the reduction shall be computed under regula-
10 tions prescribed by the Office of Personnel Management for the
11 administration of this subsection.”.

12 (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—(1)
13 Section 8411 of such title is amended—

14 (A) in subsection (b)—

15 (i) by striking “and” at the end of paragraph (4);

16 (ii) by striking the period at the end of paragraph
17 (5) and inserting “; and”; and

18 (iii) by inserting after paragraph (5) the following
19 new paragraph:

20 “(6) service performed by any individual as an em-
21 ployee paid from nonappropriated funds of an instrumen-
22 tality of the Department of Defense or the Coast Guard de-
23 scribed in section 2105(c) that is not otherwise creditable,
24 if the individual elects (in accordance with regulations pre-
25 scribed by the Office) to have such service credited under
26 this paragraph.”; and

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

28 “(k)(1) The Office of Personnel Management shall accept,
29 for the purposes of this chapter, the certification of the head
30 of a nonappropriated fund instrumentality of the United States
31 concerning service of the type described in subsection (b)(6)
32 that was performed for such nonappropriated fund instrumen-
33 tality.

34 “(2) Service credited under subsection (b)(6) may not also
35 be credited under any other retirement system provided for em-
36 ployees paid from nonappropriated funds of a nonappropriated
37 fund instrumentality.”.

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1 (2)(A) Section 8422 of such title is amended by adding at
2 the end the following new subsection:

3 “(h) No deposit may be made with respect to service cred-
4 ited under section 8411(b)(6).”.

5 (B) The heading for such section is amended to read as
6 follows:

7 **“§ 8422. Deductions from pay; contributions for
8 other service”.**

9 (C) The item relating to such section in the table of con-
10 tents at the beginning of chapter 84 of title 5, United States
11 Code, is amended to read as follows:

“8422. Deductions from pay; contributions for other service.”.

12 (3) Section 8415 of such title is amended by adding at the
13 end the following new subsection:

14 “(j) The annuity of an employee retiring under this chap-
15 ter with service credited under section 8411(b)(6) shall be re-
16 duced by the amount necessary to ensure that the present value
17 of the annuity payable to the employee under this subchapter
18 is actuarially equivalent to the present value of the annuity
19 that would be payable to the employee under this subchapter
20 if it were computed—

21 “(1) on the basis of service that does not include serv-
22 ice credited under section 8411(b)(6); and

23 “(2) assuming the employee separated from service on
24 the actual date of the separation of the employee.

25 “The amount of the reduction shall be computed under regula-
26 tions prescribed by the Office of Personnel Management for the
27 administration of this subsection.”.

28 (e) APPLICABILITY.—The amendments made by this sec-
29 tion shall apply only to separations from service as an employee
30 of the United States on or after the date of the enactment of
31 this Act.

1 **SEC. 1133. MODIFICATION OF LIMITATIONS ON EXER-**
2 **CISE OF VOLUNTARY SEPARATION INCEN-**
3 **TIVE PAY AUTHORITY AND VOLUNTARY**
4 **EARLY RETIREMENT AUTHORITY.**

5 (a) IN GENERAL.—Section 1153(b) of the Floyd D.
6 Spence National Defense Authorization Act for Fiscal Year
7 2001 (as enacted into law by Public Law 106-398; 114 Stat.
8 1654A-323) is amended—

9 (1) in paragraph (1)—

10 (A) by striking “(1) Subject to paragraph (2),
11 the” and inserting “The”;

12 (B) by striking “in each of fiscal years 2002 and
13 2003, not more than 4000 employees of the Depart-
14 ment of Defense are” and inserting “in fiscal year
15 2002 not more than 2000 employees of the Department
16 of Defense are, and in fiscal year 2003 not more than
17 6000 employees of the Department of Defense are”;
18 and

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

21 (2) by striking paragraph (2).

22 (b) CONSTRUCTION.—The amendments made by sub-
23 section (a) may be superceded by another provision of law that
24 takes effect after the date of the enactment of this Act, and
25 before October 1, 2003, establishing a uniform system of pro-
26 viding voluntary separation incentives (including a system for
27 requiring approval of plans by the Office of Management and
28 Budget) for employees of the Federal Government.

1 **TITLE XII—MATTERS RELATING TO**
 2 **OTHER NATIONS**

**Subtitle A—Matters Related to Arms Control and
 Monitoring**

- Sec. 1201. Clarification of authority to furnish nuclear test monitoring equipment to foreign governments.
- Sec. 1202. Limitation on funding for joint Data Exchange Center in Moscow.
- Sec. 1203. Support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities.
- Sec. 1204. Authority for employees of Federal Government contractors to accompany chemical weapons inspection teams at Government-owned facilities.
- Sec. 1205. Plan for securing nuclear weapons, material, and expertise of the states of the former Soviet Union.

**Subtitle B—Matters Relating to Allies and Friendly Foreign
 Nations**

- Sec. 1211. Acquisition of logistical support for security forces.
- Sec. 1212. Extension of authority for international cooperative research and development projects.
- Sec. 1213. Cooperative agreements with foreign countries and international organizations for reciprocal use of test facilities.
- Sec. 1214. Sense of Congress on allied defense burdensharing.

Subtitle C—Reports

- Sec. 1221. Report on significant sales and transfers of military hardware, expertise, and technology to the People's Republic of China.
- Sec. 1222. Repeal of requirement for reporting to Congress on military deployments to Haiti.
- Sec. 1223. Report by Comptroller General on provision of defense articles, services, and military education and training to foreign countries and international organizations.

3 **Subtitle A—Matters Related to Arms Control and**
 4 **Monitoring**

5 **SEC. 1201. CLARIFICATION OF AUTHORITY TO FURNISH**
 6 **NUCLEAR TEST MONITORING EQUIPMENT**
 7 **TO FOREIGN GOVERNMENTS.**

8 (a) REDESIGNATION OF EXISTING SECTION.—(1) The sec-
 9 ond section 2555 of title 10, United States Code, added by sec-
 10 tion 1203(a) of the Floyd D. Spence National Defense Author-
 11 ization Act for Fiscal Year 2001 (as enacted into law by Public
 12 Law 106–398; 114 Stat. 1654A–324), is redesignated as sec-
 13 tion 2565.

14 (2) The item relating to that section in the table of sec-
 15 tions at the beginning of chapter 152 of that title is amended
 16 to read as follows:

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“2565. Nuclear test monitoring equipment: furnishing to foreign governments.”.

1 (b) CLARIFICATION OF AUTHORITY.—Section 2565 of that
2 title, as so redesignated by subsection (a), is amended—

3 (1) in subsection (a)—

4 (A) by striking “CONVEY OR” in the subsection
5 heading and inserting “TRANSFER TITLE TO OR OTH-
6 ERWISE”;

7 (B) in paragraph (1)—

8 (i) by striking “convey” and inserting “trans-
9 fer title”; and

10 (ii) by striking “and” at the end;

11 (C) by striking the period at the end of paragraph
12 (2) and inserting “; and”; and

13 (D) by adding at the end the following new para-
14 graph:

15 “(3) inspect, test, maintain, repair, or replace any
16 such equipment.”; and

17 (2) in subsection (b)—

18 (A) by striking “conveyed or otherwise provided”
19 and inserting “provided to a foreign government”;

20 (B) by inserting “and” at the end of paragraph
21 (1);

22 (C) by striking “; and” at the end of paragraph
23 (2) and inserting a period; and

24 (D) by striking paragraph (3).

25 **SEC. 1202. LIMITATION ON FUNDING FOR JOINT DATA**
26 **EXCHANGE CENTER IN MOSCOW.**

27 (a) LIMITATION.—Not more than 50 percent of the funds
28 made available to the Department of Defense for fiscal year
29 2002 for activities associated with the Joint Data Exchange
30 Center in Moscow, Russia, may be obligated for any such activ-
31 ity until—

32 (1) the United States and the Russian Federation
33 enter into a cost-sharing agreement as described in sub-
34 section (d) of section 1231 of the Floyd D. Spence Na-
35 tional Defense Authorization Act for Fiscal Year 2001, as

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1 enacted into law by Public Law 106–398 (114 Stat.
2 1654A–329);

3 (2) the United States and the Russian Federation
4 enter into an agreement or agreements exempting the
5 United States and any United States person from Russian
6 taxes, and from liability under Russian laws, with respect
7 to activities associated with the Joint Data Exchange Cen-
8 ter;

9 (3) the Secretary of Defense submits to the Committee
10 on Armed Services of the Senate and the Committee on
11 Armed Services of the House of Representatives a copy of
12 each agreement referred to in paragraphs (1) and (2); and

13 (4) a period of 30 days has expired after the date of
14 the final submission under paragraph (3).

15 (b) JOINT DATA EXCHANGE CENTER.—For purposes of
16 this section, the term “Joint Data Exchange Center” means
17 the United States-Russian Federation joint center for the ex-
18 change of data to provide early warning of launches of ballistic
19 missiles and for notification of such launches that is provided
20 for in a joint United States-Russian Federation memorandum
21 of agreement signed in Moscow in June 2000.

22 **SEC. 1203. SUPPORT OF UNITED NATIONS-SPONSORED**
23 **EFFORTS TO INSPECT AND MONITOR IRAQI**
24 **WEAPONS ACTIVITIES.**

25 (a) LIMITATION ON AMOUNT OF ASSISTANCE IN FISCAL
26 YEAR 2002—The total amount of the assistance for fiscal year
27 2002 that is provided by the Secretary of Defense under sec-
28 tion 1505 of the Weapons of Mass Destruction Control Act of
29 1992 (22 U.S.C. 5859a) as activities of the Department of De-
30 fense in support of activities under that Act may not exceed
31 \$15,000,000.

32 (b) EXTENSION OF AUTHORITY TO PROVIDE ASSIST-
33 ANCE.—Subsection (f) of section 1505 of the Weapons of Mass
34 Destruction Control Act of 1992 (22 U.S.C. 5859a) is amended
35 by striking “2001” and inserting “2002”.

1 **SEC. 1204. AUTHORITY FOR EMPLOYEES OF FEDERAL**
2 **GOVERNMENT CONTRACTORS TO ACCOM-**
3 **PANY CHEMICAL WEAPONS INSPECTION**
4 **TEAMS AT GOVERNMENT-OWNED FACILI-**
5 **TIES.**

6 (a) **AUTHORITY.**—Section 303(b)(2) of the Chemical
7 Weapons Convention Implementation Act of 1998 (22 U.S.C.
8 6723(b)(2)) is amended by inserting after “designation of em-
9 ployees of the Federal Government” the following: “(and, in the
10 case of an inspection of a United States Government facility,
11 the designation of contractor personnel who shall be led by an
12 employee of the Federal Government)”.

13 (b) **CREDENTIALS.**—Section 304(c) of such Act (22 U.S.C.
14 6724(c)) is amended by striking “Federal government” and in-
15 serting “Federal Government (and, in the case of an inspection
16 of a United States Government facility, any accompanying con-
17 tractor personnel)”.

18 **SEC. 1205. PLAN FOR SECURING NUCLEAR WEAPONS,**
19 **MATERIAL, AND EXPERTISE OF THE STATES**
20 **OF THE FORMER SOVIET UNION.**

21 (a) **PLAN REQUIRED.**—Not later than June 15, 2002, the
22 President shall submit to Congress a plan, that has been devel-
23 oped in coordination with all relevant Federal agencies—

24 (1) for cooperating with Russia on disposing, as soon
25 as practicable, of nuclear weapons and weapons-usable nu-
26 clear material in Russia that Russia does not retain in its
27 nuclear arsenals;

28 (2) for assisting Russia in downsizing its nuclear
29 weapons research and production complex;

30 (3) for cooperating with the other states of the former
31 Soviet Union on disposing, as soon as practicable, of all nu-
32 clear weapons and weapons-usable nuclear material in such
33 states; and

34 (4) for preventing the outflow from the states of the
35 former Soviet Union of scientific expertise that could be
36 used for developing nuclear weapons, other weapons of
37 mass destruction, and delivery systems for such weapons.

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1 (b) CONTENT OF PLAN.—The plan required by subsection
2 (a) shall include the following:

3 (1) Specific goals and measurable objectives for pro-
4 grams that are designed to carry out the objectives de-
5 scribed in subsection (a).

6 (2) Criteria for success for such programs, and a
7 strategy for eventual termination of United States con-
8 tributions to such programs and assumption of the ongoing
9 support of those programs by others.

10 (3) A description of any administrative and organiza-
11 tional changes necessary to improve the coordination and
12 effectiveness of such programs. In particular, the plan shall
13 include consideration of the creation of an interagency com-
14 mittee that would have primary responsibilities within the
15 executive branch for—

16 (A) monitoring United States nonproliferation ef-
17 forts in the states of the former Soviet Union;

18 (B) coordinating the implementation of United
19 States policy with respect to such efforts; and

20 (C) recommending to the President integrated
21 policies, budget options, and private sector and inter-
22 national contributions for such programs.

23 (4) An estimate of the cost of carrying out such pro-
24 grams.

25 (c) CONSULTATION.—In developing the plan required by
26 subsection (a), the President—

27 (1) is encouraged to consult with the relevant states
28 of the former Soviet Union regarding the practicality of
29 various options; and

30 (2) shall consult with the majority and minority lead-
31 ership of the appropriate committees of Congress.

1 **Subtitle B—Matters Relating to Allies and**
2 **Friendly Foreign Nations**

3 **SEC. 1211. ACQUISITION OF LOGISTICAL SUPPORT FOR**
4 **SECURITY FORCES.**

5 Section 5 of the Multinational Force and Observers Par-
6 ticipation Resolution (22 U.S.C. 3424) is amended by adding
7 at the end the following new subsection:

8 “(d)(1) The United States may use contractors to provide
9 logistical support to the Multinational Force and Observers
10 under this section in lieu of providing such support through a
11 logistical support unit comprised of members of the United
12 States Armed Forces.

13 “(2) Notwithstanding subsections (a) and (b) and section
14 7(b), support by a contractor under this subsection may be pro-
15 vided without reimbursement whenever the President deter-
16 mines that such action enhances or supports the national secu-
17 rity interests of the United States.”.

18 **SEC. 1212. EXTENSION OF AUTHORITY FOR INTER-**
19 **NATIONAL COOPERATIVE RESEARCH AND**
20 **DEVELOPMENT PROJECTS.**

21 (a) ELIGIBILITY OF FRIENDLY FOREIGN COUNTRIES.—
22 Section 2350a of title 10, United States Code, is amended—

23 (1) in subsection (a)—

24 (A) by inserting “(1)” after “(a) AUTHORITY TO
25 ENGAGE IN COOPERATIVE R&D PROJECTS.—”;

26 (B) by striking “major allies of the United States
27 or NATO organizations” and inserting “countries or
28 organizations referred to in paragraph (2)”; and

29 (C) by adding at the end the following new para-
30 graph:

31 “(2) The countries and organizations with which the Sec-
32 retary may enter into a memorandum of agreement (or other
33 formal agreement) under paragraph (1) are as follows:

34 “(A) The North Atlantic Treaty Organization.

35 “(B) A NATO organization.

36 “(C) A member nation of the North Atlantic Treaty
37 Organization.

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- 1 “(D) A major non-NATO ally.
- 2 “(E) Any other friendly foreign country.”;
- 3 (2) in subsection (b)(1)—
- 4 (A) by striking “its major non-NATO allies” and
- 5 inserting “a country or organization referred to in sub-
- 6 section (a)(2)”; and
- 7 (B) by striking “(NATO)”;
- 8 (3) in subsection (d)—
- 9 (A) in paragraph (1), by striking “the major allies
- 10 of the United States” and inserting “countries and or-
- 11 ganizations referred to in subsection (a)(2)”; and
- 12 (B) in paragraph (2)—
- 13 (i) by striking “major ally of the United
- 14 States” and inserting “country or organization re-
- 15 ferred to in subsection (a)(2)”; and
- 16 (ii) by striking “that ally’s contribution” and
- 17 inserting “the contribution of that country or orga-
- 18 nization”;
- 19 (4) in subsection (e)(2)—
- 20 (A) in subparagraph (A), by striking “one or more
- 21 of the major allies of the United States” and inserting
- 22 “any country or organization referred to in subsection
- 23 (a)(2)”;
- 24 (B) in subparagraph (B), by striking “major allies
- 25 of the United States or NATO organizations” and in-
- 26 serting “countries and organizations referred to in sub-
- 27 section (a)(2)”;
- 28 (C) in subparagraph (C), by striking “major allies
- 29 of the United States” and inserting “countries and or-
- 30 ganizations referred to in subsection (a)(2)”; and
- 31 (D) in subparagraph (D), by striking “major allies
- 32 of the United States” and inserting “countries and or-
- 33 ganizations referred to in subsection (a)(2)”;
- 34 (5) paragraphs (1)(A) and (4)(A) of subsection (g), by
- 35 striking “major allies of the United States and other
- 36 friendly foreign countries” and inserting “countries re-
- 37 ferred to in subsection (a)(2)”;

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1 (6) in subsection (h), by striking “major allies of the
2 United States” and inserting “member nations of the
3 North Atlantic Treaty Organization, major non-NATO al-
4 lies, and other friendly foreign countries”; and

5 (7) in subsection (i)—

6 (A) in paragraph (1), by striking “major allies of
7 the United States or NATO organizations” and insert-
8 ing “countries and organizations referred to in sub-
9 section (a)(2)”;

10 (B) by striking paragraph (2); and

11 (C) by redesignating paragraphs (3) and (4) as
12 paragraphs (2) and (3), respectively.

13 (b) NOTICE-AND-WAIT REQUIREMENT.—Subsection (a) of
14 such section is further amended by adding at the end the fol-
15 lowing new paragraph:

16 “(3) If such a memorandum of understanding (or other
17 formal agreement) is with a country referred to in subpara-
18 graph (E) of paragraph (2), such memorandum (or agreement)
19 may go into effect only after the Secretary submits to the Com-
20 mittees on Armed Services and on Foreign Relations of the
21 Senate and to the Committees on Armed Services and on Inter-
22 national Relations of the House of Representatives a report
23 with respect to the proposed memorandum (or agreement) and
24 a period of 30 days has passed after the report has been sub-
25 mitted.”.

26 (c) DELEGATION OF AUTHORITY TO DETERMINE ELIGI-
27 BILITY OF PROJECTS.—Subsection (b)(2) of such section is
28 amended by striking “to the Deputy Secretary of Defense” and
29 all that follows through the period at the end and inserting “to
30 the Deputy Secretary of Defense and to one other official of
31 the Department of Defense.”.

32 (d) REVISION OF REQUIREMENT FOR ANNUAL REPORT ON
33 ELIGIBLE COUNTRIES.—Subsection (f)(2) of such section is
34 amended to read as follows:

35 “(2) Not later than January 1 of each year, the Secretary
36 of Defense shall submit to the Committees on Armed Services
37 and on Foreign Relations of the Senate and to the Committees

1 on Armed Services and on International Relations of the House
2 of Representatives a report specifying—

3 “(A) the countries that are eligible to participate in a
4 cooperative project agreement under this section; and

5 “(B) the criteria used to determine the eligibility of
6 such countries.”.

7 (e) CONFORMING AMENDMENTS.—(1) The heading of such
8 section is amended to read as follows:

9 **“§ 2350a. Cooperative research and development
10 agreements: NATO organizations; allied
11 and friendly foreign countries”.**

12 (2) The item relating to such section in the table of sec-
13 tions at the beginning of subchapter II of chapter 138 of title
14 10, United States Code, is amended to read as follows:

“2350a. Cooperative research and development agreements: NATO organi-
zations; allied and friendly foreign countries.”.

15 **SEC. 1213. COOPERATIVE AGREEMENTS WITH FOREIGN
16 COUNTRIES AND INTERNATIONAL ORGANI-
17 ZATIONS FOR RECIPROCAL USE OF TEST FA-
18 CILITIES.**

19 (a) AUTHORITY.—Subchapter II of chapter 138 of title
20 10, United States Code, is amended by adding at the end the
21 following new section:

22 **“§ 2350l. Cooperative agreements for reciprocal
23 use of test facilities: foreign countries and
24 international organizations**

25 “(a) AUTHORITY.—The Secretary of Defense, with the
26 concurrence of the Secretary of State, may enter into a memo-
27 randum of understanding (or other formal agreement) with a
28 foreign country or international organization to provide for the
29 testing, on a reciprocal basis, of defense equipment (1) by the
30 United States using test facilities of that country or organiza-
31 tion, and (2) by that country or organization using test facili-
32 ties of the United States.

33 “(b) PAYMENT OF COSTS.—A memorandum or other
34 agreement under subsection (a) shall provide that, when a
35 party to the agreement uses a test facility of another party to

1 the agreement, the party using the test facility is charged by
2 the party providing the test facility in accordance with the fol-
3 lowing principles:

4 “(1) The user party shall be charged the amount equal
5 to the direct costs incurred by the provider party in fur-
6 nishing test and evaluation services by the providing par-
7 ty’s officers, employees, or governmental agencies.

8 “(2) The user party may also be charged indirect costs
9 relating to the use of the test facility, but only to the extent
10 specified in the memorandum or other agreement.

11 “(c) DETERMINATION OF INDIRECT COSTS; DELEGATION
12 OF AUTHORITY.—(1) The Secretary of Defense shall determine
13 the appropriateness of the amount of indirect costs charged by
14 the United States pursuant to subsection (b)(2).

15 (2) The Secretary may delegate the authority under para-
16 graph (1) only to the Deputy Secretary of Defense and to one
17 other official of the Department of Defense.

18 “(d) RETENTION OF FUNDS COLLECTED BY THE UNITED
19 STATES.—Amounts collected by the United States from a party
20 using a test facility of the United States pursuant to a memo-
21 randum or other agreement under this section shall be credited
22 to the appropriation accounts from which the costs incurred by
23 the United States in providing such test facility were paid.

24 “(e) DEFINITIONS.—In this section:

25 “(1) The term ‘direct cost’, with respect to the use of
26 a test facility pursuant to a memorandum or other agree-
27 ment under subsection (a)—

28 “(A) means any item of cost that is easily and
29 readily identified to a specific unit of work or output
30 within the test facility where the use occurred, that
31 would not have been incurred if such use had not oc-
32 curred; and

33 “(B) may include costs of labor, materials, facili-
34 ties, utilities, equipment, supplies, and any other re-
35 sources of the test facility that are consumed or dam-
36 aged in connection with—

37 “(i) the use; or

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1 “(ii) the maintenance of the test facility for
2 purposes of the use.

3 “(2) The term ‘indirect cost’, with respect to the use
4 of a test facility pursuant to a memorandum or other
5 agreement under subsection (a)—

6 “(A) means any item of cost that is not easily and
7 readily identified to a specific unit of work or output
8 within the test facility where the use occurred; and

9 “(B) may include general and administrative ex-
10 penses for such activities as supporting base oper-
11 ations, manufacturing, supervision, procurement of of-
12 fice supplies, and utilities that are accumulated costs
13 allocated among several users.

14 “(3) The term ‘test facility’ means a range or other
15 facility at which testing of defense equipment may be car-
16 ried out.”.

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

“2350l. Cooperative agreements for reciprocal use of test facilities: foreign
countries and international organizations.”.

20 **SEC. 1214. SENSE OF CONGRESS ON ALLIED DEFENSE**
21 **BURDENSARING.**

22 It is the sense of Congress that—

23 (1) the efforts of the President to increase defense
24 burdendsharing by allied and friendly nations deserve
25 strong support; and

26 (2) host nation support agreements with those nations
27 in which United States military personnel are assigned to
28 permanent duty ashore should be negotiated consistent
29 with section 1221(a)(1) of the National Defense Authoriza-
30 tion Act for Fiscal Year 1998 (Public Law 105–85; 50
31 U.S.C. 1541(a)(1)), which sets forth a goal of obtaining
32 from any such host nation financial contributions that
33 amount to 75 percent of the nonpersonnel costs incurred by
34 the United States Government for stationing United States
35 military personnel in that nation.

Subtitle C—Reports**SEC. 1221. REPORT ON SIGNIFICANT SALES AND TRANSFERS OF MILITARY HARDWARE, EXPERTISE, AND TECHNOLOGY TO THE PEOPLE'S REPUBLIC OF CHINA.**

Section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 781; 10 U.S.C. 113 note) is amended by adding at the end the following new subsection:

“(d) REPORT ON SIGNIFICANT SALES AND TRANSFERS TO CHINA.—(1) The report to be submitted under this section not later than March 1, 2002, shall include in a separate section a report describing any significant sale or transfer of military hardware, expertise, and technology to the People’s Republic of China. The report shall set forth the history of such sales and transfers since 1995, forecast possible future sales and transfers, and address the implications of those sales and transfers for the security of the United States and its friends and allies in Asia.

“(2) The report shall include analysis and forecasts of the following matters related to military cooperation between selling states and the People’s Republic of China:

“(A) The extent in each selling state of government knowledge, cooperation, or condoning of sales or transfers of military hardware, expertise, or technology to the People’s Republic of China.

“(B) An itemization of significant sales and transfers of military hardware, expertise, or technology from each selling state to the People’s Republic of China that have taken place since 1995, with a particular focus on command, control, communications, and intelligence systems.

“(C) Significant assistance by any selling state to key research and development programs of China, including programs for development of weapons of mass destruction and delivery vehicles for such weapons, programs for development of advanced conventional weapons, and programs for development of unconventional weapons.

1 “(D) The extent to which arms sales by any selling
2 state to the People’s Republic of China are a source of
3 funds for military research and development or procure-
4 ment programs in the selling state.

5 “(3) The report under paragraph (1) shall include, with
6 respect to each area of analysis and forecasts specified in para-
7 graph (2)—

8 “(A) an assessment of the military effects of such
9 sales or transfers to entities in the People’s Republic of
10 China;

11 “(B) an assessment of the ability of the People’s Lib-
12 eration Army to assimilate such sales or transfers, mass
13 produce new equipment, or develop doctrine for use; and

14 “(C) the potential threat of developments related to
15 such effects on the security interests of the United States
16 and its friends and allies in Asia.”.

17 **SEC. 1222. REPEAL OF REQUIREMENT FOR REPORTING**
18 **TO CONGRESS ON MILITARY DEPLOYMENTS**
19 **TO HAITI.**

20 Section 1232(b) of the National Defense Authorization
21 Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 788;
22 50 U.S.C. 1541 note) is repealed.

23 **SEC. 1223. REPORT BY COMPTROLLER GENERAL ON**
24 **PROVISION OF DEFENSE ARTICLES, SERV-**
25 **ICES, AND MILITARY EDUCATION AND**
26 **TRAINING TO FOREIGN COUNTRIES AND**
27 **INTERNATIONAL ORGANIZATIONS.**

28 (a) STUDY.—The Comptroller General shall conduct a
29 study of the following:

30 (1) The benefits derived by each foreign country or
31 international organization from the receipt of defense arti-
32 cles, defense services, or military education and training
33 provided after December 31, 1989, pursuant to the draw-
34 down of such articles, services, or education and training
35 from the stocks of the Department of Defense under sec-
36 tion 506, 516, or 552 of the Foreign Assistance Act of
37 1961 (22 U.S.C. 2318, 2321j, or 2348a) or any other pro-
38 vision of law.

1 (2) Any benefits derived by the United States from the
2 provision of defense articles, defense services, and military
3 education and training described in paragraph (1).

4 (3) The effect on the readiness of the Armed Forces
5 as a result of the provision by the United States of defense
6 articles, defense services, and military education and train-
7 ing described in paragraph (1).

8 (4) The cost to the Department of Defense with re-
9 spect to the provision of defense articles, defense services,
10 and military education and training described in paragraph
11 (1).

12 (b) REPORTS.—(1) Not later than April 15, 2002, the
13 Comptroller General shall submit to Congress an interim report
14 containing the results to that date of the study conducted
15 under subsection (a).

16 (2) Not later than August 1, 2002, the Comptroller Gen-
17 eral shall submit to Congress a final report containing the re-
18 sults of the study conducted under subsection (a).

1 **TITLE** **XIII—COOPERATIVE**
2 **THREAT REDUCTION WITH STATES**
3 **OF THE FORMER SOVIET UNION**

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.

Sec. 1302. Funding allocations.

Sec. 1303. Limitation on use of funds until submission of reports.

Sec. 1304. Requirement to consider use of revenue generated by activities carried out under Cooperative Threat Reduction programs.

Sec. 1305. Prohibition against use of funds for second wing of fissile material storage facility.

Sec. 1306. Prohibition against use of funds for certain construction activities.

Sec. 1307. Reports on activities and assistance under Cooperative Threat Reduction programs.

Sec. 1308. Chemical weapons destruction.

Sec. 1309. Additional matter in annual report on activities and assistance under Cooperative Threat Reduction programs.

4 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT**
5 **REDUCTION PROGRAMS AND FUNDS.**

6 (a) SPECIFICATION OF CTR PROGRAMS.—For purposes of
7 section 301 and other provisions of this Act, Cooperative
8 Threat Reduction programs are the programs specified in sec-
9 tion 1501(b) of the National Defense Authorization Act for
10 Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50
11 U.S.C. 2362 note).

12 (b) FISCAL YEAR 2002 COOPERATIVE THREAT REDUC-
13 TION FUNDS DEFINED.—As used in this title, the term “fiscal
14 year 2002 Cooperative Threat Reduction funds” means the
15 funds appropriated pursuant to the authorization of appropri-
16 ations in section 301 for Cooperative Threat Reduction pro-
17 grams.

18 (c) AVAILABILITY OF FUNDS.—Funds appropriated pursu-
19 ant to the authorization of appropriations in section 301 for
20 Cooperative Threat Reduction programs shall be available for
21 obligation for three fiscal years.

22 **SEC. 1302. FUNDING ALLOCATIONS.**

23 (a) FUNDING FOR SPECIFIC PURPOSES.—Of the
24 \$403,000,000 authorized to be appropriated to the Department
25 of Defense for fiscal year 2002 in section 301(23) for Coopera-

1 tive Threat Reduction programs, not more than the following
2 amounts may be obligated for the purposes specified:

3 (1) For strategic offensive arms elimination in Russia,
4 \$133,405,000.

5 (2) For strategic nuclear arms elimination in Ukraine,
6 \$51,500,000.

7 (3) For nuclear weapons transportation security in
8 Russia, \$9,500,000.

9 (4) For nuclear weapons storage security in Russia,
10 \$56,000,000.

11 (5) For biological weapons proliferation prevention ac-
12 tivities in the former Soviet Union, \$17,000,000.

13 (6) For activities designated as Other Assessments/Ad-
14 ministrative Support, \$13,221,000.

15 (7) For defense and military contacts, \$18,650,000.

16 (8) For chemical weapons destruction in Russia,
17 \$50,000,000.

18 (9) For weapons of mass destruction infrastructure
19 elimination activities in Kazakhstan, \$6,000,000.

20 (10) For weapons of mass destruction infrastructure
21 elimination activities in Ukraine, \$6,024,000.

22 (11) For activities to assist Russia in the elimination
23 of plutonium production reactors, \$41,700,000.

24 (b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS
25 FOR OTHER PURPOSES.—No fiscal year 2002 Cooperative
26 Threat Reduction funds may be obligated or expended for a
27 purpose other than a purpose listed in paragraphs (1) through
28 (11) of subsection (a) until 30 days after the date that the Sec-
29 retary of Defense submits to Congress a report on the purpose
30 for which the funds will be obligated or expended and the
31 amount of funds to be obligated or expended. Nothing in the
32 preceding sentence shall be construed as authorizing the obliga-
33 tion or expenditure of fiscal year 2002 Cooperative Threat Re-
34 duction funds for a purpose for which the obligation or expend-
35 iture of such funds is specifically prohibited under this title or
36 any other provision of law.

1 (c) LIMITED AUTHORITY TO VARY INDIVIDUAL
2 AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any case
3 in which the Secretary of Defense determines that it is nec-
4 essary to do so in the national interest, the Secretary may obli-
5 gate amounts appropriated for fiscal year 2002 for a purpose
6 listed in any of the paragraphs in subsection (a) in excess of
7 the amount specifically authorized for such purpose.

8 (2) An obligation of funds for a purpose stated in any of
9 the paragraphs in subsection (a) in excess of the specific
10 amount authorized for such purpose may be made using the
11 authority provided in paragraph (1) only after—

12 (A) the Secretary submits to Congress notification of
13 the intent to do so together with a complete discussion of
14 the justification for doing so; and

15 (B) 15 days have elapsed following the date of the no-
16 tification.

17 (3) The Secretary may not, under the authority provided
18 in paragraph (1), obligate amounts for the purposes stated in
19 paragraph (6), (7), or (11) of subsection (a) in excess of 115
20 percent of the amount specifically authorized for such purposes.

21 (d) MODIFICATION OF AUTHORITY TO VARY INDIVIDUAL
22 AMOUNTS OF FY 2001 FUNDS.—Section 1302(c)(3) of the
23 Floyd D. Spence National Defense Authorization Act for Fiscal
24 Year 2001 (as enacted into law by Public Law 106–398; 114
25 Stat. 1654A–340) is amended by striking “(4).”

26 **SEC. 1303. LIMITATION ON USE OF FUNDS UNTIL SUB-**
27 **MISSION OF REPORTS.**

28 Not more than 50 percent of fiscal year 2002 Cooperative
29 Threat Reduction funds may be obligated or expended until 30
30 days after the date of the submission of—

31 (1) the report required to be submitted in fiscal year
32 2001 under section 1308(a) of the Floyd D. Spence Na-
33 tional Defense Authorization Act for Fiscal Year 2001 (as
34 enacted into law by Public Law 106–398; 114 Stat.
35 1654A–341); and

36 (2) the multiyear plan required to be submitted for fis-
37 cal year 2001 under section 1308(h) of such Act.

1 **SEC. 1304. REQUIREMENT TO CONSIDER USE OF REV-**
2 **ENUE GENERATED BY ACTIVITIES CARRIED**
3 **OUT UNDER COOPERATIVE THREAT REDUC-**
4 **TION PROGRAMS.**

5 The Secretary of Defense shall consider the use of revenue
6 generated by activities carried out under Cooperative Threat
7 Reduction programs in negotiating and executing contracts
8 with Russia to carry out such programs.

9 **SEC. 1305. PROHIBITION AGAINST USE OF FUNDS FOR**
10 **SECOND WING OF FISSILE MATERIAL STOR-**
11 **AGE FACILITY.**

12 (a) PROHIBITION.—No fiscal year 2002 Cooperative
13 Threat Reduction funds and no funds authorized to be appro-
14 priated for Cooperative Threat Reduction programs for any
15 prior fiscal year may be used for the construction of a second
16 wing for a storage facility for Russian fissile material.

17 (b) CONFORMING AMENDMENT.—Section 1304 of the
18 Floyd D. Spence National Defense Authorization Act for Fiscal
19 Year 2001 (as enacted into law by Public Law 106-398; 114
20 Stat. 1654A-341) is amended to read as follows:

21 **“SEC. 1304. LIMITATION ON USE OF FUNDS FOR FISSILE**
22 **MATERIAL STORAGE FACILITY.**

23 “Out of funds authorized to be appropriated for Coopera-
24 tive Threat Reduction programs for fiscal year 2001 or any
25 other fiscal year, not more than \$412,600,000 may be used for
26 planning, design, or construction of the first wing for the stor-
27 age facility for Russian fissile material referred to in section
28 1302(a)(5) other than planning, design, or construction to im-
29 prove security at such first wing.”.

30 **SEC. 1306. PROHIBITION AGAINST USE OF FUNDS FOR**
31 **CERTAIN CONSTRUCTION ACTIVITIES.**

32 No fiscal year 2002 Cooperative Threat Reduction funds
33 may be used for construction activities carried out under Rus-
34 sia’s program to eliminate the production of weapons grade
35 plutonium.

1 **SEC. 1307. REPORTS ON ACTIVITIES AND ASSISTANCE**
2 **UNDER COOPERATIVE THREAT REDUCTION**
3 **PROGRAMS.**

4 Section 1308(e)(4) of the Floyd D. Spence National De-
5 fense Authorization Act for Fiscal Year 2001 (as enacted into
6 law by Public Law 106–398; 114 Stat. 1654A–342) is
7 amended—

8 (1) in the matter preceding subparagraph (A)—

9 (A) by striking “audits” and all that follows
10 through “conducted” and inserting “means (including
11 program management, audits, examinations, and other
12 means) used”; and

13 (B) by striking “and that such assistance is being
14 used for its intended purpose” and inserting “, that
15 such assistance is being used for its intended purpose,
16 and that such assistance is being used efficiently and
17 effectively”;

18 (2) in subparagraph (C), by inserting “and an assess-
19 ment of whether the assistance being provided is being used
20 effectively and efficiently” before the semicolon; and

21 (3) in subparagraph (D), by striking “audits, examina-
22 tions, and other”.

23 **SEC. 1308. CHEMICAL WEAPONS DESTRUCTION.**

24 Section 1305 of the National Defense Authorization Act
25 for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 794; 22
26 U.S.C. 5952 note) is amended by inserting before the period
27 at the end the following: “until the Secretary of Defense sub-
28 mits to Congress a certification that there has been—

29 “(1) information provided by Russia, that the United
30 States assesses to be full and accurate, regarding the size
31 of the chemical weapons stockpile of Russia;

32 “(2) a demonstrated annual commitment by Russia to
33 allocate at least \$25,000,000 to chemical weapons elimi-
34 nation;

35 “(3) development by Russia of a practical plan for de-
36 stroying its stockpile of nerve agents;

1 “(4) enactment of a law by Russia that provides for
2 the elimination of all nerve agents at a single site;

3 “(5) an agreement by Russia to destroy or convert its
4 chemical weapons production facilities at Volgograd and
5 Novocheboksark; and

6 “(6) a demonstrated commitment from the inter-
7 national community to fund and build infrastructure need-
8 ed to support and operate the facility.”.

9 **SEC. 1309. ADDITIONAL MATTER IN ANNUAL REPORT ON**
10 **ACTIVITIES AND ASSISTANCE UNDER COOP-**
11 **ERATIVE THREAT REDUCTION PROGRAMS.**

12 Section 1308(e) of the Floyd D. Spence National Defense
13 Authorization Act for Fiscal Year 2001 (as enacted into law by
14 Public Law 106-398; 114 Stat. 1654A-341) (as amended by
15 section 1308) is further amended by adding at the end of the
16 following new paragraph:

17 “(6) A description of the amount of the financial com-
18 mitment from the international community, and from Rus-
19 sia, for the chemical weapons destruction facility located at
20 Shchuch’ye, Russia, for the fiscal year beginning in the
21 year in which the report is submitted.”.

1 **TITLE XIV—ARMED FORCES**
 2 **RETIREMENT HOME**

Sec. 1401. Amendment of Armed Forces Retirement Home Act of 1991.

Sec. 1402. Definitions.

Sec. 1403. Revision of authority establishing the Armed Forces Retirement Home.

Sec. 1404. Chief Operating Officer.

Sec. 1405. Residents of Retirement Home.

Sec. 1406. Local Boards of Trustees.

Sec. 1407. Directors, Deputy Directors, Associate Directors, and staff of facilities.

Sec. 1408. Disposition of effects of deceased persons and unclaimed property.

Sec. 1409. Transitional provisions.

Sec. 1410. Conforming and clerical amendments and repeals of obsolete provisions.

3 **SEC. 1401. AMENDMENT OF ARMED FORCES RETIRE-**
 4 **MENT HOME ACT OF 1991.**

5 Except as otherwise expressly provided, whenever in this
 6 title an amendment or repeal is expressed in terms of an
 7 amendment to, or a repeal of, a section or other provision, the
 8 reference shall be considered to be made to a section or other
 9 provision of the Armed Forces Retirement Home Act of 1991
 10 (title XV of Public Law 101–510; 24 U.S.C. 401 et seq.).

11 **SEC. 1402. DEFINITIONS.**

12 Section 1502 (24 U.S.C. 401) is amended—

13 (1) by striking paragraphs (1), (2), (3), (4), and (5),
 14 and inserting the following new paragraphs:

15 “(1) The term ‘Retirement Home’ includes the institu-
 16 tions established under section 1511, as follows:

17 “(A) The Armed Forces Retirement Home—
 18 Washington.

19 “(B) The Armed Forces Retirement Home—Gulf-
 20 port.

21 “(2) The term ‘Local Board’ means a Local Board of
 22 Trustees established under section 1516.

23 “(3) The terms ‘Armed Forces Retirement Home
 24 Trust Fund’ and ‘Fund’ mean the Armed Forces Retirement
 25 Home Trust Fund established under section
 26 1519(a).”;

1 (2) by redesignating paragraphs (6), (7), and (8) as
2 paragraphs (4), (5), and (6), respectively; and

3 (3) in paragraph (5), as so redesignated—

4 (A) in subparagraph (C), by striking “, Manpower
5 and Personnel” and inserting “for Personnel”; and

6 (B) in subparagraph (D), by striking “with re-
7 sponsibility for personnel matters” and inserting “for
8 Manpower and Reserve Affairs”.

9 **SEC. 1403. REVISION OF AUTHORITY ESTABLISHING THE**
10 **ARMED FORCES RETIREMENT HOME.**

11 Section 1511 (24 U.S.C. 411) is amended to read as fol-
12 lows:

13 **“SEC. 1511. ESTABLISHMENT OF THE ARMED FORCES**
14 **RETIREMENT HOME.**

15 “(a) INDEPENDENT ESTABLISHMENT.—The Armed
16 Forces Retirement Home is an independent establishment in
17 the executive branch.

18 “(b) PURPOSE.—The purpose of the Retirement Home is
19 to provide, through the Armed Forces Retirement Home—
20 Washington and the Armed Forces Retirement Home—Gulf-
21 port, residences and related services for certain retired and
22 former members of the Armed Forces.

23 “(c) FACILITIES.—(1) Each facility of the Retirement
24 Home referred to in paragraph (2) is a separate establishment
25 of the Retirement Home.

26 “(2) The United States Soldiers’ and Airmen’s Home is
27 hereby redesignated as the Armed Forces Retirement Home—
28 Washington. The Naval Home is hereby redesignated as the
29 Armed Forces Retirement Home—Gulfport.

30 “(d) OPERATION.—(1) The Chief Operating Officer of the
31 Armed Forces Retirement Home is the head of the Retirement
32 Home. The Chief Operating Officer is subject to the authority,
33 direction, and control of the Secretary of Defense.

34 “(2) Each facility of the Retirement Home shall be main-
35 tained as a separate establishment of the Retirement Home for
36 administrative purposes and shall be under the authority, direc-
37 tion, and control of the Director of that facility. The Director

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1 of each facility of the Retirement Home is subject to the au-
2 thority, direction, and control of the Chief Operating Officer.

3 “(e) PROPERTY AND FACILITIES.—(1) The Retirement
4 Home shall include such property and facilities as may be ac-
5 quired under paragraph (2) or accepted under section 1515(f)
6 for inclusion in the Retirement Home.

7 “(2) The Secretary of Defense may acquire, for the benefit
8 of the Retirement Home, property and facilities for inclusion in
9 the Retirement Home.

10 “(3) The Secretary of Defense may dispose of any prop-
11 erty of the Retirement Home, by sale, lease, or otherwise, that
12 the Secretary determines is excess to the needs of the Retire-
13 ment Home. The proceeds from such a disposal of property
14 shall be deposited in the Armed Forces Retirement Home
15 Trust Fund. No such disposal of real property shall be effective
16 earlier than 120 days after the date on which the Secretary
17 transmits a notification of the proposed disposal to the Com-
18 mittees on Armed Services of the Senate and the House of
19 Representatives.

20 “(f) DEPARTMENT OF DEFENSE SUPPORT.—The Sec-
21 retary of Defense may make available from the Department of
22 Defense to the Retirement Home, on a nonreimbursable basis,
23 administrative support and office services, legal and policy
24 planning assistance, access to investigative facilities of the In-
25 spector General of the Department of Defense and of the mili-
26 tary departments, and any other support necessary to enable
27 the Retirement Home to carry out its functions under this title.

28 “(g) ACCREDITATION.—The Chief Operating Officer shall
29 endeavor to secure for each facility of the Retirement Home ac-
30 creditation by a nationally recognized civilian accrediting orga-
31 nization, such as the Continuing Care Accreditation Commis-
32 sion and the Joint Commission for Accreditation of Health Or-
33 ganizations.

34 “(h) ANNUAL REPORT.—The Secretary of Defense shall
35 transmit to Congress an annual report on the financial and
36 other affairs of the Retirement Home for each fiscal year.”

1 **SEC. 1404. CHIEF OPERATING OFFICER.**

2 (a) ESTABLISHMENT AND AUTHORITY OF POSITION.—
3 Section 1515 (24 U.S.C. 415) is amended to read as follows:

4 **“SEC. 1515. CHIEF OPERATING OFFICER.**

5 “(a) APPOINTMENT.—(1) The Secretary of Defense shall
6 appoint the Chief Operating Officer of the Retirement Home.

7 “(2) The Chief Operating Officer shall serve at the pleas-
8 ure of the Secretary of Defense.

9 “(3) The Secretary of Defense shall evaluate the perform-
10 ance of the Chief Operating Officer at least once each year.

11 “(b) QUALIFICATIONS.—To qualify for appointment as the
12 Chief Operating Officer, a person shall—

13 “(1) be a continuing care retirement community pro-
14 fessional;

15 “(2) have appropriate leadership and management
16 skills; and

17 “(3) have experience and expertise in the operation
18 and management of retirement homes and in the provision
19 of long-term medical care for older persons.

20 “(c) RESPONSIBILITIES.—(1) The Chief Operating Officer
21 shall be responsible to the Secretary of Defense for the overall
22 direction, operation, and management of the Retirement Home
23 and shall report to the Secretary on those matters.

24 “(2) The Chief Operating Officer shall supervise the oper-
25 ation and administration of the Armed Forces Retirement
26 Home—Washington and the Armed Forces Retirement
27 Home—Gulfport, including the Local Boards of those facilities.

28 “(3) The Chief Operating Officer shall perform the fol-
29 lowing duties:

30 “(A) Issue, and ensure compliance with, appropriate
31 rules for the operation of the Retirement Home.

32 “(B) Periodically visit, and inspect the operation of,
33 the facilities of the Retirement Home.

34 “(C) Periodically examine and audit the accounts of
35 the Retirement Home.

36 “(D) Establish any advisory body or bodies that the
37 Chief Operating Officer considers to be necessary.

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1 “(d) COMPENSATION.—(1) The Secretary of Defense may
2 prescribe the pay of the Chief Operating Officer, except that
3 the annual rate of basic pay, including locality pay, of the Chief
4 Operating Officer may not exceed the annual rate of basic pay
5 payable for level III of the Executive Schedule under section
6 5314 of title 5, United States Code.

7 “(2) In addition to basic pay and any locality pay pre-
8 scribed for the Chief Operating Officer, the Secretary may
9 award the Chief Operating Officer, not more than once each
10 year, a bonus based on the performance of the Chief Operating
11 Officer for the year. The Secretary shall prescribe the amount
12 of any such bonus.

13 “(3) The total amount of the basic pay and bonus paid the
14 Chief Operating Officer for a year under this section may not
15 exceed the annual rate of basic pay payable for level I of the
16 Executive Schedule under section 5312 of title 5, United States
17 Code.

18 “(e) ADMINISTRATIVE STAFF.—(1) The Chief Operating
19 Officer may, subject to the approval of the Secretary of De-
20 fense, appoint a staff to assist in the performance of the Chief
21 Operating Officer’s duties in the overall administration of the
22 Retirement Home.

23 “(2) The Chief Operating Officer shall prescribe the rates
24 of pay applicable to the members of the staff appointed under
25 paragraph (1), except that—

26 “(A) a staff member who is a member of the Armed
27 Forces on active duty or who is a full-time officer or em-
28 ployee of the United States may not receive additional pay
29 by reason of service on the administrative staff; and

30 “(B) the limitations in section 5373 of title 5, United
31 States Code, relating to pay set by administrative action,
32 shall apply to the rates of pay prescribed under this para-
33 graph.

34 “(f) ACCEPTANCE OF GIFTS.—(1) The Chief Operating
35 Officer may accept gifts of money, property, and facilities on
36 behalf of the Retirement Home.

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1 “(2) Monies received as gifts, or realized from the disposi-
2 tion of property and facilities received as gifts, shall be depos-
3 ited in the Armed Forces Retirement Home Trust Fund.”.

4 (b) TRANSFER OF AUTHORITIES.—(1) The following pro-
5 visions are amended by striking “Retirement Home Board”
6 each place it appears and inserting “Chief Operating Officer”:

7 (A) Section 1512 (24 U.S.C. 412), relating to eligi-
8 bility and acceptance for residence in the Armed Forces
9 Retirement Home.

10 (B) Section 1513(a) (24 U.S.C. 412(a)), relating to
11 services provided to residents of the Armed Forces Retire-
12 ment Home.

13 (C) Section 1518(c) (24 U.S.C. 418(c)), relating to in-
14 spection of the Armed Forces Retirement Home.

15 (2) Section 1519(c) (24 U.S.C. 419(c)), relating to au-
16 thority to invest funds in the Armed Forces Retirement Home
17 Trust Fund, is amended by striking “Director” and inserting
18 “Chief Operating Officer”.

19 (3) Section 1521(a) (24 U.S.C. 421(a)), relating to pay-
20 ment of residents for services, is amended by striking “Chair-
21 man of the Armed Forces Retirement Board” and inserting
22 “Chief Operating Officer”.

23 (4) Section 1522 (24 U.S.C. 422), relating to authority to
24 accept certain uncompensated services, is amended—

25 (A) in subsection (a)—

26 (i) by striking “Chairman of the Retirement Home
27 Board or the Director of each establishment” and in-
28 serting “Chief Operating Officer or the Director of a
29 facility”; and

30 (ii) by striking “unless” and all that follows
31 through “Retirement Home Board”;

32 (B) in subsection (b)(1)—

33 (i) by striking “Chairman of the Retirement Home
34 Board or the Director of the establishment” and insert-
35 ing “Chief Operating Officer or the Director of a facil-
36 ity”; and

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1 (ii) by inserting “offering the services” after “no-
2 tify the person”;

3 (C) in subsection (b)(2), by striking “Chairman” and
4 inserting “Chief Operating Officer”;

5 (D) in subsection (c), by striking “Chairman of the
6 Retirement Home Board or the Director of an establish-
7 ment” and inserting “Chief Operating Officer or the Direc-
8 tor of a facility”; and

9 (E) in subsection (e)—

10 (i) by striking “Chairman of the Retirement
11 Board or the Director of the establishment” in the first
12 sentence and inserting “Chief Operating Officer or the
13 Director of a facility”; and

14 (ii) by striking “Chairman” in the second sentence
15 and inserting “Chief Operating Officer”.

16 (5) Section 1523(b) (24 U.S.C. 423(b)), relating to preser-
17 vation of historic buildings and grounds at the Armed Forces
18 Retirement Home—Washington, is amended by striking
19 “Chairman of the Retirement Home Board” and inserting
20 “Chief Operating Officer”.

21 **SEC. 1405. RESIDENTS OF RETIREMENT HOME.**

22 (a) REPEAL OF REQUIREMENT OF RESIDENT TO RE-
23 APPLY AFTER SUBSTANTIAL ABSENCE.—Subsection (e) of sec-
24 tion 1512 (24 U.S.C. 412) is repealed.

25 (b) FEES PAID BY RESIDENTS.—Section 1514 (24 U.S.C.
26 414) is amended to read as follows:

27 **“SEC. 1514. FEES PAID BY RESIDENTS.**

28 “(a) MONTHLY FEES.—The Director of each facility of
29 the Retirement Home shall collect a monthly fee from each
30 resident of that facility.

31 “(b) DEPOSIT OF FEES.—The Directors shall deposit fees
32 collected under subsection (a) in the Armed Forces Retirement
33 Home Trust Fund.

34 “(c) FIXING FEES.—(1) The Chief Operating Officer, with
35 the approval of the Secretary of Defense, shall from time to
36 time prescribe the fees required by subsection (a). Changes to
37 such fees shall be based on the financial needs of the Retire-

1 ment Home and the ability of the residents to pay. A change
2 of a fee may not take effect until 120 days after the Secretary
3 of Defense transmits a notification of the change to the Com-
4 mittees on Armed Services of the Senate and the House of
5 Representatives.

6 “(2) The fee shall be fixed as a percentage of the monthly
7 income and monthly payments (including Federal payments)
8 received by a resident. The percentage shall be the same for
9 each facility of the Retirement Home. The Secretary of Defense
10 may make any adjustment in a percentage that the Secretary
11 determines appropriate.

