



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
1600 DEFENSE PENTAGON
WASHINGTON, D. C. 20301-1600

AUG 16 2001

GENERAL COUNSEL

The Honorable Richard B. Cheney
President of the Senate
Washington, D.C. 20510

Dear Mr. President:

The Department of Defense proposes the enclosed legislation relating to the operation and management of the Department of Defense. These proposals are part of the legislative program for the Department of Defense for the First Session of the 107th Congress and we urge their enactment.

Enclosed is legislation to authorize military construction and facility management for the military departments, the defense agencies, the North Atlantic Treaty Organization Security Investment program, and the National Guard and Reserve components. We propose that the successful pilot program, the alternative authority for acquisition and improvement of military housing, be made permanent. We seek your authority to authorize the Secretaries of the military departments to convey surplus property, when appropriate, to state or local governments for conservation of natural resources. We propose a pilot program in which we can assign certain private sector personnel to the Department for a limited period so that we can take advantage of their skills while providing them knowledge of our processes and methods. We also propose that limitations on contracting for fire fighting and security guard services be eliminated so that the Department may contract for such support when appropriate for our military installations.

We seek the repeal of any limitations on the retirement or dismantlement of strategic nuclear delivery systems. This will enhance the President's flexibility to set strategic force structure for the defense of the United States. We propose the inclusion of government contractors in chemical weapons inspections at government-owned facilities under the Chemical Weapons Convention. We also request authority for the Secretary of a military department to promote fully-qualified officers to the grade of captain in the Army, Air Force or Marine Corps or Lieutenant in the Navy without convening a selection board.

The Office of Management and Budget advises that there is no objection, from the standpoint of the Administration's program, to the presentation of these initiatives for your consideration and the consideration of the Congress.

Sincerely,

for William J. Haynes II



Enclosures
As Stated



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GENERAL COUNSEL

The Honorable J. Dennis Hastert
Speaker of the House of Representatives
Washington, D.C. 20515

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Sincerely,

David J. Dell'Anto, Principal Deputy

for William J. Haynes II



Enclosures
As Stated

DIVISION B - MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI - ARMY

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.
- Sec. 2105. Modification to carry out certain fiscal year 2001 projects.
- Sec. 2106. Modification to carry out certain fiscal year 2000 project.
- Sec. 2107. Modification to carry out certain fiscal year 1999 project.
- Sec. 2108. Modification to carry out certain fiscal year 1995 project.

TITLE XXII - NAVY

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.
- Sec. 2205. Modifications to carry out certain fiscal year 2000 projects.

TITLE XXIII - AIR FORCE

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvements to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.

TITLE XXIV - DEFENSE AGENCIES

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Energy conservation projects.
- Sec. 2403. Authorization of appropriations, Defense Agencies.
- Sec. 2404. Modifications to carry out certain fiscal year 2000 projects.
- Sec. 2405. Modifications to carry out certain fiscal year 2001 projects.
- Sec. 2406. Modifications to carry out certain fiscal year 2001 supplemental projects.

TITLE XXV - NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

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

TITLE XXVI - GUARD AND RESERVE FORCES FACILITIES

- Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

TITLE XXVII - EXPIRATION AND EXTENSION OF AUTHORIZATIONS

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

DIVISION B - MILITARY CONSTRUCTION AUTHORIZATIONS

SECTION 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2002."

TITLE XXI -- ARMY

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.
- Sec. 2105. Modification to carry out certain fiscal year 2001 projects.
- Sec. 2106. Modification to carry out certain fiscal year 2000 project.
- Sec. 2107. Modification to carry out certain fiscal year 1999 project.
- Sec. 2108. Modification to carry out certain fiscal year 1995 project.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES -- Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	5,150,000
	Fort Rucker	11,400,000
	Redstone Arsenal	7,200,000
Alaska	Fort Richardson	97,000,000
	Fort Wainwright	27,200,000
Arizona	Fort Huachuca	6,100,000
Colorado	Fort Carson	66,000,000
District of Columbia	Fort McNair	11,600,000
Georgia	Fort Benning	23,900,000
	Fort Gillem	34,600,000
	Fort Gordon	34,000,000
	Fort Stewart/Hunter Army Air Field	39,800,000
Hawaii	Navy Public Works Center, Pearl Harbor	11,800,000
	Pohakuloa Training Facility	5,100,000
	Wheeler Army Air Field	50,000,000
Kansas	Fort Riley	10,900,000
Kentucky	Blue Grass Army Depot	47,230,000
	Fort Campbell	88,900,000
Louisiana	Fort Polk	21,200,000
Maryland	Aberdeen Proving Ground	58,300,000
	Fort Meade	5,800,000
Missouri	Fort Leonard Wood	7,850,000
New Jersey	Fort Monmouth	20,000,000
New York	Fort Drum	37,850,000

North Carolina	Fort Bragg	21,300,000
	Sunny Point (MOTSU)	11,400,000
Oklahoma	Fort Sill	5,100,000
South Carolina	Fort Jackson	62,000,000
Texas	Fort Hood	86,200,000
	Fort Sam Houston	2,250,000
Virginia	Fort Belvoir	35,950,000
	Fort Eustis	24,750,000
	Fort Lee	23,900,000
Washington	Fort Lewis	238,200,000
	Total	1,239,930,000

(b) OUTSIDE THE UNITED STATES -- Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Germany	Area Support Group, Bamberg	36,000,000
	Area Support Group, Darmstadt	13,500,000
	Baumholder	9,000,000
	Hanau	7,200,000
	Heidelberg	15,300,000
	Mannheim	16,000,000
	Wiesbaden Air Base	26,300,000
Korea	Camp Carroll	16,593,000
	Camp Casey	8,500,000
	Camp Hovey	35,750,000
	Camp Humphreys	14,500,000
	Camp Jackson	6,100,000
	Camp Stanley	28,000,000
	Kwajalein Atoll	11,000,000
	Total	243,743,000

(c) UNSPECIFIED WORLDWIDE -- Using the amounts appropriated pursuant to the authorization of appropriations in section 2104 (a)(3), the Secretary of the Army may acquire real property and carry out military construction projects for the installation and location and in the amount, set forth in the following table:

Army: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide	Classified Location	4,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION -- Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation or Location	Purpose	Amount
Alaska	Fort Wainwright	32 Units	12,000,000
Arizona	Fort Huachuca	72 Units	10,800,000
Kansas	Fort Leavenworth	40 Units	10,000,000
Texas	Fort Bliss	76 Units	13,600,000
Korea	Camp Humphreys	54 Units	12,800,000
		Total	59,200,000

(b) **PLANNING AND DESIGN** -- Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$11,592,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in sections 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed \$220,750,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) **IN GENERAL** -- Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of \$3,171,193,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), \$961,700,000.

(2) For the military construction projects outside the United States authorized by section 2101(b), \$243,743,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2101(c), \$4,000,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$18,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$157,198,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, \$291,542,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), \$1,108,991,000.

(7) For the construction of the Ammunition Demilitarization Facility Phase 6, Pine Bluff Arsenal, Arkansas, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (Division B of Public Law 103-337; 108 Stat. 3040), as amended by section 2407 of the National Defense Authorization Act for Fiscal Year 1996 (Division B of Public Law 104-106; 110 Stat. 538), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (Division B of Public Law 105-85; 111 Stat. 1982), and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (Division B of Public Law 105-261; 112 Stat. 2197), \$26,000,000.

(8) For the construction of the Ammunition Demilitarization Facility Phase 3, Pueblo Army Depot, Colorado, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (Division B of Public Law 104-201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (Division B of Public Law 106-65; 113 Stat. 839), \$11,000,000.

(9) For construction of the Ammunition Demilitarization Facility Phase 4, Newport Army Depot, Indiana, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (Division B of Public Law 105-261; 112 Stat. 2193), \$66,000,000.

(10) For construction of the Ammunition Demilitarization Facility Phase 4, Aberdeen Proving Ground, Maryland, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (Division B of Public Law 105-261; 112 Stat. 2193), \$66,500,000.

