

A B I L L

To authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2001, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2001".

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

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

Sec. 1. Table of contents.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

- Sec. 101. Army.
- Sec. 102. Navy and Marine Corps.
- Sec. 103. Air Force.
- Sec. 104. Defense-wide Activities.
- Sec. 105. Defense Inspector General.
- Sec. 106. Defense Health Program.
- Sec. 107. Chemical Demilitarization Program.

Subtitle B—Multi-Year Contract Authorizations

- Sec. 111. Multiyear Procurement Authority for Certain Army Programs.
- Sec. 112. Multiyear Procurement Authority for the DDG-51.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

- Sec. 201. Authorization of Appropriations.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

- Sec. 301. Operation and Maintenance Funding.
- Sec. 302. Working Capital Funds.

- Sec. 303. Armed Forces Retirement Home.
- Sec. 304. Transfers from the National Defense Stockpile Transaction Fund.

Subtitle B—Environmental Provisions

- Sec. 311. Reimbursement for Certain Costs in Connection with the Former Nansmond Ordnance Depot Site, in Suffolk, Virginia.
- Sec. 312. Payment of Fines or Penalties Imposed for Environmental Violations.

Subtitle C—Other Matters

- Sec. 321. Reimbursement by Civil Air Carriers for Support Provided at Johnston Atoll.
- Sec. 322. Use of Excess Titanium Sponge in the National Defense Stockpile for Manufacturing Department of Defense Equipment.
- Sec. 323. Clarification and Extension of Pilot Program for Acceptance and Use of Landing Fees Charged for Use of Domestic Military Airfields by Civil Aircraft.
- Sec. 324. Economic Distribution of Distilled Spirits.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End Strengths for Active Forces.

Subtitle B—Reserve Forces

- Sec. 411. End Strengths for Selected Reserve.
- Sec. 412. End Strengths for Reserves on Active Duty in Support of the Reserves.
- Sec. 413. End Strengths for Military Technicians (Dual Status).
- Sec. 414. Increase in Number of Members in Certain Grades Authorized to be on Active Duty in Support of the Reserves.
- Sec. 415. Active Duty End Strength Exemption for Performing Funeral Honors Functions.
- Sec. 416. Excluding Certain Reserve Component Members on Active Duty for 181 Days or More from Active Component End Strengths.
- Sec. 417. Suspension of Senior Enlisted Pay Grade Strength Limitations for Active Duty (Other than for Training) During War or National Emergency.
- Sec. 418. Suspension of Senior Officers Pay Grade Strength Limitations During War or National Emergency.
- Sec. 419. Suspension of Senior Enlisted Pay Grade Strength Limitations for Active Duty (Other than for Training) in Connection with Organizing, Administering, Recruiting, Instructing, or Training the Reserve Components or National Guard During War or National Emergency.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

- Sec. 501. Authority to Retain Chaplains and Officers in Medical Specialties Until Specified Age.
- Sec. 502. Clarification of Authority for Posthumous Commissions.
- Sec. 503. Release of Officer Promotion Selection Board Reports.

Subtitle B—Reserve Component Personnel Policy

- Sec. 511. Exemption of Certain Reserve Component General and Flag Officers, Serving in Joint Duty

- Assignments, from the Active Duty List for Promotion Purposes.
- Sec. 512. Authority to Temporarily Increase the Number of Officers Serving on Active Duty or Full-Time National Guard Duty in Certain Controlled Grades.
- Sec. 513. Authority to Temporarily Increase the Number of Enlisted Personnel Serving on Active Duty or Full-Time National Guard Duty in Certain Controlled Grades.
- Sec. 514. Exemption of Medical and Dental Officers from Counting in Grade Strengths.
- Sec. 515. Reserve Officer Promotion Authority.
- Sec. 516. Continuation of Officers on the Reserve Active Status List.
- Sec. 517. Technical Correction to Retired Grade Rule.

Subtitle C—Education and Training

- Sec. 521. Repeal of Contingent Funding for Junior Reserve Officers Training Corps.
- Sec. 522. National Guard ChalleNGe Program.

Subtitle D—Decorations, Awards, and Commendations

- Sec. 531. Authority for Award of the Medal of Honor to Ed W. Freeman for Valor during Vietnam.
- Sec. 532. Authority for Award of the Medal of Honor to Andrew J. Smith for Valor During the Civil War.

Subtitle E—Joint Management

- Sec. 541. Changes to the Joint Specialty Officer Program to Improve Utility and Streamline Management
- Sec. 542. Promotion Policy Objectives for Joint Officers.
- Sec. 543. Changes to Eligibility for Capstone, Post-education Placement Requirements, and Length of Armed Forces Staff College Courses and Armed Forces Staff College Provision of Instruction at Other Sites and in Other Dimension.
- Sec. 544. Modification to the Length of Joint Duty Assignments.
- Sec. 545. Change to the Joint Staff Role in Monitoring Joint Officers to Add Flexibility.
- Sec. 546. Modifications to the Annual Report to Congress to Highlight Key Indicators of Compliance.
- Sec. 547. Modifications to Definition of Qualifying Joint Service to Improve Management of Officers in Joint Activities.
- Sec. 548. Modifications to Waivers and Exceptions to the Requirement for a Joint Duty Assignment Before Promotion to General or Flag Grade to Reduce Waivers.

Subtitle F—Selection Board Appeals

- Sec. 551. Remedy in Cases involving Certain Selection Boards.
- Sec. 552. Special Selection Boards.
- Sec. 553. Existing Jurisdiction.
- Sec. 554. Effective Date.

Subtitle G—Other Matters

- Sec. 561. Exemption of Retiree Council Members from Recalled Retiree Limits.
- Sec. 562. Tenure Requirement for Critical Acquisition Positions.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Bonuses and Special and Incentive Pays

- Sec. 601. Aviation Career Incentive Pay -- Authorize Secretaries to Delegate Authority to Waive Operational

Flying Duty Requirements.

- Sec. 602. Improved Consistency of Special Pay for Reserve Medical and Dental Officers.
- Sec. 603. Funeral Honors Duty Compensation.
- Sec. 604. Extension of Authorities Relating to Payment of Other Bonuses and Special Pays.
- Sec. 605. Extension of Certain Bonuses and Special Pay Authorities for Reserve Forces.
- Sec. 606. Extension of Certain Bonuses and Special Pay Authorities for Nurse Officer Candidates, Registered Nurses, and Nurse Anesthetists.
- Sec. 607. Special Pay for Physician Assistants.

Subtitle B—Travel and Transportation Allowances

- Sec. 611. Revision to the Travel Management Allowance For Temporary Lodging Expenses.
- Sec. 612. Changes in the Administration of Baggage And Household Goods Moves Payment for Savings in Shipping less Than Authorized Weights.
- Sec. 613. Advance Payment of Temporary Lodging Allowance.
- Sec. 614. Changes in the Administration of Motor Vehicle Transportation or Storage.

Subtitle C—Servicemembers' Group Life Insurance and Survivor Benefit Plan

- Sec. 621. Eligibility of Certain Members of the Individual Ready Reserve for Servicemembers' Group Life Insurance.

Subtitle D—Other Matters

- Sec. 631. Eligibility for Presidential Appointment to a Service Academy for Children of Reserve Personnel.
- Sec. 632. Personal Money Allowance for Senior Enlisted Members.
- Sec. 633. Increase in Uniform Allowance for Officers.
- Sec. 634. Revision of Authority to Prescribe the Quantity and Kind of Clothing to be Furnished Annually to Enlisted Members (or Allowance in lieu Thereof).

TITLE VII—HEALTH CARE PROVISIONS

- Sec. 701. Medical and Dental Care for Medal of Honor Recipients.

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

Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations

- Sec. 801. Multiyear Contract: Acquisition of Property.
- Sec. 802. Elimination of the Requirement to Furnish Written Assurances of Technical Data Conformity.
- Sec. 803. Elimination of Subcontract Notification Requirements.
- Sec. 804. Certainty in Application of Cost Principles.
- Sec. 805. Authorization for Contractor Participation in Testing Defense Acquisition Programs.
- Sec. 806. Department of Defense Acquisition Pilot Programs Authority Extension.
- Sec. 807. Electronic Access to Business Opportunities.
- Sec. 808. Use of Indefinite Delivery Contracts.

Subtitle B—Other Matters

- Sec. 811. Price Preference Adjustments in Selected Industry Categories.
- Sec. 812. Revision to Definition of Conventional Ammunition for Single Manager Procurement.
- Sec. 813. Extension of Joint Direct Attack Munition Pilot Program Authority.
- Sec. 814. Technical Data Rights for Items Developed Exclusively at Private Expense.
- Sec. 815. Waiver of Live-Fire Survivability Testing MH-47E/MH-60K Helicopter Modification Programs.

Sec. 816. Repeal of Certification of Funding for Support Costs in the Five Year Defense Program.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Organization

Sec. 901. Change of Name for Certain Officials of the Headquarters, Marine Corps.

Sec. 902. Amendment to Broaden the Definition of Inspector General and to Clarify Responsibilities.

Sec. 903. Authority to Withhold from Public Disclosure Certain Sensitive Information.

Subtitle B—Other Matters

Sec. 911. To Consolidate Various Department of the Navy Trust and Gift Funds.

Sec. 912. Disposition of Gifts to the Naval Academy.

Sec. 913. Mailing Privileges of Members of the Armed Forces of the United States and of Friendly Foreign Nations.

Sec. 914. Commercial Personnel Transfer Program for Science and Engineering.

Sec. 915. Pilot Program for Payment of Retraining and Relocation Expenses.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Administrative Offsets for Transportation Overcharges.

Sec. 1002. Date for Submittal of Joint Report on Scoring of Budget Outlays

Sec. 1003. Repeal of Requirement for Two-year Budget Cycle for the Department of Defense.

Sec. 1004. Codification of Annual Recurring Appropriations Act General Provision for Reimbursements Related to Certain Reserve Intelligence or Counterintelligence Support

Subtitle B—Humanitarian and Civic Assistance

Sec. 1011. Clarification of Authority to Provide Humanitarian and Civic Assistance.

Sec. 1012. Authority to Pay Certain Expenses Relating to Humanitarian and Civic Assistance for Clearance of Landmines.

Subtitle C—Miscellaneous Reporting Requirements and Repeals

Sec. 1015. Repeal of Reporting Requirement for B-2.

Sec. 1016. Amendment to National Guard and Reserve Component Equipment: Annual Report to Congress.

Subtitle D—Other Matters

Sec. 1021. Recognition of Military Testamentary Instruments.

Sec. 1022. Fees for Military History Information, Material and Research Assistance.

Sec. 1023. Cooperative Military Airlift Agreements: Allied Countries.

Sec. 1024. Chemical Weapons Destruction Facility in Russia.

TITLE XI—BASE REALIGNMENT AND CLOSURE ACT OF 1999.

Sec. 1101. Short title and Purpose.

Sec. 1102. The Commission.

Sec. 1103. Procedure for Making Recommendations for Base Closures and Realignments.

Sec. 1104. Closure and Realignment of Military Installations.

- Sec. 1105. Implementation.
- Sec. 1106. Account.
- Sec. 1107. Reports.
- Sec. 1108. Congressional Consideration of Commission Report.
- Sec. 1109. Restriction on Other Base Closure Authority.
- Sec. 1110. Definitions.
- Sec. 1111. Clarifying Amendments.
- Sec. 1112. Conforming Amendments.

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

- Sec. 101. Army.
- Sec. 102. Navy and Marine Corps.
- Sec. 103. Air Force.
- Sec. 104. Defense-wide Activities.
- Sec. 105. Defense Inspector General.
- Sec. 106. Defense Health Program.
- Sec. 107. Chemical Demilitarization Program.

Subtitle B—Multi-Year Contract Authorizations

- Sec. 111. Multiyear Procurement Authority for Certain Army Programs.
- Sec. 112. Multiyear Procurement Authority for the DDG-51.

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Army as follows:

- (1) For aircraft, \$1,323,262,000.
- (2) For missiles, \$1,295,728,000 .
- (3) For weapons and tracked combat vehicles, \$1,874,638,000.
- (4) For ammunition, \$1,131,323,000.
- (5) For other procurement, \$3,795,870,000.

SEC. 102. NAVY AND MARINE CORPS.

1 (a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2001 for
2 procurement for the Navy as follows:

3 (1) For aircraft, \$7,963,858,000.

4 (2) For weapons, including missiles and torpedoes, \$1,434,250,000 .

5 (3) For shipbuilding and conversion, \$12,296,919,000.

6 (4) For procurement of ammunition for the Navy and the Marine Corps, \$429,649,000.

7 (5) For other procurement, \$3,334,611,000.

8 (b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2001 for
9 procurement for the Marine Corps in the amount of \$1,171,935,000.

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

11 Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the
12 Air Force as follows:

13 (1) For aircraft, \$9,539,602,000.

14 (2) For missiles, \$3,061,715,000.

15 (3) For procurement of ammunition, \$638,808,000.

16 (4) For other procurement, \$7,699,127,000.

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

18 Funds are hereby authorized to be appropriated for fiscal year 2001 for defense-wide
19 procurement in the amount of \$2,275,308,000.

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

21 Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the
22 Defense Inspector General in the amount of \$3,300,000.

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

2 Funds are hereby authorized to be appropriated for fiscal year 2001 for the Department of
3 Defense for procurement for carrying out health care programs, projects, and activities of the
4 Department of Defense in the total amount of \$290,006,000.

5 **SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.**

6 There is hereby authorized to be appropriated for fiscal year 2001 in the amount of
7 \$1,003,500,000 for—

8 (1) the destruction of lethal chemical weapons in accordance with section 1412 of the
9 Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) and

10 (2) the destruction of chemical warfare material of the United States that is not covered by
11 section 1412 of such Act.

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

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

15 Beginning with the fiscal year 2001 program year, the Secretary of the Army may, in
16 accordance with section 2306b of title 10, United States Code, enter into multi-year contracts for
17 procurement of the following:

18 (1) The M2A3 Bradley Fighting Vehicle.

19 (2) The UH/60-CH/60 helicopter.

20 **SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR THE DDG-51.**

21 Beginning with the fiscal year 2001 program year, the Secretary of the Navy may, in
22 accordance with section 2306b of title 10, United States Code, enter into a multi-year contract for

1 procurement of the DDG-51.

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

3 Sec. 201. Authorization of Appropriations.

4 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

5 Funds are hereby authorized to be appropriated for fiscal year 2001 for the use of the Armed
6 Forces for research, development, test, and evaluation, as follows:

7 (1) For the Army, \$5,260,346,000.

8 (2) For the Navy, \$8,476,677,000.

9 (3) For the Air Force, \$13,685,576,000

10 (4) For Defense-wide research, development, test, and evaluation, \$10,439,802,000, of
11 which \$201,560,000 is authorized for the Director of Operational Test and Evaluation.

12 (5) For the Defense Health Program, \$65,880,000.

13 **TITLE III—OPERATION AND MAINTENANCE**

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and Maintenance Funding.

Sec. 302. Working Capital Funds.

Sec. 303. Armed Forces Retirement Home.

Sec. 304. Transfers from the National Defense Stockpile Transaction Fund.

Subtitle B—Environmental Provisions

Sec. 311. Reimbursement for Certain Costs in Connection with the Former Nansemond Ordnance Depot Site, in
Suffolk, Virginia.

Sec. 312. Payment of Fines or Penalties Imposed for Environmental Violations.

Subtitle C—Other Matters

Sec. 321. Reimbursement by Civil Air Carriers for Support Provided at Johnston Atoll.

Sec. 322. Use of Excess Titanium Sponge in the National Defense Stockpile for Manufacturing Department of
Defense Equipment.

Sec. 323. Clarification and Extension of Pilot Program for Acceptance and Use of Landing Fees Charged for Use
of Domestic Military Airfields by Civil Aircraft.

Sec. 324. Economic Distribution of Distilled Spirits.

1 (18) For Environmental Restoration, Formerly Used Defense Sites, \$186,499,000.

2 (19) For Overseas Humanitarian, Disaster, and Civic Aid programs, \$64,900,000.

3 (20) For Drug Interdiction and Counter-drug Activities, Defense-wide, \$836,300,000.

4 (21) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration
5 Trust Fund, \$25,000,000.

6 (22) For the Defense Health Program, \$11,244,543,000.

7 (23) For Cooperative Threat Reduction programs, \$458,400,000.

8 (24) For Overseas Contingency Operations Transfer Fund, \$4,100,577,000.

9 **SEC. 302. WORKING CAPITAL FUNDS.**

10 Funds are hereby authorized to be appropriated for fiscal year 2001 for the use of the Armed
11 Forces of the United States and other activities and agencies of the Department of Defense for
12 providing capital for working capital and revolving funds in amounts as follows:

13 (1) For the Defense Working Capital Funds, \$916,276,000.

14 (2) For the National Defense Sealift Fund, \$388,158,000.

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

16 There is hereby authorized to be appropriated for fiscal year 2001 from the Armed Forces
17 Retirement Home Trust Fund the sum of \$69,832,000 for the operation of the Armed Forces
18 Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval
19 Home.

20 **SEC. 304. TRANSFERS FROM THE NATIONAL DEFENSE STOCKPILE**

21 **TRANSACTION FUND.**

22 (a) TRANSFER AUTHORITY.--To the extent provided in appropriations Acts not more than

1 \$150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction
2 Fund to operation and maintenance accounts for fiscal year 2001 in amounts as follows:

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

4 (B) For the Navy, \$50,000,000.

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

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

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

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

11 **Subtitle B—Environmental Provisions**

12 **SEC. 311. REIMBURSEMENT FOR CERTAIN COSTS IN CONNECTION**

13 **WITH THE FORMER NANSEMOND ORDNANCE DEPOT SITE, IN** 14 **SUFFOLK, VIRGINIA.**

15 (a) AUTHORITY TO REIMBURSE EPA.—The Secretary of Defense may pay not more than
16 \$98,210.00, using funds described in subsection (b), to the Former Nansemond Ordnance Depot
17 Site Special Account within the Hazardous Substance Superfund established by section 9507 of
18 the Internal Revenue Code of 1986 (26 U.S.C. 9507) to reimburse the Environmental Protection
19 Agency for costs incurred by the agency in overseeing a time critical removal action (TCRA)
20 under CERCLA being performed by DoD under the Defense Environmental Restoration Program
21 (10 U.S.C. 2701) for ordnance and explosive safety hazards at the Former Nansemond Ordnance
22 Depot Site in Suffolk, Virginia, pursuant to an Interagency Agreement, entered into by the

1 Department of the Army and the Environmental Protection Agency on January 3, 2000.

2 (b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using amounts
3 authorized to be appropriated by section 301 to Environmental Restoration, Formerly Used
4 Defense Sites.

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

7 **SEC. 312. PAYMENT OF FINES OR PENALTIES IMPOSED FOR**
8 **ENVIRONMENTAL VIOLATIONS.**

9 The Secretary of the Military Department concerned may pay from funds otherwise available
10 for such purposes not more than the following amounts at the locations and for the purposes
11 indicated below:

12 (1) For the Department of the Army:

13 (A) \$993,000 for Walter Reed Army Medical Center, Washington, D.C., under the
14 Resource Conservation and Recovery Act, in satisfaction of a fine imposed by
15 Environmental Protection Agency Region 3, for a Supplemental Environmental Project.

16 (B) \$377,250 for Fort Campbell, Kentucky, under the Resource Conservation and
17 Recovery Act, in satisfaction of a fine imposed by Environmental Protection Agency
18 Region 4, for a Supplemental Environmental Project.

19 (C) \$20,701 for Fort Gordon, Georgia, under the Resource Conservation and Recovery
20 Act, in satisfaction of a fine imposed by the State of Georgia, for a Supplemental
21 Environmental Project.

22 (D) \$78,500 for Pueblo Chemical Depot, Colorado, under the Resource Conservation

1 and Recovery Act, in satisfaction of a fine imposed by the State of Colorado, for
2 Supplemental Environmental Projects.

3 (E) \$20,000 for Deseret Chemical Depot, Utah, under the Resource Conservation and
4 Recovery Act, in satisfaction of a fine imposed by the State of Utah, for a Supplemental
5 Environmental Project.

6 (2) For the Department of the Navy:

7 (A) \$108,800 for Allegany Ballistics Laboratory, West Virginia, under the Resource
8 Conservation and Recovery Act, to the West Virginia Division of Environmental
9 Protection to pay a cash penalty.

10 (B) \$5,000 for Naval Air Station, Corpus Christi, Texas, under the Clean Air Act, to
11 Environmental Protection Agency Region 6, to pay a cash penalty.

12 **Subtitle C—Other Matters**

13 **SEC. 321. REIMBURSEMENT BY CIVIL AIR CARRIERS FOR SUPPORT PROVIDED** 14 **AT JOHNSTON ATOLL.**

15 (a) IN GENERAL.—Chapter 949 of title 10, United States Code, is amended by adding at the
16 end the following new section:

17 **“§9783. Reimbursement by civil air carriers for support provided at Johnston Atoll**

18 “(a) AUTHORITY OF THE SECRETARY.—Subject to subsection (b), the Secretary of the Air
19 Force may issue regulations requiring payment by civil air carriers for support provided to them
20 at Johnston Atoll.

21 “(b) TYPES OF CHARGES.—Any regulations issued under subsection (a)—

22 “(1) may charge, but not exceed, the actual costs, including indirect costs, of support

1 provided by the United States to the civil air carrier;

2 “(2) may only include charges for support requested by the civil air carrier or required
3 to accommodate the civil air carrier’s use of Johnston Atoll; and,

4 “(3) shall provide that charges under them shall be in lieu of any otherwise collectable
5 landing fees.

6 “(c) SUPPORT DEFINED.—In this section, the term “support” includes the costs of construction,
7 repairs, services, or supplies, including, but not limited to, fuel, fire rescue, use of facilities,
8 improvements required to accommodate use by civil air carriers, police, safety, housing, food, air
9 traffic control, and suspension of military operations on the island (including operations at the
10 Johnston Atoll Chemical Agent Demilitarization System).

11 “(d) DISPOSITION OF PAYMENTS.—Notwithstanding any other provision of law, amounts
12 collected from a civil air carrier under this section shall be credited to the appropriations under
13 which the costs associated with the support were incurred. Amounts so credited shall be
14 available for obligation for the same period as the appropriation to which credited.

15 (e) PAY-AS-YOU-GO SCORING—(1) From the cash proceeds resulting from services provided
16 to civil air carriers at Johnston Atoll under the authorities provided by this section, for which the
17 Air Force does not have existing authority to retain, up to the following amounts shall be
18 transferred to Miscellaneous Receipts in the Treasury:

19 (A) In FY 2001, \$219,000;

20 (B) In FY 2002, \$219,000;

21 (C) In FY 2003, \$219,000;

22 (D) In FY 2001, \$219,000; and

1 (E) In FY 2001, \$219,000."

2 (b) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 949, United
3 States Code, is amended by adding at the end the following new item:

4 "9783. Reimbursement by civil air carriers for support provided at Johnston Atoll."

5 **SEC. 322. USE OF EXCESS TITANIUM SPONGE IN THE NATIONAL DEFENSE**
6 **STOCKPILE FOR MANUFACTURING DEPARTMENT OF DEFENSE**
7 **EQUIPMENT.**

8 (a) TRANSFER AUTHORIZED.— Upon the request of the Secretary of a Military Department or
9 the Director of a Defense Agency, the Secretary of Defense may transfer excess titanium sponge
10 from the stocks of the National Defense Stockpile for use in manufacturing defense equipment.

11 (b) NON-REIMBURSABLE.—Transfer under this section shall be without a requirement to
12 reimburse the National Defense Stockpile Transaction Fund. The recipient Military Department
13 shall pay all transportation and related costs incurred in connection with the transfer.

14 (c) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The quantity of titanium sponge
15 transferred under this section may not exceed the amount identified as excess in section 3304 of
16 the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85, 111 Stat.
17 2057). Transfers to the Secretary of the Army pursuant to Section 3305 of the National Defense
18 Authorization Act for Fiscal Year 1996 (Public Law 104-106, 110 Stat. 630) take precedence
19 over transfers under this section.

20 **SEC. 323. CLARIFICATION AND EXTENSION OF PILOT PROGRAM FOR**
21 **ACCEPTANCE AND USE OF LANDING FEES CHARGED FOR USE OF**
22 **DOMESTIC MILITARY AIRFIELDS BY CIVIL AIRCRAFT.**

1 Section 377 of the Strom Thurmond National Defense Authorization Act for Fiscal Year
2 1999, Public Law 105-261, is amended as follows:

3 (1) in subsection (a)—

4 (A) by striking “1999 and 2000” and inserting “2001, 2002, and 2003”; and

5 (B) by striking the last sentence of such subsection and inserting “Authority to carry out a
6 pilot program under this section shall terminate September 30, 2003.”;

7 (2) by amending subsection (b) to read as follows:

8 “(b) LANDING FEES DEFINED.—For purposes of this section, the term 'landing fees' shall
9 mean any fee established under or in accordance with regulations of the military department
10 concerned, whether prescribed by fee schedule or imposed under a joint-use agreement, to
11 recover costs for civil aircraft use of the department's airfields in the United States, its
12 territories and possessions.”;

13 (3) in subsection (c), by striking “Amounts received for a fiscal year in payment of landing
14 fees imposed” and inserting “Landing fees collected.”; and

15 (4) in subsection (d)—

16 (A) by striking “March 31, 2000,” and inserting “March 31, 2003,”; and

17 (B) by striking “December 31, 1999” and inserting “December 31, 2002.”.

18 **SEC. 324. ECONOMIC DISTRIBUTION OF DISTILLED SPIRITS.**

19 Subsection 2488(c) of title 10, United States Code, is amended—

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

21 (2) by redesignating paragraph (3) as paragraph (2).

22 **TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

Subtitle A—Active Forces

Sec. 401. End Strengths for Active Forces.