12 “(3) The fee shall be subject to a limitation on maximum
13 monthly amount. The amount of the limitation shall be in-
14 creased, effective on January 1 of each year, by the percentage
15 of the increase in retired pay and retainer pay that takes effect
16 on the preceding December 1 under subsection (b) of section
17 1401a of title 10, United States Code, without regard to para-
18 graph (3) of such subsection. The first increase in a limitation
19 on maximum monthly amount shall take effect on January 1,
20 2003.

21 “(d) TRANSITIONAL FEE STRUCTURES.—(1) Until dif-
22 ferent fees are prescribed and take effect under subsection (c),
23 the percentages and limitations on maximum monthly amount
24 that are applicable to fees charged residents of the Retirement
25 Home are (subject to any adjustment that the Secretary of De-
26 fense determines appropriate) as follows:

27 “(A) For months beginning before January 1, 2002—

28 “(i) for a permanent health care resident, 65 per-
29 cent (without limitation on maximum monthly amount);
30 and

31 “(ii) for a resident who is not a permanent health
32 care resident, 40 percent (without limitation on max-
33 imum monthly amount).

34 “(B) For months beginning after December 31,
35 2001—

36 “(i) for an independent living resident, 35 percent,
37 but not to exceed \$1,000 each month;

1 “(ii) for an assisted living resident, 40 percent,
2 but not to exceed \$1,500 each month; and

3 “(iii) for a long-term care resident, 65 percent,
4 but not to exceed \$2,500 each month.

5 “(2) Notwithstanding the limitations on maximum month-
6 ly amount prescribed under subsection (c) or set forth in para-
7 graph (1)(B), until the earlier of December 31, 2006, or the
8 date on which an independent living resident or assisted living
9 resident of the Armed Forces Retirement Home—Gulfport oc-
10 cupies a renovated room at that facility, as determined by the
11 Secretary of Defense, the limitation on maximum monthly
12 amount applicable to the resident for months beginning after
13 December 31, 2001, shall be—

14 “(A) in the case of an independent living resident,
15 \$800; and

16 “(B) in the case of an assisted living resident, \$1,300.

17 **SEC. 1406. LOCAL BOARDS OF TRUSTEES.**

18 Section 1516 (24 U.S.C. 416) is amended to read as fol-
19 lows:

20 **“SEC. 1516. LOCAL BOARDS OF TRUSTEES.**

21 “(a) ESTABLISHMENT.—Each facility of the Retirement
22 Home shall have a Local Board of Trustees.

23 “(b) DUTIES.—The Local Board for a facility shall serve
24 in an advisory capacity to the Director of the facility and to
25 the Chief Operating Officer.

26 “(c) COMPOSITION.—(1) The Local Board for a facility
27 shall consist of at least 11 members who (except as otherwise
28 specifically provided) shall be appointed by the Secretary of De-
29 fense in consultation with each of the Secretaries of the mili-
30 tary departments concerned. At least one member of the Local
31 Board shall have a perspective that is oriented toward the Re-
32 tirement Home overall. The Local Board for a facility shall
33 consist of the following members:

34 “(A) One member who is a civilian expert in nursing
35 home or retirement home administration and financing
36 from the geographical area of the facility.

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1 “(B) One member who is a civilian expert in geron-
2 tology from the geographical area of the facility.

3 “(C) One member who is a service expert in financial
4 management.

5 “(D) One representative of the Department of Vet-
6 erans Affairs regional office nearest in proximity to the fa-
7 cility, who shall be designated by the Secretary of Veterans
8 Affairs.

9 “(E) One representative of the resident advisory com-
10 mittee or council of the facility.

11 “(F) One enlisted representative of the Services’ Re-
12 tiree Advisory Council.

13 “(G) The senior noncommissioned officer of one of the
14 Armed Forces.

15 “(H) One senior representative of the military hospital
16 nearest in proximity to the facility.

17 “(I) One senior judge advocate from one of the Armed
18 Forces.

19 “(J) The Director of the facility, who shall be a non-
20 voting member.

21 “(K) One senior representative of one of the chief per-
22 sonnel officers of the Armed Forces.

23 “(L) Other members designated by the Secretary of
24 Defense (if the Local Board is to have more than 11 mem-
25 bers).

26 “(2) The Secretary of Defense shall designate one member
27 of a Local Board to serve as the chairman of the Local Board
28 at the pleasure of the Secretary of Defense.

29 “(d) TERMS.—(1) Except as provided in subsections (e),
30 (f), and (g), the term of office of a member of a Local Board
31 shall be five years.

32 “(2) Unless earlier terminated by the Secretary of De-
33 fense, a person may continue to serve as a member of the Local
34 Board after the expiration of the member’s term until a suc-
35 cessor is appointed or designated, as the case may be.

36 “(e) EARLY EXPIRATION OF TERM.—A member of a Local
37 Board who is a member of the Armed Forces or an employee

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1 of the United States serves as a member of the Local Board
2 only for as long as the member is assigned to or serving in a
3 position for which the duties include the duty to serve as a
4 member of the Local Board.

5 “(f) VACANCIES.—(1) A vacancy in the membership of a
6 Local Board shall be filled in the manner in which the original
7 appointment or designation was made, as the case may be.

8 “(2) A member appointed or designated to fill a vacancy
9 occurring before the end of the term of the predecessor of the
10 member shall be appointed or designated, as the case may be,
11 for the remainder of the term for which the predecessor was
12 appointed.

13 “(3) A vacancy in a Local Board shall not affect its au-
14 thority to perform its duties.

15 “(g) EARLY TERMINATION.—The Secretary of Defense
16 may terminate the appointment of a member of a Local Board
17 before the expiration of the member’s term for any reason that
18 the Secretary determines appropriate.

19 “(h) COMPENSATION.—(1) Except as provided in para-
20 graph (2), a member of a Local Board shall—

21 “(A) be provided a stipend consistent with the daily
22 government consultant fee for each day on which the mem-
23 ber is engaged in the performance of services for the Local
24 Board; and

25 “(B) while away from home or regular place of busi-
26 ness in the performance of services for the Local Board, be
27 allowed travel expenses (including per diem in lieu of sub-
28 sistence) in the same manner as a person employed inter-
29 mittently in Government under sections 5701 through 5707
30 of title 5, United States Code.

31 “(2) A member of a Local Board who is a member of the
32 Armed Forces on active duty or a full-time officer or employee
33 of the United States shall receive no additional pay by reason
34 of serving a member of a Local Board.”

1 **SEC. 1407. DIRECTORS, DEPUTY DIRECTORS, ASSOCIATE**
2 **DIRECTORS, AND STAFF OF FACILITIES.**

3 Section 1517 (24 U.S.C. 417) is amended to read as fol-
4 lows:

5 **“SEC. 1517. DIRECTORS, DEPUTY DIRECTORS, ASSO-**
6 **CIATE DIRECTORS, AND STAFF OF FACILI-**
7 **TIES.**

8 “(a) APPOINTMENT.—The Secretary of Defense shall ap-
9 point a Director, a Deputy Director, and an Associate Director
10 for each facility of the Retirement Home.

11 “(b) DIRECTOR.—The Director of a facility shall—

12 “(1) be a civilian with experience as a continuing care
13 retirement community professional or a member of the
14 Armed Forces serving on active duty in a grade below brig-
15 adier general or, in the case of the Navy, rear admiral
16 (lower half);

17 “(2) have appropriate leadership and management
18 skills; and

19 “(3) be required to pursue a course of study to receive
20 certification as a retirement facilities director by an appro-
21 priate civilian certifying organization, if the Director is not
22 so certified at the time of appointment.

23 “(c) DUTIES OF DIRECTOR.—(1) The Director of a facility
24 shall be responsible for the day-to-day operation of the facility,
25 including the acceptance of applicants to be residents of that
26 facility.

27 “(2) The Director of a facility shall keep accurate and
28 complete records of the facility.

29 “(d) DEPUTY DIRECTOR.—(1) The Deputy Director of a
30 facility shall—

31 “(A) be a civilian with experience as a continuing care
32 retirement community professional or a member of the
33 Armed Forces serving on active duty in a grade below colo-
34 nel or, in the case of the Navy, captain; and

35 “(B) have appropriate leadership and management
36 skills.

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1 “(2) The Deputy Director of a facility shall serve at the
2 pleasure of the Secretary of Defense.

3 “(e) DUTIES OF DEPUTY DIRECTOR.—The Deputy Direc-
4 tor of a facility shall, under the authority, direction, and con-
5 trol of the Director of the facility, perform such duties as the
6 Director may assign.

7 “(f) ASSOCIATE DIRECTOR.—(1) The Associate Director
8 of a facility shall—

9 “(A) be a member of the Armed Forces serving on ac-
10 tive duty in the grade of Sergeant Major, Master Chief
11 Petty Officer, or Chief Master Sergeant or a member or
12 former member retired in that grade; and

13 “(B) have appropriate leadership and management
14 skills.

15 “(2) The Associate Director of a facility shall serve at the
16 pleasure of the Secretary of Defense.

17 “(g) DUTIES OF ASSOCIATE DIRECTOR.—The Associate
18 Director of a facility shall, under the authority, direction, and
19 control of the Director and Deputy Director of the facility,
20 serve as ombudsman for the residents and perform such other
21 duties as the Director may assign.

22 “(h) STAFF.—(1) The Director of a facility may, subject
23 to the approval of the Chief Operating Officer, appoint and
24 prescribe the pay of such principal staff as the Director con-
25 siders appropriate to assist the Director in operating the facil-
26 ity.

27 “(2) The principal staff of a facility shall include persons
28 with experience and expertise in the operation and management
29 of retirement homes and in the provision of long-term medical
30 care for older persons.

31 “(i) ANNUAL EVALUATION OF DIRECTORS.—(1) The Chief
32 Operating Officer shall evaluate the performance of each of the
33 Directors of the facilities of the Retirement Home each year.

34 “(2) The Chief Operating Officer shall submit to the Sec-
35 retary of Defense any recommendations regarding a Director
36 that the Chief Operating Officer determines appropriate taking
37 into consideration the annual evaluation.”.

1 **SEC. 1408. DISPOSITION OF EFFECTS OF DECEASED**
2 **PERSONS AND UNCLAIMED PROPERTY.**

3 (a) LEGAL REPRESENTATION FOR RETIREMENT HOME.—
4 Subsection (b)(2)(A) of section 1520 (24 U.S.C. 420) is
5 amended by inserting “who is a full-time officer or employee
6 of the United States or a member of the Armed Forces on ac-
7 tive duty” after “may designate an attorney”.

8 (b) CORRECTION OF REFERENCE.—Subsection (b)(1)(B)
9 of such section is amended by inserting “Armed Forces” before
10 “Retirement Home Trust Fund”.

11 **SEC. 1409. TRANSITIONAL PROVISIONS.**

12 Part B is amended by striking sections 1531, 1532, and
13 1533 and inserting the following new sections:

14 **“SEC. 1531. TEMPORARY CONTINUATION OF ARMED**
15 **FORCES RETIREMENT HOME BOARD.**

16 “Until the Secretary of Defense appoints the first Chief
17 Operating Officer after the enactment of the National Defense
18 Authorization Act for Fiscal Year 2002, the Armed Forces Re-
19 tirement Home Board, as constituted on the day before the
20 date of the enactment of that Act, shall continue to serve and
21 shall perform the duties of the Chief Operating Officer.

22 **“SEC. 1532. DIRECTORS OF FACILITIES.**

23 “(a) ACTIVE DUTY OFFICERS.—During the three-year pe-
24 riod beginning on the date of the enactment of the National
25 Defense Authorization Act for Fiscal Year 2002, the Directors
26 and Deputy Directors of the facilities shall be members of the
27 Armed Forces serving on active duty, notwithstanding the au-
28 thority in subsections (b) and (d) of section 1517 for the Direc-
29 tors and Deputy Directors to be civilians.

30 “(b) TEMPORARY CONTINUATION OF DIRECTOR OF THE
31 ARMED FORCES RETIREMENT HOME—WASHINGTON.—The
32 person serving as the Director of the Armed Forces Retirement
33 Home—Washington on the day before the enactment of the
34 National Defense Authorization Act for Fiscal Year 2002 may
35 continue to serve as the Director of that facility until April 2,
36 2002.

1 **“SEC. 1533. TEMPORARY CONTINUATION OF INCUMBENT**
2 **DEPUTY DIRECTORS.**

3 “A person serving as the Deputy Director of a facility of
4 the Retirement Home on the day before the enactment of the
5 National Defense Authorization Act for Fiscal Year 2002 may
6 continue to serve, at the pleasure of the Secretary of Defense,
7 as the Deputy Director until the date on which a Deputy Direc-
8 tor is appointed for that facility under section 1517, except
9 that the service in that position may not continue under this
10 section after December 31, 2004.”.

11 **SEC. 1410. CONFORMING AND CLERICAL AMENDMENTS**
12 **AND REPEALS OF OBSOLETE PROVISIONS.**

13 (a) CONFORMING AMENDMENTS.—(1) Section 1513(b) (24
14 U.S.C. 413(b)), relating to services provided to residents of the
15 Armed Forces Retirement Home, is amended by striking
16 “maintained as a separate establishment” in the second sen-
17 tence.

18 (2) The heading for section 1519 (24 U.S.C. 419) is
19 amended to read as follows:

20 **“SEC. 1519. ARMED FORCES RETIREMENT HOME TRUST**
21 **FUND.”.**

22 (3) Section 1520 (24 U.S.C. 420), relating to disposition
23 of effects of deceased persons and unclaimed property, is
24 amended—

25 (A) in subsection (a), by striking “each facility that is
26 maintained as a separate establishment” and inserting “a
27 facility”;

28 (B) in subsection (b)(2)(A), by striking “maintained
29 as a separate establishment”; and

30 (C) in subsection (e), by striking “Directors” and in-
31 sserting “Director of the facility”.

32 (4)(A) Section 1523 (24 U.S.C. 423), relating to preserva-
33 tion of historic buildings and grounds at the Armed Forces Re-
34 tirement Home—Washington, is amended by striking “United
35 States Soldiers’ and Airmen’s Home” each place it appears and
36 inserting “Armed Forces Retirement Home—Washington”.

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1 (B) The heading for such section is amended to read as
2 follows:

3 **“SEC. 1523. PRESERVATION OF HISTORIC BUILDINGS**
4 **AND GROUNDS AT THE ARMED FORCES RE-**
5 **TIREMENT HOME—WASHINGTON.”.**

6 (5) Section 1524 (24 U.S.C. 424), relating to conditional
7 supervisory control of the Retirement Home Board, is repealed.

8 (b) REPEAL OF OBSOLETE PROVISIONS.—The following
9 provisions are repealed:

10 (1) Section 1512(f) (24 U.S.C. 412(f)), relating to the
11 applicability of certain eligibility requirements.

12 (2) Section 1519(d) (24 U.S.C. 419(d)), relating to
13 transitional accounts in the Armed Forces Retirement
14 Home Trust Fund.

15 (3) Part C, relating to effective date and authorization
16 of appropriations.

17 (c) ADDITION OF TABLE OF CONTENTS.—Section 1501
18 (24 U.S.C. 401 note) is amended—

19 (1) by inserting “(a) SHORT TITLE.—” before “This
20 title”; and

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

22 “(b) TABLE OF CONTENTS.—The table of contents for
23 this title is as follows:

“Sec. 1501. Short title; table of contents.

“Sec. 1502. Definitions.

“PART A—ESTABLISHMENT AND OPERATION OF RETIREMENT HOME

“Sec. 1511. Establishment of the Armed Forces Retirement Home.

“Sec. 1512. Residents of Retirement Home.

“Sec. 1513. Services provided residents.

“Sec. 1514. Fees paid by residents.

“Sec. 1515. Chief Operating Officer.

“Sec. 1516. Local Boards of Trustees.

“Sec. 1517. Directors, Deputy Directors, Associate Directors, and staff of
facilities.

“Sec. 1518. Inspection of Retirement Home.

“Sec. 1519. Armed Forces Retirement Home Trust Fund.

“Sec. 1520. Disposition of effects of deceased persons; unclaimed property.

“Sec. 1521. Payment of residents for services.

“Sec. 1522. Authority to accept certain uncompensated services.

“Sec. 1523. Preservation of historic buildings and grounds at the Armed
Forces Retirement Home—Washington.

“PART B—TRANSITIONAL PROVISIONS

“Sec. 1531. Temporary Continuation of Armed Forces Retirement Home Board.

“Sec. 1532. Directors of Facilities.

“Sec. 1533. Temporary Continuation of Incumbent Deputy Directors.”.

1 **TITLE XV—ACTIVITIES RELATING**
 2 **TO COMBATING TERRORISM**

Subtitle A—Increased Funding for Combating Terrorism

Sec. 1501. Definitions.

Sec. 1502. Authorization of emergency appropriations for fiscal year 2001 made by Public Law 107–38 and allocated for national defense functions.

Sec. 1503. Authorization of emergency supplemental appropriations for fiscal year 2002.

Sec. 1504. Authorization of use of funds for military construction projects.

Sec. 1505. Treatment of transferred amounts.

Sec. 1506. Quarterly reports.

Subtitle B—Policy Matters Relating to Combating Terrorism

Sec. 1511. Study and report on the role of the Department of Defense with respect to homeland security.

Sec. 1512. Combating Terrorism Readiness Initiatives Fund for combatant commands.

Sec. 1513. Conveyances of equipment and related materials loaned to State and local governments as assistance for emergency response to a use or threatened use of a weapon of mass destruction.

Sec. 1514. Two-year extension of advisory panel to assess domestic response capabilities for terrorism involving weapons of mass destruction.

3 **Subtitle A—Increased Funding for**
 4 **Combating Terrorism**

5 **SEC. 1501. DEFINITIONS.**

6 For purposes of this subtitle:

7 (1) The term “ETR Supplemental Appropriations Act,
 8 2001” means the 2001 Emergency Supplemental Appropria-
 9 tions Act for Recovery from and Response to Terrorist
 10 Attacks on the United States (Public Law 107–38).

11 (2) The term “Emergency Supplemental Appropria-
 12 tions Act, 2002” means an Act (or a portion of an Act)
 13 making available for obligation emergency appropriations
 14 that were provided, subject to enactment in a subsequent
 15 appropriation Act, in the ETR Supplemental Appropria-
 16 tions Act, 2001.

17 **SEC. 1502. AUTHORIZATION OF EMERGENCY APPRO-**
 18 **PRIATIONS FOR FISCAL YEAR 2001 MADE BY**
 19 **PUBLIC LAW 107-38 AND ALLOCATED FOR**
 20 **NATIONAL DEFENSE FUNCTIONS.**

21 (a) **ADJUSTMENT IN AUTHORIZATION AMOUNTS.—(1)**

22 Subject to paragraph (2), amounts authorized to be appro-

1 appropriated for fiscal year 2001 in the Floyd D. Spence National
2 Defense Authorization Act for Fiscal Year 2001 (as enacted
3 into law by Public Law 106–398) are hereby increased, with
4 respect to any such authorized amount, by the amount (if any)
5 by which appropriations pursuant to such authorization are in-
6 creased by amounts appropriated in the ETR Supplemental
7 Appropriations Act, 2001, and transferred by the President
8 (before the date of the enactment of this Act) to the Depart-
9 ment of Defense or the National Nuclear Security Administra-
10 tion and subsequently allocated to such appropriations.

11 (2) Authorization amounts may not be increased under
12 paragraph (1) in excess of amounts derived from allocation of
13 the amounts specified in subsection (b), for the Department of
14 Defense, and in subsection (c), for the National Nuclear Secu-
15 rity Administration.

16 (b) DEPARTMENT OF DEFENSE.—Amounts referred to in
17 subsection (a)(2) for the Department of Defense are amounts
18 for emergency expenses to respond to the terrorist attacks on
19 the United States that occurred on September 11, 2001, allo-
20 cated to the Department of Defense for fiscal year 2001 for the
21 use of the Armed Forces and other activities and agencies of
22 the Department of Defense, including the purposes stated in
23 section 1504, in the total amount of \$13,741,000,000, as fol-
24 lows:

25 (1) INCREASED SITUATIONAL AWARENESS.—For In-
26 creased Situational Awareness, \$4,272,000,000.

27 (2) ENHANCED FORCE PROTECTION.—For Enhanced
28 Force Protection, \$1,509,000,000.

29 (3) IMPROVED COMMAND AND CONTROL.—For Im-
30 proved Command and Control, \$1,403,000,000.

31 (4) INCREASED WORLDWIDE POSTURE.—For In-
32 creased Worldwide Posture, \$3,603,000,000.

33 (5) OFFENSIVE COUNTERTERRORISM.—For Offensive
34 Counterterrorism, \$1,459,000,000.

35 (6) INITIAL CRISIS RESPONSE.—For Initial Crisis Re-
36 sponse, \$637,000,000.

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1 (7) PENTAGON REPAIR AND UPGRADE.—For Pentagon
2 Repair and Upgrade Activities, \$530,000,000.

3 (8) FUEL COSTS.—For increased fuel costs,
4 \$100,000,000.

5 (9) AIRPORT AND BORDER SECURITY.—For airport
6 and border security, \$228,000,000.

7 (c) NNSA.—The amount referred to in subsection (a)(2)
8 for the National Nuclear Security Administration is the amount
9 of \$5,000,000 for emergency expenses to respond to the ter-
10 rorist attacks on the United States that occurred on September
11 11, 2001, allocated for fiscal year 2001 atomic energy defense
12 activities of the National Nuclear Security Administration for
13 weapons activities.

14 (d) TREATMENT AS ADDITIONAL AUTHORIZATIONS.—The
15 amounts authorized to be appropriated by this section are in
16 addition to amounts otherwise authorized to be appropriated by
17 the Floyd D. Spence National Defense Authorization Act for
18 Fiscal Year 2001 (as enacted into law by Public Law 106–398)
19 or any other Act, for fiscal year 2001 for the use of the Armed
20 Forces and other activities and agencies of the Department of
21 Defense and for the use of the National Nuclear Security Ad-
22 ministration.

23 **SEC. 1503. AUTHORIZATION OF EMERGENCY SUPPLE-**
24 **MENTAL APPROPRIATIONS FOR FISCAL**
25 **YEAR 2002.**

26 (a) DEPARTMENT OF DEFENSE.—For emergency expenses
27 to respond to the September 11, 2001, terrorist attacks on the
28 United States, funds are hereby authorized to be appropriated
29 to the Defense Emergency Response Fund for fiscal year 2002
30 for the use of the Armed Forces and other activities and agen-
31 cies of the Department of Defense, including the purposes stat-
32 ed in section 1504, in the total amount of \$7,349,000,000, as
33 follows:

34 (1) INCREASED SITUATIONAL AWARENESS.—For In-
35 creased Situational Awareness, \$1,735,000,000.

36 (2) ENHANCED FORCE PROTECTION.—For Enhanced
37 Force Protection, \$881,000,000.

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1 (3) IMPROVED COMMAND AND CONTROL.—For Im-
2 proved Command and Control, \$219,000,000.

3 (4) INCREASED WORLDWIDE POSTURE.—For In-
4 creased Worldwide Posture, \$2,938,000,000.

5 (5) OFFENSIVE COUNTERTERRORISM.—For Offensive
6 Counterterrorism, \$545,000,000.

7 (6) INITIAL CRISIS RESPONSE.—For Initial Crisis Re-
8 sponse, \$106,000,000.

9 (7) PENTAGON REPAIR AND UPGRADE.—For Pentagon
10 Repair and Upgrade Activities, \$925,000,000.

11 (b) NNSA.—For emergency expenses to respond to the
12 September 11, 2001, terrorist attacks on the United States and
13 for other expenses to increase the security of the Nation’s nu-
14 clear weapons complex, funds are hereby authorized to be ap-
15 propriated for fiscal year 2002 for the atomic energy defense
16 activities of the National Nuclear Security Administration in
17 the amount of \$106,000,000, to be available for weapons activi-
18 ties.

19 (c) DEPARTMENT OF ENERGY.—For emergency expenses
20 to respond to the September 11, 2001, terrorist attacks on the
21 United States, funds are hereby authorized to be appropriated
22 for fiscal year 2002 to the Department of Energy in the total
23 amount of \$11,700,000, as follows:

24 (1) For Defense Environmental Restoration and
25 Waste Management, \$8,200,000.

26 (2) For Other Defense Activities, \$3,500,000.

27 (d) TRANSFER OF DEFENSE FUNDS.—In order to carry
28 out the specified purposes in subsection (a), the Secretary of
29 Defense may transfer amounts authorized by subsection (a)
30 from the Defense Emergency Response Fund to any other de-
31 fense appropriations account, including the account “Support
32 for International Sporting Events, Defense” and any military
33 construction account as provided in section 1504.

34 (e) AVAILABILITY.—Amounts appropriated pursuant to
35 authorizations in this section may remain available until ex-
36 pended, if so provided in appropriations Acts.

1 (f) SOURCE OF FUNDS.—Amounts appropriated pursuant
2 to authorizations in this section shall be derived from amounts
3 provided, subject to subsequent appropriation, in the ETR Sup-
4 plemental Appropriations Act, 2001.

5 (g) TREATMENT AS ADDITIONAL AUTHORIZATIONS.—The
6 amounts authorized to be appropriated by this section are in
7 addition to amounts otherwise authorized to be appropriated,
8 by the other provisions of this Act or by any other Act, for fis-
9 cal year 2001 for the use of the Armed Forces and other activi-
10 ties and agencies of the Department of Defense and for the use
11 of the National Nuclear Security Administration.

12 **SEC. 1504. AUTHORIZATION OF USE OF FUNDS FOR MILI-**
13 **TARY CONSTRUCTION PROJECTS.**

14 (a) AUTHORITY FOR USE OF FUNDS.—Qualified emer-
15 gency defense appropriations may be used to acquire real prop-
16 erty and carry out military construction projects not otherwise
17 authorized by law that the Secretary of Defense determines are
18 necessary to respond to or protect against acts or threatened
19 acts of terrorism or to respond to the terrorist attacks on the
20 United States that occurred on September 11, 2001.

21 (b) PROJECT AUTHORIZATION.—Any project with respect
22 to which the Secretary makes a determination under subsection
23 (a) and that is to be carried out using qualified emergency de-
24 fense appropriations is hereby authorized for purposes of sec-
25 tion 2802 of title 10, United States Code.

26 (c) QUALIFIED EMERGENCY DEFENSE APPROPRIA-
27 TIONS.—For purposes of this subsection, the term “qualified
28 emergency defense appropriations” means emergency appro-
29 priations available to the Department of Defense that are au-
30 thorized by section 1502 or 1503.

31 **SEC. 1505. TREATMENT OF TRANSFERRED AMOUNTS.**

32 Amounts transferred under authority of section 1502 or
33 1503 shall be merged with, and shall be available for the same
34 purposes and for the same time period as, the accounts to
35 which transferred. The transfer authority under those sections
36 is in addition to the transfer authority provided by section
37 1001 or any other provision of law.

SEC. 1506. QUARTERLY REPORTS.

(a) QUARTERLY REPORT.—Promptly after the end of each quarter of a fiscal year, the Secretary of Defense and the Director of Central Intelligence shall each submit to the congressional defense committees a report (in classified and unclassified form, as needed) on the use of funds authorized by this subtitle. Each such report shall, at a minimum, specify the following:

(1) Any balance of funds remaining in the Defense Emergency Response Fund as of the end of the quarter covered by the report.

(2) The accounts to which funds have been transferred or are to be transferred and the amount of each such transfer.

(3) Within such accounts, each project to which any such funds have been transferred or are to be transferred and the amount of funds obligated and the amount expended for each such project as of the end of the quarter covered by the report.

(b) INITIAL REPORT.—The first report under subsection (a) shall be submitted not later than January 2, 2002.

(c) FINAL REPORT.—No further report under subsection (a) is required after all funds made available to the Department of Defense pursuant to such Act have been obligated.

**Subtitle B—Policy Matters Relating
to Combating Terrorism****SEC. 1511. STUDY AND REPORT ON THE ROLE OF THE
DEPARTMENT OF DEFENSE WITH RESPECT
TO HOMELAND SECURITY.**

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on the appropriate role of the Department of Defense with respect to homeland security. The study shall identify and describe the policies, plans, and procedures of the Department of Defense for combating terrorism, including for the provision of support for the consequence management activities of other Federal, State, and local agencies. The study shall specifically identify the following:

1 (1) The strategy, roles, and responsibilities of the De-
2 partment of Defense for combating terrorism.

3 (2) How the Department of Defense will interact with
4 the Office of Homeland Security and how intelligence shar-
5 ing efforts of the Department of Defense will be organized
6 relative to other Federal agencies and departments and
7 State and local governments.

8 (3) The ability of the Department of Defense to pro-
9 tect the United States from airborne threats, including
10 threats originating from within the borders of the United
11 States.

12 (4) Improvements that could be made to enhance the
13 security of the people of the United States against terrorist
14 threats and recommended actions (including legislative ac-
15 tion) and programs to address and overcome existing
16 vulnerabilities.

17 (5) The policies, plans, and procedures relating to how
18 the civilian official in the Department of Defense respon-
19 sible for combating terrorism and the Joint Task Force
20 Civil Support of the Joint Forces Command will coordinate
21 the performance of functions for combating terrorism
22 with—

23 (A) teams in the Department of Defense that have
24 responsibilities for responding to acts or threats of ter-
25 rorism, including—

26 (i) weapons of mass destruction civil support
27 teams when operating as the National Guard under
28 the command of the Governor of a State, the Gov-
29 ernor of Puerto Rico, or the Commanding General
30 of the District of Columbia National Guard;

31 (ii) weapons of mass destruction civil support
32 teams when operating as the Army National Guard
33 of the United States or the Air National Guard of
34 the United States under the command of the Presi-
35 dent;

36 (iii) teams in the departments and agencies of
37 the Federal Government other than the Depart-

1 ment of Defense that have responsibilities for re-
2 sponding to acts or threats of terrorism;

3 (iv) organizations outside the Federal Govern-
4 ment, including any State, local and private enti-
5 ties, that function as first responders to acts or
6 threats of terrorism; and

7 (v) units and organizations of the Reserve
8 Components of the Armed Forces that have mis-
9 sions relating to combating terrorism;

10 (B) the Director of Military Support of the De-
11 partment of the Army;

12 (C) any preparedness plans to combat terrorism
13 that are developed for installations of the Department
14 of Defense by the commanders of the installations and
15 the integration of those plans with the plans of the
16 teams and organizations described in subparagraph
17 (A);

18 (D) the policies, plans and procedures for using
19 and coordinating the integrated vulnerability assess-
20 ment teams of the Joint Staff inside and outside the
21 United States; and

22 (E) the missions of Fort Leonard Wood and other
23 installations for training units, weapons of mass de-
24 struction civil support teams and other teams, and indi-
25 viduals in combating terrorism.

26 (6) The appropriate number and missions of the teams
27 referred to in paragraph (5)(A)(i).

28 (7) How the Department of Defense Weapons of Mass
29 Destruction Civil Support Teams should interact with the
30 Federal Bureau of Investigation and the Federal Emer-
31 gency Management Agency during crisis response and con-
32 sequence management situations.

33 (b) REPORT.—Not later than 180 days after the date of
34 the enactment of this Act, the Secretary shall submit to Con-
35 gress a report including the findings of the study conducted
36 under subsection (a).

1 **SEC. 1512. COMBATING TERRORISM READINESS INITIA-**
2 **TIVES FUND FOR COMBATANT COMMANDS.**

3 (a) FUNDING FOR INITIATIVES.—Chapter 6 of title 10,
4 United States Code, is amended by inserting after section 166a
5 the following new section:

6 **“§ 166b. Combatant commands: funding for com-**
7 **bating terrorism readiness initiatives**

8 “(a) COMBATING TERRORISM READINESS INITIATIVES
9 FUND.—From funds made available in any fiscal year for the
10 budget account in the Department of Defense known as the
11 ‘Combating Terrorism Readiness Initiatives Fund’, the Chair-
12 man of the Joint Chiefs of Staff may provide funds to the com-
13 mander of a combatant command, upon the request of the com-
14 mander, or, with respect to a geographic area or areas not
15 within the area of responsibility of a commander of a combat-
16 ant command, to an officer designated by the Chairman of the
17 Joint Chiefs of Staff for such purpose. The Chairman may pro-
18 vide such funds for initiating any activity named in subsection
19 (b) and for maintaining and sustaining the activity for the fis-
20 cal year in which initiated and one additional fiscal year.

21 “(b) AUTHORIZED ACTIVITIES.—Activities for which funds
22 may be provided under subsection (a) are the following:

23 “(1) Procurement and maintenance of physical secu-
24 rity equipment.

25 “(2) Improvement of physical security sites.

26 “(3) Under extraordinary circumstances—

27 “(A) physical security management planning;

28 “(B) procurement and support of security forces
29 and security technicians;

30 “(C) security reviews and investigations and vul-
31 nerability assessments; and

32 “(D) any other activity relating to physical secu-
33 rity.

34 “(c) PRIORITY.—The Chairman of the Joint Chiefs of
35 Staff, in considering requests for funds in the Combating Ter-
36 rorism Readiness Initiatives Fund, should give priority consid-

1 eration to emergency or emergent unforeseen high-priority re-
2 quirements for combating terrorism.

3 “(d) RELATIONSHIP TO OTHER FUNDING.—Any amount
4 provided by the Chairman of the Joint Chiefs of Staff for a fis-
5 cal year out of the Combating Terrorism Readiness Initiatives
6 Fund for an activity referred to in subsection (b) shall be in
7 addition to amounts otherwise available for that activity for
8 that fiscal year.

9 “(e) LIMITATION.—Funds may not be provided under this
10 section for any activity that has been denied authorization by
11 Congress.”.

12 (b) CLERICAL AMENDMENT.—The table of sections at the
13 beginning of such chapter is amended by inserting after the
14 item relating to section 166a the following new item:

“166b. Combatant commands: funding for combating terrorism readiness
initiatives.”.

15 **SEC. 1513. CONVEYANCES OF EQUIPMENT AND RELATED**
16 **MATERIALS LOANED TO STATE AND LOCAL**
17 **GOVERNMENTS AS ASSISTANCE FOR EMER-**
18 **GENCY RESPONSE TO A USE OR THREAT-**
19 **ENED USE OF A WEAPON OF MASS DESTRUC-**
20 **TION.**

21 Section 1412(e) of the Defense Against Weapons of Mass
22 Destruction Act of 1996 (title XIV of Public Law 104–201;
23 110 Stat. 2718; 50 U.S.C. 2312(e)) is amended by adding at
24 the end the following new paragraph:

25 “(5) A conveyance of ownership of United States prop-
26 erty to a State or local government, without cost and with-
27 out regard to subsection (f) and title II of the Federal
28 Property and Administrative Services Act of 1949 (or any
29 other provision of law relating to the disposal of property
30 of the United States), if the property is equipment, or
31 equipment and related materials, that is in the possession
32 of the State or local government on the date of the enact-
33 ment of the National Defense Authorization Act for Fiscal
34 Year 2002 pursuant to a loan of the property as assistance
35 under this section.”.

1 **SEC. 1514. TWO-YEAR EXTENSION OF ADVISORY PANEL**
2 **TO ASSESS DOMESTIC RESPONSE CAPABILI-**
3 **TIES FOR TERRORISM INVOLVING WEAPONS**
4 **OF MASS DESTRUCTION.**

5 (a) EXTENSION OF ADVISORY PANEL.—Section 1405 of
6 the Strom Thurmond National Defense Authorization Act for
7 Fiscal Year 1999 (50 U.S.C. 2301 note) is amended—

8 (1) in subsection (h)(2), by striking “2001” and in-
9 serting “2003”; and

10 (2) in subsection (l), by striking “three years” and in-
11 serting “five years”.

12 (b) PAY AND EXPENSES OF MEMBERS.—(1) Subsection
13 (k) of such section is amended to read as follows:

14 “(k) COMPENSATION OF PANEL MEMBERS.—The provi-
15 sions of paragraph (4) of section 591(e) of the Foreign Oper-
16 ations, Export Financing, and Related Programs Appropria-
17 tions Act, 1999 (as contained in section 101(d) of division A
18 of the Omnibus Consolidated and Emergency Supplemental Ap-
19 propriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–
20 212)), shall apply to members of the panel in the same manner
21 as to members of the National Commission on Terrorism under
22 that paragraph.”.

23 (2) The amendment made by paragraph (1) shall apply
24 with respect to periods of service on the advisory panel under
25 section 1405 of the Strom Thurmond National Defense Author-
26 ization Act for Fiscal Year 1999 on or after the date of the
27 enactment of this Act.

1 **TITLE XVI—UNIFORMED SERVICES**
2 **VOTING**

- Sec. 1601. Sense of Congress regarding the importance of voting.
- Sec. 1602. Voting assistance programs.
- Sec. 1603. Guarantee of residency for military personnel.
- Sec. 1604. Electronic voting demonstration project.
- Sec. 1605. Governors’ reports on implementation of recommendations for changes in State law made under Federal Voting Assistance Program.
- Sec. 1606. Simplification of voter registration and absentee ballot application procedures for absent uniformed services and overseas voters.
- Sec. 1607. Use of certain Department of Defense facilities as polling places.

3 **SEC. 1601. SENSE OF CONGRESS REGARDING THE IM-**
4 **PORTANCE OF VOTING.**

5 (a) SENSE OF CONGRESS.—It is the sense of Congress
6 that each person who is an administrator of a Federal, State,
7 or local election—

8 (1) should be aware of the importance of the ability
9 of each uniformed services voter to exercise the right to
10 vote; and

11 (2) should perform that person’s duties as an election
12 administrator with the intent to ensure that—

13 (A) each uniformed services voter receives the ut-
14 most consideration and cooperation when voting;

15 (B) each valid ballot cast by such a voter is duly
16 counted; and

17 (C) all eligible American voters, regardless of race,
18 ethnicity, disability, the language they speak, or the re-
19 sources of the community in which they live, should
20 have an equal opportunity to cast a vote and to have
21 that vote counted.

22 (b) UNIFORMED SERVICES VOTER DEFINED.—In this sec-
23 tion, the term “uniformed services voter” means—

24 (1) a member of a uniformed service (as defined in
25 section 101(a)(5) of title 10, United States Code) in active
26 service;

27 (2) a member of the merchant marine (as defined in
28 section 107 of the Uniformed and Overseas Citizens Absen-
29 tee Voting Act (42 U.S.C. 1973ff-6)); and

1 (3) a spouse or dependent of a member referred to in
2 paragraph (1) or (2) who is qualified to vote.

3 **SEC. 1602. VOTING ASSISTANCE PROGRAMS.**

4 (a) IN GENERAL.—(1) Chapter 80 of title 10, United
5 States Code, is amended by adding at the end the following
6 new section:

7 **“§ 1566. Voting assistance: compliance assess-
8 ments; assistance**

9 “(a) REGULATIONS.—The Secretary of Defense shall pre-
10 scribe regulations to require that the Army, Navy, Air Force,
11 and Marine Corps ensure their compliance with any directives
12 issued by the Secretary of Defense in implementing any voting
13 assistance program.

14 “(b) VOTING ASSISTANCE PROGRAMS DEFINED.—In this
15 section, the term ‘voting assistance programs’ means—

16 “(1) the Federal Voting Assistance Program carried
17 out under the Uniformed and Overseas Citizens Absentee
18 Voting Act (42 U.S.C. 1973ff et seq.); and

19 “(2) any similar program.

20 “(c) ANNUAL EFFECTIVENESS AND COMPLIANCE RE-
21 VIEWS.—(1) The Inspector General of each of the Army, Navy,
22 Air Force, and Marine Corps shall conduct—

23 “(A) an annual review of the effectiveness of voting
24 assistance programs; and

25 “(B) an annual review of the compliance with voting
26 assistance programs of that armed force.

27 “(2) Upon the completion of each annual review under
28 paragraph (1), each Inspector General specified in that para-
29 graph shall submit to the Inspector General of the Department
30 of Defense a report on the results of each such review. Such
31 report shall be submitted in time each year to be reflected in
32 the report of the Inspector General of the Department of De-
33 fense under paragraph (3).

34 “(3) Not later than March 31 each year, the Inspector
35 General of the Department of Defense shall submit to Congress
36 a report on—

16-3

1 “(A) the effectiveness during the preceding calendar
2 year of voting assistance programs; and

3 “(B) the level of compliance during the preceding cal-
4 endar year with voting assistance programs of each of the
5 Army, Navy, Air Force, and Marine Corps.

6 “(d) INSPECTOR GENERAL ASSESSMENTS.—(1) The In-
7 spector General of the Department of Defense shall periodically
8 conduct at Department of Defense installations unannounced
9 assessments of the compliance at those installations with—

10 “(A) the requirements of the Uniformed and Overseas
11 Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.);

12 “(B) Department of Defense regulations regarding
13 that Act and the Federal Voting Assistance Program car-
14 ried out under that Act; and

15 “(C) other requirements of law regarding voting by
16 members of the armed forces.

17 “(2) The Inspector General shall conduct an assessment
18 under paragraph (1) at not less than 10 Department of De-
19 fense installations each calendar year.

20 “(3) Each assessment under paragraph (1) shall include
21 a review of such compliance—

22 “(A) within units to which are assigned, in the aggre-
23 gate, not less than 20 percent of the personnel assigned to
24 duty at that installation;

25 “(B) within a representative survey of members of the
26 armed forces assigned to that installation and their depend-
27 ents; and

28 “(C) within unit voting assistance officers to measure
29 program effectiveness.

30 “(e) REGULAR MILITARY DEPARTMENT ASSESSMENTS.—
31 The Secretary of each military department shall include in the
32 set of issues and programs to be reviewed during any manage-
33 ment effectiveness review or inspection at the installation level
34 an assessment of compliance with the Uniformed and Overseas
35 Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) and
36 with Department of Defense regulations regarding the Federal
37 Voting Assistance Program.

1 “(f) VOTING ASSISTANCE OFFICERS.—Voting assistance
2 officers shall be appointed or assigned under Department of
3 Defense regulations. Commanders at all levels are responsible
4 for ensuring that unit voting officers are trained and equipped
5 to provide information and assistance to members of the armed
6 forces on voting matters. Performance evaluation reports per-
7 taining to a member who has been assigned to serve as a voting
8 assistance officer shall comment on the performance of the
9 member as a voting assistance officer.

10 “(g) DELIVERY OF MAIL FROM OVERSEAS PRECEDING
11 FEDERAL ELECTIONS.—(1) During the four months preceding
12 a general Federal election month, the Secretary of Defense
13 shall periodically conduct surveys of all overseas locations and
14 vessels at sea with military units responsible for collecting mail
15 for return shipment to the United States and all port facilities
16 in the United States and overseas where military-related mail
17 is collected for shipment to overseas locations or to the United
18 States. The purpose of each survey shall be to determine if vot-
19 ing materials are awaiting shipment at any such location and,
20 if so, the length of time that such materials have been held at
21 that location. During the fourth and third months before a gen-
22 eral Federal election month, such surveys shall be conducted bi-
23 weekly. During the second and first months before a general
24 Federal election month, such surveys shall be conducted weekly.

25 “(2) The Secretary shall ensure that voting materials are
26 transmitted expeditiously by military postal authorities at all
27 times.

28 “(3) In this section, the term ‘general Federal election
29 month’ means November in an even-numbered year.”.

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

“1566. Voting assistance: compliance assessments; assistance.”.

32 (b) INITIAL REPORT.—The first report under section
33 1566(c)(3) of title 10, United States Code, as added by sub-
34 section (a), shall be submitted not later than March 31, 2003.

1 **SEC. 1603. GUARANTEE OF RESIDENCY FOR MILITARY**
2 **PERSONNEL.**

3 Article VII of the Soldiers' and Sailors' Civil Relief Act of
4 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at
5 the end the following:

6 “SEC. 704. (a) For purposes of voting for any Federal of-
7 fice (as defined in section 301 of the Federal Election Cam-
8 paign Act of 1971 (2 U.S.C. 431)) or a State or local office,
9 a person who is absent from a State in compliance with mili-
10 tary or naval orders shall not, solely by reason of that
11 absence—

12 “(1) be deemed to have lost a residence or domicile in
13 that State, without regard to whether or not the person in-
14 tends to return to that State;

15 “(2) be deemed to have acquired a residence or domi-
16 cile in any other State; or

17 “(3) be deemed to have become a resident in or a resi-
18 dent of any other State.

19 “(b) In this section, the term ‘State’ includes a territory
20 or possession of the United States, a political subdivision of a
21 State, territory, or possession, and the District of Columbia.”.

22 **SEC. 1604. ELECTRONIC VOTING DEMONSTRATION**
23 **PROJECT.**

24 (a) ESTABLISHMENT OF DEMONSTRATION PROJECT.—

25 (1) IN GENERAL.—Subject to paragraph (2), the Sec-
26 retary of Defense shall carry out a demonstration project
27 under which absent uniformed services voters are permitted
28 to cast ballots in the regularly scheduled general election
29 for Federal office for November 2002 through an electronic
30 voting system. The project shall be carried out with partici-
31 pation of sufficient numbers of absent uniformed services
32 voters so that the results are statistically relevant.

33 (2) AUTHORITY TO DELAY IMPLEMENTATION.—If the
34 Secretary of Defense determines that the implementation of
35 the demonstration project under paragraph (1) with respect
36 to the regularly scheduled general election for Federal of-
37 fice for November 2002 may adversely affect the national

1 security of the United States, the Secretary may delay the
2 implementation of such demonstration project until the reg-
3 ularly scheduled general election for Federal office for No-
4 vember 2004. The Secretary shall notify the Committee on
5 Armed Services and the Committee on Rules and Adminis-
6 tration of the Senate and the Committee on Armed Serv-
7 ices and the Committee on House Administration of the
8 House of Representatives of any decision to delay imple-
9 mentation of the demonstration project.

10 (b) COORDINATION WITH STATE ELECTION OFFICIALS.—
11 The Secretary shall carry out the demonstration project under
12 this section through cooperative agreements with State election
13 officials of States that agree to participate in the project.

14 (c) REPORT TO CONGRESS.—Not later than June 1 of the
15 year following the year in which the demonstration project is
16 conducted under this section, the Secretary of Defense shall
17 submit to Congress a report analyzing the demonstration
18 project. The Secretary shall include in the report any rec-
19 ommendations the Secretary considers appropriate for con-
20 tinuing the project on an expanded basis for absent uniformed
21 services voters during the next regularly scheduled general elec-
22 tion for Federal office.

23 (d) DEFINITIONS.—In this section:

24 (1) ABSENT UNIFORMED SERVICES VOTER.—The term
25 “absent uniformed services voter” has the meaning given
26 that term in section 107(1) of the Uniformed and Overseas
27 Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1)).

28 (2) STATE.—The term “State” includes the District of
29 Columbia, the Commonwealth of Puerto Rico, Guam, the
30 Virgin Islands, and American Samoa.

31 **SEC. 1605. GOVERNORS’ REPORTS ON IMPLEMENTATION**
32 **OF RECOMMENDATIONS FOR CHANGES IN**
33 **STATE LAW MADE UNDER FEDERAL VOTING**
34 **ASSISTANCE PROGRAM.**

35 (a) REPORTS.—(1) Whenever a State receives a uniformed
36 services voting assistance legislative recommendation from the
37 Secretary of Defense, acting as the Presidential designee, the

1 chief executive authority of that State shall, not later than 90
2 days after receipt of that recommendation, provide a report on
3 the status of implementation of that recommendation by that
4 State.

5 (2) If a legislative recommendation referred to in para-
6 graph (1) has been implemented, in whole or in part, by a
7 State, the report of the chief executive authority of that State
8 under that paragraph with respect to that recommendation
9 shall include a description of the changes made to State law
10 to implement the recommendation. If the recommendation has
11 not been implemented, the report shall include a statement of
12 the status of the recommendation before the State legislature
13 and a statement of any recommendation the chief executive of-
14 ficer has made or intends to make to the legislature with re-
15 spect to that recommendation.

16 (3) Any report under paragraph (1) shall be transmitted
17 to the Secretary of Defense, acting as the Presidential des-
18 ignee. The Secretary shall transmit a copy of the response to
19 each Member of Congress who represents that State.

20 (b) PERIOD OF APPLICABILITY.—This section applies with
21 respect to any uniformed services voting assistance legislative
22 recommendation transmitted to a State by the Secretary of De-
23 fense, acting as the Presidential designee, during the three-year
24 period beginning on the date of the enactment of this Act.

25 (c) DEFINITIONS.—In this section:

26 (1) The term “uniformed services voting assistance
27 legislative recommendation” means a recommendation of
28 the Presidential designee for a modification in the laws of
29 a State for the purpose of improving the access to the polls
30 of absent uniformed services voters and overseas voters.

31 (2) The term “Presidential designee” means the head
32 of the executive department designated by the President
33 under section 101(a) of the Uniformed and Overseas Citi-
34 zens Absentee Voting Act (42 U.S.C. 1973ff(a)).

35 (3) The term “State” includes the District of Colum-
36 bia, the Commonwealth of Puerto Rico, Guam, the Virgin
37 Islands, and American Samoa.

1 (4) The term “Member of Congress” includes a Dele-
2 gate or Resident Commissioner to the Congress.

3 **SEC. 1606. SIMPLIFICATION OF VOTER REGISTRATION**
4 **AND ABSENTEE BALLOT APPLICATION PRO-**
5 **CEDURES FOR ABSENT UNIFORMED SERV-**
6 **ICES AND OVERSEAS VOTERS.**

7 (a) REQUIREMENT FOR STATES TO ACCEPT OFFICIAL
8 FORM FOR SIMULTANEOUS VOTER REGISTRATION AND ABSEN-
9 TEE BALLOT APPLICATION.—

10 (1) IN GENERAL.—Section 102 of the Uniformed and
11 Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-
12 1) is amended—

13 (A) in paragraph (2)—

14 (i) by striking “general, special, primary, or
15 runoff”;

16 (ii) by inserting “and absentee ballot applica-
17 tion” after “voter registration application”;

18 (iii) by striking “and” after the semicolon at
19 the end;

20 (B) by striking the period at the end of paragraph
21 (3) and inserting “; and”; and

22 (C) by adding at the end the following new para-
23 graph:

24 “(4) use the official post card form (prescribed under
25 section 101) for simultaneous voter registration application
26 and absentee ballot application.”.

27 (2) CONFORMING AMENDMENT.—Section 101(b)(2) of
28 such Act (42 U.S.C. 1973ff(b)(2)) is amended by striking
29 “as recommended in section 104” and inserting “as re-
30 quired under section 102(4)”.

31 (b) USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT
32 ELECTIONS.—Section 104 of such Act (42 U.S.C. 1973ff-3) is
33 amended to read as follows:

34 **“SEC. 104. USE OF SINGLE APPLICATION FOR ALL SUB-**
35 **SEQUENT ELECTIONS.**

36 “(a) IN GENERAL.—If a State accepts and processes an
37 official post card form (prescribed under section 101) sub-
38 mitted by an absent uniformed services voter or overseas voter

1 for simultaneous voter registration and absentee ballot applica-
2 tion (in accordance with section 102(a)(4)) and the voter re-
3 quests that the application be considered an application for an
4 absentee ballot for each subsequent election for Federal office
5 held in the State during that year, the State shall provide an
6 absentee ballot to the voter for each subsequent election for
7 Federal office held in the State during that year.

8 “(b) EXCEPTION FOR VOTERS CHANGING REGISTRA-
9 TION.—Subsection (a) shall not apply with respect to a voter
10 registered to vote in a State for any election held after the
11 voter notifies the State that the voter no longer wishes to be
12 registered to vote in the State or after the State determines
13 that the voter has registered to vote in another State.

14 “(c) REVISION OF OFFICIAL POST CARD FORM.—The
15 Presidential designee shall revise the official post card form
16 (prescribed under section 101) to enable a voter using the form
17 to—

18 “(1) request an absentee ballot for each election for
19 Federal office held in a State during a year; or

20 “(2) request an absentee ballot for only the next
21 scheduled election for Federal office held in a State.

22 “(d) NO EFFECT ON VOTER REMOVAL PROGRAMS.—
23 Nothing in this section may be construed to prevent a State
24 from removing any voter from the rolls of registered voters in
25 the State under any program or method permitted under sec-
26 tion 8 of the National Voter Registration Act of 1993.”

