

105TH CONGRESS
2^D SESSION

H. R. 3616

AN ACT

To authorize appropriations for fiscal year 1999 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.

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1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Au-
 5 thorization Act for Fiscal Year 1999”.

6 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**
 7 **CONTENTS.**

8 (a) DIVISIONS.—This Act is organized into three divi-
 9 sions as follows:

10 (1) Division A—Department of Defense Au-
 11 thorizations.

12 (2) Division B—Military Construction Author-
 13 izations.

14 (3) Division C—Department of Energy Na-
 15 tional Security Authorizations and Other Authoriza-
 16 tions.

17 (b) TABLE OF CONTENTS.—The table of contents for
 18 this 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. Reserve components.

Sec. 106. Defense Inspector General.

- Sec. 107. Chemical Demilitarization Program.
- Sec. 108. Defense health programs.
- Sec. 109. Defense Export Loan Guarantee Program.

Subtitle B—Army Programs

- Sec. 111. Multiyear procurement authority for Longbow Hellfire missile program.
- Sec. 112. M1A2 System Enhancement Program Step 1 Program.

Subtitle C—Navy Programs

- Sec. 121. Multiyear procurement authority for the Department of the Navy.

Subtitle D—Other Matters

- Sec. 141. Alternative technologies for destruction of assembled chemical weapons.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

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

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Management responsibility for Navy mine countermeasures programs.
- Sec. 212. Future aircraft carrier transition technologies.
- Sec. 213. Manufacturing technology program.
- Sec. 214. Science and technology functions of the Department of Defense.
- Sec. 215. Next generation internet program.

Subtitle C—Ballistic Missile Defense

- Sec. 231. National Missile Defense policy.
- Sec. 232. Limitation on funding for the Medium Extended Air Defense System.
- Sec. 233. Limitation on funding for cooperative ballistic missile defense programs.
- Sec. 234. Limitation on funding for counterproliferation support.
- Sec. 235. Ballistic Missile Defense program elements.
- Sec. 236. Restructuring of theater high-altitude area defense system acquisition strategy.

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. Refurbishment of M1–A1 tanks.
- Sec. 306. Operation of prepositioned fleet, National Training Center, Fort Irwin, California.
- Sec. 307. Relocation of USS WISCONSIN.

Sec. 308. Fisher House Trust Funds.

Subtitle B—Information Technology Issues

- Sec. 311. Additional information technology responsibilities of Chief Information Officers.
- Sec. 312. Defense-wide electronic mall system for supply purchases.
- Sec. 313. Protection of funding provided for certain information technology and national security programs.
- Sec. 314. Priority funding to ensure year 2000 compliance of mission critical information technology and national security systems.
- Sec. 315. Evaluation of year 2000 compliance as part of training exercises programs.

Subtitle C—Environmental Provisions

- Sec. 321. Authorization to pay negotiated settlement for environmental cleanup at former Department of Defense sites in Canada.
- Sec. 322. Removal of underground storage tanks.

Subtitle D—Defense Infrastructure Support Improvement

- Sec. 331. Reporting and study requirements before change of commercial and industrial type functions to contractor performance.
- Sec. 332. Clarification of requirement to maintain Government-owned and Government-operated core logistics capability.
- Sec. 333. Oversight of development and implementation of automated identification technology.
- Sec. 334. Conditions on expansion of functions performed under prime vendor contracts.
- Sec. 335. Clarification of definition of depot-level maintenance and repair.
- Sec. 336. Clarification of commercial item exception to requirements regarding core logistics capabilities.
- Sec. 337. Development of plan for establishment of core logistics capabilities for maintenance and repair of C-17 aircraft.
- Sec. 338. Contractor-operated civil engineering supply stores program.
- Sec. 339. Report on savings and effect of personnel reductions in Army Materiel Command.
- Sec. 340. Best commercial inventory practices for management of secondary supply items.

Subtitle E—Commissaries and Nonappropriated Fund Instrumentalities

- Sec. 341. Continuation of management and funding of Defense Commissary Agency through the Office of the Secretary of Defense.
- Sec. 342. Expansion of current eligibility of Reserves for commissary benefits.
- Sec. 343. Repeal of requirement for Air Force to sell tobacco products to enlisted personnel.
- Sec. 344. Restrictions on patron access to, and purchases in, overseas commissaries and exchange stores.
- Sec. 345. Extension of demonstration project for uniform funding of morale, welfare, and recreation activities.
- Sec. 346. Prohibition on consolidation or other organizational changes of Department of Defense retail systems.
- Sec. 347. Authorized use of appropriated funds for relocation of Navy Exchange Service Command.

Sec. 348. Evaluation of merit of selling malt beverages and wine in commissary stores as exchange system merchandise.

Subtitle F—Other Matters

- Sec. 361. Eligibility requirements for attendance at Department of Defense domestic dependent elementary and secondary schools.
- Sec. 362. Specific emphasis of program to investigate fraud, waste, and abuse within Department of Defense.
- Sec. 363. Revision of inspection requirements relating to Armed Forces Retirement Home.
- Sec. 364. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 365. Strategic plan for expansion of distance learning initiatives.
- Sec. 366. Public availability of operating agreements between military installations and financial institutions.
- Sec. 367. Department of Defense readiness reporting system.
- Sec. 368. Travel by Reservists on carriers under contract with General Services Administration.

Subtitle G—Demonstration of Commercial-Type Practices To Improve Quality of Personal Property Shipments

- Sec. 381. Demonstration program required.
- Sec. 382. Goals of demonstration program.
- Sec. 383. Program participants.
- Sec. 384. Test plan.
- Sec. 385. Other methods of personal property shipping.
- Sec. 386. Duration of demonstration program.
- Sec. 387. Evaluation of demonstration program.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
- Sec. 402. Revision in permanent end strength levels.
- Sec. 403. Date for submission of annual manpower requirements report.
- Sec. 404. Extension of authority for Chairman of the Joint Chiefs of Staff to designate up to 12 general and flag officer positions to be excluded from general and flag officer grade limitations.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Increase in number of members in certain grades authorized to serve on active duty in support of the Reserves.

Subtitle C—Authorization of Appropriations

- Sec. 421. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

- Sec. 501. Codification of eligibility of retired officers and former officers for consideration by special selection boards.
- Sec. 502. Communication to promotion boards by officers under consideration.
- Sec. 503. Procedures for separation of regular officers for substandard performance of duty or certain other reasons.
- Sec. 504. Posthumous commissions and warrants.
- Sec. 505. Tenure of Chief of the Air Force Nurse Corps.

Subtitle B—Reserve Component Matters

- Sec. 511. Composition of selective early retirement boards of Reserve general and flag officers of the Navy and Marine Corps.
- Sec. 512. Active status service requirement for promotion consideration for Army and Air Force Reserve component brigadier generals.
- Sec. 513. Revision to educational requirement for promotion of Reserve officers.

Subtitle C—Military Education and Training

- Sec. 521. Requirements relating to recruit basic training.
- Sec. 522. After-hours privacy for recruits during basic training.
- Sec. 523. Extension of reporting dates for Commission on Military Training and Gender Related Issues.
- Sec. 524. Improved oversight of innovative readiness training.

Subtitle D—Decorations, Awards, and Commendations

- Sec. 531. Study of new decorations for injury or death in line of duty.
- Sec. 532. Waiver of time limitations for award of certain decorations to specified persons.
- Sec. 533. Commendation of the Navy and Marine Corps personnel who served in the United States Navy Asiatic Fleet from 1910–1942.
- Sec. 534. Appreciation for service during World War I and World War II by members of the Navy assigned on board merchant ships as the Naval Armed Guard Service.
- Sec. 535. Sense of Congress the regarding the heroism, sacrifice, and service of the military forces of South Vietnam and other nations in connection with the United States Armed Forces during the Vietnam conflict.
- Sec. 536. Sense of Congress the regarding the heroism, sacrifice, and service of former South Vietnamese commandos in connection with United States Armed Forces during the Vietnam conflict.

Subtitle E—Administration of Agencies Responsible for Review and Correction of Military Records

- Sec. 541. Personnel freeze.
- Sec. 542. Professional staff.
- Sec. 543. Ex parte communications.
- Sec. 544. Timeliness standards.

Subtitle F—Other Matters

- Sec. 551. One-year extension of certain force drawdown transition authorities relating to personnel management and benefits.
- Sec. 552. Leave without pay for academy cadets and midshipmen.
- Sec. 553. Provision for recovery, care, and disposition of the remains of all medically retired members.

- Sec. 554. Continued eligibility under Voluntary Separation Incentive program for members who involuntarily lose membership in a reserve component.
- Sec. 555. Definition of financial institution for direct deposit of pay.
- Sec. 556. Increase in maximum amount for College Fund program.
- Sec. 557. Central Identification Laboratory, Hawaii.
- Sec. 558. Honor guard details at funerals of veterans.
- Sec. 559. Applicability to all persons in chain of command of policy requiring exemplary conduct by commanding officers and others in authority in the Armed Forces.
- Sec. 560. Report on prisoners transferred from United States Disciplinary Barracks, Fort Leavenworth, Kansas, to Federal Bureau of Prisons.
- Sec. 561. Report on process for selection of members for service on courts-martial.
- Sec. 562. Study of revising the term of service of members of the United States Court of Appeals for the Armed Forces.
- Sec. 563. Status of cadets at the Merchant Marine Academy.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

- Sec. 601. Increase in basic pay for fiscal year 1999.
- Sec. 602. Basic allowance for housing outside the United States.
- Sec. 603. Basic allowance for subsistence for Reserves.

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. One-year extension of certain bonuses and special pay authorities for reserve forces.
- Sec. 612. One-year extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.
- Sec. 613. One-year extension of authorities relating to payment of other bonuses and special pays.
- Sec. 614. Aviation career incentive pay and aviation officer retention bonus.
- Sec. 615. Special pay for diving duty.
- Sec. 616. Selective reenlistment bonus eligibility for Reserve members performing active Guard and Reserve duty.
- Sec. 617. Removal of ten percent restriction on selective reenlistment bonuses.
- Sec. 618. Increase in maximum amount of Army enlistment bonus.
- Sec. 619. Equitable treatment of Reserves eligible for special pay for duty subject to hostile fire or imminent danger.
- Sec. 620. Hardship duty pay.

Subtitle C—Travel and Transportation Allowances

- Sec. 631. Exception to maximum weight allowance for baggage and household effects.
- Sec. 632. Travel and transportation allowances for travel performed by members in connection with rest and recuperative leave from overseas stations.
- Sec. 633. Storage of baggage of certain dependents.

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

- Sec. 641. Effective date of former spouse survivor benefit coverage.
 Sec. 642. Revision to computation of retired pay for enlisted members who are reduced in grade before retirement.

Subtitle E—Other Matters

- Sec. 651. Deletion of Canal Zone from definition of United States possessions for purposes of pay and allowances.
 Sec. 652. Accounting of advance payments.
 Sec. 653. Reimbursement of rental vehicle costs when motor vehicle transported at Government expense is late.
 Sec. 654. Education loan repayment program for certain health profession officers serving in Selected Reserve.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

- Sec. 701. Expansion of dependent eligibility under retiree dental program.
 Sec. 702. Plan for provision of health care for military retirees and their dependents comparable to health care provided under TRICARE Prime.
 Sec. 703. Plan for redesign of military pharmacy system.
 Sec. 704. Transitional authority to provide continued health care coverage for certain persons unaware of loss of CHAMPUS eligibility.

Subtitle B—TRICARE Program

- Sec. 711. Payment of claims for provision of health care under the TRICARE program for which a third party may be liable.
 Sec. 712. Procedures regarding enrollment in TRICARE Prime.

Subtitle C—Other Matters

- Sec. 721. Inflation adjustment of premium amounts for dependents dental program.
 Sec. 722. System for tracking data and measuring performance in meeting TRICARE access standards.
 Sec. 723. Air Force research, development, training, and education on exposure to chemical, biological, and radiological hazards.
 Sec. 724. Authorization to establish a Level 1 Trauma Training Center.
 Sec. 725. Report on implementation of enrollment-based capitation for funding for military medical treatment facilities.
 Sec. 726. Requirement that military physicians possess unrestricted licenses.
 Sec. 727. Establishment of mechanism for ensuring completion by military physicians of continuing medical education requirements.
 Sec. 728. Proposal on establishment of appeals process for claimcheck denials and review of claimcheck system.
 Sec. 729. Demonstration project to include certain covered beneficiaries within Federal employees health benefits program.

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

- Sec. 801. Limitation on procurement of ammunition and components.

- Sec. 802. Acquisition Corps eligibility.
- Sec. 803. Amendments relating to procurement from firms in industrial base for production of small arms.
- Sec. 804. Time for submission of annual report relating to Buy American Act.
- Sec. 805. Study on increase in micro-purchase threshold.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

- Sec. 901. Further reductions in defense acquisition workforce.
- Sec. 902. Limitation on operation and support funds for the Office of the Secretary of Defense.
- Sec. 903. Revision to defense directive relating to management headquarters and headquarters support activities.
- Sec. 904. Under Secretary of Defense for Policy to have responsibility with respect to export control activities of the Department of Defense.
- Sec. 905. Independent task force on transformation and Department of Defense organization.
- Sec. 906. Improved accounting for defense contract services.
- Sec. 907. Repeal of requirement relating to assignment of tactical airlift mission to reserve components.
- Sec. 908. Repeal of certain requirements relating to Inspector General investigations of reprisal complaints.
- Sec. 909. Consultation with Commandant of the Marine Corps regarding Marine Corps aviation.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

- Sec. 1001. Transfer authority.
- Sec. 1002. Incorporation of classified annex.
- Sec. 1003. Outlay limitations.¹⁷⁴
- #### **Subtitle B—Naval Vessels and Shipyards**
- Sec. 1011. Revision to requirement for continued listing of two Iowa-class battleships on the Naval Vessel Register.
- Sec. 1012. Transfer of USS NEW JERSEY.
- Sec. 1013. Long-term charter of three vessels in support of submarine rescue, escort, and towing.
- Sec. 1014. Transfer of obsolete Army tugboat.
- Sec. 1015. Long-term charter contracts for acquisition of auxiliary vessels for the Department of Defense.

Subtitle C—Matters Relating to Counter Drug Activities

- Sec. 1021. Department of Defense support for counter-drug activities.
- Sec. 1022. Support for counter-drug operation Caper Focus.
- Sec. 1023. Sense of the Congress regarding establishment of counter-drug center in Panama.
- Sec. 1024. Assignment of members of the Armed Forces to assist Immigration and Naturalization Service and Customs Service.
- Sec. 1025. Random drug testing of Department of Defense employees.

Subtitle D—Miscellaneous Report Requirements and Repeals

- Sec. 1031. Annual report on resources allocated to support and mission activities.

Subtitle E—Other Matters

- Sec. 1041. Clarification of land conveyance authority, Armed Forces Retirement Home, District of Columbia.
- Sec. 1042. Content of notice required to be provided garnishees before garnishment of pay or benefits.
- Sec. 1043. Training of special operations forces with friendly foreign forces.
- Sec. 1044. Prohibition on assignment of United States forces to United Nations rapidly deployable mission headquarters.
- Sec. 1045. Clarification of State authority to tax compensation paid to certain employees.
- Sec. 1046. Requirement to provide burial flags wholly produced in the United States.
- Sec. 1047. Investigation of actions relating to 174th Fighter Wing of New York Air National Guard.
- Sec. 1048. Facilitation of operations at Edwards Air Force Base, California.
- Sec. 1049. Sense of the Congress concerning tax treatment of principal residence of members of Armed Forces while away from home on active duty.
- Sec. 1050. Operation, maintenance, and upgrade of Air Force space launch facilities.
- Sec. 1051. Sense of the Congress concerning new parent support program and military families.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

- Sec. 1101. Authority for release to Coast Guard of drug test results of civil service mariners of the Military Sealift Command.
- Sec. 1102. Limitations on back pay awards.
- Sec. 1103. Restoration of annual leave accumulated by civilian employees at installations in the Republic of Panama to be closed pursuant to the Panama Canal Treaty of 1977.
- Sec. 1104. Repeal of program providing preference for employment of military spouses in military child care facilities.
- Sec. 1105. Elimination of retained pay as basis for determining locality-based adjustments.
- Sec. 1106. Observance of certain holidays at duty posts outside the United States.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

- Sec. 1201. Limitation on funds for peacekeeping in the Republic of Bosnia and Herzegovina.
- Sec. 1202. Reports on the mission of United States forces in Republic of Bosnia and Herzegovina.
- Sec. 1203. Report on military capabilities of an expanded NATO alliance.
- Sec. 1204. One-year extension of counterproliferation authorities for support of United Nations Special Commission on Iraq.
- Sec. 1205. Repeal of landmine moratorium.
- Sec. 1206. Sense of the Congress.
- Sec. 1207. Investigations of satellite launch failures.
- Sec. 1208. Prohibition on exports of missile equipment and technology to China.
- Sec. 1209. Prohibition on exports and reexports of satellites to China.

- Sec. 1210. Prohibition on restriction of Armed Forces under Kyoto Protocol to the United Nations Framework Convention on Climate Change.
- Sec. 1211. Limitation on payments for cost of NATO expansion.
- Sec. 1212. Commodity jurisdiction for satellite exports.
- Sec. 1213. Release of export information held by the Department of Commerce for purpose of national security assessments.
- Sec. 1214. Execution of objection authority within the Department of Defense.
- Sec. 1215. Transfer of excess UH-1 Huey helicopters and AH-1 Cobra helicopters to foreign countries.
- Sec. 1216. Nuclear export reporting requirement.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

- Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
- Sec. 1302. Funding allocations.
- Sec. 1303. Prohibition on use of funds for specified purposes.
- Sec. 1304. Limitation on use of funds for chemical weapons destruction facility.
- Sec. 1305. Limitation on obligation of funds for a specified period.
- Sec. 1306. Requirement to submit breakdown of amounts requested by project category.
- Sec. 1307. Limitation on use of funds until completion of fiscal year 1998 requirements.
- Sec. 1308. Report on biological weapons programs in Russia.
- Sec. 1309. Limitation on use of funds for biological weapons proliferation prevention activities in Russia.
- Sec. 1310. Limitation on use of certain funds for strategic arms elimination in Russia or Ukraine.
- Sec. 1311. Availability of funds.

TITLE XIV—DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION

- Sec. 1401. Short title.
- Sec. 1402. Findings.

Subtitle A—Domestic Preparedness

- Sec. 1411. Domestic preparedness for response to threats of terrorist use of weapons of mass destruction.
- Sec. 1412. Report on domestic emergency preparedness.
- Sec. 1413. Performance of threat and risk assessments.

Subtitle B—Advisory Commission to Assess Domestic Response Capabilities For Terrorism Involving Weapons of Mass Destruction

- Sec. 1421. Establishment of commission.
- Sec. 1422. Duties of commission.
- Sec. 1423. Report.
- Sec. 1424. Powers.
- Sec. 1425. Commission procedures.
- Sec. 1426. Personnel matters.
- Sec. 1427. Miscellaneous administrative provisions.
- Sec. 1428. Termination of commission.
- Sec. 1429. Funding.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

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. Increase in fiscal year 1998 authorization for military construction projects at Fort Drum, New York, and Fort Sill, Oklahoma.

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. Authorization to accept road construction project, Marine Corps Base, Camp Lejeune, North Carolina.

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.

TITLE XXIV—DEFENSE AGENCIES

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
 Sec. 2402. Improvements to military family housing units.
 Sec. 2403. Energy conservation projects.
 Sec. 2404. Authorization of appropriations, Defense Agencies.
 Sec. 2405. Increase in fiscal year 1995 authorization for military construction projects at Pine Bluff Arsenal, Arkansas, and Umatilla Army Depot, Oregon.
 Sec. 2406. Increase in fiscal year 1990 authorization for military construction project at Portsmouth Naval Hospital, Virginia.

**TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION
SECURITY INVESTMENT PROGRAM**

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

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

- Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.
 Sec. 2602. Army Reserve construction project, Salt Lake City, Utah.

**TITLE XXVII—EXPIRATION AND EXTENSION OF
AUTHORIZATIONS**

- Sec. 2701. Expiration of authorizations and amounts required to be specified by law.

- Sec. 2702. Extension of authorizations of certain fiscal year 1996 projects.
 Sec. 2703. Extension of authorization of fiscal year 1995 project.
 Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

- Sec. 2801. Definition of ancillary supporting facilities under the alternative authority for acquisition and improvement of military housing.

Subtitle B—Real Property and Facilities Administration

- Sec. 2811. Restoration of Department of Defense lands used by another Federal agency.
 Sec. 2812. Outdoor recreation development on military installations for disabled veterans, military dependents with disabilities, and other persons with disabilities.
 Sec. 2813. Report on use of utility system conveyance authority.

Subtitle C—Defense Base Closure and Realignment

- Sec. 2821. Payment of stipulated penalties assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 in connection with McClellan Air Force Base, California.
 Sec. 2822. Elimination of waiver authority regarding prohibition against certain conveyances of property at Naval Station, Long Beach, California.

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

- Sec. 2831. Land conveyance, Army Reserve Center, Massena, New York.
 Sec. 2832. Land conveyance, Army Reserve Center, Ogdensburg, New York.
 Sec. 2833. Land conveyance, Army Reserve Center, Jamestown, Ohio.
 Sec. 2834. Land conveyance, Stewart Army Sub-Post, New Windsor, New York.
 Sec. 2835. Land conveyance, Indiana Army Ammunition Plant, Charlestown, Indiana.
 Sec. 2836. Land conveyance, Volunteer Army Ammunition Plant, Chattanooga, Tennessee.
 Sec. 2837. Release of reversionary interest of United States in former Redstone Army Arsenal property conveyed to Alabama Space Science Exhibit Commission.
 Sec. 2838. Land conveyance, Fort Sheridan, Illinois.

PART II—NAVY CONVEYANCES

- Sec. 2841. Easement, Marine Corps Base, Camp Pendleton, California.
 Sec. 2842. Land conveyance, Naval Reserve Readiness Center, Portland, Maine.
 Sec. 2843. Land conveyance, Naval and Marine Corps Reserve Facility, Youngstown, Ohio.

PART III—AIR FORCE CONVEYANCES

- Sec. 2851. Land conveyance, Lake Charles Air Force Station, Louisiana.
 Sec. 2852. Land conveyance, Air Force housing facility, La Junta, Colorado.

Subtitle E—Other Matters

- Sec. 2861. Repeal of prohibition on joint use of Gray Army Airfield, Fort Hood, Texas, with civil aviation.
 Sec. 2862. Designation of building containing Navy and Marine Corps Reserve Center, Augusta, Georgia.
 Sec. 2863. Expansion of Arlington National Cemetery.
 Sec. 2864. Reporting requirements under demonstration project for purchase of fire, security, police, public works, and utility services from local government agencies.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

- Sec. 3101. Weapons activities.
 Sec. 3102. Defense environmental restoration and waste management.
 Sec. 3103. Other defense activities.
 Sec. 3104. Defense nuclear waste disposal.

Subtitle B—Recurring General Provisions

- Sec. 3121. Reprogramming.
 Sec. 3122. Limits on general plant 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. Transfers of defense environmental management funds.

Subtitle C—Program Authorizations, Restrictions, and Limitations

- Sec. 3131. Prohibition on Federal loan guarantees for defense environmental management privatization projects.
 Sec. 3132. Extension of funding prohibition relating to international cooperative stockpile stewardship.
 Sec. 3133. Use of certain funds for missile defense technology development.
 Sec. 3134. Selection of technology for tritium production.
 Sec. 3135. Limitation on use of certain funds at Hanford Site.
 Sec. 3136. Hanford tank cleanup program reforms.

Subtitle D—Other Matters

- Sec. 3151. Termination of worker and community transition assistance.

- Sec. 3152. Requirement for plan to modify employment system used by Department of Energy in defense environmental management programs.
- Sec. 3153. Report on stockpile stewardship criteria.

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.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

- Sec. 3401. Definitions.
- Sec. 3402. Authorization of appropriations.
- Sec. 3403. Price requirement on sale of certain petroleum during fiscal year 1999.
- Sec. 3404. Disposal of Naval Petroleum Reserve Numbered 2.
- Sec. 3405. Disposal of Naval Petroleum Reserve Numbered 3.
- Sec. 3406. Disposal of Oil Shale Reserve Numbered 2.
- Sec. 3407. Administration.
- Sec. 3408. Treatment of State of California claim regarding Naval Petroleum Reserve Numbered 1.

TITLE XXXV—PANAMA CANAL COMMISSION

- Sec. 3501. Short title; references to Panama Canal Act of 1979.
- Sec. 3502. Authorization of expenditures.
- Sec. 3503. Purchase of vehicles.
- Sec. 3504. Expenditures only in accordance with treaties.
- Sec. 3505. Donations to the Commission.
- Sec. 3506. Sunset of United States overseas benefits just before transfer.
- Sec. 3507. Central Examining Office.
- Sec. 3508. Liability for vessel accidents.
- Sec. 3509. Panama Canal Board of Contract Appeals.
- Sec. 3510. Technical amendments.

TITLE XXXVI—MARITIME ADMINISTRATION

- Sec. 3601. Authorization of appropriations for fiscal year 1999.
- Sec. 3602. Conveyance of NDRF vessel M/V BAYAMON.
- Sec. 3603. Conveyance of NDRF vessels BENJAMIN ISHERWOOD and HENRY ECKFORD.
- Sec. 3604. Clearinghouse for maritime information.
- Sec. 3605. Conveyance of NDRF vessel ex-USS LORAIN COUNTY.

1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

- 2** For purposes of this Act, the term “congressional de-
- 3** fense committees” means—

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

3 (2) the Committee on National Security and the
4 Committee on Appropriations of the House of Rep-
5 resentatives.

6 **DIVISION A—DEPARTMENT OF**
7 **DEFENSE AUTHORIZATIONS**
8 **TITLE I—PROCUREMENT**
9 **Subtitle A—Authorization of**
10 **Appropriations**

11 **SEC. 101. ARMY.**

12 Funds are hereby authorized to be appropriated for
13 fiscal year 1999 for procurement for the Army as follows:

14 (1) For aircraft, \$1,420,759,000.

15 (2) For missiles, \$1,232,285,000.

16 (3) For weapons and tracked combat vehicles,
17 \$1,507,638,000.

18 (4) For ammunition, \$1,053,455,000.

19 (5) For other procurement, \$3,136,918,000.

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

21 (a) NAVY.—Funds are hereby authorized to be appro-
22 priated for fiscal year 1999 for procurement for the Navy
23 as follows:

24 (1) For aircraft, \$7,420,847,000.

1 (2) For weapons, including missiles and tor-
2 pedoes, \$1,192,195,000.

3 (3) For shipbuilding and conversion,
4 \$5,992,361,000.

5 (4) For other procurement, \$3,969,507,000.

6 (b) MARINE CORPS.—Funds are hereby authorized to
7 be appropriated for fiscal year 1999 for procurement for
8 the Marine Corps in the amount of \$691,868,000.

9 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
10 are hereby authorized to be appropriated for procurement
11 of ammunition for the Navy and the Marine Corps in the
12 amount of \$451,968,000.

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

14 Funds are hereby authorized to be appropriated for
15 fiscal year 1999 for procurement for the Air Force as fol-
16 lows:

17 (1) For aircraft, \$8,219,077,000.

18 (2) For missiles, \$2,234,668,000.

19 (3) For ammunition, \$383,627,000.

20 (4) For other procurement, \$7,046,372,000.

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

22 Funds are hereby authorized to be appropriated for
23 fiscal year 1999 for Defense-wide procurement in the
24 amount of \$1,962,866,000.

1 **SEC. 105. RESERVE COMPONENTS.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 1999 for procurement of aircraft, vehicles, com-
4 munications equipment, and other equipment for the re-
5 serve components of the Armed Forces as follows:

6 (1) For the Army National Guard,
7 \$50,000,000.

8 (2) For the Air National Guard, \$50,000,000.

9 (3) For the Army Reserve, \$50,000,000.

10 (4) For the Naval Reserve, \$50,000,000.

11 (5) For the Air Force Reserve, \$50,000,000.

12 (6) For the Marine Corps Reserve,
13 \$50,000,000.

14 **SEC. 106. DEFENSE INSPECTOR GENERAL.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 1999 for procurement for the Inspector General
17 of the Department of Defense in the amount of
18 \$1,300,000.

19 **SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.**

20 There is hereby authorized to be appropriated for fis-
21 cal year 1999 the amount of \$834,000,000 for—

22 (1) the destruction of lethal chemical agents
23 and munitions in accordance with section 1412 of
24 the Department of Defense Authorization Act, 1986
25 (50 U.S.C. 1521); and

1 **SEC. 112. M1A2 SYSTEM ENHANCEMENT PROGRAM STEP 1**
2 **PROGRAM.**

3 Of the funds authorized to be appropriated for the
4 Army in section 101 for weapons and tracked combat vehi-
5 cles, \$20,300,000 shall be available only for the Step 1
6 program for the M1A2 System Enhancement Program.

7 **Subtitle C—Navy Programs**

8 **SEC. 121. MULTIYEAR PROCUREMENT AUTHORITY FOR THE**
9 **DEPARTMENT OF THE NAVY.**

10 (a) **AUTHORITY FOR SPECIFIED NAVY AIRCRAFT**
11 **PROGRAMS.**—Beginning with the fiscal year 1999 pro-
12 gram year, the Secretary of the Navy may, in accordance
13 with section 2306b of title 10, United States Code, enter
14 into a multiyear procurement contract for procurement for
15 the following programs:

16 (1) The AV-8B aircraft program.

17 (2) The T-45TS aircraft program.

18 (3) The E-2C aircraft program.

19 (b) **AUTHORITY FOR MARINE CORPS MEDIUM TAC-**
20 **TICAL VEHICLE REPLACEMENT.**—Beginning with the fis-
21 cal year 1999 program year, the Secretary of the Navy
22 may, in accordance with section 2306b of title 10, United
23 States Code, enter into a multiyear procurement contract
24 to procure the Marine Corps Medium Tactical Vehicle Re-
25 placement.

1 **Subtitle D—Other Matters**

2 **SEC. 141. ALTERNATIVE TECHNOLOGIES FOR DESTRUC-**
3 **TION OF ASSEMBLED CHEMICAL WEAPONS.**

4 (a) PROGRAM MANAGEMENT.—(1) The program
5 manager for the Assembled Chemical Weapons Assess-
6 ment program shall continue to manage the development
7 and testing (including demonstration and pilot-scale facil-
8 ity testing) of technologies for the destruction of lethal
9 chemical munitions that are potential or demonstrated al-
10 ternatives to the baseline incineration program. In per-
11 forming such management, the program manager shall act
12 independently of the program manager for Chemical De-
13 militarization and shall report to the Secretary of the
14 Army, or his designee.

15 (2) The Under Secretary of Defense for Acquisition
16 and Technology and the Secretary of the Army shall joint-
17 ly submit to Congress, not later than December 1, 1998,
18 a plan for the transfer of oversight of the Assembled
19 Chemical Weapons Assessment program from the Under
20 Secretary to the Secretary.

21 (3) Oversight of the Assembled Chemical Weapons
22 Assessment program shall be transferred pursuant to the
23 plan submitted under paragraph (2) not later than 60
24 days after the date of the submission of the notice re-
25 quired under section 152(f)(2) of the National Defense

1 Authorization Act for Fiscal Year 1996 (Public Law 104–
2 106; 110 Stat. 214; 50 U.S.C. 1521(f)(2)).

3 (b) POST-DEMONSTRATION ACTIVITIES.—(1) The
4 program manager for the Assembled Chemical Weapons
5 Assessment program may carry out those activities nec-
6 essary to ensure that an alternative technology for the de-
7 struction of lethal chemical munitions may be imple-
8 mented immediately after—

9 (A) the technology has been demonstrated to be
10 successful;

11 (B) the Under Secretary of Defense for Acqui-
12 sition and Technology has submitted to Congress a
13 report on the demonstration; and

14 (C) a decision has been made to proceed with
15 the pilot-scale facility phase for an alternative tech-
16 nology.

17 (2) To prepare for the immediate implementation of
18 any such technology, the program manager may, during
19 fiscal years 1998 and 1999, take the following actions:

20 (A) Establish program requirements.

21 (B) Prepare procurement documentation.

22 (C) Develop environmental documentation.

23 (D) Identify and prepare to meet public out-
24 reach and public participation requirements.

1 (E) Prepare to award a contract for the design,
2 construction, and operation of a pilot facility for the
3 technology to the provider team for the technology
4 not later than December, 1999.

5 (c) PLAN FOR PILOT PROGRAM.—If the Secretary of
6 Defense proceeds with a pilot program under section
7 152(f) of the National Defense Authorization Act for Fis-
8 cal Year 1996 (Public Law 104–106; 110 Stat. 214; 50
9 U.S.C. 1521(f)), the Secretary shall prepare a plan for
10 the pilot program and shall submit to Congress a report
11 on such plan (including information on the cost of, and
12 schedule for, implementing the pilot program).

13 (d) FUNDING.—Of the amount authorized to be ap-
14 propriated in section 107, \$12,600,000 shall be available
15 for the Assembled Chemical Weapons Assessment pro-
16 gram for the following:

17 (1) Demonstration of alternative technologies
18 under the Assembled Chemical Weapons Assessment
19 program.

20 (2) Planning and preparation to proceed imme-
21 diately from demonstration of an alternative tech-
22 nology to the development of a pilot-scale facility for
23 the technology, including planning and preparation
24 for—

1 (A) continued development of the tech-
2 nology leading to deployment of the technology;

3 (B) satisfaction of requirements for envi-
4 ronmental permits;

5 (C) demonstration, testing, and evaluation;

6 (D) initiation of actions to design a pilot
7 program;

8 (E) provision of support at the field office
9 or depot level for deployment of the technology;
10 and

11 (F) educational outreach to the public to
12 engender support for the development.

13 (3) An independent cost and schedule evalua-
14 tion of the Assembled Chemical Weapons Assembled
15 program, to be completed not later than December
16 30, 1999.

17 (e) ASSEMBLED CHEMICAL WEAPONS ASSESSMENT
18 PROGRAM DEFINED.—In this section, the term “Assem-
19 bled Chemical Weapons Assessment program” means the
20 program established in section 152(e) of the National De-
21 fense Authorization Act for Fiscal Year 1996 (Public Law
22 104–106; 110 Stat. 214; 50 U.S.C. 1521), and section
23 8065 of the Department of Defense Appropriations Act,
24 1997 (as contained in section 101 of Public Law 104–
25 208; 110 Stat. 3009–101), for identifying and dem-

1 onstrating alternatives to the baseline incineration process
2 for the demilitarization of assembled chemical munitions.

3 **TITLE II—RESEARCH, DEVELOP-**
4 **MENT, TEST, AND EVALUA-**
5 **TION**

6 **Subtitle A—Authorization of**
7 **Appropriations**

8 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

9 Funds are hereby authorized to be appropriated for
10 fiscal year 1999 for the use of the Department of Defense
11 for research, development, test, and evaluation as follows:

12 (1) For the Army, \$4,791,997,000.

13 (2) For the Navy, \$8,377,059,000.

14 (3) For the Air Force, \$13,785,401,000.

15 (4) For Defense-wide activities,
16 \$9,283,515,000, of which—

17 (A) \$251,106,000 is authorized for the ac-
18 tivities of the Director, Test and Evaluation;

19 and

20 (B) \$29,245,000 is authorized for the Di-
21 rector of Operational Test and Evaluation.

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

23 (a) FISCAL YEAR 1999.—Of the amounts authorized
24 to be appropriated by section 201, \$4,208,978,000 shall

1 be available for basic research and applied research
2 projects.

3 (b) BASIC RESEARCH AND APPLIED RESEARCH DE-
4 FINED.—For purposes of this section, the term “basic re-
5 search and applied research” means work funded in pro-
6 gram elements for defense research and development
7 under Department of Defense category 6.1 or 6.2.

8 **Subtitle B—Program Require-**
9 **ments, Restrictions, and Limita-**
10 **tions**

11 **SEC. 211. MANAGEMENT RESPONSIBILITY FOR NAVY MINE**
12 **COUNTERMEASURES PROGRAMS.**

13 Section 216(a) of the National Defense Authorization
14 Act for Fiscal Years 1992 and 1993 (Public Law 102–
15 190; 105 Stat. 1317, as amended) is amended by striking
16 out “through 1999” and inserting in lieu thereof “through
17 2003”.

18 **SEC. 212. FUTURE AIRCRAFT CARRIER TRANSITION TECH-**
19 **NOLOGIES.**

20 Of the funds authorized to be appropriated under sec-
21 tion 201(2) for Carrier System Development (program ele-
22 ment 0603512N), \$50,000,000 shall be available for re-
23 search, development, test, evaluation, and insertion into
24 the CVN–77 nuclear aircraft carrier program of tech-
25 nologies designed to transition to, demonstrate enhanced

1 capabilities for, or mitigate cost and technical risks of, the
2 CV(X) aircraft carrier program.

3 **SEC. 213. MANUFACTURING TECHNOLOGY PROGRAM.**

4 (a) REQUIREMENTS RELATING TO COMPETITION.—
5 Section 2525(d)(1) of title 10, United States Code, is
6 amended—

7 (1) by inserting “(A)” after “(1)”; and

8 (2) by adding at the end the following new sub-
9 paragraph:

10 “(B) For each grant awarded and each contract, co-
11 operative agreement, or other transaction entered into on
12 a cost-share basis under the program, the ratio of contract
13 recipient cost to Government cost shall be determined by
14 competitive procedures. For a project for which the Gov-
15 ernment receives an offer from only one offeror, the con-
16 tracting officer shall negotiate the ratio of contract recipi-
17 ent cost to Government cost that represents the best value
18 to the Government.”.

19 (b) REQUIREMENTS RELATING TO COST SHARE
20 WAIVERS.—Section 2525(d)(2) of such title is amended—

21 (1) by redesignating subparagraphs (A), (B),
22 and (C) as clauses (i), (ii), and (iii), respectively;

23 (2) by inserting “(A)” after “(2)”; and

24 (3) by adding at the end the following new sub-
25 paragraphs:

1 “(B) For any grant awarded or contract, cooperative
2 agreement, or other transaction entered into on a basis
3 other than a cost-sharing basis because of a determination
4 made under subparagraph (A), the transaction file for the
5 project concerned must document the rationale for the de-
6 termination.

7 “(C) The Secretary of Defense may delegate the au-
8 thority to make determinations under subparagraph (A)
9 only to the Under Secretary of Defense for Acquisition
10 and Technology or a service acquisition executive, as ap-
11 propriate.”.

12 (c) COST SHARE GOAL.—Section 2525(d) of such
13 title is amended—

14 (1) by striking out paragraph (4); and

15 (2) in paragraph (3)—

16 (A) by striking out “At least” and insert-
17 ing in lieu thereof “As a goal, at least”;

18 (B) by striking out “shall” and inserting
19 in lieu thereof “should”; and

20 (C) by adding at the end the following:

21 “The Secretary of Defense, in coordination with
22 the Secretaries of the military departments and
23 upon recommendation of the Under Secretary
24 of Defense for Acquisition and Technology,

1 shall establish annual objectives to meet such
2 goal.”.

3 (d) **ADDITIONAL INFORMATION TO BE INCLUDED IN**
4 **FIVE-YEAR PLAN.**—Section 2525(e)(1) of such title is
5 amended—

6 (1) by striking “and” at the end of subpara-
7 graph (A);

8 (2) by striking the period at the end of sub-
9 paragraph (B) and inserting “; and”; and

10 (3) by inserting at the end the following new
11 subparagraph:

12 “(C) the extent of cost sharing in the manufac-
13 turing technology program by companies in the pri-
14 vate sector, weapons system program offices and
15 other defense program offices, Federal agencies
16 other than the Department of Defense, nonprofit in-
17 stitutions and universities, and other sources.”.

18 **SEC. 214. SCIENCE AND TECHNOLOGY FUNCTIONS OF THE**
19 **DEPARTMENT OF DEFENSE.**

20 (a) **SENSE OF THE CONGRESS.**—It is the sense of the
21 Congress that—

22 (1) to ensure sufficient financial resources are
23 devoted to emerging technologies, a goal of at least
24 10 percent of funds available under title II for each
25 of the Army, Navy, and Air Force should be dedi-

1 cated to science and technology in each military de-
2 partment;

3 (2) management and funding for science and
4 technology for each military department should re-
5 ceive a level of priority and leadership attention
6 equal to the level received by program acquisition,
7 and the Secretary of each military department
8 should ensure that a senior member of the depart-
9 ment holds the appropriate title and responsibility to
10 ensure effective oversight and emphasis on science
11 and technology;

12 (3) to ensure an appropriate long-term focus
13 for investments, a sufficient percentage of science
14 and technology funds should be directed toward new
15 technology areas, and annual reviews should be con-
16 ducted for ongoing research areas to ensure that
17 those funded initiatives are either integrated into ac-
18 quisition programs or discontinued;

19 (4) the military departments should take appro-
20 priate steps to ensure that sufficient numbers of of-
21 ficers and civilian employees in each department
22 hold advanced degrees in technical fields; and

23 (5) of particular concern, the Secretary of the
24 Air Force should take appropriate measures to en-
25 sure that sufficient numbers of scientists and engi-

1 neers are maintained to address the technological
2 challenges faced in the areas of air, space, and infor-
3 mation technology.

4 (b) STUDY.—

5 (1) REQUIREMENT.—The Secretary of Defense,
6 in cooperation with the National Research Council of
7 the National Academy of Sciences, shall conduct a
8 study on the technology base of the Department of
9 Defense.

10 (2) MATTERS COVERED.—The study shall—

11 (A) recommend the minimum requirements
12 to maintain a technology base that is sufficient,
13 based on both historical developments and fu-
14 ture projections, to project superiority in air
15 and space weapons systems, and information
16 technology;

17 (B) address the effects on national defense
18 and civilian aerospace industries and informa-
19 tion technology by reducing funding below the
20 goal described in paragraph (1) of subsection
21 (a); and

22 (C) recommend the appropriate level of
23 staff holding baccalaureate, masters, and doc-
24 torate degrees, and the optimal ratio of civilian
25 and military staff holding such degrees, to en-

1 sure that science and technology functions of
2 the Department of Defense remain vital.

3 (3) REPORT.—Not later than 120 days after
4 the date on which the study required under para-
5 graph (1) is completed, the Secretary shall submit to
6 Congress a report on the results of the study.

7 **SEC. 215. NEXT GENERATION INTERNET PROGRAM.**

8 (a) FUNDING.—Of the funds authorized to be appro-
9 priated under section 201(4), \$53,000,000 shall be avail-
10 able for the Next Generation Internet program.

11 (b) LIMITATION.—Notwithstanding the enactment of
12 any other provision of law after the date of the enactment
13 of this Act, amounts may be appropriated for fiscal year
14 1999 for research, development, test, and evaluation by
15 the Department of Defense for the Next Generation Inter-
16 net program only pursuant to the authorization of appro-
17 priations under section 201(4).

18 **Subtitle C—Ballistic Missile**
19 **Defense**

20 **SEC. 231. NATIONAL MISSILE DEFENSE POLICY.**

21 (a) FINDINGS.—Congress makes the following find-
22 ings:

23 (1) Threats posed by ballistic missiles and
24 weapons of mass destruction to the national terri-
25 tory of the United States continue to grow as the

1 trend in ballistic missile proliferation and develop-
2 ment is toward longer range and increasingly sophis-
3 ticated missiles.

4 (2) Russian and Chinese sources continue to
5 proliferate missile and other advanced technologies.

6 (3) North Korea is developing the Taepo-Dong
7 2 missile, which would have a range sufficient to
8 strike Alaska and Hawaii, and other countries hos-
9 tile to the United States, including Iran, Libya, and
10 Iraq, have demonstrated an interest in acquiring or
11 developing ballistic missiles capable of reaching the
12 United States.

13 (4) Russia's increased reliance on nuclear forces
14 to compensate for the decline of its conventional
15 forces and uncertainty regarding command and con-
16 trol of those nuclear forces increase the possibility of
17 an accidental or unauthorized launch of Russian bal-
18 listic missiles.

19 (5) The United States could be deterred from
20 effectively promoting or protecting its national inter-
21 ests around the world if any State or territory of the
22 United States is vulnerable to long-range ballistic
23 missiles deployed by nations hostile to the United
24 States.

1 (b) SENSE OF THE CONGRESS CONCERNING NA-
2 TIONAL MISSILE DEFENSE POLICY.—It is the sense of the
3 Congress that—

4 (1) any national missile defense system de-
5 ployed by the United States must provide effective
6 defense against limited, accidental, or unauthorized
7 ballistic missile attack for all 50 States; and

8 (2) the territories of the United States should
9 be afforded effective protection against ballistic mis-
10 sile attack.

11 **SEC. 232. LIMITATION ON FUNDING FOR THE MEDIUM EX-**
12 **TENDED AIR DEFENSE SYSTEM.**

13 None of the funds appropriated for fiscal year 1999
14 for the Ballistic Missile Defense Organization may be obli-
15 gated for the Medium Extended Air Defense System
16 (MEADS) until the Secretary of Defense certifies to Con-
17 gress that the future-years defense plan includes sufficient
18 programmed funding for that system to complete the de-
19 sign and development phase. If the Secretary does not
20 submit such a certification by January 1, 1999, then (ef-
21 fective as of that date) the funds appropriated for fiscal
22 year 1999 for the Ballistic Missile Defense Organization
23 that are allocated for the MEADS program shall be avail-
24 able to support modification of the Patriot Advanced Ca-
25 pability-3, Configuration 3, so as to support the require-

1 ment for mobile theater missile defense to be met by the
2 MEADS system.

3 **SEC. 233. LIMITATION ON FUNDING FOR COOPERATIVE**
4 **BALLISTIC MISSILE DEFENSE PROGRAMS.**

5 Of the funds appropriated for fiscal year 1999 for
6 the Russian-American Observational Satellite (RAMOS)
7 program, \$5,000,000 may not be obligated until the Sec-
8 retary of Defense certifies to Congress that the Depart-
9 ment of Defense has received detailed information con-
10 cerning the nature, extent, and military implications of the
11 transfer of ballistic missile technology from Russian
12 sources to Iran.

13 **SEC. 234. LIMITATION ON FUNDING FOR**
14 **COUNTERPROLIFERATION SUPPORT.**

15 None of the funds appropriated for fiscal year 1999
16 for counterproliferation support in Program Element
17 63160BR may be obligated until the Secretary of Defense
18 submits to Congress the report required by section 234
19 of the National Defense Authorization Act for Fiscal Year
20 1998 (Public Law 105-85; 111 Stat. 1664; 50 U.S.C.
21 2367) to be submitted not later than January 30, 1998.

1 **SEC. 235. BALLISTIC MISSILE DEFENSE PROGRAM ELE-**
2 **MENTS.**

3 (a) BMD PROGRAM ELEMENTS.—(1) Chapter 9 of
4 title 10, United States Code, is amended by inserting after
5 section 222 the following new section:

6 **“§ 223. Ballistic missile defense programs**

7 “(a) PROGRAM ELEMENTS SPECIFIED.—In the budg-
8 et justification materials submitted to Congress in support
9 of the Department of Defense budget for any fiscal year
10 (as submitted with the budget of the President under sec-
11 tion 1105(a) of title 31), the amount requested for activi-
12 ties of the Ballistic Missile Defense Organization shall be
13 set forth in accordance with the following program ele-
14 ments:

15 “(1) The Patriot system.

16 “(2) The Navy Area system.

17 “(3) The Theater High-Altitude Area Defense
18 system.

19 “(4) The Navy Theater Wide system.

20 “(5) The Medium Extended Air Defense Sys-
21 tem.

22 “(6) Joint Theater Missile Defense.

23 “(7) National Missile Defense.

24 “(8) Support Technologies.

25 “(9) Family of Systems Engineering and Inte-
26 gration.

1 “(10) Ballistic Missile Defense Technical Oper-
2 ations.

3 “(11) Threat and Countermeasures.

4 “(12) International Cooperative Programs.

5 “(b) TREATMENT OF MAJOR DEFENSE ACQUISITION
6 PROGRAMS.—Amounts requested for Theater Missile De-
7 fense and National Missile Defense major defense acquisi-
8 tion programs shall be specified in individual, dedicated
9 program elements, and amounts appropriated for those
10 programs shall be available only for Ballistic Missile De-
11 fense activities.

12 “(c) MANAGEMENT AND SUPPORT.—The amount re-
13 quested for each program element specified in subsection
14 (a) shall include requests for the amounts necessary for
15 the management and support of the programs, projects,
16 and activities contained in that program element.”.

17 (2) The table of sections at the beginning of such
18 chapter is amended by inserting after the item relating
19 to section 222 the following new item:

“223. Ballistic missile defense programs.”.

20 (b) REPEAL OF SUPERSEDED PROVISION.—Section
21 251 of the National Defense Authorization Act for Fiscal
22 Year 1996 (Public Law 104–106; 10 U.S.C. 221 note) is
23 repealed.

1 **SEC. 236. RESTRUCTURING OF THEATER HIGH-ALTITUDE**
2 **AREA DEFENSE SYSTEM ACQUISITION STRAT-**
3 **EGY.**

4 (a) ESTABLISHMENT OF ALTERNATIVE CONTRAC-
5 TOR.—(1) The Secretary of Defense shall select an alter-
6 native contractor as a potential source for the development
7 and production of the interceptor missile for the Theater
8 High-Altitude Area Defense (THAAD) system within a
9 “leader-follower” acquisition strategy.

10 (2) The Secretary shall take such steps as necessary
11 to ensure that the prime contractor for that system pre-
12 pares the selected alternative contractor so as to enable
13 the alternative contractor to be able (if necessary) to as-
14 sume the responsibilities for development or production of
15 an interceptor missile for that system.

16 (3) The Secretary shall select the alternative contrac-
17 tor as expeditiously as possible and shall use the authority
18 provided in section 2304(c)(2) of title 10, United States
19 Code, to expedite that selection.

20 (4) Of the amount authorized under section 201(4)
21 for the Theater High-Altitude Area Defense system, the
22 amount provided for the Demonstration/Validation phase
23 for that system is hereby increased by \$142,700,000, of
24 which \$30,000,000 shall be available for the purposes of
25 this subsection, and the amount provided for the Engi-

1 neering and Manufacturing Development phase for that
2 system is hereby reduced by \$142,700,000.

3 (b) COST SHARING ARRANGEMENT.—The Secretary
4 of Defense shall contractually establish an appropriate
5 cost sharing arrangement with the prime contractor as of
6 May 14, 1998, for the interceptor missile for the Theater
7 High-Altitude Area Defense system for flight test failures
8 of that missile beginning with flight test nine.

9 (c) ENGINEERING AND MANUFACTURING DEVELOP-
10 MENT PHASE FOR OTHER ELEMENTS OF THE THAAD
11 SYSTEM.—The Secretary of Defense shall proceed as ex-
12 peditiously as possible with the milestone approval process
13 for the Engineering and Manufacturing Development
14 phase for the Battle Management and Command, Control,
15 and Communications (BM/C³) element of the Theater
16 High-Altitude Area Defense system and for the Ground-
17 Based Radar (GBR) element for that system. That mile-
18 stone approval process for those elements shall proceed
19 without regard to the stage of development of the missile
20 interceptor for that system.

21 (d) REQUIREMENT BEFORE PROCUREMENT OF
22 UOES MISSILES.—The Secretary of Defense may not ob-
23 ligate any funds for acquisition of User Operational Eval-
24 uation System (UOES) missiles for the Theater High-Altitude

1 tude Area Defense system until there have been two suc-
2 cessful tests of the interceptor missile for that system.

3 (e) LIMITATION ON ENTERING ENGINEERING AND
4 MANUFACTURING DEVELOPMENT PHASE.—The Secretary
5 of Defense may not approve the commencement of the En-
6 gineering and Manufacturing Development phase for the
7 interceptor missile for the Theater High-Altitude Area De-
8 fense system until there have been three successful tests
9 of that missile.

10 (f) SUCCESSFUL TEST DEFINED.—For purposes of
11 this section, a successful test of the interceptor missile of
12 the Theater High-Altitude Area Defense system is a body-
13 to-body intercept by that missile of a ballistic missile tar-
14 get.

15 **TITLE III—OPERATION AND** 16 **MAINTENANCE**

17 **Subtitle A—Authorization of** 18 **Appropriations**

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

20 Funds are hereby authorized to be appropriated for
21 fiscal year 1999 for the use of the Armed Forces and other
22 activities and agencies of the Department of Defense for
23 expenses, not otherwise provided for, for operation and
24 maintenance, in amounts as follows:

25 (1) For the Army, \$16,339,700,000.

- 1 (2) For the Navy, \$21,839,328,000.
- 2 (3) For the Marine Corps, \$2,539,703,000.
- 3 (4) For the Air Force, \$18,816,108,000.
- 4 (5) For Defense-wide activities,
5 \$10,354,216,000.
- 6 (6) For the Army Reserve, \$1,197,622,000.
- 7 (7) For the Naval Reserve, \$948,639,000.
- 8 (8) For the Marine Corps Reserve,
9 \$116,993,000.
- 10 (9) For the Air Force Reserve, \$1,747,696,000.
- 11 (10) For the Army National Guard,
12 \$2,464,815,000.
- 13 (11) For the Air National Guard,
14 \$3,096,933,000.
- 15 (12) For the Defense Inspector General,
16 \$130,764,000.
- 17 (13) For the United States Court of Appeals
18 for the Armed Forces, \$7,324,000.
- 19 (14) For Environmental Restoration, Army,
20 \$377,640,000.
- 21 (15) For Environmental Restoration, Navy,
22 \$281,600,000.
- 23 (16) For Environmental Restoration, Air Force,
24 \$379,100,000.

1 (17) For Environmental Restoration, Defense-
2 wide, \$26,091,000.

3 (18) For Environmental Restoration, Formerly
4 Used Defense Sites, \$195,000,000.

5 (19) For Overseas Humanitarian, Disaster, and
6 Civic Aid programs, \$47,311,000.

7 (20) For Drug Interdiction and Counter-drug
8 Activities, Defense-wide, \$727,582,000.

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

12 (22) For Defense Health Program,
13 \$9,663,035,000.

14 (23) Former Soviet Union Threat Reduction
15 programs, \$417,400,000.

16 (24) For Overseas Contingency Operations
17 Transfer Fund, \$746,900,000.

18 **SEC. 302. WORKING CAPITAL FUNDS.**

19 Funds are hereby authorized to be appropriated for
20 fiscal year 1999 for the use of the Armed Forces and other
21 activities and agencies of the Department of Defense for
22 providing capital for working capital and revolving funds
23 in amounts as follows:

24 (1) For the Defense Working Capital Funds,
25 \$1,076,571,000.

1 (2) For the National Defense Sealift Fund,
2 \$669,566,000.

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

4 There is hereby authorized to be appropriated for fis-
5 cal year 1999 from the Armed Forces Retirement Home
6 Trust Fund the sum of \$70,745,000 for the operation of
7 the Armed Forces Retirement Home, including the United
8 States Soldiers' and Airmen's Home and the Naval Home.

9 **SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCK-**
10 **PILE TRANSACTION FUND.**

11 (a) **TRANSFER AUTHORITY.**—To the extent provided
12 in appropriations Acts, not more than \$150,000,000 is au-
13 thorized to be transferred from the National Defense
14 Stockpile Transaction Fund to operation and maintenance
15 accounts for fiscal year 1999 in amounts as follows:

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

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

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

19 (b) **TREATMENT OF TRANSFERS.**—Amounts trans-
20 ferred under this section—

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

1 the Navy, \$6,000,000 may be available for the purpose
2 of relocating the USS WISCONSIN, which is currently
3 in a reserve status at the Norfolk Naval Shipyard, Vir-
4 ginia, to a suitable location in order to increase available
5 berthing space at the shipyard.

6 **SEC. 308. FISHER HOUSE TRUST FUNDS.**

7 Funds are hereby authorized to be appropriated for
8 fiscal year 1999, out of funds in Fisher House Trust
9 Funds not otherwise appropriated, for the operation of
10 Fisher houses described in section 2221(d) of title 10,
11 United States Code, as follows:

12 (1) From the Fisher House Trust Fund, De-
13 partment of the Army, \$250,000 for Fisher houses
14 that are located in proximity to medical treatment
15 facilities of the Army.

16 (2) From the Fisher House Trust Fund, De-
17 partment of the Navy, \$150,000 for Fisher houses
18 that are located in proximity to medical treatment
19 facilities of the Navy.

20 (3) From the Fisher House Trust Fund, De-
21 partment of the Air Force, \$150,000 for Fisher
22 houses that are located in proximity to medical
23 treatment facilities of the Air Force.

1 **Subtitle B—Information**
2 **Technology Issues**

3 **SEC. 311. ADDITIONAL INFORMATION TECHNOLOGY RE-**
4 **SPONSIBILITIES OF CHIEF INFORMATION OF-**
5 **FICERS.**

6 (a) IN GENERAL.—(1) Chapter 131 of title 10,
7 United States Code, is amended by adding at the end the
8 following new section:

9 **“§ 2223. Information technology: additional respon-**
10 **sibilities of Chief Information Officers**

11 “(a) ADDITIONAL RESPONSIBILITIES.—In addition
12 to the responsibilities provided for in chapter 35 of title
13 44 and in section 5125 of the Clinger-Cohen Act of 1996
14 (40 U.S.C. 1425)—

15 “(1) the Chief Information Officer of the De-
16 partment of Defense, with respect to the elements of
17 the Department of Defense other than the military
18 departments, shall—

19 “(A) review and provide recommendations
20 to the Secretary of Defense on Department of
21 Defense budget requests for information tech-
22 nology and national security systems;

23 “(B) ensure the interoperability of infor-
24 mation technology and national security sys-

1 tems throughout the Department of Defense;
2 and

3 “(C) ensure that information technology
4 and national security systems standards that
5 will apply throughout the Department of De-
6 fense are prescribed; and

7 “(2) the Chief Information Officer of each mili-
8 tary department, with respect to the military depart-
9 ment concerned, shall—

10 “(A) review budget requests for all infor-
11 mation technology and national security sys-
12 tems;

13 “(B) ensure that information technology
14 and national security systems are in compliance
15 with standards of the Government and the De-
16 partment of Defense;

17 “(C) ensure that information technology
18 and national security systems are interoperable
19 with other relevant information technology and
20 national security systems of the Government
21 and the Department of Defense;

22 “(D) provide for the elimination of dupli-
23 cate information technology and national secu-
24 rity systems within and between the military
25 departments and Defense Agencies; and

1 for displaying, ordering, and purchasing supplies and ma-
2 teriel available from sources within the Department of De-
3 fense and from the private sector.

4 (b) DEVELOPMENT AND MANAGEMENT.—Using ex-
5 isting systems and technology available in the Department
6 of Defense, the Defense Logistics Agency shall develop a
7 single, defense-wide electronic mall system. The Defense
8 Logistics Agency shall be responsible for the management
9 of the resulting electronic mall system. The Secretary of
10 each military department and the head of each Defense
11 Agency shall provide to the Defense Logistics Agency the
12 necessary and requested data to support the development
13 and operation of the electronic mall system.

14 (c) IMPLEMENTATION DATE.—The electronic mall
15 system shall be operational and available throughout the
16 Department of Defense not later than June 1, 1999. After
17 that date, a military department or Defense Agency (other
18 than the Defense Logistics Agency) may not develop or
19 operate an electronic mall system.

20 **SEC. 313. PROTECTION OF FUNDING PROVIDED FOR**
21 **CERTAIN INFORMATION TECHNOLOGY AND**
22 **NATIONAL SECURITY PROGRAMS.**

23 (a) USE FOR SPECIFIED PURPOSES.—Of the
24 amounts authorized to be appropriated to the Department
25 of Defense for fiscal years 1999, 2000, and 2001 for infor-

1 mation technology and national security programs of the
2 Department of Defense, not less than the amount specified
3 in subsection (b) shall be available for each such fiscal
4 year for the purposes of the information technology and
5 national security programs described in such subsection,
6 unless an alternative use of the funds is specifically ap-
7 proved by a law enacted after the date of the enactment
8 of the law originally authorizing the funds.

9 (b) COVERED PROGRAMS AND AMOUNTS.—The infor-
10 mation technology and national security programs referred
11 to in subsection (a), and the amounts to be available for
12 each program, are the following:

13 (1) The Force XXI program of the Army,
14 \$360,000,000.

15 (2) The Information Technology for the 21st
16 Century programs of the Navy, \$472,000,000.

17 (3) The Communications Infrastructure pro-
18 grams of the Air Force, \$228,500,000.

19 (4) The Telecom and Computing Infrastructure
20 programs of the Marine Corps, \$93,000,000.

21 (c) DEFINITIONS.—In this section:

22 (1) The term “information technology” has the
23 meaning given that term in section 5002 of the
24 Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

1 (2) The term “national security system” has
2 the meaning given that term in section 5142 of the
3 Clinger-Cohen Act of 1996 (40 U.S.C. 1452).

4 **SEC. 314. PRIORITY FUNDING TO ENSURE YEAR 2000 COM-**
5 **PLIANCE OF MISSION CRITICAL INFORMA-**
6 **TION TECHNOLOGY AND NATIONAL SECU-**
7 **RITY SYSTEMS.**

8 (a) FUNDS FOR COMPLETION OF YEAR 2000 CON-
9 VERSION.—(1) Of the amounts authorized to be appro-
10 priated pursuant to this Act for information technology
11 and national security systems of the Department of De-
12 fense designated as mission critical, not more than 25 per-
13 cent may be used to fund activities unrelated to ensuring
14 that the awareness, assessment, and renovation phases of
15 year 2000 conversion for such information technology and
16 national security systems are completed.

17 (2) Of the amounts authorized to be appropriated
18 pursuant to this Act for information technology and na-
19 tional security systems of the Department of Defense
20 (other than information technology and national security
21 systems covered by paragraph (1)), not less than
22 \$1,000,000,000 shall be available only for transfer to sup-
23 port activities to ensure that the awareness, assessment,
24 renovation, and validation phases of year 2000 conversion

1 for information technology and national security systems
2 covered by paragraph (1) are completed.

3 (b) EXCEPTIONS.—(1) This section does not apply to
4 or affect funding for information technology and national
5 security programs identified in section 313(b).

6 (2) The Secretary of Defense may authorize expendi-
7 tures in excess of the 25 percent limitation specified in
8 subsection (a)(1) if the Secretary determines that addi-
9 tional expenditures are required to prevent the failure of
10 the information technology or national security system
11 and provides prior notice to Congress of the reasons for
12 the additional expenditures.

13 (c) TERMINATION.—(1) On the date on which the
14 Secretary of Defense determines that the year 2000 ren-
15 ovation phase has been completed for a particular infor-
16 mation technology or national security system covered by
17 paragraph (1) of subsection (a), such paragraph shall
18 cease to apply to that information technology or national
19 security system.

20 (2) Paragraph (2) of such subsection shall cease to
21 apply on the date on which the Secretary of Defense deter-
22 mines that all of the information technology and national
23 security systems covered by paragraph (1) of such sub-
24 section are fully funded through the validation phase of
25 year 2000 conversion, have an established contingency

1 plan, and have completed a point of origin to point of exe-
2 cution evaluation.

3 (d) COMPTROLLER GENERAL REVIEW.—Not later
4 than January 30, 1999, the Comptroller General shall
5 submit to Congress a briefing containing the following:

6 (1) Separate lists of each information tech-
7 nology and national security system of the Depart-
8 ment of Defense covered by subsection (a)(1) for
9 which the renovation phase of year 2000 conversion
10 is not completed by December 30, 1998.

11 (2) A evaluation of the effect of subsection (a)
12 on the year 2000 conversion success rate.

13 (3) A list of each information technology and
14 national security system covered by subsection (a)(1)
15 that will not achieve year 2000 compliance by Sep-
16 tember 30, 1999.

17 (4) An explanation of how the military depart-
18 ments, the Joint Chiefs of Staff, and Defense Agen-
19 cies are applying the definition of mission critical.

20 (5) Recommendations regarding the manner in
21 which funding could best be allocated to achieve year
22 2000 compliance for the greatest number of infor-
23 mation technology and national security systems cov-
24 ered by subsection (a)(1).

25 (e) DEFINITIONS.—In this section:

1 (1) The term “information technology” has the
2 meaning given that term in section 5002 of the
3 Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

4 (2) The term “national security system” has
5 the meaning given that term in section 5142 of the
6 Clinger-Cohen Act of 1996 (40 U.S.C. 1452).

7 (3) The term “mission critical” means an infor-
8 mation technology or national security system of the
9 Department of Defense identified as mission critical
10 in the table prepared by the Joint Chiefs of Staff en-
11 titled “Mission Critical Systems (All Services/Agen-
12 cies)”, dated March 20, 1998, or in the table printed
13 by the Defense Integrated Support Tool entitled
14 “Year 2000 Information on Mission Critical Sys-
15 tems”, dated March 19, 1998.

16 (4) The terms “awareness”, “assessment”,
17 “renovation”, and “validation” have the meanings
18 given the terms in the Department of Defense “Year
19 2000 Management Plan”, version 1.0, released in
20 April 1997.

21 **SEC. 315. EVALUATION OF YEAR 2000 COMPLIANCE AS PART**
22 **OF TRAINING EXERCISES PROGRAMS.**

23 (a) REPORT ON EVALUATION PLAN.—Not later than
24 December 15, 1998, the Secretary of Defense shall submit
25 to Congress a report containing a plan to include a simu-

1 lated year 2000 as part of the military exercises described
2 in subsection (b) in order to evaluate, in an operational
3 environment, the extent to which information technology
4 and national security systems involved in the exercises will
5 successfully operate, including the ability of the systems
6 to access and transmit information from point of origin
7 to point of termination, during the actual year 2000.

8 (b) COVERED MILITARY EXERCISES.—A military ex-
9 ercise referred to in subsection (a) is a military exercise
10 conducted by the Department of Defense, during the pe-
11 riod beginning on January 1, 1999, and ending on Sep-
12 tember 30, 1999—

13 (1) under the training exercises program known
14 as the “CJCS Exercise Program”;

15 (2) at the Naval Strike and Air Warfare Cen-
16 ter, the Army National Training Center, or the Air
17 Force Air Warfare Center; or

18 (3) as part of Naval Carrier Group fleet train-
19 ing or Marine Corps Expeditionary Unit training.

20 (c) ELEMENTS OF REPORT.—The report under sub-
21 section (a) shall include the following:

22 (1) A list of all military exercises described in
23 subsection (b) to be conducted during the period
24 specified in such subsection.

1 (2) A description of the manner in which the
2 year 2000 will be simulated for information tech-
3 nology and national security systems involved in
4 each military exercise.

5 (3) The duration of the year 2000 simulation in
6 each military exercise.

7 (4) The methodology to be used in turning over
8 the information technology and national security sys-
9 tems to the year 2000 in order to best identify those
10 systems that fail to operate reliably during the mili-
11 tary exercise.

12 (5) A list of the information technology and na-
13 tional security systems excluded from the plan under
14 subsection (d)(1), including how the military exercise
15 will utilize an excluded system's year 2000 contin-
16 gency plan.

17 (6) A list of the exercises and information tech-
18 nology and national security systems excluded from
19 the plan under subsection (d)(2), and a description
20 of the effect that continued year 2000 noncompli-
21 ance of the systems would have on military readi-
22 ness.

23 (d) EXCLUSIONS.—(1) Subsection (a) shall not apply
24 to an information technology or national security system
25 if the Secretary of Defense determines that the system will

1 be incapable of performing reliably during the year 2000
2 simulation portion of the military exercise. In the case of
3 each excluded system, the system may not be used during
4 the period of the year 2000 simulation. Instead, the ex-
5 cluded system shall be replaced by the year 2000 contin-
6 gency plan for the system.

7 (2) If the mission of a military exercise will be seri-
8 ously hampered by the number of information technology
9 and national security systems covered by paragraph (1),
10 the Secretary of Defense may exclude the entire exercise
11 from the requirements of subsection (a).

12 (3) Subsection (a) shall not apply to an information
13 technology or national security system with cryptological
14 applications.

15 (4) If the decision to exclude a military exercise or
16 information technology or national security system is
17 made under paragraph (1) or (2) after the date of the
18 submission of the report required by subsection (a), the
19 Secretary of Defense shall notify Congress of the exclusion
20 not later than two weeks before commencing the military
21 exercise. The notification shall include the information re-
22 quired under paragraph (5) or (6) of subsection (c), de-
23 pending on whether the exclusion covers the entire exercise
24 or particular information technology and national security
25 systems.

1 (e) COMPTROLLER GENERAL REVIEW.—Not later
2 than January 30, 1999, the Comptroller General shall re-
3 view the report and plan submitted under subsection (a)
4 and submit to Congress a briefing evaluating the meth-
5 odology to be used under the plan to simulate the year
6 2000, describing the potential information that will be col-
7 lected as a result of implementation of the plan, and de-
8 scribing the impact that the plan will have on military
9 readiness.

10 (f) DEFINITIONS.—In this section:

11 (1) The term “information technology” has the
12 meaning given that term in section 5002 of the
13 Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

14 (2) The term “national security system” has
15 the meaning given that term in section 5142 of the
16 Clinger-Cohen Act of 1996 (40 U.S.C. 1452).

