

A BILL

To authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2003, and for other purposes.

1 *Be it enacted by the Senate and House of Representatives of the United States of America in*

2 *Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2003".

5 **SEC. 2. TABLE OF CONTENTS.**

6 The table of contents for this Act is as follows:

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Sec. 2. Table of contents.

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TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement for the Army as follows:

- (1) For aircraft, \$2,061,027,000.
- (2) For missiles, \$1,642,296,000.
- (3) For weapons and tracked combat vehicles, \$2,248,558,000.
- (4) For ammunition, \$1,159,426,000.
- (5) For other procurement, \$5,168,453,000.
- (6) For chemical agents and munitions destruction, \$1,490,199,000 for—
 - (A) the destruction of lethal chemical weapons in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) and
 - (B) the destruction of chemical warfare material of the United States that is not covered by section 1412 of such Act.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement for the Navy as follows:

1 (1) For aircraft, \$8,203,955,000.

2 (2) For weapons, including missiles and torpedoes, \$1,832,617,000.

3 (3) For shipbuilding and conversion, \$8,191,194,000.

4 (4) For other procurement, \$4,347,024,000.

5 (b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2003
6 for procurement for the Marine Corps in the amount of \$1,288,383,000.

7 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be
8 appropriated for fiscal year 2003 for procurement of ammunition for the Navy and Marine Corps
9 in the amount of \$1,015,153,000.

10 **SEC. 103. AIR FORCE.**

11 Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement for
12 the Air Force as follows:

13 (1) For aircraft, \$12,067,405,000.

14 (2) For missiles, \$3,575,162,000.

15 (3) For procurement of ammunition, \$1,133,864,000.

16 (4) For other procurement, \$10,523,946,000.

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

18 Funds are hereby authorized to be appropriated for fiscal year 2003 for defense-wide
19 procurement in the amount of \$2,688,515,000.

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

21 Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement for
22 the Defense Inspector General in the amount of \$2,000,000.

1 **SEC. 106. DEFENSE HEALTH PROGRAM.**

2 Funds are hereby authorized to be appropriated for fiscal year 2003 for the Department of
3 Defense for procurement for carrying out health care programs, projects, and activities of the
4 Department of Defense in the total amount of \$278,742,000.

5 **Subtitle B —Multi-Year Contract Authorizations**

6 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR F/A–18E/F E ENGINES.**

7 Beginning with the fiscal year 2003 program year, the Secretary of the Navy may, in
8 accordance with section 2306b of title 10, United States Code, enter into a multi-year contract for
9 procurement of engines for F/A–18E/F aircraft.

10 **SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR C-130J AIRCRAFT.**

11 Beginning with the fiscal year 2003 program year, the Secretary of the Air Force may, in
12 accordance with section 2306b of title 10, United States Code, enter into a multi-year contract for
13 procurement of C-130J aircraft.

14 **TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

15 **Subtitle A—Authorization of Appropriations**

16 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

17 Funds are hereby authorized to be appropriated for fiscal year 2003 for the use of the
18 Armed Forces for research, development, test, and evaluation, as follows:

19 (1) For the Army, \$6,918,494,000.

20 (2) For the Navy, \$12,501,630,000.

21 (3) For the Air Force, \$17,601,233,000.

22 (4) For Defense-wide research, development, test, and evaluation,

1 \$16,835,605,000, of which \$222,054,000 is authorized for the Director of Operational
2 Test and Evaluation.

3 (5) For the Defense Health Program, \$67,214,000.

4 **Subtitle B—Program Requirements, Restrictions, and Limitations**

5 **SEC. 211. COST LIMITATIONS APPLICABLE TO F-22 AIRCRAFT PROGRAM.**

6 (a) 1998 DEFENSE AUTHORIZATION ACT.—Section 217 of the National Defense
7 Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1629) is repealed;

8 (b) 2001 DEFENSE APPROPRIATIONS ACT.—Section 8125 of the Department of Defense
9 Appropriations Act, 2001 (Public Law 106-259; 114 Stat. 692) is repealed; and

10 (c) FLOYD B. SPENCE DEFENSE AUTHORIZATION ACT.—Section 219 of the Floyd B.
11 Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-348; 114 Stat.
12 1654) is repealed.

13 **TITLE III—OPERATION AND MAINTENANCE**

14 **Subtitle A—Authorization of Appropriations**

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

16 Funds are hereby authorized to be appropriated for fiscal year 2003 for the use of the
17 Armed Forces of the United States and other activities and agencies of the Department of
18 Defense, for expenses, not otherwise provided for, for operation and maintenance, in amounts as
19 follows:

20 (1) For the Army, \$24,581,055,000.

21 (2) For the Navy, \$29,028,813,000.

22 (3) For the Marine Corps, \$3,357,952,000.

- 1 (4) For the Air Force, \$27,304,623,000.
- 2 (5) For the Defense-wide activities, \$14,515,304,000.
- 3 (6) For the Army Reserve, \$1,923,330,000.
- 4 (7) For the Naval Reserve, \$1,165,961,000.
- 5 (8) For the Marine Corps Reserve, \$185,532,000.
- 6 (9) For the Air Force Reserve, \$2,190,817,000.
- 7 (10) For the Army National Guard, \$4,136,822,000.
- 8 (11) For the Air National Guard, \$4,150,861,000.
- 9 (12) For the Defense Inspector General, \$163,440,000.
- 10 (13) For the United States Court of Appeals for the Armed Forces, \$9,925,000.
- 11 (14) For Environmental Restoration, Army, \$395,900,000.
- 12 (15) For Environmental Restoration, Navy, \$256,948,000.
- 13 (16) For Environmental Restoration, Air Force, \$389,773,000.
- 14 (17) For Environmental Restoration, Defense-wide, \$23,498,000.
- 15 (18) For Environmental Restoration, Formerly Used Defense Sites, \$212,102,000.
- 16 (19) For Overseas Humanitarian, Disaster, and Civic Aid programs, \$58,400,000.
- 17 (20) For Drug Interdiction and Counter-drug Activities, Defense-wide,
18 \$848,907,000.
- 19 (21) For the Kaho'olawe Island Conveyance, Remediation, and Environmental
20 Restoration Trust Fund, \$25,000,000.
- 21 (22) For the Defense Health Program, \$14,360,271,000.
- 22 (23) For Cooperative Threat Reduction programs, \$416,700,000.

1 (24) For Overseas Contingency Operations Transfer Fund, \$50,000,000.

2 (25) For Defense Emergency Response Fund, \$20,055,000,000.

3 (26) For Support for International Sporting Competitions, Defense, \$19,000,000.

4 **SEC. 302. WORKING CAPITAL FUNDS.**

5 Funds are hereby authorized to be appropriated for fiscal year 2003 for the use of the
6 Armed Forces of the United States and other activities and agencies of the Department of
7 Defense for providing capital for working capital and revolving funds in amounts as follows:

8 (1) For the Defense Working Capital Funds, \$2,338,759,000.

9 (2) For the National Defense Sealift Fund, \$934,129,000.

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

11 There is hereby authorized to be appropriated for fiscal year 2003 from the Armed Forces
12 Retirement Home Trust Fund the sum of \$69,921,000 for the operation of the Armed Forces
13 Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval
14 Home.

15 **Subtitle B—Depot Issues**

16 **SEC. 311. REPEAL OF TIME LIMITATION ON EXCLUSION OF EXPENDITURES**
17 **ON CONTRACTING FOR DEPOT-LEVEL MAINTENANCE.**

18 Paragraph (2) of section 2474(f) of title 10, United States Code, is amended by striking
19 "for fiscal years 2002 through 2005".

20 **TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

21 **Subtitle A—Active Forces**

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

1 The Armed Forces are authorized strengths for active duty personnel as of September 30,
2 2003, as follows:

3 (1) The Army, 480,000.

4 (2) The Navy, 375,700.

5 (3) The Marine Corps, 175,000.

6 (4) The Air Force, 359,000.

7 **SEC. 402. EXCLUSION FROM LIMITATION OF ACTIVE DUTY OFFICERS IN**
8 **GRADES ABOVE MAJOR GENERAL OR REAR ADMIRAL; SENIOR**
9 **MILITARY ASSISTANT TO THE SECRETARY OF DEFENSE.**

10 Section 525(b) of title 10, United States Code, is amended—

11 (1) in paragraph (2)(B), by striking "16.2 percent" and inserting "17.5 percent";

12 (2) in paragraph (3)—

13 (A) by inserting "(A)" after "(3)"; and

14 (B) by adding at the end the following new subparagraph:

15 "(B) An officer while serving as the Senior Military Assistant to the
16 Secretary of Defense, if serving in the grade of general or lieutenant general, or
17 admiral or vice admiral, is in addition to the number that otherwise would be
18 permitted for his armed force for that grade under paragraph (1) or (2).".

19 **SEC. 403. EXTENSION OF AUTHORITIES RELATING TO MANAGEMENT**
20 **OF GENERAL OFFICERS.**

21 (a) SENIOR JOINT OFFICER PROVISIONS.—Section 604(c) of title 10, United States Code,
22 is amended by striking "September 30, 2003" and inserting "December 31, 2004".

1 (b) DISTRIBUTION OF OFFICERS ON ACTIVE DUTY IN GENERAL OFFICER AND FLAG
2 OFFICER GRADES.—Section 525(b)(5)(C) of such title is amended by striking "September 30,
3 2003" and inserting "December 31, 2004".

4 (c) AUTHORIZED STRENGTH LIMITATIONS FOR GENERAL AND FLAG OFFICERS ON ACTIVE
5 DUTY.—Section 526(b)(3) of such title is amended by striking "October 1, 2002" and inserting
6 "December 31, 2004".

7 **Subtitle B—Reserve Forces**

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

9 (a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve
10 personnel of the reserve components as of September 30, 2003, as follows:

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

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

13 (3) The Naval Reserve, 87,800.

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

15 (5) The Air National Guard of the United States, 106,600.

16 (6) The Air Force Reserve, 75,600.

17 (7) The Coast Guard Reserve, 9,000.

18 (b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected
19 Reserve of any reserve component shall be proportionately reduced by—

20 (1) the total authorized strength of units organized to serve as units of the Selected
21 Reserve of such component which are on active duty (other than for training) at the end of
22 the fiscal year, and

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

5 Whenever such units or such individual members are released from active duty during
6 any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such
7 reserve component shall be increased proportionately by the total authorized strengths of such
8 units and by the total number of such individual members.

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

11 Within the end strengths prescribed in section 411(a), the reserve components of the
12 Armed Forces are authorized, as of September 30, 2003, the following number of Reserves to be
13 serving on full-time active duty or, in the case of members of the National Guard, full-time
14 National Guard duty for the purpose of organizing, administering, recruiting, instructing, or
15 training the reserve components:

16 (1) The Army National Guard of the United States, 23,768.

17 (2) The Army Reserve, 13,588.

18 (3) The Naval Reserve, 14,572.

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

20 (5) The Air National Guard of the United States, 11,697.

21 (6) The Air Force Reserve, 1,498.

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

1 The reserve components of the Army and the Air Force are authorized strengths for
2 military technicians (dual status) as of September 30, 2003, as follows:

3 (1) For the Army Reserve, 6,349.

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

5 (3) For the Air Force Reserve, 9,911.

6 (4) For the Air National Guard of the United States, 22,495.

7 **SEC. 414. FISCAL YEAR 2003 LIMITATION ON NUMBER OF NON-DUAL STATUS**
8 **TECHNICIANS.**

9 The number of civilian employees who are non-dual status technicians of a reserve
10 component of the Army or Air Force as of September 30, 2003, may not exceed the following:

11 (1) For the Army Reserve, 995.

12 (2) For the Army National Guard of the United States, 1,600.

13 (3) For the Air Force Reserve, 0.

14 (4) For the Air National Guard of the United States, 350.

15 **SEC. 415. INCREASE STRENGTH AND GRADE CEILINGS TO ACCOUNT FOR**
16 **RESERVE COMPONENT MEMBERS ON ACTIVE DUTY IN SUPPORT**
17 **OF A CONTINGENCY OPERATION.**

18 (a) **ACTIVE DUTY STRENGTH ACCOUNTING.**—Section 115(c) of title 10, United States
19 Code, is amended—

20 (1) in paragraph (2), by striking "and" at the end;

21 (2) in paragraph (3), by striking the period and inserting "; and" at the end; and

22 (3) by adding at the end the following new paragraph:

1 "(4) increase the end strength authorized pursuant to subsection (a)(1)(A) for a
2 fiscal year for any of the armed forces by a number equal to the number of members of
3 the reserve components on active duty under section 12301(d) of this title in support of a
4 contingency operation as defined in section 101(a)(13) of this title."

5 (b) INCREASE IN AUTHORIZED DAILY AVERAGE FOR MEMBERS IN PAY GRADES E-8 AND
6 E-9 ON ACTIVE DUTY UNDER CERTAIN CIRCUMSTANCES.—Section 517 of such title is amended
7 by adding at the end the following new paragraph:

8 "(d) The Secretary of Defense may increase the authorized daily average number of
9 enlisted members on active duty in an armed force in pay grades E-8 and E-9 in a fiscal year
10 pursuant to subsection (a) by the number of enlisted members of a reserve component in that
11 armed force in pay grades E-8 and E-9 on active duty under section 12301(d) of this title in
12 support of a contingency operation as defined in section 101(a)(13) of this title."