(11) For construction of a Basic Combat Training Complex Phase 2, Fort Leonard Wood, Missouri, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (Division B of Public Law 106-398; 114 Stat. 1654A-389), \$27,00,000.

(12) For the construction of the Battle Simulation Center Phase 2, Fort Drum, New York, authorized in section 2101(a) of the Military Construction Act for Fiscal Year 2001 (Division B of Public Law 106-398; 114 Stat. 1654A-389), \$9,000,000.

(13) For the construction of a Barracks Complex – Tagaytay Street Phase 2C, Fort Bragg, North Carolina, , authorized in section 2101(a) of the Military Construction Act for Fiscal Year 2000 (Division B of Public Law 106-65; 113 Stat. 835), \$17,500,000.

(14) For the construction of a Barracks Complex – Butner Road Phase 2, Fort Bragg, North Carolina, authorized in section 2101(a) of the Military Construction Act for Fiscal Year 2001 (Division B of Public Law 106-398; 114 Stat. 1654A-389, \$49,000,000.

(15) For the construction of a Barracks Complex – Longstreet Road Phase 2, Fort Bragg, North Carolina, authorized in section 2101(a) of the Military Construction Act for Fiscal Year 106-398 (Division B of Public Law 106-398; 114 Stat. 1654A-389), \$27,000,000.

(16) For the construction of a Multi-Purpose Digital Training Range, Fort Hood, Texas, authorized in section 2101(a) of the Military Construction Act for Fiscal Year 2001 (Division B of Public Law 106-398x; 114 Stat. 1654A-389), \$13,000,000.

(17) For the construction of the Ammunition Demilitarization Facility Phase 2, Blue Grass Army Depot, Kentucky, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (Division B of Public Law 106-65, 113 STAT. 8351), \$3,000,000.

(18) For the construction of the cadet development center, United States Military Academy, West Point, New York, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (Division B of Public Law 105-261, 112 STAT. 2182), \$37,900,000.

(19) For the construction of a barracks complex –Wilson Street, Phase 1C, Schofield Barracks, Hawaii, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (Division B of Public Law 106-65, 113 STAT. 824), \$23,000,000.

(20) For the Homeowners Assistance Program, as authorized by section 2832 of title 10, United States Code, \$10,119,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS -- Notwithstanding the cost variations authorized by section 2853 of title10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a):

(2) \$52,000,000 (the balance of the amount authorized under section 2201 (a) for Barracks Complex D Street Phase Fort Richardson, Alaska);

(3) \$41,000,000 (the balance of the amount authorized under section 2201 (a) for Barracks Complex – Nelson Blvd (Ph I) Fort Carson, Colorado);

- (4) \$36,000,000 (the balance of the amount authorized under section 2201 (a) for Basic Combat Training Complex (Ph I) Fort Jackson, South Carolina); and
- (5) \$102,000,000 (the balance of the amount authorized under section 2201 (a) for Barracks Complex – 17th & B Street (Ph I) Fort Lewis, Washington).

Sec. 2105. MODIFICATION TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECTS.

(a) MODIFICATION -- The table in section 2101 of the Military Construction Authorization Act for Fiscal Year 2001 (Division B of Public Law 106-398; 114 Stat. 1654A-389) is amended -

(1) in the item relating to Fort Leonard Wood, Missouri, by striking out “\$65,400,000” in the amount column and inserting in lieu thereof “\$69,800,000”; and

(2) in the item relating to Fort Drum, New York, by striking out “18,000,000” in the amount column and inserting in lieu thereof “21,000,000”; and

(3) in the item relating to Fort Hood, Texas, by striking out “36,492,000” in the amount column and inserting in lieu thereof “39,492,000”; and

(4) by striking out the amount identified as the total in the amount column and inserting in lieu thereof “\$623,074,000.”

(b) CONFIRMING AMENDMENTS -- Section 2104 of that Act (114 Stat. 1654A-391) is amended -

(1) in subsection (a) in the matter preceding paragraph (1), by striking out “\$1,925,344,000” and inserting in lieu thereof “\$1,935,744,000”; and

(2) in paragraph (b)(2), by striking out “\$22,600,000” and inserting in lieu thereof “\$27,000,000”; and

(3) in paragraph (b)(3), by striking out “\$10,000,000” and inserting in lieu thereof “\$13,000,000”; and

(4) in paragraph (b)(6), by striking out “\$6,000,000” and inserting in lieu thereof “\$9,000,000”.

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 2000 (Division B of Public Law 106-65; 113 Stat. 835), under the agency heading relating to Chemical Demilitarization, is amended in the item relating to Blue Grass Depot, Kentucky, by striking out “206,800,000” in the amount column and inserting in lieu thereof “\$254,030,000.”

SEC. 2107. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1999 PROJECT

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1999 (Division B of Public Law 105-261; 112 Stat. 2193), under the agency heading relating to Chemical Demilitarization, is amended in the item relating to Aberdeen Proving Ground, Maryland, by striking out “186,350,000” in the amount column and inserting in lieu thereof “\$223,950,000.”

SEC. 2108. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1995 PROJECT

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (Division B of Public Law 103-337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (Division B of Public Law 104-106; 110 Stat. 539) and section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (Division B of Public Law 105-85; 111 Stat. 1982) and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (Division B of Public Law 105-261; 112 Stat. 2197), under the agency heading relating to Chemical Weapons and Munitions Destruction, is amended in the item relating to Pine Bluff Arsenal,

Arkansas, by striking out “\$154,400,000” in the amount column and inserting in lieu thereof “\$177,400,000.”

TITLE XXII – NAVY

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.
- Sec. 2205. Modifications to carry out certain fiscal year 2000 projects.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES -- Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	22,570,000
California	Marine Air-Ground Task Force Training Center, Twentynine Palms	75,125,000
	Marine Corps Air Station, Camp Pendleton	4,470,000
	Marine Corps Base, Camp Pendleton	96,490,000
	Naval Air Facility, El Centro	23,520,000
	Naval Air Station, Lemoore	10,010,000
	Naval Air Warfare Center, Point Mugu, San Nicholas Island	13,730,000
	Naval Amphibious Base, Coronado	8,610,000
	Naval Construction Battalion Center, Port Hueneme	12,400,000
	Naval Construction Training Center, Port Hueneme	3,780,000
	Naval Station, San Diego	47,240,000
	Naval Air Facility, Washington	9,810,000
District of Columbia		
Florida	Naval Air Station, Key West	11,400,000
	Naval Air Station, Whiting Field, Milton	2,140,000
Hawaii	Naval Station, Mayport	16,420,000
	Marine Corps Base, Kaneohe	24,920,000
	Naval Magazine Lualualei	6,000,000
	Naval Shipyard, Pearl Harbor	20,000,000
	Naval Station, Pearl Harbor	40,600,000
Illinois	Navy Public Works Center, Pearl Harbor	16,900,000
	Naval Training Center, Great Lakes	82,260,000
Indiana	Naval Surface Warfare Center, Crane	5,820,000
Maine	Naval Air Station, Brunswick	67,395,000
Maryland	Naval Air Warfare Center, Patuxent River	2,260,000
	Naval Explosive Ordnance Disposal Tech Center, Indian Head	1,250,000
Mississippi	Naval Construction Battalion Center Gulfport	21,660,000
Missouri	Marine Corps Support Activity, Kansas City	9,010,000
North Carolina	Marine Corps Air Station, New River	4,050,000
	Marine Corps Base, Camp LeJeune	67,070,000
Rhode Island	Naval Station, Newport	15,290,000

South Carolina	Marine Corps Air Station, Beaufort	8,020,000
	Marine Corps Recruit Depot, Parris Island	5,430,000
Tennessee	Naval Support Activity, Millington	3,900,000
Virginia	Marine Corps Air Facility Quantico	3,790,000
	Marine Corps Combat Dev Com, Quantico	9,390,000
Washington	Naval Station, Norfolk	139,270,000
	Naval Air Station, Whidbey Island	3,470,000
	Naval Station, Everett	6,820,000
	Strategic Weapons Facility, Bangor	3,900,000
Total		926,190,000