Subtitle B—Reserve Forces

Sec. 411. End Strengths for Selected Reserve.

Sec. 412. End Strengths for Reserves on Active Duty in Support of the Reserves.

Sec. 413. End Strengths for Military Technicians (Dual Status).

Sec. 414. Increase in Number of Members in Certain Grades Authorized to be on Active Duty in Support of the Reserves.

Sec. 415. Active Duty End Strength Exemption for Performing Funeral Honors Functions.

Sec. 416. Excluding Certain Reserve Component Members on Active Duty for 181 Days or More from Active Component End Strengths.

Sec. 417. Suspension of Senior Enlisted Pay Grade Strength Limitations for Active Duty (Other than for Training) During War or National Emergency.

Sec. 418. Suspension of Senior Officers Pay Grade Strength Limitations During War or National Emergency.

Sec. 419. Suspension of Senior Enlisted Pay Grade Strength Limitations for Active Duty (Other than for Training) in Connection with Organizing, Administering, Recruiting, Instructing, or Training the Reserve Components or National Guard During War or National Emergency.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2001, as follows:

(1) The Army, 480,000.

(2) The Navy, 372,000.

(3) The Marine Corps, 172,600.

(4) The Air Force, 357,000.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2001, as follows:

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

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

2 (3) The Naval Reserve, 88,900.

3 (4) The Marine Corps Reserve, 39,500.

4 (5) The Air National Guard of the United States, 108,000.

5 (6) The Air Force Reserve, 74,300.

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

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

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

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

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

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

21 Within the end strengths prescribed in section 411(a), the reserve components of the Armed
22 Forces are authorized, as of September 30, 2001, the following number of Reserves to be serving

1 on full-time active duty or, in the case of members of the National Guard, full-time National
2 Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the
3 reserve components:

4 (1) The Army National Guard of the United States, 22,448.

5 (2) The Army Reserve, 12,806.

6 (3) The Naval Reserve, 14,649.

7 (4) The Marine Corps Reserve, 2,203.

8 (5) The Air National Guard of the United States, 11,148.

9 (6) The Air Force Reserve, 1,278.

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

11 The Reserve Components of the Army and the Air Force are authorized strengths for military
12 technicians as of September 30, 2001, as follows:

13 (1) For the Army Reserve, 6,444.

14 (2) For the Army National Guard of the United States, 23,957.

15 (3) For the Air Force Reserve, 9,733.

16 (4) For the Air National Guard of the United States, 22,547.

17 **SEC. 414. INCREASE IN NUMBER OF MEMBERS IN CERTAIN GRADES**

18 **AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE**
19 **RESERVES.**

20 (a) OFFICERS.— The table in section 12022(a) of title 10, United States Code, is amended to
21 read as follows:

“Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander.....	3,227	1,071	998	140
Lieutenant Colonel or Commander....	1,611	520	818	90
Colonel or Navy Captain.....	471	188	300	30"

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

“Grade	Army	Navy	Air Force	Marine Corps
E-9.....	645	202	473	20
E-8.....	2,593	429	1,108	94"

12 **SEC. 415. ACTIVE DUTY END STRENGTH EXEMPTION FOR PERFORMING**
1 **FUNERAL HONORS FUNCTIONS.**

2 Section 115(d) of title 10, United States Code, is amended by adding at the end the following
3 new paragraphs:

4 “(9) Members of reserve components on active duty to prepare for and to perform funeral
5 honors functions for funerals of veterans in accordance with section 1491 of this title.

6 “(10) Members on full-time National Guard duty to prepare for and to perform funeral
7 honors functions for funerals of veterans in accordance with section 1491 of this title.”.

8 **SEC. 416. EXCLUDING CERTAIN RESERVE COMPONENT MEMBERS ON**

1 **ACTIVE DUTY FOR 181 DAYS OR MORE FROM ACTIVE**
2 **COMPONENT END STRENGTHS.**

3 Section 115(d) of title 10, United States Code, is amended by adding at the end the following
4 new paragraph:

5 “(9) Members of reserve components on active duty for 181 days or more to perform special
6 work in support of the armed forces (other than the Coast Guard) and the combatant commands
7 not to exceed two tenths of one percent of authorized active duty personnel.”.

8 **SEC. 417. SUSPENSION OF SENIOR ENLISTED PAY GRADE STRENGTH**
9 **LIMITATIONS FOR ACTIVE DUTY (OTHER THAN FOR TRAINING)**
10 **DURING WAR OR NATIONAL EMERGENCY.**

11 Sec 517 of title 10, United States Code, is amended by adding at the end the following new
12 subsection (c):

13 “(c) The Secretary of Defense may suspend the operation of this section in time of war, or of
14 a national emergency declared by the Congress or by the President. Any suspension shall, if not
15 sooner ended, end on the last day of the two-year period beginning on the date on which the
16 suspension (or the last extension thereof) takes effect or on the last day of the one year period
17 beginning on the date of the termination of the war or national emergency, whichever occurs
18 first. Title II of the National Emergencies Act (50 U.S.C. §§ 1621-1622) which provides that
19 powers or authorities exercised by reason of a national emergency shall cease to be exercised
20 after the date of the termination of the emergency shall not apply to an extension under this
21 subsection.”.

22 **SEC. 418. SUSPENSION OF SENIOR OFFICERS PAY GRADE STRENGTH**

1 **LIMITATIONS DURING WAR OR NATIONAL EMERGENCY.**

2 Sec 12011 of title 10, United States Code, is amended by adding at the end the following new
3 subsection (c):

4 "(c) The Secretary of Defense may suspend the operation of this section in time of war, or of
5 a national emergency declared by the Congress or by the President. Any suspension shall, if not
6 sooner ended, end on the last day of the two-year period beginning on the date on which the
7 suspension (or the last extension thereof) takes effect or on the last day of the one year period
8 beginning on the date of the termination of the war or national emergency, whichever occurs
9 first. Title II of the National Emergencies Act (50 U.S.C. §§ 1621-1622) which provides that
10 powers or authorities exercised by reason of a national emergency shall cease to be exercised
11 after the date of the termination of the emergency shall not apply to an extension under this
12 subsection."

13 **SEC. 419. SUSPENSION OF SENIOR ENLISTED PAY GRADE STRENGTH**

14 **LIMITATIONS FOR ACTIVE DUTY (OTHER THAN FOR TRAINING)**
15 **IN CONNECTION WITH ORGANIZING, ADMINISTERING,**
16 **RECRUITING, INSTRUCTING, OR TRAINING THE RESERVE**
17 **COMPONENTS OR NATIONAL GUARD DURING WAR OR NATIONAL**
18 **EMERGENCY.**

19 Sec 12012 of title 10, United States Code, is amended by adding at the end the following new
20 subsection (c):

21 "(c) The Secretary of Defense may suspend the operation of this section in time of war, or of
22 a national emergency declared by the Congress or by the President. Any suspension shall, if not

1 sooner ended, end on the last day of the two-year period beginning on the date on which the
2 suspension (or the last extension thereof) takes effect or on the last day of the one year period
3 beginning on the date of the termination of the war or national emergency, whichever occurs
4 first. Title II of the National Emergencies Act (50 U.S.C. §§ 1621-1622) which provides that
5 powers or authorities exercised by reason of a national emergency shall cease to be exercised
6 after the date of the termination of the emergency shall not apply to an extension under this
7 subsection."

8 **TITLE V—MILITARY PERSONNEL POLICY**

Subtitle A—Officer Personnel Policy

- Sec. 501. Authority to Retain Chaplains and Officers in Medical Specialties Until Specified Age.
- Sec. 502. Clarification of Authority for Posthumous Commissions.
- Sec. 503. Release of Officer Promotion Selection Board Reports.

Subtitle B—Reserve Component Personnel Policy

- Sec. 511. Exemption of Certain Reserve Component General and Flag Officers, Serving in Joint Duty Assignments, from the Active Duty List for Promotion Purposes.
- Sec. 512. Authority to Temporarily Increase the Number of Officers Serving on Active Duty or Full-Time National Guard Duty in Certain Controlled Grades.
- Sec. 513. Authority to Temporarily Increase the Number of Enlisted Personnel Serving on Active Duty or Full-Time National Guard Duty in Certain Controlled Grades.
- Sec. 514. Exemption of Medical and Dental Officers from Counting in Grade Strengths.
- Sec. 515. Reserve Officer Promotion Authority.
- Sec. 516. Continuation of Officers on the Reserve Active Status List.
- Sec. 517. Technical Correction to Retired Grade Rule.

Subtitle C—Education and Training

- Sec. 521. Repeal of Contingent Funding for Junior Reserve Officers Training Corps.
- Sec. 522. National Guard ChalleNGe Program.

Subtitle D—Decorations, Awards, and Commendations

- Sec. 531. Authority for Award of the Medal of Honor to Ed W. Freeman for Valor during Vietnam.
- Sec. 532. Authority for Award of the Medal of Honor to Andrew J. Smith for Valor During the Civil War.

Subtitle E—Joint Management

- Sec. 541. Changes to the Joint Specialty Officer Program to Improve Utility and Streamline Management
- Sec. 542. Promotion Policy Objectives for Joint Officers.

- Sec. 543. Changes to Eligibility for Capstone, Post-education Placement Requirements, and Length of Armed Forces Staff College Courses and Armed Forces Staff College Provision of Instruction at Other Sites and in Other Dimension.
- Sec. 544. Modification to the Length of Joint Duty Assignments.
- Sec. 545. Change to the Joint Staff Role in Monitoring Joint Officers to Add Flexibility.
- Sec. 546. Modifications to the Annual Report to Congress to Highlight Key Indicators of Compliance.
- Sec. 547. Modifications to Definition of Qualifying Joint Service to Improve Management of Officers in Joint Activities.
- Sec. 548. Modifications to Waivers and Exceptions to the Requirement for a Joint Duty Assignment Before Promotion to General or Flag Grade to Reduce Waivers.

Subtitle F—Selection Board Appeals

- Sec. 551. Remedy in Cases involving Certain Selection Boards.
- Sec. 552. Special Selection Boards.
- Sec. 553. Existing Jurisdiction.
- Sec. 554. Effective Date.

Subtitle G—Other Matters

- Sec. 561. Exemption of Retiree Council Members from Recalled Retiree Limits
- Sec. 562. Tenure Requirement for Critical Acquisition Positions.

Subtitle A—Officer Personnel Policy

SEC. 501. AUTHORITY TO RETAIN CHAPLAINS AND OFFICERS IN MEDICAL SPECIALTIES UNTIL SPECIFIED AGE.

Section 14703(a)(3) of title 10, United States Code, is amended to read as follows:

“(3) The Secretary of the Air Force may, with the officer’s consent, retain in an active status any reserve officer who is designated as a medical officer, dental officer, Air Force nurse, Medical Service Corps officer, biomedical sciences officer or chaplain.”.

SEC. 502. CLARIFICATION OF AUTHORITY FOR POSTHUMOUS COMMISSIONS.

Section 1521(a)(3) of title 10, United States Code, is amended by inserting “ (whether before or after the member’s death)” after “was approved by the Secretary concerned”.

SEC. 503. RELEASE OF OFFICER PROMOTION SELECTION BOARD REPORTS.

(a) ACTIVE-DUTY LIST OFFICER BOARDS.—Section 618(e) of title 10, United States Code, is

1 amended by striking the first sentence and inserting the following:

2 “Upon transmittal to the President of the report of a selection board that considered officers
3 for promotion to a grade below brigadier general or rear admiral (lower half), the names of the
4 officers recommended for promotion by the selection board (other than any name deferred from
5 transmittal) may be disseminated to the armed force concerned.”.

6 (b) RESERVE ACTIVE-STATUS LIST OFFICER BOARDS.—Section 14112 of title 10, United
7 States Code, is amended by striking the first sentence and inserting the following:

8 “Upon transmittal to the President of the report of a selection board that considered officers
9 for promotion to a grade below brigadier general or rear admiral (lower half), the names of the
10 officers recommended for promotion by the selection board (other than any name deferred from
11 transmittal) may be disseminated to the armed force concerned.”.

12 **Subtitle B—Reserve Component Personnel Policy**

13 **SEC. 511. EXEMPTION OF CERTAIN RESERVE COMPONENT GENERAL AND** 14 **FLAG OFFICERS, SERVING IN JOINT DUTY ASSIGNMENTS, FROM** 15 **THE ACTIVE DUTY LIST FOR PROMOTION PURPOSES.**

16 Section 641(1)(B) of title 10 is amended by inserting "526 (b)(2)(A)," after "section" the first
17 time such term appears in the subparagraph.

18 **SEC. 512. AUTHORITY TO TEMPORARILY INCREASE THE NUMBER OF** 19 **OFFICERS SERVING ON ACTIVE DUTY OR FULL-TIME NATIONAL** 20 **GUARD DUTY IN CERTAIN CONTROLLED GRADES.**

21 Section 12011 of title 10, United States Code, is amended by adding at the end the following
22 new subsection:

1 “(c) Upon a determination by the Secretary of Defense that such action is in the national
2 interest, the Secretary may increase the number of officers serving in any grade for a fiscal year
3 pursuant to subsection (a) by not more than the percent authorized by the Secretary under section
4 115(c)(2) of this title.”.

5 **SEC. 513. AUTHORITY TO TEMPORARILY INCREASE THE NUMBER OF**
6 **ENLISTED PERSONNEL SERVING ON ACTIVE DUTY OR FULL-TIME**
7 **NATIONAL GUARD DUTY IN CERTAIN CONTROLLED GRADES.**

8 Section 12012 of title 10, United States Code, is amended by adding at the end the following
9 new subsection:

10 “(c) Upon determination by the Secretary of Defense that such action is in the national
11 interest, the Secretary may increase the number of enlisted members serving in any grade for a
12 fiscal year pursuant to subsection (a) by not more than the percent authorized by the Secretary
13 under section 115(c)(2) of this title.”.

14 **SEC. 514. EXEMPTION OF MEDICAL AND DENTAL OFFICERS FROM COUNTING**
15 **IN GRADE STRENGTHS.**

16 Section 12005(a)(1) of title 10, United States Code, is amended by adding at the end the
17 following: “Medical officers and dental officers shall be excluded in computing and determining
18 the authorized strengths under this subsection.”.

19 **SEC. 515. RESERVE OFFICER PROMOTION AUTHORITY.**

20 Section 641(1) of title 10, United States Code, is amended:

21 (1) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H),
22 respectively; and

1 (2) by inserting after subparagraph (C) the following new subparagraph:

2 “(D) who is currently on the Reserve Active Status List and is ordered to active duty under
3 section 12301(d) of this title, other than as provided in subparagraph (C), for a period of three
4 years or less;”.

5 **SEC. 516. CONTINUATION OF OFFICERS ON THE RESERVE ACTIVE STATUS**
6 **LIST.**

7 Section 14701(a) of title 10, United States Code, is amended by striking “Upon application, a
8 reserve officer” and inserting “A reserve officer”.

9 **SEC. 517. TECHNICAL CORRECTION TO RETIRED GRADE RULE.**

10 (a) ARMY.—Section 3961(a) of title 10, United States Code, is amended by striking “or for
11 nonregular service under chapter 1223 of this title,”.

12 (b) AIR FORCE.—Section 8961(a) of title 10, United States Code, is amended by striking “or
13 for nonregular service under chapter 1223 of this title,”.

14 (c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to
15 Reserve commissioned officers who are promoted to a higher grade as a result of selection for
16 promotion under chapter 36 or chapter 1405 of title 10, United States Code, or having been found
17 qualified for federal recognition in a higher grade under chapter 3 of title 32, United States Code,
18 after October 5, 1994.

19 **Subtitle C—Education and Training**

20 **SEC. 521. REPEAL OF CONTINGENT FUNDING FOR JUNIOR RESERVE**
21 **OFFICERS TRAINING CORPS.**

22 (a) IN GENERAL.—Section 2033 of title 10, United States Code, is repealed.

1 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is
2 amended by striking the item relating to section 2033.

3 **SEC. 522. NATIONAL GUARD CHALLENGE PROGRAM.**

4 Section 509(b) of title 32, United States Code, is amended by striking ", except that Federal
5 expenditures under the program may not exceed \$50,000,000 for any fiscal year".

6 **Subtitle D—Medal of Honor Recipients**

7 **SEC. 531. AUTHORITY FOR AWARD OF THE MEDAL OF HONOR TO ED W.
8 FREEMAN FOR VALOR DURING VIETNAM.**

9 (a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section
10 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of
11 certain medals to persons who served in the military service, the President may award the Medal
12 of Honor under section 3741 of that title to Ed W. Freeman, of Boise, Idaho, for the acts of valor
13 referred to in subsection (b).

14 (b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Ed
15 W. Freeman on November 14, 1965, as a flight leader and second in command of a 16-helicopter
16 lift unit, serving in the grade of Captain at landing zone X-Ray in the battle of the IaDrang
17 Valley, Republic of Vietnam, with Alpha Company, 229 Assault Helicopter Battalion, 101st
18 Cavalry Division (Airmobile).

19 **SEC. 532. AUTHORITY FOR AWARD OF THE MEDAL OF HONOR TO ANDREW
20 J. SMITH FOR VALOR DURING THE CIVIL WAR.**

21 (a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section
22 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of

1 certain medals to persons who served in the military service, the President may award the Medal
2 of Honor, posthumously, under section 3741 of that title to Andrew J. Smith, for the acts of
3 valor referred to in subsection (b).

4 (b) ACTION DESCRIBED.— The acts of valor referred to in subsection (a) are the actions of
5 Andrew J. Smith on November 30, 1864, as an infantry corporal serving in the United States
6 Army in South Carolina with the 55th Massachusetts Voluntary Infantry during a combat
7 operation in the Civil War Battle of Honey Hill, South Carolina.

8 **Subtitle E—Joint Management**

9 **SEC. 541. CHANGES TO THE JOINT SPECIALTY OFFICER PROGRAM TO** 10 **IMPROVE UTILITY AND STREAMLINE MANAGEMENT.**

11 (a) MANAGEMENT POLICIES FOR JOINT SPECIALTY OFFICERS.— Section 661 of title 10, United
12 States Code, is amended —

13 (1) in subsection (a), by striking “, or having been nominated for, 'the joint specialty'.” and
14 inserting “the 'joint specialty officer' designation. Joint specialty officers are intended to provide
15 a quickly identifiable, ready source of officers with joint experience and education to meet
16 special requirements on any organizational staff and/or joint task force operation.”;

17 (2) in subsection (b), by amending the subsection to read as follows:

18 “(b) NUMBERS AND SELECTIONS.—Officers will be designated with a joint specialty officer
19 identifier upon completion of the requirements stipulated in paragraph (c) below. Designation of
20 officers with the joint specialty officer identifier can only be made among officers—

21 “(1) who meet qualifications prescribed by the Secretary of Defense; and

22 “(2) who complete their joint duty assignment when the officer is serving in a grade not

1 less than major or, in the case of the Navy, lieutenant commander.”;

2 (3) in subsection (c)—

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

4 “(1) An officer will be designated with a joint specialty officer identifier after the officer—

5 “ (A) successfully completes a Chairman of the Joint Chiefs of Staff accredited program
6 from a joint professional military education institution and successfully completes a full tour
7 of duty in a joint duty assignment (not necessarily in this order); or,

8 “ (B) successfully completes two full tours of duty in joint duty assignments.”;

9 (B) in paragraph (2), by striking subparagraph (A) and the designator “(B)” at the
10 beginning of subparagraph (B); and

11 (C) by striking paragraph (4).

12 (4) subsection (d) is amended to read as follows:

13 “(d) AUTHORITY TO GRANT WAIVERS.—The Secretary of a military department may request
14 the Secretary of Defense to waive the provisions of subparagraphs (A) or (B) of section (c)(1) for
15 a particular officer for unusual circumstances. The requesting Secretary must justify the request
16 and relate how the officer’s situation equates to the established joint experience and educational
17 standards expected for the joint specialty officer designation. In the case of a general or flag
18 officer, the Secretary of Defense may grant a waiver only for a critical need of the armed forces.
19 The authority of the Secretary of Defense to grant a waiver under this subsection may be
20 delegated only to the Deputy Secretary of Defense or Chairman of the Joint Chiefs of Staff.”;

21 (5) subsection (e) is amended to read as follows:

22 “(e) JSO DESIGNATION FOR GENERAL AND FLAG POSITIONS.—The Secretary shall ensure that,

1 of joint duty assignments filled by general or flag officers, those positions that require, or could
2 be enhanced by, a joint specialty officer will be designated as requiring a joint specialty officer.
3 Once a position is designated as requiring a joint specialty officer, a non-joint specialty officer
4 can be assigned to the position under a waiver of the requirement only if deemed necessary by
5 the Secretary of Defense.”; and

6 (6) subsection (f) is amended to read as follows:

7 “(f) DESIGNATION OF JOINT PROFESSIONAL MILITARY EDUCATION INSTITUTIONS.—For
8 purposes of this chapter, an educational institution may not be construed to be a joint
9 professional military education institution unless it is accredited by the Chairman of the Joint
10 Chiefs of Staff as such.”.

11 **SEC. 542. PROMOTION POLICY OBJECTIVES FOR JOINT OFFICERS.**

12 Section 662 of title 10, United States Code is amended —

13 (1) by amending subsection (a) to read as follows:

14 “(a) QUALIFICATIONS.—(1) The Secretaries of each military department shall establish an
15 internal procedure and process necessary to validate the qualifications of active duty list officers
16 assigned to joint duty activities, as defined in section 668 of this title. Such internal requirements
17 shall ensure an adequate number of senior colonels, or in the case of the Navy, captains, are
18 eligible for promotion to brigadier general/rear admiral (lower half) to meet the requirements of
19 section 619a of this title.

20 “(2) The Secretary of Defense shall ensure that the qualifications of officers assigned to joint
21 duty assignments are such that officers who are serving in joint duty assignments are expected, as
22 a group, to be promoted to the next higher grade at a rate not less than the rate for all officers of

1 the same armed force in the same grade and competitive category.

2 “(3) The Secretary of Defense shall develop policies to ensure that the Secretaries of the
3 military departments provide appropriate consideration to joint service officers eligible for
4 promotion selection boards. Such policies shall ensure that an officer currently serving in a joint
5 assignment be appointed as a member of a military department promotion board. Such officer
6 shall first be approved by the Chairman of the Joint Chiefs of Staff. Such policies also shall
7 ensure that the Chairman of the Joint Chiefs of Staff have an opportunity to review and comment
8 on each promotion selection board to the Secretary of Defense and the Secretary of the military
9 department concerned prior to action on the board by the Secretary of the military department
10 concerned.”; and

11 (2) in subsection (b) by striking “, or have served in”.

12 **SEC. 543. CHANGES TO ELIGIBILITY FOR CAPSTONE, POST-EDUCATION**
13 **PLACEMENT REQUIREMENTS, AND LENGTH OF ARMED FORCES**
14 **STAFF COLLEGE COURSES AND ARMED FORCES STAFF**
15 **COLLEGE PROVISION OF INSTRUCTION AT OTHER SITES AND IN**
16 **OTHER DIMENSION.**

17 Section 663 of title 10, United States Code, is amended —

18 (1) in section (a)(2)(C), by striking “scientific and technical” and inserting “career field
19 specialty”;

20 (2) by striking subsection (d);

21 (3) by redesignating subsection (e) as subsection (d); and

22 (4) by amending subsection (d), as redesignated by this section—

1 (A) by striking the catchline for the subsection and inserting "PRINCIPAL COURSES OF
2 INSTRUCTION PROVIDED BY THE ARMED FORCES STAFF COLLEGE.—";

3 (B) in paragraphs (1) and (2), by striking "course of instruction offered at the Armed
4 Forces Staff College" each time such phrase occurs in each paragraph and inserting in each
5 instance "course of instruction provided by the Armed Forces Staff College";

6 (C) in paragraph (2), by striking "three" and inserting "two"; and

7 (D) by inserting before the period at the end of paragraph (2) ", whether taught at the
8 Armed Forces Staff College or taught by the Armed Forces Staff College at another
9 appropriate location".

10 **SEC. 544. MODIFICATION TO THE LENGTH OF JOINT DUTY ASSIGNMENTS.**

11 Section 664 of title 10, United States Code is amended—

12 (1) by amending subsection (a) to read as follows:

13 "(a) LENGTH OF JOINT DUTY ASSIGNMENTS.— The length of a joint duty assignment will
14 mirror the standard tour length the Secretary of Defense establishes for each installation or
15 location at which joint duty assignments are authorized. Joint duty credit is awarded as provided
16 by paragraph (d). Duty at a qualified joint task force headquarters requires one year of total
17 service credited in the manner specified in paragraph (g)(4)(B).";

18 (2) in subsection (b)—

19 (A) by striking "subsection (a) in the case of any officer" and inserting thereof: "this section
20 when it is considered critical for military personnel management"; and

21 (B) by adding at the end the following new sentence:

22 "Such a waiver may be granted only on a case-by-case basis in the case of any officer.";

1 (3) by striking subsection (c);

2 (4) by amending subsection (d) to read as follows:

3 “(d) EXCLUSIONS FROM TOUR LENGTH.— The Secretary of a military department may request
4 the joint activity to which an officer is assigned to curtail the officer’s joint assignment. The
5 Secretary of Defense may authorize such a joint service tour curtailment from the standards
6 prescribed in subsection (a), provided the officer serving the tour has served at least 24 months in
7 a joint position with a tour length of greater than 24 months.”;

8 (5) by striking subsection (e);

9 (6) in subsection (f)—

10 (A) by inserting “, (c), or (e) ; or” after “that meets the standards prescribed in subsection
11 (a)”;

12 (B) by striking paragraphs (2) through (5) and inserting the following new paragraphs:

13 “ (2) Accumulation of partial credit earned by service in one or more joint task force
14 headquarters as specified in paragraph (a), or as prescribed by the Secretary of Defense.