13 (c) INCREASE IN AUTHORIZED STRENGTHS FOR COMMISSIONED OFFICERS IN PAY GRADES
14 O-4, O-5 AND O-6 ON ACTIVE DUTY UNDER CERTAIN CIRCUMSTANCES.—Section 523 of such
15 title is amended—

16 (1) in paragraphs (a)(1) and (a)(2), by striking "subsection (c)" and inserting
17 "subsections (c) and (e)"; and

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

19 "(e) The Secretary of Defense may increase the authorized total number of
20 commissioned officers serving on active duty at the end of any fiscal year pursuant to
21 subsection (a) by the number of commissioned officers of a reserve component of the
22 Army, Navy, Air Force, or Marine Corps on active duty under section 12301(d) of this

1 title in support of a contingency operation as defined in section 101(a)(13) of this title."

2 (d) INCREASE IN AUTHORIZED STRENGTHS FOR GENERAL AND FLAG OFFICERS ON ACTIVE
3 DUTY UNDER CERTAIN CIRCUMSTANCES.—Section 526(a) of such title is amended—

4 (1) by striking "the" the first time it appears;

5 (2) by inserting "(1) Except as provided in paragraph (2), the" after
6 "Limitations.—";

7 (3) by redesignating paragraphs (1), (2), (3) and (4) as subparagraphs (A), (B), (C)
8 and (D), respectively; and

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

10 "(2) The Secretary of Defense may increase the number of general and flag
11 officers on active duty pursuant to paragraph (1) by the number of reserve component
12 general and flag officers on active duty under section 12301(d) of this title in support of a
13 contingency operation as defined in section 101(a)(13) of this title."

14 TITLE V—MILITARY PERSONNEL POLICY

15 Subtitle A—Officer Personnel Policy

16 SEC. 501. ESTABLISH ADDITIONAL DEPUTY COMMANDANT BILLET.

17 Section 5045 of title 10, United States Code, is amended by striking "five" and inserting
18 "six".

19 Subtitle B—Reserve Component Personnel Policy

20 SEC. 511. AUTHORITY FOR LIMITED EXTENSION OF MEDICAL DEFERMENT 21 OF MANDATORY RETIREMENT OR SEPARATION FOR RESERVE 22 OFFICERS.

1 (a) DEFERMENT OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.—Chapter 1407
2 of title 10, United States Code, is amended by adding at the end the following new section:

3 **"§ 14519. Deferment of retirement or separation for medical reasons**

4 "(a) If the Secretary of the military department concerned determines that the evaluation
5 of the physical condition of an officer and determination of the officer's entitlement to retirement
6 or separation for physical disability require hospitalization or medical observation and that such
7 hospitalization or medical observation cannot be completed with confidence in a manner
8 consistent with the member's well being before the date on which the officer would otherwise be
9 required to separate, retire, or transfer to the retired reserve under this title, the Secretary may
10 defer the separation or retirement or transfer of the officer under this title.

11 "(b) A deferral of separation, retirement or transfer under subsection (a) may not extend
12 for more than 30 days after completion of the evaluation requiring hospitalization or medical
13 observation."

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

16 "14519. Deferment of retirement or separation for medical reasons."

17 **SEC. 512. CHANGE DEFINITION OF WEAPON OF MASS DESTRUCTION.**

18 (a) SELECTED RESERVE AND INDIVIDUAL READY RESERVE SUPPORT FOR RESPONSES TO
19 CERTAIN EMERGENCIES.—Section 12304(i)(2) of title 10, United States Code, is amended by
20 striking "section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50
21 U.S.C. 2302(1))" and inserting "section 2332a(c)(2) of title 18".

22 (b) RESERVE AND NATIONAL GUARD DUTIES RELATING TO DEFENSE AGAINST WEAPONS

1 OF MASS DESTRUCTION.—Section 12310(c)(1) of such title is amended by striking "section 1403
2 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1))" and
3 inserting "section 2332a(c)(2) of title 18".

4 **SEC. 513. COLLECTIVE BARGAINING EXCLUSION FOR MATTERS RELATING**
5 **TO THE PROVISION OF UNIFORMS TO NATIONAL GUARD**
6 **TECHNICIANS.**

7 Paragraph (4) of section 709(b) of title 32, United States Code, is amended to read as
8 follows:

9 "(4) Acquire, maintain, and wear the uniform appropriate for the member's grade
10 and component of the armed force as prescribed by the Secretary concerned. The
11 Secretary concerned shall have the discretion to determine the quantity and kind of
12 clothing furnished, regulatory requirements pertaining to dress and appearance, and the
13 amount of a uniform allowance paid."

14 **SEC. 514. EXPANSION OF RESERVE COMPONENT DELAYED TRAINING**
15 **PROGRAM.**

16 Section 12103(d) of title 10, United States Code, is amended by striking "270 days" and
17 inserting "one year".

18 **Subtitle C—Military Spouses and Survivor Benefit Plan Matters**

19 **SEC. 521. PROHIBITING PAYMENTS OF RETIRED PAY FROM MEMBERS ON**
20 **ACTIVE DUTY.**

21 Paragraph (3) of section 1408(c) of title 10, United States Code, is amended by adding at
22 the end the following new sentence: "With respect to any divorce, dissolution of marriage,

1 annulment, or legal separation, regardless of when the divorce, dissolution of marriage,
2 annulment, or legal separation took or takes effect, a court shall not order a member on active
3 duty, while the member remains on active duty, to make a payment to a spouse or former spouse
4 when such payment is attributable to the treatment of disposable retired pay as the property of the
5 member and the member's spouse."

6 **SEC. 522. REVOCATION OF "TEN-YEAR RULE" FOR DIRECT PAYMENT OF**
7 **RETIRED PAY.**

8 (a) REVOCATION OF TEN-YEAR RULE.—Section 1408(d) of title 10, United States Code,
9 is amended—

10 (1) by striking paragraph (2); and

11 (2) by redesignating paragraphs (3) through (7) as paragraphs (2) through (6),

12 respectively.

13 (b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first
14 day of the first month which begins more than 120 days after the date of enactment of this Act
15 and shall apply only to payments of retired pay for periods beginning on or after the effective
16 date of this section in the case of any former spouse of a member or former member of the
17 uniformed services.

18 **SEC. 523. INCREASES FOR DIVISIONS OF RETIRED PAY EXPRESSED AS A**
19 **DOLLAR AMOUNT.**

20 (a) MONETARY AMOUNT ADJUSTMENT.—Section 1408(a)(2)(C) of title 10, United States
21 Code, is amended by striking "expressed in dollars" and inserting "expressed as a specific dollar
22 amount, with such amount, if so ordered, being adjusted in the same manner and at the same time

1 as retired pay is adjusted to reflect changes in the Consumer Price Index under section 1401a of
2 this title,".

3 (b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect
4 to court orders that become effective after the end of the 90-day period beginning on the date of
5 enactment of this Act.

6 **SEC. 524. ALLOWING MEMBER TO SUBMIT APPLICATION FOR DIRECT**
7 **PAYMENT.**

8 (a) PERMIT APPLICATION FOR DIRECT PAYMENT BY MEMBER.—The first sentence of
9 paragraph (1) of section 1408(d) of title 10, United States Code, is amended by inserting "by a
10 member or former member or the spouse or former spouse of such member" after "the Secretary
11 concerned".

12 (b) CONDITIONS FOR DIRECT PAYMENT.— Section 1408(d) of such title is amended by
13 adding at the end the following new paragraph:

14 "(8) A former spouse who accepts payment shall be deemed—

15 "(A) to have consented and agreed to the recovery of any future overpayments,
16 including recovery by involuntary collection from the former spouse or his or her estate;
17 and

18 "(B) to have agreed to give prompt notice in writing to the Secretary if—

19 "(i) the operative court order upon which payment is based is vacated,
20 modified, or set aside;

21 "(ii) the former spouse remarries, if all or a part of the payment is for
22 alimony; or

1 "They may have the jurisdiction, powers, and forms and procedures provided for those
2 courts. Punishments shall be as provided by the laws of the respective states, territories, Puerto
3 Rico, or the District of Columbia".

4 (b) GENERAL COURTS-MARTIAL OF NATIONAL GUARD NOT IN FEDERAL SERVICE.—
5 Section 327 of title 32, United States Code, is amended by striking subsections (a) and (b) in
6 their entirety and inserting the following:

7 "In the National Guard not in Federal service, general, special, and summary courts-
8 martial may be convened as provided by the laws of the respective states, territories, Puerto Rico,
9 or the District of Columbia. General courts-martial for the National Guard not in Federal service
10 may also be convened by the President. Special courts-martial for the National Guard not in
11 Federal service may also be convened by the commanding officer of a garrison, fort, post, camp,
12 air base, auxiliary air base, or other place where troops are on duty, or of a regiment, wing, group,
13 detached battalion, separate squadron, or other detached command. Summary courts-martial for
14 the National Guard not in Federal service may also be convened by the commanding officer of a
15 garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty, or
16 of a regiment, wing, group, detached battalion, detached squadron, detached company, or other
17 detachment."

18 (c) CONFORMING AMENDMENTS.—

19 (1) Sections 328, 329, 330, 331, 332, and 333, of title 32, Unites States Code, are
20 repealed.

21 (2) The table of sections at the beginning of chapter 3 of such title is amended by striking
22 the items relating to sections 328, 329, 330, 331, 332, and 333.

1 **Subtitle E—Other Matters**

2 **SEC. 541. VEHICLE STORAGE IN LIEU OF TRANSPORTATION WHEN MEMBER**
3 **IS ORDERED TO NON-FOREIGN DUTY STATION OUTSIDE**
4 **CONTINENTAL UNITED STATES.**

5 Section 2634 of title 10, United States Code, is amended—

6 (1) in subsection (b)(1)—

7 (A) by inserting after "to a foreign country" the following: "or to a non-foreign
8 area outside the continental United States"; and

9 (B) by inserting after "into that country" the following: "or area"; and

10 (2) in subsection (h), by adding at the end the following new paragraph:

11 "(3) The term 'non-foreign area outside the continental United States' means the states of
12 Alaska and Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands,
13 Guam, and other territories and possessions of the United States."

14 **SEC. 542. ADMINISTRATIVE SUPPORT AND SERVICES FOR FOREIGN LIAISON**
15 **OFFICERS.**

16 (a) ESTABLISHMENT.—Subchapter II of chapter 138 of title 10, United States Code, is
17 amended by adding at the end the following new section:

18 **"§ 2350l. Administrative services and support for foreign liaison officers**

19 "(a) AUTHORITY.—The Secretary of Defense may provide administrative services and
20 support to foreign liaison officers performing duties while such officers temporarily are assigned
21 to components or commands of the United States Armed Forces. For purposes of this section,
22 the term 'administrative services and support' includes base or installation operation support

1 services, office space, utilities, copying services, fire and police protection, and computer
 2 support.

3 "(b) REIMBURSEMENT.—The Secretary of Defense may provide the services and support
 4 authorized under subsection (a) with or without reimbursement as the Secretary of Defense
 5 deems appropriate."

6 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter II
 7 of chapter 138 is amended by adding at the end the following new item:

8 "23501. Administrative services and support for foreign liaison officers."

9 **TITLE VI—COMPENSATION**

10 **Subtitle A—Pay and Allowances**

11 **SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2003.**

12 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during
 13 fiscal year 2003 required by section 1009 of title 37, United States Code, in the rates of monthly
 14 basic pay authorized members of the uniformed services shall not be made.

15 (b) INCREASE IN BASIC PAY.—Effective on January 1, 2003, the rates of monthly basic
 16 pay for members of the uniformed services shall be as follows:

MONTHLY BASIC PAY*,**,***							
PAY GRADE	YEARS OF SERVICE (COMPUTED UNDER 37 U.S.C. 205)						
	<2	2	3	4	6	8	10
COMMISSIONED OFFICERS							
O-10	0	0	0	0	0	0	0
O-9	0	0	0	0	0	0	0
O-8	7474.5	7719.3	7881.6	7927.2	8129.4	8468.7	8547.3
O-7	6210.9	6499.2	6633	6739.2	6930.9	7120.8	7340.4
O-6	4603.2	5057.1	5388.9	5388.9	5409.6	5641.2	5672.1
O-5	3837.6	4323	4622.4	4678.5	4864.8	4977	5222.7
O-4	3311.1	3832.8	4088.7	4145.7	4383	4637.7	4954.5

O-3	2911.2	3300.3	3562.2	3883.5	4069.5	4273.5	4405.8
O-2	2515.2	2864.7	3299.4	3410.7	3481.2	3481.2	3481.2
O-1	2183.7	2272.5	2746.8	2746.8	2746.8	2746.8	2746.8
12	14	16	18	20	22	24	26
0	0	0	0	12077.7	12137.1	12389.4	12829.2
0	0	0	0	10563.6	10715.7	10935.6	11319.6
8868.9	8961.3	9238.2	9639	10008.9	10255.8	10255.8	10255.8
7559.4	7779	8468.7	9051.3	9051.3	9051.3	9051.3	9096.9
5672.1	5994.6	6564.3	6898.8	7233.3	7423.5	7616.1	7989.9
5403	5635.5	5991.9	6161.7	6329.1	6519.6	6519.6	6519.6
5201.4	5372.7	5471.1	5528.4	5528.4	5528.4	5528.4	5528.4
4623.3	4736.1	4736.1	4736.1	4736.1	4736.1	4736.1	4736.1
3481.2	3481.2	3481.2	3481.2	3481.2	3481.2	3481.2	3481.2
2746.8	2746.8	2746.8	2746.8	2746.8	2746.8	2746.8	2746.8

COMMISSIONED OFFICERS WITH OVER 4 YEARS ACTIVE DUTY SERVICE							
AS AN ENLISTED MEMBER OR WARRANT OFFICER							
	<2	2	3	4	6	8	10
O-3E	0.00	0.00	0.00	3883.5	4069.5	4273.5	4405.8
O-2E	0.00	0.00	0.00	3410.7	3481.2	3591.9	3778.8
O-1E	0.00	0.00	0.00	2746.8	2933.7	3042	3152.7
12	14	16	18	20	22	24	26
4623.3	4806.3	4911	5054.4	5054.4	5054.4	5054.4	5054.4
3923.4	4031.1	4031.1	4031.1	4031.1	4031.1	4031.1	4031.1
3261.6	3410.7	3410.7	3410.7	3410.7	3410.7	3410.7	3410.7