27 **SEC. 1607. USE OF CERTAIN DEPARTMENT OF DEFENSE**
28 **FACILITIES AS POLLING PLACES.**

29 (a) USE OF MILITARY FACILITIES.—Section 2670 of title
30 10, United States Code, is amended by adding at the end the
31 following new subsection:

32 “(b) USE OF CERTAIN FACILITIES AS POLLING
33 PLACES.—(1) Notwithstanding chapter 29 of title 18 (includ-
34 ing sections 592 and 593 of such title) or any other provision
35 of law, the Secretary of Defense or Secretary of a military de-
36 partment may not (except as provided in paragraph (3)) pro-
37 hibit the designation or use of a qualifying facility under the

1 jurisdiction of the Secretary as an official polling place for
2 local, State, or Federal elections.

3 “(2) A Department of Defense facility is a qualifying facil-
4 ity for purposes of this subsection if as of December 31,
5 2000—

6 “(A) the facility is designated as an official polling
7 place by a State or local election official; or

8 “(B) the facility has been used as such an official poll-
9 ing place since January 1, 1996.

10 “(3) The limitation in paragraph (1) may be waived by the
11 Secretary of Defense or Secretary of the military department
12 concerned with respect to a particular Department of Defense
13 facility if the Secretary of Defense or Secretary concerned de-
14 termines that local security conditions require prohibition of the
15 designation or use of that facility as an official polling place
16 for any election.”.

17 (b) CONFORMING AND CLERICAL AMENDMENTS.—(1)
18 Such section is further amended—

19 (A) by striking “Under” and inserting “(a) USE BY
20 RED CROSS.—Under”; and

21 (B) by striking “this section” and inserting “this sub-
22 section”.

23 (2) The heading of such section is amended to read as fol-
24 lows:

25 **“§ 2670. Military installations: use by American**
26 **National Red Cross; use as polling places”.**

27 (3) The item relating to such section in the table of sec-
28 tions at the beginning of chapter 159 of such title is amended
29 to read as follows:

“2670. Military installations: use by American National Red Cross; use as
polling places.”.

**DIVISION B—MILITARY
CONSTRUCTION AUTHORIZATIONS**

SEC. 2001. SHORT TITLE; DEFINITION.

(a) SHORT TITLE.—This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2002”.

(b) DEFINITION OF FISCAL YEAR 2001 DEFENSE AUTHORIZATION ACT.—In this division, the term “Spence Act” means the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106-398 (114 Stat. 1654).

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Improvements to military family housing units.

Sec. 2104. Authorization of appropriations, Army.

Sec. 2105. Modification of authority to carry out certain fiscal year 2001 projects.

Sec. 2106. Modification of authority to carry out certain fiscal year 2000 projects.

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

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

Army: Inside the United States

State	Installation or location	Amount
Alabama	Anniston Army Depot	\$5,150,000
	Fort Rucker	\$18,200,000
	Redstone Arsenal	\$9,900,000
Alaska	Fort Richardson	\$115,000,000
	Fort Wainwright	\$27,200,000
Arizona	Fort Huachuca	\$6,100,000
	Yuma Proving Ground	\$3,100,000
California	Defense Language Institute	\$5,900,000
	Fort Irwin	\$23,000,000
Colorado	Fort Carson	\$66,000,000
District of Columbia ...	Fort McNair	\$11,600,000
Georgia	Fort Benning	\$23,900,000
	Fort Gillem	\$34,600,000
	Fort Gordon	\$34,000,000

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Army: Inside the United States—Continued

State	Installation or location	Amount
Hawaii	Fort Stewart/Hunter Army Air Field	\$39,800,000
	Kahuku Windmill Site	\$900,000
	Navy Public Works Center, Pearl Harbor	\$11,800,000
	Pohakuloa Training Facility	\$6,600,000
	Wheeler Army Air Field	\$50,000,000
Illinois	Rock Island Arsenal	\$3,500,000
Kansas	Fort Riley	\$10,900,000
Kentucky	Fort Campbell	\$88,900,000
	Fort Knox	\$12,000,000
Louisiana	Fort Polk	\$21,200,000
Maryland	Aberdeen Proving Ground	\$58,300,000
	Fort Meade	\$11,200,000
Missouri	Fort Leonard Wood	\$7,850,000
New Jersey	Fort Monmouth	\$20,000,000
	Picatunny Arsenal	\$10,200,000
New Mexico	White Sands Missile Range	\$7,600,000
New York	Fort Drum	\$56,350,000
North Carolina	Fort Bragg	\$21,300,000
	Sunny Point Military Ocean Terminal	\$11,400,000
	Fort Sill	\$5,100,000
South Carolina	Fort Jackson	\$65,650,000
Texas	Corpus Christi Army Depot	\$10,400,000
	Fort Sam Houston	\$2,250,000
Virginia	Fort Bliss	\$5,000,000
	Fort Hood	\$104,200,000
	Fort Belvoir	\$35,950,000
	Fort Eustis	\$34,650,000
	Fort Lee	\$23,900,000
Washington	Fort Lewis	\$238,200,000
	Total:	\$1,358,750,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts ap-
2 propriated pursuant to the authorization of appropriations in
3 section 2104(a)(2), the Secretary of the Army may acquire real
4 property and carry out military construction projects for the lo-
5 cations outside the United States, and in the amounts, set
6 forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Area Support Group, Bam- berg	\$36,000,000
	Area Support Group, Darm- stadt	\$13,500,000
	Baumholder	\$9,000,000
	Hanau	\$7,200,000
	Heidelberg	\$15,300,000
	Mannheim	\$16,000,000
	Wiesbaden Air Base	\$26,300,000
Japan	Camp Schab	\$3,800,000
Korea	Camp Carroll	\$16,593,000
	Camp Casey	\$8,500,000

Army: Outside the United States—Continued

Country	Installation or location	Amount
Kwajalein	Camp Hovey	\$35,750,000
	Camp Humphreys	\$14,500,000
	Camp Jackson	\$6,100,000
	Camp Stanley	\$28,000,000
	Camp Yongsan	\$12,800,000
	Kwajalein Atoll	\$11,000,000
	Total:	\$260,343,000

1 (c) UNSPECIFIED WORLDWIDE.—Using amounts appro-
 2 priated pursuant to the authorization of appropriations in sec-
 3 tion 2104(a)(3), the Secretary of the Army may acquire real
 4 property and carry out military construction projects for the in-
 5 stallation and location, and in the amount, set forth in the fol-
 6 lowing table:

Army: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide	Classified Location	\$4,000,000

7 **SEC. 2102. FAMILY HOUSING.**

8 (a) CONSTRUCTION AND ACQUISITION.—Using amounts
 9 appropriated pursuant to the authorization of appropriations in
 10 section 2104(a)(6)(A), the Secretary of the Army may con-
 11 struct or acquire family housing units (including land acquisi-
 12 tion) at the installations, for the purposes, and in the amounts
 13 set forth in the following table:

Army: Family Housing

State or Country	Installation or location	Purpose	Amount
Alaska	Fort Wainwright	32 Units	\$12,000,000
Arizona	Fort Huachuca	72 Units	\$10,800,000
Kansas	Fort Leavenworth	80 Units	\$20,000,000
Texas	Fort Bliss	76 Units	\$13,600,000
	Fort Sam Houston	80 Units	\$11,200,000
Korea	Camp Humphreys	54 Units	\$12,800,000
		Total: ...	\$80,400,000

14 (b) PLANNING AND DESIGN.—Using amounts appro-
 15 priated pursuant to the authorization of appropriations in sec-
 16 tion 2104(a)(6)(A), the Secretary of the Army may carry out
 17 architectural and engineering services and construction design
 18 activities with respect to the construction or improvement of
 19 family housing units in an amount not to exceed \$11,592,000.

21-4

1 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUS-**
2 **ING UNITS.**

3 Subject to section 2825 of title 10, United States Code,
4 and using amounts appropriated pursuant to the authorization
5 of appropriations in section 2104(a)(6)(A), the Secretary of the
6 Army may improve existing military family housing units in an
7 amount not to exceed \$220,750,000.

8 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS,**
9 **ARMY.**

10 (a) IN GENERAL.—Funds are hereby authorized to be ap-
11 propriated for fiscal years beginning after September 30, 2001,
12 for military construction, land acquisition, and military family
13 housing functions of the Department of the Army in the total
14 amount of \$3,155,594,000, as follows:

15 (1) For military construction projects inside the
16 United States authorized by section 2101(a),
17 \$1,127,750,000.

18 (2) For military construction projects outside the
19 United States authorized by section 2101(b),
20 \$260,343,000.

21 (3) For a military construction project at an unspec-
22 ified worldwide location authorized by section 2101(c),
23 \$4,000,000.

24 (4) For unspecified minor construction projects au-
25 thorized by section 2805 of title 10, United States Code,
26 \$18,000,000.

27 (5) For architectural and engineering services and
28 construction design under section 2807 of title 10, United
29 States Code, \$159,533,000.

30 (6) For military family housing functions:

31 (A) For construction and acquisition, planning
32 and design, and improvement of military family hous-
33 ing and facilities, \$312,742,000.

34 (B) For support of military family housing (in-
35 cluding the functions described in section 2833 of title
36 10, United States Code), \$1,089,573,000.

21–5

1 (7) For the construction of a cadet development center
2 at the United States Military Academy, West Point, New
3 York, authorized by section 2101(a) of the Military Con-
4 struction Authorization Act for Fiscal Year 1999 (division
5 B of Public Law 105–261; 112 Stat. 2182), \$37,900,000.

6 (8) For the construction of phase 2C of a barracks
7 complex, Tagaytay Street, at Fort Bragg, North Carolina,
8 authorized by section 2101(a) of the Military Construction
9 Authorization Act for Fiscal Year 2000 (division B of Pub-
10 lic Law 106–65; 113 Stat. 825), \$17,500,000.

11 (9) For the construction of phase 1C of a barracks
12 complex, Wilson Street, at Schofield Barracks, Hawaii, au-
13 thorized by section 2101(a) of the Military Construction
14 Authorization Act for Fiscal Year 2000 (division B of Pub-
15 lic Law 106–65; 113 Stat. 825), \$23,000,000.

16 (10) For construction of phase 2 of a basic combat
17 training complex at Fort Leonard Wood, Missouri, author-
18 ized by section 2101(a) of the Military Construction Au-
19 thorization Act for Fiscal Year 2001 (division B of the
20 Spence Act; 114 Stat. 1654A–389), as amended by section
21 2105 of this Act, \$27,000,000.

22 (11) For the construction of phase 2 of a battle sim-
23 ulation center at Fort Drum, New York, authorized by sec-
24 tion 2101(a) of the Military Construction Authorization Act
25 for Fiscal Year 2001 (division B of the Spence Act; 114
26 Stat. 1654A–389), as amended by section 2105 of this Act,
27 \$9,000,000.

28 (12) For the construction of phase 1 of a barracks
29 complex, Butner Road, at Fort Bragg, North Carolina, au-
30 thorized by section 2101(a) of the Military Construction
31 Authorization Act for Fiscal Year 2001 (division B of the
32 Spence Act; 114 Stat. 1654A–389), \$49,000,000.

33 (13) For the construction of phase 1 of a barracks
34 complex, Longstreet Road, at Fort Bragg, North Carolina,
35 authorized by section 2101(a) of the Military Construction
36 Authorization Act for Fiscal Year 2001 (division B of the
37 Spence Act; 114 Stat. 1654A–389), \$27,000,000.

21–6

1 (14) For the construction of a multipurpose digital
2 training range at Fort Hood, Texas, authorized by section
3 2101(a) of the Military Construction Authorization Act for
4 Fiscal Year 2001 (division B of the Spence Act; 114 Stat.
5 1654A–389), as amended by section 2105 of this Act,
6 \$13,000,000.

7 (15) For the homeowners assistance program, as au-
8 thorized by section 2832(a) of title 10, United States Code,
9 \$10,119,000, to remain available until expended.

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

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

17 (2) \$52,000,000 (the balance of the amount author-
18 ized under section 2201(a) for construction of a barracks
19 complex, D Street, at Fort Richardson, Alaska);

20 (3) \$41,000,000 (the balance of the amount author-
21 ized under section 2201 (a) for construction of phase 1 of
22 a barracks complex, Nelson Boulevard, at Fort Carson,
23 Colorado);

24 (4) \$36,000,000 (the balance of the amount author-
25 ized under section 2201(a) for construction of phase 1 of
26 a basic combat training complex at Fort Jackson, South
27 Carolina); and

28 (5) \$102,000,000 (the balance of the amount author-
29 ized under section 2201(a) for construction of a barracks
30 complex, 17th & B Streets, at Fort Lewis, Washington).

31 (c) ADJUSTMENT.—The total amount authorized to be ap-
32 propriated pursuant to paragraphs (1) through (15) of sub-
33 section (a) is the sum of the amounts authorized to be appro-
34 priated in such paragraphs, reduced by \$29,866,000, which
35 represents the combination of savings resulting from adjust-
36 ments to foreign currency exchange rates for military construc-
37 tion, military family housing construction, and military family

1 housing support outside the United States and savings result-
2 ing from favorable bids, reduced overhead charges, and can-
3 cellations due to force structure changes.

4 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY**
5 **OUT CERTAIN FISCAL YEAR 2001 PROJECTS.**

6 (a) MODIFICATION.—The table in section 2101(a) of the
7 Military Construction Authorization Act for Fiscal Year 2001
8 (division B of the Spence Act; 114 Stat. 1654A-389) is
9 amended—

10 (1) in the item relating to Fort Leonard Wood, Mis-
11 souri, by striking “\$65,400,000” in the amount column
12 and inserting “\$69,800,000”;

13 (2) in the item relating to Fort Drum, New York, by
14 striking “\$18,000,000” in the amount column and insert-
15 ing “\$21,000,000”;

16 (3) in the item relating to Fort Hood, Texas, by strik-
17 ing “\$36,492,000” in the amount column and inserting
18 “\$39,492,000”; and

19 (4) by striking the amount identified as the total in
20 the amount column and inserting “\$626,374,000”.

21 (b) CONFORMING AMENDMENTS.—Section 2104 of that
22 Act (114 Stat. 1654A-391) is amended—

23 (1) in subsection (a), in the matter preceding para-
24 graph (1), by striking “\$1,925,344,000” and inserting
25 “\$1,935,744,000”; and

26 (2) in subsection (b)—

27 (A) in paragraph (2), by striking “\$22,600,000”
28 and inserting “\$27,000,000”;

29 (B) in paragraph (3), by striking “\$10,000,000”
30 and inserting “\$13,000,000”; and

31 (C) in paragraph (6), by striking “\$6,000,000”
32 and inserting “\$9,000,000”.

33 **SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY**
34 **OUT CERTAIN FISCAL YEAR 2000 PROJECTS.**

35 Section 2104 of the Military Construction Authorization
36 Act for Fiscal Year 2000 (division B of Public Law 106-65;

21–8

1 113 Stat. 826), as amended by section 2105(e) of the Spence
2 Act; 114 Stat. 1654A–393), is amended —

3 (1) in subsection (a)—

4 (A) in the matter preceding paragraph (1), by
5 striking “\$2,358,331,000” and inserting
6 “\$2,321,931,000”; and

7 (B) in paragraph (1), by striking “\$930,058,000”
8 and inserting “\$893,658,000”; and

9 (2) in subsection (b)(7), by striking “\$102,500,000”
10 and inserting “\$138,900,000”.

1

TITLE XXII—NAVY

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.
- Sec. 2205. Modification of authority to carry out certain fiscal year 2001 projects.
- Sec. 2206. Modification of authority to carry out certain fiscal year 2000 project.

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

4 (a) INSIDE THE UNITED STATES.—Using amounts appro-
 5 priated pursuant to the authorization of appropriations in sec-
 6 tion 2204(a)(1), the Secretary of the Navy may acquire real
 7 property and carry out military construction projects for the in-
 8 stallations and locations inside the United States, and in the
 9 amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	\$22,570,000
California	Marine Air-Ground Task Force Training Center, Twentynine Palms	\$75,125,000
	Marine Corps Air Station, Camp Pendleton	\$4,470,000
	Marine Corps Base, Camp Pen- dleton	\$96,490,000
	Naval Air Facility, El Centro	\$23,520,000
	Naval Air Station, Lemoore	\$10,010,000
	Naval Air Warfare Center, China Lake	\$30,200,000
	Naval Air Warfare Center, Point Mugu, San Nicholas Island	\$13,730,000
	Naval Amphibious Base, Coro- nado	\$8,610,000
	Naval Construction Battalion Center, Port Hueneme	\$12,400,000
	Naval Construction Training Center, Port Hueneme	\$3,780,000
	Naval Station, San Diego	\$47,240,000
District of Columbia	Naval Air Facility, Washington ..	\$9,810,000
Florida	Naval Air Station, Key West	\$11,400,000
	Naval Air Station, Whiting Field, Milton	\$2,140,000
	Naval Station, Mayport	\$16,420,000
	Naval Station, Pensacola	\$3,700,000
Hawaii	Marine Corps Base, Kaneohe	\$24,920,000
	Naval Magazine Lualualei	\$6,000,000
	Naval Shipyard, Pearl Harbor	\$20,000,000
	Naval Station, Pearl Harbor	\$54,700,000
	Navy Public Works Center, Pearl Harbor	\$16,900,000
Illinois	Naval Training Center, Great Lakes	\$82,260,000

[Title XXII—Navy MilCon]

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Navy: Inside the United States—Continued

State	Installation or location	Amount
Indiana	Naval Surface Warfare Center, Crane	\$14,930,000
Maine	Naval Air Station, Brunswick	\$67,395,000
	Naval Shipyard, Portsmouth	\$14,620,000
Maryland	Naval Air Warfare Center, Patuxent River	\$2,260,000
	Naval Air Warfare Center, St. Inigoes	\$5,100,000
	Naval Explosive Ordnance Disposal Technology Center, Indian Head	\$1,250,000
Mississippi	Naval Air Station, Meridian	\$3,370,000
	Naval Construction Battalion Center, Gulfport	\$21,660,000
	Naval Station, Pascaguola	\$4,680,000
Missouri	Marine Corps Support Activity, Kansas City	\$9,010,000
Nevada	Naval Air Station, Fallon	\$6,150,000
New Jersey	Naval Weapons Station, Earle	\$4,370,000
North Carolina	Marine Corps Air Station, New River	\$4,050,000
	Marine Corps Base, Camp Lejeune	\$67,070,000
Pennsylvania	Naval Foundry and Propeller Center, Philadelphia	\$14,800,000
Rhode Island	Naval Station, Newport	\$15,290,000
	Naval Underwater Warfare Center, Newport	\$9,370,000
South Carolina	Marine Corps Air Station, Beaufort	\$8,020,000
	Marine Corps Recruit Depot, Parris Island	\$5,430,000
Tennessee	Naval Support Activity, Millington	\$3,900,000
Virginia	Marine Corps Air Facility, Quantico	\$3,790,000
	Marine Corps Combat Dev Com	\$9,390,000
	Naval Amphibious Base, Little Creek	\$9,090,000
	Naval Station, Norfolk	\$139,270,000
Washington	Naval Air Station, Whidbey Island	\$7,370,000
	Naval Station, Everett	\$6,820,000
	Strategic Weapons Facility, Bangor	\$3,900,000
	Total:	\$1,058,750,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts ap-
2 propriated pursuant to the authorization of appropriations in
3 section 2204(a)(2), the Secretary of the Navy may acquire real
4 property and carry out military construction projects for the lo-
5 cations outside the United States, and in the amounts, set
6 forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Greece	Naval Support Activity Joint Headquarters Command, Larissa	\$12,240,000
	Naval Support Activity, Souda Bay	\$3,210,000
Guam	Naval Station, Guam	\$9,300,000
	Navy Public Works Center, Guam	\$14,800,000
Iceland	Naval Air Station, Keflavik	\$2,820,000
Italy	Naval Air Station, Sigonella	\$3,060,000
Spain	Naval Station, Rota	\$2,240,000
	Total:	\$47,670,000

1 **SEC. 2202. FAMILY HOUSING.**

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

Navy: Family Housing

State	Installation or location	Purpose	Amount
Arizona	Marine Corps Air Station, Yuma	51 Units	\$9,017,000
California	Marine Air-Ground Task Force Training Center, Twentynine Palms	74 Units	\$16,250,000
Hawaii	Marine Corps Base, Kaneohe	172 Units	\$46,996,000
	Naval Station, Pearl Harbor	70 Units	\$16,827,000
Mississippi	Naval Construction Battalion Center, Gulfport ..	160 Units	\$23,354,000
Virginia	Marine Corps Combat Development Command, Quantico	60 Units	\$7,000,000
Italy	Naval Air Station, Sigonella	10 Units	\$2,403,000
	Total: ...		\$121,847,000

8 (b) PLANNING AND DESIGN.—Using amounts appro-
 9 priated pursuant to the authorization of appropriations in sec-
 10 tion 2204(a)(5)(A), the Secretary of the Navy may carry out
 11 architectural and engineering services and construction design
 12 activities with respect to the construction or improvement of
 13 military family housing units in an amount not to exceed
 14 \$6,499,000.

1 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUS-**
2 **ING UNITS.**

3 Subject to section 2825 of title 10, United States Code,
4 and using amounts appropriated pursuant to the authorization
5 of appropriations in section 2204(a)(5)(A), the Secretary of the
6 Navy may improve existing military family housing units in an
7 amount not to exceed \$203,434,000.

8 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

9 (a) IN GENERAL.—Funds are hereby authorized to be ap-
10 propriated for fiscal years beginning after September 30, 2001,
11 for military construction, land acquisition, and military family
12 housing functions of the Department of the Navy in the total
13 amount of \$2,366,742,000, as follows:

14 (1) For military construction projects inside the
15 United States authorized by section 2201(a),
16 \$1,005,410,000.

17 (2) For military construction projects outside the
18 United States authorized by section 2201(b), \$47,670,000.

19 (3) For unspecified minor construction projects au-
20 thorized by section 2805 of title 10, United States Code,
21 \$10,546,000.

22 (4) For architectural and engineering services and
23 construction design under section 2807 of title 10, United
24 States Code, \$39,557,000.

25 (5) For military family housing functions:

26 (A) For construction and acquisition, planning
27 and design, and improvement of military family hous-
28 ing and facilities, \$331,780,000.

29 (B) For support of military housing (including
30 functions described in section 2833 of title 10, United
31 States Code), \$910,095,000.

32 (6) For construction of phase 6 of a large anaeroic
33 chamber facility at the Patuxent River Naval Air Warfare
34 Center, Maryland, authorized by section 2201(a) of the
35 Military Construction Authorization Act for Fiscal Year
36 1993 (division B of Public Law 102-484; 106 Stat. 2590),
37 \$10,770,000.

1 (7) For construction of the Commander-in-Chief
2 Headquarters, Pacific Command, Camp H.M. Smith, Ha-
3 waii, authorized by section 2201(a) of the Military Con-
4 struction Authorization Act for Fiscal Year 2000 (division
5 B of Public Law 106-65; 113 Stat. 828), as amended by
6 section 2206 of this Act, \$37,580,000.

7 (8) For repair of a pier at Naval Station, San Diego,
8 California, authorized by section 2201(a) of the Military
9 Construction Authorization Act for Fiscal Year 2001 (divi-
10 sion B of the Spence Act; 114 Stat. 1654A-396),
11 \$17,500,000.

12 (9) For replacement of a pier at Naval Station, Brem-
13 erton, Washington, formerly Naval Shipyard, Bremerton,
14 Puget Sound, Washington, authorized by section 2201(a)
15 of the Military Construction Authorization Act for Fiscal
16 Year 2001 (division B of the Spence Act; 114 Stat.
17 1654A-396), as amended by section 2205 of this Act,
18 \$24,460,000.

19 (10) For construction of an industrial skills center at
20 Puget Sound Naval Shipyard, Bremerton, Washington, for-
21 merly Naval Shipyard, Bremerton, Puget Sound, Wash-
22 ington, authorized by section 2201(a) of the Military Con-
23 struction Authorization Act for Fiscal Year 2001 (division
24 B of the Spence Act; 114 Stat. 1654A-396), as amended
25 by section 2205 of this Act, \$14,000,000.

26 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
27 PROJECTS.—Notwithstanding the cost variations authorized by
28 section 2853 of title 10, United States Code, and any other
29 cost variation authorized by law, the total cost of all projects
30 carried out under section 2201 of this Act may not exceed—

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

33 (2) \$33,240,000 (the balance of the amount author-
34 ized under section 2201(a) for replacement of a pier, incre-
35 ment I, at Naval Station, Norfolk, Virginia); and

36 (3) \$20,100,000 (the balance of the amount author-
37 ized under section 2201(a) for a combined propulsion and

1 explosives lab at Naval Air Warfare Center, China Lake,
2 California).

3 (c) ADJUSTMENT.—The total amount authorized to be ap-
4 propriated pursuant to paragraphs (1) through (10) of sub-
5 section (a) is the sum of the amounts authorized to be appro-
6 priated in such paragraphs, reduced by \$82,626,000, which
7 represents the combination of savings resulting from adjust-
8 ments to foreign currency exchange rates for military construc-
9 tion, military family housing construction, and military family
10 housing support outside the United States and savings result-
11 ing from favorable bids, reduced overhead charges, and can-
12 cellations due to force structure changes.

13 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY**
14 **OUT CERTAIN FISCAL YEAR 2001 PROJECTS.**

15 (a) AUTHORIZED CONSTRUCTION AND LAND ACQUISI-
16 TION.—The table in section 2201(a) of the Military Construc-
17 tion Authorization Act for Fiscal Year 2001 (division B of the
18 Spence Act; 114 Stat. 1654A–395) is amended—

19 (1) in the item relating to Naval Shipyard, Bremerton,
20 Puget Sound, Washington, by striking “\$100,740,000” in
21 the amount column and inserting “\$102,460,000”;

22 (2) in the item relating to Naval Station, Bremerton,
23 Washington, by striking “\$11,930,000” in the amount col-
24 umn and inserting “\$1,930,000”; and

25 (3) by striking the amount identified as the total in
26 the amount column and inserting “\$803,217,000”.

27 (b) PLANNING AND DESIGN.—Section 2204(a) of that Act
28 (114 Stat. 1654A–398) is amended—

29 (1) in the matter preceding paragraph (1), by striking
30 “\$2,227,995,000” and inserting “\$2,208,407,000”; and

31 (2) in paragraph (4), by striking “\$73,335,000” and
32 inserting “\$53,747,000”.

33 (c) CONFORMING AMENDMENT.—Section 2204(b)(4) of
34 that Act (114 Stat. 1654A–398) is amended by striking
35 “\$10,280,000” and inserting “\$14,000,000”.

1 **SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY**
2 **OUT CERTAIN FISCAL YEAR 2000 PROJECT.**

3 (a) MODIFICATION.—The table in section 2201(a) of the
4 Military Construction Authorization Act for Fiscal Year 2000
5 (division B of Public Law 106-65; 113 Stat. 828) is
6 amended—

7 (1) in the item relating to Camp H.M. Smith, Hawaii,
8 by striking “\$86,050,000” in the amount column and in-
9 serting “\$89,050,000”; and

10 (2) by striking the amount identified as the total in
11 the amount column and inserting “\$820,230,000”.

12 (b) CONFORMING AMENDMENT.—Section 2204(b)(3) of
13 that Act (113 Stat. 831) is amended by striking
14 “\$70,180,000” and inserting “\$73,180,000”.

1

TITLE XXIII—AIR FORCE

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvements to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.
- Sec. 2305. Modification of authority to carry out certain fiscal year 2001 projects.

2

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

3

4

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

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Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	\$34,400,000
Alaska	Eareckson Air Force Base	\$4,600,000
	Elmendorf Air Force Base	\$32,200,000
Arizona	Davis-Monthan Air Force Base	\$23,500,000
	Luke Air Force Base	\$4,500,000
Arkansas	Little Rock Air Force Base	\$18,100,000
California	Beale Air Force Base	\$7,900,000
	Edwards Air Force Base	\$16,300,000
	Los Angeles Air Force Base	\$23,000,000
	Travis Air Force Base	\$10,100,000
	Vandenberg Air Force Base	\$11,800,000
Colorado	Buckley Air Force Base	\$23,200,000
	Schriever Air Force Base	\$30,400,000
	United States Air Force Academy	\$25,500,000
Delaware	Dover Air Force Base	\$7,300,000
District of Columbia	Bolling Air Force Base	\$2,900,000
Florida	Cape Canaveral Air Force Station	\$7,800,000
	Eglin Air Force Base	\$11,400,000
	Hurlburt Field	\$10,400,000
	Tyndall Air Force Base	\$20,350,000
Georgia	Moody Air Force Base	\$8,600,000
	Robins Air Force Base	\$14,650,000
Idaho	Mountain Home Air Force Base	\$14,600,000
Kansas	McConnell Air Force Base	\$5,100,000
Louisiana	Barksdale Air Force Base	\$5,000,000
Maryland	Andrews Air Force Base	\$19,420,000
Massachusetts	Hanscom Air Force Base	\$9,400,000
Mississippi	Columbus Air Force Base	\$5,000,000
	Keesler Air Force Base	\$28,600,000
Montana	Malmstrom Air Force Base	\$4,650,000
Nevada	Nellis Air Force Base	\$31,600,000
New Jersey	McGuire Air Force Base	\$36,550,000
New Mexico	Cannon Air Force Base	\$9,400,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
	Kirtland Air Force Base	\$19,800,000
North Carolina	Pope Air Force Base	\$17,800,000
North Dakota	Grand Forks Air Force Base	\$7,800,000
Ohio	Wright-Patterson Air Force Base	\$28,250,000
Oklahoma	Altus Air Force Base	\$20,200,000
	Tinker Air Force Base	\$21,400,000
South Carolina	Shaw Air Force Base	\$5,800,000
South Dakota	Ellsworth Air Force Base	\$12,200,000
Tennessee	Arnold Air Force Base	\$24,400,000
Texas	Dyess Air Force Base	\$16,800,000
	Lackland Air Force Base	\$12,800,000
	Laughlin Air Force Base	\$15,600,000
	Sheppard Air Force Base	\$45,200,000
Utah	Hill Air Force Base	\$44,000,000
Virginia	Langley Air Force Base	\$47,300,000
Washington	Fairechild Air Force Base	\$2,800,000
	McChord Air Force Base	\$20,700,000
Wyoming	F. E. Warren Air Force Base	\$10,200,000
	Total:	\$891,270,000

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

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Ramstein Air Force Base	\$42,900,000
	Spangdahlem Air Base	\$8,700,000
Guam	Andersen Air Force Base	\$10,150,000
Italy	Aviano Air Base	\$11,800,000
Korea	Kunsan Air Base	\$12,000,000
	Osan Air Base	\$101,142,000
Oman	Masirah	\$8,000,000
Turkey	Eskischir	\$4,000,000
	Incirlik	\$5,500,000
United Kingdom	Royal Air Force, Lakenheath	\$11,300,000
	Royal Air Force, Mildenhall ...	\$22,400,000
Wake Island	Wake Island	\$25,000,000
	Total:	\$262,892,000

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

Air Force: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide ..	Classified Location	\$4,458,000

1 **SEC. 2302. FAMILY HOUSING.**

2 (a) CONSTRUCTION AND ACQUISITION.—Using amounts
 3 appropriated pursuant to the authorization of appropriations in
 4 section 2304(a)(6)(A), the Secretary of the Air Force may con-
 5 struct or acquire family housing units (including land acquisi-
 6 tion) at the installations, for the purposes, and in the amounts
 7 set forth in the following table:

Air Force: Family Housing

State	Installation or location	Purpose	Amount
Arizona	Luke Air Force Base	120 Units	\$15,712,000
California	Travis Air Force Base	118 Units	\$18,150,000
Colorado	Buckley Air Force Base ...	55 Units	\$11,400,000
Delaware	Dover Air Force Base	120 Units	\$18,145,000
District of Columbia ...	Bolling Air Force Base	136 Units	\$16,926,000
Hawaii	Hickam Air Force Base ...	102 Units	\$25,037,000
Idaho	Mountain Home Air Force Base	56 Units	\$10,000,000
Louisiana	Barksdale Air Force Base	56 Units	\$7,300,000
South Dakota	Ellsworth Air Force Base	78 Units	\$13,700,000
Virginia	Langley Air Force Base ...	4 Units	\$1,200,000
Portugal	Lajes Field, Azores	64 Units	\$13,230,000
		Total: ...	\$150,800,000

8 (b) PLANNING AND DESIGN.—Using amounts appro-
 9 priated pursuant to the authorization of appropriations in sec-
 10 tion 2304(a)(6)(A), the Secretary of the Air Force may carry
 11 out architectural and engineering services and construction de-
 12 sign activities with respect to the construction or improvement
 13 of military family housing units in an amount not to exceed
 14 \$24,558,000.

15 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUS-**
 16 **ING UNITS.**

17 Subject to section 2825 of title 10, United States Code,
 18 and using amounts appropriated pursuant to the authorization
 19 of appropriations in section 2304(a)(6)(A), the Secretary of the
 20 Air Force may improve existing military family housing units
 21 in an amount not to exceed \$375,345,000.

1 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
2 **FORCE.**

3 (a) IN GENERAL.—Funds are hereby authorized to be ap-
4 propriated for fiscal years beginning after September 30, 2001,
5 for military construction, land acquisition, and military family
6 housing functions of the Department of the Air Force in the
7 total amount of \$2,573,122,000, as follows:

8 (1) For military construction projects inside the
9 United States authorized by section 2301(a),
10 \$879,270,000.

11 (2) For military construction projects outside the
12 United States authorized by section 2301(b),
13 \$223,592,000.

14 (3) For a military construction project at an unspec-
15 ified worldwide location authorized by section 2301(c),
16 \$4,458,000.

17 (4) For unspecified minor construction projects au-
18 thorized by section 2805 of title 10, United States Code,
19 \$11,250,000.

20 (5) For architectural and engineering services and
21 construction design under section 2807 of title 10, United
22 States Code, \$94,970,000.

23 (6) For military housing functions:

24 (A) For construction and acquisition, planning
25 and design, and improvement of military family hous-
26 ing and facilities, \$550,703,000.

27 (B) For support of military family housing (in-
28 cluding functions described in section 2833 of title 10,
29 United States Code), \$844,715,000.

30 (7) \$12,600,000 for construction of an air freight ter-
31 minal and base supply complex at McGuire Air Force Base,
32 New Jersey, authorized by section 2301(a) of the Military
33 Construction Authorization Act for Fiscal Year 2001 (divi-
34 sion B of the Spence Act; 114 Stat. 1654A-399), as
35 amended by section 2305 of this Act.

36 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
37 PROJECTS.—Notwithstanding the cost variations authorized by

1 section 2853 of title 10, United States Code, and any other
2 cost variation authorized by law, the total cost of all projects
3 carried out under section 2301 of this Act may not exceed—

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

6 (2) \$12,000,000 (the balance of the amount author-
7 ized under section 2301(a) for a maintenance depot hanger
8 at Hill Air Force Base, Utah);

9 (3) \$15,300,000 (the balance of the amount author-
10 ized under section 2301(b) for repair of an airfield runway
11 at Wake Island); and

12 (4) \$24,000,000 (the balance of the amount author-
13 ized under section 2301(b) for a civil engineer complex at
14 Osan Air Force Base, Korea).

15 (c) ADJUSTMENT.—The total amount authorized to be ap-
16 propriated pursuant to paragraphs (1) through (7) of sub-
17 section (a) is the sum of the amounts authorized to be appro-
18 priated in such paragraphs, reduced by \$48,436,000, which
19 represents the combination of savings resulting from adjust-
20 ments to foreign currency exchange rates for military construc-
21 tion, military family housing construction, and military family
22 housing support outside the United States and savings result-
23 ing from favorable bids, reduced overhead charges, and can-
24 cellations due to force structure changes.

25 **SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY**
26 **OUT CERTAIN FISCAL YEAR 2001 PROJECTS.**

27 (a) MCGUIRE AIR FORCE BASE.—The table in section
28 2301(a) of the Military Construction Authorization Act for Fis-
29 cal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–
30 399) is amended—

31 (1) in the item relating to McGuire Air Force Base,
32 New Jersey, by striking “\$29,772,000” in the amount col-
33 umn and inserting “\$32,972,000”; and

34 (2) by striking the amount identified as the total in
35 the amount column and inserting “\$748,955,000”.

36 (b) MOUNTAIN HOME AIR FORCE BASE.—The table in
37 section 2302(a) of that Act (114 Stat. 1654A–400) is amended

[Title XXIII—Air Force MilCon]

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1 in the item relating to Mountain Home Air Force Base, Idaho,
2 by striking “119 Units” in the purpose column and inserting
3 “46 Units”.

4 (c) CONFORMING AMENDMENT.—Section 2304(b)(2) of
5 that Act (114 Stat. 1654A-402) is amended by striking
6 “\$9,400,000” and inserting “\$12,600,000”.

1 **TITLE XXIV—DEFENSE AGENCIES**

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Energy conservation projects.
- Sec. 2403. Authorization of appropriations, Defense Agencies.
- Sec. 2404. Cancellation of authority to carry out certain fiscal year 2001 projects.
- Sec. 2405. Modification of authority to carry out certain fiscal year 2000 projects.
- Sec. 2406. Modification of authority to carry out certain fiscal year 1999 project.
- Sec. 2407. Modification of authority to carry out certain fiscal year 1995 project.
- Sec. 2408. Prohibition on expenditures to develop forward operating location on Aruba.

2 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CON-**
 3 **STRUCTION AND LAND ACQUISITION**
 4 **PROJECTS.**

5 (a) INSIDE THE UNITED STATES.—Using amounts appro-
 6 priated pursuant to the authorization of appropriations in sec-
 7 tion 2403(a)(1), the Secretary of Defense may acquire real
 8 property and carry out military construction projects for the in-
 9 stallations and locations inside the United States, and in the
 10 amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Education Ac- tivity	Laurel Bay, South Carolina ...	\$12,850,000
	Marine Corps Base, Camp LeJeune, North Carolina ...	\$8,857,000
Defense Logistics Agen- cy	Defense Distribution Depot Tracy, California	\$30,000,000
	Defense Distribution New Cumberland, Pennsylvania	\$19,900,000
	Eielson Air Force Base, Alas- ka	\$8,800,000
	Fort Belvoir, Virginia	\$900,000
	Grand Forks Air Force Base, North Dakota	\$9,110,000
	Hickam Air Force Base, Ha- waii	\$29,200,000
	McGuire Air Force Base, New Jersey	\$4,400,000
	Minot Air Force Base, North Dakota	\$14,000,000
	Philadelphia, Pennsylvania	\$2,429,000
	Pope Air Force Base, North Carolina	\$3,400,000
Special Operations Com- mand	Aberdeen Proving Ground, Maryland	\$3,200,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
TRICARE Management Activity	CONUS Classified	\$2,400,000
	Fort Benning, Georgia	\$5,100,000
	Fort Bragg, North Carolina ..	\$33,562,000
	Fort Lewis, Washington	\$6,900,000
	Hurlburt Field, Florida	\$13,400,000
	MacDill Air Force Base, Florida	\$12,000,000
	Naval Station, San Diego, California	\$13,650,000
	Andrews Air Force Base, Maryland	\$10,250,000
	Dyess Air Force Base, Texas ..	\$3,300,000
	F. E. Warren Air Force Base, Wyoming	\$2,700,000
	Fort Hood, Texas	\$12,200,000
	Fort Stewart/Hunter Army Air Field, Georgia	\$11,000,000
	Holloman Air Force Base, New Mexico	\$5,700,000
	Hurlburt Field, Florida	\$8,800,000
	Marine Corps Base, Camp Pendleton, California	\$15,300,000
	Marine Corps Logistics Base, Albany, Georgia	\$5,800,000
	Naval Air Station, Whidbey Island, Washington	\$6,600,000
	Naval Hospital, Twentynine Palms, California	\$1,600,000
	Naval Station, Mayport, Florida	\$24,000,000
	Naval Station, Norfolk, Virginia	\$21,000,000
Washington Headquarters Services	Schriever Air Force Base, Colorado	\$4,000,000
	Pentagon Reservation, Virginia	\$25,000,000
	Total:	\$391,308,000

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

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Education Activity	Aviano Air Base, Italy	\$3,647,000
	Geilenkirchen AB, Germany ..	\$1,733,000
	Heidelberg, Germany	\$3,312,000
	Kaiserslautern, Germany	\$1,439,000
	Kitzingen, Germany	\$1,394,000
	Landstuhl, Germany	\$1,444,000

Defense Agencies: Outside the United States—Continued

Agency	Installation or location	Amount
	Ramstein Air Force Base, Germany	\$2,814,000
	Royal Air Force, Feltwell, United Kingdom	\$22,132,000
	Vogelweh Annex, Germany	\$1,558,000
	Wiesbaden Air Base, Germany	\$1,378,000
	Wuerzburg, Germany	\$2,684,000
Defense Logistics Agen- cy	Anderson Air Force Base, Guam	\$20,000,000
	Camp Casey, Korea	\$5,500,000
	Naval Station, Rota, Spain	\$3,000,000
	Yokota Air Base, Japan	\$13,000,000
Office Secretary of De- fense	Comalapa Air Base, El Sal- vador	\$12,577,000
TRICARE Management Activity	Heidelberg, Germany	\$28,000,000
	Lajes Field, Azores, Portugal	\$3,750,000
	Thule, Greenland	\$10,800,000
	Total:	\$140,162,000

1 **SEC. 2402. ENERGY CONSERVATION PROJECTS.**

2 Using amounts appropriated pursuant to the authorization
3 of appropriations in section 2403(a)(6), the Secretary of De-
4 fense may carry out energy conservation projects under section
5 2865 of title 10, United States Code, in the amount of
6 \$27,100,000.

7 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**
8 **FENSE AGENCIES.**

9 (a) IN GENERAL.—Funds are hereby authorized to be ap-
10 propriated for fiscal years beginning after September 30, 2001,
11 for military construction, land acquisition, and military family
12 housing functions of the Department of Defense (other than
13 the military departments), in the total amount of
14 \$1,481,208,000, as follows:

15 (1) For military construction projects inside the
16 United States authorized by section 2401(a),
17 \$391,308,000.

18 (2) For military construction projects outside the
19 United States authorized by section 2401(b),
20 \$140,162,000.

21 (3) For unspecified minor construction projects under
22 section 2805 of title 10, United States Code, \$24,492,000.

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1 (4) For contingency construction projects of the Sec-
2 retary of Defense under section 2804 of title 10, United
3 States Code, \$10,000,000.

4 (5) For architectural and engineering services and
5 construction design under section 2807 of title 10, United
6 States Code, \$54,496,000.

7 (6) For energy conservation projects authorized by
8 section 2402, \$27,100,000.

9 (7) For base closure and realignment activities as au-
10 thorized by the Defense Base Closure and Realignment Act
11 of 1990 (part A of title XXIX of Public Law 101-510; 10
12 U.S.C. 2687 note), \$632,713,000.

13 (8) For military family housing functions:

14 (A) For improvement of military family housing
15 and facilities, \$250,000.

16 (B) For support of military family housing (in-
17 cluding functions described in section 2833 of title 10,
18 United States Code), \$43,762,000, of which not more
19 than \$37,298,000 may be obligated or expended for the
20 leasing of military family housing units worldwide.

21 (C) For credit to the Department of Defense Fam-
22 ily Housing Improvement Fund established by section
23 2883(a)(1) of title 10, United States Code, \$2,000,000.

24 (9) For the construction of phase 6 of an ammunition
25 demilitarization facility at Pine Bluff Arsenal, Arkansas,
26 authorized by section 2401(a) of the Military Construction
27 Authorization Act for Fiscal Year 1995 (division B of Pub-
28 lic Law 103-337; 108 Stat. 3040), as amended by section
29 2407 of the Military Construction Authorization Act for
30 Fiscal Year 1996 (division B of Public Law 104-106; 110
31 Stat. 539), section 2408 of the Military Construction Au-
32 thorization Act for Fiscal Year 1998 (division B of Public
33 Law 105-85; 111 Stat. 1982), section 2406 of the Military
34 Construction Authorization Act for Fiscal Year 1999 (divi-
35 sion B of Public Law 105-261; 112 Stat. 2197), and sec-
36 tion 2407 of this Act, \$26,000,000.

1 (10) For the construction of phase 3 of an ammunition
2 tion demilitarization facility at Pueblo Army Depot, Colo-
3 rado, authorized by section 2401(a) of the Military Con-
4 struction Authorization Act for Fiscal Year 1997 (division
5 B of Public Law 104–201; 110 Stat. 2775), as amended
6 by section 2406 of the Military Construction Authorization
7 Act for Fiscal Year 2000 (division B of Public Law 106–
8 65; 113 Stat. 839), \$11,000,000.

9 (11) For construction of phase 4 of an ammunition
10 demilitarization facility at Newport Army Depot, Indiana,
11 authorized by section 2401(a) of the Military Construction
12 Authorization Act for Fiscal Year 1999 (division B of Pub-
13 lic Law 105–261; 112 Stat. 2193), \$66,000,000.

14 (12) For construction of phase 4 of an ammunition
15 demilitarization facility at Aberdeen Proving Ground,
16 Maryland, authorized by section 2401(a) of the Military
17 Construction Authorization Act for Fiscal Year 1999 (divi-
18 sion B of Public Law 105–261; 112 Stat. 2193), as amend-
19 ed by section 2406 of this Act, \$66,500,000.

20 (13) For the construction of phase 2 of an ammuni-
21 tion demilitarization facility at Blue Grass Army Depot,
22 Kentucky, authorized by section 2401(a) of the Military
23 Construction Authorization Act for Fiscal Year 2000 (divi-
24 sion B of Public Law 106–65, 113 Stat. 836), as amended
25 by section 2405 of this Act, \$3,000,000.

26 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
27 PROJECTS.—Notwithstanding the cost variations authorized by
28 section 2853 of title 10, United States Code, and any other
29 cost variation authorized by law, the total cost of all projects
30 carried out under section 2401 of this Act may not exceed the
31 total amount authorized to be appropriated under paragraphs
32 (1) and (2) of subsection (a).

33 (c) ADJUSTMENTS.—The total amount authorized to be
34 appropriated pursuant to paragraphs (1) through (13) of sub-
35 section (a) is the sum of the amounts authorized to be appro-
36 priated in such paragraphs, reduced by \$17,575,000, which
37 represents the combination of savings resulting from adjust-

1 ments to foreign currency exchange rates for military construc-
2 tion, military family housing construction, and military family
3 housing support outside the United States and savings result-
4 ing from favorable bids, reduced overhead charges, and can-
5 cellations due to force structure changes.

6 **SEC. 2404. CANCELLATION OF AUTHORITY TO CARRY**
7 **OUT CERTAIN FISCAL YEAR 2001 PROJECTS.**

8 (a) CANCELLATION OF PROJECTS AT CAMP PENDLETON,
9 CALIFORNIA.—The table in section 2401(a) of the Military
10 Construction Authorization Act for Fiscal Year 2001 (division
11 B of the Spence Act; 114 Stat. 1654A–402) is amended—

12 (1) under the agency heading TRICARE Management
13 Activity, by striking the item relating to Marine Corps
14 Base, Camp Pendleton, California; and

15 (2) by striking the amount identified as the total in
16 the amount column and inserting “\$242,756,000”.

17 (b) CANCELLATION OF PROJECTS AT UNSPECIFIED
18 WORLDWIDE LOCATIONS.—Section 2401(c) of that Act (114
19 Stat. 1654A–404) is amended by striking “\$451,135,000” and
20 inserting “\$30,065,000”.

21 (c) TREATMENT OF AUTHORIZATION OF APPROPRIATIONS
22 FOR CERTAIN CANCELED PROJECTS.—Of the amount author-
23 ized to be appropriated by section 2403(a) of that Act (114
24 Stat. 1654A–404), and paragraph (1) of that section,
25 \$14,150,000 shall be available for purposes relating to con-
26 struction of the Portsmouth Naval Hospital, Virginia, as au-
27 thorized by section 2401(a) of the Military Construction Au-
28 thorization Act for Fiscal Years 1990 and 1991 (division B of
29 Public Law 101–189; 103 Stat. 1640).

30 (d) REDUCTION IN AUTHORIZATION OF APPROPRIATIONS
31 FOR PROJECTS AT UNSPECIFIED WORLDWIDE LOCATIONS.—
32 Section 2403 of that Act (114 Stat. 1654A–404) is amended—

33 (1) in subsection (a)—

34 (A) in the matter preceding paragraph (1), by
35 striking “\$1,883,902,000” and inserting
36 “\$1,828,872,000”; and

1 (B) in paragraph (3), by striking “\$85,095,000”
2 and inserting “\$30,065,000”; and

3 (2) in subsection (b), by striking “may not exceed—
4 ” and all that follows through the end of the subsection
5 and inserting “may not exceed the total amount authorized
6 to be appropriated under paragraphs (1) and (2) of sub-
7 section (a).”.

8 **SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY**
9 **OUT CERTAIN FISCAL YEAR 2000 PROJECTS.**

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

14 (1) under the agency heading relating to Chemical De-
15 militarization, in the item relating to Blue Grass Army
16 Depot, Kentucky, by striking “\$206,800,000” in the
17 amount column and inserting “\$254,030,000”;

18 (2) under the agency heading relating to TRICARE
19 Management Agency—

20 (A) in the item relating to Fort Wainwright, Alas-
21 ka, by striking “\$133,000,000” in the amount column
22 and inserting “\$215,000,000”; and

23 (B) by striking the item relating to Naval Air Sta-
24 tion, Whidbey Island, Washington; and

25 (3) by striking the amount identified as the total in
26 the amount column and inserting “\$711,950,000”.

27 (b) TREATMENT OF AUTHORIZATION OF APPROPRIATIONS
28 FOR CANCELED WHIDBEY ISLAND, PROJECT.—Of the amount
29 authorized to be appropriated by section 2405(a) of that Act
30 (113 Stat. 837), and paragraph (1) of that section, \$4,700,000
31 shall be available for purposes relating to construction of the
32 Portsmouth Naval Hospital, Virginia, as authorized by section
33 2401(a) of the Military Construction Authorization Act for Fis-
34 cal Years 1990 and 1991 (division B of Public Law 101-189;
35 103 Stat. 1640).

36 (c) CONFORMING AMENDMENTS.—Section 2405(b) of that
37 Act (113 Stat. 839) is amended—

1 (1) in paragraph (2), by striking “\$115,000,000” and
2 inserting “\$197,000,000”; and

3 (2) in paragraph (3), by striking “\$184,000,000” and
4 inserting “\$231,230,000”.

5 **SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY**
6 **OUT CERTAIN FISCAL YEAR 1999 PROJECT.**

7 (a) MODIFICATION.—The table in section 2401(a) of the
8 Military Construction Authorization Act for Fiscal Year 1999
9 (division B of Public Law 105–261; 112 Stat. 2193) is
10 amended—

11 (1) under the agency heading relating to Chemical De-
12 militarization, in the item relating to Aberdeen Proving
13 Ground, Maryland, by striking “\$186,350,000” in the
14 amount column and inserting “\$223,950,000”; and

15 (2) by striking the amount identified as the total in
16 the amount column and inserting “\$727,616,000”.

17 (b) CONFORMING AMENDMENT.—Section 2404(b)(3) of
18 that Act (112 Stat. 2196) is amended by striking
19 “\$158,000,000” and inserting “\$195,600,000”.

20 **SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY**
21 **OUT CERTAIN FISCAL YEAR 1995 PROJECT.**

22 The table in section 2401 of the Military Construction Au-
23 thorization Act for Fiscal Year 1995 (division B of Public Law
24 103–337; 108 Stat. 3040), as amended by section 2407 of the
25 Military Construction Authorization Act for Fiscal Year 1996
26 (division B of Public Law 104–106; 110 Stat. 539), section
27 2408 of the Military Construction Authorization Act for Fiscal
28 Year 1998 (division B of Public Law 105–85; 111 Stat. 1982),
29 and section 2406 of the Military Construction Authorization
30 Act for Fiscal Year 1999 (division B of Public Law 105–261;
31 112 Stat. 2197), is amended under the agency heading relating
32 to Chemical Agents and Munitions Destruction, in the item re-
33 lating to Pine Bluff Arsenal, Arkansas, by striking
34 “\$154,400,000” in the amount column and inserting
35 “\$177,400,000”.

1 **SEC. 2408. PROHIBITION ON EXPENDITURES TO DE-**
2 **VELOP FORWARD OPERATING LOCATION ON**
3 **ARUBA.**

4 None of the funds appropriated under the heading “MILI-
5 TARY CONSTRUCTION, DEFENSE-WIDE” in chapter 3 of title III
6 of the Emergency Supplemental Act, 2000 (Public Law 106-
7 246; 114 Stat. 579), may be used by the Secretary of Defense
8 to develop any forward operating location on the island of
9 Aruba.