17 **Subtitle C—Environmental** 18 **Provisions**

19 **SEC. 321. AUTHORIZATION TO PAY NEGOTIATED SETTLE-**
20 **MENT FOR ENVIRONMENTAL CLEANUP AT**
21 **FORMER DEPARTMENT OF DEFENSE SITES IN**
22 **CANADA.**

23 (a) AUTHORIZATION.—To the extent provided in ap-
24 propriations Acts, the Secretary of Defense may pay an
25 amount to the Government of Canada of not more than

1 \$100,000,000 (in fiscal year 1996 constant dollars), for
2 purposes of implementing the October 1996 negotiated
3 settlement between the United States and Canada relating
4 to environmental cleanup at various sites in Canada that
5 were formerly used by the Department of Defense.

6 (b) METHOD OF PAYMENT.—The amount authorized
7 by subsection (a) shall be paid in 10 annual payments,
8 with the first payment made from amounts appropriated
9 for fiscal year 1998.

10 (c) FISCAL YEAR 1998 PAYMENT.—The payment
11 under this section for fiscal year 1998 shall be made from
12 amounts appropriated pursuant to section 301(5) of the
13 National Defense Authorization Act for Fiscal Year 1998
14 (Public Law 105–85; 111 Stat. 1669).

15 (d) FISCAL YEAR 1999 PAYMENT.—The payment
16 under this section for fiscal year 1999 shall be made from
17 amounts appropriated pursuant to section 301(5).

18 (e) LIMITATION.—The authorization provided in this
19 section shall not be construed as setting a precedent for
20 payment under a treaty of an environmental claim made
21 by another nation, unless the Senate has given its consent
22 to the ratification of the treaty.

23 **SEC. 322. REMOVAL OF UNDERGROUND STORAGE TANKS.**

24 Of the amount authorized to be appropriated pursu-
25 ant to section 301(18) (relating to environmental restora-

1 tion of formerly used defense sites), the Secretary of the
2 Army may use not more than \$150,000 for the removal
3 of underground storage tanks at the Authorities Allied In-
4 dustrial Park, Macon, Georgia.

5 **Subtitle D—Defense Infrastructure** 6 **Support Improvement**

7 **SEC. 331. REPORTING AND STUDY REQUIREMENTS BEFORE** 8 **CHANGE OF COMMERCIAL AND INDUSTRIAL** 9 **TYPE FUNCTIONS TO CONTRACTOR PER-** 10 **FORMANCE.**

11 (a) IN GENERAL.—Section 2461 of title 10, United
12 States Code, is amended—

13 (1) by redesignating subsection (c) as sub-
14 section (h) and transferring such subsection to ap-
15 pear after subsection (g); and

16 (2) by striking out subsections (a) and (b) and
17 inserting in lieu thereof the following new sub-
18 sections:

19 “(a) REPORTING AND STUDY REQUIREMENTS AS
20 PRECONDITION TO CHANGE IN PERFORMANCE.—A com-
21 mercial or industrial type function of the Department of
22 Defense that, as of October 1, 1980, was being performed
23 by Department of Defense civilian employees may not be
24 changed to performance by a private contractor or
25 changed to procurement through a private contractor until

1 the Secretary of Defense fully complies with the reporting
2 and study requirements specified in subsections (b) and
3 (c).

4 “(b) NOTIFICATION AND ELEMENTS OF STUDY.—(1)
5 Before commencing to study a commercial or industrial
6 type function described in subsection (a) for possible
7 change to performance by a private contractor or possible
8 change to procurement through a private contractor, the
9 Secretary of Defense shall submit to Congress a report
10 containing the following:

11 “(A) The function to be studied for possible
12 change.

13 “(B) The location at which the function is per-
14 formed by Department of Defense civilian employ-
15 ees.

16 “(C) The number of civilian employee positions
17 potentially affected.

18 “(D) The anticipated length and cost of the
19 study.

20 “(E) A certification that the performance of the
21 commercial or industrial type function by civilian
22 employees of the Department of Defense is not pre-
23 cluded due to any constraint or limitation in terms
24 of man years, end strengths, full-time equivalent po-
25 sitions, or maximum number of employees.

1 “(2) The responsibility of the Secretary of Defense
2 to submit the report required under paragraph (1) may
3 be delegated only to senior acquisition executives or higher
4 officials for the military departments and the Defense
5 Agencies.

6 “(3) The study of a commercial or industrial type
7 function for possible change in performance shall include
8 the following:

9 “(A) A comparison of the cost of performance
10 of the function by Department of Defense civilian
11 employees and by private contractor to demonstrate
12 whether change to performance by a private contrac-
13 tor or change to procurement through a private con-
14 tractor will result in savings to the Government over
15 the life of the contract, including in the compari-
16 son—

17 “(i) the amount estimated by the Secretary
18 of Defense (based on bids received) to be the
19 amount of a contract for performance of the
20 function by a private contractor;

21 “(ii) the cost to the Government of De-
22 partment of Defense civilian employees per-
23 forming the function; and

24 “(iii) the costs and expenditures which the
25 Government would incur (in addition to the

1 amount of the contract) because of the award
2 of such a contract.

3 “(B) An examination of the potential economic
4 effect of performance of the function by a private
5 contractor—

6 “(i) on employees who would be affected by
7 such a change in performance; and

8 “(ii) on the local community and the Gov-
9 ernment, if more than 75 employees perform
10 the function.

11 “(C) An examination of the effect of perform-
12 ance of the function by a private contractor on the
13 military mission of the function.

14 “(4) If the commercial or industrial type function at
15 issue involves a working-capital fund in the Department
16 of Defense and the study concerns the possible procure-
17 ment by a requisitioning agency of services or supplies
18 from a private contractor instead of the working-capital
19 fund, in lieu of the comparison required by paragraph (3),
20 the study shall include a comparison of the sources of the
21 services or supplies to determine which source is more
22 cost-effective for the requisitioning agency.

23 “(5) An individual or entity at a facility where a com-
24 mercial or industrial type function is studied for possible
25 change in performance may raise an objection to the study

1 on the grounds that the report required under paragraph
2 (1) as a precondition for the study does not contain the
3 certification required by subparagraph (E) of such para-
4 graph. The objection may be raised at any time during
5 the course of the study, shall be in writing, and shall be
6 submitted to the Secretary of Defense. If the Secretary
7 determines that the certification was omitted, the commer-
8 cial or industrial type function covered by the study may
9 not be the subject of request for proposal or award of a
10 contract until a certification is made that fully complies
11 with paragraph (1)(E) and the other requirements of this
12 section are satisfied.

13 “(c) NOTIFICATION OF DECISION.—(1) If, as a result
14 of the completion of a study under subsection (b)(3), a
15 decision is made to change the commercial or industrial
16 type function that was the subject of the study to perform-
17 ance by a private contractor or to procurement through
18 a private contractor, the Secretary of Defense shall submit
19 to Congress a report describing that decision. The report
20 shall—

21 “(A) indicate that the study under subsection
22 (b)(3) has been completed;

23 “(B) certify that the Government calculation
24 for the cost of performance of the function by De-
25 partment of Defense civilian employees is based on

1 an estimate of the most efficient and cost effective
2 organization for performance of the function by De-
3 partment of Defense civilian employees;

4 “(C) certify that the comparison required by
5 subsection (b)(3)(A) (or alternatively by subsection
6 (b)(4)) as part of the study demonstrates that the
7 performance of the function by a private contractor
8 or procurement of the function through a private
9 contractor will result in savings to the Government
10 over the life of the contract;

11 “(D) certify that the entire comparison is avail-
12 able for examination; and

13 “(E) contain a timetable for completing change
14 of the function to contractor performance.

15 “(2) The actual change of the function to contractor
16 performance may not begin until after the submission of
17 the report required by this subsection.”.

18 (b) CONFORMING AMENDMENTS.—(1) Subsections
19 (e)(2) and (f)(1) of such section are amended by striking
20 out “converted” and inserting in lieu thereof “changed”.

21 (2) Subsection (f)(2) of such section is amended by
22 striking out “conversion” and inserting in lieu thereof
23 “change”.

24 (c) EFFECTIVE DATE.—The amendments made by
25 this section shall take effect on the date of the enactment

1 of this Act but shall not apply with respect to conversion
2 of a function of the Department of Defense to perform-
3 ance by a private contractor concerning which the Sec-
4 retary of Defense provided to Congress, before the date
5 of the enactment of this Act, a notification under para-
6 graph (1) of section 2461(a) of title 10, United States
7 Code, as in effect on the day before the date of the enact-
8 ment of this Act.

9 **SEC. 332. CLARIFICATION OF REQUIREMENT TO MAINTAIN**
10 **GOVERNMENT-OWNED AND GOVERNMENT-**
11 **OPERATED CORE LOGISTICS CAPABILITY.**

12 Section 2464 of title 10, United States Code, is
13 amended by adding at the end the following new sub-
14 section:

15 “(c) **RULE OF CONSTRUCTION.**—The requirement
16 under subsection (a) that the Department of Defense
17 maintain a core logistics capability that is Government-
18 owned and Government-operated is not satisfied when a
19 core logistics workload is converted to contractor perform-
20 ance even though the actual performance of the workload
21 will be carried out in a Government-owned, Government-
22 operated facility of the Department of Defense as a sub-
23 contractor of the private contractor. Nothing in section
24 2474 of this title or section 337 of the National Defense
25 Authorization Act for Fiscal Year 1995 (Public Law 103–

1 337; 108 Stat. 2717) authorizes the use of subcontracts
2 as a means to provide workloads to Government-owned,
3 Government-operated facilities of the Department of De-
4 fense in order to satisfy paragraph (4) of subsection (a).”.

5 **SEC. 333. OVERSIGHT OF DEVELOPMENT AND IMPLEMEN-**
6 **TATION OF AUTOMATED IDENTIFICATION**
7 **TECHNOLOGY.**

8 (a) SMARTCARD PROGRAM DEFINED.—In this sec-
9 tion, the term “smartcard program” means an automated
10 identification technology program, including any pilot pro-
11 gram, employing one or more of the following technologies:

12 (1) Magnetic stripe.

13 (2) Bar codes, both linear and two-dimensional
14 (including matrix symbologies).

15 (3) Smartcard.

16 (4) Optical memory.

17 (5) Personal computer memory card inter-
18 national association carriers.

19 (6) Other established or emerging automated
20 identification technologies, including biometrics and
21 radio frequency identification.

22 (b) OVERSIGHT RESPONSIBILITY.—(1) The
23 Smartcard Technology Office established in the Defense
24 Human Resources Field Activity of the Department of De-
25 fense shall be responsible for—

1 (A) overseeing the development and implemen-
2 tation of all smartcard programs in the Department;
3 and

4 (B) coordinating smartcard programs with the
5 Joint Staff, the Secretaries of the military depart-
6 ments, and the directors of the Defense Agencies.

7 (2) After the date of the enactment of this Act, funds
8 appropriated for the Department of Defense may not be
9 obligated for a smartcard program unless the program is
10 reviewed and approved by the Smartcard Technology Of-
11 fice. The review and approval before that date of a
12 smartcard program by the Office is sufficient to satisfy
13 the requirements of this paragraph.

14 (c) TYPES OF OVERSIGHT.—As part of its oversight
15 responsibilities, the Smartcard Technology Office shall es-
16 tablish standards designed—

17 (1) to ensure the compatibility and interoper-
18 ability of smartcard programs in the Department of
19 Defense; and

20 (2) to identify and terminate redundant,
21 unfeasible, or uneconomical smartcard programs.

1 **SEC. 334. CONDITIONS ON EXPANSION OF FUNCTIONS PER-**
2 **FORMED UNDER PRIME VENDOR CON-**
3 **TRACTS.**

4 (a) PRIME VENDOR CONTRACT DEFINED.—For pur-
5 poses of this section, the term “prime vendor contract”
6 means an innovative contract that gives a defense contrac-
7 tor the responsibility to manage, store, and distribute in-
8 ventory, manage and provide services, or manage and per-
9 form research, on behalf of the Department of Defense
10 on a frequent, regular basis, for users within the Depart-
11 ment on request. The term includes contracts commonly
12 referred to as prime vendor support contracts, flexible
13 sustainment contracts, and direct vendor delivery con-
14 tracts.

15 (b) CONDITIONS ON EXPANDED USE.—If the Sec-
16 retary of Defense or the Secretary of a military depart-
17 ment proposes to enter into a prime vendor contract for
18 a hardware system, including the performance or manage-
19 ment of depot-level maintenance and repair (as defined in
20 section 2460 of title 10, United States Code) or logistics
21 management responsibilities, the Secretary may not enter
22 into the prime vendor contract until the end of the 60-
23 day period beginning on the date on which the Secretary
24 submits to Congress a report, specific to that proposal,
25 that—

1 (1) describes the competitive procedures to be
2 used to award the prime vendor contract;

3 (2) evaluates the effect of the prime vendor con-
4 tract on working-capital funds in the Department of
5 Defense; and

6 (3) contains a cost/benefit analysis that dem-
7 onstrates that use of the prime vendor contract will
8 result in savings to the Government over the life of
9 the contract.

10 (c) **COMPTROLLER GENERAL REVIEW.**—During the
11 waiting period provided in subsection (b) for a proposed
12 prime vendor contract, the Comptroller General shall re-
13 view the report submitted under subsection (b) with re-
14 spect to that contract and submit to Congress a report
15 regarding—

16 (1) whether the cost savings to the Government
17 identified in the report submitted under subsection
18 (b) are achievable; and

19 (2) whether use of a prime vendor contract will
20 comply with the requirements of chapter 146 of title
21 10, United States Code, applicable to depot-level
22 maintenance and repair.

23 (d) **RELATIONSHIP TO OTHER LAWS.**—Nothing in
24 this section shall be construed to exempt a prime vendor
25 contract from the requirements of section 2461 of title 10,

1 United States Code, or any other provision of chapter 146
2 of such title.

3 **SEC. 335. CLARIFICATION OF DEFINITION OF DEPOT-LEVEL**
4 **MAINTENANCE AND REPAIR.**

5 Section 2460(a) of title 10, United States Code, is
6 amended by inserting before the period at the end of the
7 first sentence the following: “or the location at which the
8 maintenance or repair is performed”.

9 **SEC. 336. CLARIFICATION OF COMMERCIAL ITEM EXCEP-**
10 **TION TO REQUIREMENTS REGARDING CORE**
11 **LOGISTICS CAPABILITIES.**

12 Section 2464(a)(5) of title 10, United States Code,
13 is amended—

14 (1) by inserting “(A)” after “(5)”;

15 (2) by adding at the end of subparagraph (A),
16 as so designated, the following: “The determination
17 of whether a modification is minor shall be based on
18 a comparison of only the critical systems of the ver-
19 sion sold in the commercial marketplace and the ver-
20 sion purchased by the Government, and a modifica-
21 tion may not be considered to be minor unless at
22 least 90 percent of the total content by component
23 value remains identical.”; and

24 (3) by adding at the end the following new sub-
25 paragraph:

1 “(B) In this paragraph, the term ‘substantial quan-
2 tities’ means, with respect to determining whether an item
3 is a commercial item, that purchases and leases of the
4 item to the general public constitute the majority of all
5 transactions involving the item at the time the exception
6 under paragraph (3) is proposed to be exercised.”.

7 **SEC. 337. DEVELOPMENT OF PLAN FOR ESTABLISHMENT**
8 **OF CORE LOGISTICS CAPABILITIES FOR**
9 **MAINTENANCE AND REPAIR OF C-17 AIR-**
10 **CRAFT.**

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

12 (1) The C-17 aircraft, which is replacing the
13 C-141 aircraft, will serve as the cornerstone of
14 heavy airlift capability of the Armed Forces.

15 (2) The C-17 aircraft achieved initial oper-
16 ational capability in January 1995 and will complete
17 the significant fourth year of its operational capabil-
18 ity in January 1999.

19 (3) As provided in section 2464(a)(3) of title
20 10, United States Code, the C-17 aircraft is a weap-
21 on system that is “necessary to enable the armed
22 forces to fulfill the strategic and contingency plans
23 prepared by the Chairman of the Joint Chiefs of
24 Staff”.

1 (4) The depot-level maintenance and repair of
2 such a weapon system must be performed at Govern-
3 ment-owned, Government-operated facilities of the
4 Department of Defense in order to maintain the core
5 logistics capabilities of the Department of Defense,
6 as required under such section 2464.

7 (5) The sole-source contract entered into in
8 January 1998 regarding the depot-level maintenance
9 and repair of C-17 aircraft and related tasks, known
10 as the Interim Contract for the C-17 Flexible
11 Sustainment Program, does not meet the require-
12 ments of law.

13 (b) PLAN REQUIRED.—Not later than March 1,
14 1999, the Secretary of the Air Force shall submit to Con-
15 gress a plan for the establishment of the core logistics ca-
16 pabilities for the C-17 aircraft consistent with the require-
17 ments of section 2464 of title 10, United States Code.

18 (c) EFFECT ON EXISTING CONTRACT.—After March
19 1, 1999, the Secretary of the Air Force may not extend
20 the Interim Contract for the C-17 Flexible Sustainment
21 Program until after the end of the 60-day period begin-
22 ning on the date the plan required by subsection (b) is
23 received by Congress.

24 (d) COMPTROLLER GENERAL REVIEW.—During the
25 period specified in subsection (c), the Comptroller General

1 shall review the plan required under subsection (b) and
2 submit to Congress a report evaluating the merits of the
3 plan.

4 **SEC. 338. CONTRACTOR-OPERATED CIVIL ENGINEERING**
5 **SUPPLY STORES PROGRAM.**

6 (a) DEFINITIONS.—In this section:

7 (1) The term “contractor-operated civil engi-
8 neering supply store” means a Government-owned
9 facility that, as of the date of the enactment of this
10 Act, is operated by a contractor under the contrac-
11 tor-operated civil engineering supply store
12 (COCESS) program of the Department of the Air
13 Force for the purpose of—

14 (A) maintaining inventories of civil engi-
15 neering supplies on behalf of a military depart-
16 ment; and

17 (B) furnishing such supplies to the depart-
18 ment as needed.

19 (2) The term “civil engineering supplies” means
20 parts and supplies needed for the repair and mainte-
21 nance of military installations.

22 (b) FINDINGS.—Congress finds the following:

23 (1) In 1970, the Strategic Air Command of the
24 Air Force began to use contractor-operated civil en-
25 gineering supply stores to improve the efficiency and

1 effectiveness of materials management and relieve
2 the Air Force from having to maintain large inven-
3 tories of civil engineering supplies.

4 (2) Contractor-operated civil engineering supply
5 stores are designed to support the civil engineering
6 and public works efforts of the Armed Forces
7 through the provision of quality civil engineering
8 supplies at competitive prices and within a reason-
9 able period of time.

10 (3) Through the use of a contractor-operated
11 civil engineering supply store, a guaranteed inven-
12 tory level of civil engineering supplies is maintained
13 at a military installation, which ensures that ur-
14 gently needed civil engineering supplies are available
15 on site.

16 (4) The contractor operating the contractor-op-
17 erated civil engineering supply store is an independ-
18 ent business organization whose customer is a mili-
19 tary department and the Armed Forces and who is
20 subject to all the rules of private business and the
21 regulations of the Government.

22 (5) The use of contractor-operated civil engi-
23 neering supply stores ensures the best price and best
24 buy for the Government.

1 (6) Ninety-five percent of the cost savings real-
2 ized through the use of contractor-operated civil en-
3 gineering supply stores is due to savings in the cost
4 of actually procuring supplies.

5 (7) In the past 30 years, private contractors
6 have never lost a cost comparison conducted pursu-
7 ant to the criteria set forth in Office of Management
8 and Budget Circular A-76 for the provision of civil
9 engineering supplies to the Government.

10 (c) CONDITIONS ON MULTI-FUNCTION CON-
11 TRACTS.—A civil engineering supplies function that is per-
12 formed, as of the date of the enactment of this Act, by
13 a contractor-operated civil engineering supply store may
14 not be combined with another supply function or any serv-
15 ice function, including any base operating support func-
16 tion, for purposes of competition or contracting, until—

17 (1) the Secretary of Defense submits to Con-
18 gress a report—

19 (A) notifying Congress of the proposed
20 combined competition or contract; and

21 (B) explaining why a combined competition
22 or contract is the best method by which to
23 achieve cost savings and efficiencies to the Gov-
24 ernment; and

1 section (c), the Secretary of Defense and the Secretary
2 of the Army may not commence personnel reductions
3 based on the guidelines contained in the May 1997 report
4 of the Quadrennial Defense Review (including the Na-
5 tional Defense Panel) prepared pursuant to subtitle B of
6 title IX of the National Defense Authorization Act for Fis-
7 cal Year 1997 (Public Law 104-201; 10 U.S.C. 111 note)
8 at any Army Material Command facility that provides
9 depot-level maintenance and repair or at any Army Arse-
10 nal.

11 (c) DURATION OF DELAY.—Subsection (b) applies
12 only during the period beginning on the date of the enact-
13 ment of this Act and ending on the earlier of the following:

14 (1) March 31, 1999.

15 (2) The date on which the report required by
16 subsection (a) is submitted.

17 **SEC. 340. BEST COMMERCIAL INVENTORY PRACTICES FOR**
18 **MANAGEMENT OF SECONDARY SUPPLY**
19 **ITEMS.**

20 (a) DEVELOPMENT AND SUBMISSION OF SCHED-
21 ULE.—Not later than 180 days after the date of the enact-
22 ment of this Act, the Secretary of each military depart-
23 ment shall develop and submit to Congress a schedule for
24 implementing within the military department, for second-
25 ary supply items managed by that military department,

1 inventory practices identified by the Secretary as being the
2 best commercial inventory practices for the acquisition
3 and distribution of such supply items consistent with mili-
4 tary requirements. The schedule shall provide for the im-
5 plementation of such practices to be completed not later
6 than five years after the date of the enactment of this Act.

7 (b) DEFINITION.—For purposes of this section, the
8 term “best commercial inventory practice” includes cel-
9 lular repair processes, use of third-party logistics provid-
10 ers, and any other practice that the Secretary of the mili-
11 tary department determines will enable the military de-
12 partment to reduce inventory levels and holding costs
13 while improving the responsiveness of the supply system
14 to user needs.

15 (c) GAO REPORTS ON MILITARY DEPARTMENT AND
16 DEFENSE LOGISTICS AGENCY SCHEDULES.—(1) Not
17 later than 240 days after the date of the enactment of
18 this Act, the Comptroller General shall submit to Congress
19 a report evaluating the extent to which the Secretary of
20 each military department has complied with the require-
21 ments of this section.

22 (2) Not later than 18 months after the date on which
23 the Director of the Defense Logistics Agency submits to
24 Congress a schedule for implementing best commercial in-
25 ventory practices under section 395 of the National De-

1 fense Authorization Act for Fiscal Year 1998 (Public Law
2 105–85; 111 Stat. 1718; 10 U.S.C. 2458 note), the Comp-
3 troller General shall submit to Congress an evaluation of
4 the extent to which best commercial inventory practices
5 are being implemented in the Defense Logistics Agency
6 in accordance with that schedule.

7 **Subtitle E—Commissaries and Non-**
8 **appropriated Fund Instrumen-**
9 **talities**

10 **SEC. 341. CONTINUATION OF MANAGEMENT AND FUNDING**
11 **OF DEFENSE COMMISSARY AGENCY**
12 **THROUGH THE OFFICE OF THE SECRETARY**
13 **OF DEFENSE.**

14 Section 192 of title 10, United States Code, is
15 amended by adding at the end the following new sub-
16 section:

17 “(d) SPECIAL RULE FOR DEFENSE COMMISSARY
18 AGENCY.—Notwithstanding the results of the periodic re-
19 view required under subsection (c) with regard to the De-
20 fense Commissary Agency, the Secretary of Defense may
21 not transfer to the Secretary of a military department the
22 responsibility to manage and fund the provision of services
23 and supplies provided by the Defense Commissary Agency
24 unless the transfer of the management and funding re-
25 sponsibility is specifically authorized by a law enacted

1 after the date of the enactment of the National Defense
2 Authorization Act for Fiscal Year 1999.”.

3 **SEC. 342. EXPANSION OF CURRENT ELIGIBILITY OF RE-**
4 **SERVES FOR COMMISSARY BENEFITS.**

5 (a) DAYS OF ELIGIBILITY FOR READY RESERVE
6 MEMBERS WITH 50 CREDITABLE POINTS.—Section 1063
7 of title 10, United States Code, is amended—

8 (1) by striking out subsection (b); and

9 (2) in subsection (a)—

10 (A) by striking out “(1)”;

11 (B) by striking out “12 days of eligibility”

12 and inserting in lieu thereof “24 days of eligi-
13 bility”; and

14 (C) by striking out “(2) Paragraph (1)”

15 and inserting in lieu thereof “(b) EFFECT OF
16 COMPENSATION OR TYPE OF DUTY.—Sub-
17 section (a)”.

18 (b) DAYS OF ELIGIBILITY FOR RESERVE RETIREES
19 UNDER AGE 60.—Section 1064 of such title is amended
20 by striking out “for 12 days each calendar year” and in-
21 serting in lieu thereof “for 24 days each calendar year”.

22 (c) ELIGIBILITY OF MEMBERS OF NATIONAL GUARD
23 SERVING IN FEDERALLY DECLARED DISASTER.—Chapter
24 54 of such title is amended by inserting after section 1063
25 the following new section:

1 **“§ 1063a. Use of commissary stores and MWR retail**
2 **facilities: members of National Guard**
3 **servicing in federally declared disaster**

4 “(a) ELIGIBILITY OF MEMBERS.—A member of the
5 National Guard who, although not in Federal service, is
6 called or ordered to duty in response to a federally de-
7 clared disaster shall be permitted to use commissary stores
8 and MWR retail facilities during the period of such duty
9 on the same basis as members of the armed forces on ac-
10 tive duty.

11 “(b) ELIGIBILITY OF DEPENDENTS.—A dependent of
12 a member of the National Guard who is permitted under
13 subsection (a) to use commissary stores and MWR retail
14 facilities shall be permitted to use such stores and facili-
15 ties, during the same period as the member, on the same
16 basis as dependents of members of the armed forces on
17 active duty.

18 “(c) DEFINITIONS.—In this section:

19 “(1) FEDERALLY DECLARED DISASTER.—The
20 term ‘federally declared disaster’ means a disaster or
21 other situation for which a Presidential declaration
22 of major disaster is issued under section 401 of the
23 Robert T. Stafford Disaster Relief and Emergency
24 Assistance Act (42 U.S.C. 5170).

25 “(2) MWR RETAIL FACILITIES.—The term
26 ‘MWR retail facilities’ means exchange stores and

1 other revenue-generating facilities operated by non-
2 appropriated fund activities of the Department of
3 Defense for the morale, welfare, and recreation of
4 members of the armed forces.”.

5 (d) SECTION HEADINGS.—(1) The heading of section
6 1063 of such title is amended to read as follows:

7 **“§ 1063. Use of commissary stores: members of Ready**
8 **Reserve with at least 50 creditable**
9 **points”.**

10 (2) The heading of section 1064 of such title is
11 amended to read as follows:

12 **“§ 1064. Use of commissary stores: persons qualified**
13 **for retired pay under chapter 1223 but**
14 **under age 60”.**

15 (e) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of chapter 54 of such title is amended
17 by striking out the items relating to sections 1063 and
18 1064 and inserting in lieu thereof the following items:

“1063. Use of commissary stores: members of Ready Reserve with at least 50 creditable points.

“1063a. Use of commissary stores and MWR retail facilities: members of National Guard serving in federally declared disaster.

“1064. Use of commissary stores: persons qualified for retired pay under chapter 1223 but under age 60.”.

1 **SEC. 343. REPEAL OF REQUIREMENT FOR AIR FORCE TO**
2 **SELL TOBACCO PRODUCTS TO ENLISTED**
3 **PERSONNEL.**

4 (a) REPEAL.—Section 9623 of title 10, United States
5 Code, is repealed.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of chapter 939 of such title is amended
8 by striking out the item relating to section 9623.

9 **SEC. 344. RESTRICTIONS ON PATRON ACCESS TO, AND PUR-**
10 **CHASES IN, OVERSEAS COMMISSARIES AND**
11 **EXCHANGE STORES.**

12 (a) AUTHORITY TO IMPOSE RESTRICTIONS; LIMITA-
13 TIONS ON AUTHORITY.—Chapter 147 of title 10, United
14 States Code, is amended by adding at the end the follow-
15 ing new section:

16 **“§ 2491. Overseas commissary and exchange stores:**
17 **access and purchase restrictions**

18 “(a) GENERAL AUTHORITY.—The Secretary of De-
19 fense may establish restrictions on the ability of eligible
20 patrons of commissary and exchange stores located out-
21 side of the United States to purchase certain merchandise
22 items (or the quantity of certain merchandise items) oth-
23 erwise included within an authorized merchandise category
24 if the Secretary determines that such restrictions are nec-
25 essary to prevent the resale of such merchandise in viola-
26 tion of host nation laws or treaty obligations of the United

1 States. In establishing a quantity or other restriction, the
2 Secretary shall ensure that the restriction is consistent
3 with the purpose of the overseas commissary and exchange
4 system to provide reasonable access for eligible patrons to
5 purchase merchandise items made in the United States.

6 “(b) CONTROLLED ITEM LISTS.—For each location
7 outside the United States that is served by the commissary
8 system or the exchange system, the Secretary of Defense
9 may maintain a list of controlled merchandise items, ex-
10 cept that, after the date of the enactment of the National
11 Defense Authorization Act for Fiscal Year 1999, the Sec-
12 retary may not change the list to add a merchandise item
13 unless, before making the change, the Secretary submits
14 to Congress a notice of the proposed addition and the rea-
15 sons for the addition of the item.

16 “(c) SPECIAL RULES FOR KOREA.—(1) The Sec-
17 retary of Defense may not prohibit a dependent who re-
18 sides in Korea, is at least 21 years of age, and is otherwise
19 eligible to use the commissary and exchange system, from
20 purchasing alcoholic beverages through the commissary
21 and exchange system. Quantity restrictions on the pur-
22 chase of alcoholic beverages may be imposed, and any such
23 restriction may be enforced through the use of an issued
24 ration control device, but a dependent may not be required
25 to sign for any purchase. A quantity restriction on malt

1 beverages may not restrict purchases to fewer than eight
2 cases, of 24-units per case, per month. Daily or weekly
3 restrictions on malt beverage purchases may not be im-
4 posed. The purchase of malt beverages may be recorded
5 on a ration control device, but eligible patrons may not
6 be required to sign for any purchase.

7 “(2) A dependent residing in Korea who is at least
8 18 years of age and otherwise eligible to use the com-
9 missary and exchange system may purchase tobacco prod-
10 ucts on the same basis as other eligible patrons of the
11 commissary and exchange system.

12 “(3) Eligible patrons of the commissary and exchange
13 system who are traveling through a military air terminal
14 in Korea shall be authorized to the purchase sundry items,
15 including tobacco products, on a temporary basis during
16 the normal operating hours of commissary and exchange
17 stores operated in connection with the terminal.

18 “(4) In applying restrictions to dependents of mem-
19 bers of the armed forces, the Secretary of Defense may
20 not differentiate between a dependent whose movement to
21 Korea was authorized at the expense of the United States
22 under section 406 of title 37 and other dependents resid-
23 ing in Korea.

24 “(d) REPORTING REQUIREMENTS.—The Secretary of
25 Defense shall submit to Congress an annual report de-

1 scribing the host nation laws and the treaty obligations
2 of the United States, and the conditions within host na-
3 tions, that necessitate the use of quantity or other restric-
4 tions on purchases in commissary and exchange stores lo-
5 cated outside the United States.”.

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

“2491. Overseas commissary and exchange stores: access and purchase restric-
tions.”.

9 **SEC. 345. EXTENSION OF DEMONSTRATION PROJECT FOR**
10 **UNIFORM FUNDING OF MORALE, WELFARE,**
11 **AND RECREATION ACTIVITIES.**

12 Section 335 of the National Defense Authorization
13 Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C.
14 2241 note) is amended—

15 (1) in subsection (c), by striking out “not later
16 than September 30, 1998” and inserting in lieu
17 thereof “on September 30, 1999”; and

18 (2) in subsection (e)(2), by striking out “a final
19 report on the results” and inserting in lieu thereof
20 “an additional report on the progress”.

1 **SEC. 346. PROHIBITION ON CONSOLIDATION OR OTHER OR-**
2 **GANIZATIONAL CHANGES OF DEPARTMENT**
3 **OF DEFENSE RETAIL SYSTEMS.**

4 (a) DEFENSE RETAIL SYSTEMS DEFINED.—For pur-
5 poses of this section, the term “defense retail systems”
6 means the defense commissary system and exchange
7 stores and other revenue-generating facilities operated by
8 nonappropriated fund activities of the Department of De-
9 fense for the morale, welfare, and recreation of members
10 of the Armed Forces.

11 (b) PROHIBITION.—The operation and administra-
12 tion of the defense retail systems may not be consolidated
13 or otherwise changed, and a study or review may not be
14 commenced regarding the need for or merits of such a con-
15 solidation or change, unless the consolidation, change,
16 study, or review is specifically authorized by a law enacted
17 after the date of the enactment of this Act.

18 (c) EFFECT ON EXISTING STUDY.—Nothing in this
19 section shall be construed to prohibit the study of defense
20 retail systems, known as the “Joint Exchange Due Dili-
21 gence Study”, which is underway on the date of the enact-
22 ment of this Act pursuant to a contract awarded by the
23 Department of the Navy on April 21, 1998, except that
24 any recommendation contained in the completed study re-
25 garding the operation or administration of the defense re-
26 tail systems may not be implemented unless implementa-

1 tion of the recommendation is specifically authorized by
2 a law enacted after the date of the enactment of this Act.

3 **SEC. 347. AUTHORIZED USE OF APPROPRIATED FUNDS FOR**
4 **RELOCATION OF NAVY EXCHANGE SERVICE**
5 **COMMAND.**

6 The Navy Exchange Service Command is not re-
7 quired to reimburse the United States for appropriated
8 funds allotted to the Navy Exchange Service Command
9 during fiscal years 1994, 1995, and 1996 to cover costs
10 incurred by the Navy Exchange Service Command to relo-
11 cate to Virginia Beach, Virginia, and to lease headquarters
12 space in Virginia Beach.

13 **SEC. 348. EVALUATION OF MERIT OF SELLING MALT BEV-**
14 **ERAGES AND WINE IN COMMISSARY STORES**
15 **AS EXCHANGE SYSTEM MERCHANDISE.**

16 (a) PATRON SURVEY.—(1) The Secretary of Defense
17 shall enter into a contract with a commercial survey firm
18 to conduct a survey of eligible patrons of the commissary
19 store system to determine patron interest in having com-
20 missary stores sell malt beverages and wine as exchange
21 store merchandise.

22 (2) The survey shall be conducted at not less than
23 three military installations in the United States of each
24 of the Armed Forces (other than the Coast Guard).

1 (3) The survey shall be completed, and the results
2 submitted to the Secretary of Defense, not later than No-
3 vember 30, 1998.

4 (b) DEMONSTRATION PROJECT.—(1) After consider-
5 ation of the survey results, the Secretary of Defense may
6 conduct a demonstration project at seven military installa-
7 tions in the United States (two Army installations, two
8 Air Force installations, two Navy installations, and one
9 Marine Corps installation) to evaluate the merit of selling
10 malt beverages and wine in commissary stores as exchange
11 store merchandise. Under the demonstration project, the
12 Secretary may sell malt beverages and wine in commissary
13 stores as exchange store merchandise notwithstanding the
14 general requirement that merchandise sold in, at, or by
15 commissary stores be commissary store inventory.

16 (2) The demonstration project may only be conducted
17 in States where it is legal to sell malt beverages and wine
18 in grocery stores.

19 (3) Not later than February 1, 1999, the Secretary
20 of Defense shall determine whether to conduct the dem-
21 onstration project. Any such demonstration project shall
22 be completed not later than September 30, 2000.

23 (c) REPORT.—(1) If the Secretary of Defense con-
24 ducts a demonstration project under subsection (b), the
25 Secretary shall submit to Congress a report describing the

1 results of the demonstration project. The report shall in-
2 clude a description of patron views, the impact on com-
3 missary sales, the impact on exchange sales, and the im-
4 pact, if any, on dividends for morale, welfare, and recre-
5 ation activities.

6 (2) The report shall be submitted not later than
7 March 1, 2000.

8 (d) LIMITATION.—Nothing in this section shall be
9 construed to authorize the sale of malt beverages and wine
10 in commissary stores as commissary store inventory.

11 **Subtitle F—Other Matters**

12 **SEC. 361. ELIGIBILITY REQUIREMENTS FOR ATTENDANCE** 13 **AT DEPARTMENT OF DEFENSE DOMESTIC DE-** 14 **PENDENT ELEMENTARY AND SECONDARY** 15 **SCHOOLS.**

16 (a) DEPENDENTS OF MEMBERS RESIDING IN CER-
17 TAIN AREAS.—Subsection (a) of section 2164 of title 10,
18 United States Code, is amended—

19 (1) by inserting “(1)” before “If”;

20 (2) by designating the second sentence as para-
21 graph (2); and

22 (3) by adding at the end of paragraph (2) (as
23 so designated) the following new sentence: “If a
24 member of the armed forces is assigned to a remote
25 location or is assigned to an unaccompanied tour of

1 duty, a dependent of the member who resides, on or
2 off a military installation, in a territory, common-
3 wealth, or possession of the United States, as au-
4 thorized by the member's orders, may be enrolled in
5 an educational program provided by the Secretary
6 under this subsection.”.

7 (b) WAIVER OF FIVE-YEAR ATTENDANCE LIMITA-
8 TION.—Subsection (c)(2) of such section is amended by
9 striking out subparagraph (B) and inserting in lieu there-
10 of the following new subparagraph:

11 “(B) At the discretion of the Secretary, a dependent
12 referred to in subparagraph (A) may be enrolled in the
13 program for more than five consecutive school years if the
14 dependent is otherwise qualified for enrollment, space is
15 available in the program, and the Secretary will be reim-
16 bursed for the services provided. Any such extension shall
17 cover only one school year at a time.”.

18 **SEC. 362. SPECIFIC EMPHASIS OF PROGRAM TO INVES-**
19 **TIGATE FRAUD, WASTE, AND ABUSE WITHIN**
20 **DEPARTMENT OF DEFENSE.**

21 Section 392 of the National Defense Authorization
22 Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C.
23 113 note) is amended by inserting before the period the
24 following: “and any fraud, waste, and abuse occurring in
25 connection with overpayments made to vendors by the De-

1 partment of Defense, including overpayments identified
2 under section 354 of the National Defense Authorization
3 Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C.
4 2461 note)”.

5 **SEC. 363. REVISION OF INSPECTION REQUIREMENTS RE-**
6 **LATING TO ARMED FORCES RETIREMENT**
7 **HOME.**

8 Section 1518 of the Armed Forces Retirement Home
9 Act of 1991 (24 U.S.C. 418) is amended to read as fol-
10 lows:

11 **“SEC. 1518. INSPECTION OF RETIREMENT HOME.**

12 “(a) PERIODIC INSPECTION.—The Inspector Gen-
13 erals of the military departments shall conduct, at three-
14 year intervals, an inspection of the Retirement Home and
15 the records of the Retirement Home. Each inspection
16 under this subsection shall be performed by a single In-
17 spector General on an alternating basis.

18 “(b) REPORT.—The Inspector General of a military
19 department who performs an inspection of the Retirement
20 Home under subsection (a) shall submit to the Retirement
21 Home Board, the Secretary of Defense, and Congress a
22 report describing the results of the inspection and contain-
23 ing such recommendations as the Inspector General con-
24 siders appropriate.”.

1 **SEC. 364. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES**
2 **THAT BENEFIT DEPENDENTS OF MEMBERS**
3 **OF THE ARMED FORCES AND DEPARTMENT**
4 **OF DEFENSE CIVILIAN EMPLOYEES.**

5 (a) CONTINUATION OF DEPARTMENT OF DEFENSE
6 PROGRAM FOR FISCAL YEAR 1999.—Of the amount au-
7 thorized to be appropriated pursuant to section 301(5) for
8 operation and maintenance for Defense-wide activities—

9 (1) \$30,000,000 shall be available only for the
10 purpose of providing educational agencies assistance
11 (as defined in subsection (d)(1)) to local educational
12 agencies; and

13 (2) \$5,000,000 shall be available only for the
14 purpose of making educational agencies payments
15 (as defined in subsection (d)(2)) to local educational
16 agencies.

17 (b) NOTIFICATION.—Not later than June 30, 1999,
18 the Secretary of Defense shall—

19 (1) notify each local educational agency that is
20 eligible for educational agencies assistance for fiscal
21 year 1999 of that agency's eligibility for such assist-
22 ance and the amount of such assistance for which
23 that agency is eligible; and

24 (2) notify each local educational agency that is
25 eligible for an educational agencies payment for fis-
26 cal year 1999 of that agency's eligibility for such

1 payment and the amount of the payment for which
2 that agency is eligible.

3 (c) DISBURSEMENT OF FUNDS.—The Secretary of
4 Defense shall disburse funds made available under para-
5 graphs (1) and (2) of subsection (a) not later than 30
6 days after the date on which notification to the eligible
7 local educational agencies is provided pursuant to sub-
8 section (b).

9 (d) DEFINITIONS.—In this section:

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

15 (2) The term “educational agencies payments”
16 means payments authorized under section 386(d) of
17 the National Defense Authorization Act for Fiscal
18 Year 1993 (Public Law 102–484; 20 U.S.C. 7703
19 note).

20 (3) The term “local educational agency” has
21 the meaning given that term in section 8013(9) of
22 the Elementary and Secondary Education Act of
23 1965 (20 U.S.C. 7713(9)).

1 **SEC. 365. STRATEGIC PLAN FOR EXPANSION OF DISTANCE**
2 **LEARNING INITIATIVES.**

3 (a) DEVELOPMENT OF PLAN.—The Secretary of De-
4 fense shall develop a strategic plan for guiding and ex-
5 panding distance learning initiatives in the Department of
6 Defense. The strategic plan shall cover the five-year period
7 beginning on October 1, 1999.

8 (b) ELEMENTS OF PLAN.—The strategic plan re-
9 quired by this section shall contain at a minimum the fol-
10 lowing elements:

11 (1) Measurable goals and objectives, including
12 outcome-related performance indicators, for develop-
13 ing distance learning initiatives in the Department
14 that would be consistent with the principles of the
15 Government Performance and Results Act of 1993
16 (section 306 of title 5 and sections 1115 through
17 1119, 9703, and 9704 of title 31).

18 (2) A description of the manner in which dis-
19 tance learning initiatives will be developed and man-
20 aged in the Department.

21 (3) An estimate of the costs and benefits associ-
22 ated with developing and maintaining an infrastruc-
23 ture in the Department to support distance learning
24 initiatives and a statement of planned expenditures
25 for investments necessary to build and maintain the
26 infrastructure.

1 the agreement from the provisions of sections 552 and
2 552a of title 5, United States Code.

3 **SEC. 367. DEPARTMENT OF DEFENSE READINESS REPORT-**
4 **ING SYSTEM.**

5 (a) ESTABLISHMENT OF SYSTEM.—(1) Chapter 2 of
6 title 10, United States Code, is amended by inserting after
7 section 116 the following new section:

8 **“§ 117. Readiness reporting system: establishment; re-**
9 **porting to congressional committees**

10 “(a) REQUIRED READINESS REPORTING SYSTEM.—
11 The Secretary of Defense shall establish a comprehensive
12 readiness reporting system for the Department of Defense.
13 The readiness reporting system shall measure in an objec-
14 tive, accurate, and timely manner the capability of the
15 armed forces to carry out—

16 “(1) the National Security Strategy prescribed
17 by the President in the most recent annual national
18 security strategy report under section 108 of the
19 National Security Act of 1947 (50 U.S.C. 404a);

20 “(2) the defense planning guidance provided by
21 the Secretary of Defense pursuant to section 113(g)
22 of this title; and

23 “(3) the National Military Strategy prescribed
24 by the Chairman of the Joint Chiefs of Staff.

1 “(b) READINESS REPORTING SYSTEM CHARACTERIS-
2 TICS.—In establishing the readiness reporting system, the
3 Secretary shall ensure—

4 “(1) that the readiness reporting system is ap-
5 plied uniformly throughout the Department of De-
6 fense;

7 “(2) that information in the readiness reporting
8 system is continually updated, with any change in
9 the overall readiness status of a unit, of an element
10 of the training establishment, or an element of de-
11 fense infrastructure that is required to be reported
12 as part of the readiness reporting system shall be re-
13 ported within 24 hours of the event necessitating the
14 change in readiness status; and

15 “(3) that sufficient resources are provided to
16 establish and maintain the system so as to allow re-
17 porting of changes in readiness status as required by
18 this section.

19 “(c) CAPABILITIES.—The readiness reporting system
20 shall have the capability to do the following:

21 “(1) Measure the capability of units (both as
22 elements of their respective armed force and as ele-
23 ments of joint forces) to conduct their assigned war-
24 time missions.

1 “(2) Measure the capability of training estab-
2 lishments to provide trained and ready forces for
3 wartime missions.

4 “(3) Measure the capability of defense installa-
5 tions and facilities and other elements of Depart-
6 ment of Defense infrastructure, both in the United
7 States and abroad, to provide appropriate support to
8 forces in the conduct of their wartime missions.

9 “(4) Measure critical warfighting deficiencies in
10 unit capability, training establishments, and defense
11 infrastructure.

12 “(5) Measure the level of current risk based
13 upon the readiness reporting system relative to the
14 capability of forces to carry out their wartime mis-
15 sions.

16 “(6) Measure such other factors relating to
17 readiness as the Secretary prescribes.

18 “(d) PERIODIC JOINT READINESS REVIEW.—The
19 Chairman of the Joint Chiefs of Staff shall periodically,
20 and not less frequently than monthly, conduct a joint
21 readiness review. The Chairman shall incorporate into
22 each such review the current information derived from the
23 readiness reporting system and shall assess the capability
24 of the armed forces to execute their wartime missions
25 based upon their posture at the time of the review. The

1 Chairman shall submit to the Secretary of Defense the re-
2 sults of each review, including the deficiencies in readiness
3 identified during that review.

4 “(e) SUBMISSION TO CONGRESSIONAL COMMIT-
5 TEES.—The Secretary shall each month submit to the
6 Committee on Armed Services and the Committee on Ap-
7 propriations of the Senate and the Committee on National
8 Security and the Committee on Appropriations of the
9 House of Representatives a report in writing containing
10 the complete results of each review under subsection (d)
11 during the preceding month, including the current infor-
12 mation derived from the readiness reporting system. Each
13 such report shall be submitted in unclassified form and
14 may, as the Secretary determines necessary, also be sub-
15 mitted in classified form.

16 “(f) REGULATIONS.—The Secretary shall prescribe
17 regulations to carry out this section. In those regulations,
18 the Secretary shall prescribe the units that are subject to
19 reporting in the readiness reporting system, what type of
20 equipment is subject to such reporting, and the elements
21 of the training establishment and of defense infrastructure
22 that are subject to such reporting.”

23 (2) The table of sections at the beginning of such
24 chapter is amended by inserting after the item relating
25 to section 116 the following new item:

“117. Readiness reporting system: establishment; reporting to congressional committees.”.

1 (b) IMPLEMENTATION.—The Secretary of Defense
2 shall establish and implement the readiness reporting sys-
3 tem required by section 117 of title 10, United States
4 Code, as added by subsection (a), so as to ensure that
5 the capabilities required by subsection (c) of that section
6 are attained not later than July 1, 1999.

7 (c) IMPLEMENTATION PLAN.—Not later than March
8 1, 1999, the Secretary of Defense shall submit to Congress
9 a report setting forth the Secretary’s plan for implementa-
10 tion of section 117 of title 10, United States Code, as
11 added by subsection (a).

12 (d) REPEAL OF QUARTERLY READINESS REPORT
13 REQUIREMENT.—Effective July 1, 1999, or the date on
14 which the first report of the Secretary of Defense is sub-
15 mitted under section 117(d) of title 10, United States
16 Code, as added by subsection (a), whichever is later—

17 (1) section 482 of title 10, United States Code,
18 is repealed; and

19 (2) the table of sections at the beginning of
20 chapter 23 of such title is amended by striking out
21 the item relating to that section.

1 **SEC. 368. TRAVEL BY RESERVISTS ON CARRIERS UNDER**
2 **CONTRACT WITH GENERAL SERVICES ADMIN-**
3 **ISTRATION.**

4 (a) RESERVE USE OF FEDERAL SUPPLY TRANSPOR-
5 TATION.—Chapter 1217 of title 10, United States Code,
6 is amended by adding at the end the following new section:

7 **“§ 12603. Travel: use of carriers under contract with**
8 **General Services Administration**

9 “A member of a reserve component who requires
10 transportation in order to perform inactive duty training
11 may use a carrier under contract with the General Serv-
12 ices Administration to provide the transportation. The
13 transportation shall be provided by the carrier in the same
14 manner as transportation is provided to members of the
15 armed forces and civilian employees who are traveling at
16 Government expense, except that the Reserve is respon-
17 sible for the cost of the travel at the contract rate. The
18 Secretary concerned may require the Reserve to use a
19 Government approved travel card to ensure that the trans-
20 portation is procured for the purpose of performing inac-
21 tive duty training.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 for such chapter is amended by adding at the end the fol-
24 lowing new item:

“12603. Travel: use of carriers under contract with General Services Adminis-
tration.”.

1 **Subtitle G—Demonstration of Com-**
2 **mercial-Type Practices To Im-**
3 **prove Quality of Personal Prop-**
4 **erty Shipments**

5 **SEC. 381. DEMONSTRATION PROGRAM REQUIRED.**

6 (a) IN GENERAL.—The Secretary of Defense shall
7 conduct a demonstration program, to be known as the
8 “Commercial-Like Activities for Superior Quality Dem-
9 onstration Program”, pursuant to this subtitle to test
10 commercial-style practices to improve the quality of per-
11 sonal property shipments within the Department of De-
12 fense.

13 (b) DEFINITIONS.—In this subtitle:

14 (1) The term “CLASS Demonstration Pro-
15 gram” means the Commercial-Like Activities for Su-
16 perior Quality Demonstration Program required by
17 subsection (a).

18 (2) The term “affiliated” means an entity that
19 is owned and controlled by another entity or an
20 independently owned entity whose day-to-day busi-
21 ness operations are controlled by another entity.

22 (3) The term “best value CLASS score” means
23 a weighted score that reflects an eligible provider’s
24 past performance rating score and the schedules of
25 charges for services provided.

1 (4) The term “broker” means an entity, de-
2 scribed in section 13102(2) of title 49, United
3 States Code, that conducts operations on behalf of
4 the Military Traffic Management Command and
5 possesses appropriate authority from the Depart-
6 ment of Transportation or an appropriate State reg-
7 ulatory agency to arrange for the transportation of
8 personal property in interstate, intrastate, or foreign
9 commerce.

10 (5) The term “freight forwarder” means an en-
11 tity that provides the services described in section
12 13102(8) of title 49, United States Code, in inter-
13 state, intrastate, or foreign commerce and possesses
14 the authority to provide such services from the De-
15 partment of Transportation or an appropriate State
16 regulatory agency.

17 (6) The term “motor carrier” means an entity
18 that uses motor vehicles to transport personal prop-
19 erty in interstate, intrastate, or foreign commerce
20 and possesses the authority to provide such services
21 from the Department of Transportation or an appro-
22 priate State regulatory agency.

23 (7) The term “motor vehicles” has the meaning
24 given such term in section 13102(14) of title 49,
25 United States Code.

1 (8) The term “move management services pro-
2 vider” means an entity that provides certain services
3 in connection with the shipment of the household
4 goods of a member of the Armed Forces, such as ar-
5 ranging, coordinating, and monitoring the shipment.

6 (9) The term “test plan” means the plan pre-
7 pared under section 384 for the conduct of the
8 CLASS Demonstration Program.

9 **SEC. 382. GOALS OF DEMONSTRATION PROGRAM.**

10 The goals of the CLASS Demonstration Program are
11 to—

12 (1) adopt commercial-style practices to improve
13 the quality of Department of Defense personal prop-
14 erty shipments within the United States and to for-
15 eign locations;

16 (2) adopt simplified acquisition procedures for
17 the selection of contractors qualified to provide var-
18 ious types of personal property shipping services and
19 for the award of individual orders to such contrac-
20 tors;

21 (3) assure ready access of the Department of
22 Defense to a sufficient number of qualified providers
23 of personal property shipping to permit timely ship-
24 ments during periods of high demand for such serv-
25 ices;

1 (4) assure maximum practicable opportunities
2 for small business concerns to participate as prime
3 contractors rather than subcontractors;

4 (5) empower Installation Transportation Offi-
5 cers to assure that the personal property shipping
6 needs of individual members of the Armed Forces
7 are met in a timely manner by quality contractors
8 who minimize opportunities for damage; and

9 (6) provide for the expedited resolution of
10 claims for damaged or lost property through direct
11 settlement negotiations between the service provider
12 and the member of the Armed Forces who sustains
13 the loss, with commercial-like arbitration available to
14 the member with the assistance of the military de-
15 partment concerned.

16 **SEC. 383. PROGRAM PARTICIPANTS.**

17 (a) **ELIGIBLE SERVICE PROVIDERS.**—(1) Any motor
18 carrier, freight forwarder, or broker regularly providing
19 personal property shipping services that is approved by the
20 Military Traffic Management Command to provide such
21 services to the Department of Defense is eligible to partici-
22 pate in the CLASS Demonstration Program. A motor car-
23 rier providing domestic personal property shipping serv-
24 ices shall not be precluded from providing such services

1 to international destinations through an affiliated freight
2 forwarder.

3 (2) If a motor carrier is affiliated with another motor
4 carrier or freight forwarder that also seeks qualification
5 to participate in the CLASS Demonstration Program, the
6 affiliate must demonstrate that it also conducts independ-
7 ent regular motor carrier operations using motor vehicles
8 or independent freight forwarding services described in
9 subparagraph (A), (B), or (C) of section 13102(8) of title
10 49, United States Code. If a freight forwarder is affiliated
11 with another freight forwarder or motor carrier that also
12 seeks qualification to participate in the program, the affili-
13 ate must demonstrate that it also conducts regular inde-
14 pendent operations.

15 (b) MOVE MANAGEMENT SERVICES PROVIDERS.—
16 The test plan may provide for the participation of a broker
17 providing move management services. A move manage-
18 ment service provider shall be compensated for providing
19 such services solely by the Department of Defense. The
20 test plan shall prohibit a move management services pro-
21 vider from obtaining a commission (or similar type of pay-
22 ment however denominated) from a motor carrier or
23 freight forwarder providing the personal property shipping
24 services.

1 (c) DEMONSTRATION PROGRAM PARTICIPANTS.—Eli-
2 gible service providers shall be offered participation in the
3 CLASS Demonstration Program on the basis of their best
4 value CLASS score. Each eligible service provider’s best
5 value CLASS score shall be computed in a manner that
6 assigns 70 percent of the weighted average to the provid-
7 er’s past performance rating and 30 percent to the provid-
8 er’s offered prices.

9 **SEC. 384. TEST PLAN.**

10 (a) IN GENERAL.—The CLASS Demonstration Pro-
11 gram shall be conducted pursuant to a test plan.

12 (b) COMPONENTS OF THE TEST PLAN.—In addition
13 to such other matters as the Secretary of Defense consid-
14 ers appropriate, the test plan shall include the following
15 components:

16 (1) RATING PAST PERFORMANCE.—A past per-
17 formance rating score shall be developed for each eli-
18 gible service provider based on—

19 (A) evaluations from service members who
20 have received personal property shipping serv-
21 ices during a specified six-month rating period
22 prior to the commencement of the CLASS
23 Demonstration Program; or

24 (B) a rating of comparable personal prop-
25 erty shipping services provided to non-Depart-

1 ment of Defense customers during the same
2 rating period, if an eligible provider did not
3 make a sufficient number of military personal
4 property shipments during the rating period to
5 be assigned a rating pursuant to subparagraph
6 (A).

7 (2) PARTICIPATION BY QUALITY SERVICE PRO-
8 VIDERS.—A minimum best value CLASS score shall
9 be established for participation in the CLASS Dem-
10 onstration Program. In establishing the minimum
11 score for participation, consideration shall be given
12 to assuring access to sufficient numbers of service
13 providers to meet the needs of members of the
14 Armed Forces during periods of high demand for
15 such personal property shipping services.

16 (3) SIMPLIFIED ACQUISITION PROCEDURES.—
17 The CLASS Demonstration Program shall make use
18 of simplified acquisition procedures similar to those
19 provided in section 2304(g)(1)(A) of title 10, United
20 States Code.

21 (4) PRICING.—The test plan shall specify pric-
22 ing policies to be met by the CLASS Demonstration
23 Program participants. The pricing policies shall re-
24 flect the following:

1 (A) Domestic pricing shall be based on the
2 contemporary Household Goods Carriers Com-
3 mercial Tariff 400–M, or subsequent reissues
4 thereof, applicable to commercial domestic ship-
5 ments with discounts and adjustments for
6 States outside the continental United States.

7 (B) So-called single factor rates for inter-
8 national shipments.

9 (C) Full value protection for a shipment
10 based on the actual cash value of the contents
11 of the shipment with liability limited on a per
12 pound basis as well as a total-value basis.

13 (5) ALLOCATION OF ORDERS.—Orders to pro-
14 vide personal property shipping services shall be allo-
15 cated by the appropriate Installation Transportation
16 Officer taking into consideration—

17 (A) the service provider’s best value
18 CLASS score;

19 (B) maximum practicable utilization of
20 small business service providers;

21 (C) exceptional performance of a CLASS
22 Demonstration Program participant; and

23 (D) other criteria necessary to advance the
24 goals of the CLASS Demonstration Program,
25 except that carrier selection by a member of the

1 Armed Forces using the CLASS Demonstration
2 Program shall be honored if the selection does
3 not conflict with subparagraph (A) or (B) and
4 the need to maintain adequate capacity.

5 (6) PERFORMANCE EVALUATION DURING THE
6 TERM OF THE DEMONSTRATION PROGRAM.—The
7 CLASS Demonstration Program shall provide for
8 procedures for evaluation of the Demonstration Pro-
9 gram participants by the members of the Armed
10 Forces furnished personal property shipping services
11 and by Installation Transportation Officers. To the
12 maximum extent practicable, such evaluations shall
13 be objective and quantifiable. The program partici-
14 pant shall be accorded the opportunity to review and
15 make comment on a performance evaluation pro-
16 vided by an individual in a manner that will not
17 deter candid evaluations by the individual. The re-
18 sults of this evaluation may be used in developing
19 future best value CLASS scores.

20 (7) MODERN CUSTOMER SERVICE TECH-
21 NIQUES.—The CLASS Demonstration Program
22 shall maximize the testing of modern customer serv-
23 ice techniques, such as in-transit tracking of ship-
24 ments and service member communication with the

1 service provider by means of toll-free telephone num-
2 bers.

3 (8) DIRECT CLAIMS SETTLEMENT TECH-
4 NIQUES.—The CLASS Demonstration Program
5 shall provide for settlement of claims for personal
6 property lost or damaged directly with the firm pro-
7 viding the services. The procedures shall provide
8 for—

9 (A) acknowledgment of a claim by the
10 service provider within 30 days of receipt;

11 (B) provision of a settlement offer within
12 120 days;

13 (C) filing of a claim within nine months,
14 with appropriate extensions for extenuating cir-
15 cumstances relating to war or national emer-
16 gency that impair the ability of a member of
17 the Armed Forces to file a timely claim; and

18 (D) referring of an unsettled claim by the
19 member of the Armed Forces to a designated
20 claims officer for assistance in resolving the
21 claim or seeking commercial-like arbitration of
22 the claim, or both, if considered appropriate by
23 the claims officer.

24 (9) CRITERIA FOR EVALUATION OF THE OVER-
25 ALL DEMONSTRATION PROGRAM.—The CLASS

1 Demonstration Program shall include the develop-
2 ment of criteria to evaluate the overall performance
3 and effectiveness of the CLASS demonstration pro-
4 gram.

5 (c) DEVELOPMENT IN COLLABORATION WITH IN-
6 DUSTRY.—In developing the test plan, the Secretary of
7 Defense shall maximize collaboration with representatives
8 of associations that represent all segments of the affected
9 industries. Special efforts shall be made to actively involve
10 those associations that represent small business providers
11 of personal property shipping services.

12 (d) OPPORTUNITY FOR PUBLIC COMMENT ON PRO-
13 POSED TEST PLAN.—Notice of the availability of the test
14 plan shall be published in the Federal Register and given
15 by other means likely to result in the notification of eligi-
16 ble service providers and associations that represent them.
17 Copies of the proposed test plan may be made available
18 in a printable electronic format. The public shall be af-
19 farded 60 days to comment on the proposed test plan.

20 **SEC. 385. OTHER METHODS OF PERSONAL PROPERTY SHIP-**
21 **PING.**

22 The CLASS Demonstration Program shall not impair
23 the access of a member of the Armed Forces to the ship-
24 ment of personal property through the programs known

1 as the Do-It-Yourself Program or the Direct Procurement
2 Method Program.

3 **SEC. 386. DURATION OF DEMONSTRATION PROGRAM.**

4 The CLASS Demonstration Program shall commence
5 on the first day of the fiscal year quarter after the
6 issuance of the test plan in final form and terminate on
7 the last day of the fiscal year quarter after eight fiscal
8 year quarters of operation. The CLASS Demonstration
9 Program shall take the place of the re-engineering pilot
10 solicitation of the Military Traffic Management Command
11 identified as DAMTO1-97-R-3001.

12 **SEC. 387. EVALUATION OF DEMONSTRATION PROGRAM.**

13 (a) IN GENERAL.—The Secretary of Defense shall
14 provide for the evaluation the CLASS Demonstration Pro-
15 gram throughout the term of the program pursuant to the
16 evaluation criteria included in the test plan.

17 (b) INTERIM REPORTS.—The Secretary of Defense
18 shall issue such interim reports relating to the implemen-
19 tation of the CLASS Demonstration Program as may be
20 appropriate.

21 (c) FINAL REPORT.—The Secretary of Defense shall
22 issue a final report on the CLASS Demonstration Pro-
23 gram within 180 days before the termination date of the
24 program. The report may include recommendations for

1 further implementation of the CLASS Demonstration Pro-
2 gram.

3 (d) CONGRESSIONAL RECIPIENTS.—The reports re-
4 quired by this section shall be furnished to the congres-
5 sional defense committees and the Committee on Small
6 Business of the Senate and the House of Representatives.

7 (e) PUBLIC AVAILABILITY.—The Secretary of De-
8 fense shall provide public notice of the availability of cop-
9 ies of the reports submitted to the congressional recipients
10 through a notice in the Federal Register and such other
11 means as may be appropriate. Copies of the reports may
12 be made available in a printable electronic format or in
13 a printed form.

14 **TITLE IV—MILITARY**
15 **PERSONNEL AUTHORIZATIONS**
16 **Subtitle A—Active Forces**

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

18 The Armed Forces are authorized strengths for active
19 duty personnel as of September 30, 1999, as follows:

- 20 (1) The Army, 484,800.
21 (2) The Navy, 376,423.
22 (3) The Marine Corps, 173,922.
23 (4) The Air Force, 371,577.

1 **SEC. 402. REVISION IN PERMANENT END STRENGTH LEV-**
2 **ELS.**

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

6 (1) in paragraph (1), by striking out “495,000”
7 and inserting in lieu thereof “484,800”;

8 (2) in paragraph (2), by striking out “390,802”
9 and inserting in lieu thereof “376,423”; and

10 (3) in paragraph (3), by striking out “174,000”
11 and inserting in lieu thereof “173,922”.

12 (b) REVISION TO FLEXIBILITY AUTHORITY FOR THE
13 ARMY.—Subsection (e) of such section is amended by
14 striking out “or, in the case of the Army, by not more
15 than 1.5 percent”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall take effect on October 1, 1998.

18 **SEC. 403. DATE FOR SUBMISSION OF ANNUAL MANPOWER**
19 **REQUIREMENTS REPORT.**

20 Section 115a(a) of title 10, United States Code, is
21 amended—

22 (1) by striking out “, not later than February
23 15 of each fiscal year,” in the first sentence; and

24 (2) by striking out “The report shall be in writ-
25 ing and” in the second sentence and inserting in lieu
26 thereof “The report shall be submitted each year not

1 later than 30 days after the date on which the budg-
2 et for the next fiscal year is transmitted to Congress
3 pursuant to section 1105 of title 31, shall be in writ-
4 ing, and”.

5 **SEC. 404. EXTENSION OF AUTHORITY FOR CHAIRMAN OF**
6 **THE JOINT CHIEFS OF STAFF TO DESIGNATE**
7 **UP TO 12 GENERAL AND FLAG OFFICER POSI-**
8 **TIONS TO BE EXCLUDED FROM GENERAL**
9 **AND FLAG OFFICER GRADE LIMITATIONS.**

10 Section 526(b)(2) of title 10, United States Code, is
11 amended by striking out “October 1, 1998” and inserting
12 in lieu thereof “October 1, 2001”.

13 **Subtitle B—Reserve Forces**

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

15 (a) IN GENERAL.—The Armed Forces are authorized
16 strengths for Selected Reserve personnel of the reserve
17 components as of September 30, 1999, as follows:

18 (1) The Army National Guard of the United
19 States, 357,000.

20 (2) The Army Reserve, 209,000.

21 (3) The Naval Reserve, 90,843.

22 (4) The Marine Corps Reserve, 40,018.

23 (5) The Air National Guard of the United
24 States, 106,991.

25 (6) The Air Force Reserve, 74,242.

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

2 (b) ADJUSTMENTS.—The end strengths prescribed by
3 subsection (a) for the Selected Reserve of any reserve com-
4 ponent shall be proportionately reduced by—

5 (1) the total authorized strength of units orga-
6 nized to serve as units of the Selected Reserve of
7 such component which are on active duty (other
8 than for training) at the end of the fiscal year; and

9 (2) the total number of individual members not
10 in units organized to serve as units of the Selected
11 Reserve of such component who are on active duty
12 (other than for training or for unsatisfactory partici-
13 pation in training) without their consent at the end
14 of the fiscal year.

15 Whenever such units or such individual members are re-
16 leased from active duty during any fiscal year, the end
17 strength prescribed for such fiscal year for the Selected
18 Reserve of such reserve component shall be proportion-
19 ately increased by the total authorized strengths of such
20 units and by the total number of such individual members.

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

23 Within the end strengths prescribed in section
24 411(a), the reserve components of the Armed Forces are
25 authorized, as of September 30, 1999, the following num-

1 ber of Reserves to be serving on full-time active duty or
2 full-time duty, in the case of members of the National
3 Guard, for the purpose of organizing, administering, re-
4 cruiting, instructing, or training the reserve components:

5 (1) The Army National Guard of the United
6 States, 21,763.

7 (2) The Army Reserve, 12,804.

8 (3) The Naval Reserve, 15,590.

9 (4) The Marine Corps Reserve, 2,362.

10 (5) The Air National Guard of the United
11 States, 10,930.

12 (6) The Air Force Reserve, 991.

13 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
14 **(DUAL STATUS).**

15 The minimum number of military technicians (dual
16 status) as of the last day of fiscal year 1999 for the re-
17 serve components of the Army and the Air Force (notwith-
18 standing section 129 of title 10, United States Code) shall
19 be the following:

20 (1) For the Army Reserve, 5,395.

21 (2) For the Army National Guard of the United
22 States, 23,125.

23 (3) For the Air Force Reserve, 9,761.

24 (4) For the Air National Guard of the United
25 States, 22,408.

1 **SEC. 414. INCREASE IN NUMBER OF MEMBERS IN CERTAIN**
 2 **GRADES AUTHORIZED TO SERVE ON ACTIVE**
 3 **DUTY IN SUPPORT OF THE RESERVES.**

4 (a) OFFICERS.—The table in section 12011(a) of title
 5 10, United States Code, is amended to read as follows:

“Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,219	1,071	776	140
Lieutenant Colonel or Commander	1,524	520	672	90
Colonel or Navy Captain	438	188	274	30”.

6 (b) SENIOR ENLISTED MEMBERS.—The table in sec-
 7 tion 12012(a) of such title is amended to read as follows:

“Grade	Army	Navy	Air Force	Marine Corps
E-9	623	202	388	20
E-8	2,585	429	979	94”.

8 (c) EFFECTIVE DATE.—The amendments made by
 9 this section shall take effect on October 1, 1998.

10 **Subtitle C—Authorization of**
 11 **Appropriations**

12 **SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILI-**
 13 **TARY PERSONNEL.**

14 There is hereby authorized to be appropriated to the
 15 Department of Defense for military personnel for fiscal
 16 year 1999 a total of \$70,697,086,000. The authorization
 17 in the preceding sentence supersedes any other authoriza-
 18 tion of appropriations (definite or indefinite) for such pur-
 19 pose for fiscal year 1999.