WARRANT OFFICERS							
	<2	2	3	4	6	8	10
W-5	0	0	0	0	0	0	0
W-4	3008.1	3236.1	3329.1	3420.6	3578.1	3733.5	3891
W-3	2747.1	2862	2979.3	3017.7	3141	3281.7	3467.4
W-2	2416.5	2554.5	2675.1	2763	2838.3	2993.1	3148.5
W-1	2133.9	2308.5	2425.5	2501.1	2662.5	2782.2	2888.4
12	14	16	18	20	22	24	26
0.00	0.00	0.00	0.00	5169.3	5346.6	5524.5	5703.3
4044.6	4203.6	4356	4512	4664.4	4822.5	4978.2	5137.5
3580.5	3771.9	3915.6	4058.4	4201.5	4266.3	4407	4548
3264	3376.5	3453.9	3579.9	3705.9	3831	3957.3	3957.3
3006.9	3085.2	3203.4	3320.7	3409.5	3409.5	3409.5	3409.5
ENLISTED MEMBERS							
	<2	2	3	4	6	8	10
E-9	0	0	0	0	0	0	3564.3

E-8	0	0	0	0	0	2975.4	3061.2
E-7	2068.5	2257.8	2343.9	2428.2	2516.4	2667.9	2753.4
E-6	1770.6	1947.6	2033.70	2117.1	2204.1	2400.9	2477.4
E-5	1625.4	1733.7	1817.4	1903.5	2037	2151.9	2236.8
E-4	1502.7	1579.8	1665.3	1749.3	1824	1824	1824
E-3	1356.9	1442.1	1528.8	1528.8	1528.8	1528.8	1528.8
E-2	1290	1290	1290	1290	1290	1290	1290
E-1 >4 ⁺	1150.8	1150.8	1150.8	1150.8	1150.8	1150.8	1150.8
E-1 <4 ⁺⁺	1064.7	0	0	0	0	0	0
12	14	16	18	20	22	24	26
3645	3747	3867	3987.3	4180.8	4344.3	4506.3	4757.4
3141.3	3237.6	3342	3530.1	3625.5	3787.5	3877.5	4099.2
2838.3	2990.4	3066.3	3138.6	3182.7	3331.5	3427.8	3671.4
2562.3	2636.7	2663.1	2709.6	2709.6	2709.6	2709.6	2709.6
2283.3	2283.3	2283.3	2283.3	2283.3	2283.3	2283.3	2283.3
1824	1824	1824	1824	1824	1824	1824	1824
1528.8	1528.8	1528.8	1528.8	1528.8	1528.8	1528.8	1528.8
1290	1290	1290	1290	1290	1290	1290	1290
1150.8	1150.8	1150.8	1150.8	1150.8	1150.8	1150.8	1150.8
0	0	0	0	0	0	0	0

*Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for commissioned officers in pay grades O-7 through O-10 may not exceed the rate of pay for level III of the Executive Schedule and the actual rate of basic pay for all other officers may not exceed the rate of pay for level V of the Executive Schedule.

**Subject to the preceding footnote, while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, the rate of basic pay for this grade is \$14,155.50, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

***While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, the rate of basic pay for this grade is \$5,732.70, regardless of cumulative years of service computed under section 205 of title 37, United States Code, and may not exceed the rate of pay for level V of the Executive Schedule.

+Applies to personnel who have served 4 months or more on active duty.

++Applies to personnel who have served less than 4 months on active duty.

1 **SEC. 602. INCREASE BASIC ALLOWANCE FOR SUBSISTENCE FOR MEMBERS**
2 **FORCED TO PURCHASE MEALS OUTSIDE MESSING FACILITY.**

3 Section 402(d) of title 37, United States Code, is amended to read as follows:

4 "(d) SPECIAL RULE FOR CERTAIN ENLISTED MEMBERS.—The Secretary of Defense, and
5 the Secretary of Transportation with respect to the Coast Guard when it is not operating as a
6 service in the Navy, may prescribe a basic allowance for subsistence rate twice the amount

1 prescribed in paragraph (b)(2) for an enlisted member assigned to single government quarters
2 when—

3 "(1) the government messing facility that serves the single government quarters to which
4 the member is assigned is not able to make meals available to the member; and

5 "(2) there are no adequate food storage or preparation facilities in the single
6 government quarters."

7 **SEC. 603. EXTENSION OF BASIC HOUSING ALLOWANCE FOR LOW COST OR**
8 **NO COST MOVES TO MOVES OUTSIDE THE UNITED STATES.**

9 Section 403 of title 37, United States Code, is amended—

10 (1) by striking subsection (b)(7);

11 (2) by redesignating subsections (d) through (n) as subsections (e) through (o),
12 respectively; and

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

14 "(d) **LOW-COST OR NO-COST MOVES.**—In the case of a member who is assigned to duty,
15 the location or the circumstances of which make it necessary that the member be reassigned
16 under the conditions of low-cost or no-cost permanent change of station or permanent change of
17 assignment, the member may be treated as if the member were not reassigned if the Secretary
18 concerned determines that it would be inequitable to base the member's entitlement to, and
19 amount of, a basic allowance for housing on the cost of housing in the area to which the member
20 is reassigned."

21 **Subtitle B—Bonuses and Special and Incentive Pays**

22 **SEC. 611. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER**

1 **BONUSES AND SPECIAL PAYS.**

2 (a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States
3 Code, is amended by striking "December 31, 2002" and inserting "September 30, 2004".

4 (b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United
5 States Code, is amended by striking "December 31, 2002" and inserting "September 30, 2004".

6 (c) ENLISTMENT BONUS.—Section 309(e) of title 37, United States Code, is amended by
7 striking "December 31, 2002" and inserting "September 30, 2004".

8 (d) RETENTION BONUS FOR MEMBERS QUALIFIED IN A CRITICAL MILITARY SKILL.—
9 Section 323(i) of title 37, United States Code, is amended by striking "December 31, 2002" and
10 inserting "September 30, 2004".

11 (e) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of title
12 37, United States Code, is amended by striking "December 31, 2002" and inserting "September
13 30, 2004".

14 (f) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE
15 SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking "December 31,
16 2002" and inserting "December 31, 2004".

17 (g) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of title 37, United States
18 Code, is amended by striking "December 31, 2002" and inserting "December 31, 2004".

19 (h) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of title 37, United
20 States Code, is amended by striking "December 31, 2002" and inserting "December 31, 2004".

21 **SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES**

22 **FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, NURSE**

1 **ANESTHETISTS, AND DENTAL OFFICERS.**

2 (a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10,
3 United States Code, is amended by striking "December 31, 2002" and inserting "September 30,
4 2004".

5 (b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United
6 States Code, is amended by striking "December 31, 2002" and inserting "September 30, 2004".

7 (c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37,
8 United States Code, is amended by striking "December 31, 2002" and inserting "September 30,
9 2004".

10 (d) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of title 37, United
11 States Code, is amended by striking "December 31, 2002" and inserting "September 30, 2004".

12 **SEC. 613. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY**

13 **AUTHORITIES FOR RESERVE FORCES.**

14 (a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME
15 SPECIALTIES.—Section 302g(f) of title 37, United States Code, is amended by striking
16 "December 31, 2002" and inserting "December 31, 2003".

17 (b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United
18 States Code, is amended by striking "December 31, 2002" and inserting "December 31, 2003".

19 (c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of title 37, United States
20 Code, is amended by striking "December 31, 2002" and inserting "December 31, 2003".

21 (d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY
22 UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking "December 31,

1 2002" and inserting "December 31, 2003".

2 (e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of title 37, United States
3 Code, is amended by striking "December 31, 2002" and inserting "December 31, 2003".

4 (f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section of 308h(g) of
5 title 37, United States Code, is amended by striking "December 31, 2002" and inserting
6 "December 31, 2003".

7 (g) PRIOR SERVICE REENLISTMENT BONUS.—Section 308i(f) of title 37, United States
8 Code, is amended by striking "December 31, 2002" and inserting "December 31, 2003".

9 (h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO
10 SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is
11 amended by striking "January 1, 2003" and inserting "January 1, 2004".

12 **SEC. 614. INCREASE PRIOR SERVICE ENLISTMENT BONUS.**

13 Section 308i(b)(1) of title 37, United States Code, is amended—

14 (1) in subparagraph (A), by striking "\$5,000" and inserting "\$8,000";

15 (2) in subparagraph (B), by striking "\$2,500" and inserting "\$4,000"; and

16 (3) in subparagraph (C), by striking "\$2,000" and inserting "\$3,500".

17 **Subtitle C—Travel and Transportation Allowances**

18 **SEC. 621. EQUITABLE COMPENSATION SUPPORT FOR MILITARY FUNERAL**
19 **HONORS.**

20 Section 1491 of title 10, United States Code is amended—

21 (1) in the first sentence of subsection (b)(2), by striking "(other than members in a retired
22 status)" and inserting "or military retirees".

1 (2) in subsection (d)—

2 (A) by amending paragraph (1) to read as follows:

3 "Transportation, or a flat rate daily stipend established annually by the Secretary
4 of Defense that will encompass costs for transportation and other miscellaneous expenses
5 for a person who participates in the funeral honors detail and is not a member of the
6 armed forces or an employee of the United States.";

7 (B) in paragraph (2), by inserting "military retirees," after "training for"; and

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

9 "(4) Notwithstanding any other provision of law, the stipend paid under this
10 subsection to a retired member of the armed forces shall be in addition to any other
11 compensation authorized to which the retired member may be entitled.".

12 **SEC. 622. EXPANSION OF OVERSEAS TOUR EXTENSION BENEFITS.**

13 Section 705(b)(2) of title 10, United States Code, is amended to read as follows:

14 "(2) a period of rest and recuperation absence for not more than 15 days and round-trip
15 transportation at Government expense from the location of the extended tour of duty to the
16 nearest port in the 48 contiguous States, or to an alternate location at a cost not to exceed the cost
17 to the nearest port in the 48 contiguous States, and return.".

18 **SEC. 623. EXTENSION OF PERIOD FOR USE OF LEAVE TRAVEL ENTITLEMENT**
19 **FOR CONSECUTIVE OVERSEAS TOURS.**

20 Section 411b(a)(2) of title 37, United States Code, is amended to read as follows:

21 "(2) Under the regulations referred to in paragraph (1), a member may defer the travel for
22 which the member is paid travel and transportation allowances under such paragraph until

1 anytime before the completion of that consecutive tour of duty at the same duty station or at
2 another duty station also outside the 48 contiguous states and the District of Columbia, as the
3 case may be."

4 **Subtitle D—Retirement and Survivor Benefit Matters**

5 **SEC. 631. CLARIFICATION OF DISABILITY SEVERANCE PAY COMPUTATION.**

6 Paragraph (2) of section 1212(a) of title 10, United States Code, is amended—

7 (1) in subparagraph (C) by striking "for promotion"; and

8 (2) in subparagraph (D) by striking "for promotion" after "examination".

9 **SEC. 632. AUTHORITY TO INCREASE RETIRED PAY FOR ENLISTED RESERVE**
10 **COMPONENT PERSONNEL DECORATED FOR EXTRAORDINARY**
11 **HEROISM.**

12 Section 12739 of title 10, United States Code, is amended—

13 (1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

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

15 "(b) If a member who is retired under section 12731 of this title has been credited by the
16 Secretary concerned with extraordinary heroism in the line of duty, the member's retired pay shall
17 be increased by 10 percent of the amount determined under subparagraph (a) (but to not more
18 than 75 percent of the retired pay base upon which the computation of such retired pay is based).
19 The Secretary's determination as to extraordinary heroism is conclusive for all purposes."; and

20 (3) by amending subsection (c), as redesignated by paragraph (1), to read as follows:

21 "(c) The amount computed under subsection (a), to include the increase authorized in
22 subsection (b) when appropriate, may not exceed 75 percent of the retired pay base upon which

1 the computation is based."

2 **SEC. 633. SURVIVOR BENEFIT PLAN; MULTIPLE BENEFICIARIES.**

3 (a) PERMIT SPOUSE AND FORMER SPOUSE COVERAGE.—Section 1448(b)(2) of title 10,
4 United States Code, related to former spouse coverage upon becoming a participant in the Plan,
5 is amended—

6 (1) in subparagraph (B), related to the effect of former spouse election on spouse or
7 dependent child,—

8 (A) by striking "prevents payment" and inserting "reduces the amount,"; and

9 (B) by striking "including payment" and inserting "including the amount of an
10 annuity".

11 (2) in subparagraph (C), related to designation if more than one former spouse, by striking
12 "which former spouse is to be provided the annuity," and inserting "the base amount applicable in
13 determining the amount of the annuity of each former spouse."

14 (b) PERMIT SPOUSE AND FORMER SPOUSE ANNUITIES.—Section 1450(a)(1) of such title
15 10, related to payment of annuity to surviving spouse and former spouse, is amended to read as
16 follows:

17 "(1) SURVIVING SPOUSE AND FORMER SPOUSE(S).—The eligible surviving spouse and
18 every eligible former spouse."