1 **TITLE XXV—NORTH ATLANTIC**
2 **TREATY ORGANIZATION SECURITY**
3 **INVESTMENT PROGRAM**

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

4 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND**
5 **LAND ACQUISITION PROJECTS.**

6 The Secretary of Defense may make contributions for the
7 North Atlantic Treaty Organization Security Investment Pro-
8 gram as provided in section 2806 of title 10, United States
9 Code, in an amount not to exceed the sum of the amount au-
10 thorized to be appropriated for this purpose in section 2502
11 and the amount collected from the North Atlantic Treaty Orga-
12 nization as a result of construction previously financed by the
13 United States.

14 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

15 Funds are hereby authorized to be appropriated for fiscal
16 years beginning after September 30, 2001, for contributions by
17 the Secretary of Defense under section 2806 of title 10, United
18 States Code, for the share of the United States of the cost of
19 projects for the North Atlantic Treaty Organization Security
20 Investment Program authorized by section 2501, in the amount
21 of \$162,600,000.

1 **TITLE XXVI—GUARD AND RESERVE**
2 **FACILITIES**

Sec. 2601. Authorized guard and reserve construction and land acquisition projects.

3 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CON-**
4 **STRUCTION AND LAND ACQUISITION**
5 **PROJECTS.**

6 (a) IN GENERAL.—There are authorized to be appro-
7 priated for fiscal years beginning after September 30, 2001, for
8 the costs of acquisition, architectural and engineering services,
9 and construction of facilities for the Guard and Reserve Forces,
10 and for contributions therefor, under chapter 1803 of title 10,
11 United States Code (including the cost of acquisition of land
12 for those facilities), the following amounts:

13 (1) For the Department of the Army—

14 (A) for the Army National Guard of the United
15 States, \$393,253,000; and

16 (B) for the Army Reserve, \$168,969,000.

17 (2) For the Department of the Navy, for the Naval
18 and Marine Corps Reserve, \$52,896,000.

19 (3) For the Department of the Air Force—

20 (A) for the Air National Guard of the United
21 States, \$253,852,000; and

22 (B) for the Air Force Reserve, \$73,032,000.

1 **TITLE XXVII—EXPIRATION AND**
2 **EXTENSION OF AUTHORIZATIONS**

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.

Sec. 2702. Extension of authorizations of certain fiscal year 1999 projects.

Sec. 2703. Extension of authorizations of certain fiscal year 1998 projects.

Sec. 2704. Effective date.

3 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**
4 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
5 **LAW.**

6 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
7 YEARS.—Except as provided in subsection (b), all authoriza-
8 tions contained in titles XXI through XXVI for military con-
9 struction projects, land acquisition, family housing projects and
10 facilities, and contributions to the North Atlantic Treaty Orga-
11 nization Security Investment program (and authorizations of
12 appropriations therefor) shall expire on the later of—

13 (1) October 1, 2004; or

14 (2) the date of the enactment of an Act authorizing
15 funds for military construction for fiscal year 2005.

16 (b) EXCEPTION.—Subsection (a) shall not apply to author-
17 izations for military construction projects, land acquisition,
18 family housing projects and facilities, and contributions to the
19 North Atlantic Treaty Organization Security Investment pro-
20 gram (and authorizations of appropriations therefor) for which
21 appropriated funds have been obligated before the later of—

22 (1) October 1, 2004; or

23 (2) the date of the enactment of an Act authorizing
24 funds for fiscal year 2005 for military construction
25 projects, land acquisition, family housing projects and fa-
26 cilities, or contributions to the North Atlantic Treaty Orga-
27 nization Security Investment program.

28 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CER-**
29 **TAIN FISCAL YEAR 1999 PROJECTS.**

30 (a) EXTENSION.—Notwithstanding section 2701 of the
31 Military Construction Authorization Act for Fiscal Year 1999
32 (division B of Public Law 105-261; 112 Stat. 2199), author-
33 izations set forth in the tables in subsection (b), as provided

[Title XXVII—Expiration and Extension]

1 in section 2302 or 2601 of that Act, shall remain in effect until
 2 October 1, 2002, or the date of the enactment of an Act au-
 3 thORIZING funds for military construction for fiscal year 2003,
 4 whichever is later.

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

Air Force: Extension of 1999 Project Authorizations

State	Installation or loca- tion	Project	Amount
Delaware	Dover Air Force Base	Replace Family Housing (55 units)	\$8,998,000
Florida	Patrick Air Force Base	Replace Family Housing (46 units)	\$9,692,000
New Mexico	Kirtland Air Force Base	Replace Family Housing (37 units)	\$6,400,000
Ohio	Wright-Patterson Air Force Base	Replace Family Housing (40 units)	\$5,600,000

Army National Guard: Extension of 1999 Project Authorizations

State	Installation or loca- tion	Project	Amount
Massachusetts	Westfield	Army Aviation Support Facility	\$9,274,000
South Carolina	Spartanburg	Readiness Center	\$5,260,000

7 **SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CER-**
 8 **TAIN FISCAL YEAR 1998 PROJECTS.**

9 (a) EXTENSION.—Notwithstanding section 2701 of the
 10 Military Construction Authorization Act for Fiscal Year 1998
 11 (division B of Public Law 105–85; 111 Stat. 1984), authoriza-
 12 tions set forth in the tables in subsection (b), as provided in
 13 section 2102, 2202, or 2302 of that Act and extended by sec-
 14 tion 2702 of the Military Construction Authorization Act for
 15 Fiscal Year 2001 (division B of the Spence Act; 114 Stat.
 16 1654A–408), shall remain in effect until October 1, 2002, or
 17 the date of the enactment of an Act authorizing funds for mili-
 18 tary construction for fiscal year 2003, whichever is later.

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

[Title XXVII—Expiration and Extension]

27-3

Army: Extension of 1998 Project Authorization

State	Installation or location	Project	Amount
Maryland	Fort Meade	Family Housing Construction (56 units)	\$7,900,000

Navy: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
California	Naval Complex, San Diego	Replace Family Housing (94 units)	\$13,500,000
California	Marine Corps Air Station, Miramar	Family Housing Construction (166 units) ..	\$28,881,000
Louisiana	Naval Complex, New Orleans	Replace Family Housing (100 units)	\$11,930,000
Texas	Naval Air Station, Corpus Christi	Family Housing Construction (212 units) ..	\$22,250,000

Air Force: Extension of 1998 Project Authorization

State	Installation or location	Project	Amount
New Mexico	Kirtland Air Force Base	Replace Family Housing (180 units)	\$20,900,000

1 **SEC. 2704. EFFECTIVE DATE.**

2 Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall
3 take effect on the later of—

4 (1) October 1, 2001; or

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

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

- Sec. 2801. Increase in thresholds for certain unspecified minor military construction projects.
- Sec. 2802. Exclusion of unforeseen environmental hazard remediation from limitation on authorized cost variations.
- Sec. 2803. Repeal of annual reporting requirement on military construction and military family housing activities.
- Sec. 2804. Funds for housing allowances of members assigned to military family housing under alternative authority for acquisition and improvement of military housing.
- Sec. 2805. Extension of alternative authority for acquisition and improvement of military housing.
- Sec. 2806. Treatment of financing costs as allowable expenses under contracts for utility services from utility systems conveyed under privatization initiative.

Subtitle B—Real Property and Facilities Administration

- Sec. 2811. Use of military installations for certain recreational activities.
- Sec. 2812. Availability of proceeds of sales of Department of Defense property from certain closed military installations.
- Sec. 2813. Pilot program to provide additional tools for efficient operation of military installations.
- Sec. 2814. Demonstration program on reduction in long-term facility maintenance costs.
- Sec. 2815. Base efficiency project at Brooks Air Force Base, Texas.

Subtitle C—Implementation of Prior Base Closure and Realignment Rounds

- Sec. 2821. Lease back of base closure property.

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

- Sec. 2831. Land conveyance, Whittier-Anchorage Pipeline Tank Farm, Anchorage, Alaska.
- Sec. 2832. Lease authority, Fort DeRussy, Hawaii.
- Sec. 2833. Modification of land exchange, Rock Island Arsenal, Illinois.
- Sec. 2834. Land conveyance, Fort Des Moines, Iowa.
- Sec. 2835. Modification of land conveyances, Fort Dix, New Jersey.
- Sec. 2836. Land conveyance, Engineer Proving Ground, Fort Belvoir, Virginia.
- Sec. 2837. Land exchange and consolidation, Fort Lewis, Washington.
- Sec. 2838. Land conveyance, Army Reserve Center, Kewaunee, Wisconsin.

PART II—NAVY CONVEYANCES

- Sec. 2841. Transfer of jurisdiction, Centerville Beach Naval Station, Humboldt County, California.
- Sec. 2842. Land conveyance, Port of Long Beach, California.
- Sec. 2843. Conveyance of pier, Naval Base, San Diego, California.
- Sec. 2844. Modification of authority for conveyance of Naval Computer and Telecommunications Station, Cutler, Maine.
- Sec. 2845. Land transfer and conveyance, Naval Security Group Activity, Winter Harbor, Maine.

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- Sec. 2846. Land acquisition, Perquimans County, North Carolina.
- Sec. 2847. Land conveyance, Naval Weapons Industrial Reserve Plant, Toledo, Ohio.
- Sec. 2848. Modification of land conveyance, former United States Marine Corps Air Station, Eagle Mountain Lake, Texas.

PART III—AIR FORCE CONVEYANCES

- Sec. 2851. Conveyance of avigation easements, former Norton Air Force Base, California.
- Sec. 2852. Reexamination of land conveyance, Lowry Air Force Base, Colorado.
- Sec. 2853. Water rights conveyance, Andersen Air Force Base, Guam.
- Sec. 2854. Conveyance of segment of Loring petroleum pipeline, Maine, and related easements.
- Sec. 2855. Land conveyance, petroleum terminal serving former Loring Air Force Base and Bangor Air National Guard Base, Maine.
- Sec. 2856. Land conveyances, certain former Minuteman III ICBM facilities in North Dakota.
- Sec. 2857. Land conveyances, Charleston Air Force Base, South Carolina.
- Sec. 2858. Transfer of jurisdiction, Mukilteo Tank Farm, Everett, Washington.

Subtitle E—Other Matters

- Sec. 2861. Management of the Presidio of San Francisco.
- Sec. 2862. Transfer of jurisdiction for development of Air Force morale, welfare, and recreation facility, Park City, Utah.
- Sec. 2863. Alternate site for United States Air Force Memorial, preservation of open space on Arlington Ridge tract, and related land transfer at Arlington National Cemetery, Virginia.
- Sec. 2864. Establishment of memorial to victims of terrorist attack on Pentagon Reservation and authority to accept monetary contributions for memorial and repair of Pentagon.
- Sec. 2865. Repeal of limitation on cost of renovation of Pentagon Reservation.
- Sec. 2866. Development of United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania.
- Sec. 2867. Effect of limitation on construction of roads or highways, Marine Corps Base, Camp Pendleton, California.
- Sec. 2868. Establishment of World War II memorial at additional location on Guam.
- Sec. 2869. Demonstration project for purchase of fire, security, police, public works, and utility services from local government agencies.
- Sec. 2870. Report on future land needs of United States Military Academy, New York, and adjacent community.
- Sec. 2871. Naming of Patricia C. Lamar Army National Guard Readiness Center, Oxford, Mississippi.

1 **Subtitle A—Military Construction**
2 **Program and Military Family Hous-**
3 **ing Changes**

4 **SEC. 2801. INCREASE IN THRESHOLDS FOR CERTAIN UN-**
5 **SPECIFIED MINOR MILITARY CONSTRUC-**
6 **TION PROJECTS.**

7 (a) PROJECTS REQUIRING ADVANCE APPROVAL OF SEC-
8 RETARY CONCERNED.—Subsection (b)(1) of section 2805 of
9 title 10, United States Code, is amended by striking
10 “\$500,000” and inserting “\$750,000”.

11 (b) PROJECTS USING AMOUNTS FOR OPERATION AND
12 MAINTENANCE.—Subsection (c)(1) of that section is
13 amended—

14 (1) in subparagraph (A), by striking “\$1,000,000”
15 and inserting “\$1,500,000”; and

16 (2) in subparagraph (B), by striking “\$500,000” and
17 inserting “\$750,000”.

18 **SEC. 2802. EXCLUSION OF UNFORESEEN ENVIRON-**
19 **MENTAL HAZARD REMEDIATION FROM LIMI-**
20 **TATION ON AUTHORIZED COST VARIATIONS.**

21 Subsection (d) of section 2853 of title 10, United States
22 Code, is amended to read as follows:

23 “(d) The limitation on cost increases in subsection (a)
24 does not apply to the following:

25 “(1) The settlement of a contractor claim under a con-
26 tract.

27 “(2) The costs associated with the required remedi-
28 ation of an environmental hazard in connection with a mili-
29 tary construction project or military family housing project,
30 such as asbestos removal, radon abatement, lead-based
31 paint removal or abatement, or any other legally required
32 environmental hazard remediation, if the required remedi-
33 ation could not have reasonably been anticipated at the
34 time the project was approved originally by Congress.”.

1 **SEC. 2803. REPEAL OF ANNUAL REPORTING REQUIRE-**
2 **MENT ON MILITARY CONSTRUCTION AND**
3 **MILITARY FAMILY HOUSING ACTIVITIES.**

4 (a) REPEAL.—Section 2861 of title 10, United States
5 Code, is repealed.

6 (b) CLERICAL AMENDMENT.—The table of sections at the
7 beginning of subchapter III of chapter 169 of such title is
8 amended by striking the item relating to section 2861.

9 **SEC. 2804. FUNDS FOR HOUSING ALLOWANCES OF MEM-**
10 **BERS ASSIGNED TO MILITARY FAMILY HOUS-**
11 **ING UNDER ALTERNATIVE AUTHORITY FOR**
12 **ACQUISITION AND IMPROVEMENT OF MILI-**
13 **TARY HOUSING.**

14 (a) IN GENERAL.—Subchapter IV of chapter 169 of title
15 10, United States Code, is amended by inserting after section
16 2883 the following new section:

17 **“§ 2883a. Funds for housing allowances of mem-**
18 **bers of the armed forces assigned to cer-**
19 **tain military family housing units**

20 “(a) AUTHORITY TO TRANSFER FUNDS TO COVER HOUS-
21 ING ALLOWANCES.—During the fiscal year in which a contract
22 is awarded for the acquisition or construction of military family
23 housing units under this subchapter that are not to be owned
24 by the United States, the Secretary of Defense may transfer
25 the amount determined under subsection (b) with respect to
26 such housing from appropriations available for support of mili-
27 tary housing for the armed force concerned for that fiscal year
28 to appropriations available for pay and allowances of military
29 personnel of that same armed force for that same fiscal year.

30 “(b) AMOUNT TRANSFERRED.—The total amount author-
31 ized to be transferred under subsection (a) in connection with
32 a contract under this subchapter may not exceed an amount
33 equal to any additional amounts payable during the fiscal year
34 in which the contract is awarded to members of the armed
35 forces assigned to the acquired or constructed housing units as
36 basic allowance for housing under section 403 of title 37 that
37 would not otherwise have been payable to such members if not
38 for assignment to such housing units.

1 sults of the evaluation to the Federal Acquisition Regulatory
2 Council together with a recommendation regarding the amend-
3 ments to the Federal Acquisition Regulation necessary to effec-
4 tuate the modification.

5 **Subtitle B—Real Property and** 6 **Facilities Administration**

7 **SEC. 2811. USE OF MILITARY INSTALLATIONS FOR CER-** 8 **TAIN RECREATIONAL ACTIVITIES.**

9 (a) WAIVER AUTHORITY.—Section 2671 of title 10,
10 United States Code, is amended—

11 (1) in subsection (b), by striking “(b)” and inserting
12 “(e) REGULATIONS.—” and transferring the subsection to
13 the end of the section; and

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

16 “(b) WAIVER AUTHORITY.—(1) The Secretary of Defense
17 may waive or otherwise modify the fish and game laws of a
18 State or Territory otherwise applicable under subsection (a)(1)
19 to hunting, fishing, or trapping at a military installation or fa-
20 cility if the Secretary determines that the application of such
21 laws to such hunting, fishing, or trapping without modification
22 could result in undesirable consequences for public health or
23 safety at the installation or facility. The authority to waive
24 such laws includes the authority to extend, but not reduce, the
25 specified season for certain hunting, fishing, or trapping. The
26 Secretary may not waive the requirements under subsection
27 (a)(2) regarding a license for such hunting, fishing, or trapping
28 or any fee imposed by a State or Territory to obtain such a
29 license.

30 “(2) If the Secretary determines that a waiver of fish and
31 game laws of a State or Territory is appropriate under para-
32 graph (1), the Secretary shall provide written notification to
33 the appropriate State or Territory officials stating the reasons
34 for, and extent of, the waiver. The notification shall be provided
35 at least 30 days before implementation of the waiver.”.

36 (b) CLERICAL AMENDMENTS.—Such section is further
37 amended—

1 (1) in subsection (a), by inserting “GENERAL RE-
2 QUIREMENTS FOR HUNTING, FISHING, AND TRAPPING.—”
3 after “(a)”;

4 (2) in subsection (c), by inserting “VIOLATIONS.—”
5 after “(c)”;

6 (3) in subsection (d), by inserting “RELATION TO
7 TREATY RIGHTS.—” after “(d)”.

8 **SEC. 2812. AVAILABILITY OF PROCEEDS OF SALES OF**
9 **DEPARTMENT OF DEFENSE PROPERTY**
10 **FROM CERTAIN CLOSED MILITARY INSTAL-**
11 **LATIONS.**

12 (a) MODIFICATION OF AVAILABILITY PERCENTAGES.—
13 Subsection (h)(2) of section 204 of the Federal Property and
14 Administrative Services Act of 1949 (40 U.S.C. 485) is amend-
15 ed by striking subparagraphs (A) and (B) and inserting the fol-
16 lowing new subparagraphs:

17 “(A) In the case of property located at a military in-
18 stallation that is closed, such amount shall be available for
19 facility maintenance and repair or environmental restora-
20 tion by the military department that had jurisdiction over
21 such property before the closure of the military installation.

22 “(B) In the case of property located at any other mili-
23 tary installation—

24 “(i) 50 percent of such amount shall be available
25 for facility maintenance and repair or environmental
26 restoration at the military installation where such prop-
27 erty was located before it was disposed of or trans-
28 ferred; and

29 “(ii) 50 percent of such amount shall be available
30 for facility maintenance and repair and for environ-
31 mental restoration by the military department that had
32 jurisdiction over such property before it was disposed
33 of or transferred.”

34 (b) RELATION TO OTHER LAWS.—Subsection (h) of such
35 section is further amended—

36 (1) in paragraph (1), by inserting “pursuant to a base
37 closure law” after “realignment” in the first sentence; and

1 (5) in paragraph (5), by inserting before the period at
2 the end the following: “, and the term ‘base closure law’
3 shall have the meaning given that term in section
4 2667(h)(2) of such title”.

5 **SEC. 2813. PILOT PROGRAM TO PROVIDE ADDITIONAL**
6 **TOOLS FOR EFFICIENT OPERATION OF MILI-**
7 **TARY INSTALLATIONS.**

8 (a) INITIATIVE AUTHORIZED.—The Secretary of Defense
9 may carry out a pilot program (to be known as the “Pilot Effi-
10 cient Facilities Initiative”) for purposes of determining the po-
11 tential for increasing the efficiency and effectiveness of the op-
12 eration of military installations.

13 (b) DESIGNATION OF PARTICIPATING MILITARY INSTAL-
14 LATIONS.—(1) The Secretary of Defense may designate up to
15 two military installations of each military department for par-
16 ticipation in the Initiative.

17 (2) Before designating a military installation under para-
18 graph (1), the Secretary shall consult with employees at the in-
19 stallation and communities in the vicinity of the installation re-
20 garding the Initiative.

21 (3) The Secretary shall transmit to Congress written noti-
22 fication of the designation of a military installation to partici-
23 pate in the Initiative not later than 30 days before taking any
24 action to carry out the Initiative at the installation. The notifi-
25 cation shall include a description of the steps taken by the Sec-
26 retary to comply with paragraph (2).

27 (c) MANAGEMENT PLAN.—(1) As part of the notification
28 required under subsection (b), the Secretary of Defense shall
29 submit a management plan for the Initiative at the military in-
30 stallation designated in the notification.

31 (2) The management plan for a designated military instal-
32 lation shall include a description of—

33 (A) each proposed lease of real or personal property
34 located at the military installation;

35 (B) each proposed disposal of real or personal prop-
36 erty located at the installation;

1 (C) each proposed leaseback of real or personal prop-
2 erty leased or disposed of at the installation;

3 (D) each proposed conversion of services at the instal-
4 lation from Federal Government performance to non-Fed-
5 eral Government performance, including performance by
6 contract with a State or local government or private entity
7 or performance as consideration for the lease or disposal of
8 property at the installation; and

9 (E) each other action proposed to be taken to improve
10 mission effectiveness and reduce the cost of providing qual-
11 ity installation support at the installation.

12 (3) With respect to each proposed action described under
13 paragraph (2), the management plan shall include—

14 (A) an estimate of the savings expected to be achieved
15 as a result of the action;

16 (B) each regulation not required by statute that is
17 proposed to be waived to implement the action; and

18 (C) each statute or regulation required by statute that
19 is proposed to be waived to implement the action,
20 including—

21 (i) an explanation of the reasons for the proposed
22 waiver; and

23 (ii) a description of the action to be taken to pro-
24 tect the public interests served by the statute or regula-
25 tion, as the case may be, in the event of the waiver.

26 (4) The management plan shall include measurable cri-
27 teria for the evaluation of the effects of the actions taken pur-
28 suant to the Initiative at the designated military installation.

29 (d) WAIVER OF STATUTORY REQUIREMENTS.—The Sec-
30 retary of Defense may waive any statute, or regulation required
31 by statute, for purposes of carrying out the Initiative only if
32 specific authority for the waiver of such statute or regulation
33 is provided in a law that is enacted after the date of the enact-
34 ment of this Act.

35 (e) INSTALLATION EFFICIENCY INITIATIVE FUND.—(1)
36 There is established on the books of the Treasury a fund to
37 be known as the “Installation Efficiency Initiative Fund”.

1 (2) There shall be deposited in the Fund all cash rents,
2 payments, reimbursements, proceeds, and other amounts from
3 leases, sales, or other conveyances or transfers, joint activities,
4 and other actions taken under the Initiative.

5 (3) To the extent provided in advance in authorization
6 Acts and appropriations Acts, amounts in the Fund shall be
7 available to the Secretary of Defense for purposes of managing
8 capital assets and providing support services at military instal-
9 lations participating in the Initiative. Amounts in the Fund
10 may be used for such purposes in addition to, or in combina-
11 tion with, other amounts authorized to appropriated for such
12 purposes. Amounts in the Fund shall be available for such pur-
13 poses for five years.

14 (4) Subject to applicable financial management regula-
15 tions, the Secretary shall structure the Fund, and provide ad-
16 ministrative policies and procedures, in order provide proper
17 control of deposits in and disbursements from the Fund.

18 (f) REPORT.—Not later than December 31, 2004, the Sec-
19 retary of Defense shall submit to Congress a report on the Ini-
20 tiative. The report shall contain a description of the actions
21 taken under the Initiative and include such other information,
22 including recommendations, as the Secretary considers appro-
23 priate regarding the Initiative.

24 (g) DEFINITIONS.—In this section:

25 (1) The term “Initiative” means the Pilot Efficient
26 Facilities Initiative.

27 (2) The term “Fund” means the Installation Effi-
28 ciency Initiative Fund.

29 (3) The term “military installation” has the meaning
30 given such term in section 2687(e) of title 10, United
31 States Code.

32 (h) TERMINATION.—The authority of the Secretary of De-
33 fense to carry out the Initiative shall terminate December 31,
34 2005.

1 **SEC. 2814. DEMONSTRATION PROGRAM ON REDUCTION**
2 **IN LONG-TERM FACILITY MAINTENANCE**
3 **COSTS.**

4 (a) **AUTHORITY TO CARRY OUT PROGRAM.**—The Sec-
5 retary of the Army may conduct a demonstration program to
6 assess the feasibility and desirability of including facility main-
7 tenance requirements in construction contracts for military con-
8 struction projects for the purpose of determining whether such
9 requirements facilitate reductions in the long-term facility
10 maintenance costs of the military departments.

11 (b) **CONTRACTS.**—Not more than three contracts entered
12 into in any year may contain requirements referred to in sub-
13 section (a) for the purpose of the demonstration program. The
14 demonstration program may only cover contracts entered into
15 on or after the date of the enactment of this Act.

16 (c) **EFFECTIVE PERIOD OF REQUIREMENTS.**—The effec-
17 tive period of a requirement referred to in subsection (a) that
18 is included in a contract for the purpose of the demonstration
19 program may not exceed five years.

20 (d) **REPORTING REQUIREMENTS.**—Not later than January
21 31, 2005, the Secretary of the Army shall submit to Congress
22 a report on the demonstration program, including the following:

23 (1) A description of all contracts that contain require-
24 ments referred to in subsection (a) for the purpose of the
25 demonstration program.

26 (2) An evaluation of the demonstration program and
27 a description of the experience of the Secretary with re-
28 spect to such contracts.

29 (3) Any recommendations, including recommendations
30 for the termination, continuation, or expansion of the dem-
31 onstration program, that the Secretary considers appro-
32 priate.

33 (e) **EXPIRATION.**—The authority under subsection (a) to
34 include requirements referred to in that subsection in contracts
35 under the demonstration program shall expire on September
36 30, 2006.

1 (f) FUNDING.—Amounts authorized to be appropriated for
2 the Army for a fiscal year for military construction shall be
3 available for the demonstration program under this section in
4 such fiscal year.

5 **SEC. 2815. BASE EFFICIENCY PROJECT AT BROOKS AIR**
6 **FORCE BASE, TEXAS.**

7 (a) ADMINISTRATION OF PROJECT.—Section 136(m)(9) of
8 the Military Construction Appropriations Act, 2001 (division A
9 of Public Law 106–246; 114 Stat. 524), is amended by striking
10 “, who shall be a civilian official of the Department appointed
11 by the President with the advice and consent of the Senate”.

12 (b) INDEMNIFICATION OF TRANSFEREES.—Not later than
13 March 1, 2002, the Secretary of Defense shall submit to Con-
14 gress a report evaluating the base efficiency project conducted
15 under section 136 of the Military Construction Appropriations
16 Act, 2001 (division A of Public Law 106–246; 114 Stat. 520).
17 The evaluation shall address whether the disposal of real prop-
18 erty under subsection (e) or other provisions of that section re-
19 quires any additional authority for the Secretary beyond the
20 authority provided under existing law to hold harmless, defend,
21 and indemnify the recipients of the property against claims
22 arising out of Department of Defense activities on the property
23 before disposal. If the Secretary determines that inclusion of
24 such an indemnity provision would facilitate activities under the
25 base efficiency project, the Secretary shall include a rec-
26 ommendation in the report regarding the nature and extent of
27 the indemnification to be provided.

28 **Subtitle C—Implementation of Prior**
29 **Base Closure and Realignment**
30 **Rounds**

31 **SEC. 2821. LEASE BACK OF BASE CLOSURE PROPERTY.**

32 (a) 1988 LAW.—Section 204(b)(4) of the Defense Author-
33 ization Amendments and Base Closure and Realignment Act
34 (Public Law 100–526; 10 U.S.C. 2687 note) is amended—

1 (1) by redesignating subparagraphs (E), (F), (G), (H),
2 and (I) as subparagraphs (F), (G), (H), (I), and (J), re-
3 spectively; and

4 (2) by inserting after subparagraph (D) the following
5 new subparagraph (E):

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

17 “(ii) A lease under clause (i) shall be for a term of not
18 to exceed 50 years, but may provide for options for renewal or
19 extension of the term by the department or agency concerned.

20 “(iii) A lease under clause (i) may not require rental pay-
21 ments by the United States.

22 “(iv) A lease under clause (i) shall include a provision
23 specifying that if the department or agency concerned ceases
24 requiring the use of the leased property before the expiration
25 of the term of the lease, the remainder of the lease term may
26 be satisfied by the same or another department or agency of
27 the Federal Government using the property for a use similar
28 to the use under the lease. Exercise of the authority provided
29 by this clause shall be made in consultation with the redevel-
30 opment authority concerned.

31 “(v) Notwithstanding clause (iii), if a lease under clause
32 (i) involves a substantial portion of the installation, the depart-
33 ment or agency concerned may obtain facility services for the
34 leased property and common area maintenance from the rede-
35 velopment authority or the redevelopment authority’s assignee
36 as a provision of the lease. The facility services and common
37 area maintenance shall be provided at a rate no higher than

1 the rate charged to non-Federal tenants of the transferred
 2 property. Facility services and common area maintenance cov-
 3 ered by the lease shall not include—

4 “(I) municipal services that a State or local govern-
 5 ment is required by law to provide to all landowners in its
 6 jurisdiction without direct charge; or

7 “(II) firefighting or security-guard functions.”.

8 (b) 1990 LAW.—Section 2905(b)(4)(E) of the Defense
 9 Base Closure and Realignment Act of 1990 (part A of title
 10 XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amend-
 11 ed by adding at the end the following new clause:

12 “(v) Notwithstanding clause (iii), if a lease under clause
 13 (i) involves a substantial portion of the installation, the depart-
 14 ment or agency concerned may obtain facility services for the
 15 leased property and common area maintenance from the rede-
 16 velopment authority or the redevelopment authority’s assignee
 17 as a provision of the lease. The facility services and common
 18 area maintenance shall be provided at a rate no higher than
 19 the rate charged to non-Federal tenants of the transferred
 20 property. Facility services and common area maintenance cov-
 21 ered by the lease shall not include—

22 “(I) municipal services that a State or local govern-
 23 ment is required by law to provide to all landowners in its
 24 jurisdiction without direct charge; or

25 “(II) firefighting or security-guard functions.”.

26 **Subtitle D—Land Conveyances**

27 **PART I—ARMY CONVEYANCES**

28 **SEC. 2831. LAND CONVEYANCE, WHITTIER-ANCHORAGE** 29 **PIPELINE TANK FARM, ANCHORAGE, ALAS-** 30 **KA.**

31 (a) CONVEYANCE AUTHORIZED.—The Secretary of the
 32 Army may convey to the Port of Anchorage, an entity of the
 33 Municipality of Anchorage, Alaska (in this section referred to
 34 as the “Port”), all right, title, and interest of the United States
 35 in and to two adjoining parcels of real property, including any
 36 improvements thereon, consisting of approximately 48 acres in
 37 Anchorage, Alaska, which are known as of the Whittier-Anchor-

1 age Pipeline Tank Farm, for the purpose of permitting the
2 Port to use the parcels for economic development.

3 (b) CONSIDERATION.—As consideration for the conveyance
4 under subsection (a), the Port shall pay to the United States
5 an amount, in cash or in-kind, equal to not less than the fair
6 market value of the conveyed property, as determined by the
7 Secretary. The Secretary may authorize the Port to carry out,
8 as in-kind consideration, environmental remediation activities
9 for the property to be conveyed.

10 (c) TIME FOR CONVEYANCE.—The Secretary may delay
11 the conveyance under subsection (a) until such time as the
12 Army studies relating to the Alaska deployment of the Interim
13 Brigade Combat Team in Alaska are completed.

14 (d) DESCRIPTION OF PROPERTY.—The exact acreage and
15 legal description of the real property to be conveyed under sub-
16 section (a) shall be determined by a survey satisfactory to the
17 Secretary. The cost of the survey shall be borne by the Port.

18 (e) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
19 retary may require such additional terms and conditions in con-
20 nection with the conveyance under subsection (a) as the Sec-
21 retary considers appropriate to protect the interests of the
22 United States.

23 **SEC. 2832. LEASE AUTHORITY, FORT DERUSSY, HAWAII.**

24 (a) LEASE AUTHORIZED.—Notwithstanding section 809 of
25 the Military Construction Authorization Act, 1968 (Public Law
26 90–110; 81 Stat. 309), and section 2814(b) of the Military
27 Construction Authorization Act, 1989 (Public Law 100–456;
28 102 Stat. 2117), the Secretary of the Army may enter into a
29 lease with the City and County of Honolulu, Hawaii, for the
30 purpose of making available to the City and County a parcel
31 of real property at Fort DeRussy, Hawaii, for the construction
32 and operation of a parking facility. The size and location of the
33 parcel shall be determined by the Secretary.

34 (b) TERMS AND CONDITIONS.—The lease under subsection
35 (a) may be for such term of years, require such consideration,
36 and contain such other terms and conditions as the Secretary

1 considers appropriate to protect the interests of the United
2 States.

3 (c) RELATIONSHIP TO OTHER LEASE AUTHORITY.—Sec-
4 tion 2667 of title 10, United States Code, shall not apply to
5 the lease under subsection (a).

6 (d) DISPOSITION OF MONEY RENTALS.—All money rentals
7 received pursuant to the lease under subsection (a) shall be—

8 (1) retained by the Secretary;

9 (2) credited to an appropriation account that supports
10 the operation and maintenance of Fort DeRussy; and

11 (3) available for such purpose until expended.

12 **SEC. 2833. MODIFICATION OF LAND EXCHANGE, ROCK**
13 **ISLAND ARSENAL, ILLINOIS.**

14 (a) ADDITIONAL CONVEYANCE AUTHORIZED.—Subsection
15 (a) of section 2832 of the Military Construction Authorization
16 Act for Fiscal Year 2000 (division B of Public Law 106-65;
17 113 Stat. 857) is amended—

18 (1) by inserting “(1)” after “CONVEYANCE AUTHOR-
19 IZED.—”; and

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

21 “(2) The Secretary may convey to the City all right, title,
22 and interest of the United States in and to an additional parcel
23 of real property, including improvements thereon, at the Rock
24 Island Arsenal consisting of approximately .513 acres.”

25 (b) CONSIDERATION.—Subsection (b) of such section is
26 amended—

27 (1) by inserting “(1)” after “CONSIDERATION.—”;

28 (2) by striking “subsection (a)” both places it appears
29 and inserting “subsection (a)(1)”; and

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

31 “(2) As consideration for the conveyance under subsection
32 (a)(2), the City shall convey to the Secretary all right, title,
33 and interest of the City in and to a parcel of real property con-
34 sisting of approximately .063 acres and construct on the parcel,
35 at the City’s expense, a new access ramp to the Rock Island
36 Arsenal.”

1 **SEC. 2834. LAND CONVEYANCE, FORT DES MOINES,**
2 **IOWA.**

3 (a) CONVEYANCE AUTHORIZED.—The Secretary of the
4 Army may convey, without consideration, to Fort Des Moines
5 Memorial Park, Inc., a nonprofit organization (in this section
6 referred to as the “Memorial Park”), all right, title, and inter-
7 est of the United States in and to a parcel of real property,
8 including improvements thereon, consisting of approximately
9 4.6 acres located at Fort Des Moines United States Army Re-
10 serve Center, Des Moines, Iowa, for the purpose of the estab-
11 lishment of the Fort Des Moines Memorial Park and Education
12 Center.

13 (b) CONDITION OF CONVEYANCE.—The conveyance under
14 subsection (a) shall be subject to the condition that the Memo-
15 rial Park use the property for museum and park purposes.

16 (c) REVERSION.—If the Secretary determines at any time
17 that the real property conveyed under subsection (a) is not
18 being used for museum and park purposes, all right, title, and
19 interest in and to the real property, including any improve-
20 ments thereon, shall revert to the United States, and the
21 United States shall have the right of immediate entry thereon.

22 (d) REIMBURSEMENT FOR COSTS OF CONVEYANCE.—(1)
23 The Memorial Park shall reimburse the Secretary for the ex-
24 cess costs incurred by the Secretary for any environmental as-
25 sessment, study, or analysis, or for any other excess costs in-
26 curred by the Secretary, in connection with the conveyance au-
27 thorized by this section, if the excess costs were incurred as a
28 result of a request by the Memorial Park. In this paragraph,
29 the term “excess costs” means costs in excess of those costs
30 considered reasonable and necessary by the Secretary to comply
31 with existing law to make the conveyance authorized by sub-
32 section (a).

33 (2) Section 2695(c) of title 10 United States Code, shall
34 apply to any amount received under this subsection.

35 (e) DESCRIPTION OF PROPERTY.—The exact acreage and
36 legal description of the real property to be conveyed under sub-
37 section (a) shall be determined by a survey satisfactory to the

1 Secretary. The cost of the survey shall be borne by the Memo-
2 rial Park.

3 (f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary
4 may require such additional terms and conditions in connection
5 with the conveyance under subsection (a) as the Secretary con-
6 siderers appropriate to protect the interests of the United States.

7 **SEC. 2835. MODIFICATION OF LAND CONVEYANCES,**
8 **FORT DIX, NEW JERSEY.**

9 Section 2835(c) of the Military Construction Authorization
10 Act for Fiscal Year 1998 (division B of Public Law 105–85;
11 111 Stat. 2004) is amended by adding at the end the following
12 new paragraph:

13 “(3) Notwithstanding paragraph (1) or (2), the Borough
14 and Board may exchange between each other, without the con-
15 sent of the Secretary, all or any portion of the property con-
16 veyed under subsection (a) so long as the property continues
17 to be used by the grantees for economic development or edu-
18 cational purposes.”.

19 **SEC. 2836. LAND CONVEYANCE, ENGINEER PROVING**
20 **GROUND, FORT BELVOIR, VIRGINIA.**

21 (a) CONVEYANCE AUTHORIZED.—The Secretary of the
22 Army may convey to the Commonwealth of Virginia (in this
23 section referred to as the “Commonwealth”) all right, title, and
24 interest of United States in and to two parcels of real property,
25 including any improvements thereon, located at the Engineer
26 Proving Ground, Fort Belvoir, Virginia, as follows:

27 (1) The parcel, consisting of approximately 170 acres,
28 that is to be used for construction of a portion of the Fair-
29 fax County Parkway.

30 (2) The parcel, consisting of approximately 11.45
31 acres, that is subject to an easement previously granted to
32 the Commonwealth as Army easement DACA 31–3–96–440
33 for the construction of a portion of Interstate Highway 95.

34 (b) CONSIDERATION.—As consideration for the conveyance
35 under subsection (a), the Commonwealth shall—

1 (1) design and construct, at its expense and for public
2 benefit, the portion of the Fairfax County Parkway through
3 the Engineer Proving Ground;

4 (2) provide a conceptual design for eventual incorpora-
5 tion and construction by others of access into the Engineer
6 Proving Ground at the Rolling Road Interchange from
7 Fairfax County Parkway as specified in Virginia Depart-
8 ment of Transportation Project #R000–029–249, C514;

9 (3) provide such easements or rights of way for utili-
10 ties under or across the Fairfax County Parkway as the
11 Secretary considers appropriate for the optimum develop-
12 ment of the Engineer Proving Ground; and

13 (4) pay the United States an amount, jointly deter-
14 mined by the Secretary and the Commonwealth, appro-
15 priate to cover the costs of constructing a replacement
16 building for building 5089 located on the Engineer Proving
17 Ground.

18 (c) RESPONSIBILITY FOR ENVIRONMENTAL CLEANUP.—
19 The Secretary shall retain liability under the Comprehensive
20 Environmental Response, Compensation, and Liability Act of
21 1980 (42 U.S.C. 9601 et seq.), and any other applicable envi-
22 ronmental statute or regulation, for any environmental hazard
23 on the property conveyed under subsection (a) as of the date
24 of the conveyance under that subsection.

25 (d) ACCEPTANCE AND DISPOSITION OF FUNDS.—(1) The
26 Secretary of the Army may accept the funds paid by the Com-
27 monwealth as consideration under subsection (b)(4) and shall
28 credit the accepted funds to the appropriation or appropriations
29 that are appropriate for paying the costs of the replacement of
30 Building 5089, located on the Engineer Proving Ground, Fort
31 Belvoir, Virginia, consistent with paragraphs (2) and (3) of this
32 subsection.

33 (2) Funds accepted under paragraph (1) shall be available,
34 until expended, for the replacement of Building 5089.

35 (3) Funds appropriated pursuant to the authorization of
36 appropriations in section 301(a)(1), and funds appropriated
37 pursuant to the authorization of appropriations in section

1 2104(a)(4), shall be available in accordance with section 2805
2 of title 10, United States Code, for the excess, if any, of the
3 cost of the replacement of Building 5089 over the amount
4 available for such project under paragraph (2).

5 (e) DESCRIPTION OF PROPERTY.—(1) The exact acreage
6 and legal description of the real property to be conveyed under
7 subsection (a)(1) shall be determined by a survey satisfactory
8 to the Secretary. The cost of the survey shall be borne by the
9 Commonwealth.

10 (2) The exact acreage and legal description of the real
11 property to be conveyed under subsection (a)(2) are as set
12 forth in Army easement DACA 31–3–96–440.

13 (f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary
14 may require such additional terms and conditions in connection
15 with the conveyance under subsection (a) as the Secretary con-
16 siders appropriate to protect the interests of the United States.

17 **SEC. 2837. LAND EXCHANGE AND CONSOLIDATION,**
18 **FORT LEWIS, WASHINGTON.**

19 (a) EXCHANGE AUTHORIZED.—(1) The Secretary of the
20 Army may convey to the Nisqually Tribe, a federally recognized
21 Indian tribe whose tribal lands are located within the State of
22 Washington, all right, title, and interest of the United States
23 in and to two parcels of real property, including any improve-
24 ments thereon, consisting of approximately 138 acres at Fort
25 Lewis, Washington, in exchange for the real property described
26 in subsection (b).

27 (2) The property authorized for conveyance under para-
28 graph (1) does not include Bonneville Power Administration
29 transmission facilities or the right of way described in sub-
30 section (c).

31 (b) CONSIDERATION.—As consideration for the conveyance
32 under subsection (a), the Nisqually Tribe shall—

33 (1) acquire from Thurston County, Washington, sev-
34 eral parcels of real property consisting of approximately
35 416 acres that are owned by the county, are located within
36 the boundaries of Fort Lewis, and are currently leased by
37 the Army; and

1 (2) convey fee title over the acquired property to the
2 Secretary.

3 (c) RIGHT-OF-WAY FOR BONNEVILLE POWER ADMINIS-
4 TRATION.—The Secretary may use the authority provided in
5 section 2668 of title 10, United States Code, to convey to the
6 Bonneville Power Administration a right-of-way that authorizes
7 the Bonneville Power Administration to use real property at
8 Fort Lewis as a route for the Grand Coulee-Olympia and
9 Olympia-White River electric transmission lines and appur-
10 tenances for the purpose of facilitating the removal of such
11 transmission lines from tribal lands of the Nisqually Tribe.

12 (d) DESCRIPTION OF PROPERTY.—The exact acreage and
13 legal description of the real property to be conveyed under sub-
14 section (a) and acquired under subsection (b) shall be deter-
15 mined by surveys satisfactory to the Secretary and the
16 Nisqually Tribe. The cost of a survey shall be borne by the re-
17 cipient of the property being surveyed.

18 (e) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
19 retary may require such additional terms and conditions in con-
20 nection with the conveyances under this section as the Sec-
21 retary considers appropriate to protect the interests of the
22 United States.

23 **SEC. 2838. LAND CONVEYANCE, ARMY RESERVE CEN-**
24 **TER, KEWAUNEE, WISCONSIN.**

25 (a) CONVEYANCE AUTHORIZED.—The Administrator of
26 General Services may convey, without consideration, to the City
27 of Kewaunee, Wisconsin (in this section referred to as the
28 “City”), all right, title, and interest of the United States in and
29 to a parcel of Federal real property, including improvements
30 thereon, that is located at 401 5th Street in Kewaunee, Wis-
31 consin, and contains a surplus Army Reserve Center. After
32 such conveyance, the property may be used and occupied only
33 by the City or by another local or State government entity ap-
34 proved by the City.

35 (b) REVERSIONARY INTEREST.—(1) During the 20-year
36 period beginning on the date the Administrator makes the con-
37 veyance under subsection (a), if the Administrator determines

1 that the conveyed property is not being used and occupied in
 2 accordance with such subsection, all right, title, and interest in
 3 and to the property, including any improvements thereon, shall
 4 revert to the United States.

5 (2) Upon reversion, the Administrator shall immediately
 6 proceed to a public sale of the property. The Administrator
 7 shall deposit the net proceeds from the public sale in the land
 8 and water conservation fund established under section 2 of the
 9 Land and Water Conservation Fund Act of 1965 (16 U.S.C
 10 4601-5).

11 (c) ADDITIONAL LIMITATION ON USE.—The property con-
 12 veyed under subsection (a) shall not be used for commercial
 13 purposes.

14 (d) DESCRIPTION OF PROPERTY.—The exact acreage and
 15 legal description of the real property to be conveyed under sub-
 16 section (a) shall be determined by a survey satisfactory to the
 17 Administrator. The cost of the survey shall be borne by the
 18 City.

19 (e) ADDITIONAL TERMS AND CONDITIONS.—The Adminis-
 20 trator may require such additional terms and conditions in con-
 21 nection with the conveyance under subsection (a) as the Admin-
 22 istrator considers appropriate to protect the interests of the
 23 United States.

24 **PART II—NAVY CONVEYANCES**

25 **SEC. 2841. TRANSFER OF JURISDICTION, CENTERVILLE** 26 **BEACH NAVAL STATION, HUMBOLDT COUN-** 27 **TY, CALIFORNIA.**

28 (a) TRANSFER AUTHORIZED.—The Secretary of the Navy
 29 may transfer, without reimbursement, to the administrative ju-
 30 risdiction of the Secretary of the Interior the real property, in-
 31 cluding any improvements thereon, consisting of the closed
 32 Centerville Beach Naval Station in Humboldt County, Cali-
 33 fornia, for the purpose of permitting the Secretary of the Inte-
 34 rior to manage the real property as open space or for other
 35 public purposes.

36 (b) LEGAL DESCRIPTION.—The exact acreage and legal
 37 description of the real property to be transferred under this

1 section shall be determined by a survey satisfactory to the Sec-
2 retary of the Navy. The cost of the survey shall be borne by
3 the Secretary of the Interior.

4 (c) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
5 retary of the Navy may require such additional terms and con-
6 ditions in connection with the transfer under subsection (a) as
7 the Secretary of the Navy considers appropriate to protect the
8 interests of the United States.

9 **SEC. 2842. LAND CONVEYANCE, PORT OF LONG BEACH,**
10 **CALIFORNIA.**

11 (a) CONVEYANCE AUTHORIZED.—The Secretary of the
12 Navy may convey to the City of Long Beach, California, acting
13 by and through its Board of Harbor Commissioners (in this
14 section referred to as the “City”), all right, title, and interest
15 of the United States in and to up to 11.08 acres of real prop-
16 erty, including any improvements thereon, comprising a portion
17 of the Navy Mole at the former Long Beach Naval Complex,
18 Long Beach, California, for the purpose of permitting the City
19 to use the property to support the reuse of other former Navy
20 property conveyed to the City.

21 (b) CONSIDERATION.—(1) Subject to paragraph (2), as
22 consideration for the conveyance under subsection (a), the City
23 shall—

24 (A) convey to the Secretary all right, title, and interest
25 of the City in and to a parcel of real property of equal size
26 on the Mole that is acceptable to the Secretary; and

27 (B) construct on the property conveyed under sub-
28 paragraph (A) suitable replacement fuel transfer and stor-
29 age facilities for the Navy, similar or equivalent to the fa-
30 cilities on the property to be conveyed under subsection (a),
31 as determined necessary by the Secretary.

32 (2) If the Secretary determines that replacement fuel
33 transfer and storage facilities are not required by the Navy, the
34 Secretary may make the conveyance under subsection (a) at no
35 cost to the City.

36 (c) TIME FOR CONVEYANCE.—Unless the Secretary makes
37 the determination referred to in subsection (b)(2), the convey-

1 ance to the City authorized by subsection (a) shall be made
2 only after the Secretary determines that the replacement fuel
3 transfer and storage facilities have been constructed and are
4 ready for use.

5 (d) CONSTRUCTION SCHEDULE.—The City shall construct
6 the replacement fuel transfer and storage facilities pursuant to
7 such schedule and in such a manner so as to not interrupt or
8 otherwise adversely affect the capability of the Navy to accom-
9 plish its mission.

10 (e) DESCRIPTION OF PROPERTY.—The exact acreage and
11 legal description of the real property to be conveyed under sub-
12 sections (a) and (b) shall be determined by surveys satisfactory
13 to the Secretary. The City shall be responsible for conducting
14 the surveys.

15 (f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary
16 may require such additional terms and conditions in connection
17 with the conveyances under this section as the Secretary con-
18 siders appropriate to protect the interests of the United States.

19 **SEC. 2843. CONVEYANCE OF PIER, NAVAL BASE, SAN**
20 **DIEGO, CALIFORNIA.**

21 (a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the
22 Navy may convey, without consideration, to the San Diego Air-
23 craft Carrier Museum or its designee (in this section referred
24 to as the “Museum”) all right, title, and interest of the United
25 States in and to the property known as Pier 11A at Naval
26 Base, San Diego, California, together with associated struc-
27 tures and interests in the land underlying the pier, if any, for
28 the purpose of permitting the Museum to use the property to
29 berth a vessel and operate a museum for the general public.

30 (2) The Secretary may not make the conveyance until such
31 time as the Museum certifies that the Museum has acquired an
32 interest in property from the State of California or a political
33 subdivision of the State to facilitate the use of the conveyed
34 pier to berth a vessel and operate a museum for the general
35 public.

36 (b) ASSUMPTION OF LIABILITY.—The Museum shall ex-
37 pressly accept any and all liability pertaining to the physical

1 condition of the property conveyed under subsection (a) and
2 shall hold the United States harmless from any and all liability
3 arising from the property's physical condition.

4 (c) REIMBURSEMENT FOR COSTS OF CONVEYANCE.—(1)
5 The Museum shall reimburse the Secretary for the excess costs
6 incurred by the Secretary for any environmental assessment,
7 study, or analysis, or for any other excess costs incurred by the
8 Secretary, in connection with the conveyance authorized by this
9 section, if the excess costs were incurred as a result of a re-
10 quest by the Museum. In this paragraph, the term “excess
11 costs” means costs in excess of those costs considered reason-
12 able and necessary by the Secretary to comply with existing law
13 to make the conveyance authorized by subsection (a).

14 (2) Section 2695(c) of title 10, United States Code, shall
15 apply to any amount received by the Secretary under this sub-
16 section.

17 (d) DESCRIPTION OF PROPERTY.—The exact acreage and
18 legal description of the property to be conveyed under sub-
19 section (a) shall be determined by a survey satisfactory to the
20 Secretary. The cost of the survey shall be borne by the Mu-
21 seum.

22 (e) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
23 retary may require such additional terms and conditions in con-
24 nection with the conveyance under subsection (a) as the Sec-
25 retary considers appropriate to protect the interests of the
26 United States.

27 **SEC. 2844. MODIFICATION OF AUTHORITY FOR CONVEY-**
28 **ANCE OF NAVAL COMPUTER AND TELE-**
29 **COMMUNICATIONS STATION, CUTLER,**
30 **MAINE.**

31 Section 2853(a) of the Military Construction Authoriza-
32 tion Act for Fiscal Year 2001 (division B of the Spence Act;
33 114 Stat. 1654A-430) is amended by inserting “any or” before
34 “all right”.

1 **SEC. 2845. LAND TRANSFER AND CONVEYANCE, NAVAL**
2 **SECURITY GROUP ACTIVITY, WINTER HAR-**
3 **BOR, MAINE.**

4 (a) TRANSFER OF JURISDICTION OF SCHOODIC POINT
5 PROPERTY AUTHORIZED.—(1) The Secretary of the Navy may
6 transfer to the Secretary of the Interior administrative jurisdic-
7 tion of a parcel of real property, including any improvements
8 thereon and appurtenances thereto, consisting of approximately
9 26 acres as generally depicted as Tract 15–116 on the map en-
10 titled “Acadia National Park Schoodic Point Area”, numbered
11 123/80,418 and dated May 2001. The map shall be on file and
12 available for inspection in the appropriate offices of the Na-
13 tional Park Service.

14 (2) The transfer authorized by this subsection shall occur,
15 if at all, concurrently with the reversion of administrative jurisdic-
16 tion of a parcel of real property consisting of approximately
17 71 acres, as depicted as Tract 15–115 on the map referred to
18 in paragraph (1), from the Secretary of the Navy to the Sec-
19 retary of the Interior as authorized by Public Law 80–260 (61
20 Stat. 519) and to be executed on or about June 30, 2002.