15 “(3) A joint duty assignment with respect to which the Secretary of Defense has granted a
16 waiver under subsection (b), but only in a case in which the Secretary determines that the
17 service completed by that officer in that duty assignment shall be considered to be a full tour
18 of duty in a joint duty assignment.

19 “(4) The joint duty assignment was completed when the officer was serving in a grade not
20 less than major, or, in the case of the Navy, lieutenant commander.”; and

21 (C) by redesignating paragraph (6) as paragraph (5).

22 (7) by amending subsection (g) to read as follows:

1 “(g) ACTIVITY OF ASSIGNMENT TO RECEIVE JOINT DUTY CREDIT.—Officers must serve in a
2 permanent position considered a joint duty assignment as determined by the Secretary of Defense
3 where significant experience in joint matters is obtained.”;

4 (8) by amending subsection (h) to read as follows:

5 “(h) JOINT FULL TOUR CREDIT REQUIREMENT FOR PROMOTION TO GENERAL OR FLAG
6 GRADE.—Officers must serve a full joint tour of duty under subsection (d) to meet the eligibility
7 requirements set forth in section 619a of this title.”;

8 (9) in subsection (i)—

9 (A) in paragraph (4)(E), by striking “combat or combat related” and inserting “as approved by
10 the Secretary of Defense”; and

11 (B) in paragraph (5), by striking “section 661(d)(1), section 662(a)(3), section 662(b),
12 subsection (a) of this section, and paragraphs (7), (8), (9), (11), and (12) of section 667” and
13 inserting “section 662 and section 667(a)(2), (4), and (7).”;and

14 (C) by striking paragraph (6); and

15 (10) by redesignating subsections (d) through (i) as subsections (c) through (h), respectively.

16 **SEC. 545. CHANGE TO THE JOINT STAFF ROLE IN MONITORING JOINT**
17 **OFFICERS TO ADD FLEXIBILITY.**

18 (a) IN GENERAL.—Section 665 of title 10, United States Code is amended to read as follows:

19 **“§ 665. Monitoring careers of joint officers**

20 “The Secretary of Defense shall take such action as necessary to enhance the capabilities of
21 the Joint Staff so that it can monitor the personnel issues of officers with the joint specialty
22 officer designation and of other officers who serve or have served in joint duty assignments, as

1 required.”; and

2 (b) Conforming Amendment.—The table of sections at the beginning of such chapter 38 is
3 amended by amending the item relating to section 665 to read as follows:

4 “ 665. Monitoring careers of joint officers.”.

5 **SEC. 546. MODIFICATIONS TO THE ANNUAL REPORT TO CONGRESS TO**
6 **HIGHLIGHT KEY INDICATORS OF COMPLIANCE.**

7 Section 667 of title 10, United States Code is amended by striking paragraphs (1) through (18)
8 and inserting the following new paragraphs:

9 “(1) The number of joint specialty officers reported by grade, and branch or specialty.

10 “(2) An analysis of how well the Secretary of each military department is assigning
11 personnel to joint positions.

12 “(3) The number of good of the service waivers by the number of brigadier generals/rear
13 admirals (lower half) selected, per year.

14 “(4) The percent of officers departed from joint duty before earning full tour credit.

15 “(5) The percent of National Defense University class seats filled, by course.

16 “(6) A listing of joint task force headquarters currently approved for joint duty credit and
17 their mission descriptions.

18 “(7) Promotion comparison statistics for all promotion selection boards.

19 “(8) Such other significant information as determined by the Secretary of Defense.”.

20 **SEC. 547. MODIFICATIONS TO DEFINITION OF QUALIFYING JOINT SERVICE**
21 **TO IMPROVE MANAGEMENT OF OFFICERS IN JOINT ACTIVITIES.**

22 Section 668(c) of title 10, United States Code, is amended to read as follows:

1 “(C) CLARIFICATION OF 'TOUR OF DUTY'.—For purposes of this chapter, a single tour of duty
2 for the purpose of awarding joint duty credit is defined as one in which the officer serves
3 consecutive tours in joint duty assignment positions that award joint duty credit, or service as
4 otherwise prescribed by the Secretary of Defense.”.

5 **SEC. 548. MODIFICATIONS TO WAIVERS AND EXCEPTIONS TO THE**
6 **REQUIREMENT FOR A JOINT DUTY ASSIGNMENT BEFORE**
7 **PROMOTION TO GENERAL OR FLAG GRADE TO REDUCE**
8 **WAIVERS.**

9 Section 619a(b) is amended —

10 (1) in paragraph (2) by striking “scientific and technical qualifications” and inserting “career
11 field specialty qualifications”;

12 (2) in paragraph (4), by striking subparagraphs (A) and (B) and the dash at the end of the
13 remaining text of the paragraph, and inserting in lieu thereof a period.

14 **Subtitle F—Selection Board Appeals**

15 **SEC. 551. REMEDY IN CASES INVOLVING CERTAIN SELECTION BOARDS.**

16 (a) Chapter 79 of title 10, United States Code, is amended by adding after section 1557 a new
17 section 1558, to read as follows:

18 **“§1558. Remedy in cases involving selection boards**

19 “(a) Notwithstanding any other provision of law, the remedies prescribed by this section
20 shall be the sole and exclusive remedies available to a person challenging for any reason the
21 action or recommendation of a selection board.

22 “(b) A person challenging for any reason the action or recommendation of a selection

1 board, shall not be entitled to relief in any judicial proceeding unless he has first been considered
2 by a special board under this section, or has been denied such consideration by the Secretary
3 concerned. A decision by the Secretary concerned to deny such consideration shall be subject to
4 judicial review only for procedural error or on the basis that such decision is arbitrary, capricious
5 or otherwise contrary to law. A recommendation by a special board or a decision resulting from
6 such recommendation shall be subject to judicial review only for procedural error or on the basis
7 that such decision is contrary to law.

8 “(c) If consideration by a special board results in a decision favorable to a person
9 considered thereby, the Secretary concerned may correct such person’s military records to reflect
10 that favorable decision, retroactive to the effective date of the action of the original selection
11 board. In effecting such correction, the Secretary shall ensure that a person who, as a result of
12 consideration by a special board, becomes entitled to retention on or restoration to active duty or
13 active status in a reserve component, shall—

14 “(1) with his consent, be retroactively and prospectively restored to the same status,
15 rights and entitlements (less appropriate offsets against back pay and allowances) in his
16 armed force as he would have had if he had not been selected to be separated, retired or
17 transferred to the retired reserve or to inactive status in a reserve component as a result
18 of the recommendation of the original selection board, provided that nothing herein
19 shall be construed to permit the retention of such person on active duty or in an active
20 status in a reserve component beyond the date on which he would have been separated,
21 retired or transferred to the retired reserve or to inactive status in a reserve component if
22 he had not been selected to be separated, retired or transferred to the retired reserve or to

1 inactive status in a reserve component as a result of the recommendation of the original
2 selection board; or

3 “(2) if he does not consent to such restoration, receive back pay and allowances (less
4 appropriate offsets) and service credit from the date of his separation, retirement or
5 transfer to the retired reserve or to inactive status in a reserve component until the
6 earlier of (A) the date he would have been restored under clause (1) of this subsection,
7 as determined by the Secretary concerned, or (B) the date on which he would have been
8 separated, retired or transferred to the retired reserve or to inactive status in a reserve
9 component if he had not been selected to be separated, retired or transferred to the
10 retired reserve or to inactive status in a reserve component as a result of the
11 recommendation of the original selection board.

12 “(d) If consideration by a special board results in a decision unfavorable to a person
13 considered thereby, such decision shall be deemed to confirm the action of the original selection
14 board with respect to that person, retroactive to the effective date of such action of the original
15 selection board.

16 “(e) The Secretary concerned may prescribe regulations to implement this section. Such
17 regulations may prescribe the circumstances under which the
18 consideration may be provided under this section, including the circumstances under which
19 such consideration is contingent upon application for such consideration, and time limits within
20 which a person must make such application in order to receive such consideration. Such
21 regulations issued by the Secretary of a Military Department must be approved by the Secretary
22 of Defense.

1 “(f) INAPPLICABILITY TO THE COAST GUARD.—This section does not apply to the Coast
2 Guard when it is not operating as a service in the Department of the Navy.

3 “(g) DEFINITIONS.—As used in this section:

4 “(1) ‘Special board’ means a board convened by the Secretary concerned
5 under any authority to consider whether to recommend a person for appointment,
6 enlistment, reenlistment, assignment, promotion, retention, separation, retirement
7 or transfer to inactive status in a reserve component, in place of consideration by a
8 prior selection board which considered or should have considered that person, but
9 does not include a promotion special selection board convened under section 628
10 or 14502 of this title. A board for correction of military or naval records
11 convened under section 1552 of this title is a special board if so designated by the
12 Secretary concerned.

13 “(2) ‘Selection board’ means a selection board convened under section
14 573, 580, 580a, 581, 611, 637, 638, 638a, 14101, 14701, 14704 or 14705 of this
15 title, and any other board (except a special board or a board convened under
16 section 1552 of this title) convened by the Secretary concerned under any
17 authority to recommend persons for appointment, enlistment, reenlistment,
18 assignment, promotion or retention in the armed forces; or for separation,
19 retirement or transfer to inactive status in a reserve component for the purpose of
20 reducing the number of persons serving in the armed forces. However, for the
21 purposes of this section, "selection board" does not include a promotion selection
22 board convened under sections 573(a), 611(a), or 14101(a) of this title.

1 “(3) ‘Secretary concerned’ means the Secretary of a military department. It
2 does not include the Secretary of Transportation.”

3 (b) Clerical Amendment.—The table of sections for such chapter is amended by adding
4 after the item related to section 1557 the following new item:
5 “1558. Remedy in cases involving certain selection boards.”

6 **SEC. 552. SPECIAL SELECTION BOARDS.**

7 (a) Section 628 of title 10, United States Code, is amended by adding at the end the
8 following new subsections:

9 “(h) LIMITATIONS OF OTHER JURISDICTION.—No official or court of the United States
10 shall have power or jurisdiction—

11 “(1) over any claim based in any way on the failure of an officer or former officer
12 of the armed forces to be selected for promotion by a selection board convened under
13 chapter 33A or 36 of this title until—

14 “(A) the claim has been referred to a special selection board by the
15 Secretary concerned and acted upon by that board; or

16 “(B) the claim has been rejected by the Secretary without consideration by
17 a special selection board; or

18 “(2) to grant any relief on such a claim unless the officer or former officer has
19 been selected for promotion by a special selection board convened under this section to
20 consider the officer's claim.

21 “(i) JUDICIAL REVIEW.—(1) A court of the United States may review a determination by
22 the Secretary concerned under subsection (a)(1) or (b)(1) not to convene a special selection

1 board. If a court finds the determination to be arbitrary or capricious, not based on substantial
2 evidence, or otherwise contrary to law, it shall remand the case to the Secretary concerned, who
3 shall provide for consideration of the officer or former officer by a special selection board under
4 this section.

5 “(2) If a court finds that the action of a special selection board which considers an officer
6 or former officer was contrary to law or involved material error of fact or material administrative
7 error, it shall remand the case to the Secretary concerned, who shall provide the officer or former
8 officer reconsideration by a new special selection board.”.

9 **SEC. 553. EXISTING JURISDICTION.**

10 (a) Nothing in this Act shall limit the existing jurisdiction of any federal court to
11 determine the validity of any statute, regulation, or policy relating to selection boards, provided
12 that, in the event any such statute, regulation or policy is found to be invalid, the remedies
13 prescribed in this Act shall be the sole and exclusive remedies available to any person
14 challenging the recommendation of a selection board on the basis of such invalidity.

15 (b) Nothing in this Act shall limit the existing authority of the Secretary of a military
16 department (or with respect to the Coast Guard, the Secretary of Transportation) to correct any
17 military record of the Secretary’s department under section 1552 of title 10, United States Code.

18 **SEC. 554. EFFECTIVE DATE.**

19 The amendments made by sections 551 and 552 of this Act are retroactive without
20 limitation and shall be construed to apply to any proceeding pending on the date of enactment of
21 this Act, or hereafter brought, in any court.

22 **Subtitle G—Other Matters**

1 **SEC. 561. EXEMPTION OF RETIREE COUNCIL MEMBERS FROM RECALLED**
2 **RETIREE LIMITS.**

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

5 "(D) Any officer assigned to duty as a member of the Army, Navy, or Air
6 Force Retiree Council for the period of active duty to which ordered."

7 **SEC. 562. TENURE REQUIREMENT FOR CRITICAL ACQUISITION POSITIONS.**

8 Section 1734(a) of title 10, United States Code, is amended—

9 (1) in paragraph (1), by striking “critical acquisition position” and inserting in lieu
10 thereof “program manager or deputy program manager position for a significant nonmajor
11 defense acquisition program, program executive officer position, general or flag officer position
12 or civilian position equivalent thereto, or senior contracting official position”; and

13 (2) in paragraph (2), by striking “critical acquisition position” and inserting in lieu
14 thereof “program manager or deputy program manager position for a significant nonmajor
15 defense acquisition program, program executive officer position, general or flag officer position
16 or civilian position equivalent thereto, or senior contracting official position”.

17 **TITLE VI—COMPENSATION AND PERSONNEL BENEFITS**

Subtitle A—Bonuses and Special and Incentive Pays

- Sec. 601. Aviation Career Incentive Pay -- Authorize Secretaries to Delegate Authority to Waive
 Operational Flying Duty Requirements.
- Sec. 602. Improved Consistency of Special Pay for Reserve Medical and Dental Officers.
- Sec. 603. Funeral Honors Duty Compensation.
- Sec. 604. Extension of Authorities Relating to Payment of Other Bonuses and Special Pays.
- Sec. 605. Extension of Certain Bonuses and Special Pay Authorities for Reserve Forces.
- Sec. 606. Extension of Certain Bonuses and Special Pay Authorities for Nurse Officer Candidates,
 Registered Nurses, and Nurse Anesthetists.
- Sec. 607. Special Pay for Physician Assistants.

Subtitle B—Travel and Transportation Allowances

- Sec. 611. Revision to the Travel Management Allowance For Temporary Lodging Expenses.
- Sec. 612. Changes in the Administration of Baggage And Household Goods Moves Payment for Savings in Shipping less Than Authorized Weights.
- Sec. 613. Advance Payment of Temporary Lodging Allowance.
- Sec. 614. Changes in the Administration of Motor Vehicle Transportation or Storage.

Subtitle C—Servicemembers' Group Life Insurance and Survivor Benefit Plan

- Sec. 621. Eligibility of Certain Members of the Individual Ready Reserve for Servicemembers' Group Life Insurance.

Subtitle D—Other Matters

- Sec. 631. Eligibility for Presidential Appointment to a Service Academy for Children of Reserve Personnel.
- Sec. 632. Personal Money Allowance for Senior Enlisted Members.
- Sec. 633. Increase in Uniform Allowance for Officers.
- Sec. 634. Revision of Authority to Prescribe the Quantity and Kind of Clothing to be Furnished Annually to Enlisted Members (or Allowance in lieu Thereof).

Subtitle A—Bonuses and Special and Incentive Pays

SEC. 601. AVIATION CAREER INCENTIVE PAY; DELEGATION OF

AUTHORITY TO WAIVE OPERATIONAL FLYING DUTY

REQUIREMENTS.

Section 301a (a)(5) of title 37, United States Code, is amended by striking the third sentence and inserting “The Secretary concerned may delegate the authority in the preceding sentence, but not below the Service Personnel Chief, to permit the payment of incentive pay under this paragraph.”.

SEC. 602. IMPROVED CONSISTENCY OF SPECIAL PAY FOR RESERVE

MEDICAL AND DENTAL OFFICERS.

(a) RESERVE MEDICAL OFFICERS SPECIAL PAY AMENDMENT.—Section 302(h)(1) of title 37, United States Code, is amended by adding at the end: ", including active duty in the form of annual training, active duty for training, and active duty for special work".

1 (b) RESERVE DENTAL OFFICERS SPECIAL PAY AMENDMENT.—Section 302f(d) of title 37,
2 United States Code, is amended to read as follows:

3 "(d) SPECIAL RULE FOR RESERVE MEDICAL AND DENTAL OFFICERS.—While a reserve
4 medical or dental officer receives a special pay under section 302 or 302b (whichever applies) of
5 this title by reason of subsection (a), the officer shall not be entitled to special pay under
6 subsection (h) of such section 302 or 302b."

7 **SEC. 603. FUNERAL HONORS DUTY COMPENSATION.**

8 (a) COMPENSATION OF MEMBERS OF THE NATIONAL GUARD FOR FUNERAL HONORS
9 DUTY.—Section 115(b)(2) of title 32, United States Code, is amended by adding before the
10 period at the end: "or compensation at the rate prescribed in section 206 of title 37".

11 (b) COMPENSATION OF MEMBERS OF A RESERVE COMPONENT GUARD FOR FUNERAL
12 HONORS DUTY.—Section 12503(b)(2) of title 10, United States Code, is amended by adding
13 before the period at the end: "or compensation at the rate prescribed in section 206 of title 37".

14 (c) CONFORMING AMENDMENT.—Subsection 435(c) of title 37 is repealed.

15 **SEC. 604. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER**
16 **BONUSES AND SPECIAL PAYS.**

17 (a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States
18 Code, is amended by striking "December 31, 2000" and inserting "September 30, 2002".

19 (b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United
20 States Code, is amended by striking "December 31, 2000" and inserting "September 30, 2002".

21 (c) ENLISTMENT BONUSES FOR MEMBERS WITH CRITICAL SKILLS.—Sections 308a(d) of
22 title 37, United States Code, is amended by striking "December 31, 2000" and inserting

1 "September 30, 2002".

2 (d) ARMY ENLISTMENT BONUS.—Section 308f(c) of title 37, United States Code, is
3 amended by striking "December 31, 2000" and inserting "September 30, 2002".

4 **SEC. 605. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES**
5 **FOR RESERVE FORCES.**

6 (a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME
7 SPECIALTIES.—Section 302g (f) of title 37, United States Code, is amended by striking
8 “December 31, 2000” and inserting “September 30, 2002”.

9 (b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b (f) of title 37, United
10 States Code, is amended by striking “December 31, 2000” and inserting “September 30, 2002”.

11 (c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c (e) of title 37, United States
12 Code is amended by striking “December 31, 2000” and inserting “September 30, 2002”.

13 (d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY
14 UNITS.—Section 308d (c) of title 37, United States Code is amended by striking “December 31,
15 2000” and inserting “September 30, 2002”.

16 (e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e (e) of title 37, United States
17 Code is amended by striking “December 31, 2000” and inserting “September 30, 2002”.

18 (f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h (g) of title
19 37, United States Code is amended by striking “December 31, 2000” and inserting “September
20 30, 2002”.

21 (g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i (f) of title 37, United States Code
22 is amended by striking “December 31, 2000” and inserting “September 30, 2002”.

1 (h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO
2 SERVE ON THE SELECTED RESERVES.—Section 16302 (d) of title 10, United States Code, is
3 amended by striking “January 1, 2001” and inserting “January 1, 2002”.

4 **SEC. 606. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY**

5 **AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED**
6 **NURSES, AND NURSE ANESTHETISTS.**

7 (a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10,
8 United States Code, is amended by striking "December 31, 2000" and inserting "September 30,
9 2002".

10 (b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United
11 States Code, is amended by striking "December 31, 2000" and inserting "September 30, 2002".

12 (c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37,
13 United States Code, is amended by striking "December 31, 2000" and inserting "September 30,
14 2002".

15 **SEC. 607. SPECIAL PAY FOR PHYSICIAN ASSISTANTS.**

16 Section 302c(d)(1) of title 37, United States Code, is amended by inserting “an officer in
17 the Coast Guard or coast Guard Reserve designated as a physician assistant,” after “nurse”.

18 **Subtitle B—Travel and Transportation Allowances**

19 **SEC. 611. REVISION TO THE TRAVEL MANAGEMENT ALLOWANCE FOR**
20 **TEMPORARY LODGING EXPENSES.**

21 Section 404a (a) of title 37, United States Code, is amended—

22 (1) in the first sentence, by striking “actually incurred”; and

23 (2) by adding at the end the following new sentences:

1 “Allowances and entitlements authorized under this section may be paid in advance. When paid
2 in advance, such payments may be based on an average number of days specified by the Service
3 Secretaries.”

4 **SEC. 612. CHANGES IN THE ADMINISTRATION OF BAGGAGE AND**
5 **HOUSEHOLD GOODS MOVES PAYMENT FOR SAVINGS IN SHIPPING**
6 **LESS THAN AUTHORIZED WEIGHTS .**

7 Section 406(b)(1) of title 37, United States Code, is amended by adding at the end the
8 following new subparagraph:

9 “(F) A member entitled to transportation of baggage and household effects under
10 subparagraph (A) may be paid an amount that represents a prorated share of savings achieved by
11 such member's shipping/storage weight for baggage and household effects being less than the
12 established average for the member's category as described in subparagraph (C). Established
13 averages for the categories designated in subparagraph (C) and the prorated shares of savings that
14 are related to shipping/or storing less than such established averages shall be determined annually
15 through averages arrived at through the Personal Property Shipping Program.”.

16 **SEC. 613. ADVANCE PAYMENT OF TEMPORARY LODGING ALLOWANCE.**

17 Section 405(a) of title 37, United States Code, is amended by striking “the Secretaries
18 concerned may authorize the payment of a per diem, considering” and inserting “the Secretary
19 concerned may pay a per diem in advance and, if such a payment is authorized, shall consider”.

20 **SEC. 614. CHANGES IN THE ADMINISTRATION OF MOTOR VEHICLE**
21 **TRANSPORTATION OR STORAGE.**

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

23 (1) in subsection (a)—

1 (A) by inserting the designator “(1)” after the subsection designator at the
2 beginning of the subsection;

3 (B) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D),
4 respectively; and

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

6 “(2) A member of an armed force authorized the transportation of a motor vehicle under
7 paragraph (1) may be paid an amount that represents a prorated share, as determined annually by
8 the Secretary of Defense, of savings achieved by the member not sending the vehicle to the new
9 duty station. Such payment may be made in advance of the member's change of permanent
10 station.”;

11 (2) in subsection (b)—

12 (A) by redesignating paragraph (3) as paragraph (4), and

13 (B) by inserting after paragraph (2) the following new paragraph (3):

14 “(3) In lieu of transportation authorized by this section, if a member is ordered to
15 make a permanent change of station to an area where command-sponsored dependents are
16 not authorized, the member may elect to have a motor vehicle as described in subsection
17 (a) stored at a location approved by the Secretary concerned. The Secretary concerned
18 may pay for the costs of such storage that do not exceed the cost of shipping the vehicle
19 to and from the member's new duty station. The member must pay any storage costs
20 exceeding that amount.”; and

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

22 “(5) A member of an armed force authorized the storage of a motor vehicle at the
23 expense of the United States under this subsection may be paid an amount that represents
24 a prorated share, as determined annually by the Secretary of Defense, of savings achieved

1 by the member not storing the vehicle. Such payment may be made in advance of the
2 member's change of permanent station.”.

3 **Subtitle D—Servicemembers' Group Life Insurance and Survivors Benefit Plan**

4 **SEC. 621. ELIGIBILITY OF CERTAIN MEMBERS OF THE INDIVIDUAL READY**
5 **RESERVE FOR SERVICEMEMBERS' GROUP LIFE INSURANCE.**

6 Section 1965(5) of title 38, United States Code, is amended—

7 (1) by redesignating subparagraph (C) as subparagraph (D);

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

9 (3) by inserting the following new subparagraph after subparagraph (B):

10 “(C) a person who volunteers for assignment to a category in the Individual
11 Ready Reserve of a uniformed service that is subject to an involuntary call to active duty
12 under section 12304 of title 10, United States Code; and”.

13 **Subtitle E—Other Matters**

14 **SEC. 631. ELIGIBILITY FOR PRESIDENTIAL APPOINTMENT TO A SERVICE**
15 **ACADEMY FOR CHILDREN OF RESERVE PERSONNEL.**

16 (a) ARMY.—Paragraph (1) of section 4342(b) of titled 10, United States Code, is
17 amended—

18 (1) in subparagraph (B), by striking “, other than those granted retired pay under section
19 12731 of this title (or under section 1331 of this title as in effect before the effective date of the
20 Reserve Officer Personnel Management Act)”; and

21 (2) by adding at the end the following new subparagraphs (C) and (D):

22 “(C) are serving as a member of a reserve component and have earned at
23 least 2,880 retirement points credited for purposes of section 12733 of this title; or

24 “(D) are, or who died while they were, eligible for retired pay under

1 chapter 1223 of this title, but had not yet reached age 60;”.

2 (b) NAVY.—Paragraph (1) of section 6954(b) of title 10, United States Code, is
3 amended—

4 (1) in subparagraph (B), by striking “, other than those granted retired pay under section
5 12731 of this title (or under section 1331 of this title as in effect before the effective date of the
6 Reserve Officer Personnel Management Act)”; and

7 (2) by adding at the end the following new subparagraphs (C) and (D):

8 “(C) are serving as a member of a reserve component and who have
9 earned at least 2,880 retirement points countable for purposes of section 12733 of
10 this title; or

11 “(D) are, or who died while they were, eligible for retired pay under
12 chapter 1223 of this title, but had not yet reached age 60;”.

13 (c) AIR FORCE.—Paragraph (1) of section 9342(b) of title 10, United States Code, is
14 amended—

15 (1) in subparagraph (B), by striking “, other than those granted retired pay under section
16 12731 of this title (or under section 1331 of this title as in effect before the effective date of the
17 Reserve Officer Personnel Management Act)”; and

18 (2) by adding at the end the following new subparagraphs (C) and (D):

19 “(C) are serving as a member of a reserve component and who have
20 earned at least 2,880 retirement points countable for purposes of section 12733 of
21 this title; or

22 “(D) are, or who died while they were, eligible for retired pay under
23 chapter 1223 of this title, but had not yet reached age 60;”.