19 (c) PERMIT REDUCTIONS IN RETIRED PAY IN THE CASE OF MULTIPLE BENEFICIARIES.—
20 Section 1452 of such title 10, related to reduction in retired pay, is amended by adding at the end
21 thereof the following new subsection (k) as follows:

22 "(k) REDUCTIONS IN RETIRED PAY IN THE CASE OF MULTIPLE BENEFICIARIES.—When a

1 participant in the Plan has elected to provide an annuity to a spouse and to one or more former
2 spouses, reductions in retired pay required by subsection (a) shall be made for each annuity
3 elected, in an amount based on the base amount applicable to each annuity. In the case of a
4 reduction in retired pay to provide an annuity to a former spouse to whom payment of a portion
5 of a member's retired pay is being made pursuant to a court order under section 1408 of this title,
6 such reduction in retired pay shall be deducted from the amounts paid to such member, to such
7 former spouse, or both, as provided by court order or by agreement of the parties."

8 (d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) apply with
9 respect to elections made on or after the date of enactment of this Act. Any election to provide
10 an annuity to a spouse or former spouse who was prevented from being a beneficiary under the
11 laws in effect before the date of enactment of this Act shall be made within 180 days following
12 the date of enactment of this Act.

13 (e) COVERAGE FOR SURVIVORS OF RETIREMENT-ELIGIBLE MEMBERS WHO DIE ON ACTIVE
14 DUTY.—(1) Section 1448(d)(3) of such title 10, related to mandatory former spouse annuity for
15 survivor of retirement-eligible members who die on active duty, is amended by striking the dash
16 following "the Secretary" and "(A) may not pay an annuity under paragraph (1) or (2); but (B)".

17 (2) Section 1448(d)(5) of such title 10, related to the computation of the amount of an
18 annuity for survivors of retirement-eligible members who die on active duty, is amended to read
19 as follows:

20 "(5) COMPUTATION.—(A) The amount of an annuity payable to a former spouse pursuant
21 to paragraph (3) shall be computed on the basis of a base amount equal to the amount of retired
22 pay that, under the authority of section 1408(c) of this title, is treated under a court order or

1 spousal agreement as the property of such former spouse.

2 " (B) The amount of an annuity payable under paragraph (1) or paragraph (2) shall
3 be computed under section 1451(c) of this title, however, the retired pay otherwise
4 applicable with respect to such computation shall be reduced by an amount equal to the
5 base amount that provides the basis for computing the amount of an annuity payable to a
6 former spouse under paragraph (3) this subsection."

7 (3) EFFECTIVE DATE.—The amendments made by subsection (e) shall apply with respect
8 to survivors of retirement-eligible members who die on active duty on or after the date of
9 enactment of this Act.

10 (f) COVERAGE FOR SURVIVORS OF PERSONS DYING WHEN ELIGIBLE TO ELECT RESERVE-
11 COMPONENT ANNUITY.—(1) Section 1448(f)(3) of such title 10, related to mandatory former
12 spouse annuity for survivor of persons dying when eligible to elect reserve-component annuity, is
13 amended by striking the dash following "the Secretary" and "(A) may not pay an annuity under
14 paragraph(1) or (2); but (B)".

15 (2) Section 1448(f)(4) of such title 10, related to the computation of the amount of an
16 annuity for survivors of persons dying when eligible to elect reserve-component annuity, is
17 amended to read as follows:

18 "(4) COMPUTATION.—(A) The amount of an annuity payable to a former spouse pursuant
19 to paragraph (3) shall be computed on the basis of a base amount equal to the amount of retired
20 pay that, under the authority of section 1408(c) of this title, is treated under a court order or
21 spousal agreement as the property of such former spouse.

22 "(B) The amount of an annuity payable under paragraph (1) or paragraph (2) shall

1 be computed under section 1451(c) of this title, however, the retired pay otherwise
2 applicable with respect to such computation shall be reduced by an amount equal to the
3 base amount that provides the basis for computing the amount of an annuity payable to a
4 former spouse under paragraph (3) of this subsection."

5 (3) EFFECTIVE DATE.—The amendments made by subsection (f) shall apply with respect
6 to survivors of persons eligible to elect reserve-component annuity retirement-eligible members
7 who die on or after the date of enactment of this Act."

8 **SEC. 634. SURVIVOR BENEFIT PLAN; PRESUMPTIVE PROPORTIONATE SHARE.**

9 (a) PRESUMPTIVE BASE AMOUNT FOR FORMER SPOUSE.—Section 1447(6) of title 10,
10 United States Code, is amended by adding at the end the following new subparagraph:

11 "(D) PRESUMPTIVE PROPORTIONATE AMOUNT FOR FORMER SPOUSE.—In the case
12 of an annuity provided under the Plan for a former spouse, unless otherwise agreed to by
13 the member and former spouse or ordered by a court, such term means any amount of
14 monthly retired pay, which is not less than \$300, payable to such former spouse as a
15 result of a court treating disposable retired pay of a member as the property of the
16 member and his spouse under the authority of section 1408(c)."

17 (b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to
18 divorces, dissolutions, annulments, and legal separations that become effective after the end of
19 the 90-day period beginning on the date of enactment of this Act.

20 **SEC. 635. SURVIVOR BENEFIT PLAN; FINANCIAL RESPONSIBILITY FOR**
21 **SURVIVOR BENEFIT PLAN PARTICIPATION.**

22 (a) CHANGE TO DISPOSABLE RETIRED PAY.—Section 1452(a) of title 10, United States

1 Code, is amended—

2 (1) in paragraph (1), by inserting "paragraph 6 of this subsection or" before
3 "subsection b"; and

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

5 "(6) If a court order requires the former spouse to pay all or a part of the
6 costs associated with providing an annuity to the former spouse, the participant's
7 retired pay shall not be reduced by the portion that the former spouse is required
8 to pay."

9 (b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to
10 divorces, dissolutions, annulments, or legal separations that become effective after the end of the
11 90-day period beginning on the date of enactment of this Act and with respect to court orders
12 issued after the date of enactment of this Act modifying court orders issued before the date of
13 enactment of this Act.

14 **Subtitle E—Other Matters**

15 **SEC. 641. REPEAL OF LIMITED EXEMPTION FROM BAN ON HONORARIA FOR** 16 **PERSONNEL AT CERTAIN DEPARTMENT OF DEFENSE SCHOOLS.**

17 Section 542 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law
18 102-484; 106 Stat. 2413) is repealed.

19 **TITLE VII—HEALTH CARE PROVISIONS**

20 **Subtitle A—TRICARE Program Improvements**

21 **SEC. 701. IMPROVEMENT IN THE ADMINISTRATION OF THE TRICARE** 22 **PROGRAM.**

1 Section 1072(7) of title 10, United States Code, is amended by striking "the competitive
2 selection of contractors to financially underwrite the delivery of health care services" and
3 inserting "the competitive selection of contractors to support most effectively the delivery of
4 health care services".

5 **SEC. 702. DEPENDENT DENTAL CARE ENHANCEMENTS.**

6 (a) ENABLE DEPENDENTS OF MEMBERS WHO DIE WHILE ON ACTIVE DUTY FOR MORE
7 THAN 30 DAYS TO ENROLL IN TRICARE DENTAL PROGRAM.—Section 1076a(k)(2) of title 10,
8 United States Code, is amended by inserting "(or, if not enrolled, if the member discontinued
9 participation under subsection (f))" after "subsection (a)".

10 (b) AUTHORITY TO PROVIDE LIMITED DENTAL CARE TO DEPENDENTS ENROLLED IN A
11 DENTAL CARE PLAN.—Section 1077(c) of such title is amended—

12 (1) by striking "and" following "the United States"; and

13 (2) by inserting before the period at the end the following: ", and other dental care
14 in special circumstances as determined under regulations issued by the Secretary of
15 Defense".

16 **Subtitle B—Senior Health Care**

17 **SEC. 711. IMPROVEMENTS REGARDING THE DEPARTMENT OF DEFENSE**

18 **MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND.**

19 (a) SOURCE OF FUNDS FOR MONTHLY ACCRUAL PAYMENTS INTO THE FUND.—Section
20 1116(c) of title 10, United States Code, is amended to read as follows:

21 "(c) Amounts paid into the Fund under subsection (a) shall be paid from funds available
22 for the pay of members of the participating uniformed services under the jurisdiction of the

1 **Subtitle A—Acquisition Policy and Management**

2 **SEC. 801. LIVE-FIRE WAIVER AUTHORITY.**

3 Paragraph (1) of section 2366(c) of title 10, United States Code, is amended by inserting
4 "or at the beginning of remaining system development and demonstration or production and
5 deployment when that phase is the first phase of the program as a major defense acquisition
6 program as defined in section 2399(a)(2) of this title," after "program enters system development
7 and demonstration,".

8 **SEC. 802. REPEAL OF CERTIFICATION OF FUNDING FOR SUPPORT**
9 **COSTS IN THE FUTURE YEARS DEFENSE PROGRAM.**

10 Section 2306b(i)(1) of title 10, United States Code, is amended—

11 (1) by striking "each of the following conditions is satisfied:";

12 (2) by striking subparagraph (A); and

13 (3) by striking "(B) The" and inserting "the".

14 **SEC. 803. AUTHORITY TO WAIVE DOMESTIC SOURCE OR CONTENT**
15 **REQUIREMENTS.**

16 (a) **IN GENERAL.**—Subchapter V of chapter 148 of title 10, United States Code, is
17 amended by adding at the end the following new section:

18 **"§ 2539c. Waiver of domestic source or content requirements**

19 "(a) **AUTHORITY.**—Subject to subsections (c) and (d), and except as provided in
20 subsection (e), the Secretary of Defense may waive the application of any domestic source
21 requirement or domestic content requirement referred to in subsection (b) and thereby authorize
22 the procurement of items that are grown, reprocessed, reused, produced, or manufactured—

1 "(1) in a foreign country that has a reciprocal defense procurement memorandum
2 of understanding or agreement with the United States;

3 "(2) in a foreign country that has a reciprocal defense procurement memorandum
4 of understanding or agreement with the United States substantially from components and
5 materials grown, reprocessed, reused, produced, or manufactured in the United States or
6 any foreign country that has a reciprocal defense procurement memorandum of
7 understanding or agreement with the United States; or

8 "(3) in the United States substantially from components and materials grown,
9 reprocessed, reused, produced, or manufactured in the United States or any foreign
10 country that has a reciprocal defense procurement memorandum of understanding or
11 agreement with the United States.

12 "(b) COVERED REQUIREMENTS.—For purposes of this section:

13 "(1) A domestic source requirement is any requirement under law that the Department of
14 Defense must satisfy its needs for an item by procuring an item that is grown, reprocessed,
15 reused, produced, or manufactured in the United States or by a manufacturer that is a part of the
16 national technology and industrial base (as defined in section 2500(1) of this title).

17 "(2) A domestic content requirement is any requirement under law that the Department of
18 Defense must satisfy its needs for an item by procuring an item produced or manufactured partly
19 or wholly from components and materials grown, reprocessed, reused, produced, or
20 manufactured in the United States.

21 "(c) APPLICABILITY.—The authority to the Secretary to waive the application of the
22 domestic source or content requirements under subsection (a) applies to the procurement of items

1 for which the Secretary of Defense determines—

2 "(1) that application of the requirement would impede the reciprocal procurement
3 of defense items under a memorandum of understanding providing for reciprocal
4 procurement of defense items between a foreign country and the United States in
5 accordance with section 2531 of this title, and

6 "(2) that country does not discriminate against defense items produced in the
7 United States to a greater degree than the United States discriminates against defense
8 items produced in that country.

9 "(d) IMPLEMENTATION.—The authority to the Secretary to waive the application of the
10 domestic source or content requirements under subsection (a) may not be delegated below the
11 Under Secretary of Defense for Acquisition, Technology and Logistics. Any such waiver may be
12 granted only after consultation with the United States Trade Representative, the Secretary of
13 Commerce, and the Secretary of State.

14 "(e) LAWS NOT WAIVABLE.—The Secretary of Defense may not exercise the authority
15 under subsection (a) to waive any domestic source or content requirement contained in the
16 following laws:

17 "(1) The Small Business Act (15 U.S.C. 631 *et seq.*).

18 "(2) The Javits-Wagner-O'Day Act (41 U.S.C. 46-48c).

19 "(3) Sections 7309 and 7310 of this title.

20 "(4) Section 2533a of this title.

21 "(f) RELATIONSHIP TO OTHER WAIVER AUTHORITY.—The authority under subsection (a)
22 to waive a domestic source requirement or domestic content requirement is in addition to any

1 other authority to waive such requirement.

2 "(g) APPLICATION TO FUTURE LAWS.—This section applies to domestic source
3 requirements and domestic content requirements enacted before, on, or after the effective date of
4 this section."

5 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter V
6 is amended by inserting after the item relating to section 2539b the following new item:

7 "2539c. Waiver of domestic source or content requirements."

8 **SEC. 804. PURCHASE OF DINITROGEN TETROXIDE, HYDRAZINE, AND**
9 **HYDRAZINE-RELATED PRODUCTS.**

10 (a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by inserting
11 after section 2410m. the following new section:

12 **"§2410n. Purchase of dinitrogen tetroxide, hydrazine and hydrazine-related**
13 **products**

14 "The Secretary of Defense may enter into contracts, for a period of up to ten years, for the
15 purchase of dinitrogen tetroxide, hydrazine, and hydrazine-related products for contracts in
16 support of either United States national security programs or Federal space programs. Contracts
17 awarded under this provision may include renewal options covering a total period of not more
18 than ten additional years."

19 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of Chapter 141 by
20 adding at the end the following item:

21 "2410n. Purchase of dinitrogen tetroxide, hydrazine and hydrazine-related products."