(b) OUTSIDE THE UNITED STATES -- Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Greece	Naval Support Activity Joint Headquarters Command, Larissa	12,240,000
	Naval Support Activity, Souda Bay	3,210,000
Guam	Naval Station, Guam	9,300,000
	Navy Public Works Center, Guam	14,800,000
Iceland	Naval Air Station, Keflavik	2,820,000
Italy	Naval Air Station, Sigonella	3,060,000
Spain	Naval Station, Rota	2,240,000
Total		47,670,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION -- Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or Location	Purpose	Amount
Arizona	Marine Corps Air Station, Yuma	51 Units	9,017,000
California	Marine Air-Ground Task Force Training Center, Twentynine Palms	74 Units	16,250,000
Hawaii	Marine Corps Base, Kaneohe	172 Units	46,996,000
	Naval Station, Pearl Harbor	70 Units	16,827,000
Mississippi	Naval Construction Battalion Center Gulfport	160 Units	23,354,000
Italy	Naval Air Station, Sigonella	10 Units	2,403,000
Total			114,847,000

(b) PLANNING AND DESIGN -- Using amounts appropriated pursuant to the authorization of appropriation in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$6,499,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed \$183,054,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL. -- Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of \$2,293,903,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), \$892,950,000.

(2) For military construction projects outside the United States authorized by section 2201(b), 47,670,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code \$10,546,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$29,932,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, \$304,400,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), \$918,095,000.

(6) For replacement of a Pier at Naval Station San Diego, California, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2001 (Division B of Public Law 106-398; 114 Stat. 1654A-395), \$17,500,000.

(7) For construction of the Commander-in-Chief Headquarters, Pacific Command, Camp Smith, Hawaii, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000 (Division B of Public Law 106-65; 113 Stat. 828), \$37,580,000.

(8) For construction of an Advanced Systems Integration Facility, Phase 6 at NAWC Patuxent River, Maryland, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (Division B of Public Law 102-484; 106 Stat. 2590), \$10,770,000.

(9) For replacement of Pier Delta at Naval Station Bremerton, Washington, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2001 (Division B of Public Law 106-398; 114 Stat. 1654A-396), \$24,460,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS -- Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a):

(2) \$33,240,000 (the balance of the amount authorized under section 2201 (a) for Pier Replacement (Increment I) NS Norfolk, Virginia.)

Sec. 2205. MODIFICATION TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECTS.

(a) MODIFICATION -- The table in section 2201 of the Military Construction Authorization Act for Fiscal Year 2000 (Division B of Public Law 106-65; XXX Stat. XXX) is amended -

(1) In the item relating to Camp Smith, Hawaii, by striking out “\$86,050,000” in the amount column and inserting in lieu thereof “\$89,050,000”, and

(2) By striking out the amount identified as the total in the amount column and inserting in lieu thereof “\$820,230,000.”

TITLE XXIII -- AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
 Sec. 2302. Family housing.
 Sec. 2303. Improvements to military family housing units.
 Sec. 2304. Authorization of appropriations, Air Force.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES -- Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base	34,400,000
Alaska	Eareckson Air Force Base	4,600,000
	Elmendorf Air Force Base	32,200,000
Arizona	Davis-Monthan Air Force Base	17,300,000
Arkansas	Little Rock Air Force Base	10,600,000
California	Edwards Air Force Base	16,300,000
	Los Angeles Air Force Base	23,000,000
	Travis Air Force Base	6,800,000
	Vandenberg Air Force Base	11,800,000
Colorado	Buckley Air Force Base	23,200,000
	Schriever Air Force Base	19,000,000
	US Air Force Academy	25,500,000
District of Columbia	Bolling Air Force Base	2,900,000
Florida	Cape Canaveral Air Force Station	7,800,000
	Eglin Air Force Base	11,400,000
	Hurlburt Field	10,400,000
	MacDill Air Force Base	10,000,000
	Tyndall Air Force Base	15,050,000
Georgia	Robins Air Force Base	14,650,000
Idaho	Mountain Home Air Force Base	14,600,000
Maryland	Andrews Air Force Base	19,420,000
Massachusetts	Hanscom Air Force Base	9,400,000
Mississippi	Keesler Air Force Base	28,600,000
Nevada	Nellis Air Force Base	12,600,000
New Jersey	McGuire Air Force Base	36,550,000
New Mexico	Cannon Air Force Base	9,400,000
	Kirtland Air Force Base	15,500,000
North Carolina	Pope Air Force Base	17,800,000
North Dakota	Grand Forks Air Force Base	7,800,000
Ohio	Wright-Patterson Air Force Base	24,850,000
Oklahoma	Altus Air Force Base	20,200,000
	Tinker Air Force Base	10,200,000
Tennessee	Arnold Air Force Base	24,400,000
Texas	Lackland Air Force Base	12,800,000
	Laughlin Air Force Base	12,000,000
	Sheppard Air Force Base	37,000,000

Utah	Hill Air Force Base	14,000,000
Virginia	Langley Air Force Base	47,300,000
Washington	Fairchild Air Force Base	2,800,000
	McChord Air Force Base	20,700,000
Wyoming	F E Warren Air Force Base	10,200,000
	Total	705,020,000

(b) OUTSIDE THE UNITED STATES -- Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Germany	Ramstein Air Force Base	42,900,000
	Spangdahlem Air Base	8,700,000
Greenland	Thule	19,000,000
Guam	Andersen Air Force Base	10,150,000
Italy	Aviano Air Base	11,800,000
Korea	Kunsan Air Base	12,000,000
	Osan Air Base	101,142,000
Turkey	Eskisehir	4,000,000
United Kingdom	Royal Air Force, Lakenheath	11,300,000
	Royal Air Force, Mildenhall	22,400,000
Wake Island	Wake Island	25,000,000
	Total	268,392,000

(c) UNSPECIFIED WORLDWIDE -- Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installation and location and in the amounts, set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide	Classified Location	4,458,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION -- Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation or Location	Purpose	Amount
Arizona	Luke Air Force Base	120 Units	15,712,000
California	Travis Air Force Base	118 Units	18,150,000
Colorado	Buckley Air Force Base	55 Units	11,400,000
Delaware	Dover Air Force Base	120 Units	18,145,000
District of Columbia	Bolling Air Force Base	136 Units	16,926,000
Hawaii	Hickam Air Force Base	102 Units	25,037,000

Louisiana	Barksdale Air Force Base	56 Units	7,300,000
South Dakota	Ellsworth Air Force Base	78 Units	13,700,000
Virginia	Langley Air Force Base	4 Units	1,200,000
Portugal	Lajes Field, Azores	64 Units	13,230,000
		Total	140,800,000

(b) PLANNING AND DESIGN -- Using amounts appropriated pursuant to the authorization of appropriations in section 2304 (a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$24,558,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$352,879,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL -- Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$2,455,608,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), \$705,020,000.

(2) For military construction projects outside the United States authorized by section 2301(b), \$268,392,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), \$4,458,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$11,250,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$79,130,000.

(6) For military housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, \$518,237,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), \$869,121,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS -- Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE XXIV -- DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Energy conservation projects.

Sec. 2403. Authorization of appropriations, Defense Agencies.

Sec. 2404. Modifications to carry out certain fiscal year 2000 projects.

Sec. 2405. Modifications to carry out certain fiscal year 2001 projects.

Sec. 2406. Modifications to carry out certain fiscal year 2001 supplemental projects.