1 **TITLE V—MILITARY PERSONNEL**
2 **POLICY**
3 **Subtitle A—Officer Personnel**
4 **Policy**

5 **SEC. 501. CODIFICATION OF ELIGIBILITY OF RETIRED OFFI-**
6 **CERS AND FORMER OFFICERS FOR CONSID-**
7 **ERATION BY SPECIAL SELECTION BOARDS.**

8 (a) PERSONS NOT CONSIDERED BY PROMOTION
9 BOARDS DUE TO ADMINISTRATIVE ERROR.—Subsection
10 (a) of section 628 of title 10, United States Code, is
11 amended—

12 (1) by striking out paragraph (1) and inserting
13 in lieu thereof the following:

14 “(a) PERSONS NOT CONSIDERED BY PROMOTION
15 BOARDS DUE TO ADMINISTRATIVE ERROR.—(1) If the
16 Secretary of the military department concerned deter-
17 mines that because of administrative error a person who
18 should have been considered for selection for promotion
19 by a promotion board was not so considered, the Secretary
20 shall convene a special selection board under this sub-
21 section to determine whether that person (whether or not
22 then on active duty) should be recommended for pro-
23 motion.”;

24 (2) in paragraph (2), by striking out “the offi-
25 cer as his record” in the first sentence and inserting

1 in lieu thereof “the person whose name was referred
2 to it for consideration as that record”; and

3 (3) in paragraph (3), by striking out “an officer
4 in a grade” and all that follows through “the offi-
5 cer” and inserting in lieu thereof “a person whose
6 name was referred to it for consideration for selec-
7 tion for appointment to a grade other than a general
8 officer or flag officer grade, the person”.

9 (b) PERSONS CONSIDERED BY PROMOTION BOARDS
10 IN UNFAIR MANNER.—Subsection (b) of such section is
11 amended—

12 (1) by striking out paragraph (1) and inserting
13 in lieu thereof the following:

14 “(b) PERSONS CONSIDERED BY PROMOTION BOARDS
15 IN UNFAIR MANNER.—(1) If the Secretary of the military
16 department concerned determines, in the case of a person
17 who was considered for selection for promotion by a pro-
18 motion board but was not selected, that there was material
19 unfairness with respect to that person, the Secretary may
20 convene a special selection board under this subsection to
21 determine whether that person (whether or not then on
22 active duty) should be recommended for promotion. In
23 order to determine that there was material unfairness, the
24 Secretary must determine that—

1 “(A) the action of the promotion board that
2 considered the person was contrary to law or in-
3 volved material error of fact or material administra-
4 tive error; or

5 “(B) the board did not have before it for its
6 consideration material information.”;

7 (2) in paragraph (2), by striking out “the offi-
8 cer as his record” in the first sentence and inserting
9 in lieu thereof “the person whose name was referred
10 to it for consideration as that record”; and

11 (3) in paragraph (3)—

12 (A) by striking out “an officer” and insert-
13 ing in lieu thereof “a person”; and

14 (B) by striking out “the officer” and in-
15 serting in lieu thereof “the person”.

16 (c) CONFORMING AMENDMENTS.—(1) Subsection (c)
17 of such section is amended—

18 (A) by inserting “REPORTS OF BOARDS.—”
19 after “(c)”;

20 (B) by striking out “officer” both places it ap-
21 pears in paragraph (1) and inserting in lieu thereof
22 “person”; and

23 (C) in paragraph (2), by adding the following
24 new sentence at the end: “However, in the case of
25 a board convened under this section to consider a

1 warrant officer or former warrant officer, the provi-
2 sions of sections 576(d) and 576(f) of this title
3 (rather than the provisions of section 617(b) and
4 618 of this title) apply to the report and proceedings
5 of the board in the same manner as they apply to
6 the report and proceedings of a selection board con-
7 vened under section 573 of this title.”.

8 (2) Subsection (d)(1) of such section is amended—

9 (A) by inserting “APPOINTMENT OF PERSONS
10 SELECTED BY BOARDS.—” after “(d)”;

11 (B) by striking out “an officer” and inserting
12 in lieu thereof “a person”;

13 (C) by striking out “such officer” and inserting
14 in lieu thereof “that person”;

15 (D) by striking out “the next higher grade” the
16 second place it appears and inserting in lieu thereof
17 “that grade”;

18 (E) by adding at the end the following: “How-
19 ever, in the case of a board convened under this sec-
20 tion to consider a warrant officer or former warrant
21 officer, if the report of that board, as approved by
22 the Secretary concerned, recommends that warrant
23 officer or former warrant officer for promotion to
24 the next higher grade, that person shall, as soon as
25 practicable, be appointed to the next higher grade in

1 accordance with provisions of section 578(c) of this
2 title (rather than subsections (b), (c), and (d) of sec-
3 tion 624 of this title).”.

4 (3) Subsection (d)(2) of such section is amended—

5 (A) by striking out “An officer who is pro-
6 moted” and inserting in lieu thereof “A person who
7 is appointed”;

8 (B) by striking out “such promotion” and in-
9 serting in lieu thereof “that appointment”; and

10 (C) by adding at the end the following new sen-
11 tence: “In the case of a person who is not on the
12 active-duty list when appointed to the next higher
13 grade, placement of that person on the active-duty
14 list pursuant to the preceding sentence shall be only
15 for purposes of determination of eligibility of that
16 person for consideration for promotion by any subse-
17 quent special selection board under this section.”.

18 (d) **APPLICABILITY TO DECEASED PERSONS.**—Sub-
19 section (e) of such section is amended to read as follows:

20 “(e) **DECEASED PERSONS.**—If a person whose name
21 is being considered for referral to a special selection board
22 under this section dies before the completion of proceed-
23 ings under this section with respect to that person, this
24 section shall be applied to that person posthumously.”.

1 (e) RECODIFICATION OF ADMINISTRATIVE MAT-
2 TERS.—Such section is further amended by adding at the
3 end the following::

4 “(f) CONVENING OF BOARDS.—A board convened
5 under this section—

6 “(1) shall be convened under regulations pre-
7 scribed by the Secretary of Defense;

8 “(2) shall be composed in accordance with sec-
9 tion 612 of this title or, in the case of board to con-
10 sider a warrant officer or former warrant officer, in
11 accordance with section 573 of this title and regula-
12 tions prescribed by the Secretary of the military de-
13 partment concerned; and

14 “(3) shall be subject to the provisions of section
15 613 of this title.

16 “(g) PROMOTION BOARD DEFINED.—In this section,
17 the term ‘promotion board’ means a selection board con-
18 vened by the Secretary of a military department under sec-
19 tion 573(a) or 611(a) of this title.”.

20 (f) RATIFICATION OF CODIFIED PRACTICE.—The
21 consideration by a special selection board convened under
22 section 628 of title 10, United States Code, before the date
23 of the enactment of this Act of a person who, at the time
24 of consideration, was a retired officer or former officer of

1 the Armed Forces (including a deceased retired or former
2 officer) is hereby ratified.

3 **SEC. 502. COMMUNICATION TO PROMOTION BOARDS BY OF-**
4 **FICERS UNDER CONSIDERATION.**

5 Section 614(b) of title 10, United States Code, is
6 amended by striking out “his case” and inserting in lieu
7 thereof “enhancing his case for selection for promotion”.

8 **SEC. 503. PROCEDURES FOR SEPARATION OF REGULAR OF-**
9 **FICERS FOR SUBSTANDARD PERFORMANCE**
10 **OF DUTY OR CERTAIN OTHER REASONS.**

11 (a) **ELIMINATION OF REQUIREMENT FOR A BOARD**
12 **OF REVIEW.**—Section 1182(c) of title 10, United States
13 Code, is amended by striking out “it shall send the record
14 of its proceedings to a board of review convened under
15 section 1183 of this title” and inserting in lieu thereof
16 “it shall report that determination to the Secretary con-
17 cerned”;

18 (b) **REPEAL OF BOARD OF REVIEW.**—(1) Section
19 1183 of such title is repealed.

20 (2) The table of sections at the beginning of chapter
21 60 of such title is amended by striking out the item relat-
22 ing to section 1183.

23 (c) **CONFORMING AMENDMENTS.**—(1) Section 1184
24 of such title is amended by striking out “board of review
25 convened under section 1183 of this title” and inserting

1 in lieu thereof “board of inquiry convened under section
2 1182 of this title”.

3 (2) The heading of such section and the item relating
4 to such section in the table of sections at the beginning
5 of chapter 60 of such title are amended by striking out
6 the last two words.

7 (d) ELIMINATION OF 30-DAY NOTICE REQUIRE-
8 MENT.—Section 1185(a)(1) of such title is amended by
9 striking out “, at least 30 days before the hearing of his
10 case by a board of inquiry,”.

11 **SEC. 504. POSTHUMOUS COMMISSIONS AND WARRANTS.**

12 Section 1521 of title 10, United States Code, is
13 amended—

14 (1) by inserting “(whether before or after the
15 member’s death)” in subsection (a)(3) after “ap-
16 proved by the Secretary concerned”; and

17 (2) by adding at the end of subsection (b) the
18 following new sentence: “In the case of a member to
19 whom subsection (a)(3) applies who dies before ap-
20 proval by the Secretary concerned of the appoint-
21 ment or promotion, the commission shall issue as of
22 the date of death.”.

1 **SEC. 505. TENURE OF CHIEF OF THE AIR FORCE NURSE**
2 **CORPS.**

3 Section 8069(b) of title 10, United States Code, is
4 amended by striking out “, but not for more than three
5 years, and may not be reappointed to the same position”
6 in the last sentence.

7 **Subtitle B—Reserve Component**
8 **Matters**

9 **SEC. 511. COMPOSITION OF SELECTIVE EARLY RETIRE-**
10 **MENT BOARDS OF RESERVE GENERAL AND**
11 **FLAG OFFICERS OF THE NAVY AND MARINE**
12 **CORPS.**

13 Section 14705(b) of title 10, United States Code, is
14 amended to read as follows:

15 “(b) **BOARDS.**—(1) If the Secretary of the Navy de-
16 termines that consideration of officers for early retirement
17 under this section is necessary, the Secretary shall convene
18 a continuation board under section 14101(b) of this title
19 to recommend an appropriate number of officers for early
20 retirement.

21 “(2) In the case of such a board convened to consider
22 officers in the grade of rear admiral or major general—

23 “(A) the Secretary may appoint the board with-
24 out regard to section 14102(b) of this title; and

1 “(B) each member of the board must be serving
2 in a grade higher than the grade of rear admiral or
3 major general.”.

4 **SEC. 512. ACTIVE STATUS SERVICE REQUIREMENT FOR**
5 **PROMOTION CONSIDERATION FOR ARMY AND**
6 **AIR FORCE RESERVE COMPONENT BRIGA-**
7 **DIER GENERALS.**

8 Section 14301 of title 10, United States Code, is
9 amended by adding at the end the following new sub-
10 section:

11 “(g) A reserve component brigadier general of the
12 Army or the Air Force who is in an inactive status is eligi-
13 ble (notwithstanding subsection (a)) for consideration for
14 promotion to major general by a promotion board con-
15 vened under section 14101(a) of this title if the officer—

16 “(1) has been in an inactive status for less than
17 one year as of the date of the convening of the pro-
18 motion board; and

19 “(2) had continuously served for at least one
20 year on the reserve active status list or the active
21 duty list (or a combination of both) immediately be-
22 fore the officer’s most recent transfer to an inactive
23 status.”.

1 **SEC. 513. REVISION TO EDUCATIONAL REQUIREMENT FOR**
 2 **PROMOTION OF RESERVE OFFICERS.**

3 (a) **EXTENSION FOR ARMY OCS GRADUATES.**—Sec-
 4 tion 12205(b)(4) of title 10, United States Code, is
 5 amended by inserting after “October 1, 1995” the follow-
 6 ing: “, or in the case of an officer commissioned through
 7 the Army Officer Candidate School, October 1, 2000”.

8 (b) **EFFECTIVE DATE.**—The amendment made by
 9 subsection (a) shall take effect as of October 1, 1995.

10 **Subtitle C—Military Education and**
 11 **Training**

12 **SEC. 521. REQUIREMENTS RELATING TO RECRUIT BASIC**
 13 **TRAINING.**

14 (a) **ARMY.**—(1) Chapter 401 of title 10, United
 15 States Code, is amended by adding at the end the follow-
 16 ing new section:

17 **“§ 4319. Recruit basic training: separate platoons and**
 18 **separate housing for male and female re-**
 19 **cruits**

20 “(a) **SEPARATE PLATOONS.**—The Secretary of the
 21 Army shall require that during basic training—

22 “(1) male recruits shall be assigned to platoons
 23 consisting only of male recruits; and

24 “(2) female recruits shall be assigned to pla-
 25 toons consisting only of female recruits.

1 “(b) SEPARATE HOUSING FACILITIES.—The Sec-
2 retary of the Army shall require that during basic training
3 male and female recruits be housed in separate barracks
4 or other troop housing facilities.

5 “(c) INTERIM AUTHORITY FOR HOUSING RECRUITS
6 ON SEPARATE FLOORS.—(1) If the Secretary of the Army
7 determines that it is not feasible, during some or all of
8 the period beginning on April 15, 1999, and ending on
9 October 1, 2001, to comply with subsection (b) at any par-
10 ticular installation at which basic training is conducted be-
11 cause facilities at that installation are insufficient for such
12 purpose, the Secretary may grant a waiver of subsection
13 (b) with respect to that installation. Any such waiver may
14 not be in effect after October 1, 2001, and may only be
15 in effect while the facilities at that installation are insuffi-
16 cient for the purposes of compliance with subsection (b).

17 “(2) If the Secretary grants a waiver under para-
18 graph (1) with respect to an installation, the Secretary
19 shall require that male and female recruits in basic train-
20 ing at that installation during any period that the waiver
21 is in effect not be housed on the same floor of a barracks
22 or other troop housing facility.

23 “(d) BASIC TRAINING DEFINED.—In this section, the
24 term ‘basic training’ means the initial entry training pro-

1 gram of the Army that constitutes the basic training of
2 new recruits.”.

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

“4319. Recruit basic training: separate platoons and separate housing for male
and female recruits.”.

6 (3) The Secretary of the Army shall implement sec-
7 tion 4319 of title 10, United States Code, as added by
8 paragraph (1), as rapidly as feasible and shall ensure that
9 the provisions of that section are applied to all recruit
10 basic training classes beginning not later than the first
11 such class that enters basic training on or after April 15,
12 1999.

13 (b) NAVY AND MARINE CORPS.—(1) Part III of sub-
14 title C of title 10, United States Code, is amended by in-
15 serting after chapter 601 the following new chapter:

16 **“CHAPTER 602—TRAINING GENERALLY**

“Sec.

“6931. Recruit basic training: separate small units and separate housing for
male and female recruits.

17 **“§ 6931. Recruit basic training: separate small units**
18 **and separate housing for male and fe-**
19 **male recruits**

20 “(a) SEPARATE SMALL UNIT ORGANIZATION.—The
21 Secretary of the Navy shall require that during basic
22 training—

1 “(1) male recruits in the Navy shall be assigned
2 to divisions, and male recruits in the Marine Corps
3 shall be assigned to platoons, consisting only of male
4 recruits; and

5 “(2) female recruits in the Navy shall be as-
6 signed to divisions, and female recruits in the Ma-
7 rine Corps shall be assigned to platoons, consisting
8 only of female recruits.

9 “(b) SEPARATE HOUSING.—The Secretary of the
10 Navy shall require that during basic training male and fe-
11 male recruits be housed in separate barracks or other
12 troop housing facilities.

13 “(c) INTERIM AUTHORITY FOR HOUSING RECRUITS
14 ON SEPARATE FLOORS.—(1) If the Secretary of the Navy
15 determines that it is not feasible, during some or all of
16 the period beginning on April 15, 1999, and ending on
17 October 1, 2001, to comply with subsection (b) at any par-
18 ticular installation at which basic training is conducted be-
19 cause facilities at that installation are insufficient for that
20 purpose, the Secretary may grant a waiver of subsection
21 (b) with respect to that installation. Any such waiver may
22 not be in effect after October 1, 2001, and may only be
23 in effect while the facilities at that installation are insuffi-
24 cient for the purposes of compliance with subsection (b).

1 “(2) If the Secretary grants a waiver under para-
 2 graph (1) with respect to an installation, the Secretary
 3 shall require that male and female recruits in basic train-
 4 ing at that installation during any period that the waiver
 5 is in effect not be housed on the same floor of a barracks
 6 or other troop housing facility.

7 “(d) BASIC TRAINING DEFINED.—In this section, the
 8 term ‘basic training’ means the initial entry training pro-
 9 grams of the Navy and Marine Corps that constitute the
 10 basic training of new recruits.”.

11 (2) The tables of chapters at the beginning of subtitle
 12 C, and at the beginning of part III of subtitle C, of such
 13 title are amended by inserting after the item relating to
 14 chapter 601 the following new item:

“602. Training Generally 6931”.

15 (3) The Secretary of the Navy shall implement sec-
 16 tion 6931 of title 10, United States Code, as added by
 17 paragraph (1), as rapidly as feasible and shall ensure that
 18 the provisions of that section are applied to all recruit
 19 basic training classes beginning not later than the first
 20 such class that enters basic training on or after April 15,
 21 1999.

22 (c) AIR FORCE.—(1) Chapter 901 of title 10, United
 23 States Code, is amended by adding at the end the follow-
 24 ing new section:

1 **“§ 9319. Recruit basic training: separate flights and**
2 **separate housing for male and female re-**
3 **recruits**

4 “(a) SEPARATE FLIGHTS.—The Secretary of the Air
5 Force shall require that during basic training—

6 “(1) male recruits shall be assigned to flights
7 consisting only of male recruits; and

8 “(2) female recruits shall be assigned to flights
9 consisting only of female recruits.

10 “(b) SEPARATE HOUSING.—The Secretary of the Air
11 Force shall require that during basic training male and
12 female recruits be housed in separate dormitories or other
13 troop housing facilities.

14 “(c) INTERIM AUTHORITY FOR HOUSING RECRUITS
15 ON SEPARATE FLOORS.—(1) If the Secretary of the Air
16 Force determines that it is not feasible, during some or
17 all of the period beginning on April 15, 1999, and ending
18 on October 1, 2001, to comply with subsection (b) at any
19 particular installation at which basic training is conducted
20 because facilities at that installation are insufficient for
21 such purpose, the Secretary may grant a waiver of sub-
22 section (b) with respect to that installation. Any such
23 waiver may not be in effect after October 1, 2001, and
24 may only be in effect while the facilities at that installation
25 are insufficient for the purposes of compliance with sub-
26 section (b).

1 “(2) If the Secretary grants a waiver under para-
 2 graph (1) with respect to an installation, the Secretary
 3 shall require that male and female recruits in basic train-
 4 ing at that installation during any period that the waiver
 5 is in effect not be housed on the same floor of a dormitory
 6 or other troop housing facility.

7 “(d) BASIC TRAINING DEFINED.—In this section, the
 8 term ‘basic training’ means the initial entry training pro-
 9 gram of the Air Force that constitutes the basic training
 10 of new recruits.”.

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

“9319. Recruit basic training: separate flights and separate housing for male
 and female recruits.”.

14 (3) The Secretary of the Air Force shall implement
 15 section 9319 of title 10, United States Code, as added by
 16 paragraph (1), as rapidly as feasible and shall ensure that
 17 the provisions of that section are applied to all recruit
 18 basic training classes beginning not later than the first
 19 such class that enters basic training on or after April 15,
 20 1999.

21 **SEC. 522. AFTER-HOURS PRIVACY FOR RECRUITS DURING**
 22 **BASIC TRAINING.**

23 (a) PURPOSE.—The purpose of this section is to en-
 24 sure that military recruits are provided some degree of pri-

1 vacy during basic training when in their barracks after
2 completion of the normal training day.

3 (b) ARMY.—(1) Chapter 401 of title 10, United
4 States Code, is amended by adding after section 4319, as
5 added by section 521(a)(1), the following new section:

6 **“§ 4320. Recruit basic training: privacy**

7 “The Secretary of the Army shall require that access
8 by drill sergeants and other training personnel to a bar-
9 racks floor on which recruits are housed during basic
10 training shall be limited after the end of the training day,
11 other than in the case of an emergency or other exigent
12 circumstance, to drill sergeants and other training person-
13 nel who are of the same sex as the recruits housed on
14 that floor.”.

15 (2) The table of sections at the beginning of such
16 chapter is amended by adding after the item relating to
17 section 4319, as added by section 521(a)(2), the following
18 new item:

“4320. Recruit basic training: privacy.”.

19 (3) The Secretary of the Army shall implement sec-
20 tion 4320 of title 10, United States Code, as added by
21 paragraph (1), as rapidly as feasible and shall ensure that
22 the provisions of that section are applied to all recruit
23 basic training classes beginning not later than the first
24 such class that enters basic training on or after April 15,
25 1999.

1 (c) NAVY.—(1) Chapter 602 of title 10, United
2 States Code, as added by section 521(b)(1), is amended
3 by adding at the end the following new section:

4 **“§ 6932. Recruit basic training: privacy**

5 “The Secretary of the Navy shall require that access
6 by recruit division commanders and other training person-
7 nel to a barracks floor on which Navy recruits are housed
8 during basic training shall be limited after the end of the
9 training day, other than in the case of an emergency or
10 other exigent circumstance, to recruit division command-
11 ers and other training personnel who are of the same sex
12 as the recruits housed on that floor.”.

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

“6932. Recruit basic training: privacy.”.

16 (3) The Secretary of the Navy shall implement sec-
17 tion 6932 of title 10, United States Code, as added by
18 paragraph (1), as rapidly as feasible and shall ensure that
19 the provisions of that section are applied to all recruit
20 basic training classes beginning not later than the first
21 such class that enters basic training on or after April 15,
22 1999.

23 (d) AIR FORCE.—(1) Chapter 901 of title 10, United
24 States Code, is amended by adding after section 9319, as
25 added by section 521(c)(1), the following new section:

1 **“§ 9320. Recruit basic training: privacy**

2 “The Secretary of the Air Force shall require that
3 access by drill sergeants and other training personnel to
4 a dormitory floor on which recruits are housed during
5 basic training shall be limited after the end of the training
6 day, other than in the case of an emergency or other exi-
7 gent circumstance, to drill sergeants and other training
8 personnel who are of the same sex as the recruits housed
9 on that floor.”.

10 (2) The table of sections at the beginning of such
11 chapter is amended by adding after the item relating to
12 section 9312, as added by section 521(c)(2), the following
13 new item:

“9320. Recruit basic training: privacy.”.

14 (3) The Secretary of the Air Force shall implement
15 section 9320 of title 10, United States Code, as added by
16 paragraph (1), as rapidly as feasible and shall ensure that
17 the provisions of that section are applied to all recruit
18 basic training classes beginning not later than the first
19 such class that enters basic training on or after April 15,
20 1999.

21 **SEC. 523. EXTENSION OF REPORTING DATES FOR COMMIS-**
22 **SION ON MILITARY TRAINING AND GENDER-**
23 **RELATED ISSUES.**

24 (a) **FIRST REPORT.**—Subsection (e)(1) of section 562
25 of the National Defense Authorization Act for Fiscal Year

1 1998 (Public Law 105–85; 111 Stat. 1754) is amended
2 by striking out “April 15, 1998” and inserting in lieu
3 thereof “October 15, 1998”.

4 (b) FINAL REPORT.—Subsection (e)(2) of such sec-
5 tion is amended by striking out “September 16, 1998”
6 and inserting in lieu thereof “March 15, 1999”.

7 **SEC. 524. IMPROVED OVERSIGHT OF INNOVATIVE READI-**
8 **NESS TRAINING.**

9 (a) IN GENERAL.—Section 2012 of title 10, United
10 States Code, is amended by adding at the end the follow-
11 ing new subsection:

12 “(j) OVERSIGHT AND COST ACCOUNTING.—The Sec-
13 retary of Defense shall establish a program to improve the
14 oversight and cost accounting of training projects con-
15 ducted in accordance with this section. The program shall
16 include measures to accomplish the following:

17 “(1) Ensure that each project that is proposed
18 to be conducted in accordance with this section (re-
19 gardless of whether additional funding from the Sec-
20 retary of Defense is sought) is requested in writing,
21 reviewed for full compliance with this section, and
22 approved in advance of initiation by the Secretary of
23 the military department concerned and, in the case
24 of a project that seeks additional funding from the
25 Secretary of Defense, by the Secretary of Defense.

1 “(2) Ensure that each project that is conducted
2 in accordance with this section is required to pro-
3 vide, within a specified period following completion
4 of the project, an after-action report to the Sec-
5 retary of Defense.

6 “(3) Require that each application for a project
7 to be conducted in accordance with this section in-
8 clude an analysis and certification that the proposed
9 project would not result in a significant increase in
10 the cost of training (as determined in accordance
11 with procedures prescribed by the Secretary of De-
12 fense).

13 “(4) Determine the total program cost for each
14 project, including both those costs that are borne by
15 the military departments from their own accounts
16 and those costs that are borne by defense-wide ac-
17 counts.

18 “(5) Provide for oversight of project execution
19 to ensure that a training project under this section
20 is carried out in accordance with the proposal for
21 that project as approved.”.

22 (b) IMPLEMENTATION.—The Secretary of Defense
23 may not initiate any project under section 2012 of title
24 10, United States Code, after October 1, 1998, until the

1 program required by subsection (i) of that section (as
2 added by subsection (a)) has been established.

3 **Subtitle D—Decorations, Awards,**
4 **and Commendations**

5 **SEC. 531. STUDY OF NEW DECORATIONS FOR INJURY OR**
6 **DEATH IN LINE OF DUTY.**

7 (a) DETERMINATION OF CRITERIA FOR NEW DECO-
8 RATION.—(1) The Secretary of Defense shall determine
9 the appropriate name, policy, award criteria, and design
10 for two possible new decorations.

11 (2) The first such decoration would, if implemented,
12 be awarded to members of the Armed Forces who, while
13 serving under competent authority in any capacity with
14 the Armed Forces, are killed or injured in the line of duty
15 as a result of noncombat circumstances occurring—

16 (A) as a result of an international terrorist at-
17 tack against the United States or a foreign nation
18 friendly to the United States;

19 (B) while engaged in, training for, or traveling
20 to or from a peacetime or contingency operation; or

21 (C) while engaged in, training for, or traveling
22 to or from service outside the territory of the United
23 States as part of a peacekeeping force.

24 (3) The second such decoration would, if imple-
25 mented, be awarded to civilian nationals of the United

1 States who, while serving under competent authority in
2 any capacity with the Armed Forces, are killed or injured
3 in the line of duty under circumstances which, if they were
4 members of the Armed Forces, would qualify them for
5 award of the Purple Heart or the medal described in para-
6 graph (2).

7 (b) LIMITATION ON IMPLEMENTATION.—Any such
8 decoration may only be implemented as provided by a law
9 enacted after the date of the enactment of this Act.

10 (c) RECOMMENDATION TO CONGRESS.—Not later
11 than July 31, 1999, the Secretary shall submit to Con-
12 gress a legislative proposal that would, if enacted, estab-
13 lish the new decorations developed pursuant to subsection
14 (a). The Secretary shall include with that proposal the
15 Secretary's recommendation concerning the need for, and
16 propriety of, each of the decorations.

17 (d) COORDINATION.—The Secretary shall carry out
18 this section in coordination with the Secretaries of the
19 military departments and the Secretary of Transportation
20 with regard to the Coast Guard.

21 **SEC. 532. WAIVER OF TIME LIMITATIONS FOR AWARD OF**
22 **CERTAIN DECORATIONS TO SPECIFIED PER-**
23 **SONS.**

24 (a) WAIVER OF TIME LIMITATION.—Any limitation
25 established by law or policy for the time within which a

1 recommendation for the award of a military decoration or
2 award must be submitted shall not apply in the case of
3 awards of decorations described in subsection (b), the
4 award of each such decoration having been determined by
5 the Secretary of the military department concerned to be
6 warranted in accordance with section 1130 of title 10,
7 United States Code.

8 (b) DISTINGUISHED FLYING CROSS.—Subsection (a)
9 applies to awards of the Distinguished Flying Cross for
10 service during World War II or Korea (including multiple
11 awards to the same individual) in the case of each individ-
12 ual concerning whom the Secretary of the Navy (or an
13 officer of the Navy acting on behalf of the Secretary) sub-
14 mitted to the Committee on National Security of the
15 House of Representatives and the Committee on Armed
16 Services of the Senate, before the date of the enactment
17 of this Act, a notice as provided in section 1130(b) of title
18 10, United States Code, that the award of the Distin-
19 guished Flying Cross to that individual is warranted and
20 that a waiver of time restrictions prescribed by law for
21 recommendation for such award is recommended.

1 **SEC. 533. COMMENDATION OF THE NAVY AND MARINE**
2 **CORPS PERSONNEL WHO SERVED IN THE**
3 **UNITED STATES NAVY ASIATIC FLEET FROM**
4 **1910-1942.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) The United States established the Asiatic
8 Fleet of the Navy in 1910 to protect American na-
9 tionals, policies, and possessions in the Far East.

10 (2) The sailors and Marines of the Asiatic Fleet
11 ensured the safety of United States citizens and for-
12 eign nationals, and provided humanitarian assistance
13 in that region during the Chinese civil war, the
14 Yangtze Flood of 1931, and the outbreak of Sino-
15 Japanese hostilities.

16 (3) In 1940, due to deteriorating political rela-
17 tions and increasing tensions between the United
18 States and Japan, a reinforced Asiatic Fleet began
19 concentrating on the defense of the Philippines and
20 engaged in extensive training to ensure maximum
21 operational readiness for any eventuality.

22 (4) Following the declaration of war against
23 Japan in December 1941, the warships, submarines,
24 and aircraft of the Asiatic Fleet singly or in task
25 forces courageously fought many battles against a
26 superior Japanese armada.

1 (5) The Asiatic Fleet directly suffered the loss
2 of 22 vessels, 1,826 men killed or missing in action,
3 and 518 men captured and imprisoned under the
4 worst of conditions, with many of them dying while
5 held as prisoners of war.

6 (b) CONGRESSIONAL COMMENDATION.—Congress—

7 (1) commends the Navy and Marine Corps per-
8 sonnel who served in the Asiatic Fleet of the United
9 States Navy between 1910 and 1942; and

10 (2) honors those who gave their lives in the line
11 of duty while serving in the Asiatic Fleet.

12 **SEC. 534. APPRECIATION FOR SERVICE DURING WORLD**
13 **WAR I AND WORLD WAR II BY MEMBERS OF**
14 **THE NAVY ASSIGNED ON BOARD MERCHANT**
15 **SHIPS AS THE NAVAL ARMED GUARD SERV-**
16 **ICE.**

17 (a) FINDINGS.—Congress makes the following find-
18 ings:

19 (1) The Navy established a special force during
20 both World War I and World War II, known as the
21 Naval Armed Guard Service, to protect merchant
22 ships of the United States from enemy attack by
23 stationing members of the Navy and weapons on
24 board those ships.

1 (2) Members of the Naval Armed Guard Service
2 served on 6,236 merchant ships during World War
3 II, of which 710 were sunk by enemy action.

4 (3) Over 144,900 members of the Navy served
5 in the Naval Armed Guard Service during World
6 War II as officers, gun crewmen, signalmen, and ra-
7 diomen, of whom 1,810 were killed in action.

8 (4) The efforts of the members of the Naval
9 Armed Guard Service played a significant role in the
10 safe passage of United States merchant ships to
11 their destinations in the Soviet Union and various
12 locations in western Europe and the Pacific Theater.

13 (5) The efforts of the members of the Navy who
14 served in the Naval Armed Guard Service have been
15 largely overlooked due to the rapid disbanding of the
16 service after World War II and lack of adequate
17 records.

18 (6) Recognition of the service of the naval per-
19 sonnel who served in the Naval Armed Guard Serv-
20 ice is highly warranted and long overdue.

21 (b) SENSE OF THE CONGRESS.—Congress expresses
22 its appreciation, and the appreciation of the American peo-
23 ple, for the dedicated service performed during World War
24 I and World War II by members of the Navy assigned

1 as gun crews on board merchant ships as part of the Naval
2 Armed Guard Service.

3 **SEC. 535. SENSE OF THE CONGRESS REGARDING THE HER-**
4 **OISM, SACRIFICE, AND SERVICE OF THE MILI-**
5 **TARY FORCES OF SOUTH VIETNAM, OTHER**
6 **NATIONS, AND INDIGENOUS GROUPS IN CON-**
7 **NECTION WITH THE UNITED STATES ARMED**
8 **FORCES DURING THE VIETNAM CONFLICT.**

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

10 (1) South Vietnam, Australia, South Korea,
11 Thailand, New Zealand, and the Philippines contrib-
12 uted military forces, together with the United
13 States, during military operations conducted in
14 Southeast Asia during the Vietnam conflict.

15 (2) Indigenous groups, such as the Hmong,
16 Nung, Montagnard, Kahmer, Hoa Hao, and Cao Dai
17 contributed military forces, together with the United
18 States, during military operations conducted in
19 Southeast Asia during the Vietnam conflict.

20 (3) The contributions of these combat forces
21 continued through long years of armed conflict.

22 (4) As a result, in addition to the United States
23 casualties exceeding 210,000, this willingness to par-
24 ticipate in the Vietnam conflict resulted in the
25 death, and wounding of more than 1,000,000 mili-

1 tary personnel from South Vietnam and 16,000 from
2 other allied nations.

3 (5) The service of the Vietnamese, indigenous
4 groups, and other allied nations was repeatedly
5 marked by exceptional heroism and sacrifice, with
6 particularly noteworthy contributions being made by
7 the Vietnamese airborne, commando, infantry and
8 ranger units, the Republic of Korea marines, the
9 Capital and White Horse divisions, the Royal Thai
10 Army Black Panther Division, the Royal Australian
11 Regiment, the New Zealand “V” force, and the 1st
12 Philippine Civic Action Group.

13 (b) SENSE OF THE CONGRESS.—Congress recognizes
14 and honors the members and former members of the mili-
15 tary forces of South Vietnam, the Republic of Korea,
16 Thailand, Australia, New Zealand, and the Philippines, as
17 well as members of the Hmong, Nung, Montagnard,
18 Kahmer, Hoa Hao, and Cao Dai, for their heroism, sac-
19 rifice and service in connection with United States Armed
20 Forces during the Vietnam conflict.

1 **SEC. 536. SENSE OF THE CONGRESS REGARDING THE HER-**
2 **OISM, SACRIFICE, AND SERVICE OF FORMER**
3 **SOUTH VIETNAMESE COMMANDOS IN CON-**
4 **NECTION WITH UNITED STATES ARMED**
5 **FORCES DURING THE VIETNAM CONFLICT.**

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

7 (1) South Vietnamese commandos were re-
8 cruited by the United States as part of OPLAN 34A
9 or its predecessor or OPLAN 35 from 1961 to 1970.

10 (2) The commandos conducted covert oper-
11 ations in North Vietnam during the Vietnam con-
12 flict.

13 (3) Many of the commandos were captured and
14 imprisoned by North Vietnamese forces, some for as
15 long as 20 years.

16 (4) The commandos served and fought proudly
17 during the Vietnam conflict.

18 (5) Many of the commandos lost their lives
19 serving in operations conducted by the United States
20 during the Vietnam conflict.

21 (6) Many of the Vietnamese commandos now
22 reside in the United States.

23 (b) SENSE OF THE CONGRESS—Congress recognizes
24 and honors the former South Vietnamese commandos for
25 their heroism, sacrifice, and service in connection with
26 United States armed forces during the Vietnam conflict.

1 **Subtitle E—Administration of**
2 **Agencies Responsible for Re-**
3 **view and Correction of Military**
4 **Records**

5 **SEC. 541. PERSONNEL FREEZE.**

6 (a) LIMITATION.—During fiscal years 1999, 2000,
7 and 2001, the Secretary of a military department may not
8 carry out any reduction in the number of military and ci-
9 vilian personnel assigned to duty with the service review
10 agency for that military department below the baseline
11 number for that agency until—

12 (1) the Secretary submits to Congress a report
13 that describes the reduction proposed to be made,
14 provides the Secretary's rationale for that reduction,
15 and specifies the number of such personnel that
16 would be assigned to duty with that agency after the
17 reduction; and

18 (2) a period of 90 days has elapsed after the
19 date on which such report is submitted.

20 (b) BASELINE NUMBER.—The baseline number for a
21 service review agency under this section is—

22 (1) for purposes of the first report with respect
23 to a service review agency under this section, the
24 number of military and civilian personnel assigned to
25 duty with that agency as of October 1, 1997; and

1 (2) for purposes of any subsequent report with
2 respect to a service review agency under this section,
3 the number of such personnel specified in the most
4 recent report with respect to that agency under this
5 section.

6 (c) SERVICE REVIEW AGENCY DEFINED.—In this
7 section, the term ‘service review agency’ means—

8 (1) with respect to the Department of the
9 Army, the Army Review Boards Agency;

10 (2) with respect to the Department of the
11 Navy, the Board for Correction of Naval Records;
12 and

13 (3) with respect to the Department of the Air
14 Force, the Air Force Review Boards Agency.

15 **SEC. 542. PROFESSIONAL STAFF.**

16 (a) IN GENERAL.—(1) Chapter 79 of title 10, United
17 States Code, is amended by adding at the end the follow-
18 ing new section:

19 **“§ 1555. Professional staff**

20 “(a) The Secretary of each military department shall
21 assign to the staff of the service review agency of that
22 military department at least one attorney and at least one
23 physician. Such assignments shall be made on a perma-
24 nent, full-time basis and may be made from members of
25 the armed forces or civilian employees.

1 “(b) Personnel assigned pursuant to subsection (a)—

2 “(1) shall work under the supervision of the di-
3 rector or executive director (as the case may be) of
4 the service review agency; and

5 “(2) shall be assigned duties as advisers to the
6 director or executive director or other staff members
7 on legal and medical matters, respectively, that are
8 being considered by the agency.

9 “(c) In this section, the term ‘service review agency’
10 means—

11 “(1) with respect to the Department of the
12 Army, the Army Review Boards Agency;

13 “(2) with respect to the Department of the
14 Navy, the Board for Correction of Naval Records;
15 and

16 “(3) with respect to the Department of the Air
17 Force, the Air Force Review Boards Agency.”.

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

“1555. Professional staff.”.

21 (b) EFFECTIVE DATE.—Section 1555 of title 10,
22 United States Code, as added by subsection (a), shall take
23 effect 180 days after the date of the enactment of this
24 Act.

1 **SEC. 543. EX PARTE COMMUNICATIONS.**

2 (a) IN GENERAL.—(1) Chapter 79 of title 10, United
3 States Code, is amended by adding after section 1555, as
4 added by section 542(a)(1), the following new section:

5 **“§ 1556. Ex parte communications prohibited**

6 “(a) IN GENERAL.—The Secretary of each military
7 department shall ensure that an applicant seeking correc-
8 tive action by the Army Review Boards Agency, the Air
9 Force Review Boards Agency, or the Board for Correction
10 of Naval Records, as the case may be, is provided a copy
11 of all correspondence and communications (including sum-
12 maries of verbal communications) to or from the agency
13 or board, or a member of the staff of the agency or board,
14 with an entity or person outside the agency or board that
15 pertain directly to the applicant’s case or have a material
16 effect on the applicant’s case.

17 “(b) EXCEPTIONS.—Subsection (a) does not apply to
18 the following:

19 “(1) Classified information.

20 “(2) Information the release of which is other-
21 wise prohibited by law or regulation.

22 “(3) Any record previously provided to the ap-
23 plicant or known to be possessed by the applicant.

24 “(4) Any correspondence that is purely admin-
25 istrative in nature.

1 “(5) Any military record that is (or may be)
2 provided to the applicant by the Secretary of the
3 military department or other source.”.

4 (2) The table of sections at the beginning of such
5 chapter is amended by adding after the item relating to
6 1555, as added by section 542(a)(2), the following new
7 item:

 “1556. Ex parte communications prohibited.”.

8 (b) EFFECTIVE DATE.—Section 1556 of title 10,
9 United States Code, as added by subsection (a), shall
10 apply with respect to correspondence and communications
11 made 60 days or more after the date of the enactment
12 of this Act.

13 **SEC. 544. TIMELINESS STANDARDS.**

14 (a) IN GENERAL.—Chapter 79 of title 10, United
15 States Code, is amended by adding after section 1556, as
16 added by section 543(a)(1), the following new section:

17 **“§ 1557. Timeliness standards for disposition of cases**
18 **before Corrections Boards**

19 “(a) TEN-MONTH CLEARANCE PERCENTAGE.—Of
20 the cases accepted for consideration by a Corrections
21 Board during a period specified in the following table, the
22 percentage on which final action must be completed within
23 10 months of receipt (other than for those cases consid-
24 ered suitable for administrative correction) is as follows:

“For cases accepted during—	The percentage on which final action must be completed within 10 months of receipt is—
the period of fiscal years 2001 and 2002	50
the period of fiscal years 2003 and 2004	60
the period of fiscal years 2005, 2006, and 2007	70
the period of fiscal years 2008, 2009, and 2010	80
the period of any fiscal year after fiscal year 2010	90.

1 “(b) CLEARANCE DEADLINE FOR ALL CASES.—Ef-
2 fective October 1, 2002, final action on all cases accepted
3 for consideration by a Corrections Board (other than those
4 cases considered suitable for administrative correction)
5 shall be completed within 18 months of receipt.

6 “(c) WAIVER AUTHORITY.—The Secretary of the
7 military department concerned may exclude an individual
8 case from the timeliness standards prescribed in sub-
9 sections (a) and (b) if the Secretary determines that the
10 case warrants a longer period of consideration. The au-
11 thority of the Secretary of a military department under
12 this subsection may not be delegated.

13 “(d) REPORTS ON FAILURE TO MEET TIMELINESS
14 STANDARDS.—The Secretary of the military department
15 concerned shall submit to the Committee on Armed Serv-
16 ices of the Senate and the Committee on National Security
17 of the House of Representatives a report not later than
18 June 1 following any fiscal year during which the Correc-
19 tions Board of that Secretary’s military department was
20 unable to meet the timeliness standards in subsections (a)
21 and (b). The report shall specify the reasons why the

1 standard could not be met and the corrective actions initi-
2 ated to ensure compliance in the future. The report shall
3 also specify the number of waivers granted under sub-
4 section (c) during that fiscal year.

5 “(e) CORRECTIONS BOARD DEFINED.—In this sec-
6 tion, the term ‘Corrections Board’ means—

7 “(1) with respect to the Department of the
8 Army, the Army Board for Correction of Military
9 Records;

10 “(2) with respect to the Department of the
11 Navy, the Board for Correction of Naval Records;
12 and

13 “(3) with respect to the Department of the Air
14 Force, the Air Force Board for Correction of Mili-
15 tary Records.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of such chapter is amended by adding
18 after the item relating to section 1556, as added by section
19 543(a)(2), the following new item:

“1557. Timeliness standards for disposition of cases before Corrections
Boards.”.

1 **Subtitle F—Other Matters**

2 **SEC. 551. ONE-YEAR EXTENSION OF CERTAIN FORCE DRAW-**
3 **DOWN TRANSITION AUTHORITIES RELATING**
4 **TO PERSONNEL MANAGEMENT AND BENE-**
5 **FITS.**

6 (a) EARLY RETIREMENT AUTHORITY FOR ACTIVE
7 DUTY MEMBERS.—Section 4403(i) of the National De-
8 fense Authorization Act for Fiscal Year 1993 (Public Law
9 102–484; 10 U.S.C. 1293 note) is amended by striking
10 out “October 1, 1999” and inserting in lieu thereof “Octo-
11 ber 1, 2000”.

12 (b) SSB AND VSI.—Sections 1174a(h) and
13 1175(d)(3) of title 10, United States Code, are amended
14 by striking out “September 30, 1999” and inserting in
15 lieu thereof “September 30, 2000”.

16 (c) SELECTIVE EARLY RETIREMENT BOARDS.—Sec-
17 tion 638a(a) of such title is amended by striking out “dur-
18 ing the nine-year period beginning on October 1, 1990”
19 and inserting in lieu thereof “during the period beginning
20 on October 1, 1990, and ending on September 30, 2000”.

21 (d) TIME-IN-GRADE REQUIREMENT FOR RETENTION
22 OF GRADE UPON VOLUNTARY RETIREMENT.—Section
23 1370(a)(2)(A) of such title is amended by striking out
24 “during the nine-year period beginning on October 1,
25 1990” and inserting in lieu thereof “during the period be-

1 ginning on October 1, 1990, and ending on September 30,
2 2000”.

3 (e) LENGTH OF COMMISSIONED SERVICE FOR VOL-
4 UNTARY RETIREMENT AS AN OFFICER.—Sections
5 3911(b), 6323(a)(2), and 8911(b) of such title are amend-
6 ed by striking out “during the nine-year period beginning
7 on October 1, 1990” and inserting in lieu thereof “during
8 the period beginning on October 1, 1990, and ending on
9 September 30, 2000”.

10 (f) RETIREMENT OF CERTAIN LIMITED DUTY OFFI-
11 CERS OF THE NAVY AND MARINE CORPS.—(1) Sections
12 633 and 634 of such title are amended by striking out
13 “October 1, 1999” in the last sentence and inserting in
14 lieu thereof “October 1, 2000”.

15 (2) Section 6383 of such title is amended—

16 (A) in subsection (a)(5), by striking out “Octo-
17 ber 1, 1999” and inserting in lieu thereof “October
18 1, 2000”; and

19 (B) in subsection (k), by striking out “October
20 1, 1999” in the last sentence and inserting in lieu
21 thereof “October 1, 2000”.

22 (g) TRAVEL AND TRANSPORTATION ALLOWANCES
23 AND STORAGE OF BAGGAGE AND HOUSEHOLD EFFECTS
24 FOR CERTAIN MEMBERS BEING INVOLUNTARILY SEPA-
25 RATED.—Sections 404(c)(1)(C), 404(f)(2)(B)(v),

1 406(a)(2)(B)(v), and 406(g)(1)(C) of title 37, United
2 States Code, and section 503(c) of the National Defense
3 Authorization Act for Fiscal Year 1991 (Public Law 101–
4 510; 37 U.S.C. 406 note) are amended by striking out
5 “during the nine-year period beginning on October 1,
6 1990” and inserting in lieu thereof “during the period be-
7 ginning on October 1, 1990, and ending on September 30,
8 2000”.

9 (h) EDUCATIONAL LEAVE RELATING TO CONTINU-
10 ING PUBLIC AND COMMUNITY SERVICE.—Section 4463(f)
11 of the National Defense Authorization Act for Fiscal Year
12 1993 (Public Law 102–484; 10 U.S.C. 1143a note) is
13 amended by striking out “September 30, 1999” and in-
14 serting in lieu thereof “September 30, 2000”.

15 (i) TRANSITIONAL HEALTH, COMMISSARY, AND FAM-
16 ILY HOUSING BENEFITS.—

17 (1) HEALTH CARE.—Section 1145 of title 10,
18 United States Code, is amended—

19 (A) in subsections (a)(1) and (c)(1), by
20 striking out “during the nine-year period begin-
21 ning on October 1, 1990” and inserting in lieu
22 thereof “during the period beginning on Octo-
23 ber 1, 1990, and ending on September 30,
24 2000”; and

1 (B) in subsection (e), by striking out “dur-
2 ing the five-year period beginning on October 1,
3 1994” and inserting in lieu thereof “during the
4 period beginning on October 1, 1994, and end-
5 ing on September 30, 2000”.

6 (2) COMMISSARY AND EXCHANGE BENEFITS.—
7 Section 1146 of such title is amended—

8 (A) by striking out “during the nine-year
9 period beginning on October 1, 1990” and in-
10 sserting in lieu thereof “during the period begin-
11 ning on October 1, 1990, and ending on Sep-
12 tember 30, 2000”; and

13 (B) by striking out “during the five-year
14 period beginning on October 1, 1994” and in-
15 sserting in lieu thereof “during the period begin-
16 ning on October 1, 1994, and ending on Sep-
17 tember 30, 2000”.

18 (3) USE OF MILITARY HOUSING.—Section
19 1147(a) of such title is amended—

20 (A) in paragraph (1), by striking out “dur-
21 ing the nine-year period beginning on October
22 1, 1990” and inserting in lieu thereof “during
23 the period beginning on October 1, 1990, and
24 ending on September 30, 2000”; and

1 (B) in paragraph (2), by striking out “dur-
2 ing the five-year period beginning on October 1,
3 1994” and inserting in lieu thereof “during the
4 period beginning on October 1, 1994, and end-
5 ing on September 30, 2000”.

6 (j) ENROLLMENT OF DEPENDENTS IN DEFENSE DE-
7 PENDENTS’ EDUCATION SYSTEM.—Section 1407(c)(1) of
8 the Defense Dependents’ Education Act of 1978 (20
9 U.S.C. 926(c)(1)) is amended by striking out “during the
10 nine-year period beginning on October 1, 1990” and in-
11 serting in lieu thereof “during the period beginning on Oc-
12 tober 1, 1990, and ending on September 30, 2000”.

13 (k) FORCE REDUCTION TRANSITION PERIOD DEFI-
14 NITION.—Section 4411 of the National Defense Author-
15 ization Act for Fiscal Year 1993 (10 U.S.C. 12681 note)
16 is amended by striking out “September 30, 1999” and in-
17 serting in lieu thereof “September 30, 2000”.

18 (l) TEMPORARY SPECIAL AUTHORITY FOR FORCE
19 REDUCTION PERIOD RETIREMENTS.—Section 4416(b)(1)
20 of the National Defense Authorization Act for Fiscal Year
21 1993 (10 U.S.C. 12681 note) is amended by striking out
22 “October 1, 1999” and inserting in lieu thereof “October
23 1, 2000”.

24 (m) RETIRED PAY FOR NON-REGULAR SERVICE.—
25 (1) Section 12731(f) of title 10, United States Code, is

1 amended by striking out “September 30, 1999” and in-
2 serting in lieu thereof “September 30, 2000”.

3 (2) Section 12731a of such title is amended in sub-
4 sections (a)(1)(B) and (b), by striking out “October 1,
5 1999” and inserting in lieu thereof “October 1, 2000”.

6 (n) AFFILIATION WITH GUARD AND RESERVE
7 UNITS; WAIVER OF CERTAIN LIMITATIONS.—Section
8 1150(a) of such title is amended by striking out “during
9 the nine-year period beginning on October 1, 1990” and
10 inserting in lieu thereof “during the period beginning on
11 October 1, 1990, and ending on September 30, 2000”.

12 (o) RESERVE MONTGOMERY GI BILL.—Section
13 16133(b)(1)(B) of such title is amended by striking out
14 “September 30, 1999” and inserting in lieu thereof “Sep-
15 tember 30, 2000”.

16 **SEC. 552. LEAVE WITHOUT PAY FOR ACADEMY CADETS AND**
17 **MIDSHIPMEN.**

18 (a) AUTHORITY FOR LEAVE WITHOUT PAY.—Section
19 702 of title 10, United States Code, is amended by adding
20 at the end the following new subsection:

21 “(c)(1) The Secretary concerned may place an acad-
22 emy cadet or midshipman on involuntary leave without
23 pay if, under regulations prescribed by the Secretary con-
24 cerned, the Superintendent of the Academy at which the
25 cadet or midshipman is admitted—

1 “(A) has recommended that the cadet or mid-
2 shipman be dismissed or discharged;

3 “(B) has directed the cadet or midshipman re-
4 turn to the Academy to repeat an academic semester
5 or year;

6 “(C) has otherwise recommended to the Sec-
7 retary for good cause that the cadet or midshipman
8 be placed on involuntary leave without pay.

9 “(2) In this subsection, the term ‘academy cadet or
10 midshipman’ means—

11 “(A) a cadet of the United States Military
12 Academy;

13 “(B) a midshipman of the United States Naval
14 Academy;

15 “(C) a cadet of the United States Air Force
16 Academy; or

17 “(D) a cadet of the United States Coast Guard
18 Academy.”.

19 (b) EFFECTIVE DATE.—Subsection (c) of section 702
20 of title 10, United States Code, as added by subsection
21 (a), shall apply with respect to academy cadets and mid-
22 shipmen (as defined in that subsection) who are placed
23 on involuntary leave after the date of the enactment of
24 this Act.

1 **SEC. 553. PROVISION FOR RECOVERY, CARE, AND DISPOSI-**
2 **TION OF THE REMAINS OF ALL MEDICALLY**
3 **RETIRED MEMBERS.**

4 (a) IN GENERAL.—Section 1481(a) of title 10,
5 United States Code, is amended—

6 (1) in paragraph (1), by striking out “, or
7 member of an armed force without component,”; and

8 (2) in paragraph (7)—

9 (A) by striking out “United States”; and

10 (B) by striking out “for a period of more
11 than 30 days,”.

12 (b) EFFECTIVE DATE.—The amendments made by
13 subsection (a)(2) apply with respect to persons dying on
14 or after the date of the enactment of this Act.

15 **SEC. 554. CONTINUED ELIGIBILITY UNDER VOLUNTARY**
16 **SEPARATION INCENTIVE PROGRAM FOR**
17 **MEMBERS WHO INVOLUNTARILY LOSE MEM-**
18 **BERSHIP IN A RESERVE COMPONENT.**

19 (a) CONTINUED ELIGIBILITY.—Section 1175(a) of
20 title 10, United States Code, is amended by inserting be-
21 fore the period at the end “, or for the period described
22 in section 1175(e)(1) of this section if the member be-
23 comes ineligible for retention in an active or inactive sta-
24 tus in a reserve component because of age, years of serv-
25 ice, failure to select for promotion, or medical disqualifica-
26 tion, so long as such ineligibility does not result from de-

1 liberate action on the part of the member with the intent
2 to avoid retention in an active or inactive status in a re-
3 serve component.”.

4 (b) EFFECTIVE DATE.—The amendment made by
5 subsection (a) applies with respect to any person provided
6 a voluntary separation incentive under section 1175 of
7 title 10, United States Code (whether before, on, or after
8 the date of the enactment of this Act).

9 **SEC. 555. DEFINITION OF FINANCIAL INSTITUTION FOR DI-**
10 **RECT DEPOSIT OF PAY.**

11 (a) SERVICEMEMBERS REIMBURSEMENT FOR EX-
12 PENSES DUE TO GOVERNMENT ERROR.—Paragraph (1)
13 of section 1053(d) of title 10, United States Code, is
14 amended to read as follows:

15 “(1) The term ‘financial institution’ means a
16 bank, savings and loan association, or similar insti-
17 tution or a credit union chartered by the United
18 States or a State.”.

19 (b) CIVILIAN EMPLOYEES REIMBURSEMENT FOR EX-
20 PENSES DUE TO GOVERNMENT ERROR.—Paragraph (1)
21 of section 1594(d) of such title is amended to read as fol-
22 lows:

23 “(1) The term ‘financial institution’ means a
24 bank, savings and loan association, or similar insti-

1 been classified as POW/MIAs or are otherwise unac-
2 counted for.

3 (b) REQUIRED STAFFING LEVEL.—The Secretary of
4 Defense shall provide sufficient personnel to fill all author-
5 ized personnel positions of the Central Identification Lab-
6 oratory, Hawaii, Department of the Army. Those person-
7 nel shall be drawn from members of the Army, Navy, Air
8 Force, and Marine Corps and from civilian personnel, as
9 appropriate, considering the proportion of POW/MIAs
10 from each service.

11 (c) JOINT MANNING PLAN.—The Secretary of De-
12 fense shall develop and implement, not later than March
13 31, 2000, a joint manning plan to ensure the appropriate
14 participation of the four services in the staffing of the
15 Central Identification Laboratory, Hawaii, as required by
16 subsection (b).

17 (d) LIMITATION ON REDUCTIONS.—The Secretary of
18 the Army may not carry out any personnel reductions (in
19 authorized or assigned personnel) at the Central Identi-
20 fication Laboratory, Hawaii, until the joint manning plan
21 required by subsection (c) is implemented.

1 **SEC. 558. HONOR GUARD DETAILS AT FUNERALS OF VETER-**
2 **ANS.**

3 (a) IN GENERAL.—(1) Chapter 75 of title 10, United
4 States Code, is amended by adding at the end the follow-
5 ing new section:

6 **“§ 1491. Honor guard details at funerals of veterans**

7 “(a) AVAILABILITY.—The Secretary of a military de-
8 partment shall, upon request, provide an honor guard de-
9 tail (or ensure that an honor guard detail is provided) for
10 the funeral of any veteran.

11 “(b) COMPOSITION OF HONOR GUARD DETAILS.—
12 The Secretary of each military department shall ensure
13 that an honor guard detail for the funeral of a veteran
14 consists of not less than three persons and (unless a bugler
15 is part of the detail) has the capability to play a recorded
16 version of Taps.

17 “(c) PERSONS FORMING HONOR GUARDS.—An
18 honor guard detail may consist of members of the armed
19 forces or members of veterans organizations or other orga-
20 nizations approved for purposes of this section under regu-
21 lations prescribed by the Secretary of Defense. The Sec-
22 retary of a military department may provide transpor-
23 tation, or reimbursement for transportation, and expenses
24 for a person who participates in an honor guard detail
25 under this section and is not a member of the armed forces
26 or an employee of the United States.

1 “(d) REGULATIONS.—The Secretary of Defense shall
2 by regulation establish a system for selection of units of
3 the armed forces and other organizations to provide honor
4 guard details. The system shall place an emphasis on bal-
5 ancing the funeral detail workload among the units and
6 organizations providing honor guard details in an equi-
7 table manner as they are able to respond to requests for
8 such details in terms of geographic proximity and available
9 resources. The Secretary shall provide in such regulations
10 that the armed force in which a veteran served shall not
11 be considered to be a factor when selecting the military
12 unit or other organization to provide an honor guard detail
13 for the funeral of the veteran.

14 “(e) ANNUAL REPORT.—The Secretary of Defense
15 shall submit to the Committee on Armed Services of the
16 Senate and the Committee on National Security of the
17 House of Representatives a report not later than January
18 31 of each year beginning with 2001 and ending with
19 2005 on the experience of the Department of Defense
20 under this section. Each such report shall provide data
21 on the number of funerals supported under this section,
22 cost for that support, shown by manpower and other cost
23 factors, and the number and costs of funerals supported
24 by each participating organization. The data in the report

1 shall be presented in a standard format, regardless of mili-
2 tary department or other organization.

3 “(f) VETERAN DEFINED.—In this section, the term
4 ‘veteran’ has the meaning given that term in section
5 101(2) of title 38, United States Code.”.

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

“1491. Honor guard details at funerals of veterans.”.

9 (b) TREATMENT OF PERFORMANCE OF HONOR
10 GUARD FUNCTIONS BY RESERVES.—(1) Chapter 1215 of
11 title 10, United States Code, is amended by adding at the
12 end the following new section:

13 **“§ 12552. Funeral honor guard functions: prohibition**
14 **of treatment as drill or training**

15 “Performance by a Reserve of honor guard functions
16 at the funeral of a veteran may not be considered to be
17 a period of drill or training otherwise required.”.

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

“12552. Funeral honor guard functions: prohibition of treatment as drill or
training.”.

21 (c) REPEAL OF LIMITATION ON AVAILABILITY OF
22 FUNDS FOR HONOR GUARD FUNCTIONS BY NATIONAL

1 GUARD.—Section 114 of title 32, United States Code, is
2 amended—

3 (1) by striking out “(a)”; and

4 (2) by striking out subsection (b).

5 (d) APPLICABILITY.—The amendments made by this
6 section shall apply to burials of veterans that occur on
7 or after October 1, 1999.

8 (e) STUDY.—The Secretary of Defense, in coordina-
9 tion with the Secretary of Veterans Affairs, shall study
10 alternative means for the provision of honor guard details
11 at funerals of veterans. Not later than March 31, 1999,
12 the Secretary shall submit to the Committee on Armed
13 Services of the Senate and the Committee on National Se-
14 curity of the House of Representatives a report setting
15 forth the results of the study and the Secretary’s views
16 and recommendations.

17 (f) CONSULTATION WITH VETERANS SERVICE ORGA-
18 NIZATIONS.—Before prescribing the initial regulations
19 under section 1491 of title 10, United States Code, as
20 added by subsection (a), the Secretary of Defense shall
21 consult with veterans service organizations to determine
22 the views of those organizations regarding methods for
23 providing honor guard details at funerals for veterans,
24 suggestions for organizing the system to provide those de-

1 tails, and estimates of the resources that those organiza-
2 tions could provide for honor guard details for veterans.

3 **SEC. 559. APPLICABILITY TO ALL PERSONS IN CHAIN OF**
4 **COMMAND OF POLICY REQUIRING EXEM-**
5 **PLARY CONDUCT BY COMMANDING OFFI-**
6 **CERS AND OTHERS IN AUTHORITY IN THE**
7 **ARMED FORCES.**

8 (a) IN GENERAL.—(1) Chapter 3 of title 10, United
9 States Code, is amended by inserting after section 121 the
10 following new section:

11 **“§ 121a. Requirement of exemplary conduct by civil-**
12 **ians in chain of command**

13 “The President, as Commander in Chief, and the
14 Secretary of Defense are required (in the same manner
15 that commanding officers and others in authority in the
16 Armed Forces are required)—

17 “(1) to show in themselves a good example of
18 virtue, honor, and patriotism and to subordinate
19 themselves to those ideals;

20 “(2) to be vigilant in inspecting the conduct of
21 all persons who are placed under their command;

22 “(3) to guard against and to put an end to all
23 dissolute and immoral practices and to correct, ac-
24 cording to the laws and regulations of the armed
25 forces, all persons who are guilty of them; and

1 “(4) to take all necessary and proper measures,
2 under the laws, regulations, and customs of the
3 armed forces, to promote and safeguard the morale,
4 the physical well-being, and the general welfare of
5 the officers and enlisted persons under their com-
6 mand or charge.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of such chapter is amended by inserting
9 after the item relating to section 121 the following new
10 item:

 “121a. Requirement of exemplary conduct by civilians in chain of command.”.

11 **SEC. 560. REPORT ON PRISONERS TRANSFERRED FROM**
12 **UNITED STATES DISCIPLINARY BARRACKS,**
13 **FORT LEAVENWORTH, KANSAS, TO FEDERAL**
14 **BUREAU OF PRISONS.**

15 (a) REPORT.—Not later than 90 days after the date
16 of the enactment of this Act, the Secretary of Defense
17 shall submit to Congress a report, to be prepared by the
18 General Counsel of the Department of Defense, concern-
19 ing the decision of the Secretary of the Army in 1994 to
20 transfer approximately 500 prisoners from the United
21 States Disciplinary Barracks, Fort Leavenworth, Kansas,
22 to the Federal Bureau of Prisons.

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

1 (1) A description of the basis for the selection
2 of prisoners to be transferred, particularly in light of
3 the fact that many of the prisoners transferred are
4 minimum or medium security prisoners, who are
5 considered to have the best chance for rehabilitation,
6 and whether the transfer of those prisoners indicates
7 a change in Department of Defense policy regarding
8 the rehabilitation of military prisoners.

9 (2) A comparison of the historical recidivism
10 rates of prisoners released from the United States
11 Disciplinary Barracks and the Federal Bureau of
12 Prisons, together with a description of any plans of
13 the Army to track the parole and recidivism rates of
14 prisoners transferred to the Federal Bureau of Pris-
15 ons and whether it has tracked those factors for pre-
16 vious transferees.

17 (3) A description of the projected future flow of
18 prisoners into the new United States Disciplinary
19 Barracks being constructed at Fort Leavenworth,
20 Kansas, and whether the Secretary of the Army
21 plans to automatically send new prisoners to the
22 Federal Bureau of Prisons without serving at the
23 United States Disciplinary Barracks if that Bar-
24 racks is at capacity and whether the Memorandum

1 of Understanding between the Federal Bureau of
2 Prisons and the Army covers that possibility.

3 (4) A description of the cost of incarcerating a
4 prisoner in the Federal Bureau of Prisons compared
5 to the United States Disciplinary Barracks and the
6 assessment of the Secretary as to the extent to
7 which the transfer of prisoners to the Federal Bu-
8 reau of Prisons by the Secretary of the Army is
9 made in order to shift a budgetary burden.

10 (c) MONITORING.—During fiscal years 1999 through
11 2003, the Secretary of the Army shall track the parole
12 and recidivism rates of prisoners transferred from the
13 United States Disciplinary Barracks, Fort Leavenworth,
14 Kansas, to the Federal Bureau of Prisons.

15 **SEC. 561. REPORT ON PROCESS FOR SELECTION OF MEM-**
16 **BERS FOR SERVICE ON COURTS-MARTIAL.**

17 (a) REPORT REQUIRED.—Not later than April 15,
18 1999, the Secretary of Defense shall submit to Congress
19 a report on the method of selection of members of the
20 Armed Forces to serve on courts-martial.

21 (b) MATTERS TO BE CONSIDERED.—In preparing
22 the report, the Secretary shall—

23 (1) direct the Secretaries of the military depart-
24 ments to develop a plan for random selection of
25 members of courts-martial , subject to the provisions

1 relating to service on courts-martial specified in sec-
2 tion 825(d)(2) of title 10, United States Code (arti-
3 cle 25(d)(2) of the Uniform Code of Military Jus-
4 tice), as a possible replacement for the current sys-
5 tem of selection by the convening authority; and

6 (2) obtain the views of the members of the com-
7 mittee referred to in section 946 of such title
8 (known as the “Code Committee”).

9 **SEC. 562. STUDY OF REVISING THE TERM OF SERVICE OF**
10 **MEMBERS OF THE UNITED STATES COURT OF**
11 **APPEALS FOR THE ARMED FORCES.**

12 Not later than April 15, 1999, the Secretary of De-
13 fense shall submit to Congress a report on the desirability
14 of revising the term of appointment of judges of the
15 United States Court of Appeals for the Armed Forces so
16 that the term of a judge on that court is for a period of
17 15 years or until the judge attains the age of 65, which-
18 ever is later. In preparing the report, the Secretary shall
19 obtain the view of the members of the committee referred
20 to in section 946 of title 10, United States Code, (known
21 as the “Code Committee”).

22 **SEC. 563. STATUS OF CADETS AT THE MERCHANT MARINE**
23 **ACADEMY.**

24 (a) STATUS OF CADETS.—Any citizen of the United
25 States appointed as a cadet at the United States Merchant

1 Marine Academy shall be considered to be a member of
2 the United States Naval Reserve.

3 (b) ELIGIBILITY.—The Secretary of Defense shall
4 provide that cadets of the United States Merchant Marine
5 Academy shall be issued an identification card (referred
6 to as a “military ID card”) and shall be entitled to all
7 rights and privileges in accordance with the same eligi-
8 bility criteria as apply to other members of the Ready Re-
9 serve of the reserve components of the Armed Forces.

10 (c) COORDINATION WITH SECRETARY OF TRANSPOR-
11 TATION.—The Secretary of Defense shall carry out this
12 section in coordination with the Secretary of Transpor-
13 tation.

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

17 **SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 1999.**

18 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—Ex-
19 cept as provided in subsection (b), the adjustment, to be-
20 come effective during fiscal year 1999, required by section
21 1009 of title 37, United States Code, in the rate of month-
22 ly basic pay authorized members of the uniformed services
23 by section 203(a) of such title shall not be made.

1 (b) INCREASE IN BASIC PAY.—Effective on January
2 1, 1999, the rates of basic pay of members of the uni-
3 formed services shall be increased by the greater of—

4 (1) 3.6 percent; or

5 (2) the percentage increase determined under
6 subsection (c) of section 1009 of title 37, United
7 States Code, by which the monthly basic pay of
8 members would be adjusted under subsection (a) of
9 that section on that date in the absence of sub-
10 section (a) of this section.

11 **SEC. 602. BASIC ALLOWANCE FOR HOUSING OUTSIDE THE**
12 **UNITED STATES.**

13 (a) PAYMENT OF CERTAIN EXPENSES RELATED TO
14 OVERSEAS HOUSING.—Section 403(e) of title 37, United
15 States Code, is amended by adding at the end the follow-
16 ing new paragraph:

17 “(3)(A) In the case of a member of the uniformed
18 services authorized to receive an allowance under para-
19 graph (1), the Secretary concerned may make a lump-sum
20 payment to the member for required deposits and advance
21 rent, and for expenses relating thereto, that are—

22 “(i) incurred by the member in occupying pri-
23 vate housing outside of the United States; and

24 “(ii) authorized or approved under regulations
25 prescribed by the Secretary concerned.

1 “(B) Expenses for which a member may be reim-
2 bursed under this paragraph may include losses relating
3 to housing that are sustained by the member as a result
4 of fluctuations in the relative value of the currencies of
5 the United States and the foreign country in which the
6 housing is located.

7 “(C) The Secretary concerned shall recoup the full
8 amount of any deposit or advance rent payments made
9 by the Secretary under subparagraph (A), including any
10 gain resulting from currency fluctuations between the time
11 of payment and the time of recoupment.”.

12 (b) CONFORMING AMENDMENT.—Section 405 of title
13 37, United States Code, is amended by striking out sub-
14 section (c).

15 (c) RETROACTIVE APPLICATION.—The reimburse-
16 ment authority provided by section 403(c)(3)(B) of title
17 37, United States Code, as added by subsection (a), ap-
18 plies with respect to losses relating to housing that are
19 sustained, on or after July 1, 1997, by a member of the
20 uniformed services as a result of fluctuations in the rel-
21 ative value of the currencies of the United States and the
22 foreign country in which the housing is located.