22 **Subtitle B—Use of Preferred Sources**

1 **SEC. 811. ELIGIBILITY OF HUBZONE SMALL BUSINESS CONCERNS AND SMALL**
2 **BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-**
3 **DISABLED VETERANS UNDER THE MENTOR PROTÉGÉ PROGRAM.**

4 Section 831(m)(2) of the National Defense Authorization Act for Fiscal Year 1991 (10
5 U.S.C. 2302 note), is amended—

6 (1) by striking "or" at the end of subparagraph (D);

7 (2) by striking the period at the end of subparagraph (E) and inserting a semi-colon; and

8 (3) by adding at the end the following new subparagraphs:

9 "(F) a qualified HUBZone small business concern, as defined in section 3(p)(5)(A) of the
10 Small Business Act (15 U.S.C. 632(p)(5)(A)); or

11 "(G) a small business concern owned and controlled by Service-disabled veterans, as
12 defined in section 3(q)(2) of the Small Business Act (15 U.S.C. 637(q)(2))."

13 **Subtitle C—General Contracting Procedures and Limitations**

14 **SEC. 821. CONTRACTING FOR SECURITY GUARDS.**

15 Section 2465 of title 10, United States Code, is amended—

16 (1) in subsection (a), by striking "subsection (b)" and inserting "subsections (b)
17 and (c)"; and

18 (2) by inserting at the end the following new subsection (c):

19 "(c) Funds appropriated to the Department of Defense may be obligated and expended for
20 the purpose of entering into a contract for the performance of security guard functions provided
21 that the Secretary of Defense determines that such contract is necessary because the provision of
22 such services by government personnel is not cost effective or practical."

1 **SEC. 822. DEMONSTRATION PROJECT USING MULTI-YEAR CONTRACTS FOR**
2 **ENVIRONMENTAL REMEDIATION.**

3 (a) **AUTHORITY.**—The Secretary of a military department may conduct a demonstration
4 project to test the feasibility of using fixed-price multi-year contracts with incremental funding to
5 obtain environmental remediation services. To the extent that funds are otherwise available for
6 obligation, each such Secretary may enter into not more than four contracts. Payments under the
7 contracts may be made with funds appropriated for the fiscal year during which the services or
8 facilities will be provided.

9 (b) **LOCATION OF REMEDIATION.**—Any contract entered into under the authority provided
10 in subsection (a) shall be limited to environmental remediation services or facilities for an active
11 military installation, an installation being closed or realigned under base realignment, and closure
12 procedures of a formerly-used defense site. Each demonstration project shall be limited to not
13 more than four installations or defense sites with varied size and contaminant complexity.

14 (c) **TIME LIMITATION.**—A multi-year contract entered into pursuant to subsection (a) may
15 not exceed a period of five years. All such contracts, to the extent practicable, shall be awarded
16 within a year after the enactment of this Act.

17 (d) **CONTRACT CANCELLATIONS.**—A contract under this section may include cancellation
18 provisions to the extent that such provisions are necessary and in the best interests of the United
19 States. The cancellation provisions may include consideration of both recurring and
20 nonrecurring costs of the contractor associated with the provision of services or facilities under a
21 contract entered into pursuant to this section.

22 (e) **CANCELLATION OR TERMINATION FOR INSUFFICIENT FUNDING.**—In the event funds are

1 not available for the continuation into a subsequent fiscal year of a contract entered into pursuant
2 to this section, the contract shall be canceled or terminated. The costs of such cancellation or
3 termination may be paid from—

4 (1) appropriations originally available for the performance of the contract
5 concerned, if available;

6 (2) appropriations currently available for the procurement of environmental
7 remediation services or facilities, and not otherwise obligated; or

8 (3) funds appropriated for those payments.

9 **SEC. 823. MICRO-PURCHASE EXCEPTION FOR BALL AND ROLLER BEARINGS.**

10 (a) **IN GENERAL.**—Chapter 141 of title 10, United States Code, is amended by inserting
11 after section 2410m the following new section:

12 **"§ 2410n. Micro-purchase exception for ball and roller bearings**

13 "The Secretary of Defense may purchase ball and roller bearings from any source if the
14 purchase is at or below the micro-purchase threshold as defined in section 32 of the Office of
15 Federal Procurement Policy Act (41 U.S.C. 428). The authority for the Secretary to purchase ball
16 and roller bearings from any source is exclusive of any other provision of law relating to public
17 contracts or the procurement of goods other than United States goods."

18 (b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 141 of
19 title 10, United States Code, is amended by inserting after the item relating to section 2410m the
20 following new item:

21 "2410n. Micro-purchase exception for ball and roller bearings."

22 **TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT**

1 (A) while assigned to the Department of Defense Consequence Management
2 Program Integration Office; or

3 (B) while assigned" and inserting "only while assigned".

4 **Subtitle B—Financial Management**

5 **SEC. 911. PECUNIARY LIABILITY EQUALIZATION.**

6 (a) EXTENSION OF REPORT OF SURVEY PROCEDURES TO MEMBERS OF THE NAVY, MARINE
7 CORPS AND ALL CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.—Chapter 165 of title
8 10, United States Code, is amended by inserting after section 2786 the following new section:

9 **"§ 2787. Reports of survey**

10 "(a) REGULATIONS.—Under such regulations as the Secretary of Defense may prescribe,
11 any military officer or any civilian employee of the Department of Defense designated in
12 accordance with the provisions of such regulations may act upon reports of surveys and vouchers
13 pertaining to the loss, spoilage, unserviceability, unsuitability, or destruction of, or damage to,
14 property of the United States under the control of the Department of Defense.

15 "(b) FINALITY OF ACTION.—Action taken under subsection (a) is final, except that action
16 holding a person pecuniarily liable for loss, spoilage, destruction, or damage is not final until
17 approved in accordance with the provisions of the regulations prescribed under subsection (a)."

18 (b) EXTENSION OF PROVISION PERTAINING TO DAMAGE OR REPAIR OF ARMS AND
19 EQUIPMENT TO MEMBERS OF THE NAVY AND MARINE CORPS.—Section 1007(e) of title 37,
20 United States Code, is amended by striking "Army or the Air Force" and inserting "Army, Navy,
21 Air Force or Marine Corps".

22 (c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 165 of

1 title 10, United States Code, is amended by inserting after the item relating to section 2786 the
2 following new item:

3 "2787. Reports of survey."

4 (d) REPEAL OF SUPERCEDED PROVISIONS.—(1) Sections 4835 and 9835 of such title 10
5 are repealed.

6 (2) The table of sections at the beginning of chapters 453 and 953 of such title 10 are
7 amended by striking the items relating to sections 4835 and 9835, respectively.

8 **SEC. 912. ACCOUNTABLE OFFICIALS IN THE DEPARTMENT OF DEFENSE.**

9 (a) ADDITIONAL ACCOUNTABLE OFFICIALS WITHIN THE DEPARTMENT OF
10 DEFENSE.—Chapter 165 of title 10, United States Code, is amended by inserting after section
11 2773 the following new section:

12 **"§ 2773a. Departmental accountable officials**

13 "(a) DESIGNATION.—The Secretary of Defense may designate, in writing, a civilian
14 employee or a member of the armed forces under the Secretary's jurisdiction, who is not
15 otherwise accountable under subtitle III of title 31 or other law, as a departmental accountable
16 official. The Secretary may so designate those employees or members who, in the performance
17 of their duties, are responsible for providing to certifying officials of the Department of Defense
18 information, data, or services directly relied upon by the certifying officials in the certification of
19 vouchers for payment.

20 "(b) PECUNIARY LIABILITY.—The Secretary of Defense may, in a designation under
21 subsection (a), impose pecuniary liability on a departmental accountable official to the extent that
22 an illegal, improper, or incorrect payment results from the information, data, or services which

1 that official provided to a certifying official and upon which the certifying official directly relied
2 in certifying the voucher supporting that payment. The pecuniary liability under this subsection
3 of a departmental accountable official for an illegal, improper, or incorrect payment is joint and
4 several with that of other officials who are pecuniarily liable for such payment.

5 "(c) RELIEF FROM PECUNIARY LIABILITY.—The Secretary of Defense shall relieve a
6 departmental accountable official from pecuniary liability under subsection (b) if the Secretary
7 determines that the illegal, improper, or incorrect payment was not the result of fault or
8 negligence by that official."

9 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter 165
10 of title 10 is amended by inserting after the item relating to section 2773 the following new item:
11 "2773a. Departmental accountable officials."

12 **SEC. 913. FAILURE TO PARTICIPATE SATISFACTORILY; PENALTIES.**

13 Section 16135 of title 10, United States Code, is amended by adding at the end the
14 following new subsection:

15 "(c)(1) Subject to paragraph (a)(2), an obligation to pay a refund to the United States
16 under subparagraph (a)(1)(B) in an amount determined under subsection (b) is, for all purposes, a
17 debt owed to the United States.

18 "(2) A discharge in bankruptcy under title 11 that is entered less than five years after the
19 termination of an enlistment or other agreement under this section does not discharge the person
20 signing such enlistment or other agreement from a debt arising under the enlistment or
21 agreement, respectively, or this subsection."

22 **TITLE X—GENERAL PROVISIONS**

1 **Subtitle A—Financial Matters**

2 **SEC. 1001. REPEAL OF REQUIREMENT FOR SEPARATE BUDGET REQUEST FOR**
3 **PROCUREMENT OF RESERVE EQUIPMENT.**

4 Section 114(e) of title 10, United States Code, is repealed.

5 **SEC. 1002. TRANSFER OF FUNDS WITHIN ACQUISITION PROGRAMS;**
6 **PROCEDURES AND LIMITATIONS.**

7 Section 2214 of title 10, United States Code, is amended—

8 (1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e),
9 respectively; and

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

11 "(b) LIMITED TRANSFER AUTHORITY.—The Secretary of Defense may transfer amounts
12 provided in appropriation acts for procurement to amounts in appropriations Acts for research,
13 development, test, and evaluation within individual acquisition category I and II programs not to
14 exceed \$250 million per year and \$20 million per acquisition program. A transfer for the
15 purpose of initiating research, development, testing, or evaluation of a new program or system is
16 prohibited. The transfer authority provided in this subsection is in addition to any other transfer
17 authority available to the Secretary of Defense."

18 **SEC. 1003. REIMBURSEMENT FOR RESERVE INTELLIGENCE SUPPORT.**

19 (a) IN GENERAL.—Chapter 1003 of title 10, United States Code, is amended by adding at
20 the end the following new section:

21 **"§ 10115. Reimbursement for reserve intelligence support**

22 "The Secretary of Defense or the Secretary concerned may reimburse a Reserve or

1 National Guard unit or organization for the pay, allowances, or other expenses incurred by the
2 Reserve or National Guard unit or organization when a member of the Reserve or National Guard
3 unit or organization provides intelligence support, counterintelligence support, or intelligence
4 and counterintelligence support to Combatant Commands, Defense Agencies, and Joint
5 Intelligence Activities, including but not limited to the activities and programs within the
6 National Foreign Intelligence Program, the Joint Military Intelligence Program, and the Tactical
7 Intelligence and Related Activities. Reimbursement shall be paid out of funds available for
8 operations and maintenance of the military departments, combatant commands, or Defense
9 Agencies."

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

12 "10115. Reimbursement for reserve intelligence support."

13 **SEC. 1004. AUTHORITY TO WAIVE REIMBURSEMENT OF ASIA-PACIFIC**
14 **CENTER FOR SECURITY STUDIES CHARGES.**

15 (a) WAIVER OF CHARGES.—The Secretary of Defense may waive reimbursement of the
16 costs of conferences, seminars, courses of instruction, or similar educational activities of the
17 Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign
18 nations of the Asia-Pacific region if the Secretary determines that attendance by such personnel,
19 without reimbursement, is in the national security interest of the United States.

20 (b) FUNDING.—Costs for which reimbursement is waived pursuant to paragraph (1) shall
21 be paid from appropriations available for the Asia-Pacific Center for Security Studies.

22 **SEC. 1005. CROSS-FISCAL YEAR COOPERATIVE AGREEMENTS FOR**

1 **ENVIRONMENTAL PURPOSES.**

2 (a) **CROSS-FISCAL YEAR ENVIRONMENTAL COOPERATIVE AGREEMENTS.**—Section 2410a
3 of title 10, United States Code, is amended—

4 (1) in subsection (a)—

5 (A) by striking "contract for procurement" and inserting "contract, or a
6 cooperative agreement entered into under section 2701(d) of this title, for procurement";

7 (B) by striking "the next" and inserting "another";

8 (C) by striking "period of the contract" and inserting "period of the contract or the
9 cooperative agreement"; and

10 (D) by striking "contract period does not exceed one year" and inserting "contract
11 period does not exceed one year and the cooperative agreement period does not exceed
12 two years"; and

13 (2) in subsection (2), by striking the period and inserting "or of a cooperative agreement
14 entered into under section 2701(d) of this title."

15 (b) **USE OF FUNDS FROM ENVIRONMENTAL ACCOUNTS.**—Section 2703(b)(1) of such title
16 10 is amended—

17 (1) in subparagraph (A), by striking "and" following the semicolon; and

18 (2) in subparagraph (B) by—

19 (A) striking the period and inserting"; and"; and

20 (B) adding at the end thereof the following new subparagraph:

21 "(C) to reimburse, for services provided under cooperative agreements entered
22 into under section 2701(d) of this title, any department, agency, instrumentality or entity

1 of—

2 "(i) the United States;

3 "(ii) any State, District, commonwealth, territory or possession of the United
4 States, or political subdivision thereof; or

5 "(iii) Indian tribe."

6 (c) CONFORMING AMENDMENTS.—(1) The section heading for section 2410a of such title
7 10 is amended by inserting "**and environmental cooperative agreements**" after "**contracts**".

8 (2) The table of sections for chapter 141 of such title 10 is amended by amending the item
9 relating to section 2410a to read as follows:

10 "2410a. Severable service contracts and environmental cooperative agreements crossing fiscal years."