21 (b) CONVEYANCE OF COREA AND WINTER HARBOR PROP-
22 erties AUTHORIZED.—The Secretary of the Navy may convey,
23 without consideration, to the State of Maine, any political sub-
24 division of the State of Maine, or any tax-supported agency in
25 the State of Maine, all right, title, and interest of the United
26 States in and to any of the parcels of real property, including
27 any improvements thereon and appurtenances thereto, con-
28 sisting of approximately 485 acres and comprising the former
29 facilities of the Naval Security Group Activity, Winter Harbor,
30 Maine, located in Hancock County, Maine, less the real prop-
31 erty described in subsection (a)(1), for the purpose of economic
32 redevelopment.

33 (c) TRANSFER OF PERSONAL PROPERTY.—The Secretary
34 of the Navy may transfer, without consideration, to the Sec-
35 retary of the Interior in the case of the real property trans-
36 ferred under subsection (a), or to any recipient of such real
37 property in the case of real property conveyed under subsection

1 (b), any or all personal property associated with the real prop-
2 erty so transferred or conveyed, including any personal prop-
3 erty required to continue the maintenance of the infrastructure
4 of such real property (including the generators for an uninterr-
5 rupted power supply in building 154 at the Corea site).

6 (d) MAINTENANCE OF PROPERTY PENDING CONVEY-
7 ANCE.—(1) The Secretary of the Navy shall maintain any real
8 property, including any improvements thereon, appurtenances
9 thereto, and supporting infrastructure, to be conveyed under
10 subsection (b) in accordance with the protection and mainte-
11 nance standards specified in section 101–47.4913 of title 41,
12 Code of Federal Regulations, until the earlier of—

13 (A) the date of the conveyance of such real property
14 under subsection (b); or

15 (B) September 30, 2003.

16 (2) The requirement in paragraph (1) shall not be con-
17 strued as authority to improve the real property, improvements,
18 and infrastructure referred to in that paragraph so as to bring
19 such real property, improvements, or infrastructure into com-
20 pliance with any zoning or property maintenance codes or to
21 repair any damage to such improvements and infrastructure
22 caused by natural accident or disaster.

23 (e) INTERIM LEASE.—(1) Until such time as any parcel
24 of real property to be conveyed under subsection (b) is con-
25 veyed by deed under that subsection, the Secretary of the Navy
26 may lease such parcel to any person or entity determined by
27 the Secretary to be an appropriate lessee of such parcel.

28 (2) The amount of rent for a lease under paragraph (1)
29 shall be the amount determined by the Secretary to be appro-
30 priate, and may be an amount less than the fair market value
31 of the lease.

32 (f) REIMBURSEMENT FOR ENVIRONMENTAL AND OTHER
33 ASSESSMENTS.—(1) The Secretary of the Navy may require
34 each recipient of real property conveyed under subsection (b)
35 to reimburse the Secretary for the excess costs incurred by the
36 Secretary for any environmental assessment, study, or analysis
37 carried out by the Secretary in connection with the conveyance

1 of such property, if the excess costs were incurred as a result
2 of a request by the recipient. In this paragraph, the term “ex-
3 cess costs” means costs in excess of those costs considered rea-
4 sonable and necessary by the Secretary to comply with existing
5 law to make the conveyance to the recipient.

6 (2) Section 2695(c) of title 10, United States Code, shall
7 apply to any amount received by the Secretary under this sub-
8 section.

9 (g) DESCRIPTION OF PROPERTY.—The exact acreage and
10 legal description of the real property transferred under sub-
11 section (a), and each parcel of real property conveyed under
12 subsection (b), shall be determined by a survey satisfactory to
13 the Secretary of the Navy. The cost of any survey for real
14 property conveyed under subsection (b) shall be borne by the
15 recipient of the real property.

16 (h) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
17 retary of the Navy may require such additional terms and con-
18 ditions in connection with any conveyance under subsection (b),
19 and any lease under subsection (e), as the Secretary considers
20 appropriate to protect the interests of the United States.

21 **SEC. 2846. LAND ACQUISITION, PERQUIMANS COUNTY,**
22 **NORTH CAROLINA.**

23 The Secretary of the Navy may, using funds previously ap-
24 propriated for such purpose, acquire any and all right, title,
25 and interest in and to a parcel of real property, including im-
26 provements thereon, consisting of approximately 240 acres, or
27 any portion thereof, in Perquimans County, North Carolina, for
28 purposes of including such parcel in the Harvey Point Defense
29 Testing Activity, Hertford, North Carolina.

30 **SEC. 2847. LAND CONVEYANCE, NAVAL WEAPONS INDUS-**
31 **TRIAL RESERVE PLANT, TOLEDO, OHIO.**

32 (a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the
33 Navy may convey, without consideration, to the Toledo-Lucas
34 County Port Authority, Ohio (in this section referred to as the
35 “Port Authority”), any or all right, title, and interest of the
36 United States in and to a parcel of real property, including any
37 improvements thereon, consisting of approximately 29 acres

1 and comprising the Naval Weapons Industrial Reserve Plant,
2 Toledo, Ohio.

3 (2) The Secretary may include in the conveyance under
4 paragraph (1) such facilities, equipment, fixtures, and other
5 personal property located or based on the parcel conveyed
6 under that paragraph, or used in connection with the parcel,
7 as the Secretary determines to be excess to the Navy.

8 (b) LEASE AUTHORITY.—Until such time as the real prop-
9 erty described in subsection (a)(1) is conveyed by deed, the
10 Secretary may lease such real property, and any personal prop-
11 erty described in subsection (a)(2), to the Port Authority in ex-
12 change for such security, fire protection, and maintenance serv-
13 ices as the Secretary considers appropriate.

14 (c) CONDITIONS OF CONVEYANCE.—The conveyance under
15 subsection (a), and any lease under subsection (b), shall be
16 subject to the conditions that the Port Authority—

17 (1) accept the real and personal property concerned in
18 their condition at the time of the conveyance or lease, as
19 the case may be; and

20 (2) except as provided in subsection (d), use the real
21 and personal property concerned, whether directly or
22 through an agreement with a public or private entity, for
23 economic development or such other public purposes as the
24 Port Authority considers appropriate.

25 (d) SUBSEQUENT USE.—(1) Subject to the approval of the
26 Secretary, the Port Authority may sublease real property or
27 personal property covered by a lease under subsection (b) to
28 another person for economic development or such other public
29 purposes as the Port Authority considers appropriate.

30 (2) Following the conveyance of real property under sub-
31 section (a), the Port Authority may lease or reconvey the real
32 property, and any personal property conveyed with such real
33 property under that subsection, for economic development or
34 such other public purposes as the Port Authority considers ap-
35 propriate.

36 (e) REIMBURSEMENT FOR COSTS OF CONVEYANCE AND
37 LEASE.—(1) The Port Authority shall reimburse the Secretary

1 for the excess costs incurred by the Secretary for any environ-
 2 mental assessment, study, or analysis, or for any other excess
 3 costs incurred by the Secretary, in connection with the convey-
 4 ance authorized by this section, if the excess costs were in-
 5 curred as a result of a request by the Port Authority. In this
 6 paragraph, the term “excess costs” means costs in excess of
 7 those costs considered reasonable and necessary by the Sec-
 8 retary to comply with existing law to make the conveyance au-
 9 thorized by subsection (a).

10 (2) Section 2695(c) of title 10, United States Code, shall
 11 apply to any amount received by the Secretary under this sub-
 12 section.

13 (f) DESCRIPTION OF PROPERTY.—The exact acreage and
 14 legal description of the real property to be conveyed under sub-
 15 section (a)(1), and an appropriate inventory or other descrip-
 16 tion of the personal property to be conveyed under subsection
 17 (a)(2), shall be determined by a survey and other means satis-
 18 factory to the Secretary. The cost of the survey shall be borne
 19 by the Port Authority.

20 (g) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
 21 retary may require such additional terms and conditions in con-
 22 nection with the conveyance under subsection (a)(1), and any
 23 lease under subsection (b), as the Secretary considers appro-
 24 priate to protect the interests of the United States.

25 **SEC. 2848. MODIFICATION OF LAND CONVEYANCE,**
 26 **FORMER UNITED STATES MARINE CORPS**
 27 **AIR STATION, EAGLE MOUNTAIN LAKE,**
 28 **TEXAS.**

29 Section 5 of Public Law 85–258 (71 Stat. 583) is amend-
 30 ed by inserting before the period at the end the following: “or
 31 for the protection, maintenance, and operation of other Texas
 32 National Guard facilities”.

33 **PART III—AIR FORCE CONVEYANCES**

34 **SEC. 2851. CONVEYANCE OF AVIGATION EASEMENTS,**
 35 **FORMER NORTON AIR FORCE BASE, CALI-**
 36 **FORNIA.**

37 (a) CONVEYANCE REQUIRED.—The Administrator of Gen-
 38 eral Services shall convey, without consideration, to the Inland

1 Valley Development Agency (the redevelopment authority for
2 former Norton Air Force Base, California) two aviation ease-
3 ments (identified as APN 289–231–08 and APN 289–232–08)
4 held by the United States.

5 (b) CONDITION OF CONVEYANCE.—The conveyance re-
6 quired by subsection (a) shall be subject to the condition that,
7 if the recipient sells one or both of the easements conveyed
8 under subsection (a), the recipient shall pay to the United
9 States an amount equal to the lesser of—

10 (1) the sale price of the easement; or

11 (2) the fair market value of the easement.

12 (c) DURATION OF CONDITION.—The condition specified in
13 subsection (b) shall apply only to a conveyance that occurs dur-
14 ing the 10-year period beginning on the date the Administrator
15 makes the conveyance required by subsection (a).

16 **SEC. 2852. REEXAMINATION OF LAND CONVEYANCE,**
17 **LOWRY AIR FORCE BASE, COLORADO.**

18 The Secretary of the Air Force shall reevaluate the terms
19 and conditions of the pending negotiated sale agreement with
20 the Lowry Redevelopment Authority for certain real property at
21 Lowry Air Force Base, Colorado, in light of changed cir-
22 cumstances regarding the property, including changes in the
23 flood plain designations affecting some of the property, to de-
24 termine whether the changed circumstances warrant a reduc-
25 tion in the amount of consideration otherwise required under
26 the agreement or other modifications to the agreement.

27 **SEC. 2853. WATER RIGHTS CONVEYANCE, ANDERSEN AIR**
28 **FORCE BASE, GUAM.**

29 (a) AUTHORITY TO CONVEY.—In conjunction with the
30 conveyance of the water supply system for Andersen Air Force
31 Base, Guam, under the authority of section 2688 of title 10,
32 United States Code, and in accordance with all the require-
33 ments of that section, the Secretary of the Air Force may con-
34 vey all right, title, and interest of the United States, or such
35 lesser estate as the Secretary considers appropriate to serve the
36 interests of the United States, in the water rights related to
37 the following Air Force properties located on Guam:

1 (1) Andy South, also known as the Andersen Adminis-
2 trative Annex.

3 (2) Marianas Bonins Base Command.

4 (3) Andersen Water Supply Annex, also known as the
5 Tumon Water Well or the Tumon Maui Well.

6 (b) ADDITIONAL REQUIREMENTS.—The Secretary may ex-
7 ercise the authority contained in subsection (a) only if the
8 Secretary—

9 (1) determines that adequate supplies of potable
10 groundwater exist under the main base and northwest field
11 portions of Andersen Air Force Base to meet the current
12 and long-term requirements of the installation for water;

13 (2) determines that such supplies of groundwater are
14 economically obtainable; and

15 (3) requires the conveyee of the water rights under
16 subsection (a) to provide a water system capable of meeting
17 the water supply needs of the main base and northwest
18 field portions of Andersen Air Force Base, as determined
19 by the Secretary.

20 (c) INTERIM WATER SUPPLIES.—If the Secretary deter-
21 mines that it is in the best interests of the United States to
22 transfer title to the water rights and utility systems at Andy
23 South and Andersen Water Supply Annex before placing into
24 service a replacement water system and well field on Andersen
25 Air Force Base, the Secretary may require that the United
26 States have the primary right to all water produced from Andy
27 South and Andersen Water Supply Annex until the replacement
28 water system and well field is placed into service and operates
29 to the satisfaction of the Secretary. In exercising the authority
30 provided by this subsection, the Secretary may retain a rever-
31 sionary interest in the water rights and utility systems at Andy
32 South and Andersen Water Supply Annex until such time as
33 the replacement water system and well field is placed into serv-
34 ice and operates to the satisfaction of the Secretary.

35 (d) SALE OF EXCESS WATER AUTHORIZED.—(1) As part
36 of the conveyance of water rights under subsection (a), the Sec-
37 retary may authorize the conveyee of the water system to sell

1 to public or private entities such water from Andersen Air
2 Force Base as the Secretary determines to be excess to the
3 needs of the United States. In the event the Secretary author-
4 izes the conveyee to resell water, the Secretary shall negotiate
5 a reasonable return to the United States of the value of such
6 excess water sold by the conveyee, which return the Secretary
7 may receive in the form of reduced charges for utility services
8 provided by the conveyee.

9 (2) If the Secretary cannot meet the requirements of sub-
10 section (b), and the Secretary determines to proceed with a
11 water utility system conveyance under section 2688 of title 10,
12 United States Code, without the conveyance of water rights,
13 the Secretary may provide in any such conveyance that the
14 conveyee of the water system may sell to public or private enti-
15 ties such water from Andy South and Andersen Water Supply
16 Annex as the Secretary determines to be excess to the needs
17 of the United States. The Secretary shall negotiate a reason-
18 able return to the United States of the value of such excess
19 water sold by the conveyee, which return the Secretary may re-
20 ceive in the form of reduced charges for utility services pro-
21 vided by the conveyee.

22 (e) TREATMENT OF WATER RIGHTS.—For purposes of
23 section 2688 of title 10, United States Code, the water rights
24 referred to in subsection (a) shall be considered as part of a
25 utility system (as that term is defined in subsection (h)(2) of
26 such section).

27 **SEC. 2854. CONVEYANCE OF SEGMENT OF LORING PE-**
28 **TROLEUM PIPELINE, MAINE, AND RELATED**
29 **EASEMENTS.**

30 (a) CONVEYANCE AUTHORIZED.—The Secretary of the Air
31 Force may convey, without consideration, to the Loring Devel-
32 opment Authority, Maine (in this section referred to as the
33 “Authority”), all right, title, and interest of the United States
34 in and to the segment of the Loring Petroleum (POL) Pipeline,
35 Maine, consisting of approximately 27 miles in length and run-
36 ning between the Searsport terminal and Bangor Air National
37 Guard Base.

1 (b) RELATED EASEMENTS.—As part of the conveyance
2 authorized by subsection (a), the Secretary may convey to the
3 Authority, without consideration, all right, title, and interest of
4 the United States in and to any easements or rights-of-way
5 necessary for the operation or maintenance of the segment of
6 pipeline conveyed under that subsection.

7 (c) REIMBURSEMENT FOR COSTS OF CONVEYANCE.—(1)
8 The Authority shall reimburse the Secretary for the excess
9 costs incurred by the Secretary for any environmental assess-
10 ment, study, or analysis, or for any other excess costs incurred
11 by the Secretary, in connection with the conveyance authorized
12 by this section, if the excess costs were incurred as a result of
13 a request by the Authority. In this paragraph, the term “excess
14 costs” means costs in excess of those costs considered reason-
15 able and necessary by the Secretary to comply with existing law
16 to make the conveyance authorized by subsection (a).

17 (2) Section 2695(c) of title 10, United States Code, shall
18 apply to any amount received by the Secretary under this sub-
19 section.

20 (d) DESCRIPTION OF PROPERTY.—The exact acreage and
21 legal description of the segment of pipeline conveyed under sub-
22 section (a), and of any easements or rights-of-way conveyed
23 under subsection (b), shall be determined by surveys and other
24 means satisfactory to the Secretary. The cost of any survey or
25 other services performed at the direction of the Secretary under
26 the preceding sentence shall be borne by the Authority.

27 (e) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
28 retary may require such additional terms and conditions in con-
29 nection with the conveyances under this section as the Sec-
30 retary considers appropriate to protect the interests of the
31 United States.

32 **SEC. 2855. LAND CONVEYANCE, PETROLEUM TERMINAL**
33 **SERVING FORMER LORING AIR FORCE BASE**
34 **AND BANGOR AIR NATIONAL GUARD BASE,**
35 **MAINE.**

36 (a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the
37 Air Force may convey to the Maine Port Authority of the State

1 of Maine (in this section referred to as the “Authority”) all
2 right, title, and interest of the United States in and to the Pe-
3 troleum Terminal (POL) at Mack Point, Searsport, Maine,
4 which served former Loring Air Force Base and Bangor Air
5 National Guard Base, Maine.

6 (2) The conveyance under paragraph (1) may include the
7 following:

8 (A) A parcel of real property, including any improve-
9 ments thereon, consisting of approximately 20 acres and
10 comprising a portion of the Petroleum Terminal.

11 (B) Any additional fuel tanks, other improvements,
12 and equipment located on the 43-acre parcel of property
13 adjacent to the property described in subparagraph (A),
14 and leased by the Secretary as of the date of the enactment
15 of this Act, which constitutes the remaining portion of the
16 Petroleum Terminal.

17 (b) **CONDITION OF CONVEYANCE.**—The Secretary may not
18 make the conveyance under subsection (a) unless the Authority
19 agrees to utilize the property to be conveyed under that sub-
20 section solely for economic development purposes.

21 (c) **CONSIDERATION.**—(1) As consideration for the convey-
22 ance under subsection (a), the Authority shall lease to the Sec-
23 retary approximately one acre of the real property conveyed
24 under that subsection, together with any improvements thereon,
25 that constitutes the Aerospace Fuels Laboratory (also known
26 as Building 14).

27 (2) The real property leased under this subsection shall in-
28 clude the parking lot, outbuildings, and other improvements as-
29 sociated with the Aerospace Fuels Laboratory and such ease-
30 ments of ingress and egress to the real property, including
31 easements for utilities, as are required for the operations of the
32 Aerospace Fuels Laboratory.

33 (3) As part of the lease of real property under this sub-
34 section, the Authority shall maintain around the real property
35 for the term of the lease a zone, not less than 75 feet in depth,
36 free of improvements or encumbrances.

1 (4) The lease under this subsection shall be without cost
2 to the United States.

3 (5) The term of the lease under this subsection may not
4 exceed 25 years. If operations at the Aerospace Fuels Labora-
5 tory cease before the expiration of the term of the lease other-
6 wise provided for under this subsection, the lease shall be
7 deemed to have expired upon the cessation of such operations.

8 (d) CONVEYANCE CONTINGENT ON EXPIRATION OF LEASE
9 OF FUEL TANKS.—The Secretary may not make the convey-
10 ance under subsection (a) until the expiration of the lease re-
11 ferred to in paragraph (2)(B) of that subsection.

12 (e) REIMBURSEMENT FOR COSTS OF CONVEYANCE.—(1)
13 The Authority shall reimburse the Secretary for the excess
14 costs incurred by the Secretary for any environmental assess-
15 ment, study, or analysis, or for any other excess costs incurred
16 by the Secretary, in connection with the conveyance authorized
17 by this section, if the excess costs were incurred as a result of
18 a request by the Authority. In this paragraph, the term “excess
19 costs” means costs in excess of those costs considered reason-
20 able and necessary by the Secretary to comply with existing law
21 to make the conveyance authorized by subsection (a).

22 (2) Section 2695(c) of title 10, United States Code, shall
23 apply to any amount received by the Secretary under this sub-
24 section.

25 (f) DESCRIPTION OF PROPERTY.—The exact acreage and
26 legal description of the real property conveyed under subsection
27 (a) shall be determined by a survey satisfactory to the Sec-
28 retary. The cost of the survey shall be borne by the Authority.

29 (g) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
30 retary may require such additional terms and conditions in con-
31 nection with the conveyance under subsection (a), and the lease
32 under subsection (c), as the Secretary considers appropriate to
33 protect the interests of the United States.

1 **SEC. 2856. LAND CONVEYANCES, CERTAIN FORMER MIN-**
2 **UTEMAN III ICBM FACILITIES IN NORTH DA-**
3 **KOTA.**

4 (a) CONVEYANCES AUTHORIZED.—(1) The Secretary of
5 the Air Force may convey, without consideration, to the State
6 Historical Society of North Dakota (in this section referred to
7 as the “Historical Society”) all right, title, and interest of the
8 United States in and to parcels of real property, together with
9 any improvements thereon, of the Minuteman III ICBM facili-
10 ties of the former 321st Missile Group at Grand Forks Air
11 Force Base, North Dakota, as follows:

12 (A) The parcel consisting of the launch facility des-
13 igned “November–33”.

14 (B) The parcel consisting of the missile alert facility
15 and launch control center designated “Oscar-O”.

16 (2) The purpose of the conveyance of the facilities is to
17 provide for the establishment of an historical site allowing for
18 the preservation, protection, and interpretation of the facilities.

19 (b) CONSULTATION.—The Secretary shall consult with the
20 Secretary of State and the Secretary of Defense in order to en-
21 sure that the conveyances required by subsection (a) are car-
22 ried out in accordance with applicable treaties.

23 (c) HISTORICAL SITE.—The Secretary may, in cooperation
24 with the Historical Society, enter into one or more cooperative
25 agreements with appropriate public or private entities or indi-
26 viduals in order to provide for the establishment and mainte-
27 nance of the historic site referred to in subsection (a)(2).

28 (d) DESCRIPTION OF PROPERTY.—The exact acreage and
29 legal description of the real property to be conveyed under sub-
30 section (a) shall be determined by survey satisfactory to the
31 Secretary. The cost of the survey shall be borne by the Sec-
32 retary.

33 (e) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
34 retary may require such additional terms and conditions in con-
35 nection with the conveyances under subsection (a) as the Sec-
36 retary considers appropriate to protect the interests of the
37 United States.

1 **SEC. 2857. LAND CONVEYANCES, CHARLESTON AIR**
2 **FORCE BASE, SOUTH CAROLINA.**

3 (a) CONVEYANCE TO STATE OF SOUTH CAROLINA AU-
4 THORIZED.—The Secretary of the Air Force may convey, with-
5 out consideration, to the State of South Carolina (in this sec-
6 tion referred to as the “State”), all right, title, and interest of
7 the United States in and to a portion (as determined under
8 subsection (c)) of the real property, including any improve-
9 ments thereon, consisting of approximately 24 acres at Charles-
10 ton Air Force Base, South Carolina, and comprising the Air
11 Force Family Housing Annex. The purpose of the conveyance
12 is to facilitate the Remount Road Project.

13 (b) CONVEYANCE TO CITY OF NORTH CHARLESTON AU-
14 THORIZED.—The Secretary may convey, without consideration,
15 to the City of North Charleston, South Carolina (in this section
16 referred to as the “City”), all right, title, and interest of the
17 United States in and to a portion (as determined under sub-
18 section (c)) of the real property, including any improvements
19 thereon, referred to in subsection (a). The purpose of the con-
20 veyance is to permit the use of the property by the City for
21 municipal purposes.

22 (c) DETERMINATION OF PORTIONS OF PROPERTY TO BE
23 CONVEYED.—(1) Subject to paragraph (2), the Secretary, the
24 State, and the City shall jointly determine the portion of the
25 property referred to in subsection (a) that is to be conveyed to
26 the State under subsection (a) and the portion of the property
27 that is to be conveyed to the City under subsection (b).

28 (2) In determining under paragraph (1) the portions of
29 property to be conveyed under this section, the portion to be
30 conveyed to the State shall be the minimum portion of the
31 property required by the State for the purpose specified in sub-
32 section (a), and the portion to be conveyed to the City shall be
33 the balance of the property.

34 (d) LIMITATION ON CONVEYANCES.—The Secretary may
35 not carry out the conveyance of property authorized by sub-
36 section (a) or (b) until the completion of an assessment of envi-
37 ronmental contamination of the property authorized to be con-

1 veved by such subsection for purposes of determining responsi-
2 bility for environmental remediation of such property.

3 (e) DESCRIPTION OF PROPERTY.—The exact acreage and
4 legal description of the real property to be conveyed under sub-
5 sections (a) and (b) shall be determined by surveys satisfactory
6 to the Secretary. The cost of the survey for the property to be
7 conveyed under subsection (a) shall be borne by the State, and
8 the cost of the survey for the property to be conveyed under
9 subsection (b) shall be borne by the City.

10 (f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary
11 may require such additional terms and conditions in connection
12 with the conveyances under subsections (a) and (b) as the Sec-
13 retary considers appropriate to protect the interests of the
14 United States.

15 **SEC. 2858. TRANSFER OF JURISDICTION, MUKILTEO**
16 **TANK FARM, EVERETT, WASHINGTON.**

17 (a) TRANSFER AUTHORIZED.—The Secretary of the Air
18 Force shall transfer, without reimbursement, to the Secretary
19 of Commerce administrative jurisdiction over a parcel of real
20 property, including improvements thereon, consisting of ap-
21 proximately 1.1 acres located at the Mukilteo Tank Farm in
22 Everett, Washington, and containing the Mukilteo Research
23 Center facility of the National Marine Fisheries Service.

24 (b) TIME FOR CONVEYANCE.—The Secretary of the Air
25 Force shall make the transfer under subsection (a) at the same
26 time that the Secretary makes the conveyance authorized by
27 section 2866 of the Military Construction Authorization Act for
28 Fiscal Year 2001 (division B of the Spence Act; 114 Stat.
29 1654A–436).

30 (c) EXCHANGE.—With the consent of the Port Authority
31 for Everett, Washington, the Secretary of Commerce may ex-
32 change with the Port Authority all or any portion of the prop-
33 erty transferred under subsection (a) for a parcel of real prop-
34 erty of equal area at the Mukilteo Tank Farm that is owned
35 by the Port Authority.

36 (d) ADMINISTRATION.—The Secretary of Commerce shall
37 administer the property transferred under subsection (a) or re-

1 ceived under subsection (c) through the Administrator of the
2 National Oceanic and Atmospheric Administration as part of
3 the Administration. The Administrator shall use the property
4 as the location of a research facility, and may construct a new
5 facility on the property for such research purposes as the Ad-
6 ministrator considers appropriate.

7 (e) EFFECT OF FAILURE TO UTILIZE TRANSFERRED
8 PROPERTY.—(1) If, after the 12-year period beginning on the
9 date of the enactment of this Act, the Administrator is not
10 using any portion of the property transferred under subsection
11 (a) or received under subsection (c) for the purpose specified
12 in subsection (d), the Administrator shall convey, without con-
13 sideration, to the Port Authority for Everett, Washington, all
14 right, title, and interest in and to such portion of the real prop-
15 erty, including improvements thereon.

16 (2) The Port Authority shall use any real property con-
17 veyed to the Port Authority under this subsection for develop-
18 ment and operation of a port facility and for other public pur-
19 poses.

20 (f) LEGAL DESCRIPTION.—The exact acreage and legal
21 description of the real property to be transferred under sub-
22 section (a) shall be determined by a survey satisfactory to the
23 Secretary of the Air Force. The cost of the survey shall be
24 borne by the Secretary of Commerce.

25 (g) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
26 retary of the Air Force may require such additional terms and
27 conditions in connection with the transfer under subsection (a)
28 as the Secretary of the Air Force considers appropriate to pro-
29 tect the interests of the United States.

30 (h) CONFORMING AMENDMENT.—Section 2866(a) of the
31 Military Construction Authorization Act for Fiscal Year 2001
32 (division B of the Spence Act; 114 Stat. 1654A–436) is amend-
33 ed by striking “22 acres” and inserting “20.9 acres”.

Subtitle E—Other Matters**SEC. 2861. MANAGEMENT OF THE PRESIDIO OF SAN FRANCISCO.**

(a) AUTHORITY TO LEASE CERTAIN HOUSING UNITS FOR USE AS ARMY HOUSING.—Title I of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 16 U.S.C. 460bb note) is amended by adding at the end the following new section:

“SEC. 107. CONDITIONAL AUTHORITY TO LEASE CERTAIN HOUSING UNITS WITHIN THE PRESIDIO.

“(a) AVAILABILITY OF HOUSING UNITS FOR LONG-TERM ARMY LEASE.—Subject to subsection (c), the Trust shall make available for lease, to those persons designated by the Secretary of the Army and for such length of time as requested by the Secretary of the Army, 22 housing units located within the Presidio that are under the administrative jurisdiction of the Trust and specified in the agreement between the Trust and the Secretary of the Army in existence as of the date of the enactment of this section.

“(b) LEASE AMOUNT.—The monthly amount charged by the Trust for the lease of a housing unit under this section shall be equivalent to the monthly rate of the basic allowance for housing that the occupant of the housing unit is entitled to receive under section 403 of title 37, United States Code.

“(c) CONDITION ON CONTINUED AVAILABILITY OF HOUSING UNITS.—Effective after the end of the four-year period beginning on the date of the enactment of this section, the Trust shall have no obligation to make housing units available under subsection (a) unless, during that four-year period, the Secretary of the Treasury purchases new obligations of at least \$80,000,000 issued by the Trust under section 104(d)(2). In the event that this condition is not satisfied, the existing agreement referred to in subsection (a) shall be renewed on the same terms and conditions for an additional five years.”.

(b) INCREASED BORROWING AUTHORITY AND TECHNICAL CORRECTIONS.—Paragraphs (2) and (3) of section 104(d) of

1 title I of division I of the Omnibus Parks and Public Lands
2 Management Act of 1996, as amended by section 334 of appen-
3 dix C of Public Law 106-113 (113 Stat. 1501A-198) and
4 amended and redesignated by section 101(13) of Public Law
5 106-176 (114 Stat. 25), are amended—

6 (1) in paragraph (2), by striking “including a review
7 of the creditworthiness of the loan and establishment of a
8 repayment schedule,” the second place it appears; and

9 (2) in paragraph (3)—

10 (A) by striking “\$50,000,000” and inserting
11 “\$150,000,000”; and

12 (B) by striking “paragraph (3) of”.

13 **SEC. 2862. TRANSFER OF JURISDICTION FOR DEVELOP-**
14 **MENT OF AIR FORCE MORALE, WELFARE,**
15 **AND RECREATION FACILITY, PARK CITY,**
16 **UTAH.**

17 (a) TRANSFER AUTHORIZED.—(1) The Secretary of the
18 Interior may transfer, without reimbursement, to the adminis-
19 trative jurisdiction of the Secretary of the Air Force a parcel
20 of real property in Park City, Utah, including any improve-
21 ments thereon, that consists of approximately 35 acres, is lo-
22 cated on the north side of State highway 248 in township 2
23 south, range 4 east, Salt Lake meridian, and is designated as
24 parcel 3 by the Bureau of Land Management. The real prop-
25 erty to be transferred under this paragraph does not include
26 any lands located on the south side of State highway 248.

27 (2) The transfer shall be subject to existing rights, except
28 that the Secretary of the Interior shall terminate any lease with
29 respect to the parcel issued under the Act of June 14, 1926
30 (commonly known as the Recreation and Public Purposes Act;
31 43 U.S.C. 689 et seq.), and still in effect as of the date of the
32 enactment of this Act.

33 (b) USE OF TRANSFERRED LAND.—(1) The Secretary of
34 the Air Force may use the real property transferred under sub-
35 section (a) as the location for an Air Force morale, welfare,
36 and recreation facility to be developed using nonappropriated
37 funds.

1 (2) The Secretary of the Air Force may return the trans-
2 ferred property (or property acquired in exchange for the trans-
3 ferred property under subsection (c)) to the administrative ju-
4 risdiction of the Secretary of the Interior at any time upon cer-
5 tifying that development of the morale, welfare, and recreation
6 facility would not be in the best interests of the Government.

7 (c) SUBSEQUENT CONVEYANCE AUTHORITY.—(1) In lieu
8 of developing the Air Force morale, welfare, and recreation fa-
9 cility on the real property transferred under subsection (a), the
10 Secretary of the Air Force may convey or lease the property
11 to the State of Utah, a local government, or a private entity
12 in exchange for other property to be used as the site of the fa-
13 cility.

14 (2) The values of the properties exchanged by the Sec-
15 retary under this subsection either shall be equal, or if they are
16 not equal, the values shall be equalized by the payment of
17 money to the grantor or to the Secretary as the circumstances
18 require. The conveyance or lease shall be on such other terms
19 as the Secretary of the Air Force considers to be advantageous
20 to the development of the facility.

21 (d) ALTERNATIVE DEVELOPMENT AUTHORITY.—The Sec-
22 retary of the Air Force may lease the real property transferred
23 under subsection (a), or any property acquired pursuant to
24 subsection (c), to another party and may enter into a contract
25 with the party for the design, construction, and operation of
26 the Air Force morale, welfare, and recreation facility. The Sec-
27 retary of the Air Force may authorize the contractor to operate
28 the facility as both a military and a commercial operation if the
29 Secretary determines that such an authorization is a necessary
30 incentive for the contractor to agree to design, construct, and
31 operate the facility.

32 (e) LEGAL DESCRIPTION.—The exact acreage and legal
33 description of the real property to be transferred under sub-
34 section (a) shall be determined by a survey. The cost of the
35 survey shall be borne by the Secretary of the Air Force.

1 **SEC. 2863. ALTERNATE SITE FOR UNITED STATES AIR**
2 **FORCE MEMORIAL, PRESERVATION OF OPEN**
3 **SPACE ON ARLINGTON RIDGE TRACT, AND**
4 **RELATED LAND TRANSFER AT ARLINGTON**
5 **NATIONAL CEMETERY, VIRGINIA.**

6 (a) DEFINITIONS.—In this section:

7 (1) The term “Arlington Naval Annex” means the
8 parcel of Federal land located in Arlington County, Vir-
9 ginia, that is subject to transfer to the administrative juris-
10 diction of the Secretary of the Army under section 2881 of
11 the Military Construction Authorization Act for Fiscal Year
12 2000 (division B of Public Law 106-65; 113 Stat. 879).

13 (2) The term “Foundation” means the Air Force Me-
14 morial Foundation, which was authorized in Public Law
15 103-163 (107 Stat. 1973; 40 U.S.C. 1003 note) to estab-
16 lish a memorial in the District of Columbia or its environs
17 to honor the men and women who have served in the
18 United States Air Force and its predecessors.

19 (3) The term “Air Force Memorial” means the United
20 States Air Force Memorial to be established by the Foun-
21 dation.

22 (4) The term “Arlington Ridge tract” means the par-
23 cel of Federal land in Arlington County, Virginia, known
24 as the Nevius Tract and transferred to the Department of
25 the Interior in 1953, that is bounded generally by—

26 (A) Arlington Boulevard (United States Route 50)
27 to the north;

28 (B) Jefferson Davis Highway (Virginia Route
29 110) to the east;

30 (C) Marshall Drive to the south; and

31 (D) North Meade Street to the west.

32 (5) The term “Section 29” means a parcel of Federal
33 land in Arlington County, Virginia, that is currently admin-
34 istered by the Secretary of the Interior within the bound-
35 aries of Arlington National Cemetery and is identified as
36 “Section 29”.

37 (b) USE OF ARLINGTON NAVAL ANNEX AS SITE FOR AIR
38 FORCE MEMORIAL.—

1 (1) AVAILABILITY OF SITE.—The Secretary of Defense
2 shall make available to the Foundation, without reimburse-
3 ment, up to three acres of the Arlington Naval Annex,
4 which the Foundation shall use as the location for the Air
5 Force Memorial in lieu of any previously approved location
6 for the Air Force Memorial. The land made available shall
7 include the promontory adjacent to, and the land under-
8 lying, Wing 8 of Federal Office Building #2 in the north-
9 east quadrant of the Arlington Naval Annex.

10 (2) EXCEPTION.—The requirement to use the land
11 made available under paragraph (1) as the location for the
12 Air Force Memorial, and the prohibition on the use of any
13 previously approved location, shall not apply if the Sec-
14 retary of Defense determines that it is physically impracti-
15 cable to construct the Air Force Memorial on such land on
16 account of the geological nature of the land.

17 (3) RELATION TO OTHER TRANSFER AUTHORITY.—
18 Not later than six months after the date of the enactment
19 of this Act, the Secretary of Defense shall transfer to the
20 Secretary of the Army administrative jurisdiction over the
21 Arlington Naval Annex site made available under this sub-
22 section for construction of the Air Force Memorial. Noth-
23 ing in this subsection alters the deadline for transfer of the
24 remainder of the Arlington Naval Annex to the Secretary
25 of the Army and remediation of the transferred land for
26 use as part of Arlington National Cemetery, as required by
27 section 2881 of the Military Construction Authorization
28 Act for Fiscal Year 2000.

29 (c) SITE PREPARATION.—

30 (1) PREPARATION FOR CONSTRUCTION.—Upon receipt
31 of notification from the Foundation that the Foundation
32 has sufficient funds to commence construction of the Air
33 Force Memorial, the Secretary of Defense, in coordination
34 with the Foundation, shall remove Wing 8 of Federal Of-
35 fice Building #2 at the Arlington Naval Annex, as well as
36 its associated outbuilding and parking lot, and prepare the
37 land made available under subsection (b) for construction

1 of the Air Force Memorial. In addition to demolition and
2 removal, such site preparation work may include environ-
3 mental remediation, installation of water, sewer, telephone,
4 electrical, and storm water management infrastructure nec-
5 essary for the memorial, installation of sidewalks consistent
6 with the design of the memorial compliant with the require-
7 ments of the Americans with Disabilities Act of 1990 (42
8 U.S.C. 12101 et seq.), and the placement of screening
9 berms and mature evergreen trees between Federal Office
10 Building #2 and the memorial.

11 (2) COMPLETION.—Not later than two years after the
12 date on which the Foundation provides the notification re-
13 ferred to in paragraph (1), the Secretary of Defense shall
14 complete the demolition and removal of the structures and
15 such site preparation work as the Secretary agrees to un-
16 dertake under this subsection.

17 (3) FUNDING SOURCE.—The Secretary of Defense
18 shall use amounts appropriated for operation and mainte-
19 nance to carry out the demolition and removal work and
20 site preparation described in paragraph (1).

21 (4) ASSISTANCE FOR DISPLACED AGENCY.—The Sec-
22 retary of the Army shall serve as the Executive Agent for
23 the Ballistic Missile Defense Organization in securing suit-
24 able sites, including, if necessary, sites not currently owned
25 by the United States, to replace offices lost as a result of
26 the demolition of Wing 8 of Federal Office Building #2 at
27 the Arlington Naval Annex.

28 (d) CONSTRUCTION OF AIR FORCE MEMORIAL.—

29 (1) COMMENCEMENT.—Upon the demolition and re-
30 moval of the structures required to be removed under sub-
31 section (c)(1), the Secretary of Defense shall permit the
32 Foundation to commence construction of the Air Force Me-
33 morial on the Arlington Naval Annex site made available
34 under subsection (b).

35 (2) OVERSIGHT.—The Secretary of Defense shall have
36 exclusive authority in all matters relating to approval of the
37 siting and design of the Air Force Memorial on the Arling-

1 ton Naval Annex site, and the siting, design, and construc-
2 tion of the memorial on such site shall not be subject to
3 the requirements of the Commemorative Works Act (40
4 U.S.C. 1001 et seq.).

5 (3) EFFECT OF FAILURE TO COMMENCE CONSTRU-
6 TION.—If, within five years after the date of the enactment
7 of this Act, the Foundation has not commenced construc-
8 tion of the Air Force Memorial on the Arlington Naval
9 Annex site made available under subsection (b), the Sec-
10 retary of Defense may revoke the authority of the Founda-
11 tion to use the site as the location of the memorial.

12 (e) ACCESS AND MANAGEMENT OF AIR FORCE MEMO-
13 RIAL.—The Secretary of the Army may enter into a cooperative
14 agreement with the Foundation to provide for management,
15 maintenance, and repair of the Air Force Memorial constructed
16 on the Arlington Naval Annex site made available under sub-
17 section (b) and to guarantee public access to the memorial.

18 (f) LIMITATION ON USE OF ARLINGTON NAVAL ANNEX AS
19 SITE FOR OTHER MEMORIALS OR MUSEUMS.—Section 2881(b)
20 of the Military Construction Authorization Act for Fiscal Year
21 2000 (division B of Public Law 106–65; 113 Stat. 879) is
22 amended by striking paragraph (2) and inserting the following
23 new paragraph (2):

24 “(2) The Secretary of Defense shall reserve not more than
25 four acres of the Navy Annex property south of the existing
26 Columbia Pike as a site for—

27 “(A) a National Military Museum, if such site is rec-
28 ommended for such purpose by the Commission on the Na-
29 tional Military Museum established under section 2901 and
30 the Secretary of Defense considers such site compatible
31 with Arlington National Cemetery and the Air Force Me-
32 morial; or

33 “(B) such other memorials or museums that the Sec-
34 retary of Defense considers compatible with Arlington Na-
35 tional Cemetery and the Air Force Memorial.”.

36 (g) PRESERVATION OF ARLINGTON RIDGE TRACT.—

1 (1) GENERAL RULE.—After the date of the enactment
2 of this Act, no additional structure or memorials shall be
3 constructed on the Arlington Ridge tract.

4 (2) OPTION FOR FUTURE BURIALS.—Paragraph (1)
5 does not prohibit the eventual use of a portion of the Ar-
6 lington Ridge tract as a location for in-ground burial sites
7 and columbarium for the burial of individuals eligible for
8 burial in Arlington National Cemetery, if the development
9 of such sites is specifically authorized in a law enacted
10 after the date of the enactment of this Act.

11 (h) LAND TRANSFER, SECTION 29.—

12 (1) TRANSFER REQUIRED.—Not later than 30 days
13 after the date of the enactment of this Act, the Secretary
14 of the Interior shall transfer, without reimbursement, to
15 the Secretary of the Army administrative jurisdiction over
16 that portion of Section 29 designated as the interment zone
17 and consisting of approximately 12 acres. The Secretary of
18 the Interior shall modify the boundaries of the George
19 Washington Memorial Parkway as may be necessary to re-
20 flect the land transfer required by this subsection.

21 (2) USE OF TRANSFERRED LAND.—The Secretary of
22 the Army shall use the transferred property for the devel-
23 opment of in-ground burial sites and columbarium that are
24 designed to meet the contours of Section 29.

25 (3) MANAGEMENT OF REMAINDER.—The Secretary of
26 the Interior shall manage that portion of Section 29 not
27 transferred under this subsection in perpetuity to provide
28 a natural setting and visual buffer for Arlington House, the
29 Robert E. Lee Memorial.

30 (4) REPEAL OF OBSOLETE LAW.—Section 2821(a) of
31 the Military Construction Authorization Act for Fiscal Year
32 1997 (division B of Public Law 104–201; 110 Stat. 2791)
33 is repealed.

1 **SEC. 2864. ESTABLISHMENT OF MEMORIAL TO VICTIMS**
2 **OF TERRORIST ATTACK ON PENTAGON RES-**
3 **ERVATION AND AUTHORITY TO ACCEPT**
4 **MONETARY CONTRIBUTIONS FOR MEMO-**
5 **RIAL AND REPAIR OF PENTAGON.**

6 (a) MEMORIAL AUTHORIZED.—The Secretary of Defense
7 may establish a memorial at the Pentagon Reservation dedi-
8 cated to the victims of the terrorist attack on the Pentagon
9 that occurred on September 11, 2001. The Secretary shall use
10 necessary amounts in the Pentagon Reservation Maintenance
11 Revolving Fund established by section 2674(e) of title 10,
12 United States Code, including amounts deposited in the Fund
13 under subsection (c), to plan, design, construct, and maintain
14 the memorial.

15 (b) ACCEPTANCE OF CONTRIBUTIONS.—The Secretary of
16 Defense may accept monetary contributions made for the pur-
17 pose of assisting in—

18 (1) the establishment of the memorial to the victims
19 of the terrorist attack; and

20 (2) the repair of the damage caused to the Pentagon
21 Reservation by the terrorist attack.

22 (c) DEPOSIT OF CONTRIBUTIONS.—The Secretary of De-
23 fense shall deposit contributions accepted under subsection (b)
24 in the Pentagon Reservation Maintenance Revolving Fund. The
25 contributions shall be available for expenditure only for the
26 purposes specified in subsection (b).

27 **SEC. 2865. REPEAL OF LIMITATION ON COST OF REN-**
28 **OVATION OF PENTAGON RESERVATION.**

29 Section 2864 of the Military Construction Authorization
30 Act for Fiscal Year 1997 (division B of Public Law 104–201;
31 110 Stat. 2806) is repealed.

32 **SEC. 2866. DEVELOPMENT OF UNITED STATES ARMY**
33 **HERITAGE AND EDUCATION CENTER AT**
34 **CARLISLE BARRACKS, PENNSYLVANIA.**

35 (a) AUTHORITY TO ENTER INTO AGREEMENT.—(1) The
36 Secretary of the Army may enter into an agreement with the
37 Military Heritage Foundation, a nonprofit organization, for the
38 design, construction, and operation of a facility for the United

1 States Army Heritage and Education Center at Carlisle Bar-
2 racks, Pennsylvania (in this section referred to as the “facil-
3 ity”).

4 (2) The facility is to be used for curation and storage of
5 artifacts, research facilities, classrooms, and offices, and for
6 education and other activities, agreed to by the Secretary, relat-
7 ing to the heritage of the Army. The facility may also be used
8 to support such education and training as the Secretary con-
9 siderers appropriate.

10 (b) DESIGN AND CONSTRUCTION.—The design of the facil-
11 ity shall be subject to the approval of the Secretary. At the
12 election of the Secretary, the Secretary may—

13 (1) accept funds from the Military Heritage Founda-
14 tion for the design and construction of the facility; or

15 (2) permit the Military Heritage Foundation to con-
16 tract for the design and construction of the facility.

17 (c) ACCEPTANCE OF FACILITY.—(1) Upon satisfactory
18 completion, as determined by the Secretary, of the facility, and
19 upon the satisfaction of any and all financial obligations inci-
20 dent thereto by the Military Heritage Foundation, the Sec-
21 retary shall accept the facility from the Military Heritage
22 Foundation, and all right, title, and interest in and to the facil-
23 ity shall vest in the United States.

24 (2) Upon becoming property of the United States, the fa-
25 cility shall be under the jurisdiction of the Secretary.

26 (d) USE OF CERTAIN GIFTS.—(1) Under regulations pre-
27 scribed by the Secretary, the Commandant of the Army War
28 College may, without regard to section 2601 of title 10, United
29 States Code, accept, hold, administer, invest, and spend any
30 gift, devise, or bequest of personnel property of a value of
31 \$250,000 or less made to the United States if such gift, devise,
32 or bequest is for the benefit of the United States Army Herit-
33 age and Education Center.

34 (2) The Secretary may pay or authorize the payment of
35 any reasonable and necessary expense in connection with the
36 conveyance or transfer of a gift, devise, or bequest under this
37 subsection.

1 (e) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
2 retary may require such additional terms and conditions in con-
3 nection with the agreement authorized to be entered into by
4 subsection (a) as the Secretary considers appropriate to protect
5 the interests of the United States.

6 **SEC. 2867. EFFECT OF LIMITATION ON CONSTRUCTION**
7 **OF ROADS OR HIGHWAYS, MARINE CORPS**
8 **BASE, CAMP PENDLETON, CALIFORNIA.**

9 Section 2851(a) of the Military Construction Authoriza-
10 tion Act for Fiscal Year 1999 (division B of Public Law 105–
11 261; 112 Stat. 2219) is amended in the first sentence by in-
12 serting after “maintain” the following: “, notwithstanding any
13 provision of State law to the contrary,”.

14 **SEC. 2868. ESTABLISHMENT OF WORLD WAR II MEMO-**
15 **RIAL AT ADDITIONAL LOCATION ON GUAM.**

16 Section 2886 of the Military Construction Authorization
17 Act for Fiscal Year 2001 (division B of the Spence Act; 114
18 Stat. 1654A–441) is amended—

19 (1) in subsection (a), by inserting “, and on Federal
20 lands near Yigo,” after “Fena Caves”;

21 (2) in the heading of subsection (b), by striking “ME-
22 MORIAL” and inserting “MEMORIALS”; and

23 (3) in subsections (b) and (c), by striking “memorial”
24 each place it appears and inserting “memorials”.

25 **SEC. 2869. DEMONSTRATION PROJECT FOR PURCHASE**
26 **OF FIRE, SECURITY, POLICE, PUBLIC WORKS,**
27 **AND UTILITY SERVICES FROM LOCAL GOV-**
28 **ERNMENT AGENCIES.**

29 (a) EXTENSION.—Subsection (c) of section 816 of the Na-
30 tional Defense Authorization Act for Fiscal Year 1995 (Public
31 Law 103–337; 108 Stat. 2820), as added by section 2873 of
32 the Strom Thurmond National Defense Authorization Act for
33 Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2225), is
34 amended by striking “September 30, 2001.” and inserting
35 “January 31, 2002, with regard to fire-fighting and police serv-
36 ices, and September 30, 2003, with regard to other services de-
37 scribed in subsection (a).”.

1 (b) CONFORMING AMENDMENT.—Section 1206 of the Sup-
2 plemental Appropriations Act, 2001 (Public Law 107–20; 115
3 Stat. 161), is repealed.

4 **SEC. 2870. REPORT ON FUTURE LAND NEEDS OF UNITED**
5 **STATES MILITARY ACADEMY, NEW YORK,**
6 **AND ADJACENT COMMUNITY.**

7 (a) REPORT REQUIRED.—Not later than February 1,
8 2002, the Secretary of the Army shall submit to Congress a re-
9 port evaluating the future needs of the United States Military
10 Academy for lands suitable for use for military training and the
11 feasibility of making unneeded lands available to the Village of
12 Highland Falls, New York, through fee simple conveyance,
13 long-term lease under section 2667 of title 10, United States
14 Code, or other means.

15 (b) CONSULTATION.—The Secretary shall prepare the re-
16 port in consultation with appropriate officials of the Village of
17 Highland Falls.

18 **SEC. 2871. NAMING OF PATRICIA C. LAMAR ARMY NA-**
19 **TIONAL GUARD READINESS CENTER, OX-**
20 **FORD, MISSISSIPPI.**

21 The Oxford Army National Guard Readiness Center, Ox-
22 ford, Mississippi, shall be known and designated as the “Patri-
23 cia C. Lamar Army National Guard Readiness Center”. Any
24 reference to that readiness center in any law, regulation, map,
25 document, record, or other paper of the United States shall be
26 considered to be a reference to the Patricia C. Lamar Army
27 National Guard Readiness Center.

1 **TITLE XXIX—FORT IRWIN**
2 **MILITARY LAND WITHDRAWAL**

Sec. 2901. Short title.

Sec. 2902. Withdrawal and reservation of lands for National Training Center.

Sec. 2903. Map and legal description.

Sec. 2904. Management of withdrawn and reserved lands.

Sec. 2905. Water rights.

Sec. 2906. Environmental compliance and environmental response requirements.

Sec. 2907. West Mojave Coordinated Management Plan.

Sec. 2908. Release of wilderness study areas.

Sec. 2909. Training activity separation from utility corridors.

Sec. 2910. Duration of withdrawal and reservation.

Sec. 2911. Extension of initial withdrawal and reservation.

Sec. 2912. Termination and relinquishment.

Sec. 2913. Delegation of authority.

3 **SEC. 2901. SHORT TITLE.**

4 This title may be cited as the “Fort Irwin Military Land
5 Withdrawal Act of 2001”.

6 **SEC. 2902. WITHDRAWAL AND RESERVATION OF LANDS**
7 **FOR NATIONAL TRAINING CENTER.**

8 (a) WITHDRAWAL.—Subject to valid existing rights and
9 except as otherwise provided in this title, all public lands and
10 interests in lands described in subsection (c) are hereby with-
11 drawn from all forms of appropriation under the general land
12 laws, including the mining laws and mineral and geothermal
13 leasing laws, and jurisdiction over such lands and interests in
14 lands withdrawn and reserved by this title is hereby transferred
15 to the Secretary of the Army.

16 (b) RESERVATION.—The lands withdrawn under sub-
17 section (a) are reserved for use by the Secretary of the Army
18 for the following purposes:

19 (1) The conduct of combined arms military training at
20 the National Training Center.

21 (2) The development and testing of military equipment
22 at the National Training Center.

23 (3) Other defense-related purposes consistent with the
24 purposes specified in paragraphs (1) and (2).

25 (4) Conservation and related research purposes.