1 **SEC. 603. BASIC ALLOWANCE FOR SUBSISTENCE FOR RE-**
2 **SERVES.**

3 (a) IN GENERAL.—Section 402 of title 37, United
4 States Code, is amended—

5 (1) by redesignating subsections (e) and (f) as
6 subsections (f) and (g), respectively; and

7 (2) by inserting after subsection (d) the follow-
8 ing new subsection:

9 “(e) SPECIAL RULE FOR CERTAIN ENLISTED RE-
10 SERVE MEMBERS.—Unless entitled to basic pay under
11 section 204 of this title, an enlisted member of a reserve
12 component may receive, at the discretion of the Secretary
13 concerned, rations in kind, or a part thereof, when the
14 member’s instruction or duty periods, as described in sec-
15 tion 206(a) of this title, total at least eight hours in a
16 calendar day. The Secretary concerned may provide an en-
17 listed member who could be provided rations in kind under
18 the preceding sentence with a commutation when rations
19 in kind are not available.”.

20 (b) APPLICATION DURING TRANSITIONAL PERIOD.—
21 Section 602(d)(1) of the National Defense Authorization
22 Act for Fiscal Year 1998 (Public Law 105–85; 37 U.S.C.
23 402 note) is amended by adding at the end the following
24 new subparagraph:

25 “(D) SPECIAL RULE FOR CERTAIN EN-
26 LISTED RESERVE MEMBERS.—Unless entitled to

1 basic pay under section 204 of title 37, United
2 States Code, an enlisted member of a reserve
3 component (as defined in section 101(24) of
4 such title) may receive, at the discretion of the
5 Secretary concerned (as defined in section
6 101(5) of such title), rations in kind, or a part
7 thereof, when the member's instruction or duty
8 periods (as described in section 206(a) of such
9 title) total at least eight hours in a calendar
10 day. The Secretary concerned may provide an
11 enlisted member who could be provided rations
12 in kind under the preceding sentence with a
13 commutation when rations in kind are not
14 available.”.

15 **Subtitle B—Bonuses and Special**
16 **and Incentive Pays**

17 **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUSES**
18 **AND SPECIAL PAY AUTHORITIES FOR RE-**
19 **SERVE FORCES.**

20 (a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN
21 CRITICALLY SHORT WARTIME SPECIALTIES.—Section
22 302g(f) of title 37, United States Code, is amended by
23 striking out “September 30, 1999” and inserting in lieu
24 thereof “September 30, 2000”.

1 (b) SELECTED RESERVE REENLISTMENT BONUS.—
2 Section 308b(f) of title 37, United States Code, is amend-
3 ed by striking out “September 30, 1999” and inserting
4 in lieu thereof “September 30, 2000”.

5 (c) SELECTED RESERVE ENLISTMENT BONUS.—Sec-
6 tion 308c(e) of title 37, United States Code, is amended
7 by striking out “September 30, 1999” and inserting in
8 lieu thereof “September 30, 2000”.

9 (d) SPECIAL PAY FOR ENLISTED MEMBERS AS-
10 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section
11 308d(c) of title 37, United States Code, is amended by
12 striking out “September 30, 1999” and inserting in lieu
13 thereof “September 30, 2000”.

14 (e) SELECTED RESERVE AFFILIATION BONUS.—Sec-
15 tion 308e(e) of title 37, United States Code, is amended
16 by striking out “September 30, 1999” and inserting in
17 lieu thereof “September 30, 2000”.

18 (f) READY RESERVE ENLISTMENT AND REENLIST-
19 MENT BONUS.—Section 308h(g) of title 37, United States
20 Code, is amended by striking out “September 30, 1999”
21 and inserting in lieu thereof “September 30, 2000”.

22 (g) PRIOR SERVICE ENLISTMENT BONUS.—Section
23 308i(f) of title 37, United States Code, is amended by
24 striking out “September 30, 1999” and inserting in lieu
25 thereof “September 30, 2000”.

1 (h) REPAYMENT OF EDUCATION LOANS FOR CER-
2 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-
3 LECTED RESERVE.—Section 16302(d) of title 10, United
4 States Code, is amended by striking out “October 1,
5 1999” and inserting in lieu thereof “October 1, 2000”.

6 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUSES**
7 **AND SPECIAL PAY AUTHORITIES FOR NURSE**
8 **OFFICER CANDIDATES, REGISTERED NURSES,**
9 **AND NURSE ANESTHETISTS.**

10 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-
11 GRAM.—Section 2130a(a)(1) of title 10, United States
12 Code, is amended by striking out “September 30, 1999”
13 and inserting in lieu thereof “September 30, 2000”.

14 (b) ACCESSION BONUS FOR REGISTERED NURSES.—
15 Section 302d(a)(1) of title 37, United States Code, is
16 amended by striking out “September 30, 1999” and in-
17 serting in lieu thereof “September 30, 2000”.

18 (c) INCENTIVE SPECIAL PAY FOR NURSE ANES-
19 THETISTS.—Section 302e(a)(1) of title 37, United States
20 Code, is amended by striking out “September 30, 1999”
21 and inserting in lieu thereof “September 30, 2000”.

1 **SEC. 613. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
2 **ING TO PAYMENT OF OTHER BONUSES AND**
3 **SPECIAL PAYS.**

4 (a) AVIATION OFFICER RETENTION BONUS.—Sec-
5 tion 301b(a) of title 37, United States Code, is amended
6 by striking out “September 30, 1999,” and inserting in
7 lieu thereof “September 30, 2000,”.

8 (b) REENLISTMENT BONUS FOR ACTIVE MEM-
9 BERS.—Section 308(g) of title 37, United States Code, is
10 amended by striking out “September 30, 1999” and in-
11 serting in lieu thereof “September 30, 2000”.

12 (c) ENLISTMENT BONUSES FOR MEMBERS WITH
13 CRITICAL SKILLS.—Sections 308a(e) and 308f(c) of title
14 37, United States Code, are each amended by striking out
15 “September 30, 1999” and inserting in lieu thereof “Sep-
16 tember 30, 2000”.

17 (d) SPECIAL PAY FOR NUCLEAR QUALIFIED OFFI-
18 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section
19 312(e) of title 37, United States Code, is amended by
20 striking out “September 30, 1999” and inserting in lieu
21 thereof “September 30, 2000”.

22 (e) NUCLEAR CAREER ACCESSION BONUS.—Section
23 312b(c) of title 37, United States Code, is amended by
24 striking out “September 30, 1999” and inserting in lieu
25 thereof “September 30, 2000”.

1 (f) NUCLEAR CAREER ANNUAL INCENTIVE
2 BONUS.—Section 312c(d) of title 37, United States Code,
3 is amended by striking out “October 1, 1999” and insert-
4 ing in lieu thereof “October 1, 2000”.

5 **SEC. 614. AVIATION CAREER INCENTIVE PAY AND AVIATION**
6 **OFFICER RETENTION BONUS.**

7 (a) DEFINITION OF AVIATION SERVICE.—(1) Section
8 301a(a)(6) of title 37, United States Code, is amended—

9 (A) by redesignating subparagraphs (A), (B),
10 and (C) as subparagraphs (B), (C), and (D), respec-
11 tively; and

12 (B) by inserting before subparagraph (B) (as so
13 redesignated) the following new subparagraph:

14 “(A) The term ‘aviation service’ means service
15 performed by an officer (except a flight surgeon or
16 other medical officer) while holding an aeronautical
17 rating or designation or while in training to receive
18 an aeronautical rating or designation.”.

19 (2) Section 301b(j) of such title is amended by strik-
20 ing out paragraph (1) and inserting in lieu thereof the
21 following new paragraph:

22 “(1) The term ‘aviation service’ means service
23 performed by an officer (except a flight surgeon or
24 other medical officer) while holding an aeronautical

1 rating or designation or while in training to receive
 2 an aeronautical rating or designation.”.

3 (b) AMOUNT OF INCENTIVE PAY.—Subsection (b) of
 4 section 301a of such title is amended to read as follows:

5 “(b)(1) A member who satisfies the requirements de-
 6 scribed in subsection (a) is entitled to monthly incentive
 7 pay as follows:

“Years of aviation service (including flight training) as an officer:	Monthly rate
2 or less	\$125
Over 2	\$156
Over 3	\$188
Over 4	\$206
Over 6	\$650
Over 14	\$840
Over 22	\$585
Over 23	\$495
Over 24	\$385
Over 25	\$250

8 “(2) An officer in a pay grade above O–6 is entitled,
 9 until the officer completes 25 years of aviation service, to
 10 be paid at the rates set forth in the table in paragraph
 11 (1), except that—

12 “(A) an officer in pay grade O–7 may not be
 13 paid at a rate greater than \$200 a month; and

14 “(B) an officer in pay grade O–8 or above may
 15 not be paid at a rate greater than \$206 a month.

16 “(3) For a warrant officer with over 22, 23, 24, or
 17 25 years of aviation service who is qualified under sub-
 18 section (a), the rate prescribed in the table in paragraph
 19 (1) for officers with over 14 years of aviation service shall
 20 continue to apply to the warrant officer.”.

1 (c) REFERENCES TO AVIATION SERVICE.—(1) Sec-
2 tion 301a of such title is further amended—

3 (A) in subsection (a)(4)—

4 (i) by striking out “22 years of the offi-
5 cer’s service as an officer” and inserting in lieu
6 thereof “22 years of aviation service of the offi-
7 cer”; and

8 (ii) by striking out “25 years of service as
9 an officer (as computed under section 205 of
10 this title)” and inserting in lieu thereof “25
11 years of aviation service”; and

12 (B) in subsection (d), by striking out “sub-
13 section (b)(1) or (2), as the case may be, for the
14 performance of that duty by a member of cor-
15 responding years of aviation or officer service, as ap-
16 propriate,” and inserting in lieu thereof “subsection
17 (b) for the performance of that duty by a member
18 with corresponding years of aviation service”.

19 (2) Section 301b(b)(5) of such title is amended by
20 striking out “active duty” and inserting in lieu thereof
21 “aviation service”.

22 (d) CONFORMING AMENDMENT.—Section 615 of the
23 National Defense Authorization Act for Fiscal Year 1998
24 (Public Law 105–85; 111 Stat. 1787) is repealed.

1 **SEC. 615. SPECIAL PAY FOR DIVING DUTY.**

2 Section 304(a) of title 37, United States Code, is
3 amended—

4 (1) by inserting “or” at the end of paragraph
5 (1);

6 (2) in paragraph (2), by striking out “by fre-
7 quent and regular dives; and” and inserting in lieu
8 thereof a period; and

9 (3) by striking out paragraph (3).

10 **SEC. 616. SELECTIVE REENLISTMENT BONUS ELIGIBILITY**
11 **FOR RESERVE MEMBERS PERFORMING AC-**
12 **TIVE GUARD AND RESERVE DUTY.**

13 Section 308(a)(1)(D) of title 37, United States Code,
14 is amended to read as follows:

15 “(D) reenlists or voluntarily extends the mem-
16 ber’s enlistment for a period of at least three years
17 in a regular component, or in a reserve component
18 if the member is performing active Guard and Re-
19 serve duty (as defined in section 101(d)(6) of title
20 10), of the service concerned;”.

21 **SEC. 617. REMOVAL OF TEN PERCENT RESTRICTION ON SE-**
22 **LECTIVE REENLISTMENT BONUSES.**

23 Section 308(b) of title 37, United States Code, is
24 amended—

25 (1) by striking out “(1)” after “(b)”; and

26 (2) by striking out paragraph (2).

1 **SEC. 618. INCREASE IN MAXIMUM AMOUNT OF ARMY EN-**
2 **LISTMENT BONUS.**

3 Section 308f(a) of title 37, United States Code, is
4 amended by striking out “\$4,000” and inserting in lieu
5 thereof “\$6,000”.

6 **SEC. 619. EQUITABLE TREATMENT OF RESERVES ELIGIBLE**
7 **FOR SPECIAL PAY FOR DUTY SUBJECT TO**
8 **HOSTILE FIRE OR IMMINENT DANGER.**

9 Section 310(b) of title 37, United States Code, is
10 amended—

11 (1) by inserting “(1)” after “(b)”; and

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

14 “(2) A member of a reserve component who is eligible
15 for special pay under this section for a month shall receive
16 the full amount authorized in subsection (a) for that
17 month regardless of the number of days during that
18 month on which the member satisfies the eligibility criteria
19 specified in such subsection.”.

20 **SEC. 620. HARDSHIP DUTY PAY.**

21 (a) DUTY FOR WHICH PAY AUTHORIZED.—Sub-
22 section (a) of section 305 of title 37, United States Code,
23 is amended by striking out “on duty at a location” and
24 all that follows and inserting in lieu thereof “performing
25 duty in the United States or outside the United States

1 that is designated by the Secretary of Defense as hardship
2 duty.”.

3 (b) REPEAL OF EXCEPTION FOR MEMBERS RECEIV-
4 ING CAREER SEA PAY.—Subsection (c) of such section is
5 repealed.

6 (c) CONFORMING AMENDMENTS.—(1) Subsections
7 (b) and (d) of such section are amended by striking out
8 “hardship duty location pay” and inserting in lieu thereof
9 “hardship duty pay”.

10 (2) Subsection (d) of such section is redesignated as
11 subsection (e).

12 (3) The heading for such section is amended by strik-
13 ing out “**location**”.

14 (4) Section 907(d) of title 37, United States Code,
15 is amended by striking out “duty at a hardship duty loca-
16 tion” and inserting in lieu thereof “hardship duty”.

17 (d) CLERICAL AMENDMENT.—The item relating to
18 section 305 in the table of sections at the beginning of
19 chapter 5 of such title is amended to read as follows:

“305. Special pay: hardship duty pay.”.

20 **Subtitle C—Travel and**
21 **Transportation Allowances**

22 **SEC. 631. EXCEPTION TO MAXIMUM WEIGHT ALLOWANCE**
23 **FOR BAGGAGE AND HOUSEHOLD EFFECTS.**

24 Section 406(b)(1)(D) of title 37, United States Code,
25 is amended in the second sentence by inserting before the

1 period the following: “, unless the additional weight allow-
2 ance in excess of such maximum is intended to permit the
3 shipping of consumables that cannot be reasonably ob-
4 tained at the new station of the member”.

5 **SEC. 632. TRAVEL AND TRANSPORTATION ALLOWANCES**
6 **FOR TRAVEL PERFORMED BY MEMBERS IN**
7 **CONNECTION WITH REST AND RECUPER-**
8 **ATIVE LEAVE FROM OVERSEAS STATIONS.**

9 (a) PROVISION OF TRANSPORTATION.—Section 411c
10 of title 37, United States Code, is amended by striking
11 out subsection (b) and inserting in lieu thereof the follow-
12 ing new subsection:

13 “(b) When the transportation authorized by sub-
14 section (a) is provided by the Secretary concerned, the
15 Secretary may use Government or commercial carriers.
16 The Secretary concerned may limit the amount of pay-
17 ments made to members under subsection (a).”.

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

1 **“§ 411c. Travel and transportation allowances: travel**
2 **performed in connection with rest and**
3 **recuperative leave from certain stations**
4 **in foreign countries”.**

5 (2) The item relating to such section in the table of
6 sections at the beginning of chapter 7 of such title is
7 amended to read as follows:

“411c. Travel and transportation allowances: travel performed in connection
with rest and recuperative leave from certain stations in for-
eign countries.”.

8 **SEC. 633. STORAGE OF BAGGAGE OF CERTAIN DEPEND-**
9 **ENTS.**

10 Section 430(b) of title 37, United States Code, is
11 amended—

12 (1) by inserting “(1)” after “(b)”; and

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

15 “(2) At the option of the member, in lieu of the trans-
16 portation of baggage of a dependent child under para-
17 graph (1) from the dependent’s school in the continental
18 United States, the Secretary concerned may pay or reim-
19 burse the member for costs incurred to store the baggage
20 at or in the vicinity of the school during the dependent’s
21 annual trip between the school and the member’s duty sta-
22 tion. The amount of the payment or reimbursement may
23 not exceed the cost that the Government would incur to
24 transport the baggage.”.

1 **Subtitle D—Retired Pay, Survivor**
2 **Benefits, and Related Matters**

3 **SEC. 641. EFFECTIVE DATE OF FORMER SPOUSE SURVIVOR**
4 **BENEFIT COVERAGE.**

5 (a) COORDINATION OF PROVISIONS.—Section
6 1448(b)(3)(C) of title 10, United States Code, is amended
7 by inserting after “the Secretary concerned” in the second
8 sentence the following: “, except that, in the case of an
9 election made by a person described in section
10 1450(f)(3)(B) of this title, such an election is effective on
11 the first day of the first month which begins after the date
12 of the court order or filing involved (in the same manner
13 as provided under section 1450(f)(3)(D) of this title)”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 subsection (a) shall apply to elections under section
16 1448(b)(3) of title 10, United States Code, that are re-
17 ceived by the Secretary concerned on or after the date of
18 the enactment of this Act.

19 **SEC. 642. REVISION TO COMPUTATION OF RETIRED PAY**
20 **FOR ENLISTED MEMBERS WHO ARE RE-**
21 **DEDUCED IN GRADE BEFORE RETIREMENT.**

22 (a) PRE-SEPTEMBER 8, 1980 MEMBERS.—Section
23 1406(i) of title 10, United States Code, is amended—

24 (1) by redesignating paragraph (2) as para-
25 graph (3); and

1 (2) by inserting after paragraph (1) the follow-
2 ing new paragraph (2):

3 “(2) EXCEPTION FOR MEMBERS REDUCED IN
4 GRADE.—Paragraph (1) does not apply in the case
5 of a member who after serving as the senior enlisted
6 member of an armed force is reduced in grade as the
7 result of a court-martial sentence, nonjudicial pun-
8 ishment, or other administrative process, as deter-
9 mined by the Secretary concerned.”.

10 (b) POST-SEPTEMBER 7, 1980 MEMBERS.—Section
11 1407 of such title is amended by adding at the end the
12 following new subsection:

13 “(f) LIMITATION FOR ENLISTED MEMBERS RE-
14 DUCED IN GRADE.—

15 “(1) BASIC PAY DISREGARDED FOR GRADES
16 ABOVE GRADE TO WHICH REDUCTION IN GRADE IS
17 MADE.—In computing the high-three average of a
18 retired enlisted member who has been reduced in
19 grade, the amount of basic pay to which the member
20 was entitled for any covered pre-reduction month (or
21 to which the member would have been entitled if
22 serving on active duty during that month, in the
23 case of a member entitled to retired under pay under
24 section 12731 of this title) shall (for the purposes of
25 such computation) be deemed to be the rate of basic

1 pay to which the member would have been entitled
2 for that month if the member had served on active
3 duty during that month in the grade to which the
4 reduction in grade was made.

5 “(2) DEFINITIONS.—In this subsection:

6 “(A) RETIRED ENLISTED MEMBER WHO
7 HAS BEEN REDUCED IN GRADE.—The term ‘re-
8 tired enlisted member who has been reduced in
9 grade’ means a member or former member
10 who—

11 “(i) retires in an enlisted grade,
12 transfers to the Fleet Reserve or Fleet Ma-
13 rine Corps Reserve, or becomes entitled to
14 retired pay under chapter 12731 after last
15 serving in an enlisted grade; and

16 “(ii) had at any time previously been
17 reduced in grade as the result of a court-
18 martial sentence, nonjudicial punishment,
19 or other administrative process, as deter-
20 mined by the Secretary concerned.

21 “(B) COVERED PRE-REDUCTION MONTH
22 DEFINED.—The term ‘covered pre-reduction
23 month’ means, in the case of a retired enlisted
24 member who has been reduced in grade, a
25 month of service of the member before the re-

1 duction in grade of the member during which
2 the member served in a grade higher than the
3 grade to which the reduction in grade was
4 made.”.

5 (c) **EFFECTIVE DATE.**—The amendment made by
6 subsection (a) shall apply in the case of a member who
7 is reduced in grade by sentence of a court-martial only
8 in the case of a court-martial conviction on or after the
9 date of the enactment of this Act. Subsection (f) of section
10 1407 of title 10, United States Code, as added by the
11 amendment made by subsection (b), shall not apply to the
12 retired or retainer pay of any person who becomes entitled
13 to that pay before the date of the enactment of this Act.

14 (d) **TECHNICAL AMENDMENT.**—Subsection (e) of sec-
15 tion 1407 of title 10, United States Code, is amended by
16 striking out “high-36 average shall be computed” and in-
17 serting in lieu thereof “high-three average shall be com-
18 puted under subsection (c)(1)”.

19 **Subtitle E—Other Matters**

20 **SEC. 651. DELETION OF CANAL ZONE FROM DEFINITION OF** 21 **UNITED STATES POSSESSIONS FOR PUR-** 22 **POSES OF PAY AND ALLOWANCES.**

23 Section 101(2) of title 37, United States Code, is
24 amended by striking “the Canal Zone,”.

1 **SEC. 652. ACCOUNTING OF ADVANCE PAYMENTS.**

2 Section 1006(e) of title 37, United States Code, is
3 amended—

4 (1) by inserting “(1)” after “(e)”; and

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

7 “(2) Obligations and expenditures incurred for an ad-
8 vance payment under this section may not be included in
9 any determination of amounts available for obligation or
10 expenditure except in the fiscal year in which the advance
11 payment is ultimately earned and such obligations and ex-
12 penditures shall be accounted for only in such fiscal
13 year.”.

14 **SEC. 653. REIMBURSEMENT OF RENTAL VEHICLE COSTS**
15 **WHEN MOTOR VEHICLE TRANSPORTED AT**
16 **GOVERNMENT EXPENSE IS LATE.**

17 (a) TRANSPORTATION IN CONNECTION WITH
18 CHANGE OF PERMANENT STATION.—Section 2634 of title
19 10, United States Code, is amended—

20 (1) by redesignating subsection (g) as sub-
21 section (h); and

22 (2) by inserting after subsection (f) the follow-
23 ing new subsection:

24 “(g) If a motor vehicle of a member (or a dependent
25 of the member) that is transported at the expense of the
26 United States under this section does not arrive at the

1 authorized destination of the vehicle by the designated de-
2 livery date, the Secretary concerned shall reimburse the
3 member for expenses incurred after that date to rent a
4 motor vehicle for the member's use, or for the use of the
5 dependent for whom the delayed vehicle was transported.
6 However, the amount reimbursed shall not exceed \$30 per
7 day, and the rental period for which reimbursement may
8 be provided shall expire after seven days or on the date
9 on which the delayed vehicle finally arrives at the author-
10 ized destination (whichever occurs first).”.

11 (b) TRANSPORTATION IN CONNECTION WITH OTHER
12 MOVES.—Section 406(h) of title 37, United States Code,
13 is amended by adding at the end the following new para-
14 graph:

15 “(3) If a motor vehicle of a member (or a dependent
16 of the member) that is transported at the expense of the
17 United States under this subsection does not arrive at the
18 authorized destination of the vehicle by the designated de-
19 livery date, the Secretary concerned shall reimburse the
20 member for expenses incurred after that date to rent a
21 motor vehicle for the dependent's use. However, the
22 amount reimbursed shall not exceed \$30 per day, and the
23 rental period for which reimbursement may be provided
24 shall expire after seven days or on the date on which the

1 delayed vehicle finally arrives at the authorized destination
2 (whichever occurs first).”.

3 (c) TRANSPORTATION IN CONNECTION WITH DEPAR-
4 TURE ALLOWANCES FOR DEPENDENTS.—Section 405a(b)
5 of title 37, United States Code, is amended—

6 (1) by inserting “(1)” after “(b)”; and

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

9 “(2) If a motor vehicle of a member (or a dependent
10 of the member) that is transported at the expense of the
11 United States under paragraph (1) does not arrive at the
12 authorized destination of the vehicle by the designated de-
13 livery date, the Secretary concerned shall reimburse the
14 member for expenses incurred after that date to rent a
15 motor vehicle for the dependent’s use. However, the
16 amount reimbursed shall not exceed \$30 per day, and the
17 rental period for which reimbursement may be provided
18 shall expire after seven days or on the date on which the
19 delayed vehicle finally arrives at the authorized destination
20 (whichever occurs first).”.

21 (d) TRANSPORTATION IN CONNECTION WITH EF-
22 FECTS OF MISSING PERSONS.—Section 554 of title 37,
23 United States Code, is amended—

24 (1) by redesignating subsection (i) as subsection

25 (j); and

1 (2) by inserting after subsection (h) the follow-
2 ing new subsection:

3 “(i) If a motor vehicle of a member (or a dependent
4 of the member) that is transported at the expense of the
5 United States under this section does not arrive at the
6 authorized destination of the vehicle by the designated de-
7 livery date, the Secretary concerned shall reimburse the
8 dependent for expenses incurred after that date to rent
9 a motor vehicle for the dependent’s use. However, the
10 amount reimbursed shall not exceed \$30 per day, and the
11 rental period for which reimbursement may be provided
12 shall expire after seven days or on the date on which the
13 delayed vehicle finally arrives at the authorized destination
14 (whichever occurs first).”.

15 (e) APPLICATION OF AMENDMENTS.—Reimburse-
16 ment for motor vehicle rental expenses may not be pro-
17 vided under the amendments made by this section until
18 after the date on which the Secretary of Defense submits
19 to Congress a report certifying that the Department of
20 Defense has in place and operational a system to recover
21 the cost to the Department of providing such reimburse-
22 ment from commercial carriers that are responsible for the
23 delay in the delivery of the motor vehicles of members of
24 the Armed Forces and their dependents. The amendments
25 shall apply with respect to rental expenses described in

1 such amendments that are incurred on or after the date
2 of the submission of the report. The report shall be sub-
3 mitted not later than six months after the date of the en-
4 actment of this Act and shall include, in addition to the
5 certification, a description of the system used to recover
6 from commercial carriers the costs incurred by the De-
7 partment under such amendments.

8 **SEC. 654. EDUCATION LOAN REPAYMENT PROGRAM FOR**
9 **CERTAIN HEALTH PROFESSION OFFICERS**
10 **SERVING IN SELECTED RESERVE.**

11 (a) LOAN REPAYMENT AMOUNTS.—Section 16302(c)
12 of title 10, United States Code, is amended—

13 (1) in paragraph (2), by striking out “\$3,000”
14 and inserting in lieu thereof “\$10,000”; and

15 (2) in paragraph (3), by striking out “\$20,000”
16 and inserting in lieu thereof “\$50,000”.

17 (b) EFFECTIVE DATE.—The amendments made by
18 subsection (a) shall take effect on October 1, 1998.

19 **TITLE VII—HEALTH CARE**
20 **PROVISIONS**

21 **Subtitle A—Health Care Services**

22 **SEC. 701. EXPANSION OF DEPENDENT ELIGIBILITY UNDER**
23 **RETIREE DENTAL PROGRAM.**

24 (a) IN GENERAL.—Subsection (b) of section 1076c
25 of title 10, United States Code, is amended—

1 (1) by redesignating paragraph (4) as para-
2 graph (5); and

3 (2) by inserting after paragraph (3) the follow-
4 ing new paragraph:

5 “(4) Eligible dependents of a member described
6 in paragraph (1) or (2) who is not enrolled in the
7 plan and who—

8 “(A) is enrolled under section 1705 of title
9 38 to receive dental care from the Secretary of
10 Veterans Affairs;

11 “(B) is enrolled in a dental plan that—

12 “(i) is available to the member as a
13 result of employment by the member that
14 is separate from the military service of the
15 member; and

16 “(ii) is not available to dependents of
17 the member as a result of such separate
18 employment by the member; or

19 “(C) is prevented by a medical or dental
20 condition from being able to obtain benefits
21 under the plan.”.

22 (b) CONFORMING AMENDMENT.—Subsection (f)(3)
23 of such section is amended by striking out “(b)(4)” and
24 inserting in lieu thereof “(b)(5)”.

1 **SEC. 702. PLAN FOR PROVISION OF HEALTH CARE FOR**
2 **MILITARY RETIREES AND THEIR DEPEND-**
3 **ENTS COMPARABLE TO HEALTH CARE PRO-**
4 **VIDED UNDER TRICARE PRIME.**

5 (a) **REQUIREMENT TO SUBMIT PLAN.**—(1) The Sec-
6 retary of Defense shall submit to Congress—

7 (A) a plan under which the Secretary would
8 guarantee access, for covered beneficiaries described
9 in subsection (b), to health care that is comparable
10 to the health care provided to covered beneficiaries
11 under chapter 55 of title 10, United States Code,
12 under TRICARE Prime (as defined in subsection
13 (d) of section 1097a of such title (as added by sec-
14 tion 712)); and

15 (B) a legislative proposal and cost estimate for
16 implementing the plan.

17 (2) The plan required under paragraph (1)(A) shall
18 provide for guaranteed access to such health care for such
19 covered beneficiaries by October 1, 2001.

20 (b) **COVERED BENEFICIARIES.**—A covered bene-
21 ficiary under this subsection is an individual who is a cov-
22 ered beneficiary under chapter 55 of title 10, United
23 States Code, who—

24 (1) is a member or former member of the
25 Armed Forces entitled to retired pay under such
26 title; or

1 (B) A centralized database that integrates
2 the patient databases of pharmacies of military
3 medical treatment facilities and contractor re-
4 tail and mail-order programs to implement
5 automated prospective drug utilization review
6 systems.

7 (C) A system-wide drug benefit for covered
8 beneficiaries under chapter 55 of title 10,
9 United States Code, who are entitled to hospital
10 insurance benefits under part A of title XVIII
11 of the Social Security Act (42 U.S.C. 1395c et
12 seq.).

13 (b) SUBMISSION OF PLAN.—The Secretary shall sub-
14 mit the plan required under subsection (a) not later than
15 March 1, 1999.

16 (c) SUSPENSION OF IMPLEMENTATION OF PRO-
17 GRAM.—The Secretary shall suspend any plan to establish
18 a national retail pharmacy program for the Department
19 of Defense until—

20 (1) the plan required under subsection (a) is
21 submitted; and

22 (2) the Secretary implements cost-saving re-
23 forms with respect to the military and contractor re-
24 tail and mail order pharmacy system.

1 **SEC. 704. TRANSITIONAL AUTHORITY TO PROVIDE CONTIN-**
2 **UED HEALTH CARE COVERAGE FOR CERTAIN**
3 **PERSONS UNAWARE OF LOSS OF CHAMPUS**
4 **ELIGIBILITY.**

5 (a) **TRANSITIONAL COVERAGE.**—The administering
6 Secretaries may continue eligibility of a person described
7 in subsection (b) for health care coverage under the Civil-
8 ian Health and Medical Program of the Uniformed Serv-
9 ices based on a determination that such continuation is
10 appropriate to assure health care coverage for any such
11 person who may have been unaware of the loss of eligi-
12 bility to receive health benefits under that program.

13 (b) **PERSONS ELIGIBLE.**—A person shall be eligible
14 for transitional health care coverage under subsection (a)
15 if the person—

16 (1) is a person described in paragraph (1) of
17 subsection (d) of section 1086 of title 10, United
18 States Code;

19 (2) in the absence of such paragraph, would be
20 eligible for health benefits under such section; and

21 (3) satisfies the criteria specified in subpara-
22 graphs (A) and (B) of paragraph (2) of such sub-
23 section.

24 (c) **EXTENT OF TRANSITIONAL AUTHORITY.**—The
25 authority to continue eligibility under this section shall

1 apply with respect to health care services provided between
2 October 1, 1998, and July 1, 1999.

3 (d) DEFINITION.—In this section, the term “admin-
4 istering Secretaries” has the meaning given that term in
5 section 1072(3) of title 10, United States Code.

6 **Subtitle B—TRICARE Program**

7 **SEC. 711. PAYMENT OF CLAIMS FOR PROVISION OF HEALTH** 8 **CARE UNDER THE TRICARE PROGRAM FOR** 9 **WHICH A THIRD PARTY MAY BE LIABLE.**

10 (a) IN GENERAL.—(1) Chapter 55 of title 10, United
11 States Code, is amended by inserting after section 1095a
12 the following new section:

13 **“§ 1095b. TRICARE program: contractor payment of** 14 **certain claims**

15 “(a) PAYMENT OF CLAIMS.—(1) The Secretary of
16 Defense may authorize a contractor under the TRICARE
17 program to pay a claim described in paragraph (2) before
18 seeking to recover from a third-party payer the costs in-
19 curred by the contractor to provide health care services
20 that are the basis of the claim to a beneficiary under such
21 program.

22 “(2) A claim under this paragraph is a claim—

23 “(A) that is submitted to the contractor by a
24 provider under the TRICARE program for payment

1 for services for health care provided to a covered
2 beneficiary; and

3 “(B) that is identified by the contractor as a
4 claim for which a third-party payer may be liable.

5 “(b) RECOVERY FROM THIRD-PARTY PAYERS.—A
6 contractor for the provision of health care services under
7 the TRICARE program that pays a claim described in
8 subsection (a)(2) shall have the right to collect from the
9 third-party payer the costs incurred by such contractor on
10 behalf of the covered beneficiary. The contractor shall
11 have the same right to collect such costs under this sub-
12 section as the right of the United States to collect costs
13 under section 1095 of this title.

14 “(c) DEFINITION OF THIRD-PARTY PAYER.—In this
15 section, the term ‘third-party payer’ has the meaning
16 given that term in section 1095(h) of this title, except that
17 such term excludes primary medical insurers.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of such chapter is amended by inserting
20 after the item relating to section 1095a the following new
21 item:

“1095b. TRICARE program: contractor payment of certain claims.”.

1 **SEC. 712. PROCEDURES REGARDING ENROLLMENT IN**
2 **TRICARE PRIME.**

3 (a) IN GENERAL.—(1) Chapter 55 of title 10, United
4 States Code, is amended by inserting after section 1097
5 the following new section:

6 **“§ 1097a. Enrollment in TRICARE Prime: procedures**

7 “(a) AUTOMATIC ENROLLMENT OF CERTAIN DE-
8 PENDENTS.—The Secretary of Defense shall establish pro-
9 cedures under which dependents of members of the armed
10 forces on active duty who reside in the catchment area
11 of a military medical treatment facility shall be automati-
12 cally enrolled in TRICARE Prime at the military medical
13 treatment facility. The Secretary shall provide notice in
14 writing to the member regarding such enrollment.

15 “(b) AUTOMATIC CONTINUATION OF ENROLL-
16 MENT.—The Secretary of Defense shall establish proce-
17 dures under which enrollment of covered beneficiaries in
18 TRICARE Prime shall automatically continue until such
19 time as the covered beneficiary elects to disenroll or is no
20 longer eligible for enrollment.

21 “(c) OPTION FOR RETIREES TO DEDUCT FEE FROM
22 PAY.—The Secretary of Defense shall establish proce-
23 dures under which a retired member of the armed forces
24 may elect to have any fees payable by the member for en-
25 rollment in TRICARE Prime withheld from the retired
26 pay of the member (if pay is available to the member).

1 “(d) DEFINITION OF TRICARE PRIME.—In this sec-
 2 tion, the term ‘TRICARE Prime’ means the managed care
 3 option of the TRICARE program known as TRICARE
 4 Prime.”.

5 (2) The table of sections at the beginning of such
 6 chapter is amended by inserting after the item relating
 7 to section 1097 the following new item:

“1097a. Enrollment in TRICARE Prime: procedures.”.

8 (b) DEADLINE FOR IMPLEMENTATION.—The Sec-
 9 retary of Defense shall establish the procedures required
 10 under section 1097a of title 10, United States Code, as
 11 added by subsection (a), not later than April 1, 1999.

12 **Subtitle C—Other Matters**

13 **SEC. 721. INFLATION ADJUSTMENT OF PREMIUM AMOUNTS** 14 **FOR DEPENDENTS DENTAL PROGRAM.**

15 Section 1076a(b)(2) of title 10, United States Code,
 16 is amended by inserting after “\$20 per month” the follow-
 17 ing: “(in 1993 dollars, as adjusted for inflation in each
 18 year thereafter)”.

19 **SEC. 722. SYSTEM FOR TRACKING DATA AND MEASURING** 20 **PERFORMANCE IN MEETING TRICARE AC-** 21 **CESS STANDARDS.**

22 (a) REQUIREMENT TO ESTABLISH SYSTEM.—(1)

23 The Secretary of Defense shall establish a system—

24 (A) to track data regarding access of covered
 25 beneficiaries under chapter 55 of title 10, United

1 States Code, to primary health care under the
2 TRICARE program; and

3 (B) to measure performance in increasing such
4 access against the primary care access standards es-
5 tablished by the Secretary under the TRICARE pro-
6 gram.

7 (2) In implementing the system described in para-
8 graph (1), the Secretary shall collect data on the timeli-
9 ness of appointments and precise waiting times for ap-
10 pointments in order to measure performance in meeting
11 the primary care access standards established under the
12 TRICARE program.

13 (b) DEADLINE FOR ESTABLISHMENT.—The Sec-
14 retary shall establish the system described in subsection
15 (a) not later than April 1, 1999.

16 **SEC. 723. AIR FORCE RESEARCH, DEVELOPMENT, TRAIN-**
17 **ING, AND EDUCATION ON EXPOSURE TO**
18 **CHEMICAL, BIOLOGICAL, AND RADIOLOGICAL**
19 **HAZARDS.**

20 (a) IN GENERAL.—The Secretary of the Air Force
21 is hereby authorized to—

22 (1) conduct research on the health-related, envi-
23 ronmental, and ecological effects of exposure to
24 chemical, biological, and radiological hazards;

1 (2) develop new risk-assessment methods and
2 instruments with respect to exposure to such haz-
3 ards, including more accurate risk assessment tools
4 to support the Air Force Enhanced Site Specific
5 Risk Assessment; and

6 (3) educate and train researchers with respect
7 to exposure to such hazards.

8 (b) ACTIVITIES TO BE CONDUCTED.—Research and
9 development conducted under subsection (a) includes—

10 (1) development of equipment to monitor soil
11 and ground water contamination and the impact of
12 such contamination on the biosystem chain;

13 (2) implementation of a cross-sectional epide-
14 miological study of exposure to jet fuel; and

15 (3) implementation of a health-risk assessment
16 regarding exposure to jet fuel.

17 **SEC. 724. AUTHORIZATION TO ESTABLISH A LEVEL 1 TRAU-**
18 **MA TRAINING CENTER.**

19 The Secretary of the Army is hereby authorized to
20 establish a Level 1 Trauma Training Center (as des-
21 ignated by the American College of Surgeons) in order to
22 provide the Army with a trauma center capable of training
23 forward surgical teams.

1 **SEC. 725. REPORT ON IMPLEMENTATION OF ENROLLMENT-**
2 **BASED CAPITATION FOR FUNDING FOR MILI-**
3 **TARY MEDICAL TREATMENT FACILITIES.**

4 (a) REPORT REQUIRED.—The Secretary of Defense
5 shall submit to Congress a report on the potential impact
6 of using an enrollment-based capitation methodology to al-
7 locate funds for military medical treatment facilities. The
8 report shall address the following:

9 (1) A description of the plans of the Secretary
10 to implement an enrollment-based capitation meth-
11 odology for military medical treatment facilities and
12 with respect to contracts for the delivery of health
13 care under the TRICARE program.

14 (2) The justifications for implementing an en-
15 rollment-based capitation methodology without first
16 conducting a demonstration project for implementa-
17 tion of such methodology.

18 (3) The impact that implementation of an en-
19 rollment based capitation methodology would have
20 on the provision of space-available care at military
21 medical treatment facilities, particularly in the case
22 of care for—

23 (A) military retirees entitled who are enti-
24 tled to hospital insurance benefits under part A
25 of title XVIII of the Social Security Act (42
26 U.S.C. 1395c et seq.); and

1 (B) covered beneficiaries under chapter 55
2 of title 10, United States Code, who reside out-
3 side the catchment area of a military medical
4 treatment facility.

5 (4) The impact that implementation of an en-
6 rollment-based capitation methodology would have
7 with respect to the pharmacy benefits provided at
8 military medical treatment facilities, given that the
9 enrollment-based capitation methodology would fund
10 military medical treatment facilities based on the
11 number of members at such facilities enrolled in
12 TRICARE Prime, but all covered beneficiaries may
13 fill prescriptions at military medical treatment facil-
14 ity pharmacies.

15 (5) An explanation of how additional funding
16 will be provided for a military medical treatment fa-
17 cility if an enrollment-based capitation methodology
18 is implemented to ensure that space-available care
19 and pharmacy coverage can be provided to covered
20 beneficiaries who are not enrolled at the military
21 medical treatment facility, and the amount of fund-
22 ing that will be available.

23 (6) An explanation of how implementation of an
24 enrollment-based capitation methodology would im-
25 pact the provision of uniform benefits under

1 TRICARE Prime, and how the Secretary would en-
2 sure, if such methodology were implemented, that
3 the provision of health care under TRICARE Prime
4 would not be bifurcated between the provision of
5 such care at military medical treatment facilities and
6 the provision of such care from civilian providers.

7 (b) DEADLINE FOR SUBMISSION.—The Secretary
8 shall submit the report required by subsection (a) not later
9 than March 1, 1999.

10 **SEC. 726. REQUIREMENT THAT MILITARY PHYSICIANS POS-**
11 **SESS UNRESTRICTED LICENSES.**

12 (a) IN GENERAL.—Section 1094(a) of title 10,
13 United States Code, is amended by adding at the end the
14 following new paragraph:

15 “(3) In the case of a physician under the jurisdiction
16 of the Secretary of a military department, such physician
17 may not provide health care as a physician under this
18 chapter unless the current license of the physician is an
19 unrestricted license which is not subject to limitation on
20 the scope of practice ordinarily granted to other physicians
21 for a similar specialty by the jurisdiction that granted the
22 license.”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 subsection (a) shall take effect on the date of the enact-
25 ment of this Act.

1 **SEC. 727. ESTABLISHMENT OF MECHANISM FOR ENSURING**
2 **COMPLETION BY MILITARY PHYSICIANS OF**
3 **CONTINUING MEDICAL EDUCATION RE-**
4 **QUIREMENTS.**

5 (a) IN GENERAL.—(1) Chapter 55 of title 10, United
6 States Code, is amended by inserting after section 1094
7 the following new section:

8 **“§ 1094a. Mechanism for monitoring of completion of**
9 **Continuing Medical Education require-**
10 **ments**

11 “The Secretary of Defense shall establish a mecha-
12 nism for the purpose of ensuring that each person under
13 the jurisdiction of the Secretary of a military department
14 who provides health care under this chapter as a physician
15 completes the Continuing Medical Education requirements
16 applicable to the physician.”.

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

“1094a. Mechanism for monitoring of completion of Continuing Medical Edu-
cation requirements.”.

20 (b) EFFECTIVE DATE.—Section 1094a of title 10,
21 United States Code, as added by subsection (a), shall take
22 effect on the date that is three years after the date of
23 the enactment of this Act.

1 **SEC. 728. PROPOSAL ON ESTABLISHMENT OF APPEALS**
2 **PROCESS FOR CLAIMCHECK DENIALS AND**
3 **REVIEW OF CLAIMCHECK SYSTEM.**

4 Not later than November 1, 1998, the Secretary of
5 Defense shall submit to Congress a proposal to establish
6 an appeals process in cases of denials through the
7 ClaimCheck computer software system of claims by civil-
8 ian providers for payment for health care services provided
9 under the TRICARE program.

10 **SEC. 729. DEMONSTRATION PROJECT TO INCLUDE CER-**
11 **TAIN COVERED BENEFICIARIES WITHIN FED-**
12 **ERAL EMPLOYEES HEALTH BENEFITS PRO-**
13 **GRAM.**

14 (a) DEMONSTRATION PROJECT.—(1) Chapter 55 of
15 title 10, United States Code, is amended by adding at the
16 end the following new section:

17 **“§ 1108. Health care coverage through Federal Em-**
18 **ployees Health Benefits program: dem-**
19 **onstration project**

20 “(a) FEHBP OPTION DEMONSTRATION.—The Sec-
21 retary of Defense, after consulting with the other admin-
22 istering Secretaries, shall enter into an agreement with the
23 Office of Personnel Management to conduct a demonstra-
24 tion project under which not more than 70,000 eligible
25 covered beneficiaries described in subsection (b) and resid-
26 ing within one of the areas covered by the demonstration

1 project may be enrolled in health benefits plans offered
2 through the Federal Employees Health Benefits program
3 under chapter 89 of title 5, United States Code.

4 “(b) ELIGIBLE COVERED BENEFICIARIES.—(1) An
5 eligible covered beneficiary under this subsection is—

6 “(A) a member or former member of the uni-
7 formed services described in section 1074(b) of this
8 title who is entitled to hospital insurance benefits
9 under part A of title XVIII of the Social Security
10 Act (42 U.S.C. 1395c et seq.);

11 “(B) a dependent of such a member described
12 in section 1076(b) or 1076(a)(2)(B) of this title;

13 “(C) a dependent of a member of the uniformed
14 services who died while on active duty for a period
15 of more than 30 days; or

16 “(D) a dependent described in section 1076(b)
17 or 1076(a)(2)(B) of this title who is entitled to hos-
18 pital insurance benefits under part A of title XVIII
19 of the Social Security Act, regardless of the mem-
20 ber’s or former member’s eligibility for such hospital
21 insurance benefits.

22 “(2) A covered beneficiary described in paragraph (1)
23 shall not be required to satisfy any eligibility criteria speci-
24 fied in chapter 89 of title 5 as a condition for enrollment
25 in health benefits plans offered through the Federal Em-

1 ployee Health Benefits program under the demonstration
2 project.

3 “(3) Covered beneficiaries who are eligible to enroll
4 in the Federal Employment Health Benefits program
5 under chapter 89 of title 5 as a result of civil service em-
6 ployment with the United States Government shall not be
7 eligible to enroll in a Federal Employees Health Benefits
8 plan under this section.

9 “(c) AREA OF DEMONSTRATION PROJECT.—The Sec-
10 retary of Defense and the Director of the Office of Person-
11 nel Management shall jointly identify and select the geo-
12 graphic areas in which the demonstration project will be
13 conducted. The Secretary and the Director shall establish
14 at least six, but not more than ten, such demonstration
15 areas. In establishing the areas, the Secretary and Direc-
16 tor shall include—

17 “(1) a site that includes the catchment area of
18 one or more military medical treatment facilities;

19 “(2) a site that is not located in the catchment
20 area of a military medical treatment facility;

21 “(3) a site at which there is a military medical
22 treatment facility that is a Medicare Subvention
23 Demonstration project site under section 1896 of
24 title XVIII of the Social Security Act (42 U.S.C.
25 1395 et seq.); and

1 “(4) not more than one site for each TRICARE
2 region.

3 “(d) TIME FOR DEMONSTRATION PROJECT.—(1)
4 The Secretary of Defense shall conduct the demonstration
5 project during three contract years under the Federal Em-
6 ployees Health Benefits program.

7 “(2) Eligible covered beneficiaries shall, as provided
8 under the agreement pursuant to subsection (a), be per-
9 mitted to enroll in the demonstration project during the
10 open season for the year 2000 (conducted in the fall of
11 1999). The demonstration project shall terminate on De-
12 cember 31, 2002.

13 “(e) PROHIBITION AGAINST USE OF MTFs.—Eligi-
14 ble covered beneficiaries who participate in the demonstra-
15 tion project shall not be eligible to receive care at a mili-
16 tary medical treatment facility.

17 “(f) TERM OF ENROLLMENT.—(1) The minimum pe-
18 riod of enrollment in a Federal Employees Health Benefits
19 plan under this section shall be three years.

20 “(2) A beneficiary who elects to enroll in such a plan,
21 and who subsequently discontinues enrollment in the plan
22 before the end of the period described in paragraph (1),
23 shall not be eligible to reenroll in the plan.

24 “(3) An eligible beneficiary enrolled in a Federal Em-
25 ployees Health Benefits plan under this section may

1 change plans during the open enrollment period in the
2 same manner as any other Federal Employees Health
3 Benefits program beneficiary may change plans.

4 “(g) SEPARATE RISK POOLS; CHARGES.—(1) The
5 Office of Personnel Management shall require health bene-
6 fits plans under chapter 89 of title 5 that participate in
7 the demonstration project to maintain a separate risk pool
8 for purposes of establishing premium rates for covered
9 beneficiaries who enroll in such a plan in accordance with
10 this section.

11 “(2) The Office shall determine total subscription
12 charges for self only or for family coverage for covered
13 beneficiaries who enroll in a health benefits plan under
14 chapter 89 of title 5 in accordance with this section, which
15 shall include premium charges paid to the plan and
16 amounts described in section 8906(c) of title 5 for admin-
17 istrative expenses and contingency reserves.

18 “(h) GOVERNMENT CONTRIBUTIONS.—The Secretary
19 of Defense shall be responsible for the Government con-
20 tribution for an eligible covered beneficiary who enrolls in
21 a health benefits plan under chapter 89 of title 5 in ac-
22 cordance with this section, except that the amount of the
23 contribution may not exceed the amount of the Govern-
24 ment contribution which would be payable if the electing

1 individual were an employee enrolled in the same health
2 benefits plan and level of benefits.

3 “(i) EFFECT OF CANCELLATION.—The cancellation
4 by a covered beneficiary of coverage under the Federal
5 Employee Health Benefits program shall be irrevocable
6 during the term of the demonstration project.

7 “(j) REPORT REQUIREMENTS.—(1) The Secretary of
8 Defense and the Director of the Office of Personnel Man-
9 agement shall jointly submit to Congress a report contain-
10 ing the information described in paragraph (2)—

11 “(A) not later than the date that is 15 months
12 after the date that the Secretary begins to imple-
13 ment the demonstration project; and

14 “(B) not later than the date that is 39 months
15 after the date that the Secretary begins to imple-
16 ment the demonstration project.

17 “(2) The reports required by paragraph (1) shall in-
18 clude—

19 “(A) information on the number of eligible cov-
20 ered beneficiaries who opt to participate in the dem-
21 onstration project;

22 “(B) an analysis of the percentage of eligible
23 covered beneficiaries who participate in the dem-
24 onstration project as compared to usage rates for
25 similarly situated Federal retirees;

1 “(C) information on eligible covered bene-
2 ficiaries who opt to participate in the demonstration
3 project who did not have Medicare Part B coverage
4 before opting to participate in the project;

5 “(D) an analysis of the enrollment rates and
6 cost of health services provided to eligible covered
7 beneficiaries who opt to participate in the dem-
8 onstration project as compared with other enrollees
9 in the Federal Employees Health Benefits Program
10 under title 5, United States Code;

11 “(E) an analysis of how the demonstration
12 project affects the accessibility of health care in mili-
13 tary medical treatment facilities, and a description
14 of any unintended effects on the treatment priorities
15 in those facilities in the demonstration area;

16 “(F) an analysis of any problems experienced
17 by the Department of Defense in managing the dem-
18 onstration project;

19 “(G) a description of the effects of the dem-
20 onstration project on medical readiness and training
21 at military medical treatment facilities located in the
22 demonstration area, and a description of the prob-
23 able effects that making the project permanent
24 would have on medical readiness and training;

1 “(H) an examination of the effects that the
2 demonstration project, if made permanent, would be
3 expected to have on the overall budget of the De-
4 partment of Defense, the budget of the Office of
5 Personnel and Management, and the budgets of in-
6 dividual military medical treatment facilities;

7 “(I) an analysis of whether the demonstration
8 project affects the cost to the Department of De-
9 fense of prescription drugs or the accessibility, avail-
10 ability, and cost of such drugs to covered bene-
11 ficiaries;

12 “(J) a description of any additional information
13 that the Secretary of Defense or the Director of the
14 Office of Personnel Management deem appropriate
15 and that would assist Congress in determining the
16 viability of expanding the project to all Medicare-eli-
17 gible members of the uniformed services and their
18 dependents; and

19 “(K) recommendations on whether covered
20 beneficiaries—

21 “(i) should be given more than one chance
22 to enroll in a Federal Employees Health Bene-
23 fits plan under this section;

24 “(ii) should be eligible to enroll in such a
25 plan only during the first year following the

1 date that the covered beneficiary becomes eligi-
2 ble to receive hospital insurance benefits under
3 title XVIII of the Social Security Act; or

4 “(iii) should be eligible to enroll in the plan
5 only during the two-year period following the
6 date on which the beneficiary first becomes eli-
7 gible to enroll in a Federal Employees Health
8 Benefits plan under this section.

9 “(k) COMPTROLLER GENERAL REPORT.—Not later
10 than 39 months after the Secretary begins to implement
11 the demonstration project, the Comptroller General shall
12 submit to Congress a report examining the same criteria
13 required to be examined under subsection (j)(2).”.

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

“1108. Health care coverage through Federal Employees Health Benefits pro-
gram: demonstration project.”.

17 (b) CONFORMING AMENDMENTS.—Chapter 89 of
18 title 5, United States Code, is amended—

19 (1) in section 8905—

20 (A) by redesignating subsections (d)
21 through (f) as subsections (e) through (g), re-
22 spectively; and

23 (B) by inserting after subsection (c) the
24 following new subsection:

1 “(d) An individual whom the Secretary of Defense de-
2 termines is an eligible covered beneficiary under sub-
3 section (b) of section 1108 of title 10 may enroll, as part
4 of the demonstration project under such section, in a
5 health benefits plan under this chapter in accordance with
6 the agreement under subsection (a) of such section be-
7 tween the Secretary and the Office and applicable regula-
8 tions under this chapter.”;

9 (2) in section 8906(b)—

10 (A) in paragraph (1), by striking “para-
11 graphs (2) and (3)” and inserting in lieu there-
12 of “paragraphs (2), (3), and (4)”; and

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

15 “(4) In the case of individuals who enroll, as part
16 of the demonstration project under section 1108 of title
17 10, in a health benefits plan in accordance with section
18 8905(d) of this title, the Government contribution shall
19 be determined in accordance with section 1108(h) of title
20 10.”; and

21 (3) in section 8906(g)—

22 (A) in paragraph (1), by striking “para-
23 graph (2)” and inserting in lieu thereof “para-
24 graphs (2) and (3)”; and

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

3 “(3) The Government contribution described in sub-
4 section (b)(4) for beneficiaries who enroll, as part of the
5 demonstration project under section 1108 of title 10, in
6 accordance with section 8905(d) of this title shall be paid
7 as provided in section 1108(h) of title 10.”.

8 (c) DISPOSAL OF NATIONAL DEFENSE STOCKPILE
9 MATERIALS TO OFFSET COSTS.—

10 (1) DISPOSAL REQUIRED.—Subject to para-
11 graphs (2) and (3), the President shall dispose of
12 materials contained in the National Defense Stock-
13 pile and specified in the table in subsection (b) so
14 as to result in receipts to the United States in
15 amounts equal to—

16 (A) \$89,000,000 during fiscal year 1999;

17 (B) \$104,000,000 during fiscal year 2000;

18 (C) \$95,000,000 during fiscal year 2001;

19 and

20 (D) \$72,000,000 during fiscal year 2002.

21 (2) LIMITATION ON DISPOSAL QUANTITY.—The
22 total quantities of materials authorized for disposal
23 by the President under paragraph (1) may not ex-
24 ceed the amounts set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Chromium Ferroally Low Carbons	92,000 short tons
Diamond Stones	3,000,000 carats
Palladium	1,227,831 troy ounces
Platinum	439,887 troy ounces

1 (3) MINIMIZATION OF DISRUPTION AND
2 LOSS.—The President may not dispose of materials
3 under paragraph (1) to the extent that the disposal
4 will result in—

5 (A) undue disruption of the usual markets
6 of producers, processors, and consumers of the
7 materials proposed for disposal; or

8 (B) avoidable loss to the United States.

9 (4) TREATMENT OF RECEIPTS.—Notwithstand-
10 ing section 9 of the Strategic and Critical Materials
11 Stock Piling Act (50 U.S.C. 98h), funds received as
12 a result of the disposal of materials under paragraph
13 (1) shall be—

14 (A) deposited into the general fund of the
15 Treasury; and

16 (B) used to offset the revenues that will be
17 lost as a result of the implementation of the
18 demonstration project under section 1108 of
19 title 10, United States Code (as added by sub-
20 section (a)).

21 (5) RELATIONSHIP TO OTHER DISPOSAL AU-
22 THORITY.—The disposal authority provided in para-

1 graph (1) is new disposal authority and is in addi-
2 tion to, and shall not affect, any other disposal au-
3 thority provided by law regarding materials specified
4 in the table in paragraph (2).

5 **TITLE VIII—ACQUISITION POL-**
6 **ICY, ACQUISITION MANAGE-**
7 **MENT, AND RELATED MAT-**
8 **TERS**

9 **SEC. 801. LIMITATION ON PROCUREMENT OF AMMUNITION**
10 **AND COMPONENTS.**

11 (a) **LIMITATION.**—Section 2534(a) of title 10, United
12 States Code, is amended by adding at the end the follow-
13 ing new paragraph:

14 “(6) **AMMUNITION.**—Ammunition or ammuni-
15 tion components.”.

16 (b) **EFFECTIVE DATE.**—Paragraph (6) of section
17 2534(a) of title 10, United States Code, as added by sub-
18 section (a), shall apply with respect to contracts entered
19 into after September 30, 1998.

20 **SEC. 802. ACQUISITION CORPS ELIGIBILITY.**

21 Section 1732(c) of title 10, United States Code, is
22 amended by adding at the end the following new para-
23 graph:

24 “(3) The requirement of subsection (b)(1)(A) shall
25 not apply to an employee who served in an Acquisition

1 Corps in a position within grade GS-13 or above of the
2 General Schedule and who is placed in another position
3 which is in a grade lower than GS-13 of the General
4 Schedule, or whose position is reduced in grade to a grade
5 lower than GS-13 of the General Schedule, as a result
6 of reduction-in-force procedures, the realignment or clo-
7 sure of a military installation, or another reason other
8 than for cause.”.

9 **SEC. 803. AMENDMENTS RELATING TO PROCUREMENT**
10 **FROM FIRMS IN INDUSTRIAL BASE FOR PRO-**
11 **DUCTION OF SMALL ARMS.**

12 (a) REQUIREMENT TO LIMIT PROCUREMENTS TO
13 CERTAIN SOURCES.—Subsection (a) of section 2473 of
14 title 10, United States Code, is amended—

15 (1) in the heading, by striking out the first
16 word and inserting in lieu thereof “REQUIREMENT”;
17 and

18 (2) by striking out “To the extent that the Sec-
19 retary of Defense determines necessary to preserve
20 the small arms production industrial base, the Sec-
21 retary may” and inserting in lieu thereof “In order
22 to preserve the small arms production industrial
23 base, the Secretary of Defense shall”.

24 (b) ADDITIONAL COVERED PROPERTY AND SERV-
25 ICES.—Subsection (b) of such section is amended—

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

3 (2) by inserting before paragraph (2), as so re-
4 designated, the following new paragraph:

5 “(1) Small arms end items.”;

6 (3) in paragraph (2), as so redesignated, by in-
7 serting before the period the following: “, if those
8 parts are manufactured under a contract with the
9 Department of Defense to produce the end item”;
10 and

11 (4) by adding after paragraph (3) the following
12 new paragraph:

13 “(4) Repair parts consisting of barrels, receiv-
14 ers, and bolts for small arms, whether or not the
15 small arms are in production under a contract with
16 the Department of Defense at the time of production
17 of such repair parts.”.

18 (c) RELATIONSHIP TO OTHER PROVISIONS OF
19 LAW.—Such section is further amended by adding at the
20 end the following new subsection:

21 “(d) RELATIONSHIP TO OTHER PROVISIONS.—(1) If
22 a procurement under subsection (a) is a procurement of
23 a commercial item, the Secretary may, notwithstanding
24 section 2306(b)(1)(B) of this title, require the submission

1 of certified cost or pricing data under section 2306(a) of
2 this title.

3 “(2) Subsection (a) is a requirement for purposes of
4 section 2304(c)(5) of this title.”.

5 **SEC. 804. TIME FOR SUBMISSION OF ANNUAL REPORT RE-**
6 **LATING TO BUY AMERICAN ACT.**

7 Section 827 of the National Defense Authorization
8 Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat.
9 2611; 41 U.S.C. 10b–3) is amended by striking out “90
10 days” and inserting in lieu thereof “60 days”.

11 **SEC. 805. STUDY ON INCREASE IN MICRO-PURCHASE**
12 **THRESHOLD.**

13 (a) **STUDY REQUIREMENT.**—The Comptroller Gen-
14 eral, in consultation with the Administrator for Federal
15 Procurement Policy, the Administrator of the Small Busi-
16 ness Administration, and the Secretary of Defense, shall
17 conduct a study to assess the impact of the current micro-
18 purchase program and the advisability of increasing the
19 micro-purchase threshold under section 32 of the Office
20 of Federal Procurement Policy Act (41 U.S.C. 428) to
21 \$10,000.

22 (b) **MATTERS COVERED.**—(1) The assessment of the
23 impact of the current micro-purchase program shall be
24 based on purchase activity under the micro-purchase
25 threshold conducted during the two-year period beginning

1 on February 10, 1996 (the date of the enactment of the
2 Clinger-Cohen Act of 1996 (divisions D and E of Public
3 Law 104–106)). The assessment shall include, to the ex-
4 tent practicable—

5 (A) a general breakdown of the supplies, serv-
6 ices, and construction purchased; and

7 (B) an evaluation of the rate of small business
8 participation, economic concentration, and competi-
9 tion.

10 (2) The assessment of the advisability of increasing
11 the micro-purchase threshold shall include a comparison
12 of any adverse impact of an increased micro-purchase
13 threshold (such as on small business participation) to ben-
14 efits (such as cost savings, including administrative cost
15 savings, savings from a reduced acquisition workforce and
16 logistics structure, and reduction in acquisition lead time).

17 (c) REPORT.—Not later than 30 days after comple-
18 tion of the study, the Comptroller General shall submit
19 a report on the results of the study to—

20 (1) the Committees on Armed Services and on
21 Small Business of the Senate; and

22 (2) the Committees on National Security and
23 on Small Business of the House of Representatives.

1 **TITLE IX—DEPARTMENT OF DE-**
2 **FENSE ORGANIZATION AND**
3 **MANAGEMENT**

4 **SEC. 901. FURTHER REDUCTIONS IN DEFENSE ACQUI-**
5 **SITION WORKFORCE.**

6 (a) REDUCTION IN DEFENSE ACQUISITION WORK-
7 FORCE.—Chapter 87 of title 10, United States Code, is
8 amended by adding at the end the following new section:

9 **“§ 1765. Limitation on number of personnel**

10 “(a) LIMITATION.—Effective October 1, 2001, the
11 number of defense acquisition personnel may not exceed
12 the baseline number reduced by 70,000.

13 “(b) PHASED REDUCTION.—The number of defense
14 acquisition personnel—

15 “(1) as of October 1, 1999, may not exceed the
16 baseline number reduced by 25,000; and

17 “(2) as of October 1, 2000, may not exceed the
18 baseline number reduced by 50,000.

19 “(c) BASELINE NUMBER.—For purposes of this sec-
20 tion, the baseline number is the total number of defense
21 acquisition personnel as of October 1, 1998.

22 “(d) DEFENSE ACQUISITION PERSONNEL DE-
23 FINED.—In this section, the term ‘defense acquisition per-
24 sonnel’ means military and civilian personnel (other than
25 civilian personnel who are employed at a maintenance

1 depot) who are assigned to, or employed in, acquisition
2 organizations of the Department of Defense (as specified
3 in Department of Defense Instruction numbered 5000.58
4 dated January 14, 1992).”.

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

“1765. Limitation on number of personnel.”.

8 **SEC. 902. LIMITATION ON OPERATION AND SUPPORT**
9 **FUNDS FOR THE OFFICE OF THE SECRETARY**
10 **OF DEFENSE.**

11 Of the amount available for fiscal year 1999 for oper-
12 ation and support activities of the Office of the Secretary
13 of Defense, not more than 90 percent may be obligated
14 until each of the following reports has been submitted:

15 (1) The report required to be submitted to the
16 congressional defense committees by section 904(b)
17 of the National Defense Authorization Act for Fiscal
18 Year 1997 (Public Law 104–201; 110 Stat. 2619).

19 (2) The reports required to be submitted to
20 Congress by sections 911(b) and 911(c) of the Na-
21 tional Defense Authorization Act for Fiscal Year
22 1998 (Public Law 105–85; 111 Stat. 1858, 1859).

1 **SEC. 903. REVISION TO DEFENSE DIRECTIVE RELATING TO**
2 **MANAGEMENT HEADQUARTERS AND HEAD-**
3 **QUARTERS SUPPORT ACTIVITIES.**

4 Not later than October 1, 1999, the Secretary of De-
5 fense shall issue a revision to Department of Defense Di-
6 rective 5100.73, entitled “Department of Defense Man-
7 agement Headquarters and Headquarters Support Activi-
8 ties”, so as to incorporate in that directive the following:

9 (1) A threshold specified by command (or other
10 organizational element) such that any headquarters
11 activity below the threshold is not considered for the
12 purpose of the directive to be a management head-
13 quarters or headquarters support activity.

14 (2) A definition of the term “management
15 headquarters and headquarters support activities”
16 that (A) is based upon function (rather than organi-
17 zation), and (B) includes any activity (other than an
18 operational activity) that reports directly to such an
19 activity.

20 (3) Uniform application of those definitions
21 throughout the Department of Defense.

1 **SEC. 904. UNDER SECRETARY OF DEFENSE FOR POLICY TO**
2 **HAVE RESPONSIBILITY WITH RESPECT TO**
3 **EXPORT CONTROL ACTIVITIES OF THE DE-**
4 **PARTMENT OF DEFENSE.**

5 (a) **FUNCTIONS OF THE UNDER SECRETARY.**—Sec-
6 tion 134(b)(1) of title 10, United States Code, is amended
7 by adding at the end the following new sentence: “The
8 Under Secretary shall have responsibility for overall super-
9 vision of activities of the Department of Defense relating
10 to export controls.”.

11 (b) **IMPLEMENTATION REPORT.**—Not later than 30
12 days after the date of the enactment of this Act, the Sec-
13 retary of Defense shall submit to the Committee on Armed
14 Services of the Senate and the Committee on National Se-
15 curity of the House of Representatives a report on the
16 plans of the Secretary for the implementation of the
17 amendment made by subsection (a). The report shall in-
18 clude—

19 (1) a description of any organizational changes
20 within the Department of Defense to be made in
21 order to implement that amendment; and

22 (2) a description of the role of the Chairman of
23 the Joint Chiefs of Staff with respect to export con-
24 trol activities of the Department following the imple-
25 mentation of the amendment made by subsection (a)

1 and how that role compares to the practice in effect
2 before such implementation.

3 (c) EFFECTIVE DATE.—The amendment made by
4 subsection (a) shall be implemented not later than 45 days
5 after the date of the enactment of this Act.

6 **SEC. 905. INDEPENDENT TASK FORCE ON TRANS-**
7 **FORMATION AND DEPARTMENT OF DEFENSE**
8 **ORGANIZATION.**

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

10 (1) The post-Cold War era is marked by geo-
11 political uncertainty and by accelerating techno-
12 logical change, particularly with regard to informa-
13 tion technologies.

14 (2) The combination of that geopolitical uncer-
15 tainty and accelerating technological change por-
16 tends a transformation in the conduct of war, par-
17 ticularly in ways that are likely to increase the effec-
18 tiveness of joint force operations.

19 (3) The Department of Defense must be orga-
20 nized appropriately in order to fully exploit the op-
21 portunities offered by, and to meet the challenges
22 posed by, this anticipated transformation in the con-
23 duct of war.

1 (4) The basic organization of the Department
2 of Defense was established by the National Security
3 Act of 1947 and the 1949 amendments to that Act.

4 (5) The Goldwater-Nichols Department of De-
5 fense Reorganization Act of 1986 (Public Law 99-
6 433) dramatically improved the capability of the De-
7 partment of Defense to carry out operations involv-
8 ing joint forces, but did not address adequately
9 issues pertaining to the development of joint forces.

10 (6) In the future, the ability to achieve im-
11 proved operations of joint forces, particularly under
12 rapidly changing technological conditions, will de-
13 pend on improved force development for joint forces.

14 (b) INDEPENDENT TASK FORCE ON TRANS-
15 FORMATION AND DEPARTMENT OF DEFENSE ORGANIZA-
16 TION.—The Secretary of Defense shall establish a task
17 force of the Defense Science Board to examine the current
18 organization of the Department of Defense with regard
19 to the appropriateness of that organization for preparing
20 for a transformation in the conduct of war. The task force
21 shall be established not later than November 1, 1998.

22 (c) DUTIES OF THE TASK FORCE.—The task force
23 shall assess, and shall make recommendations for the ap-
24 propriate organization of, the Office of the Secretary of
25 Defense, the Joint Chiefs of Staff, the individual Armed

1 Forces, and the executive parts of the military depart-
2 ments for the purpose of preparing the Department of De-
3 fense for a transformation in the conduct of war. In mak-
4 ing those assessments and developing those recommenda-
5 tions, the task force shall review the following:

6 (1) The general organization of the Department
7 of Defense, including whether responsibility and au-
8 thority for issues relating to a transformation in the
9 conduct of war are appropriately allocated, especially
10 among the Office of the Secretary of Defense, the
11 Joint Chiefs of Staff, and the individual Armed
12 Forces.

13 (2) The joint requirements process and the re-
14 quirements processes for each of the Armed Forces,
15 including the establishment of measures of effective-
16 ness and methods for resource allocation.

17 (3) The process and organizations responsible
18 for doctrinal development, including the appropriate
19 relationship between joint force and service doctrine
20 and doctrinal development organizations.