11 **Subtitle B—Repeal and Revision of Various Reporting Requirements**

12 **SEC. 1011. REPEAL OF VARIOUS REPORTS REQUIRED OF THE DEPARTMENT**
13 **OF DEFENSE.**

14 (a) PROVISIONS OF TITLE 10.—Title 10, United States Code, is amended—

15 (1) in section 117—

16 (A) by striking subsection (e); and

17 (B) by redesignating subsection (f) as subsection (e);

18 (2) in section 129, by striking subsection (f);

19 (3) in chapter 7—

20 (A) section 183 is repealed; and

21 (B) the table of sections for such chapter 7 is amended by striking the item
22 relating to section 183;

1 (4) in chapter 9—

2 (A) section 226 is repealed;

3 (B) section 230 is repealed; and

4 (B) the table of sections for such chapter 9 is amended by striking the items
5 relating to sections 226 and 230;

6 (5) in chapter 23—

7 (A) sections 482, 483, 484, and 487 are repealed; and

8 (B) the table of sections for such chapter 23 is amended by striking the items
9 relating to section 482, 483, 484, and 487;

10 (6) in section 526—

11 (A) by striking subsection (c); and

12 (B) by redesignating subsection (d) as subsection (c);

13 (7) in section 721(d)—

14 (A) by striking paragraph (2); and

15 (B) by striking the designator "(1)" preceding the remaining matter;

16 (8) in section 986, by striking subsection (e);

17 (9) in section 1095(g)—

18 (A) by striking paragraph (2); and

19 (B) by striking the designator "(1)" preceding the remaining matter;

20 (10) in section 1557—

21 (A) by striking subsection (e); and

22 (B) by redesignating subsection (f) as subsection (e);

1 (11) in chapter 80—
2 (A) section 1563 is repealed; and
3 (B) the table of sections for such chapter 80 is amended by striking the item
4 relating to section 1563;
5 (12) in section 1597, by striking subsections (c) through (e);
6 (13) in section 1798, by striking subsection (d);
7 (14) in section 1799, by striking subsection (d);
8 (15) in section 2010—
9 (A) by striking subsection (b); and
10 (B) by redesignating subsections (c) and (d) as subsections (b) and (c),
11 respectively;
12 (16) in section 2011, by striking subsection (e);
13 (17) in section 2208(j)(2), by striking " and notifies Congress regarding the reasons for
14 the waiver";
15 (18) in section 2220—
16 (A) by striking subsections (b) and (c); and
17 (B) by striking "(a) ESTABLISHMENT OF GOALS.—" ;
18 (19) in section 2255(b)—
19 (A) by striking paragraph (2); and
20 (B) by striking the designator "(1)" after the catchline;
21 (20) in chapter 136—
22 (A) section 2282 is repealed; and

1 (B) the table of sections for such chapter 136 is amended by striking the item
2 relating to section 2282;

3 (21) in section 2327(c)(1)—

4 (A) in subparagraph (A), by striking "after the date on which such head of an
5 agency submits to Congress a report on the contract" and inserting "if in the best interests
6 of the government";

7 (B) by striking subparagraph (B); and

8 (C) by redesignating subparagraph (C) as subparagraph (B);

9 (22) in section 2350a—

10 (A) in subsection (f)—

11 (i) by striking paragraph (1);

12 (ii) by amending the catchline to read "REPORT TO CONGRESS.—"; and

13 (iii) by striking the designator "(2)" that precedes the remaining matter;

14 and

15 (B) in subsection (g), by striking paragraph (4);

16 (23) in section 2350f—

17 (A) by striking subsection (c); and

18 (B) by redesignating subsection (d) as subsection (c);

19 (24) in section 2350k, by striking subsection (d);

20 (25) in section 2367(d)—

21 (A) by striking paragraph (1); and

22 (B) by striking the designator "(2)" that precedes the remaining matter after the

1 catchline;

2 (26) in section 2391—

3 (A) by striking subsection (c); and

4 (B) by redesignating subsections (d) and (e) as subsections (c) and (d),

5 respectively;

6 (27) in section 2399—

7 (A) by striking subsection (g); and

8 (B) by redesignating subsection (h) as subsection (g);

9 (28) in section 2401—

10 (A) by striking subsection (b);

11 (B) by redesignating subsections (c) through (f) as subsections (b) through (e),

12 respectively; and

13 (C) in subsection (a), by striking "only as provided in subsection (b)" both times

14 such phrase appears in the subsection;

15 (29) in section 2410i(c), by striking the last sentence;

16 (30) in section 2457—

17 (A) by striking subsection (d); and

18 (B) by redesignating subsections (e) and (f) as subsections (d) and (e),

19 respectively;

20 (31) in section 2464(b), by striking paragraph (3);

21 (32) in section 2486(b)(12), by striking all after "the Secretary of Defense may prescribe"

22 and inserting a period;

1 (33) in section 2492, by striking subsection (c);

2 (34) in section 2493, by striking subsection (g);

3 (35) in chapter 148—

4 (A) section 2504 is repealed;

5 (B) the table of sections for such chapter 148 is amended by striking the item
6 relating to section 2504;

7 (36) in section 2537—

8 (A) by striking subsection (b); and

9 (B) by redesignating subsection (c) as subsection (b);

10 (37) in section 2563(c)(2), by striking "and notifies Congress regarding the reasons for the
11 waiver";

12 (38) in section 2611—

13 (A) by striking subsection (e); and

14 (B) by redesignating subsection (f) as subsection (e);

15 (39) in section 2631(b)(3), by striking the last sentence;

16 (40) in section 2662—

17 (A) by striking subsection (e);

18 (B) by redesignating subsections (f) and (g) as subsections (e) and (f),
19 respectively; and

20 (C) in subsection (f), as redesignated by subparagraph (B), by striking ", and the
21 reporting requirement set forth in subsection (e) must not apply with respect to a real
22 property transaction otherwise covered by that subsection,";

1 (41) in section 2667—

2 (A) by striking paragraph (3); and

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

4 respectively;

5 (42) in section 2676(d), by striking all after "is approved by the Secretary concerned" and

6 inserting a period;

7 (43) in section 2688—

8 (A) by striking subsection (e);

9 (B) by redesignating subsections (f) through (i) as subsections (e) through (h),

10 respectively; and

11 (C) in subsection (f), as redesignated by subparagraph (B), by striking the last

12 sentence;

13 (44) in section 2696—

14 (A) by striking subsections (c) and (d); and

15 (B) by redesignating subsection (e) as subsection (c);

16 (45) in section 2805(b)—

17 (A) by striking paragraph (2); and

18 (B) by striking the designator "(1)" that precedes the remaining matter;

19 (46) in section 2807—

20 (A) by striking subsection (b); and

21 (B) by redesignating subsections (c) and (d) as subsections (b) and (c),

22 respectively;

1 (47) in section 2809, by striking subsection (f);
2 (48) in section 2812(c)—
3 (A) by striking paragraph (1);
4 (B) by striking the designator "(2)" that precedes the remaining matter;
5 (49) in section 2813, by striking subsection (c);
6 (50) in section 2827—
7 (A) by striking subsection (b); and
8 (B) by striking "(a) Subject to subsection (b), the Secretary" and inserting "The
9 Secretary";
10 (51) in section 2828—
11 (A) by striking subsection (f); and
12 (B) by redesignating subsection (g) as subsection (f);
13 (52) in section 2835—
14 (A) by striking subsection (b);
15 (B) by redesignating subsections (c) through (h) as subsections (b) through (g),
16 respectively; and
17 (C) in subsection (a), by striking "Subject to subsection (b), the Secretary" and
18 inserting "The Secretary";
19 (53) in section 2836—
20 (A) by striking subsection (b);
21 (B) by redesignating subsections (c) through (g) as subsections (b) through (f),
22 respectively; and

1 (C) in subsection (a), by striking "Subject to subsection (b), the Secretary" and
2 inserting "The Secretary";

3 (54) in section 2837—

4 (A) in subsection (c)—

5 (i) by striking paragraph (2); and

6 (ii) by striking the designator "(1)" after the catchline and preceding the
7 remaining matter;

8 (B) by striking subsection (f); and

9 (C) by redesignating subsections (g) and (h) as subsections (f) and (g);

10 (55) in section 2867, by striking subsection (c);

11 (56) in section 4416, by striking subsection (f);

12 (57) in section 5721(f)—

13 (A) by striking paragraph (2); and

14 (B) by striking the designator "(1)" after the catchline and preceding the remaining
15 matter;

16 (58) in section 9356—

17 (A) by striking subsection (c);

18 (B) by redesignating subsections (d) and (e) as subsections (c) and (d),
19 respectively; and

20 (C) in subsection (a), by striking "Subject to subsection (c), the Secretary" and
21 inserting "The Secretary"; and

22 (59) in section 12302—

1 (A) in subsection (b), by striking the last sentence; and

2 (B) by striking subsection (d).

3 (b) DEFENSE ACQUISITION IMPROVEMENT ACT OF 1986.—Section 908 of the Defense
4 Acquisition Improvement Act of 1986 (10 U.S.C. 2326 note) is amended by striking subsection
5 (b).

6 (c) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994.—Section 542 of
7 the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat.
8 1659; 10 U.S.C. 113 note) is repealed.

9 (d) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995.—Section 553(b)
10 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat.
11 2772; 10 U.S.C. 6951 note) is amended by striking the last sentence.

12 (e) BALLISTIC MISSILE DEFENSE ACT OF 1995.— Section 234 of the Ballistic Missile
13 Defense Act of 1995 (Public Law 104-106; 110 Stat. 229, 231; 10 U.S.C. 2431 note) is amended
14 by striking subsection (f).

15 (g) FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR
16 2001.—Section 1006 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year
17 2001 (Public Law 106-398 Appendix; 114 Stat. 1654A-247; 10 U.S.C. 2226 note) is amended by
18 striking subsection (c).

19 (h) DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001.—Section 8019 of the
20 Department of Defense Appropriations Act, 2001 (Public Law 106-259; 114 Stat. 678; 10 U.S.C.
21 2687 note) is amended by striking the last sentence.

22 (i) MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001.—Section 125 of the Military

1 Construction Appropriations Act, 2001 (Division A of Public Law 106-246; 114 Stat. 517; 10
2 U.S.C. 2782 note) is repealed.

3 **SEC. 1012. FREQUENCY OF CERTAIN SURVEYS; SECTION 481 OF TITLE 10.**

4 (a) IN GENERAL.—Section 481 of title 10, United States Code, is amended—

5 (1) in subsection (a), by striking "an annual survey" and inserting "a survey not less than
6 once every four years";

7 (2) in subsection (b)—

8 (A) by striking "annual";

9 (B) by striking "the entity" and inserting "an entity"; and

10 (C) by inserting a period after "Department of Defense" and striking the remainder
11 of the sentence;

12 (3) in subsection (c), by striking "annual"; and

13 (4) in the catchline for the section by striking "**annual**".

14 (b) CLERICAL AMENDMENT.—In the table of sections for chapter 23 of such title 10, in
15 the item relating to section 481, by striking "annual".

16 **SEC. 1013. QUADRENNIAL DEFENSE REVIEW.**

17 Section 118(a) of title 10, United States Code, is amended by striking "during a year" and
18 inserting "during the second year".

19 **Subtitle C—Other Matters**

20 **SEC. 1021. EXPLOSIVES SAFETY BOARD.**

21 (a) CLARIFICATION OF AUTHORITY.—Section 172 of title 10, United States Code, is
22 amended—

1 (1) in the title by striking "Ammunition storage" and inserting "Explosives safety";

2 (2) by amending subsection (a) to read as follows:

3 "(a)(1) The Secretary of Defense is responsible for ensuring the explosives safety of
4 those military munitions under his control.

5 "(2) The Secretary may address such safety, as directed in paragraph (1), through a
6 joint explosives safety board."; and

7 (3) in subsection (b), by striking "Secretaries of the military departments in carrying out
8 the recommendations in House Document No. 199 of the Seventieth Congress" and inserting
9 "Secretary of Defense and other Department of Defense components in implementing explosives
10 safety standards".

11 (b) CLERICAL AMENDMENT.—The table of sections is amended by striking the item that
12 refers to section 272 and inserting:

13 "272. Explosives safety board."

14 **SEC. 1022. AUTHORIZE ARMY AND AIR FORCE TO PROVIDE BASE OPERATING**
15 **SUPPORT TO FISHER HOUSES.**

16 Section 2493(f) of title 10, United States Code, is amended to read as follows:

17 "(f) BASE OPERATING SUPPORT.—The Secretary of a military department may provide
18 base operating support for Fisher Houses associated with the military department."

19 **SEC. 1023. ELIGIBILITY OF INTELLIGENCE SENIOR-LEVEL EMPLOYEES FOR**
20 **PRESIDENTIAL RANK AWARDS.**

21 Section 1607 of title 10, United States Code, is amended by adding at the end the
22 following new subsection:

1 performing armed escort functions. Such escorts, while on duty, are authorized to carry firearms,
2 to arrest individuals committing Federal crimes in their presence, and to exercise limited law
3 enforcement powers as necessary to fulfill this responsibility.

4 "(d) REGULATIONS.—The authority provided for in this section may be exercised only
5 pursuant to regulations prescribed by the Secretary of Defense and approved by the Attorney
6 General. The regulations shall include procedures for the selection, training, use, and oversight
7 of armed escorts."

8 (2) The table of sections at the beginning of such chapter 157 is amended by inserting
9 after the item relating to section 2646 the following new item:

10 "2647. Security of arms and munitions shipments within the United States, its territories, and possessions."