(a) **INSIDE THE UNITED STATES** -- Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Agency	Installation or Location	Amount	
Defense Education Activity	Laurel Bay, South Carolina	12,850,000	
	Marine Corps Base, Camp LeJeune, North Carolina	8,857,000	
Defense Logistics Agency	Defense Distribution Depot Tracy, California	30,000,000	
	Defense Distribution New Cumberland - DDSP, Pennsylvania	19,900,000	
	Eielson Air Force Base, Alaska	8,800,000	
	Fort Belvoir, Virginia	900,000	
	Grand Forks Air Force Base, North Dakota	9,110,000	
	Hickam Air Force Base, Hawaii	29,200,000	
	McGuire Air Force Base, New Jersey	4,400,000	
	Minot Air Force Base, North Dakota	14,000,000	
	Philadelphia, Pennsylvania	2,429,000	
	Pope Air Force Base, North Carolina	3,400,000	
	Special Operations Command	Aberdeen Proving Ground, Maryland	3,200,000
		Fort Benning, Georgia	5,100,000
Fort Bragg, North Carolina		33,562,000	
Fort Lewis, Washington		6,900,000	
Hurlburt Field, Florida		13,400,000	
MacDill Air Force Base, Florida		12,000,000	
Naval Station, San Diego, California		13,650,000	
Tri-Care Management Activity	Andrews Air Force Base, Maryland	10,250,000	
	Dyess Air Force Base, Texas	3,300,000	
	F E Warren Air Force Base, Wyoming	2,700,000	
	Fort Hood, Texas	12,200,000	
	Fort Stewart/Hunter Army Air Field, Georgia	11,000,000	
	Holloman Air Force Base, New Mexico	5,700,000	
	Hurlburt Field, Florida	8,800,000	
	Marine Corps Base, Camp Pendleton, California	1,150,000	
	Marine Corps Logistics Base, Albany, Georgia	5,800,000	
	Naval Air Station, Whidbey Island, Washington	1,900,000	
	Naval Hospital, Twentynine Palms, California	1,600,000	
	Naval Station, Mayport, Florida	24,000,000	
	Naval Station, Norfolk, Virginia	21,000,000	
	Schriever Air Force Base, Colorado	4,000,000	
Washington Headquarters Services	Pentagon Reservation, Virginia	25,000,000	
	Total	370,058,000	

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and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or Location	Amount
Defense Education Activity	Aviano Air Base, Italy	3,647,000
	Geilenkirchen AB, Germany	1,733,000
	Heidelberg, Germany	3,312,000
	Kaiserslautern, Germany	1,439,000
	Kitzingen, Germany	1,394,000
	Landstuhl, Germany	1,444,000
	Ramstein Air Force Base, Germany	2,814,000
	Royal Air Force, Feltwell, United Kingdom	22,132,000
	Vogelweh Annex, Germany	1,558,000
	Wiesbaden Air Base, Germany	1,378,000
	Wuerzburg, Germany	2,684,000
Defense Logistics Agency	Andersen Air Force Base, Guam	20,000,000
	Camp Casey, Korea	5,500,000
	Naval Station, Rota, Spain	3,000,000
	Yokota Air Base, Japan	13,000,000
Office Secretary of Defense Tri-Care Management Activity	Comalapa AB, El Salvador	12,577,000
	Heidelberg, Germany	28,000,000
	Lajes Field, Azores, Portugal	3,750,000
	Thule, Greenland	10,800,000
	Total	140,162,000

(c) UNSPECIFIED WORLDWIDE -- Using the amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(3), the Secretary of Defense may acquire real property and carry out military construction projects for the installation and location and in the amounts, set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide	Classified Location	2,400,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(7), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of \$35,600,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL -- Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of \$1,272,770,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), \$367,008,000.

(2) For military construction projects outside the United States authorized by section 2401(b), \$140,162,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2401(c), \$2,400,000.

(4) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$24,492,000.

(5) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, \$10,000,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$74,496,000.

(7) For Energy Conservation projects authorized by section 2402 of this Act, \$35,600,000.

(8) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), \$532,200,000.

(9) For military family housing functions:

(A) For improvement of military family housing and facilities, \$250,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), \$43,762,000 of which not more than \$37,298,000 may be obligated or expended for the leasing of military family housing units worldwide.

(C) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, \$2,000,000.

(10) For construction of Hospital at Fort Wainwright, Alaska, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (113 Stat. 836), \$18,500,000.

(11) For construction of FHOTC Support Facilities at Camp Pendleton, California, authorized in section 2401 (a) of the Military Construction Authorization Act for Fiscal Year 2001 (Division B of Public Law 106-398; 114 Stat.1654A), \$3,150,000.

(12) For replacement of a Medical/Dental Clinic, Las Flores at Camp Pendleton, California, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2001 (Division B of Public Law 106-398; 114 Stat.1654A), \$3,800,000.

(13) For replacement of a Medical/Dental Clinic, Las Pulgas at Camp Pendleton, California, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year Division B of Public Law 106-398; 114 Stat.1654A), \$4,050,000.

(14) For replacement of a Medical/Dental Clinic, Horno at Camp Pendleton, California, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2001 (Division B of Public Law 106-398; 114 Stat.1654A), \$4,300,000.

(15) For construction of a Aircrew Water Survival Training Facility at NAS Whidbey Island, Washington, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (Division B of Public Law 106-65; 113 Stat. 836), \$6,600,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS -- Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a):

(2) \$52,500,000 (the balance of the amount authorized under section 2401(a) of the Military Construction Authorization Act for FY 2000 for a Hospital Replacement (Fort Wainwright, Alaska).

SEC. 2404. MODIFICATION TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECTS.

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 2000 (Division B of Public Law 106-398; 113 Stat. 836) is amended -

(1) In the item under the heading Tri-Care Management Activity relating to Whidbey Island, Washington by striking "4,700,000" inserting in lieu thereof "\$6,600,000."

SEC. 2405. MODIFICATION TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECTS.

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 2001 (Division B of Public Law 106-398; 114 Stat. 1654A) is amended -

(1) In the item under the heading Tri-Care Management Activity relating to Camp Pendleton, California, by striking "14,150,000" and inserting in lieu thereof "\$15,300,000."

SEC. 2406. MODIFICATIONS TO CARRY OUT CERTAIN FISCAL YEAR 2001 SUPPLEMENTAL PROJECTS.

Section 1404 of the Supplemental Appropriations Act, 2001 (Public Law 107-20; 115 Stat. 164) is amended by striking "\$215,000,000" and inserting "\$222,000,000".

TITLE XXV -- NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of \$162,600,000.

TITLE XXVI -- GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized guard and reserve construction and land acquisition projects.

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) IN GENERAL -- Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions there for, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army --

(A) For the Army National Guard of the United States, \$267,389,000; and

(B) For the Army Reserve, \$111,404,000

(2) For the Department of the Navy --

(A) For the Naval and Marine Corps Reserve, \$33,641,000

(3) For the Department of the Air Force --

- (A) For the Air National Guard of the United States, \$149,072,000; and
 (B) For the Air Force Reserve, \$53,732,000.

TITLE XXVII -- EXPIRATION AND EXTENSION OF AUTHORIZATIONS

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

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS -- Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of-

- (1) October 1, 2004; or
- (2) the date for the enactment of an Act authorizing funds for military construction for fiscal year 2005.

(b) EXCEPTION -- Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of-

- (1) October 1, 2004; or
- (2) the date of the enactment of an Act authorizing funds for fiscal year 2005 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1999 PROJECTS.

(a) EXTENSION -- Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1999 (Division B of Public Law 105-261; 112 Stat. 2182), authorizations set forth in the tables in subsection (b), as provided in section 2102 of that Act, shall remain in effect until October 1, 2002, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2003, whichever is later.

(b) TABLES -- The tables referred to in subsection (a) are as follows:

Army: Extension of 1999 Project Authority

State	Installation or Location	Project	Amount
Massachusetts	National Guard Westfield	Army Aviation Support Facility	9,274,000
South Carolina	National Guard Spartanburg	Readiness Center	5,260,000

Air Force: Extension of 1999 Project Authorization

State	Installation or Location	Project	Amount
Delaware	Dover Air Force Base	Replace Family Housing (55 units)	8,998,000
Florida	Patrick Air Force Base	Replace Family Housing (46 units)	9,692,000
New Mexico	Kirtland Air Force Base	Replace Family Housing (37 units)	6,400,000
Ohio	Wright-Patterson Air Force Base	Replace Family Housing (40 units)	5,600,000

Defense Agencies: Extension of 1999 Project Authorization

State	Installation or Location	Project	Amount
New York	United States Military Academy, West Point	West Point Elementary School	2,840,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1998 PROJECTS.