1 (c) LAND DESCRIPTION.—The public lands and interests
2 in lands withdrawn and reserved by this section comprise ap-
3 proximately 110,000 acres in San Bernardino County, Cali-
4 fornia, as generally depicted as “Proposed Withdrawal Land”
5 on the map entitled “National Training Center—Proposed
6 Withdrawal of Public Lands for Training Purposes”, dated
7 September 21, 2000, and filed in accordance with section 2903.

8 (d) CHANGES IN USE.—The Secretary of the Army shall
9 consult with the Secretary of the Interior before using the
10 lands withdrawn and reserved by this section for any purpose
11 other than those purposes identified in subsection (b).

12 (e) INDIAN TRIBES.—Nothing in this title shall be con-
13 strued as altering any rights reserved for tribal use by treaty
14 or Federal law. The Secretary of the Army shall consult with
15 federally recognized Indian tribes in the vicinity of the lands
16 withdrawn under subsection (a) before taking action affecting
17 rights or cultural resources protected by treaty or Federal law.

18 **SEC. 2903. MAP AND LEGAL DESCRIPTION.**

19 (a) PREPARATION OF MAP AND LEGAL DESCRIPTION.—As
20 soon as practicable after the date of the enactment of this Act,
21 the Secretary of the Interior shall—

22 (1) publish in the Federal Register a notice containing
23 the legal description of the lands withdrawn and reserved
24 by this title; and

25 (2) file a map and legal description of the lands with-
26 drawn and reserved by this title with the Committee on En-
27 ergy and Natural Resources of the Senate and the Com-
28 mittee on Resources of the House of Representatives.

29 (b) LEGAL EFFECT.—The map and legal description shall
30 have the same force and effect as if included in this title, ex-
31 cept that the Secretary of the Interior may correct clerical and
32 typographical errors in the map and legal description.

33 (c) AVAILABILITY.—Copies of the map and the legal de-
34 scription shall be available for public inspection in the following
35 offices:

1 (1) The offices of the California State Director, Cali-
2 fornia Desert District Office, and Riverside and Barstow
3 Field Offices of the Bureau of Land Management.

4 (2) The Office of the Commander, National Training
5 Center and Fort Irwin.

6 (d) COSTS.—The Secretary of the Army shall reimburse
7 the Secretary of the Interior for the costs incurred by the Sec-
8 retary of the Interior in implementing this section.

9 **SEC. 2904. MANAGEMENT OF WITHDRAWN AND RE-**
10 **SERVED LANDS.**

11 (a) GENERAL MANAGEMENT AUTHORITY.—During the pe-
12 riod of the withdrawal and reservation made by this title, the
13 Secretary of the Army shall manage the lands withdrawn and
14 reserved by this title for the purposes specified in section 2902.

15 (b) TEMPORARY PROHIBITION ON CERTAIN USE.—Mili-
16 tary use of the lands withdrawn and reserved by this title that
17 result in ground disturbance, as determined by the Secretary
18 of the Army and the Secretary of the Interior, are prohibited
19 until the Secretary of the Army and the Secretary of the Inte-
20 rior certify to Congress that there has been full compliance
21 with respect to such lands with the appropriate provisions of
22 this title, the Endangered Species Act of 1973 (16 U.S.C. 1531
23 et seq.), the National Environmental Policy Act of 1969 (42
24 U.S.C. 4321 et seq.), and other applicable laws.

25 (c) ACCESS RESTRICTIONS.—

26 (1) IN GENERAL.—If the Secretary of the Army deter-
27 mines that military operations, public safety, or national
28 security require the closure to the public of any road, trail,
29 or other portion of the lands withdrawn and reserved by
30 this title, the Secretary may take such action as the Sec-
31 retary determines necessary or desirable to effect and
32 maintain such closure.

33 (2) LIMITATION.—Any closure under paragraph (1)
34 shall be limited to the minimum areas and periods that the
35 Secretary of the Army determines are required for the pur-
36 poses specified in such paragraph.

1 (3) NOTICE.—Immediately preceding and during any
2 closure under paragraph (1), the Secretary of the Army
3 shall post appropriate warning notices and take other steps,
4 as necessary, to notify the public of the closure.

5 (d) INTEGRATED NATURAL RESOURCES MANAGEMENT
6 PLAN.—The Secretary of the Army shall prepare and imple-
7 ment, in accordance with title I of the Sikes Act (16 U.S.C.
8 670 et seq.), an integrated natural resources management plan
9 for the lands withdrawn and reserved by this title. In addition
10 to the elements required under the Sikes Act, the integrated
11 natural resources management plan shall include the following:

12 (1) A requirement that any hunting, fishing, and trap-
13 ping on the lands withdrawn and reserved by this title be
14 conducted in accordance with section 2671 of title 10,
15 United States Code.

16 (2) A requirement that the Secretary of the Army take
17 necessary actions to prevent, suppress, and manage brush
18 and range fires occurring within the boundaries of Fort
19 Irwin and brush and range fires occurring outside the
20 boundaries of Fort Irwin that result from military activities
21 at Fort Irwin.

22 (e) FIREFIGHTING.—Notwithstanding section 2465 of title
23 10, United States Code, the Secretary of the Army may obli-
24 gate funds appropriated or otherwise available to the Secretary
25 of the Army to enter into a memorandum of understanding, co-
26 operative agreement, or contract for fire fighting services to
27 carry out the requirements of subsection (d)(2). The Secretary
28 of the Army shall reimburse the Secretary of the Interior for
29 costs incurred by the Secretary of the Interior to assist in car-
30 rying out the requirements of such subsection.

31 (f) CONSULTATION WITH NATIONAL AERONAUTICS AND
32 SPACE ADMINISTRATION.—In preparing and implementing any
33 plan, report, assessment, survey, opinion, or impact statement
34 regarding the lands withdrawn and reserved by this title, the
35 Secretary of the Army shall consult with the Administrator of
36 the National Aeronautics and Space Administration whenever
37 proposed Army actions have the potential to affect the oper-

1 ations or the environmental management of the Goldstone Deep
2 Space Communications Complex. The requirement for consulta-
3 tion shall apply, at a minimum, to the following:

4 (1) Plans for military training, military equipment
5 testing, or related activities that have the potential of im-
6 pacting communications between Goldstone Deep Space
7 Communications Complex and space flight missions or
8 other transmission or receipt of signals from outer space by
9 the Goldstone Deep Space Communications Complex.

10 (2) The integrated natural resources management plan
11 required by subsection (d).

12 (3) The West Mojave Coordinated Management Plan
13 referred to in section 2907.

14 (4) Any document prepared in compliance with the
15 Endangered Species Act of 1973, the National Environ-
16 mental Policy Act of 1969, and other laws applicable to the
17 lands withdrawn and reserved by this title.

18 (g) USE OF MINERAL MATERIALS.—Notwithstanding any
19 other provision of this title or the Act of July 31, 1947 (com-
20 monly known as the Materials Act of 1947; 30 U.S.C. 601 et
21 seq.), the Secretary of the Army may use sand, gravel, or simi-
22 lar mineral material resources of the type subject to disposition
23 under such Act from the lands withdrawn and reserved by this
24 title if the use of such resources is required for construction
25 needs of the National Training Center.

26 **SEC. 2905. WATER RIGHTS.**

27 (a) NO RESERVED WATER RIGHT ESTABLISHED.—Noth-
28 ing in this title shall be construed—

29 (1) to establish a reservation in favor of the United
30 States with respect to any water or water right on the
31 lands withdrawn and reserved by this title; or

32 (2) to authorize the appropriation of water on such
33 lands by the United States after the date of the enactment
34 of this Act, except in accordance with applicable State law.

35 (b) EFFECT ON PREVIOUSLY ACQUIRED OR RESERVED
36 WATER RIGHTS.—This section shall not be construed to affect
37 any water rights acquired or reserved by the United States be-

1 fore the date of the enactment of this Act, and the Secretary
2 of the Army may exercise any such previously acquired or re-
3 served water rights.

4 **SEC. 2906. ENVIRONMENTAL COMPLIANCE AND ENVI-**
5 **RONMENTAL RESPONSE REQUIREMENTS.**

6 (a) AGREEMENTS CONCERNING THE ENVIRONMENT AND
7 PUBLIC HEALTH.—The Secretary of the Army and the Sec-
8 retary of the Interior shall enter into such agreements as are
9 necessary, appropriate, and in the public interest to carry out
10 the purposes of this title.

11 (b) RELATION TO OTHER ENVIRONMENTAL LAWS.—Noth-
12 ing in this title shall relieve, and no action taken under this
13 title may relieve, the Secretary of the Army or the Secretary
14 of the Interior, or any other person from any liability or other
15 obligation under the Comprehensive Environmental Response,
16 Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et
17 seq.), the Resource Conservation and Recovery Act of 1976 (42
18 U.S.C. 6901 et seq.) or any other Federal or State law.

19 **SEC. 2907. WEST MOJAVE COORDINATED MANAGEMENT**
20 **PLAN.**

21 (a) COMPLETION.—The Secretary of the Interior shall
22 make every effort to complete the West Mojave Coordinated
23 Management Plan not later than two years after the date of
24 the enactment of this Act.

25 (b) CONSIDERATION OF WITHDRAWAL AND RESERVATION
26 IMPACTS.—The Secretary of the Interior shall ensure that the
27 West Mojave Coordinated Management Plan considers the im-
28 pacts of the availability or nonavailability of the lands with-
29 drawn and reserved by this title on the plan as a whole.

30 (c) CONSULTATION.—The Secretary of the Interior shall
31 consult with the Secretary of the Army and the Administrator
32 of the National Aeronautics and Space Administration in the
33 development of the West Mojave Coordinated Management
34 Plan.

35 **SEC. 2908. RELEASE OF WILDERNESS STUDY AREAS.**

36 Congress hereby finds and directs that lands withdrawn
37 and reserved by this title have been adequately studied for wil-

1 wilderness designation pursuant to section 603(c) of the Federal
2 Land Policy and Management Act of 1976 (43 U.S.C.
3 1782(c)), and are no longer subject to the requirement of such
4 section pertaining to the management of wilderness study areas
5 in a manner that does not impair the suitability of such areas
6 for preservation as wilderness.

7 **SEC. 2909. TRAINING ACTIVITY SEPARATION FROM**
8 **UTILITY CORRIDORS.**

9 (a) REQUIRED SEPARATION.—All military ground activity
10 training on the lands withdrawn and reserved by this title shall
11 remain at least 500 meters from any utility system, in exist-
12 ence as of the date of the enactment of this Act, in Utility
13 Planning Corridor D, as described in the California Desert
14 Conservation Area Plan, dated 1980 and subsequently amend-
15 ed.

16 (b) EXCEPTION.—Subsection (a) does not modify the use
17 of any lands used, as of the date of the enactment of this Act,
18 by the National Training Center for training or alter any right
19 of access granted by interagency agreement.

20 **SEC. 2910. DURATION OF WITHDRAWAL AND RESERVA-**
21 **TION.**

22 (a) TERMINATION DATE.—Unless extended pursuant to
23 section 2911, unless relinquishment is postponed by the Sec-
24 retary of the Interior pursuant to section 2912(b), and except
25 as provided in section 2912(d), the withdrawal and reservation
26 made by this title shall terminate 25 years after the date of
27 the enactment of this Act.

28 (b) LIMITATION ON SUBSEQUENT AVAILABILITY FOR AP-
29 PROPRIATION.—At the time of termination of the withdrawal
30 and reservation made by this title, the previously withdrawn
31 lands shall not be open to any forms of appropriation under the
32 general land laws, including the mining laws and the mineral
33 and geothermal leasing laws, until the Secretary of the Interior
34 publishes in the Federal Register an appropriate order speci-
35 fying the date upon which such lands shall be restored to the
36 public domain and opened.

1 **SEC. 2911. EXTENSION OF INITIAL WITHDRAWAL AND**
2 **RESERVATION.**

3 (a) NOTIFICATION REQUIREMENT.—Not later than three
4 years before the termination date specified in section 2910(a),
5 the Secretary of the Army shall notify Congress and the Sec-
6 retary of the Interior whether the Army will have a continuing
7 military need, beyond the termination date, for all or any por-
8 tion of the lands withdrawn and reserved by this title.

9 (b) PROCESS FOR EXTENSION OF WITHDRAWAL AND RES-
10 ERVATION.—

11 (1) CONSULTATION AND APPLICATION.—If the Sec-
12 retary of the Army determines that there will be a con-
13 tinuing military need after the termination date for any of
14 the lands withdrawn and reserved by this title, the Sec-
15 retary of the Army shall—

16 (A) consult with the Secretary of the Interior con-
17 cerning any adjustments to be made to the extent of,
18 or to the allocation of management responsibility for,
19 such needed lands; and

20 (B) file with the Secretary of the Interior, within
21 one year after the notice required by subsection (a), an
22 application for extension of the withdrawal and reserva-
23 tion of such needed lands.

24 (2) APPLICATION REQUIREMENTS.—Notwithstanding
25 any general procedure of the Department of the Interior
26 for processing Federal land withdrawals, an application for
27 extension of the land withdrawal and reservation made by
28 this title shall be considered to be complete if the applica-
29 tion includes the information required by section 3 of Pub-
30 lic Law 85–337 (commonly known as the Engle Act; 43
31 U.S.C. 157), except that no information shall be required
32 concerning the use or development of mineral, timber, or
33 grazing resources unless, and only to the extent, the Sec-
34 retary of the Army proposes to use or develop such re-
35 sources during the period of extension.

36 (c) SUBMISSION OF PROPOSED EXTENSION TO CON-
37 GRESS.—The Secretary of the Interior and the Secretary of the

1 Army may submit to Congress a legislative proposal for the ex-
2 tension of the withdrawal and reservation made by this title.
3 The legislative proposal shall be accompanied by an appropriate
4 analysis of environmental impacts associated with the proposal,
5 as required by section 102(2)(C) of the National Environ-
6 mental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

7 **SEC. 2912. TERMINATION AND RELINQUISHMENT.**

8 (a) NOTICE OF TERMINATION.—During the first 22 years
9 of the withdrawal and reservation made by this title, if the Sec-
10 retary of the Army determines that there is no continuing mili-
11 tary need for the lands withdrawn and reserved by this title,
12 or any portion of such lands, the Secretary of the Army shall
13 submit to the Secretary of the Interior a notice of intent to re-
14 linquish jurisdiction over such lands. The notice shall specify
15 the proposed date of relinquishment.

16 (b) ACCEPTANCE OF JURISDICTION.—The Secretary of the
17 Interior may accept jurisdiction over any lands covered by a no-
18 tice under subsection (a) if the Secretary of the Interior deter-
19 mines that the Secretary of the Army has taken or will take
20 all environmental response and restoration activities required
21 under applicable laws and regulations with respect to such
22 lands.

23 (c) NOTICE OF ACCEPTANCE.—If the Secretary of the In-
24 terior decides to accept jurisdiction over lands covered by a no-
25 tice under subsection (a) before the termination date of the
26 withdrawal and reservation, the Secretary shall publish in the
27 Federal Register an appropriate order that shall—

28 (1) terminate the withdrawal and reservation of such
29 lands under this title;

30 (2) constitute official acceptance of administrative ju-
31 risdiction over the lands by the Secretary of the Interior;
32 and

33 (3) state the date upon which such lands shall be
34 opened to the operation of the general land laws, including
35 the mining laws and the mineral and geothermal leasing
36 laws, if appropriate.

1 (d) RETAINED ARMY JURISDICTION.—Notwithstanding
2 the termination date specified in section 2910, unless and until
3 the Secretary of the Interior accepts jurisdiction of land pro-
4 posed for relinquishment pursuant to this section, such land
5 shall remain withdrawn and reserved for the Secretary of the
6 Army for the limited purposes of environmental response and
7 restoration actions under section 2906 and continued land
8 management responsibilities pursuant to the integrated natural
9 resources management plan required under section 2904, until
10 such environmental response and restoration activities on those
11 lands are completed.

12 (e) SEVERABILITY OF FUNCTIONS.—All functions de-
13 scribed under this section, including transfers, relinquishments,
14 extensions, and other determinations, may be made on a parcel-
15 by-parcel basis.

16 **SEC. 2913. DELEGATION OF AUTHORITY.**

17 (a) SECRETARY OF THE ARMY.—The Secretary of the
18 Army may delegate to officials in the Department of the Army
19 such functions as the Secretary of the Army may determine ap-
20 propriate to carry out this title.

21 (b) SECRETARY OF THE INTERIOR.—The functions of the
22 Secretary of the Interior under this title may be delegated, ex-
23 cept that the order described in section 2912(c) may be ap-
24 proved and signed only by the Secretary of the Interior, the
25 Deputy Secretary of the Interior, or an Assistant Secretary of
26 the Department of the Interior.

1 **TITLE XXX—REALIGNMENT AND**
 2 **CLOSURE OF MILITARY INSTALLA-**
 3 **TIONS AND PREPARATION OF IN-**
 4 **FRASTRUCTURE PLAN FOR THE NU-**
 5 **CLEAR WEAPONS COMPLEX**

Sec. 3001. Authorization of round of realignments and closures of military installations in 2005.

Sec. 3002. Selection criteria.

Sec. 3003. Revised procedures for making recommendations for realignments and closures and commission consideration of recommendations.

Sec. 3004. Limitations on privatization in place.

Sec. 3005. Department of Defense Base Closure Account 2005.

Sec. 3006. Implementation of closure and realignment decisions.

Sec. 3007. Technical and clarifying amendments.

Sec. 3008. Preparation of infrastructure plan for the nuclear weapons complex.

6 **SEC. 3001. AUTHORIZATION OF ROUND OF REALIGN-**
 7 **MENTS AND CLOSURES OF MILITARY IN-**
 8 **STALLATIONS IN 2005.**

9 The Defense Base Closure and Realignment Act of 1990
 10 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687
 11 note) is amended by adding at the end the following new sec-
 12 tion:

13 **“SEC. 2912. 2005 ROUND OF REALIGNMENTS AND CLO-**
 14 **SURES OF MILITARY INSTALLATIONS.**

15 “(a) FORCE-STRUCTURE PLAN AND INFRASTRUCTURE IN-
 16 VENTORY.—

17 “(1) PREPARATION AND SUBMISSION.—As part of the
 18 budget justification documents submitted to Congress in
 19 support of the budget for the Department of Defense for
 20 fiscal year 2005, the Secretary shall include the following:

21 “(A) A force-structure plan for the Armed Forces
 22 based on an assessment by the Secretary of the prob-
 23 able threats to the national security during the 20-year
 24 period beginning with fiscal year 2005, the probable
 25 end-strength levels and major military force units (in-
 26 cluding land force divisions, carrier and other major
 27 combatant vessels, air wings, and other comparable
 28 units) needed to meet these threats, and the antici-

1 pated levels of funding that will be available for na-
2 tional defense purposes during such period.

3 “(B) A comprehensive inventory of military instal-
4 lations world-wide for each military department, with
5 specifications of the number and type of facilities in the
6 active and reserve forces of each military department.

7 “(2) RELATIONSHIP OF PLAN AND INVENTORY.—
8 Using the force-structure plan and infrastructure inventory
9 prepared under paragraph (1), the Secretary shall prepare
10 (and include as part of the submission of such plan and in-
11 ventory) the following:

12 “(A) A description of the infrastructure necessary
13 to support the force structure described in the force-
14 structure plan.

15 “(B) A discussion of categories of excess infra-
16 structure and infrastructure capacity.

17 “(C) An economic analysis of the effect of the clo-
18 sure or realignment of military installations to reduce
19 excess infrastructure.

20 “(3) SPECIAL CONSIDERATIONS.—In determining the
21 level of necessary versus excess infrastructure under para-
22 graph (2), the Secretary shall consider the following:

23 “(A) The anticipated continuing need for and
24 availability of military installations outside the United
25 States, taking into account current restrictions on the
26 use of military installations outside the United States
27 and the potential for future prohibitions or restrictions
28 on the use of such military installations.

29 “(B) Any efficiencies that may be gained from
30 joint tenancy by more than one branch of the Armed
31 Forces at a military installation.

32 “(4) REVISION.—The Secretary may revise the force-
33 structure plan and infrastructure inventory. If the Sec-
34 retary makes such a revision, the Secretary shall submit
35 the revised plan or inventory to Congress as part of the
36 budget justification documents submitted to Congress for
37 fiscal year 2006.

1 “(b) CERTIFICATION OF NEED FOR FURTHER CLOSURES
2 AND REALIGNMENTS.—

3 “(1) CERTIFICATION REQUIRED.—On the basis of the
4 force-structure plan and infrastructure inventory prepared
5 under subsection (a) and the descriptions and economic
6 analysis prepared under such subsection, the Secretary
7 shall include as part of the submission of the plan and
8 inventory—

9 “(A) a certification regarding whether the need ex-
10 ists for the closure or realignment of additional military
11 installations; and

12 “(B) if such need exists, a certification that the
13 additional round of closures and realignments would re-
14 sult in annual net savings for each of the military de-
15 partments beginning not later than fiscal year 2011.

16 “(2) EFFECT OF FAILURE TO CERTIFY.—If the Sec-
17 retary does not include the certifications referred to in
18 paragraph (1), the process by which military installations
19 may be selected for closure or realignment under this part
20 in 2005 shall be terminated.

21 “(c) COMPTROLLER GENERAL EVALUATION.—

22 “(1) EVALUATION REQUIRED.—If the certification is
23 provided under subsection (b), the Comptroller General
24 shall prepare an evaluation of the following:

25 “(A) The force-structure plan and infrastructure
26 inventory prepared under subsection (a) and the final
27 selection criteria prepared under section 2913, includ-
28 ing an evaluation of the accuracy and analytical suffi-
29 ciency of such plan, inventory, and criteria.

30 “(B) The need for the closure or realignment of
31 additional military installations.

32 “(2) SUBMISSION.—The Comptroller General shall
33 submit the evaluation to Congress not later than 60 days
34 after the date on which the force-structure plan and infra-
35 structure inventory are submitted to Congress.

36 “(d) AUTHORIZATION OF ADDITIONAL ROUND; COMMIS-
37 SION.—

1 “(1) APPOINTMENT OF COMMISSION.—Subject to the
2 certifications required under subsection (b), the President
3 may commence an additional round for the selection of
4 military installations for closure and realignment under this
5 part in 2005 by transmitting to the Senate, not later than
6 March 15, 2005, nominations pursuant to section 2902(c)
7 for the appointment of new members to the Defense Base
8 Closure and Realignment Commission.

9 “(2) EFFECT OF FAILURE TO NOMINATE.—If the
10 President does not transmit to the Senate the nominations
11 for the Commission by March 15, 2005, the process by
12 which military installations may be selected for closure or
13 realignment under this part in 2005 shall be terminated.

14 “(3) MEMBERS.—Notwithstanding section 2902(c)(1),
15 the Commission appointed under the authority of this sub-
16 section shall consist of nine members.

17 “(4) TERMS; MEETINGS; TERMINATION.—Notwith-
18 standing subsections (d), (e)(1), and (l) of section 2902,
19 the Commission appointed under the authority of this sub-
20 section shall meet during calendar year 2005 and shall ter-
21 minate on April 15, 2006.

22 “(5) FUNDING.—If no funds are appropriated to the
23 Commission by the end of the second session of the 108th
24 Congress for the activities of the Commission in 2005, the
25 Secretary may transfer to the Commission for purposes of
26 its activities under this part in that year such funds as the
27 Commission may require to carry out such activities. The
28 Secretary may transfer funds under the preceding sentence
29 from any funds available to the Secretary. Funds so trans-
30 ferred shall remain available to the Commission for such
31 purposes until expended.”.

32 **SEC. 3002. SELECTION CRITERIA.**

33 The Defense Base Closure and Realignment Act of 1990
34 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687
35 note) is amended by inserting after section 2912, as added by
36 section 3001, the following new section:

1 **“SEC. 2913. SELECTION CRITERIA FOR 2005 ROUND.**

2 “(a) PREPARATION OF PROPOSED SELECTION CRI-
3 TERIA.—

4 “(1) IN GENERAL.—Not later than December 31,
5 2003, the Secretary shall publish in the Federal Register
6 and transmit to the congressional defense committees the
7 criteria proposed to be used by the Secretary in making
8 recommendations for the closure or realignment of military
9 installations inside the United States under this part in
10 2005.

11 “(2) PUBLIC COMMENT.—The Secretary shall provide
12 an opportunity for public comment on the proposed criteria
13 for a period of at least 30 days and shall include notice of
14 that opportunity in the publication required under this sub-
15 section.

16 “(b) MILITARY VALUE AS PRIMARY CONSIDERATION.—
17 The selection criteria prepared by the Secretary shall ensure
18 that military value is the primary consideration in the making
19 of recommendations for the closure or realignment of military
20 installations under this part in 2005. Military value shall in-
21 clude at a minimum the following:

22 “(1) Preservation of training areas suitable for maneu-
23 ver by ground, naval, or air forces to guarantee future
24 availability of such areas to ensure the readiness of the
25 Armed Forces.

26 “(2) Preservation of military installations in the
27 United States as staging areas for the use of the Armed
28 Forces in homeland defense missions.

29 “(3) Preservation of military installations throughout
30 a diversity of climate and terrain areas in the United
31 States for training purposes.

32 “(4) The impact on joint warfighting, training, and
33 readiness.

34 “(5) Contingency, mobilization, and future total force
35 requirements at both existing and potential receiving loca-
36 tions to support operations and training.

1 “(c) SPECIAL CONSIDERATIONS.—The selection criteria
2 for military installations shall also address at a minimum the
3 following:

4 “(1) The extent and timing of potential costs and sav-
5 ings, including the number of years, beginning with the
6 date of completion of the closure or realignment, for the
7 savings to exceed the costs.

8 “(2) The economic impact on existing communities in
9 the vicinity of military installations.

10 “(3) The ability of both existing and potential receiv-
11 ing communities’ infrastructure to support forces, missions,
12 and personnel.

13 “(4) The impact of costs related to potential environ-
14 mental restoration, waste management, and environmental
15 compliance activities.

16 “(d) EFFECT ON DEPARTMENT AND OTHER AGENCY
17 COSTS.—Any selection criteria proposed by the Secretary relat-
18 ing to the cost savings or return on investment from the pro-
19 posed closure or realignment of military installations shall take
20 into account the effect of the proposed closure or realignment
21 on the costs of any other activity of the Department of Defense
22 or any other Federal agency that may be required to assume
23 responsibility for activities at the military installations.

24 “(e) FINAL SELECTION CRITERIA.—Not later than Feb-
25 ruary 16, 2004, the Secretary shall publish in the Federal Reg-
26 ister and transmit to the congressional defense committees the
27 final criteria to be used in making recommendations for the clo-
28 sure or realignment of military installations inside the United
29 States under this part in 2005. Such criteria shall be the final
30 criteria to be used, along with the force-structure plan and in-
31 frastructure inventory referred to in section 2912, in making
32 such recommendations unless disapproved by an Act of Con-
33 gress enacted on or before March 15, 2004.

34 “(f) RELATION TO CRITERIA FOR EARLIER ROUNDS.—
35 Section 2903(b), and the selection criteria prepared under such
36 section, shall not apply with respect to the process of making

1 recommendations for the closure or realignment of military in-
2 stallations in 2005.”.

3 **SEC. 3003. REVISED PROCEDURES FOR MAKING REC-**
4 **COMMENDATIONS FOR REALIGNMENTS AND**
5 **CLOSURES AND COMMISSION CONSIDER-**
6 **ATION OF RECOMMENDATIONS.**

7 The Defense Base Closure and Realignment Act of 1990
8 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687
9 note) is amended by inserting after section 2913, as added by
10 section 3002, the following new section:

11 **“SEC. 2914. SPECIAL PROCEDURES FOR MAKING REC-**
12 **COMMENDATIONS FOR REALIGNMENTS AND**
13 **CLOSURES FOR 2005 ROUND; COMMISSION**
14 **CONSIDERATION OF RECOMMENDATIONS.**

15 “(a) RECOMMENDATIONS REGARDING CLOSURE OR RE-
16 ALIGNMENT OF MILITARY INSTALLATIONS.—If the Secretary
17 makes the certifications required under section 2912(b), the
18 Secretary shall publish in the Federal Register and transmit to
19 the congressional defense committees and the Commission, not
20 later than May 16, 2005, a list of the military installations in-
21 side the United States that the Secretary recommends for clo-
22 sure or realignment on the basis of the force-structure plan and
23 infrastructure inventory prepared by the Secretary under sec-
24 tion 2912 and the final selection criteria prepared by the Sec-
25 retary under section 2913.

26 “(b) PREPARATION OF RECOMMENDATIONS.—

27 “(1) IN GENERAL.—The Secretary shall comply with
28 paragraphs (2) through (6) of section 2903(c) in preparing
29 and transmitting the recommendations under this section.
30 However, paragraph (6) of section 2903(c) relating to sub-
31 mission of information to Congress shall be deemed to re-
32 quire such submission within 48 hours.

33 “(2) CONSIDERATION OF LOCAL GOVERNMENT
34 VIEWS.—(A) In making recommendations to the Commis-
35 sion in 2005, the Secretary shall consider any notice re-
36 ceived from a local government in the vicinity of a military
37 installation that the government would approve of the clo-
38 sure or realignment of the installation.

1 “(B) Notwithstanding the requirement in subpara-
2 graph (A), the Secretary shall make the recommendations
3 referred to in that subparagraph based on the force-struc-
4 ture plan, infrastructure inventory, and final selection cri-
5 teria otherwise applicable to such recommendations.

6 “(C) The recommendations shall include a statement
7 of the result of the consideration of any notice described in
8 subparagraph (A) that is received with respect to a military
9 installation covered by such recommendations. The state-
10 ment shall set forth the reasons for the result.

11 “(c) RECOMMENDATIONS TO RETAIN BASES IN INACTIVE
12 STATUS.—In making recommendations for the closure or re-
13 alignment of military installations, the Secretary may rec-
14 ommend that an installation be placed in an inactive status if
15 the Secretary determines that—

16 “(1) the installation may be needed in the future for
17 national security purposes; or

18 “(2) retention of the installation is otherwise in the in-
19 terest of the United States.

20 “(d) COMMISSION REVIEW AND RECOMMENDATIONS.—

21 “(1) IN GENERAL.—Except as provided in this sub-
22 section, section 2903(d) shall apply to the consideration by
23 the Commission of the recommendations transmitted by the
24 Secretary in 2005. The Commission’s report containing its
25 findings and conclusions, based on a review and analysis of
26 the Secretary’s recommendations, shall be transmitted to
27 the President not later than September 8, 2005.

28 “(2) AVAILABILITY OF RECOMMENDATIONS TO CON-
29 GRESS.—After September 8, 2005, the Commission shall
30 promptly provide, upon request, to any Member of Con-
31 gress information used by the Commission in making its
32 recommendations.

33 “(3) LIMITATIONS ON AUTHORITY TO ADD TO CLO-
34 SURE OR REALIGNMENT LISTS.—The Commission may not
35 consider making a change in the recommendations of the
36 Secretary that would add a military installation to the Sec-
37 retary’s list of installations recommended for closure or re-

1 alignment unless, in addition to the requirements of section
2 2903(d)(2)(C)—

3 “(A) the Commission provides the Secretary with
4 at least a 15-day period, before making the change, in
5 which to submit an explanation of the reasons why the
6 installation was not included on the closure or realign-
7 ment list by the Secretary; and

8 “(B) the decision to add the installation for Com-
9 mission consideration is supported by at least seven
10 members of the Commission.

11 “(4) TESTIMONY BY SECRETARY.—The Commission
12 shall invite the Secretary to testify at a public hearing, or
13 a closed hearing if classified information is involved, on any
14 proposed change by the Commission to the Secretary’s rec-
15 ommendations.

16 “(5) COMPTROLLER GENERAL REPORT.—The Comp-
17 troller General report required by section 2903(d)(5)(B)
18 analyzing the recommendations of the Secretary and the se-
19 lection process in 2005 shall be transmitted to the congres-
20 sional defense committees not later than July 1, 2005.

21 “(e) REVIEW BY THE PRESIDENT.—

22 “(1) IN GENERAL.—Except as provided in this sub-
23 section, section 2903(e) shall apply to the review by the
24 President of the recommendations of the Commission under
25 this section, and the actions, if any, of the Commission in
26 response to such review, in 2005. The President shall re-
27 view the recommendations of the Secretary and the rec-
28 ommendations contained in the report of the Commission
29 under subsection (d) and prepare a report, not later than
30 September 23, 2005, containing the President’s approval or
31 disapproval of the Commission’s recommendations.

32 “(2) COMMISSION RECONSIDERATION.—If the Com-
33 mission prepares a revised list of recommendations under
34 section 2903(e)(3) in 2005 in response to the review of the
35 President in that year under paragraph (1), the Commis-
36 sion shall transmit the revised list to the President not
37 later than October 20, 2005.

1 “(3) EFFECT OF FAILURE TO TRANSMIT.—If the
2 President does not transmit to Congress an approval and
3 certification described in paragraph (2) or (4) of section
4 2903(e) by November 7, 2005, the process by which mili-
5 tary installations may be selected for closure or realignment
6 under this part in 2005 shall be terminated.

7 “(4) EFFECT OF TRANSMITTAL.—A report of the
8 President under this subsection containing the President’s
9 approval of the Commission’s recommendations is deemed
10 to be a report under section 2903(e) for purposes of sec-
11 tions 2904 and 2908.”.

12 **SEC. 3004. LIMITATIONS ON PRIVATIZATION IN PLACE.**

13 Section 2904(a) of the Defense Base Closure and Realign-
14 ment Act of 1990 (part A of title XXIX of Public Law 101–
15 510; 10 U.S.C. 2687 note) is amended—

16 (1) by redesignating paragraphs (3) and (4) as para-
17 graphs (4) and (5), respectively; and

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

20 “(3) carry out the privatization in place of a military
21 installation recommended for closure or realignment by the
22 Commission in the 2005 report only if privatization in
23 place is a method of closure or realignment of the military
24 installation specified in the recommendations of the Com-
25 mission in such report and is determined by the Commis-
26 sion to be the most cost-effective method of implementation
27 of the recommendation;”.

28 **SEC. 3005. DEPARTMENT OF DEFENSE BASE CLOSURE**
29 **ACCOUNT 2005.**

30 (a) ESTABLISHMENT.—The Defense Base Closure and Re-
31 alignment Act of 1990 (part A of title XXIX of Public Law
32 101–510; 10 U.S.C. 2687 note) is amended by inserting after
33 section 2906 the following new section:

34 **“SEC. 2906A. DEPARTMENT OF DEFENSE BASE CLOSURE**
35 **ACCOUNT 2005.**

36 “(a) IN GENERAL.—(1) If the Secretary makes the certifi-
37 cations required under section 2912(b), there shall be estab-

1 lished on the books of the Treasury an account to be known
2 as the ‘Department of Defense Base Closure Account 2005’ (in
3 this section referred to as the ‘Account’). The Account shall be
4 administered by the Secretary as a single account.

5 “(2) There shall be deposited into the Account—

6 “(A) funds authorized for and appropriated to the Ac-
7 count;

8 “(B) any funds that the Secretary may, subject to ap-
9 proval in an appropriation Act, transfer to the Account
10 from funds appropriated to the Department of Defense for
11 any purpose, except that such funds may be transferred
12 only after the date on which the Secretary transmits writ-
13 ten notice of, and justification for, such transfer to the con-
14 gressional defense committees; and

15 “(C) except as provided in subsection (d), proceeds re-
16 ceived from the lease, transfer, or disposal of any property
17 at a military installation that is closed or realigned under
18 this part pursuant to a closure or realignment the date of
19 approval of which is after January 1, 2005.

20 “(3) The Account shall be closed at the time and in the
21 manner provided for appropriation accounts under section 1555
22 of title 31, United States Code. Unobligated funds which re-
23 main in the Account upon closure shall be held by the Sec-
24 retary of the Treasury until transferred by law after the con-
25 gressional defense committees receive the final report trans-
26 mitted under subsection (c)(2).

27 “(b) USE OF FUNDS.—(1) The Secretary may use the
28 funds in the Account only for the purposes described in section
29 2905 with respect to military installations the date of approval
30 of closure or realignment of which is after January 1, 2005.

31 “(2) When a decision is made to use funds in the Account
32 to carry out a construction project under section 2905(a) and
33 the cost of the project will exceed the maximum amount au-
34 thorized by law for a minor military construction project, the
35 Secretary shall notify in writing the congressional defense com-
36 mittees of the nature of, and justification for, the project and
37 the amount of expenditures for such project. Any such con-

1 construction project may be carried out without regard to section
2 2802(a) of title 10, United States Code.

3 “(c) REPORTS.—(1)(A) No later than 60 days after the
4 end of each fiscal year in which the Secretary carries out activi-
5 ties under this part using amounts in the Account, the Sec-
6 retary shall transmit a report to the congressional defense com-
7 mittees of the amount and nature of the deposits into, and the
8 expenditures from, the Account during such fiscal year and of
9 the amount and nature of other expenditures made pursuant to
10 section 2905(a) during such fiscal year.

11 “(B) The report for a fiscal year shall include the fol-
12 lowing:

13 “(i) The obligations and expenditures from the Ac-
14 count during the fiscal year, identified by subaccount, for
15 each military department and Defense Agency.

16 “(ii) The fiscal year in which appropriations for such
17 expenditures were made and the fiscal year in which funds
18 were obligated for such expenditures.

19 “(iii) Each military construction project for which
20 such obligations and expenditures were made, identified by
21 installation and project title.

22 “(iv) A description and explanation of the extent, if
23 any, to which expenditures for military construction
24 projects for the fiscal year differed from proposals for
25 projects and funding levels that were included in the jus-
26 tification transmitted to Congress under section 2907(1),
27 or otherwise, for the funding proposals for the Account for
28 such fiscal year, including an explanation of—

29 “(I) any failure to carry out military construction
30 projects that were so proposed; and

31 “(II) any expenditures for military construction
32 projects that were not so proposed.

33 “(2) No later than 60 days after the termination of the
34 authority of the Secretary to carry out a closure or realignment
35 under this part with respect to military installations the date
36 of approval of closure or realignment of which is after January
37 1, 2005, and no later than 60 days after the closure of the Ac-

1 count under subsection (a)(3), the Secretary shall transmit to
2 the congressional defense committees a report containing an ac-
3 counting of—

4 “(A) all the funds deposited into and expended from
5 the Account or otherwise expended under this part with re-
6 spect to such installations; and

7 “(B) any amount remaining in the Account.

8 “(d) DISPOSAL OR TRANSFER OF COMMISSARY STORES
9 AND PROPERTY PURCHASED WITH NONAPPROPRIATED
10 FUNDS.—(1) If any real property or facility acquired, con-
11 structed, or improved (in whole or in part) with commissary
12 store funds or nonappropriated funds is transferred or disposed
13 of in connection with the closure or realignment of a military
14 installation under this part the date of approval of closure or
15 realignment of which is after January 1, 2005, a portion of the
16 proceeds of the transfer or other disposal of property on that
17 installation shall be deposited in the reserve account established
18 under section 204(b)(7)(C) of the Defense Authorization
19 Amendments and Base Closure and Realignment Act (10
20 U.S.C. 2687 note).

21 “(2) The amount so deposited shall be equal to the depre-
22 ciated value of the investment made with such funds in the ac-
23 quisition, construction, or improvement of that particular real
24 property or facility. The depreciated value of the investment
25 shall be computed in accordance with regulations prescribed by
26 the Secretary.

27 “(3) The Secretary may use amounts in the reserve ac-
28 count, without further appropriation, for the purpose of acquir-
29 ing, constructing, and improving—

30 “(A) commissary stores; and

31 “(B) real property and facilities for nonappropriated
32 fund instrumentalities.

33 “(4) In this subsection, the terms ‘commissary store
34 funds’, ‘nonappropriated funds’, and ‘nonappropriated fund in-
35 strumentality’ shall have the meaning given those terms in sec-
36 tion 2906(d)(4).

30–14

1 “(e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR ENVI-
2 RONMENTAL RESTORATION PROJECTS.—Except as provided in
3 section 2906(e) with respect to funds in the Department of De-
4 fense Base Closure Account 1990 under section 2906 and ex-
5 cept for funds deposited into the Account under subsection (a),
6 funds appropriated to the Department of Defense may not be
7 used for purposes described in section 2905(a)(1)(C). The pro-
8 hibition in this subsection shall expire upon the closure of the
9 Account under subsection (a)(3).”.

10 (b) CONFORMING AMENDMENTS.—Section 2906 of that
11 Act is amended—

12 (1) in subsection (a)(2)(C), by inserting “the date of
13 approval of closure or realignment of which is before Janu-
14 ary 1, 2005” after “under this part”;

15 (2) in subsection (b)(1), by inserting “with respect to
16 military installations the date of approval of closure or re-
17 alignment of which is before January 1, 2005,” after “sec-
18 tion 2905”;

19 (3) in subsection (c)(2)—

20 (A) in the matter preceding subparagraph (A), by
21 inserting “with respect to military installations the date
22 of approval of closure or realignment of which is before
23 January 1, 2005,” after “under this part”; and

24 (B) in subparagraph (A), by inserting “with re-
25 spect to such installations” after “under this part”;

26 (4) in subsection (d)(1), by inserting “the date of ap-
27 proval of closure or realignment of which is before January
28 1, 2005” after “under this part”; and

29 (5) in subsection (e), by striking “Except for” and in-
30 serting “Except as provided in section 2906A(e) with re-
31 spect to funds in the Department of Defense Base Closure
32 Account 2005 under section 2906A and except for”.

33 (c) CLERICAL AMENDMENT.—The section heading of sec-
34 tion 2906 of that Act is amended by striking “**ACCOUNT**” and
35 inserting “**DEPARTMENT OF DEFENSE BASE CLOSURE AC-**
36 **COUNT 1990**”.

1 **SEC. 3006. IMPLEMENTATION OF CLOSURE AND RE-**
2 **ALIGNMENT DECISIONS.**

3 (a) REQUIREMENT TO RECEIVE FAIR MARKET VALUE.—
4 Section 2905(b)(4)(B) of that Act is amended—

5 (1) in the first sentence, by striking “shall be without
6 consideration” in the matter preceding clause (i) and in-
7 serting “may be without consideration”; and

8 (2) by inserting after “(B)” the following new sen-
9 tence: “With respect to military installations for which the
10 date of approval of closure or realignment is after January
11 1, 2005, the Secretary shall seek to obtain consideration in
12 connection with any transfer under this paragraph of prop-
13 erty located at the installation in an amount equal to the
14 fair market value of the property, as determined by the
15 Secretary.”.

16 (b) TRANSFERS IN CONNECTION WITH PAYMENT OF EN-
17 VIRONMENTAL REMEDIATION.—Section 2905(e) of that Act is
18 amended—

19 (1) in paragraph (1)(B), by adding at the end the fol-
20 lowing new sentence: “The real property and facilities re-
21 ferred to in subparagraph (A) are also the real property
22 and facilities located at an installation approved for closure
23 or realignment under this part after 2001 that are avail-
24 able for purposes other than to assist the homeless.”;

25 (2) in paragraph (2)(A), by striking “to be paid by the
26 recipient of the property or facilities” and inserting “other-
27 wise to be paid by the Secretary with respect to the prop-
28 erty or facilities”;

29 (3) by striking paragraph (6);

30 (4) by redesignating paragraphs (3), (4), and (5) as
31 paragraphs (4), (5), (6), respectively; and

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

34 “(3) In the case of property or facilities covered by a cer-
35 tification under paragraph (2)(A), the Secretary may pay the
36 recipient of such property or facilities an amount equal to the
37 lesser of—

1 “(A) the amount by which the costs incurred by the
2 recipient of such property or facilities for all environmental
3 restoration, waste, management, and environmental compli-
4 ance activities with respect to such property or facilities ex-
5 ceed the fair market value of such property or facilities as
6 specified in such certification; or

7 “(B) the amount by which the costs (as determined by
8 the Secretary) that would otherwise have been incurred by
9 the Secretary for such restoration, management, and activi-
10 ties with respect to such property or facilities exceed the
11 fair market value of such property or facilities as so speci-
12 fied.”.

13 (c) SCOPE OF INDEMNIFICATION OF TRANSFEREES IN
14 CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDI-
15 ATION.—Paragraph (6) of section 2905(e) of that Act, as re-
16 designated by subsection (b)(4), is amended by inserting before
17 the period the following: “, except in the case of releases or
18 threatened releases not disclosed pursuant to paragraph (4)”.

19 **SEC. 3007. TECHNICAL AND CLARIFYING AMENDMENTS.**

20 (a) RELATIONSHIP TO OTHER BASE CLOSURE AUTHOR-
21 ITY.—Section 2909(a) of the Defense Base Closure and Re-
22 alignment Act of 1990 (part A of title XXIX of Public Law
23 101–510; 10 U.S.C. 2687 note) is amended by striking “the
24 date of the enactment of this Act and ending on December 31,
25 1995,” and inserting “November 5, 1990, and ending on April
26 15, 2006,”.

27 (b) COMMENCEMENT OF PERIOD FOR NOTICE OF INTER-
28 EST IN PROPERTY FOR HOMELESS.—Section
29 2905(b)(7)(D)(ii)(I) of that Act is amended by striking “that
30 date” and inserting “the date of publication of such determina-
31 tion in a newspaper of general circulation in the communities
32 in the vicinity of the installation under subparagraph
33 (B)(i)(IV)”.

34 (c) COMMITTEE NAME.—That Act is further amended by
35 striking “National Security” and inserting “Armed Services”
36 each place it appears in the following provisions:

37 (A) Section 2902(e)(2)(B)(ii).

1 (B) Section 2908(b).

2 (d) OTHER CLARIFYING AMENDMENTS.—(1) That Act is
3 further amended by inserting “or realignment” after “closure”
4 each place it appears in the following provisions:

5 (A) Section 2905(b)(3).

6 (B) Section 2905(b)(5).

7 (C) Section 2905(b)(7)(B)(iv).

8 (D) Section 2905(b)(7)(N).

9 (E) Section 2910(10)(B).

10 (2) That Act is further amended by inserting “or re-
11 aligned” after “closed” each place it appears in the following
12 provisions:

13 (A) Section 2905(b)(3)(C)(ii).

14 (B) Section 2905(b)(3)(D).

15 (C) Section 2905(b)(3)(E).

16 (D) Section 2905(b)(5)(A).

17 (E) Section 2910(9).

18 (F) Section 2910(10).

19 (3) Section 2905(e)(1)(B) of that Act is amended by in-
20 sserting “, or realigned or to be realigned,” after “closed or to
21 be closed”.

22 **SEC. 3008. PREPARATION OF INFRASTRUCTURE PLAN**
23 **FOR THE NUCLEAR WEAPONS COMPLEX.**

24 (a) INFRASTRUCTURE PLAN FOR NUCLEAR WEAPONS
25 COMPLEX.—

26 (1) PREPARATION AND SUBMISSION.—Not later than
27 the date on which the budget for the Department of En-
28 ergy for fiscal year 2004 is submitted to Congress, the Sec-
29 retary of Energy shall submit to Congress an infrastructure
30 plan for the nuclear weapons complex adequate to support
31 the nuclear weapons stockpile, the naval reactors program,
32 and nonproliferation and national security activities.

33 (2) SPECIAL CONSIDERATIONS.—In preparing the in-
34 frastructure plan, the Secretary shall take into consider-
35 ation the following:

36 (A) The Department of Defense Nuclear Posture
37 Review required pursuant to section 1041 of the Floyd

1 D. Spence National Defense Authorization Act for Fis-
2 cal Year 2001 (as enacted into law by Public Law 106–
3 398; 114 Stat. 1654A–262).

4 (B) Any efficiencies and security benefits of con-
5 solidation of facilities of the nuclear weapons complex.

6 (C) The necessity to have a residual production
7 capability.

8 (b) RECOMMENDATIONS REGARDING REALIGNMENTS AND
9 CLOSURES.—On the basis of the infrastructure plan prepared
10 under subsection (a), the Secretary shall make such rec-
11 ommendations regarding the need to close or realign facilities
12 of the nuclear weapons complex as the Secretary considers ap-
13 propriate, including the Secretary’s recommendations on wheth-
14 er to establish a process by which a round of closures and re-
15 alignments would be carried out and any additional legislative
16 authority necessary to implement the recommendations. The
17 Secretary shall submit the recommendations as part of the in-
18 frastructure plan under subsection (a).

19 (c) DEFINITIONS.—In this section:

20 (1) The terms “Secretary” and “Secretary of Energy”
21 mean the Secretary of Energy, acting after consideration of
22 the recommendations of the Administrator for Nuclear Se-
23 curity.

24 (2) The term “nuclear weapons complex” means the
25 national security laboratories and nuclear weapons produc-
26 tion facilities (as such terms are defined in section 3281 of
27 the National Nuclear Security Administration Act (50
28 U.S.C. 2471)) and the facilities of the Naval Nuclear Pro-
29 pulsion Program provided for under the Naval Nuclear
30 Propulsion Executive Order (as such term is defined in sec-
31 tion 3216 of such Act (50 U.S.C. 2406)).

1 **DIVISION C—DEPARTMENT OF EN-**
2 **ERGY NATIONAL SECURITY AU-**
3 **THORIZATIONS AND OTHER AU-**
4 **THORIZATIONS**
5 **TITLE XXXI—DEPARTMENT OF EN-**
6 **ERGY NATIONAL SECURITY PRO-**
7 **GRAMS**

Subtitle A—National Security Programs Authorizations

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental restoration and waste management.
- Sec. 3103. Other defense activities.
- Sec. 3104. Defense environmental management privatization.
- Sec. 3105. Defense nuclear waste disposal.

Subtitle B—Recurring General Provisions

- Sec. 3121. Reprogramming.
- Sec. 3122. Limits on minor construction projects.
- Sec. 3123. Limits on construction projects.
- Sec. 3124. Fund transfer authority.
- Sec. 3125. Authority for conceptual and construction design.
- Sec. 3126. Authority for emergency planning, design, and construction activities.
- Sec. 3127. Funds available for all national security programs of the Department of Energy.
- Sec. 3128. Availability of funds.
- Sec. 3129. Transfer of defense environmental management funds.
- Sec. 3130. Transfer of weapons activities funds.

Subtitle C—Program Authorizations, Restrictions, and Limitations

- Sec. 3131. Consolidation of Nuclear Cities Initiative program with Initiatives for Proliferation Prevention program.
- Sec. 3132. Nuclear Cities Initiative.
- Sec. 3133. Limitation on availability of funds for weapons activities for facilities and infrastructure.
- Sec. 3134. Limitation on availability of funds for other defense activities for national security programs administrative support.
- Sec. 3135. Termination date of Office of River Protection, Richland, Washington.
- Sec. 3136. Support for public education in the vicinity of Los Alamos National Laboratory, New Mexico.
- Sec. 3137. Reports on achievement of milestones for National Ignition Facility.

Subtitle D—Matters Relating to Management of the National Nuclear Security Administration

- Sec. 3141. Establishment of Principal Deputy Administrator of National Nuclear Security Administration.
- Sec. 3142. Elimination of requirement that national security laboratories and nuclear weapons production facilities report to Deputy Administrator for Defense Programs.

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- Sec. 3143. Repeal of duplicative provision relating to dual office holding by personnel of National Nuclear Security Administration.
- Sec. 3144. Report on adequacy of Federal pay and hiring authorities to meet personnel requirements of National Nuclear Security Administration.

Subtitle E—Other Matters

- Sec. 3151. Improvements to Energy Employees Occupational Illness Compensation Program.
- Sec. 3152. Department of Energy counterintelligence polygraph program.
- Sec. 3153. One-year extension of authority of Department of Energy to pay voluntary separation incentive payments.
- Sec. 3154. Annual assessment and report on vulnerability of Department of Energy facilities to terrorist attack.
- Sec. 3155. Disposition of surplus defense plutonium at Savannah River Site, Aiken, South Carolina.
- Sec. 3156. Modification of date of report of panel to assess the reliability, safety, and security of the United States nuclear stockpile.

Subtitle F—Rocky Flats National Wildlife Refuge

- Sec. 3171. Short title.
- Sec. 3172. Findings and purposes.
- Sec. 3173. Definitions.
- Sec. 3174. Future ownership and management.
- Sec. 3175. Transfer of management responsibilities and jurisdiction over Rocky Flats.
- Sec. 3176. Administration of retained property; continuation of cleanup and closure.
- Sec. 3177. Rocky Flats National Wildlife Refuge.
- Sec. 3178. Comprehensive planning process.
- Sec. 3179. Property rights.
- Sec. 3180. Liabilities and other obligations.
- Sec. 3181. Rocky Flats Museum.
- Sec. 3182. Annual report on funding.