11 (b) THE AVIATION AND TRANSPORTATION SECURITY ACT.—Section 132 of the Aviation
12 and Transportation Security Act (Public Law 107-71; 115 Stat. 635) is amended—

13 (1) by amending the title to read as follows:

14 "**SEC. 132. GENERAL AVIATION, AIR CHARTERS, AND ARMED FORCES**
15 **ACTIVITIES.**"; and

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

17 "(c) EXEMPTION FOR AIRCRAFT CHARTERED OR UNDER CONTRACT TO PROVIDE
18 TRANSPORTATION TO THE ARMED FORCES.—The provisions of this Act shall not apply to the
19 operation of, or to the passengers and property carried by aircraft when employed to provide
20 charter transportation to the armed forces, except for an operation to or from an airport described
21 in section 44903(b) of title 49, United States Code. For an operation to or from an airport
22 described in section 44903(c) of such title 49, the screening and passenger manifest provisions of

1 this Act shall not apply to passengers and property loaded onto such aircraft. The Secretary of
2 Defense, in consultation with the Secretary of Transportation, shall establish security procedures
3 relating to the operation of such aircraft to or from an airport described in section 44903(c) of
4 such title 49."

5 **SEC. 1025. AMENDMENT TO AUTHORITY FOR ACCEPTANCE BY ASIA-PACIFIC**
6 **CENTER FOR SECURITY STUDIES OF FOREIGN GIFTS AND**
7 **DONATIONS.**

8 (a) IN GENERAL.—Section 2611 of title 10, United States Code, is amended—

9 (1) in the section heading, by striking "**foreign**";

10 (2) in subsection (a)—

11 (A) in the catchline, by striking "FOREIGN";

12 (B) in paragraph (1)—

13 (i) by striking "foreign"; and

14 (ii) by adding at the end the following new sentence:

15 "Such donations may be accepted from any agency of the Federal Government, any State or local
16 government, any foreign government, any foundation or other charitable organization (including
17 any that is organized or operates under the laws of a foreign country), or any other private source
18 in the United States or a foreign country.";

19 (3) in subsection (c), by striking "foreign"; and

20 (4) by striking subsection (f).

21 (b) CLERICAL AMENDMENT.—The table of sections for chapter 155 of such title 10 is
22 amended with regard to the item that refers to section 2611 by striking "foreign".

1 **TITLE XI—MATTERS RELATING TO OTHER NATIONS**

2 **SEC. 1101. EXPANSION OF AUTHORITY TO CONDUCT THE ARCTIC MILITARY**
3 **ENVIRONMENTAL COOPERATION PROGRAM.**

4 (a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is
5 amended by adding at the end the following new section:

6 **"§ 2350l. Arctic and Western Pacific military environmental cooperation program**

7 "(a) COOPERATIVE ENVIRONMENTAL PROGRAM.—Subject to subsection (b), the Secretary
8 of Defense, with the concurrence of the Secretary of State, may conduct an Arctic and Western
9 Pacific military environmental cooperation program.

10 "(b) ACTIVITIES UNDER PROGRAM.—(1) Subject to paragraph (2), activities under an
11 Arctic and Western Pacific military environmental cooperation program as authorized in
12 subsection (a) shall include cooperative and assistance activities on environmental matters in the
13 Arctic and Western Pacific regions with the military departments and agencies of other countries,
14 including the Russian Federation.

15 "(2) Activities under the Arctic and Western Pacific Military Environmental Cooperation
16 Program may not include any activities related to—

17 "(A) conducting any peacekeeping exercise or other peacekeeping-related activity
18 with Russia;

19 "(B) the provision of housing;

20 "(C) the provision of assistance to promote an environmental restoration; or

21 "(D) the provision of assistance to promote job retraining."

22 (b) CLERICAL AMENDMENT.—The table of section for subchapter II of chapter 138 of

1 such title 10 is amended by inserting after the item relating to section 2350k, the following new
2 item:

3 "2350l. Arctic and Western Pacific military environmental cooperation program."

4 (c) CONFORMING AMENDMENT.—Section 327 of the Strom Thurmond National Defense
5 Authorization Act for Fiscal Year 1999 (Public Law No. 105-261; 112 Stat. 1965), is repealed.

6 **SEC. 1102. USE OF WARSAW INITIATIVE FUNDS FOR TRAVEL OF OFFICIALS**
7 **FROM PARTNER COUNTRIES.**

8 Section 1051 of title 10, United States Code, is amended—

9 (1) by striking subsection (b); and

10 (2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

11 **SEC. 1103. INSURANCE FOR VESSELS IN SUPPORT OF NATO, INTERNATIONAL**
12 **ORGANIZATIONS, OR OTHER ALLIED COUNTRIES.**

13 (a) IN GENERAL.—Section 1205 of the Merchant Marine Act of 1936, (46 U.S.C. App.
14 1285) is amended by adding at the end the following new subsections:

15 "(c) INSURANCE OF VESSELS IN SUPPORT OF NATO, INTERNATIONAL ORGANIZATIONS, OR
16 OTHER ALLIED COUNTRIES.—The Secretary of Transportation may provide insurance for vessels,
17 regardless of registration or ownership, supporting operations of an organization established by a
18 mutual defense treaty to which the United States is a party, a state-party to such a treaty, an
19 international organization of which the United States is a member by treaty or otherwise, or a
20 country with respect to which the President determines cooperation under this subsection is
21 important to the national security of the United States. Such vessels do not have to be under
22 contract with a department or agency of the United States. If the request is made pursuant to an

1 international agreement providing for the sharing of risks involved in mutual or joint operations,
2 the Secretary of Transportation, with the concurrence of the Secretary of State, may agree to the
3 sharing of risk agreement or any lesser obligation on the part of the United States.

4 "(d) RECEIPT OF CONTRIBUTIONS.—Notwithstanding the provisions of section 3302(b) of
5 title 31, United States Code, if the international agreements referenced in subsection (c) of this
6 section provide for the sharing of risks involved in mutual or joint operations, contributions for
7 losses incurred by the fund or financed pursuant to subsection (e) below, that are received from
8 foreign entities may be deposited in the fund. Any associated obligation for indemnification
9 from the requesting department, agency, or instrumentality of the United States Government is
10 extinguished to the extent of any contributions received.

11 "(e) FUNDING OF INTERNATIONAL INDEMNITY OBLIGATIONS WITH BORROWING
12 AUTHORITY.—If at any time the moneys in the insurance fund are insufficient to pay an amount
13 the Secretary is required to pay pursuant to this title, the Secretary may borrow money from the
14 Treasury of the United States in such amounts as may be necessary to meet such obligations
15 authorized under this title, but not to exceed \$500,000,000. Such amounts borrowed from the
16 Treasury shall have such maturities, terms, and conditions as may be agreed upon by the
17 Secretary of Transportation and the Secretary of the Treasury, but the maturities may not be in
18 excess of forty years, and such amounts borrowed from the Treasury may be redeemable at the
19 option of the Secretary of Transportation before maturity. Such amounts borrowed from the
20 Treasury shall bear interest at a rate determined by the Secretary of the Treasury taking into
21 consideration the average market yield on outstanding marketable obligations of the United
22 States of comparable maturities during the month preceding the issuance of the obligations of the

1 Secretary. The interest payments on such obligations may be deferred with the approval of the
2 Secretary of the Treasury but any interest payment so deferred shall bear interest. Said
3 obligations shall be issued in amounts and at prices approved by the Secretary of the Treasury.
4 The authority of the Secretary of Transportation to issue obligations hereunder shall remain
5 available without fiscal year limitation. The Secretary of the Treasury is authorized and directed
6 to purchase any obligations of the Secretary of Transportation to be issued under this paragraph
7 and for such purpose the Secretary of the Treasury is authorized to use as a public debt
8 transaction of the United States the proceeds from the sale of any securities issued under chapter
9 31 of title 31, and the purposes for which securities may be issued under chapter 31 of title 31 are
10 extended to include any fulfillment of the obligations of the Secretary of Transportation under
11 this section."

12 (b) CLERICAL AMENDMENT.—The section heading for section 1205 of the Merchant
13 Marine Act of 1936, (46 U.S.C. App. 1285) is amended to read as follows:

14 "1205. Insurance of property of government departments, agencies, and International Organizations."

15 **TITLE XII—READINESS AND RANGE PRESERVATION INITIATIVE**

16 **SEC. 1201. READINESS AND RANGE PRESERVATION INITIATIVE.**

17 (a) IN GENERAL.—Title 10, United States Code, is amended by inserting after chapter 101
18 the following new chapter:

19 **"CHAPTER 101A—READINESS AND RANGE PRESERVATION**

"Sec.	
"2015.	Purpose of this chapter.
"2016.	Definitions.
"2017.	Military readiness and the conservation of protected species.
"2018.	Conformity with State Implementation Plans for air quality.
"2019.	Range management and restoration.
"2020.	Agreements with private organizations to address encroachment and other constraints on military

training, testing, and operations.
"2021. Conveyance of surplus real property for natural resource conservation purposes.

1 **"§ 2015. Purpose of this chapter**

2 "The purpose of this chapter is to—

3 "(1) protect the lives and well-being of citizens of the United States and preserve their
4 freedoms, economic prosperity, and environmental heritage by ensuring military readiness;

5 "(2) ensure military readiness by addressing problems created by encroachment on
6 military readiness activities and lands, marine areas, and airspace reserved, withdrawn, or
7 designated for a military use;

8 "(3) reaffirm the principle that such lands, marine areas, and airspace exist to ensure
9 military preparedness;

10 "(4) shield military readiness activities and lands, marine areas, and airspace reserved,
11 withdrawn, or designated for a military use, including land, sea, and air training and operating
12 areas, from encroachment, while ensuring that the Department of Defense fulfills its
13 environmental stewardship responsibilities;

14 "(5) manage such lands, marine areas, and airspace for other purposes to the extent the
15 non-military purpose does not reduce capability to support military readiness activities;

16 "(6) re-establish the appropriate balance between military readiness and environmental
17 stewardship; and

18 "(7) establish a framework to ensure long-term sustainability of military ranges.

19 **"§ 2016. Definitions.**

20 "For purposes of this chapter:

1 "(1) The term 'military readiness activities' includes all training and operations that relate
2 to combat, and the adequate and realistic testing of military equipment, vehicles, weapons, and
3 sensors for proper operation and suitability for combat use. The term does not include the
4 routine operation of installation operating support functions, such as administrative offices,
5 military exchanges, commissaries, water treatment facilities, storage, schools, housing, motor
6 pools, laundries, morale, welfare and recreation activities, shops, and mess halls, nor the
7 operation of industrial activities, or the construction or demolition of such facilities.

8 "(2) The terms 'combat' or 'combat use' include all forms of armed conflict and
9 operational employment as well as those support functions necessary for armed conflict and
10 operational employment, including transportation of personnel, weapons, supplies, ammunition
11 and other military material to the vicinity of actual or potential armed conflict; intelligence
12 gathering in support of actual or potential armed conflict; command of and communications
13 between military units; and similar activities necessary for the successful prosecution of armed
14 conflict, whether or not conducted at the scene of actual conflict.

15 "(3) The term 'the Department' means the Department of Defense as defined in section
16 101(a)(6) of this title and the Coast Guard when it is not operating as a service in the Department
17 of the Navy.

18 "**§ 2017. Military readiness and the conservation of protected species**

19 "(a) CRITICAL HABITAT FOR THREATENED AND ENDANGERED SPECIES.—(1) The
20 completion of an Integrated Natural Resources Management Plan, pursuant to the Sikes Act
21 Improvement Act (16 U.S.C. 670a), for lands or other geographical areas owned or controlled by
22 the Department, or designated for its use, that addresses endangered or threatened species and

1 their habitat, provides the 'special management considerations or protection' required under the
2 Endangered Species Act (16 U.S.C. 1532(5)(A)) and precludes designation of critical habitat for
3 any such land or geographical areas under section 4 of the Endangered Species Act (16 U.S.C.
4 1533).

5 "(2) This subsection does not remove the requirement for agency consultation
6 under section 7(a)(2) of the Endangered Species Act (16 U.S.C. 1536(a)(2)).

7 "(b) MIGRATORY BIRDS.— Recognizing the critical importance of military readiness
8 activities to the United States and the efforts taken by the Department to avoid adverse impacts
9 on migratory birds, military readiness activities of the Department are hereby authorized under
10 the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) without further action by the Secretary of
11 the Interior; provided, that the Department shall minimize taking of migratory birds to the extent
12 practical and necessary to further the purposes of the Act without diminishment of military
13 training or other capabilities, as determined by the Department.

14 "(c) MARINE MAMMALS.—For purposes of the Marine Mammal Protection Act of 1972
15 (16 U.S.C. 1361 et seq.) harassment from military readiness activities occurs only when those
16 activities—

17 "(1) injure or have the significant potential to injure a marine mammal or marine
18 mammal stock in the wild;

19 "(2) disturb or are likely to disturb a marine mammal or marine mammal stock in
20 the wild by causing disruption of natural behavior patterns, including, but not limited to,
21 migration, surfacing, nursing, breeding, feeding, or sheltering to a point where such
22 behavioral patterns are abandoned or significantly altered; or

1 "(3) are directed toward a specific individual, group, or stock of marine mammals
2 in the wild that is likely to disturb the specific individual, group, or stock of marine
3 mammals by disrupting behavior, including but not limited to migration, surfacing,
4 nursing, breeding, feeding or sheltering.

5 "**§ 2018. Conformity with State Implementation Plans for air quality**

6 "(a) CONFORMITY WITH CLEAN AIR ACT.—In all cases in which the requirements of
7 section 176(c) of the Clean Air Act would have applied to proposed military readiness activities,
8 the Department shall not be prohibited from engaging in such military readiness activities, but
9 shall—

10 "(1) estimate for all criteria pollutants for which the area is designated
11 'nonattainment' or 'maintenance' the quantity of emissions that are caused by the military
12 readiness activities;

13 "(2) notify the state air quality planning agency for the affected area of such
14 emission estimates prior to engaging in proposed military readiness activities; and

15 "(3) ensure that military readiness activities conform with the requirements of
16 section 176(c) within three years of the date new activities begin.