21 (4) The current programs and organizations
22 under the Office of the Secretary of Defense, the
23 Joint Chiefs of Staff and the Armed Forces devoted
24 to innovation and experimentation related to a

1 transformation in the conduct of war, including the
2 appropriateness of—

3 (A) conducting joint field tests;

4 (B) establishing a separate unified com-
5 mand as a joint forces command to serve, as its
6 sole function, as the trainer, provider, and de-
7 veloper of forces for joint operations;

8 (C) establishing a Joint Concept Develop-
9 ment Center to monitor exercises and develop
10 measures of effectiveness, analytical concepts,
11 models, and simulations appropriate for under-
12 standing the transformation in the conduct of
13 war;

14 (D) establishing a Joint Battle Laboratory
15 headquarters to conduct joint experimentation
16 and to integrate the similar efforts of the
17 Armed Forces; and

18 (E) establishing an Assistant Secretary of
19 Defense for transformation in the conduct of
20 war.

21 (5) Joint training establishments and training
22 establishments of the Armed Forces, including those
23 devoted to professional military education, and the
24 appropriateness of establishing national training
25 centers.

1 (6) Other issues relating to a transformation in
2 the conduct of war that the Secretary considers ap-
3 propriate.

4 (d) REPORT.—The task force shall submit to the Sec-
5 retary of Defense a report containing its assessments and
6 recommendations not later than February 1, 1999. The
7 Secretary shall submit the report to the Committee on Na-
8 tional Security of the House of Representatives and the
9 Committee on Armed Services of the Senate not later than
10 March 1, 1999, together with the recommendations and
11 comments of the Secretary of Defense.

12 **SEC. 906. IMPROVED ACCOUNTING FOR DEFENSE CON-**
13 **TRACT SERVICES.**

14 (a) IN GENERAL.—(1) Chapter 131 of title 10,
15 United States Code, is amended by inserting after section
16 2211 the following new section:

17 **“§ 2212. Obligations for contract services: reporting**
18 **in budget object classes**

19 “(a) LIMITATION ON REPORTING IN MISCELLANE-
20 OUS SERVICES OBJECT CLASS.—The Secretary of De-
21 fense shall ensure that, in reporting to the Office of Man-
22 agement and Budget (pursuant to OMB Circular A-11
23 (relating to preparation and submission of budget esti-
24 mates)) obligations of the Department of Defense for any
25 period of time for contract services, no more than 15 per-

1 cent of the total amount of obligations so reported is re-
2 ported in the miscellaneous services object class.

3 “(b) DEFINITION OF REPORTING CATEGORIES FOR
4 ADVISORY AND ASSISTANCE SERVICES.—In carrying out
5 section 1105(g) of title 31 for the Department of Defense
6 (and in determining what services are to be reported to
7 the Office of Management and Budget in the advisory and
8 assistance services object class), the Secretary of Defense
9 shall apply to the terms used for the definition of ‘advisory
10 and assistance services’ in paragraph (2)(A) of that sec-
11 tion the following meanings:

12 “(1) MANAGEMENT AND PROFESSIONAL SUP-
13 PORT SERVICES.—The term ‘management and pro-
14 fessional support services’ (used in clause (i) of sec-
15 tion 1105(g)(2)(A) of title 31) means services that
16 provide engineering or technical support, assistance,
17 advice, or training for the efficient and effective
18 management and operation of organizations, activi-
19 ties, or systems. Those services—

20 “(A) are closely related to the basic re-
21 sponsibilities and mission of the using organiza-
22 tion; and

23 “(B) include efforts that support or con-
24 tribute to improved organization or program
25 management, logistics management, project

1 monitoring and reporting, data collection, budg-
2 eting, accounting, auditing, and administrative
3 or technical support for conferences and train-
4 ing programs.

5 “(2) STUDIES, ANALYSES, AND EVALUA-
6 TIONS.—The term ‘studies, analyses, and evalua-
7 tions’ (used in clause (ii) of section 1105(g)(2)(A) of
8 title 31) means services that provide organized, ana-
9 lytic assessments to understand or evaluate complex
10 issues to improve policy development, decision-
11 making, management, or administration and that re-
12 sult in documents containing data or leading to con-
13 clusions or recommendations. Those services may in-
14 clude databases, models, methodologies, and related
15 software created in support of a study, analysis, or
16 evaluation.

17 “(3) ENGINEERING AND TECHNICAL SERV-
18 ICES.—The term ‘engineering and technical services’
19 (used in clause (iii) of section 1105(g)(2)(A) of title
20 31) means services that take the form of advice, as-
21 sistance, training, or hands-on training necessary to
22 maintain and operate fielded weapon systems, equip-
23 ment, and components (including software when ap-
24 plicable) at design or required levels of effectiveness.

1 “(c) PROPER CLASSIFICATION OF ADVISORY AND AS-
2 SISTANCE SERVICES.—Before the submission to the Office
3 of Management and Budget of the proposed Department
4 of Defense budget for inclusion in the President’s budget
5 for a fiscal year pursuant to section 1105 of title 31, the
6 Secretary of Defense, acting through the Under Secretary
7 of Defense (Comptroller), shall review all Department of
8 Defense services expected to be performed as contract
9 services during the fiscal year for which that budget is
10 to be submitted in order to ensure that those services that
11 are advisory and assistance services (as defined in accord-
12 ance with subsection (b)) are in fact properly classified,
13 in accordance with that subsection, in the advisory and
14 assistance services object class.

15 “(d) INFORMATION ON SERVICE CONTRACTS.—In
16 carrying out the annual review under subsection (c) of De-
17 partment of Defense services expected to be performed as
18 contract services during the next fiscal year, the Secretary
19 (acting through the Under Secretary (Comptroller)) shall
20 conduct an assessment of the total non-Federal effort that
21 resulted from the performance of all contracts for such
22 services during the preceding fiscal year and the total non-
23 Federal effort that resulted, or that is expected to result,
24 from the performance of all contracts for such services
25 during the current fiscal year and the next fiscal year. The

1 assessment shall include determination of the following for
2 each such year:

3 “(1) The amount expended or expected to be
4 expended for non-Federal contract services, shown
5 for the Department of Defense as a whole and dis-
6 played by contract services object class for each
7 DOD organization.

8 “(2) The amount expended or expected to be
9 expended for contract services competed under OMB
10 Circular A-76 or a similar process, shown for the
11 Department of Defense as a whole and displayed by
12 contract services object class for each DOD organi-
13 zation.

14 “(3) The number of private sector workyears
15 performed or expected to be performed in connection
16 with the performance of non-Federal contract serv-
17 ices, shown for the Department of Defense as a
18 whole and displayed by contract services object class
19 for each DOD organization.

20 “(4) Any other information that the Secretary
21 (acting through the Under Secretary) determines to
22 be relevant and of value.

23 “(e) REPORT TO CONGRESS.—The Secretary shall
24 submit to Congress each year, not later than 30 days after
25 the date on which the budget for the next fiscal year is

1 submitted pursuant to section 1105 of title 31, a report
2 containing the information derived from the assessment
3 under subsection (d).

4 “(f) ASSESSMENT BY COMPTROLLER GENERAL.—(1)
5 The Comptroller General shall conduct a review of the re-
6 port of the Secretary of Defense under subsection (e) each
7 year and shall—

8 “(A) assess the methodology used by the Sec-
9 retary in obtaining the information submitted to
10 Congress in that report; and

11 “(B) assess the information submitted to Con-
12 gress in that report.

13 “(2) Not later than 120 days after the date on which
14 the Secretary submits to Congress the report required
15 under subsection (e) for any year, the Comptroller General
16 shall submit to Congress the Comptroller General’s report
17 containing the results of the review for that year under
18 paragraph (1).

19 “(g) DEFINITIONS.—In this section:

20 “(1) The term ‘contract services’ means all
21 services that are reported to the Office of Manage-
22 ment and Budget pursuant to OMB Circular A-11
23 (relating to preparation and submission of budget
24 estimates) in budget object classes that are des-
25 ignated in the Object Class 25 series.

1 “(2) The term ‘advisory and assistance services
2 object class’ means those contract services constitut-
3 ing the budget object class that is denominated ‘Ad-
4 visory and Assistance Service and designated (as the
5 date of the enactment of this section) as Object
6 Class 25.1 (or any similar object class established
7 after the date of the enactment of this section for
8 the reporting of obligations for advisory and assist-
9 ance contract services).

10 “(3) The term ‘miscellaneous services object
11 class’ means those contract services constituting the
12 budget object class that is denominated ‘Other Serv-
13 ices (services not otherwise specified in the 25 se-
14 ries)’ and designated (as the date of the enactment
15 of this section) as Object Class 25.2 (or any similar
16 object class established after the date of the enact-
17 ment of this section for the reporting of obligations
18 for miscellaneous or unspecified contract services).

19 “(4) The term ‘DOD organization’ means—

20 “(A) the Office of the Secretary of De-
21 fense;

22 “(B) each military department;

23 “(C) the Joint Chiefs of Staff and the uni-
24 fied and specified commands;

25 “(D) each Defense Agency; and

1 “(E) each Department of Defense Field
2 Activity.

3 “(5) The term ‘private sector workyear’ means
4 an amount of labor equivalent to the total number
5 of hours of labor that an individual employed on a
6 full-time equivalent basis by the Federal Government
7 performs in a given year.”.

8 (2) The table of sections at the beginning of such
9 chapter is amended by inserting after the item relating
10 to section 2211 the following new item:

 “2212. Obligations for contract services: reporting in budget object classes.”.

11 (b) TRANSITION.—For the budget for fiscal year
12 2000, and the reporting of information to the Office of
13 Management and Budget in connection with the prepara-
14 tion of that budget, section 2212 of title 10, United States
15 Code, as added by subsection (a), shall be applied by sub-
16 stituting “30 percent” in subsection (a) for “15 percent”.

17 (c) INITIAL CLASSIFICATION OF ADVISORY AND AS-
18 SISTANCE SERVICES.—Not later than February 1, 1999,
19 the Secretary of Defense, acting through the Under Sec-
20 retary of Defense (Comptroller), shall review all Depart-
21 ment of Defense services performed or expected to be per-
22 formed as contract services during fiscal year 1999 in
23 order to ensure that those services that are advisory and
24 assistance services (as defined in accordance with sub-
25 section (b) of section 2212 of title 10, United States Code,

1 as added by subsection (a)) are in fact properly classified,
2 in accordance with that subsection, in the advisory and
3 assistance services object class (as defined in subsection
4 (g)(2) of that section).

5 (d) FISCAL YEAR 1999 REDUCTION.—The total
6 amount that may be obligated by the Secretary of Defense
7 for contracted advisory and assistance services from
8 amounts appropriated for fiscal year 1999 is the amount
9 programmed for those services resulting from the review
10 referred to in subsection (c) reduced by \$500,000,000.

11 **SEC. 907. REPEAL OF REQUIREMENT RELATING TO ASSIGN-**
12 **MENT OF TACTICAL AIRLIFT MISSION TO RE-**
13 **SERVE COMPONENTS.**

14 Section 1438 of the National Defense Authorization
15 Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat.
16 1689), as amended by section 1023 of the National De-
17 fense Authorization Act for Fiscal Years 1992 and 1993
18 (Public Law 102–190; 105 Stat. 1460), is repealed.

19 **SEC. 908. REPEAL OF CERTAIN REQUIREMENTS RELATING**
20 **TO INSPECTOR GENERAL INVESTIGATIONS**
21 **OF REPRISAL COMPLAINTS.**

22 (a) REPEAL OF REQUIREMENT OF NOTICE THAT IN-
23 VESTIGATION WILL TAKE MORE THAN 90 DAYS.—Sub-
24 section (e) of section 1034 of title 10, United States Code,
25 is amended—

1 (1) by striking out paragraph (3);

2 (2) by redesignating paragraph (4) as para-
3 graph (3).

4 (b) REPEAL OF REQUIREMENT FOR POST-DISPOSI-
5 TION INTERVIEW WITH COMPLAINANT.—Such section is
6 further amended by striking out subsection (h).

7 **SEC. 909. CONSULTATION WITH COMMANDANT OF THE MA-**
8 **RINE CORPS REGARDING MARINE CORPS**
9 **AVIATION.**

10 (a) IN GENERAL.—Chapter 503 of title 10, United
11 States Code, is amended by adding at the end the follow-
12 ing new section:

13 **“§ 5026. Consultation with Commandant of the Ma-**
14 **rine Corps regarding Marine Corps avia-**
15 **tion**

16 “The Secretary of the Navy shall require that the
17 views of the Commandant of the Marine Corps be obtained
18 before a milestone decision or other major decision is made
19 by an element of the Department of the Navy outside the
20 Marine Corps in a procurement matter, a research, devel-
21 opment, test, and evaluation matter, or a depot-level main-
22 tenance matter that concerns Marine Corps aviation.”.

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

“5026. Consultation with Commandant of the Marine Corps regarding Marine Corps aviation.”.

1 **SEC. 910. ANNUAL REPORT ON INDIVIDUALS EMPLOYED IN**
2 **PRIVATE SECTOR WHO PROVIDE SERVICES**
3 **UNDER CONTRACT FOR THE DEPARTMENT**
4 **OF DEFENSE.**

5 (a) IN GENERAL.—(1) Chapter 131 of title 10,
6 United States Code, is amended by adding at the end the
7 following new section:

8 **“§ 2222. Information system to track quantity and**
9 **value of non-Federal services**

10 “(a) IMPLEMENTATION OF SYSTEM.—The Secretary
11 of Defense shall implement an information system for the
12 collection and reporting of information by the Secretaries
13 of the military departments, Directors of the Defense
14 Agencies, and heads of other DOD organizations concern-
15 ing the quantity and value of non-Federal services they
16 acquired. The system shall be designed to provide informa-
17 tion, for the Department of Defense as a whole and for
18 each DOD organization, concerning the following:

19 “(1) The number of workyears performed by in-
20 dividuals employed by non-Federal entities providing
21 goods and services under contracts of the Depart-
22 ment of Defense.

1 “(2) The labor costs to the Department of De-
2 fense under the contracts associated with the per-
3 formance of those workyears.

4 “(3) The value of the goods and services pro-
5 cured by the Department of Defense from non-Fed-
6 eral entities.

7 “(4) The appropriations associated with the
8 contracts for those goods and services.

9 “(5) The Federal supply class or service code
10 associated with those contracts.

11 “(6) The major organization element contract-
12 ing for the goods and services.

13 “(b) ANNUAL REPORTS TO SECRETARY OF DE-
14 FENSE.—Not later than February 1 of each year, the head
15 of each DOD organization shall submit to the Secretary
16 of Defense a report detailing the quantity and value of
17 non-Federal services obtained by that organization. The
18 report shall be developed from the system under sub-
19 section (a) and shall contain the following:

20 “(1) The total amount paid during the preced-
21 ing fiscal year to obtain goods and services provided
22 under contracts, expressed in dollars and as a per-
23 centage of the total budget of that organization, and
24 shown by appropriation account or revolving fund,
25 by Federal supply class or service code, and by any

1 major organizational element under the authority of
2 the head of that organization.

3 “(2) The total number of workyears performed
4 during the preceding fiscal year by employees of
5 non-Federal entities providing goods and services
6 under contract, shown by appropriation account or
7 revolving fund, by Federal supply class or service
8 code, and by any major organizational element
9 under the authority of the head of that organization.

10 “(3) A detailed discussion of the methodology
11 used under the system to derive the data provided
12 in the report.

13 “(c) ANNUAL REPORT TO CONGRESS.—Not later
14 than February 15 of each year, the Secretary of Defense
15 shall submit to Congress a report containing all of the in-
16 formation concerning the quantity and value of non-Fed-
17 eral services obtained by the Department of Defense as
18 shown in the reports submitted to the Secretary for that
19 year under subsection (b). The Secretary shall include in
20 that report the information provided by each DOD organi-
21 zation under subsection (b) without revision from the
22 manner in which it is submitted to the Secretary by the
23 head of that organization.

24 “(d) DEVELOPMENT OF INFORMATION.—(1) The
25 Secretary of Defense may prescribe regulations to require

1 contractors providing goods and services to the Depart-
2 ment of Defense to include on invoices submitted to the
3 Secretary or head of a DOD organization responsible for
4 such contracts the number of hours of labor attributable
5 to the contract for which the invoice is submitted.

6 “(2) The Secretary shall require that each DOD or-
7 ganization provide information for the information system
8 under subsection (a) and the annual report under sub-
9 section (b) in as uniform manner as practicable.

10 “(e) ASSESSMENT BY COMPTROLLER GENERAL.—(1)
11 The Comptroller General shall conduct a review of the re-
12 port of the Secretary of Defense under subsection (c) each
13 year and shall—

14 “(A) assess the appropriateness of the meth-
15 odology used by the Secretary and the DOD organi-
16 zations in deriving the information provided to Con-
17 gress in the report; and

18 “(B) assess the accuracy of the information
19 provided to Congress in the report.

20 “(2) Not later than 90 days after the date on which
21 the Secretary submits to Congress the report required
22 under subsection (e) for any year, the Comptroller General
23 shall submit to Congress the Comptroller General’s report
24 containing the results of the review for that year under
25 paragraph (1).

1 “(e) DEFINITIONS.—In this section:

2 “(1) The term ‘DOD organization’ means—

3 “(A) the Office of the Secretary of De-
4 fense;

5 “(B) each military department;

6 “(C) the Joint Chiefs of Staff and the uni-
7 fied and specified commands;

8 “(D) each Defense Agency; and

9 “(E) each Department of Defense Field
10 Activity.

11 “(2) The term ‘workyear’ means the private
12 sector equivalent to the total number of hours of
13 labor that an individual employed on a full-time
14 equivalent basis by the Federal Government per-
15 forms in a given year.

16 “(3) The term ‘contract’ has the meaning given
17 such term in parts 34, 35, 36, and 37 of title 48,
18 Code of Federal Regulations.

19 “(4) The term ‘labor costs’ means all com-
20 pensation costs for personal services as defined in
21 part 31 of title 48, Code of Federal Regulations.

22 “(5) The term ‘major organizational element’
23 means an organization within a Defense Agency or
24 military department that is headed by a Senior Ex-
25 ecutive Service official (or military equivalent) and

1 that contains a contract administration office (as de-
2 fined in part 2 of title 48, Code of Federal Regula-
3 tions).

4 “(6) The term ‘Federal supply class or service
5 code’ is the functional code prescribed by section
6 253.204–70 of the Department of Defense Federal
7 Acquisition Regulation Supplement, as determined
8 by the first character of such code.

9 “(f) CONSTRUCTION OF SECTION.—The Secretary of
10 Defense shall ensure that the provisions of this section are
11 construed broadly so as enable accurate and full account-
12 ing for the volume and costs associated with contractor
13 support of the Department of Defense.”.

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

“2222. Information system to track quantity and value of non-Federal serv-
ices.”.

17 (b) EFFECTIVE DATE.—The system required by sub-
18 section (a) of section 2222 of title 10, United States Code,
19 as added by subsection (a), shall be implemented not later
20 than one year after the date of the enactment of this Act.

1 **TITLE X—GENERAL PROVISIONS**

2 **Subtitle A—Financial Matters**

3 **SEC. 1001. TRANSFER AUTHORITY.**

4 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

5 (1) Upon determination by the Secretary of Defense that
6 such action is necessary in the national interest, the Sec-
7 retary may transfer amounts of authorizations made avail-
8 able to the Department of Defense in this division for fis-
9 cal year 1999 between any such authorizations for that
10 fiscal year (or any subdivisions thereof). Amounts of au-
11 thorizations so transferred shall be merged with and be
12 available for the same purposes as the authorization to
13 which transferred.

14 (2) The total amount of authorizations that the Sec-
15 retary of Defense may transfer under the authority of this
16 section may not exceed \$2,000,000,000.

17 (b) **LIMITATIONS.—**The authority provided by this
18 section to transfer authorizations—

19 (1) may only be used to provide authority for
20 items that have a higher priority than the items
21 from which authority is transferred; and

22 (2) may not be used to provide authority for an
23 item that has been denied authorization by Con-
24 gress.

1 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
2 transfer made from one account to another under the au-
3 thority of this section shall be deemed to increase the
4 amount authorized for the account to which the amount
5 is transferred by an amount equal to the amount trans-
6 ferred.

7 (d) NOTICE TO CONGRESS.—The Secretary shall
8 promptly notify Congress of each transfer made under
9 subsection (a).

10 **SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.**

11 (a) STATUS OF CLASSIFIED ANNEX.—The Classified
12 Annex prepared by the Committee on National Security
13 of the House of Representatives to accompany H.R. 3616
14 of the One Hundred Fifth Congress and transmitted to
15 the President is hereby incorporated into this Act.

16 (b) CONSTRUCTION WITH OTHER PROVISIONS OF
17 ACT.—The amounts specified in the Classified Annex are
18 not in addition to amounts authorized to be appropriated
19 by other provisions of this Act.

20 (c) LIMITATION ON USE OF FUNDS.—Funds appro-
21 priated pursuant to an authorization contained in this Act
22 that are made available for a program, project, or activity
23 referred to in the Classified Annex may only be expended
24 for such program, project, or activity in accordance with
25 such terms, conditions, limitations, restrictions, and re-

1 requirements as are set out for that program, project, or
2 activity in the Classified Annex.

3 (d) DISTRIBUTION OF CLASSIFIED ANNEX.—The
4 President shall provide for appropriate distribution of the
5 Classified Annex, or of appropriate portions of the annex,
6 within the executive branch of the Government.

7 **SEC. 1003. OUTLAY LIMITATIONS.**

8 (a) DEPARTMENT OF DEFENSE.—The Secretary of
9 Defense shall ensure that outlays of the Department of
10 Defense during fiscal year 1999 from amounts appro-
11 priated or otherwise available to the Department of De-
12 fense for military functions of the Department of Defense
13 (including military construction and military family hous-
14 ing) do not exceed \$252,650,000,000.

15 (b) DEPARTMENT OF ENERGY.—The Secretary of
16 Energy shall ensure that outlays of the Department of En-
17 ergy during fiscal year 1999 from amounts appropriated
18 or otherwise made available to the Department of Energy
19 for national security programs of that Department do not
20 exceed \$11,772,000,000.

1 **Subtitle B—Naval Vessels and**
2 **Shipyards**

3 **SEC. 1011. REVISION TO REQUIREMENT FOR CONTINUED**
4 **LISTING OF TWO IOWA-CLASS BATTLESHIPS**
5 **ON THE NAVAL VESSEL REGISTER.**

6 In carrying out section 1011 of the National Defense
7 Authorization Act for Fiscal Year 1996 (Public Law 104–
8 106; 110 Stat. 421), the Secretary of the Navy shall list
9 on the Naval Vessel Register, and maintain on that reg-
10 ister, the following two Iowa-class battleships: the USS
11 IOWA (BB–61) and the USS WISCONSIN (BB–64).

12 **SEC. 1012. TRANSFER OF USS NEW JERSEY.**

13 The Secretary of the Navy shall strike the USS NEW
14 JERSEY (BB–62) from the Naval Vessel Register and
15 shall transfer that vessel to a non-for-profit entity in ac-
16 cordance with section 7306 of title 10, United States
17 Code. The Secretary shall require as a condition of the
18 transfer of that vessel that the transferee locate the vessel
19 in the State of New Jersey.

20 **SEC. 1013. LONG-TERM CHARTER OF THREE VESSELS IN**
21 **SUPPORT OF SUBMARINE RESCUE, ESCORT,**
22 **AND TOWING.**

23 The Secretary of the Navy may enter into contracts
24 in accordance with section 2401 of title 10, United States

1 Code, for the charter through September 30, 2003, of the
2 following vessels:

3 (1) The CAROLYN CHOUEST (United States
4 official number D102057).

5 (2) The KELLIE CHOUEST (United States
6 official number D1038519).

7 (3) The DOLORES CHOUEST (United States
8 official number D600288).

9 **SEC. 1014. TRANSFER OF OBSOLETE ARMY TUGBOAT.**

10 In carrying out section 1023 of the National Defense
11 Authorization Act for Fiscal Year 1998 (Public Law 105–
12 85; 111 Stat. 1876), the Secretary of the Army may sub-
13 stitute the obsolete, decommissioned tugboat Attleboro
14 (LT–1977) for the tugboat Normandy (LT–1971) as one
15 of the two obsolete tugboats authorized to be transferred
16 by the Secretary under that section.

17 **SEC. 1015. LONG-TERM CHARTER CONTRACTS FOR ACQUI-**
18 **SITION OF AUXILIARY VESSELS FOR THE DE-**
19 **PARTMENT OF DEFENSE.**

20 (a) PROGRAM AUTHORIZATION.—Chapter 631 of title
21 10, United States Code, is amended by adding at the end
22 the following new section:

1 **“§ 7233. Auxiliary vessels: authority for long-term**
2 **charter contracts**

3 “(a) AUTHORIZED CONTRACTS.—After September
4 30, 1998, the Secretary of the Navy, subject to subsection
5 (b), may enter into a contract for the long-term lease or
6 charter of a newly built surface vessel, under which the
7 contractor agrees to provide a crew for the vessel for the
8 term of the long-term lease or charter, for any of the fol-
9 lowing:

10 “(1) The combat logistics force of the Navy.

11 “(2) The strategic sealift program of the Navy.

12 “(3) Other auxiliary support vessels for the De-
13 partment of Defense.

14 “(b) CONTRACTS REQUIRED TO BE AUTHORIZED BY
15 LAW.—A contract may be entered into under this section
16 with respect to specific vessels only if the Secretary is spe-
17 cifically authorized by law to enter into such a contract
18 with respect to those vessels.

19 “(c) FUNDS FOR CONTRACT PAYMENTS.—The Sec-
20 retary may make payments for contracts entered into
21 under this section using funds available for obligation dur-
22 ing the fiscal year for which the payments are required
23 to be made. Any such contract shall provide that the
24 United States will not be required to make a payment
25 under the contract (other than a termination payment, if
26 required) before October 1, 2000.

1 “(d) TERM OF CONTRACT.—In this section, the term
2 ‘long-term lease or charter’ means a lease, charter, service
3 contract, or conditional sale agreement with respect to a
4 vessel the term of which (including any option period) is
5 for a period of 20 years or more.

6 “(e) OPTION TO BUY.—A contract entered into
7 under the authority of this section may contain options
8 for the United States to purchase one or more of the ves-
9 sels covered by the contract at any time during, or at the
10 end of, the contract period (including any option period)
11 upon payment of an amount not in excess of the
12 unamortized portion of the cost of the vessels plus
13 amounts incurred in connection with the termination of
14 the financing arrangements associated with the vessels.

15 “(f) DOMESTIC CONSTRUCTION.—The Secretary
16 shall require in any contract entered into under this sec-
17 tion that each vessel to which the contract applies—

18 “(1) shall have been constructed in a shipyard
19 within the United States; and

20 “(2) upon delivery, shall be documented under
21 the laws of the United States.

22 “(g) VESSEL CREWING.—The Secretary shall require
23 in any contract entered into under this section that the
24 crew of any vessel to which the contract applies be com-
25 prised of private sector commercial mariners.

1 “(h) DOMESTIC CONSTRUCTION REQUIREMENT FOR
2 CERTAIN LEASES OF VESSELS.—(1) Notwithstanding sec-
3 tion 2400 or 2401a of this title or any other provision
4 of law, the Secretary of Defense may not enter into a con-
5 tract for the lease or charter of a vessel described in para-
6 graph (2) for a contract period in excess of 17 months
7 (inclusive of any option periods) unless the vessel is con-
8 structed in a shipyard in the United States.

9 “(2) Paragraph (1) applies to vessels of the following
10 types:

11 “(A) Auxiliary support vessel.

12 “(B) Strategic sealift vessel.

13 “(C) Tank vessel.

14 “(D) Combat logistics force vessel.

15 “(i) CONTINGENT WAIVER OF OTHER PROVISIONS
16 OF LAW.—A contract authorized by this section may be
17 entered into without regard to section 2401 or 2401a of
18 this title if the Secretary of Defense makes the following
19 findings with respect to that contract:

20 “(1) The need for the vessels or services to be
21 provided under the contract is expected to remain
22 substantially unchanged during the contemplated
23 contract or option period.

24 “(2) There is a reasonable expectation that
25 throughout the contemplated contract or option pe-

1 riod the Secretary of the Navy (or, if the contract
2 is for services to be provided to, and funded by, an-
3 other military department, the Secretary of that
4 military department) will request funding for the
5 contract at the level required to avoid contract can-
6 cellation.

7 “(3) The use of such contract or the exercise of
8 such option is in the interest of the national defense.

9 “(j) SOURCE OF FUNDS FOR TERMINATION LIABIL-
10 ITY.—If a contract entered into under this section is ter-
11 minated, the costs of such termination may be paid
12 from—

13 “(1) amounts originally made available for per-
14 formance of the contract;

15 “(2) amounts currently available for operation
16 and maintenance of the type of vessels or services
17 concerned and not otherwise obligated; or

18 “(3) funds appropriated for those costs.”.

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

“7233. Auxiliary vessels: authority for long-term charter contracts.”.

1 **Subtitle C—Matters Relating to**
2 **Counter Drug Activities**

3 **SEC. 1021. DEPARTMENT OF DEFENSE SUPPORT FOR**
4 **COUNTER-DRUG ACTIVITIES.**

5 (a) CONTINUATION OF AUTHORITY.—Subsection (a)
6 of section 1004 of the National Defense Authorization Act
7 for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C.
8 374 note) is amended by striking out “through 1999” and
9 inserting in lieu thereof “through 2000”.

10 (b) TYPES OF SUPPORT.—Subsection (b)(4) of such
11 section is amended by inserting before the period at the
12 end the following: “conducted by the Department of De-
13 fense or a Federal, State, or local law enforcement agency,
14 or a foreign law enforcement agency in the case of
15 counter-drug activities outside the United States”.

16 (c) UNSPECIFIED MINOR MILITARY CONSTRUCTION
17 PROJECTS.—Such section is further amended by adding
18 at the end the following new section:

19 “(h) UNSPECIFIED MINOR MILITARY CONSTRUCTION
20 PROJECTS.—Section 2805 of title 10, United States Code,
21 shall apply with respect to any unspecified minor military
22 construction project carried out using the authority pro-
23 vided under this section.”.

1 **SEC. 1022. SUPPORT FOR COUNTER-DRUG OPERATION**
2 **CAPER FOCUS.**

3 (a) **SUPPORT REQUIRED.**—During fiscal year 1999,
4 the Secretary of Defense shall make available such surface
5 vessels of the Navy and maritime patrol aircraft and crews
6 of the Navy as may be necessary to conduct the final
7 phase of the counter-drug operation known as Capet
8 Focus, which targets the maritime movement of cocaine
9 on vessels in the eastern Pacific Ocean.

10 (b) **FISCAL YEAR 1999 FUNDING.**—Of the amount
11 authorized to be appropriated pursuant to section 301(20)
12 for drug interdiction and counter-drug activities,
13 \$24,400,000 shall be available only for the purpose of con-
14 ducting the counter-drug operation known as Capet
15 Focus.

16 **SEC. 1023. SENSE OF THE CONGRESS REGARDING ESTAB-**
17 **LISHMENT OF COUNTER-DRUG CENTER IN**
18 **PANAMA.**

19 In anticipation of the closure of all United States
20 military installations in Panama by December 31, 1999,
21 it is the sense of the Congress that the Secretary of De-
22 fense, in consultation with the Secretary of State, should
23 continue negotiations with the Government of Panama for
24 the establishment in Panama of a counter-drug center to
25 be used by the Armed Forces of the United States in co-

1 operation with Panamanian forces and military personnel
2 of other friendly nations.

3 **SEC. 1024. ASSIGNMENT OF MEMBERS OF THE ARMED**
4 **FORCES TO ASSIST IMMIGRATION AND NATU-**
5 **RALIZATION SERVICE AND CUSTOMS SERV-**
6 **ICE.**

7 (a) ASSIGNMENT AUTHORITY OF SECRETARY OF DE-
8 FENSE.—Chapter 18 of title 10, United States Code, is
9 amended by inserting after section 374 the following new
10 section:

11 **“§ 374a. Assignment of members to assist border pa-**
12 **trol and control**

13 “(a) ASSIGNMENT AUTHORIZED.—The Secretary of
14 Defense may assign members of the armed forces to as-
15 sist—

16 “(1) the Immigration and Naturalization Serv-
17 ice in preventing the entry of terrorists, drug traf-
18 fickers, and illegal aliens into the United States; and

19 “(2) the United States Customs Service in the
20 inspection of cargo, vehicles, and aircraft at points
21 of entry into the United States.

22 “(b) REQUEST FOR ASSIGNMENT.—The assignment
23 of members of the armed forces under subsection (a) may
24 only occur—

1 “(1) at the request of the Attorney General, in
2 the case of an assignment to the Immigration and
3 Naturalization Service; and

4 “(2) at the request of the Secretary of the
5 Treasury, in the case of an assignment to the
6 United States Customs Service.

7 “(c) TRAINING PROGRAM.—If the assignment of
8 members of the armed forces is requested by the Attorney
9 General or the Secretary of the Treasury, the Attorney
10 General or the Secretary of the Treasury (as the case may
11 be), together with the Secretary of Defense, shall establish
12 a training program to ensure that members to be assigned
13 receive general instruction regarding issues affecting law
14 enforcement in the border areas in which the members will
15 perform duties under the assignment. A member may not
16 be deployed at a border location pursuant to an assign-
17 ment under subsection (a) until the member has success-
18 fully completed the training program.

19 “(d) CONDITIONS ON USE.—(1) Whenever a member
20 of the armed forces who is assigned under subsection (a)
21 to assist the Immigration and Naturalization Service or
22 the United States Customs Service is performing duties
23 at a border location pursuant to the assignment, a civilian
24 law enforcement officer from the agency concerned shall
25 accompany the member.

1 “(2) Nothing in this section shall be construed to—

2 “(A) authorize a member assigned under sub-
3 section (a) to conduct a search, seizure, or other
4 similar law enforcement activity or to make an ar-
5 rest; and

6 “(B) supersede section 1385 of title 18 (popu-
7 larly known as the ‘Posse Comitatus Act’).

8 “(e) NOTIFICATION REQUIREMENTS.—The Attorney
9 General or the Secretary of the Treasury (as the case may
10 be) shall notify the Governor of the State in which mem-
11 bers of the armed forces are to be deployed pursuant to
12 an assignment under subsection (a), and local govern-
13 ments in the deployment area, of the deployment of the
14 members to assist the Immigration and Naturalization
15 Service or the United States Customs Service (as the case
16 may be) and the types of tasks to be performed by the
17 members.

18 “(f) REIMBURSEMENT REQUIREMENT.—Section 377
19 of this title shall apply in the case of members of the
20 armed forces assigned under subsection (a).

21 “(g) TERMINATION OF AUTHORITY.—No assignment
22 may be made or continued under subsection (a) after Sep-
23 tember 30, 2001.”.

24 (b) CLERICAL AMENDMENT.—The table of sections
25 at the beginning of such chapter is amended by inserting

1 after the item relating to section 374 the following new
2 item:

“374a. Assignment of members to assist border patrol and control.”.

3 **SEC. 1025. RANDOM DRUG TESTING OF DEPARTMENT OF**
4 **DEFENSE EMPLOYEES.**

5 (a) EXPANSION OF EXISTING PROGRAM.—(1) Chap-
6 ter 81 of title 10, United States Code, is amended by in-
7 serting after section 1581 the following new section:

8 **“§ 1582. Random testing of employees for use of ille-**
9 **gal drugs**

10 “(a) PROGRAM REQUIRED.—The Secretary of De-
11 fense shall expand the drug testing program required for
12 civilian employees of the Department of Defense by Exec-
13 utive Order 12564 (51 Fed. Reg. 32889; September 15,
14 1986) to include the random testing on a controlled and
15 monitored basis of all such employees for the use of illegal
16 drugs.

17 “(b) TESTING PROCEDURES AND PERSONNEL AC-
18 TIONS.—The requirements of Executive Order 12564 re-
19 garding drug testing procedures and the personnel actions
20 to be taken with respect to any employee who is found
21 to use illegal drugs shall apply to the expanded drug test-
22 ing program required by this section.

23 “(c) NOTIFICATION TO NEW EMPLOYEES.—The Sec-
24 retary of Defense shall notify persons employed after the
25 date of the enactment of this section that, as a condition

1 of employment by the Department of Defense, the person
2 may be required to submit to mandatory random drug
3 testing under the expanded drug testing program required
4 by this section.”.

5 (2) The table of sections at the beginning of such
6 chapter is amended by inserting after the item relating
7 to section 1581 the following new item:

“1582. Random testing of employees for use of illegal drugs.”.

8 (b) FUNDING.—No additional funds are authorized
9 to be appropriated on account of the amendment made
10 by subsection (a). The Secretary of Defense shall carry
11 out the expanded drug testing program for civilian em-
12 ployees of the Department of Defense under section 1582
13 of title 10, United States Code, as added by subsection
14 (a), using amounts otherwise provided for the program.

15 **Subtitle D—Miscellaneous Report**
16 **Requirements and Repeals**

17 **SEC. 1031. ANNUAL REPORT ON RESOURCES ALLOCATED**
18 **TO SUPPORT AND MISSION ACTIVITIES.**

19 Section 113 of title 10, United States Code, is
20 amended by adding at the end the following new sub-
21 section:

22 “(1) The Secretary shall include in the annual report
23 to Congress under subsection (c) the following:

1 “(1) A comparison of the amounts provided in
2 the defense budget for support and for mission ac-
3 tivities for each of the preceding five years.

4 “(2) A comparison of the number of military
5 and civilian personnel, shown by major occupational
6 category, assigned to support positions and to mis-
7 sion positions for each of the preceding five years.

8 “(3) An accounting, shown by service and by
9 major occupational category, of the number of mili-
10 tary and civilian personnel assigned to support posi-
11 tions during each of the preceding five years.

12 “(4) A listing of the number of military and ci-
13 vilian personnel assigned to management head-
14 quarters and headquarters support activities as a
15 percentage of military end-strength for each of the
16 preceding 10 years.”.

17 **SEC. 1032. TRANSMISSION OF EXECUTIVE BRANCH RE-**
18 **PORTS PROVIDING CONGRESS WITH CLASSI-**
19 **FIED SUMMARIES OF ARMS CONTROL DEVEL-**
20 **OPMENTS.**

21 (a) **REPORTING REQUIREMENT.**—The Director of the
22 Arms Control and Disarmament Agency (or the Secretary
23 of State, if the Arms Control and Disarmament Agency
24 becomes an element of the Department of State) shall

1 transmit to Congress on a periodic basis reports contain-
2 ing classified summaries of arms control developments.

3 (b) CONTENTS OF REPORTS.—The reports required
4 by subsection (a) shall include information reflecting the
5 activities of forums established to consider issues relating
6 to treaty implementation and treaty compliance, including
7 the Joint Compliance and Inspection Commission, the
8 Joint Verification Commission, the Open Skies Consult-
9 ative Commission, the Standing Consultative Commission,
10 and the Joint Consultative Group.

11 **SEC. 1033. REPORT ON PERSONNEL RETENTION.**

12 (a) REPORT REQUIRED.—Not later than 90 days
13 after the date of the enactment of this Act, the Secretary
14 of Defense shall submit to Congress a report containing
15 information on the retention of members of the Armed
16 Forces on active duty in the combat, combat support, and
17 combat service support forces of the Army, Navy, Air
18 Force, and Marine Corps.

19 (b) REQUIRED INFORMATION.—The Secretary shall
20 include in the report information on retention of members
21 with military occupational specialties (or the equivalent)
22 in combat, combat support, or combat service support po-
23 sitions in each of the Army, Navy, Air Force, and Marine
24 Corps. Such information shall be shown by pay grade and
25 shall be aggregated by enlisted grades and officers grades

1 and shall be shown by military occupational specialty (or
2 the equivalent). The report shall set forth separately (in
3 numbers and as a percentage) the number of members
4 separated during each such fiscal year who terminate serv-
5 ice in the Armed Forces completely and the number who
6 separate from active duty by transferring into a reserve
7 component.

8 (c) YEARS COVERED BY REPORT.—The report shall
9 provide the information required in the report, shown on
10 a fiscal year basis, for each of fiscal years 1989 through
11 1998.

12 **Subtitle E—Other Matters**

13 **SEC. 1041. CLARIFICATION OF LAND CONVEYANCE AU-** 14 **THORITY, ARMED FORCES RETIREMENT** 15 **HOME, DISTRICT OF COLUMBIA.**

16 (a) SALE REQUIRED.—Subsection (a) of section 1053
17 of the National Defense Authorization Act for Fiscal Year
18 1997 (Public Law 104–201; 110 Stat. 2650) is amend-
19 ed—

20 (1) by striking out “, by sale or otherwise,”;
21 and

22 (2) by adding at the end the following new sen-
23 tence: “The conveyance of the real property shall be
24 made by sale to the highest bidder, except that the

1 purchase price may not be less than the fair market
2 value of the parcel.”.

3 (b) CONFORMING AMENDMENT.—Subsection (b)(1)
4 of such section is amended by striking out “the disposal”
5 and inserting in lieu thereof “the sale”.

6 **SEC. 1042. CONTENT OF NOTICE REQUIRED TO BE PRO-**
7 **VIDED GARNISHEES BEFORE GARNISHMENT**
8 **OF PAY OR BENEFITS.**

9 (a) AUTHORIZATION OF ALTERNATIVE TO PROVID-
10 ING COPY OF NOTICE OR SERVICE RECEIVED BY THE
11 SECRETARY.—(1) Whenever the Secretary of Defense
12 (acting through the DOD section 459 agent) provides a
13 section 459 notice to an individual, the Secretary may in-
14 clude as part of that notice the information specified in
15 subsection (c) in lieu of sending with that notice a copy
16 (otherwise required pursuant to the parenthetical phrase
17 in section 459(c)(2)(A) of the Social Security Act) of the
18 notice or service received by the DOD section 459 agent
19 with respect to that individual’s child support or alimony
20 payment obligations.

21 (2) Whenever the Secretary of Defense (acting
22 through the DOD section 5520a agent) provides a section
23 5520a notice to an individual, the Secretary may include
24 as part of that notice the information specified in sub-
25 section (c) in lieu of sending with that notice a copy (oth-

1 erwise required pursuant to the second parenthetical
2 phrase in section 5520a(c) of the title 5, United States
3 Code) of the legal process received by the DOD section
4 5520a agent with respect to that individual.

5 (b) DEFINITIONS.—For purposes of this section:

6 (1) DOD SECTION 459 AGENT.—The term
7 “DOD section 459 agent” means the agent or
8 agents designated by the Secretary of Defense under
9 subsection (c)(1)(A) of section 459 of the Social Se-
10 curity Act (42 U.S.C. 659) to receive orders and ac-
11 cept service of process in matters related to child
12 support or alimony.

13 (2) SECTION 459 NOTICE.—The term “section
14 459 notice” means, with respect to the Department
15 of Defense, the notice required by subsection
16 (c)(2)(A) of section 459 of the Social Security Act
17 (42 U.S.C. 659) to be sent to an individual in writ-
18 ing upon the receipt by the DOD section 459 agent
19 of notice or service with respect to the individual’s
20 child support or alimony payment obligations.

21 (3) DOD SECTION 5520A AGENT.—The term
22 “DOD section 5520a agent” means a person who is
23 designated by law or regulation to accept service of
24 process to which the Department of Defense is sub-
25 ject under section 5520a of title 5, United States

1 Code (including the regulations promulgated under
2 subsection (k) of that section).

3 (4) SECTION 5520A NOTICE.—The term “section
4 5520a notice” means, with respect to the Depart-
5 ment of Defense, the notice required by subsection
6 (c) of section 5520a of title 5, United States Code,
7 to be sent in writing to an employee (or, pursuant
8 to the regulations promulgated under subsection (k)
9 of that section, to a member of the Armed Forces)
10 upon the receipt by the DOD section 5520a agent
11 of legal process covered by that section.

12 (c) ALTERNATIVE REQUIREMENTS.—The informa-
13 tion referred to in subsection (a) that is to be included
14 as part of a section 459 notice or section 5520a notice
15 sent to an individual (in lieu of sending with that notice
16 a copy of the notice or service received by the DOD section
17 459 agent or the DOD section 5520a agent) is the follow-
18 ing:

19 (1) A description of the pertinent court order,
20 notice to withhold, or other order, process, or inter-
21 rogatory received by the DOD section 459 agent or
22 the DOD section 5520a agent.

23 (2) The identity of the court or judicial forum
24 involved and (in the case of a notice or process con-
25 cerning the ordering of a support or alimony obliga-

1 tion) the case number, the amount of the obligation,
2 and the name of the beneficiary.

3 (3) Information on how the individual may ob-
4 tain from the Department of Defense a copy of the
5 notice, service, or legal process, including an address
6 and telephone number that the individual may be
7 contact for the purpose of obtaining such a copy.

8 (d) REPORT.—Not later than April 1, 2001, the Sec-
9 retary shall submit to Congress a report describing the
10 experience of the Department of Defense under the au-
11 thority provided by this section. The report shall include
12 the following:

13 (1) The number of section 459 notices provided
14 by the DOD section 459 agent during the period the
15 authority provided by this section was in effect.

16 (2) The number of individuals who requested
17 the DOD section 459 agent to provide to them a
18 copy of the actual notice or service.

19 (3) Any complaint the Secretary received by
20 reason of not having provided the actual notice or
21 service in the section 459 notice.

22 (4) The number of section 5520a notices pro-
23 vided by the DOD section 5520a agent during the
24 period the authority provided by this section was in
25 effect.

1 (5) The number of individuals who requested
2 the DOD section 5520a agent to provide to them a
3 copy of the actual legal process.

4 (6) Any complaint the Secretary received by
5 reason of not having provided the actual legal pro-
6 cess in the section 5520a notice.

7 **SEC. 1043. TRAINING OF SPECIAL OPERATIONS FORCES**
8 **WITH FRIENDLY FOREIGN FORCES.**

9 (a) TRAINING EXPENSES FOR WHICH PAYMENT MAY
10 BE MADE.—Subsection (a)(1) of section 2011 of title 10,
11 United States Code, is amended by striking out “and
12 other security forces”.

13 (b) PURPOSE OF TRAINING.—Subsection (b) of such
14 section is amended by striking out “primary”.

15 (c) REGULATIONS.—Subsection (c) of such section is
16 amended by inserting after the first sentence the following
17 new sentence: “The regulations shall require that training
18 activities may be carried out under this section only with
19 the prior approval of the Secretary of Defense.”.

20 (d) ELEMENTS OF ANNUAL REPORT.—Subsection (e)
21 of such section is amended by adding at the end the follow-
22 ing new paragraphs:

23 “(5) A summary of the expenditures under this
24 section resulting from the training for which ex-
25 penses were paid under this section.

1 “(6) A discussion of the unique military train-
2 ing benefit to United States special operations forces
3 derived from the training activities for which ex-
4 penses were paid under this section.”.

5 **SEC. 1044. PROHIBITION ON ASSIGNMENT OF UNITED**
6 **STATES FORCES TO UNITED NATIONS RAP-**
7 **IDLY DEPLOYABLE MISSION HEADQUARTERS.**

8 No funds available to the Department of Defense
9 may be used to assign or detail any member of the Armed
10 Forces to duty with the United Nations Rapidly
11 Deployable Mission Headquarters (or any similar United
12 Nations military operations headquarters).

13 **SEC. 1045. CLARIFICATION OF STATE AUTHORITY TO TAX**
14 **COMPENSATION PAID TO CERTAIN EMPLOY-**
15 **EES.**

16 (a) LIMITATION ON STATE AUTHORITY TO TAX COM-
17 PENSATION PAID TO INDIVIDUALS PERFORMING SERV-
18 ICES AT FORT CAMPBELL, KENTUCKY.—

19 (1) IN GENERAL.—Chapter 4 of title 4, United
20 States Code, is amended by adding at the end the
21 following:

1 TIES LOCATED ON THE COLUMBIA RIVER.—Pay or com-
2 pensation paid by the United States for personal services
3 as an employee of the United States at a hydroelectric
4 facility—

5 “(1) which is owned by the United States;

6 “(2) which is located on the Columbia River;

7 and

8 “(3) portions of which are within the States of
9 Oregon and Washington,

10 shall be subject to taxation by the State or any political
11 subdivision thereof of which such employee is a resident.

12 “(c) TREATMENT OF CERTAIN FEDERAL EMPLOY-
13 EES EMPLOYED AT FEDERAL HYDROELECTRIC FACILI-
14 TIES LOCATED ON THE MISSOURI RIVER.—Pay or com-
15 pensation paid by the United States for personal services
16 as an employee of the United States at a hydroelectric
17 facility—

18 “(1) which is owned by the United States;

19 “(2) which is located on the Missouri River;

20 and

21 “(3) portions of which are within the States of
22 South Dakota and Nebraska,

23 shall be subject to taxation by the State or any political
24 subdivision thereof of which such employee is a resident.”.

1 (2) EFFECTIVE DATE.—The amendment made
2 by this subsection shall apply to pay and compensa-
3 tion paid after the date of the enactment of this Act.

4 **SEC. 1046. REQUIREMENT TO PROVIDE BURIAL FLAGS**
5 **WHOLLY PRODUCED IN THE UNITED STATES.**

6 (a) REQUIREMENT.—Section 2301 of title 38, United
7 States Code, is amended by adding at the end the follow-
8 ing new subsection:

9 “(f)(1) Any flag furnished pursuant to this section
10 shall be wholly produced in the United States.

11 “(2) For the purpose of paragraph (1), the term
12 ‘wholly produced’ means—

13 “(A) the materials and components of the flag
14 are entirely grown, manufactured, or created in the
15 United States;

16 “(B) the processing (including spinning, weav-
17 ing, dyeing, and finishing) of such materials and
18 components is entirely performed in the United
19 States; and

20 “(C) the manufacture and assembling of such
21 materials and components into the flag is entirely
22 performed in the United States.”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 subsection (a) shall apply to flags furnished by the Sec-

1 retary of Veterans Affairs under section 2301 of title 38,
2 United States Code, after September 30, 1998.

3 **SEC. 1047. INVESTIGATION OF ACTIONS RELATING TO**
4 **174TH FIGHTER WING OF NEW YORK AIR NA-**
5 **TIONAL GUARD.**

6 (a) INVESTIGATION.—The Inspector General of the
7 Department of Defense shall investigate the grounding of
8 the 174th Fighter Wing of the New York Air National
9 Guard and the subsequent dismissal, demotion, or reas-
10 signment of 12 decorated combat pilots of that wing.

11 (b) REPORT.—Not later than 180 days after the date
12 of the enactment of this Act, the Inspector General shall
13 submit to the Committee on Armed Services of the Senate
14 and the Committee on National Security of the House of
15 Representatives a report describing the results of the in-
16 vestigation under subsection (a).

17 **SEC. 1048. FACILITATION OF OPERATIONS AT EDWARDS**
18 **AIR FORCE BASE, CALIFORNIA.**

19 (a) FACILITATION OF OPERATIONS.—The Secretary
20 of the Air Force may, in order to facilitate implementation
21 of the Edwards Air Force Base Alliance Agreement, au-
22 thorize equipment, facilities, personnel, and other re-
23 sources available to the Air Force at Edwards Air Force
24 Base to be used in such manner as the Secretary considers
25 appropriate for the efficient operation and support of ei-

1 ther or both of the organizations that are parties to that
2 agreement without regard to the provisions of section
3 1535 of title 31, United States Code (and any regulations
4 of the Department of Defense prescribed under that sec-
5 tion).

6 (b) PRESERVATION OF FINANCIAL INTEGRITY OF
7 FUNDS.—The Secretary shall carry out subsection (a) so
8 as to preserve the financial integrity of funds appropriated
9 to the Department of the Air Force and the National Aer-
10 onautics and Space Administration.

11 (c) EDWARDS AIR FORCE BASE ALLIANCE AGREE-
12 MENT.—For purposes of this section, the term “Edwards
13 Air Force Base Alliance Agreement” means the agreement
14 entered into in May 1995, between the commander of the
15 Air Force Flight Test Center and the director of the Dry-
16 den Flight Research Center of the National Aeronautics
17 and Space Administration, both of which are located at
18 Edwards Air Force Base, California, to develop and sus-
19 tain a working relationship between the two organizations
20 to improve the efficiency of the operations of both organi-
21 zations while preserving the unique missions of both orga-
22 nizations.

23 (d) DELEGATION.—The authority of the Secretary
24 under this section may be delegated, at the Secretary’s

1 discretion, to the commander of the Air Force Flight Test
2 Center, Edwards Air Force Base, California.

3 (e) REPORT.—Not later than May 1, 1999, the Sec-
4 retary of Defense and the Administrator of the National
5 Aeronautics and Space Administration shall submit to
6 Congress a joint report on the implementation of this sec-
7 tion.

8 **SEC. 1049. SENSE OF THE CONGRESS CONCERNING TAX**
9 **TREATMENT OF PRINCIPAL RESIDENCE OF**
10 **MEMBERS OF ARMED FORCES WHILE AWAY**
11 **FROM HOME ON ACTIVE DUTY.**

12 It is the sense of the Congress that a member of the
13 Armed Forces should be treated as using property as a
14 principal residence during any period that the member (or
15 the member's spouse) is serving on extended active duty
16 with the Armed Forces, but only if the member used the
17 property as a principal residence for any period during or
18 before the period of extended active duty.

19 **SEC. 1050. OPERATION, MAINTENANCE, AND UPGRADE OF**
20 **AIR FORCE SPACE LAUNCH FACILITIES.**

21 Funds appropriated pursuant to the authorizations of
22 appropriations in this Act for the operation, maintenance,
23 or upgrade of the Western Space Launch Facilities of the
24 Department of the Air Force (Program Element 35181F)
25 and the Eastern Space Launch Facilities of the Depart-

1 ment of the Air Force (Program Element 351821F) may
2 not be obligated for any other purpose.

3 **SEC. 1051. SENSE OF THE CONGRESS CONCERNING NEW**
4 **PARENT SUPPORT PROGRAM AND MILITARY**
5 **FAMILIES.**

6 (a) SENSE OF THE CONGRESS.—It is the sense of the
7 Congress that—

8 (1) the New Parent Support Program that was
9 begun as a pilot program of the Marine Corps at
10 Camp Pendleton, California, has been an effective
11 tool in curbing family violence within the military
12 community;

13 (2) such program is a model for future pro-
14 grams throughout the Marine Corps, the Navy, and
15 the Army; and

16 (3) in light of the pressures and strains placed
17 upon military families and the benefits of the New
18 Parent Support Program in helping these high “at-
19 risk” families, the Department of Defense should
20 seek ways to ensure that in future fiscal years funds
21 are made available for those programs for each of
22 the Armed Forces in amounts sufficient to meet re-
23 quirements for those programs.

24 (b) REPORT.—Not later than 120 days after the date
25 of the enactment of this Act, the Secretary of Defense

1 shall submit to Congress a report on the New Parent Sup-
2 port Program of the Department of Defense. The Sec-
3 retary shall include in the report the following:

4 (1) A description of how the Army, Navy, Air
5 Force, and Marine Corps are each implementing a
6 New Parent Support Program and how each such
7 program is organized.

8 (2) A description of how the implementation of
9 programs for the Army, Navy, and Air Force com-
10 pare to the fully implemented Marine Corps pro-
11 gram.

12 (3) The number of installations that each serv-
13 ice has scheduled to receive support for the New
14 Parent Support Program.

15 (4) The number of installations delayed in pro-
16 viding the program.

17 (5) The number of programs terminated.

18 (6) The number of programs with reduced sup-
19 port.

20 (7) The funding provided for those programs
21 for each of the four services for each of fiscal years
22 1994 through 1998 and the amount projected to be
23 provided for those programs for fiscal year 1999
24 and, if the amount provided for any of those pro-
25 grams for any such year is less than the amount

1 needed to fully fund for that program for that year,
2 an explanation of the reasons for the shortfall.

3 **TITLE XI—DEPARTMENT OF**
4 **DEFENSE CIVILIAN PERSONNEL**

5 **SEC. 1101. AUTHORITY FOR RELEASE TO COAST GUARD OF**
6 **DRUG TEST RESULTS OF CIVIL SERVICE**
7 **MARINERS OF THE MILITARY SEALIFT COM-**
8 **MAND.**

9 (a) IN GENERAL.—Chapter 643 of title 10, United
10 States Code, is amended by adding at the end the follow-
11 ing new section:

12 **“§ 7479. Civil service mariners of Military Sealift**
13 **Command: release of drug test results to**
14 **Coast Guard**

15 “(a) RELEASE OF DRUG TEST RESULTS TO COAST
16 GUARD.—The Secretary of the Navy may release to the
17 Commandant of the Coast Guard the results of a drug
18 test of any employee of the Department of the Navy who
19 is employed in any capacity on board a vessel of the Mili-
20 tary Sealift Command. Any such release shall be in ac-
21 cordance with the standards and procedures applicable to
22 the disclosure and reporting to the Coast Guard of drug
23 tests results and drug test records of individuals employed
24 on vessels documented under the laws of the United
25 States.

1 “(b) WAIVER.—The results of a drug test of an em-
2 ployee may be released under subsection (a) without the
3 prior written consent of the employee that is otherwise re-
4 quired under section 503(e) of the Supplemental Appro-
5 priations Act, 1987 (5 U.S.C. 7301 note).”.

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

“7479. Civil service mariners of Military Sealift Command: release of drug test
results to Coast Guard.”.

9 **SEC. 1102. LIMITATIONS ON BACK PAY AWARDS.**

10 (a) In General.—Section 5596(b) of title 5, United
11 States Code, is amended—

12 (1) by redesignating paragraph (4) as para-
13 graph (5); and

14 (2) by inserting after paragraph (3) the follow-
15 ing new paragraph:

16 “(4) The pay, allowances, or differentials granted
17 under this section for the period for which an unjustified
18 or unwarranted personnel action was in effect shall not
19 exceed that authorized by the applicable law, rule, regula-
20 tions, or collective bargaining agreement under which the
21 unjustified or unwarranted personnel action is found, ex-
22 cept that in no case may pay, allowances, or differentials
23 be granted under this section for a period beginning more
24 than 6 years before the date of the filing of a timely appeal

1 or, absent such filing, the date of the administrative deter-
2 mination.”.

3 (b) CONFORMING AMENDMENT.—Section 7121 of
4 title 5, United States Code, is amended by adding at the
5 end the following new subsection:

6 “(h) Settlements and awards under this chapter shall
7 be subject to the limitations in section 5596(b)(4) of this
8 title.”.

9 **SEC. 1103. RESTORATION OF ANNUAL LEAVE ACCUMU-**
10 **LATED BY CIVILIAN EMPLOYEES AT INSTAL-**
11 **LATIONS IN THE REPUBLIC OF PANAMA TO**
12 **BE CLOSED PURSUANT TO THE PANAMA**
13 **CANAL TREATY OF 1977.**

14 Section 6304(d)(3)(A) of title 5, United States Code,
15 is amended by inserting “the closure of an installation of
16 the Department of Defense in the Republic of Panama
17 in accordance with the Panama Canal Treaty of 1977,”
18 after “2687 note) during any period,”.

19 **SEC. 1104. REPEAL OF PROGRAM PROVIDING PREFERENCE**
20 **FOR EMPLOYMENT OF MILITARY SPOUSES IN**
21 **MILITARY CHILD CARE FACILITIES.**

22 Section 1792 of title 10, United States Code, is
23 amended—

24 (1) by striking out subsection (d); and

1 (2) by redesignating subsection (e) as sub-
2 section (d).

3 **SEC. 1105. ELIMINATION OF RETAINED PAY AS BASIS FOR**
4 **DETERMINING LOCALITY-BASED ADJUST-**
5 **MENTS.**

6 Section 5302(8)(B) of title 5, United States Code,
7 is amended by inserting “(except a rate retained under
8 subsection (a)(2) of that section)” after “section 5363”.

9 **SEC. 1106. OBSERVANCE OF CERTAIN HOLIDAYS AT DUTY**
10 **POSTS OUTSIDE THE UNITED STATES.**

11 Section 6103(b) of title 5, United States Code, is
12 amended by inserting after paragraph (2) the following
13 new paragraph:

14 “(3) Instead of a holiday that is designated
15 under subsection (a) to occur on a Monday, for an
16 employee at a duty post outside the United States
17 whose basic workweek is other than Monday through
18 Friday, and for whom Monday is a regularly sched-
19 uled workday, the legal public holiday is the first
20 workday of the workweek in which the Monday des-
21 ignated for the observance of such holiday under
22 subsection (a) occurs.”.

1 **TITLE XII—MATTERS RELATING**
2 **TO OTHER NATIONS**

3 **SEC. 1201. LIMITATION ON FUNDS FOR PEACEKEEPING IN**
4 **THE REPUBLIC OF BOSNIA AND**
5 **HERZEGOVINA.**

6 (a) **LIMITATION.**—The Secretary of Defense may not
7 expend from funds appropriated to the Department of De-
8 fense for fiscal year 1999 more than \$1,858,600,000 for
9 the purpose of providing for United States participation
10 in Bosnia peacekeeping operations.

11 (b) **EMERGENCY EXCEPTION.**—The Secretary may
12 increase the amount under subsection (a) by not more
13 than \$100,000,000 for the sole purpose of safeguarding
14 United States forces in the event of hostilities, imminent
15 hostilities, or other grave danger to their well-being. Such
16 an increase may become effective only upon submission by
17 the Secretary to Congress of a certification that such
18 grave danger exists and that such additional funds are re-
19 quired to meet immediate security threats.

20 (c) **REPORT.**—Not later than April 1, 1999, the Sec-
21 retary of Defense shall submit to Congress a report with
22 respect to United States participation in Bosnia peace-
23 keeping operations. The report shall provide a detailed
24 projection of any additional funding that will be required
25 by the Department of Defense to meet mission require-

1 ments for such operations for the remainder of fiscal year
2 1999.

3 (d) **PRESIDENTIAL AUTHORITY.**—Nothing in this
4 section shall be deemed to restrict the authority of the
5 President under the Constitution to protect the lives of
6 United States citizens.

7 (e) **BOSNIA PEACEKEEPING OPERATIONS.**—For pur-
8 poses of subsection (a), the term “Bosnia peacekeeping
9 operations” means the operation designated as Operation
10 Joint Force, the operation designated as Operation Joint
11 Endeavor, and any other operation under which United
12 States military forces participate in peacekeeping or peace
13 enforcement activities in the Republic of Bosnia and
14 Herzegovina and any activity that is directly related to
15 the support of any such operation.

16 **SEC. 1202. REPORTS ON THE MISSION OF UNITED STATES**
17 **FORCES IN REPUBLIC OF BOSNIA AND**
18 **HERZEGOVINA.**

19 (a) **FINDINGS.**—Congress finds the following:

20 (1) In section 1202(1) of the National Defense
21 Authorization Act for Fiscal Year 1998 (Public Law
22 105–85; 111 Stat. 1929; approved November 18,
23 1997), it was stated to be the sense of the Congress
24 that United States ground combat forces should not

1 participate in a follow-on force in the Republic of
2 Bosnia and Herzegovina after June 1998.

3 (2) On December 16, 1997, the President an-
4 nounced his support for the continued deployment of
5 United States ground combat forces in the Republic
6 of Bosnia and Herzegovina after June 30, 1998, as
7 part of a multinational peacekeeping force led by the
8 North Atlantic Treaty Organization (NATO).

9 (3) The President's decision to extend the pres-
10 ence of United States ground combat forces in the
11 Republic of Bosnia and Herzegovina has changed
12 the mission of those forces in a fundamental
13 manner.

14 (4) The President has in effect committed
15 United States ground combat forces in the Republic
16 of Bosnia and Herzegovina to providing a secure en-
17 vironment for complete implementation of the civil-
18 ian provisions of the Dayton Accords.

19 (5) The Administration has not specified how
20 long such an achievement will take and, therefore,
21 the mission of United States ground combat forces
22 in the Republic of Bosnia and Herzegovina is of in-
23 definite duration.

24 (b) ANNUAL PRESIDENTIAL REPORT.—(1) The
25 President shall submit to Congress an annual report on

1 the presence of United States ground combat forces in the
2 Republic of Bosnia and Herzegovina. Each such report
3 shall include the following:

4 (A) The President's assessment of progress to-
5 ward the full implementation of the civilian goals of
6 the Dayton Accord, as specified in subsection (c).

7 (B) The expected duration of the deployment of
8 United States ground combat forces in the Republic
9 of Bosnia and Herzegovina in support of implemen-
10 tation of those goals.

11 (C) The percentage of those goals that have
12 been completed as of the date of the report, the per-
13 centage that are expected to be completed within the
14 next reporting period, and the expected time for
15 completion of the remaining tasks.

16 (2) The first report under this subsection shall be
17 submitted not later than 90 days after the date of the
18 enactment of this Act, and subsequent reports shall be
19 submitted at yearly intervals thereafter. The requirement
20 to submit an annual report under this subsection termi-
21 nates upon the withdrawal of all United States ground
22 combat forces from the Republic of Bosnia and
23 Herzegovina.

24 (c) BASIS FOR ASSESSMENT OF PROGRESS.—For
25 purposes of subsection (b)(1)(A), the President shall as-

1 sess whether progress is being made toward implementa-
2 tion of the civilian goals of the Dayton Accords based upon
3 assessment of the following goals and associated matters:

4 (1) Accomplishment of military stability, as
5 measured by—

6 (A) the maintenance of the cease-fire be-
7 tween the former warring parties;

8 (B) the continued cantonment of heavy
9 weapons and the observance of arms limita-
10 tions;

11 (C) the disbanding of special police;

12 (D) the termination of covert support to
13 the Srpska Demokratska Stranka party by the
14 Federal Republic of Yugoslavia; and

15 (E) similar measures.

16 (2) Police and judicial reform, as measured
17 by—

18 (A) the restructuring and ethnic integra-
19 tion of local police;

20 (B) completion of human rights training
21 by local police forces;

22 (C) the demonstrated ability of local police
23 to deal effectively and impartially with civil dis-
24 turbances and disorder;

1 (D) the implementation of an effective ju-
2 dicial reform program; and

3 (E) similar measures.

4 (3) Creation and implementation of effective
5 national institutions untainted by ethnic separatism,
6 as measured by—

7 (A) the dissolution of previously outlawed
8 institutions;

9 (B) a functioning customs service with na-
10 tional control over customs revenues;

11 (C) transparency in national budgets and
12 disbursements; and

13 (D) similar measures.

14 (4) Media reform, as measured by—

15 (A) the divestiture of control of broadcast
16 networks from the control of political parties;

17 (B) opposition party access to media;

18 (C) the availability of alternative and inde-
19 pendent media throughout the Republic of Bos-
20 nia and Herzegovina; and

21 (D) similar measures.

22 (5) Democratization and reform of the electoral
23 process, as measured by—

24 (A) transparent functioning of local, entity,
25 and national governments;

1 (B) acceptance of binding arbitration for
2 the implementation of results in contested local
3 elections;

4 (C) modification of electoral laws to meet
5 international and Organization for Security and
6 Cooperation in Europe (OSCE) standards;

7 (D) the free and fair conduct of the Sep-
8 tember 1998 national elections and subsequent
9 elections; and

10 (E) similar measures.

11 (6) Return of refugees, as measured by—

12 (A) compliance of entity property laws with
13 the Dayton Accords;

14 (B) participation by entity governments in
15 orderly cross-ethnic returns;

16 (C) protection by local police of returnees;

17 (D) acceptance of substantial numbers of
18 returned refugees in major cities; and

19 (E) similar measures.

20 (7) Resolution of the status of Breko, as meas-
21 ured by—

22 (A) the implementation of local election re-
23 sults;

24 (B) the functioning of an ethnically inte-
25 grated police force;

1 (C) ethnic reintegration of Brecko and the
2 surrounding region; and

3 (D) similar measures.

4 (8) Compliance of persons indicted for war
5 crimes by the International Tribunal for the Former
6 Yugoslavia, as measured by—

7 (A) the termination of political, military,
8 and media control by war criminals;

9 (B) the assistance of local authorities in
10 apprehension of indictees;

11 (C) the cooperation of entity justice estab-
12 lishments in cooperating with the Tribunal; and

13 (D) similar measures.

14 (9) The ability of international organizations to
15 carry out their functions within the Republic of Bos-
16 nia and Herzegovina without military support, as
17 measured by—

18 (A) the ability of local authorities to carry
19 out demining programs;

20 (B) the ability of the Office of the High
21 Representative to enforce inter-entity agree-
22 ments without accompanying military shows of
23 force; and

24 (C) similar measures.

1 (10) Economic reconstruction and recovery, as
2 measured by—

3 (A) local currency circulating freely and its
4 use in official transactions;

5 (B) an agreement reached on a permanent
6 national currency in use in all entities;

7 (C) the creation of privatization laws con-
8 sistent with the Dayton Accords;

9 (D) government control over sources of
10 revenue;

11 (E) substantial repair and functioning of
12 major infrastructure elements;

13 (F) an in-place International Monetary
14 Fund program; and

15 (G) similar measures.

16 (d) SECRETARY OF DEFENSE REPORT.—(1) Not
17 later than December 15, 1998, the Secretary of Defense
18 shall submit to the congressional defense committees a re-
19 port on the effects of military operations in the Republic
20 of Bosnia and Herzegovina and the Balkans region on the
21 capabilities of United States military forces and, in par-
22 ticular, on the capability of United States military forces
23 to conduct successfully two nearly simultaneous major the-
24 ater wars as specified in current Defense Planning Guid-
25 ance and in accordance with the deployment timelines

1 called for in the war plans of the commanders of unified
2 combatant commands.