(a) EXTENSION -- Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1998 (Division B of Public Law 105-85; 111 Stat. 1984), authorizations set forth in the tables in subsection (b), as provided in sections 2102, 2202, or 2302 of that Act, shall remain in effect until October 1, 2002, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2003, whichever is later.

(b) TABLES -- The tables referred to in subsection (a) are as follows:

Army: Extension of 1998 Project Authorization

State	Installation or Location	Project	Amount
Maryland	Fort Meade	Family Housing Construction (56 units)	7,900,000

Navy: Extension of 1998 Project Authorization

State	Installation or Location	Project	Amount
California	Naval Complex San Diego	Replacement Family Housing Construction (94 units)	13,500,000
California	Marine Corps Air Station Miramar	Family Housing Construction (166 units)	28,881,000
Louisiana	Naval Complex New Orleans	Replacement Family Housing Construction (100 units)	11,930,000
Texas	Naval Air Station Corpus Christi	Family Housing Construction (212 units)	22,250,000

Air Force: Extension of 1998 Project Authorizations

State	Installation or Location	Project	Amount
New Mexico	Kirtland Air Force Base	Replace Family Housing (180 units)	20,900,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, and XXVII shall take effect on the later of-

- (1) October 1, 2001; or
- (2) the date of the enactment of this Act.

**SEC. ____ . ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT
OF MILITARY HOUSING.**

1 (a) IN GENERAL.—Section 2885 of title 10, United States Code is hereby repealed.

2 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter IV of
3 Chapter 169 of title 10, United States Code, is amended by striking the item relating to section
4 2885.

Sectional Analysis

The pilot program for housing privatization would authorize the Department to leverage efficiently Federal resources with private sector capital and expertise. Permanent authority would enable the military services and the private sector to plan long-term, thereby enhancing the effectiveness of the program.

**SEC. ____ . CONVEYANCE OF SURPLUS REAL PROPERTY FOR NATURAL
RESOURCE CONSERVATION PURPOSES.**

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2669 the following new section:

**"§ 2669a. Conveyance of surplus real property for natural resource conservation
purposes**

"(a) AUTHORITY TO CONVEY.—The Secretary of a military department, in his sole discretion, may convey surplus real property under its jurisdiction that is suitable and desirable for conservation purposes to any state or local government, or instrumentality thereof, or nonprofit organization that exists for the primary purpose of conservation of natural resources on real property. This authority shall only apply to surplus real property that the disposing agency has certified has been made available for public benefit transfer, has been available for a sufficient time to potential claimants and for which there is no pending request for transfer to another federal agency or for conveyance to any other qualified recipient for public benefit transfer, under the real property disposal processes and authorities established pursuant to the Federal Property and Administrative Services Act of 1949, 63 Stat. 377 as amended. The consideration for such conveyance shall be determined by the Secretary pursuant to subsection (e).

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

"(1) shall provide that all such property shall be used and maintained for the conservation of natural resources in perpetuity, and that in the event that such

1 property ceases to be used or maintained for such purpose during such period, all
2 or any portion of such property shall in its then existing condition, at the option of
3 the United States, revert to the United States;

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

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

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

13 "(c) RELEASE OF COVENANTS.—The Secretary, with the concurrence of the
14 Secretary of Interior, may grant a release from the covenant described in subsection (b)
15 on the condition that the grantee pay the fair market value, as determined by the
16 Secretary, of the property at the time of the release of the covenant. The Secretary may
17 reduce the amount owed for release of such covenant taking into account the value of the
18 natural resource conservation benefit that has accrued during the period of the
19 conveyance and which benefit was not previously taken into account in (a).

20 "(d) LIMITATIONS.—Such conveyance shall not be used in settlement of any
21 litigation, dispute, or claim against the United States, nor as a condition of allowing any
22 defense activity under any Federal, State, or local permitting or review process. The

1 Secretary may use such conveyances, with the restrictions set forth in subsection (b), to
2 establish mitigation banks outside the context of being a condition imposed by any
3 Federal, State, or local regulatory body for granting a permit, completion of review, or
4 otherwise granting permission for a proposed military action other than establishment of
5 a mitigation bank.

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

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

15 "(g) DEFINITIONS.—(1) The term "States" as used in this section includes the
16 District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the
17 Northern Marianas and the territories and possessions of the United States.

18 "(2) The term "base closure law" means the Defense Authorization
19 Amendments and Base closure and Realignment Act of 1988 (Public Law 100-
20 526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101-
21 510), or similar base closure authority."

22 (b) AGREEMENTS WITH NONPROFIT CONSERVATION NATURAL RESOURCE

1 ORGANIZATIONS.—Section 2701(d) of such title 10 is amended—

2 (1) in paragraph (1), by inserting “or nonprofit conservation organization”
3 after “any Indian tribe”.

4 (2) in paragraph (3), by adding at the end the following sentence: “The
5 term ‘conservation organization’ as used in this section means non-governmental
6 nonprofit organizations that exist for the primary purpose of conserving open
7 space or natural resources.”.

8 (c) ACCEPTANCE OF FUNDS TO COVER ADMINISTRATIVE EXPENSES.—Section
9 2695(b) of such title 10 is amended by adding at the end the following new paragraph:

10 “(4) The conveyance of real property under section 2669a of this title.”.

11 (d) CLERICAL AMENDMENT.—The table of sections at the beginning of such
12 chapter 159 is amended by inserting after the item relating to section 2669 the following
13 new item:

14 “2669a. Conveyance of surplus real property for natural resource conservation purposes.”.

Sectional Analysis

The proposed legislation would authorize the Secretary of a military department to convey surplus real property under his jurisdiction to a State or local government, or instrumentality thereof, or to a nonprofit conservation organization that exists for the primary purpose of protecting open space and natural resources. Although this authority would be used primarily for property that became surplus as a result of a base closure, it would have utility for parcels of property at existing installations as well. The military department would be authorized to convey surplus real property directly to state and local governments and qualified nonprofit organizations when the property has natural resource value.

Subsection (b) would require the grantee to use and maintain the property for conservation purposes in perpetuity or, at the option of the government, it would revert to

the United States. The grantee may, however, convey the property to another eligible entity subject to the same restrictions on use. The grantee may have some limited revenue-generating activities that are compatible with the conservation use, such as a souvenir shop or canoe rentals, without triggering the reverter.

In some cases, the character of an area may change and it may no longer make sense to restrict the use of the conveyed property to conservation purposes. Subsection (c) would provide the option, if agreed to by the Secretary and concurred in by the Secretary of Interior, for the grantee to pay the current fair market value of the property in exchange for a release from the restrictive covenants instead of returning the property to the United States.

Subsection (d) would provide that these conveyances would not be used in settlement of litigation or disputes against the United States, nor as a condition of allowing any defense activity under any federal, State, or local regulatory process. Notwithstanding the above limitation, this subsection specifically would provide that the Secretary may use this section to establish mitigation banks.

Subsection (e) would authorize the Secretary, when determining the amount of consideration that an entity should pay for the property, to take into consideration the public benefit that would result from transferring the property to an entity that would preserve it for the conservation of natural resources. As a result, property with habitat for threatened or endangered species could be conveyed to an entity that would conserve that habitat at no cost to that entity.

Some surplus real property under the jurisdiction of the military departments is contaminated from past releases of hazardous substances. This property may be suitable for the conservation of natural resources or open space. Recent "brownfields" experience shows that combining environmental remediation with property utilization efforts saves money and promotes a more efficient use of contaminated property. Extending existing authority for carrying out the responsibility of the military departments under the Defense Environmental Restoration Program to include nonprofit organizations would build upon past Departmental successes by allowing the grantee to maximize efficient use of the property. Such agreements would be governed by applicable statutes and Office of Management and Budget Circulars and regulations, and would not alter any existing authorities or obligations the military departments would otherwise have with respect to remediation of contaminated military real property.