1 **Subtitle A—National Security**
 2 **Programs Authorizations**

3 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
 4 **TION.**

5 Funds are hereby authorized to be appropriated to the De-
 6 partment of Energy for fiscal year 2002 for the activities of the
 7 National Nuclear Security Administration in carrying out pro-
 8 grams necessary for national security in the amount of
 9 \$7,121,094,000, to be allocated as follows:

10 (1) WEAPONS ACTIVITIES.—For weapons activities,
 11 \$5,343,567,000, to be allocated as follows:

12 (A) For stewardship operation and maintenance,
 13 \$4,601,871,000, to be allocated as follows:

31-3

1 (i) For directed stockpile work,
2 \$1,002,274,000.

3 (ii) For campaigns, \$2,074,473,000, to be al-
4 located as follows:

5 (I) For operation and maintenance,
6 \$1,704,501,000.

7 (II) For construction, \$369,972,000, to be
8 allocated as follows:

9 Project 01-D-101, distributed infor-
10 mation systems laboratory, Sandia Na-
11 tional Laboratories, Livermore, California,
12 \$5,400,000.

13 Project 00-D-103, terascale simula-
14 tion facility, Lawrence Livermore National
15 Laboratory, Livermore, California,
16 \$22,000,000.

17 Project 00-D-105, strategic com-
18 puting complex, Los Alamos National Lab-
19 oratory, Los Alamos, New Mexico,
20 \$11,070,000.

21 Project 00-D-107, joint computa-
22 tional engineering laboratory, Sandia Na-
23 tional Laboratories, Albuquerque, New
24 Mexico, \$5,377,000.

25 Project 98-D-125, tritium extraction
26 facility, Savannah River Plant, Aiken,
27 South Carolina, \$81,125,000.

28 Project 96-D-111, national ignition
29 facility (NIF), Lawrence Livermore Na-
30 tional Laboratory, Livermore, California,
31 \$245,000,000.

32 (iii) For readiness in technical base and facili-
33 ties, \$1,525,124,000, to be allocated as follows:

34 (I) For operation and maintenance,
35 \$1,348,260,000.

36 (II) For plant projects (including mainte-
37 nance, restoration, planning, construction, ac-

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1 quisition, modification of facilities, and the con-
2 tinuation of projects authorized in prior years,
3 and land acquisition related thereto),
4 \$176,864,000, to be allocated as follows:

5 Project 02-D-103, project engineering
6 and design (PED), various locations,
7 \$22,830,000.

8 Project 02-D-105, engineering tech-
9 nology complex upgrade, Lawrence Liver-
10 more National Laboratory, Livermore,
11 California, \$4,750,000.

12 Project 02-D-107, electrical power
13 systems safety communications and bus up-
14 grades, Nevada Test Site, Nevada,
15 \$3,507,000.

16 Project 01-D-101, microsystems and
17 engineering sciences applications (MESA),
18 Sandia National Laboratories, Albu-
19 querque, New Mexico, \$39,000,000.

20 Project 01-D-103, preliminary project
21 design and engineering, various locations,
22 \$16,379,000.

23 Project 01-D-107, Atlas relocation,
24 Nevada Test Site, Nevada, \$3,300,000.

25 Project 01-D-126, weapons evaluation
26 test laboratory, Pantex Plant, Amarillo,
27 Texas, \$7,700,000.

28 Project 01-D-800, sensitive compart-
29 mented information facility, Lawrence
30 Livermore National Laboratory, Livermore,
31 California, \$12,993,000.

32 Project 99-D-103, isotope sciences fa-
33 cilities, Lawrence Livermore National Lab-
34 oratory, Livermore, California, \$4,400,000.

35 Project 99-D-104, protection of real
36 property (roof reconstruction, phase II),

31–5

1 Lawrence Livermore National Laboratory,
2 Livermore, California, \$2,800,000.

3 Project 99–D–106, model validation
4 and system certification center, Sandia Na-
5 tional Laboratories, Albuquerque, New
6 Mexico, \$4,955,000.

7 Project 99–D–108, renovate existing
8 roadways, Nevada Test Site, Nevada,
9 \$2,000,000.

10 Project 99–D–125, replace boilers and
11 controls, Kansas City Plant, Kansas City,
12 Missouri, \$300,000.

13 Project 99–D–127, stockpile manage-
14 ment restructuring initiative, Kansas City
15 plant, Kansas City, Missouri, \$22,200,000.

16 Project 99–D–128, stockpile manage-
17 ment restructuring initiative, Pantex Plant,
18 Amarillo, Texas, \$3,300,000.

19 Project 98–D–123, stockpile manage-
20 ment restructuring initiative, tritium facil-
21 ity modernization and consolidation, Savan-
22 nah River Plant, Aiken, South Carolina,
23 \$13,700,000.

24 Project 98–D–124, stockpile manage-
25 ment restructuring initiative, Y–12 consoli-
26 dation, Oak Ridge, Tennessee, \$6,850,000.

27 Project 97–D–123, structural up-
28 grades, Kansas City Plant, Kansas City,
29 Missouri, \$3,000,000.

30 Project 96–D–102, stockpile steward-
31 ship facilities revitalization, Phase VI, var-
32 ious locations, \$2,900,000.

33 (B) For secure transportation asset,
34 \$121,800,000, to be allocated as follows:

35 (i) For operation and maintenance,
36 \$77,571,000.

37 (ii) For program direction, \$44,229,000.

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1 (C) For safeguards and security, \$448,881,000, to
2 be allocated as follows:

3 (i) For operations and maintenance,
4 \$439,281,000.

5 (ii) For plant projects (including maintenance,
6 restoration, planning, construction, acquisition,
7 modification of facilities, and the continuation of
8 projects authorized in prior years, and land acqui-
9 sition related thereto), \$9,600,000, to be allocated as
10 follows:

11 Project 99-D-132, stockpile management
12 restructuring initiative, nuclear material safe-
13 guards and security upgrades project, Los Ala-
14 mos National Laboratory, Los Alamos, New
15 Mexico, \$9,600,000.

16 (D) For facilities and infrastructure,
17 \$200,000,000.

18 (E) The total amount authorized by this para-
19 graph is the sum of the amounts authorized to be ap-
20 propriated by subparagraphs (A) through (D), reduced
21 by \$28,985,000, to be derived from a security charge
22 for reimbursable work.

23 (2) DEFENSE NUCLEAR NONPROLIFERATION.—For
24 defense nuclear nonproliferation activities, \$776,886,000,
25 to be allocated as follows:

26 (A) For nonproliferation and verification research
27 and development, \$244,306,000, to be allocated as fol-
28 lows:

29 (i) For operation and maintenance,
30 \$208,500,000.

31 (ii) For plant projects (including maintenance,
32 restoration, planning, construction, acquisition,
33 modification of facilities, and the continuation of
34 projects authorized in prior years, and land acqui-
35 sition related thereto), \$35,806,000, to be allocated
36 as follows:

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1 Project 00-D-192, nonproliferation and
2 international security center (NISC), Los Ala-
3 mos National Laboratory, Los Alamos, New
4 Mexico, \$35,806,000.

5 (B) For arms control and Russian transition ini-
6 tiatives, \$117,741,000.

7 (C) For international materials protection, control,
8 and accounting, \$143,800,000.

9 (D) For highly enriched uranium transparency im-
10 plementation, \$13,950,000.

11 (E) For international nuclear safety, \$10,000,000.

12 (F) For fissile materials control and disposition,
13 \$289,089,000, to be allocated as follows:

14 (i) For United States surplus fissile materials
15 disposition, \$228,089,000, to be allocated as fol-
16 lows:

17 (I) For operation and maintenance,
18 \$130,089,000.

19 (II) For plant projects (including mainte-
20 nance, restoration, planning, construction, ac-
21 quisition, modification of facilities, and the con-
22 tinuation of projects authorized in prior years,
23 and land acquisition related thereto),
24 \$98,000,000, to be allocated as follows:

25 Project 01-D-407, highly enriched
26 uranium blend-down, Savannah River Site,
27 Aiken, South Carolina, \$24,000,000.

28 Project 99-D-141, pit disassembly
29 and conversion facility, Savannah River
30 Site, Aiken, South Carolina, \$11,000,000.

31 Project 99-D-143, mixed oxide fuel
32 fabrication facility, Savannah River Site,
33 Aiken, South Carolina, \$63,000,000.

34 (ii) For Russian surplus fissile materials dis-
35 position, \$61,000,000.

36 (G) The total amount authorized by this para-
37 graph is the sum of the amounts authorized to be ap-

31-8

1 appropriated by subparagraphs (A) through (F), reduced
2 by \$42,000,000, to be derived from offsets and use of
3 prior year balances.

4 (3) NAVAL REACTORS.—For naval reactors,
5 \$688,045,000, to be allocated as follows:

6 (A) For naval reactors development,
7 \$665,445,000, to be allocated as follows:

8 (i) For operation and maintenance,
9 \$652,245,000.

10 (ii) For plant projects (including maintenance,
11 restoration, planning, construction, acquisition,
12 modification of facilities, and the continuation of
13 projects authorized in prior years, and land acqui-
14 sition related thereto), \$13,200,000, to be allocated
15 as follows:

16 Project 01-D-200, major office replace-
17 ment building, Schenectady, New York,
18 \$9,000,000.

19 Project 90-N-102, expended core facility
20 dry cell project, Naval Reactors Facility, Idaho,
21 \$4,200,000.

22 (B) For program direction, \$22,600,000.

23 (4) OFFICE OF ADMINISTRATOR FOR NUCLEAR SECU-
24 RITY.—For the Office of the Administrator for Nuclear Se-
25 curity, and for program direction for the National Nuclear
26 Security Administration (other than for naval reactors and
27 secure transportation asset), \$312,596,000.

28 **SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION**
29 **AND WASTE MANAGEMENT.**

30 (a) IN GENERAL.—Funds are hereby authorized to be ap-
31 propriated to the Department of Energy for fiscal year 2002
32 for environmental restoration and waste management activities
33 in carrying out programs necessary for national security in the
34 amount of \$6,022,415,000, to be allocated as follows:

35 (1) CLOSURE PROJECTS.—For closure projects carried
36 out in accordance with section 3143 of the National De-
37 fense Authorization Act for Fiscal Year 1997 (Public Law

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1 104-201; 110 Stat. 2836; 42 U.S.C. 7277n),
2 \$1,080,538,000.

3 (2) SITE/PROJECT COMPLETION.—For site completion
4 and project completion in carrying out environmental man-
5 agement activities necessary for national security programs,
6 \$959,696,000, to be allocated as follows:

7 (A) For operation and maintenance,
8 \$919,030,000.

9 (B) For plant projects (including maintenance,
10 restoration, planning, construction, acquisition, modi-
11 fication of facilities, and the continuation of projects
12 authorized in prior years, and land acquisition related
13 thereto), \$40,666,000, to be allocated as follows:

14 Project 01-D-402, Intec cathodic protection
15 system expansion, Idaho National Engineering and
16 Environmental Laboratory, Idaho Falls, Idaho,
17 \$3,256,000.

18 Project 02-D-420, plutonium stabilization
19 and packaging, Savannah River Site, Aiken, South
20 Carolina, \$20,000,000.

21 Project 01-D-414, preliminary project, engi-
22 neering and design (PE&D), various locations,
23 \$2,754,000.

24 Project 99-D-402, tank farm support serv-
25 ices, F&H areas, Savannah River Site, Aiken,
26 South Carolina, \$5,040,000.

27 Project 99-D-404, health physics instrumen-
28 tation laboratory, Idaho National Engineering and
29 Environmental Laboratory, Idaho Falls, Idaho,
30 \$2,700,000.

31 Project 98-D-453, plutonium stabilization
32 and handling system for plutonium finishing plant,
33 Richland, Washington, \$1,910,000.

34 Project 96-D-471, chlorofluorocarbon heating,
35 ventilation, and air conditioning and chiller retrofit,
36 Savannah River Site, Aiken, South Carolina,
37 \$4,244,000.

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1 Project 86-D-103, decontamination and waste
2 treatment facility, Lawrence Livermore National
3 Laboratory, Livermore, California, \$762,000.

4 (3) POST-2006 COMPLETION.—For post-2006 comple-
5 tion in carrying out environmental restoration and waste
6 management activities necessary for national security pro-
7 grams, \$3,265,201,000, to be allocated as follows:

8 (A) For operation and maintenance,
9 \$1,955,979,000.

10 (B) For uranium enrichment decontamination and
11 decommissioning fund contribution, \$420,000,000.

12 (C) For plant projects (including maintenance,
13 restoration, planning, construction, acquisition, modi-
14 fication of facilities, and the continuation of projects
15 authorized in prior years, and land acquisition related
16 thereto), \$6,754,000, to be allocated as follows:

17 Project 93-D-187, high-level waste removal
18 from filled waste tanks, Savannah River Site,
19 Aiken, South Carolina, \$6,754,000.

20 (D) For the Office of River Protection in carrying
21 out environmental restoration and waste management
22 activities necessary for national security programs,
23 \$882,468,000, to be allocated as follows:

24 (i) For operation and maintenance,
25 \$322,151,000.

26 (ii) For plant projects (including maintenance,
27 restoration, planning, construction, acquisition,
28 modification of facilities, and the continuation of
29 projects authorized in prior years, and land acqui-
30 sition related thereto), \$560,317,000, to be allocated
31 as follows:

32 Project 01-D-416, waste treatment and
33 immobilization plant, Richland, Washington,
34 \$520,000,000.

35 Project 97-D-402, tank farm restoration
36 and safe operations, Richland, Washington,
37 \$33,473,000.

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1 Project 94-D-407, initial tank retrieval
2 systems, Richland, Washington, \$6,844,000.

3 (4) SCIENCE AND TECHNOLOGY DEVELOPMENT.—For
4 science and technology development in carrying out envi-
5 ronmental restoration and waste management activities
6 necessary for national security programs, \$216,000,000.

7 (5) EXCESS FACILITIES.—For excess facilities in car-
8 rying out environmental restoration and waste management
9 activities necessary for national security programs,
10 \$1,300,000.

11 (6) SAFEGUARDS AND SECURITY.—For safeguards
12 and security in carrying out environmental restoration and
13 waste management activities necessary for national security
14 programs, \$205,621,000.

15 (7) PROGRAM DIRECTION.—For program direction in
16 carrying out environmental restoration and waste manage-
17 ment activities necessary for national security programs,
18 \$355,761,000.

19 (b) ADJUSTMENT.—The total amount authorized to be ap-
20 propriated by subsection (a) is the sum of the amounts author-
21 ized to be appropriated by paragraphs (1) through (7) of that
22 subsection, reduced by \$61,702,000, of which \$56,311,000 is to
23 reflect an offset provided by use of prior year balances and
24 \$5,391,000 is to be derived from a security charge for reim-
25 bursable work.

26 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

27 (a) IN GENERAL.—Funds are hereby authorized to be ap-
28 propriated to the Department of Energy for fiscal year 2002
29 for other defense activities in carrying out programs necessary
30 for national security in the amount of \$499,663,000, to be allo-
31 cated as follows:

32 (1) INTELLIGENCE.—For intelligence, \$40,844,000.

33 (2) COUNTERINTELLIGENCE.—For counterintelligence,
34 \$46,000,000.

35 (3) SECURITY AND EMERGENCY OPERATIONS.—For
36 security and emergency operations, \$250,427,000, to be al-
37 located as follows:

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1 (A) For nuclear safeguards and security,
2 \$116,500,000.

3 (B) For security investigations, \$44,927,000.

4 (C) For corporate management information pro-
5 grams, \$10,000,000.

6 (D) For program direction, \$79,000,000.

7 (4) INDEPENDENT OVERSIGHT AND PERFORMANCE AS-
8 SURANCE.—For independent oversight and performance as-
9 surance, \$14,904,000.

10 (5) ENVIRONMENT, SAFETY, AND HEALTH.—For the
11 Office of Environment, Safety, and Health, \$113,307,000,
12 to be allocated as follows:

13 (A) For environment, safety, and health (defense),
14 \$91,307,000.

15 (B) For program direction, \$22,000,000.

16 (6) WORKER AND COMMUNITY TRANSITION ASSIST-
17 ANCE.—For worker and community transition assistance,
18 \$20,000,000, to be allocated as follows:

19 (A) For worker and community transition,
20 \$18,000,000.

21 (B) For program direction, \$2,000,000.

22 (7) OFFICE OF HEARINGS AND APPEALS.—For the Of-
23 fice of Hearings and Appeals, \$2,893,000.

24 (8) NATIONAL SECURITY PROGRAMS ADMINISTRATIVE
25 SUPPORT.—For national security programs administrative
26 support, \$22,000,000.

27 (b) ADJUSTMENT.—The amount authorized to be appro-
28 priated pursuant to subsection (a) is the total of the amounts
29 authorized to be appropriated by paragraphs (1) through (8)
30 of that subsection, reduced by \$10,712,000, of which
31 \$10,000,000 is to reflect an offset provided by use of prior year
32 balances and \$712,000 is to be derived from a security charge
33 for reimbursable work.

34 **SEC. 3104. DEFENSE ENVIRONMENTAL MANAGEMENT**
35 **PRIVATIZATION.**

36 Funds are hereby authorized to be appropriated to the De-
37 partment of Energy for fiscal year 2002 for privatization initia-

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1 tives in carrying out environmental restoration and waste man-
2 agement activities necessary for national security programs in
3 the amount of \$153,537,000, to be allocated as follows:

4 Project 02-PVT-1, Paducah disposal facility, Paducah,
5 Kentucky, \$13,329,000.

6 Project 02-PVT-2, Portsmouth disposal facility,
7 Portsmouth, Ohio, \$2,000,000.

8 Project 98-PVT-2, spent nuclear fuel dry storage,
9 Idaho Falls, Idaho, \$49,332,000.

10 Project 98-PVT-5, environmental management/waste
11 management disposal, Oak Ridge, Tennessee, \$26,065,000.

12 Project 97-PVT-2, advanced mixed waste treatment
13 project, Idaho Falls, Idaho, \$52,000,000.

14 Project 97-PVT-3, transuranic waste treatment, Oak
15 Ridge, Tennessee, \$10,826,000.

16 **SEC. 3105. DEFENSE NUCLEAR WASTE DISPOSAL.**

17 Funds are hereby authorized to be appropriated to the De-
18 partment of Energy for fiscal year 2002 for payment to the
19 Nuclear Waste Fund established in section 302(c) of the Nu-
20 clear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the
21 amount of \$280,000,000.

22 **Subtitle B—Recurring General**
23 **Provisions**

24 **SEC. 3121. REPROGRAMMING.**

25 (a) IN GENERAL.—Except as provided in sections 3129
26 and 3130, until the Secretary of Energy submits to the con-
27 gressional defense committees the report referred to in sub-
28 section (b) and a period of 30 days has elapsed after the date
29 on which such committees receive the report, the Secretary may
30 not use amounts appropriated pursuant to this title for any
31 program—

32 (1) in amounts that exceed, in a fiscal year, the
33 amount authorized for that program by this title; or

34 (2) which has not been presented to, or requested of,
35 Congress.

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1 (b) REPORT.—(1) The report referred to in subsection (a)
2 is a report containing a full and complete statement of the ac-
3 tion proposed to be taken and the facts and circumstances re-
4 lied upon in support of the proposed action.

5 (2) In the computation of the 30-day period under sub-
6 section (a), there shall be excluded any day on which either
7 House of Congress is not in session because of an adjournment
8 of more than 3 days to a day certain.

9 (c) LIMITATIONS.—(1) In no event may the total amount
10 of funds obligated pursuant to this title exceed the total
11 amount authorized to be appropriated by this title.

12 (2) Funds appropriated pursuant to this title may not be
13 used for an item for which Congress has specifically denied
14 funds.

15 **SEC. 3122. LIMITS ON MINOR CONSTRUCTION**
16 **PROJECTS.**

17 (a) AUTHORITY.—The Secretary of Energy may carry out
18 any minor construction project using operation and mainte-
19 nance funds, or facilities and infrastructure funds, authorized
20 by this title.

21 (b) ANNUAL REPORT.—The Secretary shall submit to the
22 congressional defense committees on an annual basis a report
23 on each exercise of the authority in subsection (a) during the
24 preceding year. Each report shall provide a brief description of
25 each minor construction project covered by the report.

26 (c) COST VARIATION REPORTS TO CONGRESSIONAL COM-
27 MITTEES.—If, at any time during the construction of any
28 minor construction project authorized by this title, the esti-
29 mated cost of the project is revised and the revised cost of the
30 project exceeds \$5,000,000, the Secretary shall immediately
31 submit to the congressional defense committees a report ex-
32 plaining the reasons for the cost variation.

33 (d) MINOR CONSTRUCTION PROJECT DEFINED.—In this
34 section, the term “minor construction project” means any plant
35 project not specifically authorized by law if the approved total
36 estimated cost of the plant project does not exceed \$5,000,000.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, authorized by 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there is excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) does not apply to a construction project with a current estimated cost of less than \$5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same time period as the authorizations of the Federal agency to which the amounts are transferred.

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1 (b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—(1)
2 Subject to paragraph (2), the Secretary of Energy may transfer
3 funds authorized to be appropriated to the Department of En-
4 ergy pursuant to this title between any such authorizations.
5 Amounts of authorizations so transferred may be merged with
6 and be available for the same purposes and for the same period
7 as the authorization to which the amounts are transferred.

8 (2) Not more than 5 percent of any such authorization
9 may be transferred between authorizations under paragraph
10 (1). No such authorization may be increased or decreased by
11 more than 5 percent by a transfer under such paragraph.

12 (c) LIMITATIONS.—The authority provided by this sub-
13 section to transfer authorizations—

14 (1) may be used only to provide funds for items relat-
15 ing to activities necessary for national security programs
16 that have a higher priority than the items from which the
17 funds are transferred; and

18 (2) may not be used to provide funds for an item for
19 which Congress has specifically denied funds.

20 (d) NOTICE TO CONGRESS.—The Secretary of Energy
21 shall promptly notify the Committees on Armed Services of the
22 Senate and House of Representatives of any transfer of funds
23 to or from authorizations under this title.

24 **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CON-**
25 **STRUCTION DESIGN.**

26 (a) REQUIREMENT OF CONCEPTUAL DESIGN.—(1) Subject
27 to paragraph (2) and except as provided in paragraph (3), be-
28 fore submitting to Congress a request for funds for a construc-
29 tion project that is in support of a national security program
30 of the Department of Energy, the Secretary of Energy shall
31 complete a conceptual design for that project.

32 (2) If the estimated cost of completing a conceptual design
33 for a construction project exceeds \$3,000,000, the Secretary
34 shall submit to Congress a request for funds for the conceptual
35 design before submitting a request for funds for the construc-
36 tion project.

1 (3) The requirement in paragraph (1) does not apply to
2 a request for funds—

3 (A) for a minor construction project the total esti-
4 mated cost of which is less than \$5,000,000; or

5 (B) for emergency planning, design, and construction
6 activities under section 3126.

7 (b) **AUTHORITY FOR CONSTRUCTION DESIGN.**—(1) Within
8 the amounts authorized by this title, the Secretary of Energy
9 may carry out construction design (including architectural and
10 engineering services) in connection with any proposed construc-
11 tion project if the total estimated cost for such design does not
12 exceed \$600,000.

13 (2) If the total estimated cost for construction design in
14 connection with any construction project exceeds \$600,000,
15 funds for that design must be specifically authorized by law.

16 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**
17 **SIGN, AND CONSTRUCTION ACTIVITIES.**

18 (a) **AUTHORITY.**—The Secretary of Energy may use any
19 funds available to the Department of Energy pursuant to an
20 authorization in this title, including funds authorized to be ap-
21 propriated for advance planning, engineering, and construction
22 design, and for plant projects, under sections 3101, 3102,
23 3103, and 3104 to perform planning, design, and construction
24 activities for any Department of Energy national security pro-
25 gram construction project that, as determined by the Secretary,
26 must proceed expeditiously in order to protect public health and
27 safety, to meet the needs of national defense, or to protect
28 property.

29 (b) **LIMITATION.**—The Secretary may not exercise the au-
30 thority under subsection (a) in the case of any construction
31 project until the Secretary has submitted to the congressional
32 defense committees a report on the activities that the Secretary
33 intends to carry out under this section and the circumstances
34 making those activities necessary.

35 (c) **SPECIFIC AUTHORITY.**—The requirement of section
36 3125(b)(2) does not apply to emergency planning, design, and
37 construction activities conducted under this section.

1 **SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECUR-**
2 **ITY PROGRAMS OF THE DEPARTMENT OF**
3 **ENERGY.**

4 Subject to the provisions of appropriation Acts and section
5 3121, amounts appropriated pursuant to this title for manage-
6 ment and support activities and for general plant projects are
7 available for use, when necessary, in connection with all na-
8 tional security programs of the Department of Energy.

9 **SEC. 3128. AVAILABILITY OF FUNDS.**

10 (a) IN GENERAL.—Except as provided in subsection (b),
11 when so specified in an appropriations Act, amounts appro-
12 priated for operation and maintenance or for plant projects
13 may remain available until expended.

14 (b) EXCEPTION FOR PROGRAM DIRECTION FUNDS.—
15 Amounts appropriated for program direction pursuant to an
16 authorization of appropriations in subtitle A shall remain avail-
17 able to be expended only until the end of fiscal year 2003.

18 **SEC. 3129. TRANSFER OF DEFENSE ENVIRONMENTAL**
19 **MANAGEMENT FUNDS.**

20 (a) TRANSFER AUTHORITY FOR DEFENSE ENVIRON-
21 MENTAL MANAGEMENT FUNDS.—The Secretary of Energy
22 shall provide the manager of each field office of the Depart-
23 ment of Energy with the authority to transfer defense environ-
24 mental management funds from a program or project under the
25 jurisdiction of that office to another such program or project.

26 (b) LIMITATIONS.—(1) Not more than three transfers may
27 be made to or from any program or project under subsection
28 (a) in a fiscal year.

29 (2) The amount transferred to or from a program or
30 project under in any one transfer under subsection (a) may not
31 exceed \$5,000,000.

32 (3) A transfer may not be carried out by a manager of a
33 field office under subsection (a) unless the manager determines
34 that the transfer is necessary—

35 (A) to address a risk to health, safety, or the environ-
36 ment; or

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1 (B) to assure the most efficient use of defense environ-
2 mental management funds at the field office.

3 (4) Funds transferred pursuant to subsection (a) may not
4 be used for an item for which Congress has specifically denied
5 funds or for a new program or project that has not been au-
6 thORIZED by Congress.

7 (c) EXEMPTION FROM REPROGRAMMING REQUIRE-
8 MENTS.—The requirements of section 3121 shall not apply to
9 transfers of funds pursuant to subsection (a).

10 (d) NOTIFICATION.—The Secretary, acting through the
11 Assistant Secretary of Energy for Environmental Management,
12 shall notify Congress of any transfer of funds pursuant to sub-
13 section (a) not later than 30 days after such transfer occurs.

14 (e) DEFINITIONS.—In this section:

15 (1) The term “program or project” means, with re-
16 spect to a field office of the Department of Energy, any of
17 the following:

18 (A) A program referred to or a project listed in
19 paragraph (2) or (3) of section 3102(a).

20 (B) A program or project not described in sub-
21 paragraph (A) that is for environmental restoration or
22 waste management activities necessary for national se-
23 curity programs of the Department, that is being car-
24 ried out by that office, and for which defense environ-
25 mental management funds have been authorized and
26 appropriated before the date of the enactment of this
27 Act.

28 (2) The term “defense environmental management
29 funds” means funds appropriated to the Department of
30 Energy pursuant to an authorization for carrying out envi-
31 ronmental restoration and waste management activities
32 necessary for national security programs.

33 (f) DURATION OF AUTHORITY.—The managers of the field
34 offices of the Department may exercise the authority provided
35 under subsection (a) during the period beginning on October 1,
36 2001, and ending on September 30, 2002.

1 **SEC. 3130. TRANSFER OF WEAPONS ACTIVITIES FUNDS.**

2 (a) TRANSFER AUTHORITY FOR WEAPONS ACTIVITIES
3 FUNDS.—The Secretary of Energy shall provide the manager
4 of each field office of the Department of Energy with the au-
5 thority to transfer weapons activities funds from a program or
6 project under the jurisdiction of that office to another such
7 program or project.

8 (b) LIMITATIONS.—(1) Not more than one transfer may
9 be made to or from any program or project under subsection
10 (a) in a fiscal year.

11 (2) The amount transferred to or from a program or
12 project in any one transfer under subsection (a) may not ex-
13 ceed \$5,000,000.

14 (3) A transfer may not be carried out by a manager of a
15 field office under subsection (a) unless the manager determines
16 that the transfer—

17 (A) is necessary to address a risk to health, safety, or
18 the environment; or

19 (B) will result in cost savings and efficiencies.

20 (4) A transfer may not be carried out by a manager of a
21 field office under subsection (a) to cover a cost overrun or
22 scheduling delay for any program or project.

23 (5) Funds transferred pursuant to subsection (a) may not
24 be used for an item for which Congress has specifically denied
25 funds or for a new program or project that has not been au-
26 thorized by Congress.

27 (c) EXEMPTION FROM REPROGRAMMING REQUIRE-
28 MENTS.—The requirements of section 3121 shall not apply to
29 transfers of funds pursuant to subsection (a).

30 (d) NOTIFICATION.—The Secretary, acting through the
31 Administrator for Nuclear Security, shall notify Congress of
32 any transfer of funds pursuant to subsection (a) not later than
33 30 days after such transfer occurs.

34 (e) DEFINITIONS.—In this section:

35 (1) The term “program or project” means, with re-
36 spect to a field office of the Department of Energy, any of
37 the following:

1 (A) A program referred to or a project listed in
2 3101(1).

3 (B) A program or project not described in sub-
4 paragraph (A) that is for weapons activities necessary
5 for national security programs of the Department, that
6 is being carried out by that office, and for which weap-
7 ons activities funds have been authorized and appro-
8 priated before the date of the enactment of this Act.

9 (2) The term “weapons activities funds” means funds
10 appropriated to the Department of Energy pursuant to an
11 authorization for carrying out weapons activities necessary
12 for national security programs.

13 (f) DURATION OF AUTHORITY.—The managers of the field
14 offices of the Department may exercise the authority provided
15 under subsection (a) during the period beginning on October 1,
16 2001, and ending on September 30, 2002.

17 **Subtitle C—Program Authorizations,** 18 **Restrictions, and Limitations**

19 **SEC. 3131. CONSOLIDATION OF NUCLEAR CITIES INITIA-** 20 **TIVE PROGRAM WITH INITIATIVES FOR PRO-** 21 **LIFERATION PREVENTION PROGRAM.**

22 The Administrator for Nuclear Security shall consolidate
23 the Nuclear Cities Initiative program with the Initiatives for
24 Proliferation Prevention program under a single management
25 line.

26 **SEC. 3132. NUCLEAR CITIES INITIATIVE.**

27 (a) LIMITATIONS ON USE OF FUNDS.—No funds author-
28 ized to be appropriated for the Nuclear Cities Initiative after
29 fiscal year 2001 may be obligated or expended with respect to
30 more than three nuclear cities, or more than two serial produc-
31 tion facilities in Russia, until 30 days after the Administrator
32 for Nuclear Security submits to the appropriate congressional
33 committees an agreement signed by the Russian Federation on
34 access under the Nuclear Cities Initiative to the ten closed nu-
35 clear cities and four serial production facilities of the Nuclear
36 Cities Initiative.

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1 (b) ANNUAL REPORT.—(1) Not later than the first Mon-
2 day in February each year, the Administrator shall submit to
3 the appropriate congressional committees a report on financial
4 and programmatic activities with respect to the Nuclear Cities
5 Initiative during the preceding fiscal year.

6 (2) Each report shall include, for the fiscal year covered
7 by such report, the following:

8 (A) A list of each project that is or was completed, on-
9 going, or planned under the Nuclear Cities Initiative during
10 such fiscal year.

11 (B) For each project listed under subparagraph (A),
12 information, current as of the end of such fiscal year, on
13 the following:

14 (i) The purpose of such project.

15 (ii) The budget for such project.

16 (iii) The life-cycle costs of such project.

17 (iv) Participants in such project.

18 (v) The commercial viability of such project.

19 (vi) The number of jobs in Russia created or to be
20 created by or through such project.

21 (vii) Of the total amount of funds spent on such
22 project, the percentage of such amount spent in the
23 United States and the percentage of such amount spent
24 overseas.

25 (C) A certification by the Administrator that each
26 project listed under subparagraph (A) did contribute, is
27 contributing, or will contribute, as the case may be, to the
28 downsizing of the nuclear weapons complex in Russia, to-
29 gether with a description of the evidence utilized to make
30 such certification.

31 (c) DEFINITIONS.—In this section:

32 (1) APPROPRIATE CONGRESSIONAL COMMITTEES.—
33 The term “appropriate congressional committees” means
34 the Committee on Armed Services of the Senate and the
35 Committee on Armed Services of the House of Representa-
36 tives.

31-23

1 (2) NUCLEAR CITIES INITIATIVE.—The term “Nuclear
2 Cities Initiative” means the initiative arising pursuant to
3 the March 1998 discussion between the Vice President of
4 the United States and the Prime Minister of the Russian
5 Federation and between the Secretary of Energy of the
6 United States and the Minister of Atomic Energy of the
7 Russian Federation.

8 (3) NUCLEAR CITY.—The term “nuclear city” means
9 any of the nuclear cities within the complex of the Russia
10 Ministry of Atomic Energy (MINATOM) as follows:

11 (A) Sarov (Arzamas-16 and Avangard).

12 (B) Zarechnyy (Penza-19).

13 (C) Novoural'sk (Sverdlovsk-44).

14 (D) Lesnoy (Sverdlovsk-45).

15 (E) Ozersk (Chelyabinsk-65).

16 (F) Snezhinsk (Chelyabinsk-70).

17 (G) Trechgor'nyy (Zlatoust-36).

18 (H) Seversk (Tomsk-7).

19 (I) Zhel'eznogorsk (Krasnoyarsk-26).

20 (J) Zelenogorsk (Krasnoyarsk-45).

21 **SEC. 3133. LIMITATION ON AVAILABILITY OF FUNDS FOR**
22 **WEAPONS ACTIVITIES FOR FACILITIES AND**
23 **INFRASTRUCTURE.**

24 Not more than 50 percent of the funds authorized to be
25 appropriated by section 3101(a)(1)(D) for the National Nu-
26 clear Security Administration for weapons activities for facili-
27 ties and infrastructure may be obligated or expended until the
28 Administrator for Nuclear Security submits to the congress-
29 sional defense committees a report setting forth the following:

30 (1) Criteria for the selection of projects to be carried
31 out using such funds.

32 (2) Criteria for establishing priorities among projects
33 so selected.

34 (3) A list of the projects so selected, including the pri-
35 ority assigned to each such project.

1 **SEC. 3134. LIMITATION ON AVAILABILITY OF FUNDS FOR**
2 **OTHER DEFENSE ACTIVITIES FOR NATIONAL**
3 **SECURITY PROGRAMS ADMINISTRATIVE**
4 **SUPPORT.**

5 Not more than \$5,000,000 of the funds authorized to be
6 appropriated by section 3103(a)(8) for other defense activities
7 for national security programs administrative support may be
8 obligated or expended until the latest of the following:

9 (1) The date on which the Secretary of Energy sub-
10 mits to Congress a report setting forth the purposes for
11 which the Secretary plans to obligate and expend such
12 funds.

13 (2) The date on which the Administrator for Nuclear
14 Security submits to Congress the future-years nuclear secu-
15 rity program for fiscal year 2002 required by section 3253
16 of the National Nuclear Security Administration Act (title
17 XXXII of Public Law 106–65; 50 U.S.C. 2453).

18 (3) The date on which the Secretary of Energy sub-
19 mits to Congress the report on the feasibility of using an
20 energy savings performance contract mechanism to offset,
21 or possibly cover, the cost of a new office building for the
22 Albuquerque operations office of the Department of En-
23 ergy, as completed by the Secretary in accordance with the
24 directive contained in Senate Report 106–50 (the report of
25 the Committee on Armed Services of the Senate to accom-
26 pany the bill S. 1059 of the One Hundred Sixth Congress,
27 relating to the National Defense Authorization Act for Fis-
28 cal Year 2000; p. 470).

29 **SEC. 3135. TERMINATION DATE OF OFFICE OF RIVER**
30 **PROTECTION, RICHLAND, WASHINGTON.**

31 Subsection (f) of section 3139 of the Strom Thurmond
32 National Defense Authorization Act for Fiscal Year 1999 (Pub-
33 lic Law 105–261; 112 Stat. 2250), as amended by section 3141
34 of the Floyd D. Spence National Defense Authorization Act for
35 Fiscal Year 2001 (as enacted into law by Public Law 106–398;
36 114 Stat. 1654A–462), is amended to read as follows:

37 “(f) TERMINATION.—(1) The Office shall terminate on the
38 later to occur of the following dates:

1 (c) USE OF FUNDS.—The foundation referred to in sub-
2 section (a)(1) shall—

3 (1) utilize funds provided under this section as a con-
4 tribution to the endowment fund for the foundation; and

5 (2) use the income generated from investments in the
6 endowment fund that are attributable to payments made
7 under this section to fund programs to support the edu-
8 cational needs of children in public schools in the vicinity
9 of Los Alamos National Laboratory.

10 (d) REPORT.—Not later than March 1, 2002, the Sec-
11 retary shall submit to the congressional defense committees a
12 report setting forth the following:

13 (1) An evaluation of the requirements for continued
14 payments beyond fiscal year 2003 into the endowment fund
15 of the foundation referred to in subsection (a) to enable the
16 foundation to meet the goals of the Department to support
17 the recruitment and retention of staff at the Los Alamos
18 National Laboratory.

19 (2) The Secretary's recommendations for any further
20 support beyond fiscal year 2003 directly to the Los Alamos
21 Public Schools.

22 **SEC. 3137. REPORTS ON ACHIEVEMENT OF MILESTONES**
23 **FOR NATIONAL IGNITION FACILITY.**

24 (a) NOTIFICATION OF ACHIEVEMENT.—The Administrator
25 for Nuclear Security shall notify the congressional defense com-
26 mittees when the National Ignition Facility (NIF), Lawrence
27 Livermore National Laboratory, Livermore, California, achieves
28 each Level I milestone and Level II milestone for the National
29 Ignition Facility.

30 (b) REPORT ON FAILURE OF TIMELY ACHIEVEMENT.—
31 Not later than 10 days after the date on which the National
32 Ignition Facility fails to achieve a Level I milestone or Level
33 II milestone for the National Ignition Facility in a timely man-
34 ner, the Administrator shall submit to the congressional de-
35 fense committees a report on such failure. Each such report
36 shall include—

31–27

1 (1) a statement of the failure of the National Ignition
2 Facility to achieve the milestone concerned in a timely
3 manner;

4 (2) an explanation for the failure; and

5 (3) either—

6 (A) an estimate when that milestone will be
7 achieved; or

8 (B) if that milestone will not be achieved—

9 (i) a statement that that milestone will not be
10 achieved;

11 (ii) an explanation why that milestone will not
12 be achieved; and

13 (iii) the implications for the overall scope,
14 schedule, and budget of the National Ignition Fa-
15 cility project of not achieving that milestone.

16 (c) MILESTONES.—For purposes of this section, the Level
17 I milestones and Level II milestones for the National Ignition
18 Facility are as established in the August 2000 revised National
19 Ignition Facility baseline document.

20 (d) TERMINATION.—The requirements of this section shall
21 terminate on September 30, 2004.

22 **Subtitle D—Matters Relating to Man-**
23 **agement of the National Nuclear**
24 **Security Administration**

25 **SEC. 3141. ESTABLISHMENT OF PRINCIPAL DEPUTY AD-**
26 **MINISTRATOR OF NATIONAL NUCLEAR SE-**
27 **CURITY ADMINISTRATION.**

28 (a) ESTABLISHMENT.—Subtitle A of the National Nuclear
29 Security Administration Act (title XXXII of Public Law 106–
30 65; 50 U.S.C. 2401 et seq.) is amended—

31 (1) by redesignating section 3213 as section 3220 and
32 transferring such section, as so redesignated, to the end of
33 that subtitle; and

34 (2) by inserting after section 3212 the following new
35 section 3213:

1 **“SEC. 3213. PRINCIPAL DEPUTY ADMINISTRATOR FOR**
2 **NUCLEAR SECURITY.**

3 “(a) IN GENERAL.—(1) There is in the Administration a
4 Principal Deputy Administrator, who is appointed by the Presi-
5 dent, by and with the advice and consent of the Senate.

6 “(2) The Principal Deputy Administrator shall be ap-
7 pointed from among persons who have extensive background in
8 organizational management and are well qualified to manage
9 the nuclear weapons, nonproliferation, and materials disposition
10 programs of the Administration in a manner that advances and
11 protects the national security of the United States.

12 “(b) DUTIES.—Subject to the authority, direction, and
13 control of the Administrator, the Principal Deputy Adminis-
14 trator shall perform such duties and exercise such powers as
15 the Administrator may prescribe, including the coordination of
16 activities among the elements of the Administration. The Prin-
17 cipal Deputy Administrator shall act for, and exercise the pow-
18 ers of, the Administrator when the Administrator is disabled or
19 the position of Administrator is vacant.”.

20 (b) PAY LEVEL.—Section 5315 of title 5, United States
21 Code, is amended—

22 (1) by inserting before the item relating to Deputy Ad-
23 ministrators of the National Nuclear Security Administra-
24 tion the following new item:

25 “Principal Deputy Administrator, National Nuclear
26 Security Administration.”; and

27 (2) by inserting “Additional” before “Deputy Adminis-
28 trators of the National Nuclear Security Administration”.

29 (c) CLERICAL AMENDMENTS.—The table of contents pre-
30 ceeding section 3201 of such Act is amended—

31 (1) by striking the item relating to section 3213 and
32 inserting the following:

“Sec. 3213. Principal Deputy Administrator for National Security.”;

33 and

34 (2) by inserting after the item relating to section 3218
35 the following new items:

“Sec. 3219. Scope of authority of Secretary of Energy to modify organization of Administration.

“Sec. 3220. Status of Administration and contractor personnel within Department of Energy.”.

1 **SEC. 3142. ELIMINATION OF REQUIREMENT THAT NA-**
2 **TIONAL SECURITY LABORATORIES AND NU-**
3 **CLEAR WEAPONS PRODUCTION FACILITIES**
4 **REPORT TO DEPUTY ADMINISTRATOR FOR**
5 **DEFENSE PROGRAMS.**

6 Section 3214 of the National Nuclear Security Adminis-
7 tration Act (title XXXII of Public Law 106–65; 113 Stat. 959;
8 50 U.S.C. 2404) is amended by striking subsection (c).

9 **SEC. 3143. REPEAL OF DUPLICATIVE PROVISION RELAT-**
10 **ING TO DUAL OFFICE HOLDING BY PER-**
11 **SONNEL OF NATIONAL NUCLEAR SECURITY**
12 **ADMINISTRATION.**

13 Section 3245 of the National Nuclear Security Adminis-
14 tration Act (50 U.S.C. 2443), as added by section 315 of the
15 Energy and Water Development Appropriations Act, 2001 (as
16 enacted into law by Public Law 106–377; 114 Stat. 1441B–
17 23), is repealed.

18 **SEC. 3144. REPORT ON ADEQUACY OF FEDERAL PAY**
19 **AND HIRING AUTHORITIES TO MEET PER-**
20 **SONNEL REQUIREMENTS OF NATIONAL NU-**
21 **CLEAR SECURITY ADMINISTRATION.**

22 (a) REPORT REQUIRED.—Not later than March 1, 2002,
23 the Administrator for Nuclear Security shall submit to the con-
24 gressional committees specified in subsection (b) a report on
25 the adequacy of Federal pay and hiring authorities to meet the
26 personnel requirements of the National Nuclear Security Ad-
27 ministration. The report shall include the following:

28 (1) A description of the Federal pay and hiring au-
29 thorities available to the Administrator.

30 (2) A description of the Federal pay and hiring au-
31 thorities that are not available to the Administrator, and
32 an explanation why such authorities are not available.

33 (3) If any Federal pay and hiring authorities referred
34 to in paragraph (1) are not being used, an explanation why
35 such authorities are not being used.

1 (4) An assessment of whether or not existing Federal
2 pay and hiring authorities are adequate or inadequate to
3 meet the personnel requirements of the Administration.

4 (5) Any recommendations that the Administrator con-
5 siders appropriate for modifications or enhancements of ex-
6 isting Federal pay and hiring authorities in order to meet
7 the personnel requirements of the Administration.

8 (6) Any recommendations that the Administrator con-
9 siders appropriate for new Federal pay and hiring authori-
10 ties in order to meet the personnel requirements of the Ad-
11 ministration.

12 (7) A plan for structuring the pay and hiring authori-
13 ties with respect to the Federal workforce of the Adminis-
14 tration so to ensure that such workforce meets applicable
15 requirements of the most current five-year program plan
16 for the Administration.

17 (b) SPECIFIED COMMITTEES.—The congressional commit-
18 tees referred to in subsection (a) are the following:

19 (1) The Committee on Armed Services and the Com-
20 mittee on Governmental Affairs of the Senate.

21 (2) The Committee on Armed Services and the Com-
22 mittee on Government Reform of the House of Representa-
23 tives.

24 **Subtitle E—Other Matters**

25 **SEC. 3151. IMPROVEMENTS TO ENERGY EMPLOYEES OC-** 26 **CUPATIONAL ILLNESS COMPENSATION PRO-** 27 **GRAM.**

28 (a) AMENDMENTS TO ENERGY EMPLOYEES PROGRAM.—
29 The Energy Employees Occupational Illness Compensation Pro-
30 gram Act of 2000 (title XXXVI of the Floyd D. Spence Na-
31 tional Defense Authorization Act for Fiscal Year 2001 (as en-
32 acted into law by Public Law 106–398; 114 Stat. 1654A–394);
33 42 U.S.C. 7384 et seq.) is amended as follows:

34 (1) CERTAIN LEUKEMIA AS SPECIFIED CANCER.—Sec-
35 tion 3621(17) (114 Stat. 1654A–502; 42 U.S.C.
36 7384l(17)), as amended by section 2403 of the Supple-
37 mental Appropriations Act, 2001 (Public Law 107–20; 115

31–31

1 Stat. 175), is further amended by adding at the end the
2 following new subparagraph:

3 “(D) Leukemia (other than chronic lymphocytic
4 leukemia), if initial occupation exposure occurred be-
5 fore 21 years of age and onset occurred more than two
6 years after initial occupational exposure.”.

7 (2) ADDITIONAL MEMBERS OF SPECIAL EXPOSURE CO-
8 HORT.—Section 3626(b) (114 Stat. 1654A–505; 42 U.S.C.
9 7384q(b)) is amended in the matter preceding paragraph
10 (1) by inserting after “Department of Energy facility” the
11 following: “, or at an atomic weapons employer facility,”.

12 (3) ESTABLISHMENT OF CHRONIC SILICOSIS.—Section
13 3627(e)(2)(A) (114 Stat. 1654A–506; 42 U.S.C.
14 7384r(e)(2)(A)) is amended by striking “category 1/1” and
15 inserting “category 1/0”.

16 (4) SURVIVORS.—

17 (A) Section 3628(e) (114 Stat. 1654A–506; 42
18 U.S.C. 7384s(e)) is amended to read as follows:

19 “(e) PAYMENTS IN THE CASE OF DECEASED PERSONS.—
20 (1) In the case of a covered employee who is deceased at the
21 time of payment of compensation under this section, whether
22 or not the death is the result of the covered employee’s occupa-
23 tional illness, such payment may be made only as follows:

24 “(A) If the covered employee is survived by a spouse
25 who is living at the time of payment, such payment shall
26 be made to such surviving spouse.

27 “(B) If there is no surviving spouse described in sub-
28 paragraph (A), such payment shall be made in equal shares
29 to all children of the covered employee who are living at the
30 time of payment.

31 “(C) If there is no surviving spouse described in sub-
32 paragraph (A) and if there are no children described in
33 subparagraph (B), such payment shall be made in equal
34 shares to the parents of the covered employee who are liv-
35 ing at the time of payment.

36 “(D) If there is no surviving spouse described in sub-
37 paragraph (A), and if there are no children described in

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1 subparagraph (B) or parents described in subparagraph
2 (C), such payment shall be made in equal shares to all
3 grandchildren of the covered employee who are living at the
4 time of payment.

5 “(E) If there is no surviving spouse described in sub-
6 paragraph (A), and if there are no children described in
7 subparagraph (B), parents described in subparagraph (C),
8 or grandchildren described in subparagraph (D), then such
9 payment shall be made in equal shares to the grandparents
10 of the covered employee who are living at the time of pay-
11 ment.

12 “(F) Notwithstanding the other provisions of this
13 paragraph, if there is—

14 “(i) a surviving spouse described in subparagraph
15 (A); and

16 “(ii) at least one child of the covered employee
17 who is living and a minor at the time of payment and
18 who is not a recognized natural child or adopted child
19 of such surviving spouse,

20 then half of such payment shall be made to such surviving
21 spouse, and the other half of such payment shall be made
22 in equal shares to each child of the covered employee who
23 is living and a minor at the time of payment.

24 “(2) If a covered employee eligible for payment dies before
25 filing a claim under this title, a survivor of that employee who
26 may receive payment under paragraph (1) may file a claim for
27 such payment.

28 “(3) For purposes of this subsection—

29 “(A) the ‘spouse’ of an individual is a wife or husband
30 of that individual who was married to that individual for
31 at least one year immediately before the death of that indi-
32 vidual;

33 “(B) a ‘child’ includes a recognized natural child, a
34 stepchild who lived with an individual in a regular parent-
35 child relationship, and an adopted child;

36 “(C) a ‘parent’ includes fathers and mothers through
37 adoption;

31–33

1 “(D) a ‘grandchild’ of an individual is a child of a
2 child of that individual; and

3 “(E) a ‘grandparent’ of an individual is a parent of a
4 parent of that individual.”.

5 (B) Section 3630(e) (114 Stat. 1654A–507; 42
6 U.S.C. 7384u(e)) is amended to read as follows:

7 “(e) PAYMENTS IN THE CASE OF DECEASED PERSONS.—
8 (1) In the case of a covered employee who is deceased at the
9 time of payment of compensation under this section, whether
10 or not the death is the result of the covered employee’s occupa-
11 tional illness, such payment may be made only as follows:

12 “(A) If the covered employee is survived by a spouse
13 who is living at the time of payment, such payment shall
14 be made to such surviving spouse.

15 “(B) If there is no surviving spouse described in sub-
16 paragraph (A), such payment shall be made in equal shares
17 to all children of the covered employee who are living at the
18 time of payment.

19 “(C) If there is no surviving spouse described in sub-
20 paragraph (A) and if there are no children described in
21 subparagraph (B), such payment shall be made in equal
22 shares to the parents of the covered employee who are liv-
23 ing at the time of payment.

24 “(D) If there is no surviving spouse described in sub-
25 paragraph (A), and if there are no children described in
26 subparagraph (B) or parents described in subparagraph
27 (C), such payment shall be made in equal shares to all
28 grandchildren of the covered employee who are living at the
29 time of payment.

30 “(E) If there is no surviving spouse described in sub-
31 paragraph (A), and if there are no children described in
32 subparagraph (B), parents described in subparagraph (C),
33 or grandchildren described in subparagraph (D), then such
34 payment shall be made in equal shares to the grandparents
35 of the covered employee who are living at the time of pay-
36 ment.

31–34

1 “(F) Notwithstanding the other provisions of this
2 paragraph, if there is—

3 “(i) a surviving spouse described in subparagraph
4 (A); and

5 “(ii) at least one child of the covered employee
6 who is living and a minor at the time of payment and
7 who is not a recognized natural child or adopted child
8 of such surviving spouse,

9 then half of such payment shall be made to such surviving
10 spouse, and the other half of such payment shall be made
11 in equal shares to each child of the covered employee who
12 is living and a minor at the time of payment.

13 “(2) If a covered employee eligible for payment dies before
14 filing a claim under this title, a survivor of that employee who
15 may receive payment under paragraph (1) may file a claim for
16 such payment.

17 “(3) For purposes of this subsection—

18 “(A) the ‘spouse’ of an individual is a wife or husband
19 of that individual who was married to that individual for
20 at least one year immediately before the death of that indi-
21 vidual;

22 “(B) a ‘child’ includes a recognized natural child, a
23 stepchild who lived with an individual in a regular parent-
24 child relationship, and an adopted child;

25 “(C) a ‘parent’ includes fathers and mothers through
26 adoption;

27 “(D) a ‘grandchild’ of an individual is a child of a
28 child of that individual; and

29 “(E) a ‘grandparent’ of an individual is a parent of a
30 parent of that individual.”