3 (2) Whenever the number of United States ground
4 combat forces in the Republic of Bosnia and Herzegovina
5 increases or decreases by 10 percent or more compared
6 to the number of such forces as of the most recent pre-
7 vious report under this subsection, the Secretary shall sub-
8 mit an additional report as specified in paragraph (1). Any
9 such additional report shall be submitted within 30 days
10 of the date on which the requirement to submit the report
11 becomes effective under the preceding sentence.

12 (3) The Secretary shall include in each report under
13 this subsection information with respect to the effects of
14 military operations in the Republic of Bosnia and
15 Herzegovina and the Balkans region on the capabilities
16 of United States military forces to conduct successfully
17 two nearly simultaneous major theater wars as specified
18 in current Defense Planning Guidance and in accordance
19 with the deployment timelines called for in the war plans
20 of the commanders of unified combatant commands. Such
21 information shall include information on the effects of
22 those operations upon anticipated deployment plans for
23 major theater wars in Southwest Asia or on the Korean
24 peninsula including the following:

1 (A) Deficiencies or delays in deployment of
2 strategic lift, logistics support and infrastructure,
3 ammunition (including precision guided munitions)
4 support forces, intelligence assets, follow-on forces
5 used for planned counteroffensives, and similar
6 forces.

7 (B) Additional planned reserve component mo-
8 bilization, including specific units to be ordered to
9 active duty and required dates for activation of pres-
10 idential call-up authority.

11 (C) Specific plans and timelines for redeploy-
12 ment of United States forces from the Republic of
13 Bosnia and Herzegovina, the Balkans region, or sup-
14 porting forces in the region, to both the first and
15 second major theater war.

16 (D) Preventative actions or deployments involv-
17 ing United States forces in the Republic of Bosnia
18 and Herzegovina and the Balkans region that would
19 be taken in the event of a single theater war to deter
20 the outbreak of a second theater war.

21 (E) Specific plans and timelines to replace
22 forces deployed to the Republic of Bosnia and
23 Herzegovina, the Balkans region, or the surrounding
24 region to maintain United States military presence.

1 (F) An assessment, undertaken in consultation
2 with the Chairman of the Joint Chiefs of Staff and
3 the commanders of the unified combatant com-
4 mands, of the level of increased risk to successful
5 conduct of the major theater wars and the mainte-
6 nance of security and stability in the Republic of
7 Bosnia and Herzegovina and the Balkans region, by
8 the requirement to redeploy forces from Bosnia and
9 the Balkans in the event of a major theater war.

10 (e) DEFINITION OF DAYTON ACCORDS.—For pur-
11 poses of this section, the term “Dayton Accords” means
12 the General Framework Agreement for Peace in Bosnia
13 and Herzegovina, initialed by the parties in Dayton, Ohio,
14 on November 21, 1995, and signed in Paris on December
15 14, 1995.

16 **SEC. 1203. REPORT ON MILITARY CAPABILITIES OF AN EX-**
17 **PANDED NATO ALLIANCE.**

18 (a) REPORT.—The Secretary of Defense shall pre-
19 pare a report, in both classified and unclassified form, on
20 the planned future military capabilities of the North At-
21 lantic Treaty Organization (NATO) in light of the pro-
22 posed inclusion of Poland, the Czech Republic, and Hun-
23 gary in the NATO alliance. The report shall set forth—

24 (1) the tactical, operational, and strategic
25 issues that would be raised by the inclusion of Po-

1 land, the Czech Republic, and Hungary in the
2 NATO alliance;

3 (2) the required improvements to common alli-
4 ance military assets that would result from the in-
5 clusion of those nations in the alliance;

6 (3) the planned improvements to national capa-
7 bilities of current NATO members that would be re-
8 quired by reason of the inclusion of those nations in
9 the alliance;

10 (4) the planned improvements to national capa-
11 bilities of the military forces of those candidate
12 member nations; and

13 (5) the additional requirements that would be
14 imposed on the United States by NATO expansion.

15 (b) MATTERS TO BE INCLUDED.—The report shall
16 include the following:

17 (1) An assessment of the tactical and oper-
18 ational capabilities of the military forces of each of
19 the candidate member nations.

20 (2) An assessment of the capability of each can-
21 didate member nation to provide logistical, command
22 and control, and other vital infrastructure required
23 for alliance defense (as specified in Article V of the
24 NATO Charter), including a description in general
25 terms of alliance plans for reinforcing each can-

1 didate member nation during a crisis or war and de-
2 tailing means for deploying both United States and
3 other NATO forces from current member states and
4 from the continental United States or other United
5 States bases worldwide and, in particular, describing
6 plans for ground reinforcement of Hungary.

7 (3) An assessment of the ability of current and
8 candidate alliance members to deploy and sustain
9 combat forces in alliance defense missions conducted
10 in the territory of any of the candidate member na-
11 tions, as specified in Article V of the NATO Char-
12 ter.

13 (4) A description of projected defense programs
14 through 2009 (shown on an annual basis and cumu-
15 latively) of each current and candidate alliance mem-
16 ber nation, including planned investments in capa-
17 bilities relevant to Article V alliance defense and po-
18 tential alliance contingency operations and showing
19 both planned national efforts as well as planned alli-
20 ance common efforts and describing any disparities
21 in investments by current or candidate alliance
22 member nations.

23 (5) A detailed comparison and description of
24 any disparities in scope, methodology, assessments
25 of common alliance or national responsibilities, or

1 any other factor related to alliance capabilities be-
2 tween (A) the report on alliance expansion costs pre-
3 pared by the Department of Defense (in the report
4 submitted to Congress in February 1998 entitled
5 “Report to the Congress on the Military Require-
6 ments and Costs of NATO Enlargement”), and (B)
7 the report on alliance expansion costs prepared by
8 NATO collectively and referred to as the “NATO es-
9 timate”, issued at Brussels in November 1997.

10 (6) Any other factor that, in the judgment of
11 the Secretary of Defense, bears upon the strategic,
12 operational, or tactical military capabilities of an ex-
13 panded NATO alliance.

14 (c) SUBMISSION OF REPORT.—The report shall be
15 submitted to Congress not later than March 15, 1999.

16 **SEC. 1204. ONE-YEAR EXTENSION OF COUNTER-**
17 **PROLIFERATION AUTHORITIES FOR SUP-**
18 **PORT OF UNITED NATIONS SPECIAL COMMIS-**
19 **SION ON IRAQ.**

20 (a) AMOUNT AUTHORIZED FOR FISCAL YEAR
21 1999.—The total amount of assistance for fiscal year
22 1999 provided by the Secretary of Defense under section
23 1505 of the Weapons of Mass Destruction Control Act of
24 1992 (22 U.S.C. 5859a) that is provided in the form of
25 funds, including funds used for activities of the Depart-

1 ment of Defense in support of the United Nations Special
2 Commission on Iraq, may not exceed \$15,000,000.

3 (b) **EXTENSION OF AUTHORITY TO PROVIDE ASSIST-**
4 **ANCE.**—Subsection (f) of section 1505 of the Weapons of
5 Mass Destruction Control Act of 1992 (22 U.S.C. 5859a)
6 is amended by striking out “1998” and inserting in lieu
7 thereof “1999”.

8 **SEC. 1205. REPEAL OF LANDMINE MORATORIUM.**

9 Section 580 of the Foreign Operations Appropria-
10 tions Act, 1996 (Public Law 104–107; 110 Stat 751), is
11 repealed.

12 **SEC. 1206. SENSE OF THE CONGRESS.**

13 It is the sense of the Congress that—

14 (1) United States business interests must not
15 be placed above United States national security in-
16 terests;

17 (2) at the Presidential summit meeting to be
18 held in the People’s Republic of China in June of
19 1998, the United States should not—

20 (A) support membership of the People’s
21 Republic of China in the Missile Technology
22 Control Regime;

23 (B) agree to issue any blanket waiver of
24 the suspensions contained in section 902 of the
25 Foreign Relations Authorization Act, Fiscal

1 Years 1990 and 1991 (Public Law 101-246),
2 regarding the export of satellites of United
3 States origin intended for launch from a launch
4 vehicle owned by the People's Republic of
5 China;

6 (C) agree to increase the number of
7 launches of satellites to geosynchronous orbit by
8 the People's Republic of China above the num-
9 ber contained in Article II(B)(ii) of the 1995
10 Memorandum of Agreement Between the Gov-
11 ernment of the United States of America and
12 the Government of the People's Republic of
13 China Regarding International Trade in Com-
14 mercial Launch Services;

15 (D) support any cooperative project with
16 the People's Republic of China to design or
17 manufacture satellites;

18 (E) enter into any new scientific, technical,
19 or other agreements, or amend any existing sci-
20 entific, technical, or other agreements, with the
21 People's Republic of China involving space or
22 missile-related technology;

23 (F) agree to any arms control initiative
24 that cannot be effectively verified, including any

1 initiative relating to detargeting of strategic of-
2 fensive missiles; or

3 (G) support any increase in the number or
4 frequency of military-to-military contacts be-
5 tween the United States and the People's Re-
6 public of China;

7 (3) the decision of the executive branch in 1998
8 to issue a waiver allowing the export of satellite
9 technology to the People's Republic of China was not
10 in the national interest of the United States, given
11 the ongoing criminal investigation by the Justice De-
12 partment of the transfer in 1996 of satellite tech-
13 nology to that country;

14 (4) the executive branch should ensure that
15 United States law regarding the export of satellites
16 to the Peoples Republic of China is enforced and
17 that the criminal investigation described in para-
18 graph (3) proceeds with all due dispatch; and

19 (5) the President should indefinitely suspend
20 the export of satellites of United States origin to the
21 People's Republic of China, including those satellites
22 licensed in February 1998 as part of the Chinasat-
23 8 program.

1 **SEC. 1207. INVESTIGATIONS OF SATELLITE LAUNCH FAIL-**
2 **URES.**

3 (a) PARTICIPATION IN INVESTIGATIONS.—In the
4 event of the failure of a launch from the People’s Republic
5 of China of a satellite of United States origin, no United
6 States person may participate in any subsequent inves-
7 tigation of the failure.

8 (b) DEFINITION.—As used in this section, the term
9 “United States person” has the meaning given that term
10 in section 16 of the Export Administration Act of 1979,
11 and includes any officer or employee of the Federal Gov-
12 ernment or of any other government.

13 **SEC. 1208. PROHIBITION ON EXPORTS OF MISSILE EQUIP-**
14 **MENT AND TECHNOLOGY TO CHINA.**

15 No missile equipment or technology (as defined in
16 section 74 of the Arms Export Control Act (22 U.S.C.
17 2797c)) may be exported to the People’s Republic of
18 China.

19 **SEC. 1209. PROHIBITION ON EXPORTS AND REEXPORTS OF**
20 **SATELLITES TO CHINA.**

21 (a) IN GENERAL.—No satellites of United States ori-
22 gin (including commercial satellites and satellite compo-
23 nents) may be exported or reexported to the People’s Re-
24 public of China.

25 (b) PROHIBITION WITH RESPECT TO INFORMATION,
26 EQUIPMENT, AND TECHNOLOGY.—No information, equip-

1 ment, or technology that could be used in the acquisition,
2 design, development (including codevelopment), or produc-
3 tion (including coproduction) of any satellite or launch ve-
4 hicle may be exported or reexported to the People's Repub-
5 lic of China.

6 (c) **APPLICABILITY.**—Subsections (a) and (b) apply
7 to any satellite, information, equipment, or technology
8 that as of the date of the enactment of this Act has not
9 been exported or reexported to the People's Republic of
10 China, whether or not an export license for such export
11 or reexport has been approved as of such date.

12 **SEC. 1210. PROHIBITION ON RESTRICTION OF ARMED**
13 **FORCES UNDER KYOTO PROTOCOL TO THE**
14 **UNITED NATIONS FRAMEWORK CONVENTION**
15 **ON CLIMATE CHANGE.**

16 (a) **IN GENERAL.**—Notwithstanding any other provi-
17 sion of law, no provision of the Kyoto Protocol to the
18 United Nations Framework Convention on Climate
19 Change, or any regulation issued pursuant to such proto-
20 col, shall restrict the procurement, training, or operation
21 and maintenance of the United States Armed Forces.

22 (b) **WAIVER.**—A provision of law may not be con-
23 strued as modifying or superseding the provisions of sub-
24 section (a) unless that provision of law—

25 (1) specifically refers to this section; and

1 (2) specifically states that such provision of law
2 modifies or supersedes the provisions of this section.

3 **SEC. 1211. LIMITATION ON PAYMENTS FOR COST OF NATO**
4 **EXPANSION.**

5 (a) The amount spent by the United States as its
6 share of the total cost to North Atlantic Treaty Organiza-
7 tion member nations of the admission of new member na-
8 tions to the North American Treaty Organization may not
9 exceed 10 percent of the cost of expansion or a total of
10 \$2,000,000,000, whichever is less, for fiscal years 1999
11 through 2011.

12 (b) If at any time during the period specified in sub-
13 section (a), the United States' share of the total cost of
14 expanding the North Atlantic Treaty Organization exceeds
15 10 percent, no further United States funds may be ex-
16 pended for the costs of such expansion until that percent-
17 age is reduced to below 10 percent.

18 **SEC. 1212. COMMODITY JURISDICTION FOR SATELLITE EX-**
19 **PORTS.**

20 (a) CONTROL ON MUNITIONS LIST.—All satellites of
21 United States origin, including commercial satellites and
22 satellite components, shall be placed on the United States
23 Munitions List, and the export of such satellites shall be
24 controlled under the Arms Export Control Act, effective
25 60 days after the date of the enactment of this Act.

1 (b) REGULATIONS.—Regulations to carry out sub-
2 section (a) shall be issued within 60 days after the date
3 of the enactment of this Act.

4 **SEC. 1213. RELEASE OF EXPORT INFORMATION HELD BY**
5 **THE DEPARTMENT OF COMMERCE FOR PUR-**
6 **POSE OF NATIONAL SECURITY ASSESSMENTS.**

7 (a) RELEASE OF EXPORT INFORMATION.—The Sec-
8 retary of Commerce shall transmit any information relat-
9 ing to exports that is held by the Department of Com-
10 merce and is requested by the officials designated in sub-
11 section (b) for the purpose of assessing national security
12 risks. The Secretary of Commerce shall transmit such in-
13 formation within 5 days after receiving a written request
14 for such information. Information referred to in this sec-
15 tion includes—

16 (1) export licenses, and information on exports
17 that were carried out under an export license issued
18 by the Department of Commerce; and

19 (2) information collected by the Department of
20 Commerce on exports from the United States that
21 were carried out without an export license.

22 (b) REQUESTING OFFICIALS.—The officials referred
23 to in subsection (a) are the Director of Central Intel-
24 ligence, the Secretary of Defense, and the Secretary of En-
25 ergy. The Director of Central Intelligence, the Secretary

1 of Defense, and the Secretary of Energy may delegate to
2 other officials within their respective agency and depart-
3 ments the authority to request information under sub-
4 section (b).

5 **SEC. 1214. EXECUTION OF OBJECTION AUTHORITY WITHIN**
6 **THE DEPARTMENT OF DEFENSE.**

7 Section 1211 of the National Defense Authorization
8 Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.
9 1932) is amended by adding at the end the following new
10 subsection:

11 “(g) DELEGATION OF OBJECTION AUTHORITY WITH-
12 IN THE DEPARTMENT OF DEFENSE.—For the purposes
13 of the Department of Defense, the authority to issue an
14 objection referred to in subsection (a) shall be executed
15 for the Secretary of Defense by an individual at the Assist-
16 ant Secretary level within the office of the Under Sec-
17 retary of Defense for Policy. In implementing subsection
18 (a), the Secretary of Defense shall ensure that Depart-
19 ment of Defense procedures maximize the ability of the
20 Department of Defense to be able to issue an objection
21 within the 10–day period specified in subsection (c).”.

1 **SEC. 1215. TRANSFER OF EXCESS UH-1 HUEY HELICOPTERS**
2 **AND AH-1 COBRA HELICOPTERS TO FOREIGN**
3 **COUNTRIES.**

4 (a) IN GENERAL.—(1) Chapter 153 of title 10,
5 United States Code, is amended by adding at the end the
6 following new section:

7 **“§ 2581. Transfer of excess UH-1 Huey helicopters**
8 **and AH-1 Cobra helicopters to foreign**
9 **countries**

10 “(a) REQUIREMENTS.—The Secretary of Defense
11 shall make all reasonable efforts to ensure that any excess
12 UH-1 Huey helicopter or AH-1 Cobra helicopter that is
13 to be transferred on a grant or sales basis to a foreign
14 country for the purpose of flight operations for such coun-
15 try shall meet the following requirements:

16 “(1) Prior to such transfer, the helicopter re-
17 ceives, to the extent necessary, maintenance and re-
18 pair equivalent to the depot-level maintenance and
19 repair, as defined in section 2460 of this title, that
20 such helicopter would need were the helicopter to re-
21 main in operational use with the armed forces of the
22 United States.

23 “(2) Maintenance and repair described in para-
24 graph (1) is performed in the United States.

25 “(b) EXCEPTION.—The requirements of subsection
26 (a) shall not apply with respect to salvage helicopters pro-

1 vided to the foreign country solely as a source for spare
2 parts.”.

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

“2581. Transfer of excess UH-1 Huey helicopters and AH-1 Cobra helicopters
to foreign countries.”.

6 (b) EFFECTIVE DATE.—Section 2581 of title 10,
7 United States Code, as added by subsection (a), shall
8 apply with respect to the transfer of a UH-1 Huey heli-
9 copter or AH-1 Cobra helicopter on or after the date of
10 the enactment of this Act.

11 **SEC. 1216. NUCLEAR EXPORT REPORTING REQUIREMENT.**

12 The Arms Export Control Act (22 U.S.C. 2751 et
13 seq.) is amended by adding at the end the following new
14 chapter:

15 **“CHAPTER 11-NUCLEAR EXPORT**
16 **REPORTING**

17 **“SEC. 111. REPORTS ON EXPORTS.**

18 “(a) ACTIONS REQUIRING REPORTING.—Unless and
19 until the conditions set forth in subsection (b) are met—

20 “(1) no license may be issued for the export
21 of—

22 “(A) any production facility or utilization
23 facility;

1 “(B) any source material or special nuclear
2 material; or

3 “(C) any component, substance, or item
4 that has been determined under section 109b.
5 of the Atomic Energy Act of 1954 to be espe-
6 cially relevant from the standpoint of export
7 control because of its significance for nuclear
8 explosive purposes;

9 “(2) the United States shall not approve the re-
10 transfer of any facility, material, item, technical
11 data, component, or substance described in para-
12 graph (1); and

13 “(3) no authorization may be given under sec-
14 tion 57b.(2) of the Atomic Energy Act of 1954 for
15 any person to engage, directly or indirectly, in the
16 production of special nuclear material.

17 “(b) CONDITIONS.—

18 “(1) IN GENERAL.—The conditions referred to
19 in subsection (a) are the following:

20 “(A) Before the export, retransfer, or ac-
21 tivity is approved, the appropriate agency shall
22 transmit to the Committee on International Re-
23 lations of the House of Representatives and the
24 Committee on Foreign Relations of the Senate
25 a report describing such export, retransfer, or

1 activity and the basis for any proposed approval
2 thereof, and, in the case of an authorization de-
3 scribed in subsection (a)(3), the appropriate
4 agency shall transmit to the Committee on
5 Commerce of the House of Representatives a
6 report describing the activity for which author-
7 ization is sought and the basis for any proposed
8 approval thereof. Each report under this sub-
9 paragraph report shall contain—

10 “(i) a detailed description of the pro-
11 posed export, retransfer, or activity, as the
12 case may be, including a brief description
13 of the quantity, value, and capabilities of
14 the export, retransfer, or activity;

15 “(ii) the name of each contractor ex-
16 pected to provide the proposed export, re-
17 transfer, or activity;

18 “(iii) an estimate of the number of of-
19 ficers and employees of the United States
20 Government and of United States civilian
21 contract personnel expected to be needed
22 in the recipient country to carry out the
23 proposed export, retransfer, or activity;
24 and

1 “(iv) a description, including esti-
2 mated value, from each contractor de-
3 scribed in clause (ii) of any offset agree-
4 ments proposed to be entered into in con-
5 nection with such proposed export, retrans-
6 fer, or activity (if known on the date of
7 transmittal of the report), and the pro-
8 jected delivery dates and end user of the
9 proposed export, retransfer, or activity;
10 and

11 “(v) the extent to which the recipient
12 country is in compliance with the condi-
13 tions specified in paragraph (2) of section
14 129 of the Atomic Energy Act of 1954.

15 The report transmitted under this subpara-
16 graph shall be unclassified, unless the public
17 disclosure thereof would be clearly detrimental
18 to the security of the United States.

19 “(B) Unless the President determines that an
20 emergency exists which requires immediate approval
21 of the proposed export, retransfer, or activity in the
22 national security interests of the United States, no
23 such approval shall be given until at least 30 cal-
24 endar days after Congress receives the report de-
25 scribed in subparagraph (A), and shall not be ap-

1 proved then if Congress, within that 30-day period,
2 enacts a joint resolution prohibiting the proposed ex-
3 port, retransfer, or activity. If the President deter-
4 mines that an emergency exists that requires imme-
5 diate approval of the proposed export, retransfer, or
6 activity in the national security interests of the
7 United States, thus waiving the requirements of this
8 paragraph, he shall submit in writing to the Com-
9 mittee on International Relations of the House of
10 Representatives and the Committee on Foreign Re-
11 lations of the Senate a detailed justification for his
12 determination, including a description of the emer-
13 gency circumstances that necessitate the immediate
14 approval of the export, retransfer, or activity, and a
15 discussion of the national security interests involved.

16 “(2) CONSIDERATION OF JOINT RESOLUTIONS
17 IN THE SENATE.—Any joint resolution under para-
18 graph (1)(B) shall be considered in the Senate in ac-
19 cordance with the provisions of section 601(b) of the
20 International Security Assistance and Arms Export
21 Control Act of 1976.

22 “(c) PUBLICATION OF UNCLASSIFIED TEXT OF RE-
23 PORTS.—The appropriate agency shall cause to be pub-
24 lished in the Federal Register, upon transmittal to the
25 Committee on International Relations of the House of

1 Representatives and the Committee on Foreign Relations
2 of the Senate, the full unclassified text of each report sub-
3 mitted pursuant to subsection (b)(1)(A).

4 “(d) EXCEPTIONS.—The requirements of this section
5 shall not apply to—

6 “(1) any export, retransfer, or activity for
7 which a general license or general authorization is
8 granted by the appropriate agency; or

9 “(2) any export or retransfer to, or activity in,
10 a country that is a member of the Organization for
11 Economic Cooperation and Development.

12 “(e) DEFINITIONS.—As used in this section, the
13 terms ‘production facility’, ‘utilization facility’, ‘source
14 material’, and ‘special nuclear material’, have the mean-
15 ings given those terms in section 11 of the Atomic Energy
16 Act of 1954.”.

17 **TITLE XIII—COOPERATIVE**
18 **THREAT REDUCTION WITH**
19 **STATES OF FORMER SOVIET**
20 **UNION**

21 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**
22 **DUCTION PROGRAMS AND FUNDS.**

23 (a) SPECIFICATION OF CTR PROGRAMS.—For pur-
24 poses of section 301 and other provisions of this Act, Co-
25 operative Threat Reduction programs are the programs

1 specified in subsection (b) of section 406 of title 10,
2 United States Code (as added by section 1305).

3 (b) FISCAL YEAR 1999 COOPERATIVE THREAT RE-
4 Duction FUNDS DEFINED.—As used in this title, the
5 term “fiscal year 1999 Cooperative Threat Reduction
6 funds” means the funds appropriated pursuant to the au-
7 thorization of appropriations in section 301 for Coopera-
8 tive Threat Reduction programs.

9 **SEC. 1302. FUNDING ALLOCATIONS.**

10 (a) IN GENERAL.—Of the fiscal year 1999 Coopera-
11 tive Threat Reduction funds, not more than the following
12 amounts may be obligated for the purposes specified:

13 (1) Except as provided in paragraph (11), for
14 strategic offensive arms elimination in Russia,
15 \$142,400,000.

16 (2) Except as provided in paragraph (11), for
17 strategic nuclear arms elimination in Ukraine,
18 \$47,500,000.

19 (3) For activities to support warhead dismantlement
20 processing in Russia, \$9,400,000.

21 (4) For activities associated with chemical
22 weapons destruction in Russia, \$35,000,000.

23 (5) For weapons transportation security in Rus-
24 sia, \$10,300,000.

1 (6) For planning, design, and construction of a
2 storage facility for Russian fissile material,
3 \$60,900,000.

4 (7) For weapons storage security in Russia,
5 \$41,700,000.

6 (8) For development of a cooperative program
7 with the Government of Russia to eliminate the pro-
8 duction of weapons grade plutonium at Russian re-
9 actors, \$29,800,000.

10 (9) For biological weapons proliferation preven-
11 tion activities in Russia, \$2,000,000.

12 (10) For activities designated as Other Assess-
13 ments/Administrative Support \$7,000,000.

14 (11) For strategic arms elimination in Russia
15 or Ukraine, \$31,400,000.

16 (b) LIMITED AUTHORITY TO VARY INDIVIDUAL
17 AMOUNTS.—(1) If the Secretary of Defense determines
18 that it is necessary to do so in the national interest, the
19 Secretary may, subject to paragraphs (2) and (3), obligate
20 amounts for the purposes stated in any of the paragraphs
21 of subsection (a) in excess of the amount specified for
22 those purposes in that paragraph. However, the total
23 amount obligated for the purposes stated in the para-
24 graphs in subsection (a) may not by reason of the use of

1 the authority provided in the preceding sentence exceed
2 the sum of the amounts specified in those paragraphs.

3 (2) An obligation for the purposes stated in any of
4 the paragraphs in subsection (a) in excess of the amount
5 specified in that paragraph may be made using the author-
6 ity provided in paragraph (1) only after—

7 (A) the Secretary submits to Congress notifica-
8 tion of the intent to do so together with a complete
9 discussion of the justification for doing so; and

10 (B) 15 days have elapsed following the date of
11 the notification.

12 (3) The Secretary may not, under the authority pro-
13 vided in paragraph (1), obligate amounts appropriated for
14 the purposes stated in any of paragraphs (3) through (10)
15 of subsection (a) in excess of 115 percent of the amount
16 stated in those paragraphs.

17 **SEC. 1303. PROHIBITION ON USE OF FUNDS FOR SPECIFIED**
18 **PURPOSES.**

19 (a) IN GENERAL.—No fiscal year 1999 Cooperative
20 Threat Reduction funds, and no funds appropriated for
21 Cooperative Threat Reduction programs for any prior fis-
22 cal year and remaining available for obligation, may be
23 obligated or expended for any of the following purposes:

24 (1) Conducting with Russia any peacekeeping
25 exercise or other peacekeeping-related activity.

1 (2) Provision of housing.

2 (3) Provision of assistance to promote environ-
3 mental restoration.

4 (4) Provision of assistance to promote job re-
5 training.

6 (5) Programs other than the programs specified
7 in subsection (b) of section 406 of title 10, United
8 States Code (as added by section 1305).

9 (b) LIMITATION WITH RESPECT TO DEFENSE CON-
10 VERSION ASSISTANCE.—None of the funds appropriated
11 pursuant to this Act may be obligated or expended for the
12 provision of assistance to Russia or any other state of the
13 former Soviet Union to promote defense conversion.

14 **SEC. 1304. LIMITATION ON USE OF FUNDS FOR CHEMICAL**
15 **WEAPONS DESTRUCTION FACILITY.**

16 No fiscal year 1999 Cooperative Threat Reduction
17 funds authorized to be obligated in section 1302(a)(4) for
18 activities associated with chemical weapons destruction in
19 Russia, and no funds appropriated for Cooperative Threat
20 Reduction programs for any prior fiscal year and remain-
21 ing available for obligation, may be used for construction
22 of a chemical weapons destruction facility.

1 **SEC. 1305. LIMITATION ON OBLIGATION OF FUNDS FOR A**
2 **SPECIFIED PERIOD.**

3 (a) IN GENERAL.—(1) Chapter 20 of title 10, United
4 States Code, is amended by adding at the end the follow-
5 ing new section:

6 **“§ 406. Use of Cooperative Threat Reduction program**
7 **funds: limitation**

8 “(a) IN GENERAL.—In carrying out Cooperative
9 Threat Reduction programs during any fiscal year, the
10 Secretary of Defense may use funds appropriated for
11 those programs only to the extent that those funds were
12 appropriated for that fiscal year or for either of the 2 pre-
13 ceding fiscal years.

14 “(b) DEFINITION OF COOPERATIVE THREAT REDUC-
15 TION PROGRAMS.—In this section, the term ‘Cooperative
16 Threat Reduction programs’ means the following pro-
17 grams with respect to states of the former Soviet Union:

18 “(1) Programs to facilitate the elimination, and
19 the safe and secure transportation and storage, of
20 nuclear, chemical, and other weapons of mass de-
21 struction and their delivery vehicles.

22 “(2) Programs to facilitate the safe and secure
23 storage of fissile materials derived from the elimi-
24 nation of nuclear weapons.

1 ity until 15 days after the date that is the later of the
2 dates described in section 1405 of the National Defense
3 Authorization Act for Fiscal Year 1998 (Public Law 105–
4 85; 111 Stat. 1960).

5 (c) USE OF FUNDS FOR DESTRUCTION OF CHEMICAL
6 WEAPONS.—No funds authorized to be appropriated
7 under this or any other Act for fiscal year 1999 for Coop-
8 erative Threat Reduction programs may be obligated or
9 expended for chemical weapons destruction activities until
10 the President submits to Congress the written certification
11 described in section 1406(b) of the National Defense Au-
12 thorization Act for Fiscal Year 1998 (Public Law 105–
13 85; 111 Stat. 1961).

14 (d) USE OF FUNDS FOR STORAGE FACILITY FOR
15 RUSSIAN FISSILE MATERIAL.—No fiscal year 1999 Coop-
16 erative Threat Reduction funds may be obligated or ex-
17 pended for planning, design, or construction of a storage
18 facility for Russian fissile material until 15 days after the
19 date that is the later of the dates described in section 1407
20 of the National Defense Authorization Act for Fiscal Year
21 1998 (Public Law 105–85; 111 Stat. 1962).

22 (e) USE OF FUNDS FOR WEAPONS STORAGE SECU-
23 RITY.—No fiscal year 1999 Cooperative Threat Reduction
24 funds intended for weapons storage security activities in
25 Russia may be obligated or expended until 15 days after

1 the date that the Secretary of Defense submits to Con-
2 gress the report on the status of negotiations between the
3 United States and Russia described in section 1408 of the
4 National Defense Authorization Act for Fiscal Year 1998
5 (Public Law 105–85; 111 Stat. 1962).

6 **SEC. 1308. REPORT ON BIOLOGICAL WEAPONS PROGRAMS**
7 **IN RUSSIA.**

8 (a) REPORT.—Not later than December 31, 1998,
9 the Secretary of Defense shall submit to the congressional
10 defense committees a report, in classified and unclassified
11 forms, containing—

12 (1) an assessment of the extent of compliance
13 by Russia with international agreements relating to
14 the control of biological weapons; and

15 (2) a detailed evaluation of the potential politi-
16 cal and military costs and benefits of collaborative
17 biological pathogen research efforts by the United
18 States and Russia.

19 (b) CONTENT OF REPORT.—The report required
20 under subsection (a) shall include the following:

21 (1) An evaluation of the extent of the control
22 and oversight by the Government of Russia over the
23 military and civilian-military biological warfare pro-
24 grams formerly controlled or overseen by states of
25 the former Soviet Union.

1 (2) The extent and scope of continued biological
2 warfare research, development, testing, and produc-
3 tion in Russia, including the sites where such activ-
4 ity is occurring and the types of activity being con-
5 ducted.

6 (3) An assessment of compliance by Russia
7 with the terms of the Biological Weapons Conven-
8 tion.

9 (4) An identification and assessment of the
10 measures taken by Russia to comply with the obliga-
11 tions assumed under the Joint Statement on Biologi-
12 cal Weapons, agreed to by the United States, the
13 United Kingdom, and Russia on September 14,
14 1992.

15 (5) A description of the extent to which Russia
16 has permitted individuals from the United States or
17 other countries to visit military and nonmilitary bio-
18 logical research, development, testing, and produc-
19 tion sites in order to resolve ambiguities regarding
20 activities at such sites.

21 (6) A description of the information provided by
22 Russia about its biological weapons dismantlement
23 efforts to date.

1 (7) An assessment of the accuracy and com-
2 prehensiveness of declarations by Russia regarding
3 its biological weapons activities.

4 (8) An identification of collaborative biological
5 research projects carried out by the United States
6 and Russia for which Cooperative Threat Reduction
7 funds have been used.

8 (9) An evaluation of the political and military
9 utility of prior, existing, and prospective cooperative
10 biological pathogen research programs carried out
11 between the United States and Russia, and an as-
12 sessment of the impact of such programs on increas-
13 ing Russian military transparency with respect to bi-
14 ological weapons activities.

15 (10) An assessment of the political and military
16 utility of the long-term collaborative program advo-
17 cated by the National Academy of Sciences in its
18 October 27, 1997 report, “Controlling Dangerous
19 Pathogens: A Blueprint for U.S.-Russian Coopera-
20 tion”.

21 **SEC. 1309. LIMITATION ON USE OF FUNDS FOR BIOLOGICAL**
22 **WEAPONS PROLIFERATION PREVENTION AC-**
23 **TIVITIES IN RUSSIA.**

24 No fiscal year 1999 Cooperative Threat Reduction
25 funds may be obligated or expended for biological weapons

1 proliferation prevention activities in Russia until 15 days
2 after the date that is the later of the following:

3 (1) The date on which the Secretary of Defense
4 submits to Congress a certification that no Coopera-
5 tive Threat Reduction funds provided for cooperative
6 research activities at biological research institutes in
7 Russia have been used—

8 (A) to support activities that have resulted
9 in the development of a new strain of anthrax;
10 or

11 (B) for any purpose inconsistent with the
12 objectives of providing such assistance.

13 (2) The date on which the Secretary submits to
14 the congressional defense committees notification
15 that the United States has examined and tested the
16 new strain of anthrax reportedly developed at the
17 State Research Center for Applied Microbiology in
18 Obolensk, Russia.

19 **SEC. 1310. LIMITATION ON USE OF CERTAIN FUNDS FOR**
20 **STRATEGIC ARMS ELIMINATION IN RUSSIA**
21 **OR UKRAINE.**

22 No fiscal year 1999 Cooperative Threat Reduction
23 funds authorized to be obligated in section 1302(a)(11)
24 for strategic arms elimination in Russia or Ukraine may
25 be obligated or expended until 30 days after the date that

1 the Secretary of Defense submits to the congressional de-
2 fense committees notification on how the Secretary plans
3 to use such funds.

4 **SEC. 1311. AVAILABILITY OF FUNDS.**

5 Funds appropriated pursuant to the authorization of
6 appropriations in section 301 for Cooperative Threat Re-
7 duction programs shall be available for obligation for three
8 fiscal years.

9 **TITLE XIV—DEFENSE AGAINST**
10 **WEAPONS OF MASS DESTRUC-**
11 **TION**

12 **SEC. 1401. SHORT TITLE.**

13 This title may be cited as the “Defense Against
14 Weapons of Mass Destruction Act of 1998”.

15 **SEC. 1402. FINDINGS.**

16 The Congress finds the following:

17 (1) Many nations currently possess weapons of
18 mass destruction and related materials and tech-
19 nologies, and such weapons are increasingly available
20 to a variety of sources through legitimate and illegit-
21 imate means.

22 (2) The proliferation of weapons of mass de-
23 struction is growing, and will likely continue despite
24 the best efforts of the international community to
25 limit their flow.

1 (3) The increased availability, relative afford-
2 ability, and ease of use of weapons of mass destruc-
3 tion may make the use of such weapons an increas-
4 ingly attractive option to potential adversaries who
5 are not otherwise capable of countering United
6 States military superiority.

7 (4) On November 12, 1997, President Clinton
8 issued an Executive Order stating that “the pro-
9 liferation of nuclear, biological, and chemical weap-
10 ons (“weapons of mass destruction”) and the means
11 of delivering such weapons constitutes an unusual
12 and extraordinary threat to the national security,
13 foreign policy, and economy of the United States”
14 and declaring a national emergency to deal with that
15 threat.

16 (5) The Quadrennial Defense Review concluded
17 that the threat or use of weapons of mass destruc-
18 tion is a likely condition of future warfare and poses
19 a potential threat to the United States.

20 (6) The United States lacks adequate prepared-
21 ness at the Federal, State, and local levels to re-
22 spond to a potential attack on the United States in-
23 volving weapons of mass destruction.

24 (7) The United States has initiated an effort to
25 enhance the capability of Federal, State, and local

1 governments as well as local emergency response
2 personnel to prevent and respond to a domestic ter-
3 rorist incident involving weapons of mass destruc-
4 tion.

5 (8) More than 40 Federal departments, agen-
6 cies, and bureaus are involved in combating terror-
7 ism, and many, including the Department of De-
8 fense, the Department of Justice, the Department of
9 Energy, the Department of Health and Human
10 Services, and the Federal Emergency Management
11 Agency, are executing programs to provide civilian
12 personnel at the Federal, State, and local levels with
13 training and assistance to prevent and respond to in-
14 cidents involving weapons of mass destruction.

15 (9) The Department of Energy has established
16 a Nuclear Emergency Response Team which is avail-
17 able to respond to incidents involving nuclear or ra-
18 diological emergencies.

19 (10) The Department of Defense has begun to
20 implement a program to train local emergency re-
21 sponders in major cities throughout the United
22 States to prevent and respond to incidents involving
23 weapons of mass destruction.

24 (11) The Department of Justice has established
25 a National Center for Domestic Preparedness at

1 Fort McClellan, Alabama, to conduct nuclear, bio-
2 logical, and chemical preparedness training for Fed-
3 eral, State, and local officials to enhance emergency
4 response to incidents involving weapons of mass de-
5 struction.

6 (12) Despite these activities, Federal agency
7 initiatives to enhance domestic preparedness to re-
8 spond to an incident involving weapons of mass de-
9 struction are hampered by incomplete interagency
10 coordination and overlapping jurisdiction of agency
11 missions, for example:

12 (A) The Secretary of Defense has proposed
13 the establishment of 10 Rapid Assessment and
14 Initial Detection elements, composed of 22 Na-
15 tional Guard personnel, to provide timely re-
16 gional assistance to local emergency responders
17 during an incident involving chemical or biologi-
18 cal weapons of mass destruction. However, the
19 precise working relationship between these Na-
20 tional Guard elements, the Federal Emergency
21 Management Agency regional offices, and State
22 and local emergency response agencies has not
23 yet been determined.

24 (B) The Federal Emergency Management
25 Agency, the lead Federal agency for con-

1 sequence management in response to a terrorist
2 incident involving weapons of mass destruction,
3 has withdrawn from the role of chair of the
4 Senior Interagency Coordination Group for do-
5 mestic emergency preparedness, and a successor
6 agency to chair the Senior Interagency Coordi-
7 nator has not yet been determined.

8 (C) In order to ensure effective local re-
9 sponse capabilities to incidents involving weap-
10 ons of mass destruction, the Federal Govern-
11 ment, in addition to providing training, must
12 concurrently address the need for—

13 (i) compatible communications capa-
14 bilities for all Federal, State, and local
15 emergency responders, which often use dif-
16 ferent radio systems and operate on dif-
17 ferent radio frequencies;

18 (ii) adequate equipment necessary for
19 response to an incident involving weapons
20 of mass destruction, and a means to en-
21 sure that financially lacking localities have
22 access to such equipment;

23 (iii) local and regional planning ef-
24 forts to ensure the effective execution of
25 emergency response in the event of an inci-

1 dent involving a weapon of mass destruc-
2 tion; and

3 (iv) increased planning and training
4 to prepare for emergency response capa-
5 bilities in port areas and littoral waters.

6 (D) The Congress is aware that Presi-
7 dential Decision Directives relating to domestic
8 emergency preparedness for response to terror-
9 ist incidents involving weapons of mass destruc-
10 tion are being considered, but agreement has
11 not been reached within the executive branch.

12 **Subtitle A—Domestic Preparedness**

13 **SEC. 1411. DOMESTIC PREPAREDNESS FOR RESPONSE TO** 14 **THREATS OF TERRORIST USE OF WEAPONS** 15 **OF MASS DESTRUCTION.**

16 (a) ENHANCED RESPONSE CAPABILITY.—In light of
17 the continuing potential for terrorist use of weapons of
18 mass destruction against the United States and the need
19 to develop a more fully coordinated response to that threat
20 on the part of Federal, State, and local agencies, the
21 President shall act to increase the effectiveness at the
22 Federal, State, and local level of the domestic emergency
23 preparedness program for response to terrorist incidents
24 involving weapons of mass destruction by developing an
25 integrated program that builds upon the program estab-

1 lished under title XIV of the National Defense Authoriza-
2 tion Act for Fiscal Year 1997 (Public Law 104–201; 110
3 Stat. 2714).

4 (b) REPORT.—Not later than January 31, 1999, the
5 President shall submit to Congress a report containing in-
6 formation on the actions taken at the Federal, State, and
7 local level to develop an integrated program to prevent and
8 respond to terrorist incidents involving weapons of mass
9 destruction.

10 **SEC. 1412. REPORT ON DOMESTIC EMERGENCY PREPARED-**
11 **NESS.**

12 Section 1051 of the National Defense Authorization
13 Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.
14 1889) is amended by adding at the end the following new
15 subsection:

16 “(c) ANNEX ON DOMESTIC EMERGENCY PRE-
17 PAREDNESS PROGRAM.—As part of the report sub-
18 mitted to Congress under subsection (b), the Presi-
19 dent shall include an annex which provides the fol-
20 lowing information on the domestic emergency pre-
21 paredness program for response to terrorist inci-
22 dents involving weapons of mass destruction (as es-
23 tablished under title XIV and section 1411 of the
24 National Defense Authorization Act for Fiscal Year
25 1999):

1 “(1) information on program responsibil-
2 ities for each participating Federal department,
3 agency, and bureau;

4 “(2) a summary of program activities per-
5 formed during the preceding fiscal year for each
6 participating Federal department, agency, and
7 bureau;

8 “(3) a summary of program obligations
9 and expenditures during the preceding fiscal
10 year for each participating Federal department,
11 agency, and bureau;

12 “(4) a summary of the program plan and
13 budget for the current fiscal year for each par-
14 ticipating Federal department, agency, and bu-
15 reau;

16 “(5) the program budget request for the
17 following fiscal year for each participating Fed-
18 eral department, agency, and bureau;

19 “(6) recommendations for improving Fed-
20 eral, State, and local domestic emergency pre-
21 paredness to respond to incidents involving
22 weapons of mass destruction that have been
23 made by the Advisory Commission on Domestic
24 Response Capabilities for Terrorism Involving
25 Weapons of Mass Destruction (as established

1 under section 1421 of the National Defense Au-
2 thorization Act for Fiscal Year 1999), and ac-
3 tions taken as a result of such recommenda-
4 tions; and

5 “(7) requirements regarding additional
6 program measures and legislative authority for
7 which congressional action may be rec-
8 ommended.”.

9 **SEC. 1413. PERFORMANCE OF THREAT AND RISK ASSESS-**
10 **MENTS.**

11 (a) **THREAT AND RISK ASSESSMENTS.**—(1) Assist-
12 ance to Federal, State, and local agencies provided under
13 the program under section 1411 shall include the perform-
14 ance of assessments of the threat and risk of terrorist em-
15 ployment of weapons of mass destruction against cities
16 and other local areas. Such assessments shall be used by
17 Federal, State, and local agencies to determine the train-
18 ing and equipment requirements under this program and
19 shall be performed as a collaborative effort with State and
20 local agencies.

21 (2) The Department of Justice, as lead Federal agen-
22 cy for crisis management in response to terrorism involv-
23 ing weapons of mass destruction, shall, through the Fed-
24 eral Bureau of Investigation, conduct any threat and risk
25 assessment performed under paragraph (1) in coordina-

1 tion with appropriate Federal, State, and local agencies,
2 and shall develop procedures and guidance for conduct of
3 the threat and risk assessment in consultation with offi-
4 cials from the intelligence community.

5 (3) The President shall identify and make available
6 the funds necessary to carry out this section.

7 (b) PILOT TEST.—(1) Before prescribing final proce-
8 dures and guidance for the performance of threat and risk
9 assessments under this section, the Attorney General,
10 through the Federal Bureau of Investigation may, in co-
11 ordination with appropriate Federal, State, and local
12 agencies, conduct a pilot test of any proposed method or
13 model by which such assessments are to be performed.

14 (2) The pilot test shall be performed in cities or local
15 areas selected by the Department of Justice, through the
16 Federal Bureau of Investigation, in consultation with ap-
17 propriate Federal, State, and local agencies.

18 (3) The pilot test shall be completed not later than
19 4 months after the date of the enactment of this Act.

1 **Subtitle B—Advisory Commission**
2 **to Assess Domestic Response**
3 **Capabilities For Terrorism In-**
4 **volving Weapons of Mass De-**
5 **struction**

6 **SEC. 1421. ESTABLISHMENT OF COMMISSION.**

7 (a) ESTABLISHMENT.—There is hereby established a
8 commission to be known as the “Advisory Commission on
9 Domestic Response Capabilities for Terrorism Involving
10 Weapons of Mass Destruction” (hereinafter referred to as
11 the “Commission”).

12 (b) COMPOSITION.—The Commission shall be com-
13 posed of 15 members, appointed as follows:

14 (1) four members appointed by the Speaker of
15 the House of Representatives;

16 (2) four members appointed by the majority
17 leader of the Senate;

18 (3) two members appointed by the minority
19 leader of the House of Representatives;

20 (4) two members appointed by the minority
21 leader of the Senate;

22 (5) three members appointed by the President.

23 (c) QUALIFICATIONS.—Members shall be appointed
24 from among individuals with knowledge and expertise in
25 emergency response matters.

1 (d) DEADLINE FOR APPOINTMENTS.—Appointments
2 shall be made not later than the date that is 30 days after
3 the date of the enactment of this Act.

4 (e) INITIAL MEETING.—The Commission shall con-
5 duct its first meeting not later than the date that is 30
6 days after the date that appointments to the Commission
7 have been made.

8 (f) CHAIRMAN.—A Chairman of the Commission
9 shall be elected by a majority of the members.

10 **SEC. 1422. DUTIES OF COMMISSION.**

11 The Commission shall—

12 (1) assess Federal agency efforts to enhance do-
13 mestic preparedness for incidents involving weapons
14 of mass destruction;

15 (2) assess the progress of Federal training pro-
16 grams for local emergency responses to incidents in-
17 volving weapons of mass destruction;

18 (3) assess deficiencies in training programs for
19 responses to incidents involving weapons of mass de-
20 struction, including a review of unfunded commu-
21 nications, equipment, and planning and maritime re-
22 gion needs;

23 (4) recommend strategies for ensuring effective
24 coordination with respect to Federal agency weapons
25 of mass destruction response efforts, and for ensur-

1 ing fully effective local response capabilities for
2 weapons of mass destruction incidents; and

3 (5) assess the appropriate role of State and
4 local governments in funding effective local response
5 capabilities.

6 **SEC. 1423. REPORT.**

7 Not later than the date that is 6 months after the
8 date of the first meeting of the Commission, the Commis-
9 sion shall submit a report to the President and to Con-
10 gress on its findings under section 1422 and recommenda-
11 tions for improving Federal, State, and local domestic
12 emergency preparedness to respond to incidents involving
13 weapons of mass destruction.

14 **SEC. 1424. POWERS.**

15 (a) HEARINGS.—The Commission or, at its direction,
16 any panel or member of the Commission, may, for the pur-
17 pose of carrying out this Act, hold such hearings, sit and
18 act at times and places, take testimony, receive evidence,
19 and administer oaths to the extent that the Commission
20 or any panel member considers advisable.

21 (b) INFORMATION.—The Commission may secure di-
22 rectly from any department or agency of the United States
23 information that the Commission considers necessary to
24 enable the Commission to carry out its responsibilities
25 under this Act.

1 **SEC. 1425. COMMISSION PROCEDURES.**

2 (a) MEETINGS.—The Commission shall meet at the
3 call of a majority of the members.

4 (b) QUORUM.—Eight members of the Commission
5 shall constitute a quorum other than for the purpose of
6 holding hearings.

7 (c) COMMISSION.—The Commission may establish
8 panels composed of less than full membership of the Com-
9 mission for the purpose of carrying out the Commission's
10 duties. The actions of each such panel shall be subject to
11 the review and control of the Commission. Any findings
12 and determinations made by such panel shall not be con-
13 sidered the findings and determinations of the Commis-
14 sion unless approved by the Commission.

15 (d) AUTHORITY OF INDIVIDUALS TO ACT FOR COM-
16 MISSION.—Any member or agent of the Commission may,
17 if authorized by the Commission, take any action which
18 the Commission is authorized to take by this Act.

19 **SEC. 1426. PERSONNEL MATTERS.**

20 (a) PAY OF MEMBERS.—Members of the Commission
21 shall serve without pay by reason of their work on the
22 Commission.

23 (b) TRAVEL EXPENSES.—The members of the Com-
24 mission shall be allowed travel expenses, including per
25 diem in lieu of subsistence, at rates authorized for employ-
26 ees of agencies under subchapter I of chapter 57 of title

1 5, United States Code, while away from their homes or
2 regular places of business in the performance of services
3 for the Commission.

4 (c) STAFF.—(1) The Commission may, without re-
5 gard to the provisions of title 5, United States Code, gov-
6 erning appointments in the competitive service, appoint a
7 staff director and such additional personnel as may be
8 necessary to enable the Commission to perform its duties.

9 (2) The Commission may fix the pay of the staff di-
10 rector and other personnel without regard to the provi-
11 sions of chapter 51 and subchapter III of chapter 53 of
12 title 5, United States Code, relating to classification of
13 positions and General Schedule pay rates, except that the
14 rate of pay fixed under this paragraph for the staff direc-
15 tor may not exceed the rate payable for level V of the Ex-
16 ecutive Schedule under section 5316 of such title and the
17 rate of pay for other personnel may not exceed the maxi-
18 mum rate payable for grade GS-15 of the General Sched-
19 ule.

20 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon
21 request of the Commission, the head of any Federal de-
22 partment or agency may detail, on a nonreimbursable
23 basis, any personnel of that department or agency to the
24 Commission to assist it in carrying out its duties.

1 (e) **PROCUREMENT OF TEMPORARY AND INTERMIT-**
2 **TENT SERVICES.**—The Commission may procure tem-
3 porary and intermittent services under section 3109(b) of
4 title 5, United States Code, at rates for individuals which
5 do not exceed the daily equivalent of the annual rate of
6 pay payable for level V of the Executive Schedule under
7 section 5316 of such title.

8 **SEC. 1427. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.**

9 (a) **POSTAL AND PRINTING SERVICES.**—The Com-
10 mission may use the United States mails and obtain print-
11 ing and binding services in the same manner and under
12 the same conditions as other departments and agencies of
13 the United States.

14 (b) **MISCELLANEOUS ADMINISTRATIVE AND SUP-**
15 **PORT SERVICES.**—Upon the request of the Commission,
16 the Administrator of General Services shall provide to the
17 Commission, on a reimbursable basis, the administrative
18 support services necessary for the Commission to carry out
19 its duties under this title.

20 (c) **EXPERTS AND CONSULTANTS.**—The Commission
21 may procure temporary and intermittent services under
22 section 3109(b) of title 5, United States Code.

1 **SEC. 1428. TERMINATION OF COMMISSION.**

2 The Commission shall terminate not later than 60
3 days after the date that the Commission submits its report
4 under section 1423.

5 **SEC. 1429. FUNDING.**

6 Funds for activities of the Commission shall be pro-
7 vided from amounts appropriated for the Department of
8 Defense for operation and maintenance for Defense-wide
9 activities for fiscal year 1999.

10 **DIVISION B—MILITARY CON-**
11 **STRUCTION AUTHORIZA-**
12 **TIONS**

13 **SEC. 2001. SHORT TITLE.**

14 This division may be cited as the “Military Construc-
15 tion Authorization Act for Fiscal Year 1999”.

16 **TITLE XXI—ARMY**

17 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
18 **ACQUISITION PROJECTS.**

19 (a) **INSIDE THE UNITED STATES.**—Using amounts
20 appropriated pursuant to the authorization of appropria-
21 tions in section 2104(a)(1), the Secretary of the Army
22 may acquire real property and carry out military construc-
23 tion projects for the installations and locations inside the
24 United States, and in the amounts, set forth in the follow-
25 ing table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Anniston Army Depot	\$3,550,000
	Fort Rucker	\$4,300,000
	Redstone Arsenal	\$1,550,000
California	Fort Irwin	\$14,800,000
Georgia	Fort Benning	\$28,600,000
Hawaii	Schofield Barracks	\$67,500,000
Illinois	Rock Island Arsenal	\$5,300,000
Indiana	Crane Army Ammunition Activity	\$7,100,000
Kansas	Fort Riley	\$3,600,000
Kentucky	Blue Grass Army Depot	\$5,300,000
	Fort Campbell	\$41,000,000
	Fort Knox	\$23,000,000
Louisiana	Fort Polk	\$8,300,000
Maryland	Fort Detrick	\$3,550,000
Missouri	Fort Leonard Wood	\$28,200,000
New Jersey	Fort Monmouth	\$7,600,000
	Picatinny Arsenal	\$8,400,000
New York	Fort Drum	\$4,650,000
	United States Military Academy, West Point	\$85,000,000
North Carolina	Fort Bragg	\$95,900,000
Oklahoma	Fort Sill	\$13,800,000
	McAlester Army Ammunition Plant	\$10,800,000
	Fort Bliss	\$4,100,000
Texas	Fort Hood	\$32,500,000
	Fort Sam Houston	\$21,800,000
	Tooele Army Depot	\$3,900,000
Utah	National Ground Intelligence Center, Charlottesville	\$46,200,000
Virginia	Fort Eustis	\$36,531,000
	Fort Lewis	\$18,200,000
Washington	Classified Location	\$4,600,000
CONUS Classified		
	Total	\$639,631,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2104(a)(2), the Secretary of the Army
4 may acquire real property and carry out military construc-
5 tion projects for the locations outside the United States,
6 and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Belgium	80th Area Support Group	\$6,300,000
Germany	Schweinfurt	\$18,000,000
	Wurzburg	\$4,250,000
Korea	Camp Casey	\$13,400,000
	Camp Castle	\$18,226,000
	Camp Humphreys	\$8,500,000
	Camp Stanley	\$5,800,000

Army: Outside the United States—Continued

Country	Installation or location	Amount
Kwajalein	Kwajalein Atoll	\$48,600,000
	Total	\$123,076,000

1 **SEC. 2102. FAMILY HOUSING.**

2 (a) CONSTRUCTION AND ACQUISITION.—Using
3 amounts appropriated pursuant to the authorization of ap-
4 propriations in section 2104(a)(5)(A), the Secretary of the
5 Army may construct or acquire family housing units (in-
6 cluding land acquisition) at the installations, for the pur-
7 poses, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation or location	Purpose	Amount
Alabama	Redstone Arsenal	118 Units	\$14,000,000
Hawaii	Schofield Barracks	64 Units	\$14,700,000
North Carolina	Fort Bragg	170 Units	\$19,800,000
Texas	Fort Hood	154 Units	\$21,600,000
Virginia	Fort Lee	80 Units	\$13,000,000
		Total	\$83,100,000

8 (b) PLANNING AND DESIGN.—Using amounts appro-
9 priated pursuant to the authorization of appropriations in
10 section 2104(a)(5)(A), the Secretary of the Army may
11 carry out architectural and engineering services and con-
12 struction design activities with respect to the construction
13 or improvement of family housing units in an amount not
14 to exceed \$6,350,000.

1 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriations in section 2104(a)(5)(A),
6 the Secretary of the Army may improve existing military
7 family housing units in an amount not to exceed
8 \$37,429,000.

9 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

10 (a) IN GENERAL.—Funds are hereby authorized to
11 be appropriated for fiscal years beginning after September
12 30, 1998, for military construction, land acquisition, and
13 military family housing functions of the Department of the
14 Army in the total amount of \$2,010,036,000 as follows:

15 (1) For military construction projects inside the
16 United States authorized by section 2101(a),
17 \$535,631,000.

18 (2) For military construction projects outside
19 the United States authorized by section 2101(b),
20 \$87,076,000.

21 (3) For unspecified minor construction projects
22 authorized by section 2805 of title 10, United States
23 Code, \$5,000,000.

24 (4) For architectural and engineering services
25 and construction design under section 2807 of title
26 10, United States Code, \$63,792,000.

1 (5) For military family housing functions:

2 (A) For construction and acquisition, plan-
3 ning and design, and improvement of military
4 family housing and facilities, \$126,879,000.

5 (B) For support of military family housing
6 (including the functions described in section
7 2833 of title 10, United States Code),
8 \$1,097,697,000.

9 (6) For the Homeowners Assistance Program
10 as authorized by section 2832 of title 10, United
11 States Code, \$7,500,000.

12 (7) For the construction of the missile software
13 engineering annex, phase II, Redstone Arsenal, Ala-
14 bama, authorized by section 2101(a) of the Military
15 Construction Authorization Act for Fiscal Year 1998
16 (division B of Public Law 105–85; 111 Stat. 1966),
17 \$13,600,000.

18 (8) For the construction of a disciplinary bar-
19 racks, phase II, Fort Leavenworth, Kansas, author-
20 ized by section 2101(a) of the Military Construction
21 Authorization Act for Fiscal Year 1998,
22 \$29,000,000.

23 (9) For the construction of the whole barracks
24 complex renewal, Fort Sill, Oklahoma, authorized by

1 section 2101(a) of the Military Construction Author-
2 ization Act for Fiscal Year 1998, \$20,500,000.

3 (10) For rail yard expansion at Fort Carson,
4 Colorado, authorized by section 2101(a) of the Mili-
5 tary Construction Authorization Act for Fiscal Year
6 1998, \$23,000,000.

7 (11) For the construction of an aerial gunnery
8 range at Fort Drum, New York, authorized by sec-
9 tion 2101(a) of the Military Construction Authoriza-
10 tion Act for Fiscal Year 1998, \$9,000,000.

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

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

20 (2) \$16,000,000 (the balance of the amount au-
21 thorized under section 2101(a) for the construction
22 of a multipurpose digital training range at Fort
23 Knox, Kentucky);

1 (3) \$15,000,000 (the balance of the amount au-
2 thorized under section 2101(a) for the construction
3 of a railhead facility at Fort Hood, Texas);

4 (4) \$73,000,000 (the balance of the amount au-
5 thorized under section 2101(a) for the construction
6 of a cadet development center at the United States
7 Military Academy, West Point, New York); and

8 (5) \$36,000,000 (the balance of the amount au-
9 thorized under section 2101(b) for the construction
10 of a powerplant on Roi Namur Island at Kwajalein
11 Atoll, Kwajalein).

12 (c) ADJUSTMENTS.—The total amount authorized to
13 be appropriated pursuant to paragraphs (1) through (11)
14 of subsection (a) is the sum of the amounts authorized
15 to be appropriated in such paragraphs, reduced by—

16 (1) \$2,639,000, which represents the combina-
17 tion of project savings in military family housing
18 construction resulting from favorable bids, reduced
19 overhead costs, and cancellations due to force struc-
20 ture changes; and

21 (2) \$6,000,000, which represents the combina-
22 tion of project savings in military construction re-
23 sulting from favorable bids, reduced overhead costs,
24 and cancellations due to force structure changes.

1 **SEC. 2105. INCREASE IN FISCAL YEAR 1998 AUTHORIZATION**
2 **FOR MILITARY CONSTRUCTION PROJECTS AT**
3 **FORT DRUM, NEW YORK, AND FORT SILL,**
4 **OKLAHOMA.**

5 (a) INCREASE.—The table in section 2101(a) of the
6 Military Construction Authorization Act for Fiscal Year
7 1998 (division B of Public Law 105–85; 111 Stat. 1967)
8 is amended—

9 (1) in the item relating to Fort Drum, New
10 York, by striking out “\$24,400,000” in the amount
11 column and inserting in lieu thereof “\$24,900,000”;

12 (2) in the item relating to Fort Sill, Oklahoma,
13 by striking out “\$25,000,000” in the amount col-
14 umn and inserting in lieu thereof “\$28,500,000”;
15 and

16 (3) by striking out the amount identified as the
17 total in the amount column and inserting in lieu
18 thereof “\$602,750,000”.

19 (b) CONFORMING AMENDMENT.—Section 2104 of
20 that Act (111 Stat. 1968) is amended—

21 (1) in subsection (a)—

22 (A) in the matter preceding paragraph (1),
23 by striking out “\$2,010,466,000” and inserting
24 in lieu thereof “\$2,013,966,000”; and

1 (B) in paragraph (1), by striking out
 2 “\$435,350,000” and inserting in lieu thereof
 3 “\$438,850,000”; and
 4 (2) in subsection (b)(8), by striking out
 5 “\$8,500,000” and inserting in lieu thereof
 6 “\$9,000,000”.

7 TITLE XXII—NAVY

8 SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND 9 ACQUISITION PROJECTS.

10 (a) INSIDE THE UNITED STATES.—Using amounts
 11 appropriated pursuant to the authorization of appropria-
 12 tions in section 2204(a)(1), the Secretary of the Navy may
 13 acquire real property and carry out military construction
 14 projects for the installations and locations inside the
 15 United States, and in the amounts, set forth in the follow-
 16 ing table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	\$11,010,000
	Naval Observatory Detachment, Flag- staff	\$990,000
California	Marine Corps Air Station, Miramar	\$29,570,000
	Marine Corps Base, Camp Pendleton	\$40,430,000
	Naval Air Station, Lemoore	\$20,640,000
	Naval Air Warfare Center Weapons Divi- sion, China Lake.	\$10,140,000
	Naval Facility, San Clemente Island	\$8,350,000
District of Columbia	Naval Submarine Base, San Diego	\$11,400,000
	Naval District, Washington	\$790,000
Florida	Naval Air Station, Key West	\$3,730,000
	Naval Air Station, Jacksonville	\$1,500,000
	Naval Air Station, Whiting Field	\$1,400,000
	Naval Station, Mayport	\$6,163,000
Georgia	Marine Corps Logistics Base, Albany	\$2,800,000
	Naval Submarine Base, Kings Bay	\$2,550,000
Hawaii	Fleet and Industrial Supply Center, Pearl Harbor	\$9,730,000
	Marine Corps Air Station, Kaneohe Bay	\$27,410,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
	Naval Communications & Telecommunications Area Master Station Eastern Pacific, Wahiawa	\$1,970,000
	Naval Shipyard, Pearl Harbor	\$11,400,000
	Naval Station, Pearl Harbor	\$18,180,000
	Naval Submarine Base, Pearl Harbor	\$8,060,000
	Navy Public Works Center, Pearl Harbor	\$28,967,000
Illinois	Naval Training Center, Great Lakes	\$20,280,000
Indiana	Naval Surface Warfare Center, Crane	\$11,110,000
Maryland	Naval Surface Warfare Center, Indian Head Division, Indian Head	\$13,270,000
Mississippi	Naval Air Station, Meridian	\$3,280,000
	Naval Construction Battalion Center Gulfport	\$10,670,000
North Carolina	Marine Corps Air Station, Cherry Point	\$6,040,000
	Marine Corps Base, Camp LeJeune	\$14,600,000
Pennsylvania	Naval Surface Warfare Center Ship Systems Engineering Station, Philadelphia	\$2,410,000
Rhode Island	Naval Education and Training Center, Newport	\$5,630,000
	Naval Undersea Warfare Center Division, Newport	\$9,140,000
South Carolina	Marine Corps Air Station, Beaufort	\$1,770,000
	Marine Corps Reserve Detachment Parris Island	\$15,990,000
	Naval Weapons Station, Charleston	\$9,737,000
Texas	Naval Station, Ingleside	\$12,200,000
Virginia	Fleet and Industrial Supply Center, Norfolk (Crane Island)	\$1,770,000
	Fleet Training Center, Norfolk	\$5,700,000
	Naval Air Station, Oceana	\$6,400,000
	Naval Shipyard, Norfolk, Portsmouth	\$6,180,000
	Naval Station, Norfolk	\$45,530,000
	Naval Surface Warfare Center, Dahlgren	\$15,680,000
	Tactical Training Group Atlantic, Dam Neck	\$2,430,000
Washington	Naval Shipyard, Puget Sound	\$4,300,000
	Strategic Weapons Facility Pacific, Bremerton	\$2,750,000
	Total	\$484,047,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2204(a)(2), the Secretary of the Navy may
4 acquire real property and carry out military construction
5 projects for the installations and locations outside the
6 United States, and in the amounts, set forth in the follow-
7 ing table:

Navy: Outside the United States

Country	Installation or location	Amount
Greece	Naval Support Activity, Souda Bay	\$5,260,000
Guam	Naval Activities, Guam	\$10,310,000
Italy	Naval Support Activity, Naples	\$18,270,000
United Kingdom	Joint Maritime Communications Center, St. Mawgan	\$2,010,000
	Total	\$35,850,000

1 SEC. 2202. FAMILY HOUSING.

2 (a) CONSTRUCTION AND ACQUISITION.—Using
3 amounts appropriated pursuant to the authorization of ap-
4 propriations in section 2204(a)(5)(A), the Secretary of the
5 Navy may construct or acquire family housing units (in-
6 cluding land acquisition) at the installations, for the pur-
7 poses, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or loca- tion	Purpose	Amount
California	Naval Air Station, Lemoore	162 Units	\$30,379,000
Hawaii	Navy Public Works Center, Pearl Harbor	150 Units	\$29,125,000
		Total	\$59,504,000

8 (b) PLANNING AND DESIGN.—Using amounts appro-
9 priated pursuant to the authorization of appropriations in
10 section 2204(a)(5)(A), the Secretary of the Navy may
11 carry out architectural and engineering services and con-
12 struction design activities with respect to the construction
13 or improvement of military family housing units in an
14 amount not to exceed \$15,618,000.

1 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriations in section 2204(a)(5)(A),
6 the Secretary of the Navy may improve existing military
7 family housing units in an amount not to exceed
8 \$221,991,000.

9 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

10 (a) IN GENERAL.—Funds are hereby authorized to
11 be appropriated for fiscal years beginning after September
12 30, 1998, for military construction, land acquisition, and
13 military family housing functions of the Department of the
14 Navy in the total amount of \$1,776,726,000 as follows:

15 (1) For military construction projects inside the
16 United States authorized by section 2201(a),
17 \$470,547,000.

18 (2) For military construction projects outside
19 the United States authorized by section 2201(b),
20 \$35,850,000.

21 (3) For unspecified minor construction projects
22 authorized by section 2805 of title 10, United States
23 Code, \$8,900,000.

24 (4) For architectural and engineering services
25 and construction design under section 2807 of title
26 10, United States Code, \$60,346,000.

1 (5) For military family housing functions:

2 (A) For construction and acquisition, plan-
3 ning and design, and improvement of military
4 family housing and facilities, \$297,113,000.

5 (B) For support of military housing (in-
6 cluding functions described in section 2833 of
7 title 10, United States Code), \$915,293,000.

8 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
9 PROJECTS.—Notwithstanding the cost variations author-
10 ized by section 2853 of title 10, United States Code, and
11 any other cost variation authorized by law, the total cost
12 of all projects carried out under section 2201 of this Act
13 may not exceed—

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

17 (2) \$13,500,000 (the balance of the amount au-
18 thorized under section 2202(a) for the construction
19 of a berthing pier at Naval Station, Norfolk, Vir-
20 ginia.