24 **SEC. 632. PERSONAL MONEY ALLOWANCE FOR SENIOR ENLISTED MEMBERS.**

1 Section 414(a) of title 37, United States Code, is amended—

2 (1) by redesignating clauses (3), (4), and (5) as clauses (4), (5), and (6),
3 respectively; and

4 (2) by inserting after clause (2) the following:

5 “(3) \$2,000 a year, while serving as the senior enlisted member of one of the
6 armed forces;”.

7 **SEC. 633. INCREASE IN UNIFORM ALLOWANCE FOR OFFICERS.**

8 (a) OFFICERS; INITIAL ALLOWANCE.—Section 415(a) of title 37, United States Code, is
9 amended by deleting “\$200” and inserting “\$400”.

10 (b) OFFICERS; ADDITIONAL ALLOWANCE.—Section 416(a) of title 37, United States
11 Code, is amended by deleting “\$100” and inserting “\$200”.

12 **SEC. 634. REVISION OF AUTHORITY TO PRESCRIBE THE QUANTITY AND**
13 **KIND OF CLOTHING TO BE FURNISHED ANNUALLY TO ENLISTED**
14 **MEMBERS (OR ALLOWANCE IN LIEU THEREOF).**

15 Section 418 of title 37, United States Code, is amended —

16 (1) in subsection (a), by striking “The President” and inserting “ The Secretary of Defense
17 and the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a
18 service in the Navy;”; and

19 (2) in subsection (b), by striking “the President” and inserting “the Secretary of
20 Defense”.

21 **TITLE VII—HEALTH CARE PROVISIONS**

Sec. 701. Medical and Dental Care for Medal of Honor Recipients.

9 **SEC. 701. MEDICAL AND DENTAL CARE FOR MEDAL OF HONOR RECIPIENTS.**

10 (a) In General.—Chapter 55, title 10, United States Code, is amended by inserting after

9 section 1074g the following new section:

10 **"§ 1074h. Medical and dental care: Medal of Honor recipients**

11 "A person awarded a medal of honor pursuant to sections 3741, 6241, 8741 of this title,
12 or pursuant to section 491 of title 14, is entitled to the medical and dental benefits authorized by
13 this chapter in the same manner as if such person were a person described in section 1074(b) of
14 this title. The spouse, unremarried widow, unremarried widower, and child (as such terms are
15 defined in sections 1072(2)(A), (B), (C), and (D), respectively, of this title) of such person are
16 entitled to such medical and dental benefits as are authorized by this chapter for a person
17 described in section 1076(b) of this title."

18 (b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is
19 amended by inserting after the item relating to section 1074g the following new item:

"1074h Medical and dental care: Medal of Honor recipients."

1 **TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT,**
2 **AND RELATED MATTERS**

Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations

- Sec. 801. Multiyear Contract: Acquisition of Property.
- Sec. 802. Elimination of the Requirement to Furnish Written Assurances of Technical Data Conformity.
- Sec. 803. Elimination of Subcontract Notification Requirements.
- Sec. 804. Certainty in Application of Cost Principles.
- Sec. 805. Authorization for Contractor Participation in Testing Defense Acquisition Programs.
- Sec. 806. Department of Defense Acquisition Pilot Programs Authority Extension.
- Sec. 807. Electronic Access to Business Opportunities.
- Sec. 808. Use of Indefinite Delivery Contracts.

Subtitle B—Other Matters

- Sec. 811. Price Preference Adjustments in Selected Industry Categories.
- Sec. 812. Revision to Definition of Conventional Ammunition for Single Manager Procurement.
- Sec. 813. Extension of Joint Direct Attack Munition Pilot Program Authority.
- Sec. 814. Technical Data Rights for Items Developed Exclusively at Private Expense.
- Sec. 815. Waiver of Live-Fire Survivability Testing MH-47E/MH-60K Helicopter Modification Programs.
- Sec. 816. Repeal of Certification of Funding for Support Costs in the Five Year Defense Program.

1 Section 2324(l)(1)(A) is amended—

2 (1) by inserting after “cost incentives” the following: “(including fixed price
3 modifications thereto without cost incentives)”; and

4 (2) by inserting before the period at the end of the subsection “(including
5 commercial items fixed price modifications thereto without cost incentives)”.

6 **SEC. 805. AUTHORIZATION FOR CONTRACTOR PARTICIPATION IN TESTING**
7 **DEFENSE ACQUISITION PROGRAMS.**

8 Section 2399 of title 10, United States Code, is amended—

9 (1) by amending paragraph (a)(1) to read as follows:

10 “(1) The Secretary of Defense shall provide that a major system may not proceed
11 beyond low-rate initial production until initial operational test and evaluation of the
12 system is complete.”;

13 (2) in paragraph (a) (2), by striking “defense acquisition program” and inserting in lieu
14 thereof “system”;

15 (3) in subsection (d)—

16 (A) by inserting “(1)” at the beginning of the first sentence;

17 (B) by striking “defense acquisition program” and inserting in lieu thereof
18 “system”;

19 (C) by making the second sentence a paragraph and inserting “(2)” at the
20 beginning of such new paragraph;

21 (D) in the newly designated paragraph (2), by striking “the preceding sentence”
22 and inserting in lieu thereof “paragraph (1)”; and

1 (E) by adding at the end the following new paragraphs (3) and (4):

2 “(3) The limitation in paragraph (1) does not apply to the extent that the Secretary
3 of Defense has authorized, as prescribed in regulation, involvement by persons employed
4 by that contractor in the analytic and logistic support for the operational test and
5 evaluation.

6 “(4) Exceptions authorized under paragraphs (2) and (3) shall require steps to
7 ensure the impartiality of such employees and the integrity of the testing and evaluation.
8 In any case in which the Secretary authorizes involvement by such employees under this
9 subsection, the Secretary shall include in the test and evaluation master plan for the
10 program concerned and the operational test and evaluation plan the following:

11 “(A) An identification of the specific involvement of such employees in the
12 operational test and evaluation.

13 “(B) The steps taken to ensure the impartiality of such employees or to ensure
14 that such employees could not affect the integrity of the test and evaluation.”;

15 (4) in subsection (e)—

16 (A) by striking “development, production, or testing” and inserting in lieu thereof
17 “development or production”; and

18 (B) by amending paragraph (3) to read as follows:

19 “(3) A contractor that has participated in (or is participating in) the development
20 or production of a system for a military department or Defense Agency (or for another
21 contractor of the Department of Defense) may not be involved (in any way) in the
22 establishment of operational test and evaluation criteria:

1 “(A) for data collection;
2 “(B) for performance assessment; or
3 “(C) for evaluation activities.”.

4 **SEC. 806. DEPARTMENT OF DEFENSE ACQUISITION PILOT PROGRAMS**
5 **AUTHORITY EXTENSION.**

6 Notwithstanding section 5064(d) of the Federal Acquisition Streamlining Act of 1994
7 (Public Law 103-355; 108 Stat. 3361), the special authorities provided under section 5064(c) of
8 such Act shall continue to apply with respect to programs designated under section 5064(a) of
9 such Act through the end of production of such programs.

10 **SEC. 807. ELECTRONIC ACCESS TO BUSINESS OPPORTUNITIES.**

11 (a) **SMALL BUSINESS ACT.** — Section 8 of the Small Business Act (15 U.S.C. 637) is amended —

12 (1) in subsection (e) by adding at the end the following new paragraph:

13 "(4) Whenever a notice required by paragraph (1)(A) is accessible electronically through
14 the single Government-wide point of entry (designated in the Federal Acquisition Regulation) as
15 provided for in subsection (h) of this section, the wait period set forth in paragraph (3)(A) shall
16 be reduced by 5 days. If the solicitation applying to that notice also is accessible electronically
17 through the single Government-wide point of entry as provided for in subsection (h), either
18 simultaneously with or subsequent to the notice, the wait period in paragraph (3)(A) shall not
19 apply and the period specified in paragraph (3)(B) for submission of bids or proposals shall begin
20 to run from the date the solicitation becomes accessible electronically.";

21 (2) by redesignating subsections (h), (i), (j), and (k) as subsections (i), (j), (k), and (l),
22 respectively; and

23 (3) by inserting after subsection (g), the following new subsection (h):

1 "(h) Providing widespread electronic public notice of the solicitation in a form that allows
2 convenient and universal user access through the single Government-wide point of entry
3 (designated in the Federal Acquisition Regulation) will satisfy the publication requirements of
4 this section."

5 (b) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—(1) Section 18 of the Office of
6 Federal Procurement Policy Act (41 U.S.C. 416) is amended—

7 (A) in subsection (a)—

8 (i) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7),
9 respectively; and

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

11 "(4) Whenever a notice required by paragraph (1)(A) is accessible electronically through
12 the single Government-wide point of entry (designated in the Federal Acquisition Regulation) as
13 provided for in subsection (e) of this section, the wait period set forth in paragraph (3)(A) shall
14 be reduced by 5 days. If the solicitation applying to that notice also is accessible electronically
15 through the single Government-wide point of entry as provided for in subsection (e), either
16 simultaneously with or subsequent to the notice, the wait period in paragraph (3)(A) shall not
17 apply and the period specified in paragraph (3)(B) for submission of bids or proposals shall begin
18 to run from the date the solicitation becomes accessible electronically."; and

19 (B) by adding at the end the following new subsection:

20 "(e) Providing widespread electronic public notice of the solicitation in a form that allows
21 convenient and universal user access through the single Government-wide point of entry
22 (designated in the Federal Acquisition Regulation) will satisfy the publication requirements of
23 this section."; and

24 (2) Section 30 of the Office of Federal Procurement Policy Act (41 U.S.C. 426) is

1 amended in subsection (e)—

2 (A) by striking in the first sentence the words "and every year afterward through
3 2003" and inserting in lieu thereof "and every even numbered year afterward through
4 2004"; and

5 (B) by striking in paragraph (4) the words "during the previous calendar year" and
6 inserting in lieu thereof "during the previous two fiscal years".

7 (c) IMPLEMENTATION.—This section shall not apply to the extent the President
8 determines it is inconsistent with any international agreement to which the United States is a
9 party.

10 **SEC. 808. USE OF INDEFINITE-DELIVERY CONTRACTS.**

11 (a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at
12 the end the following new section:

13 **"2410q. Use of indefinite-delivery contracts**

14 "(a) INDEFINITE DELIVERY CONTRACTS.—The Secretary of Defense may authorize orders
15 to be made, either directly or through the contracting officer, from Department of Defense
16 indefinite-delivery contracts, established in support of either the military services or Department
17 of Defense activities, for gloves, boots, humanitarian and operational rations, and toxicological
18 agent protection clothing, including chemical protective gloves by any of the following entities
19 upon request—

20 "(1) a State or United States territory, any department or agency of a State or
21 territory, and any political subdivision of a State or territory, including a local
22 government;

23 "(2) the Commonwealth of Puerto Rico;

1 "(3) the government of an Indian tribe (as defined in section 450b(e) of title 25);

2 "(4) the District of Columbia; and

3 "(5) qualified, non-profit agencies for the blind and severely handicapped under
4 the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).

5 "(b) EXISTING STOCK OR INVENTORY.—Paragraph (a) shall not be construed to authorize
6 an entity referred to in that paragraph to order existing stock or inventory from Department of
7 Defense owned and operated, or Department of Defense owned and contractor operated, supply
8 depots, warehouses, or similar facilities.

9 "(c) REIMBURSEMENT.—In any case in which an entity listed in paragraph (a) makes an
10 order against a Department of Defense indefinite-delivery contract, the Secretary of Defense may

1 require the entity to reimburse the Department of Defense for any administrative costs associated
2 with making an order."

3 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of
4 title 10, United States Code, is amended by adding at the end the following new item:
5 "2410q. Use of indefinite-delivery contracts."

6 **Subtitle B—Other Matters**

7 **SEC. 811. PRICE PREFERENCE ADJUSTMENTS IN SELECTED INDUSTRY**

8 **CATEGORIES.**

9 Section 2323(e)(3)(B) of title 10, United States Code, is amended by redesignating clause
10 "(iii)" as clause "(iv)" and by inserting after clause (ii) the following new clause (iii):

11 "(iii) No suspension shall be issued in an industry category under this paragraph if
12 the President, or his designee, determines in writing that contracts for a price exceeding
13 fair market cost are necessary to remedy demonstrated discrimination in such industry
14 category. Any such determination shall be published in the Federal Register not less than
15 60 days before becoming effective. Any person or entity adversely affected by the
16 application of such designation may seek judicial review in the appropriate United States
17 District Court."

18 **SEC. 812. REVISION TO DEFINITION OF CONVENTIONAL AMMUNITION FOR** 19 **SINGLE MANAGER PROCUREMENT.**

20 Section 806(c) of the Strom Thurmond National Defense Authorization Act for Fiscal
21 Year 1999 is amended to read as follows:

22 "(c) CONVENTIONAL AMMUNITION DEFINED.—For purposes of this section, the term

1 “conventional ammunition” is that ammunition managed by the Department’s Single Manager
2 for Conventional Ammunition, including:

3 (1) Small arms, mortar, automatic cannon, artillery, and ship gun ammunition.

4 (2) Bombs (cluster, fuel air explosive, general purpose, and incendiary).

5 (3) Unguided rockets, projectiles, and submunitions.

6 (4) Chemical ammunition with various fillers (incendiary, riot control, smoke, toxic
7 agents, burster igniters, peptizers, and thickeners for flame fuel).

8 (5) Land mines (ground-to-ground and air-to-ground delivered).

9 (6) Demolition materiel.

10 (7) Grenades.

11 (8) Flares and pyrotechnics.

12 (9) All components of items included in paragraphs (1) through (8), above, such as
13 explosives, propellants, chemical agents, cartridges, propelling charges, projectiles, warheads
14 (with various fillers such as high explosive, illuminating, incendiary, antimateriel, and
15 antipersonnel), fuzes, boosters, and safe and arm devices in bulk, combination, or separately
16 packaged items of issue for complete round assembly.

17 (10) Related ammunition containers and packing items of issue for complete round
18 assembly.”.

19 **SEC. 813. EXTENSION OF JOINT DIRECT ATTACK MUNITION PILOT**

20 **PROGRAM AUTHORITY.**

21 Notwithstanding section 5064(d) of the Federal Acquisition Streamlining Act of 1994
22 (Public Law 103-355; 108 Stat. 3361), the special authorities provided under section 5064(c) of

1 such Act shall apply with respect to all contracts awarded or modifications executed for the Joint
2 Direct Attack Munition program from the full-rate production decision through the end of
3 production of such program; provided, that the Secretary of Defense may award Joint Direct
4 Attack Munition contracts and modifications on the same terms and conditions as contained in
5 the Joint Direct Attack Munition Contract F08626-94-C-0003.

6 **SEC. 814. TECHNICAL DATA RIGHTS FOR ITEMS DEVELOPED EXCLUSIVELY**
7 **AT PRIVATE EXPENSE.**

8 Section 2320(a)(2) of title 10, United States Code, is amended—

9 (1) in subparagraph (C), by striking “(iii) is necessary for operation, maintenance,
10 installation, or training (other than detailed manufacturing or process data); or” and inserting
11 “(iii) is necessary for normal operation, maintenance, or installation (other than detailed
12 manufacturing or process data) when such services are to be provided by other than the
13 contractor or its subcontractor; in such cases, the provision of the rights involved shall be subject
14 to negotiations between the government and the contractor(s) involved;”;

15 (2) by striking “or” at the end of clause (C)(iii):

16 (3) by redesignating clause (C)(iv) as (C)(v);

17 (4) by inserting after clause (C)(iii) the following new clause (C)(iv):

18 "(iv) is necessary for critical operation, maintenance, or installation of
19 deployed equipment, when such services are to be provided by other than the
20 contractor or its subcontractor; or"; and

21 (5) in clause (F)(i)—

22 (A) in subclause (I), by striking "(C)" and inserting "(C)(i), (C)(ii), (C)(iv), or

1 (C)(v)"; and

2 (B) by adding at the end the following new subclause:

3 "(III) under the conditions described in subparagraph (a)(2)(C)(iii),
4 reaching agreement in negotiations concerning provision of the rights
5 involved may not be required as a condition of being responsive to a
6 solicitation, but may be a condition for the award of a contract; or".

7 **SEC. 815. WAIVER OF LIVE-FIRE SURVIVABILITY TESTING MH-47E/MH-60K**
8 **HELICOPTER MODIFICATION PROGRAMS.**

9 (a) WAIVER.— Notwithstanding the requirement of section 2366(c)(1) of title 10, United
10 States Code, that any waiver by the Secretary of Defense of the application of the survivability
11 tests to a covered system occur before the system or program enters engineering and
12 manufacturing development, and notwithstanding the requirements of section 142 of the National
13 Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2338) that
14 operational test and evaluation and survivability testing of the MH-47E helicopters and MH-60K
15 helicopters be completed prior to full materiel release of the helicopters for operational use, the
16 Secretary may waive the application of the survivability tests to the MH-47E and MH-60K
17 helicopter modification programs before full material release of the MH-47E and MH-60K
18 helicopters for operational use.

19 (b) REPORT.— Except as provided in subsection (a) above, any waiver by the Secretary
20 of Defense of the application of the survivability tests to the MH-47E and MH-60K helicopters
21 shall comply with all other requirements of subsection (c) of section 2366 of title 10, United
22 States Code.

1 **SEC. 816. REPEAL OF CERTIFICATION OF FUNDING FOR SUPPORT**
2 **COSTS IN THE FIVE YEAR DEFENSE PROGRAM.**

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

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

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

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

7 **TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND**
8 **MANAGEMENT**

Subtitle A—Department of Defense Organization

Sec. 901. Change of Name for Certain Officials of the Headquarters, Marine Corps.

Sec. 902. Amendment to Broaden the Definition of Inspector General and to Clarify Responsibilities.

Sec. 903. Authority to Withhold from Public Disclosure Certain Sensitive Information.

Subtitle B—Other Matters

Sec. 911. To Consolidate Various Department of the Navy Trust and Gift Funds.

Sec. 912. Disposition of Gifts to the Naval Academy.

Sec. 913. Mailing Privileges of Members of the Armed Forces of the United States and of Friendly Foreign Nations.

Sec. 914. Commercial Personnel Transfer Program for Science and Engineering.

Sec. 915. Pilot Program for Payment of Retraining and Relocation Expenses.

9 **Subtitle A—Department of Defense Organization**

10 **SEC. 901. CHANGE OF NAME FOR CERTAIN OFFICIALS OF THE**
11 **HEADQUARTERS, MARINE CORPS.**

12 (a) INSTITUTION OF POSITIONS AS DEPUTY COMMANDANTS.—Section 5041(b) of title 10,
13 United States Code, is amended—

14 (1) by striking paragraphs (3) through (5) and inserting the following:

15 “(3) The Deputy Commandants.”; and

1 (2) by redesignating paragraphs (6) and (7) as paragraphs (4) and (5), respectively.

2 (b) DESIGNATION OF DEPUTY COMMANDANTS.— Section 5045 of title 10, United States
3 Code, is amended—

4 (1) in the catchline for such section by striking “Chief of Staff: Deputy and Assistant
5 Chiefs of Staff” and inserting “Deputy Commandants”; and

6 (2) in the first sentence, by striking “a Chief of Staff, not more than five Deputy Chiefs of
7 Staff, and not more than three Assistant Chiefs of Staff,” and inserting “not more than five
8 Deputy Commandants,”.

9 (c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 506 of
10 title 10, United States Code, is amended by revising the item relating to section 5045 to read as
11 follows:

12 “5045. Deputy Commandants.”.

13 (d) CONFORMING AMENDMENT.—Section 1502 (7)(D) of the Armed Forces Retirement
14 Home Act of 1991 (24 U.S.C. 401) is amended to read as follows:

15 “(D) the Deputy Commandant of the Marine Corps responsible for personnel matters.”.

16 **SEC. 902. AMENDMENT TO BROADEN THE DEFINITION OF INSPECTOR**
17 **GENERAL AND TO CLARIFY RESPONSIBILITIES.**

18 (a) CLARIFICATION OF RESPONSIBILITIES.—Paragraph 1034(c)(3)(A) of title 10, United
19 States Code, is amended by inserting “, in accordance with regulations prescribed under
20 subsection (h),” after “shall expeditiously determine”.

21 (b) REDEFINITION OF “INSPECTOR GENERAL.”—Paragraph 1034 (i)(2) of title 10, United
22 States Code, is amended by striking subparagraphs (C), (D), (E), (F) and (G) and inserting after

1 subparagraph (B) the following new subparagraph (C):

2 "(C) An officer of the armed forces or employee assigned or detailed to serve as
3 an Inspector General at any level in the Department of Defense."

4 **SEC. 903. AUTHORITY TO WITHHOLD FROM PUBLIC DISCLOSURE CERTAIN**
5 **SENSITIVE INFORMATION.**

6 (a) IN GENERAL.— Chapter 3 of title 10, United States Code, is amended by inserting
7 after section 130 the following new section:

8 **"§ 130b. Authority to protect and withhold from public disclosure certain sensitive**
9 **information of foreign governments and international organizations**

10 "(a) The Secretary of Defense, the Secretary of the Department in which the Coast Guard
11 is operating, or the Secretary of Energy may withhold from public disclosure otherwise required
12 by law any information described in subsection (b).

13 "(b) Subsection (a) applies to any information that a foreign government or international
14 organization has provided to, otherwise made available to, or produced in cooperation with the
15 United States if the Secretary concerned determines that the foreign government or international
16 organization is withholding the information from public disclosure (relying for that determination
17 on the written representation of the foreign government or international organization to that
18 effect) and that any of the following conditions are met:

19 "(1) The foreign government or international organization requests, in writing,
20 that the information be withheld.

21 "(2) The information was provided or made available to the United States
22 Government on the condition that it not be released to the public.

1 "(3) The information is an item of information, or is in a category of information,
2 that the Secretary concerned has specified in regulations under subsection (f) would have
3 an adverse effect on the ability of the United States government to obtain the same or
4 similar information in the future.

5 "(c)(1) In the case of a request submitted to the head of an agency for disclosure of
6 information that came into the possession or under the control of the United States Government
7 before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000
8 and more than 25 years before the date on which the request is received by the agency, the
9 information may be withheld only as set forth in paragraph (3).

10 "(2)(A) In the case of a request submitted to the head of an agency for disclosure of
11 information that came into the possession or under the control of the United States Government
12 on or after the date referred to in paragraph (1), the authority of the Secretary of Defense, the
13 Secretary of the Department in which the Coast Guard is operating, or the Secretary of Energy to
14 withhold the information under this section is subject to the provisions of subparagraphs (B) and
15 (C).

16 "(B) Information referred to in subparagraph (A) may not be withheld under the section
17 after—

18 “(i) the date that is specified by the foreign government or international
19 organization concerned in a request or condition of the foreign government or
20 international organization described in paragraph (1) or (2) of subsection (b); or

21 “(ii) if there are more than one such foreign governments or international
22 organizations, the latest date so specified by any of them.

1 "(C) If no date is applicable under subparagraph (B) to a request for disclosure of any
2 information described in subparagraph (A) that came into possession or under the control of the
3 United States more than 10 years before the date on which the request is received by an agency
4 the Secretary of Defense, or the Secretary of the Department in which the Coast Guard is
5 operating, or the Secretary of Energy may withhold the information withheld under this section
6 only as set forth in paragraph (3).

7 "(3) Information referred to in paragraph (1) or (2)(C) may be withheld under this section
8 in the case of a request for disclosure if, upon the notification of each foreign government and
9 international organization concerned in accordance with the regulations prescribed under
10 subsection (f)(2), any such government or organization requests in writing that the information
11 not be disclosed for an additional period stated in the requests of the government or organization.
12 After considering the requests of the foreign government or international organization, the head
13 of the agency Secretary of Defense, or the Secretary of the Department in which the Coast Guard
14 is operating, or the Secretary of Energy shall designate a later date as the date after which the
15 information is not to be withheld under this section. The later date may be extended in
16 accordance with a later request of any such foreign government or international organization
17 under this paragraph.

18 "(d) This section does not apply to information or matters that are specifically required to
19 be protected against unauthorized disclosure under criteria established by an Executive order to
20 be kept secret in the interest of national defense or foreign policy and that are in fact properly
21 classified at the Confidential, Secret or Top Secret level pursuant to such Executive order.

22 "(e) Nothing in this section shall be construed to authorize the Secretary of Defense, or

1 the Secretary of the Department in which the Coast Guard is operating, or the Secretary of
2 Energy to withhold, or to authorize the withholding of, information from the appropriate
3 committees of the Congress.

4 "(f) Nothing in this section shall be construed to authorize heads of agencies to withhold,
5 or to authorize the withholding of, information from the Comptroller General, unless
6 the information relates to activities that the President designates as foreign intelligence or
7 counterintelligence activities.

8 "(g)(1) The Secretary of Defense, or the Secretary of Transportation, and the Secretary of
9 Energy shall prescribe regulations to carry out this section. The regulations shall include criteria
10 for making the determinations required under subsection (b). The regulations may provide for
11 controls on access to and use of, and special markings and specific safeguards for, a category or
12 categories of information subject to this section.

13 "(2) The regulations shall include procedures for notifying and consulting with each
14 foreign government or international concerned about requests for information to which this
15 section applies.

16 (h) In this section —

17 "(1) The term 'agency' has the meaning given that term in section 552(f) of title 5, United
18 States Code. The term 'international organization' means:

19 "(A) a public international organization designated pursuant to section 1 of the
20 International Organizations Immunities Act (59 Stat. 669; 22 U.S.C. 288) as being
21 entitled to enjoy the privileges, exemptions and immunities provided in such Act;

22 "(B) a public international organization created pursuant to a treaty or other

1 international agreement as an instrument through or by which two or more foreign
2 governments engage in some aspect of their conduct of international affairs; and

3 "(C) an official mission (other than a United States mission to a public
4 international organization referred to on) to a public international organization referred to
5 in subparagraph (A) or (B).”.