31 (C) Paragraph (18) of section 3621 (114 Stat.
32 1654A–502; 42 U.S.C. 7384l) is repealed.

33 (D) The amendments made by this paragraph
34 shall take effect on July 1, 2001.

35 (5) ELECTION OF REMEDIES.—Section 3645 (114
36 Stat. 1654A–510; 42 U.S.C. 7385d) is amended by amend-
37 ing subsections (a) through (d) to read as follows:

31–35

1 “(a) EFFECT OF TORT CASES FILED BEFORE ENACT-
2 MENT OF ORIGINAL LAW.—(1) Except as provided in para-
3 graph (2), if an otherwise eligible individual filed a tort case
4 specified in subsection (d) before October 30, 2000, such indi-
5 vidual shall be eligible for compensation and benefits under
6 subtitle B.

7 “(2) If such tort case remained pending as of the date of
8 the enactment of the National Defense Authorization Act for
9 Fiscal Year 2002, and such individual does not dismiss such
10 tort case before December 31, 2003, such individual shall not
11 be eligible for such compensation or benefits.

12 “(b) EFFECT OF TORT CASES FILED BETWEEN ENACT-
13 MENT OF ORIGINAL LAW AND ENACTMENT OF 2001 AMEND-
14 MENTS.—(1) Except as provided in paragraph (2), if an other-
15 wise eligible individual filed a tort case specified in subsection
16 (d) during the period beginning on October 30, 2000, and end-
17 ing on the date of the enactment of the National Defense Au-
18 thorization Act for Fiscal Year 2002, such individual shall not
19 be eligible for such compensation or benefits.

20 “(2) If such individual dismisses such tort case on or be-
21 fore the last permissible date specified in paragraph (3), such
22 individual shall be eligible for such compensation or benefits.

23 “(3) The last permissible date referred to in paragraph (2)
24 is the later of the following dates:

25 “(A) April 30, 2003.

26 “(B) The date that is 30 months after the date the
27 individual first becomes aware that an illness covered by
28 subtitle B of a covered employee may be connected to the
29 exposure of the covered employee in the performance of
30 duty under section 3623.

31 “(c) EFFECT OF TORT CASES FILED AFTER ENACTMENT
32 OF 2001 AMENDMENTS.—(1) If an otherwise eligible individual
33 files a tort case specified in subsection (d) after the date of the
34 enactment of the National Defense Authorization Act for Fiscal
35 Year 2002, such individual shall not be eligible for such com-
36 pensation or benefits if a final court decision is entered against
37 such individual in such tort case.

31–36

1 “(2) If such a final court decision is not entered, such in-
2 dividual shall nonetheless not be eligible for such compensation
3 or benefits, except as follows: If such individual dismisses such
4 tort case on or before the last permissible date specified in
5 paragraph (3), such individual shall be eligible for such com-
6 pensation and benefits.

7 “(3) The last permissible date referred to in paragraph (2)
8 is the later of the following dates:

9 “(A) April 30, 2003.

10 “(B) The date that is 30 months after the date the
11 individual first becomes aware that an illness covered by
12 subtitle B of a covered employee may be connected to the
13 exposure of the covered employee in the performance of
14 duty under section 3623.

15 “(d) COVERED TORT CASES.—A tort case specified in this
16 subsection is a tort case alleging a claim referred to in section
17 3643 against a beryllium vendor or atomic weapons employer.”.

18 (6) ATTORNEY FEES.—Section 3648 (114 Stat.
19 1654A–511; 42 U.S.C. 7385g) is amended—

20 (A) in subsection (a), by inserting after “the claim
21 of an individual” the following: “for payment of lump-
22 sum compensation”;

23 (B) in subsection (b)(1), by inserting after “initial
24 claim” the following: “for payment of lump-sum com-
25 pensation”;

26 (C) in subsection (b)(2), by striking “with respect
27 to any claim” and all that follows through the period
28 at the end and inserting “with respect to objections to
29 a recommended decision denying payment of lump-sum
30 compensation.”;

31 (D) by redesignating subsection (c) as subsection
32 (d); and

33 (E) by inserting after subsection (b) the following
34 new subsection (c):

35 “(c) INAPPLICABILITY TO OTHER SERVICES.—This section
36 shall not apply with respect to services rendered that are not

1 in connection with such a claim for payment of lump-sum com-
2 pensation.”.

3 (b) STUDY OF RESIDUAL CONTAMINATION OF FACILI-
4 TIES.—(1) The National Institute for Occupational Safety and
5 Health shall, with the cooperation of the Department of Energy
6 and the Department of Labor, carry out a study on the fol-
7 lowing matters:

8 (A) Whether or not significant contamination re-
9 mained in any atomic weapons employer facility or facility
10 of a beryllium vendor after such facility discontinued activi-
11 ties relating to the production of nuclear weapons.

12 (B) If so, whether or not such contamination could
13 have caused or substantially contributed to the cancer of a
14 covered employee with cancer or a covered beryllium illness,
15 as the case may be.

16 (2)(A) The National Institute for Occupational Safety and
17 Health shall submit to the applicable congressional committees
18 the following reports:

19 (i) Not later than 180 days after the date of the en-
20 actment of this Act, a report on the progress made as of
21 the date of the report on the study required by paragraph
22 (1).

23 (ii) Not later than one year after the date of the en-
24 actment of this Act, a final report on the study required
25 by paragraph (1).

26 (B) In this paragraph, the term “applicable congressional
27 committees” means—

28 (i) the Committee on Armed Services, Committee on
29 Appropriations, Committee on the Judiciary, and Com-
30 mittee on Health, Education, Labor, and Pensions of the
31 Senate; and

32 (ii) the Committee on Armed Services, Committee on
33 Appropriations, Committee on the Judiciary, and Com-
34 mittee on Education and the Workforce of the House of
35 Representatives.

36 (3) Amounts for the study under paragraph (1) shall be
37 derived from amounts authorized to be appropriated by section

1 3614(a) of the Energy Employees Occupational Illness Com-
2 pensation Program Act of 2000 (114 Stat. 1654A–498).

3 (4) In this subsection:

4 (A) The terms “atomic weapons employer facility”,
5 “beryllium vendor”, “covered employee with cancer”, and
6 “covered beryllium illness” have the meanings given those
7 terms in section 3621 of the Energy Employees Occupa-
8 tional Illness Compensation Program Act of 2000 (114
9 Stat. 1654A–498; 42 U.S.C. 7384l).

10 (B) The term “contamination” means the presence of
11 any—

12 (i) material that emitted radiation and was used
13 in the production of an atomic weapon, excluding ura-
14 nium mining and milling; or

15 (ii) beryllium dust, particles, or vapor,
16 exposure to which could cause or substantially contribute to
17 the cancer of a covered employee with cancer or a covered
18 beryllium illness, as the case may be.

19 **SEC. 3152. DEPARTMENT OF ENERGY COUNTERINTEL-**
20 **LIGENCE POLYGRAPH PROGRAM.**

21 (a) NEW COUNTERINTELLIGENCE POLYGRAPH PROGRAM
22 REQUIRED.—The Secretary of Energy shall carry out, under
23 regulations prescribed under this section, a new counterintel-
24 ligence polygraph program for the Department of Energy. The
25 purpose of the new program is to minimize the potential for re-
26 lease or disclosure of classified data, materials, or information.

27 (b) AUTHORITIES AND LIMITATIONS.—(1) The Secretary
28 shall prescribe regulations for the new counterintelligence poly-
29 graph program required by subsection (a) in accordance with
30 the provisions of subchapter II of chapter 5 of title 5, United
31 States Code (commonly referred to as the Administrative Pro-
32 cedures Act).

33 (2) In prescribing regulations for the new program, the
34 Secretary shall take into account the results of the Polygraph
35 Review.

31–39

1 (3) Not later than six months after obtaining the results
2 of the Polygraph Review, the Secretary shall issue a notice of
3 proposed rulemaking for the new program.

4 (c) REPEAL OF EXISTING POLYGRAPH PROGRAM.—Effective
5 tive 30 days after the Secretary submits to the congressional
6 defense committees the Secretary's certification that the final
7 rule for the new counterintelligence polygraph program re-
8 quired by subsection (a) has been fully implemented, section
9 3154 of the Department of Energy Facilities Safeguards, Secu-
10 rity, and Counterintelligence Enhancement Act of 1999 (sub-
11 title D of title XXXI of Public Law 106–65; 42 U.S.C. 7383h)
12 is repealed.

13 (d) REPORT ON FURTHER ENHANCEMENT OF PERSONNEL
14 SECURITY PROGRAM.—(1) Not later than January 1, 2003, the
15 Administrator for Nuclear Security shall submit to Congress a
16 report setting forth the recommendations of the Administrator
17 for any legislative action that the Administrator considers ap-
18 propriate in order to enhance the personnel security program
19 of the Department of Energy.

20 (2) Any recommendations under paragraph (1) regarding
21 the use of polygraphs shall take into account the results of the
22 Polygraph Review.

23 (e) POLYGRAPH REVIEW DEFINED.—In this section, the
24 term “Polygraph Review” means the review of the Committee
25 to Review the Scientific Evidence on the Polygraph of the Na-
26 tional Academy of Sciences.

27 **SEC. 3153. ONE-YEAR EXTENSION OF AUTHORITY OF DE-**
28 **PARTMENT OF ENERGY TO PAY VOLUNTARY**
29 **SEPARATION INCENTIVE PAYMENTS.**

30 (a) IN GENERAL.—Section 3161(a) of the National De-
31 fense Authorization Act for Fiscal Year 2000 (Public Law
32 106–65; 113 Stat. 942; 5 U.S.C. 5597 note) is amended by
33 striking “January 1, 2003” and inserting “January 1, 2004”.

34 (b) CONSTRUCTION.—The amendment made by subsection
35 (a) may be superseded by another provision of law that takes
36 effect after the date of the enactment of this Act, and before
37 January 1, 2004, establishing a uniform system for providing

1 voluntary separation incentives (including a system for requir-
2 ing approval of plans by the Office of Management and Budg-
3 et) for employees of the Federal Government.

4 **SEC. 3154. ANNUAL ASSESSMENT AND REPORT ON VUL-**
5 **NERABILITY OF DEPARTMENT OF ENERGY**
6 **FACILITIES TO TERRORIST ATTACK.**

7 (a) IN GENERAL.—Part C of title VI of the Department
8 of Energy Organization Act (42 U.S.C. 7251 et seq.) is amend-
9 ed by adding at the end the following new section:

10 “ANNUAL ASSESSMENT AND REPORT ON VULNERABILITY OF
11 FACILITIES TO TERRORIST ATTACK

12 “SEC. 663. (a) The Secretary shall, on an annual basis,
13 conduct a comprehensive assessment of the vulnerability of De-
14 partment facilities to terrorist attack.

15 “(b) Not later than January 31 each year, the Secretary
16 shall submit to Congress a report on the assessment conducted
17 under subsection (a) during the preceding year. Each report
18 shall include the results of the assessment covered by such re-
19 port, together with such findings and recommendations as the
20 Secretary considers appropriate.”.

21 (b) CLERICAL AMENDMENT.—The table of sections at the
22 beginning of that Act is amended by inserting after the item
23 relating to section 662 the following new item:

“Sec. 663. Annual assessment and report on vulnerability of facilities to
terrorist attack.”.

24 **SEC. 3155. DISPOSITION OF SURPLUS DEFENSE PLUTO-**
25 **NIUM AT SAVANNAH RIVER SITE, AIKEN,**
26 **SOUTH CAROLINA.**

27 (a) CONSULTATION REQUIRED.—The Secretary of Energy
28 shall consult with the Governor of the State of South Carolina
29 regarding any decisions or plans of the Secretary related to the
30 disposition of surplus defense plutonium and defense plutonium
31 materials located at the Savannah River Site, Aiken, South
32 Carolina.

33 (b) NOTICE REQUIRED.—For each shipment of defense
34 plutonium or defense plutonium materials to the Savannah
35 River Site, the Secretary shall, not less than 30 days before the

1 commencement of such shipment, submit to the congressional
2 defense committees a report providing notice of such shipment.

3 (c) PLAN FOR DISPOSITION.—The Secretary shall prepare
4 a plan for disposal of the surplus defense plutonium and de-
5 fense plutonium materials currently located at the Savannah
6 River Site and for disposal of defense plutonium and defense
7 plutonium materials to be shipped to the Savannah River Site
8 in the future. The plan shall include the following:

9 (1) A review of each option considered for such dis-
10 posal.

11 (2) An identification of the preferred option for such
12 disposal.

13 (3) With respect to the facilities for such disposal that
14 are required by the Department of Energy's Record of De-
15 cision for the Storage and Disposition of Weapons-Usable
16 Fissile Materials Final Programmatic Environmental Im-
17 pact Statement dated January 14, 1997—

18 (A) a statement of the cost of construction and op-
19 eration of such facilities;

20 (B) a schedule for the expeditious construction of
21 such facilities, including milestones; and

22 (C) a firm schedule for funding the cost of such
23 facilities.

24 (4) A specification of the means by which all such de-
25 fense plutonium and defense plutonium materials will be re-
26 moved in a timely manner from the Savannah River Site
27 for storage or disposal elsewhere.

28 (d) PLAN FOR ALTERNATIVE DISPOSITION.—If the Sec-
29 retary determines not to proceed at the Savannah River Site
30 with construction of the plutonium immobilization plant, or
31 with the mixed oxide fuel fabrication facility, the Secretary
32 shall prepare a plan that identifies a disposition path for all de-
33 fense plutonium and defense plutonium materials that would
34 otherwise have been disposed of at such plant or such facility,
35 as applicable.

36 (e) SUBMISSION OF PLANS.—Not later than February 1,
37 2002, the Secretary shall submit to Congress the plan required

1 by subsection (c) (and the plan prepared under subsection (d),
2 if applicable).

3 (f) LIMITATION ON PLUTONIUM SHIPMENTS.—If the Sec-
4 retary does not submit to Congress the plan required by sub-
5 section (c) (and the plan prepared under subsection (d), if ap-
6 plicable) by February 1, 2002, the Secretary shall be prohibited
7 from shipping defense plutonium or defense plutonium mate-
8 rials to the Savannah River Site during the period beginning
9 on February 1, 2002, and ending on the date on which such
10 plans are submitted to Congress.

11 (g) RULE OF CONSTRUCTION.—Nothing in this section
12 may be construed to prohibit or limit the Secretary from ship-
13 ping defense plutonium or defense plutonium materials to sites
14 other than the Savannah River Site during the period referred
15 to in subsection (f) or any other period.

16 (h) ANNUAL REPORT ON FUNDING FOR FISSILE MATE-
17 RIALS DISPOSITION ACTIVITIES.—The Secretary shall include
18 with the budget justification materials submitted to Congress
19 in support of the Department of Energy budget for each fiscal
20 year (as submitted with the budget of the President under sec-
21 tion 1105(a) of title 31, United States Code) a report setting
22 forth the extent to which amounts requested for the Depart-
23 ment for such fiscal year for fissile materials disposition activi-
24 ties will enable the Department to meet commitments for the
25 disposition of surplus defense plutonium and defense plutonium
26 materials located at the Savannah River Site, and for any other
27 fissile materials disposition activities, in such fiscal year.

28 **SEC. 3156. MODIFICATION OF DATE OF REPORT OF**
29 **PANEL TO ASSESS THE RELIABILITY, SAFE-**
30 **TY, AND SECURITY OF THE UNITED STATES**
31 **NUCLEAR STOCKPILE.**

32 Section 3159(d) of the Strom Thurmond National Defense
33 Authorization Act for Fiscal Year 1999 (Public Law 105–261;
34 42 U.S.C. 2121 note) is amended by striking “of each year, be-
35 ginning with 1999,” and inserting “of 1999 and 2000, and not
36 later than February 1, 2002,”.

Subtitle F—Rocky Flats National Wildlife Refuge

SEC. 3171. SHORT TITLE.

This subtitle may be cited as the “Rocky Flats National Wildlife Refuge Act of 2001”.

SEC. 3172. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Federal Government, through the Atomic Energy Commission, acquired the Rocky Flats site in 1951 and began operations there in 1952. The site remains a Department of Energy facility. Since 1992, the mission of the Rocky Flats site has changed from the production of nuclear weapons components to cleanup and closure in a manner that is safe, environmentally and socially responsible, physically secure, and cost-effective.

(2) The majority of the Rocky Flats site has generally remained undisturbed since its acquisition by the Federal Government.

(3) The State of Colorado is experiencing increasing growth and development, especially in the metropolitan Denver Front Range area in the vicinity of the Rocky Flats site. That growth and development reduces the amount of open space and thereby diminishes for many metropolitan Denver communities the vistas of the striking Front Range mountain backdrop.

(4) Some areas of the Rocky Flats site contain contamination and will require further response action. The national interest requires that the ongoing cleanup and closure of the entire site be completed safely, effectively, and without unnecessary delay and that the site thereafter be retained by the United States and managed so as to preserve the value of the site for open space and wildlife habitat.

(5) The Rocky Flats site provides habitat for many wildlife species, including a number of threatened and endangered species, and is marked by the presence of rare

1 xeric tallgrass prairie plant communities. Establishing the
2 site as a unit of the National Wildlife Refuge System will
3 promote the preservation and enhancement of those re-
4 sources for present and future generations.

5 (b) PURPOSES.—The purposes of this subtitle are—

6 (1) to provide for the establishment of the Rocky Flats
7 site as a national wildlife refuge following cleanup and clo-
8 sure of the site;

9 (2) to create a process for public input on the manage-
10 ment of the refuge referred to in paragraph (1) before
11 transfer of administrative jurisdiction to the Secretary of
12 the Interior; and

13 (3) to ensure that the Rocky Flats site is thoroughly
14 and completely cleaned up.

15 **SEC. 3173. DEFINITIONS.**

16 In this subtitle:

17 (1) CERCLA.—The term “CERCLA” means the
18 Comprehensive Environmental Response, Compensation,
19 and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

20 (2) CLEANUP AND CLOSURE.—The term “cleanup and
21 closure” means the response actions for covered substances
22 carried out at Rocky Flats, as required by any of the fol-
23 lowing:

24 (A) The RFCA.

25 (B) CERCLA.

26 (C) RCRA.

27 (D) The Colorado Hazardous Waste Act, 25-15-
28 101 to 25-15-327, Colorado Revised Statutes.

29 (3) COVERED SUBSTANCE.—The term “covered sub-
30 stance” means any of the following:

31 (A) Any hazardous substance, as such term is de-
32 fined in paragraph (14) of section 101 of CERCLA (42
33 U.S.C. 9601).

34 (B) Any pollutant or contaminant, as such term is
35 defined in paragraph (33) of such section 101.

36 (C) Any petroleum, including crude oil or any
37 fraction thereof which is not otherwise specifically list-

1 ed or designated as a hazardous substance under sub-
2 paragraphs (A) through (F) of paragraph (14) of such
3 section 101.

4 (4) RCRA.—The term “RCRA” means the Solid
5 Waste Disposal Act (42 U.S.C. 6901 et seq.), popularly
6 known as the Resource Conservation and Recovery Act.

7 (5) REFUGE.—The term “refuge” means the Rocky
8 Flats National Wildlife Refuge established under section
9 3177.

10 (6) RESPONSE ACTION.—The term “response action”
11 means any of the following:

12 (A) A response, as such term is defined in para-
13 graph (25) of section 101 of CERCLA (42 U.S.C.
14 9601).

15 (B) A corrective action under RCRA or under the
16 Colorado Hazardous Waste Act, 25–15–101 to 25–15–
17 327, Colorado Revised Statutes.

18 (C) Any requirement for institutional controls im-
19 posed by any of the laws referred to in subparagraph
20 (A) or (B).

21 (7) RFCA.—The term “RFCA” means the Rocky
22 Flats Cleanup Agreement, an intergovernmental agreement,
23 dated July 19, 1996, among—

24 (A) the Department of Energy;

25 (B) the Environmental Protection Agency; and

26 (C) the Department of Public Health and Envi-
27 ronment of the State of Colorado.

28 (8) ROCKY FLATS.—

29 (A) IN GENERAL.—Except as provided in subpara-
30 graph (B), the term “Rocky Flats” means the Rocky
31 Flats Environmental Technology Site, Colorado, a de-
32 fense nuclear facility, as depicted on the map titled
33 “Rocky Flats Environmental Technology Site”, dated
34 October 22, 2001, and available for inspection in the
35 appropriate offices of the United States Fish and Wild-
36 life Service.

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1 (B) EXCLUSIONS.—The term “Rocky Flats” does
2 not include—

3 (i) the land and facilities of the Department of
4 Energy’s National Renewable Energy Laboratory,
5 including the acres retained by the Secretary under
6 section 3174(f); and

7 (ii) any land and facilities not within the
8 boundaries depicted on the map referred to in sub-
9 paragraph (A).

10 (9) SECRETARY.—The term “Secretary” means the
11 Secretary of Energy.

12 **SEC. 3174. FUTURE OWNERSHIP AND MANAGEMENT.**

13 (a) FEDERAL OWNERSHIP.—Except as expressly provided
14 in this subtitle, all right, title, and interest of the United
15 States, held on or acquired after the date of the enactment of
16 this Act, to land or interest therein, including minerals, within
17 the boundaries of Rocky Flats shall be retained by the United
18 States.

19 (b) LINDSAY RANCH.—The structures that comprise the
20 former Lindsay Ranch homestead site in the Rock Creek Re-
21 serve area of the buffer zone, as depicted on the map referred
22 to in section 3173(8)(A), shall be permanently preserved and
23 maintained in accordance with the National Historic Preserva-
24 tion Act (16 U.S.C. 470 et seq.).

25 (c) PROHIBITION ON ANNEXATION.—Neither the Sec-
26 retary nor the Secretary of the Interior shall allow the annex-
27 ation of land within the refuge by any unit of local government.

28 (d) PROHIBITION ON THROUGH ROADS.—Except as pro-
29 vided in subsection (e), no public road shall be constructed
30 through Rocky Flats.

31 (e) TRANSPORTATION RIGHT-OF-WAY.—

32 (1) IN GENERAL.—

33 (A) AVAILABILITY OF LAND.—On submission of
34 an application meeting each of the conditions specified
35 in paragraph (2), the Secretary, in consultation with
36 the Secretary of the Interior, shall make available land
37 along the eastern boundary of Rocky Flats for the sole

1 purpose of transportation improvements along Indiana
2 Street.

3 (B) BOUNDARIES.—Land made available under
4 this paragraph may not extend more than 300 feet
5 from the west edge of the Indiana Street right-of-way,
6 as that right-of-way exists as of the date of the enact-
7 ment of this Act.

8 (C) EASEMENT OR SALE.—Land may be made
9 available under this paragraph by easement or sale to
10 one or more appropriate entities.

11 (D) COMPLIANCE WITH APPLICABLE LAW.—Any
12 action under this paragraph shall be taken in compli-
13 ance with applicable law.

14 (2) CONDITIONS.—An application referred to in para-
15 graph (1) meets the conditions specified in this paragraph
16 if the application—

17 (A) is submitted by any county, city, or other po-
18 litical subdivision of the State of Colorado; and

19 (B) includes documentation demonstrating that
20 the transportation improvements for which the land is
21 to be made available—

22 (i) are carried out so as to minimize adverse
23 effects on the management of Rocky Flats as a
24 wildlife refuge; and

25 (ii) are included in the regional transportation
26 plan of the metropolitan planning organization des-
27 ignated for the Denver metropolitan area under
28 section 5303 of title 49, United States Code.

29 (f) WIND TECHNOLOGY EXPANSION AREA.—The Sec-
30 retary shall retain, for the use of the National Renewable En-
31 ergy Laboratory, the approximately 25 acres identified on the
32 map referred to in section 3173(8)(A) as the “Wind Tech-
33 nology Expansion Area”.

34 **SEC. 3175. TRANSFER OF MANAGEMENT RESPONSIBIL-**
35 **ITIES AND JURISDICTION OVER ROCKY**
36 **FLATS.**

37 (a) TRANSFER REQUIRED.—

1 (1) IN GENERAL.—Subject to the other provisions of
2 this section, the Secretary shall transfer administrative ju-
3 risdiction over the property that is to comprise the refuge
4 to the Secretary of the Interior.

5 (2) DATE OF TRANSFER.—The transfer shall be car-
6 ried out not earlier than the completion certification date,
7 and not later than 30 business days after that date.

8 (3) COMPLETION CERTIFICATION DATE.—For pur-
9 poses of paragraph (2), the completion certification date is
10 the date on which the Administrator of the Environmental
11 Protection Agency certifies to the Secretary and to the Sec-
12 retary of the Interior that cleanup and closure at Rocky
13 Flats has been completed, except for the operation and
14 maintenance associated with response actions, and that all
15 response actions are operating properly and successfully.

16 (b) MEMORANDUM OF UNDERSTANDING.—

17 (1) REQUIRED ELEMENTS.—The transfer required by
18 subsection (a) shall be carried out pursuant to a memo-
19 randum of understanding between the Secretary and the
20 Secretary of the Interior. The memorandum of under-
21 standing shall—

22 (A) provide for the division of responsibilities be-
23 tween the Secretary and the Secretary of the Interior
24 necessary to carry out such transfer;

25 (B) address the impacts that any property rights
26 referred to in section 3179(a) may have on the man-
27 agement of the refuge, and provide strategies for re-
28 solving or mitigating these impacts;

29 (C) identify the land the administrative jurisdic-
30 tion of which is to be transferred to the Secretary of
31 the Interior; and

32 (D) specify the allocation of the Federal costs in-
33 curred at the refuge after the date of such transfer for
34 any site investigations, response actions, and related
35 activities for covered substances.

36 (2) PUBLICATION OF DRAFT.—Not later than one year
37 after the date of the enactment of this Act, the Secretary

1 and the Secretary of the Interior shall publish in the Fed-
2 eral Register a draft of the memorandum of understanding.

3 (3) FINALIZATION AND IMPLEMENTATION.—

4 (A) Not later than 18 months after the date of the
5 enactment of this Act, the Secretary and Secretary of
6 the Interior shall finalize and implement the memo-
7 randum of understanding.

8 (B) In finalizing the memorandum of under-
9 standing, the Secretary and Secretary of the Interior
10 shall specifically identify the land the administrative ju-
11 risdiction of which is to be transferred to the Secretary
12 of the Interior and provide for a determination of the
13 exact acreage and legal description of such land by a
14 survey mutually satisfactory to the Secretary and the
15 Secretary of the Interior.

16 (c) TRANSFER OF IMPROVEMENTS.—The transfer required
17 by subsection (a) may include such buildings or other improve-
18 ments as the Secretary of the Interior has requested in writing
19 for purposes of managing the refuge.

20 (d) PROPERTY RETAINED FOR RESPONSE ACTIONS.—

21 (1) IN GENERAL.—The transfer required by subsection
22 (a) shall not include, and the Secretary shall retain juris-
23 diction, authority, and control over, the following real prop-
24 erty and facilities at Rocky Flats:

25 (A) Any engineered structure, including caps, bar-
26 rier walls, and monitoring or treatment wells, to be
27 used in carrying out a response action for covered sub-
28 stances.

29 (B) Any real property or facility to be used for
30 any other purpose relating to a response action or any
31 other action that is required to be carried out by the
32 Secretary at Rocky Flats.

33 (2) CONSULTATION.—The Secretary shall consult with
34 the Secretary of the Interior, the Administrator of the En-
35 vironmental Protection Agency, and the Governor of the
36 State of Colorado on the identification of all real property
37 and facilities to be retained under this subsection.

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1 (e) COST.—The transfer required by subsection (a) shall
2 be completed without cost to the Secretary of the Interior.

3 (f) NO REDUCTION IN FUNDS.—The transfer required by
4 subsection (a), and the memorandum of understanding required
5 by subsection (b), shall not result in any reduction in funds
6 available to the Secretary for cleanup and closure of Rocky
7 Flats.

8 **SEC. 3176. ADMINISTRATION OF RETAINED PROPERTY;**
9 **CONTINUATION OF CLEANUP AND CLOSURE.**

10 (a) ADMINISTRATION OF RETAINED PROPERTY.—

11 (1) IN GENERAL.—In administering the property re-
12 tained under section 3175(d), the Secretary shall consult
13 with the Secretary of the Interior to minimize any conflict
14 between—

15 (A) the administration by the Secretary of such
16 property for a purpose relating to a response action;
17 and

18 (B) the administration by the Secretary of the In-
19 terior of land the administrative jurisdiction of which
20 is transferred under section 3175(a).

21 (2) PRIORITY IN CASE OF CONFLICT.—In the case of
22 any such conflict, the Secretary and the Secretary of the
23 Interior shall ensure that the administration for a purpose
24 relating to a response action, as described in paragraph
25 (1)(A), shall take priority.

26 (3) ACCESS.—The Secretary of the Interior shall pro-
27 vide to the Secretary such access and cooperation with re-
28 spect to the refuge as the Secretary requires to carry out
29 operation and maintenance, future response actions, nat-
30 ural resources restoration, or any other obligations.

31 (b) ONGOING CLEANUP AND CLOSURE.—

32 (1) IN GENERAL.—The Secretary shall carry out to
33 completion cleanup and closure at Rocky Flats.

34 (2) CLEANUP LEVELS.—The Secretary shall carry out
35 such cleanup and closure to the levels established for soil,
36 water, and other media, following a thorough review by the
37 parties to the RFCA and the public (including the United

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1 States Fish and Wildlife Service and other interested gov-
2 ernment agencies) of the appropriateness of the interim lev-
3 els in the RFCA.

4 (3) NO RESTRICTION ON USE OF NEW TECH-
5 NOLOGIES.—Nothing in this subtitle, and no action taken
6 under this subtitle, restricts the Secretary from using at
7 Rocky Flats any new technology that may become available
8 for remediation of contamination.

9 (c) OPPORTUNITY TO COMMENT.—The Secretary of the
10 Interior shall have the opportunity to comment with respect to
11 any proposed response action as to the impacts, if any, of such
12 proposed response action on the refuge.

13 (d) RULES OF CONSTRUCTION.—

14 (1) NO RELIEF FROM OBLIGATIONS UNDER OTHER
15 LAW.—Nothing in this subtitle, and no action taken under
16 this subtitle—

17 (A) relieves the Secretary, the Administrator of
18 the Environmental Protection Agency, the Secretary of
19 the Interior, or any other person from any obligation
20 or other liability with respect to Rocky Flats under the
21 RFCA or any Federal or State law;

22 (B) impairs or alters any provision of the RFCA;
23 or

24 (C) alters any authority of the Administrator of
25 the Environmental Protection Agency under section
26 120(e) of CERCLA (42 U.S.C. 9620(e)), or any au-
27 thority of the State of Colorado.

28 (2) CLEANUP LEVELS.—Nothing in this subtitle shall
29 reduce the level of cleanup and closure at Rocky Flats re-
30 quired under the RFCA or any Federal or State law.

31 (3) PAYMENT OF RESPONSE ACTION COSTS.—Nothing
32 in this subtitle affects the obligation of a Federal depart-
33 ment or agency that had or has operations at Rocky Flats
34 resulting in the release or threatened release of a covered
35 substance to pay the costs of response actions carried out
36 to abate the release of, or clean up, the covered substance.

1 **SEC. 3177. ROCKY FLATS NATIONAL WILDLIFE REFUGE.**

2 (a) IN GENERAL.—On completion of the transfer required
3 by section 3175(a), and subject to section 3176(a), the Sec-
4 retary of the Interior shall commence administration of the real
5 property comprising the refuge in accordance with this subtitle.

6 (b) ESTABLISHMENT OF REFUGE.—Not later than 30
7 days after the transfer required by section 3175(a), the Sec-
8 retary of the Interior shall establish at Rocky Flats a national
9 wildlife refuge to be known as the Rocky Flats National Wild-
10 life Refuge.

11 (c) COMPOSITION.—The refuge shall be comprised of the
12 property the administrative jurisdiction of which was trans-
13 ferred as required by section 3175(a).

14 (d) NOTICE.—The Secretary of the Interior shall publish
15 in the Federal Register a notice of the establishment of the ref-
16 uge.

17 (e) ADMINISTRATION AND PURPOSES.—

18 (1) IN GENERAL.—The Secretary of the Interior shall
19 manage the refuge in accordance with applicable law, in-
20 cluding this subtitle, the National Wildlife Refuge System
21 Administration Act of 1966 (16 U.S.C. 668dd et seq.), and
22 the purposes specified in that Act.

23 (2) REFUGE PURPOSES.—The refuge shall be managed
24 for the purposes of—

25 (A) restoring and preserving native ecosystems;

26 (B) providing habitat for, and population manage-
27 ment of, native plants and migratory and resident wild-
28 life;

29 (C) conserving threatened and endangered species
30 (including species that are candidates for listing under
31 the Endangered Species Act of 1973 (16 U.S.C. 1531
32 et seq.)); and

33 (D) providing opportunities for compatible sci-
34 entific research.

35 (3) MANAGEMENT.—In managing the refuge, the Sec-
36 retary of the Interior shall—

1 (A) ensure that wildlife-dependent recreation and
2 environmental education and interpretation are the pri-
3 ority public uses of the refuge; and

4 (B) comply with all response actions.

5 **SEC. 3178. COMPREHENSIVE PLANNING PROCESS.**

6 (a) IN GENERAL.—Not later than 180 days after the date
7 of the enactment of this Act, in developing a comprehensive
8 conservation plan for the refuge in accordance with section 4(e)
9 of the National Wildlife Refuge System Administration Act of
10 1966 (16 U.S.C. 668dd(e)), the Secretary of the Interior shall
11 establish a comprehensive planning process that involves the
12 public and local communities. The Secretary of the Interior
13 shall establish such process in consultation with the Secretary,
14 the members of the Coalition, the Governor of the State of Col-
15 orado, and the Federal and State of Colorado officials who
16 have been designated as trustees for Rocky Flats under section
17 107(f)(2) of CERCLA (42 U.S.C. 9607(f)(2)).

18 (b) OTHER PARTICIPANTS.—In addition to the entities
19 specified in subsection (a), the comprehensive planning process
20 required by subsection (a) shall include the opportunity for di-
21 rect involvement of entities that are not members of the Coali-
22 tion as of the date of the enactment of this Act, including the
23 Rocky Flats Citizens' Advisory Board and the cities of Thorn-
24 ton, Northglenn, Golden, Louisville, and Lafayette, Colorado.

25 (c) DISSOLUTION OF COALITION.—If the Coalition dis-
26 solves, or if any Coalition member elects to leave the Coalition
27 during the comprehensive planning process required by sub-
28 section (a)—

29 (1) such comprehensive planning process shall con-
30 tinue; and

31 (2) an opportunity shall be provided to each entity
32 that is a member of the Coalition as of September 1, 2000,
33 for direct involvement in such comprehensive planning
34 process.

35 (d) CONTENTS.—In addition to the requirements of sec-
36 tion 4(e) of the National Wildlife Refuge System Administra-
37 tion Act of 1966 (16 U.S.C. 668dd(e)), the comprehensive con-

1 servation plan referred to in subsection (a) shall address and
2 make recommendations on the following:

3 (1) The identification of any land referred to in sub-
4 section (e) of section 3174 that could be made available
5 under that subsection.

6 (2) The characteristics and configuration of any pe-
7 rimeter fencing that may be appropriate or compatible for
8 cleanup and closure purposes, refuge purposes, or other
9 purposes.

10 (3) The feasibility of locating, and the potential loca-
11 tion for, a visitor and education center at the refuge.

12 (4) Any other issues relating to Rocky Flats.

13 (e) COALITION DEFINED.—In this section, the term “Coa-
14 lition” means the Rocky Flats Coalition of Local Governments
15 established by the Intergovernmental Agreement, dated Feb-
16 ruary 16, 1999, among—

17 (1) the city of Arvada, Colorado;

18 (2) the city of Boulder, Colorado;

19 (3) the city of Broomfield, Colorado;

20 (4) the city of Westminster, Colorado;

21 (5) the town of Superior, Colorado;

22 (6) Boulder County, Colorado; and

23 (7) Jefferson County, Colorado.

24 (f) REPORT.—Not later than three years after the date of
25 the enactment of this Act, the Secretary of the Interior shall
26 submit to Congress—

27 (1) the comprehensive conservation plan referred to in
28 subsection (a); and

29 (2) a report that contains—

30 (A) an outline of the involvement of the public and
31 local communities in the comprehensive planning proc-
32 ess, as required by subsection (a);

33 (B) to the extent that any input or recommenda-
34 tion from the comprehensive planning process is not ac-
35 cepted, a clear statement of the reasons why such input
36 or recommendation is not accepted; and

1 (C) a discussion of the impacts of any property
2 rights referred to in section 3179(a) on management of
3 the refuge, and an identification of strategies for re-
4 solving and mitigating these impacts.

5 **SEC. 3179. PROPERTY RIGHTS.**

6 (a) IN GENERAL.—Except as provided in subsections (c)
7 and (d), nothing in this subtitle limits any valid, existing prop-
8 erty right at Rocky Flats that is owned by any person or enti-
9 ty, including, but not limited to—

- 10 (1) any mineral right;
11 (2) any water right or related easement; and
12 (3) any facility or right-of-way for a utility.

13 (b) ACCESS.—Except as provided in subsection (c), noth-
14 ing in this subtitle affects any right of an owner of a property
15 right referred to in subsection (a) to access the owner's prop-
16 erty.

17 (c) REASONABLE CONDITIONS.—

18 (1) IN GENERAL.—The Secretary or the Secretary of
19 the Interior may impose such reasonable conditions on ac-
20 cess to property rights referred to in subsection (a) as are
21 appropriate for the cleanup and closure of Rocky Flats and
22 for the management of the refuge.

23 (2) NO EFFECT ON OTHER LAW.—Nothing in this sub-
24 title affects any Federal, State, or local law (including any
25 regulation) relating to the use, development, and manage-
26 ment of property rights referred to in subsection (a).

27 (3) NO EFFECT ON ACCESS RIGHTS.—Nothing in this
28 subsection precludes the exercise of any access right, in ex-
29 istence on the date of the enactment of this Act, that is
30 necessary to perfect or maintain a water right in existence
31 on that date.

32 (d) UTILITY EXTENSION.—

33 (1) IN GENERAL.—The Secretary or the Secretary of
34 the Interior may allow not more than one extension from
35 an existing utility right-of-way on Rocky Flats, if nec-
36 essary.

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1 (2) CONDITIONS.—An extension under paragraph (1)
2 shall be subject to the conditions specified in subsection (c).

3 (e) EASEMENT SURVEYS.—Subject to subsection (c), until
4 the date that is 180 days after the date of the enactment of
5 this Act, an entity that possesses a decreed water right or pre-
6 scriptive easement relating to land at Rocky Flats may carry
7 out such surveys at Rocky Flats as the entity determines are
8 necessary to perfect the right or easement.

9 **SEC. 3180. LIABILITIES AND OTHER OBLIGATIONS.**

10 (a) IN GENERAL.—Nothing in this subtitle shall relieve,
11 and no action may be taken under this subtitle to relieve, the
12 Secretary, the Secretary of the Interior, or any other person
13 from any liability or other obligation at Rocky Flats under
14 CERCLA, RCRA, or any other Federal or State law.

15 (b) COST RECOVERY, CONTRIBUTION, AND OTHER AC-
16 TION.—Nothing in this subtitle is intended to prevent the
17 United States from bringing a cost recovery, contribution, or
18 other action that would otherwise be available under Federal or
19 State law.

20 **SEC. 3181. ROCKY FLATS MUSEUM.**

21 (a) MUSEUM.—To commemorate the contribution that
22 Rocky Flats and its worker force provided to winning the Cold
23 War and the impact that such contribution has had on the
24 nearby communities and the State of Colorado, the Secretary
25 may establish a Rocky Flats Museum.

26 (b) LOCATION.—The Rocky Flats Museum shall be located
27 in the city of Arvada, Colorado, unless, after consultation under
28 subsection (c), the Secretary determines otherwise.

29 (c) CONSULTATION.—The Secretary shall consult with the
30 city of Arvada, other local communities, and the Colorado State
31 Historical Society on—

- 32 (1) the development of the museum;
33 (2) the siting of the museum; and
34 (3) any other issues relating to the development and
35 construction of the museum.

36 (d) REPORT.—Not later than three years after the date of
37 the enactment of this Act, the Secretary, in coordination with

1 the city of Arvada, shall submit to Congress a report on the
2 costs associated with the construction of the museum and any
3 other issues relating to the development and construction of the
4 museum.

5 **SEC. 3182. ANNUAL REPORT ON FUNDING.**

6 For each of fiscal years 2003 through 2007, at the time
7 of submission of the budget of the President under section
8 1105(a) of title 31, United States Code, for such fiscal year,
9 the Secretary and the Secretary of the Interior shall jointly
10 submit to Congress a report on the costs of implementation of
11 this subtitle. The report shall include—

- 12 (1) the costs incurred by each Secretary in imple-
13 menting this subtitle during the preceding fiscal year; and
14 (2) the funds required by each Secretary to implement
15 this subtitle during the current and subsequent fiscal years.

32-1

1 **TITLE XXXII—DEFENSE NUCLEAR**
2 **FACILITIES SAFETY BOARD**

Sec. 3201. Authorization.

3 **SEC. 3201. AUTHORIZATION.**

4 There are authorized to be appropriated for fiscal year
5 2002, \$18,500,000 for the operation of the Defense Nuclear
6 Facilities Safety Board under chapter 21 of the Atomic Energy
7 Act of 1954 (42 U.S.C. 2286 et seq.).

1 **TITLE XXXIII—NATIONAL DEFENSE**
2 **STOCKPILE**

Sec. 3301. Definitions.

Sec. 3302. Authorized uses of stockpile funds.

Sec. 3303. Authority to dispose of certain materials in National Defense Stockpile.

Sec. 3304. Revision of limitations on required disposals of certain materials in National Defense Stockpile.

Sec. 3305. Acceleration of required disposal of cobalt in National Defense Stockpile.

Sec. 3306. Restriction on disposal of manganese ferro.

3 **SEC. 3301. DEFINITIONS.**

4 In this title:

5 (1) The term “National Defense Stockpile” means the
6 stockpile provided for in section 4 of the Strategic and
7 Critical Materials Stock Piling Act (50 U.S.C. 98c).

8 (2) The term “National Defense Stockpile Transaction
9 Fund” means the fund established under section 9(a) of
10 the Strategic and Critical Materials Stock Piling Act (50
11 U.S.C. 98h(a)).

12 (3) The term “Market Impact Committee” means the
13 Market Impact Committee appointed under section 10(c) of
14 the Strategic and Critical Materials Stock Piling Act (50
15 U.S.C. 98h–1(c)).

16 **SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.**

17 (a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal
18 year 2002, the National Defense Stockpile Manager may obli-
19 gate up to \$65,200,000 of the funds in the National Defense
20 Stockpile Transaction Fund for the authorized uses of such
21 funds under section 9(b)(2) of the Strategic and Critical Mate-
22 rials Stock Piling Act (50 U.S.C. 98h(b)(2)), including the dis-
23 posal of hazardous materials that are environmentally sensitive.

24 (b) ADDITIONAL OBLIGATIONS.—The National Defense
25 Stockpile Manager may obligate amounts in excess of the
26 amount specified in subsection (a) if the National Defense
27 Stockpile Manager notifies Congress that extraordinary or
28 emergency conditions necessitate the additional obligations. The
29 National Defense Stockpile Manager may make the additional

1 obligations described in the notification after the end of the 45-
2 day period beginning on the date on which Congress receives
3 the notification.

4 (c) LIMITATIONS.—The authorities provided by this sec-
5 tion shall be subject to such limitations as may be provided in
6 appropriations Acts.

7 **SEC. 3303. AUTHORITY TO DISPOSE OF CERTAIN MATE-**
8 **RIALS IN NATIONAL DEFENSE STOCKPILE.**

9 (a) DISPOSAL AUTHORIZED.—Subject to the conditions
10 specified in subsection (b), the President may dispose of obso-
11 lete and excess materials contained in the National Defense
12 Stockpile. The materials subject to disposal under this sub-
13 section and the quantity of each material authorized to be dis-
14 posed of by the President are set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Bauxite	40,000 short tons
Chromium Metal	3,512 short tons
Iridium	25,140 troy ounces
Jewel Bearings	30,273,221 pieces
Manganese Ferro HC	209,074 short tons
Palladium	11 troy ounces
Quartz Crystal	216,648 pounds
Tantalum Metal Ingot	120,228 pounds contained
Tantalum Metal Powder	36,020 pounds contained
Thorium Nitrate	600,000 pounds.

15 (b) MINIMIZATION OF DISRUPTION AND LOSS.—The
16 President may not dispose of materials under subsection (a) to
17 the extent that the disposal will result in—

18 (1) undue disruption of the usual markets of pro-
19 ducers, processors, and consumers of the materials pro-
20 posed for disposal; or

21 (2) avoidable loss to the United States.

22 (c) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—
23 The disposal authority provided in subsection (a) is new dis-
24 posal authority and is in addition to, and shall not affect, any
25 other disposal authority provided by law regarding the mate-
26 rials specified in such subsection.

1 **SEC. 3304. REVISION OF LIMITATIONS ON REQUIRED**
2 **DISPOSALS OF CERTAIN MATERIALS IN NA-**
3 **TIONAL DEFENSE STOCKPILE.**

4 (a) PUBLIC LAW 105-261.—Section 3303 of the Strom
5 Thurmond National Defense Authorization Act for Fiscal Year
6 1999 (Public Law 105-261; 50 U.S.C. 98d note) is amended—

7 (1) in subsection (a)—

8 (A), by striking “the amount of—” and inserting
9 “total amounts not less than—”;

10 (B) by striking “and” at the end of paragraph (3);
11 and

12 (C) by striking paragraph (4) and inserting the
13 following new paragraphs:

14 “(4) \$760,000,000 by the end of fiscal year 2005; and

15 “(5) \$770,000,000 by the end of fiscal year 2011.”;

16 and

17 (2) in subsection (b)(2), by striking “receipts in the
18 amounts specified in subsection (a)” and inserting “re-
19 ceipts in the total amount specified in subsection (a)(5)”.

20 (b) PUBLIC LAW 105-85.—Section 3305 of the National
21 Defense Authorization Act for Fiscal Year 1998 (Public Law
22 105-85; 50 U.S.C. 98d note) is amended—

23 (1) in subsection (a), by striking “amounts equal to—
24 ” and inserting “total amounts not less than—”; and

25 (2) in subsection (b), by striking paragraph (2) and
26 inserting the following new paragraph:

27 “(2) The President may not dispose of cobalt under this
28 section in fiscal year 2006 in excess of the disposals necessary
29 to result in receipts during that fiscal year in the total amount
30 specified in subsection (a)(5).”.

31 (c) PUBLIC LAW 104-201.—Section 3303 of the National
32 Defense Authorization Act for Fiscal Year 1997 (Public Law
33 104-201; 50 U.S.C. 98d note) is amended—

34 (1) in subsection (a), by striking “amounts equal to—
35 ” and inserting “total amounts not less than—”; and

36 (2) in subsection (b), by striking paragraph (2) and
37 inserting the following new paragraph:

1 **TITLE XXXIV—NAVAL PETROLEUM**
2 **RESERVES**

Sec. 3401. Authorization of appropriations.

3 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) AMOUNT.—There are hereby authorized to be appro-
5 priated to the Secretary of Energy \$17,371,000 for fiscal year
6 2002 for the purpose of carrying out activities under chapter
7 641 of title 10, United States Code, relating to the naval petro-
8 leum reserves.

9 (b) PERIOD OF AVAILABILITY.—Funds appropriated pur-
10 suant to the authorization of appropriations in subsection (a)
11 shall remain available until expended.

1
2

**TITLE XXXV—MARITIME
ADMINISTRATION**

Sec. 3501. Authorization of appropriations for fiscal year 2002.
Sec. 3502. Define “war risks” to vessels to include confiscation, expropriation, nationalization, and deprivation of the vessels.
Sec. 3503. Holding obligor’s cash as collateral under title XI of Merchant Marine Act, 1936.

3 **SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR**
4 **FISCAL YEAR 2002.**

5 Funds are hereby authorized to be appropriated for fiscal
6 year 2002, to be available without fiscal year limitation if so
7 provided in appropriations Acts, for the use of the Department
8 of Transportation for the Maritime Administration as follows:

9 (1) For expenses necessary for operations and training
10 activities, \$89,054,000.

11 (2) For expenses under the loan guarantee program
12 authorized by title XI of the Merchant Marine Act, 1936
13 (46 App. U.S.C. 1271 et seq.), \$103,978,000, of which—

14 (A) \$100,000,000 is for the cost (as defined in
15 section 502(5) of the Federal Credit Reform Act of
16 1990 (2 U.S.C. 661a(5))) of loan guarantees under the
17 program; and

18 (B) \$3,978,000 is for administrative expenses re-
19 lated to loan guarantee commitments under the pro-
20 gram.

21 (3) For expenses to dispose of obsolete vessels in the
22 National Defense Reserve Fleet, \$10,000,000.

23 **SEC. 3502. DEFINE “WAR RISKS” TO VESSELS TO IN-**
24 **CLUDE CONFISCATION, EXPROPRIATION, NA-**
25 **TIONALIZATION, AND DEPRIVATION OF THE**
26 **VESSELS.**

27 Section 1201(c) of the Merchant Marine Act, 1936 (46
28 App. U.S.C. 1281(c)) is amended to read as follows:

29 “(c) The term ‘war risks’ includes to such extent as the
30 Secretary may determine—

31 “(1) all or any part of any loss that is excluded from
32 marine insurance coverage under a ‘free of capture or sei-
33 zure’ clause, or under analogous clauses; and

1 “(2) other losses from hostile acts, including confisca-
2 tion, expropriation, nationalization, or deprivation.”.

3 **SEC. 3503. HOLDING OBLIGOR’S CASH AS COLLATERAL**
4 **UNDER TITLE XI OF MERCHANT MARINE**
5 **ACT, 1936.**

6 Title XI of the Merchant Marine Act, 1936 (46 App.
7 U.S.C. 1271 et seq.) is amended by inserting after section
8 1108 the following:

9 **“SEC. 1109. DEPOSIT FUND.**

10 “(a) ESTABLISHMENT OF DEPOSIT FUND.—There is es-
11 tablished in the Treasury a deposit fund for purposes of this
12 section. The Secretary may, in accordance with an agreement
13 under subsection (b), deposit into and hold in the deposit fund
14 cash belonging to an obligor to serve as collateral for a guar-
15 antee under this title made with respect to the obligor.

16 “(b) AGREEMENT.—

17 “(1) IN GENERAL.—The Secretary and an obligor
18 shall enter into a reserve fund or other collateral account
19 agreement to govern the deposit, withdrawal, retention,
20 use, and reinvestment of cash of the obligor held in the de-
21 posit fund established by subsection (a).

22 “(2) TERMS.—The agreement shall contain such terms
23 and conditions as are required under this section and such
24 additional terms as are considered by the Secretary to be
25 necessary to protect fully the interests of the United States.

26 “(3) SECURITY INTEREST OF UNITED STATES.—The
27 agreement shall include terms that grant to the United
28 States a security interest in all amounts deposited into the
29 deposit fund.

30 “(c) INVESTMENT.—The Secretary may invest and rein-
31 vest any part of the amounts in the deposit fund established
32 by subsection (a) in obligations of the United States with such
33 maturities as ensure that amounts in the deposit fund will be
34 available as required for purposes of agreements under sub-
35 section (b). Cash balances of the deposit fund in excess of cur-
36 rent requirements shall be maintained in a form of uninvested

1 funds and the Secretary of the Treasury shall pay interest on
2 these funds.

3 “(d) WITHDRAWALS.—

4 “(1) IN GENERAL.—The cash deposited into the de-
5 posit fund established by subsection (a) may not be with-
6 drawn without the consent of the Secretary.

7 “(2) USE OF INCOME.—Subject to paragraph (3), the
8 Secretary may pay any income earned on cash of an obligor
9 deposited into the deposit fund in accordance with the
10 terms of the agreement with the obligor under subsection
11 (b).

12 “(3) RETENTION AGAINST DEFAULT.—The Secretary
13 may retain and offset any or all of the cash of an obligor
14 in the deposit fund, and any income realized thereon, as
15 part of the Secretary’s recovery against the obligor in case
16 of a default by the obligor on an obligation.”.

And the House agree to the same.