17 "(b) EPA APPROVAL.—Notwithstanding any other provisions of law, an implementation
18 plan or plan revision required under the Clean Air Act shall be approved by the Administrator of
19 the Environmental Protection Agency if—

20 "(1) such plan or revision meets all the requirements applicable to it under the
21 Clean Air Act other than a requirement that such plan or revision demonstrate attainment
22 and maintenance of the relevant national ambient air quality standards by the attainment

1 date specified under the applicable provision of the Act, or in a regulation promulgated
2 under such provision; and

3 "(2) the submitting State established to the satisfaction of the Administrator that
4 the implementation plan of such State would be adequate to attain and maintain the
5 relevant national ambient air quality standards by the attainment date specified under the
6 applicable provision of the Act, or in a regulation promulgated under such provision, but
7 for emissions emanating from military readiness activities not otherwise meeting section
8 176(c) of the Act pursuant to paragraph (a) of this section.

9 "(c) EFFECT ON STATE COMPLIANCE WITH OZONE STANDARDS.—Notwithstanding any
10 other provisions of law, any state that establishes to the satisfaction of the Administrator that,
11 with respect to an ozone nonattainment area in such State, such State would have attained the
12 national ambient air quality standard for ozone by the applicable attainment date, but for
13 emissions emanating from military readiness activities not otherwise meeting section 176(c) of
14 the Act pursuant to paragraph (a) of this section, shall not be subject to the provisions of section
15 182(a)(2) or (5) or section 185 of the Act.

16 "(d) EFFECT ON STATE COMPLIANCE WITH CARBON MONOXIDE STANDARDS.—
17 Notwithstanding any other provision of law, any State that establishes to the satisfaction of the
18 Administrator, with respect to a carbon monoxide nonattainment area in such State, that such
19 State has attained the national ambient air quality standard for carbon monoxide by the applicable
20 attainment date, but for emissions emanating from military readiness activities not otherwise
21 meeting section 176(c) of the Act pursuant to paragraph (a) of this section, shall not be subject to
22 the provisions of section 186(b)(2) of the Act.

1 "(e) EFFECT ON STATE COMPLIANCE WITH PM-10 STANDARDS.—Notwithstanding any
2 other provisions of law, any State that establishes to the satisfaction of the Administrator that,
3 with respect to a PM-10 nonattainment area in such State, such State would have attained the
4 national ambient air quality standard for PM-10 by the applicable attainment date, but for
5 emission emanating from military readiness activities not otherwise meeting section 176(c) of the
6 Act pursuant to paragraph (a) of this section shall not be subject to the provisions of section
7 188(b)(2) of the Act.

8 "**Sec. 2019. Range management and restoration**

9 "(a) DEFINITION OF SOLID WASTE.—(1)(A) The term 'solid waste,' as used in the Solid
10 Waste Disposal Act, as amended (42 U.S.C. 6901 et seq.), includes explosives, unexploded
11 ordnance, munitions, munition fragments, or constituents thereof that—

12 "(i) are or have been deposited, incident to their normal and expected use,
13 on an operational range, and—

14 "(I) are removed from the operational range for reclamation,
15 treatment, disposal, treatment prior to disposal, or storage prior to or in
16 lieu of reclamation, treatment, disposal, or treatment prior to disposal;

17 "(II) are recovered, collected, and then disposed of by burial or
18 landfilling; or

19 "(III) migrate off an operational range and are not addressed under
20 the Comprehensive Environmental Response, Compensation, and Liability
21 Act of 1980, as amended (42 U.S.C. 9601 et seq.); or

22 "(ii) are deposited, incident to their normal and expected use, off an

1 operational range, and are not promptly rendered safe or retrieved.

2 "(B) The explosives, unexploded ordnance, munitions, munitions fragments, or
3 constituents thereof defined as solid waste in subsection (a)(1)(A) shall be subject to the
4 provisions of the Solid Waste Disposal Act, as amended, including but not limited to
5 sections 7002 and 7003, where applicable.

6 "(2) Except as set out in subsection (1), the term 'solid waste,' as used in the Solid Waste
7 Disposal Act, as amended, does not include explosives, unexploded ordnance, munitions,
8 munitions fragments, or constituents thereof that—

9 " (A) are used in training military personnel or explosives and munitions
10 emergency response specialists (including training in proper destruction of unused
11 propellant or other munitions);

12 "(B) are used in research, development, testing, and evaluation of military
13 munitions, weapons, or weapon systems;

14 "(C) are or have been deposited, incident to their normal and expected use, on an
15 operational range, except as provided in subsection (a)(1)(A);

16 "(D) are deposited, incident to their normal and expected use, off an operational
17 range, and are promptly rendered safe or retrieved; or

18 "(E) are recovered, collected, and destroyed on-range during range clearance
19 activities at operational ranges, but not including the on-range burial of unexploded
20 ordnance and contaminants when the burial is not a result of product use.

21 "(b)(1) DEFINITION OF RELEASE.—(1) The term 'release,' as used in the Comprehensive
22 Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9601

1 et seq.), includes the deposit off an operational range, or the migration off an operational range,
2 of any explosives, unexploded ordnance, munitions, munitions fragments, or constituents thereof.

3 "(2) The term 'release,' as used in the Comprehensive Environmental Response,
4 Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.), does not include
5 the deposit or presence on an operational range of any explosives, unexploded ordnance,
6 munitions, munitions fragments, or constituents thereof that are or have been deposited thereon
7 incident to their normal and expected use.

8 "(3)(A) Notwithstanding the provisions of paragraph (2), nothing in this section affects
9 the authority of the President under section 106(a) of the Comprehensive Environmental
10 Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9606(a)) to address
11 an imminent and substantial endangerment to the public health or welfare or the environment,
12 including orders to test and monitor.

13 "(B) Nothing in this section affects the ability of a State or other person to request
14 that the President exercise such authority under section 106(a) of such Act to address an
15 imminent and substantial endangerment to the public health or welfare or the
16 environment.

17 "(4) Nothing in this section affects the authority of the Department to protect the
18 environment, safety, and health on operational ranges.

19 **"§ 2020. Agreements with private organizations to address encroachment and other**
20 **constraints on military training, testing, and operations**

21 "(a) AGREEMENTS.—The Secretary of a military department is authorized to enter into
22 agreements with any private organization that has the conservation, restoration, or preservation of

1 land and natural resources, or a similar objective, as its stated principal organizational purpose or
2 goal. The purpose of any agreement under this section shall be to address the use or development
3 of real property in the vicinity of military installations in order either—

4 "(1) to limit incompatible development or use of such property, or

5 "(2) to preserve habitat so as to eliminate or relieve existing or projected
6 environmental restrictions, that otherwise may have the potential to restrict, impede, or
7 otherwise interfere with, directly or indirectly, current or future military training, testing,
8 or operations. Chapter 63 of title 31 shall not apply to agreements entered into under this
9 section.

10 "(b) ACQUISITION AND ACCEPTANCE OF REAL PROPERTY.—An agreement under this
11 section—

12 "(1) may provide for the private organization to acquire, on a cost-shared basis, all
13 right, title, and interest in real property, or any lesser estate or interest; as shall be required
14 to effectuate the purposes of this section; and

15 "(2) with respect to any real property estate or interest so acquired, shall provide,
16 upon request at any time, for the private organization to transfer to the United States an
17 estate or interest in such real property. Such interest shall be limited to that interest
18 necessary to permit the United States to ensure that the property is used and managed in a
19 manner that meets the purposes of this section. The Secretary concerned shall determine
20 what estate or interest is necessary. Notwithstanding any other provision of law, the
21 military department is authorized to accept such estate or interest in real property on
22 behalf of the United States.

1 "(c) FUNDING.—Funds appropriated for the operations and maintenance of the
2 Department of Defense or of any military department, including funds appropriated to support
3 the Legacy Resources Management Program, may be made available to execute any agreements
4 entered into under this section. For installations or facilities operated primarily with funds
5 appropriated for research, development, testing, and evaluation, those funds may be used in lieu
6 of funds appropriated for operations and maintenance

7 "(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional
8 terms and conditions in the agreements authorized by this section as the Secretary considers
9 appropriate to protect the interests of the United States. Real property may not be acquired under
10 this subsection unless the owner of the property consents to the acquisition. The Secretary may
11 accept appraisals or title documents prepared or adopted by a non-Federal entity as satisfying the
12 applicable requirements of section 213 of the Uniform Relocation Act Amendments of 1987 (42
13 U.S.C. 4651) or the Act of September 1, 1970 (84 Stat. 835; 40 U.S.C. 255) where the Secretary
14 finds the appraisals or title documents substantially comply with Federal standards.

15 **"§ 2021. Conveyance of surplus real property for natural resource conservation purposes**

16 "(a) AUTHORITY TO CONVEY.—The Secretary of a military department, in his sole
17 discretion, may convey surplus real property under its jurisdiction that is suitable and desirable
18 for conservation purposes to any state or local government, or instrumentality thereof, or
19 nonprofit organization that exists for the primary purpose of conservation of natural resources on
20 real property. This authority shall only apply to surplus real property that the disposing agency
21 has certified has been made available for public benefit transfer, has been available for a
22 sufficient time to potential claimants and for which there is no pending request for transfer to

1 another federal agency or for conveyance to any other qualified recipient for public benefit
2 transfer, under the real property disposal processes and authorities established pursuant to the
3 Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471, et seq.). The
4 consideration for such conveyance shall be determined by the Secretary pursuant to subsection
5 (e).

6 "(b) DEED REQUIREMENTS.—The deed of conveyance of any surplus real property
7 disposed of under this subsection—

8 "(1) shall provide that all such property shall be used and maintained for the
9 conservation of natural resources in perpetuity, and that in the event that such property
10 ceases to be used or maintained for such purpose during such period, all or any portion of
11 such property shall in its then existing condition, at the option of the United States, revert
12 to the United States;

13 "(2) may permit the grantee to convey the property to another eligible entity;
14 provided the Secretary of the military department approves the conveyance in writing and
15 the property shall be subject to the same covenants and terms and conditions as provided
16 in the deed from the United States;

17 "(3) may permit incidental revenue-producing activities that are compatible with
18 the use of the property for conservation purposes;

19 "(4) may contain such additional terms, reservation, restrictions and conditions as
20 may be determined by the Secretary to safeguard the interests of the United States.

21 "(c) RELEASE OF COVENANTS.—The Secretary, with the concurrence of the Secretary of
22 Interior, may grant a release from the covenant described in subsection (b) on the condition that

1 the grantee pay the fair market value, as determined by the Secretary, of the property at the time
2 of the release of the covenant. The Secretary may reduce the amount owed for release of such
3 covenant taking into account the value of the natural resource conservation benefit that has
4 accrued during the period of the conveyance and which benefit was not previously taken into
5 account in (a).

6 "(d) LIMITATIONS.—Such conveyance shall not be used in settlement of any litigation,
7 dispute, or claim against the United States, nor as a condition of allowing any defense activity
8 under any Federal, State, or local permitting or review process. The Secretary may use such
9 conveyances, with the restrictions set forth in subsection (b), to establish mitigation banks
10 outside the context of being a condition imposed by any Federal, State, or local regulatory body
11 for granting a permit, completion of review, or otherwise granting permission for a proposed
12 military action other than establishment of a mitigation bank.

13 "(e) CONSIDERATION.—In fixing the consideration for the property or in determining the
14 amount of any reduction of the fair market value owed for the release of the covenant under
15 subsection (c), the Secretary of the military department shall take into consideration any benefit
16 that has accrued or may accrue to the United States from the use of such property for the
17 conservation of natural resources.

18 "(f) REAL PROPERTY DECLARED SURPLUS AS A RESULT OF A BASE CLOSURE LAW.—The
19 Secretary concerned may not dispose of any real property declared surplus as a result of a base
20 closure law under this section in a manner inconsistent with the requirements and preferences
21 established under a base closure law.

22 "(g) DEFINITIONS.—For purposes of this section:

1 "(1) The term 'States' includes the District of Columbia, the Commonwealth of
2 Puerto Rico, the Commonwealth of the Northern Marianas and the territories and
3 possessions of the United States.

4 "(2) The term 'base closure law' means the Defense Authorization Amendments
5 and Base Closure and Realignment Act of 1988 (Public Law 100-526), the Defense Base
6 Closure and Realignment Act of 1990 (Public Law 101-510), or similar base closure
7 authority."

8 (b) CONFORMING AMENDMENTS.—(1) AGREEMENTS WITH NONPROFIT CONSERVATION
9 NATURAL RESOURCE ORGANIZATIONS.—Section 2701(d) of such title 10 is amended—

10 (A) in paragraph (1), by inserting "or nonprofit conservation organization" after
11 "any Indian tribe"; and

12 (B) in paragraph (3), by adding at the end the following sentence:
13 "The term 'conservation organization' as used in this section means non-governmental nonprofit
14 organizations that exist for the primary purpose of conserving open space or natural resources."

15 (2) ACCEPTANCE OF FUNDS TO COVER ADMINISTRATIVE EXPENSES.—Section 2695(b) of
16 such title 10 is amended by adding at the end the following new paragraph:

17 "(4) The conveyance of real property under section 2669a of this title."

18 (c) CLERICAL AMENDMENT.—The table of chapters at the beginning of such title 10 is
19 amended by inserting after the item relating to chapter 101 the following new item:

20 "101a. Readiness and Range Preservation.....2015".