21 (c) ADJUSTMENT.—The total amount authorized to
22 be appropriated pursuant to paragraphs (1) through (5)
23 of subsection (a) is the sum of the amounts authorized
24 to be appropriated in such paragraphs, reduced by—

1 tion projects for the installations and locations inside the
 2 United States, and in the amounts, set forth in the follow-
 3 ing table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	\$19,398,000
Alaska	Eielson Air Force Base	\$4,352,000
Arizona	Luke Air Force Base	\$3,400,000
California	Edwards Air Force Base	\$10,361,000
	Travis Air Force Base	\$4,250,000
	Vandenberg Air Force Base	\$18,709,000
Colorado	Falcon Air Force Station	\$9,601,000
	United States Air Force Academy ...	\$4,413,000
District of Columbia	Bolling Air Force Base	\$2,948,000
Florida	Eglin Air Force Base	\$20,437,000
	Eglin Auxiliary Field 9	\$3,837,000
	MacDill Air Force Base	\$9,808,000
	Tyndall Air Force Base	\$3,600,000
Georgia	Robins Air Force Base	\$11,894,000
Hawaii	Hickam Air Force Base	\$5,890,000
Idaho	Mountain Home Air Force Base	\$16,397,000
Kansas	McConnell Air Force Base	\$4,450,000
Maryland	Andrews Air Force Base	\$4,448,000
Mississippi	Keesler Air Force Base	\$35,526,000
Nevada	Indian Springs Air Force Auxiliary Air Field	\$15,013,000
	Nellis Air Force Base	\$6,378,000
New Jersey	McGuire Air Force Base	\$6,044,000
New Mexico	Holloman Air Force Base	\$11,100,000
	Kirtland Air Force Base	\$1,774,000
North Carolina	Seymour Johnson Air Force Base ...	\$6,100,000
North Dakota	Grand Forks Air Force Base	\$2,686,000
Ohio	Wright-Patterson Air Force Base ...	\$22,000,000
Oklahoma	Altus Air Force Base	\$5,300,000
	Tinker Air Force Base	\$25,385,000
	Vance Air Force Base	\$6,223,000
South Carolina	Charleston Air Force Base	\$24,330,000
South Dakota	Ellsworth Air Force Base	\$6,500,000
Tennessee	Arnold Air Force Base	\$11,600,000
Texas	Brooks Air Force Base	\$7,000,000
	Dyess Air Force Base	\$3,350,000
	Lackland Air Force Base	\$14,930,000
	Laughlin Air Force Base	\$7,315,000
	Randolph Air Force Base	\$3,166,000
Washington	Fairchild Air Force Base	\$13,820,000
	McChord Air Force Base	\$51,847,000
	Total	\$445,580,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
 2 appropriated pursuant to the authorization of appropria-
 3 tions in section 2304(a)(2), the Secretary of the Air Force
 4 may acquire real property and carry out military construc-
 5 tion projects for the installations and locations outside the
 6 United States, and in the amounts, set forth in the follow-
 7 ing table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Spangdahlem Air Base	\$13,967,000
Korea	Kunsan Air Base	\$5,958,000
	Osan Air Base	\$7,496,000
Turkey	Incirlik Air Base	\$2,949,000
United Kingdom	Royal Air Force, Lakenheath	\$15,838,000
	Royal Air Force, Mildenhall	\$24,960,000
	Total	\$71,168,000

8 **SEC. 2302. FAMILY HOUSING.**

9 (a) CONSTRUCTION AND ACQUISITION.—Using
 10 amounts appropriated pursuant to the authorization of ap-
 11 propriations in section 2304(a)(5)(A), the Secretary of the
 12 Air Force may construct or acquire family housing units
 13 (including land acquisition) at the installations, for the
 14 purposes, and in the amounts set forth in the following
 15 table:

Air Force: Family Housing

State	Installation or loca- tion	Purpose	Amount
Alabama	Maxwell Air Force Base	143 Units	\$16,300,000
Alaska	Eielson Air Force Base	46 Units	\$12,932,000
California	Edwards Air Force Base	48 Units	\$12,580,000
	Vandenberg Air Force Base	95 Units	\$18,499,000
Delaware	Dover Air Force Base	55 Units	\$8,998,000
Florida	MacDill Air Force Base	48 Units	\$7,609,000
	Patriek Air Force Base	46 Units	\$9,692,000
	Tyndall Air Force Base	122 Units	\$14,500,000
Nebraska	Offutt Air Force Base	Ancillary Facility	\$870,000
	Offutt Air Force Base	Ancillary Facility	\$900,000

Air Force: Family Housing—Continued

State	Installation or location	Purpose	Amount
	Offutt Air Force Base	90 Units	\$12,212,000
Nevada	Nellis Air Force Base	60 Units	\$10,550,000
New Mexico	Kirtland Air Force Base	37 Units	\$6,400,000
Ohio	Wright-Patterson Air Force Base	40 Units	\$5,600,000
Texas	Dyess Air Force Base	64 Units	\$9,415,000
	Sheppard Air Force Base ...	65 Units	\$7,000,000
Washington	Fairechild Air Force Base ...	Ancillary Facility	\$1,692,000
	Fairechild Air Force Base ...	14 Units	\$2,300,000
		Total	\$158,049,000

1 (b) **PLANNING AND DESIGN.**—Using amounts appro-
2 priated pursuant to the authorization of appropriations in
3 section 2304(a)(5)(A), the Secretary of the Air Force may
4 carry out architectural and engineering services and con-
5 struction design activities with respect to the construction
6 or improvement of military family housing units in an
7 amount not to exceed \$11,342,000.

8 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
9 **UNITS.**

10 Subject to section 2825 of title 10, United States
11 Code, and using amounts appropriated pursuant to the
12 authorization of appropriations in section 2304(a)(5)(A),
13 the Secretary of the Air Force may improve existing mili-
14 tary family housing units in an amount not to exceed
15 \$81,778,000.

16 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
17 **FORCE.**

18 (a) **IN GENERAL.**—Funds are hereby authorized to
19 be appropriated for fiscal years beginning after September

1 30, 1998, for military construction, land acquisition, and
2 military family housing functions of the Department of the
3 Air Force in the total amount of \$1,577,264,000 as fol-
4 lows:

5 (1) For military construction projects inside the
6 United States authorized by section 2301(a),
7 \$445,580,000.

8 (2) For military construction projects outside
9 the United States authorized by section 2301(b),
10 \$71,168,000.

11 (3) For unspecified minor construction projects
12 authorized by section 2805 of title 10, United States
13 Code, \$7,135,000.

14 (4) For architectural and engineering services
15 and construction design under section 2807 of title
16 10, United States Code, \$37,592,000.

17 (5) For military housing functions:

18 (A) For construction and acquisition, plan-
19 ning and design, and improvement of military
20 family housing and facilities, \$251,169,000.

21 (B) For support of military family housing
22 (including the functions described in section
23 2833 of title 10, United States Code),
24 \$785,204,000.

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

8 (c) ADJUSTMENT.—The total amount authorized to
9 be appropriated pursuant to paragraphs (1) through (5)
10 of subsection (a) is the sum of the amounts authorized
11 to be appropriated in such paragraphs, reduced by—

12 (1) \$9,584,000 which represents the combina-
13 tion of project savings in military family housing
14 construction resulting from favorable bids, reduced
15 overhead costs, and cancellations due to force struc-
16 ture changes; and

17 (2) \$11,000,000 which represents the combina-
18 tion of project savings in military construction re-
19 sulting from favorable bids, reduced overhead costs,
20 and cancellations due to force structure changes.

TITLE XXIV—DEFENSE AGENCIES

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

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Chemical Demilitarization	Aberdeen Proving Ground, Maryland	\$186,350,000
	Newport Army Depot, Indiana	\$191,550,000
Defense Logistics Agency	Defense Fuel Support Point, Fort Sill, Oklahoma	\$3,500,000
	Defense Fuel Support Point, Jacksonville Annex, Mayport, Florida	\$11,020,000
	Defense Fuel Support Point, Jacksonville, Florida	\$11,000,000
	Defense General Supply Center, Richmond (DLA), Virginia	\$10,500,000
	Defense Fuels Supply Center, Camp Shelby, Mississippi	\$5,300,000
	Defense Fuels Supply Center, Elmendorf Air Force Base, Alaska ..	\$19,500,000
	Defense Fuels Supply Center, Pope Air Force Base, North Carolina ...	\$4,100,000
	Various Locations	\$1,300,000
Defense Medical Facilities		
Office	Barksdale Air Force Base, Louisiana	\$3,450,000
	Beale Air Force Base, California	\$3,500,000
	Carlisle Barracks, Pennsylvania	\$4,678,000
	Cheatham Annex, Virginia	\$11,300,000
	Edwards Air Force Base, California	\$6,000,000
	Elgin Air Force Base, Florida	\$9,200,000
	Fort Bragg, North Carolina	\$6,500,000
	Fort Hood, Texas	\$14,100,000
	Fort Stewart/Hunter Army Air Field, Georgia	\$10,400,000
	Grand Forks Air Force Base, North Dakota	\$5,600,000
	Holloman Air Force Base, New Mexico	\$1,300,000
	Keesler Air Force Base, Mississippi	\$700,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
	Marine Corps Air Station, Camp Pendleton, California	\$6,300,000
	McChord Air Force Base, Washington	\$20,000,000
	Moody Air Force Base, Georgia	\$11,000,000
	Naval Air Station, Pensacola, Florida	\$25,400,000
	Naval Hospital, Bremerton, Washington	\$28,000,000
	Naval Hospital, Great Lakes, Illinois	\$7,100,000
	Naval Station, San Diego, California	\$1,350,000
	Naval Submarine Base, Bangor, Washington	\$5,700,000
	Travis Air Force Base, California	\$1,700,000
Defense Education Activity ...	Marine Corps Base, Camp LeJeune, North Carolina	\$16,900,000
	United States Military Academy, West Point, New York	\$2,840,000
National Security Agency	Fort Meade, Maryland	\$668,000
Special Operations Command	Elgin Auxiliary Field 3, Florida	\$7,310,000
	Elgin Auxiliary Field 9, Florida	\$2,400,000
	Fort Campbell, Kentucky	\$15,000,000
	MacDill Air Force Base, Florida	\$8,400,000
	Naval Amphibious Base, Coronado, California	\$3,600,000
	Stennis Space Center, Mississippi	\$5,500,000
	Total	\$690,016,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2404(a)(2), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for the installations and locations outside the
6 United States, and in the amounts, set forth in the follow-
7 ing table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Ballistic Missile Defense Organization	Kwajalein Atoll, Kwajalein	\$4,600,000
Defense Logistics Agency	Lajes Field, Azores, Portugal	\$7,700,000
Defense Medical Facilities Office	Naval Air Station, Sigonella, Italy ...	\$5,300,000
	Royal Air Force, Lakenheath, United Kingdom	\$10,800,000
Defense Education Activity ...	Fort Buchanan, Puerto Rico	\$8,805,000
	Naval Activities, Guam	\$13,100,000

Defense Agencies: Outside the United States—Continued

Agency	Installation or location	Amount
Special Operations Command	Naval Station, Roosevelt Roads, Puerto Rico	\$9,600,000
	Total	\$59,905,000

1 **SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriation in section 2404(a)(11)(A),
6 the Secretary of Defense may improve existing military
7 family housing units in an amount not to exceed
8 \$345,000.

9 **SEC. 2403. ENERGY CONSERVATION PROJECTS.**

10 Using amounts appropriated pursuant to the author-
11 ization of appropriations in section 2404(a)(9), the Sec-
12 retary of Defense may carry out energy conservation
13 projects under section 2865 of title 10, United States
14 Code.

15 **SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DE-**
16 **FENSE AGENCIES.**

17 (a) IN GENERAL.—Funds are hereby authorized to
18 be appropriated for fiscal years beginning after September
19 30, 1998, for military construction, land acquisition, and
20 military family housing functions of the Department of
21 Defense (other than the military departments), in the total
22 amount of \$2,386,023,000 as follows:

1 (1) For military construction projects inside the
2 United States authorized by section 2401(a),
3 \$369,966,000.

4 (2) For military construction projects outside
5 the United States authorized by section 2401(a),
6 \$59,905,000.

7 (3) For construction of the Ammunition Demili-
8 tarization Facility, Pine Bluff Arsenal, Arkansas au-
9 thorized by section 2401 of the Military Construc-
10 tion Authorization Act for Fiscal Year 1995 (divi-
11 sion B of Public Law 103–337; 108 Stat. 3040), as
12 amended by section 2407 of the Military Construc-
13 tion Authorization Act for Fiscal Year 1996 (divi-
14 sion B of Public Law 104–106; 110 Stat. 539), sec-
15 tion 2408 of the Military Construction Authorization
16 Act for Fiscal Year 1998 (division B of Public Law
17 105–85; 111 Stat. 1982), and section 2405 of this
18 Act, \$16,500,000.

19 (4) For construction of the Ammunition Demili-
20 tarization Facility, Umatilla Army Depot, Oregon,
21 authorized by section 2401 of the Military Construc-
22 tion Authorization Act for Fiscal Year 1995, as
23 amended by section 2407 of the Military Construc-
24 tion Authorization Act for Fiscal Year 1996, section
25 2408 of the Military Construction Authorization Act

1 for Fiscal Year 1998, and section 2405 of this Act,
2 \$50,950,000.

3 (5) For military construction projects at Ports-
4 mouth Naval Hospital, Virginia, hospital replace-
5 ment, authorized by section 2401(a) of the Military
6 Construction Authorization Act for Fiscal Years
7 1990 and 1991 (division B of Public Law 101–189;
8 106 Stat. 1640), as amended by section 2406 of this
9 Act, \$17,954,000.

10 (6) For unspecified minor construction projects
11 under section 2805 of title 10, United States Code,
12 \$16,094,000.

13 (7) For contingency construction projects of the
14 Secretary of Defense under section 2804 of title 10,
15 United States Code, \$4,890,000.

16 (8) For architectural and engineering services
17 and construction design under section 2807 of title
18 10, United States Code, \$39,866,000.

19 (9) For energy conservation projects authorized
20 by section 2404, \$46,950,000.

21 (10) For base closure and realignment activities
22 as authorized by the Defense Base Closure and Re-
23 alignment Act of 1990 (part A of title XXIX of
24 Public Law 101–510; 10 U.S.C. 2687 note),
25 \$1,730,704,000.

1 (11) For military family housing functions:

2 (A) For improvement of military family
3 housing and facilities, \$345,000.

4 (B) For support of military housing (in-
5 cluding functions described in section 2833 of
6 title 10, United States Code), \$36,899,000 of
7 which not more than \$31,139,000 may be obli-
8 gated or expended for the leasing of military
9 family housing units worldwide.

10 (C) For credit to the Department of De-
11 fense Family Housing Improvement Fund es-
12 tablished by section 2883(a)(1) of title 10,
13 United States Code, \$7,000,000.

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

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

23 (2) \$162,050,000 (the balance of the amount
24 authorized under section 2401(a) for the construc-

1 tion of the Ammunition Demilitarization Facility at
2 Newport Army Depot, Indiana); and

3 (3) \$158,000,000 (the balance of the amount
4 authorized under section 2401(a) for the construc-
5 tion of the Ammunition Demilitarization Facility at
6 Aberdeen Proving Ground, Maryland).

7 (c) ADJUSTMENT.—The total amount authorized to
8 be appropriated pursuant to paragraphs (1) through (11)
9 of subsection (a) is the sum of the amounts authorized
10 to be appropriated in such paragraphs, reduced by
11 \$12,000,000, which represents the combination of project
12 savings in military construction resulting from favorable
13 bids, reduced overhead costs, and cancellations due to
14 force structure changes.

15 **SEC. 2405. INCREASE IN FISCAL YEAR 1995 AUTHORIZATION**
16 **FOR MILITARY CONSTRUCTION PROJECTS AT**
17 **PINE BLUFF ARSENAL, ARKANSAS, AND**
18 **UMATILLA ARMY DEPOT, OREGON.**

19 The table in section 2401 of the Military Construc-
20 tion Authorization Act for Fiscal Year 1995 (division B
21 of Public Law 103–337; 108 Stat. 3040), as amended by
22 section 2407 of the Military Construction Authorization
23 Act for Fiscal Year 1996 (division B of Public Law 104–
24 106; 110 Stat. 539) and section 2408 of the Military Con-
25 struction Authorization Act for Fiscal Year 1998 (division

1 B of Public Law 105–85; 111 Stat. 1982), under the
2 agency heading relating to Chemical Weapons and Muni-
3 tions Destruction, is amended—

4 (1) in the item relating to Pine Bluff Arsenal,
5 Arkansas, by striking out “\$134,000,000” in the
6 amount column and inserting in lieu thereof
7 “\$154,400,000”; and

8 (2) in the item relating to Umatilla Army
9 Depot, Oregon, by striking out “\$187,000,000” in
10 the amount column and inserting in lieu thereof
11 “\$193,377,000”.

12 **SEC. 2406. INCREASE IN FISCAL YEAR 1990 AUTHORIZATION**
13 **FOR MILITARY CONSTRUCTION PROJECT AT**
14 **PORTSMOUTH NAVAL HOSPITAL, VIRGINIA.**

15 (a) INCREASE.—The table in section 2401(a) of the
16 Military Construction Authorization Act for Fiscal Years
17 1990 and 1991 (division B of Public Law 100–189; 103
18 Stat. 1640) is amended in the item relating to Portsmouth
19 Naval Hospital, Virginia, by striking out “\$330,000,000”
20 and inserting in lieu thereof “\$351,354,000”.

21 (b) CONFORMING AMENDMENT.—Section 2405(b)(2)
22 of that Act (103 Stat. 1642) is amended by striking out
23 “\$321,500,000” and inserting in lieu thereof
24 “\$342,854,000”.

1 **TITLE XXV—NORTH ATLANTIC**
2 **TREATY ORGANIZATION SE-**
3 **CURITY INVESTMENT PRO-**
4 **GRAM**

5 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
6 **ACQUISITION PROJECTS.**

7 The Secretary of Defense may make contributions for
8 the North Atlantic Treaty Organization Security Invest-
9 ment program as provided in section 2806 of title 10,
10 United States Code, in an amount not to exceed the sum
11 of the amount authorized to be appropriated for this pur-
12 pose in section 2502 and the amount collected from the
13 North Atlantic Treaty Organization as a result of con-
14 struction previously financed by the United States.

15 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

16 Funds are hereby authorized to be appropriated for
17 fiscal years beginning after September 30, 1998, for con-
18 tributions by the Secretary of Defense under section 2806
19 of title 10, United States Code, for the share of the United
20 States of the cost of projects for the North Atlantic Treaty
21 Organization Security Investment program authorized by
22 section 2501, in the amount of \$169,000,000.

1 **TITLE XXVI—GUARD AND**
2 **RESERVE FORCES FACILITIES**

3 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**
4 **TION AND LAND ACQUISITION PROJECTS.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated for fiscal years begin-
7 ning after September 30, 1998, for the costs of acquisi-
8 tion, architectural and engineering services, and construc-
9 tion of facilities for the Guard and Reserve Forces, and
10 for contributions therefor, under chapter 1803 of title 10,
11 United States Code (including the cost of acquisition of
12 land for those facilities), the following amounts:

13 (1) For the Department of the Army—

14 (A) for the Army National Guard of the
15 United States, \$70,338,000; and

16 (B) for the Army Reserve, \$84,608,000.

17 (2) For the Department of the Navy, for the
18 Naval and Marine Corps Reserve, \$33,721,000.

19 (3) For the Department of the Air Force—

20 (A) for the Air National Guard of the
21 United States, \$97,701,000; and

22 (B) for the Air Force Reserve,
23 \$35,371,000.

24 (b) ADJUSTMENT.—(1) The amount authorized to be
25 appropriated pursuant to subsection (a)(1)(A) is reduced

1 by \$2,000,000, which represents the combination of
2 project savings in military construction resulting from fa-
3 vorable bids, reduced overhead costs, and cancellations due
4 to force structure changes.

5 (2) The amount authorized to be appropriated pursu-
6 ant to subsection (a)(3)(A) is reduced by \$4,000,000,
7 which represents the combination of project savings in
8 military construction resulting from favorable bids, re-
9 duced overhead costs, and cancellations due to force struc-
10 ture changes.

11 **SEC. 2602. ARMY RESERVE CONSTRUCTION PROJECT, SALT**
12 **LAKE CITY, UTAH.**

13 (a) **COST SHARE REQUIREMENT.**—With regard to
14 the military construction project for the Army Reserve
15 concerning construction of a reserve center and organiza-
16 tional maintenance shop at an appropriate site in, or in
17 the vicinity of, Salt Lake City, Utah, to be carried out
18 using funds appropriated pursuant to the authorization of
19 appropriations in section 2601(a)(1)(B), the Secretary of
20 the Army shall enter into an agreement with the State
21 of Utah under which the State agrees to provide financial
22 or in-kind contributions in connection with the project.

23 (b) **REPEAL OF SUPERSEDED AUTHORITY.**—(1) Sec-
24 tion 2603 of the Military Construction Authorization Act

1 for Fiscal Year 1998 (division B of Public Law 105–85;
2 111 Stat. 1983) is repealed.

3 (2) Section 2601(a)(1)(B) of such Act is amended by
4 striking out “\$66,267,000” and inserting in lieu thereof
5 “\$53,553,000”.

6 **TITLE XXVII—EXPIRATION AND**
7 **EXTENSION OF AUTHORIZA-**
8 **TIONS**

9 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**
10 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
11 **LAW.**

12 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
13 YEARS.—Except as provided in subsection (b), all author-
14 izations contained in titles XXI through XXVI for military
15 construction projects, land acquisition, family housing
16 projects and facilities, and contributions to the North At-
17 lantic Treaty Organization Security Investment program
18 (and authorizations of appropriations therefor) shall ex-
19 pire on the later of—

20 (1) October 1, 2001; or

21 (2) the date of enactment of an Act authorizing
22 funds for military construction for fiscal year 2002.

23 (b) EXCEPTION.—Subsection (a) shall not apply to
24 authorizations for military construction projects, land ac-
25 quisition, family housing projects and facilities, and con-

1 tributions to the North Atlantic Treaty Organization Se-
2 curity Investment program (and authorizations of appro-
3 priations therefor), for which appropriated funds have
4 been obligated before the later of—

5 (1) October 1, 2001; or

6 (2) the date of enactment of an Act authorizing
7 funds for fiscal year 2002 for military construction
8 projects, land acquisition, family housing projects
9 and facilities, or contributions to the North Atlantic
10 Treaty Organization Security Investment program.

11 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
12 **FISCAL YEAR 1996 PROJECTS.**

13 (a) EXTENSIONS.—Notwithstanding section 2701 of
14 the Military Construction Authorization Act for Fiscal
15 Year 1996 (division B of Public Law 104–106; 110 Stat.
16 541), authorizations for the projects set forth in the tables
17 in subsection (b), as provided in sections 2201, 2302, or
18 2601 of that Act, shall remain in effect until October 1,
19 1999, or the date of enactment of an Act authorizing
20 funds for military construction for fiscal year 2000, which-
21 ever is later.

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

Navy: Extension of 1996 Project Authorization

State	Installation or location	Project	Amount
Puerto Rico	Naval Station Roosevelt Roads	Housing Office ...	\$710,000

Air Force: Extension of 1996 Project Authorization

State	Installation or location	Project	Amount
Texas	Lackland Air Force Base	Family Housing (67 units)	\$6,200,000

Army National Guard: Extension of 1996 Project Authorization

State	Installation or location	Project	Amount
Mississippi	Camp Shelby	Multipurpose Range Complex (Phase I)	\$5,000,000

1 **SEC. 2703. EXTENSION OF AUTHORIZATION OF FISCAL**
2 **YEAR 1995 PROJECT.**

3 (a) EXTENSION.—Notwithstanding section 2701 of
4 the Military Construction Authorization Act for Fiscal
5 Year 1995 (division B of Public Law 103–337; 108 Stat.
6 3046), the authorization for the project set forth in the
7 table in subsection (b), as provided in section 2201 of that
8 Act and extended by section 2702 of the Military Con-
9 struction Authorization Act for Fiscal Year 1998 (division
10 B of Public Law 105–85; 111 Stat. 1985), shall remain
11 in effect until October 1, 1999, or the date of enactment
12 of an Act authorizing funds for military construction for
13 fiscal year 2000, whichever is later.

14 (b) TABLE.—The table referred to in subsection (a)
15 is as follows:

Navy: Extension of 1995 Project Authorization

State	Installation or location	Project	Amount
Maryland	Indian Head Naval Surface Warfare Center	Denitrification/ Acid Mixing Facility	\$6,400,000

1 SEC. 2704. EFFECTIVE DATE.

2 Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI
3 shall take effect on the later of—

4 (1) October 1, 1998; or

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

6 **TITLE XXVIII—GENERAL**
7 **PROVISIONS**

8 **Subtitle A—Military Construction**
9 **Program and Military Family**
10 **Housing Changes**

11 **SEC. 2801. DEFINITION OF ANCILLARY SUPPORTING FA-**
12 **CILITIES UNDER THE ALTERNATIVE AUTHOR-**
13 **ITY FOR ACQUISITION AND IMPROVEMENT**
14 **OF MILITARY HOUSING.**

15 Section 2871(1) of title 10, United States Code, is
16 amended by inserting after “including” the following: “fa-
17 cilities to provide or support elementary or secondary edu-
18 cation,”.

1 **Subtitle B—Real Property and**
2 **Facilities Administration**

3 **SEC. 2811. RESTORATION OF DEPARTMENT OF DEFENSE**
4 **LANDS USED BY ANOTHER FEDERAL AGENCY.**

5 (a) INCLUSION OF RESTORATION AS CONTRACT
6 TERM.—Section 2691 of title 10, United States Code, is
7 amended by adding at the end the following new sub-
8 section:

9 “(c) As a condition of any lease, permit, license, or
10 other grant of access entered into by the Secretary of a
11 military department with another Federal agency author-
12 izing the other agency to use lands under the control of
13 the Secretary, the Secretary may require the other agency
14 to agree to remove any improvements and to take any
15 other action necessary in the judgment of the Secretary
16 to restore the land used by the agency to the condition
17 the land was in before its use by the agency. In lieu of
18 performing the work itself, the Federal agency may elect,
19 with the consent of the Secretary, to reimburse the Sec-
20 retary for the costs incurred by the military department
21 to perform the removal and restoration work.”.

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

1 **“§ 2691. Restoration of land used by permit or lease”.**

2 (2) The table of sections at the beginning of chapter
3 159 of title 10, United States Code, is amended by strik-
4 ing the item relating to section 2691 and inserting in lieu
5 thereof the following new item:

“2691. Restoration of land used by permit or lease.”.

6 **SEC. 2812. OUTDOOR RECREATION DEVELOPMENT ON MILI-**
7 **TARY INSTALLATIONS FOR DISABLED VETER-**
8 **ANS, MILITARY DEPENDENTS WITH DISABIL-**
9 **ITIES, AND OTHER PERSONS WITH DISABIL-**
10 **ITIES.**

11 (a) ACCESS ENHANCEMENT.—Section 103 of the
12 Sikes Act (16 U.S.C. 670c) is amended by adding at the
13 end the following new subsections:

14 “(b) ACCESS FOR DISABLED VETERANS, MILITARY
15 DEPENDENTS WITH DISABILITIES, AND OTHER PERSONS
16 WITH DISABILITIES.—(1) In developing facilities and con-
17 ducting programs for public outdoor recreation at military
18 installations, consistent with the primary military mission
19 of the installations, the Secretary of Defense shall ensure,
20 to the extent reasonably practicable, that outdoor recre-
21 ation opportunities (including fishing, hunting, trapping,
22 wildlife viewing, boating, and camping) made available to
23 the public also provide access for persons described in
24 paragraph (2) when topographic, vegetative, and water re-

1 sources allow access for such persons without substantial
2 modification to the natural environment.

3 “(2) Persons referred to in paragraph (1) are the fol-
4 lowing:

5 “(A) Disabled veterans.

6 “(B) Military dependents with disabilities.

7 “(C) Other persons with disabilities, when ac-
8 cess to a military installation for such persons and
9 other civilians is not otherwise restricted.

10 “(3) The Secretary of Defense shall carry out this
11 subsection in consultation with the Secretary of Veterans
12 Affairs, national service, military, and veterans organiza-
13 tions, and sporting organizations in the private sector that
14 participate in outdoor recreation projects for persons de-
15 scribed in paragraph (2).

16 “(c) ACCEPTANCE OF DONATIONS.—In connection
17 with the facilities and programs for public outdoor recre-
18 ation at military installations, in particular the require-
19 ment under subsection (b) to provide access for persons
20 described in paragraph (2) of such subsection, the Sec-
21 retary of Defense may accept—

22 “(1) the voluntary services of individuals and
23 organizations; and

24 “(2) donations of money or property, whether
25 real, personal, mixed, tangible, or intangible.

1 “(d) TREATMENT OF VOLUNTEERS.—A volunteer
2 under subsection (c) shall not be considered to be a Fed-
3 eral employee and shall not be subject to the provisions
4 of law relating to Federal employment, including those re-
5 lating to hours of work, rates of compensation, leave, un-
6 employment compensation, and Federal employee benefits,
7 except that—

8 “(1) for the purposes of the tort claims provi-
9 sions of chapter 171 of title 28, United States Code,
10 the volunteer shall be considered to be a Federal em-
11 ployee; and

12 “(2) for the purposes of subchapter I of chapter
13 81 of title 5, United States Code, relating to com-
14 pensation to Federal employees for work injuries,
15 the volunteer shall be considered to be an employee,
16 as defined in section 8101(1)(B) of title 5, United
17 States Code, and the provisions of such subchapter
18 shall apply.”.

19 (b) CONFORMING AMENDMENT.—Such section is fur-
20 ther amended by striking out “SEC. 103.” and inserting
21 in lieu thereof the following:

22 **“SEC. 103. PROGRAM FOR PUBLIC OUTDOOR RECREATION.**

23 “(a) PROGRAM AUTHORIZED.—”.

1 **SEC. 2813. REPORT ON USE OF UTILITY SYSTEM CONVEY-**
2 **ANCE AUTHORITY.**

3 (a) **REPORT REQUIRED.**—Not later than March 1,
4 1999, the Secretary of each military department shall sub-
5 mit to Congress a report containing—

6 (1) the criteria to be used by the Secretary to
7 select utility systems, and related real property,
8 under the jurisdiction of the Secretary for convey-
9 ance to a municipal, private, regional, district, or co-
10 operative utility company or other entity under the
11 authority of section 2688 of title 10, United States
12 Code; and

13 (2) a description of the manner in which the
14 Secretary will ensure that any such conveyance does
15 not adversely affect the national security of the
16 United States.

17 (b) **LIST OF LIKELY SYSTEMS FOR CONVEYANCE.**—
18 The report submitted by the Secretary of a military de-
19 partment under subsection (a) shall also contain a list of
20 the utility systems, including the locations of the utility
21 systems, that, as of the date of the submission of the re-
22 port, the Secretary considers are likely to be conveyed
23 under the authority of section 2688 of title 10, United
24 States Code.

1 **Subtitle C—Defense Base Closure**
2 **and Realignment**

3 **SEC. 2821. PAYMENT OF STIPULATED PENALTIES ASSESSED**
4 **UNDER THE COMPREHENSIVE ENVIRON-**
5 **MENTAL RESPONSE, COMPENSATION, AND LI-**
6 **ABILITY ACT OF 1980 IN CONNECTION WITH**
7 **MCCLELLAN AIR FORCE BASE, CALIFORNIA.**

8 (a) SOURCE OF PAYMENT.—Notwithstanding sub-
9 section (b) of section 2906(a) of the Defense Base Closure
10 and Realignment Act of 1990 (part A of Title XXIX of
11 Public Law 101–510; 10 U.S.C. 2687 note), the Secretary
12 of Defense may use amounts in the Department of De-
13 fense Base Closure Account 1990 established under sub-
14 section (a) of such section to pay stipulated penalties as-
15 sessed under the Comprehensive Environmental Response
16 Compensation and Liability Act (42 U.S.C. 9601 et seq.)
17 against McClellan Air Force Base, California.

18 (b) AMOUNT OF PAYMENT.—The amount expended
19 under the authority of subsection (a) may not exceed
20 \$15,000.

1 **SEC. 2822. ELIMINATION OF WAIVER AUTHORITY REGARD-**
2 **ING PROHIBITION AGAINST CERTAIN CON-**
3 **VEYANCES OF PROPERTY AT NAVAL STATION,**
4 **LONG BEACH, CALIFORNIA.**

5 Section 2826 of the Military Construction Authoriza-
6 tion Act for Fiscal Year 1998 (division B of Public Law
7 105–85; 111 Stat. 2001) is amended by striking out sub-
8 section (e).

9 **Subtitle D—Land Conveyances**

10 **PART I—ARMY CONVEYANCES**

11 **SEC. 2831. LAND CONVEYANCE, ARMY RESERVE CENTER,**
12 **MASSENA, NEW YORK.**

13 (a) CONVEYANCE AUTHORIZED.—The Secretary of
14 the Army may convey, without consideration, to the Vil-
15 lage of Massena, New York (in this section referred to
16 as the “Village”), all right, title, and interest of the United
17 States in and to a parcel of real property (including im-
18 provements thereon) consisting of the Army Reserve Cen-
19 ter in Massena, New York, for the purpose of permitting
20 the Village to develop the parcel for public benefit, includ-
21 ing the development of municipal office space.

22 (b) DESCRIPTION OF PROPERTY.—The exact acreage
23 and legal description of the real property to be conveyed
24 under subsection (a) shall be determined by a survey satis-
25 factory to the Secretary. The cost of the survey shall be
26 borne by the Village.

1 (c) **ADDITIONAL TERMS AND CONDITIONS.**—The
2 Secretary may require such additional terms and condi-
3 tions in connection with the conveyance under subsection
4 (a) as the Secretary considers appropriate to protect the
5 interests of the United States.

6 **SEC. 2832. LAND CONVEYANCE, ARMY RESERVE CENTER,**
7 **OGDENSBURG, NEW YORK.**

8 (a) **CONVEYANCE AUTHORIZED.**—The Secretary of
9 the Army may convey, without consideration, to the City
10 of Ogdensburg, New York (in this section referred to as
11 the “City”), all right, title, and interest of the United
12 States in and to a parcel of real property (including im-
13 provements thereon) consisting of the Army Reserve Cen-
14 ter in Ogdensburg, New York, for the purpose of permit-
15 ting the City to develop the parcel for public benefit, in-
16 cluding the development of municipal office space.

17 (b) **DESCRIPTION OF PROPERTY.**—The exact acreage
18 and legal description of the real property to be conveyed
19 under subsection (a) shall be determined by a survey satis-
20 factory to the Secretary. The cost of the survey shall be
21 borne by the City.

22 (c) **ADDITIONAL TERMS AND CONDITIONS.**—The
23 Secretary may require such additional terms and condi-
24 tions in connection with the conveyance under subsection

1 (a) as the Secretary considers appropriate to protect the
2 interests of the United States.

3 **SEC. 2833. LAND CONVEYANCE, ARMY RESERVE CENTER,**
4 **JAMESTOWN, OHIO.**

5 (a) CONVEYANCE AUTHORIZED.—The Secretary of
6 the Army may convey, without consideration, to the
7 Greeneview Local School District of Jamestown, Ohio, all
8 right, title, and interest of the United States in and to
9 a parcel of excess Federal real property, including im-
10 provements thereon, that is located at 5693 Plymouth
11 Road in Jamestown, Ohio, and contains an Army Reserve
12 Center.

13 (b) PURPOSE OF CONVEYANCE.—The purpose of the
14 conveyance under subsection (a) is to permit the
15 Greeneview Local School District to retain and use the
16 conveyed property for the benefit of the students of
17 Greeneview schools.

18 (c) DESCRIPTION OF PROPERTY.—The exact acreage
19 and legal description of the real property to be conveyed
20 under subsection (a) shall be determined by a survey satis-
21 factory to the Secretary. The cost of the survey shall be
22 borne by the Greeneview Local School District.

23 (d) ADDITIONAL TERMS AND CONDITIONS.—The
24 Secretary may require such additional terms and condi-
25 tions in connection with the conveyance under subsection

1 (a) as the Secretary considers appropriate to protect the
2 interests of the United States.

3 **SEC. 2834. LAND CONVEYANCE, STEWART ARMY SUB-POST,**
4 **NEW WINDSOR, NEW YORK.**

5 (a) CONVEYANCE AUTHORIZED.—The Secretary of
6 the Army may convey, without consideration, to the Town
7 of New Windsor, New York (in this section referred to
8 as the “Town”), all right, title, and interest of the United
9 States in and to a parcel of real property, including any
10 improvements thereon, consisting of approximately 291
11 acres at the Stewart Army Sub-Post in New Windsor, New
12 York.

13 (b) EXCLUSION.—The real property to be conveyed
14 under subsection (a) does not include any portion of the
15 approximately 89.2-acre parcel at Stewart Army Sub-Post
16 that is proposed for transfer to the jurisdiction and control
17 of the Marine Corps or the approximately 22-acre parcel
18 at Stewart Army Sub-Post that is proposed for transfer
19 to the jurisdiction and control of the Army Reserve.

20 (c) DESCRIPTION OF PROPERTY.—The exact acreage
21 and legal description of the real property to be conveyed
22 under subsection (a) shall be determined by a survey satis-
23 factory to the Secretary. The cost of the survey shall be
24 borne by the Town.

1 (d) **ADDITIONAL TERMS AND CONDITIONS.**—The
2 Secretary may require such additional terms and condi-
3 tions in connection with the conveyance under subsection
4 (a) as the Secretary considers appropriate to protect the
5 interests of the United States.

6 **SEC. 2835. LAND CONVEYANCE, INDIANA ARMY AMMUNI-**
7 **TION PLANT, CHARLESTOWN, INDIANA.**

8 (a) **CONVEYANCE AUTHORIZED.**—The Secretary of
9 the Army may convey to the Indiana Army Ammunition
10 Plant Reuse Authority (in this section referred to as the
11 “Reuse Authority”) all right, title, and interest of the
12 United States in and to a parcel of real property, including
13 improvements thereon, consisting of approximately 4660
14 acres located at the Indiana Army Ammunition Plant,
15 Charlestown, Indiana, for the purpose of developing the
16 parcel as an industrial park to replace all or part of the
17 economic activity lost at the inactivated plant.

18 (b) **CONSIDERATION.**—Except as provided in sub-
19 section (d), as consideration for the conveyance under sub-
20 section (a), the Reuse Authority shall pay to the Secretary
21 an amount equal to the fair market value of the conveyed
22 property as of the time of the conveyance, determined by
23 the Secretary in accordance with Federal appraisal stand-
24 ards and procedures.

1 (c) TIME FOR PAYMENT.—The consideration re-
2 quired under subsection (b) shall be paid by the Reuse
3 Authority at the end of the 10-year period beginning on
4 the date on which the conveyance under subsection (a) is
5 completed.

6 (d) EFFECT OF RECONVEYANCE OR LEASE.—(1) If,
7 during the 10-year period specified in subsection (c), the
8 Reuse Authority reconveys all or any part of the property
9 conveyed under subsection (a), the Reuse Authority shall
10 pay to the United States an amount equal to the fair mar-
11 ket value of the reconveyed property as of the time of the
12 reconveyance, excluding the value of any improvements
13 made to the property by the Reuse Authority, determined
14 by the Secretary in accordance with Federal appraisal
15 standards and procedures.

16 (2) The Secretary may treat a lease of the property
17 within such 10-year period as a reconveyance if the Sec-
18 retary determines that the lease is being used to avoid ap-
19 plication of paragraph (1).

20 (e) DEPOSIT OF PROCEEDS.—The Secretary shall de-
21 posit any proceeds received under subsection (b) or (d)
22 in the special account established pursuant to section
23 204(h)(2) of the Federal Property and Administrative
24 Services Act of 1949 (40 U.S.C. 485(h)(2)).

1 (f) ADMINISTRATIVE EXPENSES.—In connection with
2 the conveyance under subsection (a), the Secretary may
3 accept amounts provided by the Reuse Authority or other
4 persons to cover administrative expenses incurred by the
5 Secretary in making the conveyance. Amounts received
6 under this subsection for administrative expenses shall be
7 credited to the appropriation, fund, or account from which
8 the expenses were paid and shall be available, to the extent
9 provided in appropriation Acts, for the same purposes and
10 subject to the same limitations as other funds in such ap-
11 propriation, fund, or account.

12 (g) DESCRIPTION OF PROPERTY.—The property to
13 be conveyed under subsection (a) includes the administra-
14 tive area of the Indiana Army Ammunition Plant as well
15 as open space in the southern end of the plant. The exact
16 acreage and legal description of the property to be con-
17 veyed shall be determined by a survey satisfactory to the
18 Secretary. The cost of the survey shall be borne by the
19 Reuse Authority.

20 (h) ADDITIONAL TERMS AND CONDITIONS.—The
21 Secretary may require such additional terms and condi-
22 tions in connection with the conveyance under subsection
23 (a) as the Secretary considers appropriate to protect the
24 interests of the United States.

1 (i) ADDITIONAL CONVEYANCE FOR RECREATIONAL
2 PURPOSES.—Section 2858(a) of the National Defense Au-
3 thorization Act for Fiscal Year 1996 (Public Law 104–
4 106; 110 Stat. 571), as amended by section 2838 of the
5 National Defense Authorization Act for Fiscal Year 1998
6 (Public Law 105–85; 111 Stat. 2006), is further amended
7 by adding at the end the following new paragraph:

8 “(3) The Secretary may also convey to the State,
9 without consideration, another parcel of real property at
10 the Indiana Army Ammunition Plant consisting of ap-
11 proximately 2,000 acres of additional riverfront property
12 in order to connect the parcel conveyed under paragraph
13 (2) with the parcels of Charlestown State Park conveyed
14 to the State under paragraph (1) and title II of the De-
15 fense Authorization Amendments and Base Closure and
16 Realignment Act (Public Law 100–526; 10 U.S.C. 2687
17 note).”.

18 **SEC. 2836. LAND CONVEYANCE, VOLUNTEER ARMY AMMU-**
19 **NITION PLANT, CHATTANOOGA, TENNESSEE.**

20 (a) CONVEYANCE AUTHORIZED.—The Secretary of
21 the Army may convey to Hamilton County, Tennessee (in
22 this section referred to as the “County”), all right, title,
23 and interest of the United States in and to a parcel of
24 real property, including improvements thereon, consisting
25 of approximately 1033 acres located at the Volunteer

1 Army Ammunition Plant, Chattanooga, Tennessee, for the
2 purpose of developing the parcel as an industrial park to
3 replace all or part of the economic activity lost at the inac-
4 tivated plant.

5 (b) CONSIDERATION.—Except as provided in sub-
6 section (d), as consideration for the conveyance under sub-
7 section (a), the County shall pay to the Secretary an
8 amount equal to the fair market value of the conveyed
9 property as of the time of the conveyance, determined by
10 the Secretary in accordance with Federal appraisal stand-
11 ards and procedures.

12 (c) TIME FOR PAYMENT.—The consideration re-
13 quired under subsection (b) shall be paid by the County
14 at the end of the 10-year period beginning on the date
15 on which the conveyance under subsection (a) is com-
16 pleted.

17 (d) EFFECT OF RECONVEYANCE OR LEASE.—(1) If,
18 during the 10-year period specified in subsection (c), the
19 County reconveys all or any part of the property conveyed
20 under subsection (a), the County shall pay to the United
21 States an amount equal to the fair market value of the
22 reconveyed property as of the time of the reconveyance,
23 excluding the value of any improvements made to the
24 property by the County, determined by the Secretary in

1 accordance with Federal appraisal standards and proce-
2 dures.

3 (2) The Secretary may treat a lease of the property
4 within such 10-year period as a reconveyance if the Sec-
5 retary determines that the lease is being used to avoid ap-
6 plication of paragraph (1).

7 (e) DEPOSIT OF PROCEEDS.—The Secretary shall de-
8 posit any proceeds received under subsection (b) or (d)
9 in the special account established pursuant to section
10 204(h)(2) of the Federal Property and Administrative
11 Services Act of 1949 (40 U.S.C. 485(h)(2)).

12 (f) EFFECT ON EXISTING LEASES.—The conveyance
13 of the real property under subsection (a) shall not affect
14 the terms or length of any contract entered into by the
15 Secretary before the date of the enactment of this Act with
16 regard to the property to be conveyed.

17 (g) ADMINISTRATIVE EXPENSES.—In connection
18 with the conveyance under subsection (a), the Secretary
19 may accept amounts provided by the County or other per-
20 sons to cover administrative expenses incurred by the Sec-
21 retary in making the conveyance. Amounts received under
22 this subsection for administrative expenses shall be cred-
23 ited to the appropriation, fund, or account from which the
24 expenses were paid and shall be available, to the extent
25 provided in appropriation Acts, for the same purposes and

1 subject to the same limitations as other funds in such ap-
2 propriation, fund, or account.

3 (h) DESCRIPTION OF PROPERTY.—The exact acreage
4 and legal description of the property to be conveyed under
5 subsection (a) shall be determined by a survey satisfactory
6 to the Secretary. The cost of the survey shall be borne
7 by the County.

8 (i) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
9 retary may require such additional terms and conditions
10 in connection with the conveyance under subsection (a) as
11 the Secretary considers appropriate to protect the inter-
12 ests of the United States.

13 **SEC. 2837. RELEASE OF REVERSIONARY INTEREST OF**
14 **UNITED STATES IN FORMER REDSTONE**
15 **ARMY ARSENAL PROPERTY CONVEYED TO**
16 **ALABAMA SPACE SCIENCE EXHIBIT COMMIS-**
17 **SION.**

18 (a) RELEASE AUTHORIZED.—The Secretary of the
19 Army may release, without consideration and to such ex-
20 tent as the Secretary considers appropriate to protect the
21 interests of the United States, the reversionary interests
22 of the United States in the real property described in sub-
23 section (b), which were retained by the United States
24 when the property was conveyed to the Alabama Space
25 Science Exhibit Commission, an agency of the State of

1 Alabama. The release shall be executed in the manner pro-
2 vided in this section.

3 (b) DESCRIPTION OF PROPERTY.—The real property
4 referred to in this section is the real property conveyed
5 to the Alabama Space Science Exhibit Commission under
6 the authority of the following provisions of law:

7 (1) The first section of Public Law 90–276 (82
8 Stat. 68).

9 (2) Section 813 of the Military Construction
10 Authorization Act, 1980 (Public Law 96–125; 93
11 Stat. 952).

12 (3) Section 813 of the Military Construction
13 Authorization Act, 1984 (Public Law 98–115; 97
14 Stat. 790).

15 (c) RELEASE, WAIVER, OR CONVEYANCE OF OTHER
16 RIGHTS, TERMS, AND CONDITIONS.—As part of the re-
17 lease under subsection (a), the Secretary may release,
18 waive, or convey, without consideration and to such extent
19 as the Secretary considers appropriate to protect the inter-
20 ests of the United States—

21 (1) any and all other rights retained by the
22 United States in and to the real property described
23 in subsection (b) when the property was conveyed to
24 the Alabama Space Science Exhibit Commission;
25 and

1 (2) any and all terms and conditions and re-
2 strictions on the use of the real property imposed as
3 part of the conveyances described in subsection (b).

4 (d) CONDITIONS ON RELEASE, WAIVER, OR CONVEY-
5 ANCE.—(1) The Secretary may execute the release under
6 subsection (a) or a release, waiver, or conveyance under
7 subsection (c) only after—

8 (A) the Secretary approves of the master plan
9 prepared by the Alabama Space Science Exhibit
10 Commission, as such plan may exist or be revised
11 from time to time, for development of the real prop-
12 erty described in subsection (b); and

13 (B) the installation commander at Redstone Ar-
14 senal, Alabama, certifies to the Secretary that the
15 release, waiver, or conveyance is consistent with the
16 master plan.

17 (2) A new facility or structure may not be con-
18 structed on the real property described in subsection (b)
19 unless the facility or structure is included in the master
20 plan, which has been approved and certified as provided
21 in paragraph (1).

22 (e) INSTRUMENT OF RELEASE, WAIVER, OR CONVEY-
23 ANCE.—In making a release, waiver, or conveyance au-
24 thorized by this section, the Secretary shall execute and
25 file in the appropriate office or offices a deed of release,

1 amended deed, or other appropriate instrument effectuat-
2 ing the release, waiver, or conveyance.

3 (f) EFFECT OF RELEASE.—Except as provided in
4 subsection (g), upon release of any reversionary interest
5 under this section, the right, title and interest of the Ala-
6 bama Space Science Exhibit Commission in and to the real
7 property described in subsection (b) shall, to the extent
8 of the release, no longer be subject to the conditions pre-
9 scribed in the provisions of law specified in such sub-
10 section. Except as provided in subsection (g), the Alabama
11 Space Science Exhibit Commission may use the real prop-
12 erty for any such purpose or purposes as it considers ap-
13 propriate consistent with the master plan approved and
14 certified as provided in subsection (d), and the real prop-
15 erty may be conveyed by the Alabama Space Science Ex-
16 hibit Commission without restriction and unencumbered
17 by any claims or rights of the United States with respect
18 to the property, subject to such rights, terms, and condi-
19 tions of the United States previously imposed on the real
20 property and not conveyed or released by the Secretary
21 under subsection (c).

22 (g) EXCEPTIONS.—(1) Conveyance of the drainage
23 and utility easement reserved to the United States pursu-
24 ant to section 813(b)(3) of the Military Construction Au-

1 thORIZATION Act, 1984 (Public Law 98–115; 97 Stat. 791),
2 is not authorized under this section.

3 (2) In no event may title to any portion of the real
4 property described in subsection (b) be conveyed by the
5 Alabama Space Science Exhibit Commission or any future
6 deed holder of the real property to any person other than
7 an agency, instrumentality, political subdivision, municipal
8 corporation, or public corporation of the State of Alabama,
9 and the land use of such conveyed property may not be
10 changed without the approval of the Secretary.

11 **SEC. 2838. LAND CONVEYANCE, FORT SHERIDAN, ILLINOIS.**

12 (a) CONVEYANCE AUTHORIZED.—The Secretary of
13 the Army may convey to the City of Lake Forest, Illinois
14 (in this section referred to as the “City”), all right, title,
15 and interest, of the United States in and to all or some
16 portion of the parcel of real property, including improve-
17 ments thereon, at the former Fort Sheridan, Illinois, con-
18 sisting of approximately 14 acres and known as the north-
19 ern Army Reserve enclave area.

20 (b) CONSIDERATION.—As consideration for the con-
21 veyance under subsection (a), the City shall pay to the
22 United States an amount equal to not less than the fair
23 market value of the real property to be conveyed, as deter-
24 mined by the Secretary.

1 (c) USE OF PROCEEDS.—In such amounts as are pro-
2 vided in advance in appropriations Acts, the Secretary
3 may use the funds paid by the City under subsection (b)
4 to provide for the construction of replacement facilities
5 and for the relocation costs for Reserve units and activities
6 affected by the conveyance.

7 (d) DESCRIPTION OF PROPERTY.—The exact acreage
8 and legal description of the real property to be conveyed
9 under subsection (a) shall be determined by a survey satis-
10 factory to the Secretary. The cost of the survey shall be
11 borne by the City.

12 (e) ADDITIONAL TERMS AND CONDITIONS.—The
13 Secretary may require such additional terms and condi-
14 tions in connection with the conveyance under subsection
15 (a) as the Secretary considers appropriate to protect the
16 interests of the United States.

17 **PART II—NAVY CONVEYANCES**

18 **SEC. 2841. EASEMENT, MARINE CORPS BASE, CAMP PEN-** 19 **DLETON, CALIFORNIA.**

20 (a) EASEMENT AUTHORIZED.—The Secretary of the
21 Navy may grant an easement, in perpetuity, to the Foot-
22 hill/Eastern Transportation Corridor Agency (in this sec-
23 tion referred to as the “Agency”) over a parcel of real
24 property at Marine Corps Base, Camp Pendleton, Califor-
25 nia, consisting of approximately 340 acres to permit the

1 Recipient of the easement to construct, operate, and main-
2 tain a restricted access highway. The area covered by the
3 easement shall include slopes and all necessary incidents
4 thereto.

5 (b) CONSIDERATION.—As consideration for the con-
6 veyance of the easement under subsection (a), the Agency
7 shall pay to the United States an amount equal to the
8 fair market value of the easement, as determined by an
9 independent appraisal satisfactory to the Secretary and
10 paid for by the Agency.

11 (c) USE OF PROCEEDS.—In such amounts as are pro-
12 vided in advance in appropriation Acts, the Secretary shall
13 use the funds paid by the Agency under subsection (b)
14 to carry out one or more of the following programs at
15 Camp Pendleton:

16 (1) Enhancement of access from Red, White,
17 and Green Beach under the I-5 interstate highway
18 and railroad crossings to inland areas.

19 (2) Improvement of roads and bridge structures
20 in the range and training area.

21 (3) Realignment of Basilone Road.

22 (d) DESCRIPTION OF PROPERTY.—The exact acreage
23 and legal description of the easement to be conveyed under
24 subsection (a) shall be determined by a survey satisfactory

1 to the Secretary. The cost of the survey shall be borne
2 by the Agency.

3 (e) **ADDITIONAL TERMS AND CONDITIONS.**—The
4 Secretary may require such additional terms and condi-
5 tions in connection with the easement under subsection (a)
6 as the Secretary considers appropriate to protect the inter-
7 ests of the United States.

8 **SEC. 2842. LAND CONVEYANCE, NAVAL RESERVE READI-**
9 **NESS CENTER, PORTLAND, MAINE.**

10 (a) **CONVEYANCE AUTHORIZED.**—The Secretary of
11 the Navy may convey to the Gulf of Maine Aquarium De-
12 velopment Corporation, Portland, Maine (in this section
13 referred to as the “Corporation”), all right, title, and in-
14 terest of the United States in and to a parcel of real prop-
15 erty, including improvements thereon and any appur-
16 tenant interest in submerged lands thereon, consisting of
17 approximately 3.72 acres in Portland, Maine, which is the
18 site of the Naval Reserve Readiness Center, Portland,
19 Maine.

20 (b) **PURPOSE.**—The purpose of the conveyance under
21 subsection (a) is to facilitate economic development in ac-
22 cordance with the plan of the Corporation for the con-
23 struction of an aquarium and marine research facility in
24 Portland, Maine.

1 (c) CONSIDERATION.—(1) As consideration for the
2 conveyance authorized by subsection (a), the Corporation
3 shall provide for such facilities as the Secretary deter-
4 mines appropriate for the Naval Reserve to replace the
5 facilities conveyed under that subsection.

6 (2) To provide the replacement facilities, the Cor-
7 poration may—

8 (A) convey to the United States a parcel of real
9 property determined by the Secretary to be an ap-
10 appropriate location for the facilities and design and
11 construct the facilities on the conveyed parcel; or

12 (B) design and construct the facilities on such
13 parcel of real property under the jurisdiction of the
14 Secretary as the Secretary shall specify.

15 (3) The Secretary shall select the form in which the
16 consideration under paragraph (2) will be provided.

17 (d) DESCRIPTION OF PROPERTY.—The exact acreage
18 and legal description of the real property to be conveyed
19 under subsection (a), and of the real property, if any, to
20 be conveyed under subsection (c), shall be determined by
21 surveys satisfactory to the Secretary. The cost of the sur-
22 veys shall be borne by the Corporation.

23 (e) ADDITIONAL TERMS AND CONDITIONS.—The
24 Secretary may require such additional terms and condi-
25 tions in connection with the conveyance under subsection

1 (a) as the Secretary considers appropriate to protect the
2 interest of the United States.

3 **SEC. 2843. LAND CONVEYANCE, NAVAL AND MARINE CORPS**
4 **RESERVE FACILITY, YOUNGSTOWN, OHIO.**

5 (a) CONVEYANCE AUTHORIZED.—The Secretary of
6 the Navy may convey, without consideration, to the City
7 of Youngstown, Ohio (in this section referred to as the
8 “City”), all right, title, and interest of the United States
9 in and to a parcel of excess real property, including im-
10 provements thereon, that is located at 315 East Laclede
11 Avenue in Youngstown, Ohio, and is the location of a
12 Naval and Marine Corps Reserve facility.

13 (b) PURPOSE.—The purpose of the conveyance under
14 subsection (a) is to permit the City to use the parcel for
15 educational purposes.

16 (c) DESCRIPTION OF PROPERTY.—The exact acreage
17 and legal description of the real property to be conveyed
18 under subsection (a) shall be determined by a survey satis-
19 factory to the Secretary. The cost of the survey shall be
20 borne by the City.

21 (d) ADDITIONAL TERMS AND CONDITIONS.—The
22 Secretary may require such additional terms and condi-
23 tions in connection with the conveyance under subsection
24 (a) as the Secretary considers appropriate to protect the
25 interests of the United States.

1 **PART III—AIR FORCE CONVEYANCES**

2 **SEC. 2851. LAND CONVEYANCE, LAKE CHARLES AIR FORCE**
3 **STATION, LOUISIANA.**

4 (a) CONVEYANCES AUTHORIZED.—The Secretary of
5 the Air Force may convey, without consideration, to
6 McNeese State University of Louisiana (in this section re-
7 ferred to as the “University”) all right, title, and interest
8 of the United States in and to a parcel of real property
9 (including improvements thereon) consisting of approxi-
10 mately 4.38 at Lake Charles Air Force Station, Louisiana,
11 for the purpose of permitting the University to use the
12 parcel for educational purposes and agricultural research.

13 (b) DESCRIPTION OF PROPERTY.—The exact acreage
14 and legal description of the real property to be conveyed
15 under subsection (a) shall be determined by a survey satis-
16 factory to the Secretary. The cost of the survey shall be
17 borne by the University.

18 (c) ADDITIONAL TERMS AND CONDITIONS.—The
19 Secretary may require such additional terms and condi-
20 tions in connection with the conveyance under subsection
21 (a) as the Secretary considers appropriate to protect the
22 interests of the United States.

23 **SEC. 2852. LAND CONVEYANCE, AIR FORCE HOUSING FACIL-**
24 **ITY, LA JUNTA, COLORADO.**

25 (a) CONVEYANCE REQUIRED.—The Secretary of the
26 Air Force may convey, without consideration, to the City

1 of La Junta, Colorado (in this section referred to as the
2 “City”), all right, title, and interest of the United States
3 in and to the unused Air Force housing facility, consisting
4 of approximately 28 acres and improvements thereon, lo-
5 cated within the southern most boundary of the City.

6 (b) PURPOSE OF CONVEYANCE.—The purpose of the
7 conveyance under subsection (a) is to permit the city to
8 develop the conveyed property for housing and educational
9 purposes.

10 (c) DESCRIPTION OF PROPERTY.—The exact acreage
11 and legal description of the property to be conveyed under
12 subsection (a) shall be determined by a survey satisfactory
13 to the Secretary. The cost of the survey shall be borne
14 by the City.

15 (d) ADDITIONAL TERMS AND CONDITIONS.—The
16 Secretary may require such additional terms and condi-
17 tions in connection with the conveyance under subsection
18 (a) as the Secretary considers appropriate to protect the
19 interests of the United States.

1 **Subtitle E—Other Matters**

2 **SEC. 2861. REPEAL OF PROHIBITION ON JOINT USE OF**
3 **GRAY ARMY AIRFIELD, FORT HOOD, TEXAS,**
4 **WITH CIVIL AVIATION.**

5 Section 319 of the National Defense Authorization
6 Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat.
7 3855) is repealed.

8 **SEC. 2862. DESIGNATION OF BUILDING CONTAINING NAVY**
9 **AND MARINE CORPS RESERVE CENTER, AU-**
10 **GUSTA, GEORGIA.**

11 The building containing the Navy and Marine Corps
12 Reserve Center located at 2869 Central Avenue in Au-
13 gusta, Georgia, shall be known and designated as the “A.
14 James Dyess Building”.

15 **SEC. 2863. EXPANSION OF ARLINGTON NATIONAL CEME-**
16 **TERY.**

17 (a) LAND TRANSFER, NAVY ANNEX, ARLINGTON,
18 VIRGINIA.—

19 (1) IN GENERAL.—The Secretary of Defense
20 shall provide for the transfer to the Secretary of the
21 Army of administrative jurisdiction over the follow-
22 ing parcels of land situated in Arlington, Virginia:

23 (A) Certain lands which comprise approxi-
24 mately 26 acres bounded by Columbia Pike to
25 the south and east, Oak Street to the west, and

1 the boundary wall of Arlington National Ceme-
2 tery to the north including Southgate Road.

3 (B) Certain lands which comprise approxi-
4 mately 8 acres bounded by Shirley Memorial
5 Boulevard (Interstate 395) to the south, prop-
6 erty of the Virginia Department of Transpor-
7 tation to the west, Columbia Pike to the north,
8 and Joyce Street to the east.

9 (C) Certain lands which comprise approxi-
10 mately 2.5 acres bounded by Shirley Memorial
11 Boulevard (Interstate 395) to the south, Joyce
12 Street to the west, Columbia Pike to the north,
13 and the cloverleaf interchange of Route 100
14 and Columbia Pike to the east.

15 (2) USE OF LAND.—The Secretary of the Army
16 shall incorporate the parcels of land transferred
17 under paragraph (1) into Arlington National Ceme-
18 tery.

19 (3) REMEDIATION OF LAND FOR CEMETERY
20 USE.—Before the transfer of administrative jurisdic-
21 tion over the parcels of land under paragraph (1),
22 the Secretary of Defense shall provide for the re-
23 moval of any improvements on the parcels of land
24 and, in consultation with the Superintendent of Ar-
25 lington National Cemetery, the preparation of the

1 land for use for interment of remains of individuals
2 in Arlington National Cemetery.

3 (4) REPORT.—Not later than 180 days after
4 the date of the enactment of this Act, the Secretary
5 of Defense shall submit to Congress a report ex-
6 plaining in detail the measures required to prepare
7 the land for use as a part of Arlington National
8 Cemetery.

9 (5) DEADLINE.—The Secretary of Defense shall
10 complete the transfer of administrative jurisdiction
11 over the parcels of land under this subsection not
12 later than the earlier of—

13 (A) January 1, 2010; or

14 (B) the date when those parcels are no
15 longer required (as determined by the Sec-
16 retary) for use as temporary office space due to
17 the renovation of the Pentagon.

18 (b) MODIFICATION OF BOUNDARY OF ARLINGTON
19 NATIONAL CEMETERY.—

20 (1) IN GENERAL.—The Secretary of the Army
21 shall modify the boundary of Arlington National
22 Cemetery to include the following parcels of land sit-
23 uated in Fort Myer, Arlington, Virginia:

24 (A) Certain lands which comprise approxi-
25 mately 5 acres bounded by the Fort Myer Post

1 Traditional Chapel to the southwest, McNair
2 Road to the northwest, the Vehicle Maintenance
3 Complex to the northeast, and the masonry wall
4 of Arlington National Cemetery to the south-
5 east.

6 (B) Certain lands which comprise approxi-
7 mately 3 acres bounded by the Vehicle Mainte-
8 nance Complex to the southwest, Jackson Ave-
9 nue to the northwest, the water pumping sta-
10 tion to the northeast, and the masonry wall of
11 Arlington National Cemetery to the southeast.

12 (2) REPORT.—Not later than 180 days after
13 the date of the enactment of this Act, the Secretary
14 of the Army shall submit to Congress a report de-
15 scribing additional parcels of land located in Fort
16 Myer, Arlington, Virginia, that may be suitable for
17 use to expand Arlington National Cemetery.

18 (3) SURVEY.—The Secretary of the Army may
19 determine the exact acreage and legal description of
20 the parcels of land described in paragraph (1) by a
21 survey.

1 **SEC. 2864. REPORTING REQUIREMENTS UNDER DEM-**
 2 **ONSTRATION PROJECT FOR PURCHASE OF**
 3 **FIRE, SECURITY, POLICE, PUBLIC WORKS,**
 4 **AND UTILITY SERVICES FROM LOCAL GOV-**
 5 **ERNMENT AGENCIES.**

6 Section 816(b) of the National Defense Authorization
 7 Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat.
 8 2820) is amended by striking out “and 1998” and insert-
 9 ing in lieu thereof “through 2000”.

10 **DIVISION C—DEPARTMENT OF**
 11 **ENERGY NATIONAL SECURITY**
 12 **AUTHORIZATIONS AND**
 13 **OTHER AUTHORIZATIONS**
 14 **TITLE XXXI—DEPARTMENT OF**
 15 **ENERGY NATIONAL SECURITY**
 16 **PROGRAMS**
 17 **Subtitle A—National Security**
 18 **Programs Authorizations**

19 **SEC. 3101. WEAPONS ACTIVITIES.**

20 (a) **IN GENERAL.**—Funds are hereby authorized to
 21 be appropriated to the Department of Energy for fiscal
 22 year 1999 for weapons activities in carrying out programs
 23 necessary for national security in the amount of
 24 \$4,142,100,000, to be allocated as follows:

25 (1) **STOCKPILE STEWARDSHIP.**—Funds are
 26 hereby authorized to be appropriated to the Depart-

1 ment of Energy for fiscal year 1999 for stockpile
2 stewardship in carrying out weapons activities nec-
3 essary for national security programs in the amount
4 of \$2,138,375,000, to be allocated as follows:

5 (A) For core stockpile stewardship,
6 \$1,591,375,000, to be allocated as follows:

7 (i) For operation and maintenance,
8 \$1,475,832,000.

9 (ii) For plant projects (including
10 maintenance, restoration, planning, con-
11 struction, acquisition, modification of fa-
12 cilities, and the continuation of projects
13 authorized in prior years, and land acquisi-
14 tion related thereto), \$115,543,000, to be
15 allocated as follows:

16 Project 99–D–102, rehabilitation
17 of maintenance facility, Lawrence
18 Livermore National Laboratory,
19 Livermore, California, \$6,500,000.

20 Project 99–D–103, isotope
21 sciences facility, Lawrence Livermore
22 National Laboratory, Livermore, Cali-
23 fornia, \$4,000,000.

24 Project 99–D–104, protection of
25 real property (roof reconstruction,

1 Phase II), Lawrence Livermore Na-
2 tional Laboratory, Livermore, Califor-
3 nia, \$7,300,000.

4 Project 99–D–105, central health
5 physics calibration facility, Los Ala-
6 mos National Laboratory, Los Ala-
7 mos, New Mexico, \$3,900,000.

8 Project 99–D–106, model valida-
9 tion and system certification test cen-
10 ter, Sandia National Laboratories, Al-
11 buquerque, New Mexico, \$1,600,000.

12 Project 99–D–107, joint com-
13 putational engineering laboratory,
14 Sandia National Laboratories, Albu-
15 querque, New Mexico, \$1,800,000.

16 Project 99–D–108, renovate ex-
17 isting roadways, Nevada Test Site,
18 Nevada, \$2,000,000.

19 Project 97–D–102, dual-axis ra-
20 diographic hydrotest facility, Los Ala-
21 mos National Laboratory, Los Ala-
22 mos, New Mexico, \$36,000,000.

23 Project 96–D–102, stockpile
24 stewardship facilities revitalization,

1 Phase VI, various locations,
2 \$20,423,000.

3 Project 96–D–103, ATLAS, Los
4 Alamos National Laboratory, Los Ala-
5 mos, New Mexico, \$6,400,000.

6 Project 96–D–104, processing
7 and environmental technology labora-
8 tory, Sandia National Laboratories,
9 Albuquerque, New Mexico,
10 \$18,920,000.

11 Project 96–D–105, contained fir-
12 ing facility addition, Lawrence Liver-
13 more National Laboratory, Livermore,
14 California, \$6,700,000.

15 (B) For inertial fusion, \$498,000,000, to
16 be allocated as follows:

17 (i) For operation and maintenance,
18 \$213,800,000.

19 (ii) For the following plant project
20 (including maintenance, restoration, plan-
21 ning, construction, acquisition, and modi-
22 fication of facilities, and land acquisition
23 related thereto), \$284,200,000, to be allo-
24 cated as follows:

1 Project 96–D–111, national igni-
2 tion facility, Lawrence Livermore Na-
3 tional Laboratory, Livermore, Califor-
4 nia, \$284,200,000.

5 (C) For technology partnership and edu-
6 cation, \$49,000,000, to be allocated as follows:

7 (i) For technology partnership,
8 \$40,000,000.

9 (ii) For education, \$9,000,000.

10 (2) STOCKPILE MANAGEMENT.—Funds are
11 hereby authorized to be appropriated to the Depart-
12 ment of Energy for fiscal year 1999 for stockpile
13 management in carrying out weapons activities nec-
14 essary for national security programs in the amount
15 of \$2,134,625,000, to be allocated as follows:

16 (A) For operation and maintenance,
17 \$2,019,303,000.

18 (B) For plant projects (including mainte-
19 nance, restoration, planning, construction, ac-
20 quisition, modification of facilities, and the con-
21 tinuation of projects authorized in prior years,
22 and land acquisition related thereto),
23 \$115,322,000, to be allocated as follows:

24 Project 99–D–122, rapid reactivation,
25 various locations, \$11,200,000.

1 Project 99–D–123, replace mechanical
2 utility systems Y–12, Oak Ridge, Ten-
3 nessee, \$1,900,000.

4 Project 99–D–125, replace boilers and
5 controls, Kansas City Plant, Kansas City,
6 Missouri, \$1,000,000.

7 Project 99–D–127, stockpile manage-
8 ment restructuring initiative, Kansas City
9 Plant, Kansas City, Missouri,
10 \$13,700,000.

11 Project 99–D–128, stockpile manage-
12 ment restructuring initiative, Pantex con-
13 solidation, Amarillo, Texas, \$1,108,000.

14 Project 99–D–132, stockpile manage-
15 ment restructuring initiative, nuclear mate-
16 rial safeguards and security upgrades
17 project, Los Alamos National Laboratory,
18 Los Alamos, New Mexico, \$9,700,000.

19 Project 98–D–123, stockpile manage-
20 ment restructuring initiative, tritium fac-
21 tory modernization and consolidation, Sa-
22 vannah River Site, Aiken, South Carolina,
23 \$27,500,000.

24 Project 98–D–124, stockpile manage-
25 ment restructuring initiative, Y–12 Plant

1 consolidation, Oak Ridge, Tennessee,
2 \$10,700,000.

3 Project 97–D–122, nuclear materials
4 storage facility renovation, Los Alamos
5 National Laboratory, Los Alamos, New
6 Mexico, \$9,164,000.

7 Project 97–D–123, structural up-
8 grades, Kansas City Plant, Kansas City,
9 Missouri, \$6,400,000.

10 Project 96–D–122, sewage treatment
11 quality upgrade (STQU), Pantex Plant,
12 Amarillo, Texas, \$3,700,000.

13 Project 95–D–102, chemistry and
14 metallurgy research (CMR) upgrades
15 project, Los Alamos National Laboratory,
16 Los Alamos, New Mexico, \$16,000,000.