6 (b) CLERICAL AMENDMENT.— The table of sections at the beginning of such chapter 3 is
7 amended by inserting after the item relating to section 130 the following new item:

"130b. Authority to protect and withhold from public disclosure certain sensitive information of foreign
governments and international organizations.”.

8 **Subtitle B—Other Matters**

9 **SEC. 911. TO CONSOLIDATE VARIOUS DEPARTMENT OF THE NAVY TRUST**
10 **AND GIFT FUNDS.**

11 (a) CONSOLIDATION OF NAVAL ACADEMY GENERAL GIFT FUND AND THE NAVAL
12 ACADEMY MUSEUM FUND.—Section 6973 of title 10, United States Code, is amended—

13 (1) by amending subsection 6973(a) to read as follows:

1 "(a)(1) The Secretary of the Navy may accept, hold, administer, and spend gifts
2 and bequests of personal property, and loans of personal property other than money, made
3 on the condition that it be used for the benefit of, or for use in connection with, the Naval
4 Academy or the Naval Academy Museum, its collection, or its services. Gifts or bequests
5 of money and the proceeds from the sales of property received as gifts shall be deposited
6 in the Treasury in the fund called ‘United States Naval Academy Gift and Museum
7 Fund.’ The Secretary may disburse funds deposited under this subsection for the benefit
8 or use of the Naval Academy or the Naval Academy Museum subject to the terms of the

1 gift or bequest.

2 “(2) The Secretary shall develop written guidelines to be used in determining
3 whether the acceptance of money, personal property or loans of personal property under
4 paragraph (1) would reflect unfavorably upon the ability of the Department of the Navy or
5 any employee of the Department of the Navy to carry out its responsibilities or his or her
6 official duties in a fair and objective manner, or would compromise the integrity, or the
7 appearance of the integrity, of its programs or any official involved in those programs.”;
8 and

9 (2) in subsection 6973(c), by striking "United States Naval Academy general gift fund"
10 both times such phrase appears in the subsection and by inserting in lieu thereof, in each
11 instance, "United States Naval Academy Gift and Museum Fund." .

12 (b) REPEAL OF NAVAL ACADEMY MUSEUM FUND.—Section 6974 of such title 10, is
13 hereby repealed.

14 (c) REPEAL OF NAVAL HISTORICAL CENTER FUND.—Section 7222 of such title 10, is
15 hereby repealed.

16 (d) TRANSFER OF FUNDS.—

17 (1) UNITED STATES GIFT AND MUSEUM FUND.—All funds currently deposited or held in
18 the United States Naval Academy Museum Fund established pursuant to section 6974 of such
19 title 10, shall be transferred to the United States Naval Academy Gift and Museum Fund
20 authorized by subsection (a).

21 (2) NAVY GENERAL GIFT FUND.—All funds currently deposited or held in the Naval
22 Historical Center Fund, established pursuant to section 7222 of such title 10, shall be transferred to

1 the Department of the Navy General Gift Fund authorized by section 2601 of such title 10.

2 (e) CLERICAL AMENDMENTS.—

3 (1) CHAPTER 603.—The Table of Sections at the beginning of Chapter 603 of such title 10 is
4 amended by striking the item relating to section 6974.

5 (2) CHAPTER 631.—The Table of Sections at the beginning of Chapter 631 of such title 10 is
6 amended by striking the item relating to section 7222.

7 **SEC. 912. DISPOSITION OF GIFTS TO THE NAVAL ACADEMY.**

8 Notwithstanding section 6973 of title 10, United States Code, during fiscal year 2000 the
9 Secretary of the Navy may dispose of the current cash value of a previously accepted gifts to the
10 Naval Academy Gift Fund by transfer to an entity designated by the donor.

11 **SEC. 913. MAILING PRIVILEGES OF MEMBERS OF THE ARMED**

12 **FORCES OF THE UNITED STATES AND OF FRIENDLY FOREIGN**
13 **NATIONS.**

14 Section 3401(b) of title 39, United States Code, is amended—

15 (1) by striking “100 inches in length and girth combined” and inserting “maximum size of
16 Standard Mail (B)”; and

17 (2) by striking “100 inches in length and girth combined” and inserting “maximum size of
18 Standard Mail (B)”.

19 **SEC. 914. COMMERCIAL PERSONNEL TRANSFER PROGRAM FOR SCIENCE**
20 **AND ENGINEERING.**

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

1 **"§2195a. Science and engineering cooperative commercial personnel transfer program**

2 "(a) The Secretary of Defense may establish a pilot program for the assignment of no more
3 than one hundred individuals employed by private commercial entities to the Department of Defense
4 to conduct science and engineering functions. Each such assignment shall—

5 (1) be on a temporary basis;

6 (2) be at a laboratory owned and operated by the Department of Defense;

7 (3) exclude involvement in managerial or policy-making functions of the Department; and

8 (4) be subject to the terms and conditions set forth in this section.

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

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

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

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

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

20 For purposes of this section, a detail is the temporary assignment of a private commercial entity
21 employee to the Department of Defense, with the expectation that the employee will return to the
22 employee's position of record with the private commercial entity at the expiration of the detail. The

1 employee, while remaining an employee of the private commercial entity during the period of the
2 detail for purposes of establishing eligibility for benefits and longevity in accordance with
3 subsections (g) and (i), shall be paid by the Department of Defense in accordance with subsections
4 (e) and (i).

5 "(e) A person given an assignment, whether by detail or appointment, pursuant to subsection
6 (a), shall be paid solely by the Department of Defense at a rate established by the Secretary, of not
7 less than the equivalent of grade 12, step 1, of the General Schedule, and not to exceed the maximum
8 rate provided in section 5306(e) of title 5, except that, under regulations established by the Secretary,
9 the Secretary may provide such person compensation (in addition to base pay), including benefits (to
10 the extent not prohibited by subsection (f)), incentives, and allowances, consistent with, and not in
11 excess of the level authorized for, comparable positions authorized by title 5.

12 "(f) A person assigned to the Department of Defense pursuant to subsection (a) is deemed,
13 for the period of the assignment, to be an employee of the Department of Defense for all purposes,
14 except as otherwise provided in this section and except for—

15 "(1) subchapter III of chapter 83 of this title or other applicable retirement systems;

16 "(2) chapter 87 of this title; and

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

20 These exceptions shall not apply to non-Federal employees who are covered by chapters 83,
21 87, and 89 of this title by virtue of their non-Federal employment immediately before assignment and
22 appointment under this section.

1 "(g) Notwithstanding subsection (f) and section 209 of title 18, the period of time a private
2 commercial entity employee is assigned to the Department pursuant to this section may be counted
3 by the private commercial entity, for purposes of determining the employee's longevity or seniority
4 with that private sector entity, as if it were employment with that entity.

5 "(h) An employee of a private commercial entity who is provided an appointment in the
6 Department of Defense for the period of the assignment or who is on detail to the Department of
7 Defense and who suffers disability or dies as a result of personal injury sustained while in the
8 performance of his duty during the period of the assignment shall be treated, for the purpose of
9 subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of
10 title 5. When an employee (or his dependents in case of death) entitled by reason of injury or death
11 to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from the private
12 commercial entity for the same injury or death, he (or his dependents in case of death) shall elect
13 which benefits he will receive. The election shall be made within one year after the injury or death,
14 or within such further time as the Secretary of Labor may allow for reasonable cause shown. When
15 made, the election is irrevocable unless otherwise provided by law.

16 "(i) During the period that the private commercial entity employee is assigned to the
17 Department of Defense pursuant to this section, the employer's contributions to the private
18 commercial entity's retirement, life insurance, and health benefit plans covering the employee's
19 period of assignment may be made from the appropriations of the Department of Defense, as if paid
20 by the private commercial entity, if provision is made for such payments by the agreement required
21 under subsection (b).

22 "(j) For purposes of this section, a "private commercial entity" means a non-Federal

1 commercial organization, including a corporation, partnership, sole proprietorship, limited liability
2 company, or other such form of commercial enterprise.

3 "(k) The authority under subsection (a) expires five years after the effective date of this Act,
4 but may be terminated earlier at the discretion of the Secretary of Defense.

5 "(l) The Secretary of Defense shall evaluate the pilot program established pursuant to this
6 section and shall report to the President and the Congress on whether the program should be
7 continued in its current form, expanded within the Department of Defense, or expanded to include
8 other government agencies. This report shall be submitted during the fourth year of the pilot
9 program".

10 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter 111 is
11 amended by inserting after the item relating to section 2195 the following new item:

12 "2595a. Science and engineering cooperative commercial personnel transfer program".

13 **SEC. 915. PILOT PROGRAM FOR PAYMENT OF RETRAINING AND**
14 **RELOCATION EXPENSES.**

15 (a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the
16 end the following new section:

17 **“§2410o. Pilot Program for Payment of Retraining and Relocation Expenses**

18 “(a) AUTHORITY.—The Secretary of Defense may establish a pilot program for the payment
19 of retraining and relocation expenses in accordance with this section to facilitate the reemployment
20 of eligible employees of the Department of Defense who are being involuntarily separated due to a
21 reduction-in-force or a transfer of functions of the facility or military installation where such persons
22 are employed. Under the pilot program, the Secretary may pay retraining and relocation incentives to

1 encourage non-Federal employees to hire and retain such employees.

2 “(b) ELIGIBLE EMPLOYEES.—For purposes of this section, an eligible employee is an
3 employee of the Department of Defense, serving under an appointment without time limitation, who
4 has been employed by the Department of Defense for a continuous period of at least 12 months and
5 who has been given notice of separation pursuant to a reduction in force, except that such term does
6 not include—

7 “(1) a reemployed annuitant under subchapter III of chapter 83 of title 5, chapter 84
8 of title 5, or another retirement system for employees of the Government;

9 “(2) an employee who, upon separation from Federal service, is eligible for an
10 immediate annuity under subchapter III of chapter 83 of title 5 or subchapter II of chapter 84
11 of title 5; or

12 “(3) an employee who is eligible for disability retirement under any of the retirement
13 systems referred to in paragraph (1)

14 “(c) RETRAINING INCENTIVE.—(1) Under the pilot program, the Secretary may enter into an
15 agreement with a non-Federal employer under which the non-Federal employer agrees—

16 “(A) to employ a person referred to in subsection (a) for at least 12 months for a
17 salary that is mutually agreeable to the employer and such person; and

18 “(B) to certify to the Secretary the cost incurred by the employer for any necessary
19 training provided to such person in connection with the employment by that employer.

20 “(2) The Secretary shall pay a retraining incentive to the non-Federal employer upon the
21 employee’s completion of 12 months of continuous employment with that employer. Subject to
22 subsection (f), the Secretary shall prescribe the amount of the incentive.

1 “(3) The Secretary shall pay a prorated amount of the full retraining incentive to the non-
2 Federal employer for an employee who does not remain employed by the non-Federal employer for
3 at least 12 months.

4 “(4) In no event may the amount of retraining incentive paid for the training of any one
5 person under the pilot program exceed the amount certified for that person under paragraph (1).

6 “(d) APPROVAL OF THE SECRETARY OF DEFENSE.—The Secretary of a military department or
7 the head of a Defense Agency may offer an incentive under the pilot program with the prior approval
8 of the Secretary of Defense or pursuant to a delegation of authority by the Secretary of Defense.

9 “(e) LIMITATION.—The total amount of incentives paid in the case of a person under the
10 pilot program may not exceed \$10,000.

11 “(f) DURATION.—No incentive may be paid under the pilot program for training or
12 relocations commenced after September 30, 2003.

13 “(g) DEFINITIONS.—In this section:

14 (1) The term “non-Federal employer” means an employer that is not an Executive
15 Agency, as defined in section 105 of title 5, or the legislative or judicial branch of the Federal
16 Government.

17 (2) The term “Defense Agency” has the meaning given such term in section
18 101(a)(11) of this title.

19 “(h) OMB A-76 COST COMPARISON.—For purposes of this program, any costs incurred shall
20 not be added as one-time costs for the purposes of any cost comparisons pursuant to the Office of
21 management and Budget Circular A-76.”.

22 “(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such Chapter 141 is

1 amended by adding at the end the following new item:

2 “§2410o. Pilot program for payment of retraining and relocation expenses.”.

3 **TITLE X—GENERAL PROVISIONS**

Subtitle A—Financial Matters

Sec. 1001. Administrative Offsets for Transportation Overcharges.

Sec. 1002. Date for Submittal of Joint Report on Scoring of Budget Outlays

Sec. 1003. Repeal of Requirement for Two-year Budget Cycle for the Department of Defense.

Sec. 1004. Codification of Annual Recurring Appropriations Act General Provision for Reimbursements Related to
Certain Reserve Intelligence or Counterintelligence Support

Subtitle B—Humanitarian and Civic Assistance

Sec. 1011. Clarification of Authority to Provide Humanitarian and Civic Assistance.

Sec. 1012. Authority to Pay Certain Expenses Relating to Humanitarian and Civic Assistance for Clearance of
Landmines.

Subtitle C—Miscellaneous Reporting Requirements and Repeals

Sec. 1015. Repeal of Reporting Requirement for B-2.

Sec. 1016. Amendment to National Guard and Reserve Component Equipment: Annual Report to Congress.

Subtitle D—Other Matters

Sec. 1021. Recognition of Military Testamentary Instruments.

Sec. 1022. Fees for Military History Information, Material and Research Assistance.

Sec. 1023. Cooperative Military Airlift Agreements: Allied Countries.

Sec. 1024. Chemical Weapons Destruction Facility in Russia.

5 **Subtitle A—Financial Matters**

6 **SEC. 1001. ADMINISTRATIVE OFFSETS FOR TRANSPORTATION OVERPAYMENTS.**

7 (a) OFFSETS FOR OVERPAYMENTS.—Section 2636 of title 10, United States Code, is

8 amended—

9 (1) by striking the section heading and substituting in lieu thereof:

10 **“§ 2636. Deductions from carriers supporting the Department of Defense ”;**

1 (2) by inserting “or as an administrative offset for overpayments previously paid to the carrier

2 or liquidated damages due under Department of Defense contracts for transportation services” after

1 "for a military department"; and

2 (3) by striking the period at the end of the section and inserting "or, in the case of overcharges
3 or liquidated damages, the appropriation or account that funded the transportation services. The
4 contracting officer may offset amounts less than the simplified acquisition threshold after providing
5 the notice required by section 3716(a) of title 31."

6 (b) CLERICAL AMENDMENT.—The table of sections for Chapter 157, title 10, United States
7 Code, is amended by amending the item relating to section 2636 to read as follows:

8 "2636. Deductions from carriers supporting the Department of Defense."

9 **SEC 1002. DATE FOR SUBMISSION OF JOINT REPORT ON SCORING OF BUDGET**
10 **OUTLAYS.**

11 Section 226 of title 10, United States Code is amended—

12 (1) in subsection (a), by striking "Not later than December 15 of each year" and inserting
13 "Not later than the day on which the budget for any fiscal year is submitted to Congress pursuant to
14 section 1105 of title 31";

15 (2) in paragraph (a)(1), by striking "major functional category 050" and all that follows
16 through "section 1105 of title 31;"; and inserting "subfunctional category 051 (Department of
17 Defense – Military) for that budget;";

18 (3) in the catchline to subsection (b), by striking "USE OF AVERAGES.—" and inserting "USE
19 OF DIFFERENCES.—"; and

20 (4) in subsection (b), by striking ", the report shall reflect the average of the relevant outlay
21 rates or assumptions used by the two offices." and inserting ", the report shall reflect the differences
22 between the relevant outlay rates or assumptions used by the two offices. For each account where a

1 difference exists, the report also shall display the budget year budget authority (BA), the rates, and
2 the outlays estimated by both offices.”.

3 **SEC. 1003. REPEAL OF REQUIREMENT FOR TWO-YEAR BUDGET CYCLE FOR**
4 **THE DEPARTMENT OF DEFENSE.**

5 Section 1405 of the Department of Defense Authorization Act, 1986 (31 U.S.C. 1105 note) is
6 repealed.

7 **SEC. 1004. CODIFICATION OF ANNUAL RECURRING APPROPRIATIONS ACT**
8 **GENERAL PROVISION FOR REIMBURSEMENTS RELATED TO**
9 **CERTAIN RESERVE INTELLIGENCE OR COUNTERINTELLIGENCE**
10 **SUPPORT.**

11 Section 2241 of title 10, United States Code, is amended by adding the following new
12 subsection at the end thereof:

13 “ (c) OPERATION AND MAINTENANCE REIMBURSEMENTS.—Amounts appropriated for
14 operation and maintenance of the Military Departments, the Combatant Commands and Defense
15 Agencies shall be available for reimbursement of pay, allowances and other expenses which would
16 otherwise be incurred against appropriations for the National Guard and Reserve when members of
17 the National Guard and Reserve provide intelligence or counterintelligence support to Combatant
18 Commands, Defense Agencies and Joint Intelligence Activities, including the activities and
19 programs included within the National Foreign Intelligence Program (NFIP), the Joint Military
20 Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA)
21 aggregate. Nothing in this subsection authorizes deviation from established Reserve and National
22 Guard personnel and training procedures.”.

1 **Subtitle B—Humanitarian and Civic Assistance**

2 **SEC. 1011. CLARIFICATION OF AUTHORITY TO PROVIDE HUMANITARIAN AND**
3 **CIVIC ASSISTANCE.**

4 Section 401(e)(1) of title 10, United States Code, is amended by inserting "or under served"
5 after "in rural."

6 **SEC. 1012. AUTHORITY TO PAY CERTAIN EXPENSES RELATING TO**
7 **HUMANITARIAN AND CIVIC ASSISTANCE FOR CLEARANCE OF**
8 **LANDMINES.**

9 Section 401(c) of title 10, United States Code, is amended -

10 (1) in paragraph (3), by striking "\$5,000,000" and inserting "\$10,000,000"; and

11 (2) by adding at the end the following new paragraph (5):

12 “(5) Not more than ten percent of funds available for the activities described in subsection (e)
13 (5) may be used to pay for the pay and allowances of Reserve Component Special Operations Force
14 personnel performing duty in connection with training and activities related to the clearing of
15 landmines for humanitarian purposes.”.

16 **Subtitle C—Miscellaneous Reporting Requirements and Repeals**

17 **SEC. 1015. REPEAL OF REPORTING REQUIREMENT FOR B-2**

18 Section 112 of the National Defense Authorization Act for Fiscal Years 1990 and 1991
19 (Public Law 101-189), as amended by section 141(b) of the National Defense Authorization Act for
20 Fiscal Year 1996 (Public Law 104-106), is hereby repealed.

21 **SEC. 1016. AMENDMENT TO NATIONAL GUARD AND RESERVE COMPONENT**
22 **EQUIPMENT: ANNUAL REPORT TO CONGRESS.**

1 The text of section 10541 of title 10, United States Code, is amended to read as follows:

2 "(a) The Secretary of Defense shall submit to the Congress each year, not later than March 1,
3 a written report concerning the equipment of the National Guard and the reserve components of the
4 armed forces, to include the Coast Guard Reserve. This report shall cover the current fiscal year and
5 three succeeding years. The focus should be on major items of equipment which address large
6 dollar-value requirements, critical reserve component shortages and major procurement items.
7 Specific major items of equipment shall include ships, aircraft, combat vehicles and key combat
8 support equipment.

9 "(b) Each annual report under this section should include the following:

10 "(1) Major items of equipment required and on-hand in the inventories of each reserve
11 component.

12 "(2) Major items of equipment which are expected to be procured from commercial
13 sources or transferred from the Active component to the reserve components of each military
14 department.

15 "(3) Major items of equipment in the inventories of each reserve component which are
16 substitutes for a required major item of equipment.

17 "(4) A narrative explanation of the plan of the Secretary concerned to equip each reserve
18 component, including an explanation of the plan to equip units of the reserve components
19 that are short major items of equipment at the outset of war or a contingency operation.

20 "(5) A narrative discussing the current status of the compatibility and interoperability of
21 equipment between the reserve components and the regular components, the effect of that
22 level of compatibility or interoperability on combat effectiveness, and a plan to achieve full

1 equipment compatibility and interoperability.

2 “(6) A narrative discussing modernization shortfalls and maintenance backlogs within the
3 reserve components and the effect of those shortfalls on combat effectiveness.

4 “(7) A narrative discussing the overall age and condition of equipment currently in the
5 inventory of each reserve component.

6 “(c) Each report under this section shall be expressed in the same format and with the same
7 level of detail as the information presented in the Future Years Defense Program Procurement Annex
8 prepared by the Secretary of Defense.”.

9 **Subtitle D—Other Matters**

10 **SEC. 1021. RECOGNITION OF MILITARY TESTAMENTARY INSTRUMENTS.**

11 (a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after
12 section 1044c the following new section:

13 **“§ 1044d. Military wills and codicils; recognition**

14 “(a) INSTRUMENTS TO BE GIVEN LEGAL EFFECT.—A military will or codicil, executed in
15 accordance with regulations prescribed by the Secretary of Defense and the Secretary of
16 Transportation, with respect to the Coast Guard when it is not operating as a service in the
17 Department of the Navy, by a person who is eligible for legal assistance under the provisions of
18 section 1044 of this title—

19 “(1) is exempt from any requirement of form, formality, or recording that is provided
20 for wills or codicils under State law;

21 “(2) has the same legal effect as a will prepared and executed in accordance with the
22 laws of the State concerned; and

1 "(3) shall be deemed valid for probate in the courts of the State concerned.

2 "(b) GENERAL REQUIREMENTS FOR MILITARY WILLS AND CODICILS.—Military wills and
3 codicils include all revocable instruments that meet the following requirements:

4 "(1) The instrument must be executed by a person (testator) who is eligible for legal
5 assistance under the provisions of section 1044 of this title, or in the presence and by the
6 direction of such testator.

7 "(2) The instrument must make a disposition of property, to take effect after the
8 testator's death.

9 "(3) The instrument must be executed in the presence of at least two disinterested
10 witnesses.

11 "(4) The instrument must be executed before a judge advocate, as defined in section
12 801(13) of this title, or a civilian attorney serving as a legal assistance officer, under the
13 provisions of section 1044 of this title.

14 "(5) The instrument must be prepared and executed in accordance regulations
15 prescribed by the Secretary of Defense and the Secretary of Transportation, with respect to
16 the Coast Guard when it is not operating as a service in the Department of the Navy.

17 "(c) SELF-PROOF OF MILITARY WILLS AND CODICILS.—A military will or codicil executed in
18 conformity with this section may be made self-proved at the time of its execution, or at any
19 subsequent time, by the testator's acknowledgment of it and by affidavits of the witnesses. Such self-
20 proving clauses, acknowledgments and affidavits shall be executed in accordance with regulations
21 prescribed by the Secretary of Defense and the Secretary of Transportation, with respect to the Coast
22 Guard when it is not operating as a service in the Department of the Navy. Such self-proving clauses

1 shall consist of a certificate of the testator, attesting witnesses and the official administering the oath,
2 that is attached to, or follows the will or codicil. The specific form and content of such self-proving
3 clauses shall be set forth in regulations prescribed by the Secretary of Defense and the Secretary of
4 Transportation, with respect to the Coast Guard when it is not operating as a service in the
5 Department of the Navy. The signature of the testator, attesting witnesses and presiding attorney,
6 together with their respective titles, is prima facie evidence that the signatures are genuine, that the
7 testator, witnesses and presiding attorney held the respective designated title at the time of the
8 execution, and that the will or codicil was executed in compliance with the requirements for form as
9 prescribed by the Secretaries of Defense and Transportation.

10 (d) VALIDITY OF OTHER TESTAMENTARY INSTRUMENTS.—Nothing herein shall invalidate
11 testamentary instruments, to include holographic and nuncupative wills that are prepared and
12 executed by, or at the direction of, testators who although eligible for legal assistance under the
13 provisions of section 1044 of this title, either elect not to avail themselves of such legal assistance, or
14 by reason of circumstance are unable to obtain such legal assistance. The validity of such
15 testamentary instruments shall be determined by the appropriate court in accordance with its rules
16 and procedures.

17 (e) STATE DEFINED.—For purposes of this section, the term "State" includes the fifty States
18 of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the
19 Commonwealth of the Northern Mariana Islands, and each territory and possession of the United
20 States, to include Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin
21 Islands.”.

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

1 amended by inserting after the item relating to section 1044c the following:

2 "1044d. Military wills and codicils; requirement for recognition."

3 **SEC. 1022. FEES FOR MILITARY HISTORY INFORMATION, MATERIAL, AND**
4 **RESEARCH ASSISTANCE.**

5 (a) ARMY.—Chapter 437 of title 10, United States Code, is amended by adding at the
6 end the following new section:

7 **"§ 4595. United States Army Military History Institute: retention of fees**

8 "(a) AUTHORITY.—The Secretary of the Army may charge and retain fees received for
9 providing historical material or research assistance from the United States Army Military History
10 Institute to public requesters.

11 "(b) RETENTION OF FEES.—Monies received by the United States Army Military History
12 Institute under subsection (a) shall be retained by the Secretary and may only be used to offset the
13 cost of providing historical material or research assistance. All funds accepted by the Secretary
14 under this subsection (a) shall be credited to funds available for the operation or support of the
15 United States Army Military History Institute and shall remain available until expended.

16 "(c) EXCLUSION.—This section shall not apply to records made available to the public under
17 section 552 of title 5.

18 "(d) DEFINITIONS.—In this section:

19 "(1) The term "United States Army Military History Institute" means the Army's
20 primary archive for historical records and materials.