SEC. ____ . TECHNICAL PERSONNEL ASSIGNMENT PROGRAM.

(a) IN GENERAL.—Chapter 111 of title 10, United States Code, is amended by inserting after section 2195 the following new section:

"§ 2195a. Acquisition, logistics and technology commercial personnel transfer program

"(a) PILOT PERSONNEL TRANSFER PROGRAM.—The Secretary of Defense may establish a pilot program for the assignment of up to 750 individuals employed by private commercial entities to the Department of Defense to conduct acquisition, logistics, or technology functions. Each assignment under the program shall—

"(1) be on a temporary basis;

"(2) exclude involvement in managerial or policy-making functions, including functions involving the selection of program priorities or funding decisions, of the Department; and,

"(3) be subject to the terms and conditions set forth in this section.

"(b) WRITTEN AGREEMENT.—The terms of an assignment made under subsection (a) shall be in writing. Such terms may not include an exemption from any statute or regulation otherwise applicable to the employee or the private commercial entity employer.

"(c) PERIOD OF ASSIGNMENT.—An assignment made pursuant to subsection (a) shall be for a period of not to exceed two years, except that, subject to subsection (k), the Secretary may extend the assignment for up to an additional two years with the consent of the employee concerned and the private commercial entity.

"(d) DEPARTMENTAL STATUS.—An employee assigned to the Department of Defense pursuant to subsection (a) may—

1 "(1) be appointed for the agreed period of the assignment in the Department
2 without regard to the provisions of title 5 governing appointments in the competitive
3 service; or

4 "(2) be deemed to be on a detail to the Department.

5 "The employee, while remaining an employee of the private commercial entity during the period
6 of the detail for purposes of establishing eligibility for benefits and longevity in accordance with
7 subsections (g) and (i), shall be paid by the Department of Defense in accordance with
8 subsections (e) and (i).

9 "(e) COMPENSATION.—A person given an assignment, whether by detail or appointment,
10 pursuant to subsection (a), shall be paid solely by the Department of Defense at a rate established
11 by the Secretary, of not less than the minimum rate of basic pay for grade GS-11 of the General
12 Schedule (excluding any applicable locality-based comparability payment under section 5304 of
13 title 5, United States Code, or similar provision of law and any applicable special rate of pay
14 under section 5305 of title 5, United States Code, or similar provision of law) and not to exceed
15 the maximum rate provided in section 5306(e) of title 5, except that, under regulations
16 established by the Secretary, the Secretary may provide such person compensation (in addition to
17 base pay), including benefits (to the extent not prohibited by subsection (f)), incentives, and
18 allowances, consistent with, and not in excess of the level authorized for, comparable positions
19 authorized by title 5.

20 "(f) RIGHTS OF TRANSFERRED INDIVIDUAL.—A person assigned to the Department of
21 Defense pursuant to subsection (a) is deemed, for the period of the assignment, to be an
22 employee of the Department of Defense for all purposes, except as otherwise provided in this

1 section and except for—

2 "(1) subchapter III of chapter 84 of title 5 or other applicable retirement systems;

3 "(2) chapters 12, 23, 43, 71, 75, 77 and 87 of title 5; and

4 "(3) chapter 89 of title 5 or other applicable health benefits system unless his
5 appointment results in the loss of coverage in a group health benefits plan the premium of
6 which has been paid in whole or in part by contribution by the private commercial entity.

7 "These exceptions shall not apply to non-Federal employees who are covered by chapters 84, 87,
8 and 89 of title 5 by virtue of their non-Federal employment immediately before assignment and
9 appointment under this section.

10 "(g) STATUS OF ASSIGNED PERSONNEL IN PARENT ORGANIZATION.—Notwithstanding
11 subsection (f) and section 209 of title 18, the period of time a private commercial entity
12 employee is assigned to the Department pursuant to this section may be counted by the private
13 commercial entity, for purposes of determining the employee's longevity or seniority with that
14 private sector commercial entity, as if it were employment with that entity.

15 "(h) INCAPACITATION DURING ASSIGNMENT.—An employee of a private commercial
16 entity who is provided an appointment in the Department of Defense for the period of the
17 assignment or who is on detail to the Department of Defense and who suffers disability or dies as
18 a result of personal injury sustained while in the performance of his duty during the period of the
19 assignment shall be treated, for the purpose of subchapter I of chapter 81 of title 5, as though he
20 were an employee as defined by section 8101 of title 5. When an employee (or his dependents in
21 case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of
22 this title is also entitled to benefits from the private commercial entity for the same injury or

1 death, he (or his dependents in case of death) shall elect which benefits he will receive. The
2 election shall be made within one year after the injury or death, or within such further time as the
3 Secretary of Labor may allow for reasonable cause shown. When made, the election is
4 irrevocable unless otherwise provided by law.

5 "(i) CONTRIBUTIONS TO EMPLOYEE PLANS.—During the period that the private
6 commercial entity employee is assigned to the Department of Defense pursuant to this section,
7 the employer's contributions to the private commercial entity's retirement, life insurance, and
8 health benefit plans covering the employee's period of assignment may be made from the
9 appropriations of the Department of Defense, as if paid by the private commercial entity, if
10 provision is made for such payments by the agreement required under subsection (b).

11 "(j) ACQUISITION PERSONNEL.—Pursuant to this section and title 5, the Secretary may
12 establish as part of this pilot program, a program for exchange of personnel between private
13 entities and the Defense Acquisition Workforce, under which a private commercial entity may
14 reimburse the Department for the costs of salaries and benefits paid by the Department of
15 Defense under subsection (e), or for the cost of salaries and benefits of Department of Defense
16 employees detailed to private entities. Amounts received as reimbursement under this subsection
17 shall be credited to the appropriations used for paying such salaries and benefits.

18 "(k) DEFINITIONS.— For purposes of this section—

19 "(1) 'Private commercial entity' means a non-Federal commercial organization,
20 including a corporation, partnership, sole proprietorship, limited liability company, or
21 other such form of commercial enterprise.

22 "(2) 'Detail' means the temporary assignment of a private commercial entity

1 employee to the Department of Defense, with the expectation that the employee will
2 return to the employee's position of record with the private commercial entity at the
3 expiration of the detail.

4 “(3) ‘Acquisition or logistics functions’ means functions and duties of positions
5 designated by the Secretary of Defense pursuant to section 1721 of this title as acquisition
6 positions.

7 “(4) ‘Technology functions’ means functions and duties of scientific and
8 engineering positions executing the missions of defense laboratories.

9 “(5) ‘Defense acquisition workforce’ has the same meaning as in Chapter 87 of
10 this title.

11 “(l) REPORTING REQUIREMENT.—The Secretary of Defense, in consultation with the
12 Office of Personnel Management, shall evaluate the pilot program established pursuant to this
13 section and shall report to the President on whether the program should be continued in its
14 current form, expanded within the Department of Defense, or expanded to include other
15 government agencies. The report shall include an analysis of how these authorities were
16 implemented and of the costs and benefits of the program. This report shall be submitted during
17 the fourth year of the pilot program.

18 “(m) TERMINATION OF PROGRAM.—The authority in the pilot program authorized by this
19 section to assign individuals from private entities to positions within the Department of Defense
20 shall expire five years after the effective date of this Act but may be terminated at an earlier date
21 at the discretion of the Secretary of Defense.”.

22 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter 111

1 is amended by inserting after the item relating to section 2195 the following new item:

2 "2195a. Acquisition, technology and logistics commercial personnel transfer program."

Sectional Analysis

There is a vital need for the Department of Defense to obtain temporary access to the specialized acquisition, logistics, and technology knowledge and expertise that only exists in activities being conducted by private industry, under terms that enable the employee to return to his or her corporate position.