17 Project 93–D–122, life safety up-
18 grades, Y–12 Plant, Oak Ridge, Ten-
19 nessee, \$3,250,000.

20 (3) PROGRAM DIRECTION.—Funds are hereby
21 authorized to be appropriated to the Department of
22 Energy for fiscal year 1999 for program direction in
23 carrying out weapons activities necessary for na-
24 tional security programs in the amount of
25 \$240,000,000.

1 (b) ADJUSTMENTS.—

2 (1) CONSTRUCTION.—The total amount author-
3 ized to be appropriated pursuant to paragraphs
4 (1)(A)(ii), (1)(B)(ii), and (2)(B) of subsection (a) is
5 the sum of the amounts authorized to be appro-
6 priated in those paragraphs, reduced by the sum of
7 \$30,000,000.

8 (2) NON-CONSTRUCTION.—The total amount
9 authorized to be appropriated pursuant to para-
10 graphs (1)(A)(i), (1)(B)(i), (1)(C), (2)(A), and (3)
11 of subsection (a) is the sum of the amounts author-
12 ized to be appropriated in those paragraphs, reduced
13 by the sum of \$340,900,000, to be derived from use
14 of prior year balances.

15 **SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND**
16 **WASTE MANAGEMENT.**

17 (a) IN GENERAL.—Funds are hereby authorized to
18 be appropriated to the Department of Energy for fiscal
19 year 1999 for environmental restoration and waste man-
20 agement in carrying out programs necessary for national
21 security in the amount of \$5,706,650,000, to be allocated
22 as follows:

23 (1) CLOSURE PROJECTS.—For closure projects
24 carried out in accordance with section 3143 of the
25 National Defense Authorization Act for Fiscal Year

1 1997 (Public Law 104–201; 110 Stat. 2836; 42
2 U.S.C. 7274n) in the amount of \$1,046,240,000.

3 (2) PRIVATIZATION.—For privatization projects
4 in carrying out environmental restoration and waste
5 management activities necessary for national secu-
6 rity programs in the amount of \$286,857,000.

7 (3) SITE PROJECT AND COMPLETION.—For site
8 project and completion in carrying out environ-
9 mental restoration and waste management activities
10 necessary for national security programs in the
11 amount of \$1,085,253,000, to be allocated as fol-
12 lows:

13 (A) For operation and maintenance,
14 \$886,090,000.

15 (B) For plant projects (including mainte-
16 nance, restoration, planning, construction, ac-
17 quisition, modification of facilities, and the con-
18 tinuation of projects authorized in prior years,
19 and land acquisition related thereto),
20 \$199,163,000, to be allocated as follows:

21 Project 99–D–402, tank farm support
22 services, F&H areas, Savannah River Site,
23 Aiken, South Carolina, \$2,745,000.

1 Project 99–D–404, health physics in-
2 strumentation laboratory, Idaho National
3 Engineering Laboratory, Idaho, \$950,000.

4 Project 98–D–401, H-tank farm
5 storm water systems upgrade, Savannah
6 River Site, Aiken, South Carolina,
7 \$3,120,000.

8 Project 98–D–453, plutonium sta-
9 bilization and handling system for pluto-
10 nium finishing plant, Richland, Washing-
11 ton, \$26,814,000.

12 Project 98–D–700, road rehabilita-
13 tion, Idaho National Engineering Labora-
14 tory, Idaho, \$7,710,000.

15 Project 97–D–450, Actinide packag-
16 ing and storage facility, Savannah River
17 Site, Aiken, South Carolina, \$79,184,000.

18 Project 97–D–470, environmental
19 monitoring laboratory, Savannah River
20 Site, Aiken, South Carolina, \$7,000,000.

21 Project 96–D–406, spent nuclear fuels
22 canister storage and stabilization facility,
23 Richland, Washington, \$38,680,000.

24 Project 96–D–408, waste manage-
25 ment upgrades, Kansas City Plant, Kansas

1 City, Missouri, and Savannah River Site,
2 Aiken, South Carolina, \$4,512,000.

3 Project 96–D–464, electrical and util-
4 ity systems upgrade, Idaho Chemical Proc-
5 essing Plant, Idaho National Engineering
6 Laboratory, Idaho, \$11,544,000.

7 Project 96–D–471, chlorofluorocarbon
8 heating, ventilation, and air conditioning
9 and chiller retrofit, Savannah River Site,
10 Aiken, South Carolina, \$8,000,000.

11 Project 95–D–456, security facilities
12 consolidation, Idaho Chemical Processing
13 Plant, Idaho National Engineering Labora-
14 tory, Idaho, \$485,000.

15 Project 92–D–140, F&H canyon ex-
16 haust upgrades, Savannah River Site,
17 Aiken, South Carolina, \$3,667,000.

18 Project 86–D–103, decontamination
19 and waste treatment facility, Lawrence
20 Livermore National Laboratory, Liver-
21 more, California, \$4,752,000.

22 (4) POST-2006 COMPLETION.—For post-2006
23 project completion in carrying out environmental
24 restoration and waste management activities nec-

1 essary for national security programs in the amount
2 of \$2,765,451,000, to be allocated as follows:

3 (A) For operation and maintenance,
4 \$2,684,195,000.

5 (B) For plant projects (including mainte-
6 nance, restoration, planning, construction, ac-
7 quisition, modification of facilities, and the con-
8 tinuation of projects authorized in prior years,
9 and land acquisition related thereto),
10 \$81,256,000, to be allocated as follows:

11 Project 99–D–403, privatization
12 phase I infrastructure support, Richland,
13 Washington, \$14,800,000.

14 Project 97–D–402, tank farm restora-
15 tion and safe operations, Richland, Wash-
16 ington, \$22,723,000.

17 Project 96–D–408, waste manage-
18 ment upgrades, Richland, Washington,
19 \$171,000.

20 Project 94–D–407, initial tank re-
21 trieval systems, Richland, Washington,
22 \$32,860,000.

23 Project 93–D–187, high-level waste
24 removal from filled waste tanks, Savannah

1 River Site, Aiken, South Carolina,
2 \$10,702,000.

3 (5) SCIENCE AND TECHNOLOGY.—For science
4 and technology in carrying out environmental res-
5 toration and waste management activities necessary
6 for national security programs in the amount of
7 \$270,750,000.

8 (6) PROGRAM DIRECTION.—For program direc-
9 tion in carrying out environmental restoration and
10 waste management activities necessary for national
11 security programs in the amount of \$346,199,000.

12 (b) ADJUSTMENT.—The total amount authorized to
13 be appropriated pursuant to paragraphs (1), (3)(A),
14 (4)(A), (5), and (6) of subsection (a) is the sum of the
15 amounts authorized to be appropriated in those para-
16 graphs, reduced by the sum of \$94,100,000, to be derived
17 from use of prior year balances.

18 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

19 (a) IN GENERAL.—Funds are hereby authorized to
20 be appropriated to the Department of Energy for fiscal
21 year 1999 for other defense activities in carrying out pro-
22 grams necessary for national security in the amount of
23 \$1,720,760,000, to be allocated as follows:

1 (1) NONPROLIFERATION AND NATIONAL SECUR-
2 RITY.—For nonproliferation and national security,
3 \$693,900,000, to be allocated as follows:

4 (A) For verification and control tech-
5 nology, \$500,500,000, to be allocated as fol-
6 lows:

7 (i) For nonproliferation and verifica-
8 tion research and development,
9 \$210,000,000.

10 (ii) For arms control, \$256,900,000.

11 (iii) For intelligence, \$33,600,000.

12 (B) For nuclear safeguards and security,
13 \$53,200,000.

14 (C) For security investigations,
15 \$30,000,000.

16 (D) For emergency management,
17 \$21,300,000.

18 (E) For program direction, \$88,900,000.

19 (2) WORKER AND COMMUNITY TRANSITION AS-
20 SISTANCE.—For worker and community transition
21 assistance, \$45,000,000, to be allocated as follows:

22 (A) For worker and community transition,
23 \$41,000,000.

24 (B) For program direction, \$4,000,000.

1 (3) FISSILE MATERIALS CONTROL AND DISPOSI-
2 TION.—For fissile materials control and disposition,
3 \$168,960,000, to be allocated as follows:

4 (A) For operation and maintenance,
5 \$111,372,000.

6 (B) For program direction, \$4,588,000.

7 (C) For plant projects (including mainte-
8 nance, restoration, planning, construction, ac-
9 quisition, modification of facilities, and the con-
10 tinuation of projects authorized in prior years,
11 and land acquisition related thereto),
12 \$53,000,000, to be allocated as follows:

13 Project 99–D–141, pit disassembly
14 and conversion facility, various locations,
15 \$25,000,000.

16 Project 99–D–143, mixed oxide fuel
17 fabrication facility, various locations,
18 \$28,000,000.

19 (4) ENVIRONMENT, SAFETY, AND HEALTH.—
20 For environment, safety, and health, defense,
21 \$94,000,000, to be allocated as follows:

22 (A) For the Office of Environment, Safety,
23 and Health (Defense), \$89,231,000.

24 (B) For program direction, \$4,769,000.

1 (5) OFFICE OF HEARINGS AND APPEALS.—For
2 the Office of Hearings and Appeals, \$2,400,000.

3 (6) INTERNATIONAL NUCLEAR SAFETY.—For
4 international nuclear safety, \$35,000,000.

5 (7) NAVAL REACTORS.—For naval reactors,
6 \$681,500,000, to be allocated as follows:

7 (A) For naval reactors development,
8 \$661,400,000, to be allocated as follows:

9 (i) For operation and maintenance,
10 \$639,600,000.

11 (ii) For plant projects (including
12 maintenance, restoration, planning, con-
13 struction, acquisition, modification of fa-
14 cilities, and the continuation of projects
15 authorized in prior years, and land acquisi-
16 tion related thereto), \$21,800,000, to be
17 allocated as follows:

18 GPN-101 general plant projects,
19 various locations, \$9,000,000.

20 Project 98-D-200, site labora-
21 tory/facility upgrade, various loca-
22 tions, \$7,000,000.

23 Project 90-N-102, expended core
24 facility dry cell project, Naval Reac-
25 tors Facility, Idaho, \$5,800,000.

1 (B) For program direction, \$20,100,000.

2 (b) ADJUSTMENT.—The total amount authorized to
3 be appropriated pursuant to this section is the sum of the
4 amounts authorized to be appropriated in paragraphs (1)
5 through (7) of subsection (a) reduced by the sum of
6 \$20,000,000.

7 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

8 Funds are hereby authorized to be appropriated to
9 the Department of Energy for fiscal year 1999 for pay-
10 ment to the Nuclear Waste Fund established in section
11 302(c) of the Nuclear Waste Policy Act of 1982 (42
12 U.S.C. 10222(c)) in the amount of \$190,000,000.

13 **Subtitle B—Recurring General**
14 **Provisions**

15 **SEC. 3121. REPROGRAMMING.**

16 (a) IN GENERAL.—Until the Secretary of Energy
17 submits to the congressional defense committees the re-
18 port referred to in subsection (b) and a period of 30 days
19 has elapsed after the date on which such committees re-
20 ceive the report, the Secretary may not use amounts ap-
21 propriated pursuant to this title for any program—

22 (1) in amounts that exceed, in a fiscal year—

23 (A) 110 percent of the amount authorized
24 for that program by this title; or

1 (B) \$1,000,000 more than the amount au-
2 thorized for that program by this title; or

3 (2) which has not been presented to, or re-
4 quested of, Congress.

5 (b) REPORT.—(1) The report referred to in sub-
6 section (a) is a report containing a full and complete state-
7 ment of the action proposed to be taken and the facts and
8 circumstances relied upon in support of such proposed ac-
9 tion.

10 (2) In the computation of the 30-day period under
11 subsection (a), there shall be excluded any day on which
12 either House of Congress is not in session because of an
13 adjournment of more than 3 days to a day certain.

14 (c) LIMITATIONS.—(1) In no event may the total
15 amount of funds obligated pursuant to this title exceed
16 the total amount authorized to be appropriated by this
17 title.

18 (2) Funds appropriated pursuant to this title may not
19 be used for an item for which Congress has specifically
20 denied funds.

21 **SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.**

22 (a) IN GENERAL.—The Secretary of Energy may
23 carry out any construction project under the general plant
24 projects authorized by this title if the total estimated cost
25 of the construction project does not exceed \$5,000,000.

1 (b) REPORT TO CONGRESS.—If, at any time during
2 the construction of any general plant project authorized
3 by this title, the estimated cost of the project is revised
4 because of unforeseen cost variations and the revised cost
5 of the project exceeds \$5,000,000, the Secretary shall im-
6 mediately furnish a complete report to the congressional
7 defense committees explaining the reasons for the cost
8 variation.

9 **SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

10 (a) IN GENERAL.—(1) Except as provided in para-
11 graph (2), construction on a construction project may not
12 be started or additional obligations incurred in connection
13 with the project above the total estimated cost, whenever
14 the current estimated cost of the construction project,
15 which is authorized by section 3101, 3102, or 3103, or
16 which is in support of national security programs of the
17 Department of Energy and was authorized by any pre-
18 vious Act, exceeds by more than 25 percent the higher
19 of—

20 (A) the amount authorized for the project; or

21 (B) the amount of the total estimated cost for
22 the project as shown in the most recent budget jus-
23 tification data submitted to Congress.

24 (2) An action described in paragraph (1) may be
25 taken if—

1 (A) the Secretary of Energy has submitted to
2 the congressional defense committees a report on the
3 actions and the circumstances making such action
4 necessary; and

5 (B) a period of 30 days has elapsed after the
6 date on which the report is received by the commit-
7 tees.

8 (3) In the computation of the 30-day period under
9 paragraph (2), there shall be excluded any day on which
10 either House of Congress is not in session because of an
11 adjournment of more than 3 days to a day certain.

12 (b) EXCEPTION.—Subsection (a) shall not apply to
13 any construction project which has a current estimated
14 cost of less than \$5,000,000.

15 **SEC. 3124. FUND TRANSFER AUTHORITY.**

16 (a) TRANSFER TO OTHER FEDERAL AGENCIES.—
17 The Secretary of Energy may transfer funds authorized
18 to be appropriated to the Department of Energy pursuant
19 to this title to other Federal agencies for the performance
20 of work for which the funds were authorized. Funds so
21 transferred may be merged with and be available for the
22 same purposes and for the same period as the authoriza-
23 tions of the Federal agency to which the amounts are
24 transferred.

1 (b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—

2 (1) Subject to paragraph (2), the Secretary of Energy may
3 transfer funds authorized to be appropriated to the De-
4 partment of Energy pursuant to this title between any
5 such authorizations. Amounts of authorizations so trans-
6 ferred may be merged with and be available for the same
7 purposes and for the same period as the authorization to
8 which the amounts are transferred.

9 (2) Not more than five percent of any such authoriza-
10 tion may be transferred between authorizations under
11 paragraph (1). No such authorization may be increased
12 or decreased by more than five percent by a transfer under
13 such paragraph.

14 (c) LIMITATION.—The authority provided by this sec-
15 tion to transfer authorizations—

16 (1) may only be used to provide funds for items
17 relating to activities necessary for national security
18 programs that have a higher priority than the items
19 from which the funds are transferred; and

20 (2) may not be used to provide funds for an
21 item for which Congress has specifically denied
22 funds.

23 (d) NOTICE TO CONGRESS.—The Secretary of En-
24 ergy shall promptly notify the Committee on Armed Serv-
25 ices of the Senate and the Committee on National Security

1 of the House of Representatives of any transfer of funds
2 to or from authorizations under this title.

3 **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUC-**
4 **TION DESIGN.**

5 (a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1)
6 Subject to paragraph (2) and except as provided in para-
7 graph (3), before submitting to Congress a request for
8 funds for a construction project that is in support of a
9 national security program of the Department of Energy,
10 the Secretary of Energy shall complete a conceptual de-
11 sign for that project.

12 (2) If the estimated cost of completing a conceptual
13 design for a construction project exceeds \$3,000,000, the
14 Secretary shall submit to Congress a request for funds for
15 the conceptual design before submitting a request for
16 funds for the construction project.

17 (3) The requirement in paragraph (1) does not apply
18 to a request for funds—

19 (A) for a construction project the total esti-
20 mated cost of which is less than \$5,000,000; or

21 (B) for emergency planning, design, and con-
22 struction activities under section 3126.

23 (b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1)
24 Within the amounts authorized by this title, the Secretary
25 of Energy may carry out construction design (including

1 architectural and engineering services) in connection with
2 any proposed construction project if the total estimated
3 cost for such design does not exceed \$600,000.

4 (2) If the total estimated cost for construction design
5 in connection with any construction project exceeds
6 \$600,000, funds for such design must be specifically au-
7 thorized by law.

8 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**
9 **SIGN, AND CONSTRUCTION ACTIVITIES.**

10 (a) **AUTHORITY.**—The Secretary of Energy may use
11 any funds available to the Department of Energy pursuant
12 to an authorization in this title, including those funds au-
13 thorized to be appropriated for advance planning and con-
14 struction design under sections 3101, 3102, and 3103, to
15 perform planning, design, and construction activities for
16 any Department of Energy national security program con-
17 struction project that, as determined by the Secretary,
18 must proceed expeditiously in order to protect public
19 health and safety, to meet the needs of national defense,
20 or to protect property.

21 (b) **LIMITATION.**—The Secretary may not exercise
22 the authority under subsection (a) in the case of any con-
23 struction project until the Secretary has submitted to the
24 congressional defense committees a report on the activities

1 that the Secretary intends to carry out under this section
2 and the circumstances making such activities necessary.

3 (c) SPECIFIC AUTHORITY.—The requirement of sec-
4 tion 3125(b)(2) does not apply to emergency planning, de-
5 sign, and construction activities conducted under this sec-
6 tion.

7 **SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECU-**
8 **RITY PROGRAMS OF THE DEPARTMENT OF**
9 **ENERGY.**

10 Subject to the provisions of appropriations Acts and
11 section 3121, amounts appropriated pursuant to this title
12 for management and support activities and for general
13 plant projects are available for use, when necessary, in
14 connection with all national security programs of the De-
15 partment of Energy.

16 **SEC. 3128. AVAILABILITY OF FUNDS.**

17 (a) IN GENERAL.—Except as provided in subsection
18 (b), when so specified in an appropriations Act, amounts
19 appropriated for operation and maintenance or for plant
20 projects may remain available until expended.

21 (b) EXCEPTION FOR PROGRAM DIRECTION FUNDS.—
22 Amounts appropriated for program direction pursuant to
23 an authorization of appropriations in subtitle A shall re-
24 main available to be expended only until the end of fiscal
25 year 2000.

1 **SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL**
2 **MANAGEMENT FUNDS.**

3 (a) **TRANSFER AUTHORITY FOR DEFENSE ENVIRON-**
4 **MENTAL MANAGEMENT FUNDS.**—The Secretary of En-
5 ergy shall provide the manager of each field office of the
6 Department of Energy with the authority to transfer de-
7 fense environmental management funds from a program
8 or project under the jurisdiction of the office to another
9 such program or project.

10 (b) **LIMITATIONS.**—(1) Only one transfer may be
11 made to or from any program or project under subsection
12 (a) in a fiscal year.

13 (2) The amount transferred to or from a program
14 or project under subsection (a) may not exceed \$5,000,000
15 in a fiscal year.

16 (3) A transfer may not be carried out by a manager
17 of a field office under subsection (a) unless the manager
18 determines that the transfer is necessary to address a risk
19 to health, safety, or the environment or to assure the most
20 efficient use of defense environmental management funds
21 at the field office.

22 (4) Funds transferred pursuant to subsection (a)
23 may not be used for an item for which Congress has spe-
24 cifically denied funds or for a new program or project that
25 has not been authorized by Congress.

1 (c) EXEMPTION FROM REPROGRAMMING REQUIRE-
2 MENTS.—The requirements of section 3121 shall not
3 apply to transfers of funds pursuant to subsection (a).

4 (d) NOTIFICATION.—The Secretary, acting through
5 the Assistant Secretary of Energy for Environmental
6 Management, shall notify Congress of any transfer of
7 funds pursuant to subsection (a) not later than 30 days
8 after such transfer occurs.

9 (e) DEFINITIONS.—In this section:

10 (1) The term “program or project” means, with
11 respect to a field office of the Department of En-
12 ergy, any of the following:

13 (A) A project listed in paragraph (3) or
14 (4) of section 3102.

15 (B) A program referred to in paragraph
16 (3), (4), or (5) of section 3102.

17 (C) A project or program not described in
18 subparagraph (A) or (B) that is for environ-
19 mental restoration or waste management activi-
20 ties necessary for national security programs of
21 the Department, that is being carried out by
22 the office, and for which defense environmental
23 management funds have been authorized and
24 appropriated before the date of enactment of
25 this Act.

1 by the contractor to carry out a contract entered into
2 under this section.”.

3 **SEC. 3132. EXTENSION OF FUNDING PROHIBITION RELAT-**
4 **ING TO INTERNATIONAL COOPERATIVE**
5 **STOCKPILE STEWARDSHIP.**

6 Section 3133(a) of the National Defense Authoriza-
7 tion Act for Fiscal Year 1998 (Public Law 105–85; 111
8 Stat. 2036) is amended by striking out “for fiscal year
9 1998” and inserting in lieu thereof “for any fiscal year”.

10 **SEC. 3133. USE OF CERTAIN FUNDS FOR MISSILE DEFENSE**
11 **TECHNOLOGY DEVELOPMENT.**

12 Of the funds authorized to be appropriated pursuant
13 to section 3101, the Secretary of Energy shall make avail-
14 able not less than \$60,000,000 for the purpose of develop-
15 ing, demonstrating, and testing hit-to-kill interceptor vehi-
16 cles for theater missile defense systems. The Secretary
17 shall carry out this section in cooperation with the Ballis-
18 tic Missile Defense Organization of the Department of De-
19 fense.

20 **SEC. 3134. SELECTION OF TECHNOLOGY FOR TRITIUM PRO-**
21 **DUCTION.**

22 (a) SELECTION OF TECHNOLOGY.—(1) Subject to
23 paragraph (2), the Secretary of Energy shall select a pri-
24 mary technology for the production of tritium not later
25 than December 31, 1999.

1 (2) The Secretary may not select a primary tech-
2 nology for the production of tritium until the date that
3 is the later of the following:

4 (A) The date occurring 30 days after the com-
5 pletion of the test program at the Watts Bar Nu-
6 clear Station, Tennessee.

7 (B) The date on which the report required by
8 subsection (b) is submitted.

9 (b) REPORT.—The Secretary of Energy shall submit
10 to Congress a report on the results of the test program
11 at the Watts Bar Nuclear Station. The report shall in-
12 clude—

13 (1) data on any leakage of tritium from the test
14 rods;

15 (2) the amount of tritium produced during the
16 test; and

17 (3) any other technical findings resulting from
18 the test.

19 **SEC. 3135. LIMITATION ON USE OF CERTAIN FUNDS AT**
20 **HANFORD SITE.**

21 (a) LIMITATION.—(1) None of the funds described in
22 subsection (b) may be used unless the Secretary of Energy
23 certifies to Congress not later than 90 days after the date
24 of the enactment of this Act that the Department of En-
25 ergy does not intend to pay overhead costs that exceed

1 more than 33 percent of total contract costs during fiscal
2 year 1999 for the Project Hanford Management Contract-
3 tors (at the Hanford Site, Richland, Washington), includ-
4 ing the prime contractor and subcontractors at any tier
5 (including Enterprise Company contractors).

6 (2) For purposes of paragraph (1), overhead costs in-
7 clude—

8 (A) indirect overhead costs, which include all
9 activities whose costs are spread across other ac-
10 counts of the contractor or site;

11 (B) support service overhead costs, which in-
12 clude activities or services for which programs pay
13 per unit used;

14 (C) all fee, awards, and other profit on indirect
15 and support service overhead costs, or fees that are
16 not attributable to performance on a single project;

17 (D) any portion of Enterprise Company costs
18 for which there is no competitive bid and which,
19 under the prior contract, had been an indirect or
20 service function; and

21 (E) all computer service and information man-
22 agement costs that had previously been reported in
23 indirect overhead or service center pool accounts.

24 (b) FUNDS.—The funds referred to in subsection (a)
25 are the following:

1 (1) \$12,000,000 for reactor decontamination
2 and decommissioning, as authorized to be appro-
3 priated by section 3102 and allocated under sub-
4 section (a)(4)(A).

5 (2) \$18,000,000 for single-shell tank drainage,
6 as authorized to be appropriated by section 3102
7 and allocated under subsection (a)(4)(A).

8 (c) USE OF SAVINGS.—The expected savings during
9 fiscal year 1999 from compliance with subsection (a) shall
10 be used at the Hanford Site for ensuring full compliance
11 with the Hanford Federal Facility Agreement and Consent
12 Order and recommendations of the Defense Nuclear Fa-
13 cilities Safety Board.

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

16 (1) overhead costs for contractors performing
17 environmental cleanup work at defense nuclear fa-
18 cilities are out of control;

19 (2) some of the increase in overhead costs can
20 be attributed to unnecessary regulation by the De-
21 partment of Energy; and

22 (3) the Department of Energy should take
23 whatever actions possible to minimize any increased
24 costs of contractor overhead that are attributable to
25 unnecessary regulation by the Department.

1 **SEC. 3136. HANFORD TANK CLEANUP PROGRAM REFORMS.**

2 (a) ESTABLISHMENT OF OFFICE OF RIVER PROTEC-
3 TION.—The Secretary of Energy shall establish an office
4 at the Hanford Reservation, Richland, Washington, to be
5 known as the “Office of River Protection”.

6 (b) MANAGEMENT.—The Office shall be headed by
7 a senior official of the Department of Energy, who shall
8 be responsible for managing all aspects of the Tank Waste
9 Remediation System (also referred to as the Hanford
10 Tank Farm operations), including those portions under
11 privatization contracts, of the Department of Energy at
12 the Hanford Reservation. The Office shall be responsible
13 for developing the integrated management plan under sub-
14 section (d).

15 (c) DEPARTMENT OF ENERGY RESPONSIBILITIES.—
16 The Secretary of Energy shall—

17 (1) provide the manager of the Office of River
18 Protection with the resources and personnel nec-
19 essary to manage the tank waste privatization pro-
20 gram in an efficient and streamlined manner; and

21 (2) establish a five-member advisory committee,
22 including the manager of the Richland operations of-
23 fice and a representative of the Office of Privatiza-
24 tion and Contract Reform, to advise the Office.

25 (d) INTEGRATED MANAGEMENT PLAN.—Not later
26 than 90 days after the date of the enactment of this Act,

1 the Secretary of Energy shall submit to the Committee
2 on Armed Services of the Senate and the Committee on
3 National Security of the House of Representatives an inte-
4 grated management plan for all aspects of the Hanford
5 Tank Farm operations, including the roles, responsibil-
6 ities, and reporting relationships of the Office of River
7 Protection. In developing the plan, the Secretary shall con-
8 sider the extent to which the Office should be physically
9 and administratively separate from the Richland oper-
10 ations office.

11 (e) REPORT.—After the Office of River Protection
12 has been in operation for two years, the Secretary of En-
13 ergy shall submit to Congress a report on the success of
14 the Tank Waste Remediation System and the Office in
15 improving the management structure of the Department
16 of Energy.

17 (f) TERMINATION.—The Office of River Protection
18 shall terminate after it has been in operation for five
19 years, unless the Secretary of Energy determines that
20 such termination would disrupt effective management of
21 Hanford Tank Farm operations. The Secretary shall in-
22 form the Committee on Armed Services of the Senate and
23 the Committee on National Security of the House of Rep-
24 resentatives of this determination in writing.

1 **Subtitle D—Other Matters**

2 **SEC. 3151. TERMINATION OF WORKER AND COMMUNITY**
3 **TRANSITION ASSISTANCE.**

4 (a) **PROHIBITION.**—No funds may be used by the
5 Secretary of Energy after September 30, 2000, to provide
6 worker or community transition assistance with respect to
7 defense nuclear facilities, including assistance provided
8 under section 3161 of the National Defense Authorization
9 Act for Fiscal Year 1993 (42 U.S.C. 7274h).

10 (b) **REPEAL.**—Effective October 1, 2000, section
11 3161 of the National Defense Authorization Act for Fiscal
12 Year 1993 (42 U.S.C. 7274h) is repealed.

13 (c) **STUDY BY THE GENERAL ACCOUNTING OF-**
14 **FICE.**—

15 (1) **STUDY REQUIREMENT.**—The Comptroller
16 General shall conduct a study on the effects of work-
17 force restructuring plans for defense nuclear facili-
18 ties developed pursuant to section 3161 of the Na-
19 tional Defense Authorization Act for Fiscal Year
20 1993 (42 U.S.C. 7274h).

21 (2) **MATTERS COVERED BY STUDY.**—The study
22 shall cover the four-year period preceding the date
23 of the enactment of this Act and shall include the
24 following:

1 (A) An analysis of the number of jobs cre-
2 ated by any employee retraining, education, and
3 reemployment assistance and any community
4 impact assistance provided in each workforce
5 restructuring plan developed pursuant to sec-
6 tion 3161 of the National Defense Authoriza-
7 tion Act for Fiscal Year 1993.

8 (B) An analysis of other benefits provided
9 pursuant to such plans, including any assist-
10 ance provided to community reuse organiza-
11 tions.

12 (C) A description of the funds expended,
13 and the funds obligated but not expended, pur-
14 suant to such plans as of the date of the report.

15 (D) A description of the criteria used since
16 October 23, 1992, in providing assistance pur-
17 suant to such plans.

18 (E) A comparison of any similar benefits
19 provided—

20 (i) pursuant to such a plan to employ-
21 ees whose employment at the defense nu-
22 clear facility covered by the plan is termi-
23 nated; and

24 (ii) to employees whose employment at
25 a facility where more than 50 percent of

1 the revenues are derived from contracts
2 with the Department of Defense has been
3 terminated as a result of cancellation, ter-
4 mination, or completion of contracts with
5 the Department of Defense and the em-
6 ployees whose employment is terminated
7 constitute more than 15 percent of the em-
8 ployees at that facility.

9 (F) A comparison of—

10 (i) involuntary separation benefits
11 provided to employees of Department of
12 Energy contractors and subcontractors
13 under such plans; and

14 (ii) involuntary separation benefits
15 provided to employees of the Federal Gov-
16 ernment.

17 (G) A comparison of costs to the Federal
18 Government (including costs of involuntary sep-
19 aration benefits) for—

20 (i) involuntary separations of employ-
21 ees of Department of Energy contractors
22 and subcontractors; and

23 (ii) involuntary separations of employ-
24 ees of contractors and subcontractors of

1 other Federal Government departments
2 and agencies.

3 (H) A description of the length of service
4 and hiring dates of employees of Department of
5 Energy contractors and subcontractors provided
6 benefits under such plans in the two-year period
7 preceding the date of the enactment of this Act.

8 (3) REPORT ON STUDY.—The Comptroller Gen-
9 eral shall submit a report to Congress on the results
10 of the study not later than March 31, 1999.

11 (4) DEFINITION.—In this section, the term “de-
12 fense nuclear facility” has the meaning provided the
13 term “Department of Energy defense nuclear facil-
14 ity” in section 3163 of the National Defense Author-
15 ization Act for Fiscal Year 1993 (Public Law 102–
16 484; 42 U.S.C. 7274j).

17 (d) EFFECT ON USEC PRIVATIZATION ACT.—(1)
18 Section 3110(a)(5) of the USEC Privatization Act (Public
19 Law 104–134; 110 Stat. 1321–341; 42 U.S.C. 2297h–
20 8(a)(5)) is amended by adding at the end the following:
21 “With respect to such section 3161, the Secretary shall,
22 on and after the effective date of the repeal of such sec-
23 tion, provide assistance to any such employee in accord-
24 ance with the terms of such section as in effect on the
25 day before the effective date of its repeal.”.

1 (2) After the effective date of the repeal of section
2 3161 of the National Defense Authorization Act for Fiscal
3 Year 1993 (42 U.S.C. 7274h), no funds appropriated to
4 the Department of Energy for atomic energy defense ac-
5 tivities may be used to provide assistance under that sec-
6 tion (by reason of the amendment made by paragraph (1))
7 to the adversely affected employees described in section
8 3110(a)(5) of the USEC Privatization Act (Public Law
9 104–134; 110 Stat. 1321–341; 42 U.S.C. 2297h–8(a)(5)).

10 **SEC. 3152. REQUIREMENT FOR PLAN TO MODIFY EMPLOY-**
11 **MENT SYSTEM USED BY DEPARTMENT OF EN-**
12 **ERGY IN DEFENSE ENVIRONMENTAL MAN-**
13 **AGEMENT PROGRAMS.**

14 (a) **PLAN REQUIREMENT.**—(1) The Secretary of En-
15 ergy shall develop a plan to modify the Federal employ-
16 ment system used within the defense environmental man-
17 agement programs of the Department of Energy to allow
18 for workforce restructuring in those programs.

19 (2) The plan shall address strategies to recruit and
20 hire—

21 (A) individuals with a high degree of scientific
22 and technical competence in the areas of nuclear and
23 toxic waste remediation and environmental restora-
24 tion; and

1 (B) individuals with the necessary skills to
2 manage large construction and environmental reme-
3 diation projects.

4 (3) The plan shall include an identification of the pro-
5 visions of Federal law that would need to be changed to
6 allow the Secretary of Energy to restructure the Depart-
7 ment of Energy defense environmental management work-
8 force to hire individuals described in paragraph (2), while
9 staying within any numerical limitations required by law
10 (including section 3161 of Public Law 103–337 (42
11 U.S.C. 7231 note)) on employment of such individuals.

12 (b) REPORT.—The Secretary shall submit to Con-
13 gress a report on the plan developed under subsection (a).

14 (c) LIMITATION ON USE OF CERTAIN FUNDS.—The
15 Secretary of Energy may not use more than 75 percent
16 of the funds available to the Secretary pursuant to the
17 authorization of appropriations in section 3102(a)(6) (re-
18 lating to program direction) until the Secretary submits
19 the report required by subsection (b).

20 **SEC. 3153. REPORT ON STOCKPILE STEWARDSHIP CRI-**
21 **TERIA.**

22 (a) REQUIREMENT FOR CRITERIA.—The Secretary of
23 Energy shall develop clear and specific criteria for judging
24 whether the science-based tools being used by the Depart-
25 ment of Energy for determining the safety and reliability

1 of the nuclear weapons stockpile are performing in a man-
2 ner that will provide an adequate degree of certainty that
3 the stockpile is safe and reliable.

4 (b) REPORT.—Not later than March 1, 1999, the
5 Secretary of Energy shall submit to the Committee on
6 Armed Services of the Senate and the Committee on Na-
7 tional Security of the House of Representatives a report
8 on the efforts by the Department of Energy to develop
9 the criteria required by subsection (a). The report shall
10 include—

11 (1) a description of the information needed to
12 determine that the nuclear weapons stockpile is safe
13 and reliable and the relationship of the science-based
14 tools to the collection of that information; and

15 (2) a description of the criteria required by sub-
16 section (a) to the extent they have been defined as
17 of the date of the submission of the report.

18 **SEC. 3154. PROHIBITION ON USE OF TRITIUM PRODUCED**
19 **IN FACILITIES LICENSED UNDER THE ATOMIC**
20 **ENERGY ACT FOR NUCLEAR EXPLOSIVE PUR-**
21 **POSES.**

22 (a) PROHIBITION.—Section 57(e) of the Atomic En-
23 ergy Act of 1954 (42 U.S.C. 2077(e)) is amended by in-
24 serting after “section 11,” the following: “or tritium”.

1 (b) CONFORMING AMENDMENT.—Section 108 of
2 such Act (42 U.S.C. 2138) is amended by inserting “or
3 tritium” after “special nuclear material” in the second
4 and third sentences each place it appears.

5 **SEC. 3155. HAZARDOUS MATERIALS MANAGEMENT AND**
6 **EMERGENCY RESPONSE TRAINING PRO-**
7 **GRAM.**

8 The Secretary of Energy may enter into partnership
9 arrangements with Federal and non-Federal entities to
10 share the costs of operating the hazardous materials man-
11 agement and hazardous materials emergency response
12 training program authorized under section 3140(a) of the
13 National Defense Authorization Act for Fiscal Year 1995
14 (Public Law 103–337; 108 Stat. 3088). Such arrange-
15 ments may include the exchange of equipment and serv-
16 ices, in lieu of payment for the training program.

17 **SEC. 3156. ADVANCED TECHNOLOGY RESEARCH PROJECT.**

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

19 (1) Currently in the post-cold war world, there
20 are new opportunities to facilitate international po-
21 litical and scientific cooperation on cost-effective, ad-
22 vanced, and innovative nuclear management tech-
23 nologies.

24 (2) There is increasing public interest in mon-
25 itoring and remediation of nuclear waste.

1 (3) It is in the best interest of the United
2 States to explore and develop options with the inter-
3 national community to facilitate the exchange of
4 evolving advanced nuclear wastes technologies.

5 (4) The Advanced Technology Research Project
6 facilitates an international clearinghouse and mar-
7 ketplace for advanced nuclear technologies.

8 (b) SENSE OF THE CONGRESS.—It is the sense of
9 the Congress that the President should instruct the Sec-
10 retary of Energy, in consultation with the Secretary of
11 State, the Secretary of Defense, the Administrator of the
12 Environmental Protection Agency, and other officials as
13 appropriate, to consider the Advanced Technology Re-
14 search Project and submit to the Committee on Armed
15 Services of the Senate and the Committee on National Se-
16 curity of the House of Representatives a report containing
17 the following:

18 (1) An assessment of whether the United States
19 should encourage the establishment of an inter-
20 national project to facilitate the international ex-
21 change of information (including costs data) relating
22 to advanced nuclear waste technologies, including
23 technologies for solid and liquid radioactive wastes
24 and contaminated soils and sediments.

1 (2) An assessment of whether such a project
2 could be funded privately through industry, public
3 interest, and scientific organizations and adminis-
4 tered by an international nongovernmental organiza-
5 tion, with operations in the United States, Russia,
6 and other countries that have an interest in develop-
7 ing such technologies.

8 (3) Recommendations for any legislation that
9 the Secretary of Energy believes would be required
10 to enable such a project to be undertaken.

11 **TITLE XXXII—DEFENSE NU-**
12 **CLEAR FACILITIES SAFETY**
13 **BOARD**

14 **SEC. 3201. AUTHORIZATION.**

15 There are authorized to be appropriated for fiscal
16 year 1999, \$17,500,000 for the operation of the Defense
17 Nuclear Facilities Safety Board under chapter 21 of the
18 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

19 **TITLE XXXIII—NATIONAL**
20 **DEFENSE STOCKPILE**

21 **SEC. 3301. DEFINITIONS.**

22 In this title:

23 (1) The term “National Defense Stockpile”
24 means the stockpile provided for in section 4 of the

1 Strategic and Critical Materials Stock Piling Act (50
2 U.S.C. 98*e*).

3 (2) The term “National Defense Stockpile
4 Transaction Fund” means the fund in the Treasury
5 of the United States established under section 9(a)
6 of the Strategic and Critical Materials Stock Piling
7 Act (50 U.S.C. 98h(a)).

8 **SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.**

9 (a) OBLIGATION OF STOCKPILE FUNDS.—During fis-
10 cal year 1999, the National Defense Stockpile Manager
11 may obligate up to \$82,647,000 of the funds in the Na-
12 tional Defense Stockpile Transaction Fund for the author-
13 ized uses of such funds under section 9(b)(2) of the Stra-
14 tegic and Critical Materials Stock Piling Act (50 U.S.C.
15 98h(b)(2)).

16 (b) ADDITIONAL OBLIGATIONS.—The National De-
17 fense Stockpile Manager may obligate amounts in excess
18 of the amount specified in subsection (a) if the National
19 Defense Stockpile Manager notifies Congress that extraor-
20 dinary or emergency conditions necessitate the additional
21 obligations. The National Defense Stockpile Manager may
22 make the additional obligations described in the notifica-
23 tion after the end of the 45-day period beginning on the
24 date Congress receives the notification.

1 (c) LIMITATIONS.—The authorities provided by this
2 section shall be subject to such limitations as may be pro-
3 vided in appropriations Acts.

4 **TITLE XXXIV—NAVAL**
5 **PETROLEUM RESERVES**

6 **SEC. 3401. DEFINITIONS.**

7 In this title:

8 (1) The term “naval petroleum reserves” has
9 the meaning given the term in section 7420(2) of
10 title 10, United States Code.

11 (2) The term “Naval Petroleum Reserve Num-
12 bered 2” means the naval petroleum reserve, com-
13 monly referred to as the Buena Vista unit, that is
14 located in Kern County, California, and was estab-
15 lished by Executive order of the President, dated
16 December 13, 1912.

17 (3) The term “Naval Petroleum Reserve Num-
18 bered 3” means the naval petroleum reserve, com-
19 monly referred to as the Teapot Dome unit, that is
20 located in the State of Wyoming and was established
21 by Executive order of the President, dated April 30,
22 1915.

23 (4) The term “Oil Shale Reserve Numbered 2”
24 means the naval petroleum reserve that is located in

1 the State of Utah and was established by Executive
2 order of the President, dated December 6, 1916.

3 (5) The term “antitrust laws” means has the
4 meaning given the term in section 1(a) of the Clay-
5 ton Act (15 U.S.C. 12(a)), except that the term also
6 includes—

7 (A) the Act of June 19, 1936 (15 U.S.C.
8 13 et seq.; commonly known as the Robinson-
9 Patman Act); and

10 (B) section 5 of the Federal Trade Com-
11 mission Act (15 U.S.C. 45), to the extent that
12 such section applies to unfair methods of com-
13 petition.

14 (6) The term “general land laws” includes the
15 Mineral Leasing Act (30 U.S.C. 181 et seq.) and the
16 Materials Act of 1947 (30 U.S.C. 601 et seq.), but
17 excludes the Mining Law of 1872 (30 U.S.C. 22 et
18 seq.).

19 (7) The term “petroleum” has the meaning
20 given the term in section 7420(3) of title 10, United
21 States Code.

22 **SEC. 3402. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) AUTHORIZATION OF APPROPRIATIONS.—There
24 are hereby authorized to be appropriated to the Secretary

1 of Energy \$22,500,000 for fiscal year 1999 for the pur-
2 pose of carrying out—

3 (1) activities under chapter 641 of title 10,
4 United States Code, relating to the naval petroleum
5 reserves;

6 (2) closeout activities at Naval Petroleum Re-
7 serve Numbered 1 upon the sale of that reserve
8 under subtitle B of title XXXIV of the National De-
9 fense Authorization Act for fiscal year 1996 (Public
10 Law 104–106; 10 U.S.C. 7420 note); and

11 (3) activities under this title relating to the dis-
12 position of Naval Petroleum Reserve Numbered 2,
13 Naval Petroleum Reserve Numbered 3, and Oil
14 Shale Reserve Numbered 2.

15 (b) AVAILABILITY OF APPROPRIATIONS.—Funds ap-
16 propriated pursuant to the authorization of appropriations
17 in subsection (a) shall remain available until expended.

18 **SEC. 3403. PRICE REQUIREMENT ON SALE OF CERTAIN PE-**

19 **TROLEUM DURING FISCAL YEAR 1999.**

20 Notwithstanding section 7430(b)(2) of title 10,
21 United States Code, during fiscal year 1999, any sale of
22 any part of the United States share of petroleum produced
23 from Naval Petroleum Reserve Numbered 2 or Naval Pe-
24 troleum Reserve Numbered 3, shall be made at a price
25 not less than 90 percent of the current sales price, as esti-

1 mated by the Secretary of Energy, of comparable petro-
2 leum in the same area.

3 **SEC. 3404. DISPOSAL OF NAVAL PETROLEUM RESERVE**
4 **NUMBERED 2.**

5 (a) DISPOSAL OF FORD CITY LOTS.—(1) Subject to
6 section 3407, the Secretary of Energy shall dispose of that
7 portion of Naval Petroleum Reserve Numbered 2 located
8 within the town lots in Ford City, California, as generally
9 depicted on the map of Naval Petroleum Reserve Num-
10 bered 2 that accompanies the report of the Secretary enti-
11 tled “Report and Recommendations on the Management
12 and Disposition of the Naval Petroleum and Oil Shale Re-
13 serves (Excluding Elk Hills)”, dated March 1997.

14 (2) The Secretary of Energy may carry out the dis-
15 posal of that portion of Naval Petroleum Reserve Num-
16 bered 2 described in paragraph (1) by competitive sale or
17 lease consistent with commercial practices, by transfer to
18 another Federal agency or a public or private entity, or
19 by any other means. Any competitive sale or lease under
20 this subsection shall provide for the disposal of all right,
21 title, and interest of the United States in the property to
22 be conveyed. The Secretary of Energy may use the author-
23 ity provided by the Act of June 14, 1926 (43 U.S.C. 869
24 et seq.; commonly known as the Recreation and Public
25 Purposes Act), in the same manner and to the same extent

1 as the Secretary of the Interior, to dispose of that portion
2 of Naval Petroleum Reserve Numbered 2 described in
3 paragraph (1).

4 (3) The Secretary of Energy may extend to a pur-
5 chaser or other transferee of property under this sub-
6 section such indemnities and warranties as the Secretary
7 considers reasonable and necessary to protect the pur-
8 chaser or transferee from claims arising from the owner-
9 ship of the property by the United States or the adminis-
10 tration of the property by the Secretary of Energy.

11 (b) EVENTUAL TRANSFER OF ADMINISTRATIVE JU-
12 RISDICTION.—(1) The Secretary of Energy shall continue
13 to administer Naval Petroleum Reserve Numbered 2
14 (other than the portion of the reserve subject to disposal
15 under subsection (a)) in accordance with chapter 641 of
16 title 10, United States Code, until such time as the Sec-
17 retary makes a determination to abandon oil and gas oper-
18 ations in Naval Petroleum Reserve Numbered 2 in accord-
19 ance with commercial operating practices.

20 (2) After oil and gas operations are abandoned in
21 Naval Petroleum Reserve Numbered 2 under paragraph
22 (1), the Secretary of Energy shall transfer to the Sec-
23 retary of the Interior administrative jurisdiction and con-
24 trol over all public domain lands included within Naval
25 Petroleum Reserve Numbered 2 (other than the portion

1 of the reserve subject to disposal under subsection (a)) for
2 management in accordance with the general land laws.

3 (c) RELATIONSHIP TO ANTITRUST LAWS.—This sec-
4 tion does not modify, impair, or supersede the operation
5 of the antitrust laws.

6 **SEC. 3405. DISPOSAL OF NAVAL PETROLEUM RESERVE**
7 **NUMBERED 3.**

8 (a) CONTINUED ADMINISTRATION PENDING TERMI-
9 NATION OF OPERATIONS.—The Secretary of Energy shall
10 continue to administer Naval Petroleum Reserve Num-
11 bered 3 in accordance with chapter 641 of title 10, United
12 States Code, until such time as the Secretary makes a de-
13 termination to abandon oil and gas operations in Naval
14 Petroleum Reserve Numbered 3 in accordance with com-
15 mercial operating practices.

16 (b) DISPOSAL AUTHORITY.—(1) After oil and gas op-
17 erations are abandoned in Naval Petroleum Reserve Num-
18 bered 3, the Secretary of Energy may dispose of, subject
19 to section 3407, the reserve by sale, lease, transfer, or
20 other means. Any sale or lease shall provide for the dis-
21 posal of all right, title, and interest of the United States
22 in the property to be conveyed and shall be conducted in
23 accordance with competitive procedures consistent with
24 commercial practices, as established by the Secretary of
25 Energy.

1 (2) The Secretary of Energy may extend to a pur-
2 chaser or other transferee of property under this sub-
3 section such indemnities and warranties as the Secretary
4 considers reasonable and necessary to protect the pur-
5 chaser or transferee from claims arising from the owner-
6 ship of the property by the United States or the adminis-
7 tration of the property by the Secretary of Energy.

8 (c) RELATIONSHIP TO ANTITRUST LAWS.—This sec-
9 tion does not modify, impair, or supersede the operation
10 of the antitrust laws.

11 **SEC. 3406. DISPOSAL OF OIL SHALE RESERVE NUMBERED 2.**

12 (a) TRANSFER OF ADMINISTRATIVE JURISDIC-
13 TION.—Subject to section 3407, effective September 30,
14 1999, the Secretary of Energy shall transfer to the Sec-
15 retary of the Interior administrative jurisdiction and con-
16 trol over all public domain lands included within Oil Shale
17 Reserve Numbered 2 for management in accordance with
18 the general land laws.

19 (b) RELATIONSHIP TO INDIAN RESERVATION.—The
20 transfer of administrative jurisdiction under this section
21 does not affect any interest, right, or obligation respecting
22 the Uintah and Ouray Indian Reservation located in Oil
23 Shale Reserve Numbered 2.

1 **SEC. 3407. ADMINISTRATION.**

2 (a) **CONTRACT AUTHORITY.**—Using the authority
3 provided by section 303(c)(7) of the Federal Property and
4 Administrative Services Act of 1949 (41 U.S.C.
5 253(c)(7)), the Secretary of Energy and the Secretary of
6 the Interior may separately enter into contracts for the
7 acquisition of such services as the Secretary considers nec-
8 essary to carry out the requirements of this title, except
9 that the notification required under subparagraph (B) of
10 such section for each such contract shall be submitted to
11 Congress not less than seven days before the award of the
12 contract.

13 (b) **PROTECTION OF EXISTING RIGHTS.**—At the dis-
14 cretion of the Secretary of Energy, the disposal of prop-
15 erty under this title shall be subject to any contract related
16 to the United States ownership interest in the property
17 in effect at the time of disposal, including any lease agree-
18 ment pertaining to the United States interest in Naval Pe-
19 troleum Reserve Numbered 2.

20 (c) **DEPOSIT OF RECEIPTS.**—Notwithstanding any
21 other law, all monies received by the United States from
22 the disposal of property under this title or under section
23 7439 of title 10, United States Code, including monies re-
24 ceived from a lease entered into under this title or such
25 section, shall be deposited in the general fund of the
26 Treasury.

1 (d) TREATMENT OF ROYALTIES.—Any petroleum ac-
2 cruing to the United States as royalty from any lease of
3 lands transferred under this title or under section 7439
4 of title 10, United States Code, shall be delivered to the
5 United States, or shall be paid for in money, as the Sec-
6 retary of the Interior may elect.

7 (e) ELEMENTS OF LEASE.—A lease under this title
8 may provide for the exploration for, and development and
9 production of, petroleum, other than petroleum in the
10 form of oil shale.

11 (f) RELATIONSHIP TO CURRENT LAW.—Except as
12 otherwise provided in this title, chapter 641 of title 10,
13 United States Code, does not apply to the disposal of prop-
14 erty under this title and ceases to apply to property in
15 Naval Petroleum Reserve Numbered 2, Naval Petroleum
16 Reserve Numbered 3, and Oil Shale Reserve Numbered
17 2, upon the final disposal of the property.

18 **SEC. 3408. TREATMENT OF STATE OF CALIFORNIA CLAIM**
19 **REGARDING NAVAL PETROLEUM RESERVE**
20 **NUMBERED 1.**

21 Section 3415(b) of the National Defense Authoriza-
22 tion Act for Fiscal Year 1996 (Public Law 104–106; 10
23 U.S.C. 7420 note) is amended by striking out the first
24 sentence and inserting in lieu thereof the following:
25 “Amounts in the contingent fund shall be available for

1 paying a claim described in subsection (a) in accordance
2 with the terms of, and the payment schedule contained
3 in, the Settlement Agreement entered into between the
4 State of California and the Department of Energy, dated
5 October 11, 1996, and supplemented on December 10,
6 1997. The Secretary shall modify the Settlement Agree-
7 ment to negate the requirements of the Settlement Agree-
8 ment with respect to the request for and appropriation of
9 funds.”.

10 **TITLE XXXV—PANAMA CANAL**
11 **COMMISSION**

12 **SEC. 3501. SHORT TITLE; REFERENCES TO PANAMA CANAL**
13 **ACT OF 1979.**

14 (a) **SHORT TITLE.**—This title may be cited as the
15 “Panama Canal Commission Authorization Act for Fiscal
16 Year 1999”.

17 (b) **REFERENCES TO PANAMA CANAL ACT OF**
18 **1979.**—Except as otherwise expressly provided, whenever
19 in this title an amendment or repeal is expressed in terms
20 of an amendment to, or repeal of, a section or other provi-
21 sion, the reference shall be considered to be made to a
22 section or other provision of the Panama Canal Act of
23 1979 (22 U.S.C. 3601 et seq.).

1 **SEC. 3502. AUTHORIZATION OF EXPENDITURES.**

2 (a) IN GENERAL.—Subject to subsection (b), the
3 Panama Canal Commission is authorized to use amounts
4 in the Panama Canal Revolving Fund to make such ex-
5 penditures within the limits of funds and borrowing au-
6 thority available to it in accordance with law, and to make
7 such contracts and commitments, as may be necessary
8 under the Panama Canal Act of 1979 (22 U.S.C. 3601
9 et seq.) for the operation, maintenance, improvement, and
10 administration of the Panama Canal for fiscal year 1999.

11 (b) LIMITATIONS.—For fiscal year 1999, the Panama
12 Canal Commission may expend from funds in the Panama
13 Canal Revolving Fund not more than \$90,000 for official
14 reception and representation expenses, of which—

15 (1) not more than \$28,000 may be used for of-
16 ficial reception and representation expenses of the
17 Supervisory Board of the Commission;

18 (2) not more than \$14,000 may be used for of-
19 ficial reception and representation expenses of the
20 Secretary of the Commission; and

21 (3) not more than \$48,000 may be used for of-
22 ficial reception and representation expenses of the
23 Administrator of the Commission.

24 **SEC. 3503. PURCHASE OF VEHICLES.**

25 Notwithstanding any other provision of law, the
26 funds available to the Commission shall be available for

1 the purchase and transportation to the Republic of Pan-
2 ama of passenger motor vehicles built in the United
3 States, the purchase price of which shall not exceed
4 \$23,000 per vehicle.

5 **SEC. 3504. EXPENDITURES ONLY IN ACCORDANCE WITH**
6 **TREATIES.**

7 Expenditures authorized under this title may be made
8 only in accordance with the Panama Canal Treaties of
9 1977 and any law of the United States implementing
10 those treaties.

11 **SEC. 3505. DONATIONS TO THE COMMISSION.**

12 Section 1102b (22 U.S.C. 3612b) is amended by add-
13 ing at the end the following new subsection:

14 “(f)(1) The Commission may seek and accept dona-
15 tions of funds, property, and services from individuals,
16 foundations, corporations, and other private and public en-
17 tities for the purpose of carrying out its promotional ac-
18 tivities.

19 “(2) The Commission shall establish written guide-
20 lines setting forth the criteria to be used in determining
21 whether the acceptance of funds, property, or services au-
22 thorized by paragraph (1) would reflect unfavorably upon
23 the ability of the Commission (or any employee of the
24 Commission) to carry out its responsibilities or official du-
25 ties in a fair and objective manner or would compromise

1 the integrity or the appearance of the integrity of its pro-
2 grams or of any official in those programs.”.

3 **SEC. 3506. SUNSET OF UNITED STATES OVERSEAS BENE-**
4 **FITS JUST BEFORE TRANSFER.**

5 (a) REPEALS.—Effective 11:59 p.m. (Eastern Stand-
6 ard Time), December 30, 1999, the following provisions
7 are repealed and any right or condition of employment
8 provided for in, or arising from, those provisions is termi-
9 nated: sections 1206 (22 U.S.C. 3646), 1207 (22 U.S.C.
10 3647), 1217(a) (22 U.S.C. 3657(a)), and 1224(11) (22
11 U.S.C. 3664(11)), subparagraphs (A), (B), (F), (G), and
12 (H) of section 1231(a)(2) (22 U.S.C. 3671(a)(2)) and sec-
13 tion 1321(e) (22 U.S.C. 3731(e)).

14 (b) SAVINGS PROVISION FOR BASIC PAY.—Notwith-
15 standing subsection (a), benefits based on basic pay, as
16 listed in paragraphs (1), (2), (3), (5), and (6) of section
17 1218 of the Panama Canal Act of 1979, shall be paid as
18 if sections 1217(a) and 1231(a)(2) (A) and (B) of that
19 Act had been repealed effective 12:00 p.m., December 31,
20 1999. The exception under the preceding sentence shall
21 not apply to any pay for hours of work performed on De-
22 cember 31, 1999.

23 (c) NONAPPLICABILITY TO AGENCIES IN PANAMA
24 OTHER THAN PANAMA CANAL COMMISSION.—Section
25 1212(b)(3) (22 U.S.C. 3652(b)(3)) is amended by striking

1 out “the Panama Canal Transition Facilitation Act of
2 1997” and inserting in lieu thereof “the Panama Canal
3 Transition Facilitation Act of 1997 (subtitle B of title
4 XXXV of Public Law 105–85; 110 Stat. 2062), or the
5 Panama Canal Commission Authorization Act for Fiscal
6 Year 1999”.

7 **SEC. 3507. CENTRAL EXAMINING OFFICE.**

8 Section 1223 (22 U.S.C. 3663) is repealed.

9 **SEC. 3508. LIABILITY FOR VESSEL ACCIDENTS.**

10 (a) COMMISSION LIABILITY SUBJECT TO CLAIMANT
11 INSURANCE.—(1) Section 1411(a) (22 U.S.C. 3771(a)) is
12 amended by inserting “to section 1419(b) of this Act and”
13 after “Subject” in the first sentence.

14 (2) Section 1412 (22 U.S.C. 3772) is amended by
15 striking out “The Commission” in the first sentence and
16 inserting in lieu thereof “Subject to section 1419(b) of this
17 Act, the Commission”.

18 (3) Section 1416 (22 U.S.C. 3776) is amended by
19 striking out “A claimant” in the first sentence and insert-
20 ing in lieu thereof “Subject to section 1419(b) of this Act,
21 a claimant”.

22 (b) LIMITATION ON LIABILITY.—Section 1419 (22
23 U.S.C. 3779) is amended by designating the text as sub-
24 section (a) and by adding at the end the following:

1 “(b) The Commission may not consider or pay any
2 claim under section 1411 or 1412 of this Act, nor may
3 an action for damages lie thereon, unless the claimant is
4 covered by one or more valid policies of insurance totalling
5 at least \$1,000,000 against the injuries specified in those
6 sections. The Commission’s liability on any such claim
7 shall be limited to damages in excess of all amounts recov-
8 ered or recoverable by the claimant from its insurers. The
9 Commission may not consider or pay any claim by an in-
10 surer or subrogee of a claimant under section 1411 or
11 1412 of this Act.”.

12 **SEC. 3509. PANAMA CANAL BOARD OF CONTRACT APPEALS.**

13 (a) ESTABLISHMENT AND PAY OF BOARD.—Section
14 3102(a) (22 U.S.C. 3862(a)) is amended—

15 (1) in paragraph (1), by striking out “shall” in
16 the first sentence and inserting in lieu thereof
17 “may”; and

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

20 “(3) Compensation for members of the Board of Con-
21 tract Appeals shall be established by the Commission’s su-
22 pervisory board, except that such compensation may not
23 be reduced during a member’s term of office from the level
24 established at the time of the appointment.”.

1 (b) DEADLINE FOR COMMENCEMENT OF BOARD.—
2 Section 3102(e) (22 U.S.C. 3862(e)) is amended by strik-
3 ing out “, but not later than January 1, 1999”.

4 **SEC. 3510. TECHNICAL AMENDMENTS.**

5 (a) PANAMA CANAL ACT OF 1979.—The Panama
6 Canal Act of 1979 is amended as follows:

7 (1) Section 1202(c) (22 U.S.C. 3642(c)) is
8 amended—

9 (A) by striking out “the day before the
10 date of the enactment of the Panama Canal
11 Transition Facilitation Act of 1997” and insert-
12 ing in lieu thereof “November 17, 1997,”;

13 (B) by striking out “on or after that
14 date”; and

15 (C) by striking out “the day before the
16 date of enactment” and inserting in lieu thereof
17 “that date”.

18 (2) Section 1212(b)(3) (22 U.S.C. 3652(b)(3))
19 is amended by inserting “the” after “by the head
20 of”.

21 (3) Section 1313 (22 U.S.C. 3723) is amended
22 by striking out “subsection (d)” in each of sub-
23 sections (a), (b), and (d) and inserting in lieu there-
24 of “subsection (c)”.

1 (4) Sections 1411(a) and 1412 (22 U.S.C.
2 3771(a), 3772) are amended by striking out “the
3 date of the enactment of the Panama Canal Transi-
4 tion Facilitation Act of 1997” and inserting in lieu
5 thereof “by November 18, 1998”.

6 (b) PUBLIC LAW 104–201.—Effective as of Septem-
7 ber 23, 1996, and as if included therein as enacted, section
8 3548(b)(3) of the Panama Canal Act Amendments of
9 1996 (subtitle B of title XXXV of Public Law 104–201;
10 110 Stat. 2869) is amended by striking out “section” in
11 both items of quoted matter and inserting in lieu thereof
12 “sections”.

13 **TITLE XXXVI—MARITIME**
14 **ADMINISTRATION**

15 **SEC. 3601. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**
16 **CAL YEAR 1999.**

17 Funds are hereby authorized to be appropriated for
18 fiscal year 1999, to be available without fiscal year limita-
19 tion if so provided in appropriations Act, for the use of
20 the Department of Transportation for the Maritime Ad-
21 ministration as follows:

22 (1) For expenses necessary for operations and
23 training activities, \$70,553,000.

24 (2) For expenses under the loan guarantee pro-
25 gram authorized by title XI of the Merchant Marine

1 Act, 1936 (46 U.S.C. App. 1271 et seq.),
2 \$20,000,000 of which—

3 (A) \$16,000,000 is for the cost (as defined
4 in section 502(5) of the Federal Credit Reform
5 Act of 1990 (2 U.S.C. 661a(5))) of loan guar-
6 antees under the program; and

7 (B) \$4,000,000 is for administrative ex-
8 penses related to loan guarantee commitments
9 under the program.

10 **SEC. 3602. CONVEYANCE OF NDRF VESSEL M/V BAYAMON.**

11 (a) **AUTHORITY TO CONVEY.**—The Secretary of
12 Transportation may convey all right, title, and interest of
13 the United States Government in and to the vessel M/V
14 BAYAMON (United States official number 530007) to
15 the Trade Fair Ship Company, a corporation established
16 under the laws of the State of Delaware and having its
17 principal offices located in New York, New York (in this
18 section referred to as the “recipient”), for use as floating
19 trade exposition to showcase United States technology, in-
20 dustrial products, and services.

21 (b) **TERMS OF CONVEYANCE.**—

22 (1) **DELIVERY OF VESSEL.**—In carrying out
23 subsection (a), the Secretary shall deliver the ves-
24 sel—

1 (A) at the place where the vessel is located
2 on the date of conveyance;

3 (B) in its condition on that date; and

4 (C) at no cost to the United States Gov-
5 ernment.

6 (2) REQUIRED CONDITIONS.—The Secretary
7 may not convey a vessel under this section unless—

8 (A) the recipient pays consideration equal
9 to the domestic fair market value of the vessel
10 as determined by the Secretary;

11 (B) the recipient agrees that any repair,
12 restoration, or reconstruction work for the ves-
13 sel will be performed in the United States;

14 (C) the recipient agrees to hold the Gov-
15 ernment harmless for any claims arising from
16 exposure to hazardous material, including as-
17 bestos and polychlorinated biphenyls, after the
18 conveyance of the vessel, except for claims aris-
19 ing before the date of the conveyance or from
20 use of the vessel by the Government after that
21 date; and

22 (D) the recipient provides sufficient evi-
23 dence to the Secretary that it has adequate fi-
24 nancial resources in the form of cash, liquid as-

1 sets, or a written loan commitment to complete
2 the reconstruction of the vessel.

3 (3) **ADDITIONAL TERMS.**—The Secretary may
4 require such additional terms in connection with the
5 conveyance authorized by this section as the Sec-
6 retary considers appropriate.

7 (c) **PROCEEDS.**—Any amounts received by the United
8 States as proceeds from the sale of the M/V BAYAMON
9 shall be deposited in the Vessel Operations Revolving
10 Fund established by the Act of June 2, 1951 (chapter
11 121; 46 App. U.S.C. 1241a).

12 **SEC. 3603. CONVEYANCE OF NDRF VESSELS BENJAMIN ISH-**
13 **ERWOOD AND HENRY ECKFORD.**

14 (a) **AUTHORITY TO CONVEY.**—The Secretary of
15 Transportation may convey all right, title, and interest of
16 the United States Government in and to the vessels BEN-
17 JAMIN ISHERWOOD (TAO–191) and HENRY
18 ECKFORD (TAO–192) to a purchaser for the purpose
19 of reconstruction of those vessels for sale or charter.

20 (b) **TERMS OF CONVEYANCE.**—

21 (1) **DELIVERY OF VESSEL.**—In carrying out
22 subsection (a), the Secretary shall deliver the ves-
23 sel—

24 (A) at the place where the vessel is located
25 on the date of the conveyance;

1 (B) in its condition on that date; and

2 (C) at no cost to the United States Gov-
3 ernment.

4 (2) REQUIRED CONDITIONS.—The Secretary
5 may not convey a vessel under this section unless—

6 (A) the recipient pays consideration equal
7 to the domestic fair market value of the vessel,
8 as determined by the Secretary;

9 (B) the recipient agrees to sell or charter
10 the vessel to a member nation of the North At-
11 lantic Treaty Organization for use as an oiler;

12 (C) the recipient provides sufficient evi-
13 dence to the Secretary that it has adequate fi-
14 nancial resources in the form of cash, liquid as-
15 sets, or a written loan commitment to complete
16 the reconstruction of the vessel;

17 (D) the recipient agrees that any repair,
18 restoration, or reconstruction work for the ves-
19 sel will be performed in the United States; and

20 (E) the recipient agrees to hold the Gov-
21 ernment harmless for any claims arising from
22 defects in the vessel or from exposure to haz-
23 ardous material, including asbestos and poly-
24 chlorinated biphenyls, after the conveyance of
25 the vessel, except for claims arising before the

1 date of the conveyance or from use of the vessel
2 by the Government after that date.

3 (3) **ADDITIONAL TERMS.**—The Secretary may
4 require such additional terms in connection with a
5 conveyance authorized by this section as the Sec-
6 retary considers appropriate.

7 (c) **PROCEEDS.**—Any amounts received by the United
8 States as proceeds from the sale of a vessel under this
9 section shall be deposited in the Vessel Operations Revolv-
10 ing Fund established by the Act of June 2, 1951 (chapter
11 121; 46 App. U.S.C. 1241a).

12 (d) **DURATION OF AUTHORITY.**—The authority of the
13 Secretary under this section may only be exercised during
14 the one-year period beginning on the date of the enact-
15 ment of this Act.

16 **SEC. 3604. CLEARINGHOUSE FOR MARITIME INFORMATION.**

17 Of the amount authorized to be appropriated pursu-
18 ant to section 3601(1) for operations of the Maritime Ad-
19 ministration, \$75,000 shall be available for the establish-
20 ment at a State Maritime Academy of a clearinghouse for
21 maritime information that makes that information pub-
22 licly available, including by use of the Internet.

1 **SEC. 3605. CONVEYANCE OF NDRF VESSEL EX-USS LORAIN**
2 **COUNTY.**

3 (a) **AUTHORITY TO CONVEY.**—The Secretary of
4 Transportation may convey all right, title, and interest of
5 the Federal Government in and to the vessel ex-USS LO-
6 RAIN COUNTY (LST-1177) to the Ohio War Memorial,
7 Inc., located in Sandusky, Ohio (in this section referred
8 to as the “recipient”), for use as a memorial to Ohio veter-
9 ans.

10 (b) **TERMS OF CONVEYANCE.**—

11 (1) **DELIVERY OF VESSEL.**—In carrying out
12 subsection (a), the Secretary shall deliver the ves-
13 sel—

14 (A) at the place where the vessel is located
15 on the date of conveyance;

16 (B) in its condition on that date; and

17 (C) at no cost to the Federal Government.

18 (2) **REQUIRED CONDITIONS.**—The Secretary
19 may not convey a vessel under this section unless—

20 (A) the recipient agrees to hold the Gov-
21 ernment harmless for any claims arising from
22 exposure to hazardous material, including as-
23 bestos and polychlorinated biphenyls, after con-
24 veyance of the vessel, except for claims arising
25 before the date of the conveyance or from use

1 of the vessel by the Government after that date;
2 and

3 (B) the recipient has available, for use to
4 restore the vessel, in the form of cash, liquid as-
5 sets, or a written loan commitment, financial
6 resources of at least \$100,000.

7 (3) *ADDITIONAL TERMS.*—The Secretary may
8 require such additional terms in connection with the
9 conveyance authorized by this section as the Sec-
10 retary considers appropriate.

11 (c) *OTHER UNNEEDED EQUIPMENT.*—The Secretary
12 may convey to the recipient of the vessel conveyed under
13 this section any unneeded equipment from other vessels
14 in the National Defense Reserve Fleet, for use to restore
15 the vessel conveyed under this section to museum quality.

Passed the House of Representatives May 21, 1998.

Attest:

Clerk.