21 "(2) The term "public requesters" means all persons who request historical material or
22 research assistance from the Institute other than persons who request material or research

1 assistance in their official capacity as a member of the armed forces or an officer or employee
2 of the United States, as defined in sections 2104 and 2105 of title 5, United States Code."

3 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter 437 is
4 amended by adding at the end the following new item:

5 "4595. United States Army Military History Institute: retention of fees."

6 (c) Navy.—Chapter 649 of such title 10 is amended by adding at the end the following new
7 section:

8 **"§ 7582. United States Navy and Marine Corps Historical Centers; retention of fees**

9 "(a) AUTHORITY.—The Secretary of the Navy may charge and retain fees received for
10 providing historical material or research assistance from the United States Naval Historical Center
11 and the Marine Corps Historical Center to public requesters.

12 "(b) RETENTION OF FEES.—Monies received by the Secretary under subsection (a) shall be
13 retained by the Secretary and may only be used to offset the cost of providing historical material or
14 research assistance. All funds accepted by the Secretary under this subsection (a) shall be credited to
15 funds available for the operation or support of the United States Naval Historical Center and the
16 Marine Corps Historical Center and shall remain available until expended.

17 "(c) EXCLUSION.—This section shall not apply to records made available to the public under
18 section 552 of title 5.

19 "(d) DEFINITIONS.—In this section:

20 "(1) The term "United States Naval Historical Center" means the Navy's primary
21 archive for historical records and materials.

22 "(2) The term "Marine Corps Historical Center" means the Marine Corps' primary

1 archive for historical records and materials.

2 "(3) The term "public requesters" means all persons who request historical material or
3 research assistance from the Navy other than persons who request material or research
4 assistance in their official capacity as a member of the armed forces or an officer or employee
5 of the United States, as defined in sections 2104 and 2105 of title 5, United States Code."

6 (d) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter 649 is
7 amended by adding at the end the following new item:

8 "7582. United States Navy and Marine Corps Military Historical Centers; retention of fees."

9 (e) AIR FORCE.—Chapter 937 of title 10, United States Code, is amended by adding at the
10 end the following new section:

11 **"§ 9594. United States Air Force Historical Research Agency; retention of fees**

12 "(a) AUTHORITY.—The Secretary of the Air Force may charge and retain fees received for
13 providing historical material or research assistance from the United States Air Force Historical
14 Research Agency to public requesters.

15 "(b) RETENTION OF FEES.—Monies received by the United States Air Force Historical
16 Research Agency under subsection (a) shall be retained by the Secretary and may only be used to
17 offset the cost of providing historical material or research assistance. All funds accepted by the
18 Secretary under this subsection (a) shall be credited to funds available for the operation or support of
19 the United States Air Force Historical Research Agency and shall remain available until expended.

20 "(c) EXCLUSION.—This section shall not apply to records made available to the public under
21 section 552 of title 5.

22 "(d) DEFINITIONS.—In this section:

1 "(1) The term "United States Air Force Historical Research Agency" means the Air
2 Force's primary archive for historical records and materials.

3 "(2) The term "public requesters" means all persons who request historical material or
4 research assistance from the Institute other than persons who request material or research
5 assistance in their official capacity as a member of the armed forces or an officer or employee
6 of the United States, as defined in sections 2104 and 2105 of title 5, United States Code."

7 (f) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter 937 is
8 amended by adding at the end the following new item:

9 "9594. United States Air Force Historical Research Agency; retention of fees."

10 (g) COAST GUARD.—Chapter 17 of title 14, United States Code, is amended by inserting after
11 section 664 the following new section:

12 **“§ 664a. Office of the Coast Guard Historian: retention of fees**

13 "(a) AUTHORITY.—The Secretary of Transportation may charge and retain fees received for
14 providing historical material or research assistance from the Office of the Historian of the United
15 States Coast Guard to public requesters.

16 "(b) RETENTION OF FEES.—Monies received by the Office of the Coast Guard Historian
17 under subsection (a) shall be retained by the Coast Guard and may only be used to offset the cost of
18 providing historical material or research assistance. All funds accepted by the Secretary under this
19 subsection (a) shall be credited to funds available for the operation or support of the Office of the
20 Coast Guard Historian and shall remain available until expended.

21 “(c) EXCLUSION.—This section shall not apply to records made available to the public under
22 section 552 of title 5.

1 "(d) DEFINITIONS.—In this section:

2 "(1) The term "Office of the Coast Guard Historian" means the Coast Guard's primary
3 archive for historical records and materials.

4 "(2) The term "public requesters" means all persons who request historical material or
5 research assistance from the Office of the Coast Guard Historian other than persons who
6 request material or research assistance in their official capacity as a member of the armed
7 forces or an officer or employee of the United States, as defined in sections 2104 and 2105 of
8 title 5, United States Code."

9 (h) CLERICAL AMENDMENT.—The table of sections for chapter 17 of such title 14 is amended
10 by inserting after the item relating to section 664 the following new item:

11 "664a. Office of the Coast Guard Historian: retention of fees."

12 **SEC. 1023. COOPERATIVE MILITARY AIRLIFT AGREEMENTS: ALLIED**
13 **COUNTRIES.**

14 Section 2350c of Chapter 138 of title 10, United States Code, is amended—

15 (1) by striking subsection (d); and

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

17 **SEC. 1024. CHEMICAL WEAPONS DESTRUCTION FACILITY IN RUSSIA.**

18 Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law
19 106-65; 113 Stat. 794) is repealed.

20 **TITLE XII—BASE REALIGNMENT AND CLOSURE ACT OF 1999**
21

Sec. 1101. Short title and Purpose.

Sec. 1102. The Commission.

Sec. 1103. Procedure for Making Recommendations for Base Closures and Realignments.

Sec. 1104. Closure and Realignment of Military Installations.

Sec. 1105. Implementation.

Sec. 1106. Account.
Sec. 1107. Reports.
Sec. 1108. Congressional Consideration of Commission Report.
Sec. 1109. Restriction on Other Base Closure Authority.
Sec. 1110. Definitions.
Sec. 1111. Clarifying Amendments.
Sec. 1112. Conforming Amendments.

1 **DEFENSE BASE CLOSURE AND REALIGNMENT ACT OF 2000**

2 **SEC. 1101. SHORT TITLE AND PURPOSE**

3 (a) Short Title.—This part may be cited as the "Defense Base Closure and Realignment Act
4 of 2000".

5 (b) PURPOSE.—The purpose of this part is to provide a fair process that will result in the
6 timely closure and realignment of military installations inside the United States.

7 **SEC. 1102. THE COMMISSION**

8 (a) ESTABLISHMENT.—There is established an independent commission to be known as the
9 "Defense Base Closure and Realignment Commission".

10 (b) DUTIES.—The Commission shall carry out the duties specified for it in this part.

11 (c) APPOINTMENT.—(1)(A) The Commission shall be composed of eight members appointed
12 by the President, by and with the advise and consent of the Senate.

13 (B) The President shall transmit to the Senate the nominations for appointment to the
14 Commission—

15 (i) by no later than January 24, 2003, in the case of members of the Commission
16 whose terms will expire at the end of the first session of the 108th Congress; and

17 (ii) by no later than March 15, 2005, in the case of members of the Commission
18 whose terms will expire at the end of the first session of the 109th Congress;

19 (C) If the President does not transmit to Congress the nominations for appointment to the

1 Commission on or before the date specified for 2005 in clause (ii) of subparagraph (B), the process
2 by which military installations may be selected for closure or realignment under this part with respect
3 to that year shall be terminated.

4 (2) In selecting individuals for nominations for appointments to the Commission, the
5 President should consult with—

6 (A) the Speaker of the House of Representatives concerning the appointment of two
7 members;

8 (B) the majority leader of the Senate concerning the appointment of two members;

9 (C) the minority leader of the House of Representatives concerning the appointment
10 of one member; and

11 (D) the minority leader of the Senate concerning the appointment of one member.

12 (3) At the time the President nominates individuals for appointment to the Commission for
13 each session of Congress referred to in paragraph (1)(B), the President shall designate one such
14 individual who shall serve as Chairman of the Commission.

15 (d) TERMS.—(1) Except as provided in paragraph (2), each member of the Commission shall
16 serve until the adjournment of Congress sine die for the session during which the member was
17 appointed to the Commission.

18 (2) The Chairman of the Commission shall serve until the confirmation of a successor.

19 (e) MEETINGS.—(1) The Commission shall meet only during calendar years 2003 and 2005.

20 (2)(A) Each meeting of the Commission, other than meetings in which classified information
21 is to be discussed, shall be open to the public. The Commission shall provide an opportunity for the
22 public to comment, and shall consider any such comments.

1 (B) All the proceedings, information, and deliberations of the Commission shall be open,
2 upon request, to the following:

3 (i) The Chairman and the ranking minority party member of the Subcommittee on
4 Readiness, Sustainability, and Support of the Committee on Armed Services of the Senate,
5 or such other members of the Subcommittee designated by such Chairman or ranking
6 minority party member.

7 (ii) The Chairman and the ranking minority party member of the Subcommittee on
8 Military Installations and Facilities of the Committee on National Security of the House of
9 Representatives, or such other members of the Subcommittee designated by such Chairman
10 or ranking minority party member.

11 (iii) The Chairmen and ranking minority party members of the Subcommittees on
12 Military Construction of the Committees on Appropriations of the Senate and of the House of
13 Representatives, or such other members of the Subcommittees designated by such Chairmen
14 or ranking minority party members.

15 (f) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as the
16 original appointment, but the individual appointed to fill the vacancy shall serve only for the
17 unexpired portion of the term for which the individual's predecessor was appointed.

18 (g) PAY AND TRAVEL EXPENSES.—(1)(A) Each member, other than the Chairman, shall be
19 paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level
20 IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day
21 (including travel time) during which the member is engaged in the actual performance of duties
22 vested in the Commission.

1 (B) The Chairman shall be paid for each day referred to in subparagraph (A) at a rate equal to
2 the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive
3 Schedule under section 5314, of title 5, United States Code.

4 (2) Members shall receive travel expenses, including per diem in lieu of subsistence, in
5 accordance with sections 5702 and 5703 of title 5, United States Code.

6 (h) DIRECTOR OF STAFF.—(1) The Commission shall, without regard to section 5311(b) of
7 title 5, United States Code, appoint a Director who has not served on active duty in the Armed
8 Forces or as a civilian employee of the Department of Defense during the one-year period preceding
9 the date of such appointment.

10 (2) The Director shall be paid at the rate of basic pay payable for level IV of the Executive
11 Schedule under section 5315 of title 5, United States Code.

12 (i) STAFF.—(1) Subject to paragraphs (2) and (3), the Director, with the approval of the
13 Commission, may appoint and fix the pay of additional personnel.

14 (2) The Director may make such appointments without regard to the provisions of title 5,
15 United States Code, governing appointments in the competitive service, and any personnel so
16 appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter
17 53 of that title relating to classification and General Schedule pay rates, except that an individual so
18 appointed may not receive pay in excess of the annual rate of basic pay payable for senior-level
19 positions of the civil service as described in section 5376 of title 5, United States Code.

20 (3)(A) Not more than one-third of the personnel employed by or detailed to the Commission
21 may be on detail from the Department of Defense.

22 (B)(i) Not more than one-fifth of the professional analysts of the Commission staff may be

1 persons detailed from the Department of Defense to the Commission.

2 (ii) No person detailed from the Department of Defense to the Commission may be assigned
3 as the lead professional analyst with respect to a military department or defense agency.

4 (C) A person may not be detailed from the Department of Defense to the Commission if,
5 within 12 months before the detail is to begin, that person participated personally and substantially in
6 any matter within the Department of Defense concerning the preparation of recommendations for
7 closures or realignments of military installations.

8 (D) No member of the Armed Forces, and no officer or employee of the Department of
9 Defense, may—

10 (i) prepare any report concerning the effectiveness, fitness, or efficiency of the
11 performance on the staff of the Commission of any person detailed from the Department of
12 Defense to that staff;

13 (ii) review the preparation of such a report; or

14 (iii) approve or disapprove such a report.

15 (4) Upon request of the Director, the head of any Federal department or agency may detail
16 any of the personnel of that department or agency to the Commission to assist the Commission in
17 carrying out its duties under this part.

18 (5) The Comptroller General of the United States shall provide assistance, including the
19 detailing of employees, to the Commission in accordance with an agreement entered into with the
20 Commission.

21 (6) The following restrictions relating to the personnel of the Commission shall apply during
22 2004:

1 (A) There may not be more than 15 persons on the staff at any one time.

2 (B) The staff may perform only such functions as are necessary to prepare for the
3 transition to new membership on the Commission in the following year.

4 (C) No member of the Armed Forces and no employee of the Department of Defense
5 may serve on the staff.

6 (j) OTHER AUTHORITY.—(1) The Commission may procure by contract, to the extent funds
7 are available, the temporary or intermittent services of experts or consultants pursuant to section
8 3109 of title 5, United States Code.

9 (2) The Commission may lease space and acquire personal property to the extent funds are
10 available.

11 (k) FUNDING.—(1) There are authorized to be appropriated to the Commission such funds as
12 are necessary to carry out its duties under this part. Such funds shall remain available until expended.

13 (2) If no funds are appropriated to the Commission by the 107th Congress, the Secretary of
14 Defense may transfer to the Commission funds from the Department of Defense Base Closure
15 Account established by section 2906 of Public Law 101-510. Such funds shall remain available until
16 expended.

17 (l) TERMINATION.—The Commission shall terminate on December 31, 2005.

18 (m) PROHIBITION AGAINST RESTRICTING COMMUNICATIONS.—Section 1034 of title 10,
19 United States Code, shall apply with respect to communications with the Commission.

20 **SEC. 1103. PROCEDURE FOR MAKING RECOMMENDATIONS FOR BASE**
21 **CLOSURES AND REALIGNMENTS**

22 (a) FORCE-STRUCTURE PLAN.—(1) As part of the budget justification documents submitted to

1 Congress in support of the budget for the Department of Defense for each of the fiscal years 2004
2 and 2006, the Secretary shall include a force-structure plan for the Armed Forces based on an
3 assessment by the Secretary of the probable threats to the national security during the six-year period
4 beginning with the fiscal year for which the budget request is made and of the anticipated levels of
5 funding that will be available for national defense purposes during such period.

6 (2) Such plan shall include, without any reference (directly or indirectly) to military
7 installations inside the United States that may be closed or realigned under such plan—

8 (A) a description of the assessment referred to in paragraph (1);

9 (B) a description (i) of the anticipated force structure during and at the end of such
10 period for each military department (with specifications of the number and type of units in
11 the active and reserve forces of each such department), and (ii) of the units that will need to
12 be forward based (with a justification thereof) during and at the end of each such period; and

13 (C) a description of the anticipated implementation of such force-structure plan.

14 (3) The Secretary shall also transmit a copy of each such force-structure plan to the
15 Commission.

16 (b) SELECTION CRITERIA.—(1) The Secretary shall, by no later than December 31, 2001,
17 publish in the *Federal Register* and transmit to the congressional defense committees the criteria
18 proposed to be used by the Department of Defense in making recommendations for the closure or
19 realignment of military installations inside the United States under this part. The Secretary shall
20 provide an opportunity for public comment on the proposed criteria for a period of at least 30 days
21 and shall include notice of that opportunity in the publication required under the preceding sentence.

22 (2)(A) The Secretary shall, by no later than February 15, 2002, publish in the *Federal*

1 *Register* and transmit to the congressional defense committees the final criteria to be used in making
2 recommendations for the closure or realignment of military installations inside the United States
3 under this part. Except as provided in subparagraph (B), such criteria shall be the final criteria to be
4 used, making such recommendations unless disapproved by a joint resolution of Congress enacted on
5 or before March 31, 2002.

6 (B) The Secretary may amend such criteria, but such amendments may not become effective
7 until they have been published in the *Federal Register*, opened to public comment for at least 30
8 days, and then transmitted to the congressional defense committees in final form by no later than
9 January 15 of the year concerned. Such amended criteria shall be the final criteria to be used, along
10 with the force-structure plan referred to in subsection (a), in making such recommendations unless
11 disapproved by a joint resolution of Congress enacted on or before February 15 of the year
12 concerned.

13 (c) SECRETARY OF DEFENSE RECOMMENDATIONS.—(1) The Secretary may, by no later than
14 March 14, 2003, and May 16, 2005, publish in the *Federal Register* and transmit to the congressional
15 defense committees and to the Commission a list of the military installations inside the United States
16 that the Secretary recommends for closure or realignment on the basis of the force-structure plan and
17 the final criteria referred to in subsection (b) that are applicable to the year concerned.

18 (2) The Secretary shall include, with the list of recommendations published and transmitted
19 pursuant to paragraph (1), a summary of the selection process that resulted in the recommendation
20 for each installation, including a justification for each recommendation and an evaluation discussing
21 each of the final selection criteria established pursuant to section 03(b). The Secretary shall transmit
22 the matters referred to in the preceding sentence not later than 7 days after the date of the transmittal

1 to the congressional defense committees and the Commission of the list referred to in paragraph (1).

2 (3)(A) In considering military installations for closure or realignment, the Secretary shall
3 consider all military installations inside the United States equally without regard to whether the
4 installation has been previously considered or proposed for closure or realignment by the
5 Department.

6 (B) In considering military installations for closure or realignment, the Secretary may not take
7 into account for any purpose any advance conversion planning undertaken by an affected community
8 with respect to the anticipated closure or realignment of an installation.

9 (C) For purposes of subparagraph (B), in the case of a community anticipating the economic
10 effects of a closure or realignment of a military installation, advance conversion planning—

11 (i) shall include community adjustment and economic diversification planning
12 undertaken by the community before an anticipated selection of a military installation in or
13 near the community for closure or realignment; and

14 (ii) may include the development of contingency redevelopment plans, plans for
15 economic development and diversification, and plans for the joint use (including civilian and
16 military use, public and private use, civilian dual use, and civilian shared use) of the property
17 or facilities of the installation after the anticipated closure or realignment.

18 (4) In addition to making all information used by the Secretary to prepare the
19 recommendations under this subsection available to Congress (including any committee or member
20 of Congress), the Secretary shall also make such information available to the Commission and the
21 Comptroller General of the United States.

22 (5)(A) Each person referred to in subparagraph (B), when submitting information to the

1 Secretary of Defense or the Commission concerning the closure or realignment of a military
2 installation, shall certify that such information is accurate and complete to the best of that person's
3 knowledge and belief.

4 (B) Subparagraph (A) applies to the following persons:

5 (i) The Secretaries of the military departments.

6 (ii) The heads of the Defense Agencies.

7 (iii) Each person who is in a position the duties of which include personal and
8 substantial involvement in the preparation and submission of information and
9 recommendations concerning the closure or realignment of military installations, as
10 designated in regulations which the Secretary of Defense shall prescribe, regulations which
11 the Secretary of each military department shall prescribe for personnel within that military
12 department, or regulations which the head of each Defense Agency shall prescribe for
13 personnel within that Defense Agency.

14 (6) Any information provided to the Commission by a person described in paragraph (5)(B)
15 shall also be submitted to the Senate and the House of Representatives to be made available to the
16 Members of the House concerned in accordance with the rules of that House. The information shall
17 be submitted to the Senate and House of Representatives within 48 hours after the submission of the
18 information to the Commission.

19 (d) REVIEW AND RECOMMENDATIONS BY THE COMMISSION.—(1) After receiving the
20 recommendations from the Secretary pursuant to subsection (c) for any year, the Commission shall
21 conduct public hearings on the recommendations. All testimony before the Commission at a public
22 hearing conducted under this paragraph shall be presented under oath.

1 (2)(A) The Commission shall, by no later than July 7, 2003, and September 8, 2005, if the
2 Secretary transmits recommendations to it pursuant to subsection (c), transmit to the President a
3 report containing the Commission's findings and conclusions based on a review and analysis of the
4 recommendations made by the Secretary, together with the Commission's recommendations for
5 closures and realignments of military installations inside the United States.

6 (B) Subject to subparagraph (C), in making its recommendations, the Commission may make
7 changes in any of the recommendations made by the Secretary if the Commission determines that the
8 Secretary deviated substantially from the force-structure plan and final criteria referred to in
9 subsection (c)(1) in making recommendations.

10 (C) In the case of a change described in subparagraph (D) in the recommendations made by
11 the Secretary, the Commission may make the change only if the Commission—

12 (i) makes the determination required by subparagraph (B);

13 (ii) determines that the change is consistent with the force-structure plan and final
14 criteria referred to in subsection (c)(1);

15 (iii) publishes a notice of the proposed change in the *Federal Register* not less than 45
16 days before transmitting its recommendations to the President pursuant to paragraph (2); and

17 (iv) conducts public hearings on the proposed change.

18 (D) Subparagraph (C) shall apply to a change by the Commission in the Secretary's
19 recommendations that would—

20 (i) add a military installation to the list of military installations recommended by the
21 Secretary for closure;

22 (ii) add a military installation to the list of military installations recommended by the

1 Secretary for realignment; or

2 (iii) increase the extent of a realignment of a particular military installation
3 recommended by the Secretary.

4 (E) In making recommendations under this paragraph, the Commission may not take into
5 account for any purpose any advance conversion planning undertaken by an affected community with
6 respect to the anticipated closure or realignment of a military installation.

7 (3) The Commission shall explain and justify in its report submitted to the President pursuant
8 to paragraph (2) any recommendation made by the Commission that is different from the
9 recommendations made by the Secretary pursuant to subsection (c). The Commission shall transmit a
10 copy of such report to the congressional defense committees on the same date on which it transmits
11 its recommendations to the President under paragraph (2).

12 (4) After July 7, 2003 and September 8, 2005, if the Commission transmits recommendations
13 to the President under this subsection, the Commission shall promptly provide, upon request, to any
14 Member of Congress information used by the Commission in making its recommendations.

15 (5) The Comptroller General of the United States shall—

16 (A) assist the Commission, to the extent requested, in the Commission's review and
17 analysis of the recommendations made by the Secretary pursuant to subsection (C); and

18 (B) by no later than April 15, 2003 and June 17, 2005, if the Secretary makes such
19 recommendations, transmit to the Congress and to the Commission a report containing a
20 detailed analysis of the Secretary's recommendations and selection process.

21 (e) REVIEW BY THE PRESIDENT.—(1) The President shall, by no later than July 22, 2003, and
22 September 23, 2005, if the Commission makes recommendations under subsection (d), transmit to

1 the Commission and to the Congress a report containing the President's approval or disapproval of
2 the Commission's recommendations.

3 (2) If the President approves all the recommendations of the Commission, the President shall
4 transmit a copy of such recommendations to the Congress, together with a certification of such
5 approval.

6 (3) If the President disapproves the recommendations of the Commission, in whole or in part,
7 the President shall transmit to the Commission and the Congress the reasons for that disapproval.
8 The Commission shall then transmit to the President, by no later than August 18, 2003, and October
9 20, 2005, a revised list of recommendations for the closure and realignment of military installations.

10 (4) If the President approves all of the revised recommendations of the Commission
11 transmitted to the President under paragraph (3), the President shall transmit a copy of such revised
12 recommendations to the Congress, together with a certification of such approval.

13 (5) If the President does not transmit to the Congress an approval and certification described
14 in paragraph (2) or (4) by September 3, 2003, and November 7, 2005, if the Commission has
15 transmitted recommendations to the President under this part, the process by which military
16 installations may be selected for closure or realignment under this part with respect to that year shall
17 be terminated.

18 **SEC. 1104. CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS**

19 (a) IN GENERAL.—Subject to subsection (b), the Secretary shall—

20 (1) close all military installations recommended for closure by the Commission in
21 each report transmitted to the Congress by the President pursuant to section 03(e);

22 (2) realign all military installations recommended for realignment by such

1 Commission in each such report;

2 (3) initiate all such closures and realignments no later than two years after the date on
3 which the President transmits a report to the Congress pursuant to section 03(e) containing
4 the recommendations for such closures or realignments; and

5 (4) complete all such closures and realignments no later than the end of the six-year
6 period beginning on the date on which the President transmits the report pursuant to section
7 03(e) containing the recommendations for such closures or realignments.

8 (b) CONGRESSIONAL DISAPPROVAL.—(1) The Secretary may not carry out any closure or
9 realignment recommended by the Commission in a report transmitted from the President pursuant to
10 section 03(e) if a joint resolution is enacted, in accordance with the provisions of section 08,
11 disapproving such recommendations of the Commission before the earlier of—

12 (A) the end of the 45-day period beginning on the date on which the President
13 transmits such report; or

14 (B) the adjournment of Congress sine die for the session during which such report is
15 transmitted.

16 (2) For purposes of paragraph (1) of this subsection and subsections (a) and (c) of section 08,
17 the days on which either House of Congress is not in session because of adjournment of more than
18 three days to a day certain shall be excluded in the computation of a period.

19 **SEC. 1105. IMPLEMENTATION**

20 (a) IN GENERAL.—(1) In closing or realigning any military installation under this part, the
21 Secretary may—

22 (A) take such actions as may be necessary to close or realign any military installation,

1 including the acquisition of such land, the construction of such replacement facilities, the
2 performance of such activities, and the conduct of such advance planning and design as may
3 be required to transfer functions from a military installation being closed or realigned to
4 another military installation, and may use for such purpose funds in the Account or funds
5 appropriated to the Department of Defense for use in planning and design, minor
6 construction, or operation and maintenance;

7 (B) provide—

8 (i) economic adjustment assistance to any community located near a military
9 installation being closed or realigned, and

10 (ii) community planning assistance to any community located near a military
11 installation to which functions will be transferred as a result of the closure or
12 realignment of a military installation,

13 if the Secretary of Defense determines that the financial resources available to the community
14 (by grant or otherwise) for such purposes are inadequate, and may use for such purposes
15 funds in the Account or funds appropriated to the Department of Defense for economic
16 adjustment assistance or community planning assistance;

17 (C) carry out activities for the purposes of environmental restoration and mitigation at
18 any such installation, and shall use for such purposes funds in the Account.