This provision, if enacted, would provide a five-year pilot project established within the Department of Defense. This project would give the Department of Defense access to individuals with specialized and unique technical knowledge that is not available in Government or from the private sector through other methods, such as the current Intergovernmental Personnel Act (chapter 33, Subchapter VI, of title 5, United States Code), direct contracting, cooperative research and development agreements, or other arrangements. Persons sought under this provision would be at the working level (from the equivalent of GS-11 through GS-15), performing functions that equate to those performed by the Defense acquisition workforce, including procurement specialists, logisticians, quality control personnel, business planners, and auditors, and to scientists and engineers in the defense laboratories. They would not be executives, managers, or supervisors.

The ability to appoint senior level scientists and engineers from private industry to the laboratories for a two-year assignment is a critical element in maintaining laboratory core technical expertise. Military threats and response scenarios are changing and consequently the technologies needed to respond to them must also change. The laboratories have attempted to maintain core areas of expertise, which enable them to respond to such changes. In many cases, however, new technical initiatives must be created or existing areas of technical expertise must be augmented. These core technical areas usually require very narrowly focused scientific expertise. Such specialized talent is not readily available in the general labor market. For the most part, such unique talent resides at corporate research centers or at specialized niche product companies. Consequently, the proposed legislation would enable the laboratories to temporarily bring in high caliber industrial people for a limited time to initiate and/or build up these core areas. The proposed legislation would permit the laboratories to reasonably compensate a visiting scientist without requiring a fundamental career change, thus increasing our ability to attract such needed talent.

In addition, this program offers an outstanding opportunity to tap the private knowledge base and establish enduring acquisition and management reform by integrating a pool of talented mid-level business officials (equivalent to individuals performing duties at the GS-11/12 level) into the Government while providing a "developmental program" for those mid-level business industry individuals. This program would further provide those private sector acquisition

professionals with a unique opportunity to experience and understand the operations of the Department and its process, thereby providing the citizenry with an insight into the workings of their Government.

During the period of the assignment, a person would be deemed to be an employee of the Department for purposes of the conflict of interest laws, including but not limited to, sections 203, 205, 207, 208, and 209 of title 18, United States Code, although the period of time a person is assigned may be counted for the purposes of determining longevity or seniority with the private industry.

Chapters 84 (Federal Employees Retirement System), 87 (life insurance), and 89 (health insurance) of title 5 will not apply to persons in this project. Individuals participating in the program would not be entitled to the benefits of chapters 12 (Merit Systems Protection Board, Office of Special Counsel, and employee right of action), 23 (merit system principles), 43 (performance appraisals), 75 (adverse actions) and 77 (appeals) of title 5.

The program would permit, but not require, the Secretary to use this section and already existing authorities under title 5, United States Code, to establish an exchange program with industry in which private industry could reimburse the Department for some or all of the costs paid by the Department for industry employees appointed or detailed to the Department under this section. Funds reimbursed for this program would remain in the Department and be available to offset the costs of the program. While exchanges would not be on a one-for-one basis and not all Components would utilize the exchange authority, this provision would authorize the Department to accept personnel from industry, while generally not increasing the overall costs of such assignments to the Department.

The authority for this program would expire in five years, although the Secretary could choose to end the program earlier. As part of its establishment of this program, the Department would include a strong oversight process. The Department also would develop and implement evaluation tools to assess whether the program was meeting the needs it was intended to address and whether there was an on-going need for this authority in its current, or an expanded form. A report would be submitted to the President and the Congress during the fourth year of the program. As part of this evaluation and reporting requirement, the Department intends to capture, assess, and report on information needed to determine the viability of the program, including the numbers and types of personnel assigned to the Department under this program, whether they are assigned by appointment or by detail, their private commercial entities, grades, and salaries, the job series of the duties they performed, whether the assignment was part of an exchange program, and the costs reimbursed to the Department, if any.

**SEC. ____ . CONTRACTING WITH LOCAL GOVERNMENTS FOR FIREFIGHTING,
SECURITY GUARD, AND OTHER MUNICIPAL FUNCTIONS.**

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

**“§ 2476. Contracting with local government for firefighting, security guard, and other
municipal functions**

“Notwithstanding section 2465 and that such services are generally funded by local and State taxes and provided without specific charge to the public at large, the Secretary of Defense and the Secretary of a military department may make contracts for fire fighting or security-guard services, as well as police, public works, utility, and other municipal services, needed for the operation of any military installation or facility from government agencies located in the vicinity of the installation or facility.”.

(b) **CONFORMING AMENDMENT.**—Section 816 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat.2820), as amended, is repealed.

(c) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter 146 of title 10 is amended by inserting after the item relating to section 2475 the following new item:

“2476. Contracting with local government for firefighting, security guard, and other municipal functions.”.

Sectional Analysis

This proposal provides the authority to contract for fire fighting or security-guard services, as well as police, public works, utility, and other municipal services. The demonstration project has been successful, yielding financial savings and improved services. This authority allows the Department to extend this authority to improve the efficiency and effectiveness at military installations.

**SEC. ____ . REPEAL OF LIMITATION ON RETIREMENT OR DISMANTLEMENT
OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.**

1 Section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public
2 Law 105-85; 111 Stat. 1948), as amended by section 1501(a) of the National Defense
3 Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 806) and section 1043 of
4 the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-
5 398, 114 Stat. 1654A-263) is repealed.

Sectional Analysis

 This provision would repeal section 1302 of the National Defense Authorization Act for Fiscal Year 1998 in its entirety in order to enhance the President's flexibility to set strategic force structure for the defense of the United States. As currently written, section 1302 prohibits the obligation of funds for the retirement or dismantlement, or the preparations for retirement or dismantlement, of strategic nuclear delivery systems until entry into force of the START II treaty. The repeal of section 1302 would allow the President to retire the Peacekeeper ICBM immediately, and make further reductions in US strategic nuclear delivery systems. Unnecessarily linking reductions in U.S. strategic nuclear delivery systems to START II entry into force severely limits the President's flexibility and could delay implementation of important parts of the President's overall deterrence strategy.

**SEC. ____ . AUTHORITY FOR GOVERNMENT CONTRACTORS TO PARTICIPATE
AT UNITED STATES GOVERNMENT-OWNED FACILITIES IN
CHEMICAL WEAPONS INSPECTIONS UNDER THE CHEMICAL
WEAPONS CONVENTION.**

(a) AUTHORITY TO JOIN INSPECTION TEAMS.—Section 303(b)(2) of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6723(b)(2)) is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; and";

and

(3) by adding at the end the following new subparagraph (D):

(D) for inspections at United States Government facilities only, the accompanying personnel may include Federal contractor personnel but must be led by a Federal government employee."

(b) CONFORMING AMENDMENTS RELATING TO CREDENTIALS.—Section 304(c) of such Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6724(c)), is amended by inserting “, and Federal contractor personnel when used at United States Government-owned facilities,” after “government”.

Sectional Analysis

The Statute is narrowly written and under section 303 of the Chemical Weapons Convention Implementation Act of 1968 (22 U.S.C. 6723), Authority to Conduct Inspections, uses the term "...employees of the federal government to accompany members of an inspection team." This language restricts accompanying personnel to federal government employees only, thereby excluding federal contractor employees from serving as accompanying personnel. Pursuant to the Chemical Weapons Convention (CWC), commercially operated as well as

government owned facilities are subject to inspections for CWC compliance. The statute does not distinguish inspections of United States Government owned facilities and privately owned facilities. Private industry and federal government interests when under inspection pursuant to the CWC are not the same. The federal government would have no objections to having contractor employees serve as accompanying personnel when United States Government owned facilities are inspected. The downsizing of government has resulted in more reliance on contractor personnel to fulfill government needs. This has proven to be more economical and has resulted in a more efficient use of government resources to meet its other demanding needs. If the federal government were required to only use federal employees as accompanying personnel, it would result in lengthy delays, additional costs and the disruption of a proven successful program.

Responsibility for treaty compliance when conducting inspections will continue to reside with the designated accompanying personnel leader who must be a Federal Government employee. This clearly puts the contractor personnel in a proper supporting function only and reserves the inherent governmental discretion function to the Federal Government team leader. It should be noted that, prior to the passage of the implementing legislation in 1998, contractor personnel had been used as accompanying personnel for government owned facilities. No privately owned facilities had been inspected at that time.