19 (D) provide outplacement assistance to civilian employees employed by the
20 Department of Defense at military installations being closed or realigned, and may use for
21 such purpose funds in the Account or funds appropriated to the Department of Defense for
22 outplacement assistance to employees; and

1 (E) reimburse other Federal agencies for actions performed at the request of the
2 Secretary with respect to any such closure or realignment, and may use for such purpose
3 funds in the Account or funds appropriated to the Department of Defense and available for
4 such purpose.

5 (2) In carrying out any closure or realignment under this part, the Secretary shall ensure that
6 environmental restoration of any property made excess to the needs of the Department of Defense as
7 a result of such closure or realignment be carried out as soon as possible with funds available for
8 such purpose.

9 (b) MANAGEMENT AND DISPOSAL OF PROPERTY.—(1) The Administrator of General Services
10 shall delegate to the Secretary of Defense, with respect to excess and surplus real property, facilities,
11 and personal property located at a military installation closed or realigned under this part—

12 (A) the authority of the Administrator to utilize excess property under section 202 of
13 the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483);

14 (B) the authority of the Administrator to dispose of surplus property under section 203
15 of that Act (40 U.S.C. 484);

16 (C) the authority to dispose of surplus property for public airports under sections
17 47151 through 47153 of title 49, United States Code; and

18 (D) the authority of the Administrator to determine the availability of excess or
19 surplus real property for wildlife conservation purposes in accordance with the Act of May
20 19, 1948 (16 U.S.C. 667b).

21 (2)(A) Subject to subparagraph (B) and paragraphs (3), (4), (5), and (6), the Secretary of
22 Defense shall exercise the authority delegated to the Secretary pursuant to paragraph (1) in

1 accordance with—

2 (i) all regulations governing the utilization of excess property and the disposal of
3 surplus property under the Federal Property and Administrative Services Act of 1949; and

4 (ii) all regulations governing the conveyance and disposal of property under section
5 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)).

6 (B) The Secretary may, with the concurrence of the Administrator of General Services—

7 (i) prescribe general policies and methods for utilizing excess property and disposing
8 of surplus property pursuant to the authority delegated under paragraph (1); and

9 (ii) issue regulations relating to such policies and methods, which shall supersede the
10 regulations referred to in subparagraph (A) with respect to that authority.

11 (C) The Secretary of Defense may transfer real property or facilities located at a military
12 installation to be closed or realigned under this part, with or without reimbursement, to a military
13 department or other entity (including a nonappropriated fund instrumentality) within the Department
14 of Defense or the Coast Guard.

15 (D) Before any action may be taken with respect to the disposal of any surplus real property
16 or facility located at any military installation to be closed or realigned under this part, the Secretary
17 of Defense shall consult with the Governor of the State and the heads of the local governments
18 concerned for the purpose of considering any plan for the use of such property by the local
19 community concerned.

20 (3)(A) Not later than 6 months after the date of approval of the closure or realignment of a
21 military installation under this part, the Secretary, in consultation with the redevelopment authority
22 with respect to the installation, shall—

1 (i) inventory Department of Defense personal property located at the installation; and

2 (ii) identify the items (or categories of items) of such Department of Defense personal
3 property that the Secretary determines to be related to real property and anticipates will
4 support the implementation of the redevelopment plan with respect to the installation.

5 (B) If no redevelopment authority referred to in subparagraph (A) exists with respect to an
6 installation, the Secretary shall consult with—

7 (i) the local government in whose jurisdiction the installation is wholly located; or

8 (ii) a local government agency or State government agency designated for the purpose
9 of such consultation by the chief executive officer of the State in which the installation is
10 located.

11 (C)(i) Except as provided in subparagraphs (E) and (F), the Secretary may not carry out any
12 of the activities referred to in clause (ii) with respect to an installation referred to in that clause until
13 the earlier of—

14 (I) one week after the date on which the redevelopment plan for the installation is
15 submitted to the Secretary;

16 (II) the date on which the redevelopment authority notifies the Secretary that it will
17 not submit such a plan;

18 (III) twenty-four months after the date of approval of the closure or realignment of the
19 installation; or

20 (IV) ninety days before the date of the closure or realignment of the installation.

21 (ii) The activities referred to in clause (i) are activities relating to the closure or realignment
22 of an installation to be closed or realigned under this part as follows:

1 (I) The transfer from the installation of items of Department of Defense personal
2 property at the installation identified in accordance with subparagraph (A).

3 (II) The reduction in maintenance and repair of facilities or equipment located at the
4 installation below the minimum levels required to support the use of such facilities or
5 equipment for nonmilitary purposes.

6 (D) Except as provided in paragraph (4), the Secretary may not transfer items of Department
7 of Defense personal property located at an installation to be closed or realigned under this part to
8 another installation, or dispose of such items, if such items are identified in the redevelopment plan
9 for the installation as items essential to the reuse or redevelopment of the installation. In connection
10 with the development of the redevelopment plan for the installation, the Secretary shall consult with
11 the entity responsible for developing the redevelopment plan to identify the items of personal
12 property located at the installation, if any, that the entity desires to be retained at the installation for
13 reuse or redevelopment of the installation.

14 (E) This paragraph shall not apply to any Department of Defense personal property located at
15 an installation to be closed or realigned under this part if the property—

16 (i) is required for the operation of a unit, function, component, weapon, or weapons
17 system at another installation;

18 (ii) is uniquely military in character, and is likely to have no civilian use (other than
19 use for its material content or as a source of commonly used components);

20 (iii) is not required for the reutilization or redevelopment of the installation (as jointly
21 determined by the Secretary and the redevelopment authority);

22 (iv) is stored at the installation for purposes of distribution (including spare parts or

1 stock items); or

2 (v)(I) meets known requirements of an authorized program of another Federal
3 department or agency for which expenditures for similar property would be necessary, and
4 (II) is the subject of a written request by the head of the department or agency.

5 (F) Notwithstanding subparagraphs (C)(i) and (D), the Secretary may carry out any activity
6 referred to in subparagraph (C)(ii) or (D) if the Secretary determines that the carrying out of such
7 activity is in the national security interest of the United States.

8 (4)(A) The Secretary may transfer real property and Department of Defense personal property
9 located at a military installation to be closed or realigned under this part to the redevelopment
10 authority with respect to the installation for purposes of job generation on the installation.

11 (B) For purposes of job generation on a military installation, the transfer of property of a
12 military installation under subparagraph (A) shall be without consideration if the redevelopment
13 authority with respect to the installation—

14 (i) agrees that the proceeds from any sale or lease of the property (or any portion
15 thereof) received by the redevelopment authority during at least the first seven years after the
16 date of the transfer under subparagraph (A) shall be used to support the economic
17 redevelopment of, or related to, the installation; and

18 (ii) executes the agreement for transfer of the property and accepts control of the
19 property within a reasonable time after the date of the property disposal record of decision or
20 finding of no significant impact under the National Environmental Policy Act of 1969 (42
21 U.S.C. 4321 et seq.).

22 (C) For purposes of subparagraph (B), the use of proceeds from a sale or lease described in

1 such subparagraph to pay for, or offset the costs of, public investment on or related to the installation
2 for any of the following purposes shall be considered a use to support the economic redevelopment
3 of, or related to, the installation:

4 (i) Road construction.

5 (ii) Transportation management facilities.

6 (iii) Storm and sanitary sewer construction.

7 (iv) Police and fire protection facilities and other public facilities.

8 (v) Utility construction.

9 (vi) Building rehabilitation.

10 (vii) Historic property preservation.

11 (viii) Pollution prevention equipment or facilities.

12 (ix) Demolition.

13 (x) Disposal of hazardous materials generated by demolition.

14 (xi) Landscaping, grading, and other site or public improvements.

15 (xii) Planning for or the marketing of the development and reuse of the installation.

16 (D) The Secretary may recoup from a redevelopment authority such portion of the proceeds
17 from a sale or lease described in subparagraph (B) as the Secretary determines appropriate if the
18 redevelopment authority does not use the proceeds to support economic redevelopment of, or related
19 to, the installation for the period specified in subparagraph (B).

20 (E)(i) The Secretary may transfer real property at an installation approved for closure or
21 realignment under this part (including property at an installation approved for realignment which will
22 be retained by the Department of Defense or another Federal agency after realignment) to the

1 redevelopment authority for the installation if the redevelopment authority agrees to lease, directly
2 upon transfer, one or more portions of the property transferred under this subparagraph to the
3 Secretary or to the head of another department or agency of the Federal Government. Subparagraph
4 (B) shall apply to a transfer under this subparagraph.

5 (ii) A lease under clause (i) shall be for a term of not to exceed 50 years, but may provide for
6 options for renewal or extension of the term by the department or agency concerned.

7 (iii) A lease under clause (i) may not require rental payments by the United States.

8 (iv) A lease under clause (i) shall include a provision specifying that if the department or
9 agency concerned ceases requiring the use of the leased property before the expiration of the term of
10 the lease, the remainder of the lease term may be satisfied by the same or another department or
11 agency of the Federal Government using the property for a use similar to the use under the lease.
12 Exercise of the authority provided by this clause shall be made in consultation with the
13 redevelopment authority concerned.

14 (F) The transfer of personal property under subparagraph (A) shall not be subject to the
15 provisions of sections 202 and 203 of the Federal Property and Administrative Services Act of 1949
16 (40 U.S.C. 483, 484) if the Secretary determines that the transfer of such property is necessary for the
17 effective implementation of a redevelopment plan with respect to the installation at which such
18 property is located.

19 (G) The provisions of section 120(h) of the Comprehensive Environmental Response,
20 Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to any transfer of real
21 property under this paragraph.

22 (H) The Secretary may require any additional terms and conditions in connection with a

1 transfer under this paragraph as such Secretary considers appropriate to protect the interests of the
2 United States.

3 (5)(A) Except as provided in subparagraph (B), the Secretary shall take such actions as the
4 Secretary determines necessary to ensure that final determinations under paragraph (1) regarding
5 whether another department or agency of the Federal Government has identified a use for any portion
6 of a military installation to be closed or realigned under this part, or will accept transfer of any
7 portion of such installation, are made not later than 6 months after the date of approval of closure or
8 realignment of that installation.

9 (B) The Secretary may, in consultation with the redevelopment authority with respect to an
10 installation, postpone making the final determinations referred to in subparagraph (A) with respect to
11 the installation for such period as the Secretary determines appropriate if the Secretary determines
12 that such postponement is in the best interests of the communities affected by the closure or
13 realignment of the installation.

14 (6)(A) The disposal of buildings and property located at installations approved for closure or
15 realignment under this part shall be carried out in accordance with this paragraph.

16 (B)(i) Not later than the date on which the Secretary of Defense completes the final
17 determinations referred to in paragraph (5) relating to the use or transferability of any portion of an
18 installation covered by this paragraph, the Secretary shall—

19 (I) identify the buildings and property at the installation for which the Department of
20 Defense has a use, for which another department or agency of the Federal Government has
21 identified a use, or of which another department or agency will accept a transfer;

22 (II) take such actions as are necessary to identify any building or property at the

1 installation not identified under subclause (I) that is excess property or surplus property;

2 (III) submit to the Secretary of Housing and Urban Development and to the
3 redevelopment authority for the installation (or the chief executive officer of the State in
4 which the installation is located if there is no redevelopment authority for the installation at
5 the completion of the determination described in the stem of this sentence) information on
6 any building or property that is identified under subclause (II); and

7 (IV) publish in the Federal Register and in a newspaper of general circulation in the
8 communities in the vicinity of the installation information on the buildings and property
9 identified under subclause (II).

10 (ii) Upon the recognition of a redevelopment authority for an installation covered by this
11 paragraph, the Secretary of Defense shall publish in the Federal Register and in a newspaper of
12 general circulation in the communities in the vicinity of the installation information on the
13 redevelopment authority.

14 (C)(i) State and local governments, representatives of the homeless, and other interested
15 parties located in the communities in the vicinity of an installation covered by this paragraph shall
16 submit to the redevelopment authority for the installation a notice of the interest, if any, of such
17 governments, representatives, and parties in the buildings or property, or any portion thereof, at the
18 installation that are identified under subparagraph (B)(i)(II). A notice of interest under this clause
19 shall describe the need of the government, representative, or party concerned for the buildings or
20 property covered by the notice.

21 (ii) The redevelopment authority for an installation shall assist the governments,
22 representatives, and parties referred to in clause (i) in evaluating buildings and property at the

1 installation for purposes of this subparagraph.

2 (iii) In providing assistance under clause (ii), a redevelopment authority shall—

3 (I) consult with representatives of the homeless in the communities in the vicinity of
4 the installation concerned; and

5 (II) undertake outreach efforts to provide information on the buildings and property to
6 representatives of the homeless, and to other persons or entities interested in assisting the
7 homeless, in such communities.

8 (iv) It is the sense of Congress that redevelopment authorities should begin to conduct
9 outreach efforts under clause (iii)(II) with respect to an installation as soon as is practicable after the
10 date of approval of closure or realignment of the installation.

11 (D)(i) State and local governments, representatives of the homeless, and other interested
12 parties shall submit a notice of interest to a redevelopment authority under subparagraph (C) not later
13 than the date specified for such notice by the redevelopment authority.

14 (ii) The date specified under clause (i) shall be—

15 (I) in the case of an installation for which a redevelopment authority has been
16 recognized as of the date of the completion of the determinations referred to in paragraph (5),
17 not earlier than 3 months and not later than 6 months after the date of publication of such
18 determination in a newspaper of general circulation in the communities in the vicinity of the
19 installation, as required by section 05(b)(6)(D)(iii)(I); and

20 (II) in the case of an installation for which a redevelopment authority is not
21 recognized as of such date, not earlier than 3 months and not later than 6 months after the
22 date of the recognition of a redevelopment authority for the installation.

1 (iii) Upon specifying a date for an installation under this subparagraph, the redevelopment
2 authority for the installation shall—

3 (I) publish the date specified and other requirements for purposes of submitting
4 notices of interest in a newspaper of general circulation in the communities in the vicinity of
5 the installation concerned; and

6 (II) notify the Secretary of Defense of the date.

7 (E)(i) In submitting to a redevelopment authority under subparagraph (C) a notice of interest
8 in the use of buildings or property at an installation to assist the homeless, a representative of the
9 homeless shall submit the following:

10 (I) A description of the homeless assistance program that the representative proposes
11 to carry out at the installation.

12 (II) An assessment of the need for the program.

13 (III) A description of the extent to which the program is or will be coordinated with
14 other homeless assistance programs in the communities in the vicinity of the installation.

15 (IV) A description of the buildings and property at the installation that are necessary
16 in order to carry out the program.

17 (V) A description of the financial plan, the organization, and the organizational
18 capacity of the representative to carry out the program.

19 (VI) An assessment of the time required in order to commence carrying out the
20 program.

21 (ii) A redevelopment authority may not release to the public any information submitted to the
22 redevelopment authority under clause (i)(V) without the consent of the representative of the

1 homeless concerned unless such release is authorized under Federal law and under the law of the
2 State and communities in which the installation concerned is located.

3 (F)(i) The redevelopment authority for each installation covered by this paragraph shall
4 prepare a redevelopment plan for the installation. The redevelopment authority shall, in preparing the
5 plan, consider the interests in the use to assist the homeless of the buildings and property at the
6 installation that are expressed in the notices submitted to the redevelopment authority under
7 subparagraph (C).

8 (ii)(I) In connection with a redevelopment plan for an installation, a redevelopment authority
9 and representatives of the homeless shall prepare legally binding agreements that provide for the use
10 to assist the homeless of buildings and property, resources, and assistance on or off the installation.
11 The implementation of such agreements shall be contingent upon the decision regarding the disposal
12 of the buildings and property covered by the agreements by the Secretary of Defense under
13 subparagraph (K) or (L).

14 (II) Agreements under this clause shall provide for the reversion to the redevelopment
15 authority concerned, or to such other entity or entities as the agreements shall provide, of buildings
16 and property that are made available under this paragraph for use to assist the homeless in the event
17 that such buildings and property cease being used for that purpose.

18 (iii) A redevelopment authority shall provide opportunity for public comment on a
19 redevelopment plan before submission of the plan to the Secretary of Defense and the Secretary of
20 Housing and Urban Development under subparagraph (G).

21 (iv) A redevelopment authority shall complete preparation of a redevelopment plan for an
22 installation and submit the plan under subparagraph (G) not later than 9 months after the date

1 specified by the redevelopment authority for the installation under subparagraph (D).

2 (G)(i) Upon completion of a redevelopment plan under subparagraph (F), a redevelopment
3 authority shall submit an application containing the plan to the Secretary of Defense and to the
4 Secretary of Housing and Urban Development.

5 (ii) A redevelopment authority shall include in an application under clause (i) the following:

6 (I) A copy of the redevelopment plan, including a summary of any public comments
7 on the plan received by the redevelopment authority under subparagraph (F)(iii).

8 (II) A copy of each notice of interest of use of buildings and property to assist the
9 homeless that was submitted to the redevelopment authority under subparagraph (C), together
10 with a description of the manner, if any, in which the plan addresses the interest expressed in
11 each such notice and, if the plan does not address such an interest, an explanation why the
12 plan does not address the interest.

13 (III) A summary of the outreach undertaken by the redevelopment authority under
14 subparagraph (C)(iii)(II) in preparing the plan.

15 (IV) A statement identifying the representatives of the homeless and the homeless
16 assistance planning boards, if any, with which the redevelopment authority consulted in
17 preparing the plan, and the results of such consultations.

18 (V) An assessment of the manner in which the redevelopment plan balances the
19 expressed needs of the homeless and the need of the communities in the vicinity of the
20 installation for economic redevelopment and other development.

21 (VI) Copies of the agreements that the redevelopment authority proposes to enter into
22 under subparagraph (F)(ii).

1 (H)(i) Not later than 60 days after receiving a redevelopment plan under subparagraph (G),
2 the Secretary of Housing and Urban Development shall complete a review of the plan. The purpose
3 of the review is to determine whether the plan, with respect to the expressed interest and requests of
4 representatives of the homeless—

5 (I) takes into consideration the size and nature of the homeless population in the
6 communities in the vicinity of the installation, the availability of existing services in such
7 communities to meet the needs of the homeless in such communities, and the suitability of
8 the buildings and property covered by the plan for the use and needs of the homeless in such
9 communities;

10 (II) takes into consideration any economic impact of the homeless assistance under
11 the plan on the communities in the vicinity of the installation;

12 (III) balances in an appropriate manner the needs of the communities in the vicinity of
13 the installation for economic redevelopment and other development with the needs of the
14 homeless in such communities;

15 (IV) was developed in consultation with representatives of the homeless and the
16 homeless assistance planning boards, if any, in the communities in the vicinity of the
17 installation; and

18 (V) specifies the manner in which buildings and property, resources, and assistance on
19 or off the installation will be made available for homeless assistance purposes.

20 (ii) It is the sense of Congress that the Secretary of Housing and Urban Development shall, in
21 completing the review of a plan under this subparagraph, take into consideration and be receptive to
22 the predominant views on the plan of the communities in the vicinity of the installation covered by

1 the plan.

2 (iii) The Secretary of Housing and Urban Development may engage in negotiations and
3 consultations with a redevelopment authority before or during the course of a review under clause (i)
4 with a view toward resolving any preliminary determination of the Secretary that a redevelopment
5 plan does not meet a requirement set forth in that clause. The redevelopment authority may modify
6 the redevelopment plan as a result of such negotiations and consultations.

7 (iv) Upon completion of a review of a redevelopment plan under clause (i), the Secretary of
8 Housing and Urban Development shall notify the Secretary of Defense and the redevelopment
9 authority concerned of the determination of the Secretary of Housing and Urban Development under
10 that clause.

11 (v) If the Secretary of Housing and Urban Development determines as a result of such a
12 review that a redevelopment plan does not meet the requirements set forth in clause (i), a notice
13 under clause (iv) shall include—

14 (I) an explanation of that determination; and

15 (II) a statement of the actions that the redevelopment authority must undertake in
16 order to address that determination.

17 (I)(i) Upon receipt of a notice under subparagraph (H)(iv) of a determination that a
18 redevelopment plan does not meet a requirement set forth in subparagraph (H)(i), a redevelopment
19 authority shall have the opportunity to—

20 (I) revise the plan in order to address the determination; and

21 (II) submit the revised plan to the Secretary of Defense and the Secretary of Housing
22 and Urban Development.

1 (ii) A redevelopment authority shall submit a revised plan under this subparagraph to such
2 Secretaries, if at all, not later than 90 days after the date on which the redevelopment authority
3 receives the notice referred to in clause (i).

4 (J)(i) Not later than 30 days after receiving a revised redevelopment plan under subparagraph
5 (I), the Secretary of Housing and Urban Development shall review the revised plan and determine if
6 the plan meets the requirements set forth in subparagraph (H)(i).

7 (ii) The Secretary of Housing and Urban Development shall notify the Secretary of Defense
8 and the redevelopment authority concerned of the determination of the Secretary of Housing and
9 Urban Development under this subparagraph.

10 (K)(i) Upon receipt of a notice under subparagraph (H)(iv) or (J)(ii) of the determination of
11 the Secretary of Housing and Urban Development that a redevelopment plan for an installation meets
12 the requirements set forth in subparagraph (H)(i), the Secretary of Defense shall dispose of the
13 buildings and property at the installation.

14 (ii) For purposes of carrying out an environmental assessment of the closure or realignment
15 of an installation, the Secretary of Defense shall treat the redevelopment plan for the installation
16 (including the aspects of the plan providing for disposal to State or local governments,
17 representatives of the homeless, and other interested parties) as part of the proposed Federal action
18 for the installation.

19 (iii) The Secretary of Defense shall dispose of buildings and property under clause (i) in
20 accordance with the record of decision or other decision document prepared by the Secretary in
21 accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.). In
22 preparing the record of decision or other decision document, the Secretary shall give substantial

1 deference to the redevelopment plan concerned.

2 (iv) The disposal under clause (i) of buildings and property to assist the homeless shall be
3 without consideration.

4 (v) In the case of a request for a conveyance under clause (i) of buildings and property for
5 public benefit under section 203(k) of the Federal Property and Administrative Services Act of 1949
6 (40 U.S.C. 484(k)) or sections 47151 through 47153 of title 49, United States Code, the sponsoring
7 Federal agency shall use the eligibility criteria set forth in such section or such subchapter (as the
8 case may be) to determine the eligibility of the applicant and use proposed in the request for the
9 public benefit conveyance.

10 (L)(i) If the Secretary of Housing and Urban Development determines under subparagraph (J)
11 that a revised redevelopment plan for an installation does not meet the requirements set forth in
12 subparagraph (H)(i), or if no revised plan is so submitted, that Secretary shall—

13 (I) review the original redevelopment plan submitted to that Secretary under
14 subparagraph (G), including the notice or notices of representatives of the homeless referred
15 to in clause (ii)(II) of that subparagraph;

16 (II) consult with the representatives referred to in subclause (I), if any, for purposes of
17 evaluating the continuing interest of such representatives in the use of buildings or property at
18 the installation to assist the homeless;

19 (III) request that each such representative submit to that Secretary the items described
20 in clause (ii); and

21 (IV) based on the actions of that Secretary under subclauses (I) and (II), and on any
22 information obtained by that Secretary as a result of such actions, indicate to the Secretary of

1 Defense the buildings and property at the installation that meet the requirements set forth in
2 subparagraph (H)(i).

3 (ii) The Secretary of Housing and Urban Development may request under clause (i)(III) that a
4 representative of the homeless submit to that Secretary the following:

5 (I) A description of the program of such representative to assist the homeless.

6 (II) A description of the manner in which the buildings and property that the
7 representative proposes to use for such purpose will assist the homeless.

8 (III) Such information as that Secretary requires in order to determine the financial
9 capacity of the representative to carry out the program and to ensure that the program will be
10 carried out in compliance with Federal environmental law and Federal law against
11 discrimination.

12 (IV) Such information as the Secretary requires in order to determine that police
13 services, fire protection services, and water and sewer services available in the communities
14 in the vicinity of the installation concerned are adequate for the program.

15 (iii) Not later than 90 days after the date of the receipt of a revised plan for an installation
16 under subparagraph (J), the Secretary of Housing and Urban Development shall—

17 (I) notify the Secretary of Defense and the redevelopment authority concerned of the
18 buildings and property at an installation under clause (i)(IV) that the Secretary of Housing
19 and Urban Development determines are suitable for use to assist the homeless; and

20 (II) notify the Secretary of Defense of the extent to which the revised plan meets the
21 criteria set forth in subparagraph (H)(i).

22 (iv)(I) Upon notice from the Secretary of Housing and Urban Development with respect to an

1 installation under clause (iii), the Secretary of Defense shall dispose of buildings and property at the
2 installation in consultation with the Secretary of Housing and Urban Development and the
3 redevelopment authority concerned.

4 (II) For purposes of carrying out an environmental impact analysis of the closure or
5 realignment of an installation, the Secretary of Defense shall treat the redevelopment plan submitted
6 by the redevelopment authority for the installation (including the aspects of the plan providing for
7 disposal to State or local governments, representatives of the homeless, and other interested parties)
8 as an alternative to be analyzed in the environmental impact analysis. The Secretary of Defense shall
9 incorporate the notification of the Secretary of Housing and Urban Development under clause (iii)(I)
10 as part of the proposed Federal action for the installation only to the extent, if any, that the Secretary
11 of Defense considers such incorporation to be appropriate and consistent with the best and highest
12 use of the installation as a whole, taking into consideration the redevelopment plan submitted by the
13 redevelopment authority.

14 (III) The Secretary of Defense shall dispose of buildings and property under subclause (I) in
15 accordance with the record of decision or other decision document prepared by the Secretary in
16 accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.). In
17 preparing the record of decision or other decision document, the Secretary shall give deference to the
18 redevelopment plan submitted by the redevelopment authority for the installation.

19 (IV) The disposal under subclause (I) of buildings and property to assist the homeless shall be
20 without consideration.

21 (V) In the case of a request for a conveyance under subclause (I) of buildings and property for
22 public benefit under section 203(k) of the Federal Property and Administrative Services Act of 1949

1 (40 U.S.C. 484(k)) or sections 47151 through 47153 of title 49, United States Code, the sponsoring
2 Federal agency shall use the eligibility criteria set forth in such section or such subchapter (as the
3 case may be) to determine the eligibility of the applicant and use proposed in the request for the
4 public benefit conveyance.

5 (M)(i) In the event of the disposal of buildings and property of an installation pursuant to
6 subparagraph (K) or (L), the redevelopment authority for the installation shall be responsible for the
7 implementation of and compliance with agreements under the redevelopment plan described in that
8 subparagraph for the installation.

9 (ii) If a building or property reverts to a redevelopment authority under such an agreement,
10 the redevelopment authority shall take appropriate actions to secure, to the maximum extent
11 practicable, the utilization of the building or property by other homeless representatives to assist the
12 homeless. A redevelopment authority may not be required to utilize the building or property to assist
13 the homeless.

14 (N) The Secretary of Defense may postpone or extend any deadline provided for under this
15 paragraph in the case of an installation covered by this paragraph for such period as the Secretary
16 considers appropriate if the Secretary determines that such postponement is in the interests of the
17 communities affected by the closure or realignment of the installation. The Secretary shall make such
18 determinations in consultation with the redevelopment authority concerned and, in the case of
19 deadlines provided for under this paragraph with respect to the Secretary of Housing and Urban
20 Development, in consultation with the Secretary of Housing and Urban Development.

21 (O) For purposes of this paragraph, the term "communities in the vicinity of the installation",
22 in the case of an installation, means the communities that constitute the political jurisdictions (other

1 than the State in which the installation is located) that comprise the redevelopment authority for the
2 installation.

3 (P) For purposes of this paragraph, the term "other interested parties", in the case of an
4 installation, includes any parties eligible for the conveyance of property of the installation under
5 section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k))
6 or sections 47151 through 47153 of title 49, United States Code, whether or not the parties assist the
7 homeless.

8 (7)(A) Subject to subparagraph (C), the Secretary may enter into agreements (including
9 contracts, cooperative agreements, or other arrangements for reimbursement) with local governments
10 for the provision of police or security services, fire protection services, airfield operation services, or
11 other community services by such governments at military installations closed or to be closed or
12 realigned or to be realigned, under this part, if the Secretary determines that the provision of such
13 services under such agreements is in the best interests of the Department of Defense.

14 (B) The Secretary may exercise the authority provided under this paragraph without regard to
15 the provisions of chapter 146 of title 10, United States Code.

16 (C) The Secretary may not exercise the authority under subparagraph (A) with respect to an
17 installation earlier than 180 days before the date on which the installation is to be closed.

18 (D) The Secretary shall include in a contract for services entered into with a local government
19 under this paragraph a clause that requires the use of professionals to furnish the services to the
20 extent that professionals are available in the area under the jurisdiction of such government.

21 (c) Applicability of National Environmental Policy Act of 1969.—(1) The provisions of the
22 National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to the actions of

1 the Commission, and, except as provided in paragraph (2), the Department of Defense in carrying out
2 this part.

3 (2)(A) The provisions of the National Environmental Policy Act of 1969 shall apply to
4 actions of the Department of Defense under this part (i) during the process of property disposal, and
5 (ii) during the process of relocating functions from a military installation being closed or realigned to
6 another military installation after the receiving installation has been selected but before the functions
7 are relocated.

8 (B) In applying the provisions of the National Environmental Policy Act of 1969 to the
9 processes referred to in subparagraph (A), the Secretary of Defense and the Secretary of the military
10 departments concerned shall not have to consider—

11 (i) the need for closing or realigning the military installation which has been
12 recommended for closure or realignment by the Commission;

13 (ii) the need for transferring functions to any military installation which has been
14 selected as the receiving installation; or

15 (iii) military installations alternative to those recommended or selected.

16 (3) A civil action for judicial review, with respect to any requirement of the National
17 Environmental Policy Act of 1969 to the extent such Act is applicable under paragraph (2), of any
18 act or failure to act by the Department of Defense during the closing, realigning, or relocating of
19 functions referred to in clauses (i) and (ii) of paragraph (2)(A), may not be brought more than 60
20 days after the date of such act or failure to act.

21 (d) WAIVER.—The Secretary of Defense may close or realign military installations under this
22 part without regard to—

1 (1) any provision of law restricting the use of funds for closing or realigning military
2 installations included in any appropriations or authorization Act; and

3 (2) sections 2662 and 2687 of title 10, United States Code.

4 (e) Transfer Authority in Connection With Payment of Environmental Remediation
5 Costs.—(1)(A) Subject to paragraph (2) of this subsection and section 120(h) of the Comprehensive
6 Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the
7 Secretary may enter into an agreement to transfer by deed real property or facilities referred to in
8 subparagraph (B) with any person who agrees to perform all environmental restoration, waste
9 management, and environmental compliance activities that are required for the property or facilities
10 under Federal and State laws, administrative decisions, agreements (including schedules and
11 milestones), and concurrences.

12 (B) The real property and facilities referred to in subparagraph (A) are the real property and
13 facilities located at an installation closed or to be closed or realigned or to be realigned under this
14 part that are available exclusively for the use, or expression of an interest in a use, of a
15 redevelopment authority under subsection (b)(6)(F) during the period provided for that use, or
16 expression of interest in use, under that subsection.

17 (C) The Secretary may require any additional terms and conditions in connection with an
18 agreement authorized by subparagraph (A) as the Secretary considers appropriate to protect the
19 interests of the United States.

20 (2) A transfer of real property or facilities may be made under paragraph (1) only if the
21 Secretary certifies to Congress that—

22 (A) the costs of all environmental restoration, waste management, and environmental

1 compliance activities to be paid by the recipient of the property or facilities are equal to or
2 greater than the fair market value of the property or facilities to be transferred, as determined
3 by the Secretary; or

4 (B) if such costs are lower than the fair market value of the property or facilities, the
5 recipient of the property or facilities agrees to pay the difference between the fair market
6 value and such costs.

7 (3) As part of an agreement under paragraph (1), the Secretary shall disclose to the person to
8 whom the property or facilities will be transferred any information of the Secretary regarding the
9 environmental restoration, waste management, and environmental compliance activities described in
10 paragraph (1) that relate to the property or facilities. The Secretary shall provide such information
11 before entering into the agreement.

12 (4) Nothing in this subsection shall be construed to modify, alter, or amend the
13 Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601
14 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

15 (5) Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law
16 102-484; 10 U.S.C. 2687 note) shall not apply to any transfer under this subsection to persons or
17 entities described in subsection (a)(2) of such section 330.

18 (f) TRANSFER AUTHORITY IN CONNECTION WITH CONSTRUCTION OR PROVISION OF MILITARY
19 FAMILY HOUSING.—(1) Subject to paragraph (2), the Secretary may enter into an agreement to
20 transfer by deed real property or facilities located at or near an installation closed or to be closed, or
21 realigned or to be realigned, under this part with any person who agrees, in exchange for the real
22 property or facilities, to transfer to the Secretary housing units that are constructed or provided by the

1 person and located at or near a military installation at which there is a shortage of suitable housing to
2 meet the requirements of members of the Armed Forces and their dependents. The Secretary may not
3 select real property for transfer under this paragraph if the property is identified in the redevelopment
4 plan for the installation as property essential to the reuse or redevelopment of the installation.

5 (2) A transfer of real property or facilities may be made under paragraph (1) only if—

6 (A) the fair market value of the housing units to be received by the Secretary in
7 exchange for the property or facilities to be transferred is equal to or greater than the fair
8 market value of such property or facilities, as determined by the Secretary; or

9 (B) in the event the fair market value of the housing units is less than the fair market
10 value of property or facilities to be transferred, the recipient of the property or facilities
11 agrees to pay to the Secretary the amount equal to the excess of the fair market value of the
12 property or facilities over the fair market value of the housing units.

13 (3) Notwithstanding paragraph (2) of section 06(a), the Secretary may deposit funds received
14 under paragraph (2)(B) in the Department of Defense Family Housing Improvement Fund
15 established under section 2873(a) of title 10, United States Code.

16 (4) The Secretary shall submit to the congressional defense committees a report describing
17 each agreement proposed to be entered into under paragraph (1), including the consideration to be
18 received by the United States under the agreement. The Secretary may not enter into the agreement
19 until the end of the 30-day period beginning on the date the congressional defense committees
20 receive the report regarding the agreement.

21 (5) The Secretary may require any additional terms and conditions in connection with an
22 agreement authorized by this subsection as the Secretary considers appropriate to protect the interests

1 of the United States.

2 (g) ACQUISITION OF MANUFACTURED HOUSING.—(1) In closing or realigning any military
3 installation under this part, the Secretary may purchase any or all right, title, and interest of a member
4 of the Armed Forces and any spouse of the member in manufactured housing located at a
5 manufactured housing park established at an installation closed or realigned under this part, or make
6 a payment to the member to relocate the manufactured housing to a suitable new site, if the Secretary
7 determines that—

8 (A) it is in the best interest of the Federal Government to eliminate or relocate the
9 manufactured housing park; and

10 (B) the elimination or relocation of the manufactured housing park would result in an
11 unreasonable financial hardship to the owners of the manufactured housing.

12 (2) Any payment made under this subsection shall not exceed 90 percent of the purchase
13 price of the manufactured housing, as paid by the member or any spouse of the member, plus the cost
14 of any permanent improvements subsequently made to the manufactured housing by the member or
15 spouse of the member.

16 (3) The Secretary shall dispose of manufactured housing acquired under this subsection
17 through resale, donation, trade or otherwise within one year of acquisition.

18 **SEC. 1106. ACCOUNT.**

19 (a) IN GENERAL.—(1) There is hereby established on the books of the Treasury an account to
20 be known as the "Department of Defense Base Closure Account 2000" which shall be administered
21 by the Secretary as a single account.

22 (2) There shall be deposited into the Account—

1 (A) funds authorized for and appropriated to the Account;

2 (B) any funds that the Secretary may, subject to approval in an appropriation Act,
3 transfer to the Account from funds appropriated to the Department of Defense for any
4 purpose, except that such funds may be transferred only after the date on which the Secretary
5 transmits written notice of, and justification for, such transfer to the congressional defense
6 committees; and

7 (C) except as provided in subsection (d), proceeds received from the lease, transfer, or
8 disposal of any property at a military installation closed or realigned under this Act.

9 (3) The Account shall be closed at the time and in the manner provided for appropriation
10 accounts under section 1555 of title 31, United States Code. Unobligated funds which remain in the
11 Account upon closure shall be held by the Secretary of the Treasury until transferred by law after the
12 congressional defense committees receive the final report transmitted under subsection (c)(2).

13 (b) USE OF FUNDS.—(1) The Secretary may use the funds in the Account only for the
14 purposes described in section 05. After the termination of the authority of the Secretary to carry out
15 a closure or realignment under this Act, the Account shall be the sole source of Federal funds for
16 environmental restoration, property management, and other caretaker costs associated with any real
17 property at military installations closed or realigned under this Act.

18 (2) When a decision is made to use funds in the Account to carry out a construction project
19 under section 05(a) and the cost of the project will exceed the maximum amount authorized by law
20 for a minor military construction project, the Secretary shall notify in writing the congressional
21 defense committees of the nature of, and justification for, the project and the amount of expenditures

1 for such project. Any such construction project may be carried out without regard to section 2802(a)
2 of title 10, United States Code.

3 (c) REPORTS.—(1)(A) No later than 60 days after the end of each fiscal year in which the
4 Secretary carries out activities under this Act, the Secretary shall transmit a report to the
5 congressional defense committees of the amount and nature of the deposits into, and the
6 expenditures from, the Account during such fiscal year and of the amount and nature of other
7 expenditures made pursuant to section 05(a) during such fiscal year.

8 (B) The report for a fiscal year shall include the following:

9 (i) The obligations and expenditures from the Account during the fiscal year,
10 identified by subaccount, for each military department and Defense Agency.

11 (ii) The fiscal year in which appropriations for such expenditures were made and the
12 fiscal year in which funds were obligated for such expenditures.

13 (iii) Each military construction project for which such obligations and expenditures
14 were made, identified by installation and project title.

15 (iv) A description and explanation of the extent, if any, to which expenditures for
16 military construction projects for the fiscal year differed from proposals for projects and
17 funding levels that were included in the justification transmitted to Congress under section
18 07(1), or otherwise, for the funding proposals for the Account for such fiscal year, including
19 an explanation of—

20 (I) any failure to carry out military construction projects that were so
21 proposed; and

1 (II) any expenditures for military construction projects that were not so
2 proposed.

3 (2) No later than 60 days after the termination of the authority of the Secretary to carry out a
4 closure or realignment under this Act, and no later than 60 days after the closure of the Account
5 under subsection (a)(3), the Secretary shall transmit to the congressional defense committees a report
6 containing an accounting of—

7 (A) all the funds deposited into and expended from the Account or otherwise
8 expended under this Act; and

9 (B) any amount remaining in the Account.

10 (d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH
11 NONAPPROPRIATED FUNDS.—(1) If any real property or facility acquired, constructed, or improved
12 (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed
13 of in connection with the closure or realignment of a military installation under this Act, a portion of
14 the proceeds of the transfer or other disposal of property on that installation shall be deposited in the
15 reserve account established under section 204(b)(7)(C) of the Defense Authorization Amendments
16 and Base Closure and Realignment Act (10 U.S.C. 2687 note).

17 (2) The amount so deposited shall be equal to the depreciated value of the investment made
18 with such funds in the acquisition, construction, or improvement of that particular real property or
19 facility. The depreciated value of the investment shall be computed in accordance with regulations
20 prescribed by the Secretary of Defense.

1 (3) The Secretary may use amounts in the account (in such an aggregate amount as is
2 provided in advance in appropriation Acts) for the purpose of acquiring, constructing, and improving—

3 (A) commissary stores; and

4 (B) real property and facilities for nonappropriated fund instrumentalities.

5 (4) As used in this subsection:

6 (A) The term "commissary store funds" means funds received from the adjustment of,
7 or surcharge on, selling prices at commissary stores fixed under section 2685 of title 10,
8 United States Code.

9 (B) The term "nonappropriated funds" means funds received from a nonappropriated
10 fund instrumentality.

11 (C) The term "nonappropriated fund instrumentality" means an instrumentality of the
12 United States under the jurisdiction of the Armed Forces (including the Army and Air Force
13 Exchange Service, the Navy Resale and Services Support Office, and the Marine Corps
14 exchanges) which is conducted for the comfort, pleasure, contentment, or physical or mental
15 improvement of members of the Armed Forces.

16 (e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR ENVIRONMENTAL RESTORATION
17 PROJECTS.—Except for funds deposited into the Account under subsection (a), funds appropriated to
18 the Department of Defense may not be used for purposes described in section 05 (a)(1)(C). The
19 prohibition in this subsection shall expire upon the closure of the Account under subsection (a)(3).

20 **SEC. 1107. REPORTS**

1 As part of the budget request for the Department of Defense for fiscal year 2005 and for each
2 fiscal year thereafter in which the Secretary carries out activities under this part, the Secretary shall
3 transmit to the congressional defense committees of Congress—

4 (1) a schedule of the closure and realignment actions to be carried out under this part
5 in the fiscal year for which the request is made and an estimate of the total expenditures
6 required and cost savings to be achieved by each such closure and realignment and of the
7 time period in which these savings are to be achieved in each case, together with the
8 Secretary's assessment of the environmental effects of such actions; and

9 (2) a description of the military installations, including those under construction and
10 those planned for construction, to which functions are to be transferred as a result of such
11 closures and realignments, together with the Secretary's assessment of the environmental
12 effects of such transfers.

13 **SEC. 1108. CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT**

14 (a) TERMS OF THE RESOLUTION.—For purposes of section 04(b), the term "joint resolution"
15 means only a joint resolution which is introduced within the 10-day period beginning on the date on
16 which the President transmits the report to the Congress under section 03(e), and—

17 (1) which does not have a preamble;

18 (2) the matter after the resolving clause of which is as follows: "That Congress
19 disapproves the recommendations of the Defense Base Closure and Realignment
20 Commission as submitted by the President on _____", the blank space being filled in with
21 the appropriate date; and

1 (3) the title of which is as follows: "Joint resolution disapproving the
2 recommendations of the Defense Base Closure and Realignment Commission."

3 (b) REFERRAL.—A resolution described in subsection (a) that is introduced in the House of
4 Representatives shall be referred to the Committee on Armed Services of the House of
5 Representatives. A resolution described in subsection (a) introduced in the Senate shall be referred to
6 the Committee on Armed Services of the Senate.

7 (c) DISCHARGE.—If the committee to which a resolution described in subsection (a) is
8 referred has not reported such a resolution (or an identical resolution) by the end of the 20-day period
9 beginning on the date on which the President transmits the report to the Congress under section
10 03(e), such committee shall be, at the end of such period, discharged from further consideration of
11 such resolution, and such resolution shall be placed on the appropriate calendar of the House
12 involved.

13 (d) CONSIDERATION.—(1) On or after the third day after the date on which the committee to
14 which such a resolution is referred has reported, or has been discharged (under subsection (c)) from
15 further consideration of, such a resolution, it is in order (even though a previous motion to the same
16 effect has been disagreed to) for any Member of the respective House to move to proceed to the
17 consideration of the resolution. A member may make the motion only on the day after the calendar
18 day on which the Member announces to the House concerned the Member's intention to make the
19 motion, except that, in the case of the House of Representatives, the motion may be made without
20 such prior announcement if the motion is made by direction of the committee to which the resolution
21 was referred. The motion is highly privileged in the House of Representatives and is privileged in the
22 Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or

1 to a motion to proceed to the consideration of other business. A motion to reconsider the vote by
2 which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the
3 consideration of the resolution is agreed to, the respective House shall immediately proceed to
4 consideration of the joint resolution without intervening motion, order, or other business, and the
5 resolution shall remain the unfinished business of the respective House until disposed of.

6 (2) Debate on the resolution, and on all debatable motions and appeals in connection
7 therewith, shall be limited to not more than 2 hours, which shall be divided equally between those
8 favoring and those opposing the resolution. An amendment to the resolution is not in order. A
9 motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to
10 proceed to the consideration of other business, or a motion to recommit the resolution is not in order.
11 A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

12 (3) Immediately following the conclusion of the debate on a resolution described in
13 subsection (a) and a single quorum call at the conclusion of the debate if requested in accordance
14 with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

15 (4) Appeals from the decisions of the Chair relating to the application of the rules of the
16 Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution
17 described in subsection (a) shall be decided without debate.

18 (e) CONSIDERATION BY OTHER HOUSE.—(1) If, before the passage by one House of a
19 resolution of that House described in subsection (a), that House receives from the other House a
20 resolution described in subsection (a), then the following procedures shall apply:

1 (A) The resolution of the other House shall not be referred to a committee and may
2 not be considered in the House receiving it except in the case of final passage as provided in
3 subparagraph (B)(ii).

4 (B) With respect to a resolution described in subsection (a) of the House receiving the
5 resolution—

6 (i) the procedure in that House shall be the same as if no resolution had been
7 received from the other House; but

8 (ii) the vote on final passage shall be on the resolution of the other House.

9 (2) Upon disposition of the resolution received from the other House, it shall no longer be in
10 order to consider the resolution that originated in the receiving House.

11 (f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

12 (1) as an exercise of the rule making power of the Senate and House of
13 Representatives, respectively, and as such it is deemed a part of the rules of each House,
14 respectively, but applicable only with respect to the procedure to be followed in that House in
15 the case of a resolution described in subsection (a), and it supersedes other rules only to the
16 extent that it is inconsistent with such rules; and

17 (2) with full recognition of the constitutional right of either House to change the rules
18 (so far as relating to the procedure of that House) at any time, in the same manner, and to the
19 same extent as in the case of any other rule of that House.

20 **SEC. 1109. RESTRICTION ON OTHER BASE CLOSURE AUTHORITY**

21 (a) IN GENERAL.—Except as provided in subsection (c), during the period beginning on the
22 date of the enactment of this Act and ending on December 31, 2005, this part shall be the exclusive

1 authority for selecting for closure or realignment, or for carrying out any closure or realignment of, a
2 military installation inside the United States.

3 (b) RESTRICTION.—Except as provided in subsection (c), none of the funds available to the
4 Department of Defense may be used, other than under this part, during the period specified in
5 subsection (a)—

6 (1) to identify, through any transmittal to the Congress or through any other public
7 announcement or notification, any military installation inside the United States as an
8 installation to be closed or realigned or as an installation under consideration for closure or
9 realignment; or

10 (2) to carry out any closure or realignment of a military installation inside the United
11 States.

12 (c) EXCEPTION.—Nothing in this part affects the authority of the Secretary to carry out—

13 (1) closures and realignments under title II of Public Law 100-526;

14 (2) closures and realignments under Public Law 101-510; and

15 (3) closures and realignments to which section 2687 of title 10, United States Code, is
16 not applicable, including closures and realignments carried out for reasons of national
17 security or a military emergency referred to in subsection (c) of such section.

18 **SEC. 1110. DEFINITIONS**

19 As used in this part:

20 (1) The term "Account" means the Department of Defense Base Closure Account
21 2000 established by section 06(a)(1).

1 (2) The term "congressional defense committees" means the Committee on Armed Services
2 and the Committee on Appropriations of the Senate and the Committee on National Security and the
3 Committee on Appropriations of the House of Representatives.

4 (3) The term "Commission" means the Commission established by section 02.

5 (4) The term "military installation" means a base, camp, post, station, yard, center, homeport
6 facility for any ship, or other activity under the jurisdiction of the Department of Defense, including
7 any leased facility. Such term does not include any facility used primarily for civil works, rivers and
8 harbors projects, flood control, or other projects not under the primary jurisdiction or control of the
9 Department of Defense.

10 (5) The term "realignment" includes any action which both reduces and relocates functions
11 and civilian personnel positions but does not include a reduction in force resulting from workload
12 adjustments, reduced personnel or funding levels, or skill imbalances.

13 (6) The term "Secretary" means the Secretary of Defense.

14 (7) The term "United States" means the 50 States, the District of Columbia, the
15 Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and any other
16 commonwealth, territory, or possession of the United States.

17 (8) The term "date of approval", with respect to a closure or realignment of an installation,
18 means the date on which the authority of Congress to disapprove a recommendation of closure or
19 realignment, as the case may be, of such installation under this part expires.

20 (9) The term "redevelopment authority", in the case of an installation to be closed or
21 realigned under this part, means any entity (including an entity established by a State or local

1 government) recognized by the Secretary of Defense as the entity responsible for developing the
2 redevelopment plan with respect to the installation or for directing the implementation of such plan.

3 (10) The term "redevelopment plan" in the case of an installation to be closed or realigned
4 under this part, means a plan that—

5 (A) is agreed to by the local redevelopment authority with respect to the installation;

6 and

7 (B) provides for the reuse or redevelopment of the real property and personal property
8 of the installation that is available for such reuse and redevelopment as a result of the closure
9 or realignment of the installation.

10 (11) The term "representative of the homeless" has the meaning given such term in section
11 501(i)(4) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(i)(4)).

12 **SEC. 1111. CLARIFYING AMENDMENTS**

13 (a) All authorities provided to the Secretary of Defense with respect to installations closed or
14 to be closed pursuant to the Defense Base Closure and Realignment Act of 1990 (Public Law 101-
15 510, as amended; 10 U.S.C. 2687 note), shall apply to the same extent to installations realigned or to
16 be realigned pursuant to the Defense Base Closure and Realignment Act of 1990 (Public Law 101-
17 510, as amended; 10 U.S.C. 2687 note).

18 (b) For the purposes of this Act and notwithstanding any other provision of law, governments
19 of Indian tribes shall be treated as State and local governments.

20 **SEC. 1112. CONFORMING AMENDMENTS**

21 (a) DEFINITIONS OF BASE CLOSURE LAW.—(1) Subsection (c)(1) of Section 3341 of title 5,
22 United States Code, is amended by adding at the end the following new paragraph (D):

1 "(D) Any other similar law enacted after November 5, 1990."

2 (2) Subsection (h) of Section 2667 of title 10, United States Code, is amended by
3 adding at the end the following new paragraph (4):

4 "(4) Any other similar law enacted after November 5, 1990."

5 (3) Subsection (h) of Section 2705 of title 10, United States Code, is amended by
6 adding at the end the following new paragraph (4):

7 "(4) Any other similar law enacted after November 5, 1990."

8 (4) Subsection (2) of Section 2871 of title 10, United States Code, is amended by
9 adding at the end the following new paragraph (D):

10 "(D) Any other similar law enacted after November 5, 1990."

11 (5) Subsection (q)(6) of Section 484 of title 40, United States Code, is amended by
12 adding at the end the following new paragraph (D):

13 "(D) Any other similar law enacted after November 5, 1990."

14 (6) Subsection (k)(1) of Section 1334 of Public Law 103-160, is amended by adding
15 at the end the following new paragraph (C):

16 "(C) Any other similar law enacted after November 5, 1990."

17 (7) Subsection (b) of Section 2814 of Public Law 103-337, is amended by adding at
18 the end the following new paragraph (3):

19 "(3) Any other similar law enacted after November 5, 1990."

20 (b) REFERENCES TO BRAC ACCOUNTS.—Subsection (d)(5) of Section 2667 of title 10,
21 United States Code, is amended by inserting "or any successor account, as appropriate" at the end
22 thereof.