The catchline for section 304 (c) of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6724) is "Credentials" and requires ..."employees of the federal government" to "display appropriate identifying credentials." The proposed amendment would include contractors in this requirement.

**SEC. ____ . SECRETARIAL OPTION; PROMOTION TO THE GRADE OF CAPTAIN
(ARMY, AIR FORCE, MARINE CORPS) OR LIEUTENANT (NAVY)
WITHOUT SELECTION BOARD ACTION.**

(a) ACTIVE-DUTY LIST PROMOTIONS.—Section 611 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “Under” and inserting “Except as provided in subsection (c), under”; and

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

“(c) Whenever the Secretary of the military department concerned determines that all fully qualified officers on the active-duty list in the permanent or temporary grade of first lieutenant or lieutenant (junior grade) who would be eligible for consideration for promotion to the next higher grade by a selection board convened under this section are needed in the next higher grade to accomplish mission objectives, promotions to the grades of captain for officers of the Army, Air Force, or Marine Corps, or lieutenant for officers of the Navy may be effected under regulations of the Secretary concerned.”.

(b) ACTIVE DUTY OFFICERS; MANNER OF PROMOTION.—Section 624(a) of such title 10 is amended by adding at the end the following new paragraph (3):

“(3) When officers are to be promoted to captain or lieutenant pursuant to a determination under section 611(c) of this title, their promotions shall be effected in accordance with regulations of the Secretary concerned.”.

(c) ACTIVE DUTY OFFICERS; FAILURE OF SELECTION.—Section 631 of such title 10 is amended—

(1) in the section heading for such section 631, by striking “failure of selection for

1 promotion” and inserting “failure to qualify or be selected for promotion”;

2 (2) in subsection (a), by inserting “, or who has not been promoted under
3 regulations of the Secretary concerned based on a determination made under section
4 611(c) of this title,” after “whose name is not on a list of officers recommended for
5 promotion to the next higher grade”; and

6 (3) by adding at the end the following new subsection (d):

7 “(d) For purposes of this chapter—

8 “(1) if an officer of the Regular Army, Regular Air Force, or Regular
9 Marine Corps, who holds the regular grade of first lieutenant, has been found not
10 qualified for promotion to the regular grade of captain pursuant to a determination
11 under section 611(c) of this title, or if an officer of the Regular Navy, who holds
12 the regular grade of lieutenant (junior grade), has been found not qualified for
13 promotion to the regular grade of lieutenant pursuant to a determination under
14 section 611(c) of this title, such finding will have the same effect as if that officer
15 had failed of selection for promotion, such that any two failures of selection,
16 either before a promotion selection board convened under section 611(a) of this
17 title or pursuant to a determination under section 611(c) of this title, shall require
18 one of the courses of action specified under subsection (a); and

19 “(2) the approval by the Secretary of the military department concerned of
20 promotions accomplished under section 611(c) of this title will have the same
21 effect as the approval of a promotion board report.”.

22 (d) RESERVE ACTIVE-STATUS LIST PROMOTIONS.—Section 14101 of such title 10 is
23 amended—

1 (1) in subsection (a), by striking “Whenever” and inserting “Except as provided in
2 paragraph (3), whenever”;

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

4 “(3) Whenever the Secretary of the military department concerned determines that
5 all fully qualified officers on the reserve active-status list in the permanent grade of first
6 lieutenant or lieutenant (junior grade) who would be eligible for consideration for
7 promotion to the next higher grade by a selection board convened under this section are
8 needed in the next higher grade to accomplish mission objectives, promotions to the
9 grades of captain or lieutenant, may be effected under regulations of the Secretary
10 concerned.”.

11 (e) RESERVE OFFICERS; MANNER OF PROMOTION.— Section 14308(b) of such title 10 is
12 amended by adding at the end the following new paragraph (4):

13 “(4) When officers are to be promoted to the grade of captain or lieutenant
14 pursuant to a determination under section 14101(a)(3) of this title, their promotions shall
15 be effected in accordance with regulations of the Secretary concerned.”.

16 (f) RESERVE OFFICERS; FAILURE OF SELECTION.—Section 14504 of such title 10 is
17 amended—

18 (1) in the section heading for such section 14504, by striking “failure of selection
19 for promotion” and inserting “failure to qualify or be selected for promotion”;

20 (2) in subsection (a), by inserting “, or who has not been promoted based on a
21 determination made under section 14101(a)(3) of this title,” after “whose name is not on a
22 list of officers recommended for promotion to the next higher grade”; and

23 (3) by adding at the end the following new subsection (c):

1 “(c) For purposes of this chapter—

2 “(1) if a first lieutenant on the reserve active-status list of the Army, Air
3 Force, or Marine Corps or a lieutenant (junior grade) on the reserve active-status
4 list of the Navy has been found not qualified for promotion to the next higher
5 grade pursuant to a determination under section 14101(a)(3) of this title, such
6 finding will have the same effect as if that officer had failed of selection for
7 promotion, such that any two failures of selection, either before a promotion
8 selection board convened under section 14101(a)(1) of this title or pursuant to a
9 determination under such section 14101(a)(3), shall require separation in
10 accordance with section 14513 of this title; and

11 “(2) the approval by the Secretary of the military department concerned of
12 a promotion under section 14101(a)(3) of this title will have the same effect as the
13 approval of a promotion board report.”.

14 (g) CLERICAL AMENDMENT. —(1) The table of sections for chapter 36 of such title 10 is
15 amended, with respect to the item relating to section 631, by striking “failure of selection for
16 promotion” and inserting “failure to qualify or be selected for promotion”; and

17 (2) the table of sections for chapter 1407 of such title 10, is amended with respect
18 to the item relating to section 14504, by striking “failure of selection for promotion” and
19 inserting “failure to qualify or be selected for promotion”.

Sectional Analysis

Sections 611 and 14101 of title 10, United States Code, would be amended to give the Service Secretary concerned the option to convene a selection board for promotion to the permanent or temporary grade of 03 based on the determination that all fully qualified officers eligible for consideration are needed to accomplish mission objectives within a competitive category. Limited Duty Officers in the Navy and Marine Corps are tendered temporary

appointments in the grade of lieutenant (junior grade) or first lieutenant.

Sections 611 and 14101 currently provide that under regulations prescribed by the Secretary of Defense, the Secretary of the military department concerned, whenever the needs of the service require, shall convene selection boards to recommend for promotion to the next higher permanent grade officers on the active-duty list and the Reserve active status list in each permanent grade from first lieutenant through brigadier general in the Army, Air Force, or Marine Corps and from lieutenant (junior grade) through rear admiral (lower half) in the Navy.

Promotion boards are given guidance by the Service Secretaries that can provide for a 100 percent promotion opportunity for officers fully qualified for promotion. In the Navy, for example, there are 22 active duty promotion boards, and 47 Reserve component promotion boards held annually to consider officers for promotion to the grade of O3. Greater than 50 percent of those boards are authorized to select all officers qualified for promotion. Providing for the option to convene selection boards for promotion to the grade of O3 would significantly reduce the number of boards held annually to recommend officers for promotion where the Service Secretary has authorized the board to recommend the promotion of all fully qualified officers. Service Secretaries would still utilize selection boards as a force shaping tool for competitive categories in which they have determined that all fully qualified officers eligible for consideration for promotion are not needed to accomplish mission objectives.

Sections 624 and 14308 must also be amended, and would provide the authority to promote officers to the grade of captain or lieutenant in accordance with regulations prescribes by the Secretary of the military department concerned in the same manner as they now promote officers to the grade of first lieutenant or lieutenant (junior grade).

Sections 631 and 14504 should be amended to provide for the separation of officers who are twice found not qualified for promotion, twice fail of selection for promotion, or any combination thereof.

The total annual man-hours saved by this proposal are 25,272, or 12.104 man-years. In addition, there is an annual savings of approximately \$225,000 in reduced travel, transportation, and per diem costs.